INDOT Categorical Exclusion Manual

Environmental Policy Office

Environmental Services Division

Indiana Department of Transportation

100 North Senate Avenue, Room N758-ES

Indianapolis, Indiana 46204

Version: February 1, 2021

After April 1, 2021, new Categorical Exclusions must be prepared under the process outlined in this manual. Cover photo courtesy of Mary Kennedy. Photo is of St. Joseph County Bridge No. 203 in Mishawaka, Mishawaka Avenue over St. Joseph River.

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CHAPTER 1 – INTRODUCTION

This Categorical Exclusion (CE) Manual has been developed to guide Indiana Department of Transportation (INDOT) environmental staff, Local Public Agencies (LPAs) and consultants in complying with the National Environmental Policy Act (NEPA) when preparing federally-funded CEs. Federal Highway Administration (FHWA) and INDOT may also determine that it is appropriate to utilize the CE Manual and Categorical Exclusion/Environmental Assessment (CE/EA) Form for Environmental Assessments (EAs). However, preparers of EA documents also will use INDOT's *Procedural Manual for Preparing Environmental Documents* as the primary reference. This manual can also be used when preparing state-funded environmental documents for transportation projects. Standard forms have been designed to provide a consistent process and format for preparing CEs and EAs, which will result in a thorough analysis, consistent approach, and efficient advancement of projects that are not expected to have significant environmental impacts. Throughout this manual, whenever CE is used it can also mean an EA. This is because the base processes are the same with minor differences mentioned in the appropriate sections.

The purpose of NEPA is to document the results of technical analysis and disclose the effects of a project on the environment. The CE should take the information provided in all the technical documents and explain the results in a way that is easily understood to the public.

Most NEPA environmental documents prepared for transportation projects in Indiana are CEs. INDOT and the FHWA, through a Programmatic Agreement, have agreed to four levels of review and approval for these transportation projects. The review and approval process outlined in the Programmatic Agreement is designed to align the level of review with the impacts of the project. The appropriate level of a CE is based on the type of action and the anticipated impacts of the project. The Programmatic Agreement provides for:

- A process that will allow INDOT District Environmental (DE) and INDOT Environmental Services Division (ESD) to act on behalf of the FHWA in assuring compliance with all applicable federal environmental and related requirements pertaining to CEs;
- A process that will be consistent in documenting information that allows for defensible CEs on a statewide basis;
- A process that is concise and easy to follow;
- A process that allows those with limited exposure to the environmental process to follow, provide the proper information and to make appropriate decisions within the bounds of the Programmatic Agreement; and
- A process that uses technological advances to reduce the amount of paperwork.

INDOT will ensure that all coordination, evaluations, and decisions are adequately documented under the CE preparation process.

Within INDOT, all projects are reviewed for NEPA compliance by one of the INDOT DE (Crawfordsville, Fort Wayne, Greenfield, Seymour, LaPorte or Vincennes) or by ESD. A breakdown of NEPA document levels along with the reviewers and final environmental approval authority for INDOT and LPA sponsored projects is provided below in Table 1.

Table 1: Categorical Exclusion Approval Authority

	INDOT-Sponsored		*LPA-Sponsored*	
	Review	**Approval**	**Review**	**Approval**
PCE	DE or ESD[1]	DE or ESD[1]	DE	DE
CE1	DE	DE	DE[2] or ESD	DE[2] or ESD
CE2	DE	DE	DE[2] or ESD	DE[2] or ESD
CE3	DE[3] and ESD	DE[3] and ESD	ESD	ESD
CE4	DE[3], ESD, and FHWA	DE[3], ESD, and FHWA	ESD and FHWA	ESD and FHWA
EA	ESD and FHWA	FHWA	ESD and FHWA	FHWA
EIS	ESD and FHWA	FHWA	ESD and FHWA	FHWA

[1]INDOT ESD reviews PCEs for facilities management.
[2]LPA-Sponsored projects that are CE-1 or CE-2 are reviewed and approved by ESD with the only exception being Seymour District. LPA-Sponsored projects that are reviewed by the Seymour DE.
[3] Might not be reviewed or approved by DE

This manual was prepared with the combined efforts of ESD, DE, and the FHWA. If there are any questions regarding the contents of this manual, the CE-1 Form, CE/EA Form, or other attachments, please contact the INDOT Environmental Policy Office (EPO) Manager. For information on what actions are acceptable prior to NEPA completion and what actions are prohibited, see the FHWA memo called *Policy on Permissible Project Related Activities During the NEPA Process*. This manual and other relevant forms can be downloaded from INDOT's publications list at http://www.in.gov/indot/2523.htm.

1.1 CONSULTANT PREQUALIFICATION CRITERIA

Consulting firms desiring to function as the prime consultant for the NEPA phase of the project development process must identify a project manager who meets INDOT's prequalification requirements. The project manager will act as the key professional managing the investigation and documentation processes. Given the nature of NEPA as an interdisciplinary process, it is of great value for the manager to have a general knowledge of various environmental disciplines. The requirements reflect the most appropriate general educational backgrounds but are not exclusive to certain degrees or licenses. The requirements include formal education, proof of qualifying experience, and completing INDOT Training.

Prequalification materials must be submitted prior to responding to a Request for Proposal. Consultants must submit all prequalification materials demonstrating education and experience to the Professional Services Contracting System (PSCS). For details and questions concerning prequalification, please refer to the INDOT's Consultants Prequalification webpage and contact email therein.

1.1.1 Communication

Effective communication is an important tool for completing a quality environmental document on schedule. Consultants and subconsultants are expected to provide independent and uncompromised judgment, counsel, work products, and public representation, and consultants and subconsultants are expected to support the policies and practices of the State of Indiana.

Because environmental documentation is frequently the critical path in project schedules, the document preparer is expected to reach out to the project team when the NEPA analysis reveals issues that create schedule risk (such as an illegal dump, a Section 4(f) resource, or

bats on a structure). The preparer should also review project schedules for flaws based on identified or anticipated environmental documentation needs, and immediately raise any concerns with the project team, including the INDOT Project Manager (PM), so that adjustments can be made to accommodate, reduce, or eliminate these risks. The INDOT NEPA reviewer (either ESD or DE) should be included in this communication, as well as the subject matter ESD Office as appropriate. Likewise, the INDOT PM should be included in any project specific communication between the final INDOT approval authority (e.g., ESD or DE) and the consultant document preparer.

1.2 CLASSES OF ENVIRONMENTAL DOCUMENTS

The National Environmental Policy Act (NEPA) mandates that the type of documentation for federal actions be determined by the potential impacts projects may have on the surrounding natural, cultural, and social environment. The regulations that implement NEPA define these document types and explain their use. The Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508) implement NEPA as it applies to all federal agencies. The FHWA's regulations (23 CFR 771) further describe the FHWA's policies and procedures for implementing NEPA and the CEQ regulations.

There are three classes of action that prescribe the level of documentation required in the NEPA process for federal actions.

- Environmental Impact Statement (EIS): A full disclosure document for "major Federal actions that significantly affect the quality of the human environment." An EIS "details the process through which a transportation project was developed, includes consideration of a range of reasonable alternatives, analyzes the potential impacts resulting from the alternatives, and demonstrates compliance with other applicable environmental laws and executive orders."

- Categorical Exclusion (CE): A class of actions which meet the definition contained within 40 CFR 1508.1 and, based on past experience with similar actions, do not involve significant environmental impacts. Pursuant to the Programmatic Agreement between FHWA and INDOT, there are two scopes of projects that qualify for this level of documentation. These projects are actions established in 23 CFR 771.117(c) and 23 CFR 771.117(d), that do not exceed the threshold chart in Table 2. For actions that are not specifically listed as CEs in 23 CFR 771.117, but that meet the requirements of a CE under 40 CFR 1508.1 and 23 CFR 771.117(a), INDOT may certify to FHWA that the actions qualify for a CE if that action does not involve unusual circumstances that warrant the preparation of an EA or EIS. After review, FHWA shall either accept the INDOT certification or object to the certification. Objections will be resolved by FHWA in cooperation with INDOT.

- Environmental Assessment (EA): A document prepared for federal actions "when the significance of impacts of a transportation project proposal is uncertain." These would be projects that are not eligible for a CE but do not appear to be of sufficient magnitude to require an EIS. This may be due to impacts to specific kinds of resources (such as those protected by Section 4(f) of the U.S. Department of Transportation Act) or due to public controversy over the project. An EA provides the analysis and documentation to determine whether an EIS or a Finding of No Significant Impact (FONSI) should be prepared.

Projects which do not use federal funds and require no other federal approvals but do use state funds or require other state approvals will follow the state environmental process instead. These

will result in state Categorical Exemptions, state Environmental Assessments or state Environmental Impact Statements. See I.C. 13-12-4 and 329 IAC 5 for more information.

1.3 CATEGORICAL EXCLUSIONS

Categorical Exclusions (CEs) are actions which will not normally have a significant impact on the environment, as defined by the CEQ regulations in 40 CFR 1508.1. For transportation projects, the FHWA's regulations in 23 CFR 771.117(a) specify that CEs are appropriate for actions which, based on past experience with similar actions, do not involve significant environmental impacts.

Any action may be classified as a CE if it meets the definition in 23 CFR 771.117(a) and does not exhibit any of the follow criteria located in 23 CFR 771.117(b):

1. *Significant environmental impacts;*
2. *Substantial controversy on environmental grounds;*
3. *Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or*
4. *Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.*

In consultation with the ESD, the preparer should consider the class of action and demonstrate that the project will not involve any of the four unusual circumstances in 23 CFR 771.117(b) shown above. If any of these situations arise during project development, it may be necessary to elevate the project to a higher class of document (EA or EIS). Documentation must be provided to clearly show that the project is properly classified as a CE.

INDOT and the FHWA have agreed to four levels in which a project may qualify as a CE and a programmatic process for completing minimal impact projects. The appropriate level of a CE is based on the type of action and the anticipated impacts of the project. The anticipated impacts will determine the appropriate level of NEPA class, as well as the appropriate level of CE. Table 2 provides criteria for CE Level thresholds. At any time, the INDOT or the FHWA may elevate a CE to a higher level or different NEPA class based on considerations outside those in the thresholds chart. The two most common causes of elevation are substantial public controversy and environmental justice impacts.

The following forms (editable versions can be found on INDOT's Environmental Policy website) are used to document the NEPA process for CEs on transportation projects:

- **CE Level 1 Form (Attachment 1)** – This form is used for CE Level 1 projects.

- **CE/EA Document Form (Attachment 2)** – This form is completed for CE Level 2, Level 3, and Level 4 projects. The form can be used for EAs as well with some minor alterations to the cover page (contact INDOT EPO Manager for an example).

- **Environmental Consultation Form (ECF) (Attachment 3)** – The purpose of the ECF is to compare the current project design with the project that was described in the approved environmental document to determine whether conditions or impacts of the project have changed and whether the approved NEPA documentation remains valid for the action pursuant to 23 CFR 771.129(c). It includes the All Commitments Report from the Commitments Database with resolutions on how the commitments were or will be

addressed. Acceptable resolutions discuss how each commitment was resolved. It should be a statement or two (depending on the commitment) that is clear enough that during an audit the auditor does not need to spend a considerable amount of time determining what if anything was done to resolve the commitment. If a commitment is not resolved, an explanation of why it cannot be implemented needs to be included.

The ECF is completed by the designer. The completed ECF, dependent upon the level of CE, is then submitted to the DE or ESD, depending on final INDOT approval authority, for review and approval. Required documentation to be provided for the ECF review is listed in the instructions of the ECF form. The approved ECF is then returned to the designer for inclusion with the other contract documents. **The ECF is required to be completed and approved prior to the Ready for Contracts (RFC) date**. If the design has changed from the approved environmental document, a reevaluation of the environmental document will be necessary.

When the CE is complete, the applicable criteria should be highlighted in the CE Level Threshold table, showing that the level of the document has been correctly determined based on the impacts of the project. This includes the first row indicating the level of the document and the final row indicating the approval level. This table should be provided as an appendix to the CE. A blank copy of the threshold table is included as Attachment 5 to this CE Manual.

The length of time to complete a CE can vary based on the level of impacts. From start to finish it can vary from a month to prepare a PCE (or even a CE Level 1) to upwards of 2 years (or longer) for projects with more impacts or coordination efforts such as a CE Level 4 document. Be aware that these are rough time frames. They do not consider the season in which a project starts. For example, a project that is a CE Level 1 that starts in November or December may not be able to be completed in a month if the project requires additional studies that have specific time frames for field work (such as archaeology or water investigations) nor coordination that may be required with resource agencies.

Table 2: Categorical Exclusion Level Thresholds

	PCE	Level 1	Level 2	Level 3	Level 4[1]
Section 106	Falls within guidelines of Minor Projects PA	"No Historic Properties Affected"	"No Adverse Effect"	-	"Adverse Effect" Or Historic Bridge involvement[2]
Stream Impacts[3]	No construction in waterways or water bodies	< 300 linear feet of stream impacts	≥ 300 linear feet of stream impacts	-	USACE Individual 404 Permit[4]
Wetland Impacts[3]	No adverse impacts to wetlands	< 0.1 acre	-	< 1.0 acre	≥ 1.0 acre
Right-of-way[5]	Property acquisition for preservation only or none	< 0.5 acre	≥ 0.5 acre	-	-
Relocations	None	-	-	< 5	≥ 5
Threatened/Endangered Species (Species Specific Programmatic for Indiana bat & northern long eared bat)*	"No Effect", "Not likely to Adversely Affect" (With select AMMs[6])	"Not likely to Adversely Affect" (With any AMMs or commitments)	-	"Likely to Adversely Affect"	Project does not fall under Species Specific Programmatic[7]
Threatened/Endangered Species (Any other species)*	Falls within guidelines of USFWS 2013 Interim Policy or "No Effect"	"Not likely to Adversely Affect"	-	-	"Likely to Adversely Affect"
Environmental Justice	No disproportionately high and adverse impacts	-	-	-	Potential[8]
Sole Source Aquifer	No Detailed Groundwater Assessment	-	-	-	Detailed Groundwater Assessment
Floodplain	No Substantial Impacts	-	-	-	Substantial Impacts
Section 4(f) Impacts	None	-	-	-	Any[9]
Section 6(f) Impacts	None	-	-	-	Any
Permanent Traffic Alteration	None	-	-	-	Any
Noise Analysis Required	No	-	-	-	Yes
Air Quality Analysis Required	No	-	-	-	Yes[10]
Approval Level • **District Env. (DE)** • **Env. Serv. Div. (ESD)** • **FHWA**	Concurrence by DE or ESD	DE or ESD	DE or ESD	DE and/or ESD	DE and/or ESD; and FHWA

[1] Coordinate with INDOT Environmental Services Division. INDOT will then coordinate with the appropriate FHWA Environmental Specialist.
[2] Any involvement with a bridge processed under the Historic Bridge Programmatic Agreement.
[3] Total permanent impacts to streams (linear feet) and wetlands (acres).
[4] U.S. Army Corps of Engineers Individual 404 Permit
[5] Total permanent and temporary right-of-way. This does not include reacquisition of existing apparent right-of-way.
[6] Avoidance and Minimization Measures (AMMs) determined by the IPAC determination key to be required that are not tree AMMs, bridge AMMs, or structure AMMs.
[7] Projects that do not fall under a Species Specific Programmatic and results in a "Likely to Adversely Affect". Other findings can be processed as a lower level CE.
[8] Potential for causing a disproportionately high and adverse impact.
[9] Section 4(f) use resulting in an Individual, Programmatic, or *de minimis* evaluation. The only exception is a *de minimis* evaluation for historic properties (Effective Jan. 2, 2020). If a historic property *de minimis* and no other use, mark the *None* column.
[10] Hot Spot Analysis and/or MSAT Quantitative Emission Analysis.
* Includes the threatened/endangered species critical habitat
Note: Substantial public or agency controversy may require a higher-level NEPA document.

1.3.1 CE Level 1 Projects

CE Level 1 projects have scopes with impacts that do not exceed the thresholds identified in Table 2. While state and federal laws and regulations still apply, less coordination and review are required due to the lower risk of impacts to protected resources.

Be sure to consult the CE Level Threshold Chart when making your determination. If there are questions about applicability, please contact the appropriate INDOT Environmental approval authority.

For CE Level 1 projects, the CE Level 1 Form (Attachment 1) completes the environmental documentation. See Chapter 3, Completing the Categorical Exclusion Level 1 Form for more information.

1.3.2 CE Levels 2 Through 4 Projects

Many projects meet the regulatory criteria for CE documents but exceed the thresholds for a CE Level 1. For these projects, INDOT and FHWA have designated three higher levels of environmental documentation: CE Level 2 through CE Level 4.

For CE Level 2 through Level 4 documents, the CE/EA Form should be used. The CE/EA Form covers the same resource categories as the CE Level 1 Form but in greater depth. Note that the higher the level of CE document, the more analysis and review it typically requires.

For some projects, the level of documentation will change as environmental investigations progress. This may result in elevation to a higher-level of CE (or higher class of environmental document) or may result in a smaller document if the size and/or anticipated impacts of the project decrease. The preparer should assess the project against the thresholds as information becomes available; see Chapter 4, Completing the CE/EA Form.

1.3.3 Programmatic Categorical Exclusions

INDOT and FHWA have identified certain types of projects which are routinely classified as a CE-1 and which require little or no environmental investigation and resource agency coordination. In the interest of efficiency and process streamlining, INDOT and FHWA have agreed to programmatically approve these project types as Categorical Exclusions. Programmatic Categorial Exclusions (PCE) generally meet the following criteria:

- There will be no new right-of-way (permanent or temporary);
    - Regarding reacquisition of right-of-way mentioned in the PCE guidance, if the reacquisition is of right-of-way that is already in a transportation use then it should be able to fall under the PCE. The designer or INDOT PM will indicate if there is reacquisition of right-of-way but it may not be known at the time of PCE applicability. If the preparer is unsure if the reacquired right-of-way currently is in a transportation use, contact the appropriate DE.
- There will be no permanent easement for reasons other than conservation;
- There will be no waterway or wetland permits; and
- The project fits under the current Section 106 Minor Projects Programmatic Agreement.

The exact types of projects that are programmatically cleared are listed in the Programmatic Categorical Exclusion (PCE). A copy may be found in Appendix G, and the most current version will always be posted on the INDOT's Environmental Policy website. Minor projects which do not qualify for the PCE, for example those which require an Indiana Department of Natural Resources (IDNR) Construction in a Floodway (CIF) Permit, will require a NEPA document filled out on either the CE Level 1 Form or the CE/EA Form.

For projects that qualify for the PCE, a Programmatic CE Applicability Form must be completed and concurrence be provided by the appropriate INDOT Environmental approval authority. The date of the INDOT concurrence of the PCE Applicability Form should be used as the project's environmental approval date.

1.3.4 State-Funded CE Projects

For projects that are developed, designed, and constructed using only state funds, the project sponsor must comply with Indiana's Environmental Policy Act (IC 13-12-4). Indiana's Environmental Policy Act is frequently referred to at the State Environmental Policy Act (SEPA). Depending on the range of impacts from the project, it may qualify as a State Categorical Exemption (SCE) or may require a State EA or State EIS as defined in 327 IAC 11-1.

Under 327 IAC 11-1-3(e), a list of Categorical Exemptions was prepared by INDOT with several being accepted by the Indiana Department of Environmental Management (IDEM). These exemptions are listed in Table 3. Categories that were not accepted by IDEM are in italics in Table 3 and would require a state EA or state EIS.

All state-funded projects qualifying under Table 3, should be documented on the SCE Memo citing the specific categorical exemption. In order to reduce unnecessary repetition, these minor projects may be grouped on an annual basis. For example, one SCE memo may be produced covering all mowing work to be completed within an INDOT district in a given year. SCEs can be approved by DE or ESD. The forms for the SCE and State EA can be found on the INDOT's Environmental Policy website.

Additional documentation beyond the SCE Memo will be required for projects that do not qualify as categorical exemptions. Either a State EA or State EIS will need to be completed. ESD should be contacted if the project does not fall within a categorical exemption. State EA and State EIS are approved by ESD.

Please note, several of the Memoranda of Understanding (MOUs) and Programmatic Agreements (PAs) are dependent on federal funding or action for their use. For example, the *Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana* (frequently referred to as the Minor Projects Programmatic Agreement or MPPA) and Karst MOU are not applicable for projects where there is only state funding. The SCE form does require the conclusion to be ascertained with accompanying documentation. Coordinate with the appropriate district and/or INDOT CRO to determine what accompanying documentation, if any, is necessary for projects that may qualify as a SCE.

Table 3: State-Funded Categorical Exemptions

1.	Pipe culvert replacement.
2.	Bridge painting.
3.	Mowing.
4.	Installation, modernization or maintenance of signs, traffic signals, pavement markings, highway lighting, and channelization within the existing right-of-way.
5.	Patching and crack sealing of roadway surfaces.
6.	Resurfacing existing pavement.
7.	Guardrail and fence installation or repairs.
8.	*Herbicide treatment. (NOT ACCEPTED BY IDEM)**
9.	*Storage and winter application of ice melting chemicals or sand. (NOT ACCEPTED BY IDEM)**
10.	Right-of-way abstracting, engineering appraising, property management and administration.
11.	Landscaping and erosion control.
12	Safety projects such as pavement grooving, flare screen, safety barriers, and energy attenuators.
13.	Addition or reconstruction of railroad crossing protection.
14.	*Rest area construction or modernization. (NOT ACCEPTED BY IDEM)**
15.	Reconstruction or replacement of an existing bridge crossing a stream, railroad, or roadway.
16.	Addition of special facilities to an existing highway for the exclusive use of buses.
17.	Slide correction measures which are not emergencies but are necessary to preserve the highway facility.
18.	Modernization of an existing highway by widening less than a single line (sic.) width, adding shoulders, adding auxiliary lanes for climbing, turning or weaving, and correcting substandard curves and intersections.
19.	*Construction of a new rural two-lane highway which does not provide new access to a new area and which would not be likely to precipitate significant changes in land use or development patterns. (NOT ACCEPTED BY IDEM)**

* These project types originally nominated by INDOT were not accepted by IDEM. They have been retained in the list to maintain numbering. All asterisk containing project types must have a state EA or EIS prepared.

1.3.5 Reevaluation of CE Projects and CEs for Mitigation Sites

After the CE has been approved, any changes in the project's scope/design (e.g., changes in number or types of lanes, right-of-way acreage, a change from a partial to a total take such as from the inability to provide for cost to cure for a house on a septic system where the septic system could not be replaced or there is not enough space to install a new system, etc.) may trigger the need for a reevaluation of the project's impacts to the environment. This may take the form of a note to file (NTF) or an Additional Information (AI) document. INDOT CRO must be

contacted to determine if additional documentation or work is necessary based on the design changes. The INDOT Environmental approval authority must be contacted to determine if additional documentation is needed and if it should be in the form of a NTF or an AI. The NTF or AI should discuss whether the changes in design result in additional impacts.

A NTF frequently is a single page letter addressed from the environmental preparer to the INDOT approval authority. It may have a small number of attachments depending on the change that occurred. It details administrative changes (such as if right-of-way amounts decreased because of further design refinement) or to indicate if resource impacts have decreased. It cannot add or remove commitments from a project. NTF are sent to the INDOT approval authority and they will review for consistency and if no comments or clarifications it will get a response via email to make sure a copy is placed into the Electronic Records Management System (ERMS).

An AI is prepared as a letter from the environmental preparer to the INDOT approval authority. It includes a signature line for each original approver of the environmental document. It will usually detail increases in impacts and require additional correspondence with applicable resource agencies. An AI should be approved by the same approval authorities that approved the original CE. Depending on the nature of the change to the project, additional public involvement may be required. This decision will be made by INDOT (and potentially FHWA) after considering changes in the project footprint and impacts, as well as previous public involvement efforts.

If a project with an approved environmental document gets delayed or extended for a significant period of time, it will be necessary to evaluate if the project impacts have changed due to the passage of time. CEQ regulations do not specify a specific period of time. However, there are several time frames that should be considered if a project gets delayed:

- The RFI may need to be reexamined pursuant to the *INDOT Site Assessment & Management Manual (SAM Manual)* based on how long it has been since NEPA approval.

- Public involvement may be necessary if there are project changes or to bring the public back up to speed. Review the current INDOT Public Involvement Manual for more guidance.

- Waters reports are only valid for 5 years from the first field visit date.

- Newly listed species under Section 7. Usually there is a grace period for existing projects when a species is listed however a delayed project could go past that grace period. The INDOT Environmental Policy Office will post updates on any grace periods in a List Serv Announcement.

- There may be additional historic properties that become eligible during the delay. Review the INDOT Cultural Resource Manual and coordinate with the INDOT Cultural Resources Office for additional guidance.

- Other new resources may have been constructed that weren't previously accounted for such as new trails, parks, wildlife/waterfowl refuges, or Land and Water Conservation Funds were expended on resources in the area.

This list above is not all inclusive and is project specific. As general rule, if a CE is delayed a year (such as changes in funding priorities), it would not likely need an update. If there is a delay from one to three years, you may require a reexamination of the CE to determine if any new information or changes in the area have occurred. If there is a delay of more than three years, the project will likely require a reevaluation and potentially additional re-coordination with resource agencies. This is assuming that the scope, right-of-way amounts, and impacts have not deviated from the original design which would require a reevaluation to occur. In all cases, coordinate with the appropriate INDOT Environmental approval authority regarding the next steps.

Additionally, INDOT and the FHWA have prepared the ECF (Attachment 3) to be used by the project sponsor to determine whether the scope or impacts have changed. The purpose of the ECF document is to compare the current project design with the project that was described in the approved environmental document to determine whether conditions or impacts of the project have changed and whether the NEPA document remains valid for the action. Required documentation to be provided for the ECF review is listed in the instructions of the ECF form. If this review shows that the CE is no longer consistent with the project's scope or impacts, contact the INDOT Environmental approval authority to determine if a written NTF or AI is required. Depending on the scope of the change, the final INDOT approval authority may indicate that it can be detailed within the ECF document. The project manager is responsible for ensuring that this review is completed at the appropriate stage of the project development process (**completed and approved prior to the RFC date**).

1.3.5.1 Mitigation Sites

Impacts associated with a project may require a mitigation site. For example, if unavoidable impacts to waters of the United States and/or isolated wetlands will occur from the project, a mitigation site may be needed. To fulfill the requirements of mitigation, the priority of the United States Corps of Engineers (USACE) is to purchase credits from an existing mitigation bank, purchase credits from an In-Lieu Fee (ILF) program, or - in unusual circumstances - build the mitigation as part of the project. IDNR runs Indiana's ILF program for wetlands and waterways. Refer to IDNR's guidance for further information.

If the project requires constructing a mitigation site, environmental documentation will be needed. If the mitigation site is located outside the project area or in another location, the environmental site clearance will need to be documented with a separate CE and have its own INDOT project designation (Des) number. The new CE will need to reference the original Des number for which the mitigation is associated. If there is an approved CE for the project, and the mitigation site is within or adjacent to the project, the mitigation site should be documented as an AI document to the approved CE. A separate Des number is not required for mitigation within or adjacent to the original project area.

CHAPTER 2 – CATEGORICAL EXCLUSION PROCESS

2.1 CATEGORICAL EXCLUSION (CE) DEVELOPMENT PROCESS OVERVIEW

The majority of the environmental documents prepared for INDOT and Local Public Agency (LPA) projects are CEs. These projects may include such activities as pavement rehabilitations, bridge replacements, intersection improvements and even added travel lane projects. The minor differences between the development of LPA project CEs and INDOT project CEs will be discussed later in Section 2.2.

CE Level 1 projects will not generally require the same level, intensity or diversity of study as may be required for CE Level 2 through CE Level 4. The processes involved in the preparation of a CE and the contents of a CE will be determined by the type of project and the severity and complexity of the impacts anticipated. Regardless of the type, severity and complexity of the impact, each information box should be completed to the requisite/appropriate level. No discussion box should be left blank.

2.1.1 Step 1: Gather Preliminary Information

2.1.1.1 Identification and Notification of Landowners

As early as possible, the parcels of land that will likely be impacted by a programmed project will need to be identified. A complete and accurate list of the names and addresses of the landowners and tenants of the potentially impacted parcels should be compiled. This list should be kept in the project file and be made available for other uses as needed. There is more than one method that can be used for landowner identification, including visiting the county courthouse or using online county Geographic Information System (GIS) websites to review property owner information.

Prior to initiating and conducting any site visits that require physical entry onto privately owned land for INDOT projects, the preparer of the environmental document will ensure that Notice of Survey (NOS) letters have been mailed to identified property owners and tenants notifying them of INDOT's intent and right to enter upon their property and conduct the necessary investigations. Pursuant to IC 8-23-7-27, the preparer of the environmental document should make all effort to send a NOS letter to all potentially affected property owners and occupants early enough so that they will have the letters in their possession for a minimum of five (5) days before the intended entry. This will provide a sufficient opportunity to ask questions should any of the NOS letter recipients desire to do so. A sample of the NOS letter is provided in the appendices as Appendix H.

All employees and representatives of INDOT shall present proper identification or authorization to the occupant of the property before entering onto the property (IC 8-23-7-26 and 27**).** A new NOS letter should be sent to the affected property owner and tenant if a site visit is needed and the previous NOS letter is more than 6 months old. The address list for affected property owners should be updated every two years. The NOS is consistent with the NOS sent during the initial survey. As long as the mailing list and timing previously mentioned are followed, it can be used for the environmental site visits. Otherwise, a new NOS should be sent out. For LPA projects, the same procedures apply for notification as is required for INDOT projects. However, the statute governing the NOS is different. IC 8-23 only covers NOS for INDOT. The appropriate statute for LPA projects is IC 32-24, Eminent Domain. The sample NOS would need to be updated for the appropriate statute for LPA projects and to indicate the sponsor of the project.

2.1.1.2 Prepare Red Flag Investigation

During the initial planning and development of the CE document, a red flag investigation (RFI) should be generated to determine areas of concern within the project study area. A standard RFI report reviews areas of concern including: Infrastructure, Water Resources, Mining and Mineral Exploration, Hazardous Material Concerns, and Ecological Information. Areas of concern within a study area are called “red flags.” These red flags identify areas that require additional coordination in order to meet state and/or federal standards and determine if environmental concerns may be encountered. Some examples of environmental issues are properties contaminated with hazardous materials and ecologically sensitive sites. The RFI should be one of the first, if not *the* first, documents prepared during the development of a project. Depending on the scope of the project, a limited RFI (LRFI) may be prepared instead of an RFI.

The *Site Assessment & Management Manual (SAM Manual)* contains information for preparing INDOT project RFIs (and LRFIs) and submission procedures to the INDOT Site Assessment & Management (SAM) for review and concurrence. RFI templates can also be found within the SAM Manual and must be followed for all projects requiring an RFI.

The preparers of LPA projects are responsible for performing their own RFI. These RFIs should follow the SAM Manual procedures as if it were an INDOT project. RFIs prepared for LPA projects do not require the review or concurrence of SAM. However, it is strongly recommended that they be submitted to SAM for review and concurrence. This optional review will likely prevent potential problems later in the project development process. RFIs prepared for LPA projects will be reviewed during NEPA Document review and if issues arise SAM will be consulted, and additional work may be required.

2.1.1.3 Site Visits and Preliminary Field Checks

Site visits are made to assess and evaluate the existing conditions of the project area and to determine the impacts that are likely to occur as the result of the proposed project. During a site visit, the preparer can determine whether most of the red flag items are present and whether those present are of concern and require additional investigation. During a site visit, resources may be found that do not show up during a RFI or through early coordination. This can include large things, such as a new park or building that wasn’t present in aerials, all the way down to evidence of hazardous materials issues, such as soils staining, dead vegetation, drums of materials, dumped trash, and so forth. If items of concern are identified that aren’t present in the desktop reviews, coordination with the appropriate INDOT environmental group will be necessary or else project delays can occur.

Preliminary field checks (PFC) are usually the initial site visits for a project for most invited participants. The list of attendees for a PFC is listed in the Indiana Design Manual. However, the requirements of the specialized work and investigations (such as archaeologists) may also be better served by visiting the site individually later when the project footprint has been established.

2.1.1.4 Gather Secondary Source Documentation

The identification of environmental resources in the study area involves reviewing available secondary source information which provides an inventory of known environmental, social, and cultural resources. Specific resources which could be researched include, but are not limited to the following:

- Historic and archaeological sites (*Cultural Resources Manual* (CRM));
- Potential Wetlands (National Wetlands Inventory);
- Waterways (rivers, streams, watercourses, and other jurisdictional features);
- Protected species (U.S. Fish and Wildlife Service);
- Land use;
- Section 6(f) resources;
- Potential Section 4(f) resources;

- Public water supplies (IDEM, IDNR, Division of Water);
- Coal and other mines; and
- Environmental Justice demographic data (U.S. Bureau of the Census).

2.1.2 Step 2: Determine Scope, Schedule, and Budget

The project sponsor is responsible for working with project stakeholders regarding their projects. The project sponsor may hire a prequalified consultant to assist in project development. The project sponsor is listed throughout but the tasks defined for the project sponsor could be contracted to the prequalified consultant. The project sponsor will identify, analyze, and evaluate the conceptual alternatives and scope of the project to ultimately identify a preferred alternative that meets the project's Purpose and Need.

At the beginning of the CE process, preliminary engineering is conducted to develop feasible alternatives concurrently with the necessary environmental studies. The preliminary engineering may include:

- Engineering reports;
- Traffic analysis;
- Roadway geometric evaluations;
- Field inspections;
- Crash analysis;
- Preliminary Maintenance of Traffic (MOT) Plan;
- Alternative analysis;
- Identification of utilities, whether they will require relocation, and utility relocation cost estimates;
- Total cost estimates of the project, including preliminary engineering, right-of-way and construction; and
- Current scheduling information, including the contract letting date and the anticipated construction completion date.

The preceding information and data should be included in the appropriate sections of the CE document.

Many projects may only have two alternatives, the "no build" and the "build." Projects types such as a road rehabilitation are typically designed to utilize the existing roadway alignment. These types of projects would often not require alternative alignments to be considered. More complex CE level projects, including those that are to be constructed on new alignment, require extensive improvements to the existing horizontal or vertical alignments or lend themselves to multiple design alternatives. For those projects that may have impacts to protected resources (e.g., wetlands or Section 4(f) resources), inclusion of avoidance alternatives is required.

2.1.3 Step 3: Perform Environmental Analysis

2.1.3.1 Early Coordination with Resource Agencies, Consulting Parties and Others

The environmental document preparer of the project initiates the early coordination process with resource agencies, Section 106 consulting parties, and other required groups or individuals. The purpose of early coordination is to provide these groups and individuals with project information and to receive comments containing specific information regarding the probable impacts of the various alternatives. Early coordination letters (ECL) for NEPA should be on the project sponsor's letterhead. If through discussions with the LPA, the LPA can allow NEPA ECL to be placed on a consultant's letterhead. If the LPA allows it, the discussions should be contained within the project file. Included in the ECL should be the following information:

- Description of the existing conditions of the project area, including the roadway deficiencies, alignment, right-of-way, and current land use;

- Draft Purpose and Need of the project;
- Project length;
- Vertical and/or horizontal alignment changes;
- Anticipated number of lanes and pavement widths;
- Proposed permanent and temporary right-of-way widths and total acreages of each type of land use required;
- Items of concern identified in an RFI;
- Proposed in-stream work and/or channel realignments;
- Any bridge, culvert, or small structure work to be completed;
- Changes in access control;
- Environmental considerations;
- Project schedule (anticipated construction season and year, e.g., Fall 2025);
- Project sponsor;
- If Federal funding will be received and which Federal agency is providing the funding (e.g., FHWA);
- Proposed MOT;
- Contact information for NEPA document preparer;
- Contact information for Employee in Responsible Charge (ERC) for LPA projects or INDOT project manager for INDOT projects; and
- List of other recipients of letter

The ECL is prepared early in the NEPA process. Because of this there are some things that the ECL should **not** include:

- The ECL should not mention the level of environmental document to be prepared for the proposed project; or
- If there are multiple alternatives for a project, the ECL should not focus only on the proposed alternative. For example, the subject line of the ECL for a bridge project should not say “Bridge Replacement Project.” A more appropriate statement in the subject line would just be “Bridge Project.” The NEPA process will be used to determine the final alternative and indicating “Bridge Replacement Project” in the subject line is preempting the NEPA process.

A comment period of 30 days is given to the recipients of the ECL to review and make comments regarding the proposed project. Extensions to the thirty-day comment period may be approved if adequate justification is provided in the request for an extension or if additional information is requested from a resource agency to allow for a complete evaluation. If there is a government shutdown, the time clock on waiting for a response from the affected government agency will be stopped and guidance provided by ESD will be given via the ESD listserv. Attachments to the ECL should include graphics of the project area which include the following types of information:

- Topographic map indicating the location of the project;
- Aerial photos indicating the location of the project;
- Plan sheets, if available, should be attached with proposed project limits, existing and proposed alignments, existing and proposed rights-of-way and locations of any potential areas of concern; and
    - It can be extremely helpful for resource agencies and the public (during public involvement activities or if reviewing a document after completion) to superimpose the alignment from the preliminary design files onto an aerial as the resource agencies and public may struggle to read the plan sheets.

- Photographs of the existing roadway in multiple directions, all quadrants at any bridges or small structures, and up and downstream of all streams crossed. Photos should be focused on specific resources that are being highlighted.

CE Level 1 documents requires varying amounts of early coordination. The decision on how much early coordination is required for a CE Level 1 project should be made based on the potential impacts of the project and discussed with the final INDOT approval authority. If coordination isn't conducted with the final INDOT approval authority, then full coordination is required for a CE Level 1 document. If there will be impacts to a resource, coordination should occur. All CE Level 2 through Level 4 documents require full coordination. Typically, a PCE does not require an ECL to be sent to resource agencies.

See the INDOT's Environmental Policy Office webpage (under the header *Early* Coordination) for details concerning the preparation of an ECL and contact information of the agencies and other recipients of an ECL. The Indiana Department of Environmental Management (IDEM), U.S. Fish and Wildlife Service (USFWS), and Indiana Geological and Water Survey (IGWS) utilize electronic coordination, and most of the other early coordination agencies require coordination via email instead of hard copies via U.S. mail.

2.1.3.2 Environmental Site Visits and Analysis

Based on the anticipated environmental impacts that were documented during the secondary source review in Step 1, the required level of environmental field studies and regulatory agency coordination is determined. The gathered information is mapped as a study area on aerial photographs or other mapping tools. The study area should show all features identified, including features identified in the RFI. Each resource should be labeled to assist in describing how it will be impacted. All decisions that are made at this stage should be well documented.

Site visits are conducted on the feasible alternatives to identify the characteristics of the natural and socio-economic resources within the study area. The information gathered in the literature search and the site visit will be used to assess the project area for resources. If sensitive resources are identified during the site visit within the project area, avoidance alternatives need to be evaluated. The amount of data collected, and coordination required will vary according to the impacts associated with the project. Studies may include, but are not limited to the following:

- Historic Property Reports (HPR) covering above ground historic resources and archaeological reports (e.g., Phase Ia Records Check/Literature Review or Phase Ib Intensive Survey). For the specific contents of what should be included in for cultural resource documents, consult the *Indiana Cultural Resources Manual (CRM)*;

- A Waters of the U.S. report must be prepared as appropriate per the *INDOT Ecology Manual*. Field work must take place during the appropriate growing season for wetland plants;

- A karst feature study might be needed if the project is located within a karst area or potential karst features are found during the site visit. Karst features can only be confirmed by an individual prequalified in karst. Coordination will need to occur with INDOT Ecology and Waterway Permitting Office (EWPO) to determine if a karst study will need to be completed;

- Additional studies that are recommendations from an RFI. For example, in areas where there are unknown conditions associated with past development and/or waste sites, an environmental site assessment (ESA) may be needed to assess liabilities in property acquisition and identify properties potentially impacted by regulated substances and/or hazardous waste. Coordination with INDOT SAM is required to discuss the project before any ESA or other investigation regarding regulated substances and/or hazardous waste is performed;

- An Environmental Justice analysis may be required to address social and economic impacts;

- A conceptual relocation study or business needs survey may be required if a sufficient number of relocations are associated with the proposed project;

- An Individual Section 4(f) evaluation within the project area may be performed. An Individual Section 4(f) evaluation determines if protected resources including publicly owned parks, recreation lands, wildlife and waterfowl refuges, and historic resources will result in a use of a section 4(f) resource;

- A noise analysis will be required if the project is a Type I project; or

- Additional studies may be prepared if other sensitive features or resources are present. For example, a tree or landmark that is of local significance may require some investigation and may prompt some design considerations.

Should any of the studies or investigations indicate a potentially significant impact, INDOT may discuss the impacts with FHWA. FHWA will determine if the project should be raised to a higher level of environmental document such as an EA or EIS. Further details on the above studies will be provided in subsequent sections of this manual.

Once literature searches, individual environmental resource studies, and preliminary engineering are completed and resource areas are identified, potential impacts to the project area should be identified and quantified. The project should be analyzed to determine how reasonably foreseeable impacts may be minimized if they cannot be avoided. Reasonably foreseeable is defined in 40 CFR 1508.1 as "sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching a decision." This is a change from previous regulations that listed direct, indirect, and cumulative impacts. In the 2020 CEQ regulation update, the language was changed from direct, indirect, and cumulative impacts to reasonably foreseeable impacts. Please note that other regulations still use the language of direct, indirect, and cumulative to describe impacts such as in Section 106 of the National Historic Preservation Act and associated regulations (36 CFR 800) and the Endangered Species Act. Since the other laws and regulations have not been modified as a result of the CEQ regulation update, discussions about direct, indirect, and cumulative impacts can still occur in the appropriate sections. There will no longer be a specific section for indirect and cumulative impacts in the CE/EA Form. Other reasonably foreseeable impacts should be discussed in the appropriate section as described in Chapter 4. For example, if a major roadway access point is changed and local traffic is likely to regularly divert to a different route then a discussion of the impacts of the access change should be discussed in the Community Impacts Section of the CE/EA Form.

In determining the intensity of an impact, the following factors should be taken into consideration:

- Beneficial effects or improvements to the human or natural environment as a result of the project;
- The degree to which the proposed action affects public health or safety;
- Unique characteristics of the geographical area, such as proximity to wild and scenic rivers, wetlands, ecologically critical areas, prime farmlands, cultural resources, or parklands;
- The degree to which the effects on the quality of the human environment are likely to be controversial;
- The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks;
- The degree to which the action may establish a precedent for future actions with significant effects;

- Whether the action is related to other actions with individually insignificant, but cumulatively significant, impacts;
- The degree to which the action may adversely affect an endangered or threatened species or its habitat; and
- The project's compliance with a law or requirement imposed for the protection of the environment.

2.1.3.3 Public Involvement

All projects require some level of public involvement. A Public Involvement Plan (PIP) should be developed according to the current INDOT's Public Involvement Procedures found on INDOT's Public Involvement Procedures webpage. A PIP must be prepared early in the project development process. It should be commensurate with the project's anticipated impacts. The PIP can include as little as the placement of a legal notice announcing the intent to proceed with a project or involve a plan that includes a public hearing with possibly one or more public information meetings.

For projects with multiple design alternatives, greater impacts or with anticipated public controversy, the PIP may also include measures to keep the public well informed regarding the development of a project. However, projects having one or more of the preceding may require preparation of an EA. If a need for a Community Advisory Committee (CAC), Project Management Team (PMT) or agency involvement in the Purpose and Need and alternatives screening process has been identified, then the project may need to be prepared as an EA or EIS.

As project development continues, the public may be invited to make comments. The request for public comment can be made in a variety of ways, including legal notices, newsletters and public radio and television broadcasts. One or more public information meetings may be held to disseminate information regarding the project and to obtain input from the public on the project and the alternatives under consideration. Public hearings require verbatim transcription and public information meetings do not. The designer is responsible for the preparation of a summary of the public hearing comments and responses to those comments. For INDOT projects, the responses should be discussed with the INDOT PM. For LPA projects, the responses should be discussed with the ERC.

A public hearing is required to be held for all projects involving impacts to National Register of Historic Places (NRHP) listed or eligible bridges. For the other types of projects that do not involve impacts to a NRHP listed or eligible bridge, the offering of the opportunity to request a public hearing is required when a project meets certain criteria (refer to the INDOT Public Involvement Procedures webpage for more information). If a public hearing or the offering of the opportunity to request a public hearing is required, the CE must be appropriately authorized by DE or ESD to be advanced to the public involvement phase of project development. The CE can be approved immediately after the issuance of documentation that certifies that the public involvement requirements have been satisfied.

2.1.3.4 Selection of Alternatives for Further Study

In compliance with NEPA and the CEQ regulations (40 CFR 1508), reasonably foreseeable effects should be taken into consideration when evaluating options for a preferred alternative. CE projects with multiple design alternatives should include a matrix or summary of reasonably foreseeable impacts for each reasonable alternative from both design and environmental perspectives. The information included in the summary or matrix should be drawn from information obtained from the site visit, RFI, preliminary engineering report(s), and other studies. The selection of the preferred alternative will ultimately be based on both design and environmental factors. Many natural, cultural, and social resources require protection, some by complete avoidance and others by minimization and mitigation.

Based upon the information gathered a preferred alternative is selected.

2.1.4 Step 4: Prepare Categorical Exclusion and Develop Design

2.1.4.1 Environmental Field Studies

If it is determined that additional environmental studies are warranted, they should be conducted within the footprint of the preferred alternative. These additional environmental studies should be included, as indicated in the later sections of this CE Manual, as appendices as indicated in Appendix E.

2.1.4.2 Authorization of CE to be Released for Public Involvement

The CE document should be prepared using the appropriate CE Form. Once all sections of the CE are in complete draft form, other than any necessary forthcoming NEPA related public involvement activities, the CE should be reviewed for Quality Assurance and Quality Control (QA/QC), preferably by another individual that did not write the document.

The CE Form and its appendices are a public document; therefore, the CE Form and supporting documentation must accurately reflect the decision-making processes followed during project development. The preparer should include enough narrative to make the CE a stand-alone record of the environmental impacts of the project. The following are key guidelines to producing a quality document:

- The CE should be written for the general public. The general public are not transportation professionals and would not be familiar with the project;
- If a resource is present and there is no impact to that resource, provide enough information for the reader to draw the same conclusion;
- The location of other documents that support the conclusions of the CE/EA must be noted and the relevant information summarized in the appropriate section of the form; and
- Every discussion box should be filled in. If a resource is not present, the box should document how the resource was determined not to be present in the project area.

Once QA/QC has been completed, the document is ready to be submitted to INDOT for review. A document that is submitted that cannot be easily worked with or manipulated by INDOT will be returned to the preparer for revisions to make it reviewable. For example, plan sheets that may have a lot of script listed as comments may be not be easily manipulated by INDOT. Failure to flatten the document to eliminate those comments make it difficult to work with the document. A document with comments in the plan sheets may be returned to the preparer at the reviewer's discretion without completely reviewing the document. Similarly, if it is apparent to the reviewer that QA/QC has not been completed prior to submittal, after coordination and confirmation from the reviewer's supervisor, it may be returned to the preparer without completely reviewing the document.

If the project requires holding a public hearing or offering the opportunity to request a public hearing, the INDOT Environmental approval authority will release the document for public involvement when the document is otherwise complete and ready for public review. Spaces for the appropriate INDOT initials are provided on the cover sheet of the CE/EA Form and the CE Level 1 Form.

For INDOT projects, once the CE is released for public involvement, the document preparer will upload the CE to the Electronic Records Management System (ERMS), and then notify the appropriate ERMS Coordinator and the INDOT Project Manager. Either a public hearing will be scheduled or the opportunity to request a public hearing will be offered by the placement of a legal notice in widely circulated project area newspapers. The INDOT's Public Involvement webpage has templates and guidance documents that can answer questions of content and/or formatting for these notices. After the satisfactory completion of the public involvement requirements, the necessary certification documents will be provided to the appropriate INDOT District consultant services manager (CSM) for certification.

For LPA-sponsored projects, the LPA is responsible for the preparation and placement of the necessary properly worded legal notices in widely circulated project area newspapers. However, prior

to the placement of the legal notices, the LPA must submit a copy of the initialed CE coversheet to the INDOT Project Manager indicating the document has been released for public involvement. Upon request by the INDOT Project Manager, the LPA may be asked to submit a set of hearings plans and/or other documents as needed. The hearing plans will be compared to the released environmental document to make sure that they are consistent, particularly regarding the project footprint and amounts of permanent and temporary right-of-way. After a satisfactory review, the INDOT Project Manager will send the LPA a memorandum to proceed with the advertisement of either the opportunity to request a public hearing or to notify the public that a public hearing has been scheduled.

An INDOT representative from the INDOT district in which the project is located, will attend the public hearing (if held) for both INDOT and LPA projects to ensure that the public involvement requirements are satisfied.

Immediately after the completion of the required comment period, an information packet should be submitted by the LPA, or the LPA's designee, to the appropriate INDOT CSM with a request that the public involvement requirements be certified. If all the public involvement requirements have been satisfied, the "Certification for Public Involvement" line on the front page of the CE document will be signed and dated, and then provided to the LPA. The document preparer incorporates the signed page, which also includes the initials for public release, and submits the CE (after making revisions as necessary based on responses received during public involvement) to ESD, or appropriate INDOT district, for review and approval.

2.1.4.3 Approval of Categorical Exclusion

If public involvement is required, the CE can be submitted for review and approval immediately after the certification of the public involvement requirements. Prior to submitting the CE for approval, the public involvement section of the CE must be appropriately updated with a discussion of the steps taken to satisfy the public involvement requirements. Additional sections of the CE may also need to be updated as a result of public involvement. If applicable, the hearing materials, and any public comments received, as well as project sponsor responses to those comments, must be included in the Public Involvement Appendix of the CE document. The CE's Table of Contents should be updated, as necessary. See 4.1, Part I (Public Involvement) for more details.

If a project does not require that a public hearing be held or an opportunity to request a public hearing to be offered, the CE can be submitted for review and approval once the document is complete and has been reviewed for QA/QC. Table 1 identifies the signature(s) required for the approval of a CE. The preparer of the environmental document is responsible for the distribution of the environmental document. The preparer must ensure that all approved environmental documents are in ERMS. The distribution of approved CE's is provided in Table 4.

Table 4: Distribution of Approved CEs

	PCE	CE Level 1	CE Level 2	CE Level 3	CE Level 4
DE or ESD[1]	ERMS Upload	ERMS Upload	ERMS Upload	ERMS Upload	ERMS Upload
INDOT Communications Division[2]	--	--	ERMS Upload	ERMS Upload	ERMS Upload
LPA Sponsor[3] (if applicable)	E-Copy or Hard copy	E-Copy or Hard copy	E-Copy or Hard copy	E-Copy or Hard copy	E-Copy or Hard copy
U.S. Fish and Wildlife Service[4]	--	--	E-Copy	E-Copy	E-Copy
Project Manager (for distribution to District Public Information, Design, Construction, and as needed)	ERMS Upload	ERMS Upload	ERMS Upload	ERMS Upload	ERMS Upload
FHWA	--	--	--	--	ERMS Upload

[1]District Environmental or Environmental Services Division
[2]Notification of ERMS upload of approved CEs for INDOT and LPA projects.
[3]The LPA Sponsor should be contacted for their preference of distribution (hard copy or electronic)
[4]See the *Procedural Manual for Preparing Environmental Documents*.

2.1.4.4 Commitments and the Commitments Database

During project development, the commitments included in the CE must be incorporated in the project's plans, specifications and estimates (PS&E). Commitment Guidance and access to the Commitments Database can be found on INDOT's Environmental Policy Office webpage. It includes some of the standard commitments that are often made during the environmental process and provides instructions about how to process standard environmental commitments into the environmental document and through to the commitments database. The purpose of the project commitments database is to link the environmental phase of the project to the later stages of the project development process to ensure follow-through of project requirements.

Environmental commitments often include information regarding resources that were specifically identified to be avoided, if possible, during preliminary development. They can also provide a description of environmentally related actions that are required for the project, and commitments for additional public involvement, if necessary. To assist with successful communication and incorporation of the commitments, the INDOT project manager will review commitments at various stages of plan preparation. Commitments typically address the following issues and resources:

- Additional right-of-way;
- Work in wetlands and borrow/waste areas;
- Wetland delineation/mitigation/monitoring plan;
- Section 106 mitigation, including archaeology;
- Cultural resource data recovery;
- Protected Species avoidance and minimization measures (AMMs) or other commitments;
- Karst features avoidance or treatment procedures;
- Section 4(f) avoidance, minimization, and mitigation;
- Memorandum of Agreements and/or unresolved commitments;
- Hazardous material concerns identified in the RFI or other studies; or
- Recommendations from early coordination response letters.

The preparer of the CE will forward an electronic copy of the commitments to the INDOT project manager upon document approval for upload to the commitments database. INDOT project managers must note the commitments within the project plans/bidding documents. Commitments should be implemented and updated as the project is developed. The INDOT project manager will enter the commitments into the INDOT commitments database.

2.1.4.5 Reevaluations of Environmental Documents

Once a CE has been approved, a project and its accompanying CE must be reevaluated at each subsequent federal approval stage in order to verify that the environmental document continues to accurately describe the impacts of the project (23 CFR 771.129(c)). A reevaluation should be performed prior to each time that INDOT requests federal funding for right-of-way and for construction. It is the responsibility of the project sponsor to provide the necessary information to the appropriate INDOT Environmental approval authority.

One reevaluation that occurs for all projects is the completion of the ECF by the designer for review by the ESD or INDOT DE prior to the request for construction funding (Attachment 3). The submittal of a complete ECF should be at Stage 3 in case a NTF or an AI document needs to be completed prior to RFC date and request for construction authorization. Depending on the scope of change, the designer may be able to address minor changes in the ECF project description. However, lengthy discussions of changes and evaluation of impacts may require a separate NTF or AI document.

Required documentation to be provided for the ECF review is listed in the instructions of the ECF form. Email is the preferred method of submittal. If documents are too large to email, directing the appropriate INDOT Environmental approval authority to their location in ERMS or ProjectWise is acceptable. Include the appropriate INDOT Environmental approval authority on the correspondence. The final signed ECF form should be placed in ERMS.

Reevaluation Documentation

If, after approval of the CE document, changes to the project scope or right-of-way become necessary, additional environmental documentation may be required. The appropriate INDOT Environmental approval authority should be contacted immediately when changes to the approved project are being considered.

Generally, slight modifications to projects that remain within the limits of the original CE need no further coordination with resource agencies, and a NTF may be requested by INDOT to document the change. However, a change to the project scope or footprint will require a reevaluation, and the designer and INDOT will need to work together to resolve the discrepancies. If modifications to the project's design are necessary that increase impacts, the preparation of an AI document will be required. Depending on the extent of change to the design of the project, the AI preparation-to-approval process can be lengthy. Coordinate with appropriate INDOT Environmental approval authority and INDOT CRO, as appropriate, early to discuss the required level of analysis, any need for additional agency coordination, or the need for additional public involvement.

A written reevaluation is prepared when the scope or footprint of a project is modified, as well as for project-related mitigation sites that will be adjacent to the project.

Scope or Footprint Change

- The reevaluation will document the changes in the project along with the anticipated impacts.
- The additional information will generally be prepared in a letter format.
- The approval process for this document will be the same as with the original environmental document.

Mitigation Sites

- If the site is adjacent to the project and the environmental document has already been approved, an AI document to the previously approved CE should be prepared.
- If the site is not adjacent to the project and the environmental document has already been approved for the project, there will be a lot of new information for the mitigation site. As a result, the reevaluation should be evaluated on a new CE/EA Form. The new form will reference the original NEPA document (including the original purpose and need) and will indicate in the form's project description that it is a reevaluation to the original document to address impacts associated with the mitigation site. This will allow for all areas to be addressed and a more consistent reevaluation of the new site.

The format for an AI document varies with the extent of change. In general, an AI may be described in a letter format with approval lines and with technical documents (historic property reports, hazardous materials investigations, and so forth) included as attachments. If changes to the project are significant enough that a letter format may not explain the additional impacts clearly, the appropriate INDOT Environmental approval authority should be contacted to determine an appropriate alternate format. The AI should clearly describe what has changed since the original NEPA document was approved, detail the change in impacts, and reaffirm that the previous CE findings remain valid. All reevaluations should follow the same approval process that was used for the original CE.

If a project requires value engineering refer to the following policy. A reevaluation may be necessary to determine if the project impacts have changed.

2.1.4.6 Post Design

During the pre-construction conference, the following environmental topics should be discussed:

- Environmental permit requirements and mitigation measures;
- Soil and erosion control responsibilities;
- All environmental commitments and associated plan notes; and
- Environmental monitoring during construction.

Changes that involve environmental resources must be coordinated through the appropriate INDOT Environmental approval authority.

2.2 LOCAL PUBLIC AGENCY (LPA) CATEGORICAL EXCLUSION PROCESS

The *Local Public Agency Project Development Process Guidance Document for Local Federal-Aid Projects* is applicable to all LPA sponsored projects that receive federal funding or require one or more federal permits. This guidance can be found on the INDOT web page under Doing Business with INDOT – Local Public Agency Programs. The CEs for LPA sponsored projects (LPA CE) must satisfy the same NEPA requirements as do INDOT projects. The documents prepared for LPA CEs will be in the same format as INDOT CEs. There will be no difference in the content of an LPA CE compared to that of an INDOT CE for a similar type of project.

The one notable exception to the previous statement is when an LPA project is either located within a karst area of the state or may impact a karst feature. Since LPAs are not signatories of the Karst Memorandum of Understanding (MOU) governing the treatment of karst features, they are not bound by the stipulations contained in that document. However, the LPA must locate and document all karst features and ensure that all runoff or other potential impacts to karst features are treated in a similar manner to that outlined in the Karst MOU. Therefore, it is highly recommended that LPAs voluntarily comply with the Karst MOU when karst features will be impacted. The consideration and treatment of karst features will be addressed later in Section 4.3.3.6.

Other differences between LPA and INDOT CE preparation essentially involve an attempt to reduce the length and complexity of the review process. The preparers of LPA sponsored projects are responsible for performing their own RFI. RFIs prepared for LPA projects do not require the review or concurrence by SAM, however, it is strongly recommended that they be submitted for review and concurrence. This optional review will likely prevent potential problems later in the project development process or in the NEPA document review. For LPA projects, the review of noise studies will be performed by the INDOT EPO prior to CE document submittal. INDOT EPO will review the report for technical adequacy but will not approve or deny any recommendations or decisions regarding abatement.

CHAPTER 3 – COMPLETING THE CATEGORICAL EXCLUSION LEVEL 1 FORM

3.1 BACKGROUND

The CE Level 1 Form (Attachment 1) is the environmental documentation required for CE Level 1 projects. The completion of the form indicates that the project will not have impacts that demonstrate a need for a higher-level CE, EA, or EIS. The form is a shortened version of the CE/EA Form and consists of projects that will not impact certain types of environmental resources. The sections within the CE Level 1 Form follow along with most portions of the CE/EA Form. Throughout the remainder of the document, any instance of the CE/EA Form would be applicable to the same section of the CE Level 1 Form. The form also documents design information that is important for determining environmental impacts.

3.2 PROCESS

If the project qualifies as a CE Level 1, the CE Level 1 Form will represent the environmental documentation for the project. Therefore, the form should be written for the public and include enough narrative to make it a standalone document. All impact categories must be discussed to a level of detail that demonstrates the thought process behind determining whether protected resources are or are not likely to be impacted. The narrative in the CE Level 1 Form should reference all the supporting documentation that is included in the appendices. CE Level 1 documents are reviewed as indicated in Table 1 above.

3.3 INFORMATION

When completing the CE Level 1 Form, if there are no resources present or no impacts to a resource, check “No.” If a resource is present and impacts will likely occur, check “Yes.” Explain what data sources (RFI, National Wetlands Inventory (NWI) maps, other GIS data, etc.) were consulted to make this determination and why this determination was made. Provide details in the discussion box if measures were taken to avoid or minimize the impacts, why the impact is not significant, the source of information used to make these determinations, and if any early coordination responses reference the resources. No discussion box should be left blank. All discussion boxes within the CE Level 1 Form should include some information (even if the “No” box was checked). Project costs are the overall costs listed in the State Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP) including the fiscal year of expenditure for construction.

INDOT has developed guidance language to cover the most frequent instances that may be encountered by a preparer. The guidance language is located on INDOT’s Environmental Policy Office webpage. Use of the guidance language is intended to standardize the most common instances so that there is consistent documentation. It should decrease the level of effort to complete the CE Level 1 form and decrease review times as well. Improving consistency of incoming documentation should also provide a consistent output from the INDOT reviewer.

At completion of the CE Level 1 Form, the applicable criteria in each row of the Categorical Exclusion Level Threshold table should be highlighted to show that the project does not exceed the CE Level 1 thresholds. The organization of the CE document should follow the outline in Appendix E.

CHAPTER 4 – COMPLETING THE CE/EA FORM

The CE/EA Form (Attachment 2) was developed to consistently document the NEPA decision-making process for federal-aid transportation projects in Indiana. It provides a template that can be followed to document that CE-level projects will not individually nor cumulatively have a significant impact on the human and natural environment, and that neither an EA nor an EIS is required. The form also documents design information that is important for determining environmental impacts.

The form can be used to document the impacts for an EA if it is determined that the EA would likely result in a Finding of No Significant Impacts (FONSI). For use with an EA, there are some minor modification that would need to occur to the form but otherwise it should be followed. If it is determined that an EA would result in significant impacts, an EIS should be prepared. The CE/EA Form shall not be used for an EIS. Once the CE/EA Form is approved for a CE, the requirements of NEPA are satisfied for the project as described in the environmental document.

INDOT has developed guidance language to cover the most frequent instances that may be encountered by a preparer. The guidance language is located on INDOT's Environmental Policy webpage. Use of the guidance language is intended to standardize the most common instances so that there is consistent documentation. It should decrease the CE/EA Form and decrease review times as well. Improving consistency of incoming documentation should also provide a consistent output from the INDOT reviewer.

The CE/EA Form has six parts:

1. The cover page contains the project identifying information, identification of the document type (level of CE or EA), and initial/signature lines for releasing the document for public involvement and for final approval. The cover page also begins the header and footer that identify the project and the date of submittal;
2. Part I contains a discussion of public involvement activities and a discussion of any public controversy about the environmental effects of the project;
3. Part II contains the project description and identification information, project design criteria, roadway characteristics, bridges and small structures, anticipated design exceptions and selected maintenance and protection of traffic measures;
4. Part III contains the evaluation of impacts of the action on environmental resources;
5. Part IV contains likely permits to be needed and the commitments from the NEPA process; and
6. Appendices which contain the threshold table that identifies the level of the CE relative to the threshold criteria, correspondence with resource agencies, and supporting documentation for the environmental document.

The project description information in Part II describes the area to be investigated for environmental impacts in Part III. The scope of work and the right-of-way requirements must be precisely defined. A thorough evaluation of resource involvement cannot be efficiently performed without adequate engineering to produce a defined scope of work.

All supporting documentation for the decision-making process that can be released to the public should be included in the document as an appendix. The individual resource sections of this manual will explain required documentation in more detail. For most projects, these documents include the following:

- Project location graphics (aerials, topographics, etc.);
- Pertinent preliminary design drawings information (cover page, typical cross section, and Plan & Profile sheets), maintenance of traffic or detour maps (overview);
- Purpose and Need supporting data;
- Site photographs with location information and timing of the photographs;

- A sample early coordination letter and all responses;
- Red Flag Investigation;
- Section 106 documentation for historic properties;
- Ecological evaluations, wetland determination, and waters report;
- Public involvement documentation; and
- STIP/TIP information.

The organization of the CE/EA document should follow the outline in Appendix E. Failure to follow the general format of the appendices increases the time it takes to review the document. The INDOT NEPA reviewer may request revisions of the appendices to follow that format in Appendix E.

The rest of this manual explains how to use the CE/EA Form to investigate and document the environmental impacts of a project. In general, each discussion is divided into background information, a process discussion, and the information that must appear in the form. The background section contains an introduction to the topic and definitions, as well as appropriate legal references. The process section gives a brief explanation of the steps needed to be undertaken in the NEPA analysis. The information section describes what data and analyses should be included in the CE/EA Form and attached as appendices.

4.1 PART I (PUBLIC INVOLVEMENT)

4.1.1 Background

Public involvement is the process by which a project sponsor consults with interested or affected individuals and organizations during the development of a transportation project.

Details about the various topics and processes of public involvement are located on the INDOT's Public Involvement webpage and in the current INDOT Public Involvement Procedures. The key points of this information as it relates to CE projects are summarized in this section of the CE Manual.

NEPA requires that federal agencies disclose the results of their analysis and the effects of project implementation on the environment and solicit comments on the proposals from interested and affected parties. To meet this requirement, public involvement may occur at various stages during project development.

4.1.2 Process

A Public Involvement Plan (PIP) outlines how to involve the public in the planning of a project. There are two main categories of public involvement: formal (for example, a public hearing) and informal (such as a public information meeting). The category of public involvement for CE level projects depends on the complexity and type of the project, various conditions, and any public controversy involved with a project.

Informal measures may be used anytime, included in planning all the way to construction or after. Formal public involvement begins after the CE has been released for public involvement by the appropriate INDOT Environmental approval authority. NEPA forms have a signature line to indicate the document has been released for public involvement.

Frequently CEs will meet the thresholds in the current INDOT Public Involvement Procedures that require the sponsor to either hold a public hearing or at minimum offer the opportunity for the public to request a public hearing before the environmental document is approved. Formal public involvement criteria are found in current INDOT Public Involvement Procedures.

A public hearing is always required for an EA. Additionally, per the *Programmatic Agreement Regarding Management and Preservation of Indiana's Historic Bridges* (HBPA), owners of historic bridges will hold

a public hearing prior to completion of the NEPA document. Note that additional language is required within the *Notice of Public Hearing* per the HBPA. For detailed requirements please refer to the HBPA.

Public involvement requirements must be satisfied prior to the approval of the final CE. The NEPA forms have a signature line to indicate that the public involvement requirements have been satisfied.

Public involvement requirements are the same for state and locally sponsored projects. The only difference is that in local projects the sponsor, or its designee, is responsible for all public involvement activities. A representative from the appropriate INDOT district will attend the public hearing, if one is held. In state sponsored projects, the appropriate INDOT District, or its designee, completes all necessary public involvement activities.

After the release of the CE for public involvement, a project may go straight to the public hearing process, assuming the project will meet the minimum requirements described in the current INDOT *Public* Involvement Procedures. Most likely, smaller projects would simply be required to offer the public an opportunity to comment or request a public hearing. In this case it would be mandatory to publish a *Notice of Planned Improvement* which extends the opportunity for the public to comment or request a public hearing.

4.1.3 Information

4.1.3.1 CE Preparation

In the discussion box of the Public Involvement section, describe formal and informal public involvement that occurred during the development of the CE. Public involvement activities to satisfy Section 106, Section 4(f), and any other public involvement activities should be specifically outlined, including dates of meetings, publication dates of legal notices, and summary of comments and responses. The mailing lists of notifications (NOS lists or legal notices) are part of the project file but should not be listed within the appendix of the CE document. Structure of the CE public involvement narrative may include the following subsections, as applicable.

- Notice of Survey (NOS);
- Public Information Meeting;
- Section 106 Public Notice;
- Section 4(f) Public Notice;
- Opportunity for Public Hearing; and
- Public Hearing

4.1.3.2 Concluding Formal Public Involvement: CE Revision to Document Approval

After any public notice and hearing requirements have been met, the document preparer will revise the NEPA Form to accurately reflect the public involvement activities that have taken place. Additionally, the public involvement section must be appropriately updated with a discussion of the steps taken to satisfy the public involvement requirements. Update the CE signature page (the updated page needs to include the public hearing certification signature) and use the list below to see what to include in appropriate appendix as described in Appendix E. Be sure to update the table of contents.

Attach to the CE (as applicable):

- An affidavit of publication and any public notices that were issued;
- Information distributed to the public at public hearings, public meetings, etc.;
- Sign-in sheets from public involvement activities;
- All written and verbal public comments received in response to public notice, public hearing, or at a public meeting, and the project sponsor's responses;
- Correspondence with locals, agencies and others; and

- Summaries of other meetings with stakeholders, e.g., Community Advisory Committee (CAC) meetings.

The revised environmental document will then be submitted to the appropriate INDOT Environmental approval authority for review and approval. The environmental document cannot be approved until the public involvement requirements have been satisfied and the NEPA Form is appropriately revised.

4.2 CE/EA FORM – PART II (GENERAL INFORMATION)

4.2.1 General Project Identification, Description, and Design Information

The level of detail needed in the Purpose and Need, project description, and alternatives discussion sections of Part II of the CE/EA Form (Attachment 2) will vary with the complexity of the project. For simple or small projects, these sections will most likely be brief. However, for larger projects that involve many resources or alternatives, a more detailed discussion of the goals and nature of the project should be provided. Project funding will be provided by the INDOT Project Manager or LPA ERC at the start of the project (if the funds are allocated). If they are not allocated, it will be provided by the INDOT Project Manager or LPA ERC at a future date.

4.2.2 Purpose and Need

4.2.2.1 Background

The major elements of the Purpose and Need should be available in the engineering reports; however, it is often necessary to refine the Purpose and Need to meet NEPA guidelines. The NEPA document preparer is ultimately responsible in ensuring that the Purpose and Need is developed and documented appropriately. The Purpose and Need is a written description of the transportation problem(s) or other need(s) that the project is intended to address. It lays out why the action, with its inherent costs and environmental impacts, is being pursued. The Purpose and Need section is the foundation of the NEPA document and determines the goals and objectives that a successful solution should meet. It must not identify a solution but should describe the transportation problem in a data-driven, defensible manner.

The Purpose and Need statements set the stage for a consideration of alternatives and should be reexamined periodically throughout the project development process to verify that it is still appropriate to current conditions. This also helps to make sure that the project's scope has not drifted away from the originally identified need.

4.2.2.2 Process

Writing a Purpose and Need will require gathering information from many sources such as preliminary engineering reports, traffic report, inspection reports, site visit, and other sources. Information that will be needed are safety hazards, roadway deficiencies, social or economic demands, linkages to other roadways, and any other information that is pertinent.

Once a transportation problem is identified and information is gathered the Purpose and Need is created. The Purpose and Need should present the problem and develop an outcome goal for the problem. The need should be stated first identifying the specific transportation problem or deficiency, and the possible cause of the problem or deficiency and should include supporting data. The purpose should be stated next identifying the goal or objective for a successful solution to the transportation problem or deficiency. The purpose statement should **not** give a predetermined solution, such as “the purpose of the project is to repave the roadway”.

4.2.2.3 Information

The discussion box should start with the need that the project will address:

- Identify specific transportation problem or deficiency that exists today;
  - Define key problems and causes;

    - Traffic data such as average daily traffic (ADT) or level of service (LOS)
- System linkage, in terms of the project's place and importance in the road network;
- Trail linkage, in terms of the locations the trail is connecting (if applicable);
- Transportation demand as indicated in any statewide plan or adopted urban transportation plan;
- Federal, state, or local governmental mandates for the action;
- Social demands or economic development, in terms of infrastructure that will be necessary to support planned or proposed new development that is under construction or imminent construction;
- Intermodal relationships, in terms of how the project will interface with and serve airports, rail and port facilities, or mass transit services;
- Safety, in terms of current safety hazards; or
    - Crash data (compare crash data to statewide average of similar type of roadway);
- Other roadway deficiencies, such as substandard geometrics, inability to meet load limits or high maintenance costs;
    - Percent of commercial vehicles
    - Relevant bridge or small structure data: sufficiency rating, estimated remaining life

Once the need is established the purpose should include:

- Define the goals and objectives that identify successful solutions to the project;
- Identify how the system should perform once the project is completed;
- Make sure the goal is measurable;
- Do not give a predetermined solution; and
- Use verbs such as repair, complete, enhance, reduce, support, improve, etc.

Additional information may be provided as necessary to strengthen the description of project need, such as amount of parking available, presence of recreational facilities requiring access, and so forth. Only applicable pages of lengthy technical reports may be included as an attachment and briefly referenced in the Purpose and Need section.

4.2.3 Project Description (Preferred Alternative)

4.2.3.1 Background

The CEQ considers the alternatives evaluation the heart of an environmental study since it is the preparer's opportunity to explain why the preferred alternative was selected and others were discarded. This is done through a careful explanation of the range of alternatives that were assessed and the process by which those alternatives were evaluated.

4.2.3.2 Process

Once a preliminary engineering report, RFI, secondary source review, site visit, and Purpose and Need are completed for the project, a project description should be prepared. The Project Description (Preferred Alternative) section should contain details of the project scope, details included in Purpose and Need, description of the preferred alternative, measures to minimize or avoid impacts to sensitive areas, and other pertinent information.

4.2.3.3 Information

The narrative in the discussion box should include:

- Federal nexus information (if FHWA funds are being used);
- Description of location and logical termini;
- Reference to maps and graphics;
- Existing conditions and why the project is needed;
    - LOS, ADT, crash data, structure data, etc.

- Details of project scope;
- Explanation of the logical termini and independent utility;
- Measures implemented to minimize, avoid, or mitigate for impacts; and
- How this alternative meets Purpose and Need for the project

Graphical representations of the project area are critical to communicating the features and impacts of each alternative. The following information should be provided in the appendices to the CE and referenced within the text where relevant:

- Map of Indiana showing project location;
- Local map that shows legible street names, route numbers and project termini, etc;
  - If the project is located in a rural location, make sure the first map is zoomed out enough to see major roads surrounding project location.
- Aerial photography of project location;
- United States Geological Survey (USGS) topographic map of project location;
- Photographs of project location;
- Any appropriate preliminary design graphics that are available, such as Stage 1 plans; and
- Other graphical information that may be informative and relevant, such as pictures of drainage channels or potentially historic properties.

4.2.3.4 "Will" vs "Would"

The verb tense in a NEPA document should be consistent with the status of the lead agency's decision regarding the alternatives. The word "would" conveys that a decision has not yet been made; the word "will" conveys that a decision has been made. Therefore, as a general matter, "would" should be used when more than one alternative remains under consideration; "will" should be used in a NEPA decision document when referring to the selected alternative.

4.2.4 Other Alternatives Considered

4.2.4.1 Background

NEPA requires that the project developer consider a range of alternatives that is broad enough to include a wide range of solutions to the identified transportation problem. However, it is understood that this should be proportional to the size and potential impacts of the project. For very small or simple projects, this may only involve a comparison with the "no build" scenario. For larger projects, such as those over new terrain, many more alternatives should be considered.

In many cases the selected range of alternatives is determined in the engineering report and professional judgment. However, in certain circumstances, the regulations require that specific kinds of alternatives be assessed to determine whether they are feasible and prudent. Please note, an alternative cannot be discarded by cost alone.

4.2.4.2 Process

This section should include a discussion of the discarded alternatives and why each was determined not to be reasonable, or why it did not perform as well as the preferred alternative. It must rigorously explore and objectively evaluate all reasonable alternatives, including the no-build alternative. This section should not include discussion of the preferred alternative.

It is important to include a discussion of the no-build alternative in all environmental documents. Analysis of the no-build alternative can serve two purposes. First, it may be a reasonable alternative, especially for situations where the impacts are great, and the need is relatively minor.
More often, the no-build alternative serves as a baseline against which the other alternatives can be compared.

If the preferred alternative will impact ecological resources, floodplains, farmland, Section 106 resources, Section 6(f) or Section 4(f) resources, or environmental justice, the range of alternatives considered must include options to minimize or avoid these impacts. Likewise, if the preferred alternative involves replacement of a historic bridge, a review of rehabilitation options that would maintain historic integrity of the structure is required. If these alternatives are not selected, an explanation must be provided as to why they are not "feasible or prudent." This may be described in terms of such issues as:

- Substantial increase in community or business impacts;
- Substantial increase in roadway or structure costs;
- Unique engineering, traffic, maintenance, or safety problems;
- Difficulties in acquiring permits (for example: wetland or stream impacts);
- Failure to meet the Purpose and Need for the project;
- Relative significance of each protected resource (Section 4(f) resource, wetland, etc.) should more than one of either or one of each be present and potentially impacted by the preferred alternative; or
- Relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each resource for protection.

4.2.4.3 Information

A description of each discarded alternative should be included in the discussion box. Give each alternative a heading that references a detail to differentiate from the other alternatives (e.g., Roundabout Alternative, Stop-Controlled Alternative, No Build Alternative). This section may include the following for each alternative:

- Location and logical termini (if different from the preferred alternative);
- Changes in lane configurations and right-of-way;
- Explain the work length (feet or miles) for linear projects or area (acre or acres) for nonlinear projects;
- Method of traffic maintenance;
- Cost, constructability, and other engineering criteria;
- A summary of environmental impacts;
- Ability to meet Purpose and Need; and
- Any additional reasons why an alternative was not selected for detailed study.

If the range of alternatives under consideration is small, a simple comparison of alternatives in paragraph format is normally adequate. If multiple alternatives are being reviewed, then an impacts matrix is recommended to clearly show differences between the alternatives under consideration. Projects that involve historic bridges (whether the bridge is subject to the Historic Bridge Programmatic Agreement (HBPA) or not) will frequently have an extensive alternatives analysis in comparison to other CE level projects. These alternative analyses are reviewed concurrently by INDOT Bridge Design, INDOT EPO, and INDOT Cultural Resources Office (CRO) staff. The alternative discussed in the report are all inclusive of the alternatives that should be followed to meet both the HBPA and Section 4(f) Programmatic Evaluations. As such, the alternatives discussed should be copied from the report with only updates to sections if it is pertinent for the overall NEPA evaluation such as if costs were reevaluated due to a passage of time. If design or graphical information is available for discarded alternatives, these should be included in an appendix to the CE.

4.2.5 Roadway Character

4.2.5.1 Background

Current and future roadway design parameters are helpful in explaining the need for the project and the changes to the facility that is planned. In addition, this information is necessary to conduct certain

environmental analyses, such as air studies, noise abatement studies and prediction of reasonably foreseeable impacts.

4.2.5.2 Process

This section should list all relevant design criteria for the project, to the extent that they are known. Much of this information will be given to the preparer in the form of engineering reports, scoping studies, traffic studies, or EA/corridor studies, and will simply need to be transferred into the CE.

4.2.5.3 Information

Roadway functional classification and current/design year traffic volumes should be provided. In the “proposed” column, list what features are proposed at this stage. If more than one roadway is involved, this section should be duplicated for each.

4.2.6 Design Criteria for Bridges and/or Small Structures

4.2.6.1 Background

Information about the size and type of existing and proposed bridges and small structures is used to determine environmental impacts and necessary permits. The bridge and small structure information reported in this section is particularly important if the bridge/structure is listed on or eligible for the NRHP, which mandates certain protections; if it requires channel work or relocation, which may be a consideration when preparing permit applications; or if it will require vegetation clearing to allow access to the bridge/structure.

4.2.6.2 Process

Structure design parameters will be prepared either in scoping or design and will be provided to the preparer in the engineering report. The preparer should determine the number and type of structures present within the project limits, what work is planned for each, and what impacts each will have on environmental resources. Even if no work is planned for a particular bridge/structure, it should be listed, and a statement should be included that clarifies that no work is planned for the structure.

4.2.6.3 Information

Structure data should be entered in the form as provided by the engineering report, bridge inspection, and/or obtained from the designer. This should include the structure number, its sufficiency rating and any other parameters which will help to identify it or demonstrate deficiencies. For small structures (structures with less than a 20-foot span), the preparer enters "small structure" for the structure number and "NA" for the sufficiency rating unless an identifier has been assigned and rating has been completed.

If the action has multiple structures, this section should be duplicated for each structure. The discussion box should describe the structure, state whether it will be replaced and why, and explain the reasons for any channel work or relocation. The amount of information to include depends on the structure size. Small culverts could just be listed in general terms, but a large box culvert should have more detailed information. Be sure to also mention any structures parallel to the roadway that will be affected as well. Small equalizer pipes should be listed in a table or if the table exceeds 20 equalizer pipes, referenced in the discussion box and pointing to a table in an appendix to the CE.

4.2.7 Maintenance of Traffic during Construction

4.2.7.1 Background

Transportation projects often require temporary closure of existing facilities to allow for construction. In addition to the inconvenience to the public of road closures, temporary roads and detours can have environmental impacts on the surrounding area.

4.2.7.2 Process

Information about maintenance of traffic will be provided by engineers designing the project.

4.2.7.3 Information

Include a discussion of what closures and/or temporary facilities (if any) will be provided for maintenance of traffic. Any known impacts from these temporary measures should be quantified to the extent possible, particularly with respect to properties such as Section 4(f) resources or wetlands. Any local concerns about access, duration, traffic diversions, and traffic flow should be detailed as well. This information will be useful when assessing community impacts.

4.2.8 Estimated Project Cost and Schedule

4.2.8.1 Background

Cost and schedule are important considerations on any project since cost overruns and schedule slippage will often affect delivery of other projects in the program. Estimates at this point will be very preliminary but are useful for planning purposes.

4.2.8.2 Process

Project costs will be provided by scoping or design engineers. The cost and schedule from the current Transportation Improvement Program (TIP)/State Transportation Improvement Program (STIP) should be compared with the project costs provided by scoping or design engineers. If the cost and schedule from the scoping/design engineers differs from the TIP/STIP, then the INDOT project manager or LPA ERC should be contacted to determine if a TIP/STIP amendment or administrative modification is necessary.

4.2.8.3 Information

The cost and schedule from the TIP/STIP should be entered into the box to accurately reflect the most current information. Enter the professional engineering (PE), right-of-way, and construction costs for the project and the anticipated start date of construction. The fiscal year of the cost expenditure should be noted next to the costs. For example, if the construction cost is estimated to be $2,000,000 in the fiscal year of 2020, in the construction cost line write “$2,000,000 (2020)”. If the costs do not match up between the TIP/STIP and the cost information provided by the scoping or design engineers, indicate that the INDOT PM or LPA ERC will work to getting the TIP/STIP updated prior to RFC as appropriate. The cost for the next phase (right-of-way or construction if there are not right-of-way costs) must be listed in the TIP/STIP prior to NEPA approval. A CE for a project (or project phases) that is being added to the TIP/STIP cannot be conditionally approved until the project is listed in the TIP/STIP.

4.2.9 Right-of-Way

4.2.9.1 Background

Accurate right-of-way information is critical to producing a satisfactory CE since this information is needed to identify the area in which environmental impacts will be evaluated. Errors or unexpected changes in right-of-way can be both costly and time-consuming to resolve.

In this section, discuss the amounts of permanent, temporary, reacquired and easement acquisition of right-of-way. The amount of permanent and temporary right-of-way acquisitions will be used in determining the CE level. Regarding acquisition of permanent and temporary easements and reacquired right-of-way, the amount/acreage of right-of-way will not be used to determine the level of the CE document, but any impacts occurring within the easement or reacquired right-of-way will be used in determining the level of the CE. For example, if a project requires one acre of reacquired land, that one acre will not warrant the CE level to be elevated automatically to a CE Level 2. However, if

within that one acre of reacquired right-of-way, wetland impacts occur which could potentially elevate the level of the CE document per the threshold chart.

4.2.9.2 Process

The most reliable information available should be used by the preparer in indicating right-of-way impacts. This will often come from engineering reports initially. If design has advanced to a sufficient stage, the plans will provide a more current right-of-way footprint. Changes to right-of-way should be monitored at the various review steps to identify changes quickly and resolve any additional investigation or documentation that may be needed.

The need to reacquire apparent existing right-of-way presents an unusual challenge, because the environmental document for the project will have likely been prepared and approved before the discovery of the need to reacquire apparent existing right-of-way. On the other hand, most, if not all, of the right-of-way in question will already have likely been disturbed or modified by the existing roadway or structure, and the risk of impacts to sensitive resources will be minimal. Any undisturbed portions of the right-of-way to be reacquired should be investigated and documented in a reevaluation document the same way as normal environmental investigations are performed on additional right-of-way determined to be necessary after the design of a project. The undisturbed portion of any reacquired right-of-way is subject to applicable state and federal regulations, such as Section 4(f) and Section 6(f) impacts.

Please note, early acquisition (frequently stated as “at-risk” acquisition) for any federal-aid highway project (even if federal right-of-way funds are not being used for the acquisition) must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (commonly referred to as the Uniform Act).

4.2.9.3 Information

Discuss the current existing right-of-way amounts (to at least the hundredths of an acre unless design has progressed far enough to be more accurate), both permanent and temporary, and describe their current use as well as their proposed use. Describe the typical and maximum right-of-way widths (existing and proposed). The preparer should also discuss any advance acquisition and reacquisition, either known or suspected, and their impacts on the environmental analysis. A discussion of permanent and temporary easements and any associated impacts should also be included.

4.3 CE/EA FORM – PART III (ENVIRONMENTAL IMPACTS)

4.3.1 Identification and Evaluation of Impacts of the Action

Identify and quantify the environmental resources located adjacent or within the project area. Once identified and quantified, determine the reasonably foreseeable impacts that will occur from the project. The preparer should consider both the level of impacts as well as the type (negative, neutral, or beneficial) of impacts. The document should be written to a level of detail commensurate with the impact(s) and importance of the resource. The CE should clearly demonstrate that the project results in no significant impact to the environment as defined by the CEQ regulations 40 CFR 1508.

4.3.2 Section A – Early Coordination

4.3.2.1 Background

The purpose of early coordination is to request feedback from resource agencies and local officials on potential impacts before significant time or effort has been invested in the project. Agencies are consulted on the project’s impacts to resources under their jurisdiction and local officials are consulted to obtain information on impacts to communities, community facilities, and local infrastructure. Avoidance of resources and mitigation of impacts can then be undertaken from the beginning of design rather than in the forms of revisions later. These revisions can often delay the project or add cost.

Re-coordination may be required for an Additional Information document. Contact the final INDOT Environmental approval authority to determine the agencies that will need re-coordination.

4.3.2.2 Process

Guidelines for preparing early coordination (including a sample letter that is updated regularly) are provided on the INDOT's Environmental Policy Office webpage. These should be reviewed carefully since the nature and type of coordination will vary by agency and by project type. Programmatic agreements exist for some circumstances that make formal letters unnecessary, and some agencies have developed forms or questionnaires to streamline their review. The early coordination letter should provide a brief project description in the body of the letter but should **not** identify the level of the NEPA document to be prepared.

4.3.2.3 Information

Provide the date on which the early coordination letter was sent and list all agencies contacted, whether a response was received, and the date of response. This information is most effectively presented in a table format. All correspondence that was received should be included as an attachment to the CE, along with a sample copy of the early coordination letter. A summary of overall resource agency recommendations should be provided, but specific resource recommendations should be included in the applicable environmental document section (i.e., recommendations pertaining to wetlands should be included in the wetlands section and not in the environmental justice section).

4.3.3 Section B – Ecological Resources

The Ecological Resources section documents potential impacts to streams, rivers, watercourses, other jurisdictional features, open water features, wetlands, terrestrial habitats, protected species, and geological resources. This section documents site conditions prior to disturbance, identifies actions for avoidance and minimization of impacts, and impacts that will occur from the project.

4.3.3.1 Streams, Rivers, Watercourses, and Other Jurisdictional Features

Background

Streams, rivers, watercourses, or other jurisdictional features are drainage features that have an ordinary high water mark (OHWM). A stream can be ephemeral, intermittent, or perennial. A watercourse is a natural or artificial channel through which water flows. A river is a large natural stream of water emptying into another river, lake, ocean, or other body of water and usually fed along its course by converging tributaries. A ditch is a manmade drainage feature. Other jurisdictional features are those which have been determined by the USACE to be subject to regulation as waters of the U.S. Refer to the *Waters of the United States Documentation Manual* for further clarification.

Federal Wild and Scenic Rivers – In 1968, the Wild and Scenic Rivers Act (16 USC 28) was established by Congress. The goal is to preserve the character and surrounding environment of these rivers that possess outstanding remarkable scenic, recreational, geologic, fish, wildlife, historic, cultural, or other similar values. Wild and scenic rivers are not designated by a federal agency; they are specifically added to the National Wild and Scenic Rivers System by Congress.

Publicly owned and designated recreational rivers under the Wild and Scenic River Act are protected by Section 4(f) of the USDOT Act of 1966. Public lands adjacent to these rivers may be subject to Section 4(f) protection as well. The regulations only apply to wild and scenic rivers and adjacent lands which are being used or designated by an approved land management plan for use as a park, recreation, wildlife, or waterfowl refuge, or historic purposes. The determination of applicability of Section 4(f) is made through an examination of any adopted or proposed management plan for a listed river.

There are no rivers in Indiana that have been officially designated by Congress into the National Wild and Scenic Rivers System to date. However, if an eligible river is present in or adjacent to the project, coordination must take place with the U.S. Department of Interior (DOI). In accordance with 16 USC 1276(d)(1), all federal agencies involved shall give consideration to potential national wild, scenic and recreational river areas.

State Natural, Scenic, and Recreational Rivers – State law (IC 14-29-6) designates the Indiana natural, scenic and recreational river system to be set aside and preserved for the benefit of present and future generations. In accordance with IC-14-29-6-10, the impact to the natural, scenic and recreational river system will be determined when planning for the use and development of water and associated land resources within the system. Indiana Administrative Code, 312 IAC 7-2, identifies three waterways included in the system:

- Cedar Creek from river mile 13.7 to the St. Joseph River;
- Wildcat Creek; and
  - North fork from river mile 43.11 to river mile 4.82
  - South fork from river mile 10.21 to river mile 0.0
- Blue River from river mile 57 to river mile 11.5.

There are other river segments that qualify but have not yet been officially classified. Refer to Appendix K for a list of these river segments.

Outstanding Rivers List for Indiana (IDNR) – In 1993, the Natural Resources Commission adopted its "Outstanding Rivers List for Indiana." The roster was printed as a non-rule policy document in the Indiana Register, Volume 16, Number 6, (16 IR 1677) on March 1, 1993 under the title "Natural Resources Commission, Information Bulletin #4, “Outstanding Rivers List of Indiana.”

Navigable Waters of Indiana – Navigable waters of the U.S. are those waters that are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

Mitigation – If unavoidable impacts to waters of the United States will occur from the project, mitigation may be needed. Avoidance and minimization of impacts must be considered.

Process

Determine whether any streams, rivers, and/or other jurisdictional features are present and if they will be impacted (i.e., total permanent impacts, total temporary impacts, and work that will occur below OHWM). Total permanent impacts determine the CE level. All total permanent and all total temporary impacts should be included in CE discussion to determine permitting that is needed. If there are other jurisdictional features (i.e., jurisdictional roadside ditches) present in the project area, a discussion will also need to be included in this section. If features are present within the project area, and they are non-jurisdictional, a discussion will need to be included (does not count towards stream impact total when determining CE level).

Complete a Waters Report, as required in the *INDOT Ecology Manual*, to determine the exact location, amount of impacts, and jurisdiction of each feature. A Waters Report is valid for five years from the first field date. The Waters Report should be completed prior to submittal of the CE to quantify the impacts and identify jurisdiction of each waterway. If a Waters Report is necessary for the project, but has not yet occurred, there will likely be a delay in the approval of the CE document until waters investigations are complete. The Waters Report must be completed during the appropriate growing season, refer to the *Waters of the U.S. Documentation Manual*.

Information

In the discussion box list the streams, rivers, and other jurisdictional features present (through online searches and site visit) in the project area, and a summary of what was found during the RFI report. If features are present within the project area, and they are non-jurisdictional, a discussion will need to be included. If the resource is within or adjacent to the project area, discuss reasonably foreseeable impacts. If a resource is present but no impacts are expected, state why there will be no impacts. If stream impacts will occur, describe the total permanent and total temporary linear feet of impacts both up and downstream. Adverse effects include alteration of the ecological setting, restricting the free-flowing nature of the stream, or degrading the water quality. Discuss any structure(s) that is/are proposed compared to what is currently in place and quantify any impacts. If a Waters Report is necessary for the project, a summary of the report should be provided in the discussion box of the CE. The full text of the Waters Report, including applicable maps and graphics, should be provided as an appendix to the CE document.

If stream work will be extensive, reference and attach additional information such as maps, photos, and/or site plans to aid in impact interpretation. To determine if a function and value methodology such as Headwater Habitat Evaluation Index (HHEI) or Qualitative Habitat Evaluation Index (QHEI) is needed refer to the *Waters of the U.S. Documentation Manual*. If it is determined that one of the evaluations is needed, include a discussion in the discussion box of the CE.

Describe any Federal Wild and Scenic Rivers; State Natural, Scenic, and Recreational Rivers; Outstanding Rivers for Indiana; navigable waterways or Nationwide Rivers Inventory (NRI) waterways; and summarized coordination efforts with National Park Services (NPS) and reasonably foreseeable impacts. For rivers on the Outstanding Rivers List for Indiana, the discussion should include a description of the characteristics of the river that qualify it as outstanding. If it is determined that the action could cause impacts to waterways designated on the NRI under the Wild and Scenic Rivers Act, the CE should reflect consultation with the NPS to avoid or mitigate the impacts. See the National Park Service's webpage for a list of NRI waterways in Indiana, and see the *Procedural Manual for Preparing Environmental Documents* for more details on federal and state Wild and Scenic Rivers.

Discuss resource agencies comments that are specific to streams, rivers, watercourse, and other jurisdictional features. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. All efforts to resolve NPS concerns regarding possible impacts to the NRI listed stream should be documented. It should also mention that the concerns of the NPS were eliminated. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.3.2 Open Water Features

Background

Open water features are natural and artificial ponds, impoundments, reservoirs, lakes, detention, and retention basins. These waters may or may not be subject to regulation by the USACE, IDNR, and IDEM.

Storm water facilities are retention basins, ditch detainment, etc. that need post construction Best Management Practices (BMP) for water quantity or quality. Refer to the *Waters of the U.S. Documentation Manual* for additional information.

Process

Determine the type of open water features that are located within or adjacent to the project area. An identification will be needed on open water features that may be subject to USACE jurisdiction and which are subject to the jurisdiction of other federal or state agencies. Reasonably foreseeable impacts should be determined which include work within waters of the U.S. or waters of the state including

runoff, siltation, or erosion. Connections to other water bodies and relationships to floodplains in the area should also be determined and documented.

Information

In the discussion box list any open water features that are within or adjacent to (through online searches and site visit) the project area, and a summary of what was found during the RFI report. If the resource is within or adjacent to the project area, discuss reasonably foreseeable impacts. If open water features are present but no impacts are expected, state why there will be no impacts. If a Waters Report is necessary for the project, a summary of the report should be provided in the remarks box of the CE. The full text of the Waters Report, including applicable maps and graphics, should be provided as an appendix to the CE document. If impacts will occur, include which features, if any, are subject to USACE jurisdiction and which, if any, are subject to the jurisdiction of state agencies or other federal agencies. Include acres, feet, or linear feet of impacts that will occur and if mitigation will be required.

Discuss resource agencies comments that are specific to open water features. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.3.3 Wetlands

Background

A wetland is an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions (hydrophytic vegetation). Wetlands are transitional areas between aquatic resources and upland areas. They are also called swamps, marshes, bogs and fens. A wetland is an area that has hydrophytic vegetation, hydric soils, and wetland hydrology, as per the "National Food Security Act Manual" and the 1987 *Corps of Engineers Wetlands Delineation Manual* (United States Army Corps of Engineers, 1987). Wetlands are regulated resources. All wetlands found in a project area must be documented in the Waters Report. Wetlands identified on the USGS topo or NWI maps must also be verified.

Presidential Executive Order (EO) 11990, entitled *Protection of Wetlands*, was issued in 1977 with the purpose to “minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.” To meet these objectives, the EO requires federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. Construction includes draining, dredging, channelizing, filling, diking, impounding and related activities. The EO requires a finding “that there is no practicable alternative to such construction” located in a wetland and “that the proposed alternative includes all practicable measures to minimize harm to wetlands which may result from such use.”

The USDOT, in implementing EO 11990, set forth its policy on wetlands in USDOT Order 5660.1A, *Preservation of the Nation’s Wetlands*, issued on August 24, 1978. USDOT Order 5660.1A requires the protection, preservation, and enhancement of wetlands to the fullest extent possible during the planning, construction, and operation of transportation facilities. The policy requires the avoidance of new construction in wetlands unless one of the following conditions are met and approved:

- There is no practicable alternative to such construction;
- The proposed action includes all practicable measures to minimize harm to wetlands which may result from such use;
- U.S. Army Corps of Engineers Section 404 Permit allows impacts to wetlands;
- Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks presents guidance for the use of ecological mitigation banks as compensatory mitigation in the Section 404 Regulatory Program for unavoidable impacts to wetlands and other aquatic resources; or

- Interagency cooperation to protect habitats of species listed under authority of the Endangered Species Act of 1973.

The consideration of economic, environmental, and other factors is included in the finding of no practicable alternative. However, additional cost alone is not sufficient to render an alternative or minimization measure impracticable.

The Federal Highway Administration (FHWA), through Technical Advisory T6640.8A (October 30, 1987), provides guidance on the preparation of environmental documents, including the assessment of project impacts on wetlands.

The Technical Advisory prescribes the following wetland evaluation methodology should be utilized:

1. The identification of all wetlands (type, quality, function) within a project area.
2. Describe the impacts to the wetlands
    a. The importance of the impacted wetland
        i. The primary function of the wetland
        ii. The relative importance of these functions to the total wetland resource of the area
        iii. Other factors, such as uniqueness, that contribute
    b. The severity of the impact
        i. Flood control capacity
        ii. Shoreline anchorage potential
        iii. Water pollution abatement capacity
        iv. Fish and wildlife habitat value
3. Evaluate alternatives which would avoid these wetlands
4. Identify practicable measures to minimize harm to wetlands

Mitigation - If unavoidable impacts to waters of the United States and/or isolated wetlands will occur from the project, mitigation may be needed. Avoidance and minimization of impacts must be considered.

Process

Complete a Waters Report, as required in the *INDOT Ecology Manual*, to determine the exact location, amount of impacts, and jurisdiction of each wetland. A Waters Report is valid for five years from the first field date. The Waters Report should be completed prior to submittal of the CE to quantify the impacts and identify jurisdiction of each waterway. If a Waters Report is necessary for the project, but has not yet occurred, there will likely be a delay in the approval of the CE document until the waters investigations are complete. The Waters Report must be completed during the appropriate growing season. For the appropriate growing season, refer to the *Waters of the U.S. Documentation Manual*.

Information

In the discussion box list the potential wetlands that are within or adjacent to (through online searches and site visit) the project area, and a summary of what was found during the RFI report. If a wetland is present but no impacts are expected, state why there will be no impacts.

If a Waters Report is necessary for the project, a summary of the report should be provided in the discussion box of the CE. The full text of the Waters Report with applicable maps (including a soil map) and graphics needs to be provided as an appendix to the CE document. Delineation sheets do not need to be included in the appendix. The environmental reviewer may request for a copy of the full report (text pages and all appendices) to assist with the environmental document review. If a wetland delineation was completed, include a summary.

If a wetland area is identified, an alternative that does not impact wetlands must be considered and discussed here and in the other alternatives section of the CE. All federal undertakings must show that there is no practicable alternative and includes all practicable measures to minimize harm to wetlands which may be reasonably foreseeably impacted by the project.

For projects that have one (1) acre or more of wetland impacts, the following is required:

- A reference to EO 11990;
- Include a discussion on why avoidance alternatives are not practicable. Include the reason for this decision, such as:
  - Substantial adverse community impacts to adjacent homes, businesses, or other improved properties;
  - Substantial increases in project costs;
  - Unique engineering, traffic maintenance or safety problems;
  - Substantial adverse social, economic, or environmental impacts; or
  - The project not meeting identified needs.
- Include a discussion why the proposed action includes all practicable measures to minimize harm to wetlands; and
- This concluding statement:

  Based upon the above considerations, it has been determined that there is no practicable alternative to the proposed new construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

This information should be consistent with the earlier discussion in the other alternatives section. Indicate the practicable measures to minimize harm considered and explain why each measure was accepted or eliminated. If avoidance and or minimization measures are not found to be practicable, include reasons that support that decision.

Discuss resource agencies' comments that are specific to wetlands. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.3.4 Terrestrial Habitat

Background

Transportation projects have the potential to impact aquatic and terrestrial habitats directly through right-of-way acquisition and indirectly through habitat modification and fragmentation. Consideration of these impacts is crucial because loss and degradation of habitat and connectivity continue to be threats for wildlife species.

There are several laws and executive orders that require the consideration of wildlife impacts for transportation projects. Some of these include: Endangered Species Act (ESA), Moving Ahead for Progress in the 21st Century (MAP-21), the Fish and Wildlife Coordination Act, Executive Order 13112, and the Migratory Bird Treaty Act (MBTA). See the *Procedural Manual for Preparing Environmental Documents* for more information on these requirements as they apply to transportation projects.

Process

Identify terrestrial habitats that are within or adjacent to the project area including the type. Identify reasonably foreseeable impacts that will occur based on the project scope. These impacts are used in multiple areas and if changes occur, other sections may need re-coordination as well (such as Section 106 or Protected Species coordination).

Information

In the discussion box list any terrestrial habitats that are within or adjacent to the project area including the type of terrestrial habitat. If terrestrial habitats are present but no impacts are expected, state why there will be no impacts. Describe the dominant types of vegetation present in the project area. Include the specific amounts that will be impacted from the project. Include the amount of tree clearing that will occur.

Discuss resource agencies comments that are specific to terrestrial habitat. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.3.5 Protected Species

Background

The Endangered Species Act (ESA) of 1973 was enacted for the conservation of threatened and endangered plants and animals and the habitats in which they are found. Section 7 of the ESA requires that federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS) and/or the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service, ensure actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species.

Indiana Law IC 14-22-34 protects endangered species within the state whose prospects of survival or recruitment within Indiana are in jeopardy or are likely to be in jeopardy within the foreseeable future. This law prohibits the taking, possession, transport, export, process, sale, or offer for sale of non-game species. Take is defined as harassing, hunting, capturing, or killing; or the attempt to harass, hunt, capture or kill.

Bats - The Indiana bat (*Myotis sodalis*) was listed as federally endangered in 1967. The northern long-eared bat (*Myotis septentrionalis*) was listed as federally threatened in 2015. The Indiana bat and northern long-eared bat hibernate in caves and roost under loose and peeling bark of trees during the active season. Threats that have contributed to the decline of bats include commercialization of caves, loss of summer habitat, pesticides and other contaminants, and disease.

The gray bat (*Myotis grisescens*) was listed as federally endangered in 1976. The gray bat lives in caves year-round. Threats that have contributed to the decline of the gray bat include human disturbance, habitat loss, and cave commercialization.

The U.S. Fish and Wildlife Service and Federal Highway Administration (FHWA) have standardized their approach to assessing impacts to Indiana bats and northern long-eared bats from highway construction and expansion projects for avoiding, minimizing, and mitigating those impacts. The standardized approach does not apply to the gray bat.

The Rangewide Programmatic Agreement for the Indiana bat and northern long-eared bat is a regional consultation approach to coordinate with USFWS for impacts to the Indiana bat and northern long-eared bat. It is based on a Programmatic Biological Opinion and was approved by a concurrence letter from USFWS to the Federal Highway Administration (FHWA), the Federal Transportation Administration (FTA), and the Federal Railroad Administration (FRA). The Rangewide Programmatic Agreement helps expedite the consultation process related to transportation projects and provide a consistent approach to conservation for the bats. The agreement includes:

- Informal programmatic consultation;
- Project specific avoidance and minimization measures;

- A limited formal programmatic consultation; and
- Provides an in-lieu fee (ILF) mitigation payment to compensate for unavoidable impacts to the Indiana bat and northern long-eared bat.

Rusty Patched Bumble Bees - The rusty patched bumble bee (*Bombus affinis*) was listed as federally endangered in 2017. The rusty patched bumble bee lives in grasslands and tall grass prairies that provide nectar and pollen from flowers. Nesting sites are underground or in abandoned rodent cavities or clumps of grasses. Threats that have contributed to the decline of bees include habitat loss and degradation, intensive farming, pesticides, climate change and disease.

Other Species - Species that fall under the other species category are state or federal listed species that do not include the federally listed Indiana bat, northern long-eared bat, or rusty patched bumble bee. For information on how to appropriately coordinate with USFWS on impacts to other species review the current policy on the INDOT Environmental Policy Office webpage. IDNR will indicate potential state species that may be in the project area and how to minimize impacts.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) was originally signed in 1918 and has had several amendments. It makes the taking, killing, or possessing of migratory birds unlawful. A total of 1,027 species are protected by the MBTA. Several of these species may use bridges as an alternate nesting location as a result of the loss of traditional habitat. Other migratory bird species can be found along our roadsides or in other habitat that may be impacted by transportation projects. Migratory birds can be found anywhere that road or bridge work is being done. Some species will nest in or on our structures while others can be found in trees, shrubs, herbaceous ground cover, or other preferred habitat in the project area or within the road right-of-way.

Bald and Golden Eagles - As efforts to protect threatened and endangered wildlife are successful, populations may increase enough to warrant de-listing a species. This was the case when the Bald Eagle was removed from the Federal Threatened and Endangered Species list on August 8, 2007. The Bald Eagle will continue to be protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, which prohibits the take or disturbance of nesting eagles. The final rule (50 CFR 17) on the delisting provides an explanation of the delisting, and a draft Post-Delisting and Monitoring Plan.

Process

The RFI report, 0.5-mile review for protected bat habitats, site visit, bridge/structure inspections, the IDNR early coordination response, and USFWS IPaC species list are usually the indicators of the presence of protected species. The RFI report and IDNR early coordination response can indicate state listed species located in the project area. The 0.5-mile review for protected bat habitats and bridge/structure inspection(s) can indicate bats located in the project area. The bridge/structure inspection(s) can also indicate birds that are located in the project area.

Please note: Site specific hibernacula, capture, or roost tree location data (e.g., geographic coordinates, GIS shapefiles or maps) must not be shared, distributed, published, or included in the environmental document discussion without prior written consent from USFWS Bloomington Field Office. All information shared or included in public documents must be general locations and discussions.

Indiana Bats and Northern Long-eared Bats - Indiana is within the range of the Indiana bat and northern long-eared bat. Most federal aid projects can coordinate with USFWS using the programmatic consultation. As part of the Section 7 process, all projects that include a federal nexus (i.e., federal funding, federal permits), must receive an individual determination from USFWS for impacts to the Indiana bat or northern long-eared bat. A programmatic consultation process has been created to coordinate with USFWS and receive a determination for bat impacts. The programmatic consultation streamlines coordination with USFWS and can be completed on the IPaC website. For additional

guidance completing this determination refer to the most current Using the USFWS's IPaC System for Listed Bat Consultation for INDOT Projects (Using the IPaC). **The programmatic consultation only covers the Indiana bat and northern long-eared bat.** If bridge/structure work/demolition will occur, BIAS and/or environmental inspection forms will be uploaded into IPaC for review. Coordinate with the appropriate DE for questions about inspections. Refer to the Using the IPaC document for further information about uploading inspections into IPaC.

Avoidance and Minimization Measures (AMMs) will be generated for all projects that do not receive a "no effect" determination. All AMMs become firm commitments to the project and need to be resolved by a USP. A template USP to use for all bat AMMs and/or commitments can be found at the following link: https://www.in.gov/dot/div/contracts/standards/rsp/index.html

Rangewide Programmatic Informal Consultation projects result in three possible determinations: No Effect (NE), May Affect-Not Likely to Adversely Affect (MA-NLAA), and May Affect-Likely to Adversely Affect (MA-LAA). A NE determination is made for projects that do not impact suitable summer habitat within the project area. A MA-NLAA determination is made for projects where tree clearing occurs 100 feet or less from an existing roadway or lighting (either temporary or permanent) is needed for a project.

A MA-LAA determination is made for projects where tree clearing occurs 100-300 feet from an existing roadway, projects near a hibernacula, or if there is documented bat habitat present in the project area. If your project has the determination of MA-LAA additional commitments will be added to the project based on the response received from USFWS. Additional commitments received from the USFWS response become firm commitments for the project and will need to be resolved with a USP. Mitigation is required for projects that will clear trees 100-300ft from an existing roadway or if tree clearing will occur in documented Indiana bat habitat. If the project requires mitigation, the project must comply with the Rangewide In-lieu Fee Program to compensate for the impacts. An additional commitment will be included, and funds will also need to be allocated and in process by Ready for Contracts (RFC) date.

If the project does not qualify for the Rangewide Programmatic Agreement, additional coordination with USFWS must occur. Contact the appropriate DE as indicated on the Using the IPaC document on how to proceed if your project does not qualify for the Rangewide Programmatic Agreement for the Indiana bat and northern long-eared bat.

Active bat season tree clearing is not recommended and will likely result in project delay, additional project costs, and possibly not be permitted. To request active bat season tree clearing, coordination must occur with ESD before trees are cleared. Refer to the Active Bat Season Tree Clearing policy for more information.

Rusty Patched Bumble Bees - If IPaC was completed prior to September of 2018, the rusty patched bumble bee range was not incorporated into the IPaC process. Therefore, the range map will need to be reviewed to determine if the project is located in a high potential zone. If IPaC was completed after September of 2018, IPaC will review the rusty patched bumble bee range map and determine if the project is located in a high potential zone. If your project is located in a high potential zone, refer to the USFWS webpage for next steps.

Only projects located in Marion, Hamilton, Montgomery, Fountain, and Lake counties will need to include a discussion in the discussion box for the rusty patched bumble bee.

Other Species - Species that fall under the other species category are state or federal listed species that do not include the Federally listed Indiana bat, northern long-eared bat, and rusty patched bumble bee. Not all projects are automatically required to send early coordination letters to USFWS. Make sure to follow the current guidance on the INDOT's Environmental Policy Office webpage.

Under Section 7 and Indiana Law IC 14-22-34, an evaluation will need to be completed to determine the effects on other species found within the project area. Informal Section 7 consultation is a process with USFWS that can quickly evaluate potential effects, if any, on federally listed species and their habitats. To determine if your project qualifies for informal consultation, refer to the current scope of the project, RFI report, early coordination response from IDNR, and completion of IPaC. If your project will likely impact other species, additional coordination and more extensive consultation may be needed.

During the IPaC coordination, a species list will be generated to determine what federally listed species are present in or adjacent to the project area. If critical habitats are identified on the species list, additional coordination will need to occur with the appropriate DE. If any species other than the Indiana bat, northern long-eared bat, or rusty patched bumble bee are generated from the IPaC official species list, follow the current guidance on the INDOT's Environmental Policy Office webpage.

A Biological Assessment/Biological Opinion (BA/BO) may be needed if actions may affect a listed or proposed species or their designated critical habitats. This could include actions that are likely to adversely affect a listed species which could result in jeopardy. Jeopardy occurs when an action is reasonably expected, directly or indirectly, to diminish a species' numbers, reproduction, or distribution so that the likelihood of survival and recovery in the wild is appreciably reduced. If the project receives a jeopardy determination, the project cannot proceed.

During early coordination, IDNR will review the Natural Heritage Database to determine if any state-listed species are located in or adjacent to the project area. If any species are in or adjacent to the project area, it will be included in the response from IDNR with avoidance and/or minimization recommendations. If adverse impacts or habitat fragmentation will occur in the project area, other alternatives need considered to avoid or minimize impacts.

Migratory Birds - If migratory birds are found or are present in the project area, coordination must occur with the INDOT Ecology and Waterway Permitting Office (EWPO). If migratory birds are found during the site visit and bridge/structure inspection, USFWS's priority is:

- Start with avoidance and minimization measures to prohibit birds from returning to structure,
- If that is not feasible, evaluate the potential to impact migratory birds after avoidance and minimization measures have been implemented, and
- Incidental take if other options are not feasible.

Bald and Golden Eagles - The bald eagle has been delisted for purposes of the endangered species act but continues to be protected. If a bald or golden eagle is found, or the project is within a 660-foot buffer around a nest, coordination must occur with EWPO.

Information

Indiana Bat and Northern Long-Eared Bat - In the discussion box, discuss what type of coordination occurred with USFWS for the project (IPaC or individual coordination) regarding the Indiana bat and northern long-eared bat. Include the determination received from USFWS coordination (IPaC or individual coordination). Include AMMs and/or commitments received as firm commitments in the CE document.

The following information should be included in the appendix of CE document:

- No Effect (NE) - Official species list and consistency letter;
- May Affect – Not Likely to Adversely Affect (MA-NLAA) – Include official species list, full concurrence letter from IPaC (only include consistency letter if you do not have a concurrence letter), or USFWS concurrence letter if individual coordination was completed; or

- May Affect - Likely to Adversely Affect (MA-LAA) – Include official species list, full concurrence letter, and USFWS concurrence letter

If the scope of your project changes, or tree clearing amounts change, IPaC will need to be updated and re-coordination will need to occur with INDOT and/or USFWS. If there are firm bat commitments, a Unique Special Provision (USP) must be created for the project prior to RFC to resolve commitments.

Rusty Patched Bumble Bees - In the discussion box, if your project is located in the counties above and your species list was prior to September 2018 or if it shows up in your IPaC species list, state if the project is located in a high potential zone for the rusty patched bumble bee and include the source. Refer to the INDOT Environmental Policy Office webpage for additional guidance.

Other Species - In the discussion box, refer reader to what was identified in the RFI report. Include any response received from IDNR and the Natural Heritage Program's Database check. Include species (other than Indiana bat, northern long-eared bat or rusty patched bumble bee) generated from the IPaC coordination. Discuss if critical habitats are present or not within the project area. Include if the project qualifies for the current USFWS policy and coordination that occurred with USFWS, if applicable. If coordination with USFWS has occurred, include response that has been received and determination for species. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

Migratory Birds - In the discussion box, include what was found during a site visit and bridge/structure inspection. Include what avoidance and minimization or alternatives were considered to avoid impacts to migratory birds. Include coordination with EWPO. Discuss what impacts will occur to migratory birds if any. A firm commitment for migratory birds will need to be included if migratory birds are found in the project area or identified in coordination with IDNR.

Bald and Golden Eagle - If a nest is present in the project area, a 660-foot buffer will need to be kept between the project and the nest. Include coordination with EWPO that occurred. If impacts are anticipated to the bald or golden eagle the discussion box should include the following language:

> The bald eagle was removed from the Federal Threatened and Endangered Species list on August 8, 2007. The bald eagle is still protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act, which prohibits the take and disturbance of nesting eagles. [Indicate efforts to avoid and minimize impacts and any remaining impacts that will occur.]

4.3.3.6 Geological and Mineral Resources

Background

Geological resources include fossils, rocks, minerals, bedrock, and surficial (landforms) features. Mineral resources cover all solid earth materials that are mined and with which humans build, make, and eat. Use this section of the CE/EA Form to list and describe them.

Geological Hazards - Many geological processes affect the state, including coastal and fluvial flooding and erosion, earthquakes and the liquefaction and shaking they produce, land movement such as subsidence and landslides, and radon emission from rock and soil. Geological resources should be examined for discovering, developing, and preserving the mineral, energy, and ground water resources of Indiana.

Mining and Mineral Resources - Indiana ranks high in production of many mining commodities, such as coal for energy and stone, sand, and gravel for building roads, bridges, and buildings. Indiana is probably best known for the dimensional building stone, limestone. Mining and mineral resources should be examined to prevent waste, encourage the greatest economic recovery, protect human health and safety, and protect the environment.

Karst - Karst is a landscape feature that is formed by the dissolution of a layer or layers of soluble rock by acidic water. The two types of soluble rock found in the karst regions of Indiana are limestone and dolomite. In many karst areas, there is little surface water because most of it has entered the subsurface water flow of the karst system. Sinkholes, swallow-holes, sinking streams, springs, and caves dominate the topography and drainage of karst areas. Karst features can only be identified by an individual prequalified in karst.

There are two primary areas of karst landscapes located in Southern Indiana: the Mitchell Plateau and the Crawford Upland. The Mitchell Plateau extends from the eastern part of Owen County southward to the Ohio River in Harrison County and into Kentucky. The Crawford Upland is located west of the Mitchell Plateau and extends from the western part of Owen County southward to the Ohio River in Perry County. Sinkholes, karst valleys, and caves are common along the border between the two areas. There are also areas along the Wabash River, outside of the typical karst areas, where the karst features are exposed due to thin or absent glacial materials.

INDOT has a memorandum of understanding (MOU) that establish karst feature treatment guidelines for the construction of transportation projects in a designated karst area. More information on karst can be found in the *Karst Geological Resources and INDOT Construction Manual*. Local Public Agency (LPA) projects are not covered under the MOU, but local public agencies are strongly encouraged to comply with the MOU.

Karst resources could result in higher level scrutiny under the National Environmental Policy Act (NEPA) because of the other related resources tied to the features. Section 7 consultation with the USFWS would be required if there are federally endangered species within or near the resource. Section 106 consultation would be required if there is the potential for archaeological resources in the area. The EPA considers some karst features (sinkholes and swallow-holes) to be Class V injection wells. If a project impacts a feature, the project sponsor must provide the EPA with inventory information about the feature and implement measures that will protect underground sources of drinking water. Other coordination that may need to occur is:

- IDEM – Office of Water Quality for impact to drinking water resources, Clean Water Act, and Safe Drinking Water Act;
- IDNR – Division of Water for regulation in drilling, casing, operating, plugging, and abandoning of wells; and
- Local government ordinances – impacts to drinking water resources

Process

Geological Hazards - Coordinate with Indiana Geological and Water Survey (IGWS) about geological features found within the project area.

Mining and Mineral Resources - Mining and mineral resources may be identified in the RFI report. Coordinate with the resource agencies listed in the RFI (if present) and with IGWS about mining and mineral resources found within the project area.

Karst - Determine if the project is located in a designated karst area. The RFI and IGWS response may indicate a presence as well. Reasonably foreseeable impacts should be determined. If the project is located within a designated karst area and karst features are present, a karst study may need to be completed. Coordination must occur with EWPO to determine if a karst study will need to be completed.

For karst features located outside a designated karst area, consultation with one or more of the signatories of the karst MOU should be initiated. A karst study may be needed at the discretion of EWPO or be required by the other signatory agencies. The process is the same as for features located in the area covered by the MOU.

If it is determined a karst study should be done it must be completed by a prequalified contractor. INDOT EWPO reviews karst reports for state and LPA projects (for technical adequacy). Copies of the completed karst study should be sent to the resource agencies designated in the MOU for review and approval.

Information

Geological Hazards - In the discussion box, include any response received from IGWS about geological features found within the project area.

Mining and Mineral Resources - In the discussion box, identify any mining and mineral resources that were found during the RFI report. Also include any response received from resource agencies listed as needing coordination in the RFI and with IGWS about mining and mineral resources found within the project area.

Karst - In the discussion box, identify if the project falls within a designated karst area from the current Karst MOU. Include if there are karst features present within the project area, identified from the RFI and/or IGWS response. If the project is located outside of a designated karst area and no karst features are present in project area, state it in discussion box.

If a karst study is completed, include a brief summary of the findings and recommendations in the discussion box of the CE. Include the summary and conclusion of the karst report an appendix to the CE. Give the general distances (not the exact location) from the identified resources to the project area and whether there will be reasonably foreseeable impacts to the feature. All impacts should be evaluated and documented. If impacts will occur to any karst features, include a discussion of other alternatives considered to reduce impacts and why these alternatives are not feasible. Any Best Management Practices (BMPs) and mitigation commitments will be included in Part IV (Environmental Commitments) of the CE and the commitments database.

If karst features are present but no impacts are expected, state why there will be no impacts.

Discuss any other resource agencies' comments that are specific to geological or mineral resources. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.4 Section C – Other Resources

The Other Resources section documents potential impacts to drinking water resources, such as wellhead protection areas, sole source aquifers, source water protection areas, water wells, public water systems, and urbanized area boundaries. This section also documents potential impacts to floodplains, farmland, air quality, noise, and community impacts such as public facilities, environmental justice populations, and relocations of people, businesses, or farms.

4.3.4.1 Wellhead Protection Areas, Sole Source Aquifers, Source Water Protection Areas, Water Wells, Public Water Systems, Urbanized Area Boundaries

Background

Every construction project has the potential to impact water resources. Water resources exist both above and below ground. The identification and protection of all water resources is imperative not only because it is required by law, but also to ensure that adequate supplies of clean potable water are available for numerous uses. Drinking water resources within the project area must be identified and reasonably foreseeable impacts determined.

Two specifically designated areas of underground water to be considered and protected include Wellhead Protection Areas (WHPAs) and Sole Source Aquifers (SSAs). Information regarding WHPAs can be found in Section II.C.4.d of the *Procedural Manual for Preparing Environmental Documents*. The locations of the various other sources of drinking water can be obtained from the contact persons mentioned below in the process discussion.

Wellhead Protection Area (WHPA) - The Indiana Department of Environmental Management's (IDEM) Ground Water Section administers the Wellhead Protection Program, which is a strategy to protect ground water drinking supplies from pollution and identifies the elements of the program. The Safe Drinking Water Act and the Indiana Wellhead Protection Rule (327 IAC 8-4.1) mandates a wellhead program for all Community Public Water Systems.

Sole Source Aquifer (SSA) - A Sole Source Aquifer is a federally regulated aquifer where ground water protection is of the utmost importance. The Sole Source Aquifer (SSA) Protection Program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 USC 300 et. seq). Sole Source Aquifer designations are one tool to protect drinking water supplies in areas with few or no alternative sources to the ground water resource, and where if contamination occurred, using an alternative source would be extremely expensive.

Indiana currently has only one legally designated Sole Source Aquifer (SSA), the St. Joseph Aquifer System, located in northern Indiana (Appendix L). The St. Joseph Aquifer System serves as the "sole or principal source" of drinking water for residents in portions of Elkhart, St. Joseph, LaGrange, Noble, and Kosciusko counties. Note that the St. Joseph SSA is also a "Source Water Protection Area," a type of resource that is discussed later.

Proposed projects for federal financial assistance within the project review area of a designated SSA that have the potential to contaminate the aquifer are subject to EPA review. A project is not subject to EPA review based on the following:

- Outside the SSA project review area;
- Do not receive federal financial assistance; and
- Specifically exempt from EPA coordination

The INDOT, FHWA and the USEPA signed a Memorandum of Understanding to ensure that projects in the Sole Source Aquifer area are developed to prevent the introduction of contaminants into the aquifer that might create a significant hazard to public health.

The MOU serves two primary purposes: (1) to set forth the types of projects that will require review and (2) to describe the notification and review procedure that will be employed. The goal of the memorandum is to ensure that projects in the designated area that receive Federal financial assistance are designed in a manner that will prevent the introduction of contaminants into the aquifer in quantities that may create a significant hazard to public health including, but not limited to, those contaminants listed in the National Primary Drinking Water Regulations, 40 CFR Part 141. The current MOU can be found on the INDOT Environmental Policy Office webpage.

Source Water Protection Area (Source Water) - Surface water (streams, rivers, and lakes) or ground water (aquifers) can serve as sources of drinking water and are referred to as "source water." Source water provides water for public drinking supplies and water wells. Protecting source water from contamination can reduce the treatment costs of public water utilities and reduce risks to public health from exposures to contaminated water.

IDEM's Source Water Assessment Program (SWAP) is a resource provided to public water systems and that provides basic information to public water suppliers regarding where the drinking water comes

from and the degree, called susceptibility, to which the drinking water source may be impacted by potential sources of contamination.

Water Wells - Water wells (residential, private, etc.) are not regulated by a governmental agency and it is the owner's responsibility to ensure they have safe drinking water. However, for transportation projects, the project sponsor (or designated consultant) assumes responsibility for ensuring that project activities do not impact a private well. Water wells may be directly impacted by construction if they are within or adjacent to the project area, or down gradient of the project.

Public Water Systems (PWS) - A PWS provides water for human consumption and domestic use and must follow certain federal and state drinking water regulations to comply with the Safe Drinking Water Act. There are over 4,000 active PWSs in Indiana, and unless a project is in a rural setting, public water facilities are likely to be in or near the project.

Urban Area Boundary & Municipal Separate Storm Sewer Systems (MS4) - The Bureau of the Census Urbanized Area Boundaries (UAB) data set contains boundary information for urban areas with a population greater than 50,000. The UAB classification is used for a variety of purposes, including regulating municipal separate storm sewer systems (MS4s) in urbanized areas.

327 IAC 15-13 (Rule 13) is a storm water general permit rule. 327 IAC 15-13 regulates Municipal Separate Storm Sewer Systems (MS4s). MS4s are defined as a conveyance or system of conveyances owned by a state, city, town, or other public entity that discharges to waters of the United States and is designed or used for collecting or conveying storm water. Regulated conveyance systems include roads with drains, municipal streets, catch basins, curbs, gutters, storm drains, piping, channels, ditches, tunnels and conduits. It does not include combined sewer overflows and publicly owned treatment works. There are more than 150 permitted MS4 jurisdictions, including INDOT, within Indiana. IDEM maintains the official list of MS4 jurisdictions.

INDOT is required by the Rule 13 permit to notify MS4s when an INDOT project falls within their jurisdiction as part of the early coordination process.

Process

Wellhead Protection Area (WHPA) - For all projects that require early coordination, the preparer should determine if the project is within or adjacent to a WHPA. WHPAs must not be shown on maps in the appendix of the CE. To determine if your project is in a WHPA, you can complete the self-service application using the Wellhead Proximity Determinator (Source Water Proximity Determination Tool) or complete the Wellhead Protection Proximity Request form. Refer to the IDEM Wellhead Protection Program page for further guidance.

If the project is within a WHPA, coordinate with water districts, municipal engineers, and other contact persons to obtain more specific information, including management measures and requirements. If a WHPA is located within a Municipal Separate Storm Sewer System (MS4), Best Management Practices (BMPs) that allow infiltration will not be allowed, see 327 IAC 15-13-16 (Rule 13: Storm Water Management Plan post-construction storm water run-off control). Contact information and other relevant information can be found on the IDEM MS4 web page.

Sole Source Aquifer (SSA) - Coordination with USEPA, Ground Water and Drinking Water Branch will be required if the project is within the St. Joseph Aquifer System and meets one of the following:

- Requires an Environmental Impact Statement;
- Requires an Environmental Assessment;
- Requires substantial excavation depth (greater than 10 feet); or
- Requires the use of chemicals listed in the National Primary Drinking Water Regulations, 40 CFR Part 141

If a project qualifies for the SSA MOU, coordinate with the USEPA Sole Source Aquifer Specialist in the Ground Water Branch to provide them with an opportunity for comments on the potential project.

The USEPA's review will determine one of the following:

- The project does not require further review as it does not possess the potential to cause a public health concern;
- A Groundwater Impact Assessment (GWIA) is necessary to determine the potential of the project to adversely affect the Aquifer; or
- The project has a significant potential to contaminate the Aquifer and requires modification to eliminate that potential before federal funds can be committed.

Source Water Protection Area (Source Water) - For all projects that require early coordination, determine if the project study area is within or adjacent to a Source Water Protection Area (SWAP). A determination that a project is within a Source Water Protection Area may come through IDEM's early coordination response about Wellhead Protection Areas (Source Water Proximity Determination Tool). IDEM's SWAP website provides several spreadsheet files that can be useful in identifying whether a project may impact source water. Information from the website can provide general information that may indicate further research and coordination is necessary. The IDEM Source Water Proximity Determination Tool can help identify if your project may impact source water as well.

Water Wells - The Online Water Well Record Database of the Indiana Department of Natural Resources (IDNR) can help determine if water wells exist in or near a project. Do **not** include a map of well locations in the appendix.

Public Water Systems (PWS) - A review of area maps and the Red Flag Investigation (RFI) can indicate the likelihood of a PWS is within or adjacent to the project area. Impacts to public water systems may not be well defined until later in design. Coordination for public water systems should occur as indicated in the RFI.

Urban Area Boundary & Municipal Separate Storm Sewer Systems (MS4) - Projects in or near urban areas most likely are in a UAB and have a designated MS4 contact. Coordinate with the appropriate MS4 contact to inform them of the project and to provide the opportunity to respond with recommendations and best management practices.

Information

Wellhead Protection Area (WHPA) - Explain if the project is located in or adjacent to a WHPA and how this was determined. If the project will have reasonably foreseeable impacts to a WHPA, discuss how the project will comply with the management measures and requirements in the local wellhead protection program management plan developed for the community public water supply system (CPWSS). Discuss resource agency comments that are specific to WHPA. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

Sole Source Aquifer (SSA) - Explain if the project is within the SSA, and if the MOU is applicable. Describe if an initial or detailed groundwater assessment is required for the project. If the project is within the SSA explain if coordination is needed with USEPA. Discuss resource agency comments that are specific to the SSA. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

Source Water Protection Area (Source Water) - Describe if the results of research and/or early coordination determine the project is within or adjacent to a source water protection area. Discuss

resource agency comments that are specific to source water protection areas. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

Water Wells - In the CE document, discuss if there are any wells adjacent or within the project area. Use general descriptions and not exact locations. Also explain if there will be any reasonably foreseeable impacts to any wells. Discuss resource agencies comments that are specific to water wells. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

Public Water Systems (PWS) - Discuss reasonably foreseeable impacts that have been identified. Summarize any coordination and comments that are specific to public water systems. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

Urban Area Boundary & Municipal Separate Storm Sewer Systems (MS4) - In the CE document, explain if the project is within an UAB or not. Discuss resource agencies comments that are specific to UAB and the MS4. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.4.2 Floodplains

Background

The purpose of assessing potential impacts to floodplains is to determine whether a transportation project will encroach on the 100-year floodplain and whether any encroachment will be significant. A floodplain typically consists of a floodway, which is the channel of the waterbody that floods, and the fringe, which is the remainder of the backwater. Think of a floodplain as a road, including the right-of-way on each side, and a floodway as just the road, including the shoulders (fringe) on each side, where the action normally happens within the floodplain.

The 100-year floodplain is the area that has a one percent or greater probability of flooding in any given year. The 100-year floodplain may also be called the base floodplain, the National Flood Insurance Program Zone A floodplain, the regulatory floodplain, or the Special Flood Hazard Area. The Federal Emergency Management Agency (FEMA) defines 100-year floodplains for most communities in the nation.

The analysis of floodplain impacts is required for the CE document and is required to support permit requests. In Indiana, the Office of Water at the Indiana Department of Natural Resources (IDNR) regulates activities within 100-year floodplains. The floodplain may include waters of the U.S., which means that work within the floodway may require additional permits from USACE. Additionally, there may be local requirements associated with floodplains. If your project is in a floodplain, the local floodplain administrator should be included in early coordination to inform them of the project and to provide the opportunity to respond with recommendations.

Floodplain impacts are categorized as transverse or longitudinal. Transverse impacts, which occur when roads or bridges cross floodplains, typically result in fewer impacts than longitudinal impacts, which occur when roads or bridges travel along a floodplain.

Process

For all projects, the preparer should determine if the project is located in a floodplain. To determine if your project is located in a floodplain you can refer to the Indiana Floodplain Information Portal and the RFI. The project location will need to be compared to the floodplain delineated on the map to determine the extent and type of encroachment. If you are in a floodplain, the Indiana Floodplain Information Portal will indicate who the local floodplain administrator is for coordination.

Each major drainage structure on the project must be assessed for encroachments and a determination made as to the significance of any encroachments. If a project segment, feature, or structure will encroach on the floodplain, the preparer must coordinate with the local floodplain administrator during design to ensure consistency with local floodplain planning. If coordination with the local floodplain administrator cannot be completed prior to approval of the CE, then the commitments section of the CE form and the commitments database should contain a firm commitment to continue coordination in the design stage. Alternatives to avoid adverse effects, minimize potential harm to or within the floodplain, and avoid incompatible development in the floodplains must also be considered.

INDOT has established five (5) categories of projects based upon the size, scope, and impact to the floodplain. The preparer determines which category the project falls into. The five categories are:

- Category 1 – Projects which will not involve any work below the 100-year flood elevation. No additional field work or coordination is required;
- Category 2 – Projects which will not involve the replacement or modification of any drainage structures. If a profile grade change is proposed, an inspection of the floodplain is required to determine whether such an increase will result in a substantial change in damage or risks;
- Category 3 – Projects involving modifications to existing drainage structures. Modifications of existing structures may affect flood heights and flood limits and therefore an analysis may be needed to determine the effect of the modifications. Calculations should be made to determine any changes in capacity of existing structures and an inspection of the floodplain should be made to determine whether any expected increase in flood heights could result in substantial damage not expected under current conditions;
- Category 4 – Projects involving replacement of existing drainage structures on essentially the same alignment. The site must be inspected upstream and downstream to determine existing conditions that affect the design of the replacement structure. For major drainage structures (opening larger than 100 square feet), a hydraulic design study is required as part of the preliminary design phase to assess the impacts of various structure sizes on the flood risk within the floodplain; and
- Category 5 – Projects on new alignment. A hydraulic design study is required for all major drainage structures (opening larger than 100 square feet) during the preliminary design phase. INDOT's public involvement manual requires that the public be offered the opportunity to request a hearing if the project results in substantial floodplain impacts.

For Category 4 and Category 5, if substantial impacts to the floodplain are anticipated, coordinate with the appropriate INDOT Environmental approval authority as a hydraulic design study may be required for the Field Check Plans.

Information

In the discussion box, explain if the project is located within a floodplain and how it was determined. If the project will encroach on a floodplain, the discussion box should evaluate avoidance and minimization measures to the floodplain. Reasonably foreseeable impacts and possible mitigation measures should be evaluated for each alternative under consideration. If the project will encroach on a floodplain, include a discussion of the coordination with the local floodplain administrator.

For projects located in a floodplain, the discussion box must indicate the category of impact and include the appropriate language based on the impact assessment. It is possible that a single project in one floodplain will involve two or more categories. When this occurs, include information for the highest category involved. If a project crosses more than one floodplain, the project could involve more than one category. When this occurs, include information for both categories for the appropriate crossings. If a given situation does not fit a particular category, these guidelines should be used as a basis for developing a reasonable approach to fit that situation.

The appropriate statement or statements should be included in the discussion box based on the category of impact:

- Category 1:

  Although this project involves work within the horizontal limits of the 100-year floodplain, no work is being performed below the 100-year flood elevation and as a result this project does not encroach upon the base floodplain.

- Category 2:

  This project will not involve the replacement or modification of any existing drainage structures or the addition of any new drainage structures. As a result, this project will not affect flood heights or floodplain limits. This project will not increase flood risks or damage, and it will not adversely affect existing emergency services or emergency routes, therefore, it has been determined that this encroachment is not substantial.

- Category 3:

  The modifications to drainage structures included in this project will result in an insubstantial change in their capacity to carry flood water. This change could cause a minimal increase in flood heights and flood limits. These minimal increases will not result in any substantial adverse impacts on the natural and beneficial floodplain values; they will not result in substantial change in flood risks or damage; and they do not have substantial potential for interruption or termination of emergency service or emergency routes; therefore, it has been determined that this encroachment is not substantial.

- Category 4 – If no substantial impacts are predicted then the following comment will be included:

  (#) homes are located within the base floodplain within 1000 feet upstream and *(#)* homes are located within the base floodplain within 1000 feet downstream. The proposed structure will have an effective capacity such that backwater surface elevations are not expected to substantially increase. As a result, there will be no substantial adverse impacts on natural and beneficial floodplain values; there will be no substantial change in flood risks; and there will be no substantial increase in potential for interruption or termination of emergency service or emergency evacuation routes; therefore, it has been determined that this encroachment is not substantial. **Include the following, if applicable:** A hydraulic design study that addresses various structure size alternatives will be completed during the preliminary design phase. A summary of this study will be included with the Field Check Plans.

- Category 5 – If the evaluation finds no substantial encroachment to the floodplain, include the following statement:

There will be no substantial impacts on natural and beneficial floodplain values; there will be no substantial change in flood risks; and there will be no substantial increase in potential for interruption or termination of emergency service or emergency evaluation routes; therefore, it has been determined that this encroachment is not substantial. **Include the following, if applicable:** A hydraulic design study that addresses various structure size alternatives will be completed during the preliminary design phase. A summary of this study will be included with the Field Check Plans.

The appendix must contain the appropriate floodplain maps and the hydraulic design study, if performed. Discuss resource agencies comments that are specific to floodplains. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.4.3 Farmland

Background

Congress passed the Agriculture and Food Act of 1981 containing the Farmland Protection Policy Act (FPPA). The FPPA is intended to minimize the impact federal programs have on the irreversible conversion of farmland to nonagricultural uses. It assures that, to the extent possible, federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. For the purposes of FPPA, farmland includes lands with soils that are identified as prime and unique or of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, or other land. All land which is not submerged or urbanized is subject to FPPA requirements. Be aware that there may be discrepancies between zoning and FPPA requirements. Be sure to review what counts or does not count specifically in the Act.

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. Refer to the FPPA for further guidance.

Process

If the project meets the applicability of the FPPA, coordination with the Natural Resources Conservation Service (NRCS) must occur. The NRCS uses a land evaluation and site assessment system to establish a farmland conversion impact rating score on proposed sites of federally funded and assisted projects. This score is used as an indicator for the project sponsor to consider alternatives if the potential adverse impacts on the farmland exceed the recommended allowable level.

The NRCS uses two forms, NRCS-CPA-106 and NRCS-AD-1006. The instructions for when each one is to be used is listed on the appropriate form. Only one form needs to be submitted to NRCS. If there is any question as to which form to use, the INDOT EPO should be contacted for guidance.

Parts I and III of either form will be completed by the preparer and sent to the NRCS, which will determine whether the site of the proposed project contains prime, unique, statewide, or locally important farmland. For sites where farmland covered by the FPPA will be converted by the proposed project, the NRCS will complete Parts II, IV, and V of the form. The NRCS will return the form to the preparer, who then will complete Parts VI and VII of the form and return the form with the final selected site to the NRCS.

Information

The completed Form, either NRCS-AD-1006 or NRCS-CPA-106, as appropriate, must be attached to the CE. The discussion box should describe existing farmland resources in the project area, impacts on farmland, and mitigation and minimization measures considered. For projects that result in an AD-

1006/CPA-106 score of 160 points or greater, additional coordination with the NRCS should be initiated to determine if avoidance or minimization measures will be required.

Discuss resource agencies comments that are specific to farmland. The comments should be summarized. Efforts to avoid and minimize impacts should be noted, as well as any mitigation that will be required due to unavoidable impacts. List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.5 Section D – Cultural Resources

4.3.5.1 Background

Cultural resources are any prehistoric or historic remains or indicators of past human activities, including artifacts, sites, structures, landscapes, and objects of importance to a culture or community for scientific, traditional, religious, or other reasons.

Section 106 of the National Historic Preservation Act (NHPA) and the associated regulations (36 CFR 800), promulgated by the Advisory Council of Historic Preservation (ACHP), requires Federal agencies to take into account the effect of federal undertakings on historic properties and provide the ACHP an opportunity to comment on the undertaking. Additional information regarding Section 106 can be found in the FHWA Environmental Toolkit and the *Indiana Department of Transportation Cultural Resources Manual (CRM)*.

In addition, Indiana has several state laws that protect cultural resources. IC 14-21-1-18, requires that a Certificate of Approval be obtained from the State Historic Review Board before altering, demolishing, or removing a historic site or historic structure owned by the state; or historic site or historic structure listed on the state or national register, in whole or in part, using state funds. IC 14-21-1-26.5 requires that a development plan be prepared and approved by the Department of Natural Resources' Division of Historic Preservation and Archaeology (DHPA) for most activities that disturb ground within 100 feet of any burial ground. An overview of state laws and specifications can be found in Part III of the CRM. These regulations apply to all projects in the state.

The resources addressed by Section 106 are also protected under Section 4(f) of the USDOT Act of 1966; however, these two laws use independent and complementary approaches to provide this protection. Section 106 is a procedural law which requires all federal agencies to evaluate the effect of federal undertakings on historic properties and which gives the ACHP an opportunity to comment on the undertaking. Section 4(f) is a substantive law that only applies to activities that are approved or funded by USDOT agencies, including the FHWA. Section 4(f) requires the consideration of avoidance alternatives and, if there are no feasible and prudent alternatives to using the resource, requires that harm to the resource be minimized and mitigated.

The FHWA-Indiana Division (FHWA-IN) Section 106 Consultation Procedures (CRM) explain how to implement these regulations for the FHWA projects in Indiana. It is important to note that the preparer of the Section 106 documentation must meet minimal professional qualification standards. These can be found in 36 CFR 800.2(a)(1). See the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation for more information.

NEPA documentation cannot be finalized until the Section 106 process is completed, which means that Section 106 is often the critical path to completing CE projects. The process can take a little as two weeks for very simple projects that are reviewed by INDOT's Cultural Resource Office (INDOT CRO) that qualify for programmatic agreements or over a year for complex projects with multiple impacts. Therefore, the Section 106 process should be initiated as early as possible.

4.3.5.2 Process

The CRM was prepared by INDOT CRO in cooperation with the FHWA-IN and the DHPA. To the extent that Section 106 allows, the FHWA has delegated to INDOT and consultants the ability to conduct Section 106 coordination with the Indiana State Historic Preservation Officer (SHPO) and consulting parties. SHPO is an automatic consulting party. Section 106 must be completed for all Federal-aid undertakings, and the public must be given an opportunity to comment on the undertaking's effect on historic properties before the environmental document is completed. The outcome of the Section 106 process is a finding that describes the effect of the project on specifically identified historic properties. A historic property may be a structure, a collection of structures (such as a historic district), a geographic location, or an archaeological site.

FHWA is the lead federal agency for Section 106. The FHWA-IN, INDOT, SHPO, and ACHP have developed two major programmatic agreements (PAs) to streamline the Section 106 process. The first addresses historic bridges (Historic Bridge Programmatic Agreement (HBPA)) and the second (*Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana*) addresses certain categories of transportation projects and the responsibilities that FHWA has delegated to INDOT. The preparer of the Section 106 documentation should review the project scope early in the NEPA process to determine whether these programmatic agreements apply or whether the full Section 106 process is required. The CRM describes the essential steps for completing the Cultural Resource Section.

4.3.5.3 Information

Check all appropriate boxes to show which cultural resource documents were produced for the project.

If the project falls under Category A or Category B of the MPPA, in the discussion box, identify all of the categories that the project falls under along with the description of the category. For Category B of the MPPA, also include when the project was reviewed by INDOT CRO and any commitments associated with the Minor Projects PA Project Assessment Form.

If the project falls under Category A of the MPPA, in Appendix D of the CE/EA Document Form, include the appendix page from the MPPA with the appropriate category highlighted.

If the project falls under Category B of the MPPA, in Appendix D of the CE/EA Document Form, include the Minor Projects PA Project Assessment Form that was provided by INDOT CRO.

If the project went through Full Section 106 consultation, in the discussion box, include the appropriate discussions under these headings:

- Description of the Area of Potential Effect;
- Coordination with Consulting Parties;
- Archaeology (include the conclusions of the archaeology report);
- Historic Properties (include a description of each above-ground historic property and whether it is listed on or eligible for inclusion in the National Register);
- Documentation and Findings (summarize and provide submittal dates for the following: the finding and associated documentation, all correspondence with the SHPO and INDOT, and options considered to minimize harm and potential mitigation or enhancements). If applicable, include the executed Memorandum of Agreement to resolve adverse effects; and
- Public Involvement (include the date the legal notice was published and whether any comments were received from the public or consulting parties, especially objections).

The following should appear in Appendix D to the CE/EA Form:

- The FHWA approved APE, Eligibility determinations, and Effect finding. Include the date of each determination on the CE form;
- Documentation that supports the effect finding;
- If the FHWA has made an "Adverse Effect" finding, then attach a copy of the fully signed Memorandum of Agreement. Include the date the MOA was fully signed on the CE form;
- Summary of Archaeology report (This would include the title page, executive summary, and conclusion, and site-specific information about probes and specific archaeological finds. Retain the entire report in the project file but do not include in the CE);
- Summary of Historic Properties report (This would include the title page, executive summary, and conclusion. Retain the entire report in the project file but do not include in the CE);
- All correspondence with consulting parties, SHPO, FHWA, and INDOT, including the outgoing invitation to consulting parties; and
- The affidavit of publication of the legal notice advertising the finding of effect and a copy of the notice.

Be certain that specific locations of archaeological sites are not included in the CE document or other public documents.

List all applicable commitments in Part IV (Environmental Commitments) and in the commitments database. If the effect is adverse, the stipulations from the memorandum of agreement must be included in exact wording. Refer to the *Procedural Manual for Preparing Environmental Documents* and the *Indiana Cultural Resources Manual* for more information on Section 106. Describe any additional archaeological work, such as excavations for data recovery, which may be completed after completing Section 106 or NEPA.

4.3.6 Section E – Section 4(f) and Section 6(f) Resources

4.3.6.1 Section 4(f)

Background

Section 4(f) of the U. S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible and prudent alternative. The law applies to significant publicly owned parks, recreation areas, and wildlife/waterfowl refuges, and National Register eligible or listed historic properties. Lands that are subject to this law are called Section 4(f) resources. Each Section 4(f) resource has certain activities, features, and attributes that make it eligible for protection.

Land from a Section 4(f) resource may be used directly by permanent or temporary occupancy, or indirectly through constructive use. Direct use converts the land to a transportation facility through permanent easement or purchase. Constructive use occurs if the proximity of the project to the Section 4(f) resource substantially impairs the activities, features, and attributes of the land that make it eligible for protection. Before selecting an alternative that uses a Section 4(f) resource, the project sponsor must demonstrate that there is no feasible and prudent alternative to using land from the Section 4(f) resource, constructively impacting the resource and that they have engaged in all possible planning to minimize harm to the resource. This decision should consider input from other federal agencies that have an interest in the property (e.g., Department of the Interior, U.S. Department of Housing and Urban Development).

The preparer evaluates any proposed use of a Section 4(f) resource for conformity with the law, and the evaluation document is submitted to the FHWA for approval. Some common uses of Section 4(f) resources can be documented and evaluated through one of five programmatic agreements discussed below. Very minor uses may qualify for a *de minimis* finding when the use does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).

Documentation of these Section 4(f) impacts are contained in the CE document. Uses that do not meet the criteria for a programmatic evaluation or a *de minimis* finding must be documented with an individual Section 4(f) evaluation, which is separate from the CE document.
Section 4(f) involvements may occur in any project. There are various exceptions to the requirement for Section 4(f) approval including temporary occupancy, transportation enhancement, Recreational Trails Program (RTP) projects, and others. Please refer to 23 CFR 774.13 for a list of exceptions.

Process

The preparer must search for Section 4(f) resources on all projects and resolve or document any use. The following steps are recommended to locate Section 4(f) resources:

1. Inventory possible Section 4(f) resources:
   a. Determine the location of all parks, playgrounds, playing fields, wildlife and waterfowl refuges, and other recreational areas in the project vicinity from site visits, aerial photographs, and through the Red Flag Investigation within the project vicinity.
   b. Examine results of early coordination, especially from federal, state, and local government agencies for indications of possible Section 4(f) resources.
   c. Determine the location of all National Register listed, eligible, or apparently eligible properties in the project vicinity from the Section 106 process.
   d. Note the location of publicly owned parcels from the landowner records used for Notices of Survey (NOS).

2. Determine whether Section 4(f) applies:
   a. Determine whether the project will use land from the resource, either permanently or temporarily.
   b. Determine the amount and location of land that will be used, including constructive use.
   c. Determine whether the park, recreational, and refuge lands are publicly owned.
   d. Obtain written confirmation of significant public use from the official(s) with jurisdiction over park, recreational, and refuge lands. For historic properties, the official with jurisdiction is the State Historic Preservation Officer (SHPO).

If a Section 4(f) resource will be impacted by a project, the preparer should refer to the *Procedural Manual for Preparing Environmental Documents* for detailed information on how to proceed and the FHWA Section 4(f) Policy Paper. Additional information is also available on the FHWA Section 4(f) webpage.

If one or more Section 4(f) resources may involve a use, the preparer generates a range of alternatives that must include avoidance and should include alterations to the project's configuration, features, and right-of-way requirements. The preparer and designer then evaluate the alternatives for feasibility and prudence and demonstrates that harm to the resource has been minimized. Minimization of harm includes modifying the design to reduce impacts and mitigation to compensate for residual impacts. Selection of the alternative that does the least overall harm to the 4(f) resource or demonstration of infeasibility or lack of prudence must be provided.

Five programmatic evaluations are available for impacts to the following Section 4(f) resources:

1) Section 4(f) Statement and Determination for Independent Bikeway or Walkway Construction Projects
2) Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges
3) Final Nationwide Section 4(f) Evaluation and Approval for Federally-Aided Highway Projects with Minor Involvements with Historic Sites

4) Final Nationwide Section 4(f) Evaluation and Approval for Federally-Aided Highway Projects with Minor Involvements with Public Parks, Recreation Lands, Wildlife and Waterfowl Refuges

5) Nationwide Programmatic Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property

In addition, a *de minimis* finding may be used when the use does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). Guidance on how to apply these programmatic evaluations and on proposing a *de minimis* finding may be found in the *Procedural Manual for Preparing Environmental Documents* and on the FHWA's Section 4(f) website.

Most impacts from CE-level projects can be documented with one of the programmatic evaluations or a *de minimis* finding. An individual evaluation is required less frequently than the previously mentioned types.

The preparer's activities to satisfy Section 106 of the National Historic Preservation Act will provide some useful information for satisfying the requirements of Section 4(f) for historic properties, but the outcome of Section 106 does not control the outcome of Section 4(f). A project may have an adverse effect on a historic property under Section 106 but, if it does not take land from the property, may not be considered a Section 4(f) use. Conversely, a project that has a "No Adverse Effect" finding under Section 106 may take land from that property, and therefore may be a Section 4(f) use.

Application of the Indiana Section 106 Historic Bridge Programmatic Agreement or a Section 106 memorandum of agreement for mitigating an adverse effect under Section 106 is required for applying the historic sites and historic bridges programmatic Section 4(f) evaluations. If there is a Section 4(f) use of a historic property, a Section 106 finding of "No Adverse Effect" qualifies the impact for a *de minimis* finding. Section 106 and the application of a programmatic Section 4(f) evaluation are documented simultaneously.

Each Section 4(f) evaluation must be reviewed by ESD and approved by FHWA. The documentation submitted to ESD for review varies with the type of evaluation. For a programmatic evaluation, the preparer documents the evaluation in the appropriate sections of the CE including supporting documentation as part of the CE submittal. For a *de minimis* finding, the preparer documents the evaluation in the appropriate sections of the CE including supporting documentation, which includes concurrence from the official(s) with jurisdiction and documentation of satisfying the public involvement requirement, as part of the CE submittal. The CE and the Section 4(f) evaluation are submitted concurrently. FHWA approval of the CE also provides their concurrence with the programmatic evaluation or issuance of a *de minimis* finding.

For an individual evaluation, the preparer submits to ESD a draft Section 4(f) document in the format required by FHWA. ESD provides the documentation to FHWA for their review. Once the draft is deemed satisfactory, FHWA will provide the draft Section 4(f) document to the Department of Interior (DOI) for comment. Upon receiving DOI comments and/or concurrence, the final Section 4(f) document can be completed and submitted to ESD. ESD will provide the final Section 4(f) document to FHWA for legal sufficiency determination. The individual evaluation is required to be completed prior to CE approval. Please note, an individual evaluation does take up to 12 months to complete and should be accounted for in the project schedule.

Early acquisition from a Section 4(f) resource cannot occur until the Section 4(f) evaluation has been completed.

Information

Section 4(f) resource involvement is documented in the Section 4(f) section, in the alternatives section, and in the project description. Within the Section 4(f) section, the preparer indicates which type of

Section 4(f) evaluation applies by selecting the appropriate check box and thoroughly describes the following in the discussion box:

- Section 4(f) properties near the project, whether affected or not. This inventory will assist the designer and environmental staff in determining impacts if the project footprint changes after the CE is approved;
- Impacts to Section 4(f) resource should be described in detail and whether it is a use of a Section 4(f) resource. If the project met an exception, the preparer should specifically discuss how the project met the specific exception and how this is not a Section 4(f) use;
- Discuss and summarize all Section 4(f) evaluations (*de minimis*, programmatic, or individual);
- Discuss any correspondence or public involvement that occurred for Section 4(f) resources; and
- Summarize any specific Section 4(f) commitments

The appendices should include all applicable documentation, including the following:

- Any plans and photographs of the 4(f) property that show how the property may be affected. Include property lines on these plans;
- Section 4(f) alternatives analysis/individual evaluation;
- Correspondence and concurrence from the official(s) having jurisdiction regarding their views with respect to assessment of effects and mitigation;
- Section 4(f) public notice and comments, if required; and
- Coordination correspondence, if required.

Project alternatives described in the preferred alternative section and the other alternatives section must include all alternatives evaluated under Section 4(f) and the descriptions should state whether and how much impact the project will have on Section 4(f) resources.

Summarize any applicable commitments in Part IV (Environmental Commitments) and in the commitments database. Please note, advanced acquisition of a Section 4(f) property cannot occur until the Section 4(f) evaluation is complete.

4.3.6.2 Section 6(f)

Background

Section 6(f) resources are lands that were purchased with or improved using funds from the Land and Water Conservation Fund (LWCF). The fund was created through the Land and Water Conservation Fund Act of 1965 to preserve, develop and assure accessibility to outdoor recreation resources, and to strengthen the health and vitality of the public. These public recreation lands are to be maintained for public outdoor recreation use. The program is administered by the National Park Service (NPS) at the national level and by the Indiana Department of Natural Resources (IDNR) Division of Outdoor Recreation at the state level. Refer to the IDNR Division of Outdoor Recreation's LWCF website for more details.

Section 6(f) of the act prohibits the conversion of LWCF lands unless the NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value. The Section 6(f) regulations may be found at 36 CFR 59.

Process

To document all potential involvements of Section 6(f) properties, all publicly owned land within or adjacent to the project area should be examined for LWCF involvement as early as possible in project development. IDNR Division of Outdoor Recreation keeps records on properties that have benefited from LWCF funds. Rather than blanketly sending early coordination letters to the IDNR Division of Outdoor Recreation or the NPS, first determine if the project area contains a park or other public recreation land (i.e., trail, boat launch, fishing pier, and so forth). A list of LWCF properties is available on INDOT's Environmental Policy Office webpage. Review the list and if a LWCF facility is present contact the IDNR Division of Outdoor Recreation (rather than the NPS) to determine if there will be a conversion. IDNR will provide the nature and location of the LWCF parcels or improvements as well as information on the application of Section 6(f) conversion restrictions to the property.

Projects that take land from a Section 6(f) property must meet certain prerequisites before a conversion request will be considered by the NPS. The following must be documented for the NPS and the applicable documentation must appear in the CE document.

- All practical alternatives to the conversion (such as avoidance) have been evaluated and rejected on a sound basis;
- The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by an approved appraisal;
- The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted, and the property proposed for substitution meets the eligibility requirements for LWCF-assisted acquisition as determined by the NPS and IDNR coordination;
- Environmental investigative documentation, such as Section 106, Section 4(f), etc., needs to be completed for the conversion land and the replacement site;
- For federally funded projects, all necessary coordination with other federal agencies has been satisfactorily accomplished including, for example, compliance with Section 4(f);
- The proposed conversion and replacement are in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and/or equivalent recreation plans; and
- The acquisition complies with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.
-

ESD should be contacted early in the process for additional guidance if a Section 6(f) conversion is proposed. It is at the NPS discretion to approve or deny conversion of LWCF property. Section 6(f) requirements must be completed before the environmental document is approved. Please note, a Section 6(f) conversion will take time (frequently over a year or longer) to complete and should be accounted for within the project schedule.

Information

The discussion box should describe the process by which the preparer determined whether the project will involve Section 6(f) resources, including all sources consulted. If the project will convert land from a Section 6(f) resource, the preparer describes the conversion land and the replacement site, measures to comply with the conversion requirements, and consultation that occurred. Provide all applicable documentation in the appendices.

Summarize any commitments in Part IV (Environmental Commitments) and in the commitments database.

4.3.7 Section F – Air Quality

4.3.7.1 Background

The Clean Air Act (CAA) and later amendments were enacted to protect public health and welfare by controlling air pollution and to assist state and local governments with air pollution prevention programs. The two aspects of the CAA regulatory program that are important for transportation projects are the regulation of air quality and the regulation of mobile sources of specific toxic substances. Air quality regulation is primarily concerned with six major pollutants, called criteria pollutants, which are controlled by programs implemented at the state level. Mobile source air toxics are also regulated under the CAA to protect human health and the environment.

Regulatory requirements of the CAA apply to CEs. The preparer of the document will record existing documentation in regard to the criteria pollutants and the conformity status of the project. The preparer will also identify any additional requirements beyond conformity (hot spot analyses and mobile source air toxics analyses) that may be applicable to the project.

Criteria Pollutants and Conformity - The CAA established six criteria pollutants and required the Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for these criteria pollutants.

Criteria pollutants are those that adversely affect human health and welfare. The primary NAAQS for each pollutant is set at levels to ensure adequate protection of public health. The criteria pollutants are:

Pollutant Name	Chemical Abbreviation
Carbon Monoxide	CO
Ozone	O_3
Particulate Matter (Coarse and Fine)	PM_{10} (Coarse) and $PM_{2.5}$ (Fine)
Nitrogen Dioxide	NO_2
Lead	Pb
Sulfur Dioxide	SO_2

Three of the criteria pollutants, CO, O_3, and PM, have mobile sources. NO_2 is a transportation-related pollutant and has been included in the regulations of nitrous oxides, which are precursor pollutants for O_3. The remaining two criteria pollutants, Pb and SO_2, are not transportation-related pollutants but may have to be considered in other environmental analyses for transportation projects.

The CAA established three designations for geographic areas based on ambient air quality conditions observed for each criteria pollutant:

- Nonattainment Area: areas that currently exceed the NAAQS for a criteria pollutant;
- Maintenance Area: areas that were designated as nonattainment in the past but have since met the NAAQS for the exceeded criteria pollutant and have a maintenance plan in place; and
- Attainment Area: areas that have never exceeded the NAAQS for any of the six criteria pollutants

The Indiana Department of Environmental Management (IDEM) develops a plan that demonstrates how the state will attain and maintain compliance with NAAQS. This plan, called a State Implementation Plan (SIP), must be reviewed and approved by the EPA.

The SIP provides implementation and enforcement of emission control measures for all sources of criteria pollutants. The SIP contains an inventory of emission sources, an emissions budget for the on-road sources of each pollutant, and transportation control measures for these on-road sources. The

transportation planning organizations determine whether proposed improvements are consistent with the motor vehicle emissions budgets in the SIP. This is called **conformity**.

Metropolitan Planning Organizations (MPOs) are the regional organizations responsible for comprehensive transportation planning and programming in urbanized areas, with the cooperation of state and local jurisdictions. Two MPO planning documents are involved in the conformity process. The Transportation Plan (TP) is the official intermodal metropolitan transportation plan developed through the metropolitan planning process for the metropolitan planning area. The TP is a long-range, federally required 20-year planning document. The Transportation Improvement Program (TIP) is a staged, four-year intermodal program of transportation projects that covers the entire MPO planning area and is consistent with the TP. All funded projects within the boundary of the MPO must be included in the TIP. The Indiana Statewide Transportation Improvement Program (STIP)) contains all of the various MPO TIPs and covers four years of transportation projects.

Transportation Conformity, requires MPOs and FHWA to determine that TPs and TIPs conform to the SIP, including meeting the emissions budget and the implemented schedule of Transportation Control Measures (TCMs) established in the SIP for air quality. Conformity determinations for projects located in isolated rural areas (nonattainment or maintenance areas that do not have a MPO and are not included in the regional emissions analysis) are the responsibility of the project sponsor.

In addition to this planning-level conformity, individual projects must also be in conformity. The project-level conformity process takes place during the NEPA process and ensures that federal funding and/or approval are only given to projects that are consistent with air quality goals. The conformity process ensures that transportation projects do not create any new violations, increase the frequency or severity of existing violations, or interfere with the purpose of the SIP, which is to meet the EPA standards for air quality.

Project-level conformity applies to nonexempt projects located in nonattainment or maintenance areas that receive federal funds/approval and are not exempt. Exempt projects are those that maintain existing transportation facilities or improve mass transit or air quality and have a neutral impact on air quality (refer to the *Procedural Manual for Preparing Environmental Documents* for more information). A project-level conformity determination is required prior to the approval of any environmental document. Only the project's long-term impact on air quality is considered unless any phase of construction will last longer than five years. In this case, temporary impacts due to construction must be evaluated as well.

The conformity regulations impose a four-year time limit on project-level conformity determinations. Conformity will have to be re-determined unless one of the following has occurred within four years of the original conformity determination:

- NEPA process completion;
- Start of final design;
- Acquisition of a significant portion of right-of-way;
- Approval of the plans, specifications, and estimates; and
- Construction.

If the project has undergone significant change in design concept and scope since the conformity determination, or if the project requires supplemental environmental documentation for air quality purposes, a new conformity determination is required.

Nonattainment or maintenance areas for CO or PM may also be required to demonstrate that no new localized violations of these pollutants will result from project implementation.

South Coast II - The 1997 Ozone 8-Hour standard was revoked on April 6, 2015. Based on the South Coast Air Quality Management District v. Environmental Protection Agency Decision (referred to as "South Coast II") on February 16, 2018, areas that were not shown to conform to the 1997 standard and were not identified as being nonattainment for any subsequent Ozone NAAQS will need to show conformity. The areas affected by this decision have all completed their initial conformity determinations. If your project is not specifically exempted from conformity, coordination with the appropriate MPO may be necessary prior to project approval to ensure the project is in a conforming TIP, see the process below for ensuring conformity. Greene and Jackson counties are also affected by this decision. If the project is nonexempt within these two counties, see the process below for ensuring conformity.

4.3.7.2 Process

The air quality analysis that is required during the environmental process will vary considerably in content and in level of detail from one project to another based on the scope, size, geographic location, background conditions and anticipated impacts.

The first step in the transportation conformity process is to determine whether the project is in a nonattainment or maintenance area (refer to either the EPA or IDEM webpages for current attainment status). ESD recommends going to the EPA webpage as the standards are national standards. The next step is to determine if the project is exempt from a conformity determination (refer to the *Procedural Manual for Preparing Environmental Documents* for more information). Although they do not have to show conformity, exempt projects with federal funding must be included in the TIP/STIP for a MPO area (STIP only for areas outside of an MPO). For larger projects, air quality impacts should be considered during the environmental process regardless of the attainment status of the area.

If the project is not exempt from conformity, the next step is to determine if the project is part of a conforming TP and TIP. The project must be accurately reflected in both documents. For projects located within a MPO boundary, the MPO will determine if the project is included in the TP and TIP. If a nonexempt project is in an isolated rural area, the project sponsor is responsible for obtaining the conformity determination during the environmental process. See the *Procedural Manual for Preparing Environmental Documents* for more information.

If the project is nonexempt and is not included in the conforming TP and TIP, the project will need to be amended into the MPO's TP and TIP (if programmed within 4-year horizon of TIP) before conformity determination can be given. It is important to identify these changes early because the amendment process can take time to complete. Each MPO has their own schedule for updating the TP and TIP and any revisions will have to wait until the next scheduled revision. The NEPA document cannot be approved until the project is in a conforming TP and TIP (if phase is programmed within the 4-year horizon of the TIP). The project must also be listed in the STIP.

4.3.7.3 Information

Indicate in the discussion box the attainment status of the county in which the project is located and whether the project is exempt from a conformity determination. Discuss inclusion in the TIP and STIP as applicable. Include the date of the appropriate STIP approval/amendment. All projects must be in the STIP, and if the project is within and MPO, it must also be included in the appropriate TIP. Provide in the appendix copies of the applicable TIP/STIP pages and reference these pages.

4.3.7.4 Hot Spot Analyses for Criteria Pollutants

Background

A hot spot analysis, as defined in 40 CFR 93.101, is an estimation of likely future localized $PM_{2.5}$, PM_{10}, or CO pollutant concentrations and a comparison of those concentrations to the relevant air quality standards. A hot spot analysis assesses the air quality impacts of criteria pollutants on a scale smaller

than an entire nonattainment or maintenance area. Such an analysis is a means of demonstrating that a transportation project meets the CAA conformity requirements to support state and local air quality goals with respect to potential localized air quality impacts.

Hot spot analyses are required for all nonexempt projects located in CO nonattainment or maintenance areas. For projects located in PM nonattainment or maintenance areas, a hot spot analysis is required for all projects of air quality concern. See Flowchart 13 Air Quality Conformity to determine when a hot spot analysis is required

Process

It is the project sponsor's responsibility to determine if a hot spot analysis is required, ensure that the consultation requirements are completed, complete the hot spot analysis and include the results in the NEPA document. See the *Procedural Manual for Preparing Environmental Documents* for more information.

Information

In the discussion box, indicate if a hot spot analysis is required and the reasoning for the decision. If a hot spot analysis is required, include a summary of the analysis in the discussion box, public involvement requirements, and the study in the appendix.

4.3.7.5 Mobile Source Air Toxics (MSAT)

Background

The CAA identified a large number of air toxics, also known as hazardous air pollutants of which EPA has identified 21 as mobile source air toxics (MSATs). These are set forth in a 2007 EPA final rule, Control of Emissions of Hazardous Air Pollutants from Mobile Sources. The EPA also extracted a subset of this list that the FHWA labels as the six priority MSATs, which are benzene, formaldehyde, acetaldehyde, diesel particulate matter, acrolein, and 1,3-butadiene.

All projects are subject to MSAT analysis to determine whether the project will increase the public's exposure to these substances. Depending on the specific project circumstances, the FHWA has identified three types of analysis:

1. An analysis is not required for projects with no potential for meaningful MSAT effects;
2. A qualitative analysis is required for projects with low potential MSAT effects; and
3. A quantitative analysis to differentiate the alternatives is required for projects with a higher potential to have MSAT effects

Process

Flowchart 14 Air Quality-MSATs provides the steps necessary to determine what level of analysis is required for the proposed project. Each level of analysis requires differing amounts of documentation and effort, as is indicated in the flowchart. Most projects that are appropriate to document as CEs require only the first level of analysis because they do not have the potential for meaningful effects on MSATs. Such a project qualifies as a CE 1 or CE 2, is exempt from conformity as described above, or does not alter traffic volumes or the vehicle mix. If a project does not meet one of these criteria, the CE preparer must provide either a qualitative or quantitative analysis. More information on these analyses is available in the *Procedural Manual for Preparing Environmental Documents*.

Information

Include the appropriate MSAT standard language for the analysis type in the discussion box. For projects that are documents as CE level 1 or level 2, or that are exempt from conformity, use the following language:

> This project is of a type qualifying as a categorical exclusion (Group 1) under 23 CFR 771.117(c), or exempt under the Clean Air Act conformity rule under 40 CFR 93.126, and as such, a Mobile Source Air Toxics analysis is not required.

For projects that have no meaningful impacts on traffic volumes or vehicle mix, use the following language:

> The purpose of this project is to (insert major deficiency that the project is meant to address) by constructing (insert major elements of the project). This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.
>
> Moreover, Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA's MOVES2014 model forecasts a combined reduction of over 90 percent in the total annual emissions rate for the priority MSAT from 2010 to 2050 while vehicle-miles of travel are projected to increase by over 45 percent. This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project.

See the FHWA Air Quality webpage for information on how to complete the discussion box for a CE or EA project that requires a qualitative or quantitative analysis MSAT analysis.

4.3.8 Section G – Noise

4.3.8.1 Background

The Federal Highway Administration's (FHWA) noise regulations (23 CFR 772) and the current *Indiana Department of Transportation Traffic Noise Analysis Procedure* require the determination and consideration of traffic noise impacts for what are called Type I projects. Type I projects are defined in 23 CFR 772.5 as consisting of one or more of the following:

1) The construction of a highway on a new location; or,
2) The physical alteration of an existing highway where there is either:
   a. Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition; or,
   b. Substantial Vertical Alteration. A project that removes shielding, and therefore exposes the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or,
3) The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a High-Occupancy Vehicle (HOV) lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or,
4) The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or,
5) The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or,

6) Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or,
7) The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza.

All Type I projects require the completion of a noise analysis as part of the NEPA process. **If a portion of the project is determined to be a Type I project under the definition above, then the entire project as defined in the environmental document is a Type I project.**

A Type II program is a priority system designed to evaluate and construct noise barriers independently of a Type I project. A Type II program is not mandatory per 23 CFR 772.7(d). As described in the *Indiana Department of Transportation Traffic Noise Analysis Procedure*, INDOT does not have a Type II program.

A project that does not meet the classifications of a Type I project is a Type III project. Type III projects do not require a noise analysis.

4.3.8.2 Process

The first step is to determine whether the project is a Type I project by consulting with the Environmental Services Division (ESD). All noise analyses must follow the guidelines set by both the *Indiana Department of Transportation Traffic Noise Analysis Procedure* and the FHWA regulations. Refer to the *Procedural Manual for Preparing Environmental Documents* for guidance on information that must be included in the noise analysis and Flowchart 14 in Appendix D for submission timelines.

The preparer should contact the ESD to determine whether a noise analysis is required and to coordinate the noise study. Noise analyses for INDOT sponsored projects are to be submitted to the ESD for approval prior to the CE being reviewed or approved.

LPAs are responsible for completing a noise analysis for their projects during the NEPA phase. Noise analyses and abatement recommendations for LPA sponsored projects are to be submitted to the ESD prior to submitting the CE to reduce potential delays during the CE review and approval process. ESD will review the report for technical sufficiency but will not approve nor deny any recommendations or decisions regarding abatement.

4.3.8.3 Information

If a noise analysis is not required, include the following statement in the discussion box of the CE document:

> This project is a Type III project. In accordance with 23 CFR 772 and the current *Indiana Department of Transportation Traffic Noise Analysis Procedure*, this action does not require a formal noise analysis.

If a noise analysis is required, include the following information in the discussion box of the CE:

- The number of receptors identified and the appropriate Noise Abatement Category;
- The existing and future noise levels predicted;
- The number of impacted receptors;
- Mitigation measures (if applicable); and
- Statement of Likelihood.

Type I projects for which no noise impacts are identified will include the following statement in the NEPA document and in the conclusion of the noise analysis.

> Based on the studies completed to date, the [*Project Sponsor*] has identified no impacted receptors. As a result, noise abatement was not evaluated. This noise analysis was based on preliminary design criteria. A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed and noise impacts are identified, noise abatement will be evaluated at that time as to whether it is feasible and reasonable.

Type I projects for which abatement is proposed will include the following statement in the NEPA document and in the conclusion of the noise analysis. Information in italics must be provided for each common noise environment.

> Based on the studies completed to date, the [*Project Sponsor*] has identified [*number*] impacted receptors and has determined that noise abatement is likely, but not guaranteed, at [*number]* locations. Noise abatement at these locations is based upon preliminary design costs and design criteria. Noise abatement in these locations at this time has been estimated to cost [*Total Cost for Each Common Noise Environment*] and will reduce the noise level by a minimum of 7 dB(A) at a majority of the identified impacted receptors. A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed such that noise abatement is not feasible and reasonable, the abatement measures might not be provided. The final decision on the installation of any abatement measure(s) will be made upon the completion of the project's final design and the public involvement processes.
>
> The viewpoints of the benefited residents and property owners were sought and were considered in determining the reasonableness of highway traffic noise abatement measures for proposed highway construction projects. [*Project Sponsor*] will incorporate highway traffic noise consideration in on-going activities for public involvement in the highway program.

For Type I projects where noise impacts have been identified but noise abatement is not proposed, the following text should be included in the NEPA document and the noise analysis.

> Based on the studies thus far accomplished, the [*Project Sponsor*] has not identified any locations where noise abatement is likely. Noise abatement at these locations is based upon preliminary design costs and design criteria. Noise abatement has been not been found to be [*feasible or reasonable*] based on [*insert reason*]. A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed such that noise abatement is feasible and reasonable, the abatement measures might be provided. The final decision on the installation of any abatement measure(s) will be made upon the completion of the project's final design and the public involvement processes.

Additional activities after the approval of the NEPA document are described in the *Procedural Manual for Preparing Environmental Documents* and the *Indiana Department of Transportation Traffic Noise Analysis Procedure*.

4.3.9 Section H – Community Impacts

4.3.9.1 Regional, Community & Neighborhood Factors

Background

Transportation projects can impact communities in ways that are positive as well as negative. Although projects that qualify as categorical exclusions typically do not have profound effects on communities, reasonably foreseeable impacts must be assessed in the environmental document.

Local mobility, access, pedestrian and motorist safety, and emergency services may be affected by transportation projects both during and after construction. Other areas of potential impact to the character of a community include alterations to the movement of traffic, land use, or the streetscape. If these impacts are determined to be substantial, the project should be elevated to an EA or EIS.

Rarely, CE level projects may use Context Sensitive Solutions (CSS), which is a collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting. CSS incorporates feedback from the locals affected by the proposed project, encourages collaboration between neighborhoods and local, state, and federal officials, enhances roadway and transit communities, considers bicycle and pedestrian access needs, assists in the development of strategies for smart growth, and encourages assessments and design of alternatives consistent with local needs. For projects that will use CSS, more information on that can be found in the *Procedural Manual for Preparing Environmental Documents*.

Process

The process for gathering information about community impacts should be outlined in the project's public involvement plan by local planning and public works organizations, emergency service providers, elected officials, and the public can identify the project's impact to the community and measures to avoid, minimize or mitigate the impacts. The public involvement plan for the project should be designed and executed to engage these stakeholders early and throughout the project development process.

During implementation of the public involvement plan, the preparer should seek feedback from stakeholders to determine whether the project will impact community or neighborhood cohesion, the local tax base, property values, public facilities, community centers, community plans or other resources important to the community that may not be readily identifiable by someone unfamiliar with the community.

CSS requires an early and continuous commitment to public involvement, flexibility in exploring new solutions, and openness to new ideas. Community members play an important role in identifying local and regional problems and solutions that may better meet and balance the needs of all stakeholders. Early public involvement improves community acceptance of the project and can help reduce expensive and time-consuming revisions and thus contributes to more efficient project development.

Information

The reasonably foreseeable impacts described can be both positive and negative. In the discussion box, the preparer should describe local/regional development patterns and plans for the area. Describe the impacts on community cohesion. Describe how the project may impact the local tax base or property values. Discuss community events that may be impacted (for example festivals, fairs, and/or community special events) in the short-term during construction or long-term if the project changes community cohesion. If community events will occur in or near the project, describe commitments for coordination of timing of construction activities.

If CSS was implemented on the project, the environmental document should discuss what activities have occurred to satisfy the goals of CSS.

The preparer should describe measures that will be taken to avoid, minimize and/or mitigate impacts. Any commitments related to regional, neighborhood and community factors or to CSS should be contained in Part IV (Environmental Commitments) and in the commitments database. Include discussion on how the MOT might impact emergency services, schools, and utilities. Also, discuss the communities ADA Transition Plan and how this project is in conformity with this plan. Provide information on whether the community has a comprehensive plan and demonstrate conformity of this project with the comprehensive plan as well.

4.3.9.2 Public Facilities and Services

Background

Highway projects can impact several public services. The impacts may be direct impacts, such as taking right-of-way from a school, library or fire station, or indirect impacts to these facilities by affecting their ability to provide services. For example, a new freeway facility may impact the response time for emergency services due to the change to limited access and the closing of some local roads. These types of changes also can impact schools by requiring changes to their transportation plans associated with school bus routes. Maintenance of traffic decisions can also affect the response times of emergency services.

Process

Determine what effect the project could have on utilities; fire, police, emergency services; health, educational or public service facilities; religious institutions; airports; and pedestrian and bicycle facilities by working with the appropriate local officials. Emergency service providers should be contacted to determine changes in emergency routes and travel times or possible response delays. In addition, public transit impacts and school bus routes (including pick-up points) should be considered, and coordination should occur with the proper entities.

Information

In the discussion box, summarize any reasonably foreseeable impacts to public facilities and services and the coordination that occurred with the appropriate local officials. Include discussion of coordination with utilities and any known conflicts between the project and existing utility locations, or any proposed relocation of a known utility. Note any efforts to minimize or mitigate impacts to public facilities and services. If commitments are identified based on coordination, they should be included in Part IV (Environmental Commitments).

4.3.9.3 Environmental Justice

Background

Executive Order (EO 12898) entitled *Environmental Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* was signed on February 11, 1994. EO 12898 is primarily a reaffirmation of the principles of the Civil Rights Act of 1964 (Title VI). The major difference between EO 12898 and Title VI is that the executive order adds low-income populations when examining effects. Environmental justice issues are sometime referred to as Title VI issues even though they do not completely overlap.

An environmental justice (EJ) analysis is required for any project that may result in disproportionately high and adverse impacts on a minority or low-income population in or near the project area. Federal agencies are required by legislation and executive order to conduct their programs, policies and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies and activities do not have the effect of excluding persons from participation in, denying persons the benefits of, or subjecting persons to discrimination under, such programs, policies and activities because of their race, color or national origin. More information on EJ can be found in the *Procedural Manual for Preparing Environmental Documents*.

Process

The requirements for an EJ analysis depend on the level of document and the type of impacts. The preparer determines whether the project's effects are substantial enough to warrant demographic analysis by examining the extent of relocation and acreage impacts. In CE level documents, no analysis is required for projects that have fewer than two relocations or less than 0.5 acre of additional permanent right-of-way. An EJ analysis is required for projects that have two or more relocations or 0.5

acre or more of additional permanent right-of-way. Please note, all EAs and EISs require an environmental justice analysis.

If the number of relocations or the amount of additional acres of right-of-way exceeds one of the thresholds the preparer must analyze the demographics of the impacted community or communities in an attempt to detect concentrations of low-income populations and/or minority populations. In the special case of a property being purchased for a mitigation site, the standard demographic analysis will be required. However, since the purchase will be from a willing seller at fair market price, this acquisition will not be considered an adverse effect on the property owner.

Potential EJ impacts are detected by locating minority populations and low-income populations in and near the project area, calculating their percentage in the area relative to a reference population, and determining whether there will be adverse impacts to them.

The reference community is typically a county, city, town, or townships that contains the project and is called the community of comparison (COC). The community that overlaps the project limits is called the affected community (AC) typically in census tracts, block groups. If unsure, please contact ESD. Affected communities which are 50 percent or more minority or low-income are automatically considered EJ populations. For all other affected communities, an EJ population exists if the low-income population or minority population is greater than or equal to 125 percent of the COC.

The preparer defines the appropriate COC and ACs and downloads U.S. Bureau of the Census data for the appropriate analytical units. Instructions for downloading this data is available on INDOT's Environmental Policy Office webpage. The percent minority and percent low-income is computed for the COC and the ACs. The preparer then determines whether any of the ACs have a percent minority or percent low-income that is greater than or equal to 125 percent of the COC. The preparer also notes those populations that are 50 percent or more low-income or minority. These ACs are communities of concern for EJ impacts.

If the project has communities of concern for EJ, the preparer of the EJ analysis is required to consult with ESD to discuss whether there are disproportionately high and adverse impacts to populations of EJ concern. If a project has unavoidable impacts on an EJ population, ESD will consult with the FHWA and INDOT's Equal Opportunity Division.

EJ populations may also be located through the public involvement process and through early coordination. Local elected officials or planning organizations should be contacted to help identify minority or low-income populations that may be affected by the project. County human services departments, the Indiana Department of Economic Development, regional planning organizations, and public libraries have demographic and community information to aid in identifying minority or low-income populations within the study area. As part of executing the public involvement plan, the preparer should identify and work with any minority and/or low-income populations that might be affected by the project. Public involvement is a critical part of community outreach with EJ populations.

If EJ populations are identified, the preparer analyzes the activities that will take place in each community to determine whether any identified EJ populations will experience disproportionately high and adverse impacts relative to non EJ populations. If any disproportionate negative impacts are found, such as relocations or right-of-way acquisitions that are concentrated in a minority and/or low-income neighborhood, the project sponsor should determine whether the impacts can be avoided by modifying the design or scope.

Information

The discussion box should explain whether the project meets the acreage and/or relocation threshold. If the project meets either threshold, the preparer describes efforts to identify EJ populations in and near the project area, including analysis of Census data, individuals, and community organizations. If EJ

populations are identified, the discussion box must explain whether the project has a disproportionately high and adverse effect on these populations. If so, the discussion must describe actions that were taken, or will be taken, to avoid these effects. If mitigation is required, describe all efforts taken to solicit and incorporate feedback from EJ populations. The discussion should summarize the consultation with FHWA, and the appendices should contain the correspondence from FHWA confirming that appropriate mitigation is included in the project.

4.3.9.4 Relocation of People, Businesses, or Farms

Background

The relocation of homes, businesses, and farms can be a sensitive part of a transportation project. Some highway projects require the acquisition of right-of-way resulting in the displacement of people, businesses, or farms. Projects that require the acquisition of property and receive federal financial assistance for public programs must comply with the policies and procedures set forth in 49 CFR 24 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amended in 1987. This law is commonly referred to as the "Uniform Act." The rules of the Uniform Act encourage acquiring agencies to negotiate with property owners in a prompt and amicable manner so that litigation can be avoided.

The following fundamental principles must be applied:

- To ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs;
- To ensure that persons displaced as a direct result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and
- To ensure that Agencies implement these regulations in a manner that is cost effective.

A Business Information Survey (BIS) is used during planning stages to gather information about businesses that are likely to be impacted by a project. This includes both businesses that will be relocated and businesses that are in or near the project area. The BIS contains business location, transportation and markets, employment area, client characteristics, specialized site requirements, vehicle access, project impacts, and expansion plans.

A Conceptual Stage Relocation Study (CSRS) is used to assess the likely effects of relocations on businesses and residences. Guidelines for these studies are provided by INDOT's Office of Real Estate and apply to anyone that could be relocated by the project. A CSRS is the more encompassing document than the BIS and contains the results of the BIS should both be prepared for a project. However, depending on the number and types of the probable relocations, a BIS could be prepared as a standalone document. A CSRS is required if the environmental document is an EIS.

Process

The preparer should work with the designers to determine the right-of-way requirements for the project to identify any likely relocations of people, businesses, farms, or any other structures in the project area. If it is anticipated that the project will have more than 10 relocations, ESD should be contacted to determine whether a CSRS is required. ESD will consult with FHWA if there is controversy associated with relocations to determine if the project should be elevated to an EA or EIS.

In addition, a BIS is required for all projects that require the relocation of 10 or more businesses. For communities with 40 or fewer businesses, a BIS will be required when 25 percent or more of the

businesses will be relocated. See the table below for general guidance. The following table provides guidance on when a BIS should be prepared for smaller communities:

Table 5: Business Information Survey Minimum Relocation Requirements

Number of Businesses in Community	Minimum Number of Relocations
1-4	1
5-8	2
9-12	3
13-16	4
17-20	5
21-24	6
25-28	7
29-32	8
33-36	9
37-40	10

A BIS can be performed even though the 25 percent threshold is not met if at least one of the businesses to be relocated is a major employer relative to the size of the community. Since there are no formal guidelines as to what the requirements of a major employer are, a discussion with ESD regarding a particular situation should occur.

In the larger metropolitan areas, a CSRS should be prepared if a particular community within the city is going to be adversely impacted by numerous relocations. In these situations, ESD should be contacted to determine an appropriate area of review.

See the *Procedural Manual for Preparing Environmental Documents* for more information regarding BISs and CSRSs.

Information

If there will be no relocations as a result of the project, make a note of it in the discussion box. If there are to be relocations, describe the number and type of the probable relocations in the discussion box. Note any efforts to avoid or minimize relocations. If a CSRS or a BIS is required, provide a summary of the study in the CE. Include the following statement when relocations are required as part of the proposed project:

> The acquisition and relocation program will be conducted in accordance with 49 CFR Part 24 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. Relocation resources are available to all residential and business relocatees without discrimination. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person.

Relocations should be identified in attached graphics, to the extent that they are known at the time of environmental document approval. During plan review, relocations should be compared with the environmental document and discrepancies will need to be addressed with further environmental documentation. If there are relocations that result only in the demolition of structures on state right-of-way, the owners will have the opportunity to buy back the remainder of the property after demolition is complete. Changes may occur during the right-of-way acquisition process that may require additional environmental review in a subsequent environmental document.

4.3.9.5 Joint Development

Background

Joint development involves an effort by a public agency (e.g., INDOT, Local Public Agency (LPA)) and a separate developer (e.g., parks department, refuge, concessionaire) to undertake projects which integrate transportation infrastructure and non-highway uses. Since these facilities are usually developed independently, considerable coordination is required to achieve mutual goals. Although rare, joint development can be made part of any size project, including CE level projects.

Highway projects incorporating joint development can be integrated with the development of bikeways, trails, public buildings, apartments, parks, and other public or private undertakings, and may fit better into the overall community than if they were developed separately. Joint development can also be carried out within approaches, such as context-sensitive solutions, and can serve as an impetus for economic revitalization and redevelopment.

Process

Joint development arrangements must be executed through a legally binding agreement between the parties. The public must be kept informed throughout the project and this arrangement needs to be documented. Joint development plans require approval by both INDOT and the Federal Highway Administration (FHWA).

Information

If joint developments were completed a discussion should include information on commercial and residential opportunities, and opportunities for increasing community accessibility and economic development. It may be presented separately or combined with other pertinent sections in the environmental document. The benefits to be derived, those who will benefit, and the entities responsible for maintaining the measures should be identified.

4.3.10 Section I – Hazardous Materials and Regulated Substances

4.3.10.1 Background

Management of hazardous materials is regulated by the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as well as applicable state laws. These laws apply to hazardous materials and wastes (such as contaminated soil) generated or encountered during construction and must be considered when developing transportation projects.

4.3.10.2 Process

Information on how to complete various Hazardous Materials and Regulated Substances documents that may be necessary for the NEPA document can be found in the *INDOT Site Assessment & Management Manual (SAM Manual)*. Review the SAM Manual before contacting INDOT Site Assessment & Management Team (SAM) if there are questions on document preparation (such as for a Phase I or Phase II).

A Red Flag Investigation (RFI) is completed for most projects. RFIs for INDOT projects must be reviewed and concurred by INDOT Site Assessment & Management (SAM). Review and concurrence of RFIs for LPA sponsored projects is optional, but highly encouraged. LPA RFIs that are not reviewed prior to NEPA submittal will be reviewed during the INDOT review by NEPA staff. If there are questions, the LPA RFI may be sent to SAM to review. This can lead to delay of release for public involvement and/or approval of the environmental document and is a risk that the LPA and consultant assume if they do not submit LPA RFIs early for SAM review.

The purpose of the hazardous materials portion of the RFI is to highlight areas of concern which appear on the state and federal databases. If known or potential waste sites are identified, further records searches or investigations may need to be conducted.

A Phase I Environmental Site Assessment (ESA) is a review of state and federal databases to determine whether environmental concerns are already known by resource agencies to be present on the property in question. The Phase I ESA is conducted in general accordance with American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E1527-13). Specific guidance on preparation and coordination of a Phase I can be found in the SAM Manual. The Phase I ESA should be submitted to SAM as soon as it is completed so that any revisions may be made, and recommendations can be evaluated prior to submittal of the full CE.

If a physical investigation of the site is warranted, then SAM will recommend the preparation of a Phase II ESA. These Phase II ESAs are conducted in general accordance with ASTM Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process (ASTM 1903-11) and may include subsurface borings to collect soil and water samples for laboratory analysis. Specific guidance on preparation of a Phase II can be found in the SAM Manual. While it is preferable to conduct this work prior to completion of the CE, so that as much information as possible may be incorporated, this is not always possible due to site access restrictions or other considerations. If Phase II work is to be carried out after completion of the CE, this requirement should be noted as a required commitment on the commitment spreadsheet, and the Phase II ESA must be completed before RFC.

After all investigations are completed, (Red Flag Investigation, Phase I and/or Phase II ESAs), copies of the reports should be distributed by the preparer according to instructions provided in the SAM Manual.

4.3.10.3 Information

Include a summary of the potential hazardous material concerns identified during the RFI. If there are known or potential hazardous material concerns within, directly adjacent to, or could impact the project area, then describe the site(s) of concern in relation to the alternatives that may be affected. Include the approximate depth of excavation.

If additional documentation (special provisions, pay quantities etc.) will be needed, these should be indicated here as well. It is not necessary to incorporate full Phase I and/or Phase II ESA reports into the CE, unless specifically requested by the INDOT Environmental approval authority. Generally, executive summaries are sufficient. Maps showing the locations of any properties of concern should be included as well, indicating the properties in relation to the alternatives under consideration.

4.4 CE/EA FORM - PART IV (PERMITS AND COMMITMENTS)

4.4.1 Permits

4.4.1.1 Background

A permit allows specific impacts to a regulated environmental resource, such as air, water, or land. Of these, water permits are the most common for transportation projects. These permits often contain conditions or other provisions that must be fulfilled or obeyed by the permittee to remain in compliance, and a violation of a permit is a violation of law.

Major regulatory agencies that issue permits are the U.S. Army Corps of Engineers (USACE), the Indiana Department of Environmental Management (IDEM), the Indiana Department of Natural Resources (IDNR), the U.S. Fish and Wildlife Service (USFWS), the U.S. Coast Guard (USCG), and the U.S. Environmental Protection Agency (EPA). Other agencies with jurisdiction may include county drainage boards and the National Oceanic and Atmospheric Administration (NOAA). The permits that

may be required for a project depend on the impacted resource, the severity of the impact to the resource, and the type of project.

The following is a very brief description of the permits that may be required for various impacted resources:

- Karst feature receiving runoff: May require Class V injection well permit from IDEM;
- Land disturbance: May require a Rule 5 erosion control permit from IDEM if at least one acre of land is disturbed;
- Jurisdictional stream, waterway, or wetland: May require Section 404 from USACE and Section 401 from IDEM;
- Non-jurisdictional stream or waterway: May require Section 401 from IDEM;
- Isolated wetland: May require isolated wetland permit from IDEM;
- Navigable waterway: May require Section 9 and/or Section 10 from USCG;
- Any other waters of the State: May require Section 401 from IDEM, navigable waterways, lake preservation, or 10-acre lake permits from IDNR;
- Floodplain or floodway: Construction in a floodway may require permit from IDNR;
- Regulated drain: May require permit from county drainage board;
- Levee: May require levee permit from USACE;
- Coastal zone: May require consistency determination from IDNR and NOAA;
- Point discharges to any waterbody: May require Section 402 (NPDES) from IDEM;
- Local Permits: Such as a flora permit in the city of Indianapolis, etc; and
- “Incidental Take” of endangered and threatened wildlife species from USFWS

4.4.1.2 Process

Permits are usually obtained during the design phase but may be obtained at any time during the project development process as long as they will not expire before they are used. For a list of time frames it takes to obtain a specific permit, refer to the Waterways Permitting Manual.

As part of the NEPA process, the preparer should make a preliminary determination of necessary permits. The purpose of this preliminary permit determination (PPD) is to identify the permits that might be required based on the resources that will be impacted by the project to the extent they have been identified at this stage. The PPD is not a full Permit Determination, which is either made by ESD’s Ecology and Waterway Permitting Office (EWPO) later in project development for INDOT-sponsored projects or by the designer for LPA projects. The PPD is important at this stage because it may show that the project as documented in the CE will likely require permits that are difficult or time-consuming to obtain. In some cases, it will be more expedient to make design changes to avoid these resources than to seek the permits likely required for the original design.

For INDOT Projects, ESD works with the designer to obtain all necessary permits. For LPA projects, the designer submits permit applications to the appropriate resource agencies. Permits should be in hand by RFC date and will be reviewed along with the ECF document.

A resource for explaining the requirements of the most common water permits is available in the *Indiana Waterway Permit Manual*.

4.4.1.3 Information

Describe all applicable permits likely needed, reasons for needing the permits, and results of the PPD in the discussion box. Anticipated permit requirements should be indicated in the checkboxes. Any likely required permits which are not listed should be added under “Other” and described in the discussion box. If resource agencies discussed the need for a permit, discuss the comments and whether the permit is necessary.

4.4.2 Environmental Commitments

4.4.2.1 Background

Environmental commitments are made by the project sponsor to ensure that the design and construction of the project contains specific features and avoids or minimizes specific environmental impacts. The commitments may also identify certain undesirable or illegal activities that must not occur. Environmental commitments may be formulated at any time during project development but are often initially compiled from resource agency responses to early coordination and from the preparer's knowledge of resources that must be avoided. In some cases, commitments may be made to avoid a resource which, if impacted, would change the level of required documentation.

Environmental commitments may be classified as either firm commitments or as recommendations for further consideration. Firm commitments must be implemented as written. Commitments marked as recommendations for further consideration are goals that the designer or contractor should try to implement, subject to other goals of the project.

Commitments may be added at any point in the project development process, generally as a result of public involvement, design, and real estate activities. A commitment may not be removed without consulting the party that made the original commitment. The designer must confirm that each firm commitment was incorporated into the project and must record the disposition of each commitment for further consideration.

The commitments are included in the construction contract to control contractor activities and communicate with the project engineer. The commitments supplement the standard specifications that INDOT includes in construction contracts. They are not intended to duplicate or replace existing standards, specifications or provisions.

4.4.2.2 Process

The preparer examines all responses to early coordination, including those from both resource agencies and local public officials. Commitments may also be generated by the project sponsor and during public involvement on the environmental document. This should include known mitigation requirements, such as a Section 106 MOA or time-restricted activities, such as tree-clearing activities. In addition to listing commitments to do certain activities, the preparer should also commit to avoid resources which are known to be present but are not currently impacted by the project. Changes to the project which affect these resources will often trigger an Additional Information document or require additional permitting.

Careful thought should be given to the assignment of commitments to the firm and for further consideration categories. Incorrect assignment may lead to unnecessary complications in design or to a violation of legal requirements. For resource agency commitments, the distinction between advisory and directive language will usually be obvious. Long or involved language should be paraphrased such that the direction to the designer or contractor is clear. Prior to committing to any mitigation efforts, the preparer should coordinate with the project manager and construction personnel to ensure constructability.

In addition, care should be taken not to duplicate existing compliance mechanisms. It is not necessary to repeat commitments which are already addressed by standard specifications or standard drawings. This does not improve compliance and may distract design and construction personnel from more important considerations that are unique to a given project. Guidance on typical agency requests and commitments, as well as their appropriate disposition, can be found on INDOT's EPO website.

The preparer will put the commitments into a spreadsheet. The preparer also provides the commitments to INDOT for upload into the commitments database by the Project Manager. INDOT staff may upload commitments directly to the database. Attachment 4A contains a copy of the commitments upload spreadsheet and instructions for its use.

4.4.2.3 Information

The preparer records the commitments in the Environmental Commitments section of the CE form. Commitments should be consecutively numbered. It is required that the origin of the commitment (e.g. the resource agency name) be provided in parentheses after the language to aid in tracking and subsequent coordination. Each commitment should be identified as being Firm or For Further Consideration. The commitments should also be separated into a Firm section and a For Further Consideration section in the discussion.

Attachment 1

CE Level 1 Form

County _____ Route _____ Des. No. _____

FHWA-Indiana Environmental Document

CATEGORICAL EXCLUSION LEVEL 1 FORM

GENERAL PROJECT INFORMATION

Road No./County:	
Designation Number(s):	
Project Description/Termini:	

☐ **CE Level 1 documentation for exempted projects**

☐ **Additional Information to CE Level 1**

Approval: _____
INDOT DE/ESD Signature and Date

Release for Public Involvement: _____
INDOT DE/ESD Initials and Date

Certification of Public involvement: _____
INDOT Consultant Services Signature and Date

INDOT DE/ESD Reviewer: _____
Signature and Date

CE Preparer: _____
Name and Organization

County _____ Route _____ Des. No. _____

GENERAL PROJECT INFORMATION, DESCRIPTION, AND DESIGN INFORMATION				
Purpose and Need:	**Need:** **Purpose:**			
Project Description (Preferred Alternative):				
Other Alternatives Considered:				
Funding Source(s):	☐ Federal ☐ State ☐ Local ☐ Other			
Project Sponsor:				
Estimated Cost:		**Project Length:**		
Public Involvement:			No:	Yes:
Right-of-Way:			No:	Yes:
Maintenance of Traffic (MOT) During Construction:			No:	Yes:
Bridge(s) and/or Small Structure(s) (include structure number(s)):			No:	Yes:

IDENTIFICATION AND EVALUATION OF IMPACTS
Early Coordination:

County _____ Route _____ Des. No. _____

Streams, Rivers, and Other Jurisdictional Features Impacted:	No:	Yes:
Open Water Feature(s):	No:	Yes:
Wetlands:	No:	Yes:
Terrestrial Habitat:	No:	Yes:
Protected Species:	No:	Yes:
Geological and Mineral Resources:	No:	Yes:
Drinking Water Resources:	No:	Yes:
Floodplains:	No:	Yes:
Farmland:	No:	Yes:
Cultural Resources:	No:	Yes:

County _____ Route _____ Des. No. _____

Section 4(f) and Section 6(f) Resources:	No:	Yes:
Air Quality:	No:	Yes:
Community Impacts:	No:	Yes:
Public Facilities and Services (i.e. schools, emergency services):	No:	Yes:
Hazardous Materials and Regulated Substances:	No:	Yes:
Permits:	No:	Yes:

ENVIRONMENTAL COMMITMENTS:
Firm: **For Consideration:**

Attachment 2

CE/EA Form

Indiana Department of Transportation

County _____ Route _____ Des. No. _____

FHWA-Indiana Environmental Document

CATEGORICAL EXCLUSION / ENVIRONMENTAL ASSESSMENT FORM

GENERAL PROJECT INFORMATION

Road No./County:	
Designation Number(s):	
Project Description/Termini:	

	Categorical Exclusion, Level 2 – Required Signatories: INDOT DE and/or INDOT ESD
	Categorical Exclusion, Level 3 – Required Signatories: INDOT ESD
	Categorical Exclusion, Level 4 – Required Signatories: INDOT ESD and FHWA
	Environmental Assessment (EA) – Required Signatories: INDOT ESD and FHWA
	Additional Investigation (AI) – The proposed action included a design change from the original approved environmental document. Required Signatories must include the appropriate environmental approval authority

Approval

_____ INDOT DE Signature and Date

_____ INDOT ESD Signature and Date

_____ FHWA Signature and Date

Release for Public Involvement

_____ INDOT DE Initials and Date

_____ INDOT ESD Initials and Date

Certification of Public Involvement

_____ INDOT Consultant Services Signature and Date

INDOT DE/ESD Reviewer Signature and Date: _____

Name and Organization of CE/EA Preparer: _____

Note: Refer to the most current INDOT CE Manual, guidance language, and other ESD resources for further guidance regarding any section of this form.

Part I – Public Involvement

Every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

	Yes	No
Does the project have a historic bridge processed under the Historic Bridges PA*?	☐	☐
If No, then:		
Opportunity for a Public Hearing Required?	☐	☐

**A public hearing is required for all historic bridges processed under the Historic Bridges Programmatic Agreement between INDOT, FHWA, SHPO, and the ACHP.*

Discuss what public involvement activities (legal notices, letters to affected property owners and residents (i.e. notice of entry), meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.

Public Controversy on Environmental Grounds

Discuss public controversy concerning community and/or natural resource impacts, including what is being done during the project to minimize impacts.

Part II - General Project Identification, Description, and Design Information

Sponsor of the Project: _____ INDOT District: _____

Local Name of the Facility: _____

Funding Source (*mark all that apply*): Federal ☐ State ☐ Local ☐ Other* ☐

*If other is selected, please indentify the funding source: _____

PURPOSE AND NEED:

The need should describe the specific transportation problem or deficiency that the project will address. The purpose should describe the goal or objective of the project. The solution to the traffic problem should NOT be discussed in this section.

Need:

Purpose:

County _____ Route _____ Des. No. _____

PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):

County: _____ Municipality: _____

Limits of Proposed Work: _____

Total Work Length: _____ Mile(s) Total Work Area: _____ Acre(s)

	Yes[1]	No
Is an Interstate Access Document (IAD)[1] required?		
If yes, when did the FHWA provide a Determination of Engineering and Operational Acceptability?	Date:	

[1] *If an IAD is required; a copy of the approved CE/EA document must be submitted to the FHWA with a request for final approval of the IAD.*

Describe location of project including township, range, city, county, roads, etc. Existing conditions should include current conditions, current deficiencies, roadway description, surrounding features, etc. Preferred alternative should include the scope of work, anticipated impacts, and how the project will meet the Purpose and Need. Logical termini and independent utility also need discussed.

Location:

Existing Conditions:

Preferred Alternative:

Logical Termini/Independent Utility:

OTHER ALTERNATIVES CONSIDERED:

Provide a header for each alternative. Describe all discarded alternatives, including the No Build Alternative. Explain why each discarded alternative was not selected. Make sure to state how each alternative meets or does not meet the Purpose and Need and why.

The No Build Alternative is not feasible, prudent or practicable because (*Mark all that apply*):

- It would not correct existing capacity deficiencies; ☐
- It would not correct existing safety hazards; ☐
- It would not correct the existing roadway geometric deficiencies; ☐
- It would not correct existing deteriorated conditions and maintenance problems; or ☐
- It would result in serious impacts to the motoring public and general welfare of the economy. ☐
- Other (Describe) ☐

County _____ Route _____ Des. No. _____

ROADWAY CHARACTER:

If the proposed action includes multiple roadways, complete and duplicate for each roadway.

Name of Roadway _____
Functional Classification: _____
Current ADT: _____ VPD (20--) Design Year ADT: _____ VPD (20--)
Design Hour Volume (DHV): _____ Truck Percentage (%) _____
Designed Speed (mph): _____ Legal Speed (mph): _____

	Existing		Proposed	
Number of Lanes:				
Type of Lanes:				
Pavement Width:		ft.		ft.
Shoulder Width:		ft.		ft.
Median Width:		ft.		ft.
Sidewalk Width:		ft.		ft.

Setting: ☐ Urban ☐ Suburban ☐ Rural
Topography: ☐ Level ☐ Rolling ☐ Hilly

BRIDGES AND/OR SMALL STRUCTURE(S):

If the proposed action includes multiple structures, complete and duplicate for each bridge and/or small structure. Include both existing and proposed bridge(s) and/or small structure(s) in this section.

Structure/NBI Number(s): _____ Sufficiency Rating: _____
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:				
Number of Spans:				
Weight Restrictions:		ton		ton
Height Restrictions:		ft.		ft.
Curb to Curb Width:		ft.		ft.
Outside to Outside Width:		ft.		ft.
Shoulder Width:		ft.		ft.

Describe impacts and work involving bridge(s), culvert(s), pipe(s), and small structure(s). Provide details for small structure(s): structure number, type, size (length and dia.), location and impacts to water. Use a table if the number of small structures becomes large. If the table exceeds a complete page, put it in the appendix and summarize the information below with a citation to the table.

MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

	Yes	No
Is a temporary bridge proposed?		
Is a temporary roadway proposed?		
Will the project involve the use of a detour or require a ramp closure? (describe below)		
Provisions will be made for access by local traffic and so posted.		
Provisions will be made for through-traffic dependent businesses.		
Provisions will be made to accommodate any local special events or festivals.		
Will the proposed MOT substantially change the environmental consequences of the action?		
Is there substantial controversy associated with the proposed method for MOT?		

Discuss closures and/or facilities (if any) that will be provided for maintenance of traffic. Any known impacts from these temporary measures should be quantified to the extent possible, particularly with respect to properties such as Section 4(f) resources and wetlands. Any local concerns about access and traffic flow should be detailed as well.

ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: $ _____ (20--) Right-of-Way: $ _____ (20--) Construction: $ _____ (20--)

Anticipated Start Date of Construction: _____

RIGHT OF WAY:

	Amount (acres)	
Land Use Impacts	Permanent	Temporary
Residential		
Commercial		
Agricultural		
Forest		
Wetlands		
Other:		
Other:		
TOTAL		

Describe both Permanent and Temporary right-of-way and describe their current use. Typical and Maximum right-of-way widths (existing and proposed) should also be discussed. Any advance acquisition, reacquisition or easements, either known or suspected, and their impacts on the environmental analysis should be discussed.

County _____ Route _____ Des. No. _____

Part III – Identification and Evaluation of Impacts of the Proposed Action

SECTION A - EARLY COORDINATION:

List the date(s) coordination was sent and all resource agencies that were contacted as a part of the development of this Environmental Study. Also, include the date of their response or indicate that no response was received.

SECTION B – ECOLOGICAL RESOURCES:

	Presence	Impacts	
		Yes	No
Streams, Rivers, Watercourses & Other Jurisdictional Features			
Federal Wild and Scenic Rivers			
State Natural, Scenic or Recreational Rivers			
Nationwide Rivers Inventory (NRI) listed			
Outstanding Rivers List for Indiana			
Navigable Waterways			

Total stream(s) in project area: _____ Linear feet Total impacted stream(s): _____ Linear feet

Stream Name	Classification	Total Size in Project Area (linear feet)	Impacted linear feet	Comments (i.e. location, flow direction, likely Water of the US, appendix reference)

Describe all streams, rivers, watercourses and other jurisdictional features adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if the streams or rivers are listed on any federal or state lists for Indiana. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

	Presence	Impacts	
		Yes	No
Open Water Feature(s)			
Reservoirs			
Lakes			
Farm Ponds			
Retention/Detention Basin			
Storm Water Management Facilities			
Other: _____			

County _____ Route _____ Des. No. _____

Describe all open water feature(s) identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

	Presence	Impacts	
		Yes	No
Wetlands	☐	☐	☐

Total wetland area: _____ Acre(s) Total wetland area impacted: _____ Acre(s)

(If a determination has not been made for non-isolated/isolated wetlands, fill in the total wetland area impacted above.)

Wetland No.	Classification	Total Size (Acres)	Impacted Acres	Comments (i.e. location, likely Water of the US, appendix reference)

Wetlands (*Mark all that apply*)	Documentation	ESD Approval Dates
Wetland Determination	☐	
Wetland Delineation	☐	
USACE Isolated Waters Determination	☐	

Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (Mark all that apply and explain):

Substantial adverse impacts to adjacent homes, business or other improved properties;	☐
Substantially increased project costs;	☐
Unique engineering, traffic, maintenance, or safety problems;	☐
Substantial adverse social, economic, or environmental impacts, or	☐
The project not meeting the identified needs.	☐

Describe all wetlands identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

	Presence	Impacts	
		Yes	NO
Terrestrial Habitat	☐	☐	☐

Total terrestrial habitat in project area: _____ Acre(s) Total tree clearing: _____ Acre(s)

Describe types of terrestrial habitat (i.e. forested, grassland, farmland, lawn, etc) adjacent or within the project area. Include whether or not impacts will occur to habitat identified. Include total terrestrial habitat impacted and total tree clearing that will occur. Discuss measure to avoid, minimize, and mitigate if impacts will occur.

Protected Species

Federally Listed Bats	**Yes**	**No**
Information for Planning and Consultation (IPaC) determination key completed		
Section 7 informal consultation completed (IPaC cannot be completed)		
Section 7 formal consultation Biological Assessment (BA) required		

Determination Received for Listed Bats from USFWS: NE ☐ NLAA ☐ LAA ☐

Other Species not included in IPaC	**Yes**	**No**
Additional federal species found in project area (based on IPaC species list)		
If Yes, does the project qualify for USFWS Interim Policy		
State species (not bird) found in project area (based upon consultation with IDNR)		

Migratory Birds	**Yes**	**No**
Known usage or presence of birds (i.e. nests)		
State bird species based upon coordination with IDNR		

Discuss IDNR coordination and species identified. Describe USFWS Section 7 consultation and determination received for Indiana bat and northern long-eared bat impacts. Discuss if other federally listed species were identified. If so, include consultation that has occurred and the determination that was received. Discuss if migratory birds have been observed and any impacts.

Geological and Mineral Resources	**Yes**	**No**
Project located within the Potential Karst Features Area of Indiana		
Karst features identified within or adjacent to the project area		
Oil/gas or exploration/abandoned wells identified in the project area		

Date Karst Study/Report reviewed by INDOT EWPO (if applicable): _____

Discuss if project is located in Potential Karst Features Area of Indiana and if any karst features have been identified in the project area (from RFI). Discuss response received from IGWS coordination. Discuss if any mines, oil/gas, or exploration/abandoned wells were identified and if impacts will occur. Describe if any impacts will occur to any karst features. Include discussion of karst study/report was completed and results. (Karst investigation must comply with the current Karst MOU and coordinated and reviewed by INDOT EWPO)

SECTION C – OTHER RESOURCES

	Presence	Impacts	
Drinking Water Resources		**Yes**	**No**
Wellhead Protection Area(s)	☐	☐	☐
Source Water Protection Area(s)	☐	☐	☐
Water Well(s)	☐	☐	☐
Urbanized Area Boundary	☐	☐	☐
Public Water System(s)	☐	☐	☐

	Yes	No
Is the project located in the St. Joseph Sole Source Aquifer (SSA):	☐	☐
If Yes, is the FHWA/EPA SSA MOU Applicable?	☐	☐
If Yes, is a Groundwater Assessment Required?	☐	☐

Check the appropriate boxes and discuss each topic below. Provide details about impacts and summarize resource-specific coordination responses and any mitigation commitments. Reference responses in the Appendix.

	Presence	Impacts	
Floodplains		**Yes**	**No**
Project located within a regulated floodplain	☐	☐	☐
Longitudinal encroachment	☐	☐	☐
Transverse encroachment	☐	☐	☐
Homes located in floodplain within 1000' up/downstream from project	☐	☐	☐

If applicable, indicate the Floodplain Level?

Level 1 ☐ Level 2 ☐ Level 3 ☐ Level 4 ☐ Level 5 ☐

Use the IDNR Floodway Information Portal to help determine potential impacts. Include floodplain map in appendix. Discuss impacts according to the classification system. If encroachment on a flood plain will occur, coordinate with the Local Flood Plain Administrator during design to insure consistency with the local flood plain planning.

	Presence	Impacts	
Farmland		**Yes**	**No**
Agricultural Lands	☐	☐	☐
Prime Farmland (per NRCS)	☐	☐	☐

Total Points (from Section VII of CPA-106/AD-1006*) _____

**If 160 or greater, see CE Manual for guidance.*

Discuss existing farmland resources in the project area, impacts that will occur to farmland, and mitigation and minimization measures considered.

SECTION D – CULTURAL RESOURCES

	Category(ies) and Type(s)	INDOT Approval Date(s)	N/A
Minor Projects PA			

Full 106 Effect Finding

No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect ☐

Eligible and/or Listed Resources Present

NRHP Building/Site/District(s) ☐ Archaeology ☐ NRHP Bridge(s) ☐

Documentation Prepared (mark all that apply)		ESD Approval Date(s)	SHPO Approval Date(s)
APE, Eligibility and Effect Determination	☐		
800.11 Documentation	☐		
Historic Properties Report or Short Report	☐		
Archaeological Records Check and Assessment	☐		
Archaeological Phase Ia Survey Report	☐		
Archaeological Phase Ic Survey Report	☐		
Other:	☐		

		MOA Signature Dates (List all signatories)
Memorandum of Agreement (MOA)	☐	

If the project falls under the MPPA, describe the category(ies) that the project falls under and any approval dates. If the project requires full Section 106, use the headings provided. The completion of the Section 106 process requires that a Legal Notice be published in local newspapers. Please indicate the publication date, name of the paper(s) and the comment period deadline. Include any further Section 106 work which must be completed at a later date, such as mitigation from a MOA or avoidance commitments.

Area of Potential Effect (APE):

Coordination with Consulting Parties:

Archaeology:

Historic Properties:

Documentation Findings:

Public Involvement:

SECTION E – SECTION 4(f) RESOURCES/ SECTION 6(f) RESOURCES

	Presence	Use	
Parks and Other Recreational Land		**Yes**	**No**
Publicly owned park	☐	☐	☐
Publicly owned recreation area	☐	☐	☐
Other (school, state/national forest, bikeway, etc.)	☐	☐	☐
Wildlife and Waterfowl Refuges			
National Wildlife Refuge	☐	☐	☐
National Natural Landmark	☐	☐	☐
State Wildlife Area	☐	☐	☐
State Nature Preserve	☐	☐	☐
Historic Properties			
Site eligible and/or listed on the NRHP	☐	☐	☐

	Evaluations Prepared
Programmatic Section 4(f)	☐
"De minimis" Impact	☐
Individual Section 4(f)	☐
Any exception included in 23 CFR 774.13	☐

Discuss Programmatic Section 4(f) and "de minimis" Section 4(f) impacts in the discussion below. Individual Section 4(f) documentation must be included in the appendix and summarized below. Discuss proposed alternatives that satisfy the requirements of Section 4(f). FHWA has identified various exceptions to the requirement for Section 4(f) approval. Refer to 23 CFR § 774.13 - Exceptions.

Section 6(f) Involvement	**Presence**	**Use**	
		Yes	**No**
Section 6(f) Property	☐	☐	☐

Discuss Section 6(f) resources present or not present. Discuss if any conversion would occur as a result of this project. If conversion will occur, discuss the conversion approval.

SECTION F – Air Quality

STIP/TIP and Conformity Status of the Project	**Yes**	**No**
Is the project in the most current STIP/TIP?	☐	☐
Is the project located in an MPO Area?	☐	☐
Is the project in an air quality non-attainment or maintenance area?	☐	☐

If Yes, then:		
Is the project in the most current MPO TIP?		
Is the project exempt from conformity?		
If No, then:		
Is the project in the Transportation Plan (TP)?		
Is a hot spot analysis required (CO/PM)?		

Location in STIP: _____

Name of MPO (if applicable): _____

Location in TIP (if applicable): _____

Level of MSAT Analysis required?

Level 1a ☐ Level 1b ☐ Level 2 ☐ Level 3 ☐ Level 4 ☐ Level 5 ☐

Describe if the project is listed in the STIP and if it is in a TIP. Describe the attainment status of the county(ies) where the project is located. Indicate whether the project is exempt from a conformity determination. If the project is not exempt, include information about the TP and TIP. Describe if a hot spot analysis is required and the MSAT Level.

SECTION G - NOISE

Noise	**Yes**	**No**
Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy?		

Date Noise Analysis was approved/technically sufficient by INDOT ESD: _____

Describe if the project is a Type I or Type III project. If it is a Type I project, describe the studies completed to date and if noise impacts were identified. If noise impacts were identified, describe if abatement is feasible and reasonable and include a statement of likelihood.

SECTION H – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors	**Yes**	**No**
Will the proposed action comply with the local/regional development patterns for the area?		
Will the proposed action result in substantial impacts to community cohesion?		
Will the proposed action result in substantial impacts to local tax base or property values?		
Will construction activities impact community events (festivals, fairs, etc.)?		
Does the community have an approved transition plan?		
If No, are steps being made to advance the community's transition plan?		
Does the project comply with the transition plan? (explain in the discussion below)		

Discuss how the project complies with the area's local/regional development patterns; whether the project will impact community cohesion; and impact community events. Discuss how the project conforms with the ADA Transition Plan.

Public Facilities and Services

Discuss what public facilities and services are present in the project area and impacts (such as MOT) that will occur to them. Include how the impacts have been minimized and what coordination has occurred. Some examples of public facilities and services include health facilities, educational facilities, public and private utilities, emergency services, religious institutions, airports, transportation or public pedestrian and bicycle facilities.

Environmental Justice (EJ) (Presidential EO 12898)	**Yes**	**No**
During the development of the project were EJ issues identified?		
Does the project require an EJ analysis?		
If YES, then:		
Are any EJ populations located within the project area?		
Will the project result in adversely high and disproportionate impacts to EJ populations?		

Indicate if EJ issues were identified during project development. If an EJ analysis was not required, discuss why. If an EJ analysis was required, describe how the EJ population was identified. Include if the project has a disproportionately high or adverse effect on EJ populations and explain your reasoning. If yes, describe actions to avoid, minimize and mitigate these effects.

Relocation of People, Businesses or Farms	**Yes**	**No**
Will the proposed action result in the relocation of people, businesses or farms?		
Is a BIS or CSRS required?		

Number of relocations: Residences: _____ Businesses: _____ Farms: _____ Other: _____

Discuss any relocations that will occur due to the project. If a BIS or CSRS is required, discuss the results in the discussion below.

SECTION I – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

Hazardous Materials & Regulated Substances (Mark all that apply)	**Documentation**
Red Flag Investigation (RFI)	☐
Phase I Environmental Site Assessment (Phase I ESA)	☐
Phase II Environmental Site Assessment (Phase II ESA)	☐
Design/Specifications for Remediation required?	☐

Date RFI concurrence by INDOT SAM (if applicable): _____

Include a summary of the potential hazardous material concerns found during review. Discuss in depth sites found within, directly adjacent to, or ones that could impact the project area. Refer to current INDOT SAM guidance. If additional documentation (special provisions, pay quantities, etc.) will be needed, include in discussion. Include applicable commitments.

Part IV – Permits and Commitments

PERMITS CHECKLIST

Permits (mark all that apply)	**Likely Required**
Army Corps of Engineers (404/Section10 Permit)	
Nationwide Permit (NWP)	☐
Regional General Permit (RGP)	☐
Individual Permit (IP)	☐
Other	☐
IN Department of Environmental Management (401/Rule 5)	
Nationwide Permit (NWP)	☐
Regional General Permit (RGP)	☐
Individual Permit (IP)	☐
Isolated Wetlands	☐
Rule 5	☐
Other	☐
IN Department of Natural Resources	
Construction in a Floodway	☐
Navigable Waterway Permit	☐
Other	☐
Mitigation Required	☐
US Coast Guard Section 9 Bridge Permit	☐
Others (Please discuss in the discussion below)	☐

List the permits likely required for the project and summarize why the permits are needed, including permits designated as "Other."

ENVIRONMENTAL COMMITMENTS

List all commitments and include the name of agency/organization requesting/requiring the commitment(s). Listed commitments should be numbered.

Firm:

For Further Consideration:

Attachment 3

Environmental Consultation Form

ENVIRONMENTAL CONSULTATION FORM

Environmental Services Division, Office of Environmental Policy

Submit the completed form into ERMS at Stage 3. All applicable approved permits and/or permit documentation must be uploaded to ERMS prior to submitting this form for review. See Instructions item 13.

1. Designation Number(s):
   County: Route:

2. Date of Stage 3 Plan Submittal: Click here to enter a date.

3. Type of Environmental Document (select only 1):
   ☐Programmatic ☐CE-1 ☐CE-2 ☐CE-3 ☐CE-4 ☐EA/FONSI ☐EIS/ROD ☐SEPA
   Approval date of environmental document: Click here to enter a date.

   If the Environmental Document was an EIS/ROD, have more than three years passed between federal approvals? ☐Yes ☐No
   If Yes, what were the results of reevaluating the validity of the EIS?

4. Environmental Reevaluation(s):
   ☐N/A
   ☐Note to File Most Recent Date of Submission:
   ☐Additional Information Most Recent Date of Approval:
   If a reevaluation document was prepared, were there changes to the commitments? ☐Yes ☐No
   If Yes, the changes should be addressed in the Project Commitments Database.

5. Project Description:

6. Is the the project still meeting the Purpose and Need in the approved environmental document and reevaluation(s)? ☐Yes ☐No
   If No, Explain:

7. Are the scope and impacts still consistent with the approved environmental document and reevaluation(s) (if any)? ☐Yes ☐No
   If No, Explain:

8. Current Funding Source(s) (select all that apply):
   ☐Federal ☐State ☐Local ☐Other:
   Has the funding been switched from 100% state, local, and/or other to now include federal participation or need a federal action, such as permit approval? ☐Yes ☐No
   If Yes, does the current environmental document and approval address all the applicable federal regulatory requirements? ☐Yes ☐No

9. Right of Way and Relocations
   Typical existing right-of-way width:
   Maximum existing right-of-way width:

   Does the entire project occur within existing right-of-way: ☐Yes ☐No
   If No:
      Reacquired Right-of-Way acre(s):
      New Permanent Right-of-Way acre(s):
      Temporary Right-of-Way acre(s):

      Are relocations required? ☐Yes ☐No
      If yes, number of relocations:

10. Impact Data:
    Is the roadway being horizontally realigned?: ☐Yes ☐No
    Does the project include bridge or small structure work?: ☐Yes ☐No
    Total amount of tree clearing acre(s):
    Channel impacts linear feet: (permanent) (temporary)
    Is the channel being relocated?: ☐Yes ☐No
    Wetland impacts acre(s): (permanent) (temporary)

11. Is the All Commitments Report from the Commitments Database attached to this ECF? ☐Yes ☐No

12. Are the applicable permit documents uploaded into ERMS for ECF review? ☐Yes ☐No ☐N/A

    Do the issued permits differ from the permits specified in the approved environmental document and reevaluation(s): ☐Yes ☐No
       If Yes, Explain:

13. Permit Information:

Permit Type		Required?	Effective Date	Expiration Date
US Army Corps of Engineers (USACE) 404/ Section 10	**Nationwide (NWP)**	☐Yes ☐No		
	Regional General (RGP)	☐Yes ☐No		
	Individual (IP)	☐Yes ☐No		
Indiana Department of Environmental Management (IDEM)	**Section 401 NWP**	☐Yes ☐No		
	Section 401 RGP	☐Yes ☐No		
	Section 401 IP	☐Yes ☐No		
	Isolated Wetlands	☐Yes ☐No		
	Rule 5 Storm Water	☐Yes ☐No		
Indiana Department of Natural Resources (IDNR)	**Construction in a Floodway (CIF)**	☐Yes ☐No		
Other		☐Yes ☐No		
Other		☐Yes ☐No		
Other		☐Yes ☐No		
Mitigation Required	**Wetland (404/401)**	☐Yes ☐No		
	Stream (404/401)	☐Yes ☐No		
	Forested Floodway (IDNR)	☐Yes ☐No		

Effective Date = "date obtained", "effective date", "issued date", depending on the permit. If the permit only requires an application (for example, 404 NWP), include the application date in the Effective Date column. Do not write "TBD" or an anticipated date. If the permit has not been received, leave the permit dates blank.

Expiration Date. If the permit does not have an expiration date, indicate "No Exp."

The designer certifies this document is prepared accurately. Designer has reviewed the approved environmental document and all reevaluation(s), if any, and hereby finds that the project scope and design plans are consistent with approved environmental documentation.

Prepared By: _____ _____

Designer Signature — Date

_____

Name and Consulting Firm or INDOT(District/CO)
(typed)

INDOT has reviewed this document and concurs it is consistent with the project scope and the findings of the approved environmental documentation remain valid.

Approved By: _____ _____

District Environmental (DE) or Environmental Services Division (ESD) Signature — Date

_____

DE or ESD Name (typed)

Attachment 4A

Commitments Summary Excel Spreadsheet

DESIGNATION_NUMBER	COMMITMENT_NUMBER	COMMITMENT_DATE	COMMITMENT_TEXT	CONSULTANT_SUBMIT_COMMITMENT	FIRST_NAME_CONSULTANT	LAST_NAME_CONSULTANT	CONSULTANT_PHONE_NUMBER	OPPOS_DOCUMENTING_COMMITMENT	DOCUMENTER_FIRST_NAME	DOCUMENTER_LAST_NAME	DOCUMENTER_PHONE_NUMBER	AGENCY_REQUIRING_COMMITMENT	CONTACT_FIRST_NAME	CONTACT_LAST_NAME	CONTACT_PHONE_NUMBER	REQUIRED_OR_FOR_CONSIDERATION	IMPLEMENT_DURING_PROD_DEVELOP	INTENTION_TO_CONSTRUCTION	RESOLUTION
Required	Not Required	Not Required	Required	Required	Required	Required	Required	Not Required	Not Required	Not Required	Required	Required	Required	Required	Required	Required	Required	Required	Not Required

1. Copy this file and rename it - you will then use that one for importing.
2. Be sure on the renaming you keep the file extension (.xls) on the end of the file name (ie. Somefilename.xls)
3. Do not rename column names - Do not rename Sheet below (Sheet1) - Make sure leading zeros are on the des number - Phone numbers format = xxx-xxx-xxxx
4. Take note of the Required and Not Required fields above (black column names Not Required).
5. The last three Required fields require you to select from a dropdown list, just click in the cell and you'll see the dropdown lists.
6. Delete rows 2 thru 8 and enter your commitment data, then you will be ready to import.

Attachment 4B

Using the Commitments Database

Using the Commitments Database
February 2021

1.0 General Information

Commitments start out as either "recommendations" or "requirements" provided by governmental agencies and other entities, including the Indiana Department of Transportation (INDOT). Most often they are received as part of an early coordination response, a Memorandum of Agreement (MOA), or during the project development process. Keep in mind that even though an entity might use the term "recommendation(s)" the request could be a legal requirement, depending on the project-specific circumstances.

Once recommendations and requirements are received, evaluate them for inclusion in the environmental document as either a "Firm" or a "For Consideration" commitment. Firm commitments are typically legal requirements, and For Consideration commitments are not legal requirements but should be considered in project design and/or implementation. During this evaluation, use the most current Commitments Guidance document, which can be found on the INDOT Environmental Policy website. The Commitments Guidance document will assist you in determining what commitments are required to be included in the environmental document, as well as the Commitments Database.

Determining if a commitment is Required, sometimes referred to as Firm, or For Consideration depends on project circumstances, existing laws, INDOT requirements, and the expectations of other entities, such as a water utility. There are various conditions that can make a recommendation Required. The following are such instances: A recommendation is provided by an agency issuing a permit; a recommendation is required by an existing law; the recommendation is made by an entity overseeing a protected resource (e.g. Wellhead Protection Area); or, it's a recurring special provision (RSP), or covered under a unique special provision (USP). For Consideration indicates the commitment is not required by law but should be considered in the design or implementation of the project.

Once the environmental document is approved and preparation of the Environmental Consultation Form (ECF) begins, the Commitments Guidance document will assist you in determining which commitments must be entered into the Excel Spreadsheet, and from there uploaded to the Commitments Database. Ultimately, this database generates the All Commitments Report, which is attached to the ECF. At this stage, another useful resource is found in the "Instructions for Completing the Environmental Consultation Form" found at the INDOT Design Manual Editable Documents website.

The following information will assist you with preparing the Commitments Excel Spreadsheet. Once the spreadsheet is completed, it is uploaded to the Commitments Database, and the All Commitments Report is generated.

2.0 Process

Internal Users

INDOT users can access the Commitments Database through the INDOT Web Portal on the INDOT Intranet. INDOT users can enter commitments individually through data entry screens or they can use the upload process described below.

External Users

Non-INDOT users, such as Local Public Agencies (LPAs) and consultants, provide project commitments for the database using a preformatted Excel spreadsheet, obtained from the link "Import sample spreadsheet" on the Commitments Database. To gain access to view the commitment database, registration in INDOT Technical Application Pathway (ITAP) is needed. Once the information is entered into the Excel spreadsheet, the INDOT Project Manager (PM), or designee, uploads the commitments into the database.

The spreadsheet allows many commitments to be placed into the database at one time rather than adding each commitment individually. Refer to the example spreadsheet provided below, note some columns have been removed to fit the page.

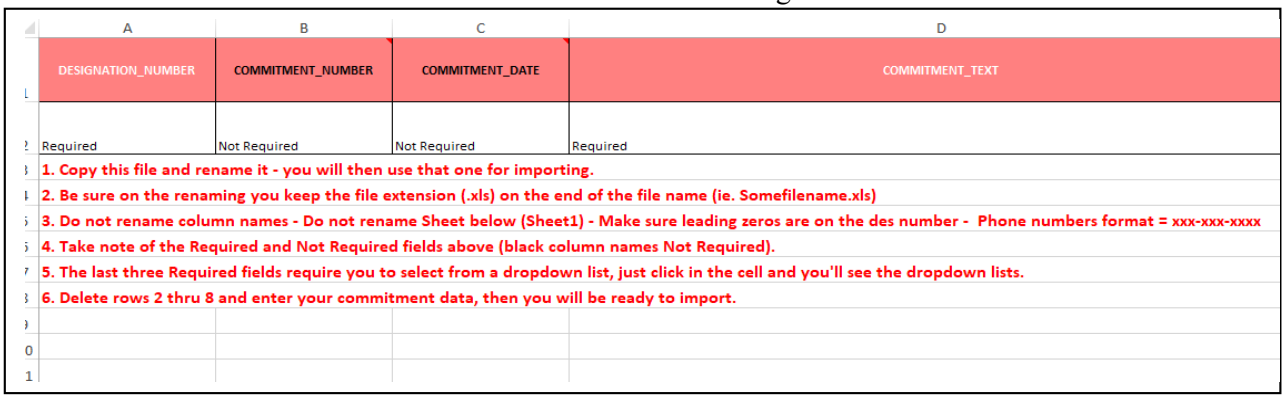
B	C	D	Q	R	S	T
COMMITMENT_NUMBER	COMMITMENT_DATE	COMMITMENT_TEXT	REQUIRED_OR_FOR_CONSIDERATION	IMPLEMENT_DURING_PROJ_DEVELOP	ATTENTION_TO_CONSTRUCTION	** RESOLUTION **
1	7/24/2018	< text >	Required	Yes	No	Add prior to ECF
2	7/24/2018	< text >	Required	Yes	No	Add prior to ECF
3	7/24/2018	< text >	Required	Yes	No	Add prior to ECF

Once the spreadsheet is completed and ready for submission, the spreadsheet is uploaded to the commitments database by INDOT. Once uploaded, the All Commitments Report can be generated, signed by the designer, and attached to the ECF. Refer to the image of the Commitments Database provided below; click the "All Commitments Report" link to create the report. When submitting the ECF for INDOT review, do not provide scanned pages, with the exception of the signature pages, as a scanned page makes it difficult for the reviewer to place comments.

3.0 Completing the Spreadsheet

Before illustrating how to complete each of the parts of the Excel Spreadsheet, these instructions address fundamental concepts, processes, and basic troubleshooting. Gaining a solid understanding of this information before you proceed with completing the spreadsheet will reduce errors and save time.

When you access the spreadsheet, you'll notice several instructions at the top of the sheet. Follow these instructions and note that the last one states to delete rows 2 through 8.



	A	B	C	D
1	DESIGNATION_NUMBER	COMMITMENT_NUMBER	COMMITMENT_DATE	COMMITMENT_TEXT
2	Required	Not Required	Not Required	Required
3	1. Copy this file and rename it - you will then use that one for importing.			
4	2. Be sure on the renaming you keep the file extension (.xls) on the end of the file name (ie. Somefilename.xls)			
5	3. Do not rename column names - Do not rename Sheet below (Sheet1) - Make sure leading zeros are on the des number - Phone numbers format = xxx-xxx-xxxx			
6	4. Take note of the Required and Not Required fields above (black column names Not Required).			
7	5. The last three Required fields require you to select from a dropdown list, just click in the cell and you'll see the dropdown lists.			
8	6. Delete rows 2 thru 8 and enter your commitment data, then you will be ready to import.			
9				
10				
11				

The spreadsheet contains 20 columns. Some columns are indicated as "Required" and each cell in those columns needs completed or the upload will fail. The upload will also fail if the spreadsheet contains blank formatted rows, or if one of the required columns is deleted. Conversely, in other columns, "Not Required" is shown because the entry is not required for upload. In these columns, the entry is either automatically generated by the database or may be provided later, for example, the Resolutions column.

Resolutions do not need to be provided for the spreadsheet to upload but the information is not automatically generated. If the spreadsheet is reviewed by INDOT for accuracy prior to uploading to the commitments database, it is strongly recommended that the preparer include resolutions to minimize comments later during ECF review.

Basic Troubleshooting

First, follow the instructions provided in the spreadsheet as shown above. Note that the last instruction (6) states to delete rows 2 through 8; row 2 contains the column headers "Required" or "Not Required." Although the instructions state to delete row 2 (as well as 3-8) before entering commitment data, you may choose to leave row 2 while entering commitment data as the row headers will remind you if the information is required or not for a successful upload. Remember – row 2 must be deleted for the upload to complete.

The graphic below illustrates one of the most frequent causes of the spreadsheet not uploading properly. Note that the three top entries of the second column from the left are not yet completed. With these "Required" entries not completed, the spreadsheet will not upload.

Q	K	S	T
REQUIRED_OR_FOR_CONSIDERATION	IMPLEMENT_DURING_PROJ_DEVELOP	ATTENTION_TO_CONSTRUCTION	** RESOLUTION **
equired	Required	Required	Not Required
Required	----	Yes	
Required	----	Yes	
Required	----	Yes	
Required	Yes	No	
Required	Yes	Yes	
Required	----	Yes	

There is one additional error previously discussed; the second row that contains either "Required" or "Not Required" as the top cell of each column. Remember - this row must be deleted prior to upload for the upload to work.

Also, note that "Not Required" is indicated under the resolutions column. These entries can be left blank and the spreadsheet will still upload. The Commitments Database provides this flexibility for resolutions because they are typically the last information available in completing the spreadsheet. However, keep in mind that if the spreadsheet is being submitted to INDOT for review prior to upload, the resolutions should be included. Furthermore, the request for the spreadsheet review originates from the INDOT Project Manager (PM).

3.1 Specific Instructions for Completing the Spreadsheet

Specific instructions for completing each part of the spreadsheet follow. Note that the instructions indicate whether the entry is **Required** or **Not Required** for successful upload.

Columns 1-4: Commitment Information

DESIGNATION_ NUMBER	COMMITMENT_ NUMBER	COMMITMENT_ DATE	COMMITMENT_ TEXT
0123456	1	02/01/2021	< text >
0123456	2	02/01/2021	< text >
0123456	3	02/01/2021	< text >

Designation Number is the seven-digit INDOT project designation number. This must be entered as text to preserve leading zeros (e.g. "0123456", not "123456"). So, if the first digit of the designation number is "0" (zero) be sure to include it. This is **Required** for upload.

Commitment Number is automatically generated. Note that there may already be commitments entered into the database (each automatically assigned a number) before the spreadsheet is uploaded. The application will number the commitments consecutively starting from the next commitment number not used. This information is **Not Required** for upload.

Commitment Date is automatically generated. The database will assign the date that the commitments are imported. This information is **Not Required** for upload.

Commitment Text is the commitment as it appears (verbatim) in the environmental document or other source document, without the acronym of the requiring agency. Some discretion should be used when copying large blocks of text (such as entire legal agreements). If a commitment will require more than 1000 characters, it should be broken into logical pieces between text boxes. If multiple designation numbers approved on the same environmental document (i.e. twin bridges over the same location), then add (Applies to Designation Number XXXXXXX) to the end of the commitment. Refer to the Commitments section of the CE Manual, including instructions on how to prepare the Environmental Consultation Form (ECF) as well as recent Commitments Guidance, on what commitments need to be included in the database. These resources can be accessed on the INDOT Environmental Policy website.

The text of the commitment is **Required** for upload.

Columns 5-8: Consultant Information

CONSULTANT_ SUBMIT_ COMMITMENT	FIRST_ NAME_ CONSULTANT	LAST_ NAME_ CONSULTANT	CONSULTANT_ PHONE_ NUMBER
Acme CE Services, LLC	Brighton	Early	317-111-1111
Acme CE Services, LLC	Brighton	Early	317-111-1111
Acme CE Services, LLC	Brighton	Early	317-111-1111

These columns document the name of the consultant's firm and the contact person at that firm. If commitments are prepared internally, input the INDOT office that is uploading the commitments. The format for providing telephone numbers should be xxx-xxx-xxxx; this information is **Required** for upload.

Columns 9-12: Documenter Information

OFFICE_ DOCUMENTING_ COMMITMENT	DOCUMENTER_ FIRST_NAME	DOCUMENTER_ LAST_NAME	DOCUMENTER_ PHONE_ NUMBER
Environmental Services	Justin	Case	317-222-2222
Environmental Services	Justin	Case	317-222-2222
Environmental Services	Justin	Case	317-222-2222

These columns document the INDOT office and the name/phone number of the INDOT employee who is uploading the commitments. The first three columns of information are auto-generated and are **Not Required** for upload; however, the last column "Documenter Phone Number" is **Required** for upload. This would be the INDOT employee's phone number that will uploading the document in the commitments database.

Columns 13-16: Requesting Agency Information

AGENCY_ REQUIRING_ COMMITMENT	CONTACT_ FIRST_ NAME	CONTACT_ LAST_ NAME	CONTACT_ PHONE_ NUMBER
IDEM	Auto-response	Auto-response	317-333-3333
IDNR	Moe	Skeeto	317-444-4444
USFWS	Olive	Branch	317-555-5555

These columns document the agency that requires the commitment and the contact person from that agency. If essentially identical commitments are received from two different agencies, determine how to proceed by referring to the most recent Commitments Guidance, and instructions for completing the ECF, on the INDOT Environmental Policy website. This information is **Required** for upload.

Columns 17-20: Commitment Status

REQUIRED_OR_FOR_CONSIDERATION	IMPLEMENT_DURING_PROJ_DEVELOP	ATTENTION_TO_CONSTRUCTION	RESOLUTION
Required	Yes	No	INDOT Standard Spec. 3.36
For Consideration	Yes	Yes	Not a permit condition -IDNR
Required	No	No	INDOT Standard Spec. 1.27

Resolutions abbreviated to fit page.

Required or For Consideration are the two options, one of which is selected, from the dropdown list in the database spreadsheet. "Required" typically indicates that the commitment is a legal requirement. "For Consideration" indicates the commitment is not required by law, but should be considered in the design or implementation of the project. See the previous discussion in General Information for more detail. This information is **Required** for upload.

Implement During Project Development indicates whether or not a commitment will be implemented during the design of the project. If it is determined that a required commitment cannot be implemented during design, include the commitment and state in the resolution why the commitment cannot be implemented. **Required** for upload.

Attention to Construction has the default value of "No". The field can only be changed to "Yes" by the INDOT PM, or in consultation with the INDOT PM. If the contractor potentially needs to "do something" then the value for this field should be "Yes." The preparer may need to consult with the INDOT PM to make this decision. This information is **Required** for upload.

Resolutions state how the commitment will be implemented, which may include what entity is (or will be) responsible for the action, as well as a time reference for when the action will take place. See the example below.

Example-1 Commitment: "The row of evergreen trees along the southeast boundary of 420 N. Pine Street must be avoided."

Example-1 Resolution: "*The contractor is responsible for avoiding these evergreen trees. These trees have been marked "Do Not Disturb" on final plans and a note has been added to plan sheet B-23.*" Note, that if the plans are mentioned in the resolution, provide the number of the plan sheet(s) in the resolution. Also, if the contractor will potentially need to do something, either a USP, or a note to plans, is required. In the resolution, include the plan sheet number(s), or state that the commitment is covered by a USP, and give the title of the USP.

Once a commitment has either been implemented in design, included in the contract documents, or determined to be not applicable, the INDOT PM and/or designer will write a summary of the action taken into the resolution field and update the commitment database. Keep in mind that the character limit is 1500. This information is **Not Required** for uploading the spreadsheet, but **it is strongly recommended** if the spreadsheet, or the All Commitments Report, is submitted to INDOT for review.

If commitments are not included in design, on the plan sheet(s), or covered by an INDOT standard specification, then a USP, or a note on plans, is required. A USP is also required if the contractor will be

responsible for completing the action, for example: coordinating with IDEM prior to excavation adjacent to a specific address. Note, that although the "Example-1" Commitment required the contractor to complete an action, a note to plans was considered the most efficient and effective way to communicate this information to the contractor. However, not all commitments can be resolved with a note on a plan sheet. Refer to the information about resolutions in the ECF instructions.

Example-2 Commitment requiring a USP: "The contractor will be required to use PPE during work activities adjacent to the sites located at 1800 North Oak Avenue and 3000 North Maple Avenue. INDOT ESD will be contacted immediately for additional project assessment should project scope changes be required, such as deeper excavation and/or anticipated exposure to groundwater at these locations." Example-2 Resolution: *"Included in the USP – PPE, which will be included in the contract book."*

If the commitment will be resolved by a USP, the resolution in the Commitments Database should state, "Included in the USP titled X (title of USP) and will be included in the contract book." In the second resolution example, the instructions are too detailed for a simple note on a plan sheet, and a USP was used instead. Here's what the USP would state in the second example:

Example-2 USP

Soil Sampling

The project sponsor, or their designated consultant, will conduct soil sampling and analysis within the right-of-way of 420 Gasoline Street prior to the Ready for Contracts (RFC) date. The contractor will be responsible for proper handling and disposal of excavated soil in this area.

Additionally, all bat and migratory bird commitments must be resolved by a USP. Use the draft USPs found on the INDOT Recurring and Unique Special Provisions webpage. Please note that Section 106 Memorandum of Agreement commitments must be resolved by a USP as well.

Attachment 5

CE Level Threshold Table

Categorical Exclusion Level Thresholds

	PCE	Level 1	Level 2	Level 3	Level 4[1]
Section 106	Falls within guidelines of Minor Projects PA	"No Historic Properties Affected"	"No Adverse Effect"	-	"Adverse Effect" Or Historic Bridge involvement[2]
Stream Impacts[3]	No construction in waterways or water bodies	< 300 linear feet of stream impacts	≥ 300 linear feet of stream impacts	-	USACE Individual 404 Permit[4]
Wetland Impacts[3]	No adverse impacts to wetlands	< 0.1 acre	-	< 1.0 acre	≥ 1.0 acre
Right-of-way[5]	Property acquisition for preservation only or none	< 0.5 acre	≥ 0.5 acre	-	-
Relocations	None	-	-	< 5	≥ 5
Threatened/Endangered Species (Species Specific Programmatic for Indiana bat & northern long eared bat)*	"No Effect", "Not likely to Adversely Affect" (With select AMMs[6])	"Not likely to Adversely Affect" (With any AMMs or commitments)	-	"Likely to Adversely Affect"	Project does not fall under Species Specific Programmatic[7]
Threatened/Endangered Species (Any other species)*	Falls within guidelines of USFWS 2013 Interim Policy or "No Effect"	"Not likely to Adversely Affect"	-	-	"Likely to Adversely Affect"
Environmental Justice	No disproportionately high and adverse impacts	-	-	-	Potential[8]
Sole Source Aquifer	No Detailed Groundwater Assessment	-	-	-	Detailed Groundwater Assessment
Floodplain	No Substantial Impacts	-	-	-	Substantial Impacts
Section 4(f) Impacts	None	-	-	-	Any[9]
Section 6(f) Impacts	None	-	-	-	Any
Permanent Traffic Alteration	None	-	-	-	Any
Noise Analysis Required	No	-	-	-	Yes
Air Quality Analysis Required	No	-	-	-	Yes[10]
Approval Level • **District Env. (DE)** • **Env. Serv. Div. (ESD)** • **FHWA**	Concurrence by DE or ESD	DE or ESD	DE or ESD	DE and/or ESD	DE and/or ESD; and FHWA

[1] Coordinate with INDOT Environmental Services Division. INDOT will then coordinate with the appropriate FHWA Environmental Specialist.
[2] Any involvement with a bridge processed under the Historic Bridge Programmatic Agreement.
[3] Total permanent impacts to streams (linear feet) and wetlands (acres).
[4] US Army Corps of Engineers Individual 404 Permit
[5] Total permanent and temporary right-of-way. This does not include reacquisition of existing apparent right-of-way.
[6] Avoidance and Mitigation Measures (AMMs) determined by the IPAC determination key to be required that are not tree AMMs, bridge AMMs, or structure AMMs.
[7] Projects that do not fall under a Species Specific Programmatic and results in a "Likely to Adversely Affect". Other findings can be processed as a lower level CE.
[8] Potential for causing a disproportionately high and adverse impact.
[9] Section 4(f) use resulting in an Individual, Programmatic, or *de minimis* evaluation. The only exception is a *de minimis* evaluation for historic properties (Effective January 2, 2020). If a historic property *de minimis* and no other use, mark the *None* column.
[10] Hot Spot Analysis and/or MSAT Quantitative Emission Analysis.
* Includes the threatened/endangered species critical habitat
Note: Substantial public or agency controversy may require a higher-level NEPA document.

APPENDIX A

Glossary

Glossary

A

Abutment: A substructure supporting the ends of a single span or the extreme ends of a multi-span bridge or small structure. An abutment usually retains or supports the approach embankment.

Additional Information: An update to an existing approved environmental document prepared whenever changes occur over time to single or cumulative project conditions that might cause new or more severe environmental impacts or to evaluate a project with respect to new or changed environmental rules, regulations or laws.

Adjacent: Next to or adjoining something else. In terms of a project area it would be the parcels next to the project area, touching the apparent existing right-of-way where the project is occurring. It can have a common vertex with the project area as well.

Adjacent Wetlands: Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, etc. (33 CFR 328.3(c)).

Advisory Council for Historic Preservation (ACHP): An independent federal agency responsible for the federal review process to ensure that cultural resources are considered during federal project planning and implementation.

Affected Environment: The physical features, land, area or areas to be influenced, impacted or created by a transportation improvement under consideration; also includes various social and environmental factors and conditions pertinent to an area.

Affecting: Will or may have an effect on.

Alternative: One of a number of specific transportation improvement proposals, alignments, options, design choices, etc. in a study. The alternative chosen for implementation that best meets purpose and need is called the preferred alternative.

Alternative Analysis: A systematic review and evaluation of alternatives to determine the one that best meets purpose and need while minimizing impacts to resources. The analysis can include avoidance, minimization and/or compensatory mitigation for impacts to a wetland, historic property or other type of resources.

Archaeological Investigations: Studies of prehistoric and historic locales which provide understanding of past human behavior, culture change, and related topics through scientific and scholarly techniques such as literature research, excavation, analysis and interpretation.

Archaeological Resource: The location of a building, structure, district, site, or objects constructed or deposited at least 50 years ago where the location itself possesses research value.

Area of Potential Effect (APE): Under 36 CFR Part 800.16(d) "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist."

Average Daily Traffic (ADT): The number of vehicles that pass a point each day

averaged over a specified period of time.

B

Biological Diversity (Biodiversity): The variability of genes, organisms, species, and interactions within or between habitats, communities, and ecosystems. Biological diversity may be measured at the level of genes, species, and ecosystems. In general usage, biodiversity refers to the number of species supported by an ecosystem weighted by relative abundance of each species.

Biological Opinion: A document which is issued as a result of formal consultation under Section 7 of the federal Endangered Species Act. It includes: (1) the opinion of the Fish and Wildlife Service or the National Marine Fisheries Service as to whether or not a federal action likely to jeopardize the continued existence of listed species("jeopardy" or "no jeopardy"), or result in the destruction adverse modification of designated critical habitat ("adverse modification" or "no adverse modification"); (2) a summary of the information which the opinion is based; and (3) a detailed discussion of the effects of the action species or designated critical habitat. (50 CFR 402.02, 50 CFR 402.14(h)).

Bridge: A structure, including supports, erected over a depression or an obstruction such as water, highway, or a railway having a track or passageway for carrying traffic or other moving loads, and having a length measured along the center of the roadway of more than 20 ft (6.1 m) between undercopings of abutments or extreme ends of openings for multiple boxes.

Burial Ground: A graveyard or other area set aside for burial of the dead; a common burying ground of a church or community.

Business Information Survey: A survey that gathers information about businesses that are likely to be relocated or otherwise impacted by a project.

C

Capacity: The maximum number of vehicles (average daily traffic, or ADT) that can reasonably be expected to pass over a lane of roadway during a given time period under prevailing roadway and traffic conditions.

Categorical Exclusion: The environmental document prepared for federal actions that do not have a significant effect on the environment either individually or cumulatively.

Categorical Exclusion Level 1: The lowest level of environmental documentation for a categorical exclusion.

Categorical Exemption: The minimal State Environmental Policy Act (SEPA) document prepared for projects that Indiana agencies have agreed are anticipated to have little or no impact on the human and natural environment.

Commitments: Promises made during the environmental evaluation and study process to moderate or lessen impacts from the proposed action. These measures may include planning and development commitments, environmental measures, right-of-way improvements, and agreements with resource or other agencies to effect construction or

post construction action. Commitments are documented in the environmental document as well as the commitment database.

Community Advisory Committee (CAC): A group of representatives of public and private community organizations that are convened at the outset of the NEPA process and meets periodically to discuss issues and concerns related to the project. CAC's are required for all EIS-level projects and are considered on EA projects based on public interest or potential for controversy. They are unusual for CE level projects.

Comprehensive Plan: The general, inclusive, long-range statement of the future development of a unit of local government, such as a municipality or county. The plan is typically a map accompanied by description and supplemented by policy statements that direct future capital improvements in an area.

Conceptual Stage Relocation Study (CSRS): A study performed to the likely effects of relocations on businesses and residents.

Conformity: The U.S. Clean Air Act stipulates that any approved transportation project, plan, or program must conform to the State Implementation Plan (SIP), a document which prescribes procedures for the implementation, maintenance and enforcement of primary and secondary pollutants.

Constraints: Significant resources, facilities or other features of a study area located in or adjacent to an existing or proposed transportation corridor that serve to restrain, restrict, or prevent the ready implementation of proposed transportation improvements in a given area; may include natural or physical resources, important structures, manner of payment and various administrative requirements which must be met.

Constructed or Created Wetland: A man-made wetland constructed where one did not formerly exist.

Construction Limits: The farthest limits of construction as measured perpendicular to a base line (e.g., toe of slope, top of ditch backslope). The construction limits are usually the farthest extent of ground disturbance at a project site.

Consultant: An individual, partnership or firm with expertise in engineering, environmental, or public involvement disciplines that is contracted by the originating office to provide technical services. Expertise is determined by comparison to consultant prequalification criteria.

Consultation: The process of seeking, discussing, and considering the views of other participants, and where feasible, seeking agreement with them regarding matters arising in the Section 106 process.

Consulting Party: An individual or entity identified in the Section 106 process that has expressed an interest in the effects of the undertaking on historic resources. Consulting parties are invited to participate in the consultation process.

Context Sensitive Solutions (CSS): A collaborative, interdisciplinary approach to design that considers the total context within which a transportation improvement project will exist. CSS involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources,

while maintaining safety and mobility.

Contributing Resource: A building, site, structure, or object that adds to the historic significance of a property or district.

Criteria Pollutants: Six pollutants (Carbon monoxide, ozone, particulate matter, lead, nitrogen dioxide, and sulfur dioxide) defined under the Clean Air Act that adversely affect human health and safety.

Critical Habitat: Geographic areas that are essential to the conservation of an endangered species. Specifically, critical habitat is: (1) The specific areas within the geographical area currently occupied by a species, at the time it is listed in accordance with the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species, and that may require special management considerations or protection; and (2) Specific areas outside the geographical area occupied by a species at the time it is listed in accordance with the Endangered Species Act, upon a determination by the Secretary of the US Department of the Interior, that such areas are essential for the conservation of the species.

Cultural Resource: Any archaeological, historical, or architectural resource, e.g., a building, object, structure, or site.

Culvert: A structure not classified as a bridge which provides an opening under the roadway.

Cumulative Impact: Cumulative impacts was removed specifically with the 2020 CEQ regulation updates. However, it is still listed in specific regulations such as Section 7 and Section 106. As a result, it is being left in for historical purposes. The total impact on the environment from the incremental impact of a specific action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

D

Data Recovery: Excavation of an archaeological site to obtain information from the site.

Design Approval: An administrative action taken by either INDOT or by the FHWA at the conclusion of the preliminary design phase to officially certify the route location and major design features of a highway.

Design Criteria: Established state and national standards and procedures that guide the establishment of roadway layouts, alignments, geometry, and dimensions for specified types of highways in certain defined conditions. The principal design criteria for highways are traffic volume, design speed, the physical characteristics of vehicles, the classification of vehicles, and the percentage of various vehicle classification types that use the highway.

Design Exception: An approval issued by a state or federal agency to permit certain deviation from a specified, accepted design criteria granted on the basis of a report explaining the need for the exception and the consequences that will result from the action.

Design Manual: An INDOT publication defining criteria, processes and procedures for the evaluation, assessment, engineering design and development of highway and bridge projects.

Designated Use: Classification in Indiana's water quality standards for each watercourse or body of water that defines its optimal purpose. Examples are drinking water use and aquatic life use.

Determination of Eligibility: The process of rendering a professional evaluation of the historical significance of a property. FHWA, in consultation with the State Historic Preservation Officer, applies National Register of Historic Places criteria when deciding matters of historical significance.

Direct Effects: Environmental effects which are caused by a specific action and occur at the same time as the action. Changes in noise levels, traffic volumes or visual conditions are some examples of direct effects generated by transportation improvements.

District Environmental: Each of INDOT's six district offices has an environmental supervisor who oversees and coordinates district efforts related to environmental issues, operations and evaluations.

District Office: One of six INDOT offices throughout Indiana responsible for administering project development, design, construction, and maintenance activities within a specified geographic region.

Ditch: A long, narrow excavation made in the ground by removing material or opening an existing passage or trench, such as a natural channel or waterway.

Drinking Water: Ground or surface water which is of a high enough quality either to drink directly from the source or with some amount of filtration and/or chemical treatment.

E

Effects (or Impacts): Changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, include those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.

Effect Finding: A finding made by FHWA that a proposed project has an effect on a property included on or eligible for the National Register of Historic Places. The three findings of effect are "No Historic Properties Affected," "No Adverse Effect," and "Adverse Effect".

Eligible for Inclusion on the NRHP: Includes both properties formally determined as such in accordance with the regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

Endangered Species: Any species which is in danger of extinction throughout all or a significant portion of its range as per Section 4 of the Endangered Species Act, 16

U.S.C.A. 1531 et seq., as amended.

Engineering Reports: Reports completed by an engineer such as mini-scopes, engineering assessment, abbreviated engineering assessment, etc.

Environmental Assessment (EA): A concise public document prepared by a Federal agency to aid an agency's compliance with NEPA and support its determination of whether to prepare and environmental impact statement (EIS) or a finding of no significant impact.

Environmental Consultation Form (ECF): The document completed as design is finished to verify that the project as designed is consistent with the approved environmental document. The ECF is a reevaluation that the NEPA document is still valid.

Environmental Document (or NEPA Document): Any document prepared to satisfy the requirements of the National Environmental Policy Act, such as an environmental impact statement (EIS), an environmental assessment (EA), finding of no significant impact (FONSI), a categorical exclusion (CE), notice of intent, and any reevaluation of these documents.

Environmental Impact Statement (EIS): The environmental document prepared for projects or actions which are known to have a significant impact on the environment.

Environmental Justice (EJ): An approach to undertakings that considers impacts to minority populations and low-income populations. Environmental justice requires efforts to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment (Executive Order 12898).

Environmental Site Assessment (Phase I): A review of environmental database records related to the project area and immediately surrounding environment. The Phase I Environmental Site Assessment is designed to determine whether past uses of a property represent a concern to the project. Depending on the results of the Phase I Environmental Site Assessment, a Phase II Environmental Site Assessment may also be needed.

Environmental Site Assessment (Phase II): A Phase II Environmental Site Assessment involves subsurface investigations and lab analysis of soil and/or water samples to determine whether contamination is present, and if so, to what extent.

Ephemeral Stream: A stream with flowing water only during, and for a short duration after, precipitation events in a typical year. The streambed is located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Erosion and Sedimentation Control Plan: A detailed plan developed to minimize accelerated erosion and prevent sedimentation damage.

F

Farmland: Under the Farmland Protection Policy Act, any land not already in or committed to urban development or water storage.

Feasibility Study: A systematic evaluation of the desirability or practicality of further developing a proposed action that is performed during the planning stage or very early in the preliminary development phase.

Federal Action: A highway or transit project proposed for FHWA or FTA funding. It also includes actions such as joint and multiple use permits, other federal permits and approvals, changes in access control, etc., which may or may not involve a commitment of federal funds. A project that involves a commitment of federal funds is a Federal-Aid project.

Federal Highway Administration (FHWA): The agency of the U.S. Department of Transportation responsible for carrying out federal highway and transportation mandates through regional offices and a Division Office in each state.

Federal Transit Administration (FTA): An agency of the U.S. Department of Transportation tasked with administering the federal transit program.

Field Investigation: A survey that describes the type, location and condition of properties or resources in a specific geographic area combined with background research.

Field Review: A site visit conducted by INDOT to gather or verify data, define scopes of work, perform analyses, and make decisions for specific projects.

Final INDOT approval authority: The highest INDOT environmental group that approves the environmental document. If INDOT ESD approves, INDOT ESD would be final INDOT approval authority above the district environmental teams.

Final Design: The development of detailed working drawings, specifications, and estimates for transportation projects. Final Design follows the receipt of necessary design and/or environmental approval, and it includes right-of-way acquisition, utility relocation, and contract advertisement and award.

Finding of No Significant Impact (FONSI): A determination by a federal agency that briefly presents the reasons why an action or project documented as an environmental assessment will not have a significant effect on the human environment and why an environment impact statement will not be prepared.

Fixing America's Surface Transportation (FAST) Act: The FAST Act funds surface transportation programs—for fiscal years (FY) 2016 through 2020. The FAST Act builds on the changes made by MAP-21.Setting the course for transportation investment in highways, the FAST Act improves mobility on America's highways, creates jobs and supports economic growth, and accelerates project delivery and promotes innovation.

Floodplain: The relatively level land next to a stream or river channel that is periodically submerged by flood waters. It is composed of alluvium deposited by the present stream or river when it floods.

Forested Wetland: A wetland class characterized by woody vegetation that is 20 feet or taller.

G

Ground Water: Water that occurs beneath the surface of the ground, regardless of location or form. Most ground water exists in small pores between rock particles and in narrow fractures in rock formations

H

Habitat: The sum of the physical, chemical, and biological environment occupied by individuals of a particular species, population, or community.

Hazardous Substance: A classification under CERCLA given to hazardous wastes and other dangerous materials regulated under a variety of other environmental regulations, such as the Clean Air Act (CAA) and Clean Water Act (CWA).

Hazardous Waste: A waste with properties that make it dangerous, as defined under the Resource Conservation and Recovery Act (RCRA). Wastes may either be classified as hazardous due to direct listing (by substance) or they may be hazardous because they exhibit one or more of the characteristic traits of hazardous waste.

Headwaters: Non-tidal rivers, streams, and their lakes and impoundments, including adjacent wetlands, that are part of a surface tributary system to an interstate or navigable water of the U.S. upstream of the point on the river or stream at which the average annual flow is less than five cubic feet per second.

Historic Bridge: Bridges included in or eligible for inclusion in the National Register of Historic Places; or considered a contributing element within a listed or eligible historic district.

Historic District: An area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan of physical development.

Historic Property: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This includes artifacts, records, and remains that are related to and located within such properties.

Historical/Architecture Investigations: Studies that result in identification of resources (buildings, structures, and sites) constructed over fifty years ago or of recent construction and demonstrably significant based on National Register of Historic Places guidelines, via literature research, photo documentation, analysis, and interpretation.

Hot Spot Analysis: An estimation of likely future localized particulate matter or carbon monoxide concentrations and a comparison of those concentrations to relevant air quality standards.

Human Environment: Comprehensively the natural and physical environment and the

relationship of present and future generations of Americans with that environment.

I

Impacts: See effect above.

Independent utility: Be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made.

Indirect effects or impacts: Indirect effect or impacts was removed specifically with the 2020 CEQ regulation updates. However, it is still listed in specific regulations such as Section 7 and Section 106. As a result, it is being left in for historical purposes. Effects that are caused by an action and occur later in time or farther removed in distance, but are still reasonably foreseeable, including changes in land use patterns, population density or growth rates, and related effects on air and water and other natural systems.

Injection Well: A well constructed for the purpose of injecting treated water, often wastewater, directly into the ground.

Interested Community: The persons or groups affected by or interested in a specific transportation project. Contact information for the interested community is gathered and maintained by INDOT or LPAs during the course of transportation project studies.

Intermittent Stream: A stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Invasive Species: A species that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

Isolated Wetlands: Wetlands that have no surface water connection to a surface water of the state, are outside of, and not contiguous to, any one hundred-year floodplain and have no contiguous hydric soil between the wetland and any surface water of the state.

J

Joint Development: The conception, planning and execution of improvements in the uses of land outside the normal right-of-way for a transportation facility.

Jurisdictional Water: A waterbody over which the US Army Corps of Engineers has jurisdiction because it meets certain criteria, such as a wetland, stream, river, or other water feature.

K

Karst: Landscape features caused by patterns of dissolved bedrock, typically limestone or dolomite, and often marked by underground drainage channels. Karst features include sinkholes, swallow holes, caves, springs, and sinking streams

L

Lead Agency: The agency or agencies, in the case of joint lead agencies, preparing or having taken primary responsibility for preparing the NEPA document.

Legal Notice: A formal announcement published according to legal requirements in a periodical or newspaper to provide official public notice of an action or approval of interest to the public.

Level of Service (LOS): A commonly used indicator of a highway's performance. Levels of service range from A, which indicates unrestricted free flow conditions, to F which indicates high congestion and generally restricted operating speeds.

Local Government: A city, county, parish, township, municipality or other general purpose political subdivision of a state.

Local Public Agency (LPA) Project: Any highway improvement project or enhancement project that is funded wholly or in part by a local government entity.

Location Map: A graphic drawing used in study reports and meeting presentations to show the orientation and the relationship of the project with its study area in comparison with existing roadways, features, developments, municipalities, and principal land uses nearby. The graphic typically will be large enough to show all major roadways, major cities, and principal topographic controls in the region.

Logical Termini: Rational end points for a transportation improvement, and rational end points for a review of the environmental impacts.

M

Memorandum of Agreement and Memorandum of Understanding: Documents that record terms and conditions negotiated between parties with a common interest, goal, or procedure. A Memorandum of Agreement (MOA) focuses on general areas of agreement in which the activities of one party depend on the activities of another. A Memorandum of Understanding (MOU) focuses on defining relationships in which the activities of one party do not depend on the activities of another.

Metropolitan Planning Organization (MPO): The organization designated by the governor and local elected officials as responsible, together with the state, for transportation planning in an urbanized area.

Mitigation: Measures that avoid, minimize, or compensate for effects caused by a proposed action or alternatives as described in an environmental document or record of decision and that have a nexus to those effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation.

Mobile Source Air Toxics (MSAT): Any of the 21 compounds identified by the Environmental Protection Agency as hazardous air pollutants from mobile sources.

Moving Ahead for Progress in the 21st Century (MAP 21): MAP-21, was signed into law (P.L. 112-141) on July 6, 2012. Funding surface transportation programs for fiscal years (FY) 2013 and 2014 with extension 2015, MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991.

N

National Environmental Policy Act (NEPA): The federal legislation requiring states to document the environmental impact of transportation projects. The NEPA process is enforced by regulations of the Council on Environmental Quality (CEQ).

National Historic Landmark: A historic property evaluated and found to have significance at the national level and designated as such by the Secretary of the Interior.

National Historic Preservation Act: The primary legislation that governs historic and archaeological preservation in the United States and outlines the Section 106 process..

National Register of Historic Places (NRHP): The national list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering, or culture.

Nationwide Rivers Inventory (NRI): is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential Directive, and related Council on Environmental Quality procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments.

Native American Tribe: A tribe, band, nation, or other organized group or community, that is recognized by the federal government as eligible for the special programs and services provided by the United States because of their status as Native Americans.

Native Species: A species which, by scientific evidence, was present in Indiana just prior to European exploration and settlement.

NEPA Document: See environmental document above.

NEPA Process: All measures necessary for compliance with the requirements of section 2 and title I of NEPA.

No-Build Alternative or No-Action Alternative: Option of maintaining the status quo by not building transportation improvements. The no-build serves as a baseline for comparison of build alternatives.

Non-attainment Areas: Counties that do not meet national ambient air quality standards for the criteria pollutants; ranked by the severity of their problem as marginal, moderate, serious, severe or extreme. In accordance with the Clean Air Act Amendments of 1990, these areas must take specific emission reduction measures.

Non-native Species: A species which, by scientific evidence, was not present in Indiana just prior to European exploration and settlement.

Notice of Intent: A public notice that an agency will prepare and consider an environmental impact statement.

O

Ordinary High Water Mark (OHWM): The line on the shore of a waterway established by the fluctuations of water and indicated by physical characteristics. Examples of these physical characteristics include the following: (1) a clear and natural line impressed on the bank; (2) shelving; (3) changes in the character of the soil; (4) the destruction of terrestrial vegetation, and; (5) the presence of litter or debris.

Originating Office: The lead District, or LPA responsible for administering, developing, and implementing a given project.

Outstanding River: A high-quality scenic or recreational river designated by the Indiana Department of Natural Resources under one or more of 22 categories.

P

Participating Agency: A Federal, State, Tribal, or local agency participating in an environmental review or authorization of an action.

Perennial Stream: A stream that has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Phase I Cultural Resource Survey: Documentation and analysis of the cultural resource investigations in a specific survey area.

Phase II Cultural Resource Survey: Documentation and analysis of a detailed investigation of a specific property, properties, or site(s).

Phase III Cultural Resource Survey: Documentation and analysis of archaeological investigations as they pertain to data recovery.

Plans, Specifications, and Estimates Submission (PS&E): The final set of plans, specifications, and estimates for the project as it will be let for construction. This transmittal includes all written material and engineering data necessary to place a highway construction project under contract. These submissions are reviewed for accuracy and completeness prior to bid, and, for major federal aid projects, may be provided to the Federal Highway Administration for final approval.

Practicable: Available and capable of being executed with existing technology and without significant adverse effect on the economic feasibility of the project in light of the overall project purposes and in consideration of the relative environmental benefit.

Pre-Construction Notification (PCN): A document, generally a completed 404

Application, which must be submitted to the U.S. Army Corps of Engineers prior to commencing an activity authorized by a Section 404 Nationwide Permit.

Preferred Alternative: The alternative that will be implemented by the project that best meets the project's purpose and need.

Presence: A resource should be considered present if the resource is within the project limits or directly adjacent to the project limits. If the resource could be directly or indirectly impacted by the project, it should be listed in the NEPA document as present.

Permanent Traffic Alteration: A permanent traffic alteration is a change in traffic movement such as one-way traffic to two-way traffic or from two-way traffic to one-way traffic, eliminating access such as closing a roadway or preventing traffic movements, or creating new traffic movements that are not localized alignment shifts that prevents traffic from getting from point A to point B or opening new areas to development. If a project affects traffic movement or change in access, coordinate with INDOT ESD early in the NEPA process.

Permit Determination: Identification of permits that are required based on resources impacted by a project. Permit determinations performed during the drafting of the environmental document are considered preliminary and those performed at the time of permitting are final.

Prequalified Consultant: Those individuals or firms who meet the criteria and have been approved by INDOT for pre-qualification for environmental documentation, archaeological, history/architecture, or other types of environmental investigations under INDOT's Consultant Prequalification Requirements and Procedures. The individual or firm should be listed by INDOT as pre-qualified at the time investigations are undertaken.

Primary Consultant: An individual, partnership or firm with qualified expertise in engineering, environmental or public involvement disciplines who is contracted by the originating office to provide technical services.

Programmatic Agreement: An agreement between agencies on policy and procedure that is designed to accomplish mutual goals efficiently.

Programming: A general term to refer to a series of activities carried out by a project sponsor (typically INDOT), including data assessment, appraisal of identified planning needs and consideration of available or anticipated fiscal resources to result in the drawing up, scheduling and planning.

Project Area: That area involved in a highway improvement that will be directly impacted by the project. This area can either be within existing right-of-way or include new right-of-way.

Project Development Process: Indiana's procedures for advancing a transportation improvement project from concept to construction.

Project File: A compilation of all data and study materials associated with environmental documents, including all pertinent information gathered during the environmental evaluation, supporting reports, telephone memorandums and pertinent

correspondence.

Project Sponsor: The project sponsor is either state, local, or other. It is the group that is funding the project. State project sponsors are usually INDOT. It can also be IDNR or IFA for transportation related projects. Local sponsors are local public agencies such as counties, cities, or towns. Other project sponsor would be private corporations or nongovernmental organizations. A project may have multiple sponsors in some circumstances.

Proposal: A proposed action at a stage when an agency has a goal, is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and can meaningfully evaluate its effects. A proposal may exist in fact as well as by agency declaration that one exists.

Public Hearing: A formal meeting that provides the public the fullest opportunity to comment on the record about a proposed transportation project.

Public Information Meeting: An informal meeting conducted by transportation officials designed to provide information to the public about a proposed project.

Public Involvement: Coordination events and informational materials geared toward public participation in the transportation development process.

Purpose and Need: A written description of the transportation problem or other need that the proposed project is intended to address.

Q

Qualified Cultural Resource Personnel: Those persons who meet the professional qualification standards published in 36 CFR 61 and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation published in the Federal Register, 1983, Part IV, 48(190:44738-44739).

Qualitative Analysis: The systematic comparison of one or more factors that cannot be measured in monetary terms, have no apparent common denominators, or are not readily quantifiable, using sound judgment.

Qualitative Habitat Evaluation Index (QHEI): An index designed to provide a measure of habitat that generally corresponds to those physical factors affecting fish communities and which are generally important to other aquatic life (e.g. invertebrates).

Quantitative Analysis: The comparison of one or more factors using measurable data. Certain mathematical models, formulas, numerical indices, rankings, and value matrices may be used.

R

Reasonable alternatives: A reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, and, where applicable, meet the goals of the applicant.

Reasonably foreseeable: Sufficiently likely to occur such that a person of ordinary

prudence would take it into account in reaching a decision.

Red Flag Investigation: A review of resources and features within 0.5 mile of the project area to determine whether any of a range of potential environmental concerns are present. This information is used as a first-step screening tool to identify and eliminate any alternatives which may be fatally flawed on environmental grounds.

Red Flags: Identified points of concern, including environmental and engineering issues, within the project study area.

Reevaluation: Reevaluations should be thought of as a continuation of the NEPA project development process and are necessary at certain key points in the overall process to establish whether or not the NEPA document remains valid for subsequent federal action. During a reevaluation, attention is given to determining what changes have occurred in the project and the study including changes in the design or scope of a project, new or modified laws and regulations, circumstances or project area changes or new information in general. The finding or conclusion of a reevaluation is that the NEPA decision or documentation is valid or that additional analysis is required. A reevaluation provides evidence for the FHWA in determining whether or not the preparation of a new CE, EA, supplemental EIS, AI or Note to File is necessary in order to advance the project to the next stage. [23 CFR § 771.129(c)]

Regulated drain: A drainage structure subject to the authority of a county drainage board under IC 36-9-27-33.

Regulatory Agency: An agency empowered to issue permits or recommend approval or denial of a permit or action.

Relocation (Displacement): Removal of a structure from the right of way of a transportation facility, either by movement or by demolition; formerly called displacement.

Resource Agency: An agency with regulatory authority over an environmental resource, including IDEM, USEPA, USFWS, USACE, NRCS, and IDNR. Resource agencies review environmental technical documents and reports generated for proposed development projects, including early coordination information.

Right-of-Way: Land occupied by or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads, and utility lines. Permanent right of way is owned outright by the agency. Temporary right of way is returned to the owner after being used during construction of the transportation facility.

Riparian: Areas next to or substantially influenced by water, including areas adjacent to rivers, lakes, or estuaries, which may or may not be wetlands.

River: A large natural stream of water emptying into an ocean, lake or other body of water and usually fed along its course by converging tributaries.

S

SAFETEA-LU: The acronym for Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, which is the federal transportation bill passed in 2005. SAFTEA-LU authorizes federal transportation programs and contains provisions to streamline compliance with environmental laws and regulations.

Scope: The range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements.

Scope of Work: A detailed, written listing of tasks prepared in advance of engineering and environmental work to define requirements of studies.

Scoping Field Review: A site visit conducted by the originating office and other appropriate parties to define a project's scope of work and to evaluate a variety of circumstances involved with the proposed project.

Section 106: The provision of the National Historic Preservation Act of 1966 that requires federal agencies to take into account the effect of their undertakings on properties included in or eligible for inclusion in the National Register of Historic Places, and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings.

Section 4(f): The provision of the US Department of Transportation Act of 1966 (Title 49, USC, Section 303) that requires special considerations be made regarding the "use" of any publicly owned park, recreation area, wildlife/waterfowl refuge or historic property that is listed in or eligible for the National Register of Historic Places.

Section 6(f): The provision of the Federal Land and Water Conservation Fund Act of 1965 that protects public recreational properties developed or enhanced using federal funding supplied to states or municipalities under the act by requiring replacement of lands converted to non-recreational uses.

Sensitive Receiver: In noise analysis, an area of frequent human use for which noise impacts are analyzed. These may include any location for which noise may be an impact.

Sensitive Species: Plant or animal species which are (1) Federal listed or proposed threatened or endangered species; (2) bird species protected under the Migratory Bird Treaty Act; (3) species protected under State endangered species laws and regulations, plant protection laws and regulations; Fish and Game codes, or species of special concern listings and policies, or (4) species recognized by national, state, or local environmental organizations (e.g. The Nature Conservancy).

Significant Impacts: An impact that is meaningful, major, important, or large, when both context and intensity are considered. Significant impacts may occur on small or large scales, over the long or short term, may be incidental or cumulative, and may be direct or indirect. Any project that has significant impacts to the human or natural environment cannot be documented as a categorical exclusion. See 40 CFR 1508.27 (http://ceq.hss.doe.gov/nepa/regs/ceq/1508.htm#1508.27) for a detailed definition of context and intensity.

Small Structure: A small structure is any crossing which is shorter than exactly twenty feet. Structures that are twenty feet or longer are considered bridges.

Sole Source Aquifer: As defined by the federal Safe Drinking Water Act, a groundwater source that represents the principle source of a water supply for a community or region that, if contaminated, would create a significant hazard to public health.

Special Aquatic Sites: Geographic areas, large or small, which possess special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values, such as sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes.

State Environmental Policy Act (SEPA): The act that covers environmental documentation where there is funding from the State of Indiana, but no federal funding nor federal nexus is identified. This is codified in 326 IAC 16 and in IC-13-12-4.

State Historic Preservation Officer (SHPO): The Governor or his/her appointed representative responsible for directing the State Office of Historic Preservation.

State Categorical Exemption: The environmental document completed for a project that is entirely state funded and that does not require preparation of a state environmental assessment. Common projects that qualify as state categorical exemptions are listed in Table 3 in this manual. The state categorical exemption memo documents the categorical exemption.

Stream: Any channel, which carries water for at least a minimal period of time and has an Ordinary High Water Mark.

Structure Number: A permanent number assigned to a bridge. This is the identification number for the data on a particular structure.

Study Area: The boundary of the study area is based on the logical geographic termini, the project purpose and need, and the expected limits of potential impacts. It is important that the study area be large enough to encompass the range of alternatives that will be developed to meet the project purpose and need. The area within which transportation impacts can be measured will likely be substantially larger than the area within which direct environmental impacts are measured. It is important to ensure that the forecasting is extensive enough in its geographic reach to reasonably estimate the transportation and land development impacts.

Surface Water: Any body of water that has some exposure at the surface, such as rivers, creeks, ditches, lakes, reservoirs, ponds, open wells, detention/retention basins, and some wetlands.

T

Terrestrial Habitat: The local environment in which land animals and plants live.

Threatened Species: any plant or animal species that is native to Indiana or that migrates or is otherwise reasonably likely to occur within the state and which has been

listed as threatened pursuant to Section 4 of the Endangered Species Act (16 U.S.C.A. 1531 et seq., as amended, or by Indiana.

Type I Project: A Federal or Federal-aid highway project that falls under the definition of a Type I project in 23 CFR 772.5 Definitions. These projects require a noise analysis.

Type II Project: A Federal or Federal-aid highway project for noise abatement on an existing highway. For a Type II project to be eligible for Federal-aid funding, the highway agency must develop and implement a Type II program in accordance with 26 CFR 772.7(e). INDOT does not have a Type II program.

Type III Project: A Federal or Federal-aid highway project that does not meet the classification of a Type I or Type II project. Type III projects do not require a noise analysis.

U

Undertaking: A project, activity, or program funded in whole or part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carrier out with federal assistance; those requiring a federal permit, license, or approval; and those subject to state or local regulations administrated pursuant to a delegation or approval by a federal agency.

Upland: Any area that does not qualify as wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, solid and/or hydrologic characteristics associated with wetlands, or is defined as open waters.

Utility Clearance: Before construction projects can proceed the right of way must be cleared of affected utilities or the utilities must be scheduled for relocation/abandonment. This is typically accomplished through the certification of right of way.

V

W

Watercourse: A natural or artificial channel through which water flows.

Waters of the State: Accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state. The term does not include any private pond, or any pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge there from causes or threatens to cause water pollution.

Waters of the United States: Bodies of water subject to the jurisdiction of the US Army Corps of Engineers under Section 404 of the Clean Water Act. This includes all interstate waters such as lakes, rivers, streams (including intermittent streams) and wetlands. Water of the United States us a broader term than navigable waters of the U.S. A detailed definition can be found in 33 CFR 328.3(a).

Waters of the U.S. Report: The document prepared to request a jurisdictional determination of Waters of the U.S. and/or the State of Indiana in support of a permit

request. The report identifies all waterways and water bodies that may be impacted by the project and includes data relevant to assessing their jurisdictional status.

Watershed: A watershed is all the landscape that drains to a specific point.

Well Head Protection Area: The surface and subsurface area surrounding a water well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water well or well field.

Wetland: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 the USACE Wetland Delineation Manual.

Wetland Delineation: An investigation that defines the boundaries of those topographic features within a study area and which meet the federal definition of "wetland" as contained in 33 CFR 328.3(b).

Wetland Determination: In investigation that identifies probable wetlands within a study area.

Wetland Finding: A finding made by FHWA that there are no practicable alternatives to impacting one or more acres of wetland. The finding is part of the CE and FHWA approval of the CE is also approval of the wetland finding.

Wetland Restoration: An activity returning a wetland from a disturbed or altered condition with lesser acreage or functions to a previous condition with greater wetland acreage or functions.

Wild and Scenic Rivers Act: Establishes the policy that certain rivers of the nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geological, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. (16 USC 1271 et seq.)

Wildlife Crossing: A structure either above or below a roadway that allows wildlife to cross the roadway.

X

Y

Z

APPENDIX B

Acronyms

ACRONYMS

AC	Affected Community
ACHP	Advisory Council of Historic Preservation
ADT	Average Daily Traffic
AI	Additional Information
AMM	Avoidance and Minimization Measures
APCTC	Area Plan Commission of Tippecanoe County
APE	Area of Potential Effect
BA	Biological Assessment
BIAS	Bridge Inspection Application System
BIS	Business Information Survey
BMCMPO	Bloomington/Monroe County Metropolitan Planning Organization
BMP	Best Management Practices
BO	Biological Opinion
CAA	Clean Air Act
CAAA	Clean Air Act Amended
CAC	Community Advisory Committee
CAMPO	Columbus Area Metropolitan Planning Organization
CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CIA	Community Impact Assessment
CIF	Construction in a Floodway
CMAQ	Congestion & Air Quality Improvement Program
CO	Carbon Monoxide
COC	Community of Comparison
CRM	Cultural Resources Manual
CRO	Cultural Resources Office
CSM	Consultant Services Manager
CSRS	Conceptual Stage Relocation Study
CSS	Context Sensitive Solutions
dBA	Decibel (A-weighted)
dbh	Diameter Breast Height
DE	District Environmental
DEIS	Draft Environmental Impact Statement
DHPA	Division of Historic Preservation and Archaeology
DHV	Design Hourly Volume
DMMPC	Delaware-Muncie Metropolitan Plan Commission
DOT	Department of Transportation
EA	Environmental Assessment
ECF	Environmental Consultation Form
ECL	Early Coordination Letter
EIS	Environmental Impact Statement
EJ	Environmental Justice
EMPO	Evansville Metropolitan Planning Organization
EO	Executive Order
EPA	Environmental Protection Agency
EPO	Environmental Policy Office
ESA	Environmental Site Assessment

ERC	Employee in Responsible Charge
ERMS	Electronic Records Management System
ESD	Environmental Services Division
EWPO	Ecology and Waterway Permitting Office
FAST	Fixing America's Surface Transportation Act
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FHWA	Federal Highway Administration
FHWA-IN	Federal Highway Administration, Indiana Division
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
GIS	Geographical Information Systems
GWIA	Groundwater Impact Assessment
HBPA	Historic Bridges Programmatic Agreement
HHEI	Headwaters Habitat Evaluation Index
HRP	Historic Property Reports
HUD	United States Department of Housing and Urban Development
IAC	Indiana Administrative Code
IAD	Interstate Access Document
IB	Indiana bat
IC	Indiana Code
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources
IGWS	Indiana Geological and Water Survey
ILF	In-lieu Fee
IMPO	Indianapolis Metropolitan Planning Organization
INDOT	Indiana Department of Transportation
IP	USACE Section 404 Individual Permit
IPaC	Information for Planning and Consultation
IR	Indiana Register
JD	Jurisdictional Determination
KHCGCC	Kokomo-Howard County Governmental Coordinating Council
KIPDA	Kentuckiana Regional Planning and Development Agency
LEDPA	Least Environmentally Damaging Practicable Alternative
Leq(h)	Equivalent Hourly Sound Level
LOS	Level of Service
LPA	Local Public Agency
LWCF	Land and Water Conservation Fund
MACOG	Michiana Area Council of Governments
MAP-21	Moving Ahead for Progress in the 21st Century
MBTA	Migratory Bird Treaty Act
MCCOG	Madison County Council of Governments
MA-NLAA	May Affect – Not Likely to Adversely Affect
MA-LAA	May Affect – Likely to Adversely Affect
MOA	Memorandum of Agreement
MOT	Maintenance of Traffic
MOU	Memorandum of Understanding
MPPA	Minor Projects Programmatic Agreement

MPO	Metropolitan Planning Organization
MS4	Municipal Separate Storm Sewer Systems
MSAT	Mobile Source Air Toxin
N/A	Not Applicable
NAAQS	National Ambient Air Quality Standards
NAC	Noise Abatement Criteria
NE	No Effect
NEPA	National Environmental Policy Act
NIRCC	Northeastern Indiana Regional Coordinating Council
NIRPC	Northwestern Indiana Regional Planning Commission
NLEB	Northern long-eared bat
NO_2	Nitrogen Dioxide
NOAA	National Oceanic and Atmospheric Administration
NOS	Notice of Survey
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NRI	Nationwide Rivers Inventory
NTF	Note to File
NWI	National Wetland Inventory
NWP	USACE Section 404 Nationwide Permit
O_3	Ozone
OHWM	Ordinary High Water Mark
OKI	Ohio-Kentucky-Indiana Regional Council of Governments
OWQ	Office of Water Quality
PA	Programmatic Agreement
Pb	Lead
PCE	Programmatic Categorical Exclusion
PE	Professional Engineering
PFC	Preliminary Field Check
PI	Public Involvement
PIP	Public Involvement Plan
PM	Project Manager
$PM_{2.5}$ and PM_{10}	Particulate Matter (Particle Size 2.5mm and 10mm respectively)
PMT	Project Management Team
PPD	Preliminary Permit Determination
PS&E	Plans, Specifications & Estimates
PSCS	Professional Services Contracting System
PWS	Public Water System or Professional Wetland Scientist
QA/QC	Quality Assurance and Quality Control
QHEI	Quality Habitat Evaluation Index
RCRA	Resource Conservation and Recovery Act
RGP	USACE Section 404 Regional General Permit
RFC	Ready for Contracts
RFI	Red Flag Investigation
ROD	Record of Decision
RTP	Recreational Trails Program
R/W or ROW	Right-of-Way
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy of Users

SAM	Site Assessment & Management
SCE	State Categorical Exemption
SCORP	Statewide Comprehensive Outdoor Recreation Plan
SEIS	Supplemental EIS
SEPA	State Environmental Policy Act
SHPO	Indiana State Historic Preservation Officer
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
SSA	Sole Source Aquifer
STIP	Statewide Transportation Improvement Program
SWAP	Source Water Assessment Program
THAMPO	Terre Haute Area Metropolitan Organization
TCM	Transportation Control Measures
TIP	Transportation Improvement Program
TNM	Traffic Noise Model
TP	Transportation Plan
USACE/ ACOE	United States Army Corps of Engineers
USCG	United States Coast Guard
USDA	United States Department of Agriculture
USDOI	United States Department of Interior
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geologic Survey
USP	Unique Special Provision
VMT	Vehicle Miles Traveled
VPD	Vehicles per Day
VPH	Vehicles per Hour
WHPA	Wellhead Protection Area
WQC	Section 401 Water Quality Certificate

APPENDIX C

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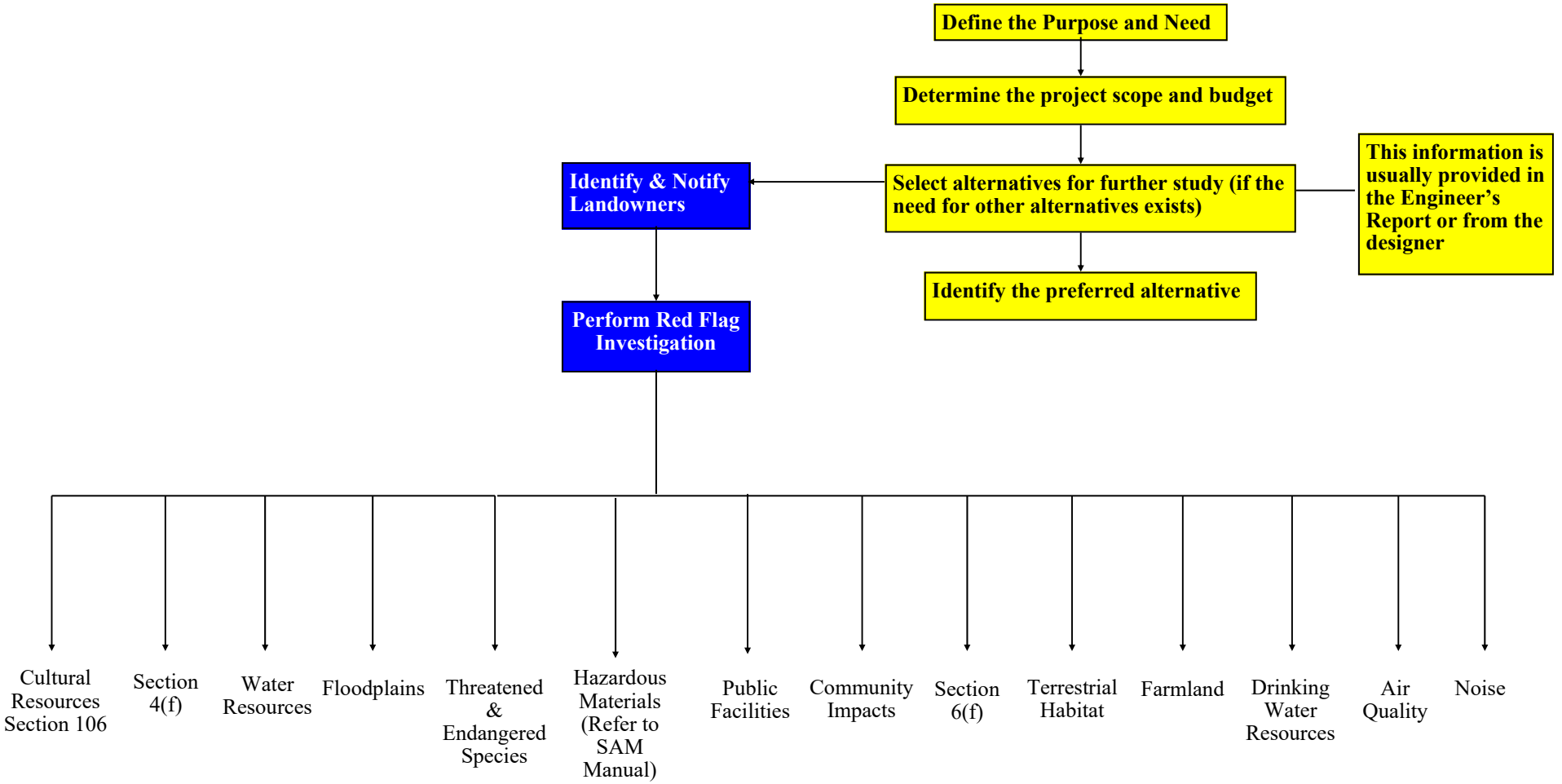
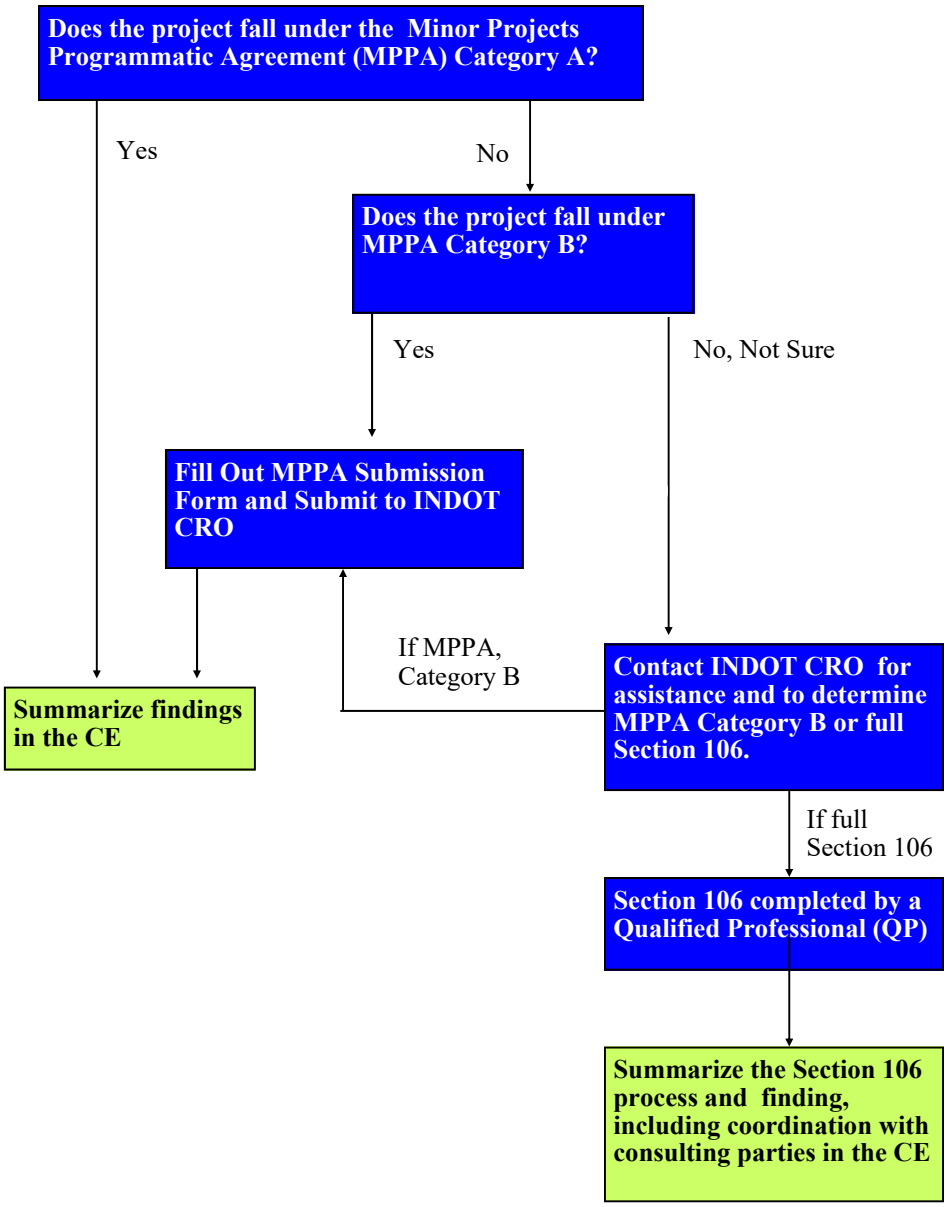
APPENDIX D

Flowchart

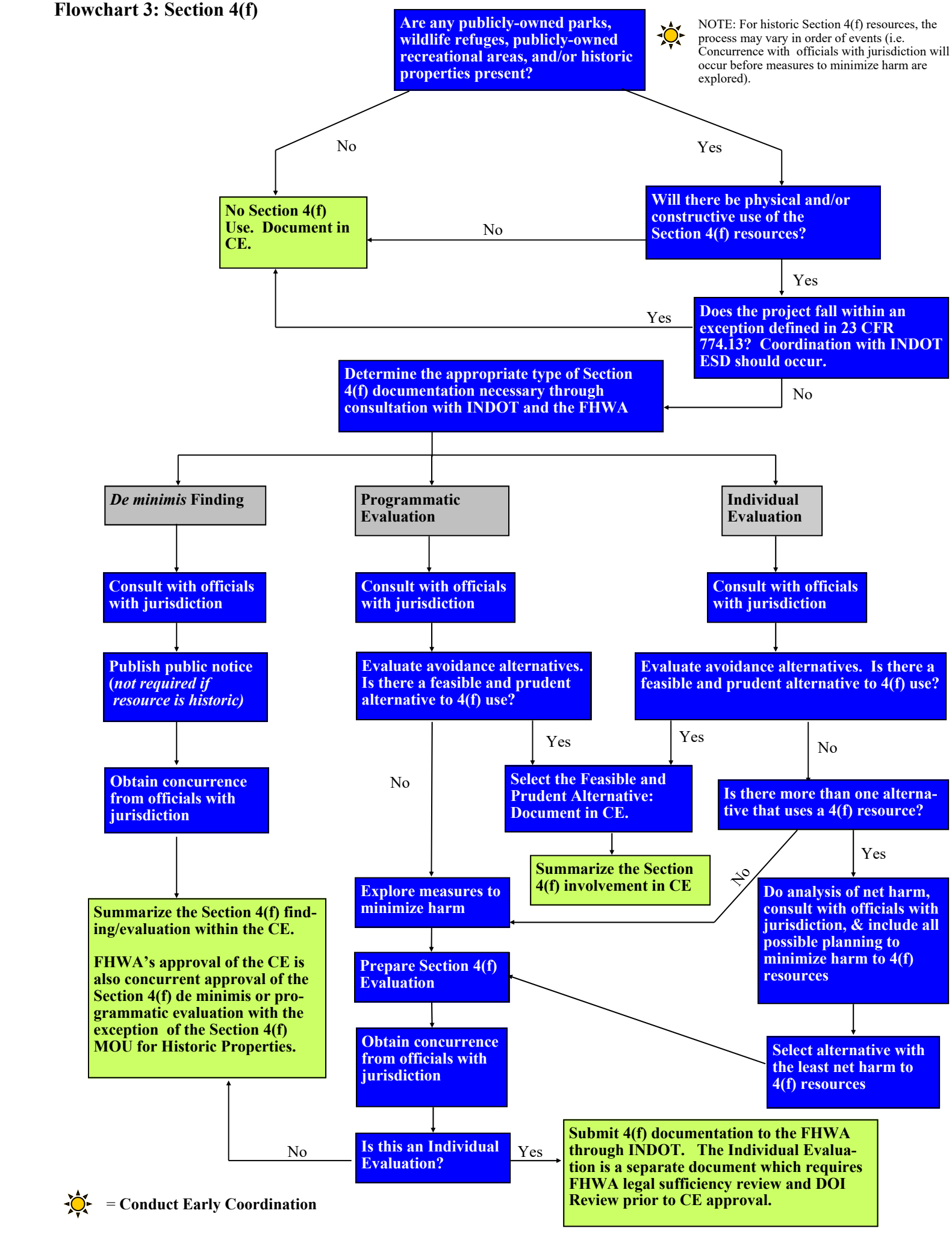
Flowchart 1: The Process for Preparing a Categorical Exclusion (CE)



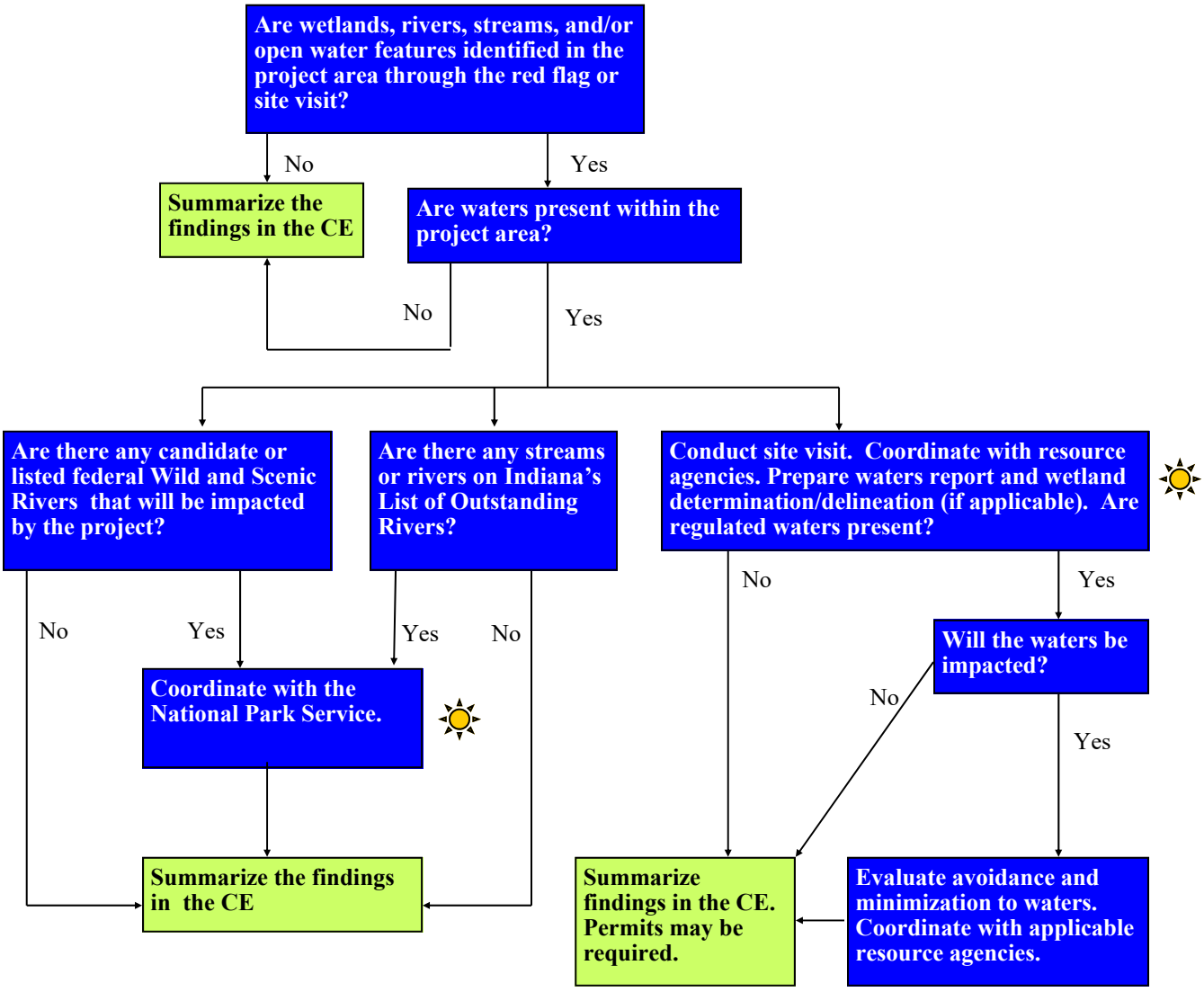
Flowchart 2: Cultural Resources - Section 106



Flowchart 3: Section 4(f)



Flowchart 4: Water Resources



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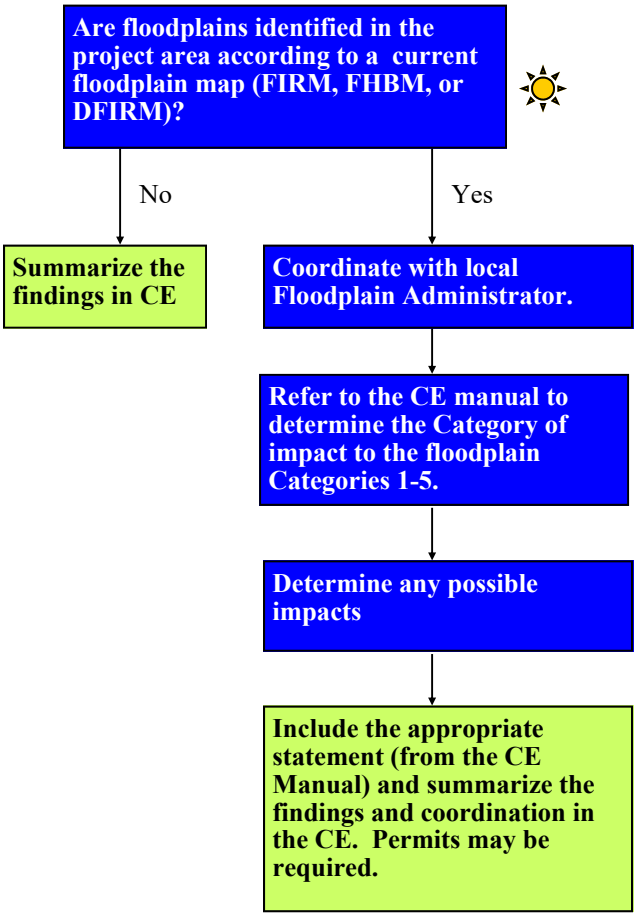
Flowchart 5: Floodplains



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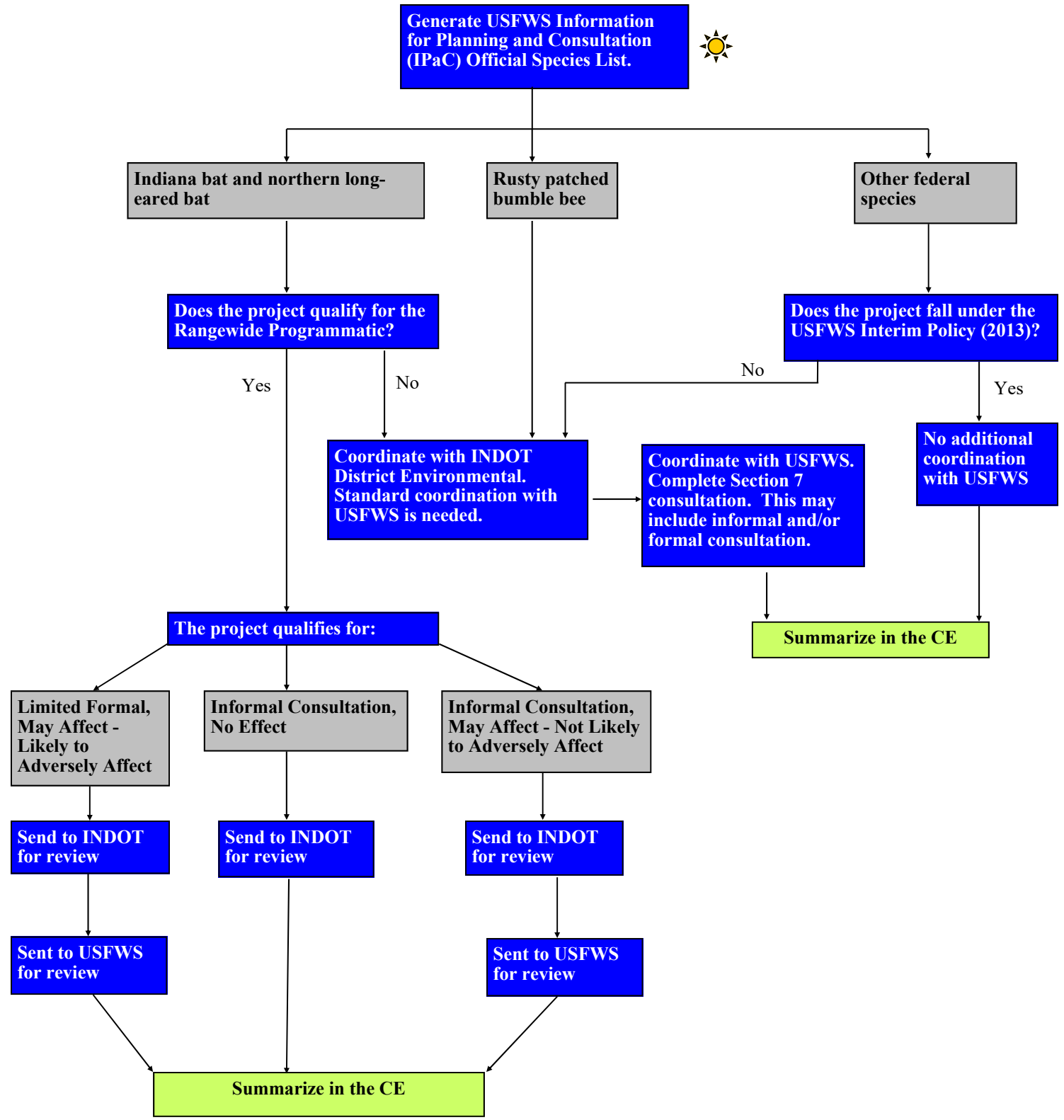
Flowchart 6: Protected Species—Federal



*Migratory birds are protected under the Migratory Bird Treaty Act. If migratory birds are identified through coordination or site visit, coordination with INDOT ESD is required.

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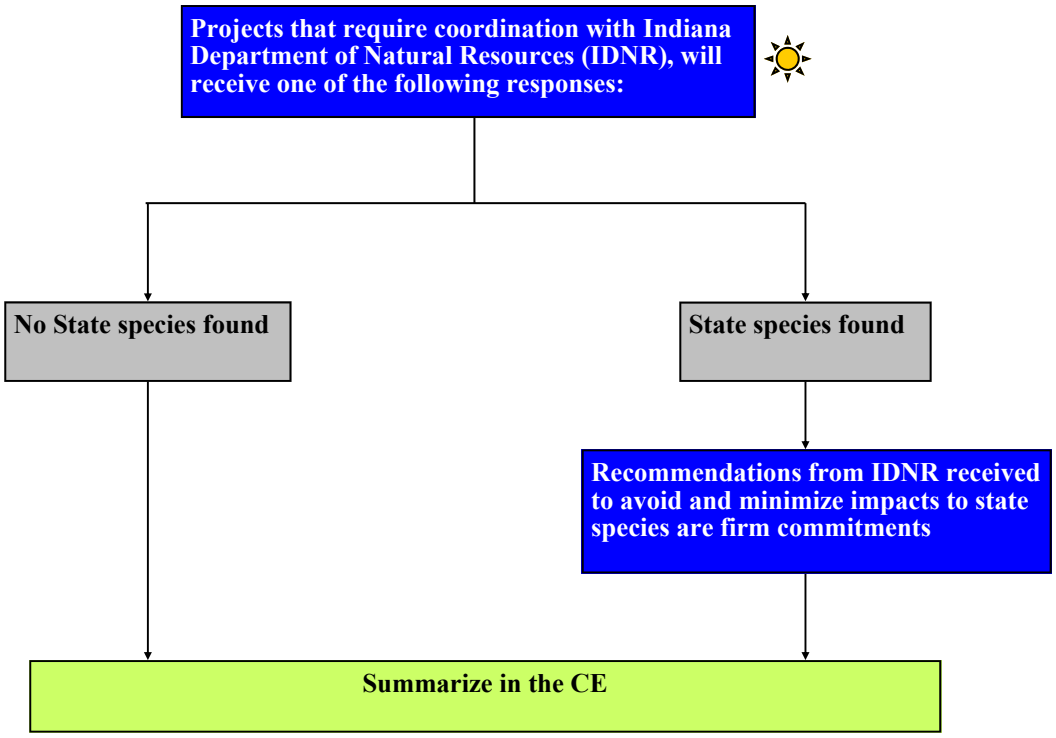
Flowchart 6: Protected Species—State



***Migratory birds are protected under the Migratory Bird Treaty Act. If migratory birds are identified for the project, coordination with INDOT ESD is required.**

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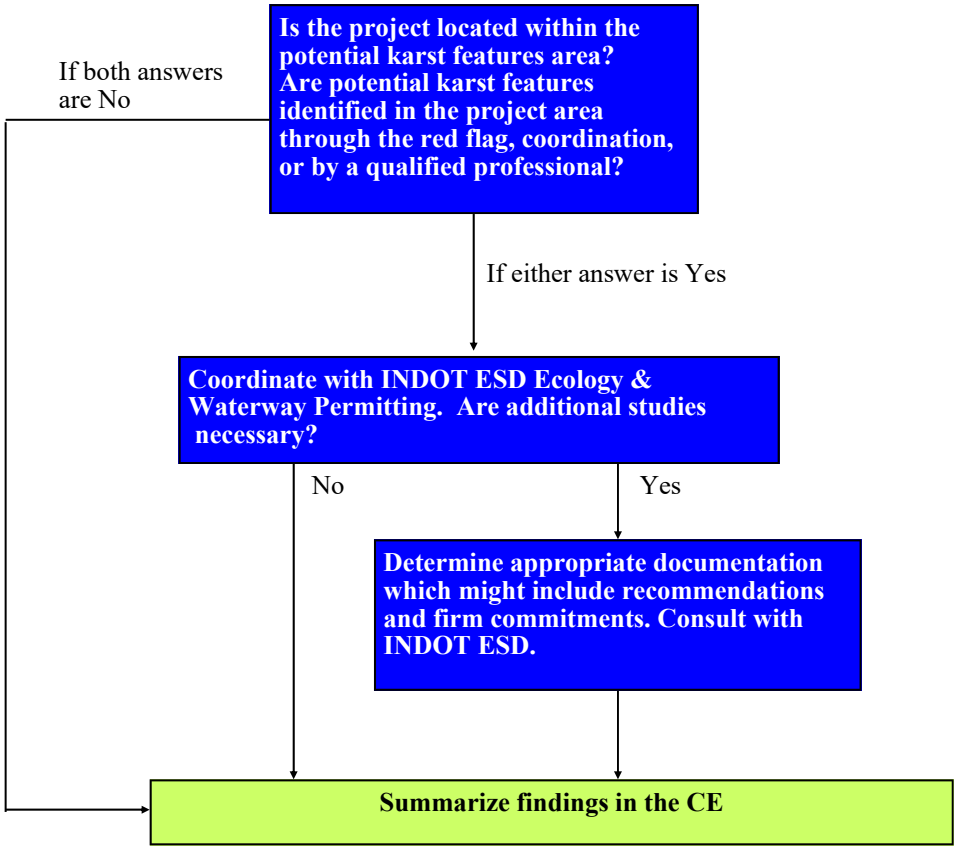
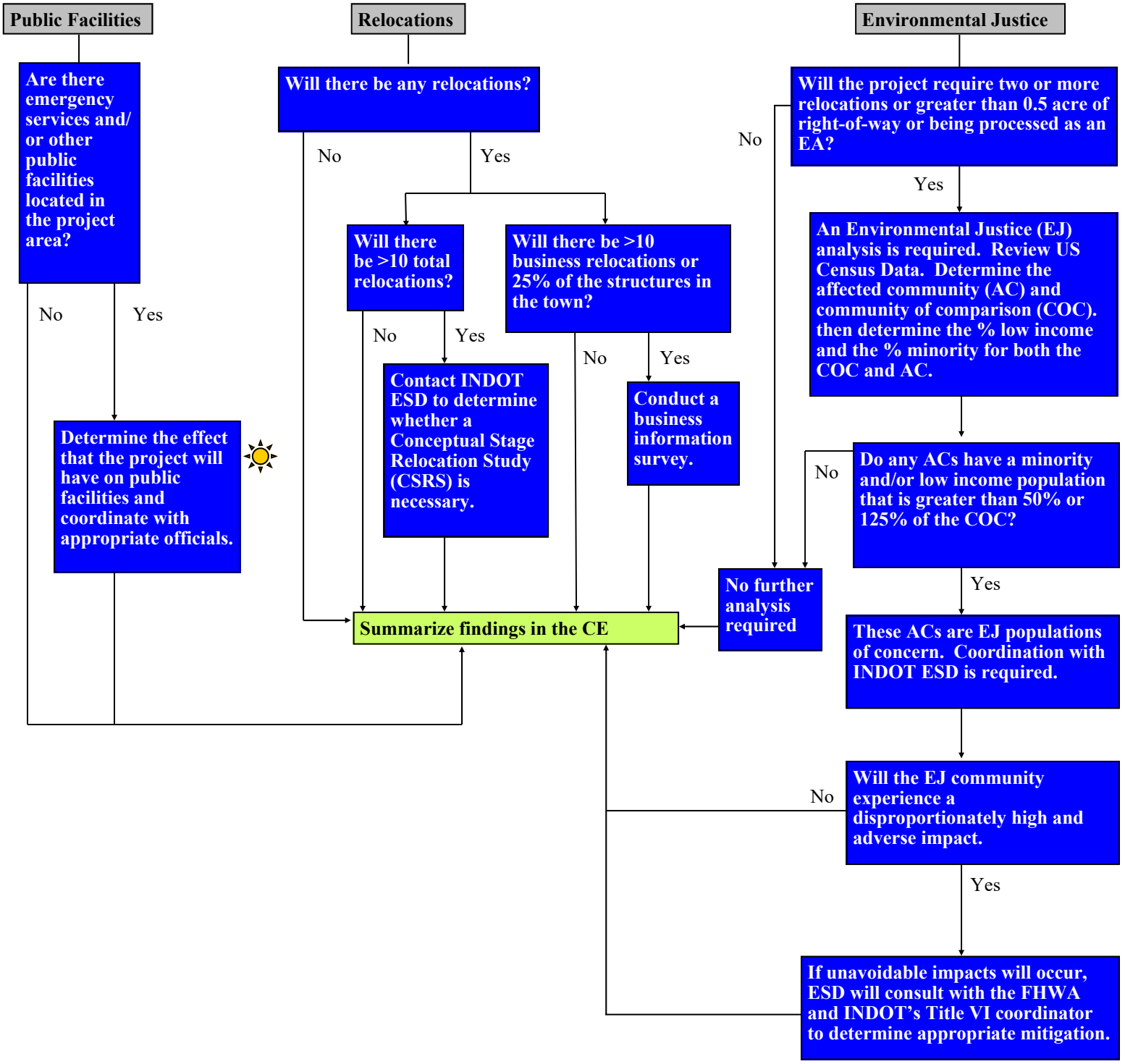
Flowchart 7: Karst Features



Flowchart 8: Community Impacts



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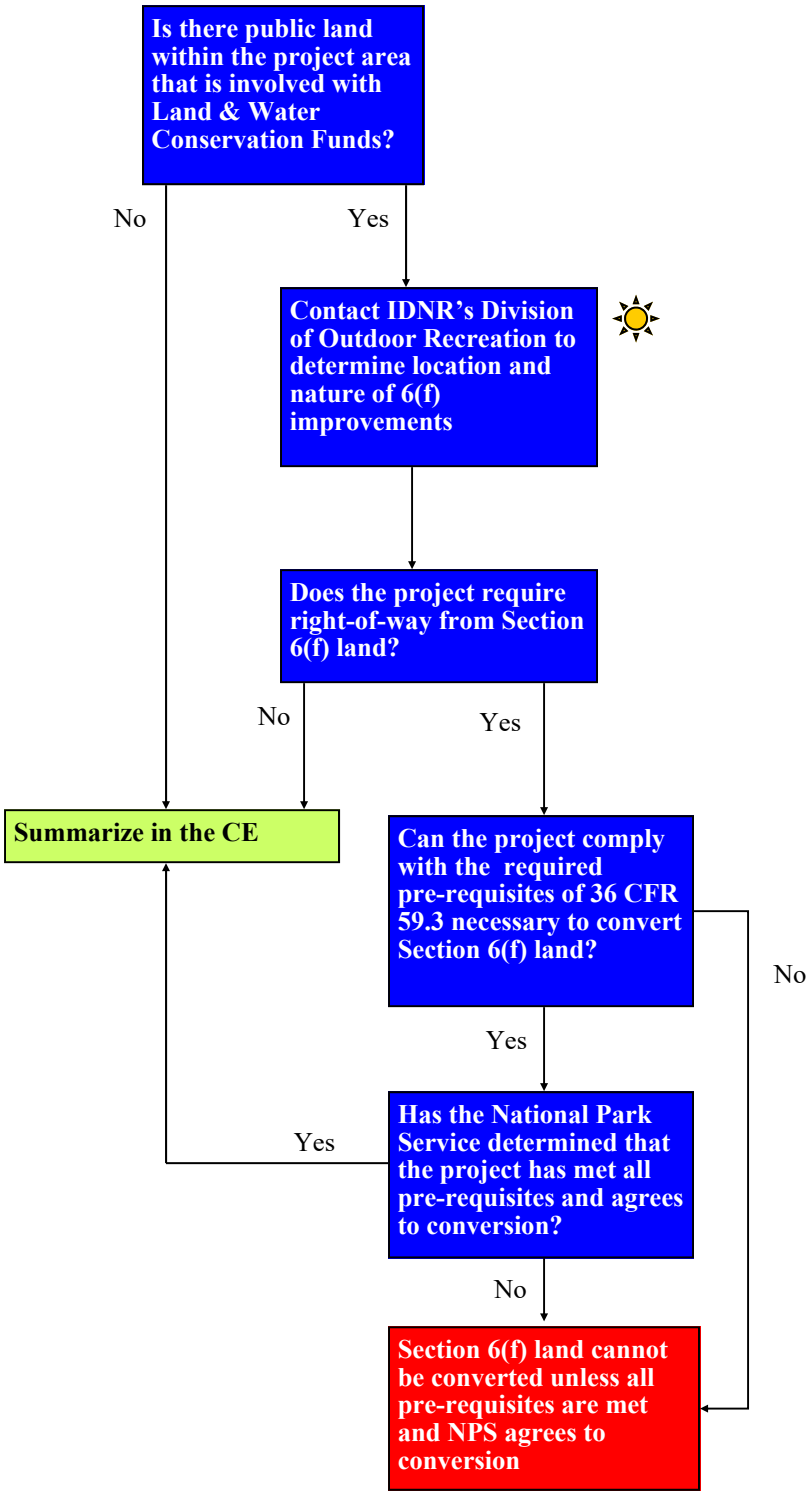
Flowchart 9: Section 6(f)



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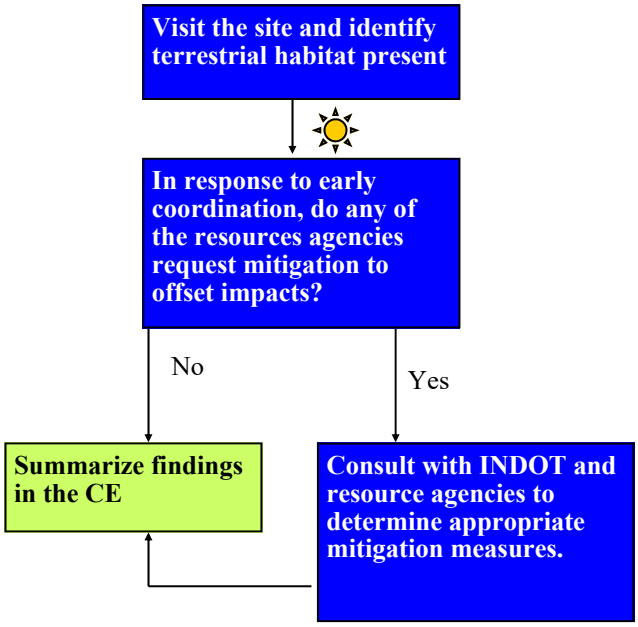
Flowchart 10: Terrestrial Habitat



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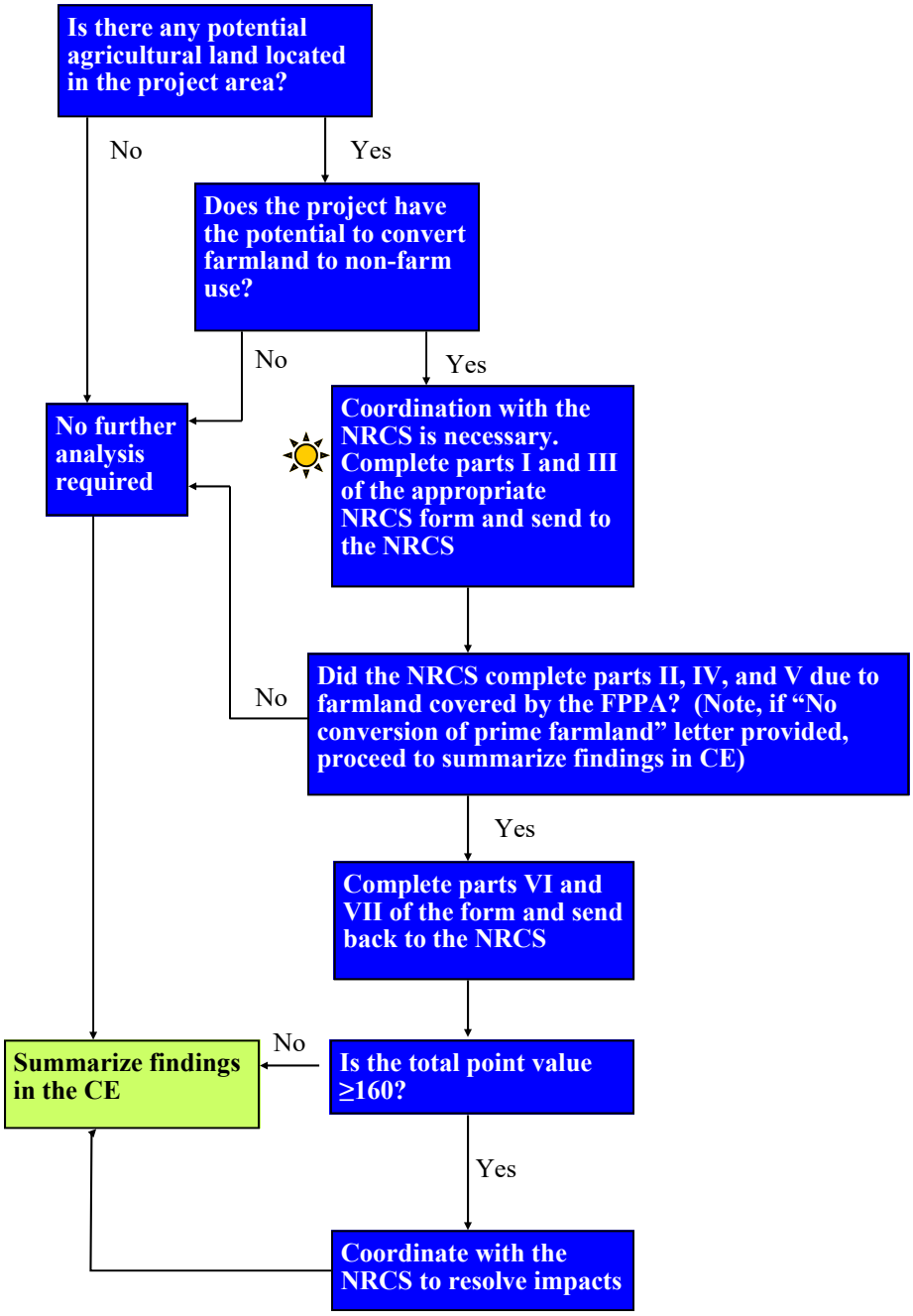
Flowchart 11: Farmland



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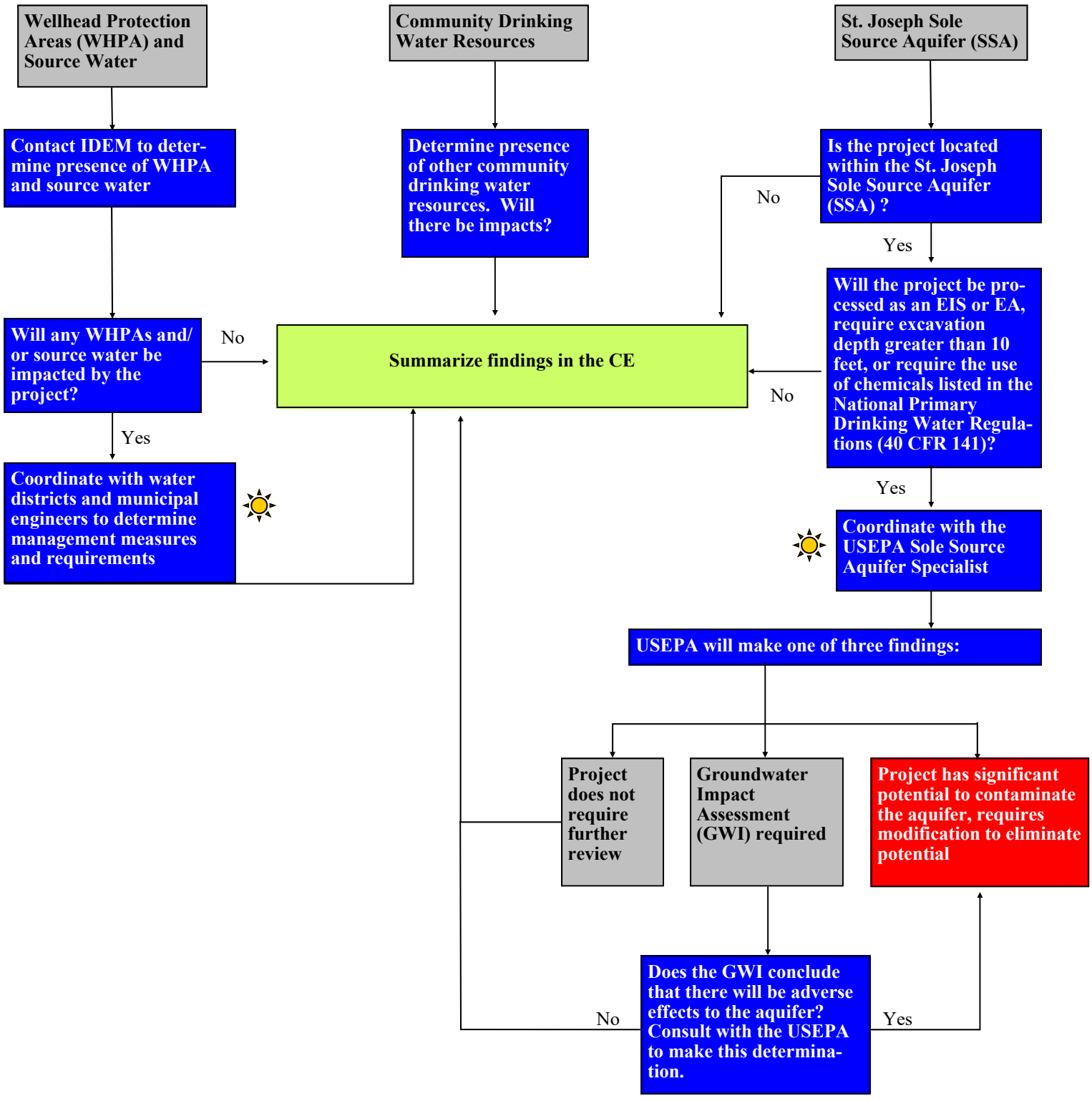
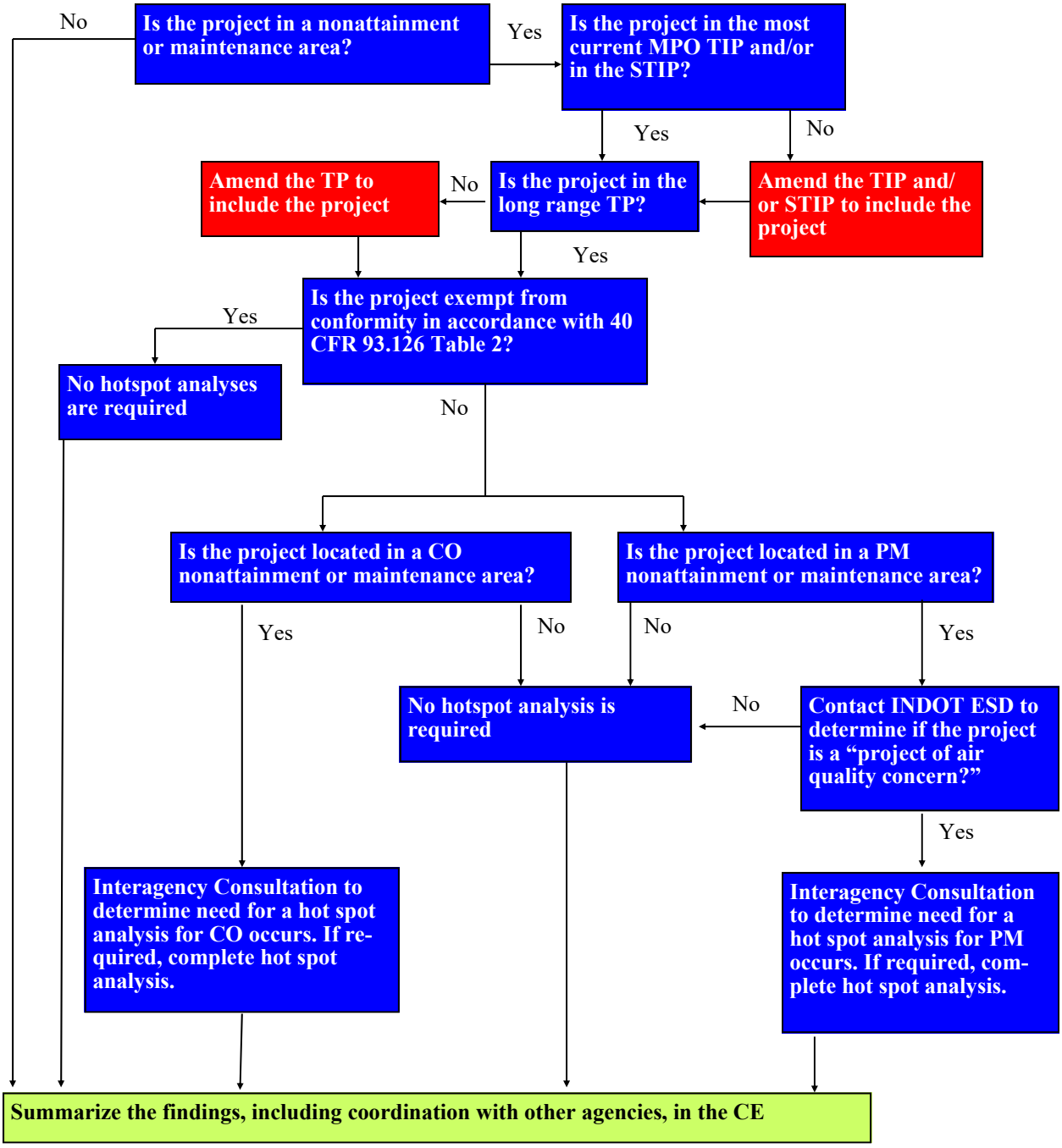
Flowchart 12: Drinking Water Resources

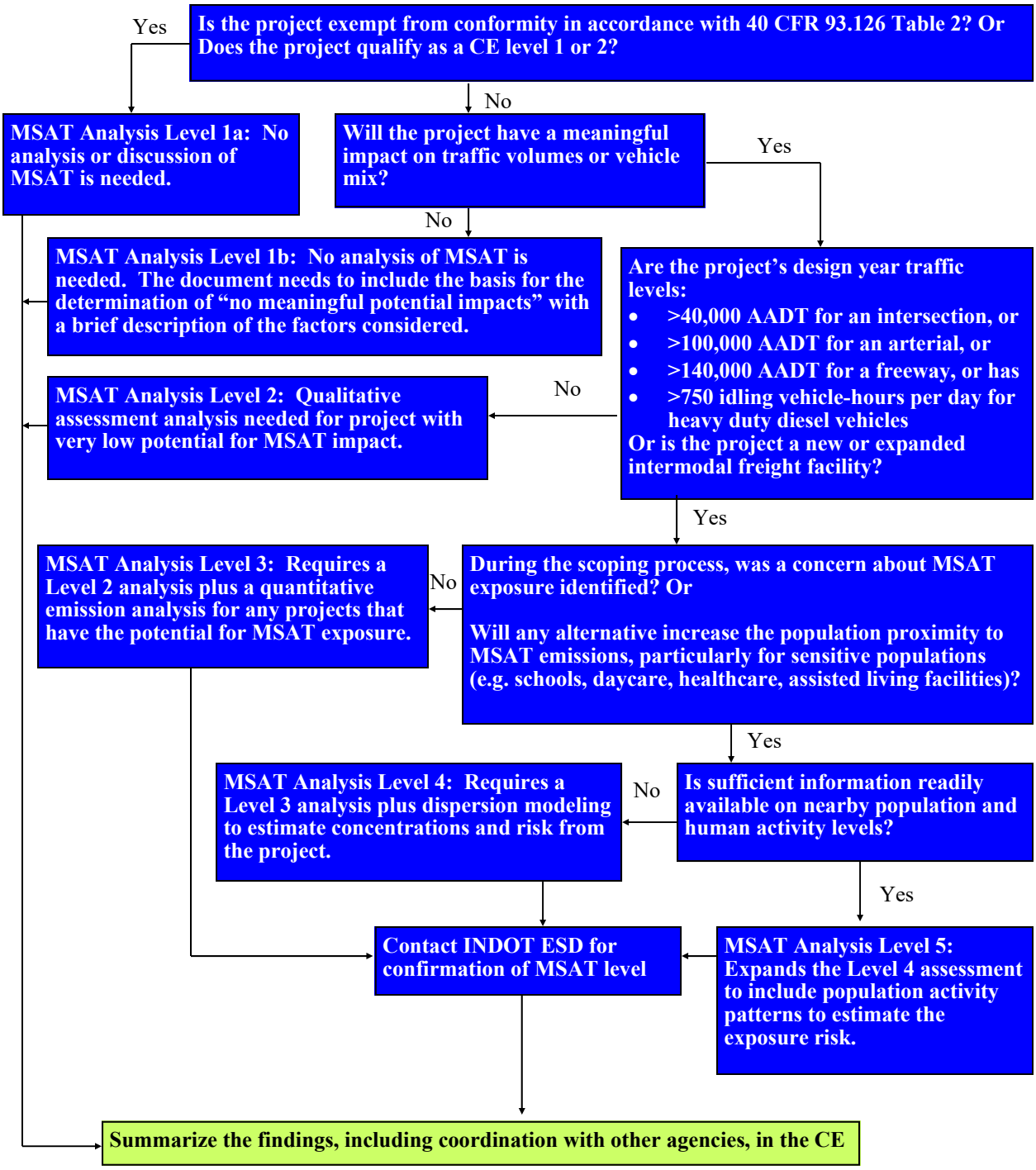


= Conduct Early Coordination

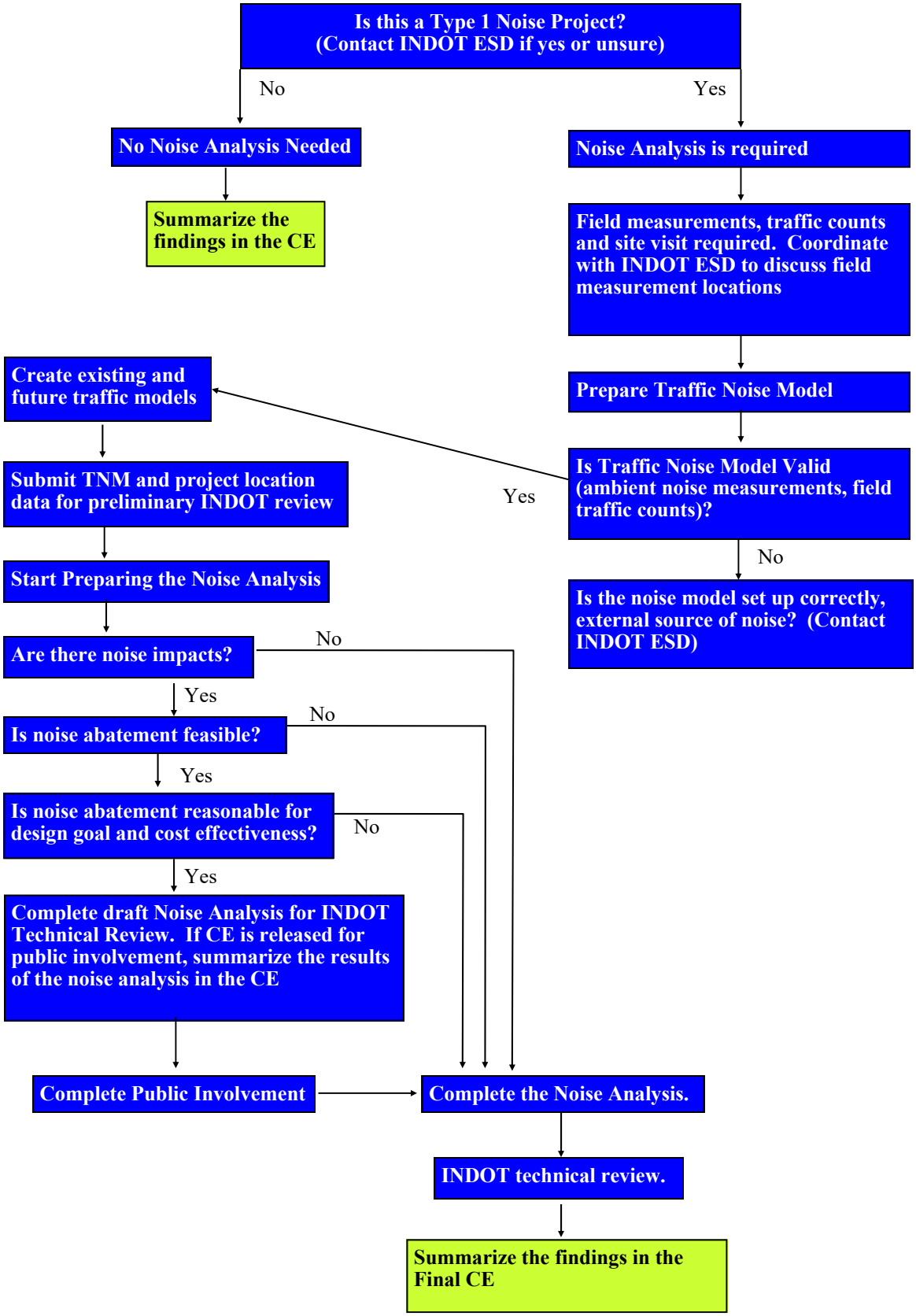
Flowchart 13: Air Quality Conformity



Flowchart 14: Air Quality-MSATs



Flowchart 15: Noise



APPENDIX E

How to Assemble CE

Categorical Exclusion Document Organization

An organized Categorical Exclusion (CE) document facilitates timely review of the document. The CE document should be organized in the following manner. Not all of the appendices listed will be included in every project. If maps, graphics, photos, or plan sheets appear in multiple appendices, remove duplicated locations and include a note to refer reader to Appendix B to reduce size of the CE document. Appendix pages should be numbered for easy reference. If an appendix is not applicable for the project re-letter following the appendices outline.

CE/EA Document Form

Table of Contents for Appendix Items

- Appendix A: INDOT Supporting Documentation
  - Threshold Chart

- Appendix B: Graphics
  - Project Location Map
  - Aerials and Topographic Maps
  - Photographs of the project area (date photographs taken should be specified)
  - Plans (e.g. cover page, typical cross section, MOT overview, and plan & profile sheets)

- Appendix C: Early Coordination
  - One copy of the early coordination letter sent to resource agencies
  - List of agencies who received early coordination letters
  - All early coordination responses including auto-generated responses (sensitive information should be omitted e.g. maps showing confidential locations of protected species, wellhead protection areas, archaeological, etc.)

- Appendix D: Section 106 of the NHPA
  - Minor Projects Programmatic Agreement (MPPA) Category A printout or MPPA Category B determination and appropriate attachments; or
  - Full Section 106
    - Signed Finding
    - 800.11 document
      - Supporting graphics
      - Executive summaries of all reports and studies
      - One copy of all letters sent to consulting parties
      - Consulting parties response letters
      - Affidavit of publication of legal notice
      - State Historical Preservation Officer (SHPO) concurrence
  - Executed Memorandum of Agreement (MOA) (if applicable)
  - Additional Section 106 information (Alternatives Analysis) (if applicable)

- Appendix E: Red Flag and Hazardous Materials
    - Red Flag Investigation (RFI)
    - Environmental Site Assessment (if applicable, executive summaries and appropriate graphics)

- Appendix F: Water Resources:
    - National Wetlands Inventory (NWI) maps
    - Floodplain maps
    - Waters of US report (if applicable)
    - Wetland delineation report (if applicable)
    - Supporting graphics

- Appendix G: Public Involvement
    - Sample of Notice of Survey letter(s)
    - Public Involvement Plan (PIP)
    - A copy of any public notices issued
    - Information that was distributed to the public at public hearings, information meetings, etc. (if applicable)
    - Summary of public comments received in response to public notice, at a public hearing, or at a public information meeting and responses to comments received. (if applicable)
    - Summaries of other meetings with stakeholders, including Community Advisory Committee meetings. (if applicable)

- Appendix H: Air Quality
    - Copy of page from TIP/STIP with project listed
    - Hot spot analysis (if applicable)
    - Any other air studies completed for the project (if applicable)

- Appendix I: Additional Studies/Reports
    - Reports that are used to substantiate the final NEPA decision making process should be included. These studies can include a karst study, noise analysis, Section 4(f) individual analysis, Environmental Justice analysis, business needs survey, etc. Any additional studies that are more than 25 pages that are completed for the project should be included in its own appendix. If under 25 pages the reports can be included in Appendix I. Reports that substantiate the purpose and need statements should include applicable report pages in Appendix I. These reports include bridge inspection reports, engineer reports, traffic studies, etc.

Should you have any questions concerning the organization of the NEPA document, please contact the appropriate INDOT approval authority (INDOT District Environmental (DE) or INDOT, Environmental Services Division (ESD)). Please note, if the CE/EA form is used for an Environmental Assessment, the document organization described above should be followed. Additionally, the CE-1 form should also follow the document organization while omitting sections that are not applicable.

APPENDIX F

Programmatic Agreement between FHWA-IN and INDOT regarding the Processing of Action Classified as CE for Federal-Aid Highway Projects

PROGRAMMATIC AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINSTRATION, INDIANA DIVISION
AND
THE INDIANA DEPARTMENT OF TRANSPORTATION
REGARDING THE PROCESSING OF ACTIONS CLASSIFIED AS CATEGORICAL EXCLUSIONS FOR FEDERAL-AID HIGHWAY PROJECTS

THIS PROGRAMMATIC AGREEMENT ("Agreement"), made and entered into this 19th day of May 2017, by and between the FEDERAL HIGHWAY ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION ("FHWA") and the STATE of INDIANA, acting by and through its Indiana Department of Transportation ("INDOT") hereby provides as follows:

WITNESSETH:

Whereas, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et. seq.*, and the Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508) direct Federal agencies to consider the environmental impacts of their proposed major Federal actions through the preparation of an environmental assessment (EA) or environmental impact statement (EIS) unless a particular action is categorically excluded;

Whereas, the Federal Highway Administration's (FHWA) distribution and spending of Federal funds under the Federal-aid Highway Program and approval of actions pursuant to Title 23 of the U.S. Code are major Federal actions subject to NEPA;

Whereas, the Secretary of Transportation has delegated to FHWA the authority to carry out functions of the Secretary under NEPA as they relate to matters within FHWA's primary responsibilities (49 CFR 1.81(a)(5));

Whereas, the FHWA's NEPA implementing procedures (23 CFR part 771) list a number of categorical exclusions (CE) for certain actions that FHWA has determined do not individually or cumulatively have a significant effect on the human environment and therefore do not require the preparation of an EA or EIS (23 CFR 771.117(c)-(d));

Whereas, the Indiana Department of Transportation (INDOT) is a State agency that undertakes transportation projects using Federal funding received under the Federal-aid Highway Program and must assist FHWA in fulfilling its obligations under NEPA for INDOT projects (23 CFR 771.109);

Whereas, Section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012), allows FHWA to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews, including agreements that allow a State to determine whether a project qualifies for a CE on behalf of FHWA;

Whereas, the FHWA developed regulations implementing the authorities in section 1318(d), effective November 6, 2014 (23 CFR 771.117 (g));

Now, therefore, the FHWA and INDOT enter into this Programmatic Agreement ("Agreement") for the processing of categorical exclusions.

I. PARTIES

The Parties to this Agreement are the Federal Highway Administration ("FHWA") and the Indiana Department of Transportation ("INDOT").

II. PURPOSE

The purpose of this Agreement is to authorize INDOT to determine on behalf of FHWA whether a project qualifies for a CE specifically listed in 23 CFR 771.117. This Agreement also authorizes INDOT to certify to FHWA that an action not specifically listed in 23 CFR 771.117, but meeting the CE criteria in 40 CFR 1508.4 and 23 CFR 771.117(a), qualifies for a CE as long as there are no unusual circumstances present that would require the preparation of either an environmental assessment (EA) or an environmental impact statement (EIS).

III. AUTHORITIES

This agreement is entered into pursuant to the following authorities:

A. National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*

B. Moving Ahead for Progress in the 21st Century Act, Pub. L. 112-141, 126 Stat. 405, Sec. 1318(d) (July 6, 2012)

C. Fixing America's Surface Transportation (FAST) Act, Pub. L. 114-94, 129 Stat. 1312, Sec. 1315 (Dec. 4, 2015)

D. 40 CFR parts 1500 - 1508

E. DOT Order 5610.1C

F. 23 CFR 771.117

IV. RESPONSIBILITIES

A. INDOT is responsible for:

1. Ensuring the following process is completed for each project that qualifies for a CE:

   a. For actions qualifying for CEs established in 23 CFR 771.117(c) and 23 CFR 771.117(d)), that do not exceed a CE Level 3 in the thresholds chart in Appendix A, INDOT may make a CE approval on behalf of FHWA. INDOT will identify the applicable listed CE, ensure any conditions or constraints are met, verify that unusual circumstances do not apply, address any and all other environmental requirements, and complete the review with a signature evidencing approval. No separate review or approval of the CE by FHWA is required.

b. For actions qualifying for CEs established in 23 CFR 771.117(c) and 23 CFR 771.117(d)), that exceed a CE Level 3 in the thresholds chart in Appendix A, INDOT may certify to FHWA that the action qualifies for a CE. FHWA may then accept this certification and approve the CE. FHWA and INDOT may also require FHWA approval on a case by case basis.

c. For actions not specifically listed as CEs in 23 CFR 771.117, but that meet the requirements of a CE under 40 CFR 1508.4 and 23 CFR 771.117(a), INDOT may certify to FHWA that the action qualifies for a CE if the action does not involve unusual circumstances that warrant the preparation of an EA or EIS. After review, FHWA shall either accept the INDOT certification or object to the certification. Objections shall be resolved by FHWA in cooperation with INDOT.

2. Providing a list of certified actions, pursuant to this Agreement to the Division Office semi-annually and allow the Division Office 10 business days to either agree that some or all certifications are a basis for FHWA's approval of a CE for these actions, or to object to the certification(s). The list of actions certified will contain the following information:

   a. The INDOT project number and a project name; including the route number or facility name where the project will occur

   b. Identify the CE action listed in the regulation, or if the action is not listed in 23 CFR 771.117, identify the process as "CE not categorized."

3. Consulting with FHWA for actions that involve unusual circumstances (23 CFR §771.117(b)) to determine the appropriate class of action for environmental analysis and documentation. INDOT may decide or FHWA may require additional studies to be performed prior to making a CE approval, or the preparation of an EA or EIS.

4. Meeting applicable documentation requirements in Section V for State CE approvals on FHWA's behalf and State CE certifications to FHWA, applicable approval and re-evaluation requirements in Section VI, and applicable quality control/quality, monitoring, and performance requirements in Section VII.

5. Relying only upon employees directly employed by the State to make CE approvals or certifications submitted to FHWA under this agreement. INDOT may not delegate its responsibility for CE approvals or certifications to third parties (i.e., consultants, local government staff, and other State agency staff).

B. FHWA is responsible for:

1. Providing timely advice and technical assistance on CEs to INDOT, as requested.

2. Providing timely input and review of certified actions. FHWA will base its approval of CE actions on the project documentation and certifications prepared by INDOT under this Agreement.

3. Overseeing the implementation of this Agreement in accordance with the provisions in Section VII, including applicable monitoring and performance provisions.

V. DOCUMENTATION OF INDOT CE APPROVALS AND CERTIFICATIONS

A. For State CE approvals and State CE certifications to FHWA for approval, INDOT shall ensure that it fulfills the following responsibilities for documenting the project-specific determinations made:

1. For actions listed in 23 CFR 711.117 (c) and 23 CFR 711.117 (d), INDOT should identify the applicable action, ensure any conditions specified in FHWA regulation are met, verify that unusual circumstances do not apply, address all other environmental requirements, and complete the review with a INDOT signature evidencing approval.

2. In addition, for actions listed in 23 CFR 711.117 (d), INDOT shall prepare documentation that supports the CE determination and that no unusual circumstances exist that would make the CE approval inappropriate.

3. The INDOT CE Manual shall be updated as needed to ensure CE guidance is up to date. FHWA shall review updated manual prior to finalization.

B. INDOT shall maintain a project record for CE approvals it makes on FHWA's behalf and each CE submitted to FHWA for approval. This record should include at a minimum:

1. Any checklists, forms, or other documents and exhibits that summarize the consideration of project effects and unusual circumstances;

2. A summary of public involvement complying with the requirements of FHWA-approved public involvement policy;

3. Any stakeholder communication, correspondence, consultation, or public meeting documentation;

4. The name and title of the document approver and the date of INDOT's approval or FHWA's final approval; and

5. For cases involving re-evaluations, any documented re-evaluation (when required) or a statement that a re-evaluation was completed for the project (when documentation is not necessary).

C. Any electronic or paper project records maintained by INDOT should be provided to FHWA at their request. INDOT should retain those records, including all letters and comments received from governmental agencies, the public, and others for a period of no less than three (3) years

after completion of project construction. This 3-year retention provision does not relieve INDOT of its project or program recordkeeping responsibilities under 2 CFR § 200.333 or any other applicable laws, regulations, or policies.

VI. NEPA APPROVALS AND RE-REVALUATIONS

A. INDOT's CE approvals and CEs submitted to FHWA for approval may only be made by officers or offices specifically identified below:

1. Approval of Appendix A CEs 1-2 is delegated to the Environmental Policy Manager or District Environmental Supervisor at INDOT.
2. Approval of Appendix A CEs 3 is delegated to the Environmental Policy Manager at INDOT.

B. In accordance with 23 CFR 771.129, INDOT shall re-evaluate its determinations and certifications for projects, consult with FHWA, and as necessary, prepare additional documentation to ensure that determinations are still valid.

VII. QUALITY CONTROL/QUALITY ASSURANCE, MONITORING & PERFORMANCE

A. INDOT Quality Control & Quality Assurance

INDOT shall carry out regular quality control and quality assurance activities to ensure that its CE approvals and CE submissions to FHWA for approval, are made in accordance with applicable law and this Agreement.

B. INDOT Performance Monitoring and Reporting.

1. FHWA and INDOT agree to cooperate in monitoring performance under this Agreement and work to assure quality performance.

2. INDOT agrees to annually submit to FHWA (electronically or hard copy) a report summarizing its performance under this Agreement relative to guidance documents and on any other concerns. The report will identify any areas where improvement is needed and what measures INDOT is taking to implement those improvements. The report will include a description of actions taken by INDOT as part of its quality control efforts under Section VII(a).

C. FHWA Oversight and Monitoring

1. Monitoring by FHWA will include consideration of the technical competency and organizational capacity of INDOT, as well as INDOT's performance of its CE processing functions. Performance considerations include, without limitation, the quality and consistency of INDOT's CE approvals, CE submissions to FHWA for approval, adequacy and capability of INDOT staff and consultants, and the effectiveness of INDOT's administration of its internal CE approvals.

2. FHWA will conduct one or more program reviews as part of its oversight activities, during the term of this Agreement. INDOT shall prepare and implement a corrective action plan to respond to or address any findings or observations identified in the FHWA review. INDOT should draft the corrective action plan within 45 days of FHWA finalizing its review. The results of that review and corrective actions taken by INDOT shall be considered at the time this Agreement is considered for renewal.

3. Nothing in this Agreement prevents FHWA from undertaking other monitoring or oversight actions, including audits, with respect to INDOT's performance under this Agreement. FHWA may require INDOT to perform such other quality assurance activities, including other types of monitoring, as may be reasonably required to ensure compliance with applicable Federal laws and regulations.

4. INDOT agrees to cooperate with FHWA in all oversight and quality assurance activities.

VIII. AMENDMENTS

If the parties agree to amend this Agreement, then FHWA and INDOT may execute an amendment with new signatures and dates of the signatures. The term of the Agreement shall remain unchanged unless otherwise expressly stated in the amended Agreement.

IX. TERM, RENEWAL, AND TERMINATION

A. This Agreement shall have a term of five (5) years, effective on the date of the last signature. INDOT shall post and maintain an executed copy of this Agreement on its website, available to the public.

B. This Agreement is renewable for additional five (5) year terms if INDOT requests renewal and FHWA determines that INDOT has satisfactorily carried out the provisions of this Agreement. In considering any renewal of this Agreement, FHWA will evaluate the effectiveness of the Agreement and its overall impact on the environmental review process.

C. Either party may terminate this Agreement at any time only by giving at least 30 days written notice to the other party.

D. Expiration or termination of this Agreement shall mean that INDOT is not able to make CE approvals on FHWA's behalf.

Execution of this Agreement and implementation of its terms by both parties provides evidence that both parties have reviewed this Agreement and agree to the terms and conditions for its implementation. This Agreement is effective upon the date of the last signature below.

Mayela Sosa — 5.18.17

Mayela Sosa
Administrator
Indiana Division
Federal Highway Administration

Date

Trevor Mills — 5/19/17

Trevor Mills, PE
Deputy Commissioner
Engineering & Asset Management
Indiana Department of Transportation

Date

Appendix A: Categorical Exclusion Level Thresholds Table

The current Categorical Exclusion Level Threshold Chart is provided as Attachment 5 and supercedes the Categorical Exclusion Level Threshold Chart provided in the 2017 Programmatic Agreement between INDOT and FHWA.

APPENDIX G

Programmatic CE (PCE)
February 2, 2012 Version

PROGRAMMATIC CE FORM	Date: January 23, 2012

☐ **Initial Version** ☒ **Revision to Version Dated: September 17, 2010**

Purpose of this document: Statewide Programmatic Categorical Exclusion

Approval of Programmatic CE:
This document supersedes all previous versions.

Environmental Policy Manager — Date: 1-23-12

FOR ROBERT F. TALLY, JR. — Date: 2-2-2012
Federal Highway Administration
DIVISION ADMINISTRATOR

PROJECT INFORMATION			
Project Number, County, Route	Various Locations	**Des Number**	Various
Project Description	Projects including: **Repair, Rehabilitation and Reconstruction of Roadways, Sidewalks and Curbs** – This includes work on existing asphalt or concrete pavement within areas previously disturbed by construction where the net pavement thickness increases by no more than 3 inches. This may include but is not limited to: crack sealing, chip sealing, microsurfacing, milling/resurfacing, pavement overlay, ultrathin bonded wearing course (UBWC), and wedge and level projects. This may include replacement, repair or installation of curbs or sidewalks if the Cultural Resource Office (CRO) has confirmed that the work is not adjacent to or within a National Register listed or eligible bridge, property or historic district. Work on curbs or sidewalks within historic districts or on historic properties may be included if a qualified professional (QP) historian has determined, and CRO has confirmed, that the curbs/sidewalks/steps/etc. do not contribute to the site's historic characteristics. **Bridge Deck Overlays (in previously disturbed soils)** – This includes pavement overlay similar to what is described above (no greater than 3 inches, on existing asphalt or concrete surface) and may include milling and partial or full depth patching. If the bridge is on or eligible for listing on the National Register of Historic Places, this work must be limited to the roadway cross-section only; there may be no work on curbs, sidewalks or structural members on eligible bridges. **Repair or Replacement In-Kind of Bridge Elements, Including Superstructure Work** – Includes work on individual bridge elements or replacement/widening/elevation of the superstructure of an existing bridge. The work must take place in previously disturbed soils, must not be adjacent to or within a historic district or eligible property, and the bridge must have been determined not to be individually eligible for the National Register of Historic Places. This does not include full replacement, horizontal realignment, or any work requiring a waterway permit. **Painting of Bridges** – This applies only to bridges less than 45 years old or determined not to be listed on or eligible for the National Register. Includes blasting off old paint and repainting any exposed steel. **Pavement Marking** – Installing new pavement markings (paint, thermoplastic, epoxy, etc.) either directly over the existing markings or in a different location/orientation after removal of the old markings via grinding. All markings remain within existing paved limits. This will be done		

within areas previously disturbed by construction where replacement, repair, or installation of curbs or sidewalks will not be required.

Installation, Repair, Replacement or Upgrades of Existing Traffic Control Devices and Safety Appurtenances (in previously disturbed soils)– Removing or repairing damaged or outdated signs and posts, lighting, signals, and safety appurtenances (guardrail, barrier, glare screens, crash attenuators), and replacing those removed with the same type of features in the same location that meet current specifications. This category may include upgrades to meet current design standards as long as the new installation remains within disturbed soils, and installation of new features is included if a qualified professional (QP) historian has confirmed that the work will not take place adjacent to or within a National Register listed or eligible bridge, property or historic district.

Rail Crossing Safety Features: Railway crossing signs and signal installation or modification and surface improvement in previously disturbed areas.

Congestion Mitigation and Air Quality (CMAQ) Vehicle Purchases and Upgrades: This includes the purchase of vehicles or equipment through the Congestion Mitigation and Air Quality (CMAQ) program to improve air quality. This may include purchase of hybrid or alternative-fuel vehicles and vehicle upgrades or retrofits.

Non-Infrastructure Safety Projects: This includes funding for safety programs which do not involve construction. These may include such things as training, bike helmets, vests and other personal safety equipment.

Property Acquisition for Preservation: This includes funding for acquisition of property which will be preserved in its existing, undeveloped condition. It may include acquisition of preservation easements or fee simple acquisition for such things as preservation of forest or other habitat. It does not include acquisition which is a precursor to construction of any kind.

Planting in Medians and Interchanges: This includes highway beautification or general landscaping within previously-disturbed soils in existing highway medians and interchange ramp infields.

Vegetation Removal: This includes funding for removal of vegetation from rights-of-way by physical or mechanical removal as well as chemical spraying. Herbicide spraying must be conducted by properly licensed personnel, and the herbicide used must be appropriate for the area being sprayed. This clearance does not apply to the Karst area of the state.

All assessments of historic protection status must be carried out in accordance with the most recent Minor Projects Programmatic Agreement for implementation of Section 106 of the Historic Preservation Act in Indiana, and/or the Indiana Historic Bridge Programmatic Agreement.

Programmatic CE Form	Project:	Various Safety, Preservation & Maintenance Projects	Des No:	Various

Purpose and Need for Action:	The needs for these projects are as follows: Roadway and Structure Maintenance: There is a need to preserve the pavement and bridge structures to extend the life of these transportation elements. By preserving the pavement and structures, roadways will last longer and delay the need for replacement and thus, save funds. The purpose of these projects is to fulfill this need of longer lasting pavement, existing signs and guardrails, and bridge structures. Safety: There is a need to preserve and upgrade a variety of safety features along the transportation system. By maintaining and improving signs, signals, guardrail, railroad crossings and other safety features, hazards to the motoring public can be reduced. The purpose of these projects is to reduce injuries, property damage and fatalities by maintaining or improving existing safety measures. Air Quality: There is a need to assist local jurisdictions in their efforts to meet air quality goals and improve compliance with state plans. The purpose of these projects is to provide benefits to air quality by reducing transportation-related air pollution. Habitat Preservation: Various types of projects may require acquisition and preservation of habitat as mitigation for construction impacts. The purpose of this acquisition is to meet the mitigation requirements for those primary projects. Planting in existing Medians and Interchanges: It is INDOT and Federal Highway Administration policy to implement landscaping and other highway beautification where it can be done safely and cost-effectively. The purpose of these projects may be to improve the appearance of the roadway, to control erosion, and/or to reduce mowing costs. Vegetation Removal: Various types of projects may require the removal of vegetation from state-owned rights-of-way. This may be to maintain sight distance, to control invasive species or for aesthetic reasons. The purpose of these projects is to meet the identified vegetation control needs of the department.		
Alternatives Considered:	The do-nothing alternative was considered, but rejected since it would not meet the purpose and need of the projects.		
Project Termini:	Varies		
Funding Source(s):	_x_ Federal _x_ State ___ Local	**Estimated Cost**	Varies
Project Sponsor:	INDOT or Local Agency	**Project Length**	Varies

SCOPE OF THE PROPOSED ACTION:	No	Possible	Comments
Public Involvement		X	No public controversy is expected. Any applicable public involvement procedures will be followed.
Relocation of residences/businesses/etc.	X		No structures will be acquired under this programmatic categorical exclusion. No relocations will be necessary.

Right-of-way in acres (permanent and temporary)		X	Property will only be purchased from willing sellers. Applicable Federal regulations will be followed.
Added through-traffic lanes – length	X		No through-lanes will be added.
Permanent alteration of local traffic pattern	X		There will be no alteration of local traffic patterns. No new roads or changes in access are planned.
Facility on new location or realignment	X		There will be no new alignment or realignment of existing roads.
Disruption to public facilities/services (such as schools, emergency service)	X		Any disruption will be temporary, and public service providers will be notified. Traffic will be appropriately maintained.
Involvement with existing bridge(s) (Include structure number(s)	X		Existing bridges will not be modified except as allowed by the most current versions of the Programmatic Agreements for Historic Bridges and/or Minor Projects, as applicable.

INVOLVEMENT WITH RESOURCES:	**No**	**Possible**	**Studies, Coordination, and Comments**
Watercourses Impacted (linear feet)	X		There will be no construction in waterways as part of these projects.
Other Surface Waters (such as ponds, lakes, reservoirs, in acres)	X		There will be no construction in water bodies as part of these projects.
Wetlands (acres)	X		There will be no adverse impacts to wetlands as part of these projects. Some removal of invasive species from wetlands may be involved in certain projects, providing a net benefit to the wetland.
Disturbance of Terrestrial Habitat (acres)	X		There will be no construction which adversely affects habitat as part of this project. Removal of invasive species will produce a net benefit to the habitat values of some areas. Any landscaping included with these projects will be designed to maintain or improve habitat within the affected area.

Programmatic CE Form | Project: Various Safety, Preservation & Maintenance Projects | Des No: Various

INVOLVEMENT WITH RESOURCES:	No	Possible	Studies, Coordination, and Comments
Karst Features	X		If karst fissures are present in pavement to be rehabilitated, this programmatic Categorical Exclusion may not be used. If these features are discovered during project development, Environmental Services (ES) shall be contacted to coordinate with the US Fish and Wildlife Service and manage preparation of a separate environmental document. If unexpected karst features are discovered during construction, work shall cease immediately in the affected area and ES will be contacted. ES will coordinate with USFWS to determine appropriate protective measures.
Threatened and Endangered Species Present/Impacted	X		These projects are included under the September 1993 MOU which exempts such projects from coordination with the United States Fish and Wildlife Service. No endangered species should be impacted.
Impacts to Sole Source Aquifer	X		Though some projects may be located in the St. Joseph Sole Source Aquifer, the projects are of types which will not impact the aquifer.
Flood Plains (note transverse or longitudinal impact)	X		These projects will not alter flood elevations.
Farmland (acres)	X		These projects are not of types which will affect farmland. Any property which is acquired will be maintained in its present undeveloped state.
Cultural Resources (Section 106)	X		Full Section 106 coordination is not required for these projects, in accordance with the relevant category of the Minor Projects PA, and/or the project has been determined to be of a nature which has no potential to adversely affect resources protected by Section 106 of the Historic Preservation Act.
Section 4(f) and Section 6(f) Resources	X		Although there may be Section 4(f) or 6(f) resources near the project, none of the resources will be adversely affected.
Air Quality Non-attainment Area	X		These projects are exempt from air quality analysis in accordance with 40 CFR Part 93.126 Table 2. These projects are not projects of air quality concern and therefore will have no significant impact on air quality.

INVOLVEMENT WITH RESOURCES:	No	Possible	Studies, Coordination, and Comments
Noise Analysis Required	X		These projects are not Type I projects. In accordance with 23 CFR 772 and the INDOT Traffic Noise Policy (FHWA concurrence on February 26, 2007), these actions do not require formal noise analysis.
Community/Economic Impacts	X		No negative impacts are anticipated for the established communities.
Environmental Justice	X		Any property to be acquired will be purchased from willing sellers, and there will be no relocations as part of this project. No disproportionate adverse impacts to protected populations are expected.
Hazardous Materials	X		Any property to be purchased will be appropriately assessed for hazardous materials concerns. All herbicides sprayed will be used in accordance with manufacturer instructions and applicable regulations.
Permits	X		No bare ground or jurisdictional waters/wetlands will be disturbed. If any permits are required, this CE does not apply.

Programmatic CE Form	Project:	Various Safety, Preservation & Maintenance Projects	Des No:	Various

ENVIRONMENTAL COMMITMENTS:

If permanent or temporary right of way amounts change, the Environmental Services will be contacted immediately.

Any work in a wetland area within INDOT's right of way or in borrow/waste areas is prohibited unless specifically allowed in the US Army Corps of Engineers or IDEM permit.

If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al.) and State Law (IC 14-21-1) require that work must stop immediately and that the discovery must be reported to the Division of Historic Preservation and Archaeology in the Indiana Department of Natural Resources within 2 business days. INDOT's Cultural Resources Office shall also be notified.

If any potential hazardous materials are discovered during construction the IDEM Spill Line should be notified with details of the discovery within 24 hours. INDOT's Hazardous Materials Unit should then be contacted to organize the proper handling of the material to be in accordance with the IDEM guidelines.

If a project involving replacement of existing signs is located near an airport, the INDOT Office of Aviation will be contacted to determine whether it is necessary to complete FAA form 7460-1 (Notice of Proposed Construction or Alteration) for equipment or permanent structures utilized for the project.

Reasonable precautions shall be taken to minimize fugitive dust emissions from construction and demolition activities. For example, wetting the area with water, constructing wind barriers, or treating dusty areas with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked onto paved roads from unpaved areas will be minimized.

With respect to lead-based paint removal, all efforts to minimize human exposure to lead-based paint chips and dust should be practiced.

Asphalt paving plants will be permitted to operate properly. The use of cutback asphalt, or asphalt emulsion containing more than 7% oil distillate, is prohibited and will not occur during the months of April through October.

APPENDIX H

Sample Notice of Survey with Attachment

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness, Commissioner

«owner_name»
«owner_address»
«owner_city», «owner_state» «owner_zip»

Re: Des. No. xxxxxxx, <Project Name>

Notice of Entry for Survey or Investigation
<Date>

Dear Property Owner,

Our information indicates that you own property near the above proposed transportation project. Representatives of the Indiana Department of Transportation will be conducting environmental surveys of the project area in the near future. It may be necessary for them to enter onto your property to complete this work. This is permitted under Indiana Code § 8-23-7-26. Anyone performing this type of work has been instructed to identify him or herself to you, if you are available, before they enter your property. If you no longer own this property or it is currently occupied by someone else, please let us know the name of the new owner or occupant so that we can contact them about the survey.

Please read the attached notice to inform you of what the "Notice of Entry for Survey or Investigation" means. The survey work may include the identification and mapping of wetlands, archaeological investigations (which may involve the survey, testing, or excavation of identified archaeological sites), and various other environmental studies. The information we obtain from such studies is necessary for the proper planning and design of this highway project.

If any problems do occur, please contact the field crew or contact <contact name> at xxx-xxx-xxxx or xxxx@indot.in.gov.

Please be aware that you have the right to request any or all artifacts collected from your property. If you do not ask that artifacts be returned to you, all recovered archaeological material will be curated at a state-approved Qualified Curation Facility. If you wish to have artifacts returned to you, please call or email Shaun Miller at 317-233-6795 or smiller@indot.in.gov.

It our sincere desire to cause as little inconvenience as possible during this survey, and we thank you in advance for your cooperation.

Sincerely,
(Name)
(Title of position)
(Agency/Company)

Attachment

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness, Commissioner

Indiana Department of Transportation
Notice of Entry for Survey or Investigation
Indiana Department of Transportation

If you have received a "Notice of Entry for Survey or Investigation" from INDOT or an INDOT representative, you may be wondering what it means. In the early stages of a project's development, INDOT must collect as much information as possible to ensure that sound decisions are made in designing the proposed project. Before entering onto private property to collect that data, INDOT is required to notify landowners that personnel will be in the area and may need to enter onto their property. Indiana Code, Title 8, Article 23, Chapter 7, Section 26 deals with the department's authority to enter onto any property within Indiana.

Receipt of a Notice of Entry for Survey or Investigation does not necessarily mean that INDOT will be buying property from you. It doesn't even necessarily mean that the project will involve your property at all. Since the Notice of Entry for Survey or Investigation is sent out in the very early stages and since we want to collect data within AND surrounding the project's limits more landowners are contacted than will actually fall within the eventual project limits. It may also be that your property falls within the project limits but we will not need to purchase property from you to make improvements to the roadway. Another thing to keep in mind is that when you receive a Notice of Entry for Survey or Investigation, very few specifics have been worked out and actual construction of the project may be several years in the future.

Before INDOT begins a project that requires them to purchase property from landowners, they must first offer the opportunity for a public hearing. If you were on the list of people who received a Notice of Entry for Survey or Investigation, you should also receive a notice informing you of your opportunity to request a public hearing. These notices will also be published in your local newspaper so interested individuals who are not adjacent to the project will also have the opportunity to request a public hearing. If a public hearing is to be held, INDOT will publicize the date, location, and time. INDOT will present detailed project information at the public hearing, comments will be taken from the public in spoken and written form, and question and answer sessions will be offered. Based on the feedback INDOT receives from the public, a project can be modified and improved to better serve the public.

So, if you have received a "Notice of Entry for Survey or Investigation", remember:

1. You do not need to take any action at this time. It is merely letting you know that people in orange/lime vests are going to be in your neighborhood.
2. The project is still in its very early planning stages.
3. You will be notified of your opportunity to comment on the project at a later date.

APPENDIX I

Early Coordination Information

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

PHONE: (317) xxx-xxxx
FAX: (317) xxx-xxxx

Eric Holcomb, Governor
Joe McGuinness, Commissioner

Example Early Coordination Letter

February 1, 2021

(Contact Information)

Re: Early Coordination Letter, Des. Nos.: 9999999, Small Structure Project over Tributary to Sample Creek on SR 00, 1.5 Miles South of US 99, Indiana County, Indiana

Dear (Entity):

The Indiana Department of Transportation, with federal funding, intends to proceed with a project involving the aforementioned small structure in Indiana County. This letter is part of the early coordination phase of the environmental review process. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. **Please use the above designation numbers and description in your reply.** We will incorporate your comments into a study of the project's environmental impacts.

This project is located on SR 00, 1.5 miles south of US 99, in Indiana County. This section of SR 00 is a two lane *Rural Major Collector*. The existing SR 00 approach cross section consists of two 11' lanes bordered by 2' gravel, usable shoulders. V-ditches exist in the vicinity of the structure. The existing small structure is an 8.5' span by 3.5' rise reinforced concrete encased I-beam culvert, under shallow fill less than 2'. The draft need is due to the deterioration of the structure (rating 4 out of 9) which is in poor condition. The draft purpose is to have a structure with a condition rating of at least 7 (good condition) out of 9. The approximate existing right-of-way is 30' each side of centerline throughout the project.

The proposed project is anticipated to replace the small structure over a tributary to Sample Creek and include an estimated 482' of guardrail installation. The replacement structure is anticipated to be a reinforced concrete box culvert. Riprap is anticipated to be needed. The project requires the acquisition of 0.64 acre of permanent right-of-way. Proposed right-of-way widths along SR 00 are 50' from centerline. The project will be approximately 700' in length. The proposed method of traffic maintenance is anticipated to require an official state detour. No trees will be cleared as part of this project. The project is anticipated to begin construction in Fall 2023.

Land use in the vicinity of the project is primarily agricultural and includes one residence to the northwest. The INDOT Ecology & Permitting Office will perform waters and wetlands determinations to identify water resources that may be present. The project is anticipated to qualify for the Rangewide Programmatic Agreement for the Indiana bat and northern long-eared bat by completing the Information for Planning and Consultation (IPaC). Coordination will occur with INDOT Cultural Resources Office (CRO) to evaluate the project area for archaeological and historic resources and for Section 106 compliance. The results of this

investigation will be forwarded to the State Historic Preservation Officer (SHPO) for review and concurrence as appropriate.

Please provide your response within thirty (30) calendar days from the date of this letter. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact (Environmental Preparer, Agency/Company, and Email/Phone Information), or (Project Sponsor Contact, Agency, and Email/Phone Information). Thank you in advance for your input.

Sincerely,

(Name, title, and company/agency name)

XXX/XXX
Attachment –
Maps/Graphics (Location, Aerial, Topographic, Photographs)

*Please note that any attachments provided should be listed on the early coordination letter along with a list of early coordination recipients. This can either be provided as an attachment (see next page) or provided as a CC list within the early coordination letter. (i.e. CC: U.S. Fish and Wildlife Service, Indiana Department of Natural Resources, etc.)

Example Early Coordination Recipient List

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness, Commissioner

The following agencies received Early Coordination Letters:

Indiana Department of Transportation
Office of Aviation
Room N955, IGC North
100 North Senate Avenue
Indianapolis, IN 46204
(Electronic Coordination)

Chief, Environmental Resources
Department of the Army
Louisville District, Corps of Engineers
Attn: CEPMP-P-E
P.O. Box 59
Louisville, KY 40201-0059

Field Environmental Officer
Chicago Regional Office
U.S. Department of Housing and Urban Development
Metcalf Federal Building
77 West Jackson Boulevard, Room 2401
Chicago, IL 60604
(Electronic Coordination)

Regional Environmental Coordinator
Midwest Regional Office
National Park Service
601 Riverfront Drive
Omaha, NE 68102

Field Supervisor
U.S. Fish & Wildlife Service
Bloomington Field Office
620 South Walker St.
Bloomington, IN 47403
(Electronic Coordination)

State Conservationist
Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278
(Electronic Coordination)

Environmental Coordinator
Indiana Department of Natural Resources
Division of Fish and Wildlife
Room W273, IGC South
402 West Washington Street
Indianapolis, IN 46204-2641
(Electronic Coordination)

Indiana Geological Survey
611 North Walnut Grove
Bloomington, IN 47405
(Electronic Coordination)

Federal Highway Administration
Room 254, Federal Office Building
575 North Pennsylvania Street
Indianapolis, IN 46204
(Electronic Coordination)

Chief, Groundwater Section
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

INDOT – Office of Public Involvement
(Electronic Coordination)

Indiana Department of Environmental Management
(Electronic Coordination)

Indiana County Council Members
Courthouse Room 200
Sample, IN 47404

Indiana County Commissioner Members
Courthouse Room 150
Sample, IN 47XXX

Indiana County Director/Engineer
Courthouse Room 100
Sample, IN 47XXX

Indiana County Highway Supervisor
2400 S. Sample Road
Sample, IN 47XXX

Indiana County Surveyor
100 W. 5th Street, 2nd Floor
Butterfly Building
Sample, IN 47XXX

Sample/Indiana County MPO
200 N. Sample St. Ste 160
P.O. Box 200
Sample, IN 47XXX

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness, Commissioner

Agencies to be contacted as part of early coordination efforts for projects:

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Federal Highway Administration Federal Office Building, Room 254 575 North Pennsylvania Street Indianapolis, Indiana 46204 Send information electronically (PDF format) to the appropriate FHWA Environmental Specialist: Erica Tait – Seymour District erica.tait@dot.gov Robert Dirks –Greenfield District Robert.Dirks@dot.gov Kari Carmany-George – Crawfordsville, Fort Wayne, LaPorte, and Vincennes Districts k.carmanygeorge@dot.gov For projects that are being processed as an Environmental Impact Statement, ECLs should be sent to Michelle Allen at michelle.allen@dot.gov	1. Early coordination letter 2. Graphics	None
Indiana Geological and Water Survey 611 North Walnut Grove Bloomington, IN 47405 Early Coordination submittal at https://igws.indiana.edu/eAssessment	1. Short project description and location information on website submission	Response letter generated immediately. *Provide IGWS response to designer upon receipt.
Environmental Coordinator Indiana Department of Natural Resources Division of Fish and Wildlife 402 West Washington Street, Rm. W273 Indianapolis, IN 46204 Send information electronically (PDF format) to environmentalreview@dnr.in.gov	1. Early coordination letter 2. Graphics	Letter stating possible permits, mitigation, and recommendations.
Indiana Department of Environmental Management Automatic website Early Coordination: • For Community Development Projects https://www.in.gov/idem/5283.htm • For Roadway Projects https://www.in.gov/idem/5284.htm	1. Short project description and location information on website submission	Response letter will appear immediately after web submission *Letter will need to be signed.

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Regional Environmental Coordinator Midwest Regional Office National Park Service 601 Riverfront Drive Omaha, Nebraska 68102 Send information electronically (PDF format) to Mwro_Compliance@nps.gov	1. Early coordination letter 2. Graphics	Response letter
Chief, Groundwater Section Indiana Department of Environmental Management 100 N. Senate Avenue Indianapolis, IN 46204 Send form to ATurnbow@idem.IN.gov -or Utilize the IDEM's Wellhead Proximity Determinator website	1. Wellhead Protection Proximity Request Form https://www.in.gov/idem/cleanwater/2456.htm -or Wellhead Proximity Determinator website https://www.in.gov/idem/cleanwater/pages/wellhead/	Response letter -or Retain pertinent printouts of the project area for the project file.
Field Environmental Officer Chicago Regional Office US Department of Housing & Urban Development Metcalf Fed. Bldg. 77 W. Jackson Blvd. Room 2401 Chicago, IL 60604 Information can be sent electronically (PDF format) to Melanie.H.Castillo@hud.gov	1. Early coordination letter 2. Graphics	Response letter
Indiana Department of Transportation Coordinate with the appropriate INDOT District/Central Office contact: • District Office (Current List) http://www.in.gov/indot/2527.htm. • Central Office send to the Environmental Policy Manager. The INDOT Project Manager should also be provided a copy of the ECL.	1. Early coordination letter 2. Graphics	Response letter

US Fish and Wildlife Service (USFWS):

Coordination with USFWS is required for every project that requires federal funding. Project information is placed into the USFWS Information for Planning and Consultation (IPaC) and an official species list is generated. Coordination with USFWS through early coordination is required if any of the following occurs:

- If IPaC identifies the presence of rusty patched bumble bee (high potential zone); or
- Project does not fall under USFWS Interim Guidance (2013) for other listed species (excludes Indiana bat, northern long-eared bat, and rusty patched bumble bee)

If the project does not qualify for the Rangewide Programmatic Agreement for Indiana bat and northern long-eared bat or is located in a critical habitat for any species contact INDOT to determine appropriate coordination needed with USFWS.

If the project is in southern and central Indiana counties and requires consultation with USFWS, contact the Bloomington Field Office.

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Field Supervisor US Fish and Wildlife Service Bloomington Indiana Field Office 620 South Walker Street Bloomington, Indiana 47403-2121 Send information electronically (PDF format) to robin_mcwilliams@fws.gov	1. Early coordination letter 2. Graphics	1. "No Effect", 2. "Not Likely to Adversely Affect", or 3. "Likely to Adversely Affect"

If the project is in the following northern Indiana counties and requires consultation with USFWS, contact the Northern Field Office.

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
US Fish and Wildlife Service Northern Indiana Suboffice P.O. Box 2616 Chesterton, IN 46304 Send information electronically (PDF format) to elizabeth_mccloskey@fws.gov	1. Early coordination letter 2. Graphics	1. "No Effect", 2. "Not Likely to Adversely Affect", or 3. "Likely to Adversely Affect"

*Please refer to Attachment 2 for a map which depicts which Indiana counties fall within the Bloomington and Northern Indiana Field Offices.

US Forest Service:

If the project is within Brown, Crawford, Dubois, Jackson, Lawrence, Martin, Monroe, Orange, and Perry Counties, contact U.S. Forest Service, Hoosier National Forest (HNF) at:

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Forest Supervisor Hoosier National Forest US Forest Service 811 Constitution Avenue Bedford, Indiana 47421 Send information electronically (PDF format) to kamick@fs.fed.us	1. Early coordination letter 2. Graphics *If the project may require right-of-way acquisition from HNF, this should be specifically stated in the ECL.	Response letter

INDOT, Office of Aviation:

If the project is within 20,000 feet of a public use airport and/or involves the construction/use of an object above 200 feet, contact INDOT Office of Aviation:

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Indiana Department of Transportation Office of Aviation 100 N. Senate Avenue, Rm. 955 Indianapolis, IN 46204 Send information electronically (PDF format) to JCourtade@indot.in.gov	1. Early coordination letter 2. Graphics	Response letter

Natural Resources Conservation Service (NRCS):

If the project has farmland that meets the definition of farmland under the Farmland Policy Protection Act (FPPA), contact NRCS. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forestland, pastureland, cropland or other land, but not water or urban built-up land:

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
State Conservationist Natural Resources Conservation Service 6013 Lakeside Boulevard Indianapolis, Indiana 46278 Send information electronically (PDF format) to rick.neilson@in.usda.gov	1. Early coordination letter 2. Graphics 3. CPA-106 or AD-1006 form partially completed	CPA-106 or AD-1006 form with Section V completed *Must finish completing form and send finished form back to NRCS.

US Environmental Protection Agency, NEPA Implementation Section:

If the project is processed as an Environmental Assessment (EA), Environmental Impact Statement (EIS), or impacts a Superfund site, coordination with the U.S. Environmental Protection Agency (USEPA) Region 5 is required.

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Chief, NEPA Implementation Section USEPA, Region 5 77 West Jackson Boulevard, Chicago, Illinois 60604 Send information electronically (PDF format) to westlake.kenneth@epa.gov	1. Early coordination letter 2. Graphics	Response letter

US Environmental Protection Agency, Ground Water and Drinking Water Branch:

Coordination with USEPA, Ground Water and Drinking Water Branch will be initiated if the project is within the St. Joseph Aquifer System and either:

- Requires an Environmental Impact Statement;
- Requires an Environmental Assessment;
- Requires substantial excavation depth (greater than 10 feet); or
- Requires the use of chemicals listed in the National Primary Drinking Water Regulations (40 CFR 141)

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Sole Source Aquifer Coordinator Ground Water and Drinking Water Branch USEPA, Region 5 77 West Jackson Boulevard, WG-15J Chicago, Illinois 60604 Send information electronically (PDF format) to bosscher.valerie@epa.gov	1. Early coordination letter 2. Graphics	Response letter

Metropolitan Planning Organizations (MPOs):

If the project is within an MPO, contact the appropriate MPO:

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Contact information for each MPO can be found at http://www.indianampo.com	1. Early coordination letter 2. Graphics	Response letter

National Oceanic and Atmospheric Administration Office (NOAA):
If the project will directly affect the shoreline of Lake Michigan, contact NOAA:

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
NOAA NEPA Coordinator Office of General Counsel 1305 East-West Hwy, Room 6616 Silver Spring, Maryland 20910 Send information electronically (PDF format) to noaa.nepa@noaa.gov	1. Early coordination letter 2. Graphics	Response letter

US Army Corps of Engineers (USACE):
If the project may impact wetlands or waterways and may require a USACE Clean Water Act Section 404 and/or a Rivers and Harbors Act Section 10 permit contact the appropriate regulatory district (see Attachment 3).

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Mr. Aaron Damrill, Chief, US Army Corps of Engineers, Detroit District, Regulatory Michiana Branch 2422 Viridian Drive, Suite #200 South Bend, IN 46628 Send information electronically (PDF format) to Aaron.W.Damrill@usace.army.mil A courtesy copy should also be sent to Regadmin.LRE_RegAdmin@usace.army.mil	1. Early coordination letter 2. Graphics	Response letter
Ms. Deborah Snyder US Army Corps of Engineers, Louisville District, Indianapolis Regulatory Office, Indianapolis, IN 46216 Send information electronically (PDF format) to RegulatoryApplicationsLRL@usace.army.mil	1. Early coordination letter 2. Graphics	Response letter
Mr. Paul Leffler, Chief, Environmental Resources Department of the Army Chicago District, Corps of Engineers 231 South LaSalle St, Suite 1500 Chicago, Illinois 60604 Send information electronically (PDF format) to chicagorequests@usace.army.mil	1. Early coordination letter 2. Graphics	Response letter

If a project occupies, alters, or uses a Federal civil works project, USACE review and approval may be required. Examples of Federal civil works projects include dams and upstream reservoir, inland navigation channels, harbors, and levees. If a project may require a Section 408 civil works review, please contact the appropriate Corps' civil works district (see Attachment 4).

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
US Army Corps of Engineers, Chicago District Section 408 Coordinator, ORD-R 231 South LaSalle St, Suite 1500 Chicago, Illinois 60604 Send information electronically to Gene Fleming at Eugene.J.Fleming@usace.army.mil for civil works considerations. A courtesy copy should also be sent to Susanne J. Davis at Susanne.J.Davis@usace.army.mil and Chicago408@usace.army.mil	1. Early coordination letter 2. Graphics	Response letter
Chief, Environmental Formulation and Analysis Section, Detroit District USACE Send information electronically to Paul Allerding at Paul.H.Allerding@usace.army.mil for civil works considerations. A courtesy copy should also be sent Charles Uhlarik at Charles.A.Uhlarik@usace.army.mil	1. Early coordination letter 2. Graphics	Response letter
Ms. Deborah Snyder US Army Corps of Engineers, Louisville District Indianapolis Regulatory Office, Indianapolis, IN 46216 Send information electronically (PDF format) to RegulatoryApplicationsLRL@usace.army.mil	1. Early coordination letter 2. Graphics	Response letter

US Coast Guard:

If the project involves a bridge over a waterway, contact the appropriate Coast Guard District. Projects north of the 41st parallel are covered by the Ninth Coast Guard District. All others are covered by the Eighth District:

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Chief, Bridge Branch Ninth Coast Guard District 1240 E. 9th St. - Room 2043 Cleveland, OH 44199 Send information electronically (PDF format) to William.B.Stanifer@uscg.mil and michael.o.walker2@uscg.mil	1. Early coordination letter 2. Questionnaire* 3. Graphics	Questionnaire completed
Commander, Eighth Coast Guard District Attn: Bridge Branch 1222 Spruce Street, Rm 2.102D St Louis, MO 63103-2832 Send information electronically (PDF format) to eric.washburn@uscg.mil	1. Early coordination letter 2. Questionnaire* 3. Graphics	Questionnaire completed

*Questionnaire can be found as Attachment 1.

Kankakee River Basin and Yellow River Basin Development Commission:

For projects that may affect the Kankakee River or Yellow River within Jasper, Lake, LaPorte, Marshall, Newton, Porter, St. Joseph, and Starke Counties in Indiana, contact the Kankakee River Basin and Yellow River Basin Development Commission at:

ADDRESSES	INFORMATION TO BE SENT	TYPICAL RESPONSE
Kankakee River Basin and Yellow River Basin Development Commission 6100 Southport Road Portage, IN 46368 Send information electronically (PDF format) to contact@kankakeeandyellowrivers.org	1. Early coordination letter 2. Graphics	Response letter

Additional early coordination recipients:

- Projects requiring early coordination may also need to coordinate with county highway departments, county commissioners, county health departments, universities/colleges, emergency services and historical societies that may have a specific interest.
- If project involves Section 4(f) lands, then the official with jurisdiction (OWJ) over the Section 4(f) land should be contacted.
- If project involves Section 6(f) lands, then coordination with IDNR Outdoor Recreation and National Park Service is required.
- If a project is within a corporate limit, then coordination with the mayor, town manager, city/town council, etc. should occur.

Notes:

Most electronically submitted early coordination letters should not exceed 7 MB in size due to size limitations of resource agency e-mail.

For EA and EIS level projects, early coordination recipients should be notified of the availability of the environmental document when the public notice of the public hearing is published to allow comment during the public comment period.

Attachment 1

Des. #:
Project #:
Project Description:
Name of organization requesting early coordination:

Questionnaire for the U.S. Coast Guard

1) Will the proposed project cross waterways under your jurisdiction?

2) Will the proposed project require a USCG bridge permit action?

3) If no USCG bridge permit is required, will USCG require bridge lighting or coordination for work in waterway during project to accommodate navigation?

This information was furnished by:

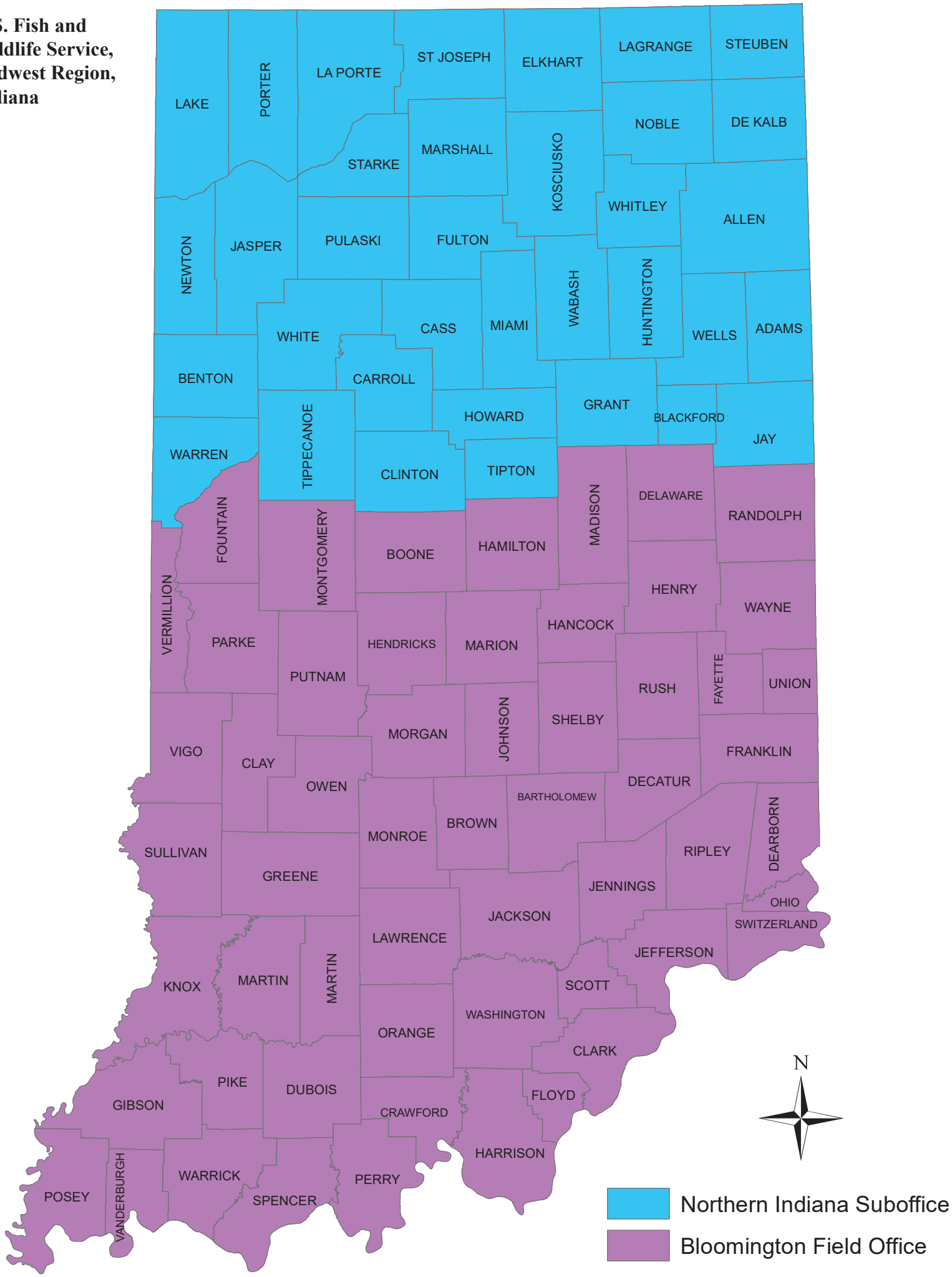
Name:_____ Title: _____

Address: _____

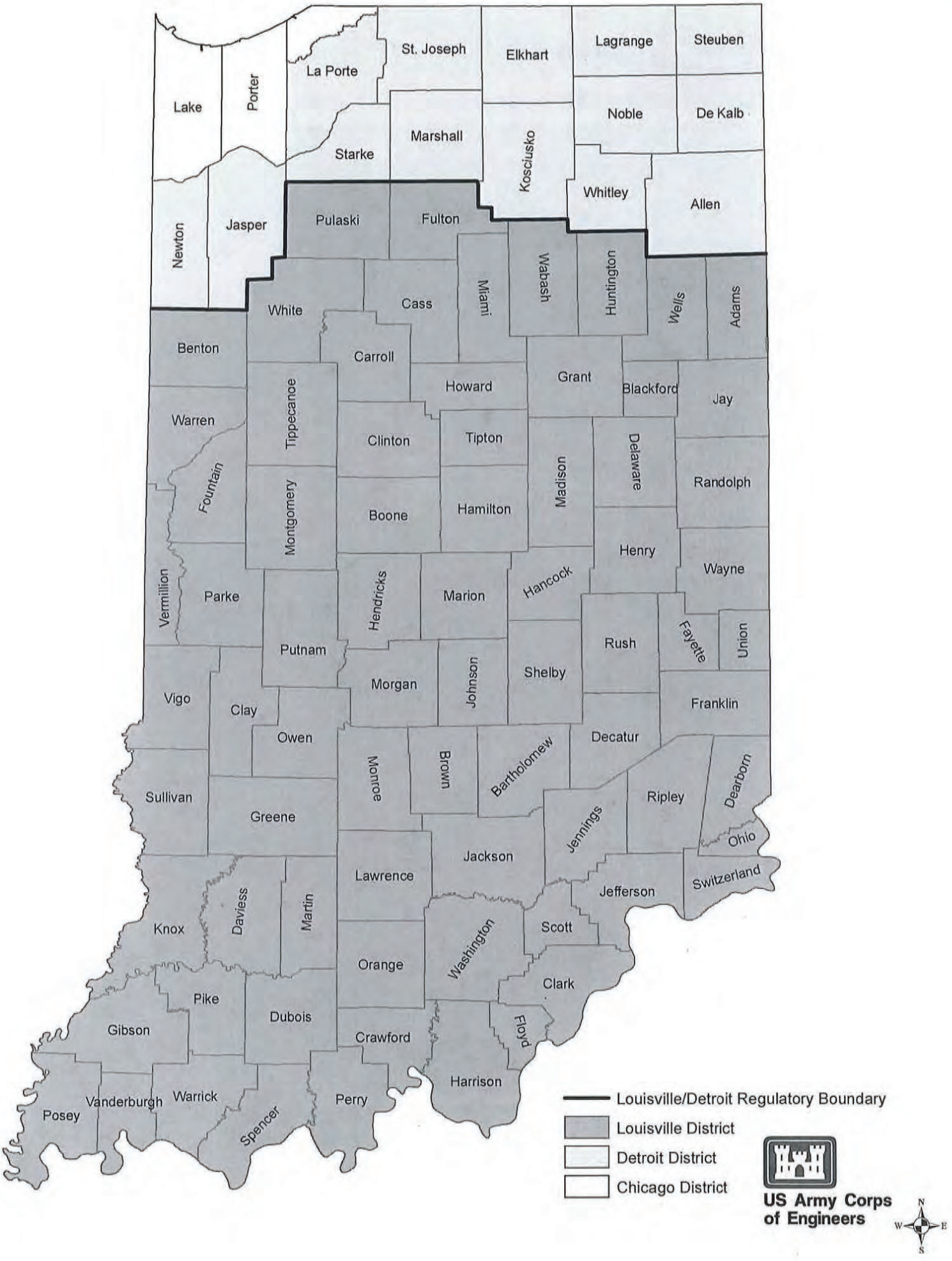
Phone: _____ Date: _____

Attachment 2

U.S. Fish and Wildlife Service, Midwest Region, Indiana

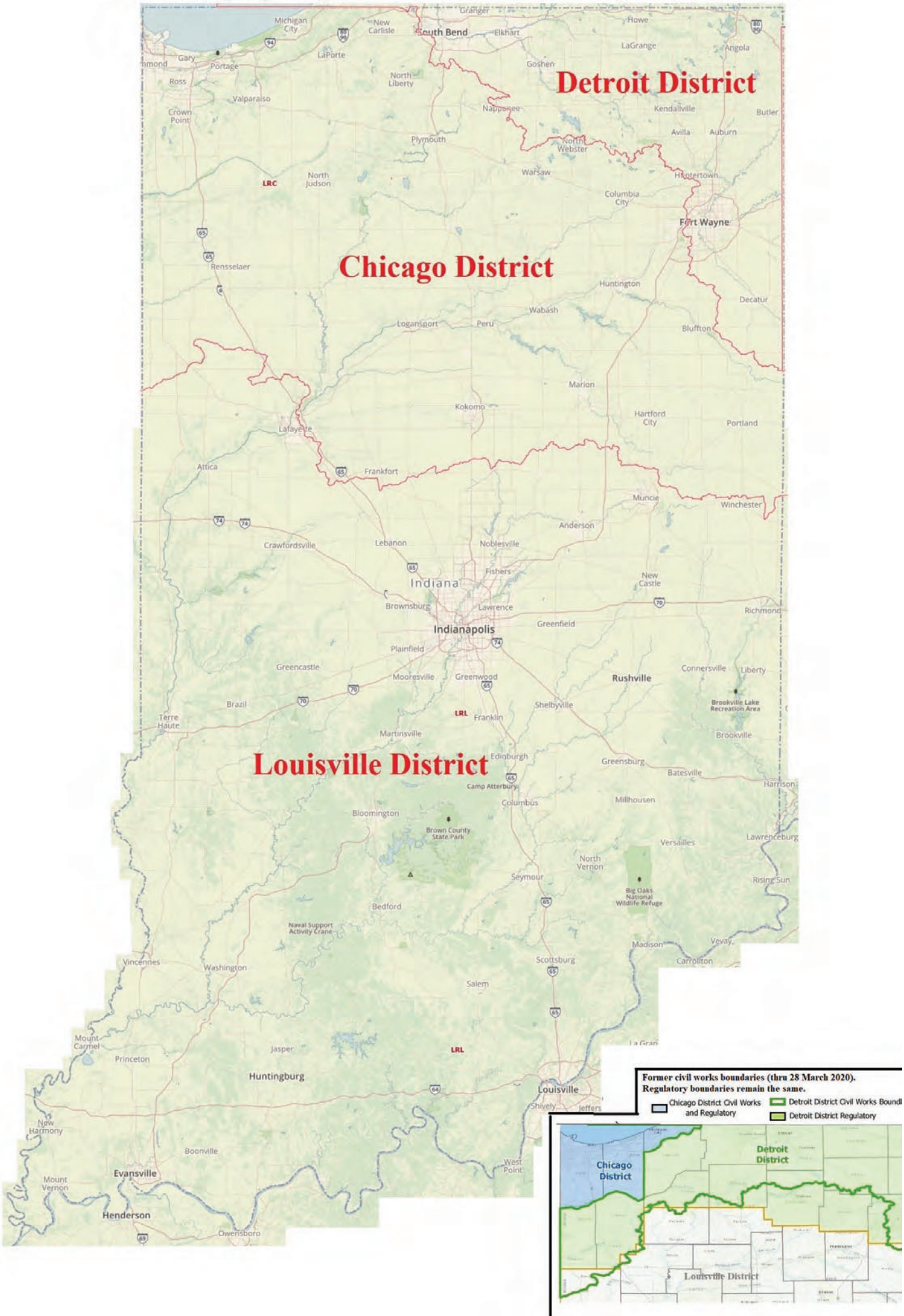


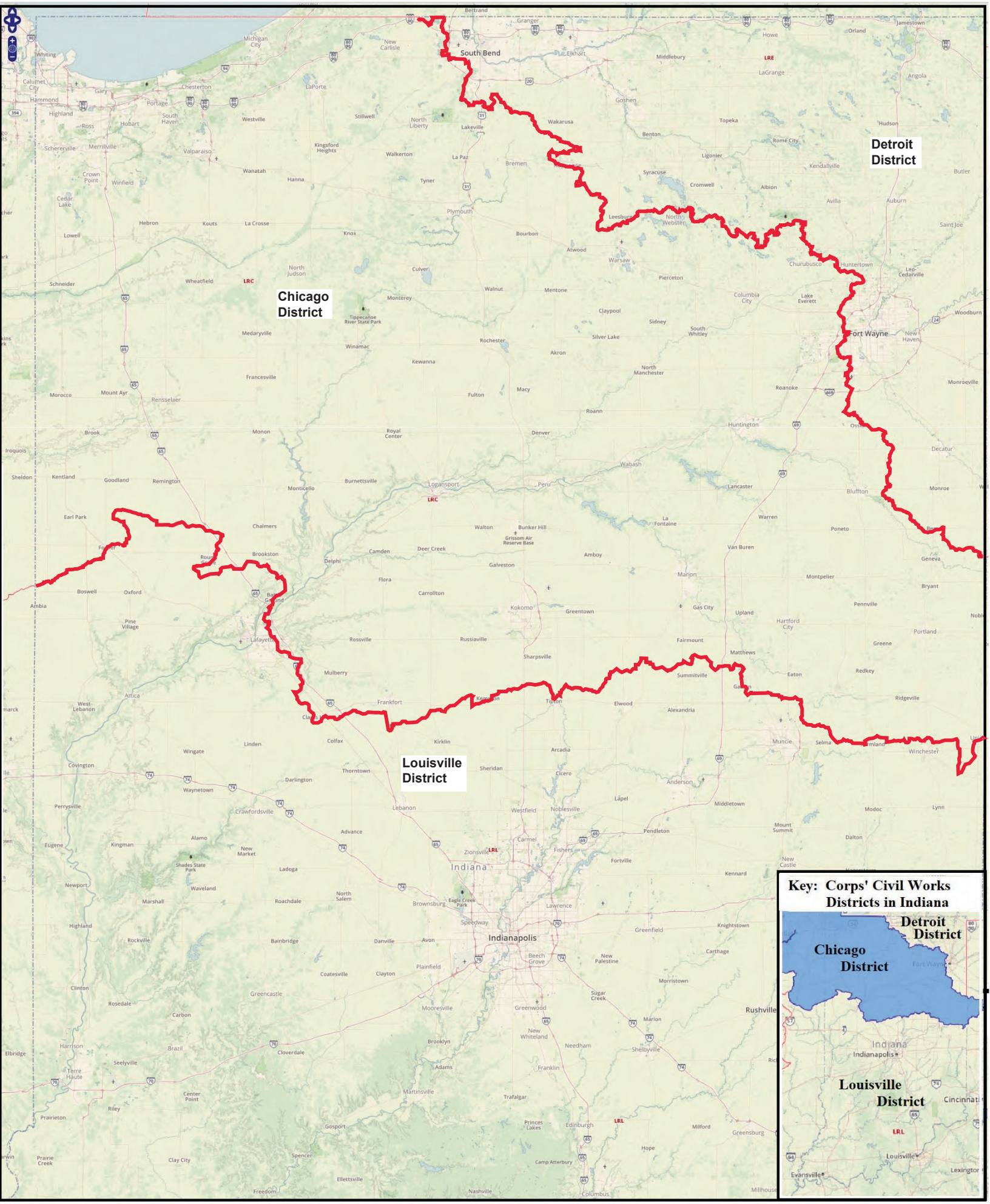
Attachment 3


Lake
Porter
La Porte
St. Joseph
Elkhart
Lagrange
Steuben
Noble
De Kalb
Marshall
Starke
Kosciusko
Whitley
Allen
Newton
Jasper
Pulaski
Fulton
Miami
Wabash
Huntington
Wells
Adams
White
Cass
Benton
Carroll
Howard
Grant
Blackford
Jay
Warren
Tippecanoe
Clinton
Tipton
Madison
Delaware
Randolph
Fountain
Montgomery
Boone
Hamilton
Henry
Wayne
Vermillion
Parke
Hendricks
Marion
Hancock
Rush
Fayette
Union
Putnam
Morgan
Johnson
Shelby
Franklin
Vigo
Clay
Owen
Decatur
Sullivan
Greene
Monroe
Brown
Bartholomew
Ripley
Dearborn
Jennings
Ohio
Jackson
Lawrence
Switzerland
Jefferson
Knox
Daviess
Martin
Scott
Orange
Washington
Clark
Pike
Dubois
Gibson
Crawford
Floyd
Harrison
Vanderburgh
Warrick
Perry
Posey
Spencer
Louisville/Detroit Regulatory Boundary
Louisville District
Detroit District
Chicago District
US Army Corps of Engineers
N
W
E
S

Attachment 4

New U.S. Army Corps of Engineers Civil Works Boundaries for Indiana, Effective 29 March 2020





USACE Civil Works Boundaries - Zoomed In

APPENDIX J

Roster of Indiana Waters Declared Navigable or Nonnavigable

Indiana Natural Resources Commission

Roster by County of Indiana Waters Declared Navigable or Nonnavigable

Data accessed by INDOT ESD on January 4, 2021

Adams County

- St. Marys River: Nonnavigable
- Wabash River: Nonnavigable

Allen County

- Little River: Navigable from its junction with the Wabash River 20.2 river miles to Ellison Road.
- Maumee River: Navigable from the Indiana-Ohio State Line 27.05 river miles to the Hosey Dam (Fort Wayne).
- St. Mary's River: Nonnavigable

Bartholomew County

- Driftwood River: Navigable from its junction with the East Fork of the White River (Columbus) to the County Line.
- East Fork of White River: Navigable from the County Line to its junction with the Driftwood and Flatrock Rivers (Columbus).
- Flatrock River: Navigable from its junction with the East Fork of the White River (Columbus) to the County Line.

Brown County

- North Fork of Salt Creek: Navigable from its junction with Salt Creek for 36.7 river miles to its junction with David Branch (near Nashville).
- Salt Creek: Navigable from its junction with the East Fork of the White River into Lake Monroe.

Carroll County

- Tippecanoe River: Navigable throughout the county.
- Wabash River: Navigable throughout the county.

Clark County

- Bull Creek: Navigable from its junction with the Ohio River for 1.1 river miles.
- Camp Creek: Navigable from its junction with the Ohio River for 1.7 river miles.
- Fourteen Mile Creek: Navigable from its junction with the Ohio River for 2.9 river miles.
- Lancassange Creek: Navigable from its junction with the Ohio River for 0.3 river miles.
- Ohio River: Navigable throughout the county.
- Silver Creek: Navigable from its junction with the Ohio River for 3.0 river miles.

Clay County

- Eel River: Navigable throughout the county.
- Crawford County

- Big Blue River: Navigable throughout the county.
- Dry Run Creek: Navigable from its junction with the Big Blue River for 1.4 river miles.
- Little Blue River: Navigable from its junction with the Ohio River for 10.6 river miles.
- Mill Creek: Navigable from its junction with the Little Blue River for 1.4 river miles.
- Ohio River: Navigable throughout the county.

Daviess County

- East Pork of the White River: Navigable throughout the county.
- West Fork of the White River: Navigable throughout the county.

Dearborn County

- Great Miami River: Navigable throughout the county.
- Hogan Creek (including North Fork and South Fork): Hogan Creek (Main Stem) is navigable from its junction with the Ohio River for the entire length (0.4 river miles). The North Fork of Hogan Creek is navigable from its junction with Hogan Creek for 4.9 river miles. The South Fork of Hogan Creek is navigable from its junction with Hogan Creek for 5.0 river miles.
- Laughery Creek: Navigable from its junction with the Ohio River for 10.8 river miles (near Milton).
- Ohio River: Navigable throughout the county.
- Tanners Creek: Navigable from its junction with the Ohio River in Lawrenceburg for 10.6 river miles.
- Whitewater River: Navigable throughout the county.
- Wilson Creek: Navigable from its junction with the Ohio River for 1.9 river miles.

Decatur County

- Flatrock River: Navigable throughout the county.

Delaware County

- Mississinewa River: Navigable throughout the county.
- West Fork of the White River: Navigable to Smithfield.

Dubois County

- Flat Creek: Navigable from its junction with the Patoka River throughout the county.
- East Fork of the White River: Navigable throughout the county.
- Patoka River: Navigable throughout the county.

Elkhart County

- Baugo Creek (formerly Banbango or Bangango Creek):
- St. Joseph River: Navigable throughout the county.

Fayette County

- West Fork of the Whitewater River: Navigable to the three forks (near Connersville).

Floyd County

- Ohio River: Navigable throughout the county.
- Silver Creek: Navigable from its junction with the Ohio River for 3.0 river miles.

Fountain County
- Wabash River: Navigable throughout the county.

Franklin County
- East Pork of the Whitewater River: Navigable throughout the county from its junction with the Whitewater River.
- West Fork of the Whitewater River: Navigable throughout the county from its junction with the Whitewater River.
- Whitewater River: Navigable throughout the county.

Fulton County
- No waterway has been declared navigable or nonnavigable.
- There is a discussion of navigability relative to a determination that Nyona Lake as a public freshwater lake in Bath v. Courts, Ind. App., 459 N.E. 2d 72 (1984).

Gibson County
- Patoka River (also known as Houchins Ditch): Navigable throughout the county from its junction with the Wabash River.
- Wabash River: Navigable throughout the county.
- White River: Navigable throughout the county from its junction on the Wabash River.

Grant County
- Mississinewa River: Navigable throughout the county.

Greene County
- Black Creek: Navigable to near Marco.
- Eel River: Navigable throughout the county from its junction with the West Fork of the White River.
- West Fork of the White River: Navigable throughout the county.

Hamilton County
- West Fork of the White River: Navigable throughout the county.

Hancock County
- Big Blue River: Navigable throughout the county.

Harrison County
- Big Blue River: Navigable throughout the county from its junction with the Ohio River.
- Buck Creek: Navigable 5.8 river miles from its junction with the Ohio River.
- Indian Creek: Navigable 4.8 river miles from its junction with the Ohio River.
- Mosquito Creek: Navigable 2.8 river miles from its junction with the Ohio River.
- Ohio River: Navigable throughout the county.

- Potato Run: Navigable 0.4 river miles from its junction with the Ohio River.

Hendricks County
- Mud Creek: Navigable to Tudor Road (near Hazelwood).

Henry County
- Flatrock River: Navigable throughout the county.

Huntington County
- Huntington Lake: Nonnavigable for interstate commerce
- Little River: Navigable throughout the county from its junction on the Wabash River.
- Wabash River: Navigable throughout the county.

Jackson County
- East Fork of White River: Navigable throughout the county.
- Muscatatuck River: Navigable throughout the county.

Jasper County
- Iroquois River: Navigable to near Parr.
- Kankakee River: Navigable throughout the county.

Jefferson County
- Big Saluda Creek: Navigable 1.0 river miles from its junction with the Ohio River.
- Indian-Kentuck Creek: Navigable 3.8 river miles from its junction with the Ohio River.
- Ohio River: Navigable throughout the county.

Jennings County
- Muscatatuck River: Navigable to the main forks.

Johnson County
- Big Blue River: Navigable throughout the county.
- East Fork of White River: Navigable to its junction with the Flatrock and Driftwood Rivers.
- Sugar Creek: Navigable from its junction with the Big Blue River (to form the Driftwood River) throughout the county.
- West Fork of White River: Navigable throughout the county.

Knox County
- Black Creek: Navigable from its junction with the West Fork of the White River (near Edwardsport) throughout the county.
- Busseron Creek: Navigable throughout the county.
- Wabash River: Navigable throughout the county.
- West Fork of White River: Navigable throughout the county from its junction with the White River.
- White River: Navigable throughout the county from its junction with the Wabash River.

Kosciusko County

- Tippecanoe Lake: Nonnavigable

Lagrange County

- Fawn River: Two segments of the river are navigable in Lagrange County. These segments are separated by portions of the river in Michigan. The Fawn River has been found to be nonnavigable at Greenfield Mills (river mile 32).

Lake County

- Grand Calumet River: Navigable from the Illinois State Line (near Hammond) to Marquette Park.
- Indiana Harbor and Ship Canal: Navigable throughout the county.
- Kankakee River: Navigable throughout the county.
- Lake Michigan: Navigable throughout the county.
- Little Calumet River: Navigable throughout the county.
- Wolf Lake: Nonnavigable

LaPorte County

- Kankakee River: Navigable throughout the county.
- Lake Michigan: Navigable throughout the county.
- Trail Creek: Navigable 1.0 river miles from its junction with Lake Michigan.
- [Unnamed Lake: Located in the north one-half of section 8, township 36 north, range 1 west is a nonnavigable lake.]

Lawrence County

- East Fork of White River: Navigable throughout the county.
- Salt Creek: Navigable from its junction with the East Fork of White River throughout the county.

Madison County

- West Fork of White River: Navigable throughout the county.

Marion County

- West Fork of the White River: Navigable throughout the county.

Marshall County

- Yellow River: Navigable to Plymouth.

Martin County

- East Fork of White River: Navigable throughout the county.
- Indian Creek: Navigable throughout the county.
- Lost River: Navigable from its junction with East Fork of the White River.

Miami County

- Mississinewa River: Navigable throughout the county.
- Wabash River: Navigable throughout the county.

Monroe County

- Beanblossom Creek: Navigable to Griffy Creek.
- Clear Creek: Navigable to near Harrodsburg.
- North Fork of Salt Creek: Navigable from its junction with Salt Creek (within Lake Monroe) throughout the county.
- Salt Creek: Navigable into Lake Monroe.
- West Fork of White River: Navigable throughout the county.

Montgomery County

- Sugar Creek: Navigable throughout the county.

Morgan County

- Indian Creek: Navigable from its junction with the West Fork of the White River for 3.3 river miles.
- Lambs Creek: Nonnavigable
- Mill Creek: Navigable throughout the county.
- Mill Creek Ditch: Navigable throughout the county.
- Mud Creek: Navigable from its junction with Mill Creek throughout the county.
- West Fork of White River: Navigable throughout the county.

Newton County

- Iroquois River: Navigable throughout the County.
- Kankakee River: Navigable throughout the County.

Ohio County

- Arnold Creek: Navigable from its junction with the Ohio River for 4.4 river miles.
- Buck Run: Navigable from its junction with the Ohio River for 1.1 river miles.
- Island Branch: Navigable from its junction with the Ohio River for 1.0 river miles.
- Laughery Creek: Navigable throughout the county.
- Ohio River: Navigable throughout the county.

Orange County

- Lick Creek: Navigable downstream from Old Spring Mill (near Paoli).
- Lost River: Navigable to near Orangeville.
- Patoka River: Navigable within Greenfield Township and downstream.

Owen County

- Cagles Mill Lake: Navigable throughout the county.
- Eel River: Navigable to Cagles Mill Lake.
- Mill Creek: See Cagles Mill Lake.
- West Fork of White River: Navigable throughout the county.

Parke County

- Big Raccoon Creek: Navigable throughout the county.
- Little Raccoon Creek: Navigable from its junction with Big Raccoon Creek for 5.3 river miles (Nevins Covered Bridge).
- Cecil M. Harden Lake: See Big Raccoon Creek.
- Sugar Creek: Navigable throughout the county.
- Wabash River: Navigable throughout the county.

Perry County

- Anderson River: Navigable from its junction with the Ohio River along the Spencer County line.
- Bald Knob Creek: Navigable from its junction with Big Oil Creek for 0.5 river miles.
- Bear Creek: Navigable from its junction with the Ohio River for 1.6 river miles.
- Big Deer Creek: Navigable from its junction with the Ohio River for 5.9 river miles. See Deer Creek.
- Big Oil Creek (including Webb Branch): Navigable from its junction with the Ohio River for 10.6 river miles. Webb Branch is navigable from its junction on Big Oil Creek for 0.9 river miles.
- Big Poison Creek: Navigable from its junction with the Ohio River for 6.3 river miles.
- Buck Creek: Navigable from its junction with the Ohio River for 0.7 river miles.
- Bull Hollow: Navigable from its junction with Big Oil Creek for 0.7 river miles.
- Caney Branch of Big Poison Creek: Navigable from its junction with Big Poison Creek for 0.2 river miles.
- Caney Branch of Little Deer Creek: Navigable from its junction with Little Deer Creek for 0.8 river miles.
- Clover Lick Creek: Navigable from its junction with Big Oil Creek for 0.7 river miles.
- Deer Creek: Navigable from its junction with the Ohio River for 5.9 river miles.
- East Deer Creek: Navigable from its junction with Deer Creek for 0.6 river miles.
- Fanny Creek: Navigable from its junction with the Ohio River for 0.8 river miles.
- Indian Fork: Navigable from its junction with Big Oil Creak for 1.4 river miles.
- Kelly Hollow: Navigable from its junction with Millstone Creek for 1.0 river miles.
- Kingly Creek: Navigable from its junction with the Ohio River for 0.2 river miles.
- Knob Creek: Navigable from its junction with the Ohio River for 0.2 river miles.
- Little Deer Creek (also known as West Fork of Deer Creek): Navigable from its junction with Deer Creek for 3.9 river miles.
- Little Oil Creek: Navigable from its junction with Big Oil Creek for 4.4 river miles.
- Little Poison Creek: Navigable from its junction with Big Poison Creek for 1.2 river miles.
- Millstone Creek: Navigable from its junction with the Ohio River for 1.4 river miles.
- Neglie Creek: Navigable from its junction with Little Deer Creek for 0.5 river miles.
- Ohio River: Navigable throughout the county.
- Oil Creek: See Big Oil Creek.
- Poison Creek: See Big Poison Creek.

- Sample Run: Navigable from its junction with the Ohio River for 0.2 river miles.
- Tates Hollow: Navigable from its junction with the Ohio River for 0.3 river miles.
- Webb Branch: See Big Oil Creek.

Pike County

- East Fork of White River: Navigable throughout the county.
- Flat Creek: Navigable downstream from a point in Franklin Township.
- Patoka River: Navigable throughout the county.
- White River: Navigable throughout the county.

Porter County

- Burns Ditch: See Portage Burns Waterway.
- Portage Burns Waterway: Navigable in its entirety (1.3 river miles) as a connection between the Little Calumet River and Lake Michigan.
- Kankakee River: Navigable throughout the county.
- Lake Michigan: Navigable throughout the county.
- Little Calumet River: Navigable throughout the county.

Posey County

- Big Creek: Navigable from its junction with the Wabash River for 25.4 river miles (near Cynthiana).
- Harris Ditch: Navigable from its junction with the Ohio River for 0.9 river miles.
- Hurricane Fork: See Little Fork of Big Creek.
- Little Fork of Big Creek: Navigable from its junction with Big Creek for 5.1 river miles.
- Little Pitcher Lake: Navigable as an extension of Harris Ditch.
- South Fork: See Little Fork of Big Creek.
- McFadden Creek: Navigable from its junction with the Ohio River for 2.3 river miles.
- Ohio River: Navigable throughout the county.
- Wabash River: Navigable from its junction with the Ohio River throughout the county.

Pulaski County

- Tippecanoe River: Navigable throughout the county.

Putnam County

- Cagles Mill Lake: See Eel River, and see Mill Creek.
- Eel River: Navigable upstream to its junction with Mill Creek (now within Cagles Mill Lake).
- Mill Creek: Navigable throughout the county.

Randolph County

- Mississinewa River: Navigable throughout the county.

Rush County

- Big Blue River: Navigable throughout the county.
- Flatrock River: Navigable throughout the county.

- Little Blue River: Navigable downstream from its junction with Ball Run in Posey Township.

St. Joseph County

- Baugo Creek (formerly Banbango Creek): Navigable from its junction with the St. Joseph River throughout the county.
- Kankakee River: Navigable throughout the county.
- St. Joseph River: Navigable throughout the county.

Scott County

- Cammie Thomas Ditch: Navigable as a channelization of the Muscatatuck River.
- Muscatatuck River: Navigable throughout the county.
- South Fork of Muscatatuck River: Navigable from its junction with the Muscatatuck River upstream to its junction with Graham Creek at river mile 28.1.

Shelby County

- Big Blue River: Navigable throughout the county.
- Conns Creek: Navigable from its junction with the Flatrock River throughout the county (but with private ownership of the creek bed).
- Flatrock River: Navigable throughout the county.
- Little Blue River: Navigable from its junction with the Big Blue River (Shelbyville) throughout the county.
- Sugar Creek: Navigable to Hough Cemetery (near Boggstown).

Spencer County

- Anderson River: Navigable from its junction with the Ohio River throughout the county.
- Baker Creek: Navigable from its junction with Little Pigeon Creek for 1.8 river miles.
- Caney Creek: Navigable from its junction'with the Ohio River for 2.8 river miles.
- Clear Creek: Navigable from its junction with Little Pigeon Creek for 2.4 river miles.
- Crooked Creek: Navigable from its junction with the Ohio River for 7.7 river miles.
- Garrett Creek: Navigable from its junction with the Ohio River for 2.2 river miles.
- Honey Creek: Navigable from its junction with the Ohio River for 1.8 river miles.
- Jackson Creek: Navigable from its junction with the Ohio River for 1.8 river miles.
- Lake Drain: Navigable from its junction with the Ohio River for 1.6 river miles.
- Little Pigeon Creek: Navigable form its junction with the Ohio River for 15.8 river miles.
- Little Sandy Creek: Navigable from its junction with the Ohio River for 2.0 river miles.
- Ohio River: Navigable throughout the county.
- Sandy Creek: Navigable from its junction with the Ohio River for 2.6 river miles.

Starke County

- Kankakee River: Navigable throughout the county.
- Tippecanoe River: Navigable throughout the county.
- Yellow River: Navigable from its junction with the Kankakee River throughout the county.

Sullivan County

- Busseron Creek: Navigable to near Caledonia.
- Kelly Bayou: Navigable from its downstream junction with an oxbow of the Wabash River to its upstream junction of the Wabash River.
- Turman Creek: Navigable from its junction on the Wabash River for 7.9 river miles.
- Wabash River: Navigable throughout the county.

Switzerland County

- Bryant Creek: Navigable from its junction with the Ohio River for 2.6 river miles.
- Goose Creek: Navigable from its junction with the Ohio River 1.5 river miles.
- Grants Creek: Navigable from its junction with the Ohio River for 2.5 river miles.
- Indian Creek: Navigable from its junction with the Ohio River for 4.1 river miles.
- Log Lick Creek: Navigable from its junction with the Ohio River for 2.3 river miles.
- Ohio River: Navigable throughout the county.
- Plum Creek: Navigable from its junction with the Ohio River for 2.9 river miles.
- Sand Creek: Navigable from its junction with the Ohio River for 0.9 river miles.
- Turtle Creek: Navigable from its junction with the Ohio River for 1.3 river miles.
- Tippecanoe County
- Tippecanoe River: Navigable from its junction with the Wabash River.
- Wabash River: Navigable throughout the county.

Union County

- East Fork of Whitewater River: Navigable throughout the county.

Vanderburgh County

- Bayou Creek: Navigable from its junction with the Ohio River for 1.5 river miles.
- Locust Creek: Navigable from its junction with Pigeon Creek for 1.5 river miles.
- Ohio River: Navigable throughout the county.
- Pigeon Creek: Navigable from its junction with the Ohio River for 5.9 river miles.

Vermillion County

- Big Vermillion River: Navigable for 10.8 miles from its junction with the Wabash River throughout the county (and for a total of 22.6 river miles to Carmargo, Illinois).
- Wabash River: Navigable throughout the county.

Vigo County

- Wabash River: Navigable throughout the county.

Wabash County

- Mississinewa River: Navigable throughout the county.
- Wabash River: Navigable throughout the county.

Warren County

- Wabash River: Navigable throughout the county.

Warrick County

- Baker Creek: Navigable from its junction with Little Pigeon Creek for 1.8 river miles.
- Big Pigeon Creek: See Pigeon Creek.
- Clear Creek: Navigable from its junction with Little Pigeon Creek for 2.4 river miles.
- Cypress Creek (including Cypress Creek Diversion Channel): Navigable from its junction with the Ohio River for 6.6 river miles. (The original bed of Cypress Creek is also navigable west of Cypress Creek Diversion Channel, except where the creek bed has emerged and is no longer inundated.)
- Little Pigeon Creek: Navigable from its junction on the Ohio River for 15.8 river miles.
- Ohio River: Navigable throughout the county.

Washington County

- Big Blue River: Navigable to the town of Fredricksburg at river mile 57.2.
- Cammie Thomas Ditch: Navigable as a channelization of the Muscatatuck River.
- East Fork of White River: Navigable throughout the county.
- Elk Creek: Navigable from its junction with the Cammie Thomas Ditch to river mile 3.0.
- Muscatatuck River: Navigable from its junction with the East Fork of the White River throughout the county.
- Twin Creek: Navigable from the East Fork of White River to river mile 7.98.

Wells County

- Wabash River: Navigable throughout the county (with navigability terminating at the Adams County line).

White County

- Tippecanoe River: Navigable throughout the county.

APPENDIX K

State Natural, Scenic, and Recreational Rivers

State Natural and Scenic River Segments

(Source: Indiana Department of Natural Resources, 1994, Rev. 1996)

River	Counties	Quad Maps	Boundaries
BIG PINE CREEK* (10.0 miles) (Studied 1980)	Warren	Williamsport, Pine Village	Rocky Ford (r.m. 13.8) to CR 131 (r.m. 3.75)
BIG WALNUT CREEK (10.6 miles)	Putnam	North Salem, Roachdale	Hendricks-Putnam Co. Line (r.m. 43.7) to SR 36 (r.m. 33.1)
BLUE RIVER (45.5 miles) (Designated 1978)	Crawford, Harrison, Washington	Fredericksburg, Milltown, Corydon, W., Leavenworth	US 150 in Fredericksburg (r.m. 57.0) to SR 462 (r.m. 11.5)
CEDAR CREEK (13.7 miles) (Designated 1976)	Allen, Dekalb	Garrett, Auburn, Huntertown	DeKalb CR 68 (r.m. 13.7) to St. Josheph River (r.m. 0.0)
SAND CREEK* (12.1 miles)	Decatur, Jennings	Butlerville, Westport	Westport Covered Bridge (r.m. 33.2) to Brewersville Rd. (r.m. 21.1)
S. BR. ELKHART* RIVER (13.6 miles) (Studied 1982)	Noble	Albion, Ligonier, Merriam	CR 100N (r.m. 14.2) to US 6 (r.m. 0.6)
SUGAR CREEK* (50.1 miles) (Studied 1977**)	Montgomery, Parke	Montezuma, Alamo Kingman, Wallace New Market, Crawfordsville	Darlington Covered Bridge (r.m. 50.1) to Wabash River (r.m. 0.0)
TIPPECANOE RIVER* (15.9 miles)	Kosciusko, Marshall	Mentone, Bourbon Atwood, Burket	Kosciusko CR 700W (r.m. 139.9) to the mouth of Moores Ditch (r.m. 123.0)
WHITEWATER RIVER* (28.4 miles) (Studied 1979)	Franklin	Metamora, Brookville, Whitecomb, Cedar Grove	Laurel Feeder Dam (r.m. 45.4) to New Trenton Bridge (r.m. 17.1)
WILDCAT CREEK (48.5 miles) (Designated 1980)	Carroll, Tippecanoe	Lafayette E., Pyrmont, Rossville, Burlington	SR 29 (r.m. 43.1 to Eisenhower Rd. (r.m. 4.8) and on the South Fork, SR 38 (r.m. 10.2) to the North Fork, (r.m. 0.0)

* These stream segments qualify for classification as a State Natural & Scenic River Segment. However, they have not yet been officially classified as such.

** The Montgomery County segment has recently been re-studied.

Last Print/Revision Date: October 13, 1996

INDIANA NATURAL AND SCENIC RIVERS LIST

A detailed river segment list and map are attached to the following river summaries.

BIG PINE CREEK

A 10 1/2-mile segment of Big Pine Creek in Warren County (from Rocky Ford, near Rainsville, downstream to County Road 131) qualifies for State Natural and Scenic River designation.

Big Pine Creek is Indiana's premier whitewater creek during high spring water levels and is popular with canoeists and kayakers from Indiana and Illinois. Due to unreliable water levels for canoeing throughout warm weather, commercial canoes are not available for use on the creek.

The Department of Environmental Management has designated the Big Pine Creek segment and some of its headwaters "for exceptional use" due to outstanding quality.

BIG WALNUT CREEK

Slightly more than 10 1/2 miles of Big Walnut Creek in Putnam County (from the county line to the SR 36 bridge) rate as natural as any segment on the DNR's Natural and Scenic Rivers list. The lower part of the segment flows by two state dedicated nature preserves (Hall's Woods and Big Walnut) which the DNR and The Nature Conservancy have cooperated to acquire from a willing seller.

Big Walnut Creek is lightly used by fishermen and canoeists. Commercial canoes are not available for use on the State Natural and Scenic River segment due to unreliable water levels throughout warm weather.

BLUE RIVER

The State Natural and Scenic River segment of Blue River designated in 1978 begins at river mile 57 (Fredericksburg) and runs to river mile 11 1/2 (just upstream of the SR 462 bridge). The DNR owns much of the lower 25 miles of the river corridor and manages its property to enhance the natural integrity of the river. The lower 5 1/2 miles of the river itself are part of the Cannelton Pool of the Ohio River.

The major canoe livery using the river provides about 15,000 canoe trips on the river annually, primarily between river mile 40 (Totten Ford Bridge) and river mile 20 (Rothrock Mill Public Access Site, the DNR's only access site in the State Natural and Scenic River segment). The river is also popular for fishing.

The state authorized Blue River Commission has zoning jurisdiction over the State Natural and Scenic River segment and has worked with the DNR in the conservation of the river since 1978. During that time the DNR, with some assistance from The Nature Conservancy, has also acquired nearly 6 miles of riverbank lands from willing sellers in the lower Natural and Scenic River segment. This will further assure protection of the natural integrity of Blue River.

The DEM has designated the State Natural and Scenic River segment of Blue River as "an outstanding state resource" to prevent water quality degradation and has designated the segment and much of its headwaters "for exceptional use" due to exceptional quality.

CEDAR CREEK

Cedar Creek, 13.7 miles from DeKalb County Road 68 to the confluence with the St. Joseph River in Allen County was designated a State Natural and Scenic River in 1976. The Nature Conservancy has acquired one conservation easement along the creek. Part of the Izaak Walton League's property along the creek has been designated by the state as Rodenbeck Nature Preserve.

The Allen County Parks and Recreation Board has acquired and developed two public access sites along the creek using Land and Water Conservation Funds administered by the DNR. Cedar Creek is used by fishermen and canoeists.

The Cedar Creek Wildlife Project, Fort Wayne Chapter of the Izaak Walton League, and the Cedar Creek Preservation Foundation work with the DNR in the conservation of Cedar Creek.

The DEM has designated the State Natural and Scenic River segment of Cedar Creek as "an outstanding state resource" to prevent water quality degradation.

SAND CREEK

A 12.1-mile segment of Sand Creek, from the Westpost Covered Bridge in Jennings County (river mile 33.2) to Brewersville Road in Decatur County (river mile 21.1) qualifies as a State Natural and Scenic River. Sand Creek is notable for its karst corridor.

It is lightly used by fishermen and canoeists. Commercial canoes are not available for use on the segment due to unreliable water levels throughout warm weather.

SOUTH BRANCH OF ELKHART RIVER

Nearly 14 miles of the South Branch of the Elkhart River, between Noble County Road 100 North and the U.S. 6 bridge, qualifies as a State Natural and Scenic River. It flows through the largest contiguous wetlands remaining in the state, including the DNR's Mallard Roost Wetlands Conservation Area. In the upstream portion of the segment, the river flows through the state designated Bender Woods Nature Preserve, owned by Acres Inc.

The South Branch of Elkhart River is used by fishermen and waterfowl hunters, and the DNR has developed four public access sites along the river. Commercial canoes are not available for use on the river.

SUGAR CREEK

Over 50 miles of Sugar Creek, from the Darlington Covered Bridge in Montgomery County downstream to the confluence with the Wabash River in Parke County, qualify as a State Natural and Scenic River. The creek flows past a community park in Darlington, a city park in Crawfordsville, Pine Hills Nature Preserve (and National Natural Landmark), and Shades and Turkey Run State Parks.

Six public access sites, four acquired and developed by the DNR, are available along the creek. Two major commercial canoe liveries provide about 20,000 trips on Sugar Creek annually, primarily between Crawfordsville and Turkey Run State Park. The creek is also popular with fishermen.

The Friends of Sugar Creek works with the DNR the conservation of Sugar Creek and its tributaries.

TIPPECANOE RIVER

Almost 16 miles of the Tippecanoe River, from Kosciusko County Road 700 West to the mouth of Moores Ditch in Marshall County, qualify as a State Natural and Scenic River.

The upper part of the segment flows through forested wetlands and is seldom used by recreationists. The lower part of the segment is popular with fishermen, and commercial canoes are available. A Kosciusko County Historical Society rest park provides river access near Warsaw, and the DNR has developed two public access sites along the Tippecanoe River segment.

WHITEWATER RIVER

A 28.3-mile segment of the West Fork and Main Stem of the Whitewater River in Franklin County, from the Laurel Feeder Dam (river mile 45.4) to the New Trenton Bridge (river mile 17.1.), qualifies as a State Natural and Scenic River. The DNR's Whitewater Canal State Historic Site owns land adjacent to the river in several sites between its Laurel Feeder Dam Public Access Site and Brookville. Eight miles of the former towpath and an abandoned rail line along the canal and near the river are planned for development as a recreational trail. Two major canoe liveries provide about 20,000 trips on the river annually. The river is also popular with fishermen.

The Franklin County Area Plan Commission's White-water River Advisory Board has worked with the DNR in the conservation of the river since 1979.

WILDCAT CREEK

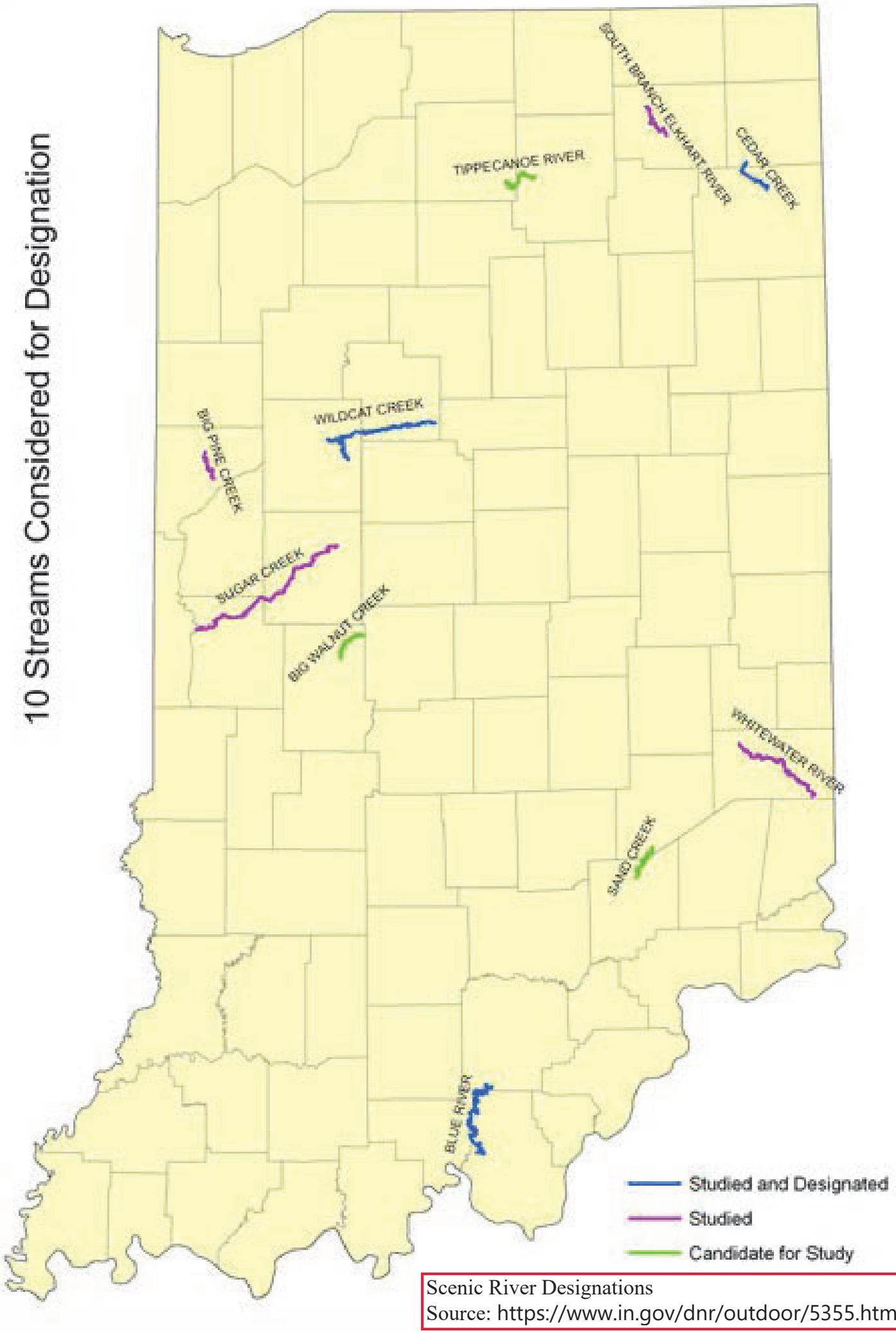
The State Natural and Scenic River segments of Wildcat Creek total 48.5 miles, extending from Burlington to Tippecanoe County's Eisenhower Road Bridge on the North Fork, and from Dayton on the South Fork to the confluence with the North Fork. The Wildcat was designated in 1980.

The DNR has developed four access sites, including a Public Fishing Area and a county park along the creek. The Tippecanoe County Parks and Recreation Board manages the county park through an agreement with the DNR.

Recreationists use the creek for canoeing, fishing, and tubing. The only commercial canoe livery along the creek provides about 2,000 trips on the creek annually, primarily on the lower several miles of the State Natural and Scenic River segment of the North Fork.

The Wildcat Creek Advisory Group and the Carroll County and Tippecanoe County Area Plan Commissions have worked with the DNR in the conservation of the creek since 1980.

The DEM has designated the State Natural and Scenic River segments of Wildcat Creek as "an outstanding state resource" to prevent water quality degradation.



Scenic River Designations
Source: https://www.in.gov/dnr/outdoor/5355.htm

Outstanding Rivers:

The Department has prepared a roster of streams in the State which have particular environmental or aesthetic value. The roster was printed as a nonrule policy document in the Indiana Register, Volume 16, Number 6, (16 IR 1677) on March 1, 1993 under the title "Natural Resources Commission, Information Bulletin #4, Outstanding Rivers List for Indiana". For additional information regarding the roster contact:

Division of Outdoor Recreation
Room W271
402 West Washington Street
Indianapolis, Indiana 46204

Telephone: (317) 232-4070

The following table is a synopsis of the roster printed in the Indiana Register. In the event of a conflict, the information in the Register has primacy.

Outstanding Rivers		
Stream	**County(s)**	**Segment**
Bear Creek	Fountain	From CR 250 W to its confluence with the Wabash River
Big Blue River	Johnson Rush Shelby	From its confluence with the Flatrock River to Carthage
Big Creek	Jefferson	From the east side of the Jefferson Military Reservation boundary to its confluence with Graham Creek
Big Pine Creek	Warren	From SR 18 to its confluence with the Wabash River
Big Walnut Creek	Putnam	From the Hendricks-Putnam county Line to Greencastle
Black River	Posey	From its confluence with Higginbotham Ditch to its confluence with the Wabash River
Blue River	Crawford Harrison Washington	From its confluence with the Middle Fork Blue River to its confluence with the Ohio River
Buck Creek	Harrison	From its headwaters to its confluence with the Ohio River
Cedar Creek	Allen Dekalb	From Dekalb County Road 68 to its confluence with the St. Joseph River
Clifty Creek	Montgomery	From its headwaters to its confluence the Indian Creek
Cypress Slough	Posey	From its confluence with Castlebury Creek to the Southwind Maritime Center
Deep River	Lake Porter	From 1 mile south of US 30 to its confluence with the Little Calumet River
Driftwood River	Bartholomew	From the Atterbury Fish and Wildlife Area to Columbus
East Arm Little Calumet River	Porter	From CR 600 E to SR 249
East Fork White River	Bartholomew Daviess Dubois Jackson Lawrence Martin Pike	From Columbus to its confluence with the West Fork White River
Eel River	Miami Wabash	From South Whitley to Logansport
Elkhart River	Elkhart Noble	From SR 13 to Island Park in Elkhart
Fall Creek	Warren	From US 41 to its confluence with Big Pine Creek

Outstanding Rivers		
Stream	**County(s)**	**Segment**
Fawn River	LaGrange Steuben	From Nevada Mills to the Indiana-Michigan state line and from the Indiana-Michigan state line to the Indiana-Michigan state line
Fish Creek	Dekalb Steuben	From the Indiana-Ohio state line to the Indiana-Ohio state line
Flatrock River	Bartholomew Shelby	From SR 9 to its confluence with the East Fork White River
Fourteen-Mile Creek	Clark	From its confluence with the East Fork and the West Fork to its confluence with the Ohio River
Graham Creek	Jefferson Jennings Ripley	From New Marion to its confluence with Big Creek
Indian Creek	Harrison	From the Floyd-Harrison county line to its confluence with the Ohio River
Indian Creek	Montgomery	From CR 475 W to its confluence with Sugar Creek
Indian-Kentuck Creek	Jefferson Ripley	From its confluence with Vestal Branch to its confluence with the Ohio River
Iroquois River	Newton	From SR 16 to the Indiana-Illinois state line
Kankakee River	LaPorte Newton Porter	From the upstream boundary of the Kingsbury Fish and Wildlife Area through the LaSalle Fish and Wildlife Area to the Indiana-Illinois state line
Kilmore Creek	Clinton	From US 421 to its confluence with South Fork Wildcat Creek
Laughery Creek	Dearborn Ohio Ripley	From its source just east of Morris in Ripley County to its confluence with the Ohio River
Little Blue River	Crawford	From English to its confluence with the Ohio River
Little Creek	Jefferson	From Kent to Big Creek
Little Indian Creek	Harrison	From Pfrimmer Church to its confluence with Indian Creek
Little Mosquito Creek	Harrison	From its headwaters to its confluence with Mosquito Creek
Little Pine Creek	Warren	From Bridge SW of Green Hill to its confluence with the Wabash River
Little River	Allen Huntington	From its source to its confluence with the Wabash River
Lost River	Martin Orange	From Potato Road to its confluence with the East Fork White River
Middle Fork Wildcat Creek	Clinton Tippecanoe	From SR 26 at Edna Mills to its confluence with South Fork Wildcat Creek
Mississinewa River	Miami	From Mississinewa Reservoir to its confluence with the Wabash River

Outstanding Rivers		
Stream	**County(s)**	**Segment**
Mosquito Creek	Harrison	From Buena Vista to its confluence with the Ohio River
Mud Pine Creek	Warren	From SR 352 to its confluence with Big Pine Creek
Muscatatuck River	Jackson Jennings Scott Washington	From its confluence with Graham Creek and Big Creek to its confluence with the East Fork White River
Oil Creek	Perry	From St. Croix to its confluence with the Ohio River
Otter Creek	Jennings Ripley	From the covered bridge north of Holton to its confluence with the Vernon Fork Muscatatuck River
Patoka River	Dubois Gibson Pike	From Patoka Reservoir to its confluence with the Wabash River
Pigeon River	LaGrange	From SR 327 to the Indian-Michigan state line
Rattlesnake Creek	Fountain	From CR 350 W to its confluence with Bear Creek
Rattlesnake Creek	Parke	From CR 400/450 S to its confluence with Sugar Creek
Roaring Creek	Parke	From 1 mile upstream of SR 41 to its confluence with Sugar Creek
Sand Creek	Bartholomew Decatur Jackson Jennings	From its confluence with Cobbs Fork to its confluence with the East Fork White River
South Branch Elkhart River	Noble	From CR 100 N to US 6
South Fork Blue River	Washington	From SR 135 to its confluence with Blue River
South Fork Wildcat Creek	Clinton Tippecanoe	From US 421 to its confluence with Wildcat Creek
Stinking Fork	Crawford	From its headwaters to its confluence with Little Blue River
Sugar Creek	Johnson Shelby	Within Johnson and Shelby Counties
Sugar Creek	Montgomery Parke	From the Darlington covered bridge to its confluence with the Wabash River
Sugar Mill Creek	Fountain Parke	From Wallace to its confluence with Sugar Creek
Tippecanoe River	Carroll Fulton Kosciusko Marshall Pulaski Tippecanoe White	From its source, Lake Tippecanoe, to Norway and from Oakdale Dam to its confluence with the Wabash River

Outstanding Rivers		
Stream	**County(s)**	**Segment**
Turkey Fork	Crawford	From I-64 to its confluence with the Little Blue River
Vernon Fork Muscatatuck River	Jackson Jennings	From Zenas to its confluence with the Muscatatuck River
Wabash River	Adams Allen Carroll Cass Fountain Gibson Huntington Jay Knox Miami Parke Posey Sullivan Tippecanoe Vermillion Vigo Wabash Warren Wells	From the Indiana-Ohio state line to its confluence with the Ohio River including the Little River and the portage between the Little River and the Maumee River
West Branch Mosquito Creek	Harrison	From its headwaters to its confluence with Mosquito Creek
West Fork White River	Daviess Delaware Gibson Greene Hamilton Knox Madison Marion Morgan Owen Randolph	From Farmland to its confluence with the Wabash River
Whitewater River	Dearborn Fayette Franklin Wayne	From Cambridge City to the Indiana-Ohio state line west of Harrison, Ohio
Wildcat Creek	Carroll Tippecanoe	From SR 29 to its confluence with the Wabash River

APPENDIX L

Sole Source Aquifer MOU and Map

MEMORANDUM OF UNDERSTANDING
Between FEDERAL HIGHWAY ADMINISTRATION, REGION 5
and the
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION V

This memorandum represents an agreement between the Regional Offices of the Environmental Protection Agency (EPA) and the Federal Highway Administration (FHWA) concerning the review of projects for which Federal financial assistance is sought and that may affect a sole source aquifer (SSA) designated under Section 1424(e) of the Safe Drinking Water Act (P.L. 93-523). This memorandum serves two primary purposes: (1) to set forth the types of projects that will require review, and (2) to describe the notification and review procedure that will be employed.

Under section 1424(e), EPA has determined that the aquifer systems listed on Attachment 1 are the principal sources of drinking water for their residents. Notice of these determinations was published in 52 FR 32342, 8/27/87, 52 FR 37009, 10/2/87, 53 FR 15876, 5/4/88, 53 FR 23682, 6/23/88, and 53 FR 25670, 8/7/88.

AGREEMENT

FHWA agrees not to commit federal financial assistance to any project which EPA determines may contaminate as sole source aquifer through its recharge zone so as to create a significant hazard to public health.

SOLE SOURCE AQUIFER DESIGNATION

EPA will furnish the FHWA Regional Office with three copies of maps and descriptive text for all existing Section 1424(e) sole source aquifers in Region V. This information, and additional coordination with EPA as necessary, will permit FHWA and the State Highway Agency to determine whether or not a proposed project is within a sole source aquifer designated area.

GOALS AND DEFINITIONS

The goal of this memorandum is to ensure that projects in the designated area that receive Federal financial assistance are designed in a manner that will prevent the introduction of contaminants into the aquifer in quantities that may create a significant hazard to public health including, but not limited to, those contaminants listed in Attachment 2.

A significant hazard to public health could occur if the level of contaminants in an aquifer were to:

(a) exceed any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard at any point where the water may be used for drinking purposes; or
(b) exceed public health advisory levels for currently unregulated contaminants; or

(c) otherwise threaten public health.

In determining whether a level of contaminant would threaten public health, the following factors at a minimum shall be considered:

(1) the toxicity of the contaminants involved;
(2) the volume of contaminants which may enter the aquifer; and
(3) aquifer characteristics, i.e., geochemical, hydrological, geological, etc., and attenuation capability of the aquifer.

APPLICATION

The requirements of this agreement apply to any Federal aid highway project determined to be wholly or in part within a sole source aquifer designated area and to which one or more of the following criteria apply:

(1) Construction of additional through-traffic lanes or interchanges, on existing roadways.
(2) Construction of a two or more lane highway on a new alignment.
(3) Construction of rest areas or scenic overlooks with on-site sewerage disposal facilities.
(4) Any project involving a new or existing well within a designated sole source aquifer area.
(5) Any other project that FHWA, in consultation with EPA, believes may have a potential to affect the designated aquifer through its recharge zone so as to create a significant hazard to public health. Under this criterion, FHWA will be guided by material included as Attachment 3.

EXEMPT PROJECTS

EPA will not review projects classified as categorical exclusions under 23 CFR 771.117 unless specifically requested to do so.

REVIEW PROCEDURE

For any project in a SSA designated area requiring preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under NEPA, FHWA and EPA will coordinate at the earliest possible time so that information necessary to make a ground water impact assessment (GWIA) can be acquired, and so that EPA's 1424 (e) comments can be incorporated into the draft EIS. EPA agrees to provide FHWA a written determination for each project submitted.

FHWA agrees to provide a location map of the project relative to the designated area, and information described in Attachment 3.

EPA may determine that:

1) the project does not require further review;
2) a GWIA is necessary to determine the potential of the project to adversely affect the Aquifer, or;
3) the project has a significant potential to contaminate the Aquifer and requires modification to eliminate the potential before Federal funds can be committed.

EPA agrees to provide a preliminary determination with respect to project eligibility not later than 10 working days after receipt of this information. If EPA determines that a GWIA is necessary, it will so notify FHWA in writing. After notification in writing that a GWIA is necessary, FHWA agrees to provide information responding to the items listed in Attachment 4.

EPA agrees to provide a determination to FHWA with respect to the eligibility of a project for which a GWIA has been submitted no later than 30 calendar days after receipt of such submission.

EPA's determination of the eligibility of a project may be revised under the following conditions:

(1) FHWA receives information (together with substantiating data) indicating adverse impacts from the project on a sole source aquifer. FHWA agrees to provide such information to EPA immediately. EPA agrees to provide a final determination to FHWA no later than 30 days after receipt of such additional information.
(2) EPA receives a citizen's petition, with information not previously considered that indicates a potential to impact ground water, prior to FHWA approval of a project. EPA agrees to immediately notify (by telephone, confirmed in writing) FHWA of such a petition. EPA agrees to provide a final determination to FHWA no later than 30 days after receipt of the petition, or any additional information relevant thereto, whichever is later.
(3) FHWA submits information to EPA demonstrating the modification of a project which had earlier been determined to be ineligible. EPA agrees to provide a final determination to FHWA no later than 30 days after receipt of the information.

Any of the above deadlines may be extended by mutual agreement of EPA and FHWA in writing for reasons which include, but are not limited by, the following: (a) additional review time is necessary; (b) additional information necessary to make a determination is necessary; (c) the public interest in a project requires a public hearing; and (d) the public interest justifies a delay in the final determination.

GENERAL ADMINISTRATIVE PROCEDURES

Materials furnished to EPA by FHWA under this Memorandum of Understanding shall be addressed to the attention of:

Environmental Review Branch, 5ME-!4, U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604

The FHWA and EPA will each assign a representative to act as liaison. The liaison officers are:

FHWA Region 5 - Director, Office of Planning and Program Development, U.S. Department of Transportation, Federal Highway Administration, 182089 Dixie Highway, Homewood, IL 60430; (312) 799-6300 ext. 135 or FTS 370-9135

U.S. EPA Region V - Chief, Office of Ground Water, U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, IL 60604; (312) 886-2504 or FTS 886-2504

Representatives will meet as needed to update this memorandum. This memorandum is subject to revision upon agreement of both parties. Either party may terminate this agreement upon giving six months notice to the other.

Federal Highway Administration

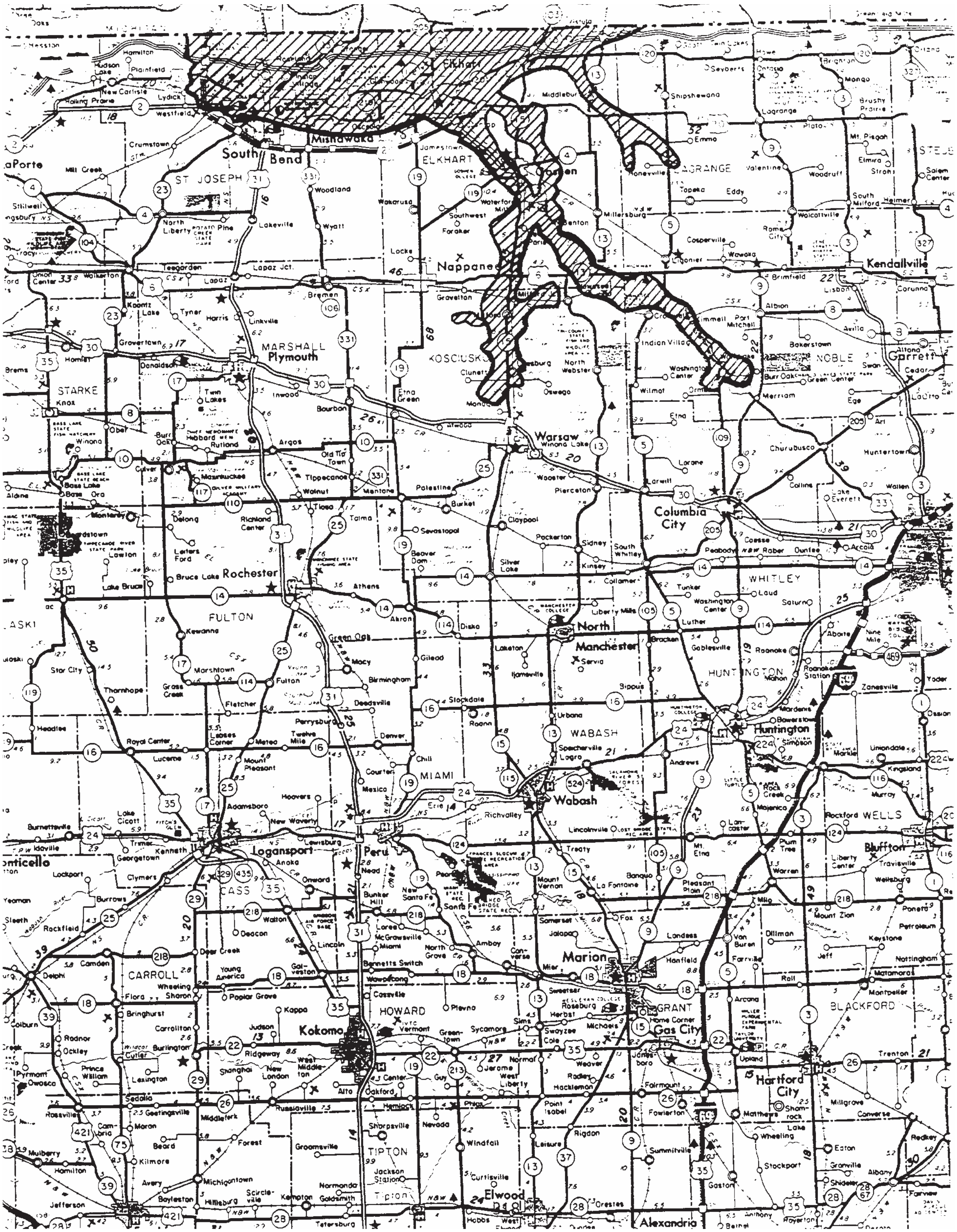
Regional Administrator

Date: 4-21-89

U.S. Environmental Protection Agency

Regional Administrator

Date: 4/18/89



South Bend
Mishawaka
Elkhart
Goshen
LaPorte
ST JOSEPH
ELKHART
LAGRANGE
Lagrange
Shipshewana
Middlebury
Millersburg
Ligonier
Kendallville
Nappanee
Bremen
Plymouth
MARSHALL
KOSCIUSKO
NOBLE
STARKE
Knox
Warsaw
Columbia City
WHITLEY
Rochester
FULTON
North Manchester
HUNTINGTON
Huntington
WABASH
Wabash
MIAMI
Peru
Logansport
CASS
Bluffton
WELLS
CARROLL
Delphi
HOWARD
Kokomo
GRANT
Marion
Gas City
BLACKFORD
Hartford City
TIPTON
Elwood
Alexandria
Monticello

Sole Source Aquifer Map

APPENDIX M

USFWS Letter and MOU

United States Department of the Interior

FISH AND WILDLIFE SERVICE
BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273

IN REPLY REFER TO:

TAKE PRIDE IN AMERICA

September 8, 1993

Mr. James E. Juricic
Environmental Assessment Section
Department of Transportation
100 North Senate Avenue, Room N808
Indiana Government Center North
Indianapolis, Indiana 46204-2249

Dear Mr. Juricic:

The U.S. Fish and Wildlife Service (FWS) has determined that certain projects subject to Federal Highway Administration funding result in minimal impacts to fish and wildlife resources. Our review of such projects typically results in a response letter with a standard set of conditions to mitigate environmental impacts. To expedite the early coordination process, the FWS is providing a programmatic review for all such projects, as defined in this letter. The programmtic response applies only to projects with minimal impacts to fish and wildlife resources and no adverse effects on federally endangered or threatened species, as defined in this document.

For all projects to which this programmatic response applies, the following standard set of conditions will be in effect, and the FWS will not send an individual response to early coordination letters. For all projects in the "Programmatic Coordination" category of the accompanying Memorandum of Understanding (MOU), we request to be sent an early coordination letter; for projects in the "No Coordination Required" category, no letter will be sent.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Standard Conditions

1. Post DO NOT DISTURB signs at the construction zone boundaries and do not clear trees or understory vegetation outside the boundaries.

2. Restrict below low-water work to placement of piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap.

3. Restrict channel work and vegetation clearing to within the width of the normal approach road right-of-way. In rural areas this should be feasible under current Indiana Natural Resources Commission policy, whereby it is not necessary

for a new bridge in a rural area to reduce the amount of headup compared to the existing bridge (when replaced on essentially the same alignment).

4. Minimize the extent of artificial bank stabilization.

5. If riprap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat.

6. Implement temporary erosion and siltation control devices such as placement of straw bales in drainage ways and ditches, covering exposed areas with burlap, jute matting or straw, and grading slopes to retain runoff in basins.

7. Revegetate all disturbed soil areas immediately upon project completion.

8. Avoid all work within the inundated part of the stream channel during the fish spawning season (April 1 through June 30), except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season.

Projects for which Programmatic Coordination Applies

This programmatic coordination letter applies to all projects which are within the criteria described in the "Programmatic Coordination" section of the attached MOU. In general, it applies to all projects for which coordination is required, but which are not in any of the prohibited categories described in the MOU.

If information becomes available concerning federally endangered/threatened species, or other significant fish and wildlife resources, which might preclude the programmatic response for a specific project, it will be the responsibility of the FWS to inform INDOT within 60 days of receiving the early coordination letter that additional consultation will be necessary. If new endangered species information which would affect the project becomes available between early coordination and construction, the FWS will inform INDOT as soon as possible.

A permit under Section 404 of the Clean Water Act may be needed for the proposed project. We would probably not object to issuance of such a permit if the applicable aforementioned recommendations are incorporated into final project plans as currently proposed.

If you have any questions about our recommendations, please call (812) 334-4261.

Sincerely yours,

David C. Hudak,
Supervisor

September, 1993

MEMORANDUM OF UNDERSTANDING

Re: Streamlining and reducing the flow of early coordination letters/responses with the U.S. Fish and Wildlife Service

The goal for these revisions is the streamlining and reduction of early coordination responses needed from the USFWS for both INDOT and local public agency transportation projects. The potential to impact natural areas will be the guiding criteria on when and how coordination is to be done for USFWS. Any revisions to the current early coordination method must meet U.S. Fish and Wildlife's as well as the Indiana Department of Transportation's regulatory and legal needs, such as permitting, the Endangered Species Act, and various federal regulations and review authority.

There will be three types of coordination with the U.S. Fish and Wildlife Service - no coordination needed based upon the potential impacts of the project, programmatic coordination, and standard early coordination. As additional information becomes available concerning endangered species and other significant resources, the following data is subject to revision.

No Coordination Required

1. Bridge rehabilitation, widening and reconstruction projects within existing right-of-way. *

2. Improving railroad grade crossings. *

3. Small structure replacements. *

4. Access control (consolidation or elimination of access points). *

5. Road resurfacing, restoration, rehabilitation, reconstruction added shoulders, or added auxiliary lanes (e.g. parking, weaving, turning, climbing) within existing permanent right-of-way. *

6. Intersection improvements. *

7. Erosion control projects. *

8. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes that requires additional right-of-way if all of the right-of-way is currently in urban land usage. *

9. Highway safety or traffic operations improvement projects including installation of ramp metering control devices as long as within existing right-of-way. *

10. Acquisition of land for hardship or protective purposes. *

*All criteria discussed below in the programmatic coordination section must also be satisfied for no coordination to be necessary.

Programmatic Coordination

Certain types of impacts would allow a project to fall under a programmatic coordination where programmatic early coordination would occur, but the coordination would normally elicit no individual response. The programmatic response would be included in the Procedural Manual for Preparing Environmental Studies. This programmatic response from the U.S. Fish and Wildlife Service would supply generalized conditions, etc. required for the project as well as Section 7 clearance (see attached programmatic response). Should special, unforeseen circumstances occur requiring a response from the U.S. Fish and Wildlife Service, they will respond within 60 days. The following permit projects would be one criteria or "red button". The following list of criteria would disallow a project being programmatically coordinated and thus would require standard early coordination:

Projects requiring a Section 404 Permit (individual or nationwide) with jurisdictional wetlands contiguous to the roadway.
-The disturbance of natural areas in certain geographical regions (see attached list) - possible rare, threatened, and endangered species habitat.
-Any project that is located in the Karst region (see attached map)
-Any channel work below low water beyond that actually necessary for the installation of the structure.
Any channel work above low water greater than 70' from the edge of the structure.
-Any new road alignment affecting more than one acre of natural habitat.
-Any project requiring a Section 4(f) (except for historic or archaeological 4(f)'s).

These criteria would apply only to those types of projects that fall under a regular categorical exclusion or require an Environmental Assessment/Finding of No Significant Impacts. Projects requiring a DEIS/FEIS would require standard early coordination.

INFORMATION NEEDED IN THE EARLY COORDINATION BY USFWS

Early coordination often includes too much of the wrong information and too little of the right information. To rectify this the following guidelines should be met:

-do not include engineer's reports or unnecessary engineering details.
-do include a biological report that minimally includes:
- description of the habitats of the project area.
- Dominant species for each habitat type.
- any possible rare or endangered species habitat.
- photographs of the project site.
- aerial photography of the site at such a scale that existing and proposed right-of-way and natural features can be shown.
- any unique, sensitive or unusual biological features or conditions that exist at the site.
- describe any water features present.

do include a basic description of the proposed project:
- type of project.
- length of project
- existing and proposed right-of-way width.
- maintenance of traffic
- any impacts to surface waters or drainage of the project - work in or near streams, lakes, ditches, etc.

do include past, current and proposed land uses in the proximity of the project.
do include adequate graphics - U.S.G.S. quadrangle maps, aerial photographs, well labeled photographs of the site and NWI and County Soil maps if available.

David C. Hudak 9/17/93

Mr. David C.Hudak, Field Supervisor
U.S. Fish and Wildlife Service

James E. Juricic 9/28/93

Mr. James E. Juricic, Manager
Environmental Assessment Section
Indiana Department of Transportation

List of Geographic Locations Excluded from Programmatic Coordination Between the Indiana Department of Transportation and the U.S. Fish and Wildlife Service

County Locations

Lake, Porter, LaPorte (all locations within Lake Michigan watershed)
Clark (all locations within Silver Creek watershed)
Ohio, Ripley, Switzerland (bottomland meadows)

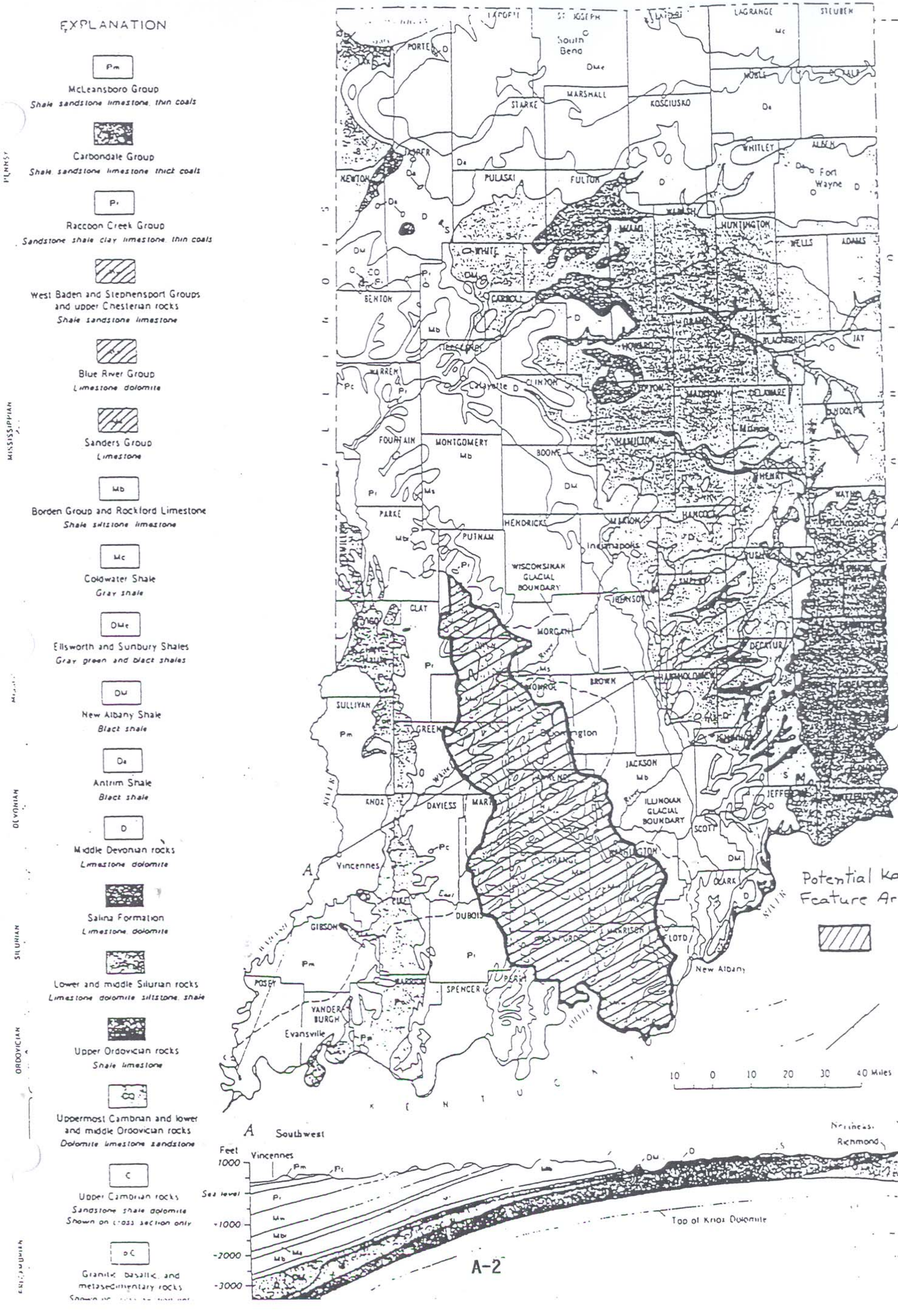
Streams and Rivers

Bear Creek and tributaries (Fountain County)
Big Walnut Creek (Putnam, Hendricks Counties)
Big Creek (Jefferson County)
Big Pine Creek (Warren County)
Big Blue River (Johnson, Rush, Shelby Counties)
Black River (Posey County)
Blue River, including South Fork (Crawford, Harrison, Washington Counties)
Buck Creek (Harrison County)
Cedar Creek (Allen, Dekalb Counties)
Clifty Creek (Montgomery County)
Cypress Slough Creek (Posey County)
Deep River (Lake, Porter Counties)
Driftwood River (Bartholomew County)
Eel River (Miami, Wabash Counties)
Elkhart River (Elkhart, Noble Counties)
Fall Creek (Warren County)
Fawn Creek (Lagrange, Steuben Counties)
Fish Creek (Dekalb, Steuben Counties)
Flatrock River (Shelby County)
Graham Creek (Jefferson, Jennins, Ripley County)
Grand Calumet River (Lake County)
Indian Creek (Harrison County)
Indian Creek (Montgomery County)
Indian-Kentuck Creek (Jefferson, Ripley Counties)
Iroquois River (Newton County)
Kankakee River
Kilmore Creek (Clinton County)
Laughery Creek (Dearborn, Ohio, Ripley Counties)
Little Blue River (Crawford County)
Little River (Allen, Huntington Counties)
Little Mosquito Creek (Harrison County)
Little Pine Creek (Warren County)
Little Indian Creek (Harrison County)
Little Calumet River East Fork (Porter County)
Little Creek (Jefferson County)
Lost River (Martin, Orange Counties)
Mississinewa River
Mosquito Creek, including West Branch (Harrison County)

Mud Pine Creek (Warren County)
Muscatatuck River, including Vernon Fork
Ohio River
Oil Creek (Perry County)
Otter Creek (Jennings, Ripley County)
Patoka River (Gibson, Pike Counties)
Pigeon River (Lagrange County)
Rattlesnake Creek (Fountain County)
Rattlesnake Creek (Parke County)
Roaring Creek (Parke County)
Sand Creek (Barrtholomew, Decatur, Jackson, Jennings Counties)
South Branch Elkhart River (Noble County)
St. Joseph River (Elkhart, St. Joseph County)
Stinking Fork (Crawford County)
Sugar Mill Creek (Fountain, Parke Counties)
Sugar Creek (Montgomery, Parke Counties)
Sugar Creek (Johnson, Shelby Counties)
Tippecanoe River
Turkey Fork (Crawford County)
Wabash River
White River Mainstem (Gibson, Pike, Knox Counties)
White River West Fork
White River East Fork
Whitewater River (Fayette, Franklin Counties)
Wildcat Creek, all branches (Carroll, Clinton, Tippecanoe Counties)

Karst areas

See accompanying map


EXPLANATION
Pm
McLeansboro Group
Shale sandstone limestone, thin coals
Carbondale Group
Shale sandstone limestone thick coals
Pr
Raccoon Creek Group
Sandstone shale clay limestone, thin coals
West Baden and Stephensport Groups and upper Chesterian rocks
Shale sandstone limestone
Blue River Group
Limestone dolomite
Sanders Group
Limestone
Mb
Borden Group and Rockford Limestone
Shale siltstone limestone
Mc
Coldwater Shale
Gray shale
DMe
Ellsworth and Sunbury Shales
Gray green and black shales
DM
New Albany Shale
Black shale
Da
Antrim Shale
Black shale
D
Middle Devonian rocks
Limestone dolomite
Salina Formation
Limestone dolomite
Lower and middle Silurian rocks
Limestone dolomite siltstone, shale
Upper Ordovician rocks
Shale limestone
CO
Uppermost Cambrian and lower and middle Ordovician rocks
Dolomite limestone sandstone
C
Upper Cambrian rocks
Sandstone shale dolomite
Shown on cross section only
pC
Granitic basaltic and metasedimentary rocks
PENNSY.
MISSISSIPPIAN
DEVONIAN
SILURIAN
ORDOVICIAN
South Bend
Fort Wayne
Lafayette
Indianapolis
Bloomington
Vincennes
Evansville
New Albany
Richmond
WISCONSINAN GLACIAL BOUNDARY
ILLINOIAN GLACIAL BOUNDARY
Potential Karst Feature Area
10 0 10 20 30 40 Miles
KENTUCKY
A Southwest
Northeast
Feet
1000
Sea level
-1000
-2000
-3000
Top of Knox Dolomite

Potential Karst Area of Indiana

1. Approximate Boundaries:

North: southern boundary of Wisconsin glaciation
East: Spickert Knob Formation (Borden group)
South: Ohio River
West: Western edge of Mw (West Baden and Stephensport Groups and upper Chesterian rocks) outcrop area

2. Counties Included: (13)

Putnam	Greene	Dubois	Crawford
Morgan	Martin	Washington	
Owen	Lawrence	Floyd	
Monroe	Orange	Harrison	

Note: Four (4) counties (Clay, Jackson, Spencer and Perry) which have either Ms or Mw mapped within their borders are not included in the potential karst are for mainly two (2) reasons. The first is that no caves are listed in them in the 1961, Caves of Indiana by Richard Powell. The second is that Clay, Jackson and Spencer counties also had but very small intrusions of these rocks at the bedrock surface.

Although the Mw rocks do not contain the massive limestones in which karst features typically develop, it was selected as the western map boundary because it matched up very well with the cave location map included in the Caves of Indiana report.

APPENDIX N

USFWS Interim Letter

U. S. Fish and Wildlife Service Interim Policy
For the
Review of Highway Transportation Projects in Indiana
5/29/2013

The intent of this interim policy is to make early coordination more efficient by reducing and streamlining the flow of early coordination between USFWS, INDOT and other coordinating agencies. The potential to impact wildlife habitat is the guiding criteria on when and how coordination should be initiated with the USFWS. This policy is intended to fulfill legal requirements for coordination under Section 7 of the Endangered Species Act (ESA). This policy can be used by all state, local and/or county highway agencies within the State of Indiana to fulfill early coordination with the USFWS.

This interim policy is an excerpt from the 09-27-2010 Draft Programmatic Agreement developed between INDOT and the USFWS and has been modified to reflect our current policy direction for the review of highway transportation projects in Indiana.

Classification of Coordination Types with U.S. Fish & Wildlife Service

There will be two types of coordination with the USFWS.

A. **Programmatic Coordination**
If construction activities meet the criteria established below, the USFWS agrees that the potential for impacts from these types of projects is minimal. In these cases, "**Programmatic Coordination**" constitutes the USFWS's early coordination roll, including Section 7 consultation requirements of the ESA of 1973, as amended. For these projects, no submittal of information to the USFWS is necessary. However, the standard recommendations as listed in Appendix A of this document should be included in the NEPA document. Only those projects that meet ALL of the following criteria qualify for programmatic coordination. If it is unclear whether the project fits under the below criteria, contact the appropriate USFWS office for clarification.

1. The project impacts less than 0.5 acre of forested R/W (temporary and/or permanent), all of which is within 75 feet of the edge of the existing roadway or pavement.

2. The project impacts less than 300 feet of natural perennial and intermittent streams without relocation, with the following exceptions:

    a. Assumed non-jurisdictional roadway ditches.
    b. Assumed jurisdictional waterways in disturbed areas where no wooded riparian habitat exists such as maintained legal and/or agricultural drains or waterways within residential, commercial and/or urban areas.

3. The project impacts less than 0.1 acre of wetlands, including both permanent and temporary impacts.

4. The project does not occur in the streams listed in Appendix B.

5. The project does not occur in the National Lakeshore in Lake, Porter, and LaPorte Counties

6. The project does not impact a **surface karst feature** within the Karst region of Indiana as discussed in Appendix C.

7. The project does not impact any natural area or wildlife habitat protected under the Federal Highway Administration's Section 4(f) Evaluation (49 USC Section 303, 23CFR 774) and/or Section 6(f) (16 USC Section 4601-F) of the Land and Water Conservation Fund Act.

B. Full Coordination

For all projects which do not qualify for programmatic coordination, an early coordination letter should be provided to the USFWS describing the entire project and its impacts to wildlife habitats within the project's impact area. If a response letter is deemed necessary, the USFWS will provide it within 30 days of receipt of the early coordination letter; otherwise, after 30 days, the preparer will incorporate the standard recommendations listed in Appendix A of this guidance into the NEPA document and Section 7 requirements will be considered fulfilled. In these cases the USFWS has determined that the project does not require a site-specific response.

If the USFWS requests an extension of time to provide their response, a reasonable extension of time shall be given, if possible.

Section 7 Evaluation

The USFWS concurs that projects that qualify for Programmatic Coordination or receive no USFWS response to full coordination have an effect determination of "Not Likely to Adversely Affect" any Endangered or Threatened species. This determination will satisfy requirements under the authority of the ESA of 1973, as amended.

Project Impact Modifications

If, during the development of the proposed project, changes occur that result in exceeding any of the criteria listed in Section A, or additional impacts are identified that could affect a threatened or endangered species, the project should not advance until full coordination is conducted with the USFWS.

If new information becomes available concerning federally listed species, proposed species, or other significant fish and wildlife resources, which might preclude the use of this interim policy, or require that the policy be amended (e. g. new counties or waterways be added), it will be the responsibility of the USFWS to inform INDOT as soon as possible. If INDOT staff discovers that such changes may affect a project that has already completed consultation, INDOT should notify the USFWS to reinitiate Section 7 consultation.

Appendix A
Standard Recommendations

1. Do not clear trees or understory vegetation outside the construction zone boundaries. (**This restriction is not related to the "tree clearing" restriction for potential Indiana Bat habitat.)**

2. Restrict below low-water work in streams to placement of culverts, piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap.

   Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottomed culvert or arch is used in a stream, which has a good natural bottom substrate, such as gravel, cobbles and boulders, the existing substrate should be left undisturbed beneath the culvert to provide natural habitat for the aquatic community.

3. Restrict channel work and vegetation clearing to the minimum necessary for installation of the stream crossing structure.

4. Minimize the extent of hard armor (riprap) in bank stabilization by using bioengineering techniques whenever possible. If rip rap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat.

5. Implement temporary erosion and sediment control methods within areas of disturbed soil. All disturbed soil areas upon project completion will be vegetated following INDOT's standard specifications.

6. Avoid all work within the inundated part of the stream channel during the fish spawning season (April 1 through June 30); except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season. No equipment shall be operated below Ordinary High Water Mark during this time unless the machinery is within the caissons or on the cofferdams.

7. Evaluate wildlife crossings under bridge/culverts projects in appropriate situations. Suitable crossings include flat areas below bridge abutments with suitable ground cover, high water shelves in culverts, amphibian tunnels and diversion fencing.

Appendix B:

Waterways

Programmatic Coordination does NOT apply for the following waterways and full coordination is required if impacts occur below the ordinary high water mark.

Streams and Rivers

Note: This involves work in the streams listed below and in all tributaries within 200' of the confluence.

Blue River, including South Fork (Crawford, Harrison,
Eel River (Miami, Wabash Counties)
Flatrock River (Shelby County)
Fish Creek (Steuben County and LaGrange)
Lost River (Martin, Orange Counties)
Ohio River
Patoka River (Gibson, Pike Counties)
Pigeon River
Salamonie River
Sugar Creek (Johnson, Shelby Counties)
Tippecanoe River
Wabash River
White River Main channel (Gibson, Pike, Knox Counties)
White River East Fork (downstream from Williams Dam)

Appendix C:

Karst Region

Programmatic Coordination does NOT apply in the Karst Region where surface karst features will be affected, and Full Coordination is required.

Note: The existing Karst Agreement was developed between INDOT, USFWS, Indiana Department of Environmental Management (IDEM) and Indiana Department of Natural Resources (IDNR) to ensure the development of State highway projects evaluated and considered remediation for potential impacts to Karst features within the designated "Karst Region" of Indiana. The document is binding on the projects developed by INDOT and although recommended, it is not binding on local, LPA and/or city/county highway projects.

Karst regions are located within the following counties

Putnam	Martin	Floyd
Morgan	Lawrence	Harrison
Owen	Orange	Crawford
Monroe	Dubois	
Greene	Washington	

APPENDIX O

Karst MOU

Memorandum of Understanding

(Retyped of original text 3/14/2007)

This Memorandum of Understanding is made and entered into this thirteenth day of October, 1993, between the Indiana Department of Transportation (INDOT), the Indiana Department of Natural Resources (IDNR), the Indiana Department of Environmental Management (IDEM) and the U.S. Fish and Wildlife Service (USFWS) for the purpose of delineating guidelines for construction of transportation projects in karst regions of the State.

Whereas, INDOT, IDNR, IDEM and the USFWS wish to cooperate in the identification, study and treatment of drainage in karst regions related to the construction of transportation projects and

Whereas, INDOT, IDNR, IDEM and the USFWS accept responsibility to ensure the transportation needs of Indiana are met in an environmentally sensitive manner that protects the habitat of all species and

Whereas, design and construction practices must protect ground water quality, public health and safety, and the environment.

Whereas, the Indiana Department of Natural Resources will conform to the terms and conditions within this MOU for their transportation projects. Likewise, it will be IDNR's responsibility to provide standard biological review for projects in the karst region.

Therefore, in consideration of the terms and conditions set forth herein the INDOT, IDNR, IDEM and USFWS agree as follows:

1. INDOT in cooperation with the IDNR, IDEM and USFWS shall determine the location of sinkholes, caves, underground streams, and other related karst features and their relationship prior to proposed alterations or construction in karst regions of the state, a consultant with expertise in karst geology/hydrology may assist in the identification and characterization of the karst features. The choice of the consultant retained by INDOT will be subject to the review of IDNR, USFWS and IDEM.

2. Tasks to accomplish this work will include:

   Research public and private information sources for information relative to karst features.

   Conduct field check karst and cave features that appear from the first task and identify any additional karst features.

   Prepare a draft report, with photographs and maps, drainage areas, and land use of that drainage area for each sinkhole or karst feature, dye-tracing and/or other geotechnical information to determine subsurface flow of water in the project area

and surface water drainage patterns of the area. Calculations of estimates of annual pollutant loads from the highway and drainage with the right-of-way will be made, including prior to, during and post construction estimates. The design of the treatment of the karst features will take into consideration treatments necessary to meet the standards of the monitoring and maintenance plan.

That report will be used as a tool to assist in determining the proposed highway alignment. The intent of INDOT is to avoid karst areas and use alternate drainage where possible.

3. IDNR, IDEM and USFWS will be requested to review and comment on the findings at the early coordination phase of project development.

4. INDOT, using the input from IDNR, IDEM and USFWS will begin to formulate appropriate measures to offset unavoidable impacts to the karst features. It is understood by all parties that some of the methods proposed at this time will be generic and could be applied throughout the length of the corridor. Other methods may be specific to a particular cave or karst feature. Some of the approaches may require additional investigations to determine their necessity and/or their feasibility. A revised draft report will be prepared by INDOT's consultant and provided to the IDNR, IDEM and the USFWS as part of the design review process.

5. Drainage entering from beyond the right-of-way will be treated according to the same process as drainage generated by the project.

6. As the project progresses further into the design phase, the IDNR, IDEM and USFWS will be invited and will attend field checks and meetings dealing with efforts to negate or minimize adverse impacts.

7. Hazardous materials traps (HMT's) will be constructed at storm water outfalls and other locations that will protect karst features from spill contamination.

8. INDOT agrees to develop a monitoring and maintenance plan for the affected karst features. IDNR, IDEM and USFWS will be provided an opportunity to review this plan. The establishment of water quality and a point at which a standard is established for remediation will be a part of each monitoring plan. The results of the monitoring will be submitted to IDNR, USFWS and IDEM on a regular basis.

9. A low salt and no spray strategy will be developed for each future project. A signing strategy for these items will also be developed for each project.

10. Prior to acceptance of the final design plans an agreement will be developed which will set out the appropriate and practicable measures to offset unavoidable impacts to karst features. This agreement will be signed by the Department Director of IDNR, the Commissioner of the IDEM, the Commissioner of INDOT and the Supervisor of the USFWS Bloomington, Indiana Field Office. The agreement will become a part of

the contract documents for the project, will be discussed at the pre-construction conference and will be on file at the office of the project administrator.

11. INDOT will assure that the terms of the agreement will be completed with all safeguards given to the karst area. Special provisions, which are binding provisions that are a part of the contract, will be included outlining the precautions to be taken. Construction and design strategies for handling karst features will be discussed with the contractor(s) and project administrator during the pre-construction conference. Project administrator shall ensure that the contractor is following the new erosion control standards that meet Rule 5 of 327 IAC 13 and any special precautions outlined in the design plans that the sinkhole treatment is being handled correctly. The erosion control plan must be available at the project administrator's office. An emergency response plan will be made a part of the contract documents. In addition, the contract documents will contain a strategy for signing to alert the public to the fact that all types of spills are potentially hazardous to the karst environment. For INDOT, this plan would be procedure 20 of the Field Operations Manual dated 6/24/1992. [Currently in the Construction Activities Environmental Manual].

12. The location and nature of the sinkholes and drainage schematic will be provided to the IDEM. They will provide the information to the appropriate local authorities and the Hazmat teams. An emergency response plan will be followed. This constitutes procedure 20. Included in this information is an understanding that all types of spills are potentially hazardous to karst regions.

13. IDNR, IDEM and USFWS personnel will monitor construction and maintenance to the agreed upon terms, as deemed necessary.

14. If during construction it is found that the mitigation agreement must be altered, all of the agencies will be contacted and agreement reached prior to work continuing in that specific area of the project. In order to not unduly delay projects, a two working days response time is needed from the resource agencies.

15. Treatments will be maintained during construction by means of a visual inspection on a weekly basis or after every rain. Corrective action will be taken as needed.

16. If after the above procedure is followed and a state/federal endangered/threatened species is found during construction, work in that area of the project will stop. The IDNR and USFWS will be immediately notified. The IDNR and USFWS will promptly investigate the situation, advise the project administrator and assume responsibility for protecting the endangered species and taking the appropriate action.

17. This document will be reviewed annually or more frequently at the request of any of the foregoing agencies.

MR. FREDERICK C. P'POOL, COMMISSIONER
INDIANA DEPARTMENT OF TRANSPORTATION

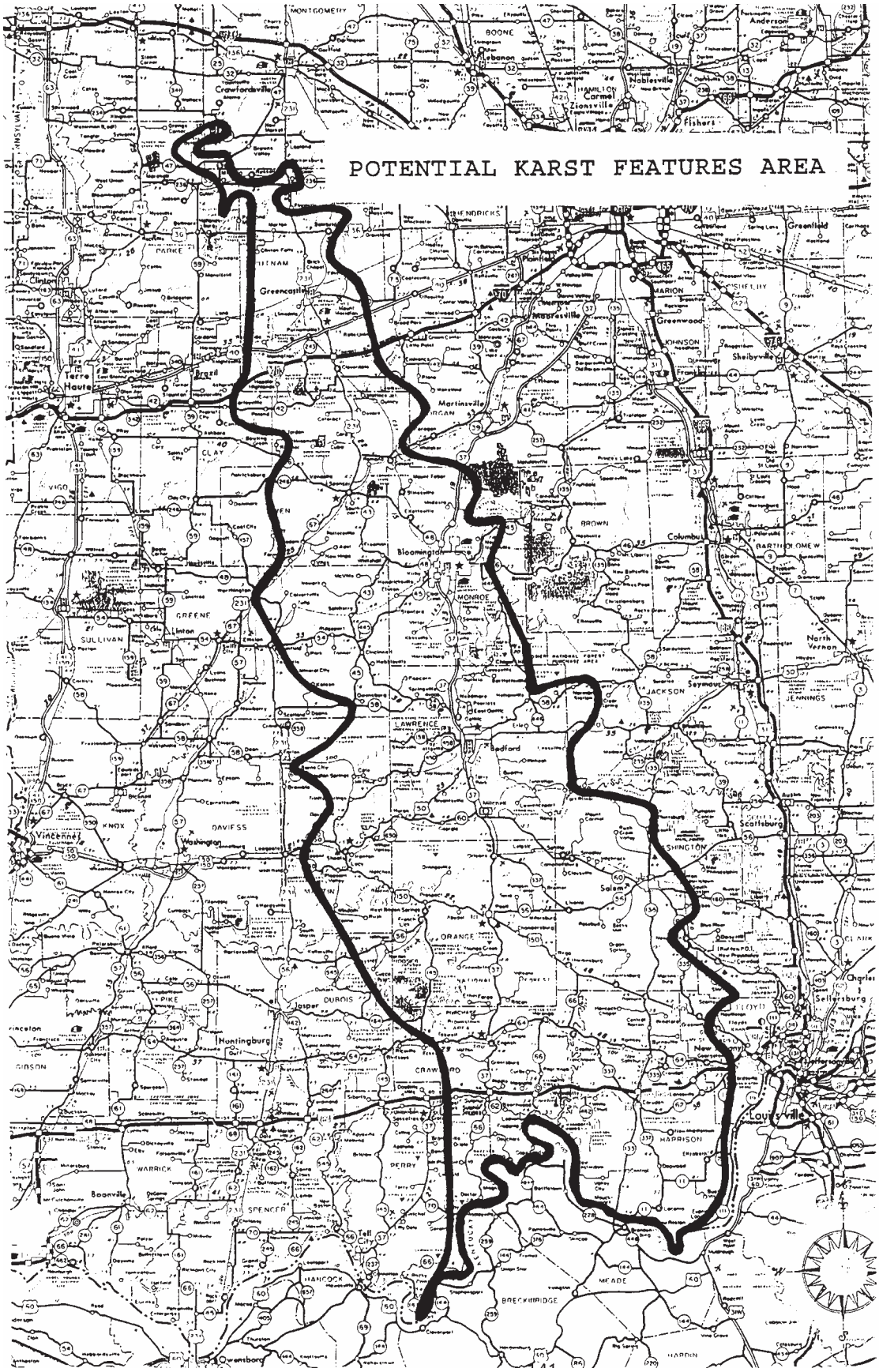
MR. PATRICK R. RALSTON, DIRECTOR
INDIANA DEPARTMENT OF NATURAL RESOURCES

MS. KATHY PROSSER, COMMISSIONER
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MR. DAVID C HUDAK, FIELD SUPERVISOR, BLOOMINGTON FIELD OFFICE
U. S. FISH AND WILDLIFE SERVICE

APPENDIX P

Karst MOU Map


POTENTIAL KARST FEATURES AREA
MONTGOMERY
BOONE
Lebanon
Crawfordsville
HAMILTON
Carmel
Zionsville
Noblesville
Anderson
Fishers
HENDRICKS
Greenfield
PARKE
PUTNAM
Greencastle
MARION
Greenwood
JOHNSON
Shelbyville
Terre Haute
Brazil
Martinsville
MORGAN
CLAY
VIGO
OWEN
BROWN
Columbus
BARTHOLOMEW
Bloomington
MONROE
GREENE
Linton
SULLIVAN
North Vernon
JACKSON
Seymour
JENNINGS
LAWRENCE
Bedford
KNOX
DAVIESS
Vincennes
Washington
Scottsburg
SHINGTON
Salem
ORANGE
CLARK
PIKE
DUBOIS
Jasper
Huntingburg
GIBSON
CRAWFORD
Louisville
HARRISON
WARRICK
PERRY
Boonville
SPENCER
Tell City
HANCOCK
MEADE
BRECKINRIDGE
Owensboro
HARDIN

APPENDIX Q

Historic Property Section 4(f) MOU

MEMORANDUM OF UNDERSTANDING
between
Federal Highway Administration, Indiana Division,
the Indiana State Historic Preservation Officer,
and the
Indiana Department of Transportation
Regarding Section 4(f) of the U.S. Department of Transportation Act of 1966 and notification requirements of intent to make de minimis determinations for historic resources.

THIS MEMORANDUM OF UNDERSTANDING (hereinafter "MOU"), is hereby made and entered as of the date of last signature (the "Effective Date") by and between the INDIANA DIVISION OF THE FEDERAL HIGHWAY ADMINISTRATION ("FHWA"), an administration in the UNITED STATES DEPARTMENT OF TRANSPORTATION ("USDOT"), the Indiana State Historic Preservation Officer ("SHPO") and the INDIANA DEPARTMENT OF TRANSPORTATION ("INDOT").

WHEREAS, the FHWA administers the Federal Aid Highway Program in Indiana authorized by 23 U.S.C. §§ 101 et seq., through INDOT (23 U.S.C. § 315); and

WHEREAS, Section 4(f) of the USDOT Act of 1966, as amended in the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) on August 10, 2005, applies to both publicly and privately owned buildings, structures, objects, districts and sites that are listed in or are eligible for listing in the National Register of Historic Places (hereinafter "NRHP"); and

WHEREAS, in addition, archaeological resources that are listed in or are eligible for listing in the NRHP must also warrant "preservation in place" to qualify for protection as a Section 4(f) property; and

WHEREAS, as detailed in 23 CFR 774 and FHWA's Section 4(f) Policy Paper, there are increased flexibilities with respect to minor transportation project impacts to properties that are protected under Section 4(f), including historic properties; and

WHEREAS, the procedures through which Section 106 is administered by FHWA in Indiana are stipulated in the *Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program in the State of Indiana* ("Minor Projects PA") executed in 2006; and

WHEREAS, INDOT has been delegated the authority, on behalf of FHWA and in conjunction with the Minor Projects PA, to evaluate project impacts to historic properties, which are defined as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the NRHP per 36 CFR Part 800 (including any succeeding revisions to the regulations) and make determinations that a project will have "No Adverse Effects" or that there are "No Historic Properties Affected"; and

WHEREAS, for historic sites, *de minimis* impact means that the INDOT, on behalf of FHWA, has determined, in accordance with 36 CFR part 800, regulations implementing Section 106 of the National Historic Preservation Act ("NHPA") that a project will have "No Adverse Effects" or that there are "No Historic Properties Affected"; and

WHEREAS, the SHPO, as the Official with Jurisdiction over all historic resources in Indiana, concurs in writing on the effect determination in accordance with Section 106 of the NHPA; and

WHEREAS, when the historic Section 4(f) property is also a National Historic Landmark, the National Park Service is also an official with jurisdiction over that resource for purposes of this part.

NOW, THEREFORE, the FHWA, SHPO and INDOT hereby agree as follows:

1.) FHWA intends to determine Section 4(f) de minimis use(s) on historic properties (when applicable) for all those projects that qualify under the Minor Projects PA or in which the SHPO has previously concurred with a finding that the project will have "No Adverse Effect" or that there are "No Historic Properties Affected".

2.) FHWA, SHPO and INDOT concur that this MOU satisfies the notification requirements specified in 23 CFR 774 for all projects except those where there is a determination of "No Adverse Effect" or that there are "No Historic Properties Affected" associated with a historic Section 4(f) property that is also a National Historic Landmark.

3.) Should the SHPO prefer to conduct project-specific Section 4(f) de minimis consultation, the SHPO shall provide a written request to FHWA and INDOT within the 30-day comment period for concurrence with, or objection to, the finding of "No Adverse Effect" or "No Historic Properties Affected" being issued by INDOT, on behalf of FHWA , providing reasoning why a project-specific consultation is appropriate.

4.) If the SHPO does not concur or request project-specific consultation within the specified times defined in accordance with Section 106 of NHPA, then FHWA will assume SHPO concurrence and by this MOU, will consider the project to have a Section 4(f) de minimis determination.

5.) When appropriate, INDOT, in conjunction with the *Programmatic Agreement Between the Federal Highway Administration, Indiana Division and the Indiana Department of Transportation Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Projects*, will approve these projects as a Categorical Exclusion on behalf of FHWA, as long as they do not individually or cumulatively have a significant impact on the natural and human environment as defined in 23 CFR 771.117(c) and 23 CFR 771.117(d).

6.) Any signatory to this MOU may request that it be amended, whereupon all signatories shall consult to consider such an amendment. Any resulting amendments shall be developed and executed among signatories in the same manner as the original MOU. Any amendment to this MOU will go into effect only upon written agreement of all signatories.

7.) FHWA, INDOT and SHPO shall meet at least once every ten (10) years to discuss extension of this MOU. Any extension will require written agreement from all three parties.

8.) This MOU is effective as of the last signature among FHWA, SHPO and INDOT and will remain in effect until one of the following occurs:

A. one of the parties terminates by providing 60 days written notice to the other parties;

B. language in Section 4(f), 23 CFR 774.17, or FHWA's Section 4(f) Policy Paper, regarding the conditions under which FHWA or INDOT may determine that a use of a historic property is de minimis, is amended or repealed; or

C. ten (10) years have elapsed since the Effective Date of this MOU and the Parties have not executed a written extension.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below.

FEDERAL HIGHWAY ADMINISTRATION, INDIANA DIVISION

BY: MAYELA SOSA Digitally signed by MAYELA SOSA Date: 2020.06.08 15:45:12 -04'00' DATE: June 8, 2020

Mayela Sosa
Division Administrator

INDIANA STATE HISTORIC PRESERVATION OFFICER

BY: _____ DATE: 6/1/20

Cameron Clark
Director, Indiana Department of Natural Resources

INDIANA DEPARTMENT OF TRANSPORTATION

BY: _____ DATE: 06/04/2020

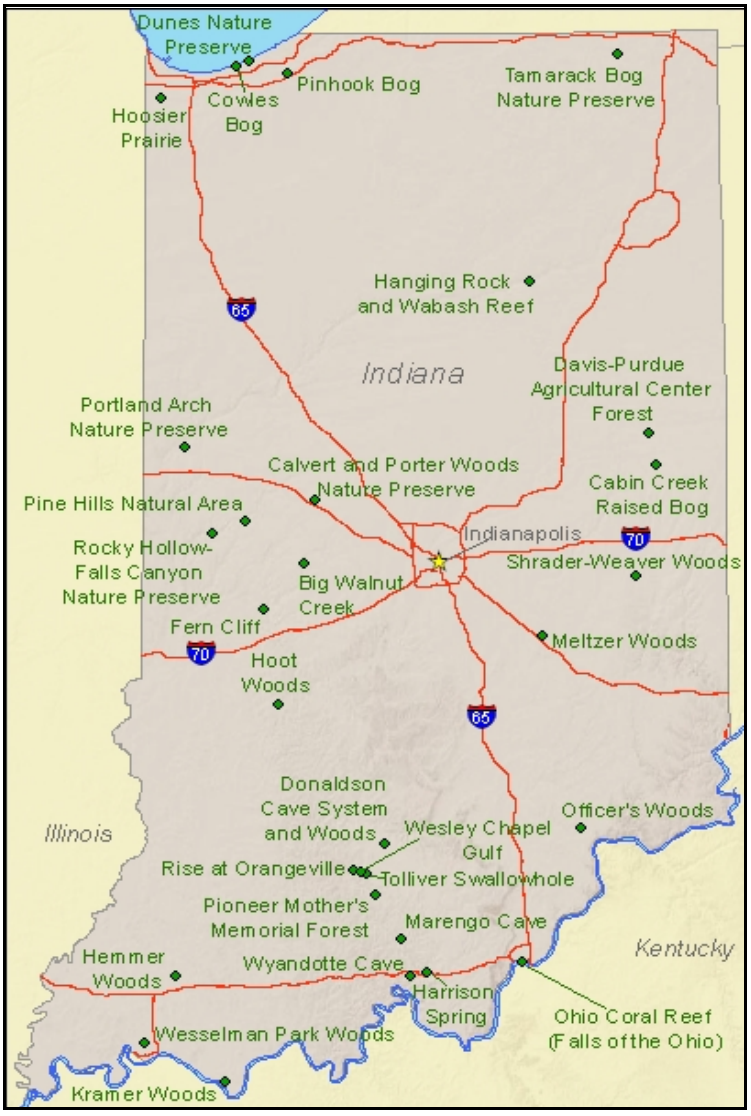
Joseph McGuiness
Commissioner

APPENDIX R

National Natural Landmarks

NATIONAL NATURAL LANDMARKS

Big Walnut Creek
Cabin Creek Raised Bog
Calvert and Porter Woods Nature Preserve
Cowles Bog
Davis-Purdue Agriculture Center Forest
Donaldson Cave System and Woods
Dunes Nature Preserve
Fern Cliff
Hanging Rock and Wabash Reef
Harrison Spring
Hemmer Woods
Hoosier Prairie
Hoot Woods
Kramer Woods
Marengo Cave
Meltzer Woods
Officer's Woods
Ohio Coral Reef (Falls of the Ohio)
Pine Hills Natural Area
Pinhook Bog
Pioneer Mother's Memorial Forest
Portland Arch Nature Preserve
Rise at Orangeville
Rocky Hollow-Falls Canyon Nature Preserve
Shrader-Weaver Woods
Tamarack Bog Nature Preserve
Tolliver Swallowhole
Wesley Chapel Gulf
Wesselman Park Woods
Wyandotte Cave



APPENDIX S

National Historic Landmarks

National Historic Landmarks

NATIONAL PARK SERVICE
1849 C Street, N.W. Room NC-400
Washington, DC 20240

Listing of National Historic Landmarks by State

(last updated December 2016)

Indiana (42)

Akima Pinšiwa Awiiki (Chief Jean-Baptiste de Richardville House) 03/02/12
Fort Wayne, Allen County, IN

Allen County Courthouse 07/31/03
Fort Wayne, Allen County, IN

Angel Mounds 01/29/64
Vanderburgh County, IN

Athenaeum (Das Deutsche Haus) 10/31/16
Indianapolis, Marion County, IN

Auburn Cord Duesenberg Automobile Facility 04/05/05
Auburn, Dekalb County, IN

Bailly, Joseph, Homestead 12/29/62
Porter County, IN

Broad Ripple Park Carousel 02/27/87
Indianapolis, Marion County, IN

Butler Fieldhouse 02/27/87
Indianapolis, Marion County, IN

Cannelton Cotton Mill 07/17/91
Cannelton, Perry County, IN

Coffin, Levi, House 06/23/65
Fountain City, Wayne County, IN

Debs, Eugene V., Home 11/13/66

Terre Haute, Vigo County, IN

Donald B. (Rowboat) (Relocated to Ohio) 12/20/89

Vevay, Switzerland County, IN

Duck Creek Aqueduct 08/25/14

Metamora, Franklin County, IN

Eleutherian College Classroom and Chapel Building 02/18/97

Lancaster, Jefferson County, IN

First Baptist Church 05/16/00

Columbus, Bartholomew County, IN

First Christian Church 01/03/01

Columbus, Bartholomew County, IN

Gaff, Thomas, House (Hillforest) 10/05/92

Aurora, Dearborn County, IN

Grouseland 12/19/60

Vincennes, Knox County, IN

Harrison, Benjamin, Home 1/29/64

Indianapolis, Marion County, IN

Indiana War Memorials Historic District (formerly known as Indiana World War Memorial Plaza Historic District) (Updated Documentation, Boundary and Name Change Approved 12/23/16) 10/11/94

Indianapolis, Marion County, IN

Indianapolis Motor Speedway 02/27/87

Speedway, Marion County, IN

Irwin Union Bank and Trust 05/16/00

Columbus, Bartholomew County, IN

Lanier Mansion 04/19/94

Madison, Jefferson County, IN

Lincoln Boyhood Home 12/19/60

Spencer County, IN

Madame C.J. Walker Manufacturing Company 07/17/91

Indianapolis, Marion County, IN

Madison Historic District 03/20/06

Madison, Jefferson County, IN

McDowell, Mabel, Elementary School 01/03/01

Columbus, Bartholomew County, IN

Miller House 05/16/00

Columbus, Bartholomew County, IN

New Harmony Historic District 06/23/65

New Harmony, Posey County, IN

North Christian Church 05/16/00

Columbus, Bartholomew County, IN

Oldfields 07/31/03

Indianapolis, Marion County, IN

The Republic 10/16/12

Columbus, Bartholomew County, IN

Riley, James Whitcomb, House 12/29/62

Indianapolis, Marion County, IN

Samara (John E. and Catherine E. Christian House) 02/27/15

West Lafayette, IN

Shrewsbury, Charles, House 04/19/94

Madison, Jefferson County, IN

Spencer Park Dentzel Carousel 02/27/87

Logansport, Cass County, IN

Studebaker, Clement, House 12/22/77

South Bend, St. Joseph County, IN

Tippecanoe Battlefield 10/09/60

Tippecanoe County, IN

Wallace, General Lew, Study 05/11/76

Crawfordsville, Montgomery County, IN

Wallace Circus Winter Headquarters ……..……... 02/27/87

Peru, Miami County, IN

Webster, Marie, House …….…….……. 11/04/93

Marion, Grant County, IN

West Baden Springs Hotel …….…... 02/27/87

West Baden Springs, Orange County, IN

West Union Bridge ……... 12/23/16

Parke County, IN