

Guidance Language for CE/EA Form

- *The Guidance Language covers the most common project situations and provides consistency in environmental document preparation. Guidance Language use should decrease the environmental document preparation and review times.*
- *Refer to the CE Manual for further guidance.*
- *Update the language provided below per subject-verb agreement.*
- *Adjust chronological order of events for clarity and readability.*

Yellow – Changes that are needed based on project

Grey – Choose one option based on project

Red – General Notes and Disclaimers

Green – Firm Commitments

Road No./County:

Include road name or number and the county(ies) the project is located in.

Designation Number(s):

Include project designation number(s).

Project Description/Termini:

Include brief project description and brief description of project termini.

If possible, adjust spacing on environmental document title page to keep all signature lines together on first page.

Part I – Public Involvement

Notice of Entry letters were mailed to potentially affected property owners near the project area on **(date)** notifying them about the project and that individuals responsible for land surveying and field activities may be seen in the area. A sample copy of the Notice of Entry letter is included in Appendix **X**, page **A**.

If a notice of entry letter is not required, provide a brief discussion explaining why.

Section 106

To meet the public involvement requirements of Section 106, a legal notice of FHWA’s finding of **(state finding)** was published in the **(name of newspaper)** on **(date of publication)** offering the public an opportunity to submit comment pursuant to 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4). The public comment period closed 30 days later on **(date)**. The text of the public notice and the affidavit of publication appear in Appendix **X**, page **A**. **(Briefly describe any comments and responses. Include in Appendix X).**

Project Does Not Meet

The project does not meet any of the conditions set by the current *Indiana Department of Transportation (INDOT) Public Involvement Manual* that require formal public involvement. Therefore, the project sponsor is not required to offer the public an opportunity to request a public hearing. The project is not anticipated to cause any public controversy. This does not preclude the need for public involvement or public information meeting in the future.

Project Does Meet

The project will meet the minimum requirements described in the current *Indiana Department of Transportation (INDOT) Public Involvement Manual* which requires the project sponsor to offer the public an opportunity to submit comments and/or request a public hearing. Therefore, a legal notice will appear in a local publication contingent upon the release of this document for public involvement. This document will be revised after the public involvement requirements are fulfilled. *Post public involvement, this language should be reviewed for subject-verb tense.*

Historic Bridge

Pursuant to the Historic Bridge Programmatic Agreement (PA), a public hearing is required. A legal notice will appear in a local publication contingent upon the release of this document for public involvement. This document will be revised after the public involvement requirements are fulfilled.

If your project requires 4(f) public involvement it will need to be included in this section.

If your project will meet the minimum requirements to offer public involvement, update language and tense in applicable sections post-PI. Refer to CE Manual for guidance.

Public Controversy on Environmental Grounds

No controversy

At this time, there is no substantial public controversy concerning impacts to the community or to natural resources.

Public Controversy

Describe public controversy related to the community or to natural resources

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

PURPOSE AND NEED:

Need

Identifies the specific transportation problem or deficiencies that exist. Include data (as appropriate regarding traffic volumes, collision data, level of service (LOS), roadway deficiencies, etc.). Typical format describes – the baseline, a goal/vision, gap in facility performance, and specific problems that need to be fixed in order to close the gap in facility performance. (Include source of information).

Purpose

Define goals and objectives for the project. Measurable without a predetermined solution. Use words like repair, complete, enhance, reduce, support, etc.

PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):

Location

Include township, range, city, county, roads, etc. (Refer to graphics in Appendix pages)

Existing Conditions

Include current conditions, specific problems, functional class, roadway description, surrounding features, what is the deficiency with the transportation facility (why is the project needed?), etc.

Preferred Alternative

Describe project (scope of work), anticipated impacts, and a brief summary of measures to avoid, minimize, or mitigate project impacts. (Refer to plan sheets in Appendix pages)

Also include

- Briefly summarize the type of maintenance of traffic (MOT). Refer to the MOT section in this document
- How the project meets purpose and need
- Describe logical termini and 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 reference how each alternative meets or does not meet the Purpose and Need. (Reference supporting documentation if applicable).

BRIDGES AND/OR SMALL STRUCTURE(S):

No presence

No bridges or small structures are located within the project area.

Presence

(Describe all bridges, small structures, and pipes (including maintenance pipes) present within the project area (include if historic, National Bridge Inventory (NBI) number, structure number, etc.). Summarize impacts to bridges, small structures, and pipes.) (If there are several structures, provide a summary and appendix pages as needed or include table in this section.)

MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

The MOT for the project will require (describe lane closures, restrictions, or other restrictions) (include detour roads and length).

The closures/lane restrictions will pose a temporary inconvenience to traveling motorists (including school buses and emergency services); however, no significant delays are anticipated, and all inconveniences and delays will cease upon project completion.

RIGHT OF WAY:

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

(Describe existing ROW).

No right-of-way (ROW) required

This project will occur within existing right-of-way (ROW). No permanent or temporary ROW will be required for this project.

OR

Right-of-way (ROW) required

The project requires approximately (acre(s)) of permanent right-of-way (ROW) (where and type of property). The project also requires approximately (acre(s)) of temporary ROW (where and type of property).

Include the following firm commitment in discussion box and commitments section for all projects:

If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately.

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

SECTION A - EARLY COORDINATION:

Early coordination letters were sent on (date) Appendix X, page A.

Include table of resource agencies that received early coordination information and if responses were received. See example below.

Agency	Date Sent	Date Response Received	Appendix
Agency	Month, Day, Year	No response received – OR – Month, Date, Year	N/A – OR – Appendix X, page A

All applicable recommendations are included in the Environmental Commitments section of this CE document.

This section should include overall early coordination information that is applicable to all sections of the environmental document. Resource specific recommendations should be included in applicable sections of environmental document (i.e. stream recommendations should be included in the stream section of the environmental document not the wetlands section).

SECTION B – ECOLOGICAL RESOURCES:

Streams, Rivers, Watercourses & Other Jurisdictional Features

No presence, no impact

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are (number -OR- no) streams, rivers, watercourse, or other jurisdictional features within the 0.5 mile search radius. That number was (confirmed -OR- include updated number if it is different) by the site visit on (date) by (entity), and (any other source used). No streams, rivers, watercourses, or other jurisdictional features are present within or adjacent to the project area, therefore, no impacts are expected.

OR

Presence, no impact

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are (number -OR- no) streams, rivers, watercourse or other jurisdictional features within the 0.5 mile search radius. That number was (confirmed -OR- include updated number if it is different) by the site visit on (date) by (entity), and (any other source used). There are (number) of streams, rivers, watercourses, or other jurisdictional features present within or adjacent to the project area.

(Include Waters Report discussion below if applicable)*

(Include discussion if any Federal, Wild and Scenic Rivers; State Natural, Scenic, and Recreational Rivers; Outstanding Rivers for Indiana; navigable waterways or National Rivers Inventory waterways are present in the project area). (Briefly explain the project and why there will be no direct or indirect impacts to the streams, rivers, watercourses, or other jurisdictional features). Therefore, no impacts are expected.

OR

Presence, with impacts

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are (number -OR- no) streams, rivers, watercourse or other jurisdictional features within the 0.5 mile search radius. That number was (confirmed -OR- include updated number if it is different) by the site visit on (date) by (entity), and (any other source used). There are (number) of streams, rivers, watercourses, or other jurisdictional features present within or adjacent to the project area.

(Include Waters Report discussion below if applicable)*

(Include discussion if any Federal, Wild and Scenic Rivers; State Natural, Scenic, and Recreational Rivers; Outstanding Rivers for Indiana; navigable waterways or National Rivers Inventory waterways are present in the project area). (Describe the streams, rivers, watercourses, and other jurisdictional features that are present and how it will be impacted from the project). (Include the length in linear feet of impacts (permanent and temporary) and whether mitigation will likely be required (Only include a general statement if mitigation is anticipated. For example: "Mitigation will likely be required and will be determined during permitting.")). (Include what avoidance and minimization measure were considered for the project). (Include statement if permits will likely be needed).

***Waters Report (if applicable)**

A Waters of the U.S. Determination / Wetland Delineation Report was (completed for the project on (date). – OR – approved by INDOT Ecology and Waterway Permitting Office on (date)). Please refer to Appendix X, page A for the Waters of the U.S. Determination / Wetland Delineation Report. It was determined that (findings of the report for jurisdictional waters). The U.S. Army Corps of Engineers (USACE) makes all final determinations regarding jurisdiction.

Early Coordination (include if agency recommendations received pertains to resource included in this section)

(Agency(ies)) responded on (date) with recommendations to (Include summary of recommendations from the agency) (feature) (Appendix X, page A). All applicable recommendations are included in the Environmental Commitments section of this CE document.

Open Water Feature(s)

No presence, no impact

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are (number -OR- no) open water feature(s) within the 0.5 mile search radius. That number was (confirmed -OR- include updated number if it is different) by the site visit on (date) by (entity), and (any other source used). No open water feature(s) are present within or adjacent to the project area, therefore, no impacts are expected.

OR

Presence, no impact

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are (number -OR- no) open water feature(s) within the 0.5 mile search radius. That number was (confirmed -OR- include updated number if it is different) by the site visit on (date) by (entity), and (any other source used). There are (number)

of open water feature(s) present within or adjacent to the project area.

(Include Waters Report discussion below if applicable)*

(Briefly explain the project and why there will be no direct or indirect impacts to open water feature(s)). Therefore, no impacts are expected.

OR

Presence, with impacts

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are *(number -OR- no)* open water feature(s) within the 0.5 mile search radius. That number was *(confirmed -OR- include updated number if it is different)* by the site visit on *(date)* by *(entity)*, and *(any other source used)*. There are *(number)* of open water feature(s) present within or adjacent to the project area.

(Include Waters Report discussion below if applicable)*

(Describe the open water feature(s) that are present and how it will be impacted from the project). (Include the amount of impact (acres, feet, linear feet) and whether mitigation will likely be required (Only include a general statement if mitigation is anticipated. For example: "Mitigation will likely be required and will be determined during permitting.")). (Include what avoidance and minimization measure were considered for the project). (Include statement if permits will likely be needed)

***Waters Report (if applicable)**

A Waters of the U.S. Determination / Wetland Delineation Report was *(completed for the project on (date)). – OR – approved by INDOT Ecology and Waterway Permitting Office on (date))*. Please refer to Appendix X, page A for the Waters of the U.S. Determination / Wetland Delineation Report. It was determined that *(findings of the report for open water feature(s))*. The USACE makes all final determinations regarding jurisdiction.

Early Coordination (include if agency recommendations received pertains to resource included in this section)

(Agency(ies)) responded on *(date)* with recommendations to *(Include summary of recommendations from the agency (feature))* (Appendix X, page A). All applicable recommendations are included in the Environmental Commitments section of this CE document.

Wetlands

No presence, no impact

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are *(number -OR- no)* wetlands within the 0.5 mile search radius. That number was *(confirmed -OR- include updated number if it is different)* by the site visit on *(date)* by *(entity)*, and *(any other source used)*. No wetlands are present within or adjacent to the project area, therefore, no impacts are expected.

OR

Presence, no impact

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are *(number -OR- no)* wetlands within the 0.5 mile search radius. That number was *(confirmed -OR- include updated number if it is different)* by the site visit on *(date)* by *(entity)*, and *(any other source used)*. There are *(number)* of wetlands present within or adjacent to the project area.

(Include Waters Report discussion below if applicable)*

(Briefly explain the project and why there will be no direct or indirect impacts to other wetlands). Therefore, no impacts are expected.

OR

Presence, with impacts less than one acre

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are *(number -OR- no)* wetlands within the 0.5 mile search radius. That number was *(confirmed -OR- include updated number if it is different)* by the site visit on *(date)* by *(entity)*, and *(any other source used)*. There are *(number)* of wetlands present within or adjacent to the project area.

(Include Waters Report discussion below if applicable)*

(Describe wetland by type, size, location, quality, and amount of impacts to wetland). (Include why avoidance alternatives would not be practicable, and whether mitigation will likely be required (Only include a general statement if mitigation is anticipated. For example: "Mitigation will likely be required and will be determined during permitting.")). (Include statement if permits will likely be needed). (Continue for all other wetlands found in project area). (Include what avoidance and minimization measure were considered for the project).

OR

Presence, with impacts greater than one acre

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix X, page A) there are *(number -OR- no)* wetlands within the 0.5 mile search radius. That number was *(confirmed -OR- include updated number if it is different)* by the site visit on *(date)* by *(entity)*, and *(any other source used)*. There are *(number)* of wetlands present within or adjacent to the project area.

(Include Waters Report discussion below if applicable)*

(Describe wetland by type, size, location, quality, and amount of impacts to wetland). (Include why avoidance alternatives would not be practicable, and whether mitigation will likely be required (Only include a general statement if mitigation is anticipated. For example: "Mitigation will likely be required and will be determined during permitting.")). (Include statement if permits will likely be needed). (Continue for all other wetlands found in project area). (Include what avoidance and minimization measure were considered for the project).

There is no practicable alternative to the proposed new construction in wetlands and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. FHWA approval of this document will constitute approval of the adverse impacts to wetlands.

***Waters Report (if applicable)**

A *Waters of the U.S. Determination / Wetland Delineation Report* was *(completed for the project on (date). - OR - approved by INDOT Ecology and Waterway Permitting Office on (date))*. Please refer to Appendix X, page A for the *Waters of the U.S. Determination / Wetland Delineation Report*. It was determined that *(findings of the report for wetlands)*. The USACE makes all final determinations regarding jurisdiction.

Early Coordination (include if agency recommendations received pertains to resource included in this section)

(Agency(ies)) responded on *(date)* with recommendations to *(Include summary of recommendations from the agency (feature))* (Appendix X, page A). All applicable recommendations are included in the Environmental Commitments section of this CE document.

Terrestrial Habitat

No presence, no impact

Based on a desktop review, a site visit on *(date)* by *(entity)*, the aerial map of the project area (Appendix X, page A), *(any other source used)* there are no terrestrial habitats present within or adjacent to the project area. Therefore, no impacts are expected.

OR

Presence, no impact

Based on a desktop review, a site visit on *(date)* by *(entity)*, the aerial map of the project area (Appendix X, page A), *(any other source used)*, there is *(type of terrestrial habitats)*. *(Describe types of terrestrial habitat present and summarize the dominant species present (include scientific and common name of species))*. *(Additional tree species may need to be included based on USFWS coordination or if project is located in riparian corridor)*. *(Briefly explain the project and why there will be no direct or indirect impacts to the terrestrial habitat)*. Therefore, no impacts are expected.

OR

Presence, with impacts

Based on a desktop review, a site visit on *(date)* by *(entity)*, the aerial map of the project area (Appendix X, page A), *(any other source used)*, there is *(type of terrestrial habitats)*. *(Describe types of terrestrial habitat present and summarize the dominant species present (include scientific and common name of species))*. *(Additional tree species may need to be included based on USFWS coordination or if project is located in riparian corridor)*. *(Briefly explain the project and what impacts (amount in acre(s)) will occur in total to the terrestrial habitat)*. *(Also, include total amount (acre(s)) of tree removal required for project)*. *(Include avoidance and minimization measures considered for the project, and whether mitigation is anticipated)*.

Early Coordination (include if agency recommendations received pertains to resource included in this section)

(Agency(ies)) responded on *(date)* with recommendations to *(Include summary of recommendations from the agency)* *(feature)* (Appendix X, page A). All applicable recommendations are included in the Environmental Commitments section of this CE document.

Protected Species

Additional guidance language for specific bat situations has been provided below. Include the applicable discussions as needed for the project.

Based on a desktop review and the RFI report (Appendix X, page A), completed by *(entity)* on *(date)*, the IDNR *(County)* Endangered, Threatened and Rare (ETR) Species List has been checked. According to the IDNR-DFW early coordination response letter dated *(date)* (Appendix X, page A), the Natural Heritage Program's Database has been checked *(include response from IDNR DFW (if coordination occurred))* *(include other species found and if critical habitats are present)* *(include any IDNR DFW responses and project specific commitments)*.

Indiana Bat and Northern Long-Eared Bat

Bats, Programmatic Informal Consultation (i.e. IPaC) – No Effect

Project information was submitted through the USFWS's Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix X, page A). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). **No additional species were generated in the IPaC species list other than the Indiana bat and northern long-eared bat – OR – other species were generated in the IPaC species list along with the Indiana bat and northern long-eared bat. Refer**

to paragraph below. (Include discussion below in a separate paragraph*).

The project qualifies for the *Rangewide Programmatic Informal Consultation for the Indiana bat and northern long-eared bat (NLEB)*, dated May 2016 (revised February 2018), between FHWA, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and USFWS. A (bridge – OR - type of structure) inspection occurred on (date) and (include results of inspection (i.e. were bats or signs of bats found using the structure – if so include one of the discussions below)) (Appendix X, page A). Include previous statement if applicable. An effect determination key was completed on (date), and based on the responses provided, the project was found to “(effect finding)” the Indiana bat and/or the NLEB (Appendix X, page A). INDOT reviewed and concurred with the effect finding on (date) (Appendix X, page A).

*The official species list generated from IPaC indicated (number) of other species present within the project area. (List the species found within the project area). The project (qualifies – OR - does not qualify and state why the project does not qualify) for the USFWS Interim Policy. (State whether or not further coordination is needed with USFWS). (If further coordination occurs include other species discussion below).

OR

Bats, Programmatic Informal Consultation (i.e. IPaC) – Not Likely to Adversely Affect

Project information was submitted through the USFWS’s Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix X, page A). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). No additional species were generated in the IPaC species list other than the Indiana bat and northern long-eared bat – OR – other species were generated in the IPaC species list along with the Indiana bat and northern long-eared bat. Refer to paragraph below. (Include discussion below in a separate paragraph*).

The project qualifies for the *Range-wide Programmatic Informal Consultation for the Indiana bat and northern long-eared bat (NLEB)*, dated May 2016 (revised February 2018), between FHWA, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and USFWS. A (bridge – OR - type of structure) inspection occurred on (date) and (include results of inspection (i.e. were bats or signs of bats found using the structure – if so include one of the discussions below)) (Appendix X, page A). Include previous statement if applicable. An effect determination key was completed on (date), and based on the responses provided, the project was found to “(effect finding)” the Indiana bat and/or the NLEB (Appendix X, page A). INDOT reviewed and verified the effect finding on (date), and requested USFWS’s review of the finding. No response was received from USFWS within the 14-day review period; therefore, it was concluded they concur with the finding. – OR - On (date), the USFWS concurred with the effect finding (Appendix X, page A). (Summarize AMMs and/or commitments for the project). Avoidance and Minimization Measures (AMMs) and/or commitments are included as firm commitments in the *Environmental Commitments* section of this document (include sentence if applicable).

*The official species list generated from IPaC indicated (number) of other species present within the project area. (List the species found within the project area). The project (qualifies – OR - does not qualify and state why the project does not qualify) for the USFWS Interim Policy. (State whether or not further coordination is needed with USFWS). (If further coordination occurs include other species discussion below).

OR

Bats, Limited Formal Programmatic Consultation (i.e. IPaC) – Likely to Adversely Affect

Project information was submitted through the USFWS’s Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix X, page A). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). No additional species were generated in the IPaC species list other than the Indiana bat and northern long-eared bat – OR – other species were generated in the IPaC species list along with the Indiana bat and northern long-eared bat. Refer to paragraph below. (Include discussion below in a separate paragraph*).

The project qualified and completed *Limited Formal Programmatic Consultation* for the Indiana bat and northern long-eared bat (NLEB) due to (include reason project received a LAA determination (e.g. tree clearing 100-300ft from

existing roadway or tree clearing in documented bat habitat). A (bridge – OR - type of structure) inspection occurred on (date) and (include results of inspection (i.e. were bats or signs of bats found using the structure – if so include one of the discussions below)) (Appendix X, page A). *Include previous statement if applicable.* An effect determination key was completed on (date), and based on the responses provided, the project was found to “(effect finding)” the Indiana bat and/or the NLEB (Appendix X, page A). Proposed impacts have been minimized and cannot be avoided due to (explain how impacts have been minimized and why impacts cannot be avoided).

INDOT verified the effect finding and submitted to USFWS on (date). On (date), USFWS issued a concurrence letter with the “(effect finding)” finding (Appendix X, page A). (Summarize AMMs and/or commitments for the project). USFWS also stated (include any additional USFWS response). Avoidance and Minimization Measures (AMMs) and/or commitments are included as firm commitments in the *Environmental Commitments* section of this document.

(Include paragraph if applicable based on concurrence letter from USFWS). Additionally, a “Reinitiation Notice” is required if: more than (amount) acre of suitable habitat is to be cleared; new information about listed species is encountered; the project is modified in a manner that causes an effect to the listed species; or a new species or critical habitat is listed that the project may affect. These requirements, and the Avoidance and Minimization Measures (AMMs) from the Project Submittal Form, are included as firm commitments for this project.

(Include paragraph if applicable based on concurrence letter from USFWS). INDOT shall satisfy the compensatory mitigation requirements of the formal consultation with USFWS through one of the conservation options outlined on page 41 of the May 20, 2016 *Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana bat and NLEB*. The amount to be paid to the Range-wide In-lieu Fee Program, to be administered by The Conservation Fund, shall be (amount). This amount was determined by the Habitat Block Method. The area of suitable habitat to be cleared, multiplied by the mitigation ratio for inactive season tree clearing for (county), and the compensatory price per acre; (amount) acre X (mitigation ratio) X (current dollar amount for IN).

*The official species list generated from IPaC indicated (number) of other species present within the project area. (List the species found within the project area). The project (qualifies – OR - does not qualify and state why the project does not qualify) for the USFWS Interim Policy. (State whether or not further coordination is needed with USFWS). (If further coordination occurs include other species discussion below).

Include the following firm commitments in commitments section only if applicable based on USFWS concurrence letter: Contractors must take care when handling dead or injured bats (regardless of species), and any other federally listed species that are found at the Project site in order to preserve biological material in the best possible condition and protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by the BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any bat (regardless of species), or other endangered or threatened species, must promptly notify the USFWS Bloomington Field Office at (812) 334-4261. (USFWS)

A “Reinitiation Notice” is required if: more than (amount) acre of trees are to be cleared; the amount or extent of incidental take of Indiana bat is exceeded; new information about listed species is encountered; new species is listed or critical habitat designated that the project may affect; the project is modified in a manner that causes an effect to the listed species; or, new information reveals that the project may affect listed species or critical habitat in a manner not considered in the BO or the project information. (USFWS)

The INDOT Project Manager will assure that (amount) of Preliminary Engineering funds will be allocated to the Rangewide In-Lieu Fee Program, administered by The Conservation Fund, to resolve formal consultation under the Rangewide Programmatic ((amount) acre X (mitigation ratio) x (current dollar amount for IN) = (amount)). Payment shall be in process at Ready for Contracts (RFC) date. (INDOT-ESD, USFWS)

OR

Bats, Standard Coordination

Project information was submitted through the USFWS’s Information for Planning and Consultation (IPaC) portal, and

an official species list was generated (Appendix X, page A). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). No additional species were generated in the IPaC species list other than the Indiana bat and northern long-eared bat – OR – other species were generated in the IPaC species list along with the Indiana bat and northern long-eared bat. Refer to paragraph below. (Include discussion below in a separate paragraph*).

Based on (Describe reason project did not qualify for Rangewide Programmatic Informal Consultation), this project does not qualify for the Rangewide Programmatic Informal Consultation for the Indiana bat and northern long-eared bat (NLEB). A (bridge – OR - type of structure) inspection occurred on (date) and (include results of inspection (i.e. were bats or signs of bats found using the structure – if so include one of the discussions below)) (Appendix X, page A). Include previous statement if applicable. A standard coordination letter was prepared and submitted for INDOT review on (date). INDOT reviewed the standard coordination letter and submitted to USFWS for review on (date). On (date), USFWS issued a concurrence letter with the “(effect finding)” finding (Appendix X, page A). (Summarize AMMs and/or commitments for the project). USFWS also stated (include any additional USFWS response). Avoidance and Minimization Measures (AMMs) and/or commitments are included as firm commitments in the Environmental Commitments section of this document.

*The official species list generated from IPaC indicated (number) of other species present within the project area. (List the species found within the project area). The project (qualifies – OR - does not qualify and state why the project does not qualify) for the USFWS Interim Policy. (State whether or not further coordination is needed with USFWS). (If further coordination occurs include other species discussion below).

Bats, project specific discussions

(Include paragraphs if bat guano was found, analyzed, and resulted in only non-federally listed bats). On (date) a bridge inspection occurred on (structure) which found (bats – AND/OR – signs of bats). Guano was collected on (date) and sent to Northern Arizona University for analysis. Guano analysis results were received from Northern Arizona University on (date) and resulted in (include results of guano analysis and species of bats). Guano analysis only resulted in non-federally listed bat species using (structure). No additional bat investigations are required at this time.

To minimize bat disturbance, the removal of the structure shall be completed after September 30 and before April 1. If the structure removal cannot be completed before April 1, the crevices shall temporarily be filled, for the entire length of the structure, with an expandable material. The structure shall also be inspected for bats prior to demolition, exclusion, or any construction activities. If signs of bats are documented during this inspection, the INDOT District Environmental Manager must be contacted immediately. Coordination has occurred on (date) with the project designer about exclusionary measure needed for the project. Details of the required procedures are outlined in the “Bat Inspection and Coordination” Unique Special Provision (USP). A firm commitment is included in the Environmental Commitments of this document.

(Include paragraph if bat guano was found, analyzed, and resulted in federally listed bats). On (date) a bridge inspection occurred on (structure) which found (bats – AND/OR – signs of bats). Guano was collected on (date) and sent to Northern Arizona University for analysis. Guano analysis results were received from Northern Arizona University on (date) and resulted in (include results of guano analysis and species of bats). Guano analysis resulted in federally listed bat species using (structure). (Include additional coordination that occurred with INDOT and other resource agencies). (Include additional investigations and reporting completed). (Include conclusion and determination received from Section 7 coordination). (Include commitments received).

(Include paragraph if buildings/houses will be demolished/removed for the project). (Number of buildings/houses) will be removed as a result of the project. Prior to any demolition, the structure(s) will be inspected for bats or evidence of bats. If bats, or evidence of bats, are found coordination will occur with INDOT ESD and USFWS before demolition may occur. If further coordination is needed no demolition shall occur until coordination is concluded with INDOT ESD and USFWS. This firm commitment is included in the Environmental Commitments of this document.

Rusty Patched Bumble Bee

Rusty Patched Bumble Bee language only pertains if the project is located in a high potential zone generated in the IPaC species list.

Rusty Patched Bumble Bee, high potential zone

Project information was submitted through the USFWS's Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix X, page A). This project is located within a High Potential Zone for the Rusty Patched Bumble Bee. *(Describe coordination that occurred with INDOT and USFWS and summarize response received).*

Migratory Birds

Presence, found during structure inspection

(Structure (include number and location)) has shown evidence of use (i.e. nests) by a bird species protected under the Migratory Bird Treaty Act (MBTA) during the *(date)* inspection. Avoidance and minimization measures must be implemented prior to the start of and during the nesting season. Nests without eggs or young should be removed prior to construction during the non-nesting season (September 8 – April 30) and during the nesting season if no eggs or young are present. Nests with eggs or young cannot be removed or disturbed during the nesting season (May 1 – September 7). Nests with eggs or young should be screened or buffered from active construction. Details of the required procedures are outlined in the "Potential Migratory Bird on Structure" Unique Special Provision (USP). This firm commitment is included in the *Environmental Commitments* of this document.

If birds or nests are found during the site visit, coordination with INDOT district/INDOT ESD must occur.

If IDNR responds with bird recommendations in early coordination response, coordination with INDOT ESD must occur.

If Bald Eagles are found or present in the project area, coordination with INDOT ESD must occur.

Other Federally Listed 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.

Other Species, standard coordination

The official species list generated from IPaC indicated *(number)* of other species present within the project area. *(List the species found within the project area)*. The project does not qualify for the USFWS Interim Policy. A standard coordination letter was prepared and submitted for INDOT review on *(date)*. INDOT reviewed the standard coordination letter and submitted to USFWS for review on *(date)*. On *(date)*, USFWS issued a concurrence letter with the *"(effect finding)"* finding (Appendix X, page A). USFWS also stated *(include USFWS response)*. *(Include project specific AMMs and/or commitments)*.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act, as amended. If new information on endangered species at the site becomes available, or if project plans are changed, USFWS will be contacted for consultation.

Geological and Mineral Resources

If karst features are suspected to be present in the project area coordination with INDOT Ecology and Waterway Permitting is required. The Karst MOU map should not be included in Appendix. If a karst study is completed for the project coordinate with INDOT ESD to determine what portions of the report should be included in the Appendix.

Outside karst area

Based on a desktop review, the project is located outside the designated karst region of Indiana as outlined in the

October 13, 1993 Karst Memorandum of Understanding (MOU). According to the topo map of the project area (Appendix X, page A), the RFI report (Appendix X, page A), and (any other sources used) there (are – OR – are no) karst features identified within or adjacent to the project area. (Describe karst features if present). A karst study (was – OR - was not) required after consultation with (INDOT ESD, IDNR, USFWS, IDEM). -Include previous sentence if applicable. In the early coordination response (date), the Indiana Geological and Water Survey (IGWS) (did – OR - did not) indicate that karst features exist in the project area (Appendix X, page A) (Describe any other response from IGWS). The features will not be affected because (provide detailed explanation here). -Include previous sentence if applicable. Response from IGWS has been communicated with the designer on (date). No impacts are expected.

OR

Inside karst area; no presence

Based on a desktop review, the project is located inside the designated karst region of Indiana as outlined in the October 13, 1993 Karst Memorandum of Understanding (MOU). According to the topo map of the project area (Appendix X, page A), the RFI report (Appendix X, page A), and (any other sources used) there are no karst features identified within or adjacent to the project area. In the early coordination response (date), the Indiana Geological and Water Survey (IGWS) (did – OR - did not) indicate that karst features exist in the project area (Appendix X, page A) (Describe any other response from IGWS). Response from IGWS has been communicated to the designer on (date). No impacts are expected.

OR

Inside karst area; presence

Based on a desktop review, the project is located inside the designated karst region of Indiana as outlined in the October 13, 1993 Karst Memorandum of Understanding (MOU). According to the topo map of the project area (Appendix X, page A), the RFI report (Appendix X, page A), and (any other sources used) there are karst features identified within or adjacent to the project area (Briefly describe the karst features, explain the project and what impacts (amount) will occur to the karst area). A karst study (was – OR - was not) required after consultation with (INDOT ESD, IDNR, USFWS, IDEM). (Summarize the results of the karst study). (Include commitments needed, why avoidance alternatives would not be practicable, and whether mitigation is anticipated). In the early coordination response (date), the Indiana Geological and Water Survey (IGWS) (did – OR - did not) indicate that karst features may exist in the project area (Appendix X, page A) (Describe any other response from IGWS). Response from IGWS has been communicated to the designer on (date).

SECTION C – OTHER RESOURCES

Drinking Water Resources

Sole Source Aquifer

Outside of Sole Source Aquifer (SSA)

The project is located in (X) County, which is not located within the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana – OR – The project is located in (X) County but located outside the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana. Therefore, the FHWA/EPA Sole Source Aquifer Memorandum of Understanding (MOU) is not applicable to this project, a detailed groundwater assessment is not needed, and no impacts are expected.

OR

Inside SSA

The Environmental Protection Agency's Sole Source Aquifer website (<https://www.epa.gov/dwssa>) was accessed on (date) by (entity). The project is located in (X) County, which is located within the area of the St. Joseph Sole Source

Aquifer, the only legally designated sole source aquifer in the state of Indiana. The FHWA/EPA Sole Source Aquifer Memorandum of Understanding (MOU) (*is – OR - is not*) applicable to this project. *(Include responses from coordination with EPA (if applicable))*. The features (*will – OR - will not*) be affected because *(provide detailed explanation here)*. *(Include why avoidance alternatives would not be practicable (if applicable))*. All applicable recommendations are included in the Environmental Commitments section of this CE document.

Wellhead Protection Area and Source Water *Do not include wellhead map in Appendix*

Not located in a Wellhead Protection Area or Source Water Area *Use either the website or EC to determine this*

The Indiana Department of Environmental Management's Wellhead Proximity Determinator website (<http://www.in.gov/idem/cleanwater/pages/wellhead/>) was accessed on *(date)* by *(entity)*. This project is not located within a Wellhead Protection Area or Source Water Area. In an early coordination letter dated *(date)*, IDEM stated the project is not located within a wellhead area (Appendix **X**, page **A**). No impacts are expected.

OR

Located in a Wellhead Protection Area and/or Source Water Area *Use either the website or EC to determine this*

The Indiana Department of Environmental Management's Wellhead Proximity Determinator website (<http://www.in.gov/idem/cleanwater/pages/wellhead/>) was accessed on *(date)* by *(entity)*. This project is located within a *(Wellhead Protection Area and/or Source Water Area)*. In an early coordination letter dated *(date)*, IDEM stated the project is located within a *(Wellhead Protection Area- AND/OR - Source Water Area)* (Appendix **X**, page **A**). *(Include any additional responses from early coordination)*. The features (*will – OR - will not*) be affected because *(provide detailed explanation here)* *(Refer to the IDEM Ground Water website and discuss how the project will comply with Wellhead Protection Program and/or Source Water Assessment Program)*. *(Include commitments needed and why avoidance alternatives would not be practicable)* *(Do not include map in appendix)*.

Water Wells

No wells present, no impacts

The Indiana Department of Natural Resources Water Well Record Database website (<https://www.in.gov/dnr/water/3595.htm>) was accessed on *(date)* by *(entity)*. No wells are located near this project. Therefore, no impacts are expected. *(Do not include map of well locations in appendix)*.

OR

Wells present, no impacts

The Indiana Department of Natural Resources Water Well Record Database website (<https://www.in.gov/dnr/water/3595.htm>) was accessed on *(date)* by *(entity)*. *(Include general description of nearest well, not exact location)*. The features will not be affected because *(provide detailed explanation here)*. *(Include commitments needed and why avoidance alternatives would not be practicable)*. Therefore, no impacts are expected. Should it be determined during the right-of-way phase that these wells will be affected, a cost to cure will likely be included in the appraisal to restore the wells. *(Do not include map of well locations in appendix)*.

OR

Wells present, impacts expected

The Indiana Department of Natural Resources Water Well Record Database website (<https://www.in.gov/dnr/water/3595.htm>) was accessed on *(date)* by *(entity)*. *(Include general description of nearest well, not exact location)*. The features will be affected because *(provide detailed explanation here)*. *(Include commitments needed and why avoidance alternatives would not be practicable)*. *(Do not include map of well locations in appendix)*.

Urban Area Boundary

Not in an Urban Area Boundary Location

Based on a desktop review of **(source used)** by **(entity)** on **(date)** this project is not located in an Urban Area Boundary. No impacts are expected.

OR

In an Urban Area Boundary Location

Based on a desktop review of **(source used)** by **(entity)** on **(date)** this project is located in an Urban Area Boundary (UAB) **(however no coordination is needed because (reason) – include statement if applicable)**. An early coordination letter was sent on **(date)**, to **(entity)**. **The MS4 coordinator did not respond within the 30-day time frame. – OR - (Include any response from coordination letter) (Appendix X, page A). (Discuss how the project will comply with the storm water quality management plan). (Include commitments needed and why avoidance alternatives would not be practicable)**

Public Water System

Not in a Public Water System Location

Based on a desktop review, a site visit on **(date)** by **(entity)**, the aerial map of the project area (Appendix **X**, page **A**), **(any other source used)** no public water systems were identified. Therefore, no impacts are expected.

OR

In a Public Water System Location

Based on a desktop review, a site visit on **(date)** by **(entity)**, the aerial map of the project area (Appendix **X**, page **A**), **(any other source used)** this project is located where there is a public water system. The public water system **(will – OR - will not)** be affected because **(provide detailed explanation here)**. Early coordination letter were sent on date **(date)**, to **(entity(ies))**. **(Include any responses and whether there will be any impacts) (Appendix X, page A). (Include commitments needed and why avoidance alternatives would not be practicable)**

Floodplains

Not in floodplain

The Indiana Department of Natural Resources Indiana Floodway Information Portal website (<http://dnrmmaps.dnr.in.gov/appsphp/fdms/>) was accessed on **(date)** by **(entity)**. This project is not located in a regulatory floodplain as determined from approved IDNR floodplain maps (Appendix **X**, page **A**). Therefore, it does not fall within the guidelines for the implementation of 23 CFR 650, 23 CFR 771, and 44 CFR. No impacts are expected.

OR

In floodplain

Based on a desktop review of The Indiana Department of Natural Resources Indiana Floodway Information Portal website (<http://dnrmmaps.dnr.in.gov/appsphp/fdms/>) by **(entity)** on **(date)**, and the RFI report, this project is located in a regulatory floodplain as determined from approved IDNR floodplain maps (Appendix **X**, page **A**). An early coordination letter was sent on **(date)**, to the local Floodplain Administrator. **There is no floodplain administrator for this project – OR - The floodplain administrator did not respond within the 30-day time frame. – OR - (Include any additional responses from coordination letters) (Appendix X, page A).** This project qualifies as a Category **(X)** per the current INDOT CE Manual, which states (provide explanation and include language below).

Include language below in remarks box without quotation marks.

- 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 1,000 feet upstream and (#) homes are located within the base floodplain within 1,000 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. 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.” *Include previous two sentences if applicable.*
OR
“Substantial impacts to the floodplain have been predicted, therefore, a hydraulic design study that addresses various structure size alternates will be completed during the preliminary design phase. A summary of this study will be included in 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. 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.” *Include previous two sentences if applicable.*
OR
“Substantial impacts to the floodplain have been predicted; therefore, a hydraulic design study that addresses various structure size alternates will be completed during the preliminary design phase. A summary of this study will be included in the Field Check Plans.”

Farmland

No presence, no impact

Based on a desktop review, a site visit on (date) by (entity), the aerial map of the project area (Appendix X, page A), there is no land that meets the definition of farmland under the Farmland Protection Policy Act (FPPA) within or adjacent to the project area. The requirements of the FPPA do not apply to this project; therefore, no impacts are expected. An early coordination letter was sent on (date), to Natural Resources Conservation Services (NRCS). (Include response received from NRCS, if applicable.).

OR

Presence, no impact

Based on a desktop review, a site visit on (date) by (entity), the aerial map of the project area (Appendix X, page A), (any other source used) there is farmland as defined by the Farmland Protection Policy Act (within – OR – adjacent to) the project. The project will not convert any farmland (include reasoning). An early coordination letter was sent on (date), to Natural Resources Conservation Services (NRCS). (Include response received from NRCS, if applicable). No alternatives other than those previously discussed in this document will be investigated without reevaluating impacts to prime farmland.

OR

Presence, score under 160

Based on a desktop review, a site visit on (date) by (entity), the aerial map of the project area (Appendix X, page A), (any other source used) the project will convert (amount in acre(s)) of farmland as defined by the Farmland Protection Policy Act. An early coordination letter was sent on (date), to Natural Resources Conservation Services (NRCS). Coordination with NRCS resulted in a score of (provide numeric score) on the (NRCS-CPA-106/AD 1006 Form) (Appendix X, page A). (Include a discussion about the farmland acreage amount if it is different on the NRCS form and in the ROW table of the environmental document). NRCS's threshold score for significant impacts to farmland that result in the consideration of alternatives is 160. Since this project score is less than the threshold, no significant loss of prime, unique, statewide, or local important farmland will result from this project. No alternatives other than those previously discussed in this document will be investigated without reevaluating impacts to prime farmland. (Include any additional responses from coordination).

OR

Presence, score over 160

Based on a desktop review, a site visit on (date) by (entity), the aerial map of the project area (Appendix X, page A), (any other source used) the project will convert (amount in acres) of farmland as defined by the Farmland Protection Policy Act. An early coordination letter was sent on (date), to Natural Resources Conservation Services (NRCS). Coordination with NRCS resulted in a score of (provide numeric score) on the NRCS-CPA-106 – OR - AD 1006 Form (Appendix X, page A). (Include a discussion about the farmland acreage amount if it is different on the NRCS form and in the ROW table of the environmental document). NRCS's threshold score for significant impacts to farmland that result in the consideration of alternatives is 160. Since this project score is more than the threshold, a significant loss of prime, unique, statewide, or local important farmland will result from this project. NRCS has responded (include response from NRCS) (Appendix X, page A). (Include any additional responses from coordination). The features will be affected because (provide detailed explanation here) (Discuss other avoidance alternatives and what avoidance and minimization measures were considered for the project). (Include commitments needed and why avoidance alternatives would not be practicable).

SECTION D – CULTURAL RESOURCES

Minor Project PA Category A projects

On (date) the (entity) determined that this project falls within the guidelines of Category A, Type (number) under the Minor Projects Programmatic Agreement, (Appendix X, page A). (Include MPPA description of the type of work that is covered). No further consultation is required. This completes the Section 106 process and the responsibilities of the FHWA under Section 106 have been fulfilled.

Minor Project PA Category B projects

On (date) the INDOT Cultural Resource Office (CRO) determined that this project falls within the guidelines of Category B, Type (number) under the Minor Projects Programmatic Agreement, (Appendix X, page A). (Include MPPA description of the type of work that is covered). Describe if an archaeological survey was required and briefly discuss the results – OR - indicate if the project is occurring in previously disturbed soils. (Insert project specific commitments if

any identified by INDOT CRO). No further consultation is required. This completes the Section 106 process and the responsibilities of the FHWA under Section 106 have been fulfilled.

There may be project specific commitments resulting from the MPPA determination. These commitments are firm.

Full Section 106

For full 106 coordination refer to CE Manual and Cultural Resources Manual for additional guidance on what to include in discussion box. Make sure to include when early coordination was sent out and if applicable add in discussion if a MOU execution. Follow headers provided in CE Form and include the following statement once 106 coordination is completed: "This completes the Section 106 process and the responsibilities of the FHWA under Section 106 have been fulfilled."

Area of Potential Effect (APE):

Coordination with Consulting Parties:

Archaeology:

Historic Properties:

Documentation Finding:

Public Involvement:

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

Section 4(f) Resources

No presence, no impact

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, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, the aerial map of the project area (Appendix **X**, page **A**), and the RFI report (Appendix **X**, page **A**) there is *(number)* potential 4(f) resources located within the 0.5 mile search radius. According to additional research, *(other sources used)*, and by the site visit on *(date)* by *(entity)*, there are no Section 4(f) resources within or adjacent to the project area. Therefore, no use is expected.

OR

Presence, no impact, no use

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, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, the aerial map of the project area (Appendix **X**, page **A**), and the RFI report (Appendix **X**, page **A**), there is *(number)* potential 4(f) resources located within the 0.5 mile search radius. According to additional research, *(other sources used)*, and by the site visit on *(date)* by *(entity)*, there is *(number)* 4(f) resources located within or adjacent to the project area. *(Describe the 4(f) resource and the characteristics that make the property eligible for protection under Section 4(f)). (Briefly explain the project and why there will be no direct or indirect impacts to the 4(f) resource).* The project will not use this resource by taking permanent right of way and will not indirectly use the

resource in such a way that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Therefore, no 4(f) use is expected. *If the project falls under an exception follow the FHWA 4(f) Policy Paper.*

OR

Presence, impact, use or no use

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, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, the aerial map of the project area (Appendix X, page A), and the RFI report (Appendix X, page A), there is (number) potential 4(f) resources located within the 0.5 mile search radius. According to additional research, (other sources used), and by the site visit on (date) by (entity), there is (number) 4(f) resources located within or adjacent to the project area. (Identify the Section 4(f) resource, describe the characteristics that make the property eligible for protection under Section 4(f), describe the impacts to the Section 4(f) resource, and determine whether it is a use of a Section 4(f) resource. Discuss whether the project is exempt (23 CFR 774.13), falls under a 4(f) programmatic evaluation, de minimis evaluation, or requires an Individual 4(f) evaluation). The information provided should be commensurate with the evaluation type. Relevant 4(f) graphics, correspondence, letters, OWJ concurrence (if applicable), and reports should be provided in the appendix. (Refer to 4(f) Policy Paper or FHWA Toolkit for further guidance).

Section 6(f) Resources

Include list of LWCF land for applicable county in Appendix.

No presence or presence, no impact

The U.S. Land and Water Conservation Fund Act of 1965 established the Land and Water Conservation Fund (LWCF), which was created to preserve, develop, and assure accessibility to outdoor recreation resources. Section 6(f) of this Act prohibits conversion of lands purchased with LWCF monies to a non-recreation use.

A review of 6(f) properties on the INDOT ESD website revealed a total of (number) properties in (county) County (Appendix X, page A). None of these properties are located within or adjacent to the project area. Therefore, there will be no impacts to 6(f) resources.

OR

Presence, with impact

The U.S. Land and Water Conservation Fund Act of 1965 established the Land and Water Conservation Fund (LWCF), which was created to preserve, develop, and assure accessibility to outdoor recreation resources. Section 6(f) of this Act prohibits conversion of lands purchased with LWCF monies to a non-recreation use.

A review of 6(f) properties on the INDOT ESD website revealed a total of (number) properties in (county) County (Appendix X, page A). (Number and name of property) are located within or adjacent to the project area. (Include what impacts will occur to applicable 6(f) resource(s) and coordination from resource agencies (i.e. IDNR Outdoor Recreation, USFWS, National Park Services)). (Discuss how the project will comply with the criteria and requirements to convert a LWCF funded property). (Include commitments needed and why avoidance alternatives would not be practicable). *Provide conversion concurrence letter in appendix.*

SECTION F – AIR QUALITY

Please note the 1997 Ozone 8-Hour standard was revoked April 6, 2015. Based on the South Coast Air Quality Management District v. Environmental Protection Agency Decision on February 16, 2018, areas that were not shown to conform to the 1997 standard or the 2015 Ozone standard will need to show conformity. Most areas that are affected by this decision are within a Metropolitan Planning Organization (MPO) or Regional Planning Organization (RPO) and they are working toward showing conformity by February 16, 2019. For projects that are not specifically exempted, it may require coordination with the respective MPO or RPO to ensure conformity. If the project is within Jackson or Greene County, coordination will need to occur with the INDOT ESD.

STIP/TIP *Do not include MPO map in Appendix.*

Standalone Project or Lead DES number

This project is included in the Fiscal Year (FY) (include years) (Name of Metropolitan Planning Organization Transportation Improvement Program (MPO TIP) if within a MPO and) Statewide Transportation Improvement Program (STIP) (Appendix X, page A).

OR

Project Bundled in Contract

The FY 2020-2024 STIP is listed based on the lead DES number in the contract. The lead DES number for this contract is (DES number). The FY 2020-2024 STIP includes DES number (DES number) by reference with the contract number (Contract number) (Appendix X, page A).

Attainment Status

Attainment area *Do not include attainment map in Appendix.*

This project is located in X County, which is currently in attainment for all criteria pollutants according to (cite source used). Therefore, the conformity procedures of 40 CFR Part 93 do not apply.

OR

Nonattainment/maintenance area, exempt project

This project is located in X County, which is currently a (nonattainment – OR - maintenance) area for (list criteria pollutants) according to (cite source used). This project has been identified as being exempt from air quality analysis in accordance with 40 CFR Part 93.126 and this project is not a project of air quality concern (40 CFR Part 93.123). Therefore, the project will have no significant impact on air quality.

OR

Nonattainment area/maintenance area *(For counties within a MPO, if the county is nonattainment or maintenance and not within a MPO, project level conformity may be required and coordination with INDOT ESD is needed).*

- **Ozone:** This project is located in X County, which is currently a (nonattainment – OR - maintenance) area for Ozone, under the (year) (standard) (for the 1997 Ozone 8-hour standard include the following: which was revoked in 2015 but is being evaluated for conformity due to the February 16, 2018, South Coast Air Quality Management District V. Environmental Protection Agency, Et. Al. Decision.) The project's design concept and scope are accurately reflected in both the (name of MPO) Transportation Plan (TP) and the Transportation Improvement Program (TIP) and both conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met.
- **PM2.5:** This project is located in X County. This county is currently a (nonattainment – OR - maintenance) area for PM2.5. Under 40 CFR 93.123, this is not a project of air quality concern. Therefore, a hot spot analysis for PM2.5 is not required. *(Coordination with INDOT ESD should occur).*

- **CO:** *(If the project is located in a CO nonattainment/maintenance area, a hot spot analysis may be required. Please consult with INDOT ESD to determine the type of analysis required.)*

MSAT

MSAT Level 1a Analysis

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.

MSAT Level 1b Analysis

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.

SECTION G - NOISE

Type III Project

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.

Type I Project, no impact

Based on the studies completed to date, *(entity)* 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 Project, with abatement

(If a noise analysis is required, summarize results:

- *The number of receptors identified and the appropriate Noise Abatement Category,*
- *The existing and future noise levels predicted,*
- *The number of impacted receptors, and*
- *Statement of Likelihood)*

Based on the studies completed to date, *(entity)* 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. (Entity) will incorporate highway traffic noise consideration in on-going activities for public involvement in the highway program.

Type 1 Project, no abatement

(If a noise analysis is required, summarize results:

- The number of receptors identified and the appropriate Noise Abatement Category,
- The existing and future noise levels predicted,
- The number of impacted receptors, and
- Statement of Likelihood)

Based on the studies thus far accomplished, the (entity) has not identified any locations where noise abatement is likely. This determination was 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.

SECTION H – COMMUNITY IMPACTS

Public Facilities & Services

No presence, no impact

Based on a desktop review, the aerial map of the project area (Appendix X, page A), and the RFI report (Appendix X, page A) there is (number – OR - no) public facilities within the 0.5 mile search radius. That number was (confirmed - OR- include updated number if it is different) by the site visit on (date) by (entity), and (any other source used). There are no public facilities within or adjacent to the project area, therefore, no impacts are expected. Access to all properties will be maintained during construction.

OR

Presence, no impact

Based on a desktop review, the aerial map of the project area (Appendix X, page A), and the RFI report (Appendix X, page A), there is (number) (type of facility) located within the 0.5 mile of the project. (Please repeat this for each type of facility). That number was (confirmed -OR- include updated number if it is different) by the site visit on (date) by (entity), and (any other source used). The (list the public facilities) are within or adjacent to the project area. (Briefly explain the project and why there will be no direct or indirect impacts to public facility). Therefore, no impacts are expected. Access to all properties will be maintained during construction.

OR

Presence, with impacts

Based on a desktop review, the aerial map of the project area (Appendix X, page A) and the RFI report (Appendix X, page A), there is (number) (type of facility) located within the 0.5 mile of the project. (Please repeat this for each type of facility). That number was (confirmed -OR- include updated number if it is different) by the site visit on (date) by (entity), and (any other source used). The (list the public facilities) are within or adjacent to the project area. (Briefly explain the project and what will be the direct or indirect impacts to the public facilities). (Include discussion if access to all properties will be maintained during construction).

Early Coordination (include if agency recommendations received pertains to resource included in this section) (Agency(ies)) responded on (date) with recommendations to (Include summary of recommendations from the agency) (feature) (Appendix X, page A). All applicable recommendations are included in the Environmental Commitments section of this CE document.

Include the following firm commitment in remarks box and commitments section for all projects:

It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access.

Environmental Justice (EJ) (Presidential EO 12898)

No EJ analysis required

Under FHWA Order 6640.23A, FHWA and the project sponsor, as a recipient of funding from FHWA, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. This project will have no relocations and will require less than 0.5 acre of additional permanent right-of-way; therefore, an EJ analysis is not required per the current INDOT Categorical Exclusion Manual.

EJ Analysis, No EJ Populations

Under FHWA Order 6640.23A, FHWA and the project sponsor, as a recipient of funding from FHWA, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. Per the current INDOT Categorical Exclusion Manual, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent right-of-way. The project will require (identify right-of-way, relocations). Therefore, an EJ Analysis is required.

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is (county, city, town, township, etc.). The community that overlaps the project area is called the affected community (AC). In this project, the AC is (Census Tracts and/or Block Groups). An AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from the (Census source and date range) was obtained from the (source) on (date) by (entity). The data collected for minority and low-income populations within the AC are summarized in the below table. (*Table should include the Percent (Minority/Low-Income), 125% of COC, Population of EJ Concern (Yes – OR - No) along with the COC and AC). Below is a Sample.

Table: Minority and Low-Income Data (Source Data and Year)			
	COC - (County, City, Town or Township)	AC-1 - (Block Group Y, Census Tract Z, County, Indiana)	AC-2 - (Block Group W, Census Tract X, County, Indiana)
Percent Minority	(%)	(%)	(%)
125% of COC	(125% * COC %)	AC < 125% COC	AC < 125% COC
EJ Population of Concern		(Yes or No)	(Yes or No)
Percent Low-Income	(%)	(%)	(%)
125% of COC	(125% * COC %)	AC < 125% COC	AC < 125% COC
EJ Population of Concern		(Yes or No)	(Yes or No)

**Refer to the INDOT EJ guidance for calculating percentages*

AC-1, Block Group Y, Census Tract Z has a percent minority of (%) which is below 50% and is below the 125% COC threshold. AC-2, Block Group W, Census Tract X has a percent minority of (%) which is below 50% and is below the 125% COC threshold. Therefore, both AC's do not contain minority populations of EJ concern.

AC-1, Block Group Y, Census Tract Z has a percent low-income of (%) which is below 50% and is below the 125% COC threshold. AC-2, Block Group W, Census Tract X has a percent low-income of (%) which is below 50% and is below the 125% COC threshold. Therefore, both AC's do not contain low-income populations of EJ concern.

Conclusion

The census data sheets, map, and calculations can be found in Appendix (X). *(Include a summary of the EJ analysis results).* No further environmental justice analysis is warranted.

For the environmental document, the EJ analysis should contain a map illustrating the AC and COC, Census data sheets, and the calculations (usually represented as an excel spreadsheet).

EJ Analysis, EJ Populations

Under FHWA Order 6640.23A, FHWA and the project sponsor, as a recipient of funding from FHWA, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. Per the current INDOT Categorical Exclusion Manual, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent right-of-way. The project will require *(identify right-of-way, relocations)*. Therefore, an EJ Analysis is required.

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is *(county, city, town, township, etc.)*. The community that overlaps the project area is called the affected community (AC). In this project, the AC is *(Census Tracts and/or Block Groups)*. An AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from the *(Census source and date range)* was obtained from the *(source)* on *(date)* by *(entity)*. The data collected for minority and low-income populations within the AC are summarized in the below table. *(*Table should include the Percent (Minority/Low-Income), 125% of COC, Population of EJ Concern (Yes – OR - No) along with the COC and AC). Below is a Sample.*

Table: Minority and Low-Income Data (Source Data and Year)			
	COC - (County, City, Town or Township)	AC-1 - (Block Group Y, Census Tract Z, County, Indiana)	AC-2 - (Block Group W, Census Tract X, County, Indiana)
Percent Minority	(%)	(%)	(%)
125% of COC	(125% * COC %)	AC ≤ 125% COC	AC ≤ 125% COC
EJ Population of Concern		(Yes or No)	(Yes or No)
Percent Low-Income	(%)	(%)	(%)
125% of COC	(125% * COC %)	AC ≤ 125% COC	AC ≤ 125% COC
EJ Population of Concern		(Yes or No)	(Yes or No)

**Refer to the INDOT EJ guidance for calculating percentages*

AC-1, Block Group Y, Census Tract Z has a percent minority of (%) which is *(above – OR - below)* 50% and is *(above – OR - below)* the 125% COC threshold. AC-2, Block Group W, Census Tract X has a percent minority of (%) which is *(above – OR - below)* 50% but is *(above – OR - below)* the 125% COC. Therefore, **AC-X** is a minority population of EJ concern.

AC-1, Block Group Y, Census Tract Z has a percent low-income of (%) which is *(above – OR - below)* 50% and is *(above – OR - below)* the 125% COC threshold. AC-2, Block Group W, Census Tract X has a percent low-income of (%) which is *(above – OR - below)* 50% but is *(above – OR - below)* the 125% COC. Therefore, **AC-X** is a low-income population of EJ concern.

**If the project is above 50%, the 125% COC statement can be omitted i.e. AC-2, Block Group W, Census Tract X has a percent low-income of (%) which is above 50%. Therefore, AC-2 is a low-income population of EJ concern.*

Conclusion

(Explain the impacts (right-of-way, relocations, changes in access, changes in community cohesion, etc.) and state why the identified populations will or will not experience a disproportionately high and adverse impact from the project. Correspondence with INDOT ESD, FHWA, etc. should be summarized. If the project has a potential for a disproportionately high and adverse effect, an explanation of the actions taken, or will be taken, to avoid these effects should be described. Avoidance alternatives must be explored and summarized. If mitigation is required, please describe all efforts to solicit and incorporate feedback from EJ populations i.e. meetings, publications, project commitments, etc. Include any additional EJ studies or assessments that may be necessary).

**For the environmental document, the EJ analysis should contain a map illustrating the AC and COC, Census data sheets, and the calculations (usually represented as an excel spreadsheet), any correspondence with INDOT, FHWA, etc., any mitigation measures, meetings, assessments, etc.*

**Please note, any EJ analysis that identifies an EJ population must be submitted to INDOT ESD for review before CE document is submitted.*

Displacement of People, Businesses, and Farms

No Relocations

No relocations of people, businesses, or farms will take place as a result of this project.

OR

Relocations Anticipated

(Describe the number and type of relocations anticipated.) (Include discussion of avoidance or minimization efforts and avoidance alternative considered for the project.) (If a CSRS or a BIS is required provide summary of the study.) The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of 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.

Include graphics in appendix of relocations.

SECTION I – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

No presence

Based on a review of GIS and available public records, a RFI was *(completed – OR - concurred by INDOT SAM)* on *(date)* by *(entity)* (Appendix *X*, Page *A*). No sites with hazardous material concerns (hazmat sites) or sites involved with regulated substances were identified in or within 0.5 mile of the project area. Further investigation for hazardous material concerns or regulated substances is not required at this time.

OR

Presence, no impact

Based on a review of GIS and available public records, a RFI was *(completed – OR - concurred by INDOT SAM)* on *(date)* by *(entity)* (Appendix *X*, Page *A*). *(Number and type of hazmat sites)* are located within 0.5 mile of the project area. *Repeat previous sentence for each type of hazmat site identified.* None of the hazmat sites identified will impact the project. Further investigation for hazardous material concerns is not required at this time.

OR

Presence, with impact or potential impact

Based on a review of GIS and available public records, a RFI was *(completed – OR - concurred by INDOT SAM)* on

(date) by (entity) (Appendix X, Page A). (Number and type of hazmat sites) are located within 0.5 mile of the project area. Repeat previous sentence for each type of hazmat site identified. (Number and type of hazmat sites) are (located in – OR - could affect) the project area. (Repeat this for each type of site). (Include recommendations in the RFI report. Information included in the RFI recommendations should be included here verbatim unless action has already occurred (i.e. if recommendation includes to coordinate with an entity, and coordination has occurred, adjust recommendation language to include actions that have taken place)). Refer to CE and RFI Manuals for further guidance.

Part IV – Permits and Commitments

PERMITS

Describe all permits likely needed. Include early coordination responses related to permits that will likely be needed (i.e. IDNR, INDOT Aviation, etc.).

Applicable recommendations provided by resource agencies are included in the Environmental Commitments section of this document. If permits are found to be necessary, the conditions of the permit will be requirements of the project and will supersede these recommendations.

It is the responsibility of the project sponsor to identify and obtain all required permits.

COMMITMENTS

The following commitments are standard INDOT commitments for all projects. Additional commitments might be needed based on early coordination responses and project specific impacts.

FIRM

- 1) If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately. (INDOT ESD and INDOT District)
- 2) It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. (INDOT ESD)