November 13, 2019

To:   Ryan Falls
       Indiana Department of Transportation
       Vincennes District Office
       3650 South US 41
       Vincennes, IN  47591

From:   Juliet Port, LPG
       Senior Environmental Planner
       Parsons
       101 West Ohio Street, Suite 2121
       Indianapolis, IN  46204

RE:   Additional Information Document for Categorical Exclusion, Level 2
       Des. No. 0710929 (lead) and 1296642
       SR 66 Intersection Improvement and Small Structure Replacement
       Spencer County, Indiana

On August 18, 2017, the Vincennes District approved the Categorical Exclusion, Level 2 (CE-2) for the above referenced project. Since that time, the design was modified from a roundabout to a signalized intersection. This Additional Information document (AI) has been prepared to document the changes in project scope and evaluate their impacts.

Preferred Alternative – Signalized Intersection with Added Turn Lanes
The revised preferred alternative includes a mill and overlay of existing pavement, widening the intersection to accommodate added left turn only lanes along SR 66, drainage improvements, an upgraded signal, and upgraded signs (see project plans, Attachment 1). Travel lanes in all directions would remain unchanged. As part of this project, several pipes and culverts will be replaced, including INDOT Structure CV 066-074-54.00. The project does not include work on existing permanent lighting. Guardrail will be installed where needed.

All work will occur within 50 feet of the existing edge of pavement. Approximate project termini were expanded east and west to achieve left turn lane deceleration and storage lengths. The approximate termini are from 1,105 feet west to 595 feet east of the intersection center, and from 320 feet south to 265 feet north of the intersection center. In the expanded areas, construction is limited to existing paved surfaces, plus three areas where existing signs and a driveway pipe will be replaced. These three areas are south of SR 66 and west of Orchard Road within previously-disturbed soils. Based on Parsons October 16, 2019 site visit, the areas are maintained grassy roadides located within ten feet of existing pavement. A total of 0.82 acre of permanent right-of-way and up to 0.5 acre of temporary right-of-way will be acquired for this project.

The project is scheduled to begin in the spring of 2020, and work will occur year-round. During construction, temporary lighting may be used, and the intersection will remain open to traffic along SR 66. The area will be restricted to one lane of traffic, which will be controlled by temporary signals. Traffic traveling north- and south-bound along Orchard Road will experience temporary disruptions requiring detours via local roads, SR 161, and SR 66.
The preferred alternative will meet the project’s purpose and need by improving safety with lengthened deceleration areas, increasing capacity of the intersection, and maintaining a sufficient crossing of SR 66 over UNTs to Huffman Drain.

**Alternatives Analysis**
Due to public concerns about the proposed roundabout, the following project alternatives were reanalyzed and compared to the revised preferred alternative (signalized intersection with added turn lanes).

**Alternative 1 – No-Build (Signalized Intersection)**
This alternative would leave the intersection in its present condition. The no-build alternative would not address the project’s purpose and need because it would not increase capacity of the intersection and it would not correct the intersection’s drainage issues (small structure project Des. No. 1296642). Therefore, it was dismissed from further consideration.

**Alternative 2 – Offset Roundabout (Former Preferred Alternative from the 2017 CE-2)**
This alternative is an offset roundabout with a single 16-foot wide travel lane. Additionally, INDOT Structure CV-066-074-54.00 would be replaced. While this alternative would meet the project’s purpose and need, there were public concerns about the roundabout and its potential impact to area businesses and oversized agricultural vehicles. Additionally, this alternative would impact over 800 linear feet of streams (UNTs to Huffman Drain). While the off-set roundabout alternative would meet the project’s purpose and need, it lacked public support and would incur more stream impacts compared to the preferred alternative, therefore it was dismissed from further consideration.

**Right-of-Way**
The preferred alternative will require the same permanent right-of-way that was analyzed in the 2017 CE-2 document, a total of 0.82 acre consisting of strips from commercial and school corporation real estate. No relocations are proposed. This right-of-way is needed to correct the intersection’s drainage issues. Up to 0.5 acre of temporary right-of-way may be required to match private driveway profiles.

**Red Flag Investigation**
The Red Flag Investigation (RFI) approved February 8, 2016 was reevaluated. The current RFI data was reviewed and found to be consistent with the information previously approved, therefore no addendum was needed (Attachment 2).

**Water Resources**
Due to the expanded project limits, the *Waters of the US Report* approved November 3, 2017 was reevaluated. Expanded project limits are limited to existing paved surfaces, except for three locations where existing signs and a 15-inch diameter driveway pipe will be replaced. These areas were reviewed by Parsons on October 16, 2019. They are located within 10 feet of existing pavement and consist of mowed grass. No evidence of water resources was noted. Therefore, no revisions to the *Waters of the US Report* are required.

**Threatened and Endangered Species**
Since this project was initiated in 2016, the potential impact to Threatened and Endangered Species was updated (Attachment 2). Project information was submitted through the United States Fish and Wildlife Service’s (USFWS’s) Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Attachment 4). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). Other species were found to be present within or adjacent to the project area along with the Indiana bat and NLEB, discussed further below.
The project qualifies for the Range-wide Programmatic Informal Consultation for the Indiana bat and NLEB, dated May 2016 (revised February 2018), between FHWA, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and USFWS. An effect determination key was completed on October 23, 2019, and based on the responses provided, the project was found to “May Affect, Not Likely To Adversely Affect” the Indiana bat and/or the NLEB. INDOT reviewed and verified the effect finding on October 24, 2019, and requested USFWS’s review of the finding (Attachment 5). No response was received from USFWS within the 14-day review period; therefore, it was concluded they concur with the finding. Avoidance and Mitigation Measures (AMMs) are included as firm commitments in the Environmental Commitments section of this document.

The official species list generated from IPaC indicated two other species present within the project area, the gray bat (*Myotis grisescens*) and the least tern (*Sterna antillarum*). The project qualifies for the USFWS Interim Policy. Further coordination is not needed with USFWS.

**Public Involvement**
Following approval of this AI, INDOT will hold a public information meeting to inform the public of the project changes.

**Permitting**
Permits will be updated to reflect the current project limits and revised impacts. No additional permits are necessary. Revisions will be coordinated through the INDOT Ecology and Permitting Office (EWPO).

**Environmental Commitments**
The following firm environmental commitments will be added to the existing list of project commitments:

General AMM 1 - Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

Lighting AMM 1 - Direct temporary lighting away from suitable habitat during the active season.

**Conclusions**
Based on the information provided in this AI, the impacts associated with this project remain consistent with the thresholds of a CE-2. This addendum validates the CE-2 and reflects the current scope of the project as of the date of this AI. The documentation and determinations in the CE-2 approved on August 18, 2017 remain valid unless otherwise stated in this document. If the scope of work or permanent or temporary right-of-way amounts change, INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately. This Additional Information addendum and the approved CE-2 fulfill the responsibilities of INDOT and FHWA as required by the National Environmental Policy Act, as amended.

Approval of AI: ___________________________ Date: 11/18/2019

Environmental Scoping Manager or Environmental Policy Manager
Attachments

Attachment 1
Project Plans (Excerpts) ................................................................. 1-11

Attachment 2
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Structure Assessment Forms .............................................................. 1-5

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USFWS Concurrence Verification Letter .......................................... 1-12
Attachment 1

Project Plans
PROJECT NO.
Intersection Improvement on State Road 66 at Orchard Road (CR 275 W), located 1,375 feet East of SR 161 (East Jct.), in Sections 17, 20, T-7-S, R-6-W, Ohio Township, Spencer County, Indiana.

Gross Length: 0.322 MI.
Net Length: 0.322 MI.
Maximum Grade: 0.72 %

Begin Project Sta. 328+45 'B'
End Project Sta. 345+86 'B'
End Construction Sta. 201+75 "S-2-A"
Begin Construction Sta. 196+90 "S-1-A"

INDIANA DEPARTMENT OF TRANSPORTATION
ROAD PLANS
ROUTE: S.R. 66 FROM: RP 53+0.77 TO: RP 54+0.09
0710929 P.E.
0710929 R/W
0710929 CONST.

LOCATION MAP
SPENCER COUNTY
Note to reviewer: Detour provided to allow access to school and businesses along CR 275 W and Orchard Road. CR 66 to remain open to traffic.

Construction Area
Detour Route (Direction of Travel)
Phase 1

1. Maintain Traffic on SR 66 using One-Lane Two-Way Operation with a Temporary Signal, Coordinated with the Signal for Orchard Road in a Three Phase Operation.


1. Maintain traffic on SR 66 using existing pavement and widening constructed during Phase 2.
3. Construct structures under Orchard Road and Orchard Road pavement.
Phase 2B

1. Maintain Westbound Traffic on SR 66 Using Existing Pavement and Widening Constructed During Phases 2. Westbound SR 66 will remain Open for All Lanes. Eastbound SR 66 will be Closed of the Eastbound Lanes in Accordance with Specifications. Signs Shown are Supplemental to the Phase 2A Signs.


Note: Maintain Access to all Drives

**INDIANA DEPARTMENT OF TRANSPORTATION**

**MAINTENANCE OF TRAFFIC**

**S.R. 66 PHASE 2B - OVERNIGHT HOURS**

**LINE 'B'**

**ROAD CLOSED**

**ROAD WORK END**

**Note:** Maintain Access to all Drives
Juliet Port,

With regards to the RFI, no addendum is necessary. Since the RFI is more than 3 years old, I coordinated with the SAM group. We reviewed the scope change, the areas of concern in the original RFI, and the current RFI layers. Since the hazmat sites were deemed to not be impacted from distance from the project’s grading work, there is no need for the addendum. Please place this portion of the email chain into the AI and reference it in the text to verify no addendum to the RFI was needed.

With regards to the Indiana Bat and NLEB Programmatic, please run the project through IPaC. As time is a factor, I have already completed the USFWS ETR GIS layer check during this email review:

A review of the USFWS database did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. The range-wide programmatic consultation for the Indiana Bat and Northern Long-eared Bat will be completed according to the most recent “Using the USFWS’s IPaC System for Listed Bat Consultation for INDOT Projects”.

Please proceed with the field inspections for evidence of bats for the structures involved.

With regards to Section 106, I agree with your assessment that no NTF to INDOT CRO is necessary.

Thank you for your work on this project,

Ryan Falls
Capital Program Management-Senior Environmental Manager Supervisor
Indiana Department of Transportation
3650 South US Highway 41
Vincennes, IN 47591
Office: 812-895-7326
Fax: 812-895-7474
Cisco: 14605
Email: falls@indot.IN.gov
*I am usually only able to be reached by the above office number a few days out of the week. Please email me inquiries if I cannot be reached.
AI for the CE-2
SR 66 Intersection Improvement
Spencer Co.
Des No. 0710929

Ryan,

I hope you had a nice holiday weekend. I’d like to verify the scope for the AI. The CE-2 was signed and approved Aug 18, 2017.

- RFI – was signed Feb. 8, 2016. Therefore, an RFI Addendum is probably needed? Please confirm.
- Bats – the ECLs were sent in April 2016, therefore the project pre-dated the Indiana Bat and NLEB Programmatic. Could you please confirm if we need to apply that now and run the IPaC Determination Key??
  - If yes, we will need to go out there and inspect the structures and pipes for evidence of bats. I’d like to do that later this week, if possible, so please let us know ASAP if this is required.
- Section 106 – The 800.11 Finding was “No Historic Properties Effected”. The project limits and APE appear sufficient and the proposed right-of-way is the same. Therefore, do we need to submit a Note to File to INDOT-CRO ??

I appreciate your time and assistance. Thank you,

Juliet Port, LPG
Senior Environmental Planner
Parsons
101 W Ohio, Suite 2121
Indianapolis, IN 46204
317-616-4693
Attachment 3

Structure Assessment Forms
**APPENDIX D: Bridge/Structure Assessment Form**

This form will be completed and submitted to the District Environmental Manager by the Contractor prior to conducting any work below the deck surface either from the underside; from activities above that bore down to the underside; from activities that could impact expansion joints; from deck removal on bridges; or from structure demolition for bridges/structures within 1000 feet of suitable bat habitat.

<table>
<thead>
<tr>
<th>DOT Project #</th>
<th>Water Body</th>
<th>Date/Time of Inspection</th>
<th>Within 1,000ft of suitable bat habitat (circle one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0710929</td>
<td>Huffman Drain</td>
<td>10/16/2019; 10:10 am</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Route</th>
<th>County</th>
<th>Federal Structure ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR 66</td>
<td>Spencer</td>
<td>CV 066-74-54.00</td>
</tr>
</tbody>
</table>

If the bridge/structure is 1,000 feet or more from suitable bat habitat (e.g., an urban or agricultural area without suitable foraging habitat or corridors linking the bridge to suitable foraging habitat), check box and STOP HERE. No assessment required. ☐

Please submit to the U.S. Fish and Wildlife Service.

**Areas Inspected (Check all that apply)**

**AS SAFELY FEASIBLE**

<table>
<thead>
<tr>
<th>Bridges</th>
<th>Culverts/Other Structures</th>
<th>Summary Info (circle all that apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All vertical crevices sealed at the top and 0.5-1.25” wide &amp; ≥4” deep</td>
<td>Crevices, rough surfaces or imperfections in concrete</td>
<td>X Human disturbance or traffic under bridge/in culvert or at the structure</td>
</tr>
<tr>
<td>All crevices &gt;12” deep &amp; not sealed</td>
<td>Spaces between walls, ceiling joists</td>
<td>X Possible corridors for netting</td>
</tr>
<tr>
<td>All guardrails</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All expansion joints</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spaces between concrete end walls and the bridge deck</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vertical surfaces on concrete I-beams</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Evidence of Bats (Circle all that apply)** Presence of one or more indicators is sufficient evidence that bats may be using the structure. None

- Visual (e.g., survey, thermal, emergent etc.) Guano Staining definitively from bats
  - Live ___number seen
  - Dead ___number seen
  - Photo documentation Y/N

- Audible

<table>
<thead>
<tr>
<th>Assessment Conducted By: Juliet Port</th>
<th>Signature(s): Juliet Port</th>
</tr>
</thead>
</table>

**District Environmental Use Only:** Date Received by District Environmental Manager: __________

**DOT Bat Assessment Form Instructions**

1. Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges, regardless of whether assessments have been conducted in the past.
2. Any bridge/structure suspected of providing habitat for any species of bat will be removed from work schedules until such time that the DOT has coordinated with the USFWS. Additional studies may be undertaken by the DOT to determine what species may be utilizing each structure identified as supporting bats prior to allowing any work to proceed.
3. Any questions should be directed to the District Environmental Manager.

Last Revised June 2017
APPENDIX D: Bridge/Structure Assessment Form

This form will be completed and submitted to the District Environmental Manager by the Contractor prior to conducting any work below the deck surface either from the underside; from activities above that bore down to the underside; from activities that could impact expansion joints; from deck removal on bridges; or from structure demolition for bridges/structures within 1000 feet of suitable bat habitat.

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<th>Water Body</th>
<th>Date/Time of Inspection</th>
<th>Within 1,000ft of suitable bat habitat (circle one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0710929</td>
<td>UNTs to Huffman Drain and non-jurisdictional drainage features</td>
<td>10/16/2019; 10:30 am</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<th>County</th>
<th>Federal Structure ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR 66</td>
<td>Spencer</td>
<td>N/A – see attached list</td>
</tr>
</tbody>
</table>

If the bridge/structure is 1,000 feet or more from suitable bat habitat (e.g., an urban or agricultural area without suitable foraging habitat or corridors linking the bridge to suitable foraging habitat), check box and STOP HERE. No assessment required. □ Please submit to the U.S. Fish and Wildlife Service.

Areas Inspected (Check all that apply)  AS SAFELY FEASIBLE

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<td></td>
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</tr>
</tbody>
</table>

Evidence of Bats (Circle all that apply) Presence of one or more indicators is sufficient evidence that bats may be using the structure.

None

- Visual (e.g. survey, thermal, emergent etc.)
  - Guano
    - Staining definitively from bats
  - Odor Y/N
    - Photo documentation Y/N
  - Live __number seen
  - Dead __number seen

Audible

Assessment Conducted By: Juliet Port Signature(s):

District Environmental Use Only: Date Received by District Environmental Manager: ______________

DOT Bat Assessment Form Instructions

1. Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges, regardless of whether assessments have been conducted in the past.
2. Any bridge/structure suspected of providing habitat for any species of bat will be removed from work schedules until such time that the DOT has coordinated with the USFWS. Additional studies may be undertaken by the DOT to determine what species may be utilizing each structure identified as supporting bats prior to allowing any work to proceed.
3. Any questions should be directed to the District Environmental Manager.

Last Revised June 2017
Culverts and Pipes inspected on October 16, 2019

- 72-inch x 42-inch squashed corrugated metal pipe (CMP) beneath Orchard Road, south of SR 66

- Pipes along and beneath CR 275 W/Orchard Road at the intersection of SR 66:
  - Three 30-inch CMPs on the west side beneath a concrete commercial drive
  - One 42-inch smooth-walled steel pipe (SWSP) beneath CR 275 W/Orchard Road
  - One 36-inch CMP beneath CR 275 W/Orchard Road
  - Twin 30-inch CMPs on the east side beneath the asphalt drive to the fire station

- 66-inch CMP beneath Orchard Road, north of SR 66

- Two 12-inch SWSP south of SR 66, beneath drive to multi-tenant building and Rudolph Brothers
Photo 1 – View of INDOT Structure CV 066-74-54.00 facing northeast (10-16-19).

Photo 2 – View inside INDOT Structure CV 066-74-54.00 facing north (10-16-19).

Photo 3 – View of 72-inch by 42-inch squashed CMP facing northwest (10-16-19).

Photo 4 – View inside squashed CMP, facing west (10-16-19).
Photo 5 – View of four pipes on the west side of CR 275 facing north (10-16-19).

Photo 6 – View inside 66-inch CMP north of SR 66, facing east (10-16-19).

Photo 7 – View of two 30-inch CMPs east of CR 275 W facing north (10-16-19).

Photo 8 – View of two 12-inch SWSPs south of SR 66 facing down (10-16-18).
Attachment 4

USFWS Species List
In Reply Refer To:  
Consultation Code: 03E12000-2020-SLI-0114  
Event Code: 03E12000-2020-E-00594  
Project Name: Des 0710929 SR 66 Intersection Improvement

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website http://ecos.fws.gov/ipac/ at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - http://www.fws.gov/midwest/endangered/section7/s7process/index.html. This website contains step-by-step instructions which will help you
determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all wind energy projects and projects that include installing towers that use guy wires or are over 200 feet in height, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.) and Migratory Bird Treaty Act (16 U.S.C. 703 et seq), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Indiana Ecological Services Field Office
620 South Walker Street
Bloomington, IN 47403-2121
(812) 334-4261
Project Summary

Consultation Code: 03E12000-2020-SLI-0114
Event Code: 03E12000-2020-E-00594
Project Name: Des 0710929 SR 66 Intersection Improvement
Project Type: TRANSPORTATION

Project Description: The proposed project is an intersection improvement at SR 66 and CR 275 W/Orchard Road in the unincorporated community of Reo, Spencer County, Indiana. Topography in the project area is flat, with adjacent land use consisting of commercial and agricultural to the northeast, South Spencer High School to the northwest, commercial to the southwest, and a fire department to the southeast. The purpose of this project is to improve the safety and capacity of the intersection, and to ensure a safe and hydraulically adequate crossing of SR 66 over Huffman Drain.

This segment of SR 66 consists of two 12-foot lanes, with paved shoulders that range in width from one to two feet. It has dedicated right-turn lanes in each direction. The northbound Orchard Road approach has two 12-foot travel lanes and an additional 12-foot left turn lane. The south Orchard Road approach is a single 12-foot lane that widens into two 12-foot lanes at the intersection.

The preferred alternative includes a mill and overlay of existing pavement, widening the intersection to accommodate added left turn only lanes along SR 66, drainage improvements, an upgraded signal, and upgraded signs. Travel lanes in all directions would remain unchanged. As part of this project, several pipes and culverts will be replaced, including INDOT Structure CV 066-074-54.00. The project will not work on existing permanent lighting.

During construction, temporary lighting may be used, and the intersection will remain open to traffic along SR 66. The area will be restricted to one lane of traffic, which will be controlled by signals. Traffic traveling north- and south-bound along Orchard Road will experience temporary disruptions requiring detours via local roads, SR 161, and SR 66.

The project is scheduled to begin in the Spring of 2020 and work will occur year-round. All work will occur within 50 feet of the existing edge of pavement. A total of 0.82 acre of permanent right-of-way and up to 0.5 acre of temporary right-of-way will be acquired for this project.
Suitable summer habitat is present approximately 600 feet northwest of the western project limits. Additionally, there is a narrow, vegetated corridor along Huffman Drain. There are no trees within the project area, therefore this project does not include tree clearing or trimming.

A review of the USFWS database on October 15, 2019 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. The culverts and pipes were inspected on October 16, 2019. No evidence for the presence of bats was encountered.

Project Location:
Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/37.90165029422813N87.1066589245271W

Counties: Spencer, IN
Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. **NOAA Fisheries**, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gray Bat <em>Myotis grisescens</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/6329">https://ecos.fws.gov/ecp/species/6329</a></td>
<td></td>
</tr>
<tr>
<td>Indiana Bat <em>Myotis sodalis</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>There is final critical habitat for this species. Your location is outside the critical habitat.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a></td>
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</tr>
<tr>
<td>Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/1/office/31440.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/1/office/31440.pdf</a></td>
<td></td>
</tr>
<tr>
<td>Northern Long-eared Bat <em>Myotis septentrionalis</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>This species only needs to be considered under the following conditions:</td>
<td></td>
</tr>
<tr>
<td>- Incidental take of the NLEB is not prohibited here. Federal agencies may consult using the 4(d) rule streamlined process. Transportation projects may consult using the programmatic process. See <a href="http://www.fws.gov/midwest/endangered/mammals/nleb/index.html">www.fws.gov/midwest/endangered/mammals/nleb/index.html</a></td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a></td>
<td></td>
</tr>
</tbody>
</table>
Birds

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Least Tern <em>Sterna antillarum</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Population: interior pop.</td>
<td></td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/8505">https://ecos.fws.gov/ecp/species/8505</a></td>
<td></td>
</tr>
</tbody>
</table>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.
Attachment 5

USFWS Concurrence Verification Letter
In Reply Refer To:
Consultation Code: 03E12000-2020-I-0114
Event Code: 03E12000-2020-E-00598
Project Name: Des 0710929 SR 66 Intersection Improvement

Subject: Concurrence verification letter for the 'Des 0710929 SR 66 Intersection Improvement' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the Des 0710929 SR 66 Intersection Improvement (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (Myotis sodalis) and/or the threatened Northern long-eared bat (Myotis septentrionalis).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.
For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

The following species may occur in your project area and are not covered by this determination:

- Gray Bat, *Myotis grisescens* (Endangered)
- Least Tern, *Sterna antillarum* (Endangered)
Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

Des 0710929 SR 66 Intersection Improvement

Description
The proposed project is an intersection improvement at SR 66 and CR 275 W/Orchard Road in the unincorporated community of Reo, Spencer County, Indiana. Topography in the project area is flat, with adjacent land use consisting of commercial and agricultural to the northeast, South Spencer High School to the northwest, commercial to the southwest, and a fire department to the southeast. The purpose of this project is to improve the safety and capacity of the intersection, and to ensure a safe and hydraulically adequate crossing of SR 66 over Huffman Drain.

This segment of SR 66 consists of two 12-foot lanes, with paved shoulders that range in width from one to two feet. It has dedicated right-turn lanes in each direction. The northbound Orchard Road approach has two 12-foot travel lanes and an additional 12-foot left turn lane. The south Orchard Road approach is a single 12-foot lane that widens into two 12-foot lanes at the intersection.

The preferred alternative includes a mill and overlay of existing pavement, widening the intersection to accommodate added left turn only lanes along SR 66, drainage improvements, an upgraded signal, and upgraded signs. Travel lanes in all directions would remain unchanged. As part of this project, several pipes and culverts will be replaced, including INDOT Structure CV 066-074-54.00. The project will not work on existing permanent lighting.

During construction, temporary lighting may be used, and the intersection will remain open to traffic along SR 66. The area will be restricted to one lane of traffic, which will be controlled by signals. Traffic traveling north- and south-bound along Orchard Road will experience temporary disruptions requiring detours via local roads, SR 161, and SR 66.

The project is scheduled to begin in the Spring of 2020 and work will occur year-round. All work will occur within 50 feet of the existing edge of pavement. A total of 0.82 acre of permanent right-of-way and up to 0.5 acre of temporary right-of-way will be acquired for this project.

Suitable summer habitat is present approximately 600 feet northwest of the western project limits. Additionally, there is a narrow, vegetated corridor along Huffman Drain. There are no trees within the project area, therefore this project does not include tree clearing or trimming.

A review of the USFWS database on October 15, 2019 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. The culverts and pipes were inspected on October 16, 2019. No evidence for the presence of bats was encountered.
Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat[1]?
   [1] See Indiana bat species profile
   Automatically answered
   Yes

2. Is the project within the range of the Northern long-eared bat[1]?
   [1] See Northern long-eared bat species profile
   Automatically answered
   Yes

3. Which Federal Agency is the lead for the action?
   A) Federal Highway Administration (FHWA)

4. Are all project activities limited to non-construction[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)
   [1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.
   No

5. Does the project include any activities that are greater than 300 feet from existing road/rail surfaces[1]?
   [1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.
   No
6. Does the project include any activities within 0.5 miles of a known Indiana bat and/or NLEB hibernaculum\[1]\?

\[1\] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

\textbf{No}

7. Is the project located within a karst area?

\textbf{No}

8. Is there any suitable\[1] summer habitat for Indiana Bat or NLEB within the project action area\[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

\[1\] See the Service’s summer survey guidance for our current definitions of suitable habitat.

\[2\] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the national consultation FAQs.

\textbf{Yes}

9. Will the project remove any suitable summer habitat\[1] and/or remove/trim any existing trees within suitable summer habitat?

\[1\] See the Service’s summer survey guidance for our current definitions of suitable habitat.

\textbf{No}

10. Does the project include activities within documented Indiana bat habitat\[1]\[2]?  

\[1\] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

\[2\] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

\textbf{No}
11. Does the project include activities within documented NLEB habitat?[^1][^2]?

[^1]: Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.

[^2]: For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

12. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

13. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

14. Does the project include slash pile burning?

No

15. Does the project include any bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

16. Is there any suitable habitat[^1] for Indiana bat or NLEB within 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[^1]: See the Service’s current summer survey guidance for our current definitions of suitable habitat.

Yes
17. Has a bridge assessment[1] been conducted within the last 24 months[2] to determine if the bridge is being used by bats?


[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- Bat Inspections 20191016 final_rev.pdf https://ecos.fws.gov/ipac/project/ZQGOSKDRZCYRHAR2SRRVQSJQM/projectDocuments/18799615

18. Did the bridge assessment detect any signs of Indiana bats and/or NLEBs roosting in/under the bridge (bats, guano, etc.)?[1]

[1] If bridge assessment detects signs of any species of bats, coordination with the local FWS office is needed to identify potential threatened or endangered bat species. Additional studies may be undertaken to try to identify which bat species may be utilizing the bridge prior to allowing any work to proceed.

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

19. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing permanent lighting?

No

20. Does the project include the removal, replacement, and/or maintenance of any structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

21. Will the project involve the use of temporary lighting during the active season?

Yes
22. Is there any suitable habitat within 1,000 feet of the location(s) where temporary lighting will be used?
   Yes

23. Will the project install new or replace existing permanent lighting?
   No

24. Does the project include percussives or other activities (not including tree removal/trimming or bridge/structure work) that will increase noise levels above existing traffic/background levels?
   Yes

25. Will the activities that use percussives (not including tree removal/trimming or bridge/structure work) and/or increase noise levels above existing traffic/background levels be conducted during the active season[1]?  
   [1] Coordinate with the local Service Field Office for appropriate dates.
   Yes

26. Will any activities that use percussives (not including tree removal/trimming or bridge/structure work) and/or increase noise levels above existing traffic/background levels be conducted during the inactive season[1]?
   [1] Coordinate with the local Service Field Office for appropriate dates.
   Yes

27. Are all project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

   Examples: lining roadways, unlighted signage, rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.
   Yes

28. Will the project raise the road profile above the tree canopy?
   No
29. Are the project activities that use percussives (not including tree removal/trimming or bridge/structure work) consistent with a Not Likely to Adversely Affect determination in this key?
   Automatically answered
   Yes, because the activities are within 300 feet of the existing road/rail surface, greater than 0.5 miles from a hibernacula, conducted during the active season, and are not within documented habitat

30. Are the project activities that use percussives (not including tree removal/trimming or bridge/structure work) and/or increase noise levels above existing traffic/background levels consistent with a No Effect determination in this key?
   Automatically answered
   Yes, because the activities are within 300 feet of the existing road/rail surface, greater than 0.5 miles from a hibernacula, and conducted during the inactive season

31. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?
   Automatically answered
   Yes, because the bridge has been assessed using the criteria documented in the BA and no signs of bats were detected

32. General AMM 1
   Will the project ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

   Yes

33. Lighting AMM 1
   Will all temporary lighting be directed away from suitable habitat during the active season?

   Yes

Project Questionnaire

1. Have you made a No Effect determination for all other species indicated on the FWS IPaC generated species list?
   Yes
2. Have you made a May Affect determination for any other species on the FWS IPaC generated species list?
   No

3. Please describe the proposed bridge work:
   *The existing culverts and pipes will be replaced.*

4. Please state the timing of all proposed bridge work:
   *Year-round, scheduled to begin Spring 2020.*

5. Please enter the date of the bridge assessment:
   *October 16, 2019*

**Avoidance And Minimization Measures (AMMs)**

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

**GENERAL AMM 1**

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

**LIGHTING AMM 1**

Direct temporary lighting away from suitable habitat during the active season.
Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on March 16, 2018. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered Indiana bat (Myotis sodalis) and the threatened Northern long-eared bat (NLEB) (Myotis septentrionalis).

This decision key should only be used to verify project applicability with the Service’s February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects. The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.