



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 North Senate Avenue - Indianapolis, IN 46204
(800) 451-6027 - (317) 232-8603 - www.idem.IN.gov

Monroe County

501 N Morton St
Suite 216
Bloomington , IN 47404
Date

Green3, LLC
Kevin McLane
1104 Prospect St.
Indianapolis , IN 46203

To Engineers and Consultants Proposing Roadway Construction Projects:

RE: The Bicentennial Pathway Project, Phase 1 (Des. 0902215) involves construction and addition of 5-foot paved shoulders with 1-foot aggregate shoulders along approximately 2.32 miles of Old SR 37, from Audubon Drive to Robinson Road. The proposed project is located just north of the City of Bloomington in Bloomington Township, Monroe County. The project also includes foreslope grading, ditch grading, extension or replacement of existing drainage pipes, culvert headwall installation and repairs, and backslope modifications in various locations.

This letter from the Indiana Department of Environmental Management (IDEM) serves as a standardized response to enquiries inviting IDEM comments on roadway construction, reconstruction, or other improvement projects within existing roadway corridors when the proposed scope of the project is beneath the threshold requiring a formal National Environmental Policy Act-mandated Environmental Assessment or Environmental Impact Statement. As the letter attempts to address all roadway-related environmental topics of potential concern, it is possible that not every topic addressed in the letter will be applicable to your particular roadway project.

For additional information on specific roadway-related topics of interest, please visit the appropriate Web pages cited below, many of which provide contact information for persons within the various program areas who can answer questions not fully addressed in this letter. Also please be mindful that some environmental requirements may be subject to change and so each person intending to include a copy of this letter in their project documentation packet is advised to download the most recently revised version of the letter; found at: <http://www.in.gov/idem/5283.htm> (<http://www.in.gov/idem/5283.htm>).

To ensure that all environmentally-related issues are adequately addressed, IDEM recommends that you read this letter in its entirety, and consider each of the following issues as you move forward with the planning of your proposed roadway construction, reconstruction, or improvement project:

WATER AND BIOTIC QUALITY

1. Section 404 of the Clean Water Act requires that you obtain a permit from the U.S. Army Corps of Engineers (USACE) before discharging dredged or fill materials into any wetlands or other waters, such as rivers, lakes, streams, and ditches. Other activities regulated include the relocation, channelization, widening, or other such alteration of a stream, and the mechanical clearing (use of heavy construction equipment) of wetlands. Thus, as a project owner or sponsor, it is your responsibility to ensure that no wetlands are

disturbed without the proper permit. Although you may initially refer to the U.S. Fish and Wildlife Service National Wetland Inventory maps as a means of identifying potential areas of concern, please be mindful that those maps do not depict jurisdictional wetlands regulated by the USACE or the Department of Environmental Management. A valid jurisdictional wetlands determination can only be made by the USACE, using the 1987 Wetland Delineation Manual.

USACE recommends that you have a consultant check to determine whether your project will abut, or lie within, a wetland area. To view a list of consultants that have requested to be included on a list posted by the USACE on their Web site, see USACE Permits and Public Notices (<http://www.lrl.usace.army.mil/orf/default.asp>) (<http://www.lrl.usace.army.mil/orf/default.asp>) and then click on "Information" from the menu on the right-hand side of that page. Their "Consultant List" is the fourth entry down on the "Information" page. Please note that the USACE posts all consultants that request to appear on the list, and that inclusion of any particular consultant on the list does not represent an endorsement of that consultant by the USACE, or by IDEM.

Much of northern Indiana (Newton, Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, Steuben, and Dekalb counties; large portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and lesser portions of Benton, White, Pulaski, Kosciusko, and Wells counties) is served by the USACE District Office in Detroit (313-226-6812). The central and southern portions of the state (large portions of Benton, White, Pulaski, Kosciusko, and Wells counties; smaller portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and all other Indiana counties located in north-central, central, and southern Indiana) are served by the USACE Louisville District Office (502-315-6733).

Additional information on contacting these U.S. Army Corps of Engineers (USACE) District Offices, government agencies with jurisdiction over wetlands, and other water quality issues, can be found at <http://www.in.gov/idem/4396.htm> (<http://www.in.gov/idem/4396.htm>). IDEM recommends that impacts to wetlands and other water resources be avoided to the fullest extent.

2. In the event a Section 404 wetlands permit is required from the USACE, you also must obtain a Section 401 Water Quality Certification from the IDEM Office of Water Quality Wetlands Program. To learn more about the Wetlands Program, visit: <http://www.in.gov/idem/4384.htm> (<http://www.in.gov/idem/4384.htm>).
3. If the USACE determines that a wetland or other water body is isolated and not subject to Clean Water Act regulation, it is still regulated by the state of Indiana. A State Isolated Wetland permit from IDEM's Office of Water Quality (OWQ) is required for any activity that results in the discharge of dredged or fill materials into isolated wetlands. To learn more about isolated wetlands, contact the OWQ Wetlands Program at 317-233-8488.
4. If your project will involve over a 0.5 acre of wetland impact, stream relocation, or other large-scale alterations to water bodies such as the creation of a dam or a water diversion, you should seek additional input from the OWQ Wetlands Program staff. Consult the Web at: <http://www.in.gov/idem/4384.htm> (<http://www.in.gov/idem/4384.htm>) for the appropriate staff contact to further discuss your project.
5. Work within the one-hundred year floodway of a given water body is regulated by the Department of Natural Resources, Division of Water. The Division issues permits for activities regulated under the follow statutes:
 - IC 14-26-2 Lakes Preservation Act 312 IAC 11
 - IC 14-26-5 Lowering of Ten Acre Lakes Act No related code
 - IC 14-28-1 Flood Control Act 310 IAC 6-1
 - IC 14-29-1 Navigable Waterways Act 312 IAC 6
 - IC 14-29-3 Sand and Gravel Permits Act 312 IAC 6

- IC 14-29-4 Construction of Channels Act No related code

For information on these Indiana (statutory) Code and Indiana Administrative Code citations, see the DNR Web site at: <http://www.in.gov/dnr/water/9451.htm> (<http://www.in.gov/dnr/water/9451.htm>) . Contact the DNR Division of Water at 317-232-4160 for further information.

The physical disturbance of the stream and riparian vegetation, especially large trees overhanging any affected water bodies should be limited to only that which is absolutely necessary to complete the project. The shade provided by the large overhanging trees helps maintain proper stream temperatures and dissolved oxygen for aquatic life.

6. For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of one (1), or more, acres of total land area, contact the Office of Water Quality – Watershed Planning Branch (317/233-1864) regarding the need for of a Rule 5 Storm Water Runoff Permit. Visit the following Web page
 - <http://www.in.gov/idem/4902.htm> (<http://www.in.gov/idem/4902.htm>)

To obtain, and operate under, a Rule 5 permit you will first need to develop a Construction Plan (<http://www.in.gov/idem/4917.htm#constreq> (<http://www.in.gov/idem/4917.htm#constreq>)), and as described in 327 IAC 15-5-6.5 (<http://www.in.gov/legislative/iac/T03270/A00150> [PDF] (<http://www.in.gov/legislative/iac/T03270/A00150.PDF>), pages 16 through 19). Before you may apply for a Rule 5 Permit, or begin construction, you must submit your Construction Plan to your county Soil and Water Conservation District (SWCD) (<http://www.in.gov/isda/soil/contacts/map.html> (<http://www.in.gov/isda/soil/contacts/map.html>)).

Upon receipt of the construction plan, personnel of the SWCD or the Indiana Department of Environmental Management will review the plan to determine if it meets the requirements of 327 IAC 15-5. Plans that are deemed deficient will require re-submittal. If the plan is sufficient you will be notified and instructed to submit the verification to IDEM as part of the Rule 5 Notice of Intent (NOI) submittal. Once construction begins, staff of the SWCD or Indiana Department of Environmental Management will perform inspections of activities at the site for compliance with the regulation.

Please be mindful that approximately 149 Municipal Separate Storm Sewer System (MS4) areas are now being established by various local governmental entities throughout the state as part of the implementation of Phase II federal storm water requirements. All of these MS4 areas will eventually take responsibility for Construction Plan review, inspection, and enforcement. As these MS4 areas obtain program approval from IDEM, they will be added to a list of MS4 areas posted on the IDEM Website at: <http://www.in.gov/idem/4900.htm> (<http://www.in.gov/idem/4900.htm>).

If your project is located in an IDEM-approved MS4 area, please contact the local MS4 program about meeting their storm water requirements. Once the MS4 approves the plan, the NOI can be submitted to IDEM.

Regardless of the size of your project, or which agency you work with to meet storm water requirements, IDEM recommends that appropriate structures and techniques be utilized both during the construction phase, and after completion of the project, to minimize the impacts associated with storm water runoff. The use of appropriate planning and site development and appropriate storm water quality measures are recommended to prevent soil from leaving the construction site during active land disturbance and for post construction water quality concerns. Information and assistance regarding storm water related to construction activities are available from the Soil and Water Conservation District (SWCD) offices in each county or from IDEM.

7. For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources - Division of Fish and Wildlife (317/232-4080) for addition project input.
8. For projects involving water main construction, water main extensions, and new public water supplies, contact the Office of Water Quality - Drinking Water Branch (317-308-3299) regarding the need for permits.
9. For projects involving effluent discharges to waters of the State of Indiana, contact the Office of Water Quality - Permits Branch (317-233-0468) regarding the need for a National Pollutant Discharge Elimination System (NPDES) permit.
10. For projects involving the construction of wastewater facilities and sewer lines, contact the Office of Water Quality - Permits Branch (317-232-8675) regarding the need for permits.

AIR QUALITY

The above-noted project should be designed to minimize any impact on ambient air quality in, or near, the project area. The project must comply with all federal and state air pollution regulations. Consideration should be given to the following:

1. Regarding open burning, and disposing of organic debris generated by land clearing activities; some types of open burning are allowed (<http://www.in.gov/idem/4148.htm> (<http://www.in.gov/idem/4148.htm>)) under specific conditions. You also can seek an open burning variance from IDEM.

However, IDEM generally recommends that you take vegetative wastes to a registered yard waste composting facility or that the waste be chipped or shredded with composting on site (you must register with IDEM if more than 2,000 pounds is to be composted; contact 317/232-0066). The finished compost can then be used as a mulch or soil amendment. You also may bury any vegetative wastes (such as leaves, twigs, branches, limbs, tree trunks and stumps) onsite, although burying large quantities of such material can lead to subsidence problems, later on.

Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. For example, **wetting the area with water**, constructing wind barriers, or treating dusty areas with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked onto paved roads from unpaved areas should be minimized.

Additionally, if construction or demolition is conducted in a wooded area where blackbirds have roosted or abandoned buildings or building sections in which pigeons or bats have roosted for 3-5 years precautionary measures should be taken to avoid an outbreak of histoplasmosis. This disease is caused by the fungus *Histoplasma capsulatum*, which stems from bird or bat droppings that have accumulated in one area for 3-5 years. The spores from this fungus become airborne when the area is disturbed and can cause infections over an entire community downwind of the site. The area should be wetted down prior to cleanup or demolition of the project site. For more detailed information on histoplasmosis prevention and control, please contact the Acute Disease Control Division of the Indiana State Department of Health at (317) 233-7272.

2. The U.S. EPA and the Surgeon General recommend that people not have long-term exposure to radon at levels above 4 pCi/L. (For a county-by-county map of predicted radon levels in Indiana, visit: <http://www.in.gov/idem/4145.htm> (<http://www.in.gov/idem/4145.htm>).)

The U.S. EPA further recommends that all homes (and apartments within three stories of ground level) be tested for radon. If in-home radon levels are determined to be 4 pCi/L, or higher, EPA recommends a follow-up test. If the second test confirms that radon levels are 4 pCi/L, or higher, EPA recommends the installation

of radon-reduction measures. (For a list of qualified radon testers and radon mitigation (or reduction) specialists visit: http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf (http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf)). It also is recommended that radon reduction measures be built into all new homes, particularly in areas like Indiana that have moderate to high predicted radon levels.

To learn more about radon, radon risks, and ways to reduce exposure visit:

<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm> (<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm>), <http://www.in.gov/idem/4145.htm> (<http://www.in.gov/idem/4145.htm>), or <http://www.epa.gov/radon/index.html> (<http://www.epa.gov/radon/index.html>).

3. With respect to asbestos removal: all facilities slated for renovation or demolition (except residential buildings that have (4) four or fewer dwelling units and which will not be used for commercial purposes) must be inspected by an Indiana-licensed asbestos inspector prior to the commencement of any renovation or demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, any subsequent demolition, renovation, or asbestos removal activities must be performed in accordance with the proper notification and emission control requirements.

If no asbestos is found where a renovation activity will occur, or if the renovation involves removal of less than 260 linear feet of RACM off of pipes, less than 160 square feet of RACM off of other facility components, or less than 35 cubic feet of RACM off of all facility components, the owner or operator of the project does not need to notify IDEM before beginning the renovation activity.

For questions on asbestos demolition and renovation activities, you can also call IDEM's Lead/Asbestos section at 1-888-574-8150.

However, in all cases where a demolition activity will occur (even if no asbestos is found), the owner or operator must still notify IDEM 10 working days prior to the demolition, using the form found at <http://www.in.gov/icpr/webfile/formsdiv/44593.pdf> (<http://www.in.gov/icpr/webfile/formsdiv/44593.pdf>).

Anyone submitting a renovation/demolition notification form will be billed a notification fee based upon the amount of friable asbestos containing material to be removed or demolished. Projects that involve the removal of more than 2,600 linear feet of friable asbestos containing materials on pipes, or 1,600 square feet or 400 cubic feet of friable asbestos containing material on other facility components, will be billed a fee of \$150 per project; projects below these amounts will be billed a fee of \$50 per project. All notification remitters will be billed on a quarterly basis.

For more information about IDEM policy regarding asbestos removal and disposal, visit: <http://www.in.gov/idem/4983.htm> (<http://www.in.gov/idem/4983.htm>).

4. With respect to lead-based paint removal: IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. IDEM is particularly concerned that young children exposed to lead can suffer from learning disabilities. Although lead-based paint abatement efforts are not mandatory, any abatement that is conducted within housing built before January 1, 1978, or a child-occupied facility is required to comply with all lead-based paint work practice standards, licensing and notification requirements. For more information about lead-based paint removal visit: <http://www.in.gov/isdh/19131.htm> (<http://www.in.gov/isdh/19131.htm>).
5. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. See 326 IAC 8-5-2, Asphalt Paving Rule

(<http://www.ai.org/legislative/iac/T03260/A00080.PDF>
(<http://www.ai.org/legislative/iac/T03260/A00080.PDF>)).

6. If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). A registration or permit may be required under 326 IAC 2 (View at: www.ai.org/legislative/iac/t03260/a00020.pdf (<http://www.ai.org/legislative/iac/t03260/a00020.pdf>)). New sources that use or emit hazardous air pollutants may be subject to Section 112 of the Clean Air Act and corresponding state air regulations governing hazardous air pollutants.
7. For more information on air permits visit: <http://www.in.gov/idem/4223.htm> (<http://www.in.gov/idem/4223.htm>), or to initiate the IDEM air permitting process, please contact the Office of Air Quality Permit Reviewer of the Day at (317) 233-0178 or OAMPROD atdem.state.in.us.

LAND QUALITY

In order to maintain compliance with all applicable laws regarding contamination and/or proper waste disposal, IDEM recommends that:

1. If the site is found to contain any areas used to dispose of solid or hazardous waste, you need to contact the Office of Land Quality (OLQ) at 317-308-3103.
2. All solid wastes generated by the project, or removed from the project site, need to be taken to a properly permitted solid waste processing or disposal facility. For more information, visit <http://www.in.gov/idem/4998.htm> (<http://www.in.gov/idem/4998.htm>).
3. If any contaminated soils are discovered during this project, they may be subject to disposal as hazardous waste. Please contact the OLQ at 317-308-3103 to obtain information on proper disposal procedures.
4. If PCBs are found at this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding management of any PCB wastes from this site.
5. If there are any asbestos disposal issues related to this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding the management of asbestos wastes (Asbestos removal is addressed above, under Air Quality).
6. If the project involves the installation or removal of an underground storage tank, or involves contamination from an underground storage tank, you must contact the IDEM Underground Storage Tank program at 317/308-3039. See: <http://www.in.gov/idem/4999.htm> (<http://www.in.gov/idem/4999.htm>).

FINAL REMARKS

Should you need to obtain any environmental permits in association with this proposed project, please be mindful that IC 13-15-8 requires that you notify all adjoining property owners and/or occupants within ten days your submittal of each permit application. However, if you are seeking multiple permits, you can still meet the notification requirement with a single notice if all required permit applications are submitted with the same ten day period.

Should the scope of the proposed project be expanded to the extent that a National Environmental Policy Act Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required, IDEM will actively participate in any early interagency coordination review of the project.

Meanwhile, please note that this letter does not constitute a permit, license, endorsement or any other form of approval on the part of the Indiana Department of Environmental Management regarding any project for which a copy of this letter is used. Also note that it is the responsibility of the project engineer or consultant using this letter to ensure that the most current draft of this document, which is located at <http://www.in.gov/ide/5284.htm> (<http://www.in.gov/ide/5284.htm>), is used.

Signature(s) of the Applicant

I acknowledge that the following proposed roadway project will be financed in part, or in whole, by public monies.

Project Description

The Bicentennial Pathway Project, Phase 1 (Des. 0902215) involves construction and addition of 5-foot paved shoulders with 1-foot aggregate shoulders along approximately 2.32 miles of Old SR 37, from Audubon Drive to Robinson Road. The proposed project is located just north of the City of Bloomington in Bloomington Township, Monroe County. The project also includes foreslope grading, ditch grading, extension or replacement of existing drainage pipes, culvert headwall installation and repairs, and backslope modifications in various locations.

With my signature, I do hereby affirm that I have read the letter from the Indiana Department of Environment that appears directly above. In addition, I understand that in order to complete that project in which I am interested, with a minimum of impact to the environment, I must consider all the issues addressed in the aforementioned letter, and further, that I must obtain any required permits.

Date: 2/18/2020

Signature of the INDOT

Project Engineer or Other Responsible Agent

Risa Budge

Date: 2/18/20

Signature of the

For Hire Consultant

Kevin McLane

Kevin McLane

Kevin McLane

From: Terry Quillman <tquillman@co.monroe.in.us>
Sent: Tuesday, October 31, 2017 2:55 PM
To: Kevin McLane
Subject: RE: Bicentennial Pathway Early Coordination Des. 0902215

Kevin,

I received your email. Todd is no longer employed by Monroe County.

Terry Quillman,
MS4 Coordinator
Monroe County Stormwater Services
501 N. Morton St, Suite 216
Bloomington, IN 47404
Fax: 812.349.2959
Office 812.349.2499

From: Kevin McLane [mailto:kevin@green3studio.com]
Sent: Tuesday, October 31, 2017 2:47 PM
To: tstevenson@co.monroe.in.us; Terry Quillman <tquillman@co.monroe.in.us>
Subject: Bicentennial Pathway Early Coordination Des. 0902215

Terry/Todd,

I wasn't sure which one of you were the MS4 Coordinator for this region so I included you both. Attached for your review and comment is the Early Coordination packet for the Bicentennial Pathway Project, Phase 1 (Des. No. 0902215), in Monroe County. Please contact me at this email if you experience any issues with the attachment or have any questions/concerns. Your response is requested within 30 days.

Thanks,

Kevin McLane
Ecologist



Green3 Studio
1101 Prospect Street
Indianapolis, IN 46203

p 317.634.1110
f 317.634.1110

Kevin McLane

From: Snyder, Deborah D CIV USARMY CELRL (US) <Deborah.D.Snyder@usace.army.mil>
Sent: Friday, November 3, 2017 8:41 AM
To: Kevin McLane
Subject: FW: Bicentennial Pathway Early Coordination Des. 0902215 (UNCLASSIFIED)
Attachments: image003.png

Mr. McLane,

This is in response to your e-mail message of October 31, 2017, concerning the proposed widening of Old SR 37 for the addition of bicycle capacity in Monroe County, Indiana (Des. No. 0902215). We do not have any comments on the general environmental impacts of the proposed project. This agency is not funded or authorized to provide general environmental assessments for all federally related development proposals. Our lack of comments on specific potential environmental impacts should not be construed as concurrence that no significant environmental damage would result from the project.

If your project would impact any "waters of the United States," including unnamed tributaries to Muddy Fork, any other streams, and/or any jurisdictional wetlands, you should submit a Department of the Army (DA) permit application for review by this office. If based on your coordination with the State Historic Preservation Officer, it is determined that the project may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the DA permit application must include information stating which historic property may be affected by the proposed work and/or a vicinity map indicating the location of the historic property.

Please call or e-mail if you have any questions.

Sincerely,

Deborah Duda Snyder
Project Manager
U.S. Army Corps of Engineers, Louisville District Indianapolis Regulatory Office
8902 Otis Avenue, Suite S106B
Indianapolis, IN 46216
Phone: (317) 543-9424

-----Original Message-----

From: McKay, Gregory A CIV CELRL CELRD (US)
Sent: Thursday, November 2, 2017 12:49 PM
To: Snyder, Deborah D CIV USARMY CELRL (US) <Deborah.D.Snyder@usace.army.mil>
Subject: FW: Bicentennial Pathway Early Coordination Des. 0902215 (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Here is another one for review.

Greg

-----Original Message-----

From: Kevin McLane [mailto:kevin@green3studio.com]
Sent: Tuesday, October 31, 2017 2:40 PM

To: McKay, Gregory A CIV CELRL CELRD (US) <Gregory.A.McKay@usace.army.mil>
Subject: [EXTERNAL] Bicentennial Pathway Early Coordination Des. 0902215

Reviewer,

Attached for your review and comment is the Early Coordination packet for the Bicentennial Pathway Project, Phase 1 (Des. No. 0902215), in Monroe County. Please contact me at this email if you experience any issues with the attachment or have any questions/concerns. Your response is requested within 30 days.

Kevin McLane

Ecologist

CLASSIFICATION: UNCLASSIFIED

Organization and Project Information

Project ID:

Des. ID: 0902215

Project Title: Bicentennial Pathway Project, Phase 1

Name of Organization: Green3, LLC

Requested by: Kevin McLane

Environmental Assessment Report

1. Geological Hazards:

- Potential Karst
- High liquefaction potential
- Floodway

2. Mineral Resources:

- Bedrock Resource: High Potential
- Sand and Gravel Resource: Low Potential

3. Active or abandoned mineral resources extraction sites:

- None documented in the area

*All map layers from Indiana Map (maps.indiana.edu)

DISCLAIMER:

This document was compiled by Indiana University, Indiana Geological Survey, using data believed to be accurate; however, a degree of error is inherent in all data. This product is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of these data and document to define the limits or jurisdiction of any federal, state, or local government. The data used to assemble this document are intended for use only at the published scale of the source data or smaller (see the metadata links below) and are for reference purposes only. They are not to be construed as a legal document or survey instrument. A detailed on-the-ground survey and historical analysis of a single site may differ from these data and this document.

This information was furnished by Indiana Geological Survey

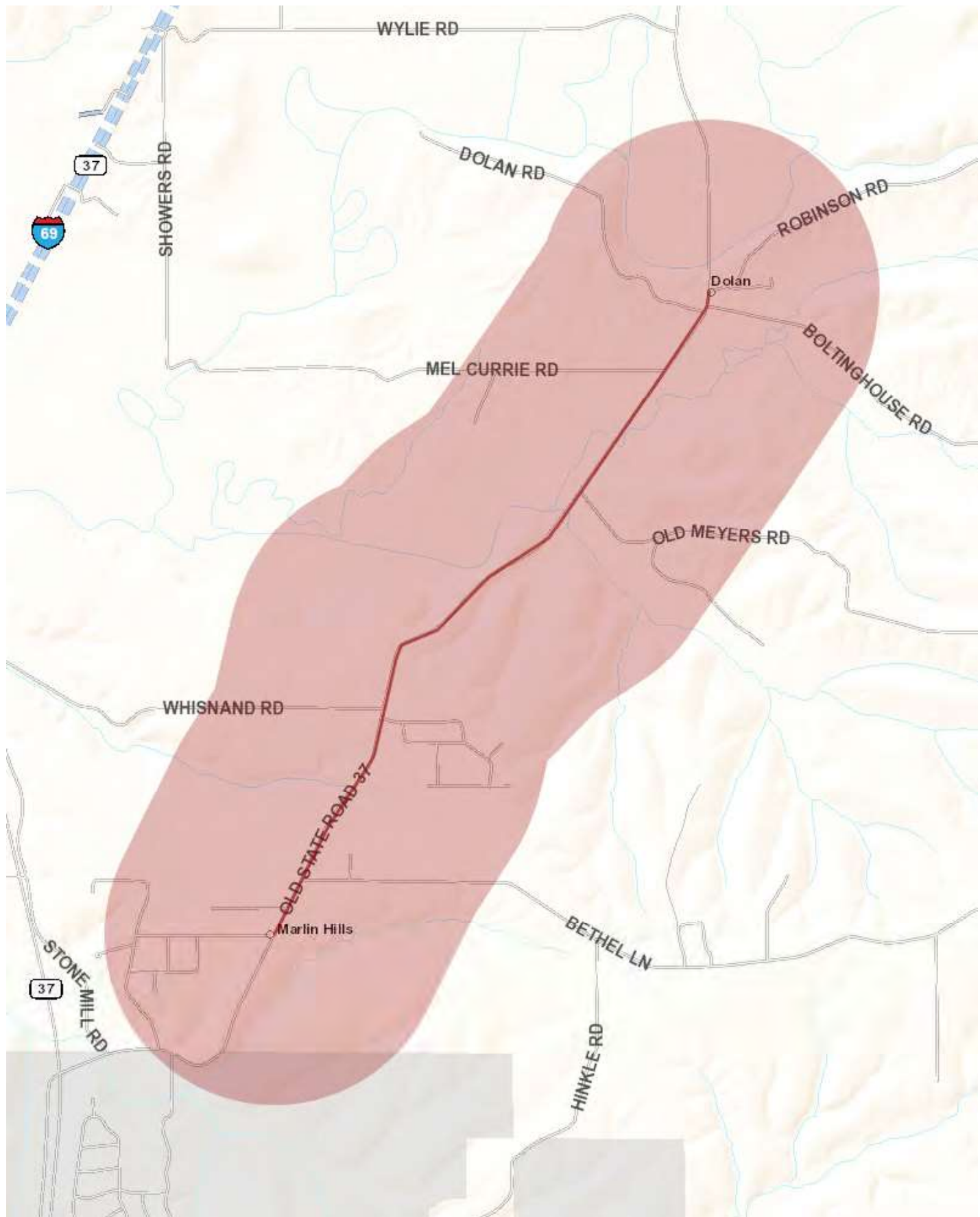
Address: 420 N. Walnut St., Bloomington, IN 47404

Email: IGSEnvir@indiana.edu

Phone: 812 855-7428

Date: February 17, 2020

C-16



Metadata:

- https://maps.indiana.edu/metadata/Hydrology/Karst_Sinkhole_Areas.html
- https://maps.indiana.edu/metadata/Hydrology/Karst_Springs.html
- https://maps.indiana.edu/metadata/Geology/Seismic_Earthquake_Liquefaction_Potential.html
- https://maps.indiana.edu/metadata/Geology/Industrial_Minerals_Sand_Gravel_Resources.html
- https://maps.indiana.edu/metadata/Hydrology/Floodplains_FIRM.html
- https://maps.indiana.edu/metadata/Geology/Bedrock_Geology.html

Kevin McLane

From: McWilliams, Robin <robin_mcwilliams@fws.gov>
Sent: Tuesday, November 21, 2017 11:48 AM
To: Kevin McLane
Subject: Re: Bicentennial Pathway Early Coordination Des. 0902215

Dear Kevin,

This responds to your recent letter, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The project is within the range of the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) and should follow the new Indiana bat/northern long-eared bat programmatic consultation process, if applicable (*i.e.* a federal nexus is established). We will review that information once it is received.

To give you a heads up, there is a foraging record for a NLEB within 300 feet of the existing roadway; you will probably need to use the formal route for the NLEB on this project. Keep in mind, there is no mitigation required for LAA determinations for the NLEB.

Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinstate consultation. Standard recommendations are provided below.

As you mentioned, the project is in the karst area of Indiana. If any karst features are encountered, a karst survey should be conducted, with mitigation measures implemented as necessary, in accordance with our 1993 Memorandum of Understanding.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please re-coordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812) 334-4261.

Sincerely,
Robin

Standard Recommendations:

1. Do not clear trees or understory vegetation outside the construction zone boundaries. **(This restriction is not related to the “tree clearing” restriction for potential Indiana Bat habitat.)**
2. Restrict below low-water work in streams to placement of culverts, piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap.

Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottomed culvert or arch is used in a stream, which has a good natural bottom substrate, such as gravel, cobbles and boulders, the existing substrate should be left undisturbed beneath the culvert to provide natural habitat for the aquatic community.
3. Restrict channel work and vegetation clearing to the minimum necessary for installation of the stream crossing structure.
4. Minimize the extent of hard armor (riprap) in bank stabilization by using bioengineering techniques whenever possible. If rip rap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat.
5. Implement temporary erosion and sediment control methods within areas of disturbed soil. All disturbed soil areas upon project completion will be vegetated following INDOT's standard specifications.
6. Avoid all work within the inundated part of the stream channel (in perennial streams and larger intermittent streams) during the fish spawning season (April 1 through June 30), except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season. No equipment shall be operated below Ordinary High Water Mark during this time unless the machinery is within the caissons or on the cofferdams.
7. Evaluate wildlife crossings under bridge/culverts projects in appropriate situations. Suitable crossings include flat areas below bridge abutments with suitable ground cover, high water shelves in culverts, amphibian tunnels and diversion fencing.

Robin McWilliams Munson

U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, Indiana 46403
812-334-4261 x. 207 Fax: 812-334-4273

Monday, Tuesday - 7:30a-3:00p
Wednesday, Thursday - telework 8:30a-3:00p

On Tue, Oct 31, 2017 at 2:35 PM, Kevin McLane <kevin@green3studio.com> wrote:

Robin,

Attached for your review and comment is the Early Coordination packet for the Bicentennial Pathway Project, Phase 1 (Des. No. 0902215), in Monroe County. Please contact me at this email if you experience any issues with the attachment or have any questions/concerns. Your response is requested within 30 days.

Happy Halloween!

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR #: ER-20166

Request Received: October 31, 2017

Requestor: Green 3 LLC
Kevin McLane
1104 Prospect Street
Indianapolis, IN 46203

Project: Bicentennial Pathway: addition of paved shoulders along 2.3 miles of Old SR 37 from Audubon Road to Robinson Road, Phase 1; Des #0902215

County/Site info: Monroe

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if you are unsure whether or not a permit will be required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. Sycamore Land Trust's Ghurye Preserve is located within 1/2 mile west of the southern most point of the project area. Also, the following state special concern species have been documented within 1/2 mile northeast of the northern most point of the project area:

1. Eastern Red Bat (*Lasiurus borealis*)
2. Little Spectaclecase (*Villosa lienosa*)

Fish & Wildlife Comments: Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Animal Species:

a. EASTERN RED BAT: To minimize impacts to this bat species (and Indiana bat or Northern Long-eared bat, which may also be present), do not cut any trees greater than 3 inches dbh, living or dead, from April 1 through September 30.

b. LITTLE SPECTACLECASE: We do not foresee any impacts to this mussel species as a result of this project.

2) Riparian & Forest Habitat:

Forested habitat impacts seem most likely and significant along the densely forested section between Whisnand Road and Old Myers Road. Part of this almost one mile long section of road has steep slopes on both sides of the road. Tree removal and earthwork along this stretch could result in significant impacts.

Minimize shoulder width and side-slopes (which should be designed with the steepest slope feasible) where they are needed. Where shoulders and side-slopes are not a

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

requirement for this project, the bike path should be constructed at grade with no shoulders. Minimize impacts to forested areas by using the narrowest path width possible and by reverting to a full-width path only in previously disturbed areas, where feasible. The path width should be adjusted to fit the shoulder widths of the bridges over Muddy Fork and its unnamed tributary without requiring any bridge extensions.

We recommend a mitigation plan be developed (and submitted with the permit application, if required) for any unavoidable habitat impacts that will occur. The mitigation site should be located preferably as close to the impact site as possible and adjacent to existing forested riparian habitat. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at:

<http://www.in.gov/legislative/iac/20140806-IR-312140295NRA.xml.pdf>.

Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, at least 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10" dbh or greater (5:1 mitigation based on the number of large trees). Impacts to wetland habitat should also be mitigated at the appropriate ratio.

3) Karst Features:

Implement the 1993 Karst Geology Memorandum of Understanding between INDOT, IDNR, IDEM, and USFWS during all phases of the project (see http://www.in.gov/indot/files/38_karst.pdf). Construction should be avoided within 25' of the topmost closed contour of any active karst features. Where construction within the closed contours of a karst feature is unavoidable, runoff must be filtered prior to discharge.

Should any karst features be located within the construction limits or that may receive drainage from the construction, a karst assessment should be conducted by a qualified geologist with experience in karst geology assessments, and a determination made as to whether or not the karst feature/sinkhole is active. If a karst assessment is not done, any sinkhole that construction runoff may drain to should be assumed to be active unless assessed by a qualified geologist. To protect active sinkholes (or those not assessed), the most protective erosion control methods should be implemented to avoid potentially impacting sensitive karst ecosystems (such as runoff containment and filtering prior to discharge).

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas with a mixture of native grasses, sedges, wildflowers, and native shrub and hardwood tree species as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plants.
2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
4. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
5. Do not construct any temporary runarounds, causeways, cofferdams, pump around or stream diversion systems.
6. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
7. Plant native hardwood trees along the top of the bank and right-of-way to replace the

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

the vegetation destroyed during construction.

8. Post "Do Not Mow or Spray" signs along the right-of-way.

9. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.

10. Seed and protect all disturbed slopes that are 3:1 or steeper with biodegradable heavy-duty erosion control blankets (follow manufacturer's recommendations for selection and installation; seed and apply mulch on all other disturbed areas.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife

Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife

Date: November 30, 2017

Kevin McLane

From: Phil Peden <pedenp@bloomington.in.gov>
Sent: Thursday, January 18, 2018 8:45 AM
To: Kevin McLane
Subject: Re: Early Coordination Letter Bicentennial Pathway Project Des. 0902215

Thanks for the heads up Kevin, but it doesn't look like any of this work is within the city limits and would therefore be outside our MS4. I guess its possible some of this work might eventually drain into lake Griffy and that maybe why I was included but I don't believe that is a concern with this project. Thanks.

Phil Peden, PE
Utilities Engineer
City of Bloomington Utilities
(812)349-3634
pedenp@bloomington.in.gov
<http://bloomington.in.gov/utilities/>

On Wed, Jan 17, 2018 at 2:34 PM, Kevin McLane <kevin@green3studio.com> wrote:

Mr. Peden,

You are being contacted as the MS4 Coordinator for Bloomington to review the Early Coordination Packet for the Bicentennial Pathway project (Des. 0902215) along Old SR 37. (If you are no longer the MS4 Coordinator, please forward) You would have been contacted earlier, but I accidentally only included the Monroe County MS4 Coordinator originally, so I am retroactively contacting you. Please review the document and provide any comments or recommendations you have as the MS4 Coordinator. If you have no specific comments or concerns, please reply as such. Your comments and recommendations will be included as commitments in the environmental document we are preparing for the project. Let me know if you have any questions or issues with the file.

Thanks!

Kevin McLane

Ecologist



Kevin McLane

From: SULLIVAN, JAMES <JSULLIVA@idem.IN.gov>
Sent: Friday, January 26, 2018 3:04 PM
To: Kevin McLane
Cc: JOHANSON, SCOTT
Subject: RE: Karst Consultation for Bicentennial Pathway Des 0902215 project in Monroe County

Kevin,

Thanks for reaching out to IDEM regarding requesting our input on the Bicentennial Pathway (Des 092215) project in Monroe County. Road construction projects that involve the potential for encountering karst I team up with Scott Johanson (with IDEM's Office of Land Quality/Science Services Branch/Geological Services). Scott has a extensive experience with the identification of karst and appropriate treatment of karst features for protection of the environment and road stability/safety. That said..Yes, Scott and I have reviewed the Bicentennial Pathway (Des 0902215) project and have the following comments.

In addition to the responses you have received/mentioned from USFWS and IDNR, IDEM suggests that prior to any road construction activities that the Monroe County Highway Department conducts an inventory of karst features to ensure environmental protection of water resources, and ensuring the integrity/stability of the future bike pathway. The proposed project along this portion of Old State Road 37 traverses an area similar to that of the Simpson Chapel Road karst area(s) along INDOT's Segment-5 of the I-69 project currently under construction within Monroe County. IDEM recommends that a karst assessment for the Bicentennial Pathway (Des 092215) would be needed along Old State Road 37 from Audubon Road to just west of Old Myers Road. The likelihood of encountering karst features similar to those found within Section 5 of the I-69 INDOT project is very high due to similar geology and topography along this stretch of both projects.

Mitigation of karst features are very different than exploring and mitigating impacts to wetlands or streams. Due to the variety of karst features there are also many method that could be used to mitigate karst features found during construction. Prior to construction activities IDEM suggests that the Monroe County Highway Department consult with INDOT on the proper methods being practiced for the identification of karst features, treatment options for the proper mitigation of karst features during construction, and post-construction/long-term maintenance of mitigation measures. INDOT has the following information related to karst on their website titled Karst Geological Resources and INDOT Construction (last link on this page): <http://www.in.gov/indot/2522.htm> A good place to start at INDOT regarding this information would be Sandra (Sandy) Bowman sbowman@indot.in.gov .

If we can be of further assistance, or if you have questions regarding our comments, please do not hesitate contacting myself at jsulliva@idem.in.gov , or Scott Johanson at sjohanso@idem.in.gov.

Best Regards,
Jim

James Sullivan, Chief
Ground Water Section
IDEM
317/234-7476

From: Kevin McLane [mailto:kevin@green3studio.com]
Sent: Friday, January 26, 2018 11:59 AM
To: SULLIVAN, JAMES <JSULLIVA@idem.IN.gov>
Subject: RE: Karst Consultation for Bicentennial Pathway Des 0902215 project in Monroe County

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Mr. Sullivan,

I wanted to check back in and see if you had a chance to review the project area yet. The response from USFWS stated that if any karst features are encountered a karst study should be conducted. The IDNR stated that that construction should be avoided within 25 feet of the topmost closed contour of any active karst features. Where construction is within the closed contours of a karst feature is unavoidable, runoff must be filtered prior to discharge. Should any karst features be located within the construction limits or that may receive drainage from the construction, a karst assessment should be conducted by a qualified geologist.

Let me know if you have any questions.

Thanks,

Kevin McLane
Ecologist



From: Kevin McLane

Sent: Tuesday, January 16, 2018 12:20 PM

To: 'jsulliva@idem.in.gov' <jsulliva@idem.in.gov>

Subject: Karst Consultation for Bicentennial Pathway Des 0902215 project in Monroe County

Mr. Sullivan,

Early Coordination information (attached) for the Bicentennial Pathway project was submitted to IDEM on 10/31/17, for which the standard auto-response was received. Since this project is located within the Karst Region of Indiana as defined in the 1993 MOU between IDNR, INDOT, IDEM and USFWS, coordination with these agencies regarding karst is being initiated to determine whether a Karst Study is required. Therefore, I am contacting your agency to provide project information and to get your specific recommendations regarding karst features. A section of the project area is within a mapped Sinkhole Area with a sinkhole marked within 100 ft (according to the IGS IndianaMap karst layers).

If you have any questions or comments regarding this request, please give me a call at 317-634-4110 or email at kevin@green3studio.com.

Kevin McLane
Ecologist



Kevin McLane

From: Tammy Behrman <tbehrman@co.monroe.in.us>
Sent: Friday, January 24, 2020 3:04 PM
To: Kevin McLane
Cc: Larry Wilson
Subject: RE: Floodplain Admin Coordination-Bicentennial Pathway (Old SR 37) Project, Des. 0902215, Monroe County

Kevin-

Thanks for reaching out with this information. Should this project indeed extend through the Special Flood Hazard Area then a Monroe County Floodplain Development Permit would be required. The submittal requirements can be found in [Chapter 808](#) of the Zoning Ordinance. Review fees of \$100 may apply.

A recent conversation with the Highway Department led me believe the project won't extend that far north to be within the floodplain portion of the project.

Tammy Behrman, AICP
Senior Planner
Monroe County Planning Department
tbehrman@co.monroe.in.us
(812) 349-2560

From: Kevin McLane [mailto:kevin@green3studio.com]
Sent: Friday, January 17, 2020 10:57 AM
To: Tammy Behrman <tbehrman@co.monroe.in.us>
Subject: Floodplain Admin Coordination-Bicentennial Pathway (Old SR 37) Project, Des. 0902215, Monroe County

Tammy,
Attached for your review and comment as the Local Floodplain Administrator is the Early Coordination packet for the Bicentennial Pathway Project, Phase 1 (Des. No. 0902215), in Monroe County. This early coordination packet was sent on 10/31/17 to Larry Wilson, who was listed as the Local Floodplain Admin at the time. No response was ever received from him. Since it appears that Monroe County had a change in Floodplain Admins, we wanted to reach out to you to offer you the same chance to reply. The project will involve shoulder widening within the mapped floodplain. Modification to existing drainage culverts will occur, but they are all mapped outside of the floodplain. No work will occur on the two bridges within the project area.

Please contact me at this email (or call me at 317-634-4110) if you experience any issues with the attachment or have any questions/concerns. Your response is requested within 30 days. If you have no comments or concerns, please respond as such.

Thanks,

Kevin McLane
Ecologist

Kevin McLane

From: Patrick Martin <martipa@bloomington.in.gov>
Sent: Friday, May 1, 2020 9:39 AM
To: Kevin McLane
Cc: Lisa Ridge; Paul Satterly
Subject: Bicentennial Pathway Project, Phase I - DES#0902215
Attachments: DES#0902215 - Bicentennial Pathway Project - Phase I.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Kevin,

INDOT has directed that the Bicentennial Pathway Project (DES#0902215) does require an amendment inclusion to the BMCMPPO FY2020 - 2024 Transportation Improvement Program.

We shall present the project for recommendation approvals at the May 27th Technical Advisory Committee and Citizens Advisory Committee meetings. We additionally expect amendment approval by the Policy Committee on June 10, 2020.

The attached FY2020 - 2024 TIP Application is a requirement for Committee reviews. I highlighted what we already know. Your coordination with Lisa Ridge will give us the development timetable/construction contract letting and project costs.

Please let me know if you have any questions or concerns. I called your office earlier this morning and left a voice message at your office number.

Thanks,

Pat

--

Patrick P. Martin | Senior Transportation Planner
City of Bloomington IN | Planning and Transportation Department
p 812.349.3530 | e martipa@bloomington.in.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

January 23, 2020

Consultation Code: 03E12000-2018-SLI-0146

Event Code: 03E12000-2020-E-02859

Project Name: Bicentennial Pathway Project, Phase 1 Des. 0902215

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: 03E12000-2018-SLI-0146

Event Code: 03E12000-2020-E-02859

Project Name: Bicentennial Pathway Project, Phase 1 Des. 0902215

Project Type: TRANSPORTATION

Project Description: The Bicentennial Pathway Project, Phase 1 (Des. 0902215) project is located along Old State Road 37 in Bloomington Township, Monroe County, Indiana. The project is located in Section 2, 3, 10, 11, 15, and 16, Township 9N, Range 1W. Monroe County, the project sponsor, has been awarded federal funds from the Federal Highway Administration (FHWA) for this project. The project involves the addition of paved shoulders along a 2.3 mile length of Old SR 37 from Audubon Road to Robinson Road to allow room for bicyclists. Construction is anticipated to start in Fall 2021.

The proposed project generally consists of the addition of five-foot (5) wide asphalt shoulders with one-foot (1) graded aggregate shoulders to both sides of the existing mainline roadway pavement. The existing travel lanes may be narrowed or adjusted to allow for a best fit of the bicycle improvements. The project will also include foreslope grading, ditch grading, backslopes in various locations along the route, modified to match the new improvements. Curb and gutter may be utilized in certain areas to minimize adjacent impacts. Street and driveway approaches will be adjusted accordingly. A retaining wall will be installed approximately 1,800 ft south of Old Myers Road on the northwest side of Old SR 37. Existing guardrail in most areas will be removed and replaced to meet current standards; complete removal of guardrail may occur in other areas. Five (5) existing culverts will be extended or modified as necessary to correspond with the new improvements. The two (2) existing bridges along the alignment are to remain in place with no planned modifications. It is anticipated that that under 3 acres of tree removal will be required along the roadside, from within 40 feet of the edge of pavement. It is anticipated that 7 acres of permanent right-of-way (ROW), 5.6 acres of re-acquired existing ROW, and 5 acres of temporary ROW will be required for the project. No relocation of businesses or residents will be required. The maintenance of traffic plan will utilize temporary lane closures and use of flaggers during construction. Installation of the retaining wall may require a temporary signal or flaggers to maintain one-lane traffic. No road closures will be required. A review of the USFWS database by INDOT Site Assessment & Management on January 17, 2018 did indicate

Endangered Species Act Species

There is a total of 2 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 Fisheries¹, 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.

-
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

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/1/office/31440.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none">▪ 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 www.fws.gov/midwest/endangered/mammals/nleb/index.html Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i>	Final

NAME

STATUS

<https://ecos.fws.gov/ecp/species/5949#crithab>



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

January 29, 2020

Consultation Code: 03E12000-2018-I-0146

Event Code: 03E12000-2020-E-03055

Project Name: Bicentennial Pathway Project, Phase 1 Des. 0902215

Subject: Concurrence verification letter for the 'Bicentennial Pathway Project, Phase 1 Des. 0902215' 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 to verify that the **Bicentennial Pathway Project, Phase 1 Des. 0902215** (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, and 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 between the lead Federal action agency and this Service Office 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.

Project Description

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

Name

Bicentennial Pathway Project, Phase 1 Des. 0902215

Description

The Bicentennial Pathway Project, Phase 1 (Des. 0902215) project is located along Old State Road 37 in Bloomington Township, Monroe County, Indiana. The project is located in Section 2, 3, 10, 11, 15, and 16, Township 9N, Range 1W. Monroe County, the project sponsor, has been awarded federal funds from the Federal Highway Administration (FHWA) for this project. The project involves the addition of paved shoulders along a 2.3 mile length of Old SR 37 from Audubon Road to Robinson Road to allow room for bicyclists. Construction is anticipated to start in Fall 2021.

The proposed project generally consists of the addition of five-foot (5) wide asphalt shoulders with one-foot (1) graded aggregate shoulders to both sides of the existing mainline roadway pavement. The existing travel lanes may be narrowed or adjusted to allow for a best fit of the bicycle improvements. The project will also include foreslope grading, ditch grading, backslopes in various locations along the route, modified to match the new improvements. Curb and gutter may be utilized in certain areas to minimize adjacent impacts. Street and driveway approaches will be adjusted accordingly. A retaining wall will be installed approximately 1,800 ft south of Old Myers Road on the northwest side of Old SR 37. Existing guardrail in most areas will be removed and replaced to meet current standards; complete removal of guardrail may occur in other areas. Five (5) existing culverts will be extended or modified as necessary to correspond with the new improvements. The two (2) existing bridges along the alignment are to remain in place with no planned modifications. It is anticipated that that no more than 3 acres of tree removal will be required along the roadside, from within 40 feet of the edge of pavement. It is anticipated that 7 acres of permanent right-of-way (ROW), 5.6 acres of re-acquired existing ROW, and 5 acres of temporary ROW will be required for the project. No relocation of businesses or residents will be required. The maintenance of traffic plan will utilize temporary lane closures and use of flaggers during construction. Installation of the retaining wall may require a temporary signal or flaggers to maintain one-lane traffic. No road closures will be required. A review of the USFWS database by INDOT Site Assessment & Management on January 17, 2018 did indicate the presence of the northern long-eared bat in or within 0.5 mile of the project area. The structure inspections performed on January 22, 2020 did not indicate the presence or signs of previous use of bat species within or beneath any structures within the project area.

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.

No

7. Is the project located **within** a karst area?

Yes

8. Will the project include *any* type of activity that could impact a **known** hibernaculum^[1], or impact a karst feature (e.g., sinkhole, losing stream, or spring) that could result in effects to a **known** hibernaculum?

[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.

No

9. 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](#).

Yes

10. 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.

Yes

11. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

12. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

13. 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.

No

14. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

Yes

15. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

16. 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 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.

No

17. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

18. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

19. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

20. Will the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

No

21. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

No

22. Are *all* trees that are being removed clearly demarcated?

Yes

23. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

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

No

25. Does the project include slash pile burning?

No

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

Yes

27. 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

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

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[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 1.22.20 Des 0902215.pdf* <https://ecos.fws.gov/ipac/project/CV4ZLEECABC7NEISHY4UB3EZSQ/projectDocuments/19958452>

29. 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

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

No

31. 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

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

Yes

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

Yes

34. Will the project install new or replace existing **permanent** lighting?

No

35. 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?

No

36. 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

37. Will the project raise the road profile **above the tree canopy**?

No

38. Are the 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 consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

39. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

40. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

41. 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

42. **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

43. **Hibernacula AMM 1**

Will the project ensure that on-site personnel will use best management practices^[1], secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula?

[1] Coordinate with the appropriate Service Field Office on recommended best management practices for karst in your state.

Yes

44. **Hibernacula AMM 1**

Will the project ensure that, where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography?

Yes

45. **Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

46. **Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

47. **Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**^[1] Indiana bat or NLEB roosts^[2] (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] 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.)

Yes

48. **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?

N/A

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

N/A

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

4. Please describe the proposed bridge work:

No work will occur on the two bridges within the project area, but work will occur on three existing concrete box culverts and two pipes. Two concrete box culverts will receive 20 linear feet extensions with new headwalls and wingwalls. The other concrete box culverts will receive 5 ft of repairs to the west end and the west headwall and wingwalls will be raised by 1-2 feet. 20 linear feet of pipe extensions will be required on the two existing 21-inch corrugated metal pipes.

5. Please state the timing of all proposed bridge work:

Unknown, construction anticipated to begin in Fall 2021

6. Please enter the date of the bridge assessment:

January 22, 2020

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.

HIBERNACULA AMM 1

For projects located within karst areas, on-site personnel will use best management practices, secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula. Where practicable, a 300 foot buffer will be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on December 02, 2019. 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 may 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.

Kevin McLane

From: Hinkle, Meghan <MHinkle@indot.IN.gov>
Sent: Wednesday, January 29, 2020 2:55 PM
To: Kevin McLane; Dye, David
Subject: RE: Bicentennial Pathway, Des. 0902215, IPaC Determination

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

I have reviewed and submitted this determination to USFWS for their 14-day review period.

Let me know if you have any additional questions.

Meghan Hinkle
Major Projects / LPA Review Liaison
Environmental Services Division
Indiana Department of Transportation
100 N Senate Ave N642-ES
Indianapolis, IN 46204-2216
317-232-1490
Email: MHinkle@indot.IN.gov



From: Kevin McLane [mailto:kevin@green3studio.com]
Sent: Tuesday, January 28, 2020 4:23 PM
To: Dye, David <DDYE@indot.IN.gov>; Hinkle, Meghan <MHinkle@indot.IN.gov>
Subject: Bicentennial Pathway, Des. 0902215, IPaC Determination

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

All,

After speaking to Meghan, who spoke to USFWS, it has been decided that the project could answer "no" to the question about document habitat. This lead to a NLAA with AMMs determination. A consistency letter has been generated with the record locator number: **961-19959055**. Based on USFWS's guidance in regards to the proximity of hibernacula to the project, Meghan decided that it would be best to ensure that Tree AMM2 includes that the dates of tree clearing be from November 15 through March 30. Since that won't be covered in the Concurrence Letter, should I just include Meghan's email and ensure that the commitment includes that date range in the CE document?

Please review and let me know if anything needs changing.

Thanks for your help,

Kevin McLane

Kevin McLane

From: Hinkle, Meghan <MHinkle@indot.IN.gov>
Sent: Tuesday, January 28, 2020 7:28 AM
To: Kevin McLane
Cc: Miller, Brandon; Dye, David; Hicks, Zachary
Subject: FW: [EXTERNAL] Bicentennial Pathway Project, Phase 1 Des. 0902215

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Kevin,

As promised here is the email from USFWS on how to proceed with IPaC coordination for this project.

Based on the response below “no” should be answered for documented habitat. This should change the overall determination for the project to a Not Likely to Adversely Affect with AMMs. Based on our conversation yesterday, for Tree AMM 2 include the dates of Nov. 15 – Mar. 30 for tree clearing to occur. This will help avoid any confusion during construction, and allow for the fall swarming season to be concluded before tree clearing occurs. If this date becomes an issue for construction let me know and we can revisit the tree clearing dates.

Let me know if you have any questions.

Meghan Hinkle
Major Projects / LPA Review Liaison
Environmental Services Division
Indiana Department of Transportation
100 N Senate Ave N642-ES
Indianapolis, IN 46204-2216
317-232-1490
Email: MHinkle@indot.IN.gov



From: McWilliams, Robin [mailto:robin_mcwilliams@fws.gov]
Sent: Monday, January 27, 2020 11:25 AM
To: Hinkle, Meghan <MHinkle@indot.IN.gov>
Subject: Re: [EXTERNAL] Bicentennial Pathway Project, Phase 1 Des. 0902215

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hi Meghan,

This project is outside of the 10 mile buffer zone for the Critical Habitat, so no impacts to Critical Habitat expected. Part of it is, however, within 10 miles of a Priority 1 hibernacula and therefore the active season is extended through November 15. This means that tree clearing should occur after Nov. 15 through March 30 for that southern half of the project; the northern part can start as early as Oct. 1.

Also, we determined it was not in documented habitat for the NLEB based on the Programmatic's definition of documented habitat and documented corridors.

Because we have one NLEB record near here, with no other records or telemetry, we were considering the area as "not documented."

robin

Robin McWilliams Munson

U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, Indiana 46403
812-334-4261 x. 207 Fax: 812-334-4273

Monday, Tuesday - 7:30a-3:00p
Wednesday, Thursday - telework 8:30a-3:00p

On Fri, Jan 24, 2020 at 12:57 PM Hinkle, Meghan <MHinkle@indot.in.gov> wrote:

Robin,

There is a critical habitat in this project area. We are working through IPaC and have answered yes to documented habitat due to have records of a NLEB capture next to this project. There will also be tree clearing (0-100ft) for this project. In IPaC we have received a determination of LAA. Is there any additional coordination we should do for the critical habitat present?

You are a member for this IPaC project. If you could take a look and let me know if there is any additional or different coordination that needs to occur for this project before I review the LAA letter.

Thanks,

Meghan Hinkle

Major Projects / LPA Review Liaison

Environmental Services Division

APPENDIX D – SECTION 106 of the NHPA
and SECTION 4(f) of the U.S.
TRANSPORTATION ACT of 1966



Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov • www.IN.gov/dnr/historic



January 31, 2020

Karen Wood
Green 3, LLC
1104 Prospect Street
Indianapolis, Indiana 46203

Federal Agency: Indiana Department of Transportation ("INDOT"),
on behalf of Federal Highway Administration ("FHWA")

Re: Revised 800.11 documentation, and the Indiana Department of Transportation's finding of "no adverse effect," on behalf of the Federal Highway Administration, for the proposed Unionville Bicentennial Trail Project in Bloomington Township, Monroe County, Indiana. (Des. No. 0902215; DHPA No. 21436)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the "Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana," the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO or DNR-DHPA") has reviewed the above-referenced materials, which, together with Anuradha V. Kumar's (INDOT) December 19, 2019, cover letter, and your December 19, 2019, Review Request Submittal form, we received on December 20, 2019.

As previously indicated, in regard to archaeological resources within the proposed project area, based upon the submitted information and the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places ("NRHP") within the portions of the proposed project area; and we concur with the opinion of the archaeologist, as expressed in the Phase Ia archaeological study (Jackson, 04/10/2019), that no further archaeological investigations appear necessary at the proposed project area.

Additionally, as previously indicated, based upon the submitted information and the documentation available to the staff of the Indiana SHPO, there is insufficient information regarding archaeological site 12-Mo-1560 (which was identified during the archaeological investigations) to determine whether it is eligible for inclusion in the NRHP. However, the portions of this site that lie within the proposed project area do not appear to contain significant archaeological deposits, and no further archaeological investigations appear necessary in those areas.

Furthermore, as previously indicated, based upon the submitted information and the documentation available to the staff of the Indiana SHPO, there is insufficient information regarding archaeological site 12-Mo-1647 (which was identified during the archaeological investigations) to determine whether it is eligible for inclusion in the NRHP. However, it is our understanding that the entirety of this site lies outside the proposed project area, and will be avoided by all proposed project-related ground-disturbing activities.

Moreover, as previously indicated, the portions of archaeological site 12-Mo-1560 that lie outside the proposed project area, along with the entirety of archaeological site 12-Mo-1647, must either be avoided by all proposed project-related ground-

disturbing activities or subjected to further archaeological investigations. Those areas of the sites should be clearly marked so that they are avoided by all ground-disturbing project activities. If avoidance is not feasible, then a plan for subsurface archaeological investigations must be submitted to the Division of Historic Preservation and Archaeology ("DHPA") for review and comment. Any further archaeological investigations must be done in accordance with the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" (48 F.R. 44716).

Additionally, as previously indicated, we note that portions of the proposed project area lie immediately adjacent to Payne Cemetery (CR-53-89 in the Indiana DHPA SHAARD database system). Please note that, if any portion of the proposed project area is within 100 feet of a cemetery, then a cemetery development plan may be necessary under IC 14-21-1-26.5. The aforementioned cemetery must be avoided by all project activities, and provisions of relevant state statutes regarding cemeteries (including IC 14-21-1 and IC 23-14) must be adhered to. Please also be aware of Indiana Code 23-14-44-1 and Indiana Code 23-14-44-2, regarding restrictions on roads and utility construction in cemeteries.

Additionally, as previously indicated, based on the information provided to us, we agree that the only historic property identified within the area of potential effects, the house at 4705 N. Old SR 37 (IHSSI Site # 105-055-20026), will not be adversely affected by this project.

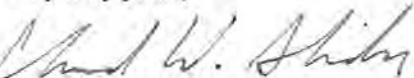
Accordingly, we concur with INDOT's December 17, 2019, Section 106 finding, on behalf of FHWA, of "No Adverse Effect" for the proposed Unionville Bicentennial Trail Project in Bloomington Township, Monroe County, Indiana. (Des. No. 0902215; DHPA No. 21436).

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29) requires that the discovery must be reported to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

The structures reviewer for this project on the Indiana SHPO staff is Chad Slider, and the archaeological reviewer is Wade T. Tharp. However, if you have a question about our comments or about the review process, please contact initially one of the INDOT Cultural Resources Office staff members assigned to this project.

If there is any future correspondence regarding for the Unionville Bicentennial Trail Project in Bloomington Township, Monroe County (Des. No. 0902215), please refer to DHPA No. 21436.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:WTT:cws

emc: Robert Dirks, Federal Highway Administration
Michelle Allen, Federal Highway Administration
Joyce Newland, Federal Highway Administration
Anuradha Kumar, INDOT
Susan Branigin, INDOT
Shaun Miller, INDOT
Anthony Ross, INDOT
Shirley Clark, INDOT
Karen Wood, Green 3, LLC
Chris Jackson, Green 3, LLC
Erin Mulryan, Green 3, LLC
Kevin McLane, Green 3, LLC
Chad Slider, Indiana DNR-DHPA
Wade Tharp, Indiana DNR-DHPA

Public Notice
Des. No. 0902215

Monroe County is planning to undertake a pavement replacement project funded in part by the Federal Highway Administration. The proposed undertaking is on Old SR 37 from Audubon Drive to Robinson Road in Monroe County, Indiana.

The project proposes the addition of paved shoulders along approximately 2.3 miles of Old SR 37 from Audubon Road to Robinson Road. Throughout the proposed alignment, there will be asphalt shoulders with graded shoulders to both sides of the existing mainline roadway pavement. The existing travel lanes may be narrowed or adjusted to allow for a best fit of the bicycle improvements. Street and driveway approaches will be adjusted accordingly. Existing culverts will be extended or modified as necessary to correspond with the new improvements. Existing bridges are to remain in place with no planned modifications. It is anticipated that tree removal will be required along the roadside. The current proposed method for maintenance of traffic during construction is temporary lane closures and flagging. Approximately 7 acres of permanent right-of-way, 5.6 acres of re-acquisition of existing right-of-way, and 5 acres of temporary right-of-way, totaling approximately 17.6 affected acres, is anticipated at this time.

Properties listed in or eligible for the National Register of Historic Places (NRHP) located within the Area of Potential Effects (APE) include the property at **4705 N. Old SR 37**. The proposed action impacts properties listed in or eligible for the NRHP. The Indiana Department of Transportation (INDOT), on behalf of the FHWA, has issued a "No Adverse Effect" finding for the project because the project will not diminish the integrity of the characteristics that qualify the historic property within the APE for inclusion in the NRHP. In accordance with the National Historic Preservation Act, the views of the public are being sought regarding the effect of the proposed project on the historic elements as per 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). Pursuant to 36 CFR 800.4(d)(2), the documentation specified in 36 CFR 800.11(e) is available for inspection in the office of Green 3, LLC. Additionally, this documentation can be viewed electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents>. This documentation serves as the basis for the "No Adverse Effect" finding. The views of the public on this effect finding are being sought. Please reply with any comments to Connie Zeigler, Green 3, LLC, 1104 Prospect Street, Indianapolis, IN 46203; 317-908-6046; connie@green3studio.com no later than December 2, 2019.

In accordance with the "Americans with Disabilities Act", if you have a disability for which INDOT needs to provide accessibility to the document(s) such as interpreters or readers, please contact Angie Purdie, 812.349.2550, apurdie@co.monroe.in.us.

ATTACH COPY OF ADVERTISEMENT HERE

Des. No. 0902215 Monroe Cty
 GREEN3
 (Governmental Unit)
Monroe County, Indiana

To: Herald Times
 1900 S. Walnut St.
 Bloomington, IN 47401

PUBLISHER'S CLAIM**LINE COUNT**

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines
 Head -- number of lines
 Body -- number of lines
 Tail -- number of lines
 Total number of lines in notice.....99

COMPUTATION OF CHARGES

99 lines, 1 column(s) wide equals 99 equivalent lines at 0.395
 cents per line.....\$39.11
 Additional charges for notices containing rule or tabular work (50 per cent of above amount)
 Charge for extra proofs of publication (\$1.00 for each proof in excess of two)
 TOTAL AMOUNT OF CLAIM.....\$39.11

DATA FOR COMPUTING COST

Width of single column in picas 9.4 Size of type 8 point
 Number of insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:
 11/02/19

Additionally, the statement checked below is true and correct

Newspaper does not have a Web site.

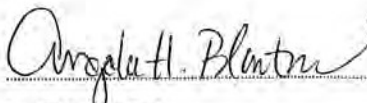
☒ Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

Newspaper has a Web site, but due to technical problem or error, the public notice was posted on.....

Newspaper has Web site but refuses to post the public notice.

Date.....

11/7/19



Title: Public Notice Clerk

Persons with Disabilities Act, if you have a disability for which INDOT needs to provide accessibility to the document(s) such as interpreters or readers, please contact Angie Purdie, 812.349.2550, apurdie@co.monroe.in.us, hpaxip

Public Notice
Des. No. 0902218

Monroe Cty

Monroe County is planning to undertake a pavement replacement project funded in part by the Federal Highway Administration. The proposed undertaking is on Old SR 37 from Audubon Drive to Robinson Road in Monroe County, Indiana.

The project proposes the addition of paved shoulders along approximately 2.3 miles of Old SR 37 from Audubon Road to Robinson Road. Throughout the proposed alignment, there will be asphalt shoulders with graded shoulders to both sides of the existing mainline road-way pavement. The existing travel lanes may be narrowed or adjusted to allow for a best fit of the bicycle improvements. Street and driveway approaches will be adjusted accordingly. Existing culverts will be extended or modified as necessary to correspond with the new improvements. Existing bridges are to remain in place with no planned modifications. It is anticipated that tree removal will be required along the roadside. The current proposed method for maintenance of traffic during construction is temporary lane closures and flagging. Approximately 7 acres of permanent right-of-way, 5.8 acres of re-acquisition of existing right-of-way, and 5 acres of temporary right-of-way, totaling approximately 17.8 affected acres, is anticipated at this time.

Properties listed in or eligible for the National Register of Historic Places (NRHP) located within the Area of Potential Effects (APE) include the property at 4705 N. Old SR 37. The proposed action impacts properties listed in or eligible for the NRHP. The Indiana Department of Transportation (INDOT), on behalf of the FHWA, has issued a "No Adverse Effect" finding for the project because the project will not diminish the integrity of the characteristics that qualify the historic property within the APE for inclusion in the NRHP. In accordance with the National Historic Preservation Act, the views of the public are being sought regarding the effect of the proposed project on the historic elements as per 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). Pursuant to 36 CFR 800.4(d)(2), the documentation specified in 36 CFR 800.11(e) is available for inspection in the office of Green 3, LLC. Additionally, this documentation can be viewed electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://www.indot.in.gov/Section106Documents>. This documentation serves as the basis for the "No Adverse Effect" finding. The views of the public on this effect finding are being sought. Please reply with any comments to Connie Zelger, Green 3, LLC, 1104 Prospect Street, Indianapolis, IN 46203; 317-908-8046; connie@green3studio.com no later than December 2, 2019.

In accordance with the "Americans with Disabilities Act", if you have a disability for which INDOT needs to provide accessibility to the document(s) such as interpreters or readers, please contact Angie Purdie, 612.349.2550, apurdie@co.monroe.in.us.

Monroe County, Indiana

To: Herald Times
1900 S. Walnut St.
Bloomington, IN 47401

PUBLISHER'S CLAIM

Play Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Number of lines
Number of lines
Number of lines

Number of lines in notice.....99

CHARGES

Column(s) wide equals 99 equivalent lines at 0.395

Cost per line.....\$39.11

Charges for notices containing rule or tabular work (50 per cent of above amount)

Extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM.....\$39.11

PRINTING COST

Single column in picas 9.4
Insertions 1

Size of type 8 point

The provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

The printed matter attached hereto is a true copy, of the same column width and type size, which was duly printed 1 times. The dates of publication being as follows:

I, the statement checked below is true and correct

newspaper does not have a Web site.

newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

newspaper has a Web site, but due to technical problem or error, the public notice was posted on

newspaper has Web site but refuses to post the public notice.

Angela H. Blanton

Title: Public Notice Clerk

Unionville Bicentennial Trail Project

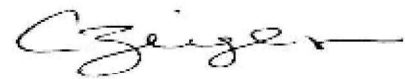
Bloomington Township, Monroe County, Indiana

Des. No. 0902215



800.11(e) Documentation and Effects Finding October 15, 2019

Prepared for:
IXOYE Engineering
By:



Connie Zeigler
Green3 LLC
Historic Fountain Square
1104 Prospect Street
Indianapolis, IN 46203



p. 317.634.4110

f. 866.422.2046

email: connie@green3studio.com

**FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
Unionville Bicentennial Trail Project
BLOOMINGTON TOWNSHIP, MONROE COUNTY, INDIANA
DES. No. 0902215
DHPA NO. 21436**

AREA OF POTENTIAL EFFECTS

(Pursuant to 36 CFR Section 800.4(a)(1)). The area of potential effects (APE) of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. Forested areas, rolling landscape and bends in the road limited the APE. See Appendix A for a map of the APE.

ELIGIBILITY DETERMINATIONS

(Pursuant to 36 CFR 800.4(c)(2)). House, IHSSI #105-055-20026, 4705 N. Old SR 37, is an English Cottage house constructed circa 1920. The property also includes entry walls/gates adjacent to Old SR 37, a stacked-stone wall along the drive, and a stone well-house. The English Cottage style house rises from a random ashlar limestone foundation to random ashlar limestone walls. The resource is eligible under Criterion C as a fine example of a vernacular English cottage style residence.

EFFECT FINDING

House, IHSSI #105-055-20026, 4705 N. Old SR 37– The undertaking will have “No Adverse Effect” on the House.

INDOT, acting on FHWA’s behalf, has determined a "No Adverse Effect" finding is appropriate for this undertaking.

INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of effect.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties).

House, IHSSI #105-055-20026, 4705 N. Old SR 37– This undertaking will not convert property from the House, IHSSI #105-055-20026, 4705 N. Old SR 37, a Section 4(f) historic property, to a transportation use; INDOT, acting on FHWA’s behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore, no Section 4(f) evaluation is required for the **House, IHSSI #105-055-20026, 4705 N. Old SR 37.**

Anuradha Kumar V.

Anuradha V. Kumar, for FHWA
Manager
INDOT Cultural Resources

12/17/2019

Approved Date

**FEDERAL HIGHWAY ADMINISTRATION
DOCUMENTATION OF SECTION 106 FINDING OF
“NO ADVERSE EFFECT”
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR 800.5 (c)
UNIONVILLE BICENTENNIAL TRAIL PROJECT
BLOOMINGTON TOWNSHIP, MONROE COUNTY, INDIANA
DES. No. 0902215
DHPA NO. 21436**

1. DESCRIPTION OF THE UNDERTAKING

Monroe County Commissioners, with funding from the Federal Highway Administration (FHWA) and administrative oversight from INDOT, propose to proceed with the Unionville Bicentennial Trail Project, Des. No. 0902215. The proposed undertaking is on Old SR 37 from Audubon Drive to Robinson Road in Monroe County, Indiana.

The project proposes the addition of paved shoulders along approximately 2.3 miles of Old SR 37 from Audubon Road to Robinson Road. Throughout the proposed alignment, there will be four- (4') to six-foot (6') wide asphalt shoulders with one- (1') or two-foot (2') graded shoulders to both sides of the existing mainline roadway pavement. The existing travel lanes will be narrowed or adjusted to allow for a best fit of the bicycle improvements. The project will also include foreslope grading, ditch grading, backslopes in various locations along the route, modified to match the new improvements. Curb and gutter will be utilized in certain areas to minimize adjacent impacts. Street and driveway approaches will be adjusted accordingly. Existing guardrail in most areas will be removed and replaced to meet current standards; complete removal of guardrail may occur in other areas. Existing culverts will be extended or modified as necessary to correspond with the new improvements. Existing bridges are to remain in place with no planned modifications. It is anticipated that tree removal will be required along the roadside. The current proposed method for maintenance of traffic during construction is temporary lane closures and flagging. Approximately 7.0 acres of permanent right-of-way, 5.6 acres of re-acquisition of existing right-of-way, and 5.0 acres of temporary right-of-way, totaling approximately 17.6 affected acres, is anticipated at this time.

The area of potential effects (APE) as defined in 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” The APE included all properties adjacent to the project and those with a proximate view of the project. Please see Appendix A for a map of the APE.

2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

The NRHP, Indiana Register of Historic Sites and Structures (State Register) and the State Historic Architectural and Archaeological Research Database (SHAARD and SHAARD-GIS) were consulted. The online ArcGIS Indiana Historic Buildings, Bridges, and Cemeteries Map, which includes information from the Indiana Historic Sites and Structures Inventory (IHSSI), was consulted and checked against the *Monroe County Interim Report* (1998). The county was resurveyed in 2015, but a new report was not published. The 2015 information is available on the Indiana Historic Buildings, Bridges and Cemeteries Map. The Indiana Historic Bridge Inventory, Volume 2: Listing of Historic and Non-Historic Bridges (February 2009) by M & H Architecture, Inc. was reviewed and no historic bridges were listed within the APE. There are no properties listed in the National Register within the APE.

As a result of the historic property identification and evaluation efforts, the property at 4705 N. Old SR 37, IHSSI #105-055-20026 is recommended as eligible for listing in the NRHP. Please see Appendix B for photos.

Typo: should be August 1, 2017

A Historic Property Report (HPR) was completed for the project (Zeigler, August 1, 2018). The summary of the HPR is found in Appendix D.

On August 1, 2018, an early coordination letter was distributed to potential consulting parties inviting them to participate in the Section 106 process and review the HPR for this project. The State Historic Preservation Officer (SHPO) is an automatic consulting party; that office and others that accepted consulting party status are shown in boldface type below. The SHPO and the property owners at that time received a paper copy of the HPR. Others were invited on IN SCOPE <http://erms.indot.in.gov/Section106Documents/>. Below is the list of invited consulting parties. Those identified in bold print are participating consulting parties.

State Historic Preservation Officer (SHPO) (automatic consulting party)

Indiana Landmarks, Central Regional Office

Monroe County History Center

Monroe County Historian

Bloomington Restorations, Inc.

Downtown Bloomington Commission

Monroe County Historic Preservation Review Board

Stinesville Renaissance

Preservation Development, Inc.

Housing and Neighborhood Development

Monroe County Planning Department

Bloomington/Monroe County Metropolitan Planning Organization

Bloomington Historic Preservation Commission

Monroe County Commissioners

Gerald Stasny (historic property owner)

Eastern Shawnee Tribe of Oklahoma

Miami Tribe of Oklahoma

Peoria Tribe of Indians of Oklahoma

Pokagon Band of Potawatomi Indians

~~Delaware Tribe of Indians, Oklahoma~~ **Not sent**

Chris Jackson, a Qualified Professional, conducted a Phase Ia archaeological investigation (Jackson April 10, 2019). It was submitted to the SHPO and distributed to tribes via IN SCOPE on June 4, 2019. The report identified two (2) sites. Site 12-Mo-1560 is located partially within the project area and site 12-Mo-1647 is located adjacent to but outside the project boundary. As a result of these efforts, the portion of site 12-Mo-1560 within the project area was recommended not eligible for listing in the NRHP and no further work was recommended. The SHPO staff replied to the archaeological report in a letter dated July 8, 2019, stating that “we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places (“NRHP”) within the portions of the proposed project area; and we concur with the opinion of the archaeologist . . . that no further archaeological investigations appear necessary at the proposed project area.” “The portions of archaeological site 12-Mo-1560 that lie outside the proposed project area, along with the entirety of archaeological site 12-Mo-1647, must either be avoided by all proposed project-related ground-disturbing activities or subjected to further archaeological investigations.” The summary of the archaeology report is found in Appendix D.

The SHPO staff concurred with the HPR recommendation in a letter dated August 24, 2017. The limits of the project changed slightly after the Historic Property Report was completed; however, the above-ground APE was large enough to account for project activities that will occur in the new area.

Typo: Should be August 17, 2017

On ~~April~~ 18, 2017, the Miami Tribe of Oklahoma responded to the ECL and HPR by email, accepting consulting party status. In an attached letter the Tribal Historic Preservation Officer (THPO) stated that the tribe “offers no objection to the above-mentioned project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site.” Further, the letter requested that if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered that the Miami Tribe “requests immediate consultation with the entity of jurisdiction for the location of the discovery” and that the THPO should be notified to initiate consultation.

No other consulting party comments were received with regard to the identification of historic properties.

3. DESCRIBE AFFECTED HISTORIC PROPERTIES

House, IHSSI #105-055-20026, 4705 N. Old SR 37. The property is an English Cottage house constructed circa 1920. It rises from a random ashlar limestone foundation to random ashlar limestone walls. The property includes entry walls/gates adjacent to Old SR 37, a stacked-stone wall along the drive, a stone well-house. It is eligible under Criterion C as a fine example of a vernacular English cottage style residence.

4. DESCRIBE THE UNDERTAKING’S EFFECT ON HISTORIC PROPERTIES

House, IHSSI #105-055-20026, 4705 N. Old SR 37. While the project will be visible from the property, the project will not require right-of-way or have any direct impacts at this location. The slight changes in viewshed that may be created from construction of shoulders on the opposite side of Old SR 3 will be visible only from the stone walls at the front of the property and will not in any way impact the integrity of this property. The project will have No Adverse Effect on the House, IHSSI #105-055-20026, 4705 N. Old SR 37.

5. EXPLAIN APPLICATION OF CRITERIA OF ADVERSE EFFECT – INCLUDE CONDITIONS OR FUTURE ACTIONS TO AVOID, MINIMIZE OR MITIGATE ADVERSE EFFECTS

According to 36 CFR 800.5(a)(1) “An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.”

House, 4705 N. Old SR 37, IHSSI #105-055-20026, Per 800.5(a)(2)(i), the undertaking will not result in the “Physical destruction of or damage to all or part of the property;” there will be no right-of-way acquired from the property. See plan sheet 11 in Appendix E.

Per 36 CFR 800.5(a)(2)(ii), the undertaking will not cause the “Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties and/or other applicable guidelines.”

Per 36 CFR 800.5(a)2(iii), the undertaking will not result in the “Removal of the property from its historic location.”

Per 36 CFR 800.5(a)2(iv), the undertaking will not result in the “Change of the character of the property’s use of or physical features within the property’s setting that contribute to its historic significance.” There will be no direct impacts and the project will have little to no impact on the property’s setting. Project elements, such as the addition of shoulders and a retaining wall on the opposite side of Old SR 37 will be visible only from the entry gate walls of the property and will not change any features that contribute to its historic significance.

Per 36 CFR 800.5(a)2(v), the undertaking will not result in the “Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features.” The project will not introduce elements that diminish the historic architecture or materials of the house, which make it eligible for the NRHP.

Per 36 CFR 800.5(a)2(vi), the undertaking will not cause the “Neglect of a property which causes its deterioration...”

Per 36 CFR 800.5(a)2(vii), the undertaking will not cause the “Transfer, lease, or sale of property out of Federal ownership or control...”

6. SUMMARY OF CONSULTING PARTIES AND PUBLIC VIEWS

On August 1, 2017, an early coordination letter was distributed to potential consulting parties inviting them to participate in the Section 106 process and review the Historic Property Report (HPR; Zeigler, August 1, 2018) for this project.
Should be 2017

On August 18, 2017, the Miami Tribe of Oklahoma accepted consulting party status.

The State Historic Preservation Officer (SHPO) staff concurred with the recommendations of the HPR in a letter dated August 24, 2017.

A Phase Ia archaeological investigation was prepared (Jackson April 10, 2019). It was submitted to the SHPO and distributed to tribes via IN SCOPE, along with a distribution letter, on June 4, 2019. The report identified two (2) sites. Site 12-Mo-1560 is located partially within the project area and site 12-Mo-1647 is located adjacent to but outside the project boundary. As a result of these efforts, the portion of site 12-Mo-1560 within the project area was recommended not eligible for listing in the NRHP and no further work was recommended. The SHPO staff replied to the archaeological report in a letter dated July 8, 2019, stating that “we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places (“NRHP”) within the portions of the proposed project area; and we concur with the opinion of the archaeologist . . . that no further archaeological investigations appear necessary at the proposed project area.” “The portions of archaeological site 12-Mo-1560 that lie outside the proposed project area, along with the entirety of archaeological site 12-Mo-1647, must either be avoided by all proposed project-related ground-disturbing activities or subjected to further archaeological investigations.”

On August 27, an effects letter was submitted to consulting parties via IN SCOPE (paper copy mailed to SHPO). The effects letter recommended a finding of No Adverse Effect.

The SHPO staff responded to the effects letter on September 30, 2019 stating, “Based on the information provided in this submission, we agree that the only historic property identified within the area of potential effects, the house at 4705 N. Old SR 37 (IHSSI Site # 105-055-20026), will not be adversely affected by this project.

No other consulting comments were received. See Appendix C for copies of all consulting party correspondence.

APPENDICES

A – Maps

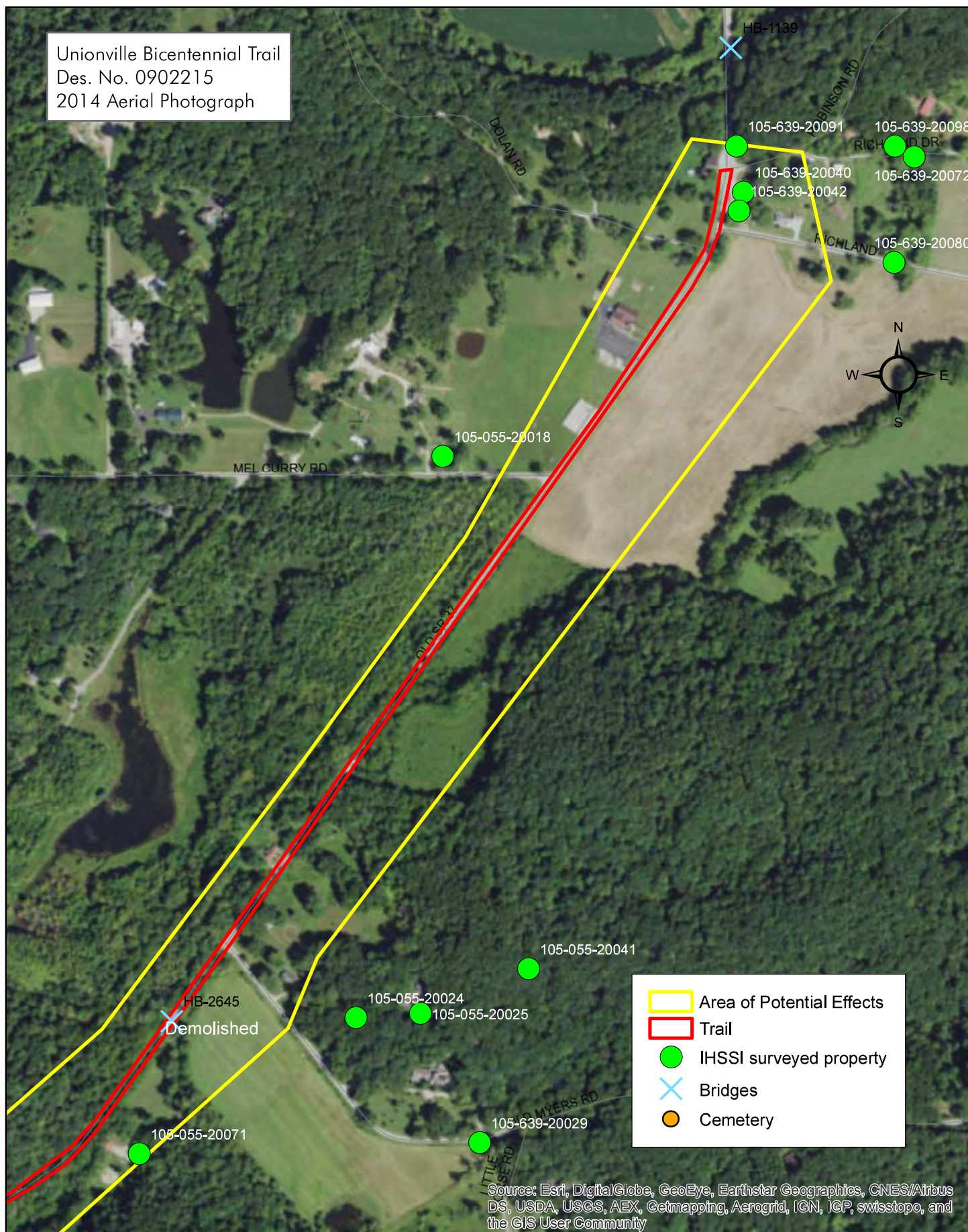
B – General Photographs

C – List of Consulting Parties and Consulting Party Correspondence

D – Historic Property Report and Archaeology Report Summaries

E – Preliminary Plans

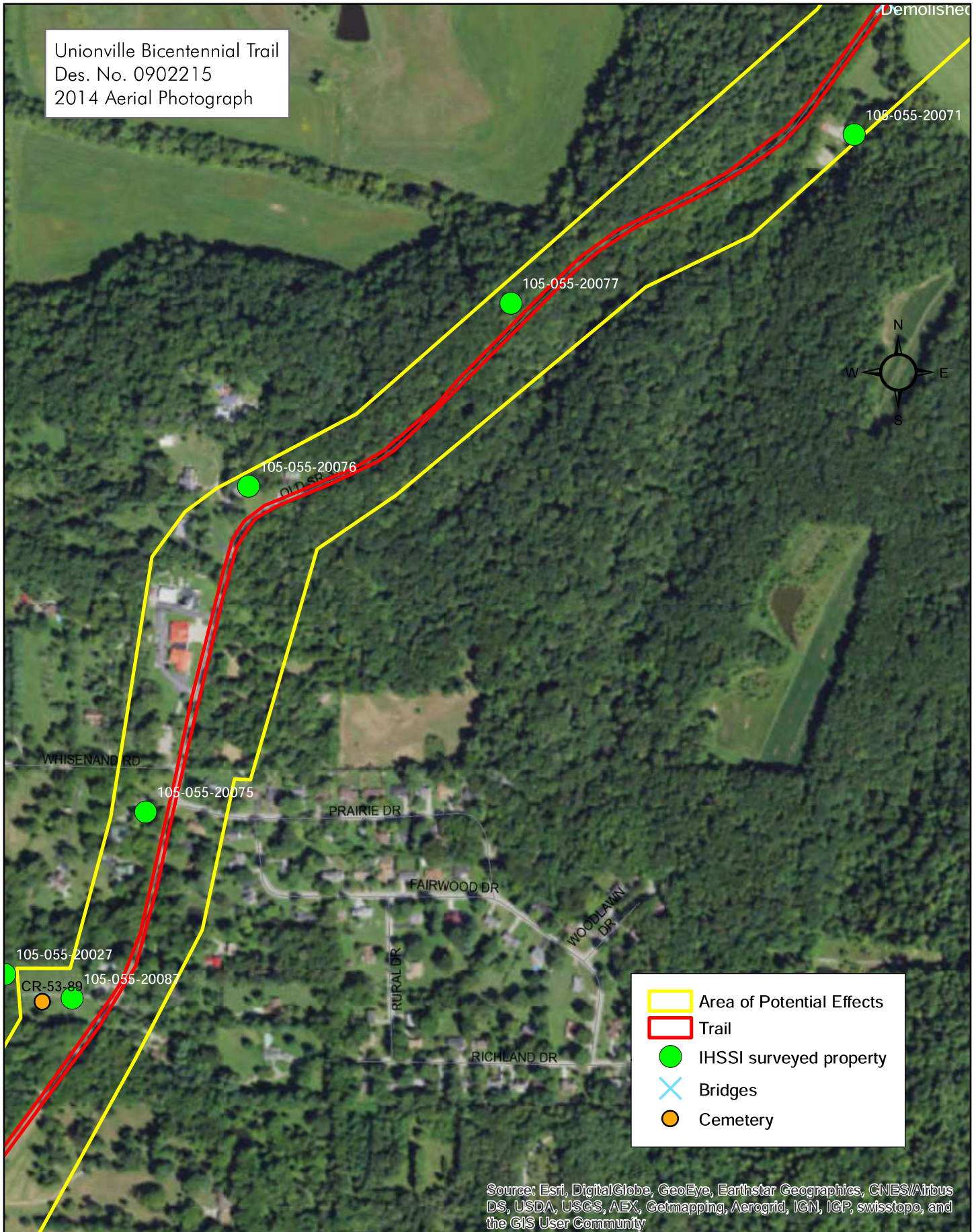
Area of Potential Effects -- Map 1 North



Township: Bloomington
 County: Monroe

0 395 790 1,580
 Feet

Area of Potential Effects -- Map 2



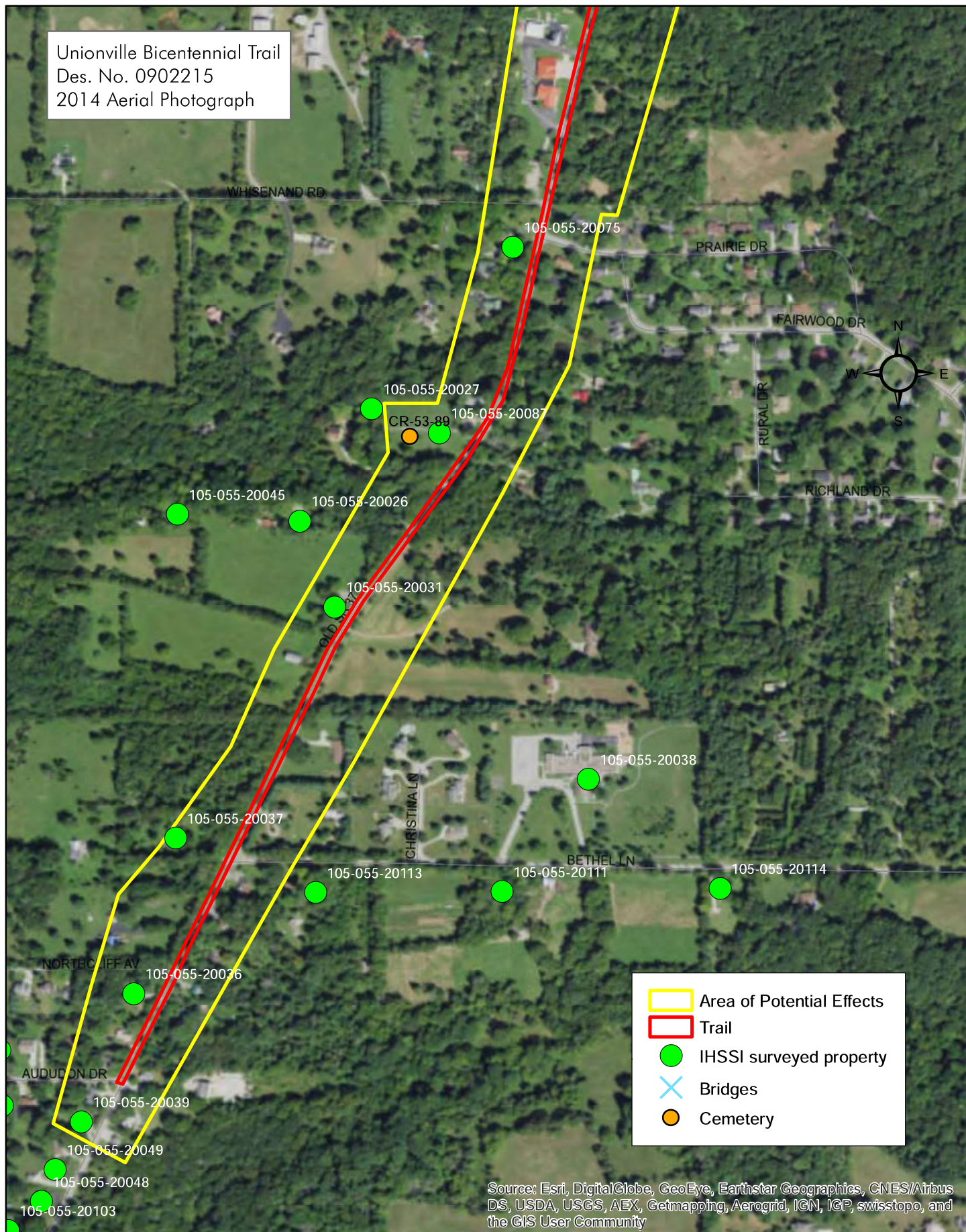
Township: Bloomington
County: Monroe

0 395 790 1,580
Feet

Green3 Studio
A-2

D-15

Area of Potential Effects -- Map 3 - South



Township: Bloomington
 County: Monroe

0 395 790 1,580
 Feet

Historic Property Boundary House 4705 N Old SR 37

Unionville Bicentennial Trail
Des. No. 0902215
2014 Aerial Photograph



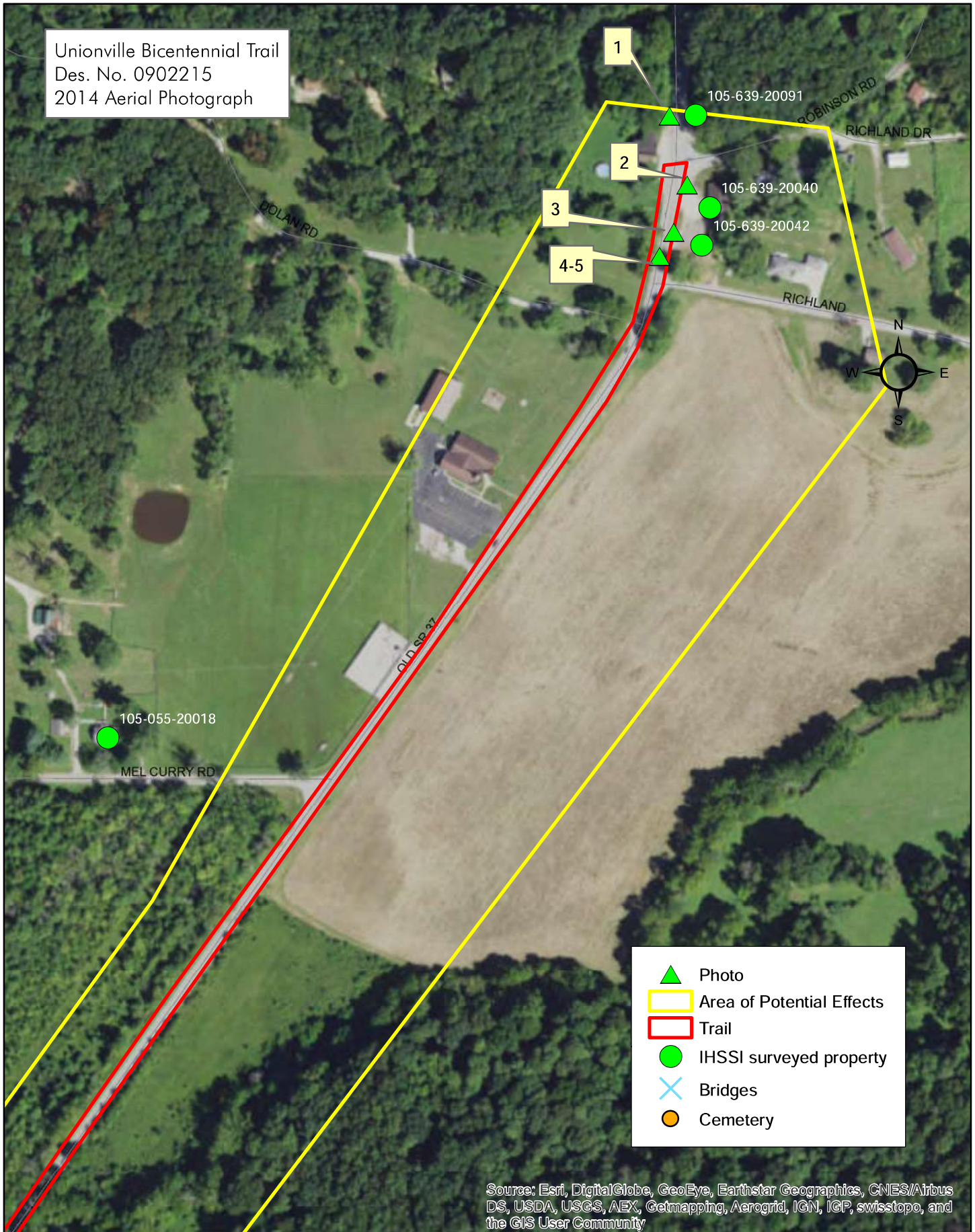
- Area of Potential Effects
- Trail
- Historic Property Boundary

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Township: Bloomington
County: Monroe

0 62.5 125 250 Feet

Photo Locations Map 1- North



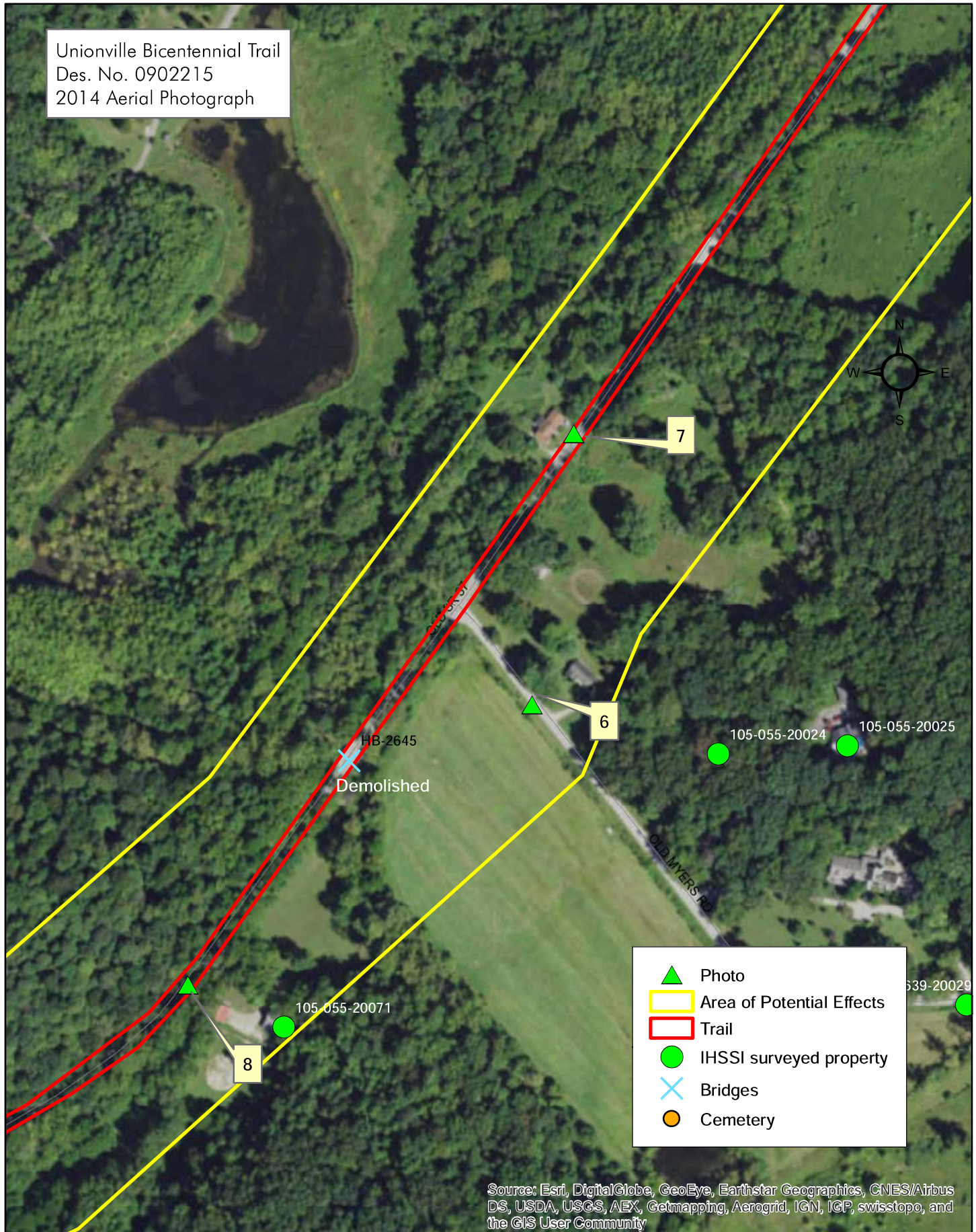
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 County: Monroe

0 195 390 780
 Feet

Green3 Studio
 A-5

D-18

Photo Locations Map 2



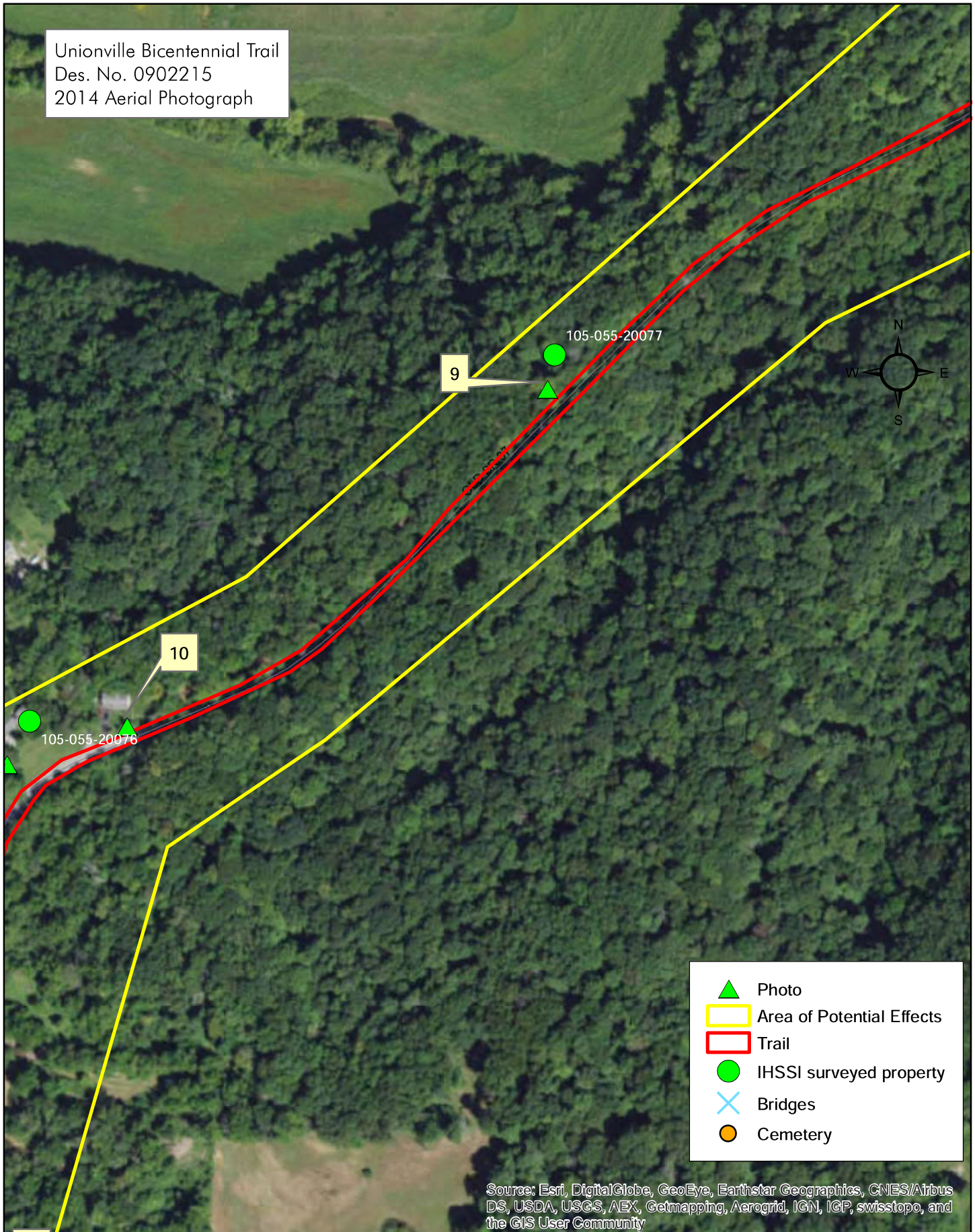
Township: Bloomington
County: Monroe

0 195 390 780
Feet

Green3 Studio
A-6

D-19

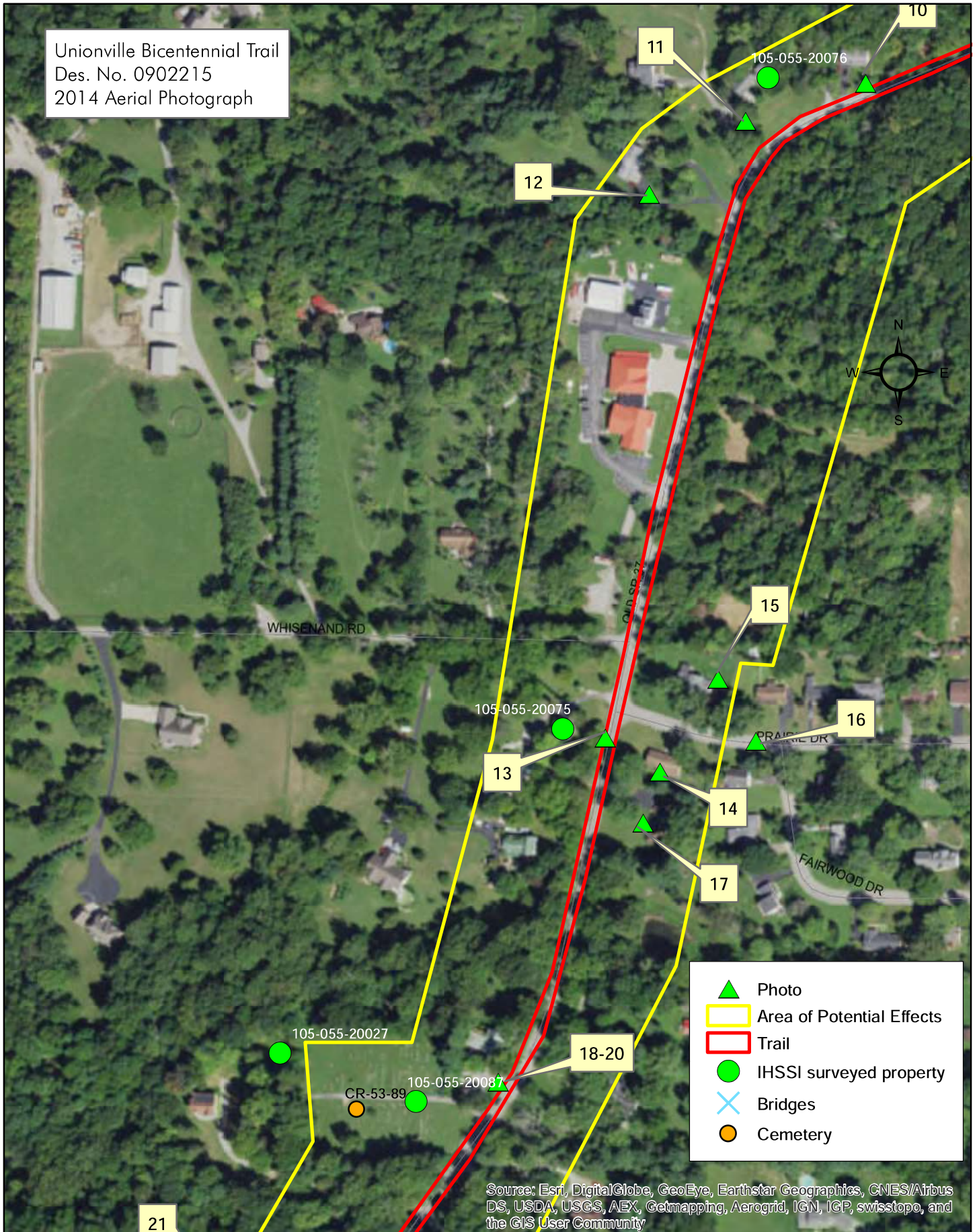
Photo Locations Map 3



Township: Bloomington
County: Monroe

0 195 390 780 Feet

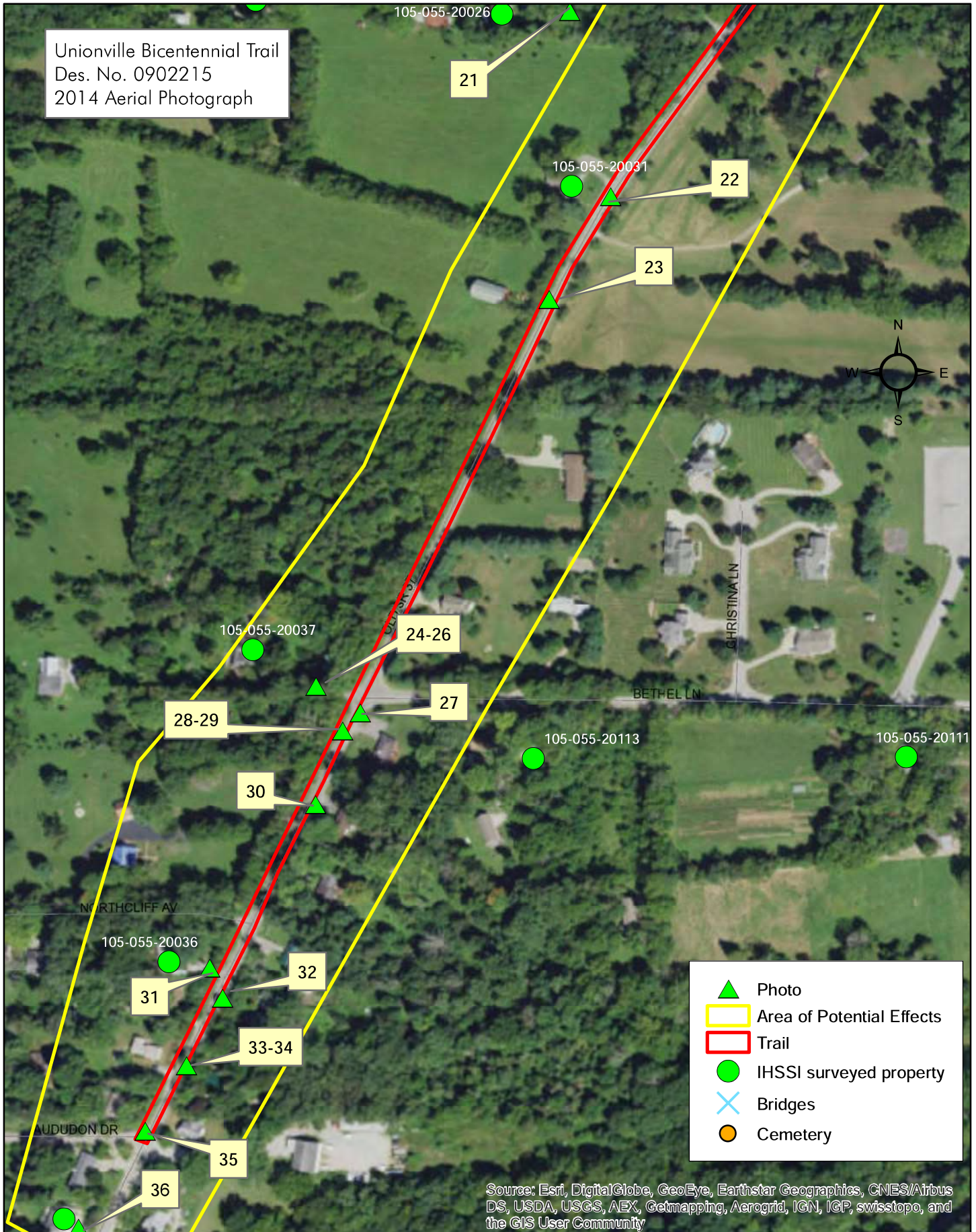
Photo Locations Map 4



Township: Bloomington
 County: Monroe

0 195 390 780 Feet

Photo Locations Map 5



Township: Bloomington
 County: Monroe

0 195 390 780 Feet



1. IHSSI 105-639-20091, Contributing (C) Concrete block commercial, c. 1950 N Old SR 37



2. IHSSI 105-639-20040 (C) 6128 N Old SR 37, block commercial building c. 1960



3. IHSSI 105-639-20042 (C), block commercial building c. 1960, new windows, N Old SR 37



4. Looking north toward end of APE, N Old SR 37



5. Looking south from end of APE, N Old SR 37



6. 105-055-G1 (C), 2655 Old Meyer Rd c. 1965 ranch, stone foundation, orig. windows, vinyl sided



7. 105-055-G2 (C) 5617 N Old SR 37 c. 1935 Tudor with garage addition



8. IHSSI 105-055-20071, Notable (N) Old SR 37 N barn



9. IHSSI 105-055-20077 (C) 5275 Old SR 37 N, 2-story gable-end bungalow, some new windows



10. 105-055-G3 (C), 5175 Old SR 37 N, modest ranch with integrity