

FHWA-Indiana Environmental Document
CATEGORICAL EXCLUSION / ENVIRONMENTAL ASSESSMENT FORM
GENERAL PROJECT INFORMATION

Road No./County:	State Road (SR) 37 at Notestine Road / Allen County
Designation Number(s):	1900142
Project Description/Termini:	Intersection Improvement / Along SR 37 from approximately 0.08 mile south to 0.03 mile north of the intersection, along Notestine Road from approximately 0.18 mile west and 0.14 mile east of the intersection

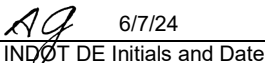
X	Categorical Exclusion, Level 2 – Required Signatories: INDOT DE and/or INDOT ESD
	Categorical Exclusion, Level 3 – Required Signatories: INDOT ESD
	Categorical Exclusion, Level 4 – Required Signatories: INDOT ESD and FHWA
	Environmental Assessment (EA) – Required Signatories: INDOT ESD and FHWA
	Additional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

Approval

_____	_____
INDOT DE Signature and Date	INDOT ESD Signature and Date

FHWA Signature and Date	

Release for Public Involvement

	6/7/24 _____ INDOT ESD Initials and Date
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Certification of Public Involvement

INDOT Consultant Services Signature and Date

INDOT DE/ESD Reviewer Signature and Date: _____

Name and Organization of CE/EA Preparer: Mackenzie Knotts, HNTB

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

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

Part I – Public Involvement

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

Does the project have a historic bridge processed under the Historic Bridges PA*?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If No, then:		
Opportunity for a Public Hearing Required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

Notice of Survey

Notice of Survey (NOS) letters were mailed to potentially affected property owners near the project area on March 6, 2022, notifying them about the project and that individuals responsible for land surveying and field activities may be seen in the area. A sample copy of the NOS letter is included in Appendix G, pages 1-2.

Coordination occurred through the Allen County Amish Representative to offer the opportunity to discuss the project scope and potential impacts with property owners that would be directly affected by the project. Nine property owners were notified, of which four attended kitchen table meetings. In addition to affected property owners, seven members of the local Amish community attended kitchen table meetings held on December 7 and 8, 2023 (Appendix G, pages 3-5). Attendees expressed concern for the speed along SR 37 and the need for the roadway to be widened, questioned the alternative evaluation process, and expressed concerns for the footprint of the project.

Section 106

To meet the public involvement requirements of Section 106, a legal notice of Federal Highway Association (FHWA)'s finding of "No Adverse Effect" was published in the *Journal Gazette* on April 18, 2024, offering the public an opportunity to submit comment pursuant to 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4). The public comment period closed 30 days later on May 18, 2024. The text of the public notice and the affidavit of publication appear in Appendix D, pages 75-76. No comments were received. The Division of Historic Preservation and Archaeology concurred with the "No Adverse Effect" finding on May 30, 2024.

Public Information Meeting

On behalf of the Indiana Department of Transportation (INDOT), HNTB conducted a public information meeting (PIM) for the project. A legal notice was published in the *Journal Gazette* on February 12 and 20, 2024, the *Communicator* on February 24, 2024, and the *East Allen Courier* on February 13 and 20, 2024 (Appendix G, pages 6-9). Additionally, a project page was created on INDOT's website <https://secure.in.gov/indot/about-indot/central-office/welcome-to-the-fort-wayne-district/s.r.-37-and-notestine-road-intersection-improvement-in-allen-county/>.

The PIM was held on February 27, 2024, at the Harlan Community Park Shelter House, 17701 2nd Street, Harlan, IN 46743. Sixty-three people signed in at the meeting and an additional 10 attendees were noted that did not sign in to the meeting. The format of the PIM included an open house session both before and after a formal presentation. Open house sessions allowed attendees to view project displays and discuss the project with representatives from INDOT and the design team. The formal presentation consisted of INDOT and consulting project team introductions followed by the project overview, project details, project schedule, and how to share feedback (Appendix G, pages 33-38).

Everyone that attended the meeting was provided an opportunity to take a project flyer which included the proposed improvements, future corridor projects, and where to go to ask questions (Appendix G, page 39). Comments from the public were accepted via comment sheets, U.S. Postal Services, email, and telephone through March 12, 2024. Fourteen comments were received at the meeting and during the response period that followed (Appendix G, pages 18-

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

32). The comments received included support of the project, proposing making the intersection a signalized intersection, proposing lowering the speed limit along SR 37, and safety concern for the Cuba/Thimler Road and SR 37 intersection.

Public Involvement

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

Public Controversy on Environmental Grounds

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

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

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

Sponsor of the Project: INDOT INDOT District: Fort Wayne

Local Name of the Facility: SR 37 at Notestine Road

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

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

PURPOSE AND NEED:

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

Need: The need for this project is due to the above average frequency of crashes at the SR 37 and Notestine Road intersection. The Index of Crash Frequency (ICF) value indicates how much the reported number of crashes deviates from what is expected. The ICF value indicates standard deviations from the expected value. Values greater than zero indicate crash frequency greater than expected, while values less than zero indicate crash frequency less than expected. Per the SR 37 at Notestine Road Traffic and Safety Analysis, from 2015-2019 there were 13 reported crashes at the SR 37 and Notestine Road intersection. Of the 13 reported crashes, three were fatal and incapacitating injury crashes, one was non-incapacitating and possible injury crashes, and nine were property damage only crashes (Appendix I, page 20). This intersection has an ICF of 0.42 (above average). The SR 37 and Notestine Road Traffic and Safety Analysis notes that the SR 37 and Notestine Road intersection has a significant skew, causing sight distance issues leading to right and left angle turn crashes (Appendix I, page 20).

Purpose: The purpose for this project is to reduce the fatal and incapacitating injuries by 25% in 10 years.

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):

County: Allen

Municipality: N/A

Limits of Proposed Work: Along SR 37 from approximately 0.08 mile south to 0.03 mile north of the intersection, along Notestine Road from approximately 0.18 mile west and 0.14 mile east of intersection

Total Work Length: 0.44 Mile(s)

Total Work Area: 4.26 Acre(s)

Is an Interstate Access Document (IAD)¹ required?
 If yes, when did the FHWA provide a Determination of Engineering and Operational Acceptability?

Yes ¹	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date: <input style="width: 100%;" type="text"/>	

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

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

INDOT and the FHWA intend to proceed with an intersection improvement project at the SR 37 and Notestine Road intersection in Allen County, Indiana. This is a reduction of the originally proposed project limits as included in the early coordination and resource documentation. The original project also included the widening of SR 37 from the Notestine Road intersection to the Cuba/Thimler Road intersection and improvements to the Cuba/Thimler Road at SR 37 intersection. Due to funding and sequencing, the SR 37 road widening project and the Cuba/Thimler Road intersection improvement have been delayed and will be evaluated under separate environmental documents. The initial correspondence and studies associated with this project included all of the original project area encompassing the SR 37 widening, the Cuba/Thimler Road and SR 37 intersection, and the SR 37 and Notestine Road intersection.

Location: The project area is located at the SR 37 and Notestine Road intersection, from 4.68 miles to 4.80 miles east of I-469 in Allen County. More specifically, this project is located in Sections 31 & 32 of Township 32 N, Range 14 E in Springfield Township and Section 3 of Township 31 N, Range 14 E in Milan Township, Grabil Quadrangle, Indiana (Appendix B, pages 1-3).

Existing Conditions: This section of SR 37 is a two-lane major collector with a speed limit of 55 miles per hour (mph). SR 37 has two 12-foot travel lanes, one in each direction, with 2-foot paved shoulders and 6 feet of usable shoulder. Notestine Road is a two-lane local collector with a speed limit of 55 mph. Notestine Road has two 10-foot travel lanes, one in each direction, with no paved shoulders and 2-foot usable shoulders (Appendix I, pages 9-11). Land use in the area is primarily agricultural, with residential properties along Notestine Road. There are three businesses adjacent to the intersection, as well as active farmland.

The existing intersection is a two way stop, with a stop sign at Notestine Road, with preference given to SR 37. The intersection has a 45-degree skew and does not have any dedicated turn lanes, causing sight distance issues. The intersection has a higher than average frequency and severity of crashes. The leading cause of crashes was failure to yield and following too closely (Appendix I, page 8).

Preferred Alternative: The project will realign the intersection 0.05 mile southwest of the existing intersection, eliminating the 45-degree skew and resulting in a 90-degree intersection. Approximately 0.15 mile west of the existing intersection, Notestine Road will be closed to through traffic and the new roadway will curve to the south and approach the new intersection. Approximately 0.12 mile east of the existing intersection, Notestine Road will be closed to through traffic and the new roadway will curve to the south, becoming a "s" curve as traffic approaches the new intersection. The "S" curve is designed to meet the 35 mph design criteria. Along Notestine Road, approximately 0.06 mile west and 0.09 mile east of the existing intersection, access roads will be constructed to maintain access to the existing

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

properties.

Existing pavement of Notestine Road (approximately 105 feet to the west of the intersection and approximately 200 feet to the east of the intersection) will be removed. Four new driveways will be constructed to tie into the new alignment.

Six new small structures will be installed throughout the project area. Of the six new culverts, a driveway culvert will be installed at each of the four new driveways to convey water east, and two roadway culverts will be installed to convey water south under Notestine Road. Revetment riprap will be placed at the culvert inlets and outlets as necessary for scour protection. One existing roadway culvert under Notestine Road west of the existing intersection and three existing drive culverts will be removed.

Project plans are located in Appendix B, pages 10-28. The project requires approximately 4.72 acres of new permanent right-of-way and approximately 0.07 acre of temporary right-of-way. Every effort to avoid, minimize, and/or mitigate project impacts have been made. Approximately 4.72 acres of temporary and permanent impacts will occur to the surrounding terrestrial habitat due to the realignment of the intersection. The overall impact of the project will be reduced by pulling in the project limits to only what is necessary to realign the intersection and meet the design criteria for the preferred alternative, installing temporary erosion control measures, and revegetation of bare areas after the project completion. Impact avoidance is not practical as the roadway realignment is necessary to complete the project.

Maintenance of Traffic (MOT): The MOT will occur in phases and will utilize lane closures and flaggers. More information can be found in the MOT During Construction section of this document.

Purpose and Need Evaluation: The preferred alternative of the intersection improvement addresses the purpose and need of the project by reducing the fatal and incapacitating injuries by 25% in 10 years.

Logical Termini/Independent Utility: The project is located at the SR 37 and Notestine Road intersection, along SR 37 from approximately 0.08 mile south to 0.03 mile north of the intersection and along Notestine Road from approximately 0.18 mile west and 0.14 mile east of the intersection (Appendix B, pages 20-21). The project termini are logical as they include all areas that contribute to the transportation problem and encompass a range of solutions appropriate to solving the transportation problem. This project has independent utility because it will achieve the project's purpose and need without relying on any additional transportation improvements. This project is a reasonable expenditure even if no additional transportation improvements in the area are made, and it will not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. Therefore, this project meets the FHWA criteria for independent utility and logical termini.

OTHER ALTERNATIVES CONSIDERED:

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

Five alternatives were considered as part of the proposed project. The preferred alternative is described above in the Project Description section of this document. The four additional alternatives are described below.

Cul-de-sac (Appendix I, pages 11-16)

For this alternative Notestine Road would be closed east of SR 37 in a cul-de-sac and would remain in its current condition west of SR 37. Traffic would be rerouted to utilize SR 37 and Thimler Road to access between east and west of Notestine Road. The cost of this alternative is an estimated \$1.8 million and it would require 1.37 acres of right-of-way. This alternative meets the purpose and need of reducing the fatal and incapacitating injuries by 25% in 10 years; however, this alternative would force anyone traveling east and west by buggy to utilize SR 37, introducing a safety concern with buggies being routed onto SR 37 with other through traffic. Therefore, this alternative was dismissed from further consideration.

Offset "T" Intersection (Appendix I, pages 11-16)

For this alternative Notestine Road would no longer be continuous across SR 37 but would have an offset "T"

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

intersections to the west and east of SR 37. To the west, Notestine Road would realign to the south, while to the east of SR 37 Notestine Road would realign to the north. Traffic would be rerouted to utilize SR 37 to access between east and west of Notestine Road. The approach horizontal curves would be designed to meet 35 mph design speed criteria. The cost of this alternative is an estimated \$3.6 million. Additionally, this alternative would require 4.8 acres of right-of-way and one relocation. This alternative would meet the purpose and need of reducing the fatal and incapacitating injuries by 25% in 10 years; however, this alternative would result in a relocation and would force anyone traveling east and west by buggy to utilize SR 37, introducing a safety concern with buggies being routed onto SR 37 with other through traffic. Therefore, this alternative was dismissed from further consideration.

Roundabout (Appendix I, pages 21-23)

This alternative would reconstruct the intersection to a single-lane roundabout. The approaches from SR 37 and Notestine Road would be realigned to meet the design criteria. A curb and gutter, enclosed drainage system, landscaping, and lighting would also be installed. This alternative would force buggies to share the circulatory travel lane with vehicles. The cost of this alternative is an estimated \$2.9 million and would require 5.34 acres of right-of-way. This alternative would meet the purpose and need of reducing the fatal and incapacitating injuries by 25% in 10 years; however, this alternative introduces a safety concern with buggies being routed onto a roundabout with other through traffic. Therefore, this alternative was dismissed from further consideration.

Signalized Intersection (Appendix I, page 24)

This alternative would convert the intersection to a 4-way signalized stop. This alternative would meet the purpose and need of reducing the fatal and incapacitating injuries by 25% in 10 years; however, traffic volumes at this intersection do not meet the volume thresholds or any of the special situations that require a signal. Therefore, this alternative was dismissed from further consideration.

No Build Alternative

This alternative would not involve any improvement to the existing intersection. The intersection would continue to experience a higher than average crash frequency and severity. This alternative would not involve any costs, nor would it result in any environmental issues. The No Build Alternative would not meet the purpose and need of the project and was therefore discarded from further consideration.

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

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

ROADWAY CHARACTER:

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

Name of Roadway	<u>SR 37</u>			
Functional Classification:	<u>State Collector</u>			
Current ADT:	<u>7,600</u>	VPD (2021)	Design Year ADT:	<u>8,700</u> VPD (2045)
Design Hour Volume (DHV):	<u>900</u>	Truck Percentage (%)	<u>7.14</u>	
Designed Speed (mph):	<u>55</u>	Legal Speed (mph):	<u>55</u>	

Indiana Department of Transportation

 County Allen

 Route SR 37

 Des. No. 1900142

	Existing	Proposed
Number of Lanes:	2	3
Type of Lanes:	1 thru lane each direction	1 thru lane each direction, 1 left turn lane
Pavement Width:	28	40
Shoulder Width:	6	10
Median Width:	N/A	N/A
Sidewalk Width:	N/A	N/A

Setting:	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural
Topography:	<input checked="" type="checkbox"/> Level	<input type="checkbox"/> Rolling	<input type="checkbox"/> Hilly

Name of Roadway	<u>Notestine Road</u>		
Functional Classification:	<u>Local Agency Collector</u>		
Current ADT:	<u>1,300</u>	<u>VPD (2021)</u>	Design Year ADT: <u>1,400</u> <u>VPD (2045)</u>
Design Hour Volume (DHV):	<u>200</u>	<u>Truck Percentage (%)</u>	<u>6.37</u>
Designed Speed (mph):	<u>55</u>	<u>Legal Speed (mph):</u>	<u>55</u>

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	1 thru lane each direction	1 thru lane each direction
Pavement Width:	20	24
Shoulder Width:	2	3
Median Width:	N/A	N/A
Sidewalk Width:	N/A	N/A

Setting:	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural
Topography:	<input checked="" type="checkbox"/> Level	<input type="checkbox"/> Rolling	<input type="checkbox"/> Hilly

BRIDGES AND/OR SMALL STRUCTURE(S):

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

Structure/NBI Number(s):	<u>Small Structure (Plan Set ID: 101)</u>	Sufficiency Rating:	<u>N/A</u>
			(Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	6' x 3' x 40' Drive Pipe
Number of Spans:	N/A	N/A
Weight Restrictions:	N/A	N/A
Height Restrictions:	N/A	N/A
Curb to Curb Width:	N/A	N/A
Outside to Outside Width:	N/A	N/A
Shoulder Width:	N/A	N/A

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

Structure/NBI Number(s): Small Structure (Plan Set ID: 123) Sufficiency Rating: N/A
 (Rating, Source of Information)

Existing			Proposed		
Bridge/Structure Type:	N/A		15" x 36' Drive Pipe		
Number of Spans:	N/A		N/A		
Weight Restrictions:	N/A	ton	N/A	ton	
Height Restrictions:	N/A	ft.	N/A	ft.	
Curb to Curb Width:	N/A	ft.	N/A	ft.	
Outside to Outside Width:	N/A	ft.	N/A	ft.	
Shoulder Width:	N/A	ft.	N/A	ft.	

Structure/NBI Number(s): Small Structure (Plan Set ID: 104) Sufficiency Rating: N/A
 (Rating, Source of Information)

Existing			Proposed		
Bridge/Structure Type:	N/A		9" x 2' x 64' Pipe		
Number of Spans:	N/A		N/A		
Weight Restrictions:	N/A	ton	N/A	ton	
Height Restrictions:	N/A	ft.	N/A	ft.	
Curb to Curb Width:	N/A	ft.	N/A	ft.	
Outside to Outside Width:	N/A	ft.	N/A	ft.	
Shoulder Width:	N/A	ft.	N/A	ft.	

Structure/NBI Number(s): Small Structure (Plan Set ID: 110) Sufficiency Rating: N/A
 (Rating, Source of Information)

Existing			Proposed		
Bridge/Structure Type:	N/A		18" x 65' Road Pipe		
Number of Spans:	N/A		N/A		
Weight Restrictions:	N/A	ton	N/A	ton	
Height Restrictions:	N/A	ft.	N/A	ft.	
Curb to Curb Width:	N/A	ft.	N/A	ft.	
Outside to Outside Width:	N/A	ft.	N/A	ft.	
Shoulder Width:	N/A	ft.	N/A	ft.	

Structure/NBI Number(s): Small Structure (Plan Set ID: 116) Sufficiency Rating: N/A
 (Rating, Source of Information)

Existing			Proposed		
Bridge/Structure Type:	N/A		24" x 43' Drive Pipe		
Number of Spans:	N/A		N/A		
Weight Restrictions:	N/A	ton	N/A	ton	
Height Restrictions:	N/A	ft.	N/A	ft.	
Curb to Curb Width:	N/A	ft.	N/A	ft.	
Outside to Outside Width:	N/A	ft.	N/A	ft.	
Shoulder Width:	N/A	ft.	N/A	ft.	

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

Structure/NBI Number(s): Small Structure (Plan Set ID: 118) Sufficiency Rating: N/A
 (Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	15" x 30' Drive Pipe
Number of Spans:	N/A	N/A
Weight Restrictions:	N/A ton	N/A ton
Height Restrictions:	N/A ft.	N/A ft.
Curb to Curb Width:	N/A ft.	N/A ft.
Outside to Outside Width:	N/A ft.	N/A ft.
Shoulder Width:	N/A ft.	N/A ft.

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

Six new small structures (Structures Nos. P-101, P-123, 104, P-110, P-116, and P-118) will be included in the project (Appendix B, pages 20-21 and 27). Structure P-101 is a driveway culvert and will consist of a 6-foot by 3-foot by 40-foot reinforced concrete box (RCB), that will be sumped 12-inches. Structure P-123 is a driveway culvert and will consist of a 15-inch by 36 foot pipe. Structure 104 is a roadway culvert that is a 9-foot by 2 foot by 64-foot RCB, that will be sumped 6-inches. Structure P-110 is a roadway culvert that is an 18-inch by 65 foot pipe. Structure P-116 is a driveway culvert and will consist of 24-inch by 43 foot pipe. Structure P-118 is a driveway culvert and will consist of 15-inch by 30 foot pipe. Revetment riprap will be placed at the culvert inlets and outlets as necessary for scour protection.

One existing roadway culvert under Notestine Road west of the existing intersection and three existing drive culverts will be removed.

MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

	Yes	No
Is a temporary bridge proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is a temporary roadway proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project involve the use of a detour or require a ramp closure? (describe below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Provisions will be made for access by local traffic and so posted.	<input type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for through-traffic dependent businesses.	<input type="checkbox"/>	<input type="checkbox"/>
Provisions will be made to accommodate any local special events or festivals.	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed MOT substantially change the environmental consequences of the action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there substantial controversy associated with the proposed method for MOT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project require a sidewalk, curb ramp, and/or bicycle lane closure? (describe below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Provisions will be made for access by pedestrians and/or bicyclist and so posted (describe below).	<input type="checkbox"/>	<input type="checkbox"/>

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

The MOT plan for this project will consist of three phases (Appendix B, pages 14-19). Phase 1 will consist of road construction signage along Notestine Road and SR 37 while the new Notestine Road is constructed. The existing intersection will remain open without lane restrictions. During phase 2, Notestine Road will have partial lane closures and will utilize a flagger to allow access for through traffic. During Phase 3 traffic will be routed through the new intersection, and the existing Notestine Road will be closed to through traffic.

Access for local traffic will be maintained during construction per INDOT Standard Specification 107.08(e). Signs will be placed on site a minimum of seven days in advance of the closure to notify the public of the closure per INDOT Standard Specification 801.04.

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

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

ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ 1,113,010 (2023) Right-of-Way: \$ 100,000 (2024) Construction: \$ 2,931,000 (2025)

Anticipated Start Date of Construction: May 2025

RIGHT OF WAY:

Land Use Impacts	Amount (acres)	
	Permanent	Temporary
Residential	0.17	0.05
Commercial	N/A	N/A
Agricultural	4.55	0.02
Forest	N/A	N/A
Wetlands	N/A	N/A
Other:	N/A	N/A
Other:	N/A	N/A
TOTAL	4.72	0.07

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

The apparent existing right-of-way along SR 37 and Notestine Road extends to the edge of the existing pavement on either side of the centerlines. The existing right-of-way consists of roadway pavement. The project will require approximately 4.72 acres of new permanent right-of-way: 0.17 acre from residential land and 4.55 acres from agricultural land (Appendix B, pages 20-21). Approximately 0.07 acre of temporary right-of-way is required for this project. None of the right-of-way will be reacquisition.

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

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

SECTION A - EARLY COORDINATION:

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

Early coordination letters were sent on February 14, 2022, and February 15, 2022 (Appendix C, pages 1-3).

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

Agency	Date Sent	Date Response Received	Appendix
Federal Highway Administration	2/15/2022	N/A	N/A
US Fish and Wildlife (USFWS)	2/15/2022	2/16/2022	Appendix C, page 8
National Park Service	2/15/2022	N/A	N/A
US Army Corp of Engineers (USACE)	2/15/2022	N/A	N/A
Natural Resources Conservation Service (NRCS)	2/15/2022	3/15/2022	Appendix C, pages 13-14
Indiana Geological and Water Survey (IGWS) (via Webform)	2/14/2022	2/14/2022	Appendix C, pages 11-12
INDOT-Fort Wayne District	2/15/2022	2/18/2022	Appendix C, page 9
INDOT Utilities and Railroad	2/15/2022	N/A	N/A
INDOT Public Relations	2/15/2022	N/A	N/A
INDOT-ESD	2/15/2022	N/A	N/A
Indiana Department of Natural Resources – Division of Fish and Wildlife (IDNR-DFW)	2/15/2022	3/15/2022	Appendix C, pages 4-7
Northeastern Indiana Regional Coordination Council (NIRCC)	2/15/2022	N/A	N/A
Allen County Soil and Water Conservation District	2/15/2022	N/A	N/A
Allen County MS4 Coordinator	2/15/2022	N/A	N/A
Allen County Surveyor	2/15/2022	N/A	N/A
Floodplain Administrator	2/15/2022	N/A	N/A
Allen County Sheriff	2/15/2022	N/A	N/A
Allen County Highway Director	2/15/2022	N/A	N/A
Allen County Council	2/15/2022	N/A	N/A
East Allen County School Corporation	2/15/2022	2/17/2022	Appendix C, page 10
Allen County Homeland Security, Emergency Management	2/15/2022	N/A	N/A
Allen County Board of Commissioners	2/15/2022	N/A	N/A
Cuba Mennonite Church	2/15/2022	N/A	N/A

All applicable recommendations are included in the Environmental Commitments section of this Categorical Exclusion (CE) document.

SECTION B – ECOLOGICAL RESOURCES:

Streams, Rivers, Watercourses & Other Jurisdictional Features

- Federal Wild and Scenic Rivers
- State Natural, Scenic or Recreational Rivers
- Nationwide Rivers Inventory (NRI) listed
- Outstanding Rivers List for Indiana
- Navigable Waterways

Presence

Impacts

Yes No

Total stream(s) in project area: 0 Linear feet Total impacted stream(s): 0 Linear feet

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

Describe all streams, rivers, watercourses and other jurisdictional features adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if the streams or rivers are listed on any federal

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

or state lists for Indiana. Include if features are likely subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on a desktop review, the aerial map of the project area (Appendix B, page 2), and Red Flag Investigation (RFI) (Appendix E, pages 1-8) there are seven streams, rivers, watercourse, or other jurisdictional features within the 0.5-mile search radius. There are no streams, rivers, watercourses, or other jurisdictional features within or adjacent to the project area, which was confirmed by the site visits on March 17, June 1, and September 4, 2022, by HNTB. Therefore, no impacts are expected.

A *Waters of the U.S. Determination / Wetland Delineation Report* was approved by INDOT Ecology and Waterway Permitting Office on April 24, 2023. Please refer to Appendix F, pages 1-17 for the *Waters of the U.S. Determination / Wetland Delineation Report*. It was determined that one likely jurisdictional stream, Amstutz Ditch, is present within the original project area. However, due to the project adjustment, this stream is no longer within the project area. The USACE makes all final determinations regarding jurisdiction.

Open Water Feature(s)

- Reservoirs
- Lakes
- Farm Ponds
- Retention/Detention Basin
- Storm Water Management Facilities
- Other: _____

Presence

Impacts

Yes	No

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

Based on a desktop review, the aerial map of the project area (Appendix B, page 2), and RFI (Appendix E, pages 1-8) there is one open water feature within the 0.5-mile search radius. There are no open water features within the project area, which was confirmed by the site visits on March 17, June 1, and September 4, 2022, by HNTB. Therefore, no impacts are expected.

A *Waters of the U.S. Determination / Wetland Delineation Report* was approved by INDOT Ecology and Waterway Permitting Office on April 24, 2023. Please refer to Appendix F, pages 1-17 for the *Waters of the U.S. Determination / Wetland Delineation Report*. It was determined that no open water features are present within or adjacent to the project area. The USACE makes all final determinations regarding jurisdiction.

Wetlands

Presence

Impacts

Yes	No
<input style="width: 40px; height: 15px;" type="text"/>	<input style="width: 40px; height: 15px;" type="text"/>

Total wetland area: 0 Acre(s) Total wetland area impacted: 0 Acre(s)

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

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

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

Wetlands (Mark all that apply)

- Wetland Determination
- Wetland Delineation
- USACE Isolated Waters Determination

Documentation

X

ESD Approval Dates

4/24/2023

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

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

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

Based on a desktop review, the aerial map of the project area (Appendix B, page 2), and RFI (Appendix E, pages 1-8) there are five mapped NWI-wetlands within the 0.5-mile search radius. There are no wetlands within the project area. That number was confirmed by the site visits on March 17, June 1, and September 4, 2022, by HNTB. Therefore, no impacts are expected.

A *Waters of the U.S. Determination / Wetland Delineation Report* was approved by INDOT Ecology and Waterway Permitting Office on April 24, 2023. Please refer to Appendix F, pages 1-17 for the *Waters of the U.S. Determination / Wetland Delineation Report*. It was determined that no wetlands are present within or adjacent to the project area. The USACE makes all final determinations regarding jurisdiction.

Terrestrial Habitat

Presence

X

Impacts

Yes	NO
X	

Total terrestrial habitat in project area: 4.72 Acre(s) Total tree clearing: 0.5 Acre(s)

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

Based on the desktop review, the stie visits on March 17, June 1, and September 4, 2022 by HNTB, and the aerial map of the project area (Appendix B, page 2), there is mowed grass, forested riparian habitat, and actively farmed agricultural land within the project area. The dominant vegetation within the mowed grass of the project area consists of tall fescue (*Festuca arundinacea*); forested riparian area of the project area consists of red maple (*Acer rubrum*), honey locust (*Gleditsia triacanthos*), black locust (*Robinia pseudoacacia*), and white pine (*Pinus strobus*); and within the actively farmed agricultural land consists of soybeans (*Glycine max*) or corn (*Zea mays*). Approximately 0.5 acre of trees will be cleared as a result of the project due to construction access and intersection realignment. Approximately 4.72 acres of terrestrial habitat disturbance will occur for construction access for the intersection realignment and the installation of the new roadway. Impacts to terrestrial habitat have been minimized by limiting the disturbed area to only that which is necessary to allow for construction access and project work and through restoration of all disturbed area after project completion. Avoidance of habitat disturbance is not practicable due to the location of the intersection that is being realigned. Mitigation for habitat disturbance is not anticipated.

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

Early Coordination

The IDNR-DFW responded on March 15, 2022, with recommendations to avoid or minimize impacts to terrestrial habitat (Appendix C, pages 4-7). These recommendations included post-construction revegetation measures, mitigation plans for riparian habitat impacts, and clearing restrictions of any trees suitable for the Indiana bat and Northern Long-eared bat roosting during the active season.

Protected Species

Federally Listed Bats

Information for Planning and Consultation (IPaC) determination key completed
 Section 7 informal consultation completed (IPaC cannot be completed)
 Section 7 formal consultation Biological Assessment (BA) required

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Determination Received for Listed Bats from USFWS: NE NLAA LAA

Other Species not included in IPaC

Additional federal species found in project area (based on IPaC species list)
 State species (not bird) found in project area (based upon consultation with IDNR)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Migratory Birds

Known usage or presence of birds (i.e. nests)
 State bird species based upon coordination with IDNR

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Based on a desktop review and the RFI report (Appendix E, pages 1-8), completed by HNTB on May 6, 2022, the IDNR Allen County Endangered, Threatened, and Rare (ETR) Species List has been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur within the project vicinity. An INDOT 0.5-mile bat review occurred on November 10, 2021, and no endangered bat species were found within 0.5-mile of the project area.

Project information was submitted through the USFWS's Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix C, pages 28-41). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and northern long-eared bat (NLEB) (*Myotis septentrionalis*). Other species were generated in the IPaC species list along with the Indiana bat and BLEB. Refer to paragraph below.

The official species list generated from IPaC indicted three additional species within the project area. The tricolored bat (*Perimyotis subflavus*) is listed as a proposed endangered species; the whooping crane (*Grus americana*) is listed as a proposed experimental population (non-essential) species; and the monarch butterfly (*Danaus plexippus*) is listed as a proposed candidate species. As species are not yet listed, they were not considered as part of this project. The USFWS Interim Policy Is not applicable because there are no federally protected species within the project area. No further coordination is needed with USFWS.

The project qualifies for the Range-wide Programmatic Informal Consultation for the Indiana bat and northern long-eared bat (NLEB), dated May 2016 (revised February 2018), between FHWA, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and USFWS. An effect determination key was completed on March 10, 2023, and based on the responses provided, the project was found to "may effect, not likely to adversely affect" the Indiana bat and/or NLEB (Appendix C, pages 15-27). INDOT reviewed and verified the effect finding on March 21, 2023, and requested USFWS's review of the finding. No response was received from USFWS within the 14-day review period; therefore, it was concluded they concur with the finding. Avoidance and Minimization Measures (AMM) (General AMM

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

1, Lighting AMM 1, Tree Removal AMM 1, Tree Removal AMM 2, Tree Removal AMM 3, and Tree Removal AMM 4) and/or commitments are included as firm commitment in the Environmental Commitments section of this document.

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

Geological and Mineral Resources

- Project located within the Indiana Karst Region
- Karst features identified within or adjacent to the project area
- Oil/gas or exploration/abandoned wells identified in the project area

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date Karst Evaluation reviewed by INDOT EWPO (if applicable): N/A

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

Based on a desktop review and the Indiana Karst Region map, the project is located outside the designated Indiana Karst Region as outlined in the most current *Protection of Karst Features during Project Development and Construction*. According to the topo map of the project area (Appendix B, page 3) and the RFI report (Appendix E, pages 1-8) there are no karst features identified within or adjacent to the project area. In the early coordination response dated February 14, 2022, IGWS did not indicate that karst features exist in the project area (Appendix C, pages 11-12). The IGWS response indicted there is high liquefaction potential, high potential for bedrock resources, and low potential for sand and gravel resources. No petroleum exploration wells were documented in the area. Response from IGWS was communicated to the designer on February 14, 2022. No impacts are expected.

SECTION C – OTHER RESOURCES

Drinking Water Resources

- Wellhead Protection Area(s)
- Source Water Protection Area(s)
- Water Well(s)
- Urbanized Area Boundary
- Public Water System(s)

	<u>Presence</u>	<u>Impacts</u>	
		Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Is the project located in the St. Joseph Sole Source Aquifer (SSA):
- If Yes, is the FHWA/EPA SSA MOU Applicable?
- If Yes, is a Groundwater Assessment Required?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

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

Sole Source Aquifer

The project is located in Allen County, which is not located within the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana. Therefore, the FHWA/Environmental Protection Agency (EPA)/INDOT Sole Source Aquifer Memorandum of Understanding (MOU) is not applicable to this project, a

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

detailed groundwater assessment is not needed, and no impacts are expected.

Wellhead Protection Area and Source Water

The Indiana Department of Environmental Management's Wellhead Proximity Determinator website (<http://www.in.gov/idem/cleanwater/pages/wellhead>) was accessed on January 5, 2024, by HNTB. This project is not located within a Wellhead Protection Area or Source Water Area. No impacts are expected.

Water Wells

The IDNR Water Well Record Database (<http://www.in.gov/dnr/water/395.htm>) was accessed on January 5, 2024, by HNTB. There are multiple wells within or adjacent to the project area. Some of these features will be impacted due to their location within the project area. The locations were communicated with the designer on January 5, 2024. Avoidance measures are not practicable due to the location of the wells. A cost to cure will likely be included in the appraisal to restore the wells.

Urban Area Boundary

Based on a desktop review of the INDOT Multiple Separate Storm Sewer System (MS4) website (<https://www.in.gov/idem/cleanwater/ms4s-boundaries-map-for-indiana/>) by HNTB on January 9, 2024, this project is not located within an Urban Area Boundary (UAB); however it is located within the Allen County MS4. An early coordination letter was sent on February 15, 2022, to the Allen County MS4 Coordinator. The MS4 coordinator did not respond within the 30-day timeframe. All necessary stormwater pollution prevention best management practices will be implemented during construction; therefore, no impacts are expected.

Public Water System

Based on a desktop review, the site visits on March 17, June 1, and September 4, 2022, by HNTB, and the aerial map of the project area (Appendix B, page 2), no public water systems were identified. Therefore, no impacts are expected.

Floodplains

- Project located within a regulated floodplain
- Longitudinal encroachment
- Transverse encroachment
- Homes located in floodplain within 1000' up/downstream from project

Presence

Impacts

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

If applicable, indicate the Floodplain Level?

Level 1 Level 2 Level 3 Level 4 Level 5

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

The IDNR Floodway Information Portal website (<https://www.in.gov/dnr/water/surface-water/indiana-floodplain-mapping/indiana-floodplain-information-portal/>) was accessed on January 9, 2024, by HNTB. This project is not located in a regulatory floodplain as determined from approved IDNR floodplain maps (Appendix F, page 17). Therefore, it does not fall within the guidelines for the implementation of 23 CFR 650, 23 CFR 771, and 44 CFR. No impacts are expected.

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

Farmland	Presence	Impacts	
		Yes	No
Agricultural Lands	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Prime Farmland (per NRCS)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Total Points (from Section VII of CPA-106/AD-1006*) <u>150</u>			

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

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

Based on a desktop review, site visits on March 17, June 1, and September 4, 2022, by HNTB, and the aerial map of the project area (Appendix B, page 2), the project will convert 4.21 acres of farmland as defined by the Farmland Protection Policy Act. During design development the overall agricultural acreage being impacted was minimized to the fullest extent, resulting in less agricultural land being reported for right-of-way. An early coordination letter was sent on February 15, 2022, to NRCS. Coordination with NRCS resulted in a score of 150 on the AD 1006 Form (Appendix C, page 14). NRCS's threshold score for significant impacts to farmland that result in the consideration of alternatives is 160. Since this project score is less than the threshold, no significant loss of prime, unique, statewide, or local important farmland will result from this project. No alternatives other than those previously discussed in this document will be investigated without reevaluating impacts to prime farmland.

SECTION D – CULTURAL RESOURCES

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

Full 106 Effect Finding
 No Historic Properties Affected No Adverse Effect Adverse Effect

Eligible and/or Listed Resources Present
 NRHP Building/Site/District(s) Archaeology NRHP Bridge(s)

Documentation Prepared (mark all that apply)	ESD Approval Date(s)	SHPO Approval Date(s)
APE, Eligibility and Effect Determination	<input checked="" type="checkbox"/>	<input type="checkbox"/>
800.11 Documentation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic Properties Report or Short Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Archaeological Records Check and Assessment	<input type="checkbox"/>	<input type="checkbox"/>
Archaeological Phase Ia Survey Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Archaeological Phase Ic Survey Report	<input type="checkbox"/>	<input type="checkbox"/>
Other: Addendum Archaeological Phase Ia Survey Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

If the project falls under the MPPA, describe the category(ies) that the project falls under and any approval dates. If the project requires full Section 106, use the headings provided. The completion of the Section 106 process requires that a Legal Notice be published in

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

local newspapers. Please indicate the publication date, name of the paper(s) and the comment period deadline. Include any further Section 106 work which must be completed at a later date, such as mitigation from a MOA or avoidance commitments.

Area of Potential Effect (APE): According to the 36 CFR Section 800.16(a), the area of potential effects (APE) is the geographic areas within an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. The APE for the history/architecture survey consists of the project area and adjacent parcels that have the potential for visual effects from the proposed project. This distance was chosen to ensure all buildings 50-years and older that are visible to the project area were included in this report. The proposed undertaking, limited to the intersection improvement, and nature of the surrounding rural and agricultural landscape relegated the APR to just those resources situated adjacent to SR 37 at Cuba/Thimmler Road, and at Notestine Road. The amended APE for the Phase 1a archaeological field reconnaissance includes seven additional areas (Appendix D, page 1).

Coordination with Consulting Parties: On April 22, 2022, an early coordination letter (ECL) (Appendix D, pages 16-18) with an invitation to join in consultation for this project was sent to the following:

State Historic Preservation Office (SHPO) (automatic consulting party)
Indiana Landmarks Northern Regional Office
Dan Avery, Northeastern Indiana Regional Coordinating Council, MPO
Richard Beck, Allen County Board of Commissioners
Robert Armstrong, Allen County Council
Allen County – Fort Wayne Historical Society
Allen County Public Library Genealogy Center
Allen County Highway Department
Stephanie Wagner: Historian, Allen County Genealogical Society of Indiana
ARCH, Inc.

The ECL directed interested parties to access the ECL on INDOT's online document portal, INSCOPE (<https://erms12c.indot.in.gov/Section106Documents/>). A paper copy of the ECL was mailed to the Indiana SHPO as a designated consulting party for review and comment on the same day.

On April 22, 2022, INDOT distributed the invitation to join in consultation to the following Tribes:

Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe
Absentee Shawnee Tribe of Oklahoma
Delaware Tribe of Indians
Forest County Potawatomi Community
Wyandotte Nation

On April 25, 2022, the Tribal Historic Preservation Office (THPO) for the Forest County Potawatomi Community (FCPC) responded to the ECL and stated that if any "human remains, or archaeological materials are exposed the Tribe must be included with the SHPO in any consultation." (Appendix D, page 23)

On April 26, 2022, the Director of Cultural Preservation for the Peoria Tribe of Indians of Oklahoma responded to the ECL and stated that if any "items are discovered which fall under the protection of NAGPRA, the Peoria Tribe request immediate notification and consultation." (Appendix D, page 24)

On April 27, 2022, the Indiana SHPO responded to the ECL and suggested the addition of Thomas E. Castaldi, Allen County Historian, and Paul Hayden, Director of Indiana Landmarks Northeast Field Office, as consulting parties. The

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

SHPO also asked to be included in further regular correspondence on the project as well as being notified of which consulting parties have accepted. (Appendix D, pages 25-26)

On April 27, 2022, the THPO for Miami Tribe of Oklahoma responded to the ECL offering no objection and that they are “not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site” and requested to be involved immediately in consultation if any “human remains or Native American Cultural items falling under NAGPRA are discovered.” (Appendix D, page 27)

On May 5, 2022, the Northeastern Indiana Regional Coordinating Council responded to the ECL and gave information on a series of SHAARD resources, pipelines, and potential obstructions located within the project area including: Two pipelines intersecting or near the project area, a leaking underground storage tank, five previously surveyed resources, and a drainage ditch. (Appendix D, pages 28-29)

On May 18, 2022, the THPO for the Eastern Shawnee Tribe of Oklahoma responded to the ECL and stated “We find our people occupied these areas historically and/or prehistorically. However, the project proposes NO adverse effects or endangerment to known sites of interest to the Eastern Shawnee Tribe.” The tribe also requested to be contacted immediately if archaeological sites or objects were discovered. (Appendix D, page 30)

On May 20, 2022, the THPO for the Pokagon Band of Potawatomi Indians responded to the ECL and stated that “the proposed work is occurring within a mile of known archaeological sites, or features that are considered sensitive or recorded in the Pokagon Band Historic Inventory Database” The THPO further stated that “The project will have no adverse effects on any historic, religious, or culturally significant resources to the Pokagon Band of Potawatomi Indians.” (Appendix D, page 31)

Archaeology: Between May 30 and June 1, 2022, Gray and Pape archaeologist conducted a Phase Ia records check and field reconnaissance. An Archaeology Survey Report was prepared (Appendix D, pages 70-74). The records check identified no previously recorded sites in the survey area and the report indicated that the field survey had located three previously unrecorded archaeological sites. The report recommended that no further archaeological investigations were necessary and that the project proceed as planned.

On October 24, 2022, Indiana SHPO responded to the Phase Ia archaeological field reconnaissance survey report submittal. SHPO agreed that the portions of archaeological sites 12AL2335, 12AL2336, and 12AL2337 which lie within the proposed project area do not appear to contain significant archaeological deposits and no further archaeological work is required. SHPO also stated that the portions of archaeological sites 12AL2335, 12AL2336, and 12AL2337 that lay outside of the proposed project have not been evaluated for inclusion in the NRHP. Those portions of the site must be avoided, if avoidance is not possible, additional archaeological investigation is required prior to project construction. The letter also mentioned that if any other archaeological artifacts or human remains are discovered, they should be reported to SHPO within two business days. (Appendix D, pages 35-36)

November 17, 2022, the THPO for the Eastern Shawnee Tribe of Oklahoma responded to the Phase Ia Archaeological survey report and stated “We find our people occupied these areas historically and/or prehistorically. However, the project proposes NO adverse effect or endangerment to known sites of interest to the Eastern Shawnee Tribe.” The tribe also requested to be contacted immediately if archaeological sites or objects were discovered. (Appendix D, page 37)

The Shawnee responded on December 13, 2022, concurring that no known historic properties will be negatively impacted by this project. However, if archaeological materials are found during construction, the Shawnee requested to be re-notified for consultation. (Appendix D, page 38)

In June 2023, additional areas where right-of-way will be required were identified from the residential lot at the southwest quadrant of the SR 37 and Thimble Road to accommodate shoulder widening. No additional above-ground resources will be 50 years or older by the revised letting date (2024), so no additional above-ground analysis is required.

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

Gray and Pape archaeologist conducted field reconnaissance on September 24-25, 2023. The records check identified no previously recorded sites in the survey area. The field survey located one previously unrecorded archaeological site. The Addendum Phase Ia archaeology survey report recommended that no further archaeological investigations were necessary and that the project proceed as planned. (Appendix D, pages 72-74)

Historic Properties: Gray and Pape's architectural historians prepared a Historic Property Report (HPR), and fifteen contributing resources were identified within the APE with one resource, a Neo-Eclectic, French Provincial style house (IHSSI 003-245-01032), recommended as eligible for listing in the NRHP. (Appendix D, pages 68-69)

Consulting parties were notified of the availability of the HPR on February 2, 2023, and provided directions to access it and the transmittal letter on INDOT's online document portal INSCOPE (at <http://erms12c.indot.gov/section106documents/>). In addition, paper copies of the document were sent to the Indiana SHPO as a designated consulting party for review and comment on the same day. In addition, paper copies of the documents were sent to Justin D. and Jennifer Jean Krohn, as owners of the property at 16029 SR 37, for review and comment the next day. (Appendix D, pages 41-44)

On February 23, 2023, as suggested by the Indiana SHPO, an email was distributed to Thomas E. Castaldi, Allen County Historian, and Paul Hayden, Director of Indiana Landmarks Northeast Field Office, inviting them to join in the Section 106 process as consulting parties and informing them that an HPR had been prepared and was ready for their review. Both parties were also invited to access and review the ECL as well and given instructions on using INSCOPE. The request from SHPO to include these potential consulting parties was initially overlooked when their letter was received. (Appendix D, pages 48-49)

On March 1, 2023, SHPO responded to the submittal of the HPR. SHPO stated that the APE is of adequate size and agreed that there are no previously recorded properties listed or eligible for inclusion in the NHRP in the project area. They agreed that the house at 16029 SR 37 (IHSSI 003-245-01032) is eligible for listing on the NRHP. They also agreed that the remaining properties surveyed within the APE are ineligible for inclusion in the NRHP. (Appendix D, pages 50-51)

On March 13, 2023, the Eastern Shawnee Tribe of Oklahoma stated that the project proposes No Adverse Effect or endangerment to known sites of interest to the Eastern Shawnee Tribe. (Appendix D, page 52)

The Shawnee Tribe also concurred that no known historic properties will be negatively impacted on an email dated March 29, 2023. (Appendix D, page 53)

On March 29, 2023, Thomas E. Castaldi and Paul Hayden were again invited to serve as consulting parties. (Appendix D, pages 54-57)

Documentation Findings: One property is eligible for listing in the NRHP within the APE. The house, located at 16029 SR 37 (IHSSI 003-245-01032), is eligible under Criterion C for Architecture as an excellent example of a Neo-Eclectic, French Provincial style, a style that is unique for Allen County. It has had minor alterations, including a replacement garage door on the south façade and a replacement entry door but retains integrity of location, design, setting, materials, and workmanship. This project will not alter, directly or indirectly, any of the characteristics of the house at 16029 SR 37 (IHSSI 003-245-01032); therefore, a finding of "No Adverse Effect" is appropriate for this undertaking. (Appendix D, pages 1-2)

Public Involvement: To meet the public involvement requirements of Section 106, a legal notice of FHWA's finding of "No Adverse Effect" was published in the *Journal Gazette* on April 18, 2024, offering the public an opportunity to submit comment pursuant to 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4). The public comment closed 30 days later on May 18, 2024. No comments were received. The text of the public notice and affidavit of publication appear in Appendix D, pages 75-76. The Division of Historic Preservation and Archaeology concurred with the "No Adverse Effect" finding on May 30, 2024 (Appendix D, pages 79-80).

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

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

	<u>Presence</u>	<u>Use</u>	
		Yes	No
Parks and Other Recreational Land			
Publicly owned park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publicly owned recreation area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (school, state/national forest, bikeway, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wildlife and Waterfowl Refuges			
National Wildlife Refuge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National Natural Landmark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Wildlife Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Nature Preserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Properties			
Site eligible and/or listed on the NRHP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Evaluations Prepared</u>			
Programmatic Section 4(f)	<input type="checkbox"/>		
"De minimis" Impact	<input type="checkbox"/>		
Individual Section 4(f)	<input type="checkbox"/>		
Any exception included in 23 CFR 774.13	<input type="checkbox"/>		

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

Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible and prudent alternative. The law applies to significant publicly owned parks, recreation areas, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, the aerial map of the project area (Appendix B, page 2), the RFI report (Appendix E, pages 1-8), and the 800.11 documentation, there is one potential 4(f) resource, a historic property, located within the 0.5-mile search radius. According to additional research, Historic Properties Report, and by the site visits on March 17, June 1, and September 4, 2022, by HNTB, there are no 4(f) resources located within or adjacent to the project area.

The original project included two additional projects: the SR 37 widening project from the Notestine Road intersection to the Cuba/Thimler Road intersection and the Cuba/Thimler Road intersection improvement project. Due to funding and sequencing, the SR 37 road widening project and the Cuba/Thimler Road intersection improvement were removed from the overall project. The Section 106 evaluation detailed above included all of the original project area encompassing the three projects. The house at 16029 SR 37 (IHSSI 003-245-01032), a Section 4(f) historic property, was identified in the Section 106 investigations but is not located within or adjacent to the project area for the SR 37 and Notesteine Road intersection improvement project. Therefore, no use is expected.

Indiana Department of Transportation

County Allen Route SR 37 Des. No. 1900142

Section 6(f) Involvement

Presence

Use

Section 6(f) Property

Yes

No

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

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

A review of the 6(f) properties on the INDOT ESD website revealed a total number of 30 grants in Allen County (Appendix I, page 1). None of these properties are located within or adjacent to the project area. Therefore, there will be no impacts to 6(f) resources.

SECTION F – Air Quality

STIP/TIP and Conformity Status of the Project

- Is the project in the most current STIP/TIP?
- Is the project located in an MPO Area?
- Is the project in an air quality non-attainment or maintenance area?
- If Yes, then:
 - Is the project in the most current MPO TIP?
 - Is the project exempt from conformity?
- If No, then:
 - Is the project in the Transportation Plan (TP)?
 - Is a hot spot analysis required (CO/PM)?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Northeastern Indiana Regional Coordinating Council (NIRCC) Project Listing (Appendix H, pages 1-4)

Location in STIP:

Name of MPO (if applicable):

Location in TIP (if applicable):

Level of MSAT Analysis required?

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

NIRCC
Fiscal Year (FY) 2024-2028, NIRCC Initial page 101 (Appendix H, page 5)

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

This project is included in the FY 2024-2028 Northeastern Indiana Regional Coordinating Council (NIRCC) Metropolitan Planning Organization Transportation Improvement Program (MPO TIP) and incorporated by reference into the Statewide Transportation Improvement Program (STIP) (Appendix H, pages 1-5).

This project is located in Allen County, which is currently a maintenance area for Ozone, under the 1997 8-hour Ozone, which was revoked in 2015 but is being evaluated for conformity due to the February 16, 2018, South Coast Air Quality Management District V. Environmental Protection Agency, Et. Al. Decision (<https://www.epa.gov/green-book>). This project's design concept and scope are accurately reflected in both the NIRCC TIP and STIP, and both conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met.

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

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

SECTION G - NOISE

Noise

Yes No

Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy?

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

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

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

SECTION H – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors

Yes No

Will the proposed action comply with the local/regional development patterns for the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the proposed action result in substantial impacts to community cohesion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the proposed action result in substantial impacts to local tax base or property values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will construction activities impact community events (festivals, fairs, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the community have an approved transition plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If No, are steps being made to advance the community's transition plan?	<input type="checkbox"/>	<input type="checkbox"/>
Does the project comply with the transition plan? (explain in the discussion below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

This project is consistent with local and regional land use and transportation plans. Because this project involves an intersection improvement with access being maintained it will not result in substantial impacts to community cohesion. No significant economic or community impacts are expected to develop as a result of this project. This project is necessary to address the safety at this intersection. Therefore, this project will positively impact motorists using this facility, and should have minimal impacts to community cohesion, the local tax base, or property values.

Per the Indiana Festival Guide website (<https://festivalguidesandreviews.com/indiana-festivals/>), accessed on January 9, 2024, there is one regularly scheduled event in Harlan and 39 in Fort Wayne, Indiana. Access will be maintained throughout the duration of construction activities; therefore, the project is not expected to cause significant delays or inconveniences to those traveling to these events. The selected contractor will implement the MOT plan in accordance with the current INDOT Design Standards and current INDOT Standard Specifications.

Public Facilities and Services

Discuss what public facilities and services are present in the project area and impacts (such as MOT) that will occur to them. Include how the impacts have been minimized and what coordination has occurred. Some examples of public facilities and services include

This is page 23 of 28 Project name: SR 37 at Notestine Road Intersection Improvement Date: May 31, 2024

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

health facilities, educational facilities, public and private utilities, emergency services, religious institutions, airports, transportation or public pedestrian and bicycle facilities.

Based on a desktop review, the aerial map of the project area (Appendix B, page 2), and the RFI report (Appendix E, pages 1-8) there are four public facilities within the 0.5-mile search radius. There are two public use facilities (Cuba Mennonite Church and Northern Indiana Fuel & Light Co. pipeline) located adjacent to the project area, which was confirmed by the site visits on March 17, June 1, and September 4, 2022, by HNTB. Access to all properties will be maintained during construction; therefore, no impacts are expected.

The project's scope of work will require utility relocation. Utility coordination is ongoing.

An ECL was sent to Cuba Mennonite Church and INDOT Utilities on February 15, 2022. No response was received. East Allen County School Corporation responded to the early coordination letter on February 17, 2022, supporting the project. They also expressed that they will have issues with routing but they will make the appropriate adjustments to accommodate (Appendix C, page 10).

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

Environmental Justice (EJ) (Presidential EO 12898)

During the development of the project were EJ issues identified?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Does the project require an EJ analysis?

If YES, then:

Are any EJ populations located within the project area?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Will the project result in adversely high and disproportionate impacts to EJ populations?

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

Under FHWA Order 6640.23A, FHWA and the project sponsor, as a recipient of funding from FHWA, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. Per the INDOT CE Manual, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent right-of-way. The project will require 4.72 acres of new permanent right-of-way. Therefore, an EJ Analysis is required.

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is Allen County. The community that overlaps the project area is called the affected community (AC). In this project, the AC is Census Tract 101 and Census Tract 109. An AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from the 2020 American Community Survey was observed from the US Census Bureau Website <https://data.census.gov> on February 9, 2024, by HNTB. The data collected for minority and low-income populations within the AC are summarized in the table below.

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

	COC	AC 1	AC 2
SR 37 at Notestine Road - Intersection Improvement (Des. No. 1900142)	Allen County, Indiana	Census Tract 101, Allen County, Indiana	Census Tract 109, Allen County, Indiana
LOW-INCOME			
Percent low-income	12.0%	8.9%	2.6%
125 percent of COC	15.0%		
Potential Low-income EJ Impact?		No	No
MINORITY			
Percent Non-White/Minority	28.3%	1.5%	3.8%
125 percent of COC	35.3%		
Potential Low-income EJ Impact?		No	No

AC-1, Census Tract 101, Allen County has a percent low-income of 8.9% which is below 50% and is below the 125% COC threshold. Therefore, AC-1 does not contain low-income populations of EJ concern. AC-2 Census Tract 109, Allen County has a percent low-income of 2.6% which is below 50% and is below the 125% COC threshold. Therefore, AC-2 does not contain low-income populations of EJ concern.

AC-1, Census Tract 101, Allen County has a percent minority of 1.5% which is below 50% and is below the 125% COC threshold. Therefore, AC-1 does not contain minority populations of EJ concern. AC-2 Census Tract 109, Allen County has a percent minority of 3.8% which is below 50% and is below the 125% COC threshold. Therefore, AC-2 does not contain minority populations of EJ concern.

The census data sheets, map, and calculations can be found in Appendix I, pages 2-5. No low-income populations or minority populations of concern were identified. No further EJ analysis is warranted.

Relocation of People, Businesses or Farms

Will the proposed action result in the relocation of people, businesses or farms?
Is a BIS or CSRS required?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

SECTION I – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

Hazardous Materials & Regulated Substances (Mark all that apply)

- Red Flag Investigation (RFI)
- Phase I Environmental Site Assessment (Phase I ESA)
- Phase II Environmental Site Assessment (Phase II ESA)
- Design/Specifications for Remediation required?

Documentation

X

Date RFI concurrence by INDOT SAM (if applicable): May 6, 2022

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

Based on the review of geographic information system (GIS) and available public records, the RFI was completed on May 6, 2022, by HNTB and INDOT SAM provided their concurrence on May 6, 2022 (Appendix E, pages 1-8). One Leaking Underground Storage (LUST) site is located within 0.5-mile of the project area. The hazmat site identified will not impact the project. Further investigation for hazardous material concerns is not required at this time.

Part IV – Permits and Commitments

PERMITS CHECKLIST

Permits (mark all that apply)

Likely Required

Army Corps of Engineers (404/Section 10 Permit)

- Nationwide Permit (NWP)
- Regional General Permit (RGP)
- Individual Permit (IP)
- Other

IN Department of Environmental Management (401/Rule 5)

- Nationwide Permit (NWP)
- Regional General Permit (RGP)
- Individual Permit (IP)
- Isolated Wetlands
- Rule 5
- Other

IN Department of Natural Resources

- Construction in a Floodway
- Navigable Waterway Permit
- Other

Mitigation Required

US Coast Guard Section 9 Bridge Permit

Others (Please discuss in the discussion below)

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

A Construction Stormwater General Permit (CSGP) will be required due to the disturbance of more than one acre of land.

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

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

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

ENVIRONMENTAL COMMITMENTS

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

Firm:

1. If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately. (INDOT ESD and INDOT District)
2. Any work in a wetland area within right-of-way or in borrow/waste areas is prohibited unless specifically allowed in the U.S. Army Corps of Engineers permit. (INDOT ESD)
3. It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. (INDOT ESD)
4. 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. (USFWS)
5. Lighting AMM 1: Direct temporary lighting away from suitable habitat during the active season. (USFWS)
6. Tree Removal AMM 1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal. (USFWS)
7. 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. (USFWS and IDNR-DFW)
8. Tree Removal AMM 3: Ensure tree removal is limited to that specified in projects plans and ensure that contractors understand clearing limits and how they are marked in the field (USFWS)
9. 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. (USFWS and IDNR-DFW)
10. Archaeological sites 12AL2335, 12AL2336, and 12AL2337 that lay outside the proposed project have not been evaluated for inclusion in the NRHP. Those portions of the site must be avoided, if avoidance is not possible, additional archaeological investigation is required prior to construction. These sites will be marked as environmentally sensitive areas and "Do Not Disturb" on the project plans. (INDOT CRO)

For Further Consideration:

11. Impacts to non-wetland forest of one (1) acre or more should be mitigated at 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

Indiana Department of Transportation

County Allen

Route SR 37

Des. No. 1900142

(5:1 mitigation based on the number of large trees) or by using the 1:1 replacement ratio based on area depending on the type of habitat impacted (individual canopy tree removal in an urban streetscape or park-like environment versus removal of habitat supporting a tree canopy, woody understory, and herbaceous layer). Impacts under 0.10 acre in an urban area may still involve the replacement of large diameter trees but typically do not require any additional mitigation or additional plantings beyond seeding and stabilizing disturbed areas. There are exceptions for high quality habitat sites however. (IDNR-DFW)

- 12. Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure. (INDOT-DFW)
- 13. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds. (INDOT-DFW)
- 14. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids. (INDOT DFW)