FEDERAL HIGHWAY
FINDING OF NO SIGNIFICANT IMPACT ADMINISTRATION

For

Indiana Project
Des. No. 1382612

Heavy Haul Transportation Corridor
Jeffersonville, Clark County, Indiana

On February 5, 2018, the Environmental Assessment (EA) prepared for this project was released for public involvement by the Federal Highway Administration (FHWA). A public hearing was held on February 28, 2018. Since the February 5, 2018 release of the EA for public involvement, modifications have been made to the design of the project and to the EA document. Plans to construct stormwater detention basins at the HHTC and Utica Sellersburg intersection have been added; one in the southwest quadrant and one in the northeast quadrant of the proposed intersection. The southwest pond will be approximately 1.75 acres and the northeast pond will be approximately 1.17 acres. The detention areas were previously investigated for above and below-ground cultural resources, as well as for ecological resources, including streams, wetlands, and forests. No additional impacts to cultural or ecological resources are anticipated due to this change.

The preferred alternative (DE) is proposed to begin approximately 0.5 mile north of the Brown Forman Road and Utica Pike intersection, extend 1.48 miles, and end at the SR 265/Old Salem Road interchange. The preferred Heavy Haul Transportation Corridor (HHTC) roadway is to be constructed as a two-lane urban minor arterial road designed to "heavy haul" specifications.

The proposed project will require a total of 33.16 acres of permanent right-of-way and 0.15 acre of temporary right-of-way; the increase in right-of-way totals from the original EA is primarily due to the addition of stormwater detention basins. The changes in right-of-way amounts would be similar for all alternatives as the design refinement would be consistent across all designs. Anticipated impacts to streams total 1,020 linear feet and 0.022 acre of wetlands. Per the Karst Memorandum of Understanding (MOU), the approved Karst Report was distributed to IDEM, USFWS, and IDNR for review and concurrence on March 19,

2018. IDEM, USFWS, and IDNR responded with comments on March 26, March 29, and April 2, 2018, respectively. Recommendations that are applicable to the project have been added as "firm" commitments to the project.

On May 29, 2018, the USFWS issued the BO on the Proposed Construction, Operation, and Maintenance of Heavy Haul Transportation Corridor, Clark County, Indiana for the Federally Endangered Gray Bat (Myotis grisescens). The USFWS's biological opinion was that the HHTC project, as proposed, is not likely to jeopardize the continued existence of the gray bat because the proposed action is not expected to significantly reduce the reproduction, numbers, or distribution of the gray bat within its range.

INDOT Cultural Resources Office (CRO), acting on behalf of FHWA, issued a finding of "No Historic Properties Affected" for this undertaking on December 1, 2017. On January 22, 2018, the State Historic Preservation Officer (SHPO) concurred with the "No Historic Properties Affected" finding. The Section 106 process is complete and the responsibilities of FHWA under Section 106 are fulfilled. There is no anticipated 4(f) use associated with the original or modified project scope.

The FHWA has determined that this project, as identified in the Environmental Assessment and supplemental project information, will have no significant impact on the natural and human environment. This Finding of No Significant Impact (FONSI) is based on the environmental assessment and Public Hearing transcript that have been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. These documents provide sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope and content of these documents.

October 1, 2018

Date

for Mayela Sosa
Division Administrator

AMERICAN
STRUCTUREPOINT
INC.

September 20, 2018

Mr. Ron Bales
Manager, Environmental Policy Office
Indiana Department of Transportation
Division of Environmental Services
100 North Senate Avenue Room N642, IGCN
Indianapolis, Indiana 46204

Re: Review of FONSI Request Packet
Heavy Haul Transportation Corridor
Jeffersonville, Clark County, Indiana
Des. No. 1382612

Dear Mr. Bales:

We would like to request the timely review of the attached information packet necessary for the preparation of the Finding of No Significant Impact (FONSI) regarding the aforementioned project pursuant to 40 CFR, Part 1500.4q and paragraph 5 of the DOT Order 5610.1C implementing the National Environmental Policy Act of 1969. This information packet includes the following documents:

1. Approved Environmental Assessment (Text Only)
2. Official Public Hearing Transcript (Certification of Public Involvement)
3. Response to public hearing comments received
4. Response to MOU agency comments received for the Karst Report
5. Biological Opinion for the Gray Bat from the U.S. Fish and Wildlife Service
6. Project Commitments
7. Revised Plans
8. Continued coordination with Natural Resources Conservation Service

On February 5, 2018, the Environmental Assessment (EA) prepared for this project was released for public involvement by the Federal Highway Administration (FHWA) (Attachment 1 – page 1). A public hearing was held on February 28, 2018. Certification of Public Involvement was received on March 21, 2018 (Attachment 1 – page 1). During the hearing comment period, which commenced two weeks prior to the hearing and ended two weeks following the public hearing on March 16, 2018, seventeen (17) comments were received from the public. The primary concerns were with regard to relocation and acquisition procedures, how the public was coordinated with throughout the design development, upgrading the existing Port Road as the preferred alternative, and minimization and avoidance measures to natural resources including threatened and endangered species, streams, wetlands, and karst features. For a detailed listing of the comments received and the responses thereto, please refer to Attachment 3, pages 1-26.

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Since the February 5, 2018 release of the EA for public involvement, modifications have been made to the design of the project and to the EA document. The details of these modifications are discussed below. Unless specifically discussed below, the information and impacts as identified in the February 5, 2018 EA remain the same.

Public Involvement
In the 2018 EA (Attachment 1 – pages 2-3), details of two public information meetings were discussed. The EA incorrectly identified the date of the first public information meeting as being held on January 28, 2015, with a Public Notice published on INDOT's news release website on January 15, 2015, and a reminder of the meeting published on the INDOT news release site on January 25, 2015. In addition, the EA indicated that public comments for this public information meeting were accepted through February 11, 2015. The correct date of the first public information meeting is January 28, 2016. The Public Notice and reminder of the meeting were published on INDOT's news release website on January 15, 2016 and January 25, 2016, respectively. Public comments were accepted through February 11, 2016.

Project Description
In the 2018 EA, the preferred alternative (DE) is proposed to begin approximately 0.5 mile north of the Brown Forman Road and Utica Pike intersection, extend 1.48 miles, and end at the SR 265/Old Salem Road interchange. The preferred Heavy Haul Transportation Corridor (HHTC) roadway is to be constructed as a two-lane urban minor arterial road designed to "heavy haul" specifications able to withstand a maximum vehicle weight of 134,000 pounds. The EA document incorrectly stated that in order for the roadway to withstand the heavy haul vehicle weight, the proposed roadway would be constructed as 14.5-foot thick pavement with lime subgrade. However, the roadway will be constructed as 14.5-inch thick pavement with lime subgrade (Attachment 7 – pages 3-5).

In addition, the 2018 EA did not include plans to construct detention basins for stormwater management. Since the 2018 EA, plans to construct stormwater detention basins at the HHTC and Utica Sellersburg intersection have been added; one in the southwest quadrant and one in the northeast quadrant of the proposed intersection. The southwest pond will be approximately 1.75 acres and the northeast pond will be approximately 1.17 acres. The detention areas were previously investigated for above- and below-ground cultural resources, as well as for ecological resources, including streams, wetlands, and forests. No additional impacts to cultural or ecological resources are anticipated.

Right-of-Way
According to the 2018 EA, it was anticipated that the proposed project would require a total of approximately 26 acres of permanent right-of-way. Of the total right-of-way acquisition, approximately 4.9 acres of residential parcels, 1.5 acres of agricultural, 9.1 acres of forest, 0.029 acre of wetlands, 1.9 acres of commercial properties, and 8.56 acres of scrub/pasture property would be required for the construction of the HHTC roadway (Attachment 1 – Page 19). A summary of the anticipated right-of-way requirements as detailed in the 2018 EA is presented in the table below.

Since the 2018 EA, right-of-way needs have changed as the design of the preferred alternative has been refined. It is now anticipated that the proposed project will require a total of 33.16 acres of permanent right-of-way and 0.15 acre of temporary right-of-way; the increase in right-of-way totals is primarily due to the addition of stormwater detention basins. The changes in right-of-way amounts would be similar for all alternatives as the design refinement would be consistent across all designs. Therefore, alternative DE is still the preferred alternative. Total permanent right-of-way acquisition has increased approximately 3 acres from residential properties, approximately 5 acres from commercial properties, and approximately 0.3 acre from scrub/pasture areas. Total permanent right-of-way acquisition has decreased approximately 0.007 acre from wetland areas. No temporary right-of-way was anticipated as part of the 2018 EA; it is now anticipated that the project will require approximately 0.13 acre and 0.02 acre of temporary right-of-way from residential properties and commercial properties, respectively. A summary of the anticipated right-of-way requirements for the modified design is presented in the table below.

	Amount (acres)			
	2018 EA		2018 FONSI	
Land Use Impacts	Permanent	Temporary	Permanent	Temporary
Residential	4.9	0.0	8.05	0.13
Commercial	1.9	0.0	7.11	0.02
Agricultural	1.5	0.0	0.0	0.0
Forest	9.1	0.0	9.1	0.0
Wetlands	0.029	0.0	0.02	0.0
Other: Scrub/Pasture	8.56	0.0	8.88	0.0
TOTAL	**25.99**	**0.0**	**33.16**	**0.15**

Streams, Rivers, Watercourses, & Jurisdictional Ditches
As part of the 2018 EA, a Wetland Delineation and Waters Report, dated June 9, 2016, was prepared for this project and was approved by the INDOT Ecology and Waterway permits Office on October 13, 2017. The Waters Report identified nine (9) streams (Lentzier Creek and UNT 1-8) within the investigated area. All of the delineated streams appear to drain to the Ohio River. Therefore, it is anticipated that all nine (9) streams will be considered jurisdictional "waters of the U.S." In total, 884 linear feet (0.116 acre) of permanent impact to streams was anticipated as a result of the construction of the heavy haul transportation corridor (Attachment 1 – pages 20-22). However, in the Permit Checklist section of the EA, the total linear feet of impact was incorrectly listed as 894 linear feet (Attachment 1 – page 44). A summary of the anticipated impacts as detailed in the 2018 EA is presented in the table below.

On March 16, 2018, the Environmental Protection Agency (EPA) provided comments as part of the public hearing comment period (Attachment 3 – pages 15-18). The EPA noted that the draft construction plans included in the EA show a bridge bent/footer being constructed in, or extremely close to, unnamed tributary (UNT) 5. In addition, the EPA noted that the draft construction plans did not show any of the tributary streams. In response, plans have been updated to depict tributary streams and to accurately account for anticipated impacts to streams (Attachment 7 – pages 13-22), which now total 1,020 linear feet. A summary of the modified anticipated impacts is presented in the text and table below.

As part of design development, the bridge footer that was near UNT 5 has been relocated, eliminating any impacts to UNT 5 (Attachment 7 – page 16).

In addition, during design refinement, it was determined that the riprap limits along UNTs 2, 3, and 8 depicted in the EA were too short to meet design manual requirements. Therefore, an additional 149 linear feet of impacts are anticipated for additional riprap to be placed below the ordinary high water mark (OHWM) of the three UNTs (Attachment 7 – pages 13-15, 18, and 22). This additional linear footage of impact would be the same for alternatives F and HH, which would cross the streams at the same alignments requiring the same impacts. Therefore, alternative DE remains the preferred alternative.

According to the EA, a total of 150 linear feet of UNT 6 was anticipated to be permanently impacted as a result of the construction of the HHTC roadway. During design refinement, adjustments have been made to the foundation and ditchline locations that eliminated impacts to UNT 6 (Attachment 1 – page 16).

Stream Name	2018 EA Impacts (linear feet)	Modified Design Impacts (linear feet)
Lentzier	0	0
UNT 1	0	0
UNT 2	94	143
UNT 3	354	527
UNT 4	0	0
UNT 5	0	0
UNT 6	150	0
UNT 7	0	0
UNT 8	286	350
Total Impacts	**884**	**1,020**

Wetlands
As part of the 2018 EA, a Wetland Delineation and Waters Report, dated June 9, 2016, was prepared for this project and was approved by the INDOT Ecology and Waterway permits Office on October 13, 2017. The Waters Report identified three (3) forested wetlands, five (5) emergent wetlands, one (1) scrub-shrub wetland, and one (1) forested/emergent wetland within the investigated area. The total acreage of wetlands delineated within the investigated area was 4.42 acres. All of the delineated wetlands appear to drain to the Ohio River. Therefore, it is anticipated that all ten (10) wetlands will be considered jurisdictional "waters of the U.S." In total, 0.029 acre of permanent impact to wetlands was anticipated as a result of the construction of the heavy haul transportation corridor (Attachment 1 – pages 24-26). A summary of the anticipated impacts as detailed in the 2018 EA is presented in the table below.

In the March 16, 2018 public hearing comments (Attachment 4 – pages 15-18), the EPA noted that the draft construction plans included in the EA show a bridge bent/footer potentially impacting the westernmost acreage of Wetland H. The draft construction plans also show the construction of a drainage ditch through Wetland H on the east side of the proposed bridge. In response, plans have been updated to accurately account for anticipated impacts to wetlands (Attachment 7 – pages 13-22). As a result, adjustments were made to the foundation locations that eliminated impacts to Wetland H; therefore, no impacts to

Wetland H are anticipated. In addition, impacts to Wetland I have been eliminated (Attachment 7 – pages 16-19). As a result, the total impacts to wetlands have been reduced to approximately 0.022 acre. A summary of the modified anticipated impacts is presented in the table below.

Wetland No.	Classification	Total Size	2018 EA Impacts (Acres)	Modified Design Impacts (Acres)
A	PEMC[1]	1.47	0	0
B	PEMC	0.04	0	0
C	PEME[2]	0.12	0	0
D	PSS1C[3]	0.59	0	0
E	PEME[4]	0.01	0	0
F	PEME	0.01	0	0
G	PFO1C[5]	0.02	0.022	0.022
H	PFO1C	1.00	0	0
I	PEMC/PFO1C	1.06 0.47 PEMC; 0.59 PFO1C	0.007	0
J	PFO1C	0.10	0	0
Total Impacts			**0.029**	**0.022**

Cowardin classification of wetlands are as follows: [1]Palustrine, Emergent, Seasonally Flooded; [2]Palustrine, Emergent, Seasonally Flooded/Saturated; [3]Palustrine, Scrub-Shrub, Broad-Leaved Deciduous, Seasonally Flooded; [4]Palustrine, Forested, Broad-Leaved Deciduous, Seasonally Flooded.

Karst

As part of the 2018 EA, a Karst Report (revised December 29, 2017), was prepared for this project and was approved by the INDOT Environmental Services on January 3, 2018. A total of three (3) karst features were located within the proposed construction limits of the preferred alternative. In addition four (4) drainage areas/watershed areas for four additional features were identified within the construction limits of Alternative DE. A summary of the anticipated impacts and proposed mitigation can be referenced in Attachment 1 – page 28.

Per the Karst Memorandum of Understanding (MOU), the approved Karst Report was distributed to IDEM, USFWS, and IDNR for review and concurrence on March 19, 2018. IDEM, USFWS, and IDNR responded with comments on March 26, March 29, and April 2, 2018, respectively. A summary of the comments and responses are below. Recommendations that are applicable to the project have been added as "firm" commitments to the project, as indicated below (Attachment 4 – pages 1-3):

Comments and Responses

IDEM

- *Of note…There is a low angle inactive thrust fault present on the Indiana Army Ammunition Plant (INAAP) to the north of the project area. There is no information that we are aware of on how far south this fault extends to the south, but it may influence the formation of karst in the project area. Field staff should be aware of this possibility and report any potential faults expressed during pre-construction activities or during construction/excavation activities.*
    - The location and alignment of the suggested thrust fault was not identified during background research on the study area. Further investigation of the structural geology of the area indicates regional jointing has been mapped in the area, in which development of karst features was identified on the INAAP site. The regional jointing (as mapped by Hendricks, 1995) will be incorporated into the geologic maps prepared for the project area. However, it should be noted that karst development at the INAAP is largely due to the discharge of acidic wastewater to the Jenny Run watershed, and therefore unrelated to karst development to the south and the study area for the Heavy Haul Transportation Route.
- *Section 4.2.5 identifies the Office of Land Management as the IDEM reporting authority. It should be the Office of Water Quality (OWQ) as the IDEM reporting authority.*
    - The Revised Karst Report will correctly identify the IDEM Office of Water Quality as the appropriate reporting authority with regards to coordination on the emergency response plan (Firm Commitment).
- *Table 5, page 17; Summary of Impact to Karst Features and Recommended Measures for Avoidance and/or Mitigation, uses the term "facilitate runoff". Where Section 5.2.1, page 20, first paragraph under the heading Sinkholes Left in Place states: "To the extent possible, the surface water flow should be maintained at pre-development volumes. Pre-existing concentrated flow channels should be stabilized, but should not otherwise be altered." IDEM agrees with the wording in Section 5.2.1 and recommends that the language in Table 5 should be similar.*

  - The Revised Karst Report will modify the language used within Table 5 to read "… install appropriately sized culverts under roadway embankment to facilitate runoff at pre-development volumes to sinkhole."
- *The document does not state or provide details for water quality sampling of the springs (prior to, during, or after construction). Pre-construction sampling should take place as soon as possible to establish background in order to monitor potential impacts to water resources. Please advise.*
  - It is anticipated that prior to construction of the Heavy Haul Transportation Corridor, a Monitoring and Maintenance Plan will be prepared to fulfill stipulation 8 of the 1993 Karst MOU which states "INDOT agrees to develop a monitoring and maintenance plan for the affected karst features. IDNR, IDEM and USFWS will be provided an opportunity to review this plan. The establishment of water quality and a point at which a standard is established for remediation will be a part of each monitoring plan. The results of the monitoring will be submitted to IDNR, USFWS and IDEM on a regular basis." The Heavy Haul Monitoring and Maintenance Plan (HHMMP) will include the following (Firm Commitment):
    - Identification of water quality monitoring locations (i.e., representatives springs throughout the corridor);
    - Water quality sampling and analysis methodology, including a list of appropriate water quality parameters
    - Water quality sampling schedule, including pre-construction conditions to establish baseline, regular sampling during construction, and regular monitoring post-construction.
    - Criteria for remediation is established water quality thresholds are exceeded as a result of the project
    - Roadway maintenance policy to protect karst features, such as use of de-icing compounds, herbicide applications, etc.
    - Hazardous material spills, and
    - Maintenance and periodic monitoring of karst feature treatments

<u>USFWS</u>

- *The only comment we have is with regard to maintaining buffers around the various features. On pages 16 and 23, it mentions a minimum 10 foot buffer will be used, and on page 20, it suggests a 25 foot buffer. The Service typically recommends a minimum 25 foot vegetated/undisturbed buffer be maintained around karst features (from the edge of the highest contour line).*
  - The Karst Report will be updated to reflect a minimum 25-foot wide vegetated/undisturbed buffer to be maintained around karst features (Firm Commitment).

<u>IDNR</u>

- *The DNR issued three responses to American Structurepoint about this project, ER-19026 with two follow-up responses (-1 and -2) (attached). Those comments still apply, including comments regarding karst. Only the original response was included in the report.*
  - The October 16, 2017 and February 13, 2018 comments from IDNR will be included in the revised Karst report.
- *Page 4 of the document states Waldron Shale is highly erodible in one paragraph and then the next paragraph calls Waldron Shale "more resistant rocks". To me, those are contradictory statements so could you please explain how these two statements work together?*
  - The Waldron Shale "more resistant rocks" is in reference to dissolution and forming karst features. The carbonate rocks (limestone and dolomite) are more conducive and less resistant to dissolution as opposed to shales which are not typically dominated by dissolvable minerals (e.g., calcite). While on the surface, shales are erodible by mechanical processes.

A firm commitment stating *Per the Karst MOU, the Karst Report will be submitted to participating agencies (IDEM, IDNR, USFWS) for review prior to construction* was included in the 2018 EA. Since the 2018 EA, the Karst Report has been submitted to the MOU agencies and comments have been received. Therefore, this firm commitment will be updated to be state the revised Karst Report will be redistributed to the participating MOU agencies for final review prior to construction.

Threatened and Endangered Species
Through coordination with INDOT and the U.S. Fish and Wildlife Service (USFWS), it was determined that formal Section 7 consultation would be required for impacts to foraging habitat for the gray bat (*Myotis grisescens*). On January 18, 2018, A Biological Assessment (BA) prepared by Eco-Tech Consultants was submitted to INDOT and FHWA. The BA concluded that the proposed project *may affect, and is likely to adversely affect* the gray bat foraging habitat. As such, a list of avoidance and minimization measures (AMMs) were provided, which were included as "firm" commitments in the EA document (Attachment 1, pages 45-46).

On January 19, 2018, INDOT and FHWA approved the final BA; the BA was then forwarded to USFWS by FHWA on January 22, 2018. FHWA requested that USFWS concur with the findings of the BA, that Formal Consultation be initiated, and that USFWS prepare a Biological Opinion (BO) for the project.

On May 29, 2018, the USFWS issued the BO on the Proposed Construction, Operation, and Maintenance of the Federal Highway Administration's and Indiana Department of Transportation's Heavy Haul Transportation Corridor, Clark County, Indiana for the Federally Endangered Gray Bat (*Myotis grisescens*). The USFWS's biological opinion was that the HHTC project, as proposed, is not likely to jeopardize the continued existence of the gray bat because the proposed action is not expected to significantly reduce the reproduction, numbers, or distribution of the gray bat within its range (Attachment 5 – Page 28). As part of the BO, the USFWS provided a number of recommendations to further reduce adverse effects and incidental take of gray bats. These recommendations are listed below and are included as "firm" commitments (Attachment 6):

- Permanent and unavoidable impacts to forests will be mitigated at 2:1 preservation and 1:1 reforestation ratios.
- The proposed forest mitigation plans will be finalized in consultation with USFWS, and attempts will be made to improve the connectivity between forest patches in areas known to be used by the local gray bat population.
- The proposed bridge will span Lentzier Creek and the associated floodplain.
- All construction activities (including blasting) will take place during daylight hours to prevent percussive disturbance to foraging bats. If blasting is necessary, this activity will utilize blasting mats to contain rock fragments (flyrock) within the construction limits.
- If permanent or temporary roadway lighting is installed, downward faceting lights with full cut-off lenses are suggested.
- INDOT will routinely assess bridges for bat use and will coordinate with the USFWS if needed to reduce unnecessary disturbances.

This concludes formal consultation with FHWA on the construction, operation, and maintenance of the HHTC in Jeffersonville, Indiana. As provided in 50 CFR 402.16, reinitiating of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action (e.g., highway construction, operation, and maintenance) are subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiating.

Farmland
As is required by the Farmland Protection Policy Act (FPPA), the Natural Resources Conservation Service (NRCS) was coordinated with via an early coordination letter dated April 29, 2016. In a May 13, 2016 response, the NRCS indicated that a determination could not be reached due to the size of the investigated area, and the request should be resubmitted once routes were available. Therefore, on January 19, 2018, a recoordination letter and exhibits depicting the preferred alternative were sent to NRCS staff. In a letter dated February 6, 2018, the NRCS indicated that the proposed project will cause a conversion of prime farmland (Attachment 8, Page 1). Therefore, Form NRCS-CPA-106 has been completed (Attachment 8, Page 2). Since this project received a total point value of less than 160 points, this site will receive no further consideration for farmland protection. No other alternatives other than the preferred alternative already discussed in this document will be considered without a re-evaluation of the project's potential impacts upon farmland. This project will not have a significant impact to farmland.

Cultural Resources
INDOT Cultural Resources Office (CRO), acting on behalf of FHWA, issued a finding of "No Historic Properties Affected" for this undertaking on December 1, 2017. On January 22, 2018, the State Historic Preservation Officer (SHPO) concurred with the "No Historic Properties Affected" finding. No consulting parties provided comments on the finding or the supporting documentation.

In accordance with 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4), the views of the public were sought regarding the "No Historic Properties Affected" finding. A public notice was placed in the December 23, 2017 edition of the *News and Tribune* describing the proposed project. Further, the notice stated that the documentation supporting the "No Historic Properties Affected" was available for review at the office of American Structurepoint, Inc. and electronically on INDOT's Section 106 document posting website, IN SCOPE. Public comments regarding the finding were accepted for a period of thirty (30) days, ending on January 22, 2018. No comments were received within the allotted timeframe. The Section 106 process is complete and the responsibilities of INDOT, acting on behalf of FHWA under Section 106 are fulfilled.

Section 4(f) Resources
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 publicly owned parks, recreation areas, and wildlife/waterfowl refuges, and National Register eligible or listed historic properties. These properties are called Section 4(f) resources. As stated in the 2018 EA, no 4(f) resources associated with publicly owned parks, recreation areas or wildlife/waterfowl refuges were identified within the project area (Attachment 1 – Page 36). The footprint of the preferred alternative (DE) has not changed since the 2018 EA. Therefore, there is no anticipated 4(f) use is associated with the modified project scope.

Environmental Commitments
In addition to the commitments made in the 2018 EA (Attachment 1 – Pages 45-48), new commitments have been recommended as a result of the issuance of the BO by USFWS and from the review of the Karst Report by MOU agencies. All new commitments are firm and are included in the list below. A complete list of environmental commitments (EA and FONSI request) can be referenced in Attachment 6.

1. Per the Karst MOU, the revised Karst Report will be redistributed to the participating MOU agencies (IDEM, IDNR, USFWS) for final review prior to construction. (INDOT)
2. Management of post-construction runoff should be implemented by the installation of side ditches to collect surface runoff from the roadway and embankments. (INDOT)
3. All side drainage ditches should be directed to existing surface streams throughout the length of the proposed project. (INDOT)
4. Discharge of roadway runoff will not be directed into existing karst features. (INDOT)
5. A minimum 25-foot wide vegetated/undisturbed buffer will be maintained around karst features. (USFWS)
6. Permanent and unavoidable impacts to forests will be mitigated at 2:1 preservation and 1:1 reforestation ratios. (USFWS)
7. The proposed forest mitigation plans will be finalized in consultation with USFWS, and attempts will be made to improve the connectivity between forest patches in areas known to be used by the local gray bat population. (USFWS)
8. The FHWA, in consultation with the Service, must develop a mitigation plan for any secured mitigation site(s) within six (6) months of securing the site or within six (6) months of the issuance of the BO, whichever is later.
9. All forest mitigation sites must be identified and secured within 2 years of project letting, including the development of final mitigation plans. The final mitigation plans will address and/or establish the following: quantifiable criteria and methods for assessing success of all mitigation plantings and functionality of any constructed wetlands and streams, approved lists of tree/plant species to be planted (and their relative abundance/%)., approved lists of herbicides for weed control, proposed construction schedules, annual post-construction monitoring schedules, and a long-term, ongoing management/stewardship strategy. Some degree of monitoring and invasive species management should be developed for preservation sites as well. (USFWS)
10. Monitor the post-construction use of the project corridor by the resident gray bat population by conducting a follow-up bat survey of the action area in the summer following completion of the project. This survey will be used to determine whether the conservation measures and reasonable and prudent measures were successful in maintaining useable foraging habitat. Monitoring must consist of a mist net survey following the Service's standard protocols, and should be initiated in the first full summer following the completion of the project (i.e. if construction is completed in June, then surveys would begin the following year). Specific survey plans will be coordinated with the Service's Indiana Field Office. (USFWS)

11. The FHWA will prepare an annual report detailing all Conservation Measures, mitigation efforts, and monitoring efforts that have been initiated, are ongoing, or completed during the previous calendar year and the current status of those yet to be completed. The report will be submitted to the Service's Indiana Field Office by 31 January each year. If proposed Conservation Measures or mitigation goals cannot be realized, then as provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action (e.g., highway construction, operation, and maintenance) are subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.(USFWS)
12. FHWA/INDOT staff will investigate and propose alternative solutions that are of equal or greater benefit to gray bats within the Action Area. (USFWS)
13. The proposed bridge will span Lentzier Creek and the associated floodplain. (USFWS)
14. Impacts will be avoided or minimized by implementing equipment servicing and maintenance guidelines, contaminant spill, erosion-control, and herbicide use plans, following standard construction BMPs, and by installing filtering barriers around sinkhole areas (in accordance with the 1993 Karst MOU) and containment of roadside ditches as appropriate. (USFWS)
15. All construction activities (including blasting) will take place during daylight hours to prevent percussive disturbance to foraging bats. If blasting is necessary, this activity will utilize blasting mats to contain rock fragments (flyrock) within the construction limits. (USFWS)
16. Lower speed limits along the operating HHTC roadway will be considered in order to reduce collisions with bats. (USFWS)
17. If permanent or temporary roadway lighting is installed, downward faceting lights with full cut-off lenses are suggested. (USFWS)
18. Use of structural BMPs (e.g., water quality filters and hydrodynamic devices) will be considered at the stormwater outfalls to surface streams in the area to minimize pollutant loading and contain releases from spills. (USFWS)
19. INDOT will routinely assess bridges for bat use and will coordinate with the USFWS if needed to reduce unnecessary disturbances. (USFWS)
20. Use design measures such as guardrails and steeper road slopes, where feasible, to minimize tree removal, particularly in riparian zones. (USFWS)
21. 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. (IDEM)
22. The IDEM Office of Water Quality will be identified as the appropriate reporting authority with regards to coordination on the emergency response plan. (IDEM)
23. A monitoring and maintenance plan for the affected karst features will be developed. IDNR, IDEM and USFWS will be provided an opportunity to review this plan. The establishment of water quality and a point at which a standard is established for remediation will be a part of each monitoring plan. The results of the monitoring will be submitted to IDNR, USFWS and IDEM on a regular basis.(IDEM)
24. The Heavy Haul Monitoring and Maintenance Plan (HHMMP) will include the following: identification of water quality monitoring locations (i.e., representatives springs throughout the corridor); water quality sampling and analysis methodology, including a list of appropriate water quality parameters; water quality sampling schedule, including pre-construction conditions to establish baseline, regular sampling during construction, and regular monitoring post-construction; criteria for remediation is established water quality thresholds are exceeded as a result of the project; roadway maintenance policy to protect karst features, such as use of de-icing compounds, herbicide applications, etc.; hazardous material spills; and maintenance and periodic monitoring of karst feature treatments. (IDEM)
25. All required mitigation and monitoring measures included in the Karst Report will be implemented. (IDEM)

The revisions and modifications to the design of this project do not alter the scope or intent. All firm commitments made in the Environmental Assessment and in the FONSI request will be satisfied.

Upon the satisfactory completion of your review of the FONSI request information packet, we would request that you forward the attached information to the FHWA with the request that they prepare the necessary FONSI for this project in order to complete the NEPA process.

Please contact me at (317) 547-5580 or lboits@structurepoint.com if there are any questions or if additional information is needed.

Very truly yours,
American Structurepoint, Inc.

Leah S. Boits
Project Manager

LSB:slg

Attachments:

1. Approved Environmental Assessment (Text Only) – Pages 1-48
2. Official Public Hearing Transcript (Certification of Public Involvement) – Pages 1-171
3. Response to public hearing comments received – Pages 1-26
4. Response to MOU agency comments received for the Karst Report – Pages 1-19
5. Biological Opinion for the Gray Bat from the U.S. Fish and Wildlife Service – Pages 1-36
6. Project Commitments – Pages 1-5
7. Revised Plans – Pages 1-51
8. Continued coordination with Natural Resources Conservation Service – Pages 1-2