

Indiana Department of Transportation

County Clinton

Route SR 28

Des. No. 1005600

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

See CE Manual for guidance to determine which NRCS form is appropriate for your project.

Remarks: The project is entirely within the city limits of Frankfort, IN. There are no agricultural lands and there are no areas where conversion of prime farmland will occur.

In an early coordination response from the NRCS dated 11/1/2016, they stated that "the proposed reconstruct of SR 28 in the City of Frankfort, Clinton County, Indiana (DES No 1005600, 16005600, 1600438, 141678), as referred to in your letter received October 21, 2016; will not cause a conversion of prime farmland."

A copy of this letter can be found in Appendix C, page C-18.

SECTION C – CULTURAL RESOURCES

	Category	Type	INDOT Approval Dates	N/A
Minor Projects PA Clearance				X

Eligible and/or Listed
Resource Present

Results of Research

Archaeology	
NRHP Buildings/Site(s)	X
NRHP District(s)	X
NRHP Bridge(s)	

Project Effect

No Historic Properties Affected No Adverse Effect Adverse Effect

Documentation
Prepared

Documentation (mark all that apply)

		ES/FHWA Approval Date(s)	SHPO Approval Date(s)
Historic Properties Short Report			
Historic Property Report	X	6/8/2018	7/24/2018
Archaeological Records Check/ Review			
Archaeological Phase Ia Survey Report			
Archaeological Phase Ic Survey Report			
Archaeological Phase II Investigation Report			
Archaeological Phase III Data Recovery			
APE, Eligibility and Effect Determination	X	2/13/2018	3/8/2019
800.11 Documentation	X	2/13/2018	3/8/2019

Memorandum of Agreement (MOA)

X

MOA Signature Dates (List all signatories)

INDOT: 3/21/2019
SHPO: 4/18/2019
FHWA: 4/22/2019

Describe all efforts to document cultural resources, including a detailed summary of the Section 106 process, using the categories outlined in the remarks box. The completion of the Section 106 process requires that a Legal Notice be published in local newspapers. Please indicate the publication date, name of paper(s) and the comment period deadline. Likewise include any further Section 106 work which must be completed at a later date, such as mitigation or deep trenching.

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Remarks:

Area of Potential Effect (APE):

Qualified professionals working for Weintraut and Associates and meeting the Secretary of the Interior's Professional Qualifications Standards defined the Area of Potential Effect (APE). The APE is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist, as defined by 36 CFR Section 800.16(d). The APE was drawn to include all areas where ground disturbances may occur or where auditory or visual impacts might be expected and include properties adjacent to the SR 28 ROW starting at CR 200 West and extending east to Hoke Avenue. The APE is located in Appendix D, page D-17.

Coordination with Consulting Parties:

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies or their representatives to take into account the effects of their undertakings on historic properties. In accordance with 36 CFR 800.2(c) and the INDOT *Cultural Resources Manual*, the consulting parties were invited to participate in efforts to identify historic properties potentially affected by this project, assess the project's effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. The following agencies and organizations were invited to be Consulting Parties for the Project on 1/4/2019. A reply was only received from the Miami Tribe of Oklahoma.

Invited Consulting Party	Reply Received
Eastern Shawnee Tribe of Oklahoma	None Received
Forest County Potawatomi Community	None Received
Miami Tribe of Oklahoma	Yes
Peoria Tribe of Indians of Oklahoma	None Received
Pokagon Band of Potawatomi Indians	None Received
Clinton County Historian	None Received
Clinton County Historical Society and Museum	None Received
Clinton County Area Plan Commission	None Received
Clinton County Genealogical Society	None Received
Frankfort Historic Preservation Commission	None Received
Frankfort Town Council Members	None Received
Mayor of Frankfort, Indiana	None Received
Frankfort Main Street, Inc.	None Received
Historic Preservationists of Clinton County	None Received
Frankfort Building Services	None Received
Clinton County Commissioners	None Received
Indiana Landmarks, Western Regional Office	None Received
First Christian Church of Frankfort	None Received

INDOT-Cultural Resources Office (CRO), IDNR Department of Historic Preservation and Archaeology, State Historic Preservation Officer (SHPO), and the FHWA are automatic consulting parties. The Consulting party list is located in Appendix D, page D-124.

Archaeology:

All of the proposed construction areas have been disturbed by past construction along SR 28 within the APE. No archaeological investigation was required for the project. The SHPO letter dated July 24, 2018 stated the staff of the Indiana SHPO have not identified any currently known archaeological resources listed in or

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eligible for inclusion in the National Register of Historic Places (NRHP) within the proposed project area. However, this identification is subject to the project activities remaining within the areas disturbed by previous construction of a recent and non-historical nature.

A Firm Commitment has been added: If archaeological deposits are encountered from the post-contact period, they will be evaluated regarding their eligibility for the NRHP in consultation with the staff of the Indiana SHPO. Please contact the office if such deposits are encountered. The archaeological recordings must be done in accordance with the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716) and a record of the archaeological documentation must be submitted to SHPO Office for review and comment. A copy of the SHPO letter is attached in Appendix D, page D-44.

Historic Properties:

Weintraut & Associates prepared a Historic Property Report which included a field survey, to identify the historic significance of the properties within the APE on May 31, 2017. A total of 102 properties were reviewed that were greater than fifty years of age within the APE. One additional property, the First Christian Church was identified as an eligible property for listing on the NRHP. No other properties were identified as eligible of the NRHP. Within the three (3) listed historic districts, historians recorded survey notes and took photographs of Notable or Outstanding resources within the APE. The following properties are listed in the NRHP:

- Frankfort Commercial Historic District- (NR-1403 [NRHP, 1998]; IHSSI Nos.: 023-221-36001 to 36086). Southern boundary is 150' north of SR 28. No resources remain extant within the APE. No Affect Effect determination.
- Christian Ridge Historic District (NR-1708 [NRHP, 2003]; IHSSI Nos.: 023-221-37001 to 37456) the south curb line will be moved approximately 6' south, the tree lawn along the north and south sides of SR 28 will require the removal of the trees, permanent ROW will be required from non-contributing properties and the 8' wide shared use path on the north side of SR 28 will be concrete. If the existing street lighting is modified, the replacement lighting will be reviewed by SHPO. The project will have an *Adverse Effect* on the Christian Ridge Historic District.
- South Frankfort Historic District (NR-2093 [NRHP, 2009]. The northern boundary is Walnut Street but no contributing features are located adjacent to Walnut Street.
- Old Frankfort Stone High School NR-0226 [NRHP, 2009]; IHSSI Nos.: 023-221-39001 to 39186) located on the north of Walnut Street on Clinton street. No impacts to the property will occur due to the project. No Adverse Effect determination.
- First Christian Church (IHSSI No.: 023-221-40590) Located on 50 South Columbia Street. This property is eligible for listing in the NRHP under Criterion Consideration A and Criterion C for its association with architecture. The shared use path will replace the sidewalk between the church building and SR 28 north curb line. No Affect Effect determination.

The location of the features are shown on the Cultural Resources graphics (Appendix D, page D-18). One property identified in the Historic Property Report as Recommended Eligible for the NRHP (IHSSI No.: 023-221-40590) is the First Christian Church. The property will have the shared use path constructed between the building and the SR 28 curb. The church steps and building face will not be disturbed. No ROW is required from the property. A No Adverse Effect determination was approved by SHPO. (Appendix D, page D-3) The History Property Report Executive Summary is located in Appendix D, page D-121.

Documentation, Findings:

The 800.11(e) document *Federal Highway Administrator's Section 4(f) Compliance Requirements (for historic properties) And Section 106 Findings and Determinations Area of Potential Effects Eligibility Determinations Effects Finding State Route 28 Road Improvement Project In The City Of Frankfort, Center*

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Township, Clinton County, Indiana DES. Nos.: 1005600 (lead), 1401678, 1600437, and 1600438 prepared by Weintraut & Associates and signed by FHWA on 2/13/2019. The document identified one (1) property eligible for listing on the NRHP (First Christian Church). No Adverse Effect was determined for all of the properties listed on or eligible for listing in the NRHP except for an adverse effect on the Christian Ridge Historic District. The SHPO approval of the 800.11 document is located in Appendix D, page D-44.

The Adverse Effect finding for the Christian Ridge Historic District required the preparation of A Memorandum of Agreement (MOA) between the Federal Highway Administration, and the Indiana State Historic Preservation Officer submitted to the Advisory Council on Historic Preservation Pursuant to 36 CFR Section 800.6(b)(iv) Regarding the State Road 28 Road Improvement Project in City of Frankfort, Center Township, Clinton County, Indiana DES. Nos.: 1005600 (lead), 1401678, 1600437, and 1600438. DES No 1401678 is part of the construction contract but not covered by this CE. The MOA stipulations for mitigation measures include:

Tree Replacement-

- Good faith effort to replace trees removed at a 1:1 ratio or as close to a 1:1 ratio as reasonable.
- INDOT Cultural Resources Staff is to attend the pre-construction meeting. Indiana SHPO will be invited to attend.
- At least thirty (30) days prior to the pre-construction meeting, INDOT shall supply SHPO and consulting parties with the planned location and species of the replacement trees.
- INDOT shall ensure that the trees utilized in the planting plan will be cultivars of native deciduous species.
- Indiana SHPO and consulting parties shall be given (30) days to review and comment on the planting plan.

Trail or Street Lighting-

- If additional lighting or lighting upgrades are to be installed within the Christian Ridge Historic District as part of the project, other than in-kind replacement of existing lighting, INDOT shall supply SHPO and consulting parties with the plan for the new lighting at least thirty (30) days prior to the pre-construction meeting.
- The lighting plan shall include specific information regarding the placement and the design of the proposed lighting within the district.
- The Indiana SHPO and consulting parties shall be given thirty (30) days to review and comment on the lighting plan.

Post-Review Discovery

In the event that one or more historic properties—other than the Franklin Commercial Historic district (NR-1403), the South Frankfort Historic District (NR-2093), the Christian Ridge historic district (NR-1708), the Old Franklin Stone High School (NR-0226), and the First Christian Church (IHSSI No.:023-221-40590) are discovered or that unanticipated effects on historic properties are found during the implementation of the MOA, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Office of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1 and 312 IAC 21, 312 IAC 22, and the most current *Guidebook for Indiana Historic Sites and Structures Inventory- Archaeological Sites*.

The above stipulations have been included as firm commitments in Section J of this document. The commitments are included in the MOA (Appendix D, page D-95).

Additional stipulation but not listed as a commitment is: If the Indiana SHPO and consulting parties do not respond within thirty (30) days, acceptance of the tree planting and lighting plans will be assumed. If the Indiana SHPO and consulting parties respond with recommendations, a good faith effort to accommodate the recommendations will be made. FHWA shall inform the Indiana SHPO and consulting parties of its response to such recommendations and provide any revisions to the Indiana SHPO and consulting parties for their records before implementing the tree planting and lighting plans.

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The signed MOA for the adverse effect on a Section 106 resource is located in Appendix D, page D-95.

Public Involvement:

The Section 106 process included a consulting party meeting on November 1, 2018 at the Frankfort City building. Attendees included Indiana Department of Natural Resources (IDNR)-Division of Historic Preservation & Archaeology (DHPA)/State Historic Preservation Officer (SHPO); IDNR-DHPA/SHPO; Federal Highway Administration (FHWA); Indiana Department of Transportation Cultural Resources Office (INDOT-CRO); Burgess & Niple (B&N); and Weintraut & Associates (W&A). No other parties attended the meeting. The attendees reviewed each of the NRHP properties, the proposed work within each, and if the project would have an effect on the property.

To meet the public involvement requirements of Section 106, FHWA's finding of adverse effect, a notice was advertised in *The Frankfort Times* on February 20, 2019. The public comment period closed 30 days later on March 22, 2019. The text of the public notice and the affidavit of publication appear in Appendix D, page D-126). No written comments were received within the deadline.

The Section 106 process has been completed and the responsibilities of the FHWA under Section 106 have been fulfilled.

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

Section 4(f) Involvement (mark all that apply)

Parks & Other Recreational Land

- Publicly owned park
- Publicly owned recreation area
- Other (school, state/national forest, bikeway, etc.)

Presence

Use

Yes	No

Evaluations

Prepared

- Programmatic Section 4(f)*
- "De minimis" Impact*
- Individual Section 4(f)

FHWA

Approval date

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Wildlife & Waterfowl Refuges

- National Wildlife Refuge
- National Natural Landmark
- State Wildlife Area
- State Nature Preserve

Presence

Use

Yes	No

Evaluations

Prepared

- Programmatic Section 4(f)*
- "De minimis" Impact*
- Individual Section 4(f)

FHWA

Approval date

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Historic Properties

Presence

Use

Yes	No

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Sites eligible and/or listed on the NRHP

Evaluations
Prepared

Programmatic Section 4(f)*
"De minimis" Impact*
Individual Section 4(f)

FHWA
Approval date

*FHWA approval of the environmental document also serves as approval of any Section 4f Programmatic and/or De minimis evaluation(s) discussed below.

Discuss Programmatic Section 4(f) and "de minimis" Section 4(f) impacts in the remarks box below. Individual Section 4(f) documentation must be separate Draft and Final documents. For further discussions on Programmatic, "de minimis" and Individual Section 4(f) evaluations please refer to the "Procedural Manual for the Preparation of Environmental Studies". Discuss proposed alternatives that satisfy the requirements of Section 4(f).

Remarks:

Presence, impact, no use

Section 4(f) of the US Department of Transportation Act (USDOT) of 1966 prohibits USDOT funded projects from using land from certain properties unless no feasible and prudent alternatives exists. Section 4(f) properties include publicly owned land from a public park, recreation area, wildlife and waterfowl refuge of national, state, or local significance and determined by the federal, state, or local official with jurisdiction therefore, properties listed or determined eligible for inclusion in the NRHP, and archaeological sites that warrant preservation in place. Lands subject to this law are considered Section 4(f) resources.

Based on the RFI, no publicly owned land from a public park, recreation area, wildlife and waterfowl refuge are located within the project limits or adjacent to the project limits. The closest public recreation facility is 0.1 mile south of the project area. No impact will occur to public park, recreation area, wildlife and waterfowl refuges.

The project will require ROW from properties within the Christian Ridge Historic District. Properties that are identified as contributing resources to the Historic District are classified as Section 4(f) resources. No permanent ROW will be acquired from contributing properties within the district. Based on the definition for historic 4(f) properties since no ROW is required from contributing properties this is not classified as a 4(f) use. Temporary ROW will be acquired from both contributing or non-contributing properties. The temporary occupancy of contributing property does not constitute a Section 4(f) use when all of the conditions listed in 23 CFR 774.13(d) are satisfied:

1. Duration must be temporary, *i.e.*, less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of the work must be minor, *i.e.*, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. The land being used must be fully restored, *i.e.*, the property must be returned to a condition which is at least as good as that which existed prior to the project; and
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The temporary occupancy of contributing properties within the Christian Ridge Historic District meet all of the conditions listed above. The temporary ROW is to tie in driveways and grading on the back side of the sidewalk. The duration is short term, the scope of work is minor, no anticipated permanent impacts and the land will be fully restored. The SHPO is the Official with Jurisdiction (OWJ) for Historic 4(f) properties. The SHPO concurrence with the 800.11 documentation (Appendix D, page 95), satisfies item 5 above.

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At one contributing property within the Christian Ridge Historic District a section of the sidewalk, tree lawn, and part of Clay Street was vacated by the City of Frankfort will be re-acquired as part of the project. Since the part of the property to be reacquired is currently in transportation use, there is no Section 4(f) use, even if the property is a contributing resource.

Section 6(f) Involvement	<u>Presence</u>		<u>Use</u>		
Section 6(f) Property	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	<input type="checkbox"/>

Discuss proposed alternatives that satisfy the requirements of Section 6(f). Discuss any Section 6(f) involvement.

Remarks: Section 6(f) resources are lands that were purchased with or improved using funds from the Land and Water Conservation Fund (LWCF). The fund was created through the Land and Water Conservation Fund Act of 1965 to preserve, develop and assure accessibility to outdoor recreation resources, and to strengthen the health and vitality of the public. These public recreation lands are to be maintained for public outdoor recreation use. The program is administered by the National Park Service (NPS) at the national level and by the IDNR- Division of Outdoor Recreation at the state level. Section 6(f) of the act prohibits the conversion of LWCF lands unless the NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value. The Section 6(f) regulations may be found at 36 CFR 59.

A search of the Land and Water Conservation Fund's website list (<https://www.lwcfcoalition.com/map-of-lwcf/>) accessed on 1/15/2019 listed no funded projects in Clinton County, IN. There will be no impacts to 6(f) resources as a result of this project. The Clinton County list is located in Appendix I, page I-2.

SECTION E – Air Quality

Air Quality

Conformity Status of the Project	Yes	No		
Is the project in an air quality non-attainment or maintenance area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If YES, then:				
Is the project in the most current MPO TIP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the project exempt from conformity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the project is NOT exempt from conformity, then:				
Is the project in the Transportation Plan (TP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is a hot spot analysis required (CO/PM)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Level of MSAT Analysis required?

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

Remarks: This project is located in Clinton County, which is in attainment for all priority air pollutants. Clinton County is not in a Metropolitan Planning Organization. The project is included in the 2020-2024 State Transportation Improvement Program (STIP).

The purpose of this project is to address a long-term solution for the deteriorated condition of the SR 28 pavement, improve safety at high crash intersections within the project limits and to improve alternative transportation infrastructure including ADA compliance. Construction of 4-lanes from CR 200 S to 4th Street, 3-lanes from 4th Street to Clay Street, and 2-lanes from Clay Street to Hoke Avenue, a five-foot

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wide concrete sidewalk along the southside of SR 28 from 900 feet west of West Street to Hoke Avenue, an eight-foot wide asphalt or concrete multi-use path on the north side of SR 28 from CR 200 S to Hoke Avenue. This project has been determined to generate minimal air quality impacts for Clean Air Act Amendments (CAAA) criteria pollutants and has not been linked with any special MSAT concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause an increase in MSAT impacts of the project from that of the no-build alternative.

Moreover, Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA's MOVES2014 model forecasts a combined reduction of over 90 percent in the total annual emissions rate for the priority MSAT from 2010 to 2050 while vehicle-miles of travel are projected to increase by over 45 percent. This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project.

The STIP page containing the project is located in Appendix H, page H-2.

SECTION F - NOISE

Noise Yes No
 Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy?

	No	Yes/ Date
ES Review of Noise Analysis	X	

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

SECTION G – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors

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

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Remarks: The proposed phasing of the replacement of the SR 28 pavement will be to close half the road and keep the other half open to one-way traffic. The east bound traffic will be maintained during construction and the west bound traffic will be detoured. Local access will be maintained to driveways directly off SR 28. A posted detour route will be signed and notices will be given to residents, schools, and emergency services. There will be no substantial impacts to community cohesion, local tax base, or community events as the MOT will still allow access to the project area while under construction. There is an approved Transition Plan for the City of Frankfort.

The construction of the eight foot-wide multi-use path along the north side of SR 28 will improve pedestrian and bicycle movement east and west through Frankfort. The reconstruction of the sidewalk on the south side of SR 28 and the addition of ADA compliant curb ramps will improve access to the downtown area for people with disabilities. These improvements meet the City's ADA guidelines.

Indirect and Cumulative Impacts

Will the proposed action result in substantial indirect or cumulative impacts? Yes No

Remarks: Indirect impacts are effects which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate. Cumulative impacts affect the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such actions. (40 CFR 1508.7 and .8).

The project will not have indirect effects for the property along SR 28 within the City of Frankfort. The adjacent properties are fully developed and will not induce changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

No cumulative impacts to the environment will occur due to the reconstruction of SR 28 through the City of Frankfort. No other actions from the past, present, and reasonably foreseeable future that when combined with the SR 28 reconstruction project that will have cumulative impacts. The project involves relatively small strip ROW acquisition and will not change access to properties, will not add additional through lanes to increase capacity, or promote changes to the existing land uses along the roadway. The project will provide better pedestrian and bicycling opportunities including ADA compliant sidewalks and curb ramps. The rehabilitation of the existing roadway, substantial indirect or cumulative impacts are not expected.

Public Facilities & Services

Will the proposed action result in substantial impacts on health and educational facilities, public and private utilities, emergency services, religious institutions, airports, public transportation or pedestrian and bicycle facilities? *Discuss how the maintenance of traffic will affect public facilities and services.* Yes No

Remarks: Based on a desktop review, a site visit on 12/06/2016 by B&N, the aerial map of the project area (Appendix B page B-3) and the RFI report (Appendix E, page E-2-E-17), there are two (3) public facilities including the Frankfort City building, Fire Department Station, and a church adjacent to the project area. The RFI shows a total of seven (7) public facilities within the 0.5 mile of the project. The seven facilities are parks within the 0.5 mile radius. Access will be maintained to all of the public facilities adjacent to the project limits.

Early Coordination:
Early coordination letters were sent to the City of Frankfort, Clinton County Commissioners, and the INDOT Division of Aviation on 10/18/2016. No responses were received from the City of Frankfort and Clinton County. INDOT Division of Aviation responded on 10/24/2016 that the project area is within 30,000 feet of the Frankfort Municipal Airport and if any permanent structures or equipment utilized for the project

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penetrates the 100:1 slope from the airport FAA Form 7460 must be filed. Response is located in Appendix C, page C-13. The INDOT Division of Aviation recommendation is included in the Environmental Commitments section of this CE document.

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. This is a firm commitment in Section J -Environmental Commitments.

Coordination is ongoing with all utility providers in the area. There will not be any significant or prolonged disruption of service. The construction of the shared use path will be constructed between S.R. 28 and First Christian Church. Traffic will be maintained through detours or lane closures. Coordination with First Christian Church is ongoing. Due to the reconstruction of the CSX railroad crossing, INDOT utilities is coordinating with the railroad. There will be no substantial impacts on any other public facilities or services.

Environmental Justice (EJ) (Presidential EO 12898)

During the development of the project were EJ issues identified?
Does the project require an EJ analysis?

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

If YES, then:

Are any EJ populations located within the project area?

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

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

Remarks:

An environmental justice (EJ) analysis is required for any project that may result in disproportionately high and adverse impacts on a minority or low-income population in or near the project area. Federal agencies are required by legislation and executive order to conduct their programs, policies and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies and activities do not have the effect of excluding persons from participation in, denying persons the benefits of, or subjecting persons to discrimination under, such programs, policies and activities because of their race, color or national origin.

The requirements for an EJ analysis depend on the level of document and the type of impacts. The preparer determines whether the project's effects are substantial enough to warrant demographic analysis by examining the extent of relocation and acreage impacts. In the CE level documents, a full analysis is required for projects that have two or more relocations or 0.5 acre or more of additional permanent right-of-way.

As there are no relocations and only 0.336 acre of permanent ROW involved with the project, a full EJ analysis is not required.

Relocation of People, Businesses or Farms

Will the proposed action result in the relocation of people, businesses or farms?
Is a Business Information Survey (BIS) required?
Is a Conceptual Stage Relocation Study (CSRS) required?
Has utility relocation coordination been initiated for this project?

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

Number of relocations: Residences: 0 Businesses: 0 Farms: 0 Other: 0

If a BIS or CSRS is required, discuss the results in the remarks box.

Remarks:

There will be no relocation of residences, businesses, or farms.

Coordination with local utility providers has taken place and will continue through the design and construction phases. No significant service disruption is expected.

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SECTION H – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

Documentation

Hazardous Materials & Regulated Substances (Mark all that apply)

Red Flag Investigation

Phase I Environmental Site Assessment (Phase I ESA)

Phase II Environmental Site Assessment (Phase II ESA)

Design/Specifications for Remediation required?

X
X

	No	Yes/ Date
ES Review of Investigations	X	10/31/2017 & 1/7/2019

Include a summary of findings for each investigation.

Remarks:

The Red Flag Investigation (RFI) dated 10/31/2017 was prepared by B&N and reviewed by INDOT-Site Assessment and Management (SAM), which provided concurrence on 10/31/17. The RFI identified five (5) brownfield sites, thirteen (13) RCRA generators, twenty-two (22) leaking underground storage tanks (LUSTs), one (1) manufactured gas plant, one (1) National Pollutant Discharge Elimination System (NPDES) site, two (2) NPDES pipe locations, six (6) state cleanup sites, twenty-five (25) underground storage tanks (USTs), eight (8) voluntary remediation programs, and one (1) institutional control sites within a 0.5-mile radius of the project area. Per the RFI, a Phase II ESA was recommended on eight (8) of these areas (Appendix E, page E-2).

As summarized in the Phase II ESA:

Area 1: Former Frankfort Roundhouse-SR 28 between Boomer Street and railroad tracks- Historical railway roundhouse located to the north of SR 28. Potential chemicals of concern (COCs) in this area include volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), the Resource Conservation and Recovery Act (RCRA) metals, and manganese. Soil borings in this area were performed to 10 feet below ground surface (bgs.).

Area 2: Former McClure Service Center-700 West Walnut Street – Historical gas service station located adjacently north of SR 28. Potential COCs associated with the history of this area include VOCs, polynuclear aromatic hydrocarbons (PAHs), and lead. Soil borings in this area were performed to 5 feet bgs.

Area 3: Indiana Brass-800 West Clinton Street - Historical brass warehouse located adjacently north of SR 28. Potential COCs in this area include VOCs, RCRA metals, and manganese. Soil borings in this area were performed to 5 feet bgs.

Area 4: Stevenson FabriCare-359 West Walnut Street – Historical cleaners operation located on the south side of SR 28. Potential COCs on this property include VOCs. Soil borings in this area were performed to 10 feet bgs.

Area 5: Domino's Pizza- 304 West Walnut –Historical gas service station located on the north side of SR 28. Potential COCs on this property include VOCs, PAHs, and lead. Soil borings in this area were performed to 15 feet bgs.

Area 6: Admiral Petroleum – 253 West Walnut Street– Historical gas service station, still in operation, located on the south side of SR 28. Potential COCs on this property include VOCs, PAHs, and lead. Soil borings in this area were performed to 15 feet bgs.

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Area 7: Akards Good To Go – 201 South Columbia Street– Historical gas service station, still in operation, located on the southern side of SR 28. Potential COCs on this property include VOCs, PAHs, and lead. Soil borings in this area were performed to 15 feet bgs.

Area 8: CVS/Former Kenney's AMOCO -201 South Jackson Street - Historical gas service station located on the southern side of SR 28. Potential COCs on this property include VOCs. Soil borings in this area were performed to 10 feet bgs.

B&N provided a Phase II ESA, dated 2/18/2018, to INDOT-SAM, which concurred with the findings on 1/7/2019. Phase II Report is located in Appendix E, page E-16. From the information, B&N made the following conclusions:

Three of the identified areas had soil results that exceed the Remediation Closure Guide (RCG) Soil Migration to Groundwater (MTG) Screening Levels (SLs). These properties were Area 2: Former McClure Service Center, Area 7: Akards Good To Go Gas Station, and Area 8: CVS/Former Keeney's AMOCO. If contamination is encountered the material will be removed, transported, and disposed of properly in accordance with federal, state, and local guidance. Workers will be provided appropriate personal protective equipment (PPE) based on the particular types of contaminants present on site.

If a spill occurs or contaminated soils or water are encountered during construction, appropriate personal protective equipment (PPE) should be used. Contaminated materials will need to be properly handled by trained personnel and disposed in accordance with current regulations. IDEM should be notified through the spill line at (888) 233-7745 within 24 hours of discovery of a release from a UST system and within 2 (two) hours of discovery of a spill. This is a firm commitment and included in Section J of this document.

In addition to soil exceedances, Akards Good To Go Gas Station had VOC and PAH parameters that exceeded the RCG Groundwater Tap Residential SL. If dewatering activities are required Construction/excavation activities along State Route 28 may encounter groundwater. The construction plans will require containerizing, testing, and proper disposal in accordance with federal, state, and local guidance of all water from dewatering operations that may take place in this area (Appendix E, page E-18-321).

SECTION I – PERMITS CHECKLIST

Permits (mark all that apply)

Likely Required

Army Corps of Engineers (404/Section10 Permit)

Individual Permit (IP)	
Nationwide Permit (NWP)	X
Regional General Permit (RGP)	
Pre-Construction Notification (PCN)	X
Other	
Wetland Mitigation required	
Stream Mitigation required	X

IDEM

Section 401 WQC	X
Isolated Wetlands determination	
Rule 5	X
Other	
Wetland Mitigation required	
Stream Mitigation required	

IDNR

Construction in a Floodway	X
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Navigable Waterway Permit	<input type="checkbox"/>
Lake Preservation Permit	<input type="checkbox"/>
Other	<input type="checkbox"/>
Mitigation Required	<input type="checkbox"/>
US Coast Guard Section 9 Bridge Permit	<input type="checkbox"/>
Others (Please discuss in the remarks box below)	<input checked="" type="checkbox"/>

Remarks: A USACE 404 permit and an IDEM 401 WQC permit will be required for the storm water discharge structures and riprap on Prairie Creek and the UNT to Prairie Creek. The project will disturb over 1 acre of ground so an IDEM Rule 5 will be obtained. Prairie Creek has a mapped floodplain and will require an IDNR Construction in a Floodway permit. A MS4 stormwater permit will be coordinated with the City of Frankfort. It is the responsibility of INDOT to obtain all required permits.

SECTION J- ENVIRONMENTAL COMMITMENTS

The following information should be provided below: List all commitments, name of agency/organization requesting the commitment(s) and indicating which are firm and which are for further consideration. The commitments should be numbered.

- Remarks:
- Firm:**
1. 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)
 2. Three properties had soils results that exceed state standards. These properties are Area 2: Former McClure Service Center, Area 7: Akards Good To Go Gas Station, and Area 8: CVS/Formal Keeney's AMOCO. If contaminated soil is encountered the material will be removed, transported, and disposed of properly in accordance with federal, state, and local guidance. Workers will be provided appropriate personal protective equipment (PPE) based on the particular types of contaminants present on site. (INDOT)
 3. The Akards Good To Go Gas Station had VOC and PAH parameters in sampled groundwater that exceeded the RCG Groundwater Tap Residential SL. Any dewatering activities required at the Akards Good to Go Gas Station, will require collection of the water in on-site containers and tested. Proper disposal of the water per local, state and federal regulations is required. (INDOT)
 4. If a spill occurs or contaminated soils or water are encountered during construction, appropriate personal protective equipment (PPE) should be used. Contaminated materials will need to be properly handled by trained personnel and disposed in accordance with current regulations. IDEM should be notified through the spill line at (888) 233-7745 within 24 hours of discovery of a release from a UST system and within 2 (two) hours of discovery of a spill. This is a firm commitment and included in Section J of this document. (IDEM)
 5. 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)
 6. Trees that are located within the Christian Ridge Historic District (NR-1708) and that are removed during construction of the project shall be replaced. INDOT shall make a good faith effort to replace trees removed at a 1:1 ratio or as close to a 1:1 ratio as reasonable. (IDNR SHPO)
 7. A pre-construction meeting will be held prior to commencement of work on this project. A member of INDOT Cultural Resources Staff will be present at this meeting to describe historic elements within the project area and the requirements under this MOA. The Indiana SHPO will be invited to attend the pre-construction meeting. (INDOT CRO and IDNR SHPO)
 8. At least thirty (30) days prior to the pre-construction meeting, INDOT shall supply SHPO and consulting parties with the planned location and species of the replacement trees. (IDNR SHPO)
 9. INDOT shall ensure that the trees utilized in the planting plan will be cultivars of native deciduous

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- species. (IDNR SHPO)
10. Indiana SHPO and consulting parties shall be given (30) days to review and comment on the planting plan. (IDNR SHPO)
 11. If the Indiana SHPO and consulting parties do not respond within the thirty (30) days, acceptance of the planting plan will be assumed. If the Indiana SHPO and consulting parties respond with recommendations, a good faith effort to accommodate the recommendations will be made. FHWA shall inform the Indiana SHPO and consulting parties of its response to such recommendations and provide any revisions to the Indiana SHPO and consulting parties for their records before implementing the planting plan. (IDNR SHPO)
 12. If additional lighting or lighting upgrades are to be installed within the Christian Ridge Historic District (NR-1708) as part of this project, other than in-kind replacement of existing lighting, INDOT shall supply SHPO and consulting parties with a plan for the new lighting at least thirty (30) days prior to the pre-construction meeting. (IDNR SHPO)
 13. The lighting plan shall include specific information regarding the placement and the design of the proposed lighting within the district. (IDNR SHPO)
 14. The Indiana SHPO and consulting parties shall be given thirty (30) days to review and comment on the lighting plan. (IDNR SHPO)
 15. If the Indiana SHPO and consulting parties do not respond within the thirty (30) days, acceptance of the lighting plan will be assumed. If the Indiana SHPO and consulting parties respond with recommendations, a good faith effort to accommodate the recommendations will be made. FHWA shall inform the Indiana SHPO and consulting parties of its response to such recommendations and provide any revisions to the Indiana SHPO and consulting parties for their records before implementing the lighting plan. (IDNR SHPO)
 16. If archaeological deposits are encountered from the post-contact period, they will be evaluated regarding their eligibility for the NRHP in consultation with the staff of the Indiana SHPO. Please contact the SHPO office if such deposits are encountered. The archaeological recordings must be done in accordance with the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716) and a record of the archaeological documentation must be submitted to SHPO Office for review and comment. (IDNR SHPO)
 17. In the event that one or more historic properties—other than the Franklin Commercial Historic district (NR-1403), the South Frankfort Historic District (NR-2093), the Christian Ridge historic district (NR-1708), the Old Franklin Stone High School (NR-0226), and the First Christian Church (IHSSI No.:023-221-40590) are discovered or that unanticipated effects on historic properties are found during the implementation of the MOA, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Office of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1 and 312 IAC 21, 312 IAC 22, and the most current *Guidebook for Indiana Historic Sites and Structures Inventory- Archaeological Sites*. (IDNR SHPO)
 18. General AMM1: Ensure all operators, employees, and contractors working in the areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures. (USFWS)
 19. Tree Removal AMM 1: Modify all phases/aspects of the project (e.g. temporary work areas, alignments) to avoid tree removal. (USFWS)
 20. Tree Removal AMM 2: Apply time of year restrictions (April 1-September 30) 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 emergency survey must be conducted with no bats observed. (USFWS)
 21. Tree Removal AMM 3: Tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field. (USFWS)
 22. 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)

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23. Lighting AMM 1: Direct temporary lighting away from suitable habitat during the active season. (USFWS)
24. Lighting AMM 2: When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three rating with a priority of "uplight" of 0 and "backlight" as low as practicable. (USFWS)
25. Asphalt paving plants will be permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. (IDEM)
26. The section of the project between Lewis Smith Road and S. 5th Street is within the WHPA and will require the following Best Management Practices (BMP) to protect the WHPA. Provide secondary containment for hazardous materials stored within the project area. (City of Frankfort)
27. Per 327 IAC 2-6.1-5(2), follow spill reporting and clean-up requirements. (City of Frankfort)
28. If post-construction water quality treatment will be incorporated into the project, the City's treatment standard is 80% TSS. Infiltration treatment practices are not allowed within the wellhead protection area. (City of Frankfort)
29. The City asks that new stormwater inlet castings be precast with a pollution prevention message such as "No dumping. Drains to Stream". (City of Frankfort)

For Consideration

1. Landscaping: consider using native plants for any purposed on-site landscaping or revegetation. The following is a link to information on landscaping with native plants on the Indiana native Plant and Wildflower Society (INPAWS) website: <http://www.inpaws.org/landscaping/>. (IDNR)
2. Revegetate all bare and disturbed areas within the project area using a mixture of grasses, sedges, and wildflowers native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion. (IDNR)
3. Minimize and contain within the project limits in channel disturbance and the clearing of trees and brush. (IDNR)
4. Do not excavate in the waterway and minimize disturbance to bank vegetation and contain disturbance to within the project limits. (IDNR)
5. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife. (IDNR)
6. Do not cut any trees suitable for Indiana bat or the Northern Long-eared bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30. (IDNR)
7. Do not excavate in the low flow area except for the placement of piers, foundation, and riprap, or removal of the old structure. (IDNR)
8. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids. (IDNR)
9. Do not use broken concrete as riprap. (IDNR)
10. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap. (IDNR)
11. The sideslopes of the outlet section must be 2:1 or flatter. (IDNR)
12. Minimize the movement of resuspended bottom sediment from the immediate project area. (IDNR)
13. Do not deposit or allow demolition/construction materials or debris to fall or otherwise enter the waterway. (IDNR)
14. Appropriately designed measures for controlling erosion and sediment must be implements to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized. (IDNR)
15. Seed and protect areas where runoff is conveyed through a channel/swale with erosion control blankets (follow manufacture's recommendations for selection and installation) or use an appropriate structural armament; seed and apply mulch on all other disturbed areas. (IDNR)
16. Protect the area around and below any concentrated discharge points, down to the waterway's

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- normal flow level, with an appropriate structural armament such as riprap. (IDNR)
17. Plant five trees, at least 2 inches in diameter-at breast height (dbh), for each tree which is removed that is ten inches or greater in dbh. (IDNR)
 18. Install appropriate armament below pipe outfalls. (IDNR)
 19. Do not clear trees or understory vegetation outside the construction zone boundaries. (This restriction is not related to the "tree clearing" restriction for potential Indiana Bat habitat.) (USFWS)
 20. Restrict below low-water work in the stream to placement of culverts, piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap. (USFWS)
 21. Restrict channel work and vegetation clearing to the minimum necessary for installation of the stream crossing structure. (USFWS)
 22. Minimize the extent of hard armor (riprap) in bank stabilization by using bioengineering techniques whenever possible. If riprap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat. (USFWS)
 23. Implement temporary erosion and sediment control methods within areas of disturbed soil. All disturbed soil areas upon project completion will be vegetated following INDOT's standard specification. (USFWS)
 24. Avoid all work within the inundated part of the stream channel during the fish spawning season (April 1 through June 30); except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season. No equipment shall be operated below the Ordinary High Water Mark during this time unless the machinery is within the caissons or on the cofferdams. (USFWS)

SECTION K- EARLY COORDINATION

Please list the date coordination was sent and all 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. INDOT and FHWA are automatically considered early coordination participants and should only be listed if a response is received.

Remarks:

Agency	Sent	Response
Federal Highway Administration	10/18/2016	NR
Frankfort Municipal Utilities	10/18/2016	NR
Indiana Department of Environmental Management	10/18/2016	10/20/2016
Indiana Department of Natural Resources	10/18/2016	11/16/2016
Indiana Department of Transportation	10/18/2016	NR
Indiana Department of Transportation Aviation Section	10/18/2016	10/24/2016
Indiana Geological Survey	10/18/2016	NR
National Park Service	10/18/2016	NR
Natural Resources Conservation Service	10/18/2016	11/1/2016
U.S. Army Corps of Engineers	10/18/2016	NR
U.S. Department of Housing and Urban Development	10/18/2016	NR
U.S. Fish & Wildlife Service	10/18/2016	10/20/2016
City of Frankfort Public Service	2/7/2017	NR
City of Frankfort- WHPA	5/20/2019	5/21/2019

A copy of the Early Coordination letters and agency responses are provided in Appendix C.