

**Indiana Department of Transportation**

County Porter Route US 20 & Waverly Rd Des. No. 1006622

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

<b>Road No./County:</b>	<b>US 20 &amp; Waverly Rd, Porter County</b>
<b>Designation Number:</b>	<b>1006622</b>
<b>Project Description/Termini:</b>	<b>Intersection Improvement at US 20 &amp; Waverly Rd</b>

After completing this form, I conclude that this project qualifies for the following type of Categorical Exclusion (FHWA must review/approve if Level 4 CE):

<b>X</b>	<b>Categorical Exclusion, Level 2</b> – The proposed action meets the criteria for Categorical Exclusion Manual Level 2 - table 1, CE Level Thresholds. Required Signatories: ESM (Environmental Scoping Manager)
	<b>Categorical Exclusion, Level 3</b> – The proposed action meets the criteria for Categorical Exclusion Manual Level 3 - table 1, CE Level Thresholds. Required Signatories: ESM, ES (Environmental Services Division)
	<b>Categorical Exclusion, Level 4</b> – The proposed action meets the criteria for Categorical Exclusion Manual Level 4 - table 1, CE Level Thresholds. Required Signatories: ESM, ES, FHWA
	<b>Environmental Assessment (EA)</b> – EAs require a separate FONSI. Additional research and documentation is necessary to determine the effects on the environment. Required Signatories: ES, FHWA

Note: For documents prepared by or for Environmental Services Division, it is not necessary for the ESM of the district in which the project is located to release for public involvement or sign for approval.

**Approval** \_\_\_\_\_ **Jessica Spiess** \_\_\_\_\_  
Digitally signed by Jessica Spiess  
DN: cn=Jessica Spiess, o=INDOT, ou=La Porte District  
Environmental Services, email=jspiess@indot.in.gov, c=US  
Date: 2016.02.19 10:13:28 -0600  
 ESM Signature Date ES Signature Date

\_\_\_\_\_  
 FHWA Signature Date

**Release for Public Involvement**

JS 12/7/15 \_\_\_\_\_  
 ESM Initials Date ES Initials Date

PC 2-9-16 \_\_\_\_\_ Patricia Clark 2-9-16  
 Certification of Public Involvement Office of Public Involvement Date

Note: Do not approve until after Section 106 public involvement and all other environmental requirements have been satisfied.

INDOT ES/District Env. Reviewer Signature: Jessica Spiess \_\_\_\_\_  
Digitally signed by Jessica Spiess  
DN: cn=Jessica Spiess, o=INDOT, ou=La Porte District  
Environmental Services, email=jspiess@indot.in.gov, c=US  
Date: 2016.02.19 10:16:28 -0600 Date: \_\_\_\_\_

Name and Organization of CE/EA Preparer: Laura Jack, INDOT-LaPorte District Environmental Section

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### Part I - PUBLIC INVOLVEMENT

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

Does the project have a historic bridge processed under the Historic Bridges PA\*?  Yes  No  
If No, then:  
Opportunity for a Public Hearing Required?

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

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

Remarks: A Notice of Entry for Survey or Investigation was sent to affected property owners within the project area on August 28, 2014 (Appendix I1-I2).

On September 9, 2015 INDOT, acting on behalf of the Federal Highway Administration (FHWA), approved the finding of "No Historic Properties Affected". On September 10, 2015 the Indiana State Historic Preservation Officer (SHPO) concurred with the FHWA finding of "No Historic Properties Affected". See Appendix E66-E67 for SHPO letter.

The section 106 documentation was placed in the Northwest Indiana Times newspaper on October 1, 2015 to give consulting parties and the public an opportunity to comment on the "No Historic Properties" finding (Appendix E72). A 30-day comment period produced no dissenting comments regarding the finding for Section 106.

A public information meeting was held on August 13, 2015 by INDOT Office of Public Involvement (Appendix I3-I17). The information meeting was held to provide an overview of the project to the public and see if they had any concerns (See Appendix I18-I25 for meeting presentation and sign-in sheet). Concerns about maintenance of traffic during construction, removal of trees, drainage issues, and changes to existing drives were brought up during the meeting and addressed by INDOT and Lawson-Fisher Associates. A letter was provided at the meeting (Appendix I4-I5) for comments. One comment was received regarding traffic signals (Appendix I27).

The proposed project meets one or more of the conditions described in the current *Indiana Department of Transportation (INDOT) Public Involvement Manual 2012*, Part 1, Section IV.C.4, which would require INDOT to offer the public an opportunity to request a public hearing. This project will require 0.691 acres of permanent right of way. In accordance with the FHWA approved INDOT public involvement policy this project will require an opportunity for public comment based on the acquisition of more than 0.5 acres of new permanent right of way. Therefore, a legal notice will appear in a local publication contingent upon the release for public involvement of this document. This environmental document will be revised after the public involvement requirements are fulfilled.

A legal notice of public hearing was advertised in the Northwest Indiana Times on Wednesday, January 6, 2016 and Wednesday, January 13, 2016 (Appendix I39-I40). The advertisement announced the project type, time, and date. The public hearing was held by INDOT Office of Public Involvement on Thursday, January 21, 2016 at 6:00pm (local time), at the Porter Town Hall, 303 Franklin Street, Porter, Indiana 46304 (See Appendix I44-I52). There were 12 attendees in total, including INDOT personnel (Appendix I54-I56). No major concerns were brought up during the meeting regarding the planned intersection improvement.

A comment sheet was handed out at the public hearing (Appendix I53). The public comment period was open until February 5, 2016. During this time, the public was able to submit their comments and concerns. Comments were received during the comment period (Appendix I57-I65) and these comments/concerns were addressed by Lawson-Fisher Associates (LFA). The public comments and LFA's responses can be found Appendix I66-I67.

**Public Controversy on Environmental Grounds** Will the project involve substantial controversy concerning community and/or natural resource impacts?  Yes  No

Remarks:

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

Sponsor of the Project: Indiana Department of Transportation INDOT District: LaPorte

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Local Name of the Facility: US 20 & Waverly Rd

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

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

**PURPOSE AND NEED:**

*Describe the transportation problem that the project will address. The solution to the traffic problem should NOT be discussed in this section. (Refer to the CE Manual, Section IV.B.2. Purpose and Need)*

The purpose of the project is to increase the level of service of the intersection by reducing delays and the number of rear accidents due to traffic waiting to turn left from US 20.

The project is needed to address the issues with the split phase operation of the traffic signal controller and address delays at the intersection of US 20 and Waverly. The project also is needed because this intersection is a potential safety concern due to rear end accidents. See Appendix K4 for crash summary data (information taken from Lawson-Fisher Associates design documentation).

**PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):**

County: Porter County Municipality: Porter

Limits of Proposed Work: Intersection of US 20 & Waverly Rd

Total Work Length: 0.25 Mile(s) Total Work Area: 3.24 Acre(s)

Is an Interchange Modification Study / Interchange Justification Study (IMS/IJS) required? 

Yes <sup>1</sup>	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date: _____	

If yes, when did the FHWA grant a conditional approval for this project?

<sup>1</sup>If an IMS or IJS is required; a copy of the approved CE/EA document must be submitted to the FHWA with a request for final approval of the IMS/IJS.

*In the remarks box below, describe existing conditions, provide in detail the scope of work for the project, including the preferred alternative. Include a discussion of logical termini. Discuss any major issues for the project and how the project will improve safety or roadway deficiencies if these are issues.*

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**Preferred Alternative:**

This project is an intersection improvement project on U.S. 20 where it crosses Waverly Road at-grade on the northern fringe of Porter, Porter County, Indiana. This intersection is located in Dunes Acres Quadrangle, Section 25&26, Range 6W, Township 37N. This intersection is located approximately 0.5 miles west of SR 49. This area is commercial and residential. Specifically, the northeast and southeast quadrants are commercial and the northwest and southwest are residential. US 20 and Waverly provide access to several commercial businesses and access to subdivisions and homes.

The project involves the construction of left turn lanes for eastbound and westbound U.S. 20 and a traffic signal modernization. The roadway was constructed with concrete pavement in 1931. The concrete pavement was overlaid with asphalt in 1961. It has been widened and re-surfaced multiple times.

The traffic signal was installed in 1995. The intersection currently has split-phasing for U.S. 20 traffic to accommodate left turning movements onto Waverly Road.

The roadway project includes pavement widening, milling and re-surfacing of the existing pavement, maintaining off-road drainage, strain pole and overhead span reconstruction, and maintaining existing auxiliary turn lanes off of U.S. 20. The construction on Waverly Road will be limited to approach work. The existing horizontal alignment will be maintained. The existing profile grade will be maintained.

Traffic will be maintained on the existing pavement during construction with the use of barrels to delineate the edge where pavement widening is taking place. One lane of traffic may be closed in each direction during construction.

This project will require a total 1.014 acres of permanent and temporary right of way (ROW) combined. Approximately 0.691 is new ROW and 0.323 temporary ROW. All permanent and temporary ROW is commercial. One wetland was identified on the north side of US 20, east of the intersection, within the ROW area. Approximately 0.18 acres of this wetland will be impacted.

A 404/401 permit will be required for the work taking place within the wetland. It is also possible mitigation will be required depending on finalized plans. A Rule 5 is also anticipated.

**OTHER ALTERNATIVES CONSIDERED:**

*Describe all discarded alternatives, including the Do-Nothing Alternative and an explanation of why each discarded alternative was not selected.*

Two other alternatives were considered:

1. Roundabout
2. Do Nothing

Alternative No. 1: This alternative would be to install a multi-lane roundabout at intersection. The existing lane configuration on US 20 would require a two lane roundabout that could cause confusion to motorists as it would alter the traffic pattern. Although this alternative would meet the purpose and need, this alternative is the most expensive and would have greater impacts to the environment. Also, the proximity of the existing interchange at SR 49 would need to be modified.

Alternative No. 2: This alternative would maintain the existing lane configuration. The existing signal timing could be modified to provide increased time for the left turn movements. This would cause increased delay for the traffic on US 20 due to increased time for the traffic. Therefore, this alternative would not meet the purpose and need of this project.

**The Do Nothing Alternative is not feasible, prudent or practicable because (Mark all that apply):**

It would not correct existing capacity deficiencies;

It would not correct existing safety hazards;

It would not correct the existing roadway geometric deficiencies;

It would not correct existing deteriorated conditions and maintenance problems; or

It would result in serious impacts to the motoring public and general welfare of the economy.

Other (Describe)

X
X
X

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**ROADWAY CHARACTER:**

**U.S. 20**

Functional Classification: Urban Principal Arterial-Other  
 Current ADT: 8,309 VPD (2017) Design Year ADT: 8,309 VPD (2037)  
 Design Hour Volume (DHV): 10 Truck Percentage (%) 16  
 Designed Speed (mph): 50 Legal Speed (mph): 50

**Existing Proposed**

Number of Lanes:	Four		Four	
Type of Lanes:	4 Thru Lanes; auxiliary right turn lanes		4 Thru; 1 left turn lane; Auxiliary right turn lanes	
Pavement Width:	11	ft.	11	ft.
Shoulder Width:	4	ft.	4	ft.
Median Width:		ft.		ft.
Sidewalk Width:		ft.		ft.

Setting:  Urban  Suburban  Rural  
 Topography:  Level  Rolling  Hilly

**Waverly Road**

Functional Classification: Major Collector 5  
 Current ADT: 2,501 VPD (2017) Design Year ADT: 2,501 VPD (2037)  
 Design Hour Volume (DHV): 10 Truck Percentage (%) 2  
 Designed Speed (mph): 30 Legal Speed (mph): 30

**Existing Proposed**

Number of Lanes:	Two		Two	
Type of Lanes:	2 Thru Lanes		2 Thru Lanes	
Pavement Width:	11	ft.	11	ft.
Shoulder Width:		ft.		ft.
Median Width:		ft.		ft.
Sidewalk Width:		ft.		ft.

Setting:  Urban  Suburban  Rural  
 Topography:  Level  Rolling  Hilly

*If the proposed action has multiple roadways, this section should be filled out for each roadway.*

**DESIGN CRITERIA FOR BRIDGES:**

Structure/NBI Number(s): N/A Sufficiency Rating: N/A  
 (Rating, Source of Information)

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	Existing		Proposed	
Bridge Type:	N/A		N/A	
Number of Spans:	N/A		N/A	
Weight Restrictions:	N/A	ton	N/A	ton
Height Restrictions:	N/A	ft.	N/A	ft.
Curb to Curb Width:	N/A	ft.	N/A	ft.
Outside to Outside Width:	N/A	ft.	N/A	ft.
Shoulder Width:	N/A	ft.	N/A	ft.
Length of Channel Work:	N/A		N/A	ft.

*Describe bridges and structures; provide specific location information for small structures.*

Remarks: 

This project will not involve any bridges or culverts.

Will the structure be rehabilitated or replaced as part of the project?  Yes  No  N/A  
*If the proposed action has multiple bridges or small structures, this section should be filled out for each structure.*

**MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:**

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

Remarks: 

Traffic shall be maintained on the existing pavement with barrels to delineate the edge where the pavement widening is taking place. One lane of traffic may be closed in each direction during construction.

**ESTIMATED PROJECT COST AND SCHEDULE:**

Engineering: \$ 179,315 (2015) Right-of-Way: \$ 250,000 (2016) Construction: \$ 799,000 (2017)  
 Anticipated Start Date of Construction: August 2017  
 Date project incorporated into STIP December 9, 2014

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Is the project in an MPO Area?  Yes  No

If yes,

Name of MPO Northwestern Indiana Regional Planning Commission (NIRPC)

Location of Project in TIP NIRPC 2016-2019 page 17

Date of incorporation by reference into the STIP December 9, 2014

**RIGHT OF WAY:**

Land Use Impacts	Amount (acres)	
	Permanent	Temporary
Residential	0.0	0.0
Commercial	0.691	0.323
Agricultural	0.0	0.0
Forest	0.0	0.0
Wetlands	0.0	0.0
Other:	0.0	0.0
Other:	0.0	0.0
<b>TOTAL</b>	<b>0.691</b>	<b>0.323</b>

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

Remarks:

This project requires a total of 1.014 acres of right of way (ROW). Approximately 0.691 acres of permanent commercial ROW and approximately 0.323 acres of temporary commercial ROW will be purchased. Right of way is being purchased from a total of eight (8) property owners; two (2) property owners have both commercial and temporary. This comes to a total ten (10) parcels being purchased; five (5) commercial parcels and five (5) temporary parcels.

Of the total 1.014 acres of ROW; 0.871 acres is grass and ditch area and 0.143 acres is private drive/public road. The areas with permanent ROW acquisition are approximately 50 ft from the center of the road, US 20. Approximately 17 ft. of ROW from the edge of pavement is needed near the intersection.

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

**SECTION A – ECOLOGICAL RESOURCES**

	<u>Presence</u>	<u>Impacts</u>	
		Yes	No
<b>Streams, Rivers, Watercourses &amp; Jurisdictional Ditches</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Natural, Scenic or Recreational Rivers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Nationwide Rivers Inventory (NRI) listed  
Outstanding Rivers List for Indiana  
Navigable Waterways


Remarks:

The area within and immediately adjacent to the project area was reviewed for the presence of water resources. An office determination was performed by INDOT Environmental Services using aerial maps. No waterways were identified on the aerial maps within the project area. A field visit was conducted on June 19, 2015 by INDOT Environmental Services. The field investigation confirmed that there were no waterways within the project area. See Appendix F for the Waters of the U.S. Determination Report.

### Other Surface Waters

Reservoirs  
Lakes  
Farm Ponds  
Detention Basins  
Storm Water Management Facilities  
Other: \_\_\_\_\_

	Presence	Impacts	
		Yes	No
Reservoirs			
Lakes			
Farm Ponds			
Detention Basins			
Storm Water Management Facilities			
Other:			

Remarks:

The area within and immediately adjacent to the project area was reviewed for the presence of water resources. An office determination was performed by INDOT Environmental Services using aerial maps. No other surface waters such as lakes and ponds were identified on the aerial maps within the project area. A field visit was conducted on June 19, 2015 by INDOT Environmental Services. The field investigation confirmed that there were no other surface waters within the project area. See Appendix F for the Waters of the U.S. Determination Report.

### Wetlands

	Presence	Impacts	
		Yes	No
Wetlands	X	X	

Total wetland area: 0.7 acre(s) Total wetland area impacted: 0.18 acre(s)

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

Wetland No.	Classification	Total Size (Acres)	Impacted Acres	Comments
A	Palustrine Emergent	0.7 acres	0.18 acres	Will be Impacted

### Documentation

### ES Approval Dates

Wetlands (Mark all that apply)

Wetland Determination  
Wetland Delineation  
USACE Isolated Waters Determination  
Mitigation Plan

X	November 13, 2015

**Improvements that will not result in any wetland impacts are not practicable because such avoidance**

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**would result in** (Mark all that apply and explain):

- |   |                                     |
|---|-------------------------------------|
| Substantial adverse impacts to adjacent homes, business or other improved properties; | <input type="checkbox"/>            |
| Substantially increased project costs;  | <input type="checkbox"/>            |
| Unique engineering, traffic, maintenance, or safety problems;                         | <input checked="" type="checkbox"/> |
| Substantial adverse social, economic, or environmental impacts, or                    | <input type="checkbox"/>            |
| The project not meeting the identified needs.   | <input checked="" type="checkbox"/> |

*Measures to avoid, minimize, and mitigate wetland impacts need to be discussed in the remarks box.*

Remarks: A site visit to the project area was conducted on June 19, 2015 and September 22, 2015 by INDOT Environmental Services. One roadside ditch identified on the north side of US 20, east of the intersection, was identified as an emergent wetland. The most current aerial photos indicate that a wetland complex extended from the north ditch, starting at Pinkerton Oil facility driveway. A Dollar General store was recently constructed in that area to include a driveway and ditch modifications. As a result, the wetland portion of the ditch starts at the east edge of the property line. The wetland has been modified/shortened by the construction of Dollar General within the past year. This wetland is approximately 0.7 acres. Wetland A is considered a poor quality wetland.

Due to the widening of US 20, there will be impacts to this wetland. It is anticipated that approximately 0.18 acres of the wetland will be impacted. With consideration of the presence of wetlands, it has been determined that there is no practical alternative to the proposed new construction within the wetlands. The proposed actions include all practical measures to minimize wetland impacts to the greatest extent possible while meeting the projects purpose and need. Avoidance of all impacts to wetlands would necessitate eliminating prudent design criteria. 404/401 permits are anticipated for this project. Wetland mitigation is possible dependent on plans. See Appendix F for Waters of the U.S. Determination Report.

The United States Fish and Wildlife Services (USFWS) responded to early coordination stating that "the proposed project will have no effect on wetlands or other significant habitat types. Project impacts are expected to be minor in nature." See Appendix C15-C16 for USFWS letter.

	<u>Presence</u>	<u>Impacts</u>	
		Yes	No
<b>Terrestrial Habitat</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Unique or High Quality Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Use the remarks box to identify each type of habitat and the acres impacted (i.e. forested, grassland, farmland, lawn, etc).*

Remarks: Land use within the vicinity of the project consists of residential and commercial. Areas where ROW is being purchased to widen the road consists of maintained lawns, commercial drives, and private drives. All work will take place in previously disturbed soils. No unique or high quality habitats were identified during early coordination responses from IDNR or USFWS. In USFWS letter dated March 30, 2015, it was stated "The proposed project will have no effect on wetlands or other significant habitat types. Project impacts are expected to be minor in nature." See Appendix C15-C16 for USFWS letter.

Minimal tree clearing is anticipated in the southwest quadrant of the intersection. Four trees located on Pat Liquors Store, a commercial property where ROW is being purchased, will be removed. The Indiana Department of Natural Resources (IDNR) responded to early coordination on March 23, 2015 stating "impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on the area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, at least 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10" dbh or greater (5:1 mitigation based on the number of large trees)." Therefore, tree mitigation is anticipated.

*If there are high incidences of animal movements observed in the project area, or if bridges and other areas appear to be the sole corridor for animal movement, consideration of utilizing wildlife crossings should be taken.*

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<b>Karst</b>	<b>Yes</b>	<b>No</b>
Is the proposed project located within or adjacent to the potential Karst Area of Indiana?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are karst features located within or adjacent to the footprint of the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, will the project impact any of these karst features?	<input type="checkbox"/>	<input type="checkbox"/>

Use the remarks box to identify any karst features within the project area. (Karst investigation must comply with the Karst MOU, dated October 13, 1993)

Remarks: This project is located outside of the karst features region of the state as identified in the October 13, 1993 MOU. No karst features were observed or are known to exist within or adjacent to the proposed project area. See Appendix K2 for Karst Map.

	<u>Presence</u>	<u>Impacts</u>	
<b>Threatened or Endangered Species</b>		<b>Yes</b>	<b>No</b>
Within the known range of any federal species	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any critical habitat identified within project area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal species found in project area (based upon informal consultation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State species found in project area (based upon consultation with IDNR)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is Section 7 formal consultation required for this action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Remarks: The project is not within the range of any threatened or endangered species. The Department of Natural Resources responded to letter dated April 22, 2015 "To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity." See Appendix C for early coordination letters.

### SECTION B – OTHER RESOURCES

	<u>Presence</u>	<u>Impacts</u>	
<b>Drinking Water Resources</b>		<b>Yes</b>	<b>No</b>
Wellhead Protection Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Water System(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Residential Well(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Source Water Protection Area(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sole Source Aquifer (SSA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If a SSA is present, answer the following:

	<b>Yes</b>	<b>No</b>
Is the Project in the St. Joseph Aquifer System?	<input type="checkbox"/>	<input type="checkbox"/>
Is the FHWA/EPA SSA MOU Applicable?	<input type="checkbox"/>	<input type="checkbox"/>
Initial Groundwater Assessment Required?	<input type="checkbox"/>	<input type="checkbox"/>
Detailed Groundwater Assessment Required?	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: The proposed project is located in Porter County; therefore, the project is not located within the area of the St. Joseph Aquifer System, the only legally designated sole source aquifer in Indiana. The FHWA/EPA sole source aquifer MOA is not applicable to this project, and a groundwater assessment is not required. See Appendix J2.

The Indiana Department of Environmental Management's Wellhead Proximity Determinator website

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<http://www.in.gov/idem/pages/wellhead/> was accessed on 11/23/15 by INDOT-Environmental Services. The required project location data was provided and it was determined that this project is not located within a Wellhead Protection Area. This project lies outside of municipal water facilities and does not infringe on any residential wells, therefore no impacts will occur to any drinking water resources as a result of this project.

<b>Flood Plains</b>	<u>Presence</u>	<u>Impacts</u>	
		Yes	No
Longitudinal Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transverse Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Project located within a regulated floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homes located in floodplain within 1000' up/downstream from project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Discuss impacts according to classification system described in the "Procedural Manual for Preparing Environmental Studies".*  
 Remarks: This project does not encroach upon the regulatory floodplain of the HUD Special Flood Hazard Area. Therefore, it does not fall within the guidelines for the implementation of 23 CFR 650, 23 CFR 771 and 44 CFR. This was determined by a review of the DFIRM floodplain maps during the red flag investigation. See Appendix D for Red Flag Investigation. Flood plain maps were also accessed on IDNR's website (<http://dnrmmaps.dnr.in.gov/appsphp/fdms/>) on November 23, 2015 by INDOT Environmental Services to confirm the project does not fall within a floodplain.

<b>Farmland</b>	<u>Presence</u>	<u>Impacts</u>	
		Yes	No
Agricultural Lands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prime Farmland (per NRCS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total Points (from Section VII of CPA-106/AD-1006\* N/A  
 \*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: None of the land within the project limits meets the definition of farmland under the Farmland Protection and Policy Act (FPPA). The requirements of the FPPA do not apply to this project. No alternatives other than those previously discussed in this document will be investigated without reevaluating impacts to prime farmland. See Appendix C14 for United States Department of Agriculture (USDA) early coordination letter.

### SECTION C – CULTURAL RESOURCES

	<u>Category</u>	<u>Type</u>	<u>INDOT Approval Dates</u>	<u>N/A</u>
Minor Projects PA Clearance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Eligible and/or Listed  
Resource Present

**Results of Research**

Archaeology	<input type="checkbox"/>
NRHP Buildings/Site(s)	<input type="checkbox"/>
NRHP District(s)	<input type="checkbox"/>
NRHP Bridge(s)	<input type="checkbox"/>

**Project Effect**

No Historic Properties Affected  No Adverse Effect  Adverse Effect

Documentation  
Prepared

**Documentation** (mark all that apply)

	<u>ES/FHWA Approval Date(s)</u>	<u>SHPO Approval Date(s)</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Indiana Department of Transportation

County Porter Route US 20 & Waverly Rd Des. No. 1006622

Historic Properties Short Report  
 Historic Property Report  
 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  
 800.11 Documentation

X	August 2015	September 10, 2015
X	July 13, 2015	September 10, 2015
X	September 29, 2015	

Memorandum of Agreement (MOA)

**MOA Signature Dates** (List all signatories)

*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.*

Remarks:

**Area of Potential Effect (APE):** The area of potential effects (APE) for the proposed project was drawn to include the land that would be physically and visually impacted by the project. The APE has been determined as those areas of existing and proposed right of way and incidental construction, also including areas surrounding the project from which the intersection improvement would likely be visible.

The APE contains no properties considered eligible for the National Register of Historic Places.

**Coordination with Consulting Parties:** On August 6, 2015, early coordination and the Historic Property Report (HPR) were uploaded and posted to INDOT's Section 106 document posting website, IN SCOPE (<http://netservices.indot.in.gov/Section106Documents/Default.aspx>). Hard copies of the early coordination were mailed to the following consulting parties: Indiana State Historic Preservation Officer (IN SHPO), Indiana Landmarks Northern Regional Office, Porter County Historian, Historic Preservation of Porter County, Inc., Indiana Lincoln Highway Association, Kankakee Valley Historical Society, Westchester Township History Museum, and Porter County Commissioners.

SHPO responded that they agreed with the HPR and archaeological survey report. No other invited consulting party responded to the early coordination letter or IN SCOPE posting.

**Archaeology:** The project ROW south of US 20 and west of Waverly Road consisted of previously disturbed roadside and a very narrow strip of undisturbed land adjacent to residential and commercial properties. The undisturbed portion of this area was investigated by a single transect of shovel probes. No archaeological materials were encountered within the project area, and no additional investigation is recommended.

**Historic Properties:** The State and National Register listings for Porter County were checked. None of the listed Westchester Township are located in or near the proposed projects APE. No National Register listed or eligible properties were within the proposed project area.

**Documentation, Findings:** INDOT, acting on FHWA's behalf, has determined a "No Historic Properties Affected" is appropriate for this undertaking because no properties eligible for the listing in the National Register are present within the area of potential effects.

**Public Involvement:** The section 106 documentation was placed in the Northwest Indiana Times newspaper on October 1, 2015 to give consulting parties and the public an opportunity to comment on the "No Historic Properties" finding. A 30-day comment period produced no dissenting comments regarding the finding for Section 106.

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

This is page 12 of 19 Project name: Intersection Improvement at US 20 & Waverly Rd Date: December 2, 2015

## Indiana Department of Transportation

County Porter Route US 20 & Waverly Rd Des. No. 1006622

See Appendix E for all Section 106 documentation.

### 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

--

**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

--

**Historic Properties**

- Sites eligible and/or listed on the NRHP

Presence

--

Use

Yes	No
	X

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:

There are no Section 4(f) in or near the project area; therefore, there will be no impacts to any Section 4(f) resources.

## Indiana Department of Transportation

County Porter Route US 20 & Waverly Rd Des. No. 1006622

Section 6(f) Involvement Presence Use  
 Section 6(f) Property  Yes  No

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

Remarks: There are no Section 6(f) resources in or near the project area. No recreational properties, either acquired with or improved by the Land and Water Conservation Fund (LWCF) will be impacted by this project. The National Park Service (NPS) website was checked and no 6(f) properties are located within or near the project area. See Appendix K3.

### 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 checked="" type="checkbox"/>	<input type="checkbox"/>
If YES, then:		
Is the project in the most current MPO TIP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the project exempt from conformity?	<input checked="" 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"/>
Is a hot spot analysis required (CO/PM)?	<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 Porter County, which is currently a non-attainment area for 8-hour Ozone (O<sub>3</sub>) and a maintenance area for particulate matter (PM<sub>2.5</sub>). This project has been identified as being exempt from air quality analysis in accordance with 40 CFR 93.126 and this project is not a project of air quality concern(40 CFR 93.123) . It can therefore be concluded that the project will have no significant impact on air quality. The project's design, concept and scope are accurately reflected in the Northwestern Indiana Regional Planning Commission (NIRPC)Transportation Improvement Program (TIP) and conforms to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met. This project is of a type qualifying as a categorical exclusion (Group 1) under 23 CFR 771.117(d), or exempt under the Clean Air Act conformity rule under 40 CFR 93.126, and as such, a Mobile Source Air Toxics analysis is not required. See Appendix G for STIP, TIP, and Nonattainment areas map.

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

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County Porter Route US 20 & Waverly Rd Des. No. 1006622

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

### SECTION G – COMMUNITY IMPACTS

#### Regional, Community & Neighborhood Factors

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

Remarks: Inconvenience associated with construction such as increased travel times, possible utility interruptions, vehicular operating costs, construction noise, and fugitive dust should be expected. These impacts will be temporary and cease upon completion of the project. No substantial economic impacts are anticipated for the proposed project. No impacts to the local tax base and property values are anticipated.

#### Indirect and Cumulative Impacts

	Yes	No
Will the proposed action result in substantial indirect or cumulative impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: The project is not likely to result in substantial indirect and cumulative impacts. If the scope of the project changes the INDOT - La Porte District Environmental Section will be notified immediately and the necessary environmental investigations will be performed. Additional mitigation features will be determined and included as necessary.

#### Public Facilities & Services

	Yes	No
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? <i>Discuss how the maintenance of traffic will affect public facilities and services.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: This project will not have substantial impacts to any public facilities and services. Traffic will be maintained on the existing pavement during construction with the use of barrels to delineate the edge where pavement widening is taking place. One lane of traffic may be closed in each direction during construction.

#### Environmental Justice (EJ) (Presidential EO 12898)

	Yes	No
During the development of the project were EJ issues identified?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project require an EJ analysis?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If YES, then:		
Are any EJ populations located within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project result in adversely high or disproportionate impacts to EJ populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: Per the INDOT Procedural Manual for Preparing Environmental Studies, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent ROW. The project will require approximately 0.69 acres of permanent ROW. Therefore, an EJ Analysis is required.  
  
Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to

## Indiana Department of Transportation

County Porter Route US 20 & Waverly Rd Des. No. 1006622

determine if populations of EJ concern do, in fact, exist and, if so, determining whether there could be disproportionate and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is (Porter County, Indiana). The community that overlaps the project limits is called the affected community (AC). In this project, the AC is Census Tract 503 and 502.3. These Census Tracts are located within Westchester Township (See Appendix J2 for township map). Westchester Township was used as the AC for the low-income table. An AC has a population of concern for environmental justice if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC.

Data from the 2010 Census Summary File and 2009-2013 American Community Survey (ACS) 5-Year Estimates was obtained from the US Census Bureau Website (<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>) on November 25, 2015 by INDOT Environmental Services. The data collected for minority and low-income populations within the AC was then utilized to determine their percentages relative to the COC (Refer to Table 1, Table 2, and Table 3). See Appendix J3-J10 for data information.

Table 1: Minority Data for Census Tract 502.3 (2010 Census Summary)

	COC	AC-M1
	Porter County, Indiana	Census Tract 502.03, Porter County, Indiana
Total Population	164,343	6,659
Number Non-white/minority	28,230	771
Percent Non-white/minority	17.2%	11.6%
125 Percent of COC	21.5%	AC<125% COC
Minority Population of EJ Concern?		No

The Census Tract 502.03 AC has a minority percent of 11.6%, which is below 50% and is below the 125% COC threshold. Therefore, AC-M1, does not contain a minority population of EJ concern.

Table 2: Minority Data for Census Tract 503 (2010 Census Summary)

	COC	AC-M2
	Porter County, Indiana	Census Tract 503, Porter County, Indiana
Total Population	164,343	6,483
Number Non-white/minority	28,230	837
Percent Non-white/minority	17.2%	12.9%
125 Percent of COC	21.5%	AC<125% COC
Minority Population of EJ Concern?		No

The Census Tract 503 AC has a minority percent of 12.9%, which is below 50% and is below the 125% COC threshold. Therefore, AC-M2, does not contain a minority population of EJ concern.

## Indiana Department of Transportation

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Table3: Low-Income for Westchester Township (2009-2013 ACS Estimates)

	COC	AC-L1
	Porter County, Indiana	Westchester Township: Census Tract 502.02, 502.03, 503 & 9800.02 Porter County, Indiana
Total Population	161,397	19,414
Income in the past 12 months is below	16,752	2,240
Percent Low-income	10.4%	11.5%
125 Percent of COC	12.9%	AC<125% COC
Minority Population of EJ Concern?		No

The Westchester Township (which contains the two Census Tracts within the project area: 502.03 and 503) AC has a low-income percent of 11.5%, which is below 50% and is below the 125% COC threshold. Therefore, AC-L1, does not contain a low-income population of EJ concern.

No minority or low-income populations have been identified that would be adversely impacted by the proposed project as determined above. Therefore, in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23, no further EJ analysis is required. See Appendix J for all Environmental Justice Documentation.

### 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: Utility coordination has been initiated for this project. This project will not require the relocation of people, businesses or farms.

### SECTION H – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

#### 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?

#### Documentation

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

No Yes/ Date

<b>ES Review of Investigations</b>		April 25, 2014
------------------------------------	--	----------------

Include a summary of findings for each investigation.

This is page 17 of 19 Project name: Intersection Improvement at US 20 & Waverly Rd Date: December 2, 2015

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Remarks: A red flag investigation was conducted on April 25, 2014 by INDOT Environmental Services. Two hazardous materials were identified near the project area. One Leaking Underground Storage Tank (LUST) was identified at the gas station at the northeast corner of US 20. This LUST, owned by Reese Holdings III LLC, was issued a "No Further Action Determination" on September 11, 2006. One Underground Storage Tank (UST) was identified near the project area. This UST, owned by Pinkerton Oil, was inspected on May 28, 2014 and passed the compliance inspection. No further investigation is needed concerning hazardous materials. See Appendix D for Red Flag Investigation.

### SECTION I – PERMITS CHECKLIST

Permits (mark all that apply)	<u>Likely Required</u>
<b>Army Corps of Engineers (404/Section10 Permit)</b>	
Individual Permit (IP)	<input type="checkbox"/>
Nationwide Permit (NWP)	<input type="checkbox"/>
Regional General Permit (RGP)	<input checked="" type="checkbox"/>
Pre-Construction Notification (PCN)	<input type="checkbox"/>
Other	<input type="checkbox"/>
Wetland Mitigation required	<input type="checkbox"/>
Stream Mitigation required	<input type="checkbox"/>
<b>IDEM</b>	
Section 401 WQC	<input checked="" type="checkbox"/>
Isolated Wetlands determination	<input type="checkbox"/>
Rule 5	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>
Wetland Mitigation required	<input type="checkbox"/>
Stream Mitigation required	<input type="checkbox"/>
<b>IDNR</b>	
Construction in a Floodway	<input type="checkbox"/>
Navigable Waterway Permit	<input type="checkbox"/>
Lake Preservation Permit	<input type="checkbox"/>
Other	<input type="checkbox"/>
Mitigation Required	<input type="checkbox"/>
<b>US Coast Guard Section 9 Bridge Permit</b>	<input type="checkbox"/>
<b>Others (Please discuss in the remarks box below)</b>	<input type="checkbox"/>

Remarks: Permits will be required for this project. It will be the responsibility of the designer to submit plans to INDOT Environmental Services to process all necessary permits. It is anticipated that a 401/404 waterway permit will be required due to the wetland within the project area. Since work is taking place within the wetland, it is possible that wetland mitigation might be required. A rule 5 is also anticipated since there will be over 1 acre of disturbance. All appropriate permits must be obtained prior to construction.

### 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: 

1. If the scope of work or ROW amounts change, INDOT-Laporte District Environmental Section should be contacted immediately. **INDOT, Firm**
2. If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving

## Indiana Department of Transportation

County Porter Route US 20 & Waverly Rd Des. No. 1006622

activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and -29 does not obviate the need to adhere to applicable federal statutes and regulations.

**Firm INDOT**

3. If any potential hazardous materials are discovered during construction the IDEM Spill Line should be notified with details of the discovery within 24 hours. INDOT Environmental Services, Hazardous Materials Unit should then be contacted to organize the proper handling of the material to be in accordance with the IDEM guidelines. **Firm INDOT**

4. 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. Remove all broken concrete and construction debris upon completion of the project. **Firm INDOT**

5. Install silt fence or other erosion control measures around the perimeter of any wetlands and/or other waterbodies to remain undisturbed at the project site **INDOT Firm**

6. All appropriate permits must be obtained before construction may begin. **INDOT Firm**

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

8. Plant five native trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height. **IDNR Firm**

9. Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30. **IDNR Firm**

10. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes and native shrub and hardwood tree species as soon as possible upon completion **IDNR For Consideration**

11. Minimize and contain within the project limits in-channel disturbance and the clearing of trees and brush **IDNR For Consideration**

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

13. Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. Dirt tracked onto paved roads from unpaved areas should be minimized. **IDEM For Consideration**

### 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: Early coordination was initiated on March 23, 2015 with applicable federal, state, and local agencies. Review comments from those agencies that returned a reply have been incorporated into this study as appropriate. The agencies contacted and the date on which they replied is identified below.

Agency	Response Received	Appendix Page
Indiana Geological Survey	May 6, 2015	C27
Natural Resources Conservation Service	April 1, 2015	C14
Indiana Department of Natural Resources	March 23, 2015	C12-13
U.S. Army Corp of Engineers, Chicago District	No Response	
Indiana Department of Environmental Management, Auto Response	May 23, 2015	C17-26
U.S. Fish and Wildlife Services	March 30, 2015	C15-16



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204

PHONE: (317) 234-0796  
FAX: (317) 233-4929

**Michael R. Pence, Governor**  
**Brandye L. Hendrickson,**  
**Commissioner**

DES. #: 1006622

## LEGAL NOTICE OF PUBLIC HEARING

The Indiana Department of Transportation will hold a public hearing on **Thursday, January 21, 2016, starting at 6:00 p.m., at the Porter Town Hall, 303 Franklin Street, Porter, Indiana 46304.** The purpose of the public hearing is to offer all interested persons to view and comment on the current design plans for a proposed US 20 intersection improvement at Waverly Road, located in Porter County. The project involves the construction of left turn lanes for eastbound and westbound US 20 along with traffic signal modernization. As a result of the project, 0.691 acre of new permanent right of way is anticipated to be acquired. Traffic will be maintained during construction with short term closures of Waverly Road. Access to local business drives will be maintained throughout construction. The environmental document along with preliminary plans may be viewed prior to the hearing date at the following locations:

1. Hearings Examiner, Indiana Government Center North, N642, 100 North Senate Ave., Indianapolis, IN 46204-2216, Phone # (317) 234-0796
2. Indiana Department of Transportation, LaPorte District Office, 315 East Boyd Blvd., LaPorte, IN 46350, Phone # (855) 464-6368
3. Westchester Public Library, 200 West Indiana Avenue, Chesterton, IN 46304  
Phone # (219) 926-7696

Public statements for the record will be taken as part of the public hearing procedure. All verbal statements recorded during the public hearing and all written comments submitted prior to, during and for a period of two (2) weeks following the hearing date, will be evaluated, considered and addressed in subsequent environmental documentation. Written comments in regard to the project may be submitted prior to the public hearing and within the comment period to: INDOT Public Hearings, IGCN Room N642, 100 North Senate Avenue, Indianapolis, IN 46204.

**If bad weather should prevail, please call (317) 232-6601 to verify whether the public hearing will be held or rescheduled. Should the meeting be postponed, it will be rescheduled on Tuesday, January 26, 2016 at the same location and time listed above.**

With advance notice, INDOT can provide special accommodation for persons with disabilities and/or limited English speaking ability and persons needing auxiliary aids or services such as interpreters, signers, readers, or large print. Should special accommodation be needed in regards to the attendance and participation during the public hearing, please contact the Office of Public Involvement at (317) 232-6601, or email [rlclark@indot.in.gov](mailto:rlclark@indot.in.gov), by Wednesday, January 13, 2016.

This notice is published in compliance with Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1) states: "Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program." 23 CFR 450.212(a)(7) states: "Public involvement procedures shall provide for periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary.", approved by the Federal Highway Administration, U.S. Department of Transportation on August 16, 2012. INDOT, Rickie Clark, Office of Public Involvement, Phone # (317) 232-6601, E-Mail: [rclark@indot.IN.gov](mailto:rclark@indot.IN.gov)

**DISPOSITION OF PUBLIC COMMENTS**

Commentator	Comment	Response
<b><u>Public Hearing Speaker</u></b>		
Todd Allen Assistant Police Chief, Town of Porter	Generally in support of the project, expressed concern regarding traffic signal function. His position is to not have a flashing yellow signal for turn lanes as this will hinder the progression of safety at the intersection.	Flashing yellow turn signals allowing traffic to perform left turns on green from U.S. 20 to Waverly Road north and south have been eliminated. In their place are signals to allow left turns on green arrows only from U.S. 20 to Waverly Road north and south.
<b><u>Written Comments Received</u></b>		
Nicholas Tilden Tilden & Tilden Attorneys at Law 130 Lincoln Street Porter, Indiana 46034 (219) 926-8679	Submitted letter representing Pat's Liquors Inc and also his mother, Ms. Arlene Tilden who is the property owner, of record, at the location of the business. Mr. Tilden requests confirmation regarding the amount of r/w necessary for acquisition from his mother's property and is concerned about a possible loss of property currently functioning as a parking area. Mr. Tilden is concerned about a possible loss of trees which may be removed as part of the project and also an existing swale which collects drain water from U.S. 20. Mr. Tilden is interested in learning how a potential plan by the Town of Porter to create a pedestrian/bike pathway to the shores of Lake Michigan is or is not connected to the development of this project. Mr. Tilden is concerned about the	The proposed r/w acquisition impact to the Tilden property is anticipated to be approximately 0.2 acre of permanent r/w. The entire project is anticipated to require approximately 0.7 acre of permanent r/w from several parcels within the project area. The asphalt parking lot is anticipated to be minimally impacted by the new pavement radius in the southwest quadrant. No asphalt parking lot stalls will be eliminated. A gravel/stone area immediately to the north of the asphalt will become grass. The trees are outside of the construction limits and will not be disturbed. Drainage from the roadway will be contained within a proposed drainage ditch that will slope toward a proposed catch basin tying into the existing storm sewer system.

**DISPOSITION OF PUBLIC COMMENTS**

Commentator	Comment	Response
	<p>impact construction activity may have on the operational needs of the Pat's Liquors businesses during summer months and holidays as these times of year involve a high volume of customer activity.</p>	<p>Drainage will not be directed toward the commercial business. The proposed project is only related to the future trail in that the proposed traffic signal will allow for the possibility of future wiring for a pedestrian crossing as a part of the signal timing. Access will be maintained for the commercial business at all times. Advance notice will be provided of construction activity to businesses and project stakeholders within the immediate vicinity. The on-site Project Engineer will work with businesses, as much as possible, to coordinate construction around high customer volume periods. The Statewide Transportation Improvement Plan (STIP) lists programmed projects for a 4 year period, this document lists projects in programmed in Porter County and is available to view at:  <a href="http://www.in.gov/indot/2348.htm">http://www.in.gov/indot/2348.htm</a>. Also the LaPorte District page  <a href="http://www.in.gov/indot/2705.htm">http://www.in.gov/indot/2705.htm</a> is an available resource.</p>
Richard Draves	<p>Mr. Draves would like to see plans to install a street light at the northwest corner of Wagner and U.S. 20 (about a mile west of the proposed project). Mr. Draves expressed an interest in there being a stop light installed at U.S. 20 and Wagner, but is also in favor of a streetlight citing the traveling speeds of commuters and the proximity of an elementary school near this location as reasons why a street light and also a stop light should be installed.</p>	<p>The intersection of U.S. 20 and Wagner Road is outside the project limits. INDOT did conduct studies in 2006, 2009 and 2014 and found that a traffic signal was not warranted at U.S. 20 and Wagner Road. However INDOT will continue to monitor this area and review traffic data at this location to determine the feasibility of a street light.</p>