



US Army Corps
of Engineers

Detroit District

Joint Public Notice



Applicant: Jennifer Curry, Indiana Dept. of Transportation

In Reply Refer To: Corps File No. LRE-2010-00799-120-S20
IDEM File Number: 2020-737-20-JBT-A

Date: October 21, 2020
Expires: November 21, 2020

Proposed Discharge of Fill Material into Waters of the United States to Facilitate the Construction of Added Travel Lanes on US 20 between SR 15 and Westlake Drive in Middlebury, Indiana.

Applicant:

Jennifer Curry
Indiana Dept. of Transportation
100 Senate Avenue, Rm. 642-ESD
Indianapolis, Indiana 46204

Project Location: The project extends from SR 15 approximately 4.5 miles east to Westlake Drive in Middlebury, Indiana (Project Start: Latitude 41.66740 North and Longitude -85.82140 West; Project End: Latitude 41.66819 North and Longitude -85.73658 West, Elkhart County).

Federal Authority: The applicant has applied for a Department of the Army permit under Section 404 of the Clean Water Act.

State Authority: A DA permit, if otherwise warranted, will not be issued for this project until a Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or is considered waived. This public notice serves as the notice for a CWA, Section 401 application for WQC from the IDEM. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, 100 N. Senate Ave., MC65-42 WQC 1255, Indianapolis, Indiana 46206-6015. The applicant is responsible for obtaining the certification from IDEM.

Project Description: As shown on the attached plans, the Indiana Department of Transportation (INDOT) proposes to discharge fill into Indian Creek and forested, scrub shrub and emergent wetlands to facilitate the construction of added travel lanes on US 20 between SR 15 and Westlake Drive in Middlebury, Indiana. Specifically, the

applicant proposes to discharge approximately 11,846 cubic yards of clean earthen fill material into 20 wetland areas, totaling 3.67 acres of permanent impact and 2 streams, totaling and 63 linear feet of permanent impact. Proposed roadway improvements will serve to: reduce traffic congestion, eliminate vertical/horizontal alignment issues and improve safety for both motorized and non-motorized vehicular traffic with expanded shoulder widths.

The wetland types to be impacted include emergent, scrub shrub and forested component. Streams to be impacted include Indian Creek and an unnamed tributary to Indian Creek. The specific impact amounts are as follows:

Type	Length (ft.)	Area (acre)	Volume (cubic yards)
Total Permanent Stream Impacts	63	0.004	4
Total Permanent Wetland Impacts		3.671	11,846
Total Permanent Open Water Impacts		0.308	1,988
Permanent Impacts Subtotal	63	3.983	13,838
Total Temporary Stream Impacts	337	0.024	19
Total Temporary Wetland Impacts		0.022	15
Total Temporary Open Water Impacts		0.097	628
Temporary Impacts subtotal	337	0.143	698
Cumulative Project Impacts (Temporary and Permanent)	400	4.126	14,536

The Federal Highways Administration is the lead federal agency for the project and is providing funding through the Federal-Aid Highway Program (FAHP).

Avoidance & Minimization: The applicant has stated the following regarding avoidance and minimization of aquatic resources: "Wetlands impacted by the project are located in low lying areas immediately adjacent to the base of the existing roadway embankment. The No-Build alternative would avoid wetland impacts but is not practicable as the No-Build alternative would not meet the purpose and need for the project. For this reason, an alternative that avoids wetland impacts was eliminated from consideration. An alternative (Alternative 3A) was developed to widen the road while roughly splitting the environmental impacts evenly between the north and south sides of US 20. As both Alternative 3A and Alternative 3B (the preferred alternative) meet the purpose and need of the project, an evaluation of impacts was conducted to quantify the impacts to assist in determining which alternative had the lowest overall environmental impact. While Alternative 3A had fewer impacts to some resources, Alternative 3B had fewer overall impacts, thus Alternative 3A was eliminated from further consideration. There is no practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem. Based on this evaluation, Alternative 3B (the

preferred alternative) is the Least Environmentally Damaging Practicable Alternative (LEDPA).

Where wetland impacts were unavoidable steps were taken to minimize impacts to those wetlands. These minimization efforts included positioning the location of detention basins outside of wetlands where possible and minimizing the size of detention basins within the wetland. Additional steps included the installation of wetland protective fencing and filter socks around the wetlands that are outside of the limits of construction but within the INDOT right-of-way and calling these areas out as “Do Not Disturb” areas on the plan set. Erosion control plans will be developed for this project and a Storm Water Pollution Prevention Plan will be submitted to IDEM in order to obtain a Rule 5 permit. This plan will include best management practices to prevent fill and sediments from impacting wetlands and other waterbodies beyond the construction limits. This project has incorporated appropriate and practicable steps to minimize potential adverse impacts of the discharge on the aquatic ecosystem.”

The Corps has not verified the adequacy of the applicant’s avoidance and minimization statement at this time.

Compensatory Mitigation: The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States: “For unavoidable impacts the applicant will mitigate offsite via the purchase of credits from the IDNR In-Lieu fee program. Open water and stream impacts will be mitigated at a 1:1 ratio. Emergent wetland impacts will be mitigated at a 2:1 ratio, scrub-shrub wetland impacts will be mitigated at a 3:1 ratio and forested wetland impacts will be mitigated at a 4:1 ratio. Open water impacts will require 0.308 acre of mitigation and 15 linear feet of stream mitigation will be required. Permanent impacts to Indian Creek Segment A will not require mitigation because this portion of the stream is currently encapsulated. Emergent wetland impacts total 3.53 acres and will require 7.046 acres of mitigation. Scrub-shrub wetland impacts total 0.094 acre and will require 0.282 acre of mitigation. Forested wetland impacts total 0.054 acre and will require 0.216 acre of mitigation. No private mitigation banks with available wetland credits are present within the same 8-digit Hydrologic Unit Code (04050001) as the project. Therefore, mitigation will occur via the IDNR In-Lieu Fee Program.”

The Corps has not verified the adequacy of this mitigation proposal at this time.

Other Authorizations: The applicant has either received or requested the following governmental authorization:

- IDEM-Office of Water Quality, Individual 401 Water Quality Certification.
- IDEM/Elkhardt County-Rule 5 Stormwater Permit.

- IDNR-Division of Historic Preservation & Archaeology (DHPA), Certificate of Approval.
- Elkhart County Legal Drain Permit

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332 and the Indiana statutes listed above. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-2010-00799-120-S20. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Aaron W. Damrill
Chief, Michiana Branch
Detroit District, Corps of Engineers
2422 Viridian Drive, Suite 200
South Bend, Indiana 46628

Comments may be e-mailed to: Ryan.D.Cassidy@usace.army.mil, but must include the name and mailing address of the commenter.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impacts of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition

or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. The following species are, or potentially are present at the project site or vicinity: Federally endangered Indiana bat (*Myotis sodalis*), threatened Northern Long-eared bat (*Myotis septentrionalis*) and the threatened eastern massasauga rattlesnake (*Sistrurus catenatus*). We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

As determined by the Federal Highway Administration in consultation with the USFWS, the project is likely to adversely affect the federally endangered Indiana bat and threatened Northern Long-eared bat due to the proposed impact of 5.5 acres of suitable forested habitat. Due to these impacts, the USFWS has authorized the take of 5 Indiana bats. The USFWS also recommends reporting of any dead or injured Indiana bats or Northern Long-eared bats during construction of the project. To mitigate for proposed impacts to Indiana bat and Northern Long-eared bat habitat, the applicant has agreed to limit work during the active period for bat species by conducting all tree clearing activities from September 30th thru April 1st. Further, the applicant has agreed to the purchase of credits from The Conservation Fund's in-lieu fee Instrument prior to construction for additional compensation for bat habitat loss.

Cultural Resources: A USACE Detroit District project manager has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places.

A historic properties review and archeological investigation was completed on behalf of the applicant by trained cultural resource staff. The Federal Highway Administration in coordination with the Indiana Dept. of Natural Resources Division of Historic Preservation and Archeology (DHPA) provided a finding of "adverse effect" for potentially eligible sites noted by the Phase Ia archeological report. Currently, additional

archeological investigation is warranted for one the subject sites that lies within the project right-of-way. The subsequent follow-up investigation and report are proposed to be completed in the fall of 2020 to determine eligibility for the National Register of Historic Places (NR). Should any of the above mentioned sites be deemed eligible for listing in the NR, a mitigation plan must be submitted for review by DHPA and Corps staff.

The District Engineer invites responses to this public notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: This public notice and drawings are also available for viewing/printing at:
<http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices.aspx>. Questions concerning this application may be directed to Ryan Cassidy at the Corps of Engineers address listed above, or telephone number (574) 232-1952 Ext. 21964.

FOR THE DISTRICT ENGINEER:

Aaron W. Damrill
Chief, Michiana Branch
Detroit District, Corps of Engineers
South Bend, Indiana 46628

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.

PROJECT	DESIGNATION
1600517	1600517
CONTRACT	
R-39851	

INDIANA DEPARTMENT OF TRANSPORTATION



ROAD PLANS U.S. 20

ROUTE: U.S. 20 FROM: RP 99+1 TO: RP 103+1
PROJECT NO. 1600517 P.E.
1600517 R/W
1600517 CONST.

TRAFFIC DATA U.S. 20	
A.A.D.T. (2021)	19,040 VPD
A.A.D.T. (2041)	25,650 VPD
D.H.V. (2041)	8.15%
DIRECTIONAL DISTRIBUTION	50.55%
TRUCKS	26.91% A.A.D.T.
DESIGN DATA U.S. 20	
DESIGN SPEED	40/55 M.P.H.
PROJECT DESIGN CRITERIA	4R (RECONSTRUCTION)
FUNCTIONAL CLASSIFICATION	MINOR ARTERIAL
RURAL/URBAN	RURAL
TERRAIN	LEVEL
ACCESS CONTROL	NONE
DESIGN DATA C.R. 27, 29, 31 33, AND 35	
DESIGN SPEED	(CR 27,29,31,33) 30 M.P.H.
DESIGN SPEED	(CR 35) 45 M.P.H.
PROJECT DESIGN CRITERIA	4R (RECONSTRUCTION)
FUNCTIONAL CLASSIFICATION	(CR 27,29,31,33) LOCAL ROAD
FUNCTIONAL CLASSIFICATION	(CR 35) RURAL ARTERIAL
RURAL/URBAN	RURAL
TERRAIN	LEVEL
ACCESS CONTROL	NONE

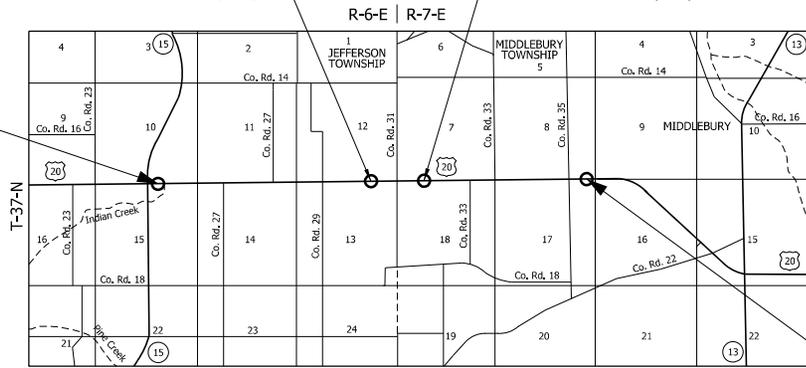
DRAFT NOT FOR CONSTRUCTION
Nov. 1, 2019

ROAD CONSTRUCTION BEGINNING APPROXIMATELY 803' EAST OF THE INTERSECTION OF S.R. 15 AND U.S. 20, AND PROCEEDING EAST ON U.S. 20 TO APPROXIMATELY 1051' EAST OF THE INTERSECTION OF U.S. 20 AND C.R. 35 IN SECTIONS 10, 11, 12, 13, 14, AND 15, TOWNSHIP 37 NORTH, RANGE 6 EAST, JEFFERSON TOWNSHIP, AND SECTIONS 7, 8, 18, AND 17, TOWNSHIP 37 NORTH, RANGE 7 EAST, MIDDLEBURY TOWNSHIP, ELKHART COUNTY, INDIANA.

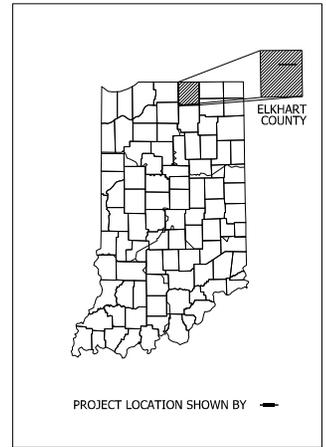
Equation: Sta. 464+94.29 "PR-B" (Ahead)
Sta. 464+94.29 "PR-A" (Back)

Equation: Sta. 481+84.05 "PR-A" (Ahead)
Sta. 481+83.80 "PR-B" (Back)

BEGIN PROJECT
PROJECT NO. 1600517
STA. 348+32.00
LINE "PR-A"



LOCATION MAP
JEFFERSON AND MIDDLEBURY TOWNSHIPS
ELKHART COUNTY



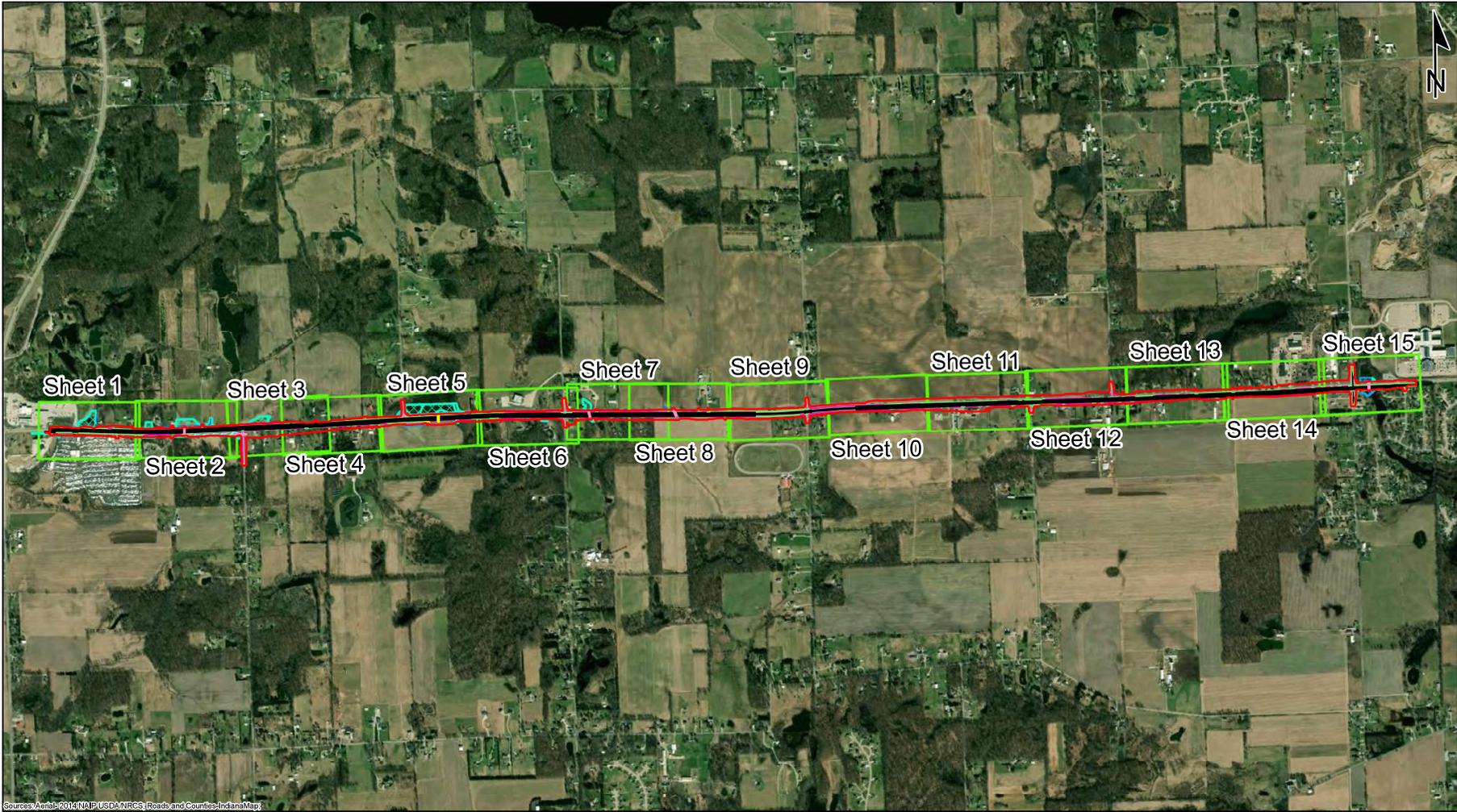
LATITUDE: 41°40'03"	LONGITUDE: 85°46'53"
GROSS LENGTH: _____	4.27 MILES
NET LENGTH: _____	4.27 MILES
MAX. GRADE: _____	3.22 %
HYDROLOGIC UNIT CODE:	04050001150030

INDIANA DEPARTMENT OF TRANSPORTATION
STANDARD SPECIFICATIONS DATED 2018
TO BE USED WITH THESE PLANS

HNTB
HNTB INDIANA, INC.
THE HNTB COMPANIES
ENGINEERS ARCHITECTS PLANNERS
111 MONUMENT CIRCLE
SUITE 1200
INDIANAPOLIS, IN 46204

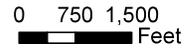
PLANS PREPARED BY: HNTB INDIANA, INC.	(317) 636-4682 PHONE NUMBER
CERTIFIED BY: _____	DATE _____
APPROVED FOR LETTING: _____	DATE _____
INDIANA DEPARTMENT OF TRANSPORTATION	

DESIGNATION	
1600517	
SURVEY BOOK	SHEETS
N/A	1 OF 416
CONTRACT	PROJECT
R-39851	1600517

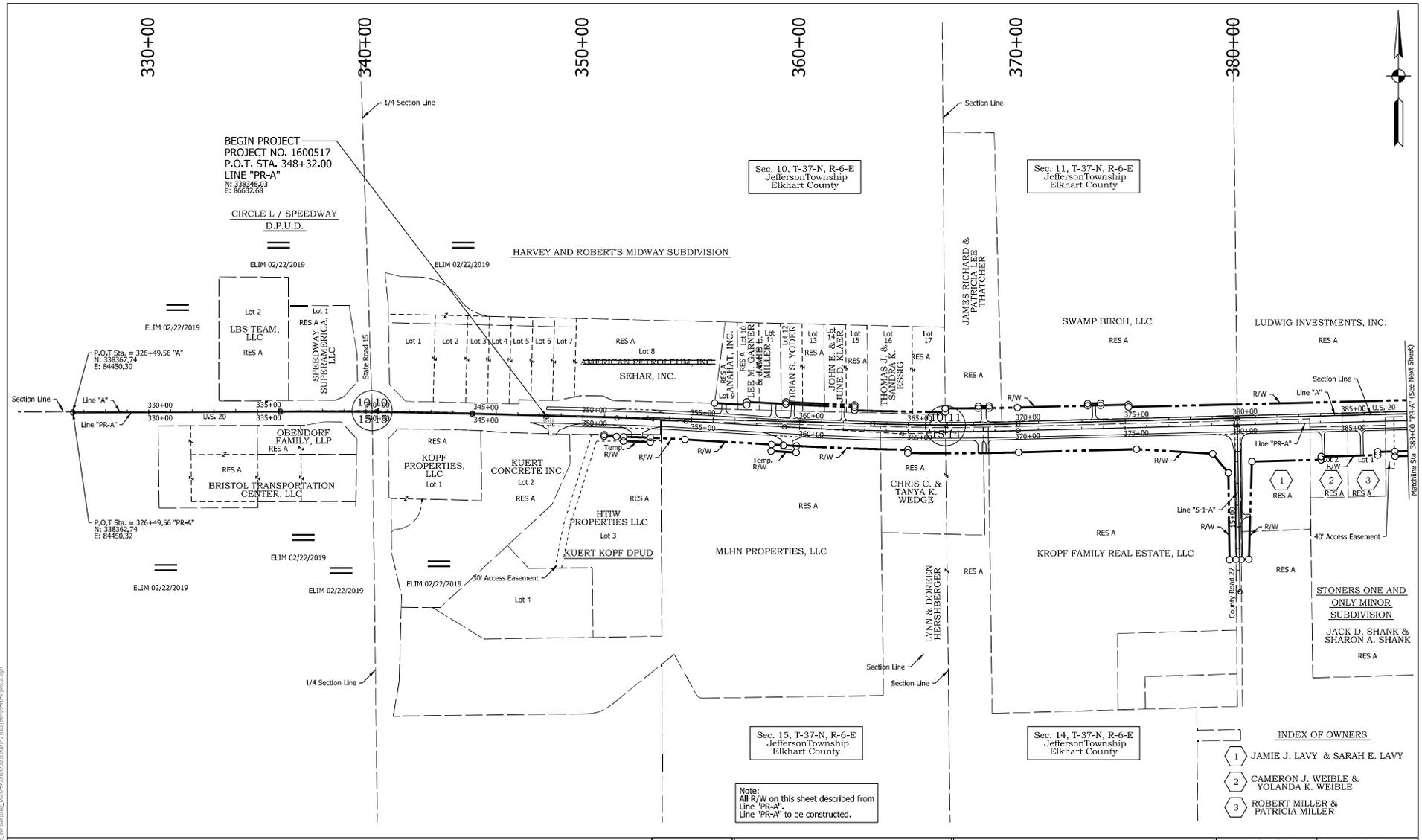


Sources: Aerial: 2014; NAD; USDA, NRCS; Roads and Counties: Indiana Map

Roadway Pavement Edge	Construction Limits	Delineated Wetlands	Wetland Impacts
Roadway Pavement Lanes	Proposed Structure	Delineated Ponds	Open Water Impacts
Roadway Shoulder Unpaved	Drainage Pipe	Stream Impacts	Map Index
Roadway Shoulders Paved	Proposed Riprap	Delineated Streams	



Project Impacts Map U.S. 20 - SR 15 to CR 35 - Ekhart County, Indiana Improvement Project	
Des. No. 1600517	
1 inch = 1,500 feet	
 <small>Graphics created by HNTB Corporation (2020)</small>	



330+00

340+00

350+00

360+00

370+00

380+00

BEGIN PROJECT
PROJECT NO. 1600517
P.O.T. STA. 348+32.00
LINE "PR-A"
N: 338348.03
E: 86632.68

CIRCLE L / SPEEDWAY
D.P.U.D.

HARVEY AND ROBERT'S MIDWAY SUBDIVISION

Sec. 10, T-37-N, R-6-E
Jefferson Township
Elkhart County

Sec. 11, T-37-N, R-6-E
Jefferson Township
Elkhart County

P.O.T. Sta. = 326+49.56 "A"
N: 338367.74
E: 84450.30

P.O.T. Sta. = 326+49.56 "PR-A"
N: 338362.74
E: 84450.32

Parallel to Sta. 385+00 "PR-A" (See Next Sheet)

Sec. 15, T-37-N, R-6-E
Jefferson Township
Elkhart County

Sec. 14, T-37-N, R-6-E
Jefferson Township
Elkhart County

Note:
All R/W on this sheet described from
Line "PR-A".
Line "PR-A" to be constructed.

- INDEX OF OWNERS
- 1 JAMIE J. LAVY & SARAH E. LAVY
 - 2 CAMERON J. WEIBLE & YOLANDA K. WEIBLE
 - 3 ROBERT MILLER & PATRICIA MILLER

07/20/20
5/27/2020 4:46:05 pm
\\s01\proj\1600517\1600517.dwg

DRAFT
NOT FOR CONSTRUCTION

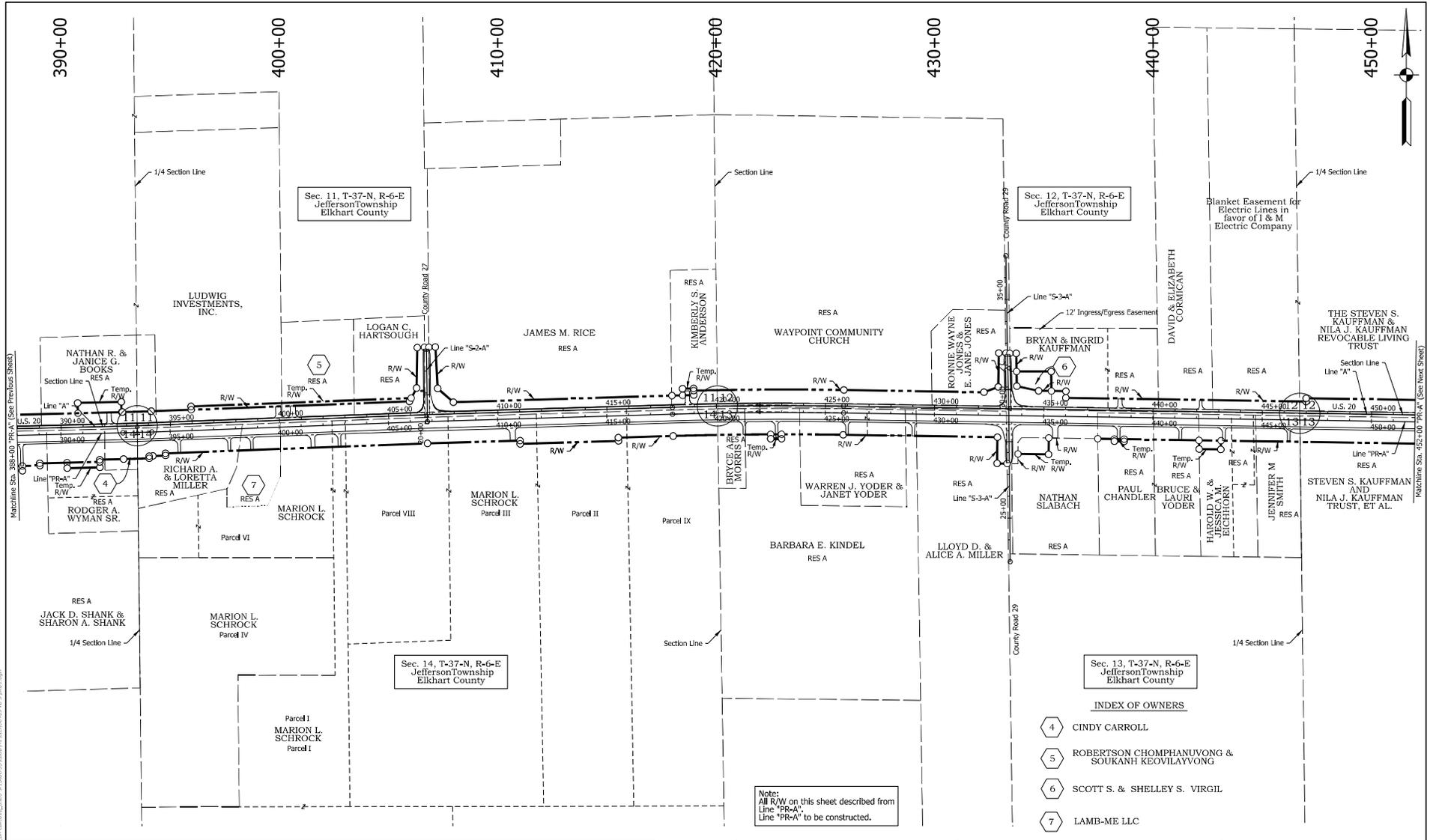
RECOMMENDED FOR APPROVAL		DESIGN ENGINEER	DATE
DESIGNED: DLG	DRAWN: CPH		
CHECKED: JRG	CHECKED: DLG		

INDIANA
DEPARTMENT OF TRANSPORTATION

PLAT NO. 1

HORIZONTAL SCALE	BRIDGE FILE
1"=200'	N/A
VERTICAL SCALE	DESIGNATION
N/A	1600517
SURVEY BOOK:	SHEETS PLT#01
Electronic	6 of 416
CONTRACT	PROJECT
R-38851	1600517

07/00/20
 5/27/2007 4:46:11 pm
 R:\m\1646705_road_r\2016\cadd\100_Ludwig\1646705_road_r\1646705_road_r.pdw



Note:
 All R/W on this sheet described from
 Line "PR-A",
 Line "PR-A" to be constructed.

INDEX OF OWNERS

- 4 CINDY CARROLL
- 5 ROBERTSON CHOMPANUVONG & SOURANH KEUVILAYVONG
- 6 SCOTT S. & SHELLEY S. VIRGIL
- 7 LAMB-ME LCC

DRAFT
 NOT FOR CONSTRUCTION

RECOMMENDED FOR APPROVAL	DESIGN ENGINEER	DATE
DESIGNED: DLG	DRAWN: CPH	
CHECKED: JRG	CHECKED: DLG	

INDIANA
 DEPARTMENT OF TRANSPORTATION

PLAT NO. 1

HORIZONTAL SCALE	BRIDGE FILE
1"=250'	N/A
VERTICAL SCALE	DESIGNATION
N/A	1600517
SURVEY BOOK	SHEETS
Electronic	7 of 416
CONTRACT	PROJECT
R-38851	1600517

