

Appendix C

Early Coordination



Sample Early Coordination Letter

January 11, 2023

Re: Early Coordination Letter, Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

Dear «Sal» «Last_Name»,

The Indiana Department of Transportation (INDOT), in cooperation with the Illinois Department of Transportation (IDOT) and the Federal Highway Administration (FHWA), plans to proceed with the I-80/94 FlexRoad Project in Cook County, IL and Lake County, IN. This letter is part of the early coordination phase of the environmental review process. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. **Please use the above designation number and description in your reply.** We will incorporate your comments into a study of the project's environmental impacts.

The project area is located along a 14-mile section of I-80/94 from IL 394 in Cook County, IL to I-65 in Lake County, IN. The Illinois portion is also referred to as the Kingery Expressway and the Indiana portion is also referred to as the Borman Expressway. The project traverses the communities of Calumet City, South Holland and Lansing in Illinois and Highland, Lake Station, Gary, Hammond, and Munster in Indiana. Within the project area, I-80/94 is a barrier-divided highway classified as an Interstate. There are four travel lanes in either direction with auxiliary lanes at interchanges. Existing inside and outside shoulders are variable, averaging 14 feet wide. There are 10 interchanges, which include two system interchanges and eight service interchanges. Stormwater is mostly handled by roadside ditches and piped under the highway via slotted drains. The need for this project stems from congestion and safety along this section of I-80/94. The purpose of the project is to increase the operational efficiency of I-80/90 by reducing travel times, increasing travel time reliability, and improving safety by reducing crashes.

The project will investigate a variety of traffic systems management and operations (TSMO) strategies, which will maximize the efficiency, reliability, and safety of the existing highway network. The strategies under consideration are improved signage, variable speed limits, dynamic lane control, dynamic shoulder lanes, queue warning, event management, and ramp metering. The project will also modify the I-65 and Broadway interchanges with I-80/94.

Land use in the vicinity of the western portion of the project supports dense residential and commercial development, while the eastern portion of the project supports a mix of less dense residential development, undeveloped land, and large tracts of wetlands. Most of the work will occur within existing, previously disturbed right-of-way. Strips of right-of-way may be required. Less than one acre of permanent and/or temporary right-of-way is anticipated. Maintenance of traffic will be conducted in several phases. At least two travel lanes in either direction of I-84/90 will remain open. Construction is anticipated to begin in fall 2026.

Due to the proposed added capacity (dynamic shoulder lanes), a Noise Study will be prepared and a determination on the feasibility and reasonableness of noise abatement will be completed as part of this analysis.

The USGS 7.5-minute quadrangle topographical map depicts numerous streams within or adjacent to the project area (Attachments: Page 2). Parsons environmental staff will conduct a waters investigation to determine the presence of jurisdictional streams and wetlands and prepare a *Waters of the US Report*. All applicable permits will be applied for and acquired before construction can begin. Parsons will work in coordination with INDOT Ecology and Waterway Permitting Office (EWPO) to determine the presence and impacts to ecological resources.

A review of the US Fish and Wildlife Service (USFWS) database did not indicate the presence of endangered bat species in or within 0.5 mile of the study area. The range-wide programmatic consultation for the Indiana bat and northern long-eared bat will be completed according to the most recent "Using the USFWS's Information for Planning and Conservation (IPaC) System for Listed Bat Consultation for INDOT Projects."

Per the Section 106 process of the National Historic Preservation Act, historic and archaeological properties potentially affected by the undertaking will be investigated to assess the project's effects and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. Coordination with INDOT's Cultural Resources Office (CRO) will continue throughout the project development process.

Please provide your response within thirty (30) calendar days from the date of this letter. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact me at (317) 616-1021 or via email at Cedric.Diefenbaugh@parsons.com, or the INDOT Project Manager, Amber Thomas at (219) 344-0046 or via email at AThomas2@indot.in.gov. Thank you in advance for your input.

Sincerely,



Cedric Diefenbaugh
Environmental Planner
Parsons

Attachments –
Maps/Graphics (Location, Topographic, Aerial)

Attachments intentionally omitted,
refer to Appendix B

The Following Received Early Coordination Letters

Natural Resources Conservation Service
State Conservationist
6013 Lakeside Boulevard
Indianapolis, IN 46278

National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

Indiana Department of Natural Resources
Division of Fish and Wildlife
402 West Washington Street, Rm. W273, IGC South
Indianapolis, IN 46204-2641

Indiana Department of Transportation
LaPorte District
315 E. Boyd Blvd
LaPorte, IN 46350

Indiana Department of Transportation
Central Office
100 N Senate Ave, IGCN 642
Indianapolis, IN 46204

Lake County Surveyor
2293 N. Main St.
Crown Point, IN 46307

Lake County
Soil and Water Conservation District
2291 North Main Street
Crown Point, IN 46307

Lake County
Economic Development Department
2293 North Main Street
Crown Point, IN 46307

US Fish and Wildlife Service
Northern Indiana Suboffice
P.O. Box 2616
Chesterton, IN 46304

Federal Highway Administration
Environmental Program Manager
575 North Pennsylvania Street, Federal Office Building, Room 254
Indianapolis, IN 46204

Indiana Department of Transportation
Office of Aviation
100 N Senate Ave, Rm 955
Indianapolis, IN 46204

US Army Corps of Engineers, Chicago District
Environmental Resources
231 South LaSalle St, Suite 1500
Chicago, Illinois 60604

Lake County Council
President
2293 N. Main Street, Building A, 3rd Floor
Crown Point, IN 46307

Lake County
Highway Department
1100 East Monitor Street
Crown Point, IN 46307

Lake County
MS4 Coordinator
2293 North Main Street
Crown Point, IN 46405

Lake County
Emergency Management and Homeland Security
2900 W 93rd Avenue
Crown Point, IN 46307

US Department of Housing & Urban Development
Chicago Regional Office
Metcalf Fed. Bldg 77 W. Jackson Blvd.
Room 2401
Chicago, IL 60604

Indiana Geological & Water Survey
611 North Walnut Grove
Bloomington, IN 47405

Indiana Department of Transportation
LaPorte District
315 E. Boyd Blvd
LaPorte, IN 46350

Northwestern Indiana Regional Planning Commission (NIRPC)
6100 Southport Road
Portage, IN 46368

Lake County Commission
2293 N. Main Street, Building A, 3rd Floor
Crown Point, IN 46307

Lake County
Health Department
2900 West 93rd Ave
Crown Point, IN 46307

Lake County
Plan Commission
2293 N. Main Street Suite 11
Crown Point, IN 46307-1899

Lake County
Sheriff's Department
2293 N. Main Street
Crown Point, IN 46307

Lake County
Parks and Recreation Department
8411 E Lincoln Highway
Crown Point, IN 46307

City of Gary
Mayor
401 Broadway #102
Gary, IN 46402

City of Gary Common Council
1st District Councilperson
401 Broadway #219
Gary, IN 46402

City of Gary
Parks, Venues, and Recreation
455 Massachusetts Street
Gary, IN 46402

City of Gary
Environmental Affairs
839 Broadway, Ste N206
Gary, IN 46312

City of Gary
Community Development
401 Broadway, Ste 300
Gary, IN 46402

City of Gary
Community Development
401 Broadway, Ste 300
Gary, IN 46402

Gary Chamber of Commerce
504 Broadway, Suite 328
Gary, Indiana 46402

City of Gary
Public Works Department
401 Broadway, Ste 105
Gary, IN 46402

City of Gary
Police Department
555 Polk St.
Gary, IN 46402

City of Gary
Fire Department
200 East 5th Ave
Gary, IN 46402

Gary Community School Corporation
Superintendent
620 East 10th Place
Gary, IN 46402

Gary Schools
Director of Transportation
9th and Gerry St.
Gary, IN 46406

City of Hammond
Mayor's Office
5925 Calumet Avenue, Hammond City Hall
Hammond, IN 46320

City of Hammond
Common Council
5925 Calumet Ave
Hammond, IN 46320

City of Hammond
Parks & Recreation Board
5825 Sohl Ave
Hammond, IN 46320

City of Hammond
Parks and Recreation Department
5925 Calumet Ave
Hammond, IN 46320

City of Hammond
Planning Department
5925 Calumet Avenue, Hammond City Hall,
Room G17
Hammond, IN 46320

City of Hammond
Development Corporation
5209 Holhman Ave
Hammond, IN 46320

City of Hammond
Public Works
601 Conkey Street
Hammond, IN 46324

City of Hammond
Board of Public Works and Safety
5925 Calumet Ave
Hammond, IN 46320

City of Hammond
Planning and Development
5925 Calumet Ave
Hammond, IN 46320

City of Hammond
Police Department
509 Douglas St
Hammond, IN 46320

City of Hammond
Fire Department
6110 Calumet Ave
Hammond, IN 46320

City of Hammond Schools
Superintendent
41 Williams St.
Hammond, IN 46324

City of Hammond Schools
Director of Transportation
41 Williams St.
Hammond, IN 46324

Hammond Hispanic Community Committee
824 Hoffman Street
Hammond, IN 46327

Munster Town Hall
Town Manager
1005 Ridge Rd
Munster, IN 46321

Munster Town Council
Council Member - Ward 1
1005 Ridge Road
Munster, IN 46321

Munster Town Council
Council Member - Ward 2
1005 Ridge Road
Munster, IN 46321

Munster Town Council
Council Member - Ward 3
1005 Ridge Road
Munster, IN 46321

Munster Town Council
Council Member - Ward 4
1005 Ridge Road
Munster, IN 46321

Town of Munster
Parks and Recreation Department
1005 Ridge Rd
Munster, IN 46321

Town of Highland
Mayor
3333 Ridge Road
Highland, IN 46322

Town of Highland
Public Works Department
8001 Kennedy Avenue
Highland, IN 46322

Town of Highland
Town Council
3333 Ridge Road
Highland, IN 46322

Town of Highland
Town Council
3333 Ridge Road
Highland, IN 46322

Town of Highland
Economic Development Department
3333 Ridge Road
Highland, IN 46322

Highland and Griffith Chamber of
Commerce
8536 Kennedy Ave
Highland, IN 46322

Town of Highland
Fire Department
2901 Highway Ave.
Highland, IN 46322

Town of Highland
Police Department
3315 Ridge Road
Highland, IN 46322

Town of Highland
Parks & Recreation Department
2450 Lincoln Street
Highland, IN 46322

School Town of Highland
Superintendent
9145 Kennedy Street
Highland, IN 46322

School Town of Highland
Transportation Manager
9145 Kennedy Street
Highland, IN 46322

Indiana University Northwest-Gary
President's Office
3400 Broadway
Gary, IN 46408

Purdue University Northwest-
Hammond
2200 169th St
Hammond, IN 46323

Little Calumet River Basin Development
Commission
900 Ridge Road, Suite H
Munster, IN 46321

Shirley Heinze Land Trust
109 West 700 North
Valparaiso, IN 46385

St. John Baptist Church
Reverend
2457 Massachusetts St
Gary, IN 46407

St. Timothy Community Church
Pastor
1600 W. 25th St.
Gary, IN 46404

Unity Church of Christ
Reverend
740 River Drive
Hammond, IN 46324

Life Point Church
Reverend
7350 Kennedy Ave
Hammond, IN 46323

Riverside Community Church
Pastor
7449 Jefferson Ave
Hammond, IN 46324

Grace Missionary Baptist Church
Reverend
1505 W 25th Ave
Gary, IN 46407

Abundant Life Tabernacle
Pastor
6808 Missouri Ave
Hammond, IN 46323

Greater Saint James African Methodist
Episcopal Church
Reverend
2601 Massachusetts St
Gary, IN 46407

Organization and Project Information

Project ID:
Des. ID: Des. Nos. 1901643 and 2300271
Project Title: FlexRoad and Advance System Preservation Project
Name of Organization: Parsons
Requested by: Cedric Diefenbaugh

Environmental Assessment Report

1. Geological Hazards:
 - High liquefaction potential
 - Floodway
2. Mineral Resources:
 - Bedrock Resource: High Potential
 - Sand and Gravel Resource: Low Potential
3. Active or abandoned mineral resources extraction sites:
 - None documented in the area

*All map layers from Indiana Map (maps.indiana.edu)

DISCLAIMER:

This document was compiled by Indiana University, Indiana Geological Survey, using data believed to be accurate; however, a degree of error is inherent in all data. This product is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of these data and document to define the limits or jurisdiction of any federal, state, or local government. The data used to assemble this document are intended for use only at the published scale of the source data or smaller (see the metadata links below) and are for reference purposes only. They are not to be construed as a legal document or survey instrument. A detailed on-the-ground survey and historical analysis of a single site may differ from these data and this document.

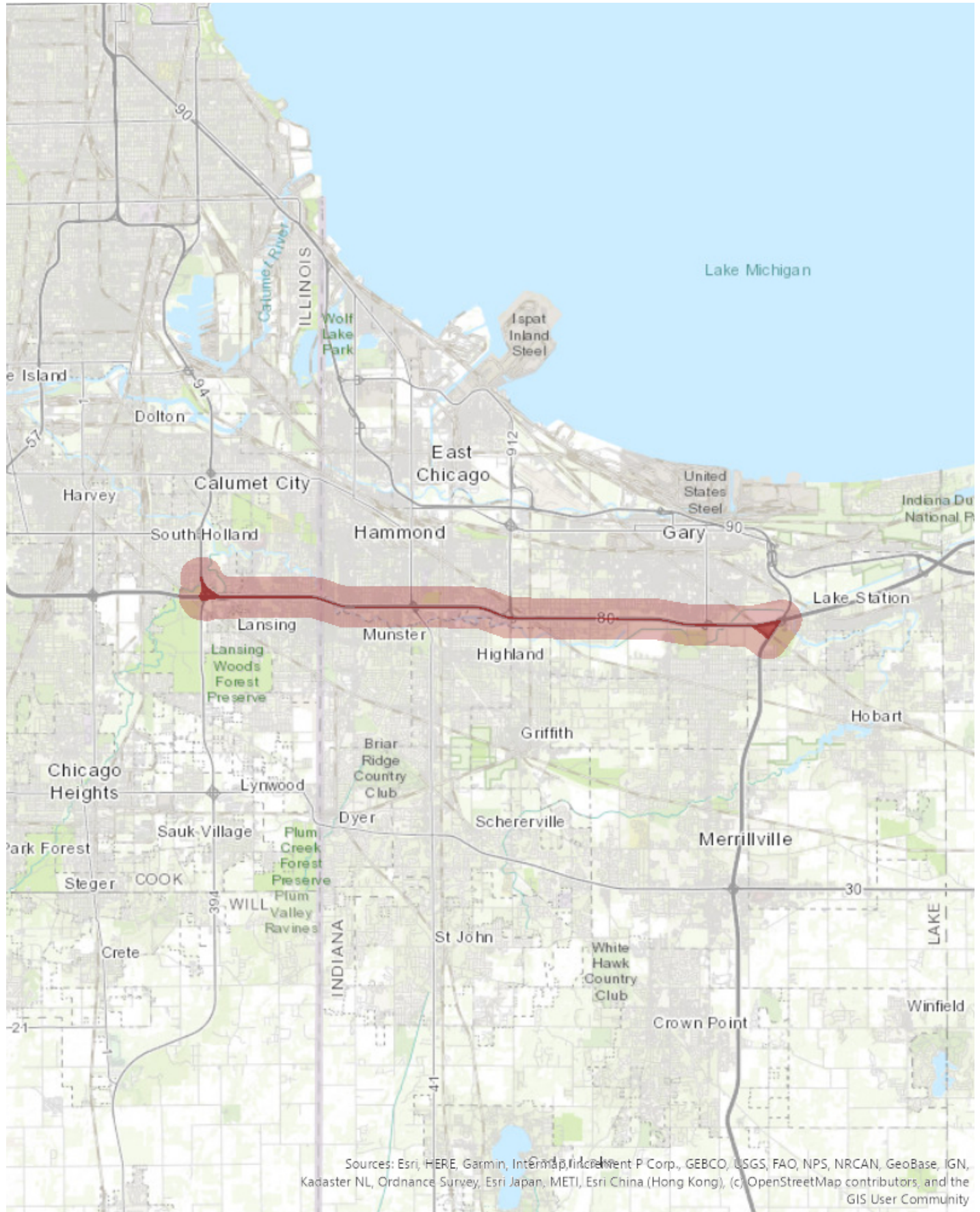
This information was furnished by Indiana Geological Survey

Address: 1001 E. 10th St., Bloomington, IN 47405

Email: IGSEnvir@indiana.edu

Phone: 812 855-7428

Date: November 16, 2023



Metadata:

- https://portal.igs.indiana.edu/arcgis/rest/services/Seismic_Earthquake_Liquefaction_Potential/MapServer/info/metadata/metadata.xml?format=default&output=html
- https://portal.igs.indiana.edu/arcgis/rest/services/Industrial_Minerals_SandAndGravel_Resources/MapServer/info/metadata/metadata.xml?format=default&output=html
- https://gisdata.in.gov/server/rest/services/Hosted/FIRM_Flood_Hazard_Zones_2023/FeatureServer/info/metadata
- https://portal.igs.indiana.edu/arcgis/rest/services/Bedrock_Geology/MapServer/info/metadata/metadata.xml?format=default&output=html

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR#: ER-26185

Request Received: December 29, 2023

Requestor:

Cedric Diefenbaugh
Parsons
101 West Ohio Street, Suite 2121
Indianapolis, IN 46204

Project:

I-80/94 FlexRoad: 14-mile investigation of a variety of traffic systems management and operations (TSMO) strategies, including improved signage, variable speed limits, dynamic lane control, dynamic shoulder lanes, queue warning, event management, and ramp metering, from IL 394 in Cook County, Illinois to I-65; Des #1901643 et al.

County/Site Info: Lake County

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment:

This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile, unless it qualifies under the INDOT and IDNR Memorandum of Understanding for Maintenance Activity Exemption, dated March 2023. Please include a copy of this letter with the permit application, if required.

Natural Heritage Database:

The Natural Heritage Program's data have been checked. The Division of Nature Preserves does not anticipate any significant effects to the below-listed flora and communities due to this project. The following have been documented within .5 mile of the project area:

Properties

Carlson – Oxbow Park
Rich's Park
Three Rivers County Park
Wicker Memorial Park
25th Avenue Park, LWCF
Centennial Plaza and Trail, LWCF
Edward C. Dowling Park, LWCF
River Drive Park, LWCF

Flora

Northern Catalpa (*Catalpa speciosa*), State threatened
Ostrich Fern (*Matteuccia struthiopteris*), State threatened
Prairie Gray Sedge (*Carex conoidea*), State threatened
Wolf's Spike-rush (*Eleocharis wolfii*), State threatened

Communities

Dry-mesic Sand Savanna
Wet Sand Prairie

Fauna

American Bittern (*Botaurus lentiginosus*), State endangered
Black-crowned Night-heron (*Nycticorax nycticorax*), State endangered
Common Gallinule (*Gallinula galeata*), State endangered
Least Bittern (*Ixobrychus exilis*), State endangered
Marsh Wren (*Cistothorus palustris*), State endangered
Virginia Rail (*Rallus limicola*), State endangered
Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*), State endangered
Great Egret (*Ardea alba*), State special concern
Osprey (*Pandion haliaetus*), State special concern
Bald Eagle (*Haliaeetus leucocephalus*)

Fish and Wildlife Comments:

Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

A) Heritage Species

The Division of Fish and Wildlife does not anticipate any significant effects to the above-listed fauna due to this project.

The Bald Eagle is no longer a state species of special concern. However, this species is still federally protected (see <https://fws.gov/law/bald-and-golden-eagle-protection-act>). The documented Bald Eagle nest is more than 2500ft from the proposed project, which is greater than the minimum distance of 660ft needed to reduce disturbance to nesting eagles. No significant negative effects are expected, but precautions may still be considered. To minimize impacts to Bald Eagles, follow the National Bald Eagle Management Guidelines found at https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf. Please contact the US Fish and Wildlife Service if further consultation is needed regarding Bald Eagles.

B) Wildlife Passage

Maintaining or improving fish and wildlife passage at existing and proposed crossings is a priority for the Division of Fish and Wildlife (DFW) to reduce wildlife mortality along roadways. The DFW has outlined different requirements for different types of crossing structure impacts. For brand new crossings in areas that currently do not have a crossing, the new structure must accommodate white-tailed deer passage where appropriate. Minimum structure dimensions for white-tailed deer passage are 20 feet of width clearance (overall size of the structure span) and 8 feet of height clearance measured from the ordinary high-water mark (OHWM) to the low chord elevation and where deer passage is provided. For crossing replacements, the new structure must include wildlife passage appropriate for the type of replacement structure being proposed. If the existing structure is sized to accommodate white-tailed deer passage, then it should be included in the design of the new structure. If white-tailed deer passage is not possible with the existing structure, deer passage still needs to be considered in the design and at minimum the bank lines must be restored within structures to allow for smaller wildlife passage above the OHWM. Wildlife passage designs should include a smooth level pathway preferably 3 feet wide but a minimum of 1-2 feet in width composed of natural substrate (soil, sand, gravel, etc.) or compacted aggregate fill over riprap (#2, #53, #73, etc.) tied into existing elevations both upstream and downstream.

The stream crossing repairs or modifications, and any bank stabilization under or around the structure, must not create conditions that are less favorable for wildlife passage when compared to existing conditions. Upgrading wildlife passage for rehabilitated/modified structures is encouraged whenever possible to improve wildlife/vehicle safety.

There are several techniques and materials for incorporating wildlife passage into the design of a crossing structure. Coordination with a Regional Environmental Biologist to address wildlife passage issues before submitting a permit application (if required) is encouraged to avoid delays in the permitting process. The following links are good resources to consider in the design of stream crossing structures to maintain fish and wildlife passage:

<https://www.fs.usda.gov/ccrc/tool/fishxing-fish-passage-learning-systems>
<https://www.fs.usda.gov/wildlifecrossings/library/index.php>
https://www.fhwa.dot.gov/clas/ctip/wildlife_crossing_structures/
<https://www.fhwa.dot.gov/engineering/hydraulics/pubs/11008/hif11008.pdf>

C) Lighting

Lighting should only be used when absolutely necessary. Lighting in forested areas and along creeks, streams, and rivers should be the lowest intensity feasible and shielded to cast light downwards onto the trail and not up- or outwards into the surroundings to avoid disturbing wildlife circadian rhythms and disorienting night-migrating birds.

Certain types of LED lighting can have negative impacts on both human and wildlife health and safety. The International Dark-Sky Association has developed a set of recommendations for those choosing LED lighting systems. These suggestions will aid in the selection of lighting that is energy and cost efficient, yet ensures safety and security, protects wildlife, and promotes the goal of reducing light pollution:

- Always choose fully shielded fixtures that emit no light upward.
- Use “warm-white” or filtered LEDs (CCT < 3,000 K; S/P ratio < 1.2) to minimize harmful blue light emission.
- Look for products with adaptive controls like dimmers, timers, and motion sensors.
- Consider dimming or turning off lights during non-peak overnight hours.
- Avoid the temptation to over-light because of the higher luminous efficiency of LEDs.
- Only light the exact space and in the amount required for particular tasks.

The Division of Fish and Wildlife strongly encourages visiting the following link to learn more about the potential negative impacts of improperly selected LED lighting systems: <http://darksky.org/light-pollution/light-pollution-solutions/>.

D) Streambank Stabilization

Some form of bank stabilization is almost always needed with the construction, repair, replacement, or modification of a stream channel or crossing structure. For streambank stabilization and erosion control, regrading to a stable slope (2:1 or shallower) and establishing native vegetation along the banks are typically the most effective techniques and allow a vegetated stream bank to develop. A variety of methods to accomplish this include planting plugs, whips, container stock, seeding, and live stakes. In addition to vegetation establishment, some additional level of bioengineered bank stabilization may be needed under certain circumstances (inability to regrade to a stable slope, flow velocities that exceed the limits of vegetation alone, etc.). Combining vegetation with any of the following bank stabilization methods can provide additional bank protection while not compromising benefits to fish, wildlife, and botanical resources:

- Geotextiles (erosion control blankets and/or turf reinforcement mats that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles)
- Vegetated geogrids or soil lifts, fiber rolls, glacial stone, or riprap.

Riprap or other hard bank stabilization materials should be used only at the toe of the sideslopes up to the ordinary high-water mark (OHWM) with the exception of areas directly under bridges for instance. The banks above the OHWM should be restored, stabilized, and revegetated using geotextiles and a mixture of grasses,

sedges, wildflowers, shrubs, and trees native to Northern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion. Information about bioengineering techniques can be found at the following link to a USDA/NRCS document that outlines many different bioengineering techniques for streambank stabilization: https://efotg.sc.egov.usda.gov/references/public/IA/Chapter-16_Streambank_and_Shoreline_Protection.pdf.

E) Riparian Habitat

We recommend a mitigation plan be developed (and submitted with the permit application, if required) for any unavoidable habitat impacts that will occur. The DNR's Habitat Mitigation Guidelines (and plant lists) can be found online at: <https://www.in.gov/nrc/files/IB-17.pdf>.

Impacts to non-wetland forest of one (1) acre or more in a rural or urban area should be mitigated at a minimum 2:1 ratio based on area of impact. Impacts to non-wetland forest under one (1) acre but at least 0.10 acre in a rural or urban area should be mitigated at a minimum 1:1 ratio based on area of impact. Impacts under 0.10 acre in a rural area typically do not require mitigation or additional plantings beyond seeding and stabilizing disturbed areas, though there are exceptions for high quality habitat sites. Impacts under 0.10 acre in an urban area should be mitigated by replacing trees that are 10" diameter-at-breast height (dbh) or greater by planting five trees, 1" to 2" in dbh, for each tree which is removed that is 10" dbh or greater. Seeding and stabilizing disturbed areas is required regardless of the impact amount and location. If floodway impacts to forested wetland and non-wetland habitat areas combine to be 0.10 acres or more, mitigation should be done and coordinated with the biologist, as needed.

The mitigation site should be located in the floodway, downstream of the one (1) square mile drainage area of that stream (or another stream within the 8-digit HUC, preferably as close to the impact site as possible) and adjacent to existing forested riparian habitat.

F) Wetlands

Due to the presence or potential presence of wetland habitat on site, we recommend contacting and coordinating with the Indiana Department of Environmental Management (IDEM) 401 program and the US Army Corps of Engineers (USACE) 404 program.

G) Dune and Swale Habitat

Avoid impacts to any dune and swale habitat. Dune and swale ecosystems are rare, sensitive, and host a large variety of rare, threatened, or endangered species. Avoidance measures include restricting construction activities to disturbed areas such as roadway ROWs or editing plans to avoid dune and swale habitat entirely.

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas that are not currently mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Northern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion; turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in currently mowed areas only. A native herbaceous seed mixture must include at least 5 species of grasses and sedges and 5 species of wildflowers.
2. Minimize and contain within the project limits in-channel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from March 15 through June 15 and from July 15 through November 30 without the prior written approval of the Division of Fish and Wildlife.
4. Do not cut any trees suitable for Indiana Bat or Northern Long-eared Bat roosting (3 inches or greater diameter-at-breast height, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
5. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds.
6. Operate equipment used to replace the bridge from the existing roadway.
7. Use minimum average 6-inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.

8. Do not use broken concrete as riprap.
9. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.
10. All excavated material must be properly spread or completely removed from the project site such that erosion and off-site sedimentation of the material is prevented.
11. Minimize the movement of resuspended bottom sediment from the immediate project area.
12. Do not deposit or allow construction/demolition materials or debris to fall or otherwise enter the waterway. Any incidental fallen material or debris in the waterway must be removed within 24 hours using best management practices, particularly lifting material out of the waterway and not dragging it across the streambed whenever possible.
13. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the waterbody or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
14. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
15. Protect the area around and below any concentrated discharge points, down to the waterway's normal flow level, with an appropriate structural armament such as riprap.
16. Do not excavate or place fill in any riparian wetland.

Contact Staff:

Our agency appreciates this opportunity to be of service. Please contact me at RVanVoorhis@dnr.IN.gov or (317) 232-8163 if we can be of further assistance.

Rachel Van Voorhis
Rachel Van Voorhis
Environmental Coordinator
Division of Fish and Wildlife

Date: January 26, 2024

From: [Diefenbaugh, Cedric \[NN-US\]](#)
To: [Collman, Ron - NRCS, Champaign, IL](#); [Allen, John - NRCS, Indianapolis, IN](#)
Subject: RE: [External Email] Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)
Date: Tuesday, January 17, 2023 10:37:00 AM
Attachments: [image001.png](#)

Good morning Ron,

Thank you for your response. We don't know for certain the ROW impacts yet, but that we expect very minimal ROW. We will submit the CPA-106 form, along with a ROW shapefile, when we have it.

Sincerely,

[Cedric Diefenbaugh](#)
Environmental Planner
101 W Ohio St, Suite 2121
Indianapolis, IN 46204

From: Collman, Ron - NRCS, Champaign, IL <ron.collman@usda.gov>
Sent: Thursday, January 12, 2023 8:40 AM
To: Allen, John - NRCS, Indianapolis, IN <john.allen@usda.gov>; Diefenbaugh, Cedric [NN-US] <Cedric.Diefenbaugh@parsons.com>
Subject: [EXTERNAL] RE: [External Email]Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

Good Morning Cedric,

Illinois generally requests a shapefile of the new ROW. We will take this, use the latest available census municipal boundary, subtract those areas that fall within that boundary, and determine the acreage of each map unit, its rating, and fill out the soils portion of the CPA-106. Illinois, then will send the form on to the Illinois Department of Agriculture, where the Site assessment portion will be filled out. The IDOA administers the state law part of the land evaluation and site assessment.

Ron

[Ron Collman \[nrqs.usda.gov\]](#)
[Illinois State Soil Scientist \[nrqs.usda.gov\]](#)
[IL NRCS Climate Liaison \[nrqs.usda.gov\]](#)
[eFOTG Committee \[nrqs.usda.gov\]](#)
[Soil Business Area Analysis Group \[nrqs.usda.gov\]](#)

From: Allen, John - NRCS, Indianapolis, IN <john.allen@usda.gov>
Sent: Thursday, January 12, 2023 5:51 AM
To: Cedric.Diefenbaugh@parsons.com
Cc: Collman, Ron - NRCS, Champaign, IL <ron.collman@usda.gov>
Subject: RE: [External Email]Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook

County, IL to I-65, Lake County, Indiana (IN)

Good Morning Cedric,

Since this project goes across 2 states, I am going to include my colleague, Ron Collman, in Illinois on this one. The Illinois portion is out of my jurisdiction to review, but I will need to have more detailed information on the amount of new permanent ROW that will be acquired on the Indiana side of this project in order to do a farmland impact review. Also for my Illinois colleague's benefit, how much new permanent ROW will be acquired on the Illinois side? I realize a lot of this area is surrounded by urban development, but it looks like there are some scattered farmland parcels left within the project area.

Thanks!

John

John Allen
State Soil Scientist
USDA-Natural Resources Conservation Service
6013 Lakeside Boulevard
Indianapolis, IN 46278

(317) 295-5859 (office)

(317) 670-1924 (cell)

e-mail: john.allen@usda.gov

[https://casoilresource.lawr.ucdavis.edu/gmap/\[gcc02.safelinks.protection.outlook.com\]](https://casoilresource.lawr.ucdavis.edu/gmap/[gcc02.safelinks.protection.outlook.com])

[Soil Explorer \[gcc02.safelinks.protection.outlook.com\]](#)

[Web Soil Survey \[websoilsurvey.sc.egov.usda.gov\]](#)

From: Cedric.Diefenbaugh@parsons.com <Cedric.Diefenbaugh@parsons.com>

Sent: Wednesday, January 11, 2023 5:48 PM

To: Cedric.Diefenbaugh@parsons.com

Subject: [External Email]Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

RE: I-80/94 FlexRoad Project

March 18, 2024

Cedric Diefenbaugh
101 West Ohio Street, Suite 2121
Indianapolis, Indiana 46204

Dear Mr. Diefenbaugh:

The proposed Interstate 80/94 Flex Road Project, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (Des. No. 1901643), as referred to in your letter received on January 11, 2024, will not cause a conversion of prime farmland.

If you need additional information, please contact John Allen at 317-295-5859 or john.allen@usda.gov.

Sincerely,

JOHN ALLEN

JOHN ALLEN
State Soil Scientist

Digitally signed by JOHN ALLEN
Date: 2024.03.18 15:08:48 -04'00'

From: [Michels, Stewart](#)
To: [Diefenbaugh, Cedric \[INN-US\]](#)
Subject: [EXTERNAL] RE: Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)
Date: Thursday, January 12, 2023 11:48:54 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)

Cedric,

Thank you for providing the early coordination letter for Des. 1901643 in Lake County, IN (& Cook County, IL) to the La Porte District – Environmental Services. We do not have any comment at this time. Thank you, again.

Best,

Stew

Stewart Michels

Environmental Manager Supervisor

315 East Boyd Boulevard

LaPorte, IN 46350

Office: (219) 325-7560

Cell: (219) 402-7315

Email: SMichels@indot.in.gov



[\[facebook.com\]](#)



[\[twitter.com\]](#)



[\[youtube.com\]](#)



[\[in.gov\]](#)

From: Cedric.Diefenbaugh@parsons.com <Cedric.Diefenbaugh@parsons.com>
Sent: Wednesday, January 11, 2023 4:48 PM
To: Cedric.Diefenbaugh@parsons.com
Subject: Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

RE: I-80/94 FlexRoad Project

Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

Good Afternoon,

Please see the attached early coordination letter for this project.

Thank you,

From: [Lewandowski, Tyler](#)
To: [Diefenbaugh, Cedric \[INN-US\]](#)
Subject: [EXTERNAL] RE: Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)
Date: Friday, January 13, 2023 8:05:11 AM
Attachments: [image002.png](#)
[image003.png](#)

Good morning,

After review, any structure or equipment over 150 feet in height may require a tall structure permit depending on the location. Please let our office know if you have any further questions.

Thank you,

Tyler Lewandowski
Project Manager
INDOT Office of Aviation
(317) 495-4875
tlewandowski@indot.in.gov
www.aviation.indot.in.gov [aviation.indot.in.gov]



[\[in.gov\]](#)

From: Cedric.Diefenbaugh@parsons.com <Cedric.Diefenbaugh@parsons.com>
Sent: Thursday, January 12, 2023 4:03 PM
To: Cedric.Diefenbaugh@parsons.com
Subject: Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

RE: I-80/94 FlexRoad Project
Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

Good Afternoon,

Please see the attached early coordination letter for this project.

Thank you,

Cedric Diefenbaugh
Environmental Planner

From: [Hall, Soren G CIV USARMY CELRC \(USA\)](#)
To: [Thomas, Amber](#)
Cc: [Diefenbaugh, Cedric \[NN-US\]](#)
Subject: [EXTERNAL] USACE Comments - LRC-2023-041 - Pre-App - Cook/Lake,IN - I-80 FlexRoad Project from I-394 to I-65 (1901643)
Date: Thursday, January 19, 2023 11:41:30 AM
Attachments: [image001.png](#)

INDOT Project:
Early Coordination Letter, Des. No. 1901643 et al.,
Interstate 80/94 (I-80/94) FlexRoad Project
Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

Good Morning,

Thank you for including our agency on the early coordination letter received January 11, 2023. It appears that aquatic resources may exist on the proposed project site. A jurisdictional determination and/or permit authorizing impacts to waters of the U.S. may be needed before proceeding with the project. If you have further questions, please contact our office for a pre-application meeting and reference project number LRC-2023-41.

Sincerely,

Soren G. Hall
Workflow Team Leader / Senior Project Manager
U.S. Army Corps of Engineers
Chicago District – Regulatory Branch
231 South LaSalle Street, 15th Floor
Chicago, Illinois 60604
Mobile: (312) 730-8839
<https://www.lrc.usace.army.mil/Missions/Regulatory/> [lrc.usace.army.mil]

From: Hall, Soren G CIV USARMY CELRC (USA) <Soren.G.Hall@usace.army.mil>
Sent: Friday, January 13, 2023 2:42 PM
To: athomas2@indot.in.gov
Cc: cedric.diefenbaugh@parsons.com; Hall, Soren G CIV USARMY CELRC (USA) <Soren.G.Hall@usace.army.mil>
Subject: USACE Request Assigned - LRC-2023-041 - Pre-App - Cook/Lake,IN - I-80 FlexRoad Project from I-394 to I-65 (1901643)

Good Afternoon,

Your request, file number LRC-2023-41 has been assigned. I will be your Project Manger. If additional information is requested during the review of your submittal, please email all documents directly to me.

The Regulatory Branch is committed to providing the highest level of Customer Service. We value

your comments and would appreciate you contacting our management team if you have any comments/concerns regarding our customer service. You can reach the Branch Chief at Teralyn.R.Murray@usace.army.mil or the Assistant Branch Chief at Kathy.G.Chernich@usace.army.mil.

Sincerely,

Soren G. Hall
Workflow Team Leader
U.S. Army Corps of Engineers
Chicago District – Regulatory Branch
231 South LaSalle Street, 15th Floor
Chicago, Illinois 60604
Mobile: (312) 730-8839
<https://www.lrc.usace.army.mil/Missions/Regulatory/> [lrc.usace.army.mil]

From: Cedric.Diefenbaugh@parsons.com <Cedric.Diefenbaugh@parsons.com>
Sent: Wednesday, January 11, 2023 4:48 PM
To: Cedric.Diefenbaugh@parsons.com
Subject: [URL Verdict: Neutral][Non-DoD Source] Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

RE: I-80/94 FlexRoad Project
Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

Good Afternoon,

Please see the attached early coordination letter for this project.

Thank you,

[Cedric Diefenbaugh](#)
[Environmental Planner](#)
101 West Ohio Street, Suite 2121 - Indianapolis, IN 46204
cedric.diefenbaugh@parsons.com
Mobile: 260.578.2797
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From: [Duane Alverson](#)
To: [Diefenbaugh, Cedric \[INN-US\]](#)
Subject: [EXTERNAL] Early Coordination Letter, Des. No. 1901643 et al., Interstate 80/94 (1-80/94) FlexRoad Project
Date: Friday, January 20, 2023 8:36:47 AM
Attachments: [image001.png](#)

Good Morning Cedric,

On behalf of Lake County Highway Department I would ask that we be kept informed of the project as it would relate to any construction overflow traffic using local routes involving Lake County maintained bridge structures and Ridge Road from Colfax Street to Grant Street.

Respectfully,

Duane A. Alverson, PE
Engineer



Lake County Highway Department
1100 East Monitor Street
Crown Point, IN 46307
Phone 219-663-0525
Fax 219-662-0497
alverda@lakecountyin.org

From: [Fire Chief](#)
To: [Diefenbaugh, Cedric \[INN-US\]](#)
Cc: [Thomas, Amber](#)
Subject: [EXTERNAL] INDOT work
Date: Friday, January 20, 2023 10:24:14 AM

The Hammond Fire Department has no objections to the work being done for project Des. No. 1901643. Please advise us of traffic pattern changes as this project progresses.

Fire Chief

Jeffery C. Smith
City of Hammond Fire Department
Office 219-853-6417
Firechief@gohammond.com

From: [Jill DiTommaso](#)
To: [Diefenbaugh, Cedric \[INN-US\]](#)
Subject: [EXTERNAL] RE: Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)
Date: Thursday, January 26, 2023 5:10:46 PM
Attachments: [image002.png](#)
[image003.png](#)

The Town of Munster has no comments in regard to the early coordination letter for Des No. 1901643.



Jill E. DiTommaso, PE
Deputy Town Manager

Phone 219-836-6907
Mobile 219-314-5063
1005 Ridge Road Munster, IN 46321

From: Cedric.Diefenbaugh@parsons.com <Cedric.Diefenbaugh@parsons.com>
Sent: Wednesday, January 11, 2023 4:48 PM
To: Cedric.Diefenbaugh@parsons.com
Subject: Early Coordination, Des. No. 1901643 et al, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

RE: I-80/94 FlexRoad Project
Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project, from Illinois (IL) 394, Cook County, IL to I-65, Lake County, Indiana (IN)

Good Afternoon,

Please see the attached early coordination letter for this project.

Thank you,

[Cedric Diefenbaugh](#)
[Environmental Planner](#)
101 West Ohio Street, Suite 2121 - Indianapolis, IN 46204
cedric.diefenbaugh@parsons.com
Mobile: 260.578.2797
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United States Department of the Interior Fish and Wildlife Service



Indiana Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

January 19, 2023

Mr. Cedric Diefenbaugh
Parsons
c/o Indiana Department of Transportation
100 North Senate Avenue, Room N758-ES
Indianapolis, Indiana 46304

Project No.: Des. 1901643 et al.
Project: Interstate 80/94 FlexRoad Project
Location: Cook County, Illinois and Lake County, Indiana

Dear Mr. Diefenbaugh:

This responds to your letter dated January 11, 2023, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy. This letter pertains only to the Indiana portion of the project; please contact the Chicago Field Office for comments on the Illinois section.

The proposed project consists of an investigation of a variety of traffic systems management and operations (TSMO) strategies to address traffic congestion along this 14-mile 8-lane major transportation route, which has been widened and improved several times since the original construction, including through the reconstruction of major interchanges. Strategies under consideration include improved signage, variable speed limits, dynamic lane control and shoulder lanes, queue warnings, event management, and ramp metering. It has also been determined that the Broadway and I-65 interchanges in Gary require reconfiguration to improve traffic flow and reduce collisions. Most of the work will occur within the existing right-of-way and pavement, although strips of additional permanent right-of-way may be required, particularly associated with the Broadway and I-65 interchanges.

The West Branch Little Calumet River (WBLCR) is south of and generally parallel to I-80/94 throughout much of its length in Indiana. The western portion of the river (Munster westward) flows west to the Calumet Sag Canal/Calumet River system in Illinois while the section east of Munster flows east to Burns Ditch, Burns Waterway, and Lake Michigan. The west-flowing river is bridged by the highway about 1,600 feet east of the State Line, while the eastern flowing river is crossed about 500 feet east of the Georgia Street overpass, between Broadway and I-65.

There are wetlands along much of the east-flowing section of the river, although they vary in distance from I-80/94 and are separated from the highway by the Federal levees of the U.S. Army Corps of Engineers Little Calumet River Flood Control and Recreation Project. Significant wetlands are present close to the highway at the Broadway and I-65 interchanges, and sections of the levees are also present. Possible impacts to these resources will need to be considered during the planning process. Mitigation will be needed for any unavoidable impacts to the wetlands.

It is imperative that no pollutants of any kind reach roadside ditches, wetlands, and the WBLCR due to this project, including petroleum products or other chemicals that might spill from the machinery/equipment being used. Emergency response equipment and spill containment materials must be maintained at the active work areas, and contained fueling and fuel storage areas need to be designated at least 150 feet away from any of the wetlands and waterways.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*); the candidate Monarch butterfly (*Danaus plexippus*) may also be present. As a candidate species, the Monarch butterfly is not afforded legal protection under the authorities of the Endangered Species Act and we have no specific comments/recommendations concerning this species at this time. If the Monarch is listed as either threatened or endangered prior to the construction of the project, it would need to be addressed in project planning. The impacts on the 2 bat species will be addressed through the Section 7 Range-wide Programmatic Consultation process.

These endangered species comments constitute informal consultation only. They do not fulfill the requirements of Section 7 of the Endangered Species Act of 1973, as amended.

We appreciate the opportunity to comment on this proposed project. For further discussion, please contact Elizabeth McCloskey at elizabeth_mccloskey@fws.gov.

Sincerely yours,

/s/ *Elizabeth S. McCloskey*

for Patrice Ashfield
Acting Supervisor

Sent via email January 19, 2023; no hard copy to follow.

cc: Shawn Cirton, USFWS, Chicago Field Office, Chicago, IL



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Indiana Ecological Services Field Office
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

In Reply Refer To:

10/27/2025 18:40:17 UTC

Project Code: 2024-0031407

Project Name: Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The purpose of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Act.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. You can complete this verification formally or informally or request an updated list by visiting the IPaC website at regular intervals during project planning and implementation.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at [Midwest Section 7 Technical Assistance | U.S. Fish & Wildlife Service](#). This website contains step-by-step instructions to help you determine if your project will have an adverse effect on listed species and to lead you through the Section 7 process.?

We appreciate your concern for threatened and endangered species. Federal agencies should include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Other Trust Resources and Activities?

Bald and Golden Eagles?- Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. It is the responsibility of the project proponent to survey the area for any migratory bird nests. If there is an eagle nest on-site while work is on-going, eagles may be disturbed. We recommend avoiding and minimizing disturbance to eagles whenever practicable. If you cannot avoid eagle disturbance, you may seek a [permit](#). A [nest take permit](#) is always required for removal, relocation, or obstruction of an eagle nest. For communication and wind energy projects, please refer to additional guidelines below.?

Migratory Birds?- The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.?

Communication Towers?- Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).?

Transmission Lines?- Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.?

Wind Energy?- To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

Note: IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Indiana Ecological Services Field Office

620 South Walker Street
Bloomington, IN 47403-2121
(812) 334-4261

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

Chicago Ecological Service Field Office

1511 47th Ave
Moline, IL 61265-7022
(309) 757-5800

PROJECT SUMMARY

Project Code: 2024-0031407
Project Name: Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project
Project Type: Road/Hwy - Maintenance/Modification
Project Description: The Indiana Department of Transportation (INDOT), in cooperation with the Illinois Department of Transportation (IDOT) and the Federal Highway Administration (FHWA), plans to proceed with the I-80/94 FlexRoad Project in Lake County, IN and Cook County, IL (Des. 1901643 et al.). The project traverses the communities of South Holland, Calumet City, and Lansing in Illinois and Munster, Hammond, Highland, Gary, and Lake Station in Indiana. Land use in the vicinity of the western portion of the project supports dense residential and commercial development, while the eastern portion of the project supports a mix of less dense residential development, undeveloped land, and large tracts of wetlands.

Within the project corridor, I-80/94 is a barrier-divided highway classified as an Interstate. There are four travel lanes in either direction with at least one auxiliary lane between all interchanges, which provides five lanes in each direction of the interstate throughout most of the project corridor. Existing inside and outside shoulders are variable, ranging from 10 to 14 feet wide. There are 10 interchanges, which include two system interchanges (I-294/I-94/IL394 and I-65) and eight service interchanges (Torrence Avenue, Calumet Avenue, Indianapolis Boulevard, Kennedy Avenue, Cline Avenue, Burr Street, Grant Street, and Broadway Avenue). Stormwater is mostly handled by roadside ditches and piped under the highway via slotted drains. Existing noise walls are located between I-80/94 and the dense residential development west of the SR 912 interchange. East of the SR 912 interchange is a mix of less dense residential development, undeveloped land, and large tracts of wetlands. There are only a few small areas of residential development along this section of the corridor that have noise barriers.

The recommended alternative will implement integrated active traffic management (ATM) and ITS solutions including improved signage, variable speed limits (VSL), dynamic lane control, dynamic shoulder lanes (DSL), queue warning, and ramp metering throughout the I-80/94 corridor. Some of the existing ITS devices will remain in place and other devices will be removed. The recommended alternative will restore the pavement from the Illinois/Indiana State line to the Cline Avenue interchange, modify the I-65 and Broadway interchanges with I-80/94, and install gantries. Drainage improvements will occur throughout the corridor as needed.

There is suitable summer habitat within the project action area along most

of the I-80/94 corridor. The Little Calumet River and Thorn Creek intersect the project area. No tree clearing is proposed.

Temporary lighting would be used during construction. Permanent lighting exists within the project area and no work on permanent lighting is proposed. Most of the work will occur within existing, previously disturbed right-of-way. This project will require 0.37 acre of permanent right-of-way (ROW) along the south side of the I-80/94 eastbound exist ramp to Broadway Avenue. No temporary ROW will be required for this project.

A review of the USFWS GIS database for the Indiana bat and northern long-eared bat (NLEB) roosting, hibernacula and capture site was conducted for Des No. 1901643 on December 28, 2023. There are no documented sites within a half mile the project area.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.5714818,-87.28888684208877,14z>



Counties: Illinois and Indiana

ENDANGERED SPECIES ACT SPECIES

There is a total of 11 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

REPTILES

NAME	STATUS
Eastern Massasauga (=rattlesnake) <i>Sistrurus catenatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2202	Threatened

INSECTS

NAME	STATUS
Hine's Emerald Dragonfly <i>Somatochlora hineana</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7877	Endangered
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Western Regal Fritillary <i>Argynnis idalia occidentalis</i> No critical habitat has been designated for this species.	Proposed Threatened

NAME	STATUS
Species profile: https://ecos.fws.gov/ecp/species/12017	

FLOWERING PLANTS

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened
Leafy Prairie-clover <i>Dalea foliosa</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5498	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

-
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<p>American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10561</p>	Breeds elsewhere
<p>Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626</p>	Breeds Oct 15 to Aug 31
<p>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399</p>	Breeds May 15 to Oct 10
<p>Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454</p>	Breeds May 20 to Jul 31
<p>Cerulean Warbler <i>Setophaga cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974</p>	Breeds Apr 21 to Jul 20
<p>Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406</p>	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
<p>Eastern Whip-poor-will <i>Antrastomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678</p>	Breeds May 1 to Aug 20
<p>Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680</p>	Breeds elsewhere
<p>Grasshopper Sparrow <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329</p>	Breeds Jun 1 to Aug 20
<p>Henslow's Sparrow <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941</p>	Breeds May 1 to Aug 31
<p>Hudsonian Godwit <i>Limosa haemastica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9482</p>	Breeds elsewhere
<p>Kentucky Warbler <i>Geothlypis formosa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9443</p>	Breeds Apr 20 to Aug 20
<p>King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936</p>	Breeds May 1 to Sep 5
<p>Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679</p>	Breeds elsewhere
<p>Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561</p>	Breeds elsewhere
<p>Prairie Loggerhead Shrike <i>Lanius ludovicianus excubitorides</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8833</p>	Breeds Feb 1 to Jul 31

NAME	BREEDING SEASON
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/10633	Breeds elsewhere
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Semipalmated Sandpiper <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9603	Breeds elsewhere
Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (-)

A week is marked as having no data if there were no survey events for that week.





Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>

- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER POND

- PABH

FRESHWATER FORESTED/SHRUB WETLAND

- PSS1C
- PSS1/EM1A
- PSS1/EM1C
- PFO1C
- PSS1/EM5C

FRESHWATER EMERGENT WETLAND

- PEM1C
- PEM5C
- PEM2F
- PEM1/5C

LAKE

- L2ABH

RIVERINE

- R2UBHx
- R2UBH
- R2UBFx

IPAC USER CONTACT INFORMATION

Agency: Federal Highway Administration
Name: Kaitlyn Etkorn
Address: 101 West Ohio Street, Suite 2121
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State: IN
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Phone: 3176164717

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Assistant Director-Ecological Services
1849 C Street Nw
Room 3345
Washington, DC 20240-0001
Phone: (202) 208-4646 Fax: (202) 208-5618

In Reply Refer To:

January 12, 2024

Project code: 2024-0031407

Project Name: Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project

Subject: Concurrence verification letter for the 'Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project' project under the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB).

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated January 12, 2024 to verify that the **Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project** (Proposed Action) may rely on the concurrence provided in the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures. **At least one of the qualification interview questions indicated an activity or portion of your project is consistent with a not likely to adversely affect determination therefore, the overall determination for your project is, may affect, and is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the endangered northern long-eared bat (*Myotis septentrionalis*).** Consultation with the Service pursuant to section 7(a)(2) of ESA (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required.

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed

Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities: If your initial bridge/culvert or structure assessment documented signs of bat use or occupancy, or an assessment failed to detect Indiana bats and/or NLEBs, yet are later detected prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office within 2 working days of any potential take. In these instances, potential incidental take of Indiana bats and/or NLEBs is covered under the Incidental Take Statement in the 2018 FHWA, FRA, FTA PBO (provided that the take is reported to the Service).

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge/culvert or structure assessments failed to detect Indiana bats and/or NLEB use or occupancy, yet bats are later detected prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office within 2 working days of the incident. In these instances, potential incidental take of Indiana bats and/or NLEBs may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

The following species may occur in your project area and **are not** covered by this determination:

- Eastern Massasauga (=rattlesnake) *Sistrurus catenatus* Threatened
- Eastern Prairie Fringed Orchid *Platanthera leucophaea* Threatened
- Hine's Emerald Dragonfly *Somatochlora hineana* Endangered
- Leafy Prairie-clover *Dalea foliosa* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Rufa Red Knot *Calidris canutus rufa* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

Des. No. 1901643 et al., Interstate 80/94 (I-80/94) FlexRoad Project

DESCRIPTION

The Indiana Department of Transportation (INDOT), in cooperation with the Illinois Department of Transportation (IDOT) and the Federal Highway Administration (FHWA), plans to proceed with the I-80/94 FlexRoad Project in Lake County, IN and Cook County, IL (Des. 1901643 et al.). The project traverses the communities of South Holland, Calumet City, and Lansing in Illinois and Munster, Hammond, Highland, Gary, and Lake Station in Indiana. Land use in the vicinity of the western portion of the project supports dense residential and commercial development, while the eastern portion of the project supports a mix of less dense residential development, undeveloped land, and large tracts of wetlands.

Within the project corridor, I-80/94 is a barrier-divided highway classified as an Interstate. There are four travel lanes in either direction with at least one auxiliary lane between all interchanges, which provides five lanes in each direction of the interstate throughout most of the project corridor. Existing inside and outside shoulders are variable, ranging from 10 to 14 feet wide. There are 10 interchanges, which include two system interchanges (I-294/I-94/IL394 and I-65) and eight service interchanges (Torrence Avenue, Calumet Avenue, Indianapolis Boulevard, Kennedy Avenue, Cline Avenue, Burr Street, Grant Street, and Broadway Avenue). Stormwater is mostly handled by roadside ditches and piped under the highway via slotted drains. Existing noise walls are located between I-80/94 and the dense residential development west of the SR 912 interchange. East of the SR 912 interchange is a mix of less dense residential development, undeveloped land, and large tracts of wetlands. There are only a few small areas of residential development along this section of the corridor that have noise barriers.

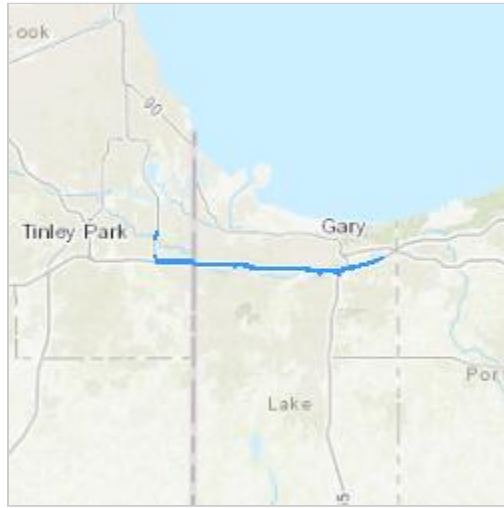
The recommended alternative will implement integrated active traffic management (ATM) and ITS solutions including improved signage, variable speed limits (VSL), dynamic lane control, dynamic shoulder lanes (DSL), queue warning, and ramp metering throughout the I-80/94 corridor. Some of the existing ITS devices will remain in place and other devices will be removed. The recommended alternative will restore the pavement from the Illinois/Indiana State line to the Cline Avenue interchange, modify the I-65 and Broadway interchanges with I-80/94, and install gantries. Drainage improvements will occur throughout the corridor as needed.

There is suitable summer habitat within the project action area along most of the I-80/94 corridor. The Little Calumet River and Thorn Creek intersect the project area. No tree clearing is proposed.

Temporary lighting would be used during construction. Permanent lighting exists within the project area and no work on permanent lighting is proposed. Most of the work will occur within existing, previously disturbed right-of-way. This project will occur within existing right-of-way (ROW). No permanent or temporary ROW will be required for this project.

A review of the USFWS GIS database for the Indiana bat and northern long-eared bat (NLEB) roosting, hibernacula and capture site was conducted for Des No. 1901643 on December 28, 2023. There are no documented sites within a half mile the project area.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.5714818,-87.28888684208877,14z>



DETERMINATION KEY RESULT

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the endangered northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

QUALIFICATION INTERVIEW

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the northern long-eared bat^[1]?

[1] See [northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) *Federal Highway Administration (FHWA)*

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [User's Guide for the Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

No

10. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

11. Does the project include activities **within documented Indiana bat habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

12. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

14. Does the project include slash pile burning?

No

15. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

No

16. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

17. Will the project involve the use of **temporary** lighting *during* the active season?

Yes

18. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **temporary** lighting will be used?

Yes

19. Will the project install new or replace existing **permanent** lighting?
No

20. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?
No

21. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

22. Will the project raise the road profile **above the tree canopy**?
No

23. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

24. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

25. **Lighting AMM 1**

Will *all* **temporary** lighting be directed away from suitable habitat during the active season?

Yes

PROJECT QUESTIONNAIRE

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

Yes

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

No

AVOIDANCE AND MINIMIZATION MEASURES (AMMS)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

This key was last updated in IPaC on October 30, 2023. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the endangered **northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion \(dated March 23, 2023\) for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

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LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration

turtles require large wetland complexes as well as suitable uplands to support nesting. There is no suitable habitat within the project limits; therefore, the project will not adversely impact the Blanding's turtle. The Database contains record of Kalm's St. Johnswort within the Volbretch Woods NP adjacent to the project limits, and another approximately 0.2 mile south of the project. Kalm's St. Johnswort is endemic to the Great Lakes Region. Habitats include interdunal swales, borders of small sandy ponds, moist to wet sandy meadows, and moist sand flats (pannes), none of which are located within the project limits; therefore, the project will not adversely impact Kalm's St. Johnswort. The database also contains a record of state and federally endangered Northern long-eared bat (NLEB) approximately 1.3 miles south of the project. In order to avoid adverse impacts to NLEB, tree removal will be seasonally restricted. **Trees three (3) inches in diameter at breast height shall not be cleared from April 1st through October 31st of any given year.** See the *Review for Endangered Species Act - Section 7*, below, for additional information for this species. The Database contains record of Eastern Massasauga 0.6 mile south of the project limits. The Eastern Massasauga requires shallow wetlands, wet prairies, bogs, and old fields. The snake may be found taking shelter in crayfish burrows or other underground cavities. There is no suitable habitat within the project limits; therefore, the project will not adversely impact the Eastern Massasauga. The Database contains no additional records of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project.

An EcoCat was submitted to IDNR on April 30, 2024. IDNR provided a response dated May 1, 2024. IDNR concurred that adverse effects to natural resources are unlikely and concurred with the above commitment. IDOT will maintain a copy of the letter in the project folder. **Therefore, consultation under Part 1075 is terminated.**

This review for compliance with 17 Ill. Adm. Code Part 1075 is valid for two years unless new information becomes available that was not previously considered; the proposed improvement is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the proposed improvement has not been implemented within two years of the date of this memorandum, or any of the above listed conditions develop, a new review will be necessary.

Review for Illinois Interagency Wetland Policy Act – Part 1090

A survey for wetlands was conducted within the Environmental Survey Request limits for the proposed improvements. There are six (6) wetland sites and one (1) other surface waters (OSW) site (Little Calumet River) located within the ESR limits. None of the delineated wetlands had an FQI or mean c-value greater than or equal to 20.0 or 4.0 respectively, thus no high-quality wetlands were identified.

According to the WIE, there will be no impacts to wetlands. There is no in-stream work planned as part of this project. IDOT will maintain a copy of the Wetland Delineation Report and Wetland Impact Evaluation documentation in the project folder. **Therefore, our review for compliance under Part 1090 is terminated.**

Review for Endangered Species Act - Section 7

In fulfillment of their obligation under Section 7(a)2 of the Endangered Species Act, INDOT, acting on behalf of FHWA, performed a review including use of the US Fish and Wildlife Service's Information for Planning and Conservation (IPaC) web-based review tool. Through IPaC, an official species list was generated and a copy will be maintained in the IDOT project folder. The list contains the endangered, threatened, proposed and candidate species and proposed and designated critical habitat that may be present within or in the vicinity of the proposed

improvement. The following species are listed in Cook County, IL and Lake County, IN: Indiana Bat, Northern long-eared bat (NLEB), Tricolored bat, Rufa red knot, Whooping crane (experimental population, non-essential), Eastern massasauga, Hine's emerald dragonfly, Eastern prairie fringed orchid (EPFO), and Leafy prairie-clover. There is no Critical Habitat in the project vicinity. **Under 50 CFR 402.12(e), the accuracy of the species list is limited to 90 days.**

There will be no trees removed as a result of this project. Land use in the project area is urban. There is a single record of NLEB approximately 1.3 miles south of the project area. There are no records of maternity roost trees, maternity colonies, or hibernacula within the project limits.

INDOT used the Determination Key available in IPaC to determine applicability of the project with the USFWS revised programmatic biological opinion for transportation projects and to assess what effect the project would have on Ibat and NLEB. They completed an IPaC qualification interview and determined that the project is within the scope of the programmatic biological opinion and is **not likely to adversely affect** the Ibat or NLEB provided the following conservation measures are implemented:

- **Trees three (3) inches in diameter at breast height shall not be cleared from April 1st through October 31st of any given year.**
- **Should the project require temporary or permanent lighting, all lighting shall be installed in accordance with Federal Highway Administration Guide for bats which recommends that lighting does not increase illumination above ambient conditions and that incorporates full cut off, downward facing lights directed away from forested areas.**

At this time, the Tricolored bat is proposed for listing as federally endangered. The species habitat requirements are similar to NLEB and Ibat. They often roost in trees during the summer active season and hibernate in caves or mines during the wintertime period. Once the USFWS issues their final ruling on whether or not to list the Tricolored bat as federally endangered, there may be additional consultation needed for those projects that have not been completed by the effective date.

Should the proposed improvement be modified, or new information indicate listed or proposed species may be affected, consultation or additional coordination should be initiated.

KK



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Natalie Phelps Finnie, Director

May 01, 2024

Kara Knuffman
Illinois Natural History Survey
1816 S. Oak St
Champaign, IL 61821

RE: 23943A
Project Number(s): 2414031
County: Cook

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

Additionally, the Department concurs with the commitments provided in the IDOT Natural Resources Review dated April 30, 2024, and has determined adverse impacts to the Wampum Lake Nature Preserve, Blanding's Turtle, Eastern Massasauga, Northern Long-eared Bats are unlikely.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Bradley Hayes
Division of Ecosystems and Environment
217-785-5500