



Date:	Monday, September 21, 2020
Project:	Double Track Northwest Indiana (DT-NWI) Project
To:	Susan Weber, FTA Elizabeth Breiseth, FTA
From:	Nicole Barker, Project Manager, Northern Indiana Commuter Transportation District Janice Reid, Project Manager, HDR
Subject:	DT-NWI Environmental Re-Evaluation

I. INTRODUCTION

The Federal Transit Administration (FTA) published the Double Track Northwest Indiana (DT-NWI) Project Environmental Assessment (EA) on September 18, 2017 and the Finding of No Significant Impact (FONSI) on November 1, 2018. Since that time, design has progressed to the 90% level. This memo provides a summary of changes that have occurred. The 90% design was available in August 2020 and showed no material changes from the 60% design modifications outlined in this re-evaluation memo.

In general, proposed changes and modifications are due to further stakeholder coordination with agencies, municipalities, and residents, as well as design engineering refinement and progression.

This Environmental Re-evaluation (Re-evaluation) analyzes the impacts of these design changes against the impacts and mitigation identified in the DT-NWI FONSI (November 2018) to determine whether FTA’s decision issued in the FONSI remains valid. This Re-evaluation was completed in accordance with the National Environmental Policy Act (NEPA) requirements 23 CFR 771.129 (August 2019) as well as FTA Standard Operating Procedure Number 17 (March 2019).

The Re-evaluation considered impacts to each resource area reviewed in the FONSI. Since the changes are scattered across the 26-mile corridor, a single study area map is not included. Rather, changes are indicated on select sheets of the EA/FONSI Mapbook in Appendix A. A summary table of the changes and resultant impacts is included as Table 1. Based on this analysis, NICTD seeks concurrence from FTA that the Project with the proposed changes will not result in significant impacts to the environment, and thus, the findings and mitigation identified in the FONSI remain valid.

II. PROPOSED CHANGES TO DT-NWI

The following changes are proposed to the DT-NWI project and are the subject of this Environmental Re-Evaluation. More information is provided in Section III. Table 1 shows the impacts from the proposed changes along with new corresponding mitigation, as appropriate. Few of the resource categories experienced change, and none of the impacts will result in significant impacts that would warrant a change from the FONSI conclusion.

A. PROPOSED MODIFICATIONS WITHIN THE ENVIRONMENTAL SURVEY BOUNDARY

1. Portage/Ogden Dunes Station platform change
2. Miscellaneous real estate changes (i.e. temporary to permanent easement; addition or subtraction of parcels; identification of additional temporary construction easements)
3. Change in wetland mitigation strategy
4. Use of NICTD's Pines Yard for storage/laydown and access to mainline
5. Temporary closure of Calumet Trail at SR 49
6. Summary of design changes for the 11th Street Station

B. PROPOSED MODIFICATIONS THAT CHANGE THE ENVIRONMENTAL SURVEY BOUNDARY

1. Gary/Miller Station parking configuration
2. Ogden Dunes Station parking lot location
3. Mineral Springs Road and Central Avenue grading work
4. Changes to culvert design and/or construction method

TABLE 1: SUMMARY OF CHANGES BY RESOURCE CATEGORY SINCE FONSI

Resource	Did EA & FONSI Identify an Impact?	Do the Proposed Modifications Change the Impacts to this Resource? If yes, how?	Do the Proposed Modifications Change the Mitigation?	Do the Proposed Modifications Change the FONSI?
Transportation	Yes	<p>Yes – some weekend South Shore Line (SSL) service interruptions during culvert installation and track cutovers.</p> <p>Yes – Additional temporary impacts to traffic on U.S. 12 during track, crossing and culvert construction.</p> <p>Yes – Further design requires 2 week closure of a section of Calumet Trail; trail cannot remain open due to safety reasons. This change is also analyzed under “Section 4(f) Resources.</p>	<p>Yes - NICTD will provide sufficient notice to the public and riders, and will provide busing during these times.</p> <p>No - Coordination with INDOT and local highway jurisdictions was already identified. MOT plans for the additional impacts have been developed as part of the 90% plans.</p> <p>Yes - NICTD has coordinated with the Officials with Jurisdiction (NIPSCO and Porter County) and will provide advance notice to them and trail users.</p>	No change
Land Acquisition/Displacement				
<ul style="list-style-type: none"> Permanent Acquisition, including easement 	Yes 155	<p>Yes. Further design indicated the need for additional permanent easements that could not be avoided.</p> <p>New total = 160* Net change is +5</p>	No	No change

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<ul style="list-style-type: none"> Temporary easement 	Yes 41	Yes. Further design indicated the need for temporary access easements during construction. New total = 86* Net change is +45	No	No change. All such easements are temporary and will be restored to original condition after construction, as applicable.
Land Use and Economic Development	No	No	N/A	No change
Neighborhoods, Communities and Businesses	Yes	No	N/A	No change
Historic, Archaeological and Cultural Resources (Section 106)	Yes	No	N/A	No change
Visual and Aesthetics	Yes	No	N/A	No change
Noise	Yes	No	N/A	No change
Vibration	Yes	No	N/A	No change
Hazardous/Regulated Materials	No	No	N/A	No change
Biological Resources (ac)	Yes 28	No	N/A	No change

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Wetlands – Permanent Impacts (ac)	Yes 4.75	Yes. Design refinements indicated a slight increase in the amount of wetland impacts that could not be avoided. New total= 4.86** (+0.11)	Yes. Total mitigation required is 14.58 acres. All mitigation will occur through Indiana DNR In Lieu Fee Indiana Stream and Wetland Mitigation Program. **	No change
Wetlands – Temporary Impacts (ac)	Yes 0.98	Yes. Construction access plans indicated a slight increase in the amount of wetland impacts that could not be avoided during construction. New total= 1.28** (+0.3)	No. All such impacts are temporary and will be restored to original condition after construction, as applicable	
Stream Impacts (linear feet)	Yes 1,117	Yes. Stream impacts are now limited to the length of encapsulation. New total= 82** (-1,035)	No	
Section 6(f) Resources	No	No	N/A	No change
Environmental Justice	No	No	N/A	No change
Safety and Security	No	No	N/A	No change
Indirect and Cumulative Impacts	No	No	N/A	No change
Air Quality	No	No	N/A	No change
Farmland	No	No	N/A	No change

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Energy	No	No	N/A	No change
Navigable Waters	No	No	N/A	No change
Coastal Zone Management	No	No	N/A	No change
Geology, Soils and Karst	No	No	N/A	No change
Section 4(f) Resources	Yes	<p>No</p> <p>Calumet Trail: Further design requires 2 week closure of a section of Calumet Trail; trail cannot remain open due to safety reasons</p> <p>Indiana Dunes National Park: Two modifications to the project require the temporary occupancy of the park property. These both meet the conditions of 23 CFR § 774.13(d) that qualify it for a Section 4(f) exception.</p>	<p>Yes. NICTD has coordinated with the Officials with Jurisdiction (NIPSCO and Porter County) and will provide advance notice to trail users.</p> <p>No. Contract specifications will require that the Contractor stake out the park property prior to construction.</p>	No change

*Information from Real Estate Acquisition Management Plan, (09/11/2020)

**Information from Section 404/401 Permit Application (6/30/20)

III. PROPOSED MODIFICATIONS TO THE DT-NWI PROJECT WITHIN THE ENVIRONMENTAL SURVEY BOUNDARY

The following modifications occur within the previously identified Environmental Survey Boundary that was used to calculate and assess impacts in the EA/FONSI.

1. PORTAGE/OGDEN DUNES STATION PLATFORM CHANGE

In the EA/FONSI, NICTD included two new high-level platforms and two new gauntlet tracks at the Portage/Ogden Dunes Station. The plan for the northernmost high-level platform and gauntlet track required the reconstruction of a portion of the existing parking lot. In an effort to reduce overall project costs, NICTD decided to keep the existing, low-level northern platform. As a result, the associated proposed gauntlet track is not needed, and the parking lot does not need to be reconstructed. From an operational perspective, NICTD intends to use the proposed southern high-level platform for bi-directional operations and will use the low-level platform only as necessary. This change is not anticipated to affect operations, as freight and passenger trains can switch tracks both east and west of the station. Both platforms will be ADA compliant. The existing low-level platform currently has mini-high ADA lifts, which will remain in place. The Environmental Survey Boundary does not change. See mapbook sheet 19 (Appendix A). No changes to the FONSI are required.

2. MISCELLANEOUS REAL ESTATE CHANGES

As design has progressed, changes to real estate needs have been identified. These changes include new alley vacations, new easements (both permanent and temporary), new partial acquisitions, new full acquisitions, improvements to access road entrances, and removal of parcels from the acquisition list that are no longer needed. The adjusted land acquisition totals are reflected in Table 1. No changes to the FONSI are required.

- a) **U.S. Steel Parcel, located in Gary, east of milepost (MP) 57.** Change from temporary construction easement to permanent acquisition, as NICTD would like to have this access directly from U.S. 12 to its Maintenance of Way facility. See mapbook sheets 4-5 (Appendix A).
- b) **Various Michigan City – 10th Street/Willard Street.** Temporary easements are required to provide residential driveway access (two separate parcels). These areas were all included in the environmental survey boundary, but were not previously identified as required easements. See mapbook sheet 56 (Appendix A).
- c) **Various Michigan City – 11th Street Temporary Easements.** Several temporary easements are needed for construction of the sidewalks north and south of 11th Street, and to maintain access to properties where cul-de-sacs are proposed. Although these areas were all included within the environmental survey boundary, the preliminary design did not indicate a need for any easements. As design progressed, it became apparent that temporary easements would be needed to construct the Project. See mapbook sheets 57-58 (Appendix A).
- d) **Pine Street Easement in Michigan City.** NICTD secured a permanent easement from Michigan City for the Pine Street right-of-way between 11th Street and 10th Street needed for the Michigan City Station/Parking Garage. Although this roadway was included within the environmental survey boundary, the preliminary design did not indicate a need for any easements. As design progressed, it became apparent that a permanent easement would be needed to maintain access to the station and parking garage. See mapbook sheet 58 (Appendix A). NICTD will use approximately 20' of the

right-of-way for the base of the structure itself. The remainder of Pine Street will be used for roadway ingress/egress from the garage.

- e) **INDOT.** As design has progressed, some previously unidentified permanent easements and temporary construction easements on INDOT roadways have been indicated. NICTD has been working with INDOT to identify which parcels require easements, and others which only require a permit for construction. Traffic on U.S. 12 will be temporarily affected during track, crossing and culvert construction. All of these issues are being coordinated with INDOT through monthly meetings and correspondence. Maintenance and protection of traffic plans have been coordinated with INDOT and included in the 90% plans.

3. CHANGE TO WETLAND MITIGATION STRATEGY

In the EA/FONSI, NICTD stated it would work with the National Park Service (NPS) to conduct wetland mitigation at the Indiana Dunes National Park (Park)¹. Despite three years of effort to find a suitable site, no site within the Park was deemed appropriate by the NPS or the U.S. Army Corps of Engineers (USACE) that would fulfill NICTD's credit requirements. NICTD notified the NPS that the Project would instead use the State of Indiana's In-Lieu Fee Wetland Mitigation Program. NPS and partners, the USACE, and IDEM have indicated they are comfortable with this decision. This mitigation strategy is included in the Section 404/401 permit application. No changes to the FONSI are required.

4. USE OF NICTD'S PINES YARD DURING CONSTRUCTION

NICTD owns vacant, previously disturbed property adjacent to the track called Pines Yard. Per NICTD's Facilities Master Plan (2019), this property was one of two remaining properties along the existing SSL that have the potential to be used to relieve the current NICTD Michigan City yard of its many constraints by providing the opportunity to relocate some operational functions off site. It is currently being used for the storage of working materials. The property is located between U.S. 12 and the tracks, east of Central Avenue near the Town of Pines (see mapbook sheet 52, Appendix A). NICTD began acquisition of this property in 2014, ultimately acquiring it in 2017. NICTD used only local funds to acquire this property.

NICTD intends to offer this property to the construction contractor as a potential area for laydown/storage, and loading equipment and construction materials onto the tracks for transport to the construction site. Using its own funds, NICTD's force workers can build a short connection track from this property to the mainline for the contractor's use. None of these activities require excavation, and the vacant property yields no resources that could be impacted. Construction access to the site would be from the side road and would be temporary. As NICTD already owns this property and there are no resources present, there are no changes that would introduce a significant impact. No changes to the FONSI are required.

5. TEMPORARY CLOSURE OF CALUMET TRAIL AT SR 49

As proposed in the EA/FONSI, the portion of the trail under the SR 49 Bridge near Dune Park Station would be relocated to allow for construction of the second track. The FONSI indicated that the trail

¹ The Indiana Dunes National Lakeshore was officially granted National Park status after completion of the EA. The new name is the Indiana Dunes National Park.

would not be closed during construction. FTA found this to be a use under Section 4(f) with a *de minimis* impact and the Officials with Jurisdiction (OWJs) – NIPSCO and Porter County – approved the plan. As design progressed, NICTD determined that they cannot safely allow the small portion of the path under the SR 49 Bridge to remain open during the entire construction period. The project now requires that the trail be closed in this location for up to two weeks.

NIPSCO indicated that they agree with this change, but requested that NICTD notify them and the general public at least 30 days prior to the closure. Further, the public notification and signage plan must be coordinated with NIPSCO and Porter County Parks. NICTD accepts these conditions.

The Porter County Department of Development and Stormwater Management also indicated that they agree with this change but requested that NICTD notify those 30 days prior to construction to allow the County to post notification of the closure on the trail, and also to post on the County's website and social media pages. NICTD accepts these conditions.

Correspondence from NIPSCO and Porter County is located in **Appendix D – Other Correspondence**. With this correspondence, FTA's Section 4(f) *de minimis* finding still applies. This change introduces additional mitigation in the form of public outreach related to the trail closure; however, no changes to the FONSI are required.

6. MICHIGAN CITY-11TH STREET STATION MODIFICATIONS

The Michigan City-11th Street SSL Station is listed on the National Register of Historic Places and is also a contributing resource to the Franklin Street Commercial Historic District. In the EA/FONSI it was documented that the Project would adversely affect the Station and the District under Section 106 of the National Historic Preservation Act. The stipulations of the Memorandum of Agreement (MOA) between the FTA, Indiana SHPO and NICTD require that NICTD preserve the facade of the SSL Station as part of the new mixed-use structure to serve as the entrance to the new station; and, because this structure would be located in a historic district, the proposed design would also be subject to the Michigan City Historic Review Board design review process which would ensure that the design is compatible with the existing historic district. The mechanism that the City's Historic Review Board uses to approve the design is to issue a Certificate of Appropriateness (COA) prior to demolition.

The mixed use structure is intended to house the station waiting room, retail establishments, and a parking garage that would serve commuters and customers. NICTD first presented a proposed rendering of the 60% design of the structure to the City's Historic Review Board in May 2020. The Board did not favor the contemporary interpretation of the standards inherent in that design. In rejecting that design, the board identified a variety of elements considered to not adhere to the Historic District Guidelines, including color, proportions of windows, horizontal massing of the design, banners and continuity of the metal awning. NICTD decided at that time to take the design in a different direction rather than trying to make many refinements to the previous design.

On July 27, 2020, NICTD presented a new design to the Board that more closely reflects the historic colors and proportions of the Historic District. NICTD's new design complements the historic character of the District and honors the historic terracotta façade while being sensitive to nearby residential contributing properties, and without mimicking past forms. See Figures 1 and 2 for renderings based on the 90% design. The Board approved the new design and will issue the Certificate of Appropriateness upon receipt and final review of the 90% plans. No changes to the FONSI are required.

Figures 1 and 2: Michigan City-11th Street Station Renderings



IV. PROPOSED MODIFICATIONS TO THE DT-NWI PROJECT THAT CHANGE THE ENVIRONMENTAL SURVEY BOUNDARY

1. GARY/MILLER STATION PARKING

As proposed in the EA/FONSI, the Gary/Miller Station parking would be located east and west of Lake Street. Though these elements have not changed, as design has progressed, NICTD has decided to incorporate some green infrastructure elements recommended by USEPA by using infiltration strips in both parking areas for drainage; this eliminates the need for detention in the proposed west lot. The east parking lot has been reconfigured to remove one proposed property acquisition next to the McDonald's restaurant, and instead request the vacation of the unused Henry Street right-of-way

owned by the City of Gary, immediately to the east of the proposed lot. The Environmental Survey Boundary changes slightly (approximately 30') to include this unused road between the tracks and U.S. 20. See mapbook sheets 8-9 (Appendix A). There are no structures or any environmental features associated with this roadway and it is not currently open to traffic. The City of Gary has agreed to formally vacate and transfer the Henry Street right-of-way to NICTD. This will also be documented in the Memorandum of Agreement between NICTD and Gary currently being drafted.

The west parking lot was proposed to be built over the Gary Sanitary District's (GSD) existing 54" wastewater main. As design has progressed and through discussions with GSD, NICTD has determined that the DT-NWI project requires that the wastewater main be relocated. The wastewater main would be relocated within the lot, along its southern perimeter where it borders U.S. 20. This will address the utility conflict. Since it will be located within the limits of the proposed parking lot, no additional ground disturbance and excavation is required to build it. The work occurs within the original construction footprint, Environmental Survey Boundary, and Section 106 Area of Potential Effect; therefore, NICTD concludes that no additional resources or impacts have been identified. No changes to the FONSI are required.

2. PORTAGE/OGDEN DUNES PARKING

During the NEPA public comment period, there was substantial feedback from Ogden Dunes' residents and the Town of Ogden Dunes focused on safety and traffic concerns at the proposed parking lot west of Hillcrest Road (shown as "Lot 3" in the EA). In response, NICTD searched for an alternative to provide the necessary parking spaces and identified six individual parcels owned by two landowners that are adjacent to the previously proposed parking lot south of U.S. 12. The parcels are located in the City of Portage and the Town of Ogden Dunes. See mapbook sheets 18 and 19 (Appendix A). The total number of spaces required at this station in the Opening Day and 2040 is 556. With the proposed parking lot change, the station will yield 561 spaces.

NICTD coordinated with the City of Portage and the Town of Ogden Dunes on the design concept for the entire parking area south of U.S. 12 in spring 2020. The City of Portage requested that NICTD's design maintain the area's existing dune topography and tree line, to the extent possible, to provide for a landscaped buffer. NICTD was able to accommodate these requests, and also eliminate the need for detention through use of infiltration strips.

In addition to the parking, the City desires to widen Stagecoach Road for future traffic, as well as a bike path. The roadway and bike path improvements were identified in the *Portage Northside Master Plan – Porter Gateway Sub-Area Plan: Transit-oriented Development Area*; however, NICTD's analysis shows that these improvements are not required to support the proposed NICTD parking lot. NICTD's field evaluation footprint included the roadway widening and bike path, should the City decide to implement them on their own. The cumulative and indirect impacts of the roadway widening and bike path were evaluated in the EA.

The full NEPA evaluation of the Ogden Dunes parking and Stagecoach Road is included as Appendix B of this Re-evaluation. The NEPA evaluation includes a wetland report, cultural resources report, Phase I Environmental Site Assessment (ESA), and a Traffic Analysis Memo. The Phase I ESA recommended that a Phase II ESA be completed for these parcels due to possible releases from the adjacent gas station and the NIPSCO substation. NICTD will perform this study.

In summary, the change in parking results in an increase to the number of total property acquisitions and relocations; and the recommendation to perform a Phase II ESA. Neither of these changes will result in significant changes to environmental resources. No changes to the FONSI are required.

3. MINERAL SPRINGS ROAD AND CENTRAL AVENUE GRADING CHANGES

At the Mineral Springs Road and Central Avenue crossings in Porter County, the roadway profile north of the track will be modified to meet the new elevation of the track crossings. This also triggers minor grade changes to the Calumet Trail, just north of the crossings. This work was included in the 30% design and EA/FONSI (see sheets 32 and 52 of Appendix A, respectively); however, the temporary construction limits extend slightly further to the north into the very southern edge of the Indiana Dunes National Park (formerly known as the Indiana Dunes National Lakeshore) that is adjacent to these roadways. A Special Use permit from NPS will be required to perform work within park boundaries. The permit precludes the necessity of a temporary easement. NICTD will coordinate with NPS to obtain this permit and adhere to all stipulations of the permit.

Both the Calumet Trail and the Indiana Dunes National Park are considered Section 4(f) resources. The impacts to the Calumet Trail in this location remain the same as in the EA/FONSI; however, the proposed grading work requires temporary occupancy within the boundaries of the Indiana Dunes National Park. This project modification falls under the Section 4(f) temporary occupancy exception as codified at 23 CFR § 774.13(d). The following conditions must be satisfied to meet this exception:

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

The NPS, as the OWJ, has stated in writing that the project changes meet these conditions (see Appendix C-1); therefore the proposed modifications to the project, in this case grading, meet all of the criteria stated above. No changes to the FONSI are required.

4. CHANGES TO CULVERT DESIGN AND/OR CONSTRUCTION METHOD

The EA/FONSI identify the wetland mitigation plan that was to occur within the Indiana Dunes National Park. The mitigation plan was developed in concert with the 30% drainage design, and included improvements and extensions to many of the culverts under the tracks to improve drainage, stream flow, and flooding issues. This mitigation plan was developed through collaboration between NICTD, NPS, USACE and IDNR and was expected to evolve as design progressed.

However, as indicated in Section IV.3 of this Re-Evaluation, this wetland mitigation strategy is no longer a viable solution, as a suitable site for NICTD's needs could not be found within the Indiana Dunes National Park. The culvert extensions and improvements, however, must still be constructed to facilitate drainage and stream flow under the tracks.

During the Preliminary (30%) Design Phase, and as represented in the EA/FONSI, nearly all the small culvert replacements and/or extensions were envisioned to be installed by "jack and bore" method. This method was chosen at the time because it has minimal impacts to rail operations. NICTD estimated the Environmental Survey Boundary in the EA/FONSI based on the 30% design and the assumed jack and bore construction method. NEPA resources were reviewed and impacts were identified. For Section 4(f) resources, the FTA determined that, in accordance with 23 CFR § 774.113(g), "the proposed Project would result in **no use** of the Indiana Dunes National Lakeshore (*sic Park*) as no permanent incorporation, temporary occupancy, or constructive use would result from the scope of work for this resource."² Coordination with NPS was documented in the EA.

As design progressed, NICTD investigated different construction methods. Trenchless installation methods (e.g. jack and bore) are typically more expensive than traditional open trench methods, and often can have more impacts to adjacent areas. Therefore, NICTD has decided that the South Shore Line track can be temporarily removed from service in order to install the culverts by the open trench method. With this new method, the small crossing culverts were slightly relocated from where they were planned at the 30% design to better align with the existing culvert and stream alignment. This reduces the amount of ditch grading required to align the streams/ditches into the crossing culverts.

Each culvert is assumed to need riprap to provide erosion and sediment control as the water enters and leaves the culverts. The amount of riprap was calculated in accordance with the US Department of Transportation Federal Highway Administration (FHWA) Hydraulic Engineering Circular No. 14 titled "*Hydraulic Design of Energy Dissipaters for Culverts and Channels.*" Flow rates using the 100-year return period were estimated from the 30% design drainage planning document.

NICTD continues coordination with NPS during final engineering to minimize stream impacts as well as temporary occupancy of the National Park. North of the tracks, the culvert improvements would be mostly on NIPSCO property. NICTD has been and will continue coordination with NIPSCO. In addition to the culverts and riprap protection, some grading will be required around the culverts and areas that will need to be used for construction. General grading limits will be within approximately 20 feet of the edge of the riprap. This work will be temporary in order to complete construction and align the ditch flow into the culverts. Lastly, it is anticipated that construction limits along the ditches parallel to the track will be modified to intersect the construction limits of the culverts.

No permanent structures associated with the culverts (such as wing walls) will be placed on National Park property. The 90% contract plans also include a requirement for the Contractor to stake out and fence the Park boundary.

² US Department of Transportation Federal Transit Administration and Northern Indiana Commuter Transit District, Environmental Assessment and Section 4(f) Evaluation, 2017.

NICTD evaluated the changes to the Environmental Survey Boundary and the construction methods to identify any new or significant impacts. These changes and impacts were briefly summarized in Table 1 of this memo, and discussed in more detail in Table 2.

Transportation – The new construction method will require temporary weekend track outages. NICTD will implement temporary weekend service interruptions, and will give sufficient notice to the public and its riders when these will occur. NICTD will provide buses during these interruptions.

Wetlands and Streams - Permanent and temporary impacts to wetlands and streams were re-calculated. Overall, permanent wetland impacts increased slightly by 0.11 acres, from 4.75 acres to 4.86 acres. Temporary wetland impacts increased from 0.98 acre to 1.28 acres, a difference of 0.3 acre. Stream impacts are now limited to the length of encapsulation, which is 82 linear feet – a substantial decrease from the projected impacts in the EA (1,119 linear feet).

Land Acquisition – Slight changes to the size and location of temporary easements from NIPSCO are required.

Section 4(f) - Under 23 CFR § 774.13(d), the USDOT has identified exceptions to the requirement for Section 4(f) approval. These exceptions include "temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f)." The conditions discussed earlier in this re-evaluation memo (Section V.3) will be satisfied to meet this exception.

These improvements, construction methods, and the Section 4(f) temporary occupancy exception conditions have been discussed with the NPS at a meeting on February 11, 2020. NPS indicated at this meeting that they have no issue with the improvements as proposed; the use of riprap for erosion control was acceptable; and that NPS will require NICTD to obtain a Special Use Permit for the work, just as they do for other contractors. NICTD provided NPS with 30% design as well as the hydraulic analysis; and the 60% design plans (see Appendix C-2). NICTD continues to coordinate with NPS to obtain the Special Use Permit prior to construction. The NPS, as OWJ, has stated, in writing, that the project changes meet the temporary occupancy conditions (see Appendix C-1).

The proposed modifications to the project satisfy all of the criteria to qualify for an exception from Section 4(f) approval under 23 CFR § 774.13(d).

All work associated with the culverts is indicated in the Section 404/401 permit application to the USACE and IDEM, as well as the Indiana Department of Natural Resources (IDNR) floodway permit, as applicable. The culvert replacements will meet the design criteria for both Porter County and the IDNR requirements by utilizing a pipe that is sized to accommodate both a 10-year storm event and a 100-year storm event, as well as being installed at least twelve (12) inches below the streambed to maintain a more natural streambed to maintain natural water velocities and water depth to assist fish passage.

The culvert inverts have been designed to a minimum depth, thereby also keeping the length of the impact to a minimum. On the upstream side of the pipe, the riprap design was shortened for the small culverts. The length of the downstream side was shortened to a practical minimum length of eight feet. No changes to the FONSI are required.

Table 2: Culvert Changes from EA/FONSI

Culvert Location (MP) (see Plans in App. C-2)	Mapbook Sheet (App. A)	Resources North of ROW	Resources South of ROW	EA/FONSI (30%) Design	90% Design Changes	Change to Environmental Survey Boundary? (Yes/No)
35.98	53	N/A	National Park, Aquatic Resource	Proposed pipe parallel to track under US 12, south side of crossing. Due to location, jack & bore would require Special Use Permit for National Park.	No change, but US 12 will be completely shut down to perform construction. Traffic north and south of tracks along US 12 will need to be re-routed and coordinated with INDOT. Requires Special Use Permit from INDU/NPS.	No
36.20	53	National Park	National Park	Large Culvert. Kintzele Ditch. 84" steel pipe.	Channel regrading north and south of tracks. Permanent widening of channel north of track. No NPS property involved.	Yes, minor
38.20	48	None	None	Channel regrading is required, proposed three 36" pipes.	Additional temporary construction impacts north of tracks beyond Environmental Survey Boundary.	Yes, minor
38.57	47	High Quality Aquatic Resource	High Quality Aquatic Resource	Installation via jack and bore with work entirely on NICTD ROW does not appear possible, given that shoring at minimum distance from track would be directly under catenary system. Suggest temporary construction easement south of ROW line to complete J&B. Existing buried gas line conflicts to north.	Open trench, riprap ends. Need temporary crossing and crane mats.	No
39.48	45	High Quality Aquatic Resource	National Park, Stream	30% Design: Installation via jack and bore would require NPS Special Use Permit. Existing buried gas lines north of ROW, shoring at minimum distance from track would be directly under catenary system.	Open trench, riprap ends. Installation during track outage, prior to construction of Proposed Main 2. One 48" steel pipe. South access not readily available. Need temporary crossing and crane mats - NPS Special Use Permit required.	No
39.93	44	--	National Park	Large Culvert. 84" steel pipe. Jack and bore. Work within NICTD ROW.	Additional temporary occupancy south of tracks beyond Environmental Survey Boundary. Requires Special Use Permit from NPS.	Yes, minor
40.80	42	High Quality Aquatic Resource	National Park	Installation via jack and bore would require NPS Special Use Permit. Existing buried gas lines north of ROW, shoring at min. distance from track would be directly under catenary	Open Trench, riprap ends. Three 24" steel pipes. South access not readily available. Need temporary crossing and crane mats. No NPS permit needed.	No

Table 2: Culvert Changes from EA/FONSI

Culvert Location (MP) (see Plans in App. C-2)	Mapbook Sheet (App. A)	Resources North of ROW	Resources South of ROW	EA/FONSI (30%) Design	90% Design Changes	Change to Environmental Survey Boundary? (Yes/No)
				system. Suggest open trench installation during track outage, prior to construction of Proposed Main 2.		
41.40	41	High Quality Aquatic Resource	National Park	Installation via jack and bore would require NPS Special Use Permit. Existing buried gas line ~45' north of ROW, shoring at min. distance from track would be directly under catenary system.	Open Trench, riprap ends. Three 36" steel pipes. South access not readily available. Need temporary crossing and crane mats. NPS Special Use Permit not required.	No
41.74	40	High Quality Aquatic Resource	National Park	Installation via jack and bore would require NPS Special Use Permit. Existing buried gas lines north of ROW, shoring at min. distance from track would be directly under catenary system.	Open Trench, riprap ends. Three 24" steel pipes. South access not readily available. Need temporary crossing and crane mats. NPS Special Use Permit not required.	No
42.00	39	High Quality Aquatic Resource	National Park	Installation via jack and bore would require NPS Special Use Permit. Existing buried gas lines north of ROW, shoring at min. distance from track would be directly under catenary system. Suggest open trench installation during track outage, prior to construction of Proposed Main 2.	Open Trench, riprap ends. 24" steel pipe. Need temporary crossing and crane mats. NPS Special Use Permit not required.	No
42.39	38	High Quality Aquatic Resource	National Park	Installation via jack and bore would require NPS Special Use Permit. Existing buried gas lines north of ROW, shoring at min. distance from track would be directly under catenary system. Suggest open trench installation during track outage, prior to construction of Proposed Main 2.	Open Trench, riprap ends. Installation during track outage, prior to construction of Proposed Main 2. Three 24" steel pipes. Still need temporary crossing and crane mats. NPS Special Use Permit not required.	No
42.60	37	High Quality Aquatic Resource	National Park	Large Culvert. 84" steel pipe. Jack and bore. Work within NICTD ROW.	Open Trench, plug and fill existing culvert. Regrade banks. Additional temporary occupancy north and south of tracks beyond Environmental Survey Boundary. NPS Special Use Permit not required.	Yes, minor. Not on NPS property

Table 2: Culvert Changes from EA/FONSI

Culvert Location (MP) (see Plans in App. C-2)	Mapbook Sheet (App. A)	Resources North of ROW	Resources South of ROW	EA/FONSI (30%) Design	90% Design Changes	Change to Environmental Survey Boundary? (Yes/No)
43.22	36	--	--	Existing culvert has a 60" RCP inlet choked down to a 27" HDPE outlet. Channel regrading to a trapezoidal channel. Proposed 2 x 48" circular culverts will have 12" embedment.	Two 48" circular culverts. Open trench, riprap ends. Additional temporary occupancy north of tracks beyond Environmental Survey Boundary.	Yes, minor
43.50	36	--	--	One 60" Steel Pipe.	Open Trench, riprap ends. One 60" culvert. Open trench, riprap ends Downstream channel will require energy dissipation due to the high outlet velocities and for the 2.4 foot drop to the existing channel elevation. Additional temporary occupancy north of tracks beyond Environmental Survey Boundary.	Yes, minor
44.33	34	High Quality Aquatic Resource	National Park, High Quality Aquatic Resource	Installation via jack and bore would require NPS Special Use Permit. Three 36" steel pipes. Existing buried gas lines north of ROW.	Open Trench, lower invert 2-3 feet. Temporary occupancy for channel regrading, riprap placement within NPS. Requires Special Use Permit from NPS.	Yes, minor
44.51	33	High Quality Aquatic Resource	High Quality Aquatic Resource, National Park	Large Culvert. Temporary construction impacts south of into NPS. Requires Special Use Permit from NPS.	Large Box Culvert extension south of tracks. Regrade streambank. Additional temporary occupancy south of tracks beyond Environmental Survey Boundary, into NPS. Requires Special Use Permit from NPS.	Yes, minor
44.65	33	High Quality Aquatic Resource	National Park	Installation via jack and bore would require NPS Special Use Permit. Two 24" steel pipes. Existing buried gas lines north of ROW.	Open Trench. Slight modification in temporary occupancy area to place riprap within NPS. Requires Special Use Permit from NPS.	Yes, minor
44.72	33	High Quality Aquatic Resource	National Park, High Quality Aquatic Resource	Installation via jack and bore would require NPS Special Use Permit. Two 36" steel pipes. Existing buried gas lines north of ROW.	Open Trench. Slight modification in temporary occupancy area to place riprap within NPS. Requires Special Use Permit from NPS.	Yes, minor

Table 2: Culvert Changes from EA/FONSI

Culvert Location (MP) (see Plans in App. C-2)	Mapbook Sheet (App. A)	Resources North of ROW	Resources South of ROW	EA/FONSI (30%) Design	90% Design Changes	Change to Environmental Survey Boundary? (Yes/No)
44.86	32	High Quality Aquatic Resource	National Park, High Quality Aquatic Resource	Installation via jack and bore would require NPS Special Use Permit. Three 24" steel pipes. Existing buried gas lines north of ROW.	Open Trench. Slight modification in temporary occupancy area to place riprap within NPS. Requires Special Use Permit from NPS.	Yes, minor

IV. CONCLUSION

The modifications to the DT-NWI Project as described in this memo would not result in significant impacts. Based on this analysis, NICTD seeks concurrence from FTA that the modifications described in this Re-evaluation will not result in significant impacts to the environment, that appropriate measures have been incorporated into the Project to mitigate the impacts of the changes where needed, and that the findings of the DT-NWI FONSI published on November 1, 2018 are still valid.

CONCURRENCE



09/21/2020

Michael Noland, President
Northern Indiana Commuter Transportation District

Date

Kelley Brookins, Regional Administrator
Federal Transit Administration, Region V

September 22, 2020
Date

APPENDIX A: DT-NWI CHANGES - SELECT MAPBOOK SHEETS

APPENDIX B: DOUBLE TRACK NWI NEPA RE-EVALUATION MEMORANDUM
OGDEN DUNES PARKING

APPENDIX C-1: COORDINATION WITH INDIANA DUNES NATIONAL PARK/NATIONAL PARK
SERVICE

APPENDIX C-2: SELECT CULVERT & ROADWAY PLAN SHEETS

APPENDIX D: OTHER CORRESPONDENCE