

## CATEGORICAL EXCLUSION LEVEL 1 FORM

### GENERAL PROJECT INFORMATION

Road No./County:

US 40 in Hendricks County

LA Code:

LA 2802, Parcels 24 and 25

Project  
Description/Termini:

Sale of Excess Right of Way, 3.87 Miles West of I-465



CE Level 1 documentation for  
exempted projects



Additional Information  
to CE Level 1

Approval:



September 4, 2024

INDOT DE/ESD Signature and Date

Release for Public Involvement:

N/A

INDOT DE/ESD Initials and Date

Certification of Public involvement:

N/A

INDOT Consultant Services Signature and Date

INDOT DE/ESD Reviewer:

N/A

Signature and Date

CE Preparer:

Cindy Mauro, INDOT Environmental Services

Name and Organization

**Indiana Department of Transportation**

County Hendricks Route US 40 LA No. 2802-24, 25

GENERAL PROJECT INFORMATION, DESCRIPTION, AND DESIGN INFORMATION			
<b>Purpose and Need:</b>	<p><b>Need:</b> The Indiana Department of Transportation (INDOT) and the Indiana Department of Administration (IDOA) recognize that state-owned excess right of way exists along US 40, approximately 3.87 miles west of I-465. This land provides no function to the state highway system in terms of serviceability or maintenance and prohibits development of this property for productive use for residential, commercial, agricultural, or other private or public use.</p> <p><b>Purpose:</b> Remove excess land from INDOT and IDOA inventory.</p>		
<b>Project Description (Preferred Alternative):</b>	<p>This document is being prepared for the sale of two (2) parcels which are located in Hendricks County. Refer to the attached graphics in Appendix B.</p> <p>The parcels total approximately 0.37 acre. INDOT has decided that this surplus land will not be needed for right of way or other transportation purposes in the foreseeable future. A legal description for the excess parcels is available in Appendix C.</p> <p>Both parcels associated with LA 2802 do not contain buildings. Parcel 25 contains a gravel drive with utility poles and street signs. Parcel 24 is a vegetated area, containing brush and trees.</p> <p>This project will meet and purpose and need by selling these parcels to willing buyers for productive use and removing the right of way (ROW) from INDOT and IDOA inventory.</p>		
<b>Other Alternatives Considered:</b>	<p><b>No Build:</b> This alternative would not incur any impacts or change in ownership of this property; however, it would not meet the purpose and need of the project by removing excess land from INDOT and IDOA inventory. Therefore, this alternative was dismissed.</p>		
<b>Funding Source(s):</b>	<input checked="" type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Other		
<b>Project Sponsor:</b>	Indiana Department of Transportation		
<b>Estimated Cost:</b>	N/A	<b>Project Length:</b>	N/A
<b>Public Involvement:</b>			<b>No: X</b> <b>Yes:</b>
<p>The project does not meet any of the conditions set by the current <i>Indiana Department of Transportation (INDOT) Public Involvement Manual</i> that require formal public involvement. Therefore, the project sponsor is not required to offer the public an opportunity to request a public hearing. The project is not anticipated to cause any public controversy. This does not preclude the need for public involvement or public information meeting in the future.</p>			
<b>Right-of-Way:</b>			<b>No: X</b> <b>Yes:</b>
This project will occur within existing ROW.			

**Indiana Department of Transportation**

County Hendricks Route US 40 LA No. 2802-24, 25

<b>Maintenance of Traffic (MOT) During Construction:</b>	<b>No: X</b>	<b>Yes:</b>
The direct action of the excess ROW sales will not require any maintenance of traffic.		
<b>Bridge(s) and/or Small Structure(s) (include structure number(s)):</b>	<b>No: X</b>	<b>Yes:</b>
No bridges or small structures are located within the project area.		

<b>IDENTIFICATION AND EVALUATION OF IMPACTS</b>		
<b>Early Coordination:</b>		
Coordination occurred with INDOT Cultural Resources Office (CRO) and US Fish and Wildlife Service (USFWS). Refer to the Cultural Resources and protected species sections of this document for further information.		
<b>Streams, Rivers, and Other Jurisdictional Features Impacted:</b>	<b>No: X</b>	<b>Yes:</b>
There are two (2) streams mapped within the 0.5-mile search radius. The nearest segment, White Lick Creek, is located 0.34-mile northeast of the subject parcels, and is listed for IBCs and E.coli. The direct action of land sale will not result in impacts to any streams or rivers.		
<b>Open Water Feature(s):</b>	<b>No: X</b>	<b>Yes:</b>
There are four (4) lakes mapped within the 0.5-mile search radius. The nearest lake is located 0.08 mile west of the subject parcels. The direct action of the land sale will not result in impacts to any open water features.		
<b>Wetlands:</b>	<b>No: X</b>	<b>Yes:</b>
There are four (4) wetlands mapped within the 0.5-mile search radius. The nearest wetland is located 0.16 mile southwest of the subject parcels. The direct action of the land sale will not result in impacts to any wetlands.		
<b>Terrestrial Habitat:</b>	<b>No: X</b>	<b>Yes:</b>
Parcel 24 contains vegetative brush and a few trees. The direct action of the land sale will not result in any impacts to terrestrial habitat.		
<b>Protected Species:</b>	<b>No: X</b>	<b>Yes:</b>
<p>Project information was submitted through the USFWS's Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix D). The project is within range of the federally endangered Indiana bat (<i>Myotis sodalis</i>) and the northern long-eared bat (NLEB) (<i>Myotis septentrionalis</i>). Three additional species were generated in the IPaC species list along with the Indiana bat and northern long-eared bat.</p> <p>The project is in the range of the monarch butterfly (<i>Danaus plexippus</i>), which is a candidate species, but is not considered a protected species. The project is in the range of the tricolored bat (<i>Perimyotis</i></p>		

**Indiana Department of Transportation**

County Hendricks Route US 40 LA No. 2802-24, 25

*subflavus*), which is a proposed endangered species. The project is in the range of a “non-essential experimental population” of the Whooping Crane (*Grus americana*), but this population is not covered by protections provided for the natural endangered population. No further coordination is needed with USFWS regarding these species.

The project qualifies for the Rangewide Programmatic Informal Consultation for the Indiana bat and northern long-eared bat (NLEB), dated May 2016 (revised February 2018), between FHWA, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and USFWS. An effect determination key was completed by INDOT on 4/9/2024, and based on the responses provided, the project was found to have a No Effect on the Indiana bat and/or the NLEB (Appendix D).

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act, as amended. If new information on endangered species at the site becomes available, or if project plans are changed, USFWS will be contacted for consultation.

**Geological and Mineral Resources:**

**No: X**

**Yes:**

The parcels are located outside the Karst Memorandum of Understanding (MOU) Potential Karst Features Region. No impacts to karst features are expected, however, potential buyers should be informed.

**Drinking Water Resources:**

**No: X**

**Yes:**

The direct action of the land sale will not result in impacts to drinking water resources.

**Floodplains:**

**No: X**

**Yes:**

The direct action of the land sale will not result in any impacts to floodplains.

**Farmland:**

**No: X**

**Yes:**

The direct action of the land sale will not result in any impacts to farmland.

**Cultural Resources:**

**No: X**

**Yes:**

On 11/22/2021, the INDOT Cultural Resources Office (CRO) determined that this project falls within the guidelines of Category B, Type 6 under the Minor Projects Programmatic Agreement (MPPA) (Appendix A).

Category B, Type 6 includes other minor actions if deemed appropriate for coverage under this MPPA, by consultation and mutual agreement between INDOT, FHWA, and the SHPO. The Tribes shall be provided information all projects proposed to be cleared under this category for review prior to an agreement being signed between the agencies.

Regarding above-ground resources, an INDOT-Cultural Resources Office (CRO) historian who meets the Secretary of the Interior’s Professional Qualification Standards per 36 CFR Part 61 completed a desktop review for these parcels. The Indiana Register of Historic Sites and Structures (State Register) and National Register of Historic Places (National Register) lists, and Indiana Historic Sites and Structures Inventory (IHSSI) information for Hendricks County was checked by the historian. The State and National Register information and the IHSSI information was referenced through the Indiana State

**Indiana Department of Transportation**

County Hendricks Route US 40 LA No. 2802-24, 25

Historic Architectural and Archaeological Research Database (SHAARD) and the Indiana Historic Buildings, Bridges, and Cemeteries Map (IHBBCM). No properties from these resources were recorded on/near the parcels.

Parcel 24 contains a gravel drive, and has utility poles and street signs. Parcel 25 is vegetated with brush and trees. Neither parcel contains any buildings. The parcels are located off US 40 with modern commercial development to the east. Mid-20th century residential development is to the northwest, while undeveloped land is to the west and south. It does not appear that the parcels contain any historic sites or structures. No further work is recommended prior to any future actions for these parcels, such as the sale of the parcels.

An INDOT Cultural Resources Office (CRO) archaeologist, who meets the Secretary of the Interior's Professional Qualification Standards as per 36 CFR Part 61, reviewed the project area, conducted an archaeological records check, and prepared an archaeological assessment.

With regard to archaeological resources, the subject parcels were included in the reconnaissance survey conducted by Beard (1986) in advance of an Added Travel Lanes project on US 40. According to the 1986 addendum report, Beard examined approximately 130-150 feet of r/w either side of US 40 throughout the project corridor and the northern extent of the excess parcel boundary line measures about 100 feet from the centerline of US 40 in 1984. Thus, this residential lot was likely included in his account of 0.5 acres of residential land making up the project area. The structures visible in 1984 aerial image were demolished by 1998 and the land graded. Beard (1986) did not identify a site in or adjacent to the proposed excess parcels and none have been recorded near the parcels since then according to SHAARD GIS. Since the parcels have been previously examined for archaeological resources and have undergone some disturbance from the razing and removal of buildings, no further archaeological work is recommended prior to the sale of excess parcels 2802-24 and 25.

No further consultation is required. This completes the Section 106 process and the responsibilities of the FHWA under Section 106 have been fulfilled.

<b>Section 4(f) and Section 6(f) Resources:</b>	<b>No: X</b>	<b>Yes:</b>
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Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible and prudent alternative. The law applies to significant publicly owned parks, recreation areas, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

The U.S. Land and Water Conservation Fund Act of 1965 established the Land and Water Conservation Fund (LWCF), which was created to preserve, develop, and assure accessibility to outdoor recreation resources. Section 6(f) of this Act prohibits conversion of lands purchased with LWCF monies to a non-recreation use.

The direct action of the land sale will not result in impacts to any 4(f) or 6(f) resources.

<b>Air Quality:</b>	<b>No: X</b>	<b>Yes:</b>
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This project is of a type qualifying as a categorical exclusion (Group 1) under 23 CFR 771.117(c), or exempt under the Clean Air Act conformity rule under 40 CFR 93.126. The direct action of the land sale would not result in air quality impacts.

**Indiana Department of Transportation**

County Hendricks Route US 40 LA No. 2802-24, 25

<b>Community Impacts:</b>	<b>No: X</b>	<b>Yes:</b>
The direct action of the land sale will not result in community or economic impacts.		
<b>Public Facilities and Services (e.g. schools, emergency services):</b>	<b>No: X</b>	<b>Yes:</b>
There is one (1) trail segment located adjacent to the subject parcel. No impact is expected; however, potential buyers should be informed.		
<b>Hazardous Materials and Regulated Substances:</b>	<b>No: X</b>	<b>Yes:</b>
There are no hazmat sites located within the 0.5-mile search radius. No impacts are expected.		
<b>Permits:</b>	<b>No: X</b>	<b>Yes:</b>
No permits will be required for this project.		

<b>ENVIRONMENTAL COMMITMENTS:</b>
1. One (1) trail segment is adjacent to the subject parcel. No impact is expected; however, potential buyers should be informed.

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Specific Parcel Information

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Appendix A:

Cultural Resources (Section 106)



Division of Historic Preservation & Archaeology · 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739  
Phone 317-232-1646 · Fax 317-232-0693 · dhpa@dnr.IN.gov ·



December 8, 2021

Shaun Miller  
Cultural Resources Office  
Indiana Department of Transportation  
100 N. Senate Avenue, Room N758 - ES  
Indianapolis, Indiana 46204

Federal Agency: Indiana Department of Transportation ("INDOT") on behalf of the  
Federal Highway Administration, Indiana Division ("FHWA")

Stage Agency: Indiana Department of Administration ("IDOA"),  
and Indiana Department of Transportation ("INDOT")

Re: Request for concurrence with the applicability of Category B-6 of the Minor Projects Programmatic  
Agreement and INDOT Excess Parcel Screening Form for the disposal of INDOT Excess Parcels #24  
& 25 associated with US 40 added travel lanes from CR 900E Raceway Road (LA Code 2802; DHPA  
No. 28503)

Dear Mr. Miller:

Pursuant to Indiana Code 14-21-1-14, Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108); implementing regulations at 36 C.F.R. Part 800; and the Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding that Implementation of the Federal Aid Highway Program In the State of Indiana ("Indiana Minor Projects PA"), the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("DNR-DHPA") has reviewed your review request submittal form, with enclosures, dated and received November 22, 2021, for the above indicated project in Washington Township, Hendricks County, Indiana.

Based on the information you provided, it does not appear that Excess Parcels # 24 & 25, located along US 40 south of Medallion Drive, contain structures that could be eligible for inclusion in the National Register of Historic Places ("NRHP") or the Indiana Register of Historic Sites and Structures ("IRHSS").

Additionally, based upon the submitted information and the documentation available to the staff of the INDNR-DHPA, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the NRHP or IRHSS within the excess parcel. The parcel was previously covered by an archaeological investigation in 1986 by Thomas C. Beard but the methods used were not at the current standards; in particular, shovel tests were not screened. However, based on aerial imagery, the former structures that once occupied this parcel were demolished and the area was graded creating extensive ground disturbance. No further archaeological investigation will be necessary.

Accordingly, we do not believe that Excess Parcels# 24 & 25, LA Code 2802, in Washington Township, Hendricks County, contains a historic site or historic structure.

Additionally, we note that this disposition of excess parcels is being treated as a federal action. We agree that the above indicated project is appropriate for review by the INDOT Cultural Resources staff under Category B-6 of the Minor Projects PA. The signed assessment is enclosed.

If any archaeological artifacts, features, or human remains are uncovered during construction, state law (Indiana Code 14-21-1-27 & 29) requires that the discovery must be reported to DNR-DHPA within two (2) business days. In that event, please call (317) 232-1646.

If you have further questions regarding this determination, please contact our office. Questions about archaeological issues should be directed to Beth McCord at (317) 232-3492 or [bmccord@dnr.IN.gov](mailto:bmccord@dnr.IN.gov). Questions about historic buildings or structures pertaining to this project should be directed to Danielle Kauffmann at (317) 232-0582 or [dkauffmann@dnr.IN.gov](mailto:dkauffmann@dnr.IN.gov). Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA No. 28503.

Very truly yours,



Beth K. McCord  
Deputy State Historic Preservation Officer  
Director, Division of Historic Preservation & Archaeology

BKM:DMK:bkm

enclosure: B-6 MPPA Project Assessment Form

emc: Anuradha Kumar, INDOT  
Shaun Miller, INDOT  
Mary Kennedy, INDOT  
Susan Branigin, INDOT  
Steve Harless, IDOA  
Danielle Kauffmann, DNR-DHPA  
Beth McCord, DNR-DHPA

## Minor Projects PA Project Assessment Form

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**Date:** 11/22/21

**Project Designation Number:** LA Code 2802-24, 25

**Route Number:** US 40

**Project Description:** Disposal of Excess Parcels 2802-24, 25

**Feature crossed (if applicable):** N/A

**City/Township:** Washington Township

**County:** Hendricks

**Information reviewed (please check all that apply):**

- ☒ General project location map    ☒ USGS map    ☒ Aerial photograph    ☒ Interim Report  
☐ Written description of project area    ☐ General project area photos    ☒ Soil survey data  
☐ Previously completed historic property reports    ☒ Previously completed archaeology reports  
☐ Bridge Inspection Information    ☒ SHAARD    ☒ SHAARD GIS    ☒ Streetview Imagery

**Other (please specify):**

Indiana Historic Buildings, Bridges, and Cemeteries Map; online property record cards:  
<https://beacon.schneidercorp.com/>

Historic Aerials: <https://www.historicaerials.com/viewer>; accessed November 22, 2021

Beard, Thomas C.

1986 An Addendum to the Archaeological Reconnaissance Report for MAM-B-176( ), MAM-Q533 and ST-B-176 ( ) Road Improvements on US 50 From SR 267 Eastward to the Hendricks/Marion County Line in Hendricks County. Indiana Department of Highways. Report on file, Indiana Department of Transportation, Cultural Resources Office, Indianapolis, In.

**Please specify all applicable categories and condition(s) (conditions that are applicable are highlighted):**

B-6. Other minor actions if deemed appropriate for coverage under this MPPA, by consultation and mutual agreement between INDOT, FHWA, and the SHPO. The Tribes shall be provided information on all projects proposed to be cleared under this category for review prior to an agreement being signed between the agencies.

**Are there any commitments associated with this project? If yes, please explain and include in the Additional Comments Section below.**    yes ☐    no ☒

**Does the project result in a de minimis impact to a Section 4(f) protected historic resource? If yes, please explain in the Additional Comments Section below.**    yes ☐    no ☒

**Additional Comments:**

**Above-ground Resources**

An INDOT-Cultural Resources Office (CRO) historian who meets the Secretary of the Interior's Professional Qualification Standards per 36 CFR Part 61 completed a desktop review for these parcels. The Indiana Register of Historic Sites and Structures (State Register) and National Register of Historic Places (National Register) lists, and Indiana Historic Sites and Structures Inventory (IHSSI) information for Hendricks County was checked by the historian. The State and National Register information and the IHSSI information was referenced through the

## Minor Projects PA Project Assessment Form

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Indiana State Historic Architectural and Archaeological Research Database (SHAARD) and the Indiana Historic Buildings, Bridges, and Cemeteries Map (IHBBM). No properties from these resources were recorded on/near the parcels.

Parcel 24 contains a gravel drive, and has utility poles and street signs. Parcel 25 is vegetated with brush and trees. Neither parcel contains any buildings. The parcels are located off US 40 with modern commercial development to the east. Mid-20<sup>th</sup> century residential development is to the northwest, while undeveloped land is to the west and south.

It does not appear that the parcels contain any historic sites or structures. No further work is recommended prior to any future actions for these parcels, such as the sale of the parcels.

### **Archaeological Resources**

An INDOT Cultural Resources Office (CRO) archaeologist, who meets the Secretary of the Interior's Professional Qualification Standards as per 36 CFR Part 61, reviewed the project area, conducted an archaeological records check, and prepared an archaeological assessment.

With regard to archaeological resources, the subject parcels were included in the reconnaissance surveyed conducted by Beard (1986) in advance of an Added Travel Lanes project on US 40. According to the 1986 addendum report, Beard examined approximately 130-150 feet of r/w either side of US 40 throughout the project corridor and the northern extent of the excess parcel boundary line measures about 100 feet from the centerline of US 40 in 1984 (see below image). Thus, this residential lot was likely included in his account of 0.5 acres of residential land making up the project area. The structures visible in the below 1984 aerial image were demolished by 1998 and the land graded (see enclosed 1998 aerial image). Beard (1986) did not identify a site in or adjacent to the proposed excess parcels and none have been recorded near the parcels since then according to SHAARD GIS. Since the parcels have been previously examined for archaeological resources and have undergone some disturbance from the razing and removal of buildings, no further archaeological work is recommended prior to the sale of excess parcels 2802-24 and 25.

**Accidental Discovery:** If any archaeological artifacts or human remains are uncovered during construction, demolition, or earth moving activities, construction within 100 feet of the find will be stopped, and the INDOT Cultural Resources Office and the Division of Historic Preservation and Archaeology will be notified immediately.

**INDOT Cultural Resources staff reviewer(s):** Shaun Miller & Mary Kennedy

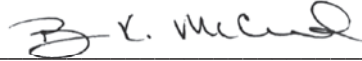
## Minor Projects PA Project Assessment Form

**Signatures for concurrence that the project falls under B-6 of the Minor Projects PA:**

**SHPO:**

Beth K. McCord

Printed Name



Signature

12/08/2021

Date

**FHWA:**

Karstin Carmany-George

Printed Name

KARSTIN MARIE  
CARMANY-  
GEORGE

Signature

Digitally signed by  
KARSTIN MARIE  
CARMANY-GEORGE  
Date: 2021.12.10  
15:21:41 -05'00'

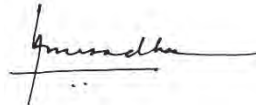
12/10/21

Date

**INDOT:**

Anuradha V. Kumar

Printed Name



Signature

11/22/21

Date

\*\*\*Be sure to attach this form to the National Environmental Policy Act documentation for this project. Also, the NEPA documentation shall reference and include the description of the specific stipulation in the PA that qualifies the project as exempt from further Section 106 review.

Appendix B:

Red Flag Investigation



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758-ES  
Indianapolis, Indiana 46204

PHONE: (855) 463-6848  
(855) INDOT4U

**Eric Holcomb, Governor**  
**Michael Smith, Commissioner**

Date: October 16, 2023

To: Tim Altom  
Right-of-Way Specialist  
Real Estate Division  
Indiana Department of Transportation (INDOT)  
100 N Senate Avenue, Room N758-RE  
Indianapolis, IN 46204  
taltom@indot.in.gov

From: Site Assessment & Management (SAM)  
Environmental Policy Office - Environmental Services Division (ESD)  
INDOT  
100 N Senate Avenue, Room N758-ES  
Indianapolis, IN 46204

Re: RED FLAG INVESTIGATION  
US 40, 3.87 Miles West of I-465  
LA 2802-24,25, Excess Parcels  
Hendricks County, Indiana

## PROJECT DESCRIPTION

This RFI is being performed for the sale of one (1) excess parcel with an approximate acreage of 0.37 and is depicted on the attached map. The parcel is located west of US 40, 3.87 miles west of I-465 in Hendricks County, Indiana. The Indiana Department of Transportation (INDOT) has decided that this surplus land will not be needed for right-of-way or other transportation purposes in the foreseeable future. A legal description for the excess parcel is available in a separate document.

## **INFRASTRUCTURE TABLE AND SUMMARY**

<b>Infrastructure</b> Indicate the number of items of concern found within the 0.5 mile search radius. If there are no items, please indicate N/A:			
Religious Facilities	N/A	Recreational Facilities	N/A
Airports <sup>1</sup>	N/A	Pipelines	3
Cemeteries	N/A	Railroads	N/A
Hospitals	N/A	Trails	5
Schools	N/A	Managed Lands	N/A

Explanation:

Pipelines: Three (3) pipeline segments are located within the 0.5 mile search radius. The nearest segment is located 0.15 mile east of the subject parcel. No impact is expected.

Trails: Five (5) trail segments are located within the 0.5 mile search radius. The nearest segment is adjacent to the subject parcel. No impact is expected; however, potential buyers should be informed.

Managed Lands: No managed land features are located within the 0.5 mile search radius.

## **WATER RESOURCES TABLE AND SUMMARY**

<b>Water Resources</b> Indicate the number of items of concern found within the 0.5 mile search radius. If there are no items, please indicate N/A:			
NWI – Points	N/A	Canal Routes – Historic	N/A
Karst Springs	N/A	NWI – Wetlands	4
Canal Structures – Historic	N/A	Lakes	4
NPS NRI Listed	N/A	Floodplain - DFIRM	N/A
NWI-Lines	N/A	Cave Entrance Density	N/A
IDEM 303d Listed Streams and Lakes (Impaired)	2	Sinkhole Areas	N/A
Rivers and Streams	2	Sinking-Stream Basins	N/A

Explanation:

IDEM 303d Listed Streams and Lakes (Impaired): Two (2) 303d Listed Streams segments are located within the 0.5 mile search radius. The nearest segment, White Lick Creek, is located 0.34 mile northeast of the subject parcels, and is listed for IBCs and E. coli. No impact is expected.



Rivers and Streams: Two (2) rivers and stream segments are located within the 0.5 mile search radius. The nearest segment, White Lick Creek, is located 0.34 mile northeast of the subject parcels. No impact is expected.

NWI - Wetlands: Four (4) wetlands are located within the 0.5 mile search radius. The nearest wetland is located 0.16 mile southwest of the subject parcels. No impact is expected.

Lakes: Four (4) lakes are located within the 0.5 mile search radius. The nearest lake is located 0.08 mile west of the subject parcels. No impact is expected.

No impact to karst features is expected.

#### **MINING AND MINERAL EXPLORATION TABLE AND SUMMARY**

<b>Mining/Mineral Exploration</b> Indicate the number of items of concern found within the 0.5 mile search radius. If there are no items, please indicate N/A:			
Petroleum Wells	<b>N/A</b>	Mineral Resources	<b>N/A</b>
Mines – Surface	<b>N/A</b>	Mines – Underground	<b>N/A</b>

Explanation:

There are no Mining/Mineral Exploration concerns located within the 0.5 mile search radius.

#### **HAZARDOUS MATERIAL CONCERNS TABLE AND SUMMARY**

<b>Hazardous Material Concerns</b> Indicate the number of items of concern found within the 0.5 mile search radius. If there are no items, please indicate N/A:			
Superfund	<b>N/A</b>	Manufactured Gas Plant Sites	<b>N/A</b>
RCRA Generator/ TSD	<b>N/A</b>	Open Dump Waste Sites	<b>N/A</b>
RCRA Corrective Action Sites	<b>N/A</b>	Restricted Waste Sites	<b>N/A</b>
State Cleanup Sites	<b>N/A</b>	Waste Transfer Stations	<b>N/A</b>
Septage Waste Sites	<b>N/A</b>	Tire Waste Sites	<b>N/A</b>
Underground Storage Tank (UST) Sites	<b>1*</b>	Confined Feeding Operations (CFO)	<b>N/A</b>
Voluntary Remediation Program	<b>1</b>	Brownfields	<b>N/A</b>
Construction Demolition Waste	<b>N/A</b>	Institutional Controls	<b>N/A</b>
Solid Waste Landfill	<b>N/A</b>	NPDES Facilities	<b>18</b>
Infectious/Medical Waste Sites	<b>N/A</b>	NPDES Pipe Locations	<b>N/A</b>
Leaking Underground Storage (LUST) Sites	<b>2</b>	Notice of Contamination Sites	<b>N/A</b>

Unless otherwise noted, site specific details presented in this section were obtained from documents reviewed on the Indiana Department of Environmental Management (IDEM) Virtual File Cabinet (VFC).

Explanation:

Voluntary Remediation Program: One (1) voluntary remediation program site is located in the 0.5 mile search radius. Route 40 LLC, 3165 Main St, AI ID # 45734, is located 0.28 mile east of the subject parcel. On February 5, 2009, IDEM issued a Covenant Not to Sue for the cleanup conducted at the site. No impact is expected.

Leaking Underground Storage (LUST) Sites: Two (2) LUST sites are mapped within the 0.5 mile search radius. Although the icon for, Speedway 3338, 3066 East Main Street, AI ID# 14442, is mapped 0.09 mile east of the subject parcels, the site is actually directly east of Parcels 24 and 25. In addition, this site is mapped as a LUST; however, documentation on the VFC does not indicate that a release has occurred and the site is currently in compliance. No impact is expected.

Underground Storage Tank (UST) Sites: Although not mapped, one (1) UST site is located within the 0.5 mile search radius. The site, a recently constructed GetGo 3663, 3061 East Main Street, AI ID # 115929, is located 0.02 mile south of the subject parcels, across US 40. The site is in compliance and does not have a reported release. No impact is expected.

NPDES Facilities: Eighteen (18) NPDES facilities are located within the 0.5 mile search radius. The nearest facility, Permit # INR10L813, is located 0.06 southeast of the subject parcel and is associated with the recent construction of the GetGo 3663 fueling station. The permit expired in 2021. No impact is expected.

### **ECOLOGICAL INFORMATION SUMMARY**

The Tipton County listing of the Indiana Natural Heritage Data Center information on endangered, threatened, or rare (ETR) species and high quality natural communities is provided at [https://www.in.gov/dnr/nature-preserves/files/np\\_hendricks.pdf](https://www.in.gov/dnr/nature-preserves/files/np_hendricks.pdf). A preliminary review of the Indiana Natural Heritage Database by INDOT ESD did not indicate the presence of ETR species within the 0.5 mile search radius.

A review of the USFWS database did not indicate the presence of endangered bat species in or within 0.5 mile of the subject parcels. No impact is expected.

### **RECOMMENDATIONS SECTION**

Include recommendations from each section. If there are no recommendations, please indicate N/A:

#### **INFRASTRUCTURE:**

Trails: One (1) trail segment is adjacent to the subject parcel. No impact is expected; however, potential buyers should be informed.

WATER RESOURCES: N/A

MINING/MINERAL EXPLORATION: N/A

HAZARDOUS MATERIAL CONCERNS: N/A

ECOLOGICAL INFORMATION: N/A

Evaluation Completed by: Darlane Davis  
Darlane Davis

INDOT SAM Team Lead Concurrence:

Peter Washburn  
Digitally signed by Peter Washburn  
Date: 2023.10.17 09:31:54 -04'00'

Environmental Site Manager  
Site Assessment & Management  
INDOT Environmental Policy Office, ESD

**Graphics:**

A map for each report section with a 0.5 mile search radius buffer around all project area(s) showing all items identified as possible items of concern is attached. If there is not a section map included, please change the YES to N/A:

SITE LOCATION: YES

INFRASTRUCTURE: YES

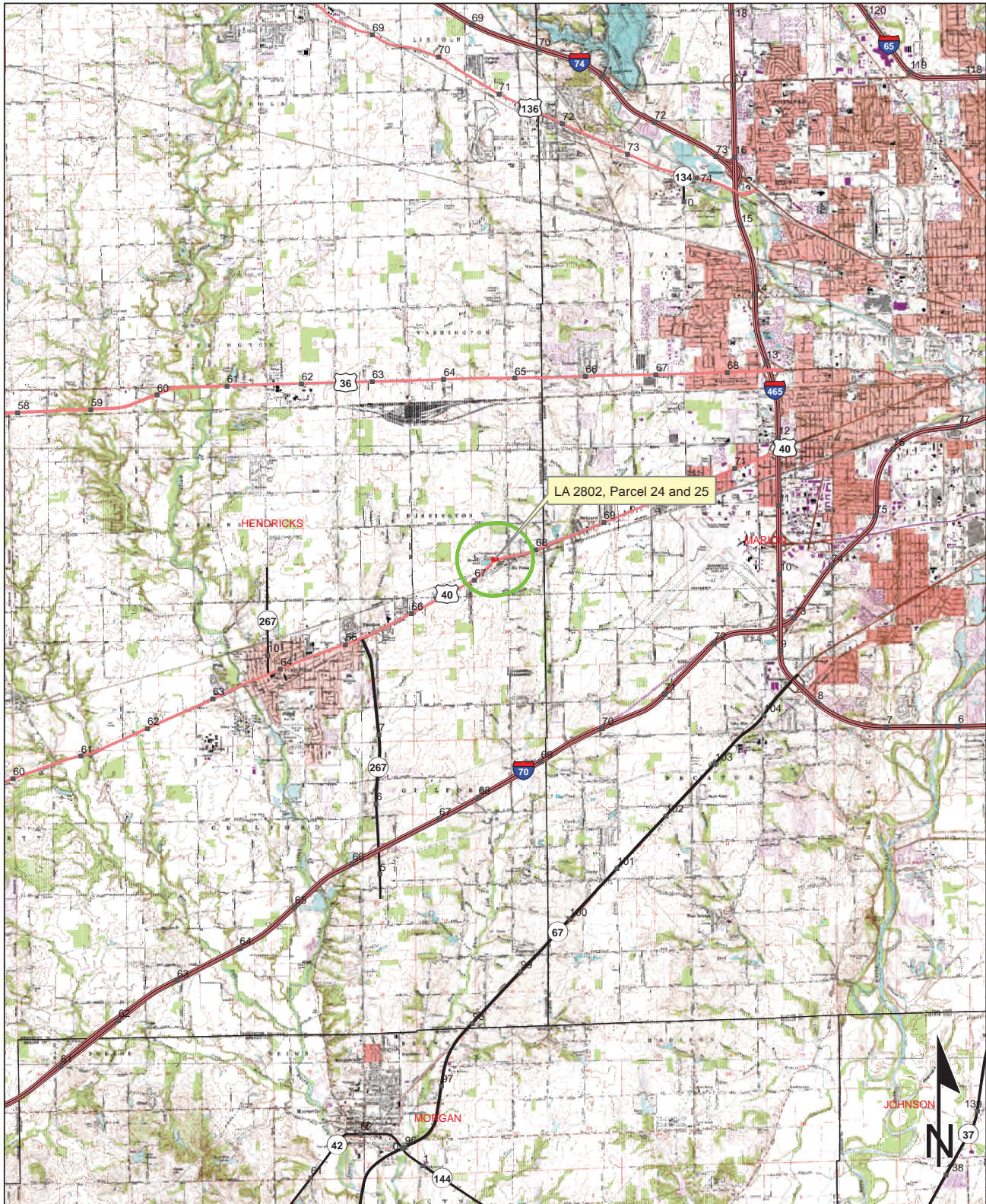
WATER RESOURCES: YES

MINING/MINERAL EXPLORATION: N/A

HAZARDOUS MATERIAL CONCERNS: YES



Red Flag Investigation - Site Location  
LA 2802, Parcels 24 and 25  
US 40, 3.87 Miles West of I-465  
Hendricks County, Indiana



Sources: 1.5 0.75 0 1.5 Miles  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83  
This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

BRIDGEPORT QUADRANGLE  
INDIANA  
7.5 MINUTE SERIES  
(TOPOGRAPHIC)



# Red Flag Investigation - Infrastructure

## LA 2802, Parcels 24 and 25

### US 40, 3.87 Miles West of I-465

### Hendricks County, Indiana



Sources: 0.15 0.075 0 0.15 Miles  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83  
 This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

	Religious Facility		Recreation Facility		Project Area
	Airport		Pipeline		Half Mile Radius
	Cemeteries		Railroad		Toll
	Hospital		Trails		Interstate
	School		Managed Lands		State Route
			County Boundary		US Route
					Local Road



# Red Flag Investigation - Water Resources

## LA 2802, Parcels 24 and 25

### US 40, 3.87 Miles West of I-465

### Hendricks County, Indiana



#### Sources:

#### Non Orthophotography

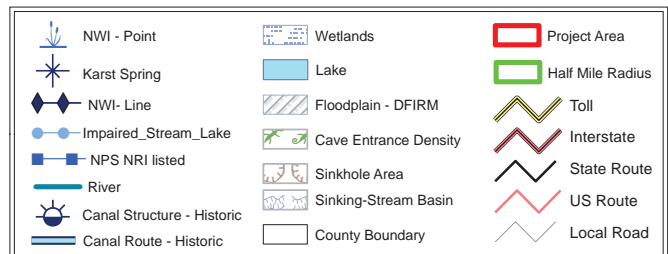
Data - Obtained from the State of Indiana Geographical Information Office Library

Orthophotography - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))

Map Projection: UTM Zone 16 N Map Datum: NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

0.15 0.075 0 0.15 Miles





# Red Flag Investigation - Hazardous Material Concerns

## LA 2802, Parcels 24 and 25

### US 40, 3.87 Miles West of I-465

### Hendricks County, Indiana



	Brownfield		RCRA Generator/TSD		Institutional Controls
	RCRA Corrective Action Sites		Restricted Waste Site		County Boundary
	Confined Feeding Operation		Septage Waste Site		Project Area
	Notice_Of_Contamination		Solid Waste Landfill		Half Mile Radius
	Construction/Demolition Site		State Cleanup Site		Toll
	Infectious/Medical Waste Site		Superfund		Interstate
	Leaking Underground Storage Tank		Tire Waste Site		State Route
	Manufactured Gas Plant		Underground Storage Tank		US Route
	NPDES Facilities		Voluntary Remediation Program		Local Road
	NPDES Pipe Locations		Waste Transfer Station		
	Open Dump Waste Site				

0.15 0.075 0 0.15 Miles

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Sources:

**Non Orthophotography**

**Data** - Obtained from the State of Indiana Geographical Information Office Library

**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))

**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

Appendix C:

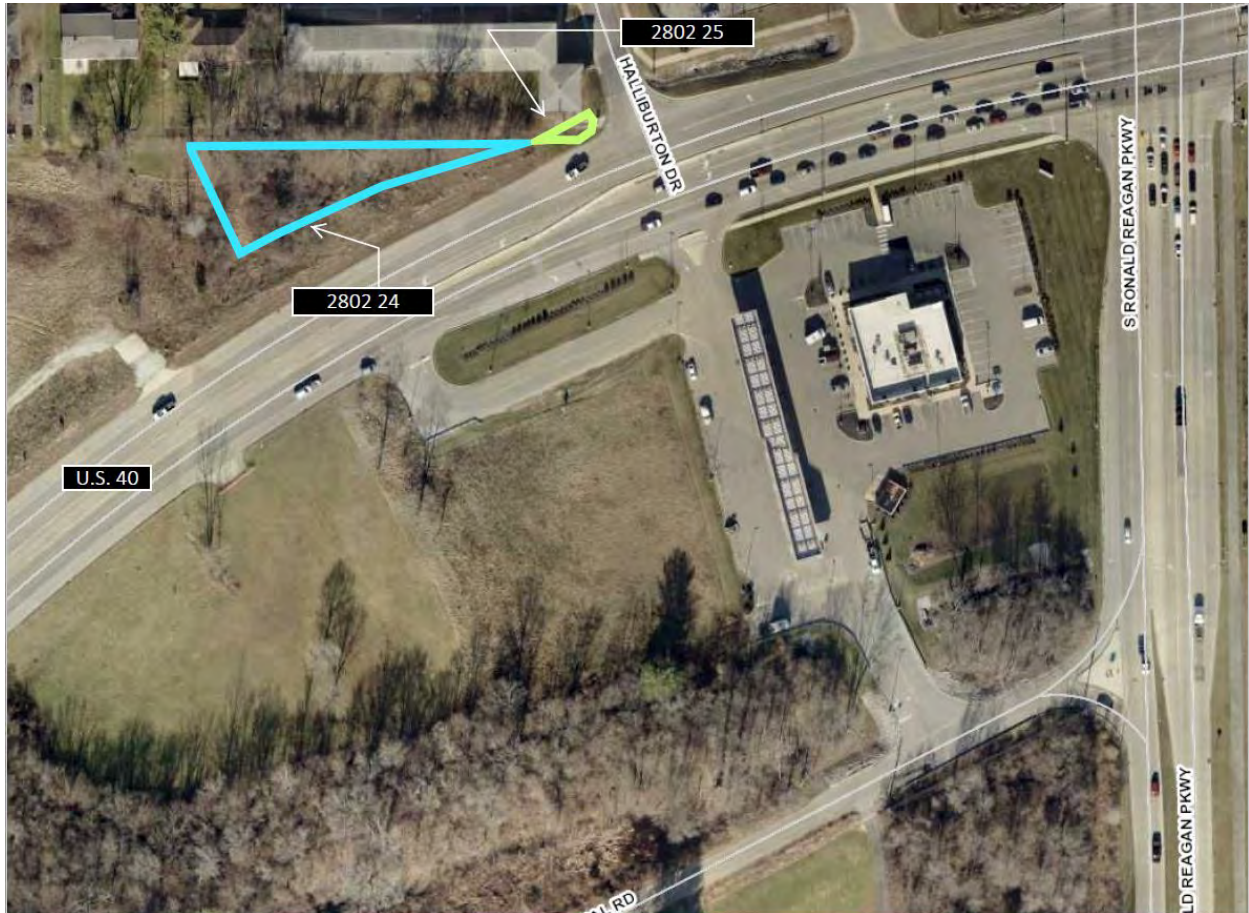
Parcel Documentation





## 2802 24, 25 U.S. 40, Hendricks County

Tax ID 32-09-20-300-003.000-027, 32-09-20-300-002.000-027, 32-09-20-690-001.600-027



This aerial is not a precise representation of the parcel in question. For an exact depiction, please refer to the legal description.

# INDOT

Acquisition  
Document

## 9DSE9

Scan Key	<b>280224</b>
LA Code	2802
Parcel No.	24
Owner	HUTTE, ERNEST C. ET UX.

**DULY ENTERED  
FOR TAXATION**

OCT 30 1995

Mary Jane Russell  
AUDITOR HENDRICKS COUNTY

## WARRANTY DEED

12-4-20-52E 320-003

Project: ST-B176(L)  
Code: 2802  
Parcel: 24

THIS INDENTURE WITNESSETH, That Ernest C. Hutte and Diana G. Hutte  
(adults, husband and wife)

of Hendricks County, in the State of Indiana

Convey and Warrant to the STATE OF INDIANA for and in consideration of

\_\_\_\_\_ Dollars, the receipt whereof is hereby acknowledged, the following described Real Estate in Hendricks County in the State of Indiana, to wit:

A part of the Northeast Quarter of the Southwest Quarter of Section 20, Township 15 North, Range 2 East in Hendricks County, State of Indiana, described as follows:

Beginning at a point on the North line of the aforementioned Quarter Quarter Section, said point being West a distance of 801.0 feet from the Northeast corner thereof; continuing thence along the same line a distance of 318.0 feet; thence deflecting to the left 118 degrees 52 minutes a distance of 113.0 feet to a point on the North line of U. S. Highway #40; running thence Northeasterly on and along said North line to the POINT OF BEGINNING.

Containing in all 0.37 acres, more or less.



Grantor assumes and agrees to pay all taxes for the year 1994 payable 1995 on the above described real estate.

Land and improvements

The grantor shall clear and convey free of all leases, licenses, or other interests both legal and equitable, and all encumbrances of any kind or character, in and under said land as conveyed.

It is understood between the parties hereto, and their successors in title, and made a covenant herein which shall run with the land, that all lands hereinbefore described (excepting any parcels specifically designated as easements or as temporary rights of way) are conveyed in fee simple and not merely for right of way purposes, and that no reversionary rights whatsoever are intended to remain in the grantor(s).

IN WITNESS WHEREOF, the said Grantors  
have hereunto set their hands and seal, this 21st day of August 1995

	(Seal)		(Seal)
Ernest C. Hutte (adult husband)	(Seal)	Diana G. Hutte (adult wife)	(Seal)
	(Seal)		(Seal)
	(Seal)		(Seal)
	(Seal)		(Seal)

ENTERED FOR RECORD

OCT 30 1995

345- *Jay Bradley* At Page 123-124

Paid by Warrant No. 14250203  
Dated 10-3-95

Interests in land acquired  
for State Highway by  
Indiana Department of Transportation  
100 North Senate Avenue  
Indianapolis, IN 46204-2249

This Instrument Prepared By Paul G. Roland, Attorney at Law  
129 E. Market Street/No. 1100  
Indianapolis, Indiana 46204



BOOK 345 PAGE 123

STATE OF INDIANA, \_\_\_\_\_ County, ss: Before me, the undersigned, a Notary Public in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_; personally appeared the within named \_\_\_\_\_

Grantor \_\_\_\_\_ in the above conveyance, and acknowledged the same to be \_\_\_\_\_ voluntary act and deed, for the uses and purposes herein mention.

I have hereunto subscribed my name and affixed my official seal.

My Commission expires \_\_\_\_\_ Notary Public  
County of Residence \_\_\_\_\_ Printed Name

STATE OF INDIANA, Hendricks County, ss: Before me, the undersigned, a Notary Public in and for said County and State, this 21st day of August, A.D. 1995; personally appeared the within named Ernest C. Hutte and Diana G. Hutte (adults, husband and wife)

Grantor s in the above conveyance, and acknowledged the same to be their voluntary act and deed, for the uses and purposes herein mention.

I have hereunto subscribed my name and affixed my official seal.

My Commission expires February 26, 1996 Steven P. Penturf Notary Public  
County of Residence Putnam Steven P. Penturf Printed Name

STATE OF INDIANA, **STEVEN P. PENTURF**  
**NOTARY PUBLIC STATE OF INDIANA**  
**PUTNAM COUNTY**  
**MY COMMISSION EXPIRES FEB 26, 1996** \_\_\_\_\_ County, ss: Before me, the undersigned, a Notary Public in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_; personally appeared the within named \_\_\_\_\_

Grantor \_\_\_\_\_ in the above conveyance, and acknowledged the same to be \_\_\_\_\_ voluntary act and deed, for the uses and purposes herein mention.

I have hereunto subscribed my name and affixed my official seal.

My Commission expires \_\_\_\_\_ Notary Public  
County of Residence \_\_\_\_\_ Printed Name

STATE OF INDIANA, \_\_\_\_\_ County, ss: Before me, the undersigned, a Notary Public in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_; personally appeared the within named \_\_\_\_\_

Grantor \_\_\_\_\_ in the above conveyance, and acknowledged the same to be \_\_\_\_\_ voluntary act and deed, for the uses and purposes herein mention.

I have hereunto subscribed my name and affixed my official seal.

My Commission expires \_\_\_\_\_ Notary Public  
County of Residence \_\_\_\_\_ Printed Name

STATE OF INDIANA, \_\_\_\_\_ County, ss: Before me, the undersigned, a Notary Public in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_; personally appeared the within named \_\_\_\_\_

Grantor \_\_\_\_\_ in the above conveyance, and acknowledged the same to be \_\_\_\_\_ voluntary act and deed, for the uses and purposes herein mention.

I have hereunto subscribed my name and affixed my official seal.

My Commission expires \_\_\_\_\_ Notary Public  
County of Residence \_\_\_\_\_ Printed Name

PARCEL 24  
PROJECT ST-B176(L)  
ROAD U.S.R. 40  
COUNTY : HENDRICKS  
SECTION : 20  
TOWNSHIP : 15N.  
RANGE : 2E.  
CODE : 2802

OWNER: HUTTE, ERNEST C. Et U.S.

DEED RECORD 286 ,PAGE 504 ,DATED 11-26-85  
DEED RECORD 286 ,PAGE 506 ,DATED 11-26-85

DRAWN BY: R.P. KORNAUS 1-15-92

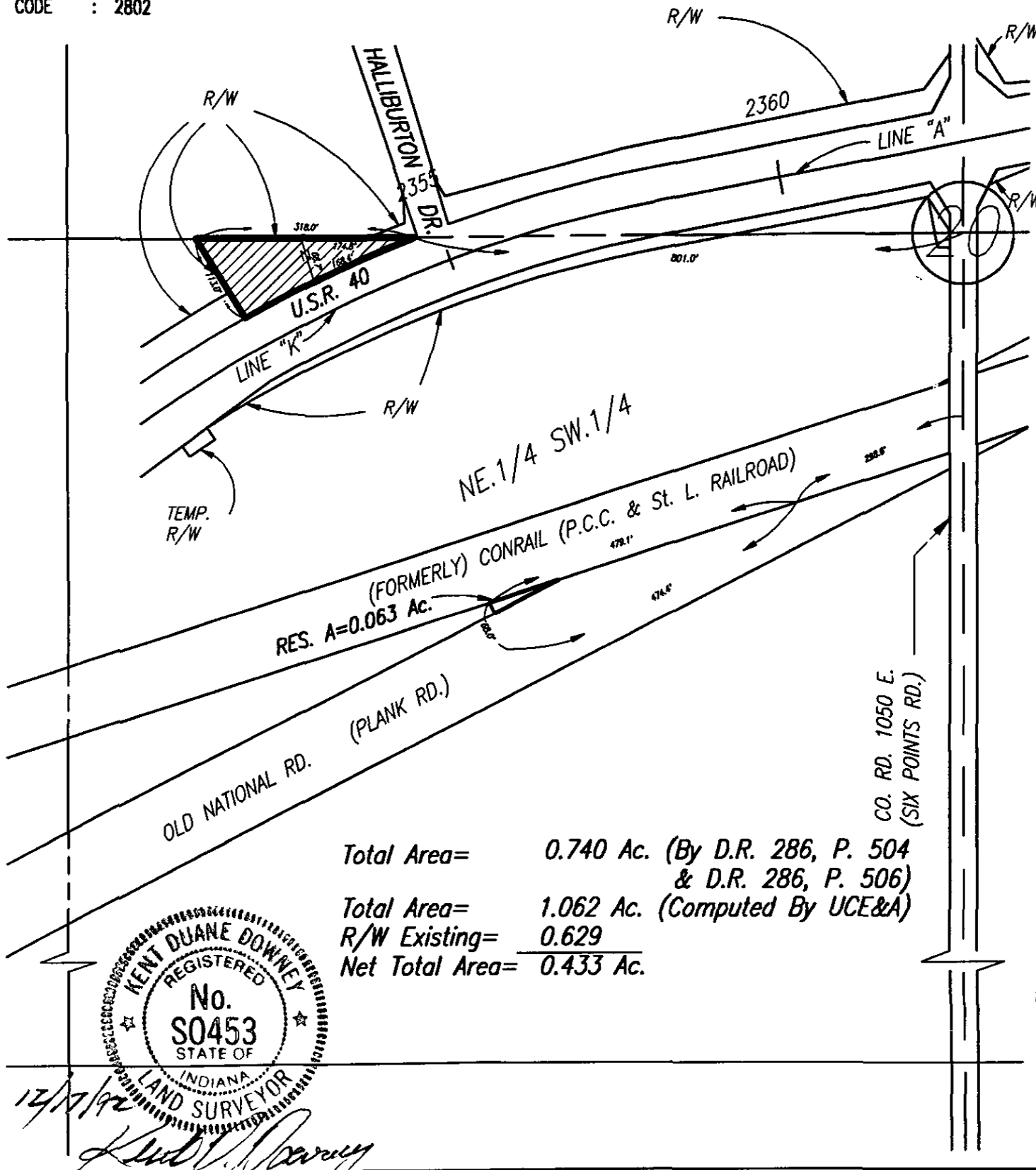
CHECKED BY: D.J. WEEK 5-19-92



HATCHED AREA IS THE  
APPROXIMATE TAKING

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE  
AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

SCALE: 1"=200'



WITNESS our hands and seal, this 12th day of October, 1995.

**LINCOLN FEDERAL SAVINGS BANK**

By:

James W. Hiatt, Vice President

STATE OF INDIANA, HENDRICKS COUNTY, ss.:

BEFORE ME, the undersigned, a Notary Public in and for said County,  
this 12th day of October

personally appeared James W. Hiatt, Vice President  
of Lincoln Federal Savings Bank and as such officer acknowledged the ex-  
ecution of the annexed Satisfaction of Mortgage.

WITNESS my hand and Notarial Seal.

ENTERED FOR RECORD

OCT 30 1995

A1

Page

BOOK

124

Sueann L. Cox

# INDOT

Acquisition  
Document

## 9DSE9

Scan Key **280225**

LA Code 2802

Parcel No. 25

Owner VISION INVESTMENTS



1998-22826

BK 74 PG 154

Recorded 8-27-98

NC Judgem

**STATE OF INDIANA**  
**OFFICE OF THE ATTORNEY GENERAL**

INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR  
402 WEST WASHINGTON STREET • INDIANAPOLIS, IN 46204-2770

**CARTER**  
**BY GENERAL**

TELEPHONE (317) 232

January 10, 2003

The Honorable Theresa Lynch  
Recorder of Hendricks County, Indiana  
213 Government Center  
355 S. Washington Street  
Danville, IN 46122

Re: Recordation of Condemned Real Estate

Dear Recorder Lynch:

Enclosed is the Judgment, including legal description, entered in State of Indiana v. Vision Investments, et al., Cause No. 32C01-9708-CP-277 in Hendricks Circuit Court. The real estate interests appropriated in that lawsuit are located in Hendricks County. Contained within the Judgment is a legal description of those real estate interests.

Please record the transfer to the State of these real estate interests in the deed records of your county and return evidence to us of that recordation; all of which is to be done without fee pursuant to IC 8-23-7-31(a) and order of the Court.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Amy LaFon".

Amy LaFon, Paralegal  
Real Estate Litigation

78333

Enclosure





STATE OF INDIANA ) IN THE HENDRICKS CIRCUIT COURT  
 ) SS:  
COUNTY OF HENDRICKS ) CAUSE NO. 32C01-9708-CP-227<sup>277</sup>

STATE OF INDIANA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
VISION INVESTMENTS, AN INDIANA )  
GENERAL PARTNERSHIP, HUNTINGTON )  
NATIONAL BANK OF INDIANA, and )  
HENDRICKS COUNTY, INDIANA, )  
 )  
Defendants. )

**FILED**  
JUN 30 1998  
*Jeffrey V. Baker*  
JUDGE HENDRICKS CIRCUIT COURT

**JUDGMENT**

The Court, having examined the record of this case and being duly advised, now  
FINDS:

1. Plaintiff filed its Complaint for Appropriation of Real Estate on August 13, 1997, and all Defendants were served with notice as provided by statute.
2. On September 5, 1997, Defendants, Vision Investment, Huntington National Bank of Indiana, and Hendricks County, Indiana, appeared by counsel.
3. On October 22, 1997, the Court ordered the appropriation of the real estate described in paragraph IV of Plaintiff's Complaint and appointed three disinterested freeholders of Hendricks County, Indiana, to assess damages and benefits, if any, resulting from Plaintiff's appropriation.
4. On October 29, 1997, the court-appointed appraisers filed their Report of Appraisers, in which they assessed [REDACTED]  
[REDACTED] as total just compensation due to Defendants as a result of Plaintiff's appropriation.
5. On March 31, 1998, the Clerk of the Court sent notice of the Report of Appraisers, by United States certified mail, to all parties and attorneys of record.

6. Indiana Code § 32-11-1-8 mandates that Exceptions to the Report of Appraisers shall be filed within twenty days of the clerk's mailing of the report. Thus, any exceptions were due on April 20, 1998

7. No party has filed Exceptions to the Report of Appraisers.

8. When, as here, no exceptions have been filed, the Report of Appraisers is conclusive as a matter of law and there is no issue remaining for trial. *Southern Indiana Gas & Elec. Co. v. Decker*, 307 N.E.2d 51 (Ind. 1974); *State v. Redmon*, 186 N.E. 328 (Ind. 1933).

9. Plaintiff paid the appraisers' fees and deposited the amount of the court-appointed appraisers' award with the Clerk of the Court on or about May 20, 1998.

10. Defendants, Vision Investments, Huntington National Bank of Indiana, and Hendricks County, Indiana, should recover [REDACTED]

[REDACTED] as total just compensation in this case.

11. Plaintiff, State of Indiana, cannot be involved in determining the allocation of the [REDACTED] among Defendants, Vision Investments, Huntington National Bank of Indiana, and Hendricks County, Indiana.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, State of Indiana, now holds fee simple title, including immediate rights of possession, to the real estate described as:

A part of Business Area "B" in Medallion Meadows, a subdivision in the Northwest Quarter of Section 20, Township 15 North, Range 2 East, the plat of which subdivision is recorded in Plat Book 4, page 143, in the Office of the Recorder of Hendricks County, Indiana, described as follows: Beginning at the southeast corner of said Business Area "B"; thence South 89 degrees 39 minutes 04 seconds West 66.82 feet along the south line of said Business Area "B"; thence Northeasterly 57.98 feet along an arc to the right and

having a radius of 1,948.86 feet and subtended by a long chord having a bearing of North 67 degrees 37 minutes 15 seconds East and a length of 57.98 feet; thence North 2 degrees 29 minutes 39 seconds West 26.43 feet to the eastern line of said Business Area "B:"; thence South 16 degrees 37 minutes 56 seconds East 50.17 feet along said eastern line to the point of beginning and containing 897 square feet, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, Vision Investments, Huntington National Bank of Indiana, and Hendricks County, Indiana, shall recover [REDACTED] as total just compensation in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Court pay Defendants, Vision Investments, Huntington National Bank of Indiana, and Hendricks County, Indiana, with the funds deposited by the State on May 20, 1998, [REDACTED] in full satisfaction of this judgment and any and all Defendants' claims in this case, and that the Clerk shall allocate the [REDACTED] among the Defendants as the Court shall direct in a SEPARATE ORDER.

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Judgment to the Auditor of Hendricks County, Indiana, and that the Auditor shall remove the above-described real estate that the State acquired in fee simple from the tax records and rolls of the County and cancel all 1998 and subsequent years' taxes thereon

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Judgment to the Recorder of Hendricks County, Indiana, and that the Recorder shall, pursuant to IC 8-23-7-31 and without payment of fee, record the transfer of the above-described real estate to the State of Indiana; and that the Recorder shall submit evidence of the recorded transfer, by United States mail, to the Office of

Attorney General of Indiana, 402 West Washington Street, Indianapolis, Indiana 46204-2770.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

30

June

Judge, Hendricks Circuit Court

Copies to:

Howard L. Stevenson  
Deputy Attorney General  
402 West Washington Street, Fifth Floor  
Indianapolis, IN 46204-2770

Donn H. Wray  
STEWART & IRWIN  
251 East Ohio Street, Suite 1100  
Indianapolis, IN 46204-2118

George W. pendency  
Attorney at Law  
10723 Chase Court  
Fishers, IN 46053

Auditor of Hendricks County  
P.O. Box 97  
Danville, IN 46122-0097

Recorder of Hendricks County  
P.O. Box 86  
Danville, IN 46122-0086

hls:196829

STATE OF INDIANA )  
 ) SS:  
COUNTY OF HENDRICKS )

IN THE HENDRICKS CIRCUIT COURT

CAUSE NO. 32C01-9708-CP-277

STATE OF INDIANA, )  
 )  
 ) Plaintiff, )  
 )

v. )

VISION INVESTMENTS, AN )  
INDIANA GENERAL PARTNERSHIP, )  
HUNTINGTON NATIONAL BANK OF )  
INDIANA and HENDRICKS COUNTY, )  
INDIANA, )

Defendants. )

**AMENDED ENTRY AND ORDER**

The court-appointed appraisers report that Defendants are entitled to total just compensation of [REDACTED] in this case.

The Court, having reviewed the record of this case and being duly advised, ORDERED Plaintiff to pay the Clerk of the Court the total appraisers' fees in the amount of [REDACTED] each.

The Court further ORDERS the Clerk of the Court, on receipt of said amount, to pay to the appraisers his or her share of the fee recited above, and to deposit all other amounts received from the Plaintiff in an interest-bearing account pending further Order of this Court.

The Clerk of the Court is further ORDERED to send a copy of the Report of Appraisers and this Entry and Order by CERTIFIED MAIL to Plaintiff, all Defendants and the attorneys of record in this case. & Appraisers:

**FILED**

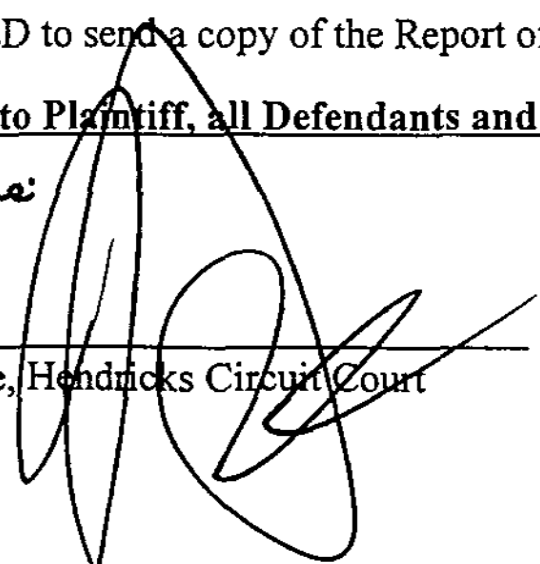
APR - 9 1998

*Jeffrey V. Baker*

Date: \_\_\_\_\_

JUDGE HENDRICKS CIRCUIT COURT

Judge, Hendricks Circuit Court



: 25  
: ST-B176(L)  
: U.S.R. 40  
: HENDRICKS  
: 20  
: 15N.  
: 2E.  
: 2802

OWNER: VISION INVESTMENTS, AN INDIANA GENERAL PARTNERSHIP

DRAWN BY: R.P. KORNAUS 1-20-92

CHECKED BY: D.J. MEEK 5-19-92

DEED RECORD 333 ,PAGE 609 ,DATED 1-26-94  
DEED RECORD 333 ,PAGE 613 ,DATED 2-17-94



HATCHED AREA IS THE APPROXIMATE TAKING

SCALE: 1" = 200'

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

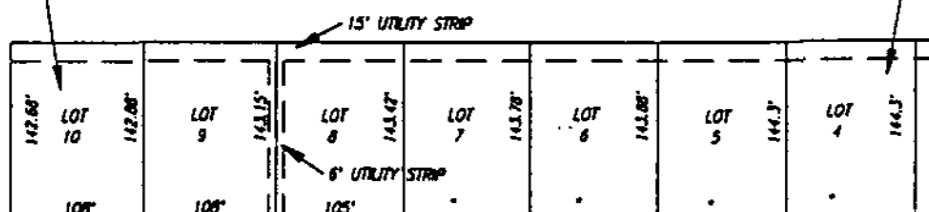


Total Area= 37,466 SF.  
R/W Existing= 0  
Net Total Area= 37,466 SF.

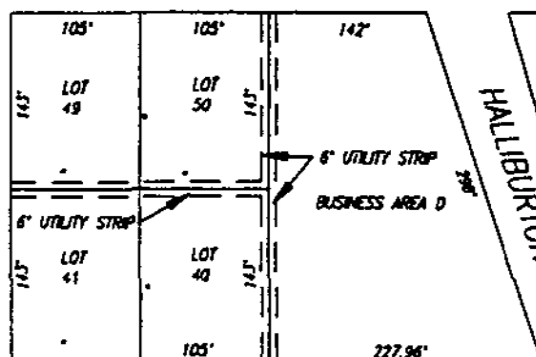
CO. RD. 1050 E.  
(SIX POINTS RD.)

# MEDALLION MEADOWS SUBDIVISION (Plat Book 4, Page 143)

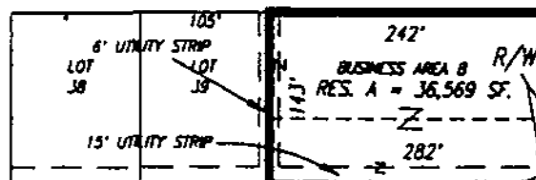
S. 1/2  
NW. 1/4



SIX POINTS DR. N. LANE



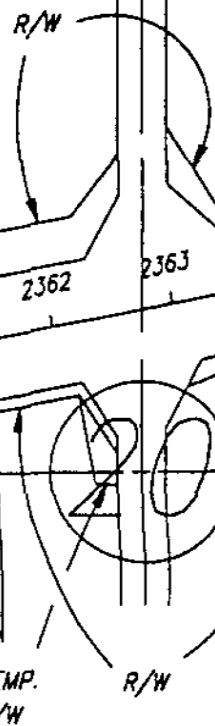
SIX POINTS DR. S. LANE



## EXHIBIT "A"

HALLIBURTON DR.

Subject to an easement for a 10" sanitary sewer



## EXHIBIT "A"

Appendix D:

USFWS Coordination



## 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:  
Project code: 2024-0074794  
Project Name: LA 2802-24, 25

04/09/2024 19:17:18 UTC

Subject: Consistency letter for the 'LA 2802-24, 25' 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 April 09, 2024 to verify that the **LA 2802-24, 25** (Proposed Action) may rely on 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 will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the endangered northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species**. 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 assessment failed to detect Indiana bats and/or NLEBs use or occupancy, yet 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 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 advise the lead Federal action agency accordingly.

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

- Monarch Butterfly *Danaus plexippus* Candidate
- 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

LA 2802-24, 25

### DESCRIPTION

This document is being prepared for the sale of two (2) parcels which are located in Hendricks County.

The parcels total approximately 0.37 acre. INDOT has decided that this surplus land will not be needed for right of way or other transportation purposes in the foreseeable future

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.7248642,-86.34364569389456,14z>



## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the endangered northern long-eared bat.

Therefore, no 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 for these two species.

## QUALIFICATION INTERVIEW

1. Is the project within the range of the Indiana bat<sup>[1]</sup>?

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

**Automatically answered**

Yes

2. Is the project within the range of the northern long-eared bat<sup>[1]</sup>?

[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<sup>[1]</sup> 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.

Yes

## 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**

Agency: Indiana Department of Transportation

Name: Cindy Mauro

Address: 100 N. Senate Ave. IGCN 758-ES

City: Indianapolis

State: IN

Zip: 46204

Email: cmauro@indot.in.gov

Phone: 3174166649



## 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:

04/09/2024 19:16:50 UTC

Project Code: 2024-0074794

Project Name: LA 2802-24, 25

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 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/or 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 Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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 feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. 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. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act 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.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you

determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process. For all **wind energy projects and projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of



Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to 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.**

Attachment(s):

- Official Species List
- 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

## PROJECT SUMMARY

Project Code: 2024-0074794  
Project Name: LA 2802-24, 25  
Project Type: Easement / Right-of-Way  
Project Description: This document is being prepared for the sale of two (2) parcels which are located in Hendricks County.

The parcels total approximately 0.37 acre. INDOT has decided that this surplus land will not be needed for right of way or other transportation purposes in the foreseeable future

### Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.7248642,-86.34364569389456,14z>



Counties: Hendricks County, Indiana

## ENDANGERED SPECIES ACT SPECIES

There is a total of 5 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 Fisheries<sup>1</sup>, 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 <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## BIRDS

NAME	STATUS
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: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	Experimental Population, Non- Essential

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## 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.

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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 likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

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
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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Oct 15 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.

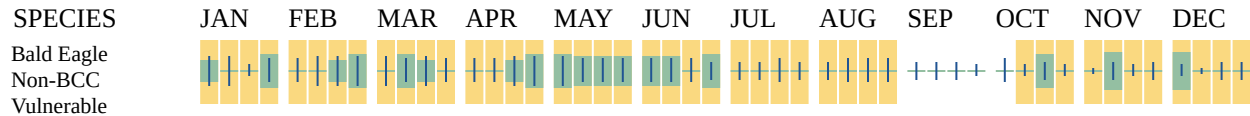
### Survey Effort (|)

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.

■ probability of presence   ■ breeding season   | survey effort   — no data



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-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- 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>

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

- 
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
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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Oct 15 to Aug 31

NAME	BREEDING SEASON
<b>Chimney Swift <i>Chaetura pelagica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a>	Breeds Mar 15 to Aug 25
<b>Lesser Yellowlegs <i>Tringa flavipes</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Pectoral Sandpiper <i>Calidris melanotos</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9561">https://ecos.fws.gov/ecp/species/9561</a>	Breeds elsewhere
<b>Prothonotary Warbler <i>Protonotaria citrea</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9439">https://ecos.fws.gov/ecp/species/9439</a>	Breeds Apr 1 to Jul 31
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9398">https://ecos.fws.gov/ecp/species/9398</a>	Breeds May 10 to Sep 10
<b>Ruddy Turnstone <i>Arenaria interpres morinella</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/10633">https://ecos.fws.gov/ecp/species/10633</a>	Breeds elsewhere
<b>Rusty Blackbird <i>Euphagus carolinus</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9478">https://ecos.fws.gov/ecp/species/9478</a>	Breeds elsewhere
<b>Short-billed Dowitcher <i>Limnodromus griseus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	Breeds elsewhere
<b>Wood Thrush <i>Hylocichla mustelina</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9431">https://ecos.fws.gov/ecp/species/9431</a>	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 (■)

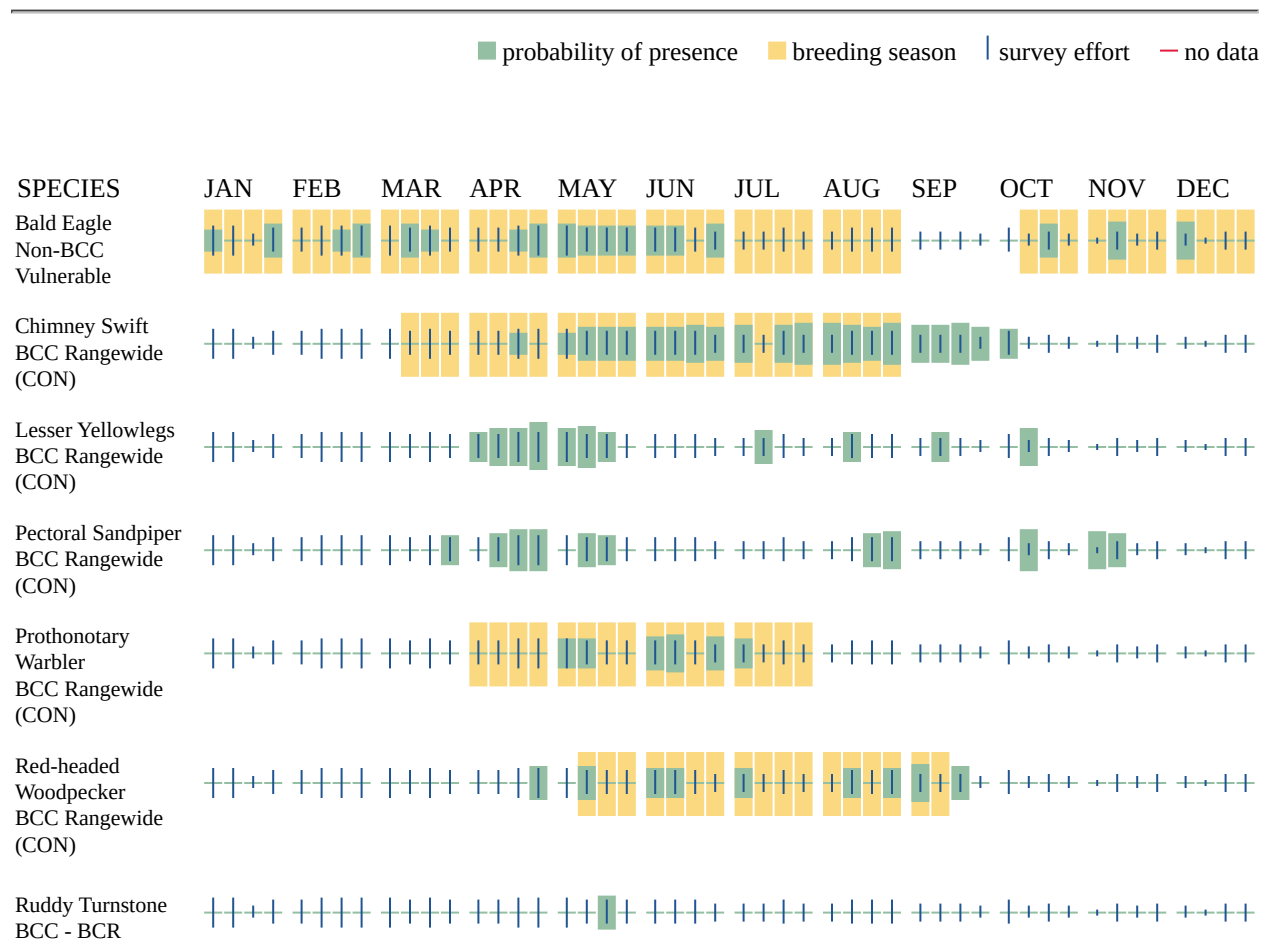
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### Survey Effort (|)

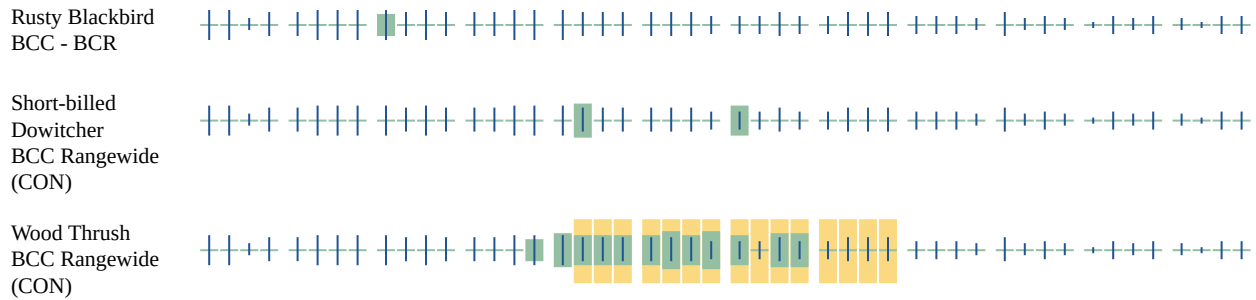
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

### 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-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- 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

- PUBGx

## **IPAC USER CONTACT INFORMATION**

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