

**ENVIRONMENTAL ASSESSMENT  
FOR  
SECTION 219, WRDA 1992, AS AMENDED  
ENVIRONMENTAL INFRASTRUCTURE PROJECT  
SANITARY SEWER IMPROVEMENTS FOR  
GARY, LAKE COUNTY, INDIANA**

May 28, 2015

U.S. Army Corps of Engineers  
Chicago District, Planning Branch  
231 South LaSalle Street Suite 1500  
Chicago, Illinois 60604

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## **SECTION 1 PURPOSE AND NEED**

### **PURPOSE**

The proposed project would include construction of a new diversion structure and a new 60-inch diameter sewer pipe from the diversion structure to a new drop shaft. Sanitary sewer system improvements would alleviate the commonly occurring cases of sewerage backup affecting a number of residential areas within the city.

### **NEED FOR ACTION**

The existing diversion structure is inadequate for existing sewerage flows. The resulting inability to handle even moderate increases in flow results in sewerage backup into residential areas.

### **AUTHORITY**

The study was authorized under Section 219 of the Water Resources Development Act of 1992, as amended by Section 504 of the Water Resources Development Act of 1996, Section 502 of the Water Resources Development Act of 1999, Section 108 of the Consolidated Appropriations Act of 2001, Section 145 of the Energy and Water Appropriations Act of 2004, and Sections 5075 and 5158 of the Water Resources Development Act of 2007, which allows the Army Corps of Engineers to provide planning, design and construction assistance for water-related environmental infrastructure projects.

### **LOCAL SPONSOR**

The project's non-Federal sponsor is the Gary Sanitary District.

## **SECTION 2 ALTERNATIVES, INCLUDING THE RECOMMENDED PLAN**

There are 3 alternative measures considered to address this sewerage problem in Gary, Indiana.

1. **No Action Plan**-Under this alternative, no changes would be made to repair the sanitary sewer system in Gary. The existing system would remain inadequate and reoccurring cases of sewerage backup will continue to affect residential areas in the city.
2. **Limited Improvements to the Existing Sanitary Sewer System Plan**- A new diversion structure would be constructed and the existing 18-inch pipe connecting it to the existing drop shaft would be replaced with a 60-inch pipe. Although this would increase conveyance of flow, the existing drop shaft would remain inadequate and sewerage backups would continue to occur.
3. **Improvements to the Sanitary Sewer System Plan**- A new diversion structure would be constructed and a new 60" pipe would connect the structure to a new drop shaft. This would increase conveyance of flow and alleviate both the commonly occurring sewerage backups in residential areas.

## RECOMMENDED PLAN

**Improvements to the Sanitary Sewer System Plan-** A new diversions structure would be constructed and a new 60" pipe would connect the structure to a new drop shaft. This would increase conveyance of flow and alleviate both the commonly occurring sewerage backups in residential areas.

Benefits of the recommended alternative include improvements to the primary flow path of the combined sanitary sewer system and increase conveyance of flow, as well as a reduction of the recurring cases of sewerage backups into residences and treatment plant bypasses. The recommended plan is also currently the most cost effective plan to prevent sanitary sewer backups in residential areas.

Work would begin in 2015 with completion anticipated in approximately 12 months.

## COMPLIANCE WITH ENVIRONMENTAL PROTECTION STATUTES, EXECUTIVE ORDERS AND REGULATIONS

The proposed action is in full compliance with appropriate statutes, executive orders and regulations, including the National Historic Preservation Act of 1966, as amended, Fish and Wildlife Coordination Act, as amended, Endangered Species Act of 1973, as amended, Section 10 of Rivers and Harbors Act of 1899, Clean Air Act, as amended, Indiana's Nongame and Endangered Species Act (IC 14-22-34), National Environmental Policy Act of 1969, as amended, Executive Order 12898 (Environmental Justice), Executive Order 11990 (Protection of Wetlands), Executive Order 11988 (Floodplain Management), and the Clean Water Act, as amended.

## SECTION 3 AFFECTED ENVIRONMENT

### PROJECT AREA

The project area is within the City of Gary, Lake County, Indiana. The project area lies 1 and 1/2 miles to the south of Lake Michigan directly south of the Little Calumet River in the SE ¼ of Section 1, T36N R8W and the SW ¼ of Section 6, T36N R7W of the 2<sup>nd</sup> principal meridian, and is shown on the Gary (Indiana) USGS 7.5' topographic quadrangle map.

The proposed project would construct a new drop structure that will be connected to the existing 5' x 9' box conduit by a new 60" pipe. The construction is within an existing utility easement and highway right-of-way within Gary, Lake County, Indiana.

Traffic disruption should be minimal with most construction occurring within the existing street right-of-way or utility easements, allowing most area roads to remain open to local traffic.

### AIR AND WATER QUALITY

Air and water quality in the project area are typical of what would be expected in a densely populated urban area. Air quality is categorized as moderate to good. Most of the impacts to air quality in this area are due to the large number of cars and trucks driven on the extensive road

system in the Chicago and northern Indiana metropolitan area. Ground water quality within the project area does not meet applicable water quality standards because of the continued combined sewer overflows, agricultural run-off, and municipal waste effluent.

## AQUATIC COMMUNITIES

There are no aquatic communities present in the planned project location. The Little Calumet River is directly to the north of the project area. This waterway supports a number of species typical of rivers in northern Indiana.

## TERRESTRIAL COMMUNITIES

Gary provides suitable habitat for common “urban” wildlife species, including fox and gray squirrel, opossum, cottontail rabbit, striped skunk, mice, red fox, bats, and eastern moles. Typical resident birds include English sparrow, starling, robin, herring gull, Canada geese, mallard, pigeon, cardinal, chickadee, red winged blackbird, purple martin, grackle, and blue jay.

Vegetation within the Gary project area contains mowed grass lawns, shrubs, and a variety of tree species include maple, green ash, mulberry, box elder, honey locust, crabapple, and cottonwood, as well as some remaining agricultural land.

The proposed construction zone contains no particularly valuable wildlife habitat.

## NATURAL AREAS

A county park containing a section of the Little Calumet River Trail is located directly across the street from the project area. This open space provides a range of vegetation zones, along with resting and feeding areas for a variety of wildlife, including a large number of migratory birds during spring and fall migrations.

## THREATENED AND ENDANGERED SPECIES

The project area is residential. It is within the range of the federally endangered Indiana Bat (*Myotis sodalist*), the proposed endangered northern long-eared bat (*myotis septentrionalis*) the Karner blue butterfly (*Lycaeides Melissa samuelis*), the threatened Pitcher’s thistle (*Cirsium pitcheri*), and Mead’s milkweed (*Asclepias meadii*). However, the project area contains no habitat likely to be used by threatened or endangered species.

## ARCHEOLOGICAL AND HISTORIC PROPERTIES

The City of Gary has a large number of properties listed on the National Register of Historic Places. None of these listed properties are located near the project area.

None of these properties will be impacted by the proposed sanitary sewer project, and thus a finding of “no adverse affect” is appropriate for this project.

The proposed project is within highway right-of-way and utility easements. The surrounding area has been disturbed by filling, grading, and utility construction. It contains no intact archaeological material.

## LAND USE HISTORY

Gary was created by U.S. Steel as a company town for its employees in 1906. The city was named after industrialist Elbert H. Gary, chairman of the board of U.S. Steel. Additional industries located in Gary turning it into one of the new “satellite cities,” or industrial suburbs, growing up around Chicago. Waves of immigrants settled in Gary to take advantage of these industrial jobs. The 1960s saw the end of heavy industry in the Gary area. The population of Gary peaked at 175,400 in the 1970s. The continuing lack of jobs has led to a decline in population to its current level of 84,400.

## **SOCIAL SETTING**

Gary has a ethnically and racially diverse population of approximately 84,400 (2014). Median household income is \$32, 317.00 (2014). Median home value is \$69,000.00 (2014).

## **RECREATION**

The City of Gary maintains 52 public parks providing recreational facilities of all kinds. The public Gleason Park Golf Course is also part of the Gary park system. Indiana Dunes National Lakeshore is located north of the project area on the shore of Lake Michigan. Swimming, hiking, and picnicking are some of the activities enjoyed in this national park. In addition, a number of county parks located along the Little Calumet River provide outdoor recreation opportunities.

## **HAZARDOUS, TOXIC AND RADIOACTIVE WASTE (HTRW) INVESTIGATION**

An HTRW Phase I investigation has been conducted, and has revealed that no known potential environmental issues exist within the project areas.

# **SECTION 4 ENVIRONMENTAL CONSEQUENCES**

## **IMPACTS OF “NO ACTION” PLAN**

The “no action” plan would not result in any additional impacts but the sanitary sewer system would remain inadequate, and the continuation of sanitary sewerage backups and leakage would be detrimental to the local quality of life.

## **GENERAL IMPACTS (SECTION 122 OF PUBLIC LAW 91-611) OF THE PROPOSED PLAN**

Section 122 of Public Law 91-611 identified 17 potential areas of impact that are required to be considered as part of an impact analysis of proposed projects. The proposed plan would not adversely affect community cohesion, desirable community growth, tax revenues, property values, public services, or desirable regional growth. No farms, people, industry or businesses would be displaced. Impacts of the remaining areas follow:

### **Social Impacts**

Project impacts on natural resources, man-made resources, and employment will be temporary. Employment could increase slightly during construction, and the region's labor force should be sufficient to provide the necessary workers. There will be no significant adverse effect to public facilities. During construction, increased traffic congestion would be localized and intermittent. Any aesthetic degradation would be temporary. The project would have no significant adverse impact on human health or welfare or to municipal or private water supplies.

#### Air Quality Impacts

The proposed action would cause temporary increases in exhaust emissions from machinery and equipment during construction. These impacts would be minimal because of emission and dust controls required by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and local restrictions. The Corps of Engineers specifications (CW-04130 Construction Specifications for Environmental Protection, July 1978) are included in contracts to provide protection for the local environment. Regarding the Clean Air Act, construction and operation of the project would not result in significant or long-term adverse impacts to air quality. The project would involve only a de minimis discharge of airborne pollutants, and is therefore in compliance with the Clean Air Act.

#### Noise Impacts

The proposed action will cause temporary increases in noise from machinery and equipment during construction. These impacts will be temporary and will not result in significant or long-term adverse impacts.

#### Water Quality Impacts

The project will have a significant beneficial long-term impact on the quality of water in the community. Sewer improvements will reduce sewerage leakage from the system, thereby protecting area groundwater from contamination. Increased conveyance to the system will also significantly reduce sewerage backups and basement flooding in residential areas.

Section 10 of the Rivers and Harbors Act of 1899 - does not apply since there is no construction or placement of fill within navigable waters. The project will not involve any new discharge to the waters of the United States, therefore Section 401 water quality certification is not required and no Section 404(b)(1) evaluation has not been prepared pursuant to the Clean Water Act.

Executive Order 11988 (Floodplain Management) -The project will not promote development in the floodplain.

The project will have no significant long-term adverse impacts on the quality of water in any of the tributaries to Lake Michigan. The project would comply will all applicable water quality standards.

Although this project is located within the boundaries of the Lake Michigan Coastal Program (LMCP), it is exempt from Federal Consistency (FC) review under Section D, Exempt Activities as defined by the Indiana LMCP FC Nonrule Policy Document.

#### ENVIRONMENTAL JUSTICE

Executive Order 12898 (Environmental Justice) - An investigation of the Environmental Protection Agency website (March 18, 2015) indicates that although minority and low-income

populations are near the project area, this project will not have an adverse effect on any low-income populations or minority populations in Gary.

## AQUATIC IMPACTS

Fish and Wildlife Coordination Act - The project will have no negative impact on aquatic wildlife or habitat. The U. S. Fish and Wildlife Service have concurred with this determination in a letter dated April 2, 2015. The Indiana DNR has also concurred with this determination in a letter dated April 24, 2015.

Executive Order 11990 (Protection of Wetlands) - The project will have no impact on wetlands.

Executive Order 11988 (Floodplain Management)- The project area is not in the flood plain and therefore the project will not promote development in the floodplain.

## TERRESTRIAL IMPACTS

The project would not have an adverse impact on any valuable wildlife or habitat. The Indiana DNR has concurred with this determination (letter dated April 24, 2015). The U.S. Fish and Wildlife Service has also concurred with this determination (letter dated April 2, 2015).

## THREATENED AND ENDANGERED SPECIES IMPACTS

Indiana Endangered Species -The project would not affect state-listed threatened or endangered species, or habitat likely to be used by such species. The State of Indiana has been contacted and has concurred with this determination in a letter dated April 24, 2015.

Endangered Species Act of 1973 -The project will not affect Federal-listed, threatened, or endangered species, or habitat likely to be used by such species; the U. S. Fish and Wildlife Service has concurred with this determination (letter dated April 2, 2015).

## ARCHAEOLOGICAL AND HISTORIC IMPACTS

National Historic Preservation Act of 1966 - The proposed construction would have no adverse affect on archaeological or historic properties. The Indiana SHPO has concurred with this determination (letter dated April 24, 2015).

Native American groups having an interest in northwestern Indiana have been consulted (letters dated March 27, 2015).

## HTRW IMPACTS

A Phase I HTRW investigation has been conducted, and has revealed that no known potential environmental issues exist within the project areas.

## CUMULATIVE EFFECTS

### ASSESSMENT OF CUMULATIVE EFFECTS

Consideration of cumulative effects requires a broader perspective than examining just the direct and indirect effects of a proposed action. It requires that reasonably foreseeable future impacts be assessed in the context of the past and present effects to importance resources. Often it requires consideration of a larger geographic area than just the immediate “project” area. One of the most important aspects of cumulative effects assessment is that it requires consideration of how actions by others (including those actions completely unrelated to the proposed action) have and will affect the same resources. In assessing cumulative effects, the key determinate of importance or significance is whether the incremental effects of the proposed action will alter the sustainability of resources when added to other present and reasonably foreseeable future actions.

Cumulative environmental effects for the proposed infrastructure project were assessed in accordance with guidance provided by the President’s Council on Environmental Quality (USEPA, EPA 315-R-99-002, May 1999). This guidance provides an eleven-step process for identifying and evaluating cumulative effects in NEPA analysis.

The overall cumulative impact of the project is considered to be beneficial environmentally, socially, and economically.

## SCOPING

, The cumulative effects issues and assessment goals are established in this environmental assessment, the spatial and temporal boundaries are determined, and reasonably foreseeable future actions are identified. Cumulative effects are assessed to determine if the sustainability of any of the resources are adversely affected with the goal of determining the incremental impact to key resources that would occur should the proposal be permitted. The spatial boundary for the assessment encompasses the parkland and the associated facilities and surrounding streets served by the infrastructures to be improved. The temporal boundaries are:

1. Past-1834, when settlement and development of the area began.
2. Present-2015, when the selection plan was being developed.
3. Future-2065, the year used for determining project life end

Projecting reasonably foreseeable future actions is difficult at best. Clearly, the proposed action is reasonably foreseeable, however, the actions by others that may affect the same resources are not as clear. Projections of those actions must rely on judgment as to what are reasonable based on existing trends and where available, projections from qualified sources. Reasonably foreseeable does not include unfounded or speculative projections. In this case, reasonably foreseeable future actions include:

1. Increased growth in water consumption.
2. Continued conversion of agricultural and natural land to urban land use.
3. Continued application of environmental requirements such as the Clean Water Act.

### Cumulative Effects on geology and soils

The topography and soils of the area has been affected by filling, excavations, construction, and the burial of utilities. The proposed project would not alter soil chemistry.

### Cumulative Effects on Water Quality and Aquatic Communities

The project would have no adverse effects on water quality or aquatic communities in the Little Calumet River or any of its tributaries. Long term adverse impacts to significant resources are not expected to occur.

**Cumulative Effect of Terrestrial Resources**

Relatively small modifications for this project will have no long-term adverse or cumulative effects to terrestrial resources, plants or animals.

**Cumulative Effects on Land Use**

The project will have no cumulative effect on land use.

**Cumulative Effects on Aesthetic Values**

The project will have no cumulative adverse effects on the visual setting of the project area.

**Cumulative effects on Public Facilities**

The project will have no long-term adverse effects on public facilities.

**Cumulative Effects Summary**

Along with direct and indirect effects, cumulative effects of the proposed project were assessed following the guidance provided by the Presidents’ Council on Environmental Quality (Table 1). There have been numerous effects to resources from past and present actions, and reasonably foreseeable future actions can also be expected to produce both beneficial and adverse effects. In this context, the effects of the proposed project are relatively minor.

Table 3 –Environmental Impact Summary

| <b>Potential Impact Area</b> | <b>Past Actions</b> | <b>Proposed Direct Impacts</b> |                  | <b>Cumulative Impact</b> |
|------------------------------|---------------------|--------------------------------|------------------|--------------------------|
|                              |                     | <b>Construction</b>            | <b>Operation</b> |                          |
| Geology & Soils              | adverse             | no impact                      | no impact        | no impact                |
| Hydrology                    | adverse             | no impact                      | no impact        | no impact                |
| Water Quality                | major               | no impact                      | no impact        | no impact                |

|                       |               |                                 |           |            |
|-----------------------|---------------|---------------------------------|-----------|------------|
|                       | adverse       |                                 |           |            |
| Sediment Quality      | major adverse | no impact                       | no impact | no impact  |
| Aquatic Resources     | major adverse | no impact                       | no impact | Beneficial |
| Terrestrial Resources | adverse       | Minor temporary negative impact | no impact | no impact  |
| Land Use              | adverse       | no impact                       | no impact | Beneficial |
| Aesthetics            | no impact     | no impact                       | no impact | no impact  |
| Archaeology/Historic  | no impact     | no impact                       | no impact | no impact  |

## SECTION 5 COORDINATION

During preparation of this environmental assessment the following Federal and state agencies were consulted: U. S. Fish and Wildlife Service (USFWS), U. S. Environmental Protection Agency (USEPA), Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM), and the Indiana Historic Preservation Office (SHPO). Copies of coordination letters are attached to this assessment.

### RECIPIENTS

The following agencies, groups, and individuals received a copy of this environmental assessment:

Senator Dan Coats  
United States Senate  
493 Russell Office Bldg  
Washington, DC, 20510

Senator Dan Coats  
1650 Market Tower  
10 West Market Street  
Indianapolis, IN, 46204

Senator Joe Donnelly  
720 Hart Senate Office Building  
Washington, D.C. 20510

Senator Joe Donnelly  
5400 Federal Plaza, Suite 3200  
Hammond, IN 46320

Congressman Peter Visclosky  
2256 Rayburn House Office Building  
Washington, D.C. 20515

Congressman Peter Visclosky  
7895 Broadway, Suite A  
Merrillville, Indiana 46410

Governor Mike Pence  
Office of the Governor  
Statehouse  
Indianapolis, Indiana 46204-2797

Kenneth Westlake, Chief  
Environmental Review Branch  
U.S. EPA ME-19J  
77 West Jackson  
Chicago, IL 60604

U.S. Fish and Wildlife Service  
620 S. Walker St.  
Bloomington, IN 47403  
ATTN: Scott Pruitt

U.S. Fish and Wildlife Service  
P.O. Box 2616  
Chesterton, IN 46304-2616  
ATTN: Elizabeth McCloskey

Federal Aviation Administration  
Chicago Airports District Office, CHI-ADO-600  
2300 East Devon Avenue  
Des Plaines, Illinois 60018  
ATTN: Ben Bobb A. Beauchamp  
Environmental Program Manager

IDEM Northwest Regional Office  
330 West US Highway 30, Suite F,  
Valparaiso, IN 46385  
ATTN: Hala Kuss

IDEM  
100 N. Senate Ave.  
Mail Code 61-50  
Indianapolis, IN 46204-2251  
ATTN: Marty Maupin

Indiana DNR  
Division of Water  
100 N. Water St.  
Michigan City, IN 46360  
ATTN: Steve Davis

Indiana DNR  
Division of Water  
100 N. Water St.

Michigan City, IN 46360  
ATTN: Brian Brieder

Indiana DNR  
Division of Fish and Wildlife  
402 W. Washington Room W273  
Indianapolis, IN 46204  
ATTN: Christie Stanifer

Indiana DNR  
Division of Historic Preservation and History  
402 W. Washington, Room W274  
Indianapolis, IN 46204  
ATTN: Michell Zoll

Indiana DNR  
Lake Michigan Coastal Program  
402 W. Washington, Room W274  
Indianapolis, IN 46204  
ATTN: Mike Molnar

## **CORRESPONDENCE**



**DEPARTMENT OF THE ARMY**  
 CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
 231 SOUTH LA SALLE STREET, SUITE 1500  
 CHICAGO IL 60604

REPLY TO  
 ATTENTION OF

Planning Branch  
 Environmental Formulation Section

Kenneth Westlake, Chief  
 Environmental Review Branch  
 U.S. EPA ME-19J  
 77 West Jackson  
 Chicago, IL 60604

27 MAR 2015

Dear Mr. Westlake:

The Chicago District is preparing a National Environmental Policy Act (NEPA) document on the impacts associated with the construction of a sanitary sewer project in Gary, Lake County, Indiana. As part of the scoping process the Chicago District would appreciate your comments on impacts or concerns associated with this project. Attached is a list of State and Federal Agencies and Tribal Nations receiving this request (enclosure 1). A map of the project area is attached (enclosure 2).

The project may include the construction of a new diversion structure and a new 60-inch pipe leading from the new structure to a new drop shaft. All work would occur within the existing utility right-of-way.

Comments must be received within 30 days and should be sent to Peter Bullock, U.S. Army Corps of Engineers, 231 South La Salle Street Suite 1500, Chicago, Illinois 60604, or by email at [peter.y.bullock@usace.army.mil](mailto:peter.y.bullock@usace.army.mil). Questions should be directed to Mr. Bullock at 312/846-5587.

2 Enclosures as stated

Sincerely,

*151*

Susanne J. Davis, P. E.  
 Chief of Planning Branch

*J. W. Bullock*  
 Bullock PM-PL-E  
*7 3/25/15*  
 Fleming PM-PL-E  
 Samara PM *POS 3/25/15*  
 Davis PM-PL



United States Department of the Interior  
Fish and Wildlife Service



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

April 2, 2015

Mrs. Susanne J. Davis  
Chief of Planning Branch  
U.S. Army Corps of Engineers  
Chicago District  
231 South LaSalle Street, Suite 1500  
Chicago, Illinois 60604

Attn: Peter Bullock, Project Manager, Environmental Formulation Section

Dear Mrs. Davis:

This responds to your March 27, 2015 letter requesting our comments on the proposed Section 219 infrastructure improvement project for the construction of approximately 200 linear feet of new 60-inch diameter sanitary sewer, plus a new diversion structure and drop shaft near Broadway in Gary, Lake County, Indiana.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U.S. Fish and Wildlife Service's Mitigation Policy.

The proposed project would be constructed entirely within the urban developed area of Gary and would not adversely impact any wetlands or other important habitats. Therefore, the U.S. Fish and Wildlife Service has no objections to the project as proposed.

#### ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*), piping plover (*Charadrius melodus*), and Karner blue butterfly (*Lycaeides melissa samuelis*), and the threatened northern long-eared bat (*Myotis septentrionalis*), rufa red knot (*Calidris canutus rufa*), Pitcher's thistle (*Cirsium pitcheri*) and Mead's milkweed (*Asclepias*

meadii). However, there is no habitat for any of these species within the proposed project area, so we concur that the proposed project is not likely to adversely affect these endangered and threatened species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. If, however, new information on endangered species at the site becomes available or if project plans are changed significantly, please contact our office for further consultation.

Thank you for the opportunity to review this proposed project. For further discussion, please contact Elizabeth McCloskey at (219) 983-9753 or [elizabeth\\_mccloskey@fws.gov](mailto:elizabeth_mccloskey@fws.gov).

Sincerely,

/s/ Elizabeth S. McCloskey

for Scott E. Pruitt  
Supervisor

Sent via email April 2, 2015; no hard copy to follow.

THIS IS NOT A PERMIT

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

DNR #: ER-18227

Request Received: March 27, 2015

**Requestor:** US Army Corps of Engineers, Chicago  
District  
Peter Bullock  
231 South LaSalle Street, Suite 1500  
Chicago, IL 60604

**Project:** Sanitary sewer project: construction of a new diversion structure and a new 60" pipe leading from the new structure to a new drop shaft, Gary

**County/Site info:** Lake

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

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

**Regulatory Assessment:** This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if you are unsure whether or not a permit will be required.

**Natural Heritage Database:** The Natural Heritage Program's data have been checked. The state endangered bird species below have been documented within 1/4 mile west of the project area.

- 1) Marsh Wren (*Cistothorus palustris*)
- 2) Black-crowned Night-heron (*Nycticorax nycticorax*)
- 3) Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*)
- 4) Virginia Rail (*Rallus limicola*)
- 5) Least Bittern (*Ixobrychus exilis*)

**Fish & Wildlife Comments:** Impacts upon the above listed bird species are not expected as a result of this project. In order to further avoid potential impacts, do not clear any vegetation in the project area during the nesting season, which is roughly March 1 through July 15.

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

1) Riparian Habitat:

The Division of Fish and Wildlife recommends minimizing the removal of trees and brush by locating new utility structures and temporary construction areas in existing cleared/disturbed areas.

We recommend a mitigation plan be developed (and submitted with the permit application, if required) if habitat impacts will occur. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at: <http://www.in.gov/legislative/lac/20140806-IR-312140295NRA.xml.pdf>. Please contact Lori White, North Region Environmental Biologist, at (765) 567-2152 for guidance regarding development of the plans.

**THIS IS NOT A PERMIT**

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

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

**2) Wetland Habitat:**

A formal wetland delineation should be conducted to determine the presence and extent of potential wetland habitat within the project limits. If possible, the alignment of the structures should be modified to avoid impacts to wetland habitat. Due to the presence or potential presence of wetlands on site, we recommend contacting and coordinating with the Indiana Department of Environmental Management (IDEM) 401 program and also the US Army Corps of Engineers (USACE) 404 program. Unavoidable impacts to wetlands should be mitigated at the appropriate ratio (see guidelines above).

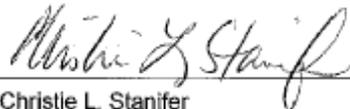
The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.
2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
4. Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.
5. Do not construct any temporary runarounds, causeways, cofferdams, or pump around systems.
6. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
7. Do not use broken concrete as riprap.
8. Minimize the movement of resuspended bottom sediment from the immediate project area.
9. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
10. Seed and protect all disturbed streambanks and slopes that are 3:1 or steeper with erosion control blankets (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.

**Contact Staff:**

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife

Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Date: April 24, 2015

Christie L. Stanifer  
Environ. Coordinator  
Division of Fish and Wildlife

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](mailto:dhpa@dnr.IN.gov)



April 24, 2015

Susanne Davis  
U.S. Army Corps of Engineers  
Chicago District  
231 South LaSalle Street, Suite 1500  
Chicago, Illinois 60604

Federal Agency: U.S. Army Corps of Engineers

Re: Project information regarding the construction of a sanitary sewer (DHPA #17496)

Dear Ms. Davis:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated March 27, 2015 and received on March 30, 2015, for the above indicated project in Gary, Lake County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

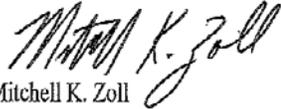
At this time, it would be appropriate for the U.S. Army Corps of Engineers to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the U.S. Army Corps of Engineers believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the U.S. Army Corps of Engineers finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the U.S. Army Corps of Engineers may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Susanne J. Davis  
April 24, 2015  
Page 2

*A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at [www.achp.gov](http://www.achp.gov) for your reference. If you have questions about archaeological issues please contact Amy Johnson at (317) 232- or [ajohnson@dnr.IN.gov](mailto:ajohnson@dnr.IN.gov). If you have questions about buildings or structures please contact Ashley Thomas at (317) 234-7034 or [asthomas@dnr.IN.gov](mailto:asthomas@dnr.IN.gov). Additionally, in all future correspondence regarding the above indicated project, please refer to DIIPA #17496.*

Very truly yours,



Mitchell K. Zoll  
Deputy State Historic Preservation Officer

MKZ:ADT:ALJ:aj

## TRIBAL LIST

Kickapoo Tribe of Oklahoma  
P.O. Box 70  
McCloud, OK 74851

Kickapoo Of Kansas  
1107 Goldfinch Rd.  
Horton, KS 66434

Kickapoo Tribe of Texas  
Box HC 1 9700  
Eagle Pass, TX 78853

Miami Nation in Indiana  
P.O. Box 41  
Peru, IN 46970

Miami Tribe of Oklahoma  
P.O. Box 1326  
Miami, OK 74355  
Attn: Mr. George Strack

Citizen Potawatomi Nation  
1901 S. Gordon Cooper Dr.  
Shawnee, OK 74801

Forest County Potawatomi Exec. Council  
P. O. Box 340  
Crandon, WI 54520

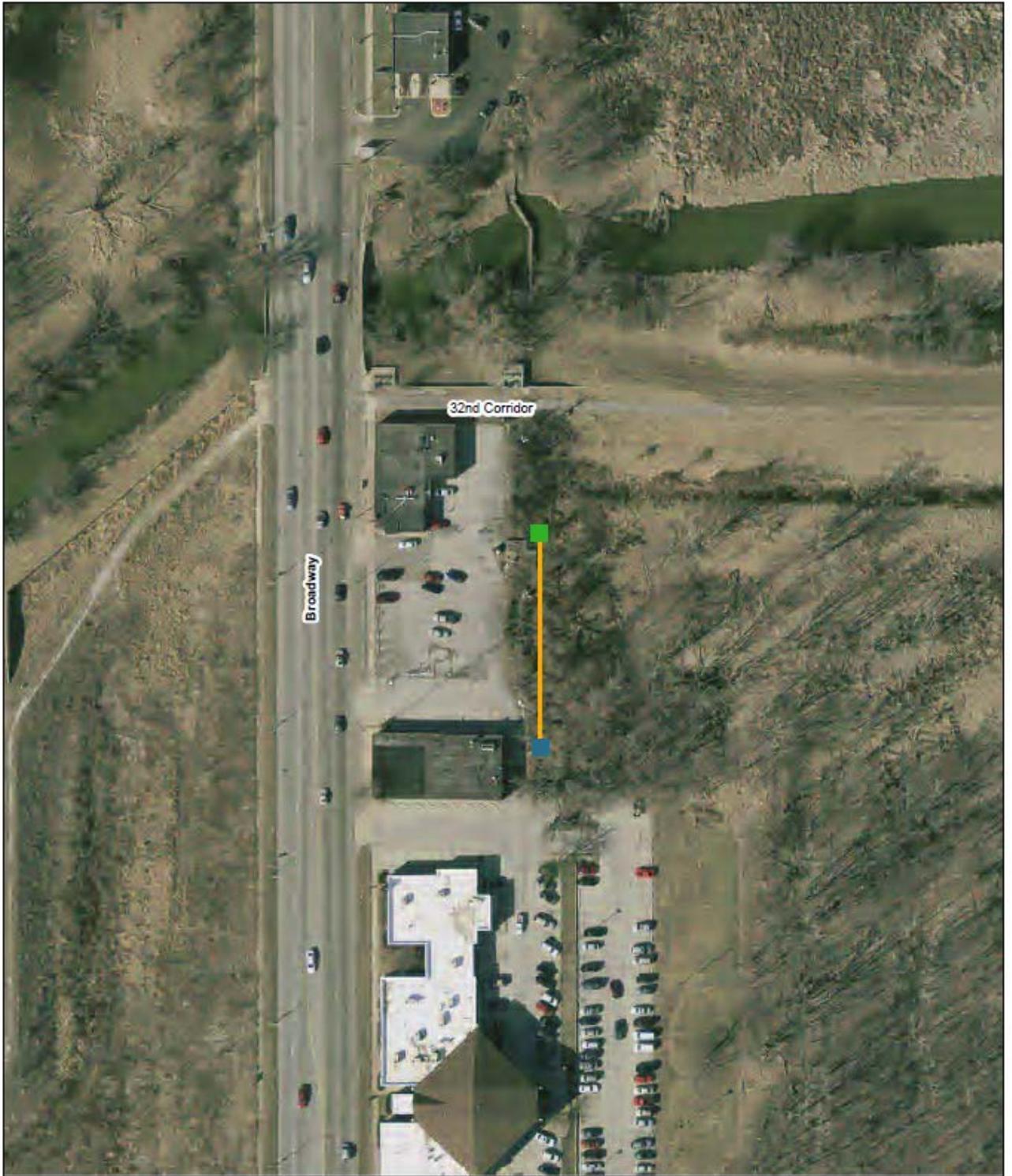
Nottawaseppi Huron Potawatomi Tribal Office  
2221 One-and-a-half Mile Rd.  
Fulton, MI 49052

Hannahville Potawatomi Comm., Council  
N 14911 Hannahville Road  
Wilson, MI 49896-9728

Prairie Band Potawatomi Tribal Council  
16281 Q RD  
Mayetta, KS 66509

Pokagon Band of Potawatomi Indians  
P.O. Box 180  
Dowagiac, MI 49047

**APPENDIX 1**  
**Project Map**



|               |                     |                       |   |  |
|---------------|---------------------|-----------------------|---|--|
| <b>Legend</b> |                     | <br>1 inch = 100 feet | <b>Gary Sanitary District</b><br><b>Project #4</b><br><small>Chicago District, U.S. Army Corps of Engineers</small> | <small>For Official Use Only</small><br><small>March, 2015</small><br> |
| ■             | Diversion Structure |                       |   |  |

**APPENDIX 2, DRAFT FONSI**

**FINDING OF NO SIGNIFICANT IMPACT  
SECTION 219, WRDA 1992, AS AMENDED  
ENVIRONMENTAL INFRASTRUCTURE PROJECT  
SANITARY SEWER IMPROVEMENTS FOR  
GARY, LAKE COUNTY, INDIANA.**

**PURPOSE**

The proposed project would include construction of a new diversion structure and a new 60-inch diameter sewer pipe from the diversion structure to a new drop shaft. Sanitary sewer system improvements would alleviate the commonly occurring cases of sewerage backup affecting a number of residential areas within the city.

**AUTHORITY**

The study was authorized under Section 219 of the Water Resources Development Act of 1992, as amended by Section 504 of the Water Resources Development Act of 1996, Section 502 of the Water Resources Development Act of 1999, Section 108 of the Consolidated Appropriations Act of 2001, Section 145 of the Energy and Water Appropriations Act of 2004, and Sections 5075 and 5158 of the Water Resources Development Act of 2007, Section 219, as amended, allows the Army Corps of Engineers to provide planning, design, and construction assistance for water-related environmental infrastructure projects.

**PROJECT AREA**

The project is located in utility right-of-way and easement in Gary. Traffic disruption should be minimal allowing most area roads to remain open to local traffic.

**ALTERNATIVES CONSIDERED**

There are 3 alternative measures considered to address this sewerage problem in Gary, Indiana.

1. **No Action Plan**-Under this alternative, no changes would be made to repair the sanitary sewer system in Gary. The existing system would remain inadequate and reoccurring cases of sewerage backup will continue to affect residential areas in the city.
2. **Limited Improvements to the Existing Sanitary Sewer System Plan**- A new diversion structure would be constructed and the existing 18-inch pipe connecting it to the existing drop shaft would be replaced with a 60-inch pipe. Although this would increase conveyance of flow, the existing drop shaft would remain inadequate and sewerage backups would continue to occur.
3. **Improvements to the Sanitary Sewer System Plan**- A new diversion structure would be constructed and a new 60" pipe would connect the structure to a new drop shaft. This would increase conveyance of flow and alleviate both the commonly occurring sewerage backups in residential areas.

**RECOMMENDED PLAN**

**Improvements to the Sanitary Sewer System Plan-** A new diversions structure would be constructed and a new 60” pipe would connect the structure to a new drop shaft. This would increase conveyance of flow and alleviate both the commonly occurring sewerage backups in residential areas.

Benefits of the recommended alternative include improvements to the primary flow path of the combined sanitary sewer system and increase conveyance of flow, as well as a reduction of the recurring cases of sanitary sewerage backups into residences and treatment plant bypasses. The recommended plan is also currently the most cost effective plan to prevent sanitary sewer backups in residential areas.

## ENVIRONMENTAL COMPLIANCE

An Environmental Assessment was completed for the proposed environmental infrastructure project in Gary. A 30-day Public Review period for the Environmental Assessment was held from add dates to ????. The proposed project is in full compliance with appropriate statutes, executive orders and regulations including the National Environmental Policy Act, as amended, the Endangered Species Act, as amended, the Fish and Wildlife Coordination Act, the National Historic Preservation Act, as amended, the Clean Air Act, as amended, Executive Order 12898 (Environmental Justice), Sections 401 and 404 of the Clean Water Act, as amended, and the Corps of Engineers Operational and Management regulations (33 CFR 335-338).

Along with direct and indirect effects, cumulative effects were assessed following the guidance provided by the Presidents’ Council on Environmental Quality. The increment of effect from the proposed 219 project when compared to cumulative effects of past, present, and reasonably foreseeable future actions is considered minor.

## CONCLUSION

In accordance with the National Environmental Policy Act of 1969 and Section 122 of the Rivers and Harbors and Flood Control Act of 1970, as amended the U. S. Army Corps of Engineers, Chicago District, has assessed the environmental impacts associated with the proposed infrastructure improvements in Gary, Indiana. The assessment process indicates that this project would not cause any significant effects on the quality of the human environment. Therefore, I have determined that an Environmental Impact Statement is not required.

Christopher T. Drew  
Colonel, U.S. Army  
District Commander

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DATE OF EXECUTION