UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

MAY 1 1 2004

B-19J

Mr. Robert F. Tally, Jr., Division Administrator
Federal Highway Administration - Indiana Division
575 North Pennsylvania St., Room 254
Indianapolis, IN 46204

Re: U.S. EPA Review and Comments on *US 31 Plymouth to South Bend (US 30 to US 20) Draft Environmental Impact Statement,* dated February 2004. CEQ No. 040098.

Dear Mr. Tally:

I am writing to provide the U.S. Environmental Protection Agency's (EPA) comments on the Draft Environmental Impact Statement (DEIS) referenced above. We performed our review under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. We appreciate the opportunities that the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) have afforded us for continued interaction on the US 31 proposal during the Resource Agency Meetings held in May and September, 2003, and a recent telephone conversation with INDOT. EPA objections are highlighted below with detailed comments enclosed.

The three build freeway alternatives (Cs, Es, and G-C) carried forward and analyzed in detail in the DEIS have wetland impacts ranging from 40.5 to 57.7 acres. Approximately half of this acreage at risk is forested wetlands. A U.S. Army Corps of Engineers (Corps) Clean Water Act (CWA) Section 404 permit will be required prior to project construction. EPA believes that it is in our agencies' collective interest that the level of detail and analysis in the DEIS should contain alternatives that are likely to be raised for analysis during the Section 404 permitting process. Section 404 requires the selection of the least damaging practicable alternative (LEDPA) under Section 404(b)(1) Guidelines. We are concerned that there are other alternatives that may have less wetland impacts than the three DEIS build alternatives. Therefore, the selection of one of the DEIS build alternatives as the Final EIS Preferred Alternative might not be consistent with the selection of the LEDPA during the 404 permitting process. Coordination on this point throughout the NEPA process will assist future project development by ensuring that all requirements for Section 404 compliance are addressed. We strongly recommend that, prior to determining the Preferred Alternative for the Final EIS, FHWA and INDOT meet jointly with the Corps, the U.S. Fish and Wildlife Service, the Indiana Department of Environmental Management, and EPA to continue this discussion and come to a resolution in this matter.

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We are pleased that alternatives adjacent to Potato Creek State Park were dropped from consideration early in the NEPA process due to anticipated impacts to that park. In reviewing the DEIS, we had hoped to see alternatives analyzed in detail and carried forward for consideration that would have had less adverse impact on natural resources, particularly wetlands. Specifically, as we discussed at the September Resource Agency Meeting, we expected that the DEIS would have identified and incorporated all the feasible individual components of the non-build transportation management (TM) alternatives in combination with some of the preliminary build alternatives in order to refine feasible alternatives that would have less adverse impacts.

For example, preliminary Alternative K had wetland impacts (28.8 acres) that were substantially less than other preliminary alternatives and the three alternatives that underwent detailed analysis in the DEIS. Preliminary Alternative K was eliminated early in the process because it failed to reduce congestion to an acceptable level of service for the year 2030 on the northernmost segment of existing US 31. We were particularly interested to see if Preliminary Alternative K or other build alternatives, combined with the feasible TM components, could further reduce congestion in the northernmost segment of US 31 to an acceptable level of service. The DEIS does not provide this information and analysis. The integration of transportation control measures (TCMs) into the project could also be beneficial in the State's efforts to attain the 8-hour ozone standard in the South Bend metropolitan area. TCMs may be given credit for ozone precursor emission reductions in the State Implementation Plan (SIP).

Due to the significant wetland impacts associated with this project, we rate the DEIS **EO-2 (Environmental Objections - insufficient information)**. EPA has assigned an environmental objections rating to each of the three build alternatives analyzed in detail in the DEIS due to their significant impacts to wetlands and aquatic resources, and wildlife habitat. EPA requests that additional alternatives be analyzed, including alternatives that combine all feasible TM measures from the DEIS non-build alternatives with preliminary build Alternative K utilizing its initial approximate route be analyzed. A copy of EPA's rating sheet is also enclosed.

We urge FHWA and INDOT to convene a meeting with the other interested agencies to resolve these issues. Our NEPA staff contact is Virginia Laszewski at (312) 886-7501 and our Wetlands staff contact is Cathy Garra at (312) 886-0241. We look forward to a continued good working relationship with FHWA and INDOT, and appreciate your continued coordination as this project progresses.

Very truly yours,

Bharat Mathur
Acting Regional Administrator

enclosures

cc: COE
USFWS
INDOT
INDEM
INDNR

NEPA Ratings for the Corridors Evaluated in Detail in the DEIS for the US 31 (Plymouth to South Bend, IN) Proposal

Corridor Alternatives Ratings and Basis for Ratings		
DEIS Alternative	Description/Basis for Rating	NEPA Rating
Cs	From existing US 30/US 31 interchange north on mostly new alignment to new US 20/US 31 interchange Length of corridor: 19.4 miles Wetlands (57.7 acres), including Forested Wetlands (25.8 acres) Streams (14) Floodplains (18.4 acres) Wellhead Protection areas (5) Designated/Managed Habitat Areas: (4) Woodland/Forest (196 acres), including Core Forest (27 acres) Historic sites (0), 4(f) properties (0) Farmland (403 acres) Relocations: Homes (49), Businesses (8)	EO-2
Es	From existing US 30/US 31 interchange north on mostly new alignment to existing US 20/US 31 interchange Length of corridor: 19.9 miles Wetlands (40.5 acres), including Forested Wetlands (20.8 acres) Streams (13) Floodplains (18.4 acres) Wellhead Protection areas (4) Designated/Managed Habitat Areas: (3) Woodland/Forest (139 acres), including Core Forest (19 acres) Historic sites (0), 4(f) properties (0) Farmland (406 acres) Relocations: Homes (90), Businesses (32)	EO-2
G-C	From existing US 30/US 31 interchange north on mostly new alignment to new US 20/US 31 interchange Length of corridor: 20.4 miles Wetlands (45.3 acres), including Forested Wetlands (24.7 acres) Streams (10) Floodplains (27.9 acres) Wellhead Protection areas (3) Designated/Managed Habitat Areas: (2) Woodland/Forest (139 acres), including Core Forest (24 acres) Historic sites (0), 4(f) properties (0) Farmland (485 acres) Relocations: Homes (58), Businesses (6)	EO-2
DEIS Rating		**EO-2**

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS sate, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate
The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alterative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information
The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

EPA Region 5 Review and Comments on
US 31 (Plymouth to South Bend, IN) Project
Draft Environmental Impact Statement (DEIS)
CEQ No. 040098

Wetland and Aquatic Resource Impacts

The potential adverse impacts to water resources, including wetlands, from this project must be considered in light of the massive historic loss of wetlands and alteration of water resources in this area. Indiana has lost more than 87 percent of its historic wetlands, the fourth greatest percentage loss in the lower 48 States. With this has come a loss of wetland systems' natural contributions to clean water, flood water storage and wildlife habitat. In addition, the historic channelization of a substantial proportion of streams in the study area has resulted in the loss of natural stream channel geomorphology and riffle-pool systems, with the consequent loss of aquatic habitat and other functions and values of streams.

The three DEIS build alternatives would impact between 45 to 57.7 acres of wetlands. This is a high concentration of wetland impact for a 20-mile highway segment. An additional issue is that nearly half of this acreage is high quality forested wetlands. Mitigation of forested wetlands is difficult and takes a great deal of time to achieve.

Using existing wetlands inventories is acceptable for the DEIS, including the National Wetlands Inventory and farmed wetland data. For the FEIS several other sources of information need to be examined as well, to avoid adversely impacting ongoing wetlands protection efforts. In recent years many acres of wetlands have been restored in Indiana by the Wetlands Reserve Program of the Natural Resources Conservation Service. These carry long term or permanent easements to protect these wetlands. Any Wetlands Reserve projects in the study area that would be affected by the alternatives under consideration must be identified along with the type of easement granted. In addition, any wetland compensatory mitigation sites required by past 404 permits issued by the Corps of Engineers and 401 permits issued by the Indiana Department of Environmental Management must be identified. Any impacts the alternatives under consideration are likely to have on these wetland mitigation sites must be identified.

Impaired Waters

Section 5.10.1 of the DEIS properly mentions project area impaired stream segments included on the current Indiana list of impaired waters under Section 303(d) of the Clean Water Act and when the three project alternatives cross them. When EPA examines the environmental assessment of a project, we want to be sure both that high quality waters are not degraded and that impaired waters are not hindered from recovery by the primary and secondary effects of the project. Each alternative under consideration must be evaluated to determine if the project will cause, or contribute to, impairment of the water body. Generally, water bodies within the watersheds in this area are stressed by aquatic life use limitations, siltation and pathogens. This issue needs additional analysis in the FEIS along with proposals to mitigate for potential impacts.

Clean Water Act 404(b)(1) Guidelines Compliance

Although a combined NEPA/404 process is not in effect for this project, we believe that it is important to be as clear as possible and to raise potential issues we see on this project before an

alternative is selected and detailed alignment work begins. We reserve the right to provide additional comments on this project during the Section 404 permit process. The Section 404 permit process is jointly administered by the Army Corps of Engineers and the Environmental Protection Agency, with the permits issued by the Corps of Engineers. Section 404 permits require Section 401 water quality certification from the State of Indiana to be valid. Application to the formal 404 process is anticipated to begin after on-the-ground wetland delineations are performed for the project alternative proposed in the FEIS. In addition to delineated wetlands the FEIS must also address impacts to other potential "special aquatic sites" in the project area, including any riffle-pool stream areas and sanctuaries or preserves (Federal, State, or local designations). The Section 404(b)(1) Guidelines (Guidelines) invite the Corps of Engineers to consider the full range of alternatives developed in the NEPA process (and possibly more) in addition to the one preferred by the NEPA documents. Thorough work on project alternatives now to reduce wetland and other aquatic impacts will make the future 404 process proceed more smoothly.

EPA has issued the Guidelines, which encourage the consideration of a wide range of alternatives to avoid impacts, with the first presumption that wetlands and other special aquatic sites can be avoided. Often it is difficult or impossible for linear projects, including this one, to completely avoid wetlands. The next step in the sequencing principle of these regulations is the process of minimizing adverse impacts to special aquatic sites. We see this as an extremely serious issue for the three project alternatives moved forward in the DEIS, which carry an estimated 40.5 to 57.7 acres of wetland impacts in a 20-mile highway segment. We believe that, for example, consideration of a revised version of alternative K, in combination with other improvements to the existing highway and transportation measures, presents the opportunity to substantially reduce wetlands impacts to the vicinity of 28.8 acres. The least environmentally damaging practicable alternative (LEDPA) is the one that may be permitted. With any alternative selected, the project design process will offer opportunities to refine and ideally further reduce the impacts, based on the actual location of the highway, aquatic resources and specific design measures.

The final step in sequencing is to examine and provide ways of offsetting the absolutely unavoidable loss of the aquatic resources through compensatory mitigation. Well planned and sized mitigation projects attempt to address the serious problem of the time and uncertainty involved in restoring wetlands, especially a wooded wetland, as well as provide compensation for anticipated impacts to water quality. The difficulty of restoring wooded wetlands is acknowledged in the 2002 Compensating for Wetlands Losses Under the Clean Water Act report of the National Research Council, National Academy of Sciences. The DEIS has covered compensatory mitigation for wetlands losses in very general terms, recognizing some of the mitigation ratios in appropriate use for Indiana highway projects, which meet the needs of this project. More work on compensatory mitigation for wetland and water quality and aquatic resource impacts is in order for the FEIS.

In both NEPA and the 404 process, multiple adverse impacts must be balanced. Planning for highway projects, as reflected in the DEIS, must address a variety of State and Federal environmental and preservation requirements, including but not limited to, Section 404

permitting, properties subject to U.S. Department of Transportation Act Section 4(f), threatened and endangered species, archaeological and historic preservation requirements and cemetery laws. A description and explanation of how these requirements have been balanced in the FEIS will contribute to both the NEPA process and the future 404 permit process. The FEIS should explain how these various requirements were prioritized and balanced in the alternatives decision making process and how this complies with regulatory requirements.

Wetland Mitigation: We strongly recommend that prior to the identification of the preferred alternative for this proposal that FHWA and INDOT meet *jointly* with the Corps of Engineers, the U.S. Fish and Wildlife Service, the Indiana Department of Environmental Management, the Indiana Department of Natural Resources and EPA to discuss compliance with the 404(b)(1) Guidelines and wetland mitigation. Through continuing discussions sound approaches to compensatory mitigation can be identified for the proposed project.

The abundance of hydric soils in the study area point to good potential for finding wetland restoration sites where a wetland water regime can be restored. EPA prefers that compensatory mitigation sites be within the same "8-digit" USGS watershed where the loss occurred and that forested wetlands are replaced with forested wetlands. Mitigation must be planned for the long term sustainability of the project. Wetlands restored should be located in a place anticipated to be free from future land use and development conflicts, preferably as part of an existing wetlands complex. If advance purchase of right-of-way is contemplated after the NEPA Record of Decision for this project, that would be a good time to identify and acquire potential mitigation sites at suitable locations.

Purpose and Need/Alternatives Identification and Analysis

According to the DEIS, US 31 has the following underlying problem/s (i.e., needs) to be solved: (1) existing and projected (year 2030) vehicle congestion during peak commuting hours, (2) existing and projected future crash rates, and injury or fatal crash rates that exceed the statewide average for 40% of the corridor length, and (3) partial access control for a 15-mile stretch of the 20-mile-long US 31 corridor and lack of adequate median width for left-turns through La Paz, and through Lakeville to the US 20 Bypass. Because of these problems, the DEIS states that the Purpose of the US 31 Plymouth to South Bend project is to: (1) reduce congestion, (2) improve safety, and (3) determine consistency with statewide (INDOT) and regional [Michiana Area Council of Governments (MACOG)] transportation plans.

The DEIS identifies and evaluates a No-build Alternative and three build alternatives in detail (i.e., Alternatives Cs, Es and G-C). All three build alternatives are proposed as a limited access 4- to 6-lane freeway approximately 20 miles in length, with 4 to 5 interchanges. All three alternatives are substantially on new alignment. The DEIS does not identify a Preferred Alternative.

Utilizing a phased alternatives screening process, a variety of alternatives were identified and given a cursory analysis and dismissed from further detailed analysis early in the NEPA process. We appreciate the variety, number of alternatives and their iterations that FHWA/INDOT identified in the DEIS. We also appreciate that some alternatives that would have heavily

impacted Potato Creek State Park were dropped. However, FHWA/INDOT did not adequately identify and evaluate alternatives that incorporate all the feasible transportation management (TM) measures [i.e., Travel Demand Management (TDM), Transportation System Management (TSM), Intelligent Transportation System (ITS) applications, and Mass Transit] from the various DEIS non-build TM alternatives into the various build non-freeway alternatives and the freeway alternatives (A-K and their DEIS iterations). The meeting minutes (pp. 5 and 6) from the September 30, 2003, meeting, document EPA and the other resource agencies' requests that additional alternatives be identified and evaluated, including combined TM/build alternatives. These meeting minutes should be included in the FEIS. Based on the information in the DEIS, it appears that some of the combined TM/build alternatives may have less impact on the environment and meet the congestion and safety measures identified in the DEIS.

For example, the preliminary Alternative K route was dismissed early in the screening process because it did not meet the measurable objective for congestion for a small portion of the northern-most segment of existing US 31. Based on the limited DEIS information and information from the Resource Agency Meetings, it appears that preliminary Alternative K, combined with all feasible TM measures, could have substantially less potential for wetland impacts (approximately 28.8 acres, 19.2 forested wetlands) and may be a reasonable and feasible alternative that should undergo detailed analysis in the EIS for this proposal.

Air Quality

On April 15, 2004, EPA announced the non-attainment areas for the 8-hour ozone standard. St. Joseph and Elkhart Counties in Indiana are non-attainment for this standard. This information should be discussed in the FEIS for this proposal. FHWA/INDOT should coordinate closely with EPA and INDEM to insure that the conformity determination made at the time of the Record of Decision complies with the implementation of the 8-hour ozone standard.

The integration of transportation control measures (TCMs) into the US 31 project could be beneficial in the State's efforts to attain the 8-hour ozone standard in the South Bend metropolitan area. TCMs may be given credit for ozone precursor emission reductions in the State Implementation Plan (SIP).

Forest and Habitat Fragmentation Impacts

We have issues regarding the loss of forest land and fragmentation of forest habitat. Forests serve as important cover, food sources and travel corridors for wildlife. Core forests support interior forest dwelling birds and neo-tropical migrant populations. Forests also help to protect the water quality of lakes and streams by acting as a vegetative buffer in the watershed.

The DEIS (Table 5.9.22) estimates that Alternatives Cs, Es, and G-C would directly impact 139 or 196 acres of forest. Direct and indirect core forest impacts are estimated between 19 and 27 acres. Nine to 13 forest tracts would be fragmented. In addition, Table 5.20.34 *Cumulative Impacts by Resource* identifies an additional 250 acres of forest land will be lost due to cumulative impacts. The DEIS identifies that much of the forest within the study area exists as fragmented woodlots, and that core forest is not extremely abundant. Consequently, the loss of remaining forest land and core forest in the study area is significant and all reasonable efforts

should be made to avoid impacts to forest land.

Forest Mitigation: We recommend forest mitigation for any unavoidable forest loss be undertaken. This might occur by planting replacement trees in areas that are associated with upland buffers for wetland mitigation. Mitigation might also include assisting, county, state, or federal agencies with any on-going or planned forest reclamation projects in the watersheds affected. We recommend that INDOT commit to voluntary forest mitigation in the FEIS and provide, as detailed as possible, a conceptual forest mitigation plan that compensates for the loss and fragmentation of forest habitat due to the preferred alternative chosen.

Additional Mitigation

The FEIS mitigation plan should include the specific measures that will be undertaken to protect and compensate for impacts to surface and ground water quality, public drinking water supplies/wellhead protection areas, natural communities, flood plains, aquatic and terrestrial wildlife habitats/corridors, state and federal threatened and endangered species, farmland, and historic resources. Special emphasis should be placed on identifying and committing to measures that reduce the visual and noise impacts associated with a new roadway and sensitive noise receptors throughout the US 31 corridor. In addition, measures for the adequate treatment of roadway/bridge storm water runoff and for hazardous spills retention should be identified and committed to. We recommend that the FEIS identify and evaluate potential best management practices in the construction and continued operation of the project such as the feasibility of using noise-reducing roadway pavements, energy-efficient, low-impact lighting, and strategies for reducing diesel emissions from construction equipment (e.g., low sulfur fuels, particulate traps).

EIS Figures/Tables/Errors, etc.

There are a number of figures and maps in the DEIS that do not provide accurate or enough detailed information for the reviewer to understanding the various route alternatives and their associated impacts. For example, a key map series for understanding the leading detailed alternatives in the DEIS is in Appendix A (Sheets 1 - 6). The colors depicted on the index sheets for the three alternatives are reversed from those used on the actual map sheets. The maps are not accurately scaled, and wetland types, Designated/Managed Habitat Areas, and eligible or potentially eligible historic properties are not labeled on the maps. This leads to difficulty for document reviewers and may result in confusing comments on the DEIS. Many of the DEIS figures are hard to accurately decipher due the color coding that was used, inappropriate scale and/or lack of a meaningful legend. For example, in *Figure 4.3.11: Marshall County Zoning Map* there is no definition/description of what a red rectangular shape with red cross hatched lines labeled B-1 represents. Many of the DEIS figures on 8x11 paper that depict the various alternative routes over aerial photos are color coded so poorly that it is extremely difficult to decipher the name for each alternative.

The FEIS should include legible, accurately scaled and meaningfully legend figures and maps. In addition, the 11x17 Appendix A map sheets should include enough of the study area with appropriate route locations and impact information for the additional alternatives that we have requested FHWA/ INDOT to analyze prior to the FEIS.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 3 0 2004

REPLY TO THE ATTENTION OF:

B-19J

✓ Mr. Matt Fuller, Project Manager
Federal Highway Administration - Indiana Division
575 North Pennsylvania St., Room 254
Indianapolis, IN 46204

Chris Baynes, Project Manager
Indiana Department of Transportation
Division of Preliminary Engineering and Environment
100 North Senate Ave., Room N755
Indianapolis, IN 46204-2249

Re: U.S. EPA Additional Comments on *Preferred Alternative Mitigation Package - US 31 Plymouth to South Bend - Environmental Impact Statement,* dated October 2004.

Dear Mr. Fuller and Ms. Baynes:

The U.S. Environmental Protection Agency, Region 5 (U.S. EPA) reviewed the above referenced preferred alternative mitigation package (PAMP). We provided you with comments on the PAMP and the adequacy of the proposed mitigation for this US 31 proposal during the December 3, 2004, Interagency Meeting (see meeting minutes circulated 12/10/04 by Kia Gillette). This letter highlights some of our Interagency Meeting comments and provides some additional comments on the PAMP and the US 31 proposal.

The PAMP identifies Alternative G-Es as the preferred alternative that will be identified in the forthcoming Final Environmental Impact Statement (FEIS). The PAMP provides the rationale for identifying Alternative G-Es as the preferred alternative and identifies its associated overpass and interchange locations. In addition, the PAMP provides a brief summary of impacts, general concepts on the mitigation approach, and the Federal Highway Administration (FHWA) and Indiana Department of Transportation (InDOT) responses to major project issues.

Since the FEIS has not yet been released by FHWA, we cannot comment on the adequacy of the responses to issues we identified in our May 11, 2004, letter until we have had the opportunity to review the FEIS. Consequently, the comments we provide below do not obviate our DEIS comments. We look forward to reviewing and commenting on the adequacy of the FEIS when it becomes available.

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With this in mind, we provide the following comments on the mitigation information in the PAMP for your consideration in preparing the FEIS for this project.

Noise Impacts and Mitigation
The PAMP identifies that the preliminary noise evaluation found that only one area along the preferred alternative met both the feasibility and reasonableness criteria for the use of a noise barrier. This area is located in the more heavily populated northern portion of the preferred alternative. However, it is our understanding that there are many less populated areas with sensitive receptors (e.g., residences) along the preferred alternative route that will also be adversely impacted by increased noise levels and strongly recommend that the FEIS disclose additional noise mitigation measures (e.g., use of noise reducing pavements) beside noise barriers that could be undertaken, to reduce noise impacts.

An FEIS is a public disclosure document. The main body of the FEIS for this proposal should clearly disclose the specific areas (i.e., locations and number of residences within each location) that will be adversely impacted by increased noise levels and whether or not noise mitigation measures will most likely be undertaken and the type of noise mitigation that will be implemented, if applicable. We recommend this information be included in the FEIS text discussion as well as in a table and map format.

Air Quality - Construction Impacts and Mitigation
The PAMP does not identify air quality impacts that may occur due to construction activities. The FEIS should identify air quality impacts due to construction activities and the mitigation measures that will be undertaken to reduce these impacts, if applicable.

Upland Forest Impacts and Mitigation
We note that the PAMP (page 6-47) states that upland forest may also be developed in association with wetland mitigation and stream mitigation sites. However, given the amount of upland forest impacts (96 acres) associated with Alternative G-Es and the amount of upland forest loss that has already occurred in the study area, we strongly recommend that the FEIS include a more definitive upland forest mitigation proposal than presented in the PAMP.

Wetland Impacts and Mitigation
We are pleased with the efforts made, to date, to avoid and minimize impacts to wetlands. The efforts made by InDOT to identify and analyze additional alternative routes and refine them is highly commended. Based on the information presented at the Interagency Meeting we now understand that direct wetland impacts associated with Alternative G-Es is 30 acres and not 26 acres as identified in PAMP Table 3.3 (page 3-21). We consider the PAMP to be a draft document until the mitigation is more fully resolved. It is fortunate that the June 2004 Detroit District U.S. Army Corps of Engineers Mitigation Guidelines and Requirements is now available to help you plan and present your mitigation for wetlands and streams for this project.

The watershed divide should be indicated on the maps of the project's impact in the FEIS, since

mitigation should generally occur in the 8-digit USGS watershed in which the resource is lost.

Please note that EPA does not oversee Clean Water Act (CWA) Section 401 water quality certification other than to approve a State's water quality standards. Section 401 is a provision of the CWA that allows a State to determine if a Federal permit (such as a CWA Section 404 permit) violates its water quality standards. Please see page 5-39 of the PAMP and modify this discussion accordingly in the FEIS.

Please note that the PAMP citation (Section 6.11) of the recommendations of the National Governor's Association Provision to the Wetlands Conservation and Regulatory Improvements Act (Senate Bill 1304) may be correct, but the sequencing principle has long been an established part of the regulation of Section 404 permits, under EPA's Section 404(b)(1) Guidelines, 40 CFR Part 230.

The Interagency Meeting presented additional useful information on the project and the search for effective compensatory mitigation sites. We encourage this work continue to find several alternative mitigation sites in each watershed and to evaluate them for their technical feasibility of self-sustaining wetland restoration, especially for restored hydrology, and for long-term protection in a setting of land use compatible over time with the mitigation project.

The *"Waters of the U.S." Verification Report DRAFT (revised November 30, 2004)* presented at the Interagency Meeting presents its information in a useful atlas format. The Corps of Engineers is the lead on legal issues of wetland jurisdiction in routine situations and they will have the first responsibility for reviewing and using this report.

Thank you for the opportunity to comment on the October 2004, pre-FEIS *Preferred Alternative and Mitigation Package* for the U.S. 31 (Plymouth to South Bend) project. If you have any questions please contact Virginia Laszewski, 312-886-7501.

Sincerely,

for KAW

Kenneth A. Westlake, Chief
NEPA Implementation Section

cc: COE
USFWS
InDOT
InDEM
InDNR

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

February 11, 2004

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 96-150-019-0

RECEIVED FHWA
FEB 1 - 04
INDIANA DIVISION

Robert F. Tally, Jr.
U.S. Department of Transportation
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Dear Mr. Tally:

We are writing in response to your letter dated January 12, 2004, concerning proposed improvements to US 31 between South Bend and Plymouth, in Marshall and St. Joseph Counties, Indiana. Your letter requested that the Detroit District, U.S. Army Corps of Engineers (Corps) become a cooperating agency for the preparation of an Environmental Impact Statement (EIS) for the proposed project. In accordance with 40 C.F.R. § 1501.6, upon request by the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency.

Under Section 404 of the Clean Water Act and regulations promulgated pursuant to that Act, the Corps was authorized to regulate the discharge of dredged and/or fill material in waters of the United States. Within the project area, wetlands, lakes and streams are present which may be affected by the proposed work. A permit from the Corps would be required for the discharge of material in waters within the Corps' jurisdiction. Since a permit would likely be required for the project, we accept the responsibility to participate as a cooperating agency in the EIS process.

Over the past year review of the proposed project has generally followed the 1996 *Statewide Implementation Agreement for Concurrent NEPA/404 Processes for Transportation Projects in Indiana.* We have taken part in agency information sessions, discussed the project with INDOT transportation consultants, and provided written comments on scoping and alternatives. Although your expectations for participation as a cooperating agency were not identified, we take this opportunity to address our anticipated responsibilities.

a. We will continue to participate in the NEPA process, and provide input on issues associated with potential actions within Corps' jurisdiction.

b. We will participate in coordination meetings, and joint field reviews. In addition, as indicated in previous correspondence, once wetlands are delineated, we will determine which areas are within Corps' jurisdiction.

c. We will review and comment on environmental documents with the concerns of our agency and regulatory action in mind.

For your consideration, we are enclosing a generic template of our permit evaluation document that incorporates reviews under NEPA, the 404(b)(1) guidelines to the Clean Water Act, and the Corps' public interest review. This document depicts the range of possible impacts that we review for an applicant to discharge fill in wetlands. Should you wish to prepare an EIS that could fulfill our requirement, you may do so, and we could potentially verify and adopt it. Bear in mind that the 404(b)(1) guidelines have slightly different standards than NEPA when it comes to alternatives. The guidelines establish a presumption that non-wetland alternatives are available, and that these are less damaging. The burden to rebut these presumptions rests with the applicant. The guidelines also prohibit issuance of our permit if there is a less damaging, practicable alternative.

There are some potential limitations on our involvement as a cooperating agency. In order to provide a final agency position on the proposed action, we would need to complete our public interest review which includes a public notice. We could only do this if a permit application is submitted to initiate our concurrent review. If a permit application is not submitted to allow for a concurrent review, or if we determine that our jurisdiction is limited relative to the overall size of the project, we may decline to continue as a cooperating agency. Additionally, our participation may be constrained by our resources and other program commitments.

If you have questions, please contact Charles M. Simon at the above address or telephone (313) 226-2221. Please refer to File Number: 96-150-019-0.

Sincerely,

Gary R. Manneslo
Chief, Regulatory Office
Engineering and Technical Services

Copy furnished:

South Bend Field Ofc
IDEM, R. Cassidy
USFWS, E. McCloskey

File Number 96-150-019-0

Detroit District
U.S. Army Corps of Engineers

Department of the Army Permit Evaluation
INDOT - US 31 BETWEEN PLYMOUTH & SOUTH BEND, INDIANA

This document constitutes my Environmental Assessment, Public Interest review summary, and, if applicable, my factual and compliance determination according to the 404(b)(1) Guidelines for the work proposed for permit. It was prepared from a generic master document that facilitated consideration of the range of all possible impacts from projects within the purview of the Regulatory Program of the Army Corps of Engineers, in accordance with 33 CFR Part 320, 33 CFR Part 325 Appendices B and C, and 40 CFR Part 230.

I. Application Processing

A. Name of Applicant: Indiana Department of Transportation, Indianapolis, IN.

B. Work Description: The most recent plans showing the proposed work are attached (Encl. 1.). The applicant has applied for a DA permit to .

C. Purpose:

The applicant's stated purpose for the work is /. We are responsible to define the purpose and need in accordance with NEPA Regulations (Appendix B, 7.), the objective of the project (33 CFR 320.4(a)(2)(ii), and the "overall project purpose" under the 404(b)(1) Guidelines and subsequent guidance. We have determined that the reason why the applicant proposes to conduct the DA permit activities described above is /.

D. We are reviewing this application for a Department of the Army permit under authority delegated to the District Engineer by the Secretary of the Army and the Chief of Engineers by Title 33, Code of Federal Regulations, Part 325.8, pursuant to Section 10 of the River and Harbor Act, /and Section 404 of the Clean Water Act.

E. Public Involvement: A list of the agencies, interested groups, and the public consulted regarding the project is attached to the Public Notice dated which expired on (Encl. /).

F. Federal, State, Local, and Public Comments Relating to the Activity:

1. Federal:

a. U.S. Environmental Protection Agency (EPA):

b. U.S. Fish and Wildlife Service (FWS):

c. Congressional:

2. State:

a. Section 401 Water Quality Certification:

a. The Indiana Department of Natural Resources (IDNR):

b. State Historic Preservation Officer (SHPO):

3. Local:

4. Public:

We will summarize and evaluate the comments under appropriate aspects of the Environmental Setting in Section II and/or specific public interest review factors in Section III below.

G. List of communications with the applicant relative to permit evaluation:

II. Environmental Setting:

A. Description of the Area:

B. Waterway Characteristics:

C. Scope of Analysis: In addition to the activities which require specific DA authorization, the scope of analysis for this evaluation will include construction activities such as / use of the finished / associated / All of these activities would not occur but for the proposed DA permit activities.

D. Action Areas:

We did not perform a site inspection.
We inspected the site. See Encl. /.

The project site is located /. The disposal site is located /.

1. Cultural Characteristics:

2. Navigation Characteristics: The constraints and existing use patterns within the proposed work or structure area are as follows:

3. Physical/Chemical Characteristics:

4. Biological Characteristics:

a. The Existing/Long term Vegetation and Habitat Values for each portion of the work site are as follows:

Upland portions of the property:

Wetland portions of the property: The wetlands located / are likely to provide functions of
wildlife diversity/abundance
aquatic diversity/abundance
due to the fact that /

Riparian portions of the property (at the water's edge):

Benthos community: The proposed / area provides substrates of /, which support /.

Water Column:

b. What is the most readily identifiable natural feature in which this site is located? What is state of development of this natural feature?::

E. Cumulative Impact Area: For the purpose of this application review, the geographic area for which we are reviewing cumulative effects is /
The type of project epitomized by this application is /. Within this area, similar projects and permit decisions on them have included.:

There have been very minor prior impacts to this area and we expect little additional cumulative impact of any kind to occur.

This is a very unique proposal and/or factual situation. This is because it /. Therefore, we don't expect other similar applications, and therefore no cumulative impact.

This project will set a precedent within the cumulative impact area defined above because /. Thus, this permit will trigger other permit requests and result in cumulative impacts to be examined below.

This project continues an established pattern of similar projects in the cumulative impact area defined above. Issuance of this permit will not trigger other similar permit requests, but we will consider the cumulative impact of continuing this development.

III. Environmental Impacts of the Proposed Action

A. Identified Physical Impacts

1. Effects on Water Quality

a. Construction Impacts:

Commenters' points:
Applicant's response/rebuttal:
Corps Findings

b. Post-Construction and Use Impacts:

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

2. Shore Erosion and Accretion Effects:

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

3. Effects on Flood Hazards and Floodplain Values:

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

4. Effects on Navigation

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

5. Water Supply and Conservation

B. Identified Biotic Impacts

1. Effects on Aquatic Organisms (Fish, invertebrates, submerged vegetation, plankton, etc. documented in II.D. above)

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

2. Effects on Wildlife (Resident and transient mammals, birds, reptiles, and amphibians associated with aquatic ecosystems, as well as upland organisms within the action area documented in II.D. above)

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

4. Effect on Conservation and Overall Ecology:

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

C. Identified Social Impacts

1. Visual Aesthetics

Commenters' points:

Applicant's response/rebuttal:
Corps Findings:

2. Noise

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

3. Designated Historic, Cultural, Scenic, and Recreational Values

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

4. Land Use Patterns

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

5. Economic Effects

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

6. Effects on Recreation

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

7. Effects on Safety

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

8. Food and Fiber Production

9. Mineral Needs

10. Energy Conservation and Development.

11. Consideration of Property Ownership.

D. Cumulative Effects

F. General Criteria:

1. The relative extent of the public and private need for the proposed structure or work:

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

2. Where there are unresolved conflicts as to resource use, the practicability of using reasonable alternative locations and methods to accomplish the object of the proposed structure or work:

Commenters' points:
Applicant's response/rebuttal:
Corps Findings:

3. The extent and permanence of the beneficial and/or detrimental effects which the proposed structure or work is likely to have on the public and private uses to which the area is suited:

Commenters' points:

Applicant's response/rebuttal:
Corps Findings:

G. Alternatives: The following administrative alternatives have been considered:

Issue the permit as proposed.

Issue the permit with modifications. As mentioned in paragraphs / above, a permit issued which /, will minimize /, while still fulfilling the project's purposes and beneficial effects on /.

Issue the permit with special conditions. As mentioned in paragraphs / above, a permit with special conditions to /, will minimize /, while fulfilling the project's purposes and beneficial effects on /.

Deny the application. (Consider the no action alternative.)

IV. The portions of this document constituting the Environmental Assessment adequately address the relative magnitude of the expected impacts of the proposed project within our mandatory scope of analysis. The range of possible impact magnitude included no impact, negligible impact, minor impact, major impact, and significant impact as the term significant is defined in regulations implementing NEPA. Our analysis did not indicate the potential for significant impact on the quality of the human environment. Therefore, I do not recommend preparation of an environmental impact statement.

V. 404(b)(1) Guidelines Compliance Evaluation:

We have evaluated the effects of the proposed discharge of dredged or fill material into the waters of the U.S. according to the Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material, promulgated in Title 40 CFR 230 pursuant to Section 404 of the 1977 Clean Water Act.

Factual Determinations in light of Subparts C-F of the Guidelines have been set forth under appropriate impact assessments above.

Testing: The material to be discharged in this project consists of /.
Subpart H of the Guidelines requires testing of the extraction site of the discharge material for contaminants except under certain circumstances.
In this case, testing is not required because /
there are prior test results that enable characterization of the contaminants
the material is comprised of commercial sand/gravel/ to which contaminants do not adsorb/have not been subject to likely sources of contaminants

the discharge site is adjacent to the extraction site and subject to the same sources of contaminants, and materials at the two sites are substantially similar.
constraints are available to reduce contamination to acceptable levels, and the applicant is willing and able to implement such constraints.

Mitigation/Alternatives:

The following is a summary of the mitigation sequence as required by the February 7, 1990 Memorandum of Agreement by the EPA and the Corps as it pertains to the proposal and, if applicable, its alternatives.

Avoidance.

We have determined that there will not be more than minimal damage as a result of the discharge. Therefore, avoidance of the discharge would not be a less damaging practicable alternative.

We have not identified any alternatives that would avoid discharges and would not have other significant adverse environmental consequences.

We have independently determined that there is no practicable way to avoid discharges and fulfill the overall project purpose.

We have determined that the overall project purpose could be fulfilled and discharges could be avoided by the alternative of /. However, we have determined that this alternative would not be discernibly less damaging than the current proposal
avoid minor impacts on the aquatic environment at the cost of substantial impacts to other natural environmental values as detailed above
Therefore, there is no less damaging practicable alternative.

We initially determined that the potential impact of the discharge on the aquatic environment would be more than minimal, and directed the applicant to address the alternative of /, which would avoid discharges (Encl. /) The applicant responded ((Encl. /). He stated that /

We agree that this avoidance alternative would not be practicable for him based upon cost/logistics/technology relative to the overall project purpose. Therefore, there is no less damaging practicable alternative that would avoid a discharge.

We do not agree with the applicant that the avoidance alternative would not be practicable, because /. Therefore, there is a less damaging practicable alternative that avoids a discharge.

Minimization.

As described in the sections above, we have identified modification/conditions consisting of /. We have determined that the these steps are
appropriate because there will be discernable differences in the magnitude and nature of these aquatic impacts as detailed above.
not appropriate because they would minimize impacts on the aquatic environment at the cost of substantial impacts to other natural environmental values as detailed above.

We initially determined that the potential impact of the discharge on the aquatic environment would be more than minimal, and directed the applicant to address the alternative of /, which would minimize impacts (Encl. /) The applicant responded ((Encl. /). He stated that /

We agree that this minimization alternative would not be practicable for him based upon cost/logistics/technology relative to the overall project purpose. Therefore, there is no less damaging practicable alternative.

We do not agree with the applicant that the minimization steps would not be practicable, because /. Therefore, there is a less damaging practicable alternative.

The proposed discharge would occur in a special aquatic site, a wetland/riffle and pool complex/vegetated shallows/mudflat. The fundamental, essential, or irreducible activity or use to which the special aquatic site will be put after discharging dredged or fill material and construction ("basic purpose") is /. /, per se, does not require access or proximity to or siting within wetlands/riffle and pool complexes/vegetated shallows/mudflats to take place. Therefore, we must presume that there are practicable alternatives to achieve the overall project purpose that do no not involve special aquatic sites, and that all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site have less adverse impact on the aquatic ecosystem.
There were readily apparent less damaging practicable alternatives of / which we directed the applicant to address (Encl. /)
There were not any readily apparent alternatives, and we directed the applicant to attempt to overcome the presumption that less damaging practicable alternatives exist (Encl. /).
The applicant responded ((Encl. /). He stated that /

We agree that minimization alternatives would not be practicable for him based upon cost/logistics/technology relative to the overall project purpose. Therefore, there is no less damaging practicable alternative.

We do not agree with the applicant that minimization steps would not be practicable, because /. Therefore, there is a less damaging practicable alternative.

Compensation.

As described in the sections above we have identified steps to achieve functional replacement

of unavoidable loss of aquatic resources through creation or restoration of /. We have determined that these steps are/not appropriate for the reasons specified in those sections. We have determined that these steps are/not practicable for the following reasons:

Section 404(b)(1) compliance summary matrix.

P = Proposal. D = No action (denial). A1 = /. A2 = /.
Where only a P is shown, it indicates that all alternatives meet compliance criteria for that item. An unknown is a noncompliance; this will be designated with a U in the DOES NOT COMPLY column.

	MEETS CRITERIA	DOES NOT COMPLY
1. The applicant must overcome the presumption that a practicable, less environmentally damaging alternative site, outside special aquatic sites, exists. If the basic purpose is water dependent, OR is not in a special aquatic site, enter only N/A (not applicable).		
2. There must be no alternative that is practicable, is less damaging to the aquatic ecosystem, and has no other significant, adverse environmental effects.		
3. The discharge must not violate state water quality standards or Clean Water Act Section 307 toxic effluent standards or bans.		
4. The project must not jeopardize the continued existence of an endangered species.		
5. The project must not cause or contribute to significant* adverse effects on municipal water supplies, plankton, fish, shellfish, wildlife, special aquatic sites, or other aspects of human health or welfare.		
6. The project must not cause or contribute to significant* adverse effects on life stages of aquatic life and other wildlife dependent on aquatic ecosystems.		
7. The project must not cause or contribute to significant* adverse effects on ecosystem diversity, productivity, or stability.		

8. The project must not cause or contribute to significant* adverse effects on recreational, aesthetic or economic values.	
9. All appropriate and practicable steps, to minimize potential adverse effects of the discharge on the aquatic ecosystem, must be taken.	

*If project does not comply due to this, explain if this determination differs from conclusion regarding an EIS, Section IV. above.

Section 404(b)(1) Compliance/Non-Compliance Determination

The proposed discharge complies with the Guidelines.

The proposed discharge complies with the requirements of the Guidelines, with the inclusion of appropriate and practicable discharge conditions to minimize pollution or adverse effects to the affected aquatic ecosystems.

The proposed discharge fails to comply with the 404(b)(1) Guidelines because:
There is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem, and the alternative does not have other significant adverse environmental consequences.

The proposed discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem.

The proposed discharge will result in significant degradation of the aquatic ecosystem under 230.10(b) or (c).

There does not exist sufficient information to make a reasonable judgment as to whether the proposed discharge will comply with the Guidelines.

John Konik
Chief, Permit Evaluation Branch A
Regulatory Office

Prepared by:

Charles M. Simon
Project Manager
Permit Evaluation Branch A
Date: /

Enclosures

1. Presently proposed plan dtd. /

Reference Materials used in Compiling this Assessment include:
USGS topo quad for
NOAA Chart No.
Endangered Species List
National Register of Historical Places
USDA aerial photography dated
USDA soil survey for Marshall County, IN, dated
COE aerial photography , dated
USGS Water Resources Data for the State of IN, Water Year 19
Federal Flood Insurance Report for
COE Navigability Study for the

Site Investigation
Ground Photography
Register of Natural Landmarks
Wild and Scenic Rivers Act
404(b)(1) Guidelines
Fish and Wildlife Service Wetland Inventory Maps
Census Data
Department of the Interior National River Inventory
Hydrology of Indiana Lakes
COE Final EIS for
Drainage Areas of Indiana Streams
The Indiana Water Resource: Availability, Uses, and Needs
Wetland Evaluation Technique Volume I: Literature Review
and Evaluation Rationale

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

May 12, 2004

RECEIVED

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 96-150-019-0

BLA-INDY

Carl Camacho
Bernardin, Lochmueller & Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, Indiana 46214-3105

Dear Mr. Camacho:

We are writing in response to the February 2004 Draft Environmental Impact Statement for the US 31 Improvement Project - Plymouth to South Bend, Indiana (DEIS). We compliment you on the difficult task of presenting a project with multiple challenges and numerous involved parties. We appreciate your consideration of these belated comments.

Under Section 404 of the Clean Water Act and regulations promulgated pursuant to that Act, the Corps of Engineers (Corps) was authorized to regulate the discharge of dredged and/or fill material in waters of the United States. Within the project area, wetlands, lakes and streams are present which likely would be impacted by the proposed work. As described in the DEIS, alternatives may impact between 1.0 and 1.5 acres of streams, and between 41 and 58.5 acres of wetlands and other waters. A Department of the Army permit would be required for the discharge of material in waters within Corps' jurisdiction. It is likely that some of the wetlands or other waters are outside Corps' jurisdiction.

Our office provided previous input on the project leading up to the DEIS. Recently, an October 31, 2003 letter from our office addressed preliminary alternatives. In correspondence dated February 11, 2004, we agreed to be a cooperating agency in the National Environmental Policy Act (NEPA) process. We also discussed issues with Federal Highway Administration representatives by telephone. As previously, our current review derives from our regulatory responsibility, which mandates avoiding and minimizing impacts on the aquatic environment.

Comments on Alternatives

Our October 31, 2003 letter provided input on preliminary alternatives. We continue to have reservations about the alternatives carried forward in the DEIS. We are not satisfied that all alternatives which meet the project purpose and reduce impacts on the aquatic environment have been identified. Based on our review, we advise review of options not fully considered in the

DEIS. These include, but are not limited to the following:

- Freeway alternatives which use or improve portions of the existing US 31 corridor. There are existing divided highway sections from Road 4A to near US 6, and from the north side of LaPaz to Quinn Road south of Lakeville. We encourage alternatives which maximize use of these and other portions of the existing US 31 corridor.

- Non-Freeway alternatives or combined Freeway/Non-Freeway Alternatives. As we observed in previous correspondence, these proposed options met level of service for proposed US 31 improvement in Michigan, in areas with equal or higher traffic volumes. These deserve additional consideration.

- Alternative K and Alternative G–Ironwood Road Connection. We deem these worthy of additional consideration, and are not prepared to dismiss them based on their failure to meet level of service standards on the northernmost segment. We are not necessarily advocating for these options at this stage, but the other reasons for their dismissal are similar to issues with alternatives still under consideration. Tables 3.15 and 3.16 also support Alternative K as one of the best performers for the metro area traffic.

We note that on page 3-81, an impending project to add a center lane to existing US 31 was suspended, pending the National Environmental Policy Act review. We question whether this project merits consideration as an alternative, or whether it should be factored into the project baseline for some or all of the alternatives.

In previous comments, we encouraged completion of an origin-destination study for the corridor, as for other sections of US 31 in Michigan. We note that in Section 1.3 on page 1-5, the State legislature specifically directed INDOT to conduct an origin-destination study for the corridor between St. Joseph and Marion Counties. Our reasons for suggesting specific origin-destination information were to: provide a baseline, develop alternatives, and enhance predictability for traffic projections. We recognize that FWHA is confident in the traffic model projections presented in the DEIS, and we defer to their expertise in these matters. However, the origin-destination projections in the DEIS do not appear to account for other planned projects, such as Capital Avenue (SR 331).

Overall, we recommend a thorough reconsideration of alternatives to seek options with maximum benefits for the region. Maximizing use of existing US 31 would likely result in the least impacts to the aquatic environment.

Technical Comments on the DEIS

A wetland delineation was not conducted for the DEIS. A wetland delineation is an essential tool to objectively evaluate alternatives. We highly recommend that a delineation be completed for the final EIS, or that wetland locations at least be verified on the ground. As we have previously offered, our staff is available to assist in wetland determinations, and to review wetland delineations for the project.

Chapter 5 – *Environmental Consequences,* provides detailed discussion of the quantity of the resources which would be impacted by the proposed alternatives. In addition to defining the size of resources affected, this chapter should also characterize the qualitative impacts of the proposed work. These impacts should be described in terms of their scope, magnitude, and timing. We noted this oversight in the aquatic resource sections that we focused on, as well as other parts. For example, in Part 5.12 *Wetlands*, the EIS should address the impacts on wetland functions, both from construction and long term use. Similarly, impacts to fish and other aquatic life should be described in Part 5.10.1 *Surface Water*. Potential impacts on water quality should also be clearly explained either within Part 5.10.1 or in a separate part. Chapter 5 also appears to contain substantial resource characterization descriptions, which we suggest be relocated to Chapter 4 - *Affected Environment*.

The following comments relate to specific parts of the DEIS, as identified.

- Page 3-88 and Table 3.4.27 – Justification for the estimate of farmed wetlands as 2% of hydric soils on agricultural land is unclear. Based on our experience, we expect that the extent of farmed wetlands would be higher than this figure. We also reviewed Table D-1 in Appendix D, *Soils Impacted by Preferred Alternatives by County*. In Marshall County, *Gf – Gilford sand loam*, should be noted as hydric. In St. Joseph County, the same applies to *WrxAN – Wunabuna silt loam, drained, 0-1% slopes*. Several other soil map units in each county have hydric inclusions. Using the 2% figure, and Table D-1 corrected for the two soil map units noted above, we generated the following revised estimates for farmed wetlands: Alt G-C - 4.82 acres; Alt Es – 4.11 acres; Alt Cs – 4.92 acres. Relating back to our initial comment in this section, a wetland determination or delineation would assist in providing a more reliable estimate.

- Page 4-1, 2nd paragraph – The statement that "The remaining 15-mile segment from Michigan Road to US 20 has no median or a narrow median ranging from four feet to sixteen feet wide…" appears to be inaccurate, and contradicts information elsewhere in the DEIS, such as that on pages 3-11 and 12.

- Page 4-70, 1st sentence – With the available information, we do not support the statement that these "…are not high quality wetlands." What appears to be absent from this section is discussion of the specific functions that the wetlands provide. Habitat evaluation methods are available to make relative conclusions, but as far as we know, they have not been completed for the project. Habitat evaluation methods use wetland functions to develop a relative measure of importance.

- Page 4-70, Farmed Wetlands definition – This definition should reference the USDA, National Food Security Act Manual, 3rd Edition, September 2000 (NFSAM), rather than the reference cited in the DEIS. The NFSAM definition reads: "Wetlands that were drained, dredged, filled, leveled, or otherwise manipulated before December 23, 1985, for the purpose of, or to have the effect of, making the production of an agricultural commodity possible, and continue to meet specific wetland hydrology criteria."

- Page 4-71, page 5-90, paragraph 5, and Table 5.12.29 - Unconsolidated Bottom Wetlands –

These areas were mapped as part of the National Wetland Inventory, but rarely do they meet the Corps' technical definition of a wetland, due to the absence of the vegetation parameter. Table 5.12.29 adds some clarity by identifying them as Lakes and Ponds. However, our preference is that these waters be separated from the wetlands section. Otherwise, this term should be clarified where it is used in the DEIS.

- Page 5-59 1st paragraph – The term "bottomland forest" typically defines a type of forested wetland found in the southeastern U.S. We recommend that this sentence be changed to "The Direct Take row refers to the acres of both forested upland and forested wetland directly..."

- Page 5-59 to 60 - Classified Wildlife Habitat – Details on the existing conditions should be described in Part 4.9. The impacts to these areas should be in Part 5.

- Page 5-87 last sentence, and page 6-7 6.8.3 1st paragraph – We would characterize the proposed mitigation measures as "minimizing" adverse impacts to streams, rather than "no adverse effects" or "avoid any adverse effects."

- Page 5-118 – The statement that "...the trend today is an increase in wetland because of the 'no net loss' policy signed by President Clinton." oversimplifies a complicated situation, and we recommend that it be removed or revised. Recent figures are not available to confirm overall wetland trends in Indiana. From the regulatory perspective, wetland losses have slowed, but have not abated completely. However, the permit program is only one part of the wetland equation. The other part is the agricultural community, where various wetland restoration programs offset wetland losses. The overall change in wetland trends is likely due to a combination of policy changes rather than one single factor.

- Page 6-5 Part 6.6 – Mitigation wetland location and design must be completed as part of the Corps' permit process. Mitigation construction may occur at the time of construction for the roadway.

General Comments and Conclusions

In previous communications, we recommended that INDOT submit a permit application prior to finalization of the decision documents. We outlined this in our October 31, 2003 letter. Our February 11, 2004 correspondence also described the circumstances where we may be unable to continue as a cooperating agency, one of these being the absence of a permit application. We continue to recommend early submittal of a permit application so that the Corps has the opportunity to fully and fairly consider the options within the NEPA process.

Due to the magnitude of projected wetland impacts, it may be difficult for the Corps of Engineers to grant a permit for the project as proposed. Although Alternative Es appears to have the least impact on waters and wetlands, at this time we can not endorse any of the proposed alternatives. We advise you to continue to seek alternatives and modifications which avoid and/or reduce impacts to the aquatic environment.

We appreciate the opportunity to provide input at this stage. If you have questions, please contact Charles M. Simon at the above address or telephone (313) 226-2221.

Sincerely,

John Konik
Acting Chief, Regulatory Office
Engineering & Technical Services

Copy Furnished

South Bend Field Office
USFWS, Northern Indiana Sub-Office
IDEM, Ryan Cassidy
USEPA, C. Garra
FHWA, Indianapolis

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

February 24, 2005

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 96-150-019-0

Carl Camacho
Bernardin-Lochmueller & Associates, Inc.
7830 Rockville Road
Suite C
Indianapolis, Indiana 46214

Dear Mr. Camacho:

This is in response to a request for a jurisdictional determination and concurrence of a wetland delineation report submitted to this office on behalf of the Indiana Department of Transportation for the US 31 Improvement Project located between Plymouth and South Bend, Marshall and St. Joseph Counties, Indiana (Sections 35 and 36, Township 37N, Range 2E; Sections 2, 11, 12, 13, 24, 25 and 36, Township 36N, Range 2E; Sections 1, 12, 14, 15, 22, 27, 28, and 33, Township 35N, Range 2E; Sections 4, 9, 16, 21, 22, 27, 34 and 35, Township 34N; Range 2E).

In the St. Joseph River and Kankakee River, their tributaries, and adjacent wetlands, as in all waters of the United States, any discharge of dredged spoil and/or fill material must be authorized by the Department of the Army. The authority of the Corps of Engineers to regulate the discharge of dredged and/or fill material is contained in Section 404 of the Clean Water Act and regulations promulgated pursuant to that Act. Filling and grading work, mechanized landclearing, the sidecasting of excavated material, and some forms of piling installation constitute or otherwise involve discharges of dredged and/or fill material under the Corps' regulatory authority.

We concur with the location of the waterways as indicated in the delineation report submitted to this office titled *Waters of the U.S. Verification Report: U.S. 31 Improvement Project Plymouth to South Bend In Marshall and St. Joseph Counties, Indiana* and dated November 30, 2004 with supplemental data submitted on January 27, 2005 and February 15, 2005. The waterways identified on the attached plan labeled Sections 1, 2, 7, 8, 9, 10, 11a, 11b, 13, 14, 17, 19, 20b, 20c, 21, 22, 24, 25, 26a, 26b, 27, 28, 32, 34, 35, 36, 37, 39, 40, 41a, 41b, 44, 45a, 45b, 46, 48, 49 and 50 (see attached table) are waters of the United States. As such, please be advised that the property in question does contain wetlands within the jurisdiction of the Corps of Engineers. Any discharges of dredged and/or fill material into the jurisdictional waterways within this corridor will require a Federal permit. This jurisdiction determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision of

the delineation before the expiration date.

The waterways labeled Sections 3, 4, 5, 6, 12, 15, 16, 18, 20a, 23, 29, 30, 31, 33, 38a, 38b, 42, 43, 47 and 51 (see attached table) on the enclosed figures fall into a category of isolated waterways that, per a recent Supreme Court ruling, are no longer under the regulatory jurisdiction of the Corps of Engineers. Please note, the Supreme Court ruling only affected our jurisdiction over *certain* isolated waters and wetlands--we still exercise regulatory authority over the discharge of dredged and/or fill material into *all* other waters of the United States, including isolated waters and wetlands not affected by the ruling. We will continue to make jurisdiction determinations on all waters of the United States, including wetlands, on a case-by-case basis. Although a Department of the Army permit may not be required in this instance, *this determination does not relieve you of the responsibility to comply with applicable state law. We urge you to contact the Indiana Department of Environmental Management (IDEM) to determine the applicability of state law to your project. The IDEM contact is Andrew Pelloso, (317) 233-2482.* A copy of this letter is being forwarded on to IDEM for its files.

If you anticipate work in areas identified above as waters of the United States please complete a permit application including a plan view and cross-sectional view drawings, in 8 1/2" x 11" format. Drawings and the application should include a description of all quantities, dimensions, and nature of material to be placed and soil to be moved within waterway.

Our assertion of jurisdiction over areas labeled waters of the United States above is based on the following criteria: (1) our documentation that the areas identified as wetlands meet our technical definition of wetlands per the criteria in the 1987 *Corps of Engineers Wetlands Delineation Manual,* (2) our documentation that areas identified as nonwetlands do not meet the same criteria, (3) our documentation that the waterways in question are adjacent (bordering, contiguous, or neighboring) to tributaries or are tributaries of a navigable water of the United States.

This delineation/determination has been conducted to identify the limits of the Corps' Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work in the site in question.

Per our regulations found at 33 CFR, Part 331 (as amended in the Federal Register on March 28, 2000), you may appeal this approved jurisdiction determination over the waters/wetlands on the property in question. Our appeal process is briefly described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* document and flowchart. Appeals of jurisdiction determinations are initially handled at our Division level and any *Request for Appeal* should be sent to the Division Engineer at:

Division Engineer
U.S. Army Corps of Engineers
Lakes & Ohio River Division
P.O. Box 1159
Cincinnati, Ohio 45210-1159

Your appeal must be received by the Division Engineer within 60 days of the date of this letter.

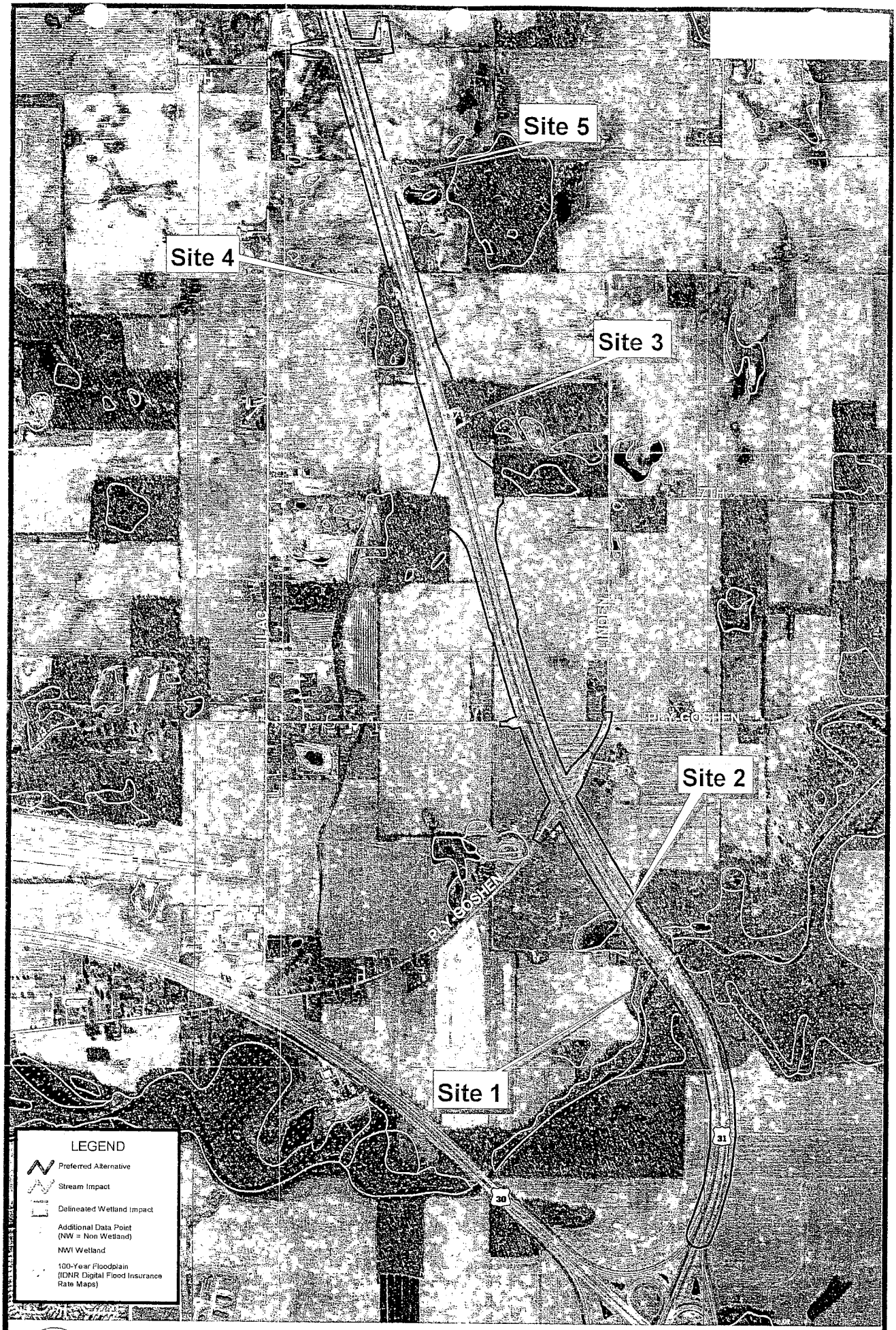
Thank you for giving us the opportunity to review this proposed activity. Should you have any questions, please contact me at the above address or telephone number (574) 232-1952. Please refer to File Number: 96-150-019-0.

Sincerely,

John C. Ritchey
Project Manager
South Bend Field Office

Enclosures
Site Map
Flowchart
NAP Document

Copies Furnished
Bernardin Lochmueller & Associates/Gillette
Bernardin Lochmueller & Associates/Yeager
INDOT/Baynes
INDOT/Sadler
FHWA/Fuller
IDEM/Elverson
Detroit District Office/Simon



Page 1 of 8
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1 inch = 1000 feet

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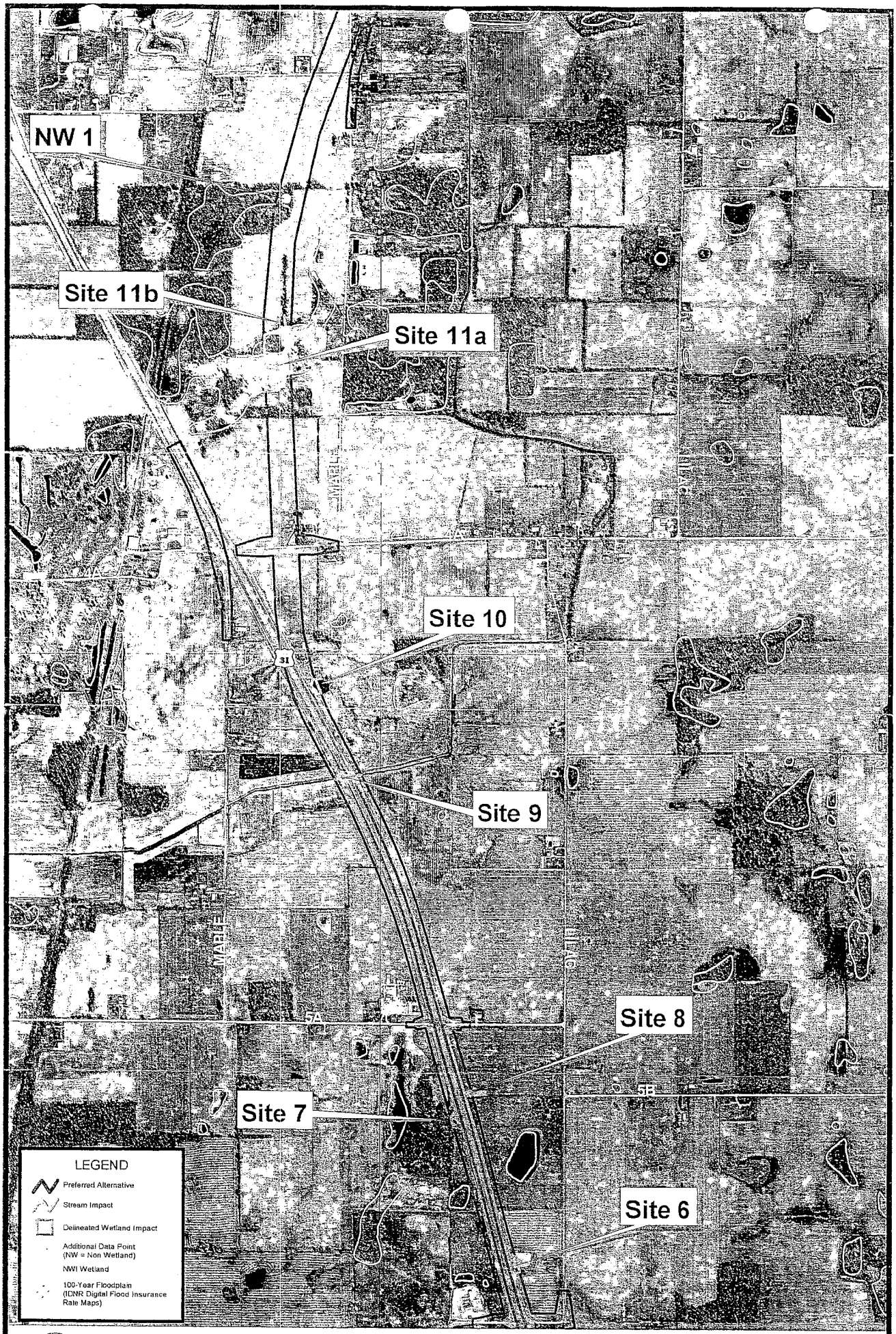
US 31 Plymouth to South Bend
"Waters of the United States" Atlas



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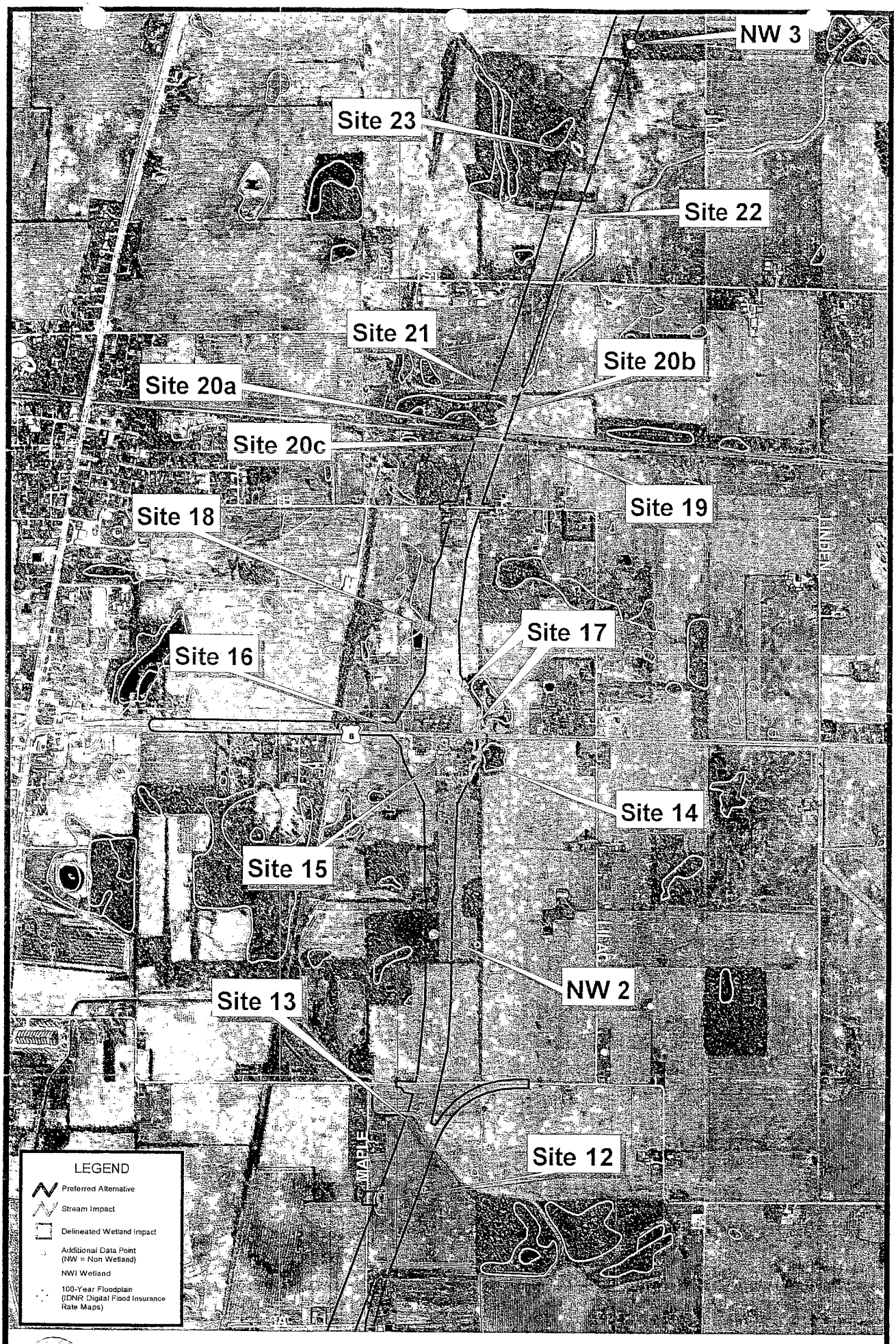

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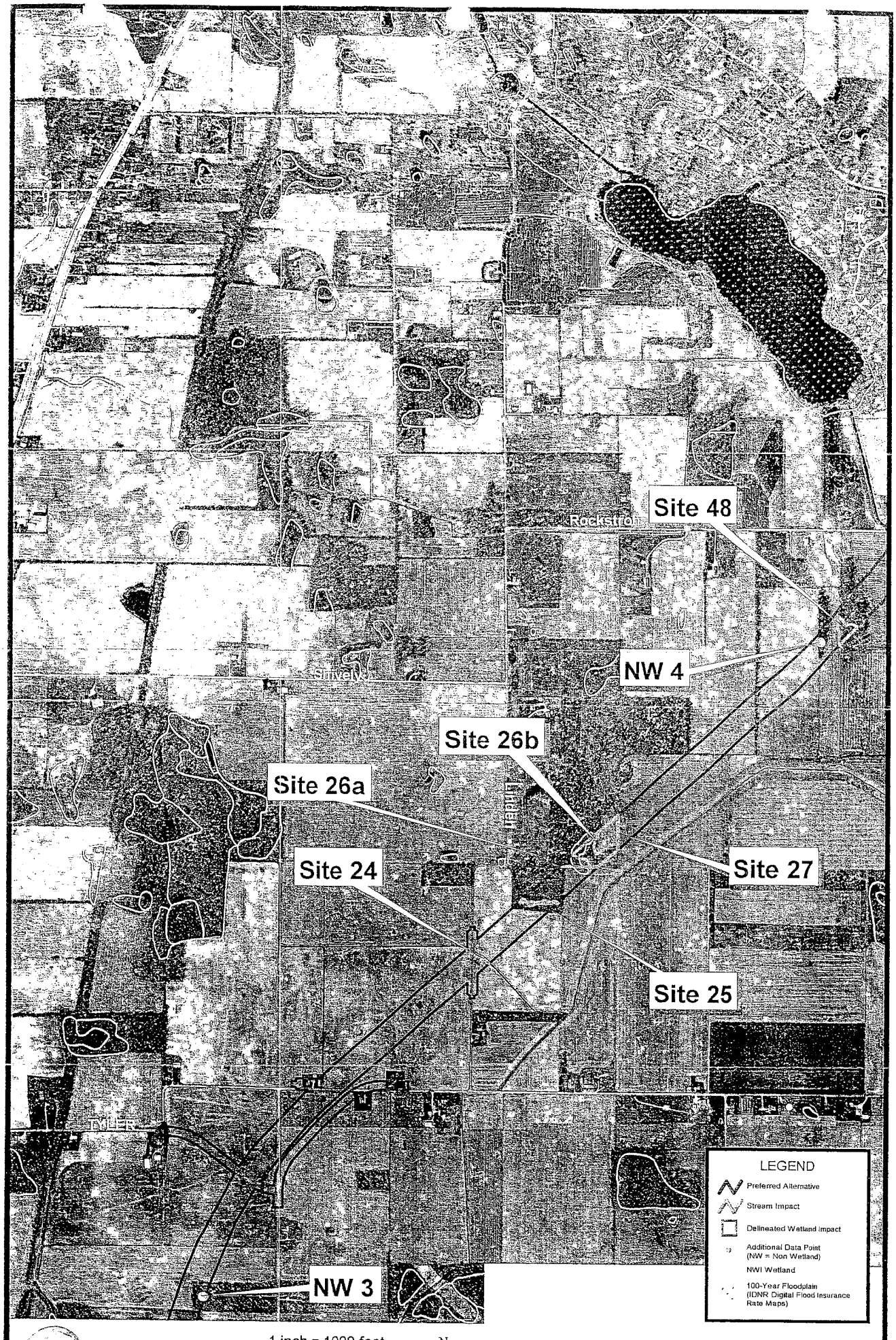

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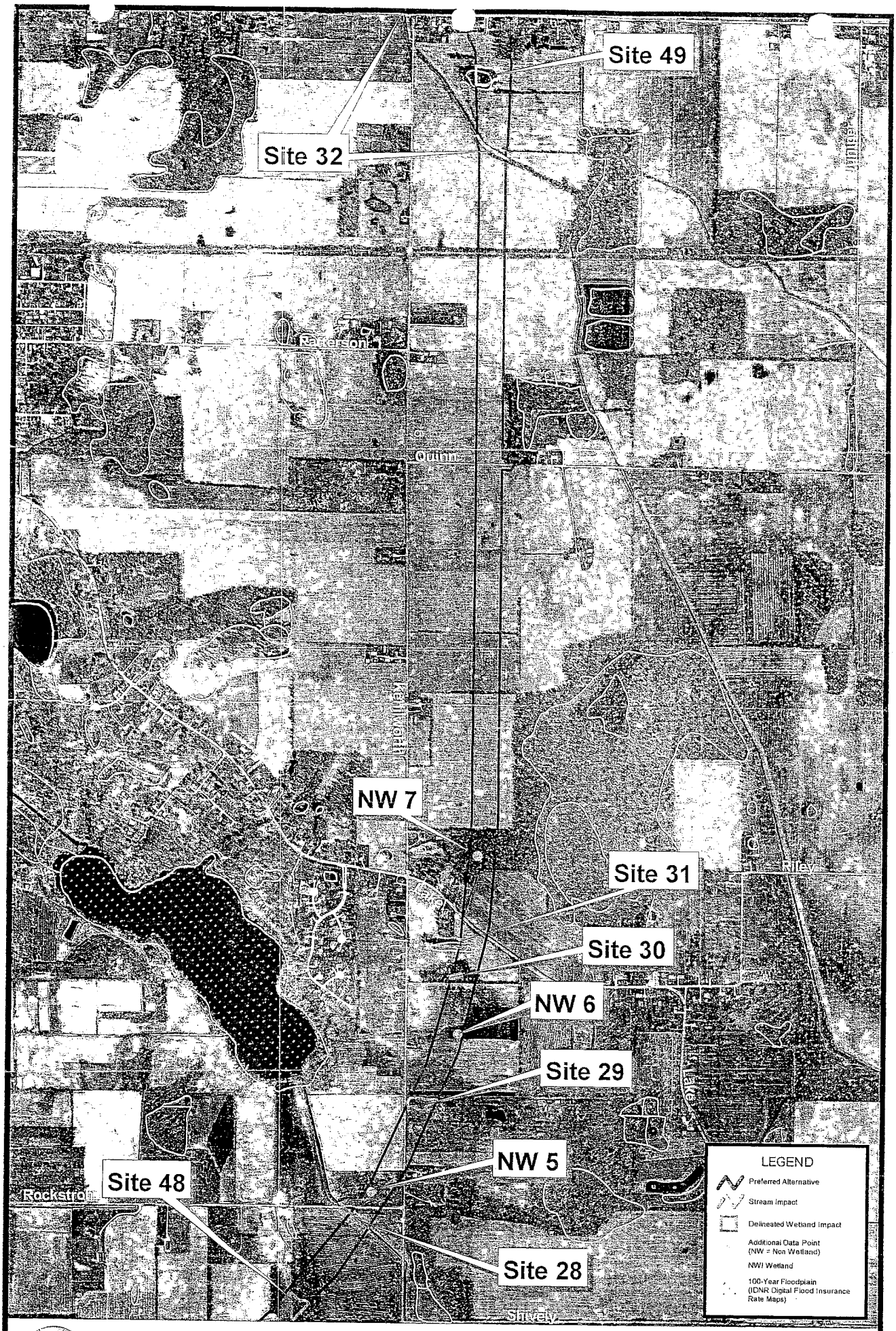

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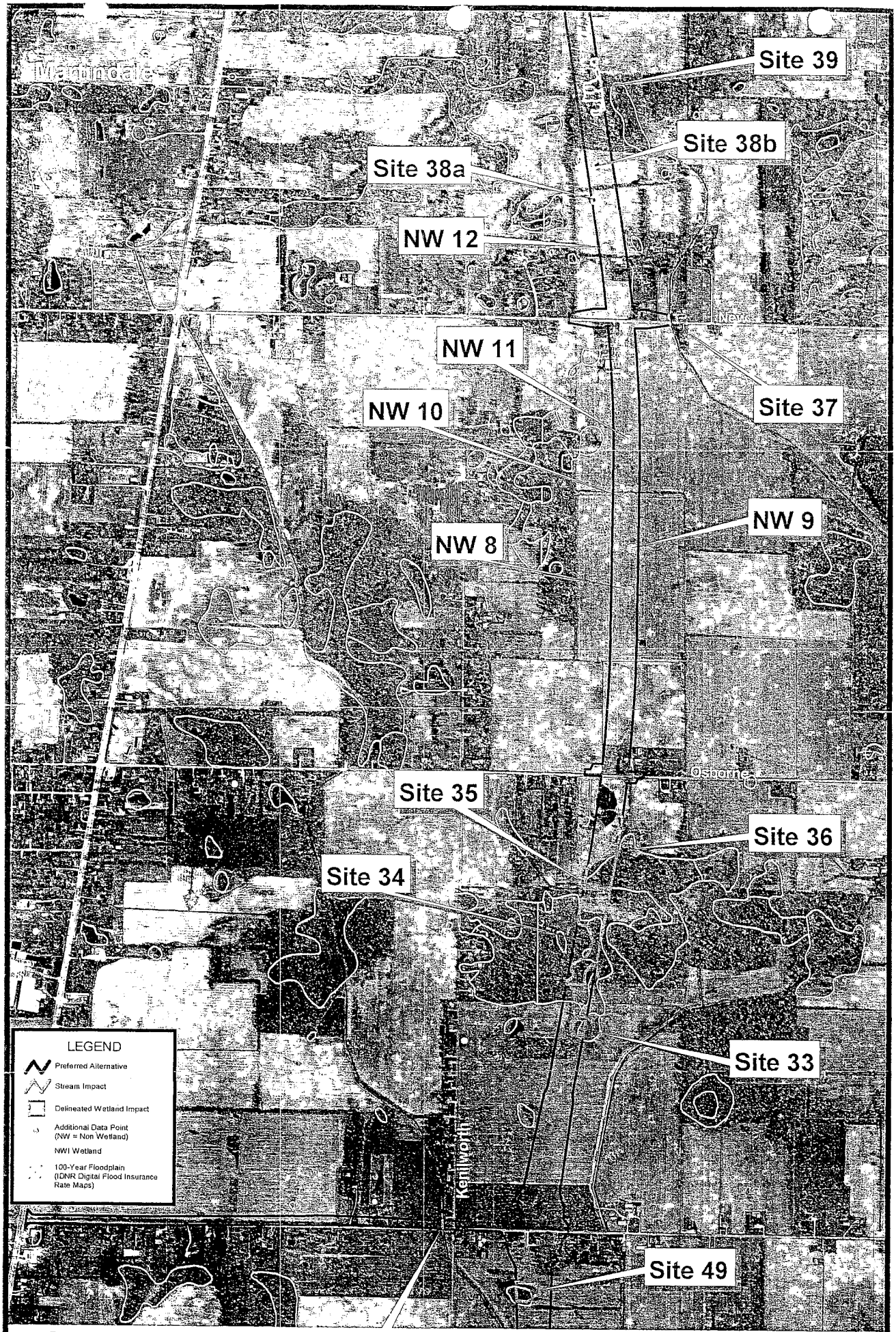
"Waters of the United States" Atlas



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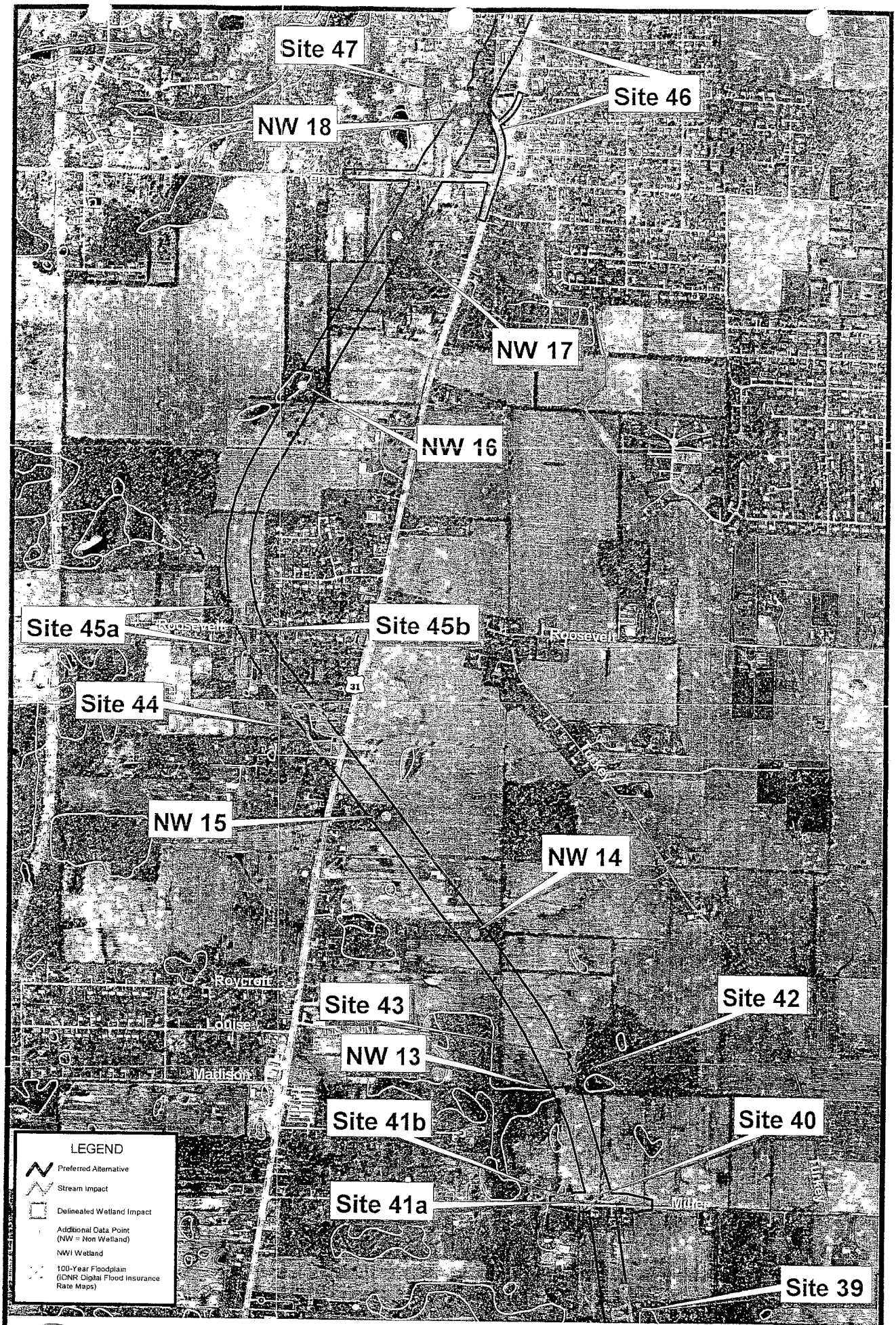

1 inch = 1000 feet

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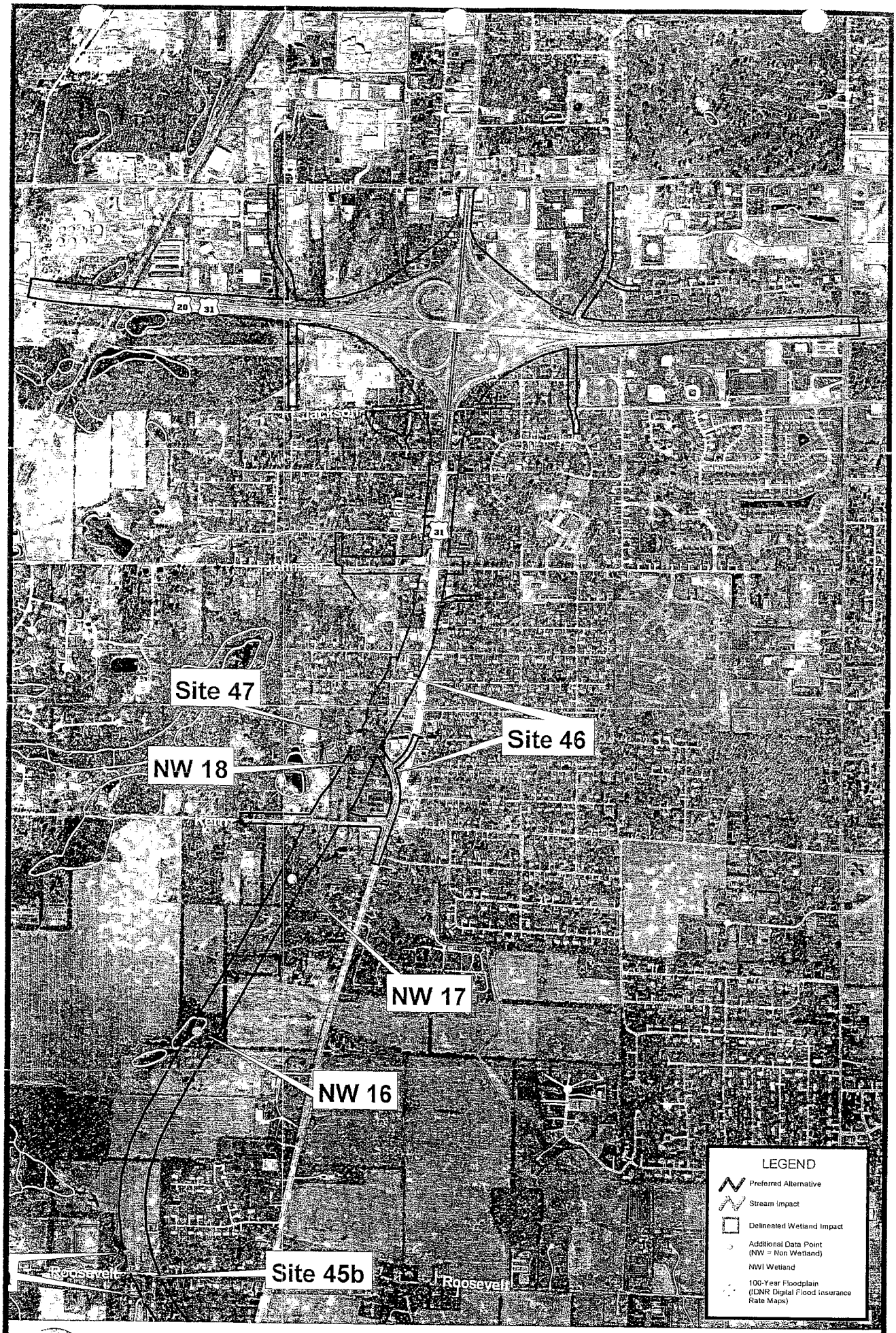
"Waters of the United States" Atlas



1 inch = 1000 feet

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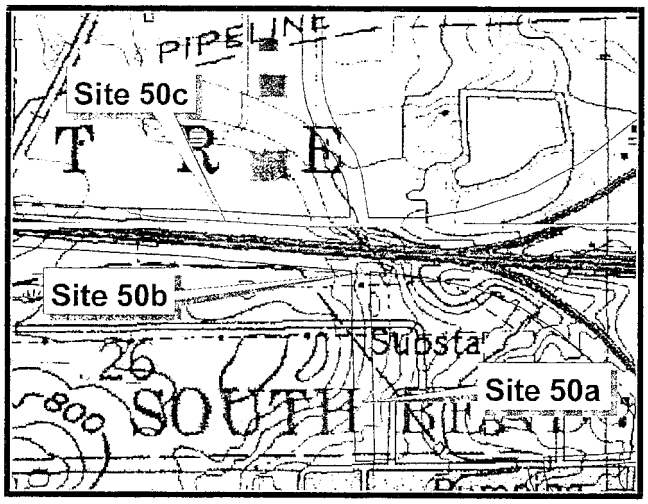
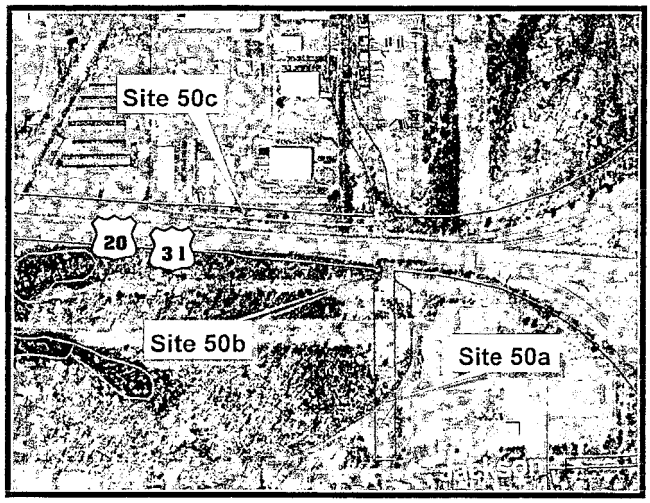
US 31 Plymouth to South Bend
"Waters of the United States" Atlas

Site 50 – Stream – Philips Ditch #2



Site Location on USGS Quadrangle



Site Location on 2002 Aerial Photograph

Aquatic Resource: Stream (Regulated Drain)
Name: Philips Ditch #2
Quarter: SE
Range: 2E
Watershed: St. Joseph

USGS Quadrangle: Lakeville & South Bend W
Section: 26
Township: 37N
IDEM 2002 303(d) List: NO

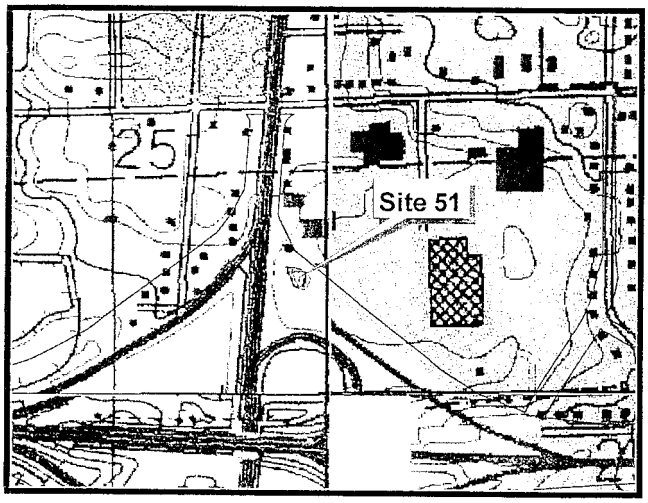
SITE 50 IMPACTS

SITE	NAME	LENGTH of IMPACT*	WIDTH at OHWM	AREA of IMPACT**
50a	Philips Ditch #2 (P)	144 feet	12 feet	1,728 sq feet
50b	Philips Ditch #2 (P)	104 feet	13 feet	1,352 sq feet
50c	Philips Ditch #2 (P)	1,272 feet	10 feet	12,720 sq feet
50	TOTAL	1,520 feet	-	15,800 sq feet

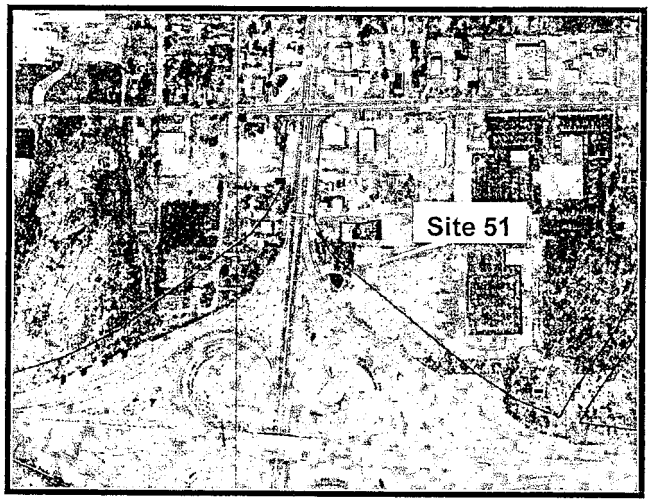
* Includes total length within proposed footprint
** = Length of Impact * Width at OHWM

Description of Potential Impact: Approximately 1,520 feet of Philips Ditch at three locations will be impacted by the proposed project. Approximately 144 feet (50a) and 104 feet (50b) will be impacted due to construction of Scott Street over the existing US 20. The Scott Street extension will provide local access north and south of US 20. Philips Ditch will likely be bridged at both of these impact sites. Approximately 1,272 feet of Philips Ditch may be impacted by adding lanes to US 20, which is a part of the overall US 31 Improvement Project. Impacts in this area would likely involve regrading and moving the ditch to the north. A total of approximately 1,520 feet of Philips Ditch may be impacted in this area. Philips Ditch is a regulated drain in St. Joseph County.

Site 51 – Open Water



Site Location on USGS Quadrangle



Site Location on 2002 Aerial Photograph

Aquatic Resource:	Open Water	**USGS Quadrangle:**	South Bend West
Type:	Open Water	**Section:**	25
Quarter:	SW	**Township:**	37N
Range:	2E	**IDEM 303(d) List:**	N/A
Watershed:	St. Joseph		

SITE 51 IMPACTS

SITE	TYPE of WETLAND	AREA of IMPACT	MITIGATION RATIO*	REQUIRED MITIGATION**
51	Open Water	0.12 acres	-	-

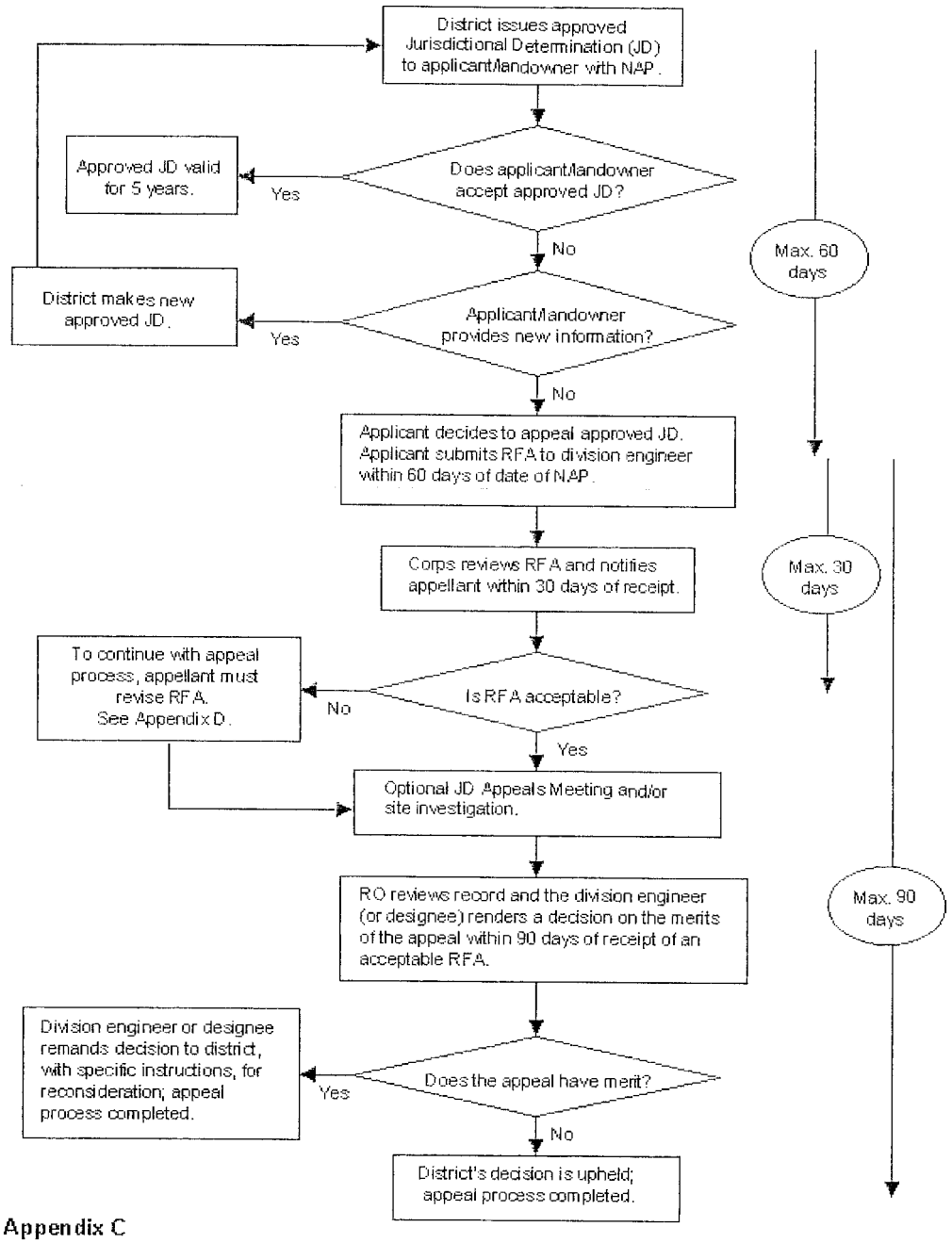
* Based On Wetland Memorandum of Understanding dated January 28th, 1991

** Assumes federal jurisdiction

Description of Potential Impact: Approximately 0.12 acres of open water of an excavated pond is on site within the proposed US 31 footprint. The pond appears to serve as a detention basin for a commercial area parking lot. There is a culvert which empties into it from the east, and a pipe that flows from the pond into a road side ditch on the west.

US 31 Wetlands					
Section #	On-Site Acreage	Water's of US acreage	linear feet	Ave Width	cover type
1	to be spanned			60	Yellow Creek
2	0.03	0.03			SS
3	0.55				SS/EM
4	0.07				FO
5	0.28				EM
6	0.27				EM
7	0.26	0.26			SS/EM
8	0.06	0.06			EM
9	0.16	0.16	318	22	Elmer Seltenright Drain
10	0.21	0.21			Open Water/EM fringe
11a	4.20	4.20			FO/SS/EM
11b	0.03	0.03	360	4	unnamed drain
12	0.44				EM
13	0.26	0.26	587	20	Elmer Seltenright Drain
14	0.59	0.59			EM
15	0.14				pond
16	0.10				pond
17	0.54	0.54			SS/EM
18	0.13				SS/EM
19	0.06	0.06	459	6	unnamed tributary of Lehman Ditch
20a	0.04				FO
20b	0.21	0.21			EM
20c	0.09	0.09			FO
21	0.12	0.12	362	14	Lehman Ditch
22	0.06	0.06	309	9	Mangun Arm of Lehman Ditch
23	0.23				FO
24	0.06	0.06	319	8	unnamed tributary of Lehman Ditch
25	0.24	0.24			FO
26a	0.03	0.03	425	3	unnamed tributary of Lehman Ditch
26b	3.54	3.54			FO/EM
27	0.04	0.04	405	4	unnamed tributary of Lehman Ditch
28	0.13	0.13	366	16	Heston Ditch
29	0.74				EM
30	0.12				FO
31	0.16				EM
32	0.16	0.16	531	13	Shilder-Hoffman Ditch
33	0.77				SS
34	4.79	4.79			FO/EM
35	0.11	0.11	308	15	unnamed tributary of Bunch Ditch
36	3.00	3.00			FO/EM/pond
37	0.04	0.04	118	15	Bunch Ditch
38a	0.10				EM
38b	0.13				EM
39	1.43	1.43			FO/EM/pond
40	0.22	0.22			EM
41a	0.05	0.05	393	6	unnamed tributary of Happ Drain
41b	0.17	0.17			FO/EM
42	0.05				EM
43	0.17				EM
44	4.42	4.42			FO/SS/EM
45a	0.03	0.03			EM
45b	0.05	0.05	533	4	unnamed ditch
46	0.18	0.18	1281	13	Phillips Ditch
47	0.12				SS
48	0.76	0.76			FO
49	1.07	1.07			FO
50a	0.04	0.04	144	12	Phillips Ditch
50b	0.03	0.03	104	13	Phillips Ditch
50c	0.29	0.29	1272	10	Phillips Ditch
51	0.12				detention pond
Totals	32.49	27.76	7074		

Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Indiana Department of Transportation	File Number: 96-150-019-0	Date: February 2, 2005
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Charles M. Simon
Chief, Processing Branch A
Regulatory Office
(313) 226-2221

If you only have questions regarding the appeal process you may also contact:

Mike Montone, Appeal Review Officer
Great Lakes and Ohio River Division
P. O. Box 1159 (550 Main Street)
Cincinnati, Ohio 45201-1159

Tel. (513) 684-6212 Fax. (513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

United States Department of the Interior

FISH AND WILDLIFE SERVICE

BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273

IN REPLY REFER TO:

RECEIVED FHWA
MAY -6 02
INDIANA DIVISION

May 2, 2002

Mr. Robert Dirks
Environmental Specialist
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Dear Mr. Dirks:

This is in reference to the March 26, 2002 Federal Register Notice of Intent to Prepare an Environmental Impact Statement for improvements to US 31 in Marshall and St. Joseph Counties, Indiana. The U.S. Fish and Wildlife Service (FWS) offers the following comments.

The FWS previously provided early coordination comments on the Major Investment Study for the US 31 Corridor by letter of November 25, 1996. That letter provided general comments about the presence of numerous wetlands within the proposed project area and expressed our concerns about potential impacts to these wetlands. These concerns remain for the current project. We are aware that there are additional wetlands to those shown on the FWS's National Wetlands Inventory (NWI) maps because wetlands have been restored in the area under our Partners for Fish and Wildlife Program and the Department of Agriculture's Wetland Reserve Program. The NWI maps were based upon 1980 aerial photography and were not ground-truthed, but they do provide a basis for determining the locations of wetlands. Actual locations and sizes will have to be determined by site inspections and delineations.

The U.S. Fish and Wildlife Service will request mitigation for wetland losses; mitigation ratios for the loss of forested wetland is 4:1 and 2: or 3:1 for emergent and scrub-shrub wetlands. The U.S. Army Corps of Engineers, Detroit District, will have to determine whether or not a Section 404 permit would be required for the filling of wetlands due to the highway project. However, the Federal Highway Administration has an obligation to minimize the destruction, loss or degradation of wetlands pursuant to Executive Order 11990, as amended by Executive Order 12608, concerning protection of wetlands, regardless of the need for a wetland fill permit.

Executive Order 13186, issued on January 10, 2001, directs each Federal agency taking actions having or likely to have a negative impact on migratory bird populations to work with the FWS to develop an agreement to conserve those birds. In addition fo avoiding or minimizing impacts to migratory bird populations, agencies will be expected to take reasonable steps that include restoring and enhancing habitat and incorporating migratory bird conservation into agency planning processes whenever possible. Therefore, the Environmental Impact Statement you are preparing will need to address this issue.

Staff at our Northern Indiana Suboffice is available to attend the interagency meetings provided for under Indiana's Streamlined EIS Procedures and to provide early coordination comments on the proposal. Please address correspondence to Mrs. Elizabeth McCloskey, Northern Indiana Suboffice, P.O. Box 2616, Chesterton, Indiana 46304, phone (219) 983-9753.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis) and the threatened bald eagle (Haliaeetus leucocephalus) and northern copperbelly water snake (Nerodia erythrogaster neglecta). Bald eagles may occasionally be found at area lakes during winter months, but there is no specific habitat available for them in the project area. Copperbelly water snakes utilize forested and scrub-shrub wetlands with adjacent forested uplands. The northern copperbelly is not currently known within the vicinity of US 31, but there is a possibility that it might be present in suitable habitats.

To our knowledge there have been no recent surveys for Indiana bats within the project study area. Summer habitat for this species consists of medium to large expanses of wooded land associated with water resources. The nearest recent record is from Potato Creek State Park west of Lakeville. However, based upon a map survey, it appears that sufficient habitat may be present to support a summer reproductive colony at some locations within the study boundaries.

St. Joseph and Marshall counties are within the range of the Eastern massasauga rattlesnake (Sistrurus catenatus catenatus), which has been listed as a Candidate species for listing as threatened or endangered under the Endangered Species Act (Act). Candidate species are those for which sufficient information on their biological status exists to warrant listing, but for which listing has not yet occurred. The most recent report of this species in the project area is near Lakeville.

The project study area is also within the range of the following Species of Concern being considered for listing as threatened or endangered: Black tern (Chlidonias niger) and Blanding's turtle (Emydoidea blandingii). These species live or breed within wetlands such as those found throughout the project study area. Black terns have not been observed to nest within the area for many years but they migrate through. Blanding's turtles have been observed at various wetlands in the general Lakeville area. These species are not afforded legal protection under the authorities of the Act; however, the FWS encourages consideration of these species in project planning because there is general concern among resource agencies for their status.

We appreciate the opportunity to provide input during this environmental scoping process. If you have any questions about our comments, please call Elizabeth McCloskey at (219) 983-9753.

Sincerely yours,

Elizabeth S. McCloskey for

Scott E. Pruitt
Supervisor

cc: Regional Director, FWS, Ft. Snelling, MN (TE/HC)(ER 02/0313)

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

RECEIVED

BLA-INDY

MAY 2 0 2004

ER 04/163

Robert F. Tally, Jr., PE
Division Administrator
Federal Highway Administration
Federal Office Building
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Dear Mr. Tally:

As requested, the Department of the Interior (Department) has reviewed the February 2004 Draft Environmental Impact Statement (DEIS) for the **U.S. 31 Improvement Project – Plymouth to South Bend (U.S. 30 to U.S. 20, south junction), Marshall and St. Joseph Counties, Indiana.** The Department offers the following comments and recommendations for your consideration.

General Comments

Beginning with early coordination in 1996, considerable communication was generated between natural resource agencies and the Federal Highway Administration (FHWA); the Indiana Department of Transportation (INDOT); and their consultant on this proposed project, Bernardin, Lochmueller & Associates, Inc. (BLA). Several meetings were also held with the natural resources agencies in 2003.

Appendix C of the DEIS contains correspondence on the project, but it does not contain all of the correspondence provided by the natural resource agencies since the inception of the current project planning in 1996. Noticeably absent is the November 25, 1996, letter from the Indiana Department of Natural Resources (IDNR) concerning impacts on fish, wildlife, and botanical resources. A copy was provided to BLA and other participants in the May 15, 2003, interagency meeting and bus tour, with the statement that it represented IDNR's continuing position on the proposed project. It includes an updated map of significant natural resources within the study area, based upon information within the Natural Heritage Program Database. This map is mentioned in the DEIS text (section 4.9.4), but no actual copy of it is provided in the main document or appendix C. A generalized map of the recent (1980+) endangered, threatened, and

rare species is provided as figure 5.9.20. The November 25, 1996, early coordination letter from the Fish and Wildlife Service (FWS) is not included in the DEIS, although the other two letters from FWS from 2002 and 2003 are. These missing letters and their attachments, plus the actual 2003 Natural Heritage topographical map, need to be included in the final EIS.

Appendix C also does not contain the official e-mails sent by several agencies regarding the interagency meetings, nor does it contain the meeting minutes. These e-mails and meeting minutes provide insight into agency concerns about the proposed project and are public information that needs to be included in the EIS. Minutes of meetings with local officials, emergency response departments, schools, the Community Advisory Committee, and Section 106 Consulting Parties also need to be included in the final EIS.

In general, we support routes that upgrade or closely follow an existing highway because new-terrain routes often result in the greatest loss and fragmentation of natural habitats. Because of the number of houses, businesses, and other developments along existing U.S. 31, plus the communities of LaPaz and Lakeville, it is not considered feasible to upgrade the current roadway to an access-controlled freeway along its entire length. However, since the greatest traffic is local and north of Lakeville, it is desirable to construct the new freeway as close as possible to existing U.S. 31, in order to remove the greatest amount of traffic from the current highway.

Despite the existing development within the project study area, significant natural resources remain which would be adversely affected by any of the build alternatives. Impacts to forestlands, both upland and wetland, would be particularly significant. General descriptions are provided about the values of forestlands and the impacts of fragmentation (section 4.9.4), but specific information on specific woodlands is not provided, except for a diagram concerning the impacts on a forestland adjacent to Pleasant Lake at Lakeville (figure 5.9.16). The final EIS should include diagrams of all of the forestlands likely to be affected by the proposed projects so the real impacts can be understood. The final EIS also needs to describe the type and quality of forestland that would be affected by each of the alternatives (species composition, age of the trees, grazed or ungrazed, upland or wetland, etc). Discussion is also needed on the specific impacts on forestland at the landscape level, including relationships to other forestland, shrubland, classified wildlife habitat and other managed areas, and lakes and streams. For example, the final EIS should discuss the potential impact the substantial loss of forestland adjacent to Pleasant Lake could have on the lake ecosystem, such as increased polluted runoff and sedimentation.

Alternative C has the highest impact on both upland forests (196 acres) and forested wetlands (25.8 acres), while alternatives E and G-C have the same upland forest impact (139 acres) and similar forested wetlands impacts (20.8 and 24.7 acres, respectively). Any of these build alternatives represent a substantial loss of forested uplands and

wetlands in a relatively limited area (approximately 20-miles long by 300 feet wide) and in an area where forestland is already fragmented.

We are aware that impacts to upland and wetland forested resources cannot be completely avoided due to the existing physical constraints within the study area and the need to avoid impacts to other properties such as historical sites, cemeteries, and prime farmland. However, we recommend the final selected alternative utilize the minimum necessary right-of-way, less than 300 feet, with concrete median barriers rather than a 60-foot-wide grassed median within the rural section of the freeway. This type of construction appears to have proven safe and effective along numerous Interstate highways in rural areas (e.g., I-94 in Porter and LaPorte Counties, Indiana), and is proposed for the urban section of alternative E. Thus, it could be a consistent highway design throughout the length of the project. Wider-grassed medians are generally required for non-access-controlled highways with at-grade intersections because they provide the necessary space for turning or crossing vehicles to wait for traffic to clear. Since there will be no at-grade crossings with this proposed project, the wide-grassed medians may not be necessary.

We request that, in the development of the final project design, the alignment of the freeway be modified wherever possible to reduce impacts to forestlands, both upland and wetland. Various regulations require mitigation (compensation) for the loss of wetland and/or stream habitat. While the same may not be true for upland forested habitat, we, nevertheless, recommend the FHWA and INDOT seek opportunities to replace the project-caused loss of over 100 acres of upland forestlands. We recommend the planting of native trees in blocks of assorted varieties on uneconomic remnants along the right-of way, as buffers around preserved and mitigation wetlands, and adjacent to stream corridors within and near the project area.

Although a great deal of generalized information about the natural resources present in the project study area is provided in section 4.9, little specific data is included in the DEIS. For example, only one of the classified wildlife habitat areas that would be affected by the various alternatives is described in any detail (section 5.9), while the others are just acknowledged as being present. The acreages of habitat types affected are provided without any meaningful descriptions of the specific habitats. Therefore, it is not possible for the reader to determine the actual, on-the-ground impacts of the three build alternatives.

The DEIS acknowledges that some Conservation Reserve Program (CRP), Wetland Reserve Program (WRP), and Partners for Fish and Wildlife Program (PFWP) properties would be affected by the three build alternatives, but, again, only general information is provided. Figure 5.9.19 depicts managed habitat areas within the study area, but the scale of the figure does not allow for a meaningful evaluation of the location of the properties or the degree of impacts. Detailed figures of the locations of the managed habitats and descriptions of each habitat that would be affected should be provided in the final EIS.

Although the DEIS acknowledges that the CRP, WRP, and PFWP are administered by Federal Agencies (Natural Resources Conservation Service [NRCS] and FWS, respectively), it does not acknowledge there is a Federal interest in these lands in the form of cost-sharing agreements and/or a purchased easement. Federal funds have been or are being expended on these properties, and this must be addressed by FHWA and INDOT.

Alternatives C and G-C both would require a new trumpet-type interchange with U.S. 20 about 1 mile west of the existing US-31/US-20 interchange. Although the design of the interchange is generally described and it is depicted in a modified aerial photograph as figure 5.13.51, there is no discussion in the DEIS about how traffic destined for downtown South Bend along Business 31 would access that roadway. Apparently, traffic would have to exit new U.S. 31 to eastbound U.S. 20 and then immediately utilize the cloverleaf interchange at old U.S. 31 to continue into South Bend. Southbound traffic from Business 31 to new U.S. 31 would have to deal with two interchanges in close proximity. Considering the purpose and need of the proposed project is to relieve congestion and promote safety, this interchange configuration does not seem to be appropriate. If modifications to the existing U.S. 31/U.S. 20 interchange are to be part of the project if either alternative C or G-C is chosen, this should be discussed in the final EIS, as such modifications may involve additional environmental impacts.

Section 4(f) Comments

The DEIS identified two public park properties as well as seven historic properties listed or eligible for the National Register of Historic Places (National Register) within the area of potential effects. Each of these parks and historic properties are subject to Section 4(f) protection. As a result of close coordination with several governmental organizations, historic preservation organizations, and interested parties, the FHWA, through alignment adjustments, has avoided all direct use of Section 4(f) resources. However, it is unclear if any constructive use of the historic properties will also be avoided.

Constructive use is a non-direct proximity impact to an eligible resource so severe the purposes for which the resource was considered eligible is diminished. The FHWA has satisfactorily demonstrated that the two park properties found within the project area will not be subjected to Section 4(f) constructive use. All seven of the historic Section 4(f) properties on this project are considered to be 4(f) properties by virtue of having been determined eligible for listing on the National Register. Under Section 106 of the National Historic Preservation Act, any action that affects the characteristics that make a property eligible for listing on the register, either directly or indirectly, is an adverse effect. If there is a finding of adverse effect under Section 106, even if there is no direct use of the Section 4(f) property, there is a constructive use.

One example of our specific concern about constructive use of historic properties is the potential effects of alternative G-C, which provides for an elevated interchange with lighting 1,110 feet south of historic property Evergreen Hill Farmstead. If the interchange affects the historic property's values and determined to be adversely affected under Section 106, then construction of the interchange would constitute a constructive use under Section 4(f). Since the State Historic Preservation Officer (SHPO) has not formally concurred with the FHWA's Section 106 determination, we cannot agree that there is no constructive use. The same would hold for the remaining six other historic 4(f) properties.

Without the completion of the Section 106 process, including a concurrence by the Indiana SHPO of a finding of no adverse effect, or an agreement outlining the actions necessary to mitigate the effects of the project on the eligible historic properties, we are unable to conclude there is no constructive use of the historic properties, that you have avoided all Section 4(f) properties, or that all planning to minimize harm has been employed. Therefore, the Department would not concur with the Section 4(f) Evaluation by the FHWA and INDOT for this project.

Specific Comments

Under section 3.1.7.1, non-freeway alternatives, page 3-11, it is stated that: "From Quinn Road, through Lakeville, to the U.S. 20 interchange, existing U.S. 31 is a four-lane undivided facility with a pavement width of 58 to 66 feet with curb-and-gutter and sidewalks." This is not an accurate statement for that entire length of highway, although it may be for the section through Lakeville itself. On page 3-12, it is stated that a bypass could be constructed west of Lakeville "...in the vicinity of an abandoned railroad corridor." However, there is already a local two-lane bypass of Lakeville along this old railroad corridor, Mangus Road.

In section 3.2, modifications of alternatives, there is considerable discussion about the problem of constructing an upgraded, limited-access freeway in between the Ullery/Farneman House and Southlawn Cemetery. Although the historical significance of the Ullery/Farneman House is discussed in this section and elsewhere in the DEIS (sections 4.6 and 5.6), there is no comparable information about the historical significance of Southlawn Cemetery or about any FHWA restrictions concerning impacts to cemeteries. Since the presence of these two properties on either side of the existing U.S. 31 is given as the reason for modifying several project alternatives, more discussion is needed about the cemetery.

As mentioned previously, considerably more detail about existing habitats that would be affected by the project is needed in sections 4.9.4 and 5.9.4, terrestrial wildlife and habitat. Concerning rare species of wildlife (section 5.9.5), the FWS does not agree with the conclusion about project impacts on the black-and-white warbler (*Mniotilta varia*) (page 5-77). The DEIS states the probability of impacting this species is low since only limited preferred habitat, unfragmented upland forest, is available. The FWS

believes the impacts on this species, and other more common species that require unfragmented upland or wetland forest will be moderate or greater because any of the build alternatives will further fragment the already stressed forestlands in the project area.

In section 5.10, water resources, it is indicated that small open-water bodies would be impacted with any of the alternatives. It is also stated: "While the open water impacts themselves are not necessarily significant, these open waters are often associated with larger wetland complexes where overall impacts to the complex may be more significant." However, it is not indicated if the affected open-water areas are isolated constructed ponds or if they actually are components of larger wetland complexes. The reader is directed to section 5.12, Wetlands, for a detailed description of wetlands impact; but section 5.12 does not provide any details, just generalities. In the final EIS, both of these sections should provide more specific information, such as: 1) whether the unconsolidated bottom wetlands are isolated constructed ponds or natural open-water areas within wetland complexes and 2) the locations of the actual wetland impacts on the landscape and how are they related to each other; i.e., whether they are concentrated in specific areas or spread relatively evenly throughout the project impact areas.

In section 5.12, it is also stated that "...unconsolidated bottom wetlands may be replaced by the construction of borrow pits for the highway." If the impacted unconsolidated bottom wetlands are isolated farm ponds, this mitigation might be acceptable. However, if they are natural components of wetland complexes, borrow pits would not be considered acceptable mitigation as they would not provide functional replacement.

In the discussion of visual impacts, section 5.13, there are several figures showing probable views of proposed interchanges at Kern Road, Pierce Road, and U.S. 20. Figure 5.13.51 shows the new trumpet-type interchange at U.S. 20; but the woodland that is clearly within the right-of-way of new U.S. 31 (figure 5.13.50) has been moved to the west, out of the way of the highway. Unfortunately, in real life it is not possible to completely move woodland out of the right-of-way.

Endangered Species Act Comments

The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalist*), the threatened bald eagle (*Haliaeetus leucocephalus*), the northern copperbelly water snake (*Nerodia erythrogaster neglecta*), and the candidate eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*). The expected status of each of these four species within the proposed project area is discussed in the DEIS (section 5.9.5). The FWS agrees that the proposed project is not likely to adversely affect the bald eagle, northern copperbelly, or eastern massasauga. However, the presence or absence of the Indiana bat within the project area is not currently known. The DEIS

indicates that surveys for the Indiana bat will be conducted in 2004 after the preferred alternative is selected.

Summary Comments

The Department has expressed concerns with the level of specificity found in the DEIS, and we have offered some general recommendations on changes to the project in order to lessen some impacts to important resources. We would not concur with a determination on whether there were prudent or feasible alternatives to the proposal, or all measures to minimize harm had been utilized, in order to avoid or minimize impacts to Section 4(f) resources. We have made several specific requests for additional information, and we have commented on the presence of endangered species.

The Department has a continuing interest in working with the FHWA and INDOT to ensure that project impacts to resources of concern to the Department are adequately addressed. For matters related to threatened and endangered species and other fish and wildlife resources, please continue to coordinate with the Field Supervisor, U.S. Fish and Wildlife Service, 620 South Walker Street, Bloomington, Indiana 47403-4273, telephone 812-334-4261. For continued consultation and coordination with the issues concerning the 4(f) resources, please contact the Regional Environmental Coordinator, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska, 68102; telephone 402-221-7286.

We appreciate the opportunity to provide these comments.

Sincerely,

for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:
Ms. Janice Osadczuk, Chief
Division of Environment, Planning & Engineering
Indiana Department of Transportation
100 North Senate Avenue, Room N 848
Indianapolis, Indiana 46204-2218

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

December 28, 2004

RECEIVED
DEC 30 2004
BY

Mr. Carl D. Camacho
Bernardin Lochmueller & Associates, Inc.
7830 Rockville Road
Indianapolis, Indiana 46214-3105

Project: US 31 - Plymouth to South Bend Study
Marshall and St. Joseph Counties

Dear Mr. Camacho:

The U.S. Fish and Wildlife Service (FWS) has reviewed the Preferred Alternative Mitigation Package, Revised Draft "Waters of the U.S." Verification Report (November 30, 2004), and other materials provided at the December 3, 2004 Interagency Meeting, and offers the following comments.

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.

We believe that the locations and extent of wetlands likely to be impacted by the project have been adequately determined. We are concerned about the extent of losses at Site 34 (4.79 acres) and the fact that the highway would bisect a large, mostly wet woodland. However, it does not appear to be possible to move the proposed highway further to the east or west because the impacts would be similar, or perhaps even greater.

Concerning the conceptual mitigation sites, the 5 sites discussed at the December 3rd meeting appear to be acceptable, although the Flat Lake Watershed is rather far from the project impact area. Hopefully some land near Riddles Lake and other sites closer to the project site could be available, along with Potato Creek State Park, Lake of the Woods, Catfish/Wharton Lakes Area, and Marker/Grimes Ditches Area. We believe the concept of performing the Clean Water Act and Indiana Isolated Wetlands mitigations at "macrosites" rather than widely scattered small sites is a good proposal, since the likelihood of success is greater and the overall benefit to fish and wildlife may well be greater, even though some wetland functions, such as local flood control and ground water recharging, that are provided by small, isolated sites may be lost.

As indicated in the Department of the Interior's May 20,2004 comment letter on the project DEIS, we continue to recommend that FHWA and INDOT seek opportunities to replace the project-caused loss of about 100 acres of upland forests: "We recommend the planting of native trees in blocks of assorted varieties on uneconomic remnants along the right-of-way, as buffers around preserved and mitigation wetlands, and

adjacent to stream corridors within the near the project area". As discussed at the December 3rd meeting, forested buffers around restored mitigation wetlands may be more appropriate in this area than prairie buffers. Soil types should dictate what species, prairie or trees, are planted in the buffers.

Thank you for the opportunity to provide additional comments on the mitigation plan for this project. For further discussion please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,

Elizabeth S. McCloskey

for Scott E. Pruitt
Supervisor

cc: Virginia Laszewski, USEPA, ME-19J, Chicago, IL
Cathy Garra, USEPA, WQW-16J, Chicago, IL
Charlie Simon, USCOE, Detroit District, Detroit, MI
USCOE, South Bend Field Office, South Bend, IN
Christie Kiefer, Environmental Coordinator, Division of Water, Indianapolis, IN
Keith Poole, Indiana Division of Fish and Wildlife, Peru, IN
Matt Fuller, Federal Highway Administration, Indianapolis, IN
Liz Elverson, IDEM, Office of Water Management, Indianapolis, IN
Christine Baynes, INDOT, Room N855, Indianapolis, IN
Debbie Knepp, NRCS, South Bend, IN

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
June 16, 2005

Ms. Kia Gillette
Bernardin-Lochmueller & Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, Indiana 46214

Project: US 31 Improvement Project - Plymouth to South Bend
Marshall and St. Joseph Counties

Dear Ms. Gillette:

This responds to the letter from Federal Highway Administration (FHWA), Indiana Division, dated June 10, 2005, concerning their determination that the US 31 Plymouth to South Bend action is not likely to adversely affect the Indiana bat. They have based this determination on the absence of the species during mist net surveys conducted in July 2004 and on tree clearing restrictions which have been committed to in the Final Environmental Impact Statement and Record of Decision and will be implemented during construction. These tree clearing restrictions are: "To avoid any direct take of Indiana bats, no trees with a diameter of 3 or more inches will be removed between 15 April and 15 September. Tree clearing and snag removal will be kept to a minimum and limited to within the construction limits. If INDOT proposes to cut trees during the prohibited time, INDOT and FHWA must consult with the USFWS before any tree cutting may proceed."

The U.S. Fish and Wildlife Service believes that the mist net survey adequately assessed the possible presence of Indiana bats, with none being found at any of the survey sites. We also agree with the tree cutting restrictions as proposed by FHWA and INDOT. Therefore, we agree with the FHWA determination that the US 31 Plymouth to South Bend highway construction project is not likely to adversely affect the Indiana bat.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

For further discussion, please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,

Elizabeth S. McCloskey for

Scott E. Pruitt
Supervisor

cc: Matt Fuller, Federal Highway Administration, Indianapolis, IN

U.S. Department
of Transportation
Federal Highway Administration

Indiana Division

575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

June 10, 2005

HDA-IN

Ms. Elizabeth McCloskey
U.S. Fish & Wildlife Service
P.O. Box 2616
Chesterton, IN 46304

Dear Ms. McCloskey:

The Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT), is completing a Final Environmental Impact Statement (FEIS) for the proposed US 31 Improvement Project from Plymouth to South Bend in Marshall and St. Joseph Counties, Indiana. The Preferred Alternative for this project is Alternative G-Es and is described in the Preferred Alternative Mitigation Package (PAMP) dated October 2004.

In a letter dated May 2, 2002, the US Fish and Wildlife Service (USFWS) identified three federally threatened or endangered species and one federal candidate species that may occur in the study area for the project. These species are:

- Indiana bat (*Myotis sodalis*), Endangered
- Bald eagle (*Haliaeetus leucocephalus*), Threatened
- Northern copperbelly water snake (*Nerodia erythrogaster neglecta*), Threatened
- Eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*), Candidate

In May 2004, the USFWS provided the following comments on the DEIS:

> "The FWS agrees that the proposed project is not likely to adversely affect the bald eagle, northern copperbelly, or eastern massasauga. However, the presence or absence of the Indiana bat within the project area is not currently known. The DEIS indicates that surveys for the Indiana bat will be conducted in 2004 after the preferred alternative is selected."

Mist netting surveys were completed for the Indiana bat in the vicinity of the Preferred Alternative G-Es in July 2004. No Indiana bats were captured. The results of this survey were sent to the USFWS northern field office on October 1, 2004.

BUCKLE UP AMERICA

FHWA acknowledges the absence of Indiana bats during the mist net surveys does not rule out their presence. Therefore, the FEIS and ROD will include the following commitment to avoid takes of the Indiana bat:

> "To avoid any direct take of Indiana bats, no trees with a diameter of 3 or more inches will be removed between 15 April and 15 September. Tree clearing and snag removal will be kept to a minimum and limited to within the construction limits. If INDOT proposes to cut trees during the prohibited time, INDOT and FHWA must consult with the USFWS before any tree cutting may proceed."

FHWA hereby determines that the US 31 Plymouth to South Bend action is not likely to adversely affect the Indiana bat, given the absence of the species during the mist net surveys and the tree clearing restrictions committed to in the FEIS and ROD that will be implemented during construction. FHWA respectfully requests the USFWS provide written concurrence with FHWA's "not likely to adversely affect" determination.

Please send your response to Ms. Kia Gillette, Bernardin-Lochmueller & Associates, Inc., 7830 Rockville Rd., Suite C, Indianapolis, IN 46214. Should you have any questions regarding this request, please contact Matt Fuller of this office by phone (317-226-5234) or by e-mail (Matt.Fuller@fhwa.dot.gov).

Sincerely,

/s/ Shelby M. Fuller

for: Robert F. Tally, Jr., P.E.
Division Administrator

cc:
Mr. Carl Camacho, BLA
Ms. Jancie Osadczuk, INDOT
Ms. Christine Baynes, INDOT
Mr. Scott Pruitt, U.S. Fish & Wildlife Service
Bloomington Field Office
620 South Walker Street
Bloomington, Indiana 47403-2121

US 31 Public Hearing Comment

Gary Gilot... Hello I'm Gary Gilot; I'm the Public Works Director for the City of South Bend. We appreciate very much the opportunity to be involved in the process along the way. We commend INDOT and their consultant for involving the affected community. We think that the screening process weighs many different alternatives and that there was there were logically reasons for doing the shifted alternatives to try and mitigate some of the impacts of each of the prior alternatives to have the least amount of negative impact while improving the safety and mobility associated with this important highway. The City of South Bend, supports the need for an improved US 31. We will not appose any of these three. With regards to the general audience support for E shifted we understand the merit, the concern from some of the subdivisions but we too are concern that E shifted affected the most resident's and the most businesses and it had the highest cost. We acknowledge however it had the highest traffic performance level but we think if the other two were unable to have that same allocation of resources that they too could have improved levels of service on the existing 31 coming into the existing interchange as a supplement to the interstate. The constructability issues also worry us, this needs to be built over a period of some time and we need to maintain traffic during the construction. We're worried about how we built a ten foot elevated road and maintain traffic with formal, informal detours. Some of those informal detours may reek havoc on neighborhoods and county roads. We're also concerned about it city section, if the existing road is transferred over to the city, we'd like not to receive a level service B road, so we would like to see that road brought up, we'd also like to see no matter which of these is addressed much more dialog about public safety, vehicle access for our police, fire and paramedics. But we support the project and we appreciate the involvement in the process to date and we'll continue to work with you as you make a decision on a selected corridor so we can make it work fast with the least amount of negative impacts for all those affected. Thank you.

0318-043, Gilot, Gary

US 31 Public Hearing Comment

Carl Littrell... My name is Carl Littrell; I'm the City Engineer in the City of South Bend. And I'm here to not only reinforce the message Gary brought but the City of South Bend is supportive of any of the three alternatives that have come forward to this process but to urge INDOT on to continue this study and come to the earliest possible conclusion. We heard today that the draft Environmental Impact Study will be finalized during this summer and presented to Federal Highway and we certainly hope that schedule can be met. We know that the record of this hearing today is going to be limited; there will be a lot of information to weave back into the fabric of what has been stated so far. But we know that INDOT can do that work. Telling you that, I'd like to add a couple more things to put into that study. We're very concerned on E shifted that there's no conductivity between the Gilmer Park neighborhood and Jewel Wood neighborhood to reestablish the connection northward into Ireland Road Court. As I understand the interchange being considered from the shifted alignment, the frontage road would not connect to Ireland so people in Gilmer Park or Jewel Wood would have to go to either Miami, Linden or Locust to insect then with Ireland Road and north into the City of South Bend. Similarly if along alignment G-C if that is selected the alignment for the roadway we suggest that mitigation impacts into Baneberry, Whispering Hills and the other western subdivisions to be mitigated by putting the interchange cross over existing US 31 alignment rather than at Kern Road. Similarly another location should be considered for the interchange on the C shifted alignment. And finally I would remind INDOT that the City of South Bend and St. Joseph County urbanized area including the area along the northern end of this alignment is an MS Fork area where we have to be very sensitive to water quality in the St. Joseph river, Bowman Creek and Phillips Ditch drain any of these alignments and the City of South Bend and St. Joseph county Government are both charged with improving water quality in the St. Joseph river and the alignment need to, not only the wet land but also the open streams.

0318-044, Littrell, Carl

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Water

Early Coordination/Environmental Assessment

DNR #: ER-9770-2 **Request Received:** November 2, 2004

Requestor: Bernardin, Lochmueller & Associates, Inc.
Carl Camacho, PE
7830 Rockville Road
Indianapolis, IN 46214

Project: US 31 Plymouth to South Bend Preferred Alternative Mitigation Package (PAMP)

County/Site info: Marshall - St. Joseph

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.

The current preferred alternative G-Es appears to minimize adverse impacts and/or disturbances to the natural resources, and we are pleased that this has been chosen as the preferred alternative.

Contact Staff: Christie L. Kiefer, Environ. Coordinator, Environmental Unit
Our agency appreciates this opportunity to be of service. Please do not hesitate to contact the above staff member at (317) 232-4160 or 1-877-928-3755 (toll free) if we can be of further assistance.

Date: March 3, 2005

Jon W. Eggen
Environmental Supervisor
Division of Fish and Wildlife

Our agency appreciates this opportunity to be of service. Please do not hesitate to contact Christie Kiefer, Environmental Coordinator, at (317) 232-4160 or toll free at 1-877-928-3755 if we can be of further assistance.

Sincerely,

Paul U. Ehret
Deputy Director
Department of Natural Resources

Enclosure

Note: Please include the above DNR# on any future correspondence regarding this project.

INDIANA DEPARTMENT OF NATURAL RESOURCES

PATRICK R. RALSTON, DIRECTOR

Executive Office
402 W. Washington Street, Rm. C-256
Indianapolis, IN 46204-2748

November 25, 1996

RECEIVED
APR 2 6 2004
BLA-INDY

Tom Cervone, Ph.D.
Environmental Manager
Bernardin, Lochmueller & Associates, Inc.
Hulman Building, Suite 606
4th and Sycamore Streets
Evansville, IN 47708

Re: DNR #6115 - U.S. 31 Corridor Study: Plymouth to South Bend; Marshall and St. Joseph counties, BLA Project #193-0043-0CS

Dear Mr. Cervone:

The Indiana Department of Natural Resources has reviewed the above referenced study in accordance with the National Environmental Policy Act of 1969. Page 2 of Chapter 2 of the study states that the study's purpose is "to evaluate various transporation alternatives ... that would reduce traffic congestion on U.S. 31 with minimum impacts to the environment ..." Our agency offers the following comments to assist in achieving this purpose. A letter of concern from a potentially affected landowner is also enclosed for your information.

This proposal will require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for construction in a floodway. A copy of this letter and any subsequent correspondence(s) should be included with permit application materials.

The study contains adequate documentation of state-listed plant and animal species within the project area. As project planning continues, an analysis of potential impacts upon those species should be conducted and provided for agency review and comment. This should include a detailed, in depth analysis of potential impacts and problems upon rare species, natural communities, the overall natural landscape, and environmental aesthetics for the various alternatives. For clarification purposes, pointed campeloma (an aquatic snail) should be included in the section discussing mussels.

As presented in the study, the Existing Upgrade Alternative appears to involve the least amount of new disturbance to the existing natural landscape. It also appears to be the most beneficial in terms of benefit to cost ratio, net present value, and projected traffic volume. The Near East Alternative appears to be the next best alternative in terms of minimizing impacts to the environment.

The Far Western Alternative and Western Alternative #4 cross the most prominent

portions of the Maxinkukee Moraine. This area constitutes one of the best examples of glacially formed landscapes in northern Indiana. Prominent features include knolls which rise 50-60 feet above their basins, numerous sloughs, enclosed basins, small lakes, and ponds. Construction of either alternative would result in significant adverse impacts to these features as well as wetland, wildlife, and botanical resources. Although the routes avoid recorded occurrences of state-listed plant and animal species, this area has not been intensely surveyed for these species. Therefore, it is likely that state listed species such as the eastern massasauga and blandings turtle would be directly impacted. Given the probable impacts to these features and species, our agency opposes these alternatives. We would also oppose the use of Western Option 1, Western Option 2, and Western Option 3; while impacts would be to a lesser degree, they would be significant and adverse.

Staff offers an additional alternative which appears to reduce traffic congestion while minimizing environmental impacts to a greater extent than any of the presented alternatives (see enclosure). We recommend inclusion of this alternative in the study for analysis and possible alignment selection. In addition, a wider right-of-way should be considered to provide for potential expansion to meet future traffic congestion beyond the scope of the current proposal. This could avoid the need to build additional new highway(s). Our agency will withhold recommendation of an appropriate alignment until this alternative has been incorporated into the study.

Regardless of the alternative chosen, the project will impact fish, wildlife, and botanical resources. The following measures should be considered to minimize these impacts. Unavoidable wetland impacts should be mitigated in accordance with the Memorandum of Understanding agreed to by the Indiana Department of Transportation, the U.S. Fish and Wildlife Service, and our agency. Replacement wetlands should be in kind, in the same immediate watershed, and should be protected in perpetuity through deed restriction or conservation easement. Limited access should be addressed to minimize primary and secondary impacts. Wildflowers and native grasses should be utilized (with a maintenance plan) from the roadside ditch to the fence on the outside of the lanes rather than mowing .

We appreciate this opportunity to be of service and apologize for not being able to respond sooner in this matter. If we can be of further assistance, please do not hesitate to contact Steve Jose at (317) 232-4080.

Sincerely,

David L. Herbst

David L. Herbst, Deputy Director
Department of Natural Resources

DLH:SHJ

Enclosure

21201 Kern Rd
South Bend, IN 46614
August 15, 1996

Dear Sir:

The State Highway Department is proposing a limited access highway to replace US31. Their suggested Option 1 in St. Joseph County would go through my property. Their proposed interchange at Kern Road would encompass nearly all of it.

I am writing you to draw attention to the fact that of this 10 acres, 7 acres is Federally Designated Wetlands. The rest is house, drive and railroad elevation. Over an acre of the wetlands consists of tussocks of sedge - the only such I am aware of in this area. It is also home to snakes - including one very large specimen - that are identical to the Smooth Green Snake pictured on the Indiana Endangered Species poster.

This property consists of Rensselaer Loam and Rensslaer Mucky Loam and is home to chimney crawdads, green heron, sensitive fern, blue flag, ironwood/blue beech, skunk cabbage, marsh marigold, monkey flower, great blue lobelia, throughwort, and a large variety of dragon flies as well as a plant that looks like the pictures of the endangered swamp pink. (Unfortunately, I have never seen this blooming.)

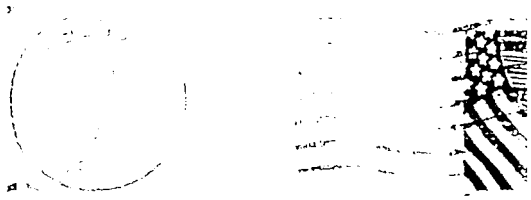
I wanted to make sure that you were aware of this wetlands habitat before it was too late.

Sincerely,

Jeannine Machowiak

Jeannine Machowiak

eannine M. Machowiak
21201 Kern Rd.
uth Bend, IN 46614-5042



Division of Nature Preserves
402 West Washington Room W267
Indianapolis, In 46204

46204/2733

DNR Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274, Indianapolis, IN [illegible]
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

February 27, 2004

Linda Weintraut, Ph.D.
Weintraut and Associates Historians, Inc.
16 Boone Woods
Zionsville, IN 46077

Federal Agency: Federal Highway Administration

Re: Revised APE information for three new alternatives for the [illegible] project from US 30 near Plymouth to US 20 near South Bend

Dear Dr. Weintraut:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) 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 February 4, 2004, and received on February 11, 2004, for the above indicated project from Plymouth to South Bend, Marshall and St. Joseph counties, Indiana.

Based on information available to us at this time, we concur that the area of potential effects for each of the respective alternatives is appropriate.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:kab

cc: Robert F. Tally, Jr., Division Administrator, Federal Highway Administration
emc: Todd Zeiger, Northern Regional Office, Historic Landmarks Foundation of Indiana

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DNR Indiana Department of Natural Resources

Joseph E. Kernan, Governor
John Goss, Director

Executive Office
Room W256
402 West Washington Street
Indianapolis, IN 46204-2748
Telephone: (317) 232-4020
FAX: (317) 233-6811

April 22, 2004

RECEIVED
APR 26 2004
BLA-INDY

Mr. Carl D. Camacho, PE, Project Manager
Bernardin, Lochmueller & Associates, Inc
7830 Rockville Road, Suite C
Indianapolis, IN 46214

Re: DNR #9770-1 - US 31 Plymouth to South Bend DEIS, FHWA-IN-EIS-04-02-D; Multi County (Marshall and St. Joseph Counties)

Dear Mr. Camacho:

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.

As indicated in our November 25, 1996 review letter regarding this project (copy enclosed), we recommended choosing an alternative that is east of the existing US 31 to minimize impacts to the environment. In this DEIS, alternatives Cs, Es, and G-C were selected for further study. Alternative G-C, which is a modification of the previous alternative G, is located primarily east of the existing US 31. This alternative offers the best selection in terms of minimizing environmental impacts to natural resources. This alternative avoids the complex glacial drift area in the northwestern quarter of the study area, which contains the highest concentration of important habitats and listed species occurrences.

The portion of alternative G-C that is now proposed to be west of the existing US 31 passes through a sizeable block of forest just north of Roosevelt Road. Also, further north along the abandoned railroad right-of-way, this alternative passes near a recently mapped occurrence of the state endangered loggerhead shrike (*Lanius ludovicianus*). We mention these two (2) important natural resources so that project planners are aware of their presence.

The previous alternative Gs (shown on Figure 3.2.25: Alternative G Modifications p.3-68 in the DEIS) would avoid impacts to the above-mentioned natural resources by utilizing the existing US 31. If alternative Gs is not an option, we recommend an additional modification to the portion of G-C north of Roosevelt Road to avoid impacts to these natural resources.

The Department will provide additional comments related to minimizing and mitigating impacts to fish, wildlife, and botanical resources within the alternative route in future review of the project.

0422-025

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DNR Indiana Department of Natural Resources

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

HISTORIC PRESERVATION AND ARCHAEOLOGY

October 5, 2004

Linda Weintraut, Ph.D.
Weintraut and Associates Historians, Inc.
1555 West Oak Street, Suite 20
Zionsville, Indiana 46077

Federal Agency: Federal Highway Administration

Re: Revised APE for Alternative G-E as part of the US 31 Corridor project from US 30 near Plymouth to US 20 near South Bend (Designation #9405230; BLA Project #201-0101 OHY/HY21)

Dear Dr. Weintraut:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) 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 September 15, 2004, and received on September 20, 2004, for the above indicated project from Plymouth to South Bend, Marshall and St. Joseph counties, Indiana.

Based on information available to us at this time, we concur that the area of potential effects for Alternative G-E.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:kab

cc: Robert F. Tally, Jr., Division Administrator, Federal Highway Administration
emc: Todd Zeiger, Northern Regional Office, Historic Landmarks Foundation of Indiana
Lyle Sadler, Indiana Department of Transportation

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DNR Indiana Department of Natural Resources

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

Joseph E. Kernan, Governor
John R. Goss, Director

March 23, 2004

Linda Weintraut, Ph.D.
President
Weintraut & Associates
1555 West Oak Street, Suite 20
Zionsville, Indiana 46077

Federal Agency: Federal Highway Administration

Re: Draft findings of effects report for the US 31 Corridor project from US 30 near Plymouth to US 20 near South Bend (Designation #9405230; BLA Project #201-0101-OHY/HY21; DNR #6115, 9770-1)

Dear Dr. Weintraut:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) 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 4, 2004, and received on March 5, 2004, for the above indicated project from Plymouth to South Bend in Marshall and St. Joseph counties, Indiana.

Based on information available to us at this time, we do not have any concerns with the proposed finding of effects.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:kab

cc: Robert F. Tally, Jr., P.E, Division Administrator, Federal Highway Administration
emc: Janice Osadzcuk, Indiana Department of Transportation
Todd Zeiger, Director, Northern Regional Office, Historic Landmarks Foundation of Indiana

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DNR Indiana Department of Natural Resources

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

Joseph E. Kernan, Governor
John R. Goss, Director

March 23, 2004

Janice Osadczuk, Chief
Division of Environment, Planning and Engineering
Indiana Department of Transportation
100 North Senate Avenue, Room N755
Indianapolis, Indiana 46204-2267

Federal Agency: Federal Highway Administration

Re: Draft Environmental Impact Study (DEIS) for the US 31 Corridor project from US 30 near Plymouth to US 20 near South Bend (Designation #9405230; BLA Project #201-0101-OHY/HY21; DNR #6115, 9770-1)

Dear Ms. Osadczuk:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) 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 February 26, 2004, and received on February 27, 2004, for the above indicated project from Plymouth to South Bend, Marshall and St. Joseph counties, Indiana.

Regarding the proposed project's impacts on historic buildings and structures, we are in substantial agreement with the draft environmental impact statement's characterizations of those impacts. We look forward to participating in future discussions of possible mitigation measures for any adverse impacts. Furthermore, we agree that archaeological survey(s) will be needed within areas to be impacted by this project and we will comment on the remaining archaeological concerns once they are submitted.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Bill Mangold. Questions about buildings or structures should be directed to Karie A. Brudis.

Very truly yours,

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:WLM:KAB:kab

cc: Robert F. Tally, Jr., Division Administrator, Federal Highway Administration
emc: Todd Zeiger, Northern Regional Office, Historic Landmarks Foundation of Indiana

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RECEIVED
JUN 05 20
MACOG

U.S. Department
of Transportation

Federal Transit Administration
Region V
200 West Adams St., Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

Federal Highway Administration
IN Division
575 N. Pennsylvania St., Rm 254
Indianapolis, IN 46204-1576

JUN 3 2002

Mrs. Vaneeta Kumar
Deputy Commissioner
Planning and Intermodal Transportation
Indiana Department of Transportation
100 North Senate Avenue, Room N755
Indianapolis, IN 46204

Attention: Mr. Matt Frazer

Dear Mrs. Kumar:

Subject: Conformity Finding - MACOG 2025 Transportation Plan Update

The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) have reviewed the Michiana Area Council of Governments (MACOG) 2025 Transportation Plan Update. On April 10, 2002, the MAGOG Policy Board approved the plan update by resolution 11-02.

The South Bend area (which consists of St. Joseph and Elkhart Counties in Indiana) is a maintenance area for ozone. There are five primary criteria of the conformity rule (62FR43779), which must be met. These criteria include the following: use of the latest planning assumptions, use of the latest emissions model, use of appropriate consultation procedures, consistency with the mobile source emission budget in the State Implementation Plan (SIP), and provisions for timely implementation of transportation control measures in the SIP.

The Indiana Department of Environmental Management (IDEM) and US Environmental Protection Agency Region 5 (USEPA) have found the 2025 Transportation Plan Update meets the above conformity requirements.

FHWA and FTA have determined that the MACOG 2025 Transportation Plan Update conforms with the adopted State Implementation Plan (SIP) in accordance with the provisions of 40 CFR 51. In addition, the FHWA and FTA find the plan update was developed based on a continuing, cooperative, and comprehensive transportation planning process in accordance with 23 USC 134 and 23 CFR 450.

If you or any member of your staff has any questions, please contact Clem Ligocki of FHWA, at (317) 226-7489, or Victor Austin of FTA, at (312) 886-1625.

Sincerely yours,

Joel P. Ettinger
Regional Administrator
Federal Transit Administration

Sincerely yours,

John R. Baxter, P.E.
Division Administrator
Federal Highway Administration

cc:
Vaneeta Kumar, INDOT IGC-N755
Janice Osadczuk, INDOT IGC-N848
Sandra Seanor, MACOG
Victor Austin, FTA Region 5
Andy Minyo, FTA Region 5
Patricia Morris, USEPA Region 5
Scott Deloney, IDEM IGC-N1001
Steve Smith, INDOT IGC-N901
Larry Buckel, INDOT IGC-N901
Carter Keith, INDOT Rm. IGC-N926
File 731.12
~~CA~~Ligocki: jaw
EF:MACOG conformity finding on 2025 Plan Update

201-0101-OED

Kevin Rusty
Matt Carl
Dave I Kia
Tom
John G.
Dave R

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

March 1, 2005

Rusty Yeager
Bernardin-Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, IN 47715-4006

RE: Project No. 201-0101-OED
US 31- Plymouth to South Bend
Gibson, Posey, Vanderburgh and
Marshall and St. Joseph Counties, Indiana

Dear Mr. Yeager:

We have conducted a review of the proposed changes to the US 31 extension from Plymouth to South Bend, Indiana. Per your request in the letter dated January 31, 2005, we have made a visual review of the new alignment of the proposed alternatives including the hybrid alternatives proposed in the above-mentioned letter. Our finding is that the proposed realignments will not significantly alter the "Relative Value of Farmland to the Converted" values found on Part V of the original AD-1006. A change of less than five (5) points will probably be the most we could expect.

It should be noted that some other changes to the AD-1006 report will occur that you did not specify in your letter. These include the "Total Acres to Be Converted Directly" line of Part III of the AD-1006 and to the "Total Acres of Prime and Unique Farmland" and "Total Acres of Statewide and Local Farmland" lines of Part IV. The data you provided showed that the footprint of the highway alternatives will alter the total acres to be converted up or down by 2 to 5% depending on the alternative. The total acres of Prime or Statewide Important Farmland that will be converted could also change probably by the same amount. The values for Total Acres in Part III, Prime and Statewide Important Farmland in Part IV and the Relative Value of Farmland to Be Converted in Part V for the Hybrid route should be very similar to the values for the G-C alternative.

If you would like an AD-1006 to be regenerated, please complete enclosed AD-1006, completing Parts I and III and return to our office.

If you need additional information, please contact Lisa Bolton at (317) 290-3200, extension 342.

Sincerely,

Jane E. Hardisty

JANE E. HARDISTY
State Conservationist

Enclosure

RECEIVED
MAR - 7 2005
BLA

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

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U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request
Name Of Project	Federal Agency Involved
Proposed Land Use	County And State
PART II *(To be completed by SCS)*	Date Request Received By SCS

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply – do not complete additional parts of this form).*	Yes ☐	No ☐	Acres Irrigated	Average Farm Size

Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount Of Farmland As Defined in FPPA Acres: %
Name Of Land Evaluation System Used	Name Of Local Site Assessment System	Date Land Evaluation Returned By SCS

PART III *(To be completed by Federal Agency)*	Alternative Site Rating Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site				
PART IV *(To be completed by SCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value				
PART V *(To be completed by SCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*				
PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points			
1. Area In Nonurban Use				
2. Perimeter In Nonurban Use				
3. Percent Of Site Being Farmed				
4. Protection Provided By State And Local Government				
5. Distance From Urban Builtup Area				
6. Distance To Urban Support Services				
7. Size Of Present Farm Unit Compared To Average				
8. Creation Of Nonfarmable Farmland				
9. Availability Of Farm Support Services				
10. On-Farm Investments				
11. Effects Of Conversion On Farm Support Services				
12. Compatibility With Existing Agricultural Use				
TOTAL SITE ASSESSMENT POINTS	160			
PART VII *(To be completed by Federal Agency)*				
Relative Value Of Farmland *(From Part V)*	100			
Total Site Assessment *(From Part VI above or a local site assessment)*	160			
TOTAL POINTS *(Total of above 2 lines)*	260			

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes ☐ No ☐

Reason For Selection:

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

January 7, 2004

EIVED
JAN 1 2 2004
-INDY

Keith
Matt
Dave I.
Tom C
Jonna
Kia
Carl

Carl D. Camacho, P.E.
Project Manager
Bernardin-Lochmueller & Associates, Inc.
7830 Rockville Rd.
Suite C
Indianapolis, IN 46214-3105

RE: BLA Project No. 201-0101
US 31 – Plymouth to South Bend
Marshall and St. Joseph Counties, Indiana

Dear Mr. Camacho:

Enclosed is the completed AD-1006 and/or questionnaire from the Natural Resources Conservation Service for the above named project. The proposed project will cause a conversion of prime farmland.

The attached packet of information is for your use in completing Parts VI and VII of the AD-1006. After completion, the federal funding agency needs to forward one copy to NRCS for our records.

If you need additional information, please contact Phil Bousman, at (317) 290-3200, extension 385.

Sincerely,

ACTING FOR
Michael A. Cox

JANE E. HARDISTY
State Conservationist

Enclosures

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 12/10/03
Name Of Project US31 - Plymouth to South Bend	Federal Agency Involved FHWA
Proposed Land Use Freeway Highway System	County And State Marshall & St. Joseph Counties, IN
PART II *(To be completed by NRCS)*	Date Request Received By NRCS 12/22/03

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply -- do not complete additional parts of this form).*	Yes ☑	No ☐	Acres Irrigated	Average Farm Size 175 ac
Major Crop(s) Corn	Farmable Land In Govt. Jurisdiction Acres: 583,309	% 85	Amount Of Farmland As Defined in FPPA Acres: 423,827	% 73
Name Of Land Evaluation System Used LESA	Name Of Local Site Assessment System		Date Land Evaluation Returned By NRCS 1/7/04	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	696.0	631.8	714.5	
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	696.0	631.8	714.5	0.0
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	450.2	416.7	556.3	
B. Total Acres Statewide And Local Important Farmland	49.0	50.4	40.5	
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.119	0.108	0.122	
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	52.0	52.0	44.0	
PART V *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	70	69	72	0

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points				
1. Area In Nonurban Use	15	14	13	14	
2. Perimeter In Nonurban Use	10	10	9	10	
3. Percent Of Site Being Farmed	20	8	9	9	
4. Protection Provided By State And Local Government	20	0	0	0	
5. Distance From Urban Builtup Area	0	0	0	0	
6. Distance To Urban Support Services	0	0	0	0	
7. Size Of Present Farm Unit Compared To Average	10	10	10	10	
8. Creation Of Nonfarmable Farmland	25	0	0	0	
9. Availability Of Farm Support Services	5	5	5	5	
10. On-Farm Investments	20	13	13	13	
11. Effects Of Conversion On Farm Support Services	25	0	0	0	
12. Compatibility With Existing Agricultural Use	10	5	5	5	
TOTAL SITE ASSESSMENT POINTS	160	65	64	66	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	70	69	72	0
Total Site Assessment *(From Part VI above or a local site assessment)*	160	65	64	66	0
TOTAL POINTS *(Total of above 2 lines)*	260	135	133	138	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes ☐ No ☒

Reason For Selection:

Site A = Alternative C

Site B = Alternative E

Site C = Alternative G-C

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 – NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step '4 – In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 – NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

Part I: In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

Part III: In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.

2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will, be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site "A."}$$

Project No. 201-0101-0E0 Bridge No. _____

Project Description US 31 - Plymouth to South Bend

Name of Organization requesting early coordination:

Indiana Department of Transportation

QUESTIONNAIRE FOR THE NATURAL RESOURCES CONSERVATION SERVICE

1) Are the drainage courses within the project area subject to (X) siltation, (X) erosion, or ( ) pollution? Identify and describe: Drainage courses are susceptible to scouring and sloughing. This causes siltation in the creeks, streams and ditches.

2) Are the soils within the project area susceptible to (X) erosion, ( ), landslides, or (X) settlement? Describe the degree of each: The steeper slopes are susceptible to water erosion. The muck soils will settle if drainage lowers the water table. The muck and sand soils will have wind erosion.

3) Is detailed soil survey information available? (Y) If so, where is this information available? 5605 US 31 South, Suite 4 South Bend, IN 46614

4) Is there any project in existence or in the planning stage where a conflict of purpose would be created? Where is the problem area? ( ) watershed project, ( ) group drainage system, ( ) other. At what stage is the project? None Known

What should be done to make the project compatible or complementary?

5) Are major land use changes taking place in the project area (N)? Describe:

6) Is the general agricultural economy of the area (X) stable, ( ) declining, or ( ) increasing? Comments:

QUESTIONNAIRE FOR THE NATURAL RESOURCES CONSERVATION SERVICE
(continued)

7) Please list known positive aspects of the proposed project: Help with traffic congestion on US 31 (which is a problem and causes many serious accidents).

8) Is this prime farmland? (X) yes ( ) no. If so, estimate the number of acres that will be affected: Alt. C = 370 Alt. E = 375 Alt. F = 375 Alt 6 = 400

9) Is this farmland of statewide importance? (X) yes ( ) no. If so, estimate the number of acres that will be affected: Alt C = 49 Alt. E = 50 Alt. F = 50 Alt 6 = 30

This information was furnished by:

Name: Troy Mangus Title: County Conservationist

Address: 5605 US 31 South, Suite 4 South Bend, IN 46614

Phone: (574) 291-2300 ext. 3 Date: 12-30-03

FARMLAND PROTECTION POLICY ACT
FPPA

This information is included for your consideration in completing sections I, III, VI and VII of Form AD-1006.

Natural Resources Conservation Service
6013 Lakeside Boulevard
Indianapolis, IN 46278

Phil Bousman
(317) 290-3220 ext. 385

401.24 Farmland Protection Policy Act (FPPA) Rule.

(c) The Act and these regulations do not authorize the Federal Government in any way to regulate the use of private or non-Federal land, or in any way affect the property rights of owners of such land. In cases where either a private party or a non-Federal unit of government applies for Federal assistance to convert farmland to a nonagricultural use, the Federal agency should use the criteria set forth in this part to identify and take into account any adverse effects on farmland of the assistance requested and develop alternative actions that would avoid or mitigate such adverse effects. If, after consideration of the adverse effects and suggested alternatives, the landowners want to proceed with conversion, the Federal agency, on the basis of the analysis set forth in Sec. 658.4 and any agency policies or procedures for implementing the Act, may provide or deny the requested assistance. Only assistance and actions that would convert farmland to nonagricultural uses are subject to this Act. Assistance and actions related to the purchase, maintenance, renovation, or replacement of existing structures and sites converted prior to the time of an application for assistance from a Federal agency, including assistance and actions related to the construction of minor new ancillary structures (such as garages or sheds), are not subject to the Act.

(d) Section 1548 of the Act, as amended, 7 U.S.C. 4209, states that the Act shall not be deemed to provide a basis for any action, either legal or equitable, by any person or class of persons challenging a Federal project, program, or other activity that may affect farmland. Neither the Act nor this rule, therefore, shall afford any basis for such an action. However, as further provided in section 1548, the governor of an affected state, where a state policy or program exists to protect farmland, may bring an action in the Federal district court of the district where a Federal program is proposed to enforce the requirements of section 1541 of the Act, 7 U.S.C. 4202, and regulations issued pursuant to that section.

Sec. 658.4 Guidelines for use of criteria.

As stated above and as provided in the Act, each Federal agency shall use the criteria provided in Sec. 658.5 to identify and take into account the adverse effects of Federal programs on the protection of farmland. The agencies are to consider alternative actions, as appropriate, that could lessen such adverse effects, and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government and private programs and policies to protect farmland. The following are guidelines to assist the agencies in these tasks:

(a) An agency may determine whether or not a site is farmland as defined in Sec. 658.2(a) or the agency may request that NRCS make such a determination. If an agency elects not to make its own determination, it should make a request to NRCS on Form AD-1006, the Farmland Conversion Impact Rating Form, available at NRCS offices, for determination of whether the site is farmland subject to the Act. If neither the entire site nor any part of it is subject to the Act, then the Act will not apply and NRCS will so notify the agency. If the site is determined by NRCS to be subject to the Act, then NRCS will measure the relative value of the site as farmland on a scale of 0 to 100 according to the information sources listed in Sec. 658.5(a). NRCS will respond to these requests within 10 working days of their receipt except that in cases where a site visit or land evaluation system design is needed, NRCS will respond in 30 working days. In the event that NRCS fails to complete its response within the required period, if further delay would interfere with construction activities; the agency should proceed as though the site were not farmland.

(b) The Form AD 1006, returned to the agency by NRCS will also include the following incidental information: The total amount of farmable land (the land in the unit of local government's jurisdiction that is capable of producing the commonly grown crop); the percentage of the jurisdiction that is farmland

401.24 Farmland Protection Policy Act (FPPA) Rule.

(g) To meet reporting requirements of section 1546 of the Act, 7 and for data collection purposes, after the agency has made a final decision on a project in which one or more of the alternative sites contain farmland subject to the FPPA, the agency is requested to return a copy of the Form AD-1006, which indicates the final decision of the agency, to the NRCS field office.

(h) Once a Federal agency has performed an analysis under the FPPA for the conversion of a site, that agency's, or a second Federal agency's determination with regard to additional assistance or actions on the same site do not require additional redundant FPPA analysis.

Sec. 658.5 Criteria.

This section state the criteria required by section 1541(a) of the Act, 7 U.S.C. 4202(a). The criteria were developed by the Secretary of Agriculture in cooperation with other Federal agencies. They are in two parts, (1) the land evaluation criterion, relative value, for which NRCS will provide the rating or score, and (2) the site assessment criteria, for which each Federal agency must develop its own ratings or scores.
The criteria are as follows:

(a) Land Evaluation Criterion--Relative Value. The land evaluation criterion is based on information from several sources including national cooperative soil surveys or other acceptable soil surveys, NRCS field office technical guides, soil potential ratings or soil productivity ratings, land capability classifications, and important farmland determinations. Based on this information, groups of soils within a local government's jurisdiction will be evaluated and assigned a score between 0 to 100, representing the relative value, for agricultural production, of the farmland to be converted by the project compared to other farmland in the same local government jurisdiction, This score will be the Relative Value Rating on Form AD 1006.

(b) Site Assessment Criteria. Federal agencies are to use the following criteria to assess the suitability of each proposed site or design alternative for protection as farmland along with the score from the land evaluation criterion described in Sec. 658.5(a). Each criterion will be given a score on a scale of 0 to the maximum points shown. Conditions suggesting top, intermediate and bottom scores are indicated for each criterion. The agency would make scoring decisions in the context of each proposed site or alternative action by examining the site, the surrounding area, and the programs and policies of the State or local unit of government in which the site is located. Where one given location has more than one design alternative, each design should be considered as an alternative site. The site assessment criteria are:

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent--15 points
90 to 20 percent--14 to 1 point(s)
Less than 20 percent--0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent--10 points
90 to 20 percent--9 to 1 point(s)
Less than 20 percent--0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than 5 of the last 10 years?

401.24 Farmland Protection Policy Act (FPPA) Rule.

All required services are available--5 points
Some required services are available--4 to 1 point(s)
No required services are available--0 points

(10) Does the site have substantial and well-maintained on-farm investments such as barns, other storage buildings, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment--20 points
Moderate amount of on-farm investment--19 to 1 point(s)
No on-farm investment--0 points

(11) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted--10 points
Some reduction in demand for support services if the site is converted--9 to 1 point(s)
No significant reduction in demand for support services if the site is converted--0 points

(12) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible with existing agricultural use of surrounding farmland--10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland--9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland--0 points

(c) Corridor-type Site Assessment Criteria. The following criteria are to be used for projects that have a linear or corridor-type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor-type site or design alternative for protection as farmland along with the land evaluation information described in Sec. 658.4(a). All criteria for corridor-type sites will be scored as shown in Sec. 658.5(b) for other sites, except as noted below:

(1) Criteria 5 and 6 will not be considered.

(2) Criterion 8 will be scored on a scale of 0 to 25 points, and criterion 11 will be scored on a scale of 0 to 25 points.

Form AD-1006

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request
Name Of Project	Federal Agency Involved
Proposed Land Use	County And State
PART II *(To be completed by NRCS)*	Date Request Received By NRCS

Does the site contain prime, unique, statewide or local important farmland? Yes ☐ No ☐ Acres Irrigated Average Farm Size
(If no, the FPPA does not apply -- do not complete additional parts of this form).

Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount Of Farmland As Defined in FPPA Acres: %
Name Of Land Evaluation System Used	Name Of Local Site Assessment System	Date Land Evaluation Returned By NRCS

PART III *(To be completed by Federal Agency)*	Alternative Site Rating Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	0.0	0.0	0.0	0.0
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value				
PART V *(To be completed by NRCS)* Land Evaluation Criterion. Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	0	0	0	0

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points				
1. Area In Nonurban Use	15				
2. Perimeter In Nonurban Use	10				
3. Percent Of Site Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Distance From Urban Built-up Area	15				
6. Distance To Urban Support Services	15				
7. Size Of Present Farm Unit Compared To Average	10				
8. Creation Of Nonfarmable Farmland	10				
9. Availability Of Farm Support Services	5				
10. On-Farm Investments	20				
11. Effects Of Conversion On Farm Support Services	10				
12. Compatibility With Existing Agricultural Use	10				
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or a local site assessment)*	160	0	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	0	0	0	0

Site Selected: Date Of Selection Was A Local Site Assessment Used? Yes ☐ No ☐

Reason For Selection:

(See Instructions on reverse side)

Form AD-1006 (10-83)

Completing the AD-1006/CPA-106

- Where to find the form: The form should be provided by the originating agency. NRCS has this as a paper copy or on a CD.
- NRCS is initiating an electronic submission process for the AD-1006. Maps and specific site information will still be needed to process the request. The electronic submission process will facilitate tracking and reporting responsibilities.

Steps in processing the AD-1006/CPA-106

- Originating agency: complete parts I and III and send to NRCS
- NRCS: Consider using register to track AD1006/CPA106 (see exhibit)
- NRCS will complete parts II, IV, V
- NRCS steps to complete form
- Part II: date received by NRCS

  Information in this section should be in the ~~local field~~ state office. If this is not available, contact soils section in state office for guidance.
- Part IV. This information should be in ~~local field~~ state office. If this is not available, contact appropriate soil scientist.
- Part V. This information should be in the ~~local field~~ state office. If it is not available, contact appropriate soil scientist.
- NRCS returns AD-1006/CPA-106 to originating agency
- Part VI and VII: completed by originating agency (section 658.5 of Farmland Protection Policy Act list the specific criteria for scoring)
- Alternative Site Rating: If the total SA and LE score exceeds 160 alternative sites must be considered. 404.5 (310-GM) requires 2 alternatives for scores between 160 and 220 and 3 alternatives for scores over 220.
- Originating agency returns completed form to NRCS

Completing Form AD-1006, Steps 1-7

Step 1. Federal Funding agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural used, will initially complete Parts I and III of this form.

Step 2. Originator will send three copies of AD 1006 together with maps indicating locations of the site(s) to the Natural Resources Conservation Service (NRCS) ~~local~~ state field office and retain one copy for your files. A list of NRCS field offices is available from the NRCS State Conservationist in each or from the NRCS website.

Step 3. NRCS will return 2 copies of the AD1006 to the originating federal agency within 10 working days of receipt of the request unless a land evaluation has not been completed or a site visit is required (30 working days are allowed if a land evaluation must be completed or a site visit must be made). If more than 10 days are required, NRCS will notify the agency of the need for additional time, up to 30 working days. See exhibit 403.26.

Step 4. In cases where farmland covered by the FPPA will be converted by the proposed project; NRCS field offices will complete parts II, IV, and V of the form.

Step 5. NRCS will return 2 copies of the form to the federal agency involved in the project. (One copy will be retained for NRCS records).

Step 6. The federal agency involved in the proposed project will complete parts VI and VII of the form.

Step 7. The federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agencies internal policies.

New U.S. 31

In planning for an upgrade of U.S. 31, we urge you to think "outside the box". Merely building another limited-access divided highway will not do. We suggest that consideration be given to the concept of a transportation corridor which would encompass not only a divided, limited-access highway but also a greenway for bicyclists and hikers as well as provisions for light rail transportation.

We must divest ourselves of the addiction to automobiles and consider alternatives in this time of impending energy shortages. Not only is automobile energy wasteful compared to rail, it is also perhaps the most dangerous mode of transit.

Let us not forget that at one time Indiana was laced with interurban rail – before the advent of automobiles. We have learned our lesson. It is time to readdress other options – notably light rail and greenways. Let's also not forget to build some rest areas for all users on this new transportation corridor.

Let Indiana lead the way for the rest of the nation. This is a golden opportunity to demonstrate more fuel-efficient, safe and comfortable means of travel. This will inevitably lead to an enhanced quality of life for all those who need to travel U.S. 31 for business or recreation. It is all in the planning. Let's do it now.

Michiana Group of the Hoosier Chapter

of the Sierra Club

by Geza Csapo

INDIANA DEPARTMENT OF TRANSPORTATION
Aeronautics Section
100 North Senate Avenue, Room N901
Indianapolis, Indiana 46204-2228
(317) 232-1496 *FAX: (317) 232-1499*
An Equal Opportunity Employer ● www.in.gov/dot/modetrans

JOSEPH E. KERNAN, Governor
J. BRYAN NICOL, Commissioner

Writer's Direct Line
(317)232-1489

Bernardin, Lochmueller, & Associates, Inc.
Attn: Mr. Carl Comacho, Project Manager
7830 Rockville Road
Indianapolis, IN 46214-3105

201-0101

November 4, 2004

RE: US 31-Plymouth to South Bend Study

Dear Mr. Camacho:

The INDOT Aeronautics Section has reviewed the Preferred Alternative and Mitigation Package (PAMP) for the US 31-Plymouth to South Bend Study. In an effort to minimize impacts to the ultimate development of the Plymouth Municipal Airport, continued correspondence regarding this project must be maintained between the INDOT Aeronautics Section, Mid-States Engineering, and Bernardin Lochmueller, and Associates.

Ultimate development of the Plymouth Municipal Airport according to the Airport Layout Plan (ALP) approved by the Federal Aviation Administration on July, 19, 2004, indicates a longer runway on a slightly different alignment than the existing runway. The ultimate runway will be closer to existing US 31 and Preferred Alternative G-Es. This alternative lies in the Runway Protection Zone of the ultimate runway. Any changes to the alignment must happen to the east of existing US 31 to avoid further impacts to the Plymouth Airport. The INDOT Aeronautics Section is requesting more information regarding any changes to grade along the first few miles of the study area just east of the Plymouth Airport. Additionally, proposed lighting structures along the highway may require further investigation to reduce airport development impacts. Please pass this information along as it becomes available.

Due to the proximity of the project to the Plymouth Municipal Airport, FAA Form 7460-1 (Notice of Proposed Construction or Alteration) must be filed if any equipment utilized in the first few miles of the study penetrates a slope of 100:1 from the end of the proposed runway. Should you have any additional concerns regarding these comments, please e-mail them to mblake@indot.state.in.us Thank you for your ongoing coordination with this project.

Sincerely,

Martin J. Blake
Project Manager

Cc: Mr. Nicholas McClain, INDOT
Mr. Mark Shillington, Mid-States, Engineering

From: <bobb.beauchamp@faa.gov>
To: <ccamacho@blainc-indy.com>
Date: Thu, Apr 29, 2004 6:20 AM
Subject: EZForm Output

NAME = Bobb Beauchamp, Environmental Prgram manager, Greg Sweeny, Program Engineer
ADDRESS = Federal Aviation Administration, 2300 E. Devon Ave., CHI-ADO-617
CITY = Des Plaines
STATE = Illinois
ZIP = 60018
DATE = April 20, 2004
WHAT ARE THE ISSUES AND CONCERNS ASSOCIATED WITH UPGRADING US31? = The Plymouth Municipal Airport has prepared an Updated Airport Layout Plan (ALP) that is currently being reviewed by the FAA for final approval. The airport's consultant is preparing a draft Environmental Assessment for the development shown on the updated ALP.

The existing runway at the airport is a 4,400' non-precision instrument Runway 10-28. Existing US 31 is located approximately 4,370' east of the exisiting end of Runway 28 on the extended runway centerline. The updated ALP shows a future 5,500' non-precision instrument Runway 9-27 that will replace Runway 10-28. Existing US 31 is located approximately 1,560' east of the proposed end of Runway 27 on the extended runway centerline. The runway centerline would intersect US 31 at approximately 150' south of the point of intersection of US 31 and Plymouth Goshen Trail. As such US 31 would cross (northwest to southeast) through the Runway Protection Zone and the Federal Aviation Regulation 49 CFR Part 77 approach surface for the proposed Runway 27 end.

The Proposed Runway 27 end elevation is 802 MSL. At 1,560' from the runway end a 17' high vehicle (FAR Part 77 adds a 17' high object to the road for interstate type roads) on the road, at approximate elelvation 827 MSL (810 + 17') would clear the Part 77 34:1 approach surface by approximately 15' on the extended runway centerline.

It is important that no such object such as a highway light pole or utility pole exceed the 34:1 FAR part 77 approach surface. Given the distance and elevations provided above, any object greater than 45' above the elevation of existing US 31 would risk penetrating the FAR Part 77 approach surface.

We thank you for the opportunity to comment on the Draft Environmental Impact Statement
WHAT ARE THE POSSIBLE BENEFITS ASSOCIATED WITH UPGRADING US31? =
OTHER CONCERNS AND COMMENTS =

US 31 Public Hearing Comment

Julie Schutte... Good evening; my name is Julie Shcutte; and I am the Assistant Director of the Historic Preservation Commission of South Bend and St. Joseph County. For those of you who are not familiar with the commission, it is a governmental agency that confirms an advisory role among other and it can serve from preserving historic buildings and landscape. I serve a nine member board of appointed officials. They are appointed by St. Joseph County officials and South Bend Officials. First of all I would like to thank INDOT and Bernardin Lochmueller for supplying the Commission with all the information that they needed to keep abreast of this project, we're also quite appreciative of your responsiveness of their concerns regarding the (inaudible) farm house and (inaudible) cemetery and elimination of Routes E, F and G. I'd also like to speak tonight about the cut off changes; the commission has determined that (inaudible) route and a build route alternative Es would cause the least impact upon national register of eligible list of properties. And the commission is strongly opposed to route G-C because it would devastate the agricultural and rural content of that area (inaudible) many of the other eligible national registered properties. It will include the Donohue Farm, the Emit Johnson Farm House, the (inaudible) Lynch Farm, the cover house and the national register of Evergreen house. The majority of the commission also opposes alternative Cs as it requires visual intrusion and traffic intrusion upon the Emit Johnson House, the Cover House and Evergreen Hill. I would also like to say that many of the commission members find the project very disruptive to the environment and to social aspects of the area. And we respectfully ask that of the build route that Es receive a federal consideration in the Federal Environmental Impact Statement and would be (inaudible) document.

0318-084, Schutte, Julie, Historic Preservation Commission

US 31 Public Hearing Comment

Julie Schutte, HPC... Good afternoon my name is Julie Schutte; I am the Assistant Director of the Historic Preservation Commission of South Bend and St. Joseph County. The Historic Preservation Commission is a Governmental Agency that performs and measures, (inaudible) every rule among others. I'm (inaudible) historic buildings and landscape. I serve four board members that are appointed by County officials and South Bend Officials and they're all very hard working city volunteers. The Commission has been studying this project for several months and in January they all again studied the project and determined that of the remaining alternatives, that Alternative Es would cause the least impact at times, national register (inaudible) historic properties. Es also maintains a long standing southern State Road through the city. And this route preserves the (inaudible) House, (inaudible) cemetery and several other significant local historic homes along US 31. The commission strongly opposes route G-C as it would benefit the other cultural and rural concepts of many national register old schools and listed properties, especially the Francis Donohue side, the Emit Johnson House, the Cover House and the national register of listed property Evergreen Hill. The road volume of Pierce Road would also cause dramatic impact to the historic relationship of that farm on the Pierce Road roadway. And the commission, the majority of the commission also opposes alternative Cs as it would cause many (inaudible) and traffic (inaudible) upon the Emit Johnson House, the Cover House and Evergreen Hill. Many of the members find the (inaudible) disruptive mainly to the environment and to residents of the area, but they respectfully ask that we have to receive a federal consideration and the environment impact statement. Thank you.

0318-038, Schutte, Julie, Historic Preservation Commission

October 12, 2004

Mr. Carl Camacho
Bernardin Lochmueller & Associates, Inc.
7830 Rockville Rd., Suite C
Indianapolis, IN 46214

RE: Confirmation of Air Quality Conformity

Dear Mr. Camacho

This letter is to inform you that the approved US 31 alignment from the US 20 / US 31 Bypass in St. Joseph County to the St. Joseph County / Marshall County line is modeled in the 2025 Travel Demand Model and is part of an approved and conforming Long Range Plan. The conformity on the model was run using Mobile 6 as required by the FHWA as of January this year. The calculated emissions for 2015 and 2025 show the region to be well below our current emissions budget for both VOC and NOx emissions.

At this time, CO (carbon monoxide) is not a critical pollutant for St. Joseph and Elkhart Counties.

If you have any questions or comments on the above information, I can be contacted at (574) 287-1829.

Sincerely,

Sandra Seanor
Executive Director

SMS:sls

Attachment – Conformity Funding – MACOG 2025 Transportation Plan

F:\ABC\MPO\WORKPLAN\2005\w5014aqc\L10cc1jh.doc

U.S. Department
of Transportation
Federal Highway Administration

Indiana Division

575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

May 24, 2005

HAD-IN

Mr. Phelps Klika, Chief
Planning and Production Division
Indiana Department of Transportation
100 N. Senate Ave., IGCN 848
Indianapolis, Indiana 46204

Dear Mr. Klika:

The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) have completed our review of the Michiana Area Council of Governments' (MACOG) 2030 Transportation Plan (TP) and FY 2005-2007 Transportation Improvement Program (TIP) and associated conformity analyses adopted by MACOG on April 13, 2005. Our review has concluded that the criteria of the conformity rule have been met. The review was completed based on the July 1, 2004 conformity rule revision titled "Transportation Conformity Rule Amendments: Conformity Amendments for New 8-hour and PM 2.5 National Ambient Air Quality Standards, Response to March 1999, Court Decision and Additional Rule Changes," (69 FR 40004).

The Indiana Department of Environmental Management and United States Environmental Protection Agency completed their reviews and recommended that we find the conformity analyses for the TP and TIP conform to the budget test requirements. Appropriate consultation and public involvement on the conformity analyses was completed.

Therefore, we find that the conformity analyses of the 2030 Transportation Plan and FY 2005-2007 TIP demonstrates conformity for both volatile organic compounds and oxides of nitrogen as required by the conformity rule. If you have any questions regarding this finding, you may contact Matt Fuller by phone (317) 226-5234 or by e-mail (Matt.Fuller@fhwa.dot.gov).

Sincerely,

Matt Fuller

for Robert F. Tally, Jr., P.E.
Division Administrator

cc:
Mr. Lawrence Brown, IDEM

BUCKLE UP AMERICA

Ms. Patricia Morris, US EPA
Mr. Victor Austin, FTA, Region 5
Ms. Sandra Seanor, MACOG Executive Director
Ms. Janice Osadczuk, INDOT
Mr. Matt Frazer, INDOT
Mr. Roy Nunnally, INDOT
Ms. Erin Hays, INDOT
Mr. Steve Smith, INDOT
RE Dirks, FHWA, Indiana Division Office

August 11, 2004

Chrisitine Baynes
100 N. Senate Ave.
IGCN Room N855
Indianapolis, IN 46204

Dear Christine,

I am writing on behalf of the city of Plymouth in support of the purposed interchange at 7th Road. I believe the location chosen is very conducive to gaining more access to our city. The City of Plymouth will do all we can in working with Marshall County and the State of Indiana on trying to make progress on building a new road to a purposed interchange. Although we will not be able to help out in the financial sense, we will do everything we can to garner support for the upcoming project.

Very Sincerely,

Gary Cook
Mayor of Plymouth

CITY OF PLYMOUTH
ENGINEERING OFFICES
703 DICKMAN STREET PLYMOUTH, INDIANA 46563
PHONE: (574) 936-8557 FAX: (574) 936-8559

April 15, 2004

Carl D. Camacho P.E.
Bernardin, Lochmuller & Associates
7830 Rockville Road, Suite C
Indianapolis, IN 46214-3105

RECEIVED

BLA-INDY

RE: US 31 Corridor at Plymouth

Dear Carl,

I want to thank you for the time you and your staff, as well as the INDOT staff, spent with the Marshall County and City of Plymouth representatives on the 18th of March at the Old Lakeville Schoolhouse.

The addition of an interchange to the Plan is a welcome change from the last plan that had no interchange between LaPaz and Plymouth. I must request that the interchange at 5A Road be relocated closer to Plymouth and an overpass placed at 5A Road. This would allow county traffic to cross the new US 31 highway.

The City has spent a lot of money on a Traffic Study and a new Comprehensive Plan. These Plans have been prepared by professionals and show that we would expect to have substantial growth on the north side of the City with both Industry and Commercial establishments.

Transportation is vital for growth in Plymouth and Marshall County and US 31 is that access to transportation that business wants. I feel the design professionals for our studies are correct and would request that INDOT relocate the 5A Road interchange to the area where 6C would be theoretically located.

I understand that it is proper design that access points be placed at strategic locations and that traffic is then funneled to those locations. In our case we do expect to see substantial growth to the north, but not the growth that a Carmel or a Kokomo would have. I do not expect that our growth will extend to 5A Road in the next 20, or so years.

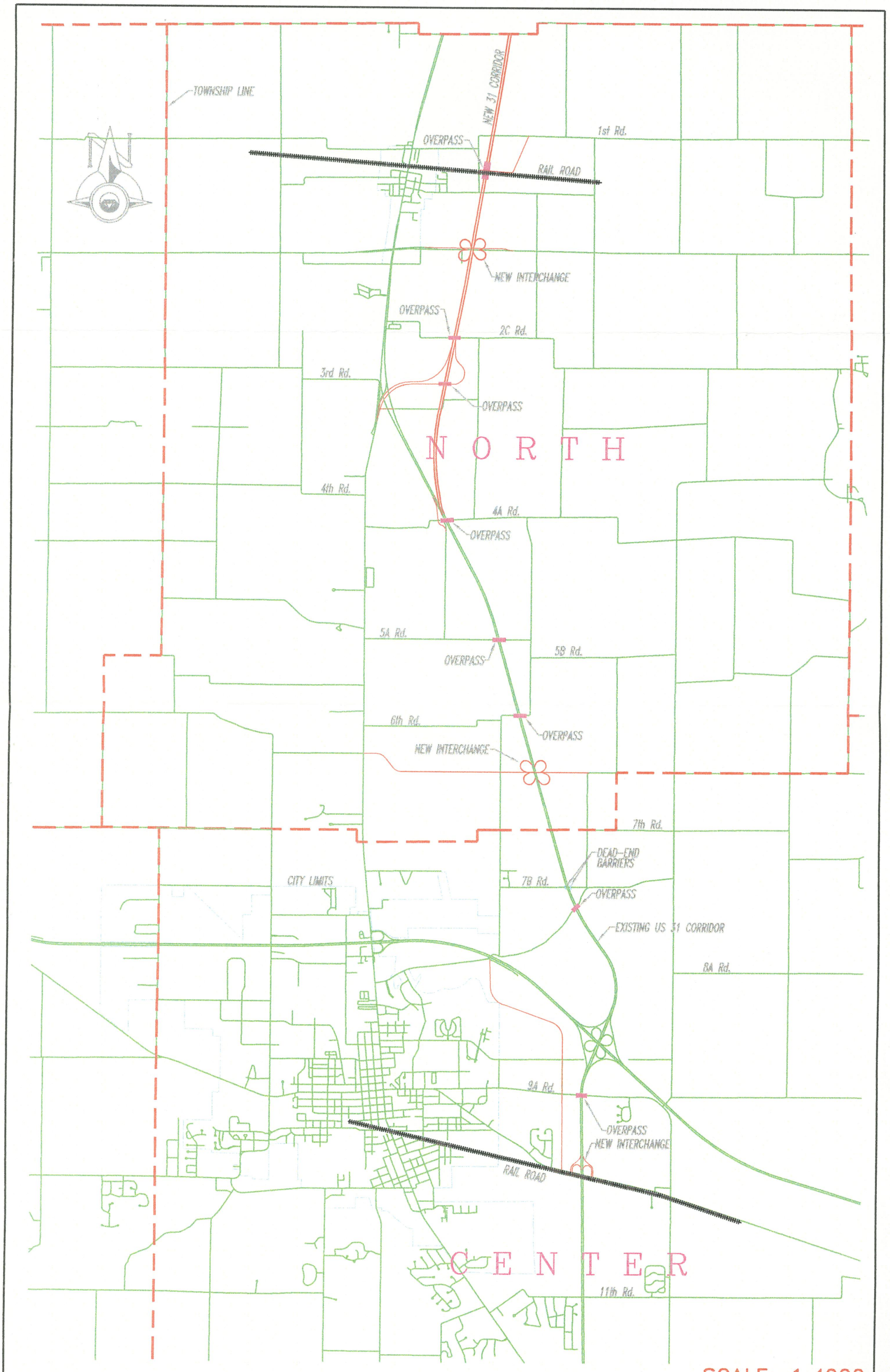
The citizens of Plymouth and Marshall County do not expect to drive further, such as South Bend or Indianapolis to get access to good transportation, like Interstate type roads. We have good access to major highways now in Plymouth, this is one of our attractions. We want and expect to have good, close and fast access to transportation thoroughfares after the new US 31 corridor is completed. Don't take one of our largest attractions for development away from us.

I have attached a copy of the plan for the US 31 Corridor that I believe will work for the City of Plymouth and Marshall County. The plan shows the anticipated overpasses and the approximate location of an interchange that would give good access for the City and Community to the new US 31. The cost of the approach roads may have to be closely looked at. I understand that participation by all parties in the cost of the approach roads to the interchange may be required.

Sincerely,

Michael R. Strang P.E.
Plymouth City Engineer

CC Senator Richard G. Lugar
Senator Evan Bayh
Representative Chris Chocola


TOWNSHIP LINE
NEW 31 CORRIDOR
OVERPASS
1st Rd.
RAIL ROAD
NEW INTERCHANGE
OVERPASS
2C Rd.
3rd Rd.
OVERPASS
NORTH
4th Rd.
4A Rd.
OVERPASS
5A Rd.
OVERPASS
5B Rd.
6th Rd.
OVERPASS
NEW INTERCHANGE
7th Rd.
DEAD-END BARRIERS
CITY LIMITS
7B Rd.
OVERPASS
EXISTING US 31 CORRIDOR
8A Rd.
9A Rd.
OVERPASS
NEW INTERCHANGE
RAIL ROAD
CENTER
11th Rd.
SCALE: 1:4000

THE BOARD OF COMMISSIONERS OF THE
COUNTY OF MARSHALL, INDIANA
COUNTY BUILDING
112 WEST JEFFERSON STREET
PLYMOUTH, IN 46563

July 31,2004

Ms. Christine Baynes
100 North Senate Avenue
IGCN Room N855
Indianapolis, In 46204

Dear Christine

I am writing you on behalf of Marshall County concerning the US 31 Corridor that is proposed by INDOT. It is our understanding, and INDOT agrees that an interchange will be constructed north of Plymouth Goshen Road at 7th Rd. as part of the US 31 project, which will be a new road. Marshall County plans to construct this new (7th road), which will connect to US 31. Ad we indicated the new road construction planned for 7th road is part of the Marshall County thoroughfare plan. I have also detailed our agreement for your review. It includes the following:

1st road- US 31 will pass over this road
1B road -Cul-de-sac
Railroad- Overpass
US 6- tight diamonds, Partial Clover leaf interchange, to be 4 lanes at interchange
2C- Cul-de-sac
3A- Underpass with tie in at Maple Rd.
4A- Overpass
5A- Cul-de-sac
6th – Overpass
7th- Interchange- group III/Group IV
7B- Cul-de-sac
Plymouth Goshen Trail- Overpass
US 30 Interchange

With this letter you have the county's commitment to apply for all necessary grants pertaining to construct 7th road (a new road) in coordination with the construction of the US 31 project. Marshall County agrees that it will prepare the required environmental documentation and fund the design, right of way acquisition, and construction. It is also my understanding that INDOT agrees and will assist the County is securing Group III and or Group IV STP funds for the 7th road construction.

I would like to thank you and the INDOT staff for listening to the residents of Marshall County. It has been a pleasure working with everyone.

Kevin Overmyer

Kevin Overmyer
President of Marshall County Commissioners

US 31 Plymouth to South Bend Project
Bernardin-Lochmueller & Associates, Inc
Attn: Carl D. Camacho, P.E.
Project Manager
7830 Rockville Road, Suite C
Indianapolis, IN 46214-3105

Garry Harrington
Rum Village Nature Center
2626 South Gertrude Str.
South Bend, IN 46614

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BLA-IND

Dear Mr. Camacho,

My name is Garry Harrington and I'm a naturalist with Rum Village Nature Center, a municipally- operated facility in South Bend. I am writing to you today out of concern for a population of state-endangered Blandings turtles found on or near a section of the proposed "US 31 South Bend to Plymouth" highway project. The enclosed map pinpoints the location of their pond. It's not clear to me if this wetland would be destroyed or altered if this particular route is selected. For this reason, I feel bringing it to your attention is warranted. I would be happy to personally show those concerned the location of this pond. You may reach me at: 574.235.9455.

Sincerely,
Garry Harrington

Garry Harrington

3/31/04

Map intentionally not included for sensitivity reasons.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

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APR 2 1 2004
BLA-INDY

March 31, 2004

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APR - 5
DIVISION OF PRE-ENGINEERING
AND ENVIRONMENT

Janice Osadczuk
Chief, Division of Environment, Planning, and Engineering
Indiana Department of Transportation
100 North Senate Avenue, Room N 755
Indianapolis, Indiana 46204-2249

Dear Ms. Osadczuk:

We have completed our review of the Draft Environmental Impact Statement (DEIS) for US 31 Improvement Project, from US 30 at Plymouth, to US 20 (South Junction) in South Bend, Marshall, and St. Joseph Counties, FHWA-IN-EIS-04-02-D. We are responding on behalf of the U.S. Public Health Service, Department of Health and Human Services (DHHS).

We agree that this project should have overall positive effects in the 20 mile US 31 corridor by reducing traffic congestion and improving public safety conditions. We also noted that this project is consistent with statewide and regional traffic planning recommendations. Although we believe this document adequately addresses most topics related to human health and safety, we still have concerns about potentially contaminated hazardous waste sites and demolition of structures that may contain asbestos or lead materials. These issues should receive further clarification in the Final Environmental Impact Statement (FEIS).

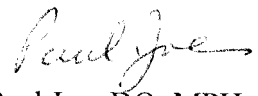
Section 5.14 identifies seven sites which are located near the proposed alignments that are listed in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERSLIS). It was stated that these sites are listed as archived by EPA, meaning that EPA does not plan to take any further steps under the Superfund Program. Depending on the final highway alignments selected, the Jackson Road County Landfill, the Ireland Road site, the St Joseph County Landfill, and the ARCO site may fall within roadway construction areas. While the DEIS states that if right-of-way alignments do fall within these sites "it is recommended that soil sampling be completed to screen for possible contaminants," it is unclear to us just what information is planned for the final document concerning any needed mitigation activities. We believe that further investigations of these potentially contaminated sites should occur prior to finalizing any ROW purchases. The FEIS should include detailed information for any sites that may be disturbed by construction activities. Specifically, the FEIS should address each contaminated site impacting the final alignment; the nature and extent of the contamination; planned mitigation measures; planned measures to protect workers and the public; the preparation of site safety plans, sampling and testing strategies; and plans for final site cleanup certification. If contaminated material will be removed as part of the mitigation measures, information needs to be provided concerning the

methods and routes of transport, plans to protect the public during transport, and the final hazardous material disposal site locations. We also noted that a number of underground storage tanks, leaking underground storage tanks, and RCRA sites were also identified as potentially impacting the proposed highway project. The FEIS should also detail further planned investigations of these areas for toxic and hazardous chemicals after the final route alignment is selected. If contaminants are found at that time, the same information that was described above for the CERCLA sites should also be provided for these additional sites.

The FEIS should also consider lead and asbestos issues. Alternatives Cs, Es, and G-C would require the acquisition of 49, 90, or 58 residences respectively. These same alternatives would also require acquisition of 8, 32, or 6 businesses respectively. All alternatives would require acquisition of one church. Due to the age of buildings within potential routes, it is likely that some of these structures may contain lead and/or asbestos. Have any preliminary investigations been made for asbestos-containing materials or lead? The FEIS should state plans to test for these materials and discuss measures that will be taken to remove and properly dispose of any asbestos-containing or lead-containing material that may be found.

Thank you for the opportunity to review and comment on this DEIS. Please send us a copy of the FEIS when it becomes available, as well as, copies of any future environmental impact statements which may indicate potential public health impacts and are developed under the National Environmental Policy Act (NEPA).

Sincerely,



Paul Joe, DO, MPH
Medical Officer
National Center for Environmental Health (F16)
Centers for Disease Control & Prevention

U.S. Department of Housing and Urban Development
Environmental Staff
Region V
77 W. Jackson Blvd.
Chicago, Illinois 60604-3507

April 15, 2004

Carl D. Camacho, P.E.
Bernardin Lochmueller & Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, IN 46124-3105

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Dear Mr. Camacho:

SUBJECT: US 31 Improvement Project
Plymouth to South Bend
Marshall & St. Joseph Counties, IN

Thank you for the opportunity to comment on the proposed project. HUD has an interest in urban development and transportation systems have far ranging impact on our urban fabric.

The DEIS is an impressive document that bears testament to the careful study that has gone into planning this project. All parties associated with this effort should be commended for their hard work and excellent product. HUD notes the carefully documented need and the manner in which project planners have stayed close to existing roadway, so as to address the congestion issue, yet plotted alternatives that minimize disruptions and adverse impacts on existing businesses and residents.

In our society transportation services are principally defined by our roadways, but advocates of sustainable development call for more choice. Our European counterparts, for example, have significant public transportation ridership and extensive bicycle and pedestrian networks. As noted in the DEIS, the South Bend and St. Joseph Planning Commission has a "smart growth" policy that encourages compact urban form with integrated land uses (p. 5-117). The DEIS notes that "Existing US 31 does not have any special accommodations for bicycle or pedestrian traffic, and does not cross any existing bicycle or pedestrian paths within the study area (p 4-14)." The DEIS also dismisses any mass transit alternatives (Section 3.1.6), noting the lack of requisite densities and existing lifestyles, which basically rely on the automobile the exclusion of all other transportation choices.

National transportation policies call for movement away from single-minded focus on highway projects. USDOT's website states that

> TEA-21 continues and expands provisions to improve facilities and safety for bicycles and pedestrians. The eligibility of NHS funds is broadened to include pedestrian walkways, and safety and educational activities are now eligible for TE funds. **Other changes ensure the consideration of bicyclists and pedestrians in the planning process and facility design**. (emphasis added)

The American Planning Association also supports this concept. APA's website lists

TEL: (312)353-1696 X2727 FAX: (312)353-5417 EMAIL: eugene_goldfarb@hud.gov steve_vahl@hud.gov

> Support reauthorization of the nation's transportation laws based on principles of increased choice, access, equity, flexibility, public engagement and livability through planning

as one of its national priorities. The Surface Transportation Policy Project in its policy platform for TEA-21 reauthorization, states "transportation spending in many states has been shifting back to highway construction and away from repair of existing facilities and away from more environment-friendly, efficient modes of travel." The group calls for

- The development of comprehensive long-range state transportation plans that describe a strategic framework for the billions being invested.
- The leveling of the playing field between highway and transit projects.
- The inclusion of bicycle transportation in state and regional planning.

I therefore urge you to consider accommodating the current and future needs of pedestrians, bicyclists, and mass transit in this transportation planning. Sidewalks and bike trails, or at least the reservation of right-of-way for future improvements would be especially valuable and preclude the summary dismissal of future proposals because of the lack of available land. Similarly, one could set aside land for future park and ride lots, should mass transit (e.g. bus service) ever be considered. There is an element of circularity and self prophechy here. If we only build highways then people will "choose" the only choice given to them. Every roadway project presents an opportunity to work towards more sensible, sustainable transportation network. Once the project is set in concrete we have missed our opportunity for another generation or two.

Sincerely,

Eugene Goldfarb
Midwest Environmental Officer

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

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April 7, 2004

Ms. Janice Osadczuk, Chief
Division of Environment, Planning and Engineering
Indiana Dept. Of Transportation
100 North Senate Avenue, Room N755
Indianapolis, IN 46204-2249

Dear Ms. Osadczuk:

Enclosed are comments on the Draft Environmental Impact Statement for US 31 Improvement Project, from US 30, at Plymouth, to US 20 (South Junction) in South Bend, Marshall and St. Joseph Counties, Indiana. We hope our comments will assist you. Thank you for giving us an opportunity to review this document.

Sincerely,

Susan A. Kennedy
Acting NEPA Coordinator

Enclosure

Printed on Recycled Paper

MEMORANDUM FOR: Susan A. Kennedy
Acting NEPA Coordinator

FROM: Charles W. Challstrom
Director, National Geodetic Survey

SUBJECT: DEIS-0403-02: US 31 Improvement Project, from US 30, at Plymouth, to US 20 (South Junction) in South Bend, Marshall and St. Joseph Counties, Indiana

The subject statement has been reviewed within the areas of the National Ocean Service (NOS) responsibility and expertise and in terms of the impact of the proposed actions on NOS activities and projects.

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the National Geodetic Survey's home page at the following Internet World Wide Web address: http://www.ngs.noaa.gov After entering the this home page, please access the topic "Products and Services" and then access the menu item "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the National Geodetic Survey data base for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

If there are any planned activities which will disturb or destroy these monuments, NOS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation(s) required.

For further information about geodetic control monuments, please contact:

Galen Scott
SSMC3 8620, NOAA, N/NGS
1315 East West Highway
Silver Spring, Maryland 20910

Voice: (301) 713-3234 x139
Fax: (301) 713-4175
Email: Galen.Scott@noaa.gov.

UNION-NORTH UNITED SCHOOL CORPORATION

Robert K. Huffman
Superintendent

Debra L. Rubesha
Treasurer

Pamela F. Jones
Deputy Treasurer

Karen L. Laffoon
Receptionist Secretary

Joseph A. Krom
Technology Director

Patrick J. Grzesiak
Maintenance Director

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DIVISION OF PRE-ENGINEERING AND ENVIRONMENT

March 1, 2004

Janice Osadczuk, Chief
Division of Environment, Planning & Engineering
Indiana Department of Transportation
100 North Senate Avenue, Room 848
Indianapolis, Indiana 46204

Dear Janice,

As I have been looking at the report "US 31 Improvement Project Plymouth to South Bend (US 30 to US 20, south junction) Marshall County to St. Joseph County" I would like to suggest the following alternative be considered:

In order to create the least amount of difficulty for all school buses in Union-North United School Corporation, Penn-Harris-Madison School Corporation, and Bremen School Corporation, it would seem logical to me that the alternative route would run along the township lines, so buses would not have to cross US 31 at any point. This would reduce the number of over or under passes needed for the new construction. My suggestion would be for the road to run close to Alternate H, but simply follow the township line between Union and MadisonTownships in St. Joseph county and North and German Townships in Marshall county. This would place the new road close to the current Miami Highway. Thank you for your consideration.

Yours in Education,

Bob Huffman

Robert K. Huffman
Superintendent

22601 Tyler Road • Lakeville, Indiana 46536 • Phone: (574) 784-8141 • Fax: (574) 784-2181
www.unorth.k12.in.us

CITY OF SOUTH BEND

STEPHEN J. LUECKE, MAYOR

OFFICE OF THE MAYOR

September 7, 2004

Mr. J. Bryan Nicol, Commissioner
INDOT
100 N. Senate Avenue
Room N755
Indianapolis, IN 46204

Dear Commissioner Nicol:

I appreciate the briefings that have been provided to me and my staff as your team has worked diligently to find the best proposed route for the necessary upgrades to US 31. Your staff and consultants have been creative and effective in developing responses to the issues that we raised after the draft EIS was released. We still have several concerns about the proposed connection along the existing US 31 ROW. However, because of the cooperative relationship that we have established, we believe that these items can be addressed in a win-win manner. Therefore, we are prepared to support Alternative G-Es should that be the preferred route.

Before I detail our remaining concerns, let me highlight the important changes that have been made to the original Es proposal. As the new US 31 approaches the US 20 bypass, it will **not** be an elevated roadway. Rather, it will be at or near existing grade. This is a critical change to the design proposal and will make for a more effective entryway into South Bend. There will be two new bridges, at Jackson and Johnson Roads, spanning the limited access highway to provide local connectivity. Improvements to existing roads will also enhance accessibility to the neighborhoods on either side of US 31. There will be a single point interchange at Kern Road and Main Street will be extended under the new US 31 to connect with existing US 31 just north of Kern. Context sensitive design will help to provide a gateway sense of arrival. It will also help to slow traffic as it transitions from interstate US 31 to local Michigan Street. Finally, a new bridge will span the US 20 bypass from Fellows Street, providing essential connectivity between the north and south sides of the bypass. These are important changes and we applaud the efforts of your team to respond to our initial list of concerns.

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PHONE 574/235-9261 • FAX 574/235-9892 • TDD 574/235-5567

With the redesign to G-Es, some new issues have come up. Our observations, suggestions and questions fall into three categories: public safety access, impact on new development and assurance that these enhancements actually will be constructed. We share your desire to provide the best design possible. Our foremost responsibility is public safety. While the proposed bridge extended from Fellows Street is a major improvement for access to the south side of the bypass, we don't feel that it sufficiently addresses our concerns. We offer two suggestions. First, the proposed bridge ties to a curvilinear minor street through the middle of a residential subdivision. This would require police cars, large ambulances and fire apparatus to take a circuitous route using a street that is not designed for heavy traffic loads. This is unsafe for both our first responders and the residents of these areas. We believe that it would be better to align this bridge with Fellows on the south side of the bypass. This north-south street ties into the traditional grid pattern and would provide better access and traffic flow. We recognize that this alignment would impact the Little League ballpark, but believe that a pedestrian connection under the bridge or some land swaps could address that issue. Second, we believe that a second bridge across the bypass providing direct access on the west side of US 31 is critical. It could be located west of the new WalMart, extending over to Jackson Road near Scott Street. This new bridge is essential for three reasons. (1) If the Fellows bridge were closed by an accident or other reason, we would lose access to the neighborhoods south of the bypass. (2) The Fellows bridge, with the bridges at Jackson and Johnson, does provide access to the west side of US 31, but it is still circuitous and requires large pieces of emergency equipment to make a difficult left hand turn at Main Street. (3) Finally, this western bridge will enhance the viability of economic development in this area. You had pointed out that parcels along Main Street could be prime for new investment. We believe that without direct access to the north side of the bypass, this entire section will become a dead zone.

Our second concern is for the impact on existing projects which are in various stages of development. A major residential subdivision is platted and under construction on a parcel of the Zeiger farm south of Kern Road. We believe that the proposed ROW takes a small portion of the site, but more importantly, it cuts off what would have been a second entrance into the subdivision. Two access points are required for emergency service. A potential commercial development site along existing US 31 has similar issues. We will need to develop proper access roads to serve these areas. We were also surprised to learn that the US 31/US 20 Interchange will be substantially larger than the current footprint. We have been working on a $40 million retail development which will include WalMart and Lowe's. We had been assured that this interchange would not need to be enlarged. Now it appears that the ROW line and the Southbound Michigan onramp to westbound US 31/US 20 go through one of the big boxes. Because of other site constraints, this store cannot be moved. The City is in a binding development agreement that can't be breached. The interchange must be designed in a manner which doesn't require taking this property.

Finally, having been a construction manager, I know that budgets get tight and that costs escalate or unexpected conditions reduce the funds available for enhancements. On large building projects, the landscaping often suffers because it comes at the end of the project and dollars may no longer be there for the original plans. The enhancements that have been proposed for this route, from context sensitive design to proper access for public safety, are critical to its success. We must ensure that these items are fully funded and included in the construction. If the whole package is not built, we will not have provided the best alternative for US 31.

Thank you and your staff for your hard work on this complex project. Thank you for putting upgrades to US 31 on the front burner. We appreciate the spirit of collaboration that has existed throughout the process. We look forward to working with your staff and design team to refine the proposals for access, connectivity and context sensitive design. We believe that our remaining issues can be resolved in a win-win fashion. We support the upgrade of US 31 to freeway standards and eagerly await the next steps along the way.

Sincerely,

Stephen J. Luecke
Mayor

June 16, 2004

To: Bryan Nicol

From: Dick Nussbaum

RE: US 31 South Bend/ Plymouth

Per our telephone coversation this afternoon I am providing you with a letter from Mayor Luecke regarding the placement of the final end point of the US 31 expressway. I am also aware of concerns raised by Marshall County officials which I know you have attempted to address as well. The Governor has asked me to be the point person to keep him informed on the progress of these issues. I look forward to getting additonal information from you so I can do a better job of answering his questions and those of others interested in this important project.

As always thank you for your help in these matters.

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JUN 17 2004
DIVISION OF
ENV., PLANNING & ENGINEERING

Post-it® Fax Note 7671	Date 6/17	# of pages ▶ 5
To Carl Camacho	From J. Dyckman	
Co./Dept. BLA	Co. INDOT	
Phone #	Phone #	
Fax # 209-1131	Fax #	

CITY OF SOUTH BEND

STEPHEN J. LUECKE, MAYOR

OFFICE OF THE MAYOR

June 8, 2004

Mr. Richard A. Nussbaum
Sopko, Nussbaum & Inabnit
210 S. Michigan Street
South Bend, IN 46601

Dear Dick:

I saw Joe Saturday morning at the start of the Sunburst. I briefly mentioned to him that we have serious concerns about option Es becoming the recommended route for the upgraded US 31. I am attaching a memo that highlights the most important issues, but here is a brief summary.

- Es would approach South Bend along the current US 31 right-of-way, but it would be an elevated roadway; I have heard different reports ranging from twelve to eighteen feet high. It would have sheer walls, with a 21-foot wide frontage road on either side. This would be a terrible approach to our city! What does it do for the businesses and homes adjacent to it? Some communities (Milwaukee comes to mind) are removing elevated freeways from their cities because of the negative impacts they cause. I am confident that we can handle this in a more sensitive manner that reflects modern urban planning.

- The frontage roads do not really provide access. They do not punch through to the north side of the bypass. The proposed alignment effectively cuts off the adjacent properties from emergency access and convenience. Travel time for police, fire and ambulances would be significantly longer. Routine trips to the movies, stores or downtown would become circuitous nightmares. We also believe that the 21-foot width is insufficient for these roads. Even our residential streets are 28-feet wide.

- Es is the most costly route, by $40,000,000. Furthermore, we don't believe that all the costs have been included for this route. The plan does not mention upgrading the existing ramps so that a full freeway-to-freeway intersection is created. Nor does it address the access problems noted above. Fixing these items will add even more cost to what is already the most expensive route.

- Es requires taking the most number of business and residential properties. Any business along this route which is not acquired may as well fold its tent because customers will not be able to get to it.

- We have extended sewer and water lines along Michigan Street south almost to Roosevelt. We believe that this will be an area of significant growth for the city. We have had inquiries about both residential and commercial developments here. It is prime for new investment. Es will kill all interest in this growth area.

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PHONE 574/235-9261 • FAX 574/235-9892 • TDD 574/235-5567

- Maintaining traffic flow during construction will be most difficult under this proposal. It will result in major delays and negative impacts on both formal and informal detour routes.

So, what does Es have in its favor? It has the best transportation rating. However, we believe that this is because the study only looked at traffic on the new route and the relief for existing US 31. Because this plan replaces the existing road with a limited access road, it does show the most improvement. But the analysis should also take into account the nightmare impact that will be created on adjacent roads. We believe that if either of the other two routes were chosen, some of the $40,000,000 plus in savings could be used for intersection improvements and left turn lanes on the existing stretch of road, which would dramatically improve the transportation rating for those routes.

The other positive reported for Es is that it has the lowest wetland impact. We believe that this issue is what is really moving this plan forward. While I hope that preservation of low-quality wetlands is not more important than saving homes and businesses, we do believe in respecting the environment. We would suggest that the wetlands destroyed by either of the other routes could be replaced with one large quality constructed wetland in Potato Creek State Park, where both waterfowl and the public could enjoy it.

I know that there has been a lot of pressure from the Whispering Pines subdivision. They have some valid concerns. We think that the worst effects could be alleviated by moving the proposed interchange from Kern Road to Roosevelt (option Cs) or to the intersection of the new US 31 with the existing route (option G-C). This would move traffic and noise away from their neighborhood. We also believe that some of the savings generated by not choosing the most costly route could be invested in high quality landscaping for sound buffering and aesthetics. What has surprised me is that the multitude of signatures and remonstrances against Es from the Gilmer Park neighborhood and the businesses along US 31 seem to have been dismissed as not important, or somehow less important than those from Whispering Pines.

As we have moved through this process, I have tried to keep my powder dry and be thoughtful about the various options. We don't want to impede the important work of building a new freeway quality US 31. I had initially indicated that I could support any of the three proposed routes (with modifications that we would suggest). However, the more I have learned about Es, the more objectionable it seems. It would be the most costly, disrupt the most homes and businesses, and kill all plans for development south of the bypass. It may also be life threatening because of the added travel time for emergency vehicles to reach certain areas adjacent to the elevated portion of the roadway. I think it would be a mistake for INDOT to choose this route. A long term investment of this magnitude should stimulate growth and development, not stifle it; it should unite cities, not divide neighborhoods.

Thank you for sharing this information with the Governor. Project Future and the St. Joe County Chamber of Commerce also support the westerly routes for US 31 rather than Es. This decision will affect South Bend's plans for growth and its vitality for years to come. We would appreciate the Governor's and INDOT's support. Please let me know if you need more information.

Sincerely,

Stephen J. Luecke
Mayor

US 31 Upgrade Point's from Mayor Luecke Letter from April 2004

We recognize that one cannot construct an infrastructure project of this scope without impacting residences, businesses, wetlands, forested areas, farms and historic sites. We urge you to select the route that produces the best outcomes with the least impacts so that we build a highway which will optimally enhance safety, reduce congestion and improve the statewide mobility in this corridor.

After reviewing the DEIS report on the final alternatives, we find that all three meet purpose and needs. We strongly support the upgrade of US 31 to freeway standards and believe that any of the three routes would be a substantial improvement over the No Build alternative. Therefore, we will not oppose any of the three proposed alternatives. Having said that, we note the obvious - each route has its strong points and drawbacks. We would ask for the opportunity during the design phase to have additional input on issues of safety, access and mitigating impact on nearby properties.

At the southern end of this project, from US 30 through the Lakeville area, we defer to local units of government, residents and businesses that would be most directly affected by a shift in alignment from the current US 31 route. Some important concerns have been raised about access, both to the road itself and to areas separated by the new road. We expect that you will be able to work through those issues as the project moves ahead. As the proposed highway approaches South Bend, we do have preferences. ***Although we have indicated that we would support any of the three alternative routes, we strongly believe that Cs and G-C are the superior alignments.***

Es has the lowest wetland impact and the best transportation performance rating, ***but is also the most expensive, by a significant margin, and it negatively impacts the greatest number of homes and businesses. We believe that constructing a ten foot high elevated road at this location would not only eliminate existing businesses along this stretch, but would also squelch further development south of US 20. This is an area that we look to for long-term growth for the City of South Bend, having already extended utilities south beyond Kern Road, nearly to Roosevelt. This alternate, with the raised road, would restrict South Bend's options for smart growth. In reviewing the DEIS, we were also surprised that alternate Es proposed to connect to the existing interchange. We had expected that an interstate-to-interstate quality interchange would be required for safety. Unless we have missed this item in the supporting material, we believe that it would further drive up the cost of constructing this option.***

We also have concerns about the frontage roads for Es. We believe that a twenty-one foot width is too narrow for the traffic they should handle. Furthermore, they do not appear to provide access from either Ireland Road or Michigan Street. Therefore, the elevated road effectively isolates commercial and residential areas on both sides of its alignment. Our public safety response would be hindered. Other city services and day-to-day commuting would also become a significant challenge. How would an ambulance quickly get from our station on Ireland to a traffic accident on Main Street, south of US 20? How would a resident of Gilmer Park get to the movies on Chippewa? The circuitous routes that would be required would not only inconvenience residents, they could also be life threatening because of delayed emergency response time.

Finally, we believe that the construction challenges are far more difficult for this route. Maintaining traffic during the build will result in major delays and negative impacts on formal and informal detour routes. Because of these critical issues, Es ranks a distant third in our analysis. If it were to become the selected route, we would expect that these concerns would be addressed and satisfactory resolutions designed. This too would most likely increase the costs for this proposed route.

Cs and G-C are our preferred routes. Both are simpler to construct and would provide better options for maintenance of traffic flow and traffic safety during construction. Cs has the lowest cost and the fewest residential acquisitions. G-C minimizes historic site impact and has the fewest business acquisitions. We rank them as equal for performance and purpose and would gladly support either option. Still, we think they can be improved to further buffer negative impacts and to improve their transportation performance. The proposed interchange at Kern Road would be too intrusive to adjacent neighborhoods. It would increase local traffic and increase noise from braking and gear shifting. It is also too distant from existing US 31. We recommend that if G-C is selected the interchange should be constructed at the point where new US 31 crosses existing US 31. If Cs is the chosen route, the interchange should be at Roosevelt Road. Either location would provide relief for residents near Kern. Each would also support future development along the old 31 corridor. We also recommend planting pine trees or other natural screening as a visual shield and sound barrier wherever the road impacts existing residential development.

We anticipate that when the new US 31 is completed, there will be a jurisdiction transfer of the former route to the City and the County. The DEIS predicts that the urbanized area would have a LOS of D. We believe that improvements could be made to this section by using some of the $40,000,000 saved by not choosing Es. With intersection improvements from Roosevelt north, traffic flow and traffic safety would improve, allowing existing US 31 to be transferred to the City at a LOS B. We believe that these suggestions increase the performance and purpose of Cs and G-C and reinforce their position as the favored routes.

Thank you for your efforts to improve this vital state mobility corridor. Many of us are eager to see improved traffic flow and reduced travel times; but more importantly, we want fewer injuries and fatalities, a road designed for safety. We appreciate the opportunity to offer meaningful input through this process. We support this endeavor for a better Indiana and will work with you to move the selected route through design, right of way acquisition and construction phases. Please contact me if you need clarification of any of the points raised in this letter. **We are confident that after weighing benefits versus impacts you will choose the best route possible. From our perspective, that would be either Cs or G-C.**

CITY OF SOUTH BEND
STEPHEN J. LUECKE, MAYOR
OFFICE OF THE MAYOR

April 6, 2004

Commissioner J. Bryan Nicol
Indiana Department of Transportation
100 N. Senate Avenue
IGCN Room N755
Indianapolis, IN 46204

Dear Commissioner:

I appreciate the opportunity to comment on the proposed routes for the US 31 upgrade. First, I want to thank you and your staff for getting us to this important stage in the process. I know that there has been much hard work and many long hours put in. Your attention to this project has been critical. After so many years of talking about the need for improvements to this key interstate, it is exciting that we are close to choosing the path for this northern section.

We recognize that one cannot construct an infrastructure project of this scope without impacting residences, businesses, wetlands, forested areas, farms and historic sites. We also know that the quick response for many affected property owners will be "anywhere but near my property." Nevertheless, the Needs and Purpose for this project have been very clearly articulated. We urge you to select the route that produces the best outcomes with the least impacts so that we build a highway which will optimally enhance safety, reduce congestion and improve the statewide mobility in this corridor.

After reviewing the DEIS report on the final alternatives, we find that all three meet purpose and needs. We strongly support the upgrade of US 31 to freeway standards and believe that any of the three routes would be a substantial improvement over the No Build alternative. Therefore, we will not oppose any of the three proposed alternatives. Having said that, we note the obvious - each route has its strong points and drawbacks. We would ask for the opportunity during the design phase to have additional input on issues of safety, access and mitigating impact on nearby properties.

At the southern end of this project, from US 30 through the Lakeville area, we defer to local units of government, residents and businesses that would be most directly affected by a shift in alignment from the current US 31 route. Some important concerns have been raised about access, both to the road itself and to areas separated by the new road. We expect that you will be able to work through those issues as the project moves ahead. As the proposed highway approaches South Bend, we do have preferences. Although we have indicated that we would support any of the three alternative routes, we strongly believe that **Cs** and **G-C** are the superior alignments.

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Es has the lowest wetland impact and the best transportation performance rating, but is also the most expensive, by a significant margin, and it negatively impacts the greatest number of homes and businesses. We believe that constructing a ten foot high elevated road at this location would not only eliminate existing businesses along this stretch, but would also squelch further development south of US 20. This is an area that we look to for long-term growth for the City of South Bend, having already extended utilities south beyond Kern Road, nearly to Roosevelt. This alternate, with the raised road, would restrict South Bend's options for smart growth. In reviewing the DEIS, we were also surprised that alternate **Es** proposed to connect to the existing interchange. We had expected that an interstate-to-interstate quality interchange would be required for safety. Unless we have missed this item in the supporting material, we believe that it would further drive up the cost of constructing this option.

We also have concerns about the frontage roads for **Es**. We believe that a twenty-one foot width is too narrow for the traffic they should handle. Furthermore, they do not appear to provide access from either Ireland Road or Michigan Street. Therefore, the elevated road effectively isolates commercial and residential areas on both sides of its alignment. Our public safety response would be hindered. Other city services and day-to-day commuting would also become a significant challenge. How would an ambulance quickly get from our station on Ireland to a traffic accident on Main Street, south of US 20? How would a resident of Gilmer Park get to the movies on Chippewa ? The circuitous routes that would be required would not only inconvenience residents, they could also be life threatening because of delayed emergency response time.

Finally, we believe that the construction challenges are far more difficult for this route. Maintaining traffic during the build will result in major delays and negative impacts on formal and informal detour routes. Because of these critical issues, **Es** ranks a distant third in our analysis. If it were to become the selected route, we would expect that these concerns would be addressed and satisfactory resolutions designed. This too would most likely increase the costs for this proposed route.

Cs and **G-C** are our preferred routes. Both are simpler to construct and would provide better options for maintenance of traffic flow and traffic safety during construction. **Cs** has the lowest cost and the fewest residential acquisitions. **G-C** minimizes historic site impact and has the fewest business acquisitions. We rank them as equal for performance and purpose and would gladly support either option. Still, we think they can be improved to further buffer negative impacts and to improve their transportation performance. The proposed interchange at Kern Road would be too intrusive to adjacent neighborhoods. It would increase local traffic and increase noise from braking and gear shifting. It is also too distant from existing US 31. We recommend that if **G-C** is selected the interchange should be constructed at the point where new US 31 crosses existing US 31. If **Cs** is the chosen route, the interchange should be at Roosevelt Road. Either location would provide relief for residents near Kern. Each would also support future development along the old 31 corridor. We also recommend planting pine trees or other natural screening as a visual shield and sound barrier wherever the road impacts existing residential development.

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Thank you for your efforts to improve this vital state mobility corridor. Many of us are eager to see improved traffic flow and reduced travel times; but more importantly, we want fewer injuries and fatalities, a road designed for safety. We appreciate the opportunity to offer meaningful input through this process. We support this endeavor for a better Indiana and will work with you to move the selected route through design, right of way acquisition and construction phases. Please contact me if you need clarification of any of the points raised in this letter. We are confident that after weighing benefits versus impacts you will choose the best route possible. From our perspective, that would be either **Cs** or **G-C**.

Sincerely,

Stephen J. Luecke
Mayor

cc: Governor Joseph E. Kernan
Lt. Governor Kathy Davis
Speaker B. Patrick Bauer
Carl Camacho
Chris Baynes
St. Joseph County Chamber of Commerce
Project Future

OFFICE OF THE MAYOR

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April 26, 2004

Carl Camacho
Bernardin Lochmueller & Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, IN 46214-3105

0426-275

Gary Cook
MAYOR
124 North Michigan Street
P.O. Box 492
Plymouth, Indiana 46563
Telephone: 574.936.6717
Facsimile: 574.936.4371
Email: mayorply@hoosierlink.net

Dear Mr. Camacho,

As mayor of the City of Plymouth, I feel I need to contact you with some major concerns I have regarding the recent InDOT upgrade proposal. Several items need to be changed in order for the Plymouth community to grow economically, which it has been doing steadily for the past several years.

The current InDOT proposals cut Marshall County in half. We are asking that overpasses be built at 1st Road, 2 C Road, 4 A Road, 5 A Road, 6th Road, and Plymouth-Goshen Trail. This allows for emergency vehicle access from one side of US 31 to the other.

We are also requesting that an overpass be placed at the current area of US 31 and Michigan Road just south of LaPaz. This requires that US 31 veer over to that area. This access would then continue the northern access into Plymouth from US 31. At present time there are over 12,000 vehicles a day that use Michigan St. to US 31.

We are also asking that the study be extended to just south of US 30 to US 31 and Lincolnway East (Old US 30). By doing so, we are asking for an overpass at 9 A Road and US 31. Also a ½ cloverleaf at Lincolnway East and US 31.

We also need a clover leaf interchange at US 6 and US 31. Also in the area of 7th Road and US 31.

I am including a map of the proposed changes that I am referring to. I am also enclosing some editorials from the South Bend Tribune about this proposal.

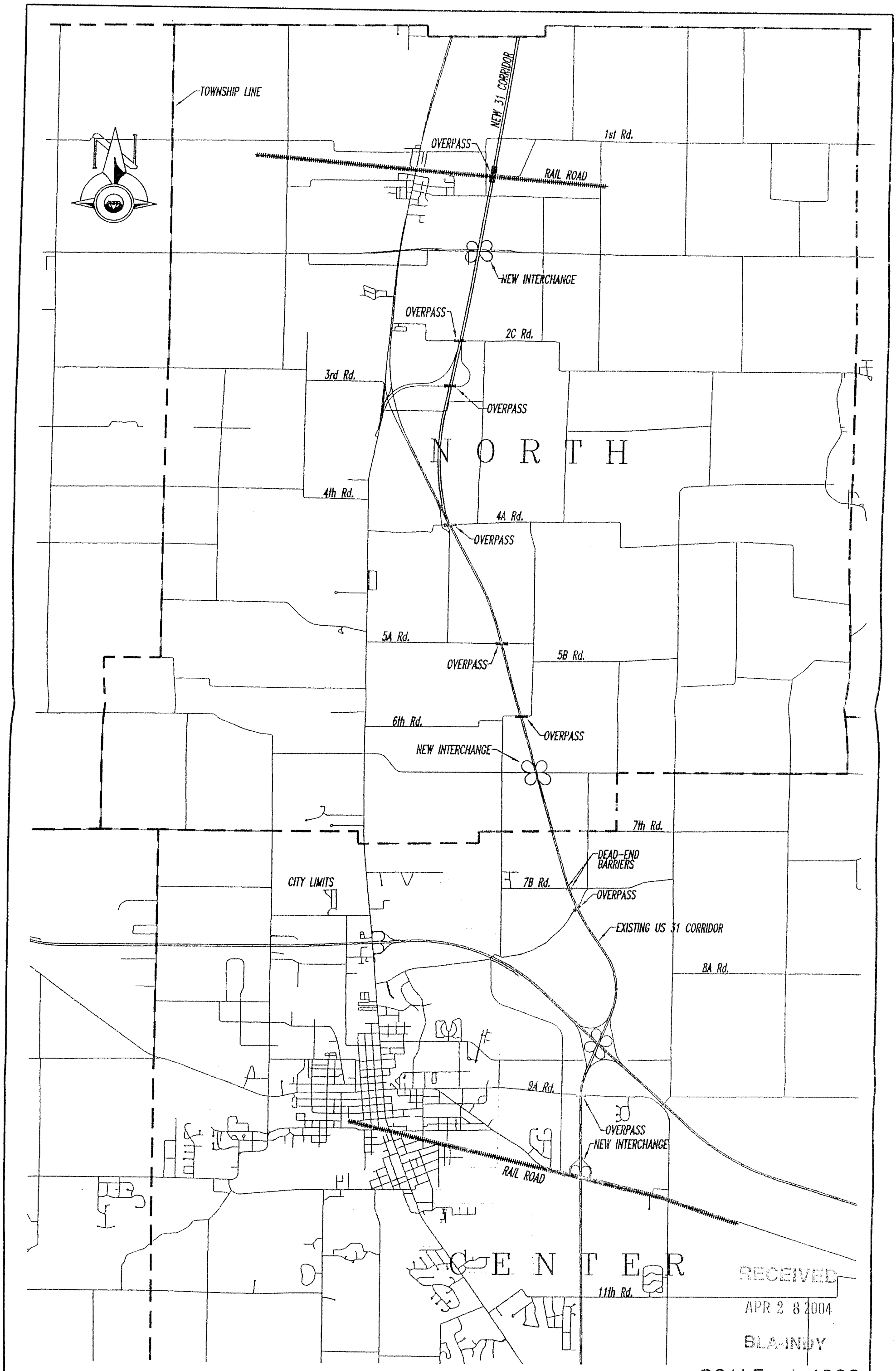
This proposal to upgrade US 31 to interstate standards has been touted to address two issues. The first issue is safety. The second is an economic tool to help Indiana grow. I will address both issues. If we want to call this a safety issue then please do not cut off our country road connections. You must allow Marshall County the ability to go over US 31 so that our emergency vehicles can respond from one side of the county road to the next. As far as an economic tool for Indiana, if you do not allow Plymouth better access to US 31 our local economy will be impacted in a very negative way. If you want Indiana to continue to grow you must allow Plymouth and Marshall County the same. Please be receptive to our concerns, suggestions, and ideas. Do not cut us off from a major highway.

Respectfully,

Gary Cook

Gary Cook, Mayor of Plymouth

cc:
Representative Chris Chocola
Senator Evan Bayh
Senator Richard Lugar
Gov. Joe Kernan


TOWNSHIP LINE
NEW 31 CORRIDOR
1st Rd.
OVERPASS
RAIL ROAD
NEW INTERCHANGE
OVERPASS
2C Rd.
3rd Rd.
OVERPASS
NORTH
4th Rd.
4A Rd.
OVERPASS
5A Rd.
5B Rd.
OVERPASS
6th Rd.
OVERPASS
NEW INTERCHANGE
7th Rd.
DEAD-END BARRIERS
CITY LIMITS
7B Rd.
OVERPASS
EXISTING US 31 CORRIDOR
8A Rd.
9A Rd.
OVERPASS
NEW INTERCHANGE
RAIL ROAD
CENTER
11th Rd.
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GAYLE DANTZLER, *Editorial Page Editor*
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U.S. 31 mustn't undermine some communities

One can hardly blame residents of Marshall County and southern St. Joseph County who live at or near the U.S. 31 corridor for being skeptical.

No one likes either the prospect of being forced from one's home, or the uncertainty. As this already seemingly endless process (and it has just begun) creeps along, many people can only guess at the extent to which their lives will be disrupted.

Comments may be sent to:

Carl Camacho
Bernardin Lochmueller & Associates
7830 Rockville Road, Suite C
Indianapolis, IN 46214 or via the Web site at: www.us31study.org.

Those with the greatest cause for concern are Marshall County residents who fear that highway construction could bisect the county, leaving little access between east and west. If that were to happen, not only would the day-to-day travels of residents be affected, but so would emergency response.

Marshall County and Plymouth city officials have informed the Indiana Department of Transportation that they have problems with all three of the proposed routes. The officials have good reasons for their negative views.

The three possible routes for the section of the highway between the U.S. 20 South Bend bypass and U.S. 30 offer Plymouth motorists only one primary route for getting onto the limited access U.S. 31. They would no longer be able to use Indiana 17 or North Michigan Road, but could only use 5A Road in Plymouth. The effect would be to bisect the county.

One has to wonder if the InDOT officials have given much thought to the economic impact such a loss of access could have — along with the obvious problems in responding to emergencies.

We think the Marshall County leaders have the right idea when they ask for an interchange at 7B Road and for bridges to extend county roads over the highway. The very heavily traveled U.S. 6 also would need an interchange suitable for semi-trucks to connect it with U.S. 31.

What has become abundantly clear since discussion of the potential routes began is that construction of a limited access highway to Indianapolis will be an excruciating process. Some people are even second-guessing whether it is worth it — worth the hard-feelings, loss of property, expense and time.

We believe it is worth it. A limited access highway to Indianapolis is decades overdue. Not only will it save time in traveling to the state capital, but it will make the journey much safer. And it will spur economic development of north central Indiana. It is important that InDOT proceed with the project in as fair and timely a manner as possible.

But InDOT also needs to remember that the highway must not be built at the expense of some communities.

Public comments on the three proposed U.S. 31 routes are being accepted until April 26. (A map of the routes appeared in the March 21 Tribune or may be viewed on the Web at: www.us31study.org.) We urge residents to make their views known.

South Bend Tribune
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Not all routes are created equal

Deciding just where to place the future U.S. 31 interstate highway is an enormously complex process. Decisions that will be made by the Indiana Department of Transportation have the power to change forever the nature of a community, to make an impact on public safety and to aid or undermine economic stability.

Because InDOT officials cannot hope to appreciate the consequences of their choices nearly as well as residents, the state agency should yield to local advice whenever it can.

Last chance to comment

Monday is the final day for public comment on the proposed U.S. 31 upgrade between South Bend and Plymouth. Comments may be submitted via the Web site at www.us31study.org

Some of that advice was articulated this month by South Bend Mayor Stephen J. Luecke, who accepted InDOT's invitation to comment on proposed routes that directly affect South Bend. In the interest of South Bend's future, the growth of the city's south side and the quality of life for those who live near the highway site, we hope that Luecke's advice will be heeded.

There are three proposed route plans for the area within and adjacent to the South Bend city limits. They are designated as "Es," "Cs" and "G-C." Each has merit. But one route has very serious drawbacks. InDOT would do well to strike "Es" from the selection list, as the mayor has urged.

"Es" would cost $40 million more than either of the other two routes. It would disrupt more homes and businesses than either "Cs" or "G-C." And it would halt the city growth that South Bend has long envisioned for the U.S. 31 area.

Luecke also raised the concern that "Es" is underdesigned, that the 21-feet-wide frontage roads may be too narrow, and the existing U.S. 20 interchange (which InDOT does not propose replacing) falls short of safety expectations. Sufficiently improving the design would make "Es" even more expensive.

Speaking of safety, the highway placement also would force residents and emergency vehicles into circuitous routes to get from one side of the new road to the other.

All things considered, it's hard to find much to like about "Es."

No new U.S. 31 route will please all South Bend south-siders. But the state can minimize discomfort by welcoming the city's well-considered advice. If InDOT wisely scratches "Es" from the list, it then should be open to suggestions for improving "Cs" or "G-C."

The new U.S. 31 — or "I-67," as some have called it — has the potential to help or harm every community it touches. Substantive comments on the routes will give InDOT information it needs to make good decisions. Public support for the project as a whole is important to moving it along.

A Marshall plan

Public officials from throughout Marshall County have put their heads together and come up with a better idea. We hope InDOT is listening.

There are a number of problematic aspects to the InDOT proposals for the Marshall County stretch of U.S. 31. Most worrisome is the prospect of dividing the county down the middle, giving new meaning to Rudyard Kipling's lament, "East is East and West is West and never the twain shall meet."

There is reason for concern. The InDOT proposal would close county roads that now connect east and west. Responding to emergencies in the eastern portion of the county would be impossible and fire department mutual aid would be undermined.

The reasoned response, agreed upon by representatives of each town, is a counter plan with sufficient overpasses to retain cross-county routes and a cloverleaf interchange at U.S. 6 and U.S. 31.

The people of Marshall County are speaking up for safety and their economic future. InDOT should listen.

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THURSDAY, APRIL 15, 2004
SPECIAL PUBLIC MEETING – US 31 CORRIDOR

The Board of Commissioners of Marshall County, Indiana, met in the Extension Office, in the City of Plymouth, Indiana at approximately 6:30PM, Thursday, April 15, 2004, for a Special Public Meeting with Kevin Overmyer, President; Clifford Allen, Vice President and John Zentz, member present. The County Attorney, Jim Clevenger and County Auditor, Jan Quivey were also present. The meeting was opened in due form and the business before is heard.

Kevin Overmyer, President of the Marshall County Commissioners opened the meeting by explaining that former Plymouth Mayor Bonnie Yazel established the US 31 Corridor Committee in October 2003. In addition to Mrs. Yazel, the members consist of the Marshall County Commissioners, Neal Haeck, Doug Anspaugh, Jim Marquardt, Troy Kiefer and representatives from Lapaz, Bremen, Culver, Bourbon, Plymouth and Argos.

Kevin Overmyer advised that he had copies of a letter, drafted to Carl Camacho, Project Manager with INDOT, which he strongly suggested everyone take and mail (before April 26, 2004) in support of the Committee's Proposal for the planned US 31 Corridor which would benefit economic development in Marshall County. This committee proposal is significantly different than the plan proposed by INDOT. April 26 is the deadline for public input on the US 31 construction project.

John Zentz stated that the only way to make things happen is for the citizens to make their feelings known to INDOT.

Using an overhead projector, Doug Anspaugh presented both INDOT's proposal and the Committee's proposal. The INDOT proposal for Marshall County basically divides the county in half and does not provide enough access points to Lapaz and Plymouth with the new road to be constructed east of the current US 31.

Roger Ecker, Lapaz Fire Department, stated that INDOT's proposal shuts of emergency access near Lapaz.

INDOT proposes:

A diamond interchange at US 6 with all other county roads in North Township being cut off, with the exception of a diamond interchange at 5A Road, and cul-de-sacs installed on the closed roads.

An overpass at Plymouth Goshen Trail, improvements to 5A Road (to the west) for traffic going toward old Michigan Road and closing 9A Road completely.

Lowell Price questioned what a diamond interchange was and how much of his property might be used to construct the proposed interchange? State Representative Steve Heim

advised that exact location of the road had not yet been determined; but that INDOT has allowed a 2000 foot wide path so road location could vary somewhat if need be due to environmental concerns, etc.

The Marshall County Committee's Proposal includes the following:

1st Road – New Road from 1st Road to the B&O Railroad and use the railroad overpass;

US 6 – Cloverleaf with 4 lane extensions, east and west, to accommodate more traffic;

2C Road – Overpass with exit and entrance to Old Michigan Road from the new US 31, similar to the way Old Michigan Road accesses current US 31.

4A Road – Overpass

5A Road – Overpass

6th Road - Overpass

7A Road – Cloverleaf with new connecting road west to Michigan Road and east on the county road. Future goals involve extending 7A Road all the way to Pine Road.

Plymouth/Goshen Trail – Overpass

The Committee is asking INDOT to extend their study area south to Lincoln Highway and requesting:

1. Overpass at 9A Road
2. A half cloverleaf at Lincolnway and New US 31

This proposal would really promote economic development, whereas the Committee feels INDOT's plan will be a detriment to the economic development of Marshall County.

The Committee is not endorsing a new highway, but rather trying to ensure that if a new highway is developed, it will be beneficial for all of Marshall County.

INDOT is currently working on three (3) areas of concern involving US 31.

1)US 20 to US 30
2)Kokomo
3)Westfield – north of Indianapolis

Kevin Overmyer and Doug Anspaugh reiterated that the letters need to be distributed all over the county and must be mailed prior to the April 26, 2004 deadline. Letters will be available for pick up at the Marshall County Auditor's Office and the Plymouth Chamber of Commerce.

There is a 1000 page document that can be found at the public library and online at www.us31study.org. This document estimates the number of houses to be removed, acres of land to be purchased and the environmental impact of the project.

Clifford Allen moved and John Zentz seconded the motion to adopt the Committee's Proposed Plan to send a report to INDOT and the State of Indiana for their consideration. Motion Carried 3-0.

Clifford Allen moved and John Zentz seconded the motion to adjourn the meeting. Motion carried 3-0.

Kevin Overmyer, President

Clifford Allen, Vice President

John Zentz, Member

Attest: _____
Jan A. Quivey, Auditor

South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION
227 WEST JEFFERSON BLVD.
SOUTH BEND, IN 46601-1830
Phone: 574-235-9798 Fax: 574-235-9578
e-mail: historic@michiana.org

John H. Oxian, President

A Certified Local Government

Karen R. Hammond-Nash, Director

Thursday, September 04, 2003

Carl Camacho, Project Manager
Bernadin Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, IN 47715-4006

RE: U. S. 31 proposed alternative routes

Dear Mr. Camacho:

As you know, the information presently available regarding the proposed route alternatives for U.S. 31 is limited, with little available regarding proposed entrances and exits, among other matters. However, based on the information now available, the Historic Preservation Commission adopted, by resolution, the following position at our August 18, 2003 monthly meeting. We are sending this information to you, along with a staff report detailing the significant historic structures and properties most likely to be affected by the different routes.

The position of the HPC is as follows:

F is the preferred alternative, requiring some, but not excessive mitigation of harm to historic structures and landscape features.

C & E may be acceptable if the HPC considers loss of an abandoned railroad right of way not significant to the heritage of the county. There are some significant farms lining the rail right of way, as well. Mitigation of harm to them would be indicated as well.

G would cause devastation to historic structures and landscapes, which would be difficult to mitigate.

Please do be sure to call us if there is any information or assistance which we may provide regarding this matter.

Yours sincerely,

John H. Oxian,
Commission President

Karen R. Hammond-Nash,
Director

COMMISSIONERS

Mary Jane Chase
Martha Choitz
Catherine Hostetler (Treasurer)
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Diane Wrobel-Illes
John Livingston (Attorney)

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PEORIA TRIBE OF INDIANS OF OKLAHOMA
118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538
P.O. Box 1527
MIAMI, OKLAHOMA 74355

CHIEF
John P. Froman

SECOND CHIEF
Joe Goforth

Keith
Matt
Dave L
tom
John 6.
Carl

Kia
Jonna
Dave R.

October 28, 2004

Weintraut & Associates
~~Attn: Dr. Linda Weintraut, Ph.D.~~
President
1555 West Oak Street Suite 20
Zionsville, Indiana 46077

RE: US 31 Plymouth to South Bend Study – Section 106 Meeting Formal Invitation to Consulting Parties

Thank you for notice of the referenced projects. The Peoria Tribe of Indians of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Peoria Tribe request notification and further consultation.

The Peoria Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

TREASURER John Sharp | SECRETARY Hank Downum | FIRST COUNCILMAN Claude Landers | SECOND COUNCILMAN Jenny Rampey | THIRD COUNCILMAN Jason Dollarhide

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P.O. Box 1527
MIAMI, OKLAHOMA 74355

CHIEF
John P. Froman

SECOND CHIEF
Joe Goforth

April 22, 2004

Federal Highway Administration
Indianan Division
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

RE: US 31, Plymouth to South Bend, Indiana, Study

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SECRETARY
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FIRST COUNCILMAN
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SECOND COUNCILMAN
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Jason Dollarhide

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October 28, 2004

Weintraut & Associates
~~Attn: Dr. Linda Weintraut, Ph.D.~~
President
1555 West Oak Street Suite 20
Zionsville, Indiana 46077

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CHIEF
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April 22, 2004

Federal Highway Administration
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575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

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John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

TREASURER
John Sharp

SECRETARY
Hank Downum

FIRST COUNCILMAN
Claude Landers

SECOND COUNCILMAN
Jenny Rampey

THIRD COUNCILMAN
Jason Dollarhide

February 7, 2005

Mr. Robert F. Tally, Jr. , PE
Division Administrator
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204

REF: Proposed US 31 Improvement Project
Marshall and St. Joseph Counties, Indiana

Dear Mr. Tally:

The ACHP received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed on and eligible for listing on the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the final Memorandum of Agreement and related documentation at the conclusion of the consultation process. The filing of the Agreement with us is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Carol Legard at 202-606-8505, or via eMail at clegard@achp.gov.

Sincerely,

Raymond V. Wallace

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs

WYTHOUGAN VALLEY PRESERVATION COUNCIL, INC.

308 South Michigan St. - Plymouth, IN 46563 (574) 936-7517

"preserving the standing reminders of our collective Marshall County past"

February 12, 2004

Ms. Chris Baynes
Indiana Department of Transportation
100 N. Senate Avenue Rm N855
Indianapolis, IN 46204

RE: US 31 - Plymouth to South Bend Study, Supporting resolution

Dear Ms. Baynes:

Please find enclosed a declaratory resolution supporting our sister county, St. Joseph County for the findings and recommendation from the Historic Preservation Commission of South Bend & St. Joseph County.

If you have any questions, please feel free to contact me.

RECEIVED

BLA-INDY

Sincerely,

Kurt West Garner

cc: Mrs. Linda Rippy, Marshall County Historian
Mr. Todd Zieger, Historic Landmarks Foundation of Indiana
Ms. Karie Brudis, DNR-DHPA
Mr. Carl Camacho, Bernardin Lochmueller & Assoc.
Ms. Linda Weintraut, Weintraut & Assoc.
Ms. Karen Hammond-Nash, Historic Preservation Commission of South Bend/St. Joseph

WYTHOUGAN VALLEY PRESERVATION COUNCIL, INC.

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"preserving the standing reminders of our collective Marshall County past"

RESOLUTION
OF THE
BOARD OF DIRECTORS,
WYTHOUGAN VALLEY PRESERVATION COUNCIL, INC.

During its meeting on February 11, 2004, the Board of Directors, having received information from the Historic Preservation Commission of South Bend & St. Joseph County reviewed and concluded the following regarding historic properties in St. Joseph County as they relate to the U.S. 31 - Plymouth to South Bend project:

1) The Historic Preservation Commission of South Bend & St. Joseph County and the Northern Regional Office of Historic Landmarks Foundation of Indiana have identified numerous historically significant structures that are in the area affected by the proposed U.S. 31 project in St. Joseph County.

2) Those properties identified and referred to above clearly have great value in their representation of the culture and early settlement of St. Joseph County and the City of South Bend and would be a tremendous loss not only to the region, but also the State of Indiana if they were compromised in any way.

3) As a sister county to St. Joseph, Marshall County not only shares a border, but also a clear historic connection in that the state's first commissioned road, the Michigan Road, links our counties and has along its' route, many historic properties representing early settlement. The Michigan Road is in most cases, current U.S. 31 in parts of Marshall and most of St. Joseph County. Therefore we share the responsibility of protecting properties representing the early settlement and culture of our region.

For the reasons stated above, we wish to communicate our full support of the findings and recommendations of the Historic Preservation Commission of South Bend & St. Joseph County,

to witt: *Of the present routes, route E-s is to be preferred over the other proposals under consideration, particularly from Madison Road north, because it would entail the least loss of historic and cultural resources.*

Respectfully submitted,

Karin Rettinger

Karin Rettinger,
Secretary

Attest: Tereassa Welborn

Tereassa Welborn,
President

Historic Landmarks
Foundation of Indiana

September 9, 2003

Linda Weintraut
Weintraut and Associates
16 Boone Woods
Zionsville, IN 46077

Re: US 31 Upgrade study

Dear Linda,

Thank you for the opportunity to attend the consulting parties meeting on September 4, 2003 about the proposed upgrade to US 31 from South Bend to Plymouth. Your presentation was very professional and thorough. As discussed at the meeting, I am following up with comments about the proposed alternative routes. I have comments about the preliminary findings about historic resources in the APE which will be presented in a separate letter.

After reviewing and analyzing the four remaining routes, it is our opinion that each as proposed presents significant impacts to historic resources ranging from demolition of the resources themselves to reasonably anticipated negative impacts to the rural character and thus historic context of the various historic properties.

We have identified an alternative that we believe can avoid the impact to the identified historic resources and still meet the purpose and need of the project. As discussed at the September 4th meeting, I would strongly support an altered version of route "E" that would tie in to the existing US 31 route near the Main Street and Kern Road area instead of just north of Roosevelt road as currently proposed. The altered route would follow the proposed route for "E" but continue over green field land just west of US 31 and behind the houses and other buildings that currently front US 31 on the west side of the highway. There is open area behind the Farneman house as well as on the north and south sides of Kern road and along the west side of Main Street that could be utilized for the development of an interchange. Geometrically, the radius of the curve that starts just north of Kern on US 31 could be the tie in for the new route. This altered "E" will accomplish many goals.

- It will preserve the historic resources along US 31 and avoid the tricky issue of the cemetery purchase.
- It will provide better and adequate area for the development of an interchange or overpass at Kern without a large residential relocation cost.
- It will keep the improved US 31 near the current route thus drawing maximum traffic off the most dangerous portion of the existing US 31 corridor.
- It will allow keep the current southern entrance to the City of South Bend in place and connect it to US 20 at the existing interchange.
- It could potentially avoid the relocation of several businesses located near Kern Road/US 31 intersection as well as several residential relocations that would be required if "F" were selected.

Route G will have devastating direct, indirect and anticipated negative effect to historic resources and their context. Direct impacts may include demolition of resource #70038 as well as the Farneman house and Cemetery. In addition to these direct impacts, perhaps more important to consider is the real likelihood tangential negative effects from future development that will be drawn to near the interstate. This future development will destroy the overall rural context for the historic

resources along this route. It would be better to keep the route nearer the existing corridor and eliminate G from further consideration.

Route "C" has potential negative impacts depending on how the interchange with US 31 and US 20 is designed. Our concern with this regard is the negative impact to the Cover House (70003) and Evergreen Hill (70002). Similarly to "G", even if an interchange can be constructed that does not physically impact these two properties, the likely resulting commercial development pressure that will come at that location will present threats to these properties in the future. Finally, introduction of an interstate into the context of Evergreen Hill will significantly diminish the historic context of this National Register Property. Historic Landmarks Foundation of Indiana holds a Historic Preservation easement on the buildings and grounds of Evergreen Hill.

Route "F" holds the same problem as "E" north of the proposed tie in with the existing route and therefore is not an attractive alternative and should be eliminated from further consideration.

I am forwarding a hard copy of this letter along with an aerial map that indicates the proposed modified "E" described above. We would support a modified E as the final route for the upgraded US 31.

Thank you for the opportunity to submit these comments.

Sincerely,

Todd A. Zeiger
Director, Northern Regional Office

cc. Honorable Steve Luecke, Mayor, City of South Bend
John Carr, Indiana Division of Historic Preservation and Archaeology
Karen Hammond – Nash, Historic Preservation Commission of South Bend and St. Joseph County

US 31 Plymouth to South Bend Environmental Impact Statement
Interagency Meeting
Lakeville, IN
July 14, 2004

An Environmental Review Agency meeting was held at the Old Lakeville School in Lakeville, IN on July 14, 2004. The meeting began at 10:00 a.m. and lasted to about 2:00 p.m. The purpose of the meeting was to discuss comments and concerns identified by the agencies in their DEIS comment letters. Those present at the meeting include the following:

Wendy Melgin, USEPA Watersheds & Wetlands	(melgin.wendy@epa.gov)
Ken Westlake, USEPA NEPA Program	(westlake.kenneth@epa.gov)
Virginia Laszewski, USEPA NEPA Program	(laszewski.virginia@epa.gov)
Nick Batta, INDOT Engineering Assessment	(nbatta@indot.state.in.us)
Elizabeth McCloskey, USFWS	(elizabeth_mccloskey@fws.gov)
Jon Eggen, IDNR	(jeggen@dnr.IN.gov)
John Ritchey, USACE	(John.C.Ritchey@lre02.USACE.Army.mil)
Charlie Simon, USACE	(charles.m.simon@usace.army.mil)
Karie Brudis, INDR DHPA INSHPO	(kbrudis@dnr.IN.gov)
Matt Fuller, FHWA	(matt.fuller@fhwa.dot.gov)
Chris Baynes, INDOT	(cbaynes@indot.state.in.us)
Steve Sperry, INDOT	(ssperry@indot.state.in.us)
Ryan Cassidy, IDEM	(rcassidy@dem.state.in.us)
Liz Elverson, IDEM	(eelverso@dem.state.in.us)
Jim Keefer, INDOT Aeronautics	(jgkeefer@indot.state.in.us)
Sara Dyer, Dyer Environmental	(dyerenviro@netscape.net)
Neal Sanders, R/W Services	(sanders7233@sbcglobal.net)
Tom Beard, Landmark Archaeology	(tbeard@qserve.net)
Carl Camacho, BLA	(ccamacho@blainc-indy.com)
Tom Cervone, BLA	(tcervone@blainc.com)
David Isley, BLA	(disley@blainc.com)
Jim Gulick, BLA	(jgulick@blainc.com)
Kia Gillette, BLA	(kgillette@blainc-indy.com)

Introduction

The meeting began by Carl Camacho, the BLA project manager, introducing himself and asking the meeting participants to introduce themselves. Chris Baynes, the INDOT project manager, thanked the agencies for attending and for their participation throughout the project. Carl then began a power point presentation that included: a review of the preliminary alternatives and their associated impacts studied in the DEIS, agency and public comments/concerns regarding the DEIS, responses to these comments/concerns, and future activities for the project.

The following questions/comments and answers were entertained during the presentation:

Q/C. Charlie Simon stated, "The Corps recommends some sort of delineation or confirmation of wetlands to be impacted."

A. Carl Camacho replied that we currently have people out working on wetlands and bat studies in Marshall County.

Q/C. John Ritchey asked, "Are you planning on doing telemetry studies on Indiana bats?"
A. Tom Cervone responded that if we catch an Indiana bat, additional mist netting will be done.

(Note: Mist netting for the project has now been completed. No Indiana bats were captured)

Q/C. Virginia Laszewski asked, "Will wetland delineations be available in the FEIS?"
A. Kia Gillette replied that yes, for the preferred alternative.

Q/C. Elizabeth McCloskey asked, "Did USFWS review bat mist netting locations prior to netting? I do not recall doing so."
A. Tom Cervone said, no, I apologize. Dr. Whitaker and BLA reviewed the sites. Most areas are in bottomland woods, but appropriate sites were difficult to find.

Q/C. Ken Westlake stated, "An EPA comment said to look at other transportation measures on existing US 31 to alleviate traffic problems."
A. Chris Baynes replied that we also received several comments from the public regarding using the existing alignment. We have looked at other alternatives such as G-Ironwood which includes transportation measures such as ridesharing and mass transit.

Q/C. Elizabeth McCloskey stated, "It is my understanding that Marshall County was upset with only having 1 interchange."
A. Chris Baynes replied that we have met with them and addressed their concerns. They were concerned about the location of the interchange rather than the number. We originally had an interchange at 5A Road, but the county preferred one at 7A Road. This road does not currently exist, but is in the county's long-range plan.

Q/C. Virginia Laszewski asked, "What about the cumulative impacts of an interchange at 7A Road?"
A. David Isley replied that the traffic numbers are a bit better at the new interchange. This road is in their Thoroughfare Plan as well as their Comprehensive Plan.

Q/C. Virginia Laszewski stated, "The FEIS should include cumulative impacts for this new road."

Q/C. Ken Westlake asked, "Does their Plan have a generic road on the map?"
A. David Isley and Chris Baynes responded that yes, we can make some estimates, but we will not know exactly what the impacts will be. Carl Camacho stated that we need a commitment from the County to build the road. We do not want to build an interchange for no road.

Q/C. Ken Westlake asked, "Will the County's environmental evaluation be done under the state?"
A. Chris Baynes replied that it will likely use federal funding, so a NEPA document will have to be done.

Q/C. Virginia Laszewski asked, "You are requesting the road be built before you build the interchange?"
A. Chris Baynes replied, yes, we are trying to marry the needs of the community with the State. The County also wanted to bring Old US 31 to new US 31. The problems are that it is too close to US 6, and it went through a large wetland.

Q/C. Virginia Laszewski asked, "Are you going to address all other agency concerns also?"
A. Chris Baynes said yes, these are just the highlights. The other concerns will also be addressed in the FEIS.

Carl Camacho then discussed a possible new alternative, G-E. Tom Cervone added that this new G-C/Es combination is similar to a hybrid alternative.

Q/C. Virginia Laszewski stated, "One of our comments was about how you juggle impacts and how you decide what impacts are given concern."
A. Chris Baynes replied that this is very difficult.

Q/C. Virginia Laszewski asked, "Is any of the farmland listed in the table considered farmed wetlands?"
A. Tom Cervone replied that we will be doing those determinations as the next step. This will be done for the preferred alternative. We will be working on a conceptual mitigation plan and will be working with the agencies on that.

Q/C. Charlie Simon stated, "I hear a lot of uncertainty regarding wetlands. I would like a wetland delineation done in the DEIS."
A. Chris Baynes said that we only do wetland delineations on the preferred alternative.
A. Wendy Melgin said that it is kind of unreasonable to expect a delineation for each alternative.
A. Tom Cervone said we shifted alternatives based on field review and aerial photography.

Q/C. Steve Sperry asked, "Is it fair to say that you verified wetlands, but did not do a delineation?"
A. Tom Cervone replied, we looked in the field and we often invited property owners to get additional information.

Q/C. Elizabeth McCloskey stated, "This is one of the problems with the DEIS. All wetland impacts were shown in acres not how they would be impacted or their quality."

Q/C. Chris Baynes asked, "How can we better document wetland impacts rather than doing a full delineation?"
A. Elizabeth McCloskey replied that a good general description of each wetland and type of habitat should be included.

Q/C. Virginia Laszewski asked, "If we don't have delineations for each alternative, how does this affect what the Corps does and LEDPA?"
A. Charlie Simon replied that the Corps would like to see delineations for each alternative. But hopefully there will be a product, the FEIS or ROD, that the Corps will be able to use.

Q/C. Virginia Laszewski asked, "What would the 401 state people like to see in the DEIS? The EPA would like to see more information on how each alternative would impact water quality."
A. Ryan Cassidy replied that we (IDEM) didn't have time to read the DEIS. He agreed with some of the Corps and EPA's concerns.

Q/C. Ryan Cassidy asked, "I would like to know if the Corps will be looking at a verifying isolated wetlands?"
A. John Ritchey said if we concur with the boundary then it is ok, even if it's isolated. If we don't concur, and it is isolated, we will probably just move on.

A. Tom Cervone replied that we want the agencies out in the field, prior to the report, so we can revise the report based on your requests.

Q/C. Ryan Cassidy stated, "We would like to walk the wetlands with BLA and the Corps so we can agree or not."

Q/C. Chris Baynes asked, "Tom, how long will it take us to get field data?"
A. Tom Cervone replied, it will take five or six weeks. We will work on getting a date as soon as possible.

Q/C. Charlie Simon stated, "I will look at some EISs from Michigan to see how much detail they went to."

Q/C. Wendy Melgin stated, "The amount of controversy is also important."

Q/C. Virginia Laszewski stated, "The amount of wetlands may be a reason to do delineations for all alternatives."
A. Chris Baynes replied that this is a large policy decision.

Carl Camacho then began to compare the impacts for Alternatives G-E and G-Es.

Q/C. Wendy Melgin asked, "Is that forest both upland and wetland?"
A. Kia Gillette replied, yes, it includes both. We can separate them out once we do delineations.

Q/C. Dave Isley stated, "Here (referring to the impact table) is the issue with different impacts. In G-Es, wetlands decrease and relocations increase."

Q/C. Virginia Laszewski asked, "Did you look at other alternatives such as non-freeway alternatives?"
A. Dave Isley replied, yes, we've looked at staggered work hours, ride sharing, signal timings, but they have little affect because you are outside the city.
A. Carl Camacho replied, yes, but they don't meet Purpose and Need.

Q/C. Dave Isley states, "These are essentially the numbers we have to deal with. Given this information, are there any of these alternatives that you would find acceptable?"

Carl Camacho begins to discuss the G-Ironwood alternative.

Q/C. Virginia Laszewski asked, "Don't all alternatives add excess traffic on US 31 north of US 20?"
A. Carl Camacho says yes, all alternatives do; however, G-Ironwood also increases traffic on Ironwood Road, north of US 20. No other alternative increases traffic on any road north of US 20 except Michigan Road (US 31).

Q/C. Virginia Laszewski asked, "Is Ironwood currently undergoing improvements?"
A. Chris Baynes replies it has already, but there is nothing in their plan or that we are aware of.

Q/C. Virginia Laszewski states, "My understanding is that most of the congestion and traffic is due to commuters going to and from work."
A. Chris Baynes replies, it is pretty equal with the largest number going into town, the second larges going to the west, and the third to the east.

Q/C. Elizabeth McCloskey asked, "Why do you have 7 lanes on 31 if the traffic is all going up Ironwood?"
A. Chris Baynes replied that not all of the traffic will be going up Ironwood and that the remaining traffic on existing US 31 would require 7 lanes.

Q/C. Elizabeth McCloskey asked, "How many homes and businesses will be relocated for this alternative?"
A. Carl Camacho replied that we will talk about this next.

Q/C. Virginia Laszewski asked, "Are the historic impacts federal or state?"
A. Chris Baynes replied that we haven't looked at the trails yet, but if so they could be federal or state.

Q/C. Virginia Laszewski asked, "Are these impacts direct or indirect?"
A. Carl Camacho replied that we have both depending on the site. He then shows the locations of the site on a map.
A. Karie Brudis replies that those farms have not had boundaries put down, so we don't know if some are direct or indirect.
A. Dave Isley states that with the direct impacts, we are now into Section 4(f) impacts.

Q/C. Virginia Laszewski asked, "Doesn't 4(f) have "reasonable and prudent" caveats?"
A. Chris Baynes replied perhaps, but they are a tough hurdle.
A. Tom Cervone states, as part of the Draft, there were alternatives eliminated due to impacts to the Ullery/Farneman House and the Southlawn Cemetery.

Q/C. Virginia Laszewski asked, "Did you ever figure out if graves would be taken and if the gatehouse would be taken?"
A. Carl Camacho replied we would be closer to them, but we would be within 100 feet and subject to the state law.

Q/C. Elizabeth McCloskey asked, "How close can you get to a grave?"
A. Karie Brudis replied you have to have a development plan to be within 100 feet.
A. Chris Baynes stated transportation and utilities cannot be within 100 feet of graves.

Q/C. Sara Dyer stated, "Regarding the condominium complex along Alternative G-Ironwood, many appear to be the elderly. There are not many available places to relocate people to other condos."

Q/C. David Isley stated, "We've tried to address your significant comments regarding an alternative. We've looked at wetlands and G-Ironwood. How do we determine which one we pick? We now have all the information and need to make a decision. If we chose a C, is it permittable?"

Q/C. Jim Gulick stated, "The mayor said that if one alternative serves the citizens better, we could create more wetlands by mitigation."

Q/C. Tom Cervone stated, "From a mitigation standpoint, there are some biologically attractive areas out there. We are hoping to add on to them and perhaps put them into public ownership."

Q/C. Virginia Laszewski asked, "Are you mitigating for upland forest?"

A. Chris Baynes replied that we are not anticipating doing that for this project. For I-69, the amount impacted was considerably larger.

Q/C. Virginia Laszewski stated, "This area has also lost a lot of forest, so the 100 acres or so is probably significant."

Q/C. Elizabeth McCloskey stated, "Losing 100 acres of forest is probably very important here."

Q/C. Virginia Laszewski asked, "Are we satisfied that enough alternatives have been looked at?"

Q/C. Elizabeth McCloskey asked, "I would like to know how the C, G-C western interchange would tie in with the existing interchange."

Carl brings out the interchange configuration maps on the 2002 aerials. The interchanges are discussed.

Q/C. Tom Cervone adds, "As part of wetland mitigation, we also have a 25% buffer. It is usually prairie, but could be forested. We will also be developing a Conceptual Mitigation Plan for wetlands."

Q/C. Virginia Laszewski stated, "A concerted effort to mitigate for upland forest should be made because it is so important for this area."

Q/C. Virginia Laszewski asked, "Are the upland forest impacts mostly in the northwest?"
A. Kia Gillette replies that they are throughout, but there is a large concentration in the northwestern portion.

Q/C. Sara Dyer stated, "The relocation issue will not necessarily go away with Alternatives C or G-C because the subdivisions in the northwestern area are against these alternatives."

Q/C. Chris Baynes stated, "The mayor of South Bend in his recent letter opposes Alternative Es because it ties in at the existing interchange. We are trying to address his specific concerns."

Q/C. Jon Eggen stated, "We will be concerned with cumulative effects after an alternative is picked. Is there any way to avoid additional development?"
A. Chris Baynes replied that the biggest thing we can do is reduce access.

Q/C. Jon Eggen stated, "That is one of our biggest concerns and one thing we will be looking at. We would rather see less access to reduce cumulative development."

Q/C. Elizabeth McCloskey asked, "So, the reason it swings to the west is the Ullery/Fareman House and the Southlawn Cemetery?"
A. Carl Camacho replied yes.

Q/C. Virginia Laszewski asked, "You have two interchanges less than a mile from each other?"
A. Carl Camacho replied yes, but it is in an urban area.

Q/C. Tom Cervone asked, "To IDNR, regarding wetland mitigation, we have an MOU signed in 1991. IDNR has a recent internal guidance with different ratios based on distance from the impact site. We would like some guidance from you on this."

Q/C. Chris Baynes asked, "To IDNR, who is the property manager at Potato Creek State Park? Who should we contact to see if they have a purchase area? Perhaps we can help them add to it."
A. Jon Eggen replied that he will look into it, and you may check the internet.

Q/C. Elizabeth McCloskey stated, "The IDNR Division of Nature Preserves have areas they believe to be high quality, such as a heron rookery. They may like to add to some of these high quality areas."

Q/C. Tom Cervone stated, "Keep in mind Warton and Catfish Lakes as high quality areas."

Q/C. Elizabeth McCloskey stated, "Also, look for willing sellers."

Q/C. Virginia Laszewski asked, "Are we happy that all alternatives have been looked at?"
A. Chris Baynes stated we still may be able to bridge areas to minimize wetland impacts and provide wildlife corridors.

Q/C. Jim Gulick stated, "If you make the same shift to Alternative G-C as in G-Es, you will reduce wetland impacts in that alternative by another 9 or so acres."

Q/C. John Ritchey stated, "It may be a good idea to look at FSA maps."
A. Tom Cervone replied that we keep forgetting that we did walk through and generally made determinations prior to shifting alternatives.

Q/C. Wendy Melgin stated, "Perhaps that should have been in the DEIS and more readily available."

Q/C. Tom Cervone stated, "We expect the wetland numbers would be equal to or less than what the NWI maps show."

Q/C. John Ritchey stated, "We use the 1987 Corps manual. To be a wetland it must meet all three criteria."

Q/C. Elizabeth McCloskey asked, "Is it possible to shift the alternatives to further avoid forest?"
A. Carl Camacho replied, you can, but you are just going to impact something else.

Q/C. Carl Camacho asked, "Is everyone happy that we've looked at all the alternatives?"

Q/C. Virginia Laszewski asked, "What additional transportation measures did you look at?"
A. Carl Camacho replied that we basically started at the beginning and looked at them all. There is not a major industry that is generating peak hour traffic, so nothing really was bringing down the traffic.

Q/C. Elizabeth McCloskey asked, "When do you think a decision will be made?"
A. Chris Baynes replied, hopefully in the next 2 weeks.

Q/C. Ken Westlake asked, "Who makes the decision?"
A. Chris Baynes replied the management team. The governor will likely make the announcement.

Q/C. Tom Cervone stated, "Once you pick a preferred alternative, you can still shift it to minimize impacts."

Q/C. Virginia Laszewski added, "Try and keep the number of interchanges down."

Q/C. Elizabeth McCloskey asked, "Are you doing bat mist netting on both the east and west sides of US 31."
A. Tom Cervone answered yes.

Q/C. Chris Baynes asked, "Does anyone have any comments on G-Es?"
A. Ken Westlake answered, it shows some significant improvements on the environmental side, but I also recognize the relocation impacts.

Q/C. Ken Westlake asked, "Does INDOT know if there will be litigation?"
A. Chris Baynes replied, we don't have an organized group challenging the need for the project as a whole. There are groups against alternatives.

Q/C. Elizabeth McCloskey asked, "Will all of those existing businesses be gone? Would you need frontage roads?"
A. Chris Baynes replied that the businesses will be gone. Some alternatives will need frontage roads, mostly to serve residential areas. The businesses are not large, rather smaller and converted homes.

Q/C. Virginia Laszewski asked, " Do you have any G-Es and G-Ironwood figures to e-mail?"
A. Carl Camacho replied yes we can e-mail those to you.

Q/C. Elizabeth McCloskey stated, "Classified Wildlife Habitat, etc., should be labeled and described in the FEIS."

Q/C. Ken Westlake asked, "Assuming the preferred alternative is selected in the next two weeks – what is the timeline for the FEIS?"
A. Hopefully, the end of the year.

Q/C. Carl Camacho asked, "I'd like to get some opinions on the value of the type of impacts."
A. Virginia Laszewski replied, ask the people who are in the path of the alternative and would have to move. Wetland delineations would also be helpful.
A. Ryan Cassidy replied that IDEM agrees. It depends on the quality of the wetlands and how it would affect water quality. The amount of wetland impacts for all alternatives is significant.
A. Charlie Simon replied that the Corps is charged with permitting the least damaging alternative. Our authority is with wetlands, but we will look at all alternatives and impacts. At this time, we don't have a permit application to start the permitting process.

Q/C. Tom Cervone said, "We should also discuss "waters of the U.S or state." Stream relocations will also be included in the PAMP."

Q/C. Wendy Melgin added, "Also, state if they are on the 303d list."

Q/C. Chris Baynes stated, "Stream mitigation can be difficult from a property owner standpoint."

Q/C. Wendy Melgin asked, "Have you done any IBI index for stream quality?"
A. Kia Gillette responded that we have seined the streams.
A. Tom Cervone added that we are doing a Shannon-Weaver index.

Q/C. Elizabeth McCloskey asked, "One of the Department of Interior's comments was to use a narrow median with a barrier wall. Have you looked into this?"
A. Jim Gulick replied that snow removal in this area is a big concern. This would make it more difficult.
A. Carl Camacho added that there is also a drainage system in the median that would cost more.

Q/C. Tom Cervone asked, "Do you want to have another meeting after you receive the PAMP?"

Q/C. Virginia Laszewski asked, "Could you let me know prior to the PAMP – about a month before hand?"
A. Carl Camacho replied that yes we will send out an e-mail.

After the formal meeting, Carl Camacho and Jim Keefer, Manager of the Aeronautics Section of INDOT, discussed the proximity of the new facility to the new runway at the Plymouth Airport. The following summarizes the discussion.

Q/C. Jim Keefer stated, "A permit from us and an airspace analysis are required for any structure, temporary or permanent, which exceeds 200 Foot AGL, or penetrates a 100:1 slope from any existing or approved future runway. It is my understanding that you have received the Airport Layout Plan sheet that shows the future runway. If the designers want to avoid any potential delays in construction of lights, signs, or other structures, they should avoid this imaginary surface. For the purpose of constructing the road, you also have to consider cranes or other tall equipment. If this slope would be penetrated by construction activity, there must be an airspace analysis.

The other numbers 34:1 and 50:1 were referring to potential future approaches to the airport. Even though you have to file for anything that breaks the 100:1, it is unlikely that anything would ultimately get a negative airspace report (finding of hazard to air navigation), which did not penetrate the 50:1 or even 34:1.

In summary, avoid the 100:1 if you want to avoid multiple airspace analyses. Avoid 50:1 if you don't mind getting the permits but want to virtually assure there won't be an airspace issue."

US 31 Plymouth to South Bend Environmental Impact Statement
Interagency Meeting
Lakeville, IN
December 3, 2004

An Environmental Review Agency meeting was held at the Old Lakeville School in Lakeville, IN on December 3, 2004. The meeting began at 10:00 a.m. and lasted to about 1:00 p.m. The purpose of the meeting was to discuss the Preferred Alternative G-Es and mitigation measures identified in the Preferred Alternative and Mitigation Package (PAMP) dated October 2004. Those present at the meeting include the following:

Virginia Laszewski, USEPA NEPA Program	(laszewski.virginia@epa.gov)
Cathy Garra, USEPA	(garra.catherine@EPA.gov)
Deborah Knepp, USDA NRCS	(deb.knepp@in.usda.gov)
Troy Manges, St. Joseph County SWCD	(troy-manges@iaswcd.org)
Nick Batta, INDOT Engineering Assessment	(nbatta@indot.state.in.us)
Roy Nunnally, INDOT	(rnunnally@indot.state.in.us)
Elizabeth McCloskey, USFWS	(elizabeth_mccloskey@fws.gov)
Matt Fuller, FHWA	(matt.fuller@fhwa.dot.gov)
Chris Baynes, INDOT	(cbaynes@indot.state.in.us)
Janice Osadczuk, INDOT (via phone)	(josadczuk@indot.state.in.us)
Bob Buskirk, INDOT	(rbuskirk@indot.state.in.us)
Andrew Pelloso, IDEM	(apelloso@dem.state.in.us)
Liz Elverson, IDEM	(eelverso@dem.state.in.us)
Carl Camacho, BLA	(ccamacho@blainc-indy.com)
Tom Cervone, BLA	(tcervone@blainc.com)
David Isley, BLA	(disley@blainc.com)
Kia Gillette, BLA	(kgillette@blainc-indy.com)
Rusty Yeager, BLA	(ryeager@blainc.com)

Introduction

The meeting began by Carl Camacho, the BLA project manager, introducing himself and asking the meeting participants to introduce themselves. The consultant then began a Power Point presentation that included: a project introduction/summary of major milestones, a summary of agency and public comments/concerns regarding the DEIS, an evaluation of the alternatives and the selection of the Preferred Alternative, and proposed mitigation measures for the project. All of this information is within the Preferred Alternative Mitigation Package (PAMP). Participants were also given an agenda for the meeting, a copy of the "Waters of the U.S." Verification Report, a copy of the Power Point presentation (copied in color), and copies of tables in the presentation. All of this information is available for agency comment on the project.

The following questions/comments and answers were entertained during the presentation:

Q/C. "Will minutes be taken during the meeting?"
A. Yes, we will take minutes.

Q/C. "Do the "consulting parties" in the presentation refer to Section 106 consulting parties?"
A. Yes.

Q/C. "Did G-Es have operational problems? It states "YES" in the presentation table, and this is different from what is shown in the PAMP?"
A. No, I'm sorry. The table in the presentation should say "NO," not "YES."

Q/C. "Were there any wetland and forest impacts associated with the local access improvements?"
A. No, most of this area is residential and commercial.

Q/C. The question was asked regarding the definition of Context Sensitive Solutions and what that incorporates?
A. It could incorporate many things. It could incorporate shifting the alignment many times
A. Yes they may include noise barriers or different types of barriers, or even tree plantings.

Q/C. "Have any Context Sensitive Solutions have been identified to date?"
A. No not yet. It will be done in design and there will be community involvement.

Q/C. "In some areas, Context Sensitive Solutions can include wildlife crossings."
A. Yes, for some projects.

Q/C. "The city may try and continue the gateway aesthetics further into the city."
Comment requiring no answer.

Q/C. "Will those impacted receivers, where it is not reasonable to build walls, be included in the FEIS? With a map?"
A. Yes, we could probably include it in a table in an appendix.

Q/C. "Because the FEIS is a public document, it should probably be clearly included in the main text."
A. We may be able to show them in the atlas.

Q/C. "Why was South Bend more interested in the western connection?"
A. They didn't like the elevated highway which was originally in the DEIS. They also had issues with local access and emergency service access. Also, they have some plans for redevelopment north of US 20.

Q/C. "Does your traffic analysis include the commercial development?"
A. Yes it does.

Q/C. "Are Scott And Fellows Streets going up and over US 20?"
A. Yes.

Q/C. "What about pasture lands? Are they considered an agricultural commodity?"
A. A regulatory agency replied, no they are not considered an agricultural commodity. Agricultural commodities are only those that are traded on the market.

Q/C. "Did the study area have any natural streams with riffle pool complexes?"
A. No. The majority of the streams to be impacted were agricultural ditches with a silt (soft) substrate. The majority of the streams have been identified as regulated drains.

Q/C. "Would an area that had drain tile, that used to be wetland be considered prior converted?"
A. Yes.

Q/C. "Does the Corps have any jurisdiction over prior converted wetlands?"
A. A regulatory agency replied no to this question.

Q/C. "What is the distinction between farmed wetlands and prior converted?"
A. A regulatory agency replied, prior converted wetlands no longer meet wetland criteria. Farmed wetlands do meet wetland hydrology, but can currently be farmed.

Q/C. "If only IDEM regulated wetlands (isolated) are impacted, what would the mitigation acreage be?"
A. It would be about ½ to ¼ less.

Q/C. "What width would a 25% buffer translate into?"
A. A minimum of 25 to 30 feet.

Q/C. "Does the buffer area take into consideration invasive species?"
A. The NRCS recommends to seeding with native species and will work with the property owner to keep the invasives out.

Q/C. "In the final EIS, it would be helpful to show the 8-digit watershed boundary. Also, the Detroit Corps Mitigation Guidelines should be followed."
A. The 8-digit watershed is shown in both the "Waters of the US" Verification report and the Conceptual Wetland Mitigation & Monitoring Report. The Conceptual Wetland Mitigation & Monitoring Report incorporates the Detroit Corps Guidelines.

Q/C. "Some of the wetlands at Potato Creek were restored as part of the Partners for Fish and Wildlife program and used federal money."
A. Yes, but the IDNR has not spent any money restoring wetlands at the park.

Q/C. "Who owns the land at the Lake of the Woods?"
A. At this time we don't know. But the local watershed group indicates that it will probably be a willing seller.

Q/C. "At the Lake of the Woods, are the homes year-around, or are they vacation homes?"
A. Now most are year around. They have been tearing down some of the vacation homes and building larger homes.

Q/C. "Are the residents of the Lake of the Woods on septic systems or sewer?"
A. They are now on sewer.

Q/C. "Are Marker and Grimes Ditches in the St. Joe watershed?"
A. Yes.

Q/C. "What about mitigation for upland forests?"
A. INDOT is not planning on mitigating for upland forests at this time.

Q/C. "Upland forest mitigation was encouraged for this project."
A. Upland forest mitigation is not anticipated in this project at this time.

Q/C. "Will wetland banking be a part of the mitigation sites?"
A. Mitigation banking is not being considered at the present time.

Q/C. "INDOT has had a tree planting program. In the past, INDOT has done upland plantings in the right-of-way. These plantings are managed by the IDNR."
This is a comment requiring no answer.

Q/C. "As part of the wetland buffer areas, could you use 100 feet and plant it with trees?"
A. Yes, that will be a possible consideration.

Q/C. "Regarding the tables in the PAMP, there are different wetland impact numbers shown – 33 acres, 26 acres, and the presentation said 30 acres. What is the actual acreage?"
A. It is 30 acres. This number is based on wetland delineations for the entire footprint. The other numbers reflect NWI impacts or a combination of NWI and wetland delineations.

Q/C. "Are the wetlands to be impacted associated with streams?"
A. There are very few associated with streams. Only one area immediately comes to mind.

Q/C. "When we get the Corps letter, the isolated wetlands should be mitigated at isolated mitigation sites."
A. Okay.

Q/C. For Site 28 in the "Waters of the US" report, is the water flowing toward the lake, or from the lake?"
A. It is flowing <u>from</u> the lake.

Q/C. "Do you know at this point what streams will be bridged and which will be culverted, and if any will be realigned?"
A. None will be realigned and we have identified the streams that will need culverts and bridges.

Q/C. "Will you be bridging some streams?"
A. Yes, but anything larger than 20 feet wide is considered a bridge.

Q/C. "Regarding isolated wetlands and mitigation, who decides if the site is isolated?"
A. A regulatory agency replied, the Corps will decide. IDEM requires mitigation of isolated wetlands with isolated wetlands. IDEM will work with BLA, and will likely encourage you to find 1 site and do all the isolated wetland mitigation in one place.

Q/C. "We may need 2 sites, one in each watershed or county."
Response only, no question.

Q/C. "Does IDEM not take into account functions and values for isolated wetland mitigation?"
A. This is correct.

Q/C. "When would you apply for a Corps permit ?"
A. It will likely be 4 – 6 years.

Q/C. "The NRCS can work with property owners in the area and you to possibly find an isolated site. We know of one property owner that will have a corner of their property impacted. They are also interested in restoring a wetland that will be isolated."
A. This would be excellent.

Q/C. "When will the FEIS be out?"
A. It will likely be the first of the year.

Q/C. "You need more definitive mitigation commitments in the FEIS."
A. Thank you for your comment.

Q/C. "Has there been any controversy or other major issues with the project?"
A. No, not really.

Chris Baynes then thanked the agencies for their hard work throughout the entire streamlining process. She acknowledged the time put into attending meetings and providing comments, but felt the process really worked well for this project. She used as an example, some 86 acres of potential impacts to wetlands being reduced to 30 acres for the Preferred Alternative. Cooperation in these projects not only helps the environment but so too the people of the community.

WYTHOUGAN VALLEY PRESERVATION COUNCIL, INC.

308 South Michigan St. - Plymouth, IN 46563 (574) 936-7517

"preserving the standing reminders of our collective Marshall County past"

March 8, 2004

Ms. Chris Baynes
Indiana Department of Transportation
100 N. Senate Avenue Rm N855
Indianapolis, IN 46204

RE: US 31 - Plymouth to South Bend Study, Marshall County historic properties

Dear Ms. Baynes:

Thank you for the invitation to join the public announcement regarding the U.S. 31 project a few weeks ago, both as a consulting party and Plymouth Common Council member. While the number of alternate routes in St. Joseph County has been reduced to three, it is apparent that the route in Marshall County is now set.

Despite advocacy of a more westerly alignment (along the old Vandalia railroad line) by the Marshall County Economic Development Board, the town of Lapaz, the city of Plymouth, and the two consulting parties - the Marshall County Historian and Wythougan Valley Preservation Council, INDOT has determined another route is more appropriate for our communities. This is very distressing. I trust that some kind of accommodations can be made by the Indiana Department of Transportation for our communities to ensure a less detrimental affect on our local economy, safety and cultural heritage.

To address concerns I have as an elected official from Plymouth I would ask that INDOT consider the heavy amount of traffic that will be diverted to the Plymouth/Goshen Trail intersection with U.S. 30 due to the redesign of U.S. 31 and the redesign of the 9A Road intersection with U.S. 31. This is currently and will become even more so a dangerous intersection that INDOT by nature of their plans is creating. I am also concerned about emergency response time by Plymouth and North Township fire departments in the area north of U.S. 30 and east of U.S. 31 due to the limited access provided. Whether or not an additional access is granted north of U.S. 30 and south of 5th Road; it seems imperative additional thought be given to the other area intersections that will feel the plan's effects. In my opinion, creating an on/off situation at Lincoln Highway would help tremendously.

In review of the plans as a consulting party for historic properties, I would ask INDOT mitigate their intrusion on Marshall County properties with the road by doing the following two things:

1) Shift the road approximately 200' east just in the area of 1B Road to avoid the White-Scott farm (currently the road would require razing the farmhouse but leave the barn-if the road would be shifted east the farmstead would be allowed to remain). This resource was identified in earlier correspondence from our organization.

2) Provide dense tree plantings along the east side of the section of new road between 2C Road and U.S. 6 to alleviate visual intrusion of the road behind the series of old farms on the west side of Lilac Road. These farms are listed in the historic sites and structures survey and should retain their rural character.

I feel that as the Marshall County community we have asked for so little from INDOT on the new highway and have obviously received no consideration whatsoever of our requests. I would ask that you carefully consider the requests above. Thank you.

Sincerely,

Kurt West Garner

cc: Mrs. Linda Rippy, Marshall County Historian

State of Indiana Senate

Senator John E. Broden
1319 Otsego St.
South Bend, IN 46617
Home (574) 289-0401
EMAIL: S10@IN.gov

April 23, 2004

Committees:
Economic Development & Technology, R.M.M.
Criminal, Civil & Public Policy
Governmental Affairs & Interstate Cooperation
Judiciary

J. Bryan Nicol
Indiana Department of Transportation
100 N. Senate Ave.
IGCN Room N755
Indianapolis, IN 46204

RE: US 31 Options

Dear Commissioner Nicol:

I am writing to offer my support for US 31 alignments Cs and G-C. First, however, I want to offer my unequivocal support for the upgrade of US 31 to freeway standards. The current road is unsafe and carries with it a traffic fatality rate that is unacceptable. Thus, for safety reasons any of the remaining options would present a marked safety improvement.

In assessing the three remaining options, I believe that Cs and G-C would provide the best economic benefit to northern Indiana and to South Bend and Mishawaka with the least disruption to exiting homes and businesses. I have serious concerns that Es, while a clear structural improvement to the existing US 31, would thwart nascent, long overdue, and exciting development on the South Bend's south side. The City of South Bend, at great expense, has already extended utilities south of US 20 to prepare for pending economic development in this area. In reviewing the plan for Es, it appears as though that plan would actually hinder this future development. Further, Es is the most expensive option, interferes the most with exiting homes and businesses, and would pose the greatest hurdles to future economic development on the south side of South Bend.

I realize this is a difficult decision and I thank you in advance for your consideration of this letter. If you have any questions at any time, you may feel free to contact me.

Sincerely,

John E. Broden

State of Indiana Senate

Senator Kent Adams
1303 Lakewood Hills Drive
Warsaw, Indiana 46580-2163
Residence (574) 267-1727
Senate (800)382-9467

Committees;
Environmental Affairs, R.M.
Governmental Affairs & Interstate Cooperation
Interstate Cooperation Subcommittee, Chair
Natural Resources, R.M.
Pensions and Labor

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April 20, 2004

BLA-INDY

Carl Camacho, Project Manager
Bernardin Lochmueller & Associates
7830 Rockville Road, Suite C
Indianapolis, IN 46214

Dear Mr. Camacho:

I am writing to express my opposition to the proposed plan for the US 31 Plymouth to South Bend Improvement Project. My objections are threefold.

First, the plan jeopardizes the health and safety of county residents by severely restricting the ability of emergency vehicles to travel east and west across the county. As you know, the proposed plan would close the majority of east-west county roads north of US 30.

Closing those roads will make it very difficult for emergency personnel in the towns of LaPaz and Bremen to provide each other with mutual aid on fire and other emergency runs. Closing east-west routes will force all emergency vehicles to travel on US 6, which will itself be heavily congested by traffic that once used county roads but no longer can because those roads dead end at US 31.

By limiting east-west routes in North Township to only one (US 6), precious minutes will be added to the travel time of emergency vehicles. Those lost minutes will result in lost lives and that is unacceptable.

Secondly, I oppose the current proposal because it fails to meet one of the main objectives of the project, i.e. increasing economic development opportunities in northern Indiana.

By first cutting Marshall County in half, and then limiting the number of interchanges to just two, the proposal essentially isolates Marshall County communities from each other and the rest of the state. This isolation will significantly damage the economic vitality of every community in Marshall County.

Finally, I oppose the US 31 project because the current proposal fails to adequately address the access needs of the City of Plymouth. As you know, the US 31 9A Road intersection is a vital transportation link for the city; however, that intersection eventually will be closed.

With the closing of the US 31 9A Road intersection, city and county residents will be further isolated from each other and the state. To prevent this from happening, a request by my colleague, Representative Steven Heim, was sent to INDOT last summer requesting an interchange at Lincoln Highway and US 31. In reply, INDOT Commissioner Bryan Nicol said that interchanges and access roads must be considered as part of the overall plan for US 31. Unfortunately, the current proposal utterly fails to address this issue.

For these reasons, I oppose the US 31 Plymouth to South Bend Improvement Project as proposed and strongly urge you to adopt the changes recommended by the Marshall County Commissioners. I believe the commissioners' recommendations properly address the safety, economic and access needs of the county and its residents and should therefore be incorporated into the US 31 project.

Thank you for your time and consideration. If you have any questions, please don't hesitate to contact me.

Sincerely,

Kent Adams
State Senator

STATE OF INDIANA
HOUSE OF REPRESENTATIVES
THIRD FLOOR STATE HOUSE
INDIANAPOLIS, INDIANA 46204

Steven Heim
200 W. Washington St.
Indianapolis, IN 46204
website: www.in.gov/H17

Environmental Affairs, RMM
Technology, Research and Development
Public Policy, Ethics And Veterans Affairs

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APR 2 1 2004
BLA-INDY

April 20, 2004

Carl Camacho, Project Manager
Bernardin Lochmueller & Associates
7830 Rockville Road, Suite C
Indianapolis, IN 46214

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Finally, I oppose the US 31 project because the current proposal fails to adequately address the access needs of the City of Plymouth. As you know, the US 31 9A Road intersection is a vital transportation link for the city; however, that intersection eventually will be closed.

With the closing of the US 31 9A Road intersection, city and county residents will be further isolated from each other and the state. To prevent this from happening, I sent a request to INDOT last summer requesting an interchange at Lincoln Highway and US 31. In reply, INDOT Commissioner Brian Nicol said that interchanges and access roads must be considered as part of the overall plan for US 31. Unfortunately, the current proposal utterly fails to address this issue.

For these reasons, I oppose the US 31 Plymouth to South Bend Improvement Project as proposed and strongly urge you to adopt the changes recommended by the Marshall County Commissioners. I believe the commissioners' recommendations properly address the safety, economic and access needs of the county and its residents and should therefore be incorporated into the US 31 project.

Thank you for your time and consideration. If you have any questions, please don't hesitate to contact me.

Best Regards,

Steven Heim
State Representative

SMH:TAJ/sf

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APR 2 2 2004
BLA-INDY

State of Indiana Senate

Senator Nancy Dembowski
902 S. Pearl St.
Knox, IN 46534
Residence (574) 772-3876
EMAIL: S5@IN.gov

Committees:
Elections & Civic Affairs
Governmental Affairs & Interstate Cooperation
Judiciary

April 21, 2004

Carl Camacho, Project Manager
Bernardin Lochmueller & Associates
7830 Rockville Road Ste C
Indianapolis IN 46214

Dear Mr. Camacho:

I am writing to express my opposition to the proposed plan for the US 31 Plymouth to South Bend Improvement Project. My objections are threefold.

First, the plan jeopardizes the health and safety of county residents by severely restricting the ability of emergency vehicles to travel east and west across the county. As you know, the proposed plan would close the majority of east-west county roads north of US 30.

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Finally, I oppose the US 31 project because te current proposal fails to adequately address the access needs of the City of Plymouth. As you know, the US 31 9A Road intersection is a vital transportation link for the city; however, that intersection eventually will be closed.

With the closing of the US 31 9A Road intersection, city and county residents will be further isolated from each other and the state. To prevent this from happening, I supported a request to INDOT last summer requesting an interchange at Lincoln Highway and US 31. In reply INDOT Commissioner Bryan Nicol said that interchanges and access roads must be considered as part of the overall plan for US 31. Unfortunately the current proposal utterly fails to address this issue.

For these reasons, I oppose the US 31 Plymouth to South Bend Improvement Project as proposed and strongly urge you to adopt the changes recommended by the Marshall County Commissioners. I believe the commissioners' recommendations properly address the safety, economic and access needs of the county and its residents and should therefore be incorporated into the US 31 project.

Thank you for our time and consideration. If you have any questions, please don't hesitate to contact me.

Sincerely,

Nancy Dembowski
State Senator
District 5

US 31 Plymouth to South Bend
DEIS Correspondence

Project No. N/A Des. No. N/A

Project Description US 31 Corridor Improvements Plymouth to South Bend

Environmental Impact Statement preparation

Name of Organization requesting early coordination:

Bernardin, Lochmueller & Associates, Inc.

QUESTIONNAIRE FOR THE INDIANA GEOLOGICAL SURVEY

1) Do unusual and/or problem ( ) geographic, (X) geological, ( ) geophysical, or ( ) topographic features exist within the project limits? Describe:
Wetlands and Maxinkukee Moraine have been addresses in the report

2) Have existing or potential mineral resources been identified in this area? Describe:
NO

3) Are there any active or abandoned mineral resources extraction sites located nearby? Describe: NO

This information was furnished by:

Name: Marni Lynne Dickson Title: Geologist
Address: 611 N Walnut Grove, Bloomington, IN 47404
Phone/Fax: (812)855-1366 / (812) 855-2862
Email: mldickso@indiana.edu

Date: 01/14/04

JAN 2 9 2004

U.S. Department
of Transportation

Federal Transit Administration
Region V
200 West Adams St., Suite 320
Chicago, IL 60606-5253

Federal Highway Administration
Indiana Division
575 N. Pennsylvania St., Rm 254
Indianapolis, IN 46204-1576

NOV 14 2003

Mrs. Vaneeta Kumar
Deputy Commissioner
Office of Planning and
Intermodal Transportation
Indiana Department of Transportation
100 N. Senate Ave., IGCN 755
Indianapolis, IN 46204

Attention: Mrs. Janice Osadczuk, Chief
Environment, Planning & Engineering Division

Subject: Conformity Finding on MACOG FY 2004-06 Transportation Improvement Program (TIP)

Dear Mrs. Kumar:

The Federal Highway Administration (FHWA) and the Region 5 Federal Transit Administration (FTA) have reviewed the Michiana Area Council of Governments (MACOG) FY 2004-06 Transportation Improvement Program (TIP). The MACOG Policy Board approved the TIP by resolution on July 9, 2003.

The MACOG area (which consists of St. Joseph and Elkhart Counties in Indiana) is a maintenance area for the 1-hour ozone standard. There are five primary criteria of the conformity rule (62FR43779) that must be met. These criteria include the following: use of the latest planning assumptions, use of the latest emissions model, use of appropriate consultation procedures, consistency with the mobile source emission budget in the State Implementation Plan (SIP), and provisions for timely implementation of transportation control measures in the SIP.

The Indiana Department of Transportation (INDOT), the Department of Environmental Management (IDEM) and the Region 5 US Environmental Protection Agency (USEPA) had an opportunity to comment on MACOG' FY 2004-06 TIP. One area of concern that was expressed by IDEM, with respect to the 1999 Memorandum of Understanding (MOU) concerning Process and Procedures for the Coordination of Transportation and Transportation Related Air Quality Planning, was the provision of the MOU that requires the timely circulation and review of draft planning documents prior to formal consultation.

FHWA and FTA encourage the MPO to provide these draft documents in a more timely fashion in the future. Although the federal consultation process had to be delayed as a result of a delay in submitting the draft planning documents, the consultation parties did find the TIP to meet the above conformity requirements.

FHWA and FTA find the FY 2004-06 TIP conforms with the adopted SIP in accordance with the provisions of 40 CFR 51. In addition, the FHWA and FTA find the TIP was developed based on a continuing, cooperative, and comprehensive transportation planning process in accordance with 23 USC 134 and 23 CFR 450 and is acceptable for inclusion into the Indiana Statewide Transportation Improvement Program.

If you have any questions, please contact David Franklin at 317-226-7489 or Douglas Gerleman at 312-886-1621.

Sincerely yours,

Joel P. Ettinger
Regional Administrator
Federal Transit Administration

Sincerely yours,

for Kathleen H. Quinn
Acting Division Administrator
Federal Highway Administration

cc:
Vaneeta Kumar, INDOT IGCN 755
Sandra Seanor, MACOG MPO
Janice Osadczuk, INDOT IGCN 848
Dave Holtz, INDOT IGCN 808
Victor Austin, R-5 FTA
Patricia Morris, USEPA Region 5
Scott Deloney, IDEM
Matt Frazer, INDOT IGCN 848
April Schwering, INDOT IGCN 749
Jerry Halperin, INDOT IGCN 926
IN D/O Planning Library w/ TP
IN D/O Planning Library w/ FY 2004-06 TIP
File 731.04
DAFranklin:jaw
EF:SGMACOG2004-06TIP.JEN

DNR Indiana Department of Natural Resources

Frank O'Bannon, Governor
John Goss, Director

July 1, 2003

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JUL 07 2003
BLA-INDY

Kia Gillette
Bernardin-Lochmueller
7830 Rockville Rd. Ste. C
Indianapolis, IN 46214-3105

Dear Ms. Gillette,

Attached you will find a list of the landowners with Classified Wildlife Habitat property potentially affected by the 31 bypass project and their location on plat maps. I hope this is what you needed. If not please let me know and I will do what I can to help. If you have any questions or comment, please let me know.

Sincerely,

Linda K. Byer
District 2 Biologist
Kankakee FWA
P.O. Box 77
North Judson, IN 46366
(574) 896-3572
lbyer@dnr.state.in.us

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Classified Wildlife Habitat areas in St. Joseph county in bypass project.

Freehauf Corp. / Harold Freehauf 30.9 acres in two tracts
19528 Shively Rd.
Lakeville, In 46536

Robert W. Wolfe 63.7 acres in two tracts
1204 E. Jefferson Apt. C
LaPorte, In 46350

Lamonie Carter Estate 40.4 acres
19444 Detroit Ave.
South Bend, IN 46614

Albert Gostola 48.91 acres
62650 Oak Rd.
South bend, IN 46614

John Davis 36.6 acres
66301 Oak Rd.
Lakeville, IN 46536

Lee Ewing 17 acres
22012 W. Ireland
South Bend, IN 46614

Dennis Schafer 15 acres
65300 Maple Rd.
Lakeville, IN 46536

Patricia M. Walz 15 acres
19591 Roosevelt Rd.
South Bend, IN 46614

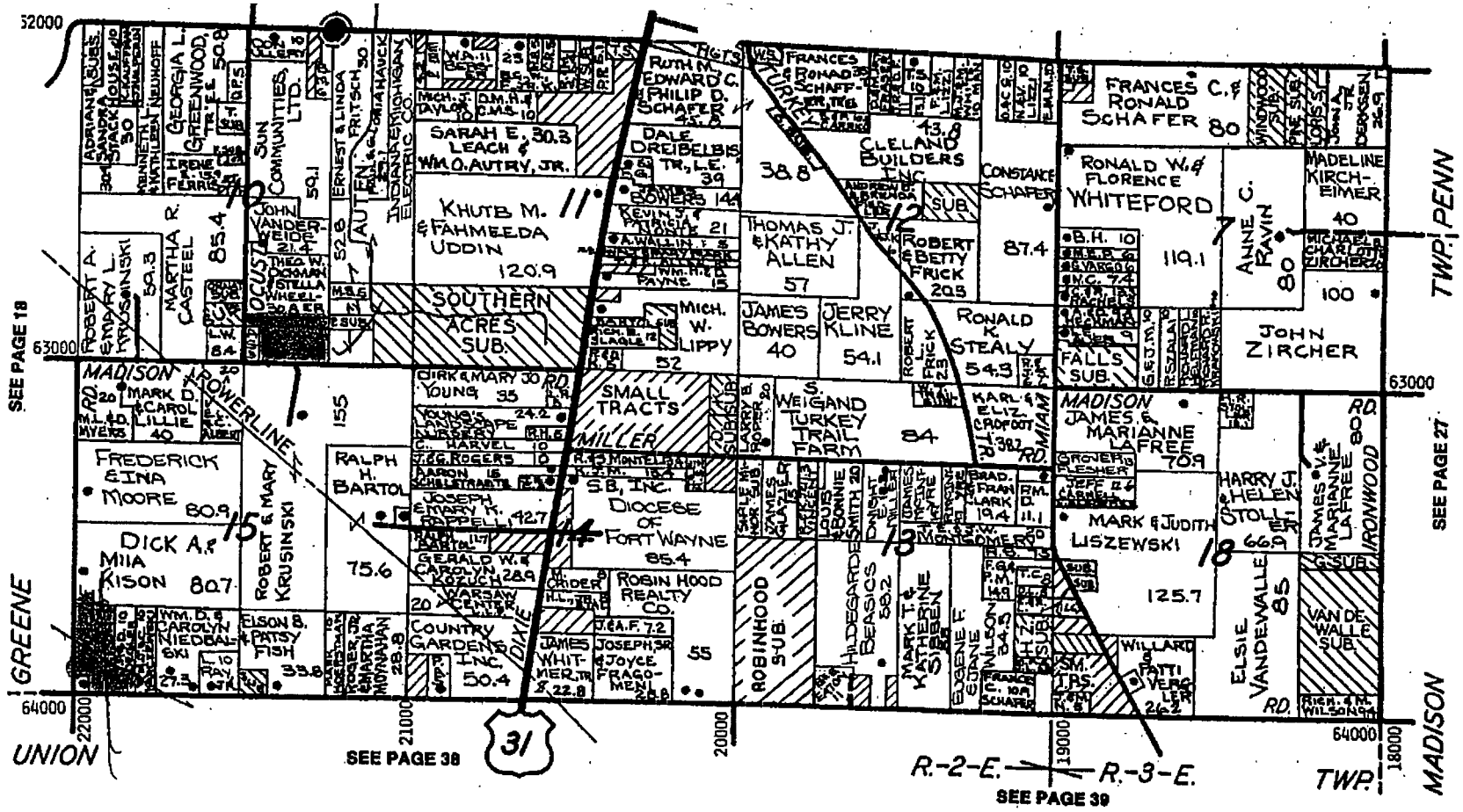
John Deak 17.6 acres
21401 Madison Rd.
South Bend, IN 46614

Mary Shafer 19.2 acres
21900 Shively Rd.
Lakeville, IN 46536

continue

Curtis Crofoot 24.37 acres
Suzanne Crofoot 24.37 acres
22333 St Rd. 4
Lakeville, IN 46536

Lorraine Fuchs 27.5 acres
21451 St. Rd. 4
Lakeville, IN 46536



St. Joseph Co. **CENTRE** Twp.

APPRAISAL GROUP, INC.

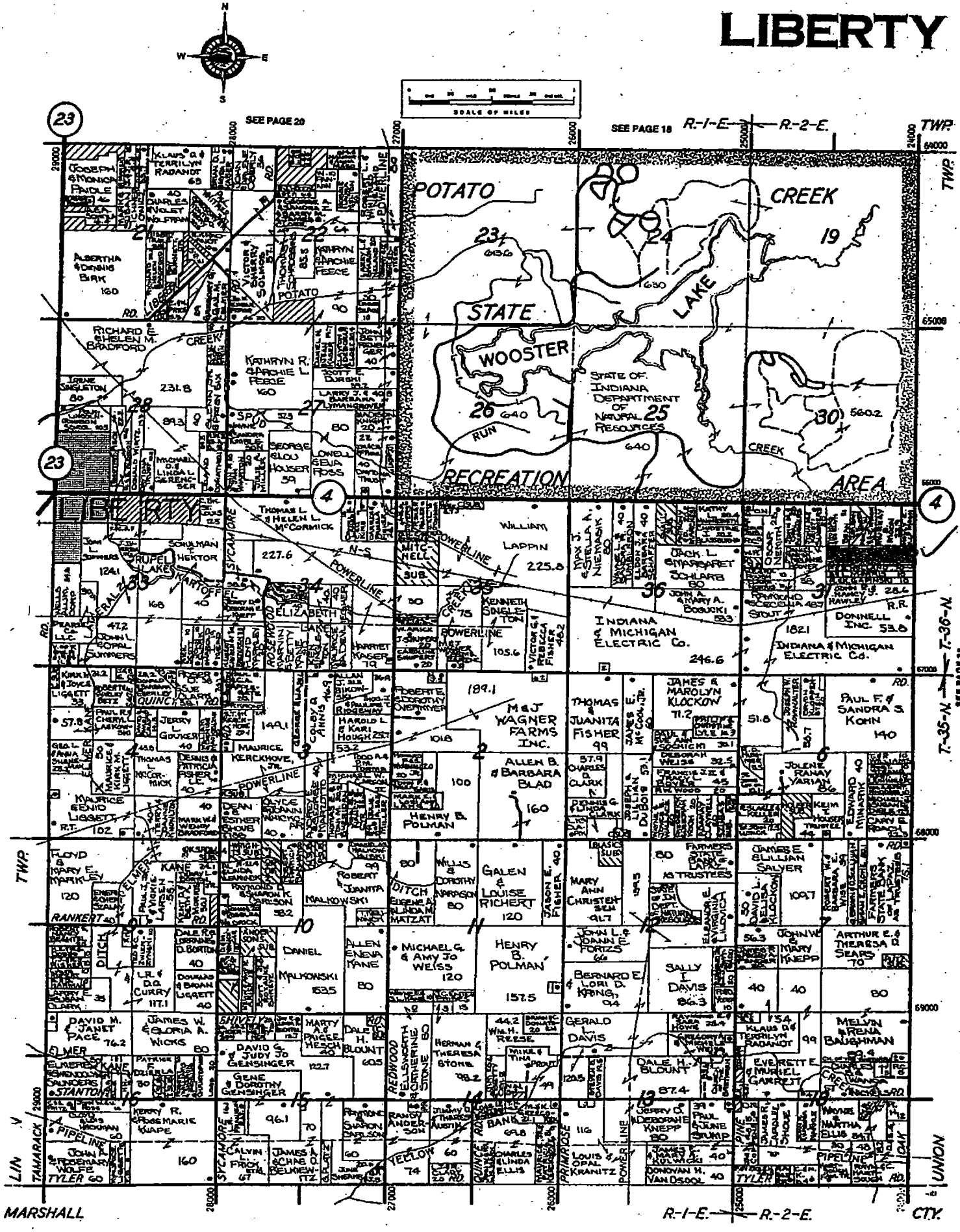
574-232-3660

or 1-800-527-0261

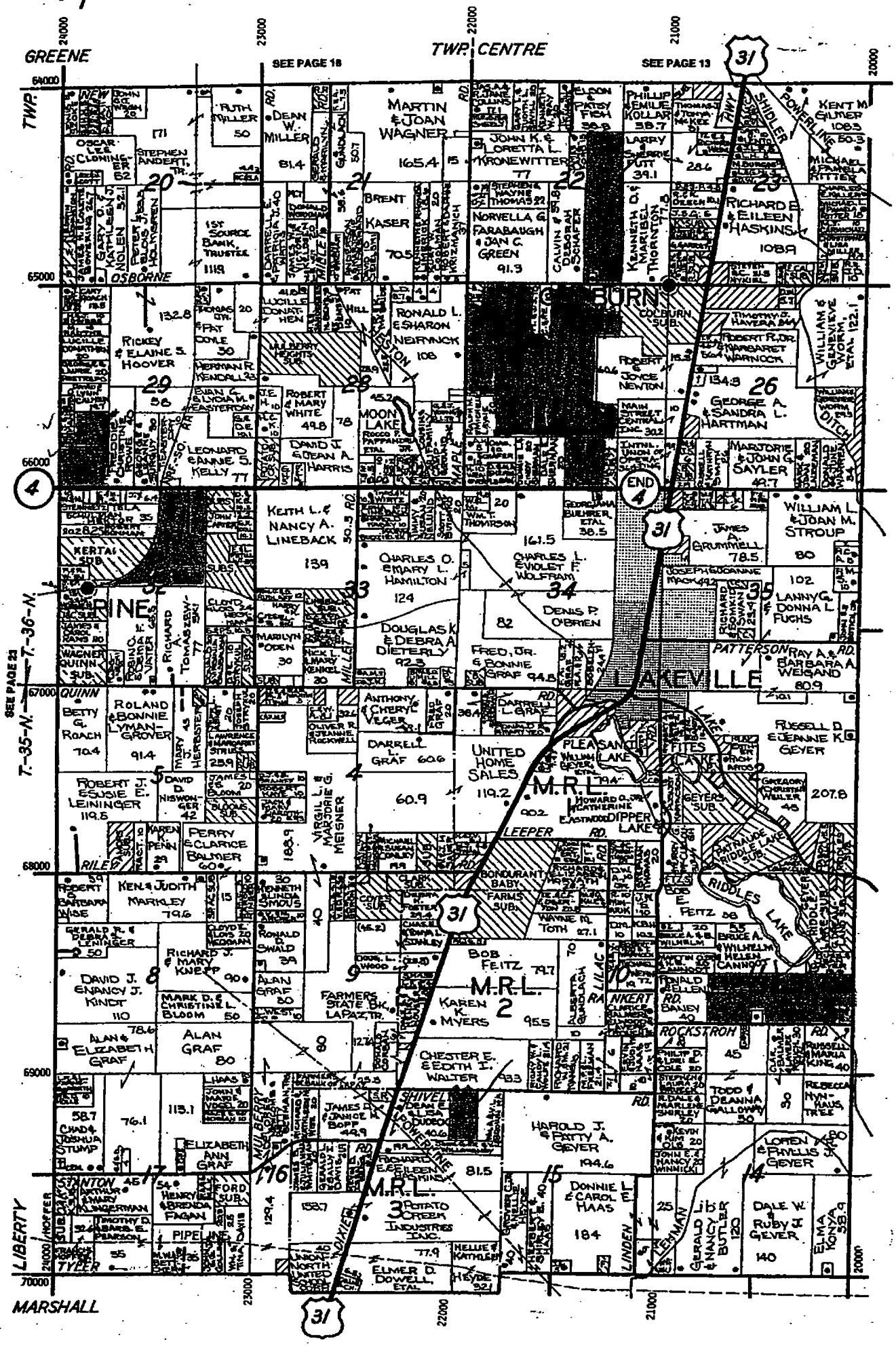
922 E. Jefferson Blvd. • South Bend, IN 46617

ST. JOSEPH CO.

LIBERTY



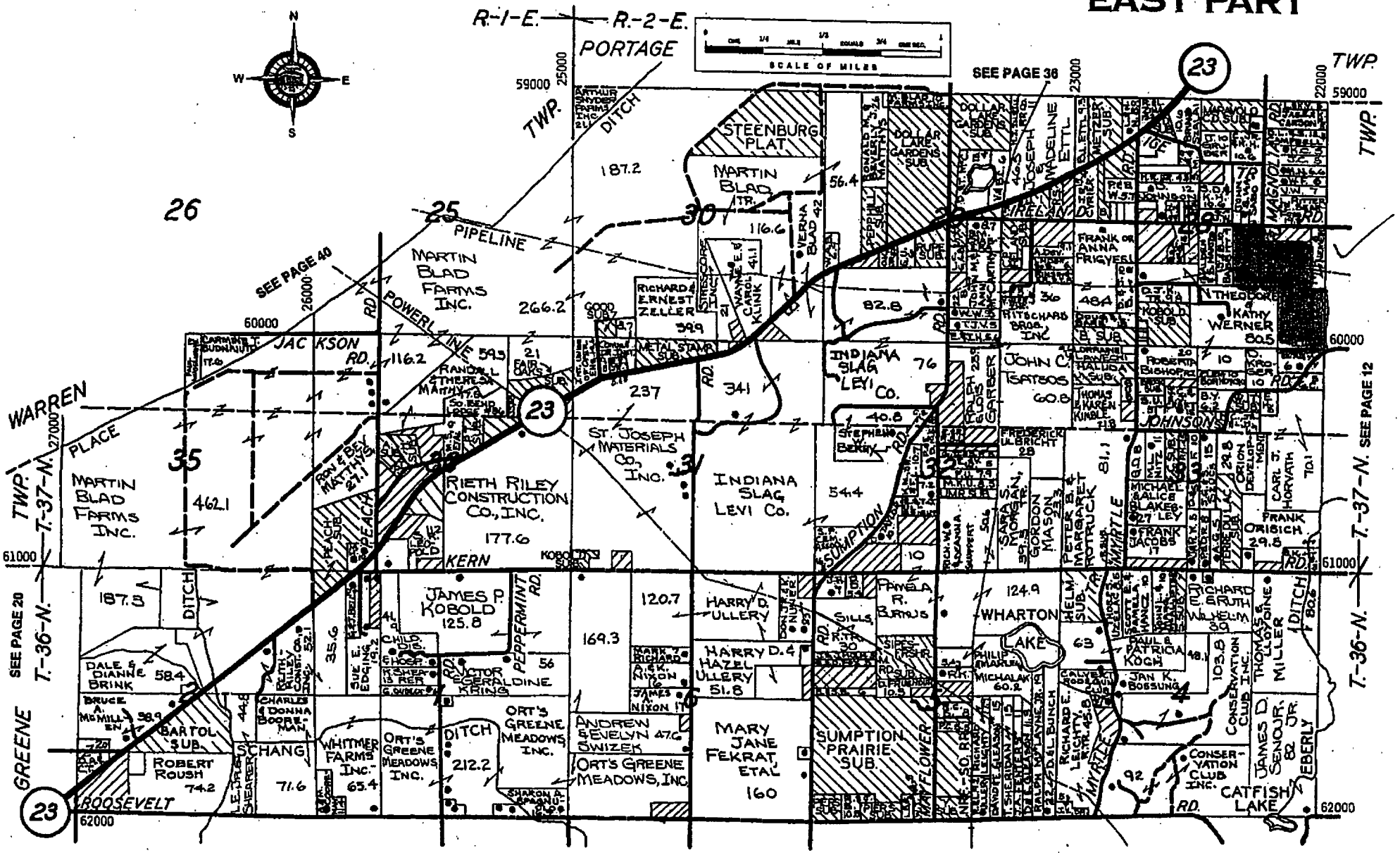
UNION Twp ST. JOSEPH Co.

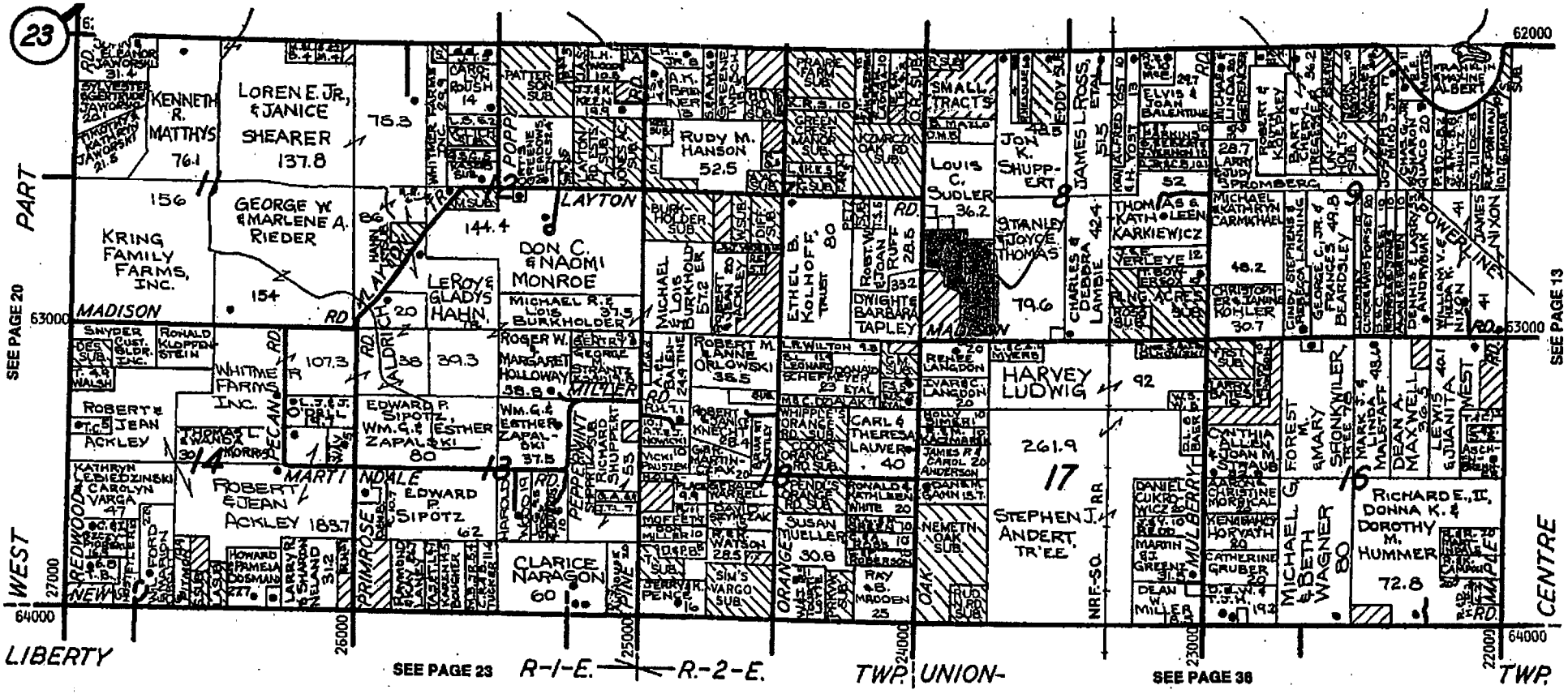


St. Joseph Co.

TOWNSHIP 36-37 N.
RANGE 1-2 E.

GREENE
EAST PART





GREEN EASY St. Joseph Co.

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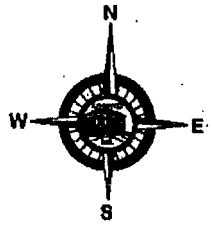
P.O. Box 780 • 6910 N. Main Street
Granger, IN 46530
Fax (574) 271-7091

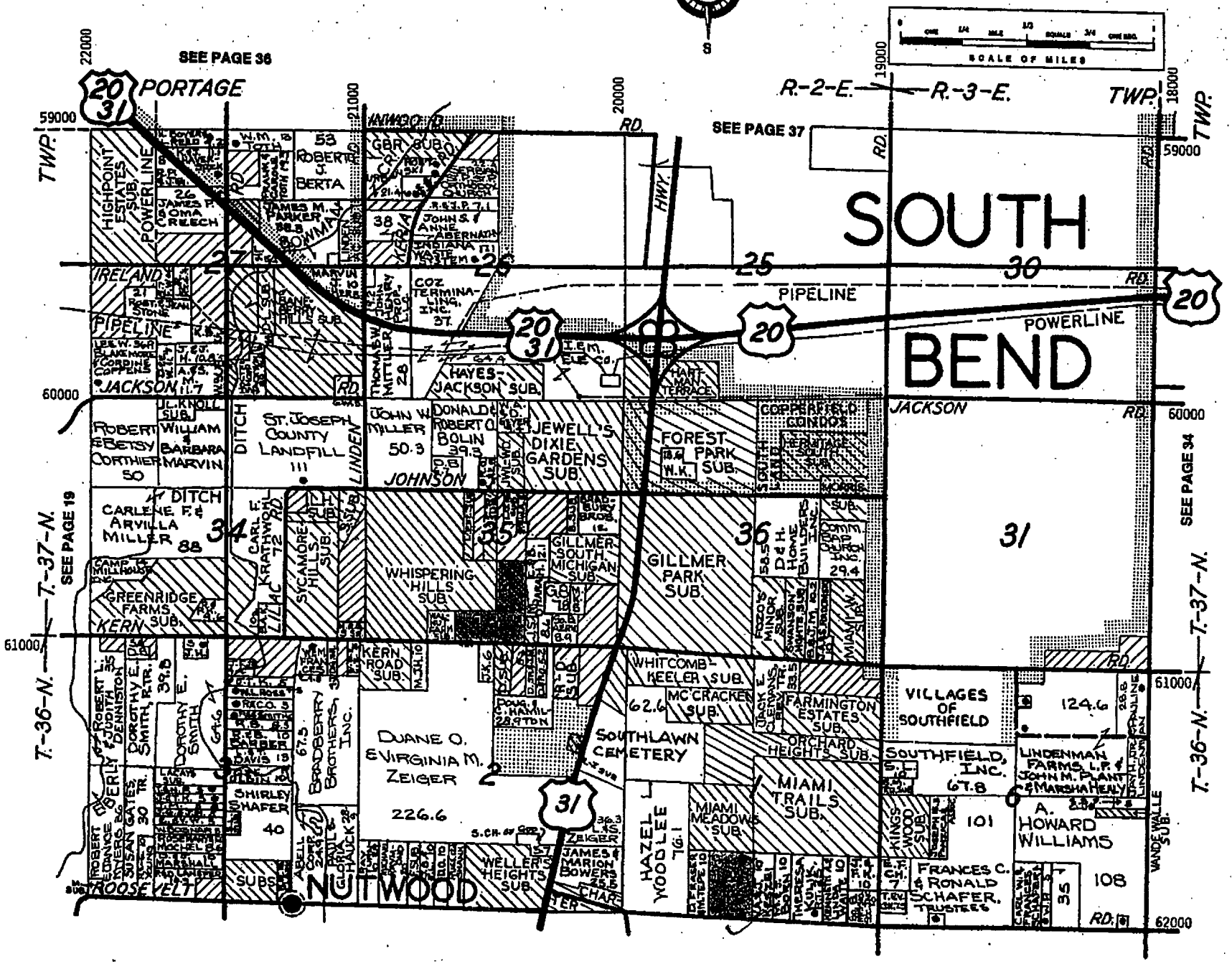
e-mail: titlesearch@skyenet.net

St. Joseph Co.

TOWNSHIP 36-37 N.
RANGE 2-3 E.



CENTRE



DNR Indiana Department of Natural Resources

Frank O'Bannon, Governor
[redacted], Director

RECEIVED
JUL 01 2003
BLA-INDY

Tim J. Eizinger
District Forester
PO Box 824
Rochester, IN 46975
(219-223-4241)
email: disfor2@rtcol.com

June 27, 2003

Hi:

Luckily, it looks like there are only 3 Classified Forest in this proposed Marshall County area from Plymouth north. I have drawn arrows to the area where they exist and labeled them as such.

Ignore the other circles as I was simply circling section number centers to relate to my maps.

If there is anything else you need, please feel free to ask.

Tim J. Eizinger
District Forester

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273

RECEIVED FHWA
MAY -6 02
INDIANA DIVISION

May 2, 2002

Mr. Robert Dirks
Environmental Specialist
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Dear Mr. Dirks:

This is in reference to the March 26, 2002 Federal Register Notice of Intent to Prepare an Environmental Impact Statement for improvements to US 31 in Marshall and St. Joseph Counties, Indiana. The U.S. Fish and Wildlife Service (FWS) offers the following comments.

The FWS previously provided early coordination comments on the Major Investment Study for the US 31 Corridor by letter of November 25, 1996. That letter provided general comments about the presence of numerous wetlands within the proposed project area and expressed our concerns about potential impacts to these wetlands. These concerns remain for the current project. We are aware that there are additional wetlands to those shown on the FWS's National Wetlands Inventory (NWI) maps because wetlands have been restored in the area under our Partners for Fish and Wildlife Program and the Department of Agriculture's Wetland Reserve Program. The NWI maps were based upon 1980 aerial photography and were not ground-truthed, but they do provide a basis for determining the locations of wetlands. Actual locations and sizes will have to be determined by site inspections and delineations.

The U.S. Fish and Wildlife Service will request mitigation for wetland losses; mitigation ratios for the loss of forested wetland is 4:1 and 2: or 3:1 for emergent and scrub-shrub wetlands. The U.S. Army Corps of Engineers, Detroit District, will have to determine whether or not a Section 404 permit would be required for the filling of wetlands due to the highway project. However, the Federal Highway Administration has an obligation to minimize the destruction, loss or degradation of wetlands pursuant to Executive Order 11990, as amended by Executive Order 12608, concerning protection of wetlands, regardless of the need for a wetland fill permit.

Executive Order 13186, issued on January 10, 2001, directs each Federal agency taking actions having or likely to have a negative impact on migratory bird populations to work with the FWS to develop an agreement to conserve those birds. In addition fo avoiding or minimizing impacts to migratory bird populations, agencies will be expected to take reasonable steps that include restoring and enhancing habitat and incorporating migratory bird conservation into agency planning processes whenever possible. Therefore, the Environmental Impact Statement you are preparing will need to address this issue.

Staff at our Northern Indiana Suboffice is available to attend the interagency meetings provided for under Indiana's Streamlined EIS Procedures and to provide early coordination comments on the proposal. Please address correspondence to Mrs. Elizabeth McCloskey, Northern Indiana Suboffice, P.O. Box 2616, Chesterton, Indiana 46304, phone (219) 983-9753.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis) and the threatened bald eagle (Haliaeetus leucocephalus) and northern copperbelly water snake (Nerodia erythrogaster neglecta). Bald eagles may occasionally be found at area lakes during winter months, but there is no specific habitat available for them in the project area. Copperbelly water snakes utilize forested and scrub-shrub wetlands with adjacent forested uplands. The northern copperbelly is not currently known within the vicinity of US 31, but there is a possibility that it might be present in suitable habitats.

To our knowledge there have been no recent surveys for Indiana bats within the project study area. Summer habitat for this species consists of medium to large expanses of wooded land associated with water resources. The nearest recent record is from Potato Creek State Park west of Lakeville. However, based upon a map survey, it appears that sufficient habitat may be present to support a summer reproductive colony at some locations within the study boundaries.

St. Joseph and Marshall counties are within the range of the Eastern massasauga rattlesnake (Sistrurus catenatus catenatus), which has been listed as a Candidate species for listing as threatened or endangered under the Endangered Species Act (Act). Candidate species are those for which sufficient information on their biological status exists to warrant listing, but for which listing has not yet occurred. The most recent report of this species in the project area is near Lakeville.

The project study area is also within the range of the following Species of Concern being considered for listing as threatened or endangered: Black tern (Chlidonias niger) and Blanding's turtle (Emydoidea blandingii). These species live or breed within wetlands such as those found throughout the project study area. Black terns have not been observed to nest within the area for many years but they migrate through. Blanding's turtles have been observed at various wetlands in the general Lakeville area. These species are not afforded legal protection under the authorities of the Act; however, the FWS encourages consideration of these species in project planning because there is general concern among resource agencies for their status.

We appreciate the opportunity to provide input during this environmental scoping process. If you have any questions about our comments, please call Elizabeth McCloskey at (219) 983-9753.

Sincerely yours,

Elizabeth S. McCloskey
for Scott E. Pruitt
Supervisor

cc: Regional Director, FWS, Ft. Snelling, MN (TE/HC)(ER 02/0313)

U.S. Department
of Transportation

Federal Transit Administration
Region V
200 West Adams St., Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

Federal Highway Administration
IN Division
575 N. Pennsylvania St., Rm 254
Indianapolis, IN 46204-1576

APR 2 2 2003

Mrs. Vaneeta Kumar
Deputy Commissioner
Planning and Intermodal Transportation
Indiana Department of Transportation
100 North Senate Avenue, Room N755
Indianapolis, IN 46204

Attention: Mr. Matt Frazer

Dear Mrs. Kumar:

Subject: Conformity Finding – Amendments to MACOG 2025 Transportation Plan and FY2003-2005 Transportation Improvement Program

The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) have reviewed the amendments to the Michiana Area Council of Governments (MACOG) 2025 Transportation Plan and FY2003-2005 Transportation Improvement Program (TIP). On February 12, 2003, the MAGOG Policy Board approved these actions by resolutions 05-03 (plan) and 04-03 (TIP).

The South Bend area (which consists of St. Joseph and Elkhart Counties in Indiana) is a maintenance area for ozone. There are five primary criteria of the conformity rule (62FR43779), which must be met. These criteria include the following: use of the latest planning assumptions, use of the latest emissions model, use of appropriate consultation procedures, consistency with the mobile source emissions budget in the State Implementation Plan (SIP), and provisions for timely implementation of transportation control measures in the SIP.

The Indiana Department of Environmental Management (IDEM) and US Environmental Protection Agency Region 5 (USEPA) have found the 2025 Transportation Plan Update meets the above conformity requirements. We have also received INDOT's March 25 letter of agreement. Please be aware that USEPA noted the MOBILE6 model will need to be used in all conformity analyses after the grace period ends on January 29, 2004.

FHWA and FTA have determined that the amendments to the MACOG 2025 Transportation Plan and FY2003-2005 TIP conform with the adopted State Implementation Plan (SIP) in accordance with the provisions of 40 CFR 51. In addition, the FHWA and FTA find these actions were developed based on a continuing, cooperative, and comprehensive transportation planning process in accordance with 23 USC 134 and 23 CFR 450.

If you or any member of your staff has any questions, please contact Clem Ligocki of FHWA, at (317) 226-7489, or Victor Austin of FTA, at (312) 886-1625.

Sincerely yours,

Joel P. Ettinger
Regional Administrator
Federal Transit Administration

Sincerely yours,

John R. Baxter, P.E.
Division Administrator
Federal Highway Administration

cc:
Vaneeta Kumar, INDOT IGC-N755
Janice Osadczuk, INDOT IGC-N848
Sandra Seanor, MACOG
Victor Austin, FTA Region 5
Andy Minyo, FTA Region 5
Patricia Morris, USEPA Region 5
Scott Deloney, IDEM IGC-N1001
Steve Smith, INDOT IGC-N901
Larry Buckel, INDOT IGC-N901
Carter Keith, INDOT Rm. IGC-N926
File 731.12
CALigocki:
EF:MACOG conf find on amds to 2025 plan
& 03-05 TIP-3-28-03

Early Coordination

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

October 9, 2003

Mr. Carl Camacho, Project Manager
Bernardin-Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, IN 47715-4006

Re: Early Coordination Comments on the US 31, Plymouth to South Bend, Highway Improvement Project

Dear Mr. Camacho:

Thank you for the opportunity to review and comment on the U.S. 31 Plymouth to South Bend Preliminary Alternatives Analysis and Screening Report that describes the four (4) alternatives being recommended for further study in the Draft Environmental Impact Statement for this project. We understand the deadline for commenting on this report is October 19, 2003.

We are aware that the proposed improvements to this 21-mile stretch of US 31 are part of INDOT's long-range statewide plan to improve "Statewide Mobility Corridors." We also understand that the four (4) alternatives recommended for further study were selected from the ten (10) alternatives that met the transportation objectives (Purpose and Need) of the project: to reduce congestion, improve safety, and be consistent with INDOT's aforementioned long-range plan.

We note the following about the cost, and impact to wetlands, of the four (4) alternatives selected for evaluation in the draft Environmental Impact Statement:

Alternative C:	$245 million	85 acres of wetlands impacted
Alternative E:	$266 million	82 acres of wetlands impacted
Alternative F:	$313 million	57 acres of wetlands impacted
Alternative G:	$283 million	43 acres of wetlands impacted

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We further note that Alternatives C and E would impact the greatest number of wetland acres of any of the ten (10) alternatives meeting the Purpose and Need of this project. Therefore, IDEM staff is most supportive of Alternative G as the preferred alternative, because of its lesser impacts on wetlands. Regardless of the selected alternative, INDOT is strongly urged to work with IDEM staff to mitigate as effectively as possible whatever impacts to wetlands are caused by this project.

It is our understanding that Alternative J was not selected for further study because of the relatively higher costs and number of relocations. Alternative J impacts the least amount of wetlands because it would use the greatest segment of existing US 31 right-of-way. It also impacts fewer acres of forest, fewer total acres of farmlands, fewer managed lands, fewer notable wildlife habitats, and fewer streams than any of the four alternatives selected for further study. We support further consideration of that option if other factors can be overcome.

As with all INDOT Early Coordination efforts, IDEM staff remain available to coordinate permit applications and conduct any needed additional reviews. We appreciate the opportunity to comment on this project.

Sincerely,

Timothy J. Method
Deputy Commissioner

TM: dp
CC: Mrs. Janice Osadezuk, INDOT
Ms. Christine Baynes, INDOT Project Manager
Mr. Tony DeSimone, FHWY

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

IN REPLY REFER TO:

SEP 10 2002

Planning Division
Environmental Analysis Branch

RECEIVED
SEP 12 2002
BLA-INDY

Mr. Jay Marks, Project Manager
Bernardin, Lochmueller & Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, Indiana 46214-3105

Dear Mr. Marks:

We are writing in response to your July 24, 2002, request for early coordination comments on the proposal to improve the U.S. 31 corridor through Marshall and St. Joseph Counties in Indiana. The project reach extends from U.S. 30 near Plymouth, Indiana, to U.S. 20 near South Bend, Indiana. In accordance with our responsibilities, the following comments are provided under our civil works/floodplain management program and our regulatory program.

Our civil works program does not include any current or future plans to develop waterways in the vicinity of your project; nor do we have any current or proposed flood control studies for the area described in your letter. Our Floodplain Manager notes that the unincorporated areas of Marshall and St. Joseph Counties, Indiana, participate in the Regular Phase of the National Flood Insurance Program (NFIP). Flood elevations for waterways in the project vicinity are delineated on the applicable NFIP Flood Insurance Rate Map. Since U.S. 31 crosses the Yellow River in Marshall County, we recommend you coordinate with local officials and with the Indiana Department of Natural Resources regarding the applicability of a floodplain permit prior to construction. This coordination would help insure compliance with local and state floodplain management regulations and acts, such as the Indiana Flood Control Act (IC 13-2-22). If you obtain any information that your project would in fact impact the flood plain, you should consider other sites. This would be consistent with current Federal policy to formulate projects that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain.

Our Regulatory Office has reviewed your proposal for regulatory compliance pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The following comments are a preliminary review and do not represent a comprehensive public interest review such as would occur during the permit application evaluation process. We note that throughout the proposed project corridor there are numerous wetlands, lakes, and streams within the jurisdiction of our regulatory program. Any discharges of dredged and/or fill material into these waters of the United States will require our prior authorization. Our regulatory personnel can visit the site and determine the amount of regulated resources within

the project limits once a preferred alignment for the proposed roadway project has been selected. To schedule such a wetland determination site visit, please call our Regulatory Office at 313-226-6812. If discharges into Corps regulated resources are anticipated, the attached permit application (Enclosure) should be completed and returned to the attention of our Regulatory Office with reference to file number 02-150-007-0.

We appreciate the opportunity to comment upon your project proposal. Any questions regarding our civil works/floodplain management program should be directed to Mr. Charlie Uhlarik, Planning Branch, at 313-226-6753. Questions regarding our regulatory program should be directed to Mr. Robert Tucker, Chief, Enforcement Branch, Regulatory Office, at 313-226-6812. Other environmental review questions may be directed to Mr. Paul Allerding at 313-226-7590.

Sincerely,

Les E. Weigum
Chief, Environmental Analysis Branch

Enclosure

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)

OMB APPROVAL NO. 0710-003

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, Searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States; the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
02-150-007-0			

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME & TITLE (an agent is not required)
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

_____ _____

APPLICANT'S SIGNATURE DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
15. LOCATION OF PROJECT COUNTY STATE	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

17. DIRECTIONS TO THE SITE

18. NATURE OF ACTIVITY (Description of project, include all features)

19. PROJECT PURPOSE (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. REASON(S) FOR DISCHARGE

21. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (see instructions)

23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES ○ NO ◉ IF YES, DESCRIBE THE WORK

24. ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC. WHOSE PROPERTY ADJOINS THE WATERBODY (If more than can be entered here, please attach a supplemental list)

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE, OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building and flood plain permits.

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and will fully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, facticious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

Instructions For Preparing A
Department of the Army Permit Application

Blocks 1 thru 4 - To be completed by Corps of Engineers.

Block 5 - APPLICANT'S NAME. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked "Block 5".

Block 6 - ADDRESS OF APPLICANT. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked "Block 6".

Block 7 - APPLICANT PHONE NUMBERS. Please provide the number where you can usually be reached during normal business hours.

Block 8 - AUTHORIZED AGENT'S NAME AND TITLE. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer or any other person or organization. Note: An agent is not required.

Blocks 9 and 10 - AGENT'S ADDRESS AND TELEPHONE NUMBER. Please provide the complete mailing address of the agent, along with the telephone number where he/she can be reached during normal business hours.

Block 11 - STATEMENT OF AUTHORIZATION. To be completed by applicant if an agent is to be employed.

Block 12 - PROPOSED PROJECT NAME OR TITLE. Please provide name identifying the proposed project (i.e., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center).

Block 13 - NAME OF WATERBODY. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14 - PROPOSED PROJECT STREET ADDRESS. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15 - LOCATION OF PROPOSED PROJECT. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked "Block 15".

Block 16 - OTHER LOCATION DESCRIPTIONS. If available, provide the Section, Township, and Range of the site and/or the latitude and longitude. You may also provide a description of the proposed project location, such as lot numbers or tract numbers. You may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile down from the Highway 14 Bridge). If a large river or stream, include the river mile of the proposed project site, if known.

Block 17 - DIRECTIONS TO THE SITE. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18 - NATURE OF ACTIVITY. Describe the overall activity or project. Give approximate dimensions of structures such as wingwalls, dikes, (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked "Block 18".

Block 19 - PROPOSED PROJECT PURPOSE. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20 - REASONS FOR DISCHARGE. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Instructions For Preparing A
Department of the Army Permit Application

Block 21 - TYPES OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22 - SURFACE AREAS OF WETLANDS OR OTHER WATERS FILLED. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked "Block 22".

Block 23 - IS ANY PORTION OF THE WORK ALREADY COMPLETE? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization if possible.

Block 24 - NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, etc., WHOSE PROPERTY ADJOINS THE PROJECT SITE. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked "Block 24".

Block 25 - INFORMATION ABOUT APPROVALS OR DENIALS BY OTHER AGENCIES. You may need the approval of other Federal, State, or Local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 26 - SIGNATURE OF APPLICANT OR AGENT. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS - GENERAL INFORMATION

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View, or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on an 8.5 X 11 inch plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate and contain all necessary information.

Questionnaire for the Indiana Department of Transportation, Aeronautics Section

Project No: _____ **Des/Bridge No:** _____

Project Description:

US 31 Corridor from US 30 near Plymouth, IN to US 20 near South Bend, in Marshall and St. Joeph Counties

Requested By:

Bernadin, Lochmueller, & Associates

Are there any existing or proposed airports within or near the project limits? YES

If yes, describe any potential conflicts with air traffic during or after the construction of the project.

The Plymouth Municipal Airport is located 4041 feet West of US 31 at a point that is approximately one mile North of US 30. This project may have an impact on air operations at the Plymouth Municipal Airport depending on the height of equipment used. Please continue to send correspondence to INDOT Aeronautics Regarding this project.

This information was furnished by:

Name: Martin J. Blake

Title: Project Manager, INDOT-Aeronautics

Date:

193-0043

Project No. DES # 9405230 Bridge No. _____

Project Description U.S. 31 Corridor Study
Plymouth to South Bend (Marshall & St. Joseph Counties)

Name of Organization requesting early coordination:
Indiana Department of Transportation

QUESTIONNAIRE FOR THE INDIANA GEOLOGICAL SURVEY

1) Do unusual and/or problem ( ) geographic, (X) geological, ( ) geophysical, or ( ) topographic features exist within the project limits? Describe: The Environmental Overview address the most significant geologic concerns: welands* and bogs, and closed depressions underlain by muck and peat.

2) Have existing or potential mineral resources been identified in this area? Describe: The mineral resources sand, gravel, peat, marl, and gypsom are referenced in the report.

3) Are there any active or abandoned mineral resources extraction sites located nearby? Describe: As mentioned in the report Option #3 goes through a quarry. No other major works were noted on the USGS 7.5 minute quadrangles.

*It would seem that on the basis of the expressed benefits of wetlands to mankind the new roadway would follow the existing course rather than opt for an alternate that would destroy additional wetlands.

This information was furnished by:

Name: Edwin J. Hartke Title: Geologist

Date: Sept 27, 1996

RECEIVED
OCT 09 1996
BLA

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OCT - 2 1996
DIVISION OF PRE-ENGINEERING

Purpose and Need

United States Department of the Interior

FISH AND WILDLIFE SERVICE

BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273

IN REPLY REFER TO:

RECEIVED
JUN 30 2003
BLANDY

June 27, 2003

Mr. Jay Marks
Bernardin Lochmueller & Associates, Inc.
7830 Rockville Road
Indianapolis, Indiana 46214-3105

Project Des. No: 9405230
Road(s): US 31
Waterway: Several
Work Type: 4-lane highway construction on new alignment
County(ies): Marshall and St. Joseph

Dear Mr. Marks:

This letter is in reference to the Interagency Review Meeting and Tour of the US 31 study corridor between US 30 in Marshall County and US 20 in St. Joseph County on May 15, 2003. You requested any additional Agency comments on the draft Purpose and Need and Alternatives discussed at the meeting.

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 draft Purpose and Need statement lists 3 purposes: 1) reduce congestion, 2) improve safety, 3) address statewide mobility. The limited information provided on the meaning of a "Statewide Mobility Corridor" and a "Commerce Corridor" indicates that "such corridors have upper level design standards, high-speed and free-flowing conditions, no less than partial access control, and no non-motorized vehicle/pedestrian conflicts". This appears to be redundant with the first 2 purposes of reducing congestion and improving safety. Since US 31 is already designated a "Statewide Mobility Corridor" and a "Commerce Corridor", properly attaining the requirements of this designation may be a sufficient purpose and need, since safety and reduced congestion are an integral part of that designation.

If commuters to South Bend are major users of US 31, a study of origins and destinations should be undertaken to help determine which alternative would best serve their needs; *e.g.* if they are going downtown or north through town to the University of Notre Dame, constructing the new highway far to the west or far to the east likely would not serve their needs and they would continue to use the existing roadway. The same determination should be conducted for truck traffic, since trucks headed for destinations in Michigan or Elkhart would have different needs to eachother and to those going into South Bend.

We understand that 2 additional alternatives have been added to the project study as a result of the May 15, 2003 meeting, one utilizing the general corridor of high tension powerlines west of existing US 31 and one utilizing the abandoned railroad corridor east and west of existing US 31 to the fullest extent possible.

There also need to be one or more alternatives that would connect with US 20 at the existing Ironwood Road interchange. The current lack of any alternatives utilizing this interchange is glaring in its omission. When there was a query during the May 15th tour about the potential use of Ironwood Road as an alternative, the answer was "No, due to significant development in the area". Such a response is unacceptable when the environmental impact analysis has only just begun and a large number of alternatives need to be reviewed without prejudice. If "too much development" is a legitimate reason to dismiss an alternative before it is even seriously evaluated, then the majority of the alternatives presented at the May 15th meeting would also need to be dismissed immediately, particularly those utilizing any portion of existing US 31 north of Roosevelt Road, including the existing US 31/US 20 interchange.

An advantage to commuters to utilizing Ironwood Road is that it is already 4 or 5 lanes north into South Bend from US 20, it provides direct access to Indiana University South Bend, and it provides easy access to downtown and the University of Notre Dame.

We also recommend consideration of an alternative that departs from existing US 31 further south and east than West 4A Road, such as near West 6th Road and Lilac Road, then goes essentially straight north before turning northeast around Pleasant and Riddles Lakes. From there it could follow Alternative G to Roosevelt Road, where it could go west to existing US 31 or east to Ironwood Road.

Based upon the preliminary information available to us, the U.S. Fish and Wildlife Service does not support the use of Alternative A, generally parallel to existing Oak Road. This is due to significant natural resources in the vicinity, as presented by the Indiana Department of Natural Resources personnel on May 15th, including Potato Creek State Park. In general, we do not favor any of the alternatives west of existing US 31 because of the natural resources in the area and the more rugged terrain, which would require significant cut-and-fill to construct the highway and its interchanges.

Other comments on the US 31 study corridors, including federally endangered species, remain as stated in our May 2, 2002 letter to the Federal Highway Administration concerning the Federal Register Notice of Intent to Prepare an Environmental Impact Statement.

We appreciate the opportunity to comment on this proposed project. If you have any questions about our comments and recommendations, please call Elizabeth McCloskey at (219) 983-9753.

Sincerely yours,

Elizabeth S. McCloskey Acting

Scott E. Pruitt
for Supervisor

cc: Matt Fuller, Federal Highway Administration, Indianapolis, IN
Jason Randolph, IDEM, Office of Water Management, Indianapolis, IN
Christie Kiefer, Indiana Division of Water, Indianapolis, IN
Keith Poole, Indiana Division of Fish and Wildlife, Peru, IN
Hank Huffman, Indiana Division of Nature Preserves, Indianapolis, IN
Jim Webb, Potato Creek State Park, North Liberty, IN
Steve Sperry, INDOT, Room N848, Indianapolis, IN
Virginia Laszewski, USEPA, Region 5, ME-19J, Chicago, IL
Charlie Simon, Corps of Engineers, Detroit, MI

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

201-0101-OED

June 10, 2003

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 96-150-019-0

RECEIVED
JUN 13 2003
BLA

Kia Gillette
Bernardin, Lochmueller & Associates
7830 Roackville Road
Indianapolis, Indiana 46214-3105

Dear Ms. Gillette:

We are writing to follow up on the May 15, 2003 interagency meeting in Plymouth, Indiana. The purpose of the meeting was to discuss the purpose and need and preliminary alternatives for proposed improvements to US 31 between South Bend and Plymouth, Indiana. We have considered the information presented at the meeting, written materials forwarded to our office, and in-house resources.

In 1996, we reviewed similar information in response to a request for concurrence on purpose and need and alternatives to be carried forward. A copy of our previous letter is enclosed. The nine alternatives currently presented appear to be substantially the same as those identified in 1996. Our views on the project also follow along the lines of our previous comments. Based on the available information, we offer the following comments.

We concur with the purpose and need for the project with minor reservations. Our reservations center on whether the "statewide mobility corridor" is a legitimate project purpose. Is a "statewide mobility corridor" a planning goal, or are there required standards? As presented, the items mentioned already appear to be addressed by the purpose statements on congestion and safety. If there are standards characteristic of a statewide mobility corridor that are trying to be achieved, these should be clearly identified. Otherwise, this could be eliminated without losing the intent of the project.

There are wetlands, lakes and streams throughout the project area which may be within the jurisdiction of the Corps of Engineers. Many of the wetlands are concentrated in the northern portion of the project area. Notable wetlands are associated with the glacial features west of US 31 and north of Lakeville. The authority of the Corps of Engineers to regulate the discharge of dredged and/or fill material is contained in Section 404 of the Clean Water Act and regulations promulgated pursuant to that Act. Upon further refinement of alternatives, our staff can work with the applicant to identify those waters within Corps' jurisdiction. Any discharges of dredged or fill material into regulated waters of the U.S. would require a Department of the Army permit.

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JUN 20 2003
BLA

We have considered the preliminary alternatives presented. While a route through the southern part of the study area is not devoid of impacts, the northern portion has difficult social, environmental, and logistical challenges. We do not support carrying Alternative A forward due to its proximity to Potato Creek State Park. The route of Alternative B through the heart of the glacial moraine may also result in unacceptable adverse impacts. Based on previous information, Alternatives C and D appear to have a relatively large impact on wetlands compared to other options. As stated in our previous letter, exploring additional alternatives east of US 31 may be advisable to try and reduce impacts. No options are currently identified between Ironwood and IN 331, east of US 31.

As discussed at the recent meeting, some short-term improvements are currently being planned for US 31. If improvements are currently planned for US 31, this would establish a new baseline. Proposed alternatives should be compared to US 31 with improvements, rather than to US 31 in its current condition. We suggest that wetland delineations be completed when the number of alternatives is narrowed down, typically as part of a draft Environmental Impact Statement. Please keep us advised on the progress of your review.

If you have questions, please contact Charles M. Simon at the above address or telephone (313) 226-2221. Please refer to File Number: 96-150-019-0.

Sincerely,

John Konik
Chief, Permit Evaluation Branch A
Regulatory Office

Enclosure

Copy Furnished
South Bend Field Office

County of St. Joseph, Indiana
DEPARTMENT OF PUBLIC WORKS
732 COUNTY-CITY BUILDING
227 WEST JEFFERSON BLVD.
SOUTH BEND, INDIANA 46601
TELE (574) 235-9626
FAX (574) 235-5057

DIVISIONS
HIGHWAYS
SOLID WASTE DISPOSAL
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ENVIRONMENTAL

BOARD OF COMMISSIONERS
MARK A. DOBSON DIST. 1
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COUNTY-ENGINEER
SUSAN D. AL-ABBAS, P.E.

RECEIVED
MAY 0 2 2003
BLA-INDY

April 10, 2003

TO: Jay Marks – Indianapolis Branch Manager

FROM: Susan D. Al-Abbas – St Joseph County Engineer

RE: US 31 Study comments

Question 1.

Based on current and future traffic on the 31 corridor, we believe that the purpose and need is not met by considering corridors to the far East or even too far West. When considering these proposed alternatives A-I, what consideration was given to the actual destination of the traffic on this corridor? We do not support the H and I alternatives and are concerned that A and B maybe too far to the west. Also, we are concerned that alternative A is to close to Potato Creek Park and that alternative C is located to close to the old County Landfill.

We prefer that the new route address the current need of the corridor-----not create a new problem and leave the current problem unaddressed. Thus, we believe that the new corridor should stay as close as possible to the existing 31 roadway. Alternatives C, D, E, F and G would accomplish this. But, before any of these corridors are considered further, we believe that the destination study must be completed, if not done so already, and consideration must be given to how each roadway segment would connect to the US 20 by-pass and other roadways. Furthermore, we would like the corridor to allow for future development of Lakeville. This can only occur if the new corridor is moved either east or west of the town.

Our greatest concern is satisfying the purpose and need of the corridor. Supporting traffic and improving safety issues for both State and Local traffic is the upmost importance. Once this roadway is relocated and built, we will become one of the responsible parties in caring for the old 31 roadway. Therefore, we will only support a corridor that addresses the needs.

Question 2.

Without knowing the environmental issues and destination information it is difficult to simply draw a line on a map.

The Chamber
Chamber of Commerce of St. Joseph County

RECEIVED
APR 28 2003
BY

April 25, 2003

Mr. Jay Marks
Bernardin Lochmueller & Associates
7830 Rockville Road, Suite C
Indianapolis, IN 46214

Re: U.S. 31 Study
St. Joseph and Marshall Counties

Dear Mr. Marks:

The Transportation Task Force of The Chamber of Commerce of St. Joseph County met on April 24, 2003 to express our opinion on the U.S. 31 Study. The decision of the task force was to recommend that the alternatives be reduced to five, C thru G, for further study.

These five routes are the only routes that meet the performance measures of statewide mobility as proposed in the plan for the following reasons:

1. Routes that deviate from the existing route by several miles will leave significant traffic on the "old" U.S. 31 which will continue to fail the level of service standards.
2. Routes east of the existing U.S. 31 will fail to *"provide safe, free-flowing, high speed connections between the metropolitan areas of the state and surrounding states."* The "performance measure" of the "statewide mobility" component should provide for a high speed connection of U.S. 31 to the Indiana Toll Road and the Michigan segment of U.S. 31.
3. Routes A and B to the west of the existing U.S. 31 should be rejected because of significant "wetland" issues as well as the extra mileage for traffic coming from Mishawaka and Elkhart.

The task force recommends early narrowing of choices for several reasons:

1. Economic development over a significant area of the county is likely to be impacted by an overhang of uncertainty.
2. Individual landowners should know their status as soon as possible.
3. This process has already exceeded project time lines as initially proposed.

The Commerce Center
401 E. Colfax Ave. Suite 310
P.O. Box 1677
South Bend, IN 46634-1677
Phone: 219.234.0051
. 219.289.0358
www.sjchamber.org

As you are aware, the local community has been unanimous in their support for moving forward on this project. The Purpose and Needs as presented are clear and easily support construction of this upgrade to freeway standards. The task force understands the process and time that is required to designate a route for approval by the federal government. However, we also understand that this process can be expedited when there is political agreement.

Considering the economic impact that this project will provide for our community and the state, it is our hope that you will make every effort to show progress in a timely manner. We would be pleased to provide additional information and support whenever necessary.

Best regards,

Roger T. Nawrot, Chairman
Transportation Task Force

CITY OF SOUTH BEND
STEPHEN J. LUECKE, MAYOR
OFFICE OF THE MAYOR

RECEIVED
APR 28 2003
BLA-INDY

April 24, 2003

Mr. Jay Marks
Bernardin Lochmueller & Associates
7830 Rockville Road, Suite C
Indianapolis, Indiana 46214

Re: US 31 Freeway Study
St. Joseph and Marshall Counties

Dear Mr. Marks:

It was a pleasure to see you again on April 10, along with INDOT, and the many from the South Bend area who recognize the importance of a freeway from South Bend to Indianapolis. I was unable to attend the evening Purpose and Needs presentation. I wish to put these comments on the record for your consideration as you proceed with evaluation of the environmental impact of the alternatives and select a preferred route.

The Purpose and Needs presented for this project ring true locally as warrants for this project. Safety is listed second in the study, but the people of South Bend and in particular the people who live along the current US 31 view safety improvement as the most important need for this roadway. The map showing crashes on state highways is too densely marked with fatalities from LaPaz to Gilmer Park.

Morning and afternoon traffic on US 31, in Lakeville and onto the Saint Joseph Valley Parkway interchange currently operates at Level of Service E and F. Many years ago congestion was interpreted as a sign of vibrant activity. Like soot from a smokestack, congestion is now considered an indicator of poor planning and misdirected investment.

Statewide mobility is the basic tenet of the state highway system. The original network of state highways was drawn to connect all the county seats and larger towns with the Capitol via a state road. Routes were also chosen to connect to the routes planned by adjoining states. This

mobility is necessary for the economic vitality of all north central Indiana. Rational alignment with a substantially improved US31 in Michigan should be consistent with a recognition that US31 provides an interstate corridor from the Gulf of Mexico to Canada.

The comments heard at the kickoff meeting a year ago and at the public meetings concerning the major investment study in 1997 were unanimous in support of upgrading the corridor. We have also heard that the cloud of uncertainty arising during what seems like endless studies adversely affects decision-making for many in the corridor who need to either buy or sell, or to build or improve, along the corridor. The anxiety for a route decision spreads even to our City where a rebirth of the Ireland Road retail shopping corridor is underway.

The City of South Bend understands the difficulty of your task and INDOT's to provide a safe, uncongested road improving statewide mobility. There is a wide range of topography in the Marshall/Saint Joseph US 31 Corridor. There is a wide range of land use, and there is a wide range in population density. We will not offer advice as to a preferred route at LaPaz and Lakeville. However, at the north end of the corridor we definitely prefer that the US 31 Freeway connect to the Saint Joseph Valley Parkway as near as practical to the current interchange. Alternatives H and I defeat the Need and Purpose goal of Mobility. They add 4.3 miles and 8.7 miles, respectively, to the trip from LaPaz to the existing Parkway interchange with US 31. Alternative A passes through several environmentally sensitive areas. It also passes very close to one of the State Parks system's best used recreation areas (Potato Creek State Park). Traffic noise will detract from that experience. Alternative A will require a new interchange with the Parkway on valuable land used for mint, a rare cash crop that thrives in muck soils. Alternative B is also on and near environmentally sensitive land. Alternatives C thru G meet the Parkway at its existing interchange or within a mile or so. Any of these would satisfy the City's desire for a safe, direct access to the Ireland Road Corridor, now the Erskine Hills shopping district, a Sales Tax Increment Financing District.

We hope you are successful in discerning the best outcome for the State of Indiana. If you need more information from me or the City staff please let me know.

Sincerely,

Stephen J. Luecke
Mayor

Preliminary Alternatives

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

October 31, 2003

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 96-150-019-0

RECEIVED
NOV 06 2003
BLA-INDY

Carl Camacho
Bernardin, Lochmueller & Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, Indiana 46214-3105

Dear Mr. Camacho:

We are writing to follow up on the September 30, 2003 interagency meeting in Lakeville, Indiana. The purpose of the meeting was to discuss preliminary alternatives for proposed improvements to US 31 between South Bend and Plymouth, Indiana. Based on information presented at the meeting, written materials forwarded to our office, and in-house resources, we offer the following comments.

Initial screening of alternatives was based on a determination of whether the work fulfilled the purpose and need. Since the purpose and need of the project is defined by transportation measures, traffic projections play a decisive role in determining which alternatives are carried forward. Origin/destination studies are valuable for determining the potential for trip diversion to various bypass alternatives. However, as we noted at the meeting, no origin/destination study has been completed for the project area.

For similar projects in our District, origin/destination studies have been part of the baseline data. In Michigan, several portions of US 31 have been the subject of review by the Department of Transportation (MDOT). The April 2003 Final Environmental Impact Statement (EIS) for the *Petoskey Area Improvement Study,* included data from four origin/destination studies. The October 1998 Draft EIS on *US 31 from I-196 in Allegan County North to I-96 in Muskegon County*, included origin/destination studies completed in 1986, 1993, and 1998. For the currently proposed section of US 31 between Plymouth and South Bend, the absence of specific information on motorist travel patterns and trip purposes (local versus regional) weakens the credibility of the alternatives selection process. We recommend that origin/destination studies be part of the supporting data for the currently proposed project between Plymouth and South Bend.

Local traffic data and a broader perspective on regional traffic issues would benefit alternatives development and analysis. We note that there are no base year or future traffic projection figures along the US 20 Bypass, although this is the major intersection at the north end

of the project. Other planned projects in the area should also be considered in developing US 31 alternatives. The Southtown Mall is being reconstructed on Ireland Road between Michigan Avenue and Ironwood. A study was also initiated to evaluate freeway alternatives for Capital Avenue/SR 331. Traffic from these and other planned changes should be coordinated with the alternatives development process as they would likely impact the proposed work.

We do not object to the elimination of Alternatives A, B, and D based on environmental reasons. However, at this time, the lack of supporting data limits our confidence in dismissing other alternatives based on purpose and need. In particular, we consider Alternative K worthy of further consideration. Although this alternative predicts traffic problems around the US 20 Bypass and existing US 31 interchange, these could potentially be addressed by improvements surrounding this intersection. We also are not prepared to dismiss the eastern alternatives H and I without origin/destination particulars. These alternatives also merit a more regional perspective.

The preliminary estimates for wetland impacts in the proposed alternatives to be carried forward range between 43 and 85 acres. There are also extensive areas of hydric soils, up to 448 acres, in the selected and other preliminary alternatives. Understandably, the affected wetlands are initial estimates, and the wetland impacts will change after delineations and final alignments are selected. All of these wetlands may not be within the jurisdiction of the Corps of Engineers, however a permit likely would be required from the Indiana Department of Environmental Management for those outside of Corps' jurisdiction. Wetland impacts of the sizes noted in the document would likely be considered significant, and the project would receive intensive review in any Corps' public interest review.

Partly due to the magnitude of projected wetland impacts, we urge additional investigation of Rural Arterial Alternatives, and other potential alternatives which would avoid and minimize wetland impacts. As currently presented in the Preliminary Screening Report, the Rural Arterial Alternatives do not receive equitable consideration. For the Rural Arterial alternative with bypasses, the traffic volume statistics presented for the bypass segments do not distinguish between traffic on the bypass and traffic on existing US 31, as is done for Alternatives A through K. Separating these traffic statistics would likely reduce the traffic projections on existing US 31. In Michigan, the DEIS on *US 31 from I-196 in Allegan County North to I-96 in Muskegon County*, presented controlled access boulevard alternatives which provided acceptable levels of service (LOS C) in areas with higher traffic volumes. These alternatives were planned with higher design speeds than those proposed in the Plymouth-South Bend Corridor. For Plymouth to South Bend, similar alternatives should be considered in combination with freeway options for rural stretches, added lanes in towns, and bypasses around LaPaz and Lakeville. We are confident that using a combination of elements, an alternative maximizing use of the existing alignment (other than a full freeway) can be developed which meets the project's purpose and need.

At the recent meeting, we recommended that INDOT submit a permit application prior to finalization of the decision documents. This timing originates from procedures agreed to by the Federal Highways Administration (FHWA), INDOT, the Corps, U.S. Environmental Protection Agency, and U.S. Fish & Wildlife Service in Indiana. In 1996, the five agencies adopted the

Statewide Implementation Agreement for Concurrent NEPA/404 Processes for Transportation Projects in Indiana. The agreement identifies that a permit application is generally submitted concurrent with circulation of draft NEPA documents. The 2001 FHWA document "*Indiana's Streamlined EIS Procedures,*" differs from the *Statewide Implementation Agreement* in several respects, including this one. We urge early submittal of a permit application so that the Corps has the opportunity to fully and fairly consider the options.

One comment on technical aspects of the recent *Preliminary Alternatives Analysis and Screening Report*: Tables 1.2.1 and 3.6.1 use a Roosevelt to Miller Road segment while Table 4.1.1 uses a Roosevelt to New Road segment. These segments are labeled with differing rural/urban classifications, which makes comparisons inaccurate and could affect Level of Service measures.

As we pledged at the meeting, we reviewed our records for existing mitigation sites within the proposed project corridors. We did not locate any sites within the project area. Also, as we offered at the meeting, our staff is available to assist in wetland determinations, and in reviewing wetland delineations for the project.

We appreciate the opportunity to provide input at this stage. If you have questions, please contact Charles M. Simon at the above address or telephone (313) 226-2221. Please refer to File Number: 96-150-019-0.

Sincerely,

Gary R. Mannesto
Chief, Regulatory Office
Engineering & Technical Services

Copy Furnished

South Bend Field Office
USFWS, Northern Indiana Sub-Office
IDEM, Ryan Cassidy

Section 106

DNR Indiana Department of Natural Resources

Joseph E. Kernan, Governor
John Goss, Director

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

January 26, 2004

Carl D. Camacho, PE
Manager, Highway Design
Bernardin, Lochmueller and Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, Indiana 46214

Federal Agency: Federal Highway Administration

Re: Archaeological records check (Carson & Plunkett 12/15/03) for the US 31 Corridor project from US 30 near Plymouth to US 20 near South Bend (BLA Project #201-0101-OHY/HY21; Designation #9405230; DNR #6115, 9770-1)

Dear Mr. Camacho:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) 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 December 29, 2003,and received on December 31, 2003, for the above indicated project from Plymouth to South Bend, Marshall and St. Joseph counties, Indiana.

Thank you for providing a copy of the Archaeological Records Check. Based upon the report and a review of our records indicates that the proposed project area is in an environmental setting that is suitable to contain archaeological resources, but has never been evaluated by a qualified archaeologist.

Given the aforementioned factors, a reconnaissance level archaeological survey will be required once the route is finalized to determine the presence or absence of archaeological resources. The survey must be done in accordance with the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716). A description of the survey methods and results must be submitted to the Division of Historic Preservation and Archaeology for review before we can comment further.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Bill Mangold of our office at (317) 232-1646.

Very truly yours,

William L. Mangold

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:WLM:kab

cc: Bob Tally, Division Administrator, Federal Highway Administration
emc: Todd Zeiger, Northern Regional Office, Historic Landmarks Foundation of Indiana

JAN 2 9 2004

An Equal Opportunity Employer

South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION
227 WEST JEFFERSON BLVD.
SOUTH BEND, IN 46601-1830

Phone: 574-235-9798 Fax: 574-235-9578
e-mail: historic@michiana.org

John H. Oxian, President

A Certified Local Government

Karen R. Hammond-Nash, Director

January 20, 2004

Mr. Carl D. Camacho
Project Manager, US-31 Study
Bernadardin, Lochmueller & Assoc., Inc.
7830 Rockville Road, Site C
Indianapolis, IN 46214-3105

FEB 2 2004

RE: Proposed new routes for US 31

Dear Mr. Camacho:

Enclosed please find the following information regarding the Historic Preservation Commission's decision to favor proposed route E-s, especially north of Madison Road, over the other routes proposed:

1. A Resolution adopted by the historic Preservation Commission of South Bend & St. Joseph County on January 10, including a majority and minority report upon the new routes presently proposed for US 31 through St. Joseph County. These comments specifically regard the impact upon historic sites and structures in St. Joseph County.
2. Attached to the first Resolution, a second Resolution regarding the preservation of certain significant historic sites in our sister County to the south, Marshall County.
3. A map of St. Joseph County, showing the existing and proposed US 31 routes, and showing the location and photographs of 18 significant historic structures, each of which would be affected or destroyed by one (or more) of the proposed routes. The numbers 1 through 18 on the map correspond to the numbers on the photos.
4. A separate list of the 18 structures photographed, with a brief explanation of each.

In addition to the structures photographed, there are three historic cemeteries which could be affected by the proposed routes. Southlawn Cemetery would be directly affected by routes C-s, E, F, G-s, and G. In fact, it would probably lose its historic gatehouse and entrance way. Van Buskirk Cemetery and Union Cemetery would be affected by secondary development incident to the use of route G.

We hope this data will be of use to you in your own deliberations regarding US 31 and related planning.. The moving of a road which has had essentially the same footprint essentially since the days of Indian territory is a major change in the life and transportation patterns of the whole community.

Yours,

Karen R. Hammond-Nash,
Director

C: Linda Weintraut, Weintraut & Assoc.
John Carr, D.H.P.A.
Chris Baynes, I.N.D.O.T.
Kurt Garner, Wythougan Valley Preservation Council

COMMISSIONERS

Mary Jane Chase
Martha Choitz
Catherine Hostetler (Treasurer)
Virginia O'Hair (Secretary)
Lynn A. Patrick
Joann Sporleder (Architectural Historian)
Gerald Ujdak (Vice President)
Diane Wrobel-Illes
John Livingston (Attorney)

RESOLUTION
OF THE
HISTORIC PRESERVATION COMMISSION
OF
SOUTH BEND & ST. JOSEPH COUNTY

The Historic Preservation Commission held a Special Meeting on Saturday, January 10, 2004, to discuss the apparent historic impact of the different US 31 route proposals At this meeting, after having driven around the various routes proposed, and after hearing and considering all public comments offered, and after discussion of the probable historic impact of the various proposed routes:

Upon motion by Joann Sporleder, seconded by Catherine Hostetler, and carried unanimously, the HPC directed staff to prepare and transmit a Resolution, stating that proposed route E-s appears to have the least detrimental impact upon historic preservation, stating the reasons for that conclusion, and attaching a minority report supporting route C-s, and stating the reasons for supporting that route.

RESOLVED:

1. Proposed routes G, and to a slightly lesser degree G-s, are very bad indeed, because they would clear out and wreck much rural land, and would impact several significant historic farms and homes. Proposed routes G and G-s, or any other potential route east of the present US 31, are impossible to support, because they would have such destructive impact upon significant historic resources, both built and natural.
2. If route C or the northern part of C-s were followed, at least two historic rural properties, both of particularly great architectural and historic value in the County, would be lost.
3. The access roads and interchanges required to connect C-s or C to the city and to other highways would entail other losses of historic structures, both in the city and the county, loss of rural and wetland areas, and loss of the opportunity to preserve and interpret the historic rail corridor and Nutwood area, including the "Rails to Trails" project which has been under discussion for some time now.
4. Of the present routes, route E-s is to be preferred over the other proposals under consideration, particularly from Madison Road north, because it would entail the least loss of historic and cultural resources, and also because of city gateway considerations, and prospective historic restoration of the south side of South Bend. This route, with

proper planning, could encourage restoration and preservation of historic south side buildings and streetscapes by encouraging occupation, development, and restoration of some lovely buildings that are presently vacant.

5. Anything west of Michigan Street and the present US 31 would not help the vacancies along the present route, and would encourage or require the demolition of existing structures on the west side of South Bend that are presently doing just fine.

MINORITY REPORT:

Two members of the Historic Preservation Commission stated as follows:

1. Any of the routes that enter South Bend via Michigan Street would likely entail, widening Michigan, making it much more busy, and making it more of a trucking route, which would be detrimental to the historic structures remaining in the city, and to the life of the city generally.
2. Increased non-local traffic on Michigan Street could so impede local traffic as to prevent profitable business from operating in the historic buildings located along Michigan Street.
3. All of the proposed routes under consideration would entail some losses of historic sites and structures.
4. Of the alternatives present, route C-s, while it would entail the loss of two very significant properties, would entail the loss of only those two, and therefore the dissenting minority believe that it is to be preferred over all the other proposals presently under consideration.

TRANSMITTAL:

Pursuant to the direction of the Historic Preservation Commission, this Resolution is being sent to South Bend and St. Joseph County executive and legislative offices, the Department of Transportation, the project engineers, and others who have expressed interest or will be assisting in the route selection decision

Respectfully Submitted,

January 14, 2004

Karen R. Hammond-Nash,
Director, Historic Preservation Commission
of South Bend and St. Joseph County

Historic Preservation Commission
South Bend and Saint Joseph County
Special Meeting – US 31 Project
January 10, 2004

Significant Historic Properties – Summaries

1.) **60284 US 31:** a 1930s brick colonial revival home and garage/barn with cupolas on several acres. Twin brick light posts mark the entry to the drive and another pair stands at the entrance to the fields. This home may have been owned by notable South Bender, Forest Hay. It is probably set back enough from the roadway to be safe from the roadway. Threatened by E, Es, F, G, Gs.

2.) **61191 US 31:** Ullery/Farneman Farmhouse, one of the earliest Italianate farmhouses extant in the county, unique for the Tuscan influence that can be seen in its design. c. 1850-1860. This house is connected to the early settlement patterns that occurred along the Michigan Road. The Farneman family also operated a horse and buggy shop located on Michigan Street in downtown South Bend. Rated Significant and eligible for the National Register, also a Local Landmark.

3.) **Southlawn Cemetery**: Early graves dated to the late 1800s. Administration building dates to 1920s.

4.) **61550 US 31:** Jacob Schafer/Zeiger farmstead, Italianate styled house, bank barn, and outbuildings. The original surveyor of the Michigan Road owned and lived on this property. Rated Significant.

5.) **63049 Turkey Trail :** Francis Donaghue Italianate Farmhouse, barn, and chicken coop. Donaghue was a prosperous farmer, and he profited from the gold and silver speculations in the mid-1800s. This property is eligible for the National Register and was designated a Local Landmark.

6.) **62290 Miami Road:** George and Elizabeth Schafer farm. The property includes the 1908 neo-Jacobean inspired farmhouse, a very large bank barn, a clay-tiled silo with a gambrel roof, a milk house, and a smaller gabled barn. The relationship of these buildings and structures to one another has kept a good level of integrity to the farm landscape. Some modern additions including a deck were added to the house. Rated Significant, Local Landmark.

7.) **18799 Roosevelt Road:** The Peter Schafer farm and its Queen Anne styled farmhouse. This farm has many outbuildings and a large barn still intact from its period of historic significance during the early 1900s, the era of prosperity for farmers and the Americanization of the German immigrant population. This farmstead retains the organization of tradition farming practices. Rated: Outstanding/13. Eligible for the National Register.

8.) **18580 Roosevelt Road:** a vernacular gable-front farmhouse connected to the Schafer family, a German family with long ties to the county. This house could be a part of a local rural district in conjunction with the Peter Schafer farm, and 62290 Miami Road, the landmarked George Schafer farmhouse, barn, and outbuildings. Significant/11.

9.) **19251 Roosevelt Road**: Queen Anne farmhouse, barn, and outbuildings. Significant, Local Landmark.

10.) **64154 Miami Road:** Conrad Schafer farmstead established c. 1853, a Greek Revival vernacular home with Victorian era porch details, the farmstead also retains many auxiliary structures and buildings. Rated: Significant/11 and considered eligible for the National Register.

11.) **18681 Osborne Road:** David Court Farm, once owned by Delbert Schafer. The house was most likely constructed before 1882 with Stick Style details. The farm as a whole is a fine example of an early 20th century dairy farm. There is a granary, chicken house, a drive-through corn crib, a large dairy barn, several silos. Rated Significant/12. Eligible for the National Register.

12.) **20538 Pierce Road**: Warren O Bunch farm, vernacular farmhouse, German bank barn, honey house, chicken house and other auxiliary buildings, historic field patterns. Rated Significant. Eligible for the National Register.

13.) **69490 Juniper Road:** Round barn, one of the few remaining in the county. This building type is known for its economic use of building materials, solid structure and effectiveness for dairy farmers. Rated: Outstanding 13.

14.) **21099 Osborne Road:** the Mary Garrett farmhouse, Queen Anne style house. A fieldstone wall lines Osborne Road and has light posts. A silo sits to the rear of the home near the foundation of the bank barn. Rated: Significant 12.

15.) **60717 Locust Road:** Emil Johnson House, a Tudor Revival, Arts and Crafts residence c. 1914. Rated Outstanding/13 and considered eligible for the National Register.

16.) **20545 Johnson Road**: a 1915 American Four Square farmhouse with Prairie Style influence that retains its location on a rural road. Rated: Significant/Notable.

17.) **20909 Ireland Road:** A rambling Arts & Crafts Prairie Style home with many interesting architectural features, the home of a South Bend inventor, Cover, who worked on ventilation masks in the 1910s. Rated Significant/12 and considered eligible for the National Register.

18.) **59449 Keria Trail:** Evergreen Hill, the Rupel homestead, has been in the same family since 1831. The present house was built in 1873. It is a lovely Italianate, that stands amidst a grove of evergreens. A barn, several other farm buildings, and a family graveyard are also located on the property. Listed on the National Register. Rated Outstanding/13. HLFI holds a Façade Easement.

SIGNIFICANT HISTORIC PROPERTIES

Reviewed by the Historic Preservation Commission of South Bend and Saint Joseph County

As a Consulting Party to the US 31 Project in Saint Joseph County

January 10, 2004

Legend

Green = Existing US 31
Red = Preliminary Alternatives
Blue = Modified Preliminary Alternatives

17.) 20909 Ireland Road

18.) 59449 Keria Trail

16.) 20545 Johnson Rd

15.) 60717 Locust Road

20.) 61955 Locust Road

14.) 21099 Osborne Rd

19.) 65345 Maple Road

12.) 20538 Pierce Road

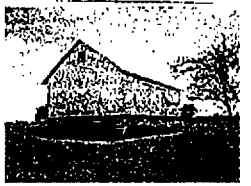
1.)60284 US 31

2.) 61191 US 31

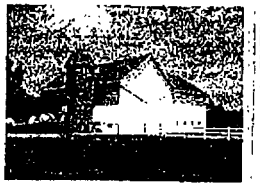
3.) Southlawn Cemetery

4.) 61550 US 31

5.) 63049 Turkey Trail



6.) 62290 Miami Road



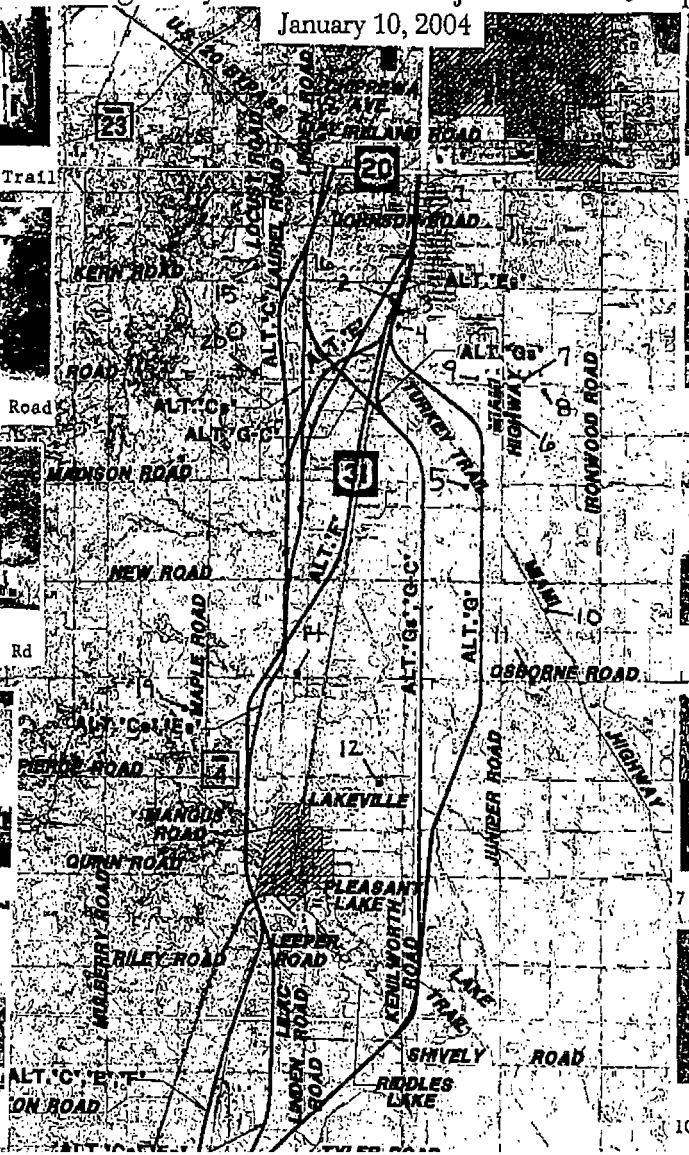
8.) 18580 Roosevelt Rd

7.) 18799 Roosevelt Road

9.) 19251 Roosevelt Rd

10.) 64154 Miami Hw

11.) 18681 Osborne Road



HISTORIC LANDMARKS FOUNDATION OF INDIANA

Northern Regional Office
402 West Washington Street
South Bend, IN 46601
574 232 4534 Fax: 574 232 5549
north@historiclandmarks.org
www.historiclandmarks.org

RECEIVED
JAN 2 0 2004
BY

January 13, 2004

Mr. Carl D. Camacho
Project Manager, US 31 Study
Bernadardin, Lochmueller and Associates, Inc.
7830 Rockville Road, Site C
Indianapolis, IN 46214-3105

Re: Revised alternates, US 31- Plymouth to South Bend

Dear Carl,

Thank you for your letter and accompanying packet of December 18th which we received on January 5th. We appreciate the update and the opportunity to comment on the revised alternatives that were presented. I also want to commend your firm, INDOT and other officials involved with the process for taking into consideration our and others input and shifting some of the alternatives.

After analysis of the revised routes and consulting with the Historic Preservation Commission of South Bend and St. Joseph County as well as our affiliate organization, Wythogan Valley Preservation Council, Historic Landmarks Foundation of Indiana recommends that route "E-s" be selected from the U.S. 20 bypass/existing US 31 interchange going south to the just south of Lakeville and then the combined route "C,E,F" from that point to the intersection with U.S. 30. I have included a highlighted map to better demonstrate our recommendation. The northern leg of the route "E-s" is largely the alternative that we proposed in our letter of September 9th . We see no compelling case for altering our recommendation. This route avoids the direct demolition of historic resources for the actual construction of the improved facility as well as minimizes reasonably anticipated negative impacts to adjacent resources and the rural character of the community.

We could support a Federal Highway Administration finding of "no adverse effect" for this preferred route. Conversely, we would not support such a finding for the other routes as they pose significant issues for historic properties in or adjacent to the proposed routes (see our September 9th letter.) The requirement of a Memorandum of Agreement for the project to mitigate those adverse effects to historic properties could very well delay the project.

If you want copies of any of the background research or other documentation that has gone into this recommendation, we would be pleased to provide that to you. I believe that much of that material has been provided by either the Historic Preservation Commission of South Bend and St. Joseph County or Wythogan.

Thank you for the opportunity to comment and help shape this project so it can have the least impact on our historic resources. I look forward to our next consulting parties meeting.

Sincerely,

Todd A. Zeiger
Director, Northern Regional Office

cc. Linda Weintraut
Kurt Garner, Wyhtogan Valley Preservation Council
Karen Hammond -Nash, Historic Pres. Commission of S.Bend and St. Joseph Cty.
John Carr, D.H.P.A.
Honorable Steve Luecke, Mayor, City of South Bend
St. Joseph County Commissioners
Marshall County Board of Commissioners

JAN 2 0 2004

RESOLUTION
OF THE
HISTORIC PRESERVATION COMMISSION
OF
SOUTH BEND & ST. JOSEPH COUNTY

The Historic Preservation Commission held a Special Meeting on Saturday, January 10, 2004, to discuss the apparent historic impact of the different US 31 route proposals At this meeting, after having driven around the various routes proposed, and after hearing and considering all public comments offered, and after discussion of the probable historic impact of the various proposed routes:

Upon motion by Joann Sporleder, seconded by Catherine Hostetler, and carried unanimously, the HPC directed staff to prepare and transmit a Resolution, stating that proposed route E-s appears to have the least detrimental impact upon historic preservation, stating the reasons for that conclusion, and attaching a minority report supporting route C-s, and stating the reasons for supporting that route.

RESOLVED:

1. Proposed routes G, and to a slightly lesser degree G-s, are very bad indeed, because they would clear out and wreck much rural land, and would impact several significant historic farms and homes. Proposed routes G and G-s, or any other potential route east of the present US 31, are impossible to support, because they would have such destructive impact upon significant historic resources, both built and natural.
2. If route C or the northern part of C-s were followed, at least two historic rural properties, both of particularly great architectural and historic value in the County, would be lost.
3. The access roads and interchanges required to connect C-s or C to the city and to other highways would entail other losses of historic structures, both in the city and the county, loss of rural and wetland areas, and loss of the opportunity to preserve and interpret the historic rail corridor and Nutwood area, including the "Rails to Trails" project which has been under discussion for some time now.
4. Of the present routes, route E-s is to be preferred over the other proposals under consideration, particularly from Madison Road north, because it would entail the least loss of historic and cultural resources, and also because of city gateway considerations, and prospective historic restoration of the south side of South Bend. This route, with

proper planning, could encourage restoration and preservation of historic south side buildings and streetscapes by encouraging occupation, development, and restoration of some lovely buildings that are presently vacant.

5. Anything west of Michigan Street and the present US 31 would not help the vacancies along the present route, and would encourage or require the demolition of existing structures on the west side of South Bend that are presently doing just fine.

MINORITY REPORT:

Two members of the Historic Preservation Commission stated as follows:

1. Any of the routes that enter South Bend via Michigan Street would likely entail, widening Michigan, making it much more busy, and making it more of a trucking route, which would be detrimental to the historic structures remaining in the city, and to the life of the city generally.
2. Increased non-local traffic on Michigan Street could so impede local traffic as to prevent profitable business from operating in the historic buildings located along Michigan Street.
3. All of the proposed routes under consideration would entail some losses of historic sites and structures.
4. Of the alternatives present, route C-s, while it would entail the loss of two very significant properties, would entail the loss of only those two, and therefore the dissenting minority believe that it is to be preferred over all the other proposals presently under consideration.

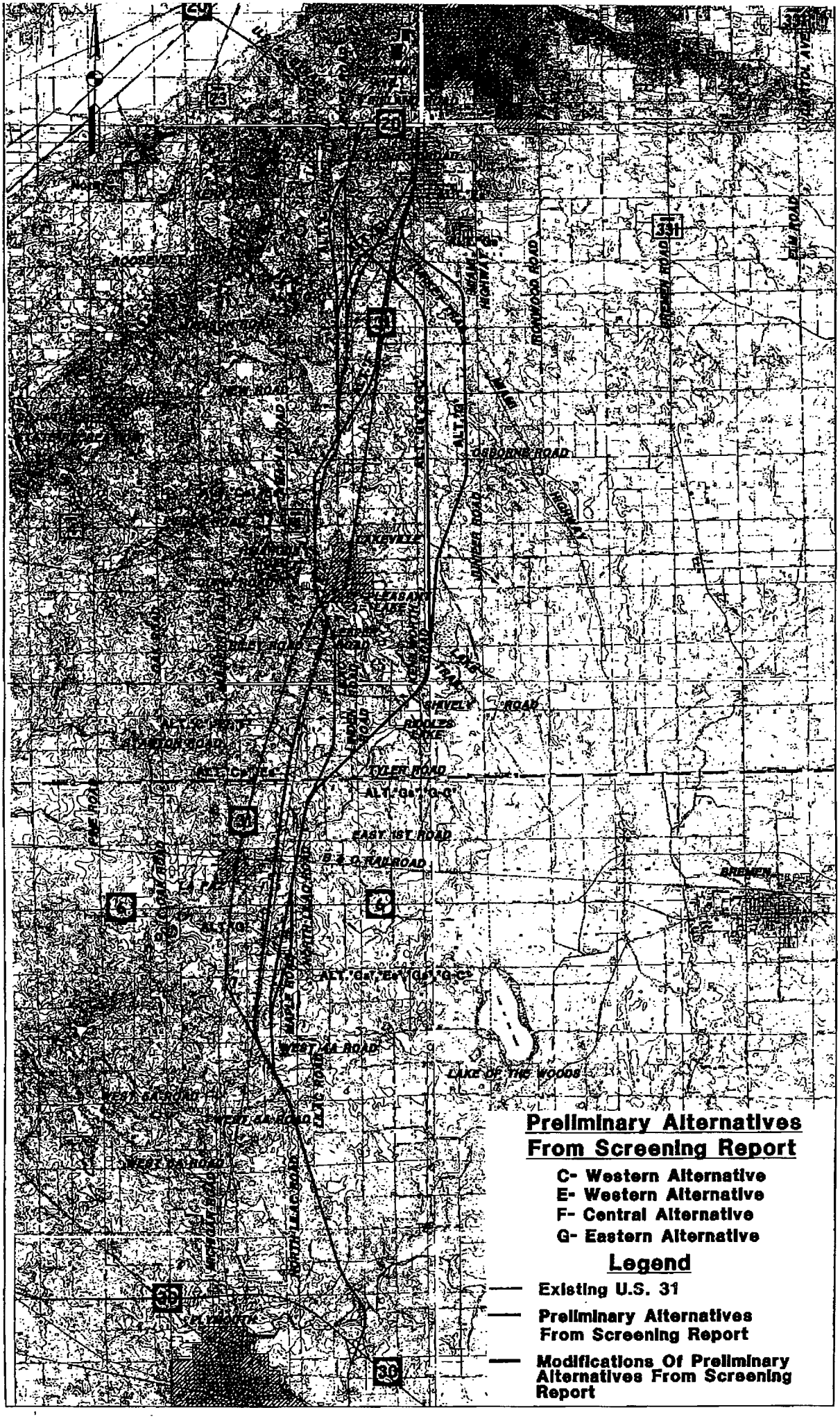
TRANSMITTAL:

Pursuant to the direction of the Historic Preservation Commission, this Resolution is being sent to South Bend and St. Joseph County executive and legislative offices, the Department of Transportation, the project engineers, and others who have expressed interest or will be assisting in the route selection decision

Respectfully Submitted, **January 14, 2004**

Karen R Hammond-Nash

Karen R. Hammond-Nash,
Director, Historic Preservation Commission
of South Bend and St. Joseph County



Preliminary Alternatives From Screening Report
C- Western Alternative
E- Western Alternative
F- Central Alternative
G- Eastern Alternative
Legend
Existing U.S. 31
Preliminary Alternatives From Screening Report
Modifications Of Preliminary Alternatives From Screening Report
OSBORNE ROAD
LAKEVILLE
SHIVELY ROAD
TYLER ROAD
EAST 1ST ROAD
B & O RAILROAD
WEST 4A ROAD
LAKE OF THE WOODS
BREMEN

WYTHOUGAN VALLEY PRESERVATION COUNCIL, INC.

308 South Michigan St. - Plymouth, IN 46563 (574) 936-7517

"preserving the standing reminders of our collective Marshall County past"

January 9, 2004

Mr. Chris Baynes
Indiana Department of Transportation
100 N. Senate Avenue Rm N855
Indianapolis, IN 46204

RE: US 31 - Plymouth to South Bend Study, Marshall County historic properties

Dear Mr. Baynes:

Please find enclosed additional historical information requested by John Warner of Weintraut & Associates for the U.S. 31 Plymouth to South Bend study. Information includes short historical background information on itemized resources, additional photographs & map of the area.

This additional information is to further explain our position of advocating for the alternate route which follows the former Vandalia railroad in North Township, Marshall County. This will least disrupt the rural character of the township and best preserve the existing historical resources.

If you have any questions, please do not hesitate to call. Thank you.

Sincerely,

Kurt West Garner

cc: Mrs. Linda Rippy, Marshall County Historian
Mr. Kevin Overmyer, President, Marshall County Board of Commissioners
Mr. Todd Zieger, Historic Landmarks Foundation of Indiana
Ms. Karie Brudis, DNR-DHPA
Mr. Carl Camacho, Bernardin Lochmueller & Assoc.
Ms. Linda Weintraut, Weintraut & Assoc.
Ms. Karen Hammond-Nash, Historic Preservation of St. Joseph County/South Bend
Mr. Doug Anspach, Marshall County Economic Development

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JAN 14 2004

U.S. 31 South Bend to Plymouth Study - Historical resources of Marshall County

Itemized resources corresponding to the earlier correspondence by Kurt Garner, Wythougan Valley Preservation Council in which was recommended the alternate route following the old Vandalia RR to avoid the following (see attached map also):

Resource "A"

Henry Zentz Farmstead, 2965 Maple Road (west side). Hall & Parlor house structure constructed ca. 1865 by Henry & Hattie Zentz. Zentz appears in 1870 & 1880 censuses at this location. Farmstead later occupied by P.I. Warren. House appears on 1882 map.

Resource "B"

William Gronawalt Farmstead, 2878 Maple Road (east side). Gabled-ell house structure constructed ca. 1890 by William Gronawalt. Includes ca. 1890 gambrel barn. House appears on 1908 map.

Resource "C"

White Family Cemetery, at T-intersection of Maple Road and E. 2C Road. 12+ graves, founded by Phinneas A. White as a part of his farmstead. Sits on wooded knoll with creek running on west side to south side. Has a loose laid rock "fence" surrounding area. Graves date 1860's-1900's. At least one U.S. veteran grave site. Photos provided of this area in earlier correspondence.

Resource "D"

Phinneas A. White Farmstead, 12178 2C Road (north side). Gable-front house structure constructed ca. 1855. Family appears in 1860, 1870 & 1880 censuses. Both Mr. & Mrs. White died in 1888 and were buried in the White Cemetery. House appears in 1882 & 1908 maps. Phinneas White located in North Twp. in 1850 and was a veteran of the 155th Regiment Co. H Indiana Volunteers in the Civil War. White also served as the North Twp. Justice of the Peace. Photo provided of this farmstead in earlier correspondence.

Resource "E"

J. Marshall White Farmstead, 12059 1B Road (south side). Gabled-tee house structure constructed ca. 1895 by Marshall & Sarah (Warren) White. Includes large English style barn with west end walk-out/covered basement & well house. Marshall was born 1854 to Phinneas & Hattie White, early North Township pioneers (see above) and married Sarah Warren (daughter of P.I. Warren-see above). They appear at this location in the 1900 & 1920 censuses. House appears in 1908 map. Photo provided of this farmstead in earlier correspondence-identified as Scott farm.

Resource "F"

J.N. McNeal Farmstead, 10914 1st Road (north side). Gabled-ell house structure constructed ca. 1868 by J.N. & Sarah McNeal. Located in North Township in 1863. House appears in 1882 & 1908 maps. Includes small ca. 1868 English-style barn.

Resource "G"

Seltenright Farmstead, 11901 4A Road (south side). Gabled-tee house structure constructed ca. 1900 by a Seltenright descendant. The Seltenright family were early pioneers in North Township who had a school and cemetery named for them east of this property. Appears on 1908 map.

Miscellaneous resources along current U.S. 31

The current U.S. 31 follows the historic Michigan Road dating to the late 1820's as it passes south of Lapaz, through Lapaz (platted late 1870's) and continues that course into St. Joseph County (or about 4 miles of road). Many of the earlier historic resources were removed in the first 31 widening project in the 1950's. Some resources which remain are a handful of residential structures lining the route in Lapaz dating to the 1880's. Also in Lapaz are three early commercial structures dating to 1890-1900's and the original grain elevator east of 31 on the B&O RR (identified in the interim report).

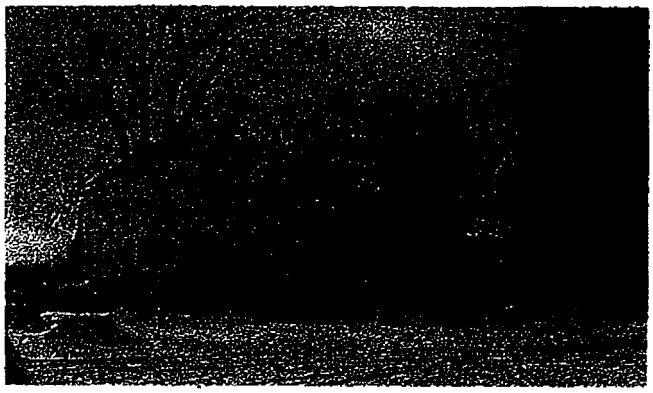
North of Lapaz is an early farmhouse and barn identified in the interim report as "notable" (east side of 31, immediately north of Lapaz). A handful of other farmhouses including an early English style barn (ca. 1860) at Walnut Hill on the west side of 31, immediately south of the county line. Walnut Hill pre-dates the platting of Lapaz as a stagecoach stop and post office, no commercial buildings remain from this that can be identified, however any new construction in the area should require archaeological reconnaissance. Also located on the Marshall County side of the county line (east side of 31) is the Mt. Zion Cemetery (also identified in the interim report).

We propose that there are too many historical resources along existing 31 to upgrade the highway by widening for additional driving lanes or raising or lowering the current road bed/driving lanes from their existing elevation (see attached map also).

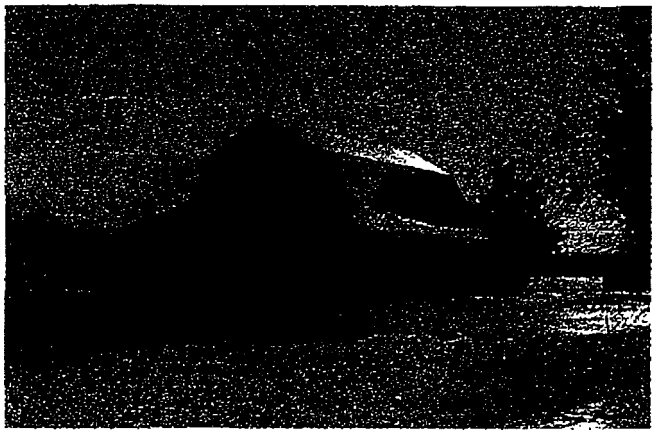
National Register eligibility requirements.

Although the resources listed do not appear to meet requirements for listing in the National Register, they do represent some of the earliest existing pioneer history of North Township (est. 1836) and should be avoided. The route following the old Vandalia line would be the least detrimental to the rural character and existing historic resources in North Township, Marshall County.

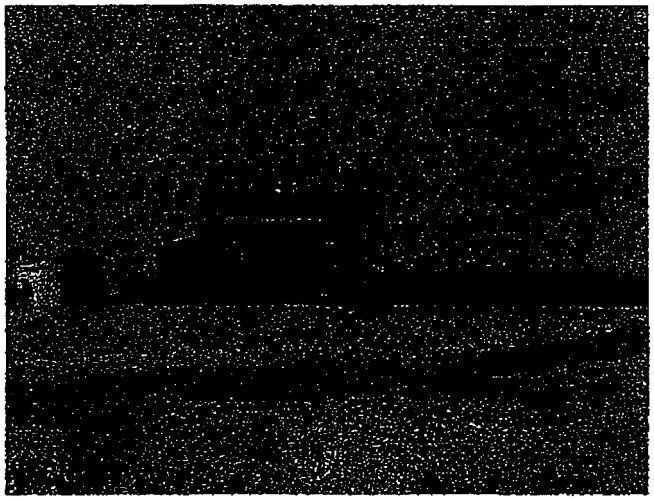
U.S. 31 South Bend to Plymouth Study - Historical Resources of Marshall County
Submitted by Kurt Garner, Wythougan Valley Preservation Council
Resources correspond to attached letter & map, see earlier correspondence for additional photos.



Resource "A"
H. Zentz Farm
Maple Road



Resource "B"
W. Gronawalt Farm
Maple Road

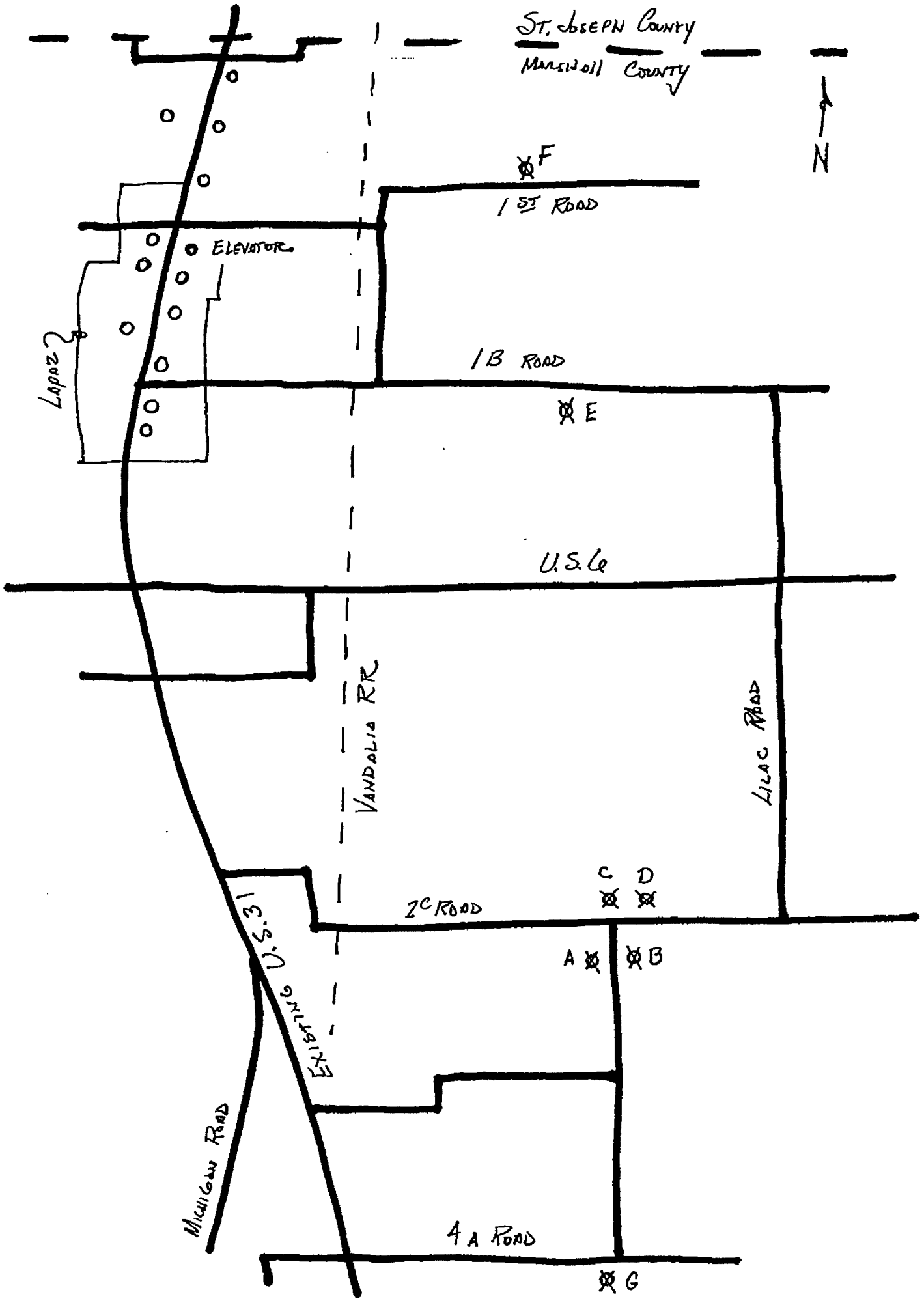


Resource "D"
P. White Farm
2C Road

U.S. 31 South Bend to Plymouth Study - Historical Resources of Marshall County
Submitted by Kurt Garner, Wythougan Valley Preservation Council
Resources correspond to attached letter & map, see earlier correspondence for additional photos.

Resource "F"
J.N. McNeal Farm
1st Road

Resource "G"
Seltenright Farm
4 A Road


St. Joseph County
Marshall County
N
F
1st Road
Elevator
1B Road
E
U.S. 6
Vandalia RR
Lilac Road
C
D
2C Road
U.S. 31
Existing
A
B
Michigan Road
4A Road
G

Indiana
COUNTY HISTORIAN

RECEIVED
JAN 12 2004
PLANNING

January 7, 2004

Carl Camacho
Bernardin, Lochmueller & Assoc.
7830 Rockville Rd Suite C
Indianapolis, IN 46214-3105

RE: US 31-Plymouth to South Bend Study, Marshall County historic properties

Dear Mr. Camacho:

On December 23, 2003, you received a letter of concern from Kurt West Garner regarding the US 31 planned routes through Marshall County.

As the Marshall County Historian, I am writing a letter of support for the Alternate Route C,E, & F as it passes through Marshall County, following the old Vandalia Railroad Line as indicated by the contents of Mr. Garner's letter of 12-23-03. Mr. Garner and I surveyed the area in Marshall County and we believe this route would be the least invasive to the historical properties of the area and would best preserve the rural character of the township.

I would appreciate being notified of additional changes to the proposed routes. Thank you for considering our request.

Sincerely,

Linda Rippy

Linda Rippy
Marshall County Historian

cc: Ms. Karie Brudis, DNR-DHPA
Mr. Carl Camacho, Bernardin Lochmueller & Assoc.
Ms. Linda Weintraut, Weintraut & Assoc.

WYTHOUGAN VALLEY PRESERVATION COUNCIL, INC.

308 South Michigan St. - Plymouth, IN 46563 (574) 936-7517

"preserving the standing reminders of our collective Marshall County past"

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JAN 0 2 2004

BLA-INDY

December 30, 2003

Mr. Chris Baynes
Indiana Department of Transportation
100 N. Senate Avenue Rm N855
Indianapolis, IN 46204

RE: US 31 - Plymouth to South Bend Study, Marshall County historic properties

Dear Mr. Baynes:

I am writing this letter on behalf of Wythougan Valley Preservation Council, Marshall County's local preservation organization and Linda Rippy, Marshall County Historian. I have been in review of the U.S. 31 Plymouth to South Bend Study material forwarded to Linda Rippy and have been at times a consulting party to INDOT on other projects. I understand Mrs. Rippy has forwarded some concerns regarding historic properties potentially affected by the proposed routes; we have recently surveyed the areas of potential effects and would like to offer some comments.

I must first offer this preface to all comments concerning historic properties. The idea of a "new" new U.S. 31 itself does not seem absolutely necessary. Had new 31 been constructed correctly we would not be in this current situation today. Although I find it amusing to justify a newly constructed road destroying property, farm & wetlands to enable individuals from South Bend to arrive in Indianapolis 20 minutes sooner (over the entire length none-the-less), I will concede that safety must be considered. I only hope that the speed limit is enforced on the new road unlike the current road, which if it then is, I predict people in South Bend would get to Indianapolis 20 minutes LATER than they do currently. Yet again, I concede to individuals who must be far more intelligent than I (or powerful) to determine that we do indeed need this road.

Again, Mrs. Rippy and I surveyed the area of potential effects. We most favor combined Alternate Route C, E, & F as it passes through Marshall County, following the old Vandalia Railroad Line. Alternate G and combined Alternates C, E, G, G-C would have detrimental affects on historic properties whereas the alternate route which follows the old Vandalia Line would have minimal affect to historic properties. Please consider the following:

1) The two alternate routes we object to above will pass too near the White Family Cemetery on East 2C Road, North Township, Marshall County (one to the immediate east and one to the immediate west). Part of the character (and protection from vandalism) of this small cemetery is its secluded location on a wooded hilltop. The dozen or so graves are intermingled with mature trees and surrounded by a loose laid stone fence. The entire

hilltop is wooded and should remain so. Our fear is that although the new highway would have to remain 100 feet from a platted grave all forestation surrounding the cemetery would be removed. Additionally, the c. 1860 White Family homestead is a few hundred feet to the east and would be removed under the east side option along with two other c. 1860 farmsteads immediately south on Maple Road. Please review our enclosed photographs showing the White Family Cemetery area.

2) The two alternate routes we object to also would remove a c.1910 farmstead with a very fine barn on East 1B Road and two or three other c.1900 farmsteads on East 1st Road with supporting outbuildings. Again, if the alternate route that follows the old Vandalia Railroad is chosen, it would miss the farmsteads mentioned above. Please see the enclosed photograph showing the farmstead on East 1B Road.

3) The two alternate routes we object to would also have greater disruption to the rural character of eastern North Township, Marshall County. It would have the resulting affect of removing more farmland and farmsteads from production. Should the Vandalia Line alternate be followed, it would place new road construction nearer the current U.S. 31 and new growth would occur in a smaller area between the existing and new routes.

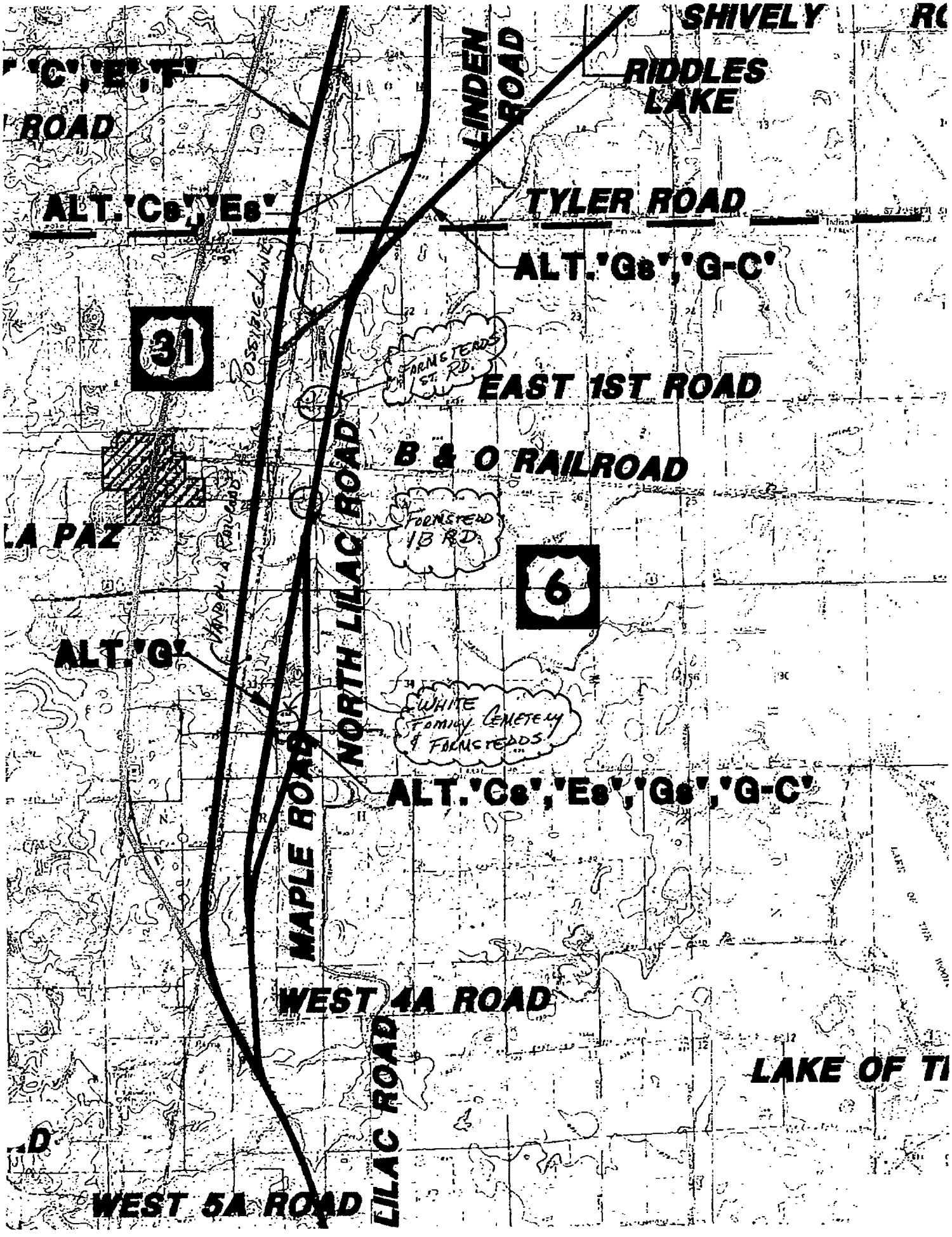
For the above reasons we would ask that you remove Alternate G and combined Alternate C, E, G, and G-C as they are proposed in North Township, Marshall County and only consider Alternate C, E, F as it follows the old Vandalia Railroad line. If it becomes necessary to construct Alternate Route G; Alternate G, G-C; or Alternate C, E as it passes through St. Joseph County it would be rather simple to construct a link from the alternate route that follows the Vandalia Line to these other alternates south of the St. Joe/Marshall County line.

Thank you for your consideration of our request. I would appreciate being notified of additional changes to the proposed routes and a response to our concerns.

Sincerely,

Kurt West Garner

cc: Mrs. Linda Rippy, Marshall County Historian
Mr. Kevin Overmyer, President, Marshall County Board of Commissioners
Mr. Todd Zieger, Historic Landmarks Foundation of Indiana
Ms. Karie Brudis, DNR-DHPA
Mr. Carl Camacho, Bernardin Lochmueller & Assoc.
Ms. Linda Weintraut, Weintraut & Assoc.


SHIVELY
RIDDLES LAKE
LINDEN ROAD
"C","E","F"
ROAD
ALT."Cs","Es"
TYLER ROAD
ALT."Gs","G-C"
31
POSSIBLE LINE
FARMSTEADS ST. RD.
EAST 1ST ROAD
B & O RAILROAD
FARMSTEAD 1B RD.
6
LA PAZ
ALT."G"
NORTH LILAC ROAD
MAPLE ROAD
WHITE FAMILY CEMETERY & FARMSTEADS
ALT."Cs","Es","Gs","G-C"
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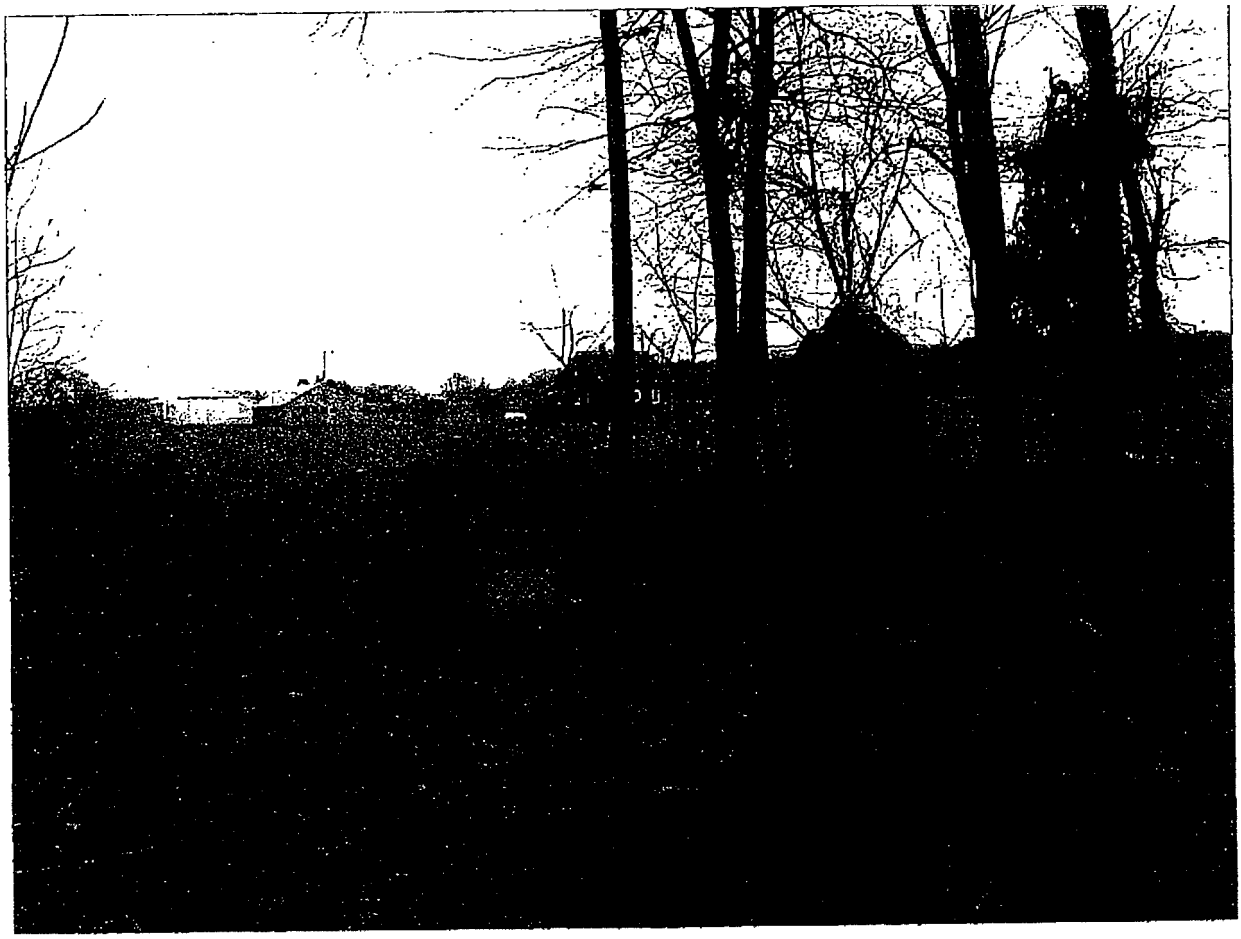
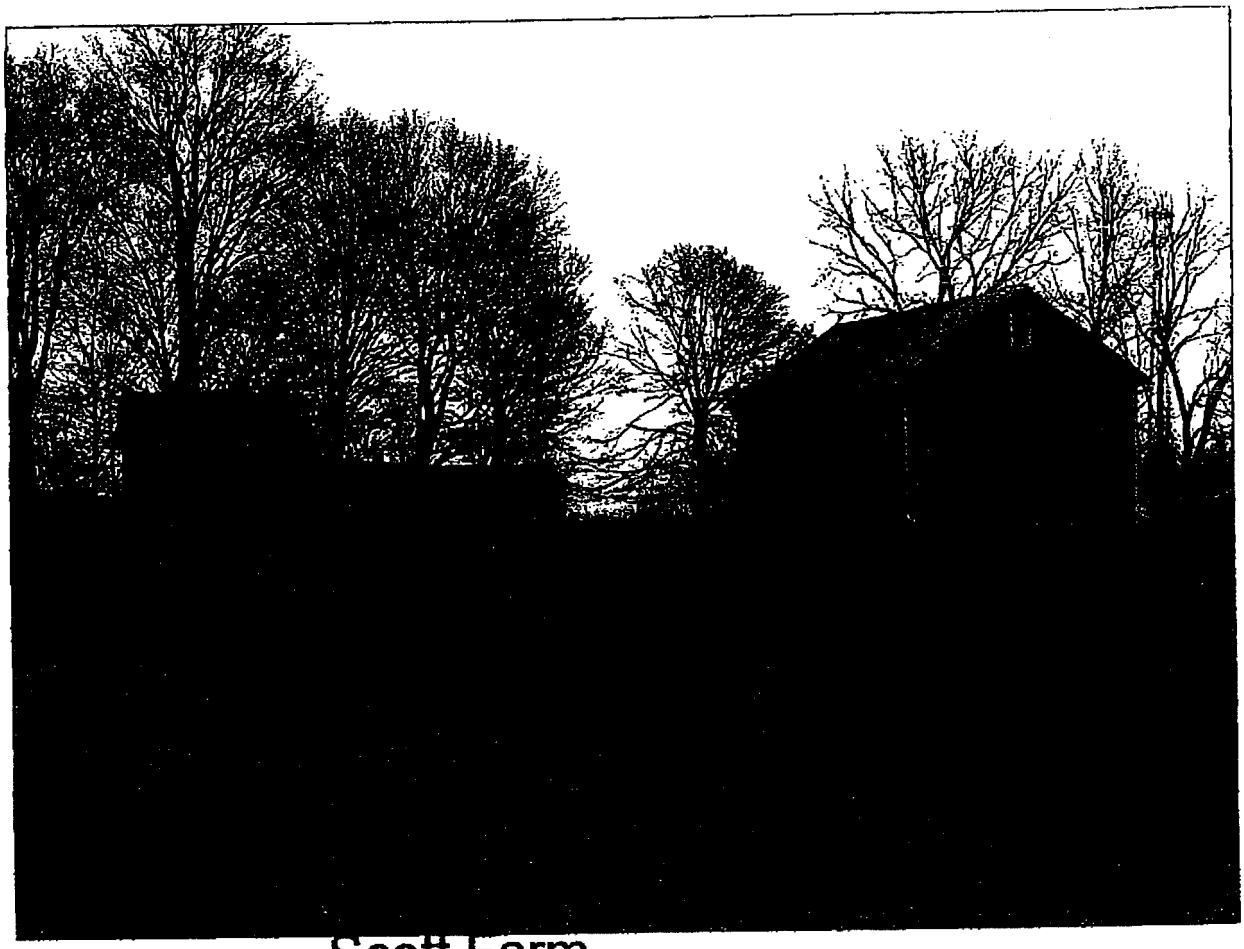
LILAC ROAD
WEST 5A ROAD



White Cemetery
North Township
White Homestead
in the background

White Cemetery
North Township



Scott Farm
North Township
W 1 B Road

DNR Indiana Department of Natural Resources

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

Frank O'Bannon, Governor
John Goss, Director

November 26, 2003

Linda Weintraut, Ph.D.
President
Weintraut & Associates Historians, Inc.
16 Boone Woods
Zionsville, IN 46077

Federal Agency: Federal Highway Administration ("FHWA")

Re: Determination of property boundaries in conjunction with the US 31 Corridor project from US 30 near Plymouth to US 20 near South Bend (BLA Project #201-0101-OHY/HY21; Designation #9405230; DNR #6115 & 9770-1)

Dear Dr. Weintraut:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) 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 November 2, 2003, and received on November 5, 2003, for the above indicated project from Plymouth to South Bend in Marshall and St. Joseph counties, Indiana.

We do not have any concerns with the proposed property boundaries.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:kab

RECEIVED
DEC - 1 2003
BLA

cc: Kathleen Quinn, Acting Division Administrator, Federal Highway Administration
Carlos Camacho, Bernardin Lochmueller & Associates, Inc.
emc: Todd Zeiger, Director, Northern Regional Office, Historic Landmarks Foundation of Indiana

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201-0101-0HY

South Bend and St. Joseph County
HISTORIC PRESERVATION COMMISSION
227 WEST JEFFERSON BLVD.
SOUTH BEND, IN 46601-1830

Phone: 574-235-9798 Fax: 574-235-9578
e-mail: historic@michiana.org

John H. Oxian, President | A Certified Local Government | Karen R. Hammond-Nash, Director

Monday, September 22, 2003

Carl Camacho, Project Manager
Bernadin Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, IN 47715-4006

RE: U. S. 31 proposed alternative routes

Dear Mr. Camacho:

Based on the information now available, the Historic Preservation Commission adopted, by resolution, the following position at our September 15, 2003 monthly meeting. The position of the HPC is as follows:

1. **Proposed Route G would cause devastation to historic structures and landscapes, which would be difficult to mitigate.**

2. **In view of the information which has become available to the HPC regarding the proposed width of U.S. 31 after its rebuilding, HPC has some new concerns about all the proposed routes, and the large number of important structures that would have to be demolished on both sides of the existing or proposed route to accommodate the desired greater width.**

3. **For these reasons, the HPC believes that the best alternative is the new proposal put forward recently by the Historic Landmarks Foundation of Indiana, for a route to follow proposed route F & E as far as they are the same, and then to chart a middle course through the open, un-built ground between the two, rejoining existing U.S. 31 / Michigan Street at Detroit Avenue, or between Lucinda Street and Pasadena Avenue.**

This should not only be preserve important historical links with our past, but also save money that would otherwise have to be spent in relocating people and demolishing buildings. Please do be sure to call us if there is any information or assistance which we may provide regarding this matter.

Yours,

Karen R. Hammond-Nash,
Director

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SEP 24 2003
BLA

COMMISSIONERS

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Joann Sporleder (Architectural Historian)
Gerald Ujdak (Vice President)
Diane Wrobel-Illes
John Livingston (Attorney)

DNR Indiana Department of Natural Resources

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

Frank O'Bannon, Governor
John Goss, Director

HISTORIC PRESERVATION AND ARCHAEOLOGY

September 2, 2003

Linda Weintraut, Ph.D.
Weintraut & Associates Historians, Inc.
16 Boone Woods
Zionsville, Indiana 46077

Federal Agency: Federal Highway Administration

Re: Revised area of potential effects ("APE"), preliminary alternatives analysis and minutes from the May 15th, 2003 meeting, draft of historic property report, and meeting notice for September 4th for the US 31 Corridor project from US 30 near Plymouth to US 20 near South Bend (Designation #9405230; BLA Project #201-0101-OHY/HY21; DNR #6115, 9770-1)

Dear Dr. Weintraut:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) 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 July 24, 2003, August 19, 2003, and August 20, 2003, and received on July 28, 2003, August 20, 2003, and August 22, 2003, for the above indicated project in Marshall and St. Joseph counties, Indiana.

In general, we agree with the proposed findings of eligibility or non-eligibility for the properties identified in the August 19, 2003 "Draft Historic Property Report". We also agree with the proposed changes to the area of potential effects.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:kab

cc: Kate Quinn, Acting Division Administrator, Federal Highway Administration
[redacted]o, Bernardin Lochmueller & Associates, Inc.
emc: Todd Zeiger, Director, Northern Regional Office, Historic Landmarks Foundation of Indiana

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SEP – 8 2003
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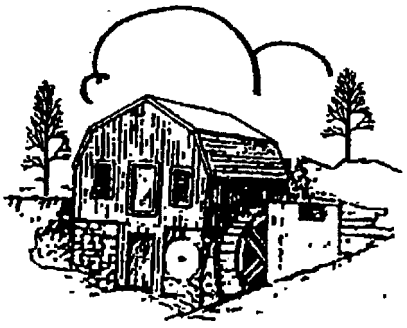

The Society for the Preservation of Old Mills

A Non-Profit Organization Chartered in Maine

Fred Beals
722 Green Pine Court, Apt. O
Mishawaka, IN 46545
(574) 259-4483

Keith Kia
Matt
Dean
Dave I
Tom
Carl
Jay M.

11 August, 2003

Bernasrdin-Lochmueller & Associates
6200 Vogel Road
Evansville IN 47715-4006

To Whom It May Concern:

As much as I appreciate learning from you what's going on in the South Bend area, I must tell you that I am no longer the president of the Great Lakes chapter of our Society. I continue to be a member, but have no authorized position. Therefore, may I suggest that you remove my name from you mailing list concerning sending out progress reports on various bridge construction programs.

The current president of the chapter is: Richard Sulin, 111 South Main Street, Rockford, MI 49341. If you wish to continue to send these reports, you might wish to send them to him. However, living in central Michigan, he may not have an interest in Indiana's various bridge restoration programs.

Thank you

Fred Beals

Fred Beals

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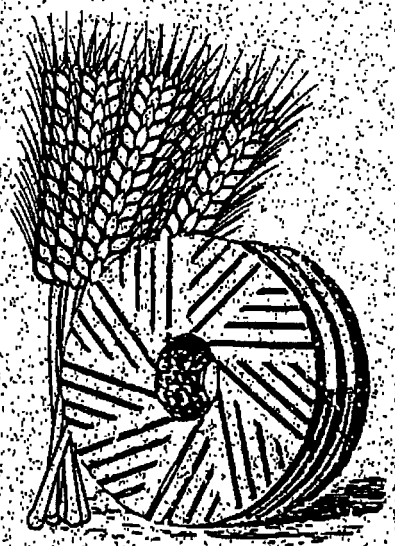
AUG 14 2003
BLA

We invite you to join SPOOM by completing the form that appears on the reverse of this flap.

Mail the form and your membership fee to the designated address. Your subscription will begin with the current issue and is renewable on an annual basis.



Publications

- **Old Mill News**—Membership in SPOOM includes an annual subscription to *Old Mill News (OMN)*, a quarterly magazine mailed in January, April, July, and October. The Mill Bookstore stocks back issues.
- **Mill Rosters**—SPOOM continues to compile mill rosters for most states and some foreign countries. These rosters are available to the public for a small charge to cover the cost of printing and mailing. A complete list of available rosters and a current order form appear on the SPOOM website.
- **The Mill Bookstore**—A full selection of reprinted and original text publications are offered through The Mill Bookstore. A catalog of available books is found in each issue of *Old Mill News* or the website.

More information is available from the following SPOOM staff:

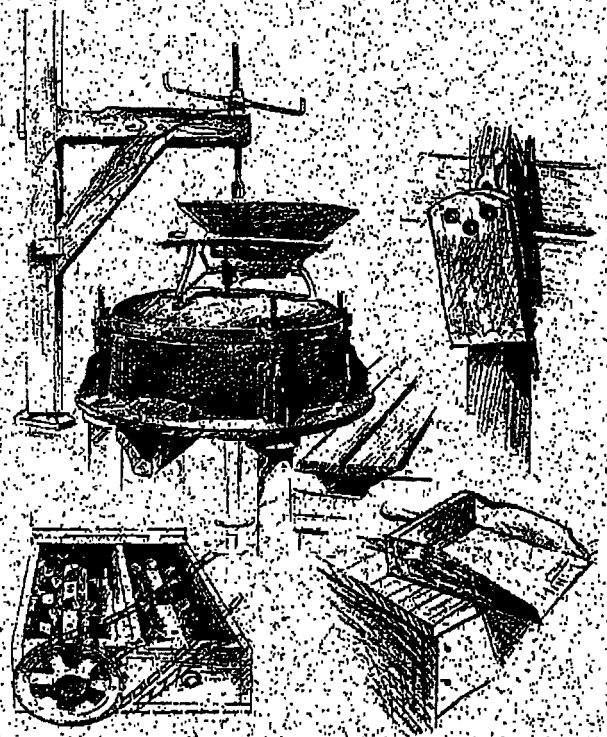
Esther A. Middlewood, Editor
Old Mill News
670 – 56th St Street, SE #5
Kentwood, MI 49548-5814
E-mail: eamedit@aol.com

Fred Beals
Mill Roster Coordinator
1531 Folkstone Ct.
Mishawaka, IN 46544-5831
E-mail: Folkstone6038280@aol.com

Sidney Halma – Mill Bookstore
SPOOM c/o CCHA
P.O. Box 1055
Newton, NC 28658-0611
E-mail: ccha@twave.net

Revised 10/1/2001
Please Destroy Prior Editions

The Society for the Preservation of Old Mills



Welcomes You!

www.spoom.org

Purpose

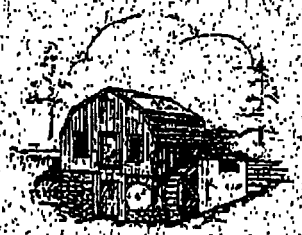
The Society for the Preservation of Old Mills is an international organization that is dedicated by its constitution and by-laws to:

"promote interest in old mills and other Americana now quickly passing from the present scene. It reports to its members through a quarterly magazine (Old Mill News) . . . keeps files and maintains a library on mills . . . and acts as a clearing house on milling information among all those interested."

The Society, known as **SPOOM**, was chartered in Maine as a non-profit organization in 1972. Its members include a wide variety of enthusiasts and membership is open to any individual who shares such interests and purposes. The Society cooperates with The International Molinological Society (TIMS), a world-wide organization of mill enthusiasts headquartered in England.

Web Site Access—In 1997, SPOOM joined the Internet. Access is available through: http://www.spoom.org. Members are encouraged to use the web site to buy, sell, or trade mill-related items. Check out the options.

Technical Advisory Committee—In 1983, SPOOM organized a Technical Advisory Committee to help members with milling questions. Today, the Board of Directors serves as that committee. Contact any board member with your questions—or send your question to the "Can You Help?" column in *Old Mill News*.



Annual Conferences and Regional Meetings/Seminars

Annual Conferences and other meetings provide members with the opportunity to get together and share their interests in old mills. A different site is selected each year and includes mill tours, seminars, the annual SPOOM business meeting, and plenty of time to socialize.

SPOOMers visit Mascot Roller Mill in Pennsylvania as part of the 2000 SPOOM Conference.

Regional Chapters also hold at least biannual meetings and offer a variety of activities. SPOOM currently endorses Canadian, Great Lakes, Intermountain, and Northeast chapters. For more information on how to start a regional chapter, contact the SPOOM Board of Directors.

Please enroll me as a member of the Society. I understand membership includes a subscription to *Old Mill News*.

Individual Regular USA ..... $21.00/yr.

Regular all other countries ..... $24.00/yr. (US funds)

Family Membership ..... $25.00/yr.

Family Membership includes one copy of *Old Mill News* and two votes on Society affairs.

Sustaining USA* ..... $30.00/yr.

Organizations ..... $60.00/yr.

Patron* ..... $50.00/yr.

Corporate ..... $250.00/yr.

Brochure obtained from _____

Name _____ (Please Print)

Address _____

City _____

State/Prov./ZIP+4 _____

Do you own a mill? _____ Mill Name _____

*These levels of membership are for persons wanting to show extra support for SPOOM activities. Non-North American residents may add US $12.00 per year for air mail delivery. Contributions to SPOOM are tax deductible. Please indicate your level of membership and print the information requested above.

Mail this section along with your payment in US dollars to William L. Denton, Circulation Manager, 5444 Alpine Ridge, Stevensville, MI 49127-1302.

Canadian and all other foreign members MUST REMIT in US FUNDS ONLY, using international money orders, travelers checks, or checks payable through a U.S. correspondent bank.

Make checks payable to: Society for the Preservation of Old Mills, or to SPOOM, but not to an individual. Thank you.

DNR Indiana Department of Natural Resources

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

Frank O'Bannon, Governor
John Goss, Director

HISTORIC PRESERVATION AND ARCHAEOLOGY

July 25, 2003

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JUL 28 2003
BLA-INDY

Linda Weintraut, Ph.D.
Weintraut & Associates Historians, Inc.
16 Boone Woods
Zionsville, IN 46077

Federal Agency: Federal Highway Administration

Re: May 15, 2003 meeting notice and area of potential effect ("APE") boundaries for the eleven corridors in the preliminary screening of the US 31 Corridor project from US 30 near Plymouth to US 20 near South Bend

Dear Dr. Weintraut:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) 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 April 16, 2003, June 9, 2003, and July 10, 2003, and received on April 21, 2003, June 18, 2003, and July 10, 2003, for the above indicated project in Marshall and St. Joseph counties, Indiana.

Based on information available to us at this time, we concur that the area of potential effects is appropriate.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Dr. Rick Jones. Questions about buildings or structures should be directed to Karie A. Brudis.

Very truly yours,

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:JRJ:KAB:kab

cc: Kate Quinn, Acting Division Administrator, Federal Highway Administration
Jay Marks, Project Manager, Bernardin, Lochmueller & Associates, Inc.
emc: Todd Zeiger, Director, Northern Regional Office, Historic Landmarks Foundation of Indiana

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PEORIA TRIBE OF INDIANS OF OKLAHOMA
118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538
P.O. Box 1527
MIAMI, OKLAHOMA 74355

CHIEF
John P. Froman

SECOND CHIEF
Joe Goforth

May 28, 2003

Indiana Division, U.S. Department of Transportation
Federal Highway Administration
Attn: John R. Baxter, P.E.
Environmental Engineer
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

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JUN 03 2003
BLA-INDY

RE: Early Coordination Letter regarding the Preparation of an Environmental Impact Statement for the U.S. 31 Corridor from U.S. 30 near Plymouth, Indiana to U.S. 20 near South Bend, Indiana and Invitation to be Consulting Party.

Thank you for notice of the referenced projects. The Peoria Tribe of Indians of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Peoria Tribe request notification and further consultation.

The Peoria Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

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LeAnne Reeves

SECRETARY
Hank Downum

FIRST COUNCILMAN
Claude Landers

SECOND COUNCILMAN
Jenny Rampey

THIRD COUNCILMAN
Jason Dollarhide

Consulting Parties
U.S. 31 Corridor Plymouth to South Bend

You are hereby invited to be a consulting party to participate in consultation to identify historic properties, assess effects, and seek ways to avoid, minimize, or mitigate adverse effects on historic properties. Please complete and return this post card and check if you "do" or "do not" agree to be a consulting party. Thank you.

☑ *We "do" wish to be a consulting party*

☐ *We "do not" wish to be a consulting party*

Name: John P. Froman
Organization: Peoria Tribe of Indians of Oklahoma
Address: PO Box 1527; 118 South Eight Tribes Trail
Miami, OK 74355
Telephone Number: 918-540-2535 Fax: 918-540-2538
E-mail Address: jfroman@peoriatribe.com

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 West Jackson Boulevard
Chicago, IL 60604

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AUG 22 2002
BLA-INDY

Date: 8/18/02

~~Document~~ LETTER: EARLY COORDINATION LETTER REGARDING THE PREPERATION OF AN ENVIRONMENTAL IMPACT STATEMENT FOR U.S. 31 CORRIDOR FROM U.S. 30 NEAR PLYMOUTH, IN TO US 20 NEAR SOUTH BEND, IN.

Dear Interested Party:

The Environmental Planning and Evaluation Branch has received the ~~document~~ LETTER listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act; U.S. EPA reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements, but we also have the discretion to review and comment on other environmental documents prepared under NEPA if interest and resources permit.

We did not undertake a detailed review of the ~~document~~ LETTER you sent to this office, and will not be generating comments because of the reason selected below.

_____ The document was not prepared under NEPA.
_____ The document was given a cursory review, but other workload priorities precluded us from undertaking a detailed review and generating comments.
_____ The document was given a cursory review, and we determined that there were no significant concerns meriting comment.
__✓__ We opted to wait for the next level of documentation on this project before deciding whether or not to comment.

We reserve the right to reconsider undertaking a review at future planning stages, or if significant new data on the project is made available by the sponsoring agency or other interested parties. Thank you for providing information on the project.

Sincerely,

for

Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

DNR Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology•402 W. Washington Street, W274•Indianapolis, IN 46204-2739
Phone 317-232-1646•Fax 317-232-0693•dhpa@dnr.state.in.us

Frank O'Bannon, Governor
John Goss, Director

HISTORIC PRESERVATION AND ARCHAEOLOGY

August 13, 2002

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AUG 14 2002
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Jay Marks
Project Manager
Bernardin, Lochmueller & Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, Indiana 46214-3105

Federal Agency: Federal Highway Administration

Re: Early coordination letter for the improvements to US 31 from US 30 to US 20

Dear Mr. Marks:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated July 24, 2002, and received by the Indiana SHPO on July 25, 2002, for the above indicated project in Marshall and St. Joseph counties, Indiana.

Thank you for providing us notification of your undertaking. Be advised that is not necessary to invite the Indiana SHPO to be a consulting party, because the Indiana SHPO is an automatic consulting party, and will participate in consultation when notified of the project and requested to assist in certain steps of the process.

Please provide the indicated information to facilitate the identification and analysis of historic properties in the project area, once it becomes available:

1) Provide an overall description of the project and its location detailing any construction, demolition, and earthmoving activities.

2) Define the area of potential effects[1] and provide a map or a good quality photocopy of a map containing the following:

   - The boundaries of the area of potential effects and the precise location of the project area within those boundaries clearly outlined in dark ink on a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map.

   - The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).

3) Give the precise location of any buildings, structures, and objects *within the area of potential effects* (e.g., addresses and a site map with properties keyed to it).

4) Give the known or approximate date of construction for buildings, structures, objects, and districts *within the area of potential effects.*

5) Submit historical documentation for buildings, structures, objects, and districts *within the area of potential effects.*

6) List all sources checked for your historical research of the *area of potential effects.*

[1]. Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (see 36 C.F.R § 800. 16[d]).

7) Provide recent, clear photographs or good quality computer-generated images (not photocopies), keyed to a site plan, showing the exterior (and interior, if feasible) of any buildings, structures, objects, or land *that could be affected in any way by the project.*

8) Describe the current and past land uses within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and, if so, indicated the part or parts of the project area that have been disturbed and the nature of the disturbance; agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose.

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions, please contact Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,

John R. Goss
State Historic Preservation Officer

JRG:KAB:kab

Enclosures

cc: John Baxter, Division Administrator, Federal Highway Administration
Todd Zeiger, Director, Northern Regional Office, Historic Landmarks Foundation of Indiana

INFORMATION NEEDED TO BEGIN THE SECTION 106 REVIEW PROCESS
(Updated as of 09/27/99)

To begin the Section 106 historic preservation review process, the Federal agency or its delegate needs to establish whether there is an undertaking that has the potential to affect historic resources and, if so, identify listed or eligible historic properties or archaeological sites. Also, if desired, the Federal agency or its delegate may begin to evaluate the nature of the project's effect on any such properties or sites. Then, the Federal agency--or authorized consulting party, such as an applicant for funding or licensing--should submit the following items to the State Historic Preservation Officer (SHPO) at the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (DHPA), 402 West Washington Street, Room W274, Indianapolis, Indiana 46204 (telephone number 317-232-1646). The letter should provide the SHPO with sufficient information about the project, its location, and how it will affect historic properties to enable the SHPO to reach his own conclusions regarding whether historic properties are present and the nature of the project's effect on any such properties.

The SHPO or his staff at the DHPA will notify the Federal agency or its delegate if basic elements needed in the submission for SHPO review are missing. The SHPO will attempt to send such notifications within two to four weeks after the initial submission.

CHECKLIST: INITIAL ITEMS TO BE SUBMITTED TO THE SHPO FOR THE SECTION 106 REVIEW

Step 1: Initiating the Section 106 Review Process

___A) A letter or a copy of a letter from the Federal agency or its delegate (e.g., in the case of Community Development Block Grant [CDBG] or HOME funds from the U.S. Department of Housing and Urban Develoment [HUD], the local government delegate; except that where Indiana Housing Finance Authority [IHFA] is providing grant funds directly to a non-profit organization, IHFA will be the delegate) naming the undertaking (i.e., the project, program, or activity) and identifying the consulting parties (e.g., the applicant, local governments, local historical societies or other preservation organizations, or a county historian who have expressed, or may be expected to express, an interest in or concern about the undertaking), unless the Federal agency or its delegate has already provided authorization directly to the SHPO.

___B) Where applicable, if another person or organization is authorized to represent a consulting party named by the Federal agency or its delegate in the Section 106 review process, then a letter should be provided from the consulting party clearly indicating who that authorized representative is (e.g., a particular regional planning agency, grant administrator, architect, engineer, or consultant);

___C) The name of the Federal agency or its delegate, that has direct or indirect jurisdiction over the project, activity, or program, and, if applicable, the name of the program. For example, if grant funds will be used or a license, permit or other approval by a Federal agency or its delegate is required, then identify the source of the grant funds (e.g., federal CDBG money from the Indiana Department of Commerce's Community Focus Fund, or federal funds from Rural Development or the Federal Highway Administration) or simply the name of the agency issuing a license, permit or other approval (e.g., U.S. Army Corps of Engineers, Federal Deposit Insurance Corporation);

___D) An overall description of the undertaking (or project) and its location (including address, city, township, and county);

Step 2: Identifying Historic Resources

Determining the Scope of Identification

___A) Define the area of potential effects (the geographic area or areas within which an undertaking may cause changes in the use or character of historic properties, if any such properties exist; *includes effects that are direct or indirect, cumulative, later in time, or at a distance*); and provide a map or a good quality photocopy of a map containing the following:

i) The boundaries of the area of potential effects *and* the precise location of the project area within those boundaries clearly outlined in dark ink (highlighter and pencil do not photocopy well) on the a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map;

ii) The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes);

Evaluating Historic Resources

___B) Give the precise location of any buildings, structures, and objects within the area of potential effects (e.g., addresses and a site map with properties keyed to it);

___C) Gather and organize documentation on buildings, structures, and objects within the area of potential effects including: dates of construction, statement of any known modifications to individual buildings, structures, and objects, associations with significant events or persons, and any other historical information known about the land, buildings, and structures within the area of potential effects;

___D) Describe the existing condition of any vacant land within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and, if so, indicate the part or parts of the project area that have been disturbed; agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose;

___E) Document the sources checked (i.e., using correspondence, bibliographical citations [e.g., title, author, page number], or copies of relevant materials obtained from oral history interviews, sample field investigations, field surveys, background research, consultation with a county historian, a local historical or historic preservation organization, or reference materials such as the interim report of a local historic sites and structures inventory);

___F) Provide recent, clear photographs or good quality computer-generated images (not photocopies) showing the exterior (and interior, if feasible) of any buildings, structures, or objects that could be affected in any way (such as by demolition, rehabilitation, expansion, taking of right-of-way, or visual modification or obscuration) by the project;

Documenting Findings

___G) Summarize the Federal agency's or its delegate's findings regarding the existence of historic properties within the area of potential effects by providing a list of historic and non-historic resources ("historic" resources or properties are those that are listed in or eligible for inclusion in the National Register of Historic Places) and the reasons underlying those conclusions;

Step 3: Assessing Effects on Historic Resources:

___A) Provide a detailed scope of work and describe how any land, buildings, structures, or objects, within the area of potential effects could be physically altered or visually modified or obscured as a result of the proposed work;

___B) State whether or not any buildings, structures, or objects might be demolished or otherwise disposed of as a result of the acquisition or construction of a new facility, and, if so, be sure to proceed with the following:

___i) Provide a site plan **for undertakings that will involve new construction, additions to existing buildings, changes in right-of way or earthmoving** activities:

a) Showing the footprint of existing and/or proposed buildings or structures;

b) With the precise location of all construction, changes in right-of-way or earthmoving activities on a particular lot or lots clearly marked;

___ii) If applicable, describe whether or not the buildings, structures, or objects to be demolished or otherwise disposed of are currently owned or leased by a Federal agency.

___C) Summarize the Federal agency's or its delegate's findings regarding the effects on historic properties within the area of potential effects by outlining the reasons for your conclusions.

Depending on the nature of the undertaking and the properties it could affect, the SHPO or his staff in the DHPA may request additional information, such as the report of an archaeological investigation of a vacant parcel of land, a structural report on a building to be demolished, or photographs of work areas and detailed plans and specifications of proposed rehabilitation work. This information usually need not be provided in the initial submission to the SHPO, however. For more information on the process refer to the Federal regulations at 36 C.F.R. Part 800, which are available on the Internet at www.achp.gov.

DNR Indiana Department of Natural Resources

Frank O'Bannon, Governor
John Goss, Director

SUMMARY OF THE KEY STEPS FOR CARRYING OUT THE SECTION 106 REVIEW PROCESS IN INDIANA (UPDATED AS OF 01/31/01 i:\enreview\administ\handouts\106step)

INTRODUCTION

Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and the Section 106 regulations (36 C.F.R. § 800 as revised effective January 11, 2001) require that any Federal agency or its delegatee having jurisdiction over a project that will be funded or licensed by that Federal agency or its delegatee take into account the project's effect on historic properties and give the Indiana State Historic Preservation Officer ("SHPO") and another Federal agency, the Advisory Council on Historic Preservation, a reasonable opportunity to comment on the project. An historic property is any district, building, structure, object, or site that is either listed in or eligible for the National Register of Historic Places.

Unlike all other Federal agencies, the U.S. Department of Housing and Urban Development ("HUD") has delegated its responsibility under Section 106 to local governments that receive Community Development Block Grant funds from HUD, either directly or through grant programs such as the Indiana Department of Commerce's Community Focus Fund ("CFF") or programs administered by the Indiana Housing Finance Authority ("IHFA"). Therefore, the local government that receives or hopes to receive such a grant bears the responsibility of ensuring that the Section 106 process is completed, usually before the project begins. Consequently, all references to the "delegatee" specifically refer to those local governments legally delegated by HUD for certain HUD programs. The following discussion refers to certain responsibilities of the Federal agency or its delegatee.

STEP 1: INITIATING THE SECTION 106 REVIEW PROCESS

The Federal agency or its delegatee must determine whether the proposed action is an undertaking as defined in 36 C.F.R. 800.16(y), and, if so, whether it is a type of activity that has the potential to cause effects on historic properties 36 C.F.R. § 800.3. If the Federal agency or its delegatee has determined that the undertaking is the type of activity that has the potential to cause effects on historic properties, then the Federal agency or its delegatee needs take steps to involve the public and identify the appropriate officers who need to be involved in the process.

"*Consulting parties,*" where appropriate, must be invited by the Federal agency or its delegatee to participate in the consultation process. It is the Federal agency or its delegatee's responsibility, in consultation with the SHPO, to identify consulting parties and formally grant specific parties the ability to participate in consultation at the beginning of the review process. The SHPO automatically participates in consultation and special invitation is not needed.

An initial submission to the SHPO should include a letter from the Federal agency or its delegatee identify the contact names and addressed of consulting parties, if any, who have been invited and authorized by the Federal agency or its delegatee to participate in consultation. If no additional consulting parties will be participating, then provide a brief explanation of why (i.e. the nature or scope of the project, a written or lack of reply to an invitation by a designated time, etc.) Be advised that the naming of consulting parties at the beginning of the review process *does not preclude* the invitation of additional consulting parties once the review process has been initiated. Applicants for Federal assistance, permits, licenses or other approvals are entitled to participate as consulting parties as long as they are invited to do so. Ultimately, the Federal agency or its delegatee has the role of deciding who may participate as consulting parties. *Moreover, the SHPO may consult with an applicant other than a formal delegatee acting in the place of the Federal agency, only where the applicant has received express, written authorization from the Federal agency or delegatee and a copy of the authorization document has been provided to the SHPO.*

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STEP 2: IDENTIFYING HISTORIC RESOURCES

The current regulations set forth that the Federal agency or its delegatee "shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey" (36 C.F.R. § 800.4 [b][1]). Although this step remains largely unchanged from the former regulations, recent modifications include a greater emphasis upon the documentation of the steps that must be followed by the Federal agency or its delegatee to identify historic resources and specific flexibility measures for the Federal agency or its delegatee to carry out the identification process. It is important to gather information for the evaluation of all resources within the area of potential effects (see definition below), especially those resources that will be affected. The Federal agency or its delegatee is entitled to enlist the services of consultant to assist with the identification process. However, a *consultant must have received express, written authorization from the Federal agency or its delegatee to act on its behalf to gather historic information and a copy of the authorization document must have been submitted to the SHPO prior to or at the commencement of consultation.*

Determining the scope of identification efforts through the area of potential effects

The Federal agency or its delegatee also needs to determine the *area of potential effects*, which means the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist. The scale and nature of an undertaking help to determine the appropriate boundaries of the *area of potential effects*. It is especially important to note that the area of potential effects *is not influenced by the pre-existing awareness of historic or non-historic resources*. Defining the area of potential effects is the first step for determining the scope of identification efforts, and needs to be established before one begins to seek information to assess the potential historic properties. Although defining the area of potential effects was part of the former review process, it often went unspoken or unwritten unless a memorandum of agreement was prepared. To define the area of potential effects, one must take into account effects that are *direct or indirect, cumulative, later in time, or at a distance.* Once a good faith effort has been made to define the area of potential effects, then it is necessary to consult with the Indiana SHPO. The Federal agency or its delegatee is also entitled to enlist the services of an authorized consultant to assist in this step.

Evaluating historic resources

Below, we have listed some of the most heavily used sources to help the Federal agency, its delegatee, or the authorized consulting parties evaluate historic resources:

a) The National Park Service (NPS) maintains a database list of all those properties that are currently listed in the National Register of Historic Places. This information is accessible through the NPS website (www2.cr.nps.gov/nr/).

b) The NPS's *National Register Criteria for Evaluation* are used for considering whether a property is eligible for inclusion in the National Register. The criteria are found in the publication entitled National Register Bulletin 15, which may be obtained by writing to the National Register of Historic Places, National Park Service, U.S. Department of Interior, Post Office Box 37127, Washington D.C. 20013-7121.

c) About two-thirds of the counties in Indiana have been surveyed to identify potential historic buildings, structures, objects, and districts. Furthermore, the results of the most of the surveys have been published in Interim Reports. Although some of the Interim Reports are available for purchase through the Historic Landmarks Foundation of Indiana at (317) 639-4534, others are out of circulation. However, all of them can be found at the Indiana State Library. Also, many of the Interim Reports can be found at local libraries and historical organizations.

d) Historic preservation organizations and county historians may also have historical information on a particular resource or area. For a list of contact names, addresses, and telephone numbers, please check the website of the Indiana Historical Society (www.indianahistory.org).

e) Other sources that might be useful for identifying potential historic or archaeological resources include: Sanborn maps (available for reference at the main library of Ball State University or the Geography Library at Indiana University), U.S. Geological Survey maps, old atlases, census information, local, county or regional histories and prehistories, and other records indicating previous land use.

Documenting findings

After evaluating the historical significance of the properties within the area of potential effects, the Federal agency or its delegatee is supposed to provide documentation of its determination and findings to parties specified in the Federal regulations *and* ensure that a determination, finding or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis pursuant to 36 C.F.R. § 800.11(a).

No historic properties affected

In the event that the Federal agency or its delegatee finds that *no historic properties will be affected*, then the Federal agency or its delegatee shall:

a) Notify SHPO of its findings and provide SHPO with *required* documentation pursuant to 36 C.F.R. § 800.11(d).

   1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;

   2) A description of the steps taken to identify historic properties, including as appropriate, efforts to seek information; and

   3) The basis for determining that no historic properties are present or affected.

b) Notify all consulting parties of the finding and make the above documentation available for public inspection.

Historic properties affected

In the event that the Federal agency or its delegatee finds that there are *historic properties which may be affected* by the undertaking, or the SHPO disagrees with a finding that no historic properties will be affected, then the Federal agency or its delegatee shall:

a) Notify all consulting parties and invite their views on the effects

b) Proceed with the assessment of adverse effects

STEP 3: ASSESSING EFFECTS ON HISTORIC RESOURCES

If the Federal agency or its delegate finds that there are historic resources within the area of potential effects that *may be affected*, then the Federal agency or its delegate is responsible for applying the criteria of adverse effect for those properties in consultation with the SHPO and other consulting parties. The Federal regulations state that an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of an historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Examples of adverse effects are found at 36 C.F.R. § 800. 5(a)(2).

Finding of no adverse effect

If the Federal agency or its delegatee proposes a finding of no adverse effect and there is agreement, then it shall notify the SHPO, all consulting parties, and the general public of its findings, provide the SHPO and all consulting parties with supporting documentation pursuant to 36 C.F.R. § 800.11(e), make supporting documentation on the finding available to the general public upon request, and maintain a record of the finding. The supporting documentation is recorded below:

Summary of documentation requirements for historic properties affected:

1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
2) A description of the steps taken to identify historic properties;
3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
4) A description of the undertaking's effects on historic properties;
5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize, or mitigate adverse effects; and
6) Copies of summaries of any views provided by consulting parties and the public.

Finding of Adverse Effect

If the Federal agency or its delegatee proposes a finding of adverse effect, then the Federal agency or its delegatee shall proceed to resolve the adverse effects.

STEP 4: RESOLVING ADVERSE EFFECTS

When the Federal agency or its delegatee proposes a finding of adverse effect, then the Federal agency or its delegatee shall:

a) Continue consultation to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties pursuant to 36 C.F.R. § 800.6.

b) Notify the Council of the finding, provide the Council with documentation specified under 36 C.F.R. § 800.11(e), and, where applicable, invite the Council to participate in consultation.

c) Assuming there is agreement, execute a memorandum of agreement (MOA) that establishes how the adverse effects will be resolved, and ask the SHPO, and any invited signatories or concurring parties to sign the MOA.

d) Provide a copy of the executed MOA to the Council.

SUMMARY

The best way to reduce the time needed for Section 106 review is for the Federal agency or its delegatee and the applicants for funding or licensing to plan their projects so as to avoid adverse effects on historic properties. This can be done if the Federal agency or or its delegatee its applicant identify all historic properties or important archaeological sites at the beginning of project planning, use The Secretary of the Interior's Standards for Historic Preservation Projects as a guide to designing project that will affect historic properties, and contact the SHPO before reaching any final decisions on project design.

Questions should be directed to the Division of Historic Preservation and Archaeology ("DHPA") at (317) 232-1646 or by writing to the DHPA at the Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

Useful Resources for Section 106 Reviews

(Last Updated August 13, 2002 - i:\enreview\adminis\handouts)

WEBSITES:

www.achp.gov - Website for the Advisory Council on Historic Preservation. The Advisory Council on Historic Preservation is the major policy advisor to the Government in the field of Historic Preservation. They also oversee the implementation of the Section 106 regulations. The Section 106 regulations (36 C.F.R. Part 800) can also be referenced on this website.

www.cr.nps.gov/nr/ - Website for the National Register of Historic Places. This website not only gives general information on the National Register program, but allows one to search the National Register database by state and county for a list of all resources listed in a particular county.

www.indianahistory.org - Website for the Indiana Historical Society. The Indiana Historical Society's website provides information on the programs and services of the organization. It also contains lists of many local preservation organizations in Indiana sorted by county as well as a list of the county historians.

www2.cr.nps.gov/tps/briefs/presbhom.htm - Website for the *Preservation Briefs*. The *Preservation Briefs* provide technical assistance on various aspects of building rehabilitation as well as other related preservation topics.

www2.cr.nps.gov/tps/standards/ - Website for the *Secretary of Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*

www2.cr.nps.gov/tps/care - This new website, which is part of the National Park Service's Heritage Preservation Services, is devoted to all aspects of caring for historic buildings. One useful feature is a couple of interactive rehabilitation case studies that allow one to apply the *Secretary of the Interior's Standards for Rehabilitation*. The *Secretary's Standards* can be referenced at www2.cr.nps.gov/tps/tax/rehabstandards.htm.

www.state.in.us/dnr/historic/index.htm - Website for the Indiana Division of Historic Preservation and Archaeology. It gives information on the various programs offered by our office along with information on the various sections of the office. NOTE: The Section 106 information is currently out of date, but will hopefully be updated in the near future.

terraserver.microsoft.com - This website provides access to quad maps and aerial photographs for the United States. Some of the aerial maps on the website were taken as recently as 1998, which provides up to date information on where buildings exist in close proximity to project areas. NOTE: There is no "www" in this website address.

www.historiclandmarks.org - Website for Historic Landmarks Foundation of Indiana ("HLFI"). HLFI is the largest statewide non-profit preservation organization in Indiana. HLFI can provide information on interim reports, and the regional offices may be able to provide historical information for a particular area in their vicinity.

www.doi.gov/bia/tribes/entry.html - The Bureau of Indiana Affairs can provide information on any Native American tribes that may have a vested interest in your project area. This website provides a list of federally recognized tribes. A list of Tribal Historic Preservation Officers (THPO's) can be found on the Advisory Council's website at www.achp.gov/thpo.html.

www.cr.nps.gov/nr/listing.htm - This website provides you with information on applying the National Register Criteria. By clicking on How to Apply the National Register Criteria text on the last page, you will find the information that is printed in *Bulletin 15, Applying the National Register Criteria for Evaluation.*

www.cast.uark.edu/other/nps/nacd/nacd.html - Website for the Native American Consultation Database. This website contains contact names and addresses of Native American groups.

OTHER USEFUL RESOURCES:

Interim Reports - The Interim Reports provide surveys of historic buildings, structures, districts, and objects for various Indiana counties. Copies of Interim Reports are usually available at local historical societies and public libraries. A complete set can also be found at the Indiana State Library in Indianapolis. Furthermore, copies of many Interim Reports can also be purchased from Historic Landmarks Foundation of Indiana [340 West Michigan Street, Indianapolis, Indiana 46202, (317) 639-4534, www.historiclandmarks.org]. Please refer to the attached list of counties that have been surveyed.

Historical Societies and County Historians - Local historical societies and county historians can provide additional information on the history of a particular area. Furthermore, they may possess county histories and historical atlases, which are good resources for historical documentation. NOTE: Most historical societies and county historians are not familiar with the Section 106 process and do not have the knowledge to make determinations of eligibility for potential historic resources or make determinations of effect.

National Register Bulletins - The National Register Bulletins provide information on various aspects of the National Register program. Of particular interest is *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation,* which is useful in helping to determine whether or not a property is eligible for inclusion in the National Register.

Contact Information for the Indiana Division of Historic Preservation and Archaeology:

Mailing Address: Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, W274
Indianapolis, Indiana 46204

Phone Number: (317) 232-1646

E-mail: dhpa@dnr.state.in.us

Our Staff:

Jon Smith, Director
Shelia Griffin, Administrative Assistant

Archaeologists:

Dr. Rick Jones, State Archaeologist
Jim Mohow, Staff Archaeologist
William Mangold, Staff Archaeologist

Amy Johnson, Mining, Staff Archaeologist

Historic Structures Reviewers:

John Carr, Chief, Historic Structures Review
Michelle Daleiden-Fischer, Senior Structures Reviewer
Karie Brudis, Structures Reviewer

Federal and State Tax Credits:

Dave Duvall, Historical Architect

Survey and Registration:

Frank Hurdis, Chief, Survey and Registration
Paul Diebold, Architectural Historian
Amy Walker, National Register Assistant

Grants:

Steve Kennedy, Grants Manager
Malia Savarino, Assistant Grants Manager

Clerical:

Sue Judy, Secretary

Other:

Jeannie Regan-Dinius, Cemetery Registry Coordinator

Counties surveyed by Historic Landmarks Foundation or other organizations

ALLEN (City of Fort Wayne)
BARTHOLOMEW
BOONE
BROWN
CARROLL
CASS
CLARK
CLAY
CLINTON
DAVIESS
DEARBORN
DECATUR
DELAWARE
DUBOIS
ELKHART
FAYETTE
FLOYD
FOUNTAIN
FRANKLIN
FULTON
GIBSON
GRANT
GREENE
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ST. JOSEPH
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Introduction to Section 106 Review

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JANUARY 2000

Determining an undertaking's area of potential effects

The agency's first step in establishing the scope of needed identification efforts is to determine the undertaking's area of potential effects. This is done in consultation with the SHPO/THPO. [36 CFR §800.4(a)(1)] The area of potential effects (APE) is defined as:

> *. . . the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.* [36 CFR § 800.16(d)]

If there is disagreement concerning the extent of the APE, the consulting parties may seek guidance and assistance from the Council. Also, the Council can elect to issue an advisory comment to the agency on its APE determination. [36 CFR § 800.9(a)] If this occurs, the agency has to consider the views of the Council in reaching a final decision regarding the boundaries of the APE.

Points to remember. When defining an area of potential effects (APE), agencies need to remember that:

1. The APE is defined before identification begins, when it may not yet be known whether any historic properties actually are within the APE. To determine an APE, it is not necessary to know whether any historic properties exist in the area.

2. An APE is not determined on the basis of land ownership.

3. The APE should include:

- all alternative locations for all elements of the undertaking;
- all locations where the undertaking may result in disturbance of the ground;
- all locations from which elements of the undertaking (e.g., structures or land disturbance) may be visible or audible;
- all locations where the activity may result in changes in traffic patterns, land use, public access, etc.; and
- all areas where there may be indirect as well as direct effects.

4. An APE need not be a single area and need not always have hard and fast boundaries. There may be different APEs for

different effects of an undertaking. Revising project plans may also lead to revising APE boundaries.

5. Determining an APE does not mean that any historic properties within its boundaries must be preserved. They will, however, have to be taken into account during the review process.

The agency is required to document its determination of the APE. [36 CFR §800.4(a)(1)] The general standard for documenting determinations, including the APE, is that the determination be "supported by sufficient documentation to enable any reviewing parties to understand its basis." [36 CFR §800.11(a)] The agency should use appropriate graphic materials to illustrate the APE, so that the Council, the SHPO/THPO, another consulting party or a member of the public could readily comprehend its scope.

Gathering existing information

The agency should next ascertain what information is already known about properties in the APE. This should include both reviewing known information and conferring with consulting parties and members of the public who might have knowledge of resources in the area and concerns regarding the undertaking's potential impacts on historic properties. [36 CFR §800.4(a)(2-3)]

The regulations specifically require that the agency seek information from Indian tribes and Native Hawaiian organizations about properties that may be of religious and cultural significance to them. However, because of the nature of the properties in question, these groups may not wish to divulge information about such properties. Such properties may have spiritual or sacred values for those who ascribe significance to them, or may be used in ongoing cultural activities that may not be readily shared with outsiders. Thus, it may be strongly desired that both the nature and the precise location of the property be kept secret. Agencies should work with Indian tribes and Native Hawaiian organizations to address such confidentiality concerns. [36 CFR §800.4(a)(4)]

Advisory Council on Historic Preservation

Section 106 Regulations Users Guide
Regulations Summary

Introduction

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the Council. These regulations, "Protection of Historic Properties" (36 CFR Part 800), became effective June 17, 1999, and are summarized below.

Initiate Section 106 process

The responsible Federal agency first determines whether it has an undertaking that could affect historic properties, which are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. If so, it must identify the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) to consult with during the process. It should also plan to involve the public, and identify other potential consulting parties. If it determines that it has no undertaking, or that its undertaking has no potential to affect historic properties, the agency has no further Section 106 obligations.

Identify historic properties

If the agency's undertaking could affect historic properties, the agency determines the scope of appropriate identification efforts and then proceeds to identify historic properties in the area of potential effects. The agency reviews background information, consults with the SHPO/THPO and others, seeks information from knowledgeable parties, and conducts additional studies as necessary. Districts, sites, buildings, structures, and objects listed in the National Register are considered; unlisted properties are evaluated against the National Park Service's published criteria, in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious or cultural importance to them.

If questions arise about the eligibility of a given property, the agency may seek a formal determination of eligibility from the National Park Service. Section 106 review gives equal consideration to properties that have already been included in the National Register as well as those that meet National Register criteria.

If the agency finds that no historic properties are present or affected, it provides documentation to the SHPO/THPO and, barring any objection in 30 days, proceeds with its undertaking.

If the agency finds that historic properties are present, it proceeds to assess possible adverse effects.

Assess adverse effects

The agency, in consultation with the SHPO/THPO, makes an assessment of adverse effects on the

identified historic properties based on criteria found in the Council's regulations.

If they agree that there will be **no adverse effect**, the agency proceeds with the undertaking and any agreed-upon conditions.

If the parties cannot agree or they find that there is an **adverse effect**, the agency begins consultation to identify ways to avoid, minimize, or mitigate adverse effects.

Resolve adverse effects

The agency consults with the SHPO/THPO and others, who may include Indian tribes and Native Hawaiian organizations, local governments, permit or license applicants, and members of the public. The Council may participate in consultation when there are substantial impacts to important historic properties, when a case presents important questions of policy or interpretation, when there is a potential for procedural problems, or when there are issues of concern to Indian tribes or Native Hawaiian organizations.

Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

Implementation

If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA.

Failure to resolve adverse effects

If consultation proves unproductive, the agency or the SHPO/THPO, or the Council itself, may terminate consultation. If a SHPO terminates consultation, the agency and the Council may conclude an MOA without SHPO involvement. However, if a THPO terminates consultation and the undertaking is on or affecting historic properties on tribal lands, the Council must provide its comments. The agency must submit appropriate documentation to the Council and request the Council's written comments. The agency head must take into account the Council's written comments in deciding how to proceed.

Tribes, Native Hawaiians, and the public

Public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process.

The regulations also place major emphasis on consultation with Indian tribes and Native Hawaiian organizations, in keeping with the 1992 amendments to NHPA. Consultation with an Indian tribe must respect tribal sovereignty and the government-to-government relationship between the Federal Government and Indian tribes. Even if an Indian tribe has not been certified by NPS to have a THPO who can act for the SHPO on its lands, it must be consulted about undertakings on or affecting its lands on the same basis and in addition to the SHPO.

HISTORIC
LANDMARKS
FOUNDATION OF
INDIANA

Northern Regional Office
914 Lincolnway West
South Bend, IN 46616
574 232 4534
Fax: 574 232 5549

April 16, 2002

Bernardin, Lochmueller and Associates
6200 Vogel Road
Evansville, IN 47715

Re: U.S. 31 corridor project

Dear sirs,

Please add our name as a consulting party to the U.S. 31 corridor project study. We would like to be included in the earliest phases of this project. We may be contacted at the phone, email and address above.

Thank you.

Sincerely,

Todd A. Zeiger
Director, Northern Regional Office

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January 26, 2004

JAN 2 8 2004

Mr. Carl Camacho, P.E.
Bernardin & Lochmueller Associates, Inc.
7830 Rockville Road
Indianapolis, IN 46214

Dear Carl:

Although I understand the final decisions on the U.S. 31 Project ultimately will lie with INDOT, I find it necessary to address some resident concerns, which have come to my attention. I have enclosed a sampling of these concerns.

Specifically residents within the Whispering Hills subdivision are very concerned that Project Alternates C1, C2, and E2 would severely impact their subdivision and several other neighborhoods immediately within this vicinity.

All told, more that 300 households comprise this area. These residents are concerned that any proposal which would affect the neighborhoods immediately to the west of current U.S. 31 between the U.S. 20 Bypass and Kern road would serve as a detriment to their neighborhoods and their well being.

I would appreciate very much if you would give much consideration to the concerns of these residents. I realize that ultimately when a final choice is made that this choice will have impact upon someone. However, without the interest of concerned residents the best and final decision to be made would be lacking all necessary information.

I would also appreciate it very much if you would forward this letter of concern to all pertinent parties. If you would like to contact me by e-mail my address is as follows: pag@co.st-joseph.in.us.

Sincerely,

David L. Niezgodski

David L. Niezgodski
2nd District St. Joseph County Commissioner

Enclosures

The Chamber
Chamber of Commerce of St. Joseph County

December 18, 2003

Mr. Carl Camacho
Project Engineer
Bernardin, Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, IN 47715
Via Fax: 812-479-6262

Re: U.S. 31 Plymouth to South Bend

Dear Carl,

The Indiana Department of Transportation (INDOT) and Bernardin, Lochmueller & Associates, Inc. released yesterday modifications to the preliminary alternatives for US 31 improvement from Plymouth to South Bend. These preliminary alternatives and screenings have identified routes that best meet the purpose and needs and the social and environmental measures required under the FHWA rules.

In addition to the conditions required under the FHWA rules, as President of The Chamber of Commerce of St. Joseph County, we respectfully request that consideration be given to the economic impact on the local economy. We feel that use of the existing US 31 corridor would adversely impact existing businesses, the associated tax base, and future development planned in this area. The U.S. 31 corridor represents significant growth potential for commercial development in the next decade and ties directly to major commercial projects on the adjacent Ireland Road.

Termination of the U.S. 31 expressway at the U.S. 20 Bypass should be located as proposed in Alternative C. Further, to provide the greatest economic certainty for property owners we strongly recommend that only one alternative be included in the draft submitted to the FHWA. The alternative using the existing U.S. 31 corridor should be eliminated from further consideration in the draft.

We look forward to working with you on moving this project forward into the design phase in 2004.

Best regards,

Mark N. Eagan, CCE
President & CEO

The Commerce Center
401 E. Colfax Ave., Suite 310
P.O. Box 1677
South Bend, IN 46634-1677
Phone: 574.234.0051
Fax: 574.289.0358
www.sjchamber.org

RECEIVED
DEC 18 2003
ISLA

TOWN OF LAPAZ
BOX 820 LAPAZ, INDIANA 46537

574-784-3491 PHONE *574-784-8738 FAX*

ALTERNATIVE C.E.F. HAS BEEN THE CHOICE OF ROUTES THAT WILL HAVE THE MOST POSITIVE IMPACT IN OUR COMMUNITY, THIS INCLUDES THE TOWN OF LAPAZ AND NORTH TOWNSHIP FIRE AND AMBULANCE SERVICE AND POLICE DEPARTMENTS.

WE WOULD LIKE TO SEE CONTINUED SERVICE USE OF FIRST ROAD, MARSHALL COUNTY BECAUSE IT PROVIDES THE BEST EMERGENCY MANAGEMENT ACCESS TO OUR NORTH EAST SECTOR THAT SERVICES LAPAZ EMERGENCY, FIRE, AMBULANCE AND POLICE. FIRST ROAD IS THE BEST AND ONLY DIRECT ROAD TO 331, BESIDE U.S.6, THIS WOULD COVER THE ROUTE TO BREMEN HOSPITAL, TOWN OF BREMEN AND ST. JOE HOSPITAL IN MISHAWAKA. ANOTHER EMERGENCY CONSIDERATION IS FIRST ROAD IS THE ONLY ROAD THAT DOES NOT CROSS THE RAILROAD, IN CASES OF EMERGENCY IT IS A THROUGH ROAD AND A FAIRLY GOOD ROAD CONSIDERING THE OTHER ROADS THAT CROSS WOULD HAVE TO DEAL WITH THE RAIL ROAD TRACKS AND THERE ARE TIMES THE TRAINS WAIT ON THOSE TRACKS AND HOLD UP THE CROSS ROAD TRAFFIC.

FOR FUTURE GROWTH THE TOWN OF LAPAZ RECOMMEND'S A FULL CLOVER LEAF, NOT ONLY FOR EMERGENCY EQUIPMENT BUT FOR THE FACT THAT THERE ARE SO MANY MOBILE HOMES, SEMI TRUCKS, AND AUTOMOBILES TRAVELING US 6, THE IMPACT OF THAT TRAFFIC GOING OFF AND ENTERING US 31 WILL BE IMMENSE, IF THEY HAVE TO STOP AT A DIAMOND INTERSECTION IT COULD HOLD UP TRAFFIC AND WE NEED TO GET TRAFFIC MOVING ONTO THE NEW HIGHWAY.

WE WOULD LIKE SOME INFORMATION ON 4A ROAD AND US 31, WE WOULD LIKE TO KNOW HOW THAT SECTION OF ROAD WILL BE TAKEN CARE OF? OUR EMERGENCY VEHICLE DRIVERS ARE CONCERNED WITH HOW THEY WILL SERVICE THE TOWNSHIP EAST OF THAT POINT? WE WOULD ALSO RECOMMEND A INTERCHANGE IN

THE AREA OF 6TH OR 7TH ROAD AS PROPOSED BY PLYMOUTH AND MARSHALL COUNTY, THIS IS A IDEA WE ENDORSE.

THE ECONOMIC AND SOCIAL IMPACT OF THIS HIGHWAY DEVELOPMENT COULD HAVE SUCH A IMPACT ON OUR COMMUNITY, THE GROWTH COULD BE SUCH A BENEFIT TO OUR COMMUNITY.

WE APPRECIATED MR. CARL CAMACHO FOR COMING TO THE TOWN OF LAPAZ AND EXPLAINING TO THE TOWN THE SITUATION WE HAVE AND HELPED US IN
LOOKING AT SOME OF THESE SITUATIONS.

THANK YOU THE TOWN OF LAPAZ, NORTH TOWNSHIP, FIRE DEPT. UNION NORTH AMBULANCE SERVICE AND LAPAZ POLICE DEPT.

Jane Harris - Clerk-Treasurer
Edgar L. Clyfter - President
Donella J Emmons - Board member
Linda K. Tyler - Board member

Wayne Hummel - Town Marshal
Elmer E Kouza - North Twp. Trustee
Richard Cartwright - Union North Amb. Serv.

SOUTH BEND COMMUNITY SCHOOL CORPORATION
635 SOUTH MAIN STREET SOUTH BEND, INDIANA 46601

03 December 2003

Carl D. Camacho, P. E.
Project Manager
Bernardin, Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, Indiana 47715-4006

By Fax and First Class Mail

SUBJ: US31 - Plymouth to South Bend Study
BLA Project No.: 201-0101-OHY/HY51

Dear Mr. Camacho:

As requested, the following information pertaining to the South Bend Community School Corporation (SBCSC) is provided to assist you as you continue working on subject project, US-31.

A map showing the locations of SBCSC school buildings is provided at attachment (1). School buildings that might be impacted by subject project have been hi lited in yellow. No new school buildings are planned as of this date. Based on development trends that exist in the South Bend area, I anticipate that sometime in the future, the SBCSC might consider the construction of a new school in the northwest sector of the SBCSC area. Subject project will not interfere in the placement of this building.

Current capacity and enrollment figures for the four school buildings, hi lited in attachment (1) follow:

School	Function	2003 Capacity	2003 Enrollment
Hamilton Primary Grades	K - 4	357	338
Hay Primary Grades	K - 4	558	427
Greene Intermediate Grades	5 - 8	850	574
Jackson Intermediate Grades	5 - 8	1,325	769

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BLA

After preliminary discussions of subject project with the SBCSC transportation department, I anticipate there will be no more than minimal impact on bus transportation routes, no matter which alternative is selected for the future US-31. Based on information which I received during a previous US-31 planning meeting, there will be sufficient east-west traffic routes - across the future US-31 - to satisfy the busing requirements of the SBCSC.

If you need additional information or input, please feel free to call me at 574-283-8002.

I wish you continued success on this much needed and vital effort.

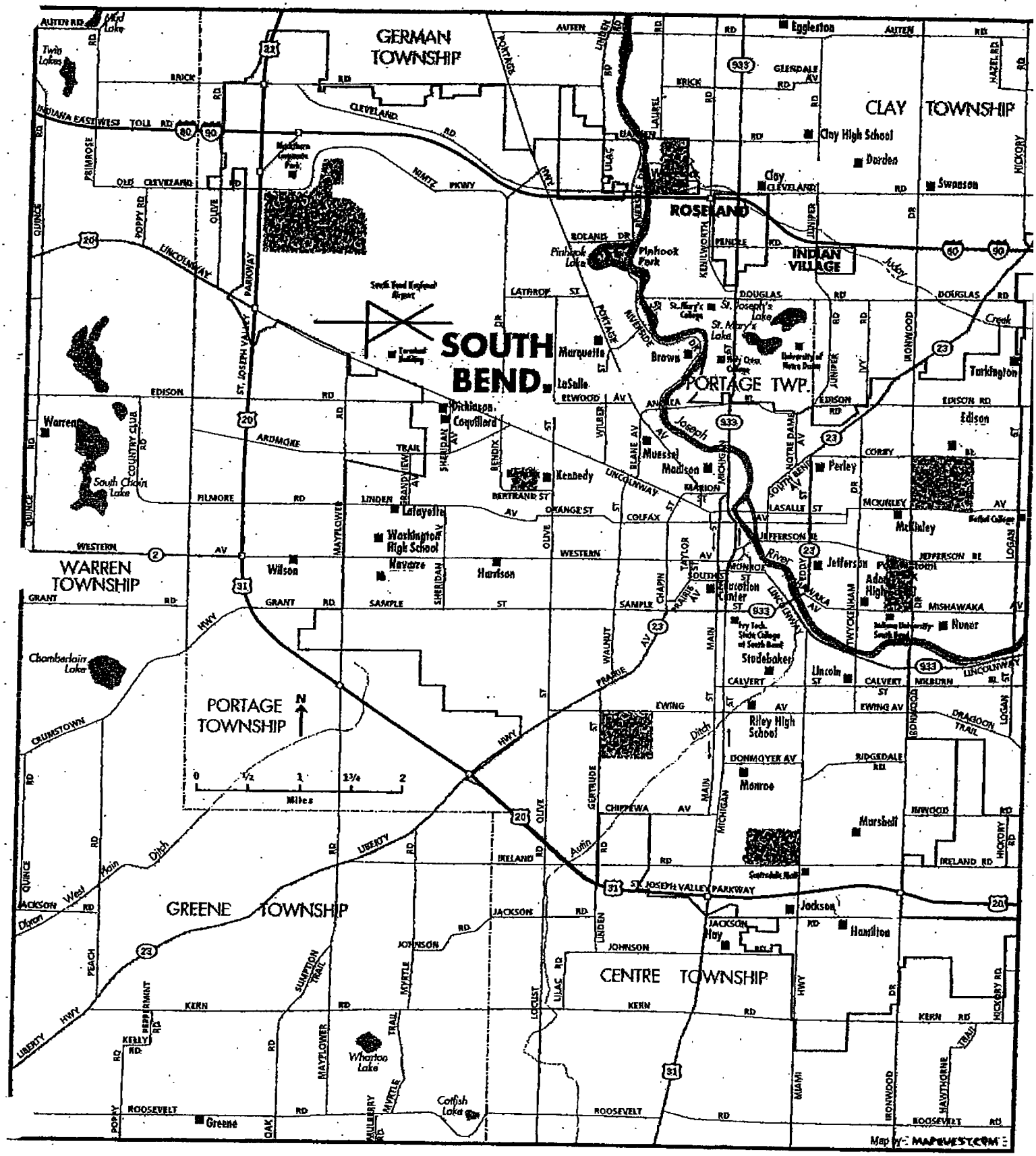
Respectfully,

John H. Strauss
Assistant Superintendent
Facilities Management

Attachment: (1) Map of South Bend Community Schools

Copy to: James Mosley, Bernadin, Lochmueller, & Associates, Inc.
Judith Dahlstrom, Director of Transportation, SBCSC

SOUTH BEND COMMUNITY SCHOOLS



December 2, 2004

Mr. Carl Camacho
Bernardin-Lockmueller & Associates, Inc.
7830 Rockville Road
Suite C
Indianapolis, IN 46214

Dear Mr. Camacho:

Enclosed, please find the information that you requested for the Plymouth School Corporation.

Total student enrollment: 3356

Total bussed students: 3061

Total number of faculty: 200 (certified)
220 (non-certified)

If you have any questions, please feel free to contact me.

Sincerely,

Rick S. Scott
Transportation Director

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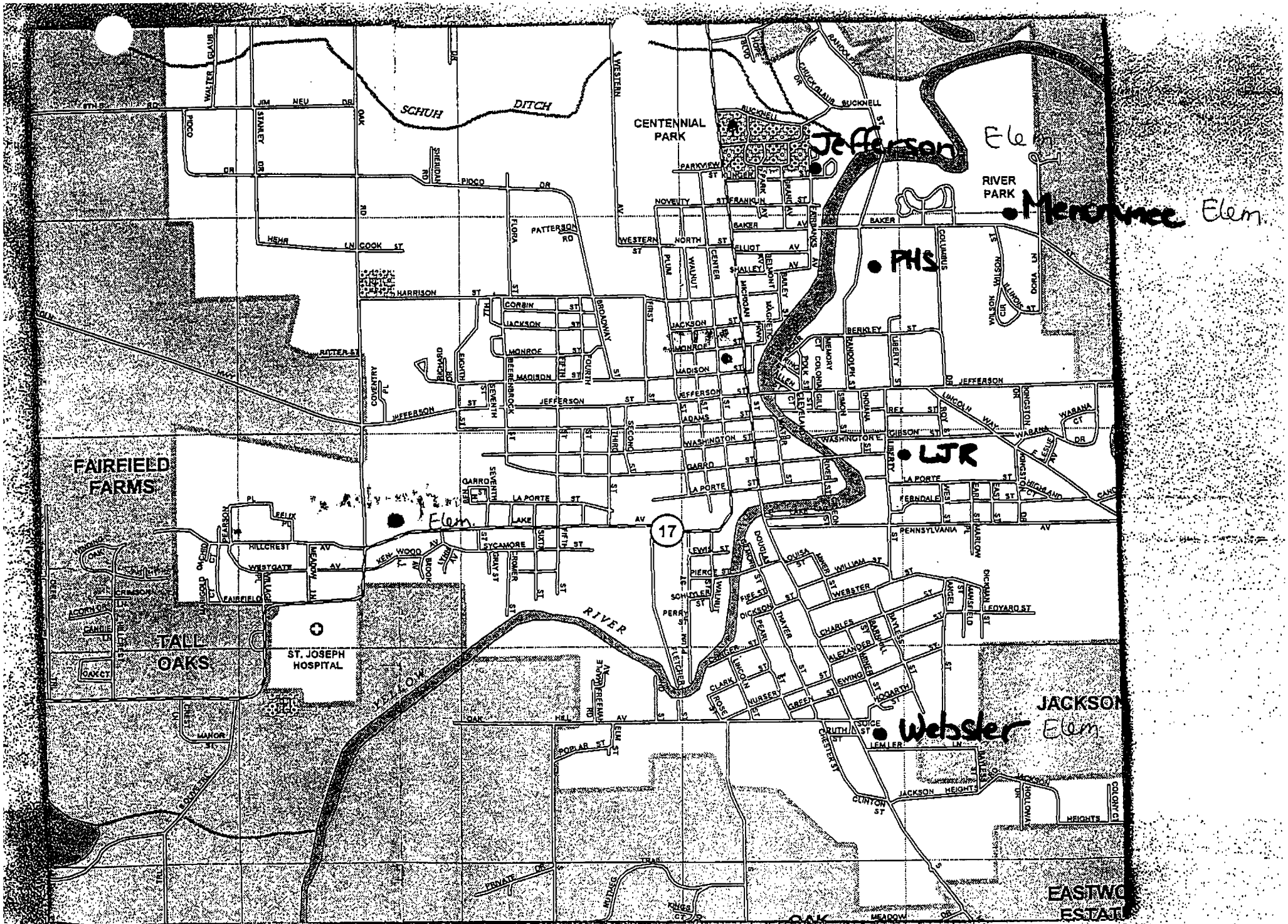
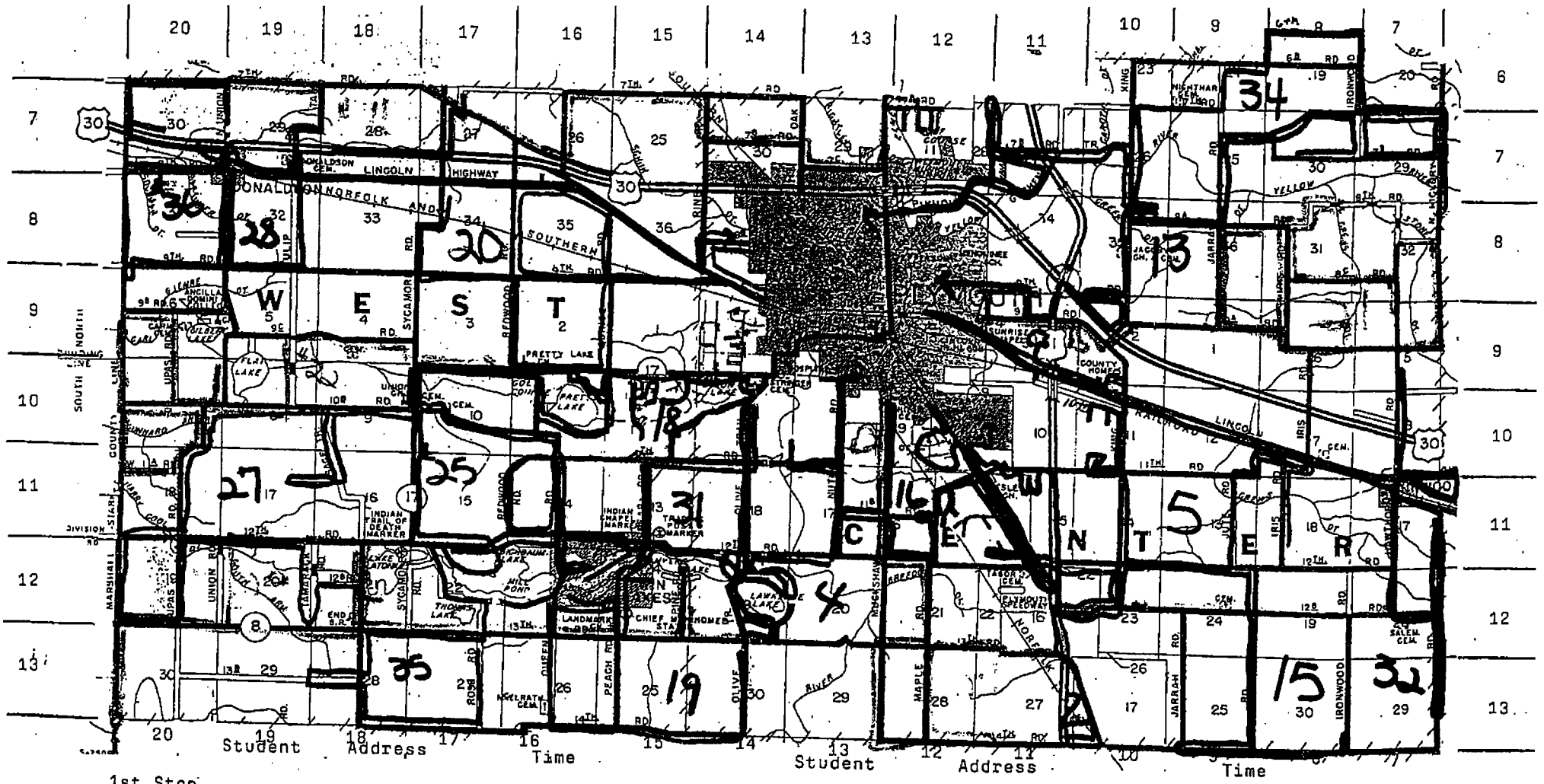


SM = St. Michaels Elem.
PHS = Plymouth High School

Plymouth School Corp.



1st Stop _____ 2nd Stop _____

3rd Stop _____ 4th Stop _____

1200 County-City Building
South Bend, Indiana 46601-1830

Phone 574/ 235-9371
Fax 574/ 235-9021
TDD 574/ 235-5567

City of South Bend Stephen J. Luecke, Mayor
Community & Economic Development

September 2, 2003

Mr. Carl Camacho, P.E.
Project Engineer
Bernardin Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, IN 47715-4006

RE: South Side Development Area Information

Dear Mr. Camacho:

I appreciated the opportunity that you extended to Carl Littrell and myself on August 21, 2003, to talk with your planning group via conference call. As a part of that conversation, I indicated that I would be sending you some draft planning maps that should be incorporated into your reference materials.

Enclosed in this packet is a draft planning map that is being prepared by Lehman & Lehman, a local planning firm, to address land use and circulation issues within the Erskine Hills/South Side area or South Bend. The plan details some infrastructure improvements that we anticipate making as well as some proposed and future development sites along the Ireland Road Corridor. I have also included a site plan for the Erskine Village project located on the former site of Scottsdale Mall at the southeast corner of Ireland and Miami as well as for the proposed Erskine Crossings site located at the southwest corner of Ireland and Michigan. I have removed the store names from the Erskine Crossings site as they have not been formally announced and would not want to have the store names appear on any maps before they become official.

If you require any additional information about any of the development sites or any information relative to the South Side of South Bend, please feel free to contact me directly at (574) 235-5842 or by e-mail at bschalli@ci.south-bend.in.us . Also, if there is any way that the City can take a proactive roll in this planning process, again, please contact me as I serve as the project area coordinator for the South Side Development Area.

Sincerely,

Bill Schalliol
Economic Development Planner

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SEP - 5 2003
BLA

Enclosures

CC: Carl Littrell, City Engineer

Community Development
Pamela C. Meyer
574/235-9660
Fax: 574/235-9697

Economic Development
Donald E. Inks
574/235-9371

Financial & Program Management
Elizabeth Leonard
574/235-9371

CITY OF MISHAWAKA

OFFICE OF THE MAYOR

ROBERT C. BEUTTER, MAYOR

March 20, 2002

Indiana Department of Transportation
Executive Offices
100 North Senate -- Room N755
Indianapolis, IN 46204

RE: U.S. 31 Corridor

Dear Friends,

I am delighted that the Indiana Department of Transportation is holding a public hearing in the South Bend-Mishawaka area as part of the development of an interstate-quality highway in the U.S. 31 Corridor from US 20 in St. Joseph County to I-465 in Marion County. While I regret that it is impossible for me to attend this meeting, I ask that you include this letter in the record of that public hearing.

I hereby express my unequivocal and wholehearted support for this badly needed transportation upgrade. Efficient and safe travel on U.S. 31 is critical to the economic vitality of the many municipalities along the corridor, including Mishawaka and other communities in North Central Indiana. The current U.S. 31 connection between St. Joseph County and our state capital is inadequate, unsafe and inconvenient for the many Hoosiers and visitors who must use its narrow, congested and stoplight-filled lanes on a daily basis. St. Joseph and Marshall counties, especially at Lakeville and La Paz, contain some of the most dangerous intersections in Northern Indiana.

There are many, many good reasons why people want to live, work and raise their families in Indiana. It is important that all of us, at every level of government, work together to eliminate those problems that still exist and detract from that quality of life. The existing undersized, over-burdened out-dated, U.S. 31 roadway does not provide the level of safety and service that our citizens and businesses demand and deserve.

I urge the Indiana Department of Transportation to finalize a design and timetable that will lead to the construction and opening of an interstate-quality U.S. 31 from St. Joseph County to Marion County as quickly as possible.

Sincerely,

Robert C. Beutter

RCB/slls

City Hall • 600 East Third Street • P.O. Box 363 • Mishawaka, IN 46546-0363
Telephone: (219) 258-1601 • Facsimile (219) 258-1603 • Website: www.MishawakaCity.Com

The Greater Elkhart Chamber of Commerce

"Indiana's Community of the Year"

March 21, 2002

Re: U.S. Highway #31 from Indianapolis to South Bend: Testimony for public hearing.

Attached is a copy of The Greater Elkhart Chamber of Commerce Transportation Policy T-8, which encourages an expedited schedule for the improvement of U.S.#31 to an interstate-standard highway. I will read the policy into the record(read policy). In conclusion, I would like to note that this improvement has strong regional backing with solid support from all of the area Chambers and Governmental entities. By working together as a coalition we are much more effective in getting the project in front of the decision-makers. The US#31 Coalition under the leadership of Dennis Faulkenberg is making great progress in this regard. Thank you for the opportunity to offer this testimony.

Sincerely,

Greater Elkhart Chamber of Commerce Inc.
Philip E. Penn, President/CEO

418 South Main Street P.O. Box 428 Elkhart, Indiana 46515-0428
219/293-1531 FAX 219/294-1859 Website: http://www.elkhart.org

(Adopted by Board 6-24-83)
(Revised by Board 3-23-84)
(Reaffirmed by Board 2-20-87)
(Reaffirmed by Board 3-16-90)
(Referred by Board to Transportation Council for updating, 11-19-94)
(Revised by Board 2-18-94)
(Revised by Board 2-20-98)
(Revised by Board 12-08-00)

T-7 Use of Indiana Toll Road Revenues

The Greater Elkhart Chamber of Commerce is opposed to any amendment in Indiana Law which would allow profits of the Northern Indiana Toll Road to be used to fund highway projects in parts of the State which are not a part of the Northern Indiana Toll Road corridor.

The Chamber favors implementation of legislation which allows revenues generated on the Toll Road to be used for development and improvement of feeder roads in Elkhart County that are inside the 10-mile Toll Road corridor.

Conversely, the Chamber is opposed to any effort to divert funds which would prevent the Elkhart area from receiving its fair share from other sources for further planned highway improvements.

(Adopted by Board 11-22-85)
(Reaffirmed by Board 2-20-87)
(Reaffirmed by Board 3-16-90)
(Reaffirmed by Board 11-19-93)
(Revised by Board 2-20-98)
(Reaffirmed by Board 12-08-00)

T-8 U.S.31 Improvements

U.S.31 is the primary transportation link between North central Indiana and Indianapolis. As these areas are the two largest economic engines in the state, it is essential that they be connected by an interstate grade highway. The Greater Elkhart Chamber of Commerce encourages all entities impacted by this corridor to join the efforts of the US-31 Coalition, Inc. to ensure that the many needed improvements to U.S.31 are expedited.

Because this will be a costly project, The Chamber encourages exploration of dedicated funding vehicles to expedite this construction. These may include, but are not limited to:

- Dedication of the additional revenue received from Indiana's fair share of Federal funds.
- Exploration of implementing a toll road.
- Increase in the State gasoline tax.
- State bond issue.

(Adopted by Board 2-20-98)
(Revised by Board 12-08-00)

T-9 Speed Limits

The Greater Elkhart Chamber of Commerce believes that, to keep pace with national transportation trends, the speed limits on limited access highways, such as the US 20 bypass, in the state of Indiana should be raised to 65 m.p.h. The trucks and automobiles that share these highways, should be allowed to travel at the same speed to reduce problems caused by short closing times between different modes of transportation.

(Adopted by Board 2-20-98)
(Reaffirmed by Board 12-08-00)

T-10 High-Speed Rail in Elkhart

As we enter the 21st century, high-speed rail offers a enhanced form of transportation throughout the Midwest. This modern technology promises rapid/relaxed travel, reduction in conventional traffic, and environmental improvement. Just a positioning on rivers, early rail lines, and the Interstate highway system have proven advantageous to the growth of our area, so will having an Elkhart station on the line between Chicago and Cleveland.

As the second largest economic engine in the state, it is essential that the Elkhart/South Bend area be an integral part of this new transportation system. Due to the continuing relationship of Elkhart's historical ties to the Chicago and Cleveland business communities, there will be a strong demand for high-speed rail in this area.

Subject: Freeway 67
Date: Mon, 1 Apr 2002 14:47:47 EST
From: MarkFunder@aol.com
To: JMarks@blainc-indy.com
CC: RClark@Indot.state.us, fobannon@state.in.us, jkernon@commerce.state.in.us, s5@ai.org, s8@ai.org, s9@ai.org, s10@ai.org, s11@ai.org, s12@ai.org, h5@ai.org, h6@ai.org, h7@ai.org, h8@ai.org, h17@ai.org, r20@ai.org, r21@ai.org, r22@ai.org, r48@ai.org, r49@ai.org, s41@ai.org, s23@ai.org, s47@ai.org, s45@ai.org, h61@ai.org, r88@ai.org, tim.roemer@mail.house.gov, senator@bayh.senate.gov, senate_lugar@lugar.senaate.gov, sslowe@sbtinfo.com, consult@engtran.com

21166 Clover Hill Ct.
South Bend, IN 46614
April 1,2002
574-291-0535
MarkFunder@aol.com

Jay Marks, Indianapolis Branch Manager
Bernardin,Lochmueller & Associates, Inc.
7830 Rockville Road, Suite C
Indianapolis, IN 46214-3105

Dear Mr. Marks:

The (U.S. 31) Freeway Coalition promotes the idea that local people should have a voice in determining what is best for their area.

I propose that the Freeway for North Central Indiana start at the intersection of the Indiana Toll Road and Capoital Avenue/Indiana331 and go directly south, joining U.S. 31 south of Rochester. This would be the shortest route from the Indiana Toll Road to Indianapolis. This route would be the most convenient for many cities and towns in this area which include South Bend, Mishawaka, Osceola, Elkhart, Bristol, Middlebury, Dunlap, Goshen, Syracuse, Nappanee, Bremen, Wakarusa, Warsaw, and Winona Lake. This eastern location would be the best for individuals, truckers, and the industry. The eastern location, also has two orther advantages: (1) Would not disturb as many homes. (2) Would not go though as much wetlands and woodlands.

Considerable time and money could b saved by concentrating on the eastern location rather than exploring all the areas. I think there is enough evidence that the eastern location would be the best for the people in North Central Indiana.

We have had Freeways 65 and 69 for many years. There is a great need for Freeway 67 to go down the middle of the state from the Indiana Toll Road to Indianapolis. I urge you to proceed immediately on the plan for Freewy 67.

The north end of Freewy 67 is presently being worked on from the Indiana

Toll Road to the U.S. 20 Bypass. The 2nd segment could be to U.S. 6, the 3rd segment could be to U.S.30, and the 4th could be to U.S. 31 south of Rochester.

It is very important to plan for the long run so that every segment will be done in the most efficiant way. That means the segment from the Indiana Toll Road to the U.S. 20 Bypass must be done with this in mind. We do not want another "Kokomo situation".

There is a high-valtage power line running parallel to Elm Road (Capital Avenue/Indiana 331) south of the U.S. 20 Bypass. I suggest that Freeway 67 be run next to the power lines. This would put two undesirables (with respect to how homes would be affected) together to minimize the down-side of them.

Thank you for your consideration.

Sincerely,

Mark Funderburg

City of Nappanee

300 West Lincoln Street
P.O. Box 29
Nappanee, IN 46550-0029

Office of
MAYOR
Larry L. Thompson

Office Phone
(219) 773-2112

Home Phone
(219) 773-4196

March 18, 2002

Dennis Faulkenberg
U.S. 31 Coalition, Inc.
One Indianapolis Square, Box 82001
Indianapolis, IN 46282

Dear Dennis:

I will be unable to attend the March 31, 2002, U.S. 31 meeting in Lakeville.

I would like to go on record in total support of the U.S. 31 project. My community is part of the 31 Coalition and feels strongly that we must have better access to Indianapolis.

The social-economic impact to Nappanee and the Elkhart – St. Joseph county area would be greatly enhanced by this U.S. 31 upgrade. The proposed improvements to interstate quality will allow our area and its economic impact to again be part of Indiana.

Thank you again for your efforts on our behalf. Nappanee needs and deserves better access to Indianapolis.

Sincerely,

Larry L. Thompson

Larry L. Thompson
Mayor

cc: Jim Dittoe

US 31 Major Investment Study
December 1997 Correspondence

CLA
RWB

United States Department of the Interior

FISH AND WILDLIFE SERVICE
BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273

IN REPLY REFER TO:

January 16, 1997

ATTN:	
	DA
	ADA
	ADM
	PROG
	PLAN
	QMC

Mr. Steve Cecil, Chief
Division of Pre-Engineering and Environment
Department of Transportation
100 North Senate Avenue, Room N808
Indiana Government Center North
Indianapolis, Indiana 46204-2249

Dear Mr. Cecil:

This is a followup to our NEPA/404 integration meeting of January 14, 1997. Due to time limitations, the U.S. Fish and Wildlife Service (FWS) representatives did not discuss our position with regard to purpose and alternatives on all of the projects discussed at the meeting. After further consideration, we concluded that it would be best to formalize our position in writing, to avoid any uncertainty.

Regarding those projects for which early coordination has already taken place, the FWS has documented our opinion on proposed alternatives in our coordination letters and/or reviews of environmental documents. In general, we have not evaluated "purpose and need", since we do not participate in transportation planning and do not have the technical knowledge to evaluate this aspect of most projects. Concerning route alternatives to be considered, the following information summarizes our position on the projects discussed at the January 14 meeting, to the extent of our familiarity of those projects.

1. U.S. 231/new bridge over Ohio River. The FWS has accepted the preferred route for the bridge and approaches. Our most recent coordination (1991) concerned wetland mitigation. We have not had detailed coordination on the route between the Indiana bridge approach road and I-64; therefore we have not evaluated that portion of the project. Impacts referenced in your information package, including new stream crossings, wetland impacts, and possible stream relocations, will have to be addressed.

2. S.R. 641/Terre Haute bypass. The FWS generally concurs with the preferred alignment, although we are concerned about one portion where the route appears to pass through the forested floodplain of Honey Creek parallel to the stream for a significant distance. Additional coordination will be necessary on this portion of the route; we recommend that it be designed to minimize impacts to the stream and floodplain.

3. Ohio River Major Investment Study. We have not had detailed coordination on this project. Based on the route alternatives depicted in your information package, we have the following concerns:

Alternate 3N passes very close to an area on the Kentucky side of the river that has recent records of Indiana bats and gray bats. It would directly impact Six-mile Island, which is a Kentucky State Nature Preserve, and would have extensive wetland and forest impacts. We recommend against this alternate.

Alternates 4N and 4M would have extensive forest impacts, including a wooded ravine near the south boundary of Charlestown Military Reservation. The FWS is under contract to conduct bat surveys at Charlestown in the summer of 1997, and we believe there is a strong possibility of the presence of Indiana bats and gray bats in the extensive habitat there. For those reasons we consider these alternates to be undesireable.

Alternate 4S is shown as having the greatest wetland impacts. This may represent a significant environmental problem, depending on the type and quality of the affected wetlands. We cannot evaluate this issue without more detailed information, including field inspections.

4. U.S. 31 (Plymouth to South Bend). The FWS recently wrote a coordination letter on this project. It appears that the alternates with the greatest natural resource impacts have been eliminated from further review. Of the remaining alternates, at this time our preference is for the existing upgrade. West Alternate #1, which is apparently the preferred alternate, has extensive wetland impacts. This area of Indiana has many significant wetlands, including some of nature preserve quality. Indiana bat habitat is present along the forested waterways on West Alternates 1 and 2. Additional coordination, including field inspections, will be necessary before we can fully evaluate the remaining alternates.

5. U.S. 231 (I-64 to Jasper). We have not received detailed coordination for the route alternates for this project. The recommended alternate includes a crossing of the Patoka River and its floodplain east of Jasper. At this location Buffalo Flat is a high-quality natural area, part of which is owned and managed by the Indiana Division of Nature Preserves. Several state-listed animal species are present in this area, including the copperbelly watersnake, which has been proposed for federal listing as threatened. The FWS has designated Buffalo Flat and a forested portion of the Patoka River floodplain on the opposite side of the river as a core habitat area for the copperbelly watersnake (this designation does not carry any legal meaning, but has significance for conservation and recovery of the species). Forested bottomland along this route also provides good habitat for Indiana bats. We believe that an acceptable route can be designed through this area, but it is imperative that Buffalo Flat be avoided and that there be no substantial impacts to bottomland forest and adjacent forested slopes.

6. S.R. 25 (Lafayette to Logansport). The FWS inspected portions of this project and submitted an early coordination letter. We have no objections to the preferred route, although other route alternates were not presented to us for review. We recommended a route modification at one location, near the Deer Creek crossing.

7. I-69/S.R 37 (northeast of Indianapolis). The FWS has inspected this project and submitted an early coordination letter. In our opinion, none of the proposed route alternates have prohibitive environmental problems. We prefer Option 2 north of Noblesville, and additional coordination will be necessary on wetland impacts and stream crossings.

8. New Roadway from I-64/S.R. 37 interchange to S.R. 64/S.R.145 junction, Crawford and Perry Counties. The FWS and Department of Interior reviewed the Environmental Impact Statement for this project. We concur with the alternatives to be brought forward, although we recommend corridor refinement to address natural resources impacts at some locations.

9. S.R. 62 added travel lanes from I-164 to Boonville. The FWS submitted an early coordination letter for this project in October, 1995. We concur with the selected road corridor, but still recommend modification of the railroad realignment to reduce wetland impacts.

10. Southwest Indiana Highway. The FWS reviewed the Environmental Impact Statement (EIS) for this project. We still recommend upgrading of the I-70/U.S. 41 corridor to minimize natural resource impacts, but we concur that of the alignments presented in the EIS the preferred alignment would be the least damaging to fish and wildlife resources.

If you have any questions about our recommendations, please call Mike Litwin at (812) 334-4261 (Ext. 205).

Sincerely yours,

Michael S. Litwin acting for

David C. Hudak,
Supervisor

cc: Federal Highway Administration, Indianapolis, IN
Director, Indiana Div. of Fish & Wildlife, Indianapolis, IN
IDEM, Office of Water Management (Compliance), Indianapolis, IN
IDEM, Water Quality Standards Section, Indianapolis, IN
Steve Jose, Indiana Division of Fish and Wildlife, Indianapolis, IN
Manager, Environmental Assessment, INDOT, Rm 1107, Indianapolis, IN

United States Department of the Interior

FISH AND WILDLIFE SERVICE
BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

RECEIVED
APR 21 1994
BLA

April 18, 1994

Mr. Rustry K. Yeager
Bernardin, Lochmueller & Assoc.
20-24 N. W. Fourth Street, Suite 606
Evansville, Indiana 47708

Dear Mr. Yeager:

This responds to your April 7, 1994 letter requesting information on Federally threatened and endangered species and unique ecosystems, to complete an Environmental Overview for an Advanced Planning Report for the Indianapolis to South Bend / US 31 Corridor Study in Hamilton, Marshall, St. Joseph, and Tipton Counties in Indiana.

ENDANGERED AND THREATENED SPECIES

The following federally threatened and endangered species occur within the proposed project site.

Indiana bat (Myotis sodalis)- forested, riparian areas

bald eagle (Haliaeetus leucocephalus)- (wintering only) rivers and large lakes

Northern clubshell (Pleurobema clava)- medium to large rivers in gravel or mixed gravel and sand. Within the project corridor the known occurrences are restricted to the Tippecanoe River.

PROPOSED AND CANDIDATE SPECIES

The following candidate species are not afforded legal protection under the authorities of the Endangered Species Act (as amended); however, federal agencies are encouraged to consider the species because the Fish and Wildlife Service (FWS) may proceed at any time with listing actions.

Northern copperbelly water snake (Nerodia erythrogaster neglecta)-wooded wetlands and adjacent uplands
Eastern massasauga (Chlidonais niger)-ponds, marshes, and wetlands
Blanding's turtle (Emydoidea blandingii)-shallow, quiet, warm water surrounded by grassland, grassy marshes, drainage ditches
Royal catchfly (Silene regia)-dry, prairie habitat, roadsides
Henslow's sparrow (Ammodramus henslowii)-Mesic grasslands; tall herbaceous vegetation

This does not preclude the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. As final project plans are finalized please contact our office for further consultation.

Due to the size of the study area and to our staff limitations, we cannot provided detailed information concerning wetlands. We invite you to use the National Wetland Inventory maps and other pertinent material at our office.

There are no federal lands in the study area. We are not aware of other unique biological resources along the project corridor. To obtain such information, including current records of federal candidate species, we recommend that you contact the Indiana Department of Natural Resources, Division of Nature Perserves concerning their Natural Heritage Program data base.

If you have any questions regarding these comments or require further technical assistance, please contact Jennifer Szymanski or Mike Litwin at (812)334-4261.

Sincerely yours,

Michael L. Litwin acting

David C. Hudak
Supervisor

cc: Director, Indiana Div. of Fish & Wildlife, Indianapolis, IN
Attn: Steve Jose, Indiana Div. Fish and Wildlife, Indianapolis, IN
USFWS, Division of Endangered Species, St. Paul, MN (ES-TE)
IDNR, Div. of Nature Preserves, Indianapolis, IN

United States Department of the Interior

IN REPLY REFER TO:

FISH AND WILDLIFE SERVICE
BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX (812) 334-4273

November 25, 1996

Mr. Tom Cervone
Bernardin Lochmueller & Assocaites, Inc.
20-24 NW Fourth Street, Suite 606
Evansville, Indiana 47708

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SLA

Project No.: BLA #193-0043, INDOT Des. #9405230
Structure: Several
Road(s): U.S. 31
Waterway: Several
Work Type: Highway reconstruction, Plymouth to South Bend
County(ies): Marshall, St. Joseph

Dear Mr. Cervone:

This responds to your letter dated September 13, 1996, requesting U.S. Fish and Wildlife Service (FWS) comments on the aforementioned project.

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

The FWS has reviewed the information provided in the Environmental Overview document. Subsequently, in telephone conversations of November 11 and 18, you informed us that the following corridor alternatives have been dropped from further consideration: Far West, West Options 3 and 4, East, and Far East. The remaining alternatives under review are West Options 1 and 2, Existing Alignment, and Near East. As discussed in our telephone conversation, the FWS considers the Far West and West Option 4 alignments to be the worst alternatives from a biological resource perspective, however we will not review those and other discarded alignments in this letter.

We have not field-inspected any of the project alternatives yet, but intend to do so in the near future. Based on a review of National Wetland Inventory (NWI) maps and other office information, we submit the following general comments and recommendations on the remaining corridor alternatives.

Wetlands

The environmental impact summary you provided indicates that Option 1 would affect 86 acres of NWI wetlands, while the other 3 remaining alternatives would affect approximately equivalent acreages (45-47 acres). Wetland impacts associated with the Existing Upgrade alternative generally overlap with those of West Options 1 and 2, since these 3 route alternatives have extensive reaches in common.

Also of importance is the quality and size of the wetlands being affected. In general, small isolated emergent wetlands can be relatively easily replaced, but forested wetlands are much more difficult to replace with a high probability of success. Of greatest concern is the disruption and fragmentation of large wetland blocks and complexes. These wetlands have the greatest biodiversity, the greatest likelihood of use by rare species, and present the most difficulties for adequate replacement. Fragmentation causes habitat impacts well beyond the footprint of the construction activities. The FWS consistently recommends avoidance of these types of impacts.

The only substantial wetland impacts for the Existing Upgrade are in the reaches in common with Option 1. Of greatest concern is the fragmentation of 2 large wetlands along the LaPaz bypass section: a seasonal forested/emergent complex near the south end of the bypass, and a seasonal forested wetland south of U.S. 6 Highway. These impacts could be greatly reduced if the longer, looping route were selected at the south end and if the route followed the railroad corridor more closely near U.S. 6.

In addition to the aforementioned large wetlands, Option 1 would bisect another large seasonal and semi-permanent forested/emergent complex on both sides of the railroad corridor, associated with Auten Ditch north of Madison Road. It also passes through portions of many smaller forested and emergent wetlands of various water regimes. It appears that wetland acreage and impacts within the actual footprint of construction could vary considerably depending on the final alignment, but impacts to that wetland complex seem unavoidable as long as Option 1 follows the old railroad grade.

West Option 2, although much shorter than the corresponding section of Option 1, fragments 2 large complexes: the aforementioned one near Madison Road and another, larger complex south of Roosevelt Road. Unlike Option 1, it appears that Option 2 could be realigned to avoid both of these complexes. A shift to the east would affect a couple of small wetlands but would avoid the 2 large ones.

The Near East alternative would fragment a large drained seasonal wetland near its south end and a large temporary/seasonal complex north of New Road. It would also take minor amounts of several small and medium sized emergent and forested wetlands with temporary and seasonal water regimes. Most major impacts could be avoided if the alignment were shifted to the east north of Quinn Road.

In summary, of the current alternatives as proposed, Option 1 has the most and worst wetland impacts, although we believe that the extent of impacts is substantial and of concern to this agency on all routes, and could possibly be improved by alignment shifts. A formal wetland delineation may result in changes in the acreages of affected wetlands, but is less likely to alter the quality aspect of this analysis. We will have additional comments after a field inspection, but at this time we recommend that a level of wetland impacts acceptable to the FWS could be achieved by any of the following possibilities:

1. Select the Existing Upgrade alternative with the suggested changes along the LaPaz bypass.

2. Select West Option 2 with the suggested changes along the LaPaz bypass and an alignment shifted to the east of the wetland complexes between Madison Road and Existing U.S. 31 (see Attachment A).

3. Select the Near East alternative with an alignment shift to the east north of Quinn Road, to avoid the wetlands between Quinn Road and Miller Road.

In accordance with our MOU with the Indiana Department of Transportation (INDOT), all unavoidable wetland impacts would have to be replaced at acreage ratios ranging from 1:1 for farmed wetlands to 4:1 for mature forested wetlands.

Forest

The Existing Upgrade alternative has by far the least affected forest acreage (27 acres). The other 3 remaining alternatives have similar affected acreage estimates, although Option 1 (74 acres) is greater than Option 2 and the Near East Alternative (62 acres each). Again the quality of the affected forest is significant, but we cannot make a determination in this regard until we have conducted a field inspection. It will not be certain without a wetland delineation how much overlap there is between total forest and wetland forest acreages.

Given the knowledge we currently have from your information packet and our maps, the Existing Upgrade alternative would be the most desireable for minimizing loss of forest habitat.

Stream Crossings

The 4 remaining alternatives are similar in regard to the number of new waterways crossings proposed (6-8 crossings). One waterway channelization each is proposed for Option 1 and the Near East route. No major rivers or streams would be affected, and most of the proposed crossings appear to be intermittent streams amd/or agricultural ditches, however several of them have floodplain wetlands. The most significant affected waterway appears to be Heston Ditch (Existing Upgrade and Option 1), which is associated with a natural lake/wetland corridor near Lakeville. Also, the Auten Ditch relocation associated with Option 1 would involve a large wetland complex. Again, we will have further comments on the quality of the affected streams and the extent of impacts after a field inspection.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis) and federally threatened bald eagle (Haliaeetus leucocephalus). Bald eagles nest and forage near large water bodies; no such habitat will be affected by the proposed project.

To our knowledge there have been no recent surveys for Indiana bats within the project boundaries. Summer habitat for this species consists of large expanses of wooded land (typically several hundred acres) associated with water resources. The nearest recent record is from Potato Creek a few miles west of Lakeville. Based on a map survey, it appears that sufficient habitat may be present to support a summer reproductive colony at some locations

within the study boundaries. These are the Heston Ditch corridor, the large wetland/drainageway complexes between New Road and Roosevelt Road on the West options, and possibly the Bunch Ditch wetland complex on the Near East route. We recommend that Indiana bat surveys be conducted at these locations if extensive forest clearing/waterway alterations will occur. Where minor impacts of this nature will occur at currently undisturbed sites, construction should be avoided during the Indiana bat reproductive season (April 15 - September 15). Additional coordination on this issue will be necesary after final corridor selection and preliminary design have been completed.

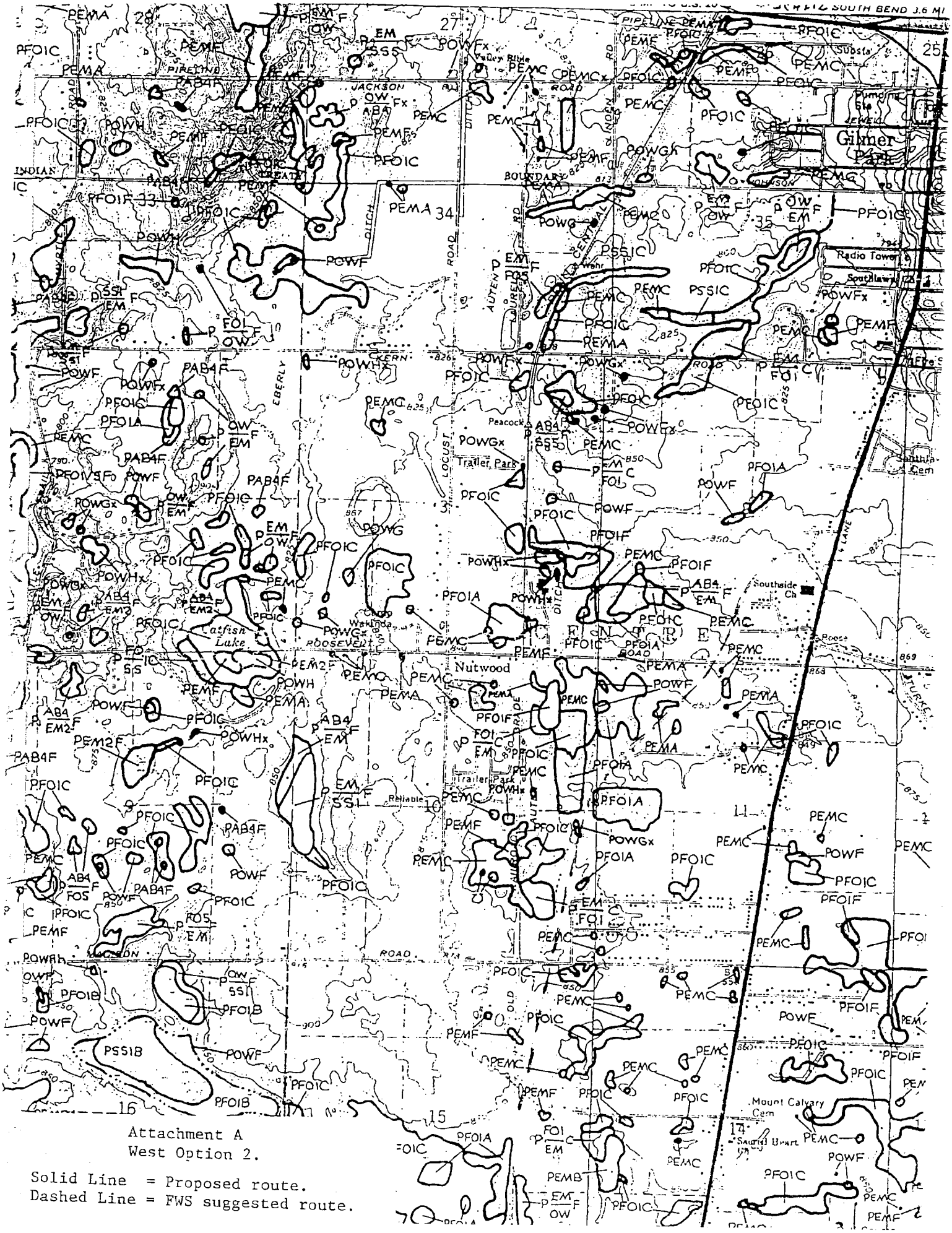
A permit under Section 404 of the Clean Water Act will be needed for the proposed project. Our early coordination comments regarding wetlands and stream crossings are also relevant to the Section 404 permit permit process. The NEPA/404 coordination process attempts to resolve major Clean Water Act issues regarding corridor selection during the environmental review process, however we cannot anticipate the FWS's position with regard to all project features until preliminary designs are available.

We appreciate the opportunity to comment at this early stage of project planning. As previously discussed, we will provide additional comments after a field inspection. For questions about our recommendations, please call Mike Litwin at (812) 334-4261 (Ext. 205).

Sincerely yours,

David C. Hudak,
Supervisor

cc: Federal Highway Administration, Indianapolis, IN
Director, Indiana Div. of Fish & Wildlife, Indianapolis, IN
IDEM, Office of Water Management (Compliance), Indianapolis, IN
Steve Jose, Indiana Division of Fish and Wildlife, Indianapolis, IN
Manager, Environmental Assessment, INDOT, Rm 1107, Indianapolis,IN
USFWS, Warsaw, IN



Attachment A
West Option 2.

Solid Line = Proposed route.
Dashed Line = FWS suggested route.

INDIANA DEPARTMENT OF NATURAL RESOURCES

PATRICK R. RALSTON, DIRECTOR

Division of Nature Preserves
402 W. Washington St., Rm. 267
Indianapolis, Indiana 46204
317-232-4052

RECEIVED

APR 15 1994

BLA

93-43-1

April 13, 1994

Mr. Rusty K. Yeager
Environmental Technician
Bernardin, Lochmueller & Associates, Inc.
20-24 N.W. Fourth St., Suite 606
Evansville, IN 47708

Dear Mr. Yeager:

I am responding to your request for information on the endangered, threatened, or rare (ETR) species and high quality natural communities and natural areas documented from the South Bend West, South Bend East, Lakeville, Wyatt, La Paz, and Plymouth Quadrangles, Indiana. The Indiana Natural Heritage Data Center has been checked and enclosed you will find information on the ETR species and significant areas documented from these quadrangles.

For more information on federally funded Land and Water Conservation Fund Sites, contact the LWCF Program, Division of Outdoor Recreation, 402 W. Washington St, Room W271, Indianapolis, IN 46204, 317-232-4070.

For more information on the animal species mentioned, please contact Katie Smith, Nongame Supervisor, Division of Fish and Wildlife, 402 W. Washington Room W273, Indianapolis, Indiana 46204, (317)232-4080.

The information I am providing does not preclude the requirement for further consultation with the U.S. Fish and Wildlife Service as required under Section 7 of the Endangered Species Act of 1973. You should contact the Service at their Bloomington, Indiana office.

U.S. Fish and Wildlife Service
620 South Walker St.
Bloomington, Indiana 47403-2121
(812)334-4261

At some point, you may need to contact the Department of Natural Resources' Environmental Review Coordinator so that other divisions within the department have the opportunity to review your proposal.

For more information, please contact:

Patrick R. Ralston, Director
Department of Natural Resources
attn: Stephen H. Jose
Environmental Coordinator
Division of Fish and Wildlife
402 W. Washington Street, Room W273
Indianapolis, IN 46204
(317)232-4080

Please note that the Indiana Natural Heritage Data Center relies on the observations of many individuals for our data. In most cases, the information is not the result of comprehensive field surveys conducted at particular sites. Therefore, our statement that there are no documented significant natural features at a site should not be interpreted to mean that the site does not support special plants or animals.

Due to the dynamic nature and sensitivity of the data, this information should not be used for any project other than that for which it was originally intended. It may be necessary for you to request updated material from us in order to base your planning decisions on the most current information.

I have enclosed an invoice for $45.00 to cover the cost of the request.

Thank you for contacting the Indiana Natural Heritage Data Center. You may reach me at (317)232-4052 if you have any questions or need additional information.

Sincerely,

Ronald P. Hellmich

Ronald P. Hellmich
Indiana Natural Heritage Data Center

enclosure: invoice
data sheets (4)
maps

ENDANGERED, THREATENED, AND RARE SPECIES
AND HIGH QUALITY NATURAL COMMUNITIES AND NATURAL AREAS DOCUMENTED FROM
US 31 CORRIDOR FROM PLYMOUTH TO SOUTH BEND, INDIANA

ement Name.....	Common Name.....	State	Fed..	Townrange	Sec.....		Date	Comments.....
\ PAZ QUADRANGLE								
'MNAEA STAGNALIS	SWAMP LYMNAEA	SSC		034N001E	12	NEQ NWQ NEQ	1988	
EMOPANTHUS MUCRONATUS	MOUNTAIN HOLLY	WL		034N002E	08		1914	
\XIDEA TAXUS	AMERICAN BADGER	ST		035N002E	05		1989	
				036N002E	31			
\MPELOMA DECISUM	POINTED CAMPELOMA	SSC		035N002E	31	SEQ SWQ SEQ	1988	
\XIDEA TAXUS	AMERICAN BADGER	ST		035N002E	05		1989	
				036N002E	31			
\KEVILLE QUADRANGLE								
IERVILLA LONICERA	NORTHERN BUSH-HONEYSUCKLE	SR		035N002E	01	NWQ	1939	
\THARUS FUSCESCENS	VEERY			036N002E	04	SWQ	1986	
ERTHIA AMERICANA	BROWN CREEPER	WL		036N002E	04	SWQ	1986	
MYDOIDEA BLANDINGII	BLANDING'S TURTLE	SSC	C2	036N002E	04	SWQ	1986	
ISTRURUS CATENATUS CATENATUS	EASTERN MASSASAUGA	ST	C2	036N002E	04		1986	
MBYSTOMA LATERALE	BLUE-SPOTTED SALAMANDER	SSC		036N002E	04	SWQ	1986	
MBYSTOMA X TREMBLAYI	TREMBLAY'S SALAMANDER			036N002E	04		1979	
LATANTHERA FLAVA VAR HERBIOLA	PALE GREEN ORCHIS	WL		036N002E	05		1930	
AMPELOMA DECISUM	POINTED CAMPELOMA	SSC		036N002E	07	NEQ SEQ SWQ	1988	
AXIDEA TAXUS	AMERICAN BADGER	ST		036N002E	08	CENTER OF W BORDER	1986	
ETLAND - SWAMP FOREST	FORESTED SWAMP	SG		036N002E	09	SWQ	1986	
INUS STROBUS	EASTERN WHITE PINE	SR		036N002E	09		1931	
				036N002E	04			
NAPHALIUM MACOUNII	WINGED CUDWEED	SX		036N002E	15	SWQ NWQ	1930	
EMOPANTHUS MUCRONATUS	MOUNTAIN HOLLY	WL		036N002E	15		1931	
INUS STROBUS	EASTERN WHITE PINE	SR		036N002E	15		1931	
				036N002E	22			
YMNAEA STAGNALIS	SWAMP LYMNAEA	SSC		036N002E	21	NWQ NEQ NWQ	1988	
RABIS DRUMMONDII	DRUMMOND ROCKCRESS	SE		036N002E	30	SWQ	1930	
YNX RUFUS	BOBCAT	SE		036N002E	32	NWQ SWQ NWQ	1989	UNCONFIRMED
LONOPHIS KIRTLANDII	KIRTLAND'S SNAKE	ST	C2	036N002E	33	SWQ SEQ SEQ	1987	
IETLAND - FEN	FEN	SG		037N001E	36	NEQ NEQ	1984	
ESCHAMPSIA CESPITOSA	TUFTED HAIRGRASS	SR		037N001E	36		1937	
ORBUS DECORA	NORTHERN MOUNTAIN-ASH	SX		037N001E	36		1933	
YMNAEA STAGNALIS	SWAMP LYMNAEA	SSC		037N002E	27	SWQ SWQ SEQ	1988	
AREX FLAVA	YELLOW SEDGE	ST		037N002E	30	SWQ	1934	
YPRIPEDIUM CANDIDUM	SMALL WHITE LADY'S-SLIPPER	SR	3C	037N002E	30	SWQ	1979	
ESCHAMPSIA CESPITOSA	TUFTED HAIRGRASS	SR		037N002E	30		1946	
RIOPHORUM ANGUSTIFOLIUM	NARROW-LEAVED COTTON-GRASS	SR		037N002E	30		1934	
LATANTHERA DILATATA	LEAFY WHITE ORCHIS	SE		037N002E	30		1946	
OA PALUDIGENA	BOG BLUEGRASS	WL	C2	037N002E	30	W HALF SWQ	1946	
IBES HIRTELLUM	SMOOTH GOOSEBERRY	WL		037N002E	30		1934	
TRIGLOCHIN PALUSTRE	MARSH ARROW-GRASS	ST		037N002E	30		1950	
UTRICULARIA CORNUTA	HORNED BLADDERWORT	ST		037N002E	30		1934	
VACCINIUM OXYCOCCOS	SMALL CRANBERRY	ST		037N002E	30		1940	
LILOVITCH ROOKERY								
ARDEA HERODIAS	GREAT BLUE HERON	WL		035N001E	12	SWQ NEQ	1990	
POTATO CREEK STATE PARK (DNR STATE PARKS)								
CERTHIA AMERICANA	BROWN CREEPER	WL		036N001E		+ 002E	1988	
MNIOTILTA VARIA	BLACK-AND-WHITE WARBLER	SSC		036N001E	24	SWQ SEQ	1988	
EMYDOIDEA BLANDINGII	BLANDING'S TURTLE	SSC	C2	036N001E	24		1990	
				036N001E	19			
CAMPELOMA DECISUM	POINTED CAMPELOMA	SSC		036N001E	24	NWQ SEQ SEQ	1988	
BOTAURUS LENTIGINOSUS	AMERICAN BITTERN	SE		036N001E	25		1983	
ACCIPITER STRIATUS	SHARP-SHINNED HAWK	SSC		036N002E	19		1987	
CLEMMYS GUTTATA	SPOTTED TURTLE	ST		036N002E	19	NWQ	1987	
RANA PIPIENS	NORTHERN LEOPARD FROG	SSC		036N002E	19	NWQ	0000	
SWAMP ROSE NATURE PRESERVE (DNR STATE PARKS)								
FOREST - UPLAND DRY-MESIC	DRY-MESIC UPLAND FOREST	SG		036N002E	19	NEQ	0000	
FOREST - UPLAND MESIC	MESIC UPLAND FOREST	SG		036N002E	19	NEQ	0000	
WETLAND - MARSH	MARSH	SG		036N002E	19	NEQ	0000	
PANAX TRIFOLIUS	DWARF GINSENG	SR		036N002E	19	E HALF NEQ	1986	

STATE: SX-extirpated, SE-endangered, ST-threatened, SR-rare, SSC-special concern, WL-watch list, SG-significant
FEDERAL: LE-endangered, LT-threatened, C1-proposed to be listed, C2-under review, 3C-delisted

ENDANGERED, THREATENED, AND RARE SPECIES
AND HIGH QUALITY NATURAL COMMUNITIES AND NATURAL AREAS DOCUMENTED FROM
US 31 CORRIDOR FROM PLYMOUTH TO SOUTH BEND, INDIANA

...ent Name.....	Common Name.....	State	Fed..	Townrange	Sec.....	Date	Comments.....
ND AND WATER CONSERVATION FUND SITE #18-00046, #18-00223, #18-00376 - POTATO CREEK STATE PARK							
ND AND WATER CONSERVATION FUND SITE #338 - BIKE TRAIL FROM COLBURN TO PLYMOUTH ALONG ABANDONED RAILROAD							
LYMOUTH QUADRANGLE							
AXIDEA TAXUS	AMERICAN BADGER	ST		033N001E	12,13		1988
OT RUS LENTIGINOSUS	AMERICAN BITTERN	SE		033N001E	12		1985
AX EA TAXUS	AMERICAN BADGER	ST		033N001E	12,13		1988
AX EA TAXUS	AMERICAN BADGER	ST		033N001E	25		1985
ALLUS ELEGANS	KING RAIL	SE		033N002E		SW OF PLYMOUTH	1950
AXIDEA TAXUS	AMERICAN BADGER	ST		033N002E	16		1982
AX EA TAXUS	AMERICAN BADGER	ST		033N002E	16		1985
OR GONUS ARTEDI	CISCO	SSC		033N002E	19	NWQ	1976
				033N001E	24	NEQ	
COREGONUS ARTEDI	CISCO	SSC		033N002E	19	EH	1990
CAMPELOMA DECISUM	POINTED CAMPELOMA	SSC		033N002E	19	NEQ SEQ NWQ	1988
AST R JUNCIFORMIS	RUSHLIKE ASTER	SR		033N002E	31		1926
GO OBASIS LIVESCENS	LIVER ELIMIA			033N002E	32	NWQ SWQ NWQ	1988
LYMNAEA STAGNALIS	SWAMP LYMNAEA	SSC		033N002E	32	NWQ SWQ NWQ	1988
SISTRURUS CATENATUS CATENATUS	EASTERN MASSASAUGA	ST	C2	033N002E	33.34		1990
				032N002E	03.04		
TA DEA TAXUS	AMERICAN BADGER	ST		034N001E	36		1987
PO ALSODES	GROVE MEADOW GRASS	SR		034N002E	27	SEQ SEQ	1927
TAXIDEA TAXUS	AMERICAN BADGER	ST		034N002E	31		1988
PL ATANTHERA ORBICULATA	LARGE ROUNDLEAF ORCHID	SX		034N002E	34		1927
TA DEA TAXUS	AMERICAN BADGER	ST		034N002E	35		1982
STRINGER CEMETERY							
PRAIRIE - MESIC	MESIC PRAIRIE	SG		033N002E	06	SEQ SEQ	1986
				033N002E	07	NEQ NEQ	
ML OMINEE WETLAND CONSERVATION AREA - (DNR FISH-WILDLIFE)				033N002E	07.08		
				033N001E	12		
L D AND WATER CONSERVATION FUND SITE #18-00359 - PACKARD WOODS				033N002E	05	NWQ	
LAND AND WATER CONSERVATION FUND SITE #18-00104, #18-00259, #18-00357 - CENTENNIAL PARK				033N002E		LAND GRANT 12	
L D AND WATER CONSERVATION FUND SITE #338 - BIKE TRAIL FROM COLBURN TO PLYMOUTH ALONG ABANDONED RAILROAD							
SOUTH BEND EAST QUADRANGLE							
A IPITER COOPERII	COOPER'S HAWK	WL		037N003E	02	NWQ NEQ	1986
N ODIA ERYTHROGASTER NEGLECTA	COPPERBELLY WATER SNAKE	ST	C2	037N003E	06	SWQ SWQ NWQ	1965
				037N002E	01	SEQ SEQ NEQ	
GERANIUM ROBERTIANUM	HERB-ROBERT	ST		037N003E	14	SEQ SEQ	1947
AC TAEA RUBRA	RED BANEBERRY	ST		038N002E	36		1911
A ABIS DRUMMONDII	DRUMMOND ROCKCRESS	SE		038N002E	36	E1/2	1929
C REX CRAWEI	CRAWE SEDGE	ST		038N002E	36	SEQ	1951
BAPTISIA TINCTORIA	YELLOW WILD-INDIGO	WL		038N003E	08	SEQ NWQ	1908
LYCOPODIUM HICKEYI	HICKEY'S CLUBMOSS	SR		038N003E	08	EH NWQ	1910
...RTRAMIA LONGICAUDA	UPLAND SANDPIPER	SE		038N003E	28		1972
UTH BEND UPLAND SANDPIPER SITE							
BARTRAMIA LONGICAUDA	UPLAND SANDPIPER	SE		038N003E	17	CENTER OF E	1984
ND AND WATER CONSERVATION FUND SITE #366 - EAST RACE PARK				037N002E	01,12		
AND AND WATER CONSERVATION FUND SITE #138 - LEEPER PARK				037N002E	01		
AND AND WATER CONSERVATION FUND SITE #18-00142 - BOOTH TARKINGTON PARK				038N003E	32	SEQ	
AND AND WATER CONSERVATION FUND SITE #352 - HOWARD PARK				037N002E	12		
LAND AND WATER CONSERVATION FUND SITE #195				037N002E	12		

STATE: SX-extirpated, SE-endangered, ST-threatened, SR-rare, SSC-special concern, WL-watch list, SG-significant
FEDERAL: LE-endangered, LT-threatened, C1-proposed to be listed, C2-under review, 3C-delisted

ENDANGERED, THREATENED, AND RARE SPECIES
AND HIGH QUALITY NATURAL COMMUNITIES AND NATURAL AREAS DOCUMENTED FROM
US 31 CORRIDOR FROM PLYMOUTH TO SOUTH BEND, INDIANA

ment Name	Common Name	State	Fed.	Townrange	Sec		Date	Comments
D AND WATER CONSERVATION FUND SITE #264				038N003E	34	SWQ		
D AND WATER CONSERVATION FUND SITE #235, #271, #454 CENTRAL PARK				037N003E	15,16			
D AND WATER CONSERVATION FUND SITE #335 - GIBHARD PLAYGROUND				037N003E	20	NWQ		
D AND WATER CONSERVATION FUND SITE #18-00439				037N002E	01			
						HALF		
TH BEND WEST QUADRANGLE								
TISIA TINCTORIA	YELLOW WILD-INDIGO	WL		037N001E	01	NWQ NWQ	1912	
OPODIUM HICKEYI	HICKEY'S CLUBMOSS	SR		037N001E	01	NWQ NWQ	1929	
OLA ELLIPTICA	ELLIPTICAL-LEAF WINTERGREEN	WL		037N001E	01		1982	
EUCHZERIA PALUSTRIS SSP	AMERICAN SCHEUCHZERIA	SE		037N001E	01	NWQ NWQ	1912	
RICANA								
IOBASIS LIVESCENS	LIVER ELIMIA			037N002E	01	SWQ SWQ NWQ	1988	
THYRUS VENOSUS	SMOOTH VEINY PEA	ST		037N002E	03	SWQ	1929	
LAND - FLAT MUCK	MUCK FLAT	SG		037N002E	05	SWQ	1991	
ICUM VERRUCOSUM	WARTY PANIC-GRASS	ST		037N002E	05	SWQ NEQ SWQ	1991	
BUS ENSLENII	SOUTHERN DEWBERRY	SE		037N002E	05	NEQ NWQ SWQ	1992	
TAURUS LENTIGINOSUS	AMERICAN BITTERN	SE		037N002E	06		1991	
CIPITER COOPERII	COOPER'S HAWK	WL		037N002E	22		1982	
BYSTOMA X PLATINEUM	SILVERY SALAMANDER			037N002E	23		1964	
REST - UPLAND DRY-MESIC	DRY-MESIC UPLAND FOREST	SG		037N002E	23	SH NWQ	1987	
RANIUM ROBERTIANUM	HERB-ROBERT	ST		037N002E	23	SWQ NWQ	1912	
OBRYCHUS EXILIS	LEAST BITTERN	SSC		038N001E	11	SEQ	1985	
YDOIDEA BLANDINGII	BLANDING'S TURTLE	SSC	C2	038N001E	13		1986	
LIDONIAS NIGER	BLACK TERN	SE	C2	038N001E	13,14		1951	
TLAND - MARSH	MARSH	SG		038N001E	25	WH WH SWQ		
				038N001E	26	EH SEQ SEQ		
ROLA ELLIPTICA	ELLIPTICAL-LEAF WINTERGREEN	WL		038N001E	25		1929	
ROLA VIRENS	GREENISH-FLOWERED WINTERGREEN	SX		038N001E	25		1930	
LIX SERISSIMA	AUTUMN WILLOW	ST		038N001E	25		1930	
OLA PRIMULIFOLIA	PRIMROSE-LEAF VIOLET	SR		038N001E	25	SWQ	1930	
COPODIUM HICKEYI	HICKEY'S CLUBMOSS	SR		038N001E	26	SEQ SEQ	1930	
MPELOMA DECISUM	POINTED CAMPELOMA	SSC		038N001E	36	SWQ SWQ SWQ	1988	
NIOBASIS LIVESCENS	LIVER ELIMIA			038N001E	36	SWQ SWQ SWQ	1988	
MNAEA STAGNALIS	SWAMP LYMNAEA	SSC		038N001E	36	SWQ SWQ SWQ	1988	
REST - UPLAND DRY-MESIC	DRY-MESIC UPLAND FOREST	SG		038N002E	026	EH NWQ, WH WH NEQ, NH NEQ SWQ	1983	
CIPITER COOPERII	COOPER'S HAWK	WL		038N002E	14		1986	
RTRAMIA LONGICAUDA	UPLAND SANDPIPER	SE		038N002E	22		1979	
CIPITER COOPERII	COOPER'S HAWK	WL		038N002E	23		1986	
NIOBASIS LIVESCENS	LIVER ELIMIA			038N002E	23	SWQ SEQ NWQ	1988	
MNAEA STAGNALIS	SWAMP LYMNAEA	SSC		038N002E	23	SWQ SEQ NWQ	1988	
AREX TRICHOCARPA	HAIRY-FRUIT SEDGE	WL		038N002E	23	WH NWQ SEQ	1952	
RABIS DRUMMONDII	DRUMMOND ROCKCRESS	SE		038N002E	26	OR 35 OR 36	1930	
RENARIA STRICTA	MICHAUX'S STITCHWORT	SR		038N002E	26	+ S35	1982	
AREX ATHERODES	AWNED SEDGE	SE		038N002E	26	NEQ SEQ SWQ	1959	
ATHYRUS MARITIMUS VAR GLABER	BEACH PEAVINE	SE		038N002E	26	NEQ SWQ	1930	
ARTRAMIA LONGICAUDA	UPLAND SANDPIPER	SE		038N002E	29	NEQ NEQ	1986	
ISTOTHORUS PLATENSIS	SEDGE WREN	ST		038N002E	32	NWQ	1997	
MMODRAMUS HENSLOWII	HENSLOW'S SPARROW	ST	C2	038N002E	33		1988	
				038N002E	32			
				038N002E	28			
AREX ALOPECOIDEA	FOXTAIL SEDGE	SE		038N002E	35	NWQ NEQ	1951	
AREX RETRORSA	RETRORSE SEDGE	SE		038N002E	35	NWQ NEQ	1951	
HRYSOSPLENIUM AMERICANUM	AMERICAN GOLDEN-SAXIFRAGE	ST		038N002E	35	NWQ NEQ	1930	
ATHYRUS VENOSUS	SMOOTH VEINY PEA	ST		038N002E	35	NWQ NEQ	1982	
PARGANIUM ANDROCLADUM	BRANCHING BUR-REED	ST		038N002E	35	NWQ NEQ	1925	
AREX SCABRATA	ROUGH SEDGE	SE		038N002E	36	NWQ	1951	
RYZOPSIS RACEMOSA	BLACK-FRUIT MOUNTAIN-RICEGRASS	ST		038N002E	36	NWQ	1928	
PYROLA ELLIPTICA	ELLIPTICAL-LEAF WINTERGREEN	WL		038N002E	36		1920	
ARABIS DRUMMONDI SITE								
ARABIS DRUMMONDII	DRUMMOND ROCKCRESS	SE		038N002E	23	NWQ SEQ NWQ	1986	
STIPA AVENACEA	BLACKSEED NEEDLEGRASS	ST		038N002E	23	NEQ SWQ NWQ	1991	

STATE: SX=extirpated, SE=endangered, ST=threatened, SR=rare, SSC=special concern, WL=watch list, SG=significant
FEDERAL: LE=endangered, LT=threatened, C1=proposed to be listed, C2=under review, 3C=delisted

ENDANGERED, THREATENED, AND RARE SPECIES
AND HIGH QUALITY NATURAL COMMUNITIES AND NATURAL AREAS DOCUMENTED FROM
US 31 CORRIDOR FROM PLYMOUTH TO SOUTH BEND, INDIANA

lement Name.....	Common Name.....	State	Fed..	Townrange	Sec.....	Date	Comments.....
H/ BERLAIN LAKE SITE							
ETLAND - FLAT MUCK	MUCK FLAT	SG		037N001E	13	SWQ	1987
ROSERA INTERMEDIA	SPOON-LEAVED SUNDEW	SR		037N001E	13	SWQ	1989
LE CHARIS MELANOCARPA	BLACK-FRUITED SPIKE-RUSH	ST		037N001E	13	SWQ	1989
LE CHARIS ROBBINSII	ROBBINS SPIKERUSH	SR		037N001E	13	SWQ	1989
ERIOCAULON SEPTANGULARE	PIPEWORT	SE		037N001E	13	SWQ	1989
FUIRENA PUMILA	DWARF UMBRELLA-SEDGE	ST		037N001E	13	SWQ	1989
JUNCUS PELOCARPUS	BROWN-FRUITED RUSH	ST		037N001E	13	SWQ	1989
PA CUM VERRUCOSUM	WARTY PANIC-GRASS	ST		037N001E	13	SWQ	1989
PO GONUM HYDROPIPEROIDES VAR OPELOUSANUM	NORTHEASTERN SMARTWEED	ST		037N001E	13	SWQ	1989
PSILOCARYA SCIRPOIDES	LONG-BEAKED BALDRUSH	ST		037N001E	13	SWQ	1989
SC PUS SMITHII	SMITH'S BULRUSH	SE		037N001E	13	SWQ	1987
SI NE REGIA	ROYAL CATCHFLY	ST	3C	037N001E	13	SWQ	1987
ST. PHOSTYLES LEIOSPERMA	SLICK-SEED WILD-BEAN	ST		037N001E	13	SEQ SWQ	1987
XYRIS CAROLINIANA	CAROLINA YELLOW-EYED GRASS	ST		037N001E	13	SWQ	1989
MI IANA AIRPORT UPLAND SANDPIPER SITE							
BA RAMIA LONGICAUDA	UPLAND SANDPIPER	SE		038N002E	28	SH NEQ+NH S32+NH S33	1988
NORTH CHAIN LAKE WET PRAIRIE							
PR RIE - WET	WET PRAIRIE	SG		038N001E	36	SWQ SWQ AND SWQ NWQ SWQ	1982
PLATANTHERA LEUCOPHAEA	PRAIRIE WHITE-FRINGED ORCHID	SX	LT	038N001E	36		1917
NO TH CHAIN LAKE WOODS SITE							
AR BIS MISSOURIENSIS VAR DU MII	MISSOURI ROCKCRESS	SE	C2	038N001E	36	NWQ	1922
GERANIUM ROBERTIANUM	HERB-ROBERT	ST		038N001E	36	NWQ	1982
L D AND WATER CONSERVATION FUND SITE #18-00151 - BELLEVILLE GARDENS PLAYGROUND				037N002E	17	SH NEQ	
LAND AND WATER CONSERVATION FUND SITE #18-00134 - LINDEN SCHOOL				037N002E	10,11		
L D AND WATER CONSERVATION FUND SITE #18-00138 - LEEPER PARK				037N002E	01		
LAND AND WATER CONSERVATION FUND SITE #18-00439				037N002E	01		
L D AND WATER CONSERVATION FUND SITE #18-00397 - TOLL ROAD FIELD				038N002E	25	SWQ	
LAND AND WATER CONSERVATION FUND SITE #18-00481 - ROSELAND ABANDONED RAILROAD ACQUISITION				038N002E	25		
ATT QUADRANGLE							
PYROLA ELLIPTICA	ELLIPTICAL-LEAF WINTERGREEN	WL					1909
TOFIELDIA GLUTINOSA	FALSE ASPHODEL	SR		036N002W	24	NWQ	1934
TAEA RUBRA	RED BANEBERRY	ST		036N003E	03		1924
RANIUM ROBERTIANUM	HERB-ROBERT	ST		036N003E	13	SWQ NWQ	1947
A ALSODES	GROVE MEADOW GRASS	SR		036N003E	14	NWQ SEQ	1929
GONIOBASIS LIVESCENS	LIVER ELIMIA			036N003E	35	NEQ SEQ SEQ	1988

STATE: SX=extirpated, SE=endangered, ST=threatened, SR=rare, SSC=special concern, WL=watch list, SG=significant
FEDERAL: LE=endangered, LT=threatened, C1=proposed to be listed, C2=under review, 3C=delisted

INDIANA DEPARTMENT OF NATURAL RESOURCES PATRICK R. RA

Executive Office
402 W. Washington Street, Rm. C-256
Indianapolis, IN 46204-2748

November 25, 1996

Tom Cervone, Ph.D.
Environmental Manager
Bernardin, Lochmueller & Associates, Inc.
Hulman Building, Suite 606
4th and Sycamore Streets
Evansville, IN 47708

RECEIVED
NOV 27 1996
BLA

Re: DNR #6115 - U.S. 31 Corridor Study: Plymouth to South Bend; Marshall and St. Joseph counties, BLA Project #193-0043-0CS

Dear Mr. Cervone:

The Indiana Department of Natural Resources has reviewed the above referenced study in accordance with the National Environmental Policy Act of 1969. Page 2 of Chapter 2 of the study states that the study's purpose is "to evaluate various transporation alternatives ... that would reduce traffic congestion on U.S. 31 with minimum impacts to the environment ..." Our agency offers the following comments to assist in achieving this purpose. A letter of concern from a potentially affected landowner is also enclosed for your information.

This proposal will require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for construction in a floodway. A copy of this letter and any subsequent correspondence(s) should be included with permit application materials.

The study contains adequate documentation of state-listed plant and animal species within the project area. As project planning continues, an analysis of potential impacts upon those species should be conducted and provided for agency review and comment. This should include a detailed, in depth analysis of potential impacts and problems upon rare species, natural communities, the overall natural landscape, and environmental aesthetics for the various alternatives. For clarification purposes, pointed campeloma (an aquatic snail) should be included in the section discussing mussels.

As presented in the study, the Existing Upgrade Alternative appears to involve the least amount of new disturbance to the existing natural landscape. It also appears to be the most beneficial in terms of benefit to cost ratio, net present value, and projected traffic volume. The Near East Alternative appears to be the next best alternative in terms of minimizing impacts to the environment.

The Far Western Alternative and Western Alternative #4 cross the most prominent

portions of the Maxinkukee Moraine. This area constitutes one of the best examples of glacially formed landscapes in northern Indiana. Prominent features include knolls which rise 50-60 feet above their basins, numerous sloughs, enclosed basins, small lakes, and ponds. Construction of either alternative would result in significant adverse impacts to these features as well as wetland, wildlife, and botanical resources. Although the routes avoid recorded occurrences of state-listed plant and animal species, this area has not been intensely surveyed for these species. Therefore, it is likely that state listed species such as the eastern massasauga and blandings turtle would be directly impacted. Given the probable impacts to these features and species, our agency opposes these alternatives. We would also oppose the use of Western Option 1, Western Option 2, and Western Option 3; while impacts would be to a lesser degree, they would be significant and adverse.

Staff offers an additional alternative which appears to reduce traffic congestion while minimizing environmental impacts to a greater extent than any of the presented alternatives (see enclosure). We recommend inclusion of this alternative in the study for analysis and possible alignment selection. In addition, a wider right-of-way should be considered to provide for potential expansion to meet future traffic congestion beyond the scope of the current proposal. This could avoid the need to build additional new highway(s). Our agency will withhold recommendation of an appropriate alignment until this alternative has been incorporated into the study.

Regardless of the alternative chosen, the project will impact fish, wildlife, and botanical resources. The following measures should be considered to minimize these impacts. Unavoidable wetland impacts should be mitigated in accordance with the Memorandum of Understanding agreed to by the Indiana Department of Transportation, the U.S. Fish and Wildlife Service, and our agency. Replacement wetlands should be in kind, in the same immediate watershed, and should be protected in perpetuity through deed restriction or conservation easement. Limited access should be addressed to minimize primary and secondary impacts. Wildflowers and native grasses should be utilized (with a maintenance plan) from the roadside ditch to the fence on the outside of the lanes rather than mowing .

We appreciate this opportunity to be of service and apologize for not being able to respond sooner in this matter. If we can be of further assistance, please do not hesitate to contact Steve Jose at (317) 232-4080.

Sincerely,

David L. Herbst

David L. Herbst, Deputy Director
Department of Natural Resources

DLH:SHJ

Enclosure

21201 Kern Rd
South Bend, IN 46614
August 15, 1996

Dear Sir:

The State Highway Department is proposing a limited access highway to replace US31. Their suggested Option 1 in St. Joseph County would go through my property. Their proposed interchange at Kern Road would encompass nearly all of it.

I am writing you to draw attention to the fact that of this 10 acres, 7 acres is Federally Designated Wetlands. The rest is house, drive and railroad elevation. Over an acre of the wetlands consists of tussocks of sedge - the only such I am aware of in this area. It is also home to snakes - including one very large specimen - that are identical to the Smooth Green Snake pictured on the Indiana Endangered Species poster.

This property consists of Rensselaer Loam and Rensslaer Mucky Loam and is home to chimney crawdads, green heron, sensitive fern, blue flag, ironwood/blue beech, skunk cabbage, marsh marigold, monkey flower, great blue lobelia, throughwort, and a large variety of dragon flies as well as a plant that looks like the pictures of the endangered swamp pink. (Unfortunately, I have never seen this blooming.)

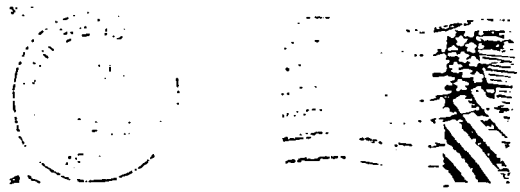
I wanted to make sure that you were aware of this wetlands habitat before it was too late.

Sincerely,

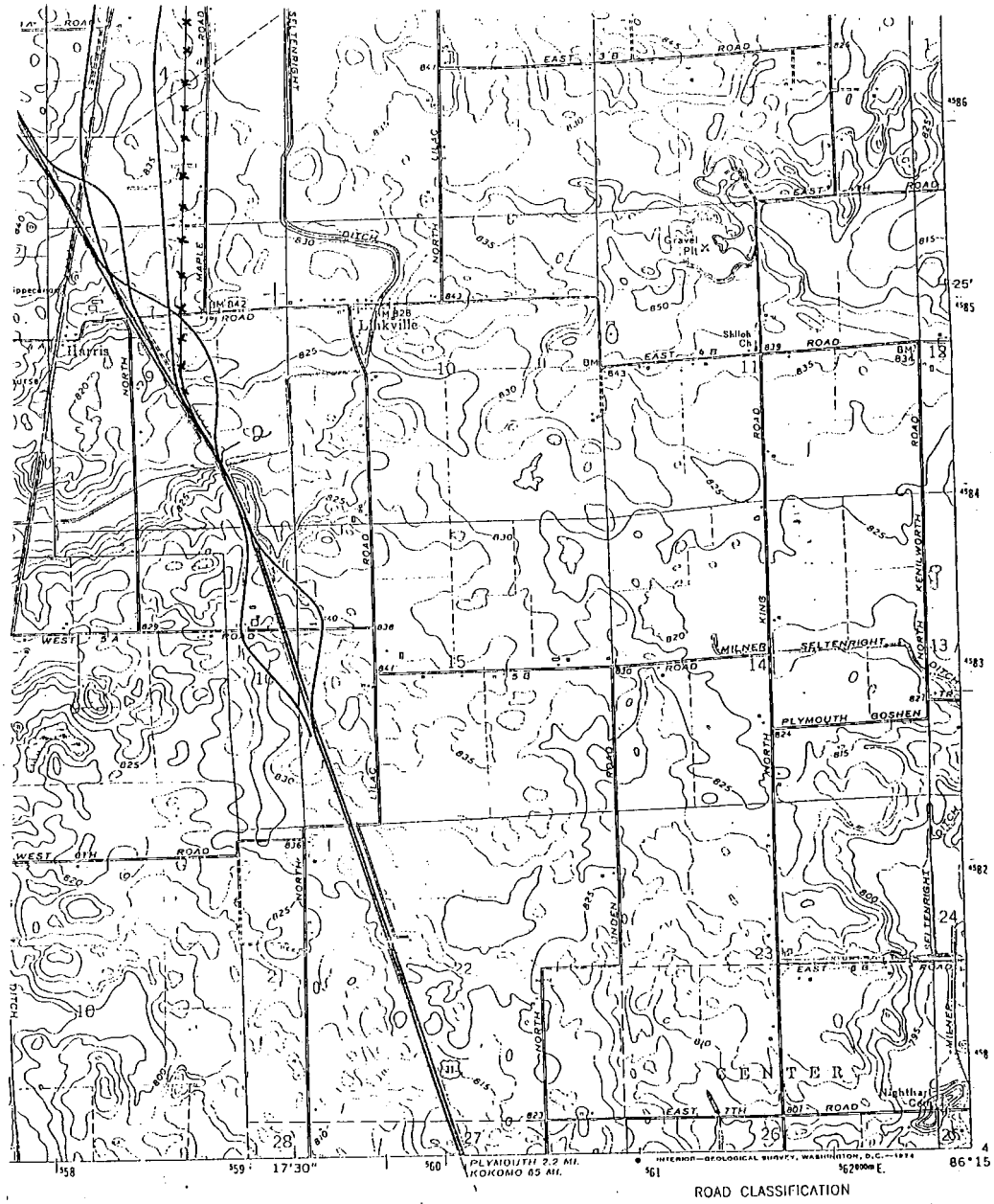
Jeannine Machowiak

Jeannine Machowiak

nnine M. Machowiak
21201 Kern Rd.
h Bend, IN 46614-5042



Division of Nature Preserves
402 West Washington Room W267
Indianapolis, In 46204



1 MILE
1000 5000 6000 7000 FEET
1 KILOMETER

5 FEET
LEVEL

P ACCURACY STANDARDS
Y, WASHINGTON, D. C. 20242
RCES, INDIANAPOLIS, INDIANA 46204
YMBOLS IS AVAILABLE ON REQUEST

INDIANA
QUADRANGLE LOCATION

ROAD CLASSIFICATION

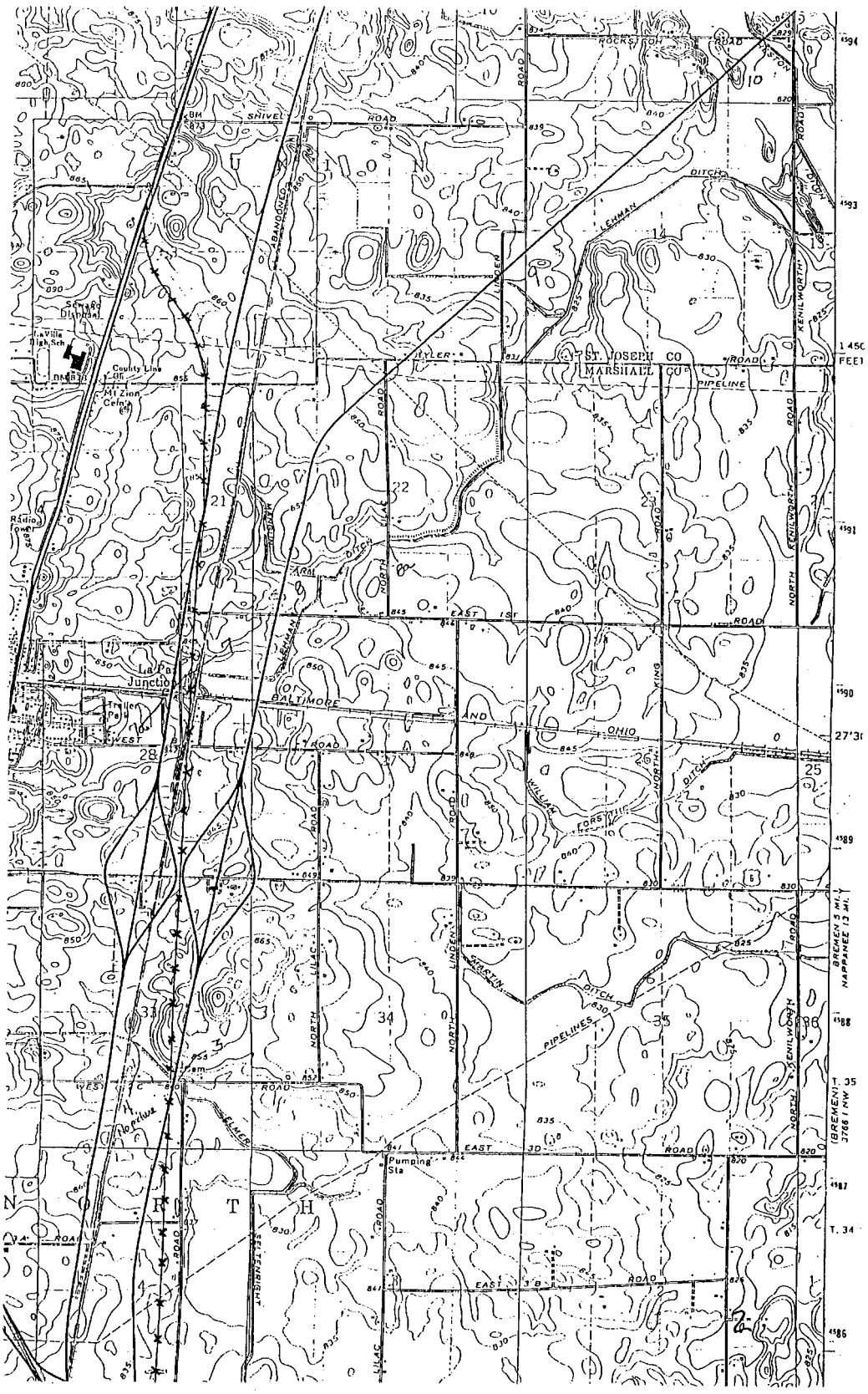
Primary highway, hard surface
Secondary highway, hard surface
Light-duty road, hard or improved surface
Unimproved road
Interstate Route
U. S. Route
State Route

= IDNR Alternative

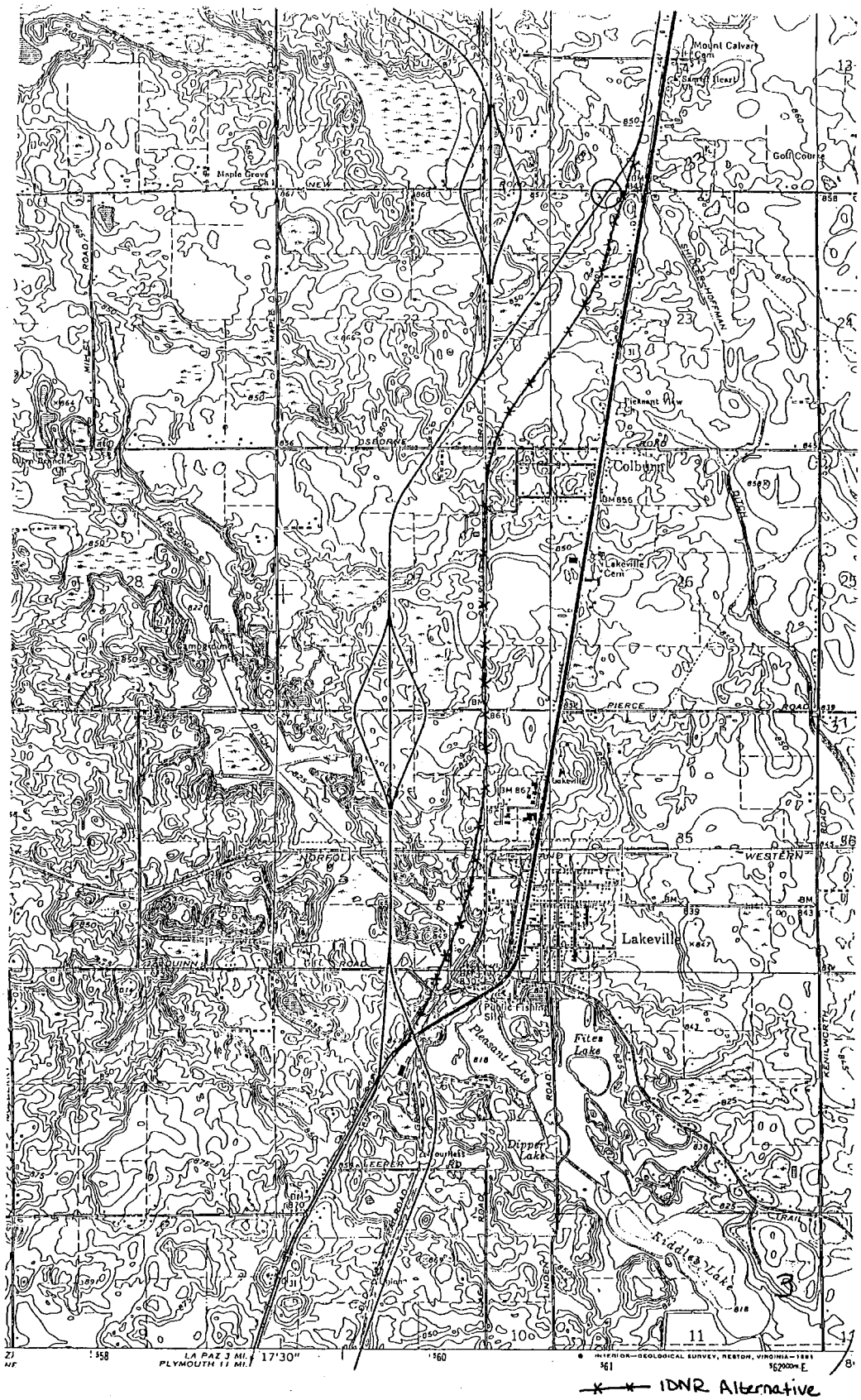
LA PAZ, IND.
N4122.5—W8615/7.5

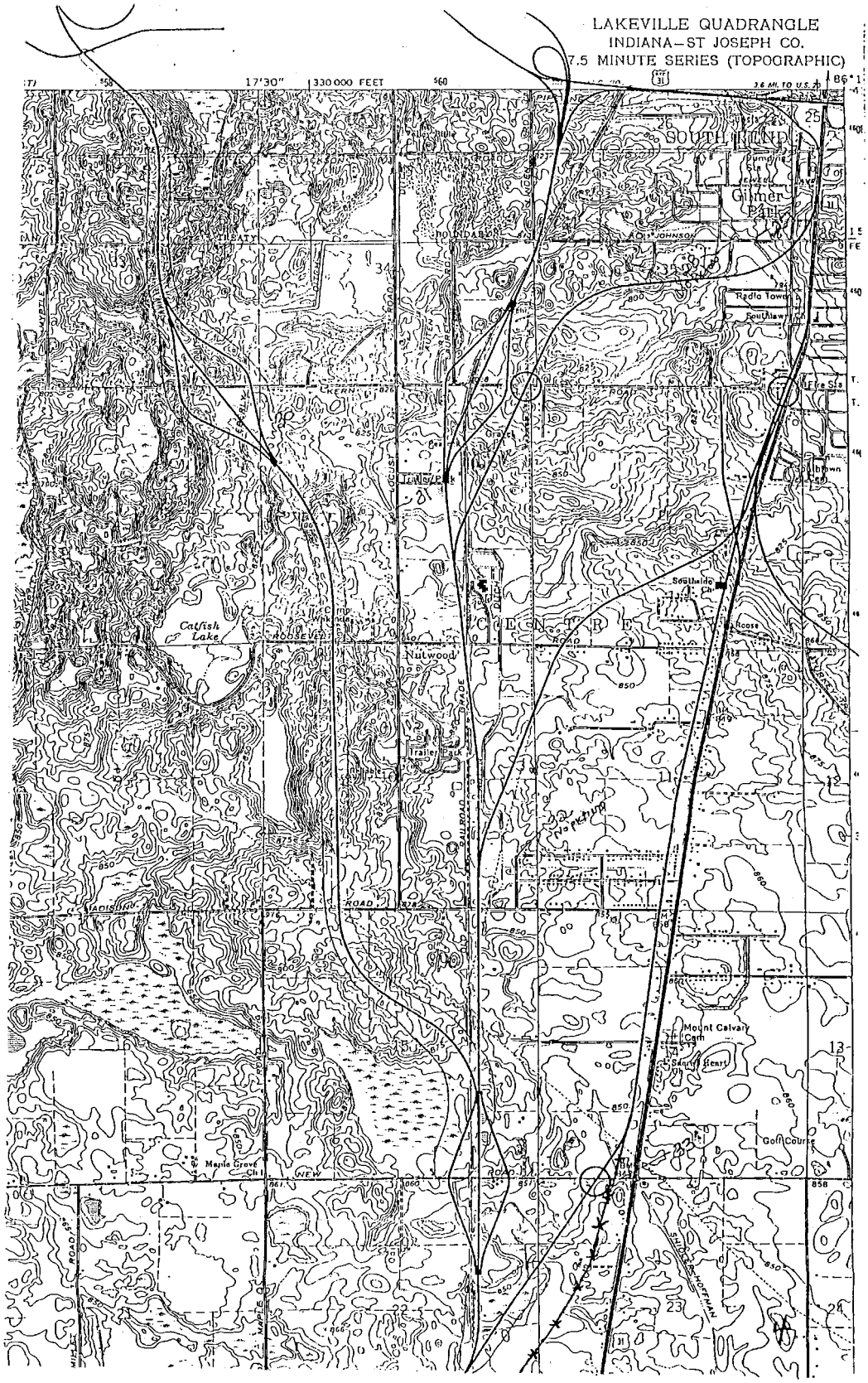
1972

AMS 3706 IV NE—SERIES V951



IDNR Alternative


Mount Calvary Cem
Golf Course
Maple Grove Ch
Colburn
Lakeville Cem
Lakeville
Pleasant Lake
Fites Lake
Dipper Lake
Riddle's Lake
PIERCE ROAD
WESTERN ROAD
KENILWORTH TRAIL
LA PAZ 3 MI.
PLYMOUTH 11 MI.
17'30"
IDNR Alternative


LAKEVILLE QUADRANGLE
INDIANA–ST JOSEPH CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
17'30" 330000 FEET
SOUTH BEND
Gilmer Park
Radio Tower
Southlake
Catfish Lake
Nutwood
Mount Calvary Cem
Golf Course
Maria Grove Ch
IDNR Alternative

Keith
Tom B.
Dean
Vince
Tom C.
Jim G.
Dave R.
Evie

RECEIVED

JUL 2 3 1997

BLA

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MA

Executive Office
402 W. Washington Street, Rm. W-256
Indianapolis, IN 46204-2748

July 16, 1997

Mr. Thomas H. Cervone, Ph.D.
Bernardin, Lochmueller & Associates, Inc.
Hulman Building, Suite 606
4th and Sycamore Streets
Evansville, IN 47708

Re: DNR #6115 - U.S. 31 Corridor Study: Plymouth to South Bend; Marshall and St. Joseph counties, BLA Project #193-0043-OCS

Dear Dr. Cervone:

Per your request dated 27 January 1997, the Indiana Department of Natural Resources has reviewed the above referenced project in accordance with the National Environmental Policy Act of 1969 and offers the following comments for your information.

This alternative appears to be favorable in that it uses existing right-of-way. With this exception, our previous comments, dated 25 November 1996, remain in effect for the project.

We appreciate this opportunity to be of service and apologize for not being able to respond sooner in this matter. If we can be of further assistance, please do not hesitate to contact Steve Jose at (317) 232-4080.

Sincerely,

Larry D. Macklin, Director
Department of Natural Resources

LDM:SHJ

193-0043

INDIANA DEPARTMENT OF NATURAL RESOURCES

PATRICK R. RALSTON, DIRECTOR

Division of Historic Preservation
and Archaeology
402 W. Washington St., Rm. 274
Indianapolis, Indiana 46204
317-232-1646

RECEIVED

NOV 18 1996

SLA

November 13, 1996

Tom Cervone, Ph.D.
Environmental Manager
Bernardin, Lochmueller & Associates, Incorporated
20-24 Northwest Fourth Street, Suite 606
Evansville, Indiana 47708

Dear Dr. Cervone:

We have reviewed the early coordination packet for the proposed US 31 Corridor Study from Plymouth to South Bend, in Marshall and St. Joseph counties, Indiana (Designation #9405230; DNR #6115).

Thank you for providing our office with aerial maps showing the various alternatives for the US 31 corridor project. However, our office is unable to determine whether or not there are any known historic sites eligible for inclusion in the National Register of Historic Places. Although a survey of historic sites and structures has been completed for both Marshall and St. Joseph counties, the survey information is keyed to U.S. Geological Survey maps. Therefore, in order to enable our office to locate potentially significant historic sites within or adjacent to the project area, we will need copies of the appropriate quadrangles showing the various alternatives and changes in right-of-way submitted to our office for our review and comments.

Our office has evaluated the properties which were photographed and keyed to the aerial maps provided with your letter dated September 20, 1996. Among those photographs submitted to our office, we have determined that there are three properties, which are potentially eligible for the National Register:

1) 193-43, #8-11, Aerial: West 9-12, Site #12 (house)
2) H2/H19 & B1/B18, Aerial #FW5, Far West Alternative, Roll #2/14 (house)
3) 193-43, #5-19, Aerial: East 11 Alternative, Site #3 (school)

For the three properties listed above, please provide the following information: the known or approximate date of construction, any historical information and the name of the architect or builder.

Please also key these properties to a copy of a U.S. Geological Survey map. Although our office has only identified three potentially significant properties among the many photographs provided, we may determine that there are additional properties once we are able to refer to the historical surveys for St. Joseph and Marshall counties.

We concur with the findings of the archaeological record check done by Landmark Archaeology (12/12/94); therefore, an archaeological reconnaissance will be required when the proposed route is finalized. We will comment further when we receive the archaeological reconnaissance report.

Very truly yours,

John T. Castello

Patrick R. Ralston
State Historic Preservation Officer

PRR:MMD:SLW:mmd

cc: Steve Jose, Division of Fish and Wildlife, Indiana Department of Natural Resources

INDIANA DEPARTMENT OF NATURAL RESOURCES PATRICK R. RALSTON, DIRECTOR

Division of Historic Preservation
and Archaeology
402 W. Washington St., Rm. 274
Indianapolis, Indiana 46204
317-232-1646

February 2, 1997

Evelyn C. Orick
Bernardin, Lochmueller & Associates, Incorporated
Hulman Building, Suite 606
Evansville, Indiana 47708

Dear Ms. Orick:

We have reviewed the additional information for the proposed US 31 Corridor construction project from Plymouth to South Bend in Marshall and St. Joseph counties, Indiana (Project #9405230; DNR #6115).

Our office has identified a number of additional historic properties that appear to be within or adjacent to the proposed project area using the quad maps provided with your letter dated December 10, 1996. Our comments are based upon the most current survey information available. However, the survey for St. Joseph County was published in 1985. Therefore, some of the properties that will be mentioned may have deteriorated or been completely demolished since the completion of the survey. If any of these properties will be affected by one of the various alternatives, additional information may need to be supplemented to reevaluate the significance of the buildings.

Marshall County/North Township:

The property, site #099-342-05013, Edward Heyde Farm, on East 3rd Road is eligible for inclusion in the National Register of Historic Places due to its architectural and historical significance. Its round barn is one of a very few of this building type remaining in Indiana.

The property, site #099-342-05017, District Number 13 School, on West 3rd Road is eligible for inclusion in the National Register due to its architectural and historical significance. This building is the only remaining township school in North Township.

The property, site #099-342-05041, on North King Road is eligible for inclusion in the National Register due to its architectural and historical significance. This building represents a rare example of a Greek Revival farmhouse with associated outbuildings. The building is also most likely associated with early settlement in North Township.

St. Joseph County/Center Township:

The property, site #08004, at 20909 Ireland Road is eligible for the National Register due to its architectural significance. It is a great example of craftsman/prairie style residential architecture.

The property, site #08003, C.F. Dunfee Farmhouse, at 20900 Ireland Road is eligible for the National Register due to its architectural and historical significance. The farmhouse is a good example of Queen Anne residential design, and the barn is an exceptional example of a bank barn. Together the farmhouse and the associated outbuildings appear to have good integrity.

The property, site #08010, at 59449 Keria Trail is eligible for the National Register due to its architectural and historical significance. The house is an excellent example of a frame Italianate style design and is associated with some of the Township's earliest settlers.

The property, site #08012, C. Allen Wickizer House, at 60717 Locust Road is eligible for the National Register due to its architectural and historical significance. The house is a grand example of the Tudor Revival residential architectural style.

The property, site #08027, at 18799 Roosevelt Road is eligible for the National Register due to its architectural and historical significance. The gabled L or T - house has fine Italianate architectural details and appears to have excellent integrity.

The property, site #08036, at 63049 Turkey Trail is eligible for the National Register due to its architectural and historical significance. The house is clearly an outstanding example of an Italianate residence with rich, exuberant porch details.

St. Joseph County/Madison Township:

The property, site #10059, at 66251 Elm Road is eligible for the National Register due to its architectural and historical significance. This house is a highly original vernacular interpretation of Greek Revival.

The property, site #10070, at 17850 Layton Road is potentially eligible for the National Register due to its architectural and historical significance. Additional information including current photographs and any available historical documentation must be provided to enable our office to evaluate the significance of the building.

St. Joseph County/Penn Township:

The property, site #06023, at 61601 Bremen Highway, is eligible for inclusion in the National Register due to its architectural and historical significance. The late nineteenth century residence is unusual for its vernacular interpretation of the Second Empire Style with good outbuildings, particularly the barn.

The property, site #06037, at 14016 Dragoon Trail is eligible for inclusion in the National Register due to its architectural and historical significance. The house is a richly detailed example of a frame Italianate Style Residence.

The property, site #06058, at 60649 Hickory Road is eligible for the National Register due to its architectural and historical significance. The frame house is a good example of a vernacular interpretation of several late nineteenth century architectural styles.

St. Joseph County/Union Township:

The property, site #11004, at 69500 Juniper Road is eligible for the National Register due to its architectural and historical significance. The round barn is in reasonably good condition and is one of approximately one-hundred and thirteen remaining in the State of Indiana.

St. Joseph County/Green Township:

The property, site #09064, at 60413 Oak Road/Sumption Trail is eligible for the National Register due to its architectural and historical significance. The house is a very fine example of a brick I-House with wing and has good Greek Revival details at the entrance. The house is also associated with early settlement in Green Township.

The property, site #09031, at 61383 Oak Road is eligible for the National Register due to its architectural and historical significance. The house is a good example of an early classical revival residence of a type not commonly found in Indiana.

The property, site #09033, at 61723 Oak Road is eligible for the National Register due to its architectural and historical significance. The house is an outstanding example of Queen Anne residential design and has an elaborate bank barn.

To enable our office to determine the effect of the proposed US 31 improvement project on the eighteen properties listed above, additional information must be submitted to the Division of Historic Preservation and Archaeology. Once the appropriate alternative or alternatives have been selected, our office will need detailed maps showing where all construction, demolition, and changes in right-of-way will occur in relation to the historic properties. For those properties that will no longer be affected as a result of the abandonment of particular alternatives, please provide a clear explanation of why the properties will no longer be affected. Copies of township maps have been provided to assist you with idenfying the location of the historic properties.

Thank you for providing our office with more detailed historical information regarding the three properties at 68651 Oak Road, 61191 US 31, and 60415 Bremen Highway mentioned in our letter dated November 13, 1996. Having evaluated the additional information, we have the following comments:

St. Joseph County/Liberty Township:

The property, (#B1/B18, Aerial: #FW5, Far West Alternative, Roll #2/14), at 68651 Oak Road is eligible for inclusion in the National Register due to its architectural and historical significance. The home is a good example of a brick Italianate residence and has good integrity. Because the house is approximately 400' west of the proposed new US 31 route, it appears that access from the historic

property to Oak Road will not be affected. However, our office will need a detailed map showing where all changes in right-of-way and construction activities will occur in relation to the property in order to make a determination of effect.

St. Joseph County/Center Township:

The property, site #08038 (#193-43, Aerial: West 9, Site #12), at 61191 US 31 is eligible for the National Register due to its architectural and historical significance. The house is an outstanding example of a brick Italianate residence. Because the building is eligible for inclusion in the National Register, the physical destruction, damage or alteration of all or part of the property will necessitatea determination of adverse effect (see 36 CFR 800.9[b][1]). As a result, our office would recommend that Option 2 for the western alternate not be selected. However, if this alternative is preferred, then an investigation should be made for shifting the alignment of the proposed alternative to avoid demolition or the loss of right-of-way for the property. Please inform our office how you plan to proceed. Please also provide our office with detailed plans showing where all construction, demolition, and changes in right-of-way will occur in relation to the property.

St. Joseph County/Green Township:

The property (#193-43, Aerial: East 11, Site #3), at 60415 Bremen Highway is eligible for inclusion in the National Register due to its architectural and historical significance. Although the interior has been modified for use as a residence, our office is unable to determine the extent of the modifications based upon the information provided. However, the exterior has very good intergrity and continues to convey the historical and architectural significance of the former school building. The eastern alternate appears to be approximately 1,000 feet from the house and should not affect the properties access to SR 331. Please provide a detailed plan showing where all construction and changes in right-of-way will occur in relation to the historic property.

Once the above requested information has been received, the review process will continue. If you have any further questions, please call Michelle M. Daleiden at (317) 232-1646.

Very truly yours,

John T. Castetter

Patrick R. Ralston
State Historic Preservation Officer

PRR:MMD:mmd

Enclosures

930013

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Michael O'Connor
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

OCTOBER 7, 1996

RECEIVED

OCT 10 1996

BLA

Tom Cervone
Bernardin*Lochmueller & Associates, Inc.
20-24 N. W. Fourth Street
Evansville, IN 47708

Dear Mr. Cervone:

Re: U.S. 31 Corridor study from Plymouth to South Bend Marshall and St. Joseph Counties

The Indiana Department of Environmental Management (IDEM) has reviewed the above-noted project with consideration to potential effects on the environment at or about the project location.

The following topics were considered during our review process:

WATER AND BIOTIC QUALITY

Recommended water pollution control measures:

1. Section 404 of the Clean Water Act requires a permit from the U.S. Army Corps of Engineers for dredging and filling in wetlands and in the waters of the State of Indiana. The Office of Water Management (OWM) recommends that you contact the Louisville District, U.S. Army Corps of Engineers at 502/582-5607 concerning the possible requirement of a Section 404 permit for this project. In the event the Section 404 Permit is required, the project maybe subject to a Section 401 Permit from IDEM.

   The wetland areas in the project site are valuable aquatic resources and every effort needs to be made to avoid filling or damaging these areas. If filling is unavoidable, some form of mitigation for wetland losses may be required by this office.

2. The physical disturbance of the stream and riparian vegetation, especially large trees overhanging all streams in the project area should be limited to only that which is absolutely necessary to complete the project. The shade provided by the large overhanging trees helps maintain the proper stream temperatures and dissolved oxygen levels for aquatic life.

3. During the construction phase and after completion of the project, appropriate structures and techniques should be utilized to minimize soil erosion. The use of straw bale barriers, silt fencing, or earthen berms around disturbed areas is recommended to prevent soil from leaving the construction site. Information and assistance regarding control of construction-related soil erosion are available from the Soil and Water Conservation District (SWCD) offices, co-located with the local field office of the USDA Soil Conservation Service (SCS) in each county, the regional field offices of the Indiana Department of Natural Resources' Division of Soil Conservation, whose administrative office is at FLX 1 Building, Purdue University, West Lafayette, Indiana 47907.

4. Water pollution control measures, as specified in the 1993 Indiana State Highway Standard Specifications, shall be applicable.

5. The Department of Natural Resources, Division of Fish and Wildlife, shall be consulted regarding potential harm to the local biota resulting from the proposed project.

6. The OWM, Permit Branch (Laura Bieberich, 317/233-6725) shall be contacted regarding the possible requirement of a Rule 5 storm water permit for construction projects involving land disturbance of 5 acres or more.

AIR QUALITY

The project should be designed to minimize any impact on ambient air quality in or about the project area. The project must comply with all Indiana Air Pollution Control Board rules.

Consideration should be given to the following:

1. What disposal method is being used for organic debris from land clearing? Open burning is generally prohibited but if burning is being considered, evaluate the economic and technical feasibility of non-combustion disposal options, for example removal, mulching, and burial. Open burning variances may be granted for certain projects from the Office of Air Management. 326 IAC 4-1 Open Burning Rule should be taken into consideration.

2. Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. Example precautions are wetting the area with water, constructing wind barriers, or treating the area with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked out from unpaved areas should be minimized. Please refer to 326 IAC 6-4 Fugitive Dust Rule for details.

3. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. Please refer to 326 IAC 8-5 Asphalt Paving Rule for details.

4. If demolition or renovation of a structure will take place, asbestos rules may apply. An inspection should be performed by an accredited asbestos inspector to determine if asbestos containing materials are present. If asbestos is present, rules governing project notification, asbestos handling and disposal, and contractor licensing will apply. Notification rules and set schedules apply to renovation projects above a certain size and all demolition projects. The following rules may apply.

   326 IAC 14-2 Emission Standard for Asbestos;
   326 IAC 14-10 Emission Standard for Asbestos; Demolition and Renovation Operations, and
   326 IAC 18-1 and 18-3 Asbestos Personnel Accreditation Rules.

5. If this project is the construction of a new source of air emissions or modification of an existing source of air emissions, it may need to be reviewed for an air emissions permit or registration according to 326 IAC 2-1 Permit Review Rules. Applications for permit review can be obtained by calling 317/232-8369.

SOLID AND HAZARDOUS WASTE

1. The Office of Solid and Hazardous Waste Management (OSHWM) does not believe the site is or represents an environmental problem, based on the information provided. However, OSHWM reserves the right to reassess the site if new or additional information becomes available.

2. If the site is found to contain any areas used to dispose of solid or hazardous waste, you shall contact the OSHWM at 317/232-3210.

3. If any contaminated soils are discovered during this project, they may be subject to disposal as either special or hazardous waste. Please contact the OSHWM at 317/232-4473 to obtain information on proper disposal procedures.

4. There may be PCB issues related to this site. Please contact the Special Waste Section of OSHWM at 317/232-3111 for information regarding management of any PCB wastes from this site.

5. There may be asbestos issues related to this site. Please contact the Special Waste Section of OSHWM at 317/232-3111 for information regarding management of any asbestos wastes from this site.

ENVIRONMENTAL RESPONSE

The Office of Environmental Response is making file information pertaining to the Environmental Impact Statement Early Coordination program available to the public. These files are open to the public during regular business hours. The file room is located at 2525 N. Shadeland on the second floor.

If you need any additional information or have any questions, please contact one of the following persons:

Ms. Anne Black	317/233-6413
Ms. Tonya Jefferson	317/232-8976

FINAL REMARKS

We reserve the right for further review if the scope of the project, or any of its aspects, should change significantly from that which has been proposed, or we are made aware of factors which could have detrimental environmental effects.

Please note that this letter does not constitute a permit, license, endorsement or any other form of approval on the part of either the Indiana Department of Environmental Management or any other Indiana state agency.

Should you have any questions relating to our review, please contact the following program area people responsible for this review:

Water and Biotic Quality	
Steve Hall	317/308-3204
Air Quality	
Judy Watt	317/233-0581

Solid & Hazardous Waste Management
Debby Baker 317/232-0066

Review Coordinator
Gary Starks 317/232-8795

Sincerely,

T.P. Chang
Chief, Compliance Branch
Office of Water Management

cc: Ms. Debby Baker
Mr. Steve Hall
Ms. Judy Watt
Mr. Gary Starks

Project No. 2335

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

IN REPLY REFER TO

November 22, 1996

Construction-Operations Division
Regulatory Branch
File No. 96-150-019-0A

Steve Cecil, Chief
Division of Pre-Engineering and Environment
Indiana Department of Transportation
100 North Senate Avenue, Room N755
Indianapolis, Indiana 46204-2249

Dear Mr. Cecil:

We are writing in response to your letter dated October 1, 1996, regarding review of several projects under the Statewide Implementation Agreement for an integrated NEPA/404 process. The list of projects included one within the Detroit District regulatory boundary in Indiana. The proposed U.S. 31 improvement from Plymouth to South Bend, Indiana was scheduled for discussion on purpose and need, and on alternatives to be carried forward.

We have reviewed the information in your letter, along with Early Coordination information supplied by Bernardin, Lochmueller in a letter dated September 13, 1996. Although we were unable to participate in the November 13, 1996 meeting, please accept these comments as our District's position concerning the information presented.

We concur with the purpose and need for the project with some reservations. The purpose could be more clearly defined along the lines of the project, rather than the study of the project. The purpose appears to be to provide improved vehicle travel between Plymouth and South Bend. Although the need for the project mentions safety, information to support safety problems with the existing route is not presented.

The proposed road in this corridor faces numerous social, logistical, and environmental challenges. The alternatives discussed all reflect the complexity of these issues. From our regulatory perspective, all of these alternatives involve considerable impacts to wetlands and waterways. The Existing Upgrade, the alternative with the least estimated wetland impacts at 45 acres, may still cause or contribute to significant degradation due to the size of these impacts. Based on our review of the alternatives, further consideration should be given

to selecting a route which would avoid and minimize the wetland impacts while fulfilling the project purpose. Since there generally are fewer wetlands east of the existing U.S. 31, perhaps additional focus on this area might be productive. A by-pass north of Lakeville also is worthy of investigation to avoid the extensive wetland areas northwest of the town. For aid in the evaluation of alternatives, a breakdown of some impacts (i.e. wetlands) by segments would help focus the impact evaluation, and facilitate combination of alternatives to reduce impacts.

We would not object to the elimination of the Far West and Far East alternatives from further consideration, as these options have similar impacts to other alternatives with much higher costs. These alternatives also would not appear to fulfill the project purpose.

The remaining alternatives could be carried forward, but we do not consider this list complete. We hope that further analysis will reveal less damaging alternatives not only on wetlands, but on other social and environmental factors as well.

Should you have any questions, please contact Charlie Simon, Project Manager, at the above address or telephone (313) 226-2222.

Sincerely,

Gary R. Mannesto
Chief, Regulatory Branch
Construction-Operations Division

Copy Furnished

USFWS
IDNR, S. Jose
IDEM, M. Maupin/H. Keuhne

193-0043

U.S. Department of Housing and Urban Development
Environmental Staff
Midwest Office
77 W. Jackson Blvd.
Chicago, Illinois 60604-3507

October 22, 1996

Mr. Tom Cervone, Environmental Manager
Bernardin, Lochmueller & Associates
20-24 N.W. 4th St, Suite 606
Evansville, In 47708

RECEIVED
OCT 28 1996
BLA

Dear Mr. Cervone:

Subject: US 31 Corridor Study
Marshall & St. Joseph Counties, In

In the future the impact of this project will not be measured in terms of how many acres of farmland, forest and wetland were converted by highway construction, but rather by how much growth was stimulated and how this change in the settlement pattern changed the quality of life in this area. The location of the corridor is important in that it will attract growth and, conversely, it will probably do so at the expense of existing urban (commercial) areas.

The study has done an excellent job of presenting a diverse range of alternatives. The study could be improved, however, in that the evaluation of alternatives should not be restricted to direct impacts but should be expanded to included indirect ones as well. In particular: are there existing commercial areas that will be adversely affected, and what local governments will protect environmentally sensitive areas from this secondary development?

This study should deal with the indirect impacts of growth as mandated by 40 CFR 1502.16(b). It could start by analyzing the capacity of government to manage growth in an environmentally responsible fashion. Will wetlands be preserved and adverse impacts mitigated? Will floodplain development be condoned? Will compact energy efficient or sprawlful settlement patterns be encouraged? The answers to these questions can best be forecast by evaluating the capacity of local governments. This is the

challenge of this study; to evaluate the capacity of local government to manage growth. If there are any questions, now would present a unique opportunity to use the leverage presented by this project to improve this capacity.

Another area where the planning process could be improved is in its focus on the highway to the exclusion of all else. In the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) Congress recognized that our civilization couldn't go on just building highways to meet our transportation needs, but a more balanced approach was called for[1]. In the ISTEA era it is incumbent upon Indiana DOT to recognize the secondary impacts caused by highway stimulated growth and to explore alternatives that will help to mitigate these adverse impacts. Inclusion of a bikeway proposal would be a step in the right direction. The study itself notes that "no such facilities now exist in the study area" (p. 63) and notes that

> Every effort will be made to keep existing rural roads open. This will allow the continued free movement of bicycle traffic along these roads without interruption by this highway.(p. 63).

Separation of vehicular and bicycle traffic is always preferable and development of this corridor would present a unique opportunity to develop a state of the art bikeway.

The study could also examine what steps could be taken to promote the development of mass transit along this corridor. Even is mass transit is not feasible, the study should at least cover the issue. An incremental approach could examine what would be needed to start bus service. Land for commuter parking

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[1] ISTEA provides that "the National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic development and supporting the Nation's preeminent position in international commerce." (49 U.S.C. 5501(a))

lots could be provided at interchanges so as to facilitate regional bus routes, when growth generated enough demand to justify its inception. Purchase of cheap land now would make it easier to overcome start-up costs later.

I hope these comments will aid in the planning for this project. Should you have any questions, please do not hesitate to call me at 312-353-1696 ext. 2727.

Very truly yours,

Eugene Goldfarb
Midwest Environmental Officer

cc: W. Shaw, 5HS
R. Poffenberger, 5HD
E. Eisendrath, 5AS

1930043

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

IN REPLY REFER TO:

12 NOV 1996

Engineering & Planning Division
Environmental Analysis Branch

RECEIVED

NOV 14 1996

BLA

Bernardin, Lochmueller & Associates, Inc.
20-24 N.W. Fourth Street Suite 606
Evansville, IN 47708
Attn: Tom Cervone, Ph.D. Environmental Manager

Dear Dr. Cervone:

This correspondence is provided in response to your September 13, 1996 letter requesting that our office comment on the proposed improvements to the U.S. 31 Corridor between Plymouth (in Marshall County) to South Bend (in St. Joseph County), Indiana. Our response to your proposal is based on possible impacts to flood plains, wetlands, and waterway projects. Three separate District Staff reviewed your letter and its enclosures pertaining to your proposal. Planning Branch addresses flood plains, Regulatory Branch wetlands and the Environmental Analysis Branch is concerned with possible impacts to Detroit District, U.S. Army Corps of Engineers (COE) waterway projects. All three phases of the project are within our District's Jurisdiction.

The COE Chief of Flood Plain Management Studies (FPMS) has reviewed the proposal and offers the following comments: Both St. Joseph and Marshall Counties are in the regular phase of the National Flood Insurance Program. All, or most, of the waterways identified within the presented proposed alternatives are delineated on the Flood Insurance Rate Map. Some hydrologic modifications may be necessary to a few waterways. If needed, information exists for the 100-year flood elevation and delineation for the identified waterways.

The FPMS Chief recommends that the project designs be fully coordinated with local and Indiana Department of Natural Resources (IDNR) officials, pursuant to the Indiana Flood Control Act (IC 13-2-22), as to the applicability of proper permits prior to construction. IDNR coordination would establish whether or not the project designs are in compliance with local and state flood plain management regulations and acts. This coordination may be necessary since the disposal of the stormwater generated from the project may have an impact on nearby waterways, as well as, the proposed hydrologic modifications impacting existing applicable flood plains. Questions regarding the District's civil works program should be directed to Mr. Joe Wanielista, Program Manager, Flood Plain Management Services, at (313) 226-6773.

The proposed project was reviewed by the District's Regulatory Branch (RB) for regulatory compliance pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. It has been determined that a permit will be required for the proposed improvements to U.S. 31. A permit is required for work in any waterway and/or wetland area. An application and informational brochure are enclosed. Please return the completed application, and direct it to the attention of the Regulatory Branch.

Any questions regarding permit evaluation, status, or regulatory compliance should be directed to Ms. Kristie DeFoe of the Enforcement Section, Regulatory Branch, at (313) 226-7712. This preliminary environmental analysis does not represent a comprehensive "public interest" analysis. Such an analysis would be completed during the permit application evaluation process through the RB. Please refer to file number 96-150-019-0 for any future correspondence with RFB.

At the present time, there are no Detroit District Federal Harbor Navigational Channels, no Corps of Engineers Waterways, nor current or future plans to develop them at the location identified in your enclosed map. The Environmental Analysis Branch will continue to be the primary point of contact for environmental coordination of this project. Questions may be directed to myself or Dr. Robert J. Teitler of my staff at (313) 226-2013. We appreciate the opportunity to review and comment upon your proposed projects.

Sincerely,

Les E. Weigum,
Chief, Environmental Analysis Branch

Enclosure

CF:
DeFoe (96-150-019-0)
EAB (files)

193-0043

Project No. DES # 9405230 Bridge No. _____

Project Description U.S. 31 Corridor Study
Plymouth to South Bend (Marshall & St. Joseph Counties)

Name of Organization requesting early coordination:
Indiana Department of Transportation

QUESTIONNAIRE FOR THE INDIANA GEOLOGICAL SURVEY

1) Do unusual and/or problem ( ) geographic, (X) geological, ( ) geophysical, or ( ) topographic features exist within the project limits? Describe: The Environmental Overview address the most significant geologic concerns: welands* and bogs, and closed depressions underlain by muck and peat.

2) Have existing or potential mineral resources been identified in this area? Describe: The mineral resources sand, gravel, peat, marl, and gypsom are referenced in the report.

3) Are there any active or abandoned mineral resources extraction sites located nearby? Describe: As mentioned in the report Option #3 goes through a quarry. No other major works were noted on the USGS 7.5 minute quadrangles.

*It would seem that on the basis of the expressed benefits of wetlands to mankind the new roadway would follow the existing course rather than opt for an alternate that would destroy additional wetlands.

This information was furnished by:

Name: Edwin J. Hartke Title: Geologist

Date: Sept 27, 1996

RECEIVED
OCT 09 1996
BLA

RECEIVED
OCT - 2 1996
DIVISION OF [illegible]

193-0043

United States Department of Agriculture

Natural Resources Conservation Service

6013 Lakeside Boulevard
Indianapolis, Indiana 46278

October 18, 1996

RECEIVED

OCT 21 1996

BLA

Tom Cervone, Ph.D., Environmental Manager
Bernardin, Lochmueller and Associates, Inc.
20-24 N.W. Fourth Street, Suite 606
Evansville, Indiana 47708

RE: U.S. 31 Corridor Study
Marshall and St. Joseph Counties, Indiana
Project # 193-0043-OCS

Enclosed is the completed questionnaire and/or the 1006 Farmland Converson Rating Form from the Natural Resources Conservation Service for the above named project(s).

Sincerely,

Robert L Eddleman

ROBERT L. EDDLEMAN
State Conservationist

Enclosures

The Natural Resources Conservation Service, formerly the Soil Conservation Service, is an agency of the United States Department of Agriculture.
The Natural Resources Conservation Service,

AN EQUAL OPPORTUNITY EMPLOYER

Project No. DES # 9405230 Bridge No. _____

Project Description U.S. 31 Corridor Study
Plymouth to South Bend

Name of Organization requesting early coordination:
Indiana Department of Transportation

QUESTIONNAIRE FOR THE U. S. DEPARTMENT OF AGRICULTURE (USDA)

1) Are the drainage courses within the project area subject to (X) siltation, (X) erosion, or ( ) pollution? Identify and describe: Drainage courses are susceptible to scouring and sloughing. This causes siltation in the creeks streams and ditches.

2) Are the soils within the project area susceptible to (X) erosion, ( ) landslides, or (X) settlement? Describe the degree of each: The steeper slopes (particularly on the west alternatives are susceptible to water erosion. The muck soils will settle if drained lowers the water table. Wind erosion occurs on muck & sand soils.

3) Is detailed soil survey information available? (Y) If so, where is this information available? 60455 US 31 South South Bend In 46614

4) Does the project area contain unusual species of (X) trees, (X) shrubs, or (X) other vegetation? Identify and describe and give location: Listed on pg 50 & 51 of environmental overview. Some species on State threatened or endangered list. One rare species (bog Rosemary). List of plants - Appendix D.

5) Does an unusual ( ) quantity or ( ) quality of plant life exist in the project area? Describe and locate: —

6) Do unusual kinds or amounts of wildlife exist in the area? Identify and describe: Indiana Bat Bobcats etc. Page 53 Environmental overview and Appendix D-6.

7) Is there any project in existence or in the planning stage where a conflict of purpose would be created? Where is the problem area? ( ) watershed project, ( ) group drainage system, ( ) other. At what stage is the project? None Known
What should be done to make the project compatible or complementary?

8) Are major land use changes taking place in the project area (N)? Describe:

9) Is the general agricultural economy of the area (X) stable, ( ) declining, or ( ) increasing? Comments:

10) Please list known positive aspects of the proposed project: Help with traffic congestion on US 31 (which is a problem and causes many serious accidents).

QUESTIONNAIRE FOR THE U. S. DEPARTMENT OF AGRICULTURE (USDA) (con't)

11) Is this prime farmland? (X) yes ( ) no. If so, estimate the number of acres that will be affected: Table 1 in the Environmental Overview and Appendix 1.

12) Is this farmland of statewide importance? (✓) yes ( ) no. If so, estimate the number of acres that will be affected: Very small acreage for each alternative (<10 ac's). Soils in this category are: Adrian muck, Edwards, Houghton, Maumee, Palms, Wallkill. (Appendix 1)

This information was furnished by:

Name: Delmar Knepp Title: District Conservationist

Address: 60455 US 31 South

Phone: (219) 291-2300 Date: 10/1/96

193-0043

City of South Bend
Joseph E. Kernan, Mayor

Community & Economic Development

Jon R. Hunt
Executive Director

Ann E. Kolata
uty Executive Director

January 24, 1997

RECEIVED
JAN 31 1997
BLA

David Isley
Bernardin, Lochmueller & Associates, Inc.
20 NW 4th Street
Suite 606
Evansville, IN 47708-1718

Re: US 31 Corridor Study
Marshall - St. Joseph Counties, IN

Dear Mr. Isley:

I have been following with great interest the progress on the US 31 Corridor Study. I have attended several of your presentations before MACOG's Transportation Technical Advisory Committee, and have had discussion with several of the MACOG staff.

Since October of 1996, the City of South Bend has been investigating an opportunity to convert an abandoned rail bed to trail use. Conrail has proposed to abandon a two-mile segment known as the Plymouth Industrial Track. The location of the abandonment is shown on the enclosed map.

Although the conversion of this rail bed to trail use is not certain at this point in time, there is considerable local interest to pursue the opportunity. This segment of track is ideally situated to form a continuous trail system from the Michigan State line to the southern end of St. Joseph County. We would request that any further considerations on the realignment options of US 31 take into account the possibility that a multi-user trial could develop in the vicinity, and that a safe crossing, if required, be made a part of the development plans.

If you have any questions, please do not hesitate to call me at (219) 235-5550.

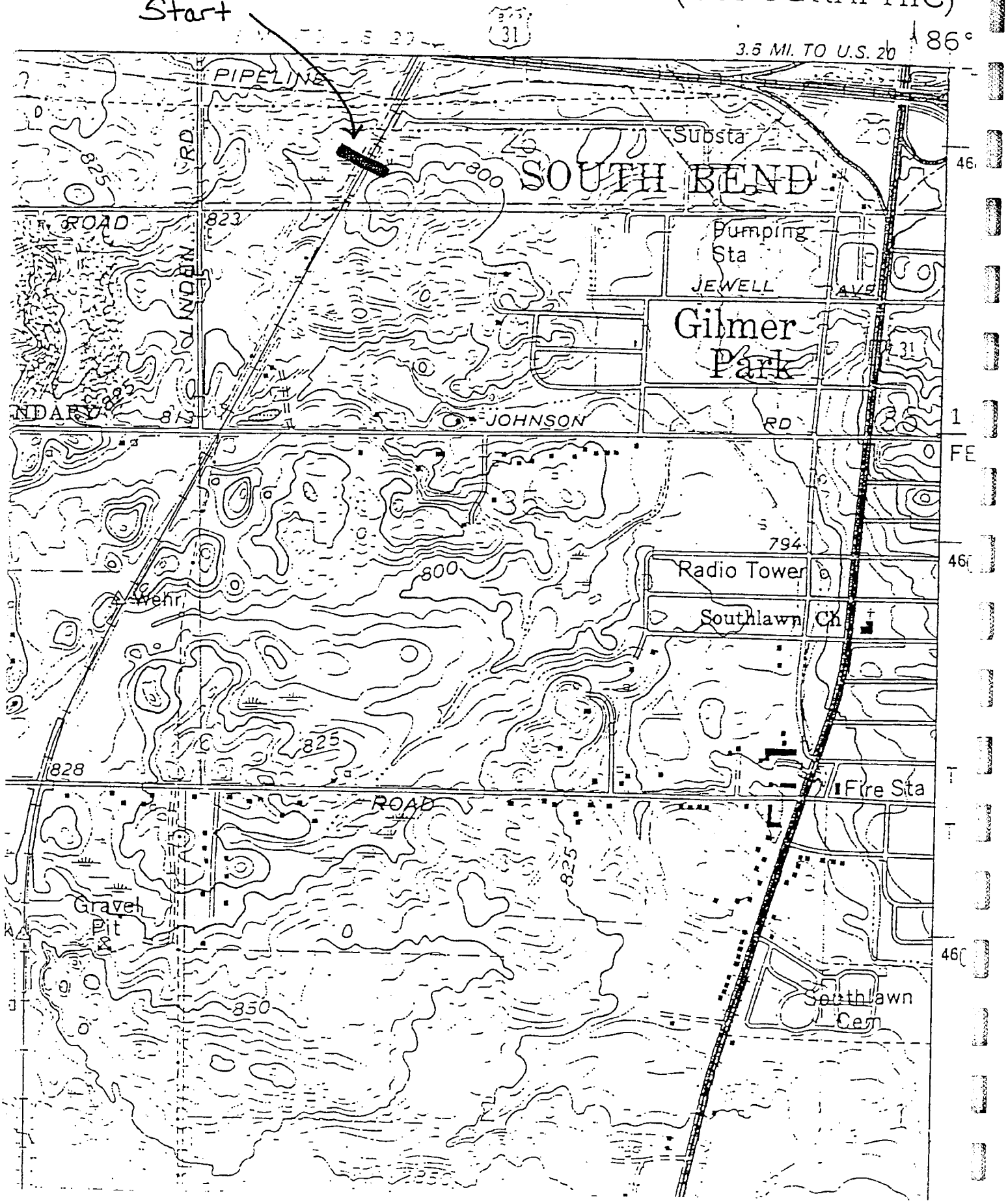
Sincerely,

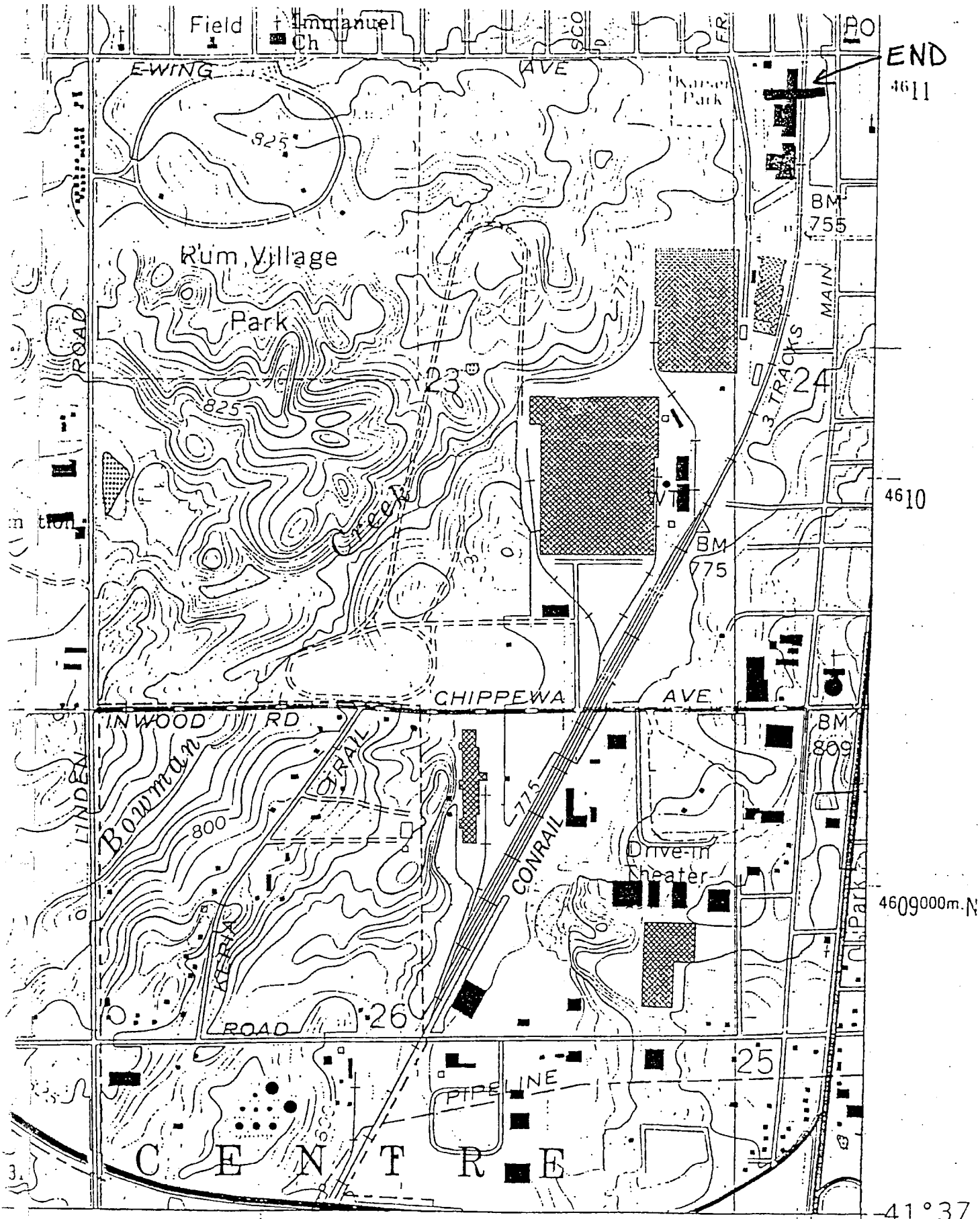
Larry Magliozzi

cc: Steve Wuertz, INDOT
Clemenc Ligocki, INDOT
Tony Molnar, MACOG

lm\rail01

LAKEVILLE QUADRANGLE
INDIANA—ST JOSEPH CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)





INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1987

ROAD CLASSIFICATION

Primary highway, all weather Light-duty road, all weather

930043

Department of Public Works

John E. Leszczynski, Director

Joseph E. Kernan, Mayor

November 22, 1996

RECEIVED

NOV 27 1996

SLA

Bernardin, Lochmueller and Associates, Inc.
Suite 606, Hulman Building
4th and Sycamore Streets
Evansville, Indiana 47708

Attn: Mr. Dave Isley

Re: Early Coordination Letter
U.S. 31 Corridor Study
Marshall and St. Joseph Counties
DES #9405230

Gentlemen:

Thank you for the several excellent presentations your firm has made at the series of public hearings and coordination meetings with local public agencies. We appreciate having the information gathered in your work. The purpose of this letter is to express the City of South Bend's preference of the proposed freeway alignments. We prefer to re-construct the U.S. 31 Freeway to connect with the St. Joseph Valley Parkway on the existing alignment, using either the Upgrade Alternative or the Near East Alternative with some modification.

We base this preference on several factors. Historically and traditionally, U.S. 31 has connected the state capital with Indiana's fourth largest city. U.S. 31 is the spine of the transportation network that developed within South Bend to connect the commerce and culture of the City to the greater part of the commerce and culture of the remainder of Indiana. In the 1970's, the Saint Joseph Valley Parkway was developed as the "U.S. 31 Bypass" around the south and west sides of the city limits to and from the State of Michigan. The U.S. 31 designation was removed from South Michigan Street by relinquishment. The City of South Bend established South Michigan Street and South Main Street as paired one-way streets to carry the South Bend-destined and South Bend-originated traffic that totals 24,400 vehicles per day in your base year study, only twelve percent less than the base year traffic on the Parkway west of Michigan Street, and only twenty-five percent less than the base year Parkway traffic east of Michigan Street. The opening of the Saint Joseph Valley Parkway to the east has attracted traffic such that South Bend motorists entering the U.S. 31 corridor immediately encounter an intersection (Ireland Road) that operates at Level of Service (LOS) F and is forecast to continue to operate at LOS of F from now on under any of the Alternatives, as given. Improvements to the U.S. 31 corridor should include the Michigan Street/ Ireland Road intersection

1316 County-City Building • South Bend, Indiana 46601 • (219)235-9251 • TDD (219)235-5567

Engineering	Environmental Services	Equipment Services	Transportation	Water Works
Carl Littrell, P.E.	John J. Dillon, Ph.D.	Matt Chlebowski	Sam Hensley	John F. Stancati
235-9251	277-8515	235-9316	235-9444	235-9322

which was put in its present form as part of the Parkway interchange project by the Indiana Department of Transportation. The City of South Bend will certainly be willing to program improvements to Michigan, Main, and Ireland approaching the intersection to assist in that effort.

Traffic destined to South Bend from the U.S. 31 corridor would have limited points of entry from the Freeway. Only the Upgrade Alternative, the Near East Alternative and Western Alternative Option 3 would preserve the point of entry to the Michigan/Main connector directly from the Freeway. Traffic would be diverted away from the U.S. 20 interchange and be required to backtrack to enter South Bend on South Michigan. The residual traffic on South Michigan and U.S. 31 to LaPaz is addressed later in this letter. The other points of entry to South Bend would be the existing Parkway interchanges. No new access into the City is proposed by any Alternatives. None of the existing Parkway interchanges, except Ironwood Drive, are suitable options for traffic diverted from South Michigan. As mentioned above, the City has invested in development of South Michigan as access into the local street network. The Indiana Department of Transportation is currently asking the City to take on maintenance of U.S. 20 through the City by their relinquishment. This unplanned financial burden of the proposed relinquishment will adversely impact South Bend resources enough to make development and maintenance other points and routes of entry an economic hardship.

Traffic congestion on existing U.S. 31 from Roosevelt Road to the Parkway and in the Towns of Lakeville and LaPaz, as well as delays and accidents at intersections are the principal noticeable effects of the inadequate corridor. As indicated in the Early Coordination Letter on page 7, the Eastern, Far East, Western Option #4, and Far West Alternatives do not divert enough traffic from the existing alignment to alleviate congestion and associated traffic concerns. The only way these Alternatives should be considered is if the principal elements of the Upgrade Alternative are made part of the work. That is, to build both the Upgrade and the selected choice of the alternatives mentioned in this paragraph. However, the Benefit/ Cost Ratio and Net Present Value would have to be re-calculated for such schemes. It is likely that neither value nor benefit justify such a plan.

Any of the five Western Alternatives would disrupt the residential land use patterns that have been carefully and deliberately been nurtured since the Parkway development of the 1970's. The obstacles to the residential development have been due to the natural beauty of the land and its associated environmental sensitivity as well as the difficulties of surface drainage. Between New Road and Roosevelt Road, natural surface drainage west of the existing alignment is poorly developed. Figure 17 of the Early Coordination Letter shows the numerous wetland areas that "co-exist" with the current sparse residential, agricultural, and recreational land uses. East of the existing roadway, agricultural interest and to some extent, residential development, have established artificial drainage systems, relieving Spring flooding once extensive in that area. The Far West alternative passes along the boundary of Potato Creek State Recreation Area , with an interchange proposed at its southeast corner. The presence of high speed and truck traffic would be quite detrimental to the State of Indiana's investment in the recreation facility. There is also another private recreation and conservation facility (Z.B. Falcons) along the route. The white tail deer population west of U.S. 31 has grown to the point of nuisance. Any of the western routes would likely bring on increased

mortality of wildlife of all kinds due to collisions with vehicles.

The Far West Alternative and West Alternative Options 1, 2, and 4 would increase traffic into South Bend on State Road 23 (Prairie Avenue). The Early Coordination Letter does not present traffic data on that route. My judgment is that it currently operates at LOS E to F at peak hours. Prairie Avenue winds through residential neighborhoods that would be ill-served by increased through traffic. Real estate developers have recently shown interest in residential development around the Parkway interchange with S.R. 23, a route sorely in need of improvements for sight line hazards. Diversion of additional South Bend-destined traffic to that route would cause greater traffic congestion than the U.S. 31 project is intended to eliminate. INDOT consideration of these Alternatives should also consider the need to program major geometric improvements on S.R. 23 from the Parkway interchange into South Bend to at least Prairie Avenue. Short setback residential development on that route will probably require a large number of relocations for additional travel lanes.

The Near East Alternative establishes connection of the South Michigan commercial strip from Johnson Road to Kern Road through a single-point interchange with Kern west of the current U.S. 31 route. We suggest that interchange be eliminated and replaced with two partial access free-flow interchanges at the re-alignment crossovers of the existing alignment north and south of Kern. North of Kern, at about Johnson free flow ramps would connect south bound Freeway traffic to the existing alignment and allow vehicles on the existing alignment to go northbound into the Parkway interchange or to Michigan Street. Similarly, free flow ramps at the crossover point south of Kern would allow northbound access from the Freeway to the existing alignment and take southbound traffic from the existing alignment to the Freeway. We also believe that the New Road interchange could be eliminated from this alternative. The existing roadway and the local roads in the area would very adequately serve the local population with access to the Freeway via either the Pierce Road interchange or the modified Kern Road interchange.

Again, thank you for your straightforward presentation of the information and the consideration you will give this preference.

Sincerely,

Carl P. Littrell

Carl P. Littrell, PE, Director
Division of Engineering

c: Mayor Joseph E. Kernan
John Leszczynski
Sandra Seanor
Steve Wuertz

1410080

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ST. JOSEPH, INDIANA

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September 20, 1996

Bernardin,Lockmueller and Associates, Inc.
Suite 606 Hulman Building
Fourth and Sycamore Streets
Evansville, IN 46608

Re: **ENVIRONMENTAL OVERVIEW**
US 31 CORRIDOR STUDY
PLYMOUTH TO SOUTH BEND

Gentlemen:

The St. Joseph County commissioners have reviewed the above referenced report. While realizing that there are an infinite number of alternates and combination of alternates that could yet be studied, these selected and included in this report appear to be a reasonable cross-section of viable alternates. It does not appear that the inclusion of additional alternates would make a significant contribution to this study.

A review of the factors that influence the selection of the most favorable alternate, as tabulated in Table 1, indicates that the selection should be from Alternates 2 and 3. The County Commissioners favor Alternate 3.

The adoption of Option 2 or 3, which use the present interchange at US 31 and the US 20 ByPass, would require modification of this present interchange. Long traffic back-up now occur at this location during peak hour traffic movements. This movement appears to be the most critical for the traffic exiting from US 20 to northbound Michigan Street.

If the interchange for Option 1 could be developed with collection distributor ramps that could be integrated into a revised US 31-US 20 Interchange to provide an efficient traffic flow, this Option could become the most attractive.

As St. Joseph County Commissioners, we consider the improvements of the transportation system within the corridor included in this study to be important not only for a safe and efficient transportation system but also for the economic development of this area.

We encourage the State to incorporate this improvement into their long range program and to proceed with its implementation as expeditiously as possible.

Very truly yours,

Joseph D. Zappia, President
Board of County Commissioners

JDZ:bvb

cc: Files

193-0043

THE CHAMBER OF COMMERCE
of St. Joseph County
Working for You...Meeting Member Needs

November 15, 1996

RECEIVED
NOV 18 1996
BLA

Mr. David L. Isley
Bernardin, Lochmueller & Associates, Inc.
20-24 N.W. Fourth Street, Suite 606
Evansville, IN 47708

Re: U.S. 31 Corridor Study

Dear Mr. Isley:

Thank you for your presentation to our Transportation and Legislative Affairs committees and the Transportation Committee from the Elkhart Chamber of Commerce on October 16th.

At the November monthly meeting, our Transportation Committee discussed the presentation and following are our opinions and comments.

The Chamber of Commerce of St. Joseph County considers this project to be its number one transportation priority. While other considerations will undoubtedly play a part in the final route determination, our committee concluded that the option 2 route - upgrading the existing US 31 road bed - provides the best cost/benefit ratio. Upgrading the existing US 31 route will decrease travel time for commerce, including traffic from Michigan manufacturers, and support anticipated traffic increases around the Michiana Regional Transportation Center. Also, it will greatly enhance southbound traffic originating east of South Bend.

Currently, the 150 mile stretch of road is punctuated with traffic lights and railroad crossings and is unsafe, as well as inconvenient. US 31 has a far higher ratio of accidents for the volume of traffic it carries than I-65 from Indianapolis to Chicago, or I-69 from Indianapolis to Fort Wayne. This vital transportation link plays an important role in the future economic growth and development of the greater St. Joseph County area. It must be improved to enable goods materials and people to move more efficiently and safely through this corridor.

Commerce Center ▮ 401 E. Colfax Ave., Suite 310 ▮ P.O. Box 1677 ▮ South Bend, Indiana 46634-1677 ▮ (219) 234-0051 ▮ FAX (219) 289-0358
South Bend ▮ Mishawaka ▮ Granger ▮ Lakeville ▮ New Carlisle ▮ North Liberty ▮ Osceola ▮ Roseland ▮ Walkerton

We do feel that it is critical to formulate a united regional approach to move this project forward, thus the most important issue is **that it gets done** -- regardless of which option is selected. We appreciate being invited to participate in the process and ask that you please keep The Chamber of Commerce of St. Joseph County informed of future meetings and developments.

Sincerely,

Roger Nawrot, Chairman
Transportation Committee
The Chamber of Commerce of
St. Joseph County

Rebecca J. Bonham
Executive Vice President
The Chamber of Commerce of
St. Joseph County

cc: Philip E. Penn, Chairman
Greater Elkhart Chamber of Commerce
Transportation Council

ISLEY.LTR

193-0043

THE GREATER ELKHART CHAMBER OF COMMEI
418 S. Main St., P.O. Box 428 Elkhart, IN 46515-0428 (219) 293-1531

Bernardin, Lochmueller and Associates, Inc.
Suite 606, Hulman Building
4th and Sycamore Streets
Evansville, IN. 47708 November 7, 1996

ATT: David Eisley

RECEIVED
NOV 12 1996
BLA

RE: U.S. 31 Corridor Study

Dear Mr. Eisley,

Subsequent to your presentation before the joint Elkhart-St. Joseph County Group on October 16, the Greater Elkhart Transportation Council met to discuss and prepare comments on the subject. The following represents a synopsis of the opinions of our group.

The Greater Elkhart Chamber considers this project to be the #1 regional transportation priority. In analizing the data in your report, the overall "plus" factors seem to favor Western options #1, 3 or 4; however, we recognize that other considerations will undoubtably play a part in the final route determination. For example, current emphasis on improvement of the Capital Ave. Corridor draws attention to the Eastern route options. One of our council members noted that the driving time from Elm Road to U.S.#31 is six minutes at the legal speed limit, which seems to lessen the impact of time consideration as a selection criteria.

In summary, we concluded that the final route selected should be the one which provides the best cost/benefit ratio thus hopefully making more resources available for other vital regional projects. We do feel it is crucial to formulate a united regional approach to move this project forward. We appreciate being invited to participate in the process. Please keep this group apprised of future meetings and developments.

Sincerely,

Philip E. Penn, Chair
Greater Elkhart Chamber Transportation Council

CC: St. Joseph County Chamber:
Becky Bonham, Staff
Roger Naurot, Transportation Committee Chair

193-0043

CITY OF MISHAWAKA

DEPARTMENT OF CITY PLANNING

ROBERT C. BEUTTER, MAYOR

J. Christopher Huff, AICP
City Planner

Jeffrey L. Rea
Assistant City Planner/ Zoning Administrator

10 October 1996

Steve Wuertz
Indiana Department of Transportation
100 N. Senate Avenue
Room N755
Indianapolis, Indiana 46204

RECEIVED
OCT 15 1996
BLA

Dear Mr. Wuertz;

The Indiana Department of Transportation, through its consultant Bernardin, Lochmueller and Associates, Inc., should be commended for studying a proposal to rebuild Route 31 as a freeway / tollway. From the **Early Coordination Letter** there is one important statistic with which I have concerns. The study includes population projections generated by the **Indiana Business Research Center** which indicate that for the next 25 years the population of St. Joseph County will only increase by 3.3%. The projection could hamper the needs-based efforts toward building the 31 Freeway / Tollway.

If St. Joseph County was facing the same economic upheavals today which were faced in the 1960's, then I would concur with those projections. The 1960's economic stall caused a stall in population growth until 1984. But fortunately the area is positioned on a solid economic foundation because of the following;

1. a resilient economy which is now highly diversified, more closely resembles national percentages, and weathers cyclical variations,

2. highly efficient and entrepreneurial companies which are able to respond with flexibility to ever changing market conditions,

3. a very reasonable cost of living and cost of doing business which is ten percentage points below the national average and hence acts as an economic magnet for companies and people to relocate to this metropolitan county, and

4. a very aggressive economic development program composed of **Project Future, Chamber of Commerce,** and **Departments of Economic Development** for both cities.

As the economy grows, so too grows the population. The IBRC projection uses only live

births vs. deaths and cohort survival techniques, which are only two simple methods used for projecting. In 1985 the IBRC used these two techniques to project population for St. Joseph County and it indicated that by the year 2000 the county would be reduced to only 187,000 people. That projection, if taken seriously, would have caused the county to misproject its current service delivery needs by 80,000 people.

The April, 1996 issue of **Indiana Business Review** included two articles, written by Susan Brudvig, indicating that the United States, Indiana and St. Joseph County are all growing at about 1% per year between 1990 and 1995. The report also includes the following;

1. St. Joseph County remains the fourth populous county in the State of Indiana,

2. current population of St. Joseph County is estimated at 258,100 which almost eclipses the year 2020 population projection of 260,100, and

3. population growth in St. Joseph County is more rapid then Allen (Fort Wayne), Lake (Gary-Hammond), and Marion (Indianapolis) counties.

In 1985 the IBRC projected St. Joseph County population at 187,000 by year 2000, then in 1993 the IBRC projected growth of 3.3% between 1995 and 2020, but then the IBRC indicated this year that between 1990 and 1995 St. Joseph County has already grown by 4.6%. The conclusion of each IBRC report results in huge variations which do not give clear or accurate focus on St. Joseph County's future population.

The **Mishawaka 2000 Comprehensive Plan** projects that the City of Mishawaka will grow at about 8% during the next ten year period. Roughly a 1% increase per year. Real Estate Management Corporations **Real Estate Market Study 1996** for St. Joseph County indicates job growth at 3.9% for 1995, 1,100 new housing starts for the 14th year in a row, and unemployment rates which dropped to 4%.

Since these statistics indicate growth in the local economy, the local population is commensurately growing. Unfortunately there are still some geographic pockets within the metropolitan area which have not shared equally in this economic and population growth, but reflecting on the whole, St. Joseph County is growing at a very comfortable rate which reflects the national growth rate.

Let us consider the following scenario using the 1993 IBRC projection of 3.3%. The population will increase by only 8,250 people during the next 25 years, assuming a 1995 base population of 250,000. This averages out to 330 new people in the county each year. Since the average persons per household is about 2.8, the total demand for new housing units per year will be about 110 new housing units per year. Comparing the actual new housing demand for Metropolitan St. Joseph County of 1,100 new units per year, we will see a 90% drop in housing construction. Using this scenario, we can expect at least 90% of our housing contractors will cease operating, most of our local lumber yard and home improvement centers and other building suppliers to shutter their doors. One can then track the negative multiplier effect all the way through the local economy, such as fewer well paid contractors

to buy food at the grocery stores, fewer clothing sales, etc, etc.

This scenario is highly unlikely and the IBRC projections should not be used. U.S. Census Bureau projections should be used which reflect a population growth rate of about 1% per year for St. Joseph County. Based on a current population of 258,000, this would indicate a straight line population increase of 64,500 people for a year 2020 population of 322,500.

Thank you for the opportunity to comment on the Early Coordination Letter for the Route 31 Freeway / Tollway.

Sincerely,
Department of City Planning

J. Christopher Huff

J. Christopher Huff, AICP
City Planner

cc: Robert Beutter
Sandra Seanor
Jon Hunt
Larry Magliozi
Stephen Queior
Patrick McMahon
Richard Johnson
David Behr
Dave Isley

b:popgro