



EXHIBIT 4

Agency Comments on the FEIS



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

MAY 18 2006

REPLY TO THE ATTENTION OF

B-19J

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)*
Final Environmental Impact Statement, dated April 2006. CEQ No. 20060144.

Dear Mr. Tally:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (U.S. EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the above referenced US 31 project in Marshall and St. Joseph Counties, Indiana.

The purpose of this project is to reduce existing and future projected traffic congestion, and improve safety on U.S. 31 between Plymouth and South Bend, Indiana. The FEIS identifies Alternatives G-Es as the Preferred Alternative. Alternative G-Es is an approximately 20-mile long, full-access-controlled, 4- to 10-lane freeway facility, substantially on new alignment.

U.S. EPA commented on the Draft Environmental Impact Statement (DEIS) in our May 11, 2004, letter. At that time, we expressed environmental objections to all three build alternatives analyzed in detail in the DEIS. Our main objections were due to the significant impacts the alternatives would have to wetlands and aquatic resources, and wildlife habitat. We restated our request that additional alternatives be identified and analyzed prior to the Indiana Department of Transportation (INDOT) and the Federal Highway Administration (FHWA) choosing a Preferred Alternative. U.S. EPA advised that the level of detail and analysis in the NEPA document contain alternatives that are likely to be raised for analysis during the Clean Water Act (CWA) Section 404 permitting process and recommended additional discussions take place between the resource agencies and the transportation agencies to resolve these issues. We also advised additional information be included in the FEIS concerning air quality and impacts to upland forest/wildlife habitat, and include more detailed mitigation information.

In addition, U.S. EPA reviewed and provided additional comments on the adequacy of the mitigation information presented in INDOT/FHWA's pre-FEIS Preferred Alternative Mitigation Package (PAMP) in our December 30, 2004, letter. Our letter continued to advise, in part, that more detailed mitigation for noise, air quality (construction), upland forest and wetlands be included in the up-coming FEIS.

U.S. EPA commends FHWA/INDOT for the additional agency coordination that took place since the DEIS to address our comments and ensure that requirements for compliance with the CWA Section 404 are more substantially addressed in the FEIS. We also commend FHWA/INDOT for their willingness to identify and evaluate additional alternatives post-DEIS. This has resulted in the identification of the FEIS Preferred Alternative G-Es that has considerably less impacts than the three alternatives analyzed in detail in the DEIS.

Wetlands and Aquatic Resources

The FEIS Preferred Alternative G-Es has succeeded in substantially decreasing the number of wetland acres impacted by this project, from the 40-58 acre range down to 29.93 acres. The Preferred Alternative G-Es also has minimized stream crossings.

However, 7,668 linear feet of stream will still be impacted. Consequently, the identification and implementation of adequate storm water and erosion control requirements is important. For impaired waters, it is especially important that the required measures and best management practices chosen for construction and operation of this project do not allow for further stream degradation. U.S. EPA strongly recommends that one of the goals of the future measures and practices chosen for implementation focus on enhancing stream integrity instead of only focusing on maintaining a stream's status quo. This will be part of the future Indiana Department of Environmental Management (IDEM) CWA Section 401 water quality certification process for the Section 404 permit for this project.

Both Federal and Indiana-only jurisdictional wetlands are encountered in this project. It will be important to coordinate early with the Corps of Engineers (Corps) and IDEM on their permitting requirements. Progress has been made with the conceptual mitigation plan to identify suitable sites for the more than 96 acres of compensatory wetland mitigation anticipated to complete this project. A number of potential mitigation sites have been identified, with the potential to restore different kinds of wetlands in the two watersheds of the project. This effort is off to a good start but will require much more work before project permitting and construction. The stream mitigation work is an essential part of compensating for aquatic impacts of this project and is at an even more conceptual state of progress. FHWA/INDOT should select projects with both the promising technical factors for restoration success and the adjacent land use to protect not only the immediate project site but its surroundings over time.

Overall, the substantial work done and progress made during the NEPA phase of this project will help make the permitting process proceed more smoothly. We appreciate the constructive response to our comments.

Upland Forest/Wildlife Habitat

The FEIS identifies that 82.69 acres of upland forest/wildlife habitat will be directly lost due to the Preferred Alternative G-Es. This is still a significant amount of upland forest loss for a 20-mile-long roadway located in a substantially unforested area. In addition, these 82.69 acres of upland forest loss are almost one fifth (1/5) of the cumulative upland forest loss (466 acres) identified in the FEIS. U.S. EPA appreciates that the FEIS identifies that FHWA/INDOT will consider tree plantings as part of wetland mitigation buffers (approximately 22.10 acres) and as

part of stream mitigation (no acreage given). However, this amount of potential tree planting does not appear to compensate for the loss of 82.69 acres of upland forest. EPA requests the ROD include an explanation of how INDOT's proposed consideration of tree plantings will adequately compensate for the loss of 82.69 acres of upland forest. We recommend that FHWA/INDOT consider a 1:1 ratio for voluntary upland tree mitigation, using native species.

Air Quality

The FEIS adequately discusses transportation conformity, ozone, carbon monoxide and hotspot modeling, and toxic emissions. The discussion is well done and complete. We also appreciate the identification of air quality impacts associated with project construction and the identification of potential mitigation measures in Section 6.8.6 of the FEIS.

Noise

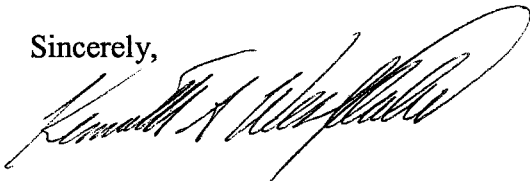
We appreciate the additional "reasonable and feasible" noise barrier analysis conducted for the project. However, the FEIS does not identify or discuss the feasibility of using noise reducing pavement as a noise reduction measure for this project.

Proposed 7th Road/US 31 Interchange

The FEIS identifies that the proposed 7th Road/US 31 interchange is located in an area that would require the extension of existing 7th Road if the interchange is to be constructed and used. This location was chosen due to local authority preference. The extension of 7th Road would be undertaken by local authorities and would cut across new terrain potentially impacting wetlands (including forested wetlands), upland forest and two streams if the extension is not carefully routed. The FEIS identifies that Federal money would mostly likely be used for the extension of 7th Road. U.S. EPA recommends that alternative routes for the road extension focus on options that will completely avoid adverse impacts to wetlands and upland forest resources, and minimizes the number of streams crossed. In addition, U.S. EPA requests a copy of the future draft NEPA document for the 7th Road extension project for our review and comment when it is available.

We appreciate the opportunities that FHWA and INDOT have afforded us for continued interaction on the US 31 proposal. If you have any questions concerning these comments please contact Virginia Laszewski, of my staff, at 312/886-7501. Please send me a copy of the Record of Decision (ROD) when it is completed.

Sincerely,



Kenneth Westlake, Chief
NEPA Implementation Section

cc: Thomas O. Sharp, Commissioner, Indiana Department of Transportation,
100 North Senate Avenue, Room N642, Indianapolis, IN 46204
Ben Lawrence, P.E. Administrator, Environmental Policy Section, Office of
Environmental Services, Indiana Department of Transportation,

100 North Senate Avenue, Room N642, Indianapolis, IN 46204
Larry Heil, Air Quality/Environmental Specialist, Federal Highway Administration –
Indiana Division, 547 North Pennsylvania St., Room 254, Indianapolis, IN 46204
Carl D. Camacho, P.E., Project Manager, Bernardin Lochmueller & Associates, Inc.,
7830 Rockville Road, Suite C, Indianapolis, Indiana, 46214-3105.



DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS

BOX 1027

DETROIT, MICHIGAN 48231-1027

June 16, 2006

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 46214-3105

Dear Mr. Camacho:

We are writing in response to the April 2006 Final Environmental Impact Statement for the US 31 Improvement Project - Plymouth to South Bend (FEIS). We have reviewed portions of the document and offer the following comments for your consideration.

The Corps of Engineers (Corps) is the Federal agency with authority to regulate work in waters of the United States. Under Section 404 of the Clean Water Act and resulting regulations, a permit is required from the Corps for the discharge of dredged and/or fill material in regulated waters, including wetlands. As described in the FEIS, we have confirmed the jurisdictional status of waters which could be impacted by the preferred alternative. Preferred alternative G-Es could impact 30 acres of wetlands at 39 locations, and 7,600 linear feet of streams/ditches at 17 locations.

Our office has provided input on the project dating back to 1996. Most recently, we commented on the Draft Environmental Impact Statement, in a May 12, 2004 letter. As we advised in previous correspondence, meetings, and personal communication, we encouraged the submittal of a permit application as part of the environmental impact review. The start of our permit review would allow us to be a full participant in the EIS process. In the absence of a permit application, our ability to provide comments on the FEIS is somewhat limited, as we have not started the public interest review mandated as part of our decision process. We are limited in our opportunity to offer a final agency opinion on important issues in the FEIS, such as the preferred alternative, 404(b)(1) analysis, and mitigation.

In general, the scope, presentation, level of detail, and coordination of the FEIS are thorough. The document demonstrates the wide consideration given to the many facets of this complex project. However, in parts, the FEIS appears to be more focused on identification and characterization of the resources than forecast of the potential impacts. The latter of these is always the more difficult. As we noted in our previous comments on the DEIS, quite a bit of

information in Chapter 5 actually appears to be resource descriptions, which truly belong in Chapter 4 – *Affected Environment*.

In terms of work under the Corps' jurisdiction, the Detroit District is particularly concerned about impacts to forested wetlands which would result from project. Over 12 acres of forested wetlands would be eliminated, and other forested wetlands adjacent to the proposed road would be degraded from habitat fragmentation, hydrologic changes, and use of the finished road. Sites 34-36 in the *Waters of the U.S. Verification Report* appears to be the largest of these impacts.

The following comments relate to specific parts of the FEIS as noted.

- Chapter 4, Part 4.12 Wetlands, Page 4-79, 3rd paragraph – The reference should likely refer to the Final *Waters of the U.S. Verification Report*, dated May 2, 2005.
- Chapter 5, Part 5.10 Water Resources, Page 5-127, 4th paragraph – The FEIS states that “Stream impacts will be mitigated such that the functions of the streams are replaced.” Stream mitigation has been increasingly emphasized by the Corps in the last few years. Rather than replace functions which may be degraded, the expectation is that if the impacts are unavoidable and minimized, the functions will be improved via mitigation. The FEIS notes in the next sentence several common measures to achieve this goal. On degraded waterways, the overall objective is to improve, rather than simply replace functions which would be impacted as a result of a project. (This comment also applies to Appendix N, Page 3, paragraph 2 & Page 14, Paragraph 3.)
- Chapter 5, Part 5.10 Water Resources, Page 5-130 and 131 – The FEIS addresses specific methods to handle emergency spill releases, but doesn't appear to consider measures to reduce secondary, long-term impacts from road runoff. Methods frequently used to reduce impacts from runoff include design features that direct runoff away from waterbodies, or filter strips, retention areas, and other stormwater containment that limit introduction of contaminants by settling, bonding, or plant uptake.
- Chapter 6, Part 6.6, Wetland Mitigation, Page 6-13, paragraph 3 – *The Detroit District U.S. Army Corps of Engineers -Mitigation Guidelines and Requirements* were finalized in a March 2005 document. A copy of the final guidance is enclosed, and is also available on our internet site at the following address: <http://www.lre.usace.army.mil/functions/rf/html/Mitguidefinal.pdf>. (The same comment applies to Appendix N, Page 9, 1st paragraph.)
- Appendix N, Page 2, 1st & 3rd paragraphs – There are no specific ratios set for compensatory wetland mitigation by the Corps. The ratios noted may be used as a general guide, but they derive from a 1991 Memorandum of Understanding between U.S. Fish & Wildlife Service, Indiana Departments of Transportation and Natural Resources. If impacts are avoided and minimized to the maximum extent practicable, compensatory mitigation ratios are determined primarily by the extent and nature of

the impacts. Also, while buffer areas are usually critical to the long term success of mitigation areas, there is no established requirement for a buffer equal to 25% of the wetland acreage.

At this stage, the Detroit District maintains concerns based on the magnitude of the impacts to waters of the U.S. which may result from the project. We can not endorse the 404(b)(1) Consistency Analysis, the preferred alternative selection, or the Conceptual Mitigation in the FEIS at this time. The Corps' determination on these will come as part of our decision on a permit application. We plan to use as much of the FEIS as possible in our review. We may seek additional input from INDOT on some issues during our evaluation. As part of our permit review, Detroit District will consider measures to avoid and minimize impacts to waters of the U.S. Once impacts have been avoided to the maximum extent practicable, we will then consider methods to compensate for any unavoidable impacts.

We appreciate the opportunity to provide input, and the forthright and inclusive manner in which the review has been conducted. If you have questions, please contact me at the above address or telephone (313) 226-6828.

Sincerely,



Charles M. Simon
Chief, Permit Evaluation Branch A
Regulatory Office

Copy Furnished

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



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
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May 18, 2006

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

Re: Agency Comments on FEIS
Project: US 31 Improvements (Plymouth to South Bend)
IDEM No.: Not assigned
COE No.: 96-150-019-0
County: Marshall and St. Joseph

Dear Mr. Camacho:

The Indiana Department of Environmental Management (IDEM) has reviewed the Final Environmental Impact Statement (FEIS), dated April 2006, for the U.S. 31 Improvement Project from Plymouth to South Bend in Marshall and St. Joseph Counties. We would like to make the following recommendations and comments regarding the project and the preferred alternative.

Necessary Permits

This project will require an IDEM Section 401 Water Quality Certification and, depending on the class of isolated wetland impacts, will require an Isolated Wetland General Permit (IWGP) for impacts to Class I isolated wetlands and an Isolated Wetland Individual Permit (IWIP) for impacts to Class II or Class III isolated wetlands under the State Isolated Wetlands Law (IC 13-18-22). Mitigation ratios for isolated impacts will depend on the acreage of each class of isolated wetland. The Office of Water Quality strongly suggests a pre-application meeting be scheduled in order to discuss classification of the isolated wetlands and determine possible wetland exemptions.

Mitigation Ratios

Compensatory mitigation for unavoidable isolated wetland impacts should be provided in accordance with the ratios outlined in Indiana Code (IC) 13-18-22-6. The loss of an isolated wetland resulting from authorized wetland activity must be offset by the creation of a wetland of the same or a higher class. The Conceptual Mitigation Plan included in Appendix N of the FEIS stated that for purposes of the report and preliminary calculations of required mitigation, all isolated wetlands were assumed to be forested Class III wetlands, which require the highest ratio for mitigation. The Office of Water Quality commends the use of such a "worse-case" scenario for planning requirements although required ratios and mitigation acreage will likely be lower than the 11.29 acres of estimated mitigation.

Compensatory mitigation for unavoidable impacts to jurisdictional wetlands should follow the Detroit District Mitigation Guidelines and Requirements. Compensatory mitigation should be provided in accordance with the following ratios for all jurisdictional wetland impacts: Open Water 1:1, Emergent Wetlands 2:1, Scrub/Shrub Wetlands 3:1, and Forested Wetlands 4:1. Compensatory mitigation sites should be located within the same 8-digit watershed of the impact and should be directed towards sites that will improve water quality to any state impaired waterbody. Please refer to the §303(d) list of impaired waters for the State of Indiana. If §319 watershed studies have been conducted within the watersheds, you may wish to contact the local sponsor of the study to identify areas that will most benefit water quality.

Compensatory mitigation for stream impacts should be provided at a 1:1 ratio. In-stream habitat features such as riffle-pool and meander complexes as well as bioengineered bank stabilization and root wads should be included as part of the stream mitigation. Riparian corridor mitigation should be provided to compensate for loss and functions of existing riparian corridors. Mitigation will be calculated by adding up the total loss of riparian corridor from the project. All stream mitigation should be located within the same 8-digit watershed and should be directed towards sites that will improve water quality to any state impaired waterbody.

When designing the actual route and plans for the preferred alternative, the designers should avoid turning any ephemeral, intermittent or perennial streams into roadside ditches. All streams should be crossed in a perpendicular manner. If it becomes necessary to turn streams into roadside ditches you must justify the necessity to do so. Referencing Department of Transportation design standards does not fully justify these types of impacts.

Project Design

This office has reviewed the “Waters of the US” Verification Report, revised on May 2, 2005, while reviewing the FEIS and its Appendices; the preferred alternative has reduced proposed wetland impacts from above 80 acres to 29.93 acres of proposed jurisdictional and isolated wetland impacts. IDEM hopes that a thoughtful and careful design can further minimize impacts to both wetlands and streams.

In reference to specific proposed impacts, IDEM would prefer to see minimization to any wetlands in or adjacent to an intact forested complex. Bridging/spanning large wetland complexes will reduce direct impacts as well as wetland fragmentation. Specifically, site 11a is a proposed 4.20 acre impact to emergent, scrub-shrub, and forested wetland, which if filled will fragment the remaining wetland complex and isolate remaining wetlands on both the east and west side of the new road. Please evaluate bridging this area as well as in the vicinity of Sites 19, 20a, 20b, 20c, and 21; the current proposal states that Site 21 alone will be bridged. Bridging in the vicinity of Sites 19, 20a, 20b, 20c, and 21 would reduce impacts to wetlands and as reduce the likelihood that Site 19, an unnamed tributary to Lehman Ditch, would be relocated and turned into a roadside ditch; IDEM does not support the change in use from natural stream to roadside ditch.

Bridging at Site 26 would also reduce the proposed 3.54 acre of wetland fill and 425 feet of unnamed stream impact. Another area where bridging can reduce impacts is in at Sites 34, 35, and 36; wetland impacts alone from Site 34 and 36 totals 7.71 acres, which is nearly a quarter of the project’s proposed impact. These areas are also forested wetlands which are part of a large forested corridor. Another large impact is proposed at Site 44, where 4.42 acres of emergent, scrub-shrub, and forested wetland impact are proposed; again, in such an instance, bridging the complex instead of filling it would reduce impacts.

This office supports shifting interchanges or alignments whenever such a shift will reduce or minimize proposed impacts. IDEM believes that if shifts to interchanges or alignments are possible for sites 17, 18, 30, 31, 39, 48, and 49, that wetlands impacts can be further minimized or possibly completely avoided. In the case of Site 17, the interchange has been shifted approximately 110 feet to the west of an earlier proposed location in order to minimize impacts in this area; however, this office would prefer that an additional shift occur, if possible, to completely avoid impacts to the wetland if possible. Several of the aforementioned sites are located within a forested corridor and in close vicinity to streams, so IDEM would prefer that these areas be left as intact as possible.

Certain impacts propose the filling of stream (Site 11b, Site 26a, and Site 45b) or turning the stream into a roadside ditch (Site 19 and Site 50c). Please evaluate ways to avoid and minimize these impacts. Additionally, other sites propose an "impact" (Site 41a, and Site 46) though the type of impact, be it a crossing, a relocation, or outright filling, is not specified.

Stream crossings themselves should be designed to allow fish and other aquatic organism passage, continuity of the aquatic habitat (by not restricting or altering water depth and flow), and to allow wildlife passage (where necessary). Spanning streams and wetland complexes is IDEM's preferred method of permitting. Where spanning and bridging are not possible, open-bottom structures, such as three-sided box culverts or open bottom arch culverts, are preferred as they can span the stream channel's natural bottom; they should be installed as to not impede or change the stream depth or velocity in the structure during low-flow as well as bank-full conditions. If four sided box culverts or culvert pipes must be used, they should be embedded in the stream. Design considerations and technical guidelines for biologically sound stream crossings can be found at the University of Massachusetts-Amherst's Website at:

<http://www.umass.edu/nrec/onlinedocs.html>

You must also ensure that the crossings proposed in impaired waterbodies do not hinder the waterbody's recovery due to either primary or secondary impacts of the crossing itself or the construction of the road.

Lastly, the Office of Water Quality recommends that a determination be made as to the presence or absence of any wetland mitigation sites present within the impact footprint; IDEM recommends that impacts to any existing wetland mitigation sites, if they are present, be avoided.

Appropriate Mitigation

The Office of Water Quality has reviewed Appendix N of the FEIS, which included an updated version of the Conceptual Wetland Mitigation Plan (dated May 13, 2005); Appendix A of the Conceptual Wetland Mitigation Plan identified eight potential sites for wetland and stream restoration. Five of these sites are located in the Kankakee 8-digit watershed, two are located in the St. Joseph 8-digit watershed, and one location straddles the border of the two watersheds.

Such early identification of potential mitigation sites is commendable, though further discussion of all of the identified sites as well as other possible mitigation sites is warranted. IDEM recommends that open discussions, including office and field visit meetings, be scheduled with IDEM, the U.S. Army Corps of Engineers, the Indiana Department of Natural Resources, and U.S. EPA, well before application submittal.

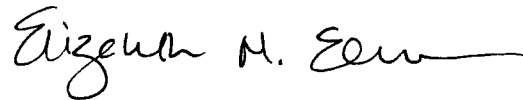
Restoration of drained hydric soil units, in areas that were likely historically wetland, is favored over upland wetland creation or enhancement of existing wetlands. The appropriateness of mitigation

will be evaluated based on the mitigation site's ability to replace functions lost at the impact site. For example, impacts to riparian wetlands should be mitigated with the restoration or creation of riparian wetland, impacts to contiguous forested wetlands should be mitigated for in areas of contiguous forest blocks, etc.

Stream mitigation, specifically restoration of channelized or straightened streams to their appropriate Rosgen channel configurations, is preferred by IDEM over riparian plantings. Stream relocations for the purpose of stream restoration will require fluvial geomorphology, hydraulic engineering and modeling, lotic ecology, and sediment transport modeling in the design plan. With regard to the specific proposals for mitigation sites in Appendix N of the FEIS, IDEM supports the proposal for restoration of Potato Creek within Potato Creek State Park. Many of the other proposals were not very specific about wetland or stream restoration proposals on the site, and some proposals appeared to just conceptualize wetland or buffer enhancement instead of specific wetland restoration or creation. As stated earlier, IDEM would prefer to meet with you and the other regulatory agencies to further discuss wetland and stream mitigation proposals.

Thank you for the opportunity to review this FEIS. If you have any questions about this letter, please contact me at 317-233-2482, or you may contact the Office of Water Quality through the IDEM Environmental Hotline (1-800-451-6027).

Sincerely,



Elizabeth M. Elverson, Environmental Manager
Section 401 Water Quality Certification Program &
Isolated Wetlands Program
Office of Water Quality

cc: Elizabeth McCloskey, USFWS
Keith Poole, IDNR
Jon Eggen, IDNR
Christie Stanifer, IDNR
Christine Baynes, INDOT
Charlie Simon, USACE-Detroit
John Ritchey, USACE-South Bend Field Office
Matt Fuller, Federal Highway Administration (FHWA)
Virginia Laszewski, USEPA-Region 5
Cathy Garra, USEPA-Region 5

THIS IS NOT A PERMIT

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Water**

Early Coordination/Environmental Assessment

DNR #: ER-9770-3 **Request Received:** April 13, 2006

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

Project: US 31 Plymouth to South Bend FEIS

County/Site info: Marshall - St. Joseph Counties

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.

Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: Preferred Alternative G-Es is an acceptable choice as it avoids and minimizes many of the impacts to natural resources. IDNR permits will be required but specifics are not clear at this time. As the project moves forward, IDNR will provide input and possible revisions to the alignment that may further decrease impacts. In addition, a number of issues must be addressed as this project moves forward:

Use the "Pleasant and Riddles Lakes Watershed Diagnostic Study" prepared for the Lakeville Business Owners Association to guide wetland mitigation efforts in the Lakeville Lakes Area. This document is currently in draft form, but information can be obtained by contacting the LARE program of IDNR, Division of Fish and Wildlife at (317) 232-4080.

Fish, wildlife, and botanical resource losses as a result of this project can be minimized through implementation of the following measures.

Any new bridges and redesigned bridges in areas of high wildlife use will require an area under the bridge unarmored with riprap that is 8' tall and 24' wide to allow wildlife passage.

Avoid stream relocations to the greatest extent possible. Stream relocations are subject to IDNR mitigation requirements. If a stream relocation is required, please correspond with our office regarding the specifics before final plans are decided upon.

Mitigation for impacts to the floodway must include wildlife mitigation, not just providing for flood capacity.

Incorporate soil bioengineering techniques for bank stabilization where conditions permit.

In-stream date restrictions are likely to be included in any IDNR permits.

Mitigation ratios for riparian impacts may increase beyond standard ratios to compensate for cumulative effects and for decreasing forest resources in Marshall County.

Because the proposed alternative shifts traffic away from Pleasant Lake, signage along the new route is needed to direct travelers to the public access site on Pleasant Lake.

THIS IS NOT A PERMIT

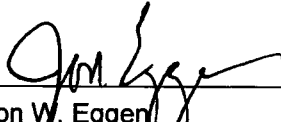
**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Water**

Early Coordination/Environmental Assessment

Contact Staff:

Christie L. Stanifer, 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.



Jon W. Eggen
Environmental Supervisor
Division of Fish and Wildlife

Date: May 15, 2006

201-0101-OED

Mitchell E. Daniels, Jr., Governor
Kyle J. Hupfer, Director

DNR

Indiana Department of Natural Resources

Phone 317-232-1646 • Fax 317-232-0693 • dnpa@dnr.IN.gov

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W



2739

May 12, 2006

Ben Lawrence, PE, Administrator
Environmental Policy Section
Office of Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N758
Indianapolis, Indiana 46204-2249

Keith
Matt
Tom
Dave R.
Rusty
Carl
Kia

Federal Agency: Federal Highway Administration

Re: Final environmental impact statement pertaining to the US 31 Corridor project from US 30 near Plymouth to US 20 near South Bend (Designation #9904300, 9904310, 9405230; BLA Project #201-0101-OED; Project #NH-153-7[23]; DNR #6115, 9770-1; 9770-3)

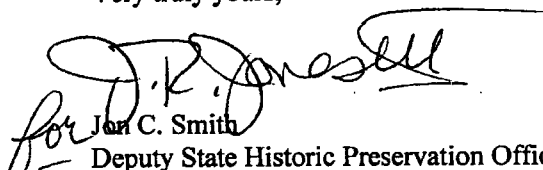
Dear Mr. Lawrence:

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 12, 2006, and received on April 17, 2006, for the above indicated project from Plymouth to South Bend, in Marshall and St. Joseph counties, Indiana.

We concur in the Final Environmental Impact Statement's characterization of the proposed project's impacts on historic resources and in the mitigation measures that the Federal Highway Administration and the Indiana Department of Transportation have committed to take.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov 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,


for Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:JRJ:kb

cc: Robert F. Tally, Division Administrator, Federal Highway Administration
Linda Weintraut, Weintraut & Associates, Inc.
Carl Camacho, Bernardin Lochmueller & Associates, Inc.
emc: Todd Zeiger, Director, Northern Regional Office, Historic Landmarks Foundation of Indiana

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BLA - EVANSVILLE



May 17, 2006

Carl D. Camacho, PE
Manager, Highway Design
Bernardin-Lochmueller & Associates
7830 Rockville Road, Suite C
Indianapolis, Indiana 46214

Federal Agency: Federal Highway Administration

Re: Revised archaeological field reconnaissance report (Beard & Plunkett, 3/29/06) 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 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 3/30/06, and received on 3/31/06, for the above indicated project in from Plymouth to South Bend, Marshall and St. Joseph counties, Indiana.

Thank you for submitting the revised archaeological report for the above project. The report is acceptable and no further archaeological investigations are necessary for the archaeological sites encountered.

If any archaeological artifacts of human remains are encountered during project ground disturbing activities, state law (Indiana Code IC 14-21-27 and 29) require that the discovery be reported to the Department of Natural Resources within two (2) business days. In the event that artifacts or features are discovered during the implementation of the Federally assisted project, activity, or program and a plan has not been developed, it is the Federal agency's responsibility to make reasonable efforts to avoid, minimize, or mitigate adverse effects in accordance with 31 C.F.R. 800.13.

If you have any further questions about archaeological issues please direct them to Dr. Rick Jones.

Very truly yours,


Jon C. Smith
Deputy State Historic Preservation Officer

JCS:JRJ:jj

cc: Robert F. Tally, Division Administrator, Federal Highway Administration
Thomas Beard, Landmark Archaeological and Environmental Services, Inc.

emc: Ben Lawrence, Indiana Department of Transportation
Todd Zeiger, Northern Regional Office, Historic Landmarks Foundation of Indiana

United States Department of Agriculture



Natural Resources Conservation Service
2903 Gary Dr., Suite 1
Plymouth, IN 46563

(574) 936-2024 ext.3
fax (574) 936-5715

April 28, 2006

Ben Lawrence, P.E., Administrator
Environmental Policy Section
Office of Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, IN 46204

RE: Final Environmental Impact Statement (EIS) for US31 Improvement Project, from US 30, at Plymouth, to US20 (south junction) in South Bend, Marshall and St. Joseph Counties, FHWA-IN-EIS-04-02-F

Dear Mr. Lawrence,

I received the Final Environmental Impact Statement and reviewed the enclosed materials. It looks as though this was a complete and thorough investigation into the impacts and I do not see any reason to contest your findings.

If I can be of any further assistance, feel free to call me at 574-936-2024 ext. 108.

Sincerely,

BROOK RIEMAN
Acting District Conservationist

Post-it® Fax Note		7671	Date	5-1-06	# of pages	1
To	L. Lemaire		From	Lawrence		
Co./Dept.	PLA		Co.	INDOT		
Phone #			Phone #	233-1164		
Fax #	209-1131		Fax #			

Mr. Camacho:

In response to your email (sent 5/15) regarding the subject referenced project, the stance of the Office of Aviation has not changed since the letter that we addressed to you on November 4, 2004 which is included in Volume II, Appendix C of your Environmental Document. We have no further comment at this time. If any further information is needed or you have any questions do not hesitate to call me at the number listed below.

Thanks,

Justin Klump

Project Manager

INDOT - Office of Aviation

(317) 232-1489

New Email: jklump@indot.in.gov

From: <Elizabeth_McCloskey@fws.gov>
To: "Carl Camacho" <CCamacho@blainc-indy.com>
Date: 5/19/06 8:44AM
Subject: Re: US 31 - Plymouth to South Bend FEIS Comments

The U.S. Fish and Wildlife Service and Department of the Interior will not be providing comments - and they will not be sending a letter saying they have no comments.

Elizabeth McCloskey
 U.S. Fish and Wildlife Service

"Carl Camacho"
 <CCamacho@blainc-indy.com>
 To
 <ckiefer@dnr.state.in.us>,
 05/12/2006 11:35 AM <jgoss@dnr.state.in.us>,
 <KBrudis@dnr.state.in.us>,
 <Laszewski.Virginia@epamail.epa.gov>
 ,
 <westlake.kenneth@epamail.epa.gov>,
 <kate.quinn@fhwa.dot.gov>,
 <Bloomington@fws.gov>,
 <Elizabeth_McCloskey@fws.gov>,
 <tzeiger@historiclandmarks.org>,
 <john_r_hall@hud.gov>,
 <DPARRY@idem.in.gov>,
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 <charles.m.simon@lre02.usace.army.mil>
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 >,
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 cc
 "Kia Gillette"
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 <TomC@blainc.com>,
 <larry.heil@fhwa.dot.gov>,
 <JOSADCZUK@indot.IN.gov>,
 <JONWALLACE@indot.state.in.us>
 Subject
 US 31 - Plymouth to South Bend FEIS
 Comments