I-69 Evansville to Indianapolis, Indiana

Tier 2 Record of Decision

Section 2: Oakland City to Washington

April 30, 2010

INTERSTATE 69

INDIANA DEPARTMENT OF TRANSPORTATION
INDOT

U.S. Department of Transportation
Federal Highway Administration

FHWA-IN-EIS-10-01-F

I-69 Evansville to Indianapolis, Indiana

Tier 2 RECORD OF DECISION
Section 2: Oakland City to Washington

U.S. Department of Transportation
Federal Highway Administration

April 30, 2010

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1.0 BACKGROUND

1.1 Evansville to Indianapolis Section of I-69

In March 2004 the Federal Highway Administration (FHWA) issued a Tier 1 Record of Decision (ROD) for the Evansville to Indianapolis section of I-69. The Tier 1 ROD determined to build an interstate highway, I-69, between Evansville and Indianapolis, Indiana, and selected a "corridor," Alternative 3C, in which to build the highway. The corridor is generally 2,000 feet in width but narrower in some places and broader in others. The Tier 1 ROD also divided the Evansville to Indianapolis project into six separate sections of independent utility for more detailed Tier 2 studies. The proposed action addressed in this ROD is the completion of an interstate highway within Section 2 of the approved I-69 Tier 1 corridor. Section 2 extends from the northern limits of the proposed SR 64 interchange at I-69, which is located west of Oakland City, through the proposed US 50 interchange, which is located east of Washington.

1.2 Tiered Approach

FHWA initiated the Tier 1 study on January 5, 2000, with the publication of a Notice of Intent in the *Federal Register*. In the Tier 1 portion of the study (which was concluded with the Tier 1 ROD approved on March 24, 2004), the "big picture" issues were addressed on a corridor-wide basis, while taking into account the full range of impacts. The Tier 1 ROD approved a corridor for this project and approved termini for Tier 2 sections. Individual Tier 2 National Environmental Policy Act (NEPA) studies are being conducted to determine an exact alignment for the project in each of the six Tier 2 sections. Studies for two of the six sections (Sections 1 and 3) have been completed and RODs issued.

The Tier 2 study in Section 2 was initiated April 29, 2004, when FHWA published a Notice of Intent in the *Federal Register* to advise that a Tier 2 Environmental Impact Statement (EIS) would be prepared for Section 2 of the I-69 Evansville to Indianapolis project. This document is the ROD for Tier 2 Section 2.

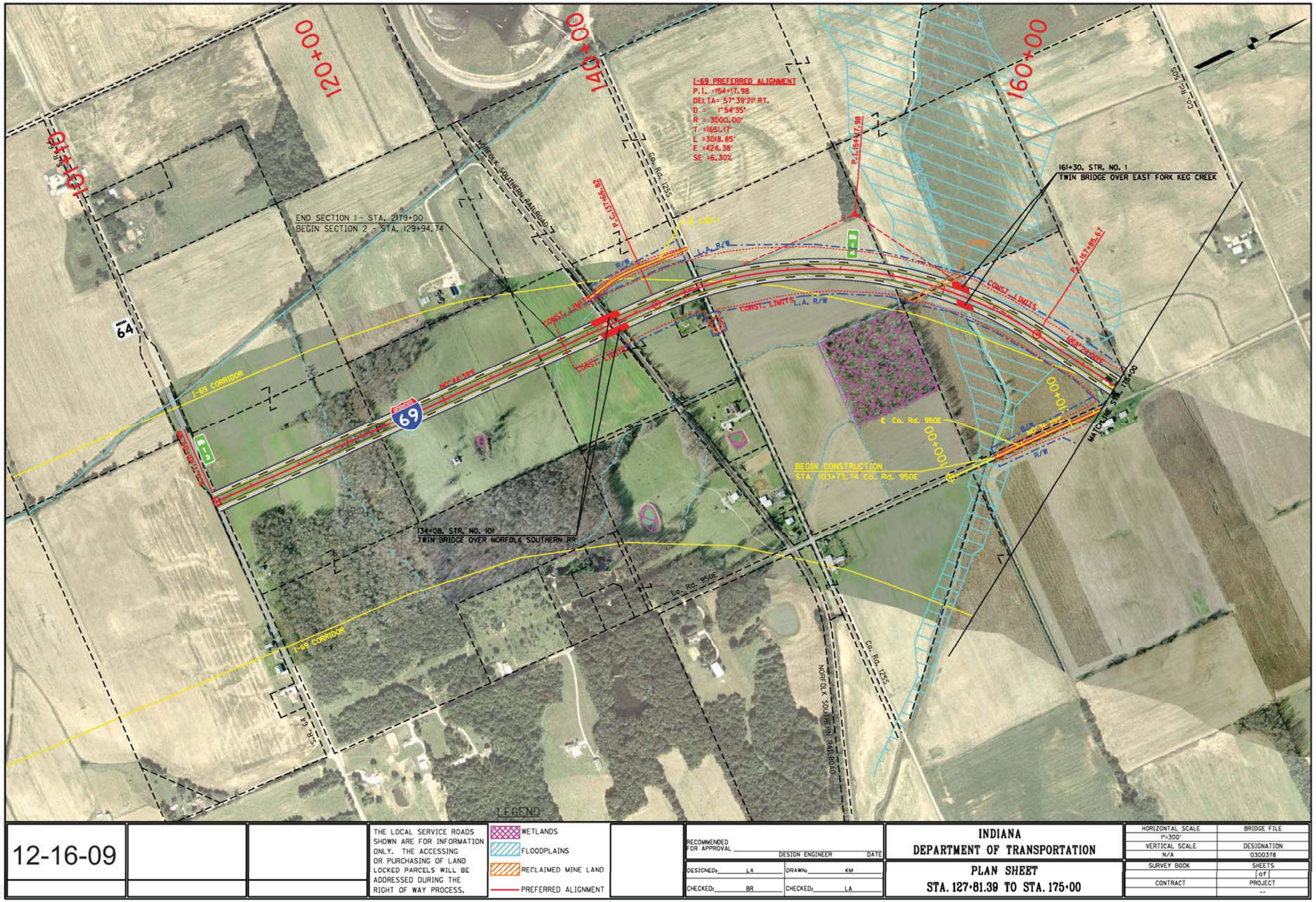
2.0 DECISION

The proposed action in the I-69 Tier 2 EIS for the I-69 Section 2 project involves the completion of an interstate highway from the northern limits of the proposed SR 64 interchange at I-69 west of Oakland City through the proposed US 50 interchange east of Washington. Section 2, approximately 29 miles in length, extends through Gibson, Pike and Daviess counties, Indiana.

The Selected Alternative for Section 2 is the Refined Preferred Alternative (see Figure 1, pp. 3-22), as described in the *I-69 Evansville to Indianapolis, Indiana, Tier 2 Final Environmental Impact Statement, Section 2: Oakland City to Washington* (FEIS) issued in February 2010. As further detailed below, this ROD also determines the location of interchanges, grade separations, deferred construction features, and mitigation measures for Section 2.

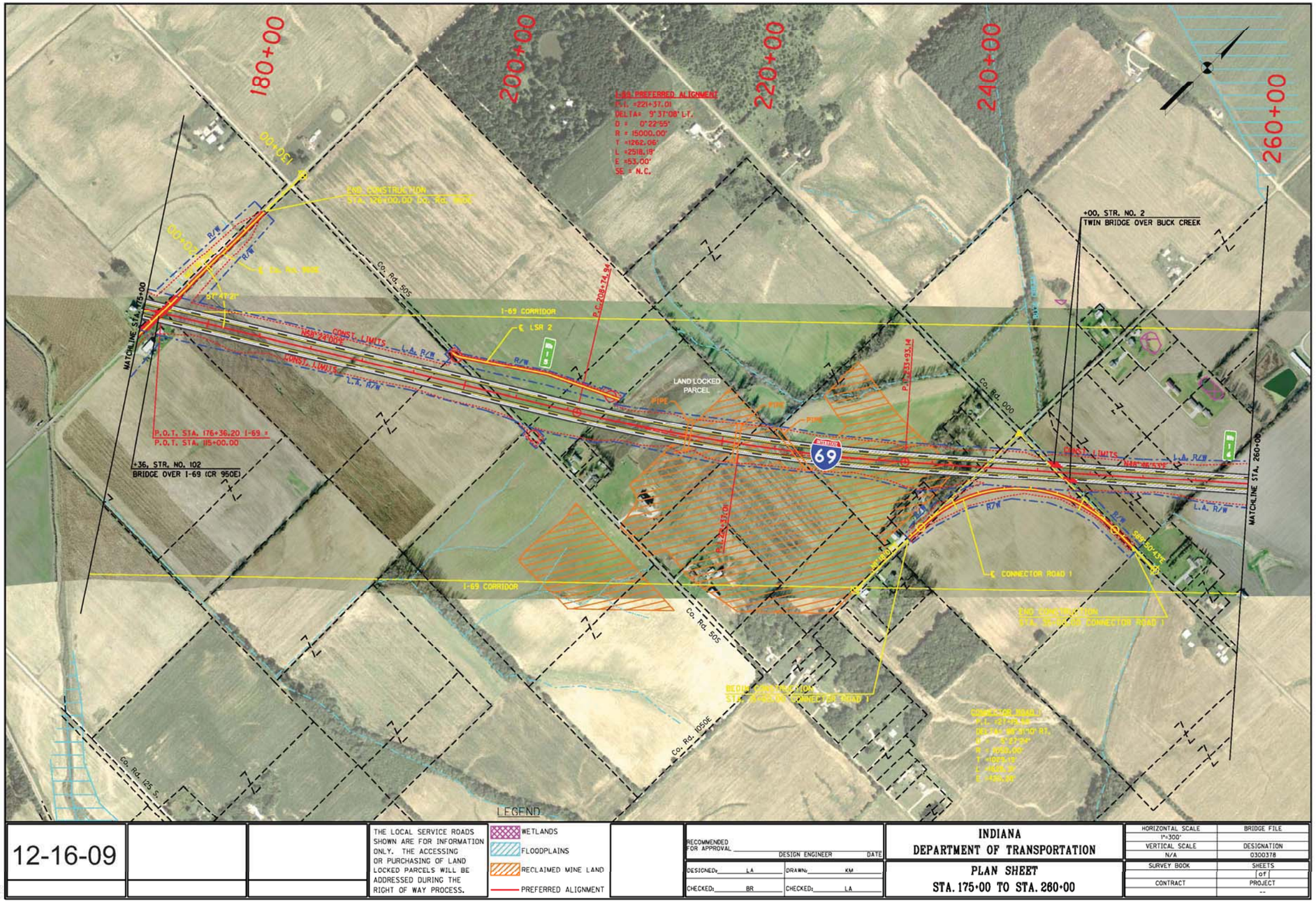
This ROD is executed in conformance with the Council on Environmental Quality (CEQ) regulations implementing the NEPA studies and documents FHWA compliance with NEPA and all other applicable federal statutes, regulations, and requirements. This decision is based on analyses contained in the Revised Draft Environmental Impact Statement (DEIS) issued in April 2009; the FEIS issued February 25, 2010; the comments of federal and state agencies, members of the public, and elected officials; and other information in the project record. In the event of any differences in wording, the ROD takes precedence over the FEIS.

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 1 of 20)



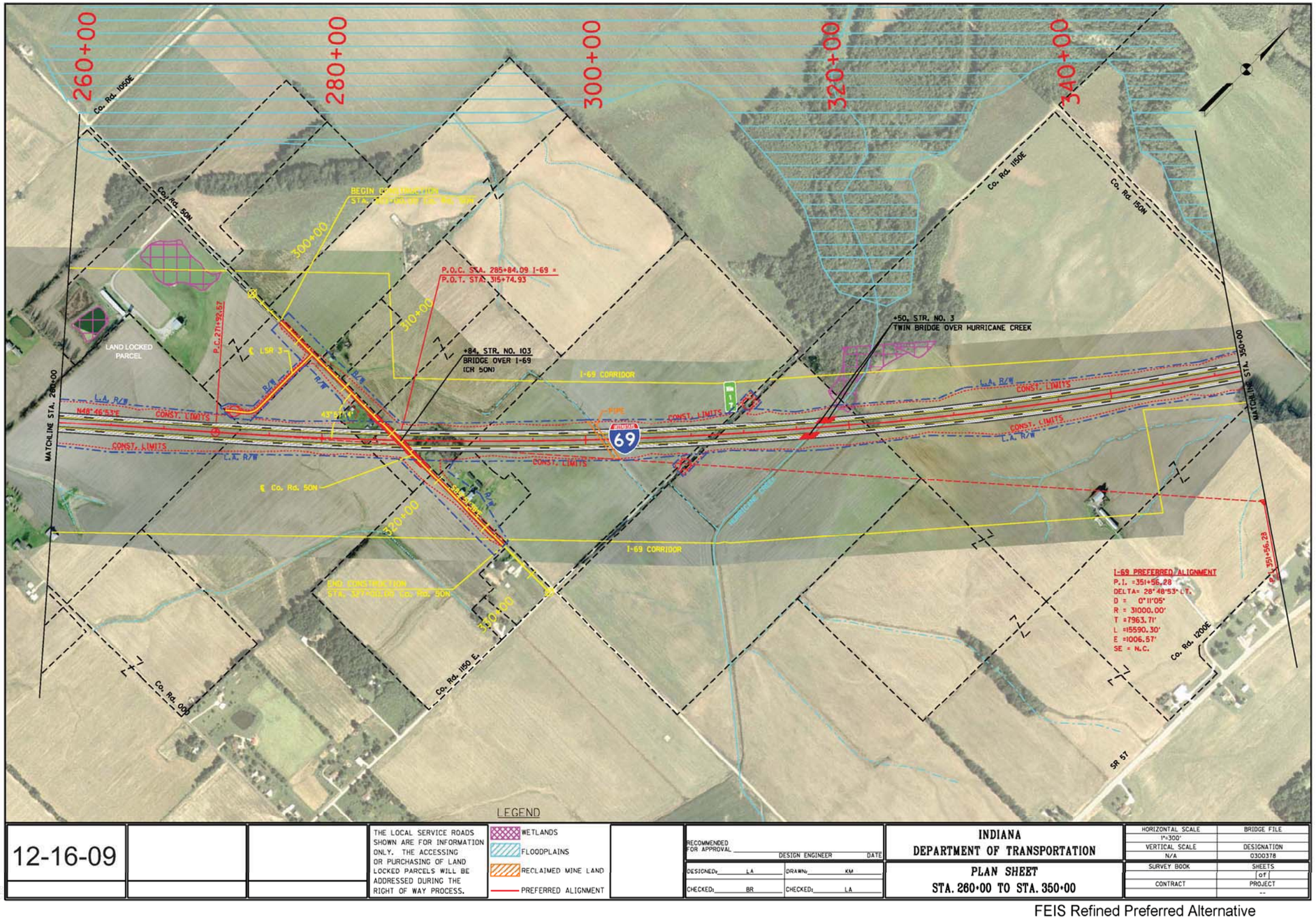
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 2 of 20)



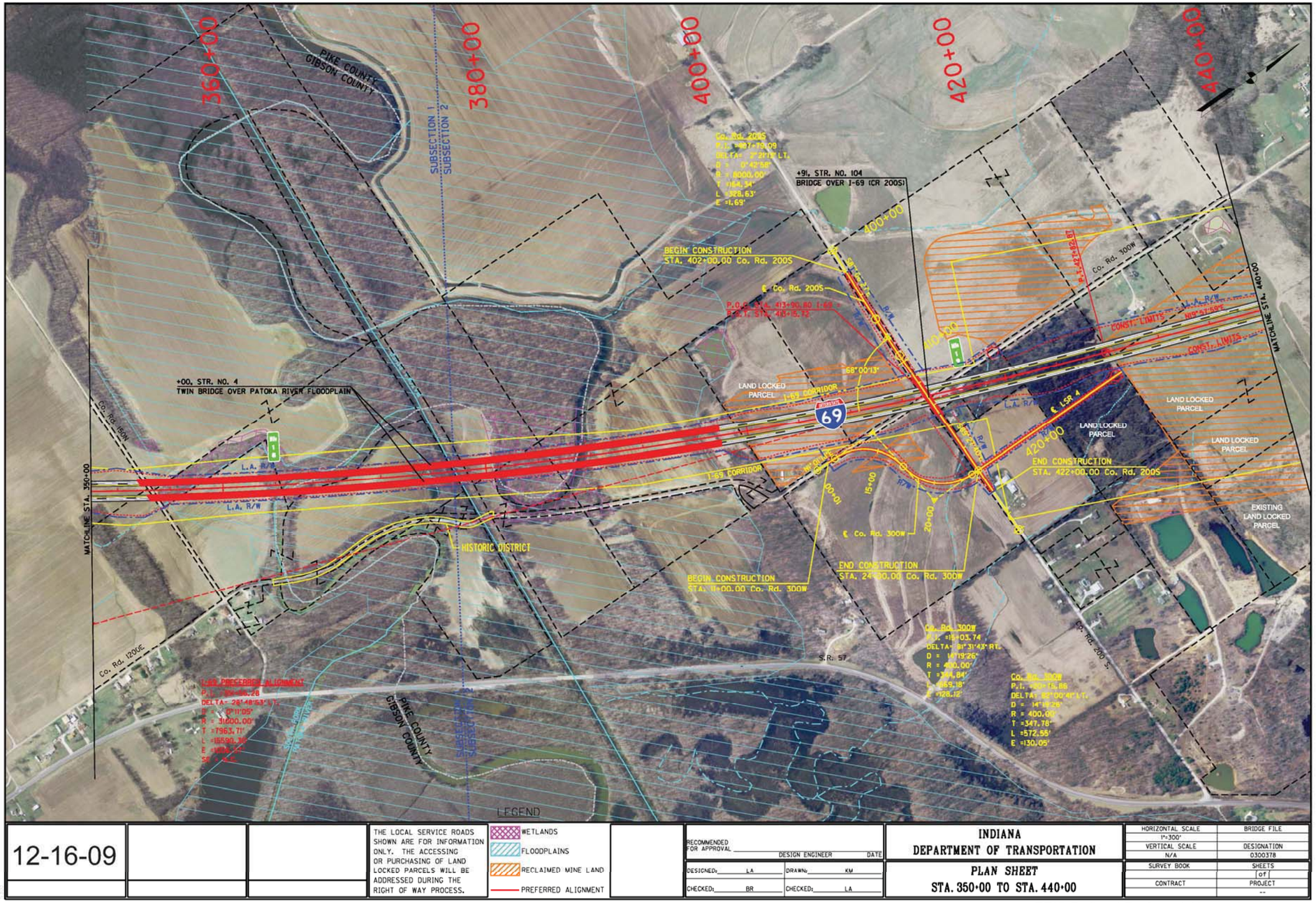
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 3 of 20)



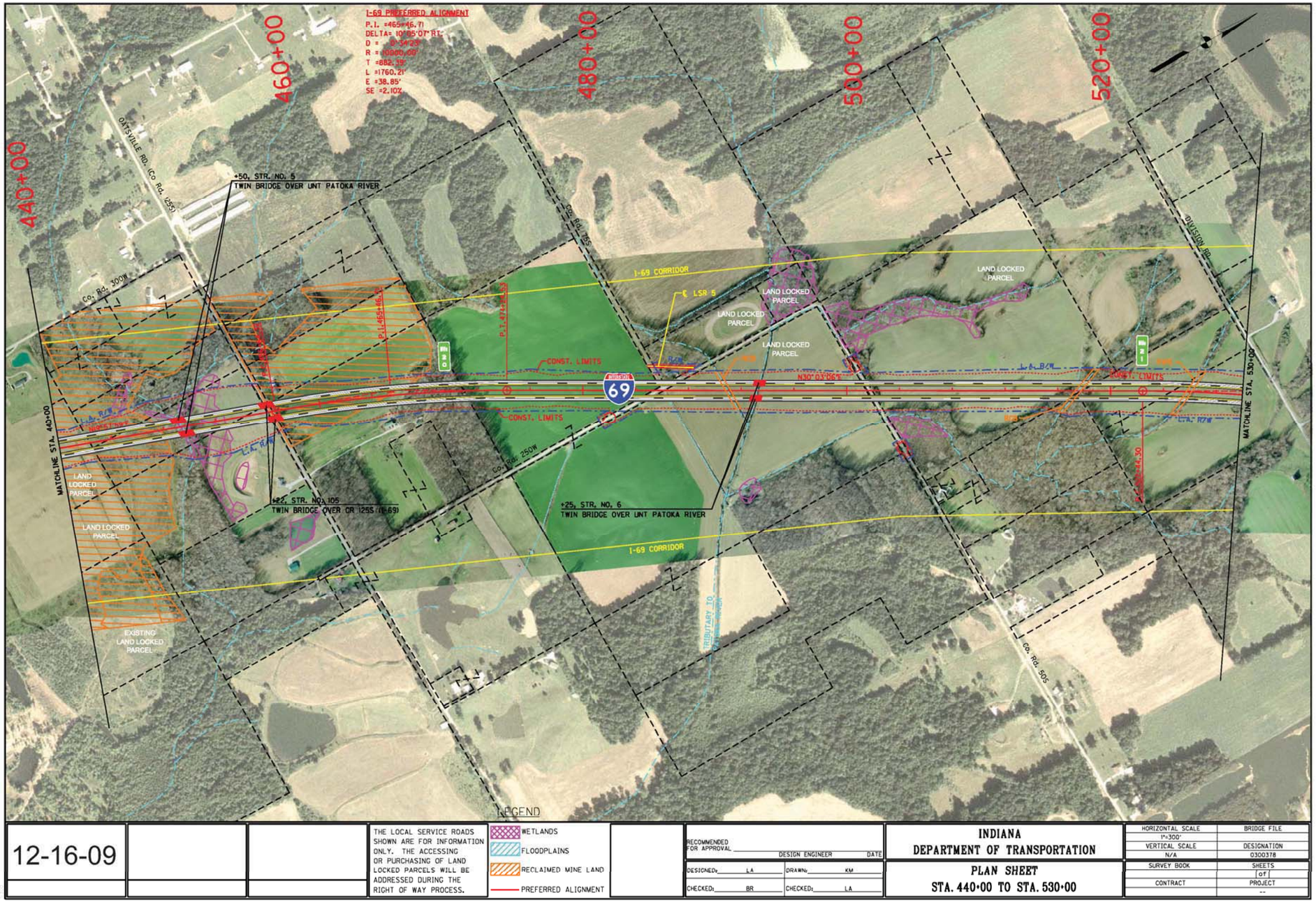
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 4 of 20)



FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 5 of 20)



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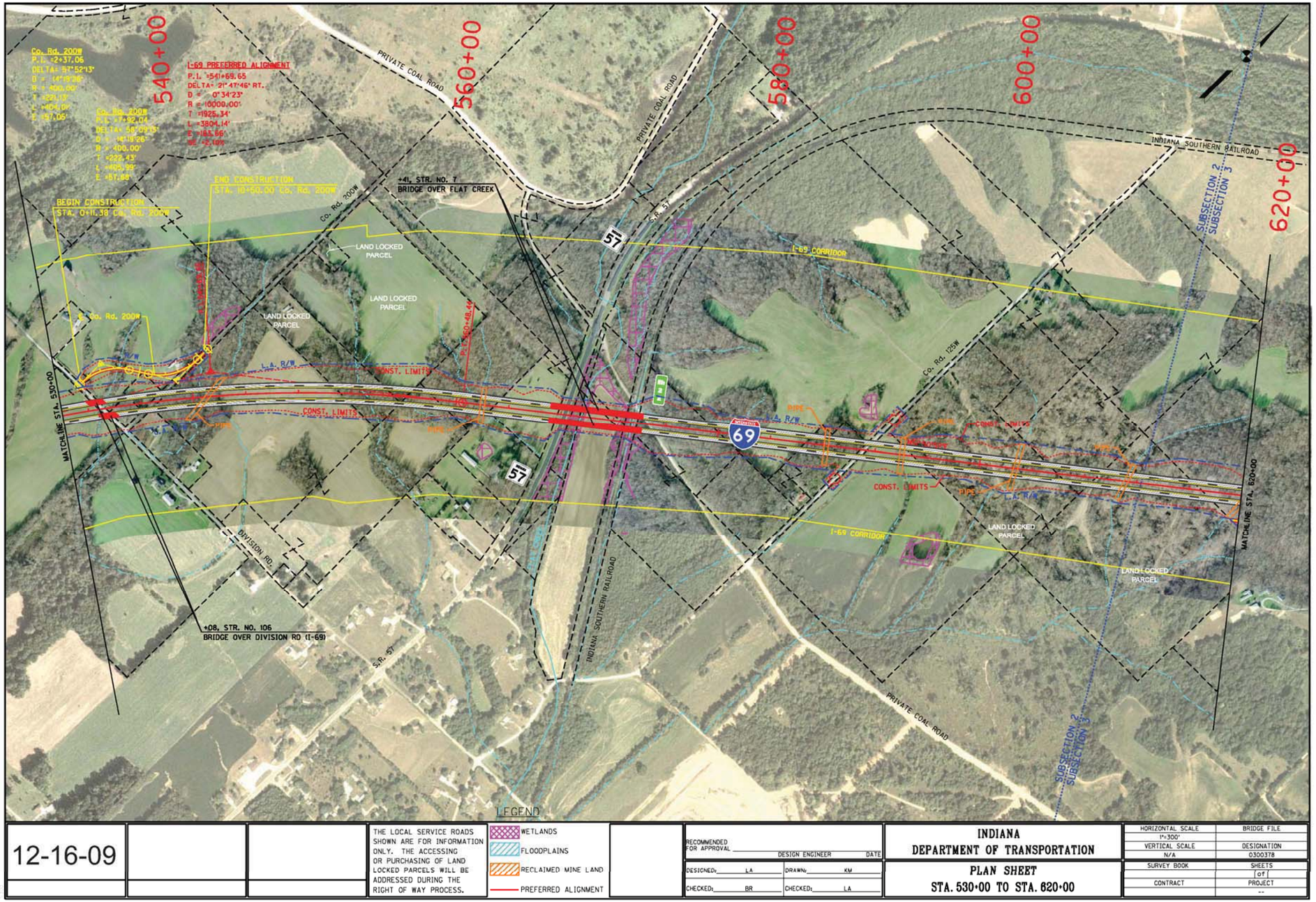
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 6 of 20)



FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 7 of 20)

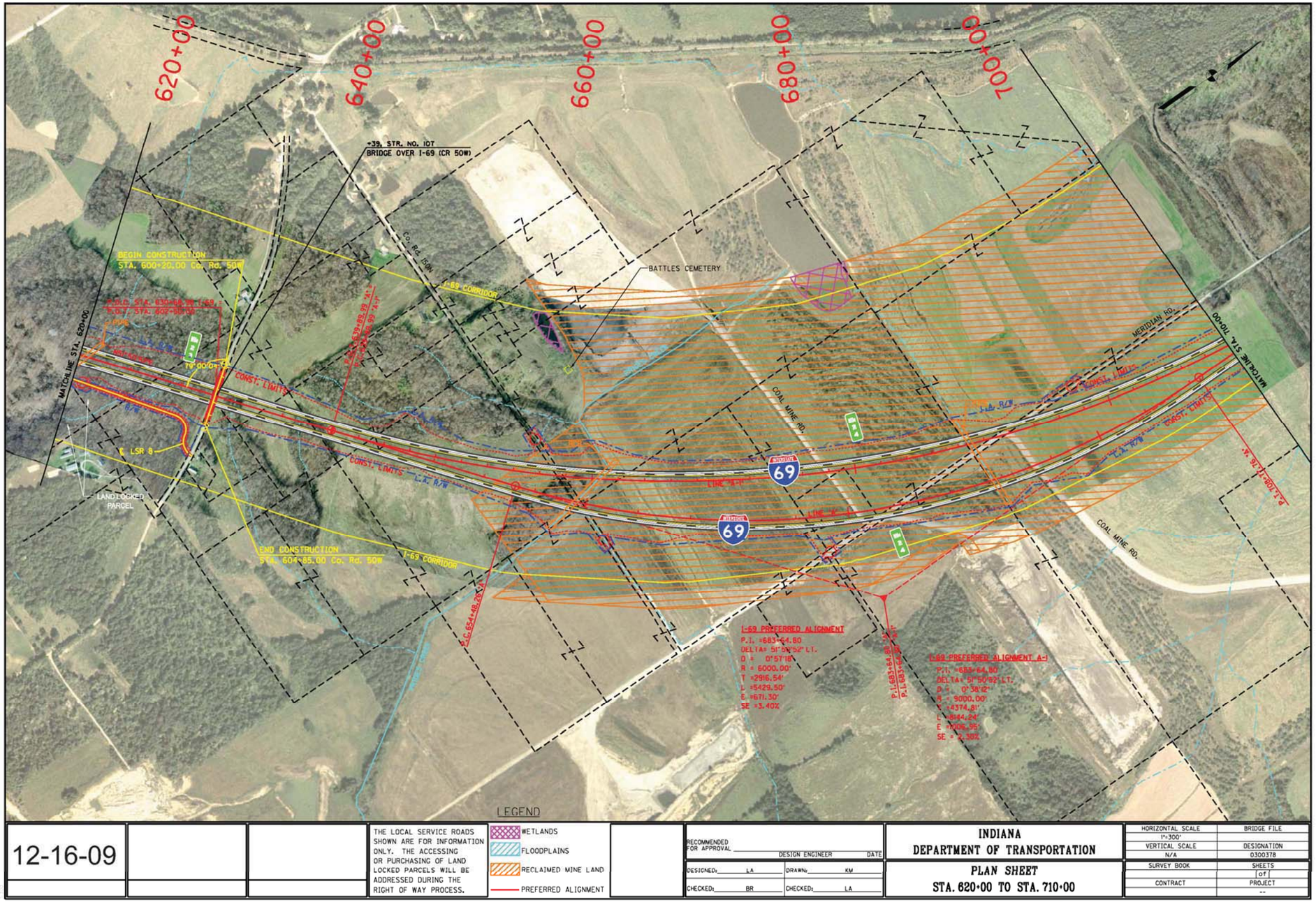


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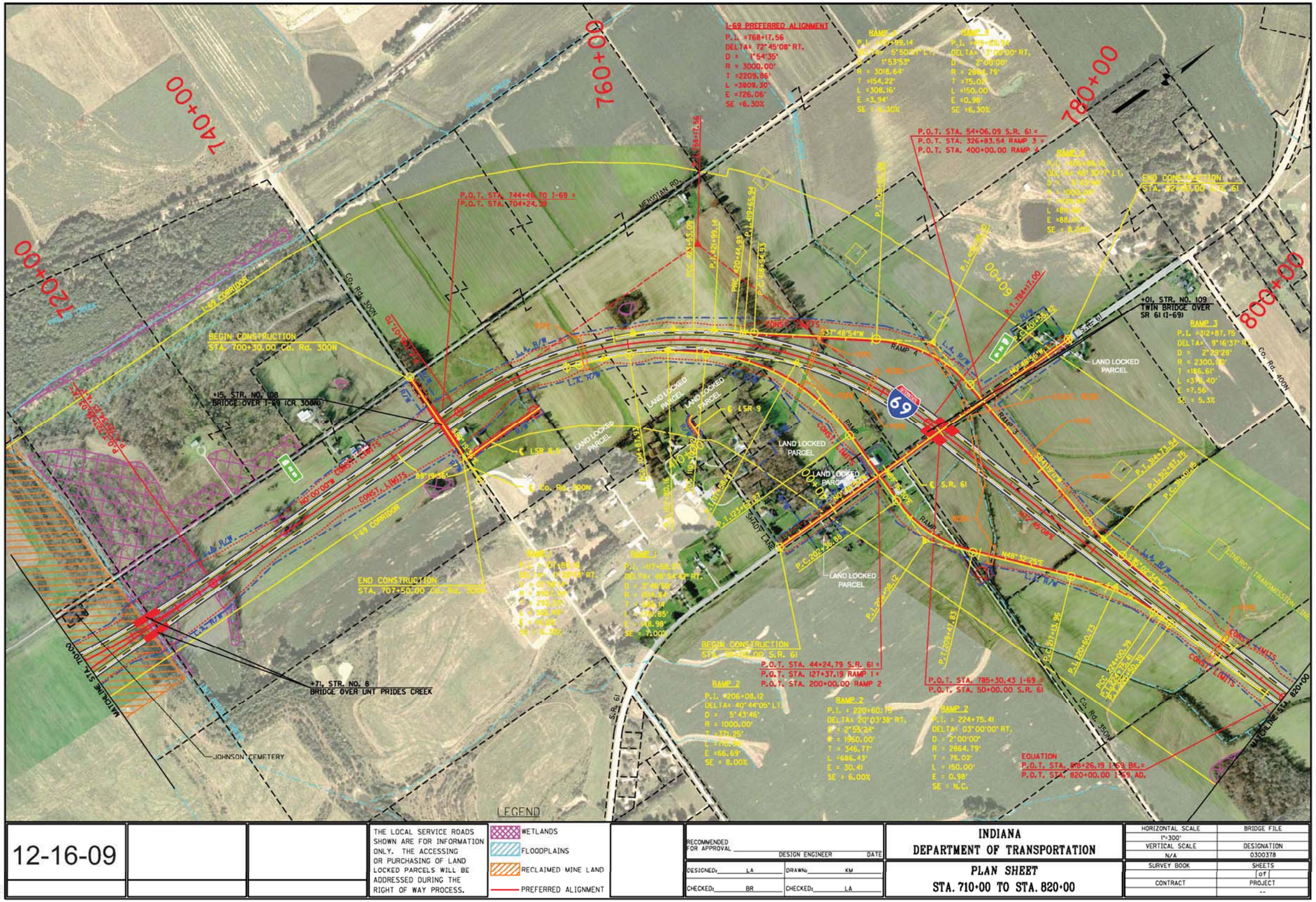
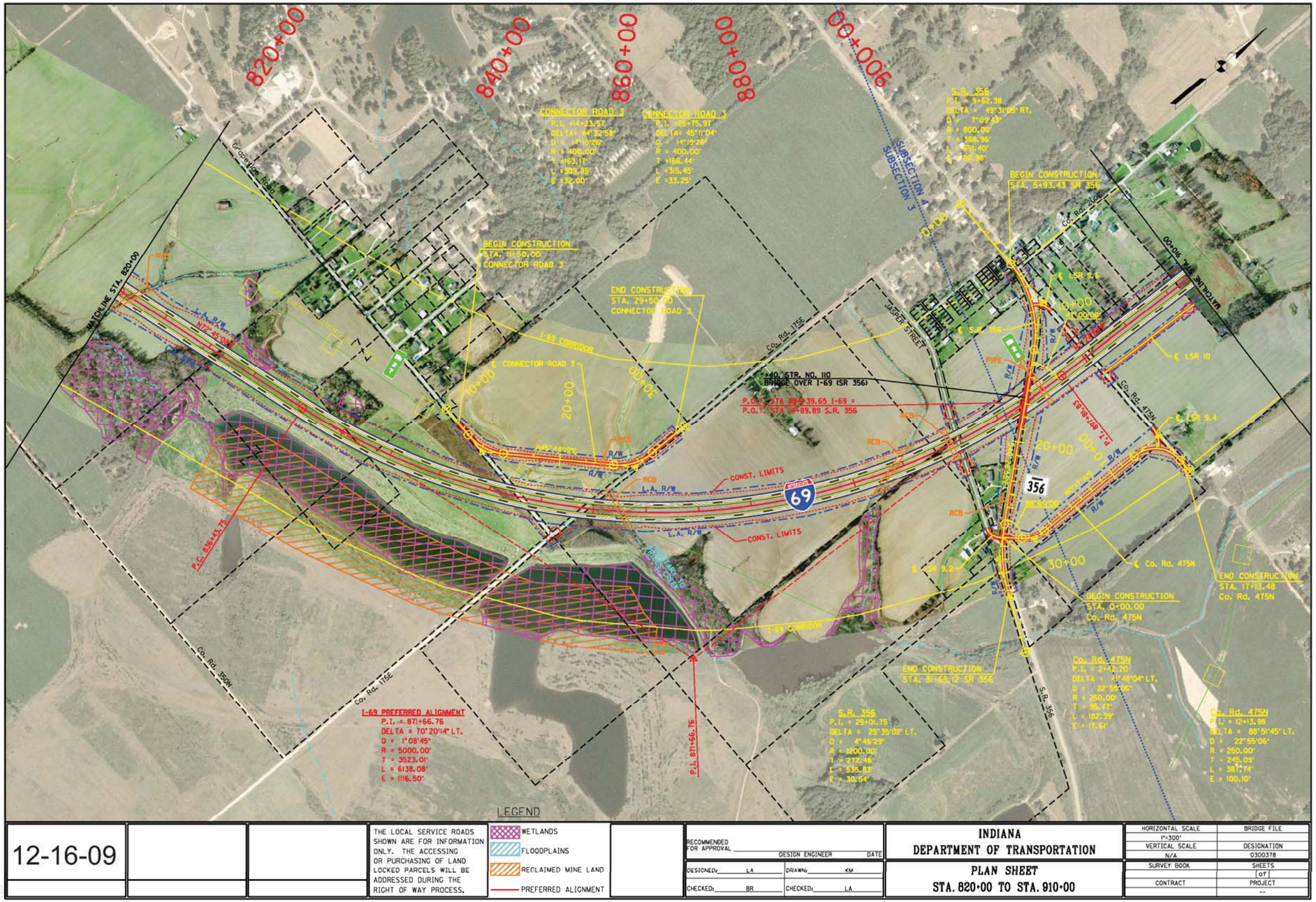
Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 8 of 20)



FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 9 of 20)



FEIS Refined Preferred Alternative

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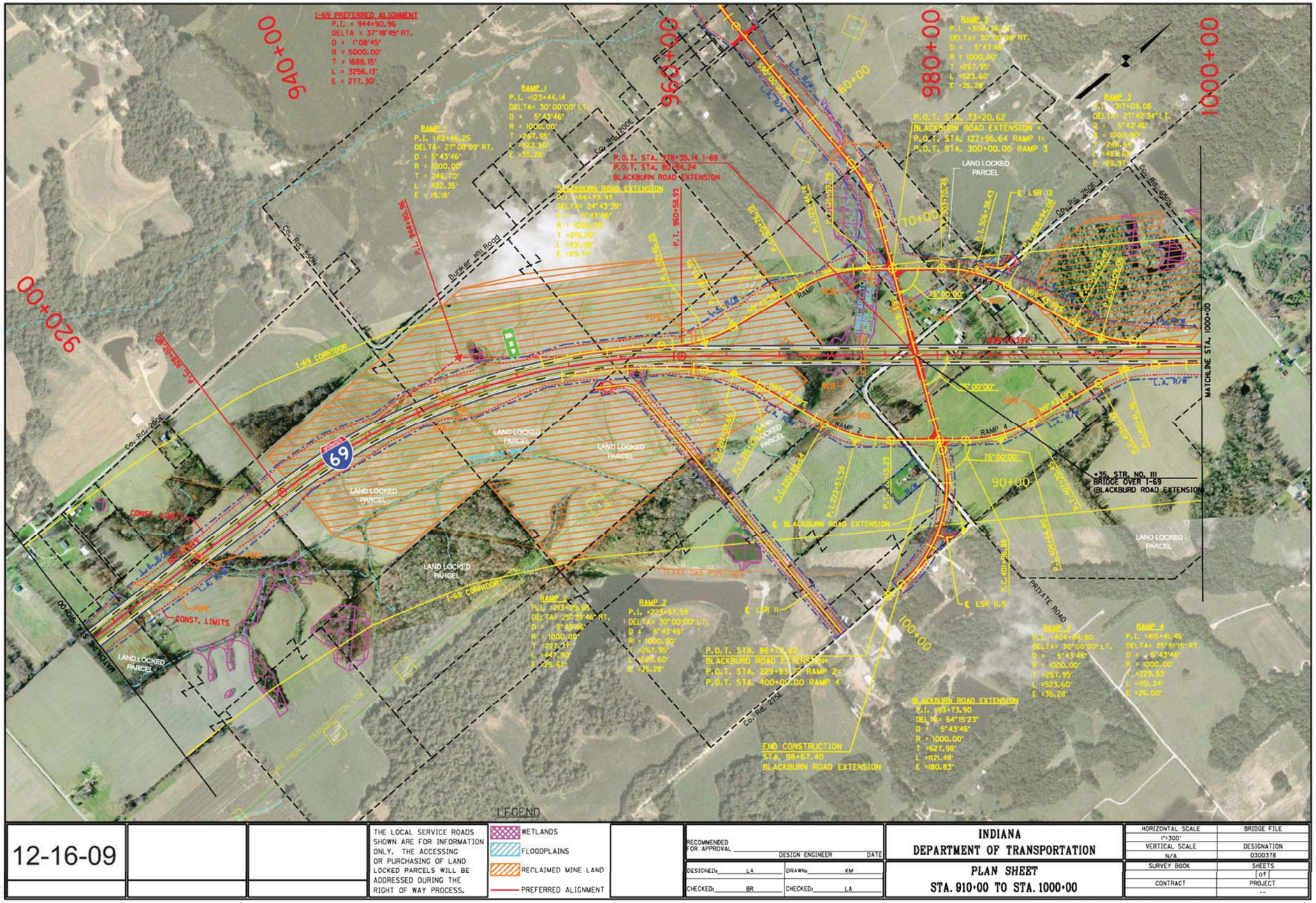
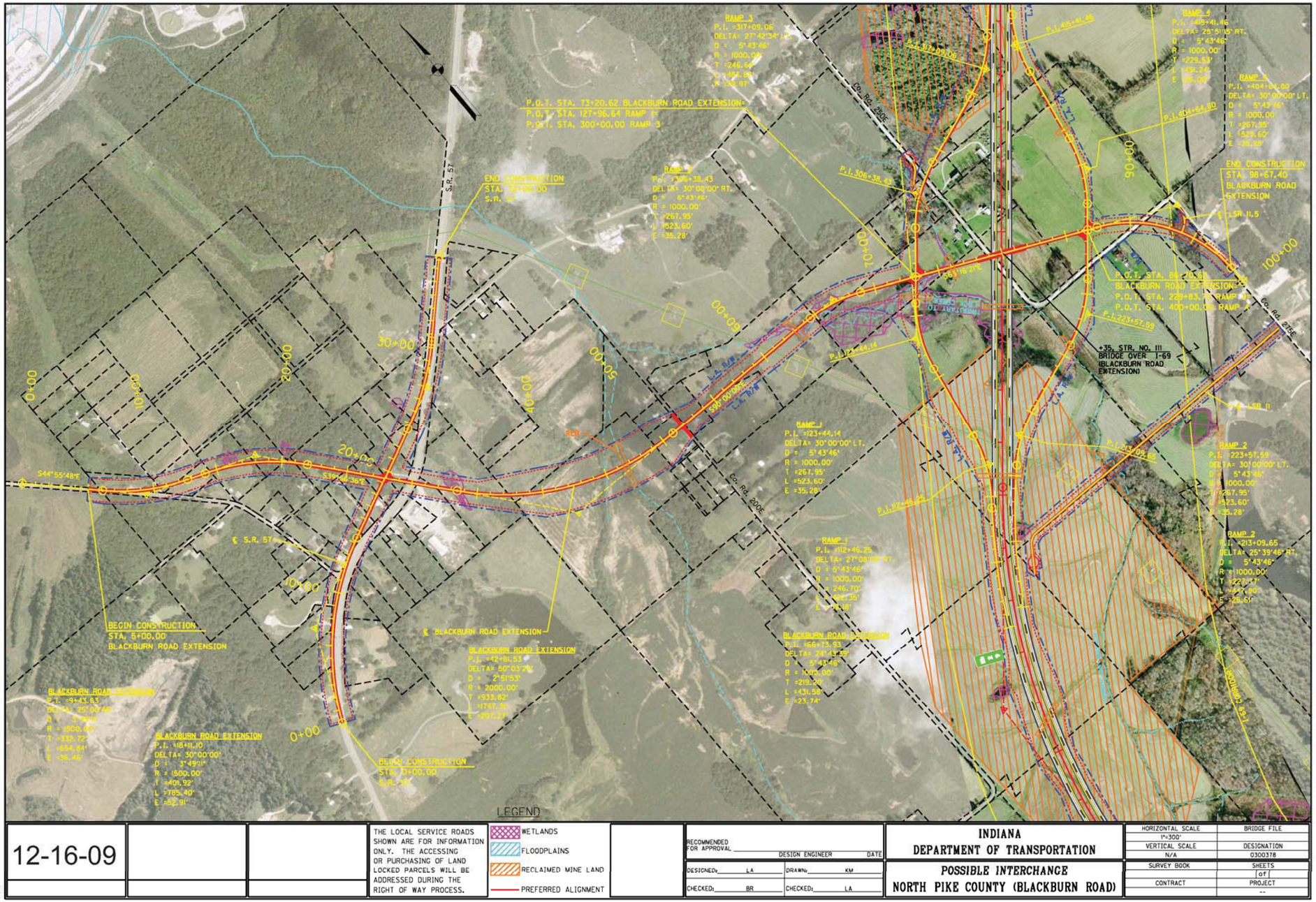


FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 11 of 20)



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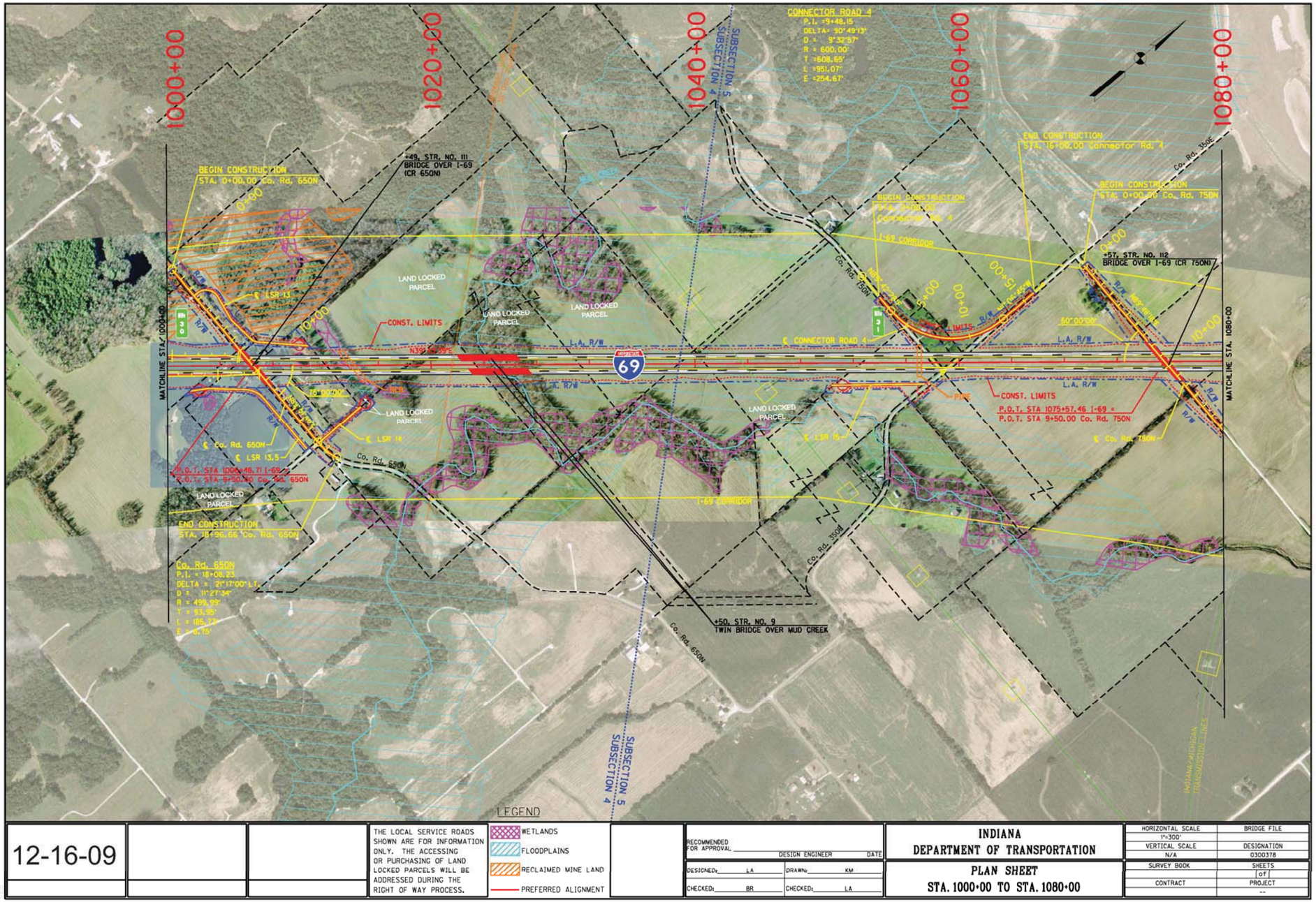
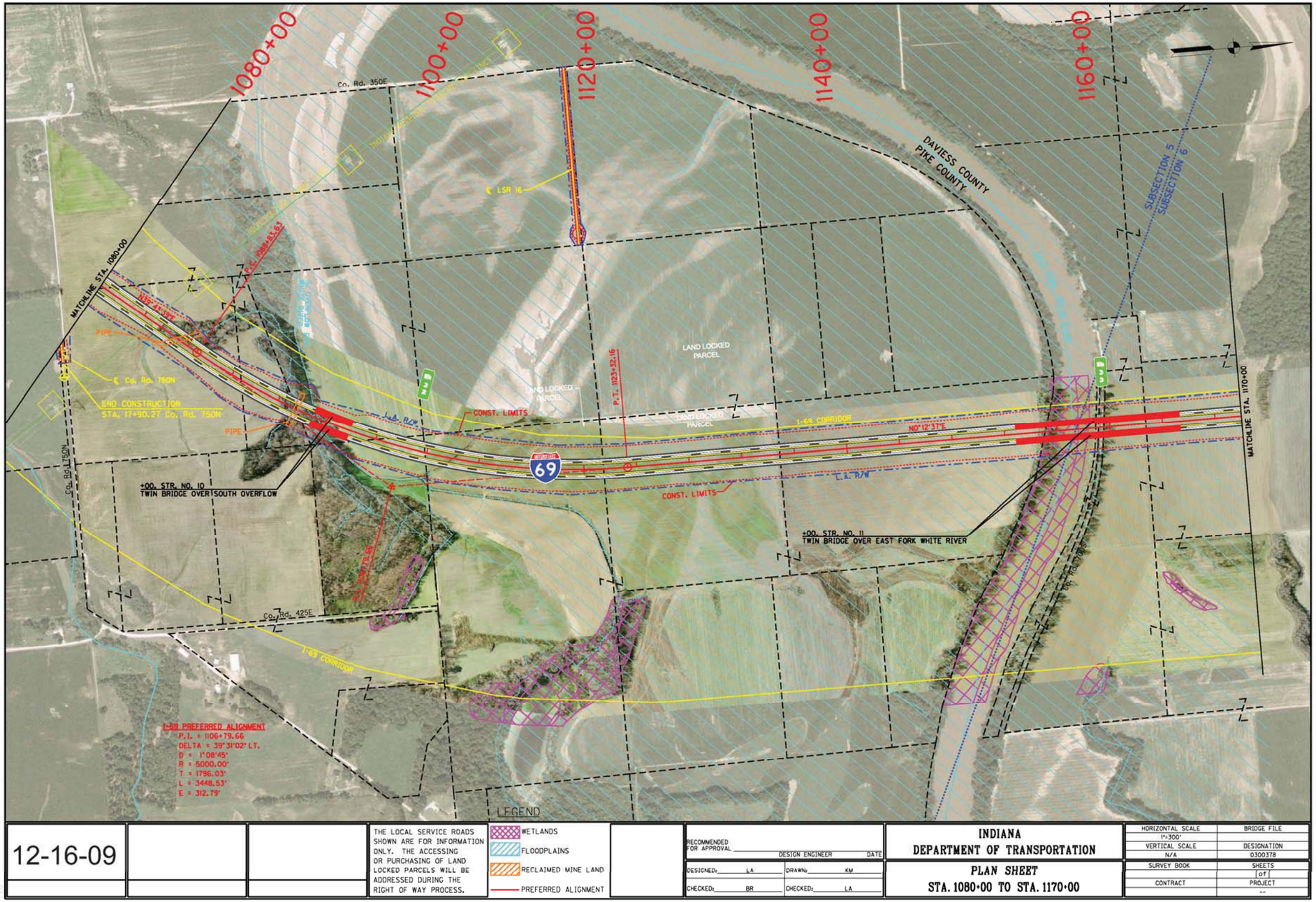
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 12 of 20)



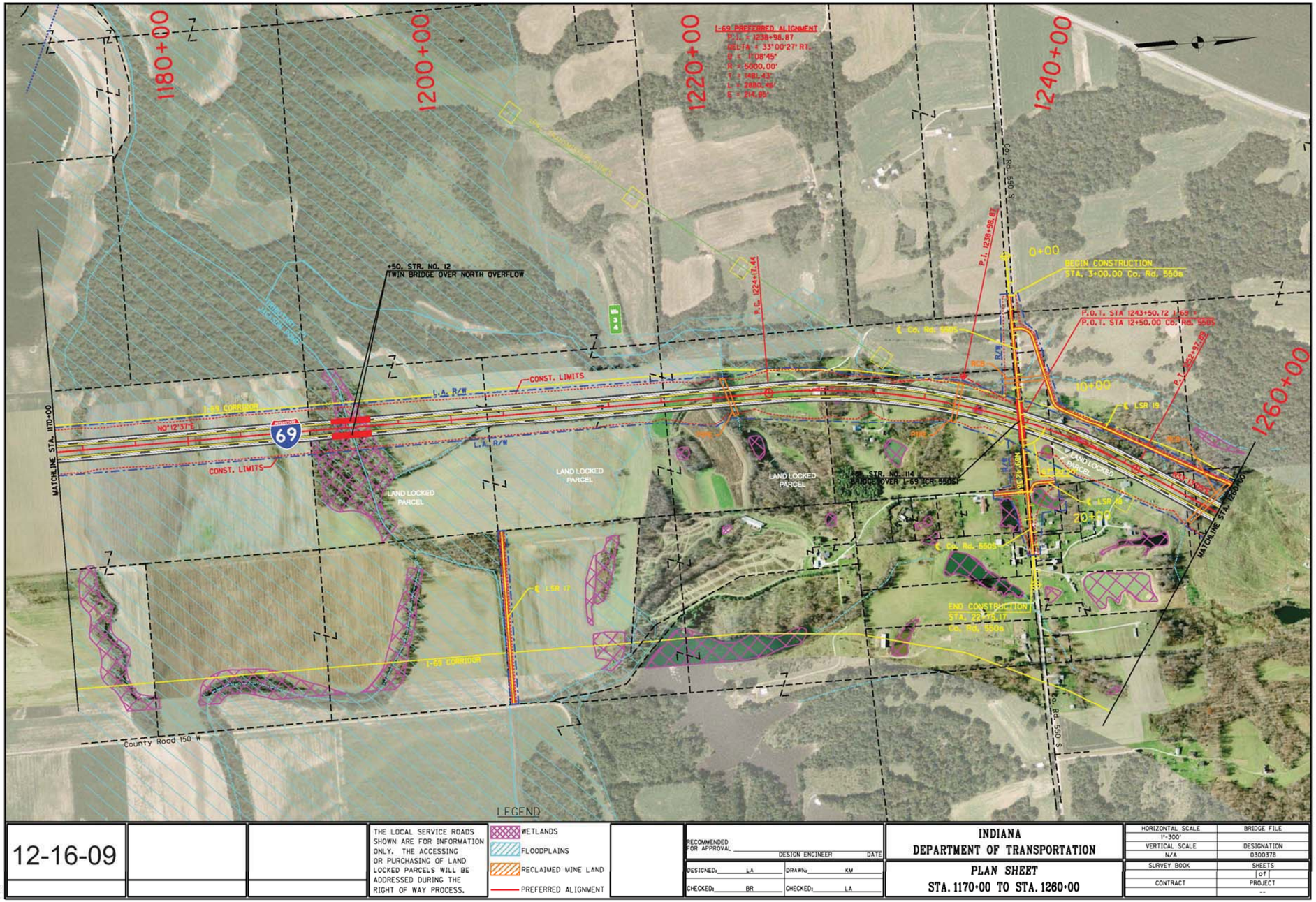
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 13 of 20)



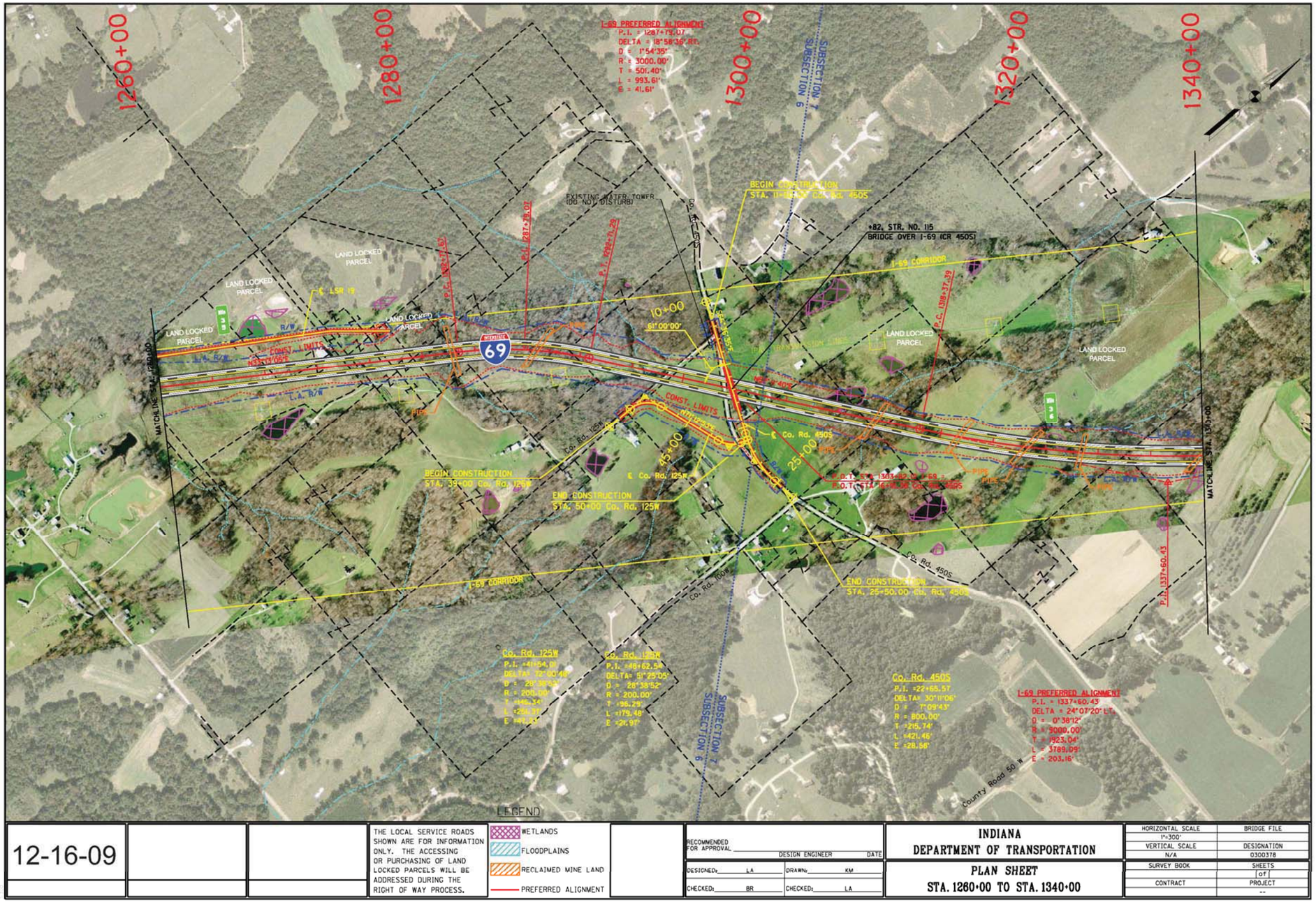
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 14 of 20)



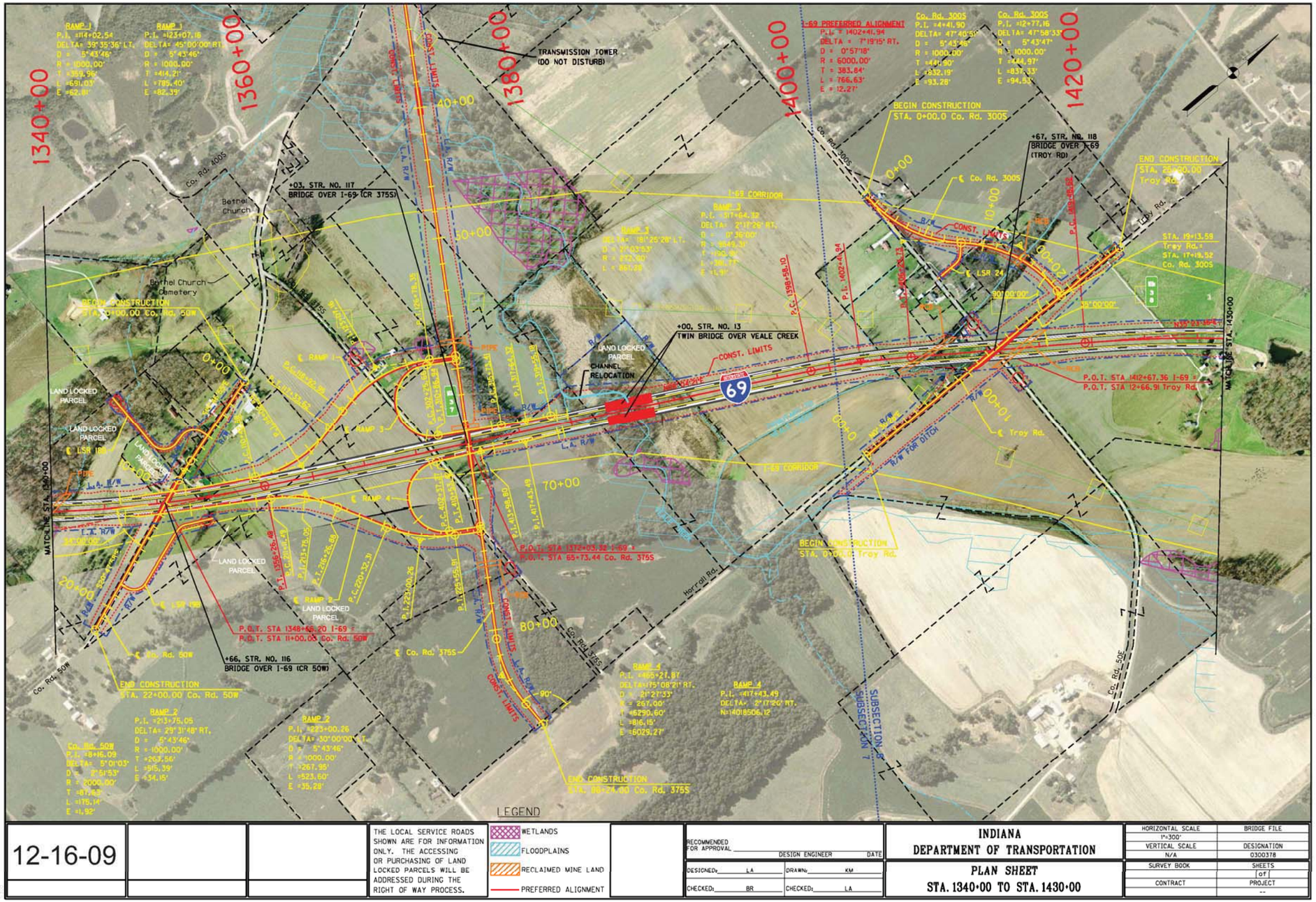
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 15 of 20)



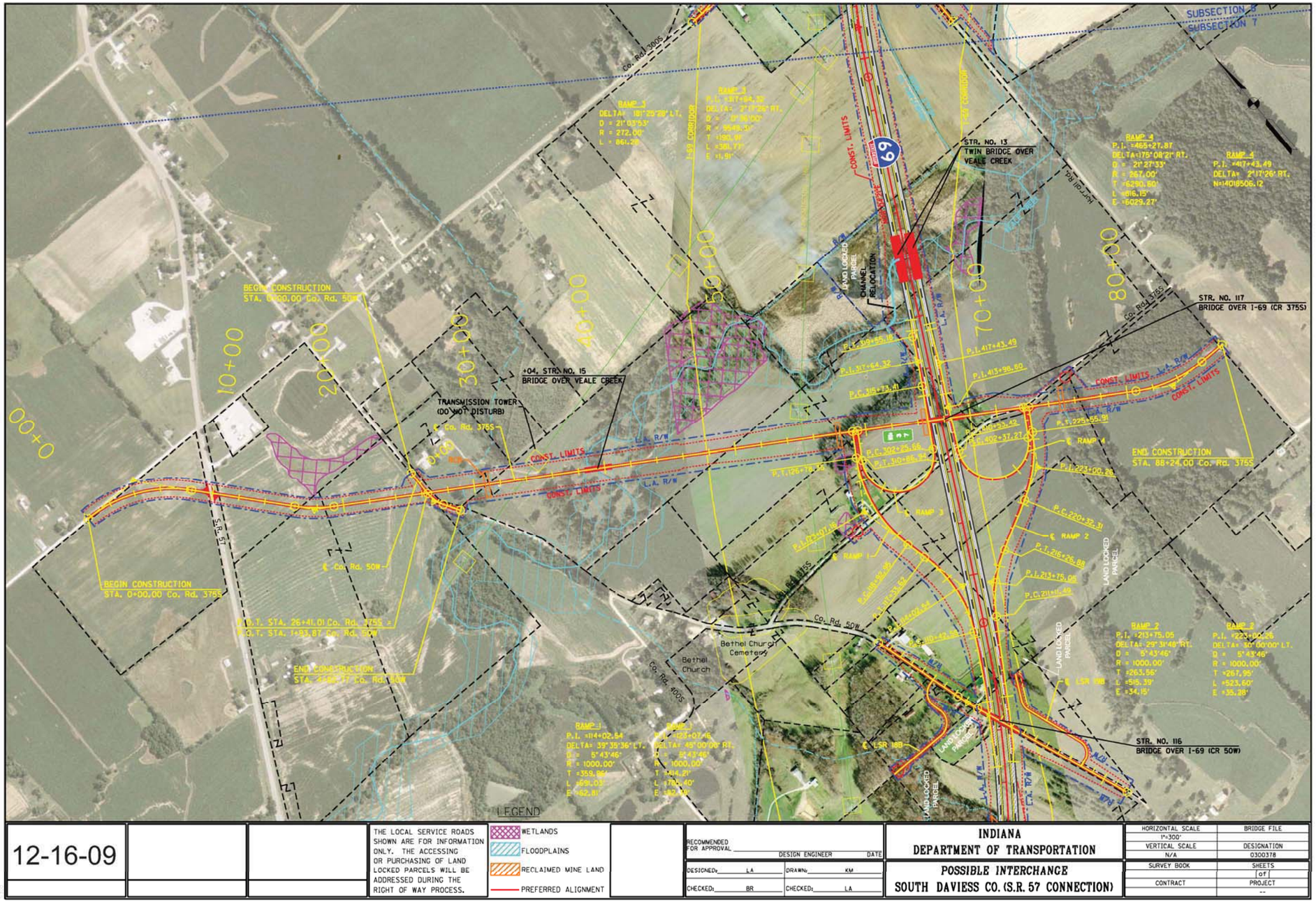
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 16 of 20)



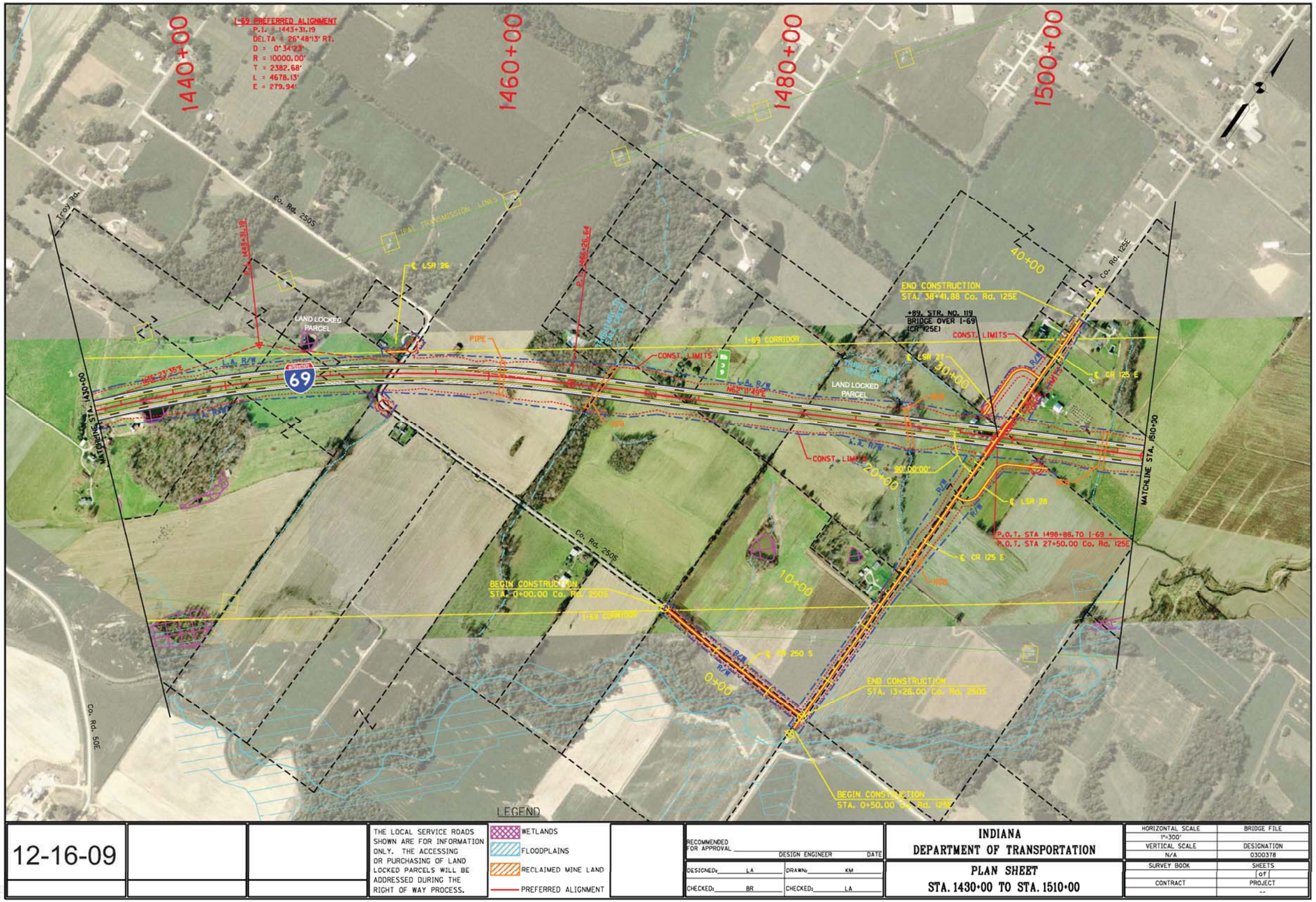
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 17 of 20)



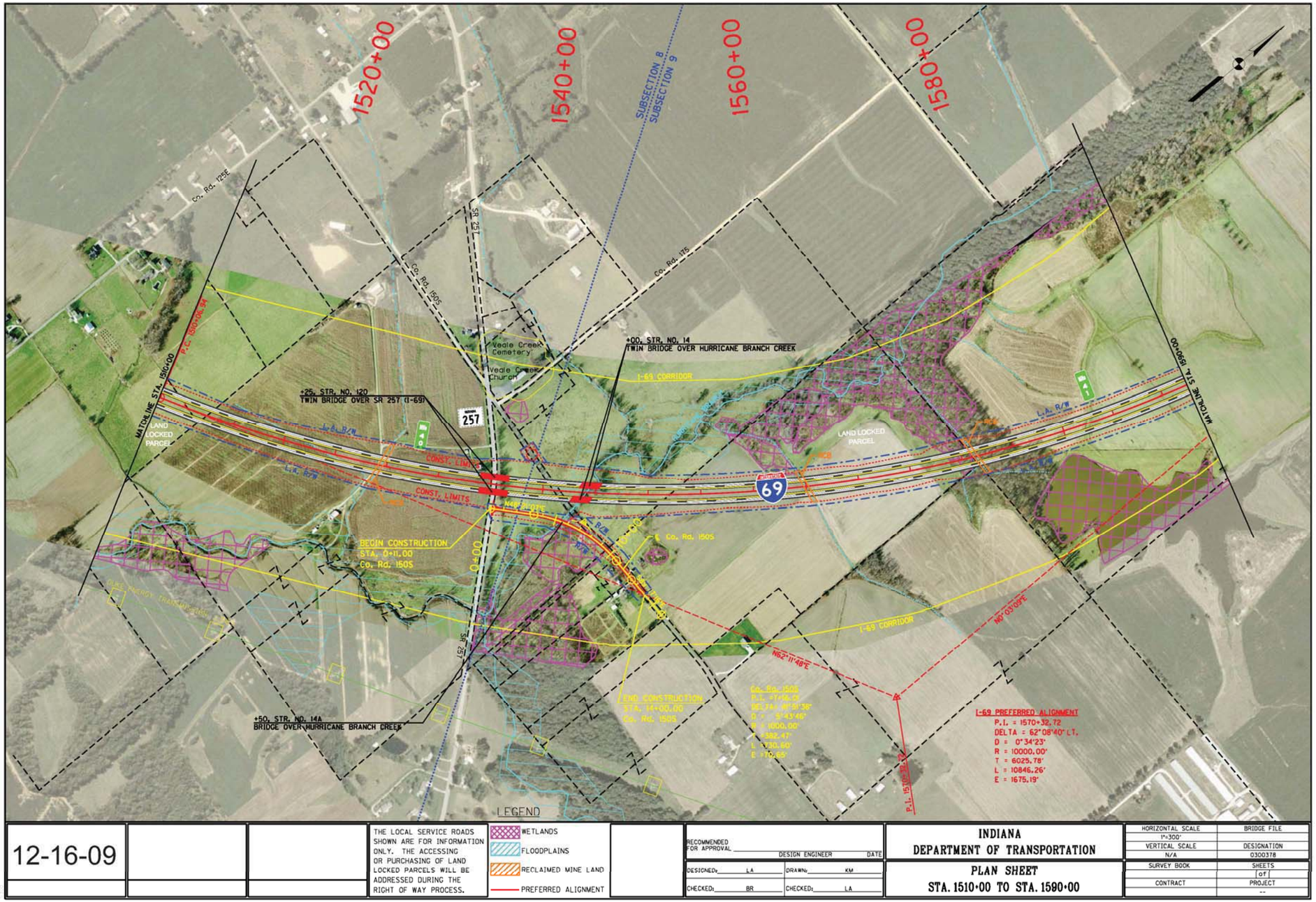
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 18 of 20)



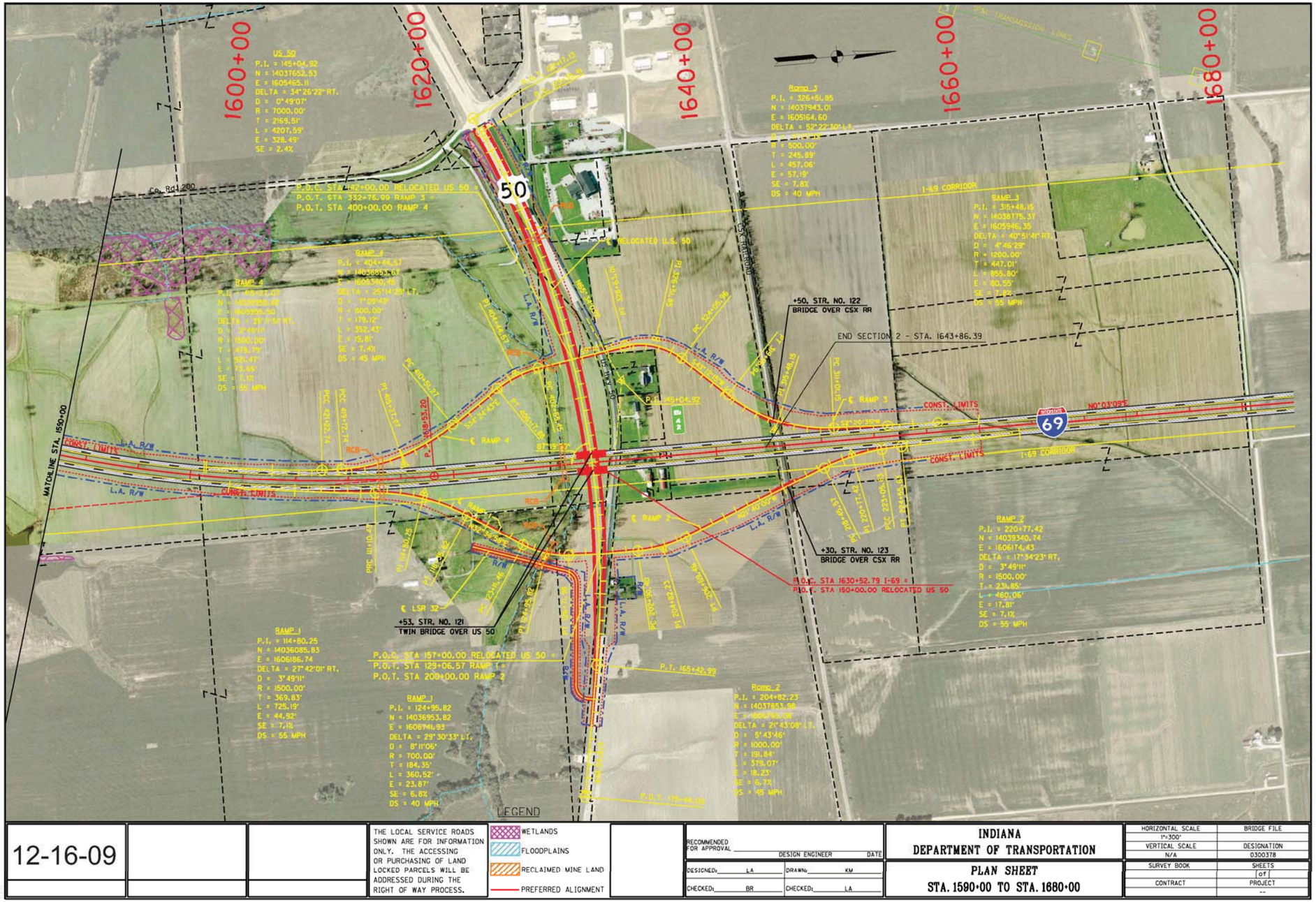
FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 19 of 20)



FEIS Refined Preferred Alternative

Figure 1 - I-69 Section 2: Selected Refined Preferred Alternative (Sheet 20 of 20)



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FEIS Refined Preferred Alternative

2.1 Selected Alternative

2.1.1 Selection of the Refined Preferred Alternative

The Revised DEIS recommended a preferred alternative (designated as the "Preferred Alternative"). Modifications made to the Preferred Alternative subsequent to and resulting from the DEIS public comment period included:

- Closing Gibson County Road (CR) 125S at I-69 instead of providing an underpass. A local service road will be provided to maintain access to the Francisco Sewage Treatment Plant;
- Gibson CR 1050E is severed at I-69. The intersection between Gibson CR 1050E and CR 000 is maintained west of I-69. A new connector road is provided to maintain connectivity between these two roads east of I-69. This reduces impacts to Buck Creek;
- Connector roads between Pike CR 250W and CR 50S, and between Pike CR 250W and Division Road were eliminated. Pike CR 50S will be closed at I-69, as will Pike CR 250W from the south. A service road from Pike CR 250W to CR 75S will maintain connectivity to CR 250W. This reduces impacts to farmland and forest;
- Pike CR 200W was relocated to connect to Division Rd. west of I-69. This will maintain access to properties north and west of I-69 along CR 200W;
- A service road was added proceeding north from Pike CR 300N in order to provide access for agricultural equipment to a landlocked parcel;
- Three short service roads were added to maintain access from portions of Jasper St. and Pike CR 475N to relocated SR 356;
- A service road from Pike CR 275E in the vicinity of the North Pike interchange was lengthened to provide access to landlocked parcels;
- The eastern terminus of Blackburn Rd. at the North Pike County interchange was lengthened to connect to Pike CR 275E. The proposed eastern terminus for Blackburn Rd. in the DEIS was later identified as a private road. A short service road was added to connect the Blackburn Rd. extension to that private road, as well as to CR 275E;
- A service road was added east of I-69 near the Pike CR 650N overpass to provide access to a landlocked residence;
- A service road was extended to the south of Daviess CR 550S to provide access to otherwise-landlocked parcels;
- Daviess CR 125W was modified to maintain access to multiple parcels, providing them access to Daviess CR 450S. A service road which would have provided access to these parcels was eliminated. This reduces forest impacts;
- A service road to provide access to landlocked properties was relocated to connect to Daviess CR 50W, rather than Daviess CR 400S. This reduces forest impacts;
- A service road crossing Veale Creek to a landlocked property was eliminated. The property will be purchased. This reduces impacts to Veale Creek, including a stream relocation;
- At the suggestion of the Daviess County Highway Department, the connection between Daviess CR 50E and Horrall Road was removed. CR 50E is closed at I-69. Access to properties along Horrall Road east of I-69 is provided by Daviess CR 400S. This reduces farmland impacts;
- Improvements will be made to Daviess CR 125E and CR 250S near their intersection. This will be done to maintain access to properties which otherwise would be landlocked during flood events associated with Veale Creek. CR 250S is being closed at I-69, severing the access now provided to these properties during flood events;
- Redesigning the US 50 interchange to substantially reduce the extent of the relocation of existing US 50. This reduces impacts to Hurricane Branch, but increased wetland impacts and

residential relocations. This change also eliminated the need for four service roads and the relocation of Daviess CR 200E. This further change reduced stream impacts.

These modifications were identified and evaluated in the Tier 2 Section 2 FEIS, published in February 2010. The preferred alternative of the FEIS is the Refined Preferred Alternative.

The Section 2 FEIS sufficiently describes the development and evaluation of alternatives (Chapters 3 and 6), the affected environment (Chapter 4), potential environmental consequences of the proposed project (Chapter 5), proposed mitigation (Chapter 7), and coordination with regulatory agencies and comments from the agencies and the public (Chapter 11).

FHWA and the Indiana Department of Transportation (INDOT) have provided opportunities for government agency and public involvement in the development of the EIS documentation. Several opportunities and methods were used to involve the public and agencies in the study (see FEIS Chapter 11, *Comments, Coordination and Public Involvement*). The staffing of a local project office, project newsletter, hotline, website, outreach meetings, and other means were used to solicit input. Public and agency input was also sought at key milestones in this Tier 2 study, including a public hearing on the DEIS. Both the Revised DEIS and FEIS were made available for public review. The comments received on the DEIS have been adequately addressed in the FEIS. Comments from three agencies were received on the FEIS and are addressed in this ROD (see Section 7.0 and Appendix C).

2.1.2 Location of Section 2 Corridor and Selected Alternative—the Refined Preferred Alternative

The Tier 1 ROD approved a corridor (Alternative 3C) for I-69 between I-64 north of Evansville and I-465 south of Indianapolis and divided the project into six sections of independent utility. The location of the Refined Preferred Alternative is substantially[1] within Section 2 of the Alternative 3C corridor. In some areas access roads to landlocked parcels, relocation of existing county roads, and existing road improvements at overpass and interchange locations are outside of the Tier 1 Alternative 3C corridor.[2] The Refined Preferred Alternative's southern terminus is the northern limits of the proposed SR 64 interchange (which is part of the project in Section 1) at I-69 west of Oakland City and its northern terminus is the US 50 interchange east of Washington, a distance of approximately 29 miles. The Section 2 project corridor extends through Gibson, Pike and Daviess counties, Indiana, with the majority of the corridor being in Pike County. The Section 2 FEIS, Section 1.3, describes the Section 2 corridor in detail. Figure 1 (pp. 3-22) show the location of the corridor and the Refined Preferred Alternative.

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[1] As allowed by the Tier 1 Record of Decision (Section 2.3.5), small portions of some alternatives (including the Refined Preferred Alternative) were located slightly outside of the corridor to avoid impacts to resources, including wetlands, streams, forests and farmland. At five different locations, one or more alternatives carried forward for detailed study had portions of their rights-of-way (ROW) located slightly outside of the corridor. In one of these cases (in Subsection 1) the rights-of-way of Alternative A and the Refined Preferred Alterative are over 400 feet outside of the corridor (with 25.8 acres of ROW outside of the corridor), to reduce impacts to a high-quality forested wetland. In the other four cases, less than 40 feet of the ROW is located outside the corridor; the acreage outside of the corridor ranged from 0.007 to 0.41 acres. See Appendix D, *I-69 Section 2 – Alternative Rights-of-Way Outside of the Corridor*, for an enumeration of these locations, including a description of the resource impacts avoided.

[2] In June 2006, INDOT prepared a Tier 1 Re-evaluation to consider the possibility of constructing some or all of the I-69, Evansville to Indianapolis project as a tolled facility. This Re-evaluation addressed several other issues, including whether portions of the project such as access roads, interchanges and grade separations could extend outside of the corridor approved in the Tier 1 ROD (See Re-evaluation, Section 7.1). In a November 22, 2006, letter from INDOT Commissioner Thomas Sharp to FHWA Indiana Division Administrator Robert Tally, INDOT withdrew the Re-evaluation. In his letter of February 12, 2007, to INDOT Commissioner Karl Browning, Mr. Tally stated FHWA's position on matters discussed in the Re-evaluation which were unrelated to tolling. He stated that other related design considerations, such as access and frontage roads, interchanges, and mitigation could occur outside the corridor. These letters also are included in Appendix D.

2.1.3 Variations in Corridor Width

In Section 2, the corridor generally retains the 2,000-foot width identified during the Tier 1 study; however, the corridor width varies at two locations within Section 2. Just north of Gibson CR 50N, the corridor narrows to 1,200 feet, and then narrows again to approximately 420 feet just south of the Patoka River Floodplain. This 420-foot corridor extends across the entire floodplain of the Patoka River, as well as for a distance to both the north and south of the floodplain. Just north of CR 200S in Pike County, the corridor widens back to 2,000 feet.

2.1.4 Typical Cross Sections

For most resources, the environmental impact calculations in the FEIS were based on a typical 320-foot right-of-way, with local variations due to terrain, accessibility, and interchange footprints. A wider section - up to approximately 600 feet in width - occurs in one limited portion where a much wider median is provided over land reclaimed after surface coal mining, creating a bifurcated alignment. Wetland impacts were calculated based on expected impacts within construction limits.[3] (See Vol. I,[4] Chapter 5.1, *Environmental Consequences: Introduction and Methodology*). In Section 2, the typical cross section utilized for the analysis in the FEIS had an approximately 320-foot-wide right-of-way within which are two 12-foot-wide travel lanes in each direction separated by a depressed median that includes paved inside shoulders. To the outside of each pair of travel lanes there is an outside clear zone[5] containing paved shoulders. In addition to the footprint required for the roadway, median and shoulders, land is provided for cut and fill slopes, drainage, and right-of-way fencing and maintenance. Typical sections are also assumed for state and county roads that affect freeway interchanges and grade separations. Typical sections for I-69 as well as other state and local road construction which are part of the project are depicted on FEIS Figures 5.1-3 through 5.1-5 in Chapter 5. Typical sections are for impact estimation purposes only. Final design will be in compliance with the *Indiana Design Manual* and other applicable standards and specifications.

2.1.5 Interchanges, Overpasses, and Access Roads

The Tier 1 FEIS identified potential interchange locations in Section 2 at Pike CR 125S, SR 61/56, SR 356 and US 50. Potential grade separations were identified in Gibson County at CR 950E, CR 000, CR 50N and CR 150N; in Pike County at SR 57, CR 50W, CR 475N, CR 600N, CR 650N and CR 750N; and in Daviess County at CR 450S, CR 50W, Troy/Horrall Road, and SR 257. Locations of potential interchanges and grade separations were identified in the Tier 1 study for all Tier 1 alternatives for the purpose of estimating potential impacts, benefits, and costs of the Tier 1 alternatives. Decisions regarding

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[3] "Construction limits" refers to the area which actually will be disturbed during construction activities. Right-of-way limits show the boundary of the land which will be purchased for the highway and access roads. Construction limits are contained within the right-of-way limits. Section 404 applications submitted to the U.S. Army Corps of Engineers under the Clean Water Act will be based on filling wetlands only within the construction limits. Thus, "construction limits" is the appropriate boundary to use for determining wetland impacts. By comparison, impacts to other resources will extend to the right-of-way limits. For example, forests within the right-of-way are assumed to be cleared, and farmland within the right-of-way is assumed to be no longer available for farming.

[4] Unless otherwise noted, all references to the Tier 2 Section 2 FEIS are to Volume I.

[5] A clear zone is the unobstructed, relatively flat area provided beyond the edge of the traveled way. The clear zone is intended to allow errant vehicles to stop or maneuver without striking any fixed objects. The clear zone includes any shoulders and auxiliary lanes.

the number and location of interchanges and grade separations were not made in the Tier 1 ROD (2.1.6), which stated that such decisions would be made in Tier 2.

The interchanges identified in Tier 1 at SR 61/56 and US 50 are also shown in the Tier 2 Section 2 FEIS along with interchanges at North Pike County (which connects with realigned Blackburn Road at realigned SR 57) and South Daviess County (which connects with SR 57 at CR 300S). The Tier 1 potential interchange locations at Pike CR 125S and SR 356 are shown as grade separations in the Tier 2 Section 2 FEIS. The grade separations identified in Tier 1 are also shown in the Tier 2 Section 2 FEIS except at Gibson CR 000, where a new connector road would be built to tie into CR 1050E; at Pike CR 475N, which would connect to SR 356 via a new connector; and at Pike CR 600N, which will be eliminated by the North Pike County interchange. Additional grade separations (which were not shown as potential grade separations in the Tier 1 FEIS) are proposed in Pike County at CR 200S, CR 125S, Division Road, and CR 300N; and in Daviess County at CR 700S, CR 550S, and CR 125E.

In the FEIS, access roads were proposed in several locations where road closures are required. In some locations, local roads are relocated or have sections realigned (see Table 5, p. 43). These elements may be modified as a result of detailed design. Modifications may include the elimination of access roads where it is determined that it is more economically feasible to purchase one or more parcels during the right-of-way acquisition process, rather than provide access roads.

This ROD approves the locations of the interchanges, grade separations,[6] and access roads (which include new local service roads, road relocations, and realignments) that are features of the Refined Preferred Alternative.

2.1.6 Property Acquisition

This ROD approves the use of federal funds for property acquisition for the project, for construction of the roadway itself as well as for properties that will be used for mitigation purposes, as described in Section 5.0 *Measures to Minimize Harm*, herein[7].

INDOT has already commenced right-of-way acquisition activities, as follows (as of April 19, 2010):

- Field surveys have been completed.
- Title research and right-of-way engineering are nearly complete.
- Appraisals of right-of-way parcels have been initiated.
- Twelve offers have been made to property owners.

These right-of-way acquisition activities have had no influence on the decisions reached in this ROD [per 23 CFR 710.501(b)(5)]. No federal-aid highway funds are being used for the early acquisition of right-of-

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[6] This ROD approves the location of grade separations. In the FEIS, these are identified as overpasses or underpasses (see Table 5.6-5). This ROD determines the location of grade separations; the final determination of whether these will be overpasses or underpasses will be made during design.

[7] As authorized under the Tier 1 ROD, nine (9) mitigation sites in Gibson, Pike and Daviess counties totaling 688 acres have been purchased. The proposed mitigation sites for Section 2 of the I-69 project are located in proximity to the Patoka River, East Fork of the White River, and Veale Creek. INDOT purchased these mitigation sites following the Tier 1 ROD in consultation with the environmental review agencies to provide mitigation needed for Section 2. Three sites are included as part of the I-69 Sections 2 & 3 Umbrella Mitigation Bank (UMB). Construction of mitigation features has already begun on these three sites and is expected to be completed sometime in 2010. The proposed combined mitigation features will create mosaics of wetland, riparian, and bottomland woods habitats associated with other existing habitats in these areas.

way for highway construction prior to the issuance of the Section 2 Tier 2 ROD except as permitted in the Tier 1 ROD. Funding for right-of-way and preliminary design has been included by amendment in INDOT's Statewide Transportation Improvement Program (STIP) for fiscal years 2010 through 2012. FHWA has informed INDOT that these actions are at the discretion of the State, and that such actions are taken "at risk," with respect to any future claims of credit for the local portion of expenditures which may be federally-funded.[8]

Acquisition of properties, with state funds only, did not influence the decisions for the project including the need to construct the project, the consideration of alternatives, and the selection of the design or location.

2.1.7 Rest Areas

As stated in the Tier 1 ROD, the number and locations of rest areas will be determined in Tier 2. During the Section 2 Tier 2 study, a need for rest areas was not identified in Section 2.

2.2 Deferred Construction

Due to the staging of construction along the 142-mile I-69 project from Evansville to Indianapolis, INDOT may elect to defer construction of some of the approved features of the Section 2 project. Activities that may be deferred in Section 2 are the construction of the North Pike County and South Daviess County interchanges. The project costs for the Refined Preferred Alternative associated with the deferred elements of the North Pike County interchange range from $18.6 to $19.9 million. Should INDOT elect to defer construction of the interchange, it will purchase the right-of-way required for the North Pike County interchange and the associated access roads in order to protect the right-of-way from future development. The near-term savings for the deferral of the South Daviess County interchange range from $13.5 to $14.5 million. INDOT will not purchase the right-of-way required for the South Daviess County interchange and the associated access roads since it is not anticipated that future development will occur in this area. See FEIS Section 6.2.1.10 (p. 6-37) for further information regarding the phased construction of interchanges.

2.3 Mitigation

This ROD approves and directs the implementation of the mitigation measures listed in the Section 2 FEIS, Chapter 7, *Mitigation and Commitments.* FHWA will support efforts, in cooperation with INDOT and applicable resource agencies, to ensure the timely implementation of these measures. Mitigation measures implemented pursuant to this ROD (including land acquisition) shall be eligible for federal funding, subject to prior approval by FHWA. See Section 5.0, *Measures to Minimize Harm*, herein, for further discussion of mitigation.

Some of the mitigation measures involve a commitment to specific design features (e.g., wildlife crossings in the vicinity of Patoka River, Flat Creek, East Fork of the White River, and the tributary to Jackson Pond) or mitigation activity (e.g., mitigating for forest lands at a 3 to 1 ratio). Other measures involve a commitment to conduct further analysis (e.g., the completion of archaeological Phase Ic investigations at four locations, where access was denied). For activities directly related to the quantity of impacts, the Tier

[8] See FHWA letter dated October 20, 2009, in Appendix B of the FEIS.

2 Section 2 FEIS Chapter 7 identifies mitigation quantities specific to impacts determined in the Tier 2 Section 2 study. Mitigation quantities are based on ratios determined during Tier 1 and Tier 2 consultation with regulatory agencies and agreed to in the Tier 1 and Tier 2 Records of Decision. Mitigation measures are identified in Section 5.0 *Measures to Minimize Harm*, herein, and are summarized on the Commitments Summary Form in Appendix A.

Final design will continue to make efforts to further reduce impacts to sensitive resources. Efforts will continue to implement design refinements which reduce these impacts without reducing the performance of the Selected Alternative or increasing impacts to other sensitive resources. If these changes can be made, mitigation quantities may be reduced but the agreed-to ratios shall be maintained. These modifications to mitigation quantities will occur in consultation with the appropriate resource agencies. All impacts to these resources and mitigation will be tracked and reported to the appropriate resource agencies on an annual basis. INDOT will use its mitigation-tracking system to document and generate these resource impacts and their associated mitigation.

3.0 ALTERNATIVES CONSIDERED

The range of alternatives in the second tier of a tiered NEPA study is circumscribed by the decisions reached in Tier 1. The Tier 2 mainline alternatives are substantially located within the approved corridor established in the Tier 1 ROD.[9] In some areas access roads to landlocked parcels, the relocation of existing county roads, and existing road improvements at overpass and interchange locations are outside of the Alternative 3C corridor. As described in Section 2.1.2, FHWA has determined that locating such improvements outside of the approved corridor is consistent with the Tier 1 ROD. This section of the Tier 2 ROD briefly describes the Purpose and Need for the proposed action, the alternatives evaluation procedures, the alternatives considered, and the balancing of values that formed the basis for the decision to select the Refined Preferred Alternative. FEIS Section 3.2, *Development of Alternatives*, describes in detail the scoping process, the development of alternative roadway alignments, and the identification of interchange locations and configurations within the approved corridor for Section 2.

In the Section 2 Study Area, the transportation performance goals identified in the Tier 2 study include the completion of Section 2 of I-69 as stipulated in the Tier 1 ROD, the improvement of accessibility, the reduction of traffic congestion and the improvement of safety. Economic development goals evaluated the role of the transportation system in leading to enhanced economic growth. FEIS Section 2.5, *Project Goals and Performance Measures,* gives the specific performance goals and associated performance measures. The Tier 2 scoping process defined the range of alternatives to be considered and the process to be used to address potential environmental impacts. The scoping of alternatives included extensive opportunities for public and government agency input.

All mainline alternatives developed in the Tier 2 study in Section 2 were located substantially within the approved corridor, and all have interchanges at the same four locations (SR 56/61, North Pike County, South Daviess County, and US 50). In a few areas access roads to landlocked parcels, and existing road improvements at overpass and interchange locations are outside of the Alternative 3C corridor. As the analysis in the FEIS shows (see Section 3.3, *Detailed Performance Analysis of Alternatives),* alternatives in Section 2 all provide a significant improvement with regard to these project goals, and do so in nearly an identical manner. Accordingly, the primary tools used to screen alternatives and identify a Selected Alternative were the analyses of the potential social, economic, and environmental impacts; public input; cost; and engineering design standards.

3.1 Purpose and Need

The overall Purpose and Need for the I-69 Evansville to Indianapolis project was established in the Tier 1 EIS and Tier 1 ROD. The overall project Purpose and Need was based on regional goals for the entire Southwest Indiana region, which includes 26 counties and encompasses a quarter of the State of Indiana. These broad regional goals were used as the basis for evaluating alternatives in Tier 1, when the alternatives analysis involved comparing different corridors 140 to 160 miles in length located throughout a broad geographic area. The Tier 1 ROD determined that the Tier 2 Purpose and Need would primarily focus on local needs specific to individual sections.

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[9] The corridor width varies at two locations within Section 2. It narrows to 1,200 feet and 420 feet wide as it crosses the Patoka River.

The purpose of the Tier 2 Section 2 project is to advance the overall goals of the I-69 Evansville to Indianapolis project in a manner consistent with the commitments in the Tier 1 ROD, while also addressing local needs identified in the Tier 2 process.

Local needs identified in Tier 2 for Section 2 are based upon and supportive of the project Purpose and Need and broad, regional goals developed in the Tier 1 study. The local needs were identified through a technical analysis and an extensive public involvement process that included comments from the general public, local officials, local business owners/managers, members of the Section 2 Community Advisory Committee (CAC), and others. The identified needs include:

- Complete Section 2 of I-69 as determined in the Tier 1 ROD
- Increase personal accessibility for area residents
- Reduce existing and forecasted traffic congestion
- Improve traffic safety
- Support local economic development initiatives

These needs are defined in greater detail in the FEIS Section 2.3, *Needs Assessment*. The public involvement process is described in detail in FEIS Chapter 11, *Comments, Coordination and Public Involvement.* The Selected Alternative - the Refined Preferred Alternative - developed in Section 2 addresses the overall goals of Tier 1 and the local needs identified in the Tier 2 study.

3.2 Identification and Evaluation of Alternatives

For purposes of reference and analysis, the Section 2 corridor was divided into nine subsections numbered 1 through 9 from south to north.

3.2.1 Preliminary Alternatives

Preliminary alternatives developed within each segment are consistent with both the *Indiana Design Manual (IDM)* and the American Association of Highway and Transportation Officials' (AASHTO) *A Policy on Geometric Design of Highways and Streets*. FEIS Chapter 3, *Alternatives*, describes the alternatives development, evaluation, and screening process in detail.

In the initial stage of the alternatives' development process a computer-aided engineering alignment tool—Quantm—was used to help generate alternatives within the approved I-69 corridor. Some of the cost- and impact-minimizing alternatives generated by Quantm were used as a beginning point and were refined to obtain alignments that had the desired horizontal geometry while taking into account social, economic, and other non-construction cost-related considerations.

Two initial alternatives (between SR 64 and US 50) were identified as Alternative 1 and Alternative 2 after multiple Quantm runs were analyzed and followed up with a field check. These alternatives were reviewed by FHWA. They also were presented to the Section 2 CAC and at a Public Information Meeting. The input from these reviews was combined with further analysis to avoid and minimize resource impacts. Alternatives 1 and 2 were redesignated as Alternatives A and B, respectively, to differentiate them from the prior alignments. Alternatives A and B were divided into 9 subsections at major natural barriers (such as major river crossings) as well as where Alternatives A and B overlap. This permitted Alternative A or B in one subsection to connect with either Alternative A or B in an adjacent

subsection. This allowed selecting the better of the two alignments in each subsection to define the preferred alternative. A preferred alternative in each subsection was selected to minimize impacts to the natural and human environment, as well as to minimize cost.

Conceptual interchanges were evaluated in four groupings. These were south of Petersburg, at Petersburg, north of Petersburg, and at US 50. As shown in FEIS Figure 3-19, interchanges were selected for detailed study at four locations: SR 56, North Pike (CR 600 N), South Daviess (SR 375 S) and US 50. At the South Daviess interchange, both full and folded diamond designs were considered, to evaluate their relative impacts on nearby sensitive aquatic resources. At US 50, both a diamond and trumpet interchange designs were carried forward for detailed study. As described in FEIS Section 3.3.1, four interchange alternatives (designated as interchange scenarios) were considered. These were Scenario 2 (SR 56 and US 50); Scenario 3 (SR 56, South Daviess and US 50); Scenario 4 (SR 56, North Pike and US 50); and Scenario 5 (SR 56, North Pike, South Daviess and US 50).

All of the preliminary alternatives in Section 2 had grade separations with the same crossroads, had interchanges with the same crossroads at approximately the same location, and were relatively similar in length. Each alternative satisfied the Purpose and Need for the project, and did so in a virtually identical manner. As noted above, the primary tools used to screen alternatives were the analyses of the potential social, economic, and environmental impacts; public and resource agency input; and engineering design standards.

3.2.2 Alternatives Carried Forward

As a result of the evaluation and screening process, two alignments in each of the nine subsections were carried forward for detailed study. The alternatives carried forward are identified in Table 1. The mainline segment alignments are depicted in the Tier 2 Section 2 FEIS in Figure 3-11. For purposes of impact calculations, all alignment alternatives were assumed to have the Scenario 5 interchanges.

Table 1: Alternatives Carried Forward

MAINLINE ALTERNATIVES
Subsection 1 (Gibson County) The alignments begin at the north end of the SR 64 interchange and continue in a northbound direction to the Patoka River crossing. The south termini of these alternatives tie into the northern terminus of the Section 1 alignment. Just north of CR 50N, the corridor narrows to 1,200 feet, and then narrows again to 420 feet just south of the Patoka River floodplain. This narrowed corridor, developed through years of coordination with the U.S. Fish and Wildlife Service (USFWS) and approved in Tier 1, was designated as part of joint development activities with USFWS related to the establishment and management of the Patoka River National Wildlife Refuge. These joint development activities with the USFWS also included input from other agencies, and served to minimize impacts to the Patoka Bottoms area. See FEIS Appendix U, *I-69 and Patoka River National Wildlife Refuge – History of Joint Development*, for details of these joint development activities, which date from 1989. Features of the alternatives include grade separations at CR 125S, CR 950E, CR 000, CR 50N and CR 150N. Subsection 1 includes bridges at the Norfolk Southern Railway, the East Fork Keg Creek, Hurricane Creek and the Patoka River Floodplain.

Table 1: Alternatives Carried Forward

MAINLINE ALTERNATIVES	
Alternative A (4.91 miles)	Alternative A heads north from the northern terminus of the Section 1 interchange at SR 64. Just north of SR 64, Alternative A is located outside (to the west of) the corridor, in order to avoid impacts to a high-quality forested wetland. North of the forested wetland, Alternative A turns to the northeast back into the corridor in the vicinity of CR 950E. After crossing CR 50S, Alternative A continues in a northeasterly direction to the center of the corridor. From this point northward, Alternative A lies approximately 400 feet east of Alternative B, until the alternatives meet at the narrowed corridor at the Patoka River. In this area, Alternative A is further away from the Patoka Bridges Historic District than Alternative B.
Alternative B (4.77 miles)	Alternative B heads north from the northern terminus of the Section 1 interchange at SR 64. Alternative B stays within the western edge of the corridor and impacts the high-quality forested wetland as the alignment turns to the northeast. In the vicinity of CR 50S, Alternative B crosses to west of Alternative A. From this point northward, Alternative B lies approximately 400 feet west of Alternative A, until the alternatives meet at the narrowed corridor at the Patoka River. In this area, Alternative B is closer to the Patoka Bridges Historic District than Alternative A.
Subsection 2 (Pike County) The alignments begin at the Patoka River crossing and terminate approximately 2,100 feet northeast of the crossing of CR 125W. For the first approximately three-quarter miles, the alternatives are within the narrowed corridor across the Patoka floodplain; north of CR 200S, the corridor widens back to 2,000 feet. Within Subsection 2, the corridor crosses from the west side of SR 57 to the east side, approximately one-half mile north of the SR 57/Division Road intersection. Grade separations with CR 200S, CR 125S (Oatsville Rd.), Division, and SR 57 are features of the alternatives. Subsection 2 includes bridges at the crossings of the Patoka River, an unnamed tributary of the Patoka, a second Patoka tributary, Flat Creek and the Indiana Southern Railroad.	
Alternative A (4.43 miles)	From the northern terminus of Subsection 1, Alternative A begins in the narrowed corridor across the Patoka floodplain and continues in a northerly direction. North of CR 200S, Alternative A returns to the wider 2,000 foot corridor and follows a similar alignment as Alternative B. After crossing CR 125S (Oatsville Rd.), Alternative A moves east of Alternative B and generally follows the center of the corridor until the alternatives come together in a common location at the Subsection 2/3 boundary.
Alternative B (4.55 miles)	From the northern terminus of Subsection 1, Alternative B begins in the narrowed corridor across the Patoka floodplain and continues in a northerly direction. North of CR 200S, Alternative B returns to the wider 2,000 foot corridor and follows a similar alignment as Alternative A. After crossing CR 125S (Oatsville Rd.), Alternative B moves west of Alternative A and generally follows the western edge of the corridor until the alternatives come together in a common location at the Subsection 2/3 boundary.
Subsection 3 (Pike County) The alignments begin approximately 2,100 feet northeast of CR 125W, and terminate in the vicinity of the SR 356 crossing east of Petersburg. Much of the corridor in Subsection 3 crosses land that has been stripmined and reclaimed. The alternatives in this subsection have a bifurcated section from north of CR 50W to just north of the unnamed tributary to Prides Creek crossing. This subsection includes an interchange with SR 61/56 on its existing alignment. Grade separations are located at CR 50W and CR 300N. Subsection 3 includes a bridge at the crossing of an unnamed tributary to Prides Creek.	

Table 1: Alternatives Carried Forward

MAINLINE ALTERNATIVES	
Alternative A (5.24 miles)	In all of Subsection 3, Alternative A is located along the eastern side of the corridor. After crossing Meridian Rd., Alternative A travels northward through the crossing of CR 300N. North of CR 300N, the alternative turns to the northeast to the interchange at SR 61/56. To the southeast of Prides Creek Lake, Alternative A crosses over a now-closed underground coal mine with horizontally-bored mine shafts; it has been confirmed that this land is suitable for I-69. Alternative A then moves toward the center of the corridor, where it comes together with Alternative B in a common location at the boundary with Subsection 4.
Alternative B (5.27 miles)	Alterative B is generally along the western side of the corridor within Subsection 3. After crossing Prides Creek, Alternative B travels northward through the crossing of CR 300N. North of CR 300N, the alternative turns to the northeast to an interchange with SR 61/56. To the southeast of Prides Creek lake, Alternative B stays to the west side of the corridor and avoids the now-closed underground coal mine, but the alignment does impact the southeast corner of the Prides Creek residential area. Alternative B then moves toward the center of the corridor, where it comes together with Alternative A in a common location at the boundary with Subsection 4.
Subsection 4 (Pike County) The alignments begin at the terminus of Subsection 3, in the vicinity of the SR 356 crossing, and terminate approximately 1,300 feet north of the Mud Creek crossing. This subsection includes the North Pike County interchange, in the general vicinity of the intersection of CR 600N and CR 275E. Grade separations with SR 356 and CR 650N (Twin Oaks Rd.) are features of the alternatives. Subsection 4 includes a bridge at the crossing of Mud Creek.	
Alternative A (2.77 miles)	South of the proposed North Pike County interchange, Alternative A is generally located in the western half of the corridor. From north of this point, the alternatives cross and Alternative A is generally in the center of the corridor.
Alternative B (2.77 miles)	South of the proposed North Pike County interchange, Alternative B is generally located in the eastern half of the corridor. From north of this point, the alternatives cross and Alternative B is generally located nearer the western edge of the corridor.
Subsection 5 (Pike County) The alignments begin at the northern terminus of Subsection 4, north of the crossing of Mud Creek, and extend to the crossing of the East Fork of the White River, which is the Pike/Daviess county line. A substantial portion of this subsection crosses the low-lying floodplain of the East Fork of the White River. A grade separation at CR 750N is included in Subsection 5. Subsection 5 includes bridges crossing the south overflow of the White River and the main channel of the East Fork of the White River.	
Alternative A (2.27 miles)	Alternative A begins generally in the center of the corridor. As the alignment approaches the crossing of the south overflow of the White River, Alternative A shifts to the west and generally parallels the far western boundary of the corridor. Alternative A has a more perpendicular crossing of the East Fork of the White River than Alternative B.
Alternative B (2.20 miles)	Alternative B begins generally in the center of the corridor before shifting to the east of Alternative A. Alternative B moves towards the eastern corridor boundary as it approaches the crossing of the East Fork of the White River, where the crossing is more skewed than Alternative A's crossing.

Table 1: Alternatives Carried Forward

MAINLINE ALTERNATIVES	
Subsection 6 (Daviess County) The alignments begin at the crossing of the East Fork of the White River (which is also the Pike/Daviess county line) and terminates approximately 300 feet north of the CR 450S crossing in Daviess County. Grade separations at CR 700S, CR 550S and CR 450S are features of Subsection 6. Subsection 6 includes continuation (from Subsection 5) of a bridge at the crossing of the East Fork of the White River and a bridge at a tributary to Jackson Pond (north overflow of the White River).	
Alternative A (2.82 miles)	For a majority of this subsection, Alternative A is immediately adjacent to the western corridor boundary. North of CR 550S, Alternative A parallels a high voltage electrical transmission line which lies immediately to its east. The alignment shifts towards the center of the corridor as it approaches a common point with Alternative B at the Subsection 6/7 boundary. Just south of this subsection boundary, Alternative A crosses between two towers to the east side of a high voltage electrical transmission line.
Alternative B (2.77 miles)	From the crossing of the East Fork of the White River to the crossing of CR 550S, Alternative B generally follows the eastern corridor boundary. From north of CR 550S to the Subsection 6/7 boundary, the alignment shifts towards the center of the corridor and stays to the east of the high voltage electrical transmission line.
Subsection 7 (Daviess County) The alignments begin at the northern terminus of Subsection 6, in the vicinity of the crossing of CR 450S, and terminates approximately 1,250 feet southwest of the intersection of CR 300S and Horrall Road. This subsection includes the South Daviess County interchange, in the general vicinity of CR 375S, which would connect northwest of SR 57 just south of its intersection with CR 300S. For both alternatives, both a full diamond and folded diamond design were considered, to evaluate their relative ability to avoid aquatic impacts in the vicinity of Veale Creek. A grade separation at CR 50W is included in Subsection 7. A bridge is included in Subsection 7 at the crossing of Veale Creek.	
Alternative A (1.76 miles)	Through Subsection 7, Alternative A lies in the general center of the corridor. The alignment also parallels a high voltage electrical transmission line which lies to its west. In the vicinity of the South Daviess County interchange (near CR 375S), Alternative A shifts towards the eastern corridor boundary but stays to the west of Alternative B.
Alternative B (1.78 miles)	Alternative B begins in the center of the corridor but shifts to closely parallel the eastern corridor boundary. After crossing Veale Creek, the alignment shifts towards the center of the corridor to a common location with Alternative A at the Subsection 7/8 boundary.
Subsection 8 (Daviess County) The alignments begin at the northern terminus of Subsection 7, south of CR 300S, and terminate approximately 200 feet northeast of the SR 257 crossing. Features of this subsection include grade separations at Troy/Horrall, CR 125E and SR 257.	
Alternative A (2.61 miles)	Alternative A curves from the center of the corridor to the western corridor boundary. In the vicinity of the CR 125E crossing, the alignment shifts back to the center of the corridor. Alternative A generally stays to the west of Alternative B until the alignments come together at a common location at the Subsection 8/9 boundary.

Table 1: Alternatives Carried Forward

MAINLINE ALTERNATIVES	
Alternative B (2.61 miles)	Alternative B generally stays to the east of Alternative B, in the general center of the corridor. The alignment does shift slightly towards the eastern corridor boundary after crossing CR 125E before returning to the center of the corridor near the crossing of SR 257.
Subsection 9 (Daviess County) The alignments begin at the northern terminus of Subsection 8, just northeast of the SR 257 crossing, and terminate approximately 1,000 feet beyond existing US 50, at the southern end of the structures that will carry I-69 over the CSX Railway. This point is also the southern terminus of I-69 Section 3. Both alternatives include an interchange with US 50. This subsection also includes a bridge at the crossing of Hurricane Branch Creek.	
Alternative A (1.99 miles)	Alternative A shifts from the center of the corridor at the southern end of the subsection to the far eastern edge of the corridor at the northern terminus. The alignment includes a diamond interchange design proposed at a relocated US 50. It connects with the southern portion of the alignment in Section 3.
Alternative B (1.87 miles)	Alternative B stays to the west of Alternative A, generally in the western half of the corridor. Alternative B includes a trumpet design for the proposed interchange with relocated US 50.

Table 2a compares the impacts of the segment alternatives that received detailed evaluation in the DEIS. Table 2b shows the impacts of the segment alternatives of the Refined Preferred Alternative in the FEIS.

The segment alternatives in Table 2a were combined to form two[10] build alternatives that extend from the southern terminus of Section 2 at the northern end of the SR 64 interchange at I-69 to the northern terminus at the southern end of the structures that will carry I-69 over the CSX Railroad, at the northern limits of the US 50 interchange. Table 3 identifies the build alternatives and the segment alternatives of which they are composed.

[10] Three build alternatives were assessed in the DEIS. A total of 256 end-to-end build alternatives could be formed when using all combinations of the subsection alternatives that resulted from the screening of alternatives described in Chapter 3 of the FEIS. The four end-to-end alternatives (including the Refined Preferred Alternative) that were assessed in Chapters 5 and 6 of the FEIS represent a reasonable range of possible alternatives. The preferred alternative was chosen by considering impacts on a subsection basis. The choice of a reasonable range of end-to-end alternatives does not prevent selection of the least impact/cost effective alternative in each subsection.

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Table 2a: Summary of Major Impacts and Costs for Section 2 Build Alternatives A and B by Subsection

Evaluation Factors	Subsection 1		Subsection 2		Subsection 3		Subsection 4		Subsection 5		Subsection 6		Subsection 7		Subsection 8		Subsection 9	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B
Length (Miles)	4.91	4.77	4.43	4.55	5.24	5.27	2.77	2.77	2.27	2.20	2.82	2.77	1.76	1.78	2.61	2.61	1.99	1.87
Approximate Right-of-Way (AC)	234.58	220.70	212.72	226.78	329.64	397.74	246.54	248.77	112.73	108.03	158.80	154.87	170.36	151.51	144.39	142.31	233.40	147.48
Estimated Total Cost (millions) – (based on initial criteria)	$77.6	$73.8	$85.9	$85.3	$65.2	$63.1	$53.5	$52.2	$32.8	$30.7	$51.8	$56.9	$33.2	$32.6	$33.9	$34.9	$43.3	$40.4
Relocations / Displacements																		
Residential	7	8	8	7	9	20	19	20	1	0	8	14	7	8	5	6	2	2
Commercial	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0
Institutional	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Access																		
Road Closures	2	2	3	3	4	3	2	2	1	1	0	0	0	0	1	1	0	0
Road Relocations	1	1	3	3	2	2	2	2	1	1	1	1	0	0	2	2	2	2
Proposed Access Roads (local service roads)	3	4	4	3	2	1	5	3	2	2	4	4	3	3	4	3	4	1
Land Use																		
Farmland Required (AC)	181.94	172.05	104.90	104.95	210.86	246.41	124.17	97.50	100.30	92.56	72.45	78.53	114.03	105.88	114.30	111.97	204.94	121.30
Floodplain within Right-of-Way (AC)	25.15	16.43	9.45	9.5	0	0	24.38	18.08	67.5	61.96	54.7	56.4	9.5	6.2	3.69	4.84	5.04	5.92
Wetlands (AC):																		
Aquatic Bed, Emergent, Forested, and Scrub Shrub	0.93	6.2	7.04	10.53	4.21	4.27	8.29	11.31	0	0	2.37	4.47	0	0	0	0.66	2.37	10.93
Farmed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jurisdictional Streams within Right-of-Way (LF):																		
Perennial	1,840	1,658	288	444	707	1,699	710	925	512	555	642	416	2,291	1,325	1,337	1,332	1,447	998
Intermittent	3,683	5,213	5,446	5,964	4,615	5,770	3,685	6,777	0	0	1,312	74	1,954	1,403	882	712	1,927	1,234
Ephemeral	3,493	1,465	4,476	4,101	5,472	7,865	5,026	5,468	1,960	4,000	4,766	4,870	4,884	4,058	4,652	5,294	3,887	2,225
Open Water Impacts (AC): Ponds, Lakes, Pits, including PUBs	0	0	0.86	1.25	0.31	0	0.29	1.72	0	0	1.53	3.01	1.5	1.69	0.61	0	0	0
Forest Impacts																		
Forest (AC)	6.33	11.16	63.02	66.54	50.04	81.00	40.48	69.42	4.84	8.12	33.99	36.74	31.59	24.01	6.54	4.68	3.61	4.15
Core Forest (AC)	0	0	25.45	28.99	28.32	40.34	0	0	0	0	9.36	0.15	0	0	0.15	0	0	0
Cultural Resources																		
Historic: NRHP Eligible or Listed Resources Adversely Affected	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Archaeological: NRHP Eligible or Listed Resources Adversely Affected	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

Abbreviations Key: AC = Acres; LF = Linear Feet; PUB = Palustrine unconsolidated bottom wetland; NRHP = National Register of Historic Places

Blue denotes components of the DEIS Preferred Alternative.

* Forty previously documented sites were identified through Phase 1a literature review. Eight of the sites were determined to be not eligible, and five of the sites are within the right-of-way of one or more of the alternatives. Twenty-six of the sites were unevaluated, and 16 of the sites are within the right-of-way of one or more of the alternatives. Five of the sites were determined to be potentially eligible, and all five of the sites are within the right-of-way of one or more of the alternatives.

Table 2b: Summary of Major Impacts and Costs for the Section 2 Selected Refined Preferred Alternative by Subsection

Evaluation Factors	Subsection 1 Refined	Subsection 2 Refined	Subsection 3 Refined	Subsection 4 Refined	Subsection 5 Refined	Subsection 6 Refined	Subsection 7 Refined	Subsection 8 Refined	Subsection 9 Refined
Length (Miles)	4.7	4.51	5.27	2.8	2.20	2.88	1.74	2.65	1.97
Approximate Right-of-Way (AC)	210.89	202.21	326.55	251.79	102.46	148.55	155.65	137.37	166.46
Estimated Total Cost (millions) – (based on initial criteria)	$73.1	$78.2	$56.3	$64.3	$31.8	$43.6	$34.4	$31.1	$42.1
Relocations / Displacements									
Residential	7	4	6	20	2	7	7	6	6
Commercial	0	0	1	1	0	0	0	0	0
Institutional	0	0	1	0	0	0	0	0	0
Access									
Road Closures	3	4	5	2	1	0	0	2	0
Road Relocations	2	2	2	2	1	1	0	1	1
Proposed Access Roads (local service roads)	3	2	4	9	2	3	2	4	1
Land Use									
Farmland Required (AC)	162.17	99.11	214.81	125.08	90.07	66.81	111.89	107.23	135.80
Floodplain within Right-of-Way (AC)	20.88	9.4	0	15.86	59.68	49.0	6.5	0.95	4.1
Wetlands (AC):									
Aquatic Bed, Emergent, Forested, and Scrub Shrub	0.92	7.46	4.26	7.36	0	1.93	0	0	2.05
Farmed	0	0	0	0	0	0	0	0	0
Jurisdictional Streams within Right-of-Way (LF):									
Perennial	1,690	322	915	475	377	577	1,361	991	683
Intermittent	3,478	5,024	4,902	3,719	0	753	1,391	850	1,790
Ephemeral	3,019	4,432	5,856	5,207	1,774	4,831	4,269	4,660	1,835
Open Water Impacts (AC): Ponds, Lakes, Pits, including PUBs	0	0	0.31	0.29	0	1.58	2.12	0.61	0
Forest Impacts									
Forest (AC)	6.03	63.58	48.96	40.11	4.41	31.03	22.12	5.94	3.53
Core Forest (AC)	0.00	25.95	28.53	0.00	0.00	9.94	0.00	0.14	0.00
Cultural Resources									
Historic: NRHP Eligible or Listed Resources Adversely Affected	1	0	0	0	0	0	0	0	0
Archaeological: NRHP Eligible or Listed Resources Adversely Affected	*	*	*	*	*	*	*	*	*

Abbreviations Key: AC = Acres; LF = Linear Feet; PUB = Palustrine unconsolidated bottom wetland; NRHP = National Register of Historic Places

* The Phase 1a archaeological survey of the Refined Preferred Alternative for Section 2 evaluated the potentially eligible sites identified from the literature review in addition to newly identified sites. The survey documented and evaluated 63 sites. Two sites were determined to be potentially eligible and will be addressed by Phase II investigations. In addition, alluvial soils were recommended for further investigation and will be addressed by Phase Ic investigations for Section 2.

Table 3: Section 2 Build Alternatives

ALTERNATIVE	COMBINATION	LENGTH (Miles)	TOTAL COST RANGE* (Year 2010 Dollars)
Refined Preferred (Selected)	**Refined Alternative A in Subsections 1-6, Refined Alternative B in Subsection 7, and Refined Alternative A in Subsections 8 and 9.**	**28.72**	**$425,890,000 - $472,990,000**
DEIS Preferred	Alternative A in Subsections 1-6, Alternative B in Subsection 7, and Alternative A in Subsections 8 and 9.	28.68	$423,850,000 - $494,780,000
A	Alternative A in all subsections	28.8	$422,670,000 - $495,400,000
B	Alternative B in all subsections	28.59	$426,870,000- $487,970,000

*Cost Range includes mitigation costs.
Green highlight denotes Selected Alternative – Refined Preferred

3.2.3 Cost Comparison

Detailed preliminary project cost estimates were prepared for all the alternatives. Table 4 provides the estimated cost ranges for each build alternative. Project cost estimates included costs for construction, engineering and design, administration, right-of-way acquisition (land acquisition and relocations), utility relocation (major utilities), and mitigation.

Table 4: Estimated Cost* Ranges for Alternatives A, B, Preferred Alternative and Refined Preferred Alternative - 2010 Dollars

Estimated Costs (Rounded)	Refined Preferred Alternative	Preferred Alternative	Alternative A	Alternative B
Construction				
Initial Criteria	$373,640,000	$392,580,000	$393,120,000	$385,690,000
Low Cost Criteria	$330,580,000	$328,160,000	$327,090,000	$330,060,000
Design/Engineering				
Initial Criteria	$20,600,000	$21,290,000	$21,320,000	$20,980,000
Low Cost Criteria	$19,050,000	$18,810,000	$18,760,000	$18,900,000
Administration				
Initial Criteria	$26,690,000	$28,040,000	$28,080,000	$27,550,000
Low Cost Criteria	$24,190,000	$24,010,000	$23,930,000	$24,150,000
Right-of-Way	$18,960,000	$19,760,000	$19,770,000	$20,650,000
Utility Relocation	$14,920,000	$14,920,000	$14,920,000	$14,920,000
Mitigation	$18,200,000	$18,200,000	$18,200,000	$18,200,000
Total Cost**				
Initial Criteria	$472,990,000	$494,780,000	$495,400,000	$487,970,000
Low Cost Criteria	$425,890,000	$423,850,000	$422,670,000	$426,870,000

* Cost estimates include the deferred North Pike County and South Daviess County interchanges.
** Totals may not add due to rounding.
Green denotes the Selected Alternative – Refined Preferred Alternative

3.3 Selected Alternative—the Refined Preferred Alternative

Section 3.3.1 describes the selected alignment alternative. It includes interchange Scenario 5. Section 3.3.4 describes the rationale for the selection of Scenario 5 as the selected interchange alternative.

3.3.1 Description of the Refined Preferred Alternative, by Subsection

Refined Alternative A, Subsection 1 (Gibson County): From its southern terminus at the northern end of the SR 64 interchange, Refined Preferred Alternative A heads north from the northern terminus of Section 1's Selected Alternative. The SR 64 interchange is within the Section 1 project limits. North of the interchange, the alternative crosses the Norfolk Southern Railroad, and goes outside of (to the west of) the corridor boundary to avoid a high-quality forested wetland located north of CR 125N. After reentering the corridor, it then travels in a northeast direction until it reaches the Patoka River floodplain. At that point, it is located on a structure (bridge) which continues into Subsection 2, spanning the entire Patoka River floodplain. Subsection 1 ends at the Patoka River main channel. There will be grade separations at the Norfolk Southern Railroad, and CR 950E, CR 50N, and CR 150N. CR 000 and CR 1050E will be realigned to connect south and east of I-69 to maintain the connectivity of these roads. The existing intersection of these two roads will be maintained north and west of I-69.

Local Access: A new road referred to as Local Service Road (LSR) 1[11] will be constructed from CR 125S to the Francisco Sewage Treatment Plant. A new road referred to as LSR 2 will be constructed on the north side of CR 50S, west of I-69, to connect a farm property to CR 50S. A new road referred to as LSR 3 will be constructed on the south side of CR 50N west of I-69 to connect a farm property to CR 50N.

Refined Alternative A, Subsection 2 (Pike County): The alternative begins at the Patoka River main channel, where I-69 is on a structure over the Patoka River floodplain. It continues on this structure until it reaches the northern edge of the Patoka River floodplain. It continues in a generally northeast direction to approximately 2,100 feet northeast of CR 125W. There will be grade separations at CR 200S, CR 125S (Oatsville Road), Division Rd, and SR 57/Indiana Southern Railroad. CR 300W will be realigned south of CR 200S to maintain a connection to CR 200S. CR 200W north of I-69 will be realigned north of Division Rd. to maintain a connection to Division Rd.

Local Access: A new road referred to as LSR 4 will be constructed on the north side of CR 200S, east of I-69, to connect farm properties to CR 200S. A new road referred to as LSR 5 will be constructed on the west side of I-69 to connect the remnant of CR 250W to CR 75S to connect farm properties to CR 75S.

Refined Alternative A, Subsection 3 (Pike County): The southern terminus of this alternative begins at a point approximately 2,100 feet northeast of CR 125W. Shortly after reaching CR 150N, the alternative proceeds due north until CR 300N, where it turns to the northeast, crossing SR 56/61. After reaching CR 175E, it turns to the north and continues in a northerly direction through the end of Subsection 3, which ends just south of the SR 356 crossing. The alternative includes an interchange at SR 56/61. There will be grade separations at CR 50W, CR 300N, and CR 1500N. CR 400N and CR 175E (west of I-69) will be re-aligned to maintain connectivity between the two roads.

[11] The final determination to provide these Local Service Roads (LSRs) will be made during design. If it is determined that it is more cost-effective to acquire properties than to construct these LSRs, then some of them may not be built.

Local Access: A new road referred to as LSR 8 will be constructed on the south side of CR 50W, east of I-69, to provide access to private property. A new road referred to as LSR 8.5 will be constructed on the north side of CR 300N, east of I-69, to provide access to a farm property. A new road referred to as LSR 9 will be constructed on the west side of SR 61, south of I-69. LSR 9 will be an extension of a local road to maintain access to farm properties. A new road referred to as LSR 9.2 will be constructed on the south side of SR 356, east of I-69. LSR 9.2 is an extension of Jasper Street and will maintain access to residential properties.

Refined Alternative A, Subsection 4 (Pike County): The alternative proceeds north from Subsection 3 and crosses SR 356. The alignment continues in a northerly direction for approximately 3,400 feet before turning to the northeast. Moving in a northeasterly direction, the alignment crosses CR 250E and CR 650N. The alignment continues in a general northeast direction to approximately 1,500 feet northeast of Mud Creek. The alternative includes the North Pike County interchange (including Blackburn Road Extension) in the vicinity of CR 600N and CR 275E. There will be grade separations at SR 356 and CR 650N (Twin Oaks Rd.). CR 475N will be realigned east of I-69 to maintain a connection to SR 356. CR 275E, as part of the North Pike County interchange, will be aligned to tie into the Blackburn Road Extension.

Local Access: A new road referred to as LSR 9.4 will be constructed on the north side of SR 356, east of I-69, to maintain access to farm properties. A new road referred to as LSR 9.6 will be constructed on the north side of SR 356, west of I-69, as an extension of CR 475N to maintain access to farm and residential properties. A new road referred to as LSR 10 will be constructed from CR 475N, east of I-69, northward to provide access to private property. A new road referred to as LSR 11, located east of I-69 and southeast of the North Pike County interchange, will be constructed from CR 275E westward to provide access to two private properties. A new road referred to as LSR 11.5 will be constructed east of I-69, connecting to the Blackburn Road Extension to maintain access to a private property and to the underground natural gas wells. A new road referred to as LSR 12 will be constructed from CR 250E, west of I-69, southward to provide access to a private property. A new road referred to as LSR 13 will be constructed on the west side of I-69, northwest of CR 650N, to provide access to a private property. A new road referred to as LSR 13.5 will be constructed south of CR 650N, east of I-69, to provide access to a private property. A new road referred to as LSR 14 will be constructed northward from CR 650N, east of I-69, to provide access to two private properties.

Refined Alternative A, Subsection 5 (Pike County): The southern terminus of this alternative begins at a point approximately 1,500 feet northeast of Mud Creek. The alignment continues in a northeasterly direction and crosses CR 750N. After crossing the South Overflow for the White River, the alignment turns to the north and continues across the low-lying floodplain of the East Fork of the White River. Subsection 5 ends with the alignment on structure over the East Fork of the White River, which is the Daviess/Pike county line. There will be a grade separation at CR 750N. CR 350E will be realigned west of I-69 to maintain a connection to CR 750N.

Local Access: A new road referred to as LSR 15 will be constructed southwest from CR 350E, east of I-69, to provide access to a private property. A new road referred to as LSR 16 will be constructed eastward from CR 350E, west of I-69, to provide access to a large agricultural property.

Refined Alternative A, Subsection 6 (Daviess County): Beginning at the Pike/Daviess county line, the alignment is on structure over the East Fork of the White River and CR 700S. The alignment continues in

a northerly direction across low-lying floodplain and crosses a Tributary to Jackson Pond in a wetland area. Approximately 1,900 feet south of CR 550S, the alignment turns in a northeasterly direction. Continuing in a generally northeasterly direction, the alignment crosses CR 550S and CR 450S. The Subsection 6 alignment ends approximately 200 feet northeast of CR 450S. There will be grade separations at CR 700S, CR 550S, and CR 450S. CR 125W will be realigned east of I-69 to maintain a connection to CR 450S.

Local Access: A new road referred to as LSR 17 will be constructed westward from CR 150W, east of I-69, to provide access to a large agricultural property. A new road referred to as LSR 18 will be constructed north and south from CR 550S, east of I-69, to provide access to two private properties. A new road referred to as LSR 19 will be constructed north of CR 550S, west of I-69, to provide access to multiple private properties.

Refined Alternative B, Subsection 7 (Daviess County): The southern terminus of this alternative begins at a point approximately 200 feet northeast of CR 450S. The alignment continues in a generally northeasterly direction, crossing CR 50W and CR 375S. The Subsection 7 alignment ends approximately 1,600 feet northeast of the crossing of Veale Creek. The alternative includes the South Daviess County interchange at a relocated CR 375S and a grade separation at CR 50W. As described in Section 3.3.4, a folded diamond configuration was selected to minimize aquatic impacts near Veale Creek.

Local Access: A new road referred to as LSR 18B will be constructed westward from CR 50W, west of I-69, to provide access to multiple farm properties. A new road referred to as LSR 19B will be constructed northward from CR 50W, east of I-69, to provide access to a farm property.

Refined Alternative A, Subsection 8 (Daviess County): Beginning approximately 1,600 feet northeast of the Veale Creek crossing, the alignment continues in a northeasterly direction and crosses Troy/Horrall Rd. at CR 300S. Continuing in a generally northeasterly direction, the alignment crosses CR 125E and SR 257. The Subsection 8 alignment ends approximately 200 feet northeast of SR 257. The alternative includes grade separations at Troy/Horrall Rd., CR 125E, and SR 257. CR 300S will be realigned west of I-69 to maintain a connection to Troy Rd.

Local Access: A new road referred to as LSR 24 will be constructed southward from the relocated CR 300S, west of I-69, to provide access to multiple properties. A new road referred to as LSR 26 will be constructed from CR 250S, west of I-69, to provide access to a private property. A new road referred to as LSR 27 will be constructed from CR 125E, west of I-69, to maintain access to a private property. A new road referred to as LSR 28 will be constructed from CR 125E, east of I-69, to maintain access to a private property.

Refined Alternative A, Subsection 9 (Daviess County): Beginning at a point approximately 200 feet northeast of SR 257, the alignment continues in a northeasterly direction and crosses Hurricane Branch Creek. After crossing Hurricane Branch Creek, the alignment begins to shift towards a more northerly direction. The alignment is generally in a northerly direction as it approaches the crossing of US 50. The alternative includes an interchange at a slightly relocated US 50. As described in Section 3.3.4, several interchange configurations were considered at this location. The Subsection 9 alignment terminates approximately 1,000 feet north of existing US 50, at the southern end of the structures that will carry I-69 over the CSX Railway. This point is also the northern terminus of Section 2.

The ramps of the US 50 interchange extended slightly into Section 3 of the project. The impact calculations shown for Alternative A in the Section 2 FEIS (in Table 6-9 and elsewhere) reflect added right-of-way and farmland impacts in Section 3 for these ramps. All additional impacts in Section 3 were to agricultural land. This ROD approves these added impacts in Section 3 of the project.

Local Access: A new road referred to as LSR 32 will be constructed southward from US 50, east of I-69, to provide access to a private property.

Table 5 lists the interchanges, grade separations (overpasses/underpasses), and access roads that are features of the Selected Alternative, the Refined Preferred Alternative, by corridor subsection.

Table 5: Refined Preferred Alternative
Interchanges, Grade Separations, and Access Roads

Interchange	
Subsection 1	None (Section 2 starts at the end of SR 64 interchange which is part of Section 1)
Subsection 2	None
Subsection 3	SR 61/56
Subsection 4	North Pike County (Blackburn Road Extension)
Subsection 5	None
Subsection 6	None
Subsection 7	South Daviess County (Relocated CR 375S). Folded diamond configuration.
Subsection 8	None
Subsection 9	Relocated US 50. Full diamond design on slightly relocated US 50.
Grade Separation	
Subsection 1	Norfolk Southern Railroad, CR 950E, CR 50N, and CR 150N
Subsection 2	CR 200S, CR 125S (Oatsville Rd.), Division, and SR 57/Indiana Southern Railroad
Subsection 3	CR 50W and CR 300N
Subsection 4	SR 356 and CR 650N (Twin Oaks Rd.)
Subsection 5	CR 750N
Subsection 6	CR 700S, CR 550S, and CR 450S
Subsection 7	CR 50W
Subsection 8	Troy/Horrall, CR 125E, and SR 257
Subsection 9	None
Relocation/Realignment	
Subsection 1	CR 1050E and CR 000
Subsection 2	CR 300W (south of CR 200S) and CR 200W
Subsection 3	CR 400N and CR 175E (west of I-69)
Subsection 4	CR 475N and CR 275E (south of interchange)
Subsection 5	CR 350E (north of I-69)
Subsection 6	CR 125W
Subsection 7	None
Subsection 8	CR 300S
Subsection 9	CR 150S

Table 5: Refined Preferred Alternative Interchanges, Grade Separations, and Access Roads

Local Service Roads (LSR*)	
Subsection 1	LSR 1 will be on the south side of Gibson CR 125S, west of I-69. This road connects the Francisco Sewage Treatment Plant to CR 125S.
	LSR 2 will be on the north side of Gibson CR 50S, west of I-69. This road connects a farm property to CR 50S.
	LSR 3 is on the south side of Gibson CR 50N, west of I-69. This road connects a farm property to CR 50N.
Subsection 2	LSR 4 is on the north side of Pike CR 200S, east of I-69. This road connects farm properties to CR 200S.
	LSR 5 is on the west side of I-69. This road connects the remnant of Pike CR 250W to CR 75S and provides access to farm properties.
Subsection 3	LSR 8 is on the south side of Pike CR 50W, east of I-69. This road connects to CR 50W and provides access to a private property.
	LSR 8.5 is on the north side of Pike CR 300N, east of I-69. This road provides access to one farm property.
	LSR 9 is on the west side of SR 61, south of I-69. This extension of a local county road maintains access to farm properties.
	LSR 9.2 is on the south side of SR 356. This extension of Jasper Street maintains access to residential properties.
Subsection 4	LSR 9.4 is on the north side of SR 356, east of I-69. This extension of Pike CR 475N maintains access to farm properties.
	LSR 9.6 is on the north side of SR 356, west of I-69. This extension of Pike CR 475N maintains access to farm and residential properties.
	LSR 10 is on the east side of I-69, north of Pike CR 475N. This road provides access to a portion of a private property.
	LSR 11 is on the east side of I-69, southeast of the North Pike County interchange. This road provides access to two private properties.
	LSR 11.5 is on the east side of I-69, connecting to a private access road to the underground natural gas wells. This road provides access to a private property.
	LSR 12 is on the west side of I-69, connecting to Pike CR 250E. This road provides access to a private property.
	LSR 13 is on the west side of I-69, northwest of Pike CR 650N. This road provides access to a private property.
	LSR 13.5 is on the east side of I-69, south of Pike CR 650N. This road provides access to a private property.
	LSR 14 is on the east side of I-69, northeast of Pike CR 650N. This road provides access to two private properties.
Subsection 5	LSR 15 is on the east side of I-69, south of Pike CR 350E. This road provides access to a private property.
	LSR 16 is on the west side of I-69, south of the East Fork of the White River. This road connects a large agricultural property to Pike CR 350E.
Subsection 6	LSR 17 is on the east side of I-69. This road connects a large agricultural property to Daviess CR 150W.
	LSR 18 is on the east side of I-69, north and south of Daviess CR 550S. This road provides access to two private properties.
	LSR 19 is on the west side of I-69, north of Daviess CR 550S. This road provides access to multiple private properties.
Subsection 7	LSR 18B is on the west side of I-69. This road provides access from Daviess CR 50W to multiple farm properties.
	LSR 19B is on the east side of I-69. This road provides access from Daviess CR 50W to a farm property.
Subsection 8	LSR 24 is on the west side of I-69. This road reconnects multiple properties to relocated Daviess CR 300S.
	LSR 26 is on the west side of I-69. This road connects a private property to Daviess CR 250S.
	LSR 27 is on the west side of I-69. This road reconnects a private property to Daviess CR 125E.
	LSR 28 is on the east side of I-69. This road reconnects a private property to Daviess CR 125E.
Subsection 9	LSR 32 is located east of I-69 and south of US 50. This road provides access to a landlocked parcel.
* LSR identifies local service roads on Figure 1, pp. 3-22, herein. The final determination to provide these LSRs will be made during design. If it is determined that it is more cost-effective to acquire properties than to construct these LSRs, then some of them may not be built.	

3.3.2 Deferred Construction

As determined in Section 2.2 of this ROD, INDOT may elect to defer construction of some features of the project. The features eligible for deferral are, in fact, approved as part of the project. Thus, the only decision left for the deferred features is when to build, not if they will be built.

3.3.3 Rationale for Selection of the Refined Preferred Alternative

The Preferred Alternative was identified as the preferred alternative in the Section 2 Revised DEIS and that recommendation was modified as the Refined Preferred Alternative in the FEIS. The subsection alternatives that were combined to create the Refined Preferred Alternative are mainline refined Alternative A in Subsections 1 through 6, 8 & 9, and refined Alternative B in Subsection 7. These alternatives, and the reasons for their selection and the elimination of non-preferred alternatives, are described briefly below and in greater detail in FEIS Section 6.2, *Comparison of Alignment Alternatives*. Tables 2a and 2b of this ROD provide the impact estimates for the resources described in the following text.

Subsection 1: Refined Alternative A is the Selected Alternative over Alternative A and Alternative B for reasons that include the following:

- Impacts fewer acres of forested wetlands than Alternatives A and B.
- Affects one fewer residence than Alternative B.
- Is slightly further away from the Patoka Bridges Historic District than Alternative B.
- Requires fewer acres of right-of-way and farmland than both Alternative A and Alternative B.
- Requires fewer linear feet of streams than both Alternative A and Alternative B.
- Requires fewer acres of floodplain than Alternative A.
- Construction cost is approximately $4.5 million less than Alternative A and $0.7 million less than Alternative B[12].

Key Evaluation Factors Considered in Selection of Refined Alternative A, Subsection 1

Advantages of Refined Alternative A

- Fewer stream impacts
- Requires less right-of-way acres
- Requires less farmland acres
- Fewer wetlands impacts
- Costs less

Advantages shared with Alternative A compared to Alternative B

- Fewer residential displacements

Disadvantages of Refined Alternative A compared to Alternative B

- Impacts more acres of upland forest
- Impacts more acres of floodplains

[12] The cost comparison data for all alternative comparison was based on the initial design cost criteria.

Subsection 2: Refined Alternative A is the Selected Alternative over Alternatives A and B for reasons that include the following:

- Affects four fewer residences than Alternative A and three fewer than Alternative B.
- Requires fewer linear feet of streams than Alternatives A and B.
- Requires fewer acres of right-of-way than both Alternatives A and B.
- Requires fewer acres of farmland than both Alternatives A and B.
- Has fewer wetlands and upland forest impacts than Alternative B.
- Construction cost is $7.7 million less than Alternative A and $7.1 million less than Alternative B.

Key Evaluation Factors Considered in Selection of Refined Alternative A, Subsection 2

Advantages of Refined Alternative A

- Requires fewer acres of right-of-way
- Fewer residential displacements
- Requires fewer acres of farmland
- Impacts less linear feet of streams
- Impacts fewer acres of floodplain
- Costs less

Disadvantages of Refined Alternative A compared to Alternative A

- Impacts more acres of wetlands
- Impacts more acres of upland forests

Subsection 3: Refined Alternative A is the Selected Alternative over Alternative A and Alternative B for reasons that include the following:

- Requires fewer acres of right-of-way than both Alternatives A and B.
- Less linear feet of stream impacted than Alternative B.
- Affects three fewer residences than Alternative A and 14 fewer than Alternative B.
- Requires fewer acres of upland forest than both Alternatives A and B.
- Requires fewer acres of farmland than Alternative B.
- Construction cost is $8.9 million less than Alternative A and $6.8 million less than Alternative B.

Key Evaluation Factors Considered in Selection of Refined Alternative A, Subsection 3

Advantages of Refined Alternative A

- Requires fewer acres of right-of-way
- Fewer residential displacements
- Fewer impacts to upland forests
- Costs less

Disadvantages of Refined Alternative A compared to Alternative A

- Requires more acres of farmland
- Impacts more acres of wetlands
- Impacts more linear feet of stream

Subsection 4: Refined Alternative A is the Selected Alternative over Alternatives A and B for reasons that include the following:

- Requires fewer acres of wetland than both Alternatives A and B.
- Requires fewer linear feet of stream than both Alternatives A and B.
- Requires fewer acres of upland forest than Alternative B.
- Requires fewer acres of floodplain than both Alternatives A and B.

Key Evaluation Factors Considered in Selection of Refined Alternative A, Subsection 4

Advantages of Refined Alternative A

- Impacts fewer acres of wetlands
- Impacts less linear feet of streams
- Impacts fewer acres of floodplains

Advantages of Refined Alternative A compared to Alternative B

- Impacts fewer acres of upland forests

Disadvantages of Refined Alternative A

- Requires more acres of right-of-way
- Impacts more acres of farmland
- Costs more

Subsection 5: Refined Alternative A is the Selected Alternative over Alternative A and Alternative B for reasons that include the following:

- Requires fewer acres of right-of-way than both Alternatives A and B.
- Requires fewer acres of farmland than both Alternatives A and B.
- Requires fewer linear feet of stream than both Alternatives A and B.
- Requires fewer acres of upland forest than both Alternatives A and B.
- Impacts fewer acres of floodplain than both Alternatives A and B.
- Impacts fewer recorded archaeological sites than Alternative B.

Key Evaluation Factors Considered in Selection of Refined Alternative A, Subsection 5

Advantages of Refined Alternative A

- Requires fewer acres of right-of-way
- Impacts fewer acres of farmland
- Impacts less linear feet of streams
- Impacts fewer acres of upland forests
- Impacts fewer acres of floodplain

Advantages of Refined Alternative A shared with Alternative A compared to Alternative B

- Fewer recorded archaeological sites
- Costs less

Disadvantages of Refined Alternative A

- Greater residential displacements

Subsection 6: Refined Alternative A is the Selected Alternative over Alternative A and Alternative B for reasons that include the following:

- Requires fewer acres of right-of-way than both Alternatives A and B.
- Requires fewer acres of wetlands than both Alternatives A and B.
- Requires fewer acres of farmland than both Alternatives A and B.
- Affects fewer linear feet of streams than Alternative A.
- Requires fewer acres of upland forest than both Alternatives A and B.
- Requires fewer acres of floodplain than both Alternatives A and B.
- Affects one fewer residence than Alternative A and seven fewer than Alternative B.
- Construction cost is $8.2 million less than Alternative A and $13.3 million less than Alternative B.

Key Evaluation Factors Considered in Selection of Refined Alternative A, Subsection 6

Advantages of Refined Alternative A

- Requires fewer acres of right-of-way
- Requires fewer residential displacements
- Impacts fewer acres of farmland
- Impacts fewer acres of wetlands
- Impacts fewer acres of upland forests
- Impacts fewer acres of floodplain
- Costs less

Disadvantage of Refined Alternative A compared to Alternative B

- Impacts more linear feet of streams

Subsection 7: Refined Alternative B with a folded-diamond design at the South Daviess County interchange is the Selected Alternative over Alternative A and Alternative B for reasons that include the following:

- Requires fewer acres of upland forest than both Alternatives A and B.
- Requires fewer linear feet of streams than Alternative A.
- Allows existing CR 50W to remain open across I-69 – would be closed under Alternative A.
- Affects one fewer residence than Alternative B.
- Either alternative with a folded-diamond interchange has smaller right-of-way, farmland, stream upland forest and floodplain impacts than that alternative with a full-diamond interchange.

Key Evaluation Factors Considered in Selection of Refined Alternative B, Subsection 7 (comparison based on Folded Diamond)

Advantages of Refined Alternative B

- Has fewer impacts to upland forests

Advantage of Refined Alternative B shared with Alternative A

- Requires fewer residential displacements

Advantage of Refined Alternative B compared to Alternative A

- Impacts less linear feet of streams

Disadvantages of Refined Alternative B

- Requires more acres of right-of-way
- Impacts more acres of farmland
- Impacts more acres of floodplains
- Costs more

Subsection 8: Refined Alternative A is the Selected Alternative over Alternative A and Alternative B for reasons that include the following:

- Requires fewer acres of right-of-way than both Alternatives A and B.
- Requires fewer acres of farmland than both Alternatives A and B.
- Requires fewer linear feet of streams than both Alternatives A and B.
- Requires fewer acres of upland forest than Alternative A.
- Requires fewer acres of floodplain than both Alternatives A and B.
- Requires fewer acres of wetlands than Alternative B.
- Construction cost is $2.8 million less than Alternative A and $3.8 million less than Alternative B.

Key Evaluation Factors Considered in Selection of Refined Alternative A, Subsection 8

Advantages of Refined Alternative A

- Requires fewer acres of right-of-way
- Impacts fewer acres of farmland
- Impacts less linear feet of streams
- Impacts fewer acres of floodplain
- Costs less

Advantage of Refined Alternative A shared with Alternative A

- No impact to wetlands

Disadvantage of Refined Alternative A shared with Alternative B

- Has greater residential displacements

Subsection 9: Refined Alternative A is the Selected Alternative over Alternative A and Alternative B for reasons that include the following:

- Provides a typical-diamond interchange, as compared to the trumpet interchange provided by Alternative B.
- Requires 67 fewer acres of right-of-way than Alternative A.
- Requires 69 fewer acres of farmland than Alternative A.
- Requires 0.32 fewer acres of wetlands than Alternative A and 8.88 fewer acres of wetlands than Alternative B.
- Requires fewer linear feet of streams than both Alternatives A and B.
- Requires fewer acres of floodplain than both Alternatives A and B.

Key Evaluation Factors Considered in Selection of Refined Alternative A, Subsection 9

Advantages of Refined Alternative A

- Impacts fewer acres of wetlands
- Impacts less linear feet of streams
- Impacts fewer acres of floodplain

Advantage of Refined Alternative A compared to Alternative A

- Requires less acres of right-of-way
- Fewer impacts to farmland
- Costs less

Disadvantage of Refined Alternative A shared with Alternative A

- Has greater impacts to upland forests

Disadvantage of Refined Alternative A compared to Alternative B

- Requires more acres of right-of-way
- Has greater residential displacements
- Impacts more acres of farmland
- Costs more

3.3.4 Rationale for Selection of Preferred Interchange Alternative

Section 6.2.1.10 of the FEIS, *Recommended Preferred Interchanges*, describes the selection of Scenario 5 as the recommended preferred interchange option. This ROD confirms the selection of Scenario 5, which consists of the SR 56/61, North Pike, South Daviess and US 50 interchanges. Of these four interchange locations, the SR 56/61 and US 50 interchanges serve the two principal cities within Section 2, which are Washington and Petersburg. These two highways have the highest traffic volumes of all roads crossing the I-69 corridor within Section 2. All interchange scenarios include both of these interchanges.

Several design options were considered for the US 50 interchange. These included a trumpet configuration (which brings all interchange traffic to a single point), a conventional diamond design with two options for the amount of relocation of US 50, and a folded diamond design. The design determined to offer the best combination of safety, long-term operating efficiency, environmental impacts, and construction cost was determined to be the typical diamond interchange with a slight southward relocation of US 50, which is included as part of the Refined Preferred Alternative. Detailed analyses of these factors for all US 50 interchange design options, and how they were evaluated to determine a preferred design, is provided in FEIS Appendix DD, *US 50 Interchange Design Options Analysis*. This ROD confirms the selection of the design option for the US 50 interchange included as part of the Refined Preferred Alternative.

Also included in Scenario 5, and approved by this ROD as part of the Refined Preferred Alternative are the North Pike and South Daviess interchanges. This decision was based upon the detailed evaluation of transportation system performance and benefits associated with the interchange scenarios considered in the FEIS. Scenario 5 provided the greatest benefits in congestion reduction, crash reduction, and reduction in truck volumes on project area roadways (especially SR 57). Both the North Pike and South Daviess interchanges are compatible with locally-adopted plans.

Both full-diamond and folded-diamond designs were evaluated for the South Daviess Interchange in the FEIS. After only a full diamond interchange was proposed at this location, the Indiana Department of Natural Resources (IDNR) stated (in a July 6, 2006 letter) that it was opposed to an interchange at this location due to impacts to sensitive resources at and near Veale Creek. A folded diamond design was then considered in order to reduce these impacts. A folded diamond design was selected because it reduces impacts to wetlands, streams, forests and floodplains. A folded diamond design at this location is included as part of the Refined Preferred Alternative.

3.3.5 Potential Reasonably Foreseeable Impacts of Refined Preferred Alternative

The FEIS for Section 2 was published in February 2010. Potential reasonably foreseeable impacts associated with the project are discussed in detail in that document. Table 2a (p. 37), summarizes potential environmental impacts associated with the segment alternatives carried forward for detailed evaluation. Table 6 (p. 51) summarizes the potential environmental impacts associated with the Selected Alternative, by major resource categories evaluated in the FEIS (primarily in Chapter 5, *Environmental Consequences;* Chapter 6, *Comparison of Alternatives;* and Chapter 8, *Section 4(f)*).

Table 6: Impacts Summary, Section 2 Selected Alternative

FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative
	Length (miles)	28.72
	Estimated Initial Criteria cost in 2010 dollars including design, construction, ROW, relocation, utilities, mitigation	$473 million
	Estimated Low Cost Criteria costs in 2010 dollars including design, construction, ROW, relocation, utilities, mitigation	$426 million
5.2 Social	**Relocations / Displacements:**	
	Residential	65
	Institutional	1
	Commercial	2
	Right-of-Way	
	Total Acres within Right-of-Way	1701.9
	Bicycle & Pedestrian Route Impacts	None in Corridor
5.3 Land Use	**Acres of ROW to be Acquired**	
	Agricultural	1112.97
	Developed	180.94
	Upland Habitat	354.05
	Open water (lakes and PUBs)	3.57
	Streams	15.07
	Mining	8.71
	Wetlands (within Right-of-Way limits)	
	Aquatic Bed	0.71
	Emergent	7.46
	Scrub Shrub	0.64
	Forested	17.82
	Farmed	None in Corridor
	Agricultural Land, Indirect Impacts (acres):	139
	Local Road Access Impacts:	
	Roads Closed	17
	Interchanges	4
	Road Relocations	12
	Proposed Access Roads (local service roads)	30
5.4 Farmland	**Farmland impacts:**	
	Agricultural Acres	1112.97
	Harvested Acres to be Acquired	884.4
	Number of Uneconomic Remnants	104
	Number of Parcels Landlocked	0
	NRCS-CPA-106 Form Results:	
	Prime/Unique Farmland Acres*	
	Gibson County	167.8
	Pike County	509.7
	Daviess County	531.9
	Statewide + Local Important Farmland Acres	0
	Total Points: Relative Value of Farmland to be Converted + Corridor Assessment:	
	Gibson County	154
	Pike County	143
	Greene County	150
	Estimated Crop Production Loss—Total Gibson + Pike + Daviess Counties:	
	Total Harvested Acres to be Acquired	884.4
	Annual Estimated Crop Production Loss (i.e. farm income)	$367,219
5.5 Economic	**Economic Impacts:**	
	Estimated Loss in Tax Base	$205,000
	Estimated Crop Production Loss (i.e., farm income)	$367,219
	Induced Growth Projected—Year 2030, Total Gibson, Pike and Daviess Counties:	
	Housing Units	391
	Jobs	607

Table 6: Impacts Summary, Section 2 Selected Alternative

FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative
5.6 Traffic	**Access**	
	Proposed Interchanges	4
	Proposed Local Service Roads:	
	Number	30
	Length (miles)	4.99
	Forecast Year Traffic volumes on State & Local Roads—Percent Increase (+) or Decrease (-) from No-Build (4-interchange scenario):	
	SR 64 east of SR 57	26%
	SR 64 west of SR 57	38%
	SR 61 south of SR 57	-10%
	SR 356 east of SR 57	-41%
	SR 257 south-east of 50 Bypass	15%
	SR 257 north-west of 50 Bypass	29%
	Bypass 50 west of SR 57	-1%
	Bypass 50 east of SR 57	-29%
	Business 50 west of 50 Bypass	-12%
	Business 50 east of 50 Bypass	-3%
	SR 57 south of SR 64	-76%
	SR 57 between Patoka River and SR 64	-68%
	SR 57 between SR 56 and Patoka River	-58%
	SR 57 between 50 Bypass and SR 56	-34%
	SR 57 between Business 50 and 50 Bypass	-7%
	SR 57 north of Business 50	14%
5.7 Visual	**View from / of I-69:**	
	View from the Road	Pleasant view through rural areas.
	View of the Road	Reduced aesthetics where houses are near or not shielded from I-69.
5.8 Environmental Justice	**Impact on Minority/Low-Income Populations**	No identified areas of minority or low-income populations.
5.9 Air Quality	**Air Quality Standard Exceedances Predicted (based on current SIP budget)**	The proposed construction of I-69 is not expected to adversely affect air quality within the Evansville-Owensboro-Henderson Interstate Air Quality Control Region based on the area's calculated existing and future emissions of CO.
5.10 Noise	**Receivers Predicted to Have *Perceptible* (>3dBA) Noise Level Decrease (-) / Increase (+) Compared to No-Build levels**	- 3 / + 29
	Number of Receivers Where Noise Levels predicted to Approach or Exceed NAC	4
	Receivers Predicted to Have *substantial (15 dBA) Increase* in Noise Levels	0
5.11 Wild & Scenic Rivers	**Wild & Scenic Rivers Impacts**	0
5.12 Construction	**Construction Impacts**	Temporary dust, noise, traffic delays, water quality impacts
5.13 Historic Resources	**National Register of Historic Places Eligible or Listed Resources Adversely Affected**	1 (visual impact)
5.14 Archaeological Resources	**National Register of Historic Places Eligible or Listed Resources Adversely Affected**	**See Note Below
5.15 Mineral Resources	**Mineral Resources Potentially in ROW:**	
	Gas wells (number)	0
	Permitted Coal Activities (acres)	335.5
	Active Oil Wells (number)	3
	Oil Storage Tanks (number of sites)	3
5.16 Hazardous Waste	**HAZMAT Sites Potentially in ROW:**	No known sites are located in corridor

Table 6: Impacts Summary, Section 2 Selected Alternative

FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative
5.17 **Threatened & Endangered Species**	**Impacts to Listed Species:** Federal-Listed Threatened/Endangered (corridor studied for Indiana bat, bald eagle, eastern fanshell mussel) State-Listed Threatened/Endangered/Rare/Special Concern	The Indiana bat, evening bat, and copperbelly water snake were detected as residing in or using the Patoka River bottomlands. The bald eagle and the cerulean warbler were observed resting or passing through the study area. No state or federally listed mollusks, crustaceans, or fishes were detected during these studies.
5.18 **Wildlife**	**Wildlife Habitat Impacts (acres):**	
	Old Field and Forest (non-wetland)	253.3
	Wetlands (forested/emergent - see 5.19 of the FEIS for details)	23.98
	Open Water (ponds, lakes, pits, including PUBs)	4.91
	Total Acres	282.19
	Percent of Corridor Acreage	0.756%
	Streams (linear feet - see 5.19 of the FEIS for details)	65,181
5.19 **Water Resources**	**Surface Water Impacts:**	
	Wetlands (acres) in construction limits:	
	Aquatic Bed	0.68
	Emergent	6.62
	Scrub Shrub	0.55
	Forested	16.13
	Farmed	0
	Total Acres	23.98
	Streams: Linear Feet of Streams within Disturbed Limits (ROW)	
	Perennial	7,391
	Intermittent	21,907
	Ephemeral	35,883
	Total Length	65,181
	Floodplain (acres) within right-of-way	166.36
	Ground Water Impacts:	
	Private wells	7
	Wellhead Protection Zones	None in Corridor
	Sole Source Aquifers	None in Corridor
5.20 **Forest**	**Forest Impacts:**	
	Total Acres	225.71
	Percent of Acres in Corridor	0.19
	Forested Wetlands	16.13
	Upland Forests	209.58
	Core Forest Impacts:	
	Impact on Core Forest Habitat Acres	64.56
5.21 **Karst**	**Karst Features**	None in/connected with Corridor
5.22 **Managed Land**	**Managed Land Impacts**	None in Corridor
5.23 **Permits**	**Permits Potentially Needed Prior to Construction**	USACE Section 404/Section 10; IDEM 401 & Rule 5; IDNR Construction in a Floodway; NPDES
5.24 **Cumulative**	**Cumulative Agricultural Land Use Changes (acres) - Gibson, Pike, Daviess Counties:**	
	Direct Conversion of Agricultural Land to ROW	1,113
	Total Indirect / Induced Changes	589
	Total Changes from Others (incl. No Build)	10,025
	Total Cumulative Land Use Change	11,727
5.25 **Energy**	**Energy Impacts**	Major one-time energy resources demand during construction. Once in operation, greater fuel consumption than No-Build due to higher average speed and increased vehicle miles traveled.

Table 6: Impacts Summary, Section 2 Selected Alternative

FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative
5.26 **Short-Term vs Long-Term**	**Short-Term Uses vs Long-Term Productivity**	Temporary construction impacts; permanent loss of cropland; residential displacements (short-term). Completes a link in I-69 National Corridor and enhances local and regional long-term productivity (long-term).
5.27 **Commitment of Resources**	**Irreversible and Irretrievable Commitment of Resources**	Potential Impacts include perm. commitment of dollars and resources for construction; environmental impacts from induced development. Anticipated benefits incl. improved accessibility and safety, time savings, and greater availability of services.
8.0 **Sections 4(f) & 6(f)**	**Section 4(f) Evaluation** **Section 6(f) Evaluation**	No direct or constructive use of publicly owned park, recreational area, wildlife/waterfowl refuge, or land from a historic property on or eligible for the National Register of Historic Places. No known resources funded by the Land and Water Conservation Act.

* NOTE: Data from the NRCS based on Early Coordination which occurred prior to the development of the Refined Preferred Alternative. The Refined Preferred Alternative is a variation of Alternative A in eight of the nine subsections; therefore, the data provided is that of Alternative A.

** Phase Ic archaeological surveys of the preferred alternative have not yet been completed. These will be completed following right-of-way acquisition. A Memorandum of Agreement between FHWA and the Indiana SHPO has been executed stipulating procedures that would be followed should any sites be found eligible for NRHP listing. See FEIS Section 5.14.3, *Summary of Archaeological Resources in Preferred Alternative*, for discussion of the archaeological surveys conducted.

Abbreviations Key:
dBA – decibel
HAZMAT – Hazardous Materials
IDEM – Indiana Department of Environmental Management
IDNR – Indiana Department of Natural Resources
NAC – Noise Abatement Criteria
NPDES – National Pollutant Discharge Elimination System
NRCS – Natural Resource Conservation Service
NRHP – National Register of Historic Places
PUBs – Palustrine Unconsolidated Bottom Wetlands
ROW – Right-of-Way
SHPO – State Historic Preservation Officer
SIP – State Implementation Plan
USACE – U.S. Department of the Army, Corps of Engineers

Section 4(f) = A section of the Department of Transportation Act (1966) requiring avoidance of certain resources (such as public parks and recreational areas, historic and archaeological sites, wild and scenic rivers, or wildlife management areas) when a feasible alternative is possible.

Section 6(f) = Section 6(f) of the Land and Water Conservation Fund Act of 1965 prohibits the conversion of any property acquired or developed with any assistance of the fund to anything other than public outdoor recreation use without the approval of the Secretary of the Department of the Interior.

3.3.6 Consistency with Established Statewide Transportation Planning Goals

In June 2007 INDOT issued its 2030 Long Range Plan 2007 Update. This Update retained both the Statewide Mobility Corridors and Commerce Corridors. I-69 between Evansville and Bloomington is shown as both a placeholder Statewide Mobility Corridor and proposed Commerce Corridor. With the issuance of the ROD for I-69 Section 2, detailed design will be completed and construction is expected to begin in late 2010. INDOT has already commenced right-of-way acquisition activities using state funds and with the understanding that in no way may any acquisitions affect the decisions to be made during the NEPA process. Funding for right-of-way and preliminary design has been included in INDOT's Statewide Transportation Improvement Program (INSTIP) for fiscal years 2010 through 2012.

3.3.7 Environmentally Preferable Alternative—Refined Preferred Alternative

As summarized above and in greater detail in the FEIS (see Section 6.2, *Comparison of Alignment Alternatives*, and Section 6.3, *Selection of Preferred Alignment Alternative*), the Refined Preferred Alternative is the alternative that sufficiently addresses the Purpose and Need for action while balancing important environmental, community, and economic values. While some of the other alternatives have lower impacts on certain environmental resources, those alternatives have greater impacts on other sensitive resources. Thus, the Refined Preferred Alternative is the environmentally preferable alternative among the alternatives that adequately achieve the project's objectives. This finding is made in accordance with 40 CFR §1505.2(b).

In weighing all these factors, FHWA and INDOT determined that the Refined Preferred Alternative best satisfies the project purposes while having an acceptable level of impacts.

4.0 SECTION 4(f)

As previously indicated in the Tier 2 FEIS (see Chapter 8, *Section 4(f)*), FHWA finds, in accordance with 23 CFR 774.7(e)(2), that:

- The preliminary findings made in the Tier 1 FEIS for the overall I-69 Evansville to Indianapolis project in accordance with 23 CFR 771.135(o)(1) (2007) remain valid, and;
- The criteria of 23 CFR 774.3 have been met for Section 2 of the I-69 Evansville to Indianapolis project and it has been determined that Section 2 will not use any identified resources protected under this regulation. Though it has been determined to be unlikely, if any archaeological sites eligible for the National Register of Historic Places (NRHP) are identified that should be preserved in place in this section of the project, the protections under Section 4(f) will be applied.

5.0 MEASURES TO MINIMIZE HARM

Throughout this study, efforts have been made to avoid impacts to human and natural resources. In Tier 1, the 2,000-foot-wide corridor was narrowed to approximately 1,200 feet in width at Gibson CR 50N to 420 feet just south of the Patoka River and its associated floodplain to minimize impacts to forest, wetlands and other habitat areas associated with the Patoka National Wildlife Refuge. The 420-foot corridor at the crossing of the Patoka River enables I-69 to cross the Patoka National Wildlife Refuge at its narrowest point. Tier 1 also determined that the entire floodplain of the Patoka River would be bridged, further safeguarding habitat in the Refuge.

During the Tier 2 study, a wildlife crossing was included in the Patoka River crossing as a feature of the alternatives developed in the area. Additional wildlife crossings at the crossing of Flat Creek, the East Fork of the White River, and the tributary to Jackson Pond are features of the Selected Alternative. Avoidance and the opportunity to minimize impacts were used in the decision-making process to identify a preferred alternative alignment. For example, a number of refinements to the horizontal and vertical alignments for the Refined Preferred Alternative resulted in reductions in total right-of-way of 122 acres, reductions in farmland impacts of 116 acres, reductions in forest impacts of six (6) acres, reductions in floodplain impacts of 29 acres, and reductions in stream impacts of over 4,000 linear feet when compared to the DEIS Preferred Alternative. Environmental agencies and the public have been instrumental in providing assistance (see FEIS Chapter 11, *Comments, Coordination, and Public Involvement*) to avoid and minimize impacts upon both the human and natural environment, and helped develop many of the mitigation measures identified in the FEIS.

During the Tier 1 process, conceptual mitigation proposals were developed as the starting point for identifying the total mitigation for constructing I-69 from Evansville to Indianapolis. As required by the Tier 1 ROD, these measures were considered during the Tier 2 process in Section 2. As a result of this consideration, mitigation measures specific to the conditions and potential impacts within Section 2 were developed based on the more detailed information and interactions with the public and resource agencies. Where applicable, these mitigation measures incorporate and, in some cases, expand upon the "major mitigation initiatives" developed during Tier 1 (see Tier 1 FEIS, Vol. I, Chapter 7, *Mitigation and Commitments).*

Initiatives that apply to Section 2 are identified in the text that follows. For more detailed discussion of mitigation measures, see the Tier 2 Section 2 FEIS Chapter 7, *Mitigation and Commitments.*

5.1 Tier 1 Mitigation Commitments and Associated Tier 2 Section 2 Commitments

FHWA and INDOT applied the mitigation commitments identified in the Tier 1 FEIS Chapter 7, *Mitigation and Commitments* based on detailed information gathered in Tier 2 studies. The Tier 1 ROD stipulated that mitigation measures specified in Tier 1 will be reviewed and may be modified in Tier 2 in consultation with environmental resource agencies, based on more detailed environmental impact data developed in the Tier 2 studies (Tier 1 ROD, pp. 27-28). The following sections identify the Tier 1 commitments that apply to Section 2 and their application within this section. In this ROD, FHWA and INDOT commit to the mitigation identified below.

5.1.1 Context Sensitive Solutions/Community Advisory Committee

In keeping with stipulations in the Tier 1 ROD, five Community Advisory Committee (CAC) meetings were held in Section 2 prior to the publication of the Tier 2 Section 2 FEIS. CAC members provided valuable input in matters relating to access, particularly regarding the following issues:

- maintaining access to farm parcels;
- the importance of providing an interchange on SR 57 north of Petersburg;
- the importance of providing access at the intersection of Gibson CR 1050E and CR 000;
- providing grade separations at Gibson CR 50N and CR 150N;
- identifying that an interchange at Oatsville Rd. (Pike CR 125S), proposed in Tier 1, was not warranted;
- identifying that there were safety issues associated with the interchange at SR 356 proposed in Tier 1 (this location is now a grade separation);
- maintaining connectivity for Pike CR 475N across I-69;
- minimizing effects upon school bus routings; and
- maximizing opportunities for economic development.

Other instances of context sensitivity in Section 2 include:

- improving the aesthetics of the highway by planting native wildflowers, minimizing riprap on sideslopes and in ditches, and using attractive structures;
- using tall lighting and wildlife passages at key locations along the interstate to reduce wildlife impacts;
- committing to four wildlife crossings - at the Patoka River crossing, the Flat Creek Crossing, the crossing of the East Fork of the White River, and the crossing of the tributary of Jackson Pond;
- adjustments of cul-de-sac locations to avoid/minimize stream and wetland impacts; and
- plans for further coordination with the FWS and the SHPO to develop planting plans for vegetative screening of the Patoka Bridges Historic District in the Patoka Bottoms area of the Patoka River National Wildlife Refuge (NWR).

INDOT will continue coordination with local authorities during the design phase to obtain input on possible further measures.

5.1.2 Wetland Mitigation

INDOT and FHWA will follow the mitigation ratios listed in their Wetlands Memorandum of Understanding (MOU) signed January 28, 1991 (This MOU is provided as Appendix E of this ROD). In addition, INDOT and FHWA will implement any additional mitigation measures imposed by USACE and IDEM as part of any permits granted under Section 404 of the Clean Water Act. Under the 1991 MOU, emergent wetlands would be mitigated at a ratio of 2 to 1 or 3 to 1 and forested wetlands would be mitigated at a ratio of 3 to 1 or 4 to 1. Ratios used to determine mitigation will depend upon the quality of the resource. In the case of any forested wetlands in this Section, it is anticipated a 3 to 1 ratio would apply. The Selected Refined Preferred Alternative would impact approximately 7.46 acres of emergent wetlands, 17.82 acres of forested wetlands, 0.64 acres of scrub-shrub wetlands, and 0.71 acres of open water aquatic bed wetlands. Based on the 1991 Wetlands MOU ratios, mitigation for wetland impacts in Section 2 could total approximately 71.01 acres. The mitigation planned in the Tier 2 Biological Assessment (described below) totals 96.6 acres, incorporating excess mitigation that is planned to be utilized for other projects.

The Section 2 Tier 2 Biological Assessment (BA, which identified and analyzed impacts to the Indiana bat) and *Conceptual Mitigation Plan* (see FEIS Vol. II, Appendix Y1) identified two mitigation sites that are located within the Patoka Maternity Colony (Butcher and Cooper/Buck), four mitigation sites that are located within both the Patoka and Flat Creek Maternity Colonies (Bartley, Coleman/Redding, Columbia Mine and Horsman), two mitigation sites located within the Flat Creek Maternity Colony (Braun and Kirby), two mitigation sites located within the East Fork Maternity Colony (Corn and Purcell), and three potential sites located within the Veale Creek Maternity Colony (Huebner, May and McCracken) for a total of thirteen mitigation sites in Section 2. These sites combined will provide a total of 15.4 acres of emergent wetland creation, 77.7 acres of forested wetland creation, and 3.5 acres of scrub-shrub wetland acres. Approximately 450 acres of wetland preservation at the Columbia Mine will also go towards other water resource mitigation. Table 7 shows a summary of the anticipated mitigation credits.

These combined mitigation areas will create mitigation credit in excess of the anticipated requirements. Any excess mitigation developed is planned to be utilized for other Tier 2 Sections of I-69 or other projects within the watershed. As stipulated in the Tier 1 ROD (p. 29) and reiterated in the Section 2 Tier 2 BA and Tier 2 Biological Opinion (BO; p. 5), the mitigation sites will be monitored in accordance with the applicable permit conditions, and/or the Umbrella Mitigation Bank (UMB) final instrument stipulations.

Table 7: Section 2 Mitigation Site Anticipated Credits Summary

Mitigation Site	Forest Preservation (acres)	Reforestation (acres)	Total Forest Mitigation (acres)	Emergent Wetlands (acres)	Forested Wetlands (acres)	Scrub-Shrub Wetlands (acres)	Total Wetland Mitigation (acres)**
Patoka River Maternity Colony Mitigation Sites							
Bartley*	63.2	2.4	**65.6**	9.3	53.0	0.0	**62.3**
Butcher	2.0	0.0	**2.0**	0.0	0.0	0.0	**0.0**
Coleman/Redding*	2.4	55.9	**58.3**	0.0	0.0	0.0	**0.0**
Columbia Mine*	0.0	0.0	**0.0**	0.0	0.0	0.0	**450.0******
Cooper/Buck	7.5	0.0	**7.5**	0.4	11.7	0.0	**12.1**
Horsman*	15.6	0.0	**15.6**	0.0	0.0	0.0	**0.0**
Flat Creek Maternity Colony Mitigation Sites							
Braun	224.5	0.0	**224.5**	0.0	0.0	0.0	**0.0**
Kirby	4.2	0.0	**4.2**	0.0	0.0	0.0	**0.0**
East Fork Maternity Colony Mitigation Sites							
Corn	71.6	90.4	**162.0**	1.9	1.4	3.5	**6.8**
Purcell	34.0	101.8	**135.8**	2.3	5.8	0.0	**8.1**
Veale Creek Maternity Colony Mitigation Sites							
Huebner	18.7	17.8	**36.5**	0.0	1.8	0.0	**1.8**
May	6.7	85.5	**92.2**	1.5	4.0	0.0	**5.5**
McCracken	17.0	0.0	**17.0**	0.0	0.0	0.0	**0.0**
Totals	*467.4*	*353.8*	***821.2******	*15.4****	*77.7****	*3.5****	***546.6***

*These Mitigation sites are located within both the Patoka River and Flat Creek Maternity Colonies.

**Unconsolidated Bottom and Aquatic Bed Wetlands will be mitigated for using out of kind mitigation.

***There may be excess acreage included in these totals that could be utilized for other INDOT projects after all mitigation has been successfully completed for I-69.

****This is preservation only and includes forested, scrub-shrub, emergent, and open water wetlands.

If the current mitigation plan cannot be successfully implemented at the currently proposed sites, alternative mitigation site(s) will be identified and obtained in consultation with the appropriate resource agencies.

5.1.3 Forest Mitigation

In Section 2, approximately 210 acres of upland forest (non-wetland) would be directly impacted by the Selected Alternative. As stipulated in the Tier 1 ROD (p. 29*)*, upland forest impacts will be mitigated at a ratio of 3 to 1 (up to 2 to 1 by purchasing and protection of existing forest tracts and at least 1 to 1 (minimum) by planting trees). Based on these ratios, approximately 630 acres of mitigation would be required in Section 2. The total forest mitigation proposed in the Tier 2 Section 2 BA is approximately 821.2 acres—approximately 191 acres more than the 3 to 1 ratio would require when applied to the 210-acre forest impact identified in Section 2. These extra acres may be applied as necessary to other sections of I-69 in consultation with appropriate agencies. Table 7 (p. 59) shows a summary of the anticipated mitigation credits.

There are 101 acres of non-wetland riparian acres impacted by Section 2. Eighteen (18) acres of these riparian impacts did not meet the definition of a forest and are not included within the forest impact calculations. This additional 18 acres of riparian impacts will be mitigated at a 1 to 1 ratio using the additional forest mitigation acres stated above.

5.1.4 I-69 Community Planning Program

The I-69 Community Planning Program, committed to in the Tier 1 ROD (p. 30) provided resources to local communities to manage the growth and economic development associated with I-69. On October 29, 2007, INDOT awarded $950,000 in grants to communities located along the I-69 corridor in Southwest Indiana. An additional $550,000 in grants was awarded to other communities along the corridor on December 21, 2007. Communities (cities, towns and counties) were encouraged to collaborate in their planning efforts. Each community was eligible for a grant of $50,000. Daviess County and the City of Washington were awarded a grant for $100,000, as were Pike County and the City of Petersburg. Gibson County and the City of Oakland City were each awarded a grant for $50,000. With their grant money,

- the City of Washington adopted its Comprehensive Plan on June 22, 2009;
- the Daviess County Commissioners adopted a county-wide Comprehensive Plan on December 14, 2009;
- the City of Petersburg adopted its Comprehensive Plan on March 16, 2009;
- the Pike County Commissioners adopted a county-wide Comprehensive Plan on April 6, 2009;
- the Gibson County Commissioners accepted a county-wide Comprehensive Plan on November 17, 2009; and
- the City of Oakland City adopted a Comprehensive Plan on August 25, 2009.

The I-69 Project Website provides a link to the Community Planning Program Website (www.i69indyevn.org/CommunityPlanningProgram). The Website contains a concise description of the program, examples of eligible activities, and other information about the program.

5.1.5 Update County Historic Surveys

As part of the Tier 1 commitment, FHWA and INDOT will provide funding and technical assistance to support a comprehensive effort to update the Interim Reports for Gibson, Pike and Daviess counties. The reports are used to update the Indiana Historic Sites and Structures Inventory (IHSSI), which is managed by IDNR-Division of Historic Preservation and Archaeology (DHPA).

As part of this commitment, IDNR-DHPA will be provided with the IHSSI survey forms when they are completed following the completion of this study, and the surveys for Gibson, Pike and Daviess counties will begin. (Note: the surveys are for areas outside of the Area of Potential Effects that were studied as part of the Section 106 process for this project.)

5.1.6 Bridging of Floodplains

The Tier 1 ROD states that the decision to bridge floodplains, other than the Patoka River and Flat Creek floodplains, would be made in Tier 2. Floodplains identified in Section 2 occur in the East Fork Keg Creek, Patoka River, Mud Creek and the unnamed tributary, East Fork of the White River, Veale Creek, and the Hurricane Branch areas. FHWA and INDOT have committed to bridging the Patoka River and Flat Creek floodplains.

5.1.7 Biological Surveys on Wildlife and Plants

In keeping with stipulations in the Tier 1 revised Biological Opinion and the commitment in the Tier 1 ROD (p. 31), a work plan for surveying, monitoring, and reporting on the Indiana bat (*Myotis sodalis*) will be developed and conducted in consultation with and approved by the U.S. Fish and Wildlife Service (USFWS). This mist netting effort will be beyond the Tier 2 sampling requirements, and will be implemented in accordance with the conditions in the Tier 2 BO. If Indiana bats are captured, radio transmitters will be used in an attempt to locate roost trees, and multiple emergence counts will be made at each located roost tree. These monitoring efforts will be documented and summarized within an annual report prepared for USFWS.

5.2 Additional Section 2 Commitments

The FEIS Section 7.3, *Section 2 Mitigation Measures and Commitments,* provides specific mitigation measures and commitments proposed for each resource category in Section 2 to be implemented at the appropriate time during project development, construction, and as part of the maintenance of the highway. In addition to the mitigation measures identified above, mitigation measures for the following categories of impacts are presented in that section and are considered an integral part of the Selected Alternative. Therefore, in this ROD, FHWA and INDOT commit to the mitigation identified below. The mitigation measures identified below provide a brief summary of Section 2 commitments. A comprehensive list of Section 2 commitments can be found in Appendix A, *Commitments Summary Form*.

- Social and Neighborhood: Commitments include providing for local access via service drives and overpasses; and assistance available to all acquisitions and displacements through the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The relocation program provides assistance to displaced persons in finding comparable housing that is decent, safe, and sanitary; and to displaced businesses, farms, and nonprofit organizations.

- Construction: Commitments include several measures to mitigate impacts, as appropriate, such as use of erosion control devices, swales to protect sources of potable water, maintenance of equipment to control air quality impacts, date-restricted tree-cutting to avoid impacts to Indiana bats, revegetation of disturbed areas, use of native grasses and native wildflowers when revegetating disturbed soils in the right-of-way and medians where appropriate, spill containment measures, a maintenance of traffic plan, noise abatement measures, adherence to the Wetland MOU, and compliance with requirements in permits received following the approval of this document, such as Construction in a Floodway permits.
- Historic and Archaeological Resources: Phase II evaluations and Phase Ic subsurface reconnaissance agreed to in the Memorandum of Agreement (MOA; see FEIS Vol. II, Appendix F) will be completed before construction on the project begins at that site. Commitments are included in the MOA to mitigate adverse impacts to archaeological resources that are determined eligible for the NRHP as a result of Phase II or Phase Ic surveys, if any such resources are identified.
- Visual Impacts: Mitigation of visual impacts will be considered during final design as part of Context Sensitive Solutions considerations, which may include vegetative screening and non-diffuse lighting if warranted.
- Open Water Impacts: Mitigation involves using a 1 to 1 ratio for impacts to open water. Borrow pit construction may be considered for mitigating these open water impacts.
- Stream Impacts: IDEM criterion calls for mitigating based on the *length of impact*, while USACE bases mitigation on *acres of impact below the ordinary high water mark*. A 1 to 1 ratio will be used in both cases to mitigate impacts to streams in Section 2.
- Hazardous Material Impacts: Appropriate cleanup of hazardous materials, if any, will be coordinated with appropriate agencies and property owners.
- Wetland Impacts: In addition to the mitigation identified in Section 5.1.2, above, the following commitments are made:
    - Wetland impacts will be minimized by further refinements in the alignment during design, if feasible. INDOT and FHWA are committed to mitigating for unavoidable wetland losses.
    - Wetlands within the right-of-way that are not to be filled will be delineated and protected from construction use.
    - Wetlands outside the actual footprint of the project will be protected from I-69 construction-related impacts from borrow and waste activities (see FEIS Sections 5.12.2.10, *Wetlands,* and 7.3.4, *Construction*). Wetland areas outside the construction limits within the right-of-way will be identified and protected from use as borrow or waste disposal sites, construction staging areas, etc. Wetlands adjacent to the construction limits will be protected with silt fences and other erosion control measures. Special Provisions in contracts related to the construction of I-69 will include prohibiting the filling and other damaging of wetlands outside the construction limits within the right-of-way. Note: this prohibition would not include isolated ponds such as farm ponds and those developed from old borrow sites.
    - Construction will adhere to the Wetland MOU (dated January 28, 1991).

- To prevent herbicides from entering wetland areas, “Do Not Spray” signs will be posted as appropriate in the right-of-way.
- If appropriate, wetland mitigation may include wetland banking.

- Farmland Impacts: Impacts will be minimized where feasible by managing access at interchange locations to discourage the development of large expanses of prime farmland, providing access to avoid landlocking parcels where reasonable, and providing overpasses at selected locations to maintain local road connectivity and access to farmland.
- Water Body Modifications: Modifications will be minimized by keeping tree clearing and snag removal to a minimum and limited to within calendar requirements and the construction limits along streams and in wetland areas, mitigating unavoidable stream impacts in coordination with permitting agencies (IDEM, IDNR, and USACE), using soil bioengineering techniques for bank stabilization where situations allow, placing culverts and other devices so they do not preclude the movement of fish and other aquatic organisms, and using erosion control devices to minimize sediment and debris.
- Ecosystems Impacts: Impacts will be minimized by controlling invasive plants, coordinating with the USFWS pursuant to the Migratory Bird Treaty Act of 1918, and providing wildlife corridors in four locations (see Section 5.1.1, above).
- Water Quality Impacts: Impacts will be minimized by crossing streams at their narrowest floodway width to the extent feasible, developing stream mitigation plans where necessary, returning disturbed in-stream habitats to their original condition when possible, minimizing tree clearing and snag removal, avoiding wetlands as much as possible and following the 1991 Wetland MOU, following Best Management Practices (BMP) for erosion control, providing grass-lined ditches connected to filter strips and containment where appropriate, and minimizing the amount of salt used for deicing.
- Threatened and Endangered Species: Conservation measures identified in the Tier 1 revised BO, the Tier 2 Section 2 BA, the Tier 2 Section 2 BO, and mitigation plan address impacts to Indiana bats. These measures are listed in the Tier 2 Section 2 FEIS, Section 7.3.15, *Threatened and Endangered Species*. The documents are provided in their entirety in FEIS Vol. II, Appendices L, Y1, Y2 and P, respectively. Mitigation measures include:

  <u>Indiana bat (*Myotis sodalis*)</u>

  - Prohibiting cutting trees with a diameter of three or more inches between April 1 and September 30, minimizing tree clearing and snag removal when feasible, and keeping those activities within the construction limits.
  - Adhering to the 1991 Wetland MOU.
  - Using measures to avoid water quality contamination, such as using designated equipment service areas and equipment maintenance.
  - Where appropriate, using spill prevention/containment, revegetation, and bridge design to avoid water quality contamination.
  - Summer habitat creation and enhancement in the Summer Action Area through wetland and forest mitigation focused on riparian corridors and existing forest blocks to provide habitat connectivity (as described in Sections 5.1.2 and 5.1.3, above).

- Mitigating forest impacts at a ratio of 3 to 1 (replacement at a 1 to 1 minimum ratio and preservation at up to a 2 to 1 ratio).
- Providing for education opportunities to inform the public about the presence and protection of bats, particularly the Indiana bat: As required by the Tier 1 ROD, $25,000 will be provided for the creation of an educational poster or exhibit and/or other educational outreach media to inform the public about the presence and protection of bats, particularly the Indiana bat.

5.3 Tracking of Mitigation Commitments

Tracking of mitigation commitments and mitigation activities associated with each will be performed by INDOT. The overall mitigation tracking includes a GIS database for tracking of mitigation properties. In addition to the GIS database, INDOT will maintain a mitigation commitments listing that will be utilized to track all mitigation, including non-land-based mitigation commitment items, for implementation status. The multiple annual monitoring reports required by permit conditions, and under the conditions of the Section 2 Tier 2 BO, will include the GIS database information as well as tabular summary data derived from the database. INDOT will provide to permitting agencies and USEPA the tracking summary data on an annual basis. The first annual monitoring report for the Section 1 Mitigation Site was submitted on December 28, 2009, and the USFWS annual report for 2009 was submitted on January 29, 2010. The summary identified the mitigation commitments and described the status of the activities-to-date associated with each commitment.

6.0 MONITORING AND ENFORCEMENT

Coordination with all appropriate state and federal regulatory agencies occurred throughout the Tier 1 process and has continued in Tier 2. Major regulatory requirements applicable to this project include the following:

- Consultation regarding historic and archaeological resources under Section 106 of the National Historic Preservation Act;
- Certification of conformity under the Clean Air Act;
- Consultation regarding threatened and endangered species under Section 7 of the Endangered Species Act;
- Permitting activities required as follows: permitting under Section 404 of the Clean Water Act, which requires permits for discharges into wetlands or other waters of the United States; water quality certification under Section 401 of the Clean Water Act; Construction Within a Floodway permitting under Indiana Flood Control Act; National Pollution Discharge Elimination System (NPDES) permitting for storm water discharges under the Clean Water Act; permitting under Rule 5 of Indiana State Regulations regarding erosion and sediment control;
- Determination of no use of resources protected under Section 4(f) of the Department of Transportation Act of 1966 including publically owned parks, recreation areas, wildlife and waterfowl refuges, land from a historic property that is on or eligible for the National Register of Historic Places, and archaeological sites where preservation in place provides important value.

Actions committed to or taken to comply with the requirements are summarized below in Sections 6.1 to 6.5. Monitoring of the commitments within this project will be accomplished in part by INDOT maintaining the mitigation commitments listing and tracking GIS database with regular reviews by FHWA as the project progresses.

6.1 Section 106 (National Historic Preservation Act)

For Tier 2 of the I-69 project, a phased approach to investigate archaeological resources was developed. The phased approach included research of existing records and literature to identify known and potential resources in the project corridor. The research phase was followed by a Phase Ia surface survey and visual inspection to locate potential resources within the Area of Potential Effect (APE) of the preferred alternative. Two sites identified within the Preferred Alternative were recommended for Phase II evaluation. One site was evaluated under Phase II testing and determined not eligible for the National Register. The Indiana State Historic Preservation Officer (SHPO) concurred with this finding. Access for the additional testing was not granted for the second site. Phase Ic investigations were recommended for four locations within the Preferred Alternative alignment; full access for all needed activities was not granted at three of these locations. The remaining Phase II evaluation and Phase Ic investigations will be completed, in consultation with the Indiana SHPO, following property acquisition, but prior to construction beginning at these sites (see FEIS Section 5.14, *Archaeology Impacts.*)

On December 15, 2008, FHWA signed a “Section 106 Findings and Determinations: Effect Finding,” in accordance with the National Historic Preservation Act, that determined that there are four NRHP-listed or

eligible resources within the APE of Section 2 and that the project would have an adverse effect on one of them, the Patoka Bridges Historic District.[13] Due to the inability to complete a Phase II evaluation and Phase Ic investigations, the finding stated the eligibility and effects for archaeological resources will be determined at a later date. On March 9, 2009, the Indiana SHPO concurred with this finding. Completion of the Phase II evaluation and Phase Ic investigations will occur following acquisition of the subject properties. Commitments for completion of multiple activities have been included in the Memorandum of Agreement.[14] These include Phase II evaluation and Phase Ic investigations, or avoidance of the archaeological sites if possible, and further consultation if any potentially eligible resources are identified, as well as plantings to provide visual screening for adverse visual effects on the Patoka Bridges Historic District. If results of additional testing show that Phase III Archaeological Mitigation would be warranted, that work will be completed, in consultation with the Indiana SHPO, before construction on the project begins at that site. The FEIS Vol. II, Appendix F, contains all documentation related to Section 106 activities in Section 2.

6.2 Air Quality Conformity Finding (Clean Air Act)

Pursuant to the 1990 CAA Amendments, parts of Gibson and Pike counties (Montgomery Township and Washington Township, respectively) were designated as non-attainment for the $PM_{2.5}$ annual standard effective April 5, 2005, and on September 24, 2009, USEPA issued a proposed rule that would find these two townships have monitored attainment of the $PM_{2.5}$ standard. On October 1, 2009, the Evansville MPO updated its TIP and 2035 Long-Range Transportation Plan to reflect current planning assumptions in general and to ensure consistency with the assumptions of the I-69 Section 2 FEIS regarding interchange locations and opening dates. Also adopted on October 1, 2009, the air quality analyses evaluating the air quality impacts in the Evansville metropolitan area document that the updated TIP and Long-Range Transportation Plan conform to the applicable National Ambient Air Quality Standards (NAAQS). This analysis further demonstrates conformity to the annual $PM_{2.5}$ standard for the Evansville $PM_{2.5}$ non-attainment area (including Montgomery Township in Gibson County and Washington Township in Pike County). IDEM and USEPA have concurred with this transportation conformity analysis, and FHWA, in their letter of November 30, 2009, finds that the air quality analysis demonstrates Section 2 of I-69 is in transportation conformity with the CAA and CAAA.

A project level carbon monoxide (CO) hot-spot analysis was completed for I-69 Section 2 build alternatives, and the results were all below the associated CO NAAQS. Consultation regarding $PM_{2.5}$ qualitative hot-spot analysis affirmed that the build alternative is not a project of air quality concern and therefore no further analysis is required (see FEIS Section 5.9, *Air Quality*).

Regarding Mobile Source Air Toxics (MSATs), in the absence of established criteria for determining when MSAT emissions should be considered a significant issue in the NEPA context, a qualitative analysis of emissions to compare or differentiate among proposed project alternative scenarios was prepared, per FHWA[15] guidance. MSAT emissions are projected to decrease substantially in the future as a result of new EPA programs. As a result, the I-69 Section 2 project is expected to result in low potential MSAT

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[13] The December 15, 2008 Effects Finding mistakenly states that the Patoka River Bridges District would not be subject to review under Section 4(f) of the DOT Act. As is evident from Chapter 8 of the FEIS and Section 4.0 of this ROD, a full Section 4(f) evaluation was performed for the Patoka Rivers Bridges District. The evaluation concluded that there was no use of the property for purposes of Section 4(f).

[14] The consulting parties were provided the opportunity to sign the MOA as concurring parties, and three chose to do so.

[15] Interim Guidance on Air Toxics in NEPA Documents, FHWA, Feb. 3, 2006.

effects. In addition, the I-69 Section 2 corridor is situated in a rural setting, which would tend to lessen any impact from MSAT emissions.

6.3 Section 7 (Endangered Species Act)

A Tier 2 BA for Section 2 (see FEIS Vol. II, Appendix Y1) on the preferred alternative was prepared for USFWS in accordance with procedures set forth in the revised Tier 1 BO issued by USFWS on August 24, 2006 (see FEIS Vol. II, Appendix L). The Tier 2 Section 2 BA—which includes plans for mitigation for impacts to wetlands, forests, and streams on 13 sites in Gibson, Pike and Daviess counties - stipulates that all conservation measures reported in the revised Tier 1 BO will be carried out as written. It provides USFWS new and/or detailed information including a discussion of the expanded Summer Action Area for the Indiana bat, revised direct forest impact data, and proposed mitigation site plans; and documents compliance with the requirements of the revised Tier 1 BO.

Conservation measures were jointly developed by the FHWA, INDOT, and USFWS during informal consultation and were subsequently incorporated into the Tier 1 BA and the Tier 1 BA Addendum as part of the official Proposed Action for the I-69 project. The Tier 2 Section 2 BA and mitigation plan are consistent with the mitigation and commitments in the revised Tier 1 BO, except where status changes were made in conservation measures reported in the revised Tier 1 BO. Such changes are documented in the Tier 2 BO issued February 17, 2010 (see FEIS Vol. II, Appendix Y2), and generally occur because the conditions (such as karst features and winter habitat) related to the conservation measures were found not to exist in Section 2.

Since conservation measures are part of the Proposed Action, their implementation is required under the terms of the consultation. These measures were specifically designed to avoid and minimize impacts of the proposed action on Indiana bats and bald eagles and to further their recovery. The Tier 2 Section 2 FEIS (see Section 7.3.15, *Threatened and Endangered Species*) presents the conservation measures applicable to Section 2. FEIS Section 5.17 (also titled *Threatened and Endangered Species*) and the revised Tier 1 BO provide a history of the Section 7 consultation for this project. The revised Tier 1 BO also contains the complete list of conservation measures for the I-69 project as a whole. The issuance of the Tier 2 Section 2 BO concluded formal Section 7 consultation for I-69 Section 2.

6.4 Permitting

6.4.1 Section 404 Permits (Clean Water Act)

Projects involving discharges of material into waters of the United States, including jurisdictional wetlands, require a permit or a letter of permission from USACE prior to the commencement of construction. As part of this project, all streams and potential wetlands within the project area were assessed. The assessment identified the streams and wetland areas within the project area that would be subject to USACE permitting jurisdiction.

At the same time as the FEIS was being finalized for publication, coordination was underway with the USACE to make a Jurisdictional Determination for “Waters of the United States” that will be regulated under Section 404 and Section 10 of the Clean Water Act. USACE will make a jurisdictional determination that will take into account all aquatic resources, including wetlands, subject to Section 404 Permit jurisdiction.

The Tier 2 Section 2 FEIS (see Section 5.19, *Water Resources*) identifies stream, wetland, and open water impacts and the agreed-to mitigation ratios: 1 to 1 ratio for streams and open water, and 2 to 1 and 3 to 1 ratios for emergent wetlands and forested wetlands, respectively. The Section 2 Tier 2 BA and *Conceptual Mitigation Plan*, approved in USFWS's Tier 2 Section 2 BO (see FEIS Vol. II, Appendix Y) sets forth the specific plans for meeting these mitigation requirements. The Plan employs mitigation ratios greater than those required, with the anticipation of utilizing excess credits on other INDOT projects. The USACE permit conditions will be addressed by the proposed mitigation for impacts to those resources.

Applicable Section 404 Permit(s) and/or Section 10 Permit(s) will be obtained prior to the start of construction in any area subject to Section 404 and/or Section 10 jurisdiction and any mitigation required by those permits will be implemented.

6.4.2 Section 401 Water Quality Certification (Clean Water Act)

Section 401 Water Quality Certifications must be obtained from IDEM prior to issuance of a Section 404 Permit. The Section 401 Water Quality Certification is a state's review of applications for USACE Section 404 permits for compliance with state water quality standards. Any activity involving dredging, excavation, or filling within waters of the United States requires a Section 401 Water Quality Certification from IDEM. Section 401 Water Quality Certifications have been applied for and will be obtained prior to the start of construction in any area subject to Section 401 Water Quality Certification requirements and any mitigation required by those permits will be implemented.

6.4.3 Construction in a Floodway Permit (Flood Control Act)

Construction in a Floodway permits are required from IDNR under Indiana's Flood Control Act (IC 14-28-1) and will be applied for during the design phase of this project.

6.4.4 NPDES Permit

A National Pollution Discharge Elimination System (NPDES) Permit is required from IDEM under 327 IAC 5-4-6 and will be applied for during the design phase of this project, if required.

6.5 Section 4(f) (Department of Transportation Act)

The applicable criteria of 23 CFR Part 774 have been met for Section 2 of the I-69 Evansville to Indianapolis project, and it has been determined that Section 2 will not use any identified resources protected under this regulation. Though it has been determined to be unlikely, if any archaeological sites eligible for the NRHP are identified that should be preserved in place in this section of the project, the protections under this section will be applied. For a discussion of Section 4(f), please refer to Section 4.0 of this ROD and the Tier 2 Section 2 FEIS, Chapter 8, *Section 4(f).*

7.0 COMMENTS ON THE FINAL EIS

This portion of the ROD includes comments received by the INDOT on the Final EIS for the I-69 Tier 2 Section 2 project. The Final EIS was approved by the FHWA on February 25, 2010. The Notice of Availability of the Final EIS was published in the *Federal Register* on March 5, 2010.

Comments on the Final EIS were received from the Peoria Tribe of Indians of Oklahoma, IDNR-DHPA, and USEPA. In its comment letter of March 11, 2010, the Peoria Tribe comments stated that it had no objections to the project and requested that it be consulted if future activities uncover any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA). In its comment letter of March 19, 2010, IDNR-DHPA noted its concurrence with the findings regarding impacts to cultural, historic and archaeological resources, and noted one minor discrepancy in the description of archaeological resources. In its comment letter of March 23, 2010, USEPA noted the FEIS Refined Preferred Alternative reduces impacts to several resources (wetlands, streams, relocations and farmland), found that the FEIS used adequate detailed information in the development and refinement of the project, and requested information to be added to tracking of impacts and mitigation in all Tier 2 Sections. It also identified that statements in the FEIS related to air quality and Section 404 permitting be clarified; these are addressed in Appendix F (*Errata Sheet*) of this ROD.

INDOT and FHWA have carefully reviewed all comments received on the Final EIS and it has been determined that the substantive environmental issues raised in the comments have been fully addressed. FHWA has considered all Final EIS comments in reaching the decisions documented in this ROD.

The comments have been summarized, below (p. 70). Detailed, point-by-point responses to the comments have been prepared in support of this ROD and are provided in the Comments and Responses (C/R) document in Appendix C, herein. In the C/R document, each substantive comment within a submittal is presented individually and is immediately followed by the response. Copies of the correspondence, as submitted by the commentors, follow the C/R document.

SUMMARY OF COMMENTS ON TIER 2 SECTION 2 FEIS

Peoria Tribe of Indians of Oklahoma

- Stated that while it is unaware of existence of Indian religious sites within the project area, and requested that it be notified if construction uncovers any items falling under Native American Graves Protection and Repatriation Act (NAGPRA). Stated it has no objection to proposed construction. (Peoria Tribe-1)

Indiana Department of Natural Resources – Division of Historic Preservation & Archaeology

- Noted its concurrence "with the archaeological information presented in the FEIS" and pointed out "a minor discrepancy" with regard to the number of previously-identified archaeological sites identified in Phase Ia literature review. It also requested that confidential information be excluded from the FEIS. (DHPA-1)
- Noted its agreement with "the overall conclusions of the Final Environmental Impact Statement regarding the identification of historic aboveground resources … and regarding the impacts that this project will have on those historic resources." (DHPA-3).

U.S. Environmental Protection Agency

- Reiterated the agency's rating of "Lack of Objection" given in the DEIS and noted "We find the FEIS to be informative, reflecting efforts by FHWA and INDOT to use adequate detailed information in the development and refinement of this project to further avoid and minimize impacts." (EPA-1)
- Noted that "refinements made since the DEIS have resulted in the FEIS Refined Preferred Alternative having lowered the total required right-of-way by approximately 122 acres, reduced wetland impacts by 1.23 acres, reduced stream impacts by approximately 4,370 linear feet, reduced residential relocations by 2, and reduced farmland impacts by about 107 acres." (EPA-1)
- Requested clarification regarding characterization of EPA Federal Register Notice regarding PM2.5 monitoring data, as well as EPA role in Clean Water Act wetlands and stream mitigation. (EPA-2, EPA-5, EPA-6, EPA-7)
- Requested that future annual I-69 tracking summary reports provide impact information by Tier 2 section. (EPA-3)
- Requested that future FEIS tracking of Tier 1 and Tier 2 impacts also include stream and karst impact information. (EPA-4)
- Noted progress between DEIS and FEIS in reducing aquatic resource impacts, stating, "the aquatic impacts for the proposed highway route have decreased slightly for wetlands, ponds and streams. This is desirable." (EPA-8)
- Provided comment on suggested approach to providing compensatory mitigation using the I-69 mitigation banking instrument. (EPA-9)

Note: (Peoria Tribe -#) indicates the Identification Code provided with each comment and response in the Comment/Response document in Appendix C.

8.0 RECORD OF DECISION

For the foregoing reasons, and based on the analysis and evaluation contained in the project's Final Environmental Impact Statement; after careful consideration of all the identified social, economic, and environmental factors and input received from other agencies, organizations, and the public; and the factors and project commitments and mitigation measures outlined above, it is the decision of the FHWA to approve the selection of the Refined Preferred Alternative as the Selected Alternative for the I-69 Tier 2 Section 2 project.

April 30, 2010
Date

Robert F. Tally, Jr.
Division Administrator
Federal Highway Administration
Indiana Division

APPENDIX A

COMMITMENTS SUMMARY FORM

DESIGNATION NUMBER	COMMIT. NUMBER	COMMIT. DATE	COMMITMENT TEXT	CONSULTANT SUBMIT COMMITMENT	FIRST NAME CONSULTANT	LAST NAME CONSULTANT	CONSULTANT PHONE NUMBER	OFFICE DOCUMENTING COMMITMENT	DOCUMENTER FIRST NAME	DOCUMENTER LAST NAME	DOCUMENTER PHONE NUMBER	AGENCY REQUIRING COMMITMENT	CONTACT FIRST NAME	CONTACT LAST NAME	CONTACT PHONE NUMBER	REQUIRED OR FOR CONSIDERATION	IMPLEMENT DURING PROJ DEVELOPMENT	ATTENTION TO CONSTRUCTION	NOTES
0300378	1	1/7/09	Incorporate a widened median (bifurcated section) over a 1.5-mile portion of the Section 2 route south of Petersburg. This would allow development of a broader wooded median separating the opposing lanes, which would shield the view of the oncoming traffic and provide a more natural landscape.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	2	1/7/09	All bituminous and Portland cement concrete proportioning plants and crushers will meet the requirements of IDEM. Dust collectors must also be provided on all bituminous plants. Dry, fine aggregate material removed from the dryer exhaust by the dust collector must be returned to the dryer discharge unless otherwise directed by the project engineer.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300378	3	1/7/09	In Section 2, special measures including diversions of highway runoff from direct discharge off of bridge decks into streams, and containment basins to detain accidental spills, will be incorporated into final design plans for perennial streams within any of the Indiana bat maternity colony areas. All runoff from the bridge over the Patoka River floodplain will also be collected and treated in detention basins at each end of the bridge. Additional perennial stream crossings within Indiana bat maternity colony areas to receive special spill containment measures include Hurricane Creek, South Fork Patoka River, Flat Creek, Mud Creek, East Fork of the White River, Jackson Pond Tributary (near Sta 1192+00), Veale Creek, and Hurricane Branch.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300378	4	1/7/09	In Section 2, within the Patoka River floodplain, all areas will be restored to original contours after construction of the bridges.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300378	5	1/7/09	In Section 2, in order to protect the historic bridges from possible damage, all construction traffic will be prohibited from using the two bridges on County Road 300 West (Pike County Bridges Nos. 81 and 246) within the Patoka Bridges Historic District.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	Yes	
0300378	6	1/7/09	In Section 2, the project was determined to have an adverse visual effect on the Patoka Bridges Historic District. To mitigate the adverse visual effect, trees and vegetation will be planted along I-69 to provide some visual screening per the Section 106 MOA. Coordination shall be performed with the USFWS in regards to the tree planting as this location is located within the Patoka River National Wildlife Refuge.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	Yes	No	
0300378	7	1/7/09	In Section 2, per the Tier 2 MOA, INDOT commits to provide funding for the local match (not to exceed $100,000.00 per bridge), if Pike County chooses to apply for, and is awarded, federal funding through a grant program to rehabilitate Pike County Bridge No.246 and/or Pike County Bridge No. 81 (bridges within the Patoka Bridges Historic District). All rehabilitation efforts will have to be in compliance with the guidelines set forth in FHWA's Historic Bridge Programmatic Agreement.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	No	No	
0300378	8	1/7/09	At present, roadway lighting is not anticipated on the bridges or any mainline portions of Section 2. Lighting at interchanges will be evaluated, and will be included if warranted for safety reasons. Based on projected traffic volumes, the US 50 interchange would be the most likely to warrant lighting. Consideration will be given during the design phase to using only non-diffuse lighting, as appropriate.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	No	
0300378	9	1/7/09	In Section 2, Floodplain encroachments will be minimized, where reasonable, through design practices such as longer bridges and perpendicular stream crossings. There are two major floodplains crossed in Section 2, the Patoka River and the East Fork of the White River. Mitigation measures will also be incorporated for the floodplain at the Flat Creek crossing, although it is not listed as a FEMA 100-year floodplain. The crossings at both the Patoka River and the East Fork of the White River are transverse crossings. The entire floodplains of both the Patoka River and Flat Creek will be completely bridged. A final hydraulic design study will be completed during the design phase, and a summary of this will be included with the Field Check Plans and Design Summary.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	10	1/7/09	In Section 2, IDNR indicated that in-stream construction date restrictions are likely. Construction timing restrictions (if any) will be addressed during permitting.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300378	11	1/7/09	In Section 2, INDOT and FHWA have committed to provide wildlife crossings at four locations. The four Section 2 locations are at the Patoka River crossing, the Flat Creek crossing, the crossing of the East Fork of the White River, and the crossing of the tributary to Jackson Pond (near Sta 1192+00). The bridges are proposed to have sufficient clearance (at least 8' vertical x 24' horizontal, clear, obstruction free, dry opening) to permit the passage of wildlife beneath. In addition, structures will be provided at Prides Creek, Mud Creek, and Veale Creek that will provide opportunities for wildlife to cross beneath the highway. Plans for armoring the stream bed and banks and fencing are still under consideration and will be coordinated with the IDNR during final design.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	12	1/7/09	In Section 2, correspondence received from the National Park Service (NPS) on February 6, 2007 offers recommendations to assist in the mitigation of impacts to the East Fork of the White River. These recommendations include avoiding the placement of piers in the bed or banks of the river (fully span the river), redirect deck run-off away from the river to settling ponds or other filtration system, ensure commitments are in place to fully incorporate opportunities for design aesthetics, and ensure all best management practices are in place to contain erosion, sedimentation, fuels/hydraulic fluids/oil spills, or other such materials.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	Yes	No	
0300378	13	1/7/09	In Section 2, at this time, the two proposed interchanges nearest the Patoka River National Wildlife Refuge are the SR 64 interchange, located approximately five miles south of the river, just west of Oakland City, and the SR 61/56 interchange at Petersburg, nine miles north of the river. Signage regarding access to the refuge shall be included at the interchanges.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	14	1/7/09	INDOT will coordinate with IDNR to evaluate potential impacts to the eastern box turtle during construction and develop protocols to address these impacts.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	15	1/7/09	During final design, special contract provisions will be developed to minimize impacts to wetlands within the right-of-way of the bridge for crossing of the Patoka River.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	

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0300378	16	1/7/09	Although the construction of the North Pike interchange has been deferred at this time, the interchange will be designed at the same time as the rest of I-69 in Section 2. In addition, right-of-way will be purchased for the interchange, the access road (relocated Blackburn Road) from the interchange westward to SR 57, and the access road from the interchange eastward to CR 275E.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	17	1/7/09	The current right-of-way and fill slope location would impact 3 large barns on the Lamar property (2858 N Meridian Rd) along Meridian Road in Pike County, just south of the Pike County Road 300 North intersection (near Sta 738+00). During final design, when more detailed topographic survey information is available, engineers will investigate options for narrowing the right-of-way at that location. Such options may include a retaining wall or possibly steeper side slopes adjacent to the barns.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	18	1/7/09	The Fettinger residence (6659 N Fettinger Ln) located on Fettinger Ln just north of Blackburn Rd in Pike County (near Sta 10+00 of Blackburn Rd Extension) has expressed concern over existing drainage issues on their property. The comment can be found in the Tier 2 FEIS, Volume III, Part A, Comment/Response PC032.The final design team will review the drainage on this property and ensure that this problem is not exacerbated by construction of I-69 and the Blackburn Rd relocation, and that steps are taken to improve the drainage situation if practicable.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	19	1/7/09	Before any construction of Section 2 of I-69 commences within the maternity colony areas, INDOT and FHWA, in consultation with the USFWS must develop detailed, site-specific, final mitigation plans for the Coleman/Redding, Bartley, Huebner, and May mitigation areas. The mitigation plans will contain detailed descriptions for each phase of mitigation including 1) initial construction and establishment, 2) 5-year, post-construction monitoring phase, and 3) long-term management. The Section 2 final mitigation plans will address and/or establish the following: quantifiable criteria and methods for assessing success of all mitigation plantings and functionality of constructed wetlands and streams, approved lists of tree/plant species to be planted (and their relative abundance/%), approved lists of herbicides for weed control, proposed construction schedules, annual post-construction monitoring schedules, and a long-term, ongoing management/stewardship strategy.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	20	1/7/09	For Section 2, possible wetland and forest mitigation sites to be considered are the Patoka River bottoms in Gibson/Pike counties, the Flat Creek area in Pike county, the East Fork of the White River area in Pike/Daviess counties, and the Veale Creek area in Daviess County.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	No	No	The Cooper/Buck site is under construction within the Patoka River bottoms. The Corn and Purcell sites are under construction in the E Fk Whiter River area. Additional sites that have been secured for construction and/or preservation in the Flat Creek and Patoka River areas include the Coleman/Redding, Butcher, Kirby, Braun, and Horsman sites. The Huebner site has been secured in the Veale Creek area. Additional sites in the Patoka River and Veale Creek areas are in the acquisition phase.
0300378	21	1/7/09	To ensure timeliness, INDOT and FHWA must begin construction and/or reforestation within the Section 2 Mitigation Areas (Coleman/Redding, Bartley, Huebner, and May sites) either before (the most preferable option) or during the first summer reproductive season (1 April – 30 September) immediately after any I-69 related tree clearing or construction begins in Section 2 anywhere within each 2.5-mile radius maternity area. Once initiated, all USFWS-approved construction and tree plantings within the Section 2 Mitigation Sites must be completed within 3 calendar years.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	22	1/7/09	In the Section 2 expanded summer action area (SAA), the incidental take limit for Indiana bats killed by vehicle collisions is 66 individuals between 2013 and 2030. Direct habitat loss within the SAA will be limited to 237 acres of forest habitat and 7.1 acres of non-forested wetland habitat. If the anticipated levels of incidental take (i.e. habitat modification and/or roadkill) are exceeded by more than 10% (or tree clearing occurs during the period of April 1-September 30) within the SAA, then such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. INDOT and FHWA must immediately provide an explanation of the causes of the taking and review with the USFWS the need for possible modification of the reasonable and prudent measures.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	23	1/7/09	Where stream mitigation is incorporated within the right-of-way, the planting of low maintenance species will be a priority.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USEPA	Virginia	Laszewski	312-886-7501	For Consideration	Yes	No	
0300378	24	1/7/09	INDOT will raise Daviess CR 250 S and CR 125 E to eliminate the flooding issue at that location.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	25	1/7/09	The designer shall work with BLA to revise the current drainage and direct flow into the wetland mitigation site located immediately northeast of the Daviess CR 250 S and CR 125 E intersection.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	26	1/7/09	Prior to construction, a Phase Ic archaeological survey and any other subsequent survey's will be conducted for areas with alluvial soils along the Patoka River, E Fk White River, and Veale Creek, and on archaeological site (12Pi103) per the Section 106 MOA.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	Yes	No	
0300378	27	1/7/09	Gibson County developed a "Regional Wastewater Infrastructure Plan" with the use of funds from the Rural Assistance Program and IDEM. The Section 2 design team will contact Gibson County and/or IDEM to obtain a copy of the report, and will consider incorporating the findings of the report into the final design of I-69 where applicable.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	No	
0300378	28	1/7/09	Multiple cemeteries (1 in Section 1, 3 in Section 2, and 3 in Section 3) are within the project corridor but not within 100 feet of the right-of-way of any Build Alternative; therefore, no impacts are anticipated. If the preferred alternative disturbs ground within 100 feet of a cemetery gravesite, a development plan will be completed and submitted to IDNR Division of Historic Preservation and Archaeology during the design phase of project development as per the Indiana Historic Preservation and Archaeology Law (IHPAA).	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	Yes	No	

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0300378	29	1/7/09	Noise abatement measures have been analyzed. These included roadway geometrics and noise barriers. In Section 1 there is 1 site (Site 9), in Section 2 there is 1 site (Site M2, representing 4 receivers) and in Section 3 there are 3 sites (Sites 2, 3, and 6) , described in Section 5.10 of each FEIS, where noise levels affected by the project required analysis of noise abatement measures. The analysis determined such measures were not reasonable considering the cost effectiveness criteria. Noise abatement measures at these locations will be re-evaluated during the final design phase and any measures found to be reasonable and feasible will be incorporated into the project.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	30	1/7/09	Heavy blasting is not anticipated; however, in the event it is required, strict blasting specifications will be followed.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	31	1/7/09	Stream relocations will be completed using the natural channel design features that are identified through coordination with the agencies with jurisdiction to develop a channel that is as good as or better than the impacted channel. Natural channel design stream relocations will be focused within and near the Indiana bat maternity colony areas. Plans will include the planting of woody and herbaceous vegetation to stabilize the banks. Such plantings will provide foraging cover for many species. Other details of mitigation will be coordinated with the agencies with jurisdiction during the permitting process. In addition, INDOT will coordinate with IDEM, IDNR, and USACE to take into account any recent stream stabilization projects. USFWS will be included in the coordination if a stream relocation is identified within an Indiana Bat maternity colony area. Mitigation and Monitoring plans will be developed for stream relocations, as appropriate.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	32	1/7/09	Since a portion of the proposed project would be located on a new roadway, the potential does exist for local officials and developers to help minimize adverse noise impacts through the use of careful land use planning. With regard to currently undeveloped land, the creation of a "buffer zone" or locating noise sensitive developments a reasonable distance away from the project would help minimize future noise impacts. The EIS contains 66 dBA noise contour mapping which local planning and development authorities can utilize to develop noise compatible land uses outside the 66 dBA buffer zone. Copies of the EIS for the appropriate Section of I-69 are being provided to Gibson, Pike, Daviess, and Greene county officials for use in noise-sensitive land use planning.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	No	No	CD Copy of the Section 2 FEIS sent to Gibson, Pike and Daviess County Commissioners in late Feb/early Mar 2010. Noise contour mapping found in Appendix BB of the Section 2 FEIS. CD Copy of the Section 3 FEIS sent to Daviess and Greene County Commissioners in December 2009. Noise contour mapping found in Appendix X of the Section 3 FEIS.
0300378	33	1/7/09	FHWA and INDOT will provide funding and technical assistance to support a comprehensive effort to update the Interim Reports for Warrick, Gibson, Pike, Daviess, Martin, Monroe (excluding Bloomington), Morgan, Johnson, and Marion (Perry, Decatur and Franklin Townships only) counties.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	No	No	
0300378	34	1/7/09	INDOT will provide to permitting agencies and USEPA a tracking summary on an annual basis. The summary will identify the mitigation commitments and describe the status of the activities-to-date associated with each commitment.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	No	No	
0300378	35	1/7/09	INDOT will consider the following of property lines where possible to minimize farm splits.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	No	
0300378	36	1/7/09	INDOT will consider adjustment of cul-de-sac locations to avoid/minimize stream and wetland impacts.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	No	
0300378	37	1/7/09	Where reasonable and cost effective, local access roads (e.g., frontage roads and road relocations) will be used to maintain accessibility for residences, farm operations, businesses, churches, schools, and other land uses.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	No	
0300378	38	1/7/09	Efforts will be made to minimize the disruption of local crossroads and bicycle facilities, and minimize impacts to school bus and emergency provider routes. The alternatives were developed that avoid closure of local roads where possible: in some locations the Interstate will overpass the county roads, while in other instances the county roads will bridge the Interstate.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	No	
0300378	39	1/7/09	Any roads terminated at the Interstate will be provided a cul-de-sac or other means to allow large vehicles such as school buses, snow plows, or county maintenance vehicles sufficient turn around space. Appropriate signing will be placed at the nearest intersection to warn that the road does not provide for through traffic.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	40	1/7/09	Efforts have been made and will continue to be made to minimize relocations.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	41	1/7/09	All acquisitions and relocations required by this project will be completed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended, 49 CFR (Code of Federal Regulations) 24, and Title VI of the Civil Rights Act of 1964. INDOT will take required actions to ensure fair and equitable treatment of persons displaced as a result of this project up to and including providing replacement housing of last resort as defined in 49 CFR 24.404. Relocation resources for this project are available to residential and business relocatees without discrimination. Payments received are not considered as income under the provisions of the Internal Revenue Code of 1954; or for the purposes of determining any person's eligibility, or the extent of eligibility, for assistance under the Social Security Act or any other Federal law.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	To address this commitment, all acquisition and relocation procedures will be in accordance with the INDOT Office of Real Estate Manuals. These manuals include the Appraisal Manual, Buying Manual, Relocation Manual, and Property Management Manual. The procedures outlined in these manuals comply with all state and federal regulations.
0300378	42	1/7/09	Advisory services will be made available to farms and businesses, with the aim of minimizing the economic harm to those businesses and farm establishments.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	43	1/7/09	The final design of the preferred alternative may include shifting the alternative both vertically and horizontally, wherever feasible, to minimize noise impacts where other factors are not prohibitive.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	No	
0300378	44	1/7/09	Construction vehicles will be required to follow INDOT Standard Specifications and shall be maintained in proper mechanical condition. Proper maintenance of construction vehicles shall be performed to assist in controlling noise.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	No	No	
0300378	45	1/7/09	Erosion control devices will be used to minimize sediment and debris from leaving the project site in runoff. Erosion control measures will be put in place as a first step in construction and maintained throughout construction.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	46	1/7/09	Wetlands adjacent to construction limits will be delineated and protected with silt fences and/or other erosion control measures.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	

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0300378	47	1/7/09	Timely revegetation after soil disturbance will be implemented and monitored. Revegetation will consider site specific needs for water. Revegetation of disturbed areas will occur in accordance with INDOT Standard Specifications.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	48	1/7/09	Any riprap used below the high water mark and outside of the highway clear zone will be of a large diameter in order to allow space for habitat for aquatic species after placement.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	49	1/7/09	Slopes will be designed that resist erosion. If they exceed 2 to 1, they will include stabilization techniques. The extent of artificial bank stabilization (e.g. riprap, concrete) will be minimized and bioengineering techniques will be considered where situations allow.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	50	1/7/09	To protect sources of potable water, construct grassy swales to divert stormwater from the road to ditches and streams, and use construction methods to reduce turbidity that construction temporarily causes.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	51	1/7/09	Fugitive dust generated during land clearing and demolition procedures will be controlled by proper techniques.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300378	52	1/7/09	Prior to construction, planning for parking and turning areas outside the construction limits but within the right-of-way for heavy equipment will be located to minimize soil erosion, tree clearing, and impacts to other identified resources.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	53	1/7/09	All equipment servicing and maintenance will take place in a designated maintenance area away from environmentally sensitive areas such as streambeds, wetlands, sinkholes, or areas draining into sinkholes .	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	54	1/7/09	To avoid any direct take of Indiana bats, no trees with a diameter of 3 or more inches diameter at breast height (DBH) will be removed between April 1 and September 30.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	Yes	
0300378	55	1/7/09	In the median, outside the clear zone and considering other safety factors, tree clearing will be kept to a minimum with woods kept in as much a natural state as reasonable if it is sufficiently outside any clear zone requirements.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	Yes	
0300378	56	1/7/09	Forested medians will be managed following IDNR State Forest timber management plan.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	57	1/7/09	Woody vegetation will be incorporated into the revegetation plan where appropriate. Woody vegetation will only be used a reasonable distance beyond the clear zone to ensure a safe facility. In areas that contain water resources, low-growing shrubs will be considered for planting in the adjacent areas outside the clear zone, but within the right-of-way.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	For Consideration	Yes	No	
0300378	58	1/7/09	Revegetation of disturbed soils in the right-of-way and medians will utilize native grasses and native wildflowers as appropriate, such as those cultivated through INDOT's Roadside Heritage program.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	For Consideration	Yes	No	
0300378	59	1/7/09	A Traffic Management Plan will be developed in design through coordination with local agencies, emergency responders and schools to ensure that appropriate access is maintained during construction with as little disturbance to emergency routes as possible.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	60	1/7/09	Early notice of detour routes will be provided to the local communities.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	Yes	
0300378	61	1/7/09	During construction of I-69, any spill incidents on site will be handled in accordance with INDOT spill response protocol as outlined in their Construction Activity Environmental Manual and Field Operations Manual Procedure 20. In addition, the Rule 5 permit that contractors must obtain will have spill containment plans in the contract documents.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	62	1/7/09	Construction noise abatement measures may be required in areas where residences or other sensitive noise receivers are subjected to excessive noise from highway operations. Consideration will be given to providing reasonable and feasible noise abatement early in the construction phase to mitigate construction noise. Noise impacts could be controlled through the regulation of construction time and hours worked, using noise-controlled construction equipment, limitations of construction vehicles during evening and weekend hours and by locating equipment storage areas away from noise sensitive areas.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	Yes	
0300378	63	1/7/09	Construction in a Floodway permit(s) will be applied for before or during the design phase of this project.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	64	1/7/09	Contruction work within floodplains will be carefully controlled to minimize impacts to stream, wetlands, and wildlife habitat.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300378	65	1/7/09	The undersides of existing bridges that must be removed for construction of I-69 will be visually surveyed and/or netted to determine their use as night roosts by Indiana bats during the summer.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	This activity was completed during the Tier 2 Studies. No additional surveys are necessary, and no bats were identified on bridges impacted by the project.
0300378	66	1/7/09	Design and construction will adhere to the Wetland MOU (dated January 28, 1991).	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	Addressed through continued coordination with the IDNR and the USFWS. Proposed mitigation ratios at the I-69 mitigation sites for impacts to wetland resources will be at or above those outlined in the MOU.
0300378	67	1/7/09	BMPs will be used in the construction of this project to minimize impacts related to borrow and waste disposal activities.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300378	68	1/7/09	Solid waste generated by clearing and grubbing, demolition or other construction practices will be removed from the location and properly disposed.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300378	69	1/7/09	Contractors are required to follow safeguards established in INDOT's Standard Specifications (Section 203.08 Borrow or Disposal) that include obtaining required permits, and identify and avoid or mitigate impacts at borrow/disposal sites that contain wetlands or archaeological resources.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300378	70	1/7/09	Special Provisions will prohibit the filling and damaging of wetlands located outside the construction limits within the right-of-way by delineating and protecting these areas from construction use and secondary construction impacts.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	Yes	Yes	
0300378	71	1/7/09	Burning of construction related debris would be conducted in accordance with all local, State, and Federal regulations. All burning will be conducted a reasonable distance from all homes and care will be taken to alleviate any potential atmospheric conditions that may be a hazard to the public. All burning will be monitored.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	No	Yes	

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0300378	72	1/7/09	All I-69 engineering supervisors, equipment operators, and other construction personnel and INDOT and/or other maintenance staff will attend a mandatory environmental awareness training that discloses where known sensitive Indiana bat and Bald Eagle sites are located in the project area, addresses any other concerns regarding Indiana bats and Bald Eagles, and presents a protocol for reporting the presence of any live, injured, or dead bats (any species) or eagles (bald or golden) observed or found within or near the construction limits or right-of-way during construction, operation, and maintenance of I-69. Should any live, injured, or dead bats or eagles be located, all work shall stop within 200 feet until further notice. Project personnel will also be instructed about the terms and conditions of the Incidental Take Statement and the restrictions imposed by them before construction and operation begins.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	Yes	
0300378	73	1/7/09	INDOT and FHWA will keep track of all known bald eagles killed or injured from vehicle collisions to ensure that the anticipated amount of incidental take, 3 killed/injured bald eagles during any five-year period for I-69 from Evansville to Indianapolis, is not exceeded.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	74	1/7/09	INDOT and FHWA will keep track of all known Indiana bats killed from vehicle collisions to ensure that the anticipated amount of incidental take, 10 killed per calendar year for I-69 from Evansville to Indianapolis, is not exceeded.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	75	1/7/09	Prepare a marketing plan for dissemination of the cultural and natural resouces audio tour developed per the Section 106 MOA.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	No	No	
0300378	76	1/7/09	A Phase Ia archaeological survey and any other subsequent survey's will be conducted for any final right-of-way adjustments which were not covered under the original Phase Ia survey.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	Yes	No	
0300378	77	1/7/09	Prior to construction, Phase II archaeological surveys and any other subsequent survey's will be conducted for previously identified archaeological sites identifid in the Section 106 MOA.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	Yes	No	
0300378	78	1/7/09	FHWA and INDOT will assist the SHPO to develop its GIS capability to facilitate Tier 2 consultation and to support historic preservation reviews for other transportation projects in southwest Indiana.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	No	No	
0300378	79	1/7/09	FHWA and INDOT will provide financial and technical assistance to the SHPO for the further development of GIS-based tools for identifying and recording archaeological sites.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR DHPA	James	Glass	317-232-3492	Required	No	No	
0300378	80	1/7/09	Efforts will be made in this project to create positive visual impacts and reduce negative impacts without compromising traffic operations and safety. Visual and aesthetic resource issues will be addressed in greater detail through INDOT's continuing consultation with each Section's CAC and local groups and/or communities during the design phase.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	No	
0300378	81	1/7/09	Appropriate cleanup of hazardous materials and/or removal of underground storage tanks (USTs) and aboveground storage tanks (ASTs) may be required if a contaminated site is purchased. INDOT will coordinate with the appropriate agencies and property owners to see that proper cleanup of any contaminated sites are completed.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300378	82	1/7/09	Where construction would require the removal/relocation of buried fuel (oil, natural gas, and diesel) pipelines, coordination will occur with pipeline owners, per INDOT's Standard Specifications. Also, stipulations in the Standard Specifications will be followed to ensure safe removal/relocation of the pipelines and associated appurtenances, and appropriate remediation of soils and groundwater impacts, should such be necessary. In addition, the procedure will include advance notification of IDEM regarding the potential for contamination of groundwater and need for remediation.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	83	1/7/09	INDOT will be responsible for proper closing of any improperly abandoned well discovered during construction within the project right-of-way, according to INDOT Standard Operating Procedures for closing wells that are to be abandoned. In addition, the procedure will include advance notification of IDEM regarding the potential for contamination of groundwater and need for remediation. The IDNR shall be contacted to ensure any located abandoned wells are properly capped.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300378	84	1/7/09	Wetlands determined to be "waters of the U.S." will be replaced in accordance with the MOU between INDOT, USFWS, and IDNR as dated January 28, 1991, or any successor agreement entered into by these agencies. While not signatory to the agreement, USACE typically follows the mitigation ratios within the MOU. Under the 1991 MOU, wetlands would be mitigated as follows: Farmed 1 to 1 ; Scrub/shrub and palustrine/lacustrine emergent 2 - 3 to 1 depending upon quality ; Bottomland hardwood forest 3 – 4 to 1 depending upon quality ; Exceptional, unique, critical (i.e. cypress swamps) - 4 and above to 1 depending upon quality. As required for Section 404/401 permitting, Wetland Mitigation and Monitoring Plans will be prepared.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	No	No	This commitment has been completed through the construction of the Section 1 mitigation site, and with Section 2 & 3 mitigation sites developed under the I-69 Sections 2 & 3 Umbrella Mitigation Bank (UMB). Additional Section 2 sites will be developed under the UMB and coordination is on-going for acquisition/development of Section 4 sites.
0300378	85	1/7/09	If appropriate, wetland mitigation may include wetland banking. Wetland banking is an effort to build a large wetland mitigation site(s) to mitigate for a number of smaller impacts from potentially a number of projects typically in the same watershed. This typically results in a much more functional and valuable replacement wetland.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	No	No	This commitment has been addressed throught the development of the I-69 Sections 2 & 3 Umbrella Mitigation Bank.
0300378	86	1/7/09	All 404/401 permit requirements shall be implemented in design and construction. Construction limits in final design shall remain within the construction limits outlined in the 404/401 permits and applications. Any locations where construction limits extend outside the permitted construction limits, and may result in additional impacts to wetlands or streams, shall be evaluated to ensure permit requirements are met.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	No	No	
0300378	87	1/7/09	Where woody vegetation, wetlands, wildflowers, karst, water bodies, riparian habitat, or environmentally sensitive areas occur outside the construction limits but within the right-of-way; permanent "Do Not Mow or Spray" signs will be posted to alert construction and maintenance staff. This will assist in prevention of disturbance, clearing, and/or herbicide treatment both during and after construction.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	Yes	

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0300378	88	1/7/09	Tree clearing and snag removal will be kept to a minimum and limited to within the construction limits and calendar requirements. Minimize tree clearing and snag removal near streams and rivers. [Note: Providing approximately 20 feet of cleared space around a bridge would be permitted to allow sufficient room for bridge maintenance and inspection.] Environmentally sensitive locations (e.g., wetlands, historic structures, archaeology sites, sinkholes) in the general area will be clearly shown on construction plans. Sites outside the contruction limits within the right-of-way will be delineated. These sites will not be permitted for use as staging areas, borrow, or waste sites. (Note: due to sensitive nature of the resource, archaeological sites shall be labeled strictly as avoidance areas with no reference to archaeology.) Post "DO NOT DISTURB" signs at the construction zone boundaries prior to and during construction to prevent disturbance to these areas.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	Yes	Yes	
0300378	89	1/7/09	Where reasonable, the preferred alternative follows existing property lines and minimizes dividing or splitting of large tracts of farmland to reduce the creation of point rows and uneconomic remnants. This will continue to be incorporated into final right-of-way development.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	NRCS	Jane	Hardisty	317-290-3200	For Consideration	Yes	No	
0300378	90	1/7/09	Many farm parcels that would have lost access as a result of the project will be provided access via new roads as features of the project.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	NRCS	Jane	Hardisty	317-290-3200	For Consideration	Yes	No	
0300378	91	1/7/09	Where providing access to farm parcels was not deemed reasonable from an economic standpoint (i.e., it would cost more to provide new access than to acquire the property), the disposition of landlocked parcels and uneconomic remnants will be addressed during final design and right-of-way acquisition.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	For Consideration	Yes	No	
0300378	92	1/7/09	The NRCS has been contacted and appropriate analyses has been conducted in accordance with the Farmland Protection Policy Act. Coordination will continue with the NRCS to determine the feasibility of participating in the Farm and Ranch Lands Protection Program (formerly known as the Farmland Protection Program).	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	NRCS	Jane	Hardisty	317-290-3200	Required	Yes	No	
0300378	93	1/7/09	INDOT and FHWA will incorporate local and regional farmland protection strategies into the I-69 Community Planning Program.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	NRCS	Jane	Hardisty	317-290-3200	Required	No	No	This commitment has been addressed through concentrating planned development and limitation of development sprawl as part of the Community Planning Grant Program.
0300378	94	1/7/09	Upland forest impacts will be mitigated at a ratio of 3 to 1 for the I-69 Evansville-to-Indianapolis project as a whole, through the preservation and/or replacement of forested lands within Southwest Indiana. Mitigation goals are to replace direct forest impacts at a 1 to 1 ratio and provide an additional 2 to 1 ratio of forest preservation. All forest mitigation lands will be protected in perpetuity by conservation easements. It is anticipated that all of the mitigation for forest impacts caused by each I-69 Section will be located within the Study Area for each Section. However, forest mitigation is being developed on a project-wide basis, and may include large tracts that serve as mitigation for multiple Tier 2 sections. The 3 to 1 mitigation ratio may not necessarily be provided within each Tier 2 section; however, the total mitigation for all forest impacts will be 3 to 1.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	No	No	This commitment has been addressed through the construction of the Section 1 mitigation site, and with Section 2 & 3 mitigation sites developed under the I-69 Sections 2 & 3 Umbrella Mitigation Bank (UMB). Additional Section 2 sites will be developed under the UMB and coordination is on-going for acquisition/development of Section 4 sites. Design for sites proposed for upland forest mitigation will conform to the 3 to 1 mitigation ratio.
0300378	95	1/7/09	INDOT will consult with appropriate resource agencies regarding forest mitigation measures. Potential forest mitigation sites are identified in the Revised Tier 1 Conceptual Forest and Wetlands Mitigation and Enhancement Plan. The plan provides a list of possible replacement sites.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	No	No	This commitment has been addressed through the identification and development of mitigation sites in the Pigeon Creek, Patoka River, Flat Creek, East Fork White River, and West Fork White River (Elnora) areas. The Flat Creek and Patoka/White River sites were developed as a part of the I-69 Sections 2 & 3 Umbrella Mitigation Bank. Additional sites are planned within the Patoka River, and Veale Creek areas for Section 2. Section 4 sites are being pursued within additional areas specified in the plan (e.g. Doans Creek, Indian Creek, etc.).
0300378	96	1/7/09	Riparian forest impacts were calculated by identifying plant communities within 100 feet of a stream, measured from the stream's center. Riparian forest impacts (if non-wetland forests) will be mitigated at a ratio of 1:1 on a linear feet basis in consultation with IDEM and USACE. If these riparian forests are identified as wetland forests, the impacts will be mitigated according to the Wetland MOU. If the riparian forests are identified as non-wetland forests in a floodway, impacts will be mitigated according to IDNR ratios: 2:1 replanting or 10:1 preservation. All other non-wetland riparian forest replacement will be included as part of the 3 to 1 upland forest mitigation. Riparian forest impacts are not additional impacts, but will be addressed as either a non-wetland or wetland forest.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	No	No	This commitment has been addressed through the construction of the Section 1 mitigation site, and with Section 2 & 3 mitigation sites developed under the I-69 Sections 2 & 3 Umbrella Mitigation Bank (UMB). Additional Section 2 sites will be developed under the UMB and coordination is on-going for acquisition/development of Section 4 sites. Design for sites proposed for upland forest mitigation will conform to the specified mitigation ratios.
0300378	97	1/7/09	The realignment of surface streams or impacts to riffle-pool complexes and natural stream geomorphology will be avoided where reasonable. Stream impacts have been minimized through alignment planning and unavoidable relocations will be mitigated.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	98	1/7/09	Where reasonable, below-water work will be restricted to placement of piers, pilings and/or footings, shaping of spill slopes around the bridge abutments, and placement of riprap.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	Yes	No	
0300378	99	1/7/09	If riprap is utilized for bank stabilization, it shall be of appropriate size and extend below the low-water elevation to provide for aquatic habitat.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	100	1/7/09	Where reasonable, channel work and vegetation clearing shall be restricted to within the width of the normal approach road right-of-way.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	Yes	Yes	
0300378	101	1/7/09	Culverts and other devices will be placed so that they do not preclude the movement of fish and other aquatic organisms.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	102	1/7/09	Culverts and other devices will be used to preserve existing drainage patterns.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300378	103	1/7/09	Consideration will be given to oversized culverts to allow for the passage of small fauna at locations where it is determined to be appropriate and reasonable, and natural bottoms will be preserved when feasible.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300378	104	1/7/09	Erosion control devices such as jute matting or other erosion control blankets, grading, seeding and sodding shall be used to minimize sediment and debris in tributaries crossed by the project.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	

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0300378	105	1/7/09	In mitigation sites and within the proposed right-of-way for I-69, INDOT will use appropriate herbicides and/or physical mechanisms to control invasive plants, such as purple loosestrife, reed canary grass, kudzu, Japanese knotweed and others.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300378	106	1/7/09	Coordination with the USFWS will continue pursuant to the Migratory Bird Treaty Act of 1918.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	Per email correspondence from the USFWS on 03/04/10, no additional permits from the USFWS are required in regards to the Migratory Bird Treaty Act.
0300378	107	1/7/09	Mitigation measures for impacts on wildlife movements and populations to be considered in final design may include, but are not limited to: Barrier fencing (large species) ; All wildlife crossing types will be determined and designed considering size, placement, substrate, vegetative cover, moisture, temperature, light, and human disturbance ; Roadway warning signs and flashers; and Planting unpalatable species near roadway to reduce likelihood of wildlife attraction.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	Yes	No	
0300378	108	1/7/09	Where reasonable, the preferred alternative will cross rivers and streams at their narrowest floodway width, and reduce the number of stream relocations and floodplain encroachments.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	109	1/7/09	Floodplain bridging has been incorporated at multiple locations to reduce floodplain impacts. Where backwater exceeds the specified limits identified in the Flood Control Act, flood easements will be secured to address the potential effects. All structures are being designed to meet FHWA allowable backwater limits.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	110	1/7/09	Return disturbed in-stream habitats to their original condition, when possible, upon completion of construction in the area.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300378	111	1/7/09	Where appropriate, construct roadside ditches that are grass-lined and connected to filter strips and containment basins.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300378	112	1/7/09	Make every effort to minimize the amount of salt used on the bridges and roads. Use alternative substances or low salt (e.g., sand) as much as possible.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	No	No	
0300378	113	1/7/09	Where reasonable and appropriate, floodplains and oxbows will be bridged to protect environmentally sensitive areas.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	Yes	No	
0300378	114	1/7/09	Efforts will be made to locate Interstate alignments so they avoid transecting forested areas and fragmenting core forest where reasonable.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	Yes	No	This commitment has been completed as a part of the Tier 2 studies.
0300378	115	1/7/09	In areas with suitable summer habitat for the Indiana bat, mist net surveys will be conducted between May 15 and August 15 at locations determined in consultation with USFWS as part of Tier 2 studies. If Indiana bats are captured, some will be fitted with radio transmitters and tracked to their diurnal roosts for at least 5 days unless otherwise determined by USFWS.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	This commitment has been completed as a part of the Tier 2 studies.
0300378	116	1/7/09	The undersides of existing bridges that must be removed for construction of I-69 were visually surveyed and/or netted to determine their use as night roosts by Indiana bats during the summer.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	This commitment has been completed as a part of the Tier 2 studies.
0300378	117	1/7/09	If feasible and appropriate, I-69 and frontage road bridges (including the Patoka River and East Fork of the White River bridges) will be designed to provide suitable night roosts for Indiana bats and other bat species in consultation with USFWS.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	No	No	
0300378	118	1/7/09	Where feasible and appropriate, bridges will be designed with none or a minimum number of in-span drains. To the extent possible, the water flow will be directed towards the ends of the bridge and to the riprap drainage turnouts.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300378	119	1/7/09	Indiana bat summer habitat will be created and enhanced in the Action Area through wetland and forest mitigation focused on riparian corridors and existing forest blocks for habitat connectivity. In selecting sites for summer habitat creation and enhancement, priority will be given to sites located within a 2.5-mile radius from a recorded capture site or roost tree. If willing sellers cannot be found within these areas, other areas may be used as second choice areas as long as they are within the Action Area and close enough to benefit the maternity colonies, or are outside the Action Area but accepted by USFWS.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	No	No	This commitment has been addressed through the identification and development of mitigation sites in the Pigeon Creek, Patoka River, Flat Creek, East Fork White River, and West Fork White River (Elnora) areas. The Flat Creek and Patoka/White River sites were developed as a part of the I-69 Sections 2 & 3 Umbrella Mitigation Bank. Additional sites are planned within the Patoka River, and Veale Creek areas for Section 2. Section 4 sites are being pursued within additional areas specified in the plan (e.g. Doans Creek, Indian Creek, etc.).
0300378	120	1/7/09	Where appropriate, mitigation sites will be planted with a mixture of native trees that is largely comprised of species that have been identified as having relatively high value as potential Indiana bat roost trees.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	Mitigation site design includes/will include tree species with a high value a Indiana bat roost trees. All mitigation site design plans will be forwarded to the USFWS for review.
0300378	121	1/7/09	Tree plantings at mitigation sites will be monitored for a minimum of five years after planting to ensure establishment and will be protected in perpetuity via conservation easements. Some mitigation sites will be monitored for a minimum of 10 years, as specified in the mitigation and monitoring plans for each site.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	Monitoring schedules are incorporated into the mitigation plans for each site and forwarded to the agencies for review. INDOT OES to coordinate post-construction monitoring.
0300378	122	1/7/09	Any acquired summer habitat area would be turned over to an appropriate government conservation and management agency for protection in perpetuity via conservation easements in coordination with USFWS.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	123	1/7/09	A work plan for surveying, monitoring, and reporting of bats will be developed and conducted in consultation with and approved by USFWS. This mist netting effort will be beyond the Tier 2 sampling requirements. Fifty mist netting sampling sites are anticipated. Monitoring surveys focused at each of the 13 known maternity colonies will be completed the summer before construction begins in a given section and will continue each subsequent summer during the construction phase and for at least five summers after construction. If Indiana bats are captured, radio transmitters will be used in an attempt to locate roost trees, and multiple emergence counts will be made at each located roost tree. These monitoring efforts will be documented and summarized within an annual report prepared for USFWS.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	124	1/7/09	Total funding of $25,000 will be provided for the creation of an educational poster or exhibit and/or other educational outreach media to inform the public about the presence and protection of bats in Indiana, particularly the Indiana bat. Funding would be provided after a Notice to Proceed is issued for the first section of the project.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	

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0300378	125	1/7/09	GIS maps and databases developed and compiled for use in proposed I-69 planning will be made available to the public. Digital data and on-line maps are being made available from a server accessed on the Indiana Geological Survey (IGS) website at IU http://igs.indiana.edu/arcims/statewide/index.html. Confidential information is not being made available to the public.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT	Michelle	Allen	317-232-5135	Required	No	No	This commitment has been completed through the development and continued maintenance of the IndianaMap GIS data website.
0300378	126	1/7/09	FHWA and INDOT intend to comply, as appropriate, with the Bald and Golden Eagle Protection Act permit requirements established by FWS prior to construction. This includes the completion/incorporation of the previously developed Section 7 Consultation Conservation Measures associated with the bald eagle.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	Bald and Golden Eagle Protection Act Permit obtained from USFWS on 6/25/09. Permit requirements addressed by compliance with the terms and conditions (including incidental take statements) outlined in the Tier 1 and Tier 2 BA's and subsequent BO's. These terms and conditions are incorporated as separate commitments.
0300378	127	1/7/09	In coordination with USFWS, an herbicide use plan will be developed for locations within the Indiana bat maternity colony areas.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	128	1/7/09	INDOT will consult IDNR to determine appropriate measures during tree clearing to address concerns about the emerald ash borer. Contractors shall comply with the requirements of 312 IAC 18-3-18 in regards to handling and transportation of cleared trees to prevent the spread of the emerald ash borer.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	Coordination with the IDNR Division of Forestry has confirmed that contractors must fully comply with the requirements of 312 IAC 18-3-18.
0300378	129	1/7/09	INDOT and FHWA will provide USFWS with a written annual report detailing all Indiana Bat, Bald Eagle, and Fanshell Mussel conservation measures, mitigation efforts, and monitoring that have been initiated, are on-going, or completed during the previous calendar year and the current status of those yet to be completed. The report will be submitted to the Service's Bloomington Field Office (BFO) by 31 January each year and reporting will continue until completion of monitoring on all I-69 mitigation sites or until otherwise agreed to with the Service.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	Annual reports for 2006, 2007, 2008, and 2009 have been submitted to the USFWS.
0300378	130	1/7/09	INDOT and FHWA will develop a program that establishes a regional strategy for managing growth.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	INDOT OES	Michelle	Allen	317-232-5135	Required	No	No	This commitment has been addressed through the Community Planning Grant Program.
0300378	131	1/7/09	Efforts will be made to locate Interstate alignments beyond 0.5 miles from known Indiana bat hibernacula.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	All alternatives have been located greater than 0.5 mile from any of the 14 known hibernacula.
0300378	132	1/7/09	A plan for hibernacula surveys (caves and/or mines) will be developed and conducted with and approved by USFWS during Tier 2 studies.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	Plan was completed with USFWS and fieldwork has been completed in 2004-2005. Three new Indiana bat hibernacula were identified as a result of these surveys.
0300378	133	1/7/09	Variable-width medians and independent alignments will be used where appropriate to minimize impacts to sensitive and/or significant habitats. Context sensitive solutions will be used, where possible. This may involve vertical and horizontal shifts in the Interstate.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	134	1/7/09	Total funding of $50,000 will be provided to supplement the biennial winter census of hibernacula within/near the proposed Winter Action Area. Funding will be made available as soon as practical after Notice to Proceed given to construction contractor for the applicable Tier 2 Section.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	135	1/7/09	Total funding of $125,000 will be provided for research on the relationship between quality autumn/spring habitat near hibernacula and hibernacula use within/near the Action Area. This research should include methods attempting to track bats at longer distances such as aerial telemetry or a sufficient ground workforce. A research work plan will be developed in consultation with the USFWS. Funding will be made available as soon as practical after Notice to Proceed given to construction contractor for the applicable Tier 2 Section.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	136	1/7/09	Rest areas will be designed with displays to educate the public on the presence and protection of sensitive species and habitats. Attractive displays near picnic areas and buildings will serve to reaise public awareness as they utilize the Interstate. Information on the life history of the Indiana bat, the Bald Eagle, the Fanshell Mussel, protecting karst, and protecting water quality will be included in such displays.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	
0300378	137	1/7/09	INDOT will closely coordinate with IDNR biologists regarding the locations of Bald Eagle nests near and within the Action Area. Alignments will be shifted away from Bald Eagle nests when feasible.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	Where reasonable, Tier 1 has located Interstate alignments away from environmentally sensitive areas (e.g. nests, core forests, wetlands, etc.).
0300378	138	1/7/09	Standard operating procedures will be employed to remove carrion from the Interstate in a timely manner to reduce the potential for vehicle/eagle collisions. Appropriate INDOT Maintenance Units in Districts where proposed I-69 crosses or comes near to the Patoka River, East Fork of the White River, and West Fork of the White River will be given notice for special attention to this measure, especially in winter.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	139	1/7/09	Where feasible and appropriate, a vegetative screen (i.e., trees) will be maintained within INDOT owned R/W between any nearby Bald Eagle nests and the Interstate to minimize visual and auditory disturbances during and after construction.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	Yes	No	
0300378	140	1/7/09	In regards to Bald Eagle habitat restoration/replacement, wetland and forested mitigation sites will be considered in areas near the Patoka River bottoms, Beanblossom Bottoms, East Fork of the White River, White River (Elnora), White River (Gosport), White River (Blue Bluff), and possibly others. Purchasing of lands for habitat preservation shall be considered within the Patoka River bottoms, East Fork of the White River, and Lake Monroe. Any acquired habitat would be turned over to the appropriate government conservation and management agency for protection in perpetuity via conservation easements.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	No	No	Addressed through the development or planned development of the following mitigation sites: Cooper/Buck and Bartley (Patoka River bottoms), Corn and Purcell (E Fk White River), and Cornelius (White River Elnora).
0300378	141	1/7/09	In regards to Bald Eagle habitat restoration/replacement, where tree planting is part of forest mitigation near large water bodies and rivers, native tree species that form large, open-branched crowns (e.g. Eastern Cottonwood and Sycamore) will be included in the species mix.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	Cottonwood and Sycamore species included in planting plan at Corn, Purcell, and Cornelius mitigation sites.
0300378	142	1/7/09	Mitigation sites will be evaluated for inclusion of Bald Eagle nesting platforms and artificial perch sites.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	No	No	

DESIGNATION NUMBER	COMMIT. NUMBER	COMMIT. DATE	COMMITMENT TEXT	CONSULTANT SUBMIT COMMITMENT	FIRST NAME CONSULTANT	LAST NAME CONSULTANT	CONSULTANT PHONE NUMBER	OFFICE DOCUMENTING COMMITMENT	DOCUMENTER FIRST NAME	DOCUMENTER LAST NAME	DOCUMENTER PHONE NUMBER	AGENCY REQUIRING COMMITMENT	CONTACT FIRST NAME	CONTACT LAST NAME	CONTACT PHONE NUMBER	REQUIRED OR FOR CONSIDERATION	IMPLEMENT DURING PROJ DEVELOPMENT	ATTENTION TO CONSTRUCTION	NOTES
0300378	143	1/7/09	Total funding of $25,000 will be provided for the creation of an educational pamphlet and/or other educational materials to inform the public about the recovery, presence, and protection of bald eagles, including measures to reduce harm, harassment risks, and water quality.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	144	1/7/09	Surveys (e.g., braille, crowfoot bar, and/or scuba diving) will be conducted in consultation with the USFWS at all major river crossings along the corridor to determine the presence of mussels.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	Addressed through completion of surveys at the East Fork of the White River and the Patoka River crossings.
0300378	145	1/7/09	If stream crossings cannot be realigned to avoid a mussel bed(s), adverse affects will be minimized by relocating mussels following all appropriate federal and state guidelines.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	No	Addressed through completion of surveys at the East Fork of the White River and the Patoka River crossings. No mussel beds were located.
0300378	146	1/7/09	Heavy equipment that had previously (within the last two weeks) been utilized in waters infested by zebra mussels will be thoroughly cleaned and left to dry for at least 2 weeks prior to use in proposed I-69 construction to prevent the spread of this invasive species.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	Yes	Yes	
0300378	147	1/7/09	In regards to Fanshell Mussel habitat restoration/replacement, where reasonable, wetland mitigation will be completed adjacent to the Patoka River, East Fork of the White River, White River (Gosport), and possibly other river areas. Plans will include planting trees to enhance the riparian buffer and restore wetlands to create habitat and protect water quality. Such measures would enhance the opportunity for mussels to colonize the area by improved water quality conditions. All mitigation land would be protected in perpetuity via conservation easements.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	For Consideration	No	No	Addressed through the development or planned development of the following mitigation sites: Cooper/Buck and Bartley (Patoka River bottoms), Corn and Purcell (E Fk White River), and Cornelius (White River Elnora).
0300378	148	1/7/09	Total funding of $20,000 will be provided to the USFWS for research on federally listed mussel populations in streams in the Ohio River Valley to be used for the project entitled "Culture and propagation of imperiled mussel species in the Ohio River drainage." Federally listed species selected for propagation include the pink mucket, orange-footed pimpleback, ring pink, fanshell, fat pocketbook, and rough pigtoe.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	
0300378	149	1/7/09	Total funding of $25,000 will be provided for the creation of an educational pamphlet and/or other educational materials to inform the public about the occurrence and protection of the eastern fanshell in Indiana, including measures to minimize harm, and water quality issues.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Mu	812-334-4261	Required	No	No	

APPENDIX B

CORRESPONDENCE SINCE PUBLICATION OF TIER 2 SECTION 2 FEIS

B-1 CONCURRING PARTY – HAROLD ALLISON (2-14-10)

B-2 CONCURRING PARTY – MAYOR LARRY HAAG (2-19-10)

B-3 ACHP – FILING OF EXECUTED MOA (3-15-10)

B-4 CONCURRING PARTY – DALE NALLEY (3-22-10)

CONCURRING PARTY:

Mr. Harold Allison

By: Harold Allison Date: 2-14-10

Organization and Title (if representing an organization): Consulting-TNC

CONCURRING PARTY:

Mayor Larry Haag

City of Washington

By: _____ Date: 2-19-10

Organization and Title (if representing an organization): City of Washington

Preserving America's Heritage

March 15, 2010

Robert F. Tally, Jr., P.E.
Division Administrator
Federal Highway Administration
Indiana Division
575 North Pennsylvania Street, Room 25
Indianapolis, Indiana 46204

REF: Filing of executed Memorandum of Agreement regarding the I-69 Evansville to Indianapolis Project: Section 2, From SR 64 Near Oakland City to US 50 East of Washington Columbia Township, Gibson County, Jefferson, Washington, Logan Townships, Pike County and Washington and Veale Townships, Daviess County, Indiana

Dear Mr. Tally:

The Advisory Council on Historic Preservation (ACHP) has received the Memorandum of Agreement (MOA) for the above referenced project. In accordance with Section 800.6(b)(1)(iv) of the ACHP's regulations, the ACHP acknowledges receipt of the MOA. The filing of the MOA, and execution of its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations.

We appreciate your providing us with a copy of the MOA and will retain it for inclusion in our records regarding this project. Should you have any questions or require additional assistance, please contact me at (202) 606-8509 or ljohnson@achp.gov.

Sincerely,

LaShavio Johnson

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone:202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

CONCURRING PARTY:

Mr. Dale Nalley, President

Pike County Board of Commissioners

BY: Dale Nalley Date: 3-22-10

Organization and Title (if representing an organization):

_____

APPENDIX C

COMMENTS AND RESPONSES ON TIER 2 SECTION 2 FEIS

C-1 COMMENTS AND RESPONSES

C-2 PEORIA TRIBE OF INDIANS OF OKLAHOMA COMMENT LETTER (3-11-10)

C-3 IDNR-DHPA COMMENT LETTER (3-19-10)

C-4 USEPA COMMENT LETTER (3-23-10)

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Peoria Tribe of Indians of Oklahoma 3/11/10

John P. Froman

PEORIA TRIBE-1

Comment: *Thank you for notice of the referenced project. 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 objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

Response: INDOT and its contractors will comply with all provisions of the Native American Graves Protection and Repatriation Act (NAGPRA). The Peoria Tribe will be notified and consulted if any human remains or objects falling under NAGPRA are uncovered during construction.

INDIANA DEPARMENT OF NATURAL RESOURCES 3/19/10
Division of Historic Preservation and Archaeology

James A. Glass, Ph.D.

DHPA-1

Comment: *Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S. C. § 4321, et seq.) and Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the final environmental impact statement ("FEIS") submitted under the Indiana Department of Transportation's cover letter, which was received on February 26, 2010 for the aforementioned project in Gibson, Pike, and Daviess counties in Indiana.*

In regards to archaeology, in general we concur with the archaeological information presented in the FEIS for the "Section 106 – Historic and Archaeological Resources," "Cultural Overview," "Archaeology," and "Archaeology Impacts," and Section 4(f) Analysis – Archaeological Sites" sections. We point out a minor apparent discrepancy, where in Section 8.3.3., it mentions "39 previously documented archaeological sites though Phase Ia literature review," where in Section 4.4.3.1, it mentions "40 previously-documented sites were identified . . . through Phase Ia literature review." We also note that the archaeological plan for investigations at archaeological site 12Pi103 was approved in our letter of December 16, 2009 and is not pending approval as indicated, for example, on page 5-265. Lastly, we note that information which may lead to specific archaeological site locations, such as in some of the written site descriptions, some sketch maps, and an aerial map should not, for the sites' protection, be disclosed in Appendix F.

Response: The statement in Section 4.4.3, that there are 40 previously-documented archaeological sites identified through Phase Ia literature review, is correct. The statement in Section 8.3.3 which was at variance with this (citing 39 sites) was incorrect. The text of Section 8.3.3 has been corrected in the errata in ROD Appendix F.

The statement on page 5-265, regarding SHPO's approval of plans for archaeological investigations at site 12Pi103, has been corrected. See errata in ROD Appendix F.

Some documentation was inadvertently included in the initial versions of Appendix F already distributed as part of the Section 2 FEIS. This documentation has been removed from the copy posted on the project web site, and will not be included with any future copies of the Section 2 FEIS.

DHPA-2

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

Response: If any archaeological artifacts or human remains are uncovered during construction, demolition or earthmoving activities, the discovery will be reported to the Department of Natural Resources within two (2) business days.

DHPA-3

Comment: *We agree with the overall conclusions of the Final Environmental Impact Statement regarding the identification of historic aboveground resources that are eligible for inclusion in the National Register of Historic Places and that lie within the study area of Section 2 and regarding the impacts that this project will have on those historic resources.*

Response: Comment noted.

U. S. Environmental Protection Agency, Region 5 3/23/10

Kenneth Westlake

EPA-1

Comment: *The U.S. Environmental Protection Agency (EPA) has reviewed the Tier 2 Final Environmental Impact Statement (FEIS) for Section 2 of the I-69 Indianapolis to Evansville, Indiana project. We offer our comments under the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act.*

The Section 3 Tier 2 FEIS is the third of six Tier 2 FEISs developed by the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) for INDOT's proposed 142-mile-long I-69 (Evansville to Indianapolis) project. I-69 is proposed as a freeway facility that utilizes interchanges for access control. Section 2 is approximately 29 miles long and is located between on-half mile north of State Road 64 (SR 64) near Oakland City and one-half mile north of US 50 at Washington. It crosses the Patoka River within the U.S. Fish and Wildlife Service's Patoka River National Wildlife Refuge acquisition area.

EPA reviewed and commented on the I-69 Tier 2 Draft EIS (DEIS) for Section 2 and rated the DEIS preferred alternative as LO, Lack of Objections in our letter dated June 29, 2009. Since the DEIS, the preferred alternative has been further refined and is currently identified in the FEIS as the Refined Preferred Alternative (RPA). The FEIS reports that the refinements made since the DEIS have resulted in the FEIS Refined Preferred Alternative having lowered the total required right-of-way by approximately 122 acres, reduced wetland impacts by 1.23 acres, reduced stream impacts by approximately 4,370 linear feet, reduced residential relocations by 2, and reduced farmland impacts by about 107 acres.

The FEIS RPA retains the four DEIS proposed interchanges. However, the location of the US 50 Interchange has been shifted slightly to the south and the folded diamond design is identified for the South Daviess SR 57 Interchange. The FEIS identifies that INDOT will defer construction of the South Davies SR 57 and North Pike Interchanges until sufficient funding is found. Other refinements, for the most part, concern changes in realignments, extensions, and/or closures to existing and/or new local, connector and/or proposed access roads.

We find the FEIS to be informative, reflecting efforts by FHWA and INDOT to use adequate detailed information in the development and refinement of this project to further avoid and minimize impacts. The FEIS retains the Tier 1 commitments to bridge the Patoka River and Flat Creek, along with their floodplains, and to mitigate at a 3:1 ratio for the lost of upland forest. The FEIS also includes additional information regarding the status of wetland, stream and upland forest compensation mitigation plans. Since the DEIS, the mitigation banking instrument has been completed, with EPA as a signatory. Good progress is being made toward finalizing mitigation plans for Section 2. EPA requests a copy of the final wetland and stream mitigation plan as soon as it is available.

Response: This I-69 Tier 2 Record of Decision approves the Refined Preferred Alternative as the Selected Alternative in Section 2. Farmland will be the major resource impacted by the project. Efforts will continue through final design to minimize impacts to all resources, where feasible. Plans for mitigation sites included in the I-69 Umbrella Mitigation Bank were provided in the FEIS Appendix Y1; not all sites for stream and wetland mitigation had final plans at the time the FEIS was published. Plans for the remaining Section 2 mitigation sites will be finalized and provided with the Section 404/401 applications. This information will be available when the U.S. Army Corps of Engineers (USACE) provides notice to USEPA of permit applications and will be provided at that time.

As a clarification to this comment, it should be noted that the location of the US 50 interchange on the FEIS Refined Preferred Alternative is slightly to the north of its location as shown on the DEIS Preferred Alternative.

EPA-2

Comment: *While EPA retains its lack of objections to the current proposal, our review found several misstatements in the FEIS that we recommend be corrected prior to issuing the Tier 2 Section 2 Record of Decision (ROD). They concern the characterization of EPA's September 24, 2009 Federal Register (74 FR 48690) notice regarding the annual PM2.5 monitoring data and the identification of EPA as the final authority for Clean Water Act jurisdictional determinations. Our detailed comments and recommendations regarding the FEIS misstatements and Clean Water Act 404 wetland and stream mitigation are provided in the enclosure to this letter.*

Response: See responses to comments **EPA-5, EPA-6** and **EPA-7** which respond to EPA's detailed comments and recommendations.

EPA-3

Comment*: EPA received the first I-69 annual tracking summary report from INDOT's consultant by email on 02/22/2010; thank you. This annual summary does not disclose the Tier 2 FEIS identified impact amounts (acres or linear feet) for wetland types, upland forest, and stream impacts associated with each Tier 2 Section. We recommend that the impacts information for these resources, as identified in each Tier 2 FEIS, be added to the tracking data base and included in all future annual tracking summary reports.*

Response: These impact tallies by Tier 2 section will be added to future annual summary reports.

EPA-4

Comment*: The Section 2 FEIS (Appendix AA) provides the running tally of direct impacts to most resources of concern associated with the entire 142-mile-long I-69 Indianapolis to Evansville alignment as EPA had requested. Since streams and karst features are resources of concern, we continue to request that the running tally also include impacts information for these resources in all future I-69 Tier 2 EISs.*

Response: INDOT and FHWA will provide the requested data as soon as they are available. As p.1 of FEIS Vol. II Appendix AA described, the tabulation of impacts by Tier 2 section depends upon the availability of these data in a published NEPA document. A "NEPA document" is the Tier 1 FEIS, a Tier 2 Screening of Alternatives Report, a Tier 2 DEIS, or a Tier 2 FEIS. The paragraphs below describe how INDOT and FHWA will provide these data for the resources identified by USEPA.

• *Stream Impacts:*
Stream impacts were not identified on a section-by-section basis in the Tier 1 FEIS. At present, these impacts are identified for five of the six Tier 2 sections, either in an FEIS (Sections 1, 2 and 3) or a Screening of Alternatives Report (Sections 4 and 5). Once a Screening of Alternatives Report is published for Section 6, the data will be available to tabulate and track stream impacts for all Tier 2 sections. Also, unlike the resources shown in the Section 2 FEIS Vol. II Appendix AA, it is not possible to make a direct comparison of stream impact estimates between Tier 1 and Tier 2. In the Tier 1 FEIS, stream impacts were estimated as the number of crossings of perennial and intermittent streams for end-to-end alternatives (Tier 1 FEIS, Table 5.22-1). In Tier 2, estimates are made both of linear feet and acres of impacts, and include impacts to ephemeral streams as well (see Section 2 FEIS, Table 5.19-6).

• *Karst Impact:*
Karst impacts were not identified on a section-by-section basis in the Tier 1 FEIS. Karst impacts will occur only in Tier 2 Sections 4 and 5, and are enumerated in the Screening of Alternatives Report for both sections. However, the Screening Reports enumerated the impacts to karst features in different ways, which were suited to screening alternatives in each section. Section 4 is a new terrain project, and its karst impacts were enumerated by the number of features (springs [large and small], sinkholes, swallets, and sinking streams) impacted. Section 5 involves the upgrade of an existing facility, and its estimates of karst impacts are for impacts to sinkholes and sinking streams and are provided in acres, not number of features. INDOT and FHWA are determining how to calculate impacts for the DEIS in these two sections accounting for the different considerations involved in upgrading an existing facility versus constructing a new facility. Also, as with stream impacts, it will not be possible to make a direct comparison of Tier 2 karst impacts with Tier 1 impact estimates. In the Tier 1 FEIS, karst impacts were not calculated on a section-by-section basis. Also, in the Tier 1 FEIS, karst impacts were calculated as acres of impacts for end-to-end alternatives for only certain karst features (Table 5.24-1). Specifically, only impacts to sinkhole areas of 80 acres or more, as well as impacts to sinking basins, were calculated.

EPA-5

Comment: ***AIR QUALITY***

The FEIS has responded appropriately to our DEIS comments concerning updating information regarding the lead (Pb) standard, providing a discussion of the new tighter 24-hour PM standard and PM 2.5 Hot Spot Analysis. However, there are misstatements in the FEIS regarding EPA's September 24, 2009 Federal Register (74 FR 48690) notice that should be corrected. Below we identify and discuss the various misstatements found in the FEIS and provide the appropriate wording or changes that should be used to correct each misstatement.

EPA Federal Register (74 FR 48690) Notice – Annual PM2.5
The FEIS refers to an EPA September 24, 2009 Federal Register (74 FR 48690) notice proposing to find that the Evansville area and Lake and Porter Counties (Chicago area) now have monitoring data for annual PM2.5 that is now demonstrating attainment of the annual PM2.5 National Ambient Air Quality Standard (NAAQS). Please be advised that this EPA Federal Register (74 CFR 48690) notice is not a redesignation proposal, doe not propose to act on a maintenance plan, and is limited to the monitoring data. Although the Indiana Department of Environmental Management (IDEM) has submitted a redesignation request and maintenance plan for the Evansville area, EPA has not yet published any action on the redesignation and maintenance plan for annual PM2.5. Consequently, the entire Evansville area, which included Montgomery Township and Washington Township in the Section 2 project area, remains nonattainment for annual PM2.5.

Recommendations: *Some of the wording in the FEIS should be corrected (see below examples for appropriate wording) to properly characterize the September 24, 2009 Federal Register notice in the FEIS. These corrections can be accomplished in an FEIS errata sheet. In addition, we recommend the corrected status of the Evansville area for annual PM2.5 be identified in the Record of Decision (ROD).*

Response: As noted in the comments which follow, the wording provided by USEPA has been incorporated into the errata for the Section 2 FEIS, which is included as Appendix F of this Record of Decision (ROD).

EPA-6

Comment*: Page S-64, SUMMARY, S.13.8 Clean Air Act Compliance, the first paragraph states, "On September 24, 2009, USEPA issued a proposed rule that would reclassify these two townships as maintenance areas." This statement is incorrect. The September 24, 2009, proposal proposed to find that the Evansville area and Lake and Porter Counties (Chicago area) had clean (meeting the NAASQ) monitoring data for PM2.5. This sentence should be changed to read: "On September 24, 2009, USEPA issued a proposed rule to find that the monitoring data in the Evansville area is attaining the NAAQS for annual PM2.5."*

Page 4-117, 4.6 Air Quality, first full paragraph, third sentence: "After this SIP update is approved by USEPA, these areas of Gibson and Pike counties will be designated as "maintenance" areas for the annual fine particulate matter standard, according to the USEPA proposed rule on September 24, 2009 (74 FR 48690)." EPA believes that in this paragraph, FHWA/INDOT are talking about the submitted redesignation and maintenance plan. Consequently, we recommend the sentence be rewritten as follows: "After this SIP update is approved by USEPA, these areas of Gibson and Pike Counties will be designated as "maintenance" areas for the annual fine particulate matter standard. USEPA has not yet acted on this submittal."

Page 5-183, 5.9 Air Quality, Section 5.9.1 Introduction, states, "On September 24, 2009, USEPA issued a proposed rule reclassifying these two townships as "maintenance" areas for the annual fine particulate standard." Again, the proposal at 74 CFR 48690 did not approve a maintenance plan and thus the townships are not "maintenance" areas. The proposal is a clean data finding and not a redesignation. The sentence should read:

"On September 24, 2009, USEPA issued a proposed rule finding clean monitoring data for the entire Evansville area including these two townships."

Page 5-191, 5.9.3 Methodology, PM2.5, last sentence states, "Thus, the conformity analysis for PM2.5 focuses on the regional-level analysis … that were proposed for reclassification as maintenance areas by USEPA on September 24, 2009." EPA did not propose to reclassify the two townships as stated here. Delete the following: "that were proposed for reclassification as maintenance areas by USEPA on September 24, 2009" from the sentence.

Page 5-192, 5.9.4 Air Quality Status, first full sentence on the page states, "On September 24, 2009, USEPA issued a proposed rule reclassifying these two townships as "maintenance" areas for the annual fine particulate standard." Again, the proposal at 74 CFR 48690 did not propose to approve a maintenance plan and thus the townships are not "maintenance" areas. The proposal is a clean data finding and not a redesignation. The sentence should read: "On September 24, 2009, USEPA issued a proposed rule finding clean monitoring data for the entire Evansville area including these two townships."

Page 5-192, Section 5.9.5 Air Quality Modeling, take out the parentheses statement: "(proposed as maintenance areas as of September 24, 2009)." Do the same on page 5-195 (PM2.5 Analysis) and page 5-200 (5.9.7 Conformity Findings).

Page 5-201, Section 5.9.9 Summary, the second sentence about the September 24, 2009, proposal, should be changed to read: "On September 24, 2009, USEPA issued a proposed rule that would find these two townships (Montgomery Township and Washington Township) have monitored attainment of the PM2.5 standard."

Page 5-202, Section 5.9.9 Summary, the second sentence regarding FHWA conformity demonstration for Montgomery Township (Gibson County) and Washington Township (Pike County) should be corrected by replacing "maintenance area" with "nonattainment area" to read "… completed review of the conformity demonstration for Montgomery Township (Gibson County) and Washington Township (Pike County), Indiana's annual fine particulate matter maintenance area for the I-69 Tier 2 Section 2 FEIS.

Response: The wording provided by USEPA has in each instance been incorporated in the errata to the Section 2 FEIS. See Appendix F in this ROD.

EPA-7

Comment: ***Jurisdictional Determinations***

The FEIS provides the clarifications EPA requested regarding aquatic resources in our DEIS comment letter. However, there is another misstatement on page 5-383 about the final determination of jurisdiction, which is the responsibility of EPA.

Recommendation: *We recommend that the FEIS be amended to disclose that the Corps of Engineers needs to get concurrence from EPA on jurisdictional determinations under Section 404 of the Clean Water Act. This may be remedied on the FEIS errata sheet.*

Response: Appendix F of this ROD (Errata) provides a clarification of the statement on p. 5-383 of the FEIS.

EPA-8

Comment: ***Aquatic Resources Impacts***

Since the DEIS, progress has been made to future reduce aquatic resources impacts. For example, the FEIS Refined Preferred Alternative incorporates the folded-diamond interchange design that we recommended for the South Daviess SR 57 Interchange. With the additional site-specific field work and wetland delineation, the aquatic impacts for the proposed highway route have decreased slightly for wetlands, ponds and streams. This is desirable.

Response: Comment Noted.

EPA-9

Comment: **Mitigation**

Since the DEIS, the mitigation banking instrument has been completed, with EPA as a signatory. According to the release credit schedule of the mitigation banking instrument, only a portion of the projected wetlands and stream mitigation credits are anticipated to have been released at the time of the Corps' Clean Water Act Section 404 permitting for Section 2. EPA accepts compensatory mitigation for projects at a ratio of 1:1 for released mitigation bank credits. In permittee-responsible mitigation or in this case where a single-user, project-specific mitigation bank is involved, we generally accept a ratio of 1.5:1 of mitigation provided to mitigation credits required for the project, with the extra mitigation reflecting the temporal loss of wetlands and streams and the uncertainty of concluding the future compensatory mitigation project to the degree of quality anticipated.

During our review of the final mitigation plans, we are willing to consider this approach to providing compensatory mitigation, and discuss it with the Interagency Review Team (IRT) for the bank. This may be a way of making fuller use of the proposed mitigation sites and requiring fewer additional mitigation projects.

***Request**: EPA requests that FHWA/INDOT send a copy of the final mitigation plans for wetlands and streams as soon as it is available, since the final resolution of these issues will be resolved as part of the CWA Section 404 permitting. Please send the final mitigation plan to:*

Cathy Garra
Wetlands and Watersheds Branch (WW-16J)
U.S. EPA Region 5
77 W. Jackson Blvd
Chicago IL 60604.

Response: Mitigation ratios for wetland resources have been established based on the Wetland Memorandum of Understanding between INDOT, USFWS and IDNR to define these ratios. These ratios address temporal loss and uncertainty of final mitigation quality. Additionally, temporal loss has further been addressed by the development of project mitigation in advance of the project impacts through the I-69 Sections 2 and 3 Umbrella Mitigation Bank (UMB).

As stated above, the final mitigation plans for additional sites will be provided at the time of the Section 404/401 permit applications. Additional coordination on water resources mitigation with the IRT will occur during the permitting process. In addition, sites planned for Section 2 mitigation not included in the UMB will also be reviewed and approved during the permitting process. Both I-69 UMB mitigation credits and additional mitigation sites will be utilized for the final Section 2 mitigation plan and continued coordination with the permitting agencies and the IRT will be completed to determine final mitigation needs outside of the UMB.

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
Jason Dollarhide

March 11, 2010

Indiana Department of Transportation
100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204-2216

RE: Final Environmental Impact Statement (Tier 2) for the I-69, Evansville to Indianapolis project for Section 2 between Oakland City and Crane, Indiana. [FHWA-IN-EIS-10-01-F]

Thank you for notice of the referenced project. 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.

JPC

John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

TREASURER
John Sharp

SECRETARY
Hank Downum

FIRST COUNCILMAN
Carolyn Garren

SECOND COUNCILMAN
Jenny Rampey

THIRD COUNCILMAN
Alan Goforth

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DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., 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.IN.gov

HISTORIC PRESERVATION AND ARCHAEOLOGY

March 19, 2010

Michelle Allen
Manager
Office of Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204-2216

Federal Agency: Federal Highway Administration ("FHWA")

Re: Final Environmental Impact Statement regarding I-69 Evansville to Indianapolis Project: Section 2, From SR 64 near Oakland City to US 50 East of Washington in Columbia Township, Gibson County, Jefferson, Washington, Logan Townships, Pike County and Washington and Veale Townships, Daviess County (FHWA-IN-EIS-10-01-F; Des. No. 0300378; DHPA No. 1351)

Dear Ms. Allen:

Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321, *et seq.*) and Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the final environmental impact statement ("FEIS") submitted under the Indiana Department of Transportation's cover letter, which was received on February 26, 2010 for the aforementioned project in Gibson, Pike, and Daviess counties in Indiana.

In regards to archaeology, in general we concur with the archaeological information presented in the FEIS for the "Section 106 -- Historic and Archaeological Resources," "Cultural Overview," "Archaeology," and "Archaeology Impacts," and Section 4(f) Analysis – Archaeological Sites" sections. We point out a minor apparent discrepancy, where in Section 8.3.3., it mentions "39 previously documented archaeological sites through Phase Ia literature review," where in Section 4.4.3.1, it mentions "40 previously-documented sites were identified . . . through the Phase Ia literature review." We also note that the archaeological plan for investigations at archaeological site 12Pi103 was approved in our letter of December 16, 2009 and is not pending approval as indicated, for example, on page 5-265. Lastly, we note that information which may lead to specific archaeological site locations, such as in some of the written site descriptions, some sketch maps, and an aerial map should not, for the sites' protection, be disclosed as in Appendix F.

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

We agree with the overall conclusions of the Final Environmental Impact Statement regarding the identification of historic aboveground resources that are eligible for inclusion in the National Register of Historic Places and that lie within the study area of Section 2 and regarding the impacts that this project will have on those historic resources.

'10 MAR 22 RCV'D

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov.

Very truly yours,

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:JRJ:JLC:jlc

cc: Robert F. Tally, Jr., P.E., Federal Highway Administration, Indiana Division
Staffan Peterson, Cultural Resources Section, Indiana Department of Transportation

emc: Janice Osadczuk, Federal Highway Administration, Indiana Division
Ben Lawrence, P.E., Indiana Department of Transportation
Mary Kennedy, Cultural Resources Section, Indiana Department of Transportation
Shaun Miller, Cultural Resources Section, Indiana Department of Transportation
Laura H ilden, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Lochmueller & Associates, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates Historians, Inc.
Beth McCord, Gray & Pape, Inc.

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

MAR 23 2010

REPLY TO THE ATTENTION OF:

E-19J

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

Michael W. Reed, Commissioner
Indiana Department of Transportation
100 North Senate Ave., Room N642
Indianapolis, Indiana 46204

RE: I-69 Evansville to Indianapolis, Tier 2 Final Environmental Impact Statement for Section 2: Oakland City to Washington, Indiana. CEQ No. 20100058

Dear Mr. Tally and Mr. Reed:

The U.S. Environmental Protection Agency (EPA) has reviewed the Tier 2 Final Environmental Impact Statement (FEIS) for Section 2 of the I-69 Indianapolis to Evansville, Indiana project. We offer our comments under the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act.

The Section 2 Tier 2 FEIS is the third of six Tier 2 EISs developed by the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) for INDOT's proposed 142-mile-long I-69 (Evansville to Indianapolis) project. I-69 is proposed as a freeway facility that utilizes interchanges for access control. Section 2 is approximately 29 miles long and is located between one-half mile north of State Road 64 (SR 64) near Oakland City and one-half mile north of US 50 at Washington. It crosses the Patoka River within the U.S Fish and Wildlife Service's Patoka River National Wildlife Refuge acquisition area.

EPA reviewed and commented on the I-69 Tier 2 Draft EIS (DEIS) for Section 2 and rated the DEIS preferred alternative as LO, Lack of Objections in our letter dated June 29, 2009. Since the DEIS, the preferred alternative has been further refined and is currently identified in the FEIS as the Refined Preferred Alternative (RPA). The FEIS reports that the refinements made since the DEIS have resulted in the FEIS Refined Preferred Alternative having lowered the total required right-of-way by approximately 122 acres, reduced wetland impacts by 1.23 acres, reduced stream impacts by

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approximately 4,370 linear feet, reduced residential relocations by 2, and reduced farmland impacts by about 107 acres.

The FEIS RPA retains the four DEIS proposed interchanges. However, the location of the US 50 Interchange has been shifted slightly to the south and the folded-diamond design is identified for the South Daviess SR 57 Interchange. The FEIS identifies that INDOT will defer construction of the South Davies SR 57 and North Pike Interchanges until sufficient funding is found. Other refinements, for the most part, concern changes in realignments, extensions, and/or closures to existing and/or new local, connector and/or proposed access roads.

We find the FEIS to be informative, reflecting efforts by FHWA and INDOT to use adequate detailed information in the development and refinement of this project to further avoid and minimize impacts. The FEIS retains the Tier 1 commitments to bridge the Patoka River and Flat Creek, along with their floodplains, and to mitigate at a 3:1 ratio for the loss of upland forest. The FEIS also includes additional information regarding the status of wetland, stream and upland forest compensation mitigation plans. Since the DEIS, the mitigation banking instrument has been completed, with EPA as a signatory. Good progress is being made toward finalizing mitigation plans for Section 2. EPA requests a copy of the final wetland and stream mitigation plan as soon as it is available.

While EPA retains its lack of objections to the current proposal, our review found several misstatements in the FEIS that we recommend be corrected prior to issuing the Tier 2 Section 2 Record of Decision (ROD). They concern the characterization of EPA's September 24, 2009, Federal Register (74 FR 48690) notice regarding the annual PM2.5 monitoring data and the identification of EPA as the final authority for Clean Water Act jurisdictional determinations. Our detailed comments and recommendations regarding the FEIS misstatements and Clean Water Act Section 404 wetland and stream mitigation are provided in the enclosure to this letter.

EPA received the first I-69 annual tracking summary report from INDOT's consultant by email on 02/22/2010; thank you. This annual summary does not disclose the Tier 2 FEIS identified impact amounts (acres or linear feet) for wetland types, upland forest, and stream impacts associated with each Tier 2 Section. We recommend that the impacts information for these resources, as identified in each Tier 2 FEIS, be added to the tracking data base and included in all future annual tracking summary reports.

The Section 2 FEIS (Appendix AA) provides the running tally of direct impacts to most resources of concern associated with the entire 142-mile-long I-69 Indianapolis to Evansville alignment as EPA had requested. Since streams and karst features are resources of concern, we continue to request that the running tally also include impacts information for these resources in all future I-69 Tier 2 EISs.

We appreciate the opportunity to comment on the Section 2 FEIS. If you have any questions about EPA's comments, please contact Virginia Laszewski at 312-886-7501 or email her at laszewski.virginia@epa.gov. Please send me a copy of the Section 2 ROD when it is available.

Sincerely,

Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure

cc: U.S. Army Corps of Engineers – Louisville District, Attention: CELRL-OP-F, P.O. Box 59, Louisville, KY 40401-0059 (Greg McKay/Deb Snyder)
U.S. Fish and Wildlife Service, Region 3, Bloomington Ecological Services Office, 620 S. Walker Street, Bloomington, IN 47403-2121 (Scott Pruitt/ Robin McWilliams Munson)
Indiana Department of Environmental Management, Office of Water Quality, Section 401Water Quality Certification Program, 100 N. Senate Avenue, MC 65-40, Indianapolis, IN 46204-2251 (Jason Randolph, South Area Project Manager)
Indiana Department of Natural Resources, 402 W. Washington St., Rm W264, Indianapolis, IN 46204 (Matt Buffington)

EPA Region 5 Detailed Comments on I-69 Evansville to Indianapolis, Tier 2 Final Environmental Impact Statement for Section 2: Oakland City to Washington, Indiana. CEQ No. 20100058

AIR QUALITY

The FEIS has responded appropriately to our DEIS comments concerning updating information regarding the lead (Pb) standard, providing a discussion of the new tighter 24-hour PM standard and PM 2.5 Hot Spot Analysis. However, there are misstatements in the FEIS regarding EPA's September 24, 2009, Federal Register (74 FR 48690) notice that should be corrected. Below we identify and discuss the various misstatements found in the FEIS and provide the appropriate wording or changes that should be used to correct each misstatement.

EPA Federal Register (74 FR 48690) Notice - Annual PM2.5

The FEIS refers to an EPA September 24, 2009, Federal Register (74 FR 48690) notice proposing to find that the Evansville area and Lake and Porter Counties (Chicago area) now have monitoring data for annual PM2.5 that is now demonstrating attainment of the annual PM2.5 National Ambient Air Quality Standard (NAAQS). Please be advised that this EPA Federal Register (74 CFR 48690) notice is not a redesignation proposal, does not propose to act on a maintenance plan, and is limited to the monitoring data. Although the Indiana Department of Environmental Management (IDEM) has submitted a redesignation request and maintenance plan for the Evansville area, EPA has not yet published any action on the redesignation and maintenance plan for annual PM2.5. Consequently, the entire Evansville area, which includes Montgomery Township and Washington Township in the Section 2 project area, remains nonattainment for annual PM2.5.

Recommendations: Some of the wording in the FEIS should be corrected (see below examples for appropriate wording) to properly characterize the September 24, 2009, Federal Register notice in the FEIS. These corrections can be accomplished in an FEIS errata sheet. In addition, we recommend the corrected status of the Evansville area for annual PM2.5 be identified in the Record of Decision (ROD).

Page S-64, SUMMARY, S.13.8 Clean Air Act Compliance, the first paragraph states, "On September 24, 2009, USEPA issued a proposed rule that would reclassify these two townships as maintenance areas." This statement is incorrect. The September 24, 2009, proposal proposed to find that the Evansville area and Lake and Porter Counties (Chicago area) had clean (meeting the NAAQS) monitoring data for PM2.5. This sentence should be changed to read: "On September 24, 2009, USEPA issued a proposed rule to find that the monitoring data in the Evansville area is attaining the NAAQS for annual PM2.5."

Page 4-117, 4.6 Air Quality, first full paragraph, third sentence: "After this SIP update is approved by USEPA, these areas of Gibson and Pike counties will be designated as "maintenance" areas for the annual fine particulate matter standard, according to the USEPA proposed rule on September 24, 2009 (74 FR 48690)." EPA believes that in this

paragraph, FHWA/INDOT are talking about the submitted redesignation and maintenance plan. Consequently, we recommend the sentence be rewritten as follows: "After this SIP update is approved by USEPA, these areas of Gibson and Pike Counties will be designated as "maintenance" areas for the annual fine particulate matter standard. USEPA has not yet acted on this submittal."

Page 5-183, 5.9 Air Quality, Section 5.9.1 Introduction, states, "On September 24, 2009, USEPA issued a proposed rule reclassifying these two townships as "maintenance" areas for the annual fine particulate standard." Again, the proposal at 74 CFR 48690 did not approve a maintenance plan and thus the townships are not "maintenance" areas. The proposal is a clean data finding and not a redesignation. The sentence should read: "On September 24, 2009, USEPA issued a proposed rule finding clean monitoring data for the entire Evansville area including these two townships."

Page 5-191, 5.9.3 Methodology, PM2.5, last sentence states, "Thus, the conformity analysis for PM2.5 focuses on the regional-level analysis . . . that were proposed for reclassification as maintenance areas by USEPA on September 24, 2009." EPA did not propose to reclassify the two townships as stated here. Delete the following: "that were proposed for reclassification as maintenance areas by USEPA on September 24, 2009" from the sentence.

Page 5-192, 5.9.4 Air Quality Status, first full sentence on the page states, "On September 24, 2009, USEPA issued a proposed rule reclassifying these two townships as "maintenance" areas for the annual fine particulate standard." Again, the proposal at 74 CFR 48690 did not propose to approve a maintenance plan and thus the townships are not "maintenance" areas. The proposal is a clean data finding and not a redesignation. The sentence should read: "On September 24, 2009, USEPA issued a proposed rule finding clean monitoring data for the entire Evansville area including these two townships."

Page 5-192, Section 5.9.5 Air Quality Modeling, take out the parentheses statement: "(proposed as maintenance areas as of September 24, 2009)." Do the same on page 5-195 (PM2.5 Analysis) and page 5-200 (5.9.7 Conformity Findings).

Page 5-201, Section 5.9.9 Summary, the second sentence about the September 24, 2009, proposal, should be changed to read: "On September 24, 2009, USEPA issued a proposed rule that would find these two townships (Montgomery Township and Washington Township) have monitored attainment of the PM2.5 standard."

Page 5-202, Section 5.9.9 Summary, the second sentence regarding FHWA conformity demonstration for Montgomery Township (Gibson County) and Washington Township (Pike County) should be corrected by replacing "maintenance area" with "nonattainment area" to read: ". . . completed review of the conformity demonstration for Montgomery Township (Gibson County) and Washington Township (Pike County, Indiana's annual fine particulate matter nonattainment area for the I-69 Tier 2 Section 2 FEIS."

AQUATIC RESOURCES

Jurisdictional Determinations

The FEIS provides the clarifications EPA requested regarding aquatic resources in our DEIS comment letter. However, there is another misstatement on page 5-383 about the final determination of jurisdiction, which is the responsibility of EPA.

Recommendation: We recommend that the FEIS be amended to disclose that the Corps of Engineers needs to get concurrence from EPA on jurisdictional determinations under Section 404 of the Clean Water Act. This may be remedied in an FEIS errata sheet.

Aquatic Resources Impacts

Since the DEIS, progress has been made to future reduce aquatic resources impacts. For example, the FEIS Refined Preferred Alternative incorporates the folded-diamond interchange design that we recommended for the South Daviess SR 57 Interchange. With the additional site-specific field work and wetland delineation, the aquatic impacts for the proposed highway route have decreased slightly for wetlands, ponds and streams. This is desirable.

Mitigation

Since the DEIS, the mitigation banking instrument has been completed, with EPA as a signatory. According to the credit release schedule of the mitigation banking instrument, only a portion of the projected wetlands and stream mitigation credits are anticipated to have been released at the time of the Corps' Clean Water Act Section 404 permitting for Section 2. EPA accepts compensatory mitigation for projects at a ratio of 1:1 for released mitigation banking credits. In permittee-responsible mitigation or in this case where a single-user, project-specific mitigation bank is involved, we generally accept a ratio of 1.5:1 of mitigation provided to mitigation credits required for the project, with the extra mitigation reflecting the temporal loss of wetlands and streams and the uncertainty of concluding the future compensatory mitigation project to the degree of quality anticipated.

During our review of the final mitigation plans, we are willing to consider this approach to providing compensatory mitigation, and discuss it with the Interagency Review Team (IRT) for the bank. This may be a way of making fuller use of the proposed mitigation sites and requiring fewer additional mitigation projects.

Request: EPA requests that FHWA/INDOT send a copy of the final mitigation plan for wetlands and streams as soon as it is available, since the final resolution of these issues will be resolved as part of the CWA Section 404 permitting. Please send the final mitigation plan to:

Cathy Garra
Wetlands and Watersheds Branch (WW-16J)
U.S. EPA Region 5
77 W. Jackson Blvd
Chicago, Illinois 60604.

APPENDIX D

I-69 SECTION 2 – ALTERNATIVE RIGHTS-OF-WAY OUTSIDE OF THE CORRIDOR

D-1 TABLE – RIGHT-OF-WAY OUTSIDE OF THE CORRIDOR

D-2 LETTER – INDOT RE-EVALUATION WITHDRAWAL (11-22-06)

D-3 LETTER – FHWA DETERMINATION OF NO SEIS (2-12-07)

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I-69 Section 2 - Alternative Rights-of-Way Outside of the Corridor

Subsection Alternative	Alternative(s)	Location	Total Area Outside Corridor (ac)	Max Width Outside Corridor (ft)	Reason why the R/W is outside the Corridor	When was the R/W first located outside the Corridor?
1	Refined Preferred Alternative & Alternative A	North of Gibson Co.Rd. 125 S	25.8	415	To reduce impacts to wetlands, streams, and forests.	Alignment was outside of Corridor from the development of the preliminary alternatives presented for screening.
1	Refined Preferred Alternative, Alternative A, & Alternative B	South of Gibson Co. Rd. 150 N	0.007	6	Fill slope required for bridge apporach.	Further development of the screened alternatives and documented with the DEIS
2	Refined Preferred Alternative, Alternative A, & Alternative B	North & South of Pike Co. Rd. 200 S	0.5	35	Fill slope required for bridge apporach.	Further development of the screened alternaties and documented with the DEIS
6	Refined Preferred Alternative & Alternative A	South of Daviess Co. Rd. 550 S	0.41	36	To reduce impacts to residential, wetlands, and forests.	Further development of the screened alternaties and documented with the DEIS
6	Refined Preferred Alternative & Alternative A	South of Daviess Co. Rd. 450 S, North of Sta. 1280+00, near culvert	0.17	32	To reduce impacts to residential, wetlands, and forests.	Further development of the screened alternaties and documented with the DEIS

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INDIANA DEPARTMENT OF TRANSPORTATION
Driving Indiana's Economic Growth

100 North Senate Avenue
Room N758
Indianapolis, Indiana 46204-2216 (317) 232-5533 FAX: (317) 232-0238

Mitchell E. Daniels, Jr., Governor
Thomas O. Sharp, Commissioner

November 22, 2006

Electronic copy/hard copy to following U.S. Mail

Mr. Robert F. Tally, Jr., P.E.
Division Administrator, Indiana
Federal Highway Administration
575 N. Pennsylvania St., Room 254
Indianapolis, Indiana 46204

Re: I-69 Evansville-to-Indianapolis Project

Dear Mr. Tally:

As we have discussed, Governor Daniels announced on November 9, 2006, that the I-69 Evansville-to-Indianapolis project will be developed as a non-toll Interstate. The Governor also announced that construction of this project will begin as soon as possible at the southern end of the project, and will proceed from south to north. Construction will begin with $700 million, which the State received from Major Moves funding. We are exploring innovative opportunities to develop additional revenue sources, including concession fees for public-private partnerships on other projects, to assist in completing I-69 from Evansville to Indianapolis.

Based on the Governor's announcement, we intend to proceed with the ongoing Tier 2 studies for I-69 in accordance with the original Tier 1 Record of Decision (ROD), which was issued in March 2004. We will not be asking FHWA to finalize the Tier 1 Reevaluation, which was issued in June 2006, nor will we be asking FHWA to issue a Tier 1 Amended ROD approving the consideration of tolling in the Tier 2 studies.

Finally, we will be proceeding with the Tier 2 studies for all six sections of the I-69 project. The Tier 2 Draft EIS ("DEIS") for Section 1 (the southernmost section) will be submitted for your approval within the next few weeks. We intend to submit the Tier 2 DEISs for Sections 2 and 3 in early 2007; we are also moving ahead with the DEISs for Sections 4, 5, and 6, and intend to submit those documents on a rolling basis later in 2007. All of these studies will examine alternatives for completing I-69 as a non-tolled project. Tolling is no longer being considered as a financing option in these studies.

I deeply appreciate your work as our federal partner in the I-69 studies, including your assistance in considering tolling options for I-69. While we have decided not to proceed with tolling for this project, your agency's expertise and advice has been invaluable. We look forward to completing the remaining studies and commencing construction on I-69 in the summer of 2008.

Sincerely,

Thomas Sharp
Commissioner INDOT

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U.S. Department of Transportation
Federal Highway Administration

Indiana Division

575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

February 12, 2007

HDA-IN

Mr. Karl Browning
Commissioner
Indiana Department of Transportation
Indianapolis, IN 46204

Dear Mr. Browning:

On January 29, 2007, we received your letter dated January 26, 2007 concerning the comments received on the I-69 Evansville to Indianapolis Tier 1 Re-evaluation report dated June 2006. The intent of this correspondence is to complete our review of the process created with the release of the re-evaluation report and to allow you to fully move forward with Tier 2 studies as was originally intended with the release of the Tier 1 Record of Decision (ROD) dated March 24, 2004.

My staff has reviewed the comments received on the re-evaluation document and considered your responses to those comments. We make the following finding based on the supplied documentation:

> In consideration of your correspondences dated November 22, 2006 and January 29, 2007, we find that there are no changes in the proposed action that would result in significant environmental impacts that were not adequately evaluated in the Tier 1 Environmental Impact Statement (EIS); and any new information or circumstances relevant to the environmental concerns and bearings on the proposed action or its impacts would not result in significant environmental impacts not adequately evaluated in the Tier 1 EIS.

The basis for this finding by the Federal Highway Administration (FHWA) is discussed below.

Due to the determination by the State of Indiana to withdraw the request to consider tolling on I-69 from Indianapolis to Evansville, there is no reason to further evaluate the technical issues related to those comments or to consider that issue as a reason for a Supplemental EIS.

Additional information has been collected regarding the Indiana Bat as part of the Tier 2 studies. Additional coordination occurred with the U.S. Fish and Wildlife Service (USFWS) under the requirements of the Endangered Species Act based upon this additional information. In a Revised Programmatic Biological Opinion, dated August 24, 2006, USFWS made the finding that the project is not likely to jeopardize the continued existence of the Indiana Bat. This is the same finding USFWS made in its original Biological Opinion for this project, dated December 3, 2003. In the August 24, 2006 document, the USFWS also concluded that the project is not likely to adversely modify the bat's designated Critical Habitat. It was always assumed that Indiana Bats were likely present near or within the corridor. The Tier 2 studies only further detailed their location. Therefore, there is no reason to consider a Supplement to the Tier 1 EIS because of the additional information collected for the Indiana Bat.

Regarding interchanges and access roads located beyond the Tier 1 corridor, it was the intent of the Tier 1 ROD to allow for the consideration of alternatives for the mainline of I-69 within the designated corridor. Other related design considerations, such as access and frontage roads, interchanges, and mitigation could occur outside the corridor. This would allow for the most flexibility in the development of alternatives for each Tier 2 section. Further, these elements were not analyzed in Tier 1 in detail and were intended to be thoroughly considered in Tier 2 and the impacts will be identified and mitigated as appropriate. Therefore, no revision to the Tier 1 ROD is needed concerning this issue.

Regarding the consideration of a new interchange near the Monroe/Greene County line which would be in lieu of another interchange in Greene County, we find that the proposals being considered are consistent with the commitment in the Tier 1 Final EIS. Also, the detail necessary to make a final decision on interchange locations was beyond the scope of Tier 1 which did not make any final determinations on interchange locations. Interchange locations are being fully analyzed in the Tier 2 process. In coordination with the USFWS and other agencies, we believe that any modification of this commitment in Tier 2 will be in compliance with the intent of the original commitment to limit interchanges and discourage secondary growth and impacts in karst areas. Coordination with USFWS and other agencies will continue before a decision on this interchange is made. We also note that the Tier 1 ROD specifically stated that these mitigation measures "will be reviewed and may be modified in Tier 2 in consultation with environmental resource agencies." Therefore, this issue falls within the approved decisions in the Tier 1 ROD and no supplement to the Tier 1 EIS is needed.

We appreciate your decision to maintain the commitment to bridge the Patoka River Floodplain. This commitment supports a number of issues including providing for the connectivity of the Patoka River National Wildlife Refuge through the region. This will benefit wetlands, water quality, endangered species and other wildlife. The decision also represents your response to issues that are important to other agencies.

Finally, we agree with your report on the "Comments on Issues Not Addressed in the Re-evaluation" (Section D) that were included in the comments received. We agree that they were either appropriately considered in Tier 1 EIS or that they are issues which are appropriate to be evaluated in the Tier 2 studies.

Regarding USFWS's comment on the re-evaluation that the "selection of Alternative 1 would best fulfill FHWA's responsibility to use its authorities to conserve endangered and threatened species as set forth in Section 7(a)(1) of the Endangered species Act", as you stated, we are fulfilling our responsibility through the completion of the committed Conservation Measures in the Tier 1 Biological Assessment (as updated by the Addendum). Because Alternative 1 would not sufficiently address the Tier 1 project goals (particularly the core goals), and therefore determined to not be a reasonable alternative in the Tier 1 FEIS, it would not be reasonable to select it in consideration of Section 7(a)(1) of the Endangered Species Act or any other applicable law.

At this time, we would like to thank you and your staff for the thorough review of the comments received. Although the re-evaluation request has been withdrawn, we believe that this process, which was beyond the scope required by regulation, was helpful in identifying some additional issues and will help as we proceed with other projects and the Tier 2 studies.

If you require further information please contact Tony DeSimone of this office at (317) 226-5307 (e-mail: Anthony.desimone@fhwa.dot.gov).

Sincerely,

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

cc:
Ms. Michelle Hilary (INDOT)
Tom Seeman (INDOT)

APPENDIX E

WETLANDS MOU

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MEMO OF UNDERSTANDING

This memorandum of understanding is made and entered into this 28th day of January, 1991 between the Indiana Department of Transportation (INDOT), the Indiana Department of Natural Resources (IDNR), and the U. S. Fish and Wildlife Service (USFWS) for the purpose of improving the regulatory programs process.

Whereas, INDOT, IDNR and USFWS wish to cooperate with each other to facilitate state and federal permitting requirements in the determination of the type and level of wetland mitigation required and,

Whereas, the INDOT will accomplish wetland mitigation through sequencing, i.e. avoiding impacts, minimizing impacts, rectifying impacts, reducing impacts over time and compensating impacts,

Therefore, in consideration of the terms and conditions set forth herein the INDOT, IDNR and USFWS agree as follows:

1. INDOT in cooperation with the IDNR and USFWS shall determine the quality and quantity of wetland habitat to be impacted by INDOT projects. INDOT will utilize the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The IDNR and USFWS will be requested to review and comment on INDOT's findings at the early coordination phase of project development.

2. INDOT, using the input from IDNR and USFWS, will formulate appropriate and practicable measures to offset unavoidable impacts to wetlands.

3. INDOT will send a summary or copy of the approved environmental document containing the measures to offset unavoidable impacts to wetlands to IDNR's Division of Fish and Wildlife and the USFWS.

4. If IDNR or the USFWS feel other appropriate and practicable measures are required for regulatory purposes they will notify INDOT in writing so INDOT can arrange a field review. The field review, which will include representatives from INDOT, IDNR and USFWS, will identify additional unavoidable impacts to wetlands and final compensation to the extent appropriate and practicable will be noted.

5. As a result of the field review, if all agencies agree, a mitigation agreement will be prepared. This agreement will be signed by the Department Director of IDNR, the Commissioner of INDOT and the supervisor of the USFWS Bloomington Indiana Field Office. The mitigation agreement will accompany all permit requests so the permitting agency has written documentation that agreement on wetland mitigation has been reached, by the three agencies.

6. Mitigation ratios acceptable to INDOT, IDNR and USFWS will be:

Wetland Type	Ratio
A) farmed	1 to 1
B) scrub-shrub and palustrine/ lacustrine emergent	2-3 to 1 depending upon quality
C) bottomland hardwood forest	3-4 to 1 depending upon quality
D) exceptional, unique, critical (i.e. cypress swamp)	4 and above to 1 depending upon quality

Acceptable mitigation shall be restoration or creation. The mitigation ratios take into consideration the initial loss plus a time factor to achieve in kind or greater value wetland habitat. The goal is to achieve no net loss of the wetland resource. Wetland mitigation ratios for violations or unpermitted activities shall be determined on a case by case basis.

7. The INDOT, IDNR and USFWS agree that due to conditions at certain project sites, wetland mitigation such as restoration or creation may not be available or may otherwise be impracticable. All parties further realize that in some cases agreement on appropriate and practicable wetland mitigation will not be attained by the three agencies. In those cases, the INDOT agrees to monetary compensation at the rate of $1500/acre, to be dedicated to a designated wetland restoration or wetland creation project(s) at the aforementioned specified mitigation ratios.

8. Reimbursement to IDNR and/or USFWS for personnel costs will be made by INDOT for formally requested work associated with wetland design, construction or monitoring for compliance and/or achievement of the intended purpose(s).

9. All parties agree that INDOT, not being a resource agency, will transfer title of lands acquired for wetland mitigation to an agreed upon recipient in lieu of INDOT holding such lands in perpetuity.

10. This document will be reviewed annually or more frequently at the request of any of the foregoing agencies.

Signatures

_____ Commissioner
Indiana Department of Transportation

_____ Director
Indiana Department of Natural Resources

_____ January 28, 1991 Supervisor
U. S. Fish and Wildlife Service
Bloomington, Indiana Field Office

APPENDIX F

ERRATA SHEET

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Errata to Section 2 FEIS

Section	Page	Comment(s)
Volume I		
S.13.8	S-64	First paragraph, second sentence should read: "On September 24, 2009, USEPA issued a proposed rule to find that the monitoring data in the Evansville area is attaining the NAAQS for annual $PM_{2.5}$."
4.6	4-117	First full paragraph, third sentence should be replaced with: "After this SIP update is approved by USEPA, these areas of Gibson and Pike counties will be designated as "maintenance" areas for the annual fine particulate matter standard. USEPA has not yet acted on this submittal."
5.6.3.1	5-142	Table 5.6-1, *SR 356 east of SR 57* row: replace "2.230" with "2,230"
5.6.3.1	5-143	Table 5.6-1, *I-69 north of North Pike Interchange* row: replace "26,1000" with "26,100"
5.6.3.2	5-149	Table 5.6-4a, *LSR 8.5* row: delete "300N" from the description
5.6.3.2	5-149	Table 5.6-4a, *LSR 26* row: replace "if" with "of"
5.9.1	5-183	Second paragraph, last sentence should read: "On September 24, 2009, USEPA issued a proposed rule finding clean monitoring data for the entire Evansville area including these two townships."
5.9.3	5-191	**$PM_{2.5}$**, second paragraph, delete last line of last sentence so that it reads: "Thus, the conformity analysis for $PM_{2.5}$ focuses on the regional-level analysis performed by the Evansville MPO for Montgomery Township in Gibson County and Washington Township in Pike County."
5.9.4	5-192	First partial paragraph, first full sentence should read: "On September 24, 2009, USEPA issued a proposed rule finding clean monitoring data for the entire Evansville area including these two townships."
5.9.5	5-192	First paragraph, delete the following statement from the second sentence: "(proposed as maintenance areas as of September 24, 2009)"
5.9.5	5-192	First paragraph, last sentence should read: "The analysis utilized…determine the VMT for the base year (2006) and the analysis years (2015, 2025 and 2035)."
5.9.6	5-195	**$PM_{2.5}$ Analysis**, delete the following statement from the second sentence: "(based on the USEPA proposed rule issued on September 24, 2009)"
5.9.7	5-200	First paragraph, delete the following statement from the sixth sentence: "(proposed as maintenance areas as of September 24, 2009)"
5.9.9	5-201	First paragraph, second sentence should read: "On September 24, 2009, USEPA issued a proposed rule that would find these two townships (Montgomery Township and Washington Township) have monitored attainment of the $PM_{2.5}$ standard."
5.9.9	5-202	Third paragraph, in the second sentence, replace "maintenance area" with "nonattainment area"

5.14.3	5-265	Change the last sentence in the second paragraph in Section 5.14.3 to read as follows: "At site 12Pi103, soils indicated the potential for buried deposits, and a Phase Ic subsurface reconnaissance has been recommended to assess that potential; SHPO provided its approval of the work plan for these investigations in a letter dated December 16, 2009."
5.17.1	5-289	In Table 5.17-1, replace "February 2004" with "March 2004" for date FHWA issued a Record of Decision approving the Alt. 3C corridor
5.17.4	5-329	**3. Bridges**, **a. Surveys**, in Status paragraph, the second and third sentences should read: "A total of 259 bridges and culverts (51 in Section 2) were inspected for Indiana bats. Of the 259 bridge surveys, Indiana bats were found under one bridge."
5.19.2.3	5-383	The first sentence in the second paragraph is revised to state, "It should be noted that only the USACE (in coordination with USEPA) can make the official determination that wetlands are "waters of the U.S."
5.19.2.3	5-389	Table 5.19-4a, the total impact acres should be "23.98", not "23.97"
5.19.2.4	5-398	First partial paragraph, last sentence, delete the statement: ", including palustrine aquatic bed wetlands"
6.2.1.9	6-29	Third paragraph, second bullet point (US 50), insert the following text before the last sentence: "This refinement also extended the US 50 interchange ramps slightly into Section 3 of the project. The impact calculations shown for Alternative A in this FEIS (in Table 6-9 and elsewhere) reflect added right-of-way and farmland impacts in Section 3. All additional impacts in Section 3 were to agricultural land."

Table 6-13 6-53 Table should have read:

		FEIS Refined Preferred Subsection									Refined Preferred Total
5.4 Farmland		1	2	3	4	5	6	7	8	9	
	Number of Uneconomic Remnants	19	13	15	16	8	8	13	8	4	104

Table 6-13 6-54 Table should have read:

		Subsection									Total		DEIS Preferred	FEIS Refined Preferred
5.4 Farmland		1	2	3	4	5	6	7	8	9	A	B		
	Estimated Crop Production Loss (i.e. farm income)	Gibson County $66,747 (Alt. A) $63,111 (Alt. B) $66,747 (DEIS Preferred) $59,516 (Refined Preferred)	Pike County $159,021 (Alt. A) $159,346 (Alt. B) $159,021 (DEIS Preferred) $155,716 (Refined Preferred)				Daviess County $182,267 (Alt. A) $150,543 (Alt. B) $179,319 (DEIS Preferred) $151,987 (Refined Preferred)				$408,035	$373,000	$405,087	$367,219

Table 6-13 6-54 Table should have read:

		Subsection									Total		DEIS Preferred	FEIS Refined Preferred
5.5 Economic		1	2	3	4	5	6	7	8	9	A	B		
	Economic Impacts: Estimated Loss in Tax Base										$212,000	$226,000	$211,000	$205,000
	Estimated Crop Production Loss (i.e. farm income)	Gibson County $67,000 (Alt. A) $63,000 (Alt. B) $67,000 (DEIS Preferred) $60,000 (Refined Preferred)	Pike County $159,000 (Alt. A) $159,000 (Alt. B) $159,000 (DEIS Preferred) $156,000 (Refined Preferred)				Daviess County $182,000 (Alt. A) $151,000 (Alt. B) $179,000 (DEIS Preferred) $152,000 (Refined Preferred)				$408,000	$373,000	$405,000	$368,000

Table 6-13 6-54 Table should have read and been formatted for Alternatives A, B, and Refined as follows:

		Subsection									Total		DEIS Preferred	FEIS Refined Preferred
		1	2	3	4	5	6	7	8	9	A	B		
5.6 Traffic	**Traffic Volumes on State & Local Roads – Percent Increase (+) or Decrease (-) from No-Build (Worst-Case)**													
	SR 64 east of SR 57	26%												
	SR 64 west of SR 57	38%												
	SR 61 south of SR 57			29%										
	SR 356 east of SR 57				-41%									
	SR 257 south-east of 50 Bypass								41%					
	SR 257 north-west of 50 Bypass								29%					
	Bypass 50 west of SR 57									15%				
	Bypass 50 east of SR 57									-24%				
	Business 50 west of 50 Bypass									-3%				
	Business 50 east of 50 Bypass									2%				
	SR 57 south of SR 64	-75%												
	SR 57 between Patoka River and SR 64	-66%												
	SR 57 between SR 56 and Patoka River		-58%											
	SR 57 between 50 Bypass and SR 56			-32%										
	SR 57 between Business 50 and 50 Bypass									-6%				
	SR 57 north of Business 50									19%				

Table 6-13 6-55 In **5.10 Noise**, first row should read: "Receivers Where Noise Levels Predicted to Approach or Exceed NAC"

7.2 7-9 Last full paragraph, between the fourth and fifth sentences, add the following sentence: "The City of Oakland City received a grant of $50,000 in the first round of the program."

7.3.1 7-16 First full paragraph, second sentence: replace "four" with "five"

7.3.1 7-16 Last paragraph, second sentence, delete the text: "public hearing and in the"

7.3.2 7-17 **3. Relocations**, first paragraph, second sentence: replace "Civil Rights Act of 1968" with Civil Rights Act of 1964"

7.3.12 7-33 First paragraph, second to last sentence should read: "The total impact to these ponds is approximately 4.91 acres."

8.3.3 8-10 First paragraph, first two sentences should read: "A total of 40 previously-documented archaeological sites were identified through Phase Ia literature review as being located within the I-69 corridor. Of the 40 sites, 26 are prehistoric, 3 have both prehistoric and historic components, and 11 are historic."