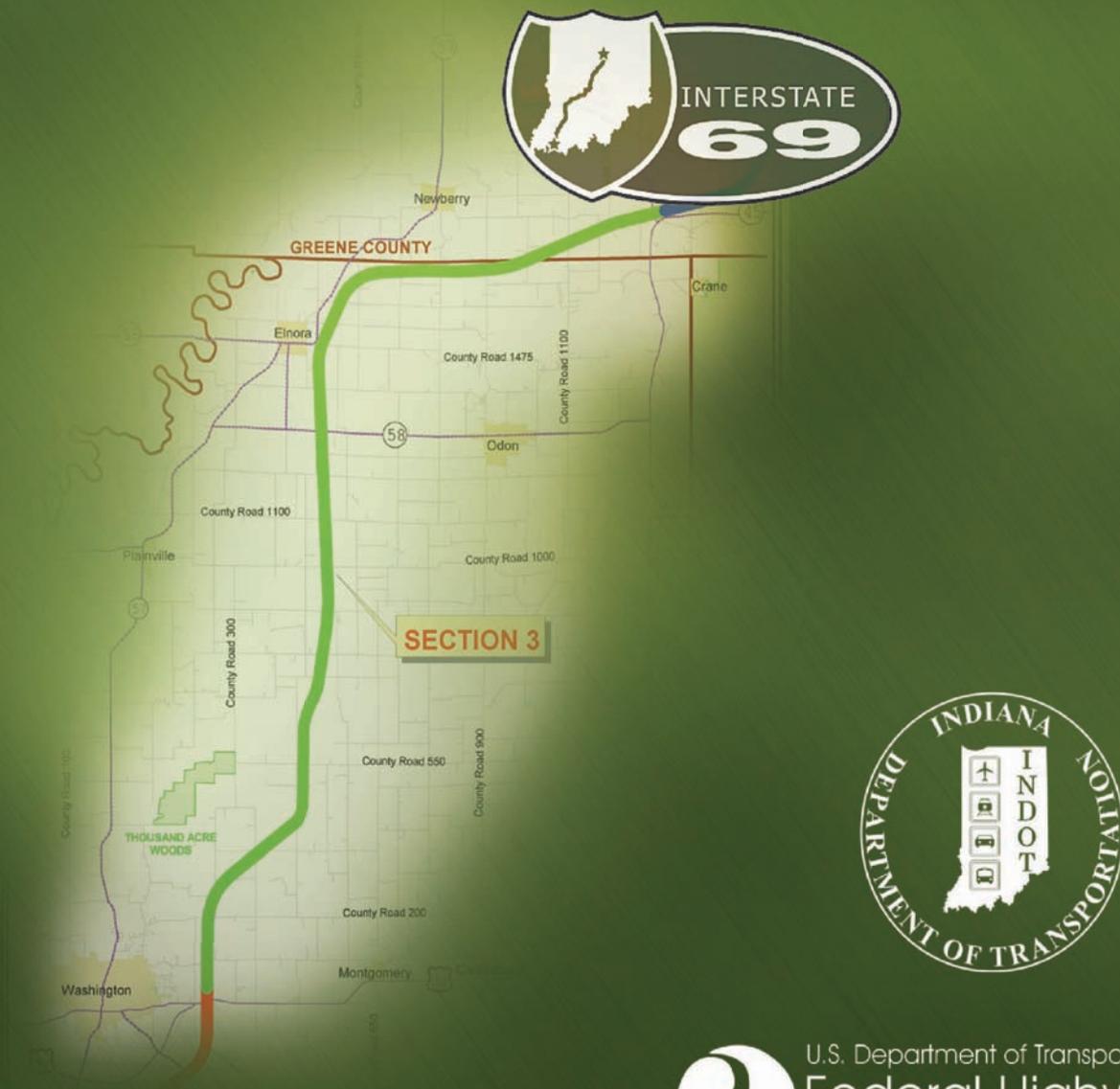


I-69 Evansville to Indianapolis, Indiana

Tier 2 Record of Decision

Section 3: Washington to Crane NSWC

January 28, 2010



FHWA-IN-EIS-09-01-F

I-69 Evansville to Indianapolis, Indiana

**Tier 2 RECORD OF DECISION
Section 3: Washington to Crane NSWC**

U.S. Department of Transportation
Federal Highway Administration

January 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. In the Tier 1 ROD it was 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 for more detailed Tier 2 studies. The proposed action addressed in this ROD is the completion of an Interstate highway within Section 3 of the approved I-69 Tier 1 corridor. Section 3 extends from the northern limits of the proposed US 50 interchange at I-69, which is located east of Washington, and US 231, which is located north of Crane Naval Surface Warfare Center (NSWC).

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), 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.

The Tier 2 study in Section 3 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 3 of the I-69 Evansville-to-Indianapolis project. This document is the ROD for Tier 2 Section 3.

2.0 DECISION

The proposed action in the I-69 Tier 2 EIS for the I-69 Section 3 project involves the completion of an Interstate highway from the northern limits of the proposed US 50 interchange at I-69 east of Washington to US 231 near the Crane NSWC. Section 3, approximately 26 miles in length, extends through Daviess and Greene Counties, Indiana.

The Selected Alternative for Section 3 is Refined Preferred Alternative 1 (see Figures 1A–1E, pp. 4–14), as described in the *I-69 Evansville to Indianapolis, Indiana, Tier 2 Final Environmental Impact Statement, Washington to Crane NSWC* (FEIS) issued in December 2009. As further detailed below, this ROD also determines the location of interchanges, grade separations, deferred construction features, and mitigation measures for Section 3.

This ROD is executed in conformance with the Council on Environmental Quality (CEQ) regulations implementing the NEPA and documents FHWA compliance with NEPA and all other applicable Federal statutes, regulations, and requirements. This decision is based on analyses contained in the Draft Environmental Impact Statement (DEIS) issued in January 2009; the FEIS issued December 3, 2009; 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.

2.1 Selected Alternative

2.1.1 Selection of Refined Preferred Alternative 1

The DEIS recommended Alternative 1 as the preferred alternative. Modifications made to the preferred alternative subsequent to and resulting from the DEIS public comment period included:

- using a tight diamond interchange at US 231 instead of a full diamond interchange (resulting in avoidance of impacts to a service station and a reduction in forest and wetland impacts);
- moving the rest area location north in the CR 1100N area to avoid a creek and archaeological sites;
- eliminating overpasses at CR 350N, CR 750N (at CR 750N a frontage road was added connecting CR 750N to CR 450E which will have an overpass on I-69), CR 900N, and CR 1400N;
- realigning CR 500E at SR 58 instead of closing it;
- moving the location of an access road connecting CR 200N to CR 250N to the west; and,
- eliminating an access road from CR 500N to the south.

These modifications were identified and evaluated in the Tier 2 Section 3 FEIS, published in December 2009.

The Section 3 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 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 and one family were received and are addressed in this ROD (see Section 7.0 and Appendix C).

2.1.2 Location of Section 3 Corridor and Selected Alternative— Refined Preferred Alternative 1

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. The location of Refined Preferred Alternative 1 is substantially¹ within Section 3 of the Alternative 3C corridor. In some areas access roads to landlocked parcels, existing road improvements at overpass and interchange locations, and land for a

¹ As allowed by the Tier 1 Record of Decision (section 2.3.5), small portions of some alternatives (including Refined Preferred Alternative 1) were located slightly outside of the corridor to avoid impacts to resources, including wetlands, streams, forests and farmland. At six different locations, one or more alternatives carried forward for detailed study had portions of their rights-of-way located slightly outside of the corridor. In all cases, more than half of the width of right-of-way remained within the corridor. The maximum width of the right-of-way outside of the corridor ranged from 70 to 116 feet; the acreage outside of the corridor ranged from 2.28 acres to 7.81 acres. See Appendix D – Table of Alternative Right-of-Way Outside of the Section 3 Corridor, for an enumeration of these locations, including a description of the resource impacts avoided.

rest area are outside of the Alternative 3C corridor.² Refined Preferred Alternative 1's southern terminus is the northern limits of the proposed US 50 interchange at I-69 east of Washington and its northern terminus is US 231 near Crane NSWC, a distance of approximately 26 miles. The Section 3 project corridor extends through Daviess and Greene Counties, Indiana, with the majority of the corridor being in Daviess County. The Section 3 FEIS, Section 1.3, describes the Section 3 corridor in detail. Figures 1A – 1E (pp. 4 - 14) show the location of the corridor and Refined Preferred Alternative 1.

2.1.3 Variations in Corridor Width

In Section 3, 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 3. It narrows to 1,200-foot wide near First Creek and expands up to 6,400-foot wide generally from CR 250N to CR 800N. The corridor was widened in order to provide the flexibility to avoid possible Amish cultural resources (see Tier 1 FEIS, p 8-34). During Tier 2, more detailed cultural resource analysis, than was conducted in Tier, 1 determined that no district, resource, or cultural landscape existed.

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. 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 3, the typical cross section employed for the analysis in the FEIS has 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 zone⁵ containing paved shoulders. In addition to the footprint required for the roadway, median and shoulders, land is provided for cut and fill slopes, 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 3-6 through 3-7 in Chapter 3. 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 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.

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 permits obtained under the Clean Water Act will allow filling wetlands only within the construction limits; thus, it 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 3 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.

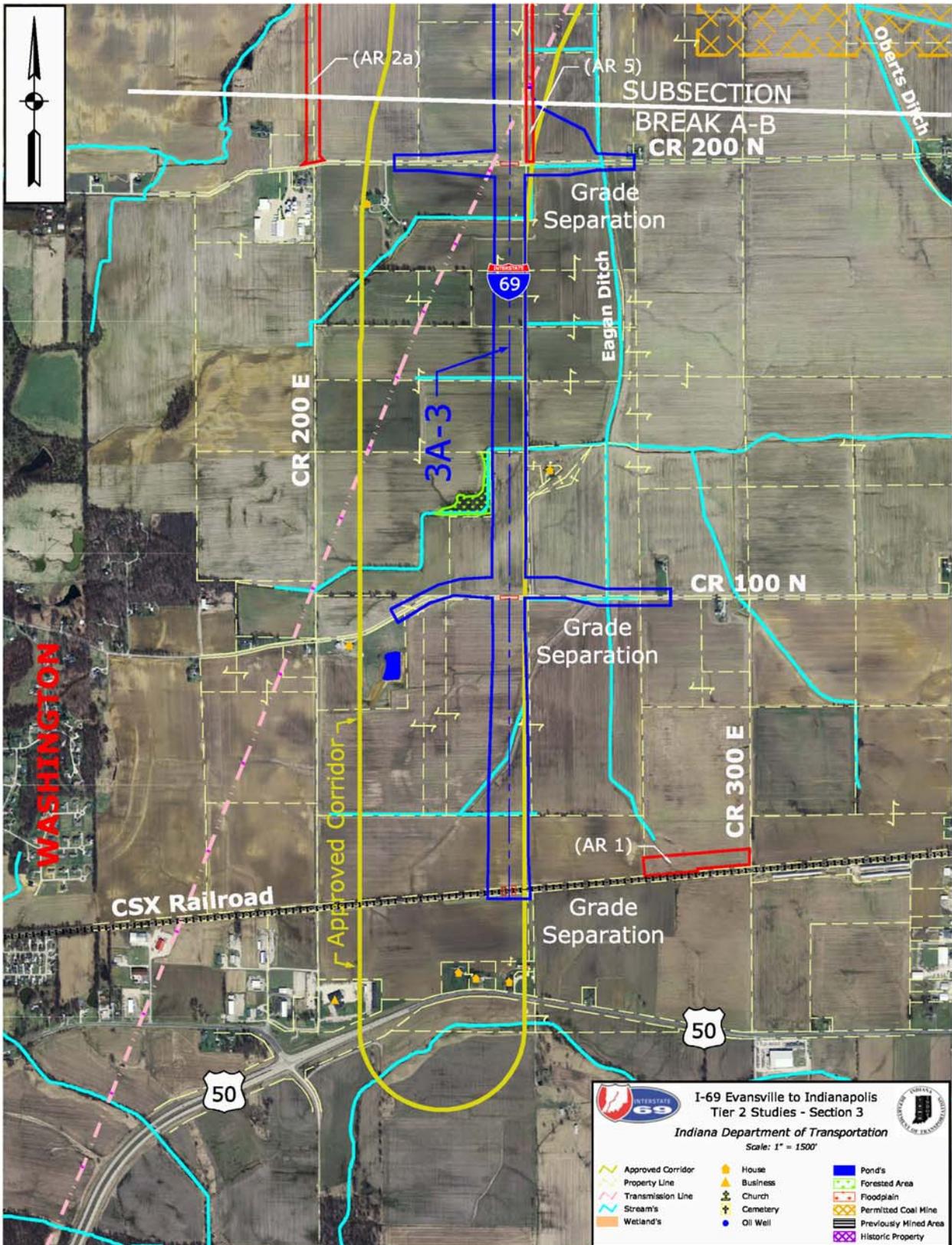


Figure 1A – I-69 Section 3: Selected Refined Preferred Alternative 1 (3A-3)

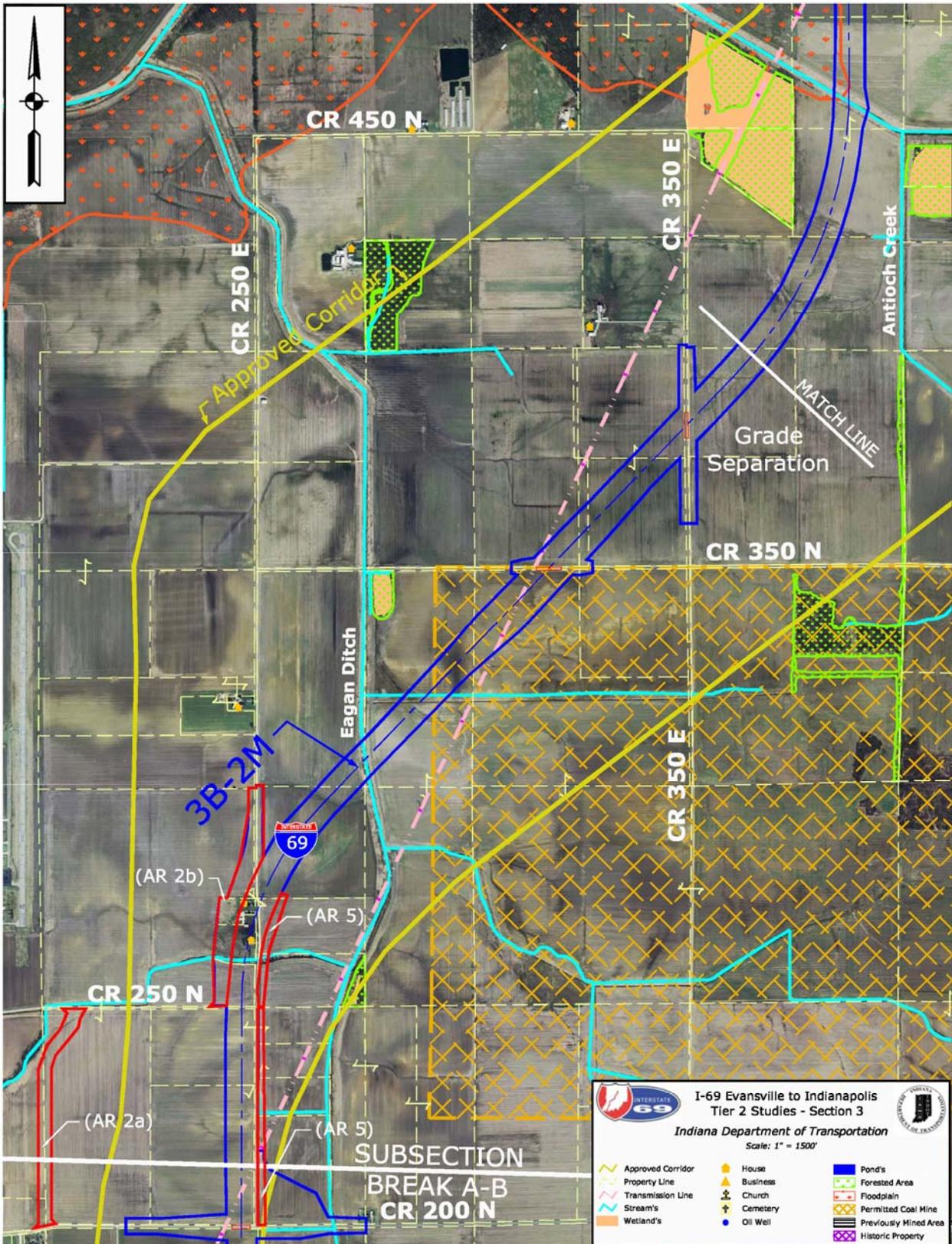


Figure 1B – I-69 Section 3: Selected Refined Preferred Alternative 1 (3B-2 Modified)

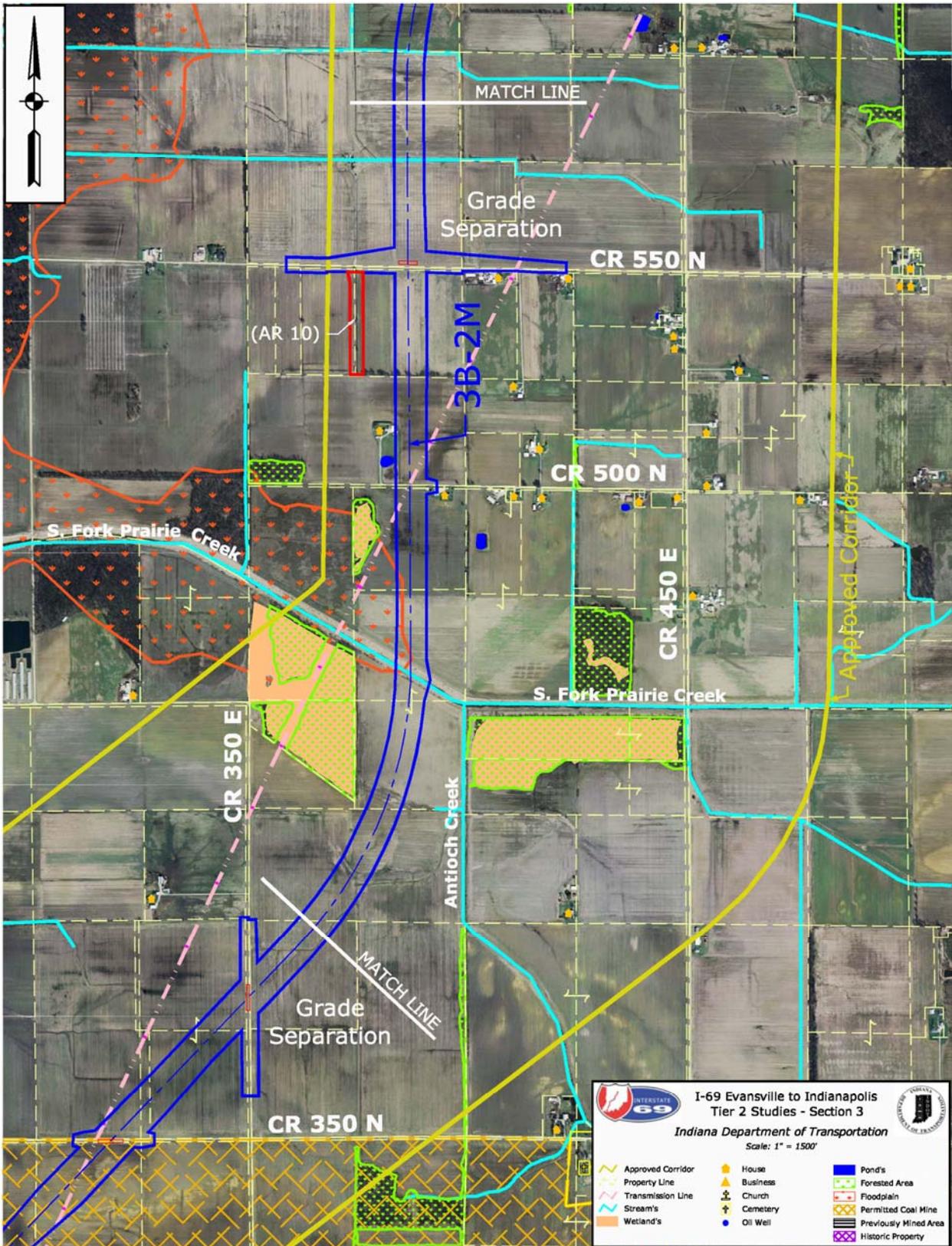


Figure 1B – I-69 Section 3: Selected Refined Preferred Alternative 1 (3B-2 Modified)

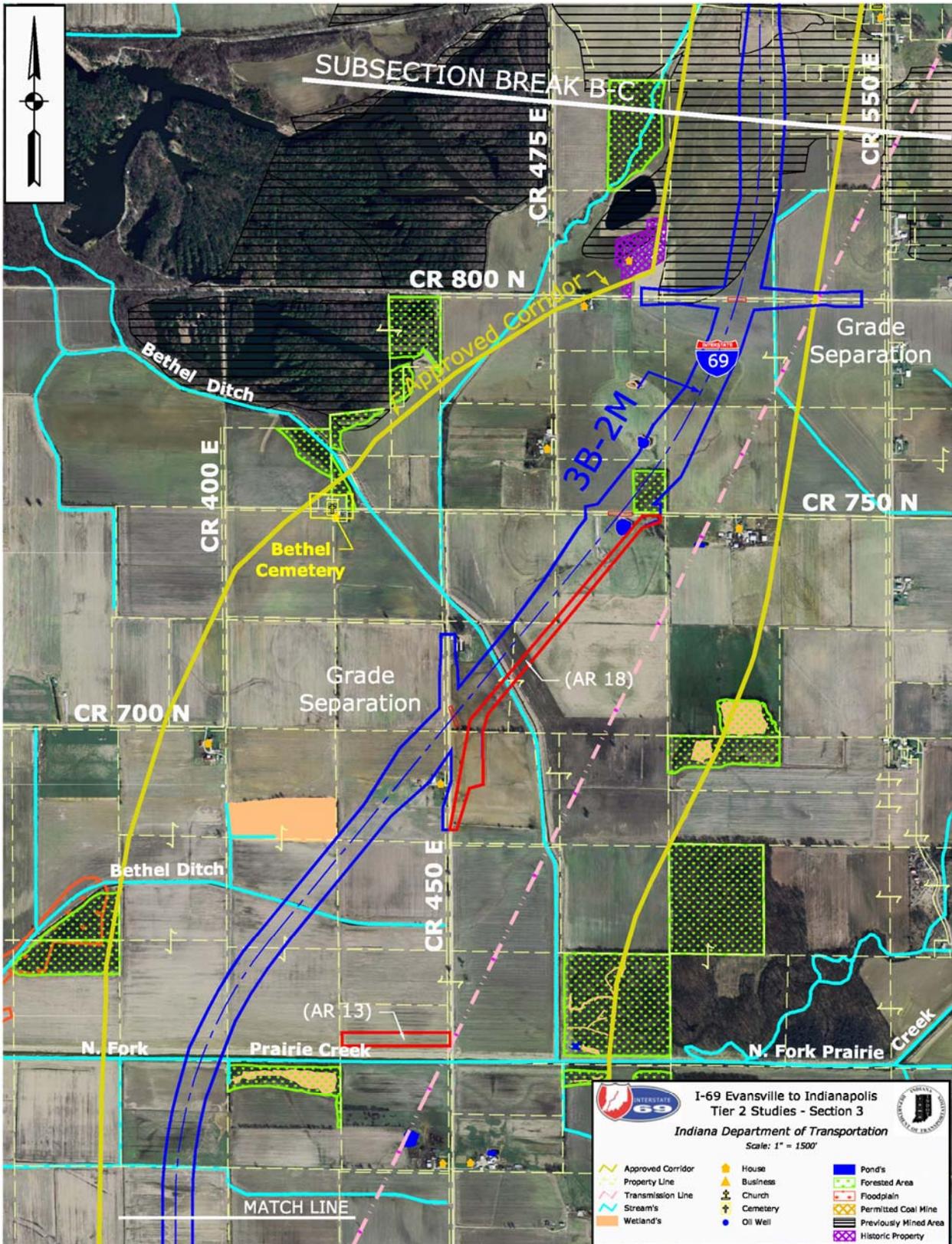


Figure 1B – I-69 Section 3: Selected Refined Preferred Alternative 1 (3B-2 Modified)

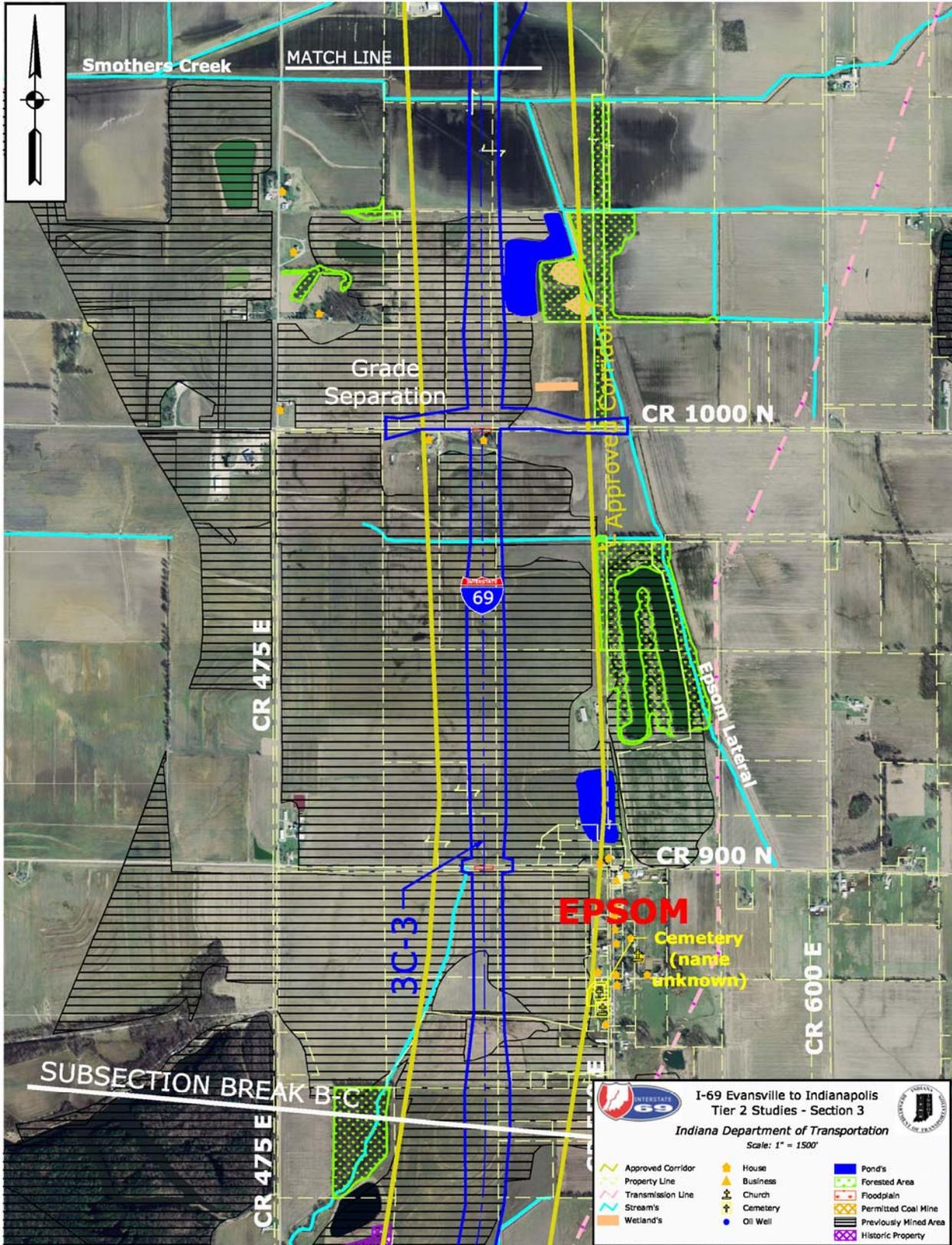


Figure 1C – I-69 Section 3: Selected Refined Preferred Alternative 1 (3C-3)

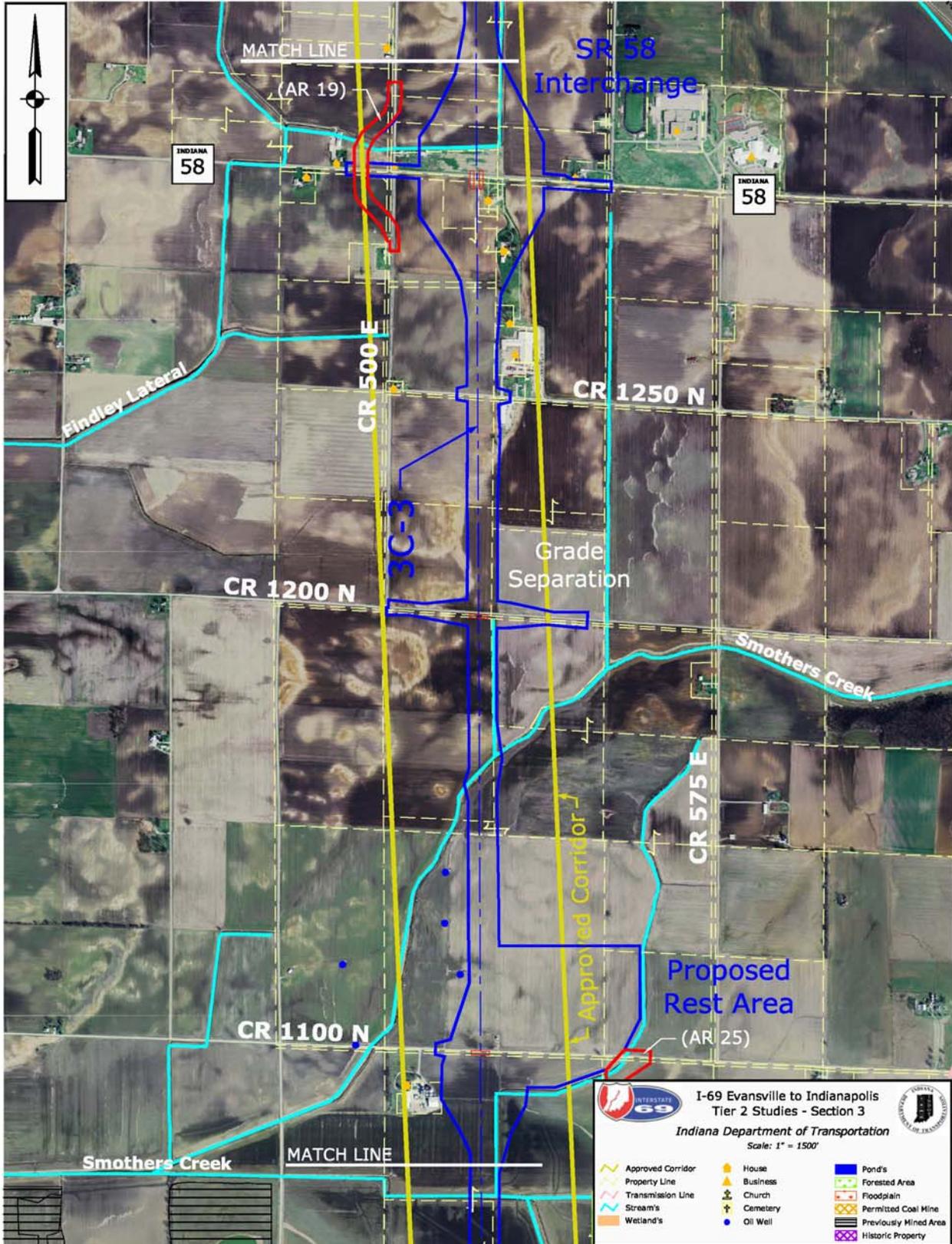


Figure 1C – I-69 Section 3: Selected Refined Preferred Alternative 1 (3C-3)

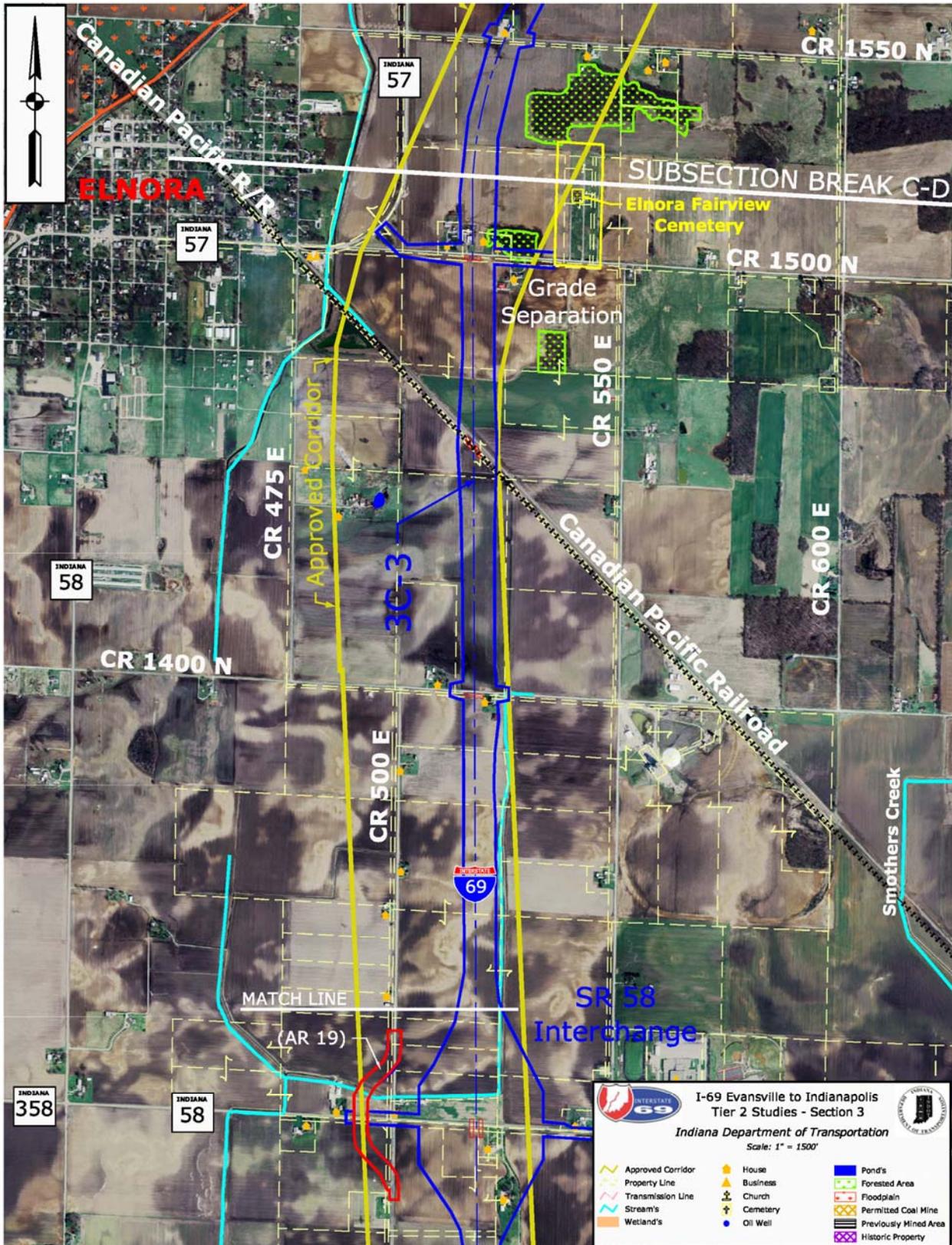


Figure 1C – I-69 Section 3: Selected Refined Preferred Alternative 1 (3C-3)

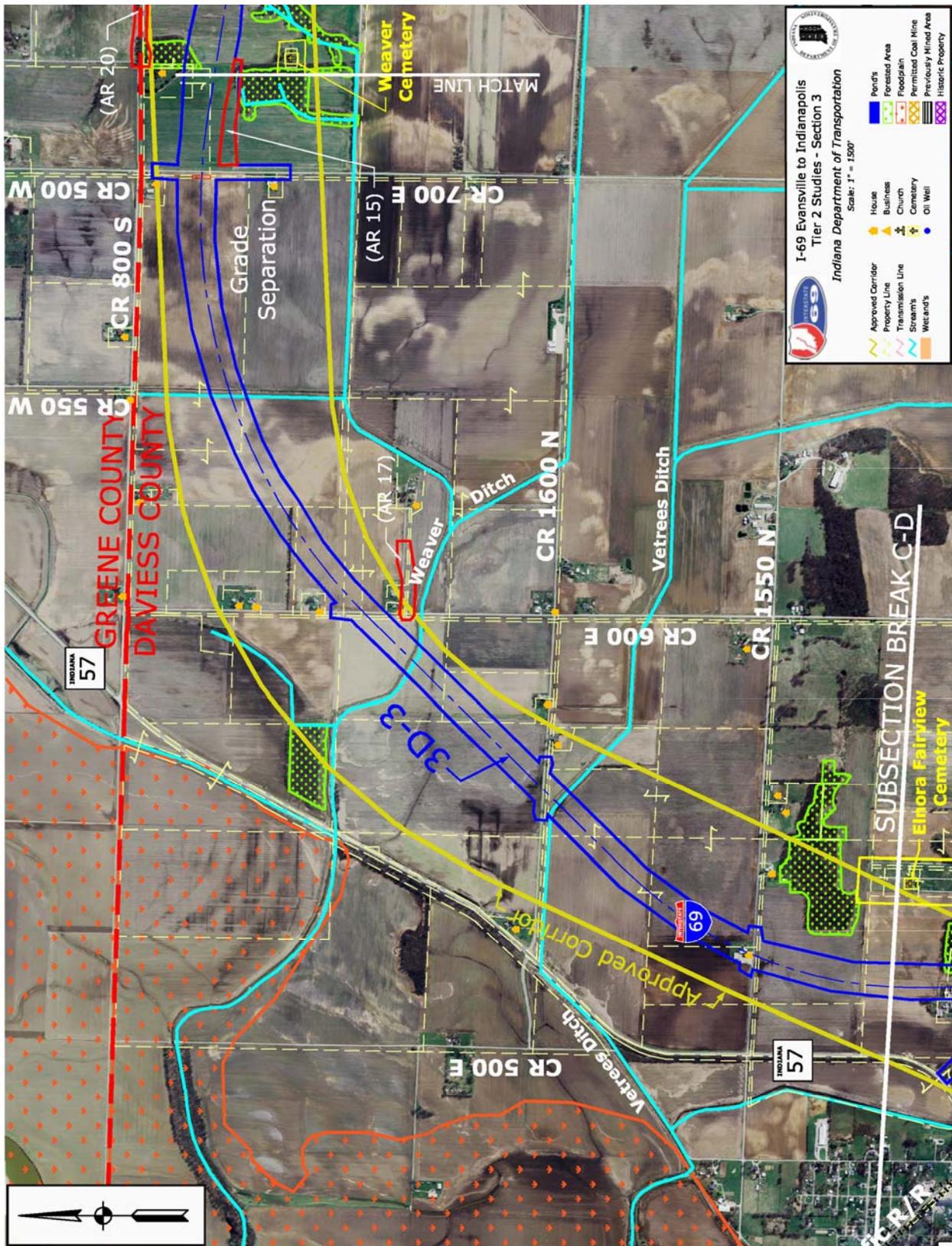


Figure 1D – I-69 Section 3: Selected Refined Preferred Alternative 1 (3D-3)

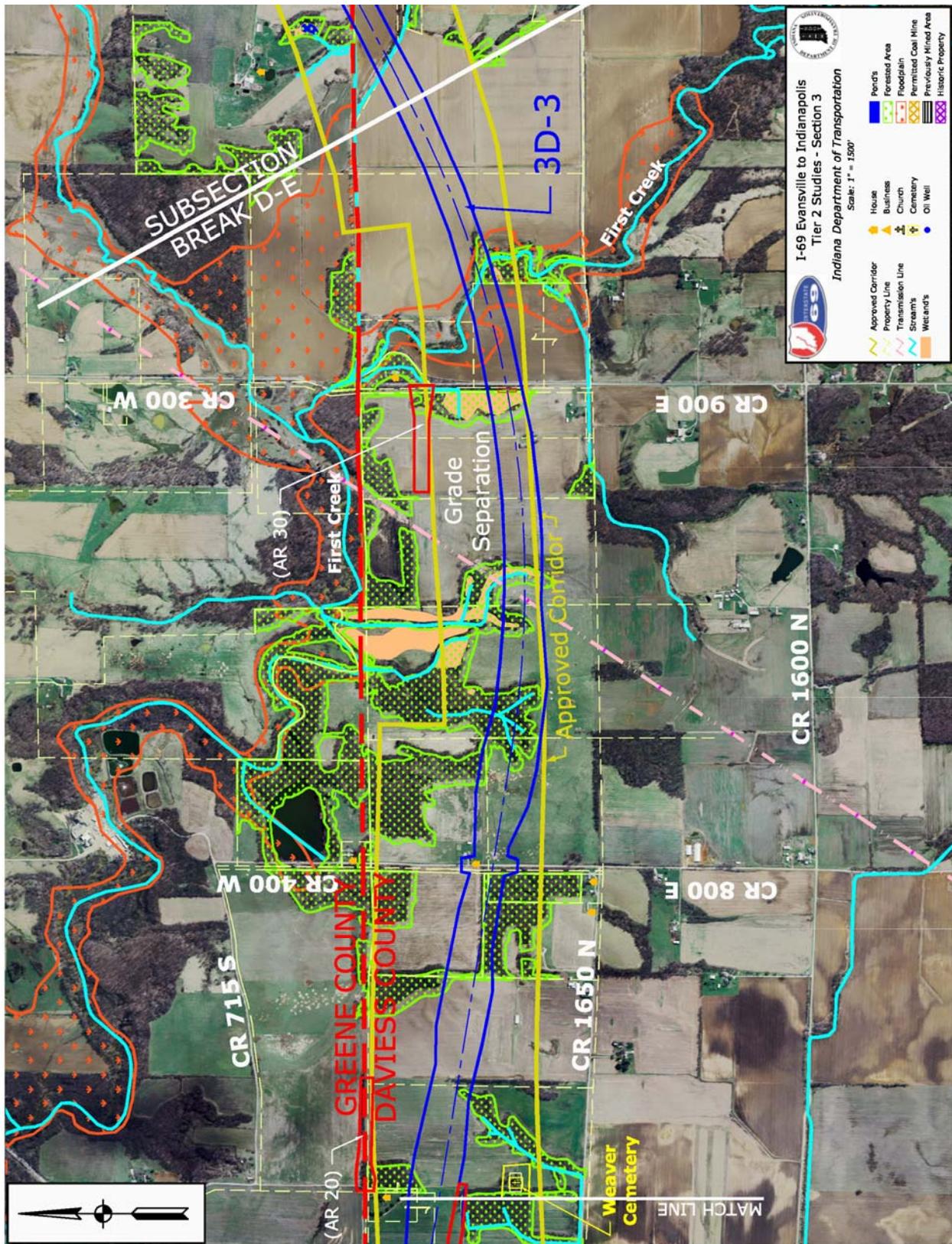


Figure 1D – I-69 Section 3: Selected Refined Preferred Alternative 1 (3D-3)

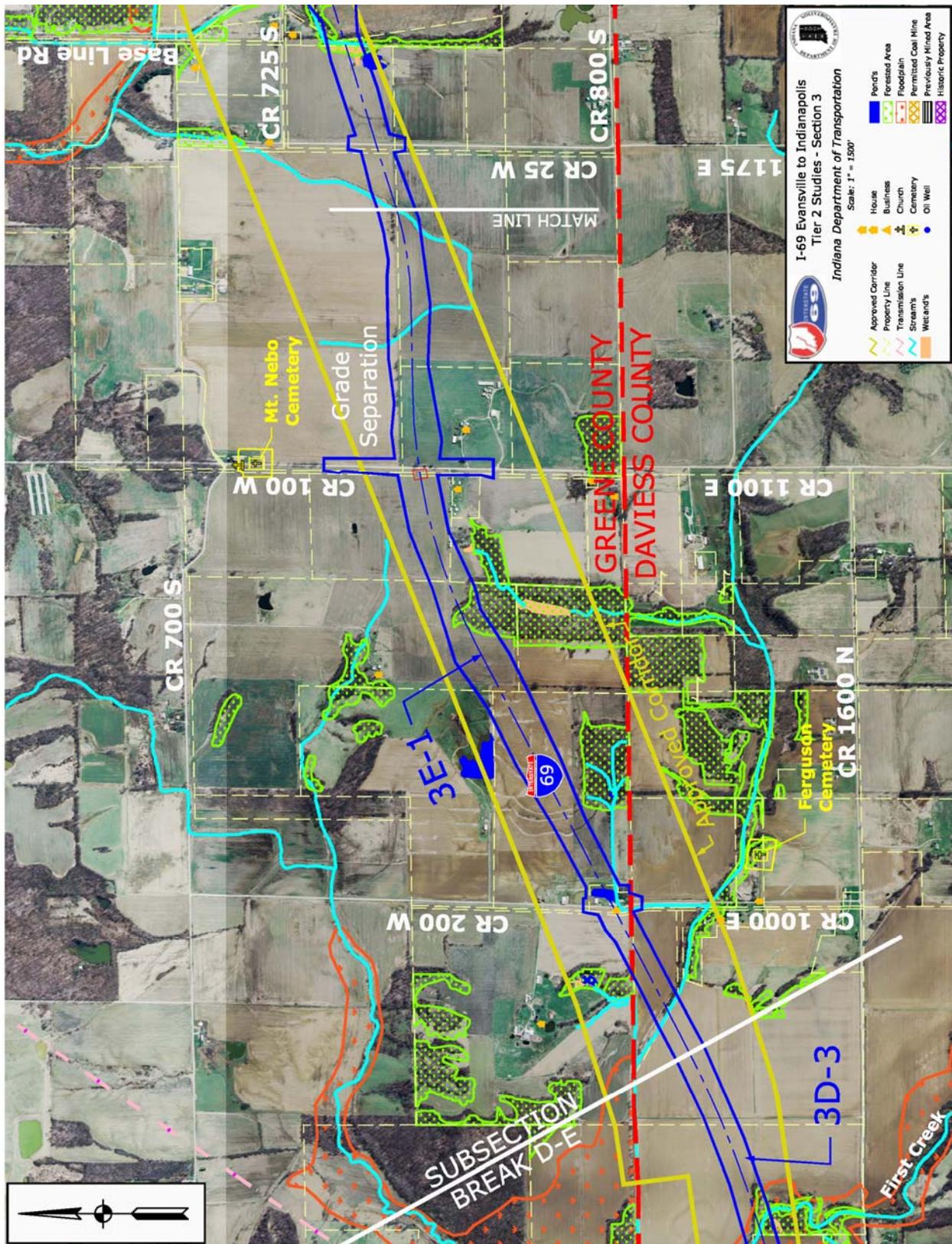


Figure 1E – I-69 Section 3: Selected Refined Preferred Alternative 1 (3E-1)

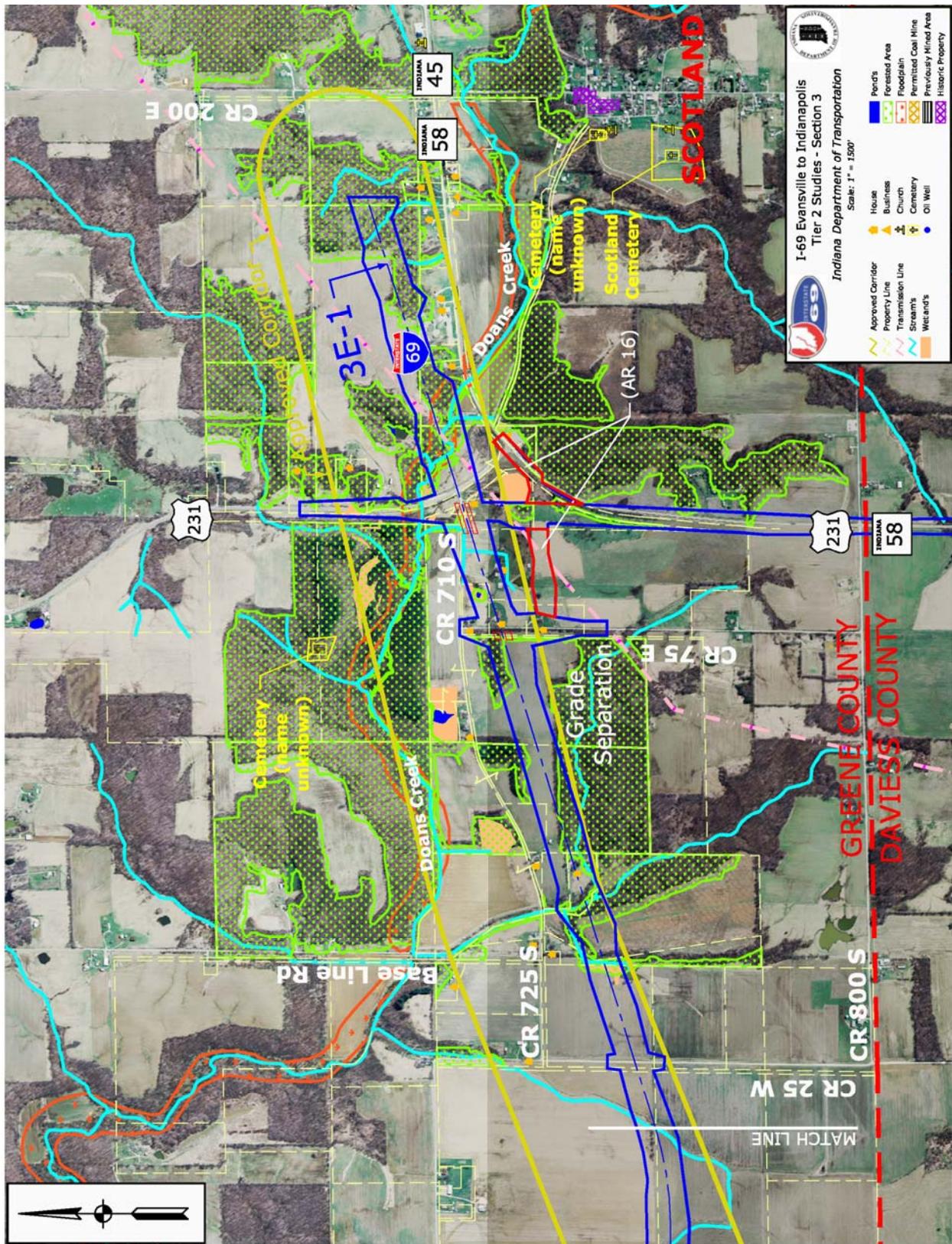


Figure 1E – I-69 Section 3: Selected Refined Preferred Alternative 1 (3E-1)

2.1.5 Interchanges, Overpasses, and Access Roads

The Tier 1 FEIS identified potential interchange locations in Section 3 at State Road (SR) 58 and US 231, and potential grade separations in Daviess County at County Road (CR) 100N, CR 200N, CR 350E, CR 450E, CR 550N, CR 750N, CR 800N, CR 1000N, CR 1200N, CR 1400N, CR 1500N, CR 700E, CR 900E, CR 100W, and in Greene County at CR 25W. These locations 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 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 and grade separations identified in Tier 1 were also proposed in the Tier 2 Section 3 FEIS except at CR 750N, where a frontage road will be built instead of a grade separation; at CR 1400N, which will not have a grade separation since there will be an interchange at the closest road to the south and an overpass at the closest road to the north; and at CR 25W, because the grade separation in that area was moved to CR 100W based on public input. An additional grade separation is included at CR 75E.

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. 26). 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, and access roads (which include new roads, road relocations, and realignments) that are features of Refined Preferred Alternative 1.

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, herein⁶.

INDOT has already commenced right-of-way acquisition activities, as follows:

- Field surveys have been initiated that will document the relationships between the property parcel descriptions and the project engineering survey.
- Title research has been initiated and right-of-way engineering has begun.
- Appraisals of right-of-way parcels have been initiated.

⁶ As authorized under the Tier 1 ROD, a 328-acre mitigation site in Greene County has been purchased. The proposed mitigation site for Section 3 of the I-69 project is referred to as the Cornelius Property. It is located in southern Greene County, west of the town of Newberry, and is bordered by the West Fork of the White River. INDOT purchased this mitigation site in May 2009 as part of the I-69 Sections 2 & 3 Umbrella Mitigation Bank (UMB). Construction has already begun on the site and is expected to be completed sometime in 2010. The proposed combined mitigation features will create a mosaic of wetland, riparian, and bottomland woods habitat.

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-way for highway construction prior to the issuance of the Section 3 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 year 2009. 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.⁷

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. This ROD approves the location and construction of a rest area in Section 3 at County Road 1100N, as discussed in Section 6.2.1.3 of the FEIS. INDOT may elect to defer the construction of the rest area. If construction of the rest area is deferred, INDOT may also elect to defer purchase of the right-of-way needed for the rest area until the rest area is programmed for construction.

2.2 Deferred Construction

Due to the staging of construction along the 142-mile I-69 improvement from Evansville to Indianapolis, INDOT may elect to defer construction of the some of the approved features of the Section 3 project. Activities that may be deferred in Section 3 are the construction of the rest area (See Section 2.1.7 above) and the full US 231 interchange. Deferral of a portion of the US 231 interchange is appropriate because the interchange would not become fully functional until the westernmost portion of I-69 Section 4 is constructed. Portions of the US 231 interchange could be constructed in order to allow access to I-69 south from US 231. The remaining portions of the US 231 interchange would be constructed with the construction of Section 4. The project costs for Refined Preferred Alternative 1 associated with the deferred elements of the US 231 interchange range from \$15 to \$19 million. Should INDOT elect to defer construction of the full interchange, it must purchase all of the right-of-way required for the full build out of the US 231 interchange upon initiation of construction of any part of the interchange in order to protect the right-of-way from future development. As discussed in Section 2.1.7 above, INDOT may also elect to defer both construction of the rest area and acquisition of the right-of-way needed for the rest area. Deferred acquisition of the rest area right-of-way until construction is programmed is appropriate based on the existing agricultural use of the land and the low likelihood that the land would be developed prior to the need to construct the rest area. The short-term savings associated with the rest area deferral range from \$10 to \$11 million. These estimates of short-term savings include construction, design, construction inspection, and right-of-way costs.

⁷ See FHWA letter dated October 20, 2009 in Appendix C of the FEIS.

2.3 Mitigation

This ROD approves and directs the implementation of the mitigation measures listed in the Section 3 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 First Creek and Doans Creek) 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 II evaluations and a Phase Ic investigation at one location where access was denied). For activities directly related to the quantity of impacts, the Tier 2 Section 3 FEIS Chapter 7 identifies mitigation quantities specific to impacts determined in the Tier 2 Section 3 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, herein, and are summarized on the Commitments Summary Form in Appendix A.

Detailed design will continue to make efforts to further reduce impacts to sensitive resources. When this is determined possible without reducing the performance of the Selected Alternative or increasing impacts to other sensitive resources and in consultation with the appropriate resource agencies, mitigation quantities may be reduced but the agreed-to ratios shall be maintained. Impacts to these resources and mitigation will be tracked and reported to the appropriate resource agencies on an annual basis.

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 substantially⁸ located within the approved corridor established in the Tier 1 ROD⁹. In a few areas access roads to landlocked parcels, existing road improvements at overpass and interchange locations, and land for a rest area 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 Refined Preferred Alternative 1. 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 3.

In the Section 3 Study Area, the transportation performance goals identified in the Tier 2 study include the completion of Section 3 of I-69 as stipulated in the Tier 1 ROD, the improvement of accessibility 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 3 were located substantially within the approved corridor, and all have interchanges at the same two locations—SR 58 and US 231. In a few areas access roads to landlocked parcels, existing road improvements at overpass and interchange locations, and land for a rest area 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 3 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.

⁸ In several locations, portions of mainline alternatives are located slightly outside of the corridor in order to avoid impacts to resources. See Appendix D for a description of these locations. In all cases, more than half of the width of right-of-way remained within the corridor. See footnote 1 for additional details.

⁹ The corridor width varies at two locations within Section 3. It narrows to 1,200-foot wide near First Creek and expands to 6,400-foot wide generally from CR 250 North to CR 800 North.

The purpose of the Tier 2 Section 3 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 3 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 3 Community Advisory Committee (CAC), and others. The identified needs include:

- Complete Section 3 of I-69 as determined in the Tier 1 ROD
- Increase personal accessibility for area residents
- 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— Refined Preferred Alternative 1—developed in Section 3 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 3 corridor was divided into five segments referred to as Subsection A, Subsection B, Subsection C, Subsection D, and Subsection E. All mainline alternatives developed in the Tier 2 study in Section 3 were located substantially within the Tier 1-approved corridor.

3.2.1 Preliminary Alternatives

Preliminary alternatives developed within each segment are consistent with both INDOT's *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.

The preliminary alternatives developed through this process included mainline alignments in each of the five corridor segments (four in Subsection A, nine in Subsection B, three in Subsection C, three in Subsection D, and three in Subsection E). The locations of the interchanges in Section 3—SR 58 and US 231—had been proposed in the Tier 1 study and confirmed in the Tier 2 study.

All of the preliminary alternatives in Section 3 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, nine segment alignments 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 3 FEIS in Figures 3-8 through 3-31.

Table 1: Alternatives Carried Forward

MAINLINE ALTERNATIVES	
Subsection A	
<p>The alignments begin at the north end of the US 50 interchange (CSX Railroad tracks) and continue in a northbound direction to a point approximately 760 feet north of CR 200N. The south termini of these alternatives tie into the northern termini of Section 2's alternatives. Features of the alternatives include an overpass at CR 100N and an overpass at CR 200N.</p>	
<p>Alternative 3A-1 Modified (1.90 miles)</p>	<p>Alternative 3A-1 Modified heads north from the northern terminus of Section 2's Alignment B. The US 50 interchange is within the Section 2 project limits. North of the interchange, the alternative is parallel to and approximately 1,000 feet east of CR 200E. South of CR 100N, Alternative 3A-1 Modified turns to the east and then north to avoid the wooded area located north of CR 100N. North of CR 100N the alignment proceeds in a northerly direction.</p>
<p>Alternative 3A-3 (1.83 miles)</p>	<p>Alternative 3A-3 heads north from the northern terminus of Section 2's Alignment A. The US 50 interchange is within the Section 2 project limits. North of the interchange, the alternative is parallel to and approximately 2,300 feet east of CR 200E. The alignment proceeds in a northerly direction to a point north of CR 200N.</p>
Subsection B	
<p>The alignments begin at a point approximately 760 feet north of CR 200N. The alternatives curve to the northeast and go in a northeasterly direction to the South Fork of Prairie Creek where alignments curve north. Alignments proceed in a northerly direction before curving northeast near the North Fork of Prairie Creek. From there alignments go to a common point approximately 2,200 feet north of CR 800N. Grade separations with CR 350E, CR 450E, CR 550N, and CR 800N are features of the alternatives.</p>	
<p>Alternative 3B-2 Modified (7.21 miles)</p>	<p>Initially turns to the northeast roughly following the center of the Section 3 corridor, which widens in Subsection B. The corridor was widened in order to provide the flexibility to avoid possible Amish cultural resources (see Tier 1 FEIS, p 8-34). During Tier 2, it was determined that no such district/resource/cultural landscape/etc. existed. At the South Fork of Prairie Creek the alignment proceeds on farmland between two wetlands and turns to the north following a northerly alignment to the North Fork of Prairie Creek. This alternative proceeds west of the majority of the CR 500/550N neighborhood. At this point the alignment turns to the northeast avoiding a wetland before turning north at CR 800N.</p>
<p>Alternative 3B-3 (7.37 miles)</p>	<p>Initially turns to the northeast following the eastern edge of the Tier 1 corridor before turning north at CR 450E, proceeding east of the wetlands located south of the South Fork of Prairie Creek. North of the South Fork of Prairie Creek the alignment proceeds in a northerly direction proceeding east of the CR 500/550N neighborhood. The alignment turns in a northeasterly direction after passing under the electrical transmission lines north of the North Fork of Prairie Creek. At CR 800N the alignment turns in a northerly direction.</p>
<p>Alternative 3B-4 (7.75 miles)</p>	<p>Proceeds in a northerly direction before turning in a northeasterly direction at CR 350N. The alignment avoids the permitted coal mining area south of CR 350N. The alignment continues</p>

	<p>in a northeasterly direction before turning north at the eastern edge of the wetland located south of the South Fork of Prairie Creek. North of the South Fork of Prairie Creek the alignment proceeds in a northerly direction proceeding east of the CR 500/550N neighborhood. The alignment turns in a northeasterly direction after passing under the electrical transmission lines north of the North Fork of Prairie Creek. At CR 800N the alignment turns in a northerly direction.</p>
<p>Subsection C</p> <p>This alternative begins at a point approximately 2,200 feet north of CR 800N, and follows the quarter section line in a northerly direction to CR 1500N. The alternative ends approximately 1,000 feet north of CR 1500N.</p>	
<p>Alternative 3C-3 (6.90 miles)</p>	<p>Is a tangent (straight) section, which minimizes farm split impacts to farm parcels and avoids oil wells and a manufacturing plant. The alternative overpasses CR 1000N, CR 1200N, and CR 1500N and will have an interchange at SR 58 and a future rest area.</p>
<p>Subsection D</p> <p>The alignments begin approximately 1,000 feet north of CR 1500N. Both alternatives turn to the northeast before straightening to an easterly alignment at CR 700E. Near CR 900E the Tier 1 corridor narrows and both alignments follow the same alignment when crossing the First Creek area. Grade separations with CR 700E and CR 900E are features of the alternatives.</p>	
<p>Alternative 3D-2 (5.62 miles)</p>	<p>Proceeds north from Alternative 3C-3, avoiding the Elnora Fairview Cemetery and the wooded area north of the cemetery. The alignment turns northeasterly, staying north of the Weaver Cemetery. The alignment then stays in the southern portion of the corridor to reduce wetland impacts near First Creek. At CR 900E the alignment starts to turn to the northeast, ending approximately 0.7 miles east of CR 900E.</p>
<p>Alternative 3D-3 (5.46 miles)</p>	<p>Proceeds north from Alternative 3C-3, avoiding the Elnora Fairview Cemetery and the wooded area north of the cemetery. At CR 1550N the alignment turns to the northeast avoiding the wooded area located near SR 57 and Weaver Ditch. At CR 600E the alignment turns further to the east staying north of the Weaver Cemetery. The alignment then stays in the southern portion of the corridor to reduce wetland impacts near First Creek. At CR 900E the alignment starts to turn to the northeast ending approximately 0.7 miles east of CR 900E.</p>
<p>Subsection E</p> <p>The alignment begins at a point approximately 0.7 mile east of CR 900E and proceeds in a northeasterly direction to US 231 at its existing intersection with SR 58 in Greene County. Overpasses on CR 100W and CR 75E and an interchange with US 231 are features of the alternative.</p>	
<p>Alternative 3E-1 (4.33 miles)</p>	<p>From Subsection D to CR 100W the alignment passes through areas that include farm ground, forested area, wetlands and perennial and ephemeral streams. The alignment crosses CR 100W south of the Mount Nebo church and cemetery. Between CR 25W and US 231 the alignment is in the southern portion of the corridor, reducing impacts to Doans Creek and the associated floodplain. The alignment ends at Section 4's southern terminus approximately 3,700 feet east of US 231, and matches with one of the two alternatives in Section 4's Subsection A. Section 4 is also considering a hybrid alternative in their Subsection A which would require the modification of the eastern end of Alternative 3E-1. The final determination of the alternative in Section 4 will determine whether this alignment needs to be modified, and any modifications will be addressed in the Section 4 ROD. Final construction of the eastern end of Alternative 3E-1 can occur once the Section 4 ROD is approved. An interchange will be located at US 231. US 231 will be relocated from a point approximately 2,800 feet north of the existing US 231/SR 45 intersection to a point approximately 2,300 south of the existing US 231/SR 45 intersection. The realigned US 231 will be a tangent (straight) section.</p>

Table 2a provides a comparison of the impacts of the segment alternatives that received detailed evaluation in the DEIS. Table 2b provides a comparison of the impacts of the segment alternatives that were refined for the preferred alternative and that received evaluation in the FEIS.

Table 2: Summary of Major Impacts and Costs For Alternatives 1, 2, 3 and 4 in Subsection A, B, C, D and E of Section 3 Corridor as presented in the DEIS									
Evaluation Factors	3A-1 Mod.	3A-3	3B-2 Mod.	3B-3	3B-4	3C-3 ***	3D-2	3D-3	3E-1 **
Length (Miles)	1.90	1.83	7.21	7.37	7.75	6.90	5.62	5.46	4.33
Approximate Right-of-Way (AC)	126	124	448	447	507	521	309	301	349
Number of Parcels	21	21	59	54	63	68	40	39	45
Estimated Total Cost (millions) – (based on initial criteria)	\$37.4	\$30.4	\$86.4	\$112.5	\$94.4	\$88.9	\$64.5	\$65.5	\$74.7
Relocations									
Residential	0	0	3	2	4	7	3	1	7
Commercial	0	0	0	0	0	0	0	0	2
Farm Operations	0	0	1	1	1	0	0	0	0
Parks, Churches and Cemeteries	0	0	0	0	0	0	0	0	0
Neighborhood Impacts									
Neighborhood Division (% division)	-	-	0	17	17	-	-	-	-
Neighborhood Separation (% separation)	-	-	0	83	83	-	-	-	-
Access									
Public Road Crossings	2	2	6	6	6	6	2	2	3
Public Road Closures	0	0	0	0	0	3	4	4	2
Land Use									
Farmland Required (AC)	117	112	409	404	457	482	265	260	218
Floodplain (AC)	0	0	3.2	0	0	0	7.6	6.8	13.2
Wetlands (AC): Emergent & Forested / (Farmed)									
Emergent, Forested, and Scrub Shrub	0	0	0.1	0.1	1.0	0	4.0	3.2	6.9
Farmed	0	0	0	0	0	0	0	0	0
Jurisdictional Streams (LF):									
Perennial	0	0	1,743	6,135	6,301	638	1,429	1,267	3,785
Intermittent	3,814	3,891	2,569	4,684	3,787	6,511	190	190	3,689
Ephemeral	1,767	2,142	1,189	527	625	4,805	3,977	3,704	4,689
Open Water Impacts (AC): Ponds, Lakes, PUBs									
Historic: NRHP Listed / Eligible	0	0	1.0	0.6	0.6	0	0	0	3.4
Archaeological: NRHP Listed / Eligible	*	*	*	*	*	*	*	*	*
Hazardous Materials (Potential Sites)									
Utility Impacts (Major) (LF)	3,000	3,000	6,000	6,000	6,000	0	3,000	3,000	3,800
Forest: Forest (AC)	<0.1	0	3.9	5.1	5.4	1.1	24.6	24.6	60.0
Core Forest (AC)	0	0	0	0	0	0	0.0	0.0	15.4

Abbreviations Key: LF = Linear Feet AC = Acres PUB = Palustrine unconsolidated bottom wetland. Blue denotes components of the Preferred Alternative 1.

* 76 previously documented sites were identified through Phase 1a literature review. 31 of the sites were determined to be not eligible, and 14 of the sites are within the right-of-way of one or more of the alternatives. 40 of the sites were unevaluated, and 11 of the sites are within the right-of-way of one or more of the alternatives. 6 of the sites were determined to be potentially eligible, and 2 of the sites are within the right-of-way of one or more of the alternatives. Attempts will be made to locate and evaluate all sites during the Phase 1a survey for Section 3.

** US 231 full-diamond interchange alternative impacts used.

*** Rest area impacts included in Alternative 3C-3 impacts.

Table 2a: Summary of Major Impacts and Costs for the Selected Refined Preferred Alternative 1 in Subsection A, B, C, D and E of Section 3 Corridor					
Evaluation Factors	3A-3	3B-2 Mod.	3C-3 ***	3D-3	3E-1 **
Length (Miles)	1.83	7.21	6.90	5.46	4.33
Approximate Right-of-Way (AC)	137	442	505	317	322
Number of Parcels	26	55	73	39	51
Estimated Total Cost (millions) – (based on initial criteria)	\$29.5	\$83.4	\$80.3	\$65.7	\$75.5
Relocations					
Residential	0	3	7	1	7
Commercial	0	0	0	0	1
Farm Operations	0	1	0	0	0
Parks, Churches and Cemeteries	0	0	0	0	0
Neighborhood Impacts					
Neighborhood Division (% division)	-	0	-	-	-
Neighborhood Separation (% separation)	-	0	-	-	-
Access					
Public Road Crossings	2	4	4	2	3
Public Road Closures	0	2	4	4	2
Land Use					
Farmland Required (AC)	124	410	468	279	220
Floodplain (AC)	0	3.2	0	7.7	7.6
Wetlands (AC): Emergent & Forested / (Farmed)					
Emergent, Forested, and Scrub Shrub	0	0.1	0	2.1	2.8
Farmed	0	0	0	0	0
Jurisdictional Streams (LF):					
Perennial	208	1,869	637	1,468	2,225
Intermittent	3,928	2,524	4,999	0	3,395
Ephemeral	2,210	739	3,749	2,850	3,818
Open Water Impacts (AC): Ponds, Lakes, PUBs	0	0.6	0	0	1.6
Historic: NRHP Listed / Eligible	0	0	1	0	0
Archaeological: NRHP Listed / Eligible	*	*	*	*	*
Hazardous Materials (Potential Sites)	0	0	0	1	0
Utility Impacts (Major) (LF)	3,000	6,000	0	3,000	3,000
Forest: Forest (AC)	0	3.9	0.6	24.3	40.2
Core Forest (AC)	0	0	0	0	10.4
* Archaeological site investigation will occur at sites where access was not granted by landowners after property acquisition has been completed but before construction in those areas.					
** US 231 tight-diamond interchange alternative impacts used.					
*** Rest area impacts included in Alternative 3C-3 impacts.					

The segment alternatives in Table 2 were combined to form four¹⁰ build alternatives that extend from the southern terminus of Section 3 at the northern end of the US 50 interchange at I-69 to the northern terminus approximately at US 231. Table 3 identifies the build alternatives and the segment alternatives of which they are composed.

¹⁰ Four build alternatives were assessed in the DEIS. A total of 12 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 five end-to-end alternatives (including the Refined Preferred Alternative 1) 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.

Table 3: Section 3 Build Alternatives

ALTERNATIVE	COMBINATION	LENGTH (Miles)	TOTAL COST RANGE (Year 2010 Dollars)
Refined Preferred 1 (Selected)	3A-3 + 3B-2 Modified + 3C-3 + 3D-3 + 3E-1	25.73	\$308,648,000- \$340,025,000
1	3A-3 + 3B-2 Modified + 3C-3 + 3D-3 + 3E-1	25.73	\$300,391,000- \$351,275,000
2	3A-3 + 3B-3 + 3C-3 + 3D-2 + 3E-1	26.05	\$315,864,000- \$376,435,000
3	3A-1 Modified + 3B-4 + 3C-3 + 3D-3 + 3E-1	26.34	\$310,293,000- \$366,256,000
4	3A-1 Modified + 3B-2 Modified + 3C-3 + 3D-2 + 3E-1	25.96	\$306,876,000- \$357,244,000

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 1, 2, 3, 4 and Refined Preferred Alternative 1* - 2010 Dollars

Estimated Costs (Rounded)	Refined Preferred Alternative 1	Alternative 1 3A-3 + 3B-2 Modified + 3C-3 + 3D-3 + 3E-1	Alternative 2 3A-3 + 3B-3 + 3C-3 + 3D-2 + 3E-1	Alternative 3 3A-1 Modified + 3B-4 + 3C-3 + 3D-3 + 3E-1	Alternative 4 3A-1 Modified + 3B-2 Modified + 3C-3 + 3D-2 + 3E-1
Construction					
Initial Criteria	\$264,657,000	\$275,644,000	\$298,918,000	\$287,536,000	\$280,781,000
Low Cost Criteria	\$235,860,000	\$229,434,000	\$243,977,000	\$236,732,000	\$235,008,000
Design/Engineering					
Initial Criteria	\$13,173,000	\$13,813,000	\$14,865,000	\$14,351,000	\$14,041,000
Low Cost Criteria	\$12,241,000	\$12,041,000	\$12,736,000	\$12,409,000	\$12,307,000
Administration					
Initial Criteria	\$18,905,000	\$19,689,000	\$21,352,000	\$20,539,000	\$20,056,000
Low Cost Criteria	\$17,257,000	\$16,787,000	\$17,851,000	\$17,322,000	\$17,195,000
Right-of-Way	\$15,171,000	\$16,093,000	\$16,104,000	\$16,725,000	\$16,330,000
Utility Relocation	\$22,643,000	\$20,560,000	\$19,720,000	\$21,629,000	\$20,560,000
Mitigation	\$5,476,000	\$5,476,000	\$5,476,000	\$5,476,000	\$5,476,000
Total Cost*					
Initial Criteria	\$340,025,000	\$351,275,000	\$376,435,000	\$366,256,000	\$357,244,000
Low Cost Criteria	\$308,648,000	\$300,391,000	\$315,864,000	\$310,293,000	\$306,876,000

* Cost estimates include rest area, access roads and grade separations.
Green denotes the Selected Alternative – Refined Preferred Alternative 1

3.3 Selected Alternative— Refined Preferred Alternative 1

3.3.1 Description of Refined Preferred Alternative 1, by Segment

Refined Alternative 3A-3: From its southern terminus at the northern end of the US 50 interchange, Refined Preferred Alternative 1 heads north from the northern terminus of Section 2's Alignment A. The US 50 interchange is within the Section 2 project limits. North of the interchange, the alternative is parallel to and approximately 2,300 feet east of CR 200E. The alignment proceeds in a northerly direction to a point north of CR 200N. There will be grade separations at CR 100N and at CR 200N.

Local Access: A new road referred to as Access Road (AR) 1 will be constructed from CR 300E westward to provide access to landlocked farmland. A new road referred to as AR 2a will be connected to CR 200E and will be constructed from CR 200N to CR 250N. This road will provide improved access from US 50 to the Daviess County Airport. Part of AR 2a will extend into Subsection B. A new road referred to as AR 5 will be constructed from CR 200N northward past CR 250N to provide access to landlocked farmland.

Refined Alternative 3B-2 Modified: The alternative begins just north of CR 200N and initially turns to the northeast roughly following the center of the Section 3 corridor, which widens in Subsection B. At the South Fork of Prairie Creek the alignment proceeds on farmland between two wetlands and turns to the north following a northerly alignment to the North Fork of Prairie Creek. This alternative proceeds west of the majority of the CR 500/550N neighborhood. At this point the alignment turns to the northeast avoiding a wetland before turning north at CR 800N. There will be grade separations at CR 350E, CR 450E, CR 550N, and at CR 800N.

Local Access: A new road referred to as AR 2b will be constructed from CR 250N northward to provide access to farmland. A new road referred to as AR 10 will be constructed from CR 550N southward to provide access to farmland. A new road referred to as AR 13 will be constructed from CR 450E westward to provide access to farmland. A new road referred to as AR 18 will be constructed between CR 750N and CR 450E to allow travelers along CR 750N to use an overpass at CR 450E to cross I-69.

Refined Alternative 3C-3: The southern terminus of this alternative begins at a point approximately 2,200 feet north of CR 800N, and follows the quarter section line in a northerly direction to CR 1500N. The alternative ends approximately 1,000 feet north of CR 1500N. A rest area will be located within this subsection on the east side of I-69 at CR 1100N. The alternative includes an interchange at SR 58 and an overpass of the Canadian Pacific Railroad southeast of Elnora. There will be grade separations at CR 1000N, CR 1200N, and at CR 1500N.

Local Access: A new road referred to as AR 25 will be constructed from CR 1100N southward to provide access to farmland. A new road referred to as AR 19 will be a relocation of CR 500E and will be constructed to the west of I-69 both north and south of SR 58. This road will allow CR 500E to remain open instead of having an elimination of access at SR 58.

Refined Alternative 3D-3: The alternative proceeds north from Alternative 3C-3, avoiding the Elnora Fairview Cemetery and the wooded area north of the cemetery. At CR 1550N the alignment turns to the northeast avoiding the wooded area located near SR 57 and Weaver Ditch. At CR 600E the alignment turns further to the east staying north of the Weaver Cemetery. The alignment then stays in the southern portion of the corridor to reduce wetland impacts near First Creek. At CR 900E the alignment starts to turn to the northeast ending approximately 0.7 miles east of CR 900E. There will be grade separations at CR 700E and CR 900E.

Local Access: A new road referred to as AR 15 will be constructed from CR 700E eastward to provide access to farmland. A new road referred to as AR 17 will be constructed from CR 600E eastward to provide access to farmland. A new road referred to as AR 20 will be constructed from CR 475W eastward to provide access to farmland. A new road referred to as AR 30 will be constructed from CR 300W westward to provide access to farmland.

Refined Alternative 3E-1: From Subsection D to CR 100W the alignment passes through areas that include farm ground, forested area, wetlands and perennial and ephemeral streams. The alignment crosses CR 100W south of the Mount Nebo church and cemetery. Between CR 25W and US 231 the alignment is in the southern portion of the corridor, reducing impacts to Doans Creek and the associated floodplain. The alignment ends at Section 4’s southern terminus approximately 3,700 feet east of US 231, and matches with one of the two alternatives in Section 4’s Subsection A. Section 4 is also considering a hybrid alternative in their Subsection A which would require the modification of the eastern end of Alternative 3E-1. The final determination of the alternative in Section 4 will decide whether this alignment needs to be modified. Any modifications of the alignment in this area will be addressed in the Section 4 ROD. An interchange will be located at US 231. US 231 will be relocated from a point approximately 2,800 feet north of the existing US 231/SR 45 intersection to a point approximately 2,300 south of the existing US 231/SR 45 intersection. The realigned US 231 will be a tangent (straight) section. There will be grade separations at CR 100W and CR 75E.

Local Access: A new road referred to as AR 16 will be a relocation of CR 710S and will be constructed south of I-69 and will connect CR 75E with US 231. This road will allow travelers from Newberry and southern Greene County to continue to have access to US 231 once CR 710S is closed at US 231.

Table 5 lists the interchanges, grade separations (overpasses/underpasses), and access roads that are features of the Selected Alternative, Refined Preferred Alternative 1, by corridor segment.

Table 5: Refined Preferred Alternative 1—Interchanges, Grade Separations, and Access Roads

Interchange	
Subsection A	None (Section 3 starts at the end of US 50 interchange which is part of Section 2)
Subsection B	None
Subsection C	SR 58
Subsection D	None
Subsection E	US 231
Grade Separation	
Subsection A	CR 100N and CR 200N
Subsection B	CR 350E, CR 450E, CR 550N, and CR 800N
Subsection C	CR 1000N, CR 1200N, and CR 1500N
Subsection D	CR 700E and CR 900E
Subsection E	CR 100W and CR 75E

Relocation/ Realignment	
Subsection B	CR 250E
Subsection C	CR 500E
Subsection E	CR 710S
Access Road (AR*)	
Subsection A	AR 1 will be constructed from CR 300E westward to provide access to landlocked farmland.
	AR 2a will be connected to CR 200E and will be constructed from CR 200N to CR 250N. This road will provide improved access from US 50 to the Daviess County Airport. Part of AR 2a will extend into Subsection B.
	AR 5 will be constructed from CR 200N northward past CR 250N to provide access to landlocked farmland.
Subsection B	AR 2b will be constructed from CR 250N northward to provide access to farmland.
	AR 10 will be constructed from CR 550N southward to provide access to farmland.
	AR 13 will be constructed from CR 450E westward to provide access to farmland.
	AR 18: will be constructed between CR 750N and CR 450E to allow travelers along CR 750N to use an overpass at CR 450E to cross I-69.
Subsection C	AR 19 will be constructed from CR 1100N southward to provide access to farmland.
	AR 25 will be a relocation of CR 500E and will be constructed to the west of I-69 both north and south of SR 58. This road will allow CR 500E to remain open instead of having an elimination of access at SR 58.
Subsection D	AR 15 will be constructed from CR 700E eastward to provide access to farmland.
	AR 17 will be constructed from CR 600E eastward to provide access to farmland.
	AR 20 will be constructed from CR 475W eastward to provide access to farmland.
	AR 30 will be constructed from CR 300W westward to provide access to farmland.
Subsection E	AR 16 will be a relocation of CR 710S and will be constructed south of I-69 and will connect CR 75E with US 231. This road will allow travelers from Newberry and southern Greene County to continue to have access to US 231 instead of CR 710S being closed at US 231.
* AR identifies access roads on Figures 1A – 1E, pp. 4 – 14, herein.	

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 Refined Preferred Alternative 1

Preferred Alternative 1 was identified as the preferred alternative in the Section 3 DEIS and that recommendation was modified as Refined Preferred Alternative 1 in the FEIS. The segment alternatives that were combined to create Refined Preferred Alternative 1 are mainline segment Refined Alternatives 3A-3, 3B-2 Modified, 3C-3, 3D-3 and 3E-1. 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 Alternatives*.

Refined Alternative 3A-3 is the Selected Alternative over Alternatives 3A-1 Modified and 3A-3 for reasons that include the following:

- Provides improved access with AR-2 and AR-5 compared to Alternative 3A-1 Modified and Alternative 3A-3.
- Has fewer forest impacts than Alternative 3A-1 Modified
- Has 0.5 miles less farm field splits than Alternative 3A-1 Modified.
- Has a more desirable bridge at CR 100N (perpendicular to I-69 instead of skewed) than Alternative 3A-1 Modified.
- Has a more desirable mainline I-69 alignment (tangent, with no reverse curves) than Alternative 3A-1 Modified.
- Construction cost is \$7 million less than Alternative 3A-1 Modified and the same as Alternative 3A-3¹¹.

Key Evaluation Factors Considered in Selection of Refined Alternative 3A-3

Advantages of Refined Alternative 3A-3

- Fewer farm field diagonal splits
- Fewer forest impacts
- Eliminates reverse curves
- More desirable bridge at CR 100N
- Costs \$7 million less

Disadvantages of Refined Alternative 3A-3

- Requires more farmland acres
- Impacts more linear feet of streams

Advantages shared with Alternative 3A-1 Modified

- No wetland impacts
- No pond impacts
- No floodplains
- No relocations
- No road closings

Impacts shared with Alternative 3A-1 Modified

- Electric transmission line relocation

Refined Alternative 3B-2 Modified is the Selected Alternative over Alternatives 3B-2 Modified, 3B-3, and 3B-4 for reasons that include the following:

- Construction cost is \$3 million less than Alternative 3B-2 Modified, \$30 million less than Alternative 3B-3 and \$11 million less than Alternative 3B-4.
- Has fewer impacts on the CR 500/550N neighborhood than Alternative 3B-3 and Alternative 3B-4. It does not split the neighborhood and it does not isolate the neighborhood from the larger Amish community located to the east of the corridor. Alternatives 3B-3 and 3B-4 split the neighborhood with four residences on the east side and 20 residences on the west side and isolates the 20 residences on the west side of the roadway from the larger Amish community located to the east of the corridor.
- Has total stream impacts of 5,132 linear feet. This is 369 linear feet less than Alternative 3B-2 Modified, 6,214 linear feet less than Alternative 3B-3, and 5,581 linear feet less than Alternative 3B-4.
- Fewer forest impacts than Alternative 3B-3 (1.2 acres less) and Alternative 3B-4 (1.5 acres less).
- Improves access at CR 750N with the addition of AR-18.

Key Evaluation Factors Considered in Selection of Refined Alternative 3B-2 Modified

Advantages of Refined Alternative 3B-2 Modified

Modified

- Fewer right-of-way acres needed
- Doesn't divide CR 500/550 North neighborhood
- Doesn't isolate CR 500/550 North neighborhood
- Has smallest amount of stream impacts
- Lowest wetland impacts
- Lowest pond impacts
- Lowest forest impacts
- Costs \$3 million to \$30 million less

Disadvantages of Alternative 3B-2 Modified

- Highest floodplain acres
- Highest farm field diagonal splits
- 2 Public road closures

Advantages shared with other Alternatives

- No Hazmat sites

Impacts shared with other Alternatives

- 1 residential relocation from CR 500/550 North neighborhood
- Electric transmission line relocation

¹¹ The cost comparison data for the alternatives was based on the initial design cost criteria.

Refined Alternative 3C-3 is the Selected Alternative over Alternative 3C-3 for reasons that include the following:

- Fewer Right-of-Way impacts (16 acres less).
- 1,512 linear feet less intermittent stream impacts.
- 1,056 linear feet less ephemeral stream impacts.
- 0.5 acres less forest impacts.
- 14 acres less farmland impacts.
- Construction costs \$9 million less.

Key Evaluation Factors Considered in Selection of Refined Alternative 3C-3

Advantages of Refined Alternative 3C-3

- Fewer stream impacts
- Fewer forest impacts
- Fewer total acres of ROW needed
- Fewer farmland acres
- Costs \$9 million less

Disadvantages of Refined Alternative 3C-3

- Additional public road closure
- Greatest diagonal farm land split
- Greatest wellhead protection area impacted

Advantages shared with Alternative 3C-3

- No wetland impacts
- No pond impacts
- No floodplains
- No electrical transmission line relocation

Impacts shared with Alternative 3C-3

- 7 residential relocations

Refined Alternative 3D-3 is the Selected Alternative over Alternatives 3D-2 and 3D-3 for reasons that include the following:

- Fewer wetland impacts, 1.9 acres less than Alternative 3D-2 and 1.1 acres less than Alternative 3D-3.
- Requires two less residential relocations than Alternative 3D-2.
- Fewer intermittent stream impacts, 190 linear feet less than Alternative 3D-2 and Alternative 3D-3.
- Fewer ephemeral stream impacts, 1,127 linear feet less than Alternative 3D-2 and 854 linear feet less than Alternative 3D-3.
- Fewer forest impacts, 0.3 acres less than Alternative 3D-2 and Alternative 3D-3.

Key Evaluation Factors Considered in Selection of Refined Alternative 3D-3

Advantages of Refined Alternative 3D-3

- Fewest stream impacts
- Fewest forest impacts
- Fewest wetland impacts

Disadvantages of Refined Alternative 3D-3

- Most ROW acres
- Greatest floodplain impacts
- Greatest farmland acres

Advantages shared with Alternative 3D-3 over Alternative 3D-2

- 1.1 less miles of diagonal farm splits than 3D-2
- 2 less relocations than 3D-2

Refined Alternative 3E-1 with a tight diamond interchange is the Selected Alternative over Alternative 3E-1 with a full diamond interchange for reasons that include the following:

- Reduces right-of-way impacts by 27 acres.
- Fewer stream impacts, 2,725 linear feet less.
- Fewer wetland impacts, 4.1 acres less.
- Fewer pond impacts, 1.8 acres less.
- Fewer forest impacts, 19.8 acres less.
- Fewer core forest impacts, 5.0 acres less.
- Fewer floodplain impacts, 5.6 acres less.
- One less commercial relocation.
- One less hazmat site.

Key Evaluation Factors Considered in Selection of Refined Alternative 3E-1

Advantages of Refined Alternative 3E-1

- Fewest acres of ROW
- Fewest forest impacts
- Fewest forest acres
- Fewest pond acres

Disadvantages of Refined Alternative 3E-1

- Greatest farmland acres

Advantages shared with Alternative 3E-1 single point or tight diamond over Alternative 3E-1 with a full diamond

- Fewest wetland impacts
- Fewest core forest impacts
- Avoids a service station

3.3.4 Potential Reasonably Foreseeable Impacts of Refined Preferred Alternative 1

The FEIS for Section 3 was published in December 2009. Potential reasonably foreseeable impacts associated with the project are discussed in detail in that document. Table 2 (p. 22), summarizes potential environmental impacts associated with the segment alternatives carried forward for detailed evaluation. Table 6 (p. 33) 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) Evaluation*).

3.3.5 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 3, detailed design will be completed and construction is expected to begin in the first half of 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 by amendment in INDOT's Statewide Transportation Improvement Program (INSTIP) for fiscal year 2009.

3.3.6 Environmentally Preferable Alternative— Refined Preferred Alternative 1

As summarized above and in greater detail in the FEIS (see Section 6.2, *Comparison of Alternatives*, and Section 6.3, *Selection of Preferred Alignment Alternative*), Refined Preferred Alternative 1 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, Refined Preferred Alternative 1 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 Refined Preferred Alternative 1 best satisfies the project purposes while having an acceptable level of impacts.

Table 6: Impacts Summary, Section 3 Selected Alternative		
FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative 1
	Length (miles)	25.73
	Estimated Initial Criteria cost in 2010 dollars including design, construction, ROW, relocation, utilities, mitigation¹²	\$340,025,000
	Estimated Low Cost Criteria costs in 2010 dollars including design, construction, ROW, relocation, utilities, mitigation	\$308,648,000
5.2 Social	Relocations / displacements: Residential Commercial Billboard Acres of ROW to be acquired: Total	18 1 2 1,722
5.3 Land Use	Agricultural ¹³ Developed Upland habitat (includes non-wetland forest, herbaceous cover, and scrub/shrub areas) Water Open water (lakes, ponds, PUBs) Streams Wetlands: (Emergent / forested / scrub/shrub) Agricultural Land, Indirect Impacts (acres): Local road access impacts: Roads closed Overpass, interchange, relocate Proposed access roads	1,501 100 110.1 1.8 5.2 6.8 145 12 19 14
5.4 Farmland	Farmland impacts: Total agricultural acres to be acquired for ROW Cropland acres to be acquired Agricultural land indirect impacts NRCS-CPA-106 form results: Prime/unique farmland acres in ROW: * Daviess County Greene County Statewide + local important farmland acres in ROW Total points: relative value of farmland to be converted + Corridor assessment: Daviess County Greene County Estimated crop production loss—total Daviess + Greene Counties: Total harvested acres	1,501 1,359 145 1,039.9 176.9 0 134 126 1,359
5.5 Economic	Economic impacts: Estimated loss in tax base Estimated crop production loss (i.e., farm income) Induced growth projected—year 2030, total Daviess & Greene Counties: Housing units Jobs	 \$182,057 \$468,000 347 883
*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 Preferred Alternative 1 from the DEIS.		

¹² Note: These costs include mitigation costs.

¹³ Note: These totals may sum to more acreage than the right-of-way total due to overlap in the different land use.

Table 6: Impacts Summary, Section 3 Selected Alternative (continued)

FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative 1
5.6 Traffic	<p>Access Proposed interchanges Proposed access roads: number & total length, in miles</p> <p>Traffic volumes on state & local roads—percent increase (+) or % decrease (-):</p> <ul style="list-style-type: none"> ▪ US 231 south of CR 1650N ▪ US 231 between CR 1650N and SR 45/SR 58 ▪ US 231 north of SR 45/SR 58 ▪ SR 45/SR 58 east of US 231 ▪ SR 57 south of SR 358 ▪ SR 57 north of SR 358 ▪ SR 58 between SR 358 and SR 57 ▪ SR 58 between SR 358 and CR 900E ▪ SR 58 east of CR 900E ▪ SR 358 east of SR 57 ▪ SR 358 between SR 57 and SR 58 ▪ CR 350E south of CR 200 N ▪ CR 500E south of SR 58 ▪ CR 900E south of SR 58 <p>Traffic volumes on state & local roads—percent increase (+) or % decrease (-):</p> <ul style="list-style-type: none"> ▪ CR 900E north of SR58 ▪ CR 900N west of CR 475E ▪ CR 900N east of CR 475E 	<p>SR 58 and US 231 14 / (4.8)</p> <p>19% to 39% 35% 2% -43% -62% to -39% -65% to 2% 221% 74% -12% 4% 4% -59% 30% -30% to -16%</p> <p>-6% to 2% -67% -44%</p>
5.7 Visual	<p>View from / of I-69: View from the road View of the road</p>	<p>Pleasant view through rural areas. Reduced aesthetics where houses are near or not shielded from I-69.</p>
5.8 Environmental Justice	<p>Impact on minority/low-income populations</p>	<p>No disproportionately high or adverse effect on minority or low-income populations.</p>
5.9 Air Quality	<p>Air quality standard exceedances predicted (based on current SIP budget)</p>	<p>0</p>
5.10 Noise	<p>Sites where noise levels predicted to approach or exceed NAC & number of receivers represented Severity of impacts (per <i>INDOT Highway Traffic Noise Policy</i>)</p> <p>Sites predicted to have perceptible (>3dBA) noise level decrease (-) / increase (+) compared to No-Build levels</p> <p>Sites predicted to have substantial (15 dBA) increase in noise levels & number of receivers represented</p>	<p>1 (1 receiver)</p> <p>0 severe impact, 68 non-impact.</p> <p>-0 / +7</p> <p>2 (2 receivers)</p>
5.11 Wild & Scenic Rivers	<p>Wild & Scenic Rivers impacts—None in Study Area</p>	<p>0</p>
5.12 Construction	<p>Construction impacts</p>	<p>Temporary dust, noise, traffic delays, water quality impacts</p>
5.13 Historic Resources	<p>National Register of Historic Places eligible or listed resources</p>	<p>1 visual impact</p>
5.14 Archaeological Resources	<p>National Register of Historic Places eligible or listed resources</p>	<p>*</p>

Table 6: Impacts Summary, Section 3 Selected Alternative (continued)		
FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative 1
5.15 Mineral Resources	Mineral resources potentially in ROW: Gas wells (number) Permitted Coal Mining Areas (acres) Oil wells (number) Oil storage tanks (number of sites)	0 22 0 0
5.16 Hazardous Waste	HAZMAT sites potentially in ROW: Sec3-HM251 (large open dump site) Sec3-HM288 (small dump site) Sec3-HM169 (2 oil wells, a brine well, above ground storage tanks) Sec3-HM219 (farm petroleum underground storage tank) Sec3-HM312 (gas station, underground storage tanks (USTs))	3 Potential Potential No impact Potential No impact
5.17 Threatened & Endangered Species	Impacts to listed species: Federal-listed threatened/endangered (Corridor studied for Indiana bat, bald eagle) State-listed threatened/ endangered/rare/special concern	Indiana bat captured west and north of the corridor; no roost trees located in the corridor. Formal Section 7 consultation has concluded with the BO dated October 21, 2009, which included a determination of no jeopardy. Habitat for the little brown bat, eastern pipistrelle, eastern red bat, and northern long-eared myotis captured will be impacted at various locations within the corridor.
5.18 Wildlife	Wildlife habitat impacts (acres): 701 acres total in corridor	
	Old Field Mid Successional Forest Forest Fragment (Stream-Creek Fringe + Fence Row) Dry-Mesic Upland Forest Flatwood Forest Mesic Floodplain Forest Mesic Upland Forest Upland Habitat Subtotal Wetlands (forested/emergent & scrub/shrub) (See 5.19 of the FEIS for details) Open water (ponds and lakes, including PUBs) Total Acres of Wildlife Habitat in ROW & percent of corridor total Streams (linear feet) (See 5.19 of the FEIS for details)	8.4 1.7 5.9 35.5 3.9 3.1 27.3 85.8 5.0 2.2 93.0 13.2% 34,620
5.19 Water Resources	Surface water impacts: Wetlands (acres): Emergent / forested / scrub/shrub / farmed / open ponds Streams: Linear feet of streams within ROW / (relocation) TOTALS Perennial Intermittent Ephemeral Floodplain (acres) Ground water impacts: Private wells Public wells Wellhead protection zones (AC) Sole Source Aquifers—None in Study Area Riparian impact: Acres Linear Feet	2.40 / 1.45 / 1.18 / 0.0 / 2.22 34,620 / (9,994) 6,408 / (1,032) 14,846 / (3,577) 13,366 / (5,385) 18.5 12 0 92.6 0 29.4 10,047

Table 6: Impacts Summary, Section 3 Selected Alternative (continued)		
FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative 1
5.20 Forest	Forest impacts: total acres of impact & percent of total (505.3 acres) in corridor	69.0 ac. 13.7%
	Forest 3 wetland impacts (acres)	0
	Forest 9 wetland impacts (acres)	0
	Forest 31 wetland impacts (acres)	1.46
	Forest 38 wetland impacts (acres)	0.49
	Forest 46 wetland impacts (acres)	0.07
	Non-wetland Forest Acres to be Acquired	67.0
	Core forest impacts:	
	Forest A (F41)—16.5 acre core south of CR 710/725S	3.4
	Forest B (F43/F44)—80.6 acre core north of CR 710/725S and west of US 231	0.3
	Forest C (F52)—3.3 acre core south of CR 845S and east of US 231	0
Forest D (F49)—6.7 acre core south of CR 200E and north of SR 45/SR 58	6.7	
5.21 Karst	Karst features—None in/connected with corridor	0
5.22 Managed Land	Property A —159.7 acres located east of CR 700E and north of CR 1650N: ▪ USDA-NRCS Environmental Quality Incentives Program	41.6
	Property E —17.1 acres located south of CR 725S: ▪ USDA-NRCS Conservation Reserve Program	3.6
	Property F —1.4 acres located south of CR 725S: ▪ USDA-NRCS Conservation Reserve Program	0.2
	Property J —1.8 acres located north of CR 710S and west of US 231: ▪ USDA-NRCS Conservation Reserve Program	0.3
	CFW Property 1 —27.5 acres located west of CR 450E and south of the South Fork of Prairie Creek: ▪ IDNR Classified Forest Program	0
	CFW Property 3 —4.9 acres located north of CR 750N: ▪ IDNR Classified Forest Program	4.4
	CFW Property 4 —124.1 acres located south of CR 710/725S and west of Greene CR 75E: ▪ IDNR Classified Forest Program	16.9
	CFW Property 5 —78.1 acres located north of CR 710/725S and west of US 231: ▪ IDNR Classified Forest Program	0.009
5.23 Permits	Permits potentially needed prior to construction	JSACE Section 404; IDEM 401, Rule 5, isolated wetland; IDNR Construction in a Floodway
5.24 Cumulative	Cumulative land use changes (acres)—Davies and Greene Counties:	
	Average direct conversion of agricultural land to ROW	1,501
	Total Indirect / Induced Changes	145
	Total Changes from Others (No Build)	250
	Cumulative Land Use Change	1.896

Table 6: Impacts Summary, Section 3 Selected Alternative (continued)

FEIS Section	Potential Impacts	Selected Alternative Refined Preferred Alternative 1
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 speed and vehicle miles traveled.
5.26 Short-Term vs. Long-Term	Short-term uses versus long-term productivity	Temporary construction impacts; permanent loss of cropland; residential displacements. Completes a link in I-69 National Corridor and enhances local & regional long-term productivity.
5.27 Commitment of Resources	Irreversible & irretrievable commitment of resources	Potential Impacts include permanent commitment of dollars & resources for construction; environmental impacts from induced development. Anticipated benefits include improved accessibility & safety, time savings, greater availability of services.
8.0 Sections 4 (f) & 6(f)	Section 4(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 National Register.
	Section 6(f) evaluation	No known resources funded by the Land and Water Conservation Act.

Abbreviations Key:

- 5.2 ROW = Right-of-way
IDNR = Indiana Department of Natural Resources
- 5.3 USDA = U.S. Department of Agriculture
- 5.4 NRCS = Natural Resource Conservation Service
- 5.9 SIP = State Implementation Plan
- 5.10 NAC = Noise Abatement Criteria
dBA = decibel
- 5.13 APE = Area of Potential Effects
- 5.16 HAZMAT = Hazardous materials
- 5.18 PUB = Palustrine unconsolidated bottom wetland (in the case of Section 1, Open Water—lakes, ponds, coal pits)
- 5.22 USFWS = U.S. Department of the Interior, Fish and Wildlife Service
USDA = U.S. Department of Agriculture
- 5.23 USACE = U.S. Department of the Army, Corps of Engineers
IDEM = Indiana Department of Environmental Management
IDNR = Indiana Department of Natural Resources
- 8.0 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.

* Archaeological site investigation will occur at sites where access was not granted by landowners after property acquisition has been completed but before construction in those areas.

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.

4.0 SECTION 4(f)

As previously indicated in the Tier 2 FEIS (see Chapter 8, *Section 4(f) Evaluation*), 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 3 of the I-69 Evansville-to-Indianapolis project and it has been determined that Section 3 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 human and natural resources. In Tier 1, the 2,000-foot-wide corridor was narrowed to approximately 1,200 feet in width at the crossing of First Creek to minimize impacts to forest and wetland areas. During the Tier 2 study, a wildlife crossing was included in this location as a feature of the alternatives developed in the area, and an additional wildlife crossing at Doans Creek is a feature 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, the use of guardrail at CR 900E to minimize right-of-way and wetland impacts, the following of property lines where possible to minimize farm splits, and the widening of the corridor and creation of alignments that avoid splitting/separating the neighborhood in the area around CRs 450E, 500N, and 550N all are features of the selected preferred alignment of the corridor. 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 3. As a result of this consideration, mitigation measures specific to the conditions and potential impacts within Section 3 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 3 are identified in the text that follows. For more detailed discussion of mitigation measures, see the Tier 2 Section 3 FEIS Chapter 7, *Mitigation and Commitments*.

5.1 Tier 1 Mitigation Commitments and Associated Tier 2 Section 3 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. (pp. 27-28) The following sections identify the Tier 1 commitments that apply to Section 3 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, four Community Advisory Committee (CAC) meetings were held in Section 3 prior to the publication of the Tier 2 Section 3 FEIS. CAC members provided valuable input in matters relating to access, particularly relocating CR 500E so that it will not be closed at SR 58; providing an overpass at CR 100W instead of CR 25W to serve the Mt. Nebo Church and general CR 100W area; adding a new overpass at CR 75E with a new road connecting it to US 231 to provide access from Newberry to US 231, I-69, and Scotland; and designing overpasses with less steep grades than is typical in order to accommodate non-motorized traffic (e.g., buggies). Other instances of context sensitivity in Section 3 are landscaping in the CR 800N area to reduce visual impacts to the historic

McCall Farm, the use of guardrail at CR 900E to minimize right-of-way and wetland impacts, the following of property lines where possible to minimize farm splits, the widening of the corridor and creation of alignments that avoid splitting/separating the neighborhood in the area around CRs 450E, 500N, and 550N, and two wildlife crossings—at First Creek and Doans Creek. 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. 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. Selected Refined Preferred Alternative 1 would impact approximately 2.4 acres of emergent wetlands, 1.5 acres of forested wetlands, and 1.2 acres of scrub/shrub wetlands. Based on the 1991 Wetlands MOU ratios, mitigation for wetland impacts in Section 3 could total approximately 14.9 acres. The mitigation planned in the Tier 2 Biological Assessment (described below) totals 49 acres, incorporating excess mitigation that is planned to be utilized for other projects. The MOU is provided in the Tier 2 Section 3 FEIS Vol. II, Appendix W.

The Section 3 Tier 2 Biological Assessment (BA) and *Conceptual Mitigation Plan* (see FEIS Vol. II, Appendix Y) identify a 328-acre site in Greene County as the proposed mitigation site for Section 3. The mitigation area is located within the focus area discussed within the Tier 1 BA addendum. The proposed mitigation site for Section 3 of the I-69 project is referred to as the Cornelius Property. It is located in southern Greene County, west of the town of Newberry, and near the point where CR 700S meets the White River. The site is bordered by the West Fork of the White River on the western and northern edges and farm fields around the remaining edges. The proposed mitigation site is located in the Lower White 8-digit watershed (HUC ID 05120202) and the entire site is within the 100-year floodplain of the West Fork of the White River. INDOT purchased this mitigation site in May 2009 as part of the I-69 Sections 2 & 3 Umbrella Mitigation Bank (UMB). Habitat restoration has already begun on the site and is expected to be completed sometime in 2010. The mitigation site consists of two tracts; one tract is approximately 258 acres and the second tract is approximately 97 acres. A total of 355 acres was purchased at this mitigation site location. Of these 355 acres, approximately 328 acres is included in the UMB. The remaining 27 acres will be used for future INDOT mitigation projects. The proposed combined mitigation features detailed below will create a mosaic of wetland, riparian, and bottomland woods habitat within an area where the majority of the land is currently being farmed in row crop production providing very little natural habitat value. The design of the mitigation site includes the development of the following:

- 24.4 acres of forested wetlands
- 17.4 acres of emergent wetlands
- 7.2 acres of scrub-shrub wetlands
- 194.4 acres of non-wetland bottomland reforestation
- 18,702 linear feet of stream development (6.9 acres)
- 17,430 linear feet of herbaceous filter strips
- 77.8 acres of existing bottomland/wetland forest preservation

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 3 Tier 2 BA (p. 68) and Tier 2 Biological Opinion (BO; p. 5), the mitigation site will be monitored in accordance with the applicable permit conditions, and the UMB final instrument stipulations.

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

5.1.3 Forest Mitigation

In Section 3, approximately 67 acres 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 201 acres of mitigation would be required in Section 3. The Cornelius Property site described above for wetland mitigation is also the primary site proposed for mitigating forest impacts in Section 3. The total forest mitigation proposed in the Tier 2 Section 3 BA is approximately 272.2 acres—71.2 acres more than the 3 to 1 ratio would require when applied to the 67-acre forest impact identified in Section 3. In all, the entire 328-acre site has about 112.1 acres more than is needed to mitigate all wetland, forest, and riparian impacts identified in the Tier 2 Section 3 study. These extra acres may be applied as necessary to other sections of I-69 in consultation with appropriate agencies.

Impacts to non-wetland linear wooded riparian areas that are not in a regulated floodway will be mitigated at a ratio of 1 to 1 on a linear feet basis in consultation with IDEM and USACE. Refined Preferred Alternative 1 impacts approximately 10,047 linear feet of non-wetland riparian habitat. Therefore 10,047 linear feet of mitigation will be necessary. Note that this mitigation will be included with the 3 to 1 forest mitigation acres (described above) when possible and should not be considered as additional forest mitigation (in acres) if the appropriate ratios can be attained. As noted in the Tier 2 Section 3 BA (Tier 2 FEIS, Appendix Y1), approximately 45.3 acres of the forest mitigation will be riparian habitat planted along the stream channels to be developed within the mitigation site.

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. Each community was eligible for a grant of \$50,000. Multiple communities, such as a city and a county, were allowed to pool their grant money together. Daviess County and the City of Washington were awarded a grant for \$100,000. Greene County, the Town of Bloomfield and the City of Linton were awarded a grant for \$150,000. Knox County and the City of Vincennes were awarded a grant for \$100,000, and Martin County and the City of Loogootee were awarded a grant for \$100,000.

- 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 Loogootee adopted its Comprehensive Plan on August 10, 2009;

- the Martin County Commissioners formed an Advisory Plan Commission and adopted a county-wide Comprehensive Plan on August 13, 2009;
- the US 41 and US 50 Economic Development Corridor Study was completed and accepted by the Vincennes City Council on January 13, 2009 and the Knox County Commissioners on January 20, 2009;
- the Greene County Commissioners formed an Advisory Plan Commission and adopted a county-wide Comprehensive Plan on August 3, 2009;
- the Bloomfield Town Council formed an Advisory Plan Commission and adopted a Comprehensive Plan on August 4, 2009; and,
- the I-69 Corridor Plan was adopted by the Greene County Economic Development Corporation on February 17, 2009.

The I-69 project website provides a link to the Community Planning Program website (www.i69indyevn.org/CommunityPlanningProgram). The website contains information including 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 Daviess and Greene 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 Daviess and Greene 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 3 occur in the South Fork Prairie Creek, First Creek, and the Doans Creek areas. Although complete bridging of the floodplains is not proposed, the Tier 2 alternatives would bridge over South Fork Prairie Creek, First Creek, and Doans Creek, including portions of their 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 3 Commitments

The FEIS Section 7.3, *Section 3 Mitigation Measures and Commitments*, provides specific mitigation measures and commitments proposed for each resource category in Section 3 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.

- **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 1c subsurface reconnaissance agreed to in the Memorandum of Agreement (MOA; see FEIS Vol. II, Appendix N) 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 1c 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 2.2 acres of impacts to ponds/lakes (including palustrine unconsolidated bottom [PUB] wetlands) as a result of the Selected Alternative (see FEIS Section 5.19.2.4, *Mitigation*). 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 3.
- **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 relating 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 two 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, and Tier 2 Section 3 BA, the Tier 2 Section 3 BO, and mitigation plan address impacts to Indiana bats. These measures are listed in the Tier 2 Section 3 FEIS, Section 7.3.16, *Threatened and*

Endangered Species, and the documents are provided in their entirety in FEIS Vol. II, Appendices M, S, and Y, respectively. Mitigation measures include:

Indiana bat (*Myotis sodalis*)

- 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 (see Tier 2 Section 3 FEIS Vol. II, Appendix W).
- 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 3 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 is expected to be submitted in January 2010. The summary will identify the mitigation commitments and describe 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. Eight sites identified within the Selected Refined Preferred Alternative 1 were recommended for Phase II evaluation and the Indiana State Historic Preservation Officer (SHPO) concurred with this finding. Phase Ic investigations were recommended for three locations within the Refined Preferred Alternative 1 alignment; access was not granted at one of these locations. The Phase II evaluations and the Phase Ic investigation 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 November 7, 2008, FHWA signed a "Section 106 Findings and Determinations: Effect Finding," in accordance with the National Historic Preservation Act, that determined that there are five NRHP-listed or eligible resources within the APE of Section 3 and that the project would have an adverse effect on one of them, the McCall Family Farmstead. Due to the inability to complete Phase II evaluations 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 evaluations and Phase Ic evaluations will occur following acquisition of the subject properties. Commitments for completion of the Phase II evaluations and Phase Ic evaluations, or avoidance of the archaeological sites if possible, and further consultation if any potentially eligible resources are identified, along with plantings to provide visual screening for adverse visual effects on the McCall Family Farmstead have been included in the Memorandum of Agreement.¹⁴ 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 N, contains all documentation related to Section 106 activities in Section 3.

6.2 Air Quality Conformity Finding (Clean Air Act)

Pursuant to the 1990 CAA Amendments, Greene County has been designated attainment maintenance for the 8-hour ozone standard. The county is currently in attainment of the standard and is under an approved maintenance plan. A regional conformity analysis was developed for the project in accordance with the required interagency consultation process. The conformity analysis demonstrated that the ozone emissions for the I-69 Section 3 FEIS in Greene County conform to established budgets in the State Implementation Plan (SIP). FHWA's conformity finding for Greene County, Indiana's 8-hour ozone maintenance area for the I-69 Tier 2 Section 3 FEIS was issued on November 4, 2009. A project level carbon monoxide (CO) hot-spot analysis was completed for I-69 Section 3 build alternatives, and the results were all below the associated CO National Ambient Air Quality Standards (NAAQS). Consultation regarding PM2.5 qualitative hot-spot analysis affirmed that Refined Preferred Alternative 1 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 FHWA¹⁵ 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 3 project is expected to result in low potential MSAT effects. In addition, the I-69 Section 3 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 3 (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 M). The Tier 2 Section 3 BA—which includes a plan for mitigation for impacts to wetlands, forests, and streams on a 328-acre site in Greene County—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 a proposed mitigation site plan; 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 3 BA and mitigation plan are

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.

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 October 21, 2009 (see FEIS Vol. II, Appendix Y2), and generally occur because the conditions (such as karst features and environmentally sensitive areas) related to the conservation measures were found not to exist in Section 3.

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 3 FEIS (see Section 7.3.16, *Threatened and Endangered Species*) presents the conservation measures applicable to Section 3. 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 3 BO concluded formal Section 7 consultation for I-69 Section 3.

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 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 3 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 3 Tier 2 BA and *Conceptual Mitigation Plan*, approved in USFWS’s Tier 2 Section 3 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.

The Section 404 Permit application process is underway, with the application submitted to USACE on January 8, 2010. Applicable Section 404 Permit(s) will be obtained prior to the start of construction in any area subject to Section 404 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 15-13 (Rule 13) 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 3 of the I-69 Evansville-to-Indianapolis project, and it has been determined that Section 3 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 3 FEIS, Chapter 8, *Section 4(f) Evaluation*.

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 3 project. The Final EIS was approved by the FHWA on December 3, 2009. The Notice of Availability of the Final EIS was published in the *Federal Register* on December 11, 2009.

Comments on the Final EIS were received from the US Environmental Protection Agency (USEPA); the family of Phillip and Beryl Myers; the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (IDNR-DHPA); and the US Department of Homeland Security, Centers for Disease Control (DHHS-CDC). In its comment letter of January 7, 2010, USEPA acknowledged that “we are pleased that, since the DEIS, INDOT has further reduced impacts to streams, forests, wetlands and floodplains with the FEIS Refined Preferred Alternative 1” and stated “The information in the FEIS is generally responsive to many of our recommendations”. Many of the comments included recommendations regarding information that the agency wishes to see provided in future I-69 Tier 2 EISs. In their comment letter of January 7, 2010 and e-mails from January 14 and 15, 2010, members of the Phillip and Beryl Myers family asked for I-69 to be moved to US 41 and also asked that the alignment be moved to avoid impacts to their property. They also questioned public involvement activities, compensation for right-of-way purchases, farmland impacts, maintenance of existing roads, and funding for I-69. They also stated that farmland should not be used for wetland mitigation. In its comment letter of January 11, 2010, IDNR-DHPA noted its concurrence with the archaeological information presented in the FEIS, with one minor discrepancy regarding the avoidance or further investigations of archaeological sites, and agreed with the overall conclusions of the Final Environmental Impact Statement regarding the identification of historic aboveground resources and the impacts this project will have on those historic resources. In its comment letter of January 19, 2010, DHHS-CDC stated support for multi-model transportation and asked for public health assessment and surveillance as part of the I-69 project.

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. 51). 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 3 FEIS

U.S. Environmental Protection Agency

- Reiterated the agency's rating of "Lack of Objection" given the DEIS and noted "We found the DEIS to be informative, reflecting efforts by FHWA/INDOT to use adequate detailed information in the development of this project to avoid and minimize impacts. We are pleased that, since the DEIS, INDOT has further reduce impacts to streams, forests, wetlands and floodplains with the FEIS Refined Preferred Alternative 1" (EPA-1).
- Stated that "information in the FEIS is generally responsive to many of our recommendations" (EPA-3).
- Recommended that future EISs for I-69 include the following:
 - A list of substantive changes between the DEIS and the FEIS (EPA-2).
 - A running tally of direct impacts associated with the entire 142-mile-long I-69 Indianapolis to Evansville alignment (EPA-6).
- Recommended tracking and disclosure of direct and indirect impacts along the entire Evansville-to-Indianapolis project (EPA-7); and requested that stream and karst feature impacts be included in the tally of direct impacts to be provided to USEPA and permitting agencies for the 142-mile alignment (EPA-6). Also, recommended that the Section 1 ROD provide either the details of the mitigation tracking method or the timetable for the development and disclosure of the details (EPA-7).
- Commended INDOT for proposing two wildlife crossings, stated they were pleased impacts to vegetated wetlands were reduced and that there is ample compensatory mitigation being proposed for unavoidable wetland losses and upland forest losses (EPA-3).
- Stated they were disappointed that INDOT/FHWA did not propose to do more to reduce diesel particulate during construction (EPA-4).
- Stated the main text of Volume I of the FEIS did not include some clarifications that FEIS Volume III made (EPA-5).

Family of Phillip and Beryl Myers

- Asked for the interstate to be moved to US 41 and a reevaluation of the US 41 alternative (Myers-1 and Myers-7).
- Questioned the public participation process (Myers-2 and Myers-4).
- Asked that the alignment be moved to the east (Myers-3, Myers-9, Myers-10, and Myers-11).
- Questioned the use of farmland for wetland mitigation (Myers-4).
- Questioned the compensation for farm acreage and homes (Myers-5).
- Questioned the impacts to farmland (Myers-6).
- Stated they did not think I-69 should be built until there is funding for the entire I-69 project from Evansville to Indianapolis (Myers-8).

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

- Noted its concurrence with "the archaeological information presented in the FEIS" and pointed out "one minor discrepancy regarding the avoidance or further investigations of archaeological sites". (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 this project will have on those historic resources" (DHPA-3).

Department of Health and Human Services – Centers for Disease Control and Prevention

- Noted benefits of multi-modal transportation. (DHHS-2).
- Asked for a public health assessment. (DHHS-3).

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

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 Refined Preferred Alternative 1 as the Selected Alternative for the I-69 Tier 2 Section 3 project.

January 28, 2010
Date

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

APPENDIX A

COMMITMENTS SUMMARY FORM

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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
0300379	1	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-todate 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	
0300379	2	1/7/09	INDOT will consider an overpass at Daviess County Road 350 North to provide access across I-69 (most county roads in the Old Order Amish/non-motorized area are proposed to either have a grade separation or an access road connecting to a road with a grade separation); adding an overpass at Daviess County Road 900 North to serve the community of Epsom; changing from an overpass at Greene County Road 25 West to Greene County Road 100 West to serve the Mt. Nebo Church and general Greene County Road 100 West area; and adding a new overpass at Greene County Road 75 East with a new road connecting it to US 231 to provide access from Newberry to US 231, I-69, and Scotland.	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	
0300379	3	1/7/09	As a result of Context Sensitive Solutions (CSS) INDOT will consider including landscaping, the use of guardrail at Daviess County Road 900 East to minimize right-of-way and wetland impacts, the following of property lines where possible to minimize farm splits, and the widening of the corridor and creation of alignments that avoid splitting/separating the neighborhood in the area around Daviess County roads 450 East, 500 North, and 550 North.	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	
0300379	4	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. Whether turn lanes on SR 58 near the North Daviess Schools would be beneficial will be investigated during the design phase of the project.	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	
0300379	5	1/7/09	INDOT will continue coordination with the CAC in Section 3 during the design phase to obtain input on the use of CSS with regard to I-69.	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	
0300379	6	1/7/09	Efforts will be made to minimize the disruption of local crossroads 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. County roads within the Old Order Amish community will either have a grade separation or an access road connecting to a road with a grade separation. Whether overpasses in these areas need wider shoulders or less steep grades will be investigated during the design phase of the project. Any roads terminated at the Interstate will be provided a cul-de-sac or other means to allow large vehicles such as school buses 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	For Consideration	Yes	No	
0300379	7	1/7/09	Efforts will be made to minimize relocations. 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 1968. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person. 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. 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	
0300379	8	1/7/09	There are no unique relocation situations that are known at this time. If a displaced resident cannot be relocated due to the unavailability of comparable housing, or because comparable housing is not available within the statutory limit of the Uniform Relocation Act, then housing of last resort will be made available to these persons. Last resort housing includes, but is not limited to, rental assistance, additions to existing replacement dwellings, construction of new dwellings and dwelling relocation. Replacement dwellings must meet the requirements of decent, safe, and sanitary standards as established by FHWA.	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	
0300379	9	1/7/09	Relocation resources would be available to all residential relocatees without regard to race, creed, color, sex, national origin, or economic status, as required by the Uniform Act and Title VI of The Civil Rights Act of 1964. Financial assistance will be available to eligible persons displaced by this project. 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	

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
0300379	10	1/7/09	A portion of three cemeteries 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	
0300379	11	1/7/09	Noise abatement measures have been analyzed. These included roadway geometrics and noise barriers. In Section 3 there is only one site (Site 2, described in Section 5.10 of the FEIS, Highway Noise Impact) 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 this location 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	
0300379	12	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	
0300379	13	1/7/09	Construction vehicles will be required to follow INDOT Standard Specifications on 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	
0300379	14	1/7/09	Environmentally sensitive locations (e.g., wetlands, historic structures, archaeology sites, sinkholes) in the general area will be clearly shown on construction plans. Sites 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.)	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	Yes	Yes	
0300379	15	1/7/09	Erosion control devices will be used to minimize sediment and debris from leaving the project site in runoff. Wetlands adjacent to construction limits will be delineated and protected with silt fences and/or other erosion control measures. Timely revegetation after soil disturbance will be implemented and monitored. Revegetation will consider site specific needs for water. Erosion control measures will be put in place as a first step in construction and maintained throughout construction. 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. Slopes will be designed that resist erosion. If they exceed 2 to 1, they will include stabilization techniques. Soil bioengineering techniques for bank stabilization 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	
0300379	16	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	
0300379	17	1/7/09	Construction equipment will be maintained in proper mechanical condition. 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	
0300379	18	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	
0300379	19	1/7/09	To avoid any direct take of Indiana bats, no trees with a diameter of 3 or more inches will be removed between April 1 and September 30. Tree clearing and snag removal will be kept to a minimum and limited to within the construction limits. 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.] 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. 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-Munson	812-334-4261	Required	Yes	Yes	
0300379	20	1/7/09	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	No	
0300379	21	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. 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	
0300379	22	1/7/09	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 the West Fork of White River (Elnora) Maternity Colony area (Weaver and Vertrees Ditches). 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.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300379	23	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	

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0300379	24	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. 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	
0300379	25	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	
0300379	26	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	
0300379	27	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-Munson	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.
0300379	28	1/7/09	Construction equipment will be maintained in proper mechanical condition. All equipment servicing and maintenance will take place in a designated maintenance area away from environmentally sensitive areas such as streambeds, 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	
0300379	29	1/7/09	BMPs will be used in the construction of this project to minimize impacts related to borrow and waste disposal activities. Solid waste generated by clearing and grubbing, demolition or other construction practices will be removed from the location and properly disposed. 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. Special Provisions will prohibit tree clearing from April 1 to September 30 as identified in the revised Tier 1 BO; and prohibit the filling and damaging of wetlands outside the construction limits.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300379	30	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	
0300379	31	1/7/09	Wetlands within the right-of-way that are not to be impacted will be delineated and protected from construction use.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	Yes	Yes	
0300379	32	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 sites are located in the project area, addresses any other concerns regarding Indiana bats, and presents a protocol for reporting the presence of any live, injured, or dead bats observed or found within or near the construction limits or right-of-way during construction, operation, and maintenance of I-69.	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	
0300379	33	1/7/09	The project was determined to have an adverse visual effect on the McCall Family Farmstead. To mitigate the adverse visual effect trees and vegetation will be planted along I-69 in the area near the McCall Family Farmstead (Daviess County Rd 800 North) 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	Yes	
0300379	34	1/7/09	Prepare an application for nomination to the National Register of Historic Places for the McCall Family Farmstead, if the property owner gives permission for the nomination to be prepared 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	
0300379	35	1/7/09	Prepare an audio tour focusing on the cultural and natural environment along the I-69 corridor, with specific references to historic properties within Section 3 of the Tier 2 Study. The tour will include a map of locations discussed in the audio tour. This audio tour will be part of a larger mitigation stipulation for the I-69 corridor that was provided for in the I-69 Tier 1 Memorandum of Agreement. The proposed content of the audio tour and illustrated map (text and illustrations) will be provided to the Indiana SHPO and consulting parties at 50% and 95% completion for review and comment. If the Indiana SHPO does not respond within 30 days, acceptance will be assumed. If the Indiana SHPO responds with recommendations, a good faith effort to accommodate the recommendations will be made and revised information will be provided to the Indiana SHPO. The Indiana SHPO will have 30 days, after receipt of the revised information, to review and comment 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	
0300379	36	1/7/09	Prepare a marketing plan for dissemination of the cultural and natural resources 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	
0300379	37	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	

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0300379	38	1/7/09	Prior to construction, a Phase I archaeological survey and any other subsequent survey's will be conducted for an area of alluvial soils along First Creek 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	
0300379	39	1/7/09	Prior to construction, Phase II archaeological surveys and any other subsequent survey's will be conducted for previously identified archaeological sites identified 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	
0300379	40	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	
0300379	41	1/7/09	FHWA and INDOT will provide funding and technical assistance to support a comprehensive effort to update the Interim Reports for Daviess and Greene 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	
0300379	42	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	
0300379	43	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 the Section 3 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	
0300379	44	1/7/09	Non-diffuse lighting will be considered, where appropriate. Lighting locations will be identified during final design. The locations could include the SR 58 and US 231 interchanges and the rest area.	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	
0300379	45	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	
0300379	46	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	
0300379	47	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.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300379	48	1/7/09	The floodplains crossed in Section 3 are at the South Fork of Prairie Creek, First Creek, and Doans Creek. A final hydraulic design study will be completed during the final 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	
0300379	49	1/7/09	Floodplain encroachments will be minimized, where reasonable, through design practices such as longer bridges and perpendicular stream crossings. The crossings at First Creek and Doans Creek are perpendicular crossings. The bridges will span enough of the floodplains to prevent a rise in the existing high water elevation. A hydraulic study during final design will determine the length of the span.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300379	50	1/7/09	Wetlands and wetland complexes will continue to be avoided as much as possible. If unable to be avoided completely, wetland impacts will be minimized by shifts in the alignment. INDOT and FHWA are committed to mitigating for unavoidable wetland losses. Wetlands within the right-of-way, but outside the actual footprint of the project will be protected from 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	
0300379	51	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.	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 with a Section 3 mitigation site developed under the I-69 Sections 2 & 3 Umbrella Mitigation Bank.
0300379	52	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 through the development of the I-69 Sections 2 & 3 Umbrella Mitigation Bank.

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0300379	53	1/7/09	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 with a Section 3 mitigation site developed under the I-69 Sections 2 & 3 Umbrella Mitigation Bank.
0300379	54	1/7/09	To prevent herbicides from entering wetland areas, "Do Not Spray" signs will be posted as appropriate in the right-of-way. Where woody vegetation, wetlands, wildflowers or environmentally sensitive areas occur (First Creek and Doans Creek wetlands), "Do Not Spray or Mow" signs will be posted.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USACE	Michael	Hasty	502-315-6676	Required	Yes	Yes	
0300379	55	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	
0300379	56	1/7/09	INDOT will work with local officials to manage access at interchange locations. This is with the intent of directing subsequent development away from large expanses of prime farmland, thus preserving this resource.	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.
0300379	57	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. Where providing access 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. In several locations overpasses will be provided to maintain the connectivity of local roads. The overpasses would facilitate access to farm operations divided by I-69.	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	
0300379	58	1/7/09	The NRCS has been contacted and appropriate analyses has been conducted in accordance with the Farmland Protection Policy Act for Section 3. In addition, coordination will continue with the NRCS in Section 3 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	
0300379	59	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.
0300379	60	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 in Section 3 will be located within the Section 3 Study Area. 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 identification and development of a mitigation site in the West Fork White River (Elnora) area as a part of the I-69 Sections 2 & 3 Umbrella Mitigation Bank.
0300379	61	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. For Section 3, the sites are the White River (Elnora) Area in Daviess/Knox counties and the Plainville Sand Dune Region in Daviess County. Other areas may also be identified.	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 a mitigation site in the West Fork White River (Elnora) area as a part of the I-69 Sections 2 & 3 Umbrella Mitigation Bank.
0300379	62	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. 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 identification and development of a mitigation site in the West Fork White River (Elnora) area as a part of the I-69 Sections 2 & 3 Umbrella Mitigation Bank.
0300379	63	1/7/09	Water bodies, wetlands and riparian habitat outside the construction limits but within the right-of-way will be delineated and posted with "Do Not Mow or Spray" signs.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	

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
0300379	64	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. Stream relocations will be completed for First Creek and Doans Creek 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. 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. 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	
0300379	65	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. 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	USACE	Michael	Hasty	502-315-6676	Required	Yes	No	
0300379	66	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	
0300379	67	1/7/09	The extent of artificial bank stabilization will be minimized. Soil bioengineering techniques for bank stabilization 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	No	
0300379	68	1/7/09	Culverts and other devices will be placed so that they do not preclude the movement of fish and other aquatic organisms. Culverts and other devices will be used to preserve existing drainage patterns. 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.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300379	69	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	
0300379	70	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	
0300379	71	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-Munson	812-334-4261	Required	Yes	No	
0300379	72	1/7/09	Mitigation measures for impacts on wildlife movements and populations are proposed to include two underpass wildlife crossings: I-69 is proposed to cross First Creek via a set of twin bridges of sufficient clearance (at least 8' x 24') to permit the passage of wildlife beneath it. Another underpass wildlife crossing is proposed where I-69 overpasses Doans Creek. The bridges are proposed to have sufficient clearance (at least 8' x 24') to permit the passage of wildlife beneath, thereby retaining their north-south connection to forested areas. Other measures 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; 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-Munson	812-334-4261	Required	Yes	No	
0300379	73	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	
0300379	74	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	
0300379	75	1/7/09	Where appropriate, construct roadside ditches that are grass-lined and connected to filter strips and containment basins. Spill containment measures shall be implemented at the crossings of Weaver and Vertrees Ditches.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300379	76	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. Low impact salting or the use of sand must be used in the areas of Indiana Bat Maternity Colonies (West Fork White River - Elnora, including Weaver and Vertrees Ditches, as well as Doans Creek).	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	No	No	
0300379	77	1/7/09	All alternatives go through a wellhead protection area (Odon Wellfield at the SR 58 interchange). Possible mitigation for this area includes clay lined ditches and basins to help contain any possible spills, the restriction of borrow pits within the protection area, and the diversion of de-icing chemicals and runoff from the protection area. A wellhead protection plan will be developed during the design phase to address emergency response and other commitments for the protection area.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300379	78	1/7/09	The Revised Tier 1 BO and the Section 1 Tier 2 BO include the dates of April 15 to September 15 as tree clearing restriction dates. However, after that BO was issued, USFWS provided (on February 14, 2008) revised tree clearing restriction dates of April 1 to September 30. The I-69 Section 3 Tier 2 BA adopted the updated tree clearing restriction dates. No trees greater than 3 inches DBH shall be cleared between April 1 and September 30.	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	Yes	

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
0300379	79	1/7/09	Where reasonable and appropriate, floodplains and oxbows will be bridged to protect environmentally sensitive areas. (Note: First and Doans creeks and the majority of their floodplains will be bridged.)	Bernardin, Lochmueller & Associates	Jason	DuPont	812-479-6200	INDOT OES	Michelle	Allen	317-232-5135	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	Yes	No	
0300379	80	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-Munson	812-334-4261	Required	No	No	This commitment has been completed as a part of the Tier 2 studies.
0300379	81	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-Munson	812-334-4261	Required	No	No	This commitment has been completed as a part of the Tier 2 studies.
0300379	82	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	
0300379	83	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	
0300379	84	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. Tree plantings will be monitored for five years after planting to ensure establishment and will be protected in perpetuity via conservation easements. Investigations will be coordinated with the USFWS on purchasing lands in the Action Area from "willing sellers" to preserve summer habitat. Any acquired summer habitat area would be turned over to an 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-Munson	812-334-4261	Required	No	No	
0300379	85	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 has been completed. 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-Munson	812-334-4261	Required	Yes	No	
0300379	86	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-Munson	812-334-4261	Required	No	No	
0300379	87	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.
0300379	88	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-Munson	812-334-4261	Required	No	No	
0300379	89	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-Munson	812-334-4261	Required	Yes	No	
0300379	90	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	

APPENDIX B

**CORRESPONDENCE SINCE PUBLICATION
OF TIER 2 SECTION 3 FEIS**

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DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
INDIANAPOLIS REGULATORY OFFICE
9799 BILLINGS ROAD
INDIANAPOLIS, INDIANA 46216-1055
<http://www.lri.usace.army.mil>

January 20, 2010

Operations Division
Regulatory Branch (North)
ID No. LRL-2010-39-djd

Ms. Laura Hilden
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, IN 46204

Dear Ms. Hilden:

This is in regard to your application dated January 7, 2010, for a Department of Army Permit authorizing the proposed construction of Section 3 of the Interstate 69 extension between Evansville and Indianapolis, Indiana. Section 3 includes approximately 25 miles from US Route 50 near Washington in Daviess County to US Route 231 near Crane Naval Weapons Support Center in Greene County, Indiana. We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

The Louisville, Detroit, and Chicago Districts issued Regional General Permit (RGP) No. 1 pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 CWA on December 15, 2009, for certain activities having minimal impact in Indiana. We have verified that reported stream impact numbers 18, 23, and 44 are authorized under the RGP.

However, the Section 401 Water Quality Certification (WQC) issued by the IDEM on December 11, 2009, has cumulative limitations of 0.10 acre and 300 linear feet. Consequently, you must obtain an individual WQC from IDEM. The responsibility for obtaining the state WQC rests with the applicant. You may contact IDEM as follows:

IDEM-OWQ (Randolph)
Section 401 WQC Program
100 North Senate Avenue
Indianapolis, IN 46204
Telephone: 317-233-0467

After you obtain your WQC from IDEM and furnish a copy to us, you are authorized under this RGP and may proceed with the proposed work at these sites without further contact or verification from us. Compliance with the enclosed RGP General Conditions is required and if IDEM issues an individual WQC, you must comply with any conditions imposed in the WQC as it is part of your RGP authorization. Upon

RECEIVED

JAN 25 2010

BLA - EVANSVILLE

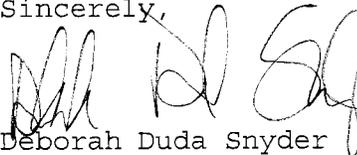
completion of the work at these sites authorized by this RGP, the enclosed Compliance Certification form must be completed and returned to this office. This authorization is valid until December 15, 2014.

We have also determined that the proposed work at the 29 sites listed in Table 1 (see attached) could also be considered for the RGP. However, our review will not be complete until we receive a copy of the individual WQC from either you or IDEM for the work at these sites, including any revised site plans. Once we receive a copy of the WQC and revised plans (if any) we will complete our review for this aspect of your proposed work.

If we determine that the work at these sites qualifies for the RGP, our verification letter will include the RGP General Conditions, the WQC and any Special Conditions that may be necessary to reduce the impacts to the aquatic site to the minimum level. **You may not begin construction at these sites until you receive the verification letter from us.** The verification letter will be issued within 45 days from our receipt of IDEM's individual WQC unless we determine this work has more than minimal impact.

If you have any questions concerning this matter, please contact me by writing to the above address or by calling 317-532-4197. Any correspondence on this matter should reference our assigned Identification Number LRL-2010-39-djd.

Sincerely,



Deborah Duda Snyder
Project Manager
Indianapolis Regulatory Office

Enclosures

Copy furnished: IDEM (Randolph)
Bernardin, Lochmueller and Associates

Table 1:

Identification Number:	Description:	Impacts (lf.):	Impacts (ac.):
Wetland #1	Scrub/shrub wetland	----	0.67
Stream impact #3	Unnamed tributary to Eagan Ditch	370	0.04
Stream impact #4	Unnamed tributary to Eagan Ditch	100	0.02
Stream impact #5	Unnamed tributary to Eagan Ditch	465	0.06
Stream impact #6	Unnamed tributary to Eagan Ditch	335	0.03
Stream impact #9	Unnamed tributary to Eagan Ditch	650	0.04
Stream impact #10	Eagan Ditch	415	0.05
Stream impact #11	Unnamed tributary to Eagan Ditch	445	0.06
Stream impact #12	South Fork Prairie Creek	425	0.17
Stream impact #13	Unnamed tributary to North Fork Prairie Creek	305	0.03
Stream impact #14	Unnamed tributary to North Fork Prairie Creek	320	0.03
Stream impact #15	North Fork Prairie Creek	390	0.25
Stream impact #16	Unnamed tributary to North Fork Prairie Creek	350	0.1
Stream impact #17	Bethel Ditch	500	0.09
Stream impact #19	Unnamed tributary to Bethel Ditch	325	0.01
Stream impact #20	Unnamed tributary to Epsom Lateral	330	0.01
Stream impact #21	Epsom Lateral	315	0.04
Stream impact #22	Smothers Creek	540	0.1
Stream impact #24	Unnamed tributary to Findley Lateral	450	0.05
Stream impact #25	Unnamed tributary to Findley Lateral	650	0.07
Stream impact #26	Vertrees Ditch	610	0.05
Stream impact #27	Weaver Ditch	340	0.03
Stream impact #28	Unnamed tributary to First Creek	230	0.02
Stream impact #29	First Creek	640	0.45
Stream impact #30	Unnamed tributary to First Creek	400	0.04
Stream impact #31	Unnamed tributary to First Creek	300	0.03
Stream impact #32	Unnamed tributary to Doans Creek	640	0.04
Stream impact #33	Unnamed tributary to Doans Creek	690	0.04
Stream impact #45	Unnamed tributary to Doans Creek	660	0.07

APPENDIX C

COMMENTS AND RESPONSES ON TIER 2 SECTION 3 FEIS

- C-1 COMMENTS AND RESPONSES**
- C-2 USEPA COMMENT LETTER (1-7-10)**
- C-3 FAMILY OF PHILLIP & BERYL MYERS LETTER AND E-MAILS
(1-7-10), (1/14/10), AND (1/15/10)**
- C-4 IDNR-DHPA COMMENT LETTER (1-11-10)**
- C-5 DHHS-CDC COMMENT LETTER (1-19-10)**

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U. S. Environmental Protection Agency, Region 5 1/7/10

Kenneth Westlake

EPA-1

Comment: *The U.S. Environmental Protection Agency (EPA) has reviewed the Tier 2 Final Environmental Impact Statement (FEIS) for Section 3 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. This letter provides EPA comments regarding the Section 3 Tier 2 FEIS. In addition, we provide additional recommendations for information to include in future I-69 Tier 2 EISs.*

The Section 3 Tier 2 FEIS is the second of six Tier 2 FEISs submitted for our review for the Federal Highway Administration (FHWA) and the Indiana Department of Transportation's (INDOT) proposed 142-mile-long I-69 (Evansville to Indianapolis) project. I-69 is currently proposed as a freeway facility that utilizes interchanges for access control.

Section 3 is located between US 50 and US 231 and is approximately 25.73 miles in length. The Section 3 Tier 2 FEIS Refined Preferred Alternative 1, is comprised of refined DEIS Preferred Alternative 1 Segments 3A-3, 3B-2 Modified, 3C-3, 3D-3, and 3E-1. It includes a tight-diamond interchange at US 231, an interchange at SR 58, a designated rest area at County Road (CR) 1100 N in Daviess County, and a number of overpasses and local access roads. INDOT proposes to defer construction and acquisition of the right-of-way for the rest area. The FEIS identifies that the impacts associated with INDOT's intention to make improvements to US 231 south of I-69 with the addition of a southbound truck climbing lane are included as part of the FEIS Refined Preferred Alternative 1 impacts.

EPA reviewed the I-69 Tier 2 Draft EIS (DEIS) for Section 3 and rated it "Lack of Objections" in our letter dated June 8, 2009. We found the DEIS to be informative, reflecting efforts by FHWA/INDOT to use adequate detailed information in the development of this project to avoid and minimize impacts. We are pleased that, since the DEIS, INDOT has further reduce impacts to streams, forests, wetlands and floodplains with the FEIS Refined Preferred Alternative 1.

Response: This I-69 Tier 2 Record of Decision approves Refined Preferred Alternative 1 as the Selected Alternative in Section 3. Farmland will be the major resource impacted by the project. Efforts will continue through final design to minimize impacts to all resources, where feasible.

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EPA-2

Comment: *The list of substantive changes between the DEIS and the FEIS provided at the beginning of each FEIS chapter was very helpful in expediting our FEIS review. We continue to recommend this format be used in all future I-69 Tier 2 EISs.*

Response: To facilitate USEPA's reviews of EISs from Sections 2, 4, 5, and 6 of the I-69 Evansville-to-Indianapolis project, the list of substantive changes between the DEIS and the FEIS provided at the beginning of each FEIS chapter will be included in all future I-69 Tier 2 EISs. In addition, as was the case with USEPA's comments on the earlier reviewed I-69 EISs, copies of all of the agency's comments on the Section 3 FEIS will be provided to those sections for incorporation of the agency's recommendations, as appropriate.

EPA-3

Comment: *Our DEIS comments advised on voluntary measures in the areas of air quality, air quality mitigation during construction, floodplains, noise, watersheds and wetlands. The information in the FEIS is generally responsive to many of our recommendations. For example, the FEIS includes the air quality conformity finding and supporting documentation, and provides an explanation for why bridging of an entire floodplain for every waterway crossing is not proposed. We commend INDOT for committing to incorporate two wildlife crossings at Doan's Creek (US 231) and First Creek during Section 3 final design. We are pleased that impacts to vegetated wetlands have been reduced to 5 acres and open water impacts reduced to 2.2 acres. There is ample compensatory mitigation being proposed for unavoidable wetlands losses and upland forest losses. The proposed mitigation sites also contain stream mitigation areas.*

Response: Comment noted.

EPA-4

Comment: *We are disappointed that FHWA/INDOT do not propose to do more to reduce diesel particulate during Section 3 construction as we recommended in our DEIS comment letter. We realize that Greene County does not have a lot of residents nor high concentrations of particulate. Please keep in mind for future I-69 projects that EPA will be more concerned about areas around Indianapolis with high populations and current particulate levels near the standard.*

Response: In the future, INDOT will consider suggestions for air quality mitigation which go beyond those required by law or regulation, such as the suggestions provided by USEPA in its DEIS comment letter. INDOT's Standard Specifications (General Conditions) require contractors to follow all local state and Federal laws and regulations applicable to a project.

EPA-5

Comment: *In addition, our FEIS review finds that the main text in Volume I does not included some of the clarifications that FEIS Volume III, Part A - Comments and Responses Section claim were made to the Volume I text. For example Responses to [EPA] Comment AF002-9, the Volume I text regarding cranberry production has not*

been removed (page 5-309) and clarification regarding EPA's review of jurisdictional determinations made by the U.S. Army Corps of Engineers under our Clean Water Act (CWA) authority was not included in Volume I, Sections S.13.1, 5.23.2 and 7.3.9. In addition, EPA does not have oversight of the State Section 401 water quality certification process, as indicated in Section 5.23.3. We recommend the Tier 2 Section 3 Record of Decision (ROD) acknowledge these FEIS Volume 1 oversights.

Response: The FEIS Volume I text regarding cranberry production should have been removed (page 5-309) and clarification regarding EPA's review of jurisdictional determinations made by the U.S. Army Corps of Engineers under our Clean Water Act (CWA) authority should have been included in Volume I, Sections S.13.1, 5.23.2 and 7.3.9. Section 5.23.3 should not have stated that EPA has oversight of the State Section 401 water quality certification process. These oversights are documented as errata for the FEIS in the Record of Decision (ROD).

EPA-6

Comment: *We are pleased to see that FHWA/INDOT continue to provide a running tally of direct impacts associated with the entire 142-mile-long I-69 Indianapolis to Evansville alignment identified in each section's Tier 2 studies. Appendix Z of the Section 3 Tier 2 FEIS provides the running tally to date for a limited number of impact categories. We note that stream impacts and karst features impacts categories are not currently included in the tracking tables in Appendix Z. We continue to request FHWA/INDOT include stream impacts and karst features impacts categories as part of the running tally in all future I-69 Tier 2 EISs for Sections 2, 4, 5 and 6.*

Response: INDOT and FHWA will provide the requested data as soon as they are available. As p.1 of FEIS Vol. II Appendix Z 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 (Section 1 and Section 3), a DEIS (Section 2) 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 3 FEIS Vol. II Appendix Z, 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 3 FEIS, Table 5.19-10).

• *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

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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 acres of impacts to springs, sinkholes and sinking streams. 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-7

Comment: The FEIS identifies that an overall impacts/permitting/tracking method is being developed in consultation with permitting agencies and EPA. The FEIS also states that INDOT will coordinate with agencies to identify agency-specific information to be included in the database for tracking and will provide to permitting agencies and EPA a tracking summary on an annual basis. The summary will identify the permitting and mitigation commitments and describe the status of the activities to date associated with each commitment. We recommend the Section 3 Tier 2 ROD and all future I-69 Tier 2 EISs disclose the details of the mitigation tracking method developed in consultation with EPA and the other agencies. If this is not possible, at this time, then the Section 3 Tier 2 ROD should identify when the specifics of the final tracking method will be developed and disclosed to the agencies and the public.

Response: The overall mitigation tracking is intended to include a GIS database for tracking of mitigation properties including required acres and credited acres as well as additional site information. 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 the Section 404 and Section 401 permit conditions, and under the conditions of the Biological Opinion 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 is expected to be submitted in January 2010. The summary will identify the mitigation commitments and describe the status of the activities-to-date associated with each commitment.

**Family Of Phillip & Beryl Myers 1/7/10 (letter), 1/14/10 (e-mail),
and 1/15/10 (2 e-mails)**

Letter of 1/7/10

Myers-1

Comment: *We the people. We the people, the American Farmer. We, the people, the American Farmer are the people being greatly impacted by the I-69 project between Evansville and Indianapolis, specifically Section 3 at this time. We desperately need the help from those of you who we elected into our great democracy as public officials and those of you in high places who are working in the public sector who can step up and do the right thing. Ultimately, we all know the right thing is to move this interstate over to U.S. 41 where completion of the border to border interstate would clearly have the least overall impact as shown in the Draft Environmental Impact Statement (DEIS). Now that Governor Daniels has directed a reduction in median widths, pavement thickness, and number of overpasses and interchanges, the people are not going to get the interstate they thought they were going to get as top of the line but rather bottom of the barrel just as our existing roads and bridges are quickly becoming. The U.S. 41 route is much less intrusive according to the DEIS. It would be less intrusive on the farming community by affecting less farm ground and it would impact less wetlands, etc. for an overall less impact. This alternative needs to be re-evaluated on the basis of Governor Daniels directing less stringent specifications and requirements regardless of the approved DEIS, the Final Environmental Impact Statement (FEIS) up for a Record of Decision (ROD) on January 11, 2010, or the amount of work that has been expended thus far. At what price do you say enough is enough just to get the people of southwestern Indiana closer to a four-lane highway?*

Response: The Tier 1 DEIS (<http://deis.i69indyevn.org/FEIS/index.html>) found Alternative 1 (I-70 to US 41) to be a non-preferred alternative, due to its inability to adequately satisfy the project purpose and need. It was the only Tier 1 alternative to be rated as "low" on all nine project goals. At the request of USEPA, the non-preferred status of Alternative 1 was reconsidered in the FEIS. This reconsideration confirmed the non-preferred status of Alternative 1. It determined that "Alternative 1 cannot be considered a reasonable, prudent, or practicable alternative." (Tier 1 FEIS, p. 6-26). See Tier 1 FEIS, *Post-DEIS Reconsideration of Alternative 1 – US41/I-70*, for more information.

Myers-2

Comment: *We do realize that there has been public meeting after public meeting as well as preparation of the DEIS and FEIS. Participation at these meetings has not mattered. Even public officials working in the Washington Project Office have stated so in open one-on-one conversation. When the people speak at public meetings government officials sit back and snicker and laugh as if the livelihoods of those people involved in*

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farming and the rural community mean nothing. This is a disgrace to the American People that these city folks can come in and ridicule the very heart of those who provide what's at their dinner table. We would like to think that the designers would meet with landowners on an individual basis prior to setting everything in stone to see what steps could be made to best accommodate the farmers. Instead they have basically come in and said we are going to take your right arm, maybe a leg, and yes, we'll also need your eyesight and there is nothing that you can do about it. In getting to that point they have sent their surveyors, drill rigs and appraisers onto our properties without any regard to private property rights or ground conditions causing much inconvenience, heart ache, stress and real property damages. A simple letter stating that they have that right does not make it right or make it any easier to watch something happen that this community does not want.

Response: INDOT and FHWA take public involvement very seriously. The Section 3 EIS has had four Community Advisory Committee (CAC) meetings, public open houses, two public information meetings, a public hearing, numerous meetings with local organizations, meetings with local government agencies, meetings at individuals houses who requested them, an extended comment period on the DEIS, a telephone hotline, and a project website. In addition to these actions INDOT has taken the unprecedented step, in Indiana, to have project offices in each section of the I-69 corridor for the public to acquire information about the project and provide their comments.

Myers-3

Comment: *There are many heart breaking stories involving the farming community. One such story includes our family farm that is losing nearly 80 acres over a distance of just short of two miles extending diagonally across the farm including the loss of home and efficient use of a silo/cattle feedlot/pasture operation and a grain facility. This project is needlessly separating over 400 acres from the over 1,400 acre contiguous farm operation. There is no reason that the alignment could not have been moved to the east along the eastern boundaries of the property, within the existing defined corridor as shown on Preferred Alternative 3c of the DEIS, to make this land take a little less stressful. **Since land takes have not been completed in the area and construction has not started, we do not feel that it is too late to make changes on our farm to make this a little more palatable. This minor adjustment could save the taxpayers a lot of money by not impacting the existing silo/cattle/feedlot/pasture operation, grain facility, house and associated barns not to mention water supply and other utilities.** INDOT and/or other engineering officials never attempted to work with us or any other farmers on an individual basis to make the situation better.*

Response: Moving the alignment as suggested by the Myers family would have many disadvantages over the selected Refined Preferred Alternative 1. See also comment Myers-9, which provides specific information about this suggested adjustment. The following are some of the disadvantages of the revised alignment suggestion provided

by the Myers Family (see C-3 of this appendix for the map provided by the Myers family):

- It would be longer than the Refined Preferred Alternative 1 in the FEIS,
- it would require more total acres and farm acres,
- it would increase construction costs,
- it would add two curves to a segment that is straight in the Refined Preferred Alternative 1,
- the curves added to the road do not meet the 70 mile per hour design standard,
- it would increase impacts to neighboring farm properties,
- it would require the access road that will be built between CR 750N and CR 450E to be longer. This would increase travel time for vehicles traveling from one side of CR 750N to the other that use the overpass at CR 450E to cross I-69 and would lead to additional increased construction costs.

The preferred alternative in all portions of the project took into consideration the impacts to residences, farms and other businesses. The land acquisition costs, as well as the relocation costs for the impacts to farming operations described in this comment, were taken into account in arriving at the decision about a preferred alternative.

It also should be noted that one of the signatories to this comment was a member of the Section 3 Citizens Advisory Committee (CAC) which met several times, especially early in the project. The CAC was created to allow the project team to understand the perspectives of stakeholders and communities. The CAC also served as a way to explain information (such as possible highway alignments) in a small group setting and enable the CAC members to relay important project information to their representative groups. These concerns (regarding impacts to these structures) were not raised during the CAC process.

During design for the project, INDOT will consider possible design modifications including grade separation and local access roads, but will not modify the I-69 alignment.

Myers-4

Comment: *One family member tried to find out the route on several occasions over the years only to find they could not and would not say for sure until the release of the Final Environmental Impact Statement signed on December 3rd, 2009. Simply following an existing property line, power line easement, ditch, etc., etc., would have made it better but was never attempted. And now it's too late they say. The leg, the arm, and the eye sight are all going. Or, is it too late? Is there someone in a high enough place to help? It's a fact that the designers do attempt to avoid the wetlands and are required to replace three (3) acres of "restored" wetlands for every one (1) acre of wetlands impacted by the project. Restoration of wetlands requires buying more farm land for this restoration and further reduces the farmland acreage that can never be replaced to produce food for the world. How does a wetland become of higher value than the people providing food and fiber to the world and their livelihoods?*

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Response: The project office for Section 3 has been open since June 2004. During this time maps have been given out, at no cost, showing the alignments that were under consideration. There were also several public meetings where the alignments being studied were displayed and the project office had large displays of the alignments. The DEIS was released in January 2009 and shows the preferred alternative. Maps of the preferred alternative shown in the DEIS have also been given out at no cost to the public. Displays of the preferred alignment were shown at the public hearing in March 2009 and at the project office. Members of the Myers family have been to the project office to see these displays, had copies of project maps, and attended meetings where the alignments were displayed.

It is correct that wetlands were avoided to the fullest extent possible as is required by Presidential Executive Order 11990 and USDOT Order 5660.1A and that wetlands that are required for the project are mitigated through replacement. However, the replacement value is not always three acres for every acre impacted. The mitigation ratio varied for the project depending on the type of wetland impacted. For example it was 3 to 1 for forested wetlands and 2 to 1 for emergent wetlands. See Chapter 5.19 of the FEIS for a discussion of wetland impacts and mitigation ratios.

Myers-5

Comment: *Another family close by is going to lose their home. They have already started looking for land to buy so they can rebuild as there are no existing homes for sale on ground near by. Guess what? There is nothing in the neighborhood in this tight knit community for sale at "fair market value." These folks are never going to have what they have now for the same price. "Fair market value" does not replace what we all have now along this corridor. There is no ground for sale at that price. It's a shame that the law does not truly compensate through eminent domain by replacing what is lost. Replacement of our farm acreage and homes should be the burden of those completing the take rather than on the victim of someone who never asked for any of this.*

Response: 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 24, and Title VI of the Civil Rights Act of 1968. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person. 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. At the time right-of-way is acquired, a relocation agent will be assigned to this project to ascertain the needs and desires of the potentially displaced persons to provide information, answer questions, give help in finding replacement property, and issue last resort housing payments, if needed. Advisory services will be made available to farms and businesses, with the aim of minimizing the economic harm to those businesses and farm establishments.

“Fair market value” for farmland is determined during the appraisal process by comparing the farmland being purchased with recent sales of comparable farmland. It represents the price at which willing sellers have sold farmland in recent comparable circumstances.

There are no unique relocation situations that are known at this time. If a displaced resident cannot be relocated due to the unavailability of comparable housing, or because comparable housing is not available within the statutory limit of the Uniform Relocation Act, then housing of last resort will be made available to these persons. Last resort housing includes, but is not limited to, rental assistance, additions to existing replacement dwellings, construction of new dwellings and dwelling relocation. Replacement dwellings must meet the requirements of decent, safe, and sanitary standards as established by FHWA.

Relocation resources would be available to all residential relocatees without regard to race, creed, color, sex, national origin, or economic status, as required by the Uniform Act and Title VI of The Civil Rights Act of 1964. Financial assistance will be available to eligible persons displaced by this project. 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. See Chapter 5.2 of the FEIS for more information on relocations.

Myers-6

*Comment: Studies show that Section 3 Refined Preferred Alternative 1 will destroy over 1,040 acres of prime farm land that will never be replaced. This is about 73% of the total 1,432 acres that will be directly impacted. You hear about all of the jobs that will be created by the new construction. Well, what about the loss of farm jobs on that acreage **FOREVER** and the loss of production to feed the world on that acreage **FOREVER**? This issue is not addressed in the study. As a reminder, this 1,040 acres of prime farm land is only that included in Section 3. It does not include the loss in the other sections that can never be replaced. I-69 Project impacts on farm land are tremendous. Just to put it into perspective, USDA reports that there are approximately 22.9 million acres in Indiana. Of that, 15 million acres is in farm land. From 1987 through 1997, approximately 1 million acres of farmland were converted or lost to “progress.” This is about 100,000 acres annually or 0.7% annually without knowing how much has been lost between 1998 and the current time. We could be easily down to 13 million acres of farm land. Also, USDA reports show that each American Farmer, on average, feeds 129 people. Agriculture is America’s #1 export with about 17% of the raw United States agricultural products being exported annually. Agriculture produces 20% of the Nation’s Gross Domestic Product. How can the Agricultural community be so ignored in this feat for progress through Daviess and Greene Counties and this I-69 Project?*

Farming is the livelihood of those in the farming community. We have spent our entire lives building the farms that we have just as you may have spent your life building a nest egg for retirement. Wouldn’t it be nice if the “people” could just come take

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that from you if they had the power of eminent domain and created some study that said it was the “preferred alternative?”

Response: The FEIS analyzes farm impacts extensively. Chapter 5.4 of the FEIS, *Farmland*, is devoted totally to farmland impacts. The crop production loss for each alternative was estimated. It also considered parcel severance, point rows, and landlocked parcels. Chapter 5.24, *Indirect and Cumulative Impacts*, analyzes the impacts of induced economic development upon farmland. It also considers the effects upon farmland of other significant projects in the region, including Sections 2 and 4 of the I-69 project. These impacts were analyzed to avoid and minimize impacts to farmland, wherever possible.

Myers-7

Comment: *With changes being made in the design including reduction in median width, pavement thickness, and number of overpasses and interchanges, perhaps it would be prudent of the government officials to revisit the U.S. 41 alternative which was a much more viable option. At the time the U.S. 41 alternative was not chosen as preferred, Governor Daniels wasn't in charge and he was not telling the INDOT folks to get this project done and lower the design standards wherever possible to lower the cost but now he is. As of October 22nd, 2009, as published in the Washington Times Herald, Governor Daniels is ordering the above stated reductions in the project. Based on the changes and to be fair to the American People, the U.S. 41 alternative needs to be revisited. We understand that there are design standards based on traffic volume and that the traffic volume does not dictate the need for the original design standards. We also understand that based on the fact that the traffic volume does not support the increased pavement thickness and wider median width, that the U.S. 41 alternative should be reconsidered. If there are ways to move money from one fund to another then there are ways to reopen the possibility of the U.S. 41 alternative; especially with the 641 bypass in Vigo County nearly complete.*

It is high time for big government to speak up in a common sense approach considering the economic times. Look at all of the state wide cut backs that are being made within our state government including education and law enforcement. This is not to mention the road maintenance that has been ignored. Existing highway conditions in our area are treacherous. I encourage you to take a drive down S.R. 57 south of Elnora and just recently truck traffic has been prohibited on the Newberry West Fork White River Bridges. We need to take care of our existing roads and bridges with the money we have before we build more that we can't maintain. Doing the needed maintenance work will create jobs and stimulate the economy just as building new highways will do. Doing the wrong thing will affect all the people of the nation in this United States, “Land of the Free” forever.

Response: Governor Daniels is committed to building the road at the least cost to taxpayers, with the least environmental impact, and in the least amount of time possible. He has directed INDOT to abide by all applicable federal rules but to explore new and

better ways to complete the project. As Governor Daniels has said, "Don't be prisoners to the way things have always been done." With that direction, INDOT is pursuing ideas for I-69 construction that would result in the road being built more quickly and less expensively. All state and federal laws and regulations will still apply and will be followed.

In Tier 2 studies, we are considering all possible steps to decrease the cost of the project while providing a road which offers substantial benefits and improved highway safety. This includes following all specifications of the INDOT Design Manual.

With regard to Tier 1 Alternative 1, see response Myers-1.

Myers-8

Comment: We understand from speaking with Federal Highway Administration (FHA) officials that this project will not be approved if the state does not have the funding nor does the state have the authority to expend money on land takes without ROD approval. We find that the state should have the funding to complete the entire project from Evansville to Indianapolis before they are allowed to move forward with any section of the project. It is very suspicious that they are beginning in the middle of the project rather than tying into the existing 1.5 mile stretch at Evansville and working northward. It would be a terrible shame to complete section 3, then maybe Section 2, then conveniently run out of money, just so Governor Daniels can ride his motorbike from Crane to Evansville on his newly finished below par road. Furthermore, it is known that INDOT has made offers on land prior to obtaining ROD approval. This should not be allowed, period. Governor Daniels is pushing the project to the extents that those trying to complete the project cannot do a good job in dealing with the landowners and the landowners don't have the time to fully digest what is going on. What an enjoyable holiday season we have had. Thank you Governor Daniels.

We propose that you immediately speak with Federal Highway Administration officials, INDOT officials, the governor, the president, or whomever necessary to get this project going in the right direction. The item of greatest concern at this point is the Record of Decision that is scheduled to be signed and issued no sooner than 30 days after publication of the notice for the FEIS in the Federal Register. The FEIS was dated December 1st, 2009 and signed by FHA and INDOT Officials on December 3rd, 2009. It was a mystery as to when this was published in the Federal Register until speaking with FHA officials. We found out just before Christmas that it had been published on December 11th, 2009 so is up for the ROD on January 11th, 2010.

We further propose that the Federal Highway Administration does NOT issue a Record of Decision for the Final Environmental Impact Statement in favor of Refined Preferred Alternative 1 for Section 3 but rather direct a re-visitation of the U.S. 41 alternative.

*Governor Daniels, wouldn't you like to be able to say "I got 'er done" in a responsible manner. "I got it right the first time and took good care of the good people in our state of Indiana by maintaining all of our **existing** interstates, highways and bridges and I can say that I am looking into the future as a GREEN politician and*

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have saved much valuable farm land, woodlands, wetlands, and wildlife habitat.” Instead, you may be able to say, “a lot of people lost their jobs through all of my needed cut backs but “I got ‘er done” at all costs and at everyone’s expense.”

We, the people, understand that there have been major resources expended to progress the project in the direction it has taken. We, the people, are willing to sacrifice those expenditures to turn it around and move it in a more acceptable direction. Look at the number of jobs this would create to redo all of that work.

Thank you in advance for your much needed help. Please respond with any gleam of hope to save our farms and our livelihood and ultimately the world by using your influence to move this project in the right direction.

Response: The construction of Sections 1, 2, and 3 is funded through the Major Moves project. Each of these is a section of independent utility that has its own merit. Also please refer to the response to comment Myers-1 regarding Tier Alternative 1. As the comment notes, FHWA is permitted to approve a Record of Decision (ROD) for this project after 30 days from the publication of the Notice of Availability for the FEIS for this project in the Federal Register.

FHWA has approved INDOT’s purchase of right-of-way in Section 3 prior to a Tier 2 Record of Decision (ROD) for the project. See letter from FHWA Indiana Division Administrator Robert Tally to INDOT Commissioner Michael Reed of October 20, 2009 in the Section 3 FEIS, Appendix C, *Agency Coordination Correspondence*. These purchases are being made using only state funds, in accordance with 23 CFR 710.501(a). See Section 3 FEIS Appendix C for more details.

E-mail of 1/14/10

Myers-9

Comment: *Attached is a map showing an alternative route through Myers Parcel 119 on Section 3 of the I-69 Evansville to Indianapolis Project. This route that is within the defined corridor avoids the house, grain bins, and all other structures including the silo and feedlot. It also avoids destruction of the water supply to the WHOLE farm and house as well as any wetlands. Could you PLEASE SERIOUSLY take a look? Making this move could save the taxpayers a lot of money involved in moving grain bins, finding water and re-drilling a well, etc., etc. We do realize that INDOT would have to redo a lot of work including the archaeological survey, design survey, land descriptions, re-design plan and profile, appraisals, etc., etc. We feel it would be well worth looking into since the appraisals are not yet complete and they are finding it will cost around \$250,000 just to move grain facilities. Please take a look.*

Response: Please refer to the response to comment Myers-3.

E-mail of 1/15/10 (1 of 2)

Myers-10

Comment: *Could you please take a look at the attached map showing a slight deviation from INDOT'S preferred alternative? It shows a slight change in alignment to save the taxpayers a lot of money as well as save a portion of our family's farm operation including a home in which a family member resides, a grain facility, silo and feedlot and several other necessary structures as well as water supply not only for this portion of the farm but also the main home place and associated facilities. Are there any restrictions that EPA would impose or are there any other reasons that this route could not be completed strictly from an EPA standpoint? There are no wetlands involved in this slight deviation and it is within the defined corridor that was defined in the Environmental Impact Statements. Please let us know your response as soon as possible as we are pursuing this with INDOT officials as you can see below. We look forward to your response. Thank you.*

Response: Please refer to the response to comment Myers-3.

E-mail of 1/15/10 (2 of 2)

Myers-11

Comment: *Following are a couple of emails that we have sent in pursuit of a realignment to avoid much unnecessary tax dollar expenditures and upset.*

Can you please take a look at the slight deviation in alignment from a Federal Highway Administration perspective and see if this is a possibility. We did start discussions about this over a month ago and no one seemed to want to take this seriously. Now, we're finding that it will take over \$250,000 just to relocate the grain facility. That does not include any of the cattle operation, related farm structures or the house. Please take a look and let me know your thoughts. Thank you,

Response: Please refer to the response to comment Myers-3.

APPENDIX C-1
Comments and Responses

Indiana Department of Natural Resources 1/11/10
Division of Historic Preservation & 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 December 4, 2009 for the aforementioned project in Daviess and Greene counties in Indiana.

In regards to archaeology, in general we concur with the archaeological information presented in the FEIS for the "Cultural Overview," "Archaeological Resources," and "Archaeology Impacts" sections. We point out one minor apparent discrepancy regarding the avoidance or further investigations of archaeological sites 12Da1524, 12Da1526, 12Da1582, and 12Da1583. In Section 5.14.4 it is stated that sites 12Da1524 and 12Da1526 will be avoided, while Table 5-14.3 indicates that Phase II evaluation is recommended for 12Da1526.

Response: The text in Section 5.14.4 of the FEIS should have said site 12Da1526 is recommended for Phase II evaluation. This oversight is documented as an erratum for the FEIS in the Record of Decision (ROD).

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 3 and regarding the impacts that this project will have on those historic resources.*

Response: Comment noted.

**Department of Health and Human Services 1/19/10
Centers for Disease Control and Prevention**

Andrew L. Dannenberg, MD, Ph.D.

DHHS-1

Comment: *This letter is in response to Indiana's Department of Transportation's and Federal Highway Administration's Tier 2 Final Environmental Impact Statement (FEIS) for Section 3, Washington to Crane NSWC, Indiana of the I-69 Evansville to Indianapolis, Indiana Project. We are commenting on behalf of the Department of Health and Human Services (DHHS), U.S. Public Health Service.*

We understand that section 3 is one of the 26 Sections of Independent Utility (SIUs) that make up the I-69 corridor originally established by Congress in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

Response: The Evansville-to-Indianapolis section of I-69 is Section of Independent Utility (SIU) #3 of the National I-69 project. A Tier 1 EIS was completed for SIU #3 with a ROD on March 24, 2004. The Tier 1 ROD divided the approved corridor into six sections for the purposes of Tier 2 studies. This EIS and ROD is for Section 3 of those six sections.

DHHS-2

Comment: *Given that the preferred alternative is Refined Preferred Alternative 1, please consider measures that not only ensure traffic efficiency and accessibility but also protect and promote public health. Transportation planning for all users and for future development along this corridor can help to increase multi-modal transport (such as walking, biking and public transit). Multi-modal transportation infrastructure development can facilitate increased physical activity, reduce air pollution and associated respiratory illnesses, reduce injuries among motorists, bicyclists, and pedestrians, and promote mental well-being among those who are unable to drive. We see that these multi-modal options are only tangentially addressed. These components of transportation infrastructure are essential to protecting and promoting public health for area residents and visitors utilizing the I-69 corridor and should be included in future Project Alternatives.*

Response: The Purpose and Need for the I-69, Evansville-to-Indianapolis project was established in 2000 and 2001, during Tier 1 studies. The Purpose and Need for the project was established through a very extensive technical and public involvement process. This process included a series of technical reports documenting regional transportation needs and regional economic needs. A Purpose and Need discussion paper was published in mid-2000; it was the subject of three public meetings in Jasper, Vincennes and Indianapolis) in August, 2000. This discussion paper also was provided to state and federal agencies in September, 2000 to solicit their comments and input.

APPENDIX C-1

Comments and Responses

Based upon public and agency input, as well as continuing technical analysis, a draft Purpose and Need statement was published in early 2001. The Purpose and Need statement was the subject of three public meetings in Martinsville, Oakland City and Sullivan in May, 2001. The Purpose and Need statement also was the subject of a meeting of state and federal agencies, as well as affected MPOs, in June, 2001.

This lengthy and extensive process was guided by appropriate state and federal legislation and policies. See Tier 1 FEIS, Section 2.2, *Policy Framework*. In particular, the Purpose and Need for the I-69 project was guided by the provision in the TEA-21 legislation which designated the transportation corridor between Indianapolis and Evansville as "Interstate 69 (I-69)." Accordingly, the Purpose and Need for this project specifies the construction of an interstate highway in this corridor.

Promoting public health is a worthwhile goal. However, like many other worthwhile public purposes (e.g., educational attainment, cultural enrichment, etc.), it is outside of the scope of the I-69 project, and is properly addressed by other state and federal actions.

Provisions for other transportation modes are being considered within the context of the overall project goals to construct the Congressionally-designated interstate highway corridor between Evansville and Indianapolis. For example, within Section 3, the location and design of grade separations accommodates the higher level of non-motorized traffic (horse-drawn buggies) in this area. These same features will accommodate bicycles and other non-motorized modes. In Section 5 of the I-69 project, project staff has worked closely with the City of Bloomington to coordinate the design of the I-69 project with the City of Bloomington's bicycle plan and bicycle network.

Alternatives analysis for the Section 3 project has been completed. This portion of the project is in a sparsely-populated rural area. A walking path or bike lane as part of the interstate was not raised by the agencies or public during the course of this project, and such features would not be related to the I-69 project. However, consideration of cross-connectivity of existing bike and pedestrian routes has been considered in the planning process. There is no public transit service within the Section 3 study corridor area.

As Section 5.9 of the FEIS describes, all federal air quality requirements pertaining to this project have been satisfied.

DHHS-3

Comment: *Further, we recommend the following actions be taken to ensure the ongoing protection of the health of impacted populations:*

- *Identify and partner with appropriate public health or environmental health professionals to help identify the following:*
 - o *Baseline health conditions of affected populations*
 - o *Appropriate measures and surveillance that will be required to ensure on-going safety and positive health outcomes*

Appropriate public health or environmental health professionals might include: State and/or county public health/environmental health officers, Public health nursing

professionals, Academics from local schools of public health, Community-level public health professionals from non-governmental organizations.

- *Collect and include in your assessment: population baseline health data for potential health impacts (i.e. acute and chronic respiratory illnesses) as well as background levels for related exposures (i.e. vehicle emissions) for all populations potentially affected by this proposed action; assess potential changes from baseline due to proposed action. Baseline data collection might include the following: Literature search, review, and analysis; Local, county, and/or state health surveillance data; Fact-gathering meetings with project personnel; Fact-gathering meetings with government/institutional personnel such as public health officials; Site visits and review of each project location; Meetings with community member focus groups.*
- *Collect and include in your assessment: population projections and settlement projections as described by long-range planning documents for development area(s).*

While this is not intended to be an exhaustive list of possible health surveillance options, it provides a guide which may be applicable to this project. Any other health related topics which may be associated with the proposed project should also receive consideration with development of the I-69 corridor (i.e. health impact of dividing persons from their community).

Response: The project had a community advisory committee (CAC) that included public health officials such as the administrators of the local hospitals in the project area. Public health issues were never mentioned as a concern by any of these officials. Public health will be greatly improved by the large reductions in accidents and the greatly improved access to major medical facilities in Evansville and Bloomington that I-69 will provide. A driver traveling on a two-lane highway without access control is twice as likely to be involved in a fatal crash and four times as likely to be involved in a crash resulting in injuries than if traveling on an interstate highway. I-69 will result in traffic diverting off of two-lane highways onto the safer interstate system. See Chapter 2 Purpose and Need of the FEIS for a discussion of safety. The Section 3 project area is sparsely populated and there will be low levels of traffic on it compared to many roads in the United States. Within the Section 3 project area there are no Metropolitan Planning Areas that are required to conduct long range transportation planning. INDOT in their Long Range Plan does review and study population growth and changes. The monitoring requested by CDC will not be undertaken as a part of this project because this project conforms to current air quality criteria. Impacts to air quality were addressed in the FEIS. The project will meet all EPA air quality requirements. Air quality impacts including hot spot analysis and the air quality conformity determination are covered extensively in Chapter 5.9 of the FEIS.

As is described in response DHHS-2, the additional actions described here are outside the Purpose and Need for this project, and are properly addressed by other state and federal actions.



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

JAN 07 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 3: Washington to Crane Naval Surface Warfare Center (NSWC), Indiana. CEQ No. 20090420

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 3 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. This letter provides EPA comments regarding the Section 3 Tier 2 FEIS. In addition, we provide additional recommendations for information to include in future I-69 Tier 2 EISs.

The Section 3 Tier 2 FEIS is the second of six Tier 2 FEISs submitted for our review for the Federal Highway Administration (FHWA) and the Indiana Department of Transportation's (INDOT) proposed 142-mile-long I-69 (Evansville to Indianapolis) project. I-69 is currently proposed as a freeway facility that utilizes interchanges for access control.

Section 3 is located between US 50 and US 231 and is approximately 25.73 miles in length. The Section 3 Tier 2 FEIS Refined Preferred Alternative 1, is comprised of refined DEIS Preferred Alternative 1 Segments 3A-3, 3B-2 Modified, 3C-3, 3D-3, and 3E-1. It includes a tight-diamond interchange at US 231, an interchange at SR 58, a designated rest area at County Road (CR) 1100 N in Daviess County, and a number of overpasses and local access roads. INDOT proposes to defer construction and acquisition of the right-of-way for the rest area. The FEIS identifies that the impacts associated with INDOT's intention to make improvements to US 231 south of I-69 with the addition of a

southbound truck climbing lane are included as part of the FEIS Refined Preferred Alternative 1 impacts.

EPA reviewed the I-69 Tier 2 Draft EIS (DEIS) for Section 3 and rated it "Lack of Objections" in our letter dated June 8, 2009. We found the DEIS to be informative, reflecting efforts by FHWA/INDOT to use adequate detailed information in the development of this project to avoid and minimize impacts. We are pleased that, since the DEIS, INDOT has further reduce impacts to streams, forests, wetlands and floodplains with the FEIS Refined Preferred Alternative 1. The list of substantive changes between the DEIS and the FEIS provided at the beginning of each FEIS chapter was very helpful in expediting our FEIS review. We continue to recommend this format be used in all future I-69 Tier 2 EISs.

Our DEIS comments advised on voluntary measures in the areas of air quality, air quality mitigation during construction, floodplains, noise, watersheds and wetlands. The information in the FEIS is generally responsive to many of our recommendations. For example, the FEIS includes the air quality conformity finding and supporting documentation, and provides an explanation for why bridging of an entire floodplain for every waterway crossing is not proposed. We commend INDOT for committing to incorporate two wildlife crossings at Doan's Creek (US 231) and First Creek during Section 3 final design. We are pleased that impacts to vegetated wetlands have been reduced to 5 acres and open water impacts reduced to 2.2 acres. There is ample compensatory mitigation being proposed for unavoidable wetlands losses and upland forest losses. The proposed mitigation sites also contain stream mitigation areas.

We are disappointed that FHWA/INDOT do not propose to do more to reduce diesel particulate during Section 3 construction as we recommended in our DEIS comment letter. We realize that Greene County does not have a lot of residents nor high concentrations of particulate. Please keep in mind for future I-69 projects that EPA will be more concerned about areas around Indianapolis with high populations and current particulate levels near the standard.

In addition, our FEIS review finds that the main text in Volume I does not included some of the clarifications that FEIS Volume III, Part A - Comments and Responses Section claim were made to the Volume I text. For example Responses to [EPA] Comment AF002-9, the Volume I text regarding cranberry production has not been removed (page 5-309) and clarification regarding EPA's review of jurisdictional determinations made by the U.S. Army Corps of Engineers under our Clean Water Act (CWA) authority was not included in Volume I, Sections S.13.1, 5.23.2 and 7.3.9. In addition, EPA does not have oversight of the State Section 401 water quality certification process, as indicated in Section 5.23.3. We recommend the Tier 2 Section 3 Record of Decision (ROD) acknowledge these FEIS Volume 1 oversights.

We are pleased to see that FHWA/INDOT continue to provide a running tally of direct impacts associated with the entire 142-mile-long I-69 Indianapolis to Evansville alignment identified in each section's Tier 2 studies. Appendix Z of the Section 3 Tier 2

FEIS provides the running tally to date for a limited number of impact categories. We note that stream impacts and karst features impacts categories are not currently included in the tracking tables in Appendix Z. We continue to request FHWA/INDOT include stream impacts and karst features impacts categories as part of the running tally in all future I-69 Tier 2 EISs for Sections 2, 4, 5 and 6.

The FEIS identifies that an overall impacts/permitting/tracking method is being developed in consultation with permitting agencies and EPA. The FEIS also states that INDOT will coordinate with agencies to identify agency-specific information to be included in the database for tracking and will provide to permitting agencies and EPA a tracking summary on an annual basis. The summary will identify the permitting and mitigation commitments and describe the status of the activities to date associated with each commitment. We recommend the Section 3 Tier 2 ROD and all future I-69 Tier 2 EISs disclose the details of the mitigation tracking method developed in consultation with EPA and the other agencies. If this is not possible, at this time, then the Section 3 Tier 2 ROD should identify when the specifics of the final tracking method will be developed and disclosed to the agencies and the public.

Thank you for the opportunity to comment. 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 us a copy of the I-69 Tier 2 Section 3 ROD when it is available.

Sincerely,



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

- 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 401 Water 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)

Myers Farms

3413 E CR 700 N
Plainville, IN 47568

Phillip & Beryl Myers ~ (812) 687-7611

January 7, 2010

Dear Federal Highway Administration Officials and Public Officials,

We the people. We the people, the American Farmer. We, the people, the American Farmer are the people being greatly impacted by the I-69 project between Evansville and Indianapolis, specifically Section 3 at this time. We desperately need the help from those of you who we elected into our great democracy as public officials and those of you in high places who are working in the public sector who can step up and do the right thing. Ultimately, we all know the right thing is to move this interstate over to U.S. 41 where completion of the border to border interstate would clearly have the least overall impact as shown in the Draft Environmental Impact Statement (DEIS). Now that Governor Daniels has directed a reduction in median widths, pavement thickness, and number of overpasses and interchanges, the people are not going to get the interstate they thought they were going to get as top of the line but rather bottom of the barrel just as our existing roads and bridges are quickly becoming. The U.S. 41 route is much less intrusive according to the DEIS. It would be less intrusive on the farming community by affecting less farm ground and it would impact less wetlands, etc. for an overall less impact. This alternative needs to be re-evaluated on the basis of Governor Daniels directing less stringent specifications and requirements regardless of the approved DEIS, the Final Environmental Impact Statement (FEIS) up for a Record of Decision (ROD) on January 11, 2010, or the amount of work that has been expended thus far. At what price do you say enough is enough just to get the people of southwestern Indiana closer to a four-lane highway?

We do realize that there has been public meeting after public meeting as well as preparation of the DEIS and FEIS. Participation at these meetings has not mattered. Even public officials working in the Washington Project Office have stated so in open one-on-one conversation. When the people speak at public meetings government officials sit back and snicker and laugh as if the livelihoods of those people involved in farming and the rural community mean nothing. This is a disgrace to the American People that these city folks can come in and ridicule the very heart of those who provide what's at their dinner table. We would like to think that the designers would meet with landowners on an individual basis prior to setting everything in stone to see what steps could be made to best accommodate the farmers. Instead they have basically come in and said we are going to take your right arm, maybe a leg, and yes, we'll also need your eyesight and there is nothing that you can do about it. In getting to that point they have sent their surveyors, drill rigs and appraisers onto our properties without any regard to private property rights or ground conditions causing much inconvenience, heart ache, stress and real property damages. A simple letter stating that they have that right does not make it right or make it any easier to watch something happen that this community does not want.

There are many heart breaking stories involving the farming community. One such story includes our family farm that is losing nearly 80 acres over a distance of just short of two miles extending diagonally across the farm including the loss of home and efficient use of a silo/cattle feedlot/pasture operation and a grain facility. This project is needlessly separating over 400 acres from the over 1,400 acre contiguous farm operation. There is no reason that the alignment could not have been moved to the east along the eastern boundaries of the property, within the existing defined corridor as shown on Preferred Alternative 3c of the DEIS, to make this land take a little less stressful. *Since land takes have not been completed in the area and construction has not started, we do not feel that it is too late to make changes on our farm to make this a little more palatable. This minor adjustment could save the taxpayers a lot of money by not impacting the existing silo/cattle/feedlot/pasture operation, grain facility, house and associated barns not to mention water supply and other utilities.* INDOT and/or other engineering officials never attempted to work with us or any other farmers on an individual basis to make the situation better. One family member tried to find out the route on several occasions over the years only to find they could not and would not say for sure until the release of the Final Environmental Impact Statement signed on December 3rd, 2009. Simply following an existing property line, power line easement, ditch, etc., etc., would have made it better but was never attempted. And now it's too late they say. The leg, the arm, and the eye sight are all going. Or, is it too late? Is there someone in a high enough place to help? It's a fact that the designers do attempt to avoid the wetlands and are required to replace three (3) acres of "restored" wetlands for every one (1) acre of wetlands impacted by the project. Restoration of wetlands requires buying more farm land for this restoration and further reduces the farmland acreage that can never be replaced to produce food for the world. How does a wetland become of higher value than the people providing food and fiber to the world and their livelihoods?

Another family close by is going to lose their home. They have already started looking for land to buy so they can rebuild as there are no existing homes for sale on ground near by. Guess what? There is nothing in the neighborhood in this tight knit community for sale at "fair market value." These folks are never going to have what they have now for the same price. "Fair market value" does not replace what we all have now along this corridor. There is no ground for sale at that price. It's a shame that the law does not truly compensate through eminent domain by replacing what is lost. Replacement of our farm acreage and homes should be the burden of those completing the take rather than on the victim of someone who never asked for any of this.

Studies show that Section 3 Refined Preferred Alternative 1 will destroy over 1,040 acres of prime farm land that will never be replaced. This is about 73% of the total 1,432 acres that will be directly impacted. You hear about all of the jobs that will be created by the new construction. Well, what about the loss of farm jobs on that acreage ***FOREVER*** and the loss of production to feed the world on that acreage ***FOREVER***? This issue is not addressed in the study. As a reminder, this 1,040 acres of prime farm land is only that included in Section 3. It does not include the loss in the other sections that can never be replaced. I-69 Project impacts on farm land are tremendous. Just to put it into perspective, USDA reports that there are

approximately 22.9 million acres in Indiana. Of that, 15 million acres is in farm land. From 1987 through 1997, approximately 1 million acres of farmland were converted or lost to “progress.” This is about 100,000 acres annually or 0.7% annually without knowing how much has been lost between 1998 and the current time. We could be easily down to 13 million acres of farm land. Also, USDA reports show that each American Farmer, on average, feeds 129 people. Agriculture is America’s #1 export with about 17% of the raw United States agricultural products being exported annually. Agriculture produces 20% of the Nation’s Gross Domestic Product. How can the Agricultural community be so ignored in this feat for progress through Daviess and Greene Counties and this I-69 Project?

Farming is the livelihood of those in the farming community. We have spent our entire lives building the farms that we have just as you may have spent your life building a nest egg for retirement. Wouldn’t it be nice if the “people” could just come take that from you if they had the power of eminent domain and created some study that said it was the “preferred alternative?”

With changes being made in the design including reduction in median width, pavement thickness, and number of overpasses and interchanges, perhaps it would be prudent of the government officials to revisit the U.S. 41 alternative which was a much more viable option. At the time the U.S. 41 alternative was not chosen as preferred, Governor Daniels wasn’t in charge and he was not telling the INDOT folks to get this project done and lower the design standards wherever possible to lower the cost but now he is. As of October 22nd, 2009, as published in the Washington Times Herald, Governor Daniels is ordering the above stated reductions in the project. Based on the changes and to be fair to the American People, the U.S. 41 alternative needs to be revisited. We understand that there are design standards based on traffic volume and that the traffic volume does not dictate the need for the original design standards. We also understand that based on the fact that the traffic volume does not support the increased pavement thickness and wider median width, that the U.S. 41 alternative should be reconsidered. If there are ways to move money from one fund to another then there are ways to reopen the possibility of the U.S. 41 alternative; especially with the 641 by-pass in Vigo County nearly complete.

It is high time for big government to speak up in a common sense approach considering the economic times. Look at all of the state wide cut backs that are being made within our state government including education and law enforcement. This is not to mention the road maintenance that has been ignored. Existing highway conditions in our area are treacherous. I encourage you to take a drive down S.R. 57 south of Elnora and just recently truck traffic has been prohibited on the Newberry West Fork White River Bridges. We need to take care of our existing roads and bridges with the money we have before we build more that we can’t maintain. Doing the needed maintenance work will create jobs and stimulate the economy just as building new highways will do. Doing the wrong thing will affect all the people of the nation in this United States, “Land of the Free” forever.

We understand from speaking with Federal Highway Administration (FHA) officials that this project will not be approved if the state does not have the funding nor does the state have the authority to expend money on land takes without ROD approval. We find that the state should have the funding to complete the entire project from Evansville to Indianapolis before they are

allowed to move forward with any section of the project. It is very suspicious that they are beginning in the middle of the project rather than tying into the existing 1.5 mile stretch at Evansville and working northward. It would be a terrible shame to complete section 3, then maybe Section 2, then conveniently run out of money, just so Governor Daniels can ride his motorbike from Crane to Evansville on his newly finished below par road. Furthermore, it is known that INDOT has made offers on land prior to obtaining ROD approval. This should not be allowed, period. Governor Daniels is pushing the project to the extents that those trying to complete the project cannot do a good job in dealing with the landowners and the landowners don't have the time to fully digest what is going on. What an enjoyable holiday season we have had. Thank you Governor Daniels.

We propose that you immediately speak with Federal Highway Administration officials, INDOT officials, the governor, the president, or whomever necessary to get this project going in the right direction. The item of greatest concern at this point is the Record of Decision that is scheduled to be signed and issued no sooner than 30 days after publication of the notice for the FEIS in the Federal Register. The FEIS was dated December 1st, 2009 and signed by FHA and INDOT Officials on December 3rd, 2009. It was a mystery as to when this was published in the Federal Register until speaking with FHA officials. We found out just before Christmas that it had been published on December 11th, 2009 so is up for the ROD on January 11th, 2010.

We further propose that the Federal Highway Administration does NOT issue a Record of Decision for the Final Environmental Impact Statement in favor of Refined Preferred Alternative 1 for Section 3 but rather direct a re-visitation of the U.S. 41 alternative.

Governor Daniels, wouldn't you like to be able to say "I got 'er done" in a responsible manner. "I got it right the first time and took good care of the good people in our state of Indiana by maintaining all of our existing interstates, highways and bridges and I can say that I am looking into the future as a GREEN politician and have saved much valuable farm land, woodlands, wetlands, and wildlife habitat." Instead, you may be able to say, "a lot of people lost their jobs through all of my needed cut backs but "I got 'er done" at all costs and at everyone's expense."

We, the people, understand that there have been major resources expended to progress the project in the direction it has taken. We, the people, are willing to sacrifice those expenditures to turn it around and move it in a more acceptable direction. Look at the number of jobs this would create to redo all of that work.

Thank you in advance for your much needed help. Please respond with any gleam of hope to save our farms and our livelihood and ultimately the world by using your influence to move this project in the right direction.

Sincerely,

(Please see signatures next page)

Family of Phillip & Beryl Myers

I fully support the letter from Myers Farms dated January 7, 2010, addressed to Federal Highway Administration Officials and Public Officials.

Phil Myers
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3713 E 700N
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 City, State & Zip
Phil Myers
 Signature

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 Phone
 —
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 —
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3 Jan 10
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 Signature

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Darla Ann Norris
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 Date

I fully support the letter from Myers Farms dated January 7, 2010, addressed to Federal Highway Administration Officials and Public Officials.

Wade E. Held
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 Wade E. Held
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—
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—
 Phone
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 kenbnorr@uemail.u.edu
 Email Address
 1-8-10
 Date

Brian S. Held
 Printed Name
 15414 Held Road
 Street Address
 Edwardsport, IN 47528
 City, State & Zip
 Brian Held
 Signature

812-328-2489
 Phone
 812-890-5095
 Cell
 codbreeze@farms@wireless
 Email Address
 1-8-10 illiana.net
 Date

Dena M. Held
 Printed Name
 15414 Held Road
 Street Address
 Edwardsport, IN 47528
 City, State & Zip
 Dena M. Held
 Signature

812-328-2489
 Phone
 812-857-2783
 Cell
 dheld1@indstate.edu
 Email Address
 January 8, 2010
 Date

I fully support the letter from Myers Farms dated January 7, 2010, addressed to Federal Highway Administration Officials and Public Officials.

Kent J. Norris
Printed Name
5000 100E
Street Address
Plainville, IN 47568
City, State & Zip
Kent J. Norris
Signature

812-254-2582
Phone
812, 486-2243
Cell
Kent@fibercamp.com
Email Address
1-8-10
Date

Dillon P. Rhoads
Printed Name
450E 538LN
Street Address
Plainville, IN 47568
City, State & Zip
Dillon Rhoads
Signature

812 787-2134
Phone
dillrhoads@business.k12.in.us
Cell
1-8-10
Date

Autumn H. Rhoads
Printed Name
6881 North 450 east
Street Address
Plainville, IN 47568
City, State & Zip
Autumn Marie Rhoads
Signature

812-698-0209
Phone
arhoads1@myvu.viuu.edu
Cell
January 8, 2010
Date

Rich Ray

From: Janice.Osadczyk@dot.gov
Sent: Friday, January 15, 2010 2:33 PM
To: mgrovak@blainc.com
Cc: Dave Pluckebaum; Bren.George@dot.gov
Subject: FW: Myers Parcel 119 - Please reconsider alternative route

Attachments: Myers Preferred Alternative 2.pdf



Myers Preferred
Alternative 2....

Here is another comment on Section 3.

-----Original Message-----

From: Held [mailto:wdkbj@minerbroadband.com]
Sent: Friday, January 15, 2010 10:10 AM
To: Osadczyk, Janice (FHWA)
Cc: darla@fibercamp.com; dheld1@indstate.edu; princess_autumn@hotmail.com; wdkbj@minerbroadband.com; maple@rtccom.net
Subject: FWD: Myers Parcel 119 - Please reconsider alternative route

Hi Janice,

Following are a couple of emails that we have sent in pursuit of a realignment to avoid much unnecessary tax dollar expenditures and upset. Can you please take a look at the slight deviation in alignment from a Federal Highway Administration perspective and see if this is a possibility. We did start discussions about this over a month ago and no one seemed to want to take this seriously. Now, we're finding that it will take over \$250,000 just to relocate the grain facility. That does not include any of the cattle operation, related farm structures or the house. Please take a look and let me know your thoughts. Thank you,

Denise Held
Phil and Beryl Myers and Family

----- Original Message -----

From: "Held" <wdkbj@minerbroadband.com>
Reply-To: <wdkbj@minerbroadband.com>
Date: Fri, 15 Jan 2010 09:12:05 -0500

Ken,

Could you please take a look at the attached map showing a slight deviation from INDOT'S preferred alternative? It shows a slight change in alignment to save the taxpayers a lot of money as well as save a portion of our family's farm operation including a home in which a family member resides, a grain facility, silo and feedlot and several other necessary structures as well as water supply not only for this portion of the farm but also the main home place and associated facilities. Are there any restrictions that EPA would impose or are there any other reasons that this route could not be completed strictly from an EPA standpoint? There are no wetlands involved in this slight deviation and it is within the defined corridor that was defined in the Environmental Impact Statements. Please let us know your response as soon as possible as we are pursuing this with INDOT officials as you can see below. We look forward to your response. Thank you,

Phil and Beryl Myers & Family

----- Original Message -----

From: "Held" <wdkbj@minerbroadband.com>

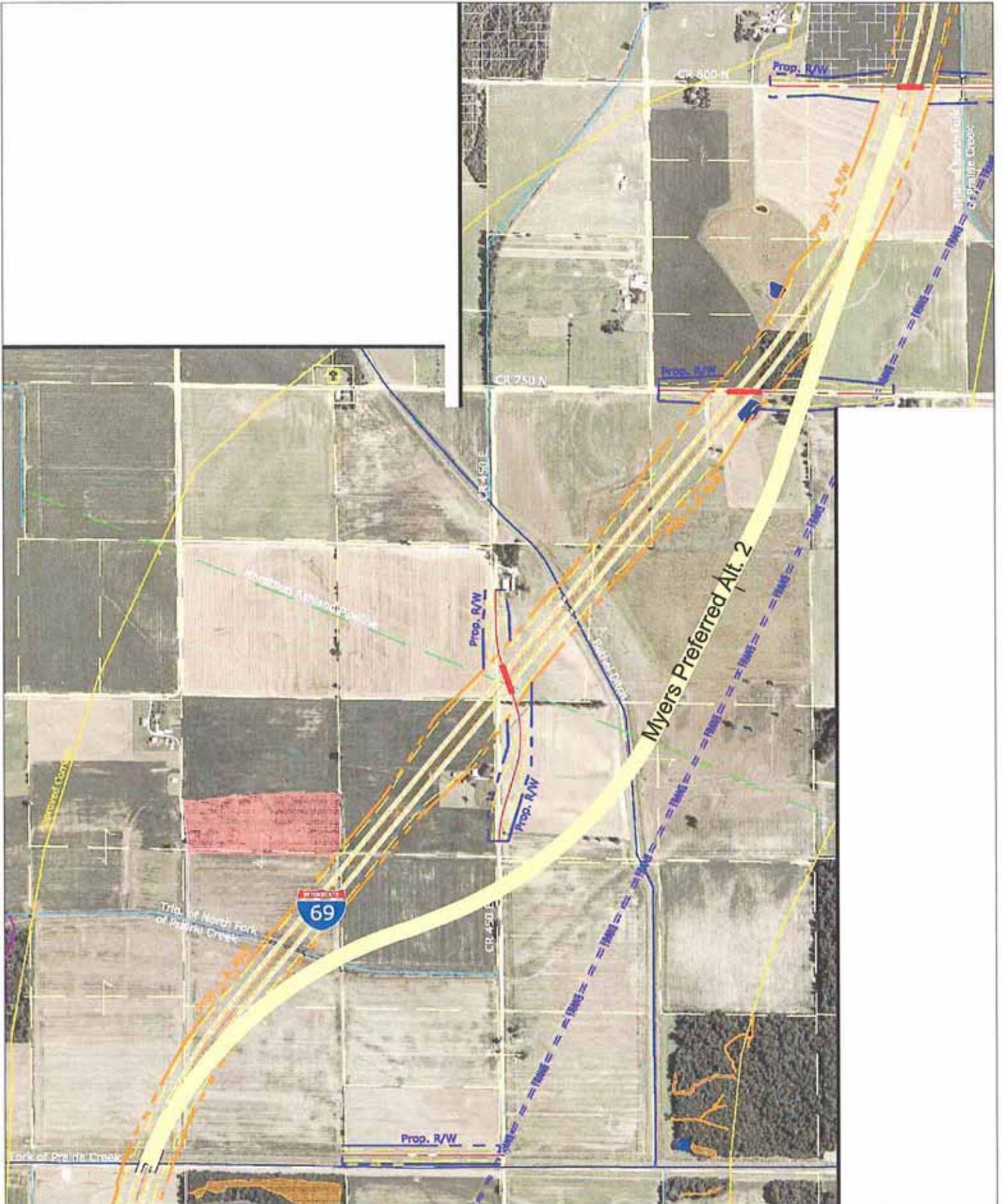
Reply-To: <wdkbg@minerbroadband.com>
Date: Thu, 14 Jan 2010 17:07:39 -0500

Dear Mr. Litherland, Mr. Sarvis, and Mr. Pluckebaum,

Attached is a map showing an alternative route through Myers Parcel 119 on Section 3 of the I-69 Evansville to Indianapolis Project. This route that is within the defined corridor avoids the house, grain bins, and all other structures including the silo and feedlot. It also avoids destruction of the water supply to the WHOLE farm and house as well as any wetlands. Could you PLEASE SERIOUSLY take a look? Making this move could save the taxpayers a lot of money involved in moving grain bins, finding water and re-drilling a well, etc., etc. We do realize that INDOT would have to redo a lot of work including the archaeological survey, design survey, land descriptions, re-design plan and profile, appraisals, etc., etc. We feel it would be well worth looking into since the appraisals are not yet complete and they are finding it will cost around \$250,000 just to move grain facilities. Please take a look.

Thank you,

Phil and Beryl Myers & Family



Myers Parcel 119 - Section 3
Myers Preferred Alternative No. 2

Not to Scale

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

DNR

Indiana Department of Natural Resources

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



January 11, 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 (Tier 2) pertaining to future construction of Section 3 of the I-69 Evansville to Indianapolis, US 50 to US 231 (FHWA-IN-EIS-09-01-F; Des. No. 0300379; DHPA No. 1352)

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 December 4, 2009 for the aforementioned project in Daviess and Greene counties in Indiana.

In regards to archaeology, in general we concur with the archaeological information presented in the FEIS for the "Cultural Overview," "Archaeological Resources," and "Archaeology Impacts" sections. We point out one minor apparent discrepancy regarding the avoidance or further investigations of archaeological sites 12Da1524, 12Da1526, 12Da1582, and 12Da1583. In Section 5.14.4 it is stated that sites 12Da1524 and 12Da1526 will be avoided, while Table 5-14.3 indicates that Phase II evaluation is recommended for 12Da1526.

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 3 and regarding the impacts that this project will have on those historic resources.

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:JRI:JLC:jle

Michelle Allen
January 11, 2010
Page 2

cc: Robert F. Tally, Jr., P.E., Federal Highway Administration, Indiana Division
Staffan Peterson, Cultural Resources Section, Indiana Department of Transportation
I-69 Section 3 Project Office

emc: Janice Osadczuk, Federal Highway Administration, Indiana Division
Ben Lawrence, Indiana Department of Transportation
Shaun Miller, Cultural Resources Section, Indiana Department of Transportation
Patrick Carpenter, Cultural Resources Section, Indiana Department of Transportation
Laura Hilden, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Lochmueller & Associates, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates Historians, Inc.
Alice Roberts, Gray & Pape, Inc.



January 19, 2010

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

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

Re: EIS No. FHWA-IN-EIS-09-01-F

Dear Mrs. Osadcuk and/or whom it may concern:

This letter is in response to Indiana's Department of Transportation's and Federal Highway Administration's Tier 2 Final Environmental Impact Statement (FEIS) for Section 3, Washington to Crane NSWC, Indiana of the I-69 Evansville to Indianapolis, Indiana Project. We are commenting on behalf of the Department of Health and Human Services (DHHS), U.S. Public Health Service.

We understand that section 3 is one of the 26 Sections of Independent Utility (SIUs) that make up the I-69 corridor originally established by Congress in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

Given that the preferred alternative is Refined Preferred Alternative 1, please consider measures that not only ensure traffic efficiency and accessibility but also protect and promote public health. Transportation planning for all users and for future development along this corridor can help to increase multi-modal transport (such as walking, biking and public transit). Multi-modal transportation infrastructure development can facilitate increased physical activity, reduce air pollution and associated respiratory illnesses, reduce injuries among motorists, bicyclists, and pedestrians, and promote mental well-being among those who are unable to drive. We see that these multi-modal options are only tangentially addressed. These components of transportation infrastructure are essential to protecting and promoting public health for area residents and visitors utilizing the I-69 corridor and should be included in future Project Alternatives.

Further, we recommend the following actions be taken to ensure the ongoing protection of the health of impacted populations:

- Identify and partner with appropriate public health or environmental health professionals to help identify the following:
 - Baseline health conditions of affected populations
 - Appropriate measures and surveillance that will be required to ensure on-going safety and positive health outcomes

Appropriate public health or environmental health professionals might include: State and/or county public health/environmental health officers, Public health nursing professionals, Academics from local schools of public health, Community-level public health professionals from non-governmental organizations.



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

- Collect and include in your assessment: population baseline health data for potential health impacts (i.e. acute and chronic respiratory illnesses) as well as background levels for related exposures (i.e. vehicle emissions) for all populations potentially affected by this proposed action; assess potential changes from baseline due to proposed action. Baseline data collection might include the following: Literature search, review, and analysis; Local, county, and/or state health surveillance data; Fact-gathering meetings with project personnel; Fact-gathering meetings with government/institutional personnel such as public health officials; Site visits and review of each project location; Meetings with community member focus groups.
- Collect and include in your assessment: population projections and settlement projections as described by long-range planning documents for development area(s).

While this is not intended to be an exhaustive list of possible health surveillance options, it provides a guide which may be applicable to this project. Any other health related topics which may be associated with the proposed project should also receive consideration with development of the I-69 corridor (i.e. health impact of dividing persons from their community).

Finally, we request that you update our mailing address in your records to: Andrew Dannenberg, MD, MPH, Associate Director of Science, CDC/NCEH/DEEHS, 4770 Buford Highway MS-F60, Atlanta, GA 30341.

Thank you in advance for your consideration.

Sincerely yours,

Andrew L. Dannenberg, MD, MPH
Associate Director for Science
Division of Emergency and Environmental Health Services
National Center for Environmental Health
Centers for Disease Control and Prevention

APPENDIX D

**I-69 SECTION 3 – ALTERNATIVE RIGHTS-OF-WAY
OUTSIDE OF THE CORRIDOR**

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I-69 Section 3 - 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 ?
Refined 3A-3	Refined Preferred Alternative	Outside the eastern corridor line between Section 3 south Termini (Railroad) and Daviess CR 100 North	2.28	70	To reduce the amount of fill required for the railroad overpass thus reducing agricultural impacts and cost.	Same as Alternative 3A-3 in this location (q.v.).
Refined 3D-3	Refined Preferred Alternative	Outside the eastern corridor line between Daviess CR 800 East and Daviess CR 900 East	7.67	116	To reduce impacts to wetlands, streams, and forests.	Further development of the DEIS alternatives and documented within the FEIS
3A-3	Alternative 1 Alternative 2	Outside the eastern corridor line between Section 3 south Termini (Railroad) and Daviess CR 100 North	2.28	70	To reduce the amount of fill required for the railroad overpass thus reducing agricultural impacts and cost.	Further development of the screened alternatives and documented within the DEIS
3D-3	Alternative 1 Alternative 3	Outside the eastern corridor line between Daviess CR 800 East and Daviess CR 900 East	6.68	108	To reduce impacts to wetlands, streams, and forests.	Alignment was outside of Corridor from the development of the preliminary alternatives presented for screening.
3B-3	Alternative 2	Outside the eastern corridor line between the western limits of the Antioch mine site and Antioch Creek	7.81	90	Alternative originally was at the eastern limit of the corridor and totally within the corridor. When more detailed engineering was completed the R/W was expanded to avoid impacts to Eagen Ditch and a tributary, as well as impacts to the intersection of CR 350E and CR 350N.	Further development of the screened alternatives and documented within the DEIS
3D-2	Alternative 2 Alternative 4	Outside the eastern corridor line between Daviess CR 800 East and Daviess CR 900 East	6.07	98	To reduce impacts to wetlands, streams, and forests.	Further development of the screened alternatives and documented within the DEIS
3E-2	None - Eliminated During Screening of Alternatives	Outside the southern corridor line at a Tributary of Doans Creek located south of Base Line Road	0.35	52	To reduce impacts to wetlands and forests.	Alignment was outside of Corridor from the development of the preliminary alternatives presented for screening.
3E-3		Various locations outside the northern corridor line between Greene CR 200 West and Greene CR 25 West	8.58	292	To reduce impacts to streams and forests.	Alignment was outside of Corridor from the development of the preliminary alternatives presented for screening.

APPENDIX E
ERRATA SHEET

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Errata to Section 3 FEIS

Section	Page	Comment(s)
Volume I		
Table of Contents	v	Under Chapter 11 replace 11.2 “Major Themes” with “Summary of Major Comments and Responses”
Table of Contents	vii	Under Chapter 4 Section 4.2-10 replace “2002” with “2007”
Table of Contents	xi	Under Chapter 11 Section 11-2 replace “October 1, 2008” with “August 27, 2009”
S.1	S-1	In the second paragraph replace “two” with “three”
S.4.2	S-8	In the paragraph continued from S-7, second sentence replace “resourced” with “resources”
S.6.3	S-12	In the second bullet, first sentence replace “was” with “were”
S.9	S-36	In the first three bullet points replace “Comments” with “Commitments”
S.13.1	S-63	In the second paragraph, second sentence, add the following after Jurisdiction Determination: “(subject to USEPA review)”.
2.2.4	2-6&7	In Section 2.2.4 first, second and third paragraphs, replace “Comments” with “Commitments”
3.2.2.3	3-24	In the last paragraph change first sentence to read “Based on concerns over interchange spacing and emergency access, a preliminary interchange alternative was considered at Daviess County Road 1000 North.”
3.4.1	3-112	Figure 3-45: add legend to identify various alternatives as follows: -Red = Alternative 3B-1 -Orange = Alternative 3B-5 -Yellow (East) = Alternative 3B-2 -Light Blue = Alternative 3B-6 -Yellow (West) = Alternative 3B-2 (Modified) -Black = Alternative 3B-7 -Green = Alternative 3B-3 -Dark Blue = Alternative 3B-8 -Magenta = Alternative 3B-4
4.2.2.2	4-21	In the first, second and fourth paragraphs replace “Comments” with “Commitments”
4.3.2.3	4-79	In Table 4.3-1: replace hyperlink in bottom row of table with www.in.gov/idem/4680.htm
4.3.2.3	4-79	In the “Surface Water-Ground Water Interaction” section, second paragraph -first sentence: After “Monitoring Wells” insert "and seepage runs (taking a series of discharge measurements at intervals along a stream)" -between first and second sentence: insert "By comparing the gain/loss between measurements, direction and amount of ground-water inflow or loss can be inferred." -final sentence: after “Monitoring Wells” insert “and Seepage Runs”
5.3.3	5-40	In the paragraph continued from 5-39, first full and third paragraphs replace “Comments” with “Commitments”

- 5.6.3.2 5-127 In the first paragraph, last sentence replace “CC” with “DD”
- 5.6.3.2 5-134 In the second paragraph, first sentence replace “North” with “South”
- 5.12.2.9 5-199 Replace “project corridor” and “entire project corridor” with “Tier 1 Corridor”
- 5.12.3 5-201 In the “Threatened and Endangered Species” section, first bullet point: add to end of paragraph "No bifurcated sections of roadway are planned for Section 3."
- 5.13.4 5-218 In the paragraph continued from 2-217, the last sentence should read “Noise modeling was reviewed based on the Refined Preferred Alternative 1 and no updates were necessary for the FEIS.”
- 5.14.4 5-233 Fourth sentence should read “... Phase II evaluation of ‘eight’ sites (12Da514, 12Da1007, 12Da1487, 12Da1491, 12Da1502, ‘12Da1526’, 12Da1582, 12Da1583, and avoidance of ‘one site’ (12Da1524)...”.
- 5.17 5-289 Figure 5.17-4, in title replace “*Lithobates areolatus*” with “*Rana areolata*”
- 5.19.2.1 5-309 Delete bullet point “Cranberry production”
- 5.19.2.2 5-315 In the “Surface Water Quality” section, second sentence reference: replace "2001" with "1994"
- 5.19.2.4 5-348 In the “Drainage Control” section, first sentence of second paragraph: replace “the atmosphere” with “surface and/or groundwater”
- 5.19.2.4 5-348 In the “Drainage Control” section, third paragraph: replace "applicable EPA criteria" with "EPA acute threshold values for the protection of freshwater aquatic life"
- 5.20.3 5-395 Table 5.20-2: add footnote to bottom of table stating "An “Edge” impact means the alternative impacts one side of the forest leaving the remaining forest on one side of the right-of-way. “Fragment” means the alternative splits the forest such that one or more forest areas remain on each side of the right-of-way. “Total” means the entire forest will be impacted by the alternative."
- 5.20.4 5-401 First sentence: replace "Although not required by law or regulation" with "Under the terms and conditions of the I-69 Revised Tier 1 Biological Opinion issued by the USFWS under the authority of Section 7 of the Endangered Species Act"
- 5.23.2 5-435 Second paragraph, between first and second sentence: insert "The EPA then reviews the jurisdictional determinations made by the USACE."
- 5.23.3 5-436 Second paragraph: delete sentence "Indiana’s water quality standards have been reviewed and approved by the USEPA, which maintains oversight of IDEM’s approvals of 401 Water Quality Certifications."
- 5.24.3 5-470 In the second full paragraph, first sentence replace “1,178” with “1,175”
- 5.24.3 5-471 In the “Indirect” section, second paragraph: replace "applicable EPA criteria" with "EPA acute threshold values for the protection of freshwater aquatic life"
- 5.24.3 5-474 First paragraph: replace "applicable EPA criteria" with "EPA acute threshold values for the protection of freshwater aquatic life"

6.2.1.1	6-9	Under the second bullet point “Advantages” for “Alternative 3A-3”: replace "lower-impact alternative" with "alternative with significantly less wetland and forest impacts"
7.2	7-3	In Table 7-1 under “Biological Surveys on Wildlife and Plants”: delete first two sentences and replace with "Indiana bat maternity colonies identified during Tier 2 Studies will be studied and monitored the summer prior to and at least five summers post-construction, beginning with the first summer following the start of construction. The details of the proposed monitoring plan will be developed in consultation with the Service and finalized during Tier 2 formal consultations for each affected project section."
7.2	7-11	First paragraph, between second and third sentence: insert "Complete bridging of the Section 3 floodplains is not feasible due to cost and design constraints."
7.3.3	7-16	Item 1 third sentence should read “... there ‘are three sites (Sites 2, 3 and 6,’ described...”.
7.3.4	7-19	Under item 14: delete second sentence and replace with "The Wetland MOU minimizes impacts to wetland habitats by mitigating for wetland losses at greater ratios than that lost to the project."
7.3.4	7-19	Add additional item: " 19. Emerald Ash Borer - INDOT will consult IDNR to determine appropriate measures during tree clearing to address concerns about the emerald ash borer."
7.3.9	7-25	Second paragraph, third parenthetical sentence, add the following after USACE will make the final determination: “with USEPA review”.
7.3.16	7-36	In the first sentence continued from 7-35 replace “Tier 3” with “Tier 2”
7.3.16	7-38	Under item 7 (Water Quality): add item “f. Herbicide Use Plan - In coordination with USFWS, an herbicide use plan will be developed for areas within the Indiana bat maternity colony areas."
7.3.16	7-41	Under item 2, between first and second sentence: insert "Exhibits will include an Indiana Bat educational display to be placed at the Section 3 rest area."
11.2.1.1	11-3	In the last paragraph, first sentence replace “FEIS” with “DEIS”
11.2.2.10	11-18	In the first paragraph, second sentence replace “direct” with “indirect”
12.0	12-6	Following reference to "Honerkamp...": insert "Hoover, M.E., and Durbin, J.M., 1994, White River Basin, in Fenelon, J.M., Bobay, K.E., and others, Hydrogeologic Atlas of Aquifers in Indiana: U.S. Geological Survey Water-Resources Investigations Report 92-4142, p. 113-133."
13.2	13-20	The last Acronym on the page should read “WPCB”

Volume II

Appendix U	1	In the second paragraph, first sentence after “i.e.” replace “unfounded” with “unfunded”
Appendix V	16	In the first paragraph, eleventh sentence replace “increase” with “decrease”
Appendix AA	1	In the first paragraph, last sentence replace “Appendix C” with “Appendix D”