



# **BERNARDIN • LOCHMUELLER & ASSOCIATES, INC.**

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## **I-69 SECTION 3 REEVALUATION STATEMENT FLOOD EASEMENTS**

### **I-69**

**Evansville, IN to Indianapolis, IN**

**Designation Number: 0300379**

**Federal Project No.: IN10 (006)**

Tier 2 Final Environmental Impact Statement (FHWA-IN-EIS-09-01-F) approved December 3, 2009

Record of Decision approved January 28, 2010

This reevaluation of the Tier 2 Final Environmental Impact Statement (FEIS) was prepared by Bernardin, Lochmueller & Associates to reflect design changes on Section 3 of the new terrain I-69 highway in Daviess and Greene Counties, Indiana. Section 3 will extend north from US 50 approximately 26 miles to the US 231/SR 58 intersection. The revised design for Section 3 has added additional permanent flood easements to accommodate final bridge designs. This reevaluation examined the potential impacts on the natural, human, and cultural environments of the revised design for the Section 3. The analysis in this reevaluation supports the conclusion that these design changes will not have impacts sufficient to require the preparation of a Supplemental Environmental Impact Statement (SEIS) or an additional Draft Environmental Impact Statement (DEIS) for Section 3. Therefore, the Tier 2 FEIS and Record of Decision remain valid.

  
Federal Highway Administration

5-6-10

Date



Indiana Department of Transportation

5-5-10

Date

## **1. INTRODUCTION**

This reevaluation summary examines the additional environmental impacts associated with minor design changes to Section 3 of the new terrain I-69 project for the construction section between US 50 in Daviess County to US 231 in Greene County, Indiana. The I-69 project is a four lane interstate highway on mostly new terrain that will link Evansville, Indiana with Indianapolis, Indiana. The purpose of this reevaluation summary is to examine permanent flood easements required for the final design at ten hydraulic bridge locations within Section 3 and determine the impact on the affected environment after the completion of the Tier 2 Final Environmental Impact Statement (FEIS), title sheet dated December 1, 2009 and Record of Decision (ROD) dated January 28, 2010. The Section 3 FEIS was entered into the Federal Register on December 11, 2009.

The I-69 project extends from Interstate 64 in Gibson County to Interstate 465 in Marion County. The project is being developed in six (6) Sections, which are numbered from south (Section 1) to north (Section 6). Section 3 is approximately 26 miles long and extends north from US 50 just east of Washington to the US 231/SR 58 intersection.

This reevaluation summary has been drafted to evaluate the effects of permanent flood easement areas not discussed in the Tier 2 FEIS, as part of the refined preferred alternative presented in the FEIS. The additional permanent flood easement areas along the proposed new alignment of I-69 are required to address additional backwater created from the final design of the ten hydraulic bridges within Section 3 (See Attachment 1 for Graphics). No new relocations, conversion of property for highway right-of-way, or road closures other than those discussed in Tables 5.2-3, 5.3-1 and 5.3-4, respectively in the Tier 2 FEIS will result from the flood easements identified in this reevaluation summary. The analysis in this reevaluation supports the conclusion that these design changes will not have impacts sufficient to require the preparation of a Supplemental Environmental Impact Statement (SEIS) or an additional Draft Environmental Impact Statement (DEIS) for Section 3.

## **2. PROJECT DESCRIPTION**

### **2.1 Project Description and Area**

This reevaluation summary examines the following locations of Section 3 listed from south to north: Daviess County Road (CR) 200 North crossing Eagen Ditch; I-69 crossing Eagan Ditch; I-69 crossing South Fork of Prairie Creek; I-69 crossing North Fork of Prairie Creek; I-69 crossing unnamed tributary of North Fork of Prairie Creek; I-69 and Local Service Road (LSR) 18 crossing Bethel Ditch; I-69 crossing Epsom Lateral; I-69 crossing Smothers Creek; and I-69 crossing unnamed tributary of First Creek. These areas of Section 3 are not located within or directly adjacent to any cities or towns. The areas included in these flood easements do not include any structures and are predominately agricultural areas and some small wooded areas, which would remain in such land use after the flood easements are secured. Access points to I-69 throughout Section 3 will be built as interchanges with SR 58 and US 231, as identified in the ROD.

Residential relocations and environmental impacts to stream, wetland, and forest will occur as a result of Section 3. Land use in the Section 3 vicinity includes developed land, residential, wetland habitat, water (ponds), upland habitat, forested areas, and agricultural land. Dominant crops in the vicinity are corn, wheat, and soybeans.

### **2.2 Approved Environmental Documentation**

The environmental review process for the I-69 project (Evansville to Indianapolis) contains two tiers. The Tier 1 environmental studies provided the information needed to select a corridor for I-69 between Evansville and Indianapolis. The Tier 1 DEIS for this project was approved in July 2002. The DEIS described resource impacts for each proposed corridor. The Tier 1 FEIS for this project was approved in December 2003. The FEIS documented additional impacts to the natural, human, and cultural environments not covered in the DEIS. The Record of Decision (ROD) for the Tier 1 studies was approved in March 2004.

The Tier 2 studies are intended to determine a specific alignment within the selected corridor. The Tier 2 studies divided the corridor into six sections and a DEIS and FEIS will be prepared for each section. The Tier 2 studies for Section 1, the southernmost Section, and Section 3 have been completed while the remaining 4 sections are still in progress. The Tier 2 DEIS for Section 3 was approved on January 26, 2009. The DEIS described resource impacts on several spatial scales: corridor, Traffic Analysis Zones (TAZ), county, and region. The Tier 2 FEIS for Section 3 was approved December 3, 2009 (title sheet dated December 1, 2009). The FEIS documented additional impacts to the natural, human, and cultural environments from design changes on the preferred alternative that had occurred since the approval of the DEIS.

### **2.3 Previously Identified Impacts**

Section 3 was divided into five (5) subsections (A-E) during the Tier 2 environmental survey. Impacts to the natural and human environments were examined for each of the segment alternatives, including the refined preferred alternative of Section 3. The environmental document evaluated the impact of the Section 3 subsections across multiple resource categories, such as right-of-way acres, parcels impacted by right-of-way acquisition, streams, wetlands, forest, farmland, relocations, HAZMAT sites, and historic and archaeological resources. The refined preferred alternative was chosen to minimize impacts to these resources. Mitigation for unavoidable impacts is described in the Tier 2 DEIS and FEIS.

The FEIS stated (p. 5-342) that all structures would be sized so that the regulatory floodway elevations “would not be substantially affected.” The FEIS also indicated that subsequent post-NEPA hydraulic analyses would “address various structure size alternatives” (p. 7-12). It also stated that these post-NEPA hydraulic analyses would “determine the actual length and location of each bridge.” (p. 7-24)

These post-NEPA hydraulic analyses have been conducted, and they have identified that sizing structures to allow for minor increases in water levels during the regulatory flood event would provide substantial cost savings. These designs have identified structure sizes which would increase the depth of backwater during the regulatory flood event by less than a foot, for a duration of less than 24 hours within the FHWA approved design standards. By allowing this minor increase in flooding for the regulatory event, construction costs in Section 3 can be decreased by approximately \$25.8 million.

This final determination of structure size and location fulfills the commitment in the FEIS that regulatory floodway elevations would not be “substantially affected.” This minor increase in flooding for the regulatory event (for which property owners will receive compensation) results in a significant cost savings with only a minor increase in water levels during regulatory flood events.

The Section 3 refined preferred alternative as stated in the Tier 2 FEIS will directly impact 1,501 acres of agricultural land. According to Table 5.3-1 in the FEIS, no Section 3 alternative studied, including the refined preferred alternative, had a clear advantage over the others regarding impacts to agricultural land. Agricultural impacts in the form of permanent conversion of farmland to non-farmland use will not be mitigated by the creation of new farmland elsewhere. Minimization of the unavoidable impacts to farmland occurred during the development of alternatives for Section 3. Examples of efforts to avoid farmland impacts during the development of alternatives included: regular coordination with the Natural Resources Conservation Service (NRCS); and where reasonable, following existing property lines and minimizing dividing or splitting of large tracts of farmland; crossing fields at near perpendicular angles to reduce point rows and the creation of uneconomic remnants; providing access to parcels that would otherwise be landlocked as a result of the project; and providing overpasses at several locations to maintain the connectivity of county roads, thereby facilitating access to farm fields and operations severed by Interstate 69.

Within Section 3 for the I-69 project, the Tier 2 DEIS and FEIS document impacts to streams, wetlands, and forests. In Section 3, approximately 69 acres of forest will be directly affected by the refined preferred

alternative. In regards to water resource impacts, a total of 7.25 acres (2.22 open water; 2.4 emergent; 1.18 scrub/shrub; and 1.45 forested), and streams totaling 34,620 linear feet are located within the Section 3 refined preferred alternative. These environmental impacts will be mitigated at an approximate 355 acre site located adjacent to West Fork of the White River in Greene County, northwest of the proposed I-69 highway.

The I-69 Section 3 project was also evaluated for impacts to cultural resources. Five (5) above ground properties/districts eligible for or listed on the National Register of Historic Places (NRHP) are located within the Section 3 Area of Potential Effect (APE). On November 7, 2008, FHWA signed a "Section 106 Findings and Determinations: Area of Potential Effect, Eligibility Determinations, Effect Finding" for above-ground properties. Only one (1) property, the McCall Family Farmstead, will be adversely impacted by Section 3.

#### **2.4 Other Reevaluation Documents**

A reevaluation for design changes totaling 3.01 acres of additional right-of-way associated with grade separations for Daviess County Road 1200 N, Daviess County Road 700 E, and Greene County Road 100 W dated February 1, 2010 has been completed. That reevaluation determined that the proposed final design adjustments did not have significant impacts. Other reevaluation documents will be completed for additional right-of-way changes at other locations of the Section 3 refined preferred alternative and throughout the I-69 project as final design of the highway is completed.

#### **2.5 Public Involvement**

Post Tier 2 ROD public involvement activities have been completed for this Section 3 Flood Easement reevaluation. Public outreach was completed in two forms: individual communications with property owners not previously affected by right-of-way acquisition and a public notice placed in the Washington Times Herald on March 5, 2010. The individual communications outreach effort was completed and summarized in a memorandum included in Attachment 2. The public notice described the flood easements and their locations and asked for the public to comment within 15 days of publication. One comment was received from the public. The comment received was reviewed and addressed through a memorandum that will be submitted to the individuals who provided the comment. Therefore, public involvement activities for this reevaluation document are complete (See Attachment 2 for public involvement documents).

### **3. DESCRIPTION OF PROJECT CHANGES**

This revised design of Section 3 requires flood easement acquisition areas along the refined preferred alternative totaling approximately 46.86 acres of permanent easements (See Maps in Attachment 1 for locations). These acquisition areas will accommodate the increased backwater generated during the regulatory flood resulting from the final design of the referenced hydraulic bridge structures in Section 3. All easement areas are located adjacent to or in the immediate vicinity of areas currently subject to flooding.

The flood easements are being acquired for areas where the I-69 and new local access road bridge designs result in increased backwater exceeding 0.14 feet during the regulatory flood (the allowable limit identified in the Flood Control Act – IC 14-28). The bridge designs all comply with FHWA approved design standards which allow a maximum backwater increase of 1.0 foot during the regulatory flood. The regulatory flood is defined as "a flood having a one percent (1%) probability of being equaled or exceeded in a year as calculated by a method and procedure that is approved by the [Natural Resources Commission]. The regulatory flood is equivalent to the base flood or the 100-year frequency flood" (312 IAC 10-2-35). As defined, the flood event which produce backwater on these flood easement parcels is a low probability or infrequently occurring event. Based on the hydraulic modeling completed to analyze these bridge structures and flooding, the duration of the increased backwater on these flood easement areas will be less than 12 hours during any single event.

The flood easements associated with Daviess CR 200 North crossing Eagen Ditch, located south of CR 200 North, immediately east of I-69, total 5.28 acres consisting entirely of agricultural land. The flood easements associated with I-69 crossing Eagan Ditch, located east of I-69 north of CR 200 North and south of CR 350 North, total 13.13 acres consisting entirely of agricultural land. The flood easements associated with I-69 crossing South Fork of Prairie Creek, located east of I-69 approximately one mile south of CR 550 North, total 8.46 acres of predominately agricultural land including approximately 1.4 acres of forested wetland. The flood easements associated with I-69 crossing North Fork of Prairie Creek, located east of I-69 approximately one mile north of CR 550 North, total 1.16 acres of predominately agricultural land including approximately 0.16 acre of forest. The flood easements associated with I-69 and LSR 18 crossing Bethel Ditch, located northwest of I-69 both east and west of CR 450 East, total 3.25 acres of agricultural land including a feedlot/pasture and row crop. The flood easements associated with I-69 crossing Epsom Lateral, located east of I-69 south of CR 1100 North, total 3.424 acres of predominately agricultural land including 0.9 acres of an open water pond. The flood easements associated with I-69 crossing Smothers Creek, located east of I-69 south of Cr 1200 North, total 9.05 acres consisting entirely of agricultural land. The flood easements associated with I-69 crossing unnamed tributary of First Creek, located southeast of I-69 west of CR 1000 East, total 3.11 acres of predominately agricultural land including approximately 0.2 acres of forest.

#### **4. ENVIRONMENTAL CONSEQUENCES**

The approximately 46.86 acres of permanent flood easement acquisition for Section 3 of I-69 as mentioned above are expected to have minimal environmental consequences compared to the impacts previously documented for Section 3. While the flood easement areas for Section 3 were reviewed for impacts to the resource categories examined in the existing environmental documentation (i.e. wetlands, streams, farmland, etc.), and land uses including predominately farmland with small areas of forest and wetland will be incorporated in the flood easements, the nature of the impact is identified to have no impact to the forest and wetland areas and only minor impacts to farmland. Due to the short duration and infrequent nature of the anticipated increased backwater due to the low probability of occurrence, the resulting flooding and acquisition of the flood easements is not anticipated to result in any change to the existing land uses on these areas. While the increased backwater could affect crop production during regulatory flood events, typical rainfall events would have no effect on the crop production or other uses of these areas. The effect of the increased backwater on forest and wetland areas is not anticipated to have any effect on these resources. The short duration of the increased inundation will not negatively affect forest and wetland vegetation, timber production or harvest. Because the flood easement areas are located directly adjacent to the Section 3 refined preferred alternative and the increased backwater would be a short duration infrequent occurrence, several resource categories were covered by the analysis presented in the Tier 2 FEIS.

In regard to historic resources, the flood easement areas are located inside the approved area of potential effect (APE) for Section 3, and given their location within the Tier 1 corridor and in immediate proximity to the previously reviewed right-of-way, there is no change to the APE (See Attachment 1 for map). According to the Section 3 Historic Property Report, one above ground property within the Section 3 APE (Scotland Hotel) is listed in the National Register of Historic Places (NRHP). As a result of identification and evaluation efforts for Section 3 of the I-69 project, three individual properties and one district were determined eligible for listing in the NRHP. They are as follows: McCall Family Farmstead; Blackmore Store; State Road 257 Bridge over Veale Creek; and Daviess County Home Historic District. Analysis of the location of the flood easement areas compared to the location of the NRHP listed and eligible resources and potential changes in effects on these resources has been completed.

The SR 257 Bridge over Veale Creek, Blackmore Store and Scotland Hotel are all located more than three miles from the nearest flood easement area. The Daviess County Home Historic District and the McCall Family Farmstead are both located approximately one mile from the nearest flood easement areas. Based on the distance from these properties, and the minor changes in the proposed alternative and flooding, which require

the flood easements, it has been determined that there would be no change to the identified effects on historic properties.

In regard to archaeological resources, a review was conducted by Gray & Pape, Inc. of the flood easement areas shown in Attachment 1. This analysis identified all of these areas to be in poorly drained soils based on soil survey data, indicating that these areas have historically and prehistorically subjected to inundation. In addition, based on the short duration, infrequent recurrence of the potential flooding which is anticipated based on the current design, there would be no effect on any archaeological resources present. Based on this evaluation, no further archaeological investigations for the above mentioned flood easement areas are needed, and it has been determined that there would be no change to the original determination of potential effects on archaeological resources from the flood easement areas.

Based on the above information, there is no intention to re-open the Section 106 process due to the following factors: visually, there will essentially be no change with the flood easement areas; the determination that no above ground resources listed in or eligible for the NRHP will have any change to its effect finding due to the flood easement areas; and the conclusion that the flood easement areas will have no change to the potential effect on archaeological resources.

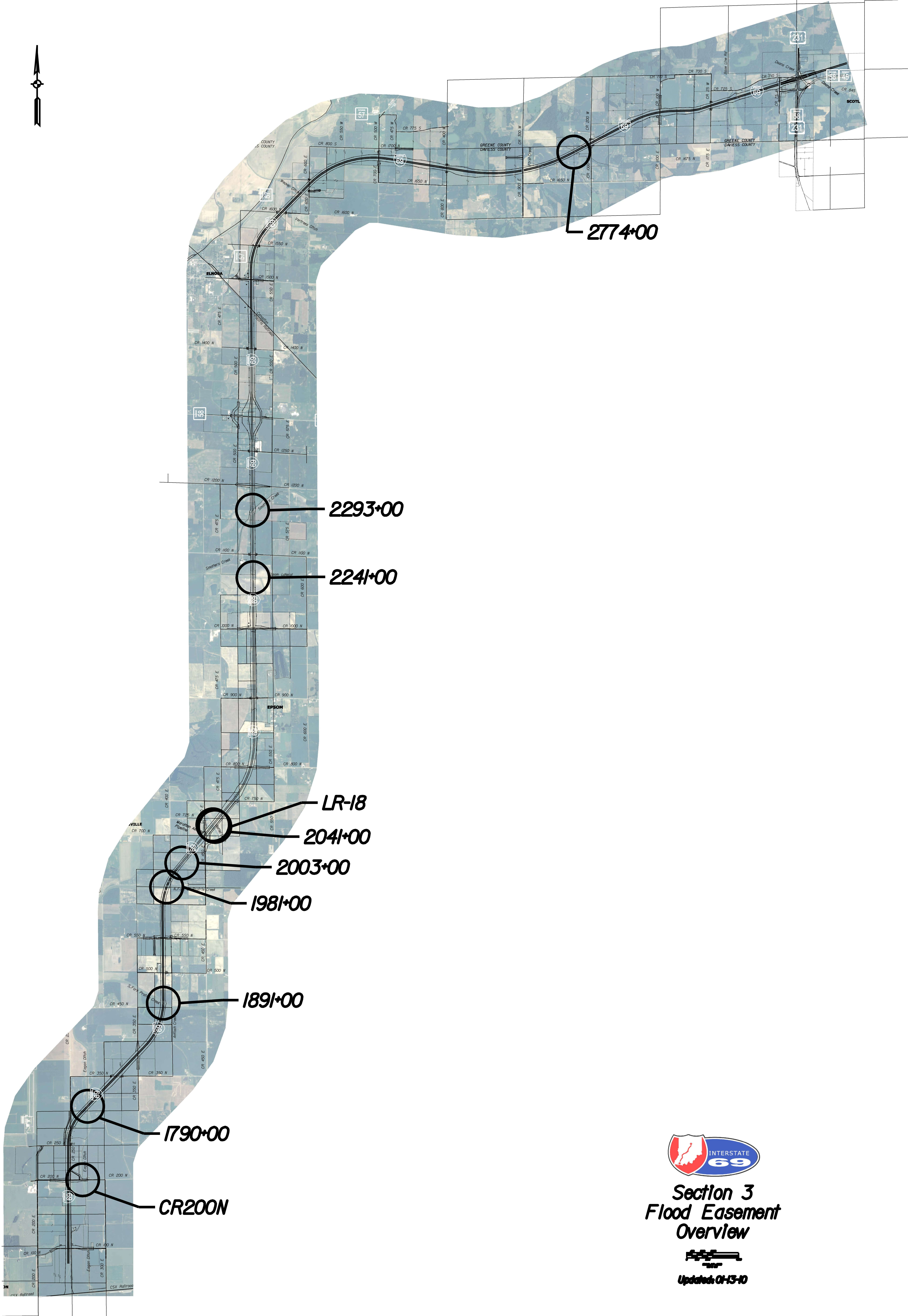
## **5. CONCLUSIONS**

In conclusion, the revised design for Section 3 of the I-69 project will not result in the conversion of any additional land for transportation use. The permanent flood easements will result in infrequent temporary impacts resulting from inundation from floodwaters on predominantly agricultural areas with minor forest and wetland areas that will not require additional mitigation measures beyond those committed in the Tier 2 FEIS. There will be no other notable impacts. Therefore, the revised design will not have significant impacts on the natural and human environments. The analysis presented in this reevaluation summary confirms that the revised design for Section 3 does not require the preparation of a supplemental EIS or a new DEIS.

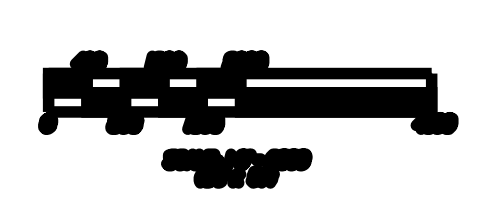
# Attachment 1

## Graphics



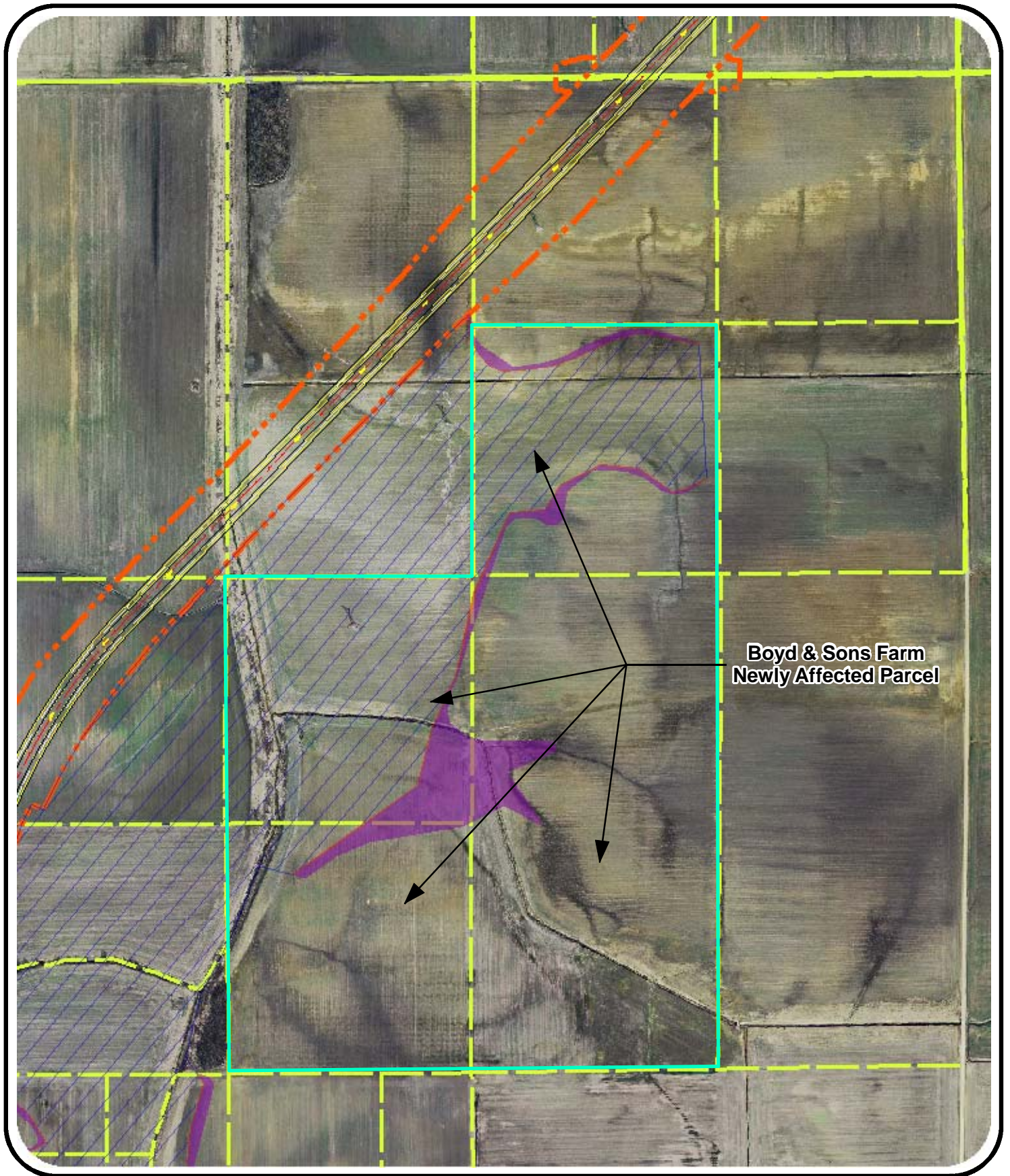


**Section 3  
Flood Easement  
Overview**

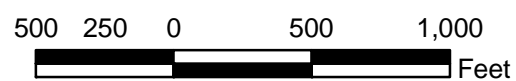


**Updated 01-13-10**





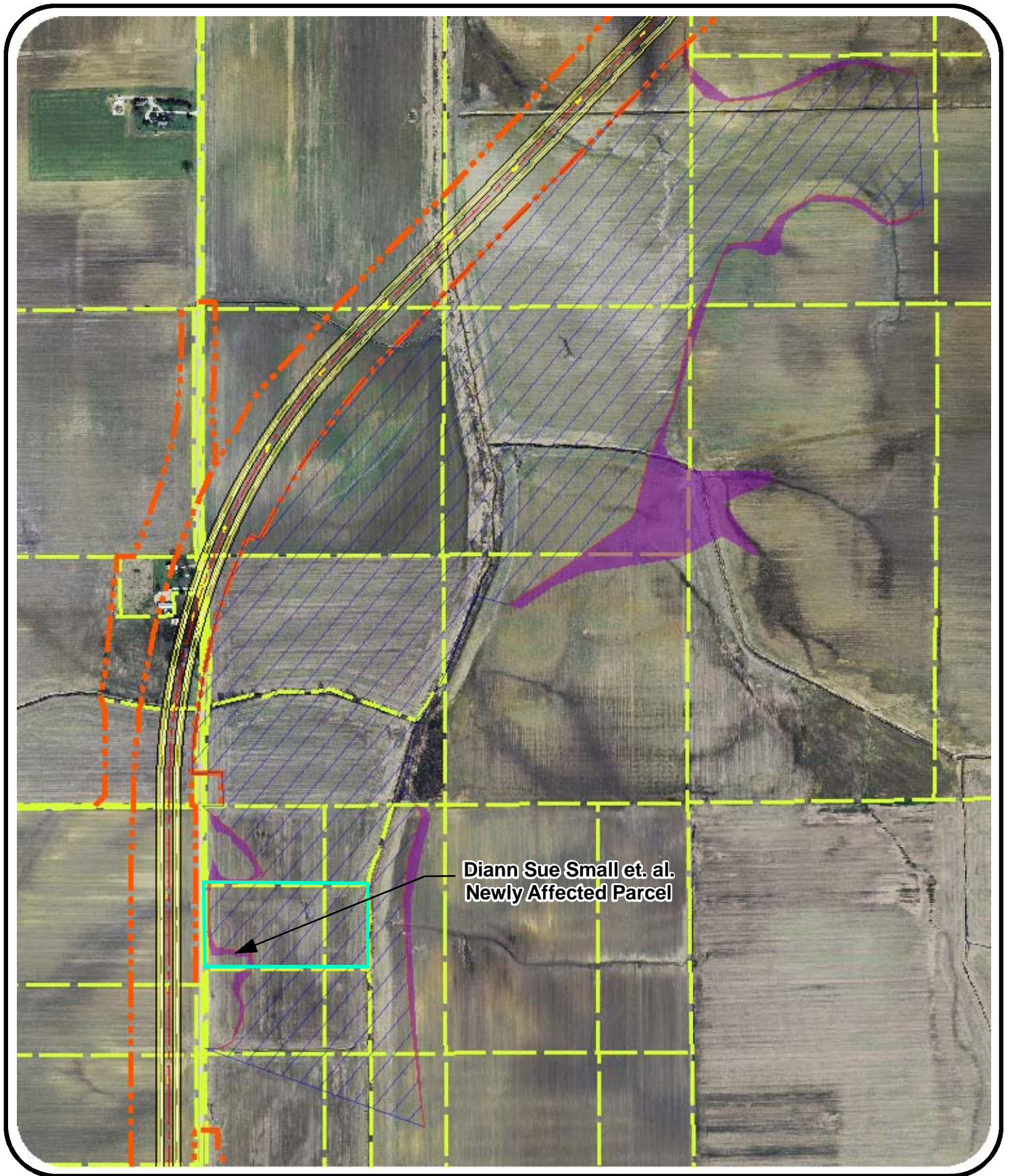
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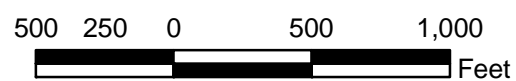
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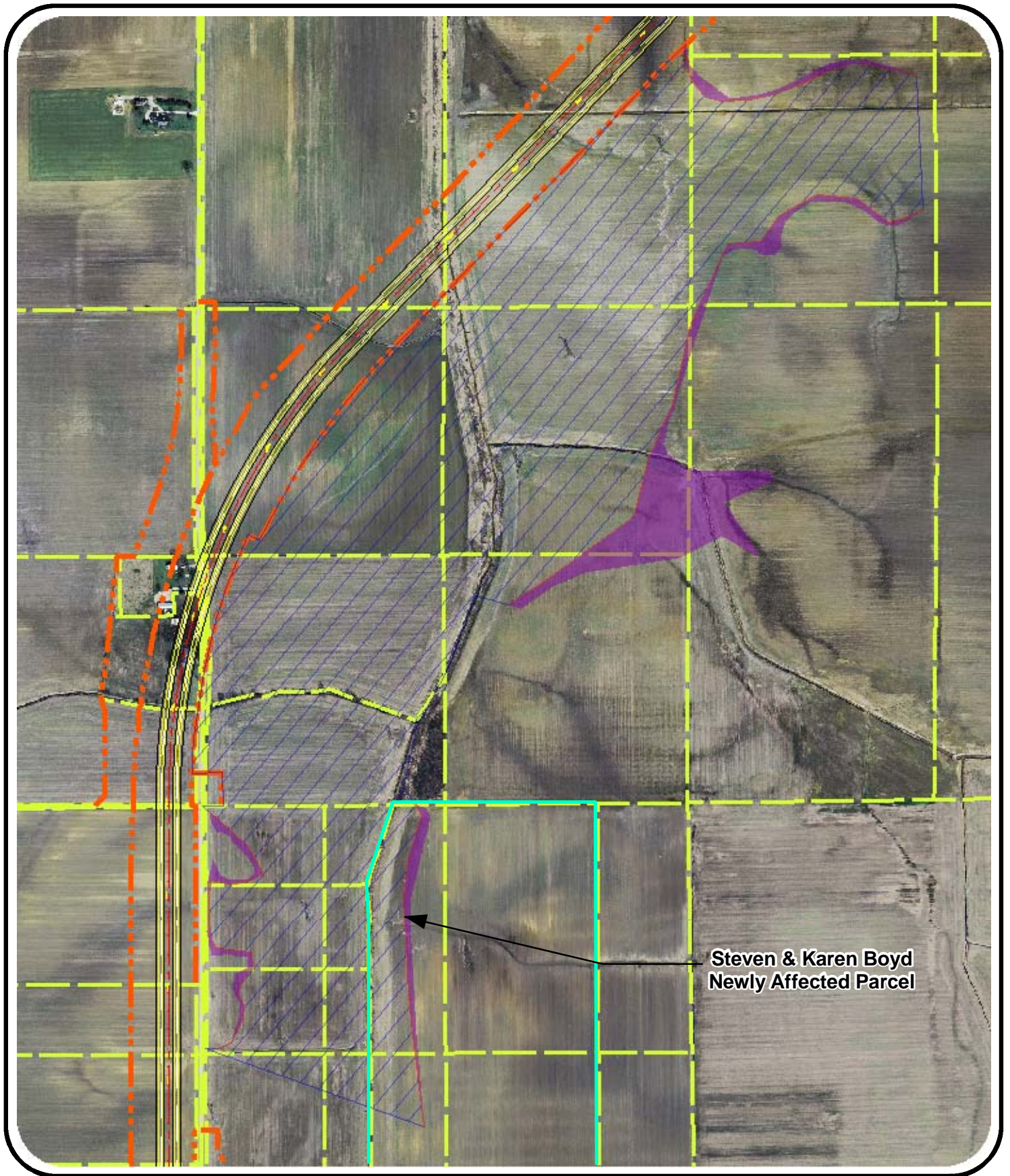
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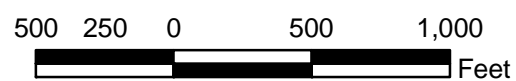
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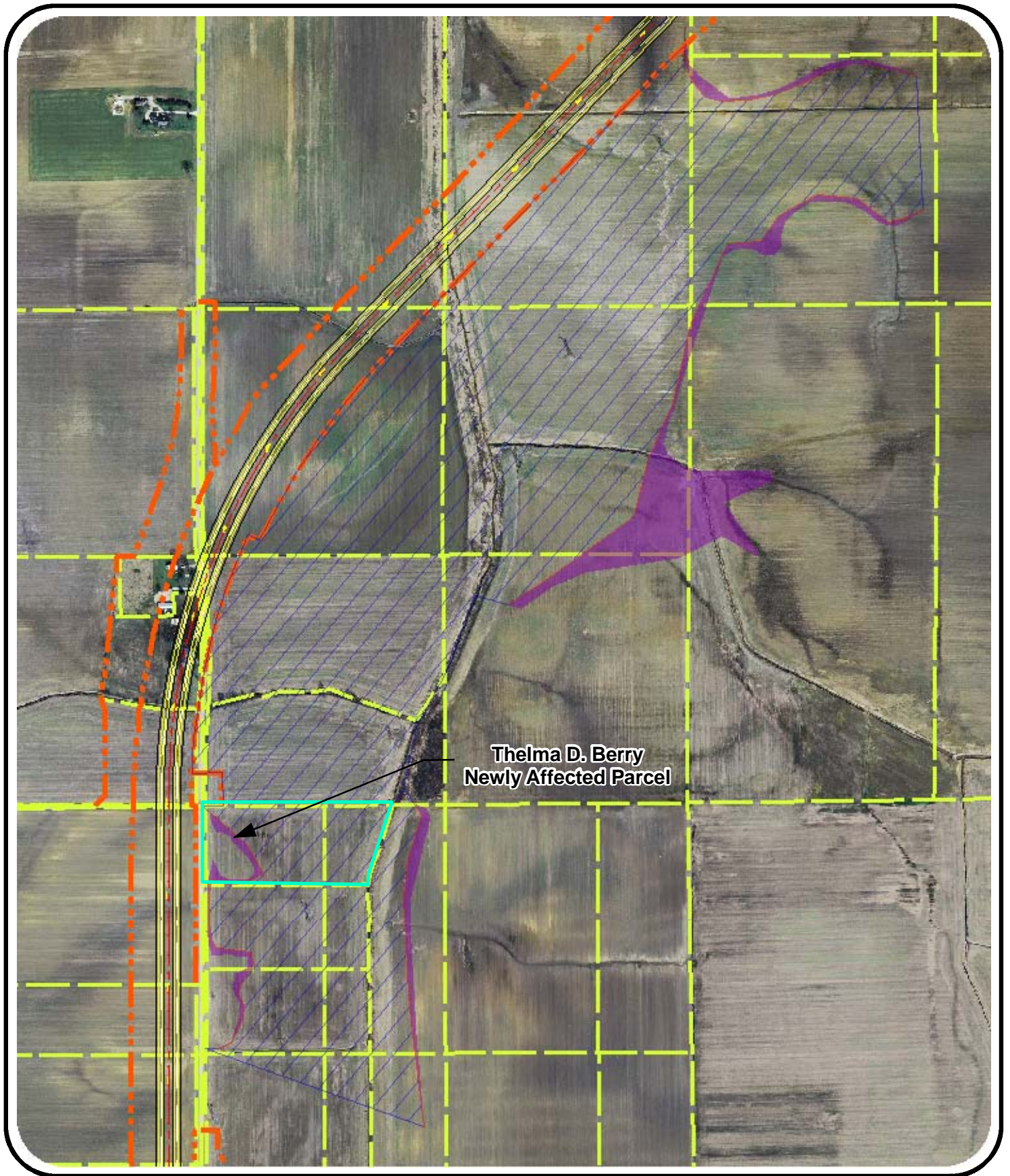
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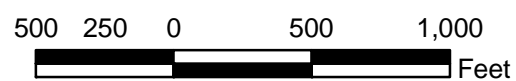
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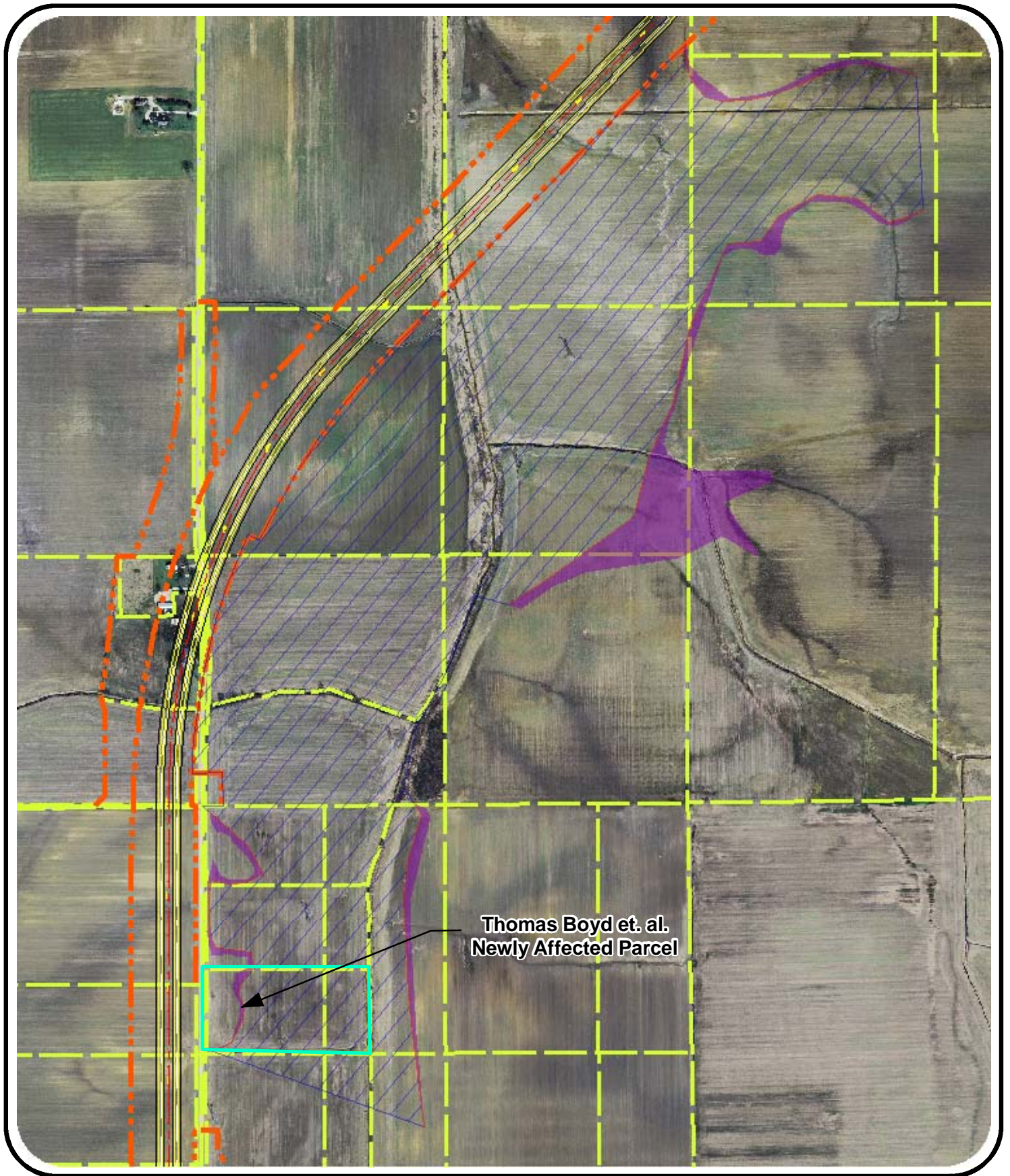
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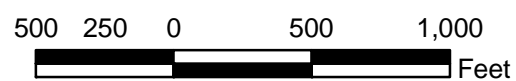
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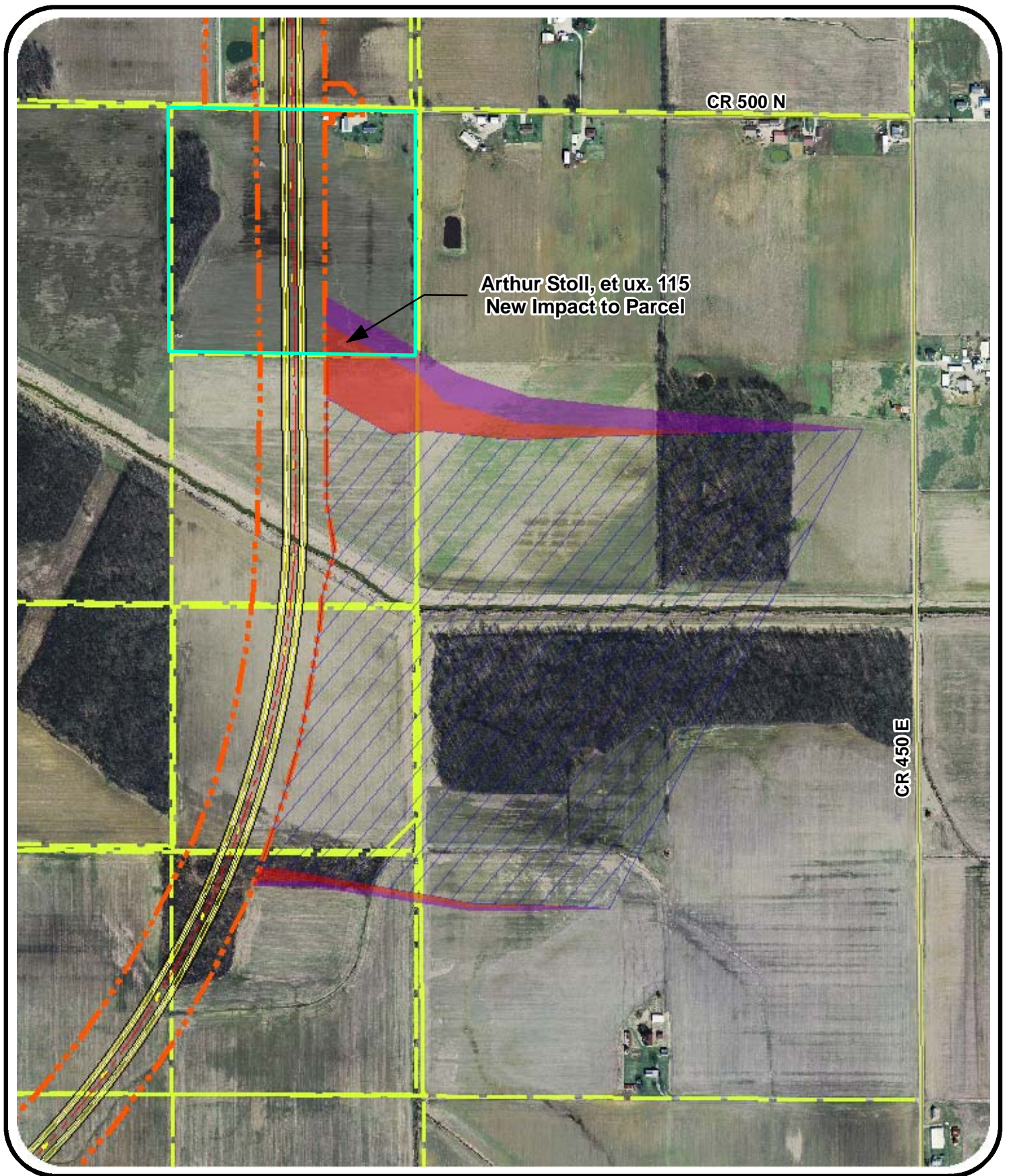
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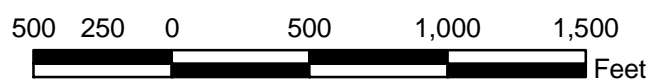
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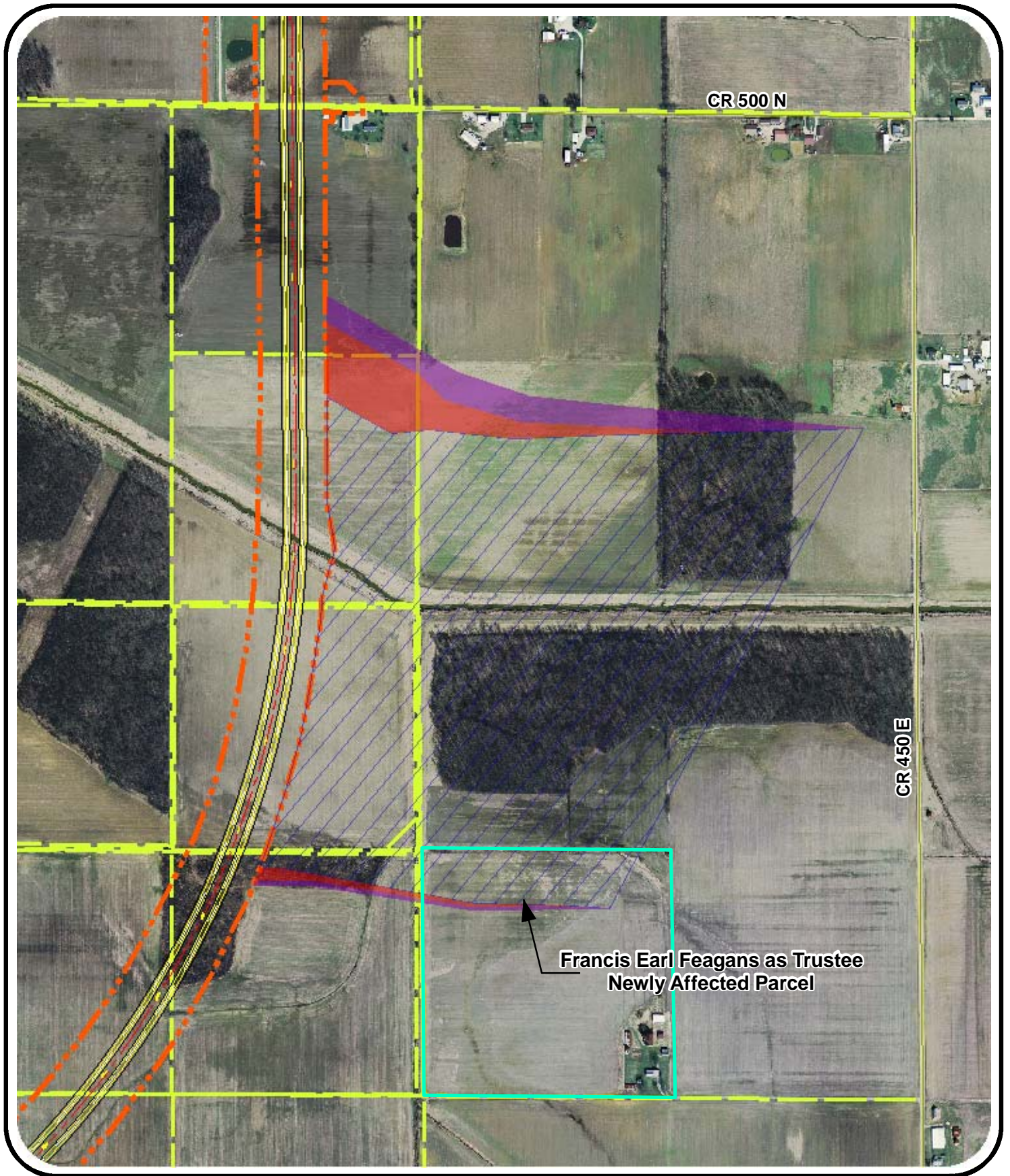
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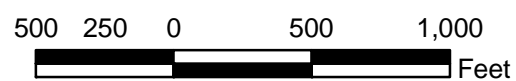
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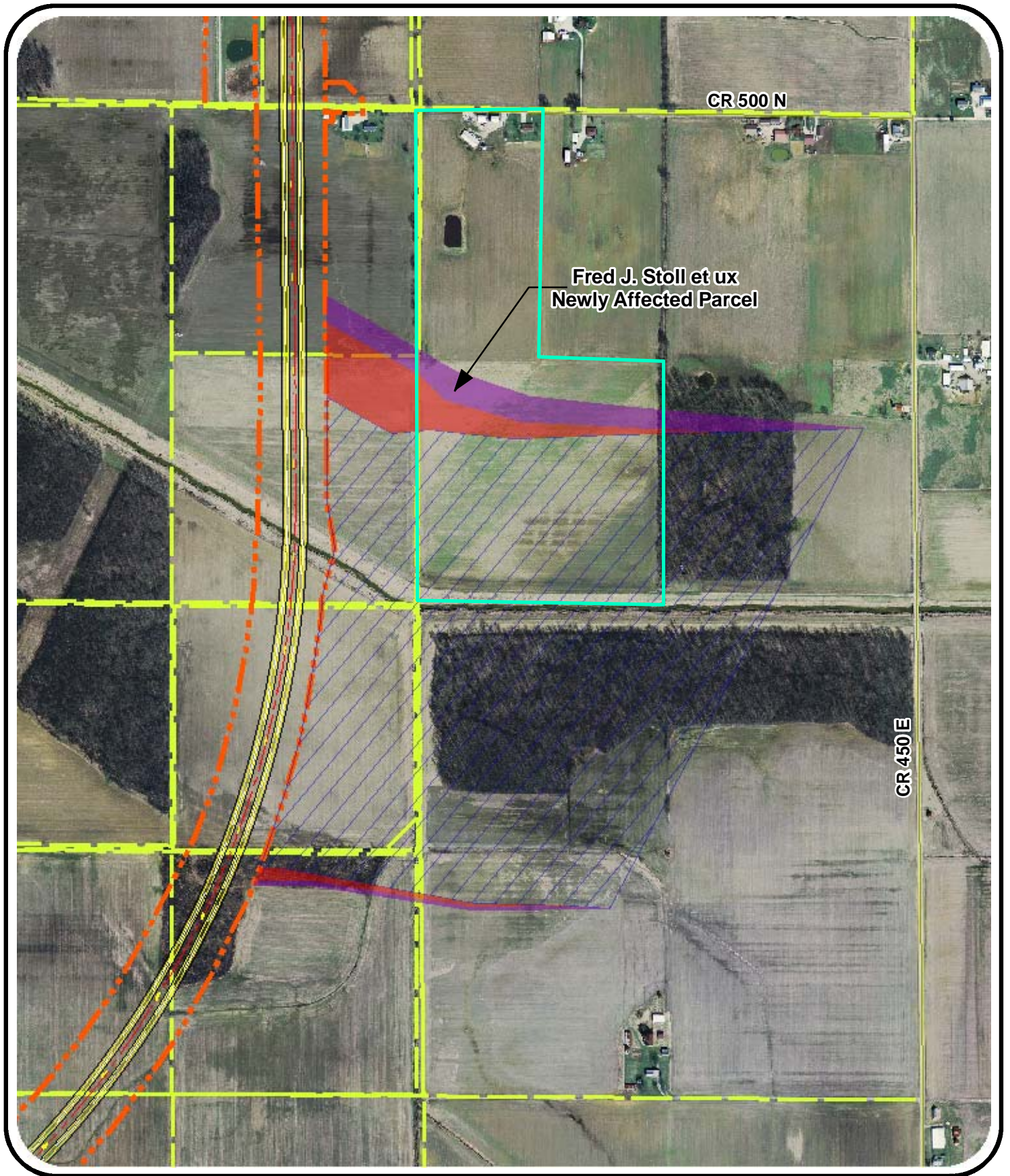
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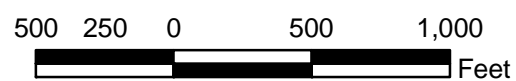
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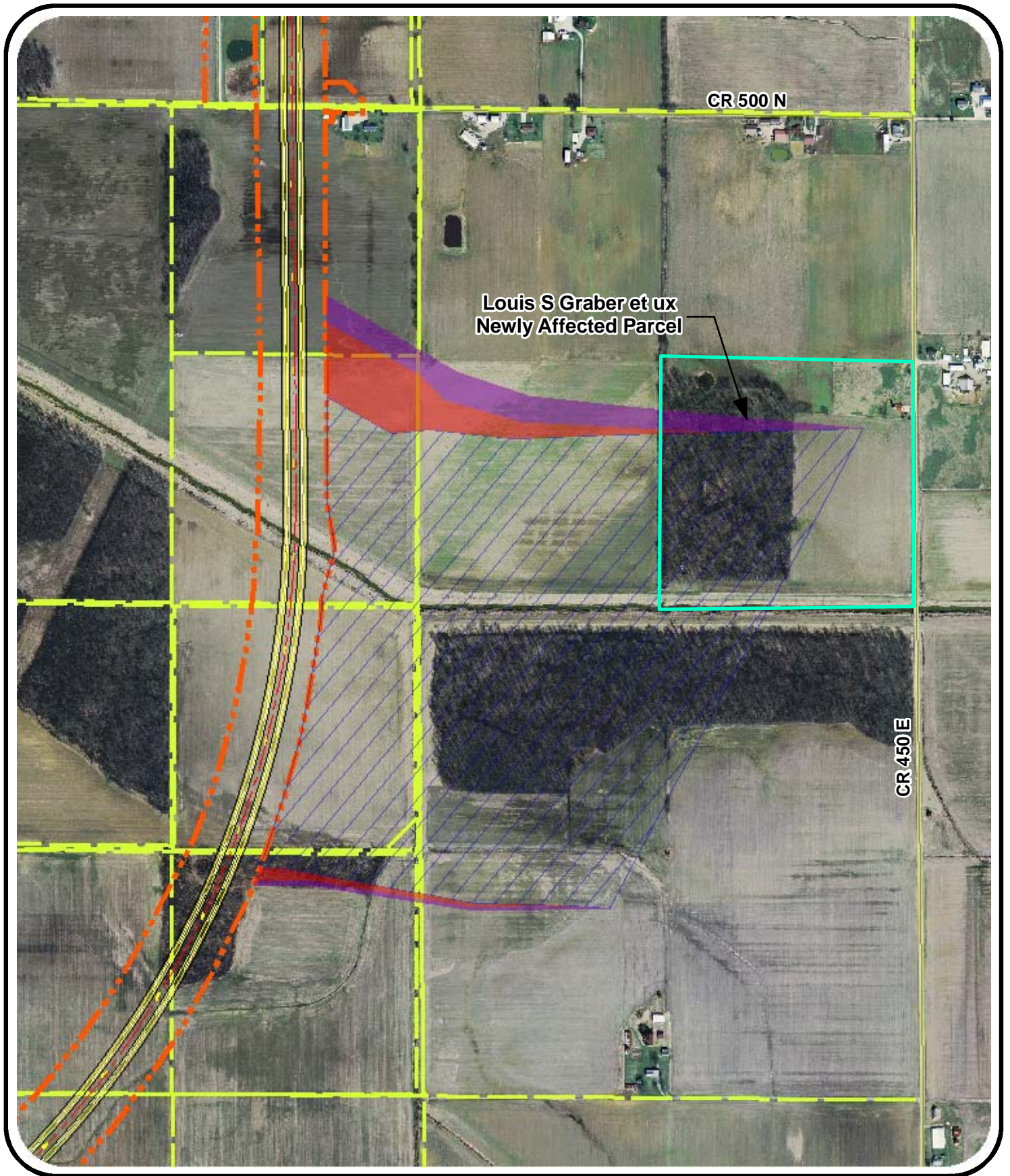
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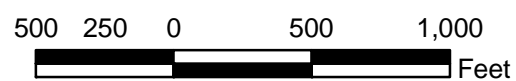
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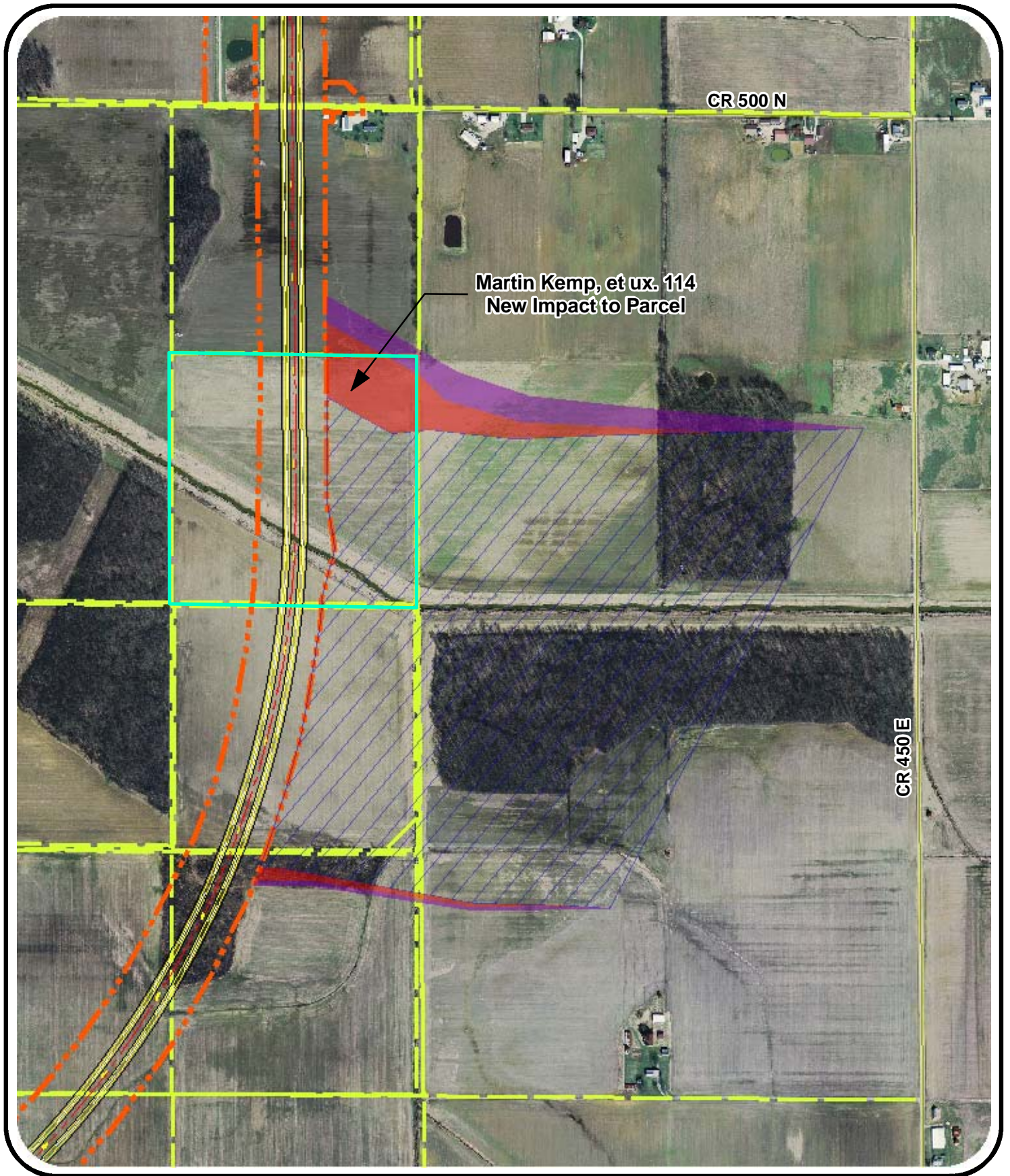
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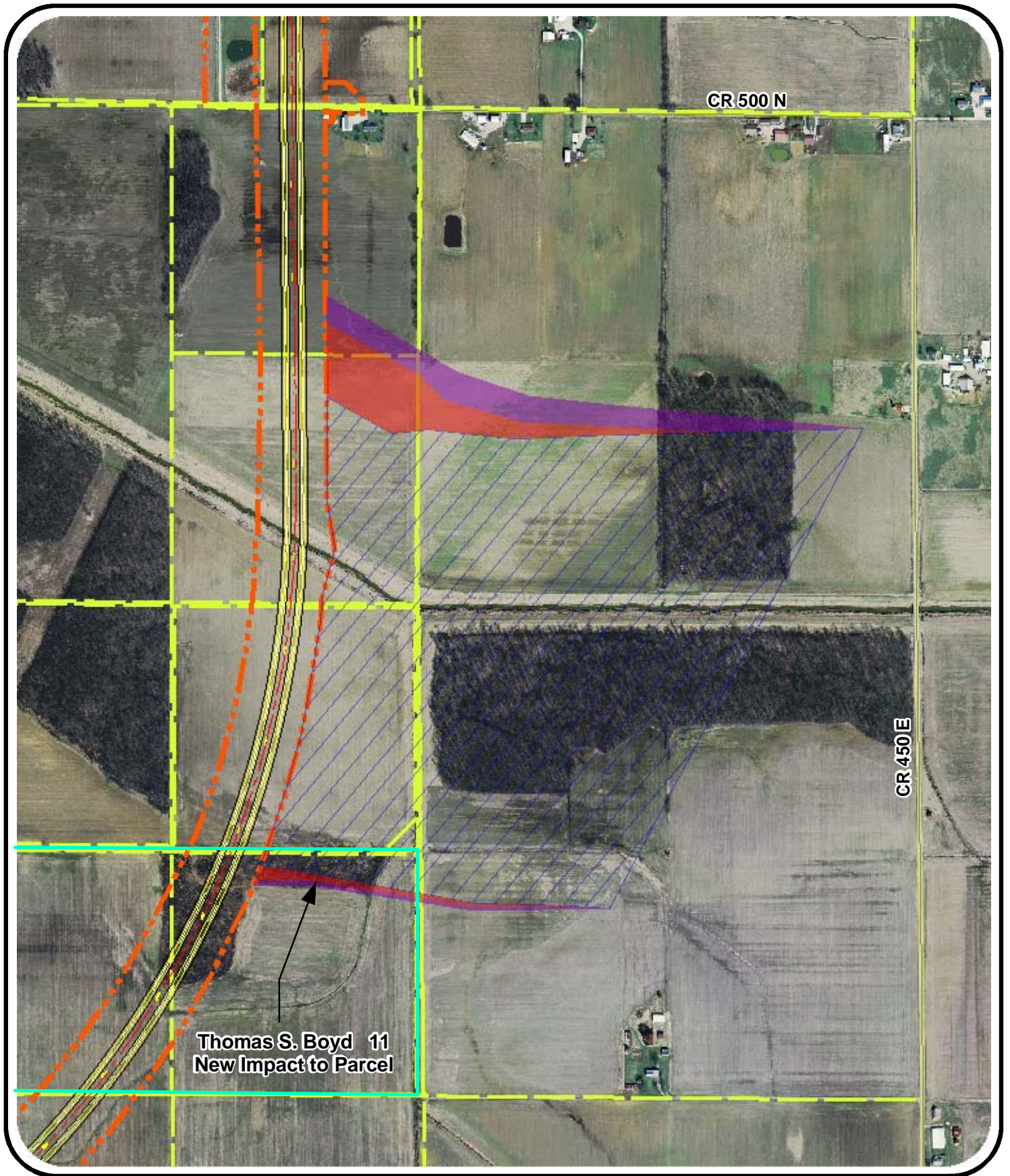
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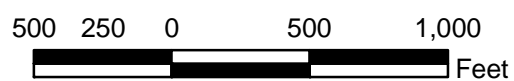
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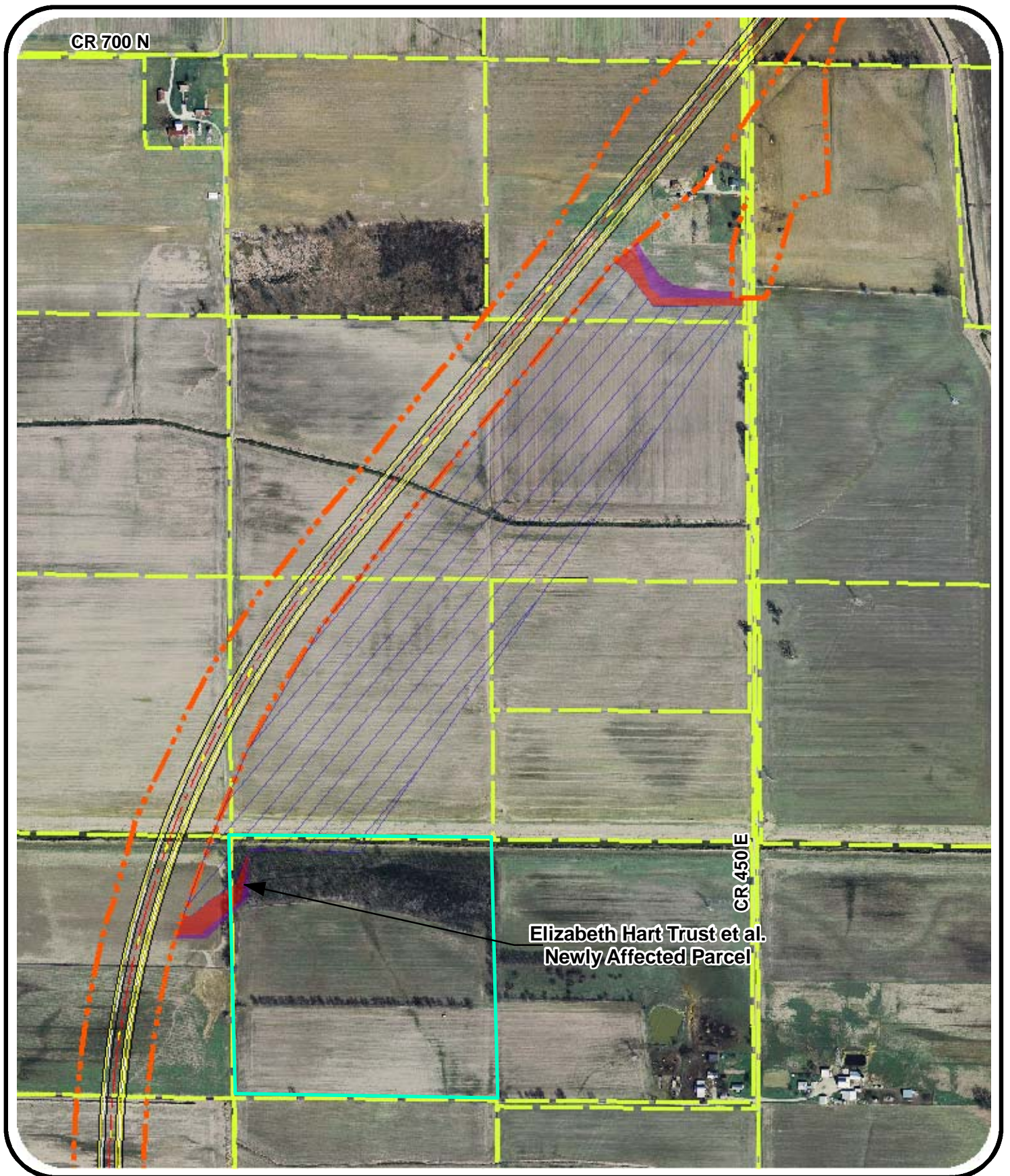
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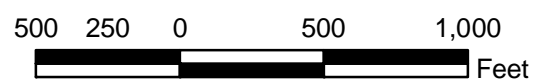
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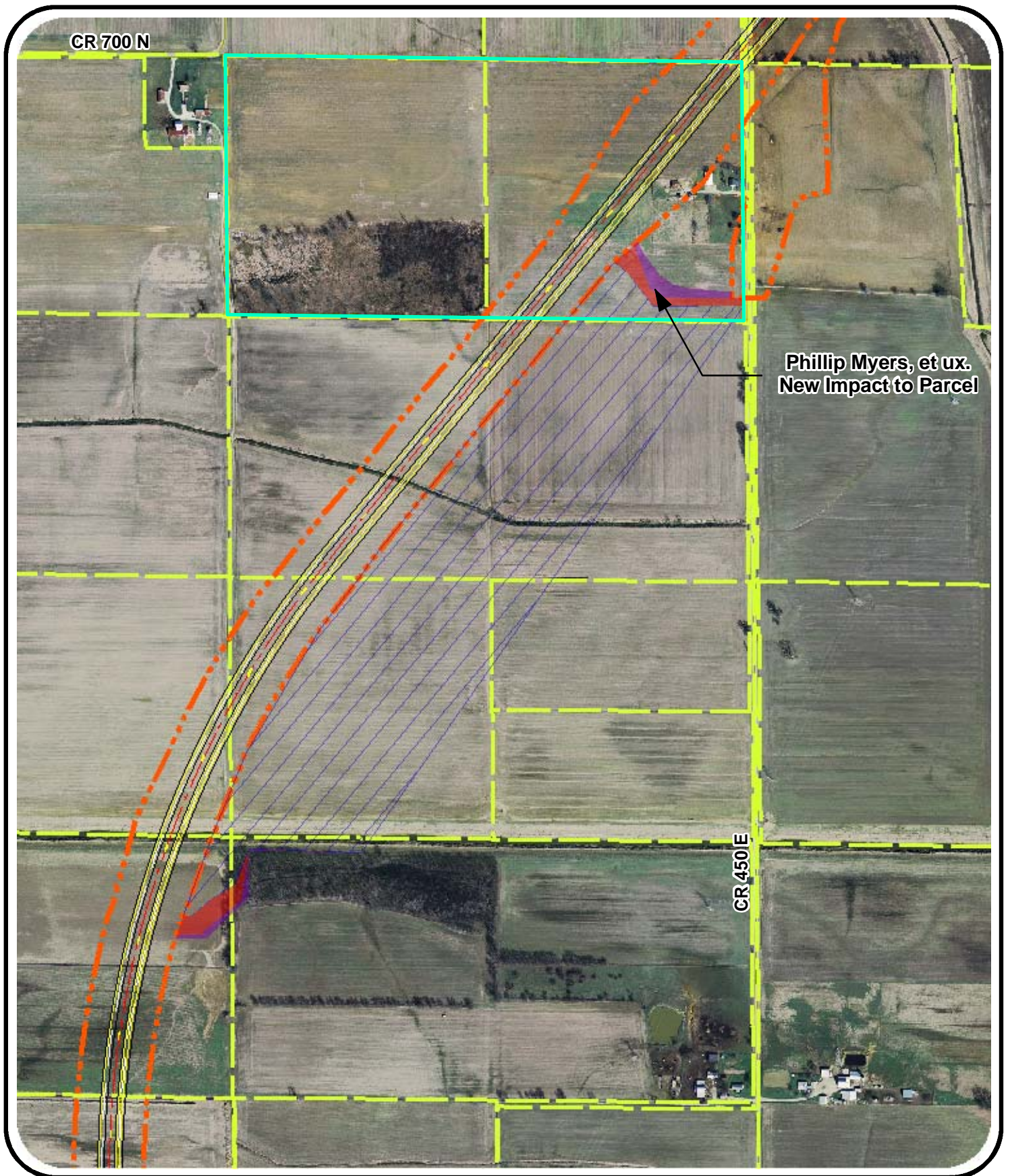
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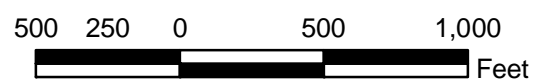
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## Proposed Flood Easement Sta. 1981+00



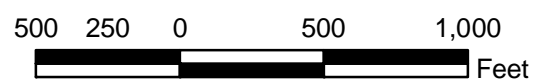
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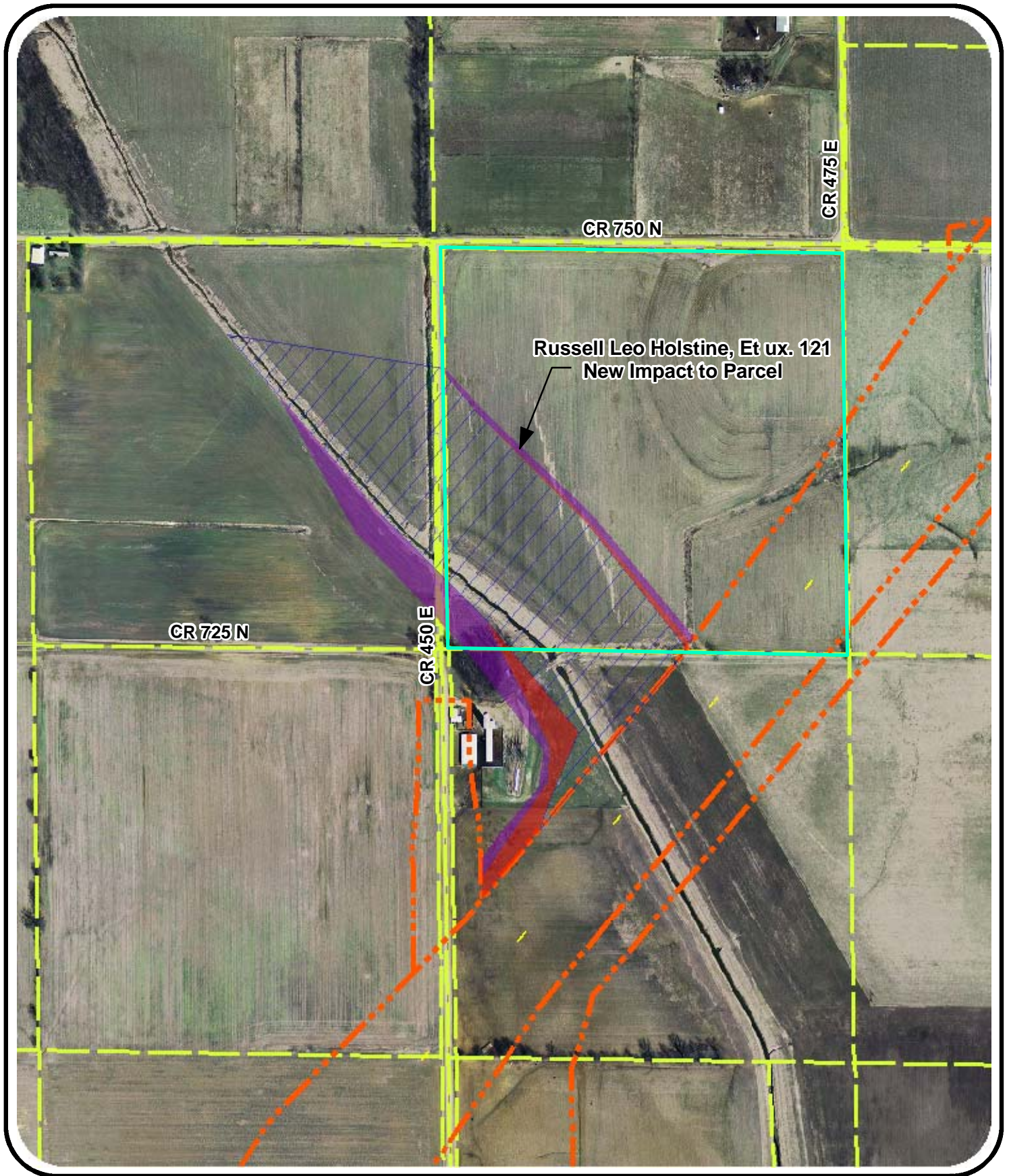
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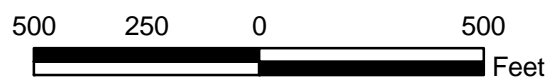
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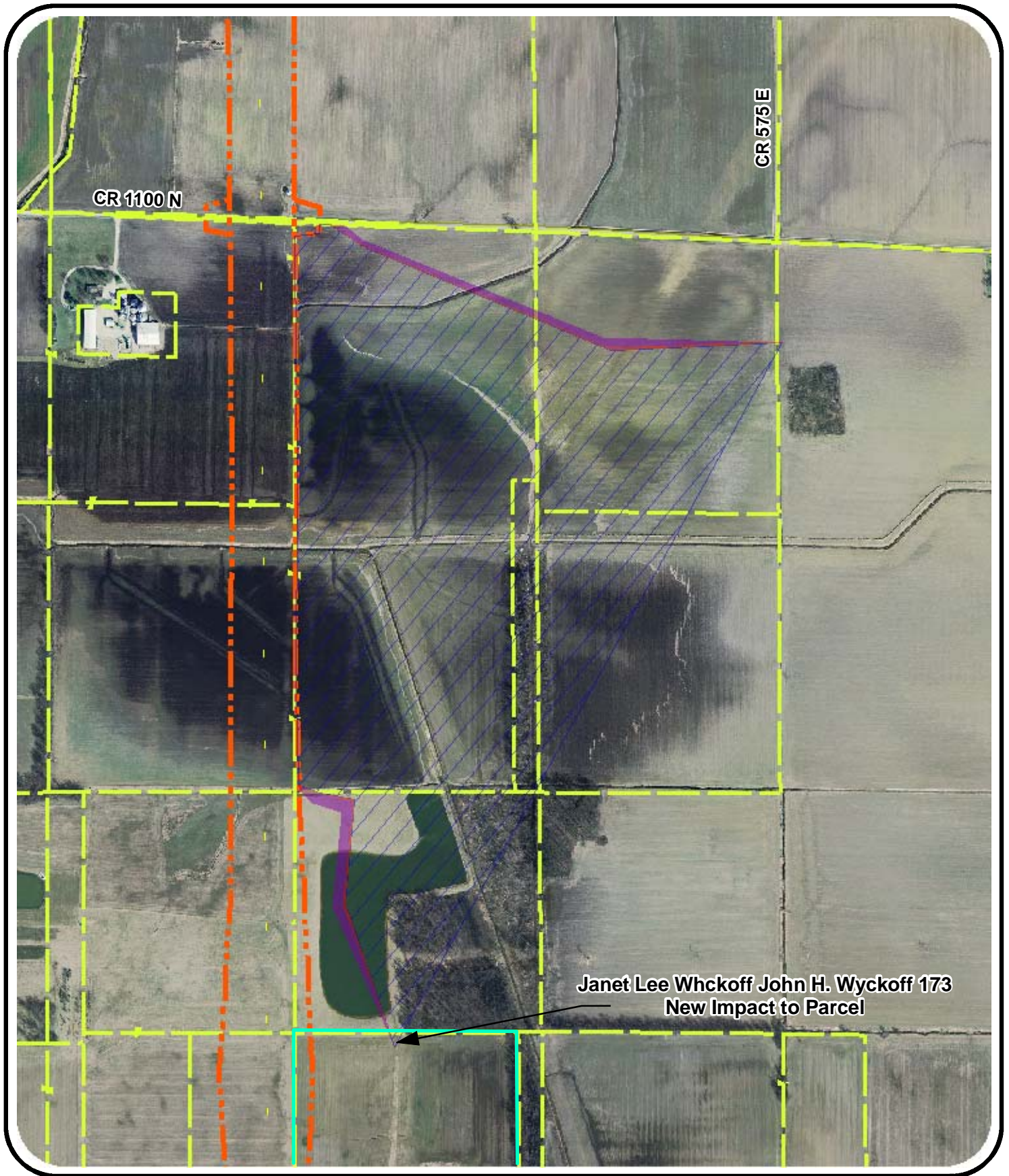
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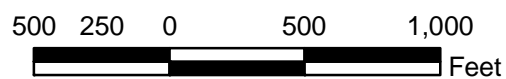
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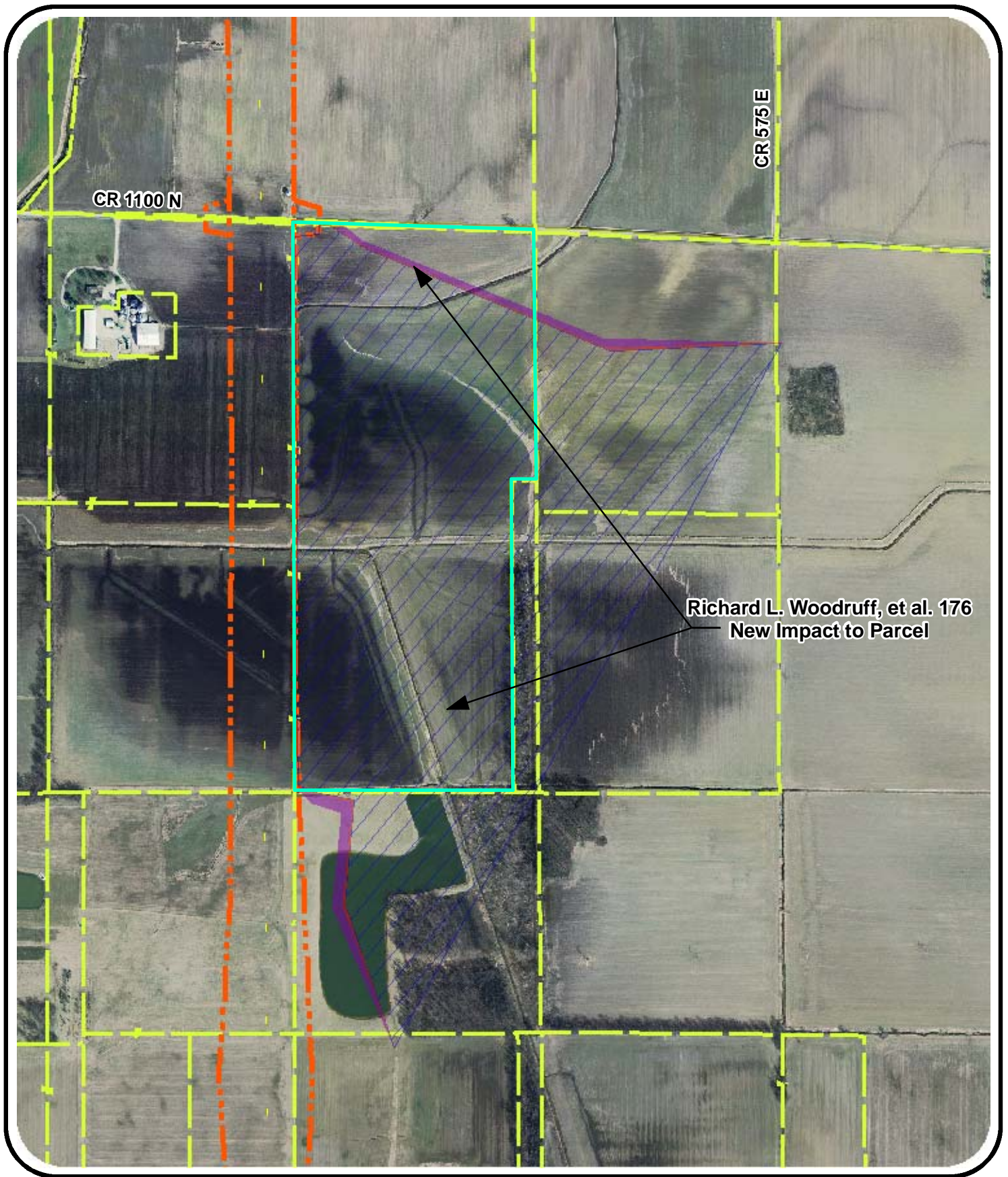
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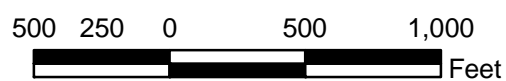
### Legend

- Parcel Lines
- Proposed Right-of-Way
- ▨ Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





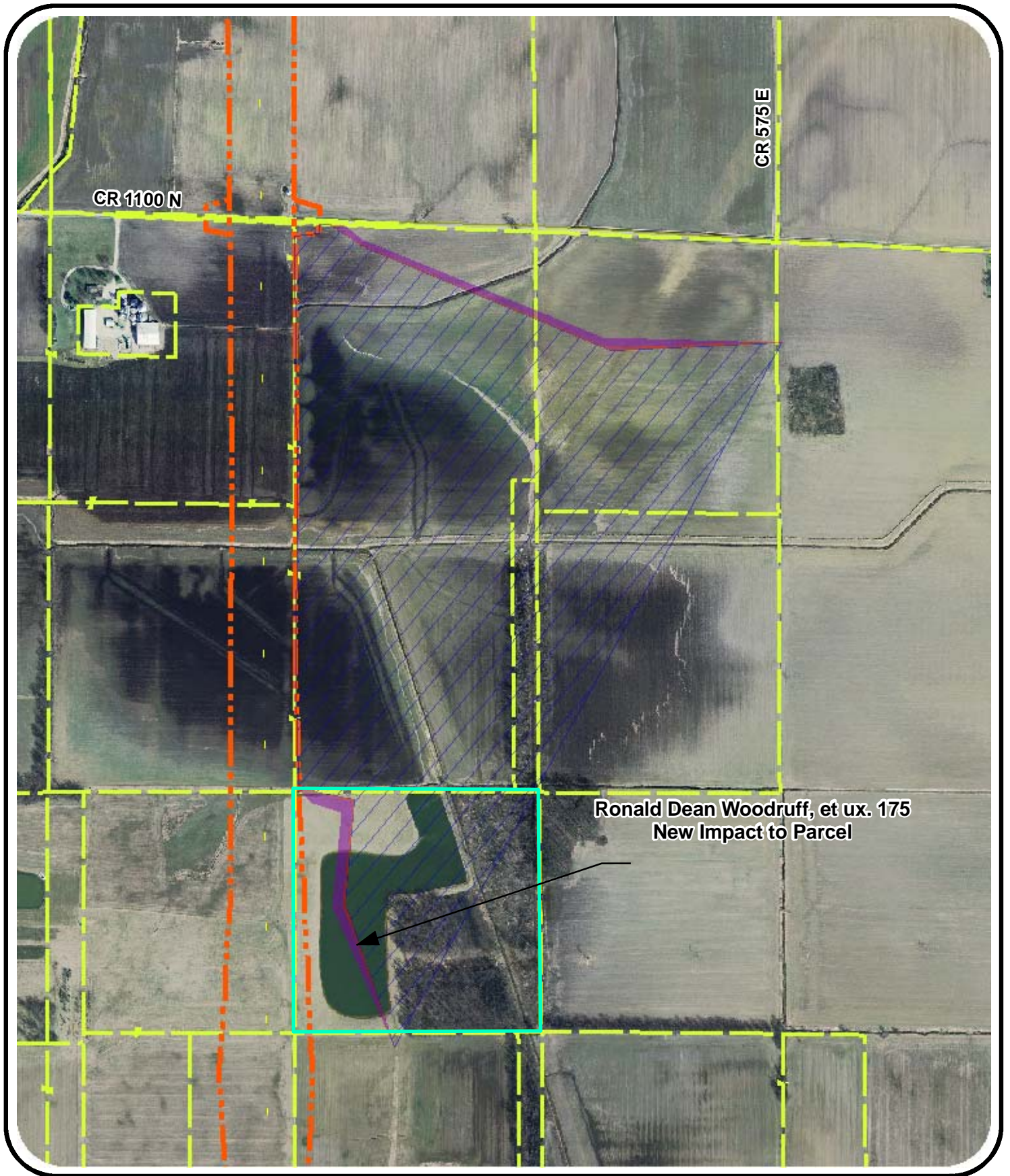
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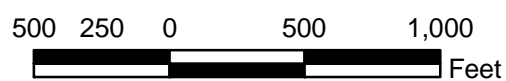
### Legend

- Parcel Lines
- Proposed Right-of-Way
- Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





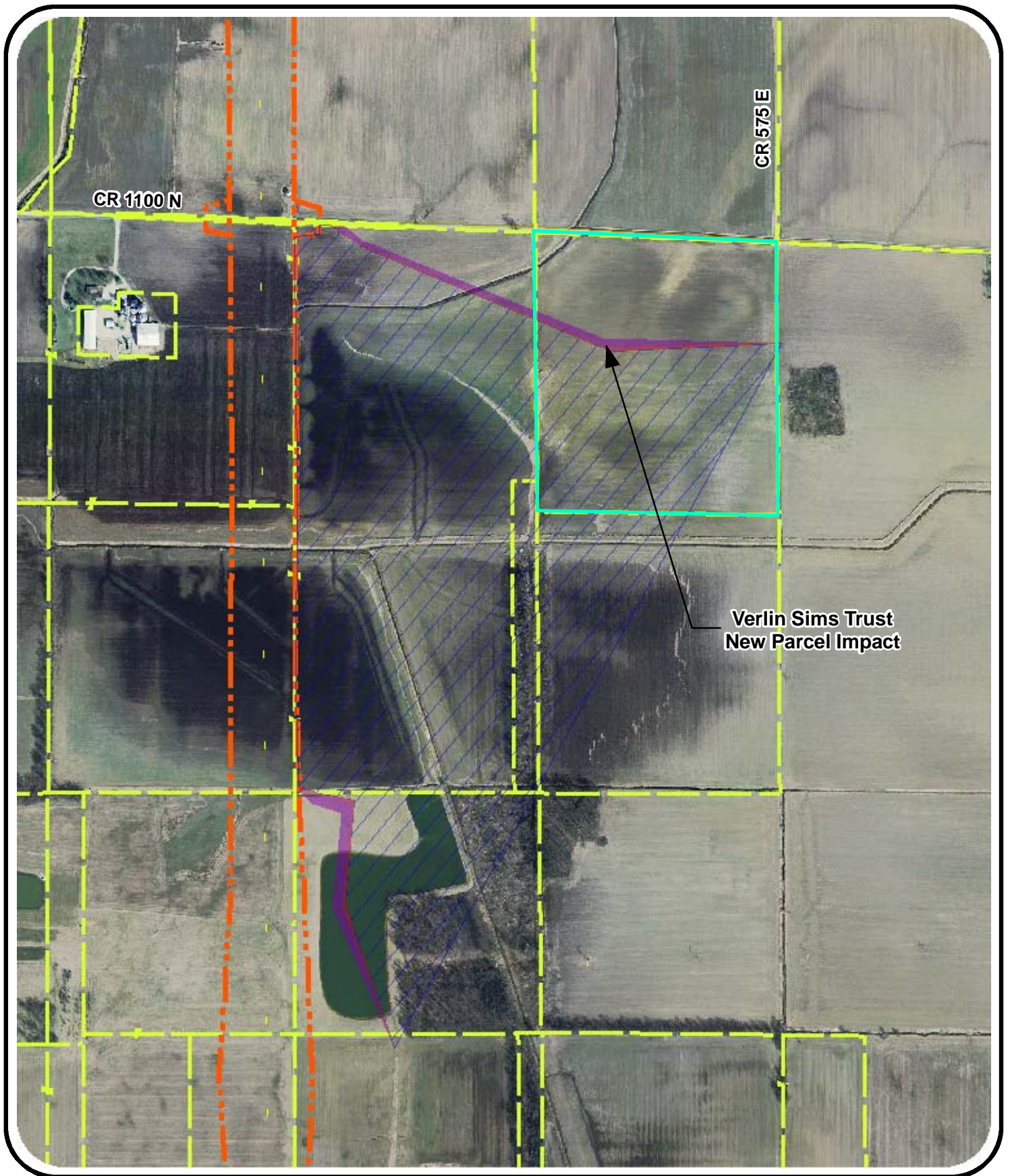
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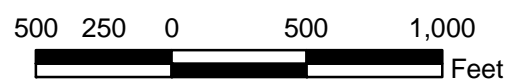
### Legend

- Parcel Lines
- Proposed Right-of-Way
- ▨ Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





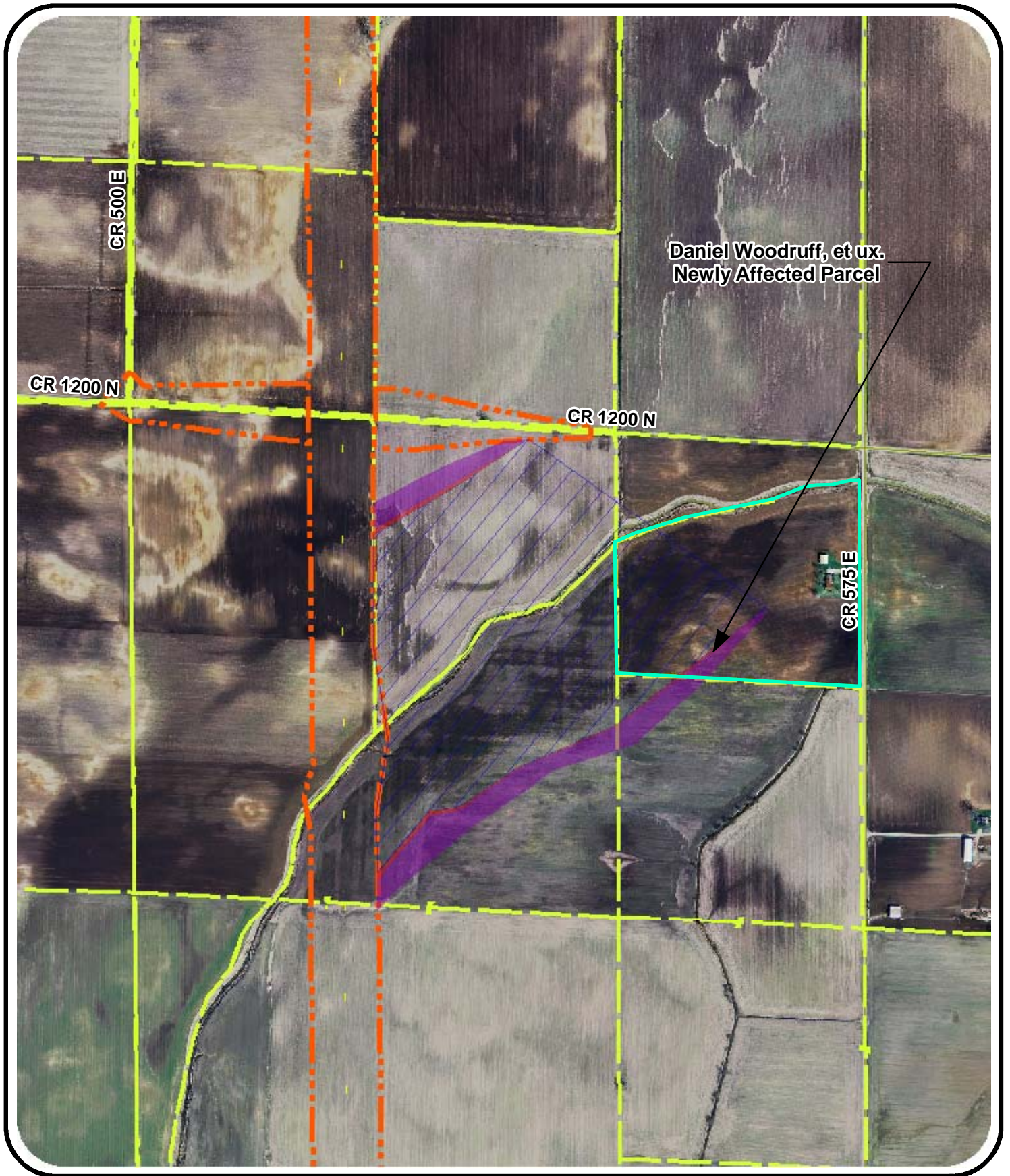
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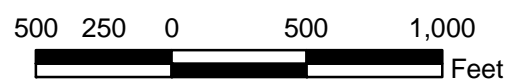
### Legend

- Parcel Lines
- Proposed Right-of-Way
- ▨ Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





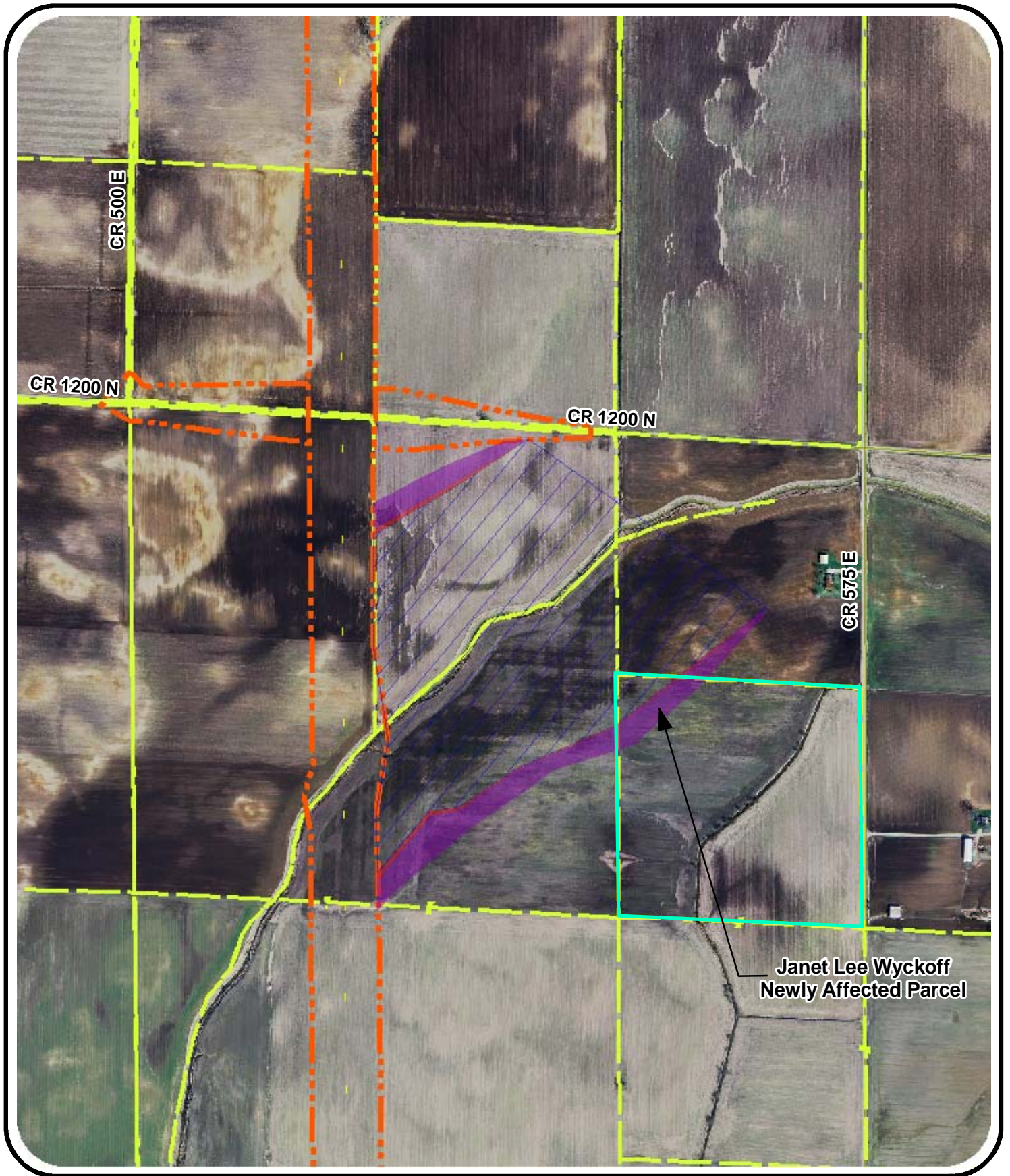
## Proposed Flood Easement Sta. 2293+00



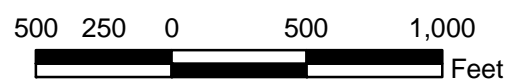
### Legend

- Parcel Lines
- Proposed Right-of-Way
- Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





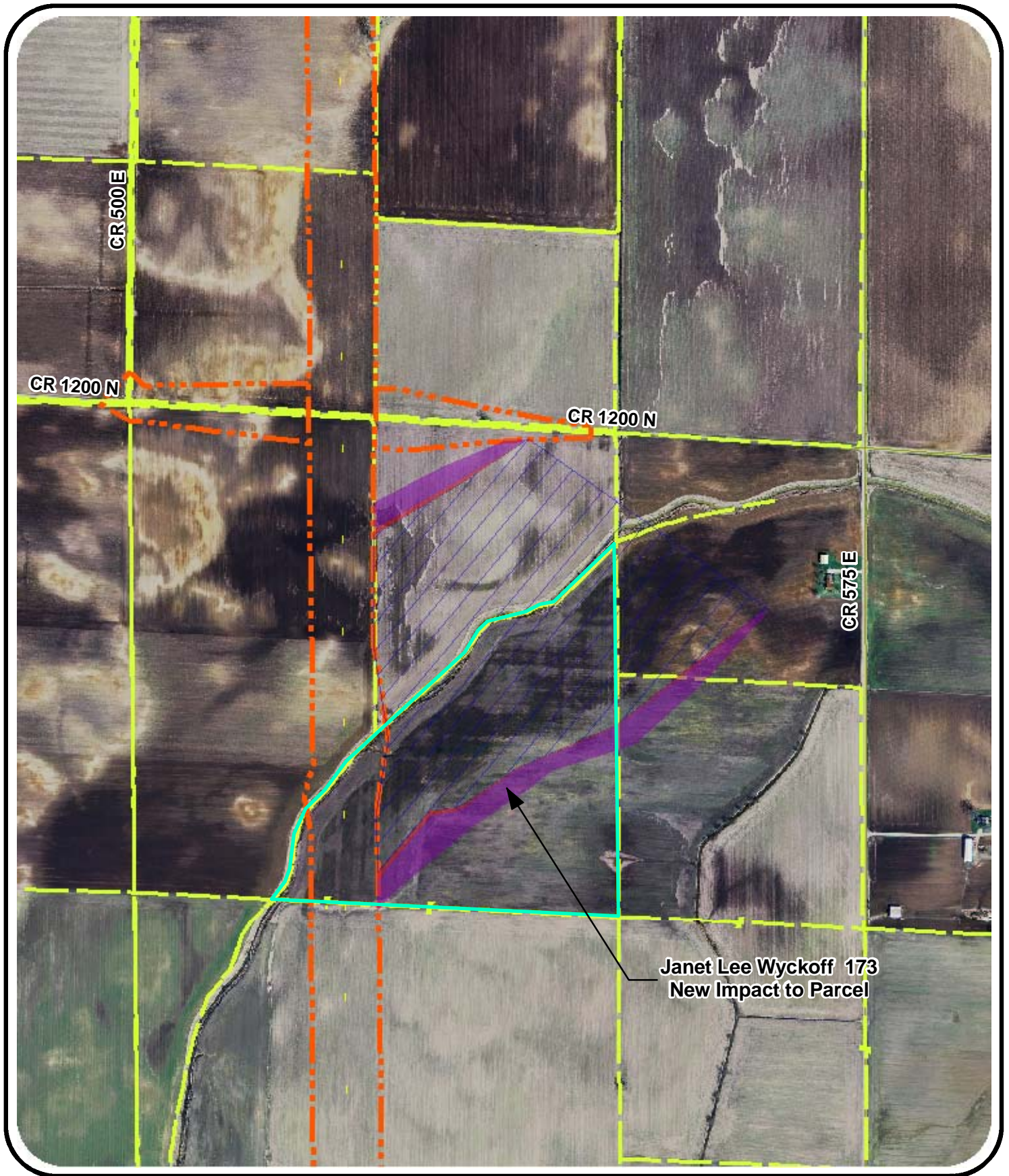
## Proposed Flood Easement Sta. 2293+00



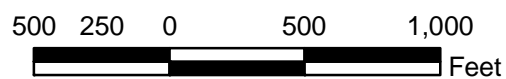
### Legend

- Parcel Lines
- Proposed Right-of-Way
- Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





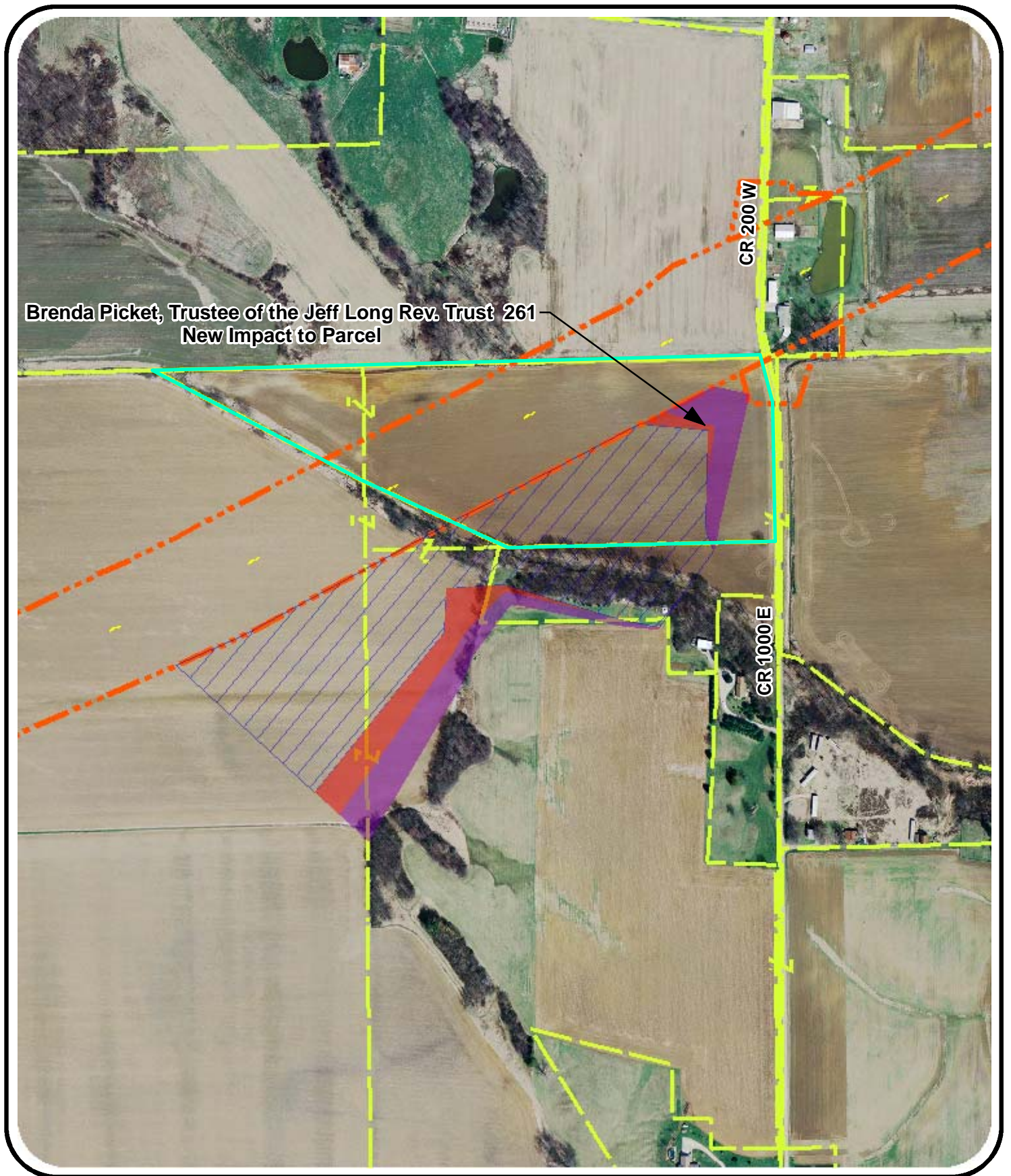
## Proposed Flood Easement Sta. 2293+00



### Legend

- Parcel Lines
- Proposed Right-of-Way
- ▨ Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





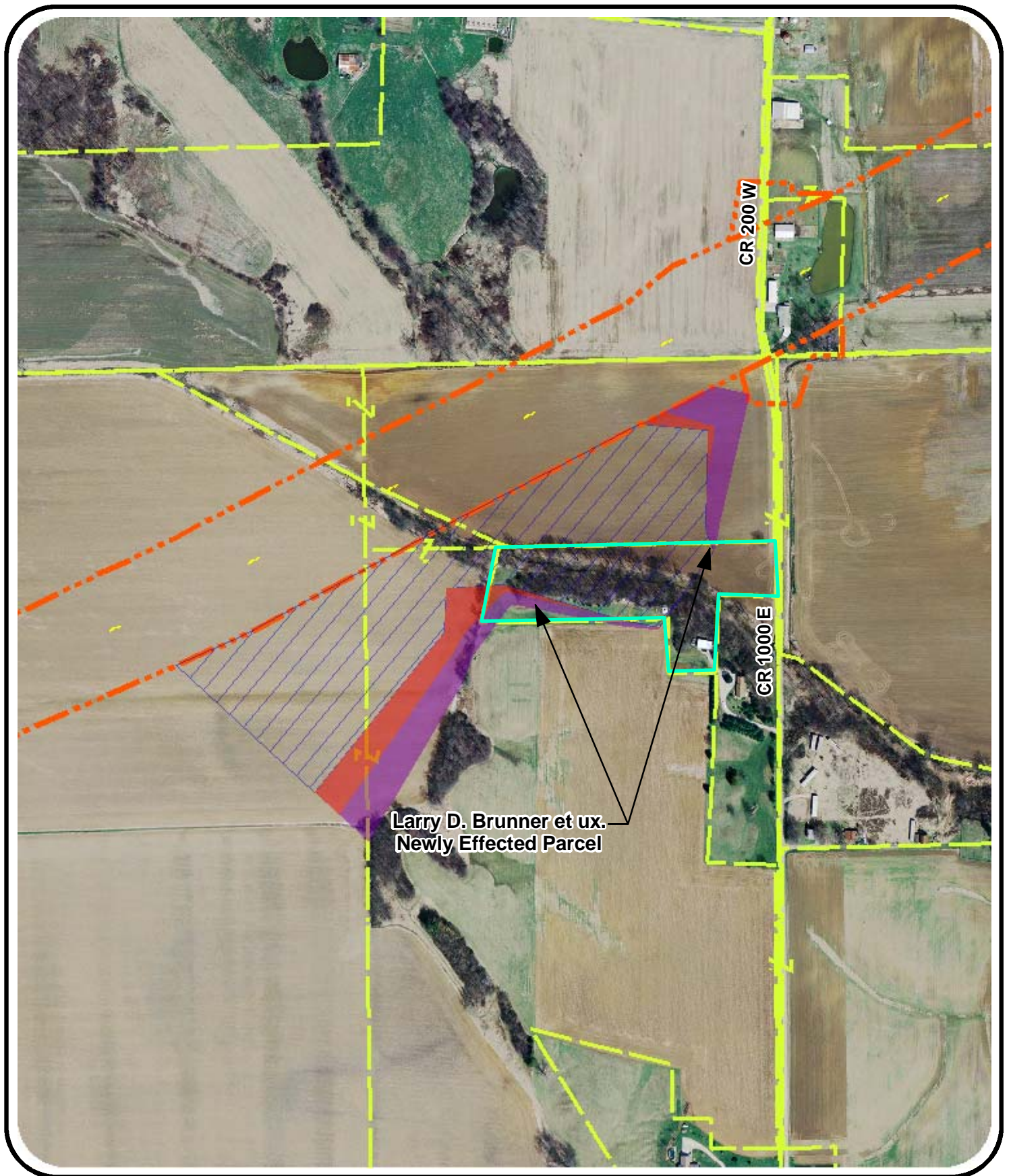
## Proposed Flood Easement Sta. 2774+00



### Legend

- Parcel Lines
- Proposed Right-of-Way
- Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





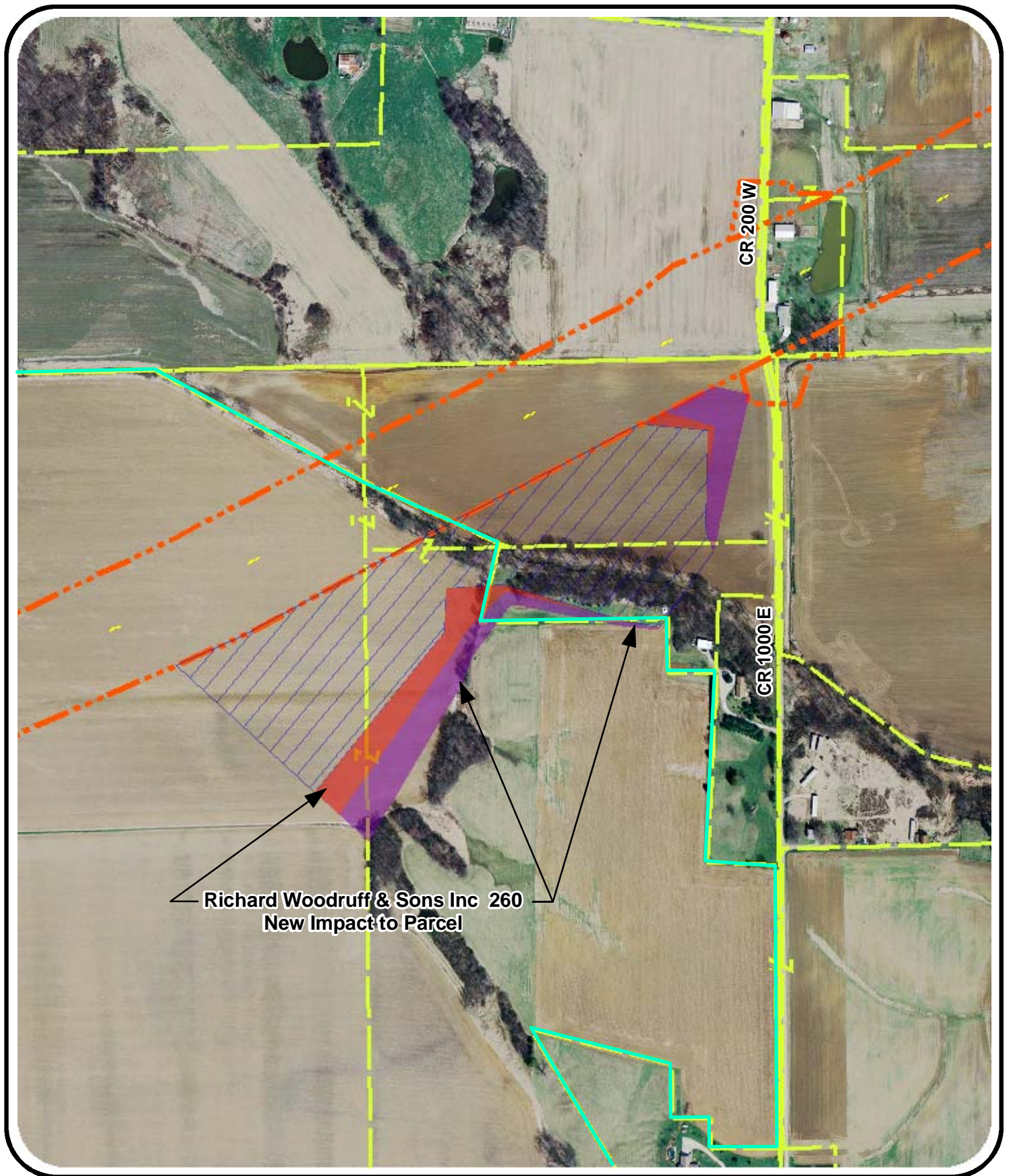
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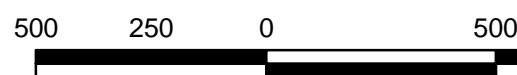
### Legend

- Parcel Lines
- Proposed Right-of-Way
- Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





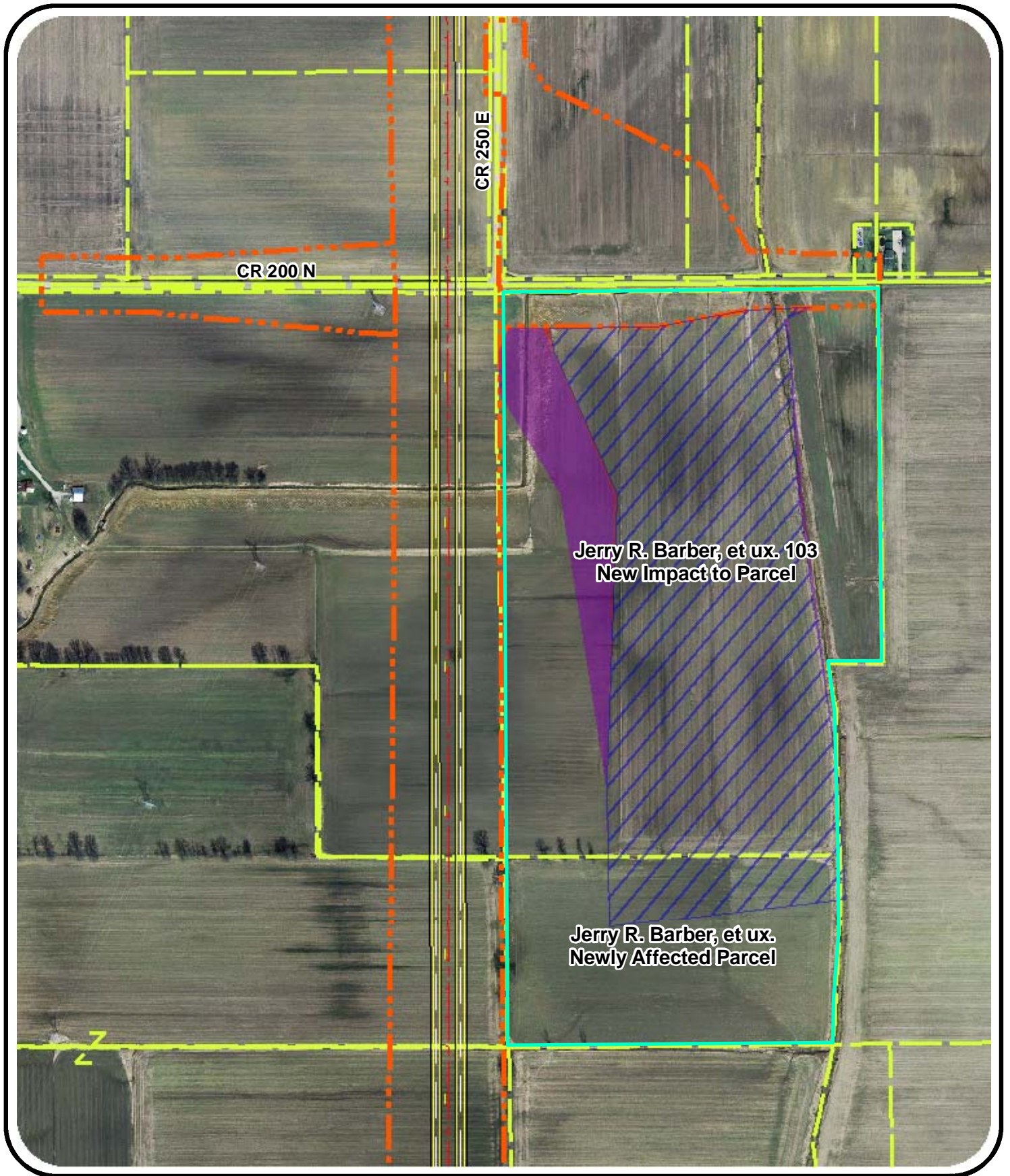
## Proposed Flood Easement Sta. 2774+00



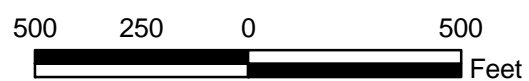
### Legend

- Parcel Lines
- - - Proposed Right-of-Way
- Natural Backwater
- 0-14 Ft Backwater
- 14-100 Ft Backwater





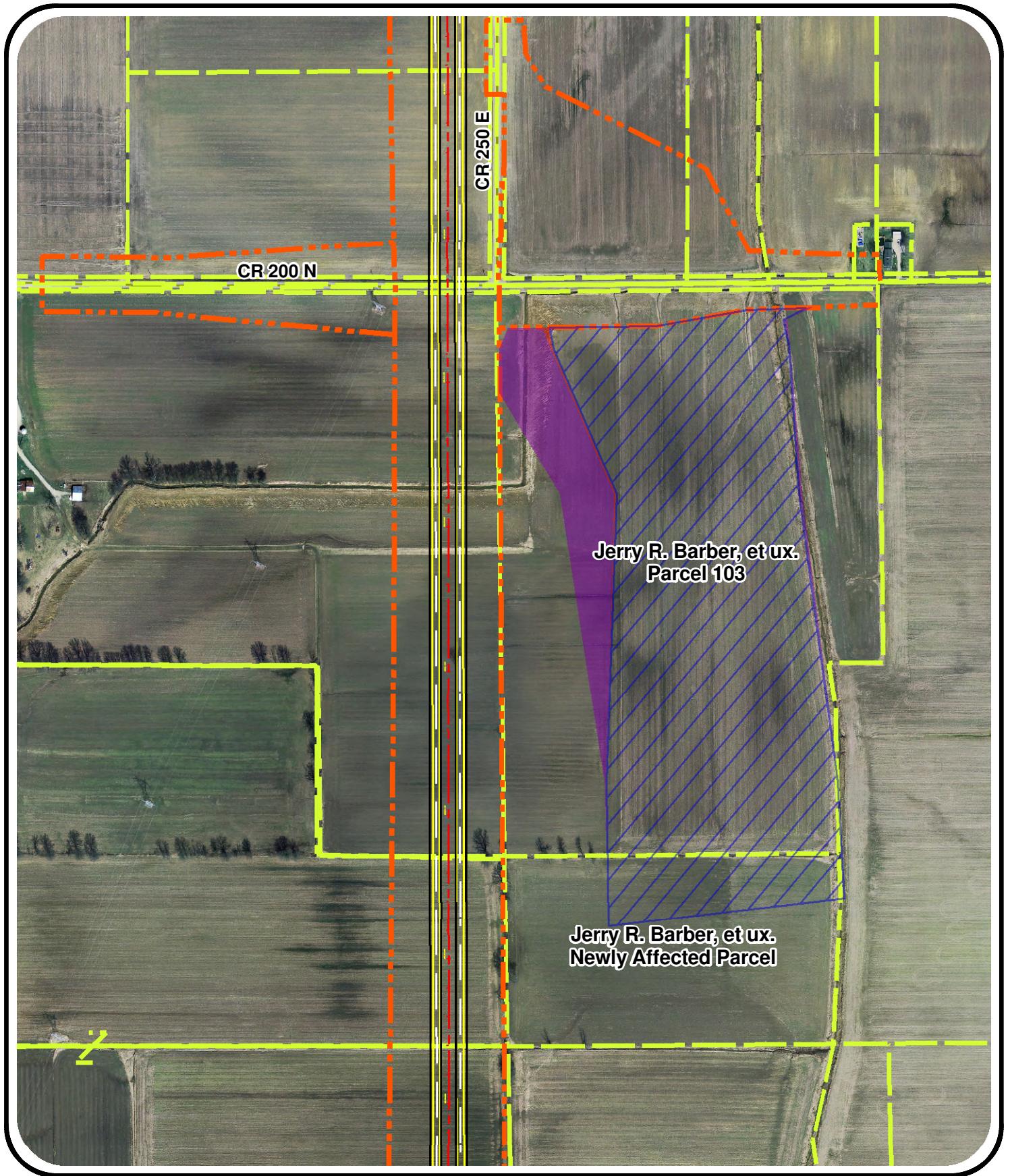
## Proposed Flood Easement CR 200 N



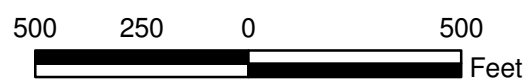
### Legend

- Parcel Lines
- Proposed Right-of-Way
- Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





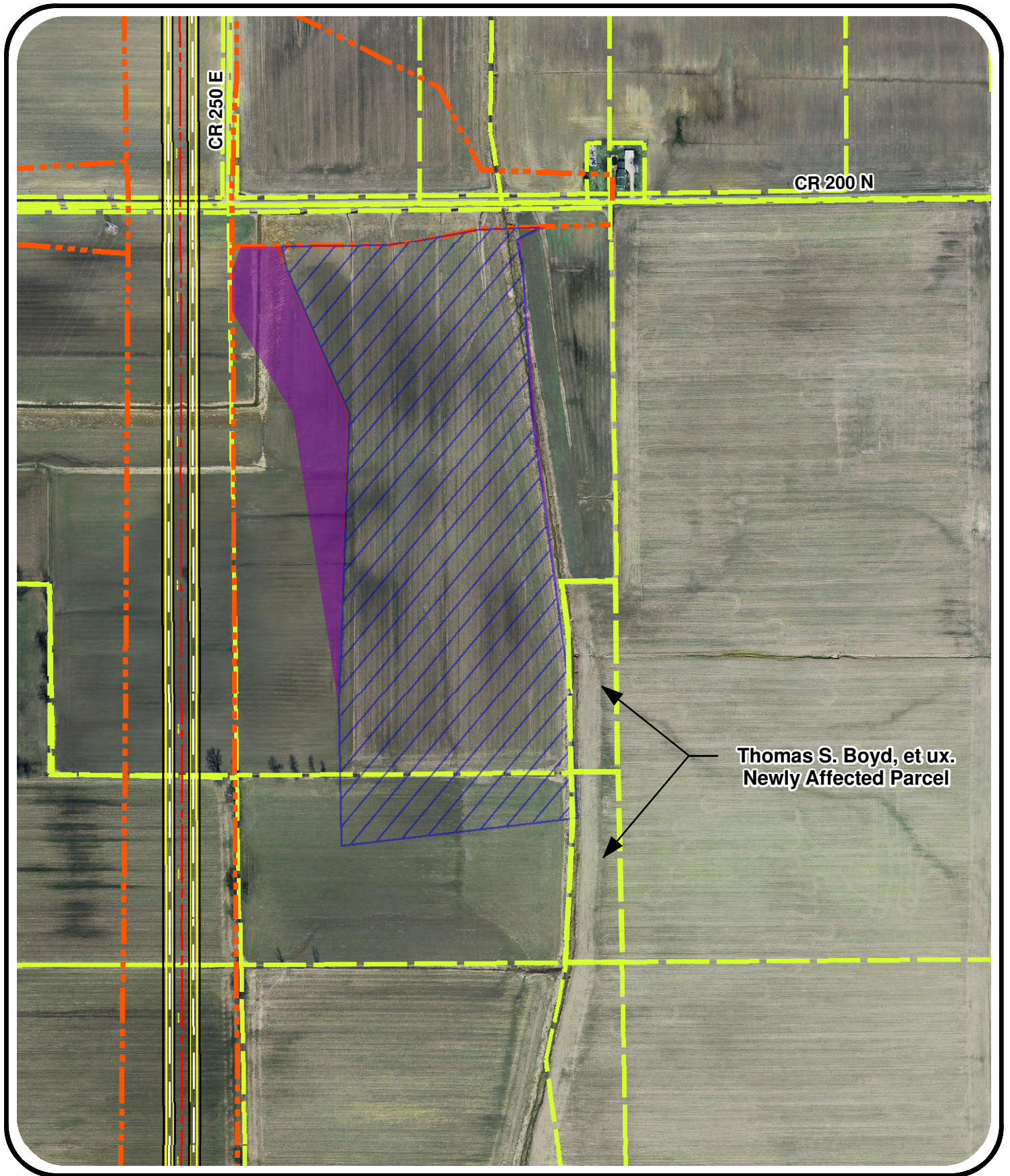
## Proposed Flood Easement CR 200 N



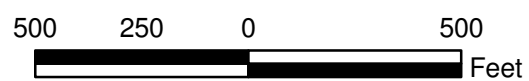
### Legend

- Parcel Lines
- Proposed Right-of-Way
- Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater





## Proposed Flood Easement CR 200 N



### Legend

- Parcel Lines
- Proposed Right-of-Way
- Natural Backwater
- 0.14 Ft Backwater
- 1.0 Ft Backwater



# Attachment 2

## Public Involvement



# Memo

To: Sandra Flum, INDOT Project Manager; Jason DuPont, PMC Deputy Project Manager; Cris Klika, PB World

From: David Goffinet, PMC Public Involvement

CC: Kent Ahrenholtz, PMC Project Manager; Sam Sarvis, INDOT Director of Major Programs; David Pluckebaum, Corradino Group; Mark Bailey, PB World

Date: April 7, 2010

Re: Section 3 Flood Easement Outreach Summary

---

## Overall Topic

The following is a summary of outreach efforts for Section 3 proposed flood easements for structures 179000, 189100, 198100, 200300, 204100, 224100, 229300, 277400 and at CR 200N and LSR 18. The FHWA required that INDOT conduct a public outreach effort to meet property owners who will be impacted by flood easements that were not previously impacted by right-of-way (ROW) acquisition. Of the 32 parcels impacted by flood easements, it was originally determined that 9 were parcels owned by persons not previously impacted by ROW acquisition. Upon further examination, research and communication this list was narrowed to 7. The 7 parcels and the respective owners are identified below along with a brief summary of the completed outreach communications.

### **Affected Property Owners**

1. Thelma Davis Perry: structure 179000, parcel 8-3, .55 acres
  - a. Abstract investigations determined this property was sold to Tom Boyd. Mr. Boyd owns property previously impacted by ROW acquisition.
2. Dianne Sue Small: structure 179000, parcel 8-2, .33 acres
  - a. After receiving a certified letter regarding flood easements, Ms. Small phoned the office of Bernardin Lochmueller & Associates to notify them she had sold the property to Tom and Steve Boyd. The Boyd's own property previously impacted by ROW acquisition.
3. Kenny Swartzentruber: structure 189100, parcel 9-1, .47 acres



- a. Mr. Swartzentruber resides in Florida for a portion of the year, so coordination of the flood easement discussion was managed by phone and email communication. Mr. Swartzentruber was able to review a graphic describing the easement area while talking with David Goffinet about the specifics of the markings and easement process. He did not feel the need to meet in person upon his return to the area in April.
4. Fred and Kathleen Stoll: structure 189100, parcel 9-2, 4.25 acres
  - a. David Goffinet, Dave Pluckebaum and Mark Bailey met with Fred Stoll on Friday, February 26 at 9:00 am at his home to discuss the flood easement and other questions he may have. Mr. Stoll was able to describe stormwater drainage patterns in the vicinity of his property and seemed satisfied with the general explanation of the desired flood easement. Graphics were used to facilitate the discussion and were left with the property owner for future reference. His questions focused primarily on field drainage tile, especially on a neighboring property which he farms, as well as how the existing levee system was to be incorporated into the I-69 design. We were able to provide him answers for his questions.
5. Louis and Karen Graber: structure 189100, parcel 9-3, 1.58 acres
  - a. David Goffinet, Dave Pluckebaum and Mark Bailey met with Fred Stoll on Monday, March 1 at 5:00 pm at his home to discuss the flood easement and other questions he may have. Graphics were used to facilitate the discussion and were left with the property owner for future reference. Mr. Graber seemed satisfied with the general explanation of the desired flood easement and indicated he may talk with Fred Stoll to discuss this further. Mr. Graber's questions were primarily focused on understanding the concept of the proposed flood easement. We were able to provide him answers for his questions.
6. Paul E. Hart et al: structure 198100, parcel 10-1 and 117, .38 total acres
  - a. David Goffinet called Mr. Hart on February 25 to follow up the certified letter that was sent to him. In the conversation, Mr. Hart confirmed he and his two sisters owned parcel 10-1 and that they also owned parcel 117 which was impacted by ROW acquisition. He was concerned that an appraiser had already met with him and was not aware of the flood easements necessary on parcel 117 or 10-1. David explained why this was the case and Mr. Hart indicated he would call back later to set a date to meet with he and his sisters. David Goffinet, David Pluckebaum, and Mark Bailey met with Paul and his two sisters, June and Bobbi Jo, on Tuesday, March 16 at 11 a.m. Graphics were used to facilitate the discussion and were left with the property owners for future reference. We were able to identify the limits of the proposed easement, describe how the easement process would transpire and answer their questions.
7. Verlin Sims Trust: structure 224100, parcel 11-4, .93 acres



- a. Mr. Verlin Manning manages properties under the Verlin Sims Trust, and resides in Durant, Oklahoma, so coordination of the flood easement discussion was managed by phone and email communication. I spoke with Mr. Manning after he received the letter identifying the Verlin Sims Trust as being impacted by flood easements and requested his email so that I could provide him a graphic showing the area proposed for the food easement. I provided that graphic on March 5 along with additional information on the easement process. He felt there would be no need for additional communication needed and would wait to hear from the appraiser.
8. Daniel J. Woodruff: structure 229300, parcel 11-2, .83 acres
  - a. Mr. Woodruff, his brother and his father own and farm a number of parcels throughout Southwest Indiana. Besides the parcel mentioned above, they own three other parcels that are impacted by flood easements along with ROW acquisition. I agreed to discuss each of them during our meeting on parcel 11-2, so he and his brother Ron attended the meeting which was held on February 26. The other impacted parcels were at structure 224100 (parcels 175 and 176) and at structure 277400 (parcel 260). The acreage on these parcels is .93, 1.56, and 1.72 acres, respectively. David Goffinet, Dave Pluckebaum and Mark Bailey met with Dan and Ron Woodruff at 1:00 pm on February 26. Graphics of all the Woodruff parcels affected by flood easements were provided to facilitate the discussion. The Woodruff's seemed satisfied with the explanation of the easement boundaries and indicated they would look forward to hearing from the appraiser and buyer. They were appreciative of the communication from INDOT that had taken place over the last several months related to this project.
9. Larry and Donna Bruner: structure 277400, parcel 13-1, .34 acres
  - a. David Goffinet, Dave Pluckebaum and Mark Bailey met with Larry Bruner on Friday, February 26 at 11:00 am at his place of business. Graphics were provided to facilitate the flood easement discussion. Mr. Bruner indicated some of the property impacted by the proposed easement boundaries was farm property that was usually cut as hay. He also noted that the elevation of his house relative to the proposed easement boundary did not pose any concerns for him. He was appreciative of the meeting and will be waiting to hear from the appraiser and buyer.



## Public Notice

The Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) have completed a reevaluation of flood easement areas for Section 3 of the I-69 project from Washington to Crane NSWC. The I-69 project is a four lane interstate highway on mostly new terrain that will link Evansville, Indiana with Indianapolis, Indiana. Section 3 of the I-69 project is 26 miles long and extends from US 50 in Daviess County to US 231 in Greene County, Indiana. The Section 3 Tier 2 Final Environmental Impact Statement (FEIS) was published on December 1, 2009 and noticed in the Federal Register on December 11, 2009. The Section 3 Record of Decision (ROD) was published on January 28, 2010. Since the publication of the above documents, flood easements associated with design refinements have been identified.

This revised design of Section 3 requires approximately 46.86 acres of permanent flood easement acquisition. These flood easements will accommodate the increased backwater generated during the regulatory flood, as defined by 312 IAC 10-2-35, resulting from the final Section 3 design. There are eight locations where flood easements will be acquired on a total of 32 parcels for this project. The flood easements associated with Daviess CR 200 North crossing Eagen Ditch, located south of CR 200 North, immediately east of I-69, total 5.28 acres consisting entirely of agricultural land. The flood easements associated with I-69 crossing Eagan Ditch, located east of I-69, north of CR 200 North and south of CR 350 North, total 13.13 acres consisting entirely of agricultural land. The flood easements associated with I-69 crossing South Fork of Prairie Creek, located east of I-69 approximately one mile south of CR 550 North, total 8.46 acres, which includes predominately agricultural land and approximately 1.4 acres of forested wetland. The flood easements associated with I-69 crossing North Fork of Prairie Creek, located east of I-69 approximately one mile north of CR 550 North, total 1.16 acres, which includes predominately agricultural land and approximately 0.16 acre of forest. The flood easements associated with I-69 and Local Service Road 18 crossing Bethel Ditch, located northwest of I-69 both east and west of CR 450 East, total 3.25 acres of agricultural land including a feedlot/pasture and row crop. The flood easements associated with I-69 crossing Epsom Lateral, located east of I-69 south of CR 1100 North, total 3.42 acres, which includes predominately agricultural land and 0.9 acres of an open water pond. The flood easements associated with I-69 crossing Smothers Creek, located east of I-69 south of CR 1200 North, total 9.05 acres consisting entirely of agricultural land. The flood easements associated with I-69 crossing unnamed tributary of First Creek, located southeast of I-69 west of CR 1000 East, total 3.11 acres, which includes predominately agricultural land and approximately 0.2 acres of forest.

The environmental impacts on these areas have been considered. It has been determined that there will be no impact to the forest and wetland areas and only minor impacts on farmland. Due to the short duration and infrequent nature of the anticipated increased backwater due to the low probability of occurrence, the resulting flooding and acquisition of the flood easements is not anticipated to result in any change to the existing land uses on these areas. It has also been determined that these flood easements will have no affect on historic resources or archaeological resources.

Representatives from INDOT and the team selected to complete design work for this section, as well as Section 2, maintain daily office hours in the Washington office and are available for questions or comments. Questions or comments pertaining to Section 3 or other parts of the project may also be directed to the project website. For more information about all six sections of I-69, visit the Project



Website at [www.i69indyevn.org](http://www.i69indyevn.org). The views of the public on the revised flood easement design are being sought. Please reply no later than **March 20, 2010**. Please reply to the contact listed below.

David Pluckebaum  
Phone: 812-254-2831



*Publisher's Affidavit*

**The State of Indiana,  
Daviess County**

**SS:**

Personally appears before the undersigned

Ron Smith, General Manager of

**THE WASHINGTON TIMES-HERALD**

a public newspaper of general circulation, printed and published in Washington in the county aforesaid, who, being duly sworn upon his oath, said: The notice of which the attached is a true copy was published in said paper on

March 5 2010

Subscribed and sworn to before me, this 5<sup>th</sup> day of March 2010

Printer's Fee \$ 56.98 paid

Mary Ellen Pride, Notary Public

My commission expires March 14, 2016



## PUBLIC NOTICE

The Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) have completed a reevaluation of flood easement areas for Section 3 of the I-69 project from Washington to Crane NSWC. The I-69 project is a four lane interstate highway on mostly new terrain that will link Evansville, Indiana with Indianapolis, Indiana. Section 3 of the I-69 project is 26 miles long and extends from US 50 in Daviess County to US 231 in Greene County, Indiana. The Section 3 Tier 2 Final Environmental Impact Statement (FEIS) was published on December 1, 2009 and noticed in the Federal Register on December 11, 2009. The Section 3 Record of Decision (ROD) was published January 28, 2010. Since the publication of the above documents, flood easements associated with design refinements have been identified.

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forest. The flood easements associated with I-69 and Local Service Road 18 crossing Bethel Ditch, located northwest of I-69 both east and west of CR 450 East, total 3.25 acres of agricultural land including a feedlot, pasture and row crop. The flood easements associated with I-69 crossing Epsom Lateral, located east of I-69 south of CR 1100 North, total 3.42 acres, which includes predominately agricultural land and 0.9 acres of an open water pond. The flood easements associated with I-69 crossing Smothers Creek, located east of I-69 south of CR 1200 North, total 9.05 acres consisting entirely of agricultural land. The flood easements associated with I-69 crossing unnamed tributary of First Creek, located southeast of I-69 west of CR 1000 East, total 3.11 acres, which includes predominately agricultural land and approximately 0.2 acres of forest.

The environmental impacts on these areas have been considered. It has been determined that there will be no impact to the forest and wetland areas and only minor impacts on farmland. Due to the short duration and infrequent nature of the anticipated increased backwater due to the low probability of occurrence, the resulting flooding and acquisition of the flood easements is not anticipated to result in any change to the existing land uses on these areas. It has also been determined that these flood easements will have no effect on historic resources or archaeological resources.

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David Pluckebaum  
Phone: 812-254-2831  
March 5, 2010



From: "Denise" <wdkbj@minerbroadband.com>  
Subject: Comments for I-69 Flood Easement  
Date: Sat, March 20, 2010 11:43 pm  
To: "Dave Pluckebaum" <dpluckebaum@corradino.com>  
Cc: "Darla @ Fibercamp" <darla@fibercamp.com>, "Mom" <maple@rtccom.net>, "Janelle Lemon" <JLemon@indot.IN.gov>

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Dave,

I have a few comments and requests regarding the Public Notice published in the Washington Times Herald on March 5, 2010.

First, I just want to let you know that I am a little disappointed to see this. My family has expressed concern over backwater from the bridges on more than one occasion and you have always said that the bridge openings would be plenty big and we wouldn't have to worry about that. The last time being on March 3rd when we met with you and Janelle on site; just 2 days before this was published as a "re" evaluation. Believe me backwater has been an issue on my family's property on the North Fork Prairie Creek bottoms for many years, especially since a downstream landowner illegally built a levee in the floodway to keep the floodwaters off of his field (just west of CR300E to the south of Cornettsville). You may or may not know that Prairie Creek was actually a PL-566 Watershed Project that was constructed back in the 60's and early 70's for the purpose of flood control so obviously there is already a problem which we don't need to add to.

Second, I would like request a profile for each of North Fork Prairie Creek and Bethel Ditch showing the existing 100-year, 24-hour storm profiles and the proposed profiles with the bridges and road fills in place.

Third, can you tell me what type of computer modeling was used? I would also like to request a hard copy of the input and output.

Finally, are these flood easements going to be included with the main offer?

Please respond at your earliest convenience by sending documents to me at:

RR#2, Box 990  
Linton, IN 47441

Thank you,

Denise Held  
for Phil & Beryl Myers

---

**Attachments:**

untitled-1	
Size:	1.7 k
Type:	text/plain

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Washington  
**Times-Herald**  
*Serving Washington and nearby communities since 1867*

## Flood easement for I-69 is complete

March 05, 2010 12:24 pm

### — PUBLIC NOTICE

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David Pluckebaum  
Phone: 812-254-2831  
March 5, 2010

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# INDIANA DEPARTMENT OF TRANSPORTATION

*Driving Indiana's Economic Growth*

100 North Senate Avenue

Room N751

Indianapolis, Indiana 46204-2216 (317) 232-5533 FAX: (317) 232-5144

**Mitchell E. Daniels, Jr., Governor**

**Michael W. Reed, Commissioner**

March 29, 2010

Ms. Denise Held  
RR #2, Box 990  
Linton, IN 47441

RE: Public Records Request for information regarding the I-69 Flood Easement; a profile of North Fork Prairie Creek and Bethel Ditch showing the existing 100 year, 24 hour storm profiles and the proposed profiles with the bridges and road fills in place; what type of computer modeling was used including a hard copy of the input and output and are these flood easements going to be included with the main offer?

Dear Ms. Held:

The Indiana Department of Transportation (INDOT) has received your request for the public records for the above referenced subject. INDOT will consider it as a request for public records pursuant to IC § 5-14-3 *et seq.* Your request will be forwarded to the appropriate personnel for review and response. The requested disclosable public records will be forwarded to you as soon as possible, if available.

IC § 5-14-3-8(b) provides for a copy charge of ten cents (\$0.10) per standard sized (8 ½" x 11") pages copied, fifty cents (\$0.50) per ledger sized (11" x 17") pages, and \$1.00 for plan sized (24" x 36") pages copied. You may also schedule a time to visit the INDOT offices to review the records.

We will try to produce all records as quickly and completely as possible. We work with reasonable speed to produce records – given INDOT's workload and other records requests. Pursuant to IC § 5-14-3-3(a)(1), it may be necessary for INDOT to contact you prior to producing any records "to identify with reasonable particularity the records being requested." State agencies are precluded, under penalty of law, from producing some records. See IC § 5-14-3-6.5 (confidential public records from another agency); IC § 5-14-3-4(a)(3) (those records required to be kept confidential by federal law); IC § 8-23-2-6(c) (certain INDOT records); and IC § 5-14-3-10 (penalties). The Indiana General Assembly provided public agencies discretion as to whether to disclose certain records under IC § 5-14-3-4(b), INDOT will make these records available on a case by case basis as permitted by the statute. INDOT also works under the requirements of federal law, and is prohibited by federal law from disclosing records deemed confidential by federal law or regulation. If INDOT denies disclosure of a record or records, INDOT will cite the specific exemption that authorizes it to withhold a specific record, pursuant to IC § 5-14-3-9(c).

Thank you for your interest. Should you have any questions please contact me at (317) 232-5383.

Sincerely,

Amy Miller  
Program Director  
Local Service Center

AJM/am





# I-69 Evansville to Indianapolis Tier 2 Studies

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## I-69 Section 3 Flood Easements Public Comment Memorandum

April 21, 2010

In a public notice placed in the Washington Times Herald on March 5, 2010 the public was notified of flood easements identified within Section 3, of the I-69 Evansville to Indianapolis project. One comment was received from the public during a 15-day comment period. The comment came from Denise Held on behalf of Phil and Beryl Myers. A copy of the comment, which was sent in an email communication to the Section 3 Project Manager David Pluckebaum, is included with this memorandum. This memorandum is intended to address Ms. Held's comment. Both the comment and this memorandum will be incorporated as an addendum to the Section 3 Flood Easement Reevaluation Document.

The Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) are in the process of completing a reevaluation document for flood easement areas in Section 3 of the I-69 project from Washington to Crane NSWC. Since the publication of the Section 3 Record of Decision (ROD), the need for flood easements associated with design refinements has been identified.

These flood easements will accommodate the increased backwater generated during the regulatory flood, as defined by 312 IAC 10-2-35, resulting from the Section 3 final design. There are eight locations where flood easements will be acquired on a total of 32 parcels for this project. The flood easements are being acquired for areas where the I-69 and new local access road bridge designs result in increased backwater exceeding 0.14 feet (the allowable limit identified in the Flood Control Act – IC 14-28) during the regulatory flood. The bridge designs all comply with FHWA approved design standards which allow a maximum backwater increase of 1.0 foot during the regulatory flood. The regulatory flood is defined as "a flood having a one percent (1%) probability of being equaled or exceeded in a year as calculated by a method and procedure that is approved by the [Natural Resources Commission]. The regulatory flood is equivalent to the base flood or the 100-year frequency flood" (312 IAC 10-2-35). As defined, the regulatory flood event which produces backwater on these flood easement parcels is a low probability or infrequently occurring event. Based on the hydraulic modeling completed to analyze these bridge structures and flooding, the duration of the increased backwater on these flood easement areas will be less than 12 hours during any single regulatory flood event. The environmental impacts on these areas have been considered. It has been determined that there will be no impact to forest and wetland areas within the flood easements and only minor impacts on farmland. Due to the short duration and infrequent nature of the anticipated increased backwater and due to the low probability of occurrence, the resulting flooding and acquisition of the flood easements is not anticipated to result in any change to the existing land uses on these areas. It has also been determined that these flood easements will have no affect on historic resources or archaeological resources.

The Myers family owns several parcels in the North Fork Prairie Creek and Bethel Ditch bottoms extending north from North Fork Prairie Creek to CR 750 N. The concern expressed in the comment was regarding the potential for additional backwater entering the family's property in the North Fork Prairie Creek bottoms as a result of the project. The Myers properties which would be affected by flood easements are located in the vicinity of Daviess County Road 450 E north of North Fork Prairie Creek. Approximately 3.01 total acres of Myers land will be located within two separate flood easements.



One easement involves property within the north flood plain of the North Fork Prairie Creek and its tributary and the second involves property within the west flood plain of Bethel Ditch. According to hydraulic modeling in both locations there will be an additional 0.79 and 2.22 acres, respectively, of backwater impacts under the conditions of a regulatory flood event with structures designed to FHWA standards allowing an additional 1.0 foot of backwater.

As discussed above relative to all flood easements in Section 3, no significant impact to the Myers property is expected due to the following factors: short duration and infrequent nature of increased backwater and the low probability of occurrence.

Additionally, Ms. Held's comment included a few questions and requests. These are being processed as a public information request through INDOT Central Office.