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INTRODUCTION

The I-69 DEIS (dated December 11, 2006) was released on December 22, 2006. A comment period from December 22, 2006, to February 20, 2007, followed the publication allowing the public, local officials, and government agencies to submit comments, concerns, and questions for review.

Two federal and four state agencies submitted comments on the DEIS: federal—USEPA and the U.S. Department of the Interior (USDOI, on behalf of USFWS); state—IDEM, IDNR Division of Historic Preservation and Archaeology, IDNR Division of Fish and Wildlife, and INDOT Office of Aviation. Comments were also received from 10 representatives of local governments and 27 private individuals/organizations (one of which represented a consortium of organizations).

Part A

Part A, Comments and Responses (C/R), addresses all substantive comments made on the DEIS. The comments/responses are provided in the form of a verbatim transcription of each substantive comment followed by a response to that comment.

Each commenter's written or oral[1] submittal is assigned an identification code, and each comment contained in the submittal is further identified by that code plus a numerical ID. For example, AF01 is the code identifying the U.S. Environmental Protection Agency (AF refers to Agency – Federal). AF01-1 refers to the first substantive comment appearing in the agency's comment letter. Each comment is presented verbatim and is followed by INDOT's response. When all of a commenter's substantive comments have been addressed, the next commenter's submittal is presented (in this case AF02, the U.S. Department of the Interior). State agency commenters are identified as '"AS," local government commenters by "LG," and the general public (including organizations) commenters by "PC."

Table 1 lists all who submitted substantive[2] comments on the DEIS, and provides the comment/response identification code for ease of locating the comment/response in the document.

On June 25, 2007, a draft of the C/R document was submitted for review and consideration to the following federal and state agencies: USEPA, USFWS, USACE, IDNR, and IDEM. Most of these agencies provided comments on the DEIS. The submittal is provided in Appendix B, *Agency Coordination Correspondence.* Comments on the C/R document were provided by USEPA and USFWS. USACE, IDEM and IDNR did not provide written comments. The comments that were received have been incorporated in the final C/R document as an Addendum to the document.

Part B

Part B, Written Comments and Public Hearing Transcriptions, includes a copy of each written submittal/transcribed statement submitted on the DEIS, as well as agency comments on the Comments and Responses document.

Volume III is provided electronically on CD-ROM media accompanying Volumes I and II.

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1 Comments made and transcribed at the Public Hearing on the DEIS, held January 18, 2007, in Oakland City, Indiana.

2 Comments generally not considered "substantive" include those that only noted preference for or opposition to the project, without elaboration; and comments that did not relate specifically to the Tier 2 Section 1 study. Due to the small number of commenters on the DEIS, all comments were included in the Comments and Response documentation. Comments not considered to be substantive were responded to with "Comment noted."

PART A

COMMENTS AND RESPONSES
ON
I-69 EVANSVILLE TO INDIANAPOLIS TIER 2 STUDIES
SECTION 1
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Table 1: Commentors on Section 1 DEIS

Comment ID Code	Name, Last	Name, First	Agency/ Organization	Date Submitted/Received*
	FEDERAL AGENCY			
AF01	Westlake	Kenneth A.	U.S. Environmental Protection Agency--Region 5	02-20-07 *07-13-07 Additional Comments (See ADDENDUM)*
AF02	Chezik	Michael T.	United States Department of the Interior, Office of Environmental Policy and Compliance	02-15-07 07-18-07 Additional Comment (See Addendum)
	STATE AGENCY			
AS01	Easterly	Thomas W.	Indiana Department of Environmental Management (IDEM)	02-20-07
AS02	McAhron	Ron	Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology	02-19-07
AS03	Davis	John M.	Indiana Department of Natural	03-28-07
AS04	Klump	Justin	Indiana Department of Transportation, Division of Aviation	02-20-07
	LOCAL GOVERNMENT			
LG01	Weinzapfel, Mayor	Jonathan	City of Evansville	01-18-07
LG02	Jarboe, President	Keith	City of Evansville City Council	01-19-07
LG03	Townsend, Member	Robert	Gibson County Board of Commissioners	02-14-07
LG04	Stevenson Whitehead Townsend	Michael Don W. Bob	Gibson County: Surveyor's Office, Board of Commissioners, Drainage Board	02-20-07
LG05	Wirth, Mayor	Hugh	City of Oakland City	01-18-07
LG06	Craig, Mayor	Jon	City of Petersburg	01-18-07
LG07	Aylsworth Rideout-Lambert	Tony Sally	Warrick County: Redevelopment Commission, Economic Development Advisory Council	02-15-07
LG08	Able, Mayor	Dave	City of Washington	01-18-07
	PUBLIC			
	Organizations			
PC01	Fisk	Shannon	Environmental Law and Policy Center, Hoosier Environmental Council, Citizens for Appropriate Rural Roads (Public Interest Organizations)	02-20-07
PC02	Schaefer	Steve	Hoosier Voices for I-69; Chamber of Commerce of SW Indiana	01-18-07
PC03	Rosenquist	Niles	Environmental Health Solutions	01-18-07

Table 1: Commentors on Section 1 DEIS (*Continued*)

Comment ID Code	Name, Last	Name, First	Agency/ Organization	Date Submitted/Received*
PUBLIC (Cont.)	**Individuals**			
PC04	Adams	Raymond	None Provided	01-19-07
PC05	Boyd	Jan	None Provided	01-18-07
PC06	Boyd	William	None Provided	01-18-07
PC07	Boyd	William	None Provided	02-19-07
PC08	Bryan	Wes	None Provided	01-19-07
PC09	Flenner	Sam	None Provided	01-18-07
PC10	Gehlhausen	Nancy	None Provided	02-19-07
PC11	Gilstrap	Kristina	None Provided	02-08-07
PC12	Griffin	Bruce	None Provided	01-19-07
PC13	Griffith	David W.	None Provided	02-16-07
PC14	Hasenour	John	None Provided	01-18-07
PC15	Hasenour	John	None Provided	01-18-07
PC16	Hasenour	John	None Provided	01-23-07
PC17	Hasenour	William	None Provided	01-18-07
PC18	Hopper	William	None Provided	01-18-07
PC19	Howell	James	None Provided	01-19-07
PC20	Michel	Larry	None Provided	01-18-07
PC21	Miller	William	None Provided	01-22-07
PC22	Niemeier	David	None Provided	01-18-07
PC23	Pagliaro	Daniel	None Provided	02-27-07
PC24	Ruff	Andy	None Provided	01-18-07
PC25	Schwiersch	Alicia	None Provided	01-29-07
PC26	Smith	Marietta	None Provided	01-18-07
PC27	Smith	John	None Provided	01-18-07
PC28	Stanton	Steve	None Provided	01-29-07
PC29	Steckler	John & Susan	None Provided	01-24-07
PC30	Tokarski	Thomas	None Provided	01-18-07
PC31	Williams	Tim	None Provided	01-25-07

* *In cases where comments were not dated, the date the comment was received is used as the date reference.*

FEDERAL AGENCIES (AF)

AF01 Kenneth Westlake U.S. Environmental Protection Agency—Region 5 02/20/07

AF01-1

Comment: The Section 1 Tier 2 DEIS is informative and reflects efforts made by the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) to use adequate detailed information in the development of the eight section Tier 2 DEIS route alignment alternatives in order to avoid and minimize impacts. The differences between the alternatives in the type and level of impacts to resources are not compelling. The majority of the direct impacts in Section 1 are to farmland. The preferred alternative has the least amount of direct impacts to streams, but more impacts to wetlands than other feasible Section 1 Tier 2 DEIS alternatives. However, the preferred alternative has less than 2 acres of direct wetland impacts. The predicted loss of upland forest is 33 acres.

The Section 1 Tier 2 EIS sets a standard for the type and level of information and analysis that FHWA and INDOT will utilize for the next five I-69 Tier 2 EISs, where the complexity of the resources and alternatives issues will increase substantially. Consequently, while the Section 1 Tier 2 DEIS provides and adequate level of detail and analysis for Tier 2 Section 1 NEPA decision making, the Tier 2 EIS for Section 1 would benefit from additional discussion, clarification, and correction in the following areas: (1) Selection of the Preferred Alternative, (2) Air Quality (PM2.5 and Carbon Monoxide Hotspot Analyses and Mobile Source Air Toxics), (3) Waters of the U.S./Streams and Wetlands, and (4) Mitigation. See the enclosure to this letter for our detailed comments on the Section 1 Tier 2 DEIS. We request this additional information be included in the Section 1 Tier 2 Final Environmental Impact Statement (FEIS).

Response: Please see Responses to Comments AF01-5 through AF01-27, which address comments made in the four categories noted in the above paragraph.

AF01-2

Comment: Many of our comments concerning the Section 1 Tier 2 DEIS may also apply to the I-69 Tier 2 EISs for Sections 2, 3, 4, 5 and 6. We recommend you consider our comments and incorporate our recommendations, as appropriate, when developing the Tier 2 DEISs for those sections.

Response: *Copies of USEPA's comments on the Section 1 DEIS have been provided to Sections 2, 3, 4, 5 and 6 for incorporation of the agency's recommendations, as appropriate, in the EISs for those sections.*

AF01-3

Comment: We continue to recommend disclosure, to the resource agencies, the public and decision makers, of the direct and indirect impacts associated with the entire 142-mile-long I-69 Indianapolis to Evansville alignment identified in the Tier 2 studies and identify the mitigation measures that will be undertaken to compensate for those impacts. At this time, it is uncertain how impacts for each Tier 2 Section and compensatory mitigation measures will be tracked to insure that adequate mitigation occurs for all losses incurred in each Tier 2 Section and throughout the entire I-69 (Indianapolis to Evansville) project.

We advise that a clear method be designed and identified now, before the first Tier 2 Record of Decision, in order to keep track of these impacts and mitigation measures, especially

compensatory mitigation measures. This is important since compensatory mitigation for impacts to a variety of different resources (e.g., wetlands, upland forest, riparian forest) are being proposed at sites that are well outside a Tier 2 Section study area where the impacts occur. In addition, the potential compensatory mitigation sites are proposed as sites that could be utilized for more than one type of resource impact as well as for impacts from multiple Tier 2 Sections. Without a well-designed mechanism to track impacts and account for their mitigation, it is uncertain whether impacts to resources of concern will be adequately compensated for if the I-69 project moves forward. We recommend that an overall I-69 impacts/mitigation tracking method be developed, explained and included, in all Tier 2 EISs, including the Section 1 Tier 2 FEIS. We recommend this be made a discussion topic during the FHWA/INDOT I-69 All Agency Meeting on March 1, 2007.

Response: FHWA does not believe that a "tally" of direct and indirect impacts is required by NEPA in the Tier 2 EISs for the I-69 Project. However, FHWA and INDOT have agreed to provide a tally of direct impacts in each section's Tier 2 FEIS, for informational purposes only. (Please see Appendix S in Section 1's FEIS.)

Because Section 1 will have published its FEIS before one or more of the other sections have published their DEISs (with/without a preferred alternative identified), the resources tabulated in the Section 1 FEIS were determined by using the most recent published data for impacts in each section, as follows: (1) Table 6-26 through 6-31 in the Tier 1 FEIS, (2) Tier 2 Screening of Alternatives package, (3) Tier 2 DEIS. Sections 2 through 6 will also have available the data from Section 1's Tier 2 FEIS.

It should be noted that information included in this "tally" that is based on anything other than a Final EIS for a particular section is not the "final" estimate of the reasonably foreseeable impacts being displayed. Because INDOT and FHWA are strongly committed to minimizing and avoiding impacts to the maximum extent practicable, it is quite likely that the "tally" of impacts included in the Section 1 FEIS will differ from the tally in the last FEIS issued for the I-69 project. Thus, the information in the "tally" should be regarded as approximate, and subject to change as the I-69 project proceeds through Tier 2.

In the "tally" that we have agreed to provide for informational purposes, indirect impacts will not be included. "Adding up" the indirect impact estimates for each Section would result in significant "double counting"; i.e., it would be difficult to segregate indirect impacts completely from one section to the next. Therefore, all indirect impacts resulting from I-69 within the study area of a section will be included in that section's EIS. (Note that there is a total overlap of at least 2 miles at the connecting ends of each section.) No attempt is made to strictly identify indirect impacts specific to one section; therefore, the values cannot be added to produce a meaningful total.

As recommended by EPA, an overall I-69 direct impacts/permitting/mitigation tracking method is being developed in consultation with permitting agencies and USEPA. It is anticipated that the tracking will be accomplished within a GIS database. INDOT will coordinate with agencies to identify agency-specific information to be included in the database for tracking. INDOT will provide to permitting agencies and USEPA 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.

AF01-4

Comment: We rate the I-69 Section 1 Tier 2 DEIS preferred alternative **LO (**Lack of Objections). EPA has assigned an LO rating to the proposed preferred alternative (Alternative 4) because we have not identified any potential environmental impacts requiring substantive changes to the proposal for Section 1 of the I-69 project. However, our review has disclosed opportunities for FHWA and INDOT to further identify and disclose proposed mitigation measures and their implementation in the NEPA document without making substantial changes to the Section 1 Tier 2 proposal.

Response: USEPA submitted 23 additional comments regarding impacts/mitigation and related issues. Please see Responses to Comments AF01-5 through AF01-27.

AF01-5

Comment: Many of our comments concerning the I-69 Section 1 Tier 2 Draft Environmental Impact Statement (DEIS) and recommendations for the Section 1 Tier 2 Final Environmental Impact Statement (FEIS) may apply to all six Tier 2 EISs.

Recommendation: FHWA and INDOT should consider our comments when preparing the Tier 2 EISs for Sections 2, 3, 4, 5, and 6 of the I-69 Evansville to Indianapolis project.

Response: Please see Responses to Comments AF01-2.

SELECTION OF THE PREFERRED ALTERNATIVE

AF01-6

Comment: **Selection of Preferred Alternative:** The Section 1 Tier 2 DEIS and associated documents presented a great deal of background work in identifying and assessing the natural resources of the study corridor. As the first National Environmental Policy Act (NEPA) document in a series of six, the Section 1 Tier 2 DEIS also sets the tone for the five additional I-69 Tier 2 EISs, where the complexity of the resource and alternatives issues will increase. The Section 1 Tier 2 FEIS should provide clear explanations of the choices made and the reasons behind them, especially in the balancing of a wide range of human and natural factors. Doing so will best inform the public and decision-makers, and provide advance progress on future permitting issues. The Section 1 Tier 2 DEIS (Chapter 6, Section 6.3 *Selection of Preferred Alignment Alternative*) does not identify how an alternative's disadvantages were taken into consideration and weighed against its advantages when identifying the preferred alternative.

Recommendation: The Section 1 Tier 2 FEIS should provide a more robust explanation of how the preferred alternative was chosen, based on the various factors that needed to be considered, including the alternative's disadvantages in Chapter 6, Section 6.3 *Selection of Preferred Alignment Alternative.*

Note: This recommendation applies to all I-69 Tier 2 EISs. Also, see our comments below [AF01-18] under Waters of the U.S. heading concerning selection of the preferred alternative and Clean Water Act Section 404 compliance.

Response: The discussion of alternatives in Section 6.3.1 of Section 1's FEIS has been augmented to provide more in-depth information regarding how the preferred alternative was chosen, including additional details about how an alternative's disadvantages were taken into consideration and weighed against its advantages when identifying the preferred alternative. (This response also applies to USEPA Comment AF01-18 and USDOI Comment AF02-2.)

Regarding the "Note:" Response to Comment AF01-2 addresses the recommendation's applicability to Tier 2 EISs, and the Response to Comment AF01-6 in the preceding paragraph also applies to Comment AF01-18.

AIR QUALITY

AF01-7

Comment: **PM2.5 Hot Spot Analysis:** The qualitative PM 2.5 hotspot analysis was not included in the Tier 2 DEIS nor was there a discussion of the criteria for evaluating the project to determine if it is a "project of air quality concern" as defined by the transportation conformity regulation. The Section 1 Tier 2 DEIS on page 5-143 states that the consultation will be completed once the FEIS preferred alternative has been identified and refers to the *FHWA Policy Memorandum: Air Quality Conformity*, dated May 20, 2003.

Recommendation: The Section 1 Tier 2 FEIS should include the qualitative PM2.5 hotspot analysis and a discussion of the criteria for evaluating the project to determine if it is a "project of air quality concern" as defined by the transportation conformity regulation.

Note: All Tier 2 DEISs should discuss expected traffic levels and the reasons why the project is or is not a "project of air quality concern" U.S. EPA awaits consultation with appropriate agencies.

Response: The EIS has been modified (Section 5.9) to note that interagency consultation regarding the need for $PM_{2.5}$ qualitative hot-spot analysis for Section 1 occurred on June 14, 2007. The consultation resulted in the conclusion that USEPA and FHWA would not require a qualitative analysis and the preferred alternative is not a project of air quality concern.

AF01-8

Comment: **Carbon Monoxide Hot Spot Analysis:** The carbon monoxide (CO) hot spot analysis used only 8 receptor locations when conducting the modeling analysis. There is no discussion as to why these 8 locations are representative of the worst case conditions. There is an explanation as to the criteria used to select the interchange which carries the highest volume of traffic on page 5-141. Those criteria are acceptable.

The Guidelines for modeling CO from roadway intersections in Section 2 Receptor Siting states that receptors should be located where the maximum total project concentration is likely to occur. The guidance states, "Receptors should be located at sites in the vicinity of those portions of the intersection where traffic is likely to be the greatest and the most congested, e.g., along a queue." For an interchange, the receptors should be located where a queue may form or where traffic would be going slowly.

Recommendation: The Section 1 Tier 2 FEIS should document that the receptor siting for the CO modeling clearly justifies the receptor locations as representing a worst case scenario or additional modeling should be conducted to include other locations and lower speeds for areas that may have queues and this information included in the Section 1 Tier 2 FEIS.

Response: Section 5.9 *Air Quality*, subsection 5.9.3 "Methodology," has been revised in the FEIS to document that the receptor siting for the CO modeling justifies the receptor locations as representing a "worst case" scenario. Additional modeling is not required.

AF01-9

Comment: **Mobile Source Air Toxics (MSAT) Analysis:** The Section 1 Tier 2 DEIS stated that the document included a basic analysis of the likely MSAT emission impacts of the project (p. 5-146). U.S. EPA agrees that a basic descriptive or qualitative discussion MSAT impacts is appropriate for Section 1 of this project; however, that basic analysis was not included in the Section 1 Tier 2 DEIS.

Recommendation: We recommend a qualitative MSAT analysis and discussion for Section 1 of the overall I-69 project be included in the Tier 2 FEIS.

Response: A qualitative MSAT analysis and discussion for Section 1 has been included in FEIS Section 5.9 *Air Quality*.

AF01-10

Comment: **Tools for MSAT Analysis:** The Section 1 Tier 2 DEIS maintained that certain information and tools for MSAT analysis were unavailable, incomplete, or not applicable (pages 5-146 – 5-149). U.S. EPA disagrees. The discussion of limitations in the dispersion models, CALINE3 and CAL3QHC, is outdated. While it is true that the CALINE and CAL3QHC were developed and validated a number of years ago, as stated in the Section 1 Tier 2 DEIS, they continue to undergo validation. A number of recent studies have determined that CALINE, especially "CALINE4," accurately predicts ambient concentrations in near-roadway environments for both gaseous and particulate pollutants (see, for example, Gramalnev et al., Atmospheric Environment, volume 37, pages 465-474, 2003; Zhang et al., Atmospheric Environment, volume 39, pages 4155-4166, 2005), A joint UD Davis – Caltrans report, entitled "A Survey of Air Quality Dispersion Models for Project-Level Conformity Analysis" (June 19, 2006), concluded that available models are appropriate for modeling project-level dispersion of on-road and construction emissions, contradicting the language in the DEIS. Based on these recent studies and report, CALINE4 can be an appropriate tool for dispersion analysis of MSATs.

Recommendation: The Section 1 Tier 2 FEIS summaries should be updated or corrected. The discussion of uncertainties in "Dispersion" should be removed and replaced with an updated discussion of the use of CALINE4.

Note: This recommendation should be applied to all I-69 Tier 2 EISs.

Response: Reference to the CALINE3 and CAL3QHC models in FHWA's interim guidance on mobile source air toxics is appropriate because these are the current preferred/ recommended regulatory highway air quality models as provided in EPA's "Guideline on Air Quality Models", Appendix W to Part 51 of 40 CFR. FHWA disagrees that the alternative model, CALINE4, should be described in the Section 1 EIS in lieu of EPA's preferred/recommended model CALINE3/CAL3QHC. Appendix W to Part 51 of 40 CFR provides the framework for considering an alternative model, namely: 1) it can be demonstrated that the model produces concentration estimates equivalent to the estimates using a preferred model; 2) if a statistical performance evaluation indicates that the alternative model performs better for the given application; or 3) if the preferred model is less appropriate for the specific application. EPA's comment does not adequately address these points.

The characterizations of CALINE3 and CAL3QHC in FHWA's guidance also apply to CALINE4. CALINE4 was developed more than a decade ago for the purpose of predicting episodic concentrations of carbon monoxide to determine compliance with the NAAQS. The performance of the CALINE4 model is more accurate for predicting maximum concentrations that can occur at some time at some location within a geographic area. The CALINE4 model

does not offer appreciably better performance so as to supplant the CALINE3 and CAL3QHC models as EPA's preferred/recommended model. CALINE4 shares the limitations of the other models in its inability to predict accurate and precise exposure patterns at specific times at specific highway project locations across an area. These limitations are confirmed in the statistical evaluation of the CAL3QHC model and CALINE4 as part of the HYROAD model in a National Cooperative Highway Research Program report entitled "HYROAD Model Formulation", July 2002, http://www.epa.gov/scram001/dispersion_alt.htm.

The references cited by EPA do not provide a statistical performance evaluation supporting the idea that the alternative model, CALINE4, performs better than EPA's preferred/recommended models, CALINE3/CAL3QHC. The objective of the Gramotnev, et al. paper was to apply a modified CALINE4 model to determine the average emission factor for fine particulate matter from the average fleet on a road in Australia, not an investigation to determine that CALINE4 accurately predicts ambient concentrations in near roadway environments for both gaseous and particulate pollutants as inferred by EPA in their comment. The assertion that the CALINE4 model accurately predicts ambient particulate matter concentrations near roadways also contradicts EPA's guidance to not apply quantitative particulate matter hot-spot analyses "because we continue to believe that appropriate tools and guidance are necessary to ensure credible and meaningful PM2.5 and PM_{10} hotspot analyses" (71 FR 12498). Furthermore, the UC-Davis – CALTRANS report does not provide a statistical performance evaluation of available highway air dispersion models, but as the title suggests, it only provides a survey of models. It is not a substitute for EPA's regulatory guidance provided in Appendix W to Part 51 of 40 CFR. And the Zhang article does not provide a statistical performance evaluation supporting that CALINE4 performs better than EPA's preferred/recommended models. This paper has a similar purpose of the Gramotnev paper, i.e., to investigate particulate matter emissions factors and not investigate the accuracy and precision of highway air dispersion models.

Regarding "Note," please see Response to Comment AF01-2.

AF01-11

Comment: "Exposure Levels and Health Effects:" The Section 1 Tier 2 DEIS discussion of "Exposure Levels and Health Effects" was also inaccurate. U.S. EPA has long-standing experience and has published peer-reviewed guidance for evaluating long-term health effects, including cancer risk. Recently, EPA has published an Air Toxics Risk Assessment Reference Library (http://www.epa.gov/ttn/fera/risk_atra_main.html) that addresses the precise concerns raised in the air quality analysis—namely how to develop appropriate exposure scenarios in a risk assessment. While we agree that there are always uncertainties associated with such an analysis, most of the uncertainties would be consistent across alternatives, and thus such an analysis would still be sufficient for distinguishing between the impacts among scenarios and informing mitigation.

Recommendation: The discussion of uncertainties in "Exposure Levels and Health Effects" should be replaced with a discussion of possible exposure scenarios typically used by EPA in air toxics risk assessments.

Note: EPA is not recommending that FHWA perform a human health risk assessment in this section of this project. We do, however, acknowledge that such assessments are possible, and when human health risk assessments are pursued, we would be willing to assist FHWA in developing meaningful exposure scenarios.

Response: The discussion of *Exposure Levels and Health Effects*—a key element of the Unavailable or Incomplete Information section provided in accordance with 40 CFR 1502.22—focused on the shortcomings in analytical techniques that are experienced within the transportation community. More specifically, these technical uncertainties prevent conducting quantitative

analyses that provide meaningful results in comparing project-specific health impacts associated with the alternatives under review.

AF01-12

Comment: **Toxicity Information:** The Section 1 Tier 2 DEIS air quality analysis provides toxicity information for the six MSATs of most concern. We agree with the need to provide this information in the Tier 2 DEIS, but note that the primary health concern for acrolein is not cancer, but rather a respiratory endpoint (nasal lesions, http://www.epa.gov/iris/subst/0364.htm#refinhal). Similarly, benzene (decreased lymphocyte count, http://www.epa.gov/iris/subst/0276.htm#refinhal), acetaldehyde (degeneration of the olfactory epithelium, http;///www.epa.gov/iris/sutst/0290.htm#refinhal), formaldehyde (respiratory, http://www.atsdr.cdc.gov/toxprofiles/tp111-c2pdf), and 1,3butadiene (ovarian atrophy, http://www.epa.gov/IRIS/subst/0139.htm#refinhal) all have non-cancer health endpoints of potential concern.

Recommendation: The summary of toxicological endpoints included in the Tier 2 FEIS should additionally include health endpoints other than cancer for acrolein, benzene, acetaldehyde, formaldehyde, and 1,3 butadiene. Cancer is not a known health endpoint for acrolein. There, references to potential carcinogenicity for acrolein should be removed.

Note: Please apply this information to the other I-69 Tier 2 EISs.

Response: The source of the toxicity information in the Section 1 air quality analysis (subsection 5.9.6) is FHWA' Memorandum, February 3, 2006: *Interim Guidance on Air Toxic Analysis in NEPA Documents,* Appendix C. That document cites EPA's Integrated Risk Information System (IRIS), Weight of Evidence Characterization summaries, as the "verbatim" source of the toxicity information for the six prioritized MSATs. The site includes the above-referenced http://www.epa.gov/iris/subst/0364.htm#refinhal, which discusses acrolein. According to the data provided on the EPA's IRIS website, cancer is not a known health endpoint for acrolein; however, the site supports the statement in the DEIS's text that "potential carcinogenicity of acrolein cannot be determined because the existing data are inadequate for an assessment of human carcinogenic potential…." (p.5-148) The FEIS retains the statement about acrolein that appears in the DEIS but also includes a footnote that references IRIS website information about acrolein and the other prioritized MSAT toxics.

Regarding "Note," please see Response to Comment AF01-2.

WATERS OF THE UNITED STATES / STREAMS AND WETLANDS

AF01-13

Comment: **Stream Assessments:** Water resources in the Section 1 study area have been subjected to substantial human alteration. Many streams have been legally classified as regulated drains, and the structural and habitat losses from their dredging, relocation and riparian vegetation removal are reflected in the stream assessment data, using the Qualitative Habitat Evaluation Index (QHEI) and the Headwaters Habitat Evaluation Index (HHEI) methods. As the HHEI methodology for headwaters streams is newer and has been less widely used, it will be important to cite the source for the quality interpretation of HHEI data used on P. 5-266 in the Section 1 Tier 2 DEIS. More commonly, the HHEI categories are represented as having potential for supporting different kinds of aquatic life rather than for a quality assessment.

Recommendation: The Section 1 Tier 2 FEIS should identify the source for the quality interpretation of HHEI data used on Page 5-266 of the Section 1 Tier 2 DEIS.

Response: The text in the FEIS has been revised to refer to the use of the HHEI as a tool to predict biological potential, and to note that scores were developed specifically for the I-69 project to aid in the interpretation of information obtained in the HHEI assessments. This approach to the stream quality interpretation is based on input from the I-69 Water Resources Technical Committee composed of representatives of FHWA, INDOT, USEPA Region 5, USACE, USFWS, IDEM, and IDNR.

AF01-14

Comment: The Clean Water Act seeks to improve impaired waters, as well as to maintain higher quality water resources. Although there are no water bodies designated as impaired on the Indiana Department of Environmental Management's 303(d) list within the Section 1 Tier 2 study corridor, streams within the impact area flow downstream to some water bodies that are designated impaired (pages 4-64 and 5-288). However, the Section 1 Tier 2 DEIS did not allow the reader to easily identify the location of these impaired water bodies in relation to the project corridor streams that flow into them. The document neither identified the specific reason/s for each stream's impaired designation nor discussed how the construction and operation of a new highway may impact these already impaired downstream water bodies.

Recommendation [1]: A map added to the Section 1 Tier 2 FEIS would be a key addition to understanding the relationship of the proposed project and its impact on these downstream resources. It would also help the reviewer understand where these water bodies are located in the stream network in relation to the proposed project.

Recommendation [2]: The FEIS needs to state what conclusions can be drawn about the impacts of building a new highway on not only the local drainage network but its contribution to its downstream network, including the identified impairments in listed water bodies.

Response: [1] A map that includes the downstream resources in relationship to the project corridor has been included in Section 4.3.2.3 "Rivers, Streams, and Watersheds," as Figure 4.3-7. .

[2] The impaired sections of Smith Fork and Pigeon Creek are outside of and downstream from the Section 1 project corridor. The reason for each stream section's impaired designation—as identified on IDEM's 303(d) list— has been cited in FEIS subsection 4.3.2.3 "Rivers, Streams, and Watersheds." Regarding conclusions that can be drawn about the impacts of building a new highway, as noted in Section 5.19 *Water Resources*, roadway runoff can impact water quality by directly impacting streams as well as impacting water quality downstream. Numerous constituents may be found in roadway runoff from multiple sources, including those that are cited as reasons for the impairment of sections of Smith Fork and Pigeon Creek. The pollutant loadings in surface water runoff have been analyzed by the FHWA in "Pollutant Loadings and Impacts from Highway Stormwater Runoff" (Driscoll, et al., 1990). This procedure is based on extensive study, research and development to analyze water quality impacts caused by highway stormwater runoff. Table 5.24-3 in the Tier 1 FEIS shows the mean pollutant concentrations in runoff from rural highways that have an average daily traffic volume of less than 30,000. The results of the information in the table show that the pollutant concentrations due to runoff from the highway are below the applicable EPA criteria. Consequently, it is expected that the alternatives would have minimal impact as a result of runoff on receiving waters, including the creeks in question. For ease of reference, the table has been incorporated into the Tier 2 FEIS as Table 5.19-13.

Best Management Practices will be used to prevent non-source point pollution, to control stormwater runoff, and to minimize sediment damage to water quality and aquatic habitats. INDOT *Standard Specifications* and *Special Provisions* will govern construction activities to control erosion and subsequent water pollution. Chapter 7 *Mitigation and Commitments* addresses measures to avoid or minimize stream and water quality impacts (See subsections

7.3.4 "Construction," 7.3.12 "Water Body Modifications Impacts," and 7.3.14 "Water Quality Impacts").

AF01-15

Comment: **Stream Mitigation:** Impacts of the proposed preferred alternative include re-routing 2,850 linear feet of small streams and enclosing additional portions in culverts. Although the need for stream mitigation was discussed on page 5-292, it was not well covered in the Section 1 Tier 2 DEIS mitigation chapter (Chapter 7), other than a list of good practices in subsection 7.3.12. Describing how those adverse impacts will be mitigated through compensatory mitigation is an area needing more attention in the Section 1 Tier 2 FEIS and will provide important information for the permitting phase.

Recommendation: The Section 1 Tier 2 FEIS should provide more detailed information on how adverse impacts will be mitigated through compensatory stream mitigation.

Response: INDOT submitted the Section 1 Tier 2 Biological Assessment (BA) to USFWS in June 2007. The BA, which includes a *Section 1 Tier 2 Conceptual Mitigation Plan,* identifies a 160-acre mitigation site in along Pigeon Creek and provides a design plan for the site. The Section 1 Tier 2 FEIS, Section 5.19 *Water* Resources and Chapter 7 *Mitigation and Commitments* provide more detailed information on how adverse impacts will be mitigated through compensatory stream mitigation. The *Section 1 Tier 2 BA and Conceptual Mitigation Plan* is included in Appendix Q of the FEIS. Stream mitigation proposed in the plan includes approximately 12,015 linear feet of intermittent and/or ephemeral stream channel development planted with wooded riparian corridors (approximately 26 acres) and approximately 6,350 linear feet of existing streams (including over 3,000 linear feet of perennial Pigeon Creek) will be planted with herbaceous filter strips. A total of approximately 18,365 linear feet of stream mitigation will be completed on the mitigation site. In addition, the plan proposes on-site mitigation (e.g., bridging, oversizing box culverts and use of 3-sided box culverts to maintain a natural substrate, possible bio-engineering for streams bank stabilization, etc.) will be completed in all areas suitable within the Section 1 preferred alternative right-of-way to help offset the stream impacts.

Detailed measures for mitigating adverse impacts to streams will be determined as part of the Sections 404 and 401 permitting processes. All mitigation requirements of the permits will be satisfied. Tracking of mitigation commitments and mitigation activities associated with each will be performed by INDOT and reported to permitting agencies and USEPA annually (see Response to Comment AF01-3).

AF01-16

Comment: **InWRAP:** Wetlands in the study area were described based on the Indiana Wetland Rapid Assessment Protocol (InWRAP) method. We do not disagree with its use for the Tier 2 documents, but are aware that this is a major field test of this rapid assessment methodology in a different region of the state than where it was developed. Have there been any technical lessons learned from this wider application of InWRAP? This is an issue that can be shared with the agencies, rather than be a major topic in the Tier 2 FEIS.

Note: All Tier 2 Sections should be mindful of the potential linguistic bias of InWRAP, where the highest possible score is characterized as "good."

Response: We agree that the I-69 project's use of InWRAP is a major field test of this methodology. Information obtained through InWRAP was useful in providing quantitative support for professional judgment regarding wetland assessment. It is INDOT's goal to use this methodology in future studies. All information regarding INDOT's experience with InWRAP

within the context of the I-69 project has been provided to the developer of the assessment protocol—Taylor University. This information may be useful in future research aimed at refining the InWRAP method for use statewide.

Regarding the "Note," we do not consider the terminology used in InWRAP to have a linguistic bias.

AF01-17

Comment: **Tier 1 CWA Section 404 Least Environmentally Damaging Practicable Alternative (LEDPA):** The Section 1 Tier 2 text in Chapter 1 (page 1-8) indicated that FHWA and INDOT concluded that its Tier 1 preferred alternative corridor for the overall I-69 (Evansville to Indianapolis) was consistent with the LEDPA under the 404(b)(1) guidelines. This phrasing was inappropriate, as it implied that FHWA and INDOT have more authority in reaching this conclusion. The U.S. Army Corps of Engineers (Corps) must make the LEDPA determination during Clean Water Act (CWA) Section 404 permitting for the I-69 project.

Recommendations: The Section 1 Tier 2 FEIS should qualify the LEDPA statement to fully disclose that it is the Corps that must make the LEDPA determination for Clean Water Act Section 404 permitting purposes for the I-69 project.

Note: This recommendation may apply to all six I-69 Tier 2 EISs.

Response: The LEDPA statement in Chapter 1 has been revised in the FEIS to disclose that it is the Corps that must make the LEDPA determination for CWA Section 404 permitting purposes for the I-69 project.

Regarding "Note," please see Response to Comment AF01-2.

AF01-18

Comment: **Tier 2 Section 1, Selection of NEPA Preferred Alternative (Chapter 6, Section 6.3) and CWA Section 404 permitting:** Much attention was paid in the Section 1 Tier 2 DEIS to identifying, delineating and characterizing wetlands, and many other environmental factors, so that the differences between the alternatives were well presented with data. What was absent was a full discussion of all the factors and trade-offs, disadvantages as well as advantages, in the evaluation and selection of the preferred alternative. The 404 regulations presume that a highway project, as a non-water-dependent activity, totally avoids impacts to wetlands, as special aquatic sites. If the proves impossible, then FHWA/INDOT must reduce the amount of impact to wetlands. Even though a moderate amount of wetland acres is proposed for filling within Section 1, the preferred alternative has the highest wetland impact level within all the alternatives proposed, as shown on Table 5.19-3. Discussing the rationale for selecting the preferred alternative in the Section 1 Tier 2 FEIS will enhance the document and prepare for the 404 permitting phase for Section 1.

Recommendation: The Section 1 Tier 2 FEIS should provide a full discussion of the factors and trade-offs made for the selection of the proposed NEPA "preferred" alternative, including how an alternative's disadvantages as well as its advantages were considered in arriving at the decision. We recommend this full discussion be included in the Tier 2 FEIS, Section 6.3.1 *Rationale for Selection of Preferred Alignment Alternative.*

Note This recommendation may apply to all six I-69 Tier 2 EISs.

Response: Regarding the recommendation, please see Response to Comment AF01-6. In addition, it should be noted that the level of wetlands impacts for all alternatives in the entire 13-mile

project are very similar (from 0.80 to 1.35 acres). Impacts to wetlands were considered in conjunction with impacts to other aquatic resources, as described in detail in Section 6.3.1 of the FEIS). The selected alternative has the least impacts to streams of all alternatives: 14,745 linear feet within the construction limits compared to impacts with other alternatives ranging from 16,470 to 20,185 linear feet (see Table 5.19-8 in the FEIS).

Regarding "Note," please see Response to Comment AF01-2.

MITIGATION

AF01-19

Comment: **Potential Wetland Compensatory Mitigation Sites:** Any unavoidable wetlands impacts will need mitigation. That mitigation needs to be identified both conceptually during the NEPA process and specifically at the time of Section 404 permitting. The 1991 Memorandum of Understanding (MOU) in force has sufficient ratios to apply for mitigation for unavoidable wetland loss. The Section 1 Tier 2 FEIS should reflect progress made on identifying specific prospective wetland restoration sites at Pigeon Creek, the Lost Hill area or elsewhere. There was no discussion in Section 7.2 about the wetland restoration potential of these proposed mitigation sites. The Lost Hill alternative promoted only wetland preservation, which is acceptable to EPA only in exceptional circumstances, where there is a demonstrable threat to the specific resource area proposed for preservation. Restoring former wetlands acres contributes to offsetting the loss from filling wetland, especially in a State which has lost nearly 90 per cent of its historic wetlands resources. Attention must be paid to the hydrological and ecosystem success of the restoration effort overall, in addition to what it will contribute to wildlife habitat. Mitigation will be important whether or not the wetland is regulated under Federal or State jurisdiction.

Recommendation: The Section 1 Tier 2 FEIS should reflect progress made on identifying specific prospective wetland restoration sites at Pigeon Creek, the Lost Hill area, and elsewhere. The Tier 2 FEIS discuss the wetland restoration potential of these proposed mitigation sites.

Response: Section 7.2 *Major Mitigation Initiatives* has been revised in the FEIS to note that INDOT submitted the Section 1 Tier 2 Biological Assessment (BA) to USFWS in June 2007. The BA, which includes a *Section 1 Tier 2 Conceptual Mitigation Plan,* identifies a 160-acre mitigation site along Pigeon Creek, and provides a design plan for the site that includes mitigation for wetland, forest, riparian habitat, and stream impacts; notes the status of contact with the owners of the site; and discusses the wetland restoration potential of the site.

Detailed measures for mitigating adverse impacts to streams will be determined as part of the Sections 404 and 401 permit application processes. The Section 1 Tier 2 BA is in Appendix Q and the 1991 MOU is in Appendix T.

AF01-20

Comment: **Potential Hazards to Compensatory Mitigation Sites:** When considering compensatory mitigation sites, consider the potential for the reversal of mitigation projects through possible actions of drainage districts or holders of mineral rights, especially for mining. Practices and protection mechanisms, designed for perpetuity, must not be degraded from these activities. The Indiana DNR land acquisition group may be able to provide Indiana-specific expertise in these issues. We will also share what we can learn from the Ohio experience.

Recommendation: The Section 1 Tier 2 FEIS should identify and discuss the likelihood of drainage districts and/or mineral rights holders' legal capacity to undermine any stream

restoration and/or wetland restoration compensation sites (as well as upland forest compensation sites) from being protected in perpetuity. If necessary, identify the measures that would need to be taken to insure that restoration/compensation sites will be protected in perpetuity for the I-69 project.

Note: This comment and recommendation may apply to all Tier 2 I-69 EISs.

Response: Subsections 7.3.9 "Wetland Impacts" and 5.19.2.4 "Mitigation" have been revised in the FEIS to include consideration of the potential for the reversal of mitigation projects through possible actions of drainage districts or holders of mineral rights, and measures INDOT is taking to insure that restoration/compensation sites for I-69 Section 1 will be protected in perpetuity.

As noted in Response to Comment AF01-19, the process of identifying specific compensatory mitigation sites for Section 1 has started. INDOT is seeking and will give priority to acquiring, from willing sellers at fair market value, suitable sites that also have mineral rights intact. INDOT is actively pursuing such a mitigation site along Pigeon Creek, in consultation with the appropriate agencies. INDOT will coordinate with the County Drainage District regarding preservation of mitigation properties that would be under their jurisdiction. As noted in the Section 1 Tier 2 BA recently submitted to USFWS, the mitigation site will be restricted from other uses to ensure that it remains in a natural condition in perpetuity.

Further follow up with USEPA determined that Ohio does not offer any additional information on how best to protect these kinds of compensation areas.

Regarding "Note," please see Response to Comment AF01-2.

AF01-21

Comment: ***Revised Tier 1 Conceptual Forest and Wetland Mitigation and Enhancement Plan (January 31, 2006):*** The Section 1 DEIS often referred the reader to this 2006 plan. However, this plan was not included it in the Section 1 Tier 2 DEIS. In addition, the Section 1 Tier 2 DEIS did not identify how this plan differs from the original 2003 plan.

Recommendation: The Section 1 Tier 2 FEIS specifically identify the changes that were made from the 2003 plan and explain their relevance. Also, include a copy of the *Revised Tier 1 Conceptual Forest and Wetland Mitigation and Enhancement Plan (January 31, 2006)* in the Section 1 Tier 2 FEIS.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Response: A comparison between the *Tier 1 Conceptual Forest and Wetland Mitigation and Enhancement Plan (2003)* and the revised Tier 1 Plan (2006) has been prepared and is included in Appendix P of the Section 1 Tier 2 FEIS. The comparison identifies the changes made to the 2003 document in the 2006 plan and explains their relevance. A copy of the revised Tier 1 Plan (2006) is also provided in Appendix P.

AF01-22

Comment: **Tracking Project-wide Impacts and Mitigation:** [Same comment as Comment AF01-3.]

Response: Regarding project-wide tracking, please see Response to Comment AF01-3.

Regarding "Note," please see Response to Comment AF01-2.

AF01-23

Comment: **I-69 Community Planning Process:** Given the already significant loss and/or degradation in the Section 1 study area to resources of concern such as streams, wetlands and upland forest, due to farming, mining and industrial activities, it is important to disclose whether local communities and counties have participated in the I-69 Community Planning Process and identify what measures they propose to undertake in order to protect and enhance resources of concern in their local community and/or county. This will aid INDOT in deciding on the mitigation measures needed to help protect and enhance the environment during final design.

Recommendation: The Section 1 Tier 2 FEIS should provide an update on the status of the I-69 Community Planning Process. The Section 1 Tier 2 FEIS should identify whether or not the communities in Section 1 have participated in this process, what measures they plan to implement (e.g., land use plans, zoning, regulations) and when in order to protect and enhance resources of concern in their local community and/or county.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Response: Since the production of the DEIS, subsection 7.3.1 "Land Use" has been revised to include a an update of Community Planning Program status that includes the preparation of a planning "toolbox" for use by communities, and information about grant applications, the application evaluation process, and the distribution of grant money.

The I-69 project website (www.i69indyevn.org) provides a link to the Community Planning Program website (www.i69indyevn.org/CommunityPlanningProgram). That website contains a wealth of information including a concise description of the program, examples of planning "toolbox" features that could be used to help local communities plan for I-69, a summary of the kick-off meetings with agencies and communities in October and November 2006, and other information about the program. Included in the meeting summaries is a list of communities that were represented at the Section 1 meeting (October 16, 2006), and feedback received from community representatives at the meeting regarding issues of local importance, their vision for the future 20 years hence, questions about the grant program, and features of the toolbox they might consider using. Grant applications were made available to eligible communities in late August 2007.

AF01-24

Comment: **Construction Impacts/Air Quality:** In order to protect air quality in the project area during construction, we recommend INDOT consider strategies to reduce diesel emissions, such as project construction contracts that require the use of equipment with clean diesel engines and the use of clean diesel fuels.

Recommendation: The Section 1 Tier 2 FEIS should discuss the feasibility of utilizing this type of mitigation for this project and disclose whether or not INDOT will consider or commit to implementing these strategies.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Response: INDOT's *Standard Specifications* (General Conditions) require contractors to follow all local state and Federal laws and regulations applicable to a project. This would include any that pertain to emission controls. At present, INDOT's construction policies do not provide for specific emissions criteria for diesel-fueled construction equipment beyond those that are already federally mandated. Such policies may be considered in the future. Such specifications will need to consider the availability of contractor-owned equipment meeting these specifications.

Regarding "Note," please see Response to Comment AF01-2.

AF01-25

Comment: **Roadway/Interchange Lighting:** It is unclear if any portion of the project will require lighting.

Recommendation: INDOT should consider using energy-efficient, low-impact lighting. The Section 1 Tier 2 FEIS should discuss whether INDOT will commit to using this type of lighting. We also recommend this information be included in all I-69 Tier 2 EISs.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Response: Lighting is currently provided at the I-64/I-164/SR 57 interchange and additional lighting may be provided for the proposed I-64/I-164/I-69 interchange. Lighting is also being considered on a short-term basis (2 – 3 years) on the south side of the SR 68 interchange. During this short-term period, I-69 will terminate at SR 68 and traffic will be routed to SR 57. The lighting is proposed as a safety measure during this time. It is not anticipated that any remaining portion of the roadway in Section 1 will require lighting. Where lighting is deemed necessary it may be visible from homes located near the roadway. If during final design locations are identified where lighting is deemed necessary (including the I-64/I-164/I-69 and the I-69/SR68 interchanges), INDOT will consider the use of non-diffuse, energy-efficient lighting.

Regarding "Note," please see Response to Comment AF01-2.

AF01-26

Comment: **Wildlife Crossings:** We concur with INDOT's commitment to include three wildlife crossings in Section 1: (1) Pigeon Creek (South Segment), (2) unnamed intermittent creek south of CR 600S (Central Segment), and (3) wooded areas along CR 450S (North Segment).

Response: Comment noted. These wildlife crossings were identified during coordination with resource agencies including USFWS and IDNR and are incorporated as features of the preferred alternative in the Section 1 EIS.

AF01-27

Comment: **Upland Forest Mitigation:** We concur with the 3:1 mitigation ratio proposed for the loss of upland forest. However, in the section on forest mitigation (Chapter 5, Page 319), the text indicates that the forest mitigation ratios might be higher or lower than the 3:1 ratio on a per section basis, but that it would average out of the course of the entire six Section project. The document fails to explain the process that will be used to ensure that this occurs.

Recommendation: The Section 1 Tier 2 FEIS should explain how the mitigation/ compensation work will be coordinated between the different sections. It should also explain how FHWA and INDOT are going to ensure that the average ratios are attained. The FEIS should explain how mitigation efforts would be monitored or how mitigation efforts that extend into the other sections would be coordinated and kept track of.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Response: As noted in Responses to Comments AF01-15 and -19, INDOT submitted a Section 1 Tier 2 Biological Assessment (BA) to USFWS that includes a *Section 1 Tier 2 Conceptual Mitigation Plan* (provided in the FEIS, Appendix Q). The plan states that **all wetland, stream, and forest impacts will be mitigated within the same 8-digit watershed or same county as the impacts.** The plan identifies a 160-acre mitigation site in Gibson County along Pigeon Creek west of the project corridor, The Section 1 BA provides a design plan for the site that includes mitigation for Section 1's 27.4-acre forest impacts at a greater than 3:1 ratio,

Mitigation plans include connecting two forested NWI mapped wetlands in the northeast portion of the site to a larger block of NWI mapped forested wetland area in the southeast portion of the site, thereby creating approximately 60 acres of core forest habitat. The total forest mitigation under this conceptual plan will be approximately 125 acres—43 acres more than the 3:1 ratio would provide when applied to the 27.4 acres of impact. The mitigation will include preservation of approximately 30 acres of existing forests and forest development (reforestation of existing agricultural fields) of approximately 96 acres. Approximately 26 acres of this forest mitigation will be riparian habitat planted along the stream channels to be developed within the mitigation site. Forest impacts and proposed mitigation are discussed in detail in the FEIS Section 5.20, *Forests.* The *Revised Tier 1 Conceptual Forest and Wetland Mitigation and Enhancement Plan* is provided in the FEIS, Appendix P. The Section 1 Tier 2 plan (See FEIS Appendix Q) is consistent with mitigation and conservation commitments in the Tier 1 plan.

Regarding monitoring and tracking of impacts and mitigation activities, please see Response to Comment AF01-3.

Regarding "Note," please see Response to Comment AF01-2.

DOCUMENT CLARITY – FIGURES/MAPS, TABLES, DEFINITIONS, ERRATA

AF01-28

Comment: [USEPA requested that corrections/modifications be made to selected text in Volumes I and II of the Section 1 Tier 2 DEIS, as follows:]

Section 1, Tier 2 DEIS – Volume I

Chapters 4 and 5, Pages 4-90 and 5-137 – Correct the text here to read as follows: Generally, when levels of pollutants do not exceed the short term standards more than once per year, an area is considered in attainment of the NAAQS (National Ambient Air Quality Standards). An area that does not meet NAAQS for one or more pollutants **will be designated by the EPA** as a "non attainment area." Areas that were formerly in nonattainment and now meet the NAAQS may petition for redesignation to attainment. The State must submit and EPA can approve a maintenance plan which covers a 10 year period. These are called "maintenance areas" and the CAA calls for the State to update the maintenance plan for another 10 years for a total period of 20 years**.**

[**Note:** In its July 13, 2007, Memorandum on the Comments and Responses document, USEPA noted this comment had been omitted from the Comments and Responses document submitted to the agency for review, and asked that the comment be addressed. The correction to the referenced text has been made.]

Chapter 4, Page 4-91 – The abbreviation for Long Range Transportation Plan (LRTP) on this page has the letters "T" and "R" transposed.

Chapter 5, Page 5-29 – Delete one of the repeated sentences that begin with "community impact…" in the first paragraph.

Table 5.10-2, Page 5-152 – Please explain what the difference is between noise activity categories B and E in this table.

Chapter 5, Page 5-222 – The text concerning the Copperbelly Water Snake seems to be missing something. The text suggests that the color of the snake's underbelly leads to this project having no impact. The Tier 2 Section 1 FEIS should clarify the text here.

Chapter 5, Page 5-294 – In the middle of the page, the text refers to Table 5.24.3 from the Tier 1 FEIS concerning mean concentrations of pollutants in rural highway runoff.

Recommendation: It would be helpful to the reviewer if this Table is inserted here in the Tier 2 FEIS.

Chapter 11, Page 11-35 – The chart on this page sometimes refers to U.S. EPA Region 5 and U.S. EPA District 5. Please change "District" to "Region" to correctly reflect our official name: U.S. EPA Region 5.

Chapter 13, Section 13.1 Glossary of Terms – Include the term "Core Goal" and its definition. (Also add to the Summary – Glossary of Key Terms, pages S-32 – S-36.)

Chapter 13, Section 13.1 Glossary of Terms, Page 13-9 – For "Purpose and Need" we suggest you replace the words "environmental project" with "environmental impact statement." (Also amend in the Summary – Glossary of Key Terms, pages S-32 – S-36.)

Chapter 13, Section 13.1 Glossary of Terms, Page 13-13 – "Wetland" is identified here as a type of "land use." While "wetland" is used as a type of land use category in part of this document it is also used in the context of a regulated water body (a water of the U.S.). We suggest a clearer definition be included here, whether or not it is a regulatory one. (See the definition you provided in the Summary – Glossary of Key Terms, page S-36.)

Response: The above-referenced corrections/suggestions/recommendations have been incorporated in the Section 1 Tier 2 FEIS.

Section 1, Tier 2 DEIS -- Volume II (on CD only)

Appendix B – Agency Coordination Correspondence: We were sent CD versions of Volume II (no hard copies). Appendix B consists of 321 individual electronic files that are FHWA/INDOT/Agency meeting minutes, letters, emails to and from FHWA/INDOT and the resource agencies. These files are listed by date sequence in an index (one of the electronic files that make up Appendix B). However, the sequence of the set up of the electronic files on the CD is not in the order that the files are listed on the Appendix B index. Consequently, it is extremely time consuming for the reader of the Section 1 Tier 2 DEIS to find a particular agency letter or meeting minutes.

Recommendation: The Section 1 Tier 2 FEIS should include a well indexed hard copy of Appendix B or the electronic files be reconfigured on the CD to match the listed sequence of files on the Appendix B index or some such other method be devised to allow the reader to easily find and access what ever particular agency correspondence, meeting minutes, etc. they may be interested in reading.

Appendix B – Agency Coordination Correspondence – Meeting Minutes, Toll/Schedule Meeting with USEPA – Thursday, November 10, 2005 a.m. EST: These meeting minutes contain several errors. For example, the minutes identify Amy Babey as the USEPA representative at the meeting. She is a Corps representative. No on from USEPA is actually listed as an attendee at this meeting. In addition, the text in the body of the meeting minutes concerns Section 6, Purpose and Need, and Access Alternatives and not Toll/Schedule.

Recommendation: This file should be removed from the Section 1 Tier 2 EIS.

Response: The Appendix B electronic file has been reconfigured on the CD to match the listed date sequence of files in the Appendix B index. In addition, documents not relevant to Section 1 have been removed from the appendix, as recommended by USFWS during a mitigation and permitting meeting February 9, 2007 (See meeting minutes dated 02-09-07 in Appendix B).

The removal of these documents should improve the ease of access to materials relevant to the Section 1 Tier 2 I-69 project.

Regarding the meeting minutes (November 10, 2005) that contained errors, that document has been removed from Appendix B.

AF02 Michael Chezik U.S. Department of the Interior Office of Environmental Policy And Compliance 02/15/07

AF02-1

Comment: The Department concurs with the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) that there are no properties in the project study area eligible to be considered under section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)). We add a note of caution that there may well be archaeological sites in the project area that are eligible for the National Register of Historic Places. While these resources are not normally considered section 4(f) properties if they are significant solely for the information they contain, there is always the concern that there may be some sites that are valuable enough to be preserved in place. Those sites would then be eligible to be considered under section 4(f).

Response: The results of Phase Ia archaeological surveys are summarized in Section 5.14 Archaeology *Impacts*, and documented in a technical report submitted for review by the SHPO. No sites identified within the Alternative 4 APE through Phase Ia and Phase Ib surveys were recommended for Phase II evaluation, and IDNR-DHPA concurred with this finding (See correspondence dated April 25, 2007, in Appendices B and F). Phase Ic surveys were recommended for three locations within the Alternative 4 APE; however access was granted by the property owner at only one of these locations (Pigeon Creek). Commitments for completion of the Phase 1c work and any subsequent phases of research identified through that research have been developed for a Memorandum of Agreement (MOA) (Section 1 FEIS, Appendix F). Any sites requiring further investigations will be included in the Record of Decision. If a site is determined to require consideration under Section 4(f), the appropriate procedures will be initiated.

AF02-2

Comment: The Department usually favors alternatives that minimize impacts to forest and wetland habitats, avoid fragmentation of natural habitats, and minimize the number of stream and river crossings at new locations. Alternative 4, the FHWA and INDOT preferred alternative, appears to be a reasonable attempt to avoid impacts to the limited number of natural areas within Section 1. However, the DEIS provided inadequate discussion of how decisions were made when choosing an alignment that avoided impacts to one natural area at the expense of another area/resource (se our specific comments below regarding page 5-336 and 5-340). We request additional discussion of how such choices were made be provided in Chapter 6 in the Final EIS. The Department is highly supportive of the three proposed wildlife crossings (page 5-259), both for the protection of wildlife and the safety of travelers on I-69.

Response: Please see Response to Comment AF01-6.

AF02-3

Comment: As the U.S. Fish and Wildlife Service (FWS) has previously requested, the alternative alignments should be provided on USGS topographical maps so the topography and slope of the terrain being crossed can be clearly ascertained. Being able to visualize existing topography would greatly help reviewers grasp how much cut and fill would need to occur and to identify areas more susceptible to erosion. This will become particularly important in the planning documents for Section 4 of the I-69 project.

Response: The FEIS includes USGS topographical maps showing the alternatives that were carried forward for detailed analysis in the DEIS. The USGS maps are located in the FEIS Chapter 3 *Alternatives,* Figures 3-23 through 3-29, at the conclusion of Section 3.4 *Description of Alternatives Carried Forward.*

AF02-4

Comment: Page 4-65, last paragraph, continuing to the top of page 4-66, Section 4.3.2.3, Rivers, Streams, and Watersheds**:** The DEIS correctly indicates that a difference in water level between a stream and the aquifer is necessary for the stream to gain or lose water to ground water. However, permeability of the streambed sediments also will affect the amount of water that can be exchanged. In an extreme case, there could be significant difference in the water levels between the stream and ground water, indicating a *potential* for flow, but no *actual* water crossing the boundary because of very impermeable sediments in the streambed.

Response: Subsection 4.3.2.3 has been revised in the FEIS to include the information provided in USDOI's comment, above.

AF02-5

Comment: Page 4-66, first full paragraph, Section 4.3.2.3, Rivers, Streams, and Watersheds: In the absence of available shallow wells, it is still possible to classify stream segments as "gaining" or "losing." Information about stream interaction with ground water also can be obtained by conducting a "seepage run" – taking a series of discharge measurements at intervals along the stream. By comparing the gain/loss between measurements, direction and amount of ground-water inflow or loss can be inferred. More information about this technique is provided by Riggs, H.C., 1972, Low-flow investigations, U.S. Geological Survey Techniques of Water Resources Investigations Book 4, Chapter B1, 23 pages. Available on the Internet at: http://pubs.usgs.gov/twri/twri4bl/html/pdf.html.

Response: Since the publication of the DEIS, subsection 4.3.2.3 has been revised to include seepage runs as a method of obtaining information about stream interaction with ground water.

AF02-6

Comment: Page 5-92, footnote 1: Because much weight was placed on their input, the Final EIS should disclose the names of all "Expert Land Use Panel" members and provide their relevant experience and background credentials.

Response: The names of the expert panel members and the positions they held that led to their being selected for inclusion on the expert panel have been included in FEIS Section 5.24 *Indirect and Cumulative Impacts,* subsection 5.24.3 "Analysis." Section 5.24 deals in greater detail with the contributions of the expert panel than does the section of the document (5.5 *Economic Impacts*) in which the footnote referenced above appears. It was considered appropriate to identify the expert panel members within the main body of the document rather

than within the footnote. The footnote refers readers to subsection 5.24.3 for additional information about the expert panel members. Regarding the expert panel members' experience and credentials, citing the positions of authority they occupied (and, in most cases, still occupy) was deemed sufficient evidence of their suitability as panel members.

AF02-7

Comment: Page 5-171, Threatened and Endangered Species: The Revised Biological Opinion was issued on August 26, 2006, not July 26.

Page 5-204: Should read Section 7(a)(2), not Section 8(a)(2).

Page 5-256: Typographical error…"fight-of-way" should be "right-of-way."

Response: The errors identified above have been corrected in the FEIS. (Note that the date of issuance of the revised Tier 1 BO was August 24, 2006, not August 26.)

AF02-8

Comment: Page 5-259, partial paragraph at top of page: Any bat-friendly designs for the Pigeon Creek bridge should be coordinated with the FWS's Bloomington Field Office.

Response: At present, there are only two locations in the entire 142-mile project where design elements are proposed that would provide night roosting opportunities for bats—the bridges over the Patoka River and the East Fork of the White River. The reference to providing night roosting opportunities for bats at the bridge over Pigeon Creek was in error and has been removed.

AF02-9

Comment: Page 5-288: The Final EIS for Section 1 and all forthcoming DEISs for subsequent sections of the I-69 project should specifically describe why particular streams in the project area are currently on the 303(d) list of Impaired Water Bodies.

Response: The reason each stream is listed on IDEM's 303(d) List of Impaired Water Bodies is cited in FEIS subsection 4.3.2.2 "Rivers, Streams, and Watersheds." Please see the Response to Comment AF01-14 for additional discussion of this subject.

AF02-10

Comment: Page 5-293: The DEIS states "roadway runoff can have significant impacts to water quality." Please provide a citation(s) for this statement and elsewhere as appropriate.

Response: The appropriate citation for the above-referenced statement is as follows: Driscoll, E., P.E. Shelley, and E. W. Strecker, 1990. Pollutant Loadings and Impacts From Highway Stormwater Runoff, Volumes I-IV, FHWA/RD-88-006-9, Federal Highway Administration, Woodward-Clyde Consultants, CA. The citation has been included in the FEIS.

AF02-11

Comment: Page 5-336 and 5-340: It isn't readily apparent from reading the DEIS that one of the two core forest areas in Section 1 (see Chapter 5.20) is adjacent to (immediately west of) managed lands "Property A" and that all of the alternatives would impact either the forested area of Property A or both to varying degrees. Readers have to decipher this fact on their

own. A figure showing both areas and the proposed alternatives on one map would have been beneficial. Nevertheless, from the information provided, the Department believes that Alternative 4 (the preferred alternative) is a well-balanced choice. It is generally easier to compensate for or recreate the type of man-made wetlands in Property A than it is to create a replacement area of core forest.

Response: Figure 5.22-1 in Section 5.22 *Managed Lands and Natural Areas* has been modified in the FEIS to depict both the core forest area west of CR 890E and managed land area east of that roadway in relation to the build alternatives.

AF02-12

Comment: Page 5-354: Given the very limited supply of upland wooded residential building lots in the Section 1 area, it seems likely that such scarcity would drive a strong niche market and would be an exception to the assumption made in the DEIS that all indirect and cumulative development would occur on existing agricultural lands. The DEIS does not indicate whether this fact was considered by the Expert Land Use Panels. Addition discussion of this possibility should be provided in the Final EIS.

Response: The expert panel identified the TAZs within which some amount of reasonably foreseeable induced (indirect) growth is expected to occur. Most of this induced growth is presumed to be for residential development. The panel did not attempt to discern in which portions of each identified TAZ development would most likely occur; however, it did consider the land available for development and evaluation of factors that would influence development. Sections 5.20 *Forests* and 5.24 *Indirect and Cumulative Impacts* discuss the analysis of indirect impacts associated with Section 1 in detail.

As noted in the analysis, while the majority of the land use within all of the TAZs is agricultural, some of the TAZs contain wooded areas, and some of the wooded areas contain residences—single-family in Gibson and Warrick County, and single-family and multi-family in Vanderburgh County. However, forest trends from 1950 to today show an increase in forest acres in these three counties while agricultural acreage has decreased in Warrick and Vanderburgh Counties and stayed similar in Gibson County.

In considering the potential impact of induced development resulting from the project, the following is noted (See Section 5.24):

- There is a total of approximately 41,900 acres within 50 TAZs identified as having the potential for induced development (housing-and/or places of employment). Within the 41,900 acres, 295 acres (0.7% of the total) of induced development is projected.

- Although it is not difficult to identify where development (if any) has occurred in each TAZ, it is not a simple matter to predict where within the remaining areas of each TAZ the induced development might occur, and more difficult if not entirely speculative to predict how much of the developed acreage would be forested.

The analysis concluded that there is little likelihood that the predicted induced development on any of the 295 acres identified would affect currently wooded areas; instead, all of the predicted induced growth would utilize farmland. These conclusions are based on several factors:

- In the project area land usually is left wooded because it is not suited to agriculture—otherwise it would have been cleared for farming. Land is unsuitable for agriculture due to factors such as poorly drained soils, rough/steep terrain, or in some instances, unstable soils due to past strip mining activity.

- Most wooded acreage presents the same obstacles to potential developers—particularly if the potential developer wishes to retain some or most of the trees. The developer must bear the time and expense of "working around" the trees to provide septic systems and other utilities, improve drainage, and construct the houses within the wooded areas. Expenses associated with these activities are added to the price of the home and passed along to the home buyer.

These are among the reasons developers would prefer to construct homes on cleared land. However, if a developer were to choose to incur the additional associated costs of building in forested areas and compete in a marketplace with a sales price per square foot markedly higher than that of the competition, there is no reason such development couldn't occur. Given the availability of cleared land for future development, indirect, and other, changes to forest lands are not reasonably foreseeable and any use of forest land for development is expected to be insignificant and discountable.

AF02-13

Comment: Page 5-357: Surface coal mining will also continue to impact some number of the remaining forests, wetlands, and streams in the study area.

Response: A statement reflecting the above comment has been included in Section 5.24 *Indirect and Cumulative Impacts*.

AF02-14

Comment: Page 5-360: Please provide a citation or personal communication for the statement that local wetland trends "have been increasing during recent years."

Response: The text has been revised in response to Comment AS03- 10 (from IDNR), which noted that the statistics "often include newly constructed, large, open water systems which rarely provide the functions and values of the wetlands they are meant to replace." The revised text eliminates the general reference to an increase in wetlands.

AF02-15

Comment: Page 5-636: The FWS is aware of a tentatively proposed surface coal mining permit area that would impact over 400 acres of forested wetlands in Warrick County.

Response: Consultation with USFWS has occurred. As of June 19, 2007, no mining permit application has been made; therefore, because the project is not far enough along to be considered "reasonably foreseeable," it has not been considered in the cumulative impact analysis.

AF02-16

Comment: Page 5-368, 369: Stream cumulative effects analysis should also focus on water quality within project area streams, which are already stressed. Stressors that should be considered include dredging of legal drains, contaminants/road salt in stormwater runoff, and septic tanks/no sewer service at rural exists.

Response: The cumulative impact analysis (Section 5.24 *Indirect and Cumulative Impacts*) in the FEIS has been modified to include an additional reference to the stressors on local streams' water quality (references now appear in Steps 6 and 9), and to reference the habitat assessments of local streams performed as part of the study, and the water quality data provided by IDEM.

AF02-17

Comment: Page 5-377: The Final EIS should identify the likely sources of borrow material for Section 1 as well as specific plans or protocols that FHWA and INDOT will put in place to avoid or offset impacts to natural resources resulting from borrow activities.

Response: It is not INDOT's policy to identify sources of borrow material for the following reasons:

- INDOT has no legal authority to *mandate* that specific properties be used for a transportation purpose unless it can be established that this property is *required* for the project, and that none other will serve the purpose.
- Borrow can be a significant portion of the cost of a project. Allowing contractors to secure borrow/fill in an economical manner will serve to minimize project costs while identifying potential borrow sites, on the other hand, would tend to increase costs . If a property owner were to know that his/her property is the "designated" or even one of several "potential" borrow sites, he/she is in a stronger negotiating position in dealing with contractors.

Contractors must comply with all permitting requirements for borrow locations, and follow other applicable INDOT *Standard Specifications*, including identifying and avoiding or mitigating impacts at borrow/disposal sites that contain wetlands or archaeological resources. *Special Provisions* will include prohibiting tree clearing from April 15 to September 15 within the Summer Action Area of the Indiana bats, as identified in the revised Tier 1 BO; and prohibiting the filling or other damaging of wetlands outside the construction limits (as noted in FEIS subsection 7.3.4 "Construction"). Note that this does not include isolated ponds such a farm ponds or those developed from old borrow sites. (Please see the FEIS subsection 5.12.2.7 "Borrow Sites/Waste Disposal" for additional discussion of borrow sites.)

AF02-18

Comment: Page 7-22: Any stream relocations within a previously identified Indiana bat maternity area should also be coordinated with the FWS.

Response: FHWA and INDOT are committed to working cooperatively with FWS and to ensuring that coordination with FWS will continue through the permitting process and in the development of Stream Mitigation and Monitoring Plans for stream relocations, as appropriate.

AF02-19

Comment: Page 11-34, last paragraph on page: The Department does not concur with the IDEM representative's recommendation for an alignment west of CR 890E to be selected because a western alignment would impact the core forest at that location. While we generally agree that wetland protection should be given first consideration, it is our opinion that it would be much more difficult to mitigate/replace the forest area than the constructed wetlands east of CR 890E.

Response: Comment noted. Throughout this study, efforts have been made to avoid impacts to communities and natural resources. Avoidance and the opportunity to minimize impacts were used in the decision-making process to identify a preferred alternative. Consultation and coordination with resource agencies were instrumental in helping identify an alignment that would minimize impacts to sensitive resources where avoidance was not possible. Such was the case with the alignment in the vicinity of CR 890E, as noted above. An alignment west of CR 890E would have impacted a core forest and two small wetlands, but would have avoided somewhat larger, constructed wetland areas east of the road. The constructed wetlands are

on a 43-acre parcel whose owners are participating in several managed land programs including USFWS's Partners for Fish and Wildlife (See FEIS Section 5.22 *Managed Lands and Natural Areas*).

IDEM noted its preference for the western alignment (See summary of March 22, 2005, Section 1 field trip, FEIS Appendix B), while IDNR recommended the eastern alignment (See letter dated June 23, 2005, FEIS Appendix B). Factors in addition to avoidance of impacts to a core forest and wetlands played a roll in the selection of the alignment: the ground elevation west of CR 890E alignment would have made it cost-prohibitive to construct the wildlife crossing proposed in this area. In addition, the western alignment would have severed CR 890E, thereby closing access to CR 450S from residences along CR 890E. Weighing all issues in the balance, an eastern alignment was selected. It is important to note USDOI's support for an eastern alignment in light of the fact that this alignment impacts a wetland restoration project funded in part through the USFWS's Partners program.

AF02-20

Comment: **Endangered Species Act Comments:** The Department's concerns regarding I-69's impacts to the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened bald eagle (*Haliaeetus leucocephalus*) have been addressed in a Revised Tier 1 Biological Opinion (BO) for this project, dated August 26, 2006. Section 1-specific impacts to these two species will be detailed in a Tier 2 Biological Assessment (BA) being prepared by FHWA and INDOT, which the FWS's Bloomington Field Office will be reviewing before the Section 1 Final EIS is completed. If impacts detailed in the Tier 2 BA are consistent with those analyzed in the Revised Tier 1 BO, the FWS will append the BA to the BO and thereby complete consultation requirements required by Section 7 of the Endangered Species Act. The FWS is aware of one Indiana bat maternity colony in the Section 1 project area. The FWS is not aware of any bald eagle nests in this section.

Response: Consultation with USFWS regarding the Section 1 Tier 2 BA resulted in the agency's decision not to append the BA to the revised Tier 1 BO. Instead, USFWS has stated that it anticipates providing "an individual Tier 2 BO for each of the six Tier 2 Sections for which we conclude will be likely to adversely affect the Indiana bat…and/or bald eagle….The Tier 2 BO for a Section will be a stand-alone document that "tiers" back to the 2006 Revised Programmatic BO, rather than being physically appended to it." (See letter dated May 18, 2007, in FEIS Appendix B). INDOT submitted a Tier 2 Section 1 BA to USFWS on June 6, 2007. Following its review of the document, USFWS issued its Tier 2 BO for Section 1 on August 29, 2007 (See the FEIS Appendix Q).

Please note regarding the commentor's reference to August 26, 2006, the date of the revised Tier 1 BO was August 24, 2006.

AF02-21

Comment: The Department has a continuing interest in working with FHWA and INDOT to ensure that project impacts to resources of concern to the Department are adequately addressed. For matters related to fish and wildlife resources and federally listed threatened and endangered species, please continue to coordinate with Scott Pruitt, Field Supervisor, or Andrew King, project biologist, U.S. Fish and Wildlife Service [address provided].

Response: Coordination with the identified Department personnel will continue through the permitting stage in Section 1, and throughout the remaining stages of the project in Sections 2 through 6.

STATE AGENCIES (AS)

AS01 Thomas Easterly Indiana Department of Environmental Management 02/20/07

AS01-1

Comment: 5.9 Air Quality: The air quality analysis appears to be adequate, at this stage of the analysis. IDEM will reserve specific comments until the project(s) are incorporated into the transportation conformity analysis at the later stages of the process. At that time, any impact that the project(s) will have will be assessed in conjunction with other projects and the transportation network as a whole.

Response: Comment noted. The Evansville MPO approved the fiscally-constrained *2035 Transportation Plan* in May 2007. The air quality conformity analysis supporting the ROD in Section 1 will be based upon this newly-adopted plan. The committed network in the Indiana Statewide Travel Demand Model, Version 4 (ISTDM4 – used for traffic forecasts in the Tier 2 EISs) differs from the committed network in the MPO's plan, i.e., some committed projects in ISTDM4 are not included in the fiscally-constrained plan. Changes to statewide and metropolitan plans routinely occur during the course of the NEPA process. The "base network" used for the NEPA traffic forecasts does not have to be modified to reflect such changes—to do so would be impractical and is not necessary for informed decision-making. Instead, each Tier 2 EIS will enumerate noteworthy differences between the assumptions about committed projects in the ISTDM4 and the newly adopted MPO or statewide plans, and discuss qualitatively the potential for such changes to affect traffic forecasts. (Please see the FEIS Section 5.9 *Air Quality*, which presents the enumeration of differences.) Case-by-case judgments will be made regarding the need for any adjustments to the traffic models that are used in the NEPA documents.

AS01-2

Comment: 5.16 Hazardous Waste Sites: Recommend expanding discussion to provide more information about dealing with interstate pipelines. There are a least two interstate pipelines that cross the Section 1 corridor. Removal or relocation of these large pipelines may involve possible remediation of soils and groundwater, contributing to increased project costs.

The Section 1 corridor includes and area where small oil fields exist. It is possible that improperly abandoned oil wells may be present. Recommend adopting a standard operating procedure (SOP) to address potential discovery of unknown, abandoned oil wells during construction of the preferred alignment of the interstate. Additionally, the two oil wells and their associated tanks that have already been identified may need to be removed.

Response: During final design close coordination will occur with all utility companies having utilities potentially impacted by the project.

Regarding the SOP, INDOT has standard procedures governing the disposition of abandoned oil wells and their associated tanks. These procedures are applicable if any unknown and abandoned wells are discovered during construction. (See FEIS Appendix R "INDOT Standard Operating Procedures: Wells, Asbestos, and Salt.")

AS01-3

Comment: 5.19 Water Resources: The Section 1 corridor will require the relocation of residential properties. Recommend adopting an SOP to address the proper abandonment and closure of residential water supply wells and septic systems during construction of the preferred alignment of the interstate.

Response: INDOT complies with standard procedures in place (312 IAC 13-10-1 & 2, and 13-9-1 & 2) to handle the abandonment and closure of water supply wells (See FEIS Appendix R). The procedures apply to all water supply wells, including residential wells. With regard to septic systems, INDOT procedures call for removing the septic tanks and leaving the lateral lines in place. In addition, INDOT will comply with all local board of health requirements.

AS01-4

Comment: Other: The Section 1 corridor will require the relocation of residential properties. Recommend adopting an SOP to address proper demolition of residences that may potentially have asbestos-containing building materials.

Response: INDOT complies with standard procedures in place to handle the proper demolition or renovation of INDOT owned buildings/bridges, which includes dealing with structures containing asbestos (See FEIS Appendix R).

AS01-5

Comment: The enclosure contains additional environmental considerations typical to roadway projects that may be pertinent to this proposed project. Please note that this response letter does not constitute a permit, license, endorsement or any other form of approval on the part of IDEM.

[From the enclosure, first paragraph] - To ensure that all environmentally-related issues are adequately addressed, IDEM recommends that you read this enclosure in its entirety, and consider each of the following issues as you move forward with the planning of your proposed roadway construction, reconstruction, or improvement project:

[Enclosure summarized] - The enclosure then provided information and recommendations regarding issues associated with water and biotic quality, air quality, and land quality. With respect to these topics, the enclosure advised of (1) the need to adhere to federal and state permitting and other regulations, policies and procedures, and (2) recommendations including health and safety precautions during construction; minimizing storm water runoff, and procedures for solid waste disposal.

[From the enclosure, “Final Remarks”] - Should you need to obtain any environmental permits in association with this proposed project, please be mindful that IC 13-15-8 requires that you notify all adjoining property owners and/or occupants within ten days [of] your submittal of each permit application. However, if you are seeking multiple permits, you can still meet the notification requirement with a single notice if all required permit applications are submitted with the same ten day period. For additional information and forms:

http://www.in.gov/idem/permits/guide/landdevelopment/notification.html.

Response: Comment noted regarding the response letter. Regarding the “considerations typical to roadway projects”: All permitting that is obtained and other regulatory stipulations applicable to the Section 1 Tier 2 I-69 project will be adhered to, and recommendations will be given consideration where applicable and as appropriate.

AS02 Ron McAhron Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology 02/19/07

AS02-1

Comment: We concur with the DEIS's characterization of the project's impacts on above-ground and archaeological properties.

Response: Comment noted.

AS03 John Davis Indiana Department of Natural Resources, Division of Fish and Wildlife 02/28/07

AS03-1

Comment: The Indiana Department of Natural Resources (IDNR) has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.The IDNR wishes to withdraw its earlier letter dated February 20, 2007 in response to DEIS comments on Section 1 and replace it with this letter.

There will be impacts to a wide range of wildlife species and habitat types: forests, early successional habitats, streams, wetlands, etc. Impacts will include habitat destruction, alteration, isolation and fragmentation, and stream relocation. Cumulative effects should be expected from associated development in the future. Some avoidance and minimization efforts have been documented but others may exist and should be investigated.

Response: Please see Responses to Comments AS03-2 through AS03-25, which address comments made regarding impacts noted in the above paragraph.

AS03-2

Comment: Alternative 2 and INDOT Preferred Alternative 4 have relatively slight differences; however, we recommend Alternative 2 as it provides greater protection to the large forest block at the State Road 64 interchange in the north segment. If Alternative 1-N2 can be shifted to the west to reduce impacts to this forest block, Alternative 4 would have fewer impacts. Additional reductions in impacts could result if a hybrid alternative in the central segment is considered.

Response: The "large forest block" referred to in the comment above is located in the North Segment of the Section 1 corridor. Three alignments were carried forward for detailed study in that segment: Alternative 1-N1, 1-N1 Modified, and 1-N2. **Alternative 1-N1 Modified is a component of Alternative 2** and **Alternative 1-N2 is a component of Preferred Alternative 4**. The impacts of the alternatives referenced in the above comment, and, for comparison, those of Alternative 1-N1, are summarized below:

- Alternative 1-N1 (a component of Alternatives 1 and 5), the westernmost of the three alternatives, was eliminated because it would not provide a wildlife crossing; would have the greatest forest impact—23 acres, including an 8-acre loss of core forest west of CR 890E; would have the greatest stream impacts—6,320 linear feet of streams within its construction limits (2,260 linear feet along West Fork Keg Creek) and 650 linear feet of stream relocation (all on West Fork Keg Creek); would require the relocation of 600 linear

feet of electrical transmission line; and would not connect with the Central Segment's preferred alignment 1-C3,

- Alternative 1-N1 Modified—east of Alternative 1-N1 and slightly west of Alternative 1-N2—could provide a wildlife crossing and would have less forest impact than the other alternatives (12 acres, and no core forest impact). It was eliminated because it had approximately 4,760 linear feet of stream within its construction limits and the same impacts to West Fork Keg Creek as Alternative 1-N1, had the same utility relocation impacts as Alternative 1-N1, and would not connect with Alternative 1-C3, the preferred alignment in the Central Segment.

- Alternative 1-N2 would impact a total of 16 acres of forest including the 1-acre loss of core forest north of SR 64; and have the least stream impacts—3,035 linear feet of streams within its construction limits (530 feet of which is along West Fork Keg Creek) and 240 linear feet of stream relocation. Alternative 1-N2 was developed in large part because it would not have the impacts to West Fork Keg Creek that were associated with the other two alternatives, nor would it have the transmission line relocation required by those alternatives. A shift of the alignment to the west to avoid the 1-acre core forest impact north of SR 64 would result in the same level of impact the other alternatives have on West Fork Keg Creek and the transmission line.

- In its comment letter on the DEIS, IDEM cautioned the following: "When choosing the preferred alternative route for this project, the designers should avoid turning ephemeral, intermittent and perennial streams into roadside ditches. All streams should be crossed in a perpendicular manner. If it becomes necessary to turn streams into roadside ditches you should justify the necessity to do so." (See letter dated February 16, 2005) IDEM is one of the permitting agencies regulating such impacts, as part of Indiana's Section 401 Water Quality Certification review of USACE Section 404 permits. Also, USEPA stated the importance of considering impacts to streams including those "channelized or classified as a legal drain," as is this section of West Fork Keg Creek (See letter dated February 13, 2006, in Appendix B).

In the Central Segment, the "hybrid alternative" would combine Segment Alternatives 1-C1 (a component of Alternative 2) and 1-C3 (a component of Preferred Alternative 4). The "hybrid" would utilize 1-C1 from its southern terminus to CR 750E, and 1-C3 from CR 750E north to its connection with Alternative 1-N2. Please see Response to Comment AS03-24 for a discussion of the potential impacts of "hybrid alternative" and reasons Alternative 1-C3 was recommended as the preferred alternative in the Central Segment.

The Section 1 FEIS Section 6.3 *Selection of Preferred Alternative Alignment* discusses in greater detail the rationale for the selection of the preferred alternative.

<u>Wildlife</u>

AS03-3

Comment: In the State Listed Species section of the DEIS (5.17.3.3), there are three (3) species on page 5-221 that are depicted as "Species of Greatest Conservation Need". We would like a clarification on this as all Indiana state listed species are considered by IDNR to fit that description. Also, it is stated that no impacts to copperbelly water snake are anticipated (Page 5-222) because of the snake's coloring. We would like clarification of this as well.

Response: Regarding "Species of Greatest Conservation Need," the designation appeared on a list of State threatened and endangered species provided on November 30, 2005, by IDNR Division of Nature Preserves. The list identified the three species (American badger, bobcat, and northern river otter) as "State Special Concern, Species of Greatest Conservation Need." In

response to a query regarding the notation about the three species, the Chief IDNR's Wildlife Diversity Section of the Division of Fish and Wildlife responded that "Species of Greatest Conservation Need" is not an official designation of a species' status; rather it is an internal designation used when communicating on a federal level to obtain funds for monitoring recently delisted species to ensure that their populations are truly stable." This designation has been removed from the text in the FEIS.

Regarding the copperbelly water snake, the sentence about impacts was intended for deletion but inadvertently left in place in the DEIS. It has been removed. The relevant information in the sentence appears after the "Potential for occurrence" and "Potential impact" headings that follow the descriptive paragraph.

AS03-4

Comment: Light and noise impacts are only listed for humans when in fact these sources of pollution negatively impact wildlife. Artificial night lighting can affect the circadian rhythms of nocturnal wildlife such as frogs and salamanders and can disorient night-migrating birds. The effects on nocturnal wildlife include changes in activity patterns, foraging, predator avoidance behaviors, and reproduction, and can lead to reduced survival rates and reproductive success. These and other impacts can be avoided by using no lighting in areas where it is not necessary and minimized by shielding the lighting so that it shines directly down onto the roadway and not out from the roadway into wildlife habitat. Reduced densities of woodland bird species occur over 300 meters into woodlands as a result of increased noise levels and low habitat quality. Reducing noise levels and improving habitat adjacent to highways are important mitigation measures.

Response: Regarding proposed roadway lighting, please see Response to Comment AF01-25.

Regarding increased noise levels and low habitat quality, as noted in FEIS Chapter 7 *Mitigation and Commitments*, subsection 7.3.3 "Noise," 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. During preliminary design and through the selection of the preferred alternative, every effort was made to avoid impacting sensitive resources including wooded areas—a prime example being the minimization of impacts to wetland and forest areas in the vicinity of Pigeon Creek and the avoidance of a direct impact to a core forest west of CR 890E. However, some impacts were determined to be unavoidable for reasons that include avoiding/minimizing residential relocations and impacts to other sensitive resources such as West Fork Keg Creek.

Consideration will be given to providing reasonable and feasible noise abatement (i.e., noise barrier walls) early in construction for the added benefit of mitigating construction noise. Construction vehicles will be required to follow INDOT *Standard Specifications* on controlling noise.

Concerning habitat adjacent to highways, subsection 7.3.4 "Construction" includes such measures as keeping tree clearing and snag removal to a minimum; maintaining woods outside the clear zone and in the median in as much a natural state as reasonable; revegetating disturbed areas using native grasses and native wildflowers, as appropriate; and managing forested medians following IDNR State Forest timber management plan. In subsection 7.3.13 "Ecosystem Impact," INDOT's commitments include working with appropriate agencies to determine the most feasible and practical conservation measures for the maintenance of wildlife movements and landscape connectivity. At this time, efforts are concentrated along Pigeon Creek, CR 600S, and CR 450S, where wildlife crossings are proposed.

AS03-5

Comment: The 2 day bird survey during the breeding season would not seem to be enough to represent bird use within the corridor. There is a strong likelihood that species were present but not recorded during the survey period and other species use parts of the corridor at other times of the year. Table 5.17-2 lists 12 species that the US Fish and Wildlife Service (USFWS) identifies as requiring conservation attention in its January 2002 Fish & Wildlife Resource Conservation Priorities - Region 3, Version 2.0. Red-shouldered hawk was observed during field work for Section 1 and is also listed in the USFWS document. These 13 species are among "the 243 species considered to be in the greatest need of attention under the Service's full span of authorities" due to habitat loss and degradation, among other threats. There are many additional species of concern that were or could be found in the Section 1 corridor. While there is no specific protection granted to any of these species, efforts should be made to avoid and minimize impacts to the habitats used by these species.

Response: The two-day bird survey was conducted at the height of the annual spring migration for neo-tropical migratory birds. A pedestrian (walking) survey using the Meander-search method[3] was employed to conduct the survey within the corridor. In addition, the majority of roads were traveled by vehicles that were stopped at intervals with windows down to listen for the calls of different bird species. In addition to the two-day survey, bird species were also documented during pedestrian surveys conducted to delineate wetlands and to record the presence of other wildlife and plants within the corridor.

As noted in Response to Comment AS03-4, during preliminary design and through the selection of the preferred alternative, every effort was made to avoid impacting sensitive resources including wildlife habitat such as wetlands and wooded areas—a prime example being the minimization of impacts to wetland and forest areas in the vicinity of Pigeon Creek and the avoidance of a direct impact to a core forest west of CR 890E. However, some impacts were determined to be unavoidable.

Mitigation measures have been developed to address the potential impacts of the project on wildlife, including: providing financial and technical assistance that local governments can choose to use to support land use planning efforts by local governments to facilitate protection of sensitive areas from development; mitigation of wetland impacts at appropriate ratios pursuant to INDOT's Wetlands MOU; mitigation of upland forest impacts at a 3 to 1 ratio (with a goal of 1 to 1 replacement and 2 to 1 preservation); compliance with the terms and conditions of the USFWS's Revised Tier 1 Biological Opinion (BO) for the project, issued August 24, 2006; and adoption of measures to protect wildlife, such as wildlife crossings. In addition, INDOT submitted the Section 1 Tier 2 Biological Assessment (BA) to USFWS June 6, 2007. The Section 1 BA, which includes a *Section 1 Tier 2 Conceptual Mitigation Plan,* identifies a 160-acre mitigation site and provides a design plan for the site that includes a total of approximately 125 acres of forest preservation and reforestation—which is a greater than the 3 to 1 ratio. Mitigation for impacts to wetlands forests are described in detail in Section 5.19 *Water Resources*; Section 5.20 *Forests*; and Chapter 7 *Mitigation and Commitments.* The revised Tier 1 BO is provided in Appendix N. The Section 1 BA (with the *Tier 2 Conceptual Mitigation Plan* appended) and the Section 1 Tier 2 BO , are in Appendix Q. In the Tier 2 BO, USFWS states: "…the proposed 160-acre Section 1 Mitigation Area has been strategically located to improve upon the existing high-quality forest habitat along Pigeon Creek …."

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[3] The Meander-search method entails sampling along a transect that meanders throughout the study area. The meandering transect may double back over previously covered ground, following a zigzag pattern, or take any other form so long as there is maximum coverage within the study area. Species are recorded over time as encountered. Typically, the search procedure is employed until a definite leveling-off of the number of species encountered over time is obtained.

AS03-6

Comment: Bernardin, Lochmueller, and Associates, Inc., states in their wildlife corridor "Let's first take advantage of what we are already doing in road design and take a conservative approach about additional work." This is not fully consistent with other discussions regarding I-69 that described using innovative approaches in road design. Wildlife corridors have been used for decades and designing wildlife crossings as part of I-69 affords the opportunity to take a progressive approach to dealing with wildlife. Unfortunately, Section 1 is generally lacking in wildlife habitat and the wildlife corridors proposed in this DEIS should be sufficient. For the County Road 450 South wildlife corridor, our agency recommends including low growing vegetation. Possibilities for wildlife crossings associated with "property A" in the north segment should be investigated as they would enhance the area for wildlife and aid the property owner in accessing the entire property.

Response: Innovative approaches in road design include the incorporation of features such as wildlife crossings into other design features of the roadway, which is anticipated at Pigeon Creek, as well as providing additional structures where necessary, which may be included at the wildlife crossing near CR 450S. The lack of habitat in the Section 1 project area limits the potential for effective wildlife crossings. "Property A" (See Chapter 5.22 *Managed Lands and Natural Areas*) is adjacent to the proposed CR 450S wildlife crossing location. While the specific location and measures incorporated into this crossing may be adjusted during subsequent design to best accommodate wildlife movement in this area, it is not anticipated that an additional crossing would be warranted. Features that will be incorporated into the wildlife crossing at CR 450S, and into the other two wildlife crossings identified in the EIS, will be determined during final design, in consultation with the appropriate resource agencies, including IDNR.

<u>Wetlands</u>

AS03-7

Comment: Generally, larger wetlands that are associated with other habitat features (such as an adjacent upland forest), and ones that contain diverse and/or unique plant assemblages should be provided greater levels of avoidance compared to smaller, isolated, and lower quality wetlands. Regardless, all wetland impacts require mitigation.

The wetland mitigation ratios provided in the DEIS do not fully coincide with the ratios used by IDNR. The DEIS references 1) the 1991 Wetland MOU between DNR, INDOT, and USFWS; and 2) The Revised Tier 1 Conceptual Forest and Wetlands Mitigation and Enhancement Plan. While the MOU is still in effect, DNR uses the higher end of the ratios presented in the MOU, which match those described in the Natural Resource Commission Information Bulletin #17. These ratios correspond with the required wetland mitigation ratios for jurisdictional wetlands as described by IDEM (Appendix B, "IDEM water resources comment ltr.pdf", dated February 16, 2005). The ratio for scrub/shrub wetlands is 3:1 and forested wetland mitigation is 4:1. In addition, considering the historic loss of wetlands and the temporal loss of wetland functions due to highway construction, applying the higher end of the mitigation ratios is reasonable.

Response: Extensive coordination with resource agencies, including those having jurisdiction over wetland mitigation, occurred during the Tier 1 study and is ongoing during the Tier 2 studies. Agency coordination is documented in the FEIS Appendix B. Included in the wetland mitigation commitment (See the *Revised Tier 1 Conceptual Forest and Wetland Mitigation and Enhancement Plan*, Appendix P of the FEIS) is the commitment to a 2 to1 ratio for emergent wetlands and a 3 to1 ratio for forested wetlands plus a buffer zone around each mitigation site to further protect the resource.

A total of 1.35 acres of wetlands (1.33 acre emergent and 0.02 acre forested) will be directly impacted in Section 1. Wetland mitigation for Section 1 will require approximately 2.7 acres pending detailed coordination with the regulatory agencies (IDEM, USACE, and IDNR) during the permitting process. The Section 1 Tier 2 BA was submitted to USFWS in June 2007. The design for the proposed mitigation site identified in the Section 1 BA (See Appendix Q of the FEIS) includes development of approximately 2.4 acres of forested wetlands, 2.5 acres of emergent wetlands, and an approximately 0.7 acre buffer for the wetland mitigation site. Thus, the mitigation plan has a greater then 3 to1 replacement ratio for forested wetland impacts and a greater than 2 to1 ratio for emergent wetland impacts.

IDEM's comments did not include any reference or objection to the mitigation ratio that has been committed to, nor did the comments provided by USEPA and USDOI. IDNR has regulatory authority over wetlands within a floodway. Wetlands that would be impacted by the preferred alternative in Section 1 are not within a floodway. It is anticipated that the ratios identified in the *Revised Tier 1 Conceptual Plan* and MOU will be adhered to for mitigating wetland impacts in Section 1.

AS03-8

Comment: It is important to consider the alteration of hydrology that could result from interstate construction when dealing with wetland impacts. The alteration of wetlands due to changes in hydrology should be considered an indirect impact and mitigated at the appropriate ratio.

Response: The probability and possible extent of indirect impacts to wetlands (or other resources) as a result of a project is speculative; therefore, mitigation is not required unless there is a direct impact to the resource.

During final design additional measures to minimize impacts to specific wetland sites can be considered, including narrowing medians and shoulder widths; and installing drainage features such as swales to ensure that roadway runoff does not enter wetland areas, and culverts to maintain the flow of water to a wetland area otherwise cut off from its water source.

AS03-9

Comment: Wetland pooling for mitigation may be acceptable if done properly. Wetlands that are eliminated because of the project are to be restored at the ratios listed in the NRC Information Bulletin #17 (which correspond to the ratios in the 1991 MOU), with in-kind replacement.

Response: Comment noted. Wetland pooling is listed as among the measures to mitigate wetland impacts (See FEIS subsection 5.19.2.4 "Mitigation").

AS03-10

Comment: The discussion on page 5-273 concerning no net loss of wetlands states there has been a recent increase in wetlands. This statistic often include newly constructed, large, open water systems which rarely provide the functions and values of the wetlands they are meant to replace. Compensatory mitigation is intended to replace lost wetland functions and values, not just acreage. In addition, any recent increases pale in comparison to historic losses.

Constructed and restored wetlands resulting from mitigation efforts have mixed long-term success. Wetland restoration is preferred over wetland creation and the sites most likely succeed tend to be former wetlands that have been altered, but still possess some wetland characteristics.

Response: The text regarding a recent increase in wetlands has been deleted in the FEIS (Section 5.19 *Water Resources*, subsection 5.19.2.3 "Analysis" and Section 5.24 *Indirect and Cumulative Impacts*).

AS03-11

Comment: Among the various activities that wetlands support, page 5-261 includes "sites for development." Our agency does not consider development to be an activity supported by wetlands, but rather that development generally happens at the expense of wetlands. If a wetland survives development, it is often degraded and does not provide all of the many benefits previously provided.

Response**:** The text in the introduction to subsection 5.19.2 "Surface Waters" has been revised in the FEIS to delete the "Sites for development" reference from the list of human activities that wetlands support.

Streams

AS03-12

Comment: Highway construction should avoid and minimize impacts to streams, including streambank vegetation, in-stream habitat, and natural stream sinuosity. However, there may be instances where an impact to a stream is offset by the avoidance of another habitat. Such situations must be evaluated on a case-by-case basis.

Response: Comment noted. Stream impacts have been evaluated on a case-by-case basis throughout the development of alternatives in Section 1 in an effort to avoid or minimize impacts to streams (See FEIS Section 5.19 *Water Resources.*). For example, the segment alternatives 1-N1 and 1-N1 Modified were eliminated from consideration as the preferred alignment in large part because they would have the greatest impact to West Fork Keg Creek. Alternative 1-N1 was a component of Build Alternatives 1 and 5, and Alternative 1-N1 Modified was a component of Build Alternatives 2 and 6. The alternative that was selected, 1-N2, is a component of Preferred Alternative 4, which, overall, has the least stream impacts of all alternatives studied in Section 1.

Continued efforts will be made during final design to identify design features that would minimize impacts at the crossings, including identifying measures to keep channel and bank modifications to a minimum and, where feasible, avoid channel alterations below the ordinary high water mark elevation.

AS03-13

Comment: Streams that were evaluated by QHEI are likely within IDNR jurisdiction (greater than 1 square mile drainage area) and require a Construction in a Floodway Permit. Relocated streams with a drainage area over one (1) square mile also require a Construction in a Floodway Permit even if the bridge exemption criteria are met. Impacts to IDNR jurisdictional streams can result in in-stream and floodway habitat mitigation requirements.

Response: Comment noted. Construction in a Floodway Permits will be obtained wherever applicable, and all permit requirements will be complied with.

AS03-14

Comment: The statement "Riparian forest impacts are not additional impacts, but will be addressed as either a non-wetland or wetland forest" (page 7-22) is not the opinion of IDNR. Non-wetland riparian forests are unique habitats and need to be mitigated with riparian forest. Typically, IDNR requires 2:1 replanting or 10:1 preservation mitigation for non-wetland floodway forests. The proposed 3:1 mitigation, with 1:1 replant and 2:1 preservation, is acceptable for this particular I-69 section but is not preferred. Future sections will likely require 2:1 replanting or 10:1 preservation, or some combination of the two. Impacts to early successional floodway habitat also require mitigation, generally at 1:1.

Response: The Forest Mitigation text in Section 7.3.11 “Forest Impacts” has been revised to reference IDNR’s mitigation requirements and note that Section 1 has no non-wetland riparian forests in a floodway.

AS03-15

Comment: IDNR requires mitigation for stream relocation, typically 2:1. With this type of mitigation, each foot of relocated stream is replaced by an equal length of new stream and additional enhancement must occur along a portion of the stream that equals the length of impact. Thus, if 200' of stream is to be realigned, the new alignment must be 200' of similar or better quality as the original segment and an additional 200' of stream enhancement must occur somewhere along the new or connecting stream.

Response: Stream relocations will be completed using the natural channel design features that are identified through coordination with IDNR to develop a channel that is as good as or better than the impacted channel. Other details of mitigation will be coordinated with the agencies with jurisdiction during the permitting process, i.e., USACE and IDEM.

As proposed in the *Section 1 Tier 2 Conceptual Mitigation Plan* (See Appendix Q), stream mitigation will include approximately 12,015 linear feet of intermittent and/or ephemeral stream channel development planted with wooded riparian corridors (approximately 26 acres) and approximately 6,350 linear feet of existing streams (including over 3,000 linear feet of perennial Pigeon Creek) will be planted with herbaceous filter strips. A total of approximately 18,365 linear feet of stream mitigation will be completed on the mitigation site identified in the plan. In addition, the plan proposes that on-site mitigation (e.g., bridging, oversizing box culverts and use of 3-sided box culverts to maintain a natural substrate, possible bio-engineering for streams bank stabilization, etc.) will be completed in all areas suitable within the Section 1 preferred alternative right-of-way to help offset the stream impacts.

AS03-16

Comment: Even though many of the streams were rated relatively low using QHEI and HHEI, many could be improved through various habitat improvement measures, such as grass filter strips and woody vegetation. Even on legal drains, providing a grass filter strip alone can improve water quality.

Response: Comment noted.

Plants

AS03-17

Comment: The use of regionally native plants (trees, shrubs, grasses, forbs, sedges, etc.) is required for mitigation plantings. Consider the use of native warm season grasses and prairie plants along medians and the clear zone. Such areas can be managed by fire or mowing (with the removal of the cut vegetation), which is required once every 1-3 years. This provides additional wildlife habitat, improves the view from and to the roadway, and reduces maintenance requirements.

Response: As stated in the Section 1 FEIS Chapter 7 *Mitigation and Commitments,* revegetation of disturbed areas will occur in accordance with INDOT *Standard Specifications*. 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. INDOT's program was developed in cooperation with FHWA, IDNR, and IDEM and funded through a federal Transportation Enhancement Project grant. The program promotes the use of native plants in state rights-of-way. The plants are grown on state-owned seed farms. The native plants not only provide aesthetic appeal along the highways, they also save the cost of frequent mowing, since the wildflower plantings are mowed only once a year, at the end of the growing season.

Other

AS03-18

Comment: When designing borrow pits, maintain a minimum of 25% of the shoreline footage as habitat for fish, wildlife, or botanical resources. Replant this area with grasses, sedges, wildflowers, shrubs, and trees native to Southern Indiana and specifically for stream bank/floodway/ shoreline stabilization purposes as soon as possible upon completion. Do not mow, cut, or spray the area.

Response: Borrow pits will be designed according to INDOT's *Standard Specifications.* Regarding use of native plants, please see Response to Comment AS03-17.

AS03-19

Comment: Basic practices such as silt fence, rock check dams, temporary slope drains, interceptor ditches (diversions), frequent temporary seeding, temporary mulching, timely permanent seeding, erosion control blankets, riprap, storm sewer inlet protection, temporary sediment traps and temporary sediment basins are examples of BMPs, but this should not be considered a complete list. Consider use of newer products for erosion control and dust management. Silt fences should not be used beyond the capabilities described in the Indiana Handbook for Erosion Control for Developing Areas.

Response: Comment noted. BMP and the Handbook will be followed. INDOT has an ongoing process for evaluating new products and services related to road construction. The use of newer products, including those for erosion control and dust management, will be considered as they are identified.

AS03-20

Comment: In order to prevent excessive pollution from entering streams, stream crossings should be designed to not drain stormwater runoff directly into any streams or wetlands, but rather to contain and channel it towards the end of the bridges, where it should then be adequately treated to remove sediment and salts before being allowed to enter the waterway.

Response: Please see Response to Comment AF01-14 [2].

AS03-21

Comment: Date restrictions will be applied to prevent cutting of Indiana bat roost trees and to avoid working in streams during critical fish spawning dates.

Response: Comment noted.

AS03-22

Comment: Incorporate soil bioengineering techniques for bank stabilization where situations allow.

Response: Soil bioengineering techniques for bank stabilization will be considered where situations allow. (See FEIS Section 5.12.3 “Mitigation,” Section 7.3.4 “Construction,” and Section 7.3.14 “Water Body Modification Impacts.”)

Alternatives

AS03-23

Comment: IDNR agrees with forwarding Alternative 1-S1 for the south segment. However, this alternative will result in the construction of an additional bridge for relocated County Road 550 East over a tributary to Pigeon Creek. As with the Interstate 69 bridges, the crossing for relocated County Road 550 East should also be a bridge that spans the entire floodway of the tributary and be sized large enough to allow passage of white-tailed deer under it (minimum of 8' tall by 24' wide of non-riprap surface).

Response: Preliminary plans presented in the DEIS for the crossing of Pigeon Creek and its nearby tributary proposed a bridge that would span both waterbodies. It has not at any time been anticipated or proposed that the entire floodway would be spanned. The final I-69 bridge design through this area will be determined following hydraulic modeling in subsequent design phases. INDOT has made the commitment in the EIS to include a wildlife corridor beneath I-69 in the Pigeon Creek vicinity. The corridor will be of sufficient size (minimum width 24’ x height 8’) to accommodate large mammals such as deer.

With the preferred alternative (Alternative 4) CR 550E will be relocated and have a new bridge over the tributary to Pigeon Creek (but not over Pigeon Creek, itself). CR 550E is a very low volume local roadway and it is not evident that it creates a barrier to wildlife movement in its current configuration, and the proposed configuration is anticipated to be similar to the existing. The new bridge over the tributary would be designed to INDOT standards so it would not further impede floodwaters. It is likely the relocated road would be constructed at approximately the existing grade.

AS03-24

Comment: IDNR requested in previous correspondence that an alternative that uses the southern portion of Alternative 1-C1 to roughly County Road 750 South and then the northern portion of Alternative 1-C3 be reviewed. Page 11-29 acknowledges this request, but there is not a clear explanation of how extensively this possible hybrid was fully considered. Rather, the inclusion of a reverse curve is considered an "undesired engineering design". Throughout the draft EIS for Section 1, the primary criteria mentioned to select alternatives are cost and environmental impacts, not an "engineering perspective". This hybrid could reduce environmental impacts. As avoidance and minimization are the first steps in mitigation, this hybrid needs to be investigated to determine its level of impact.

Response: Engineering constraints are always associated with a road project. As stated in the DEIS and in the FEIS subsection 3.2.1 “Methodology,” the development of alternative roadway alignments under the NEPA process requires consideration of multiple criteria. These include satisfying highway design standards, avoiding and/or minimizing environmental impacts, minimizing cost, and satisfying project purposes. These criteria cannot be reduced to a single numerical unit of measurement; applying them involves an exercise of professional judgment. Developing alignments requires input from affected parties and resource agencies, environmental analyses, and highway engineering, all conducted in a public process to develop a range of solutions.

Consideration was given to the “hybrid” during the analysis of the alternatives, and the rationale for recommending Alternative 1-C3 over the hybrid (a combination of Alternative 1-C1 from CR 750E south and Alternative 1-C3 from CR 750E north) is included in the FEIS Section 6.3.1. As noted therein, the development of alternative roadway alignments under the NEPA process requires consideration of multiple criteria, including avoiding and/or minimizing environmental impacts and satisfying highway design standards. The hybrid would have less forest impact (0.7 acre) but more impacts to streams (480 linear feet more of streams within the construction limits), riparian habitat (180 linear feet more impact), and floodplains (0.2 acre more impact) than Alternative 1-C3. The differences in impacts to resources were not the sole basis for eliminating the hybrid from further consideration. The compelling reason for retaining the entire Alternative 1-C3 alignment as the preferred alternative was its ability to eliminate the reverse curves that occur within the southernmost section of the 1-C1 alignment. Reverse curves are an undesirable design feature. They are confusing to drivers, especially on a high-speed freeway, and can lead to an increased number of crashes.

AS03-25

Comment: IDNR agrees with dismissing Alternative 1-N1, but continues to recommend Alternative 1-N1 Mod over Alternative 1-N2 due to reduced impacts to a large forested area. IDNR has acknowledged that Alternative 1-N1 Mod would impact West Keg Creek and that stream relocation is not a desired activity but considered this to be countered by the reduced impact to the forest at State Road 64. Unless Alternative 1-N1 Mod is chosen or Alternative 1-N2 is shifted to the west to avoid the forest at State Road 64, impacts to the core forest as a result of choosing Alternative 1-N2 should be mitigated. Mitigation could include 1) obtaining additional land to establish as forest and thereby restoring the amount of lost core forest; and 2) subsequent habitat preservation to protect the entire area (the re-established core and surrounding forested buffer) from future development. Page 5-223 states that efforts to reduce tree clearing and preserve core forests are made for Indiana bat mitigation. This should be the case when looking at the northern portion of Section 1.

Response: Alternative 1-N1 Modified would impact approximately 6.7 acres of the wooded area north of SR 64 and would have no core forest impact to that area, compared with 11.4 acres impacted by Alternative 1-N2 with a 1-acre reduction in the core forest. Alternative 1-N1 Modified would have approximately 1,920 linear feet of West Fork Keg Creek within its construction limits and require the relocation of approximately 650 linear feet of the stream, compared with

Alternative 1-N2, which would have approximately 530 linear feet of the creek within its construction limits and require no stream relocation. USEPA, it its comments on the Section 1 alternatives' screening package, noted the following: *"…consider the stream impacts when comparing alternatives for elimination. As part of the project effort, be sure to avoid and minimize impacts to all water bodies, including streams that may be channelized or classified as a legal drain."* (See letter dated February 13, 2006 in Appendix B.) Alternative 1-N2 was developed specifically to remove the alignment far enough east of the creek to eliminate the impact associated with Alternatives 1-N1 and 1-N1 Modified (which share an alignment in this area).

Regarding IDNR's suggested mitigation measures, the properties on which the forested area north of SR 64 is located are privately owned; therefore, the recommended mitigation measures would require not only purchase of additional land surrounding the forested areas, but purchase of the forested areas, themselves. Otherwise, protection of the forested area, including the core forest area, could not be guaranteed in perpetuity.

The Section 1 preferred alternative would impact a total of approximately 27.4 acres of forest. According to the *Revised Tier 1 Forest and Wetland Mitigation and Enhancement Plan* (FEIS Appendix P), the mitigation ratio for impacts to forests is 3 to 1 — 2 to 1 preservation and 1 to 1 new plantings. In Section 1 this would result in preserving approximately 55 acres of existing forest and creating approximately 27 acres of new forest. The *Section 1 Tier 2 Conceptual Mitigation Plan* (See FEIS Appendix Q) proposes a greater than 3 to 1 ratio for forest mitigation. The mitigation will include preservation of approximately 30 acres of existing forests and forest development (reforestation of existing agricultural fields) of approximately 96 acres. This plan offers more than the minimum amount of required mitigation. The forest mitigation site proposed in Section 1 is along Pigeon Creek west of the Section 1 corridor.

AS04 Justin Klump INDOT Office of Aviation 02/20/07

AS04-1

Comment: This project should have no impact on airspace or air navigation.

Response: Comment noted.

LOCAL GOVERNMENT (LG)

LG01 Jonathan Weinzapfel City of Evansville Mayor 01/18/07

LG01-1

Comment: I appreciate the opportunity to speak this evening. I wanted to come here and show my strong support for the I-69 Project and construction beginning on the south end in 2008. This is important for a lot of different reasons. Just to name a few ... I think it holds a lot of promise with regards to economic development, the creation of jobs throughout southwestern Indiana. It's going to dramatically improve safety, as far as the driving public is concerned. It's going to provide a much quicker connection between southwestern Indiana and the rest of the State. And also ... but it also helps bridge the cultural and political divide between southwestern Indiana and Indianapolis.

Response: Comment noted. FHWA and INDOT remain committed to taking steps to minimize adverse impacts to communities and the natural environment that are caused by the project.

LG01-2

Comment: Now I would assume a lot of folks here have some comments, specific comments, about how this project, the routes that INDOT is recommending, will have on your property. I would hope that INDOT would continue to listen and make changes to help minimize any negative impacts.

Response: The I-69 Evansville-to-Indianapolis project has a history of extensive public involvement dating back to the initiation of the Tier 1 study in January 2000 and continuing through the Tier 2 studies, including that for Section 1. The public involvement process during Tier 2 has included a project office in each of the six sections, a newsletter, hotline, website, outreach meetings, and other opportunities to receive public input and share project-related information (See the Tier 1 and Tier 2 FEIS Chapter 11 *Comments, Coordination and Public Involvement*). In addition, the public hearing held by INDOT on the Section 1 DEIS January 18, 2007, was attended by over 200 people. INDOT received and has prepared responses to comments on the DEIS from twenty-seven private individuals and /businesses/citizens groups, ten local government representatives, and six state/federal government agencies. Members of the public can continue to visit the Section 1 project office, website, and hotline to obtain information and provide comments as final design and right-of-way acquisition proceed over the coming months. Right-of-way acquisition will involve individual contacts with each affected property owner as well as tenants/renters.

LG01-3

Comment: One issue I did want to address is, the fact that as of right now this project is funded to be built solely to Crane Naval. So some tough decisions are being made as far as the routing north of Crane. The Legislature made some decisions in this last session of routing through Martinsville. In response the Daniels Administration has proposed the Indiana Commerce Connector as a way of funding I-69 and making sure that it is a toll-free highway. I think it's an innovative idea and I hope it gets every consideration. If that's the way that I-69 goes, a toll free highway, I would support it. Thank you.

Response: Comment noted. I-69 will not be developed as a toll road

[Comments Source: Public Hearing Transcript]

LG02 Keith Jarboe City of Evansville President, City Council 01/18/07

LG02-1

Comment: I'd like to reiterate a lot of what has already been said. This is a very important road. It's very important because it is economic development. I happen to be a parent whose child left Indiana to find a job. I think there's far too much of that. I think too many of our bright, young people are leaving the State of Indiana to find jobs elsewhere. And I believe that I-69 will be a corridor that will create economic development to keep our brightest young adults here in the State of Indiana. I'm sure that many of you out there have had relatives, sons, daughters, whoever, leave the State of Indiana or leave your community to find good paying jobs. And that's what I see I-69 providing ... good jobs, a good quality of life. I did some reading today ... and I'm going to keep my comments short here ... but I did some reading today and I found out that in the early 1940s, in Indianapolis, they determined that there needed to be a connector road between the State Capital and the third largest city in the State of Indiana at that time, which was Evansville. The early 1940s. It's 2007. I still think it's a good idea. I just hate that it took sixty-seven years, almost sixty-eight by the time we start construction, to get

it done. It needs to be done and I would like to see it done and I support this project. Thank you.

[Comment Source: Public Hearing Transcript]

Response: Comment noted.

LG03 Robert Townsend Gibson County Board of Commissioners 02/14/07

LG03-1

Comment: It is the opinion of the Commissioners of Gibson County that the overpass on road 825 South, just east of 550 East, should be moved to county road 650 East between 825 South and 750 South. 825S is a road that is subject to flooding. If the overpass is placed on 825S road the residents on 650E will not have a way out in times of flooding.

Response: In response to commenters (Please also see PC20-1) who expressed concern about flooding-related access problems, the decision was made to eliminate the CR 825E overpass is favor of taking I-69 over CR 650E. CR 650E is approximately one-half mile northeast of the formerly proposed CR 825S overpass. CR 825S would be severed by the interstate and CR 650E would maintain its connectivity. East-west access in the area would be maintained via CR 650E to CR 750S or SR 68. (See FEIS Sections 5.3.4.2 “Travel Patterns and Local Public Road Connectivity, 5.6.3.2 “Access,” and 11.2.2.8 “Social Issues and Impacts.”)

LG04 Michael Stevenson Gibson County Surveyor’s Office 02/20/07

Don Whitehead & Bob Townsend Gibson County Board of Commissioners & Gibson County Drainage Board

LG04-1

Comment: I am very concerned about the span length over Upper Pigeon Creek. Currently, your plans show a span of approximately 1,200 feet. When flooding occurs, the moving flood waters extend approximately 2,400 feet north of where your proposed bridge ends. This water heads east and enters Upper Pigeon Creek near the Michael Georges Lateral (approximately one-half mile east of the proposed bridge).

By ending the bridge where you have proposed to do so, it is my belief that these flood waters could cause damage to the drainage system and the proposed structures. I also believe it will increase flooding problems in the area. I would encourage extending the span to allow flood water to continues to flow on its current path.

Response: As stated in FEIS Section 5.19 *Water Resources*, the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map No. 1804340008A for Gibson County, effective date April 26, 1978, was consulted to identify floodplains within the right-of-way of the alternatives carried forward for detailed analysis. The floodplain area within the right-of-way of each of these alternatives was calculated to identify potential impacts as a result of the project. According to the map the project crosses the 100-year flood plain of Pigeon Creek latitudinally, i.e., it crosses directly over the creek.

Hydraulic analysis will be performed in the vicinity of Pigeon Creek during a future final design phase to ensure that the proposed crossing of the creek and tributary would not result

in increased flooding. Through analysis of the floodplain and the I-69 crossing, the creek opening of the proposed bridge over Pigeon Creek would be sized so that 100-year floodway elevations would not be substantially affected. Since the proposed bridge would be designed to "pass" the 100-year flood volume with adequate clearance under the bridge, the I-69 crossing is not expected to increase flooding. As a result, there would be no significant impacts to the natural and beneficial value of the Pigeon Creek floodplain, there would be no change in flood risk due to I-69; and there would be no increase in potential for interruption or termination of emergency service or emergency evacuation routes.

LG05 Hugh Wirth City of Oakland City Mayor 01/18/07

LG05-1

Comment: I'm the mayor here of Oakland City, my name's Hugh Wirth. I'd like to get on board with the other mayors in support of this project. I've heard all the nay saying. I just don't believe it. I believe it will be a very strong economic benefit to our community and to this part of the State. We've been overlooked entirely too long. Thank you.

[Comment Source: Public Hearing Transcript]

Response: Please see Response to Comment LG01-1

LG06 Jon Craig City of Petersburg Mayor 01/18/07

LG06-1

Comment: I want to thank INDOT for putting this program on. The project does affect us all and we all stand on different sides of ... it all impacts us, each and every one, in a very different way. And I'm so thankful to have this process that we can all take part in to answer those questions. And as Mayor Weinzapfel said, I would also encourage INDOT to continue to work with each and every property owner that has a concern along the way.

Response: Comment noted. INDOT and FHWA will work closely with property owners that are affected by the project.

LG06-2

Comment: However, I have a concern, too, and that concern is what happens if this highway, for some reason, would not be built. We live in a community that struggles economically for one reason or another, but one of the largest reasons it exists is the lack of connectivity that my community shares with other communities, the rest of the State ... the rest of the nation. We are the crossroads of America. Indiana's known for that slogan. However, if you look at southwest Indiana, our spoke in the wheel is missing and that is the Interstate 69 Corridor. It's about bringing new jobs to our communities. It's about ... for me it's about moving a thousand coal trucks a day from our Main Street and providing safe access, safe travel and safer for Indiana coal .... the two power plants I have in my community that produce two thousand megawatts of electricity and provide over four hundred jobs. So it is about development, it's about connectivity, and it's a reasonable process. It's about connecting us not only to Indianapolis, it's not so I can get to Indianapolis a little bit quicker, it's about

connecting Oakland City and Petersburg and Washington, places like that, to the rest of Indiana and the rest of the world. Thank you.

Response: Comment noted.

[Comments Source: Public Hearing Transcript]

LG07	**Tony Aylsworth**	**Warrick County Redevelopment Commission**	**02/15/07**
	Sally Rideout-Lambert	**Warrick County Economic Development Advisory Council**	

LG07-1

Comment: The Warrick County Redevelopment Commission and Economic Advisory Council are submitting this letter to be included in the final draft of Environmental Impact Statement for Section 1 of the Interstate 69 construction project. We support the construction of Interstate 69 and strongly encourage the State of Indiana to proceed as scheduled with the Section 1 construction in 2008.

Response: Comment noted.

LG07-2

Comment: In addition, we support for the relocation of State Route 57 adjacent to the North Warrick Industrial Park to create a connector road to allow commercial and industrial traffic to have a more accessible internal route to travel from the North Warrick Industrial Park to the corridor south of I-64 and to the Town of Elberfeld. Therefore, we feel it is imperative that the “flyover” section previously removed from the Environmental Impact Statement be re-inserted in the report.

Warrick County is committed to partner with the state to make this transportation project viable for economic development in the northwest corner of the county. This internal corridor will allow for a better flow of traffic for this three-county area that will be impacted by the construction of I-69.

The Redevelopment Commission is charged with the development of the North Warrick Industrial Park and will have invested over $11 million upon completion of infrastructure. The Economic Development Advisory Council supports the development of the industrial park through its advocacy for funding to the County Council. We are working to position this northwest corner of the county for future economic development opportunities that will benefit Southwest Indiana.

Response: All alternatives studied in Section 1 initially included the construction of a new road—referred to as the Connector Road—that would go north from Blue Bell Road south of I-64, pass over I-64, and then connect with SR 57 north of Warrick CR 950N (Nobles Chapel Road) and near the entrance to the North Warrick Industrial Park. The road was intended to serve several access-related purposes including helping to maintain the connectivity of Nobles Chapel Road, facilitating the flow of traffic to-from the new industrial park, improving access to/from the Interstate system for the northwest Warrick County area and the community of Elberfeld. (Existing access via SR 57 at the I-64/I-164/SR 57 interchange will be lost when SR 57 is severed to accommodate construction of the proposed I-64/I-164/I-69 interchange.)

However, INDOT made a detailed review of the costs and benefits of this proposed Connector Road and determined not to include the section of the Connector Road from Blue Bell Road to Nobles Chapel Road as part of the I-69 Section 1 alternatives. The **Connector Road section from Nobles Chapel Road north to SR 57 remains part of the Section 1 project.** A detailed description of the proposed project is in FEIS subsection 11.2.1.1, "Access Issues in Vicinity of Proposed I-64/I-164/I-69 Interchange." As noted in that subsection, among the reasons given by INDOT for the decision was the following, presented in its document, *A Planning Review of the Warrick County and the Town of Elberfeld's Proposed North-South Access Connector*:

> *Planning support is not yet complete for the corridor. In order to proceed, the corridor would need to be incorporated into the Evansville Metropolitan Planning Organization's (EMPO) Long-Range Transportation Plan. The I-164/SR 57 interchange modification segment of the corridor would also need to be included in the next INDOT Long-Range Plan update. The entire corridor would need to be included in a transportation network used to demonstrate air quality conformity to the 8-hour ozone and PM 2.5 particulate standard.*
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> ***
>
> *I-69 is intended to supersede existing SR 57 in importance to the State jurisdictional highway system. Remaining portions of SR 57 are clearly candidates for relinquishment….The proposed north-south access/connector corridor does little to enhance the State's transportation network.*
>
> ***
>
> *INDOT's minimum investment into a corridor that would essentially become a county road is in the neighborhood of $16.3 million. That is a substantial investment into what will become a county corridor.*
>
> ***
>
> *Accessing I-64 via North Road, SR 68, I-69 routing will indeed result in increased travel distance from the Town of Elberfeld; approximately 3 additional miles of travel will be required. However, the increased distance and associated travel time to the interstate will be off-set by travel time improvements realized through the new interstate facility. Again, it must be remembered that interstate access to the southwest of Elberfeld via the I-164/SR 57 interchange will not change.*
>
> ***
>
> *The proposed north-south connector road will not significantly improve on the [North Warrick Industrial] park's access to I-69 or to I-64. Commercial truck traffic to and from the industrial park will utilize the I-69/SR 68 interchange.*

The *Planning Review* is appended to the revised *Elberfeld Access Study* in Appendix H in the Section 1 FEIS.

On September 26, 2006, INDOT representatives met with local and county officials in Elberfeld to explain and receive comments on planning review and resulting decision. Warrick County and Elberfeld representatives again expressed their support for the construction of the Connector Road as initially proposed. They said they would continue their efforts to find a means of partnering with INDOT to construct that section of the road from Blue Bell Road north to Nobles Chapel Road, and pursue funding for construction of the section of the Connector Road extending southward toward the I-164/SR 57 interchange. Based on discussion at the meeting, it is possible that the portion of the Connector Road from Blue Bell Road to Nobles Chapel Road could be given further consideration by INDOT as a separate project in the future, should additional study determine that sufficient need exists. A letter

from county officials dated October 12, 2006, provided in FEIS Appendix E, *Correspondence*, presents additional information regarding the county's position in this matter and proposed course of action.

LG08 Dave Abel City of Washington Mayor 01/18/07

LG08-1

Comment: I've attended several of these hearings and my experience is that there aren't a whole lot of people here who don't know where they stand on I-69 and its construction, so I'm not going to try to change anybody's opinion on that issue. I'm here to say that for the citizens of Washington this is a highway that will make an impact on lives. It will help people to ... help us to create better jobs for folks. We think it's a very positive step. We're very pleased the decision has been made to build this highway. We want to encourage the State of Indiana to build it as quickly as they can.

Response: Comment noted.

LG08-2

Comment: We're also very pleased it's going to be a free highway.

Response: Comment noted.

LG08-3

Comment: The comment that I would make is, that as we're planning for this ... and the State has made known the availability of planning grants ... that we would encourage INDOT to get that information out to the cities and counties that are involved as quickly as possible. And that INDOT would work with us to try to make sure that ... the various people who are using these grants don't all need the same thing over and over ... that you help us to coordinate some of the things that'll be in common to everybody. And that the * gets produced in time so that we can make use of those things and get the most money ... or the biggest bang for the buck. So we think it's just a great thing at this time, we can build. We want to encourage you to do so as quickly as possible and help us to plan to make it the best it can be for our communities. Thank you.

Response: Please see Response to Comment AF01-23. In addition, it should be noted that the Community Planning Grant program offers financial incentives for units of government to cooperate on common efforts to plan for I-69. Please consult the Community Planning Grant web site (www.i69indyevn.org/CommunityPlanningProgram) for more information.

[Comments Source: Public Hearing Transcript]

* Due to technical difficulties with the microphones throughout the evening, this portion of the comments was unintelligible.

PUBLIC COMMENTS (PC)

PC01 02/20/07 **Shannon Fisk** **Environmental Law and Policy Center**

Hoosier Environmental Council
Citizens for Appropriate Rural Roads
(Collectively, the Public Interest Organizations)

PC01-1

Comment: The Environmental Law and Policy Center, Hoosier Environmental Council, and Citizens for Appropriate Rural Roads (collectively, the "Public Interest Organizations") hereby comment on the Indiana Department of Transportation's ("InDOT") I-69 Evansville to Indianapolis Tier 2 Draft Environmental Impact Statement & Section 4(f) Evaluation for Section 1: Evansville to Oakland City ("Section 1 Draft EIS") released on December 11, 2006. The Section 1 Draft EIS relies on a legally flawed Tier 1 EIS for the I-69 Highway, improperly segments the I-69 analysis, and fails to accurately analyze the purpose and need, impacts and cost of Section 1 of the proposed Highway. The Public Interest Organizations reiterate their position that the improvement of US 41 and I-70, along with the upgrade of existing roads throughout the project area, would be a more effective, cheaper, and less environmentally destructive alternative to the proposed I-69 Highway. Therefore, we call on FHWA to reject the Section 1 Draft EIS and for InDOT to implement the US 41/I-70 Upgrade Alternative.

Response: The Organizations filing these comments are currently plaintiffs in a lawsuit, filed in federal district court in Indiana, challenging, among other things, the validity of the Tier 1 EIS and the Tier 1 ROD for the I-69 Project. *HEC, et al. v. DOT, et al.,* Civ. No. 1:06-cv-1442-DFH-TAB (S. D. Ind.) The Environmental Law and Policy Center, author of the Organizations' comments, also represents the Organizations in the federal lawsuit. Many of the comments raised in the Organizations' submission on the Section 1 Tier 2 DEIS relate to claims and allegations raised in their lawsuit challenging the Tier 1 decision. Thus, to the extent that the comments on the Section 1 Tier 2 DEIS assert deficiencies in the Tier 1 process, those comments and issues will not be addressed in this document. The Organizations should look to the Tier 1 FEIS and Tier ROD for a discussion of the Tier 1 issues raised here. Comments submitted on the Section 1 Tier 2 DEIS that raise Tier 1 issues will be so noted.

The Organizations' comments, which they summarized in the above-quoted paragraph, were then discussed individually within the body of their submittal. Six topics (including the Conclusion) were addressed, each dealing with one or more issues. The six topics are listed below, together with the Comment/Response identification codes that apply to each.

I. The Section 1 Draft EIS Improperly Relies on the Legally Insufficient Tier 1 EIS and ROD. [Please see Comments and Responses PC01-2 and PC01-3.]

II. The Section 1 Draft EIS Sets Forth an Improper and Unjustified Purpose and Need. [Please see Comments and Responses PC01-4 through PC01-8.]

III. The Section 1 Draft EIS Fails to Rigorously Explore and Objectively Evaluate All Reasonable Alternatives. [Please see Comments and Responses PC01-9 through PC01-14.]

IV. The Section 1 Draft EIS Sets Forth a Large, Though Underestimated, Cost Increase for the Proposed I-69 Highway. [Please see Comment and Response PC01-15.]

V. The Section 1 Draft EIS Does Not Take a Hard Look at the Impacts of the Proposed Highway. [Please see Comments and Responses PC01-16 through PC01-38.]

VI. Conclusion. [Please see Comment and Response PC01-39]

TOPIC I

PC01-2

Comment: The most fundamental flaw with the Section 1 Draft EIS is that it relies on the legally and factually insufficient Tier 1 EIS and Record of Decision ("ROD") for the I-69 Highway. As long-time participants in the I-69 EIS process, the Public Interest Organizations hereby incorporate by reference our prior comments on the Tier 1 EIS. These comments demonstrated that the Tier 1 EIS:

1. Improperly rigged the purpose and needs analysis in favor of a new terrain route for the I-69 Highway;
2. Failed to rigorously explore and objectively evaluate alternatives, including the US 41/I-70 Upgrade Alternative;
3. Failed to accurately measure environmental and other relevant impacts; and
4. Failed to comply with other binding laws, including but not limited to Section 4(f) of the Department of Transportation Act and Section 404 of the Clean Water Act.

Because of these shortcomings, the Public Interest Organizations have filed suit in the U.S. District Court for the Southern District of Indiana to challenge the Tier 1 EIS and accompanying ROD. *See Hoosier Environmental Council v. U.S. Dept. of Transp.*, Cause No. 06-1442 (S.D. Ind.). Given that the Section 1 Draft EIS relies on the Tier 1 EIS, the Section 1 Draft EIS is also invalid.

Response: Comment noted. These issues address Tier 1 issues and require no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD and papers filed by all parties in the ongoing Tier 1 litigation in federal court for further discussion

PC01-3

Comment: This reliance on the Tier 1 EIS is also problematic because Indiana law now forecloses InDOT from using portions of the selected 3C Corridor for the proposed I-69 Highway. In particular, the Major Moves legislation prohibits the Highway from going through Perry Township. This prohibition will require a significant change to the 3C Corridor selected in the Tier 1 EIS and ROD and, therefore, will require that the Tier 1 process start over for reevaluation of alternative corridors for the new highway.

The tiering process used here is also improper because it foreclosed a fair evaluation of transportation alternatives. As the Public Interest Organizations noted in their February 2004 comments on the Tier 1 Final EIS and Section 4(f) Evaluation, INDOT and FHWA improperly created a hybrid Tier 1 EIS. This study addressed several issues in significant detail, in some instances disproportionately so for the selected Alternative 3C, but unlawfully deferred other critical issues until Tier 2. Deferring issues prevented any meaningful policy-level comparison of corridor alternatives with respect to, e.g., impact on public park and recreation lands, wildlife and waterfowl refuges, karst, and historic sites (as required under Section 4(f) of the Department of Transportation Act) and on waterways (pursuant to Section 404 of the Clean Water Act). In addition, while the Section 1 Draft EIS contends that the I-69 Highway would provide local transportation benefits, the tiered process used here foreclosed a consideration of whether local road improvements, combined with improvements to US 41 and I-70, would

provide greater local benefits. Had the deferred NEPA, Section 4(f), and Section 404 issues been addressed in Tier 1, and environmental impacts been assessed equally among alternatives, it is likely that the US 41/I-70 Upgrade Alternative would have been carried forward to Tier 2.

Response: Comment noted. These issues address Tier 1 issues and require no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD and papers filed by all parties in the ongoing Tier 1 litigation in federal court for further discussion.

TOPIC II

PC01-4

Comment: For its statement of Purpose and Need, the Section 1 Draft EIS carries forward the Tier 1 Purpose and Need, then identifies "local" goals specific to Section 1. These local goals are: (1) completing Section 1 of I-69, (2) increasing personal accessibility, (3) reducing existing and forecasted traffic congestion, (4) improving traffic safety, and (5) supporting local economic development. (p. 2-3). This Purpose and Need Statement is inadequate for four reasons.

Response: Please see Responses to Comments PC01-5 through PC01-8, below.

PC01-5

Comment: First, as explained in prior comments, InDOT constructed the Tier 1 Purpose and Need in a manner that guaranteed the selection of the new-terrain Alternative 3C corridor. The agency did so by listing three purposes and nine policies which favor Alternative 3C by exaggerating the purported accessibility and economic development needs of southwest Indiana, as well as by using metrics for the goals and policies that inflate the differences among the studied alternatives. The Section 1 Draft EIS's reliance on this flawed Tier 1 Purpose and Need is improper.

Response: Comment noted. These issues address Tier 1 issues and require no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD and papers filed by all parties in the ongoing Tier 1 litigation in federal court for further discussion.

PC01-6

Comment: Second, the Section 1 Draft EIS continues to improperly imply that Congress' designation of the I-69 corridor requires the construction of a new terrain highway. (pp. 2-3 to 2- 4). Neither the 1998 Transportation Equity Act for the 21st Century ("TEA 21") nor any other federal law requires the construction of any portion of I-69. Instead, TEA 21 requires only that states designate a route for an I-69 Corridor from Canada to Mexico. Rather than building a new highway, other states such as Kentucky have simply designated existing roads as part of the I-69 route. Indiana can and should do the same.

Response: Comment noted. These issues address Tier 1 issues and require no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD and papers filed by all parties in the ongoing Tier 1 litigation in federal court for further discussion.

The existing routes designated in Kentucky to be included as part of I-69 are limited access roads that require minor improvements to bring them up to Interstate standards.

PC01-7

Comment: Third, while InDOT asserts that Section 1 would address local needs (p. 2-3), the Section 1 Draft EIS fails to demonstrate that there are sufficient local needs to justify the construction of a $230 million segment of highway. For example, while InDOT claims that the project is needed to reduce congestion in the Study Area (pp. 2-7 to 2-8), the Draft EIS projects that in 2030 there will be only two intersections and two small stretches of road that would have a congested level of service. (p. 2-8). According to the map on p. 2-16, all of these congested areas will be in the city of Evansville, not in the Study Area. InDOT also claims there is a need to increase personal accessibility, which is measured in local residents' access to a highway and to cities such as Bloomington and Indianapolis. (pp. 2-7, 3-44, 3-45). No evidence is provided, however, as to how many people in the Study Area actually need to or want to make those trips. Without this data, there is no supportable ground for asserting that the Section 1 Highway is "needed."

Response: Congestion will be relieved significantly throughout the Study Area, not just on the roads listed on the Section 1 DEIS page 2-8, which are roads projected to have an unacceptable level of service. Table 3-6 on page 3-47 of the Tier 2 Section 1 FEIS presented a comparison of the vehicle miles traveled and vehicle hours traveled at congested levels of service for the build and no build scenarios.

As stated on page 2-7, the need to improve local accessibility was developed locally and incorporated in the official transportation planning document for the Evansville Metropolitan Area, the *Evansville MPO's 2030 Transportation Plan*. The need for improved access to local residents was also identified in public comments gathered throughout the course of the NEPA study, by the Community Advisory Committee (CAC), and through input received at the public information meetings.

See response to comment PC01-12, which addresses the concept of improved accessibility.

PC01-8

Comment: Fourth, InDOT has improperly segmented the Tier 2 EIS by evaluating separate sections of the highway that do not have independent utility. There is simply no evidence that if other portions of I-69 were not built, Section 1 would provide any worthwhile transportation benefit. For example, the purported congestion reductions would result from the removal of truck traffic that is traveling long distances from SR 57. (p. 2-8). In addition, the goal of increased accessibility to a highway means little if only Section 1 of I-69 is built. Also, Section 1 would not provide increased access to Bloomington or Indianapolis if other sections of the Highway were not built. As such, the Tier 2 EIS approach being taken by InDOT violates NEPA regulations that prohibit the segmentation of a highway project.

This segmentation is especially problematic for two reasons. First, as discussed in Section IV below and noted by the U.S. Environmental Protection Agency, by breaking up the Tier 2 analysis into separate sections, InDOT is avoiding providing a quantification of the total direct, indirect, and cumulative environmental impacts of the I-69 Highway. Second, there are concerns that alignment decisions made for one segment will cause unavoidable impacts for another segment. For example, we share the Indiana DNR's concerns that the proposed alignment for the north end of Section 1 may cause Section 2 to fragment a large upland forest area that should be avoided. (p. 3-52). For these and other reasons, we call on InDOT to comply with NEPA and not segment the Tier 2 analysis.

Response: Comment noted. These issues address Tier 1 issues and require no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD and papers filed by all parties in the ongoing Tier 1 litigation in federal court for further discussion.

The specific resource in an adjacent section cited by the commenter (a large upland forest area in the southern portion of Section 2) is being addressed in the context of the Section 2 study. This issue was discussed at a May 31, 2006 meeting with agency representatives (including the Region 5 Office of the United States Environmental Protection Agency, the Bloomington Field Office of the United States Fish and Wildlife Service, and the Indiana Department of Natural Resources). At this meeting, an alternative was presented (Alternative A) that avoids impacts to this resource.

TOPIC III

PC01-9

Comment: The Section 1 Draft EIS engages in a consideration of alternatives that is "circumscribed by the decisions reached in Tier 1" (p. 3-1). As a result, the Draft EIS considered only various combinations of different highway alignments that fall within the Alternative 3C Corridor selected in the Tier 1 EIS and ROD. No local road improvements or alignments outside of the 3C Corridor were evaluated.

Response: Comment noted.

PC01-10

Comment: The Section 1 Draft EIS's alternatives evaluation is flawed for a number of reasons. First, as the Public Interest Organizations have described in their previous comments, the Tier 1 EIS and the tiering process in general has improperly foreclosed an objective evaluation of the US 41/I-70 Upgrade Alternative. Those prior comments explained how improving US 41 and I-70 would serve the purposes of the I-69 Highway at a lower cost and environmental impact than the new terrain 3C Alternative. Common sense also suggests that local road improvements that should have been evaluated as part of a US 41/I-70 Upgrade Alternative would better serve the local needs of improving accessibility and reducing congestion in the Study Area than would a new highway. NEPA requires that an objective evaluation of both the highway improvement and local road upgrade portions of the US 41/I-70 Upgrade Alternative occur.

Response: The US 41/I-70 upgrade was considered and discarded in Tier 1; it is not being considered in Tier 2 EISs. The Tier 1 Record of Decision (ROD) selected an interstate highway within the approved corridor; This FHWA decision requires that all Tier 2 alternatives be fully access-controlled freeways.

PC01-11

Comment: Second, in identifying alternative alignments, the Section 1 Draft EIS fails to try to minimize impacts to agricultural lands. INDOT used the computer program Quantm, an engineering alignment optimization tool, to assist in development of the Section 1 alternatives. (p. 3-1). This program "allow[s] alternatives to be compared according to a variety of attributes." (p. 3-6). Specifically, Quantm computes the cost of various alignments based upon input of geographic, topographic, and geologic information; geometric design criteria; unit cost data; and environmental constraint information. (*Id*.) INDOT notes that the program results are constrained by the quality and quantity of data provided. Given these constraints, the agency used Quantm to "obtain[ ] first-cut alignment definitions and conduct[ ] "what if" scenario analysis," i.e., to generate a set of alignments for further development using conventional techniques.

In running Quantm to provide a "first-cut," InDOT apparently looked at only two factors: wetlands avoidance and avoidance of developed lands. (p. 3-7). The Draft EIS notes, however, that "agricultural land was identified as the only significant resource significantly affected by the project." (Draft EIS at 3-11, citing Chapter 5, Indirect and Cumulative Impacts). The Section 1 Draft EIS mysteriously does not explain why InDOT failed to use avoidance of agricultural land as a scenario in its first-cut Quantm analysis, even as INDOT lists minimization of farmland division as a "basic objective" of the Quantm analysis. (p. 3-8). This failure to consider avoidance of an admittedly significant resource in generating alignments for detailed study renders the Section 1 Draft EIS consideration of alternatives incomplete.

Response: In Section 1, over 80% of the project corridor is agricultural land. It would not be possible for any engineering optimization tool to generate alignments that would avoid farmland within the project corridor. However, wetlands, streams, and other protected and regulated resources occur in the corridor in limited areas. Therefore, Quantm could identify alignments that would avoid impacts to these resources. The focus in the Tier 2 Section 1 study was the minimization of impacts on farmland where more detailed engineering analyses could be applied along with consideration of impacts to other resources.

PC01-12

Comment: Third, the Section 1 Draft EIS's purported analysis of the performance of the alternative alignments fails to provide any useful analysis as it relies on entirely unreasonable assumptions. With regards to personal accessibility, the Draft EIS calculates the total travel distance and time with and without Section 1 from various towns in the area to Evansville, the Toyota plant, the North Warwick Industrial Park, the Crane Naval Center, Bloomington, and Indianapolis. (pp. 3-44 to 3-47). After concluding that either build alternative would lead to a reduction of 0 to 6 travel miles and 34 to 46 travel minutes, the Draft EIS then multiplies the total population of various towns in the Study Area by those mile and time reductions to conclude that either alternative would lead to a reduction of approximately 32,000 miles and 6,800 hours of travel per weekday.

These figures tell us virtually nothing about the local accessibility benefits of Section 1. For one thing, the reduction in travel miles and time is most likely due to trips to Bloomington and Indianapolis, not trips in the local area. The vast majority of people in the local area, however, probably rarely travel to Bloomington and Indianapolis, but do travel locally all the time. So, while the Draft EIS claims it is assessing the local benefits of Section 1, it is actually masking the fact that there are virtually no local benefits by focusing on long distance trips that few people make. In addition, the alleged overall savings of 32,000 miles and 6,800 hours of travel is based on the obviously false assumption that that everyone in those towns travels to Indianapolis and Bloomington (along with Evansville, Toyota, Crane, and North Warwick) every day. In order to accurately evaluate the local benefits of Section 1, InDOT must analyze where residents of the Study Area actually travel on a daily basis and how various transportation improvements, including improvements to existing local roads, would impact such travel.

Similarly, the Draft EIS purports to evaluate accessibility in terms of travel time from various communities, the Toyota plant, and the North Warwick Industrial Park to the Interstate system. (p. 3-46). For Elberfeld and the North Warwick Industrial Park, however, either build alternative actually decreases accessibility to the interstate system. Also, the important question should be how to best help local people get where they want to go, not merely whether they can get to an interstate that might never be completed. Finally, the Section 1 Draft EIS multiplies the purported time and mileage savings by the entire population of the various communities (p. 3- 47), once again relying on the obviously false assumption that everyone in the area will want to drive to an interstate every day.

Response: This comment mischaracterizes the nature of accessibility. Accessibility improvements are measured in terms of the ***ability*** to reach certain key destinations. This ability (access) is measured in terms of change in mileage and travel time for those who would desire to travel to key destinations. The measures used in Section 1's EIS are suitable, as well as similar to those used to measure improvements in accessibility in the Tier 1 FEIS. Given the different scope of the Tier 2 studies, the measures used will differ somewhat from those used in Tier 1, as well as differ from section to section. Improving accessibility was identified as a core goal in Tier 1.

The statement about the magnitude of "overall savings" represents a misinterpretation of data presented in Table 3-5. This table illustrates the comparative similarity of alternatives in their ability to satisfy the Purpose and Need. This table and its supporting discussion have been modified in the FEIS to address any possible confusion.

PC01-13

Comment: As for safety, the Section 1 Draft EIS estimates that while there will be an increase in highway accidents of 113 per year, accidents on the local (non-interstate) highway network will decrease 209, for a net reduction of 96 accidents per year. (p. 3-48). The Draft EIS, however, does not state how many accidents currently occur per year in the Study Area, so there is no way to know whether this decline is significant or not. In addition, the Draft EIS fails to evaluate whether a local road alternative that included improvements to high-crash areas in the existing road system would provide more safety benefits than the construction of I-69.

Response: The Tier 1 ROD limits the range of Tier 2 alternatives to freeways within the approved corridor. Unrelated local road improvements are not alternatives and are therefore outside the scope of this Tier 2 study.

The Tier 1 study (Section 2.3.4) identified SR 57 in Warrick County as having high crash rates. Pike and Knox Counties to the north and west also have high countywide crash rates. I-69 allows these crash rates to be reduced by diverting traffic to a safer freeway facility. It is likely that a portion of the crash reduction is due to reduced crashes in these areas. Table 3-7 has been modified to compare the number of crashes with the build alternatives versus the no-build scenario. The revised table indicates that fatal accidents are projected to be constant while overall injury and property damage accidents will be reduced with either build alternative versus the no-build scenario.

PC01-14

Comment: Finally, the Section 1 Draft EIS contends that Section 1 would provide economic development benefits, but bases that contention on the same flawed analysis of accessibility discussed above. In addition, any economic benefit for the I-69 Study Area will come at the expense of the lack of investment and decline in traffic in communities along US 41 and I-70. In order to satisfy NEPA's objective analysis requirement, InDOT must evaluate and disclose the negative economic impacts of its proposal on those communities, rather than just trumpeting the alleged economic benefits of I-69 on other communities.

Response: Comment noted. These issues address Tier 1 issues and require no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD and papers filed by all parties in the ongoing Tier 1 litigation in federal court for further discussion.

TOPIC IV

PC01-15

Comment: The Section 1 Draft EIS demonstrates that the proposed I-69 Highway will cost significantly more than the cost estimates that InDOT has previously set forth. The Tier 1 EIS sets forth a cost estimate in 2000 dollars for Alternative 3C of $1.71 to $1.83 billion, with Section 1 estimated to cost between $112 and $131 million. (Tier I EIS at 6-66). The Section 1 Draft EIS provides a cost estimate in 2004 dollars for Section 1 of $161 million (p. S-18), with a projected 2010 construction cost estimate of $230 million. (p. 3-58).

In comparison to the median 2000 cost estimate of $121 million for Section 1, the construction cost for Section 1 is expected to increase approximately 90% by the likely construction year of 2010. Assuming that similar cost increases will be found for every section, the projected 2010 construction cost for the entire I-69 Highway is $3.36 billion.[1] With the addition of 2% for utility relocations (approx. $67 million – see Tier 1 EIS App. HH-14) and at least $77 million for mitigation (Tier 1 EIS at 6-66)[2] the total 2010 cost estimate is nearly $3.5 billion. Plainly, such a major increase in projected costs requires a re-evaluation of whether the proposed I-69 Highway is worthwhile and whether the significantly cheaper US 41/I-70 Upgrade Alternative is more cost effective.

In addition, it is important to note that the Section 1 Draft EIS may actually underestimate the cost increase for the I-69 Highway. The Draft EIS assumes that 2004 cost estimates will increase 37.98% by 2010 based on the overall increase in the Producer Price Index ("PPI") from 1987 to 2004. (App. C at 10-11). This focus on the long-term increase of the overall PPI, however, appears to overlook the fact that highway construction costs have skyrocketed in the last few years.[3] InDOT must provide realistic construction cost estimates that reflect these recent price increases in its studies of the proposed I-69 Highway.

[1] This figure represents a 90% increase in the median 2000 total cost estimate of $1.77 billion for Alternative 3C.

[2] This mitigation figure will most likely be much higher by the time any construction of I-69 would actually occur.

[3] *See, e.g.,* Federal Highway Administration, Highway Construction Cost Increases and Competition Issues, http://www.fhwa.dot.gov/programadmin/contracts/price.cfm.

Response: As the commentor notes, in order to estimate future trends in construction cost increases longer-term trends in highway construction costs were used. As the commentor notes, there has been a recent spike in the cost of highway and street construction. The Bureau of Labor Statistics Producer Price Index for Highway and Street Construction (Series ID PCUBHWY) increased at an annual rate of 2.3% between the years 1987 and 2004. In the two year period between 2004 and 2006, it increased at an annual rate of 11.7%. The DEIS projected Year 2010 construction costs forward from a base year of 2004; in the FEIS, the methodology has been updated to project costs forward to 2010 from a base of 2007. This analysis takes into account this short-term spike in construction costs, while assuming that the longer-term trends in highway construction costs would be more typical of historic norms.

TOPIC V

PC01-16

Comment: In chapters 4 and 5 of the Draft EIS, InDOT purports to evaluate the impacts of various potential Section 1 alignments within the Alternative 3C Corridor. This evaluation suffers from two primary flaws. First, as the U.S. Environmental Protection Agency has noted, InDOT must quantify the total direct, indirect, and cumulative impacts of all Sections of the I-69

Highway. (p. 11-31). InDOT claims that the Tier 1 EIS provided a sufficient overview of the total impact of the proposed highway. (*Id*.) The Tier 1 EIS, however, set forth only a general overview of possible impacts from placing the proposed highway somewhere in a 2,000 foot wide corridor. In comparison to that wide-lens view, the Tier 2 EISs will provide a much more focused and precise analysis of the actual impacts of each of the various segments of Alternative 3C. In order for a fully informed decision to be reached here, those segment impacts must be totaled for the entire route so that Alternative 3C can be compared to other less harmful alternatives such as the US 41/I-70 Upgrade Alternative.

The quantification of the total impacts of all of the Tier 2 segments and re-evaluation of alternatives including the US 41/I-70 Upgrade Alternative is especially needed because the proposed highway is much wider than assumed in Tier 1. In particular, in going from Tier 1 to Tier 2, INDOT added four feet to the median width of 80 feet. (p. 3-13). The purported justification is to allow for addition of a 12-foot-wide interior lane in each direction while maintaining a 60-foot-wide median, "should future traffic volumes warrant adding such lanes." (*Id*.) There is no evidence in the record, however, that future traffic volumes would justify the expansion of this already unnecessary highway to six lanes. In addition, the Draft EIS notes that "the land area required for right-of-way is approximately 31% higher for the various alternatives when compared to the Tier 1 EIS." The full environmental impacts of this increase in the footprint of the proposed I-69 Highway must be fully evaluated.

Response: Regarding totaling the impacts for the entire I-69 Evansville-to-Indianapolis route, please see Response to Comment AF01-3.

Regarding a comparison of the Tier 1 preferred corridor 3C and the US 41/I-70 alternative, this is an issue that was addressed in Tier 1 and requires no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD and papers filed by all parties in the ongoing Tier 1 litigation in federal court for further discussion.

Regarding Tier 2 Section 1 right-of-way requirements: The additional 4 feet in the median is negligible, representing a less than 1% increase in the total right-of-way requirements for Section 1. A negligible increase in right-of-way requirements now will forestall possible significant costs and impacts in the future, should added highway capacity be required. In addition, development is anticipated at various locations along I-69. Providing for future expansion while the corridor is still undeveloped will lessen impacts that would occur from the future acquisition of right-of-way along a developed corridor. Regarding the comparison with Tier 1 right-of-way estimates, Tier 2 studies provide greater levels of detailed information and analysis than were available during Tier 1. For example, access roads were identified during Tier 2, and more detailed interchange and roadway designs were developed. These were the major factors that contributed to the difference between Tier 1 and Tier 2 right-of-way estimates. Impacts associated with Section 1's right-of-way requirements have been fully evaluated as part of the Section 1 Tier 2 study. For further discussion, see FEIS subsection 6.3.2 "Preferred Alternative Costs and Impacts Compared with Tier 1 Estimates."

PC01-17

Comment: The second major flaw with the Section 1 Draft EIS's evaluation is that it underestimates or ignores many of the impacts that the proposed highway would have….

Response: Comments and Responses PC01-18 through PC01-38 concern the issues referenced in the above paragraph.

PC01-18

Comment: **Threatened or Endangered Species and Wildlife Impacts:** Tables 3-8, 3-9, and 3-10 say that no threatened or endangered species were found in the corridor but that a Biological Assessment will be prepared for the Indiana Bat. (pp. 3-53 to 3-54). This claim, however, is contradicted elsewhere in the Draft EIS. For example, a maternal colony of Indiana bats is within the action area for this species. (p. 5-213). The state endangered evening bat was also found in the study area. Six other state listed bat species were mist netted in the study area. (*Id*.). In addition, the state listed red-shouldered hawk was seen and is likely in or near the corridor. (p. 5-218). A possible nest site was also located. (*Id*.) Three other state listed birds, the barn owl, loggerhead shrike, and northern harrier, are also possibly in the study area. (pp. 5-218 to 5-219). The impacts to these species must be fully evaluated.

In addition, other species were likely overlooked as the surveys done were cursory and/or outdated. For example, the Draft EIS notes that "field investigations for this study did not include extensive trapping or other observations that would confirm the presence of the listed species in the project corridor." (p. 5-250). In addition, the only search for bird species was a two-day survey done in mid-May 2005 that involved simply driving around the Study Area in a car with the windows down. (p. 5-210). Obviously, driving around in a car is not a very efficient way to determine what sort of birds are in the area, as car noise may drown out the sounds of birds and many birds prefer interior habitat that is away from disturbances. Also, the fish and mussel survey of the area was done in 1993, which is too old to be considered accurate. More thorough surveys for species must be conducted so that a thorough evaluation of impacts to threatened and endangered species and wildlife in general can occur.

Response: The field surveys were designed and conducted in conjunction with the appropriate review agencies (such as the USFWS and IDNR). While no federal threatened or endangered species were found in the Section 1 corridor, one Indiana bat was captured to the west of the corridor, and maternity colonies were found southwest of the corridor; therefore, an area identified as an action area for the bat includes the southern portion of the corridor. The presence of state-listed species in or near the corridor is also possible: two state-endangered (SE) bat species and three bat species of special concern (SSC) were captured in or within 1.5 miles of the corridor during the mist netting conducted in 2004, and one state-listed hawk was seen near the corridor. Although there is no specific protection afforded state-listed species, efforts made during the Tier 2 study to avoid or minimize impacts to wildlife habitat (See FEIS Section 5.18) would be expected to benefit state-listed as well as federally threatened or endangered species.

The revised Tier 1 Biological Opinion issued by USFWS (See Appendix N) listed conservation measures to minimize impacts and ensure that the construction of I-69 is not likely to jeopardize the continued existence of any federally listed threatened or endangered species or result in the destruction or adverse modification of their critical habitat. Additional consultation with USFWS has occurred in Tier 2, resulting in a Tier 2 Biological Assessment for Section 1. This Tier 2 BA incorporates by reference (with only minor modifications) the conservation measures jointly developed by the FHWA, INDOT, and USFWS and included in the revised Tier 1 BO. These measures are identified in FEIS Section 5.17 *Threatened and Endangered Species* and in Chapter 7 *Mitigation and Commitments.* Since conservation measures are part of the Proposed Action, their implementation is required under the terms of the consultation. USFWS has issued a Tier 2 Biological Opinion for Section 1 which incorporates these mitigation measures (See FEIS Appendix Q).

Part of this comment does not accurately describe the bird surveys. The primary field investigations were made via pedestrian surveys. In addition, vehicular surveys were conducted near hedge rows, fence lines, narrow riparian areas, and similar locations where vegetative cover is relatively sparse and a person approaching on foot would scatter the

birds. According to the experienced professionals who conducted the surveys (See FEIS Chapter 9 *List of Preparers*), remaining in a parked car with windows down in such situations enables the surveyors to hear and record bird calls without frightening away the birds. The FEIS has been edited to clarify the types of surveys employed.

PC01-19

Comment: **Air Quality Impacts:** The Section 1 Draft EIS essentially dismisses any concerns about air quality impacts by claiming that the Highway satisfies conformity requirements and that no PM2.5 hot-spots will be created. (p. 5-150). This analysis, however, suffers from a number of flaws. First, the Evansville MPO conformity analysis relied on in the Draft EIS assumes that construction of I-69 will begin in 2017. (p. 5-149). InDOT, however, has stated that construction will likely begin in 2008 and the Section 1 Draft EIS assumes for cost estimate purposes that construction will begin in 2010. As such, the conformity analysis is invalid.

Response: In May 2007 the Evansville MPO adopted a new long-range plan and air quality conformity analysis. The plan includes revised "open to traffic" dates for this section of I-69. The EIS has been revised to include this data. Section 1 of I-69 is included in the MPO's conforming long-range transportation plan under the revised "open to traffic" dates.

PC01-20

Comment: [Air Quality Impacts, cont**]:** Second, the Draft EIS's hot spots analysis relies solely on information from the Tier 1 EIS. (p. 5-150). InDOT claims that a site-specific Tier 2 analysis will not occur until after the Section 1 Final EIS is issued. (*Id*.) NEPA, however, requires that such information be released prior to the Final EIS, so that it can be reviewed and commented on by the public.

Response: To demonstrate conformity with $PM_{2.5}$ hotspot requirements, Section 5.9 has been revised to show that this is not a project of air quality concern. This determination was made in consultation with federal and state agencies by analyzing forecasted levels of general vehicular traffic as well as truck traffic. This determination is documented in Appendix B, *Agency Coordination Correspondence.*

PC01-21

Comment: [Air Quality Impacts, cont.]: Third, the Section 1 Draft EIS acknowledges that there are potentially serious health risks associated with air pollutants from auto and truck exhaust, but then claims that it is not possible to evaluate the project-specific health impacts created by these air pollutants. (p. 5-146 to 5-149). This claim ignores the requirements of federal law and the ability to use existing models to provide at least some estimate of localized air quality health impacts. Federal law plainly requires that such health impacts be analyzed. The Federal Aid Highway Act and its implementing regulations require the Federal Highway Administration to consider the adverse effects of air pollution, to evaluate the costs of eliminating or minimizing such effects, and to incorporate measures necessary to mitigate the effects. 23 U.S.C. 109(h); *D.C. Federation of Civic Associations v. Volpe*, 459 F.2d 1231, 1242 (D.C. Cir. 1971). In addition, health effects are clearly an environmental impact that must be analyzed under NEPA – in fact, NEPA regulations require an agency to address the extent to which a project impacts public health. 40 C.F.R. 1508.27. Also, NEPA's goals of encouraging informed agency decision making and fully informing the public about a project can only be met if all of the impacts – including the public health impacts – of a project are discussed in the EIS.

It is factually erroneous for InDOT to assert that it cannot estimate the health impacts of the increased air pollution that the I-69 Highway would create. Numerous studies have demonstrated that auto and truck exhaust presents a significant health risk to individuals living near a high traffic area. In the EPA's "Guideline on Air Quality Models," the agency weighs in against the adoption of a single model for regulatory purposes, noting that "the diversity of the nation's topography and climate, and variations in source configurations and operating characteristics dictate against a strict modeling 'cookbook.'" 40 C.F.R. Part 51, Appendix W. Instead, EPA calls for a case-by-case modeling approach, *id.*, and publishes lists of preferred or recommended dispersion models for measuring concentrations of pollutants from mobile sources. *Id.*, EPA Support Center for Regulatory Air Models, Guideline on Air Quality Models, Appendix A and former Appendix B. Of particular relevance here are the CALINE3 and HYROAD models. CALINE3 is a preferred or recommended model used to determine concentrations of carbon monoxide and particulate matter around highways. HYROAD is an alternative, microscale transportation model used to simulate the effects of traffic, emissions, and dispersion. This model is specifically designed to determine concentrations of carbon monoxide, PM, and air toxics. Both CALINE3 and HYROAD can and should be used as the basis for estimating the public health impacts of the increased air pollution that would be emitted by the DIFT.

Response: Regarding estimating localized air quality health impacts, please see Response to Comment AF01-11. Regarding dispersion models for measuring concentrations of pollutants from mobile sources, please see Response to Comment AF01-10.

PC01-22

Comment: [Air Quality Impacts, cont.]: Finally, InDOT has misinterpreted the requirements of 40 C.F.R. 1502.22. Under that regulation, InDOT cannot simply rely on an alleged lack of certainty in various modeling techniques, but instead must undertake the best possible estimate using existing models or discuss why limitations in an existing model would prevent the agency from comparing the relative merits of various control strategies or project alternatives. Even where a model falls short of identifying the exact endpoint of concern for, e.g., an enforcement action or a rulemaking, that model can still serve an important comparative function for NEPA purposes if the implications of the model's shortcoming(s) are the same across alternatives. While InDOT has noted uncertainties in the modeling, there is no justification in the Draft EIS why at least an estimate of these air quality health impacts cannot be provided.

Response: Please see Response to Comments PC01-21.

PC01-23

Comment: **Water Quality Impacts:** Runoff from the I-69 Highway will have significant impacts on surface waters in the Study Area. The Section 1 Draft EIS fails to identify any steps to avoid or mitigate these impacts. (p. 5-298, 7-1). In addition, the increased impervious surface from the Highway and the sprawl that it spawns is likely to cause increased localized flooding. Also, water wells in the area could be contaminated during and after construction but the Draft EIS states only that InDOT's Standard Specifications and Best Management Practices will be used to avoid these impacts. These practices are notoriously inadequate to protect water supplies, as they have failed during other highway construction projects, such as the 641 Bypass around Terre Haute. InDOT must address these issues.

Response: Regarding impacts to streams as the result of runoff, please see Response to Comment AF01-14 [2]. Regarding flooding, please see Response to Comment LG04-1. Regarding Best Management Practices, BMPs are regularly updated to incorporate the most current techniques and accepted procedures. BMPs are continuously reviewed and updated.

PC01-24

Comment: **Forest Impacts:** The Section 1 Draft EIS apparently tries to excuse the fact that the preferred alternative identified for Section 1 will destroy 33 acres of forest by claiming that such impacts will be mitigated at a 3:1 ratio. This mitigation, however, involves only 1:1 "replacement" through the replanting of open fields, and 2:1 "preservation" through the purchase of forested lands that will be transferred to the Indiana Department of Natural Resources or other state agencies. Neither approach, however, will replace the mature forests that will be lost if I-69 is constructed. Replanted fields take decades to mature, and preserved forests are no replacement at all, especially if InDNR, as is its practices, manages those forests for timber management rather than wildlife and natural area protection... In other words, contrary to the Draft EIS's claims, the forest losses due to the I-69 Highway will not be mitigated.

Response: Please see Response to Comment AF01-27. In addition, the following should be noted:

As stated in the Tier 1 FEIS and/or ROD, FHWA and INDOT's commitment to mitigate for impacts to upland forests at a ratio of 3:1 is voluntary—the 3:1 ratio is not required by law or regulation. The commitment is stated in the *Revised Tier 1 Conceptual Forest and Wetland Mitigation and Enhancement Plan* (Section 1 FEIS Appendix P), in the Tier 1 FEIS, and in FHWA's ROD. The *Section 1 Tier 2 Conceptual Mitigation Plan,* which was submitted to USFWS in June 2007 as part of the Section 1 Tier 2 BA, proposes mitigation for forest impacts that are greater than the 3:1 ratio. (Please see Responses to Comment AF01-27).

The mitigation will involve the creation of new forest land as well as the protection of existing forests that are currently in private ownership. The creation of new forested land is valuable. However, it also is valuable to protect existing forested tracts against future development. For example, following the release of the Tier 1 FEIS, INDOT agreed to purchase approximately 1,500 acres of forested land in Morgan County that was in imminent threat of development. That land will be protected in perpetuity as part of a much larger forested area managed by the Indiana Department of Natural Resources (Morgan-Monroe State Forest). Furthermore, as stated in the Tier 1 FEIS Chapter 7 *Mitigation and Commitments,* all forest mitigation lands will be protected in perpetuity (p. 7-5) as wildlife habitat. This commitment would include land transferred to IDNR for purposes of mitigation, i.e., they would be protected as wildlife habitat and not be managed for timber.

PC01-25

Comment: **Archaeological Impacts:** The Section 1 Draft EIS states that the results of archaeological surveys will be reported in the Final EIS for Section 1. (p. 5-189). NEPA, of course, requires that such information be presented before the Final EIS is issued so that the public has an opportunity to review and comment on such surveys.

Response: The archaeological surveys referenced are being conducted in conformance with provisions of NEPA, as well as the National Historic Preservation Act. The specific surveys referenced by this comment will serve to identify whether any National Register eligible sites may exist within the proposed right of way. In order for these surveys to occur, it is necessary that a preferred alternative be identified, as was done in the Section 1 DEIS. In many cases, a preferred alternative will not be identified until the FEIS, so that the archaeological surveys will not occur until after this time.

In Section 1 the preferred alternative was identified in the DEIS and a Phase Ia survey was conducted to identify potentially NRHP-eligible sites within the preferred alternative's APE. The results of the survey are summarized in FEIS Section 5.14 *Archaeology Impacts* and documented in a technical report submitted for review by the SHPO. No further work was recommended for sites identified through the Phase Ia survey of the Alternative 4 APE; and

IDNR-DHPA concurred with the recommendation (See correspondence dated April 25, 2007 and May 21, 2007) in Appendix B). Phase Ic was recommended for three locations within the Alternative 4 APE; however access was only granted at one of these locations (Pigeon Creek). Commitments for completion of the Phase Ic work and any subsequent phases of research identified through that research have been developed for a Memorandum of Agreement (MOA). If the results of additional testing show that a Phase III Archaeological Mitigation would be warranted, that work would be completed, in consultation with the Indiana SHPO, before construction on the project could begin at that site. Any sites requiring further investigations will be included in the Tier 2 Section 1 Record of Decision.

Whatever their timing, the Section 106 process provides for dissemination of information and allows for review and comment of any archaeological findings. It should be noted that the locations of sites surveyed are kept confidential to protect the site(s) from unwarranted intrusion. Appropriate consulting party involvement has occurred relating to archaeological resources as documented in Appendix F. Copies of reports (excluding site location maps, which are confidential) are available for review by the public in the Section 1 project office.

Please see Comments AF02-1 and AS02-1 for USDOI and IDNR-DHPA comments on the characterization of Section 4(f) and Section 106 resource impacts in the Section 1 DEIS.

PC01-26

Comment: **Inadequate Mitigation:** InDOT has not provided adequate assurances that mitigation of wildlife impacts will occur. For example, possible sites with willing sellers are proposed for forest mitigation but it cannot be assumed these will be found or where they will be found. It is also uncertain if money will be available to do the mitigation proposed. If the project starts and cost overruns pile up, as they will, cutbacks in areas such as mitigation will likely be made. In addition, mitigation measures for most species are identified, but will occur only “where feasible and appropriate.” This leaves a gaping hole and makes it unlikely any mitigation measures will actually be implemented. InDOT must provide mitigation assurance that are binding, identify who is responsible for carrying them out, and set aside adequate money to ensure that they can be completed.

Response: INDOT submitted the Section 1 Tier 2 BA to USFWS in June 2007. The Section 1 BA, which includes the *Section 1 Tier 2 Conceptual Mitigation Plan,* identifies a 160-acre mitigation site along Pigeon Creek and provides a design plan for the site. The *Section 1 Conceptual Plan* is included with the Section 1 BA in Appendix Q of the FEIS. The current land owner has agreed to a conservation easement for development of mitigation on this parcel for I-69.

Mitigation commitments are part of formal Section 7 consultation. Ongoing monitoring of related commitments will ensure that they are carried out. In addition, mitigation commitments are a requirement of USACE, IDEM, and IDNR permitting, without which the required permits (such as 404, 401, and Construction in a Floodplain) cannot be obtained and the project cannot proceed. Mitigation commitments cannot be reduced simply as a cost savings mechanism that has been committed to in this process. FHWA will require that the mitigation be carried out as part of its Record of Decision.

Mitigation can only be reduced where it can be demonstrated that impacts have been reduced or unrealized and in consultation with the appropriate agencies. Mitigation will be tracked as noted in Response to Comment AF01-3. Where proposed mitigation cannot be implemented, consultation with the resource agencies will have to occur to determine reasonable alternative options.

PC01-27

Comment: **Section 4(f):** The Section 1 Draft EIS continues to rely on the faulty Section 4(f) analysis included in the Tier 1 EIS. (p. 8-3) That analysis erroneously claimed that all alternative corridors would have substantially equal impacts to Section 4(f) resources. In fact, the US 41/I- 70 Upgrade Alternative would avoid Section 4(f) resources, while the 3C Alternative selected by InDOT would have significant impacts to Section 4(f) lands such as the Patoka National Wildlife Refuge, Morgan Monroe State Forest, the Combs Unit of the Martin State Forest, and the Patoka Bridges Historic District.

Response: Comment noted. The comment addresses Tier 1 issues and requires no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD and papers filed by all parties in the ongoing Tier 1 litigation in federal court for further discussion.

The Section 1 Draft EIS did not rely on the Tier 1 EIS with regard to potential 4(f) resources. Separate surveys were conducted in the Section 1 Study Area as part of the Tier 2 analyses to determine whether Section 4(f) resources could be impacted by the project in Section 1. The results of surveys to date determined that no Section 4(f) resources are within or adjacent to the project corridor, and there would be no use of a Section 4(f) resource as a result of the project in Section 1.

An archaeological survey (deep testing, Phase Ic) is being conducted on three sites within the APE of the preferred alternative. Because access to two of the properties has been denied, the surveys will be concluded when INDOT purchases the right-of-way from those properties and, thereby, obtains access. A Memorandum of Agreement between FHWA and the Indiana SHPO has been prepared stipulating procedures that would be followed should a site(s) be found eligible for NRHP listing. If a site is determined to require consideration under Section 4(f), the appropriate procedures will be initiated.

Archaeological sites, even if eligible for the National Register, are not necessarily protected by Section 4(f). The FHWA Section 4(f) Policy Paper states that, “Section 4 (f) does not apply if FHWA after consultation with the state Historic Preservation Officer and the Advisory Council on Historic Preservation determine that the archaeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place.” Archaeological sites that must be preserved in place are typically rarely identified and there is low potential of any being identified within the APE of the preferred alternative. Please see the FEIS subsection 5.14.2.4 “Summary of Archaeological Resources in Study Corridor” for discussion of the archaeological surveys conducted for Section 1. Please see the FEIS Chapter 8 *Section 4(f) Evaluation* for a discussion of requirements under Section 4(f) of the Department of Transportation Act of 1966.

PC01-28

Comment: **Social Impacts:** The I-69 Highway would have numerous social impacts that are ignored or understated by the Section 1 Draft EIS. For example, the preferred alternative would come within 100 feet of the Nobles Chapel Church. While the Draft EIS attempts to discount any impacts to the church, in fact there would be significant noise, air pollution, and ambience impacts.

Response: Consultation with representatives of Nobles Chapel Church was one of the first steps in the Section 1 public involvement process. The church’s pastor and representatives of the board of trustees were among the first to visit the Section 1 project office; two representatives of the church served as consulting parties in the Section 106 process; two representatives of the church served as members of Section 1’s Community Advisory Committee (CAC); and discussions via phone and office visits have continued with church members over the course

of the Section 1 study. One result of the close working relationship with the church is the bridge proposed over I-69 to maintain the connectivity of Nobles Chapel Road and, thereby, the access between the church and its cemetery (See Tier 2 FEIS subsections 4.2.2.5 and 5.3.5, both titled "Community Facilities and Services").

Noise and air quality analyses in the immediate vicinity of the church revealed no significant impacts; in fact, the noise analysis showed that year 2030 noise levels with a build alternative would be lower than existing levels or predicted no-build levels. It should be noted that the church is currently about 60 feet from SR 57 and Nobles Chapel Road, directly across from a truckstop. I-69 would be approximately 75 feet from the church. At no time during the communications with church representatives was concern over noise or air quality raised. Finally, the comment presents no data indicating that the conclusions reached in the DEIS are incorrect.

PC01-29

Comment: [Social Impacts cont.]: The Draft EIS states that land and home acquisition is "anticipated to be several years hence." This is in direct conflict with statements at the public hearing at Oakland City and with statements in the media that land acquisition would begin in the summer of 2007, with construction starting in the summer of 2008.

Response: Since the publication of the DEIS, the text has been corrected to reflect the current plans for construction to begin in 2008 and to note the right-of-way acquisition within the first 2 miles (i.e., I-64 to SR 68) began in May 2007 (See FEIS subsection 5.2.3.3 "Available Replacement Housing").

PC01-30

Comment: [Social Impacts cont.]: The Draft EIS notes that "in Gibson County, public sentiment expressed at numerous meetings was strongly protective and supportive of farming operations and maintenance of the area's historically rural setting and lifestyle," but fails to discuss the importance of this sentiment. (p. 5-34). In fact, many local residents are opposed to I-69 because it will destroy the rural way of life found in the Study Area while providing very little benefits. The Draft EIS should acknowledge and address this opposition.

Response: A small number of commenters were local residents (8 from within the Section 1 Study Area, and 6 from Evansville). The greatest number of comments received from local residents dealt with access issues for specific properties and local highway network connectivity. The assertions made by the commenter are not supported by the comments received during the meetings or in response to the DEIS.

PC01-31

Comment: [Social Impacts cont.]: The Draft EIS suggests that local residents are concerned with the impacts that I-69 would have on "local roads and established travel patterns, and impacts to community facilities" (p. 5-34), but then fails to adequately address the issue. In particular, there is no assessment of the impact that the alternatives would have on traffic conditions on local roads throughout the Study Area. This is of especial concern because either alternative would lead to the closure of 13 roads and access to the interstate off of SR-57 will be changed. The traffic impacts of these changes must be evaluated.

Response: Section 1 FEIS Chapter 3 Alternatives and Section 5.6 *Traffic Impacts* address the traffic analysis and potential impacts of I-69 on local roads in the Section 1 project area. Extensive coordination occurred regarding local traffic issues.

These issues were a main focus of the discussions of the Section 1 Community Advisory Committee (CAC). See the summaries of the five CAC meetings, which may be viewed at: http://www.i69indyevn.org/Section_1/reports.html.

PC01-32

Comment: [Social Impacts cont.]: The Section 1 Draft EIS also overlooks the increased crime that is likely to accompany the I-69 Highway. Studies show that the increased traffic and accessibility that accompanies a new highway will also bring increased crime to the Study Area.[4] Such increases in crime will both directly impact residents of the Study Area and place a burden on local police forces.

[4] *See, e.g.*, Klontz, K., Mericle, J., and Maskarinec, M., On the Road Again: Crime and Major Transportation Routes (2003).]

Response: Local law enforcement agencies as well as representatives of local governments, health professionals, and others concerned with and responsible for the general public welfare were represented on the Section 1 Citizens Advisory Committee, which met five times during the course of the Section 1 study. The CAC was a key resource for identifying local issues of concern related to I-69, and their input was instrumental in helping develop the local Purpose and Need statement for Section 1 of I-69. CAC members did not include in their input a concern for an increase in crime as a result of I-69. While an increase in crime is hypothesized by this comment as an indirect effect of the project, local law enforcement personnel did not indicate a concern for their ability to respond to any such hypothetical increase. If sufficient concern is engendered among local agencies, plans for addressing the concern could be incorporated into the Community Planning Program. (See Response to Comment AF01-23 for further information about the program.)

Klontz, et al. analyzed annual county-level crime rates (per 100,000 population) between 1977 and 2000, comparing them with the presence of an interstate highway in the county. The study did show a positive correlation between the presence of interstate highways and crime; it also cited that a number of other probable causal factors which were not evaluated. These included "variation in county populations, population growth, and population movement within the United States." In addition, the study aggregated the crime rates for all counties with interstate highways. These include all of the nation's large and medium-sized cities, which historically have higher crime rates for a variety of reasons. An appropriate comparison (in the context of this EIS) would be to compare crime rates in less-populated rural counties with and without interstate highways. The study cited did not undertake such an analysis. It may be viewed at (http://gis2.esri.com/library/userconf/proc03/p0122.pdf).

PC01-33

Comment: **Agricultural Impacts:** The Section 1 Draft EIS states that it has analyzed agricultural impacts through a process that complies with the Farmland Protection Policy Act of 1981 ("FPPA"). (pp. 5-82 to 5-83). As acknowledged in the Draft EIS, "it is advisable that evaluations and analyses of prospective farmland conversion impacts be made early in the planning process before a site or design is selected, and that, where possible, agencies make the FPPA evaluations part of the National Environmental Policy Act (NEPA) process." (Id.). This, of course, did not happen here, as InDOT did not initiate an FPPA analysis until Tier 2, after the preferred route was chosen and less harmful alternatives were rejected. This is another example of how InDOT has used the tiering process to rig the analysis in favor of the 3C Alternative.

Response: Comment noted. The issues raised in the comments were addressed in the Tier 1 studies and require no further response in this Tier 2 document. Please see the Tier 1 FEIS Tier 1 ROD for further discussion of the methodology to be used to determine agricultural impacts.

For example, the methodology for complying with the FPPA within the context of a tiered study was determined in consultation with the Indiana Headquarters of the Natural Resource Conservation Service (NRCS), and was documented in Section 5.20.3 of the Tier 1 FEIS. Key points documented here included:

- The Farmland Conversion Impact Rating system (Form AD 1006) "would not provide a clear and meaningful assessment of potential prime farmland impacts at this stage in the process." (p. 5-202) This was determined in a meeting at NRCS Indiana headquarters held on April 29, 2002.
- Additional coordination identified an alternative methodology to accurately assess expected prime farmland impacts within the Tier 1 study. This method was used in Section 5.20, *Agricultural Impacts*, of the Tier 1 FEIS.
- The USDA Farmland Conversion Impact Rating system would be used in Tier 2 studies. This method was applied in Section 5.4 *Farmland*, of this EIS.

PC01-34

Comment: [Agricultural Impacts cont.]: The Section 1 Draft EIS also provides inaccurately low estimates of agricultural land values. The Draft EIS estimates that agricultural land is valued at $2,200 to $2,600 per acre, while the price per acre is actually in the $4,000 to $5,000 range, and would be even higher around the interchanges should I-69 ever be built. These more accurate figures should be used.

Response: The prices per acre quoted above ($2,200 to $2,600) were obtained from the USDA Year 2002 Census of Agriculture. The data appeared in the DEIS Table 4.2-11 *Agricultural Land Use*, in subsection 4.2.3 "Farmland." The table provided a comparative overview of the two project area counties in relation to the State of Indiana as a whole, in several agriculture-related categories. One of the categories, "Average Value (Land, Bldgs) per Acre" provided the following comparison: Warrick County $2,399, Gibson County $2,260, and State of Indiana $2,567. The census is taken only every five years; therefore, the year 2002 is the most recent data available for use in comparing the wide range of categories presented in the table. A census will be taken in 2007 but will not be available for this FEIS. A note has been added to Table 4.2-11 in the FEIS to clarify the use of the value per acre.

As stated in DEIS Section 5.6 *Economic Impacts,* the price per acre used by Section 1 in estimating economic impacts was $3,000 for both Gibson and Warrick Counties. The $3,000 price was for land only; improvements were considered as a separate line item in calculating both economic impacts and the total estimated project cost. The price per acre was based primarily on public input that included conversations with members of the local farming community during visits to the Project Office, members of the Section 1 CAC, and local elected officials.

In year 2007 dollars, the $3,000 figure is appropriate. For example, 138 acres bisected by the preferred alternative recently sold at auction for approximately $3,800 per acre. The property contains an oil lease and woodland in addition to cropland acreage, and has frontage on SR 64 immediately east of the proposed I-69/SR 64 interchange. The sale occurred <u>after</u> the public announcement of the preferred alignment. It is realistic to assume the favorable location of the property in relation to the proposed interchange offers development potential. One prospective bidder interested in the property's development potential visited the project office on several occasions to review the preferred alignment maps and obtain information about the project schedule for construction. These factors suggest the sale price per acre for this parcel would be higher than for most other land in the corridor. Its price was only $800 more per acre than the price used to calculate the overall land values in Section 1. No source material or evidence was provided to support the comment's price-per-acre claim of $4,000 to $5,000. Therefore, the figures are speculative and unsupported in the record.

PC01-35

Comment: [Agricultural Impacts cont.]: The Section 1 Draft EIS also contends that the economic loss from the destruction of agricultural lands would be fairly small. (p. 3-58). InDOT's assessment, however, ignores the losses from the indirect and cumulative impacts of the I-69 Highway on agricultural land.

Response: The page cited (p. 3-58) does not contain the discussion of agricultural lands referenced above. Indirect and cumulative impacts are discussed in FEIS Section 5.24.

PC01-36

Comment: **Indirect and Cumulative Impacts:** The Section 1 Draft EIS concludes that there would be relatively small indirect and cumulative impacts to agricultural lands, and that other resources would experience no indirect and cumulative impacts. The Draft EIS projects that a total of 7,363 acres of farmland will be destroyed by 2030, but that only 295 acres of that is due to growth that would be induced by I-69. (p. 5-372). This analysis fails for a few reasons.

Response: Please see Responses to Comments PC01-37 and PC01-38.

PC01-37

Comment: [Indirect and Cumulative Impacts cont.]: First, NEPA's cumulative impacts provision requires an evaluation of the combined impacts of all reasonably foreseeable projects. Obviously, the completion of the rest of I-69 is a "reasonably foreseeable" project. Therefore, NEPA requires that InDOT quantify and report the total impacts of the I-69 Highway as determined in the Tier 2 process.

Response: The second step in the analysis of cumulative impacts for this project is to determine the geographic scope for this analysis. The geographic scope of this project includes Gibson, Warrick and Vanderburgh counties, since these counties comprise the area in which indirect impacts are forecasted to occur. See FEIS Section 5.24.3. Section 1's analysis consisted of an evaluation of the combined impacts of all reasonably foreseeable projects within this geographic scope. Other components of the national I-69 project which are within this geographic scope were included within the analysis of cumulative impacts. These include those portions of Section 2 of the Evansville-to-Indianapolis project within Gibson County, and those portions of the Evansville-to-Henderson project within Warrick and Vanderburgh counties.

Regarding tracking of impacts of the entire I-69 Evansville-to-Indianapolis project for disclosure purposes, please see Responses to Comments AF01-3

PC01-38

Comment: [Indirect and Cumulative Impacts cont.]: Second, the suggestion that I-69 will cause only a small amount of the projected growth in the Study Area by 2030 seems highly unlikely. In fact, InDOT and numerous politicians have repeatedly claimed that a major justification for the I-69 Highway is the "economic development"[5] that it will purportedly bring to the communities near the Highway. Plainly the Highway cannot both bring "economic development" and not be responsible for the growth that may occur in the Study Area. Third, as part of its indirect and cumulative impacts analysis, InDOT cannot just quantify the increased growth that the proposed I-69 Highway and other actions will trigger. Instead, NEPA requires that the agency analyze the impacts that such growth will have on the environment. For example, as farmland and open space is developed because of the sprawl that I-69 will cause, increased runoff from impervious surfaces will have a detrimental impact

on waters in the area. Such impacts must be included in the indirect and cumulative impacts analysis.

5 Such purported "economic development" would be urban sprawl that is triggered by new highways throughout the country and would represent little more than a shift in development away from US 41 and existing downtowns in villages and urban areas throughout the project area.

Response: The analysis of cumulative and indirect impacts ***does*** account for the land use impacts of the additional economic development which will occur due to I-69. A total of 295 acres of indirect land use impacts (about 0.46 square miles) are estimated to occur within the Section 1 study area (see Table 5.24-1) as a result of induced development. While this is a significant acreage impact, since it occurs throughout a three-county study area, the impact in any one locality will be minor. The analysis of indirect impacts (See Section 5.24, *Indirect and Cumulative* Impacts in the FEIS) also includes stream impacts, in order to consider issues such as surface runoff.

VI. CONCLUSION

PC01-39

Comment: The Section 1 Draft EIS represents just another step in InDOT's legally and factually flawed attempt to justify the construction of a new-terrain I-69 Highway from Evansville to Indianapolis. As described above, InDOT here has relied on the legally invalid Tier 1 EIS, improperly segmented the Tier 2 process, failed to engage in an objective analysis of alternatives for best improving transportation in the Study Area, and underestimated or ignored the costs and impacts of its desired I-69 Highway. The Public Interest Organizations call on FHWA to reject this insufficient document, and for InDOT to pursue the US 41/I-70 Upgrade Alternative.

Response: These comments have been addressed in preceding comments. See in particular responses PC01-10 and PC01-16.

PC02 Steve Schaefer Hoosier Voices for I-69 Southwest Indiana Chamber of Commerce 01-18-07

PC02-1

Comment: My name is Steve Schaefer. I'm here representing two groups tonight. First, Hoosier Voices for I-69. That's a statewide coalition advocating support for the highway. And also representing the Chamber of Commerce of Southwest Indiana. But I'll be very brief because tonight is about the landowners, the farmers, those of you that have land in Section One that are going to be directly impacted. But I simply want to state our support, both organizations, for the highway, for the Draft Environmental Impact Statement that is on the slate tonight. And our organizations are here to help. If there's any issues that we can help during this process, we are here to listen to you and help you through that process. I just want to thank you all for coming. I want to thank INDOT, Bernardin Lochmueller, QK4, for this ... it's a lengthy process but it's a needed process to gain input from all of you and I just thank you all for attending.

[Comment Source: Public Hearing Transcript]

Response: Comment noted.

PC03 Niles Rosenquist Environmental Health Solutions 01-18-07

PC03-1

Comment: I'm from Evansville, Indiana, * I'm a member of the Environmental Health Solutions. Let me talk about one very specific issue. The law was passed in the last session of the Legislature that requires some future sessions of the Legislature to give its approval before I-69 can be built through Perry Township which is just off of Indianapolis. What this law basically does is makes it illegal for INDOT to build the current approved alternative to this highway through that township until some future session of the Legislature passes a law saying it's legal. Now there's a lot of speculation of how to deal with this little problem, you know. Maybe some ... one of the old alternatives that's been overlooked would be *. But the reality is that INDOT can't complete this highway as it's currently drawn and approved. And in fact the precedent set by the people in Perry Township, the other people up there see that too. * So this isn't something that can be ignored. My question tonight for INDOT is what is their contingency if they cannot finish this highway because they can't find a politically viable route. Or the other question is, why are we talking about starting it down here tonight when they don't know how to finish it?

[Comment Source: Public Hearing Transcript]

* Due to technical difficulties with the microphones throughout the evening, this portion of the comments was unintelligible.

Response: The issue raised in this comment will be addressed in the Tier 2 study for Section 6.

PC04 Raymond Adams None Provided 01/19/07

PC04-1

Comment: I like the I-69 project. The sooner the better. We travel to southern Indiana frequently. It is very difficult to get to Evansville. We need this road completed ASAP!!!! Even if it ends up being a toll road UNDER INDIANA STATE CONTROL. Not a foreign consortium.

Response: Comment noted. Also, as noted in Section 1.2.3, *Tier 1 Re-evaluation*, INDOT is considering only non-toll alternatives for completion of I-69.

PC05 Jan Boyd None Provided 01/18/07

PC05-1

Comment: Hi, my name is Jan Boyd. The money for major moves would pay for the entire US 41 upgrade. If we go up 41 then we don't need any more money. Thank you.

[Comment Source: Public Hearing Transcript]

Response: Comment noted.

PC06 William Boyd None Provided 01/18/07

PC06-1

Comment: I'm very happy to be here. I guess the first question ... how do you tell you're at an INDOT I-69 meeting? You have all kinds of law enforcement. Gentlemen, thank you for being here tonight, but we'd really rather have you out on the roads. We are not a bunch of radicals. We just feel we're being wronged. I get so angry when I come to these meetings, I could chew nails. The reason they're trying to solicit more comments is because is what they haven't told you is that Governor Daniels' is privatizing paper shredding of the State and they're about to commence shredding all the hundred thirty thousand comments that were made by people earlier and they want to keep these other people busy so they want to shred these comments as well. I made that up.

About a year ago I had a chance to ask the Governor a question at a statewide meeting. And I asked him about the number of jobs he proposed to create. According to Daniels, he says for every one * highway, fifty thousand jobs were created. Okay, when you do that math it's going to be roughly a hundred thousand jobs for all of this section of I-69. Now that's ninety-five thousand four hundred more jobs than what's in that study that's up there, okay? So there's some fuzzy math over there. What we need in this study, we need the best and truthful facts and not just the convenient ones which you'll find up there. The convenient facts are up there to try and prove INDOT's case to build a highway we do not need. Now you have a claim of economic opportunity, economic development. Every one of you that buys a Powerball ticket has that same economic opportunity, okay, but it isn't going to happen. We have over a thousand miles of interstate in Indiana currently. And we don't ... with all of this * we don't have jobs. Get involved, join up, be counted, WWW.CARRI69.ORG. Thank you.

[Comment Source: Public Hearing Transcript]

* Due to technical difficulties with the microphones throughout the evening, this portion of the comments was unintelligible.

Response: Comment noted. Section 5.5.3.3 in the FEIS discusses business and employment impacts of I-69, including forecasts of population and employment for the year 2030.

PC07 William Boyd None Provided 02/19/07

PC07-1

Comment: **1.2.3** [refers to the section of the DEIS to which the comment applies] **–**Tier 1 re-evaluation. It should be quite apparent that INDOT does not have sufficient funding to complete this project. INDOT has requested that the re-evaluation be withdrawn, yet the current state law requires tolling on this project. Tier 2 should not be allowed to continue until a full funding of the project has been achieved.

Response: The current state law does not require tolling on the I-69 project. While it ***permits*** tolling for I-69, it does not ***require*** that it be tolled. As noted in Section 1.2.3, INDOT is considering only non-tolled alternatives for completion of I-69.

PC07-2

Comment: **2.3.2** – The personal accessibility goals stated fail to take into account there is no plan to extend this project any further than the I-64 interchange, thus negating any of the false assumptions used. Community input has overwhelmingly been opposed to this project in its entirety, yet this input has fallen on deaf ears. INDOT only hears from those who support their view that this project is needed.

Response: The analysis of accessibility improvements provided by Section 1 considers destinations within Indiana between Evansville on the south and Indianapolis in the north. In this context, the timing of the completion of the national I-69 project from Evansville to points south is not a consideration.

Section 1 has not experienced expressions of overwhelming community opposition to the project in Section 1 or the I-69 project as a whole. Over 250 visits to the project office, and numerous written communications have been received by Section 1. The overwhelming majority of the visitors/commenters live and/or own property in or in the immediate vicinity of the project corridor. Those people who have expressed opposition to the project are, for the most part, directly impacted by the right-of-way requirements or altered access and are concerned about the impact to their residences and/or farms/businesses. And, while some of the commenters have expressed unqualified opposition to the I-69 project as a whole, or to the corridor selected in Tier 1, the majority confined their comments to specific question/concerns about their property, the schedule for right-of-way acquisition, relocation payments and procedures, etc.

The input received in Section 1 has been very instrumental in defining the preferred alignment, identifying critical routes and locations for access roads and overpasses, and generally discovering ways to avoid or minimize impacts to the human and natural environment.

PC07-3

Comment: **2.3.3** – Highway congestion can be easily addressed if INDOT would provide the basic service for which they are tasked. Improvements to all the local roads would solve the reported problems. By upgrading existing roads, similar to what INDOT has done in other areas, bringing local roads and highways up to instate-grade roadways, congestion can be addressed, providing much better access for local communities.

Response: Improvements to individual local roads is beyond the scope of this EIS. The type of facility to be considered in this Tier 2 EIS was established during the Tier 1 process and will not be reconsidered here.

PC07-4

Comment: **2.3.5** – The plain and simple truth is that highways do not bring, nor guarantee economic development. With Indiana being 4th in the nation in rural interstate density, and +/- 9th in total interstate miles per square mile, economic development should be flourishing without this project. Yet that is not the case. This alone should disprove this INDOT claim. The study reports that business owners were surveyed, yet this does not include any of the farmers, whose business dominates the area were included.

Response: See Response to Comment PC06-01.

PC07-5

Comment: **2.4** Public input is stated as having been extensive. One public meeting does not constitute extensive. Providing a website, difficult to navigate, and infrequently updated is woefully inadequate. Even given the difficulties in expressing their views, the public continues to oppose this project. Denial of this project by the FHWA is justified. Public opposition for over 16 years, numerous previous studies have been consistent, this project is not wanted nor needed.

Response: The public input process and activities are described in detail in FEIS Chapter 11. The activities have included open houses at the Section 1 project office for elected officials and the public, attended by over 130 people; two consulting parties meetings, five CAC meetings, two public meetings with Elberfeld/Warrick County representative and citizens; two public meetings attended by a total of 300+ people, a public hearing attended by more than 200 people; over 13,200 visits to the Section 1 website (as of June 2007); over 300 visits to the project office in Oakland City, and other outreach activities. Visitors to the Section 1 website have submitted approximately 122 requests, questions or comments, including comments on the DEIS during the official comment period. The website has been updated whenever substantive new information was available, such as maps of the preliminary alignments, build alternatives, and the preferred alternative, as well as Section 1-related documents such as summaries of Community Advisory Committee (CAC) meetings, the DEIS, and, most recently, the FEIS.

Regarding the need for the project, please see Response to Comment PC01-5 through 01-8.

The reference to "numerous previous studies" is unclear. The Tier 1 FEIS (Section 1.1 *Previous Studies)* cited 12 major transportation studies in Southwest Indiana dating back to 1944. These were cited to show that there is a long history of studies of transportation needs in Southwest Indiana. This section also stated, "This current study (Tier 1 FEIS) is the ***first*** time a comprehensive NEPA study has been undertaken for an Evansville to Indianapolis highway." (Tier 1 FEIS, p. 1-1)

PC07-6

Comment: **2.5 Goals –** the stated goals of project are only INDOT vision of what they say the public needs. The public has been continuously telling INDOT to fix the existing roads in lieu of continuing to build new and neglecting existing roads.

Response: The Purpose and Need identified during the Tier 1 study was carefully developed based upon (1) a review of appropriate state and federal policies; (2) a comprehensive needs analysis; (3) and extensive public and agency consultation. This public and agency consultation included two rounds of public comments. The goals established in this process allowed for the consideration of a wide range of alternatives, and did not automatically eliminate any particular route for connecting Evansville and Indianapolis.

Likewise the Purpose and Need identified during the Section 1 Tier 2 study build upon the Tier 1 Purpose and Need, and identified local needs by means of an extensive public involvement program that included a Community Advisory Committee (CAC) The CAC, composed of broad range of government, business, and citizens organizations (See FEIS subsection 11.3.2 *Community Advisory Committee* for further information), was instrumental in identifying local needs that lead to the development of Section 1's goals described in FEIS Chapter 2 *Purpose and Need.*

Regarding the evaluation of other alternatives during Tier 1 study, please see Responses to Comments PC01-10 and PC01-16.

PC08 Wes Bryan None Provided 01/19/07

PC08-1

Comment: I think the expansion should be build. All the homes and restaurants in its path can be replaced or moved.

Response: Comment noted.

PC09 Sam Flenner None Provided 01/18/07

PC09-1

Comment: Thank you for the opportunity to speak. I'm from Indianapolis, I'm an independent contractor. I travel the highways. Before the arm twisting and a great deal of money * from Evansville. There was ... Governor Daniel had a farmland advisory council that recognized I-69 as the most destructive project of farmland in the State's history. When I editorialized about that during the * administration, not only did my editorial not go through, but also the website that I had was taken off. So somebody in the media apparently in their due diligence put it off, so it shows how the folks are hooked on this where the voice of the majority of the people are not being represented. Ninety-four percent of twenty-two thousand people who took the time to write in the original comment period were ignored. I'm not against I-69 ... by the way, I'll take this off, with all due respect to my allies. US 41 is fiscally more responsible. * Daniels came in, he might actually recognize that and *. It's also socially more responsible. Three of the five counties in per capita income are along us 41. The CEO from Toyota said an old 41 upgrade is fine. Two CEOs from major trucking companies said that they thought the money would best be used by upgrading existing roads instead of building new roads. And we all know the environmental impacts. 41 has far fewer environmental impacts. And as we go through the Amish community we have a moral issue here about maintaining very unique cultures in Indiana. So I submit that after ... I do request of our elected and our unelected officials, that after the lawsuit, that the route that was chosen by a Democrat ... I'm not even going to bash the Republicans ... this is equal ... when that is done, then let's get this highway done the way it should be, by going out US 41 instead of appealing it to the next court.

[Comment Source: Public Hearing Transcript]

* Due to technical difficulties with the microphones throughout the evening, this portion of the comments was unintelligible.

Response: Comment noted. The comment addresses the Tier 1 process and does not raise any issues relevant to the Section 1 Tier 2 analysis.

PC10 Nancy Gehlhausen None Provided 02/19/07

PC10-1

Comment: Needless to say I am very disappointed in the route Qk4 has chosen. When I learned late this summer '06 that the road had been moved from the Beagle Club Woods to across our property I went to the O.C. office to find out the rationale. The gentleman there said something about woods vs. (manmade) wetlands or something along those lines. Jane later informed me he "misspoke." Obviously something was discussed or he would not have mentioned it. The I-69 meeting was not much more helpful. When I asked for the rationale I was told it fit best to the C section that was chosen. With that logic why not start at the north

end and see what fits in to the N route. I have many concerns as to how the highway will physically affect our large lake and the environmental impact on my wetlands. The two shallow ponds being taken are actually the two most active in terms of wildlife. I am also surprised that the highway would cross an area that is scheduled for deep shaft mining.

Response: Three preliminary alignments were initially proposed in the vicinity of the property in question (See descriptions of Property A in FEIS Sections 4.3.3.4 and 5.22), on which wetlands have been constructed and wildlife habitat areas established through participation in USFWS and USDA programs. The property is located in the North Segment of the Section 1 corridor. The preliminary alignments were identified as Alternatives 1-N1, I-N2, and I-N3. Alternative 1-N1 is east of CR 890E and traverses a portion of the wooded area referred to in the above comment as the "Beagle Club Woods." Alternatives 1-N2 and 1-N3 both traverse the commenter's property: A fourth alternative—named 1-N1 Modified—was developed that is slightly west of Alternative 1-N2 but still east of CR 890E.

Alternative 1-N2 was recommended as the preferred alignment for reasons described in detail in the FEIS Chapter 6 *Comparison of Alternatives*. (Also, please see Response to Comment AS03-2.) .The development of all of the alternatives is discussed in FEIS Chapter 3 *Alternatives,* and impacts to the wildlife habitat and wetland areas are described in Sections 5.19 *Water Resources* and 5.22 *Managed Lands and Natural Areas.*

Regarding the trade-off between impacts to the constructed wetlands on the property and impacts to a core forest area, in its comments on the Section 1 DEIS, the U.S. Department of the Interior (USDOI) stated the following: "While we generally agree that wetland protection should be given first consideration, it is our opinion that it would be much more difficult to mitigate/replace the forest area than the constructed wetlands east of CR 890E." Alternative 1-N1 would have been the only alignment that would have avoided the wetlands, and it was eliminated primarily for its core forest impacts and fiscal constraints related to providing a wildlife corridor. It should be noted that the man-made wetlands were constructed using funding from a USDOI cost-sharing program; see EIS section 5.22.3.

Regarding the availability of information about the alternatives prior to late summer 2006, maps of the preliminary alternatives and those carried forward for analysis in the DEIS were available for viewing at the project office beginning in the fall of 2004 and were shown at the public meeting held in Section 1 in November 2004. Alternative 1-N1 Modified was developed after that public meeting and shown, together with Alternatives 1-N1 and 1-N2, at the project office and at the public meeting in May 2005. The maps of all of the alternatives were also placed on the project website.

Regarding construction of a roadway over a deep mine, roadways are often constructed over coal and other deep mines. Coordination with the mining companies is conducted to ensure that appropriate construction methods are used and safety procedures are followed. Consultation with IDNR Division of Reclamation indicates that as of June 19, 2007, no mining permits have been filed within five miles of the Section 1 corridor.

PC10-2

Comment: I am not opposed to I-69. I am opposed to an all new terrain 69. I do not feel INDOT seriously considered the 41-70 corridor. Their route was chosen almost 20 years ago. I feel that the 41-70 route is the most logical and most fiscally responsible. I also question an eminent domain that takes someone's property and allows private corporations (toll roads) to benefit financially from it (especially foreign). Eminent domain was not intended for that use. I sincerely believe the majority of Hoosiers are not in favor of an all new I-69.

Response: Please see Responses to Comments PC01-10 and PC01-16.

PC11 Kristina Gilstrap None Provided 02/08/07

PC11-1

Comment: I-69 should not go through southern Indiana period. If it does the state is going to make a road become a toll road, probably highway 37, which is the only road that directly connects the center of southern Indiana to Indianapolis. It is also going to take away a lot of farm land. That is where a lot of people get their corn from their stock and make a sole lively at. I-69 needs to stay up north were it belongs.

Response: Please see Response to Comment PC01-16. Also note that I-69 is proposed to be constructed along the alignment of SR 37 from Bloomington to Indianapolis. I-69 is no longer being proposed as a toll road.

PC12 Bruce Griffin None Provided 01/19/07

PC12-1

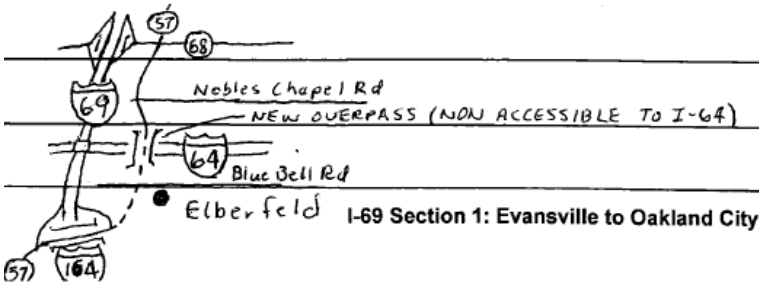
Comment: As I stated at the meeting at Harrison High School a couple of years ago...please don't underestimate the resolve of the silent majority that favors the building of I69 post-haste! Just because the loud mouth tree huggers have been able to prostitute themselves and their lame-brain anti-I69 message to the Evansville print and broadcast media doesn't mean they speak for the majority on this matter. We, the citizens of Evansville and southwest Indiana want, deserve, expect, and demand that you start building this interstate. Why so many wasteful public forums on the subject? More trees were cut down to provide the paper that all these studies were printed on then will ever be cleared to actually build the road.

Response: Comment noted. Construction of the first two miles of I-69 is expected to begin in Section 1, from I-64 to SR 68, during the year 2008.

PC13 David Griffith None Provided 02/16/07

PC13-1

Comment: I welcome the construction of Interstate 69 in this region. The sooner we can start, the better we'll be. I am, however, concerned about the future of the 2-laned State Road 57 after I-69 is completed. S.R. 57 is still valuable as the entrance to Evansville Regional Airport. It should serve as an alternate road. S.R. 57 should not be turned into a dead-end or cul-de-sac north of I-64. I support your preferred alternative (4) for the Section 1 alignment. When INDOT built I-70, the agency didn't abandon U.S. 40; when I-65 was constructed between Jeffersonville and Indianapolis, we kept U.S. 31. Likewise, we need S.R. 57 as well as I-69 in southwest Indiana.



We need to build a new S.R. 57 overpass at I-64 to keep S.R. 57 east of I-69. Also, we need to rework exits 18 & 19 of I-164 to totally relocate S.R. 57 away from the interstate system.

This can be easily done. A new stretch of S.R. 57 would require about 3 miles of new terrain east of I-164. With a new overpass (no access at I-64) S.R. 57 would continue as a 2-lane road between Nobles Chapel Road and Blue Bell Road. This would give Elberfeld (2) I-69 access points: the S.R. 68 interchange north of I-64 and exits 18 & 19 at I-164. In summary, we need the I-64 overpass to keep S.R. 57 linked from the new North Warrick Industrial Park to the Vanderburgh Industrial Park (VIP). S.R. 57 is approximately 75 miles long. We need to keep it intact.

Response: Please see Response to Comment LG07-2 regarding construction of a Connector Road that would bridge I-64 and connect with SR 57 north of the interstate. Note that it is possible that the portion of the Connector Road from Blue Bell Road to Nobles Chapel Road—the section that would bridge I-64—could be given further consideration by INDOT as a separate project in the future, should additional study determine that sufficient need exists. The fiscally constrained Evansville MPO's 2*035 Transportation Plan* (May 2007) includes the "Elberfeld I-69 Connector, Bluebell Rd overpass at I-64" in its list of "Study Area VISION Projects—Indiana." As described in the draft Plan, vision projects "were included in the original unconstrained project lists evaluated for the 2035 *Transportation Plan*….Due to financial constraints, these projects could not be included in the constrained project list. Should additional funding become available during the timeframe of the Transportation Plan these project could be reconsidered for inclusion in the constrained project list." (p. 7-23)

The Connector Road heading north from Blue Bell Road and connecting with SR 57 north of I-64 was one of two phases of roadway construction studied in a report prepared for INDOT at the request of Warrick County and the town of Elberfeld. That report and associated documentation comprises FEIS Appendix H *Elberfeld Access.* The second phase of the project was to be the extension of the Connector Road southward from Blue Bell Road to Elberfeld Road, and reconstruction of the I-164/SR 57 interchange. That phase of the project would have been an INDOT-Warrick County project independent of I-69.

At present, neither the section of the Connector Road that would bridge I-64 nor the section from Blue Bell Road south and interchange improvement is in the state's transportation plan.

PC14 John Hasenour None Provided 01/18/07

PC14-1

Comment: We are property owners with a 110 acre farm that Hwy 68 goes threw the middle of. I69 and interchanges will take about 40 acres of this farm. This is our most valuable property. We have plans of developing it into residential. The access on the west side of I69 from 68 is very inadequate as drawn. We could not even get our grain truck to make that turn back to our property. Please contact us to discuss this access.

Response: Further design work is underway for the project in this area. The design consultants have been advised of the request for a meeting.

PC14-2

Comment We have another farm on 650E that will have the corner cut off by I-69.Do any of you people have any idea how worthless 3 corner fields are. How could the designer of this hwy be so heartless to do this to a farmer? Another problem with this farm is that the cul-de-sacs are on the wrong side of the road on both ends of 650E. We cannot understand why you would deliberately cut farms in two diagonally. This is the worst possible design anyone could possible consider. It is obvious you have no concern for farm land owners at all. Why do you hate us? Please contact us about this concern.

Response: The project is being developed in compliance with the *Farmland Protection Policy Act of 1981* and in accordance with the state and federal regulations concerning farmland protection. Direct impacts to farmland anticipated to occur as a result of a build alternative proposed in Section 1 are summarized in FEIS Table 5.4-6. General practices that were considered in developing alternatives for Section 1 included the following:

- When reasonable, alignments were developed to follow existing property lines and minimize dividing or splitting of large tracts of farmland.
- Agricultural property lines were followed as much as possible or fields were crossed at perpendicular angles to reduce point rows and the creation of uneconomic remnants.
- Where reasonable, access will be provided to parcels that would otherwise be landlocked as a result of the project.
- Overpasses were proposed at several locations (seven or eight, depending on the alternative) to maintain the connectivity of county roads, thereby facilitating access to farm fields and operations severed by the Interstate.

Avoiding or minimizing impacts to farmland were among the primary objectives during the development of alternatives. The impacts that were unavoidable are due primarily to the narrowness of the corridor in which the alternatives were developed and, particularly in the Central Segment, the fact that the corridor generally leaves its north-south alignment and heads northeast-southwest, cutting diagonally across farm fields and, thus, limiting opportunities to follow property lines and minimize severances and point rows. During final design additional efforts will be made, where feasible and practicable, to further minimize impacts to farmland. (See Section 7.3.1 “Land Use,” item 2 *Context Sensitive Solutions.)*

PC14-3

Comment: Another problem area we have is on 550E at the Pigeon Creek Bridge. It is obvious you know nothing about the flood water in the creek bottoms. Our house is near Pigeon Creek with a 5" rain, water gets within 100 yards of my house. If you do not make the bridge that crosses Pigeon Creek extend well past the creek on both sides. My house and my brother’s house will [be] flooded every time a big rain comes. You obviously don't care about this either. Please contact us about this matter. As one of the land owners that will be most impacted by this Hwy, we think you owe us a meeting so we can discuss these issues.

Response: Please see Response to Comment LG04-1.

PC14-4

Comment: This comment is in regard to the access or lack of access for Road 525 E. The map shows it to be closed at Hwy 68. This road floods where it intersects with 1050S during and after a heavy rain. In fact a 2 yr. lost his life at this intersection due to flooding about 8 years ago. His mother drove into the water and her car drowned out. She took her two children out of the car and the water swept the 2 year old away. He was found on a ditch bank several days later. Closing this road at Hwy 68 would leave the numerous residents with no way out during and after a heavy rain.

Response: In response to concerns expressed by several commenters regarding flooding and access in the SR 68/CR 525E area, the county road will not be closed at SR 68. A break in the 1,200-foot access control limit on the north side of SR 68 will be permitted so the existing intersection with CR 525E can remain open. (See FEIS Sections 5.3.4.2 “Travel Patterns and Local Public Road Connectivity, 5.6.3.2 “Access,” and 11.2.2.8 “Social Issues and Impacts.”)

PC15 John Hasenour None Provided 01/18/07

PC15-1

Comment: You'll have to hear from another Hasenour. My name is John Hasenour; I'm his brother [See Comment PC17.] Like he said, we own several hundred acres. I think if you look at the highway itself, just the map ... I've heard one person say destructive ... it's just unbelievable the disastrous effect that has on my farm and all the farmland all the way to Indianapolis. I mean, look at the ... they're going ... it's like a snake. I mean, how do you possibly build an efficient highway by going like that?

Response: Regarding impacts to individual parcels of farmland within the Section 1 corridor, please see Response to Comment PC14-2. Regarding the corridor extending to Indianapolis, Alternative 3C was selected by FHWA as the preferred corridor following extensive studies during Tier 1. Please refer to the Tier 1 FEIS and FHWA's Tier 1 Record of Decision for detailed information regarding the development and evaluation of corridor alternatives during Tier 1, the rationale for the selection of the preferred corridor, and measures to mitigate impacts along the entire 142-mile project corridor.

PC15-2

Comment: I just don't understand it. If you're going to take it with these means, you've got to pay these people some money. Because it's economically valuable for the whole state? They make it valuable. If it's that valuable then reimburse these people. Thank you.

Response: Under state law, INDOT is required to determine and offer the fair market value for property which is purchased for highway projects. The fair market value for property acquired for right-of-way will be determined based on independent appraisals during the right-of-way acquisition stage of the project.

[Comments Source: Public Hearing Transcript]

PC16 John Hasenour None Provided 01/23/07

PC16-1

Comment: This comment is in regard to the hearings being held. The moderator did and excellent job at WMHS last week. I have a suggestion for future hearings. Please allow the general public to speak first, so that the elected officials can hear their constituent's comments. Last Thursday several of them left after they made their comments. This seemed very arrogant to me. They are our employees and in a representative democracy the elected officials are supposed to listen to their constituents.

Response: Comment noted.

PC17 William Hasenour None Provided 01/18/07

PC17-1

Comment: My name is William Hasenour and I'm not agreeing with this. I'm one of the people who owns land that this highway's going to go through. And I'm glad to hear all these guys say that it's

going to be so much good for Southern Indiana 'cause that oughta make my ground worth about Twenty Thousand Dollars an acre when it goes through there.

It's economically feasible. It's ... well, Toyota paid about ten thousand dollars an acre when they came and that's commercial land. But I know people that * this highway through commercial property. And another problem I've got with this is, if they do come through and pay us some money I've got one year to reinvest my money or they're gonna make me pay taxes on a third of it. I have to give a third of it away again. And I don't think that's right either. They need to come up with some other method if they're going to take farmland away from someone, that they don't have to pay taxes on it right away. And also pay them a fair value for it. And my sister-in-law, she lives on Highway 68. They're going to take her house. My nephew lives on highway 68; I understand they're going to take his house. What kind of ... like I said, when they come out there to take it, please pay something for it. And I know when the State decides to do something, you aren't going to stop it. But if it's really valuable, then pay for all that inconvenience. I don't think there was another farmer up here tonight, I ... if there was I'm sorry I missed it. But they need to do something for the farmers and I'm probably ... from this highway I'm probably going to lose probably two hundred acres. Not all in one section. I own ... me and the family own farmland from Highway 68 all the way to Oakland City. They're not in a straight line either. They're all at an angle. Just like I am, so thank you.

[Comment Source: Public Hearing Transcript]

* Due to technical difficulties with the microphones throughout the evening, this portion of the comments was unintelligible.

Response: Please see Response to Comment PC15-2. Regarding having to reinvest money from the sale of the property or having to pay taxes "right away," tax liabilities are governed by the Federal Tax Code, and are not subject to revision at the state level. Those who need more information about tax liabilities associated with property acquisition for this project are encouraged to consult with a qualified tax professional.

PC18 William Hopper None Provided 01/18/07

PC18-1

Comment: I still think this is a waste of money to build a highway to Indianapolis to please the people of Evansville and get a few votes. The new route will not improve growth any more than 64 did across southern Indiana. I still think that 41 to 70 is the best route and would cost less and not take farm land, wetlands and homes.

Response: Please see Responses to Comments PC01-10 and PC01-16.

PC19 James Howell None Provided 01/19/07

PC19-1

Comment: Stop with the never-ending hearings and get on with it.

Response: The public hearing held January 18, 2007, fulfilled the NEPA requirement for a public hearing on the Section 1 Tier 2 I-69 DEIS. FHWA's Record of Decision selecting the preferred alternative is expected in late fall of 2007. Construction is planned to begin on the southernmost part of I-69 Section 1 in 2008.

PC20 Larry Michel None Provided 01/18/07

PC20-1

Comment: The overpass for CR 825S is important to me! However there also needs to be a crossover for CR 650E also. This impacts several people. When water is high people in the 650E area cannot go south! This is what happens when you go at an angle with properties. We need overpasses on 825S and 650E.

Response: Please see Response to Comment LG03-1 regarding an overpass at CR 650E. The construction of two overpasses less than a mile apart and providing access within the same general area is not cost-effective. Construction of an over pass at CR 650E rather than on CR 825S, as proposed in the DEIS, is now proposed.

PC20-2

Comment: Please consider replacing the small bridge over Pigeon creek on CR 550. This project is really impacting the lives in this area negatively. The road between Pigeon bridge & the next bridge south is very low and floods between bridges to allow drainage. Could CR 550 run on pillows along the I-69 over Pigeon Creek? At least make Pigeon Creek bridge on CR 550 bigger.

Response: Please see Response to Comment LG04-1. As noted, the I-69 bridge would be designed to pass the 100-year flood volume. A hydraulic analysis will be performed to ensure that the proposed crossing of the creek and its nearby tributary would not result in increased flooding. Given that the I-69 bridges would not increase flooding or alter local drainage, conditions would remain as they currently are with the existing CR 550E bridge over Pigeon Creek. Replacement of that bridge is not part of the Section 1 I-69 project, but would be a project under the jurisdiction of Gibson County, since the bridge is on the county's road system.

CR 550E is proposed to be relocated and to have a new bridge over the tributary to Pigeon Creek (but not over Pigeon Creek, itself). The new bridge over the tributary would be designed to INDOT standards so it would not further impede floodwaters. It is likely the relocated road would be constructed at the existing grade. Elevating the roadway above the floodplain would cause the road to act as a barrier (dam) and impede the flow of floodwater.

PC21 William Miller None Provided 01/22/07

PC21-1

Comment: My wife, Anna Carol Miller, and I own a home on the south side of SR 64; it is the first house west of CR 950E. We note that the 1-69 design as presented at the Public Hearing held January 18, 2007 indicates that SR 64 is to become Limited Access past our home with no change in its alignment. When we built in 1985, there was insignificant coal truck traffic; nevertheless, we built what we considered then to be far more than an adequate distance from SR 64. We cannot give up any additional Right of Way whatsoever. May we suggest that the approach to the Limited Access area be changed so that SR 64 will still provide us as well as our neighbor to the west access to our properties and that the realigned SR 64 be moved north so that its southern Right of Way be what is now SR 64's northern Right of Way? Further, we suggest additional real estate be acquired on the north side to accommodate any future improvements to the access to 1-69 from SR 64.

Response: Access control limits shown in the EIS are estimated for purposes of preliminary design and environmental impact analysis. They are based on INDOT's minimum desirable 1,200-foot

control of access along approaches to highway ramps. Exact right-of-way requirements, including the length of the control limits, will be determined during final design. Efforts will be made, where feasible and practicable, to minimize impacts including those related to access. (See Section 7.3.1 "Land Use," item 2 *Context Sensitive Solutions.)*.

PC22 David Niemeier None Provided 01/18/07

PC22-1

Comment: I think it is a waste of valuable natural resources and land to build a highway that is going to do nothing but give an easier access for companies to move to Mexico and ship their products back to the heart of the country for distribution. If you really want to build this highway use existing hwy 41, convert it to limited access, build a bypass around Terre Haute, and widen I-70 to 6 lanes. The bypass around Terre Haute would save at least 1/2 an hour. This would also allow since the government never really listens to the public, you already for growth along this corridor. But have your minds made up and have the public meetings just to give the air of giving a hoot, I don't know why I'm submitting my comments anyway. You'll do what you want, right or not, and the tax payers will complain. That's the nature of a "FREE" country.

Response: Response: Please see Responses to Comments PC01-10 and PC01-16.

PC23 Daniel Pagliaro None Provided 01/27/07

PC23-1

Comment: I think the selected route for I-69 will adequately served the highway's intended purpose of linking Evansville directly with Indianapolis, as well as creating a new economic engine for southwest Indiana It is time to accelerate the timetable and get I-69 built as quickly as possible.

Response: Comment noted.

PC24 Andy Ruff None Provided 01/18/07

PC24-1

Comment: I wasn't going to make any comments tonight but after Mayor Weinzapfel's comments and the City Council President's, I believe of Evansville, comments about their children and jobs and the future. I was * to them and what was really a sort of cheap emotional plea. We all care tremendously. I have two children here in southern Indiana. We all care tremendously about the welfare of our communities and the economy, the welfare of our communities and the opportunities for our children in the future. But to let a cheap emotional plea like that be a basis for making a policy decision of this magnitude where ... you know, in this country we don't take people's land by force or squander billions of tax dollars based on statements like, you know, desperate, or wild speculation about benefits that will come to our families. You know, you look at the existing interstate system. Now just use your common sense. Just think about it. Existing I-69 did not stop a massive hemorrhaging of jobs for our youth. Anderson and Marion and Muncie ... I-70 didn't stop the hemorrhage of jobs from Terre Haute to Richmond. Look to your own area here in Dubois County. My brother lives in Jasper, Indiana. Jasper doesn't even have a four lane highway of any kind much less an

interstate. You've gotta have transportation, true. Transportation access is important but don't let them tell you that the answer is an immensely expensive, destructive interstate highway when there are alternatives for ... much more effectively and efficiently spent. Look at Jasper, Warsaw, Indiana in the north, the equivalent * success story of Jasper. Look at your Richmonds and Terre Hautes and Marions and Muncies and realize that they're telling you something not really based in fact. It's too important a decision to leave to a story about, "Aw, my child's going to leave Indiana if I don't build an interstate highway." Thank you.

[Comment Source: Public Hearing Transcript]

* Due to technical difficulties with the microphones throughout the evening, this portion of the comments was unintelligible.

Response: Please see Response to PC06-1.

PC25 Alicia Schwiersch None Provided 01/29/07

PC25-1

Comment: Why I Say No To I-69: Have you people really thought about this new highway? I bet half of you really haven't sat down and wrote out the pros and cons for this highway.

The first thing you thought about was "Oh we need a highway to get to Indy faster." Why can't you drive to Indy & enjoy the scenery, instead of driving so fast you don't even know what that sign said.

Response: Comment noted.

PC25-2

Comment: You are taking away so many homes, where families have lived there for more than 60 years & you are going to take down the house where so many memories were made. A lot people in Indiana farm for their life, but you people are going to rip through their fields, where they can't farm anymore. I myself am really going to miss the scenery that is around my house. Where I have grown up here for 12 years. If you do stay with this highway plan you will be taking a lot of things away from people that they truly love. Instead of wasting your money, you could use it on many things.

If You Follow Through With This Highway Plan, You Will Be Making The Biggest Mistake Ever. SO END I-69 Now & You Won't Regret It Later. I Promise.

Response: Comment noted.

PC26 Marietta Smith None Provided 01/18/07

PC26-1

Comment: We already have three highways east from Evansville to Indianapolis and no train. We now propose to build four highways from Evansville to Indianapolis, no train. We call this progress? How long can we go on burying ground under concrete before we get the idea that we better get a modern transit system? You propose to destroy thousands of acres of farmland, woods, wetlands, homes, and many people's lives in order to be able to get to

Indianapolis a few minutes sooner. What a sense of values, it seems to me. We already have three highways. Let's improve them, take good care of them, because a * doesn't have to look exactly the same color from Evansville to Indianapolis as it does to the others. We need land, not more concrete. Another highway will simply make sure that people drive faster and waste more gasoline. Toyota and many other factories managed to find their way to this area without another highway. Let's take care of what we have, preserve what we have, without breaking more ground and dump this idea which to me was proposed mainly by Evansville because their city wants the world to beat a path to their door. But not everyone can. And we don't all need a highway direct from where we live to a spot where we want to go. We have to learn to slow down a little.

[Comment Source: Public Hearing Transcript]

* Due to technical difficulties with the microphones throughout the evening, this portion of the comments was unintelligible.

Response: Comment noted. The Tier 1 Purpose and Need analysis determined that the improved transportation connection between Indianapolis and Evansville should be provided by an Interstate highway, as specified in the TEA-21 legislation. See Tier 1 FEIS, p. 2-6.

PC27 John Smith None Provided 01/18/07

PC27-1

Comment: Mr. Weinzapfel left, I believe. Am I correct? I think it's time for this community to get as angry as the people in Martinsville, the people in Greenfield, the people in Shelbyville, the people in Anderson, the people in Pendleton, the people in Franklin, who are being told that they're supposed to pay for the next four generations on a privatized toll road sold to Australia and Spain so that you can have I-69 go through your farmland and your community. You people need to speak up because you're number one. Now, economic development ... Indiana is number four in rural interstate development. Only Vermont, Pennsylvania and Illinois have a higher percentage of their State covered in rural interstate community than Indiana. We're number one or number four, depending on which study you look at, in job losses since NAFTA. This is a NAFTA free trade interstate highway. It's eighty-six miles longer than one existing interstate system 40, 55, 70, 69 between Canada and Mexico. If you go through Memphis to 70, it's closer to a hundred miles shorter. So we have two existing ... and by the way, they both go through Indiana already.

Response: Please see Response to Comment PC06-1.

PC27-2

Comment: This is a two tier study. It has a requirement of being consistent. It's actually one study; they're trying to segment this thing. They can't go further because the wildlife refuge is being contested in Federal Court right now. Why build this through your farms if it's going to end when it gets to the Patoka River? Thank you.

Response: Regarding the issue of tiering, please see Response to Comment PC01-3. Note that in its Record of Decision (ROD) FHWA chose Alternative 3C as its Selected Alternative, and approved the division of the corridor into six Tier 2 sections, as illustrated on page 5 of the ROD and Figure 1-2 in the Section 1 FEIS.

At this time, we are not aware of any litigation contesting the establishment or operation of the Patoka Wildlife Refuge. Regarding terminating the project at the Patoka River, as noted in

the Tier 1 FEIS (p. 8-6), the FEIS for the Patoka River National Wildlife Refuge prepared by USFWS in 1994 discussed I-69 and quotes the following text from the 1994 document: *Construction of the proposed Evansville to Indianapolis highway (I-69) would not be stopped by any of these (Patoka Refuge) alternatives…the Service would attempt to avoid buying lands within the chosen alignment, thereby avoiding or minimizing the applicability of Section 4(f).*Coordination with USFWS enabled a corridor to be preserved for the highway through the refuge area.

[Comments Source: Public Hearing Transcript]

PC28 Steve Stanton None Provided 01/29/07

PC28-1

Comment: I'm commenting on this due to a recent closure of the highway 41 bridges at Henderson.

Why doesn't Indiana and Kentucky work together to get a portion of I-69 between I-164 and Audubon Parkway? Make this a toll bridge. If this is done now, the bridge may well be paid for while I-69 is being designed.

As an Evansville resident, if the bridges are shut down for any reason, the nearest bridge is in Owensboro, which is 45 minutes away.

This project could be a gold mine for both Indiana and Kentucky, by giving an alternate route.

Also the semi truck driver could benefit, along with INDOT, by reducing cost on Highway 41 thru Evansville.

Keep this in mind.

Response: Comment noted. An Evansville-to-Henderson bridge as part of the National I-69 highway would be part of a different project.

PC29 John Steckler
Susan Steckler None Provided 01/24/07

PC29-1

Comment: Mr. Wade, after attending the meeting at Wood Memorial, Thursday, Jan 19, 2007, we have some concerns we thought needed to be addressed. I might add that we have not received any mailings or information about I-69 since its conception. We have currently lived here for 30 years. Our ability to access SR 68 will certainly impact our lives and our way of travel. We understand 525 will be cut off at our property and a cul-de-sac made where our driveway is. That will be a major inconvenience for us and our neighbors on 525. We also feel our property values will be greatly depreciated due to changes in access to SR 68. As your map indicated, for us to get out we will have to go north on 525 to 1050 then to east or west. That is a major inconvenience as we will have to travel on gravel roads and the wear and tear on our vehicles. The area at 525 and 1050 does flood at times and if it snows heavily, we who live on 525 will be unable to get out. We now have 5 or 6 families that have built homes on 525; some of them have small children and we are older folks who feel we cannot risk being able to get out in case of emergency, and what about the school bus that travels 525? You may recall, several years ago the area of 525 and 1050 flooded and a baby was swept away

in the flood waters, a horrible death. Also we would be unable to get to our jobs. County road 525 is a lot more heavily traveled than it used to be. Traffic on SR 68 has been steadily increasing since Toyota and we are also concerned about commercial development in the area. Our farmers in the area need an easier access to SR 68 than is shown on your maps, 525 is heavily traveled by our farmers, trucks, combines, tractors, semi's and other farm equipment. Please reconsider access to SR 68 from 525 for us, our neighbors and farmers.

Response: Regarding concerns about flooding and access in the vicinity of CR 525E, please see Response to Comment PC14-4, which describes how CR 525E will continue to have access to SR 68. Regarding not having received mailings, considerable effort, including a search of courthouse records, was made to identify every property owner within and adjacent to the project corridor. However, such records are sometimes incomplete and omissions inadvertently occur. Whenever an omission is discovered, the information is added to the project database. Furthermore, to ensure project-related information is disseminated as broadly as possible—to reach those who are not in the database and would therefore not receive a direct mailing—notices of meetings or project-related activities are placed in local papers and/or the local news media are provided the information.

PC30 Thomas Tokarski None Provided 01/18/07

PC30-1

Comment: In the last sixteen years I have read every feasibility study for I-69 and I can say without reservation that INDOT studies are bogus. They are rigged, lies and filled with errors. No good reason has ever been provided for building this massive NAFTA super truck court. I-69 is all about greed and politics. It has nothing to do with good transportation options for the future. One important fact is that the costs for I-69 are skyrocketing. Since the last estimate a couple of years ago, costs have increased by fifty-percent and will continue to rise. It is highly unlikely that there will ever be enough money available to complete this highway. Unfortunately, Governor Daniels has enough money from his * of the Indiana toll road for seventy-five years to begin I-69. He wants to * before next year's election. That's no coincidence. That means you folks should lose your homes, farms, and other businesses and land for a highway that dead ends in a cornfield and your suffering and loss will be for nothing. But there are three reasons for hope. Number one, a lawsuit is now in court and if we are successful, planning for I-69 will stop in its tracks. Number two, since there's not nearly enough money available to complete I-69 we should be demanding that it not be started. If you can't finish it, it shouldn't be started. But most importantly, you can speak out now. Do you want to be used as sacrificial lambs because there appears to be less opposition down here? Your silence is taken as support. No politician in this part of the State should go a day without hearing from someone here that you never ever vote for anyone who supports I-69. Only we can save our homes, farms, businesses and land. But together we can prevent the tragedy of I-69. The fight is not over. Thank you.

Response: Comment noted. Please see Responses to Comments PC01-4 through PC01-8 regarding the project's Purpose and Need.

[Comment Source: Public Hearing Transcript]

* Due to technical difficulties with the microphones throughout the evening, this portion of the comments was unintelligible.

PC31 Tim Williams None Provided 01/25/07

PC30-1

Comment: Let's Get It Started

Response: Comment noted.

PART A

ADDENDUM

Additional Comments Regarding Agency Reviews of Comments and Responses Document:

- **USEPA**
- **USFWS-Bloomington Field Office**

July 13, 2007
Kenneth A. Westlake
USEPA

On July 13, 2007, USEPA submitted a comments Memorandum on the Comments and Responses document.

Comment: …[U]ntil we have had the opportunity to review the details in the upcoming Section 1 Tier 2 FEIS, we can not give you a definitive response on the adequacy of your proposed responses to our comments on the Tier 2 DEIS for Section 1….In the meantime, we suggest the FHWA/INDOT responses to our Section 1 Tier 2 DEIS comments for inclusion in the Section 1 Tier 2 FEIS provide more detailed explanation and information concerning: (1) FHWA/INDOT's proposed mitigation tracking for Section 1 and the overall I-69 project as a whole, and (2) the status of I-69 Community Planning Process and the results obtained so far.

We also recommend you identify and respond to our proposed correction to the text in the Tier 2 DEIS Chapter 4 & 5 (pp. 4-90 and 5-137) in regards to the National Ambient Air Quality Standards (NAAQS) and "nonattainment area" designations (see page 13 of the enclosure to our USEPA Section 1 Tier 2 DEIS comment letter dated February 20, 2007, for our proposed correction).

Response: The explanation of the tracking proposal provided in the R/C document (See AF01-3) has been included in the introduction to Section 7.3, Section 1 Mitigation Measures and Commitments. It is anticipated that agency consultation on this process will be initiated during the permitting stage.

Regarding the Community Planning Process, the grant applications were made available to eligible communities in late August, with responses due in early October—during the same time period as the publication of this FEIS, therefore, too late to report further in this document. As noted in Response to Comment AF01-24, the CPP website will be updated to report the program's progress as grant applications are made available and submitted.

The corrections requested for Chapters 4 and 5 have been made and referenced in Response to Comment AF01-28.

July 18, 2007
Andrew King
USFWS-Bloomington Field Office

On July 18, 2007, USFWS submitted the following comments regarding the Comments and Responses document.

Comment: While reviewing your responses, I reread a portion of the DEIS pertaining to "Property A" in Section 5.22 of the DEIS. This is the 43-acre parcel where the FWS's Partners for Fish and Wildlife Program helped fund the construction of several wetlands, some of which will be destroyed by the preferred alignment. I believe the FEIS needs to contain some additional information/clarification as to how INDOT intends to compensate the FWS for its investment in this property. Also, it wasn't clear to me from the text of this particular section whether the loss of the 0.5 acres of the constructed wetlands was also included in the total wetland impacts that will be mitigated.

Response: In response to USFWS's request, Section 5.22.4, Mitigation, explains that, if construction proceeds prior to the expiration of the agreement between USFWS and the property owner, USFWS will be allowed to remove wildlife management structures from the property and INDOT will be responsible for whatever reimbursement would, by agreement, be due to the

agency as a result of early termination of the program. These mitigation measures would apply only if the agreements are still in force (i.e., the time stipulated periods have not expired).

Regarding the 0.5-acre wetland impact, it should be noted that the impact to Property A was incorrectly stated in the DEIS. The impact would be 0.4 acre with the preferred alternative (Alternative 4), and the correction has been made in the FEIS. The 0.4-acre impact is included in the 1.35-acre total impact to wetlands.

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

OFFICE OF STRATEGIC ENVIRONMENTAL ANALYSIS FAX COVER SHEET

MAIL CODE: B-19J
FAX NUMBER: (312) 353-5374

TO: ROGER WADE, PROJECT MANAGER
OKY

PHONE: FAX: (812) 945-4538

FROM: V. LASZEWSKI
U.S. EPA IMPLEMENTATION SECTION

PHONE: FAX: ~~(812) 945-4538~~

DATE: 2/21/07 NO. OF PAGES: 16 TOTAL (INCLUDING COVER SHEET)

COMMENTS: FYI → U.S. EPA COMMENT LETTER ON: I-69 SECTION 1 TIER 2 DEIS

(HARD COPY IS IN THE MAIL)
(COPY FAXED TO FHWA 2/20/07)
(2/20/07 FAX TO INDOT → "NO ANSWER")

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

FEB 20 2007

REPLY TO THE ATTENTION OF:

B-19J

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

Karl B. Browning, Commissioner
Indiana Department of Transportation
100 North Senate Ave., Room N642
Indianapolis, Indiana 46204

RE: I-69 Evansville to Indianapolis, Tier 2 Draft Environmental Impact Statement for Section 1: Evansville to Oakland City. CEQ No. 20060518

Dear Mr. Tally and Mr. Browning:

Thank you for submitting the above-referenced document. The U.S. Environmental Protection Agency Region 5 (U.S. EPA) reviewed the I-69 Section 1 Tier 2 Draft Environmental Impact Statement (DEIS), pursuant to Section 102(2)(C) of the national Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act. The purpose of this letter and enclosure is to provide you with the results of the U.S. EPA review.

The Section 1 Tier 2 DEIS is the first of six Tier 2 DEISs submitted for our review for the 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 1 is the southern most section and is approximately 13 miles in length. The Section 1 Tier 2 DEIS identifies Alternative 4 as the Section 1 preferred route alignment alternative that also includes the locations of access roads and interchanges.

The Section 1 Tier 2 DEIS is informative and reflects efforts made by the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) to use adequate detailed information in the development of the eight Section 1 Tier 2 DEIS route alignment alternatives in order to avoid and minimize impacts. The differences between the alternatives in the type and level of impacts to resources are not compelling. The majority of the direct impacts in Section 1 are to farmland. The preferred alternative has the least amount of direct impacts to streams, but more impacts to wetlands than other feasible Section 1 Tier 2 DEIS alternatives. However, the

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preferred alternative has less than 2 acres of direct wetland impacts. The predicted loss of upland forest is 33 acres.

The Section 1 Tier 2 EIS sets a standard for the type and level of information and analysis that FHWA and INDOT will utilize for the next five I-69 Tier 2 EISs, where the complexity of the resources and alternatives issues will increase substantially. Consequently, while the Section 1 Tier 2 DEIS provides an adequate level of detail and analysis for Tier 2 Section 1 NEPA decision making, the Tier 2 EIS for Section 1 would benefit from additional discussion, clarification, and correction in the following areas: (1) Selection of the Preferred Alternative, (2) Air Quality (PM2.5 and Carbon Monoxide Hotspot Analyses and Mobile Source Air Toxics), (3) Waters of the U.S. / Streams and Wetlands, and (4) Mitigation. See the enclosure to this letter for our detailed comments on the Section 1 Tier 2 DEIS. We request this additional information be included in the Section 1 Tier 2 Final Environmental Impact Statement (FEIS). Many of our comments concerning the Section 1 Tier 2 DEIS may also apply to the I-69 Tier 2 EISs for Sections 2, 3, 4, 5 and 6. We recommend you consider our comments and incorporate our recommendations, as appropriate, when developing the Tier 2 DEISs for those sections.

We continue to recommend disclosure, to the resource agenciés, the public and decision makers, of the direct and indirect impacts associated with the entire 142-mile-long I-69 Indianapolis to Evansville alignment identified in the Tier 2 studies and identify the mitigation measures that will be undertaken to compensate for those impacts. At this time, it is uncertain how impacts for each Tier 2 Section and compensatory mitigation measures will be tracked to insure that adequate mitigation occurs for all losses incurred in each Tier 2 Section and throughout the entire I-69 (Indianapolis to Evansville) project.

We advise that a clear method be designed and identified now, before the first Tier 2 Record of Decision, in order to keep track of these impacts and mitigation measures, especially compensatory mitigation measures. This is important since compensatory mitigation for impacts to a variety of different resources (e.g., wetlands, upland forest, riparian forest) are being proposed at sites that are well outside a Tier 2 Section study area where the impacts occur. In addition, the potential compensatory mitigation sites are proposed as sites that could be utilized for more than one type of resource impact as well as for impacts from multiple Tier 2 Sections. Without a well-designed mechanism to track impacts and account for their mitigation, it is uncertain whether impacts to resources of concern will be adequately compensated for if the I-69 project moves forward. We recommend that an overall I-69 impacts/mitigation tracking method be developed, explained and included, in all Tier 2 EISs, including the Section 1 Tier 2 FEIS. We recommend this be made a discussion topic during the FHWA/INDOT I-69 All Agency Meeting on March 1, 2007.

We rate the I-69 Section 1 Tier 2 DEIS preferred alternative **LO (Lack of Objections).** EPA has assigned an LO rating to the proposed preferred alternative (Alternative 4) because we have not identified any potential environmental impacts requiring substantive

changes to the proposal for Section 1 of the I-69 project. However, our review has disclosed opportunities for FHWA and INDOT to further identify and disclose proposed mitigation measures and their implementation in the NEPA document without making substantial changes to the Section 1 Tier 2 proposal. Enclosed is a copy of EPA's rating definitions sheet.

Thank you for the opportunity to comment. If you have any questions about U.S. EPA's comments, please contact Virginia Laszewski at 312-886-7501 or email her at laszewski.virginia@epa.gov. We look forward to reviewing the I-69 Tier 2 FEIS for Section 1.

Sincerely,

Kenneth A. Westlake, Chief
NEPA Implementation Section

Enclosures: 2

cc: U.S. Army Corps of Engineers – Louisville District, Attention: CELRL-OP-F, P.O. Box 59, Louisville, KY 40401-0059 (Doug Shelton/Amy Babey)
U.S. Fish and Wildlife Service, Region 3, Bloomington Ecological Services Office, 620 S. Walker Street, Bloomington, IN 47403-2121 (Scott Pruitt/ Andy King)
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)

U.S. EPA Comments Concerning the I-69 Evansville to Indianapolis, Tier 2 Draft Environmental Impact Statement Volumes I and II Section 1 - Evansville to Oakland City CEQ No. 20060518.

Many of our comments concerning the I-69 Section 1 Tier 2 Draft Environmental Impact Statement (DEIS) and recommendations for the Section 1 Tier 2 Final Environmental Impact Statement (FEIS) may apply to all six Tier 2 EISs.

Recommendation: FHWA and INDOT should consider our comments when preparing the Tier 2 EISs for Sections 2, 3, 4, 5, and 6 of the I-69 Evansville to Indianapolis project.

SELECTION OF THE PREFERRED ALTERNATIVE

Selection of Preferred Alternative: The Section 1 Tier 2 DEIS and associated documents presented a great deal of background work in identifying and assessing the natural resources of the study corridor. As the first National Environmental Policy Act (NEPA) document in a series of six, the Section 1 Tier 2 DEIS also sets the tone for the five additional I-69 Tier 2 EISs, where the complexity of the resource and alternatives issues will increase. The Section 1 Tier 2 FEIS should provide clear explanations of the choices made and the reasons behind them, especially in the balancing of a wide range of human and natural factors. Doing so will best inform the public and decision-makers, and provide advance progress on future permitting issues. The Section 1 Tier 2 DEIS (Chapter 6, Section 6.3 – Selection of Preferred Alignment Alternative) does not identify how an alternative's disadvantages were taken into consideration and weighed against its advantages when identifying the preferred alternative.

Recommendation: The Section 1 Tier 2 FEIS should provide a more robust explanation of how the preferred alternative was chosen, based on the various factors that needed to be considered, including the alternative's disadvantages in Chapter 6, Section 6.3 - Selection of Preferred Alignment Alternative.

Note: This recommendation applies to all I-69 Tier 2 EISs. Also, see our comments below under Waters of the U.S. heading concerning selection of the preferred alternative and Clean Water Act Section 404 compliance.

AIR QUALITY

PM2.5 Hot Spot Analysis: The qualitative PM2.5 hotspot analysis was not included in the Tier 2 DEIS nor was there a discussion of the criteria for evaluating the project to determine if it is a "project of air quality concern" as defined by the transportation conformity regulation. The Section 1 Tier 2 DEIS on page 5-143 states that the

consultation will be completed once the FEIS preferred alternative has been identified and refers to the *FHWA Policy Memorandum: Air Quality Conformity*, dated May 20, 2003.

Recommendation: The Section 1 Tier 2 FEIS should include the qualitative PM2.5 hotspot analysis and a discussion of the criteria for evaluating the project to determine if it is a "project of air quality concern" as defined by the transportation conformity regulation.

Note: All Tier 2 DEISs should discuss expected traffic levels and the reasons why the project is or is not a "project of air quality concern." U.S. EPA awaits consultation with appropriate agencies.

Carbon Monoxide Hot Spot Analysis: The carbon monoxide (CO) hot spot analysis used only 8 receptor locations when conducting the modeling analysis. There is no discussion as to why these 8 locations are representative of the worst case conditions. There is an explanation as to the criteria used to select the interchange which carries the highest volume of traffic on page 5-141. Those criteria are acceptable.

The Guidelines for modeling CO from roadway intersections in Section 2 Receptor Siting states that receptors should be located where the maximum total project concentration is likely to occur. The guidance states, "Receptors should be located at sites in the vicinity of those portions of the intersection where traffic is likely to be the greatest and the most congested, e.g. along a queue." For an interchange, the receptors should be located where a queue may form or where traffic would be going slowly.

Recommendation: The Section 1 Tier 2 FEIS should document that the receptor siting for the CO modeling clearly justifies the receptor locations as representing a worst case scenario or additional modeling should be conducted to include other locations and lower speeds for areas that may have queues and this information included in the Section 1 Tier 2 FEIS.

Mobile Source Air Toxics (MSAT) Analysis: The Section 1 Tier 2 DEIS stated that the document included a basic analysis of the likely MSAT emission impacts of the project (p. 5-146). U.S. EPA agrees that a basic descriptive or qualitative discussion of MSAT impacts is appropriate for Section 1 of this project; however, that basic analysis was not included in the Section 1 Tier 2 DEIS.

Recommendation: We recommend a qualitative MSAT analysis and discussion for Section 1 of the overall I-69 project be included in the Tier 2 FEIS.

Tools for MSAT Analysis: The Section 1 Tier 2 DEIS maintained that certain information and tools for MSAT analyses were unavailable, incomplete, or not applicable (pages 5-146 – 5-149). U.S. EPA disagrees. The discussion of limitations in the

dispersion models, CALINE3 and CAL3QHC, is outdated. While it is true that the CALINE and CAL3QHC were developed and validated a number of years ago, as stated in the Section 1 Tier 2 DEIS, they continue to undergo validation. A number of recent studies have determined that CALINE, especially "CALINE4," accurately predicts ambient concentrations in near-roadway environments for both gaseous and particulate pollutants (see, for example, Gramatnev et al., Atmospheric Environment, volume 37, pages 465-474, 2003; Zhang et al., Atmospheric Environment, volume 39, pages 4155-4166, 2005). A joint UC Davis - Caltrans report, entitled "A Survey of Air Quality Dispersion Models for Project-Level Conformity Analysis" (June 19, 2006), concluded that available models are appropriate for modeling project-level dispersion of on-road and construction emissions, contradicting the language in the DEIS. Based on these recent studies and report, CALINE4 can be an appropriate tool for dispersion analysis of MSATs.

Recommendation: The Section 1 Tier 2 FEIS summaries should be updated or corrected. The discussion of uncertainties in "Dispersion" should be removed and replaced with an updated discussion of the use of CALINE4.

Note: This recommendation should be applied to all I-69 Tier 2 EISs.

"Exposure Levels and Health Effects:" The Section 1 Tier 2 DEIS discussion of "Exposure Levels and Health Effects" was also inaccurate. U.S. EPA has long-standing experience and has published peer-reviewed guidance for evaluating long-term health effects, including cancer risk. Recently, EPA has published an Air Toxics Risk Assessment Reference Library (http://www.epa.gov/ttn/fera/risk_atra_main.html) that addresses the precise concerns raised in the air quality analysis -- namely how to develop appropriate exposure scenarios in a risk assessment While we agree that there are always uncertainties associated with such an analysis, most of the uncertainties would be consistent across alternatives, and thus such an analysis would still be sufficient for distinguishing between the impacts among scenarios and informing mitigation.

Recommendation: The discussion of uncertainties in "Exposure Levels and Health Effects" should be replaced with a discussion of possible exposure scenarios typically used by EPA in air toxics risk assessments.

Note: EPA is not recommending that FHWA perform a human health risk assessment in this section of this project. We do, however, acknowledge that such assessments are possible, and when human health risk assessments are pursued, we would be willing to assist FHWA in developing meaningful exposure scenarios.

Toxicity Information: The Section 1 Tier 2 DEIS air quality analysis provides toxicity information for the six MSATs of most concern. We agree with the need to provide this information in the Tier 2 DEIS, but note that the primary health concern for acrolein is not cancer, but rather a respiratory endpoint (nasal lesions,

http://www.epa.gov/iris/subst/0364.htm#refinhal). Similarly, benzene (decreased lymphocyte count, http://www.epa.gov/iris/subst/0276.htm#refinhal), acetaldehyde (degeneration of the olfactory epithelium, http://www.epa.gov/iris/subst/0290.htm#refinhal), formaldehyde (respiratory, http://www.atsdr.cdc.gov/toxprofiles/tp111-c2.pdf), and 1,3-butadiene (ovarian atrophy, http://www.epa.gov/IRIS/subst/0139.htm#refinhal) all have non-cancer health endpoints of potential concern.

Recommendation: The summary of toxicological endpoints included in the Tier 2 FEIS should additionally include health endpoints other than cancer for acrolein, benzene, acetaldehyde, formaldehyde, and 1,3-butadiene. Cancer is not a known health endpoint for acrolein. Therefore, references to potential carcinogenicity for acrolein should be removed.

Note: Please apply this information to the other I-69 Tier 2 EISs.

WATERS OF THE UNITED STATES / STREAMS AND WETLANDS

Stream Assessments: Water resources in the Section 1 study area have been subjected to substantial human alteration. Many streams have been legally classified as regulated drains, and the structural and habitat losses from their dredging, relocation and riparian vegetation removal are reflected in the stream assessment data, using the Qualitative Habitat Evaluation Index (QHEI) and the Headwaters Habitat Evaluation Index (HHEI) methods. As the HHEI methodology for headwaters streams is newer and has been less widely used, it will be important to cite the source for the quality interpretation of HHEI data used on p. 5-266 in the Section 1 Tier 2 DEIS. More commonly, the HHEI categories are represented as having potential for supporting different kinds of aquatic life rather than for a quality assessment.

Recommendation: The Section 1 Tier 2 FEIS should identify the source for the quality interpretation of HHEI data used on Page 5-266 of the Section 1 Tier 2 DEIS.

Impaired Water Bodies: The Clean Water Act seeks to improve impaired waters, as well as to maintain higher quality water resources. Although there are no water bodies designated as impaired on the Indiana Department of Environmental Management's 303(d) list within the Section 1 Tier 2 study corridor, streams within the impact area flow downstream to some water bodies that are designated impaired (pages 4-64 and 5-288). However, the Section 1 Tier 2 DEIS did not allow the reader to easily identify the location of these impaired water bodies in relation to the project corridor streams that flow into them. The document neither identified the specific reason/s for each stream's impaired designation nor discussed how the construction and operation of a new highway may impact these already impaired downstream water bodies.

Recommendation: A map added to the Section 1 Tier 2 FEIS would be a key addition to understanding the relationship of the proposed project and its impact on these downstream resources. It would also help the reviewer understand where these water bodies are located in the stream network in relation to the proposed project.

Recommendation: The FEIS needs to state what conclusions can be drawn about the impacts of building a new highway on not only the local drainage network but its contribution to its downstream network, including the identified impairments in listed water bodies.

Stream Mitigation: Impacts of the proposed preferred alternative include re-routing 2,850 linear feet of small streams and enclosing additional portions in culverts. Although the need for stream mitigation was discussed on page 5-292, it was not well covered in the Section 1 Tier 2 DEIS mitigation chapter (Chapter 7), other than a list of good practices in Section 7.3.12. Describing how these adverse impacts will be mitigated through compensatory mitigation is an area needing more attention in the Section 1 Tier 2 FEIS and will provide important information for the permitting phase.

Recommendation: The Section 1 Tier 2 FEIS should provide more detailed information on how adverse impacts will be mitigated through compensatory stream mitigation.

InWRAP: Wetlands in the study area were described based on the Indiana Wetland Rapid Assessment Protocol (InWRAP) method. We do not disagree with its use for the Tier 2 documents, but are aware that this is a major field test of this rapid assessment methodology in a different region of the state than where it was developed. Have there been any technical lessons learned from this wider application of InWRAP? This is an issue that can be shared with the agencies, rather than be a major topic in the Tier 2 FEIS.

Note: All Tier 2 Sections should be mindful of the potential linguistic bias of InWRAP, where the highest possible score is characterized as "good."

Tier 1 CWA Section 404 Least Environmentally Damaging Practicable Alternative (LEDPA): The Section 1 Tier 2 text in Chapter 1 (page 1-8) indicated that FHWA and INDOT concluded that its **Tier 1** preferred alternative corridor for the overall I-69 (Evansville to Indianapolis) was consistent with the LEDPA under the 404(b)(1) guidelines. This phrasing was inappropriate, as it implied that FHWA and INDOT have more authority in reaching this conclusion. The U.S. Army Corps of Engineers (Corps) must make the LEDPA determination during Clean Water Act (CWA) Section 404 permitting for the I-69 project.

Recommendation: The Section 1 Tier 2 FEIS should qualify the LEDPA statement to fully disclose that it is the Corps that must make the LEDPA determination for Clean Water Act Section 404 permitting purposes for the I-69 project.

Note: This recommendation would apply to all six Tier 2 Section EISs.

Tier 2 Section 1, Selection of NEPA Preferred Alternative (Chapter 6, Section 6.3) and CWA Section 404 permitting: Much attention was paid in the Section 1 Tier 2 DEIS to identifying, delineating and characterizing wetlands, and many other environmental factors, so that the differences between the alternatives were well presented with data. What was absent was a full discussion of all the factors and trade-offs, disadvantages as well as advantages, in the evaluation and selection of the preferred alternative. The 404 regulations presume that a highway project, as a non-water-dependent activity, totally avoids impacts to wetlands, as special aquatic sites. If that proves impossible, then FHWA/INDOT must reduce the amount of impact to wetlands. Even though a moderate amount of wetland acres is proposed for filling within Section 1, the preferred alternative has the highest wetland impact level within all the alternatives proposed, as shown on Table 5.19-3. Discussing the rationale for selecting the preferred alternative in the Section 1 Tier 2 FEIS will enhance the document and prepare for the 404 permitting phase for Section 1.

Recommendation: The Section 1 Tier 2 FEIS should provide a full discussion of the factors and trade-offs made for the selection of the proposed NEPA "preferred" alternative, including how an alternative's disadvantages as well as its advantages were considered in arriving at the decision. We recommend this full discussion be included in *Section 6.3.1 (Rationale for Selection of Preferred Alignment Alternative)* of the Tier 2 FEIS.

Note: This recommendation may apply to all six I-69 Tier 2 EISs.

MITIGATION

Potential Wetland Compensatory Mitigation Sites: Any unavoidable wetlands impacts will need mitigation. That mitigation needs to be identified both conceptually during the NEPA process and specifically at the time of Section 404 permitting. The 1991 Memorandum of Understanding (MOU) in force has sufficient ratios to apply for mitigation for unavoidable wetland loss. The Section 1 Tier 2 FEIS should reflect progress made on identifying specific prospective wetland restoration sites at Pigeon Creek, the Lost Hill area or elsewhere. There was no discussion in Section 7.2 about the wetland restoration potential of these proposed mitigation sites. The Lost Hill alternative promoted only wetland preservation, which is acceptable to EPA only in exceptional circumstances, where there is a demonstrable threat to the specific resource area proposed for preservation. Restoring former wetlands acres contributes to offsetting the loss from filling wetland, especially in a State which has lost nearly 90 per cent of its historic wetlands resources. Attention must be paid to the hydrological and ecosystem success of the restoration effort overall, in addition to what it will contribute to wildlife habitat.

Mitigation will be important whether or not the wetland is regulated under Federal or State jurisdiction.

Recommendation: The Section 1 Tier 2 FEIS should reflect progress made on identifying specific prospective wetland restoration sites at Pigeon Creek, the Lost Hill area and elsewhere. The Tier 2 FEIS discuss the wetland restoration potential of these proposed mitigation sites.

Potential Hazards to Compensatory Mitigation Sites: When considering compensatory mitigation sites, consider the potential for the reversal of mitigation projects through possible actions of drainage districts or holders of mineral rights, especially for mining. Practices and protection mechanisms, designed for perpetuity, must not be degraded from these activities. The Indiana DNR land acquisition group may be able to provide Indiana-specific expertise in these issues. We will also share what we can learn from the Ohio experience.

Recommendation: The Section 1 Tier 2 FEIS should identify and discuss the likelihood of drainage districts and/or mineral rights holders' legal capacity to undermine any stream restoration and/or wetland restoration compensation sites (as well as upland forest compensation sites) from being protected in perpetuity. If necessary, identify the measures that would need to be taken to insure that restoration/compensation sites will be protected in perpetuity for the I-69 project.

Note: This comment and recommendation may apply to all Tier 2 I-69 EISs.

Revised Tier 1 Conceptual Forest and Wetland Mitigation and Enhancement Plan (January 31, 2006): The Section 1 DEIS often referred the reader to this 2006 plan. However, this plan was not included it in the Section 1 Tier 2 DEIS. In addition, the Section 1 Tier 2 DEIS did not identify how this plan differs from the original 2003 plan.

Recommendation: The Section 1 Tier 2 FEIS specifically identify the changes that were made from the 2003 plan and explain their relevance. Also, include a copy of the *Revised Tier 1 Conceptual Forest and Wetland Mitigation and Enhancement Plan (January 31, 2006)* in the Section 1 Tier 2 FEIS.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Tracking Project-wide Impacts and Mitigation: As we indicated in the cover letter, we continue recommend disclosure, to the resource agencies, the public and decision makers, of the direct and indirect impacts associated with the entire 142-mile-long I-69 Indianapolis to Evansville alignment identified in the Tier 2 studies and identify the mitigation measures that will be undertaken to compensate for those impacts. At this time, it is uncertain how impacts for each Tier 2 Section and compensatory mitigation

measures will be tracked to insure that adequate mitigation occurs for all losses incurred in each Tier 2 Section and throughout the entire I-69 (Indianapolis to Evansville) project.

We request that a clear method be designed and identified now, before the first Tier 2 Record of Decision, in order to keep track of these impacts and mitigation measures, especially compensatory mitigation measures. This is important since compensatory mitigation for impacts to a variety of different resources (e.g., wetlands, upland forest, riparian forest) are being proposed at sites that are well outside a Tier 2 Section study area where the impacts occur. Potential compensatory mitigation sites are proposed as sites that could be utilized for more than one type of resource impact as well as for impacts from multiple Tier 2 Sections. In addition, it is proposed that the forest compensation (Chapter 5, page 5-319) mitigation ratio may be higher or lower than the 3:1 ratio on a per section basis, but that it would average out of the course of the entire six Section project. Without a well thought out mechanism to keep track of impacts and account for their mitigation it is uncertain whether impacts to resources of concern will be adequately compensated for if the I-69 project moves forward.

Recommendation: We recommend that an overall I-69 impacts/mitigation tracking method be developed, explained and included, in all Tier 2 EISs, including the Section 1 Tier 2 FEIS.

I-69 Community Planning Process: Given the already significant loss and/or degradation in the Section 1 study area to resources of concern such as streams, wetlands and upland forest, due to farming, mining and industrial activities, it is important to disclose whether local communities and counties have participated in the I-69 Community Planning Process and identify what measures they propose to undertake in order to protect and enhance resources of concern in their local community and/or county. This will aid INDOT in deciding on the mitigation measures needed to help protect and enhance the environment during final design.

Recommendation: The Section 1 Tier 2 FEIS should provide an update on the status of the I-69 Community Planning Process. The Section 1 Tier 2 FEIS should identify whether or not the communities in Section 1 have participated in this process, what measures they plan to implement (e.g., land use plans, zoning, regulations) and when in order to protect and enhance resources of concern in their local community and/or county.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Construction Impacts/Air Quality: In order to protect air quality in the project area during construction, we recommend INDOT consider strategies to reduce diesel emissions, such as project construction contracts that require the use of equipment with clean diesel engines and the use of clean diesel fuels.

Recommendation: The Section 1 Tier 2 FEIS should discuss the feasibility of utilizing this type of mitigation for this project and disclose whether or not INDOT will consider or commit to implementing these strategies.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Roadway/Interchange Lighting: It is unclear if any portion of the project will require lighting.

Recommendation: INDOT should consider using energy-efficient, low-impact lighting. The Section 1 Tier 2 FEIS should discuss whether INDOT will commit to using this type of lighting. We also recommend this information be included in all I-69 Tier 2 EISs.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

Wildlife Crossings: We concur with INDOT's commitment to include three wildlife crossings in Section 1: (1) Pigeon Creek (South Segment), (2) unnamed intermittent creek south of CR600S (Central Segment), and (3) wooded areas along CR 450S (North Segment).

Upland Forest Mitigation: We concur with the 3:1 mitigation ratio proposed for the loss of upland forest. However, in the section on forest mitigation (Chapter 5, Page 319), the text indicates that the forest mitigation ratios might be higher or lower than the 3:1 ratio on a per section basis, but that it would average out of the course of the entire six Section project. The document fails to explain the process that will be used to ensure that this occurs.

Recommendation: The Section 1 Tier 2 FEIS should explain how the mitigation/compensation work will be coordinated between the different sections. It should also explain how FHWA and INDOT are going to ensure that the average ratios are attained. The FEIS should explain how mitigation efforts would be monitored or how mitigation efforts that extend into the other sections would be coordinated and kept track of.

Note: This recommendation would apply to all I-69 Tier 2 EISs.

DOCUMENT CLARITY – FIGURES/MAPS, TABLES, DEFINITIONS, ERRATA

Section 1 Tier 2 DEIS - Volume I

Chapters 4 and 5, Pages 4-90 and 5-137 - Correct the text here to read as follows: Generally, when levels of pollutants do not exceed the short term standards more than once per year, an area is considered in attainment of the NAAQS (National Ambient Air Quality Standards). An area that does not meet NAAQS for one or more pollutants, **will be designated by the EPA** ~~as is know~~ as a "nonattainment area". Areas that were formerly in nonattainment and now meet the NAAQS may petition for redesignation to attainment. The State must submit and EPA can approve a maintenance plan which covers a 10 year period. These areas are called ~~are considered~~ "maintenance areas" and the CAA calls for the State to update the maintenance plan for another 10 years for a total period of 20 years.

Chapter 4, Page 4-91 – The abbreviation for Long Range Transportation Plan (LRTP) on this page has the letters "T" and "R" transposed.

Chapter 5, Page 5-29 – Delete one of the repeated sentences that begin with "community impact . . ." in the first paragraph.

Table 5.10-2, Page 5-152 – Please explain what the difference is between noise activity categories B and E in this table.

Chapter 5, Page 5-222 – The text concerning the Copperbelly Water Snake seems to be missing something. The text suggests that the color of the snake's underbelly leads to this project having no impact. The Tier 2 Section 1 FEIS should clarify the text here.

Chapter 5, Page 5-294 – In the middle of the page, the text refers to Table 5.24.3 from the Tier 1 FEIS concerning mean concentrations of pollutants in rural highway runoff. **Recommendation:** It would be helpful to the reviewer if this Table is inserted here in the Tier 2 FEIS.

Chapter 11, Page 11-35 – The chart on this page sometimes refers to U.S. EPA Region 5 as U.S. EPA District 5. Please change "District" to "Region" to correctly reflect our official name: U.S. EPA Region 5.

Chapter 13, Section 13.1 Glossary of Terms – Include the term "Core Goal" and its definition. (Also add to the Summary - Glossary of Key Terms, pages S-32 – S-36.)

Chapter 13, Section 13.1 Glossary of Terms, Page 13-9 – For "Purpose and Need" we suggest you replace the words "environmental project" with "environmental impact statement." (Also amend in the Summary - Glossary of Key Terms, pages S-32 – S-36.)

Chapter 13, Section 13.1 Glossary of Terms, Page 13-13 – "Wetland" is identified here as a type of "land use." While "wetland" is used as a type of land use category in part of this document it is also used in the context of a regulated water body (a water of the U.S.). We suggest a clearer definition be included here, whether or not it is a regulatory one. (See the definition you provided in the Summary - Glossary of Key Terms, page S-36.)

Section 1 Tier 2 DEIS - Volume II (on CD only)

Appendix B – Agency Coordination Correspondence: We were sent CD versions of Volume II (no hard copies). Appendix B consists of 321 individual electronic files that are FHWA/INDOT/Agency meeting minutes, letters, emails to and from FHWA/INDOT and the resource agencies. These files are listed by date sequence in an index (one of the electronic files that make up Appendix B). However, the sequence of the set up of the electronic files on the CD is not in the order that the files are listed on the Appendix B index. Consequently, it is extremely time consuming for the reader of the Section 1 Tier 2 DEIS to find a particular agency letter or meeting minutes.

Recommendation: The Section 1 Tier 2 FEIS should include a well indexed hard copy of Appendix B or the electronic files be reconfigured on the CD to match the listed sequence of files on the Appendix B index or some such other method be devised to allow the reader to easily find and access what ever particular agency correspondence, meeting minutes, etc. they may be interested in reading.

Appendix B – Agency Coordination Correspondence – Meeting Minutes, Toll/Schedule Meeting with USEPA – Thursday, November 10, 2005 a.m. EST: These meeting minutes contain several errors. For example, the minutes identify Amy Babey as the USEPA representative at the meeting. She is a Corps representative. No on from USEPA is actually listed as an attendee at this meeting. In addition, the text in the body of the meeting minutes concerns Section 6, Purpose and Need, and Access Alternatives and not Toll/Schedule.

Recommendation: This file should be removed from the Section 1 Tier 2 EIS.

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

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

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

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

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

Adequacy of the Impact Statement

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

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

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

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

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

February 15, 2007

ER 06/1205

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

Dear Mr. Tally:

The Department of the Interior (Department) has reviewed the December 2006 Tier 2 Draft Environmental Impact Statement (DEIS) for Section 1 (Evansville and Oakland City) of the *I-69 Evansville to Indianapolis Project* in Indiana. The Department offers the following comments and recommendations for your consideration.

GENERAL COMMENTS

The Department concurs with the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) that there are no properties in the project study area eligible to be considered under section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)). We add a note of caution that there may well be archeological sites in the project area that are eligible for the National Register of Historic Places. While these resources are not normally considered section 4(f) properties if they are significant solely for the information they contain, there is always the concern that there may be some sites that are valuable enough to be preserved in place. Those sites would then be eligible to be considered under section 4(f).

The Department usually favors alternatives that minimize impacts to forest and wetland habitats, avoid fragmentation of natural habitats, and minimize the number of stream and river crossings at new locations. Alternative 4, the FHWA and INDOT preferred alternative, appears to be a reasonable attempt to avoid impacts to the limited number of natural areas within Section 1. However, the DEIS provided inadequate discussion of how decisions were made when choosing an alignment that avoided impacts to one natural area at the expense of another area/resource (see our specific comments below regarding page 5-336 and 5-340). We request additional discussion of how such choices were made be provided in Chapter 6 in the Final EIS. The Department is highly supportive of the three proposed wildlife crossings (page 5-259), both for the protection of wildlife and the safety of travelers on I-69.

As the U.S. Fish and Wildlife Service (FWS) has previously requested, the alternative alignments should be provided on USGS topographical maps so the topography and slope of the terrain being crossed can be clearly ascertained. Being able to visualize existing topography

would greatly help reviewers grasp how much cut and fill would need to occur and to identify areas more susceptible to erosion. This will become particularly important in the planning documents for Section 4 of the I-69 project.

SPECIFIC COMMENTS

Page 4-65, last paragraph, continuing to the top of page 4-66, Section 4.3.2.3, Rivers, Streams, and Watersheds: The DEIS correctly indicates that a difference in water level between a stream and the aquifer is necessary for the stream to gain or lose water to ground water. However, permeability of the streambed sediments also will affect the amount of water that can be exchanged. In an extreme case, there could be significant difference in the water levels between the stream and ground water, indicating a *potential* for flow, but no *actual* water crossing the boundary because of very impermeable sediments in the streambed.

Page 4-66, first full paragraph, Section 4.3.2.3, Rivers, Streams, and Watersheds: In the absence of available shallow wells, it is still possible to classify stream segments as "gaining" or "losing." Information about stream interaction with ground water also can be obtained by conducting a "seepage run" -- taking a series of discharge measurements at intervals along the stream. By comparing the gain/loss between measurements, direction and amount of ground-water inflow or loss can be inferred. More information about this technique is provided by Riggs, H.C., 1972, Low-flow investigations, U.S. Geological Survey Techniques of Water Resources Investigations Book 4, Chapter B1. 23 pages. Available on the Internet at: http://pubs.usgs.gov/twri/twri4b1/html/pdf.html

Page 5-92, footnote 1: Because much weight was placed on their input, the Final EIS should disclose the names of all "Expert Land Use Panel" members and provide their relevant experience and background credentials.

Page 5-171, Threatened and Endangered Species: The Revised Biological Opinion was issued on August 26, 2006, not July 26.

Page 5-204: Should read Section 7(a)(2), not Section 8(a)(2).

Page 5-256: Typographical error… "fight-of-way" should be "right-of-way."

Page 5-259, partial paragraph at top of page: Any bat-friendly designs for the Pigeon Creek bridge should be coordinated with the FWS's Bloomington Field Office.

Page 5-288: The Final EIS for Section 1 and all forthcoming DEISs for subsequent sections of the I-69 project should specifically describe why particular streams in the project area are currently on the 303(d) list of Impaired Water Bodies.

Page 5-293: The DEIS states "roadway runoff can have significant impacts to water quality." Please provide a citation(s) for this statement and elsewhere as appropriate.

Page 5-336 and 5-340: It isn't readily apparent from reading the DEIS that one of the two core forest areas in Section 1 (see Chapter 5.20) is adjacent to (immediately west of) managed lands "Property A" and that all of the alternatives would impact either the forested area or Property A or both to varying degrees. Readers have to decipher this fact on their own. A figure showing both areas and the proposed alternatives on one map would have been beneficial. Nevertheless,

from the information provided, the Department believes that Alternative 4 (the preferred alternative) is a well-balanced choice. It is generally easier to compensate for or recreate the type of man-made wetlands in Property A than it is to create a replacement area of core forest.

Page 5-354: Given the very limited supply of upland wooded residential building lots in the Section 1 area, it seems likely that such scarcity would drive a strong niche market and would be an exception to the assumption made in the DEIS that all indirect and cumulative development would occur on existing agricultural lands. The DEIS does not indicate whether this fact was considered by the Expert Land Use Panels. Addition discussion of this possibility should be provided in the Final EIS.

Page 5-357: Surface coal mining will also continue to impact some number of the remaining forests, wetlands, and streams in the study area.

Page 5-360: Please provide a citation or personal communication for the statement that local wetland trends "have been increasing during recent years."

Page 5-363: The FWS is aware of a tentatively proposed surface coal mining permit area that would impact over 400 acres of forested wetlands in Warrick County.

Page 5-368,369: Stream cumulative effects analysis should also focus on water quality within project area streams, which are already stressed. Stressors that should be considered include dredging of legal drains, contaminants/road salt in stormwater runoff, and septic tanks/no sewer service at rural exists.

Page 5-377: The Final EIS should identify the likely sources of borrow material for Section 1 as well as specific plans or protocols that FHWA and INDOT will put in place to avoid or offset impacts to natural resources resulting from borrow activities.

Page 7-22: Any stream relocations within a previously identified Indiana bat maternity area should also be coordinated with the FWS.

Page 11-34, last paragraph on page: The Department does not concur with the IDEM representative's recommendation for an alignment west of CR 890E to be selected because a western alignment would impact the core forest at that location. While we generally agree that wetland protection should be given first consideration, it is our opinion that it would be much more difficult to mitigate/replace the forest area than the constructed wetlands east of CR 890E.

ENDANGERED SPECIES ACT COMMENTS

The Department's concerns regarding I-69's impacts to the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened bald eagle (*Haliaeetus leucocephalus*) have been addressed in a Revised Tier 1 Biological Opinion (BO) for this project, dated August 26, 2006. Section 1-specific impacts to these two species will be detailed in a Tier 2 Biological Assessment (BA) being prepared by FHWA and INDOT, which the FWS's Bloomington Field Office will be reviewing before the Section 1 Final EIS is completed. If impacts detailed in the Tier 2 BA are consistent with those analyzed in the Revised Tier 1 BO, the FWS will append the BA to the BO and thereby complete consultation requirements required by Section 7 of the Endangered Species Act. The FWS is aware of one Indiana bat maternity colony in the Section 1 project area. The FWS is not aware of any bald eagle nests in this section.

The Department has a continuing interest in working with FHWA and INDOT to ensure that project impacts to resources of concern to the Department are adequately addressed. For matters related to fish and wildlife resources and federally listed threatened and endangered species, please continue to coordinate with Scott Pruitt, Field Supervisor, or Andrew King, project biologist, U.S. Fish and Wildlife Service, 620 South Walker Street, Bloomington, Indiana 47403-2121, telephone: (812) 334-4261.

We appreciate the opportunity to review the document.

Sincerely,

Michael T. Chezik
Regional Environmental Officer

cc:

L. MacLean, FWS, Fort Snelling, MN

S. Pruitt, FWS, Bloomington, IN

Ms. Michelle Hillary, Manager
Office of Environment Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

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Indianapolis, Indiana 46204
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RECEIVED
FEB 26 2007
BLA - EVANSVILLE

Mr. Roger Wade
QK4
PO Box 8464
Evansville, IN 47716

February 20, 2007

Dear Mr. Wade:

Re: DEIS (Tier 2) for the I-69, Evansville to Indianapolis project for Section 1 between Evansville and Oakland City

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (Tier 2) for the I-69, Evansville to Indianapolis project for Section 1 between Evansville and Oakland City, Indiana (FHWA-IN-EIS-06-01-D). The Indiana Department of Environmental Management (IDEM) has the following comments:

- 5.9 Air Quality
  The air quality analysis appears to be adequate, at this stage of the analysis. IDEM will reserve specific comments until the project(s) are incorporated into the transportation conformity analysis at the later stages of the process. At that time, any impact that the project(s) will have will be assessed in conjunction with other projects and the transportation network as a whole.

- 5.16 Hazardous Waste Sites
  Recommend expanding discussion to provide more information about dealing with interstate pipelines. There are at least two interstate pipelines that cross the Section 1 corridor. Removal or relocation of these large pipelines may involve possible remediation of soils and groundwater, contributing to increased project costs.

  The Section 1 corridor includes an area where small oil fields exist. It is possible that improperly abandoned oil wells may be present. Recommend adopting a standard operating procedure (SOP) to address potential discovery of unknown, abandoned oil wells during construction of the preferred alignment of the interstate. Additionally, the two oil wells and their associated tanks that have already been identified may need to be removed.

- 5.19 Water Resources
  The Section 1 corridor will require the relocation of residential properties. Recommend adopting an SOP to address the proper abandonment and closure of residential water

supply wells and septic systems during construction of the preferred alignment of the interstate.

- Other
  The Section 1 corridor will require the relocation of residential properties. Recommend adopting an SOP to address proper demolition of residences that may potentially have asbestos-containing building materials.

The enclosure contains additional environmental considerations typical to roadway projects that may be pertinent to this proposed project. Please note that this response letter does not constitute a permit, license, endorsement or any other form of approval on the part of IDEM.

Our staff remains available to help answer any questions you might have. Please feel free to contact Megan Tretter at (800) 451-6027 ext. 43386.

Sincerely,

Thomas W. Easterly
Commissioner

Enclosure
cc: Megan Tretter, IDEM

To ensure that all environmentally-related issues are adequately addressed, IDEM recommends that you read this enclosure in its entirety, and consider each of the following issues as you move forward with the planning of your proposed roadway construction, reconstruction, or improvement project:

WATER AND BIOTIC QUALITY

1. Section 404 of the Clean Water Act requires that you obtain a permit from the U.S. Army Corps of Engineers (USACE) before discharging dredged or fill materials into any wetlands or other waters, such as rivers, lakes, streams, and ditches. Other activities regulated include the relocation, channelization, widening, or other such alteration of a stream, and the mechanical clearing (use of heavy construction equipment) of wetlands. Thus, as a project owner or sponsor, it is your responsibility to ensure that no wetlands are disturbed without the proper permit. Although you may initially refer to the U.S. Fish and Wildlife Service National Wetland Inventory maps as a means of identifying potential areas of concern, please be mindful that those maps do not depict jurisdictional wetlands regulated by the USACE or the Department of Environmental Management. A valid jurisdictional wetlands determination can only be made by the USACE , using the 1987 Wetland Delineation Manual.

   The U.S. Army Corps of Engineers (USACE) recommends that you have a consultant check to see whether your project will abut, or lie within, a wetland area. To view a list of consultants that have requested to be included on a list posted by the USACE on their Web site, see USACE Permits and Public Notices (See: http://www.lrl.usace.army.mil/orf /default.asp, and then click on "Information" from the menu on the right-hand side of that page.) Their "Consultant List" is the fourth entry down on the "Information" page. Please note that the USACE posts all consultants that requested to appear on the list, and that inclusion of any particular consultant on the list is does not represent an endorsement of that consultant by the USACE, or by IDEM.

   Much of northern Indiana (All of Newton, Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, Steuben, and Dekalb counties; large portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and lesser portions of Benton, White, Pulaski, Kosciusko, and Wells counties) is served by the USACE District Office in Detroit (313-226-6812). Meanwhile the central and southern portions of the state (Large portions of Benton, White, Pulaski, Kosciusko, and Wells counties; smaller portions of Jasper, Starke, Marshall , Noble, Allen, and Adams counties; and all other Indiana counties located in north-central, central, and southern Indiana) are served by the USACE Louisville District Office (502-315-6733).

   Additional information on contacting these U.S. Army Corps of Engineers (USACE) District Offices, and other government agencies with jurisdiction over wetlands, and other water quality issues, can be found at: http://www.in.gov/idem/programs/water/401/reglinks.html. IDEM recommends that, to the extent possible, impacts to wetlands and other water resources simply be avoided.

2. In the event a Section 404 wetlands permit is required from the USACE, you also must obtain a Section 401 Water Quality Certification from the IDEM Office of Water Quality Wetlands Program. To learn more about the Wetlands Program, visit: http://www.in.gov/idem/programs/water/401/overview.html.
3. If the USACE determines that a wetland or other water body is isolated and not subject to Clean Water Act regulation, it is still regulated by the state of Indiana. A State Isolated Wetland permit from IDEM's Office of Water Quality (OWQ) is required for any activity that results in the discharge of dredged or fill materials into isolated wetlands. To learn more about isolated wetlands, contact the OWQ Wetlands Program at 317-233-8488.
4. If your project will involve over a 0.5 acre of wetland impact, stream relocation, or other large-scale alterations to water bodies such as the creation of a dam or a water diversion, you should seek additional input from the OWQ Wetlands Program staff. Consult the Web at: http://www.in.gov/idem/programs/water/401/staff.html for the appropriate staff contact to further discuss your project.
5. Work within the one-hundred year floodway of a given water body is regulated by the Department of Natural Resources, Division of Water. The Division issues permits for activities regulated under the follow statutes:

   IC 14-26-2 Lakes Preservation Act 312 IAC 11
   IC 14-26-5 Lowering of Ten Acre Lakes Act No related code
   IC 14-28-1 Flood Control Act 310 IAC 6-1
   IC 14-29-1 Navigable Waterways Act 312 IAC 6
   IC 14-29-3 Sand and Gravel Permits Act 312 IAC 6
   IC 14-29-4 Construction of Channels Act No related code

   For Internet links to these Indiana (statutory) Code and Indiana Administrative Code citations, see the table "DNR Statutes Addressing Dredging and Fill Placement" on the IDEM Web site at: http://www.in.gov/idem/permits/guide/water/dredgingpermits.html. Contact the DNR Division of Water at 317-232-4160 for further information.
6. The physical disturbance of the stream and riparian vegetation, especially large trees overhanging any affected water bodies should be limited to only that which is absolutely necessary to complete the project. The shade provided by the large overhanging trees helps maintain proper stream temperatures and dissolved oxygen for aquatic life.
7. For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of one (1), or more, acres of total land area, contact the Office of Water Quality – Watershed Planning Branch (317/233-1864) regarding the need for of a Rule 5 Storm Water Runoff Permit. Visit the following Web page
   http://www.in.gov/idem/permits/water/wastewater/wetwthr/storm/rule5.html

   To obtain, and operate under, a Rule 5 permit you will first need to develop a Construction Plan, (http://www.in.gov/idem/permits/water/wastewater/wetwthr/storm/rule5defs.html#constreq) and as described in 327 IAC 15-5-6.5 (http://www.ai.org/legislative/iac/T03270/A00150.PDF, pages 16 through 19). Before you may apply for a Rule 5 Permit, or begin construction, you must submit your Construction Plan to your county Soil and Water Conservation District (SWCD) (http://www.in.gov/isda/soil/contacts/map.html). Upon receipt of the construction plan, personnel of the SWCD or the Indiana Department of Environmental Management will

review the plan to determine if it meets the requirements of 327 IAC 15-5. Plans that are deemed deficient will require re-submittal. If the plan is sufficient you will be notified and instructed to submit the verification to IDEM as part of the Rule 5 Notice of Intent (NOI) submittal. Once construction begins, staff of the SWCD or Indiana Department of Environmental Management will perform inspections of activities at the site for compliance with the regulation.

Please be mindful that approximately 149 Municipal Separate Storm Sewer System (MS4) areas are now being established by various local governmental entities throughout the state as part of the implementation of Phase II federal storm water requirements. All of these MS4 areas will eventually take responsibility for Construction Plan review, inspection, and enforcement. As these MS4 areas obtain program approval from IDEM, they will be added to a list of MS4 areas posted on the IDEM Website at:
http://www.in.gov/idem/permits/water/wastewater/wetwthr/storm/rule13.html

If your project is located in an IDEM-approved MS4 area, please contact the local MS4 program about meeting their storm water requirements. Once the MS4 approves the plan, the NOI can be submitted to IDEM.

Regardless of the size of your project, or which agency you work with to meet storm water requirements, IDEM recommends that appropriate structures and techniques be utilized both during the construction phase, and after completion of the project, to minimize the impacts associated with storm water runoff. The use of appropriate planning and site development and appropriate storm water quality measures are recommended to prevent soil from leaving the construction site during active land disturbance and for post construction water quality concerns. Information and assistance regarding storm water related to construction activities are available from the Soil and Water Conservation District (SWCD) offices in each county or from IDEM.

8. For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources - Division of Fish and Wildlife (317/232-4080) for addition project input.
9. For projects involving water main construction, water main extensions, and new public water supplies, contact the Office of Water Quality - Drinking Water Branch (317-308-3299) regarding the need for permits.
http://www.in.gov/idem/permits/water/drinkingwater/index.html.
10. For projects involving effluent discharges to waters of the State of Indiana , contact the Office of Water Quality - Permits Branch (317-233-0468) regarding the need for a National Pollutant Discharge Elimination System (NPDES) permit.
11. For projects involving the construction of wastewater facilities and sewer lines, contact the Office of Water Quality - Permits Branch (317-232-8675) regarding the need for permits. (http://www.in.gov/idem/permits/water/wastewater/index.html)

AIR QUALITY

The above-noted project should be designed to minimize any impact on ambient air quality in, or near, the project area. The project must comply with all federal and state air pollution regulations. Consideration should be given to the following:

1. Written approval from the IDEM Office of Air Quality is needed prior to any burning of trees, clean wood waste, or vegetation for land clearing purposes. Land clearing that involves burning to eliminate trees and vegetation requires the use of an air curtain destructor. The approval is to be obtained by submitting an application for use of an air curtain destructor. The approval process typically takes about 3 weeks and there is a fifteen (15) day waiting period from date of receipt or date of publication in the local newspaper before the approval takes effect and before burning may take place. Application to operate an air curtain destructor may be obtained by writing to the Office of Air Quality, Indiana Department of Environmental Management, 100 North Senate Avenue, Indianapolis, Indiana 46204; or by calling 1-800-451-6027 and ask for extension 3-5672 (in Indiana) or 317/233-5672. The application is also available at http://www.in.gov/idem/compliance/air/openburn.html.

   Another option is to take vegetative wastes to a registered yard waste composting facility or that the waste be chipped or shredded with composting on site (you must register with IDEM if more than 2,000 pounds is to be composted; contact 317/232-0066). The finished compost can then be used as a mulch or soil amendment. You also may bury any vegetative wastes (such as leaves, twigs, branches, limbs, tree trunks and stumps) onsite, although burying large quantities of such material can lead to subsidence problems, later on.
2. Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. For example, wetting the area with water, constructing wind barriers, or treating dusty areas with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked onto paved roads from unpaved areas should be minimized. See: http://www.in.gov/idem/permits/guide/air/fugitivedust.html.

   Additionally, if construction or demolition is conducted in a wooded area where flocks of birds have roosted or abandoned buildings or building sections where birds or bats have roosted for 3-5 years precautionary measures should be taken to avoid an outbreak of histoplasmosis. This disease is caused by the fungus Histoplasma capsulatum, which stems from bird or bat droppings that have accumulated in one area for 3-5 years. The spores from this fungus become airborne when the area is disturbed and can cause infections over an entire community downwind of the site. The area should be wetted down prior to cleanup or demolition of the project site. For more detailed information on histoplasmosis prevention and control, please contact the Acute Disease Control Division of the Indiana State Department of Health at (317) 233-7272.
3. The U.S. EPA and the Surgeon General recommend that people not have long-term exposure to radon at levels above 4 pCi/L. (For a county-by-county map of predicted radon levels in Indiana , visit: http://www.in.gov/idem/your_environment/radon/.)

   The U.S. EPA further recommends that all homes (and apartments within three stories of ground level) be tested for radon. If in-home radon levels are determined to be 4 pCi/L, or higher, EPA recommends a follow-up test. If the second test confirms that radon levels are 4 pCi/L, or higher, EPA recommends the installation of radon-reduction measures. (For a list of qualified radon testers and radon mitigation (or reduction) specialists visit: http://www. in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf.) It also is recommended that radon reduction measures be built into all new homes, particularly in areas like Indiana that have moderate to high predicted radon levels. To learn more about radon, radon risks, and ways to reduce exposure visit:

http://www.in.gov/isdh/regsvcs/radhealth/radon.htm, http://www.in.gov/idem/your_environment/radon/, or http://www.epa.gov/iaq/radon/index.html.

4. With respect to asbestos removal: all facilities slated for demolition must be inspected by an Indiana-licensed asbestos inspector prior to the commencement of any demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, any subsequent demolition, renovation, or asbestos removal activities must be performed in accordance with the proper notification and emission control requirements.

   For questions on asbestos demolition and renovation activities, you can also call IDEM's Lead/Asbestos program at 1-888-574-8150.

   However, in all cases where a demolition activity will occur (even if no asbestos is found), the owner or operator must still notify IDEM 10 working days prior to the demolition, using the form found at http://www.in.gov/icpr/webfile/formsdiv/44593.pdf.

   Anyone submitting a renovation/demolition notification form will be billed a notification fee based upon the amount of friable asbestos containing material to be removed or demolished. Projects that involve the removal of more than 2,600 linear feet of friable asbestos containing materials on pipes, or 1,600 square feet or 400 cubic feet of friable asbestos containing material on other facility components, will be billed a fee of $150 per project; projects below these amounts will be billed a fee of $50 per project. All notification remitters will be billed on a quarterly basis.

   For more information about IDEM policy regarding asbestos removal and disposal, visit: http://www.in.gov/idem/permits/guide/waste/asbestosremoval.html.

5. Generally, the lead-based paint rules and work practice standards in IC 13-17-14 and 326 IAC 23 do not apply to demolition activities. However, IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. IDEM is particularly concerned that young children exposed to lead can suffer from learning disabilities. For more information about lead-based paint removal visit: http://www.in.gov/idem/permits/guide/waste/leadlicensing.html. For questions on lead-based paint activities, you can also call IDEM's Lead/Asbestos Program at 1-888-574-8150.
6. Ensure that asphalt or concrete batch paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. See 326 IAC 8-5-2, Asphalt Paving Rule (http://www.ai.org/legislative/iac/T03260/A00080.PDF).
7. If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). For more information on air permits visit: http://www.in.gov/idem/permits/air/index.html , or to initiate the IDEM air permitting process, please contact the Office of Air Quality Permit Reviewer of the Day at (317) 234-3913.

LAND QUALITY

In order to maintain compliance with all applicable laws regarding contamination and/or proper waste disposal, IDEM recommends that:

1. If the site is found to contain any areas used to dispose of solid or hazardous waste, you need to contact the Office of Land Quality (OLQ)at 317-308-3103.
2. All solid wastes generated by the project, or removed from the project site, need to be taken to a properly permitted solid waste processing or disposal facility. For more information, visit http://www.in.gov/idem/permits/guide/waste/.
3. If any contaminated soils are discovered during this project, they may be subject to disposal as hazardous waste. Please contact the OLQ at 317-308-3103 to obtain information on proper disposal procedures.
4. If PCBs are found at this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding management of any PCB wastes from this site.
5. If there are any asbestos disposal issues related to this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding the management of asbestos wastes." (Asbestos removal is addressed above, under Air Quality.)
6. If the project involves the installation or removal of an underground storage tank, or involves contamination from an underground storage tank, you must contact the IDEM Underground Storage Tank program at 317/308-3039. See: http://www.in.gov/idem/permits/guide/waste/ust.html.

FINAL REMARKS

Should you need to obtain any environmental permits in association with this proposed project, please be mindful that IC 13-15-8 requires that you notify all adjoining property owners and/or occupants within ten days your submittal of each permit application. However, if you are seeking multiple permits, you can still meet the notification requirement with a single notice if all required permit applications are submitted with the same ten day period. For additional information and forms: http://www.in.gov/idem/permits/guide/landdevelopment/notification.html.

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

February 19, 2007

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

Federal Agency: Federal Highway Administration, Indiana Division

Re: "I-69 Evansville to Indianapolis, Indiana Project, Section 1, Evansville to Oakland City, Indiana, Tier 2, Draft Environmental Impact Statement," Volumes I and II ("DEIS"); FHWA-IN-EIS-06-01-D; DHPA #1353

Dear Mr. Tally:

Pursuant to the National Environmental Policy Act (42 U.S.C. §4321, *et seq.)* and Section 106 of the National Historic Preservation Act, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the aforementioned DEIS that was received on December 13, 2006. Michelle Hilary's cover letter indicated that comments should be received by February 20, 2007.

We concur with the DEIS's characterization of the project's impacts on above-ground and archaeological properties.

Questions about archaeological issues should be directed to Dr. Rick Jones, III, at (317-233-0953, rjones@dnr.in.gov). Questions about historic buildings or structures pertaining to this project should be directed to John L. Carr (317-233-1949, jcarr@dnr.in.gov).

In all future correspondence regarding this project, please refer to DHPA #1353.

Very truly yours,

Ron McAhron
Acting Deputy State Historic Preservation Officer

RM:JLC:JRJ:jc

cc: Michelle Hilary, Indiana Department of Transportation
Roger Wade, P.E., P.L.S., Qk4
I-69 Section 1 Project Office
Linda Weintraut, Ph.D., Weintraut & Associates Historians, Inc.

emc: Anthony DeSimone, P.E., Federal Highway Administration, Indiana Division
Christopher Koeppel, Ph.D., Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Thomas Cervone, Ph.D., Bernardin, Lochmueller & Associates, Inc.
Jason DuPont, P.E., Bernardin, Lochmueller & Associates, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates Historians, Inc.

DNR Indiana Department of Natural Resources

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

Environmental Unit
402 W. Washington Street, Rm. W264
Indianapolis, IN 46204-2641

RECEIVED
APR 16 2007
BLA - EVANSVILLE

28 March 2007

Mr. Roger Wade
Qk4
PO Box 8464
Evansville, Indiana 47716

Re: DNR #11544-2: I-69 Evansville to Indy, Tier 2
Section 1 DEIS; Multi (Gibson and Warrick Counties)
***Revised to replace 20 February 2007 letter**

Dear Mr. Wade:

The Indiana Department of Natural Resources (IDNR) has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969. The IDNR wishes to withdraw its earlier letter dated February 20, 2007 in response to DEIS comments on Section 1 and replaces it with this letter.

There will be impacts to a wide range of wildlife species and all habitat types: forests, early successional habitats, streams, wetlands, etc. Impacts will include habitat destruction, alteration, isolation and fragmentation, and stream relocation. Cumulative effects should be expected from associated development in the future. Some avoidance and minimization efforts have been documented, but others may exist and should be investigated.

Alternative 2 and INDOT Preferred Alternative 4 have relatively slight differences; however, we recommend Alternative 2 as it provides greater protection to the large forest block at the State Road 64 interchange in the north segment. If Alternative 1-N2 can be shifted to the west to reduce impacts to this forest block, Alternative 4 would have fewer impacts. Additional reductions in impacts could result if a hybrid alternative in the central segment is considered.

Wildlife

In the State Listed Species section of the DEIS (5.17.3.3), there are three (3) species on page 5-221 that are depicted as "Species of Greatest Conservation Need". We would like clarification on this as all Indiana state listed species are considered by IDNR to fit that description. Also, it is stated that no impacts to copperbelly water snake are anticipated (Page 5-222) because of the snake's coloring. We would like clarification of this as well.

Light and noise impacts are only listed for humans when in fact these sources of pollution negatively impact wildlife. Artificial night lighting can affect the circadian rhythms of nocturnal wildlife such as frogs and salamanders and can disorient night-migrating birds. The effects on nocturnal wildlife include changes in activity patterns, foraging, predator avoidance behaviors, and reproduction, and can lead to reduced survival rates and reproductive success. These and other impacts can be avoided by using no lighting in areas where it is not necessary and minimized by shielding the lighting so that it shines directly down onto the roadway and not out from the roadway into wildlife habitat. Reduced densities of woodland bird species occur over

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300 meters into woodlands as a result of increased noise levels and low habitat quality. Reducing noise levels and improving habitat adjacent to highways are important mitigation measures.

The 2 day bird survey during the breeding season would not seem to be enough to represent bird use within the corridor. There is a strong likelihood that species were present but not recorded during the brief survey period and other species use parts of the corridor at other times of the year. Table 5.17-2 lists 12 species that the US Fish and Wildlife Service (USFWS) identifies as requiring conservation attention in its January 2002 Fish & Wildlife Resource Conservation Priorities- Region 3, Version 2.0. Red-shouldered hawk was observed during field work for Section 1 and is also listed in the USFWS document. These 13 species are among "the 243 species considered to be in the greatest need of attention under the Service's full span of authorities" due to habitat loss and degradation, among other threats. There are many additional species of concern that were or could be found in the Section 1 corridor. While there is no specific protection granted to any of these species, efforts should be made to avoid and minimize impacts to the habitats used by these species.

Bernardin, Lochmueller, and Associates, Inc., states in their wildlife corridor presentation: "Let's first take advantage of what we are already doing in road design and take a conservative approach about additional work." This is not fully consistent with other discussions regarding I-69 that described using innovative approaches in road design. Wildlife corridors have been used for decades and designing wildlife crossings as part of I-69 affords the opportunity to take a progressive approach to dealing with wildlife. Unfortunately, Section 1 is generally lacking in wildlife habitat and the wildlife corridors proposed in this DEIS should be sufficient. For the County Road 450 South wildlife corridor, including low growing vegetation is recommended. Possibilities for wildlife crossings associated with "property A" in the north segment should be investigated as they would enhance the area for wildlife and aid the property owner in accessing the entire property.

Wetlands

Generally, larger wetlands that are associated with other habitat features (such as an adjacent upland forest), and ones that contain diverse and/or unique plant assemblages should be provided greater levels of avoidance compared to smaller, isolated, and lower quality wetlands. Regardless, all wetland impacts require mitigation.

The wetland mitigation ratios provided in the DEIS do not fully coincide with the ratios used by IDNR. The DEIS references 1) the 1991 Wetland MOU between DNR, INDOT, and USFWS; and 2) The Revised Tier 1 Conceptual Forest and Wetlands Mitigation and Enhancement Plan. While the MOU is still in effect, DNR uses the higher end of the ratios presented in the MOU, which match those described in the Natural Resource Commission Information Bulletin #17. These ratios correspond with the required wetland mitigation ratios for jurisdictional wetlands as described by IDEM (Appendix B, "IDEM water resources comment ltr.pdf", dated February 16, 2005). The ratio for scrub/shrub wetlands is 3:1 and forested wetland mitigation is 4:1. In addition, considering the historic loss of wetlands and the temporal loss of wetland functions due to highway construction, applying the higher end of the mitigation ratios is reasonable.

It is important to consider the alteration of hydrology that could result from interstate construction when dealing with wetland impacts. The alteration of wetlands due to changes in hydrology should be considered an indirect impact and mitigated at the appropriate ratio.

Wetland pooling for mitigation may be acceptable if done properly. Wetlands that are eliminated because of the project are to be restored at the ratios listed in the NRC Information Bulletin #17 (which correspond to the ratios in the 1991 MOU), with in-kind replacement.

The discussion on page 5-273 concerning no net loss of wetlands states there has been a recent increase in wetlands. This statistic often includes newly constructed, large, open water systems which rarely provide the functions and values of the wetlands they are meant to replace. Compensatory mitigation is intended to replace lost wetland functions and values, not just acreage. In addition, any recent increases pale in comparison to historic losses.

Constructed and restored wetlands resulting from mitigation efforts have mixed long-term success. Wetland restoration is preferred over wetland construction and the sites most likely to succeed tend to be former wetlands that have been altered but still possess some wetland characteristics.

Among the various activities that wetlands support, page 5-261 includes "sites for development". Our agency does not consider development to be an activity supported by wetlands, but rather that development generally occurs at the expense of wetlands. If a wetland survives development, it is often degraded and does not provide all of the many benefits previously provided.

Streams

Highway construction should avoid and minimize impacts to streams, including streambank vegetation, in-stream habitat, and natural stream sinuosity. However, there may be instances where an impact to a stream is offset by the avoidance of another habitat. Such situations must be evaluated on a case-by-case basis.

Streams that were evaluated by QHEI are likely within IDNR jurisdiction (greater than 1 square mile drainage area) and require a Construction in a Floodway Permit. Relocated streams with a drainage area over one (1) square mile also require a Construction in a Floodway Permit even if the bridge exemption criteria are met. Impacts to IDNR jurisdictional streams can result in in-stream and floodway habitat mitigation requirements.

The statement "Riparian forest impacts are not additional impacts, but will be addressed as either a non-wetland or wetland forest" (page 7-22) is not the opinion of IDNR. Non-wetland riparian forests are unique habitats and need to be mitigated with riparian forest. Typically, IDNR requires 2:1 replanting or 10:1 preservation mitigation for non-wetland floodway forests. The proposed 3:1 mitigation, with 1:1 replant and 2:1 preservation, is acceptable for this particular I-69 section but is not preferred. Future sections will likely require 2:1 replanting or 10:1 preservation, or some combination of the two. Impacts to early successional floodway habitat also require mitigation, generally at 1:1.

IDNR requires mitigation for stream relocation, typically 2:1. With this type of mitigation, each foot of relocated stream is replaced by an equal length of new stream and

additional enhancement must occur along a portion of the stream that equals the length of impact. Thus, if 200' of stream is to be realigned, the new alignment must be 200' of similar or better quality as the original segment and an additional 200' of stream enhancement must occur somewhere along the new or connecting stream.

Even though many of the streams were rated relatively low using QHEI and HHEI, many could be improved through various habitat improvement measures, such as grass filter strips and woody vegetation. Even on legal drains, providing a grass filter strip alone can improve water quality.

Plants

The use of regionally native plants (trees, shrubs, grasses, forbs, sedges, etc.) is required. Consider the use of native warm season grasses and prairie plants along medians and the clear zone. Such areas can be managed by fire or mowing (with the removal of the cut vegetation), which is required once every 1-3 years. This provides additional wildlife habitat, improves the view from and to the roadway, and reduces maintenance requirements.

Other

When designing borrow pits, maintain a minimum of 25% of the shoreline footage as habitat for fish, wildlife, or botanical resources. Replant this area with grasses, sedges, wildflowers, shrubs, and trees native to Southern Indiana and specifically for stream bank/floodway/shoreline stabilization purposes as soon as possible upon completion. Do not mow, cut, or spray the area.

Basic practices such as silt fence, rock check dams, temporary slope drains, interceptor ditches (diversions), frequent temporary seeding, temporary mulching, timely permanent seeding, erosion control blankets, riprap, storm sewer inlet protection, temporary sediment traps and temporary sediment basins are examples of BMPs, but this should not be considered a complete list. Consider use of newer products for erosion control and dust management. Silt fences should not be used beyond the capabilities described in the Indiana Handbook for Erosion Control for Developing Areas.

In order to prevent excessive pollution from entering streams, stream crossings should be designed to not drain stormwater runoff directly into any streams or wetlands, but rather to contain and channel it towards the end of the bridges, where it should then be adequately treated to remove sediment and salts before being allowed to enter the waterway.

Date restrictions will be applied to prevent cutting of Indiana bat roost trees and to avoid working in streams during critical fish spawning dates.

Incorporate soil bioengineering techniques for bank stabilization where situations allow.

Alternatives

IDNR agrees with forwarding Alternative 1-S1 for the south segment. However, this alternative will result in the construction of an additional bridge for relocated County Road 550 East over a tributary to Pigeon Creek. As with the Interstate 69 bridges, the crossing for relocated County Road 550 East should also be a bridge that spans the entire floodway of the tributary and

be sized large enough to pass white-tailed deer under it (minimum of 8' tall by 24' wide of non-riprap surface).

IDNR requested in previous correspondence that an alternative that uses the southern portion of Alternative 1-C1 to roughly County Road 750 South and then the northern portion of Alternative 1-C3 be reviewed. Page 11-29 acknowledges this request, but there is not a clear explanation of whether this possible hybrid was fully considered. Rather, the inclusion of a reverse curve is considered an "undesired engineering design". Throughout the draft EIS for Section 1, the primary criteria mentioned to select alternatives are cost and environmental impacts, not an "engineering perspective". This hybrid could reduce environmental impacts if considered and investigated to determine its level of impact.

IDNR agrees with dismissing Alternative 1-N1, but continues to recommend Alternative 1-N1 Mod over Alternative 1-N2 due to reduced impacts to a large forested area. IDNR has acknowledged that Alternative 1-N1 Mod would impact West Keg Creek and that stream relocation is not a desired activity but considered this to be countered by the reduced impact to the forest at State Road 64. Unless Alternative 1-N1 Mod is chosen or Alternative 1-N2 is shifted to the west to avoid the forest at State Road 64, impacts to the core forest as a result of choosing Alternative 1-N2 should be mitigated. Mitigation could include 1) obtaining additional land to establish as forest and thereby restoring the amount of lost core forest; and 2) subsequent habitat preservation to protect the entire area (the re-established core and surrounding forested buffer) from future development. Page 5-223 states that efforts to reduce tree clearing and preserve core forests are made for Indiana bat mitigation. This should be the case when looking at the northern portion of Section 1.

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

Sincerely,

John M. Davis
Deputy Director
Department of Natural Resources

Questionnaire for the Indiana Department of Transportation,
Office of Aviation

Project No: _____ **Des/Bridge No:** _____

Project Description:

Draft Environmental Impact Statement for the I-69, Section 1 between Evansville and Oakland City, IN

Requested By:

INDOT

Are there any existing or proposed airports within or near the project limits? No

If yes, describe any potential conflicts with air traffic during or after the construction of the project.

This project should have no impact on airspace or air navigation.

This information was furnished by:

Name: Justin Klump
Title: Project Manager, INDOT-Office of Aviation
Date: 02/20/2007

JONATHAN WEINZAPFEL, MAYOR OF THE CITY OF EVANSVILLE

BY MR. WEINZAPFEL: I appreciate the opportunity to speak this evening. I wanted to come here and show my strong support for the I-69 Project and construction beginning on the south end in 2008. This is important for a lot of different reasons. Just to name a few ... I think it holds a lot of promise with regards to economic development, the creation of jobs throughout southwestern Indiana. It's gonna dramatically improve safety, as far as the driving public is concerned. It's gonna provide a much quicker connection between southwestern Indiana and the rest of the State. And also ... but it also helps bridge the cultural and political divide between southwestern Indiana and Indianapolis. Now I would assume a lot of folks here have some comments, specific comments, about how this project, the routes that INDOT is recommending, will have on your property. I would hope that INDOT would continue to listen and make changes to help minimize any negative impacts. One issue I did want to address is, the fact that as of right now this project is funded to be built solely to Crane Naval. So some tough decisions are being made as far as the routing north of Crane. The Legislature made some decisions in this last session of routing through Martinsville. In response the Daniels Administration has proposed the Indiana Commerce Connector as a way of funding I-69 and making sure that it is a toll-free highway. I think it's an innovative idea and I hope it gets every consideration. If that's the way that I-69 goes, a toll free highway, I would support it. Thank you.

KEITH JARBOE, EVANSVILLE CITY COUNCIL PRESIDENT

BY MR. JARBOE: I'd like to reiterate a lot of what has already been said. This is a very important road. It's very important because it is economic development. I happen to be a parent whose child left Indiana to find a job. I think there's far too much of that. I think too many of our bright, young people are leaving the State of Indiana to find jobs elsewhere. And I believe that I-69 will be a corridor that will create economic development to keep our brightest young adults here in the State of Indiana. I'm sure that many of you out there have had relatives, sons, daughters, whoever, leave the State of Indiana or leave your community to find good paying jobs. And that's what I see I-69 providing ... good jobs, a good quality of life. I did some reading today ... and I'm gonna keep my comments short here ... but I did some reading today and I found out that in the early 1940s, in Indianapolis, they determined that there needed to be a connector road between the State Capital and the third largest city in the State of Indiana at that time, which was Evansville. The early 1940s. It's 2007. I still think it's a good idea. I just hate that it took sixty-seven years, almost sixty-eight by the time we start construction, to get it done. It needs to be done and I would like to see it done and I support this project. Thank you.

Wehner, Jane

From: ezform@cinergycom.com
Sent: Wednesday, February 14, 2007 1:07 PM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = Robert
LastName = Townsend
StreetAddress = 225 N. Hart Street
Address =
City = Princeton
State = IN
ZipCode = 47670
Email = btownsend@gibsoncounty-in.gov
Comments = It is the opinion of the Commissioners of Gibson County that the overpass on road 825 South, just east of 550 East, should be moved to county road 650 East between 825 South and 750 South. 825 S. is a road that is subject to flooding. If the overpass is placed on 825 S. road the residents on 650 E. will not have a way out in times of flooding.

Robert Townsend
Gibson County Commissioner

022007 - 4

Gibson County Surveyor's Office

Michael Stevenson – Surveyor
101 N. Main St., Courthouse
Princeton, Indiana 47670
(812) 385-4853

February 20, 2007

Mr. Roger Wade
QK-4
P.O. Box 8464
Evansville, IN 47716

Re: I-69 crossing Upper Pigeon Creek
Phase II

Dear Mr. Wade:

I am very concerned about the span length over Upper Pigeon Creek. Currently, your plans show a span of approximately 1,200 feet. When flooding occurs, the moving flood waters extend approximately 2,400 feet north of where your proposed bridge ends. This water heads east and enters Upper Pigeon Creek near the Michael Georges Lateral (approximately one-half mile east of the proposed bridge).

By ending the bridge where you have proposed to do so, it is my belief that these flood waters could cause damage to the drainage system and the proposed structure. I also believe it will increase flooding problems in the area. I would encourage extending the span to allow flood water to continues to flow on its current path.

Sincerely,

Michael Stevenson, PLS
Gibson County Surveyor
Ex-officio, Gibson County Drainage Board

Don Whitehead,
Vice-Chairman Gibson County Commissioners
Vice-Chairman Gibson County Drainage Board

Bob Townsend

Bob Townsend,
Gibson County Commissioner
Gibson County Drainage Board

HUGH WIRTH, MAYOR OF THE CITY OF OAKLAND CITY

BY MR. WIRTH: I'm the mayor here of Oakland City, my name's Hugh Wirth. I'd like to get on board with the other mayors in support of this project. I've heard all the nay saying. I just don't believe it. I believe it will be a very strong economic benefit to our community and to this part of the State. We've been overlooked entirely too long. Thank you.

JON CRAIG, MAYOR OF THE CITY OF PETERSBURG

BY MR. CRAIG: I want to thank INDOT for putting this program on. The project does affect us all and we all stand on different sides of ... it all impacts us, each and every one, in a very different way. And I'm so thankful to have this process that we can all take part in to answer those questions. And as Mayor Weinzapfel said, I would also encourage INDOT to continue to work with each and every property owner that has a concern along the way. However, I have a concern, too, and that concern is what happens if this highway, for some reason, would not be built. We live in a community that struggles economically for one reason or another, but one of the largest reasons it exists is the lack of connectivity that my community shares with other communities, the rest of the State ... the rest of the nation. We are the crossroads of America. Indiana's known for that slogan. However, if you look at southwest Indiana, our spoke in the wheel is missing and that is the Interstate 69 Corridor. It's about bringing new jobs to our communities. It's about ... for me it's about moving a thousand coal trucks a day from our Main Street and providing safe access, safe travel and safer for Indiana coal .... the two power plants I have in my community that produce two thousand megawatts of electricity and provide over four hundred jobs. So it is about development, it's about connectivity, and it's a reasonable process. It's about connecting us not only to Indianapolis, it's not so I can get to Indianapolis a little bit quicker, it's about connecting Oakland City and Petersburg and Washington, places like that, to the rest of Indiana and the rest of the world. Thank you.

ECONOMIC DEVELOPMENT DEPARTMENT

Warrick County INDIANA

"A GREAT PLACE TO GROW"

Keith Carol
Vince Mike G.
Dean Rusty
Kent Judy
Tom
Jim G
Daniel
Jason
Carl
Jeremy
Nicole
103-0001-IPL

February 15, 2007

Mr. Kent L. Ahrenholtz, P.E.
Bernardin-Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, IN 47715-4006

RECEIVED
FEB 20 2007
BLA - EVANSVILLE

Dear Mr. Ahrenholtz:

The Warrick County Redevelopment Commission and Economic Development Advisory Council are submitting this letter to be included in the final draft of Environmental Impact Statement for Section 1 of the Interstate 69 construction project. We support the construction of Interstate 69 and strongly encourage the State of Indiana to proceed as scheduled with the Section 1 construction in 2008. In addition, we support for the relocation of State Route 57 adjacent to the North Warrick Industrial Park to create a connector road to allow commercial and industrial traffic to have a more accessible internal route to travel from the North Warrick Industrial Park to the corridor south of I-64 and to the Town of Elberfeld. Therefore, we feel it is imperative that the "flyover" section previously removed from the Environmental Impact Statement be re-inserted in the report.

Warrick County is committed to partner with the state to make this transportation project viable for economic development in the northwest corner of the county. This internal corridor will allow for a better flow of traffic for this three-county area that will be impacted by the construction of I-69.

The Redevelopment Commission is charged with the development of the North Warrick Industrial Park and will have invested over $11 million upon completion of infrastructure. The Economic Development Advisory Council supports the development of the industrial park through its advocacy for funding to the County Council. We are working to position this northwest corner of the county for future economic development opportunities that will benefit Southwest Indiana.

Thank you for time and consideration. We look forward to a productive solution to this critical component for Warrick County economic development.

Sincerely,

Tony Aylsworth
President, Redevelopment Commission

Sally Rideout-Lambert
Chairman, Economic Development Advisory Council

P. O. Box 875 • Newburgh, IN 47629-0875
TEL: 812-858-3555 • FAX: 812-858-3558 • E-Mail: jweatherholt@warrickcounty.gov

C: Governor Mitch Daniels – Office of the Governor – Statehouse – Indianapolis, IN 46204-2797
Commissioner Karl B. Browning –INDOT - 100 N. Senate Ave. IGCN Room N755 – Indianapolis, IN 46204
U.S. Senator Richard Lugar – Denton Federal Building – 101 NW Martin Luther King Blvd. – Evansville, IN 47708
U.S. Senator Evan Bayh – Denton Federal Building – 101 NW Martin Luther King Blvd. – Evansville, IN 47708
U.S. Representative Brad Ellsworth – Denton Federal Building – 101 NW Martin Luther King Blvd. – Evansville, IN 47708
Senator Vaneta Becker – 4017 Cobblefield Drive – Evansville, IN 47711-7703
Senator Richard Young – 10347 E. Daugherty Lane – Milltown, IN 47145-71418
Representative Dennis Avery – 11400 Cynthiana Road – Evansville, IN 47720-7303
Representative Suzanne Crouch – 12345 Browning Road – Evansville, IN 47725
Representative Phil Hoy – 217 Cherry Street – Evansville, IN 47713-1242
Representative Russell Stilwell – 266 Geneva Way – Boonville, IN 47601

DAVE ABEL, MAYOR OF THE CITY OF WASHINGTON

BY MR. ABEL: I've attended several of these hearings and my experience is that there aren't a whole lot of people here who don't know where they stand on I-69 and it's construction, so I'm not going to try to change anybody's opinion on that issue. I'm here to say that for the citizen's of Washington this is a highway that will make an impact on lives. It will help people to ... help us to create better jobs for folks. We think it's a very positive step. We're very pleased the decision has been made to build this highway. We want to encourage the State of Indiana to build it as quickly as they can. We're also very pleased it's going to be a free highway. The comment that I would make is, that as we're planning for this ... and the State has made known the availability of planning grants ... that we would encourage INDOT to get that information out to the cities and counties that are involved as quickly as possible. And that INDOT would work with us to try to make sure that ... the various people who are using these grants don't all need the same thing over and over ... that you help us to coordinate some of the things that'll be in common to everybody. And that the * gets produced in time so that we can make use of those things and get the most money ... or the biggest bang for the buck. So we think it's just a great thing at this time, we can build. We want to encourage you to do so as quickly as possible and help us to plan to make it the best it can be for our communities. Thank you.

*** Due to technical difficulties with the microphones throughout the evening, portions of the comments were unintelligible.**

ENVIRONMENTAL LAW & POLICY CENTER
Illinois Indiana Michigan Minnesota Ohio Wisconsin

February 20, 2007

VIA E-MAIL AND U.S. MAIL

Roger Wade
Qk4 Indiana
P.O. Box 8464
Evansville, IN 47716

Dear Mr. Wade:

The Environmental Law and Policy Center, Hoosier Environmental Council, and Citizens for Appropriate Rural Roads (collectively, the "Public Interest Organizations") hereby comment on the Indiana Department of Transportation's ("InDOT") I-69 Evansville to Indianapolis Tier 2 Draft Environmental Impact Statement & Section 4(f) Evaluation for Section 1: Evansville to Oakland City ("Section 1 Draft EIS") released on December 11, 2006. The Section 1 Draft EIS relies on a legally flawed Tier 1 EIS for the I-69 Highway, improperly segments the I-69 analysis, and fails to accurately analyze the purpose and need, impacts and cost of Section 1 of the proposed Highway. The Public Interest Organizations reiterate their position that the improvement of US 41 and I-70, along with the upgrade of existing roads throughout the project area, would be a more effective, cheaper, and less environmentally destructive alternative to the proposed I-69 Highway. Therefore, we call on FHWA to reject the Section 1 Draft EIS and for InDOT to implement the US 41/I-70 Upgrade Alternative.

I. The Section 1 Draft EIS Improperly Relies on the Legally Insufficient Tier 1 EIS and ROD.

The most fundamental flaw with the Section 1 Draft EIS is that it relies on the legally and factually insufficient Tier 1 EIS and Record of Decision ("ROD") for the I-69 Highway. As long-time participants in the I-69 EIS process, the Public Interest Organizations hereby incorporate by reference our prior comments on the Tier 1 EIS. These comments demonstrated that the Tier 1 EIS:

1. Improperly rigged the purpose and needs analysis in favor of a new terrain route for the I-69 Highway;
2. Failed to rigorously explore and objectively evaluate alternatives, including the US 41/I-70 Upgrade Alternative;
3. Failed to accurately measure environmental and other relevant impacts; and

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Ellen C. Craig – Chairperson Howard A. Learner – Executive Director

4. Failed to comply with other binding laws, including but not limited to Section 4(f) of the Department of Transportation Act and Section 404 of the Clean Water Act.

Because of these shortcomings, the Public Interest Organizations have filed suit in the U.S. District Court for the Southern District of Indiana to challenge the Tier 1 EIS and accompanying ROD. *See Hoosier Environmental Council v. U.S. Dept. of Transp.*, Cause No. 06-1442 (S.D. Ind.). Given that the Section 1 Draft EIS relies on the Tier 1 EIS, the Section 1 Draft EIS is also invalid.

This reliance on the Tier 1 EIS is also problematic because Indiana law now forecloses InDOT from using portions of the selected 3C Corridor for the proposed I-69 Highway. In particular, the Major Moves legislation prohibits the Highway from going through Perry Township. This prohibition will require a significant change to the 3C Corridor selected in the Tier 1 EIS and ROD and, therefore, will require that the Tier 1 process start over for re-evaluation of alternative corridors for the new highway.

The tiering process used here is also improper because it foreclosed a fair evaluation of transportation alternatives. As the Public Interest Organizations noted in their February 2004 comments on the Tier 1 Final EIS and Section 4(f) Evaluation, INDOT and FHWA improperly created a hybrid Tier 1 EIS. This study addressed several issues in significant detail, in some instances disproportionately so for the selected Alternative 3C, but unlawfully deferred other critical issues until Tier 2. Deferring issues prevented any meaningful policy-level comparison of corridor alternatives with respect to, e.g., impact on public park and recreation lands, wildlife and waterfowl refuges, karst, and historic sites (as required under Section 4(f) of the Department of Transportation Act) and on waterways (pursuant to Section 404 of the Clean Water Act). In addition, while the Section 1 Draft EIS contends that the I-69 Highway would provide local transportation benefits, the tiered process used here foreclosed a consideration of whether local road improvements, combined with improvements to US 41 and I-70, would provide greater local benefits. Had the deferred NEPA, Section 4(f), and Section 404 issues been addressed in Tier 1, and environmental impacts been assessed equally among alternatives, it is likely that the US 41/I-70 Upgrade Alternative would have been carried forward to Tier 2.

II. The Section 1 Draft EIS Sets Forth an Improper and Unjustified Purpose and Need.

For its statement of Purpose and Need, the Section 1 Draft EIS carries forward the Tier 1 Purpose and Need, then identifies “local” goals specific to Section 1. These local goals are: (1) completing Section 1 of I-69, (2) increasing personal accessibility, (3) reducing existing and forecasted traffic congestion, (4) improving traffic safety, and (5) supporting local economic development. (p. 2-3). This Purpose and Need Statement is inadequate for four reasons.

First, as explained in prior comments, InDOT constructed the Tier 1 Purpose and Need in a manner that guaranteed the selection of the new-terrain Alternative 3C corridor. The agency did so by listing three purposes and nine policies which favor Alternative 3C by exaggerating the purported accessibility and economic development needs of southwest Indiana, as well as by

using metrics for the goals and policies that inflate the differences among the studied alternatives. The Section 1 Draft EIS's reliance on this flawed Tier 1 Purpose and Need is improper.

Second, the Section 1 Draft EIS continues to improperly imply that Congress' designation of the I-69 corridor requires the construction of a new terrain highway. (pp. 2-3 to 2-4). Neither the 1998 Transportation Equity Act for the 21st Century ("TEA 21") nor any other federal law requires the construction of any portion of I-69. Instead, TEA 21 requires only that states designate a route for an I-69 Corridor from Canada to Mexico. Rather than building a new highway, other states such as Kentucky have simply designated existing roads as part of the I-69 route. Indiana can and should do the same.

Third, while InDOT asserts that Section 1 would address local needs (p. 2-3), the Section 1 Draft EIS fails to demonstrate that there are sufficient local needs to justify the construction of a $230 million segment of highway. For example, while InDOT claims that the project is needed to reduce congestion in the Study Area (pp. 2-7 to 2-8), the Draft EIS projects that in 2030 there will be only two intersections and two small stretches of road that would have a congested level of service. (p. 2-8). According to the map on p. 2-16, all of these congested areas will be in the city of Evansville, not in the Study Area. InDOT also claims there is a need to increase personal accessibility, which is measured in local residents' access to a highway and to cities such as Bloomington and Indianapolis. (pp. 2-7, 3-44, 3-45). No evidence is provided, however, as to how many people in the Study Area actually need to or want to make those trips. Without this data, there is no supportable ground for asserting that the Section 1 Highway is "needed."

Fourth, InDOT has improperly segmented the Tier 2 EIS by evaluating separate sections of the highway that do not have independent utility. There is simply no evidence that if other portions of I-69 were not built, Section 1 would provide any worthwhile transportation benefit. For example, the purported congestion reductions would result from the removal of truck traffic that is traveling long distances from SR 57. (p. 2-8). In addition, the goal of increased accessibility to a highway means little if only Section 1 of I-69 is built. Also, Section 1 would not provide increased access to Bloomington or Indianapolis if other sections of the Highway were not built. As such, the Tier 2 EIS approach being taken by InDOT violates NEPA regulations that prohibit the segmentation of a highway project.

This segmentation is especially problematic for two reasons. First, as discussed in Section IV below and noted by the U.S. Environmental Protection Agency, by breaking up the Tier 2 analysis into separate sections, InDOT is avoiding providing a quantification of the total direct, indirect, and cumulative environmental impacts of the I-69 Highway. Second, there are concerns that alignment decisions made for one segment will cause unavoidable impacts for another segment. For example, we share the Indiana DNR's concerns that the proposed alignment for the north end of Section 1 may cause Section 2 to fragment a large upland forest area that should be avoided. (p. 3-52). For these and other reasons, we call on InDOT to comply with NEPA and not segment the Tier 2 analysis.

III. The Section 1 Draft EIS Fails to Rigorously Explore and Objectively Evaluate All Reasonable Alternatives.

The Section 1 Draft EIS engages in a consideration of alternatives that is "circumscribed by the decisions reached in Tier 1." (p. 3-1). As a result, the Draft EIS considered only various combinations of different highway alignments that fall within the Alternative 3C Corridor selected in the Tier 1 EIS and ROD. No local road improvements or alignments outside of the 3C Corridor were evaluated.

The Section 1 Draft EIS's alternatives evaluation is flawed for a number of reasons. First, as the Public Interest Organizations have described in their previous comments, the Tier 1 EIS and the tiering process in general has improperly foreclosed an objective evaluation of the US 41/I-70 Upgrade Alternative. Those prior comments explained how improving US 41 and I-70 would serve the purposes of the I-69 Highway at a lower cost and environmental impact than the new terrain 3C Alternative. Common sense also suggests that local road improvements that should have been evaluated as part of a US 41/I-70 Upgrade Alternative would better serve the local needs of improving accessibility and reducing congestion in the Study Area than would a new highway. NEPA requires that an objective evaluation of both the highway improvement and local road upgrade portions of the US 41/I-70 Upgrade Alternative occur.

Second, in identifying alternative alignments, the Section 1 Draft EIS fails to try to minimize impacts to agricultural lands. INDOT used the computer program Quantm, an engineering alignment optimization tool, to assist in development of the Section 1 alternatives. (p. 3-1). This program "allow[s] alternatives to be compared according to a variety of attributes." (p. 3-6). Specifically, Quantm computes the cost of various alignments based upon input of geographic, topographic, and geologic information; geometric design criteria; unit cost data; and environmental constraint information. (*Id.*) INDOT notes that the program results are constrained by the quality and quantity of data provided. Given these constraints, the agency used Quantm to "obtain[ ] first-cut alignment definitions and conduct[ ] "what if" scenario analysis," i.e., to generate a set of alignments for further development using conventional techniques.

In running Quantm to provide a "first-cut," InDOT apparently looked at only two factors: wetlands avoidance and avoidance of developed lands. (p. 3-7). The Draft EIS notes, however, that "agricultural land was identified as the only significant resource significantly affected by the project." (Draft EIS at 3-11, citing Chapter 5, Indirect and Cumulative Impacts). The Section 1 Draft EIS mysteriously does not explain why InDOT failed to use avoidance of agricultural land as a scenario in its first-cut Quantm analysis, even as INDOT lists minimization of farmland division as a "basic objective" of the Quantm analysis. (p. 3-8). This failure to consider avoidance of an admittedly significant resource in generating alignments for detailed study renders the Section 1 Draft EIS consideration of alternatives incomplete.

Third, the Section 1 Draft EIS's purported analysis of the performance of the alternative alignments fails to provide any useful analysis as it relies on entirely unreasonable assumptions. With regards to personal accessibility, the Draft EIS calculates the total travel distance and time with and without Section 1 from various towns in the area to Evansville, the Toyota plant, the North Warwick Industrial Park, the Crane Naval Center, Bloomington, and Indianapolis. (pp. 3-

44 to 3-47). After concluding that either build alternative would lead to a reduction of 0 to 6 travel miles and 34 to 46 travel minutes, the Draft EIS then multiplies the total population of various towns in the Study Area by those mile and time reductions to conclude that either alternative would lead to a reduction of approximately 32,000 miles and 6,800 hours of travel per weekday.

These figures tell us virtually nothing about the local accessibility benefits of Section 1. For one thing, the reduction in travel miles and time is most likely due to trips to Bloomington and Indianapolis, not trips in the local area. The vast majority of people in the local area, however, probably rarely travel to Bloomington and Indianapolis, but do travel locally all the time. So, while the Draft EIS claims it is assessing the local benefits of Section 1, it is actually masking the fact that there are virtually no local benefits by focusing on long distance trips that few people make. In addition, the alleged overall savings of 32,000 miles and 6,800 hours of travel is based on the obviously false assumption that that everyone in those towns travels to Indianapolis and Bloomington (along with Evansville, Toyota, Crane, and North Warwick) every day. In order to accurately evaluate the local benefits of Section 1, InDOT must analyze where residents of the Study Area actually travel on a daily basis and how various transportation improvements, including improvements to existing local roads, would impact such travel.

Similarly, the Draft EIS purports to evaluate accessibility in terms of travel time from various communities, the Toyota plant, and the North Warwick Industrial Park to the Interstate system. (p. 3-46). For Elberfeld and the North Warwick Industrial Park, however, either build alternative actually decreases accessibility to the interstate system. Also, the important question should be how to best help local people get where they want to go, not merely whether they can get to an interstate that might never be completed. Finally, the Section 1 Draft EIS multiplies the purported time and mileage savings by the entire population of the various communities (p. 3-47), once again relying on the obviously false assumption that everyone in the area will want to drive to an interstate every day.

As for safety, the Section 1 Draft EIS estimates that while there will be an increase in highway accidents of 113 per year, accidents on non-highways will decrease 209, for a net reduction of 96 accidents per year. (p. 3-48). The Draft EIS, however, does not state how many accidents currently occur per year in the Study Area, so there is no way to know whether this decline is significant or not. In addition, the Draft EIS fails to evaluate whether a local road alternative that included improvements to high-crash areas in the existing road system would provide more safety benefits than the construction of I-69.

Finally, the Section 1 Draft EIS contends that Section 1 would provide economic development benefits, but bases that contention on the same flawed analysis of accessibility discussed above. In addition, any economic benefit for the I-69 Study Area will come at the expense of the lack of investment and decline in traffic in communities along US 41 and I-70. In order to satisfy NEPA's objective analysis requirement, InDOT must evaluate and disclose the negative economic impacts of its proposal on those communities, rather than just trumpeting the alleged economic benefits of I-69 on other communities.

IV. The Section 1 Draft EIS Sets Forth a Large, Though Underestimated, Cost Increase for the Proposed I-69 Highway.

The Section 1 Draft EIS demonstrates that the proposed I-69 Highway will cost significantly more than the cost estimates that InDOT has previously set forth. The Tier 1 EIS sets forth a cost estimate in 2000 dollars for Alternative 3C of $1.71 to $1.83 billion, with Section 1 estimated to cost between $112 and $131 million. (Tier I EIS at 6-66). The Section 1 Draft EIS provides a cost estimate in 2004 dollars for Section 1 of $161 million (p. S-18), with a projected 2010 construction cost estimate of $230 million. (p. 3-58).

In comparison to the median 2000 cost estimate of $121 million for Section 1, the construction cost for Section 1 is expected to increase approximately 90% by the likely construction year of 2010. Assuming that similar cost increases will be found for every section, the projected 2010 construction cost for the entire I-69 Highway is $3.36 billion.[1] With the addition of 2% for utility relocations (approx. $67 million – see Tier 1 EIS App. HH-14) and at least $77 million for mitigation (Tier 1 EIS at 6-66),[2] the total 2010 cost estimate is nearly $3.5 billion. Plainly, such a major increase in projected costs requires a re-evaluation of whether the proposed I-69 Highway is worthwhile and whether the significantly cheaper US 41/I-70 Upgrade Alternative is more cost effective.

In addition, it is important to note that the Section 1 Draft EIS may actually underestimate the cost increase for the I-69 Highway. The Draft EIS assumes that 2004 cost estimates will increase 37.98% by 2010 based on the overall increase in the Producer Price Index ("PPI") from 1987 to 2004. (App. C at 10-11). This focus on the long-term increase of the overall PPI, however, appears to overlook the fact that highway construction costs have skyrocketed in the last few years.[3] InDOT must provide realistic construction cost estimates that reflect these recent price increases in its studies of the proposed I-69 Highway.

V. The Section 1 Draft EIS Does Not Take a Hard Look at the Impacts of the Proposed Highway.

In chapters 4 and 5 of the Draft EIS, InDOT purports to evaluate the impacts of various potential Section 1 alignments within the Alternative 3C Corridor. This evaluation suffers from two primary flaws. First, as the U.S. Environmental Protection Agency has noted, InDOT must quantify the total direct, indirect, and cumulative impacts of all Sections of the I-69 Highway. (p. 11-31). InDOT claims that the Tier 1 EIS provided a sufficient overview of the total impact of the proposed highway. (*Id.*) The Tier 1 EIS, however, set forth only a general overview of possible impacts from placing the proposed highway somewhere in a 2,000 foot wide corridor. In comparison to that wide-lens view, the Tier 2 EISs will provide a much more focused and precise analysis of the actual impacts of each of the various segments of Alternative 3C. In order for a fully informed decision to be reached here, those segment impacts must be totaled for the

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[1] This figure represents a 90% increase in the median 2000 total cost estimate of $1.77 billion for Alternative 3C.
[2] This mitigation figure will most likely be much higher by the time any construction of I-69 would actually occur.
[3] *See, e.g.*, Federal Highway Administration, Highway Construction Cost Increases and Competition Issues, http://www.fhwa.dot.gov/programadmin/contracts/price.cfm.

entire route so that Alternative 3C can be compared to other less harmful alternatives such as the US 41/I-70 Upgrade Alternative.

The quantification of the total impacts of all of the Tier 2 segments and re-evaluation of alternatives including the US 41/I-70 Upgrade Alternative is especially needed because the proposed highway is much wider than assumed in Tier 1. In particular, in going from Tier 1 to Tier 2, INDOT added four feet to the median width of 80 feet. (p. 3-13). The purported justification is to allow for addition of a 12-foot-wide interior lane in each direction while maintaining a 60-foot-wide median, "should future traffic volumes warrant adding such lanes." (*Id*.) There is no evidence in the record, however, that future traffic volumes would justify the expansion of this already unnecessary highway to six lanes. In addition, the Draft EIS notes that "the land area required for right-of-way is approximately 31% higher for the various alternatives when compared to the Tier 1 EIS." The full environmental impacts of this increase in the footprint of the proposed I-69 Highway must be fully evaluated.

The second major flaw with the Section 1 Draft EIS's evaluation is that it underestimates or ignores many of the impacts that the proposed highway would have, including:

Threatened or Endangered Species and Wildlife Impacts: Tables 3-8, 3-9, and 3-10 say that no threatened or endangered species were found in the corridor but that a Biological Assessment will be prepared for the Indiana Bat. (pp. 3-53 to 3-54). This claim, however, is contradicted elsewhere in the Draft EIS. For example, a maternal colony of Indiana bats is within the action area for this species. (p. 5-213). The state endangered evening bat was also found in the study area. Six other state listed bat species were mist netted in the study area. (*Id*.). In addition, the state listed red-shouldered hawk was seen and is likely in or near the corridor. (p. 5-218). A possible nest site was also located. (*Id*.) Three other state listed birds, the barn owl, loggerhead shrike, and northern harrier, are also possibly in the study area. (pp. 5-218 to 5-219). The impacts to these species must be fully evaluated.

In addition, other species were likely overlooked as the surveys done were cursory and/or outdated. For example, the Draft EIS notes that "field investigations for this study did not include extensive trapping or other observations that would confirm the presence of the listed species in the project corridor." (p. 5-250). In addition, the only search for bird species was a two-day survey done in mid-May 2005 that involved simply driving around the Study Area in a car with the windows down. (p. 5-210). Obviously, driving around in a car is not a very efficient way to determine what sort of birds are in the area, as car noise may drown out the sounds of birds and many birds prefer interior habitat that is away from disturbances. Also, the fish and mussel survey of the Area was done in 1993, which is too old to be considered accurate. More thorough surveys for species must be conducted so that a thorough evaluation of impacts to threatened and endangered species and wildlife in general can occur.

Air Quality Impacts: The Section 1 Draft EIS essentially dismisses any concerns about air quality impacts by claiming that the Highway satisfies conformity requirements and that no PM2.5 hot-spots will be created. (p. 5-150). This analysis, however, suffers from a number of flaws. First, the Evansville MPO conformity analysis relied on in the Draft EIS assumes that construction of I-69 will begin in 2017. (p. 5-149). InDOT, however, has stated that construction

will likely begin in 2008 and the Section 1 Draft EIS assumes for cost estimate purposes that construction will begin in 2010. As such, the conformity analysis is invalid.

Second, the Draft EIS's hot spots analysis relies solely on information from the Tier 1 EIS. (p. 5-150). InDOT claims that a site-specific Tier 2 analysis will not occur until after the Section 1 Final EIS is issued. (*Id*.) NEPA, however, requires that such information be released prior to the Final EIS, so that it can be reviewed and commented on by the public.

Third, the Section 1 Draft EIS acknowledges that there are potentially serious health risks associated with air pollutants from auto and truck exhaust, but then claims that it is not possible to evaluate the project-specific health impacts created by these air pollutants. (p. 5-146 to 5-149). This claim ignores the requirements of federal law and the ability to use existing models to provide at least some estimate of localized air quality health impacts. Federal law plainly requires that such health impacts be analyzed. The Federal Aid Highway Act and its implementing regulations require the Federal Highway Administration to consider the adverse effects of air pollution, to evaluate the costs of eliminating or minimizing such effects, and to incorporate measures necessary to mitigate the effects. 23 U.S.C. 109(h); *D.C. Federation of Civic Associations v. Volpe*, 459 F.2d 1231, 1242 (D.C. Cir. 1971). In addition, health effects are clearly an environmental impact that must be analyzed under NEPA – in fact, NEPA regulations require an agency to address the extent to which a project impacts public health. 40 C.F.R. 1508.27. Also, NEPA's goals of encouraging informed agency decision making and fully informing the public about a project can only be met if all of the impacts – including the public health impacts – of a project are discussed in the EIS.

It is factually erroneous for InDOT to assert that it cannot estimate the health impacts of the increased air pollution that the I-69 Highway would create. Numerous studies have demonstrated that auto and truck exhaust presents a significant health risk to individuals living near a high traffic area. In the EPA's "Guideline on Air Quality Models," the agency weighs in against the adoption of a single model for regulatory purposes, noting that "the diversity of the nation's topography and climate, and variations in source configurations and operating characteristics dictate against a strict modeling 'cookbook.'" 40 C.F.R. Part 51, Appendix W. Instead, EPA calls for a case-by-case modeling approach, *id.*, and publishes lists of preferred or recommended dispersion models for measuring concentrations of pollutants from mobile sources. *Id.*, EPA Support Center for Regulatory Air Models, Guideline on Air Quality Models, Appendix A and former Appendix B. Of particular relevance here are the CALINE3 and HYROAD models. CALINE3 is a preferred or recommended model used to determine concentrations of carbon monoxide and particulate matter around highways. HYROAD is an alternative, microscale transportation model used to simulate the effects of traffic, emissions, and dispersion. This model is specifically designed to determine concentrations of carbon monoxide, PM, and air toxics. Both CALINE3 and HYROAD can and should be used as the basis for estimating the public health impacts of the increased air pollution that would be emitted by the DIFT.

Finally, InDOT has misinterpreted the requirements of 40 C.F.R. 1502.22. Under that regulation, InDOT cannot simply rely on an alleged lack of certainty in various modeling techniques, but instead must undertake the best possible estimate using existing models or

discuss why limitations in an existing model would prevent the agency from comparing the relative merits of various control strategies or project alternatives. Even where a model falls short of identifying the exact endpoint of concern for, e.g., an enforcement action or a rulemaking, that model can still serve an important comparative function for NEPA purposes if the implications of the model's shortcoming(s) are the same across alternatives. While InDOT has noted uncertainties in the modeling, there is no justification in the Draft EIS why at least an estimate of these air quality health impacts cannot be provided.

Water Quality Impacts: Runoff from the I-69 Highway will have significant impacts on surface waters in the Study Area. The Section 1 Draft EIS fails to identify any steps to avoid or mitigate these impacts. (p. 5-298, 7-1). In addition, the increased impervious surface from the Highway and the sprawl that it spawns is likely to cause increased localized flooding. Also, water wells in the area could be contaminated during and after construction but the Draft EIS states only that InDOT's Standard Specifications and Best Management Practices will be used to avoid these impacts. These practices are notoriously inadequate to protect water supplies, as they have failed during other highway construction projects, such as the 641 Bypass around Terre Haute. InDOT must address these issues.

Forest Impacts: The Section 1 Draft EIS apparently tries to excuse the fact that the preferred alternative identified for Section 1 will destroy 33 acres of forest by claiming that such impacts will be mitigated at a 3:1 ratio. This mitigation, however, involves only 1:1 "replacement" through the replanting of open fields, and 2:1 "preservation" through the purchase of forested lands that will be transferred to the Indiana Department of Natural Resources or other state agencies. Neither approach, however, will replace the mature forests that will be lost if I-69 is constructed. Replanted fields take decades to mature, and preserved forests are no replacement at all, especially if InDNR, as is its practices, manages those forests for timber management rather than wildlife and natural area protection. In other words, contrary to the Draft EIS's claims, the forest losses due to the I-69 Highway will not be mitigated.

Archaeological Impacts: The Section 1 Draft EIS states that the results of archaeological surveys will be reported in the Final EIS for Section 1. (p. 5-189). NEPA, of course, requires that such information be presented before the Final EIS is issued so that the public has an opportunity to review and comment on such surveys.

Inadequate Mitigation: InDOT has not provided adequate assurances that mitigation of wildlife impacts will occur. For example, possible sites with willing sellers are proposed for forest mitigation but it cannot be assumed these will be found or where they will be found. It is also uncertain if money will be available to do the mitigation proposed. If the project starts and cost overruns pile up, as they will, cutbacks in areas such as mitigation will likely be made. In addition, mitigation measures for most species are identified, but will occur only "where feasible and appropriate." This leaves a gaping hole and makes it unlikely any mitigation measures will actually be implemented. InDOT must provide mitigation assurance that are binding, identify who is responsible for carrying them out, and set aside adequate money to ensure that they can be completed.

Section 4(f): The Section 1 Draft EIS continues to rely on the faulty Section 4(f) analysis included in the Tier 1 EIS. (p. 8-3) That analysis erroneously claimed that all alternative corridors would have substantially equal impacts to Section 4(f) resources. In fact, the US 41/I-70 Upgrade Alternative would avoid Section 4(f) resources, while the 3C Alternative selected by InDOT would have significant impacts to Section 4(f) lands such as the Patoka National Wildlife Refuge, Morgan Monroe State Forest, the Combs Unit of the Martin State Forest, and the Patoka Bridges Historic District.

Social Impacts: The I-69 Highway would have numerous social impacts that are ignored or understated by the Section 1 Draft EIS. For example, the preferred alternative would come within 100 feet of the Nobles Chapel Church. While the Draft EIS attempts to discount any impacts to the church, in fact there would be significant noise, air pollution, and ambience impacts.

The Draft EIS states that land and home acquisition is "anticipated to be several years hence." This is in direct conflict with statements at the public hearing at Oakland City and with statements in the media that land acquisition would begin in the summer of 2007, with construction starting in the summer of 2008.

The Draft EIS notes that "in Gibson County, public sentiment expressed at numerous meetings was strongly protective and supportive of farming operations and maintenance of the area's historically rural setting and lifestyle," but fails to discuss the importance of this sentiment. (p. 5-34). In fact, many local residents are opposed to I-69 because it will destroy the rural way of life found in the Study Area while providing very little benefits. The Draft EIS should acknowledge and address this opposition.

The Draft EIS suggests that local residents are concerned with the impacts that I-69 would have on "local roads and established travel patterns, and impacts to community facilities" (p. 5-34), but then fails to adequately address the issue. In particular, there is no assessment of the impact that the alternatives would have on traffic conditions on local roads throughout the Study Area. This is of especial concern because either alternative would lead to the closure of 13 roads and access to the interstate off of SR-57 will be changed. The traffic impacts of these changes must be evaluated.

The Section 1 Draft EIS also overlooks the increased crime that is likely to accompany the I-69 Highway. Studies show that the increased traffic and accessibility that accompanies a new highway will also bring increased crime to the Study Area.[4] Such increases in crime will both directly impact residents of the Study Area and place a burden on local police forces.

Agricultural Impacts: The Section 1 Draft EIS states that it has analyzed agricultural impacts through a process that complies with the Farmland Protection Policy Act of 1981 ("FPPA"). (pp. 5-82 to 5-83). As acknowledged in the Draft EIS, "it is advisable that evaluations and analyses of prospective farmland conversion impacts be made early in the planning process

[4] *See, e.g.*, Klontz, K., Mericle, J., and Maskarinec, M., On the Road Again: Crime and Major Transportation Routes (2003).

before a site or design is selected, and that, where possible, agencies make the FPPA evaluations part of the National Environmental Policy Act (NEPA) process." (Id.). This, of course, did not happen here, as InDOT did not initiate an FPPA analysis until Tier 2, after the preferred route was chosen and less harmful alternatives were rejected. This is another example of how InDOT has used the tiering process to rig the analysis in favor of the 3C Alternative.

The Section 1 Draft EIS also provides inaccurately low estimates of agricultural land values. The Draft EIS estimates that agricultural land is valued at $2,200 to $2,600 per acre, while the price per acre is actually in the $4,000 to $5,000 range, and would be even higher around the interchanges should I-69 ever be built. These more accurate figures should be used.

The Section 1 Draft EIS also contends that the economic loss from the destruction of agricultural lands would be fairly small. (p. 3-58). InDOT's assessment, however, ignores the losses from the indirect and cumulative impacts of the I-69 Highway on agricultural land.

Indirect and Cumulative Impacts: The Section 1 Draft EIS concludes that there would be relatively small indirect and cumulative impacts to agricultural lands, and that other resources would experience no indirect and cumulative impacts. The Draft EIS projects that a total of 7,363 acres of farmland will be destroyed by 2030, but that only 295 acres of that is due to growth that would be induced by I-69. (p. 5-372).

This analysis fails for a few reasons. First, NEPA's cumulative impacts provision requires an evaluation of the combined impacts of all reasonably foreseeable projects. Obviously, the completion of the rest of I-69 is a "reasonably foreseeable" project. Therefore, NEPA requires that InDOT quantify and report the total impacts of the I-69 Highway as determined in the Tier 2 process.

Second, the suggestion that I-69 will cause only a small amount of the projected growth in the Study Area by 2030 seems highly unlikely. In fact, InDOT and numerous politicians have repeatedly claimed that a major justification for the I-69 Highway is the "economic development"[5] that it will purportedly bring to the communities near the Highway. Plainly the Highway cannot both bring "economic development" and not be responsible for the growth that may occur in the Study Area.

Third, as part of its indirect and cumulative impacts analysis, InDOT cannot just quantify the increased growth that the proposed I-69 Highway and other actions will trigger. Instead, NEPA requires that the agency analyze the impacts that such growth will have on the environment. For example, as farmland and open space is developed because of the sprawl that I-69 will cause, increased runoff from impervious surfaces will have a detrimental impact on waters in the area. Such impacts must be included in the indirect and cumulative impacts analysis.

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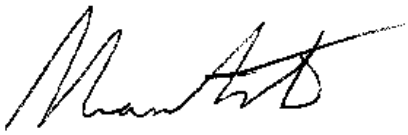
[5] Such purported "economic development" would be urban sprawl that is triggered by new highways throughout the country and would represent little more than a shift in development away from US 41 and existing downtowns in villages and urban areas throughout the project area.

VI. Conclusion

The Section 1 Draft EIS represents just another step in InDOT's legally and factually flawed attempt to justify the construction of a new-terrain I-69 Highway from Evansville to Indianapolis. As described above, InDOT here has relied on the legally invalid Tier 1 EIS, improperly segmented the Tier 2 process, failed to engage in an objective analysis of alternatives for best improving transportation in the Study Area, and underestimated or ignored the costs and impacts of its desired I-69 Highway. The Public Interest Organizations call on FHWA to reject this insufficient document, and for InDOT to pursue the US 41/I-70 Upgrade Alternative.

Respectfully submitted,



Shannon Fisk
Counsel for the Environmental Law and Policy Center, Hoosier Environmental Council, and Citizens for Appropriate Rural Roads

CC: Mark Ahearn
Tom Seeman

STEVE SCHAEFER

BY MR. SCHAEFER: My name is Steve Schaefer. I'm here representing two groups tonight. First, Hoosier Voices for I-69. That's a statewide coalition advocating support for the highway. And also representing the Chamber of Commerce of Southwest Indiana. But I'll be very brief because tonight is about the landowners, the farmers, those of you that have land in Section One that are gonna be directly impacted. But I simply want to state our support, both organizations, for the highway, for the Draft Environmental Impact Statement that is on the slate tonight. And our organizations are here to help. If there's any issues that we can help during this process, we are here to listen to you and help you through that process. I just want to thank you all for coming. I want to thank INDOT, Bernardin Lochmueller, QK4, for this ... it's a lengthy process but it's a needed process to gain input from all of you and I just thank you all for attending.

NILES ROSENQUIST

BY MR. ROSENQUIST: I'm from Evansville, Indiana, * I'm a member of the Environmental Health Solutions. Let me talk about one very specific issue. The law was passed in the last session of the Legislature that requires some future sessions of the Legislature to give its approval before I-69 can be built through Perry Township which is just off of Indianapolis. What this law basically does is makes it illegal for INDOT to build the current approved alternative to this highway through that township until some future session of the Legislature passes a law saying it's legal. Now there's a lot of speculation of how to deal with this little problem, you know. Maybe some ... one of the old alternatives that's been overlooked would be *. But the reality is that INDOT can't complete this highway as it's currently drawn and approved. And in fact the precedent set by the people in Perry Township, the other people up there see that too. * So this isn't something that can be ignored. My question tonight for INDOT is what is their contingency if they cannot finish this highway because they can't find a politically viable route. Or the other question is, why are we talking about starting it down here tonight when they don't know how to finish it?

*** Due to technical difficulties with the microphones throughout the evening, portions of the comments were unintelligible.**

Daniel Townsend

From: ezform@cinergycom.com
Sent: Friday, January 19, 2007 10:18 AM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = Raymond
LastName = Adams
StreetAddress = 60175 Ruby St
Address =
City = South Bend
State = IN
ZipCode = 46614
Email = rdadams184@ameritech.net
Comments = I like the I-69 project. The sooner the better. We travel t osouthern Indiana frequently. It is very difficult to get to Evansville. We need this road completed ASAP!!!! Even if it ends up being a toll road UNDER INDIANA STATE CONTROL. Not a foreign consortium.

JAN BOYD

BY MS. BOYD: Hi, my name is Jan Boyd. The money for major moves would pay for the entire US 41 upgrade. If we go up 41 then we don’t need any more money. Thank you.

WILLIAM BOYD

BY MR. BOYD: I'm very happy to be here. I guess the first question ... how do you tell you're at an INDOT I-69 meeting? You have all kinds of law enforcement. Gentlemen, thank you for being here tonight, but we'd really rather have you out on the roads. We are not a bunch of radicals. We just feel we're being wronged. I get so angry when I come to these meetings, I could chew nails. The reason they're trying to solicit more comments is because is what they haven't told you is that Governor Daniels' is privatizing paper shredding of the State and they're about to commence shredding all the hundred thirty thousand comments that were made by people earlier and they want to keep these other people busy so they want to shred these comments as well. I made that up. About a year ago I had a chance to ask the Governor a question at a statewide meeting. And I asked him about the number of jobs he proposed to create. According to Daniels, he says for every one * highway, fifty thousand jobs were created. Okay, when you do that math it's gonna be roughly a hundred thousand jobs for all of this section of I-69. Now that's ninety-five thousand four hundred more jobs than what's in that study that's up there, okay? So there's some fuzzy math over there. what we need in this study, we need the best and truthful facts and not just the convenient ones which you'll find up there. The convenient facts are up there to try and prove INDOT's case to build a highway we do not need. Now you have a claim of economic opportunity, economic development. Everyone of you that buys a Powerball ticket has that same economic opportunity, okay, but it ain't gonna happen. We have over a thousand miles of interstate in Indiana currently. And we don't ... with all of this * we don't have jobs. Get involved, join up, be counted, WWW.CARRI69.ORG. Thank you.

*** Due to technical difficulties with the microphones throughout the evening, portions of the comments were unintelligible.**

Wehner, Jane

From: Wade, Roger
Sent: Tuesday, February 20, 2007 6:48 AM
To: Wehner, Jane; Mike Grovak
Subject: FW: I-69 Tier 2 Web Site Section 1 DEIS Comment

-----Original Message-----
From: ezform@cinergycom.com [mailto:ezform@cinergycom.com]
Sent: Monday, February 19, 2007 9:38 PM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = William
LastName = Boyd
StreetAddress = R2 Bx 296
Address =
City = Bloomfield
State = IN
ZipCode = 47424
Email = waboyd@iquest.net

Comments = 1.2.3 –Tier 1 re-evaluation. It should be quite apparent that INDOT does not have sufficient funding to complete this project. INDOT has requested that the re-evaluation be withdrawn, yet the current state law requires tolling on this project. Tier 2 should not be allowed to continue until a full funding of the project has been achieved.

2.3.2 – The personal accessibility goals stated fail to take into account there is no plan to extend this project any further than the I-64 interchange, thus negating any of the false assumptions used. Community input has overwhelmingly be opposed to this project in it’s entirety, yet this input has fallen on deaf ears. INDOT only hears from those who support their view that this project is needed.

2.3.3 Highway congestion can be easily addressed if INDOT would provide the basic service for which they are tasked. Improvements to all the local roads would solve the reported problems. By upgrading existing roads, similar to what INDOT has done in other areas, bringing local roads and highways up to instate-grade roadways, congestion can be addressed, providing much better access for local communities.

2.3.5 The plain and simple truth is that highways do not bring, nor guarantee economic development. With Indiana being 4th in the nation in rural interstate density, and +/- 9th in total interstate miles per square mile, economic development should be flourishing without this project. Yet that is not the case. This alone should disprove this INDOT claim. The study reports that business owners were surveyed, yet this does not include any of the farmers, whose business dominates the area were included.

2.4 Public input is stated as having been extensive. One public meeting does not constitute extensive. Providing a website, difficult to navigate, and infrequently updated is woefully inadequate. Even given the difficulties in expressing their views, the public continues to oppose this project. Denial of this project by the FHWA is justified. Public opposition for over 16 years, numerous previous studies have been consistent, this project is not wanted nor needed.

2.5 Goals – the stated goals of project are only INDOT vision of what they say the public needs. The public has been continuously telling INDOT to fix the existing roads in lieu of continuing to build new and neglecting existing roads.

It is quite obvious from figures 2.2 & 2.3 that INDOT and the State have more than an adequate number of corridors from which the goals stated may be achieved. Again, by fixing and improving existing highways the citizens of the state are better served.

Figure 2.4 clearly demonstrates the above statement. Many of the failing areas are within the city of Evansville, and along US41. Improvements to these existing roads would solve any problems this project claims it can solve. Additionally, with the recent improvements to US41, some of the problems identified may have already been solved.

The I-70/US41 option was never truly and fairly evaluated.

The full cost of the project has yet to be fully stated. Costs have escalated enormously. INDOT has yet to provide a true estimated cost update.

Given the errors, omissions and inaccuracies in the Section 106 studies for other sections, the entire Historical report needs a detailed analysis by an independent entity.

Daniel Townsend

From: ezform@cinergycom.com
Sent: Friday, January 19, 2007 10:54 AM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = wes
LastName = bryan
StreetAddress = 4867 E county Road 500N
Address =
City = Bainbridge
State = IN
ZipCode = 46105
Email = MAWbryan04Aol.com
Comments = I think the exspantion should be built. All the homes and resturants in its path can be replaced or moved.

SAM FLENNER

BY MR. FLENNER: Thank you for the opportunity to speak. I'm from Indianapolis, I'm an independent contractor. I travel the highways. Before the arm twisting and a great deal of money * from Evansville. There was ... Governor Daniel had a farmland advisory council that recognized I-69 as the most destructive project of farmland in the State's history. When I editorialized about that during the * administration, not only did my editorial not go through, but also the website that I had was taken off. So somebody in the media apparently in their due diligence put it off, so it shows how the folks are hooked on this where the voice of the majority of the people are not being represented. Ninety-four percent of twenty-two thousand people who took the time to write in the original comment period were ignored. I'm not against I-69 ... by the way, I'll take this off, with all due respect to my allies. US 41 is fiscally more responsible. * Daniels came in, he might actually recognize that and *. It's also socially more responsible. Three of the five counties in per capita income are along us 41. The CEO from Toyota said an old 41 upgrade is fine. Two CEOs from major trucking companies said that they thought the money would best be used by upgrading existing roads instead of building new roads. And we all know the environmental impacts. 41 has far fewer environmental impacts. And as we go through the Amish community we have a moral issue here about maintaining very unique cultures in Indiana. So I submit that after ... I do request of our elected and our unelected officials, that after the lawsuit, that the route that was chosen by a Democrat ... I'm not even gonna bash the Republicans ... this is equal ... when that is done, then let's get this highway done the way it should be, by going out US 41 instead of appealing it to the next Court.

*** Due to technical difficulties with the microphones throughout the evening, portions of the comments were unintelligible.**

COMMENT SHEET

RECEIVED
FEB 19 2007
BLA - EVANSVILLE

RE: **I-69 Section 1: I-64 North of Evansville to SR 64 West of Oakland City**

TO: MR. ROGER WADE
Qk4
P.O. Box 8464
Evansville, Indiana 47716

FROM: Name Nancy Gehlhausen
Address RR 1 3 Box 66 D
Phone (812) 749-3311 Email
Organization/Agency (if applicable)

COMMENTS: (Note: Comment period concludes on February 20, 2007.)

Needless to say I am very disappointed in the route QK4 has chosen. When I learned late this summer '06 that the road had been moved from the Beagle Club Woods to across our property I went to the O.C. office to find out the rationale. The gentleman there said something about woods vs. (manmade) wetlands or something along those lines. Jane later informed me he "misspoke" Obviously something was discussed or he would not have mentioned it. The I-69 meeting was not much more helpful. When I asked for the rationale I was told it fit best to

(If more space is needed, continue on back.)

COMMENTS (Continued):

the C section that was chosen. With that logic why not start at the north end and see what fits in to the N route. I have many concerns as to how the highway will physically affect our large lake and the environmental impact on my wetlands. The two shallow ponds being taken are actually the two most active in terms of wildlife. I am also surprised that the highway would cross an area that is scheduled for deep shaft mining

I am not opposed to I-69. I am opposed to an all new terrain 69. I do not feel INDOT seriously considered the 41-70 corridor. The route was chosen almost 20 yrs ago. I feel that the 41-70 route is the most logical and most fiscally responsible. I also question an eminent domain that takes someone's property and allows private corporations (toll roads) to benefit financially from it (esp. foreign). Eminent domain was not intended for that use.

I sincerely believe the majority of Hoosiers are not in favor of an all new I-69

Daniel Townsend

From: ezform@cinergycom.com
Sent: Thursday, February 08, 2007 11:18 AM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = Kristina
LastName = Gilstrap
StreetAddress = N/A
Address =
City =
State = IN
ZipCode =
Email = N/a
Comments = I-69 should not go through southern indiana period. If it does the state is going to make a road become a toll road, probably highway 37, which is the only road that directly connects the center of southern indiana to indianapolis. It is also going to take away a lot of farm land. That is where alot of people get thier corn for thier stock and make a sole lively at. I-69 needs to stay up north were it belongs.

Daniel Townsend

From: ezform@cinergycom.com
Sent: Friday, January 19, 2007 12:58 PM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = Bruce
LastName = Griffin
StreetAddress = 4100 Cort St.
Address = Apt. 4
City = Evansville
State = IN
ZipCode = 47712
Email = Griffco76@yahoo.com
Comments = As I stated at the meeting at Harrison High School a couple of years ago...please don't underestimate the resolve of the silent majority that favors the building of I69 post-haste! Just because the loud mouth tree huggers have been able to prostitute themselves and their lame-brame anti-I69 message to the Evansville print and broadcast media doesn't mean they speak for the majority on this matter. We, the citizens of Evansville and southwest Indiana want, deserve, expect, and demand that you start building this interstate. Why so many wasteful public forums on the subject? More trees were cut down to provide the paper that all these studies were printed on then will ever be cleared to actually build the road.

COMMENT SHEET

RECEIVED
FEB 16 2007
BLA - EVANSVILLE

RE: **I-69 Section 1: I-64 North of Evansville to SR 64 West of Oakland City**

TO: MR. ROGER WADE
Qk4
P.O. Box 8464
Evansville, Indiana 47716

FROM: Name DAVID W. GRIFFITH

Address 967 INDEPENDENCE AVE., EVANSVILLE, IN 47713

Phone (812) 422-2056 Email dwgriffith1@msn.com

Organization/Agency (if applicable) _____

COMMENTS: (Note: Comment period concludes on February 20, 2007.)

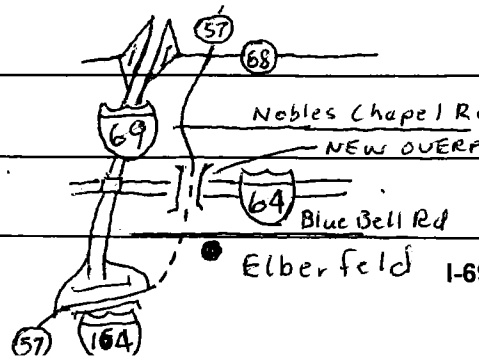
I WELCOME THE CONSTRUCTION OF INTERSTATE 69 IN THIS REGION. THE SOONER WE CAN START, THE BETTER WE'LL BE. I AM, HOWEVER, CONCERNED ABOUT THE FUTURE OF THE 2-LANED STATE ROAD 57 AFTER I-69 IS COMPLETED. S.R.57 IS STILL VALUABLE AS THE ENTRANCE TO EVANSVILLE REGIONAL AIRPORT. IT SHOULD SERVE AS AN ALTERNATE ROAD. S.R.57 SHOULD NOT BE TURNED INTO A DEAD-END OR CUL-DE-SAC NORTH OF I-64. I SUPPORT YOUR PREFERRED ALTERNATIVE (4) FOR THE SECTION 1 ALIGNMENT. WHEN INDOT BUILT I-70, THE AGENCY DIDN'T ABANDON U.S.40; WHEN I-65 WAS CONSTRUCTED BETWEEN Jeffersonville AND INDIANAPOLIS, WE KEPT U.S.31.

(If more space is needed, continue on back.)

COMMENTS (Continued):

LIKEWISE, WE NEED S.R. 57 AS WELL AS I-69 IN SOUTHWEST INDIANA.

WE NEED TO BUILD A NEW S.R. 57 OVERPASS AT I-64 TO KEEP S.R. 57 EAST OF I-69. ALSO, WE NEED TO REWORK EXITS 18 & 19 OF I-164 TO TOTALLY RELOCATE S.R. 57 AWAY FROM THE INTERSTATE SYSTEM. THIS CAN BE EASILY DONE. A NEW STRETCH OF S.R. 57 WOULD REQUIRE ABOUT 3 MILES OF NEW TERRAIN EAST OF I-164. WITH A NEW OVERPASS (NO ACCESS AT I-64) S.R. 57 WOULD CONTINUE AS A 2-LANE ROAD BETWEEN NOBLES CHAPEL ROAD AND BLUE BELL ROAD. THIS WOULD GIVE ELBERFELD (2) I-69 ACCESS POINTS: THE S.R. 68 INTERCHANGE NORTH OF I-64 AND EXITS 18 & 19 AT I-164. IN SUMMARY, WE NEED THE I-64 OVERPASS TO KEEP S.R. 57 LINKED FROM THE NEW NORTH WARRICK INDUSTRIAL PARK TO THE VANDERBURGH INDUSTRIAL PARK (VIP). S.R. 57 IS APPROXIMATELY 75 MILES LONG. WE NEED TO KEEP IT INTACT.



021607 - 1

David Griffith
967 Independence Avenue
Evansville, IN 47713-2914

EVANSVILLE IN 47
10 FEB 2007 PM 1 T

RECEIVED
FEB 16 2007
BLA - EVANSVILLE

Mr. Roger Wade
QK4
P.O. Box 8464
Evansville, IN 47716

From: jddgb@sit-co.net [mailto:jddgb@sit-co.net]
Sent: Wednesday, January 17, 2007 8:20 PM
To: section1@i69indyevn.org
Subject: I-69 Tier 2 Web Site Comment Section 1

A message and request for information has been sent from the www.i69indyevn.org
website. The supplied contact information and message are both given below.

Name: John Hasenour
Address: 5239 E. Hasenour Dr.
Fort Branch,IN 47648
Email: jddgb@sit-co.net

Comments:

WE are property owners with a 110 acre farm that Hwy 68 goes threw the middle of. I69 and interchanges will take about 40 acres of this farm. This is our most valuble property. We have plans of developing it into residential. The access on the west side of I69 from 68 is very inadequate as drawn. We could not even get our grain truck to make that turn back to our property. Please contact us to discuss this access. We have another farm on 650E that will have the corner cut off by I69. Do any of you people have any idea how worthless 3 corner fields are. how could the designer of this hwy be so heartless to do this to a farmer. Another problem with this farm is that the culdisacs are on the wrong side of the road on both ends of 650E. WEe cannot understand why you would deliberatly cut farms in two diagonally. This is the worst possible design anyone could possible consider. it is obvious you have no concern for farm land owners at all. Why do you hate us. Please contact us about this concern.

Another problem area we have is on 550 E at the pigeon Creek bridge. it is obvious you know nothing about the flood water in the creek bottoms. Our house is near Pigeon creek with a 5" rain, water gets within 100 yds
of my house. IF you do not make the bridge that crosses Pigeon creek extend well past the creek on both sides. My house and my brothes house will flooded every time a big rains comes. You obviously don't care about this either. Please contact us about this matter. AS one of the land owners that will be most impacted by this HWy, we think you owe us a meeting so we can discuss these issues.

Daniel Townsend

From: jddgb@sit-co.net
Sent: Thursday, January 18, 2007 9:29 PM
To: section1@i69indyevn.org
Subject: I-69 Tier 2 Web Site Comment Section 1

A message and request for information has been sent from the www.i69indyevn.org website. The supplied contact information and message are both given below.

Name: John Hasenour
Address: 5239 E. Hasenour Dr.

Fort branch,IN 47648
Email: jddgb@sit-co.net
Comments:
This comment is in regard to the access or lack of access for Road 525 E. The map shows it to be closed at Hwy 68. This road floods where it intesects with 1050 S. during and after a heavy rain. In fact a 2 yr. lost his life at this intesection due to flooding about 8 years ago. His mother drove into the water and her car drown out. She took her two childer out of the car and the water swept the 2 year old away. He was found on a ditch bank several days later. Closing this road at Hwy 68 would leave the numerous residents with no way out during and after a heavy rain.

JOHN HASENOUR

BY MR. HASENOUR: You'll have to hear from another Hasenour. My name is John Hasenour, I'm his brother. Like he said, we own several hundred acres. I think if you look at the highway itself, just the map ... I've heard one person say destructive ... it's just unbelievable the disastrous effect that has on my farm and all the farmland all the way to Indianapolis. I mean, look at the ... they're going ... it's like a snake. I mean, how do you possibly build an efficient highway by going like that? I just don't understand it. If you're gonna take it with these means, you've gotta pay these people some money. Because it's economically valuable for the whole state? They make it valuable. If it's that valuable then reimburse these people. Thank you.

Daniel Townsend

From: ezform@cinergycom.com
Sent: Tuesday, January 23, 2007 11:21 AM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = John
LastName = Hasenour
StreetAddress = 5239E Hasenour Dr.
Address =
City = Fort Branch
State = IN
ZipCode = 47648
Email = jddgb@sit-co.net
Comments = This comment is in regard to the hearings being held. The moderator did and excellent job at WMHS last week. i have a suggestion for future hearings. Please allow the general public to speak first, so that the elected officials can hear their constituents comments. Last Thursday several of them left after they made their comments. This seemed very arrogant to me. they are our employees and in a represtative democracy the elected officials are supposed to listen to their constituents.

WILLIAM HASENOUR

BY MR. HASENOUR: My name is William Hasnour and I'm not agreeing with this. I'm one of the people who owns land that this highway's gonna go through. And I'm glad to hear all these guys say that it's gonna be so much good for Southern Indiana 'cause that oughta make my ground worth about Twenty Thousand Dollars an acre when it goes through there.

It's economically feasible. It's ... well, Toyota paid about Ten Thousand Dollars an acre when they came and that's commercial land. But I know people that * this highway through commercial property. And another problem I've got with this is, if they do come through and pay us some money I've got one year to reinvest my money or they're gonna make me pay taxes on a third of it. I have to give a third of it away again. And I don't think that's right either. They need to come up with some other method if they're gonna take farmland away from someone, that they don't have to pay taxes on it right away. And also pay 'em a fair value for it. And my sister-in-law, she lives on Highway 68. Their gonna take her house. My nephew lives on highway 68, I understand they're gonna take his house. What kind of ... like I said, when they come out there to take it, please pay somethin' for it. And I know when the State decides to do somethin', you ain't gonna stop it. But if it's really valuable, then pay for all that inconvenience. I don't think there was another farmer up here tonight, I ... if there was I'm sorry I missed it. But they need to do somethin' for the farmers and I'm probably ... from this highway I'm probably gonna lose probably two hundred acres. Not all in one section. I own ... me and the family own farmland from Highway 68 all the way to Oakland City. They're not in a straight line either. They're all at an angle. Just like I am, so thank you.

*** Due to technical difficulties with the microphones throughout the evening, portions of the comments were unintelligible.**

Daniel Townsend

From: ezform@cinergycom.com
Sent: Thursday, January 18, 2007 11:32 PM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = william
LastName = hopper
StreetAddress = 104 harrison drive
Address =
City = vincennes
State = IN
ZipCode = 47591
Email =
Comments = I still think this is a waste of money to build a highway to Indianapolis to please the people of Evansville and get a few votes. The new route will not improve growth any more than 64 did across southern Indiana. I still think that 41 to 70 is the best route and would cost less and not take farm land, wet lands and homes.

Daniel Townsend

From: ezform@cinergycom.com
Sent: Friday, January 19, 2007 11:34 AM
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

```
FirstName = James
LastName = Howell
StreetAddress = 7422 Pine Ridge Dr
Address =
City = Evansville
State = IN
ZipCode = 47712
Email = jrhcc@insightbb.com
Comments = Stop with the never-ending hearings and get on with it.


Thanks,
```

011807 -2a

I-69 EVANSVILLE TO INDIANAPOLIS TIER 2 STUDIES
Section 1—Draft Environmental Impact Statement

COMMENT SHEET

RE: **I-69 Section 1: I-64 North of Evansville to SR 64 West of Oakland City**

TO: MR. ROGER WADE
Qk4
P.O. Box 8464
Evansville, Indiana 47716

FROM: Name Larry Michel

Address 7295 S 200E

Phone (812) 753-4865 ~~Email~~ Cell 664-2465

Organization/Agency (if applicable) Farmer

COMMENTS: (Note: Comment period concludes on February 20, 2007.)

The overpass for 825S is important to me! However there also needs to be an ~~overpass~~ crossover for CR 650E also. this impacts several people. When water is high people in the 650E area cannot go south!
This is what happens when you ~~p~~ go ~~across~~ at an angle with properties
We need overpasses on 825S and 650E

(If more space is needed, continue on back.)

011807-2b

COMMENT SHEET

RE: **I-69 Section 1: I-64 North of Evansville to SR 64 West of Oakland City**

TO: MR. ROGER WADE
Qk4
P.O. Box 8464
Evansville, Indiana 47716

FROM: Name Larry Michel

Address 7295 S 200E

Phone (812) 753-4865 Email cell 812-664-2465

Organization/Agency (if applicable) Farmer

COMMENTS: (Note: Comment period concludes on February 20, 2007.)

Please consider Replacing the small bridge over Pigiran creek on CR 550. This project is ~~[illegible]~~ really impacting the lives in this area negatively the road between pigion bridge & the next bridge south is very low on floods between bridges to allow drainage. Could ~~[illegible]~~ CR 550 run on ~~[illegible]~~ pillows along the I 69 over pigion creek. At least ~~[illegible]~~ make Pigion creek bridge on CR 550 Bigger

~~[illegible]~~

(If more space is needed, continue on back.)

COMMENT SHEET

RE: **I-69 Section 1: I-64 North of Evansville to SR 64 West of Oakland City**

TO: MR. ROGER WADE
Qk4
P.O. Box 8464
Evansville, Indiana 47716

FROM: Name WILLIAM A MILLER
RR 1 BOX 102A
OAKLAND CITY IN 47660-9713

Address

Phone (812) 749-4986 Email bilcarol@gibsoncounty.net

Organization/Agency (if applicable)

COMMENTS: (Note: Comment period concludes on February 20, 2007.)

My wife, Anna Carol Miller, and I own a home on the south side of SR 64; it is the first house west of CR 950E.

We note that the I-69 design as presented at the Public Hearing held January 18, 2007 indicates that SR 64 is to become Limited Access past our home with no change in its alignment. When we built in 1985, there was insignificant coal truck traffic; nevertheless, we built what we considered then to be far more than an adequate distance from SR 64. We cannot give up any additional Right of Way whatsoever.

May we suggest that the approach to the Limited Access area be changed so that SR 64 will still provide us as well as our neighbor to the west access to our properties and that the realigned SR 64 be moved north so that its southern Right of Way be what is now SR 64's northern Right of Way? Further, we suggest additional real estate be acquired on the north side to accommodate any future improvements to the access to I-69 from SR 64.

(If more space is needed, continue on back.)

Daniel Townsend

From: niemeid@diebold.com
Sent: Thursday, January 18, 2007 10:19 PM
To: section1@i69indyevn.org
Subject: I-69 Tier 2 Web Site Comment Section 1

A message and request for information has been sent from the www.i69indyevn.org website. The supplied contact information and message are both given below.

Name: David Niemeier
Address: 1717 N. Red Bank Road

Evansville,IN 47720
Email: niemeid@diebold.com
Comments:
I think it is a waste of valuable natural resources and land to build a highway that is going to do nothing but give an easier access for companies to move to Mexico and ship their products back to the heart of the country for distribution. If you really want to build this highway use existing hwy 41, convert it to limmited access, build a bypass around terre haute, and widen I-70 to 6 lanes. The bypass around terre haute would save at least 1/2 an hour. This would also allow since the government never really listens to the public, you alreadyfor growth along this corridor. But have your minds made up and have the public meetings just to give the air of giving a hoot, I don't know why I'm submitting my comments anyway. You'll do what you want, right or not, and the tax payers will complain. That's the nature of a "FREE" country.

From: I-69 Tier 2 Studies Section 1 Project Manager
[section1pm@i69indyevn.org]
Sent: Wednesday, February 28, 2007 4:22 PM
To: Wade, Roger
Cc: Wehner, Jane
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment (fwd)

---------- Forward message ----------
Date: Wed, 27 Dec 2006 16:28:11 -0600
From: ezform@cinergycom.com
To: section1deis@i69indyevn.org
Subject: I-69 Tier 2 Web Site Section 1 DEIS Comment

FirstName = Daniel
LastName = Pagliaro
StreetAddress = 6150 Allenwood Drive
Address =
City = Fort Wayne
State = IN
ZipCode = 46835
Email = w1vxa@netzero.net
Comments = I think the selected route for I-69 will adequately served the highway's intended purpose of linking Evansville directly with Indianapolis, as well as creating a new economic engine for southwest Indiana.
It is time to accelerate the timetable and get I-69 built as quickly as possible.

ANDY RUFF

BY MR. RUFF: I wasn't gonna make any comments tonight but after Mayor Weinzapfel's comments and the City Council President's, I believe of Evansville, comments about their children and jobs and the future. I was * to them and what was really a sort of cheap emotional plea. We all care tremendously. I have two children here in southern Indiana. We all care tremendously about the welfare of our communities and the economy, the welfare of our communities and the opportunities for our children in the future. But to let a cheap emotional plea like that be a basis for making a policy decision of this magnitude where ... you know, in this country we don't take people's land by force or squander billions of tax dollars based on statements like, you know, desperate, or wild speculation about benefits that will come to our families. You know, you look at the existing interstate system. Now just use your common sense. Just think about it. Existing I-69 did not stop a massive hemorrhaging of jobs for our youth. Anderson and Marion and Muncie ... I-70 didn't stop the hemorrhage of jobs from Terre Haute to Richmond. Look to your own area here in Dubois county. My brother lives in Jasper, Indiana. Jasper doesn't even have a four lane highway of any kind much less an interstate. You've gotta have transportation, true. Transportation access is important but don't let them tell you that the answer is an immensely expensive, destructive interstate highway when there alternatives for ... much more effectively and efficiently spent. Look at Jasper, Warsaw, Indiana in the north, the equivalent * success story of Jasper. Look at your Richmonds and Terre Hautes and Marions and Muncies and realize that they're telling you something not really based in fact. It's too important a decision to leave to a story about, "Aw, my child's gonna leave Indiana if I don't build an interstate highway." Thank you.

*** Due to technical difficulties with the microphones throughout the evening, portions of the comments were unintelligible.**

COMMENT SHEET

BLA - EVANSVILLE
JAN 29 2007
RECEIVED

RE: **I-69 Section 1: I-64 North of Evansville to SR 64 West of Oakland City**

TO: MR. ROGER WADE
Qk4
P.O. Box 8464
Evansville, Indiana 47716

FROM: Name Alicia Schwiersch

Address RR 2 Box 39B Haubstadt, IN 476-5959

Phone (812) 768-5959 Email alicia1994@hotmail.com

Organization/Agency (if applicable)

COMMENTS: (Note: Comment period concludes on February 20, 2007.)

Why I Say No To I69

Have you people really thought about this new highway? I bet half of you really haven't sat down & wrote out the pro's & cons for this highway.

The first thing you thought about was "Oh we need a highway to get to Indy faster". Why can't you drive to Indy & enjoy the scenery, instead of driving so fast you don't even know what that sign said. You are taking away so many homes, where familes have lived there for more than 60 years & you are going to take down the house where so many memories were made. Alot people in Indiana farm for their life, but you people are going to rip through their fields, where they can't farm any more. I myself am

(If more space is needed, continue on back.)

COMMENTS (Continued):

really going to miss the scenery that is around my house. Where I have grown up here for 12 years. If you do stay with this highway plan you will be taking a lot of things away from people that they truly love. Instead of wasting your money, you could use it on many things.

If You Follow Through With This Highway Plan, You Will Be Making The Biggest Mistake Ever. SO END I-69 Now & You Won't Regret It Later. I Promise.

By Alicia Schwiersch

RECEIVED
JAN 29 2007
BLA - EVANSVILLE

MARIETTA SMITH

BY MS. SMITH: We already have three highways east from Evansville to Indianapolis and no train. We now propose to build four highways from Evansville to Indianapolis, no train. We call this progress? How long can we go on burying ground under concrete before we get the idea that we better get a modern transit system? You propose to destroy thousands of acres of farmland, woods, wetlands, homes, and many people's lives in order to be able to get to Indianapolis a few minutes sooner. What a sense of values, it seems to me. We already have three highways. Let's improve them, take good care of them, because a * doesn't have to look exactly the same color from Evansville to Indianapolis as it does to the others. We need land, not more concrete. Another highway will simply make sure that people drive faster and waste more gasoline. Toyota and many other factories managed to find their way to this area without another highway. Let's take care of what we have, preserve what we have, without breaking more ground and dump this idea which to me was proposed mainly by Evansville because their city wants the world to be a path to their door. But not everyone can. And we don't all need a highway direct from where we live to a spot where we want to go. We have to learn to slow down a little.

*** Due to technical difficulties with the microphones throughout the evening, portions of the comments were unintelligible.**

JOHN SMITH

BY MR. SMITH: Mr. Weinzapfel left, I believe. Am I correct? I think it's time for this community to get as angry as the people in Martinsville, the people in Greenfield, the people in Shelbyville, the people in Anderson, the people in Pendleton, the people in Franklin, who are being told that they're supposed to pay for the next four generations on a privatized toll road sold to Australia and Spain so that you can have I-69 go through your farmland and your community. You people need to speak up because you're number one. Now, economic development ... Indiana is number four in rural interstate development. Only Vermont, Pennsylvania and Illinois have a higher percentage of their State covered in rural interstate community than Indiana. We're number one or number four, depending on which study you look at, in job losses since NAFDA. This is a NAFDA free trade interstate highway. It's eighty-six miles longer than one existing interstate system 40, 55, 70, 69 between Canada and Mexico. If you go through Memphis to 70, it's closer to a hundred miles shorter. So we have two existing ... and by the way, they both go through Indiana already. This is a two tier study. It has a requirement of being consistent. It's actually one study, they're trying to segment this thing. They can't go further because the wildlife refuge is being contested in Federal Court right now. Why build this through your farms if it's gonna end when it gets to the Patoka River? Thank you.

Wehner, Jane

From: I-69 Tier 2 Studies Section 1 Project Manager [section1pm@i69indyevn.org]
Sent: Wednesday, February 28, 2007 4:13 PM
To: Wehner, Jane
Cc: Wade, Roger
Subject: I-69 Tier 2 Web Site Comment Section 1 (fwd)

---------- Forward message ----------
Date: Mon, 29 Jan 2007 20:34:15 -0600
From: ezform@cinergycom.com
To: section1@i69indyevn.org
Subject: I-69 Tier 2 Web Site Comment Section 1

FirstName = Steve
LastName = Stanton
StreetAddress = P.O. Box 633
Address =
City = Evansville
State = IN
ZipCode = 47704
Email = sas1966@aol.com
Comments = I'm commenting on this due to a recent closure of the highway 41 bridges at Henderson.

Why doesn't Indiana and Kentucky work together to get a portion of I-69 between I-164 and Audobon Parkway? Make this a toll bridge. If this is done now, the bridge may well be paid for while I-69 is being designed.

As a Evansville resident, if the bridges are shut down for any reason, the nearest bridge is in Owensboro, which is 45 minutes away.

This project could be a gold mine for both Indiana and Kentucky, by giving an alternate route.

Also the semi truck driver could benefit, along with INDOT, by reducing cost on Highway 41 thru Evansville.

Keep this in mind.

COMMENT SHEET

RE: **I-69 Section 1: I-64 North of Evansville to SR 64 West of Oakland City**

TO: MR. ROGER WADE
Qk4
P.O. Box 8464
Evansville, Indiana 47716

FROM: Name John and Susan Steckler
Address 10965 S. 525 E., Haubstadt, IN 47639 (525 E + SR 68)
Phone (812) 768-6877 Email andyfan64@hotmail.com
Organization/Agency (if applicable)

COMMENTS: (Note: Comment period concludes on February 20, 2007.)

Mr Wade, after attending the meeting at Wood Memorial, Thursday, Jan 19, 2007, we have some concerns we thought needed to be addressed. I might add that we have not received any mailings or information about I69 since its conception. We have currently lived here for 30 yrs. Our ability to access SR 68 will certainly impact our lives and our way of travel. We understand 525 will be cut off at our property and a culdesac made where our driveway is, that will be a major inconvenience for us and our neighbors on 525. We also feel our property values will be greatly depreciated due to changes in access to SR68. As your map indicated, for us to get out we will have to go north on 525 to 1050 then go east or west. That is a major inconvenience as we will have to travel on gravel roads and the wear and tear on our vehicles. The area of 525 and 1050 does flood at times and if it snows heavily, we who live on 525 will (If more space is needed, continue on back.)

(over)

COMMENTS (Continued):

be unable to get out, We now have 5 or 6 families that have built homes on 525; some of them have small children and we are older folks who feel we cannot risk being able to get out in case of emergency, and what about the school bus that travels 525? You may recall, several years ago the area of 525 and 1050 flooded and a baby was swept away in the flood waters, a horrible death. Also we would be unable to get to our jobs. County road 525 is a lot more heavily traveled than it used to be. Traffic on SR68 has been stedily increasing since toyota and we are also concerned about commercial development in the area. Our farmers in the area need an easier access to SR68 than is shown on your maps, 525 is heavily traveled by our farmers, trucks, combines, tractors, semi's and other farm equipment.

Please reconsider access to SR68 from 525 for us, our neighbors and farmers.

Thank you for your consideration!

John & Susan Steckler
10965 S. 525 E.
Haubstadt, IN. 47639

THOMAS TOKARSKI

BY MR. TOKARSKI: In the last sixteen years I have read every feasibility study for I-69 and I can say without reservation that INDOT studies are bogus. They are rigged, lies and filled with errors. No good reason has ever been provided for building this massive NAFDA super truck court. I-69 is all about greed and politics. It has nothing to do with good transportation options for the future. One important fact is that the costs for I-69 are skyrocketing. Since the last estimate a couple of years ago, costs have increased by fifty-percent and will continue to rise. It is highly unlikely that there will ever be enough money available to complete this highway. Unfortunately, Governor Daniels has enough money from his * of the Indiana toll road for seventy-five years to begin I-69. He wants to * before next year's election. That's no coincidence. That means you folks should lose your homes, farms, and other businesses and land for a highway that dead ends in a cornfield and your suffering and loss will be for nothing. But there are three reasons for hope. Number one, a lawsuit is now in court and if we are successful, planning for I-69 will stop in its tracks. Number two, since there's not nearly enough money available to complete I-69 we should be demanding that it not be started. If you can't finish it, it shouldn't be started. But most importantly, you can speak out now. Do you want to be used as sacrificial lambs because there appears to be less opposition down here? Your silence is taken as support. No politician in this part of the State should go a day without hearing from someone here that you never ever vote for anyone who supports I-69. Only we can save our homes, farms, businesses and land. But together we can prevent the tragedy of I-69. The fight is not over. Thank you.

*** Due to technical difficulties with the microphones throughout the evening, portions of the comments were unintelligible.**

Daniel Townsend

From: ezform@cinergycom.com
Sent: Thursday, January 25, 2007 12:24 PM
To: section1@i69indyevn.org
Subject: I-69 Tier 2 Web Site Comment Section 1

```
FirstName = Tim
LastName = Williams
StreetAddress = PO BOX 542
Address =
City = Mitchell
State = IN
ZipCode = 47446
Email = mwilcoxon@peoplepc.com
Comments = Let's Get It Started
```

****

INDIANA DEPARTMENT OF TRANSPORTATION

PUBLIC HEARING

I-69 EVANSVILLE TO INDIANAPOLIS, INDIANA

TIER 2 DRAFT ENVIRONMENTAL IMPACT STATEMENT

****

1 **ON JANUARY 18, 2007**

2

3 **DAVE ABEL, MAYOR OF THE CITY OF WASHINGTON**

4 BY MR. ABEL: I've attended several of these
5 hearings and my experience is that there aren't a
6 whole lot of people here who don't know where they
7 stand on I-69 and it's construction, so I'm not
8 going to try to change anybody's opinion on that
9 issue. I'm here to say that for the citizen's of
10 Washington this is a highway that will make an
11 impact on lives. It will help people to ... help us
12 to create better jobs for folks. We think it's a
13 very positive step. We're very pleased the decision
14 has been made to build this highway. We want to
15 encourage the State of Indiana to build it as
16 quickly as they can. We're also very pleased it's
17 going to be a free highway. The comment that I
18 would make is, that as we're planning for this ...
19 and the State has made known the availability of
20 planning grants ... that we would encourage INDOT to
21 get that information out to the cities and counties
22 that are involved as quickly as possible. And that
23 INDOT would work with us to try to make sure that
24 ... the various people who are using these grants
25 don't all need the same thing over and over ... that

1 you help us to coordinate some of the things that'll
2 be in common to everybody. And that the * gets
3 produced in time so that we can make use of those
4 things and get the most money ... or the biggest
5 bang for the buck. So we think it's just a great
6 thing at this time, we can build. We want to
7 encourage you to do so as quickly as possible and
8 help us to plan to make it the best it can be for
9 our communities. Thank you.
10
11 **JONATHAN WEINZAPFEL, MAYOR OF THE CITY OF EVANSVILLE**
12 BY MR. WEINZAPFEL: I appreciate the opportunity
13 to speak this evening. I wanted to come here and
14 show my strong support for the I-69 Project and
15 construction beginning on the south end in 2008.
16 This is important for a lot of different reasons.
17 Just to name a few ... I think it holds a lot of
18 promise with regards to economic development, the
19 creation of jobs throughout southwestern Indiana.
20 It's gonna dramatically improve safety, as far as
21 the driving public is concerned. It's gonna provide
22 a much quicker connection between southwestern
23 Indiana and the rest of the State. And also ... but
24 it also helps bridge the cultural and political
25 divide between southwestern Indiana and

1 Indianapolis. Now I would assume a lot of folks
2 here have some comments, specific comments, about
3 how this project, the routes that INDOT is
4 recommending, will have on your property. I would
5 hope that INDOT would continue to listen and make
6 changes to help minimize any negative impacts. One
7 issue I did want to address is, the fact that as of
8 right now this project is funded to be built solely
9 to Crane Naval. So some tough decisions are being
10 made as far as the routing north of Crane. The
11 Legislature made some decisions in this last session
12 of routing through Martinsville. In response the
13 Daniels Administration has proposed the Indiana
14 Commerce Connector as a way of funding I-69 and
15 making sure that it is a toll-free highway. I think
16 it's an innovative idea and I hope it gets every
17 consideration. If that's the way that I-69 goes, a
18 toll free highway, I would support it. Thank you.
19
20 **KEITH JARBOE, EVANSVILLE CITY COUNCIL PRESIDENT**
21 BY MR. JARBOE: I'd like to reiterate a lot of
22 what has already been said. This is a very
23 important road. It's very important because it is
24 economic development. I happen to be a parent whose
25 child left Indiana to find a job. I think there's

1 far too much of that. I think too many of our
2 bright, young people are leaving the State of
3 Indiana to find jobs elsewhere. And I believe that
4 I-69 will be a corridor that will create economic
5 development to keep our brightest young adults here
6 in the State of Indiana. I'm sure that many of you
7 out there have had relatives, sons, daughters,
8 whoever, leave the State of Indiana or leave your
9 community to find good paying jobs. And that's what
10 I see I-69 providing ... good jobs, a good quality
11 of life. I did some reading today ... and I'm gonna
12 keep my comments short here ... but I did some
13 reading today and I found out that in the early
14 1940s, in Indianapolis, they determined that there
15 needed to be a connector road between the State
16 Capital and the third largest city in the State of
17 Indiana at that time, which was Evansville. The
18 early 1940s. It's 2007. I still think it's a good
19 idea. I just hate that it took sixty-seven years,
20 almost sixty-eight by the time we start
21 construction, to get it done. It needs to be done
22 and I would like to see it done and I support this
23 project. Thank you.
24
25

1 **JON CRAIG, MAYOR OF THE CITY OF PETERSBURG**

2 BY MR. CRAIG: I want to thank INDOT for putting
3 this program on. The project does affect us all and
4 we all stand on different sides of ... it all
5 impacts us, each and every one, in a very different
6 way. And I'm so thankful to have this process that
7 we can all take part in to answer those questions.
8 And as Mayor Weinzapfel said, I would also encourage
9 INDOT to continue to work with each and every
10 property owner that has a concern along the way.
11 However, I have a concern, too, and that concern is
12 what happens if this highway, for some reason, would
13 not be built. We live in a community that struggles
14 economically for one reason or another, but one of
15 the largest reasons it exists is the lack of
16 connectivity that my community shares with other
17 communities, the rest of the State ... the rest of
18 the nation. We are the crossroads of America.
19 Indiana's known for that slogan. However, if you
20 look at southwest Indiana, our spoke in the wheel is
21 missing and that is the Interstate 69 Corridor.
22 It's about bringing new jobs to our communities.
23 It's about ... for me it's about moving a thousand
24 coal trucks a day from our Main Street and providing
25 safe access, safe travel and safer for Indiana coal

1 .... the two power plants I have in my community
2 that produce two thousand megawatts of electricity
3 and provide over four hundred jobs. So it is about
4 development, it's about connectivity, and it's a
5 reasonable process. It's about connecting us not
6 only to Indianapolis, it's not so I can get to
7 Indianapolis a little bit quicker, it's about
8 connecting Oakland City and Petersburg and
9 Washington, places like that, to the rest of Indiana
10 and the rest of the world. Thank you.
11
12 **NILES ROSENQUIST**
13 BY MR. ROSENQUIST: I'm from Evansville, Indiana,
14 * I'm a member of the Environmental Health
15 Solutions. Let me talk about one very specific
16 issue. The law was passed in the last session of
17 the Legislature that requires some future sessions
18 of the Legislature to give its approval before I-69
19 can be built through Perry Township which is just
20 off of Indianapolis. What this law basically does
21 is makes it illegal for INDOT to build the current
22 approved alternative to this highway through that
23 township until some future session of the
24 Legislature passes a law saying it's legal. Now
25 there's a lot of speculation of how to deal with

1 this little problem, you know. Maybe some ... one
2 of the old alternatives that's been overlooked would
3 be *. But the reality is that INDOT can't complete
4 this highway as it's currently drawn and approved.
5 And in fact the precedent set by the people in Perry
6 Township, the other people up there see that too. *
7 So this isn't something that can be ignored. My
8 question tonight for INDOT is what is their
9 contingency if they cannot finish this highway
10 because they can't find a politically viable route.
11 Or the other question is, why are we talking about
12 starting it down here tonight when they don't know
13 how to finish it?
14
15 **MARIETTA SMITH**
16 BY MS. SMITH: We already have three highways
17 east from Evansville to Indianapolis and no train.
18 We now propose to build four highways from
19 Evansville to Indianapolis, no train. We call this
20 progress? How long can we go on burying ground
21 under concrete before we get the idea that we better
22 get a modern transit system? You propose to destroy
23 thousands of acres of farmland, woods, wetlands,
24 homes, and many people's lives in order to be able
25 to get to Indianapolis a few minutes sooner. What a

1 sense of values, it seems to me. We already have
2 three highways. Let's improve them, take good care
3 of them, because a * doesn't have to look exactly
4 the same color from Evansville to Indianapolis as it
5 does to the others. We need land, not more
6 concrete. Another highway will simply make sure
7 that people drive faster and waste more gasoline.
8 Toyota and many other factories managed to find
9 their way to this area without another highway.
10 Let's take care of what we have, preserve what we
11 have, without breaking more ground and dump this
12 idea which to me was proposed mainly by Evansville
13 because their city wants the world to be a path to
14 their door. But not everyone can. And we don't all
15 need a highway direct from where we live to a spot
16 where we want to go. We have to learn to slow down
17 a little.
18
19 **JOHN SMITH**
20 BY MR. SMITH: Mr. Weinzapfel left, I believe.
21 Am I correct? I think it's time for this community
22 to get as angry as the people in Martinsville, the
23 people in Greenfield, the people in Shelbyville, the
24 people in Anderson, the people in Pendleton, the
25 people in Franklin, who are being told that they're

1 supposed to pay for the next four generations on a
2 privatized toll road sold to Australia and Spain so
3 that you can have I-69 go through your farmland and
4 your community. You people need to speak up because
5 you're number one. Now, economic development ...
6 Indiana is number four in rural interstate
7 development. Only Vermont, Pennsylvania and
8 Illinois have a higher percentage of their State
9 covered in rural interstate community than Indiana.
10 We're number one or number four, depending on which
11 study you look at, in job losses since NAFDA. This
12 is a NAFDA free trade interstate highway. It's
13 eighty-six miles longer than one existing interstate
14 system 40, 55, 70, 69 between Canada and Mexico. If
15 you go through Memphis to 70, it's closer to a
16 hundred miles shorter. So we have two existing ...
17 and by the way, they both go through Indiana
18 already. This is a two tier study. It has a
19 requirement of being consistent. It's actually one
20 study, they're trying to segment this thing. They
21 can't go further because the wildlife refuge is
22 being contested in Federal Court right now. Why
23 build this through your farms if it's gonna end when
24 it gets to the Patoka River? Thank you.
25

1 **SAM FLENNER**

2 BY MR. FLENNER: Thank you for the opportunity to
3 speak. I'm from Indianapolis, I'm an independent
4 contractor. I travel the highways. Before the arm
5 twisting and a great deal of money * from
6 Evansville. There was ... Governor Daniel had a
7 farmland advisory council that recognized I-69 as
8 the most destructive project of farmland in the
9 State's history. When I editorialized about that
10 during the * administration, not only did my
11 editorial not go through, but also the website that
12 I had was taken off. So somebody in the media
13 apparently in their due diligence put it off, so it
14 shows how the folks are hooked on this where the
15 voice of the majority of the people are not being
16 represented. Ninety-four percent of twenty-two
17 thousand people who took the time to write in the
18 original comment period were ignored. I'm not
19 against I-69 ... by the way, I'll take this off,
20 with all due respect to my allies. US 41 is
21 fiscally more responsible. * Daniels came in, he
22 might actually recognize that and *. It's also
23 socially more responsible. Three of the five
24 counties in per capita income are along us 41. The
25 CEO from Toyota said an old 41 upgrade is fine. Two

1 CEOs from major trucking companies said that they
2 thought the money would best be used by upgrading
3 existing roads instead of building new roads. And
4 we all know the environmental impacts. 41 has far
5 fewer environmental impacts. And as we go through
6 the Amish community we have a moral issue here about
7 maintaining very unique cultures in Indiana. So I
8 submit that after ... I do request of our elected
9 and our unelected officials, that after the lawsuit,
10 that the route that was chosen by a Democrat ... I'm
11 not even gonna bash the Republicans ... this is
12 equal ... when that is done, then let's get this
13 highway done the way it should be, by going out US
14 41 instead of appealing it to the next Court.
15
16 **STEVE SCHAEFER**
17 BY MR. SCHAEFER: My name is Steve Schaefer. I'm
18 here representing two groups tonight. First,
19 Hoosier Voices for I-69. That's a statewide
20 coalition advocating support for the highway. And
21 also representing the Chamber of Commerce of
22 Southwest Indiana. But I'll be very brief because
23 tonight is about the landowners, the farmers, those
24 of you that have land in Section One that are gonna
25 be directly impacted. But I simply want to state

our support, both organizations, for the highway, for the Draft Environmental Impact Statement that is on the slate tonight. And our organizations are here to help. If there's any issues that we can help during this process, we are here to listen to you and help you through that process. I just want to thank you all for coming. I want to thank INDOT, Bernardin Lochmueller, QK4, for this ... it's a lengthy process but it's a needed process to gain input from all of you and I just thank you all for attending.

THOMAS TOKERSKI

BY MR. TOKERSKI: In the last sixteen years I have read every feasibility study for I-69 and I can say without reservation that INDOT studies are bogus. They are rigged, lies and filled with errors. No good reason has ever been provided for building this massive NAFDA super truck court. I-69 is all about greed and politics. It has nothing to do with good transportation options for the future. One important fact is that the costs for I-69 are skyrocketing. Since the last estimate a couple of years ago, costs have increased by fifty-percent and will continue to rise. It is highly unlikely that

1 there will ever be enough money available to
2 complete this highway. Unfortunately, Governor
3 Daniels has enough money from his * of the Indiana
4 toll road for seventy-five years to begin I-69. He
5 wants to * before next year's election. That's no
6 coincidence. That means you folks should lose your
7 homes, farms, and other businesses and land for a
8 highway that dead ends in a cornfield and your
9 suffering and loss will be for nothing. But there
10 are three reasons for hope. Number one, a lawsuit
11 is now in court and if we are successful, planning
12 for I-69 will stop in its tracks. Number two, since
13 there's not nearly enough money available to
14 complete I-69 we should be demanding that it not be
15 started. If you can't finish it, it shouldn't be
16 started. But most importantly, you can speak out
17 now. Do you want to be used as sacrificial lambs
18 because there appears to be less opposition down
19 here? Your silence is taken as support. No
20 politician in this part of the State should go a day
21 without hearing from someone here that you never
22 ever vote for anyone who supports I-69. Only we can
23 save our homes, farms, businesses and land. But
24 together we can prevent the tragedy of I-69. The
25 fight is not over. Thank you.

1 **WILLIAM BOYD**

2 BY MR. BOYD: I'm very happy to be here. I
3 guess the first question ... how do you tell you're
4 at an INDOT I-69 meeting? You have all kinds of law
5 enforcement. Gentlemen, thank you for being here
6 tonight, but we'd really rather have you out on the
7 roads. We are not a bunch of radicals. We just
8 feel we're being wronged. I get so angry when I
9 come to these meetings, I could chew nails. The
10 reason they're trying to solicit more comments is
11 because is what they haven't told you is that
12 Governor Daniels' is privatizing paper shredding of
13 the State and they're about to commence shredding
14 all the hundred thirty thousand comments that were
15 made by people earlier and they want to keep these
16 other people busy so they want to shred these
17 comments as well. I made that up. About a year ago
18 I had a chance to ask the Governor a question at a
19 statewide meeting. And I asked him about the number
20 of jobs he proposed to create. According to
21 Daniels, he says for every one * highway, fifty
22 thousand jobs were created. Okay, when you do that
23 math it's gonna be roughly a hundred thousand jobs
24 for all of this section of I-69. Now that's ninety-
25 five thousand four hundred more jobs than what's in

1 that study that's up there, okay? So there's some
2 fuzzy math over there. what we need in this study,
3 we need the best and truthful facts and not just the
4 convenient ones which you'll find up there. The
5 convenient facts are up there to try and prove
6 INDOT's case to build a highway we do not need. Now
7 you have a claim of economic opportunity, economic
8 development. Everyone of you that buys a Powerball
9 ticket has that same economic opportunity, okay, but
10 it ain't gonna happen. We have over a thousand
11 miles of interstate in Indiana currently. And we
12 don't ... with all of this * we don't have jobs.
13 Get involved, join up, be counted, WWW.CARRI69.ORG.
14 Thank you.
15
16 **ANDY RUFF**
17 BY MR. RUFF: I wasn't gonna make any comments
18 tonight but after Mayor Weinzapfel's comments and
19 the City Council President's, I believe of
20 Evansville, comments about their children and jobs
21 and the future. I was * to them and what was really
22 a sort of cheap emotional plea. We all care
23 tremendously. I have two children here in southern
24 Indiana. We all care tremendously about the welfare
25 of our communities and the economy, the welfare of

1 our communities and the opportunities for our
2 children in the future. But to let a cheap
3 emotional plea like that be a basis for making a
4 policy decision of this magnitude where ... you
5 know, in this country we don't take people's land by
6 force or squander billions of tax dollars based on
7 statements like, you know, desperate, or wild
8 speculation about benefits that will come to our
9 families. You know, you look at the existing
10 interstate system. Now just use your common sense.
11 Just think about it. Existing I-69 did not stop a
12 massive hemorrhaging of jobs for our youth.
13 Anderson and Marion and Muncie ... I-70 didn't stop
14 the hemorrhage of jobs from Terre Haute to Richmond.
15 Look to your own area here in Dubois county. My
16 brother lives in Jasper, Indiana. Jasper doesn't
17 even have a four lane highway of any kind much less
18 an interstate. You've gotta have transportation,
19 true. Transportation access is important but don't
20 let them tell you that the answer is an immensly
21 expensive, destructive interstate highway when there
22 alternatives for ... much more effectively and
23 efficiently spent. Look at Jasper, Warsaw, Indiana
24 in the north, the equivalent * success story of
25 Jasper. Look at your Richmonds and Terre Hautes and

1 Marions and Muncies and realize that they're telling
2 you something not really based in fact. It's too
3 important a decision to leave to a story about, "Aw,
4 my child's gonna leave Indiana if I don't build an
5 interstate highway." Thank you.
6
7 **HUGH WIRTH, MAYOR OF THE CITY OF OAKLAND CITY**
8 BY MR. WIRTH: I'm the mayor here of Oakland
9 City, my name's Hugh Wirth. I'd like to get on
10 board with the other mayors in support of this
11 project. I've heard all the nay saying. I just
12 don't believe it. I believe it will be a very
13 strong economic benefit to our community and to this
14 part of the State. We've been overlooked entirely
15 too long. Thank you.
16
17 **WILLIAM HASENOUR**
18 BY MR. HASENOUR: My name is William Hasnour and
19 I'm not agreeing with this. I'm one of the people
20 who owns land that this highway's gonna go through.
21 And I'm glad to hear all these guys say that it's
22 gonna be so much good for Southern Indiana 'cause
23 that oughta make my ground worth about Twenty
24 Thousand Dollars an acre when it goes through there.
25 It's economically feasible. It's ... well, Toyota

1 paid about Ten Thousand Dollars an acre when they
2 came and that's commercial land. But I know people
3 that * this highway through commercial property.
4 And another problem I've got with this is, if they
5 do come through and pay us some money I've got one
6 year to reinvest my money or they're gonna make me
7 pay taxes on a third of it. I have to give a third
8 of it away again. And I don't think that's right
9 either. They need to come up with some other method
10 if they're gonna take farmland away from someone,
11 that they don't have to pay taxes on it right away.
12 And also pay 'em a fair value for it. And my
13 sister-in-law, she lives on Highway 68. Their gonna
14 take her house. My nephew lives on highway 68, I
15 understand they're gonna take his house. What kind
16 of ... like I said, when they come out there to take
17 it, please pay somethin' for it. And I know when
18 the State decides to do somethin', you ain't gonna
19 stop it. But if it's really valuable, then pay for
20 all that inconvenience. I don't think there was
21 another farmer up here tonight, I ... if there was
22 I'm sorry I missed it. But they need to do
23 somethin' for the farmers and I'm probably ... from
24 this highway I'm probably gonna lose probably two
25 hundred acres. Not all in one section. I own ... me

1 and the family own farmland from Highway 68 all the
2 way to Oakland City. They're not in a straight line
3 either. They're all at an angle. Just like I am,
4 so thank you.
5
6 **JOHN HASENOUR**
7 BY MR. HASENOUR: You'll have to hear from
8 another Hasenour. My name is John Hasenour, I'm his
9 brother. Like he said, we own several hundred
10 acres. I think if you look at the highway itself,
11 just the map ... I've heard one person say
12 destructive ... it's just unbelievable the
13 disastrous effect that has on my farm and all the
14 farmland all the way to Indianapolis. I mean, look
15 at the ... they're going ... it's like a snake. I
16 mean, how do you possibly build an efficient highway
17 by going like that? I just don't understand it. If
18 you're gonna take it with these means, you've gotta
19 pay these people some money. Because it's
20 economically valuable for the whole state? They
21 make it valuable. If it's that valuable then
22 reimburse these people. Thank you.
23
24
25

1 **JAN BOYD**

2 BY MS. BOYD: Hi, my name is Jan Boyd. The
3 money for major moves would pay for the entire US 41
4 upgrade. If we go up 41 then we don't need any more
5 money. Thank you.
6
7
8 *** Due to technical difficulties with the microphones**
9 **throughout the evening, portions of the comments were**
10 **unintelligible.**
11
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MEMORANDUM

From: Kenneth A. Westlake
Supervisor, NEPA Implementation
Office of Enforcement and Compliance Assurance

To: Tony DeSimone
Federal Highway Administration, Indiana Division (FHWA)

Tom Seeman
Indiana Department of Transportation (INDOT)

Re: U. S. Environmental Protection Agency (USEPA) Comments on FHWA/INDOT's "Comments and Responses (C/R) Document" for the comments received on the I-69 Section 1 Tier 2 Draft Environmental Impact Statement (DEIS).

USEPA has reviewed the relevant portion of the above referenced document as requested. We offer the following comments.

We are pleased that FHWA and INDOT are making progress on being responsive to the comments and concerns we have raised not only on this I-69 Section 1 Tier 2 EIS, but also for the upcoming I-69 Tier 2 EISs for the other 5 sections, and for the I-69 Indianapolis to Evansville) Tiered EIS project as a whole.

However, until we have had the opportunity to review the details in the upcoming Section 1 Tier 2 FEIS, we can not give you a definitive response on the adequacy of your proposed responses to our comments on the Tier 2 DEIS for Section 1. Many of the draft responses to comments refer to text in the forthcoming Tier 1 FEIS, rather than providing details in the draft responses themselves. After we have reviewed the Tier 2 FEIS for Section 1, we may suggest some questions or refinements for Section 1 and for subsequent I-69 Sections for Tier 2.

In the meantime, we suggest the FHWA/INDOT responses to our Section 1 Tier 2 DEIS comments for inclusion in the Section 1 Tier 2 FEIS provide more detailed explanation and information concerning: (1) FHWA/INDOT's proposed mitigation tracking for Section 1 and the overall I-69 project as a whole, and (2) the status of I-69 Community Planning Process and the results obtained so far.

We also recommend you identify and respond to our proposed correction to the text in the Tier 2 DEIS Chapter 4 & 5 (pp. 4-90 and 5-137) in regards to the National Ambient Air Quality Standards (NAAQS) and "nonattainment area" designations (see page 13 of the enclosure to our USEPA Section 1 Tier 2 DEIS comment letter dated February 20, 2007, for our proposed correction).

Thank you for the opportunity to review and comment on the document. If you have any questions, please contact Virginia Laszewski of my staff at 312-886-7501.

RECEIVED 07-13-07

From: Andrew_King@fws.gov [mailto:Andrew_King@fws.gov]
Sent: Wed 7/18/2007 3:31 PM
To: Jeremy Kieffner
Cc: Jason Dupont; Mike Grovak; Scott_Pruitt@fws.gov; Tom Cervone; Andrew_King@fws.gov
Subject: Re: Response and Comments from Section 1 DEIS

Jeremy - I have reviewed all of your draft responses to our comments on the Section 1 DEIS. In general, all of the responses are satisfactory.

While reviewing your responses, I reread a portion of the DEIS pertaining to "Property A" in Section 5.22 of the DEIS. This is the 43-acre parcel where the FWS's Partners for Fish and Wildlife Program helped fund the construction of several wetlands, some of which will be destroyed by the preferred alignment. I believe the FEIS needs to contain some additional information/clarification as to how INDOT intends to compensate the FWS for its investment in this property. Also, it wasn't clear to me from the text of this particular section whether the loss of the 0.5 acres of the constructed wetlands was also included in the total wetland impacts that will be mitigated.

Thank you.

R. Andrew King
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Bloomington Field Office
620 S. Walker Street
Bloomington, IN 47403
Phone: 812-334-4261 x216
Fax: 812-334-4273

"Jeremy Kieffner" <JKieffner@blainc.com>

07/17/2007 10:00 AM

To <Andrew_King@fws.gov>, <Scott_Pruitt@fws.gov>
cc "Mike Grovak" <MGrovak@blainc.com>, "Jason Dupont" <JDupont@blainc.com>, "Tom Cervone" <TCervone@blainc.com>
Subject Response and Comments from Section 1 DEIS

Dear Andy and Scott,

Does the USFWS have any issues with the Section 1 Draft Responses to Comments that will go into the FEIS that was sent on June 26, 2007 to the USFWS for review? If so, does the USFWS want to schedule a meeting and/or conference call with the I-69 PMC to discuss the Draft Responses to Comments? Please let me know. If I have not heard anything back from the USFWS by Thursday July 19, 2007 the PMC will assume that the USFWS has no Comments on this document. Thank You.

Sincerely,

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