

I. Overview of Comments on FEIS

The Tier 1 FEIS was released on December 18, 2003. Although no comment period is required on an FEIS under FHWA regulations, the FHWA and INDOT established a 47-day period for comments to be submitted on the FEIS. This period ended on February 2, 2004. Comments postmarked by the last day of this period were considered to be timely. In addition, comments received after February 2, 2004, but prior to issuance of the Record of Decision, also were considered. The comments received on the FEIS are addressed on an issue-by-issue basis in Appendix B of this Record of Decision. These responses in Appendix B are supported by a more specific, point-by-point response to comments, which has been prepared in support of this Record of Decision and is included in the project file.

This Appendix presents a summary of the comments on the FEIS. Section II of this Appendix presents the comments from the public agencies and officials. Section III of this Appendix presents the comments from the public.

II. Comments from Public Agencies and Public Officials.

Comments on the FEIS were submitted by four federal agencies, two state agencies, and numerous local governments, agencies, and officials. These governmental comments are summarized below.

The following sections present a summary of the public's, agencies' and officials' comments on the FEIS. **Section A** includes the comments from federal agencies. **Section B** includes the comments from state agencies. **Section C** includes comments from other local governments, agencies, and officials.

A. Comments from Federal Agencies

Army Corps of Engineers (USACE). The USACE summarized the Section 404 coordination that has occurred as part of this Tier 1 process, including the USACE's comment letter of September 25, 2003. Based on a review of the FEIS, the USACE stated that "we continue to believe that the tiered approach and the alternative analysis conducted for the project is consistent with the intent of the [Section] 404(b)(1) guidelines." The USACE also requested that the Record of Decision include a statement clarifying that the USACE "has not formally made or concurred in a determination of consistency with the Section 404(b)(1) Guidelines." The clarification requested by the USACE is included in Appendix E of this Record of Decision. The USACE concluded that the documentation prepared to date "is appropriate as part of early coordination for the anticipated Section 404 permitting for this project."

United States Environmental Protection Agency (USEPA). The USEPA stated that "[o]verall, the Tier 1 FEIS is well done and provides an adequate level of detail and analysis for Tier 1 decision making for this large and complex project." The USEPA expressed its appreciation for the steps taken in the FEIS to address issues raised by USEPA in its comments on the DEIS and

on the Preferred Alternative and Mitigation Package. The USEPA comments also acknowledged that “Alternative 3C performs better than Alternative 1 in fulfilling the project’s core goals, notably the goal of improving personal accessibility for southwestern Indiana” and “appreciated that two hybrids were developed and fairly evaluated in detail using the same parameters as were applied to the other twelve alternatives”. The USEPA also addressed the following issues: tiered NEPA process and compliance with Section 404 of the Clean Water Act; secondary development and cumulative water quality impacts in karst areas; air quality analysis, including compliance with the 8-hour ozone and PM 2.5 standards and the process for making conformity determinations in Tier 2; and mitigation commitments made in Tier 1. In addition, in a letter dated March 23, 2004, the USEPA stated that “[d]ue to the large size of the Tier 1 study area and the complexity of this project, we agree ... that the use of karst data from the Indiana State Geological Survey provides an acceptable level of detail for the identification of karst features to determine relative impacts to karst features between the various corridor alternatives in the Tier 1 study.” USEPA recommended that the Tier 1 Record of Decision commit that Tier 2 studies will use the information contained in a 1994 study of karst features in the Bloomington area, and requested that the Record of Decision discuss whether the 1994 study “contains any information that would have identified a likely potential for unacceptable karst resource impacts in the portion of the Tier 1 study area that the [1994] study covers.”

Natural Resources Conservation Service (NRCS). The NRCS stated that the construction of I-69 “will result in the loss of significant amounts of prime farmland” and committed to work with INDOT to help mitigate the loss of this valuable resource. The NRCS stated that “[b]y far ... the most effective thing that INDOT can do to mitigate the loss of farmland caused by the construction is to protect other farmland that is subject to development pressures. This could be land within the corridor of the new I-69 or it could be land in other parts of the state that are subject to development.”

U. S. Department of Interior (USDO I). The U.S. Department of the Interior (USDO I) did not submit a comment letter on the FEIS. However, the USFWS has informed FHWA in writing that the USFWS has reviewed the FEIS and informed USDO I headquarters that “the document adequately addresses the questions and concerns of the FWS expressed in the [USDO I’s] comment letter of November 14, 2002 regarding the Draft EIS/4(F) and we have no further comments.”

B. Comments from State Agencies

Indiana Department of Natural Resources (IDNR), Executive Office. The IDNR stated that “the preferred alternative 3C does not impact any nature preserves, natural areas, or known state listed plant species occurrences.” The IDNR comment letter expressed that agency’s appreciation of the inclusion of the wildlife impacts and mitigation measures for the impacts on wildlife movements as they suggested in their October 10, 2003 letter. The IDNR letter also acknowledged and expressed appreciation for the incorporation of many of the other suggestions made in that letter.

Indiana Department of Natural Resources, Indiana State Historic Preservation Officer (SHPO). The SHPO stated that “in regard to archaeological sites, we are generally satisfied with

the status of the current review process” With regard to historic properties, the SHPO stated that “we are satisfied with the results of the review process.” The SHPO letter also stated that “the tiering system appears to be working well, and, indeed, for a project of this magnitude, appears to be the only effective way of managing the review of a geographic area as large as that encompassed by this study.” In addition to their comments on the FEIS, the SHPO also submitted a letter dated February 20, 2004, clarifying its position on the eligibility of the Wabash and Erie Canal in the Patoka area. For a discussion of that letter, see Appendix C-1.

C. Comments from Local Governments, Agencies, and Officials

City of Bedford – Mayor. The Mayor of Bedford submitted a comment letter supporting the selection of Alternative 3C. The letter stated that “we are adamantly supportive of this highway corridor to pass through Southwest Indiana. We believe that a major stumbling block for competing in a global market for growth and development is accessibility. Obviously, good access to our neck of the woods is very lacking at present.”

City of Bloomington – Mayor. The Mayor of Bloomington, Mark Kruzan, submitted a comment letter opposing the Alternative 3C “due to its unknown cost and certain environmental impact.” His comment letter objected to the increase in project cost, loss of land by existing businesses and families, impacts to the Wapehani Mountain Bike Park and impacts to karst topography. “Discussion and planning of the Preferred Alternative 3C needs to focus on frontage roads, overpasses, highway cuts and the impact on mobility of motorists traveling west-east, pedestrian and bicycle accommodations, infrastructure improvements, and other issues.”

City of Bloomington – City Council Vice President. Andrew Ruff, Vice President of the Bloomington City Council, submitted a comment letter opposing Alternative 3C. He objected to the length of the FEIS review period, contending that it was “inadequate for the public to review the lengthy FEIS and make comment.” He stated that “[s]peaking as an elected public servant, I see this as a failure of the democratic process and a failure of State government to perform the duty of serving the public interest.” His comment letter also included the following points: (1) the Bloomington MPO adopted the Alternative 3C into its plan, it “was in no way shape or form to be construed as an endorsement of the project by the Bloomington area MPO”; (2) his comments on the DEIS, as well as any other comments he has submitted, should be treated as comments on the FEIS; (3) contends that the FEIS “downplays or ignores” information about towns that prosper economically without direct Interstate access; and (4) three Bloomington city councils, over twelve years, have opposed routing I-69 through their community. In closing, he stated that “INDOT has consistently downplayed and ignored the fact, supported by every measurable indicator, that Bloomington does not want I-69. . . . INDOT is truly trying to ram this highway down our throats without any justification.”

City of Bloomington – Members of City Council. Seven of the nine members of City of Bloomington Common Council submitted a comment letter opposing Alternative 3C. The members stated that they oppose the project “because I-69 through our community threatens the assets and characteristics that are key to our future economic vitality and quality of life for our citizens.” They also stated that they “reject the notion that additional Interstate highway mileage

is an investment that will be effective in helping Indiana position itself to succeed in the 21st century economy.”

City of Bloomington – Department of Parks and Recreation. The City of Bloomington Department of Parks and Recreation raised a question about park property within the Study Corridor on Bloomington’s west side. They requested that the Wapehani Mountain Bike Park be evaluated for possible protection under Section 4(f). The park trail closest to SR 37 passes between Weimer Lake and the highway right-of-way. Maintaining access for bicyclists and hikers to travel around the lake is a high priority.

City of Bloomington – Planning Department (MPO). The City of Bloomington Planning Department submitted a copy of the Bloomington MPO’s November 2003 Policy Committee meeting, in which the Policy Committee amended the Bloomington MPO Long Range Plan to include Alternative 3C. The Planning Department also submitted the minutes of the Bloomington MPO’s October 2003 Citizens Advisory Committee (CAC). The letter noted that the CAC did not support Alternative 3C.

City of Evansville – Mayor. Jonathan Weinzapfel, the Mayor of Evansville, emphasized the need for a direct Interstate highway between Indianapolis and Evansville, the State’s third-largest city. The Mayor complimented INDOT and FHWA on the quality of the environmental review process and the innovative approach to mitigation. The Mayor referred to the highway as “a critical link and launch point to an international trade corridor that will ultimately benefit the entire nation.”

City of Evansville – Common Council President Bagbey. Steve Bagbey, President of the Evansville Common Council, submitted a comment supporting Alternative 3C. He stated that the project “will give southwestern Indiana a better position for economic development” and a “better and safer way to visit our capital [Indianapolis].”

City of Evansville – Common Councilman Melcher. Stephen R. Melcher, Evansville City Councilman, expressed “enthusiastic support” for Alternative 3C “because it best meets the project purpose and need.” He noted that “the existing interstate system has served the state well, but we must now focus our resources on the unfinished corridors that will serve today’s and tomorrow’s needs” and called this project “an essential link in meeting these needs.”

City of Indianapolis – MPO. The Indianapolis Metropolitan Planning Organization submitted comments regarding Alternative 3C, grouped into three broad categories: network and traffic impacts, air quality impacts, and environmental and social impacts. The MPO stated that this alternative could have significant impacts on the local arterial street network and would require modifications to ensure that local arterial and circulation systems remain viable. The MPO also noted that Alternative 3C “meets the prescribed [air quality] conformity requirements and is contained in a conforming regional transportation plan.” With regard to environmental and social impacts, the MPO noted that Alternative 3C “will utilize a well established existing expressway corridor that passes through an urbanized and urbanizing area of the MPO” and also noted that land uses in the corridor “are generally more compatible with a major transportation facility.” The MPO also noted that this route passes through a protected wellfield and “could

increase the likelihood of further impacts” to the wellfield. The MPO also noted that the project will have historic, noise, and relocation impacts. The MPO recommended “additional detailed analysis of Alternative 3C, in close cooperation with the MPO and area citizens throughout the Tier 2 process”

Monroe County Board of Aviation Commissioners. The Monroe County Board of Aviation Commissioners submitted a statement of “support and encouragement” for the construction of Alternative 3C. The Board noted that, since the federal government’s Essential Air Service (EAS) subsidy was ended in 1997, the Monroe County Airport has not provided commuter airline service. The Board stated Alternative 3C will “provide expeditious travel for the great many in need of valuable medical facilities, educational institutions, and job opportunities.”

Monroe County Highway Department. The Monroe County Highway Department (MCHD) submitted a report identifying the impacts of Alternative 3C on the county’s highway system. The report updated information previously submitted by MCHD in its comments on the DEIS. The report identifies a series of specific locations where grade separations or interchanges should be considered. In the cover letter accompanying the report, the MCHD stated that “we expect [FHWA] and [INDOT] to fund and construct frontage roads, grade separations, and interchanges at critical locations in order to maintain a high degree of safety for the public and our emergency response personnel.”

Monroe County Historic Preservation Board of Review. Cheryl Ann Munson, as Chairman of the Monroe County Historic Preservation Board of Review, submitted a comment letter stating that “the FEIS has begun to satisfactorily address many of the concerns the Board raised in its comment letter . . . to the Draft EIS. The FEIS appears to present impact assessments of the archaeological and historic resources that are more realistic and complete than what was presented in the Draft FEIS [sic].” The letter also noted that “many resources exist in the area that have not been identified because surveys of the alignment to identify archeological sites and historic structures are incomplete.” The letter provided specific recommendations regarding additional analyses to be conducted and stated that the Board would like to be actively engaged in the Section 106 process in Tier 2.

Perry Township Trustee. Jack E. Sandlin, the Perry Township Trustee, submitted a comment letter opposing Alternative 3C. The letter raised several objections to the study process and the project, including (1) lack of a public meeting in Perry Township; (2) lack of any interchanges between I-465 and County Line Road, “effectively walling off Perry Township” and creating a “serious public safety issue” due to the lack of access; (3) potential impacts on the wellfields in the area; (4) impacts to businesses, residential properties, and “a new 600 plus elementary school”; (5) “no meetings have been held to discuss the information within this document [the FEIS]”; (6) lack of financial assistance to the community to perform an independent evaluation of the FEIS; and (7) insufficient time to review the FEIS.

State Senator Lawrence M. Borst. State Senator Lawrence Borst submitted a comment letter objecting to Alternative 3C. The letter raised several objections regarding the routing of the project in Perry Township, including (1) loss of or reduction in accessibility for east-west traffic in Perry Township; (2) “elimination of \$100 million in assessed valuation . . . [which] will result

in a property tax increase of approximately one dollar”; (3) “no serious consideration for an alternate route” has been made. Based on these objections, he requested that the process “either be halted or slowed down” to allow for further consideration of alternative routes.

III. Public Comments

The following sections present the public comments on the FEIS. Section A includes the comments from businesses, business groups, and economic development organizations. Section B includes the comments from environmental, historic preservation, and citizens groups. Section C includes comments from other institutions. Section D includes comments from individuals.

A. Businesses, Business Groups, and Economic Development Organizations

Businesses, business groups, and economic development organizations submitted the following comments on the FEIS:

American General Financial Services. American General Financial Services submitted a comment supporting Alternative 3C.

Basadur Applied Creativity. Basadur Applied Creativity, a consulting firm with an office in Newburgh, Indiana, submitted a comment letter supporting the selection of Alternative 3C.

Bikesmiths. John Smith, owner of Bikesmiths, a bicycle shop in Bloomington, submitted a comment letter opposing Alternative 3C. The comment letter raised several specific concerns regarding the adequacy of the Tier 1 FEIS. The letter contends that (1) park lands in the Bloomington area, including the Wapehani bike trail, “have been totally ignored in violation of the NEPA 4(f) regulations”; (2) comments by “Bloomington bicyclists” should have been discussed in greater detail in the FEIS; and (3) a privately owned bicycle trail in the Bloomington area (Monon Rail) should be considered a Section 4(f) resource. See Appendix C, *Technical Memorandum; Railroad owned by the Monon Rail Preservation Corporation* of this document for further discussion.

Bloomington Economic Development Corp. The President of the Bloomington Economic Development Corporation submitted a comment letter supporting Alternative 3C.

Brake Supply Co., Inc. Brake Supply Company, Inc., based in Evansville, submitted a comment letter supporting Alternative 3C.

Casino Aztar. Casino Aztar, which is located in Evansville, submitted a comment letter supporting Alternative 3C. The letter states that “[a]s busy working people consider options for spending their precious leisure time and discretionary dollars, they give primary consideration to travel time when choosing among a multitude of entertainment destinations. The Evansville Museum, Mesker Park Zoo, Burdette Park, Wesselman Park Nature Center, The Centre, Roberts Stadium, and Evansville’s annual Freedom Festival are among Southwestern Indiana’s many attractions that would surely benefit from easier highway access to the area.” The letter went on to state that “the shortest and most direct route for I-69 southward from Indianapolis will

significantly increase Evansville’s potential as a destination place and bring substantial growth to this area’s convention and tourism business.”

CFC, Inc. CFC, Inc., a real estate company based in Bloomington, submitted a comment supporting Alternative 3C.

David Mathews Associates. David Mathews Associates, a real estate appraisal company based in Evansville, submitted a comment letter supporting the selection of Alternative 3C. The letter stated that “[a]ll the newer major automobile plants in Indiana have located on Interstates and I-69 could attract other similar major industries to Southwestern Indiana, which is currently unserved by a north-south Interstate route.”

Daviess-Martin County Regional Electric Membership Corporation (Daviess-Martin REMC). The Daviess-Martin REMC, an electricity distribution cooperative serving more than 8,000 members in Daviess and Martin counties, submitted a comment supporting the construction of the project. The comment noted that “we have seen little to no growth in our service territory for many years. I69 is what we need to change this trend.”

Dunn Hospitality Group. Numerous local offices of the Dunn Hospitality, which owns hotel properties in various locations in Indiana and Kentucky, submitted comment letters supporting the selection of Alternative 3C.

EG&G Technical Services – Crane Operations. EG&G Technical Services, Crane Operations, submitted a comment letter supporting Alternative 3C. The letter stated that “the Route 3C corridor is critical to the external infrastructure surrounding the Naval Surface Warfare Center (NSWC) at Crane.” The letter also stated that “NSWC Crane is a key economic driver in south central Indiana and is uniquely positioned to be a catalyst for even greater development in the future. One of the key pieces missing from this equation is external infrastructure to support this growth. . . . Route 3C, with its passing in close proximity to NSWC Crane, meets this need.”

Evansville Chamber of Commerce. The Metropolitan Evansville Chamber of Commerce submitted a comment letter supporting Alternative 3C. The letter stated that this alternative “powerfully meets the stated purpose and need for the project.” The letter also stated that the FEIS “confirms what citizens of Southwest Indiana have asserted for a long time – the highway is necessary, long overdue, and critically important to the region’s and state’s future economic development success.”

Evansville Plastic Surgical Associates, Inc. Evansville Plastic Surgical Associates, Inc. submitted a comment letter supporting the selection of Alternative 3C.

Evansville Regional Business Committee, Inc. Evansville Regional Business Committee, Inc., an organization representing a range of business located in and around Evansville, submitted a comment letter supporting the selection of Alternative 3C.

Evansville Regional Economic Development Corp. The Evansville Regional Economic Development Corporation submitted a comment letter supporting Alternative 3C, stating that the project “will serve as an economic development engine for Southwest Indiana.”

Ferro Corporation. The Ferro Corporation (Specialty Plastic Group, Filled and Reinforced Division) submitted a comment letter supporting Alternative 3C.

Gaither Rutherford & Co. Gaither Rutherford & Co., L.L.P., an accounting firm, submitted a comment letter supporting Alternative 3C.

Greater Bloomington Chamber of Commerce. Steve Howard, the president of the Greater Bloomington Chamber of Commerce, submitted a comment letter on behalf of the chamber supporting Alternative 3C. The letter stated that the Chamber “has long supported the completion of I-69 through southwest Indiana” and considers it “an essential ingredient in maintaining an economically healthy region.” In addition, Mr. Howard stated that, as former commander of the Crane Naval Surface Warfare Center, he believes that the completion of I-69 along Alternative 3C “will provide a key ingredient in helping Crane achieve its potential as an economic engine for the region, state, and nation.”

Hilliard Lyons. The Evansville office of Hilliard Lyons, an investment firm, submitted a comment letter supporting Alternative 3C.

Indiana Business Research Center. The director of the Indiana Business Research Center, which is part of the Kelley School of Business at Indiana University, submitted a comment supporting Alternative 3C. The letter states that “the highway is crucial to major economic development efforts that will help increase job opportunities not only in southern Indiana but also throughout the state as it completes a strong transportation corridor between the state’s three leading centers of advanced technology, research, and development.”

Indiana Farm Bureau. The Indiana Farm Bureau, the largest farm bureau in the State of Indiana, submitted a comment stating that the organization “supports the development of I-69 in Indiana.” The letter stated that “[t]ransportation is vital to Indiana farmers and rural communities. Rural communities and farmers in Southwest Indiana will benefit from improved transportation routes between Evansville and Indianapolis, whether through better access to off-farm development, improved health care, or domestic and international markets for agricultural products.” The Bureau also expressed its appreciation that “the alternative with the lowest farmland impacts [of the five DEIS preferred alternatives] was chosen.” The Bureau offered several suggestions for the next phase of the study. These included: (1) planning for overpasses and tunnels to maintain access; (2) following existing boundaries of farms to avoid splitting farms and disrupting access; (3) properly constructing and maintaining drainage; (4) INDOT maintaining responsibility for repairing roadside drainage structures and fences; and (5) farmland should not be sacrificed to mitigate for other resources, such as forest, wetlands, and endangered species habitat.

Indiana Forest Alliance. Indiana Forest Alliance submitted a joint letter with four other groups – Heartwood, the Indiana Forest Industry Council, the Indiana Hardwood Lumberman’s

Association, and Hoosier Environmental Council – opposing Alternative 3C. For a summary, see Heartwood’s comment in Section B below.

Indiana Forest Industry Council. Indiana Forest Industry Council submitted a joint letter with four other groups – Heartwood, the Indiana Forest Alliance, the Indiana Hardwood Lumberman’s Association, and Hoosier Environmental Council – opposing Alternative 3C. For a summary, see Heartwood’s comment in Section B below.

Indiana Furniture Industries. Indiana Furniture Industries, based in Jasper, Indiana, submitted a comment letter supporting Alternative 3C. The letter expressed concern about the lack of accessibility in Southwestern Indiana, stating that “the cost of getting material resources in and value-added products out of Southern Indiana is excessive due to the lack of access on good highways.”

Jerry Marx Concrete Supply. Jerry Marx Concrete Supply, based in Evansville, submitted a comment letter supporting Alternative 3C.

Kahn, Dees, Donovan & Kahn, L.L.P. Kahn, Dees, Donovan & Kahn, L.L.P., a law firm based in Evansville, submitted a comment letter supporting Alternative 3C.

Koch Air, L.L.C. Koch Air, L.L.C., a distributor of heating and cooling products, based in Evansville, submitted a comment letter supporting Alternative 3C.

Koch Enterprises, Inc. Koch Enterprises, Inc., an Evansville-based company, submitted a comment letter supporting Alternative 3C.

Lincolnland Economic Development Corp. Tom Utter, Executive Director of the Lincolnland Economic Development Corp. (LEDC), submitted a comment on behalf of the LEDC supporting Alternative 3C. The letter stated that “[t]he Interstate 69 Route 3C is a national model of responsible, safe access to markets, education, national security, and tourism.”

Old National Bank. Old National Bank, based in Evansville, filed a comment letter supporting Alternative 3C. The letter stated that in the mid-1990s, the bank conducted a study along with other banks in the region of their student loan portfolios and found that many graduates were not returning to Southern Indiana. The letter stated that “one of the reasons the graduates are not returning to their home environment is the lack of job opportunities available.” The letter also noted that during the 2000-2001 recession, several long-established businesses in the area failed, which the bank attributed to the lack of economic development in the area. The letter also stated “the majority of the citizens who are against the building of the highway, are opposed for all the wrong reasons. They feel their personal inconvenience outweighs any advantages that will be evident with this completed project.”

SBC Southwestern Indiana. SBC Southwestern Indiana submitted a comment letter supporting Alternative 3C.

Simms Painting Company, Inc. Simms Painting Company, Inc., submitted a comment letter supporting Alternative 3C. The letter stated that “[t]oo many lives and futures have been erased by the lack of an adequate transportation corridor” and urged that the ROD be issued “without delay.”

Pro-Tex-All. Pro-Tex-All, a manufacturing company located in Evansville, submitted a comment letter supporting Alternative 3C. The letter referred to I-69 as a “critical economic development investment for the entire State of Indiana.” The letter urged INDOT and FHWA to “[m]ake the commitment or many businesses will leave Indiana for a more progressive climate elsewhere.”

Uniseal Inc. Uniseal Inc., a manufacturing company based in Evansville, submitted a comment letter supporting Alternative 3C.

Voices for I-69. Voices for I-69, an association of business interests formed to promote the completion of I-69, indicated support for Alternative 3C. They also commented that Alternative 3C meets the stated purpose of the project and that the EIS is a definitive document that provided analysis of impacts and mitigation measures for the project. Alternative 3C will provide an economic incentive to Southwest Indiana and will provide new job opportunities to currently underserved areas as well providing safer travel.

Wellborn Foundation. The Executive Director and Chief Executive Officer of the Wellborn Foundation, a not-for-profit organization based in Evansville, submitted a comment letter supporting Alternative 3C.

Whirlpool Corporation. The Evansville Division of the Whirlpool Corporation submitted a comment letter supporting Alternative 3C.

Woodward Commercial Realty Inc. Woodward Commercial Realty Inc., based in Newburgh, Indiana, submitted a comment letter supporting Alternative 3C. The letter stated that I-69 “will serve as *the* economic engine for Southwest Indiana.” The letter complimented the mitigation elements included in the project, stating that “the EIS outlines unprecedented natural and historic resource commitments, including a state-of-the-art mitigation package.” The letter urged prompt completion of the project.

B. Environmental, Historic Preservation, and Citizens Groups.

Environmental, historic preservation, and citizens groups submitted the following comments on the FEIS:

Association of Monroe County Taxpayers. The Association of Monroe County Taxpayers, based in Bloomington, submitted a comment letter opposing Alternative 3C. This commenter raised two issues with regard to the analysis of energy impacts in the FEIS. First, they contend that it is “manifest folly” to “attempt to predict anything out on a time line that is measured in multiple decades.” Second, they contend that petroleum supplies will fall significantly in the future, thus leading to major changes in the “economics of automotive and truck passenger and

freight transport,” which call into question the economic benefits of I-69. The commenter suggests that, given the uncertainty of future energy supplies, the benefits of I-69 may never be realized and “the project may be obsolete as it is being built.”

Citizens Action Coalition of Indiana. Citizens Action Coalition of Indiana submitted a joint comment with ELPC, CARR, and HEC. For a summary, see ELPC’s comment below.

Citizens for Appropriate Rural Roads (CARR). Citizens for Appropriate Rural Roads (CARR) submitted a joint comment with Citizens Action Coalition of Indiana, Environmental Law and Policy Center (ELPC), and Hoosier Environmental Council (HEC). For a summary, see ELPC’s comment below. In addition, CARR also submitted its own comment letter opposing Alternative 3C. In its comments, CARR objected to the length of the FEIS comment period, contending that “we did not have enough time to adequately review, study, and comment on this FEIS ... Given more time and resources, we feel we could have made it even more clear the serious flaws and biases in this document.” In addition, CARR raised a number of objections to the study process and environmental analysis. These included: (1) FEIS fails to show a valid purpose and need; (2) there is no significant difference among the alternatives in satisfying the performance measures; (3) significant amounts of information needed to review and analyze the DEIS have been denied to the public; (4) the tiering has been misused, because not enough information has been provided in Tier 1 to “avoid pointing a loaded gun” at sensitive resources in Tier 2; and (5) information in the FEIS was “cherry picked” to support INDOT’s pre-existing position. In addition, CARR provided numerous additional and detailed comments on the FEIS.

COUNT US! COUNT US! submitted a comment letter opposing Alternative 3C. The letter stated that the group did not have sufficient time to review and prepare comments on the FEIS. The letter also raised a range of other concerns about the study process and the project. These comments included: (1) the distinction between “substantive” and “non-substantive” DEIS comments was arbitrary and capricious and resulted in an illegal deletion of substantive comments; (2) maps contained in the FEIS were “intentionally vague” and access to maps on the web site were difficult to download; (3) access to GIS shapefile data was not provided; (4) karst data was inadequate; (5) tiering is “tolerated but not preferred” by FHWA legal counsel; (6) the No Build alternative was not properly considered; (7) the study incorrectly assumes that Indiana must build I-69; (8) NAFTA is a failure; (9) the study must include analysis of effects on I-465 and existing I-69; (10) the time savings only benefits a small number of vehicles, and thus does not justify the expense of the project; (11) INDOT’s long-range plan is out of step with these economic times; (12) political influences affected the location of the 3C corridor; (13) location near an Interstate is not a significant competitive advantage for businesses; and (14) Indiana cannot afford I-69. In addition, this commenter raised numerous objections concerning the environmental analysis in the FEIS, including social impacts, farmland impacts, air quality impacts, threatened and endangered species impacts, and other issues.

Environmental Law and Policy Center of the Midwest (ELPC). The Environmental Law and Policy Center and three other groups – Citizens Action Coalition of Indiana, CARR, and HEC – submitted a joint comment letter opposing Alternative 3C and urging the selection of Alternative 1. These groups objected to the length of the FEIS comment period, contending that “forty [sic] days is a woefully insufficient time to review the document.” They also contended that the

“legally required notice” of the FEIS was mailed too late. The initial comment letter submitted by these groups raised several specific objections to the study process and the FEIS. These included: (1) the tiered process is unlawful and inappropriate for this project; (2) the purpose and need was improperly defined and unfairly limits the range of alternatives considered; (3) there is no significant difference between Alternative 1 and Alternative 3C in terms of their ability to meet the purpose and need; (4) the benefit-cost analysis contained in the FEIS was flawed; (5) the analysis of karst impacts was inadequate because it was based on incomplete information; (6) the analysis of a potential Old Order Amish district is based on incorrect assumptions about the location of Old Order Amish families in the study area; (7) environmental justice analyses were improperly “deferred” until Tier 2; (8) air quality conformity findings were improper because of anomalies in the modeling results and for other reasons; (9) the Section 4(f) evaluation was flawed because it defers resolution of historic district eligibility and boundaries until Tier 2, fails to take into account the potential for a constructive use of the Patoka refuge, and fails to recognize the Combs Unit of the Martin State Forest as a Section 4(f)-protected area; (10) the approach used for Section 404 permitting is improper because alternatives for avoiding impacts to wetlands will be eliminated at Tier 1; (11) the separation of Alternative 3C into six separate sections for Tier 2 is improper “segmentation” that violates NEPA; (12) the state and metropolitan long-range transportation plans do not meet the federal financial constraint requirements; and (13) political factors affected the comments submitted by the Indiana Department of Natural Resources on the DEIS. These comments included numerous attachments, including additional analysis of traffic modeling issues prepared by a consultant, Smart Mobility Inc. On March 18, 2004, ELPC submitted additional comments on behalf of itself, HEC, and CARR. These comments raised the following additional issues: (1) the FEIS fails to analyze and quantify the substantial construction impacts that will occur during the construction of any of the “build” alternatives for I-69; (2) the FEIS’ analysis of air quality impacts is deficient because it does not explain the total air quality impacts, including hazardous air pollutants, in each of the different corridors or throughout the region; (3) the FEIS does not discuss how INDOT will prevent highway and bridge runoff from damaging the Patoka National Wildlife Refuge wetlands and other areas during and after construction; and did not discuss in sufficient detail how INDOT will prevent pollutants from impacting the wetlands in the Refuge; (4) INDOT’s planning process for I-69 in Indiana impermissibly segments the highway project and therefore “cannot proceed with the I-69 project for any section until it evaluates all of the environmental impacts associated with the entire highway” in Indiana; (5) the FEIS does not address any of the avian impacts resulting in collisions with communication towers in the Patoka Refuge area; and (6) the FEIS contained misleading comment responses.

Heartwood. Heartwood and four other groups – Indiana Forest Alliance, Indiana Forest Industry Council, the Indiana Hardwood Lumberman’s Association, and HEC – submitted a joint comment opposing Alternative 3C because of “the grave threat posed to Indiana’s forests and the wood products businesses that depend on these forests.” The groups advocated the selection of Alternative 1. Specific concerns raised by these groups included: (1) the project will “eliminate or dissect thousands of acres of private forest land”; and (2) the project will “hasten urban sprawl,” which consumes forest land. The groups noted that the forest products industry is the fifth largest in Indiana and noted that 124 species use Indiana’s forests as their principal breeding habitat, as well as other environmental benefits of forest land.

Historic Landmarks Foundation of Indiana (HLFI). Historic Landmarks Foundation of Indiana (HLFI) submitted a comment letter opposing Alternative 3C and supporting Alternative 1. HLFI stated that, in their view, Alternative 3C “has the potential to impact significantly more historical and archeological sites than Alternative 1.” They expressed concern about the tiered process, stating that “it will be too late at that point [in Tier 2] to alter the preferred route if, indeed, historic properties are found to be significantly adversely affected by the proposed project.” They also expressed concern that “during Tier 1, potentially eligible areas of historic significance were rationalized to be non-significant with seemingly little evidence to support that position.” HLFI stated that it “remains firm in its commitment to assist property owners and local organizations to list eligible properties in the National Register of Historic Places and will continue to do so throughout this process.” HLFI urged that the historic district in downtown Washington be included in the area of potential effect (APE) in Tier 2. They also expressed concern that the “sectioning” of the project into six Tier 2 sections will “result in myopic understanding of the project’s impact while neglecting to see the project’s broad implications.”

Hoosier Environmental Council (HEC). Hoosier Environmental Council (HEC) submitted a joint comment with three other groups – the Citizens Action Coalition of Indiana, CARR, and ELPC – opposing Alternative 3C. For a summary, see ELPC’s comment above. HEC also submitted a joint letter with four other groups – Heartwood, the Indiana Forestry Alliance, the Indiana Forest Industry Council, and the Indiana Hardwood Lumberman’s Association – opposing Alternative 3C. For a summary, see Heartwood’s comment above.

Indiana Society of American Foresters. The Indiana Society of American Foresters submitted a comment letter raising a range of concerns about the project, while also complimenting aspects of the study and the project. Issues raised in the letter included: (1) the amount of forest impacted may exceed the acreage directly taken, because additional acreage will be taken by residential and commercial development; (2) the Society supports the commitment to mitigate for forest impacts at a 3:1 ratio, and encouraged further preservation through the use of preservation easements; (3) the Society applauds the commitment to mitigate impacts on forested wetlands at a 3:1 ratio; (4) the Society notes that the selected alternative will result in an “immediate overall reduction” of Indiana’s forestland base, because some of the forestland mitigation will involve protecting existing forests rather than creating new forests. The Society recommended that all forest mitigation involve the creation of new forests.

Knob and Valley Audubon Society. Knob and Valley Audubon Society, based in New Albany, Indiana, submitted a comment letter opposing the construction of Alternative 3C. The letter stated that the project “flies in the face” of environmental, social, and economic concerns, and “runs contrary to stated Federal policy on energy and resource conservation.” The letter advocated additional consideration of passenger rail as an alternative in the NEPA process, and claimed that “failure to include a rail alternative in the analysis is a serious NEPA violation and a very short-sighted planning decision.”

Marion County Association of Neighborhood Associations (McANA). The Marion County Association of Neighborhood Associations (McANA) submitted a comment letter opposing Alternative 3C. The comment letter was accompanied by a copy of McANA’s August 2003 report, “The Case Against I-69 New Terrain.” In that report, McANA states that “[o]ur position

is that the inclusion of I-69 in the Indianapolis Regional Transportation Improvement Plan is unnecessary, unjustified, and unwise.” The letter lists five broad categories of “insufficiencies” in the Tier 1 FEIS or the underlying analyses. These include: (1) public involvement – “INDOT did not adhere to Federal laws and guidelines concerning the public involvement process”; (2) the economic impact – “flawed I-69 DEIS and FEIS analysis and unequal distribution of burden”; (3) negative impacts of Alternative 3C on Indianapolis; (4) purpose and need – “purpose and need were not justified and the route option improperly evaluated”; and (5) additional impacts to Marion County were not fully evaluated.”

Protect Our Woods. Protect Our Woods, based in Dubois, Indiana, submitted a comment letter opposing the project, including Alternative 3C. The letter objected to the length of the FEIS review period, contending that “sufficient time has not been available to review the documents.” The study also raised a range of specific objections to the study, including (1) “purpose and need have not been demonstrated . . . the entire study was skewed to justify a predetermined route”; (2) the employment benefits of the project are overstated, and that “NAFTA is costing Indiana’s citizens jobs, not creating them” ; (3) the preferred route “is one of the most environmentally destructive and would destroy farms and thousands of acres of prime agricultural acreage in SW Indiana.” The letter concluded that “the people of Indiana do not need this destructive, exorbitantly priced highway. Stop it now.”

Sustainable Earth. Sustainable Earth, a non-profit organization dedicated to the development of sustainable farming systems and community food systems, based in West Lafayette, Indiana, submitted a comment letter opposing Alternative 3C. The letter stated that “there is certainly an alternative route (I-70/US 41) that is acceptable, and the [FHWA] should not allow the permanent damage inflicted by the proposed new terrain route.” The letter also raised specific concerns about the project, including (1) impacts to the Indiana bat, including an impact to a cave “less than one mile from the proposed corridor”; (2) destruction of forest land; (3) Interstate highways do not necessarily generate economic development; and (4) the cost per mile of the project is unacceptable.

Wakefield Homeowners Association. The Director of the Wakefield Homeowners Association, representing 273 homeowners located just off SR 37 at Smith Valley Road in Greenwood, submitted a comment letter stating that the association voted in January 2004 to oppose Alternative 3C, due to concerns about a “significant increase in noise and traffic.” The group proposed the following options: (1) follow the U.S. 41/I-70 corridor; (2) if the SR 37 corridor is used, then shift the alignment to the west from Stones Crossing Road to I-465, in order to avoid having an Interstate within 1000 feet of an elementary school; (3) if the SR 37 corridor is used, build sound walls adjacent to existing large subdivisions such as Wakefield; and (4) consider cloverleaf rather than diamond interchange at Smith Valley Road, in order to move the freeway away from existing homes and reduce truck noise.

C. Other Institutions

Ivy Tech State College – Evansville Campus. The Chancellor of the Ivy Tech State College, Evansville campus, submitted a comment letter supporting the selection of Alternative 3C. He

stated that it would “provide rural residents with easy access to major educational institutions, employment opportunities, and medical facilities located in major urban areas.”

University of Evansville. The University of Evansville submitted a comment letter supporting the selection of Alternative 3C.

D. Individual Comments

Numerous comments were received from individual commenters. Comments from the public reflected a range of views. Many commenters expressed opposition to Alternative 3C and/or support for Alternative 1. Many of the same commenters also expressed a range of concerns about various aspects of the environmental study. Other comments expressed support for Alternative 3C and urged prompt construction of the project.

Some of the substantive comments submitted by individual commenters raised issues that had not been addressed in the comments submitted by groups and organizations. For example, the following issues were raised by individual commenters:

- FHWA and INDOT must comply with local zoning ordinances.
- FHWA and INDOT should have used USGS topographical maps instead of aerial photos.
- The FEIS fails to acknowledge the existence of historically significant segments of the Wabash and Erie Canal. FHWA and INDOT incorrectly interpreted SHPO’s comments regarding the Wabash and Erie Canal.

The following is a summary of key points that were given by individual commenters as support for the preference for or against a particular alternative:

Reasons for Supporting Alternative 3C

- Construction of Alternative 3C highway is overdue; it should have occurred years ago.
- Alternative 3C is a key to help the economy of all Southwestern Indiana.
- Alternative 3C best balances environmental concerns with meeting the needs identified in Southwestern Indiana.
- The travel time savings between Evansville and Indianapolis will be much greater than the 27 minutes stated in the FEIS.
- Alternative 3C will offer a great advantage for attracting distribution centers.
- Alternative 3C meets the stated purpose and need for the project.
- Tourist and cultural attractions would benefit from the selected route.
- Alternative 3C will assist in keeping Crane open as a military base.
- Alternative 3C will end Southwest Indiana’s isolation from the rest of the state.
- Environmental impacts are minimal compared to the benefits.
- Evansville has been too long ignored by the rest of the state. Alternative 3C will help remedy this.

- Impacts of 3C are no worse than Interstates across America.
- The shortest distance between two points is a straight road.
- The mitigation program for 3C is outstanding.
- Without a direct route to the state capital, citizens of Southwest Indiana are at a disadvantage politically, economically, and educationally.

Reasons for Opposing Alternative 3C or Supporting Another Alternative

- Alternative 1 should be selected because its costs are much less.
- Alternative 3C was chosen for political, not economic or technical reasons.
- Alternative 1 should be selected because it requires much less farmland, forests and wetlands.
- Alternative 1 should be selected because it will take only 12 to 15 minutes longer to travel between Evansville and Indianapolis.
- Alternative 3C will disrupt too much wildlife habitat.
- Alternative 1 should be selected because it will lessen mitigation costs.
- I-69 will promote non-sustainable growth.
- Money spend on I-69 is better spent on various social and economic development needs.
- 138,000 people have signed petitions against a “new terrain” highway and in favor of a US 41/I-70 alternative.
- The vast majority of commenters on the DEIS supported Alternative 1 or No Build.