



IN REPLY REFER TO:

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



January 5, 2012

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ER 11/1069

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

Dear Mr. Tally:

The Department of the Interior (Department) has reviewed the Supplemental Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation for the Louisville-Southern Indiana Ohio River Bridges Project, Jefferson County, Kentucky and Clark County, Indiana. The Department offers the following comments and recommendations for your consideration:

Section 4(f) Evaluation Comments

The original Louisville-Southern Indiana Ohio Bridges Project was the result of years of study on how to improve mobility across the Ohio River between Jefferson County, Kentucky and Clark County, Indiana. That project considered a wide range of transportation alternatives, including build options, transportation management options, and a no build alternative. A total of nine alternatives, grouped into three geographic areas, were considered fully in the analysis. Of those alternatives, 3 were selected to be part of the preferred alternative, which became the selected alternative in the Record of Decision (ROD) in 2003. The preferred alternative would impact properties eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)), including 5 historic properties (Swartz Farm and Historic District [Indiana], Old Jeffersonville Historic District [Kentucky], Phoenix Hill Historic District [Kentucky], Butchertown Historic District [Kentucky] and The George Rogers Clark Memorial Bridge). In addition, three park/recreational facilities would be impacted: the Greenway Corridor [Indiana], Waterfront Park [Kentucky], and the Extreme Sports Complex [Kentucky].

Looking back at this project and the Department's letter with comments on the original project, the Department did not offer an opinion on the original section 4(f) evaluation, other than to mention that we thought the analysis may have left out some resources. Based on a review of the original evaluation as part of the overall review of the supplemental analysis, the Department should have concurred with the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet (KYTC) and the Indiana Department of Transportation (InDOT) that

there are no feasible and prudent alternatives to the preferred alternative presented, which results in impacts to section 4(f) properties.

N.1

The supplemental analysis, the focus of the current review, essentially modifies portions of the preferred alternative identified in the 2003 Final EIS and ROD; the supplement considers tolling and modification to the design to reduce the need for tolling revenue, and addresses changes in the project since the ROD was signed. Also, in the intervening years, the condition of one of the 4(f) resources has changed. One of the properties (Swartz Farm and Historic District in Indiana) was razed by its owner; the property has lost its integrity and is no longer eligible for listing in the National Register of Historic Places and is no longer a 4(f) property. Modifications made to the selected alternative have also reduced the amount of impact to two of the park/recreational resources by reducing the amount of property needed for transportation uses at these locations. The Department would again concur that the changes to the selected alternative result in no feasible and prudent alternatives to the preferred alternative presented, which results in impacts to section 4(f) properties.

It would appear that mitigation of impacts to the historic properties for the original 2003 selected alternatives were developed in consultation with the Indiana and Kentucky State Historic Preservation Officers (SHPOs) and other consulting parties. A modified Memorandum of Agreement (MOA) between the FHWA, SHPOs, KYTC, and InDOT is proposed to be completed following the completion of the consultation process for the supplemental analysis. Therefore, the Department cannot concur that all possible planning needed to minimize harm to 4(f) resources has been employed. We would likely concur once the modified MOA is agreed to by all parties.

General Comments

It is the U.S. Fish and Wildlife Service's (Service) opinion that the design changes considered under the supplemental analysis would likely have fewer impacts to trust resources than the other alternatives that were considered in the Final EIS, because the footprint of the project would either be reduced and/or modified to occur within an already developed area. Therefore, we support the choice of considering these alternatives in the Supplemental Draft EIS for the proposed project.

C.1

Early informal consultation regarding the proposed project was conducted with the Service's Kentucky and Indiana Field Offices in order to identify federally listed species that may occur in the proposed project area. Surveys were later completed for these species which resulted in the capture of one endangered Indiana bat within the Kentucky portion of the proposed project. The FHWA recently reevaluated the proposed project and provided the Service with a final Biological Assessment for the proposed project. The final Biological Assessment considered the preferred alternative as well as the proposed project modifications that would occur as a result of the Supplemental Draft EIS. The FHWA also requested Service concurrence with a determination of effect for listed species that may occur within the project area. The Service reviewed the final Biological Assessment and provided collated comments to the FHWA on November 22, 2011. Informal consultation for the proposed project is ongoing as the Service awaits FHWA's response to our comments and requests for additional information associated with the final Biological Assessment.

O.4

Specific Comments

1) Page S-2 states that a major component of the project is enhanced cross-river bus service; however, Page S-16 states that future options for enhanced bus service will be coordinated with the Transit Authority of River City (TARC). The Service recommends that the Final Supplemental EIS be more specific about what bus service enhancements would be implemented, especially if it's a "major project component". We believe and support the use of mass transit in metro areas as a method of reducing traffic impacts to natural resources.

C.2

2) Page 4-134: In the first sentence on the page, the word "habitat" should be replaced by "species."

J.2

3) Page 5-172: The bullet items 3 through 5 refer to wildlife crossings on the Indiana side of the proposed project. If wildlife crossings are included, the Final Supplemental EIS should provide language about constructing flat shelves for wildlife in culverts and bridges. Further coordination with the Service's Indiana Field Office may be necessary to ensure adequate design.

J.3

The Department has a continuing interest in working with the FHWA, KYTC, and InDOT to ensure impacts to resources of concern to the Department are adequately addressed. For continued consultation and coordination with the issues concerning the section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102-4226, telephone 402-661-1844. For questions or comments concerning wildlife or the Biological Assessment, please contact Phil DeGarmo, U.S. Fish and Wildlife Service, Kentucky Field Office, 330 West Broadway, Suite 265, Frankfort, Kentucky 40601, telephone 502-695-0468, x110.

C.1

We appreciate the opportunity to provide these comments.

Sincerely,



Dave Sire
Natural Resources Management
Team Leader

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