

State and Federal Agencies

Topic	Specific Comment	Response
2008 SDEIS Comments		
Indiana Department of Natural Resources		
Archaeological	Request for survey results to be submitted to IDNR-DHPA and information about other archaeological resources.	IDNR-DHPA has been directly involved in the review and discussions of archaeological resources. All Section 106 documentation has been forwarded to IDNR-DHPA.
Wetlands	Recommendation of Boone County site as opposed to Johnson County site for wetland mitigation.	Effort will be made to mitigate wetland impacts as close to the original impact site as is reasonable pending availability of land, land owner cooperation, and overall project mitigation needs.
Streams	Do not recommend channel	Channel relocation will be minimized whenever possible.
Streams	Recommend the use of bridges as opposed to culverts for stream crossings	Structures associated with stream crossings will be closely evaluated based on a variety of factors during the final design phase.
Streams	Need for vegetation establishment along banks for stabilization is imperative.	Sediment and erosion control measures will adhere to state regulations. Detailed plans for bank stabilization will occur in final design.
Streams and Floodplain	Tree removal in riparian areas requires mitigation as well as establishment of herbaceous layer.	Required mitigation will be agreed upon during the permitting phase and will adhere to state and federal regulations.
Wetlands	Wetlands need to be coordinated with IDEM 401 program and USACE 404 program.	Required mitigation will be agreed upon during the permitting phase via coordination with 401 and 404 permitting staff.
Forest	Mitigation for upland forest clearing and fragmentation should be strongly considered.	INDOT will investigate the opportunity to plant trees on upland sites within the right-of-way acquired for this project. Required mitigation will be agreed upon during the permitting phase and will adhere to state and federal regulations.

State and Federal Agencies

Topic	Specific Comment	Response
2008 SDEIS Comments		
Indiana Department of Natural Resources (cont.)		
Roadsides	Consider planting plant and tree species native to Central Indiana to improve landscaping aesthetics and wildlife habitat along the highway corridor.	Final tree selection will occur during final design with some input from the local Community Advisory Committee (CAC). A focus on native species will be strongly considered and recommended by the design team.
Area of Impact	Minimize and contain within the project limits channel disturbance and the clearing of trees and brush	The project will have distinct project limits. Disturbance will be minimized whenever possible.
Area of Impact	Revegetate all bare and disturbed areas within the project area using a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion.	Sediment and erosion control measures will adhere to state regulations. Detailed plans and plant specifications for bank stabilization will occur in final design.
Streams	Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.	Construction activities will adhere to state and federal permit conditions and regulations.

State and Federal Agencies

Topic	Specific Comment	Response
2008 SDEIS Comments		
Indiana Department of Natural Resources (cont.)		
Area of Impact	Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.	Sediment and erosion control measures will adhere to state regulations. Detailed plans for erosion control will occur in final design.
Area of Impact	Seed and protect all disturbed slopes that are 3:1 or steeper with erosion control blankets (follow manufacturer's recommendations for selection and installation.	Sediment and erosion control measures will adhere to state regulations. Installation of sediment and erosion control will comply with the project's Storm Water Pollution Prevention Plan (SWPPP).
United States Environmental Protection Agency, Region 5		
Wetlands and Streams	Concerned about increase in impacts	The Preferred Alternative involves upgrading the existing US 31 to Freeway along its existing alignment. per the preferred alternative in both the DEIS and SDEIS. The increase in impacts is associated with changes in regulations and how resources are inventoried, rather than a significant increase in actual impacts previously outlined in the DEIS.

State and Federal Agencies

Topic	Specific Comment	Response
2008 SDEIS Comments		
United States Environmental Protection Agency, Region 5 (cont)		
Wetlands and Streams	Concerned about location of potential mitigation site in Boone County and its proximity to the Indianapolis Terry Airfield as well as limitations that might occur from aviation safety	<p>Due to this site's proximity to the Indianapolis Executive Airport, the Federal Aviation Administration (FAA) was contacted regarding wildlife attractant issues. Mr. Bobb Beauchamp, Environmental Program Manager, FAA—Chicago Airports District Office supplied this summarized response:</p> <p>Wetlands normally attract many types of wildlife, including those ranking high on the list of hazardous wildlife species. The FAA suggests that wetland mitigation projects be sited outside a prescribed separation distance. Airports receiving Federal grant-in-aid assistance must follow these mandatory separation criteria. The FAA recommends that the guidance of the Wildlife AC be followed for non-airport related projects. Refer to FAA Advisory Circular 150/5200-33B (Wildlife AC) for more detail.</p> <p>If the Ron Taylor Site is determined to be the optimal location for mitigation, further consultation with the FAA will be facilitated, not only to address concerns regarding wildlife, but also future plans for the Airport. The Master Plan for the Indianapolis Executive Airport is planned to be completed by mid to late 2009. Once available, this plan will be reviewed for any potential future conflicts with the proposed mitigation site.</p>
Floodplains and Streams	Concerned about increase in impacts	The increase in impacts is associated with changes in regulations and how resources are inventoried, rather than a significant increase in actual impacts previously outlined in the DEIS.
Floodplains and Streams	FEIS needs to address bridge span for Cool Creek and Lindley Ditch - span just for floodway or the entire 100-year floodplain?	Structures associated with stream crossings will be closely evaluated based on a variety of factors during the final design and permitting phase.
Floodplains and Streams	Encourage bridging of unavoidable wetlands, streams, and floodplain areas where feasible	

State and Federal Agencies

Topic	Specific Comment	Response
2008 SDEIS Comments		
United States Environmental Protection Agency, Region 5 (cont)		
Air Quality	New lower standards for 24-hour 2.5 micron particulate matter (PM2.5) nonattainment areas not yet designated by EPA - to be revisited when standard is implemented	FHWA will issue an updated conformity finding for the new 24-hour PM 2.5 non-attainment area prior to expiration of the 1-year grace period after the effective date of the new non-attainment designations (early 2010).
Forest	Concerned with forest impacts associated with Cool Creek resulting in a loss of wildlife habitat	INDOT will investigate mitigation opportunities in the project area around Cool Creek during final design. Required mitigation will be agreed upon during the permitting phase and will adhere to state and federal regulations.
Forest	Concur with letter from USFWS (2/2/01) that states "that mitigation of upland forest loss with the Cool Creek floodplain should be addressed by reforestation with the same floodplain."	
Forest	Recommend a comittment to voluntary forest mitigation and provide a detailed conceptual forest mitigation plan	

State and Federal Agencies

Topic	Specific Comment	Response
2008 SDEIS Comments		
United States Environmental Protection Agency, Region 5 (cont)		
Air Quality	Mobile Source Air Toxics discussion is not consistent with current academic and other published literature	<p>The NCHRP is a research program of the American Association of State Highway and Transportation Officials (AASHTO). The Program issued a Request for Proposals to identify a process or methods that could be used to analyze the contribution and impact of air toxic compounds emitted by vehicles operating on transportation facilities. ICF, Inc., a consulting firm, was selected for the task. The consultant's report was started in the summer of 2005 and completed in March 2007. While the consultant was working on their report, FHWA released its February 3, 2006 Interim Guidance on Air Toxic Analysis in NEPA Documents. The approach recommended by ICF differed from the FHWA Guidance. ICF suggested conducting a dispersion analysis, exposure, and a health risk assessment in certain cases. Each step requires separate modeling tools and analytical approaches.</p> <p>The FHWA examined the ICF report and discussed its conclusions with members of the NCHRP review panel, which included representatives from State Departments of Transportation and the US EPA. Through consultation with members of the review panel, the FHWA believes this report to be an exploratory research report that represents the opinion of a consultant on analysis options, not required procedures. The ICF report holds no official status and was not initiated to be either an augmentation of or an appendix to FHWA's official guidance. FHWA will issue an updated conformity finding for the new 24-hour PM 2.5 non-attainment area prior to expiration of the 1-year grace period after the effective date of the new non-attainment designations (early 2010).</p> <p>It should, however, be noted that the US 31 Hamilton County SDEIS MSAT analysis is consistent with the recommendations included in the ICF report. Like the FHWA's guidance, the authors of the ICF report suggest a threshold for quantitative MSAT analysis. The FHWA recommended 140,000 average annual daily traffic (AADT) while ICF placed the threshold lower at 125,000 before a quantitative analysis (emissions or health risk) should be performed. The AADTs for the US 31 Hamilton County project are well below the ICF threshold. Qualitative analysis was performed for this project, consistent with methods recommended by the ICF.</p>

State and Federal Agencies

Topic	Specific Comment	Response
2008 SDEIS Comments		
United States Environmental Protection Agency, Region 5 (cont)		
Public Drinking Water	<p>Concerned with lack of emergency response program for handling spills in Wellhead Protection Zones.</p> <p>Recommend that designed roadways divert, treat, and release stormwater runoff and spills outside of Wellhead Protection Zones.</p>	<p>The diversion and/or containment of stormwater runoff and potential roadway spills within the wellhead protection zones (WPZs) will be considered in the design phase. The Preferred Alternative upgrade of the existing US 31 corridor to a grade-separated Freeway will significantly reduce the likelihood of crashes and associated spills over the no-build alternative.</p>
United States Department of Interior		
Section 4(f)	<p>Do not concur with FHWA and INDOT that there is no need for Section 4(f) Evaluation. Mitigation does appear to satisfy Section 4(f) requirements, however, there does not appear that measures have been taken to minimize impacts to Section 4(f) properties.</p>	<p>An approved Memorandum of Agreement (MOA) has been executed between the Federal Highway Administration and the Indiana State Historic Preservation Officer (Appendix G-1). Likewise, documentation of de minimis findings for other Section 4(f) resources are included in Appendix G-1. Appendix G-1 discusses the application of the Net Benefit 4(f) and de minimis 4(f), and the associated planning to assure the project does not result in any adverse effect to the associated resources.</p>
Fish and Wildlife Habitat	<p>There are no new substantive changes to habitat impacts and concur that the Preferred Alternative results in the least amount of impacts</p>	<p>No response needed.</p>
Wetlands and Wildlife	<p>Concur with comments from USFWS that Preferred Alternative will provide least amount of impacts and fragmentation.</p>	<p>No response needed.</p>

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
Indiana Department of Environmental Management		
Air Quality Impacts	Since Hamilton County will likely be part of the non-attainment area prior to a ROD, a build/no build test may be required. Generally concur with Alternative F.	Air quality analyses have been updated since the DEIS. FHWA has demonstrated conformity to the existing 8-hour Ozone and annual PM 2.5 non-attainment area requirements. FHWA will issue an updated conformity finding for the new 24-hour PM 2.5 non-attainment area prior to the expiration of the 1-year grace period after the effective date of the new non-attainment designations (early 2010).
United States Environmental Protection Agency, Region 5		
Public Water Supply	Not clear what specific measures are in place for spill response to protect wells in the four wellhead protection zones (WPZs) associated with Alt. F	Details of local wellhead protection zones (WPZs) are outlined in Section 3.21.14. The diversion and/or containment of stormwater runoff and potential roadway spills within the WPZs will be considered in the design phase.
Forest Impacts	No mitigation is offered for forest loss. DEIS does not state whether local communities have ordinances or zoning regulations to protect forests. Upland forest loss within Cool Creek floodplain should be addressed by reforestation within the same floodplain. Mitigate for unavoidable forest loss.	INDOT will investigate the opportunity to plant trees on upland sites within the right-of-way acquired for this project. Both the City of Carmel and the Town of Westfield have ordinances regarding the protection, preservation, and replacement of trees and woodlands.

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United States Environmental Protection Agency, Region 5 (cont)		
Wetland and Streams	Are the proposed wetland mitigation sites (DEIS Figure 6.5.1) available for wetland mitigation? FEIS should contain a detailed wetland mitigation plan. FEIS should disclose an direct impacts to "farmed" wetlands and identify appropriate mitigation for them.	No longer applicable. New sites are described in Section 3.21.11.
Floodplains and Streams	Would like to see the bridging of Cool Creek and its associated wetlands and floodplains by the 146 th St interchange. Identify already culverted streams under US 31 that would benefit by bridging instead of culverting to allow for restoration. FEIS should identify the streams and their associated wetland and floodplains that will be bridged.	Structures associated with stream crossings will be closely evaluated based on a variety of factors during the final design and permitting phase.
Agricultural Land / Prime Farmland Soils Impacts	Should coordinate with the appropriate agencies and landowners; mitigation measures should be identified and committed to in the FEIS	Prime farmland impacts were assessed as per the Farmland Protection Policy Act in cooperation with the NRCS, as described in Section 3.5. No mitigation measures are required.

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United States Environmental Protection Agency, Region 5 (cont)		
Noise Impacts	<p>DEIS does not offer any "feasible" mitigation measures. Are there no other mitigation measures that could be used? Consider the use of innovative pavements. FEIS should assess other abatement measures, alone or in combination that would be feasible for this project.</p>	<p>A complete noise analysis was conducted for the project taking into account the current truck ban on Keystone Parkway. Noise impacts and associated mitigation were analyzed following the guidelines established by the Federal Highway Administration (FHWA) and the Indiana Department of Transportation's (INDOT) Highway Traffic Noise Policy.</p> <p>According to the INDOT Highway Traffic Noise Policy, an assessment must be conducted to evaluate how to abate the noise impacts and determine whether the abatement is both "feasible" and "reasonable". This ensures that sound engineering judgement is used, and that mitigation makes wise use of public funds.</p> <p>Noise mitigation was considered at all sensitive receivers where noise impacts were predicted. Based on Noise Policy criteria, it was determined that noise barriers would not be "reasonable" under based on cost. Therefore, in consideration of the INDOT Highway Traffic Noise Policy, no noise barriers are recommended for this project. Other noise abatement measures such as altering the vertical or horizontal alignment were considered; however, these measures were also deemed unwarranted or infeasible on a basis of cost or National Highway System (NHS) policies. Pavement design decisions will be based on life cycle cost considerations, not noise considerations; however, INDOT has adopted specifications that minimize noise related to concrete pavements.</p> <p style="text-align: center;">See Standard Response Document for full response.</p>
Endangered Species	Encourage FHWA and INDOT to continue coordination with USFWS and document the coordination in the FEIS.	Follow-up with USF&WS occurred when the project was revitalized in 2007. USF&WS did not require further coordination. As indicated in the US Fish and Wildlife Service letter in Appendix B, no further consultation is required since the "project is not likely to adversely affect any federally listed species" (also see Section 3.9.3).
Cultural Resources/Historic Preservation	Get concurrence with the SHPO regarding the results of the Section 106 consultation process in the FEIS	SHPO has concurred with the results of the Section 106 process and a MOA has been executed (Appendix G-1).

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United States Environmental Protection Agency, Region 5 (cont)		
Air Quality	If the FEIS is not completed by April 2004, the FEIS should list and evaluate the available air monitoring data for the affected counties. Additional reductions will be required if these counties are designated under the new standards.	Air quality analyses have been updated since the DEIS. See detailed air quality answer above.
Indiana Geological Survey		
	No further comments.	No response needed.
Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (IN SHPO)		
Buildings/Structures	Alternatives F1 through F6 will have greater implications than just visual and auditory effects. Cutting off access from US 31 will result in a direct, physical effect on both Hunt House and Lindley Farm.	Appendix G-1 reflects that the access changes to the Lindley Farm property is a direct "adverse effect". Appendix G-2 also documents the fact that the Hunt House is not eligible for the Register and the resolution of adverse effect via the executed MOA.

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (IN SHPO)		
Area of potential effect	Recommend that the area of potential effect be expanded to include North Meridian Street at least as far south as 38 th St.	<p>Potential impacts to the North Meridian Historic District were reviewed via projected modeling and historic trend analysis. The review revealed that there would be no effect to the North Meridian Historic District associated with the US 31 Improvement Project.</p> <p>Historic data from the INDOT's Division of Planning Traffic Maps shows a high traffic growth trend on US 31 since 1972 while traffic on Meridian Street south of Kessler has remained fairly flat. This pattern is also repeated on various arterials. The north end of Meridian Street (86th Street to I-465) displays similar growth patterns to those on US 31 in Hamilton County, probably reflecting the office/retail development near the interchange and along 86th Street. However, this growth is not reflected in traffic volumes in the Meridian/Kessler area.</p> <p>Also, results from the Indianapolis MPO travel demand forecasting model display the same growth trends. Volumes near the 86th Street area are projected to increase with the construction of the US 31 Improvement Project when compared to the No-Action Alternative. These projections also show that growth rates are nearly identical along Meridian Street south of Westfield Boulevard between the Build and No-Action alternatives.</p> <p>Based on the aforementioned information, FHWA determined that the APE in the DEIS is adequate for the scope of this project; therefore, the APE will not be revised.</p>
National Oceanic and Atmospheric Administration		
	Recommend reviewing National Geodetic Survey data base for the project area and note any potential effects on geodetic control monuments.	Geodetic control monuments have been identified and impacts tabulated in Sections 3.4.8.

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United State Army Corps of Engineers, Louisville District		
	<p>The DEIS fails to provide discussion on how the preferred alternative (F1- F6) would address and comply with the EPAs Section 404(b)(1) guidelines outlined in 40 CFR 230.10. If the project impacts special aquatic sites then compliance with the guidelines would be mandatory before a DA permit could be issued.</p>	<p>Section 3.12 includes a discussion of how the project has complied with the Section 404(b)(1) guidelines to avoid, minimize, and mitigate wetland impacts. This is further discussed throughout the FEIS via the alternatives screening process, shifting of alignments, and the use of design features such as retaining walls.</p>
Indiana Department of Natural Resources, Division of Water		
	<p>Comments and FEIS recommendations were provided in December 17, 2002 letter.</p>	<p>Comments were addressed and incorporated into the FEIS.</p>
Advisory Council on Historic Preservation		
	<p>Will need to finalize the MOA and related documentation at the conclusion of the process to meet Section 106 requirements.</p>	<p>FHWA forwarded the executed MOA to ACHP prior to the approval of the FEIS, thereby fulfilling FHWA's responsibilities under Section 106 of the Historic Preservation Act.</p>

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United States Department of Interior		
Structures/Buildings	Believe that the impacts to the Hunt House and Lindley Farm warrant a Section 4(f) evaluation. Request documentation to SHPO for concurrence of the proximity impacts, including visual effects under the F or G alternatives that would substantially impair any of the three NHRP properties or capability to perform the properties' vital functions.	Appendix G-1 and G-2 include a full discussion of 4(f) resources and how FHWA has fulfilled its associated responsibilities. It should be noted that upon further investigation, it was determined that the Hunt House is not eligible for the Register.
Monon Greenway	Since "intermittent and short term use" constitutes use, the FEIS needs to discuss potential measures to reduce harm if temporary trail closure is needed.	Appendix G-1 includes a discussion that clarifies that there will not be a temporary use of the South Union Trail, and FHWA has issued a de minimis finding for the temporary use of the Monon Trail. There will not be an adverse effect to users of the Monon Trail.
NHRP or NRHP eligible archeological resources	In the event that NRHP archeological resources are discovered in the Phase 1a evaluations of the preferred alternative, rules and regulations of the Advisory Council on Historic Preservation must be followed. A 4(f) evaluation may also be required if any newly discovered resources are found to be important.	In a letter dated May 24, 2004, the SHPO concurred with the Phase 1a Archeological Survey findings. No archaeological resources listed in or eligible for the NRHP were identified within the APE (Appendix B).

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United States Department of Interior (cont)		
Section 4(f)	<p>Recommend that a formal 4(f) Evaluation be prepared and included in the FEIS.</p> <p>Properties that have been dismissed should be enumerated and the basis for the dismissal explained. Additional explanation of the application of temporary construction easements (appendix) would help the evaluation.</p>	<p>Appendix G-1 includes a discussion of how the Preferred Alternative results in a Net Benefit 4(f) use of the Lindley Farm and includes a copy of the MOA where SHPO concurred in the application of the net benefit. Appendix G also includes FHWA de minimis 4(f) findings for the revised access to MacGregor Park and the temporary use of the Monon Trail, along with the associated agency letters of support for application of the de minimis. As such, the requirements of Section 4(f) have been fully addressed.</p>
Section 6(f)	<p>Should contact IDNR to determine if any property at Cool Creek Park (near 151st St.) would be affected. If any part of Cool Creek Park is used to complete the project, approval of the Secretary of the Interior is required since all Land and Water Conservation Fund projects are subject to Section 6(f)(3) compliance.</p>	<p>Cool Creek Park will not be impacted by the New US 31 Project.</p>
Transit Alternatives	<p>Increased roadway capacity alone is not an appropriate long-term solution. It encourages sprawl and results in degraded water quality and accelerated habitat loss.</p>	<p>The Mass Transit Alternative would not address the purpose and need of this project as a stand alone alternative because it would not significantly reduce congestion or improve safety. Future mass transit development will not be precluded by the Preferred Alternative.</p>

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United States Department of Interior (cont)		
Partially Depressed Freeway	Opposed to this alternative because drainage from the lowered section would lower the water table, adversely affecting adjacent wetlands.	US 31 in Hamilton County will be lowered to the greatest extent possible that does not require mechanical pumping. Details will be further evaluated in final design.
Floodplains/Floodways	Recommend that documentation of floodplains/floodways include a complete hydraulic analysis, as well as new limits of the floodplain/floodways resulting from construction, or a statement providing quantified justification the floodplain/floodway extend will be unaffected by construction.	This will be completed as part of the design phase.
Wildlife and Wetlands	Primary concerns are to remaining wetlands and bottomland forests associated with Cool Creek at SR 431/146 th St interchange and north of 156 th St.	At SR 431/146 th Street, design would utilize existing alignment and existing bridge crossings. As such, there would be no wetland impacts in this area. Furthermore, retaining walls would be incorporated to avoid impacts to wetlands north of 156 th Street. The Preferred Alternative does not impact SR 431/146 th Street.
Wildlife and Wetlands	Alternative F1- F6 results in less fragmentation and impacts to waterways	No response needed.

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United States Department of Interior (cont)		
Wildlife and Wetlands	Oppose Alternatives G1- G6 due to greater impacts; prefer F1 or F4 rather than F3 or F6 due to forested wetland impacts.	No response needed.
Wildlife and Wetlands	Interchange designs should incorporate as much bridging of the wetlands and floodplains as possible.	Structures associated with stream crossings will be closely evaluated based on a variety of factors during the final design phase.
Wildlife and Wetlands	Any loss to forested wetlands should include compensatory mitigation in accordance with the MOA between FWS, INDOT, and IDNR.	Required mitigation will be agreed upon during the permitting phase and will adhere to state and federal regulations.
Wildlife and Wetlands	Take measures at 156 th St to avoid right-of-way expansion to the east.	Retaining walls or other mitigation measures for this area will be considered during final design.
Wildlife and Wetlands	Design measures to detain and treat highway drainage prior to its flow to Cool Creek.	Stormwater management measures will be evaluated in greater detail during the final design phase.
Wildlife and Wetlands	Disagree that Alternative F1-F6 is unlikely to adversely affect habitat or wildlife.	This determination was based on the fact that the F Alternatives, as well as the current Preferred Alternative, would primarily utilize the existing US 31 right-of-way and that much of the adjacent land has been developed or disturbed. The forest, shrub, and herbaceous impacts associated with the Preferred Alternative are mostly small and fragmented habitats that are surrounded by commercial and residential development.

State and Federal Agencies

Topic	Specific Comment	Response
2003 DEIS Comments		
United States Department of Interior (cont)		
Wildlife and Wetlands	Clarify whether jurisdictional wetland delineations were conducted.	Wetland delineations were conducted in consultation with and verified by the USACE (Appendix B).
Wildlife and Wetlands	Suggested wetland mitigation sites should be in or adjacent to the Cool Creek floodplain or other existing good quality wildlife habitat.	In accordance with IDEM, wetland mitigation will occur within the same 8-digit HUC watershed as the impacts. On-site mitigation will continue to be evaluated, but it is dependent upon the availability of property and willingness of property owners to sell their land at fair market value for wetland mitigation purposes. Mitigation sites will also be dependent on the type of wetland to be replaced (i.e., jurisdictional or isolated).

2003 Federal Letters



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

FEB 23 2001

REPLY TO THE ATTENTION OF

B-19J

John Baxter, Division Administrator
Federal Highway Administration, Indiana Division
Room 254, Federal Office Building
575 North Pennsylvania Street
Indianapolis, Indiana 46204

Re: Early Coordination Comments on INDOT's proposed U.S. 31 Improvement Project
Environmental Impact Statement, Early Coordination Packet, December 2000.

Dear Mr. Baxter:

The United States Environmental Protection Agency, Region 5 (U.S. EPA) understands that the Federal Highway Administration (FHWA) in conjunction with the Indiana Department of Transportation (INDOT) is preparing a Draft Environmental Impact Statement (DEIS) for transportation improvements to U.S. 31 between I-465 and State Route 38 in Hamilton County, Indiana. This letter provides early coordination comments on the project as requested in a letter dated December 22, 2000, from Mr. Cory Grayburn, Parsons Transportation Group, consultants for INDOT.

Under our authority at §309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA) we will review the forthcoming DEIS to ascertain the proposal's compliance with NEPA. Our review will cover the adequacy of the information contained in the document in the following areas: (1) Purpose and Need, (2) Feasible Alternatives and Alternatives Analysis, (3) Affected Environment, and (4) Environmental Impacts and Mitigation. We expect the NEPA document to contain a cumulative impacts analysis. The cumulative impacts analysis will aid in determining the level of significance of the impacts on the various resources in the area and help determine the appropriate level of mitigation that should be committed to in the DEIS and Final Environmental Impact Statement (FEIS).

Based on our review of the information contained in the letter and Early Coordination Packet, we provide comments on the proposal in our enclosure titled: *U.S. Environmental Protection Agency Early Coordination Comments on INDOT's U.S. 31 Proposal, Hamilton County Indiana*, dated February 23, 2001. We hope you find these comments are helpful in preparing the project's forthcoming DEIS.

We appreciate the opportunity to provide these early coordination comments. We plan to attend the formal scoping meeting if staff time and schedules allow. Please inform us of the meeting

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date at least four weeks in advance. If you would like to discuss this letter and enclosure in more detail, please contact Virginia Laszewski of my staff at 312-886-7501 or email her at laszewski.virginia@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch
Office of Strategic Environmental Analysis

Enclosure

cc: FHWA, Indiana Division Office, 575 N. Pennsylvania St., Room 254,
Indianapolis, IN 46204 (Attention: Robert Dirks)
INDOT, Division of Preliminary Engineering and Environment, 100 North Senate Ave.,
Room N755, Indianapolis, IN 46204-2249 (Attention: Janice Osadczuk, Chief)
USF&WS Region 3, Bloomington Ecological Services Office, 620 S. Walker St.,
Bloomington, IN 47403 (Attention: Scott Pruitt and Mike Litwin)
INDEM, Office Of Water Management, Planning Branch, 100 N. Senate Ave., P.O. Box
6015, Indianapolis, IN 46206-6015 (Attention: Andrew J. Pelloso, Senior
Environmental Manager)
Parsons Transportation Group, 11405 North Pennsylvania Street, Suite 100, Carmel,
Indiana 46032. (Attention: Cory Grayburn, Deputy Project Manager)

**U.S. Environmental Protection Agency Early Coordination Comments on INDOT's
U.S. 31 Proposal, Hamilton County Indiana**

February 23, 2001

PURPOSE AND NEED

An adequate and clear Purpose and Need statement will need to be developed from which the Alternatives Analysis will be based and all Feasible Alternatives identified. We advise that if the Purpose and Need statement is unclear, too broad, and/or too far ranging, then it may be extremely difficult and/or costly for INDOT to substantiate purpose and need with the appropriate documentation and studies that would be necessary in order to comply with NEPA and the Section 404(b)(1) guidelines of the Clean Water Act (CWA). The Purpose and Need portion of the DEIS should clearly identify and describe the underlying problem/s or deficiency/ies that require a need for action. The data and analysis substantiating the problem/s or deficiency/ies identified should be presented.

ALTERNATIVES

All feasible alternatives should be presented in the DEIS. We understand that the alternatives under consideration, at this time, are: (1) No-action, (2) Transportation Demand Management (TDM), (3) Transportation System Management (TSM), (4) Public Transit, and (5) Build Alternatives. The DEIS should provide the same level of rigorous analysis for each feasible alternative considered in the DEIS, including the No Build alternative. To help the reader compare between alternatives, the analysis should be presented in an easily comparable format (e.g., tables, graphs). When costs are presented as part of the comparison, then the costs of mitigation, when applicable, should be identified and included in the comparison.

AFFECTED ENVIRONMENT

In order to assess potential significance of impacts on the environment from the alternatives under consideration, the DEIS needs to provide a detailed characterization of the surrounding environment. Since direct, indirect and cumulative impacts to the environment are to be assessed, this characterization should include the entire Study Area and not be limited to the foot print of the project. The characterization should be descriptive and supported by visual details (e.g., figures, location maps, photos) of the natural resources that could be affected directly or indirectly. This information should include, but need not be limited to, the identification of all wetlands (i.e., location, types, acreage, functions and values), lakes, rivers/streams (i.e., water quality, their designated use), floodplains (i.e., acreage), watersheds, fish and wildlife, habitats, farmland, federal and state threatened and endangered species, and forest land.

ENVIRONMENTAL CONSEQUENCES AND MITIGATION

The direct, indirect and cumulative environmental impacts of each alternative must be identified and evaluated in the DEIS. All mitigative measures should be presented. Based on the limited environmental information we have for the current proposal we offer the following comments.

Cumulative Impacts Analysis - The document should provide a cumulative impacts analysis. The purpose of a cumulative impacts analysis is to assess the incremental impacts on each resource due to connected and unconnected actions that take place in a geographic area over time (i.e., past, present and future). A cumulative impacts analysis aids in identifying the significance of those impacts on a particular resource and the appropriate type and level of mitigation required to offset the current proposal's impacts. The appropriate area of consideration and the time frame to use when assessing cumulative impacts will vary depending on the resource under consideration. For example, forested wetland loss is probably best considered in the context of historical forested wetland losses in a particular watershed. It takes decades to replicate the lost functions and values of a forested wetland. Incremental forested wetland losses due to past, present, and future actions when viewed in a cumulative context may result in a significant impact. Consequently, impacts to a forested wetland resource no matter how small for a particular proposal may be significant. This would dictate that all efforts be made to avoid and minimize impacts to forested wetlands, and require adequate mitigation for any unavoidable loss.

Wetlands - Environmental documentation should provide, but need not be limited to, wetland types (including a distinction between "farmed" vs "prior converted" wetlands) and acreage calculations, an assessment of wetlands' functions and values, evaluation and discussion of direct, indirect and cumulative impacts to wetlands and waters of the U.S. The U.S. Army Corps of Engineers (COE) should be contacted to determine whether a Clean Water Act (CWA) §404 permit will be required for the current proposal. The results of this discussion should be included in the document.

Wetland Mitigation - Mitigation requirements under 40 CFR Section 230 of the CWA address the replacement of the wetland functions and values that are unavoidably lost. A detailed mitigation plan should be developed and included as part of the environmental documentation. Wetland mitigation design should be based on the replacement of wetland functions and values that would be lost. Forested wetlands should be replaced at least at a 2:1 ratio. Other wetland types should be replaced at least at a 1.5:1 ratio. A wetland mitigation plan should be developed and include, but not be limited to:

- a commitment to acquire and start work at the mitigation site/s prior to project construction;
- a detailed schedule of events in relation to roadway work and wetland creation/restoration work;
- detailed construction plans;
- a detailed mitigation monitoring plan, including a time table;

- detailed performance criteria to measure success;
- detailed specifications and commitments for corrective measures to be taken if performance criteria are not met; and,
- a commitment to the establishment of a protection and management plan in perpetuity (i.e., legal surveys of the specific boundaries with buffers and conservation easements that are given to a land conservancy organization) for all mitigation areas.

We recommend a 100-foot vegetated buffer be provided around each wetland mitigation site. The buffer will enhance wildlife habitat and protect the site from sediment buildup that could result from land use practices immediately outside the buffer area. Wetland restoration is preferred to wetland creation because it has a higher rate of success. Enhancement is generally not considered as an acceptable form of wetland mitigation.

Construction equipment and materials should not be placed or stored in wetlands or environmentally sensitive upland areas. Where possible, excavation should be done from nonsensitive upland areas. If equipment must work in wetlands then it should be placed on mats. Site preparation and construction activities should be timed to avoid disturbing plants and animals during crucial seasons in their life cycle, such as mating and rearing of their young. If stream bank disturbances result, then we suggest stabilizing stream banks using soil bioengineering techniques.

Water Quality/Drinking Water Supplies - Impacts of the various alternatives on the surface and ground water quality of the area should address, but not be limited to, a stream/river or wetland's designated use and whether the direct or indirect impacts are in compliance with Indiana's Water Quality Standards and 401 Water Quality Certification process. Any storm water detention basins deemed necessary, due to project implementation activities, should neither be located in wetlands nor discharge directly into wetlands or waters of the U.S. without appropriate pretreatment. All drinking water supply intakes and wells should be identified, potential impacts discussed and appropriate mitigation measures identified. The environmental documentation should discuss whether National Pollution Discharge Elimination System (NPDES) 402 storm water permits are required.

Rivers, Streams and Floodplains - The environmental document should identify floodplains that will be impacted and the mitigation measures that will be implemented to compensate for any loss of floodwater storage. One such measure that should be considered is bridging across floodplains instead of using fill material and culverts. Another mitigation measure might include expanding the floodplain immediately up or down stream from impacted floodplain areas.

Vegetation and Wildlife - Consultation with the U.S. Fish and Wildlife Service (USFWS) regarding federal Threatened and Endangered species must be undertaken. Future environmental documentation should confirm that consultation with the USFWS has occurred. This would be in the form of a letter from the USFWS in the environmental document. In addition, future documentation should identify any State listed species that may occur in the project area.

Potential impacts on these species should be identified and discussed. Proposed mitigation for adverse impacts should be presented.

We are also concerned about the loss of upland resources associated with roadway construction projects. At the least, future environmental documentation should contain an inventory of any high quality or locally and regionally rare habitats or plant communities. This would include forested areas. A description and the areal extent of each site should be presented in the inventory. These resources should be avoided and/or mitigated to the extent possible.

Replacement trees should be planted to offset any woodland losses. We generally recommend that native saplings be used, if practicable, at a minimum ratio of 1:1. The trees should be placed in an area close to the project site. Instead of burning or disposing removed trees in a landfill, they should be placed in woodland areas to help mitigate for the loss of wildlife habitat. Vegetation that can not be reused elsewhere should be mulched and given to citizens or reused during revegetation at the construction sites. Only native species should be used to revegetate.

Air Quality and Noise - Construction and/or operational activities may cause a decrease in air quality and an increase in local noise levels. The environmental document should identify and discuss the sources of air and noise pollution. The environmental document should identify and provide details for the mitigative measures that will be implemented. Noise mitigation measures may include, but need not be limited to, the use of noise barriers, placement of trees and shrubs, and sound-proofing buildings.

Environmental Justice (EJ) - The DEIS should evaluate the impacts of this proposal on low income and/or minority communities (i.e., EJ communities) as compared to the general population.

Hazardous and Solid Waste - It is unclear from the current information whether there may be sites within the project area that contain hazardous waste or contaminated soils that could be disturbed during construction. The document should identify these areas and provide a detailed evaluation of any potential adverse impacts that could result from the location or construction of the proposal's various alternatives and present the mitigative measures that would be taken to protect the environment.

The NEPA document should address the fate of construction waste such as old pavement and bridge structures that may be removed as part of the project, and explore ways to reuse and/or recycle these materials. For materials that can not be reused or recycled, the document should identify the licensed landfill facility that will be used for their proper disposal.



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Record of Meeting

Subject: US 31 Interagency Review Meeting and Fieldtrip
Purpose and Need Statement / Range of Preliminary Alternatives to be Considered

Location: Hampton Inn - Carmel, IN

Date/Time: June 28, 2001 / 10:00 am

Attendees:	Virginia Laszewski	US Environmental Protection Agency, Region 5 (USEPA)
	Mike Litwin	US Fish & Wildlife Service (USFWS)
	Janice Osedczuk	Indiana Department of Transportation (INDOT)
	Chris Baynes	Indiana Department of Transportation (INDOT)
	Robert Dirks	Federal Highway Administration (FHWA)
	Cory Grayburn	Parsons Transportation Group (PTG)
	Mark Fialkowski	Parsons Transportation Group (PTG)
	Rob Padgett	Parsons Transportation Group (PTG)
	Erin Breetzke	Parsons Transportation Group (PTG)
	Kevin Linne	Parsons Transportation Group (PTG)
	Andrew Melnykovich	Doe Anderson (DA)

Amended: August 28, 2001

A. MEETING DISCUSSION

- The meeting started with a PowerPoint presentation by Cory (PTG) on the US 31 Improvement Project's Purpose and Need and Range of Preliminary Alternatives to be Considered.
- Virginia (USEPA) asked why the Levels of Service (LOS) from the ConNECTIONS (Northeast Corridor Transportation) Study were worse than those shown in the US 31 study. Mark (PTG) indicated that the traffic analysis for the ConNECTIONS Study was much more general than the US 31 study and probably reflected a worse case scenario. For the US 31 project, PTG conducted a detailed LOS analysis in which the software from the traffic model was calibrated to more accurately reflect the actual traffic conditions that were observed in the field.
- Virginia (USEPA) asked why PTG used the intersections and not the segments to calculate LOS. Mark (PTG) indicated that the intersections are the limiting/controlling factors along the corridor and ultimately determine the level of congestion that would occur along each segment. A segment analysis would not reflect the congestion or "backup" that is occurring as a result of the intersections.
- Virginia (USEPA) asked exactly what is wrong with the road and why does it need to be upgraded. Cory (PTG) stated that traffic congestion and high crash rates are the primary reasons for improving US 31.
- Virginia (USEPA) stated that "Consistency with Local, Regional, and Statewide Long Range Transportation Plans" should not be listed as a project need. She added that the need for a project is not justified because it is listed on such plans. She indicated that by using this as an evaluation criteria, the only "alternatives" that

would meet the project need are those that are listed in the transportation plans. Mike (USFWS) suggested that the Purpose and Needs be separated into two categories or levels of importance: 1) those that are required to be met such as traffic congestion and safety and 2) those that should be considered such as consistency with transportation plans. Everyone at the meeting agreed with this suggestion.

- Virginia (USEPA) asked what the evaluation criteria would be for determining whether the alternatives meet the project's purpose and need. Cory (PTG) stated that Levels of Service (LOS) would be used to measure traffic congestion. Safety would be measured by comparing existing US 31 crash rates with the statewide average crash rates for roadways that are the same as the proposed alternatives. The goal is to reduce the crash rates along the US 31 corridor to the statewide average rates. With regard to traffic congestion, the goal would be LOS C (desired) or D (acceptable).
- Virginia (USEPA) requested that INDOT incorporate information from the ConNECTIONS Study into the US 31 project, specifically with regard to mass transit issues and alternatives.
- Janice (INDOT) stressed that we need to identify and collect information from other transit, bike, pedestrian, commuter, and/or mobility studies that may have been conducted in the area.
- Virginia (USEPA) asked if an Origin and Destination (O & D) Survey was conducted. Janice (INDOT) said an O & D survey was not conducted for the project. Cory (PTG) indicated that some general traffic movement patterns could be derived from the traffic model such as the percent of through traffic. Virginia suggested that more traffic information would be needed to better evaluate the off-alignment alternatives.
- In the Purpose and Need report, Virginia (USEPA) asked for definitions of the Major Corridor Investment Benefit Analysis System (page 3) and the National Truck Network (page 17). Janice (INDOT) stated that PTG would provide the definitions for these terms to the agencies as a follow-up item to the meeting.

Follow-up:

Major Corridor Investment Benefit Analysis System: As part of INDOT's 1995 Long Range Transportation Plan, three corridors were identified statewide (including US 31) to be studied for the potential economic benefits that would be associated with any proposed improvements and/or upgrades. For US 31, this resulted in the completion of the *Economic Impacts of US 31 Corridor Improvements* report in 1998.

National Truck Network: The Surface Transportation Assistance Act (STAA) of 1982 required the designation of a national network of highways that allows the passage of trucks of specified minimum dimensions and weight. The National Truck Network includes all interstate highways and a significant portion of the former Federal-aid primary system that was built to accommodate large truck travel. Under Indiana State statute, all principal arterials are available to commercial vehicles with the dimensions authorized by the STAA, subject to local restrictions.

- Virginia (USEPA) asked if INDOT was going to coordinate with local governments and the public regarding the issues of sidewalks and pedestrian/bicycle access. Mark (PTG) said that PTG would work with the local communities to identify any plans or needs for east-west non-motorized trails such as the Monon Trail.
- Virginia (USEPA) asked if there would be sidewalks on US 31. Mark (PTG) said probably not if it is upgraded to urban freeway standards. PTG, however, will evaluate the option of providing sidewalks if the local communities want them.
- Virginia (USEPA) requested that INDOT address the land use plans of the local communities. She also requested that INDOT address potential project-related land use impacts north of SR 38.

- Virginia (USEPA) asked if the traffic volumes shown in Table 3-1 on page 5 were daily. Rob (PTG) stated that those traffic numbers represented Average Annual Daily Traffic (AADT).
- **Amendment:** Virginia (USEPA) stated that based on the current information, the underlying problems that need to be solved appear to be congestion and safety issues of the existing roadway. Consequently, Purpose and Need should be identified accordingly and that measurable objectives should be based on these underlying problems. In addition, there seems to be no problem with economic growth in this study area; therefore, "economic growth" does not appear to be an underlying need for this roadway project.
- Mike (USFWS) said he inspected the existing US 31 route. He commented that the area by Cool Creek at the SR 431 Interchange is sensitive and that avoidance and mitigation measures should be considered. Additionally, the area along Cool Creek near US 31 north of 151st Street and Cool Creek Park should be avoided as much as possible.
- Mike (USFWS) requested a hard copy of the meeting's PowerPoint presentation on the project's Purpose and Need and Preliminary Alternatives. Janice (INDOT) said that copies of the presentation would be distributed to the agencies along with the meeting minutes. If needed, a CD of the PowerPoint presentation could also be provided.

B. FIELDTRIP DISCUSSION AND COMMENTS

(A list and map of the field trip's 25 stops/points of interest was distributed to all attendees.)

- Between stops 7 and 8, located behind a Chinese Restaurant and just south of the US 31 and SR 431 Interchange, Mike (USFWS) identified a sensitive riparian habitat associated with Hiway Run, a tributary to Cool Creek. This area is a floodplain that supports forest and wetland habitat. He emphasized that impacts to this area should be avoided or minimized as much as possible.
- At Stop 8, Mike (USFWS) and Virginia (USEPA) noted the wetlands that were being filled as part of the Lowe's development. Mike (USFWS) indicated that he received notification of a Regional General Permit submitted by Hamilton County for wetland impacts associated with the access road/ramp between SR 431 and 146th Street but was unaware of any permits for the Lowe's development. He indicated that he would contact the Corps of Engineers to determine if any permits have been submitted or granted for this activity. Cory (PTG) stated that Hamilton County has requested permission from INDOT to access SR 431. Permission to grant such access by INDOT is pending the evaluation of the ramp's potential impacts to traffic conditions at Greyhound Pass and future US 31 improvements.
- Virginia (USEPA) stated that knowing the travel patterns (where people are coming from and going to and when) within the project area would help in the development and evaluation of project alternatives. Cory (PTG) indicated that an O & D survey is usually needed to obtain such information. Janice (INDOT) and Robert (FHWA) agreed and requested that PTG prepare a supplemental scope of work to conduct an O & D survey.
- **Amendment:** Virginia (USEPA) stated that the comments she has provided during the Interagency Review Meeting and field trip will represent her official comments on the Purpose and Need/Preliminary Alternatives Package. Therefore, she will not be submitting written comments.

The aforementioned represents our understanding and interpretation of the items discussed and the conclusions reached. Please notify us of any revisions or modifications to this Record of Meeting.

Record of Meeting prepared by: Cory Graybum/Erin Breetzke (PTG)

Grayburn, Cory

From: Laszewski, Virginia@epamail.epa.gov
Sent: Monday, August 13, 2001 9:53 AM
To: Grayburn, Cory
Cc: jasadczyk@indot.state.in.us; robert.dirks@fhwa.dot.gov;
Westlake.Kenneth@epamail.epa.gov
Subject: US31 - request amendment to "Record of Meeting" document and accompanying cover letter

Dear Mr. Grayburn,

I recently returned from vacation and looked over the packet of information you sent on the US 31 Project. Items in the packet included: (1) cover letter dated July 17, 2001, (2) Record of Meeting document you prepared for the US 31 Interagency Review Meeting held June 28, 2001, (3) June 28th Field Trip agenda w/map, and (4) hard copy of June 28, 2001 Interagency Review Meeting power point presentation.

Your cover letter requests that I submit my written comments regarding the project's Purpose and Need and Range of Preliminary Alternatives. Since I stated my comments on the Purpose and Need document and the preliminary alternatives during the June 28, 2001, Interagency Review Meeting, I will not be submitting written comments and stated so during the Interagency Review Meeting.

I noticed one error in the Record of Meeting on page 3, third complete bullet. The existing record states that I "... emphasized the importance of identifying and focusing on the real underlying problems, such as socioeconomic growth, and developing measurable objectives." During the meeting I did not say or imply that "socioeconomic growth" was an underlying problem. My point was that, based on the current information, the underlying problems that need to be solved appear to be congestion and safety issues of the existing roadway. Consequently Purpose and Need should be identified accordingly and that measurable objectives should be based on these underlying problems, if this is the case. There is no need to unduly complicate Purpose and Need. It seems apparent from the Field Trip that there is no problem with economic growth in this study area and consequently "economic growth" does not appear to be an underlying need for this roadway project, unless you can substantiate it.

Please amend the Record of Meeting and acknowledge that I have provided comments on Purpose and Need and Preliminary Alternatives at the Interagency Review Meeting and Field Trip. If you have any questions or wish to discuss the above comments, you may call me at 312/886-7501 or email me at laszewski.virginia@epa.gov.

Thank you,

Virginia Laszewski
USEPA - Region 5
OSEA, EPRE