

Introduction

The US 31 Plymouth to South Bend Draft Environmental Impact Statement (DEIS) (dated February 2004) was released on February 27, 2004. A formal comment period from March 5, 2004 to April 26, 2004 followed the publication and provided the public, local officials and agencies with an opportunity to submit comments, concerns and questions for review. Each comment was read, evaluated and grouped as either substantive or non-substantive/duplicate.

This appendix lists all substantive comments, which are provided in the form of actual excerpts from the written or transcribed comments received. For each issue raised, one or more comment(s) are given, which represents the full range of comments on that issue. In some cases, multiple comment letters raised the same issue. In these cases, rather than listing all comments, a representative comment and response are provided. This was necessary to make the reader's review of the Comments and Responses manageable, since over 2,300 comment letters were received on the DEIS.

All comment letters, e-mails, and public hearing comments received are included in an attached CD. Comments are grouped into two categories: (1.) Substantive and (2.) Non-Substantive and Duplicate. Substantive comments are contained in Table L-1. Those not listed in this table can be found in the Non-Substantive and Duplicate category on the CD. Non-substantive and Duplicate comment letters are arranged alphabetically on the CD.

Table L-1, beginning on the next page, contains a listing of substantive comments shown alphabetically by author. It also includes the section(s) of the Final Environmental Impact Statement (FEIS) in which the comment and response can be found and the ID number of the letter/comment. In cases where there was no commenter name, the table entry shows it as "Anonymous." In cases where the name was illegible, it is shown as "Unidentifiable." Some letters contained more than one comment and the individual comments are addressed in different sections of the FEIS.

For example, the first listing in Table L-1 is:

Name	Comment/Response found in Section No.	Letter/Comment ID Number
Abernethy, Anne	5.6	0318-049

Anne Abernethy's comment with response can be found in Section 5.6. A copy of the letter/comment can be found on the attached CD. The letter/comment ID number of 0318-049 indicates the letter/comment was the 49th received on March 18 (0318).

Table L-1: Alphabetical Listing of Substantive Comments

Name	Comment/Response found in Section No.	Letter/Comment ID Number
Abernethy, Anne	5.6	0318-049
Adams, Kent, State Senator	5.1, 5.3	0420-040
Albert, Bruce	5.1	0415-019
Albert, Shirley A., Robert H., David L, Susan, Ruth E., John R., and Jacob D.	3.3	0411-001
Allen, Tom and Kathy	5.3	0309-001
Anonymous	3.4	0318-017
Anonymous	ES-2	0329-001
Anonymous	3.3	0427-007
Anonymous	1.3	0429-034
Aschenbrenner, Mary	1.3	0319-006
Autry, William O. and Sarah E. Leach	3.1, 5.3, 5.6, 5.16, 5.20	0425-030
Babcoke, Gary	5.2	0412-004
Bango, Gary L.	5.3, 5.10	0429-015
Bannow, Amanda	3.1	0322-004
Barrett, Richard	1.3	0330-002
Beauchamp, Bobb, and Greg Sweeny, Federal Aviation Administration	5.1	0429-018
Behr, David, Executive Director, Walkerton Area Economic Development Corporation	5.1	0426-024
Belt, Ronald	5.1	0402-003
Bely, Vickie and Sam	5.1	0426-079
Berzai, Kathi	3.1	0422-012
Bice, Steve	3.1	0406-001
Bloom, Jim	3.1	0325-003
Bogunia, Chris	3.4	0318-066
Boldt, William C. Jr.	5.3	0408-006
Bolin, Sue	3.1	0318-015
Borggren, Raymond L.	1.3	0420-043
Bowers, James M.	5.3	0419-024
Broden, John E., State Senator	2.2, 5.3	0423-034
Burch, Catherine and Jesse	5.3	0319-007
Burkowski, Greg	5.1	0318-040
Butler, Kandie and Mark	3.4	0426-042
Campbell, Gloria	5.1	0426-090
Campoli, Rick and Kathy	3.1, 5.3	0426-265
Campoli, Rick and Kathy	5.3, 5.6, 5.14	0429-020
Carlson, Robert	5.1	0422-032
Cashbaugh, Bruce	3.1	0321-006
Chase, Barry	2.2	0427-003
Cininger, Marjorie	5.3, 5.5	0301-001
Clark, Scott B.	3.1	0423-021
Clevenger, James N.	5.1, 5.3	0416-009

Name	Comment/Response found in Section No.	Letter/Comment ID Number
Clippinger, Rex	5.1	0318-054
Coffel, Linda H.	2.2	0421-018
Cole, Diane R.	5.1	0328-002
Cook, Gary, Mayor of Plymouth	1.1, 5.1, 5.3	0426-275
Corcoran, Tim	2.3	0409-001
Coughlin, Chris and Sue	5.3	0422-008
Crowe, Michael J.	5.3	0318-001
Crowel, Denise	5.3	0308-005
Crowel, Denise	5.3, 5.9	0319-020
Csapo, Geza, Sierra Club - Michiana Group	3.1	0318-011
Cummins, Allen H.	5.1	0418-002
Daniels, Rod and Donna	5.8	0423-015
Dembowski, Nancy, State Senator	5.1, 5.3	0421-024
Deranek, Carolyn and Bango, Gary	5.4	0413-002
Dierbeck, Jeffrey	2.1, 5.1	0329-005
Dierbeck, Jeffrey and Susan	5.3, 5.4	0426-083
Dixon, Ronald	5.4	0414-031
Dosman, David M.	5.5	0426-072
Dosman, Michael	5.13	0426-076
Eagan, Mark, Chamber of Commerce of St. Joseph County	5.3, 5.4	0318-042
Edgerton, Tom Sr. and Carolyn	3.3	0426-001
Embling, Larry E.	3.1	0416-010
Engle, R. Michael	5.9	0422-017
Erickson, Lynn E.	5.3	0422-033
Erickson, Samantha	2.4	0420-009
Feece, Ezra Jr.	3.1	0322-005
Fenstermacher, James	5.1	0329-006
Flora, Cary and Susan	2.2	0422-027
Freehauf, Dennis and Kay	5.5	0426-010
Freehauf, Eleanor	5.5	0425-037
Freeman, Michael and Lorraine	3.3	0410-002
Friend, William C., State Representative	5.1, 5.3	0420-034
Fuchs, Bobbie G.	5.4, 5.16	0423-004
Fuchs, Lanny	3.5, 5.16	0401-001
Funderburg, Mark	3.1	0317-004
Garner, Kurt, Wythougan Valley Preservation Council	5.1, 6.2	0308-003
Garrison, Jan	1.3	0426-015
Gates, L. William and Sandra D.	5.3, Appendix Q	0426-177
Gee, Debra	2.1, 3.1, 5.1	0420-001
Germann, Douglas D. Sr.	5.14	0426-028
Geyer, Harold and Pat	3.3	0402-002
Geyer, Jeanne	5.4, 5.5	0319-002
Geyer, Russell	5.5	0417-005
Gilot, Gary, South Bend Public Works Director	3.4, 5.16	0318-043

Name	Comment/Response found in Section No.	Letter/Comment ID Number
Gingerich, Jeanette M.	5.4, 5.8	0419-015
Goldfarb, Eugene, US Department of Housing and Urban Development	2.1, 3.1, 5.2	0415-001
Gorski, R.G.	5.3	0318-012
Gorski, R.G.	5.3	0318-018
Grabowski, Debbie	2.2	0426-055
Greer, Rebecca S.	5.4	0422-028
Griffin, Jesse and Louise	5.1, 5.3	0315-004
Grundy, Bill	5.3	0303-003
Grundy, Bill	8.1	0330-003
Grundy, Bill	2.1	0422-021
Grundy, Bill and Mary Kay	5.3, 6.6	0325-004
Haas, Carol	5.5	0426-127
Hagen, John	2.2	0425-002
Haney, Deborah	5.1	0426-266
Haramia, Ron	1.1, 2.2	0421-004
Harrington, Garry, Rum Village Nature Center	5.9	0405-002
Harris, Richard K.	5.13	0327-001
Hart, Brian	3.1, 5.6	0409-002
Heim, Steven, State Representative	5.1, 5.3	0420-035
Heisis, Mr. and Mrs. Lloyd	2.1	0424-026
Heline, Thomas	2.2	0319-010
Hillman, Carol J.	3.1	0416-008
Hirschler, John P., Master Trooper	3.1	0320-006
Holtz, Sandra Lee	2.2, 3.3	0426-017
Horvath, Kenneth M.	5.1	0327-002
Huffman, Robert K., Superintendent, Union-North United School Corporation	5.1	0301-002
Huggett, Ken, Elenior, and Amanda	3.3, 5.6	0412-003
Hupp, Michael A.	1.1, 1.3, 2.1, 3.4	0426-261
Indiana Department of Natural Resources, Division of Historic Preservation	5.6	0323-004
Indiana Department of Natural Resources, Division of Historic Preservation	5.6	0323-006
Indiana Department of Natural Resources, Executive Office	5.9	0422-025
James, Mark F.	3.1	0331-003
Jemielity, Barbara	5.3, 6.6, Appendix Q	0423-016
Jemielity, Thomas J.	5.1, 5.13	0315-006
Joe, Paul, National Center for Environmental Health	2.4, 5.14, 5.16, 6.8	0331-006
Johnson, Elaine	5.3, 5.8	0331-001
Jurek, Kenneth	5.3	0317-001
Jurek, Kenneth	5.3	0318-019
Karczewski, Matthew and Cheryl	3.1	0426-025
Kelly, Kevin	2.4	0419-012
Kennedy, Susan A., US Department of Commerce, NOAA	5.16	0407-002

Name	Comment/Response found in Section No.	Letter/Comment ID Number
Kent, Matthew and Katherine	5.9	0420-025
Ketcham, Dave	ES-4	0227-003
Kimmel, Keith W.	3.1	0322-001
Kosik, Bob	2.1	0401-004
Kuskye, Stephanie	5.6	0420-041
LaDow, Laurie	5.1	0325-008
Liell, Udo R.	3.1	0408-005
Littrell, Carl, South Bend City Engineer	5.1, 5.10	0318-044
Luecke, Stephen J., Mayor of City of South Bend	3.4, 5.1, 5.3, 5.8, 5.16	0406-002
Mangus, Leo	3.4	0330-004
Mansfield, P.	3.4	0301-005
Manuwal, Robert	5.3	0412-005
Marquardt, Scott	5.3	0308-009
Marshall County Board of Commissioners	5.1	0415-008
Martin, Chuck and Cathy	5.3	0425-014
Martin, John	6.1	0318-031
Masters, James A.	5.4, 5.16, 6.6	0423-013
Mathia, Ron	3.1	0312-003
Mathia, Ronald C.	5.1	0426-012
McNeil, Shari	3.1	0322-006
McPherron, Nancy	1.1	0318-021
Mencl, Jeffrey J.	5.1	0317-006
Miller, Burne	2.2	0421-017
Miller, Leo F. and Janet M.	6.6	0420-019
Miller, Mr. and Mrs. Kent	5.8	0423-011
Miller, Roy and Kay	5.1, 5.3, 5.5, 5.16	0428-002
Moore, Gordon	2.1	0426-043
Mouges, Charlene	5.4	0318-029
Nemeth, Peter J., Judge	2.2, 2.3, 3.1, 5.3	0402-001
Nettrouer, LeRoy	3.3, 5.1	0323-003
Niespodziany, Michelle	2.2	0419-006
Norris, Sierra Club - Michiana Group	3.4	0227-001
Ols, Kim	3.4	0315-008
O'Rourke, Trish	5.4	0415-005
Oswald, Craig	5.7	0319-015
Pethick, Jeff	5.1	0318-083
Richardson, Shirley and Eugene	5.1	0418-010
Riches, Beth and Ken	5.6	0321-009
Riddle, Larry	5.16	0318-051
Riddle, Larry	5.9, 5.10	0422-030
Rippe, Rita	5.1	0412-009
Rockaway, David	5.1	0419-018
Rosinski, Shawn	5.3, 5.9, 5.12, 5.16	0321-010
Rouch-German, Libby	5.12	0419-016

Name	Comment/Response found in Section No.	Letter/Comment ID Number
Rowe, Fred	3.1	0316-004
Schutte, Juile - Historic Preservation Commission of So. Bend	5.6	0318-038
Schutte, Juile - Historic Preservation Commission of So. Bend	5.6	0318-084
Seltenright, Homer	5.5	0318-008
Shoemaker, Larry	5.3	0301-007
Shultz, Mike	Appendix A	0304-003
Smith, Bonnie	5.4	0426-004
Snell, Shawn	5.9, 5.10	0416-011
Spellman, Lois	5.3, 5.9	0318-002
Spier, Christopher T.	1.3, 3.1	0416-007
Stoller, Terrill DDS	3.1, 5.3	0423-005
Strang, Michael R., Plymouth City Engineer	5.1	0415-002
Task Force Report Addendum	5.1	0428-009
Task Force Report representing several subdivisions	3.5, 5.3, 5.4, 5.8, 5.9, 5.14, 6.6, Appendix A	0423-026
Thieling, John R.	2.2	0425-005
Thornton, Kenneth and Maribel	5.12	0325-001
Ullery, Brian	5.4	0423-023
Umbaugh, Joan	6.6	0426-075
United States Army Corps of Engineers, Detroit District	2.1, 3.1, 3.2, 4.1, 4.9, 4.12, 5.9, 5.10, 5.12, 5.17, 5.20, 6.6, Appendix D	0512-001
United States Department of the Interior	3.1, 5.1, 5.6, 5.9, 5.10, 5.12, 5.13, 6.6, 7.3, Appendix C	0524-001
United States Environmental Protection Agency	2.4, 3.1, 3.2, 5.7, 5.10, 5.12, 5.17, 6.4, 6.6, 6.8, 6.10, 8.2, Appendix A	0511-001
VanDerHeyden, Thomas A.	5.1	0316-005
Vincent, Ron	6.1, 8.1	0318-035
Warren, Michael S.	3.4, 5.16	0318-026
Weber, Anne Louise	3.5, 5.1, 5.4, 5.8, 5.10	0418-003
Whippo, Robert	5.3, 5.20, 6.4, 7.3	0316-002
Whippo, Robert	5.8	0318-086
Winfield, John	5.10	0318-080
Yoder, Wade	6.6	0318-082
Zimmerman, A.L.	5.6	0426-078

Executive Summary

ES.1 Proposed Action

*No substantive comments

ES.2 Project Description

1. “Please update your maps. The map in your Executive Summary has a lot to be desired. For instance: Miami Rd. doesn’t connect with U.S. 31; Turkey Trail is missing; Madison Rd. doesn’t cross US. 37 – it doesn’t exist from U.S. 31 east to Miami Rd.; Miller Rd. is missing; Kenilworth Rd. is missing; Osborne Rd. runs west of U.S. 31; Stanton Rd. is missing.” (0329-001, Anonymous)

The maps in the FEIS have been updated to reflect your comment.

ES.3 Purpose and Need

*No substantive comments

ES.4 Alternatives

1. “Looking at today’s DEIS release on the web page it states that Alternative Cs is still under consideration. However, on page 10 in the Executive Summary it states that “Due to the increases in wetlands impacts, in this segment, this modification to Alternatives C was not carried forward for more detailed study in the DEIS.” (0227-003, Ketcham)

Alternative G-Es has been chosen as the Preferred Alternative.

ES.5 Identification of Alternatives Studied in Detail & Comparison of Impacts

*No substantive comments

Chapter 1 - Project Introduction

1.1 Project Description

1. “As I indicated in my last letter, the demographics of this region do not place the current terminus of US 31 with 20 by-pass any where near the regions center. In fact, this terminus lies at the western edge of the regions demographics. Due to it’s lopsided location within the area, it will serve little more than to put more pressure on surrounding agricultural land to the west, for housing development, and thus act to thwart one of the measures the State actually seeks to preserve.” (0426-261, Hupp, pg. 2)

The purpose of this project is to address congestion and safety along existing US 31.

2. “What would be wrong with making a cloverleaf at Old 30 (now Lincoln Highway) and 31? You already have the overpass there. Just make it into a clover leaf. It would come into Plymouth at the center of town. Who could complain about that? That seems like the most simple way of not cutting Plymouth off.” (0318-021, McPherron)

“We are also asking that the study be extended to just south of US 30 to US 31 and Lincolnway East (Old US 30). By doing so, we are asking for an overpass at 9 A Road and US 31. Also a ½ cloverleaf at Lincolnway East and US 31.” (0426-275, Cook, p. 1)

“The southern entrance to Plymouth (I think it is 9A) should have access to northbound 31 like the northern part of Plymouth does off Michigan St. And/or 9A could have an overpass. There are too many accidents at that intersection as you well know.” (0421-004, Haramia)

INDOT has determined that the southern terminus of the project is US 30. Old 30 is outside the project limits.

1.2 Transportation Planning History

*No substantive comments

1.3 Project History

1. “What are the issues and concerns associated with upgrading US31! I fear that we are upgrading the wrong section first. The section of US31 around Kokomo seems to me to be the biggest “bottleneck” along 31. Why not approach that section first?” (0330-002, Barrett)

“We don’t have the volume of traffic in the Lakevill/LaPaz or even South Bend area to necessitate a “super highway” if you will. I can see the need for something around the Kokomo area because of the volume of traffic but that doesn’t impact our area in the least. Why can’t something be done in that area as well as any others with high volumes of traffic to alleviate problems or slow downs there and leave our area as it is.” (0319-006, Aschenbrenner)

“Upgrading the condition of the road, increasing the speed limit to 60, and reducing the stoplights in Kokomo would save the estimated 15 to 20 minutes and reduce costs significantly.” (0426-015, Garrison)

The Indiana General Assembly directed INDOT to study the transportation corridor between Indianapolis and South Bend. Currently, INDOT is studying three sections of this corridor including the upgrade of US 31 in Hamilton County (Carmel), Howard County (Kokomo), and Marshall and St. Joseph Counties (South Bend).

2. “I would suggest the current proposals be put on hold until a feasibility study be made for building a new Interstate or Toll Road, beginning at the Hwy. 23 and 20 Intersection on the South-west side of South Bend and extending it in a southerly direction toward Logansport, Frankfort and intersecting with I-65 south of Lebanon.” (0420-043, Borggren)

“And if they would consider making that a toll road, I am sure that a lot of people would travel. They do the one that we have now. And have no access except for toll booths. Very limited access, so it is a super highway.” (0429-034, Anonymous)

INDOT completed an Indianapolis to South Bend Toll Road Feasibility in 1999, assessing the viability of funding US 31 improvements as a toll facility. This study found a toll road to be infeasible.

3. “I have seen the term “corridor” used to refer to MACOG’s definition of a City of South Bend highway section, and also used to confuse the reader with the issue with State commercial corridors, and to enhance impressions of urban traffic flow.” (0426-261, Hupp, pg. 3)

The word “corridor” is a general term used to describe a route between two points of interest. All preliminary alternatives were corridors rather than detailed alignments.

The Commerce Corridor designation consists of corridors identified as having significant importance to statewide and national transportation.

4. “Has the idea of building Interstate 67 from Indianapolis to South Bend been considered?” (0416-007, Spier)

This project will be designed to freeway standards with limited access, only at interchanges.

Chapter 2 - Purpose and Need

2.1 Traffic Congestion

1. “Even during peak am/pm hours I haven’t seen congestion. The traffic signals work fine for the flow on 31. The only time congestion is a real problem is when there is road construction or an accident, but those things happen everywhere.” (0420-001, Gee)

“My husband and I live on U.S. 31. Have lived on U.S. 31 since 1949. Raised our 3 children here, their all measured(ments). When we build here it was 2 lanes. Not like now. There’s 4 lanes now, but the traffic is terrible. Semi’s, cars, trucks, trailers, etc. Every morning we see the school bus stop to pick up our neighbors 2 small children, the traffic is backed up quite a ways. An accident ready to happen. We smell the exhaust fumes from all the vehicles on road. Going north or south there are no turning lanes to our home. Have to wait 2 or 3 min in the morning on U.S. 31 either direction till traffic clears. The speed limit is 55, its like a speedway since the St. Joe Valley Freeway was built.” (0424-026, Heises, p.1)

Based on actual daily traffic counts as found in Table 2.1.1 significant congestion exists along U.S. 31 in the year 2000 through La Paz and from Lakeville to the US 20 bypass. In the year 2030, traffic operation conditions reach the point that significant congestion exists from Michigan Road (south of La Paz) to the US 20 Bypass. Significant congestion is a Level of Service (LOS) falling below “C” for rural areas and “D” for urban areas. Referring to Table 2.1.2 three out of four signalized intersections and three out of six major unsignalized intersections operate at an unacceptable LOS. In the year 2030, all signalized intersections and five out of the six major unsignalized intersections operate at an unacceptable LOS.

In La Paz and from Lakeville north to the US 20 Bypass, today it is difficult during morning and evening peak hours to make a left turn from a driveway.

2. “How was the level-of-service determined for Alternative Es from Kern Road to the US 20 Bypass? Was this done in segments and a single LOS reported? There does not appear sufficient distance

between the Kern Road interchange and the US 20 interchange for proper freeway operation?" (0329-005, Dierbeck)

The Level of Service (LOS) was determined by comparing the forecasted daily, morning peak hour, and evening peak hour traffic volumes for the segment of Alternative Es between the Kern Road interchange and the US 20 Bypass interchange to the capacity of the proposed freeway consistent with the *Highway Capacity Manual 2000* procedures.

Two auxiliary lanes have been added to the three thru lanes in each direction to ensure proper operation of the freeway between the Kern Road interchange and the US 20 Bypass interchange, due to the short distance (about 1 mile) between the two interchanges.

3. "Review of studies to date reveal a pattern of inconsistencies which are troubling. The foremost among these is the reliance upon reports of future traffic flows to show the inability of the current highway to meet federal standards for level of service. The entire study's logic and conclusions are predicated on this basis. Experts in the field of traffic analysis I spoke with, indicated that the science of traffic modeling is as much an art as it is science. These traffic studies rely heavily upon projections, which arguably may be the most optimistic crystal ball into the future with growth and traffic patterns of the area. Unfortunately for the reader of these studies, this means a high reliance on the data and projections, with little correlation to proven accuracy, relevancy, or windows of error regarding estimates." (0426-261, Hupp, pg.1)

Referring to Table 2.1.1, the projection of daily traffic for the year 2030 is based on historical traffic growth in the existing US 31 corridor and not a travel model. This historical traffic growth trend demonstrates that existing US 31 will operate at an unacceptable Level of Service (LOS) in the year 2030.

4. "This places me then in perspective with additional concerns with how this study has been constructed. I have seen inconsistencies within the study itself, where certain sections of highway are noted as rural, then urban, then rural, where it seems one designation should apply when talking about the same thing." (0426-261, Hupp, pg.3)

The US Census Bureau has established a definition of urban and rural that is used uniformly through the nation and has been utilized for this project. An Urbanized Areas (UA) or Urban Cluster (UC) consists of core Census Block Groups or Census Blocks with at least 1,000 persons per square mile and surrounding Census Blocks that have an overall density of at least 500 persons per square mile. All territory located outside UAs or UCs is classified as rural. This definition may be found on the US Census Bureau website under "Census 2000 Urban and Rural Classification". Except for the segment from Miller Road (about three miles south of the US 20 Bypass) to the US 20 Bypass, the US 31 corridor is considered rural, where a LOS C is the minimum acceptable and any level below that is unacceptable.

5. [What are the issues and concerns associated with upgrading US31?] "US31 represents the major road connecting north central Indiana with the largest metropolitan center in the state, Indianapolis. Unlike I-65 and I-69 which provide the northwest and northeast corners of Indiana with high speed, limited access interstate US 31 is a heavily traveled highway with none of these features. US 31 should have limited access resulting in improved safety, reduced congestion at intersections and increased mobility

for those traveling to north central Indiana. It will place the South Bend/Mishawaka/Elkhart/Goshen area on an equal mobility footing with Gary and Fort Wayne.” (0426-043, Moore)

The purpose and need of this project is to improve congestion, increase safety, and be consistent with state and local transportation plans.

6. “I’m having difficulty in finding how the urban designation was established for the northern sections of the U.S. 31 Study Es, Cs & G-C. I cannot find anything in the DEIS that references how the urban designation was established. Giving Alts. Cs & G-C an urban designation was the only way those options could be moved forward for consideration based on Level of Service (LOS), both receiving the bare minimum LOS of D for an urban area. Yet, Cs & G-C are in a very rural portion of the study, mostly where parcels are required to be sold in 20 acre minimums for residential purchase. Tell me what publications, reference materials, studies, guidelines, policies, etc. that were used to arrive at the classification for each of these alternates. There must be an established process that determines such an important factor.” (0401-004, Kosik)

The urban/rural designation is based on population density as defined by the US Bureau of Census. The current urbanized area boundary is located in the vicinity of Miller Road as it intersects with existing US 31. Thus, the section of these alternatives from the Kern Road interchange northward is urban and from the Kern Road interchange southward is rural.

7. “In previous comments, we encouraged completion of an origin-destination study for the corridor, as for other sections of US 31 in Michigan. We note that in Section 1.3 on page 1-5, the State legislature specifically directed INDOT to conduct an origin-destination study for the corridor between St. Joseph and Marion Counties. Our reasons for suggesting specific origin-destination information were to: provide a baseline, develop alternatives, and enhance predictability for traffic projections. We recognize that FWHM is confident in the traffic model projections presented in the DEIS, and we defer to their expertise in these matters. ” (0512-001, Detroit District, Corps of Engineers, pg.2)

The travel model for the US 31 Improvement Project is a refinement of the Indiana Statewide Travel Demand Model that included an origin and destination survey of travel entering the state of Indiana. Thus, the US 31 Improvement Project travel model reflects travel patterns thru the South Bend-Elkhart metropolitan area and between this metropolitan area and other major urban areas. Figures 4.1.1 thru 4.1.10 show the origin and destination of travel at either end and within the corridor, and clearly demonstrates that Business US 31 north of the US 20 Bypass is the primary origin and destination of travel thru and within the corridor.

8. “The DEIS is an impressive document that bears testament to the careful study that has gone into planning this project. All parties associated with this effort should be commended for their hard work and excellent product. HUD notes the carefully documented need and the manner in which project planners have stayed close to existing roadway, so as to address the congestion issue, yet plotted alternatives that minimize disruptions and adverse impacts on existing businesses and residents.” (0415-001, Goldfarb, p. 1)

The purpose and need of this project is to improve congestion, increase safety, and be consistent with state and local transportation plans. Efforts were made to avoid and minimize impacts to both the human and natural environment.

9. “Indeed, among the road segments of interest, Es would result in a US 31 LOS rating of B. The other options would cause LOS assignments of D, the worst possible acceptable rating, and worse than INDOT’s preference of a C rating. Note that if this road segment were designated Rural instead of Urban, as was initially the case, the D rating would have been unacceptable by INDOT standards, thus eliminating Cs and G-C from further consideration.” 0422-021, Grundy, p. 1)

Alternative G-Es has been selected as the Preferred Alternative. Alternatives Cs and G-Cs have been eliminated from further consideration.

Referring to Table 5.1.2, the section of existing US 31 from Roosevelt Road northward is in the urban area and Level of Service (LOS) D is the minimum acceptable LOS within urban areas. Thus, Alternatives Cs and G-Cs would not be eliminated for failing to meet purpose and need. However, they clearly are not as effective as Alternatives Es and G-Es in diverting traffic from existing US 31 and in achieving a higher LOS on existing US 31.

2.2 Safety

1. “Due to the large number of accidents there. My first cousin was killed there last year. Without center turn lanes, and the large amount of traffic, getting involved in a rear end collision is at times inevitable. US 31 South definitely needs to be totally upgraded. It’s long overdue.” (0421-018, Coffel)

“The current road is unsafe and carries with it a traffic fatality rate that is unacceptable.” (0423-034, Broden)

“Safety and speed, as the county’s largest trucking company it will save us time and potential accidents.” (0427-003, Chase)

“Upgrading the current highway is essential to safely accommodate the increasing traffic. The many at-grade intersections, heavy traffic levels, and speeds maintained make this highway inherently unsafe.” (0319-010, Heline)

“Public safety dictates that a limited access highway be built between South Bend and Lakeville. Indiana Department of Transportation studies show that both crashes and fatalities are well above state averages for the South Bend-Lakeville corridor.” (0402-001, Nemeth, pg.2)

“This improvement is about safety. The level of accidents is unacceptable and must be addressed. It is this concern about safety that will address the issue of the traffic and the economic boon such improvements will provide. The rate of accidents and fatalities is too often misunderstood by people who may be opposed to this project for whatever personal reason. The loss of one life, due to congestion on a road exceeding its viable limitations, cannot be disregarded and should be the lead priority over any impact to neighborhoods, farmland, wetlands, economic development, or any other issue that is raised. We simply must bring this road into a level of increased safe travel conditions.” (0421-017, Miller)

The purpose and need of this project is to improve congestion, increase safety, and be consistent with state and local transportation plans.

2. “Living in Culver, we travel to South Bend at least twice weekly. We travel to Indianapolis at least three times monthly. The most dangerous section of U.S. 31 is from Kern Road (South Bend) to Lakeville. This could be remedied by adding a turn lane.” (0422-027, Flora)

“I can see a tremendous benefit with spending the money on installing center turn-lanes on current 31 to reduce traffic deaths. I have lived on 31 South for 27 years and at least once a year someone dies on this highway. Everyone in my family of 5 growing up on the highway has been hit at least twice trying to turn into the driveway.” (0426-055, Grabowski)

As part of a resurfacing project, INDOT has proposed a minor widening of the pavement on existing US 31 between SR 4 and Kern Road to create a continuous center left turn lane. The project was placed on hold at the beginning of this US 31 Improvement Project Study, and may be reactivated depending on the outcome of the EIS and overall improvement priorities.

3. “The two critical ones are safety and decreasing the time it takes to get to Indianapolis. Have you determined exactly how much of a time savings the new route would create?” (0426-017, Holtz)

The purpose and need of this project is to improve congestion, increase safety, and be consistent with state and local transportation plans. The travel-time savings were not calculated as part of this study.

4. “Improving Public Safety. The DEIS uses the criterion of total crash rates or fatal crash rates in excess of statewide averages by segment to conclude that the segment of U.S. 30 and U.S. 20 is unsafe, and therefore that one of the purposes of the study have been met. The findings were these: A. accidents rates were above the statewide average for injury and fatal accidents through the corridor over the period 1997-1999 (Table 2.2.3). B. Crash rates for total crashes were above the statewide average for three of the five segments listed (Table 2.2.4). Comments: Concerning A, while the injury and fatal crash rates were higher, they were not statistically significantly different from either the Indiana 1997-99 rate, or the U.S. 1997 rate. (e.g. US 31 vs Indiana injury: Chi-sq=0.880, p=.348; fatalities: Chi-sq=0.136, p=.712). Concerning B, while some of the rates are indeed higher, the combined crash rate for all segments is not. (I calculate 169.5 crashes per 100 million miles for the U.S. 31 route vs state rate of 186.6). It may well be the case that the criterion is simply ‘a rate higher than the Indiana rate.’ However, as you know, a single fatality over a small segment can alter a rate radically. Moreover, a rule of thumb of ‘no less than 20 events/cases’ should be applied when comparing rates.” (0425-002, Hagen)

Because the crash rates in the existing US 31 corridor exceed the average crash rate for similar facilities statewide, we have used this information to demonstrate that safety problems exist in the corridor.

5. “I am the person who brought up the question about the number of accidents that have occurred along the stretch of U.S. 31 from the 20 bypass to Kern Road since the turn lane has been added as compared to the number of accidents before the turn lane had been added. I am very curious about this figure. Please respond the answer to me at your convenience.” (0419-006, Niespodziany)

We did not conduct a “before and after” accident examination of other previously completed INDOT improvements in this corridor.

6. “Something has to be done to make it safer on the south end of South Bend (near Roosevelt). How many accidents have there been in this area? How many casualties? Is there any way to level the hill part there?” (0421-004, Haramia)

Refer to Table 2.2.4 for crash information.

7. “Assuming that safety is part of the justification for building a new highway, I don’t see how it will significantly reduce accidents or save lives. This assumes that the old highway will remain open and that a new highway would have higher speed limits. I doubt that the traffic count on the old road will decrease to 0 – therefore, the accidents on it will continue. Since it is a proven fact that speed kills, the higher speed limits on a new highway will undoubtedly result in more and, probably, more serious accidents on it. Net result, there will probably be as many or more accidents as there now are.” (0425-005, Thieling)

The accident rate for a freeway is lower than that for a non-freeway facility (such as existing US 31); therefore, traffic on existing US 31 will be diverted to a safer facility resulting in a decline in the total number of crashes in the corridor. This is demonstrated in Table 3.1.6.

2.3 Consistency with Transportation Plans

1. “The state’s largest and second largest metropolitan areas need this connection.” (0409-001, Corcoran)

“It is imperative that a new interstate highway be developed between South Bend and Indianapolis, the two largest marketing areas in the state. Such a link would actually connect Indianapolis to Grand Rapids, Michigan (the second largest city in Michigan) via I-94 and I-196.” (0402-001, Nemeth, pg.2)

The purpose and need of this project is to improve congestion, increase safety, and be consistent with state and local transportation plans.

2.4 Project Purpose and Need Statement

1. “Auto and truck safety from limiting access, travel time reduction and productivity improvements.”

“We agree that this project should have overall positive effects in the 20 mile US 31 corridor by reducing traffic congestion and improving public safety conditions. We also noted that this project is consistent with statewide and regional traffic planning recommendations.” (0331-006, Joe, National Center for Environmental Health, pg. 1)

“Improved safety, reduced congestion, reduced travel time connecting the two largest economic markets in the state, opportunities for economic development all along the corridor.” (0419-012, Kelly)

“According to the DEIS, US 31 has the following underlying problem/s (i.e., needs) to be solved: (1) existing and projected (year 2030) vehicle congestion during peak commuting hours, (2) existing and projected future crash rates, and injury or fatal crash rates that exceed the statewide average for 40% of the corridor length, and (3) partial access control for a 15-mile stretch of the 20-mile-long US 31 corridor and lack of adequate median width for left-turns through La Paz, and through Lakeville to the US 20 Bypass. Because of these problems, the DEIS states that the Purpose of the US 31 Plymouth to South Bend project is to: (1) reduce congestion (2) improve safety, and (3) determine consistency with

statewide (INDOT) and regional [Michiana Area Council of Governments (MACOG)] transportation plans.” (0511-001, USEPA, pg. 8)

“Improving US 31 will undoubtedly promote safer, less congested travel and increase mobility which will provide an economic stimulus to the region.” (0420-009, Erickson)

The purpose and need of this project is to reduce congestion, improve safety, and be consistent with state and local transportation plans.

Chapter 3 - Alternatives

3.1 Preliminary Alternatives Analysis and Screening

1. “Wouldn’t it benefit all the businesses and homeowners to keep 31 and build some access roads to businesses along 31 or consider overpasses?” (0422-012, Berzai)

“If something has to be done shut down a lot of the crossroads and raise the speed limit.” (0423-021, Clark)

“For State Highway Board – as a home owner and businesses owner in the Lakeville area, I am very concerned about the new highway laws. My suggestion to you is that you work with the existing highway that we have and make the needed improvements on it.” (0325-003, Bloom)

“It is too short of a distance for all the upheavel and expense. Why not put new lanes- ex. At new & stoplights – this would help the traffic flow and reduce accidents.” (0318-015, Bolin)

“Has a study been made of using the current route of US31by installing concrete barriers in the median strip and adding parallel access roads? ” (0322-005, Feece, Jr.)

“I realize that there were a number of alternates originally studied, but wanted to find out if one other alternative was considered: That of maintaining 31 from Rt. 20 to either Roosevelt Rd, New Road as a limited access 5 lane highway. The problem of the 31 bypass is NOT from the 20 bypass south. It is Lakeville, LaPaz, Rt. 6, Kokomo, and Carmel. When it comes down to taking a number of businesses or homes to get a more streamlined route from 20 bypass to Rt. 6 and beyond, it would seem that streamlining 31 south by putting in an overpass at Johnson Rd., Kern Rd., Roosevelt Rd., and Possibly New Road, and putting in a turn lane throughout this length of highway, would be an acceptable alternative to the plan. I would offer the opinion that even if you were to choose Es, C or G-C, Rt. 31 will still need to be upgraded to reduce the traffic problems that already exist on that stretch of highway i.e. no turn lane, the hump at Roosevelt Rd. to name two of the most serious.” (0416-010, Embling, p.1)

“In reviewing the study itself, it stated that by 2030 all signaled intersections would operate at an unacceptable level, but what about overpasses? If we use the criteria you have stated that the LOS of this section would operate at below C levels which is unacceptable. I agree, but with the stated improvement to the highway mentioned above, I would offer that the LOS would be able to operate at above C standards. “ (0416-010, Embling, p.2)

“I would finally like to say that I have been a trooper assigned to St. Joseph County for 28 years, so my thoughts on the project go back many years. I have worked many injury and fatal accidents on US 31 and the only real danger is that it need a center turn lane.” (0320-006, Hirschler)

“Why not make the plan follow the current U.S. #31 – there’s certainly enough problems there and we could use something different at Roosevelt & 31 – why not a raised highway for Indianapolis bound until you get further south instead of trying to re-route the road. This would also help alleviate the traffic on old 31 and speed up the traffic going south to Indy.” (0416-008, Hillman)

“I am a firm believer in the ‘No-Build’ Alternative. I really do not believe enough thought has gone into this option. The state should start by improving US 31 with a continuous center turn lane. The already improved section of US 31 north of LaPaz is wonderful as well as the section between there and Kern Road. Take the hill out of US31 at Roosevelt Road and add the center turn lane between there and Lapaz. It would be great. I understand South Lawn cemetery could be a problem.” (0409-002, Hart)

“The most logical choice would have been to bring the current US 31 highway up to standards to meet the requirements of the proposed freeway.” (0426-025, Karczewski)

“I think it would best suit everyone involved or affected by the current proposed plans to dramatically upgrade our existing 31. First we should have turning lanes on the outside for right turns and one in the center for left turns running all the way through LaPaz. (heading S. off bypass 20) Absolutely no parking should be allowed in the turning lanes as I see happening in the Gilmer Park area, South bound right turn lane. Second, the light could be set so the cross traffic sits longer. Really, I don’t think people will mind waiting a little longer at a light versus a highway in their yard, or neighborhood!” (0322-006, McNeill)

“There are two obvious routes if the new road is to move traffic in the most optimum manor. 1. Is to run the route two miles west of the current route all the way to the present Ind 23 exchange. This is the most direct route to the Michigan. One study indicate over 60% of the traffic goes north once they are on the US 20 by-pass. South Bend could develop their “New” shopping center there.” (0312-003, Mathia)

“The alternative is an Elevated Highway carrying the Express Lanes to Indianapolis with few ramps of ingress and egress from and to the lower local route. No land needs to be taken in the magnitude proposed by the State. Support trusses will stand in the median carrying the upper structure of a four-lane expressway with emergency shoulder to each side. Since no existing overpass would interfere with the routing between South Bend and Plymouth this alternative may be less costly than the \$262 Million estimated.” (0408-005, Liell)

“I haven’t looked closely, but an Ireland Road extension might be beneficial in the overall process by providing a more direct route via Locust Rd/Olive St to the west-central area of South Bend.” (0316-004, Rowe)

“Freeway alternatives that use or improve portions of the existing US 31 corridor. There are existing divided highway sections from Road 4A to near US 6, and from the north side of LaPaz to Quinn Road south of Lakeville. We encourage alternatives which maximize use of these and other portions of the existing US 31 corridor.” (0512-001, Detroit District Crops of Engineers, pg.2)

“Did you look at the possible future means of transportation? As the economy grows, I feel air travel will be the biggest means! Most companies that need to travel to Indy that often on a regular basis can afford to fly.” (0420-001, Gee)

“We note that on page 3-81, an impending project to add a center lane to existing US 31 was suspended, pending the National Environmental Policy Act review. We question whether this project merits

consideration as an alternative, or whether it should be factored into the project baseline for some or all of the alternatives.” (0512-001, Detroit District, Corps of Engineers, pg.2)

“I would like your team to further investigate, as part of the Es solution, the ability to widen the current US31 route and restrict all access from area north of Kern to the US 20 bypass. The current Us 31 already has a secondary service road that offers connection to Johnson to travel west and to the North up Linden to Ireland. As well Main could be furthered to the south to Kern to route to the East. This could be accomplished with little disruption and cost. I believe this approach could accomplish commercial development South of the US 20 bypass to Kern road as exists and is desired by the City of South Bend (and the residents of the county) while providing advertisement for this area from the new (Es) major US 31 Highway, thereby, providing a better economic benefit to the areas versus the alternate C routes. ” (0426-265, Campoli, p.1)

“The new I-67 should follow the railroad right of way and link up with the U.S. 20-31 By-Pass west of the current U.S. 31 near Ireland and Linden Roads. This is preferable to I-67 linking up with current U.S. 31 at Kern Road. Placing the link-up at Kern Road and converting current U.S. 31 between Kern and the U.S. 20 By-Pass to interstate specifications would result in a large expense for taking the current business properties which are situated between Kern Road and the By-Pass. It would also deprive St. Joseph County (and the City of South Bend) of the increased property tax base, which will occur with the future retail and multi-family development that will take place on current U.S. 31 from the By-Pass south to Lakeville. The development of the southwest corner of the intersection of Michigan Street and Ireland Road will be a catalyst for future development along current U.S. 31 between South Bend and Lakeville. It may not be Kokomo but it could certainly mirror the development currently occurring along U.S. 31 in Westfield, Indian (north of Indianapolis).” (0402-001, Nemeth, p. 2-3)

“The highway can be made safer by installing a median at all the intersections and providing a turnaround lane (similar to what Michigan does). This would allow for a safer roadway without the tremendous expense of acquiring a lot of additional land and relocating a great number of residences and businesses. The resulting impact on the environment and historical sites would also be minimal.” (0331-003, James)

“Wouldn’t building Interstate 67 cost the state less money by using Federal funds with State funds? If the Interstate were tied into the bypass 20 in South Bend, it would make easier access all the way to Grand Rapids, MI and beyond. I was looking at the maps of the Alternative Routes, and it appears to me that Alternative A or H would be the most cost effective. Most of the other routes are using part of the existing 31, which would cost more to tear up and rebuild.” (0416-007, Spier)

Alternatives including improvements to existing US 31, the No-Build Alternative, and a full range of freeway alternative alternatives were a investigated as a part of this study and are discussed in Chapter 3.1. It was found that the only alternative studied that would adequately address the purpose and need of the project (reduce congestion along US 31, improve safety on US 31 and be consistent with state and local transportation plans) was a freeway alternative. Regarding freeway alternatives, it was found that alternatives located closer to existing US 31 exhibited better traffic performance. Those alternatives located further from existing US 31 exhibited worse traffic performance and often did not meet the purpose and need of the project.

While overpasses added to existing US 31 at various crossroads or installing a median barrier to restrict crossing traffic would improve safety at that point, it would not

improve safety along the US 31 corridor and would reduce access to US 31 by local traffic and compromise local access.

The Indiana General Assembly directed INDOT to study the transportation corridor between Indianapolis and South Bend. Currently, INDOT is studying three sections of this corridor including the upgrade of US 31 in Hamilton County (Carmel), Howard County (Kokomo), and Marshall and St. Joseph Counties (South Bend).

Cost associated with a raised or elevated highway to separate thru traffic (Indianapolis bound) from local traffic would be many times more expensive than any of the alternatives that were investigated. This facility would essentially be a bridge with local traffic beneath. Not only would the costs be exceptionally high, future maintenance costs would be many time higher than a conventional freeway facility.

2. “In general, we support routes that upgrade or closely follow an existing highway because new-terrain routes often result in the greatest loss and fragmentation of natural habitats. Because of the number of houses, businesses, and other developments along existing U.S. 31, plus the communities of LaPaz and Lakeville, it is not considered feasible to upgrade the current roadway to an access-controlled freeway along its entire length. However, since the greatest traffic is local and north of Lakeville, it is desirable to construct the new freeway as close as possible to existing U.S. 31, in order to remove the greatest amount of traffic from the current highway.” (0524-001, US Department of the Interior, pg. 2)

“However, have you considered keeping the existing route as much as possible, and upgrading to Federal standards? Without counting miles, I’d guess that 80% of the actual distance is already limited access, or could easily and cheaply be made limited access by closing some roads or building overpasses. That option has to be less expensive than land acquisition and building new.” (0321-006, Cashbaugh)

“Would it not make sense to build on ground that has already been environmentally impacted, even though it’s been more than a hundred years ago?” (0406-001, Bice, p. 1)

Building on ground that has been environmentally impacted often does result in lower environmental impacts. However, for this project, it was found that making the necessary improvements to US 31 consisting of an upgrade to a freeway facility utilizing the existing US 31 corridor (See Alternative J in Chapter 3.1) resulted in residential impacts that were from two to six times higher than those for any other alternative considered. The high relocations had a substantial impact on project costs related to right-of-way acquisition.

3. “I am urging INDOT to chose the Eastern Route for the US 31 Freeway because it is the best route for the most people in North-Central Indiana. This route goes from the Indiana Toll Road at Granger directly south to Rochester where it would meet the present US31. It would be the shortest route to Indianapolis. Earlier, INDOT considered an eastern route that ran from Capital Ave./Elm Rd. to Lakeville. This route was not feasible because it made the drivers go southwest and then go back southeast. The Eastern Route would cost more in the short-term but would save much time and money in the long-term. We want INDOT to make the best and the right choice for our corridor. They did not make a long-term choice for the Kokomo Corridor. It should have been made a freeway! Now, it is costing the taxpayers a lot to correct this short-sightedness.” (0317-004, Funderburg)

“Why not look at an option between 331 & 19? US20 & US30 also border that route. That area is between South Bend & Elkhart and could easily be carried southward to Indianapolis. Better access to both cities and making a faster route coming closer to Fort Wayne.” (0420-001, Gee)

The purpose of this project is to address congestion and safety along existing US 31.

4. “Merely building another limited-access divided highway will not do. We suggest that consideration be given to the concept of a transportation corridor which would encompass not only a divided, limited-access highway but also a greenway for bicyclists and hikers as well as provision for light rail transportation.” (0318-011, Csapo, Sierra Club – Michiana Group)

“Similarly, one could set aside land for future park and ride lots, should mass transit (e.g. bus service) ever be considered. There is an element of circularity and self prophesy here. If we only build highways then people will ‘choose’ the only choice given to them. Every roadway project presents an opportunity to work towards more sensible, sustainable transportation network.” (0415-001, Goldfarb, p.2)

“Another option would be to operate a high speed service between Indianapolis and South Bend. High speed rail has proven to be a very efficient and cost effective mode of transportation in Europe.” (0322-001, Kimmel)

Alternatives including mass transit alternatives were investigated as a part of this study and are discussed in Chapter 3.1. It was found that the only alternative studied that would adequately address the purpose and need of the project (reduce congestion along US 31, improve safety on US 31 and be consistent with state and local transportation plans) was a freeway alternative.

In the US 31 “Corridor,” significant transit service is not a viable option for the following reasons.

- **Trip-ends are dispersed rather than concentrated, resulting in insufficient ridership to cover transit-operating costs (trip ends were modeled as part of the traffic analysis for this project).**
- **A geographic area south of US 20 to Kern Road, between Miami Highway and Ironwood Road, is within the City of South Bend. Existing US 31 falls in St. Joseph and Marshall counties and the small, incorporated areas of Lakeville and LaPaz. Thus, these jurisdictions (not the City of South Bend) must provide the transit operating subsidies to extend any transit service along existing US 31.**
- **In the year 2030, population densities along existing US 31 are expected to be less than 2,000 persons per square mile, except on the east side of US 31 to Miami Highway and from Roosevelt Road to US 20. Thus, less than 5% of the corridor will have sufficient population densities in the year 2030 to meet the minimum threshold considered necessary for the provision of transit service (Metro Dade County, Florida, Transit Reconfiguration Study; Miami Dade County Transit Authority, 1986).**

Access for pedestrians and bicycles are discussed in Chapter 5.2.

5. “Let’s also not forget to build some rest areas for all users on this new transportation corridor.” (0318-011, Csapo, Sierra Club – Michiana Group)

Rest area locations will be determined during the final design phase of the project and will include an overview of the entire US 31 corridor from Indianapolis to South Bend.

6. “Non-Freeway alternatives or combined Freeway/Non-Freeway Alternatives. As we observed in previous correspondence, these proposed options met level of service for proposed US 31 improvement in Michigan, in areas with equal or higher traffic volumes. These deserve additional consideration.” (5012-001, Detroit District Corps of Engineers, pg.2)

The Non-Freeway Alternatives do not address the purpose and need of this project – reduce congestion and improve safety along existing US 31. It should be noted that a Non-Freeway Alternative that includes interchanges at some major intersections, but achieves only partial access control along the balance of the corridor, performs no better than the Non-Freeway Alternative that bypasses LaPaz and Lakeville and achieve partial access control. Thus, preliminary Freeway Alternative F (described in Chapter 3.1) best reflects an upgrade of existing US 31 with the addition of interchanges to achieve full access control.

It should also be noted that a Non-Freeway Alternative that includes combinations of various transportation management (TM) alternatives (TDM, TSM, ITS, mass transit, etc.) performs only slightly better than the Non-Freeway Alternative that bypasses LaPaz and Lakeville. Due to the low-density rural character of the corridor, the Non-Freeway Alternative in combination with TM alternatives considered for this project are expected to only minimally reduce traffic volumes on US 31 and would not result in improvements to levels of service on US 31.

7. “We are aware that impacts to upland and wetland forested resources cannot be completely avoided due to the existing physical constraints within the study area and the need to avoid impacts to other properties such as historical sites, cemeteries, and prime farmland. However, we recommend the final selected alternative utilize the minimum necessary right-of-way, less than 300 feet, with concrete median barriers rather than a 60-foot-wide grassed median within the rural section of the freeway. This type of construction appears to have proven safe and effective along numerous Interstate highways in rural areas (e.g., I-94 in Porter and LaPorte Counties, Indiana), and is proposed for the urban section of alternative E. Thus, it could be a consistent highway design throughout the length of the project. Wider-grassed medians are generally required for non-access-controlled highways with at-grade intersections because they provide the necessary space for turning or crossing vehicles to wait for traffic to clear. Since there will be no at-grade crossings with this proposed project, the wide-grassed medians may not be necessary.” (0524-001, US Department of the Interior, pg. 3)

Freeway facilities utilizing a concrete median barrier are often utilized in urban areas due to right-of-way constraints, traffic volumes and increased traffic movements. Use of concrete median barriers in rural areas are generally not utilized for several reasons. Rural areas generally do not have the right-of-way constraints that urban area exhibit, costs associated with the construction of the concrete median barriers and associated paved shoulders and storm water drainage system are substantially higher, future maintenance of a facility with a concrete median barrier are substantially higher and snow removal in the winter months is much more difficult and costly.

8. “Under section 3.1.7.1, non-freeway alternatives, page 3-11, it is stated that: “From Quinn Road, through Lakeville, to the U.S. 20 interchange, existing U.S. 31 is a four-lane undivided facility with a

pavement width of 58 to 66 feet with curb-and-gutter and sidewalks.” This is not an accurate statement for that entire length of highway, although it may be for the section through Lakeville itself. On page 3-12, it is stated that a bypass could be constructed west of Lakeville “...in the vicinity of an abandoned railroad corridor.” However, there is already a local two-lane bypass of Lakeville along this old railroad corridor, Mangus Road.” (0524-001, U.S. Department of Interior, pg. 5)

Revisions have been made to the FEIS to correct the inconsistencies.

9. “While the DEIS contains scattered discussions about already approved projects for the existing US 31 (e.g., shaving the hillslope at Roosevelt Road, a traffic signal at New Road, and resurfacing from Madison to Kern Rds with continuous left-turn lane), and other traffic-operational improvements for intersections (Kern Rd, Roosevelt Rd, Madison Rd, New Rd, SR4), there are many people unaware that most of these projects will proceed regardless of the proposed US 31 Improvement Project. Since some of these projects are part of the already rejected “No-Build” alternative, we think that some discussions of these projects should be incorporated into a section about the “No-Build” alternative. People need to be clearly advised that projects and planning are already in the pipeline for the existing US 31 and more discussion regarding these improvements and the proposed project are in order even if these changes do not alter lane traffic carrying capacity.” (0425-030, Leach & Autry, pg.3)

Revisions have been made to the FEIS.

10. “In reviewing the DEIS, we had hoped to see alternatives analyzed in detail and carried forward for consideration that would have had less adverse impact on natural resources, particularly wetlands. Specifically, as we discussed at the September Resource Agency Meeting, we expected that the DEIS would have identified and incorporated all the feasible individual components of the non-build transportation management [TM] alternatives in combination with some of the preliminary build alternatives in order to refine feasible alternatives that would have less adverse impacts.” (0511-001, USEPA, pg.2)

“Utilizing a phased alternatives screening process, a variety of alternatives were identified and given a cursory analysis and dismissed from further detailed analysis early in the NEPA process. We appreciate the variety, number of alternatives and their iterations that FHWA/INDOT identified in the DEIS. We also appreciate that some alternatives that would have heavily impacted Potato Creek State Park were dropped. However, FHWA/INDOT did not adequately identify and evaluate alternatives that incorporate all the feasible transportation management {TM} measures [i.e., Travel Demand Management (TDM), Transportation System Management (TSM), Intelligent Transportation System (ITS) applications, and Mass Transit] from the various DEIS non-build TM alternatives into the various build non-freeway alternatives and the freeway alternatives (A-K and their DEIS iterations). The meeting minutes (pp. 5 and 6) from the September 30, 2003, meeting, document EPA and the other resource agencies’ requests that additional alternatives be identified and evaluated, including combined TM/build alternatives. These meeting minutes should be included in the FEIS. Based on the information in the DEIS, it appears that some of the combined TM/build alternatives may have less impact on the environment and meet the congestion and safety measures identified in the DEIS.” (0511-001, USEPA, pg. 9)

“For example, preliminary Alternative K had wetland impacts (28.8 acres) that were substantially less than other preliminary alternatives and the three alternatives that underwent detailed analysis in the DEIS. Preliminary Alternative K was eliminated early in the process because it failed to reduce congestion to an acceptable level of service for the year 2030 on the northernmost segment of existing US 31. We were particularly interested to see if Preliminary Alternative K or other build alternatives,

combined with the feasible TM components, could further reduce congestion in the northernmost segment of US 31 to an acceptable level of service. The DEIS does not provide this information and analysis. ” (0511-001, USEPA, pg.2)

The FEIS has been revised to discuss combinations of transportation management (TM) alternatives with other alternatives, including the No-Build Alternative. The Non-Freeway Alternatives do not address the purpose and need of this project – reduce congestion and improve safety along existing US 31. It should be noted that a Non-Freeway Alternative that includes interchanges at some major intersections, but achieves only partial access control along the balance of the corridor, performs no better than the Non-Freeway Alternative that bypasses LaPaz and Lakeville and achieve partial access control. Thus, preliminary Freeway Alternative F (described in Chapter 3.1) best reflects an upgrade of existing US 31 with the addition of interchanges to achieve full access control.

It should also be noted that a Non-Freeway Alternative that includes combinations of various transportation management (TM) alternatives (TDM, TSM, ITS, mass transit, etc.) performs only slightly better than the Non-Freeway Alternative that bypasses LaPaz and Lakeville. Due to the low-density rural character of the corridor, the Non-Freeway Alternative in combination with TM alternatives considered for this project are expected to only minimally reduce traffic volumes on US 31 and would not result in improvements to levels of service on US 31.

11. “However, the origin-destination projections in the DEIS do not appear to account for other planned projects, such as Capital Avenue SR 331.” (0512-001, Detroit District, Corps of Engineers, pg. 2)

Chapter 2 of the FEIS has been revised to address the development of the US 31 Corridor Travel Demand Model that was based on the Indiana Statewide Travel Demand Model (INSTDM). The US 31 Corridor Travel Demand Model expanded the INSTDM by adding to the INSTDM roadway network to include all roadway network contained in the MACOG metropolitan model for St. Joseph County and all roadways classified as Rural Minor Collectors or higher in Marshall County. The long range transportation plans and transportation improvement programs for MACOG and INDOT were reviewed to identify both the major roadway improvement projects completed since the year 2000 as well as those projects currently programmed for future completion. The addition of both the major roadway improvement projects completed since the year 2000 as well as those projects currently programmed for future completion to the roadway network of the year 2000 creates the existing-plus-committed roadway network. This existing-plus-committed roadway network represents the No Build Alternative for the future year 2030 that has served as the baseline when comparing the effectiveness and potential impacts of other alternatives throughout the study.

12. “How much of a right-away are they going to need for the bypass?” (0322-004, Bannow)

For this study, a right-of-way width of 300 feet was utilized. This width was increased and overpass and interchange locations to accommodate these features. Final right-of-way limits will be determined during the design phase of the project that will follow this study.

13. “The last item of concern is the 40 to 50 million dollars more Route Es is estimated to cost. I realize a project of this magnitude is unfortunately going to displace or disrupt some people be it businesses or residences. However, I feel the logical choice would be to select a route that displaces the least number of people, has the lowest cost, with the least negative impact on the local economy. Route Es has the highest negative impact in all these areas, where Routes Cs or GC are both significantly lower. Therefore, I feel Route Es should be eliminated from consideration.” (0423-005, Stoller)

Along with impacts to the human environment – preliminary cost estimates, displacements, economic impacts, historic and archaeological impacts – impacts to the natural environment are given equal weight in the evaluation process. Some of the natural environmental impacts that are considered include impacts to, forests, wetlands, floodplains, streams, farmlands, notable wildlife habitat, hazardous material sites, etc.

3.2 Modifications of the Alternatives Recommended For Further Analysis

1. “Alternative K and Alternative G-Ironwood Road Connection. We deem these worthy of additional consideration, and are not prepared to dismiss them based on their failure to meet level of service standards on the northernmost segment. We are not necessarily advocating for these options at this stage, but the other reasons for their dismissal are similar to issues with alternatives still under consideration. Tables 3.15 and 3.16 also support Alternative K as one of the best performers for the metro area traffic.” (0512-001, Detroit District, Corps of Engineers, pg. 2)

Modified Alternative G – Ironwood Connection would terminate at the existing US 20 and Ironwood Road interchange, as was the case for the previously eliminated Preliminary Alternative K. In response to comments, INDOT and FHWA considered the Alternative G – Ironwood Road Connection. Section 3.2.7 of the FEIS addresses the Modified Alternative G – Ironwood Road Connection. Modified Alternative G – Ironwood Road Connection, as a stand-alone alternative, failed to address the first purpose and need for the project (i.e., reduced congestion). In order for the Alternative G – Ironwood Road Connection to adequately address the purpose of reducing congestion on the existing US 31, the residual traffic on US 31 requires further major roadway investment projects, besides the cost of the alternative itself, to achieve acceptable traffic operating conditions. These improvements include the widening of existing US 31 from a four-lane to a seven-lane section from Roosevelt Road to US 20 to reach a minimum LOS D and the widening of Ironwood Road from four to seven lanes from US 20 to SR 933 (Lincolnway) to reach a minimum LOS D. A combination of these two roadway investment projects along with the alternative would provide and acceptable LOS.

In Phase 2 of the screening process, it was found that while the wetland and forest impacts associated with Alternative G – Ironwood Road Connection were slightly less than those of the alternatives to be studied further, they were still higher than the wetland and forest impacts associated with the hybrid Alternative G-Es. As discussed above, Alternative G – Ironwood Road Connection had a much higher associated total costs; higher residential relocations; higher potential historic impacts, including a Section 4(f) issue, and higher farmland impacts. Based on these considerations, FHWA and INDOT concluded that Alternative G – Ironwood Road Connection was not a reasonable alternative and was not added to the range of reasonable alternatives to be considered in the decision-making process.

2. “Due to the significant wetland impacts associated with this project, we rate the DEIS **EO-2 (Environmental Objections – insufficient information)**. EPA has assigned an environmental objections rating to each of the three build alternatives analyzed in detail in the DEIS due to their significant impacts to wetlands and aquatic resources, and wildlife habitat. EPA requests that additional alternatives be analyzed, including alternatives that combine all feasible TM measures from the DEIS non-build alternatives with preliminary build Alternative K utilizing its initial approximate route be analyzed.” (0511-001, USEPA, pg. 2)

“Due to the magnitude of projected wetland impacts, it may be difficult for the Corps of Engineers to grant a permit for the project as proposed. Although Alternative Es appears to have the least impact on waters and wetlands, at this time we can not endorse any of the proposed alternatives. We advise you to continue to seek alternatives and modifications which avoid and/or reduce impacts to the aquatic environment.” (0512-001, Detroit District Corps of Engineers, pg.4)

During the process of identifying a final preferred alternative for a project such as this, there are many impacts that are studied and analyzed. Some of the impacts analyzed include, but are not limited to the traffic performance of the alternatives and their ability to meet the purpose and need of the project; indirect and cumulative impacts; residential and business impacts; project costs (engineering, construction, right-of-way, etc.); economic impacts (local tax revenue, local business economic impacts, etc.); highway user benefits; neighborhood impacts; local access for emergency service providers and school busses; historic and archeological resource impacts; air quality impacts; noise impacts; impacts to the natural environment – wetlands, farmlands, forests, wildlife, threatened and endangered species, water resources, streams, etc.; hazardous material sites; visual and aesthetic resources; etc. During the course of this study, several attempts were made to avoid and/or minimize impacts to both the human and natural environments. These avoidance and minimization measures were generally shifts in the alignment of the alternatives to miss, for example, a subdivision, or a wetland complex, or a forest area, or an historical or archeological resource, etc. The impacts of each of these shifts were evaluated and advanced for further study or eliminated from the study based on this analysis. Often, an avoidance and/or minimization measure aimed at avoiding or reducing impacts to one element would increase the impacts to another element. For example, a shift in the alignment of an alternative to miss a wetland complex might have moved the alignment into a residential area and increased the residential relocations substantially. For each of the alternatives studied, avoidance and/or minimization measures were investigated until a “balance” among all of the impacts was obtained.

3. “EPA has issued the Guidelines, which encourage the consideration of a wide range of alternatives to avoid impacts, with the first presumption that wetlands and other special aquatic sites can be avoided. Often it is difficult or impossible for linear projects, including this one, to completely avoid wetlands. The next step in the sequencing principle of these regulations is the process of minimizing adverse impacts to special aquatic sites. We see this as an extremely serious issue for the three project alternatives moved forward in the DEIS, which carry an estimated 40.5 to 57.7 acres of wetland impacts in a 20-mile highway segment. We believe that, for example, consideration of a revised version of alternative K, in combination with other improvements to the existing highway and transportation measures, presents the opportunity to substantially reduce wetlands impacts to the vicinity of 28.8 acres.” (0511-001, USEPA, pgs.7 and 8)

See responses to comments #1 and #2 above. Additionally, Preferred Alternative G-Es has the lowest environmental impacts to wetlands and forests and meets the Section 404(b)(1) Guidelines that require selection of the “least damaging practicable alternative”.

3.3 Description of the Alternatives Selected for Detailed Study

1. “Directing the by-pass down the abandoned railroad tracks south of Lakeville, would prevent the separation of homeowner properties, because the land was already divided by the railroad tracks many years ago. Also, this decision would prevent the relocation of several homeowners that are currently in the path of the “Es/Cs” proposed routes. “ (0410-002, Freeman)

Alternative G-Es has been selected as the Preferred Alternative. Alternatives Cs and Es have been eliminated from further consideration.

2. “Our property is located on Lilac Road south of Lakeville. At this point your route is approximately 100 feet west of Lilac Road. It seems that a more logical route would be 500 to 1,000 feet east of Lilac Road, midway between Lilac and Linden. By so doing you would: 1. save the purchase of 5 homes; 2. not have to build any access roads.” (0426-001, Edgerton, Sr.)

“Couldn’t G-C be modified to align it with Es through Gilmer Park around Roosevelt Rd. or Kern Rd?” (0412-003, Huggett, p. 1)

“We’ve been attending these INDOT meetings and map presentation since 1995 and the abandoned rail road highway was the choice route south of Lakeville. Then the last meeting, March 18, the proposed route is approximately ½ mile east of the railroad. What was the overwhelming reason for moving the route away from the abandoned rail road to farm ground that cuts farms in half?” (0402-002, Geyer)

“I think that the alternate to the east should line up with the property line towards the East. Currently it is just to the west of the lines. If you look at the maps it would only need to shift maybe 300’ to line up with the current fence row.” (0427-007, Anonymous)

“The US 31 highway boundaries, south of the US20 interchange to Dice Rd. appeared as if centered on the existing highway but wider. This would require the state to purchase more properties on both east and west sides. However for many of the commercial businesses on the west side, (from Farm Credit Services to Bob Frame Plumbing) own property that extends from Main street to Michigan street. If their offices (buildings) were inside the wider US31, INDOT would have to completely compensated them for relocating. I believe moving the center of US31 100-200 ft west would avoid extra purchases/changes on the east side. Offsetting the route west 100’ would allow for a service road on the existing hwy from Jewel to Kern, whereas Main street would already serve on the west side.” (0323-003, Nettrouer, pg.2)

“Our ninety-six year old family farm is located at 11969 1st Road Plymouth, IN. After doing some measuring based on the map in the DEIS, it appears that our grain drying operation and storage facilities are going to be affected. My parents home could also be affected. The western right of way boundary runs through those areas. It seems to me that a very slight adjustment to the east of approximately 100 feet could easily be made. This would leave our improvements intact and also save the project significant expense.” (0411-001, Albert)

During the process of identifying a final preferred alternative for a project such as this, there are many impacts that are studied and analyzed. Some of the impacts analyzed include but are not limited to the traffic performance of the alternatives and their ability to meet the purpose and need of the project; indirect and cumulative impacts; residential and business impacts; project costs (engineering, construction, right-of-way, etc.); economic impacts (local tax revenue, local business economic impacts, etc.); highway user benefits; neighborhood impacts; local access for emergency service providers and school busses; historic and archeological resource impacts; air quality impacts; noise impacts; impacts to the natural environment – wetlands, farmlands, forests, wildlife, threatened and endangered species, water resources, streams, etc.; hazardous material sites; visual and aesthetic resources; etc. During the course of this study, several attempts were made to avoid and/or minimize impacts to both the human and natural environments, as described in Chapter 3.2. These avoidance and minimization measures were generally shifts in the alignment of the alternatives to miss, for example, a subdivision, or a wetland complex, or a forest area, or an historical or archeological resource, etc. The impacts of each of these shifts were evaluated and advanced for further study or eliminated from the study based on this analysis. Often times, an avoidance and/or minimization measure aimed at avoiding or reducing impacts to one element would increase the impacts to another element. For example, a shift in the alignment of an alternative to miss a wetland complex might have moved the alignment into a residential area and increased the residential relocations substantially. For each of the alternatives studied, avoidance and/or minimization measures were investigated until a “balance” among all of the impacts was obtained.

3. “What exactly will be gained at the expense of many homeowners who will lose their property. It is my understanding that US31, even with its improvements, will never become an interstate highway and the speed limit will still remain 55 mph. In evaluating the return on investment, what data are you giving the citizens regarding the true statue of the highway once the upgrades are completed.” (0426-017, Holtz)

The Preferred Alternative G-Es is a freeway alternative that will have full access control. Control of access refers to the regulation of public access rights to and from properties abutting the highway. With full control of access, preference is given to through traffic on US 31 by providing access connections with selected public roads only at interchanges, by prohibiting crossings at grade utilizing stop controlled or traffic signalized intersections, and by prohibiting direct private and commercial driveway connections. Design speed for the rural sections of the facility will be 65 m.p.h. and 55 m.p.h. in urban sections.

4. “If you design the Cs interchange with US 31 traffic stay up to highway speeds it would minimize slowdown/accelerate noises, fuel and time losses. This would make US 20 an interstate interchange beginning. To enable to better demonstrate this a idea a map is attached with a sketch of this concept along with a different interchange approach that would be a compromise of the Cs and Es option.” (0323-003, Nettrouer, pg. 2)

Alternative G-Es has been selected as the Preferred Alternative. Alternatives Cs and Es have been eliminated from further consideration.

3.4 Identification of Alternatives Studied Further

1. “I spoke with INDOT and Consulting officials about the possibility of understanding that the problem with US 31, in this area, is largely a local traffic flow issue, and not a federal highway issue. They refused to acknowledge the “relinquishment” procedures with highways, and instead answered, as it seems they have been coached, to deny this possibility exists, even though they know fully well we have had several highways in the area that have undergone this process, including US 20 bypass with McKinley highway, and US 31 bypass with business 31/33 through South Bend.” (0426-261, Hupp, pg.3)

“What will happen to the old US31?” (0426-042, Butler)

“I have not heard what will happen to the current US 31 roadway if another limited access highway is constructed. If the current roadway is utilized for local traffic it would be a factor in how many access locations would be needed. Can you please advise me what the plans are for the current US 31 roadway.” (0330-004, Mangus)

“A major concern that I would have is, what happens to the roads that are currently in place, and who will maintain them? Many of the smaller communities and counties are operating on stretched and limited budgets now, without adding the burden of giving them more road miles to maintain. The State Highway department also will be more burdened with more miles of roads to maintain.” (0318-026, Warren)

“My concern is with a super highway going up, what’s going to happen to the snow removal and road maintenance right now, which the state does a fair job, but they still have to struggle on the old highway.” (0318-066, Bogunia)

Following the construction of Preferred Alternative G-Es, portions of existing US 31 may be relinquished to local jurisdiction. This will be determined during the final design phase of the project.

Following this relinquishment, INDOT and the local agencies with jurisdiction over existing US 31 will develop a snow removal plan and maintenance schedule.

2. “Representing the local members of the Sierra Club, the Executive Committee voted to endorse Alternate G as the route for the proposed US 31 Plymouth to South Bend Project. Our decision was based upon the understanding that Alternate G would not affect: 1) Wetlands; 2) Habitat of the Blanding Turtle; 3) The Maxinkuckee Moraine geological and ecological area; and, 4) Any historical landmarks.” (0227-001, Norris, Sierra Club – Michiana Group)

Alternative G-Es has been selected as the Preferred Alternative. Alternative G was eliminated from further consideration due to potential Section 4(f) resource impacts to the Ullery/Farneman House. Preferred Alternative is a hybrid alternative consisting of the southern portion of Alternative G-Cs and the northern portion of Alternative Es. Preferred Alternative G-Es was chosen in part because it minimized wetland impacts (the lowest of the four alternatives studied in detail) and avoided higher quality impacts, it avoids the majority of the unique area formally known as the Maxinkuckee Moraine, and minimizes impacts to historic resources. The Preferred Alternative G-Es will have a visual adverse effect to the W.O. Bunch Farm, a property eligible for the

National Register (NR), located along Pierce Road. However, this adverse effect has been mitigated and a Memorandum of Agreement (MOA) between FHWA and the State Historic Preservation Officer (SHPO) (Appendix P).

3. “When the path of the highway is chosen, how long until property owners are notified how much of their land will be taken, and is there a projected start date for the highway?” (0315-008, Ols)

The US 31 – Plymouth to South Bend corridor is a 20-mile segment. It will be divided into smaller segments for final design and construction. Assuming that final design immediately follows this study and that funding is available, property acquisition in the first segment to be designed could begin approximately 2 to 3 years following the completion of this EIS. Construction could begin 2 to 3 years after that.

4. “I live on Maple Rd. and I am very concerned about 31 being moved closer to my home and what that will do to the property values and quality of life. What is the criteria used to determine which alternative route is selected and who makes that decision. And what recourse does the public have? Once a route has been selected, what is the start date for the construction phase of the project? What’s the ticket price of the project? Is there funding available? Will this cause a tax increase to the state?” (0301-005, Mansfield)

During the process of identifying a final preferred alternative for a project such as this, there are many impacts that are studied and analyzed. Some of the impacts analyzed include but are not limited to the traffic performance of the alternatives and their ability to meet the purpose and need of the project; indirect and cumulative impacts; residential and business impacts; project costs (engineering, construction, right-of-way, etc.); economic impacts (local tax revenue, local business economic impacts, etc.); highway user benefits; neighborhood impacts; local access for emergency service providers and school busses; historic and archeological resource impacts; air quality impacts; noise impacts; impacts to the natural environment – wetlands, farmlands, forests, wildlife, threatened and endangered species, water resources, streams, etc.; hazardous material sites; visual and aesthetic resources; etc. During the course of this study, several attempts were made to avoid and/or minimize impacts to both the human and natural environments, as described in Chapter 3.2. These avoidance and minimization measures were generally shifts in the alignment of the alternatives to miss, for example, a subdivision, or a wetland complex, or a forest area, or an historical or archeological resource, etc. The impacts of each of these shifts were evaluated and advanced for further study or eliminated from the study based on this analysis. Often times, an avoidance and/or minimization measure aimed at avoiding or reducing impacts to one element would increase the impacts to another element. For example, a shift in the alignment of an alternative to miss a wetland complex might have moved the alignment into a residential area and increased the residential relocations substantially. For each of the alternatives studied, avoidance and/or minimization measures were investigated until a “balance” among all of the impacts was obtained. Chapter 3 discusses this process for this project.

Throughout the project, there has been opportunity for public input through a project website, public meetings, a public hearing, toll-free hotline, etc. Chapter 8 of the FEIS discusses the public involvement process associated with this project.

See response to Comment #3 above.

Projects such as this are funded with money provided by the federal government. This funding comes from gasoline taxes that you pay each time you purchase gasoline for your car so it is a “user” tax. These taxes are already in place so there will be no tax increase associated with this project.

5. “Could “G-C” & “Es” be combined?” (0318-017, Anonymous)

Yes, Preferred Alternative is a hybrid alternative consisting of the southern portion of Alternative G-Cs and the northern portion of Alternative Es.

6. “We anticipate that when the new US 31 is completed, there will be a jurisdiction transfer of the former route to the City and the County. The DEIS predicts that the urbanized area would have a LOS of D. We believe that improvements could be made to this section by using some of the \$40,000,000 saved by not choosing Es. With intersection improvements from Roosevelt north, traffic flow and traffic safety would improve, allowing existing US 31 to be transferred to the City at a LOS B.” (0406-002, Luecke, p. 3)

“We’re also concerned about it city section, if the existing road is transferred over to the city, we’d like not to receive a level service D road, so we would like to see that road brought up, we’d also like to see no matter which of these is addressed much more dialog about public safety, vehicle access for our police, fire and paramedics.” (0318-043, Gilot, South Bend Public Works Director)

Following the construction of Preferred Alternative G-Es, portions of existing US 31 may be relinquished to local jurisdiction. This will be determined during the final design phase of the project. Improvements made to areas of existing US 31 between now and the time of relinquishment will be determined by INDOT at a later date.

Coordination between INDOT, St. Joseph County and City of South Bend officials regarding a local access plan for Preferred Alternative G-Es resulted in an access plan that was in the best interest of all parties involved. This access plan is detailed graphically in Appendix S of this document.

3.5 Local Road Improvements

1. “You would have to upgrade Pierce Road for a mile to S.R. 4.” (0401-001, Fuchs, p. 1-2)

Alternative G-Es has been chosen as the Preferred Alternative. A part of this alternative includes improvements to and the extension of SR 4 eastward along Pierce Road from existing US 31 to the new interchange location approximately 1-mile east of existing US 31. This 1-mile segment of Pierce Road would become SR 4.

2. “The proposed 23,059 cars per day that are projected to use the Kern Road interchange will certainly require the widening of Kern to at least three lanes. I foresee many problems in the corridor between the present intersection with US 31 and Ironwood I am not as familiar with Kern west of the intersection, but I would assume that the problems there would be similar.” (0418-003, Weber)

“Proposed routes Cs and G-C include an interchange at Kern Road and US 31. With Kern Road being less than 1 mile south of US 20, this interchange doesn’t help achieve the goals of the project. It will, however, adversely affect the nearby county roads and neighborhoods. If this interchange is put in, the

DEIS does not include any costs to improve Kern Road or any other nearby roads which will be adversely affected by this interchange. Kern road is two lanes with no shoulders. As this traffic increases, the existing road will not be sufficient to handle this increase.” (0423-06, Task Force Report representing several subdivisions, p. 15)

Alternative G-Es has been chosen as the Preferred Alternative. Table 5.1.5 states that an estimated 15,903 vehicles per day will use this interchange in the year 2030. The area from just west of the Kern Road interchange to east of the interchange, at the Kern Road and existing US 31 intersection, is proposed to be increased to a 5-lane section to provide adequate lanes for all traffic movements associated with the interchange. Traffic volumes for the year 2030 that are predicted to travel east and west of the interchange along Kern Road are not significantly higher than current traffic volumes along Kern Road and will not require additional travel lanes. Local officials could require the addition of turn lanes in these areas as future residential and commercial development occurs.

The Kern Road Interchange for Alternative G-Es is located approximately 1-mile south of the US 20 and US 31 interchange and provides adequate distance for all traffic movements between the interchanges.

Chapter 4 - Affected Environment

4.1 Traffic and Transportation

1. “ Page 4-1, 2nd paragraph – The statement that “The remaining 15-mile segment from Michigan Road to US 20 has no median or a narrow median ranging from four feet to sixteen feet wide...” appears to be inaccurate, and contradicts information elsewhere in the DEIS, such as that on pages 3-11 and 12.” (0512-001, Detroit District, Corps of Engineers, pg. 3)

This has been corrected in this chapter and in Chapter 3.

4.2 Pedestrian and Bicyclist Access

*No substantive comments

4.3 Socio-economic Environment

*No substantive comments

4.4 Community Facilities and Services

*No substantive comments

4.5 Farmland

*No substantive comments

4.6 Historic and Archaeological Resources

*No substantive comments

4.7 Air Quality

*No substantive comments

4.8 Highway Noise

*No substantive comments

4.9 Natural Resources

1. “ Page 5-59 to 60 – Classified Wildlife Habitat – Details on the existing conditions should be described in Part 4.9. The impacts to these areas should be in Part 5.” (0512-001, Detroit District Corps of Engineers, pg.4)

Only those areas potentially impacted by the Preferred Alternative G-Es were investigated in greater detail. Based upon coordination with the Indiana Department of Natural Resources (IDNR), the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS), and the United States Fish and Wildlife Service (USFWS), the Preferred Alternative G-Es will not directly impact any known Classified Wildlife Habitats, Wetland Reserve Program Properties, or Partners for Fish and Wildlife Properties. Based on coordination with the IDNR and the NRCS, the Preferred Alternative will directly impact one to two Classified Forests and one Conservation Reserve Program tree planting. Those habitat areas to be impacted by the Preferred Alternative are described greater detail in Chapter 5.9.

4.10 Water Resources

*No substantive comments

4.11 Floodplains

*No substantive comments

4.12 Wetlands

1. “ Page 4-70, 1st sentence – With the available information, we do not support the statement that these “...are not high quality wetlands.” What appears to be absent from this sections is discussion of the specific functions that the wetlands provide. Habitat evaluation methods are available to make relative conclusions, but as far as we know, they have not been completed for the project. Habitat evaluation methods use wetland functions to develop a relative measure of importance.” (0512-001, Detroit District, Corps of Engineers, pg.3)

The statement regarding the quality of wetlands has been removed. A detailed functions and values assessment for wetlands was not conducted as part of this study. Wetlands were assessed using professional judgment and the alignment was shifted in where possible to avoid or minimize impacts to high quality wetlands.

Wetland delineations were conducted for the footprint of the Preferred Alternative, Alternative G-Es. Detailed results of the delineations can be found in the report, “Waters of the U.S.” Verification Report U.S. 31 Improvement Project (Plymouth to South Bend) DRAFT – Revised on May 2, 2005. Representatives of the United States Corps of Engineers and the Indiana Department of Environmental Management reviewed proposed wetland impacts during a field review on November 4 – 6, 2004. At

this time, agency representatives were able to assess impacts based upon their professional opinion.

2. “• Page 4-70, Farmed Wetlands definition – This definition should reference the USDA, National Food Security Act Manual, 3rd Edition, September 2000 (NFSAM), rather than the reference cited in the DEIS. The NFSAM definition reads: “Wetlands that were drained, dredged, filled, leveled, or otherwise manipulated before December 23, 1985, for the purpose of, or to have the effect of, making the production of an agricultural commodity possible, and continue to meet specific wetland hydrology criteria.” (0512-001, Detroit District, Corps of Engineers, pg.3)

The definition has been revised and now references the NFSAM definition.

3. “• Page 4-71, page 5-90, paragraph 5, and Table 5.12.29 – Unconsolidated Bottom Wetlands – These areas were mapped as part of the National Wetland Inventory, but rarely do they meet the Corps’ technical definition of a wetland, due to the absence of the vegetation parameter. Table 5.12.29 adds some clarity by identifying them as Lakes and Ponds. However, our preference is that these waters be separated from the wetlands section. Otherwise, this term should be clarified where it is used in the DEIS.” (0512-001, Detroit District, Corps of Engineers, pg.4)

This has been clarified in the FEIS. Wetland delineations were performed for the footprint of the Preferred Alternative, Alternative G-Es, in order to adequately assess potential wetland impacts for the project.

4.13 Visual and Aesthetic Resources

*No substantive comments

4.14 Hazardous Material Sites

*No substantive comments

Chapter 5 - Environmental Consequences

5.1 Traffic and Transportation

1. “First, the plan jeopardizes the health and safety of county residents by severely restricting the ability of emergency vehicles to travel east and west across the county. As you know, the proposed plan would close the majority of east-west county roads north of US 30. “ (0420-040, Adams, p. 1, 0421-024, Dembowski, p.1, 0420-035, Heim, p.1, 0420-034, Friend, p.1)

“ Closing those roads will make it very difficult for emergency personnel in the towns of LaPaz and Bremen to provide each other with mutual aid on fire and other emergency runs. Closing east-west routes will force all emergency vehicles to travel on US 6, which will itself be heavily congested by traffic that once county used county roads but no longer can because those roads dead end at US 31.” (0420-040, Adams, p. 1, 0421-024, Dembowski, p.1, 0420-035, Heim, p.1, 0420-034, Friend, p.1)

This project included coordination with Marshall and St. Joseph County officials in determining a local access plan that would serve emergency vehicles. This access plan is detailed in Chapter 3.3 and Appendix A.

2. “Finally, I oppose the US 31 project because the current proposal fails to adequately address the access needs of the City of Plymouth. As you know, the US 31 9A Road intersection is a vital transportation link for the city; however, that intersection eventually will be closed.” (0420-040, Adams, p.1, 0421-024, Dembowski, p.1, 0420-035, Heim, p.1, 0420-034, Friend, p.1)

“I would like to voice my opposition to the closing down of 11th Rd. as it would Adversely affect my business. I have spent my entire life savings buying the property at 11th Rd. and building the model homes center and office. Closing of The exit at this intersection would be detrimental to my business and family.” (0422-032, Carlson)

INDOT has determined that the southern terminus of the project is US 30. 9A Road and 11th Road are outside the project limits.

3. “How will this new highway allow for the northbound traffic into South Bend while being a major interstate? How could this happen and also interchange with the bypass at the same time? We don’t believe this would be possible without two interchanges one on top of the other. This new freeway needs to connect somewhere else.” (0426-079, Bely)

Appendix S shows a graphical representation of the proposed modifications to the interchange at US 31 and US 20 for the Preferred Alternative.

4. “Any way we slice it a better highway is needed. Keep Michigan Rd. and existing 31 joined at 3rd Rd. so trade can still flow north to south and south to north without having to get on freeway.” (0328-002, Cole)

Michigan Road and existing US 31 will remain the same in the Preferred Alternative G-Es.

5. “That the four lane section of US 6 be extended past the new intersection of 6 & 31 and that there will be a cloverleaf at that intersection, or if you can demonstrate that an alternative design could better service the traffic and encourage the economic development of our community. The amount of mobile homes and truck traffic is high on US 6. ” (0415-019, Albert)

“The proposed plan shows a diamond interchange at US 6. Typically such an interchange is not a continuous flow and includes two traffic lights. This would be an unsatisfactory development for US 6. Since the proposed interchange is less than one mile from the existing US 31 – US 6 traffic light, the construction of a diamond interchange would create 3 traffic lights along a one mile section of US 6. This would cause a tremendous back-up of the significant amount of truck traffic on US 6 presently, to say nothing of the problems that additional truck traffic would bring. I would therefore strongly recommend that the proposed US 31- US 6 interchange be constructed as cloverleaf or other continuous-flow design.” (0426-024, Behr, p. 1-2)

The Preferred Alternative includes the extension of the four lane section of US 6 east to the new interchange location. The proposed interchange is a diamond interchange that could accommodate future expansion to a cloverleaf.

6. “First Road north of Lapaz is the best through road to provide emergency service for fire and ambulance vehicle. It is the only road that goes from US 31 to 331.” (0415-019, Albert)

“I see you are closing off 1st Rd. 1st Rd. is a heavy trafficked road in the fall. Farm trucks and tractors of all sizes use this road to get to Con Ag. Con Ag is on the west side of US 31 on 1st road. My suggestion is when you build the new Highway make a frontage road along the east side. Run south from 1st road to the north side of the CSX Railroad. Then turn back to the west to Maple Road. When building the overpass over the Railroad make over pass large enough to go over the new frontage Road. This would keep farm equipment off old US 31 and US6. Plus it would open up a route for emergency units.” (0402-003, Belt)

First Road will have a grade separation (underpass) to provide east and west access across the proposed freeway.

7. “The Proposed Runway 27 and elevation is 802 MSL. At 1,560’ from the runway end a 17’ high vehicle (FAR Part 77 adds a 17’ high object to the road for interstate type roads) on the road, at approximately elevation 827 MSL (810 + 17’) would clear the Part 77 34:1 approach surface by approximately 15’ on the extended runway centerline. It is important that no such object such as a highway light pole or utility pole exceed the 34:1 FAR part 77 approach surface. Given the distance and elevations provided above, any object greater than 45’ above the elevation of existing US 31 would risk penetrating the FAR Part 77 approach surface.” (0429-018, Beauchamp)

The overpass at Plymouth-Goshen Road will be under 45 feet. Overpasses do not have any associated lighting structures which could encroach into the approach surface.

8. “The current InDOT proposals cut Marshall County in half. We are asking that overpasses be built at 1st Road, 2 C Road, 4 A Road, 5 A Road, 6th Road, and Plymouth-Goshen Trail. This allows for emergency vehicle access from one side of US 31 to the other. “ (0426-275, Cook, p. 1)

“We are also requesting that an overpass be placed at the current area of US 31 and Michigan Road just south of LaPaz. This requires that US 31 veer over to that area. This access would then continue the northern access into Plymouth from US 31. At present time there are over 12,000 vehicles a day that use Michigan St. to US 31.” (0426-275, Cook, p.1)

“The first issue is safety. The second is an economic tool to help Indiana grow. I will address both issues. If we want to call this a safety issue then please do not cut off our county road connections. You must allow Marshall County the ability to go over US 31 so that our emergency vehicles can respond from one side of the county road to the next.” (0426-275, Cook, p. 2)

“The Marshall County Committee’s Proposal includes the following:

1st Road – New Road from 1st Road to the B&O Railroad and use the railroad overpass:

US 6 – Cloverleaf with 4 lane extensions, east and west, to accommodate more traffic;

2C Road – Overpass with exit and entrance to Old Michigan Road from the new US 31, similar to the way Old Michigan Road accesses current US 31;

4A Road – Overpass

5A Road – Overpass

6th Road – Overpass

7A Road – Cloverleaf with new connecting road to Michigan Road and east on the county road. Future goals involve extending 7A Road all the way to Pine Road

Plymouth/Goshen Trail – Overpass

The Committee is asking INDOT to extend their study area south to Lincoln Highway and requesting:

1. Overpass at 9A Road

2. A half cloverleaf at Lincolnway and New US 31

This proposal would really promote economic development, whereas the Committee feels INDOT's plan will be a detriment to the economic development of Marshall County. The Committee is not endorsing a new highway, but rather trying to ensure that if a new highway is developed, it will be beneficial for all of Marshall County." (0415-008, Marshall County Board of Commissioners)

"I have also been apprised of the proposed changes by the Marshall County Commissioners and a committee formed by the Commissioners. That proposal has been endorsed by each community in the County, as well as several of the emergency services for those communities. That proposal permits much better access to U.S. 31, as well as allows much freer and safer travel across the County without changing the proposed corridor. I endorse it and ask that you please consider modifying your proposal to incorporate Marshall County's proposed changes." (0416-009, Clevenger, p. 1)

"As an owner of farmland just southeast of Plymouth, I write to you asking that your proposals for current exits to Plymouth be reconsidered. One exit to Plymouth from US 31 at 5A road is not enough. You have had hearings with public officials of Marshall County and the City of Plymouth and they have suggested what they believe needs to be changed in your proposal, thus I will not reiterate their recommendations." (0418-002, Cummins)

"My concern with this project is no access north of 5A Rd. I find it hard to believe you will not be providing a interchange at Rt. 6 in Lapaz." (0317-006, Mencl)

"I am also concerned about emergency response time by Plymouth and North Township fire departments in the area north of U.S. 30 and east of U.S. 31 due to the limited access provided. Whether or not an additional access is granted north of U.S. 30 and south of 5th Road; it seems imperative additional thought be given to the other area intersections that will feel the plan's effects. In my opinion, creating an on/off situation at Lincoln Highway would help tremendously." (0308-003, Garner, Wythougan Valley Preservation Council p. 1)

"The one exception is for an interchange at 7th Road. I suggest that it would make much better sense to locate the interchange at Plymouth-Goshen Trail for the following reasons. An interchange at Plymouth-Goshen Trail would be much less costly because the state already owns the land. The 7th Rd site would involve land acquisition and the additional construction cost of a long connector road to Michigan Rd." (0419-018, Rockaway)

"Ideally, the current grade level crossing at Plymouth-Goshen Trail & US30 should be replaced with an overpass. Once again, the state owns the property so land acquisition cost wouldn't be a factor. More importantly, that particular intersection is exceedingly dangerous because of the crossing angle and there have been numerous fatalities. The combined cost of an interchange at Plymouth-Goshen Trail and an overpass at US30 would probably be about the same or less than the 7th Rd. site but would offer far better direct access." (0419-018, Rockaway)

"The addition of an interchange to the Plan is a welcome change from the last plan that had no interchange between LaPaz and Plymouth. I must request that the interchange at 5A Road be relocated closer to Plymouth and an overpass placed at 5A Road. This would allow county traffic to cross the new US 31 highway." (0415-002, Strang)

"Marshall County will be cut in half. Cutting the county with to few access for emergency crews to save a life, decreases the public safety in our community. There are requests being made to put more

overpasses over the new project to prevent this. Why not put overpasses over the current 31 to improve safety?” (0420-001, Gee)

“If you close off 3rd road our protection will be affected. This will affect our insurance premiums. This bypass will increase the response time for the fire department and the ambulance service.” (0428-002, Miller)

If you don't have a bridge on 3rd road and the new bypass will separate our main polebarn (that we store machinery in) and our home, from our grain bins. We would have to drive 5.2 miles (North on Maple, right on 2nd road, then left on Lilac to U.S. 6, then left on U.S. 6 to the now existing 31 bypass, south down U.S. 31 to 3rd road, turn left on 3rd road) to get to the grain bins. Before it was ½ mile down the road. When we are harvesting – there are several trips to these grain bins, some are in the middle of the night to check on things. How can you compensate for this?” (0428-002, Miller)

This project included coordination with Marshall County officials. For the Preferred Alternative G-Es, interchange locations in Marshall County are proposed at 7th Road and US 6. Overpasses/underpasses will be at Plymouth-Goshen Trail, Lilac Road/West 6th Road, West 4A Road, West 3A Road, East 1st Road, and Tyler Road.

9. “Having an interchange in the Kern Road area would make traffic past my house worse than it already is.” (0426-090, Campbell)

The Kern Road interchange for the Preferred Alternative G-Es is just west of the existing Kern Road intersection with US 31. It is forecasted to have a minimal impact to traffic using Kern Road west of the proposed interchange.

10. “I live on Johnson Road and it would place more traffic on this already overburdened road, causing extreme traffic problems for the general public and emergency vehicles.” (0426-266, Haney)

“Secondly, as the proposed and current 31 come together from the south at Johnson Road, the rush-hour flow of entering and exiting traffic on both the old and the new 31 can cause traffic backups on both roads simply because there isn't that much room between them. Traffic and safety concerns make the E-S option most dangerous and least efficient.” (0315-006, Jemielly, p.1-2)

“We also have concerns about the frontage roads for Es. We believe that a twenty-one foot width is too narrow for the traffic they should handle. Furthermore, they do not appear to provide access from either Ireland Road or Michigan Street. Therefore, the elevated road effectively isolates commercial and residential areas on both sides of its alignment. Our public safety response would be hindered. Other city services and day-to-day commuting would also become a significant challenge. How would an ambulance quickly get from our station on Ireland to a traffic accident on Main Street, south of US 20? How would a resident of Gilmer Park get to the movies on Chippewa? The circuitous routes that would be required would not only inconvenience residents, they could also be life threatening because of delayed emergency response time.” (0406-002, Luecke, p. 2)

“For reference purposes the interchange discussed will be referred to as the Southgate Interchange. The Southgate Interchange would retain the current businesses that operate along the existing US 31 in the Gilmer Park area by avoiding using any of Old US 31 as the new freeway. This would be accomplished by using a series of collector distributor roads that would enter and exit directly onto the US 31/20 bypass (refer to map). This would be a positive for the existing commercial area, as well, because of the

vicinity of traffic flow not being rerouted further to the west onto a limited access highway.” (0428-009, Task Force Report Addendum)

“The Southgate Interchange would save valuable land by utilizing the area of the existing interchange. Little additional land would be needed for construction. In fact, it would allow more space in the northwest quadrant where newly announced businesses are to locate. This would be a plus to those businesses or others that might follow. The Southgate Interchange would completely eliminate the land required to build a second interchange and the collector roads associated with either western alternatives Es or C-G.” (0428-009, Task Force Report Addendum)

“The ES alternative would almost certainly require that another on/off ramp be added to the current US 31 Bypass at Miami Road. Otherwise, the development at the current Scottsdale Mall site is likely to be a failure.” (0418-003, Weber)

“The Es route would have non-stop traffic from the 31 (south) all the way to the existing (US-31 and US-20) clover leaf. This will create new traffic problems and safety issues for the local traffic = (from Lakeville to Gilmer Park into Chippewa and to the City of South Bend). The local traffic will no longer be able to directly enter the city. Presently the traffic has traffic lights at north and south ends of the cloverleaf with speed limits of 30 & 40 mph. Hence the Es route would cause local traffic, police and fire protection, trash and city services, funerals, mail trucks and local delivers to choose...to speed up/merge into interstate traffic flow (55+mph) and back down in 1.5 miles; to detour east 3.5 miles (Kern-Miami-Ireland) past 3 churches/3 shopping centers/middle school; to detour west 4 miles (Kern-Locust-Ireland) small rural roads with no traffic lights. All of these are poor options especially if you elderly or have small or heavily loaded vehicle.” (0323-003, Nettrouer, p. 1)

“They did not indicate any cross over/under for JOHNSON road in Gilmer Park (this would be a big help in lightening the Kern Road interchange traffic because of the neighborhoods and 2 schools and church on JOHNSON road).” (0323-003, Nettrouer, p. 2)

“We’re very concerned on E shifted that there’s no conductivity between the Gilmer Park neighborhood and Jewel Wood neighborhood to reestablish the connection northward into Ireland Road Court. As I understand the interchange being considered from the shifted alignment, the frontage road would not connect to Ireland so people in Gilmer Park or Jewel Wood would have to go to either Miami, Linden or Locust to insect then with Ireland Road and north into the City of South Bend. Similarly if along alignment G-C if that is selected the alignment for the roadway we suggest that mitigation impacts into Baneberry, Whispering Hills and the other western subdivisions to be mitigated by putting the interchange cross over existing US 31 alignment rather than at Kern Road. Similarly another location should be considered for the interchange on the C shifted alignment.” (0318-044, Littrell, South Bend City Engineer)

This project included coordination with St. Joseph County and South Bend officials, including Mayor Lueke, regarding a local access plan. The local access plan will provide east/west and north/south connectivity for emergency services as well as local residents. The local access plan is designed to maintain or improve access to local commercial development, including the Scottsdale Mall.

An overpass is proposed at Johnson Road.

11. “Another concern is the interchanges. Why have one a ½ mile away from the bypass at Kern Rd. This will add to congestion and confusion along US 31. The Kern Rd interchange should be dropped to avoid traffic that should stay on the highway and can easily exit off at the bypass.” (0327-002, Horvath)

“A traffic cloverleaf planned for Kern Road is not far enough away from US20. Needs to be at Roosevelt Road to give a driver time to figure out if he is where he wants to be and still turn around to go back if need be.” (0412-009, Rippe)

The proposed Kern Road interchange is over 1 mile south of the interchange with US 20, and provides adequate room for traffic movements between the two interchanges.

12. “What is the proposed service road design for Alternative Es from Kern Road to the US 20 Bypass? The typical cross section providing a one-lane frontage road on each side of the freeway appears inadequate to serve the area. If two-lane frontage roads are needed, additional right-of-way and displacements will be involved, and have not been reflected in the impacts or costs.” (0329-005, Dierbeck)

This project included coordination with St. Joseph County and South Bend officials regarding a local access plan. The costs and impacts associated with this local access plan are included in the analysis in the FEIS.

13. “Please consider a diamond exit at New Rd. The distance between Rt. 4 and Kern Rd. exits quite far. New Rd. would be a good exit site.” (0329-006, Fenstermacher)

An interchange at New Road was considered; however, it was found it did not serve enough traffic to be warranted. There will be an overpass at New Road.

14. “We recommend that if G-C is selected the interchange should be constructed at the point where new US 31 crosses existing US 31. If Cs is the chosen route, the interchange should be at Roosevelt Road. Either location would provide relief for residents near Kern. Each would also support future development along the old 31 corridor.” (0406-002, Luecke, p. 2)

“On a similar note, I feel that by placing an interchange at Kern Road you would be encouraging traffic to exit there to go into the downtown area instead of braving the dangerous interchanges. It seems that the local public would better served to have the interchange placed further south either at Roosevelt or Madison Roads. I’m sure that the reason that is probably not planned is due to a lack of lights at the existing US 31 interchanges for these roads, but I would have to think that if the traffic on the existing US 31 was lessened as planned then lights could be and should be installed at Roosevelt for safety reasons. A further south interchange would better serve the residents living between Lakeville and US 20 by being more centrally located.” (0325-008, LaDow)

Alternative G-Es was chosen as the Preferred Alternative. There is an interchange proposed for Kern Road, which is in close proximity of where Alternative G-Es crosses existing US 31. An overpass is currently planned where the proposed freeway would cross the existing US 31.

The next interchange south of Kern Road is proposed at Pierce Road/SR 4. This interchange will serve the residents of Lakeville.

15. “The two proposed western approaches to the current US20 by-pass DO NOT INCLUDE the cost to upgrade the current clover leaf exchange at the original US31 and US20. If a new exchange is placed only ONE Mile for the old exchange the will be a constant traffic problem between the clover leaf and the stop light at Ireland Road. At the present time traffic backs up on the exit ramps going North from US20 to Ireland Rd. This happens maining around 8:00 AM and 5:00 PM, but if the proposed route is chosen there will be a constant flow of traffic trying to go North from the US 20 by-pass on to the Old US 31 road to head North. The traffic light at Irland Road takes as long as One and One half minutes to cycle through all lanes of traffic. This causes long lines of traffic to back up South to the US 20 clover leaf exchanges. The Project Team needs to review the proposed plan to correct this problem, which was included in the original US31 construction plan outlined about 6 or 8 years ago. I think the design team is missing a huge traffic problem if the Ireland Road and the current clover leaf is not considered in this design. The cost for correcting the US 31 clover leaf and the Ireland Rd. crossing was estimated ‘back then’ to be about \$50 million.” (0426-012, Mathia)

The Preferred Alternative G-Es will utilize a reconstructed interchange at US 20. This will be at the location of the existing US 31/US 20 interchange.

16. “I have put a lot of thought into what I learned at the meeting last week and would like to bring up a new concern that I have with the two routes that call for an interchange at Linden Rd. First, I believe that adding interchange there would create more safety issues than it solves. There are already interchanges at Mayflower, SR 23 and the existing 31 and Linden would make a 4th in a short distance. More importantly, the interchange at Linden is actually east of Linden and very close to the 31 interchange. I believe that people coming up from the south that intend to go into downtown will encounter safety issues by this close promity of two interchanges. They will have to get onto US 20 and immediately get off again.” (0325-008, LaDow)

The Preferred Alternative G-Es will not have an interchange at Linden Road.

17. “The Es route will dump a lot of traffic at the Ireland Road and 31 intersection, and if the plans for a commercial development west of 31 on Ireland is to happen it truly would be a nightmare at that intersection.” (0316-005, VanDerHeyden)

This project included coordination with the City of South Bend. The City is currently studying improvements at this intersection.

18. “All of the interstate traffic will have to slow down to ramp speed to EXIT – 1st right to US 20 east or loop speed to EXIT – 2nd right to US31 north and combine with the local traffic which will back up at peak times as it does already.” (0323-003, Nettrouer, p.1.)

Appendix S shows a graphical representation of the proposed modifications to the interchange at US 31 and US 20 for the Preferred Alternative. The freeway will be designed to separate the freeway traffic movements from the local traffic movements.

19. “I looked at one of the pictures that you have on the wall, plans of what you’re going to do with the roads. One of them puts the south end of US 31, what is now US 31 dumping all the traffic on a little narrow gravel road in Marshall County called Maple Road. I am sure that you are going to have lots of people that don’t understand, I don’t understand, what it meant. But if you start running people down a gravel road off of a four lane highway, what have you got? And who is going to improve that gravel road, is it going to be the people in Marshall County, is it going to be INDOT?” (0318-054, Clippinger)

The interchange at 5A Road has been removed. With the removal of this interchange, the section of existing US 31 from Michigan Road to Maple Road becomes a local road serving local residents.

20. “The level of service changes when it’s classified as an urban area, everywhere else level of service C is the minimal that is accepted. When you move past Roosevelt Road because there was change to be considered urban it was automatically changed to B being expectable. When you look at Alternative Cs and G-C they both have D level ratings of level of service and normally on any other part of this project unless they were classified as urban would not be acceptable and would have been rejected from this study.” (0318-083, Pethick)

The US Census Bureau has established a definition of urban and rural that is used uniformly through the nation and has been utilized for this project. An Urbanized Areas (UA) or Urban Cluster (UC) consists of core Census Block Groups or Census Blocks with at least 1,000 persons per square mile and surrounding Census Blocks that have an overall density of at least 500 persons per square mile. All territory located outside UAs or UCs is classified as rural. This definition may be found on the US Census Bureau website under "Census 2000 Urban and Rural Classification". Except for the segment from Miller Road (about three miles south of the US 20 Bypass) to the US 20 Bypass, the US 31 corridor is considered rural, where a LOS C is the minimum acceptable and any level below that is unacceptable.

21. “Alternatives C and G-C both would require a new trumpet-type interchange with U.S. 20 about 1 mile west of the existing US-31/US-20 interchange. Although the design of the interchange is generally described and it is depicted in a modified aerial photograph as figure 5.13.51, there is no discussion in the DEIS about how traffic destined for downtown South Bend along Business 31 would access that roadway. Apparently, traffic would have to exit new U.S. 31 to eastbound U.S. 20 and then immediately utilize the cloverleaf interchange at old U.S. 31 to continue into South Bend. Southbound traffic from Business 31 to new U.S. 31 would have to deal with two interchanges in close proximity. Considering the purpose and need of the proposed project is to relieve congestion and promote safety, this interchange configuration does not seem to be appropriate. If modifications to the existing U.S. 31/U.S. 20 interchange are to be part of the project if either alternative C or G-C is chosen, this should be discussed in the final EIS, as such modifications may involve additional environmental impacts.” (0524-001, U.S. Department of the Interior, pg.4)

Alternative G-Es was chosen as the Preferred Alternative. It will involve the reconstruction of the existing interchange, but no new interchange on US 20.

22. “First off I would like to ask INDOT to give us more detailed information when they put out these things. I would like to see illustrations of where proposed overpasses, where proposed interchanges would be and so on and so forth. And also north south county roads as well as the east west county roads so we could see what we’re doing.” (0318-040, Burkowski, 3/18/04 Public Hearing Session Minutes, pg. 7)

The FEIS shows and lists proposed interchanges and grade separations. Chapter 3 describes the locations and Appendix A shows them graphically.

23. “In order to create the least amount of difficulty for all school buses in Union-North United School Corporation, Penn-Harris-Madison School Corporation, and Bremen School Corporation, it would seem logical to me that the alternative route would run along the township lines, so busses would not have to cross US 31 at any point. This would reduce the number of over or under passes needed for the new

construction. My suggestion would be for the road to run close to Alternate H, but simply follow the township line between Union and Madison Townships in St. Joseph county and North and German Townships in Marshall County. This would place the new road close to the current Miami Highway.” (0301-002, Huffman)

Alternative G-Es was chosen as the Preferred Alternative. Coordination with Marshall County, St. Joseph County, and City of South Bend officials regarding local access was an important component of the project. Modifications were done to alternatives to avoid and minimize impacts to both human and natural resources.

5.2 Pedestrian and Bicyclist Access

1. “In planning the new US 31 corridor has INDOT considered a pedestrian multi use trail/ pathway system to be included in the project? Such a trail could be funded with T.E. funds and would be a welcome improvement to the overall quality and benefit of the project. Also, has INDOT made provisions for pedestrian friendly overpasses and underpass, considering future growth of the communities impacted by this project.” (0412-004, Babcoke)

“I therefore urge you to consider accommodating the current and future needs of pedestrians, bicyclists, and mass transit in this transportation planning. Sidewalks and bike trails, or at least the reservation of right-of-way for future improvements would be especially valuable and preclude the summary dismissal of future proposals because of the lack of available land. Similarly, one could set aside land for future park and ride lots, should mass transit (e.g. bus service) ever be considered.” (0415-001, Goldfarb, p.2

The project will not include a pedestrian multi use trail/pathway system. There will be wide shoulders on overpasses to accommodate bicycle/pedestrian access to either side of the new freeway.

Mass transit alternatives are discussed in Chapter 3, Alternatives.

5.3 Social/Economic Impacts

1. “Secondly, I oppose the current proposal because it fails to meet one of the main objectives of the project, i.e. increasing economic development opportunities in northern Indiana.” (0420-040, Adams, p. 1, 0421-024, Dembowski, p.1, 0420-035, Heim, p.1, 0420-034, Friend, p.1)

“Many years ago, U.S. 31 ran through the center of the City of Plymouth much like it did in other communities in Indiana. U.S. 31 was constructed into a 4-lane highway from South Bend to Indianapolis, which greatly improved travel from the northern part of the State to our State Capitol. I am the first to grumble with all of the traffic lights and delays while traveling to Indianapolis in the Kokomo area and again on the north side of Indianapolis and believe a new corridor with limited access will promote economic development in the north central part of the State.” (0416-009, Clevenger, p. 1)

The purpose and need of this project is to reduce congestion, improve safety, and assure consistency with state and local transportation plans.

2. “As well I would like to offer commentary that additional significant adverse economic impact would result from the C routes not currently measured. That is the impact of loss property value to a larger population of higher valued properties relative to the Es route. “ (0426-265, Campoli, p. 1)

Alternatives Es and Preferred Alternative G-Es actually have higher right-of-way acquisition costs than Alternatives C or G-Cs. This is due to the higher number of business and residential displacements. The Preferred Alternative was selected based on a balancing of all impacts, not just one factor.

3. “Also, we are foreseeing more growth north of Plymouth. Cutting off Old US 31 (Michigan Road) to the north would adversely affect our potential growth and cause the death of many small businesses located on this section of the road.” (0422-033, Erickson)

Michigan Road and the existing US 31 will remain connected for use by local traffic. The interchange at 7th Road will provide additional access to the north side of Plymouth.

4. “Alternate Es would have the most favorable impact on existing roadside businesses along U.S. 31 immediately south of South Bend, with increased traffic along the roadway offsetting the effects of limited access (section 5.3.2.2, table 5.3.11).” (0429-020, Campoli)

“Roadside businesses along US 31 would suffer losses with either Cs or G-C due to the diversion of traffic away from that corridor. Of course construction of a limited access highway would eliminate the “turn-off” traffic into gas stations, convenience stores, restaurants, etc., however the increased traffic with a nearby interchange would offset that negative, thus making Es the most favorable choice for existing business.” (0325-004, Grundy)

“Statistics from the DEIS show that **Alternate Es would be the most beneficial route to existing roadside businesses** along US 31 between US 20 and Roosevelt Road (Ch. 5, pp 16-18). Alternate Cs would have an adverse impact of 7% (\$3 million) and a 10% (\$5 million) with G-C. The increased traffic flow along that corridor would offset the negative effect of limited access. Es is the best choice. (0325-004, Grundy)

“If so, the conclusions stated on page 5-17 and summarized in table 5.3.11 appear to state that Alt. Es would have the most favorable business sales outcome, representing basically no change from a No-Build alternative for the roadway segment from Roosevelt Rd. to US 20. The other two alternates would result in some projected sales losses for that segment. Have I interpreted the data correctly?” (0303-003, Grundy)

“We would just ask that in your further study that you look at Es you look at, look at it as business and residential impacts.” (0318-042, Eagan, Chamber of Commerce of St. Joseph County)

Alternative G-Es was selected as the Preferred Alternative. For the Preferred Alternative G-Es, several highway-oriented businesses along existing US 31 will be displaced, but these businesses are assumed to relocate in the immediate area with little or no loss in business in the long-term. For those highway-oriented businesses not displaced (such as Wendys, Phillips 66, Sunoco, Drake Motel and Shirley Motel), the loss of immediate access to these business will be offset by proximity to the proposed Kern Road interchange, and greater traffic flows are likely near these remaining businesses than the No-Build Alternative. As a result of these assumptions, Alternative G-Es is anticipated to have no adverse impact on highway-oriented businesses on the stretch of existing US 31.

In coordination with St. Joseph County and South Bend officials, a local access plan was developed. This access plan will provide access to businesses along and in the vicinity of US 31.

5. “The DEIS defines User Benefits to include reduced travel time, vehicle operating costs and accident rates. Those benefits are quantified over a 30-year project life and compared to the capital investment and maintenance costs. **Alternate Es provides four times the benefits to Cs (approx. \$30 million) and eight times compared to G-C (\$35 million)** (Ch. 5, pp. 17-19, Table 5.3.12). Es is the best choice. (0325-004, Grundy)

User Benefits are only one among many considerations in choosing the Preferred Alternative.

6. “However, we’re concerned about the value of our property if the highway is bordering our front or back yards. How, or will, we be compensated if the highway decreases our property by \$10 or \$20,000?” (0422-008, Coughlin)

INDOT complies with the Uniform Act in purchasing right-of-way required for highway projects. There is no compensation unless the property is located within the project right-of-way or if reasonable access to the property cannot be maintained. Damages are paid for a property if the proposed right-of-way takes a portion of the property, or directly impacts the value or utility of the improvement, but does not take the entire parcel.

7. “This highway would only benefit future commercial growth along that existing route and would present long-term positive commercial growth, as well as protect the air, wetlands, wildlife and forestry of existing residential areas. Choose Alternative Es—it is the only logical choice.” (0319-020, Crowel)

Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es meets the purpose and need of the project and minimizes impacts to the natural environment.

8. “Given the current routes of Cs and G-C, is our house one that is earmarked for purchase? What are the guidelines used to make this decision (i.e., distance of road to house)?” (0308-005, Crowel)

Final decisions regarding the purchase of right-of-way will not be made until the design phase. A home was considered displaced if it was located within the project right-of-way or if reasonable access to the property could not be maintained. The displacement of residences is estimated based upon predicted right-of-way requirements. Right-of-way requirements may be further revised during the design phase when more detailed engineering decisions are made.

9. “Crowe Realty Partners, LLC has a 350 apartment complex on 29 acres annexed by the city of South Bend affected by route Es and Weiss Holmes, Inc. (affected by both proposed state routes Es and Cs) has a 250 single family home subdivision Platte that has already been approved by the city for rezoning, two weeks ago.” (0318-001, Crowe)

The Preferred Alternative G-Es will impact this proposed development.

10. “2 years ago lot of money was spent extending the sewer and water line south of Kern Road. Hopeful of development in that area. ES would destroy any hope for that development.” (0419-024, Bowers)

Representatives of the South Bend City Engineer's Office have stated that the Preferred Alternative G-Es is not expected to be detrimental to local utilities. There may need to be some relocation of utility lines as a result of this project, but long-term negative impacts are not expected, and the project should not inhibit future expansion of utility lines.

11. "Both Cs and G-C entail an interchange with U.S. 20 less than one mile west of the existing U.S. 31 interchange and both would disrupt or destroy several neighborhoods, including Whispering Hills, Baneberry Hills, Crown Ridge, Sycamore Hills, and other nearby residences. Alternate Es is clearly a superior and less disruptive option as is evident from many of the conclusions cited in the recent Draft Environmental Impact Study (DEIS) published by the consultant contracted by INDOT." (0319-007, Burch)

Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es meets the purpose and need of the project and minimizes impacts to the natural environment.

12. "First comparing the data from table ES 5.3 route Es would eliminate four times the number of businesses as either of the other routes. This I feel would have a much greater negative economic impact for the south side of South Bend. Many of these businesses have been here longer than I have and to relocate could be very damaging financially and possibly cause some businesses to permanently close. Also, by eliminating this corridor would leave no viable location for economic growth south of the U.S. 20 Bypass. I feel it is much easier and less financially damaging to relocate a residence than a business. By eliminating four times the commercial property the city and county would lose a much greater tax base and potential future tax base." (0423-005, Stoller)

The preferred Alternative G-Es has impacts on existing businesses. A complete discussion of impacts to businesses can be found in Section 5.3.1 (Relocation Impacts) and in Section 6.1 (Relocation Assistance). It is expected that there will still be opportunity for economic development south of US 20. The proposed interchange at Kern Road will provide access to this area and existing US 31 south of Kern Road will still be open to traffic.

13. "We believe that constructing a ten foot high elevated road at this location would not only eliminate existing businesses along this stretch, but would also squelch further development south of US 20. This is an area that we look to for long-term growth for the City of South Bend, having already extended utilities south beyond Kern Road, nearly to Roosevelt." (0406-002, Luecke, p. 2)

"Look at it issue of cost, to look at the issue that came up earlier of the raised highway between Kern and the bypass." (0318-042, Eagan, Chamber of Commerce of St. Joseph County)

Following publication of the DEIS, City of South Bend officials expressed concerns with Preliminary Alternative Es and subsequently the Preferred Alternative G-Es, related to the proposed facility being an elevated roadway, constructed on retaining walls, from Kern Road northward to the US 31/US 20 interchange. Along with this, they were also concerned with local access to the subdivisions on the east and west sides of the new facility between Kern Road and the US 31/US20 interchange. Local officials in South Bend met with the Project Management Team on two occasions to discuss these concerns and potential modifications to the alternative to address these concerns. Through the course of discussions at these meetings, modifications were made to the alternative as well as the local access plan that was in the best interests of both the City of South Bend and INDOT. These modifications included revising the alternative between Kern Road and the US

31/US 20 interchange to be an “at grade” facility and not an elevated roadway, constructed on retaining walls. A revised local access plan was developed to improve north-south connectivity between Kern Road and Ireland Road, just north of US 20, that included two separate grade separated crossings of US 20, one on the west side of US 31 at Scott Street and the other on the east side of US 31 at Fellows Street. East-west connectivity across US 31 was improved with the addition of grade-separated crossings at Johnson Road and Jackson Road and the extension of Main Street southward, under the proposed US 31, to existing US 31 near Kern Road.

14. “Those homes pay an estimated amount of more than one million dollars in property taxes, with 58.3% going to public schools. Devalued properties will result in lower tax revenues from this effected area.” (0317-001, Jurek)

“Has there been any studies done on the effect of the highway in regards to devaluation of properties near the proposed highway?” (0318-019, Jurek)

Property tax impacts are discussed in Section 5.3.2.1. Freeway construction or improvement may have an adverse impact on some properties, but as a whole, most research indicates that property values tend to increase with highway development. A study done on the impacts of highways in Wisconsin showed that some economic indicators analyzed during the study period for expanded Wisconsin 29 and US 10 were similar. Following highway construction, “interviews with local property tax assessors indicate an increase in the values of properties sold near the highway. In some cases, the property values increased substantially depending on the type of development. According to local officials and business leaders, the improvement to Wisconsin 29 had a positive overall impact on the communities and businesses along the highway. The four-lane highway provides faster travel times, reduced congestion, better access to the expressway, improved safety and driving conditions, and improved employment prospects for job seekers in the community,” (Leong, Lichtman, Marcos, and Michelson, 2002).

15. “According to the DEIS, 58 residents, 6 businesses and 1 church will be destroyed by Alternative G-C. An additional 5 businesses will be damaged according to the study. Although the DEIS indicates that the businesses acquired include large farming operations, for whatever reason the authors of the study chose to conceal the exact number of farm relocations that would be made necessary by this alternative. Previously, it was disclosed by the U.S. 31 Plymouth to South Bend Screening Report that 8 farm relocations would be required by Alternative G from which Alternative G-C was derived. Relocations associated with local road improvements related to Alternative G-C add an additional 8 residential relocations to the above-referenced totals.” (0316-002, Whippo)

The project area supports a very active farming community, although the number of active farms is higher in the southern reaches of the project area and begins to dwindle as one approaches the South Bend Metropolitan Area. The area also supports various agricultural-related businesses such as horse boarding operations. If an alternative appeared to displace or acquire the operational components of a large farm or horse boarding operation (including large barns, silos etc.), it was included as a displaced or damaged agricultural-related business (See FEIS Section 5.3.1). It is expected that additional small farming operations will be impacted. All displaced farm structures would be fully evaluated during the right-of-way acquisition stage. A more detailed discussion of farmland impacts can also be found in Section 5.5 of the FEIS.

16. “The City of South Bend, at great expense, has already extended utilities south of US 20 to prepare for pending economic development in this area. In reviewing the plan for Es, it appears as though that plan would actually hinder this future development. Further, Es is the most expensive option, interferes the most with exiting homes and businesses, and would pose the greatest hurdles to future economic development on the south side of South Bend.” (0423-034, Broden)

Representatives of the South Bend City Engineer’s Office have stated that the Preferred Alternative G-Es is not expected to be detrimental to local utilities. There may need to be some relocation of utility lines as a result of this project, but long-term negative impacts are not expected, and the project should not inhibit future expansion of utility lines.

17. “I’m the owner of the McDonald’s in Lapaz (Hwy. 6 & US31) Indiana. It’s my understanding that the 31 by pass project, will totally by pass my McDonald’s restaurant. It’s also my understanding that there will be no exit onto 6 from the by pass. I don’t believe that the by pass is necessary. If the by pass does happen it will close my McDonald’s. There isn’t enough local population to support my business. This will put 50 people out of work and take \$363,469 in payroll dollars, and \$33,234 in payroll tax dollars out of the area. It will also take away over \$20,000 in property taxes from Lapaz, per year. I also own a McDonald’s in Walkerton, Indiana (Hwy. 6) if there is no exit on 31, it will destroy my sales. We get a lot of travelers on Hwy. 6 going to or from Us31.” (0408-006, Boldt, Jr.)

An interchange is proposed at US 6 approximately 2.5 miles east of existing US 31. Existing US 31 could be accessed by exiting the new facility and driving west on US 6.

18. “How does INDOT handle situations in which the taking of a portion of a parcel of real estate for a highway would result in other portions of the original farm being landlocked? Is INDOT required to provide access to the landlocked portion, or does INDOT buy the whole parcel of real estate?” (0412-005, Manuwal)

A farm property is considered damaged if the proposed right-of-way takes a portion of the property, and impacts the value or utility of the property, but does not take the entire parcel. A right-of-way specialist would work with the property owner during the right-of-way acquisition stage to determine whether access could be provided to a landlocked parcel or whether the landlocked parcel should be purchased by the State.

19. “On Table 5.3.11: Nearby Business Sales Impacts by Alternative. I am assuming that the smaller the number the less beneficial the Alternative. (i.e. \$97 million is better for sales than \$85 million.) Am I correct in my interpretation?” (0308-009, Marquardt)

Yes, that is correct. The table has been revised to reflect the comparison to the No- Build Alternative.

20. “On Table 5.3.12: Highway User Benefits Over No-Build Alternative. I am assuming a total higher number is more attractive than a total lower number. When I sum each column I get the following results: Cs: \$10,684,978; Es: \$40,565,390; G-C: \$5,591,036. Am I correct in my interpretation?” (0308-009, Marquardt)

Yes, that is correct.

21. “As a tax paying citizen of St. Joseph Country and a local resident, we feel that it would be a big mistake to bypass Lakeville. This would turn Lakeville into a ghost town. Our local businesses in Lakeville survive because of the traffic going through Lakeville.” (0301-001, Cinninger)

The economic impact on local businesses is documented in Section 5.3.2.2. The extent of adverse impact on local businesses in Lakeville corresponds directly to the dependency of a business on pass-by traffic. Clearly businesses that are highly dependent on pass-by traffic (such as gas stations, fast food restaurants, and motels) will experience the greatest adverse impact on sales. Other businesses that serve customers in the immediate area will see little or no adverse impact as a result of the diversion of thru traffic to the freeway; and, in fact, their customers will find it easier to get to, to park at, and to walk between these businesses. Further, local businesses, not dependent on thru traffic, will see an increase in sales associated with the normal growth of the community and benefit from increased accessibility (reduction in transportation costs) to the national market.

22. “Actually I would be pleased to know how close you intend for the homes not taken in the project will be to the road.” (0331-001, Johnson)

The decisions regarding how close to place the right-of-way line or construction limits to a particular structure will be made during the design phase. Each property would be analyzed on an individual basis based on sound engineering judgment.

23. “It should also be noted that the taxpayers of the City of South Bend have already spent hundreds of thousands of dollars to extend water and sewer south of Kern Road. To bring the new interstate in over that infrastructure would completely waste the investment the City of South Bend has already made in extending water and sewer to that area.” (0402-001, Nemeth, p. 3)

Representatives of the South Bend City Engineer’s Office have stated that the Preferred Alternative G-Es is not expected to be detrimental to local utilities. There may need to be some relocation of utility lines as a result of this project, but long-term negative impacts are not expected, and the project should not inhibit future expansion of utility lines.

24. “This neighborhood still has a large number of retired, older people who have been in their homes for 30-40-50 years. If the state gives them “fair market value” for their property, what area do you propose they relocate in for the amount of money that they will realize? Unfortunately, there will be very few “safe” neighborhoods that will be available to them in the price range that they will be looking at. Not to mention, the upheaval in their lives.” (0429-015, Bango)

All right-of-way required for the highway will be acquired in accordance with the Uniform Act. It appears that there is sufficient available housing to accommodate the expected number of relocations. Section 6.1 of the FEIS further discusses the availability of available replacement housing.

25. “Will this bypass decrease the value of our home? We will be on the wrong side of the highway for noise. The salt in the winter will blow our way and be very hard on our buildings. (Look at the finish on the buildings in the area that are close to the road.) The salt will also be hard on our lawn and trees. Will this fact be figured in when you make a settlement on our farm property?” (0428-002, Miller)

Freeway construction or improvement may have an adverse impact on some properties, but as a whole, most research indicates that property values tend to increase with highway development. A study done on the impacts of highways in Wisconsin showed that some economic indicators analyzed during the study period for expanded Wisconsin 29 and US 10 were similar. Following highway construction, “interviews with local property tax assessors indicate an increase in the values of properties sold near the highway. In some cases, the property values increased substantially depending on the type of development. According to local officials and business leaders, the improvement to Wisconsin 29 had a positive overall impact on the communities and businesses along the highway. The four-lane highway provides faster travel times, reduced congestion, better access to the expressway, improved safety and driving conditions, and improved employment prospects for job seekers in the community,” (Leong, Lichtman, Marcos, and Michelson, 2002).

Unless a property is directly impacted by right-of-way acquisition or loss of access or utility, then compensation is not given.

26. “The Berliner and Marx meat processing plant is closed, yet it appears an effort was made to run the road around the plant, increasing the impact to nearby homes. Why not remove a facility that is no longer used and lessen the impact to the area homes.” (0321-010, Rosinski)

Alternative Cs did impact this property. There were no efforts to avoid it. The Preferred Alternative G-Es does not go through the Berliner and Marx property.

27. “It appears that many of the homes that account for the increase in the loss of homes in option Es (versus Cs) is due to Es running through a Southern Acres subdivision just north of Madison. It would seem to be viable to move Es slightly to the west at this point for a very short distance to reduce this impact.” (0321-010, Rosinski)

The Preferred Alternative G-Es does not impact Southern Acres Subdivision.

28. “We have seen the tables showing the number of homes effected by each route. Based on the maps in Appendix A, we have made a determination of the homes effected in our neighborhoods. But since the maps are somewhat unclear and you have already done this work, please provide the number of homes effected in Whispering Hills and Sycamore Hills by routes Cs and G-C.” (0301-007, Shoemaker)

The Preferred Alternative G-Es does not take any homes from Whispering Hills or Sycamore Hills Subdivisions.

29. “In looking at cost in another way, this plan will eliminate homes and businesses currently contributing to the tax base of the township/city of South Bend, the county and the state. And that is just property tax. It does not take into account income tax on the individual and businesses located in this route. Centre Township and more recently the City of South Bend have included this income as part of the tax bases and the proposal will almost certainly costs the loss of at least some of that income for local governments.” (0423-016, Jemielity, p. 1)

Property tax impacts are discussed in Section 5.3.2.1. Freeway construction or improvement may have an adverse impact on some properties, but as a whole, most research indicates that property values tend to increase with highway development. A study done on the impacts of highways in Wisconsin showed that some economic indicators analyzed during the study period for expanded Wisconsin 29 and US 10 were similar.

Following highway construction, “interviews with local property tax assessors indicate an increase in the values of properties sold near the highway. In some cases, the property values increased substantially depending on the type of development. According to local officials and business leaders, the improvement to Wisconsin 29 had a positive overall impact on the communities and businesses along the highway. The four-lane highway provides faster travel times, reduced congestion, better access to the expressway, improved safety and driving conditions, and improved employment prospects for job seekers in the community,” (Leong, Lichtman, Marcos, and Michelson, 2002).

30. “Does the law of Eminent Domain reimburse property owners whose property is not taken but made unlivable & unsaleable by the bypass nearby.” (0318-002, Spellman)

Unless a property is directly impacted by right-of-way acquisition or loss of access or utility, then compensation is not given.

31. “Mayor Luecke did not mention other real impacts associated with the resulting terminus of the C and C-G at their planned location on the US 20 Bypass. This new terminus would negatively impact and reduce retail traffic to businesses along Ireland Road, the inner US 31 businesses corridor and the Scottsdale Mall area. This terminus location will additionally cause future congestion and safety concerns between closely placed exchanges on the US 20 bypass.” (0426-177, Gates)

The Preferred Alternative G-Es provides an interchange at US 20 at the same location as existing US 31.

32. “There is also at least one type of business that is completely ignored in all discussion relating to the economic impacts in the corridor: horse-boarding. There are at least ten horse operations in the northern portion of the corridor known to us, and at least four of them are damaged (including our operation) or completely destroyed with the three remaining new-construction alternatives. While some of these operations are partially agricultural with limited hay and row-crop production, others provide services and purchase commodities. Since most are not listed in business directories, it would have been prudent to have consulted St. Joseph county about special-use permits for businesses operating in the study corridor. How many other such businesses have been missed or ignored?” (0425-030, Autry & Leach, p. 2)

The project area supports a very active farming community, although the number of active farms is higher in the southern reaches of the project area and begins to dwindle as one approaches the South Bend Metropolitan Area. The area also supports various agricultural-related businesses such as horse boarding operations. If an alternative appeared to displace or acquire the operational components of a large farm or horse boarding operation (including large barns, silos etc.), it was included as a displaced or damaged agricultural-related business (See FEIS Section 5.3.1). It is expected that additional small farming operations will be impacted. All displaced farm structures would be fully evaluated during the right-of-way acquisition stage. A more detailed discussion of farmland impacts can also be found in Section 5.5 of the FEIS.

33. “We have spoken with business owners on the existing US 31, some even live in our subdivisions, and many are in favor of route Es. They have said that if they have to relocate, they will relocate close by, because that is where their customers are. Some have indicated that this will also give them the opportunity to build larger, more modern facilities. Their biggest concern is getting a fair value for their

property when it is taken so that they can relocate.” (0423-026, Task Force Report representing several subdivisions, p. 10)

A business needs survey was sent to businesses along the major roadways within the G-Es corridor that were potentially displaced or impacted by the project. Those businesses that responded to the survey indicated the following:

If the business was displaced by the project, 65% of the respondents claimed they would relocate their business as close as possible to their existing site. 15% would relocate away from the immediate area. 12% would likely terminate their business and 8% were unsure of their decision, stating that it would depend upon the compensation received.

34. “If you choose either of the other two routes, you will damage some very nice subdivisions that are on the South side of South Bend, and it will have a very negative impact on the ability of South Bend to improve and develop the South side.” (0425-014, Martin)

“Of the three possible routes being considered at the present time, two of them would go through our sub-division which is Whispering Hills. We realize that people are going to have to be affected by the placement of this new road regardless of which route is chosen. However, as a realtor, I know the importance of keeping a sub-division like this in tact. At the present time there are very few choices for our clients on the south side of town. If we are to show our clients homes in the \$250,000-\$350,000 price range, we generally have to go to the north side of town. Baneberry is another very desirable south side sub-division with new homes. Placement of the highway through either of these areas would deter people from moving there.” (0309-001, Allen)

Preferred Alternative G-Es avoids the subdivisions in question.

35. “ES is the most costly of the proposed alternatives. Estimates currently range between \$240,000,000 and \$262,000,000. As buy-out, relocation, and moving expenses materialize, those costs will be significantly higher.” (0426-083, Dierbeck, pg. 3)

The projected relocation and right-of-way acquisition cost of \$75,865,000 for Alternative G-Es includes right-of-way costs for acreage and improvements required for actual construction, relocation costs, costs for acquiring structures and improvements due to lost access, and administrative fees. This cost is an estimate only and is based on a field survey.

36. As far as an economic tool for Indiana, if you do not allow Plymouth better access to US 31 our local economy will be impacted in a very negative way. If you want Indiana to continue to grow you must allow Plymouth and Marshall County the same. Please be receptive to our concerns, suggestions, and ideas. Do not cut us off from a major highway.” (0426-275, Cook, p. 2)

Local officials in Marshall County expressed concerns with the local access plan associated with the preliminary alternatives within the county and met with the Project Management Team on two occasions to discuss these access issues. These issues focused on interchange, overpass/underpass and cul-de-sac locations. Through the course of discussions at these meetings, Marshall County and INDOT officials were able to modify the Marshall County local access plan and produce a plan that was in the best interest of both parties. These modifications are included in the FEIS with the Preferred Alternative.

37. “After having examined map #6 on Appendix A in your most recent update I must conclude that the Cs route does, in fact, totally dissect Sunset Trailer Village (Barber Mobile Home Park on your map) from our WWTP (wastewater treatment plant), which is located in the SE corner of our property just inside from the prior railroad right-of-way. This dissection would impact some 30 residents, including my 79 YO father (owner) and affordable house options for tenants of STV (Sunset Trailer Village). I did notice that you were successful in altering this route to avoid the larger SUN community, as well as the prior meat packing plant WWTP. Even though our community is small, the state mandated we install a WWTP and permit was issued in approximately 1970. If the Cs route is the final decision, I must therefore assume INDOT would be required by law to either relocate our 30 residents or provide provisions for a new WWTP.” (0318-018, Gorski)

The Preferred Alternative G-Es will have no impact on Sunset Trailer Village.

38. “Current Cs proposed totally dissects STV from its wastewater treatment facility and would therefore effect 30 some residences. WWTP is a state requirement now for smaller size of STV. Hence I would assume State/INDOT would be required to relocate WWTP or all residences effected. This would also impact affordable housing options for our residents.” (0318-012, Gorski)

The Preferred Alternative G-Es will have no impact on Sunset Trailer Village.

5.4 Community Facilities and Services

1. “I strongly oppose route ES. As Associate Pastor of the Southlawn United Methodist Church located on US 31, I believe the lives of many of our people and the life of the church would be negatively affected.” (0414-031, Dixon)

The Southlawn United Methodist Church located on the east side of US 31 north of Kern Road is not expected to be displaced by Alternative Es or by Preferred Alternative G-Es. The new facility will tie into the existing US 31 right-of-way just north of the church property. Access to the church would still be available from the proposed frontage roads along the new facility. The church responded to a church survey for the US 31 project and expressed their concern that an elevated US 31 would restrict the visibility of the church by the public. In addition to Sunday services, the church provides a preschool facility and many weekly activities. They also voiced concern regarding construction impacts, parking and the possibility of construction-related drainage problems. The issue of drainage will be addressed more completely during the design phase of this project, when detailed engineering plans are developed. At this time it is not expected that the church parking lot will be altered as a result of this project.

2. “The response time of the Center Township Fire Department would be likely to be adversely affected by the increased traffic on Kern Road.” (0418-003, Weber)

The one fire station that would be indirectly impacted by this project is the Centre Township Fire Station located at Kern Road and US 31. Alternative Es and the Preferred Alternative G-Es would cross Kern Road approximately 1,000 feet west of the fire station. An interchange is proposed to be constructed at this location, which should improve emergency response times for highway related accidents. Many of the emergency calls for the Centre Township Fire Department are directed to the west of the fire station since they serve portions of Greene Township. It would therefore be important for Kern Road to remain open for emergency vehicles during construction of the new facility. The proposed

local access plan for the area north of Kern Road is expected to reduce the impacts to emergency response times for the Centre Township Fire Station.

3. “By closing off access roads in order to widen that portion of the bypass, it will increase response time for emergency personnel and will create potentially serious traffic and safety problems. At least two elementary school bus routes would be affected also.” (0413-002, Deranek & Bango)

“And then how will that impact the concern over emergency vehicles?” (0318-042, Eagen, Chamber of Commerce of St. Joseph County)

“We are very concerned with our safety issues of our fire and ambulance services. The response time of the limited access highway ‘ES’ route would be life threatening. School buses are forced to take longer routes. Again many more businesses and residences are affected on the ‘ES’ route.” (0426-083, Dierbeck)

“Also, I’m concerned with access and safety issues regarding Hay Primary School, which my children attend, resulting from this route.” (0415-005, O’Rourke)

“The congestion at US 31 and Ireland Road will be over whelming. The loss of some of the east west roads will greatly restrict traffic flow. Of major concern would be the lack of access by emergency vehicles to St. Jude’s Catholic School and elementary schools.” (0423-023, Uillery)

See response above. A revised local access plan was developed to improve north-south connectivity between Kern Road and Ireland Road, just north of US 20, that included two separate grade separated crossings of US 20, one on the west side of US 31 at Scott Street and the other on the east side of US 31 at Fellows Street. East-west connectivity across US 31 was improved with the addition of grade-separated crossings at Johnson Road and Jackson Road and the extension of Main Street southward, under the proposed US 31, to existing US 31 near Kern Road.

4. “The DEIS makes allowances for grade separations at both Johnson Street and Main Street. With Kern Road, this seems sufficient for east-west mobility. You should note that St. Jude’s Catholic School has not had bus service for five years, so the statements in the petition in this respect also are FALSE.” (0423-013, Masters, p. 2)

It is noted in the FEIS that St. Jude’s Catholic School does not provide bus service.

5. “Emergency vehicle response times are a genuine concern, especially the apparent absence of a north-south route across US 20. With the recent sale of South Bend’s fire station on Ireland Road, perhaps the city can address this issue by choosing an appropriate relocation site. Otherwise, this matter deserves attention in the final project design.” (0423-013, Masters, p. 3)

“The Center Township Fire Department would be adversely affected by the markedly increased traffic on Kern Road.” (0419-015, Gingerich)

“The school corporation for many years has worked to make the bus routes more efficient so children would not be on them any longer than necessary. The highway would cause the routes to be longer and more costly. There is a shortage of funds now. The fire department and the ambulance service are very concerned about the extra time it would take to reach their destination.” (0319-002, Geyer)

“Secondly, the school bus routes for St. Jude’s grade school and for Forest G. Hay elementary will be forced to a longer and more unsafe route in order to secure access across the proposed ES highway. (0426-083, Dierbeck)

A revised local access plan was developed to improve north-south connectivity between Kern Road and Ireland Road, just north of US 20, that included two separate grade separated crossings of US 20, one on the west side of US 31 at Scott Street and the other on the east side of US 31 at Fellows Street. East-west connectivity across US 31 was improved with the addition of grade-separated crossings at Johnson Road and Jackson Road and the extension of Main Street southward, under the proposed US 31, to existing US 31 near Kern Road.

6. “It also leaves Lakeville’s sanitation ponds with no access.” (0423-004, Fuchs)

The Preferred Alternative G-Es is not expected to impact Lakeville’s sanitation ponds.

7. “However, if this is incorrect and routes Cs and G-C actually do propose moving these power lines and towers east, the cost of moving these power lines is not included in the costs of these routes as estimated in the DEIS. We have counted at least 9 towers between the south end of Old Spanish Trail and US 20 that would have to be moved. According to American Electric Power (AEP), these towers can cost as much as \$500,000 each to move. This does not include the cost to acquire the land for an easement.” (0423-026, Task Force Report representing several subdivisions, p. 16.)

The costs for utility relocations will be included with construction costs.

8. “Because Whispering Hills Drive curves and the proposed power lines are in a straight line, the power lines pass over existing homes on both the east and west side of Whispering Hills Drive. An easement of 300 feet, would require the purchase of 21 homes in Whispering Hills, 8 homes on Old Spanish Trail, 8-10 homes in Baneberry, 1 home on Johnson Road and 2-3 on Locust Road. These costs are also not included in the DEIS.” (0423-026, Task Force Report representing several subdivisions, p. 16.)

Preferred Alternative G-Es will not impact this area.

9. Following these guidelines, the number of homes to be purchased in Whispering Hills increases to 26, 10 on Old Spanish Trail, 10-12 in Baneberry, 1 on Johnson Road and 2-3 on Locust Road. This alone will increase the cost by \$12-13,000,000. Combine this with the cost to move the power lines and towers, the cost of routes Cs and G-C are now some \$18-25,000,000 more than estimated in the DEIS just with the costs affects in Whispering Hills.” (0423-026, Task Force Report representing several subdivisions, p. 16.)

Preferred Alternative G-Es will not impact this area.

10. “It would also call for the greater than 57 percent destruction of my subdivision when the city is inaccurate in it’s description Robin Hood Estates, where it states that every resident is less than ten years old when the first house was built by my farther for my mother in 1966. “ (0318-029, Mouges)

Preferred Alternative G-Es has been shifted to avoid Robin Hood Estates.

11. “We need the over passes the Marshall County Commissioners are proposing North and Center Townships in Marshall County for our school children. They don’t need longer school bus rides. As a

grandmother I support the public education of all our children. I'm for the health and welfare of our children, their school days need to be in the classroom, not on a school bus because the routes have to be lengthened because of the road systems." (0422-028, Greer)

The Marshall county access plan for the project was revised in cooperation with Marshall County officials.

12. "I just can't believe you would even consider putting a bypass in the South bend area where it has been proposed! I believe I am on plan G! If that happens do you realize that you would be cutting us off from any main road/highway. In the winter months we get snowed in and would be isolated here on a ½ mile stretch that we could not get any medical help if need be! Depending on the way the wind is blowing the snow, we can't go east or west, or north off Miller Road to get help or receive help! Even if you put the bypass over our road, it is proposed to be blocked off 2 houses west of us, that leaves us access to the East, which would be Miami Highway or north up Turkey trail! Try getting out of here in a snow fall!" (0426-004, Smith)

Miller Road is proposed to cross over Preferred Alternative G-Es. Residents would still have access to existing US 31 to the west or to Turkey Trail to the east.

5.5 Farmland

1. "Route G would divide our family farm in half. We would no longer be able to farm the half on the west side of Kennilworth without driving miles our of the way. Please do not vote on route G!" (0425-010, Freehauf)

"I live on the east side of Lakeville in the Muck Area. I do not want to see any of my neighbors have to farm around a big highway. Our farm ground is valuable, they aren't making anymore. I value my neighbors, I do not want to see any of them killed because they have to cross a public highway with farm machinery." (0301-001, Cinninger)

"How will we be compensated for the loss of income? We were counting on this farm for income when we retired. Not only are you cutting this farm in two, but on an angle. This will mean a lot of point rows, which takes more time to plant and harvest. When it comes time to find someone to rent my farm, (which will sit on BOTH sides of the NEW BYPASS) who do you think will deal with a mess like this to rent and what would they be willing to pay me for rent? Now it is one big field." (0428-002, Miller)

"One of the major concerns is the permanent closing of many of the streets and roads. This eliminates all of the area farmers from traveling from one field to another. Many farmers rent fields in other parts of the township and must use several of the county roads to reach their destination. It is a national concern that farms are being eliminated." (0417-005, Geyer)

"The entire route of the new highway proposed east of U.S. 31 passes through very productive farm land in Union Township and into the joining North Township. There is great concern from all who are involved for a number of reasons. Many of the fields would be landlocked without access to the area. This would render the land useless. We have 40 acres on Kenilworth Road and another area farmer has over 200 acres that would be landlocked as do many others. Many of the farmers have to travel several county roads to reach their fields. This would be impossible for them with the eastern route. It would also be a hardship for them and their families if they have to sacrifice any land. Many have updated their farm buildings and homes at great expense to become more efficient. Almost all fields in this area

are tiled and drained into a open ditch. With the new highway dividing the fields there would be no way to efficiently tile and drain.” (0319-002, Geyer)

During the design phase consideration will be given to accessing severed farmland parcels. The formation of point rows typically is an undesirable consequence resulting from transportation corridors. While such features do reduce the efficiency of a farming operation, and can complicate access to once whole fields, they do not necessarily render the entire farmland unviable for future use. The avoidance or minimization of point rows and maximizing access to severed fields will be given full consideration during the design of the Preferred Alternative G-Es.

2. “It isn’t just the 900 acres plus that would be lost, it would be whole farms because it would cause a lot of land to be landlocked with no access. Most of the land is tile drained to a dredged ditch. The new route would destroy the tile lines and would have no access to the drainage ditch which would take the land out of production. Most farmers are of the age that they would be unable to be hired by any employer to be able to support their family.” (0417-005, Geyer)

During the design and construction phases of this project efforts will be made to maintain farm field drainage.

3. “The proposed route G (G-S) will separate the existing field locations causing slow moving machinery prohibitive. Some land will be land locked between proposed highway, county drainage ditch and closed Rockstroh Road. Will cut off subsoil tile drainage from productive agriculture land to county drainage. Will remove farm land from tax rolls which supports schools.” (0425-037, Freehauf)

See responses to comments #1 and #2 above.

4. “I live and farm with my home base of operations east of the newly proposed US 31 on (Kwg) Road. In addition to that, I farm over 500 acres to the west of the US 31 highway, also 1 mile further east on 5C road I have a grain processing facility with storage and a large grain dryer. The passage to all of this acreage and drying system is by using the road marked ‘6A’. I understand you are closing it off entirely! This devastates my farming operation. The way the interstate at 5A is described I doubt I will be allowed to cross it with farm machinery. The Plymouth-Goshen Trail crossing does not seem a likely option. In short – these changes you propose cuts a gaping hole in my business! My request is that you include an overpass at 6A road that would allow me and others to cross.” (0318-008, Seltentright)

There will be a grade separation (overpass) at 6th Road.

5. “I am writing concerning the new U.S. 31 study on the east side of LaPaz. You are cutting through five of our farms and you are not going straight. Everyone you are going at a angle through (all of them, which will make odd shaped fields which are very hard to farm. Trying to plant & spray points rows isn’t easy. We have lived here for 43 years and worked to make large fields fence row free. It also makes the farms more valuable. Splitting through them will decrease their value that you could never compensate us for. You are also shutting off 1st Road we need on the other side of the new highway to get to our fields. We also have thousands of bushels of grain to carigill at LaPaz on 1st Road. We will have to travel way out of our way to get there plus travel on the existing 31, which will not be traffic free.” (0426-127, Haas)

See response to comment #1. There will be an overpass at 1st Road.

6. “The respective projected route cost figures also don’t account for loss of income from businesses or agri-businesses that would be permanently disrupted or displaced by the new roadway. How do you quantify the eventual loss of income forever from land that is farmed?” (0426-072, Dosmann)

Chapter 5.5, Farmland, discusses the estimated annual loss of crop cash receipts for Marshall and St. Joseph Counties. The total estimated annual loss in crop cash receipts for Marshall and St. Joseph counties would be greatest for Alternative G-Es (Preferred Alternative) and Alternative G-Cs at approximately \$127,000 a year. The reductions anticipated resulting from Alternatives Cs and Es are estimated at around \$100,000 annually. Since all four alternatives share nearly all of their alignment through Marshall County, the annual crop cash receipt loss would essentially be the same in this county regardless of alternative.

5.6 Historic and Archaeological Resources

1. “The concern of the ‘historical folks’ for the Italianate house which is only ‘eligible’ for historical status is just a ‘talking point’.” (0412-003, Huggett, p. 2)

Federal Law requires federal agencies to give the same consideration to sites that are listed for the National Register of Historic Places (NRHP) as those that are listed on the NRHP.

2. “Alternate Es is preferred by the Historical Landmarks Foundation of Indiana, Northern Regional Office (Appendix C, letter dated Jan. 13, 2004).” (0429-020, Campoli)

The Preferred Alternative is G-Es.

3. “Also, we noted on the most recent maps that Nutwood is shown as being at the corner of Roosevelt and Locust (and not affected by any of the alternatives). From what we’ve been able to learn, Nutwood was a very small community, railroad depot, and group of stores that was along the now-abandoned railroad bed. This would place it directly in the path of Alternative Cs. I don’t know if Nutwood would be considered an archaeological site, but it was an actual place.” (0321-009, Riches)

The Preferred Alternative G-Es will not impact this area.

4. “I am writing with regards to the US 31 bypass project – option ES. I am a resident of the Gilmer Park area and oppose this option not only because I’m a homeowner but also because of the impact it would have on the Southlawn Cemetery. Of all of the options, I would think that this one would be the least desirable because of the historical value of the cemetery.” (0420-041, Kuskye)

While Southlawn Cemetery is not eligible for listing in the National Register of Historic Places, it does have community value and is protected by state law. The preferred alternative avoids this resource.

5. “Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Sec 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has conducted an analysis of the materials dated February 26, 2004, and received on February 27, 2004, for the above indicated project from Plymouth to South Bend, Marshall and St. Joseph counties, Indiana. Regarding the proposed project’s impacts on historic buildings and structures, we are in substantial agreement with the draft environmental impact statement’s characterizations of those impacts. We look forward to

participating in future discussions of possible mitigation measures for any adverse impacts. Furthermore, we agree that archaeological survey(s) will be needed within areas to be impacted by this project and we will comment on the remaining archaeological concerns once they are submitted.” (0323-006, IDNR, DHPA)

“The discussion relating to archaeological sites needs to be more than a mere records check. While we can appreciate that this might provide some indications of what prehistoric occupations might be expected in the area, it is certainly no substitute for an actual reconnaissance and survey of all the proposed alternatives.” (0425-030, Autry & Leach, p. 2)

A Phase Ia archaeological reconnaissance was conducted for this project. The results are included in Chapter 5.6 of the FEIS and Appendix I.

6. “Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Sec 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has conducted an analysis of the materials dated March 4, 2004, and received on March 5, 2004, for the above indicated project from Plymouth to South Bend in Marshall and St. Joseph counties, Indiana. Based on information available to us at this time, we do not have any concerns with the proposed finding of effects.” (0323-004, IDNR, DHPA)

Coordination with the SHPO continued in the development of the Memorandum of Agreement for this project.

7. “In the Gilmer Park Area, even the ‘old Gilmer Farmhouse’ – a structure that has withstood decades of economic and environmental conditions, would be irreparably impacted by this single construction proposal.” (0426-078, Zimmerman)

Historic Landmarks Foundation of Indiana (HLFI) and South Bend and St. Joseph County Historic Preservation Commission (HPC) both submitted lists of properties of concern to those organizations. All properties on both lists were fully evaluated for potential for listing in the National Register of Historic Places (NRHP). Properties eligible for listing must have integrity and meet one or more criteria per the National Historic Preservation Act. This site is not eligible for the NRHP.

8. “And the commission is strongly opposed to route G-C because it would devastate the agricultural and rural content of that area (inaudible) many of the other eligible national registered properties. It will include the Donohue Farm, the Emit Johnson Farm House, the (inaudible) Lynch Farm, the cover house and the national register of Evergreen house. The majority of the commission also opposes alternative Cs as it requires visual intrusion and traffic intrusion upon the Emit Johnson House, the Cover House and Evergreen Hill. I would also like to say that many of the commission members find the project very disruptive to the environment and to social aspects of the area. And we respectfully ask that of the build route that Es receive a federal consideration in the Federal Environment Impact Statement and would be (inaudible) document.” (0318-084, Schutte)

The preferred alternative G-Es was created in an effort to avoid impacts to environmental resources such as the agricultural/ rural setting of the area. Turkey/Miami Trail, which was identified as a special area of concern, was avoided through these shifts.

9. “The commission strongly opposes route G-C as it would benefit the other cultural and rural concepts of many national register old schools and listed properties, especially the Francis Donohue side, the Emit Johnson House, the Cover House and the national register of listed property Evergreen Hill. The road volume of Pierce Road would also cause dramatic impact to the historic relationship of that farm on the Pierce Road roadway. And the commission, the majority of the commission also opposes alternative Cs as it would cause many (inaudible) and traffic (inaudible) upon the Emit Johnson House, the Cover House and Evergreen Hill. Many of the members find the (inaudible) disruptive mainly to the environment and to residents of the area, but they respectfully ask that we have to receive a federal consideration and the environment impact statement.” (0318-038, Schutte)

The preferred alternative G-Es was created in an effort to avoid impacts to environmental resources such as the agricultural/ rural setting of the area. Turkey/Miami Trail, which was identified as a special area of concern, was avoided through these shifts. The Emil Johnson House is now located outside the APE of the preferred alternative and the Cover House is nearly five thousand feet from the preferred alternative. Traffic will increase on Pierce Road, which runs directly in front of the property, from 900 vehicles per day to 5,000 vehicles per day in the year 2030. This constitutes a visual adverse effect and has been mitigated in the Memorandum of Agreement.

10. “The two alternates that would run west Cs and C-G while they would not go directly in front of my property the interchange would be less than a quarter of a mile from my home. I live on the property that a lot of you may know as Evergreen Hill. I do appreciate the Historic Preservation Commission comments. We are on the national register, my husband and I renovated this property about three years ago and we have moved out into the country for some peace and quiet. I’m concerned about the vibrations from an interchange with all the breaking and shifting through the gears that close to our 130 year old foundation of our home and our barn and our cemetery.” (0318-049, Abernethy)

The preferred alternative G-Es avoids any impact to the National Register-listed Evergreen Hill.

11. “Move the road slightly to the west at that point and move the Ullery/Farneman house. Houses get moved all of the time.” (0409-002, Hart)

The Preferred Alternative G-Es avoids the Ullery/Farneman House.

12. “In section 3.2, modifications of alternatives, there is considerable discussion about the problem of constructing an upgraded, limited-access freeway in between the Ullery/Farneman House and Southlawn Cemetery. Although the historical significance of the Ullery/Farneman House is discussed in this section and elsewhere in the DEIS (sections 4.6 and 5.6), there is no comparable information about the historical significance of Southlawn Cemetery or about any FHWA restrictions concerning impacts to cemeteries. Since the presence of these two properties on either side of the existing U.S. 31 is given as the reason for modifying several project alternatives, more discussion is needed about the cemetery.” (0524-001, U.S. Department of the Interior, pg. 5)

Through consultation with the local preservation commission and Historic Landmarks Foundation of Indiana, it was determined that Southlawn Cemetery is not eligible for listing in the National Register of Historic Places. It is important to the local community however. (There is some discrepancy in the listing of local landmarks. In one publication it is listed as a local landmark and in another, it is not. The South Bend St.

Joseph Preservation Commission was not able to verify whether it is a local landmark or not. The Southlawn Cemetery does have protection under state cemetery law. Indiana State law requires the establishment of a development plan if someone plans to disturb the ground within 100 feet of a cemetery. The development plan must be reviewed and approved by the Indiana Department of Natural Resources. The preferred alternative avoids this resource.

5.7 Air Quality Impacts

1. “The improved fuel economy of eliminating stop and go traffic should also reduce emissions from diesel motors and gasoline motors. Eliminating stop and go traffic in Lapaz and SR4 near Lakeville will reduce pollution in those communities.” (0319-015, Oswald)

As a general rule, reducing stop and go traffic does reduce vehicle emissions. As the US 31 Improvement Project is in an adopted Local Road Project (LRP) and Transportation Improvement Program (TIP) that have met transportation conformity requirements, the project will not jeopardize Metropolitan Planning Organization (MPO) air quality conformity with the applicable mobile source emission budgets established in the State Implementation Plan (SIP) for St. Joseph and Elkhart counties.

2. “On April 15, 2004, EPA announced the non-attainment areas for the 8-hour ozone standard. St. Joseph and Elkhart Counties in Indiana are non-attainment for this standard. This information should be discussed in the FEIS for this proposal. FHWA/INDOT should coordinate closely with EPA and IDEM to insure that the conformity determination made at the time of the Record of Decision complies with the implementation of the 8-hour ozone standard.” (0511-001, USEPA, page 9)

This information has been added to the FEIS. In January of 2004, MACOG reran the air conformity analyses for the LRP (with the US 31 Improvement Project) using MOBILE 6 as required by FHWA prior to January 29, 2004, and demonstrated that the calculated emissions for years 2006, 2015 and 2025 were well below the 2006 budgets for VOC and NOx emissions. On October 26, 2004, MACOG reran MOBILE 6 for the LRP with the proposed freeway interchange locations of Preferred Alternative G-Es for the US 31 Improvement Project, and demonstrated that the calculated emissions for years 2006, 2015 and 2025 were not only below the 2006 budgets for VOC and NOx emissions, but also equal or less than the calculated emissions of approved 2002 conformity analysis.

3. “The integration of transportation control measures (TCMs) into the project could also be beneficial in the State’s efforts to attain the 8-hour ozone standard in the South Bend metropolitan area. TCMs may be given credit for ozone precursor emission reductions in the State Implementation Plan (SIP).” (0511-001, USEPA, pg. 2)

Various non-freeway alternatives were considered and found to not meet the purpose and need. These alternatives are discussed in Chapter 3.

5.8 Highway Noise

1. “Noise is another concern of ours. Yes we have some noise now when semis have to stop quickly due to a light change at Johnson Road, but we don’t think that will compare to the noise of an expressway.

Sound barrier walls are planned from what we have been told. We don't believe that is enough to help the additional noise." (0423-015, Daniels)

Preliminary analysis recommends noise barriers walls along the east side of the Preferred Alternative GEs both north and south of Johnson Road. Noise levels in this general area are predicted to range from in the low 60 dBA range to as much as 72 dBA. Initial modeling indicates that the proposed barriers will provide 5 to 12 dBA reductions for most first row receivers between Gilmer Road and Jackson Road.

2. "We also recommend planting pine trees or other natural screening as a visual shield and sound barrier wherever the road impacts existing residential development." (0406-002, Luecke, p. 2)

Structural noise barriers are currently recommended at select locations at the northern end of the project, north of Gilmer Street. While pine tree plantings provide suitable visual shielding, they typically are not effective in attenuating highway noise when planted as a single row along a right-of-way.

3. "Noise in my area has already markedly increased since the construction of the US 31 Bypass even though the bypass has installed noise reduction barriers. I am concerned that the added noise from an expressway would be overwhelming." (0418-003, Weber)

"My concern with the U.S. 31 project is the noise factor. From past experience with the bypass around South Bend it's common knowledge that there is a problem with noise. I'm concerned that if my house isn't in the path of the proposed highway it will be right next to the highway and we will have to put up with the noise." (0331-001, Johnson)

"Noise in the area has already noticeably increased since the construction of the US20 Bypass even though the bypass has installed noise reduction barriers. I am concerned that the added noise from an expressway will be overwhelming." (0419-015, Gingerich)

Increases in highway noise are anticipated at various locations along the preferred alternative, including the US31/US20 bypass. Noise barrier walls are the principal means by which such impacts are mitigated on large highway projects. Barriers were considered and analyzed in all areas where sensitive receivers (e.g. residential homes, churches, schools, businesses) were identified adjacent to the proposed alignment or in the immediate vicinity. Criteria contain in INDOT's current Highway Noise Policy was employed to determine where noise barriers were considered feasible and reasonable.

4. "Route Es should be chosen over routes Cs and G-C because it has the least 'Substantial Increase Impacts' for residences who remain after the freeway is built." (0423-026, Task Force Report representing several subdivisions, p. 12)

Alternative G-Es has been identified as the Preferred Alternative in the FEIS. There are an estimated total of 53 residential receivers identified that would be impacted either by experiencing noise levels at or above 66 dBA, experiencing a substantial increase of 15 dBA or more above existing levels, or a combination of both. Alternative G-Es has fewer residential receiver impacts than Cs (78 total) and G-Cs (64 total) and is comparable to the estimate for Alternative Es (51 total).

5. “Only little more in the passing reference seems to be made in the DEIS with regards to air, noise and light pollution. References are made to consider and potential noise barriers in the form of earth and berm’s and vertical walls. But they don’t give you an exact location, description or cost estimates. Rather they say those are to be dealt with in a later stage.” (0318-086, Whippo)

The DEIS included preliminary information concerning potential noise barrier locations, number of benefited receivers, approximate barrier length, approximate barrier height range, and estimated barrier cost in the Noise section of Chapter 6. The FEIS also includes a revised description of potential noise mitigation sites for the Preferred Alternative G-Es including general location, number of benefited receivers, approximate barrier length, approximate barrier height range, and estimated barrier cost. Because a technical noise analysis requires a great deal of detailed engineering information not currently available at this stage of the NEPA process, exact barrier locations, descriptions and cost estimates are not possible. The purpose of the analysis provided in the FEIS is to indicate where noise impacts are likely to occur and provide the best possible prediction as to where noise barriers might be effective in mitigating adverse impacts result from highway noise. During the design phase of the project a more detailed assessment and barrier wall design will be conducted to more precisely determine location, length, height, and type.

6. “We at Southlawn Church take pride in our church and its appearance – I hope talk of raising Johnson and Hwy 31 Road “will not” come to pass – It will become an eyesore to us and the community – During Service the noise from it’s elevated will be such from traffic that it will be hard to concentrate on worshipping in our Sanctuary, Jesus – We don’t want to loose members because of this and we want to grow in numbers.” (0423-011, Miller)

At present, the Preferred Alternative G-Es would be elevated over Kern Road and a realigned segment of Main Street, but would descend back down near existing grade such that Johnson Road could overpass the highway. Based on this preliminary design proposal, the highway would be elevated relative to Southlawn Church. Geometric details of this design were not available for the noise analysis; however, the preliminary findings indicate that predicted highway noise levels at Southlawn Church would likely be reduced since the centerline of the proposed Preferred Alternative G-Es is approximately 300 feet further to the west than the existing US 31. Furthermore, Southlawn Church is located just north of Gilmer Street, an area where a noise barrier has been recommended in the FEIS. The FEIS noise analysis estimates that a barrier 14 to 15 feet tall in this vicinity would provide as much as a 6 dBA reduction in highway noise at Southlawn Church. Given the current alignment of Alternative G-Es and the recommended barrier, noise levels at the church should be lower than that currently experienced.

5.9 Natural Resources

1. “This highway would only benefit future commercial growth along that existing route and would present long-term positive commercial growth, as well as protect the air, wetlands, wildlife and forestry of existing residential areas. Choose Alternative Es—it is the only logical choice.” (0319-020, Crowel)

Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es is a hybrid alternative that combines the southern portion Preliminary Alternative G-C and the northern portion of Alternative Es. Chapter 3.6 of the FEIS discusses the selection of the Preferred Alternative.

2. “The area along the abandoned railroad bed north of Roosevelt has a high concentration of wildlife. It is home to numerous turkeys, deer, groundhogs and possums. It is home to at least 4 species of woodpecker, (Downy, Yellow Bellied, Hairy and pileated), hummingbirds, orioles, hawks and Eastern bluebirds among others. It appears to be used by migrating birds as a safe flyway during the fall migration. I have seen flocks of thousands of birds go from treetop to treetop in this area during the fall. Option Cs would have the greatest impact to this wildlife as it destroys much of the forest this wildlife is using for shelter and isolates the remaining shelter between two major highways (Existing 31 and the proposed 31). This would obviously impact the wildlife, as it would no longer be able to freely migrate to the other undeveloped areas to the west.” (0321-010, Rosinski)

Alternative Cs was removed from further consideration due to its high impacts to the natural environment when compared to the other preliminary alternatives. Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es is a hybrid alternative that combines the southern portion of Preliminary Alternative G-C and the northern portion of Alternative Es. Alternative G-Es was chosen, in part, because it would result in lower wetland and forest impacts (lower impacts to wildlife habitat) when compared to the other preliminary alternatives. This alternative will not impact the abandoned railroad bed north of Roosevelt Road.

3. “Trillium also grows naturally in the forests near the abandoned railroad bed. I believe this is a protected plant in the state of Indiana. The highway would obviously disturb this habitat.” (0321-010, Rosinski)

There are several species of *Trillium* found in Indiana. One species, *Trillium cernuum* var *macranthum* or nodding trillium, which grows in moist woods, is listed as a state endangered species in Indiana. The Preferred Alternative G-Es will not impact the abandoned railroad bed, or the forests near it.

4. “The abundant wildlife of the area would be lost. Deer, ducks, geese, birds, fox, coyote, groundhog, possum, skunk, turtles, other reptiles & wetland organisms abound. A tiny owl – rare pygmy or ferruginous resides in a hole in a sassafras limb. Many other raptors are here. A wide variety of trees, shrubs, plants would be destroyed. Many woodlands would be covered by concrete & pastureland taken.” (0318-002, Spellman)

Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es is a hybrid alternative that combines the southern portion of Preliminary Alternative G-C and the northern portion of Alternative Es. Alternative G-Es was chosen, in part, because it would result in lower wetland and forest (wildlife habitat) impacts when compared to the other preliminary alternatives.

5. “Page 5-59 1st paragraph – The term “bottomland forest” typically defines a type of forested wetland found in the southeastern U.S. We recommend that this sentence be changed to ‘The Direct Take row refers to the acres of both forested upland and forested wetland directly...’ “ (0512-001, Detroit District, Corps of Engineers, p. 4)

This has been changed in the FEIS.

6. “By building either route Cs or G-C, more acres of forest, shrub/scrub land and fallow pastures will be impacted than if route Es is selected. The DEIS clearly states any loss of core forests could be significant and route Es impacts fewer acres of core forests.” (0423-026, Task Force Report representing several subdivisions, p. 8)

Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es is a hybrid alternative that combines the southern portion of Preliminary Alternative G-C and the northern portion of Alternative Es. Alternative G-Es was chosen, in part, because it would result in lower wetland, forest, and core forest (wildlife habitat) impacts when compared to the other preliminary alternatives.

7. “Close examination of the USDA Soil Conservation Service Soil Map, Pages 57 and 58 will show Alternate GC passes through over $\frac{3}{4}$ mile of unsuitable soils classified as Crosier, Palms, Adrain, and Houghton muck. All of these soils are unsuitable for roads, streets, and parking lots as referenced in Table 8 pages 76 to 85.” There are some locations where these soils are found where the depth of organic-matter does not extend to a great depth. However, this is not the case where the Alternate GC crosses the Houghton muck south of Rockstroh Rd. and west of Kenilworth Rd. Similar deep muck underlain by Marl exists where the road way path turns and goes northeast of Kenilworth Rd. and north of the end of Rochstroh Rd. These areas are extensive in length and the Houghton muck soil extends for nearly $\frac{1}{2}$ of a mile in total. No roadway built on this soil will be stable and the proof is in the poor condition of Kenilworth Rd., south and north of the end of Rochstroh Rd.” (0422-030, Riddle)

A geotechnical analysis will be done during the design phase to determine potential unsuitable soils and recommendations for treatment will be developed.

8. “Although I understand there is a need to provide a new route for US 31 I would hope that the route chosen would have the least environmental impact possible, and would take inconsideration the preservation of forest and wetlands, in undeveloped areas in St. Joseph County.” (0422-017, Engle)

Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es is a hybrid alternative that combines the southern portion Preliminary Alternative G-C and the northern portion of Alternative Es. Alternative G-Es was chosen, in part, because it would result in lower wetland and forest (wildlife habitat) impacts when compared to the other preliminary alternatives.

9. “As indicated in our November 25, 1996 review letter regarding this project (copy enclosed), we recommended choosing an alternative that is east of the existing US 31 to minimize impacts to the environment. In this DEIS, alternatives Cs, Es, and G-C were selected for further study. Alternative G-C, which is a modification of the previous alternative G, is located primarily east of the existing US 31. This alternative offers the best selection in terms of minimizing environmental impacts to natural resources. This alternative avoids the complex glacial drift area in the northwestern quarter of the study area, which contains the highest concentration of important habitats and listed species occurrence. The portion of alternative G-C that is now proposed to be west of the existing US 31 passes through a sizeable block of forest just north of Roosevelt Road. Also, further north along the abandoned railroad right-of-way, this alternative passes near a recently mapped occurrence of the state endangered loggerhead shrike (*Lanius ludovicianus*). We mention these two (2) important natural resources so that project planners are aware of their presence. The previous alternative Gs (shown on figure 3.2.25: Alternative G Modifications p.3-68 in the DEIS) would avoid impacts to the above-mentioned natural

resources by utilizing the existing US 31. If alternative Gs is not an option, we recommend an additional modification to the portion of G-C north of Roosevelt Road to avoid impacts to these natural resources.” (0422-025, IDNR)

Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es is a hybrid alternative that combines the southern portion of Preliminary Alternative G-C and the northern portion of Alternative Es. Alternative G-Es was chosen, in part, because it would result in lower wetland and forest (wildlife habitat) impacts when compared to the other preliminary alternatives. The Preferred Alternative G-Es will not impact the abandoned railroad corridor.

10. “I am writing to you today out of concern for a population of state-endangered Blandings turtles found on or near a section of the proposed “US 31 South Bend to Plymouth” highway project. The enclosed map pinpoints the location of their pond. It’s not clear to me if this wetland would be destroyed or altered if this particular route is selected.” (0405-002, Harrington of the Rum Village Nature Center)

The Preferred Alternative (G-Es) connects to US 20 utilizing the existing U.S 31/U.S 20 interchange location. The wetland shown will not be impacted by the proposed project. Alternative G-Es was chosen, in part, because it would result in lower wetland and forest impacts (wildlife habitat) when compared to the other preliminary alternatives.

11. “In looking at the comparison of the alternatives study, some additions need to be made to the G-C column, as described below. 1) Our property is listed as a Wildlife Habitat (see enclosed copy).” (0420-025, Kent, pg.2)

The column in the table lists only those properties enrolled in the Indiana Department of Natural Resource’s (IDNR) Classified Wildlife Habitats program. Landowners enrolled in the program receive property tax reductions, a wildlife management plan specifically tailored to meet the habitat and management needs of the wildlife species of interest, and free technical advice and assistance. As part of the program, the landowner must carry out minimum standards of wildlife management as specified in their management plan.

12. “I am opposed to option Cs. Option Cs is currently routed through a peat bog north of Roosevelt road and east of Locust road. The soil west of the railroad bed, just north of Roosevelt is of type Pa. This soil type is very high in organic material. See Attachments 1 and 2. When this area was set on fire, several years ago, the soil burned for months after the surface fire had been put out. Other soils surrounding the railroad bed, north of Roosevelt, are of types Gf and Re. Run off in all three of these soil types, Ps, Gf and Re, is very slow or ponded. Use of thee three soil types for roads is “Severs”. Soil type Re, is susceptible to frost action. Please see attached detailed descriptions of these soil types and their proximity to the corner of Locust and Roosevelt roads.” (0416-011, Snell, pg.2)

The Preferred Alternative G-Es will not impact this area.

13. “General descriptions are provided about the values of forestlands and the impacts of fragmentation (section 4.9.4), but specific information on specific woodlands is not provided, except for a diagram concerning the impacts on a forestland adjacent to Pleasant Lake at Lakeville (figure 5.9.16). The final EIS should include diagrams of all of the forestlands likely to be affected by the proposed projects so the real impacts can be understood. The final EIS also needs to describe the type and quality of forestland

that would be affected by each of the alternatives (species composition, age of the trees, grazed or ungrazed, upland or wetland, etc). Discussion is also needed on the specific impacts on forestland at the landscape level, including relationships to other forestland, shrubland, classified wildlife habitat and other managed areas, and lakes and streams. For example, the final EIS should discuss the potential impact the substantial loss of forestland adjacent to Pleasant Lake could have on the lake ecosystem, such as increased polluted runoff and sedimentation.” (0524-001, U.S. Department of the Interior, pgs. 2-6)

Additional information regarding impacts to forestlands by the Preferred Alternative G-Es has been included in Chapter 5.9 of the FEIS. Also, the “Waters of the U.S.” Verification Report U.S. 31 Improvement Project Plymouth to South Bend In Marshall and St. Joseph Counties, Indiana version, revised on May 2, 2005 includes detailed information on wetland habitats to be impacted by the Preferred Alternative.

14. “Although a great deal of generalized information about the natural resources present in the project study area is provided in section 4.9, little specific data is included in the DEIS. For example, only one of the classified wildlife habitat areas that would be affected by the various alternatives is described in any detail (section 5.9), while the others are just acknowledged as being present. The acreages of habitat types affected are provided without any meaningful descriptions of the specific habitats. Therefore, it is not possible for the reader to determine the actual, on-the-ground impacts of the three build alternatives.” (0524-001, U.S. Department of the Interior, pgs. 2-6)

Additional information regarding impacts to forestlands by the Preferred Alternative G-Es has been included in Chapter 5.9 of the FEIS. Additional information on those designated habitat areas (Classified Forests, Conservation Reserve Program, etc.) that will be impacted by the Preferred Alternative is also included in Chapter 5.9. Also, the “Waters of the U.S.” Verification Report U.S. 31 Improvement Project Plymouth to South Bend In Marshall and St. Joseph Counties, Indiana version, revised on May 2, 2005 includes detailed information on wetland habitats to be impacted by the Preferred Alternative.

15. “The DEIS acknowledges that some Conservation Reserve Program (CRP), Wetland Reserve Program (WRP), and Partners for Fish and Wildlife Program (PFWP) properties would be affected by the three build alternatives, but, again, only general information is provided. Figure 5.9.19 depicts managed habitat areas within the study area, but the scale of the figure does not allow for a meaningful evaluation of the location of the properties or the degree of impacts.” (0524-001, U.S. Department of the Interior, pgs. 2-6)

Additional information on those designated habitat areas (Classified Forests, Conservation Reserve Program, etc.), including figures of the impacts, that will be impacted by the Preferred Alternative is included in Chapter 5.9 of the FEIS.

16. “Detailed figures of the locations of the managed habitats and descriptions of each habitat that would be affected should be provided in the final EIS.” (0524-001, U.S. Department of the Interior, pgs. 2-6)

Additional information on those designated habitat areas (Classified Forests, Conservation Reserve Program, etc.), including figures of the impacts, that will be impacted by the Preferred Alternative is included in Chapter 5.9 of the FEIS.

17. “Although the DEIS acknowledges that the CRP, WRP, and PFWP are administered by Federal Agencies (Natural Resources Conservation Service [NRCS] and FWS, respectively), it does not acknowledge there is a Federal interest in these lands in the form of cost-sharing agreements and/or a

purchased easement. Federal funds have been or are being expended on these properties, and this must be addressed by FHWA and INDOT.” (0524-001, U.S. Department of the Interior, pgs. 2-6)

As mentioned previously, considerably more detail about existing habitats that would be affected by the project is needed in sections 4.9.4 and 5.9.4, terrestrial wildlife and habitat. Concerning rare species of wildlife (section 5.9.5), the FWS does not agree with the conclusion about project impacts on the black-and-white warbler (*Mniotilta varia*) (page 5-77). The DEIS states the probability of impacting this species is low since only limited preferred habitat, unfragmented upland forest, is available. The FWS believes the impacts on this species, and other more common species that require unfragmented upland or wetland forest will be moderate or greater because any of the build alternatives will further fragment the already stressed forestlands in the project area. (0524-001, U.S. Department of the Interior, pgs. 2-6)

Information on the federal and state interest in the designated/managed habitats has been included in both Chapters 4.9 and 5.9. Additional information regarding impacts to forestlands by the Preferred Alternative G-Es has been included in Chapter 5.9 of the FEIS. Additional information on those designated/managed habitat areas (Classified Forests, Conservation Reserve Program, etc.) that will be impacted by the Preferred Alternative is also included in Chapter 5.9. Also, the “Waters of the U.S.” Verification Report U.S. 31 Improvement Project Plymouth to South Bend In Marshall and St. Joseph Counties, Indiana revised on May 2, 2005 includes detailed information on wetland habitats to be impacted by the Preferred Alternative.

The black-and-white warbler (*Mniotilta varia*) is a neotropical migrant and area sensitive species. A study by Robbins, Dawson, and Dowell titled “Habitat Area Requirements of Breeding Forest Birds of the Middle Atlantic States” investigated the relationship between forest area and the probability of occurrence for individual bird species. The study found that certain species, including the black-and-white warbler, were only found in larger forest tracts. The study found that the probability of occurrence for this species was only 50% in forests 544 acres (220 hectares) in size. The study found that the species seems to be dependent on large tracts of forest interior during the breeding season, and no number of small isolated tracts can take the place of this requirement. The Preferred Alternative will only impact three forest tracts larger than 100 acres in size. The impacts to these three tracts range from four acres to 11 acres. Impacts to the black-and-white warbler are not expected to be significant because of the size of the forest tracts present in the area.

18. “The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalists*), the threatened bald eagle (*Haliaeetus leucocephalus*), the northern copperbelly water snake (*Nerodia erythrogaster neglecta*), and the candidate eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*). The expected status of each of these four species within the proposed project area is discussed in the DEIS (section 5.9.5). The FWS agrees that the proposed project is not likely to adversely affect the bald eagle, northern copperbelly or eastern massasauga. However, the presence or absence of the Indiana bat within the project area is not currently known. The DEIS indicated that surveys for the Indiana bat will be conducted in 2004 after the preferred alternative is selected.” (0524-001, U.S. Department of the Interior, pg. 6)

Mist netting for bats within the project area was conducted in July 2004. Four locations were netted for two nights each. No Indiana bats were captured. A total of 22 big brown bats (*Eptesicus fuscus*) and 3 red bats (*Lasiurus borealis*) were captured.

Because suitable habitat for this species could exist throughout the project corridor, where removal or modification of habitat cannot be avoided, steps to minimize impacts to

potential Indiana bats will be required. The following mitigation measure for the Indiana bat is suggested and will be implemented during design and construction of the project.

- To avoid any direct take of Indiana bats, no trees with a diameter of 3 or more inches will be removed between 15 April and 15 September. Tree clearing and snag removal will be kept to a minimum and limited to within the construction limits. If INDOT proposes to cut trees during the prohibited time, INDOT and FHWA must consult with the USFWS before any tree cutting may proceed.**

5.10 Water Resources

1. “Drainage in my area is already a very big concern. Virtually all of my neighbors have water problems after a rain. I am worried that the added runoff from the expressway and additional construction on Kern Road will make the problem even worse. This area is not in the city limits, thus, we rely on our own wells and septic systems.” (0418-003, Weber)

Bridges and culverts will be adequately sized to accommodate the 100-year flood event with less than 2 inches of elevation increase in any backwater areas. Stormwater detention and filtering (detention basins with vegetated sand filters, grass lined ditches) will be considered as Best Management Practices (BMPs) to address stormwater concerns.

2. “There could be a problem with ground water pollution from the Highway & water retention problems in the Spring we already have had that problem when we have had a real rainy Spring.” (0418-010, Richardson)

Stormwater detention and filtering (detention basins with vegetated sand filters, grass lined ditches) will be considered as BMPs to address stormwater concerns. Clay lined ditches and other containment/control measures will be considered in areas where groundwater pollution is a particular concern.

3. “Page 5-87 last sentence, and page 6-7 6.8.3 1st paragraph – We would characterize the proposed mitigation measures as “minimizing” adverse impacts to streams, rather than “no adverse effects” or “avoid any adverse effects.”” (0512-001, Detroit District, Corps of Engineers, p. 4)

This has been changed in the FEIS.

4. “Similarly, impacts on water quality should also be clearly explained either within Part 5.10.1 or in a separate part.” (0512-001, Detroit District, Corps of Engineers, p. 3)

Additional information has been added in Chapter 5.10, Water Resources, regarding water quality.

5. “I have not heard anything about the water or our underground water systems that we drink out of, how will they be affected.” (0318-080, Winfield)

Water quality impacts are discussed in Chapter 5.10, Water Resources.

6. “And finally I would remind INDOT that the City of South Bend and St. Joseph County urbanized area including the area along the northern end of this alignment is an MS Four area where we have to be very

sensitive to water quality in the St. Joseph river, Bowman Creek and Phillips Ditch drain any of these alignments and the City of South Bend and St. Joseph county Government are both charged with improving water quality in the St. Joseph river and the alignment need to, not only the wet land but also the open streams.” (0318-044, Littrell, South Bend City Engineer)

Potential stream impacts are discussed in Chapter 5.10. Stream impacts are described in more detail in the “Waters of the U.S.” Verification Report U.S. 31 Improvement Project (Plymouth to South Bend) Revised on May 2, 2005. Efforts will be made to avoid stream impacts. Stormwater detention and filtering (detention basins with vegetated sand filters, grass lined ditches) will be considered as BMPs to address stormwater concerns.

7. “If the road is to pass through these soil then muck removal and fill will be needed. If that is done, I must ask what the impact will be on the natural flow of the groundwater? What will be the impact on Riddles Lake? No such construction activity of this magnitude can fail to have an impact on Riddles Lake and the ground waters that feed Riddles Lake. This should be considered carefully and be weighed against Alternate GC. Now, I would like you to consider the consequences of such faulty highway design; in the soils I discussed previously and in such close proximity to Riddles Lake. Obviously, the runoff of road salt and other noxious compounds could spell catastrophe for Riddles Lade ecosystem. This should be carefully weighted and considered in the ecological impact of Alternate GC.” (0422-030, Riddle, pg.2)

Several factors will influence how much, if any, impact the roadway may have on groundwater flow through these areas. These include: construction methods used to cross the area; type of fill material used; depth of the muck soil; depth to the groundwater table; groundwater flow gradient; and surrounding soil characteristics. Many of these details will not be identified until final design; however, given the surface drainage through the mapped areas of muck soils crossed in the vicinity of Pleasant Lake and Riddles Lake, it is not anticipated that there would be a substantial impact to the lakes due to due to alteration of groundwater flow from the roadway. This will be evaluated further during final design. Stormwater detention and filtering (detention basins with vegetated sand filters, grass lined ditches) will be considered as BMPs to address stormwater concerns.

8. “Additionally, due to the high water level of these soil types, I am concerned about the impact to septic systems in this area. The raised roadbed will increase water issues in an already wet area.” (0416-011, Snell, pg. 2)

It is not anticipated that the roadway construction would increase groundwater elevations, which could negatively impact septic systems. In areas where this could be a potential (muck removal areas) more specific evaluation will be conducted during final design.

9. “In section 5.10, water resources, it is indicated that small open-water bodies would be impacted with any of the alternatives. It is also stated: “While the open water impacts themselves are not necessarily significant, these open waters are often associated with larger wetland complexes where overall impacts to the complex may be more significant.” However, it is not indicated if the affected open-water areas are isolated constructed ponds or if they actually are components of larger wetland complexes.” (0524-001, U.S. Department of the Interior, pg.6)

Open water impacts are limited for the Preferred Alternative. No large natural lakes within the project area will be directly impacted. The open water areas were generally small, isolated, excavated ponds with a wetland fringe. Open water impacts total approximately 0.69 acres.

10. “Section 5.10.1 of the DEIS properly mentions project area impaired stream segments included on the current Indiana list of impaired waters under Section 303(d) of the Clean Water Act and when the three project alternatives cross them. When EPA examines the environmental assessment of a project, we want to be sure both that high quality waters are not degraded and that impaired waters are not hindered from recovery by the primary and secondary efforts of the project. Each alternative under consideration must be evaluated to determine if the project will cause, or contribute to, impairment of the water body. Generally, water bodies within the watersheds in this area are stressed by aquatic life use limitations, siltation and pathogens. This issue needs additional analysis in the FEIS along with proposals to mitigate for potential impacts. (0511-001,USEPA, pgs.6 and 10)

Additional water quality data has been added to Chapter 5.10 in the FEIS. All appropriate permits, including Rule 13, Section 401, Section 404 permits, will be obtained as part of this project. All necessary measures to meet these permit requirements to assure water quality protection will be incorporated. Chapter 6, discusses potential Best Management Practices (BMPs) to prevent impairment of receiving waters.

11. “In addition to delineated wetlands the FEIS must also address impacts to other potential “special aquatic sites” in the project area, including any riffle-pool stream areas and sanctuaries or preserves (Federal, State, or local designations).” (0511-001,USEPA, pgs.6 and 10)

No riffle-pool stream areas, sanctuaries or preserves will be impacted by the Preferred Alternative G-Es.

12. “I also did not hear that the problem of the run-off water, melting snow, etc. has been addressed. The water table in the Gilmer Park area is very high already. You can’t dig 6 feet without hitting water. If you are going to elevate 31 any where from 15-25 feet, you won’t have retention ponds, you will have lakes. You will also need to take many more houses than you already plan to take, in order to accommodate the water problems that you will encounter. And thereby raising the amount of money needed for this option.” (0429-015, Bango)

The proposed U.S. 31 highway will be an at grade facility, and will no longer be elevated as it ties into the South Bend area. Stormwater detention and filtering (detention basins with vegetated sand filters, grass lined ditches) will be considered as BMPs to address stormwater concerns. The construction of US 31 is not anticipated to have an appreciable impact on groundwater levels. The height of the roadway above existing grade will have little impact on any detention basin sizing. Sizing will be more closely tied to the actual pavement footprint, which will be accommodated by a given basin, this will be more substantially impacted by the length of roadway draining to a particular basin.

5.11 Floodplains

*No substantive comments

5.12 Wetlands

1. “Option Cs was moved from the east, back west due to concerns about a higher loss of wetlands than with the more westerly option. I would like to point out that a high percentage of the loss appears to be from the retention ponds behind the Berliner and Marx meat processing plant (now closed) on Roosevelt. Those ponds were used to capture the blood from the slaughter of cattle and as such, should not be considered wetlands. At the very least the low quality of these wetlands should be considered.” (0321-010, Rosinski)

The retention ponds behind the Berliner & Marx plant were originally counted as open water ponds, not as wetlands, as listed on the United States Fish and Wildlife National Wetlands Inventory maps.

Alternative G-Es has been selected as the Preferred Alternative for this project. This alternative connects to U.S. 20 at the existing U.S. 31/U.S. 20 interchange. It does not pass through the Berliner & Marx plant area.

2. “A wetland delineation was not conducted for the DEIS. A wetland delineation is an essential tool to objectively evaluate alternatives. We highly recommend that a delineation be completed for the final EIS, or that wetland locations at least be verified on the ground. As we have previously offered, our staff is available to assist in wetland determinations, and to review wetland delineations for the project.” (0512-001, Detroit District, Corps of Engineers, p. 2)

Wetland delineations were conducted for the footprint of the Preferred Alternative, Alternative G-Es. Detailed results of the delineations can be found in the report, “Waters of the U.S.” Verification Report U.S. 31 Improvement Project (Plymouth to South Bend) – Revised on May 2, 2005. Representatives of the United States Corps of Engineers and the Indiana Department of Environmental Management reviewed proposed wetland impacts during a field review on November 4 – 6, 2004. At this time, agency representatives were able to assess impacts based upon their professional opinion.

3. “For example, in Part 5.12 *Wetlands*, the EIS should address the impacts on wetland functions, both from construction and long term use.” (0512-001, Detroit District, Corps of Engineers, p. 3)

Wetland functions are the hydrological and biological processes and characteristics that take place within a wetland. Wetland functions may include: 1) habitat for fish, migratory birds and other wildlife, 2) protection and improvement of water quality, 3) flood storage, 4) ground water recharge, 5) protection and enhancement of open space and aesthetic quality, 6) protection of flora and fauna, 7) sediment retention, and 8) nutrient retention and/or export. Not all wetlands perform all functions, nor do they perform functions equally well. Wetland functions are often dependent on the location, size, level of disturbance, water inflow and outflow.

Wetland functions will be lost for those wetlands directly taken by construction of the proposed highway. Wetland functions may also be impaired for those wetlands directly adjacent to the proposed highway. Wetland mitigation will replace those functions at a higher acreage ratio within the watershed of impact. Over time, these wetland functions are expected to be equal to or greater than those lost.

4. “We attended the Public Meeting on March 18 and were devastated to learn that either Alternative Cs or Es will take a significant portion of our farmland. We would also like to understand why the route is planned to be west of the old railroad south of Osborne Road, then jogs east onto our portion of the old railroad and further onto our farmland. If this is due to the wetlands development north of Osborne Road, we would argue that the recent development of those wetlands is less important than preserving the natural environment on our side of the railroad which has existed for hundreds of years.” (0325-001, Thornton)

Alternative G-Es has been selected as the Preferred Alternative for this project. This alternative is primarily east of existing U.S. 31 and connects to U.S. 20 at the existing U.S. 31/U.S. 20 interchange. Alternatives Cs and Es have been eliminated from further consideration.

5. “Please use the plan that would go along the existing Mangus Drive area, west of Lakeville. I have studied the maps and cannot figure out which alternative that is. I don’t like the wetlands east of US 31 or Riddles Lake to be disturbed. I would be a shame.” (0419-016, Rouch-German, pg.2)

Alternative G-Es was chosen as the Preferred Alternative. Alternative G-Es is a hybrid alternative that combines the southern portion of Preliminary Alternative G-C and the northern portion of Alternative Es. Alternative G-Es was chosen, in part, because it would result in lower wetland and forest (wildlife habitat) impacts when compared to the other preliminary alternatives. The Preferred Alternative does not impact large wetland complexes east of Riddles Lake.

6. “The reader is directed to section 5.12, Wetlands, for a detailed description of wetlands impact; but section 5.12 does not provide any details, just generalities. In the final EIS, both of these sections should provide more specific information, such as: 1) whether the unconsolidated bottom wetlands are isolated constructed ponds or natural open-water areas within wetland complexes and 2) the locations of the actual wetland impacts on the landscape and how are they related to each other; i.e., whether they are concentrated in specific areas or spread relatively evenly throughout the project impact areas.” (0524-001, U.S. Department of the Interior, pg. 6)

Wetland delineations were conducted for the footprint of the Preferred Alternative, Alternative G-Es. Detailed results of the delineations can be found in the report, “Waters of the U.S.” Verification Report U.S. 31 Improvement Project (Plymouth to South Bend) – Revised May 2, 2005. The report includes detailed figures and pictures of the proposed wetland impacts. Representatives of the United States Corps of Engineers and the Indiana Department of Environmental Management reviewed proposed wetland impacts during a field review on November 4 – 6, 2004. At this time, agency representatives were able to assess impacts based upon their professional opinion.

Most of the unconsolidated bottom wetlands to be impacted by the preferred alternative are isolated, ponds constructed for residential or agricultural use. In some cases, wetland fringe exists along the parameter of these areas. These areas are listed as “Open Water” in the “Waters of the U.S.” Verification Report. A total of only 0.69 acres of open water will be impacted by the Preferred Alternative. This has also been clarified in the FEIS.

7. “The potential adverse impacts to water resources, including wetlands, from this project must be considered in light of the massive historic loss of wetlands and alteration of water resources in this area. Indiana has lost more than 87 percent of its historic wetlands, the fourth greatest percentage loss in the lower 48 States. With this has come a loss of wetland systems’ natural contributions to clean water, flood water storage and wildlife habitat. In addition, the historic channelization of a substantial proportion of streams in the study area has resulted in the loss of natural stream channel geomorphology and riffle-pool systems, with the consequent loss of aquatic habitat and other functions and values of streams. Using existing wetlands inventories is acceptable for DEIS, including the National Wetlands Inventory and farmed wetland data. For the FEIS several other sources of information need to be examined as well, to avoid adversely impacting ongoing wetlands protection efforts. In recent years many acres of wetlands have been restored in Indiana by the Wetlands Reserve Program of the Natural Resources Conservation Service. These carry long term or permanent easements to protect these wetlands. Any Wetland Reserve projects in the study area that would be affected by the alternatives under consideration must be identified along with the type of easement granted. In addition, any wetland compensatory mitigation sites required by past 404 permits issued by the Corps of Engineers and 401 permits issued by the Indiana Department of Environmental Management must be identified. Any impacts the alternatives under consideration are likely to have on these wetland mitigation sites must be identified.” (0511-001, USEPA, pg. 1, 6)

Natural Resources Conservation Service (NRCS) Wetland Reserve Program (WRP) properties are discussed in Chapter 5.9. Coordination with the NRCS indicates no WRP properties will be impacted by the Preferred Alternative.

Coordination with the Detroit District of the United States Army Corps of Engineers indicates there are no compensatory wetland mitigation sites in the project area. This has been added to the FEIS.

8. “In section 5.12 it is also stated that “...unconsolidated bottom wetlands may be replaced by the construction of borrow pits for the highway.” If the impacted unconsolidated bottom wetlands are isolated farm ponds, this mitigation might be acceptable. However, if they are natural components of wetland complexes, borrow pits would not be considered acceptable mitigation as they would not provide functional replacement.” (0524-001, U.S. Department of the Interior, pg. 6)

Most of the unconsolidated bottom wetlands to be impacted by the preferred alternative are isolated, ponds constructed for residential or agricultural use. In some cases, wetland fringe exists along the parameter of these areas. These areas are listed as “Open Water” in the “Waters of the U.S.” Verification Report. A total of only 0.69 acres of open water will be impacted by the Preferred Alternative. This has also been clarified in the FEIS.

5.13 Visual and Aesthetic Resources

1. “Our most concern is having a fence and wall put up in front of our house. The value of our house will go down. We have lived here for 40 years. We would rather have the house taken then have a wall in front of it.” (0327-001, Harris)

In coordination with St. Joseph County and South Bend officials, the elevated option for the alternatives along existing US 31 near US 20 was discarded. The facility will at grade in this area.

2. “These eastern routes impact open space and agriculture in a very dramatic way, and would negatively affect the local cultural landscape greatly.” (0426-076, Dosmann)

“Thirdly, this double ribbon of multi-lane concrete will make the southern entrance into South Bend as ugly as one can conceive, eight lanes of concrete separated by less than a quarter-mile where drivers on either road can watch drivers on the other.” (0315-006, Jemielity, p. 2)

All alternatives would result in visual impacts. Context Sensitive Solutions (CSS) will be considered during the design phase to mitigate visual impacts. CSS are utilized to create positive impacts and reduce negative impacts associated with the project without compromising safety. CSS that could be incorporated into a context sensitive design include measures that demonstrate sensitivity to aesthetic values, historic cultural landscapes, and the historic context of the area.

3. “In the discussion of visual impacts, section 5.13, there are several figures showing probable views of proposed interchanges at Kern Road, Pierce Road, and U.S. 20. Figure 5.13.51 shows the new trumpet-type interchange at U.S. 20; but the woodland that is clearly within the right-of-way of new U.S. 31 (figure 5.13.50) has been moved to the west, out of the way of the highway. Unfortunately, in real life it is not possible to completely move woodland out of the right-of-way.” (0524-001, U.S. Department of the Interior, pg. 6)

Alternative G-Es was selected as the Preferred Alternative. The figure has been revised in the FEIS to show a more accurate potential interchange configuration and associated impacts.

5.14 Hazardous Materials Sites

1. “Also, both Cs and G-C would involve road and interchange construction over potentially contaminated ground, thus requiring unplanned mitigation or significant rerouting (section 5.14).” (0429-020, Campoli)

“For instance, the two western routes require a new interchange to be constructed on the US 20 by-pass on Ireland Road. There are known petro-chemical problems in this very area, and the DEIS seems to reflect no study of other known contaminated sites and the aquifers that might bring that contamination to this site, and raise the cost dramatically.” (0426-028, Germann, Sr.)

“If either of these routes is chosen, soil sampling will need to be conducted and the possibility exists that the current roadway plans may need to be altered if contaminated soil is found in areas that are currently planned on being built upon.” (0423-026, Task Force Report representing several subdivisions, p. 11)

Alternatives Cs and G-Cs were encroaching upon the ARCO Storage facility where these two alternatives would connect with US 31. After coordination with IDEM and a new design of the interchange at US 20 south of the ARCO site it was found that none of the alternatives would be in the vicinity of any hazardous materials related to this site. The ground water in this area travels in a northwestern direction away from right-of-way associated with all of the alternatives. The Preferred Alternative G-Es is located away from any potential hazardous materials related to this site as well and does not require an interchange in this area.

2. “Clearly, route Es is the best roadway choice when considering Hazardous Material Sites. It impacts 20% fewer sites and does not impact any Superfund sites. Both route Cs and route G-C cross over Superfund sites and contaminated soil at these sites may force the alteration of the current roadway plans, incur additional costs and possibly force more home displacements.” (0423-026, Task Force Report representing several subdivisions, p. 11)

The Preferred Alternative is G-Es. This alternative will not impact those sites.

3. “Although we believe this document adequately addresses most topics related to human health and safety, we still have concerns about potentially contaminated hazardous waste sites and demolition of structures that may contain asbestos or lead materials. These issues should receive further clarification in the Final Environmental Impact Statement (FEIS). Section 5.14 identifies seven sites which are located near the proposed alignments that are listed in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS). It was stated that these sites are listed as archived by EPA, meaning that EPA does not plan to take any further steps under the Superfund Program. Depending on the final highway alignments selected, the Jackson Road County Landfill, the Ireland Road site, the St. Joseph County Landfill, and the ARCO site may fall within roadway construction areas. While the DEIS states that if right-of-way alignments do fall within these sites “it is recommended that soil sampling be completed to screen for possible contaminants,” it is unclear to us just what information is planned for the final document concerning any needed mitigation activities. We believe that further investigations of these potentially contaminated sites should occur prior to finalizing any ROW purchases.” (0331-006, Joe, National Center for Environmental Health, pgs. 1 and 2)

Further work has been done to identify the contaminants if any at all of the sites within and close to the right-of-way. The recommended mitigation for the sites affected by the preferred alternative is listed in Chapter 6, Mitigation, of the FEIS. The only archived CERCLIS site that is near the preferred alternative is the Ireland Road Site, which currently has a remediation plan that will be implemented if the site is developed into a commercial area as planned.

4. “We also noted that a number of underground storage tanks, leaking underground storage tanks, and RCRA sites were also identified a potentially impacting the proposed highway project. The FEIS should also detail further planned investigations of these areas for toxic and hazardous chemicals after the final route alignment is selected. If contaminants are found at that time, the same information that was described above for the CERCLA sites should also be provided for these additional sites.” (0331-006, National Center for Environmental Health, pgs. 1 and 2)

Many of the RCRA sites are conditionally exempt small quantity generators of hazardous materials. In addition many of the UST and LUST have been removed or closed using NFA 94 Guidance. Further work has been done to identify the contaminants if any at all of the sites within and close to the right-of-way. The recommended mitigation for the remaining sites affected by the preferred alternative is listed in Chapter 6, Mitigation, of the FEIS.

5. “The FEIS should also consider lead and asbestos issues. Alternatives Cs, Es, and G-C would require the acquisition of 49, 90, or 58 residences respectively. These same alternatives would also require acquisition of 8, 32, or 6 businesses respectively. All alternatives would require acquisition of one church. Due to the age of buildings within potential routes, it is likely that some of these structures may contain lead and/or asbestos. Have any preliminary investigations been made for asbestos-containing materials or lead? The FEIS should state plans to test for these materials and discuss measures that will

be taken to remove and properly dispose of any asbestos-containing or lead-containing material that may be found.” (0331-006, National Center for Environmental Health, pgs. 1 and 2)

IDEM regulations for inspection and removal of asbestos and lead paint will be followed in situations where asbestos containing materials and lead based paints are suspected to occur during the acquisition period.

5.15 Energy Impacts

*No substantive comments

5.16 Construction Impacts

1. “It would be crossing acres and acres of muck south and east of Riddles Lake. This could be more costly than estimated in both money and time as they ran into a similar problem at the Kern & Elm Rds. Project.” (0401-001, Fuchs, p. 2)

All alternatives cross similar amounts of muck soils. While this will be an issue during design and construction, it would be similar for all alternatives.

2. “All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the National Geodetic Survey’s home page at the following Internet World Wide Web address: <http://www.ngs.noaa.gov>. After entering the this home page, please access the topic “Products and Services” and then access the menu item “Data Sheet.” This menu item will allow you to directly access geodetic control monument information from the National Geodetic Survey data base for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project. If there are any planned activities which will disturb or destroy these monuments, NOS requires not less than 90 days’ notification in advance of such activities in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation(s) required.” (0407-002, Kennedy, U.S. Department of Commerce, NOAA)

Any control monuments which will be impacted by the selected alternative will be replaced. The appropriate coordination with the National Geodetic Survey will be conducted prior to construction.

3. “What will this do to our drainage? Will the depth of the pipeline that you are crossing affect the drainage you can install? Will we have sufficient drainage after the bypass goes through our property?” (0428-002, Miller)

All existing drainage structures will be maintained/replaced during and after the construction of the roadway. If a subsurface storm sewer/drainage tile provides the only current drainage, this will influence the roadway drainage design; however, the design will provide sufficient drainage for the roadway, as well as maintain existing drainage features.

The existence of a transmission pipeline will not limit drainage accommodations for the roadway, if necessary, these will be moved.

4. “Difficulties during construction, including inconvenient traffic flow patterns, are inevitable. If these logistics had been deemed impossible to overcome, this route (as well as the others in the initial study

that use the existing US 31 corridor) would never have been considered. Perhaps this statement in the petition is not false, but it clearly is nothing more than a red herring.” (0423-013, Masters, p. 2)

During the design phase of the project a detailed traffic maintenance plan will be developed to minimize disruption to traffic.

5. “Then further south of Lake Trail it encounters lots of muck ground and who knows what you will run into beneath the muck.” (0423-004, Fuchs)

Per the St. Joseph County Soil Survey, the muck is underlain by medium to fine sand at a depth of approximately 4.5 feet. While some variation from this is expected, the data is generally accurate relative to specific site conditions.

6. “The discussions of impacts upon the natural environment are understated, especially as one approaches the glacial drift and moraines found on the south side of South Bend. This is a very fragile area of very poor drainage and water-saturated soils with high water table and poorly defined surface drainage. The impact of an elevated highway construction with its borrow-pits and obstacles to surface drainage, as well as its own runoff, is not discussed in the DEIS. There is no mention of borrow pits and only a vague discussion of the current situation included where wetland are discussed.” (0425-030, Autry & Leach, p. 1)

The proposed U.S. 31 highway will be an at grade facility, and will no longer be elevated as it ties into the South Bend area. All existing drainage features will be maintained/replaced during and after construction to minimize any impacts to the local hydrology. Stormwater detention and filtering (detention basins with vegetated sand filters, grass lined ditches) will be considered as BMPs to address stormwater concerns.

7. “I would like to caution the designers of the highway to do your water run off calculations carefully and use your conservative numbers in your drainage assumption.” (0318-051, Riddle)

These calculations will be completed with the best available data during final design. Bridges and culverts will be designed to accommodate the 100-year flood event.

8. “The constructability issues also worry us, this needs to be built over a period of some time and we need to maintain traffic during the construction. We’re worried about how we built a ten foot elevated road and maintain traffic with formal, informal detours. Some of those informal detours may reek havoc on neighborhoods and county roads.” (0318-043, Gilot, South Bend Public Works Director)

“We believe that the construction challenges are far more difficult for this route (Es). Maintaining traffic during the build will result in major delays and negative impacts on formal and informal detour routes.” (0406-002, Luecke)

The proposed U.S. 31 highway will be an at grade facility, and will no longer be elevated as it ties into the South Bend area. Some traffic disruptions during construction are unavoidable. The development of a traffic maintenance plan for the construction process will limit these unavoidable disruptions, and address concerns with detour routes.

9. “I would also like to caution you on Route G-C that at Rockstroh and Kenworth Road you’ve got close to a mile of muck soil and that’s not good soil for highway construction. I can remember tractors when I

was child getting stuck, we could not farm some of those fields, which you are going to travel through, at certain times of the year.” (0318-051, Riddle)

All alternatives cross similar amounts of muck soils. While this will be an issue during design and construction, it would be similar for all alternatives.

10. “Whenever construction begins, local people will use any possible route to get around the area. This will greatly increase the traffic on many of the county side roads, which are not in that good of shape to begin with. Also these roads were not intended for the potential traffic that will happen. Even now, whenever there is a bad accident on US31, the rerouted traffic on Locust is terrible. There will also be many more accidents due to the heavy traffic on these roads. Lets think about the length of time such a project will take, rerouting and detouring all of the traffic approaching or leaving the south part of South Bend.” (0318-026, Warren)

Some traffic disruptions during construction are unavoidable. The development of a traffic maintenance plan for the construction process will limit these unavoidable disruptions, and address concerns with detour routes.

11. Thirdly, during the many months of construction the narrow convergence of the two highways will create impasses, traffic jams, and severe limitations of access. Fourthly, police, fire, and medical emergency vehicles will require a greater response time both during and after construction.” (0426-083, Dierbeck)

Some traffic disruptions during construction are unavoidable. The development of a traffic maintenance plan for the construction process will limit these unavoidable disruptions. Following construction, overall access will be improved, thus decreasing overall emergency services response times. Efforts have been made to maintain both north-south and east-west connectivity in the South Bend area.

12. “Just north of Roosevelt road, **option Cs goes across a peat bog** that is going to increase construction cost and increase environmental damage. **Current surveys indicate this area ‘unsuitable for road construction’.**” (0321-010, Rosinski)

Alternative G-Es has been chosen as the Preferred Alternative and Alternative Cs is no longer under consideration. The area in question will not be impacted by this project. All alternatives cross similar amounts of muck soils. While this will be an issue during design and construction, it would be similar for all alternatives.

13. “The FEIS should include detailed information for any sites that may be disturbed by construction activities. Specifically, the FEIS should address each contaminated site impacting the final alignment; the nature and extent of the contamination; planned mitigation measures; planned measures to protect workers and the public; the preparation of site safety plans, sampling and testing strategies; and plans for final site cleanup certification.” (0331-006, Joe, National Center for Environmental Health, pgs. 1 and 2)

See Section 5.14 Hazardous Materials Sites. All appropriate measures will be implemented where hazardous material contamination is encountered.

5.17 Permits

1. “In previous communications, we recommended that INDOT submit a permit application prior to finalization of the decision documents. We outlined this in our October 31, 2003 letter. Our February 11, 2004 correspondence also described the circumstances where we may be unable to continue as a cooperating agency, one of these being the absence of a permit application. We continue to recommend early submittal of a permit application so that the Corps has the opportunity to fully and fairly consider the options within the NEPA process.” (0512-001, Detroit District, Corps of Engineers, p. 4)

All appropriate permits will be applied for prior to construction.

“The least environmentally damaging practicable alternative (LEDPA) is the one that may be permitted. With any alternative selected, the project design process will offer opportunities to refine and ideally further reduce the impacts, based on the actual location of the highway, aquatic resources and specific design measures.” (0511-001, USEPA, pgs.7 and 8)

“In both NEPA and the 404 process, multiple adverse impacts must be balanced. Planning for highway projects, as reflected in the DEIS, must address a variety of State and Federal environmental and preservation requirements, including but not limited to, Section 404 permitting, properties subject to U.S. Department of Transportation Act Section 4(f), threatened and endangered species, archaeological and historic preservation requirements and cemetery laws. A description and explanation of how these requirements have been balanced in the FEIS will contribute to both the NEPA process and the future 404 permit process. The FEIS should explain how these various requirements were prioritized and balanced in the alternatives decision making process and how this complies with regulatory requirements. The DEIS identifies and evaluates a NO-build Alternative and three build alternatives in detail (i.e., Alternatives Cs, Es and G-c). All three build alternatives are proposed as a limited access 4- to 6-lane freeway approximately 20 miles in length, with 4 to 5 interchanges. All three alternatives are substantially on new alignment. The DEIS does not identify a Preferred Alternative.” (0511-001, USEPA, pgs.7 and 8)

A description of the alternative selection process is included in Chapter 3 of the FEIS. Alternative G-Es, which is a hybrid alternative consisting in the southern portion of Alternative G and the northern portion of Alternative Es, was selected as the Preferred Alternative. Alternative G-Es had the lowest wetland impacts of the four carried forward for detailed study. The Federal Highway Administration (FHWA) considers the Preferred Alternative to be the LEDPA. A Section 404(b)(1) LEDPA Consistency Analysis is included in Appendix T of the FEIS.

2. “Application to the formal 404 process is anticipated to begin after on-the-ground wetland delineations are performed for the project alternative proposed in the FEIS. (0511-001, USEPA, pgs.6 and 10)

Wetland delineations using the 1987 U.S. Army Corps of Engineers manual were conducted for the Preferred Alternative G-Es. Details of the delineations are included in the “Waters of the U.S.” Verification Report U.S. 31 Improvement Project (Plymouth to South Bend) – May 2, 2005. All appropriate permits will be applied for prior to construction.

3. “The three build freeway alternatives (Cs, Es, and G-C) carried forward and analyzed in detail in the DEIS have wetland impacts ranging from 40.5 to 57.7 acres. Approximately half of this acreage at risk is forested wetlands. A U.S. Army Corps of Engineers (Corps) Clean Water Act (CWA) Section 404

permit will be required prior to project construction. EPA believes that it is in our agencies' collective interest that the level of detail and analysis in the DEIS should contain alternatives that are likely to be raised for analysis during the Section 404 permitting process. Section 404 requires the selection of the least damaging practicable alternative (LEDPA) under Section 404(b)(1) Guidelines. We are concerned that there are other alternatives that may have less wetland impacts than the three DEIS build alternatives. Therefore, the selection of one of the DEIS build alternatives as the Final EIS Preferred Alternative might not be consistent with the selection of the LEDPA during the 404 permitting process." (0511-001, USEPA, pg. 1, 6)

Alternative G-Es, which is a hybrid alternative consisting in the southern portion of Alternative G and the northern portion of Alternative Es, was selected as the Preferred Alternative. Alternative G-Es had the lowest wetland impacts of the four carried forward for detailed study. A Section 404(b)(1) (LEDPA) Consistency Analysis is included in Appendix T of the FEIS.

5.18 Short Term Uses of Environment Versus Long Term Productivity

*No substantive comments

5.19 Irreversible and Irretrievable Commitment of Resources

*No substantive comments

5.20 Indirect and Cumulative Impacts

1. "Beyond this, Alternative G-C is expected to have an indirect negative impact on 85 acres of farmland which is substantially greater than the indirect impacts associated with Alternatives Cs and Es which are 45 acres and 35 acres, respectively." 0316-002, Whippo)

The Preferred Alternative G-Es is estimated to only have 30 acres of indirect impact upon farmland, which is the lowest of all the alternatives.

2. "Page 5-118 – The statement that "...the trend today is an increase in wetland because of the 'no net loss' policy signed by President Clinton." Oversimplifies a complicated situation, and we recommend that it be removed or revised. Recent figures are not available to confirm overall wetland trends in Indiana. From the regulatory perspective, wetland losses have slowed, but have not abated completely. However, the permit program is only one part of the wetland equation. The other part is the agricultural community, where various wetland restoration programs offset wetland losses. The overall change in wetland trends is likely due to a combination of policy changes rather than one single factor." (0512-001, Detroit District, Corps of Engineers, p. 4)

The statement "the trend today is an increase in wetland because of no net loss policy signed by President Clinton" has been removed from the document.

3. "Then there is also the onslaught of secondary development which will only exacerbate the environmental damage initiated with the highway project." (0425-030, Autry & Leachan, p. 1)

With the construction of a new roadway it is a common misconception that tremendous amounts of secondary impacts will occur. In some cases this is true and in others it is not. For the Preferred Alternative G-Es the amount of development predicted to occur near the interchanges is 35 acres. Most of this development is located near the areas of

Kern Road and Pierce Road. Both of these areas are currently commercial areas and have been previously cleared and are now open grass lots or farm fields.

Chapter 6 - Mitigation

6.1 Relocation Assistance

1. “Lastly in the event that you disregard the two options I discussed earlier, as a doctor of eminent domain it has been indicated that you pay fair market value for those properties that you will destroy. But what about those properties that will lie close to your highway, as the last speaker discussed or the bone before and suffer up to a 50 percent devaluation. That provisions have you made for this?” (0318-031, Martin, 3/18/04 Public Hearing Session Minutes, pg. 3)

“I am supportive of any alternative that would do this but my concern would be that people be paid approximately fair market value even if the house is currently within I would say at least 500 feet because as the one lady said, it would definitely reduce your income, or the value of your house, and they wind up fixing it up trying to make some money on it, and it definitely affects you.” (0318-035, Vincent, 3/18/04 Public Hearing Session Minutes, pg. 5)

All property will be acquired in accordance with the Uniform Act. There is no compensation unless the property is located within the project right-of-way or if reasonable access to the property cannot be maintained. Damages are paid for a property if the proposed right-of-way takes a portion of the property, or directly impacts the value or utility of the improvement, but does not take the entire parcel.

6.2 Historic and Archaeological Resources Mitigation

1. “Provide dense tree plantings along the east side of the section of new road between 2C Road and U.S. 6 to alleviate visual intrusion of the road behind the series of old farms on the west side of Lilac Road. These farms are listed in the historic sites and structures survey and should retain their rural character.” (0308-003, Garner, Wythougan Valley Preservation Council)

Context Sensitive Solutions (CSS) will be given consideration during the design phase of this project. CSS could include vegetation plantings.

6.3 Air Quality

*No substantive comments

6.4 Noise Impacts

1. “The flawed analysis contained in the DEIS with regard to the potential cultural resource impacts associated with Alternative G-C, as noted immediately above, reveals a more general failure of the DEIS to disclose, analyze and describe mitigation plans relative to the adverse impacts of air, noise and light pollution which will affect the area. Only little more than passing reference seems to be made in the DEIS with regard to issues of air, noise and light pollution. References are made to considering potential noise barriers in the forms of earthen berms and/or vertical walls. No exact locations, descriptions or cost estimates concerning such measures are provided. The conscious decision not to disclose data or methodologies or specific plans deprives the public and their representatives of information which is needed for the decision-making process in determining whether one of the

remaining alternatives or a no-build alternative should be selected. The effect of these failures is to render any final decision other than the no-build alternative subject to attack.” (0316-002, Whippo)

Additional noise analysis, including barrier analysis, was conducted and described in Chapter 5.8 and 6.8 of the FEIS. A more detailed noise analysis will be performed during final design. Potential impacts of noise and light pollution to historical resources is discussed in Chapter 5.6. Air quality impacts are discussed in Chapter 5.7.

2. “Special emphasis should be placed on identifying and committing to measures that reduce the visual and noise impacts associated with a new roadway and sensitive noise receptors throughout the US 31 corridor.” (0511-001, USEPA, pgs.6 and 10)

Noise impacts and mitigation are discussed in Chapters 5.8 and 6.8 of the FEIS.

6.5 Farmland

*No substantive comments

6.6 Wetland Mitigation

1. “Alternative Es impacts fewer wetlands than the other 2 routes. However, it is my understanding that for every 1 acre of wetland acquired, it must be replaced by at least 3 acres of wetlands. Route Cs initially impacts 57.7 acres and would result in approximately 172 acres of wetlands. Gc initially impacts 45.3 acres and would result in approximately 135 acres of wetlands. Es initially impacts 40.5 acres and would result in 120 acres of wetlands. Cs should result in the most wetlands upon completion of this project. I realize additional costs would be incurred if Cs were chosen, but extra spending for the environment is a lot easier to justify. I also believe the additional expense for the land would still keep the final costs lower than route Es. In the long run, wouldn’t the additional wetlands be better for the environment?” (0426-075, Umbaugh)

Wetland mitigation ratios range from 2:1 to 4:1 depending on the type of wetland impacted. Permitting requirements state that wetland mitigation is only considered an option after efforts to avoid and minimize wetland impacts have been undertaken. Cost is not the only factor that is considered during alternative selection.

2. “Wetlands are necessary to preserve and improve water quality. The ES route will pass over or through an ancient peat bog. Other routes will also pass through wetlands, some of them along the old railroad bed primarily the result of changing the topography of the land to create the raised rail bed. In both cases, EPA requirements will result in creation of new wetlands twice to four times the area of those drained for the road. This is admittedly a costly undertaking, but it cannot possibly be as costly as taking the homes and businesses and providing support for the relocation of those people displaced by ES. After all, the state was 70 percent swamp when the first Europeans arrived. It surely cannot be difficult to find areas to replace dispossessed wetlands.” (0423-016, Jemieliity, p. 1-2)

Alternative G-Es was chosen as the Preferred Alternative in part because it minimized impacts to wetland resources. Alternative G-Es will not impact any bogs or fens. Permitting requirements state that wetland mitigation is only considered an option after efforts to avoid and minimize wetland impacts have been undertaken. Cost is not the only factor that is considered during alternative selection.

Wetland restoration can be a difficult process due to the wide range of changes the landscape has undergone since European settlement. Wetland mitigation sites and/or easements can only be purchased from “willing sellers.”

3. “ True, it would disrupt about 54 acres of wetlands. But if we have to replace four acres of wetland for each one lost and if it costs \$1,000 an acre to replace wetlands, that would mean an addition of \$216,000 to the cost of the alternative route. This is a lot less than the 40 million + price tag for the E-S route over the cost of the alternative.” (0420-019, Miller)

“Another clause that wasn’t listed was the mitigation of the Wetland, what’s this going to cost? You just can’t go tearing through there with having to change it. I think the Federal Government wouldn’t allow that to happen, what is the cost going to be to these? These haven’t been addressed either, at least no wherer that I could find after going through the document.” (0318-082, Yoder, 3/18/04 Public Hearing Session Minutes, pg. 26)

Alternative G-Es was chosen as the Preferred Alternative in part because it minimized impacts to wetland resources. Alternative G-Es had the lowest relative NWI wetland impacts of the alternatives under detailed study. Wetland mitigation costs can vary widely depending on site-specific and project-specific factors that affect preconstruction (i.e. number of sites, site location, acquisition & design), construction (i.e. excavation, planting), and post-construction (i.e. monitoring, remediation) of the mitigation site or sites. Wetland mitigation costs are generally proportional to the wetland impact, so the greater the impact the greater the cost. Wetland mitigation costs will be determined for the preferred alternative after final design and permitting.

4. “ Page 6-5 Part 6.6 – Mitigation wetland location and design must be completed as part of the Corps’ permit process. Mitigation construction may occur at the time of construction for the roadway.” (0512-001, Detroit District, Corp of Engineers, pg. 4)

Wetland mitigation will follow all permitting agency requirements. A Conceptual Wetland Mitigation Plan for the Preferred Alternative G-Es has been developed and is included in the FEIS as Appendix N. This plan is conceptual in nature and contains eight possible general locations for wetland mitigation. A more detailed Wetland and Stream Mitigation & Monitoring Plan will be developed prior to permitting.

5. “The final step in sequencing is to examine and provide ways of offsetting the absolutely unavoidable loss of the aquatic resources through compensatory mitigation. Well planned and sized mitigation projects attempt to address the serious problem of the time and uncertainty involved in restoring wetlands, especially a wooded wetland, as well as provide compensation for anticipated impacts to water quality. The difficulty of restoring wooded wetlands is acknowledged in the 2002 Compensating for Wetlands Losses Under the Clean Water Act report of the National Research Council, National Academy of Sciences. The DEIS has covered compensatory mitigation for wetlands losses in very general terms, recognizing some of the mitigation ratios in appropriate use for Indiana highway projects, which meet the needs of this project. More work on compensatory mitigation for wetland and water quality and aquatic resource impacts is in order for the FEIS.” (0511-001, USEPA, pgs.7 and 8)

Wetland mitigation will follow all permitting agency requirements. A Conceptual Wetland Mitigation Plan for the Preferred Alternative G-Es has been developed and is included in the FEIS as Appendix N. This plan is conceptual in nature and contains eight possible general locations for wetland mitigation. A more detailed Wetland and Stream Mitigation & Monitoring Plan will be developed prior to permitting.

6. “The abundance of hydric soils in the study area point to good potential for finding wetland restoration sites where a wetland water regime can be restored. EPA prefers that compensatory mitigation sites be within the same “8-digit” USGS watershed where the loss occurred and that forested wetlands are replaced with forested wetlands. Mitigation must be planned for the long term sustainability of the project. Wetlands restored should be located in a place anticipated to be free from future land use and development conflicts, preferably as part of an existing wetlands complex. If advance purchase of right-of-way is contemplated after the NEPA Record of Decision for this project, that would be a good time to identify and acquire potential mitigation sites at suitable locations.” (0511-001, USEPA, pgs.7 and 8)

All wetland mitigation sites will be located within the same 8-digit watershed where the impacts will occur. For this project, they will be located within the Kankakee watershed or the St. Joseph watershed. Mitigation sites will be adequately designed and monitored to ensure site success. If the site is deemed unsuccessful, remediation will occur. Mitigation sites will also be purchased or an easement purchased in order to ensure the site will remain wetland in perpetuity.

A Conceptual Wetland Mitigation Plan for the Preferred Alternative G-Es has been developed and is included in the FEIS as Appendix N. This plan is conceptual in nature and contains eight possible general locations for wetland mitigation. Many of these sites are adjacent to existing high quality wetlands or uplands. Many of these sites are also in areas where there is a local interest for wetland restoration or water quality improvements.

7. “Point 3 in the petition states that Es is the most costly of the choices and claims that the penalty will increase as more factors are considered. The reality is that the DEIS does not account for important and potentially significant costs, including environmental mitigation for lost wetlands, scrublands, and forests. Since the other two Alternates affect more environmentally sensitive areas than does Es, mitigation expenses will narrow the cost gap. Also, right-of-way costs are included in the study, thus refuting the claim of extra “buy-out, relocation, and moving expenses.” (0423-013, Masters, pg. 3)

Only wetlands (including forested wetlands and scrublands) and streams will require mitigation in order to acquire a permit from regulatory agencies. Wetland mitigation costs can vary widely depending on site-specific and project-specific factors that affect preconstruction (i.e. number of sites, site location, acquisition & design), construction (i.e. excavation, planting), and post-construction (i.e. monitoring, remediation) of the mitigation site or sites. Wetland mitigation costs are generally proportional to the wetland impact, so the greater the impact the greater the cost. Wetland mitigation costs will be determined for the preferred alternative after final design and permitting.

The projected relocation and right-of-way acquisition costs were included in the study and include right-of-way costs for acreage and improvements required for actual construction, relocation costs, costs for acquiring structures and improvements due to lost access, and administrative fees. These costs are estimates only and are based on a field survey. An INDOT approved appraiser evaluated the properties that would be impacted by the various working alignments and categorized properties into a range of values.

8. “The preliminary cost estimates are \$228.9 million for route Cs, \$262 million for route Es and \$224.9 million for route G-C. These estimates do not include costs for the mitigation of wetlands, farmlands

and forests which are adversely impacted by these routes.” (0423-026, Task Force Report representing several subdivisions, pg. 13)

Only wetlands (including forested wetlands and scrublands) and streams will require mitigation in order to acquire a permit from regulatory agencies. Wetland mitigation costs can vary widely depending on site-specific and project-specific factors that affect preconstruction (i.e. number of sites, site location, acquisition & design), construction (i.e. excavation, planting), and post-construction (i.e. monitoring, remediation) of the mitigation site or sites. Wetland mitigation costs are generally proportional to the wetland impact, so the greater the impact the greater the cost. Wetland mitigation costs will be determined for the preferred alternative after final design and permitting.

9. “The preliminary estimates are up to \$228.9 million for Cs, to \$262 million for Es, and to \$244.9 million for G-C. What those estimates fail to include are costs for mitigation for lost wetlands, forests and farmlands attendant to Alternates Cs and G-C, or relocation of power lines required by Cs and G-C. Nor do those costs account for the User Benefits savings of \$30 million or more. Despite the apparent premium, Es is still the best choice.” (0325-004, Grundy)

Alternative G-Es was chosen as the Preferred Alternative in part because it minimized impacts to wetland resources. Alternative G-Es had the lowest relative NWI wetland impacts of the alternatives under detailed study.

Only wetlands (including forested wetlands and scrublands) and streams will require mitigation in order to acquire a permit from regulatory agencies. Wetland mitigation costs can vary widely depending on site-specific and project-specific factors that affect preconstruction (i.e. number of sites, site location, acquisition & design), construction (i.e. excavation, planting), and post-construction (i.e. monitoring, remediation) of the mitigation site or sites. Wetland mitigation costs are generally proportional to the wetland impact, so the greater the impact the greater the cost. Wetland mitigation costs will be determined for the preferred alternative after final design and permitting.

10. “Third, the DEIS, in Chapter 5, page 91, states “Appropriate wetlands impacts will be mitigated by replacement.” Different wetland types are mitigated by different quantities of acres. When the mitigation factors are applied to the types and quantities of wetlands impacted, nearly 100 additional acres of land will be converted from its current state, farmland or forests, into wetlands.” (0423-026, Task Force Report representing several subdivisions, p. 6)

Wetland mitigation for the Preferred Alternative G-Es is estimated to be approximately 110 acres. Wetland mitigation for this project will involve wetland restoration from agricultural areas. This will involve restoring areas that were once wetlands back to their pre-settlement state, rather than creating wetlands from upland areas. Wetland mitigation sites will only be purchased from “willing sellers.”

11. “We request that, in the development of the final project design, the alignment of the freeway be modified wherever possible to reduce impacts to forestlands, both upland and wetland. Various regulations require mitigation (compensation) for the loss of wetland and/or stream habitat. While the same may not be true for upland forested habitat, we, nevertheless, recommend the FHWA and INDOT seek opportunities to replace the project-caused loss of over 100 acres of upland forestlands. We recommend the planting of native trees in blocks of assorted varieties on uneconomic remnants along the right-of-way, as buffers around preserved and mitigation wetlands, and adjacent to stream corridors within and near the project area.” (0524-001, U.S. Department of the Interior, pgs. 2-6)

Wetland forests that fall under federal jurisdiction will be mitigated for at a 4:1 ratio. Isolated wetland forests that fall only under state jurisdiction will be mitigated.

Consideration will be given to tree plantings as part of wetland mitigation buffers as well as stream mitigation.

12. “The three DEIS build alternatives would impact between 45 to 57.7 acres of wetlands. This is a high concentration of wetland impact for a 20-mile highway segment. An additional issue is that nearly half of this acreage is high quality forested wetlands. Mitigation of forested wetlands is difficult and takes a great deal of time to achieve.” (0511-001, USEPA, pg. 1,6)

Alternative G-Es was selected as the preferred alternative. Alternative G-Es is a hybrid alternative that combines the southern portion of Preliminary Alternative G-C and the northern portion of Alternative Es. This alternative was modified in order to reduce wetland impacts, and had the lowest total NWI impacts when compared to the other alternatives. A wetland delineation was performed on this alternative which yielded a total of approximately 30 acres of wetland impacts.

Wetland mitigation sites will be monitored for success for the required number of years. If a site does not meet the required success criteria, remediation will occur.

6.7 Mitigation of Visual Impacts and Aesthetics

*No substantive comments

6.8 Construction

1. “In addition, measures for the adequate treatment of roadway/bridge storm water runoff and for hazardous spills retention should be identified and committed to. We recommend that the FEIS identify and evaluate potential best management practices in the construction and continued operation of the project such as the feasibility of using noise-reducing roadway pavements, energy-efficient, low-impact lighting, and strategies for reducing diesel emissions from construction equipment (e.g., low sulfur fuels, particulate traps).” (0511-001,USEPA, pgs.6 and 10)

Stormwater detention and filtering (detention basins with vegetated sand filters, grass lined ditches) will be considered as BMPs to address stormwater concerns. Clay lined ditches and other containment/control measures will be considered in areas where groundwater pollution is a particular concern.

Additional BMPs will be evaluated during the design phase of the project.

2. “If contaminated material will be removed as part of the mitigation measures, information needs to be provided concerning the methods and routes of transport, plans to protect the public during transport, and the final hazardous material disposal site locations.” (0331-006, Joe, National Center for Environmental Health, pgs. 1 and 2)

If contaminated materials are encountered during construction, INDOT specifications per the INDOT Standard Specifications manual will be followed. Section 200 addresses the removal, transport, and disposal of such materials.

6.9 Design

*No substantive comments

6.10 Ecosystem Impacts

1. “We are pleased that alternatives adjacent to Potato Creek State Park were dropped from consideration early in the NEPA process due to anticipated impacts to that park. The DEIS (Table 5.9.22) estimates that Alternatives Cs, Es, and G-C would directly impact 139 or 196 acres of forest. Direct and indirect core forest impacts are estimated between 19 and 27 acres. Nine to 13 forest tracts would be fragmented. In addition, Table 5.20.34 *Cumulative Impacts by Resource* identifies an additional 250 acres of forest land will be lost due to cumulative impacts. The DEIS identifies that much of the forest within the study area exists as fragmented woodlots, and that core forest is not extremely abundant. Consequently, the loss of remaining forest land and core forest in the study area is significant and all reasonable efforts should be made to avoid impacts to forest land. We recommend forest mitigation for any unavoidable forest loss be undertaken. This might occur by planting replacement trees in areas that are associated with upland buffers for wetland mitigation. Mitigation might also include assisting, county, state, or federal agencies with any on-going or planned forest reclamation projects in the watersheds affected. We recommend that INDOT commit to voluntary forest mitigation in the FEIS and provide, as detailed a possible, a conceptual forest mitigation plan that compensates for the loss and fragmentation of forest habitat due to the preferred alternative chosen.” (0511-001, USEPA, pgs. 2, 9 and 10)

The Preferred Alternative G-Es is estimated to impact 91 acres of forest, and had the lowest forest impacts of the four alternatives considered for detailed analysis. INDOT will not be mitigating for non-wetland forest impacts. Wetland forest impacts will be mitigated at a 4 to 1 ratio for federal jurisdictional wetlands. Isolated, state regulated forested wetlands will be mitigated as appropriate for the designated Class. It is anticipated approximately 52 acres of forested wetland will be restored as part of the wetland mitigation. In addition, approximately 22 acres of buffer (25% of required wetland acreage) will be required around wetland mitigation sites. This buffer could be native forest or prairie plantings.

2. “The FEIS mitigation plan should include the specific measures that will be undertaken to protect and compensate for impacts to surface and ground water quality, public drinking water supplies/wellhead protection areas, natural communities, flood plains, aquatic and terrestrial wildlife habitats/corridors, state and federal threatened and endangered species, farmland, and historic resources.” (0511-001, USEPA, pgs.6 and 10)

Chapter 6 of the FEIS discusses potential mitigation measures for the project. Additional mitigation measures may be developed as part of final design.

Chapter 7 - Draft Section 4(f) Evaluation

7.1 Introduction

*No substantive comments

7.2 Section 4(f) Resources – Parks, Recreation Areas, and Wildlife Refuges

*No substantive comments

7.3 Section 4(f) Resources – Historic and Archaeological Resources

1. “The DEIS identified two public parks properties as well as seven historic properties listed or eligible for the National Register of Historic Places (National Register) within the area of potential effects. Each of these parks and historic properties are subject to Section 4(f) protection. As a result of close coordination with several governmental organizations, historic preservation organizations, and interested parties, the FHWA, through alignment adjustments, has avoided all direct use of Section 4(f) resources. However, it is unclear if any constructive use of the historic properties will also be avoided. Constructive use is a non-direct proximity impact to an eligible resource so severe the purpose for which the resource was considered eligible is diminished. The FHWA has satisfactorily demonstrated that the two park properties found within the project area will not be subjected to Section 4(f) constructive use. All seven of the historic Section 4(f) properties on this project are considered to be 4(f) properties by virtue of having been determined eligible for listing on the National Register. Under Section 106 of the National Historic Preservation Act, any action that affects the characteristics that make a property eligible for listing on the register, either directly or indirectly, is an adverse effect. If there is a finding of adverse effect under Section 106, even if there is no direct use of the Section 4(f) property, there is a constructive use. One example of our specific concern about constructive use of historic properties is the potential effects of alternative G-C, which provides for an elevated interchange with lighting 1,110 feet south of historic property Evergreen Hill Farmstead. If the interchange affects the historic property’s values and determined to be adversely affected under Section 106, then construction of the interchange would constitute a constructive use under Section 4(f). Since the State Historic Preservation Officer (SHPO) has not formally concurred with the FHWA’s Section 106 determination, we cannot agree that there is no constructive use. The same would hold for the remaining six other historic 4(f) properties. Without the completion of the Section 106 process, including a concurrence by the Indiana SHPO of a finding of no adverse effect, or an agreement outlining the actions necessary to mitigate the effects of the project on the eligible historic properties, we are unable to conclude there is no constructive use of the historic properties, that you have avoided all Section 4(f) properties, or that all planning to minimize harm has been employed. Therefore, the Department would not concur with the Section 4(f) Evaluation by the FHWA and INDOT for this project.” (0524-001, US Department of the Interior, pg. 5)

A Memorandum of Agreement (MOA) has been developed by FHWA and INDOT in consultation with the Indiana SHPO. This MOA states that the US 31 project may have an adverse effect only on the W.O. Bunch Farm. The Section 106 process concluded with an effect finding of “no adverse effect” for the other properties identified as part of the Section 4(f) evaluation. Constructive use does not occur when the Section 106 effect finding is “no adverse effect”. Constructive use may only occur when a historic property’s historic integrity is “substantially impaired.” An “adverse effect” finding does not mandate a constructive use determination. For the W.O. Bunch property, the MOA states that the adverse effect on the Bunch property will not result in a substantial loss or reduction of the property’s significance and the property will retain the features that make it eligible for listing in the National Register of Historic Places. The Section 106 process has determined there is no substantial impairment to the Bunch property and thus no constructive use. The FHWA has found no constructive use as a result of this project. Thus, the constructive use of all historic properties will be avoided.

2. “Turning to the issue of the potential cultural resource impacts associated with Alternative G-C, notwithstanding the apparent conclusions to the contrary in the DEIS, Alternative G-C fails to adequately mitigate the adverse impacts to historic sites and address issues presented by Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. Sec. 303(c). At the public meeting held on September 4, 2003, Alternative G was described as a ‘historical disaster.’ The current incarnation of

that discarded alternative, Alternative G-C is not a significant improvement. Alternative G-C continues to have significant adverse impacts to properties along the Miami Highway and Turkey Trail. The westward modification of the alternative away from Miami Highway is not sufficient to mitigate the adverse impacts. Furthermore, the proposed modifications to State Road 4 (Pierce Road) from existing U.S. 31 to the proposed U.S. 31 at an estimated construction cost in 2003 dollars of \$1.5 million and the proposed Diamond interchange at State Road 4 (Pierce Road) result in additional adverse impacts to the historic sites referenced above as well as the W.O. Bunch Farm located on Pierce Road just west of Kenilworth. The conclusion contained within the DEIS that there will be no direct impact on the latter property and that the proximity would not constitute a constructive use under Section 4(f) is disingenuous.” (0316-002, Whippo)

A Memorandum of Agreement (MOA) has been developed by FHWA and INDOT in consultation with the Indiana SHPO. This MOA states that the US 31 project may have an adverse effect only on the W.O. Bunch Farm. Alternatives Cs, Es, G-C, and G-Es avoid this site and require no right-of-way from this site. There is no direct use of this resource for right-of-way. The MOA states that the adverse effect on the Bunch property will not result in a substantial loss or reduction of the property’s significance and the property will retain the features that make it eligible for listing in the National Register of Historic Places. The Section 106 process has determined there is no substantial impairment to the Bunch property and thus no constructive use.

7.4 Section 6(f) Resources

*No substantive comments

7.5 Conclusion

*No substantive comments

Chapter 8 - Public Outreach, Comments and Coordination

8.1 Public Involvement

1. “Our arguments in opposition to Cs and G-C have all been based on facts gleaned from the DEIS. Would petitions based on assumptions that are clearly opposite from the DEIS be given the same weight and consideration as ours?” (0330-003, Grundy)

Alternative G-Es has been selected as the Preferred Alternative.

2. I would like to see that this be more publicly involved with people knowing about it.” (0318-035, Vincent, 3/18/04 Public Hearing Session Minutes, pg. 5)

Chapter 8 discusses each phase of the project and the associated public involvement that occurred. Public involvement for the project included public information meetings, a project web site, a project toll free hotline, stakeholder meetings, news releases, and project letters and e-mails.

8.2 Agency Coordination

1. “Coordination on this point throughout the NEPA process will assist future project development by ensuring that all requirements for Section 404 compliance are addressed. We strongly recommend that,

prior to determining the Preferred Alternative for the Final EIS, FHWA and INDOT meet jointly with the Corps, the U.S. Fish and Wildlife Service, the Indiana Department of Environmental Management, and EPA to continue this discussion and come to a resolution in this matter.” (0511-001, USEPA, pg 1,6)

An interagency coordination meeting was held on July 14, 2004 prior to the selection of the Preferred Alternative. Representatives from the USEPA, IDEM, INDOT, FHWA, IDNR, USCOE, and USFWS attended the meeting.

Chapter 9 - List of Preparers

*No substantive comments

Chapter 10 - List of Acronyms

*No substantive comments

Chapter 11 – Glossary

*No substantive comments

Chapter 12 – Index

*No substantive comments

Chapter 13 - Literature Cited

*No substantive comments

Appendix A –

1. “I have a easy questions for you. In looking at the new maps (great format!) they show “blips” at some cross roads and nothing at others. What do those “blips” refer to – my assumptions are underpass or overpass, but I hate to assume. If there is no blip, does that mean the cross road terminates at the new US 31 routes.” (0304-003, Shultz)

The maps show interchange, grade separation (overpass/underpass), and cul-de-sac locations. The “blips” are likely cul-de-sac locations. Appendix A of the FEIS contains revised maps that identify the treatment of each intersecting roadway.

2. “There are a number of figures and maps in the DEIS that do not provide accurate or enough detailed information for the reviewer to understanding the various route alternatives and their associated impacts. For example, a key map series for understanding the leading detailed alternatives in the DEIS is in Appendix A (Sheets 1 – 6). The colors depicted on the index sheets for the three alternatives are reversed from those used on the actual map sheets. The maps are not accurately scaled, and wetland types, Designated/Managed Habitat Areas, and eligible or potentially eligible historic properties are not labeled on the maps. The FEIS should include legible, accurately scaled and meaningfully legend figures and maps. In addition, the 11x17 Appendix A map sheets should include enough of the study area with appropriate route locations and impact information for the additional alternatives that we have requested FHWA/INDOT to analyze prior to the FEIS.” (0511-001, USEPA, pg. 10)

Appendix A of the FEIS has been updated to show the Preferred Alternative G-Es. The scale and legend have been corrected. Historic structures have been added to the atlas pages. Information and detailed wetland maps can be found in Chapter 5.12, Wetlands, and the report, “Waters of the U.S.” Verification Report U.S. 31 Improvement Project (Plymouth to South Bend) – Revised on May 2, 2005. More detailed information regarding Designated/Managed Habitat Areas has been included in Chapter 5.9, Natural Resources.

3. “Near routes Cs and G-C, between Kern Road and Johnson Road, there are 345kv power lines and towers located on vacant land in the Whispering Hills South subdivision and north and south of the subdivision. In the DEIS, on page 6 of Appendix A, the power lines are not shown in their current location. They are shown going through homes on Old Spanish Trail, in Whispering Hills, in Baneberry, on Johnson Road and on Locust Road.” (0423-026, Task Force Report representing several subdivisions, p. 16.)

Due to the inaccuracies in the available GIS data on power lines at the scale we are concerned with, this information has been removed from the atlas in Appendix A.

Appendix B –

*No substantive comments

Appendix C –

1. “Appendix C of the DEIS contains correspondence on the project, but it does not contain all of the correspondence provided by the natural resource agencies since the inception of the current project planning in 1996. Noticeably absent is the November 25, 1996, letter from the Indiana Department of Natural Resources (IDNR) concerning impacts on fish, wildlife, and botanical resources. A copy was provided to BLA and other participants in the May 15, 2003, interagency meeting and bus tour, with the statement that it represented IDNR’s continuing position on the proposed project. It includes an updated map of significant natural resources within the study area, based upon information within the Natural Heritage Program Database. This map is mentioned in the DEIS text (section 4.9.4), but no actual copy of it is provided in the main document or appendix C. A generalized map of the recent (1980+) endangered, threatened, and rare species is provided as figure 5.9.20. The November 25, 1996 early coordination letter from the Fish and Wildlife Service (FWS) is not included in the DEIS, although the other two letters from FWS from 2002 and 2003 are. These missing letters and their attachments, plus the actual 2003 Natural Heritage topographical map, need to be included in the final EIS.” (0524-001, US Dept. of the Interior, pg. 1)

Additional correspondence has been added to Appendix C. The IDNR map has purposely not included due to the sensitive information on rare, threatened, or endangered species it shows.

2. “Appendix C also does not contain the official e-mails sent by several agencies regarding the interagency meetings, nor does it contain the meeting minutes. These e-mails and meeting minutes provide insight into agency concerns about the proposed project and are public information that needs to be included in the EIS. Minutes of meetings with local officials, emergency response departments, schools, the Community Advisory Committee, and Section 106 Consulting Parties also need to be included in the final EIS.” (0524-001, US Dept. of the Interior, pg. 2)

APPENDIX D –

1. “Page 3-88 and Table 3.4.27 – Justification for the estimate of farmed wetlands as 2% of hydric soils on agricultural land is unclear. Based on our experience, we expect that the extent of farmed wetlands would be higher than this figure. We also reviewed Table D-1 in Appendix D, *Soils Impacted by Preferred Alternatives by County*. In Marshall County, *Gf-Gilford sand loam*, should be noted as hydric. In St. Joseph County, the same applies to *WrxAN – Wunabuna silt loam, drained, 0-1% slopes*. Several other soil map units in each county have hydric inclusions. Using the 2% figure, and Table D-1 corrected for the two soil map units noted above, we generated the following revised estimates for farmed wetlands: Alt G-C – 4.82 acres; Alt Es – 4.11 acres; Alt Cs – 4.92 acres. Relating back to our initial comment in this section, a wetland determination or delineation would assist in providing a more reliable estimate.” (0512-001, Detroit District, Corps of Engineers, p. 3)

Farmed wetland estimates were calculated as 2% of hydric soils that were in agricultural land use. USFWS NWI wetlands were also removed to avoid double counting potential wetland areas. The 2% figure was an estimate provided by the NRCS. Hydric designations for Gilford sand loam and Wunabuna silt loam have been corrected and revised numbers have been included in Appendix D.

A farmed wetland analysis was conducted for the Preferred Alternative G-Es. This analysis is described in Chapter 5.12 of the FEIS. Only one area met the NRCS farmed wetland criteria. This area was approximately 0.44 acres in area. The area also met the three criteria listed in the 1987 Corps of Engineers Wetlands Delineation Manual it was considered an emergent wetland. Based upon this farmed wetland analysis, the estimates included in Appendix D are believed to be higher than expected.

Wetland delineations were conducted for the footprint of the Preferred Alternative, Alternative G-Es. Detailed results of the delineations can be found in the report, “Waters of the U.S.” Verification Report U.S. 31 Improvement Project (Plymouth to South Bend) – Revised on May 2, 2005. Representatives of the United States Corps of Engineers and the Indiana Department of Environmental Management reviewed proposed wetland impacts during a field review on November 4 – 6, 2004. At this time, agency representatives were able to assess impacts based upon their professional opinion.

APPENDICES E – P –

*No substantive comments

APPENDIX Q -

1. “This is the most costly route by far in terms of the estimates so far released. And these estimates do not take into account any additional costs related to the acquisition of land not only for the roadway itself but also for providing the area beside the road needed to elevate the highway. Nor does it take into account in any concrete way the additional costs of land acquisition for extra space needed both for the elevation and drainage basins which will certainly be necessary at least for part of the stretch between

the Bypass and Kern Road. The costs include the purchase and demolition of more than 90 residence and more than 30 businesses.” (0423-016, Jemielity, pg. 1)

The Preferred Alternative is no longer proposed as an elevated freeway. It will be an at grade facility. Updated costs are included in the FEIS.

2. “• More expensive – All cost estimates today are based on 2003 dollars. The real cost will not be known until actual road design is completed. Cost estimates should be a consideration, but cost should not be the first consideration. Lose of use, actual utility relocation costs, severance costs, etc. have not been yet accounted for.” (0426-177, Gates)

Costs have been updated to portray 2005 dollars in the FEIS. Utility relocation costs will be determined during the final design phase of the project.