



## 5.0 COMMENTS ON THE FINAL EIS

The Notice of Availability of the FEIS was published in the *Federal Register* on April 21, 2006 with the 30-day review period ending on May 22, 2006. Comment letters were received from three federal agencies, four state agencies, and several private citizens. The FHWA and INDOT have considered these comments along with other pertinent information in making the decision on this project. Substantive comments and responses are listed below. Responses to comments are in bold. Comment letters from federal and state agencies are included in Exhibit 4.

### United States Environmental Protection Agency – Region 5

“U.S. EPA commented on the Draft Environmental Impact Statement (DEIS) in our May 11, 2004, letter. At that time, we expressed environmental objections to all three build alternatives analyzed in detail in the DEIS. Our main objections were due to the significant impact the alternatives would have to wetlands and aquatic resources, and wildlife habitat. We restated our request that additional alternatives be identified and analyzed prior to the Indiana Department of Transportation (INDOT) and the Federal Highway Administration (FHWA) choosing a Preferred Alternative. U.S. EPA advised that the level of detail and analysis in the NEPA document contain alternatives that are likely to be raised for analysis during the Clean Water Act (CWA) Section 404 permitting process and recommended additional discussion take place between the resource agencies and the transportation agencies to resolve these issues. We also advised additional information be included in the FEIS concerning air quality and impacts to upland forest/wildlife habitat, and include more detailed mitigation information.”

“In addition, US EPA reviewed and provided additional comments on the adequacy of the mitigation information presented in INDOT/FHWA’s pre-FEIS Preferred Alternative Mitigation Package (PAMP) in our December 30, 2004 letter. Our letter continued to advise, in part, that more detailed mitigation for noise, air quality (construction), upland forest and wetlands be included in the up-coming FEIS.”

“U.S. EPA commends FHWA/INDOT for the additional agency coordination that took place since the DEIS to address our comments and ensure that requirements for compliance with the CWA Section 404 are more substantially addressed in the FEIS. We also commend FHWA/INDOT for their willingness to identify and evaluate additional alternatives post-DEIS. This has resulted in the identification of the FEIS Preferred Alternative G-Es that has considerably less impacts than the three alternatives analyzed in detail in the DEIS.”

**FHWA and INDOT appreciate the comments and coordination that the USEPA has put forth during the project study. Comments from USEPA as well as other resource agencies and the public lead to the development of the now Selected Alternative G-Es. Additional information regarding noise impacts, air quality impacts, and wetland and forest impacts was included in the FEIS. More detailed mitigation plans for noise and wetland impacts will be developed as the project progresses.**

#### Wetlands and Aquatic Resources

“The FEIS Preferred Alternative G-Es has succeeded in substantially decreasing the number of wetland acres impacted by this project, from the 40-58 acre range down to 29.93 acres. The preferred Alternative G-Es also has minimized stream crossings.”



**Alternative G-Es was selected in part because it minimized impacts to water resources. Selected Alternative G-Es was determined to be the Section 404 (b)(1) “least environmentally damaging practicable alternative” (LEDPA) (see Appendix T of the FEIS).**

“However, 7,668 linear feet of stream will still be impacted. Consequently, the identification and implementation of adequate storm water and erosion control requirements is important. For impaired waters, it is especially important that the required measures and best management practices chosen for construction and operation of this project do not allow for further stream degradation. U.S. EPA strongly recommends that one of the goals of the future measures and practices chosen for implementation focus on enhancing stream integrity instead of only focusing on maintaining a stream’s status quo. This will be part of the future Indiana Department of Environmental Management (IDEM) CWA Section 401 water quality certification process for the Section 404 permit for this project.”

**The project will follow all requirements set forth in the IDEM Section 401 water quality certification and US Army Corps of Engineers Section 404 permit. Mitigation for impacts to water resources will be developed in consultation with the permitting agencies as a part of the permit process.**

“Both Federal and Indiana-only jurisdictional wetlands are encountered in this project. It will be important to coordinate early with the Corps of Engineers (Corps) and IDEM on their permitting requirements. Progress has been made with the conceptual mitigation plan to identify suitable sites for the more than 96 acres of compensatory wetland mitigation anticipated to complete this project. A number of potential mitigation sites have been identified, with the potential to restore different kinds of wetlands in the two watersheds of the project. This effort is off to a good start but will require much more work before project permitting and construction. The stream mitigation work is an essential part of compensating for aquatic impacts of this project and is at an even more conceptual state of progress. FHWA/INDOT should select projects with both the promising technical factors for restoration success and the adjacent land use to protect not only the immediate project site but its surroundings over time.”

**Resource agencies will be coordinated with prior to the finalization of mitigation site locations. The selection of wetland and stream mitigation sites will take into account possible restoration success as well as the surrounding land use. Areas near or adjacent to existing wildlife habitat will be targeted.**

“Overall, the substantial work done and progress made during the NEPA phase of this project will help make the permitting process proceed more smoothly. We appreciate the constructive response to our comments.”

**Thank you for your comment. FHWA and INDOT anticipate that further coordination with resource agencies during permitting will help the process proceed smoothly.**

#### Upland Forest/Wildlife Habitat

“This FEIS identifies that 82.69 acres of upland forest/wildlife habitat will be directly lost due to the Preferred Alternative G-Es. This is still a significant amount of upland forest loss for a 20 mile-long roadway located in a substantially unforested area. In addition, these 82.69 acres of upland forest loss are almost one fifth (1/5) of the cumulative upland forest loss (466 acres) identified in the FEIS. U.S. EPA appreciated that the FEIS identifies that FHWA/INDOT will consider tree planting as part of wetland mitigation buffers (approximately 22.10 acres) and as part of stream mitigation (no acreage given). However, this amount of potential tree planting does not appear to compensate for the loss of



82.69 acres of upland forest. EPA requests the ROD include an explanation of how INDOT's proposed consideration of tree planting will adequately compensate for the loss of 82.69 acres of upland forest. We recommend that FHWA/INDOT consider a 1:1 ratio for voluntary upland tree mitigation, using native species."

**Consideration will be given to replace upland forests with wetland and stream mitigation. Efforts will be made to replace appropriate habitats on uneconomic remnants and landlocked parcels.**

#### Air Quality

"The FEIS adequately discusses transportation conformity, ozone, carbon monoxide and hotspot modeling, and toxic emissions. The discussion is well done and complete. We also appreciate the identification of air quality impacts associated with project construction and the identification of potential mitigation measure is Section 6.8.6 of the FEIS."

**Thank you for your comment.**

#### Noise

"We appreciate the additional "reasonable and feasible" noise barrier analysis conducted for the project. However, the FEIS does not identify or discuss the feasibility of using noise reducing pavement as a noise reduction measure for this project."

**INDOT continues to explore quiet pavement technologies. The INDOT pavement steering committee evaluates these technologies and incorporates them into their standard specifications when appropriate. Pavement types will be determined during the design phase of the project.**

#### Proposed 7<sup>th</sup> Road/US 31 Interchange

"The FEIS identifies that the proposed 7<sup>th</sup> Road/US 31 interchange is located in an area that would require the extension of existing 7<sup>th</sup> Road if the interchange is to be constructed and used. This location was chosen due to local authority preference. The extension of 7<sup>th</sup> Road would be undertaken by local authorities and would cut across new terrain potentially impacting wetlands (including forested wetlands), upland forest and two streams if the extension is not carefully routed. The FEIS identifies that Federal money would mostly likely be used for the extension of 7<sup>th</sup> Road. U.S. EPA recommends that alternative routes for the road extension focus on options that will completely avoid adverse impacts to wetlands and upland forest resources, and minimizes the number of streams crossed. In addition, U.S. EPA requests a copy of the future draft NEPA document for the 7<sup>th</sup> Road extension project for our review and comment when it is available."

**The analysis in the FEIS used an approximate alignment (essentially a straight line) in order to estimate impacts from the proposed 7<sup>th</sup> Road extension. These impacts are included in the indirect and cumulative chapter of the FEIS. Opportunities to avoid and minimize resource impacts will likely be present during the NEPA phase of that project development. A copy of the draft document for the 7<sup>th</sup> Road extension project will be provided to U.S. EPA Region 5 for review and comment.**

**U.S. Army Corps of Engineers**

“The Corps of Engineers (Corps) is the Federal agency with authority to regulate work in waters of the United States. Under Section 404 of the Clean Water Act and resulting regulations, a permit is required from the Corps for the discharge of dredged and/or fill material in regulated waters, including wetlands. As described in the FEIS, we have confirmed the jurisdictional status of waters which could be impacted by the preferred alternative. Preferred alternative G-Es could impact 30 acres of wetlands at 39 locations, and 7,600 linear feet of streams/ditches at 17 locations.”

**We agree.**

“Our office has provided input on the project dating back to 1996. Most recently, we commented on the Draft Environmental Impact Statement, in a May 12, 2004 letter. As we advise in previous correspondence, meetings, and person communication, we encouraged the submittal of a permit application as part of the environmental impact review. The start of our permit review would allow us to be a full participant in the EIS process. In the absence of a permit application, our ability to provide comments on the FEIS is somewhat limited, as we have not started the public interest review mandated as part of our decision process. We are limited in our opportunity to offer a final agency opinion on important issues in the FEIS, such as the preferred alternative, 404(b) (1) analysis, and mitigation.”

**All appropriate permits will be applied for prior to construction. Coordination with the US Army Corps of Engineers will continue as the project proceeds.**

“In general, the scope, presentation, level of detail, and coordination of the FEIS are through. The document demonstrates the wide consideration given to the many facets of this complex project. However, in parts, the FEIS appears to be more focused on identification and characterization of the resources than forecast of the potential impacts. The latter of these is always the more difficult. As we noted in our previous comments on the DEIS, quite a bit of information in Chapter 5 actually appears to be resource descriptions, which truly belong in Chapter 4- *Affected Environment*.”

**The formatting and information presented in the US 31 FEIS is in accordance with the INDOT Procedural Manual for Preparing Environmental Studies (August 2003, last revised December 2004). Chapter 4 is meant to provide a description of the study area as a whole, and Chapter 5 is meant to describe environmental impacts. Some description of the resources impact is necessary in Chapter 5 in order to give context to numerical impacts.**

“In terms of work under the Corps’ jurisdiction, the Detroit District is particularly concerned about impacts to forested wetlands which would result from the project. Over 12 acres of forested wetlands would be eliminated, and other forested wetlands adjacent to the proposed road would be degraded from habitat fragmentation, hydrologic changes, and use of the finished road. Sites 34-36 in the Water of the US Verification Report appears to be the largest of these impacts.”

**We agree that Sites 34-36 constitute the largest impact location. During the design phase, efforts will be made to further avoid and minimize impacts to wetland areas. This could include bridging, steeper side slopes, and the use of retaining walls in areas adjacent to wetlands.**

“Chapter 4, part 4.12 Wetlands, Page 4-79, 3<sup>rd</sup> paragraph- The reference should likely refer to the Final Waters of US Verification Report, dated May 2, 2005.”



**We agree. The reference should be to the Final Waters of the US Verification Report, dated May 2, 2005.**

“Chapter 5, part 5.10 Water Resource, Page 5-127, 4<sup>th</sup> paragraph- The FEIS states that “Stream impacts will be mitigated such that the functions of the streams are replaced.” Stream mitigated has been increasingly emphasized by the Corps in the last few years. Rather than replace functions which may be degraded, the expectation is that if the impacts are unavoidable and minimized, the functions will be improved via mitigation. The FEIS notes in the next sentence several common measures to achieve this goal. On degraded waterways, the overall objective is to improve, rather than simply replace functions which would be impacted as a result of a project. (This comment also applies to Appendix N, Page 3, paragraph 2 & Page 14, paragraph 3).”

**Stream mitigation will follow all permitting guidelines. Many of the streams to be impacted by the project are agricultural ditches and are considered county legal drains.**

“Chapter 5, Part 5.10 Water Resources, Page 5-130 and 131 – The FEIS addresses specific methods to handle emergency spill releases, but doesn’t appear to consider measures to reduce secondary, long-term impacts from road runoff. Methods frequently used to reduce impacts from runoff include design features that direct runoff away from waterbodies, or filter strips, retention areas, and other stormwater containment that limit introduction of contaminants by settling, bonding, or plant uptake.”

**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. Clay lined ditches and other containment/control measures will be considered in areas where groundwater pollution is a particular concern.**

“Chapter 6, Part 6.6, Wetland Mitigation, Page 6-13, paragraph 3- The Detroit District US Army Corps of Engineers-Mitigation Guidelines and Requirements were finalized in a March 2005 document. A copy of the final guidance is enclosed, and is also available on our internet site at the following address: <http://lre.usace.army.mil/functions/rf/html/Mitguidefinal.pdf>. (The same comment applies to Appendix N, page 9, 1<sup>st</sup> paragraph.”

**Thank you for the updated information. The final guidance will be reviewed and followed during mitigation.**

“Appendix N, page 2, 1<sup>st</sup> and 3<sup>rd</sup> paragraphs- There are no specific ratios set for compensatory wetland mitigation by the Corps. The ratios noted may be used as a general guide, but they derive from a 1991 Memorandum of Understanding between US Fish & Wildlife Service, Indiana Departments of Transportation and Natural Resources. If impacts are avoided and minimized to the maximum extent practicable, compensatory mitigation ratios are determined primarily by the extent and nature of impacts. Also, while buffer areas are usually critical to the long term success of mitigation areas, there is no established requirement for a buffer equal to 25% of the wetland acreage.”

**We understand and have used both the ratios and the 25% buffer as general guides in determining approximate mitigation acreages.**

“At this stage, the Detroit District maintains concerns based on the magnitude of the impacts to waters of the U.S. which may result from the project. We can not endorse the 404(b)(1) Consistency Analysis, the preferred alternative selection, or the Conceptual Mitigation in the FEIS at this time. The Corps’ determination on these will come as part of our decision on a permit application. We plan to use as



much of the FEIS as possible in our review. We may seek additional input from INDOT on some issues during our evaluation. As part of our permit review, Detroit District will consider measures to avoid and minimize impacts to water of the U.S. Once impacts have been avoided to the maximum extent practicable, we will then consider methods to compensate for any unavoidable impacts.”

**All necessary permits will be acquired prior to construction. Coordination with Detroit District will occur during the permitting process.**

### **IDEM – Indiana Department of Environmental Management**

#### Necessary Permits

“This project will require an IDEM Section 401 Water Quality Certification and, depending on the class of isolated wetland impacts, will require an Isolated Wetland General Permit (IWGP) for impacts to Class I isolated wetlands and an Isolated Wetland Individual Permit (IWIP) for impacts to Class II or Class III isolated wetlands under the State Isolated Wetlands Law (IC 12-18-22). Mitigation ratios for isolated impacts will depend on the acreage of each class of isolated wetland. The Office of Water Quality strongly suggests a pre-application meeting be scheduled in order to discuss classification of the isolated wetlands and determine possible wetland exemptions.”

**All necessary permits will be acquired prior to construction. Coordination with IDEM will occur during the permitting process.**

#### Mitigation Ratios

“Compensatory mitigation for unavoidable isolated wetland impacts should be provided in accordance with the ratios outlined in Indiana Code (IC) 13-18-22-6. The loss of an isolated wetland resulting from authorized wetland activity must be offset by the creation of a wetland of the same or a higher class. The Conceptual Mitigation Plan include in Appendix N of the FEIS stated that for purposes of report and preliminary calculations of required mitigation, all isolated wetland were assumed to be forested Class III wetlands, which require the highest ratio for mitigation. The Office of Water Quality commends the use of such a “worse-case” scenario for planning requirements although required ratios and mitigation acreage will likely be lower than the 11.29 acres of estimated mitigation.”

**We agree that mitigation requirements will likely be lower for isolated wetlands. Compensatory mitigation for isolated wetlands will be in accordance with all state requirements.**

“Compensatory mitigation for unavoidable impacts to jurisdictional wetlands should follow the Detroit District Mitigation Guidelines and Requirements. Compensatory mitigation should be provided in accordance with the following ratios for all jurisdictional wetland impacts: Open Water 1:1 Emergent Wetlands 2:1 South/Shrub Wetlands 3:1, and Forested Wetlands 4:1. Compensatory mitigation sites should be located within the same 8-digit watershed of the impact and should be directed towards sites that will improve water quality to any state impaired waterbody. Please refer to the §303(d) list of impaired waters for the State of Indiana. If §319 watershed studies have been conducted within the watersheds, you may wish to contact the local sponsor of the study to identify areas that will most benefit water quality.”

**Compensatory mitigation for jurisdictional wetland impacts will follow the Detroit District US Army Corps of Engineers Mitigation Guidelines and Requirements. The possibility of watershed**



**studies completed for watersheds in the area will be investigated during the permitting and mitigation process.**

“Compensatory mitigation for stream impacts should be provided at a 1:1 ratio. In-stream habitat features such as riffle-pool and mender complexes as well as bioengineered bank stabilization and root wads should be included as part of the stream mitigation. Riparian corridor mitigation should be provided to compensate for loss and functions of existing riparian corridors. Mitigation will be calculated by adding up the total loss of riparian corridor from the project. All stream mitigation should be located within the same 8- digit watershed and should be directed towards sites that will improve water quality to any state impaired waterbody.”

**All stream and wetland mitigation will occur within the same 8-digit watershed impacted. Stream mitigation will follow permitting requirements.**

“When designing that actual route and plans for the preferred alternative, the designers should avoid turning any ephemeral, intermittent or perennial streams into roadside ditches. All streams should be crossed in a perpendicular manner. If it becomes necessary to turn streams into roadside ditches you must justify the necessity to do so. Referencing Department of Transportation design standards does not fully justify these types of impacts.”

**Efforts will be made during the design phase wherever possible of this project to avoid turning streams into roadside ditches. In some cases it will not be possible to cross streams in a perpendicular manner. Many of the streams to be impacted by the project are already drainage ditches through agricultural fields.**

#### Project Design

“This office has reviewed the “Waters of the US” Verification Report, revised on May 2, 2005, while reviewing the FEIS and its Appendices; the preferred alternative has reduced proposed wetland impacts from above 80 acres to 29.93 acres of proposed jurisdictional and isolated wetland impacts. IDEM hopes that a thoughtful and careful design can further minimize impacts to both wetlands and streams.”

**Efforts will be made during the design phase to further reduce wetland impacts.**

“In reference to specific proposed impacts, IDEM would prefer to see minimization to any wetlands in or adjacent to an intact forested complex. Bridging/spanning large wetland complexes will reduce direct impacts as well as wetland fragmentation. Specifically, site 11a is a proposed 4.20 acre impact to emergent, scrub-shrub, and forested wetland, which if filled will fragment the remaining wetland complex and isolate remaining wetlands on both the east and west side of the new road. Please evaluate bridging this area as well as the vicinity of Sites 19, 20a, 20b, 20c, and 21; the current proposal states that Site 21 alone will be bridged. Bridging in the vicinity of Sites 19, 20a, 20b, 20c and 21 would reduce impacts to wetlands and as reduce the likelihood that Site 19, an unnamed tributary to Lehman Ditch, would be relocated and turned into a roadside ditch; IDEM does not support the change in use from natural stream to roadside ditch.”

“Bridging at Site 26 would also reduce the proposed 3.54 acre of wetland fill and 425 feet of unnamed stream impact. Another area where bridging can reduce impacts is in at Sites 34, 35 and 36; wetland impacts alone from Site 34 and 36 totals 7.71 acres, which is nearly a quarter of the project’s proposed impact. These areas are also forested wetlands which are part of a large forested corridor. Another large impact is proposed at Site 44, where 4.42 acres of emergent, scrub-shrub, and forested wetland



impact are proposed; again, in such an instance, bridging the complex instead of filling it would reduce impacts.”

**Consideration will be given to bridging wetland complexes, particularly in areas where peat and muck soils exist, during the design phase of the project. However, bridging of all wetland impacts will not be practicable.**

“This office supports shifting interchanges or alignments whenever such a shift will reduce or minimize proposed impacts. IDEM believes that if shifts to interchanges or alignments are possible for sites 17, 18, 30, 31, 39, 48 and 49, that wetlands impacts can be further minimized or possibly completely avoided. In the case of Site 17, the interchange has been shifted approximately 110 feet to the west of an earlier proposed location in order to minimize impacts in this area; however, this office would prefer that an additional shift occur, if possible, to completely avoid impacts to the wetland if possible. Several of the aforementioned sites are located within a forested corridor and in close vicinity to streams, so IDEM would prefer that these areas be left as intact as possible.”

**Many different shifts in the alignment were investigated during this study. In most cases shifts to avoid one resource would result in impacts to another resource. Interchange shifts not only include the interchange, but also include the mainline approaches as well. During the design phase, efforts will be made to further avoid and minimize impacts to wetland areas. This could include bridging, steeper side slopes, and the use of retaining walls in areas adjacent to wetlands.**

“Certain impacts propose the filling of streams (Site 11b, Site 26a, and Site 45b) or turning the Stream into a roadside ditch (Site 19 and Site 50c). Please evaluate ways to avoid and minimize these impacts. Additionally, other sites propose an “impact” (Site 41a, and Site 46) though the type of impact, be it a crossing, a relocation, or outright filling, is not specified.”

**More detailed information on the types of stream impacts will be developed during the design phase of the project. Efforts will be made to avoid turning natural streams into roadside ditches.**

“Stream crossings themselves should be designed to allow fish and other aquatic organism passage, continuity of the aquatic habitat (by not restricting or altering water depth and flow), and to allow wildlife passage (where necessary). Spanning streams and wetland complexes is IDEM’s preferred method of permitting. Where spanning and bridging are not possible, open-bottom structures, such as three-sided box culverts or open bottom arch culverts, are preferred as they can span the stream channel’s natural bottom they should be installed as to not impede or change the stream depth or velocity in the structure during low-flow as well as bank-full conditions. If four sided box culverts or culverts pipes must be used they should be embedded in the stream. Design considerations and technical guidelines for biologically sound stream crossing can be found at the University of Massachusetts-Amherst’s Website at <http://www.umass.edu/nrec/onlinedocs.htm>”

**Stream crossings will be designed to allow fish and other aquatic organisms passage. Consideration to wildlife passage and maintaining natural stream channel bottoms will be given during the design phase of the project.**

“You must also ensure that the crossings proposed in impaired waterbodies do not hinder the waterbody’s recovery due to either primary or secondary impacts of the crossing itself or the construction of the road.”



**Stream crossings will be designed such that they do not hinder an impaired waterbody's recovery. At this time, the Selected Alternative G-Es crosses three streams on the 2002 303(d) list: Yellow River, Elmer Seltenright Ditch, and the East Branch of Bunch Ditch.**

“Lastly, the Office of Water Quality recommends that a determination be made as to the presence or absence of any wetland mitigation sites present within the impact footprint; IDEM recommends that impacts to any existing wetland mitigation sites, if they are present, be avoided.”

**Coordination with the Detroit District US Army Corps of Engineers indicates that there are no known compensatory wetland mitigation sites within the Selected Alternative footprint. Please see page 5-140 of the FEIS.**

#### Appropriate Mitigation

“The Office of Water Quality has reviewed Appendix N of the FEIS, which included an updated version of the Conceptual Wetland Mitigation Plan (dated May 13, 2005); Appendix A of the Conceptual Wetland mitigation Plan identified eight potential sites for wetland and stream restoration. Five of these sites are located in the Kankakee 8- digit watershed two are located in the St. Joseph 8-digit watershed, and one location straddles the border of the two watersheds.”

“Such early identification of potential mitigation sites is commendable, though further discussion of all of the identified sites as well as other possible mitigation sites is warranted. IDEM recommends that open discussions, including office and field visit meetings, be scheduled with IDEM, the US Army Corps of Engineers, the Indiana Department of Natural Resources, and US EPA, well before application submittal.”

**More specific information will be gathered and developed for potential mitigation sites as the project progresses. All appropriate agencies will be coordinated with during the permitting and mitigation phase of the project.**

“Restoration of drained hydric soil units, in areas that were likely historically wetland, is favored over upland wetland creation or enhancement of existing wetlands. The appropriateness of mitigation will be evaluated based on the mitigation site's ability to replace functions lost at the impact site. For example, impacts to riparian wetlands should be mitigated with the restoration or creation of riparian wetland, impacts to contiguous forested wetlands should be mitigated for in acres of contiguous forest blocks, etc.”

**Restoration is the preferred method of mitigation due to a higher likelihood of success. Many of the soils within the project area are considered hydric, but have since been drained for agricultural purposes. Mitigation will follow all permitting requirements.**

“Stream mitigation, specifically restoration of channelized or straightened streams to their appropriate Rosgen channel configurations, is preferred by IDEM over riparian planting. Stream relocations for the purpose of stream restoration will require fluvial geomorphology, hydraulic engineering and modeling, lotic ecology, and sediment transport modeling in the design plan. With regard to the specific proposals for mitigation sites in Appendix N of the FEIS, IDEM supports the proposal for restoration, of Potato Creek within Potato Creek State Park. Many of the other proposals were not very specific about wetland or stream restoration proposals on the site, and some proposals appeared to just conceptualize wetland or buffer enhancement instead of specific wetland restoration or creation. As stated earlier,



IDEM would prefer to meet with you and the other regulatory agencies to further discuss wetland and stream mitigation proposals.”

**Wetland mitigation will focus on restoration rather than creation or enhancement. However, areas adjacent to existing wetland and forest complexes will be targeted in order to enhance wildlife habitat. Stream mitigation will follow all permitting guidelines. Many of the streams to be impacted by the project are agricultural ditches and are considered county legal drains.**

**Indiana Department of Natural Resources Division of Water**

“The Natural Heritage Program’s data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered or rare have been reported to occur in the project vicinity.”

**Efforts were made to avoid potential habitat of threatened, endangered, or rare species. The Selected Alternative G-Es avoids many high quality habitat areas and had the lowest forest and wetland impacts of the alternatives studied in detail in the EIS.**

“Preferred Alternative G-Es is an acceptable choice as it avoids and minimizes many of the impacts to natural resources. IDNR permits will be required but specifics are not clear at this time. As the project moves forward, IDNR will provide input and possible revisions to the alignment that may further decrease impacts.”

**Thank you for your comment. Coordination with IDNR will continue as the project progresses.**

“Use the “Pleasant and Riddles Lakes Watershed Diagnostic Study” prepared for the Lakeville Business Owners Association to guide wetland mitigation efforts in the Lakeville Lakes Area. This document is currently in draft form, but information can be obtained by contacting the LARE program of IDNR, Division of Fish and Wildlife at (317) 232-4080.”

**The Pleasant and Riddles Lakes Watershed Diagnostic Study will be reviewed prior to the planning and development of wetland mitigation sites in the Lakeville Lakes area.**

“Fish, wildlife, and botanical resource losses as a result of this project can be minimized through implementation of the following measures.

Any new bridges and redesigned bridges in areas of high wildlife use will require an area under the bridge unarmored with riprap that is 8’ tall and 24’ wide to allow wildlife passage.

Avoid stream relocations to the greatest extent possible. Stream relocations are subject to IDNR mitigation requirements. If a stream relocation is required, please correspond with our office regarding the specifics before final plans are decided upon.

Mitigation for impacts to the floodway must include wildlife mitigation, not just providing for flood capacity.

Incorporate soil bioengineering techniques for bank stabilization where conditions permit.

In-stream date restrictions are likely to be included in any INDR permits.



Mitigation ratios for riparian impacts may increase beyond standard ratios to compensate for cumulative effects and for decreasing forest resources in Marshall County.

Because the proposed alternative shifts traffic away from Pleasant Lake, signage along the new route is needed to direct travelers to the public access site on Pleasant Lake.”

**The project will incorporate all permitting requirements included in the IDNR construction in a floodway permit. Consideration will be given to wildlife passage in high wildlife use areas during the design phase of the project. Efforts will be made to avoid stream relocations during design. Where possible, soil bioengineering techniques will be incorporated into the project. Consideration will be given to placing signage directing travelers to the public access site on Pleasant Lake will be incorporated into the project.**

#### **Indiana Department of Natural Resources Division of Historic Preservation and Archaeology**

“Thank you for submitting the revised archaeological report for the above project. The report is acceptable and no further archaeological investigations are necessary for the archaeological sites encountered.”

**Thank you for reviewing the document.**

“If any archaeological artifacts of human remains are encountered during project ground disturbing activities, state law (Indiana Code IC 14-21-27 and 29) require that the discovery be reported to Department of Natural resources within two (2) business days. In the event that artifacts or features are discovered during the implementation of the Federally assisted project activity, or program and a plan has not been developed, it is the Federal agency’s responsibility to make reasonable efforts to avoid, minimize, or mitigate adverse effects in accordance with 36 C.F.R. 800.13.”

**If archaeological artifacts of human remains are encountered, the discovery will be reported to the IDNR in the appropriate time period.**

“We concur in the Final Environmental Impact Statement’s characterization of the proposed projects impacts on historic resources and in the mitigation measures that the Federal Highway Administration and the Indiana Department of Transportation have committed to take.”

**Thank you for your comment.**

#### **United States Department of Agriculture Natural Resources Conservation Service**

“I received the Final Environmental Impact Statement and reviewed the enclosed materials. It looks as though this was a complete and thorough investigation into the impacts and I do not see any reason to contest your findings.”

**Thank you for your comment.**

#### **Indiana Department of Transportation Office of Aviation**

“In response to your email (sent 5/15) regarding the subject referenced project, the stance of the Office of Aviation has not changed since the letter that we addressed to you on November 4, 2004 which is included in Volume II, Appendix C of your Environmental Document.”



**Thank you for your comment.**

**Public Comments**

“I live in the Lakeville area and was wondering if you could tell me when folks would be contacted or notified concerning the status of their property?” (Martin, 5/18/06)

“When will we be notified if the project will be taking our home?” (Berzai, 4/25/06)

“When will we know for certain if our house is affect by the project? I know my house is close, but not sure if it is directly in the path.” (Bonich, 4/17/06)

“I understand that we are still in the finalization stage of this project but I would like to know ASAP if this road is truly going to go through my house or in my immediate front yard. Is there any way to be put on an intent to purchase list?” (Ross, 4/17/06)

“If this road is going through my horseshoe pits and garage as it appears from the maps I’ve seen, how long (if you could speculate) do you think it would be from now until I would hear from the State of Indiana, or INDOT? I know the ROD is supposed to last approximately 3 months. Then what happens?” (Bach, 4/21/06)

**The schedule for the further development for this project beyond this Environmental Impact Statement has not been finalized. The next step in the project development phase is project design. After the project development schedule has been finalized by INDOT, property owners that are directly impacted by this project – temporary or permanent use of their property will be necessary for the construction of the project, will be contacted. This is generally after the project design has progressed far enough that more exact limits of right-of-way requirements for the project have been developed.**

“My main concerns would be is the proposed project going to take the home or just come close to it. If it does eliminate my residence what would be the procedure and how far in the future is it.” (Croymans, 5/1/06)

**Impacts to properties, in most cases, are not completely resolved until the project design phase has developed far enough and a more exact limit of right-of-way requirements for the project has been developed. If a property will be directly impacted by this project – temporary or permanent use of their property will be necessary for the construction of the project, the property owner will be contacted by a representative of INDOT. INDOT will then follow the standard INDOT land acquisition procedures to prepare an offer, based upon an appraisal, to purchase the needed property rights.**

“Which end of the project will they start on or will it be simultaneous from top to bottom?” (Bach, 4/21/06)

**The schedule for the further development for this project beyond this Environmental Impact Statement has not been finalized. Additionally, the sequence and timing of construction have not been finalized at this time.**

“If we could be told (in feet) how wide the by-pass itself will need to be at a given point (near Johnson Road) and how much property is required on each side it would give us something to be prepared for.



We are assuming it will be wider than the present US 31 to accommodate the massive traffic requirement.” (Zimmerman, 4/18/06)

“Graphics available are not detailed enough. I want to know which properties are being affected, not just a map with lines drawn on it. I would hope that I would be able to access a map of the area and then be able to magnify the map so that I could see exactly which parcels of land are being affected by the project.” (Moryl, 5/16/06)

**Exact limits of the project are not completely resolved until the project design phase has developed far enough and a more exact limit of right-of-way requirements for the project has been developed. In most cases, the new roadway corridor will be wider than the present US 31 corridor, particularly in the northern portions of the project as additional lanes will be required.**

“The online map is not detailed enough for exits, bridges, dead end roads and how it impacts what will become old US 31.” (Hammons, 4/13/06)

“I assume that the old 31 will still be available?” (Deeter, 4/13/06)

**Some portions of existing US 31 will be removed and new US 31 will be constructed in the same location. In areas where new US 31 is new terrain (not on the existing US 31 alignment), existing US 31 would remain in place and continue to function as a local roadway.**

“Can you tell me on map 5 what it says at the rounded out parts of the road at Miller and at New?” (Widmoyer, 4/12/06)

**Grade Separation (Over freeway). This means that Miller Road and New Road will each have a bridge that will go up and over the new US 31 facility providing east-west access across US 31; however, there will be no access to US 31 at either of these locations.**

“On the corner of Pasadena and 31 there is a small dot next to the grade separation. Are you closing the intersection of Pasadena and 31?” (Menting, 4/24/06)

**Current plans show Pasadena Avenue will connect to existing US 31, which will be a local access roadway in this area. This local access roadway will provide access southward to Kern Road and northward to Hildebrand Street.**

“On map 6 of 7 depending which one you are looking at what is the designation F33?” (Bach, 4/21/06)

**The designations that include the letter "F" and a number refer to impacts to specific forest tracts. These impacts are discussed in Chapter 5.9 and listed in Table 5.9.28 of the FEIS. These designations should have been included in the atlas legend.**

“The grade separation over US 20 that would connect Fellows St. to Carroll St. and would border the western edge of the Little League Park, how many lanes are planned?” (Bach, 4/21/06)

**Traffic forecasts indicate that a two-lane bridge, one lane in each direction, with shoulders would be adequate.**

“What does eligible for NR mean?” (Bach, 4/21/06)



**An historic property that is eligible for the National Register of Historic Places (NR) means that the property meets the criteria established for a property to be on the NR; however, the process required to have the property placed on the NR has never been completed. In a study such as this, properties that are eligible for the NR are treated the same as those properties that are listed on the NR.**

“The Indiana Department of Transportation should do the Kokomo Corridor first; the Carmel Corridor, second; and the Northern Corridor, last. By that time, I hope that INDOT will realize that the Eastern Route is the best and will change to this route. Before proceeding with the Western Route, the Eastern Route should be analyzed.” (Funderburg, 5/29/06)

“Upgrading a route from southern south bend to Indy is key. However I think the state really needs to tie in with the Kokomo area and determine the best routing of this thru way. Going towards the east side of south bend (331) area even might be a better solution since that area is the fastest growing area in south bend. I think the state really needs to reevaluate a total plan to connecting northern Indiana to Indianapolis.” (Smith, 4/21/06)

**Environmental Impact Statements are currently underway for US 31 improvement projects from I-465 to SR 38 in Hamilton County (US 31 Improvement Project) and also from approximately two miles south of SR 26 to approximately one mile north of US 35 in the City of Kokomo in Howard County (US 31 Kokomo Corridor Project). Chapter 3 of the FEIS identifies all of the alternatives considered for this project. These alternatives include alignments that are east of existing US 31, west of existing US 31 and central routes that essentially follow the existing US 31 corridor.**

“Why revamp an area prior to revamping a major issue area such as Kokomo? If anything at this time should be done in Northern/Central Indiana, it should be Kokomo. I currently work in St. Joseph MI and everyone I speak with from here say they travel over to I65 to go to Indy. Basically because of Kokomo and the low limit speed limit associated with 31. This is a priority 1 case while upgrading the Northern part of 31 is probably a priority 3 (On a scale of 1 to 5 as 1 needs to be done and 5 is not needed).” (Smith, 4/21/06)

**Environmental Impact Statements are currently underway for US 31 improvement projects from I-465 to SR 38 in Hamilton County (US 31 Improvement Project) and also from approximately two miles south of SR 26 to approximately one mile north of US 35 in the City of Kokomo in Howard County (US 31 Kokomo Corridor Project).**

“I’m interested in knowing if there are any trails or pathways planned to parallel the US 31 project between Plymouth and South Bend similar to the Capitol Ave. corridor in St. Joseph County? Today at Indiana State Trails Plan Summit held in Indianapolis, the US 31 corridor was identified as a high priority as a linkage to connect the St. Joseph County/South Bend area to the Nickel Plate trail just North of Rochester. Having a trail or pathway included in the US 31 project would be a big step in the right direction in making this connection possible.” (Slauson, St. Joseph County Parks, 5/31/06)

**The proposed highway is designated as a freeway. No trails or pathways are planned to parallel US 31. The roadside shoulders for roadways crossing US 31 will be wide enough to accommodate pedestrian and bicycle traffic access at interchanges and grade separations (overpass/underpass). This will allow non-motorized traffic to maintain connectivity across the highway.**



“I am writing about Jackson road and the INDOT Safe Routes To School program. Will there be adequate consideration given to pedestrians and bicycles with the proposed bridges for Fellows, Jackson and Johnson roads? I believe that the proposed bicycle route at the old South Bend Railroad overpass should also be integrated into routes to provide people with alternatives to get to the new shopping areas being built on Ireland Rd. and give children a safe route to Jackson and Hay schools. Hamilton is also located on Jackson and Riley High School is located closer to town on Fellows. These areas are important to our children and there are currently no sidewalks on these roads.” (Weidler, 5/27/06)

**The proposed highway is designated as a freeway. The roadside shoulders for roadways crossing US 31 will be wide enough to accommodate pedestrian and bicycle traffic access at interchanges and grade separations (overpass/underpass). This will allow non-motorized traffic to maintain connectivity across the highway.**

“After driving to work this morning, as every morning on Michigan Street, which is a four (4) lane street, I noted that the traffic was bumper-to-bumper until it reached the part of Michigan Street that is four (4) lanes one way. The traffic then could flow at a good pace. I recalled that the information you presented indicated that the by-pass will be a four (4) lane highway – please consider that if the by-pass will be any less than six (6) lanes (three or four lanes in each direction) it will be obsolete before it is even constructed. Please also consider additional traffic flow that the shopping mall, which is being constructed at Ireland Road and US 31, will bring, and the City of South Bend’s plan (in the near future) to re-designate Michigan Street no longer one way.” (Zimmerman, 5/11/06)

**For this traffic, a traffic model has been developed to predict traffic volumes into future year 2030. Based on this traffic model, the number of lanes required for US 31 to meet the future traffic demands has been developed. Included in this traffic model are areas that are predicted to develop (residential, commercial and industrial) in the future.**

“I’m concerned with the destruction of 96 acres of forest in this time of increased logging. Our state is one of the most polluted and trees absorb the carbon in the air.” (Deeter, 4/13/06)

**Unfortunately, projects such as this have impacts to the human and natural environments. Throughout the course of this project, efforts have been made to reduce impacts to both the human and natural environments. During the design phase of the project, efforts will be made to further avoid and minimize impacts to the human and natural environments. Mitigation for forested wetlands will offset some of these forest losses.**

“What is the impact to access points in Plymouth, last year access was shut off going north on 31 from the intersection with Jefferson St. This is incredibly inconvenient and forces all traffic through downtown Plymouth.” (Deeter, 4/13/06)

**Appendix A in the FEIS and Exhibit 1 in the ROD identify the local access plan for Marshall County.**

“It’s not a long term solution to the economy. How does building this road between South Bend and Plymouth increase business after the project is completed?” (Deeter, 4/13/06)

**Chapter 5.3.2.2 of the FEIS discusses economic impacts of the US 31 Project.**

“My biggest question is did EPA or US Fish & Wildlife agree to issue multiple permits? How will they go to construction in 2008 if they need one permit for the corridor?” (Baynes, 5/12/06)



**Coordination with permitting agencies has been ongoing throughout the project. There have been no agreements regarding the number of permits that will be necessary for the project. All appropriate permits will be applied for prior to construction. Coordination with permitting agencies will continue as the project proceeds.**