I-69 Evansville to Indianapolis, Indiana
Tier 2 Section 5 Record of Decision

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1.0 BACKGROUND

1.1 Evansville to Indianapolis Section of I-69

On March 24, 2004, the Federal Highway Administration (FHWA) issued a Tier 1 Record of Decision (Tier 1 ROD) for the Evansville-to-Indianapolis section of I-69. The Tier 1 ROD documents several decisions relating to the Evansville to Indianapolis portion of I-69 (the Project). The Tier 1 ROD determines: (1) to build an interstate highway, I-69, between Evansville and Indianapolis, Indiana; (2) to build the highway in the selected "corridor," known as Alternative 3C; (3) to separate the Tier 2 phase of the Project into six separate sections; and (4) to prepare Tier 2 environmental impact statements for each of the six separate sections. The corridor established in the Tier 1 ROD is generally 2,000 feet wide, but narrower in some places and broader in others. The proposed action addressed in this Section 5 Record of Decision (ROD) is the completion of an interstate highway within Section 5 of the approved I-69 Tier 1 corridor (see **Figure 1** and **Figure 2** of **Appendix A** of this Section 5 ROD). Section 5 extends from SR 37 south of Bloomington, Indiana to SR 39 in Martinsville, Indiana.

1.2 Tiered Approach

FHWA initiated the Tier 1 study on January 5, 2000, with the publication of a Notice of Intent (NOI) in the Federal Register. In the Tier 1 portion of the study (which was concluded with the Tier 1 ROD), the "big picture" issues were addressed on a corridor-wide basis, while taking into account the full range of impacts. The "big picture" issues addressed in Tier 1 ROD include approval of the corridor and the termini for Tier 2 sections. Individual Tier 2 National Environmental Policy Act (NEPA) studies have been or are being conducted to determine an exact alignment for the project in each of the six Tier 2 sections. The Tier 1 study also included compliance with the Endangered Species Act, which culminated in a Tier 1 Biological Opinion issued by the U.S. Fish and Wildlife Service (USFWS) on December 3, 2003.

The Tier 2 environmental study for Section 5 was initiated April 29, 2004, when FHWA published a NOI in the Federal Register to advise that a Tier 2 Environmental Impact Statement (EIS) would be prepared for Section 5 of the I-69 Evansville-to-Indianapolis project. The Draft Environmental Impact Statement (DEIS) for Section 5 was issued on October 18, 2012, and notice of its availability was published in the Federal Register on October 26, 2012. The Section 5 Final Environmental Impact Statement (FEIS) is being issued in conjunction with this ROD; see **Section 1.3** below. This document is the ROD for Tier 2 Section 5. Included in the Section 5 FEIS is the Tier 2 Biological Opinion for Section 5 issued by the USFWS and an air quality conformity finding. The Section 5 FEIS also includes a Memorandum of Agreement (MOA) between FHWA, the Indiana Department of Transportation (INDOT), the Indiana State Historic Preservation Officer (SHPO) (Division of Historic Preservation and Archaeology [DHPA]), the Advisory Council on Historic Preservation (ACHP), Monroe County, and others agreeing on procedures to be used to take into account the effect of the Section 5 project on historic properties. See Section 5 FEIS, *Appendix N, Section 106 Documentation*, for a copy of the MOA.

1.3 MAP-21

The FHWA has prepared this Tier 2 ROD for Section 5 in combination with the Section 5 FEIS, in accordance with Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21), which provides that the FEIS and ROD should be combined unless "(1) the FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or, (2) there are significant new circumstances or information relevant to environmental concerns that bear on the proposed action or the impacts of the proposed action."[1] It was determined that neither of these conditions applies to this project, and therefore, the FEIS and ROD have been combined for the I-69 Tier 2 Section 5 project.

2.0 DECISION

The proposed action in the I-69 Tier 2 EIS for the Section 5 project involves the completion of an Interstate highway from SR 37 south of Bloomington to SR 39 in Martinsville. Section 5 is approximately 21.1 miles in length and extends through Monroe and Morgan counties, Indiana.

The Selected Alternative for Section 5 is Refined Preferred Alternative 8 (see **Figures 3** and **4** in **Appendix A** of the Section 5 ROD), as described in the *I-69 Evansville to Indianapolis, Indiana, Tier 2 Final Environmental Impact Statement, Section 5: Bloomington to Martinsville, IN* (FEIS).[2] As further detailed below, this ROD also determines the alignment, location of interchanges, grade separations, possible construction phasing/sequencing, and mitigation measures for Section 5.

This ROD for Section 5 is executed in conformance with Section 1319(b) of MAP-21, and documents FHWA compliance with NEPA and all other applicable federal statutes, regulations, and requirements. This decision is based on analyses contained in the DEIS issued October 23, 2012; the Tier 2 FEIS issued concurrently with the ROD; the comments of federal and state agencies, members of the public, and elected officials; and other information in the project record. In the event of any differences in wording, the ROD takes precedence over the FEIS.

2.1 Selected Alternative

2.1.1 Selection of Refined Preferred Alternative 8

The DEIS recommended Alternative 8 as the preferred alternative. Comments on the DEIS generally supported Alternative 8 and offered recommendations to be considered in further refining this alternative to avoid or further reduce impacts and/or cost. The FEIS presented refinements to Alternative 8 that have been made since the issuance of the DEIS. These modifications are based on comments received on the DEIS; information received from Community Advisory Committee (CAC) members, participating agencies and other local public officials; and additional engineering and environmental studies. The result of these efforts is

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[1] Refer to Section 1319(b) of MAP-21; and USDOT-FHWA, *Interim Guidance on MAP-21 Section 1319: Accelerated Decisionmaking in Environmental Reviews*, January 14, 2013.

[2] Unless otherwise noted, references to the Tier 2 Section 5 FEIS chapters, figures, and tables are contained within the Tier 2 Section 5 FEIS Volume I; references to appendices are contained within Volume II.

Refined Preferred Alternative 8. As presented in *FEIS Section 6.4*, the Refined Preferred Alternative 8 is essentially the same as Alternative 8 (the DEIS Preferred Alternative), except with the following alignment modifications:

- **West Fullerton Pike**: Alternative 8 was tapered in this area on the west end of Fullerton Pike to tie into the existing Fullerton Pike alignment. This modification would also straighten the curve on West Fullerton Pike and shift it slightly to the north, avoiding two office buildings on the south side of West Fullerton Pike.

- **Access to the Hickory Heights Mobile Home Park via Barger Lane**: This mobile home park currently has access from Tapp Road via Barger Lane. With Alternative 8, access to the mobile home park was to connect onto West Maple Leaf Drive, through neighborhoods north of the mobile home park. With the Refined Preferred Alternative 8, access has been revised to tie into South Danlyn Road to the west of the mobile home park, to provide for shorter access between Tapp Road and the mobile home park and reduce the change to existing access. This revision reduces the distance of travel through neighborhoods in order to access I-69.

- **Wapehani Mountain Bike Park:** With Alternative 8, the park was avoided. Modifications in Refined Preferred Alternative 8 encroach into the edge of the park and use the same right-of-way limits along the east side of SR 37 as Alternative 7, and further reduce displacement impacts along the west side of SR 37 south of the park. This results in a *de minimis* use of the park, which is protected under Section 4(f) of the U.S. Department of Transportation Act. See **Section 4.0** of this ROD, and Section 5 FEIS, *Chapter 8*.

- **Sam's Club:** New access was added from eastbound 2nd Street to Sam's Club to provide right in/right out movement between the ramp intersections and Liberty Drive.

- **SR 45/2nd Street Interchange:** The existing bridge at SR 45/2nd Street will remain in place with some modifications to accommodate bicycle/pedestrian traffic across the bridge. The interchange ramps will be reconfigured for the split diamond interchange between SR 45/2nd Street and Tapp Road.

- **SR 48/3rd Street Interchange:** The existing interchange layout will remain in place with additional capacity added to the exit ramps. The left turn lanes on SR 48/3rd Street to the entrance ramps will be extended and the existing bridge will be widened to provide bicycle/pedestrian facilities.

- **N. Walnut Street Interchange Selection:** The use of the existing partial interchange was approved by FHWA and will be used at this location, consistent with Alternative 8 (Option B).

- **Eastern Local Access Road Removal:** The portion of the eastern local access road connecting Walnut Street to Connaught Road was removed due to the low volumes of traffic on the roadway compared to the environmental impacts and costs associated with constructing the roadway.

- **Liberty Church Road Interchange Revision:** The interchange at Liberty Church Road was shifted north to minimize impacts to floodplains located in the southwest corner of the interchange.

In addition to these modifications, further refinements were made to the right-of-way along the alignment to minimize impacts to resources, reduce the number of displacements, as well as address access changes and roadway design revisions or corrections. Some bridges were also modified to allow for bicycle/pedestrian use.

The Tier 2 Section 5 FEIS sufficiently describes the development and evaluation of alternatives (*Chapters 3 and 6*), the affected environment (*Chapter 4*), potential environmental consequences of the proposed project (*Chapter 5*), proposed mitigation (*Chapter 7*), and coordination with regulatory agencies and comments from the agencies and the public (*Chapter 11*). **Figure 4,** located in **Appendix A** of this Section 5 ROD, depicts both Alternative 8 and Refined Preferred Alternative 8 to show the differences between the alignments.

FHWA and INDOT have provided opportunities for government agency and public involvement in the development of the EIS documentation. Several opportunities and methods were used to involve the public and agencies in the study (see Section 5 FEIS, *Chapter 11*). The staffing of a local project office, hotline, website, outreach meetings, participating agency and CAC meetings, along with other means were used to solicit input. Public and agency input was also sought at key milestones in this Tier 2 study, including a public hearing on the DEIS. The DEIS was made available for public review. The comments received on the DEIS have been adequately addressed in the FEIS.

2.1.2 Location of Section 5 Corridor and Selected Alternative — Refined Preferred Alternative 8

The Tier 1 ROD approved a corridor (the "3C corridor") for I-69 between I-64 north of Evansville and I-465 south of Indianapolis and divided the project into six sections. The location of Refined Preferred Alternative 8 is within Section 5 of the Alternative 3C corridor (see **Figure 2** in **Appendix A** of this Section 5 ROD). In some areas access roads, upgrades to existing local roads and interchange ramps are located outside of the 2,000-foot corridor. These areas outside the 3C corridor, which are either adjacent to or in close proximity to the 3C corridor, have been fully evaluated within the Tier 2 FEIS.

The southern terminus of Refined Preferred Alternative 8 is just north of That Road south of Bloomington, Indiana. The northern terminus is just south of Indian Creek in Martinsville, Indiana. Refined Preferred Alternative 8 has a total length of approximately 21.1 miles. Section 5 FEIS, *Section 1.3,* describes the Section 5 study corridor in detail. **Figure 4** in **Appendix A** of this Section 5 ROD shows the location of the Section 5 corridor and Refined Preferred Alternative 8.

2.1.3 Variations in Corridor Width

In Section 5, the corridor generally retains the 2,000 foot width identified during the Tier 1 Study; however, the width of the approved corridor varies at one location in Section 5. Approximately the northernmost 600 feet of the Section 5 corridor, just south of the crossing of Indian Creek, narrows to approximately 470 feet to avoid sensitive aquatic resources.

2.1.4 Typical Cross Sections

Section 5 travels through the urban area of the City of Bloomington and rural areas north of Bloomington. As detailed in Section 5 FEIS, *Chapter 3*, and summarized in **Table 1** below, two sets of design criteria for the Tier 2 alternative alignments were developed using a practical design approach.[3] A range of design criteria were developed to better estimate the possible range of construction costs and the ability to avoid or minimize impacts in Section 5. Several measures were fully examined and evaluated for their safety implications. These measures optimize the reuse of SR 37's existing pavement, earthwork, structures (i.e., current interchanges and bridges), and right-of-way. Other measures include: minor variations in shoulder width, use of existing vertical grades on SR 37, inclusion of various interchange designs, and use of median barriers, retaining walls, and guardrails. A technical memo summarizing the minimal impact criteria that were considered in Section 5 can be found in Section 5 FEIS, *Appendix EE*.

Table 1: Typical Section Design Elements

Design Cross Section	Alternatives 4 / 5 Initial Criteria		Alternatives 6 / 7 / 8 Minimal Impact Criteria	
	Rural Section	**Urban Section**	**Rural Section**	**Urban Section**
Travel Lanes	Two 12-foot	Three 12-foot	Two 12-foot	Three 12-foot
Median	84-foot	60-foot	60-foot	26.5-foot, barrier separation
Climbing / Auxiliary Lane, as needed	12-foot, climbing	12-foot, auxiliary	12-foot, climbing	12-foot, auxiliary
Outside Shoulder	12-foot, paved	12-foot, paved	12-foot, paved	12-foot, paved
Inside Shoulder	6-foot, paved	12-foot, paved	4-foot, paved	12-foot, paved
Minimum Outside Clear Zone	35-foot	35-foot	30-foot	30-foot

Note: "Auxiliary" lanes are added lanes between adjacent, closely-spaced urban interchanges which allow weaving movements associated with interchanges to occur without interfering with mainline traffic. "Climbing" lanes are added lanes on long uphill grades which can be used by slower moving vehicles such as trucks to avoid their interfering with faster-moving mainline traffic.

Initial criteria are illustrated in Section 5 FEIS Chapter 3, Figure 3-7, and minimal impact criteria in Chapter 3, Figure 3.8.

[3] "Practical design" refers to an approach to applying criteria and guidelines in highway design manuals. Where design manuals provide for a range of values for features (e.g., shoulder width), a value within the range which is chosen is that which is sufficient to satisfy the needs identified for the project.

Tier 1 assumed two different typical cross sections for impact and cost estimates in Section 5. The more rural portions of the project used a six-lane divided section with a grass median and local access roads separated from the mainline by grassed slopes and open ditches. In urbanized areas the project used an elevated eight-lane section and paved median with opposing traffic being separated by a concrete median barrier. New local access roads were at existing grade, separated from the mainline by a mechanically stabilized earth wall and a paved buffer.

During earlier development of the Tier 2 preliminary alternatives, the rural areas were designed with the Tier 1 typical cross section including a six-lane divided section and a grass median. The urban section had two modifications from Tier 1 assumptions. It was revised to provide local access via the existing local road network rather than constructing the new local access roads. In addition, at the onset of the Tier 2 studies, it was decided to maintain the horizontal alignment within the existing SR 37 corridor and generally maintain the existing SR 37 elevations. With these slight modifications to the Tier 1 urban typical section (Tier 1 FEIS, Appendix E), it would allow the use of an eight-lane divided section and a grassy median through the urbanized area while minimizing potential impacts to karst features, visual impacts, and project cost. These assumptions were subject to modification for alternatives carried forward for detailed study. Such modifications would be considered to minimize impacts and/or cost.

Following further traffic modeling and level of service (LOS) evaluations conducted during the Tier 2 studies, it was determined that traffic levels permitted a reduction in the number of lanes for both the rural and urban areas from what was assumed in Tier 1. Illustrations of typical urban and rural sections with lane widths, shoulders, medians, clear zones, and features to be used where needed (such as truck climbing and auxiliary lanes, landscape berms, and local access roads) are shown in Section 5 FEIS, *Chapter 3, Figure 3-7*. These design elements satisfy the *Indiana Design Manual* (IDM) requirements. These initial criteria typical sections were used for the two alternatives (Alternatives 4 and 5) identified in the May 2007 Preliminary Screening of Alternatives.

In addition to this footprint required for the roadway, median, and shoulders, sufficient land is needed to provide for cut and fill slopes, right-of-way maintenance (maneuverability of equipment for mowing, shrub clearing, etc.), drainage, and right-of-way fencing. In addition, access roads may be needed in certain areas along I-69, which would increase the amount of right-of-way needed by up to 100 feet on either or both sides. Considering all of these elements, the average right-of-way width using the initial criteria is approximately 500 feet; however, the right-of-way widths would vary from about 300 feet to almost 800 feet depending upon the alignment, terrain features, and local access treatments. After the publication and circulation of the May 2007 Preliminary Screening of Alternatives Report, minimal impact typical sections were developed to further minimize impacts outside of the existing SR 37 right-of-way. These cross sections make greater use of the existing footprint (and where appropriate, the existing pavement) of SR 37. Illustrations of typical urban, suburban, and rural sections with lane widths, shoulders, medians, clear zones, and features to be used where needed (such as truck climbing and auxiliary lanes, landscape berms, and local access roads) are shown in Section 5 FEIS, *Chapter 3, Figure 3-8*. In the urban area of Bloomington and the suburban section of Monroe County (from the Urban Area Boundary to Sample Road), all cross sections include a third 12-foot-wide travel lane in each direction; north of Sample Road there are two travel lanes in each direction. Median treatment options in the urban area include a depressed median 60 feet in width (initial criteria cross section) or paved shoulders separated by a concrete barrier wall (low-

impact cross section). The suburban section uses guardrail, rather than concrete barrier wall. Inside shoulder width varies depending upon the specific alternative, ranging from 11 feet 9 inches, to 13 feet. The outside clear zone ranges from 30 to 35 feet in width and extends beyond the travel lanes and includes 8- to 12-foot-wide paved outside shoulders (in both rural and urban areas of the project). Local access roads are proposed for either side of the mainline at various points throughout the Section 5 corridor. These local access roads provide access to otherwise landlocked properties. Either a 100-foot-wide median (initial cross section) or barrier wall (low-impact cross section) would be used between the interstate mainline and access roads. A median would provide for the necessary roadway clear zone and space for a landscaping berm with the initial cross section. Barrier walls would allow local traffic to travel adjacent to the mainline with the low-impact cross section. The typical cross sections of these access roads include two travel lanes (width varies between 11 and 12 feet). Paved shoulders, varying by specific alternative, will range from five to eight feet in width. The minimum width of the clear zone on each side without a barrier wall is 20 feet.

Typical sections are also defined for other roads at freeway interchanges and grade separations. The typical sections for these roadways vary based on traffic demands and roadway functional class from two to four lanes and with or without curb and gutter.

By using minimal impact criteria, the costs are minimized by narrowing the right-of-way needed. Instead of taking a strip of land from most properties along the SR-37 right-of-way and impacting adjacent property owners, these alternatives attempt to remain within existing INDOT right-of-way, and reuse existing pavement and bridges to the extent possible. To achieve this, these alternatives expand to the inside of SR 37, and use barriers, retaining walls, and/or guardrail when needed. Reducing impacts to homes and businesses also significantly reduces costs. These narrower cross sections also reduce impacts to farmland, forest, wetlands, streams, and floodplains.

Beyond the roadway footprint, right-of-way is also needed for cut and fill slopes, maintenance (maneuverability of equipment for mowing, shrub clearing, etc.), drainage, and fencing. In order to provide connectivity to residential developments and businesses, new local access roads or connections between existing local roads would be required along portions of I-69.

Due to the narrow right-of-way footprint, and the goal of minimizing costs, vegetative plantings and other context sensitive enhancements are less likely to be included in the minimal impact criteria alternatives. There is also community interest in gateway treatments for Bloomington and Martinsville approaches. INDOT has committed to include context sensitive solution measures, which may include plantings, “gateways”, and other enhancements within the constraints of right-of-way, impacts, and cost. These will be further discussed with the cities and counties during final design.

2.1.5 Interchanges, Overpasses, and Access Roads

The Tier 1 FEIS identified potential interchange and grade separation locations in Section 5. These locations were identified in the Tier 1 study for all Tier 1 alternatives for comparing potential impacts, benefits, and costs of the Tier 1 alternatives. Decisions regarding the number and location of interchanges and grade separations were not made in the Tier 1 ROD (Section 2.1.6), which stated that such decisions would be made in Tier 2.

Potential interchange locations identified in the Tier 1 FEIS for Section 5 were at the existing interchanges of SR 45/2nd Street, SR 48/3rd Street, SR 46, and North Walnut Street (partial), as well as Fullerton Pike, Kinser Pike, Sample Road, and Paragon Road/Pine Boulevard. In response to local government and public input, potential interchanges were also evaluated at Tapp Road and Liberty Church Road.

One or more alternatives evaluated each of the potential interchange locations identified in the Tier 1 FEIS. Existing SR 37 interchanges were afforded preference due to the substantial disruption to local travel patterns, increased impacts and costs if excluded from the Section 5 alternatives. These include the interchanges at SR 45/2nd Street, SR 48/3rd Street, SR 46, and Walnut Street (partial); however, alternatives were considered that modified existing interchange designs. Potential alternative interchanges were evaluated based upon forecasts from the I-69 corridor model and input from participating agencies and other local government representatives, Expert Land Use Panel (ELUP), CACs, and public comments. Tapp Road, Vernal Pike, Chambers Pike, and Liberty Church Road are examples of such alternative locations considered.

Refined Preferred Alternative 8 has interchanges located at Fullerton Pike, Tapp Road/SR 45/2nd Street, SR 48/3rd Street, SR 46, North Walnut Street (partial), Sample Road, and Liberty Church Road. This alternative reuses the existing interchanges at SR 48/3rd Street, SR 46, and North Walnut Street (partial), and uses the existing bridge structure at SR 45/2nd Street. The precise design of the interchanges will be determined as part of the final design process; the interchanges will be located within the right-of-way footprint approved in this ROD.

Potential grade separations identified within Section 5 in the Tier 1 FEIS in Monroe County were Rockport Road, Tapp Road, Vernal Pike Realignment, and Chambers Pike. Potential grade separations within Morgan County included Liberty Church Road. Potential grade separations studied with the Section 5 alternatives include That Road, Rockport Road, Fullerton Pike, Tapp Road, Vernal Pike/17th Street, Arlington Road, Acuff Road, Kinser Pike, North Walnut Street, Sample Road, Chambers Pike, Bryant's Creek Road, Paragon Road/Pine Boulevard, and Liberty Church Road.

Refined Preferred Alternative 8 includes all grade separations identified in the Tier 1 FEIS, with the exception that the Tapp Road overpass is replaced by a split interchange proposed to provide direct access to I-69 from Tapp Road (via the Tapp Road/SR 45/2nd Street interchange). Grade separations (all overpasses) are located at Rockport Road, Vernal Pike/W. 17th Street, Arlington Road (existing overpass), Kinser Pike, and Chambers Pike.

All other local roads that cross the Section 5 corridor and the right-of-way for Refined Preferred Alternative 8 will be closed. Cul-de-sacs will be built for vehicle turnarounds, except at Acuff Road. Sixteen local access roads or connectors between existing local access roads will be constructed, as listed in the Section 5 FEIS, *Chapter 5, Table 5.3-4*. The local access roads provide access to adjacent properties that would otherwise be inaccessible, realign (reconstruct) local road intersections, or relocate local roads to maintain connection to other local roads and state highways. However, some of these local access roads may be eliminated during final project design where it is determined that it is more economically feasible to purchase one or more parcels during the right-of-way acquisition process rather than provide access roads. A detailed summary of local access road closures, road relocations, grade separations and interchanges can be found in Section 5 FEIS, *Chapter 3, Table 5.3-3*.

This Tier 2 ROD for Section 5 approves the locations of the interchanges, grade separations, and access roads (which include new roads, road realignments, and road relocations) that are features of Refined Preferred Alternative 8.

2.1.6 Property Acquisition

This ROD approves the use of federal funds for property acquisition for the project, for construction of the roadway itself as well as for properties that will be used for mitigation purposes, as described in **Section 5.0**, herein.[4] Additionally, INDOT has completed two acquisitions for right-of-way that were considered "hardship" acquisitions. Other early acquisitions included three flood damaged homes on four parcels that were purchased as part of the INDOT/Federal Environmental Management Agency (FEMA) collaboration after 2008 flooding.

These right-of-way acquisition activities have had no influence on the decisions reached in this Tier 2 ROD for Section 5 [per 23 CFR §710.501(b)(5)]. Acquisition of these properties did not influence the decisions for the project including the need to construct the project, the consideration of alternatives, and the selection of the design or location. No federal-aid highway funds are being used for the early acquisition of right-of-way for highway construction prior to the issuance of this Tier 2 ROD except as permitted in the Tier 1 ROD. Funding for right-of-way and preliminary design was included by amendment in INDOT's *2012-2015 Statewide Transportation Improvement Program* (STIP). Subsequently, I-69 Section 5 has been identified in INDOT's 2014-2017 STIP with the estimated cost to complete the project.

INDOT is prepared to begin right-of-way acquisition once the use of federal funds is authorized. Regardless of the Section 5 project procurement strategy, all applicable state and federal requirements will be followed. Preliminary plans that could be used for identification of needed right-of-way and innovative finance and delivery projects will be developed to refine impact identification and complete applicable permits. Final determinations about access to individual properties will take place as part of the final design process. These determinations may result in slight changes in displacements from those shown in the Section 5 FEIS.

2.2 Phased Construction

INDOT is pursuing innovative finance and delivery to deliver this project to the community as quickly as possible in order to alleviate concerns about the need for improvements to SR 37 that have been expressed by various members of the community in preparation for the opening of I-69 Section 4. With innovative financing and delivery projects, it is likely that a single construction contract would be issued. Also, because of the flexibility inherent in innovative financing structures, expenditures are often not related to costs incurred as would be the case with more traditional design-build or design-bid-build projects. Often with innovative financing expenditures by year may differ significantly from associated project costs. Thus, a year by year breakdown of anticipated project costs has not been provided in the Section 5 FEIS.

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[4] The Tier 2 Section 5 Biological Assessment (BA) identifies 20 potential mitigation sites. See **Section 5.1.4**, *Mitigation Sites*, for details of the status of acquiring mitigation sites.

Segments of the project will be prioritized for construction based on multiple factors, including but not limited to: operational and safety needs at a particular location, access for local residences and businesses with current direct access to SR 37, maintenance of traffic during construction, condition of the existing SR 37 pavement, timing of planned construction on the local road network adjacent to the project, and acquisition of necessary right-of-way in particular areas slated for construction at a given time. Project sequencing and timing will be determined once the procurement process is completed. Possible construction sequencing is outlined in Section 5 FEIS, *Appendix FF, Construction Sequencing and Prioritization.* The innovative finance and delivery team may offer an alternative sequencing plan for review and acceptance by INDOT.

Safety priorities, including replacing at-grade crossings through the urban area, will continue to be of primary concern. INDOT is ready to begin right-of-way acquisition once the use of federal funds is authorized. Regardless of the Section 5 procurement strategy, all applicable state and federal requirements and adherence to INDOT standards and specifications will be required.

Traffic will be maintained on existing SR 37 during the construction of I-69. With the exception of those properties which are acquired in full (resulting in a relocation), any residential or commercial drives impacted by the project will be provided with access to a public roadway during the construction.

2.3 Mitigation

This Tier 2 ROD for Section 5 approves and directs the implementation of the mitigation measures listed in the Section 5 FEIS, *Chapter 7, Mitigation and Commitments.* FHWA will support efforts, in cooperation with INDOT and applicable resource agencies, to ensure the timely implementation of these measures. Mitigation measures implemented pursuant to this ROD (including land acquisition) shall be eligible for federal funding, subject to prior approval by FHWA. See **Section 5.0**, *Measures to Minimize Harm*, herein, for further discussion of mitigation.

Some of the mitigation measures involve a commitment to specific design features (e.g., wildlife crossings) or mitigation activity (e.g., mitigating for forest lands at a 3 to 1 ratio). Other measures involve a commitment to conduct further analysis (e.g., assessment of karst features in accordance with the Karst Memorandum of Understanding [MOU]). For activities directly related to the quantity of impacts, the Section 5 FEIS, *Chapter 7*, identifies mitigation quantities specific to impacts determined in the Tier 2 Section 5 study. Mitigation quantities are based on ratios determined during Tier 1 and Tier 2 consultation with regulatory agencies and agreed to in the Tier 1 and Tier 2 RODs. Mitigation measures are identified in **Section 5.0**, herein, and are summarized on the *Section 5 Mitigation Commitments Summary Form* (**Appendix B** of this Section 5 ROD).

Detailed design will continue to make efforts to further reduce impacts to sensitive resources. When this is determined possible without reducing the performance of the Selected Alternative or increasing impacts to other sensitive resources and in consultation with the appropriate resource agencies, mitigation quantities may be reduced but the agreed-to ratios shall be maintained. Impacts to these resources and mitigation will be tracked and reported to the

appropriate resource agencies on an annual basis. Should design changes cause impacts outside of the proposed footprint, those will be analyzed and documented.

3.0 ALTERNATIVES CONSIDERED

The range of alternatives in the second tier of a tiered NEPA study is circumscribed by the decisions reached in Tier 1. The primary limitation on Tier 2 alternatives established by the Tier 1 ROD is that alternative alignments considered in Tier 2 must be within the corridor approved in Tier 1. The Section 5 Tier 2 mainline alternatives considered in the Section 5 FEIS are located within the approved corridor established in the Tier 1 ROD. In a few areas access roads to landlocked parcels, improvements along existing roads at grade separations (overpass or underpass), turnarounds (cul-de-sacs) for local road closures, and interchange ramps are located partially outside of the Alternative 3C corridor.[5] As described in **Section 2.1.2** of this Tier 2 ROD for Section 5, FHWA has determined that locating these elements of the highway outside of the approved corridor is consistent with the Tier 1 ROD.

This section of the Tier 2 ROD for Section 5 briefly describes the Purpose and Need for the proposed action, the alternatives evaluation and screening procedures, the alternatives considered, and the balancing of impacts, costs and project benefits that formed the basis for the decision to select Refined Preferred Alternative 8. The Section 5 FEIS, *Section 3.2, Alternative Development Process*, describes in detail the scoping process, the development of alternative roadway alignments, and the identification of interchange options within the approved corridor for Section 5.

In Section 5, the transportation performance goals identified in the Tier 2 study include the completion of Section 5 of I-69 as stipulated in the Tier 1 ROD, congestion reduction, crash reductions, and supporting local economic development initiatives. Section 5 FEIS, *Section 2.5, Project Goals and Performance Measures*, gives the specific performance goals and associated performance measures. The Tier 2 scoping process defined the range of alternatives to be considered and the process to be used to address potential environmental impacts. The scoping of alternatives included extensive opportunities for public and government agency input.

All alternatives are upgrades of existing SR 37. The location of interchanges significantly influences alternative performance on transportation measures (congestion and crash reduction); all alternatives perform similarly on the local economic development measure. See **Section 3.2.6**, *Purpose and Need Performance Indicators Analysis*, of this ROD for details. The identification of a Selected Alternative considered performance on purpose and need goals as well as the potential social, economic, and environmental impacts; public and resource agency input; cost; and engineering design standards. These are discussed in detail in Section 5 FEIS, *Chapter 6, Comparison of Alternatives*.

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[5] As noted in **Section 2.1.3**, the Section 5 corridor is 2,000 feet in width except for a very short distance at the very north of the Section 5 corridor. At some grade separations and interchanges within Section 5, interchange ramps or local road improvements go outside of the corridor due to reconnecting to local roads, upgrading existing local roads, or providing new local access roads. The ability to go outside the corridor for these features was confirmed by FHWA in its letter dated February 12, 2007. A copy of the letter can be found on the Tier 1 Website (http://deis.i69indyevn.org/, see "FHWA Determination No SEIS Needed, February 12, 2007").

3.1 Purpose and Need

The overall Purpose and Need for the I-69 Evansville-to-Indianapolis project was established in the Tier 1 EIS and Tier 1 ROD. The overall project Purpose and Need was based on regional goals for the entire Southwest Indiana region, which includes 26 counties and encompasses a quarter of the State of Indiana. These broad regional goals were used as the basis for evaluating alternatives in Tier 1, when the alternatives analysis involved comparing different corridors 140 to 160 miles in length located throughout a broad geographic area. The Tier 1 ROD determined that the Tier 2 Purpose and Need would primarily focus on local needs specific to individual sections.

The purpose of the Tier 2 Section 5 project is to advance the overall goals of the I-69 Evansville-to-Indianapolis project in a manner consistent with the commitments in the Tier 1 ROD, while also addressing local needs identified in the Tier 2 process.

Local needs identified in Tier 2 for Section 5 are based upon and supportive of the project Purpose and Need and broad, regional goals developed in the Tier 1 study. The local needs were identified through a technical analysis and an extensive public involvement process that included comments from the general public, local officials, local business owners/managers, members of the Section 5 CAC, and others. The identified Tier 2 Section 5 needs include:

- Complete Section 5 of I-69 as determined in the Tier 1 ROD
- Reduce existing and forecasted traffic congestion on the highway network in the Section 5 Study Area
- Improve traffic safety
- Support local economic development initiatives

These needs are defined in greater detail in the Section 5 FEIS, *Section 2.3, Needs Assessment*. The public involvement process is described in detail in the Section 5 FEIS, *Chapter 11, Comments, Coordination and Public Involvement.* The Selected Alternative developed for Section 5 (Refined Preferred Alternative 8) addresses the overall goals of Tier 1 and the local needs identified in the Tier 2 study.

3.2 Identification and Evaluation of Alternatives

The preliminary alternatives incorporated information obtained via preliminary studies and public outreach and agency coordination activities. For purposes of reference and analysis, the Section 5 corridor was divided into six segments referred to as Subsection 5A through Subsection 5F. The preliminary alternatives for Section 5 involved the development of mainline alignments using the existing SR 37 right-of-way within the 2,000-foot-wide Section 5 corridor. The typical right-of-way section for preliminary alternatives in Section 5 ranges from about 220 feet to 790 feet wide, depending on the alignment and terrain features. Right-of-way for each alternative includes the existing SR 37 right-of-way. The widest sections occur at interchanges and in limited locations where the existing SR 37 alignment is bifurcated. In addition, there are proposed local access roads at various points throughout the corridor.

3.2.1 Preliminary Alternatives

The Tier 1 Preferred Alternative 3C was used to develop Preliminary Alternative 1 for Section 5. In addition, two other preliminary alternatives – Alternatives 2 and 3 – were initially developed by combining the mainline alignments with various combinations of interchanges and grade separations. A series of local access roads parallel to I-69 were developed for each alternative between the interchanges. The local access roads connect individual parcels and roads that would otherwise be disconnected from I-69. Section 5 FEIS, *Chapter 3, Table 3-1*, lists the interchanges and grade separations included with each of these preliminary alternatives. Section 5 FEIS, *Section 3.2.2.3, Figure 3-10,* illustrates the alignments of preliminary Alternatives 1, 2, and 3.

Tier 1 identified two different typical cross sections to be used for impact and cost estimates in Section 5. These consisted of an eight-lane typical cross section in urban areas and a six-lane typical section in rural areas. See **Section 2.1.4** of this ROD for a detailed description of these cross sections.

Because the alignment in Section 5 follows the existing SR 37 alignment, the most variable features of these preliminary alternatives are the access options (e.g., interchanges and local access roads). As previously discussed, existing SR 37 interchanges were identified in the Tier 1 FEIS due to the substantial disruption to local travel patterns, increased impacts and costs if excluded from the Section 5 alternatives. These include the SR 45/2nd Street, SR 48/3rd Street, SR 46, and Walnut Street (partial). Alternatives were considered which modified the configurations of these existing interchanges. Tapp Road, Chambers Pike, and Liberty Church Road are examples of proposed alternate interchange locations.

The analysis presented in Section 5 FEIS, *Section 3.2.2.4, Preliminary Alternatives 1, 2, and 3 Screening Process*, was used to evaluate an each major feature listed in Section 5 FEIS, *Table 3-2* (e.g., Tapp Road intersection, Fullerton Pike intersection, mainline shifts, etc.) of SR 37 that would need to be assessed in the potential SR 37 upgrade action (e.g., overpass, underpass, interchange, access road, etc.) of each of the three preliminary alternatives (Alternatives 1 to 3, shown in Section 5 FEIS, *Figure 3-10*). Criteria used in this evaluation included traffic volumes from the I-69 corridor model; input from the ELUP and CAC; and planned and programmed improvements to the local roadway network. Interchanges were maintained at the four existing locations during the alternatives analysis, although an alternative was considered that moved access provided by the Walnut Street interchange out of the Beanblossom Creek floodplain to Kinser Pike.

Multiple interchange types were considered, and interchange types were chosen based on surrounding land uses, INDOT design guidance, and traffic operations. Section 5 FEIS, *Chapter 3, Figure 3-9,* shows examples of these interchange types. While preliminary interchange types were identified, various interchange layout options were considered at I-69 access locations as the environmental impact studies progressed, and will be further evaluated during final design. However, any interchange designs will be within the right-of-way footprint approved in this Tier 2 ROD for Section 5.

With regards to economic development indicators, the interchange options would have essentially equal performance in improving travel distances and times to the interstate system

from the communities and employment centers in the Study Area. The relative ability to satisfy local Purpose and Need was an important basis of the recommendations of the number and location of interchanges for the preferred alternative.

At each grade separation, an overpass and an underpass of I-69 were considered. However, due to the existing SR 37 grade and the presence of karst features within the corridor, overpasses of I-69 would typically be less expensive and create fewer drainage concerns than underpasses.

3.2.2 Alternatives Screening

Preliminary Alternatives 1, 2, and 3 were presented to INDOT and FHWA for review at a meeting on June 30, 2005. Based on comments from INDOT and FHWA, minor changes were made to the alternatives. The three alternatives were then presented at a CAC meeting on July 19, 2005, and subsequently at a Public Information Meeting on July 20, 2005. Participants commented on proposed road closures, overpass recommendations, locations of interchanges, and connector roads. Additional information about the development of the preliminary alternatives, including key resources that were considered, is included in Section 5 FEIS, *Section 3.2.2.3, Preliminary Alternatives (Alternatives 1 to 3)*. Through this process some of the features composing Alternative 1 to 3 were retained, while others were eliminated, modified, or replaced. The features that were retained, modified, or replaced resulted in the development of two new alternatives – Alternatives 4 and 5.

3.2.3 Alternatives 4 and 5

During the 2007 alternative screening, the elements that remained under consideration after the screening of preliminary Alternatives 1, 2, and 3 were grouped into two alternatives (Alternatives 4 and 5), which were included for detailed study. The access, grade separation, and no access options developed for Alternatives 4 and 5 illustrate possible combinations of the various desirable elements of Alternatives 1, 2, and 3; refer to Section 5 FEIS, *Section 3.2.2.5, Development of Alternatives 4 and 5*. Following further traffic modeling and LOS evaluations conducted during the Tier 2 studies, it was determined that traffic levels permitted a reduction in the number of travel lanes for both the rural and urban areas from what was assumed in Tier 1. These forecasts indicated that six travel lanes (three in each direction) were required in the urban area of Bloomington, and four travel lanes (two in each direction) were required in rural areas.

Illustrations of typical urban and rural sections with lane widths, shoulders, medians, clear zones, and features to be used where needed (such as truck climbing and auxiliary lanes, landscape berms, and local access roads) are shown in Section 5 FEIS, *Chapter 3, Figure 3-7*. These typical sections were used for the two alternatives (Alternatives 4 and 5) identified in the May 2007 Preliminary Screening of Alternatives. For Alternatives 4 and 5, the following mainline shifts were incorporated to avoid key constraints:

- **Shift to avoid Monroe Hospital.** The mainline alignment was shifted to the east at Fullerton Pike to avoid impacting the Monroe Hospital and to minimize impacts to karst features in the immediate area.

- **Shift to avoid Wapehani Mountain Bike Park.** The mainline alignments were shifted to the west to avoid or minimize impacts to Wapehani Mountain Bike Park, a resource protected under Section 4(f) of the U. S. Department of Transportation Act.

- **Shift to avoid Maple Grove Road Rural Historic District Historic District.** The mainline alignment was shifted to the east at Acuff Road to avoid impacting the Maple Grove Road Rural Historic District boundary.

- **Shift to avoid Carlton/Huff/Kendrick Cemetery.** The mainline alignment was shifted to the west between Sample Road and Chambers Pike to avoid the Carlton/Huff/Kendrick Cemetery. (Note: all cemeteries were considered constraints and avoided.)

- **Shift within Morgan-Monroe State Forest.** The bifurcation of SR 37 through the Morgan-Monroe State Forest was maintained in the mainline alignments.

3.2.4 Minimal Impact Alternatives 6 and 7

Following the development of Alternatives 4 and 5 in 2007, design features were considered that could lessen impacts to the natural and human environment. This review recognized the significant existing development along SR 37 and sought opportunities to optimize use of existing pavement, grade, structures, and right-of-way where possible. The minimal impact alternative development process focused on reducing environmental impacts, right-of-way needs, construction costs, as well as community impacts by:

- reducing interchange size and location (based on traffic needs and impacts);

- reducing the number of mainline lanes based upon refined traffic modeling and LOS evaluations;

- using existing interchange access points;

- locating local access roads closer to the I-69 mainline to reduce new impacts;

- reducing the length of local access roads;

- relocating access roads to reduce farm and parcel splits;

- evaluating whether it would be less costly and cause fewer environmental impacts to acquire property that would be landlocked by Section 5 or provide new access roads to the landlocked property;

- incorporating input from local governments, emergency service providers, CACs, utility representatives, and public comments; and,

- identifying potential conservation and mitigation areas.

INDOT and FHWA agreed the development of alternatives may include median barriers, retaining walls, guardrails, and (in specific locations) engineering design exceptions. Consideration will be given during the final design phase for use of design refinements as a measure to reduce direct impacts and/or construction costs (see Section 5 FEIS, *Section 5.1, Introduction and Methodology*). Formal approval of design refinements would not occur until after the Tier 2 studies are completed and final design is underway.

Using these elements, two minimal impact alternatives (Alternatives 6 and 7) were developed for detailed study. The access characteristics of these alternatives (interchanges and grade separations) generally incorporate elements of Alternatives 4 and 5. Alternatives 6 and 7 include a mainline with either a median barrier (urban), guardrail (suburban) or a grassy median (rural), either a barrier or setback separation from parallel local access roads, and generally are within the existing SR 37 right-of-way, with the exception of two shifts. With Alternative 6, the mainline shifts to the west between SR 45/2nd Street and Tapp Road to avoid the Wapehani Mountain Bike Park, a Section 4(f) resource. Alternative 7 would remain on the existing SR 37 right-of-way, impacting the edge of the Park. For both Alternatives 6 and 7, mainline alignment shifts between Sample Road and Chambers Pike, to allow for the re-use of existing SR 37 pavement for an eastern local access road and the I-69 northbound lanes.

The interchange access and grade separation options for minimal impact Alternatives 6 and 7 (shown in **Table 2**) are not as interchangeable as elements in Alternatives 4 and 5 because a decision in one portion of Section 5 could affect other decision options. For certain potential interchange locations (e.g., Fullerton Pike, Tapp Road, SR 45/2nd Street, SR 48/3rd Street, Kinser Pike, and Walnut Street), multiple interchange types were considered. Types were chosen based on surrounding land uses, INDOT design guidance, and traffic operations. As part of reducing impacts and costs, Alternative 7 was designed with the use of the existing partial interchange at Walnut Street. This design feature had to receive approval from FHWA due to the agency's policy on the design of interchanges on interstates. This approval was received February 2013.

3.2.5 Development of Hybrid Alternative 8

INDOT and its project engineers conducted additional analyses on minimal impact Alternatives 6 and 7 in an attempt to optimize reuse of existing SR 37, reduce impacts and project costs. The result of those additional analyses was the development of a hybrid alternative. Designated as Alternative 8, this alternative is composed of desirable features of Alternatives 5, 6, and 7, taking into consideration engineering and safety design considerations. Alternative 8 was further refined, where possible, to minimize impacts, costs, and incorporate engineering and safety design considerations.

Alternative 8 has the same mainline typical rural and urban configurations as Alternatives 6 and 7. In some areas, Alternative 8 is identical to either Alternative 6 or Alternative 7; or, uses design features from Alternative 5; or, in some cases introduces new design features not present in the other alternatives. Based on costs and impact comparison, Alternative 8 was designated as the Preferred Alternative in the DEIS. With Alternative 8, two options were included for the Walnut Street interchange: construction of a new full interchange (Option A); or, the use of the existing partial interchange (Option B). This provided flexibility in case the FHWA decided not to approve the use of the existing partial interchange at this location.

Table 2 on the following pages summarizes the major features of each alternative, including potential interchange and overpass/underpass locations and types.

Table 2: Summary of Section 5 Alternatives by Major Feature for Alternatives 4, 5, 6, 7, 8 and Refined Preferred Alternative 8

Major Feature Name	Existing Condition	Alternative 4	Alternative 5	Alternative 6	Alternative 7	Alternative 8 (Options A and B)	Refined Preferred Alternative 8
I-69 and SR 37	Not Applicable	Section 4 Interchange		Section 4 Interchange		Section 4 Interchange	
That Road	Intersection Free Flow SR 37	No I-69 Access; East Access Rd		No I-69 Access; East Access Rd		No I-69 Access; East Access Rd	
Rockport Road	Intersection Free Flow SR 37	Overpass		Overpass		Overpass	
Mainline (That Rd. to Fullerton Pike)	SR 37; Grass Median	Shift to East; Grass Median		Use SR 37 Pavement and Right-of-way; Median Barrier		Use SR 37 Pavement and Right-of-way; Median Barrier	
Fullerton Pike	Signalized Intersection	Folded Diamond Interchange		Double Folded Interchange	Double Folded Interchange; E. Fullerton Pk. Shift to South	Double Folded Interchange	
Mainline	SR 37; Grass Median	SR 37 Centered; Grass Median		Use SR 37 Pavement / Right-of-way		Use SR 37 Pavement/Right-of-way	
(Fullerton Pike to Arlington Rd.)				Median Barrier		Median Barrier	
(Arlington Rd. to Sample Rd.)				Shift West Guardrail	Guardrail	Shift West Guardrail	
Tapp Road	Signalized Intersection	Overpass; West turn lane	Split-Diamond Interchange (Controlled Access Roads)	Overpass	Split-Diamond Interchange (Controlled Access Roads and Barriers) w/ No Mainline Shift	Split-Diamond Interchange (Controlled Access Roads and Barriers) w/ Mainline Shift to the west	Split-Diamond Interchange (Controlled Access Roads and Barriers) w/ No Mainline Shift
SR 45/2nd Street	Existing Interchange	Tight Diamond Interchange		Use Existing Interchange			
SR 48/3rd Street	Existing Interchange	Tight Diamond Interchange	Single Point Interchange	Use Existing Interchange; Potential for additional turning lanes		Use Existing Interchange; Potential additional turning lanes	
Vernal Pike	Signalized Intersection	Underpass		Underpass	Overpass	Overpass	
SR 46 Interchange	Existing Interchange	Use Existing Interchange		Use Existing Interchange		Use Existing Interchange	
Arlington Rd	Overpass	Overpass		Overpass		Overpass	
Acuff Rd	Intersection Free Flow SR 37	No I-69 Access		No I-69 Access		No I-69 Access	
Kinser Pike	Intersection Free Flow SR 37	Rural Diamond Interchange	Overpass	No I-69 Access; W. Access Road	Overpass	Overpass	
Mainline South Beanblossom Valley	SR 37 Grass Median; 5% Grade, SB Truck Lane	4% Cut/Fill and SB Truck Climbing Lane		Use Existing 5% Grade and SB Truck Lane	4% Cut/Fill and SB Truck Climbing Lane	Use Existing 5% Grade and SB Truck Lane	
N. Walnut Street	Existing Partial Interchange	Overpass	Single-Point or Rural Diamond Interchange	Overpass	Existing Partial Interchange	Option A: Single-Point or Rural Diamond Interchange Option B: Use Existing Partial Interchange	Existing Partial Interchange

Table 2: Summary of Section 5 Alternatives by Major Feature for Alternatives 4, 5, 6, 7, 8 and Refined Preferred Alternative 8

Major Feature Name	Existing Condition	Alternative 4	Alternative 5	Alternative 6	Alternative 7	Alternative 8 (Options A and B)	Refined Preferred Alternative 8
Mainline North Beanblossom Valley	SR 37 Grass Median; 5% Grade, NB Truck Lane	4% Cut/Fill and NB Truck Climbing Lane		Use Existing 5% with NB Truck Lane	4% Cut/Fill and NB Truck Lane	Use Existing 5% with NB Truck Lane	
Sample Road	Intersection Free Flow SR 37	Rural Diamond Interchange		Folded Urban Interchange	Urban Diamond Interchange	Folded Urban Interchange	
Mainline Shift (Sample Rd. to Chambers Pike)	SR 37; Grass Median	Shift to West; Wide Grass Median; NB SR 37 as Access Rd		Use SR 37, Right-of-way, Grass Median; New SB Right-of-way E Access Rd w/ median	Use SR 37 Right-of-way; Median Barrier; Use SR 37 Right-of-way for E Access Rd w/ Barrier	Use SR 37, Right-of-way, Grass Median; New SB Right-of-way E Access Rd w/ median	
Chambers Pike	Intersection Free Flow SR 37	Overpass		Overpass	No I-69 Access; E/W access Rds	Overpass	
Mainline Shift (Chambers Pike to Bryant's Creek Rd.)	SR 37; Grass Median	3 lanes each side; 4% Cut/Fill		2 lanes; Use Existing 5% Grade; (SB Truck Ln)	2 lanes; 4% Cut/Fill; (SB Truck Ln)	2 lanes; Use Existing 5% Grade; (SB Truck Ln)	
Mainline (Bifurcation)	NB SR 37 Shoulder Guardrail	Medium width Shoulder/ Clear Zone (NB Guardrail)		NB Use SR 37 Shoulder Guardrail	NB Shoulder widening Guardrail	NB Use SR 37 Shoulder Guardrail	
	SB SR 37 Shoulder/ Clear Zone			SB Use SR 37 Shoulder/ Clear Zone Truck Lane		SB Use SR 37 Shoulder/ Clear Zone Truck Lane	
Bryant's Creek Rd	Intersection Free Flow SR 37	No I-69 Access; Eastside Property Acquisition; W Access Rd		No I-69 Access; E Acquisition W Access Rd	Overpass	No I-69 Access; E Acquisition; W Access Rd	
Mainline (Bryant's Crk Rd to Section 6)	SR 37; Grass Median	SR 37 Centered; Wide Grass Median		Use Existing SR 37 Pavement, Right-of-way, and Grass Median		Use Existing SR 37 Pavement, Right-of-way, and Grass Median	
Paragon Rd./ Pine Blvd.	Intersection Free Flow SR 37	Rural Diamond Interchange	Overpass	No I-69 Access; W Access Rd; Use existing E Access Rd		No I-69 Access; W Access Rd; Use existing E Access Rd	
Liberty Church Road	Intersection Free Flow SR 37	Overpass	Rural Diamond Interchange	Urban Diamond Interchange	Folded Diamond Interchange	Urban Diamond Interchange	
SR 37 N of Legendary Hills Rd.	Intersection Free Flow SR 37	No I-69 Access; East Access Rd		No I-69 Access; East Access Rd		No I-69 Access; East Access Rd	
I-69 and SR 39	Existing Interchange	Section 6 Interchange		Section 6 Interchange		Section 6 Interchange	

Notes - Access roads generally parallel I-69 on either the E – east side, W- west side, or E/W - both sides of I-69 Mainline; Descriptive terms such as wide, rural, urban medium, tight, and narrow provide relative comparatives only and are not indicative of specific dimensions. See Section 5 FEIS, Figure 3-9.

Yellow-shaded items share the same treatment.

3.2.6 Refined Preferred Alternative 8

Alternative 8 was the DEIS Preferred Alternative for Section 5 as a complete terminus-to-terminus system based on the information considered in Section 5 FEIS, *Section 6.3.4*. Comments on the DEIS generally supported this selection and offered recommendations to be considered in further refining this alternative to avoid or further reduce impacts and/or cost. As previously discussed in **Section 2.1.1**, *Selection of Refined Preferred Alternative 8*, refinements were made to Alternative 8 based on comments received on the DEIS; information received from the CAC, participating agencies, and other local public officials; and, additional engineering and environmental studies to develop Refined Preferred Alternative 8. **Section 2.1.1** also lists the refinements that were incorporated into the Refined Preferred Alternative 8. **Table 3** summarizes the differences between the DEIS Preferred Alternative 8 and Refined Preferred Alternative 8.

Table 3: Differences Between DEIS Preferred Alternative 8 and Refined Preferred Alternative 8

Feature Area	DEIS Preferred Alternative 8	Refined Preferred Alternative 8	Advantages/Benefits of Refined Preferred Alternative 8
Entire Alternative	Consistent application of side gradient slopes.	Incorporation of alternate side slopes and/or retaining walls at select locations.	Overall reduction in the right-of-way which reduces environmental impacts and the number of relocations.
West Fullerton Pike	Aligned along existing Fullerton Pike.	Shifted slightly to the north and use of a straighter curve for the Fullerton Pike reconstruction.	Improve safety; allow for higher design speed; avoid two office buildings which prevents 8 business relocations.
Access to Hickory Heights via Barger Lane	Access to Hickory Heights Mobile Home Park to connect to West Maple Leaf Drive to the north.	Access revised to tie into South Danlyn Road to the west.	Shorter access between mobile home park and Tapp Road, less through traffic on residential roads.
Wapehani Mountain Bike Park	Avoided park's boundary.	Shifts into edge of park, acquiring right-of-way along edge of park.	Reduce residential displacements and commercial property impacts, eliminate bridge replacement; reduce costs; reduce traffic delays and/or detours during construction.
Sam's Club	Access to Sam's Club at South Hickory Leaf Drive only.	Adds right-in/right-out access to Sam's Club from eastbound SR 45/2nd Street.	Better traffic flow; closer to existing commercial access; reduce traffic on partially residential South Hickory Leaf Drive.
SR 45/2nd Street Interchange	Existing bridge and ramp configuration.	Bridge will be modified for bicycle/pedestrian uses.	Improve bicycle/pedestrian accommodations.

Table 3: Differences Between DEIS Preferred Alternative 8 and Refined Preferred Alternative 8			
Feature Area	**DEIS Preferred Alternative 8**	**Refined Preferred Alternative 8**	**Advantages/Benefits of Refined Preferred Alternative 8**
SR 48/3rd Street Interchange	Existing bridge and ramp configuration.	Bridge will be widened for bicycle/pedestrian uses. Additional lanes on exit ramps.	Improve bicycle/pedestrian accommodations. Better traffic management for exiting highway.
North Walnut Street Interchange	Construct a new full interchange (Option A) or use the existing partial interchange (Option B).	Approval to use the existing partial interchange.	Reduction of natural resource impacts (floodplains, wetlands, streams); reduce costs; maintains use of Historic Monroe County Bridge No. 913 and existing travel patterns.
Eastern Local Access Road Removal in Beanblossom Valley	Eastern local access road from North Walnut Street north to Connaught Road.	Removal of eastern local access road from North Walnut Street north to Connaught Road.	Reduce natural resource impacts (floodplains, wetlands, streams); reduce costs; maintains existing traffic patterns.
Liberty Church Road Interchange	Interchange centered on existing Liberty Church Road/Godsey Road intersection.	Interchange shifted approximately 700 feet north of existing Liberty Church Road/Godsey Road intersection.	Reduction in natural resource impacts (floodplains and streams).

3.2.7 Purpose and Need Performance Indicators Analysis

Alternatives 4, 5, 6, 7, 8, and Refined Preferred Alternative 8 were analyzed using the purpose and need performance measures. As discussed earlier, the transportation performance goals in the Section 5 Study Area include improving accessibility, reducing congestion, and improving safety. Economic development measures evaluated access between key locations in the Section 5 project area. The results of the analysis indicate how well the build alternatives meet these stated goals (compared to the no build scenario). The effectiveness of each alternative in meeting these transportation performance and economic performance measures is addressed in Section 5 FEIS, *Section 3.3, Screening of Alternatives,* and *Section 5.5, Economic Impacts,* respectively.

All performance measures were calculated for a forecast year of 2035. All calculations assume that I-69 is completed from Evansville to Indianapolis. Transportation performance measures evaluated each alternative in its ability to reduce congestion and improve safety. All of the Section 5 build alternatives provide significant benefits on performance measures addressing the Tier 2 local purpose and need goals (see Section 5 FEIS, *Section 2.5, Project Goals and Performance Measures*). All Build Alternatives provide substantial benefits on performance measures regarding local purpose and need goals related to congestion and safety measures (see Section 5 FEIS, *Section 3.3.1, Transportation Performance Indicators, Table 3-7 through Table 3-9*). The following summarizes the results from the transportation performance analysis:

- **Total Congested Vehicle Miles Traveled (VMT):** The daily total congested VMT under the No-build Alternative would be reduced under all Build Alternatives. Alternative 4 shows the greatest reduction in congested VMT (86,014), while Alternative 6 shows the least reduction (51,978). Refined Preferred Alternative 8 has the second-highest reduction in daily congested VMT (69,819).

- **Total Congested Vehicle Hours Traveled (VHT)**: All Build Alternatives show a reduction in daily congested VHT when compared to the No-build Alternative. The greatest reduction in congested VHT is shown for Alternative 4 (2,398), and Alternative 6 shows the least reduction in congested VHT (1,003). Refined Preferred Alternative 8 has the second-highest reduction in daily congested VHT (2,031).

- **Safety**: The total numbers of crashes annually in the study area are expected to decrease for all Build Alternatives when compared to the No-build Alternative. Alternative 8 and Refined Preferred Alternative 8 are anticipated to have the greatest reduction in crashes (261), and Alternative 4 is expected to have the least reduction (228).

The following summarizes the results from the economic performance analysis.

- All of the Build Alternatives offer a similar level of increased accessibility between key local travel points of economic significance.

- All Build Alternatives would improve accessibility by reducing travel time to regional destinations – particularly Indianapolis and Evansville. With any of the Build Alternatives, there would be a six to seven minute reduction in end-to-end travel time through the 21-mile Section 5 corridor when compared to the No-build Alternative.

- Improved access means better access to regional employment centers, business markets, and more efficient distribution of commercial goods.

3.3 Selected Alternative — Refined Preferred Alternative 8

The Selected Alternative, Refined Preferred Alternative 8 would provide interchanges at Fullerton Pike, Tapp Road/SR 45/2nd Street, SR 48/3rd Street, SR 46, Walnut Street, Sample Road, and Liberty Church Road. In addition, overpasses would be located at Rockport Road, Vernal Pike, Arlington Road, Kinser Pike, and Chambers Pike.

Six subsections, 5A through 5F (shown in **Figure 3** in **Appendix A** of this Section 5 ROD), were delineated by identifying areas along the current SR 37 with similar planning, transportation, development and environmental features. This was done to provide a more detailed comparison of the features of each alternative, as well as to provide participating agencies and the public a way to evaluate how the alternatives would impact their specific areas. It should be noted that these subsection comparisons were not used to "piece together" the preferred alternative alignment by subsection. Rather, these subsection comparisons were used as part of determining the overall preferred alternative for the Section 5 corridor. Below is a description of the design features of Refined Preferred Alternative 8 by subsection and the rationale for using these features in the Refined Preferred Alternative.

3.3.1 Subsection 5A

Subsection 5A begins at the intersection of SR 37/I-69 and That Road, and extends north/northwest along existing SR 37 approximately 1.4 miles, ending at a point approximately 0.55-mile north of Fullerton Pike and 0.45-mile south of Tapp Road. The mainline of Refined Preferred Alternative 8 retains the existing SR 37 alignment, using an urban typical sectio*n (see* Section 5 FEIS, *Chapter 3, Figure 3-8*) with three 12-foot travel lanes in each direction of the mainline, separated by a 26.5-foot wide median with a concrete barrier. There would be a 12-foot wide shoulder and a 30-foot wide clear zone on each side of the mainline (see Section 5 FEIS, *Chapter 3, Figure 3-8*). Because of its proximity to the SR 37/I-69 interchange in Section 4, the Refined Preferred Alternative 8 also closes That Road and includes a new local access road to connect That Road to Rockport Road on the east side of SR 37/I-69 to maintain connectivity. While Refined Preferred Alternative 8 includes a double-folded diamond interchange at Fullerton Pike for access to the local Tax Increment Financing (TIF) district, various interchange design types could be designed to meet the traffic demand needs within the proposed right-of-way. The interchange design was favored because mainline traffic would be less likely to experience delays from merging with reduced speed on-ramp traffic than by deceleration for a reduced speed off-ramp. The use of existing SR 37 alignment, pavement, right-of-way, and folded approach ramps reduced the aerial extent of the interchange and fewer impacts than Alternatives 4 and 5.

Refined Preferred Alternative 8 widens the existing Fullerton Pike alignment on the east side of SR 37/I-69 to allow straight flow of through traffic without speed reduction or curve modifications. This is especially important given the existing rolling terrain and proximity to the ramp termini from the Fullerton Pike interchange. Alternatives 6 and 8 are similar except the Refined Preferred Alternative 8 uses a narrower right-of-way to reduce displacements along Fullerton Pike; to minimize impacts to the National Register of Historic Places (NRHP)-eligible North Clear Creek Historic Landscape District; and, to integrate with local planned projects in the Fullerton Pike area.

The Fullerton Pike alignment west of the I-69 mainline was shifted north in Refined Preferred Alternative 8 by straightening the roadway curvature to avoid impacts to two multi-unit office buildings, eliminating eight business displacements. Further engineering solutions as part of final design may be needed to avoid the Monroe Hospital Administration and Billing building. Additionally, by reducing the Alternative 8 of right-of-way along Rockport Road, the Refined Preferred Alternative 8 avoids four residential relocations. In consultation with Monroe County, the Refined Preferred Alternative 8 includes bicycle/pedestrian accommodations on Rockport Road and Fullerton Pike within the proposed right-of-way.

Refined Preferred Alternative 8 is the Selected Alternative over Alternatives 4, 5, 6, 7, and 8 for reasons that include:

- Through the use of minimal impact criteria and existing SR 37 right-of-way, the Refined Preferred Alternative 8 impacts are reduced and costs are lowered. Refined Preferred Alternative 8 has the lowest cost, as well as the least displacements and impacts to forest and karst.

- While there would be fewer impacts to noise receptors with Alternatives 4 and 5, that is due to the fact that some of the potentially impacted receptors would be displaced by these alternatives. Alternatives 4 and 5 would also have the greatest impact to the North Clear Creek Historic Landscape District, an NRHP-eligible Section 4(f) resource, as well as streams, karst, farmland, and upland forests.

- Alternative 7 would have slightly less stream impacts than Refined Preferred Alternative 8 and avoids the North Clear Creek Historic Landscape District and a hazardous waste site by relocating Fullerton Pike to the south of existing location. However, staying within the existing Fullerton Pike alignment is important, both to conform to local transportation plans and to be consistent with Monroe County's proposed roadway improvements in the vicinity of Fullerton Pike. Also, Alternative 7 would require double-s curves on Fullerton Pike, thereby reducing the overall speed of the proposed facility. Using the existing alignment reduced residential displacements and karst impacts on the east side of the mainline. Further, FHWA determined, and SHPO and ACHP concurred, that acquisition of property needed for Refined Preferred Alternative 8 would have No Adverse Effect on the historic district (see Section 5 FEIS, *Appendix N, Section 106 Documentation*) and would constitute a *de minimis* impact to the resource (see Section 5 FEIS, *Chapter 8, Section 4(f)*). Of the alternatives that stay within the existing Fullerton Pike alignment, Refined Preferred Alternative 8 has the least right-of-way acquisition required from the North Clear Creek Historic Landscape District.

- Although impacts to managed lands are increased in Refined Preferred Alternative 8, doing so reduced displacements and allowed the curve design to match the design speed of Fullerton Pike Road.

Key Evaluation Factors Considered in Selection of Refined Alternative 8 – Subsection 5A

Advantages Compared to Alternatives 4 and 5

- Lower cost
- Less right of way
- Fewer displacements
- Less Section 4(f) impact
- Less stream impact
- Less impact to karst
- Less impact to farmland
- Less impact to upland forest

Advantages Compared to Alternatives 6, 7 and 8

- Lower cost
- Less right of way (than Alt 7)
- Fewer displacements
- Fewer noise impacts
- Less Section 4(f) impact (than Alts 6&8)
- Less impact to karst
- Less stream impact (than Alt 6&8)
- Less impact to farmland (than Alt 6&8)
- Less impact to upland forest
- Consistency with local plans (than Alt 7)

3.3.2 Subsection 5B

Subsection 5B begins approximately 0.47-mile south of Tapp Road at the northern terminus of subsection 5A and extends north along SR 37 approximately 3.8 miles to a point approximately 0.38-mile north of the existing intersection of SR 37 and Vernal Pike. In Subsection 5B, the mainline of Refined Preferred Alternative 8 is centered on the existing SR 37 alignment (similar to Alternative 7) to reduce impacts along the western side of SR 37/I-69. The minimal impact criteria footprint would have three travel lanes in each direction of the mainline, separated by a 26.5-foot wide median with a concrete barrier. There would be a 12-foot wide shoulder and a 30-foot wide clear zone on each side of the mainline (see Section 5 FEIS, *Chapter 3, Figure 3-8*).

Like Alternative 7, the Refined Preferred Alternative 8 incorporates the use of 1.73 acres from the Wapehani Mountain Bike Park to avoid residential relocations and higher levels of construction impacts, as well as additional costs. Construction impacts are lessened for Alternative 7 and Refined Preferred Alternative 8 because they reuse the existing SR 45/2nd Street Bridge, which can remain open during construction. Alternatives which shift to avoid the park entirely require the bridge to be replaced; this requires significant changes in local travel patterns during the period of time that 2nd Street would be closed at SR 37/I-69. DEIS comments pertaining to this resource and potential for mitigation and other measures that may minimize harm to the park have been considered. A reduction of 11 potential residential displacements in Hickory Heights and Van Buren neighborhoods are attributed to not shifting the mainline alignment under Refined Preferred Alternative 8. The City of Bloomington, INDOT, and FHWA, agree that this is a *de minimis* impact and mitigation measures are being implemented as part of this agreement (see Section 5 FEIS, *Chapter 8, Section 4(f)* and *Appendix QQ, Wapehani MOA*).

To maintain the existing alignment on SR 37 north of Wapehani Mountain Bike Park, Refined Preferred Alternative 8 would use a retaining wall along the western boundary of the Wapehani Hills and Oakdale Square Apartment Complexes to avoid additional displacements.

Tapp Road and SR 45/2nd Street will have a split-diamond interchange, with CD lanes on the outside of the mainline for ingress/egress of traffic. The split-diamond interchange will support the recent infrastructure improvements on Tapp Road and several long-range transportation improvements (from West Airport Road/West Tapp Road/West Country Club Drive/East Winslow Road/East Rogers Road). The split-diamond interchange will provide more access points to I-69 (at both SR 45/2nd Street and Tapp Road). The Refined Preferred Alternative 8 added a local access road for right-in/right-out access from 2nd Street to the Sam's Club and reduced the distance for Tapp Road access to Barger Lane by replacing the West Maple Leaf Drive north connection (Alterative 8) with a new connection that ties into South Danlyn Road to the west.

While the Refined Preferred Alternative 8 would continue to make use of the existing SR 48/3rd Street interchange, additional storage capacity is added to the exit ramps. Refined Preferred Alternative 8 would have an overpass at Vernal Pike/17th Street and intersection improvements or North Crescent Road and 17th Street. The grade separation would be consistent with the 17th Street project included in the Bloomington/Monroe County Metropolitan Planning Organization's (BMCMPO) 2030 Long Range Transportation Plan. The overpass would maintain traffic on the east side of the roadway by avoiding closure of North Crescent Road and reduce maintenance of traffic disruptions during construction. In addition, the overpass would avoid the potential for groundwater resource issues associated with the Lemon Lane Landfill Superfund Site and Illinois Central Spring (ILCS) Superfund Site, a concern raised by the U.S. Environmental Protection Agency (USEPA) and Indiana Department of Environmental Management (IDEM). In consultation with the City of Bloomington and Monroe County, the Refined Preferred Alternative 8 includes bicycle and pedestrian accommodations provided at Tapp Road, SR 45/2nd Street, SR 48/3rd Street, and the Vernal Pike/West 17th Street overpass. This would increase the proposed right-of-way to Liberty Drive on SR 45/2nd Street and from South Franklin Road to North Gates Drive on SR 48/3rd Street.

Refined Preferred Alternative 8 is the Selected Alternative over Alternatives 4, 5, 6, 7, and 8 for

reasons that include:

- Through the use of minimal impact criteria and existing SR 37 right-of-way, the Refined Preferred Alternative 8 impacts are reduced and costs are lowered. While there are some major design differences between the minimal impact alternatives, the impact differences are minor when compared to their collective differences from Alternatives 4 and 5.

- Alternatives 4, 6, and 8 avoid Wapehani Mountain Bike Park by shifting the mainline to the west. However, these alternatives have increased impacts on existing homes and commercial properties and would need to relocate major utilities such as natural gas and electric transmission lines. These avoidance alternatives would also require a new bridge structure at SR 45/2nd Street, increasing both project costs and travel detours/congestion during construction in this area. Additionally, 6 would not provide direct access from the interstate to the Tapp Road area and the overpass at Tapp Road would not support the City of Bloomington and Monroe County's long-range plans for reasons explained previously in this section.

- While Alternative 5 has less impact on the park than Alternative 7; cost are substantially higher and impacts west of I-69 are not avoided with Alternative 5 because of its wider footprint. The Refined Preferred Alternative 8 has the same impact to the park as Alternative 7, but has lower cost with fewer displacements, noise impacts, hazardous sites, and wetland impacts.

Key Evaluation Factors Considered in Selection of Refined Alternative 8 – Subsection 5B

Advantages Compared to Alternatives 4 and 5

- Lower cost
- Less right of way
- Fewer displacements
- Less wetland impact
- Less stream impact
- Less impact to karst
- Less impact to Superfund sites
- Less impact to managed lands (than Alt 5)
- Less impact to upland forest (than Alt 5)
- Less impact to core forest
- Consistency with local plans (than Alt 4)

Advantages Compared to Alternative 6, 7 and 8

- Lower cost
- Fewer displacements (than Alt 7&8)
- Fewer noise impacts
- Less wetland impact (Alt 7)
- Consistency with local plans (than Alt 6)
- Construction impacts (than Alt 8)

3.3.3 Subsection 5C

Subsection 5C encompasses the portion of the project north of the intersection of SR 37 and Vernal Pike, traversing 3.3 miles north along SR 37 to a point approximately 0.38-mile north of Kinser Pike. In Subsection 5C, the mainline of Refined Preferred Alternative 8 would use the suburban typical section shown in Section 5 FEIS, *Chapter 3, Figure 3-8,* consisting of three travel lanes in each direction for the mainline. There would be a 36-foot wide median containing 12-foot wide paved shoulders to the inside of the travel lanes along the median, a center concrete barrier to Arlington Road, and a center guardrail barrier from Arlington Road north to Sample Road. To the outside of the travel lanes, there are 12-foot wide paved shoulders within the minimum 30-foot wide clear zones. The mainline follows existing SR 37 alignment, and maintains the grade of existing SR 37, thereby reducing the amount of earthwork needed during construction, and minimizing impacts. Refined Preferred Alternative 8 uses a guardrail and a

grass median to reduce visual impacts by avoiding the use of a concrete barrier wall consistent with the context sensitive solutions proposed by the CACs and participating agencies.

Because SR 46 is a state highway with significant traffic volumes, the existing SR 46 interchange would remain, and the existing overpass at Arlington Road would be reused and remain in its current location by lowering mainline I-69 elevations to reduce traffic disruptions and maintain east/west connectivity. The use of the existing SR 46 folded-diamond interchange with only minor improvements to ramp termini reduces impacts to adjoining historic districts, streams, forest, infrastructure and a local Superfund site. Acuff Road would be closed, and re-routed to either Kinser Pike or Maple Grove Road. An overpass is provided at Kinser Pike to maintain connectivity and access to either the Walnut Street interchange (Subsection 5D) or Sample Road interchange (Subsection 5E).

Refined Preferred Alternative 8 is the Selected Alternative over Alternatives 4, 5, 6, 7, and 8 for reasons that include:

- Through the use of minimal impact criteria and existing SR 37 right-of-way, the Refined Preferred Alternative 8 impacts are reduced and costs are lowered. While there are some major design differences between the minimal impact alternatives, the impact differences are minor when compared to their collective differences from Alternatives 4 and 5.

- Even though Alternative 6 would have the lowest total costs and fewest impacts, it would not provide the connectivity needed to access facilities on the eastern and western side of the mainline and maintain community cohesion. Alternative 6 would not have access to I-69 at Walnut Street or an overpass at Kinser Pike. Without an overpass or interchange at either of these locations, there would be no access across I-69 for the more than 5½ miles between the SR 46 and Sample Rd. interchanges. Refined Preferred Alternative 8 would have an overpass at Kinser Pike that results in slightly more impacts than Alternative 6. However, this access serves Bloomington High School North, three places of worship, a business center, and a medical facility off of Prow Road. In addition, the Bloomington Wastewater Treatment Plant is located on the west side of SR 37, and without an overpass or interchange it would be difficult to access this facility.

Key Evaluation Factors Considered in Selection of Refined Alternative 8 – Subsection 5C

<u>Advantages Compared to Alternatives 4 and 5</u>

- Lower cost
- Less right of way
- Fewer displacements
- Fewer noise impacts (than Alt 5)
- Less stream impact
- Less impact to karst
- Less farmland impact
- Less impact to managed lands (Alt 4)
- Less impact to upland forest
- Less impact to core forest

<u>Advantages Compared to Alternative 6, 7 and 8</u>

- Lower cost (than Alts 6&7)
- Less right of way (than Alts 7&8)
- Fewer displacements (than Alts 7&8)
- Fewer noise impacts
- Less stream impact
- Less impact to karst (than Alt 7)
- Less impact to upland forest (than Alts 7&8)
- Provides connectivity to maintain community cohesion (than Alt 6)

- Costs are lowered with Refined Preferred Alternative 8 by maintaining the existing SR 37 5% profile grade south of Kinser Pike and using a wider median and guardrail instead of a concrete median barrier to divide travel lanes. Right-of-way was also narrowed in areas, where possible, to minimize right-of-way acquisition, land use impacts, and stream impacts.

3.3.4 Subsection 5D

Subsection 5D begins at the northern terminus of Subsection 5C at a point approximately 0.38-mile north of Kinser Pike and traverses north along SR 37/I-69 about 2.4 miles before ending approximately 0.63-mile south of the existing intersection of SR 37/I-69 and Sample Road. In Subsection 5D, the Refined Preferred Alternative 8 would use the suburban typical section shown in Section 5 FEIS, *Chapter 3, Figure 3-8*, consisting of three travel lanes in each direction for the mainline with truck climbing lanes in each direction due to the terrain. Using the minimal impact criteria, there would be a 36-foot wide median containing 12-foot wide shoulders to the inside of the travel lanes and a center guardrail barrier. To the outside of the travel lanes, there would be 12-foot wide shoulders within the minimum 30-foot wide clear zones. The mainline would be centered on the existing SR 37 alignment and grade which reduced construction costs, earthwork, and associated impacts. Two modifications with the Refined Preferred Alternative 8, as described in the following paragraphs, greatly reduced impacts to natural resources (wetlands, streams, and floodplains).

The portion of the eastern local access road from Whisnand Road/Walnut Road north to Connaught Road was removed in the Refined Preferred Alternative 8 to reduce floodplain and wetland impacts. Forecasted traffic levels are low on this road segment (less than 100 ADT in the 2035 design year). The western local access road also starts across from Connaught Road and does not cross the Beanblossom Valley. These roads have a grass median between them and the mainline, other than one barrier wall along the outside shoulder located at Hoosier Energy. This median avoids undesirable features which have design and safety implications. Visual impacts will be reduced by avoiding use of the concrete barrier wall to maintain the rural feeling of the Subsection 5D area.

At Walnut Street, the Refined Preferred Alternative 8 re-uses the existing partial interchange to minimize impacts to wetlands, streams, floodplains, and construction costs. While the existing partial interchange differs from the current FHWA guidelines,[6] the FHWA has approved its use (refer to Section 5 FEIS, *Appendix RR*, *Walnut Street Interchange Selection Report*). The existing Walnut Street interchange serves two of four traffic movements to and from Bloomington via existing Walnut Street for the Refined Preferred Alternative 8. Development to the north and west (which would be served by a new interchange serving all movements) is unlikely to occur. This area is within the Beanblossom Valley floodplain, and there is limited potential for development. Support for this interchange cited the diversion of traffic to the downtown area and away from other interchanges such as SR 46, resulting in better traffic

[6] *Access to the Interstate System*, U.S. Department of Transportation (USDOT), FHWA, 74 FR 165, August 27, 2009. Considerations and requirements state that interchanges provide for all traffic movements. Less than ‘‘full interchanges’’ may be considered on a case-by-case basis. The existing North Walnut Street interchange on SR 37 serves only southbound exiting and northbound entering traffic.

distribution, and retaining the northern entrance to Bloomington and Indiana University. Treatments also have been requested at this interchange to designate it is a gateway to Bloomington. Refined Preferred Alternative 8 is the Selected Alternative over Alternatives 4, 5, 6, 7, and 8 for reasons that include:

- Through the use of minimal impact criteria and existing SR 37 right-of-way, the Refined Preferred Alternative 8 impacts are reduced and costs are lowered.

- With the use of the partial Walnut Street interchange as well as the removal of a portion of the eastern local access road, Refined Preferred Alternative 8 would save over six acres of wetland impacts, 40 acres of floodplain impacts, 15 acres of upland forest impacts, and 3,000 linear feet of stream impacts when compared to Alternative 8 (Option A). In addition, there would be fewer residential displacements and less right-of-way acquisition with Refined Preferred Alternative 8.

Key Evaluation Factors Considered in Selection of Refined Alternative 8 – Subsection 5D

Advantages Compared to Alternatives 4 through 8

- Lower cost
- Less right of way
- Fewer displacements (than Alts 4, 5, 6, 8)
- Less wetland impact
- Less stream impact
- Less impact to floodplains
- Less impact to karst
- Less farmland impact
- Less impact to managed lands (than Alts 4, 5, 7, 8)
- Less impact to upland forest

3.3.5 Subsection 5E

Subsection 5E begins at the northern terminus of Subsection 5D at a point approximately 0.63-mile south of the existing intersection of SR 37 and Sample Road and proceeds north along SR 37 for approximately 5.9 miles, ending at the Monroe/Morgan County line. In Subsection 5E, Refined Preferred Alternative 8 has three mainline travel lanes in each direction from the Kinser Pike/ Walnut Street area to Sample Road. From Sample Road north to Bryant's Creek Road, it has two lanes, with an additional truck climbing lane in the southbound direction between Sample Road and Bryant's Creek Road. Refined Preferred Alternative 8 reuses the existing pavement of SR 37 by using the northbound SR 37 lanes as the east side access roads and converting the existing SR 37 southbound lanes into the future northbound travel lanes. New southbound travel lanes will be constructed to the west. This affords the opportunity to rehabilitate the existing pavement in place; this reuse of the existing pavement reduces costs and impacts.

At Sample Road, Refined Preferred Alternative 8 has a folded urban-type interchange to minimize impacts to resources in the southwest quadrant of the interchange location. Refined Preferred Alternative 8 has an overpass on Chambers Pike, which has been supported in requests from utilities, emergency service providers, and local residents. In addition, Chambers Pike carries relatively high traffic volumes compared to other area roads, and provides for better maintenance of present traffic patterns in the area. Refined Preferred Alternative 8 uses an outside shoulder and guardrail between the mainline and access road. It does not require a barrier wall between the mainline and access road, and thereby avoids undesirable design and safety features.

Refined Preferred Alternative 8 is the Selected Alternative over Alternatives 4, 5, 6, 7, and 8 for reasons that include:

- Through the use of minimal impact criteria and existing SR 37 right-of-way, the Refined Preferred Alternative 8 impacts are reduced and costs are lowered. While there are some major design differences between the minimal impact alternatives, the impact differences are minor when compared to their collective differences from Alternatives 4 and 5.

- To eliminate the use of the concrete barrier median between the local access road and overpass at Chambers Pike, the Refined Preferred Alternative 8 would require more right-of-way and displacements than would occur with Alternative 7. Conversely, Alternative 7 would have slightly more impacts to floodplains and farmlands because of the overpass at Bryant's Creek Road. The Refined Preferred Alternative 8 includes a single-fold interchange at Sample Road with a loop in the northwest quadrant. This design was allowed because mainline traffic would be less likely to experience delays from merging with traffic entering at a reduced speed than by traffic decelerating to exit or traffic from off-ramps backing up onto the mainline. The inclusion of folded approach ramps reduces the footprint of the interchange and would result in fewer impacts to a deep valley in the southwest quadrant. Refined Preferred Alternative 8 has the lowest cost, while requiring less right-of-way and fewer displacements, stream, and forest impacts than Alternatives 6 or 8. The right-of-way was narrowed, where possible, to minimize impacts and 12-foot wide shoulders on the Chambers Pike overpass are included to improve sight-distance.

Key Evaluation Factors Considered in Selection of Refined Alternative 8 – Subsection 5E

<u>Advantages Compared to Alternatives 4 and 5</u>

- Lower cost
- Less right of way
- Fewer displacements
- Less wetland impact
- Less stream impact
- Less impact to floodplains
- Less impact to karst
- Less farmland impact
- Less impact to managed lands
- Less impact to upland forest
- Less impact to core forest

<u>Advantages Compared to Alternatives 6, 7 and 8</u>

- Lower cost
- Less right of way (than Alts 6&8)
- Fewer displacements (than Alts 6&8)
- Fewer noise impacts (than Alt 7)
- Less stream impact
- Less impact to floodplains (than Alts 6&7)
- Less farmland impact (than Alt 7)
- Less impact to managed lands (than Alt 6)
- Less impact to upland forest (than Alts 6&8)
- Less impact to core forest

3.3.6 Subsection 5F

Subsection 5F begins at the northern terminus of Subsection 5E at the Monroe/Morgan County line and follows SR 37 approximately for 4.6 miles north, ending at the southern end of the bridge carrying SR 37 over Indian Creek. In Subsection 5F, Refined Preferred Alternative 8 uses the rural typical section shown in Section 5 FEIS, *Chapter 3, Figure 3-8*, which incorporates the minimal impact design criteria. There would be two 12-foot wide travel lanes in each direction, separated by a 60-foot wide grass median with 4-foot wide shoulders to the inside of the travel

lanes. To the outside of the mainline, there would be a 12-foot wide shoulder and 30-foot wide clear zone to each side.

Existing and new local access roads connect the Paragon Road/Pine Boulevard area north to Liberty Church Road. Refined Preferred Alternative 8 has a medium (urban) diamond interchange at Liberty Church Road that is shifted north of the existing Liberty Church Road intersection with SR 37 by about 700 hundred feet, to minimize impacts to floodplains and streams. An interchange at Liberty Church Road supports the future development goals of Martinsville and Morgan County. North of Liberty Church Road, a western local access road would be constructed to connect to Legendary Hills Drive, while an eastern local access road would be constructed to connect to Old SR 37 by the Hillview Motel.

Refined Preferred Alternative 8 is the Selected Alternative over Alternatives 4, 5, 6, 7, and 8 for reasons that include:

- Through the use of minimal impact criteria and existing SR 37 right-of-way, the Refined Preferred Alternative 8 impacts are reduced and costs are lowered. While there are some major design differences between the minimal impact alternatives, the impact differences are minor when compared to their collective differences from Alternatives 4 and 5.

- Although they use different interchange types, Alternative 7 and Refined Preferred Alternative 8 would shift the Liberty Church Road interchange slightly north, avoiding streams and floodplains located in the southwest quadrant of the existing intersection between Liberty Church Road and SR 37. Due to this, the impacts to these resources are considerably less when compared to Alternatives 6 and 8. However, farmland impacts are increased.

- The area in the vicinity of Liberty Church Road is planned to be annexed by the City of Martinsville, which is extending municipal utilities (water/sewer) to this area. The interchange at Liberty Church Road is supported by the City of Martinsville.

- Overall, in this subsection the Refined Preferred Alternative 8 had the lowest cost, while requiring the least amount of right-of-way, stream, floodplain, and forest impacts. Refined Preferred Alternative 8 also has the fewest displacements.

Key Evaluation Factors Considered in Selection of Refined Alternative 8 – Subsection 5F

<u>Advantages Compared to Alternatives 4 and 5</u>

- Lower cost
- Less right of way
- Fewer displacements
- Less wetland impact
- Less stream impact
- Less impact to floodplains
- Less farmland impact
- Less impact to managed lands
- Less impact to upland forest
- Less impact to core forest
- Consistency with local plans (than Alt 4)

<u>Advantages Compared to Alternatives 6, 7 and 8</u>

- Lower cost
- Less right of way (Alt 7&8)
- Fewer displacements
- Less wetland impact (than Alt 7)
- Less stream impact
- Less impact to floodplains
- Less farmland impact (than Alt 7)
- Less impact to upland forest
- Less impact to core forest (than Alts 7&8)

As described in the previous subsection comparisons, Refined Preferred Alternative 8 provides the best balance of meeting the purpose and need goals, accessibility and connectivity, and integration into existing SR 37 infrastructure while minimizing impacts and costs.

3.4 Potential Reasonably Foreseeable Impacts of Refined Preferred Alternative 8

The Tier 2 FEIS for Section 5 is being issued concurrently with this Tier 2 ROD for Section 5, and the potential reasonably foreseeable impacts associated with the project are discussed in detail in that document. **Table 4** of this ROD summarizes the reasonably foreseeable environmental impacts associated with the Selected Alternative by major resource categories evaluated in the Section 5 FEIS (primarily in *Chapter 5, Environmental Consequences; Chapter 6, Comparison of Alternatives;* and *Chapter 8, Section 4(f) Evaluation*).

3.5 Consistency with Established Statewide Transportation Planning Goals

In June 2007 INDOT issued its *2030 Long Range Plan 2007 Update*. This update retained both the Statewide Mobility Corridors and Commerce Corridors. I-69 between Evansville and Bloomington was shown as both a proposed Statewide Mobility Corridor and Commerce Corridor. In early 2011, INDOT issued for public comment its *2010-2035 Draft Long-Range Transportation Plan*, which also showed I-69 between Evansville and Bloomington as a proposed Statewide Mobility Corridor. In April 2013, INDOT's Long-Range Transportation Plan, *Indiana's 2013-2035 Future Transportation Needs Report*, was approved with I-69 Section 5 identified as a high priority corridor. Committed project assumptions in the traffic forecasts for the Section 5 FEIS are consistent with the April 2013 report. I-69 Section 5 is identified in INDOT's 2014-2017 STIP with the estimated cost to complete the project.

In terms of regional planning, I-69 Section 5 specific improvements are included in the BMCMPO's *2030 Long Range Transportation Plan* for I-69 Corridor Improvements through Monroe County. The interchange/overpass/access treatments listed "are those recommended by the MPO, not necessarily the final design treatments endorsed by INDOT." The portion of Section 5 within the BMCMPO's Planning Area was incorporated as an amendment to the *Bloomington/Monroe County MPO Transportation Improvement Program [TIP] for Fiscal Years 2012-2015* during the BMCMPO's April 12, 2013, meeting. On June 14, 2013, the BMCMPO adopted the *Bloomington/Monroe County MPO Transportation Improvement Program Fiscal Years 2014–2017*. The construction of Section 5 within the BMCMPO's Planning Area is also contained in this recently-adopted TIP. On July 11, 2013, FHWA approved INDOT's FY 2014-2017 STIP. With this approval, FHWA accepted the BMCMPO's 2014-2017 TIP for incorporation into INDOT's 2014-2017 STIP.

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	Potential Impacts	Refined Preferred Alternative 8
	Length (miles)	21.1
	Estimated Costs ($M) in 2015 dollars including design, construction, ROW relocation, utilities and mitigation	$393.74M
	Construction / Design / Engineering / Administration / Utility Relocation	$327.44M
	*Right-of-Way Costs**	$50.21M
	Mitigation Costs	$16.09M
5.2 Social Impacts	Relocations/Displacements	
	Residential:	*119*
	Institutional:	*1*
	Business:	*17*
	Total Displacements:	137
5.3 Land Use and Community Impacts	Total ROW for I-69 Section 5:**	1,299.65
	Existing SR 37 ROW	*972.59*
	New ROW to be Acquired	*327.06*
	*Agricultural Land***	*61.79*
	*Developed Land***	*933.46*
	*Mines/Quarries***	*0.22*
	*Upland Habitat (includes non-wetland forest, herbaceous cover, and scrub/shrub areas)***	*296.48*
	*Open Water (lakes and ponds within ROW only)***	*0.02*
	*Streams (ac)***	10.24
	*Wetlands (ac) (includes emergent, forested, and scrub/shrub areas within ROW only)***	*5.75*
	Agricultural Land, Indirect Impacts (in acres for 2035, based on 29 to 31 TAZs):	37
	Forested Land, Indirect Impacts (in acres):	47
5.4 Farmlands	Farmlands Impacts:	
	Total farmland acres to be acquired for ROW	*59.9*
	Cropland acres to be acquired for ROW	*59.3*
	Number of uneconomic remnants	*7*
	Number of landlocked parcels	*2*
	NRCS-CPA-106 Form Results:	
	Prime/unique farmland acres in ROW	
	Monroe County	Not Available***
	Morgan County	Not Available***
	Statewide and locally important farmland to be converted + Corridor Assessment	
	Monroe County	Not Available***
	Morgan County	Not Available***

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	**Potential Impacts**	**Refined Preferred Alternative 8**
	Total Points: Relative Value of Farmland to be Converted + Corridor Assessment:	
	Monroe County	Not Available***
	Morgan County	Not Available***
	Estimated crop production loss - total Morgan and Monroe Counties:	$31,338
5.5 Economic Impacts	Economic Impacts:	
	Estimated loss in tax base	$616,327
	Estimated annual crop production loss (i.e., farm income)	$31,338
	Induced growth projected year 2035, Total for Monroe and Morgan Counties:	
	Housing units	337
	Jobs	350
5.6 Traffic Impacts	Access:	
	Proposed Interchanges	*• Fullerton Pike* *• Tapp Rd./SR 45/2nd St.* *• SR 48/3rd St.* *• SR 46* *• N. Walnut St.* *• Sample Rd.* *• Liberty Church Rd.*
	Proposed Grade Separations (overpasses and underpasses)	*• Rockport Rd.* *• Vernal Pike* *• Arlington Rd.* *• Kinser Pike* *• Chambers Pike*
	Proposed Road Closures	*63*
	Proposed Access Roads (number and total length, in miles)	*16 (13.7 mi)*
	Percent Change in Traffic Volumes on State and Local Roads from No Build Alternative:	
	That Road (from SR 37 to Rodgers Street)	*-19%*
	That Road (from Rockport Road to Fullerton Pike)	*187%*
	Rockport Road (from SR 37/I-69 to Fullerton Pike)	*-30%*
	Leonard Springs Road (from Fullerton Pike to Tapp Road)	*13%*
	Leonard Springs Road (from Tapp Rd to SR 45)	*-18%*
	Fullerton Pike (West of SR 37/I-69 to Leonard Springs Road)	*37%*
	Fullerton Pike (East of SR 37/I-69 to Rockport Road)	*97%*
	Tapp Road (West of SR 37/I-69 to Leonard Springs Road)	*-37%*
	Tapp Road (East of SR 37/I-69 to Weimer Road)	*-30%*
	SR 45 (from Liberty Drive to Curry Pike)	*-17%*
	SR 45 (from Basswood Road to Weimer Road)	*24%*
	Weimer Road (from Tapp Road to SR 45)	*8%*

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	Potential Impacts	Refined Preferred Alternative 8
	Walnut Street (from Winslow Road to Hillside Drive)	*-3%*
	Curry Pike (from SR 45 to SR 48)	*-10%*
	Curry Pike (from SR 48 to Vernal Pike)	*32%*
	Curry Pike (from Vernal Pike to SR 46)	*19%*
	Liberty Drive (from SR 45 to SR 48)	*63%*
	SR 48 (West of SR 37/I-69 to Liberty Drive)	*10%*
	SR 48 (East of SR 37/I-69 to Franklin Road)	*12%*
	Vernal Pike (from Industrial Drive to Curry Pike)	*40%*
	17th Street (from Monroe Street to Madison Street)	*17%*
	Adams Street (from 5th Street to Vernal Pike)	*-25%*
	Walnut Street (from College Avenue to SR 46)	*-11%*
	Walnut Street (East of SR 37/I-69 to Bayles Road)	*-29%*
	SR 46 (West of SR 37/I-69 to Curry Pike)	*17%*
	SR 46(East of SR 37/I-69 to Madison Street)	*17%*
	Arlington Road (West of SR 37/I-69 to SR 46)	*-7%*
	Maple Grove Road (from Acuff Road to Lost Mans Lane)	*-54%*
	Prow Road (from Arlington Road to Acuff Road)	*214%*
	Acuff Road (from Prow Road to Kinser Pike)	*-22%*
	Kinser Pike (East of SR 37/I-69 to Acuff Road)	*232%*
	Kinser Pike (West of SR 37/I-69 to Bottom Road)	*1924%*
	Sample Road (West of SR 37/I-69 to Simpson Chapel Road)	*527%*
	Sample Road (East of SR 37/I-69 to Old SR 37)	*169%*
	Simpson Chapel Road (from Sample Road to Williams Road)	*248%*
	Old SR 37 (from Fox Hollow Road to Chambers Pike)	*2%*
	Old SR 37 (from Chambers Pike to Paragon Road)	*-40%*
	Chambers Pike (East of SR 37/I-69 to Old SR 37)	*-17%*
	Dittemore Road (from Crossover Road to Tilford Road)	*-88%*
	Turkey Track Road (from Bryant's Creek Road to Pine Boulevard)	*41%*
	Pine Boulevard (East of SR 37/I-69 to Old SR 37)	*-46%*
	Paragon Road (West of SR 37/I-69 to Ivan Trail)	*-95%*
	Cramer Road (from Paragon Road to Godsey Road)	*-77%*
	Liberty Church Road (West of SR 37/I-69 to Cramer Road)	*670%*
	Liberty Church Road (East of SR 37/I-69 to Old SR 37)	*170%*
	SR 37/I-69 SB (from SR 39 to Liberty Church Road/Paragon Road)	*55%*
	SR 37/I-69 SB (from Liberty Church Road/Paragon Road to Sample Road)	*47%*
	SR 37/I-69 SB (from Sample Road to Kinser Pike/Walnut Street)	*45%*
	SR 37/I-69 SB (from Kinser Pike/Walnut Street to SR 46)	*64%*
	SR 37/I-69 SB (from SR 46 to SR 48/3rd Street)	*37%*
	SR 37/I-69 SB (from SR 48/3rd Street to SR 45/Bloomfield Road/2nd Street)	*22%*

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	**Potential Impacts**	**Refined Preferred Alternative 8**
	SR 37/I-69 SB (from SR 45/Bloomfield Road/2nd Street to Tapp Road (mainline))	*4%*
	SR 37/I-69 SB (from SR 45/Bloomfield Road/2nd Street to Tapp Road (CD lanes)	*N/A*
	SR 37/I-69 SB (from Tapp Road to Fullerton Pike)	*22%*
	SR 37/I-69 SB (from Fullerton Pike to SR 37)	*57%*
	SR 37/I-69 NB (from SR 39 to Liberty Church Road/Paragon Road)	*56%*
	SR 37/I-69 NB (from Liberty Church Road/Paragon Road to Sample Road)	*40%*
	SR 37/I-69 NB (from Sample Road to Kinser Pike/Walnut Street)	*42%*
	SR 37/I-69 NB (from Kinser Pike/Walnut Street to SR 46)	*66%*
	SR 37/I-69 NB (from SR 46 to SR 48/3rd Street)	*34%*
	SR 37/I-69 NB (from SR 48/3rd Street to SR 45/Bloomfield Road/2nd Street)	*30%*
	SR 37/I-69 NB (from SR 45/Bloomfield Road/2nd Street to Tapp Road (mainline))	*12%*
	SR 37/I-69 NB (from SR 45/Bloomfield Road/2nd Street to Tapp Road (CD lanes)	*N/A*
	SR 37/I-69 NB (from Tapp Road to Fullerton Pike)	*34%*
	SR 37/I-69 NB (from Fullerton Pike to SR 37)	*22%*
5.7 Visual	View From/Of I-69:	
	View from I-69	*Views from the road may be obstructed due to roadway's position within terrain or dense vegetation. Some panoramic views will be created or maintained along roadway, such as through Beanblossom Creek valley and near Liberty Church Road. Many residential areas, public facilities, and commercial businesses will be visible from roadway.*
	View of I-69	*Direct views of the road will be present, either in areas that already have a view of the road or from residences that currently have obstructed views due to dense vegetation. Direct views of roadway will occur in areas of interchanges and potentially in vicinity of overpasses/underpasses due to clearing needed for structures.*
5.8 Environmental Justice	Impact to minority/low-income populations:	No disproportionately high or adverse impact to low-income or minority populations.
5.9 Air Quality	Air Quality Standard Exceedances Predicted	No exceedance of the NAAQS or current SIP budgets. Regional and project-level conformity requirements met.
5.10 Noise	Total Number of Impacted Noise Receivers:	419
	Impacted Receivers that Approach or Exceed NAC	*408*
	Impacted Receivers that Approach or Exceed NAC and have a Substantial Increase	*1*

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	Potential Impacts	Refined Preferred Alternative 8
	Impacted Receivers with a Substantial Increase:	*10*
	Impacted Receivers with Substantial Increases from 15 dBA to 20 dBA	*10*
	Impacted Receivers with Substantial Increases from 20 dBA to 25 dBA	*0*
	Impacted Receivers with Substantial Increases from 25 dBA and Greater	*0*
5.11 Wild and Scenic Rivers	No Wild or Scenic Rivers located in project area.	Not Applicable
5.12 Construction Impacts		Temporary impacts to air quality, water quality, karst, nearby noise receptors, traffic flow/patterns due to construction.
5.13 Historic Resources	National Register of Historic Places eligible or listed resources	No Adverse Effect
5.14 Archaeological Resources	National Register of Historic Places eligible or listed resources	3 sites potentially eligible for listing in NRHP, 11 sites recommended for avoidance or additional study; one site recommended for Phase Ic testing; 19 alluvial floodplain test areas identified for Phase Ic archaeological investigations.
5.15 Mineral Resources	Mineral Resources Potentially in ROW:	
	Potentially Marketable Limestone (acres)	772
	Potentially Marketable Limestone minus overlying developed land cover (in acres, and percent of total potentially marketable limestone)	148 (19%)
	Abandoned Limestone Quarries (number of quarries)	3
	Active Limestone Quarries (number of quarries, and acres)	1 (2 ac)
	Active Oil/Gas Wells (number of wells)	0
	Abandoned/Dry Oil/Gas Wells (number of wells)	0
	High Potential Sand and Gravel Resources (in acres)	30
5.16 Hazardous Materials and Waste Sites	HAZMAT Sites potentially in ROW:	8
	HM-1 (C&H Stone 4000 Rockport Road)	Potential Impact
	HM-2 (Sam's Club 3205 West SR 45)	Potential Impact
	HM-3 (Coca Cola 1701 Liberty Drive)	No Impact
	HM-4 (Kmart #7402 3175 West 3rd Street)	No Impact
	HM-5 (Former Amoco Unit 10116 3100 West 3rd Street)	No Impact
	HM-6 (Former Marathon Unit 2572 2850 West 3rd Street)	No Impact
	HM-7 (Lemon Lane Landfill Bloomington)	No Impact
	HM-7 (Illinois Central Spring Bloomington)	Potential Impact
	HM-8 (Former Hanna Trucking/United Rental/O'Mara Contractor 2520 Industrial Drive)	Potential Impact
	HM-9 (Sturgis Auto Salvage 2810 West Hensonburg Road)	Potential Impact
	HM-10 (Dotlich Crane Service Crescent Road & West 17th Street)	Potential Impact

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	**Potential Impacts**	**Refined Preferred Alternative 8**
	HM-11 (Bennett Stone Quarry SR 37 and SR 46, aka Bennett's Dump)	No Impact
	HM-12 (INDOT Sub-District 2965 North Prow Road)	No Impact
	HM-13 (Hoosier Energy 7398 North SR 37)	Potential Impact
	HM-14 (Johnson Oil Bigfoot #071 (BP/Circle K) 7340 North Wayport Road)	Potential Impact
	HM-15 (Bloomington Auto Parts 7650 North SR 37)	No Impact
5.17 Threatened and Endangered Species	Impacts to Protected Species:	
	Federally-listed threatened/endangered - (corridor studied for Indiana bat and Eastern fanshell mussel)	Indiana bats captured in summer of 2012. Three maternity roosting colonies within in Section 5 study area. USFWS has concluded that proposed project is not likely to jeopardize the continued existence of Indiana bat or destroy or adversely modify its designated critical habitat. No Eastern fanshell mussels found in Section 5 study area; therefore, no effect anticipated.
	Bald Eagle (protected under the Bald and Golden Eagle Protection Act)	Bald eagle nest found in Section 5 study area, but no impacts anticipated to nest site and no "take" of bald eagle is anticipated from proposed project.
	State-listed threatened/endangered/rare/special concern	Habitat present for troglobitic crayfish, Barr's commensal cave ostracod, Indiana cave springtail, Mayfield cave beetle, hidden springtail, Packard's groundwater amphipod, Bollman's cave millipede, Barr's cave amphipod, crawfish frog, common mudpuppy, barn owl, Henslow's sparrow, northern harrier, red-shouldered hawk, evening bat, little brown bat, Eastern tricolored or pipistrelle, Eastern red bat, Northern myotis, silver-haired bat, hoary bat, bobcat, Eastern box turtle. Potential impacts could occur to habitat of barn owl, Henslow's sparrow, red-shouldered hawk, evening bat, little brown bat, Eastern tricolored or pipistrelle, Eastern red bat, Northern myotis, silver-haired bat, hoary bat, bobcat, and Eastern box turtle in various locations throughout study area.
5.18 Wildlife	Wildlife Habitat Impacts (acres):	
	Dry-Mesic Upland Forest	203.45
	Forest Fragment	25.37
	Mesic Floodplain Forest	15.75
	Mesic Upland Forest	8.46
	Early to Mid-Successional Forest	13.21
	Old Field	30.24
	Upland Habitat Subtotal:	*296.48*
	Open Water (PUBs)	0.02
	Wetlands (aquatic bed, forested, emergent and scrub/shrub, see 5.19 below for details)	3.43
	Total Acres of Natural Habitat in ROW and Percent of Corridor Total	299.93 (12.32%)

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	Potential Impacts	Refined Preferred Alternative 8
5.19	Wetland Impacts Total (within construction limits in acres):****	3.43
Water Resources	*Aquatic Bed Wetland*	0.02
	Emergent Wetland	1.78
	Scrub/Shrub Wetland	1.04
	Forested Wetland	0.59
	Stream Impacts Total (linear feet):****	80,582
	Ephemeral	65,692
	Intermittent	11,862
	Perennial	3,028
	*Total Natural Stream Impacts (Total Stream Impacts minus concrete gutters, culverts, dump rock gutters, and roadside ditches)*****	26,389
	Stream Relocation Impacts (linear feet):****	51,629
	Floodplain Impacts (in acres):	75.15
	Groundwater Impacts:	
	Private Wells (IDNR listed wells within 1,000')	73
	Public Wells (IDNR listed significant water withdrawal facilities within 1,000')	1
	Wellhead Protection Areas (IDNR listed areas within 1,000')	1
	Sole Source Aquifers - None in Study Area	0
	Riparian Impacts (in acres):	107.27
5.20	Forest Impacts: (total acres of impact and percent of total acres, 1,904.22 total acres in corridor)	229.06 (12.03%)
Forest	Total Wetland Forest Impacts (within alternative right-of-way in acres)	1.40
	Forest 025 wetland impact acres	0.16
	Forest 122 wetland impact acres	0.28
	Forest 126 wetland impact acres	0.00
	Forest 130 wetland impact acres	0.00
	Forest 131 wetland impact acres	0.03
	Forest 134 wetland impact acres	0.23
	Forest 136 wetland impact acres	0.14
	Forest 139 wetland impact acres	0.00
	Forest 144 wetland impact acres	0.00
	Forest 145 wetland impact acres	0.00
	Forest 147 wetland impact acres	0.11
	Forest 150 wetland impact acres	0.00
	Forest 151 wetland impact acres	0.00
	Forest 152 wetland impact acres	0.17
	Forest 154 wetland impact acres	0.00
	Forest 221 wetland impact acres	0.28
	Forest 229 wetland impact acres	0.00
	Total Upland Forest Impacts (in acres)****	227.66
	Core Forest Impacts (in acres):	41.84

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	**Potential Impacts**	**Refined Preferred Alternative 8**
5.21 Karst	Total Karst Features Impacts (number of features, and acres):	110 (347.3 ac)
	Caves Recharge Area (number of features and acres)	*1 (37.4 ac)*
	Sinking Streams Watershed (number of features and acres)	*5 (259.7 ac)*
	Sinkhole Drainage (number of features and acres)	*77 (101.1 ac)*
	Buried Sinks (number of features and acres)	*14 (25.9 ac)*
	Total Springs	*13*
	No. that are <2 gpm (gpm - gallons per minute)	2
	No. that are 2-10 gpm (gpm - gallons per minute)	8
	No. that are 11-100 gpm (gpm - gallons per minute)	2
	No. that are >101 gpm (gpm - gallons per minute)	1
	Relevant Karst Area (in acres)	*713.7*
5.22 Managed Lands	Total Managed Lands/Acres in ROW	8.29
	Acres within Morgan-Monroe State Forest Boundary	0.10
5.23 Permits	Permits Potentially Needed Prior to Construction	USACE Section 404 Permit, IDEM Section 401 Certification, IDEM Isolated Wetland Permit, IDNR Construction within Floodway Permit, NPDES Permit, IDEM Rule 5, USEPA Class V Injection Well Permit
5.24 Cumulative Impacts	Cumulative Land Use Changes (in acres) Monroe and Morgan Counties:	
	Direct conversion of agricultural land to ROW	*-62*
	Direct conversion of upland forests to ROW	*-228*
	Indirect conversion of agricultural land	*-37*
	Indirect conversion of upland forest land	*-47*
	Total Direct and Indirect/Induced Agricultural Changes	*-99*
	Total Direct and Indirect/Induced Upland Forest Changes	*-275*
	Total Agricultural Land to be Converted for Forest and Wetland Mitigation	*-239*
	Total Upland Forest Mitigation	*228*
	Total Agricultural Changes from Others (including No Build Alternative)	*-2953*
	Total Upland Forest Changes from Others (including No Build Alternative)	*-3788*
	Total Agricultural Cumulative Land Use Change	*-3291*
	Total Upland Forest Cumulative Land Use Change	*-3835*
5.25 Energy	Energy Impacts	Major one-time energy resources demand during construction. Once in operation, Build Alternatives will have greater fuel consumption than No Build Alternative due to higher amount of VMT and increased speed. All Build Alternatives will have nearly identical results for annual VMT, daily fuel consumption, annual BTUs, and BTUs per VMT, making them virtually equal in the amount of energy consumption.

Table 4: Impacts Summary - Section 5 Selected Alternative		
Section 5 FEIS Section	**Potential Impacts**	**Refined Preferred Alternative 8**
5.26 Short-term v. Long-term	Short-term uses versus Long-term productivity	Temporary construction impacts. Permanent loss of croplands, forests, developed lands, and displacements. Long-term benefits of improved transportation linkage, accessibility, safety, and travel time savings.
5.27 Irreversible and Irretrievable Commitment of Resources	Irreversible and Irretrievable Commitment of Resources	Potential impacts include permanent commitment of state and federal funds; resources for construction including fossil fuels, labor, and construction materials; environmental impacts; and, induced development. Anticipated benefits include improved transportation linkage and accessibility; improved safety, travel time savings; and, greater availability of services.
8 Section 4(f) and 6(f) Resources	Section 4(f) Evaluation	
	Wapehani Mountain Bike Park	*de minimis*
	North Clear Creek Historic Landscape District	*de minimis*
	Section 6(f) Evaluation - None in Study Area	Not Applicable

** Right-of-way costs developed using criteria found in Section 5 FEIS Appendix D, Cost Estimation Methodology, and include costs for acreage and improvements required for actual construction, relocation costs, costs for acquiring structures and improvements due to lost access, and administrative fees.*

*** Total right-of-way is the sum of all lands that would be within an alternative's right-of-way, including the direct conversion of existing SR 37 and local right-of-way and new right-of-way required. This includes both privately owned lands that would be acquired and those lands already within existing SR 37 right-of-way. The total right-of-way is less than the sum of impacts to land use types (by 8.3 to 10.6 acres depending on the alternative), due to overlaps between land use types. The area for some small streams in forested areas is not subtracted from the forest land cover.*

**** NRCS consultation was conducted based on Alternative 8 (Option A). Total prime/unique farmland for Refined Preferred Alternative 8 would be less than 32.52 acres and 71.35 acres respectively for Monroe and Morgan counties. No statewide or locally important farmlands impacted.*

***** Calculations include bifurcation area in Subsection 5E.*

****** Total Natural Stream Impacts are total streams minus concrete gutters, culverts, dump rock gutters, and roadside ditches.*

Note: All impacts are by preliminary right-of-way, and not necessarily the amount to be acquired, except wetland impacts which are by construction limits.

3.6 Environmentally Preferable Alternative — Refined Preferred Alternative 8

As summarized above and in greater detail in Section 5 FEIS, *Chapter 6*, Refined Preferred Alternative 8 is the alternative that sufficiently addresses the Purpose and Need for action while balancing important environmental, community, and economic values. While some of the other alternatives have lower impacts on certain environmental resources, those alternatives have greater impacts on other sensitive resources. Thus, Refined Preferred Alternative 8 is the environmentally preferable alternative among the alternatives that adequately achieve the project's objectives. This finding is made in accordance with 40 CFR §1505.2(b).

In weighing all these factors, FHWA and INDOT determined that Refined Preferred Alternative 8 best satisfies the project purposes while having an acceptable level of impacts.

4.0 SECTION 4(f)

As indicated in the Section 5 FEIS, *Chapter 8, Section 4(f) Evaluation*, the transportation use of North Clear Creek Historic District and Wapehani Mountain Bike Park, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, or attributes that qualify these resources for protection under Section 4(f). Therefore, FHWA finds, in accordance with 23 CFR §774.7(e)(2), that:

- The Selected Alternative would have *de minimis* impacts to the North Clear Creek Historic District and Wapehani Mountain Bike Park; and,

- Though it has been determined to be unlikely, if any archaeological sites eligible for the NRHP are identified in Section 5 that should be preserved in place, the protections under Section 4(f) will be applied.

5.0 MEASURES TO MINIMIZE HARM

Throughout this study, efforts have been made to avoid human and natural resources. The following discussion presents examples of how avoidance and minimization efforts were implemented on this project. Avoidance and the opportunity to minimize impacts were used in the decision-making process to identify the Selected Alternative. Cemeteries and superfund sites were identified as resources to be avoided during the alternative development process. A notable effort was made to further reduce impacts to wetlands and floodplains during the refinement of Alternative 8 (the DEIS Preferred Alternative) that are reflected in the Refined Preferred Alternative 8. Environmental agencies and the public have been instrumental in providing assistance (see Section 5 FEIS, *Chapter 11*) to avoid and minimize impacts upon both the human and natural environment, and have helped develop many of the mitigation measures identified in the Section 5 FEIS.

During the Tier 1 process, conceptual mitigation proposals were developed as the starting point for identifying the total mitigation for constructing I-69 from Evansville to Indianapolis. As required by the Tier 1 ROD, these measures were considered during the Tier 2 process in Section 5. As a result of this consideration, mitigation measures specific to the conditions and potential impacts within Section 5 were developed based on the more detailed information and

interactions with the public and resource agencies. Where applicable, these mitigation measures incorporate and, in some cases, expand upon the "major mitigation initiatives" developed during Tier 1 (see Tier 1 FEIS, *Vol. I, Chapter 7, Mitigation and Commitments).*

Initiatives that apply to Section 5 are identified in the text that follows. For more detailed discussion of mitigation measures, see Section 5 FEIS, *Chapter 7.*

5.1 Tier 1 Mitigation Commitments and Associated Tier 2 Section 5 Commitments

FHWA and INDOT applied the mitigation commitments identified in the Tier 1 FEIS, *Vol. I, Chapter 7, Mitigation and Commitments,* based on detailed information gathered in Tier 2 studies. The Tier 1 ROD stipulated that mitigation measures specified in Tier 1 will be reviewed and may be modified in Tier 2 in consultation with environmental resource agencies, based on more detailed environmental impact data developed in the Tier 2 studies. The following sections identify the Tier 1 commitments that apply to Section 5 and their application within this section. In this Tier 2 ROD for Section 5, FHWA and INDOT commit to the mitigation identified below. A detailed listing of all mitigation commitments is provided in this Section 5 ROD as **Appendix B**, *Section 5 Mitigation Commitments Summary Form.*

5.1.1 Context Sensitive Solutions / Community Advisory Committee

FHWA and INDOT met with the CACs to describe the status of the project, ask members to distribute information to their constituents, and to also seek feedback from them and their constituents. In addition to the CACs, FHWA and INDOT have conducted public information meetings and a public hearing about the project at key project milestones. Input received from the CAC, participating agencies, and the public on Context Sensitive Solutions (CSS) has been incorporated into the design of Refined Preferred Alternative 8. INDOT will continue coordination with the community during the design phase to obtain further input on the use of CSS.

The specific outcome of CSS depends, in part, on input from the CACs, participating agencies, and the public. The use of CSS may result or has resulted in the following modifications to the alternatives. Further modifications may occur during design due to continuing use of CSS; such modifications will be made within the project footprint approved in this ROD.

- Generally constraining all of the alternatives to the general SR 37 location and elevation to reduce overall impacts and traffic disruptions.

- Use of existing transportation right-of-way, pavement, and infrastructure where appropriate by utilizing minimal impact design criteria to maximize return on capital investments. All of the build alternatives used some existing features of SR 37 to minimize costs and impacts. However, Alternatives 6, 7, 8, and Refined Preferred Alternative 8 were designed using minimal impact design criteria. For further information, refer to Section 5 FEIS, *Chapter 6, Alternatives*.

- Improving the aesthetics of the highway by planting native wildflowers (see Section 5 FEIS, *Figure 7-2*), minimizing riprap on side slopes and in ditches, and using attractive structures (e.g., bridges, retaining walls, signs, etc.). There is also community interest in

gateway treatments for Bloomington and Martinsville approaches. INDOT has committed to include context sensitive solution measures, which may include plantings, "gateways", and other enhancements within the constraints of right-of-way, impacts, and cost, as further discussed with the cities and counties during final design.

- Terminating the Fullerton Pike connection on the west side of the mainline to avoid impacts to a deep valley with karst features, a historic cemetery, and a private hospital. Alternatives 4, 5, 6, 7, and 8 would follow the existing alignment of Fullerton Pike on the west side of the mainline and connect to the existing roadway. Refined Preferred Alternative 8 would shift Fullerton Pike slightly north to straighten a curve in the existing roadway, and tie into the existing Fullerton Pike alignment.

- Providing Tapp Road access to I-69 via a spilt-interchange (reduced collector-distributor[7] [CD] system) in Alternatives 5, 7, 8, and Refined Preferred Alternative 8 to provide access for congestion reduction, the large investment in Tapp Road improvements to the east of SR 37 by the City of Bloomington, and planned development.

- Northern shift of the west side Tapp Road expansion for a turning lane (Alternative 4) away from tightly spaced housing.

- Elimination of a CD system with two mainline travel lanes and two CD lanes for access to Tapp Road, SR 45/2nd Street, and SR 48/3rd Street with Alternative 2 (described in Preliminary Alternatives Analysis and Screening dated May 2007, revised April 2012). Local government officials and public participants who provided comments as part of the July 2005 Public Information Meeting thought that it would not keep with the community feel, described as being too metropolitan or big city, and too much required right-of-way.

- Elimination of Alternative 1 where the entire highway was shifted to the west side of the bifurcation (described in Preliminary Alternatives Analysis and Screening dated May 2007, revised April 2012), and recommending the use of guard rail in order to maintain existing bifurcation to preserve forest, streams, and view shed for the remaining alternatives.

- Reconnection of existing local access roads in lieu of increased residential, business, and farm impacts associated with construction of new local access roads immediately adjacent to I-69.

- Use of existing partial interchange, historic Monroe County Bridge No. 913, and locally viewed gateway at Walnut Street in Alternative 7, 8 (Option B), and Refined Preferred Alternative 8. The use of the existing partial interchange was approved by FHWA February 2013. (More information can be found in Section 5 FEIS, *Appendix RR, Walnut Street Interchange Selection Report*.)

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[7] Collector-Distributor (CD) Lanes – A one-way road next to a freeway that is used for some or all of the ramps that would otherwise merge into or split from the main lanes of the freeway. It is similar to a local access road, but is built to freeway standards. It is used to eliminate or move weaving from the main lanes of the freeway.

- Use of a single folded interchange type at Fullerton Pike, Sample Road, and Liberty Church Road to match terrain and development patterns. All alternatives would incorporate a single folded interchange type in at least one of these locations. However, the specific interchange type for each location will be determined during final design for the final alignment, but will stay within the right-of-way footprint for the Refined Preferred Alternative 8.

- Treatment of a parcel outside of the Maple Grove Road Rural Historic District (as described in the NRHP nomination form) as potentially eligible, and avoided by holding all alternatives to the west side of the existing SR 37 right-of-way.

- Reuse of existing Arlington Road overpass by lowering mainline I-69 elevations to reduce traffic disruptions and maintain east/west connectivity. Alternatives 6, 7, 8 and Refined Preferred Alternative 8 incorporate this feature.

- A commitment has been made to provide grade separator walls, steepened side slopes, and/or benched rock cuts to in order to reduce direct impacts and neighborhood encroachment (at Yonkers Drive), as well as to avoid a multi-family complex (at 2nd Street), churches (Prow Road), utility distribution center (at Ellis Drive), and IWPA dam (at Stonebelt Drive).

- Accommodation of bicycle and pedestrian traffic at new interchanges, and further consideration of these accommodations where existing infrastructure is reused, as appropriate. Bicycle and pedestrian facilities across I-69 have been incorporated into the Refined Preferred Alternative 8 (see Section 5 FEIS, *Table 7-2*). Ongoing consideration of possible teaming with the City of Bloomington as part of a local project to provide a separate crossing of I-69 between 2nd Street and 3rd Street for use as part of local bicycle/pedestrian plans.

- Inclusion of an overpass-type grade separator to maintain the eastside connection at Crescent Road at Vernal Pike/W. 17th Street to provide community access and reduce impacts to a housing development. Alternatives 7, 8, and Refined Preferred Alternative 8 would have an overpass of W. 17th Street to maintain east/west connectivity.

5.1.2 Wetland Mitigation

INDOT and FHWA will follow the mitigation ratios listed in their Wetlands MOU signed January 28, 1991. The MOU is provided in the Section 5 FEIS, *Appendix V*. In addition, INDOT and FHWA will implement any additional mitigation measures required by the U.S. Army Corps of Engineers (USACE) and IDEM as part of any permits granted under Section 404 and 401 of the Clean Water Act. Under the 1991 MOU, emergent wetlands would be mitigated at a ratio of 2 to 1 or 3 to 1 and forested wetlands would be mitigated at a ratio of 3 to 1 or 4 to 1. Ratios used to determine mitigation will depend upon the quality of the resource. In the case of any forested wetlands in Section 5, it is anticipated a 3 to 1 ratio would apply. The Selected Alternative would impact 3.43 acres of wetlands. Based on the 1991 Wetlands MOU ratios, mitigation for wetland impacts would be an estimated 10.61 acres for the Selected Alternative.

5.1.3 Forest Mitigation

In Section 5, direct upland forest impacts associated the Selected Alternative would be approximately 227.66 acres. As stipulated in the Tier 1 ROD (p. 29*)*, upland forest impacts will be mitigated at a ratio of 3 to 1 (up to 2 to 1 by purchasing and protection of existing forest tracts and at least 1 to 1 [minimum] by planting trees). Based on these ratios, 682.98 acres of forest mitigation (including reforestation and preservation) would be required to mitigate impacts from the Selected Alternative.

Impacts to non-wetland riparian areas that are not in a regulated floodway will be mitigated in consultation with IDEM and USACE. All non-wetland riparian forest replacement will be included as part of the 3 to 1 upland forest mitigation. The Selected Alternative would impact 107.27 acres of non-wetland riparian habitat. Of this total, approximately 97.89 acres have been identified as forested, and are already included in the totals for forest mitigation. The remaining 9.38 acres, identified as other (non-wetland) riparian areas, include areas with trees but do not meet the definition of forest. These areas are therefore not included in the forest mitigation, but will be mitigated at a 1 to 1 ratio in consultation with IDEM and USACE.

5.1.4 Mitigation Sites

The Section 5 Tier 2 BA identifies a total of 20 properties for mitigation. Seven (7) focus areas were targeted for Section 5 mitigation: West Fork (Bryant Creek) Maternity Colony, Lambs Creek Maternity Colony, Beanblossom Bottoms Nature Preserve Maternity Colony, Crooked Creek Maternity Colony (Section 6), Morgan-Monroe State Forest, Beanblossom Creek, and Maple Grove Road Rural Historic District. The 20 sites include properties to be acquired for preservation and those to be acquired for future restoration and replanting activities. These 20 sites are expected to provide a total of more than 1,500 acres of mitigation lands. Additional detail on these sites is presented in the Section 5 Tier 2 BA (redacted in Section 5 FEIS, *Appendix LL1*).

INDOT will be responsible for monitoring and maintaining the mitigation areas while they are being established. As noted in the Section 5 Tier 2 BA, the mitigation sites will be restricted from other uses to ensure that they remain in a natural condition in perpetuity. Areas set aside for mitigation plantings will be protected from development in the short term, and in the long term will provide quality roosting and foraging habitat for Indiana bats. These areas will also help to decrease habitat fragmentation, and to improve the potential for colonies of Indiana bats currently using the action area to expand into other areas of suitable habitat. Successful implementation of the mitigation plans and conservation measures are expected to result in sustainable, and in some cases improved, long-term habitat conditions for Indiana bat maternity colonies, individuals, and hibernating populations within the action areas.

5.1.5 I-69 Community Planning Program

The I-69 Community Planning Program, committed to in the Tier 1 ROD (p. 30) provided resources to local communities to manage the growth and economic development associated with I-69. On October 29, 2007 INDOT awarded $950,000 in grants to communities located along the I-69 corridor in southwest Indiana. Each community was eligible for a grant of $50,000. Multiple communities, such as a city and a county, were allowed to pool their grant money

together. Within Section 5, Morgan County, the Town of Mooresville, and the City of Martinsville together were awarded a grant for $150,000. On February 1, 2008, Monroe County submitted an application for a $50,000 grant. The City of Bloomington was eligible for this program but chose not to participate. Monroe County was awarded a $50,000 grant, and the Town of Ellettsville was also awarded a grant for $50,000.

In the second phase of the program, on July 30, 2008, a $100,000 grant was awarded to Monroe County and Ellettsville. Grants awarded in this second round of grants brought the total grant awards to $1,500,000 in both rounds. Local communities used these grants to prepare transportation land use plans, zoning and subdivision ordinances, and special highway corridor "overlay zones" for development. For further details, please see Section 5 FEIS, *Appendix T*.

The I-69 project website provides a link to the Community Planning Program website (www.i69indyevn.org/CommunityPlanningProgram). The website contains information including a concise description of the program, examples of eligible activities, and other information about the program.

5.1.6 Update County Historic Surveys

As part of Tier 1 commitments, FHWA and INDOT will provide funding and technical assistance to support a comprehensive effort to update the Interim Reports for Monroe and Morgan counties. The reports are used to update the Indiana Historic Sites and Structures Inventory (IHSSI), which is managed by Indiana Department of Natural Resources (IDNR)-DHPA.

As part of this commitment, IDNR-DHPA will be provided with the IHSSI survey forms that were created as part of the Section 5 studies, for properties located within the project's Area of Potential Effects (APE). Surveys for the remaining portions of Monroe and Morgan counties (outside the APE) will begin following the approval of this ROD.

5.1.7 Bridging of Floodplains

The Tier 1 ROD states that the decision to bridge floodplains, other than the Patoka River and Flat Creek floodplains, would be made in Tier 2. Floodplains identified in Section 5 are located along Beanblossom Valley, Little Indian Creek, and Indian Creek. The selected alternative reuses existing structures where possible, and it is not anticipated that any floodplains in Section 5 will be bridged in their entirety. Floodplain encroachments will be minimized by rehabilitating existing bridges or (when necessary) replacing them at their existing locations.

5.1.8 Biological Surveys on Wildlife and Plants

In keeping with stipulations in the Tier 1 Revised BO (and amendments) and the commitment in the Tier 1 ROD (p. 31), a work plan for surveying, monitoring, and reporting on the Indiana bat (*Myotis sodalis*) will be developed and conducted in consultation with and approved by the USFWS. This mist netting effort will be beyond the Tier 2 sampling requirements, and will be implemented in accordance with the conditions in the Tier 2 BO. If Indiana bats are captured, radio transmitters will be used in an attempt to locate roost trees, and multiple emergence counts will be made at each located roost tree. These monitoring efforts will be documented and summarized within an annual report prepared for USFWS.

5.1.9 Karst MOU

The Tier 1 FEIS/ROD committed to following the Karst MOU (see Tier 1 FEIS, *Section 7.3.14*, and Tier 1 ROD, *Section 3.5.4*, point (5)). As part of the Karst MOU stipulations, detailed design information and additional information gathered from geotechnical studies will be provided to the Karst MOU signatory agencies (INDOT, IDEM, IDNR, and USFWS) for their review and comment. The Karst MOU signatory agencies will be able to provide comments on how Best Management Practices (BMPs) and structural engineering measures for karst features are implemented for specific features. INDOT will incorporate agency comments where possible. Special provisions will be included in the contract documents to incorporate an emergency response plan for karst areas. Construction personnel will be notified at the pre-construction conference that if during construction it is found that the mitigation agreement must be altered, Karst MOU agencies will be contacted and agreement reached prior to work continuing in that specific area. In addition, construction personnel will be made aware that if a state/federal endangered/threatened species is found during construction, work in that area of the project will stop. The Karst MOU signatory agencies will be immediately notified. The Project Engineer at the construction site will be made aware of all karst related contract provisions and ensure that all Karst MOU stipulations are followed during construction.

5.2 Additional Section 5 Commitments

The Section 5 FEIS, *Section 7.3,* provides specific mitigation measures and commitments proposed for each resource category in Section 5 to be implemented at the appropriate time during project development, construction, and as part of the maintenance of the highway. In addition to the mitigation measures identified above, mitigation measures for the following categories of impacts are presented in that section and are considered an integral part of the Selected Alternative. A detailed list of the mitigation measures and commitments for Section 5 can be found in **Appendix B**, *Section 5 Mitigation Commitments Summary Form,* of this Section 5 ROD. In this ROD, FHWA and INDOT commit to the mitigation identified below.

- ***Social and Neighborhood***: Commitments include providing for local access via service drives and overpasses; coordination with schools, local officials, and emergency service providers during construction regarding detours and potential traffic delays; provision of bicycle and pedestrian accommodations on certain overpasses and interchange bridges; and, assistance available to all acquisitions and displacements through the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The relocation program provides assistance to displaced persons in finding comparable housing that is decent, safe, and sanitary; and to displaced businesses, farms, and nonprofit organizations.

- ***Construction***: Commitments include several measures to mitigate impacts, as appropriate, including Rule 5 requirements found in 327-IAC 15-5, specifically Item B1 of IDEM's Erosion Control Plan, and Chapter 37 of the INDOT Design Manual. Other measures, including swales to protect sources of potable water, maintenance of equipment to control air quality impacts, date-restricted tree-cutting to avoid impacts to Indiana bats, revegetation of disturbed areas, use of native grasses and native wildflowers when revegetating disturbed soils in the right-of-way and medians where appropriate, spill containment measures, a maintenance of traffic plan, noise abatement measures,

adherence to the Wetland MOU, and compliance with requirements in permits received following the approval of this document, such as Construction in a Floodway permits.

BMPs will be implemented during construction to protect groundwater, especially in areas with karst features. Procedures to reduce the impacts to karst will be implemented in accordance with INDOT's Standard Specifications and the 1993 Karst MOU. Per USEPA written comments, a firm commitment has been made that if active groundwater flow paths are discovered, measures will be taken to perpetuate the flow and protect water quality[8]. USEPA Class V injection well permits may be required. Any permit would need to be applied for and obtained prior to construction of the Class V well.

Blasting will be avoided between September 15 and April 15 in areas within 0.5-mile of known Indiana bat hibernacula. All blasting in the Winter Action Area (WAA) will follow the specifications developed in consultation with the USFWS and will be conducted in a manner in attempt to avoid compromising the structural integrity or alter the karst hydrology of nearby caves serving as Indiana bat hibernacula. Blasting within karst areas will be completed following specifications developed in consultation with limestone industry representatives as well as the Indiana Geological Survey and other geology experts. Blasting is not anticipated and will not be allowed adjacent to the Lemon Lane Landfill and Bennett's Dump Superfund Sites to prevent damage to the monitoring system.

- ***Historic and Archaeological Resources***: Per the Section 106 MOA (see Section 5 FEIS, *Appendix N, Section 106 Documentation*), additional archaeological investigations agreed to in the MOA will be completed before construction on the project begins at that site. Commitments are included in the MOA to mitigate adverse impacts to archaeological resources that are determined eligible for the NRHP as a result of additional investigations, if any such resources are identified.

  The MOA stipulations for historic resources include two educational items, as provided in the Tier 1 MOA: a Multiple Property Documentation Form of the Dimension Limestone Industry in Bloomington, Indiana, and (if Monroe County chooses to implement it) an educational outreach initiative, coordinated and implemented by the county with funding by FHWA. Other stipulations in the MOA include additional coordination during design to avoid highway drainage impacts to historic landscape districts and the possible inclusion of landscaping and use of limestone or other treatments as part of the CSS process. The MOA was signed by SHPO on April 30, 2013, and the ACHP on May 9, 2013. See Section 5 FEIS, *Appendix N, Section 106 Documentation*, for a copy of the MOA.

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[8] This was requested in USEPA comment AF002-39 on the Section 4 DEIS (See Tier 1 FEIS, Volume III). This commitment to perpetuate the flow of groundwater flow paths was made in the response to this comment. The commitment has been retained for areas in Section 5 with karst features, and is so noted in Section 5 FEIS, Section 5.19.3.3, under header "Groundwater Quality." USEPA noted the retention of this commitment in its comments on the Section 5 DEIS (see Section 5 FEIS, Volume III, Comment AF002-38).

- ***Visual Impacts:*** Mitigation of visual impacts will be considered during final design as part of CSS considerations, which may include vegetative screening and non-diffuse lighting if warranted.

- ***Open Water Impacts***: Mitigation involves using a 1 to 1 ratio for 0.02-acre of impacts to ponds/lakes (including palustrine unconsolidated bottom [PUB] wetlands) as a result of Refined Preferred Alternative 8. Borrow pit construction may be considered for mitigating these open water impacts.

- ***Stream Impacts***: Impacts to streams in Section 5 will be mitigated at a 1:1 ratio on a linear foot basis. This will include both on-site and off-site stream mitigation. Mitigation will be developed in coordination with IDEM and the USACE.

- ***Hazardous Material Impacts***: Appropriate cleanup of hazardous materials, if any, will be coordinated with appropriate agencies and property owners. Contractors will be required to maintain a spill response plan to address any incidents during construction. Additional investigations will be completed into sites per the recommendations in Section 5 FEIS, *Section 5.16.* In addition, INDOT has made mitigation commitments specific to the two superfund sites, Lemon Lane Landfill, and Bennett's Dump, as discussed in Section 5 FEIS, *Section 7.3.7*.

- ***Wetland Impacts***: In addition to the mitigation identified in **Section 5.1.2**, above, the following commitments are made:
    - Wetland impacts will be minimized by further refinements in the alignment during design, if feasible. INDOT and FHWA are committed to mitigating for unavoidable wetland losses.
    - Wetlands within the right-of-way that are not to be filled will be delineated and protected from construction use.
    - Wetlands outside the actual footprint of the project will be protected from I-69 construction-related impacts from borrow and waste activities (see Section 5 FEIS, *Section 7.3.4*). Wetland areas outside the construction limits within the right-of-way will be identified and protected from use as borrow or waste disposal sites, construction staging areas, etc. Wetlands adjacent to the construction limits will be protected with silt fences and other erosion control measures. Special Provisions in contracts relating to the construction of I-69 will include prohibiting the filling and other damaging of wetlands outside the construction limits within the right-of-way. Note: this prohibition would not include isolated ponds such as farm ponds and those developed from old borrow sites.
    - Construction will adhere to the Wetland MOU (dated January 28, 1991).
    - To prevent herbicides from entering wetland areas, "Do Not Spray" signs will be posted as appropriate in the right-of-way.
    - If appropriate, wetland mitigation may include wetland banking.

- ***Farmland Impacts***: Impacts will be minimized where feasible by managing access at interchange locations to discourage the development of large expanses of prime farmland,

providing access to avoid landlocking parcels where reasonable, and providing overpasses at selected locations to maintain local road connectivity and access to farmland.

- ***Water Body Modifications***: Modifications will be minimized by keeping tree clearing and snag removal to a minimum and limited to within calendar requirements and the construction limits along streams and in wetland areas, mitigating unavoidable stream impacts in coordination with permitting agencies (IDEM, IDNR, and USACE as appropriate), using soil bioengineering techniques for bank stabilization where situations allow, placing culverts and other devices so they do not preclude the movement of fish and other aquatic organisms, and using erosion control devices to minimize sediment and debris.

- ***Ecosystems Impacts***: Impacts will be minimized by controlling invasive plants, coordinating with the USFWS pursuant to the Migratory Bird Treaty Act of 1918, and providing wildlife corridors (see Section 5 FEIS, *Section 5.18.4*). Impacts also will be mitigated through the development of mitigation sites.

- ***Water Quality Impacts***: Impacts will be minimized by crossing streams at their narrowest floodway width to the extent feasible, developing stream mitigation plans where necessary, returning disturbed in-stream habitats to their original condition when possible, minimizing tree clearing and snag removal, avoiding wetlands as much as possible and following the 1991 Wetland MOU, following BMPs for erosion control, providing grass-lined ditches connected to filter strips and containment where appropriate, and minimizing the amount of salt used for deicing.

- ***Threatened and Endangered Species***: Conservation measures identified in the Section 5 Tier 2 BA, the Section 5 Tier 2 BO, and the revised Tier 1 BO as amended and mitigation plan address impacts to Indiana bats. These measures are listed in the Section 5 FEIS, *Section 7.3.16, Threatened and Endangered Species,* and the documents are provided in Section FEIS *Appendix LL1, Appendix LL2,* and *Appendix BB*, respectively. Mitigation measures include but are not limited to the following:

- <u>Indiana bat (*Myotis sodalis*)</u>
    - Prohibiting cutting trees with a diameter of three or more inches between April 1 and November 15 for areas within the Indiana bat Winter Action Area (WAA). For areas outside the WAA, tree cutting is prohibited from April 1 and September 30.
    - Adhering to the 1991 Wetlands MOU and 1993 Karst MOU (see Section 5 FEIS, *Appendix V* and *Appendix Y*, respectively).
    - Using measures to avoid water quality contamination, such as using designated equipment service areas and equipment maintenance.
    - Where appropriate, using spill prevention/containment, revegetation, and bridge design to avoid water quality contamination.
    - Summer habitat creation and enhancement in the Summer Action Area through wetland and forest mitigation focused on riparian corridors and existing forest

blocks to provide habitat connectivity (as described in **Sections 5.1.2** and **5.1.3**, above).

- Mitigating forest impacts at a ratio of 3 to 1 (replacement at a 1 to 1 minimum ratio and preservation at up to a 2 to 1 ratio).
- Purchase of certain hibernacula from willing sellers and protection of certain hibernacula, including associated autumn swarming/spring staging habitat, with landowner permission.
- Blasting of rock during construction of the interstate will be avoided in winter between September 15 and April 15 in areas near hibernacula. All blasting will be conducted in a manner that will not compromise the structural integrity or alter the karst hydrology of nearby caves serving as Indiana bat hibernacula.
- Avoid and minimize the potential for changes within hibernacula, site-specific efforts will be made to minimize changes in the amount, frequency, and rate of flow of roadway drainage that enters karst systems that are determined to be hydrologically connected to Indiana bat hibernacula.

5.3 Tracking of Mitigation Commitments

Tracking of mitigation commitments and mitigation activities associated with each will be performed by INDOT. The overall mitigation tracking includes a Geographic Information Systems (GIS) database for tracking of mitigation properties. In addition to the GIS database, INDOT will maintain a mitigation commitments listing that will be utilized to track all mitigation, including non-land-based mitigation commitment items, for implementation status. The multiple annual monitoring reports required by permit conditions, and under the conditions of the Section 5 Tier 2 BO, will include the GIS database information as well as tabular summary data derived from the database. INDOT will provide to permitting agencies and USEPA the tracking summary data on an annual basis. The summary will identify the mitigation commitments and describe the status of the activities-to-date associated with each commitment.

6.0 MONITORING AND ENFORCEMENT

Coordination with all appropriate state and federal regulatory agencies occurred throughout the Tier 1 process and has continued in Tier 2. Major regulatory requirements applicable to this project include the following:

- Adherence to the requirements of the Karst MOU of 1993.
- Consultation regarding historic and archaeological resources under Section 106 of the National Historic Preservation Act and adherence to stipulations of the Section 106 MOA.
- Certification of conformity under the Clean Air Act.
- Consultation regarding threatened and endangered species under Section 7 of the Endangered Species Act

- Adherence to the Wetlands MOU.

- Permitting activities required as follows: permitting under Section 404 of the Clean Water Act, which requires permits for discharges into wetlands or other waters of the United States; water quality certification under Section 401 of the Clean Water Act; Construction Within a Floodway permitting under Indiana Flood Control Act; National Pollution Discharge Elimination System (NPDES) permitting for storm water discharges under the Clean Water Act; Class V Injection Well permitting; and fulfilling Rule 5 (327 IAC 15-5) requirements regarding erosion and sediment control;

- Determination of *de minimis* impact to resources protected under Section 4(f) of the Department of Transportation Act of 1966 including publically owned parks, recreation areas, wildlife and waterfowl refuges, land from a historic property that is on or eligible for the NRHP, and archaeological sites where preservation in place provides important value.

Actions committed to or taken to comply with the requirements are summarized below in **Sections 6.1** to **6.5**. Monitoring of the commitments within this project will be accomplished in part by INDOT maintaining the mitigation commitments list and tracking GIS database with regular reviews by FHWA as the project progresses.

6.1 Section 106 (National Historic Preservation Act)

During the Tier 1 process FHWA and INDOT consulted with the Indiana SHPO, the ACHP, and other consulting parties, and developed a MOA that defined the mitigation measures and other actions that would be examined during the Section 106 consultation process in Tier 2.

The Tier 2 process has continued the consultation with the SHPO and consulting parties to refine the APE defined in Tier 1, identify potential resources within the area and define the scope of the field investigations that would be required. The final results of the archaeological and historic property surveys are included in this Section 5 FEIS along with SHPO and ACHP consultation (refer to Section 5 FEIS, *Appendix N*). Commitments to mitigate adverse effects to archaeological and historic resources that are determined eligible for or listed in the NRHP are included in the Section 5 MOA, which was executed on May 9, 2013. When the Refined Preferred Alternative 8 was determined at the beginning of 2013, minor shifts in the proposed right-of-way created several small areas where the Phase Ia archaeological survey has not taken place. The Section 106 MOA provides that any unsurveyed areas must undergo archaeological identification, evaluation, and assessment. These areas are scheduled to be surveyed prior to construction of the I-69 undertaking. Further required archaeological investigations (such as Phase Ic surveys) are also stipulated in the MOA for Section 5. All information described in this paragraph may be found in *Appendix N* of the Section 5 FEIS.

6.2 Air Quality Conformity Finding (Clean Air Act)

Pursuant to the 1990 Clean Air Act (CAA) Amendments, Morgan County has been designated a maintenance area for the 1997 8-hour ozone standard. The county is currently in attainment of the standard and is under an approved maintenance plan. The Indianapolis Metropolitan Planning Organization (MPO) adopted the 2035 Long-Range Transportation Plan: 2012

Amendment and the 2012-2015 Indianapolis Regional Transportation Improvement Program that includes the approved Section 5 project corridor and corresponding "Air Quality Conformity Determination Report", dated July 23, 2012. Note: As of July 20, 2013, conformity for the 1997 ozone standard was revoked for transportation conformity purposes. However, as noted, the project is included in the most recent Plan and TIP. With this determination report, the FHWA and Federal Transit Authority found the Indianapolis MPO 2035 Transportation Plan updates and the FY 2012-2015 TIP as amended, which include the I-69 project, demonstrate conformity for 8-hour ozone and the annual standard for Particulate Matter ($PM_{2.5}$) as required by the conformity rule.

Section 5 passes through Carbon Monoxide (CO) attainment areas for the National Ambient Air Quality Standards (NAAQS), and a conformity demonstration is not required at the regional-level or project level. However, results of project level CO hotspot and the free-flow section analyses (which were measured at the worst case scenario locations) for the Build Alternative indicate no violation of the CO NAAQS. This demonstrates that there are no local air quality impacts of concern for CO.

Morgan County is in nonattainment for the $PM_{2.5}$ (1997) standard. Because of the nonattainment designation for $PM_{2.5}$, Section 5 of I-69 project (Section 5, Morgan County) is subject to the transportation conformity requirements found in 40 CFR Part 93 as amended. These requirements are met in part by inclusion of this rural portion of I-69 in the Indianapolis MPO's regional emissions analysis for the long range transportation plan and transportation improvement program. The Indianapolis MPO adopted the 2035 Long-Range Transportation Plan: 2012 Amendment that includes the approved Section 5 project corridor and corresponding "Air Quality Conformity Determination Report," dated July 23, 2012.

In addition to demonstrating conformity in nonattainment and maintenance areas for the NAAQS at the regional-level, transportation conformity requirements may also require project-level hot-spot analyses for CO and/or PM in nonattainment and maintenance areas for CO and/or PM. Section 93.109(b) of the federal conformity rule lays out the requirements for project-level conformity determinations. It specifies that interagency consultation is required to determine whether a project meets the criteria that would require a hot-spot analysis. Since Morgan County is in nonattainment of the $PM_{2.5}$ standard, interagency coordination was initiated during a conference call on August 23, 2012, with state and federal agencies involved in the project planning process. Additional interagency consultation group (ICG) meetings were held April 19, 2013, April 29, 2013, and May 23, 2013 to discuss the need for a quantitative $PM_{2.5}$ analysis for I-69 Section 5 and methodologies to be used for this analysis. It was noted that the project is located in a $PM_{2.5}$ nonattainment area (Morgan County) with an increase in the number of diesel vehicles expected in future years. The ICG agreed that a project level hot-spot analysis would be conducted for I-69 Section 5 although the group did not conclude that the project was a Project of Air Quality Concern. A two week public comment period on the draft $PM_{2.5}$ technical report was offered and concluded on June 14, 2013. No comments were received during the comment period.

The $PM_{2.5}$ hot-spot analysis has demonstrated transportation conformity for the project by determining that future design value concentrations for the 2018 and 2035 analysis year will be lower than the 1997 annual $PM_{2.5}$ NAAQS of 15.0 $\mu g/m^3$. As a result, the project does not create a violation of the 1997 annual $PM_{2.5}$ NAAQS, worsen an existing violation of the NAAQS, or

delay timely attainment of the NAAQS and interim milestones, which meets 40 CFR 93.116 and 93.123 and supports the project level conformity determination. IDEM and the USEPA completed their reviews in accordance with the Indiana Conformity Consultation State Implementation Plan Documentation, and FHWA finds that I-69 Section 5 conforms to all applicable project level conformity requirements. Conformity findings and supporting documentation are included in *Appendix OO* of the Section 5 FEIS.

Regarding Mobile Source Air Toxics (MSATs), in the absence of established criteria for determining when MSAT emissions should be considered a significant issue in the NEPA context, a qualitative analysis of emissions to compare or differentiate among proposed project alternative scenarios was prepared, per FHWA guidance. MSAT emissions are projected to decrease substantially in the future as a result of new USEPA programs. As a result, the I-69 Section 5 project is expected to result in low potential MSAT effects.

6.3 Section 7 (Endangered Species Act)

On May 20, 2013, FHWA reinitiated Tier 1 Section 7 (Endangered Species Act) consultation based on new maternity colony information in Section 5; increases in the exempted levels of take for non-forested wetlands, section-specific forests and forests in selected hibernacula-specific winter action areas; and private landowner logging. On July 24, 2013, the USFWS issued Amendment 2 to the August 24, 2006 Revised Tier 1 BO, including a revised Incidental Take Statement. Amendment 2 to the Revised Tier 1 BO also affirms that the I-69 project is not likely to jeopardize the continued existence of the Indiana bat.

A Tier 2 BA for Section 5 (see Section 5 FEIS, *Appendix LL1*) on the preferred alternative was prepared for USFWS in accordance with procedures set forth in the Revised Tier 1 BO (and amendments). The Tier 2 Section 5 BA, which includes a plan for mitigation for impacts to wetlands, forests, and streams, stipulates that all conservation measures reported in the Revised Tier 1 BO (and amendments) will be carried out as written. It also provides USFWS updated information on reasonably certain impacts. The Tier 2 Section 5 BA also provides USFWS with plans and impacts of the Section 5 project based on the preferred alternative, including access roads.

Conservation measures were jointly developed by the FHWA, INDOT, and USFWS during informal consultation and were subsequently incorporated into the Tier 1 BA and the Tier 1 BA Addendum as part of the official Proposed Action for the I-69 project. The Tier 2 Section 5 BA and mitigation plan are consistent with the mitigation and commitments in the amendments to the Revised Tier 1 BO, except where status changes were made in conservation measures as reported in the Tier 2 BA. Such changes are documented in the Tier 2 BO issued July 25, 2013 (see Section 5 FEIS, *Appendix LL2*).

Since conservation measures are part of the Proposed Action, their implementation is required under the terms of the consultation. These measures were specifically designed to avoid and minimize impacts of the proposed action on Indiana bats and bald eagles and to further their recovery. The Section 5 FEIS (see *Section 7.3.16, Threatened and Endangered Species*) presents the conservation measures applicable to Section 5. Section 5 FEIS (*Section 5.17, Bald Eagles, Federal and State Threatened and Endangered Species*) and the Revised Tier 1 BO provide a history of the Section 7 consultation for this project. The Revised Tier 1 BO also contains the

complete list of conservation measures for the I-69 project as a whole. The issuance of the Tier 2 Section 5 BO concluded formal Section 7 consultation for I-69 Section 5.

6.4 Permitting

6.4.1 Section 404 Permits (Clean Water Act)

Projects involving discharges of material into waters of the United States, including jurisdictional wetlands, require a permit or a letter of permission from USACE prior to the commencement of construction. As part of this project, all streams and potential wetlands within the project area were assessed. The assessment identified the streams and wetland areas within the project area that would be subject to USACE permitting jurisdiction. USACE will make a jurisdictional determination that will take into account all aquatic resources, including wetlands, subject to Section 404 Permit jurisdiction.

Section 5 FEIS, *Section 5.19,* identifies stream, wetland, and open water impacts and the agreed-to mitigation ratios: 1 to 1 ratio for streams and open water, and 2 to 1 and 3 to 1 ratios for emergent wetlands and forested wetlands, respectively. The Section 5 Tier 2 BA and *Conceptual Mitigation Plan*, approved in USFWS's Tier 2 Section 5 BO (see Section 5 FEIS, *Appendix LL1* and *Appendix LL2*, respectively), sets forth the specific plans for meeting these mitigation requirements. The USACE permit conditions will be addressed by the proposed mitigation for impacts to those resources.

Applicable Section 404 Permit(s) will be obtained prior to the start of construction in any area subject to Section 404 jurisdiction and any mitigation required by those permits will be implemented.

6.4.2 Section 401 Water Quality Certification (Clean Water Act)

Section 401 Water Quality Certifications must be obtained from IDEM prior to issuance of a Section 404 Permit. The Section 401 Water Quality Certification is a state's review of applications for USACE Section 404 permits for compliance with state water quality standards. Any activity involving dredging, excavation, or filling within waters of the United States requires a Section 401 Water Quality Certification from IDEM. Section 401 Water Quality Certifications will be obtained prior to the start of construction in any area subject to Section 401 Water Quality Certification requirements and any mitigation required by those permits will be implemented.

6.4.3 Construction in a Floodway Permit (Flood Control Act)

Construction in a Floodway permits are required from IDNR under Indiana's Flood Control Act (IC 14-28-1) and will be applied for during the design phase of this project.

6.4.4 NPDES Permit

A NPDES Permit is required from IDEM under 327 IAC 15-13 (Rule 13) and will be applied for during the design phase of this project).

6.5 Section 4(f) (Department of Transportation Act)

Since the approval of the Tier 1 ROD, subsequent legislation (Section 6009 of SAFETEA-LU), permitted FHWA to determine that a direct use of a Section 4(f) resource which, after taking into account any measures to minimize harm, does not adversely affect the features, attributes and activities of the resource constitutes a *de minimis* impact. In such cases, the protections of Section 4(f) do not apply and such uses do not require a determination that there is no feasible and prudent alternative to that use. Such determinations are made in the Section 5 FEIS regarding use of the Wapehani Mountain Bike Park and the North Clear Creek Historic Landscape District.

For publicly-owned parks, recreation areas, and wildlife and waterfowl refuges, in order for FHWA to make a *de minimis* finding, it must receive written concurrence from the party that has ownership or control of the resource stating that the proposed impact will not affect the resource's features, attributes, and activities. Further, such concurrence may occur after public notice is provided, and interested parties are afforded 30 days in which to provide comments on the proposed use. The regulations implementing SAFETEA-LU contemplate that such notice typically is provided as part of the NEPA process. In the case of an EIS, the notice is provided by documentation in the DEIS, with the DEIS comment period affording the opportunity for interested parties to comment. As such, DEIS comments applicable to Wapehani Mountain Bike Park were provided to the City of Bloomington for consideration.

The *de minimis* impact determinations regarding the use of up to 1.73 acres of Wapehani Mountain Bike Park and approximately 1.96 acres of North Clear Creek Historic Landscape District include consideration of supporting documentation that demonstrate that the impacts, after avoidance, minimization, mitigation, or enhancement measures are taken into account, are *de minimis* as defined in 23 CFR §774.17; and coordination required by 23 CFR §774.5(b) has been completed.

These determinations are made in accordance with 23 CFR §774.7(e)(2), with regard to the preliminary Section 4(f) findings made in Tier 1 with respect to Section 5 of the I-69 Evansville to Indianapolis project. As established by the additional analysis in this Tier 2 study of the preliminary findings in the Tier 1 study, a new Section 4(f) use was identified.

Based upon public input and a comparison of impacts, Refined Preferred Alternative 8 proposes "no shift" of the alignment at the Wapehani Mountain Bike Park (similar to Alternative 7); thereby using up to 1.73 acres of the park. Right-of-way needed will be in the form of a strip of land approximately 20 to 80 feet wide along the current western boundary of the park, adjacent to and east of the existing SR 37 right-of-way containing approximately 310 feet of wooded trail including a foot bridge. With approval of this Tier 2 FEIS/ROD for Section 5, FHWA hereby makes a *de minimis* finding regarding the use of the Wapehani Mountain Bike Park. This use has occurred with the written concurrence of the City of Bloomington, after it was afforded the opportunity to review public comments on the DEIS pertaining to this resource. In addition, all possible planning to minimize the harm has occurred as outlined in the Wapehani MOA (see Section 5 FEIS, *Appendix QQ*).

Refined Preferred Alternative 8 also uses approximately 1.96 acres of the North Clear Creek Historic Landscape District. The Refined Preferred Alternative 8 is similar to the DEIS Preferred Alternative 8, with refinements made to the proposed right-of-way in this area to further minimize impacts by 0.45-acre at this site. Upon the approval of the Tier 2 FEIS/ROD

for Section 5, FHWA hereby makes a *de minimis* finding regarding the use of the district. In order to make a *de minimis* finding for the use of a historic property, the project must result in the determination of "no adverse effect" or "no historic properties affected," and SHPO and ACHP (if involved) must concur in writing with the finding. Further, SHPO and ACHP must be informed of FHWA's intent to make a *de minimis* impact finding, and FHWA must consider the views of consulting parties. FHWA notified the SHPO and ACHP of its plans to make a *de minimis* finding; SHPO formally concurred with the No Adverse Effect finding for above-ground historic resources in a letter dated November 21, 2012; ACHP concurred with the effect finding in a letter dated May 9, 2013; and, FHWA received and considered public comments on the issue.

Though it has been determined to be unlikely, in accordance with 23 CFR §774.11(f) and §774.13(b), if any archaeological sites eligible for the NRHP are identified that should be preserved in place, the protections under Section 4(f) will be applied.

7.0 RECORD OF DECISION

For the foregoing reasons, and based on the analysis and evaluation contained in the project's FEIS; after careful consideration of all the identified social, economic, and environmental factors and input received from other agencies, organizations, and the public; and the factors and project commitments and mitigation measures outlined above, it is the decision of the FHWA to approve the selection of Refined Preferred Alternative 8 as the Selected Alternative for the I-69 Tier 2 Section 5 project.

August 7, 2013
Date

Richard J. Marquis
Division Administrator
Federal Highway Administration
Indiana Division

Appendix A – Figures

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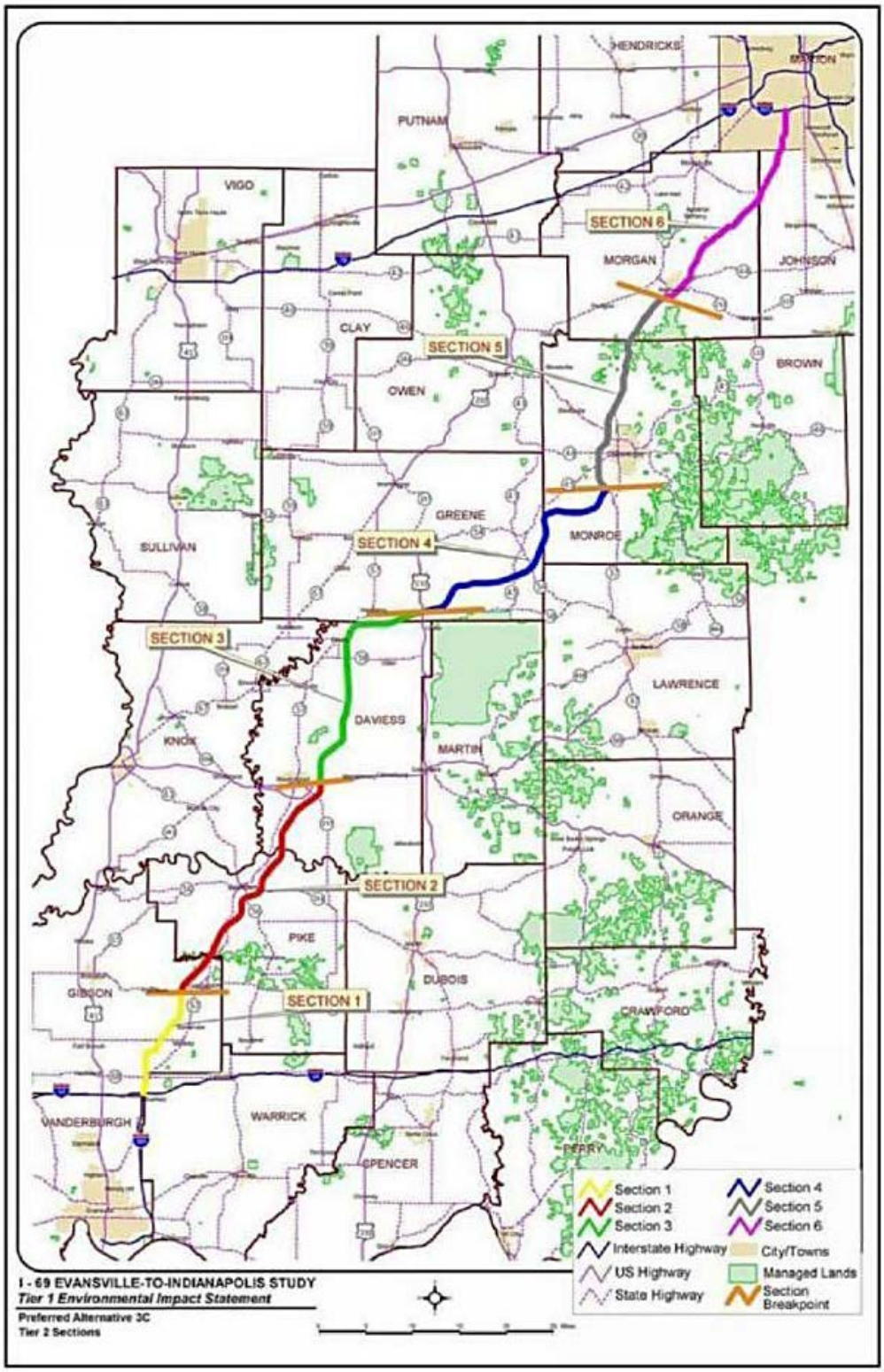

Figure 1: Tier 1 Preferred Alternative 3C Showing Tier 2 Sections

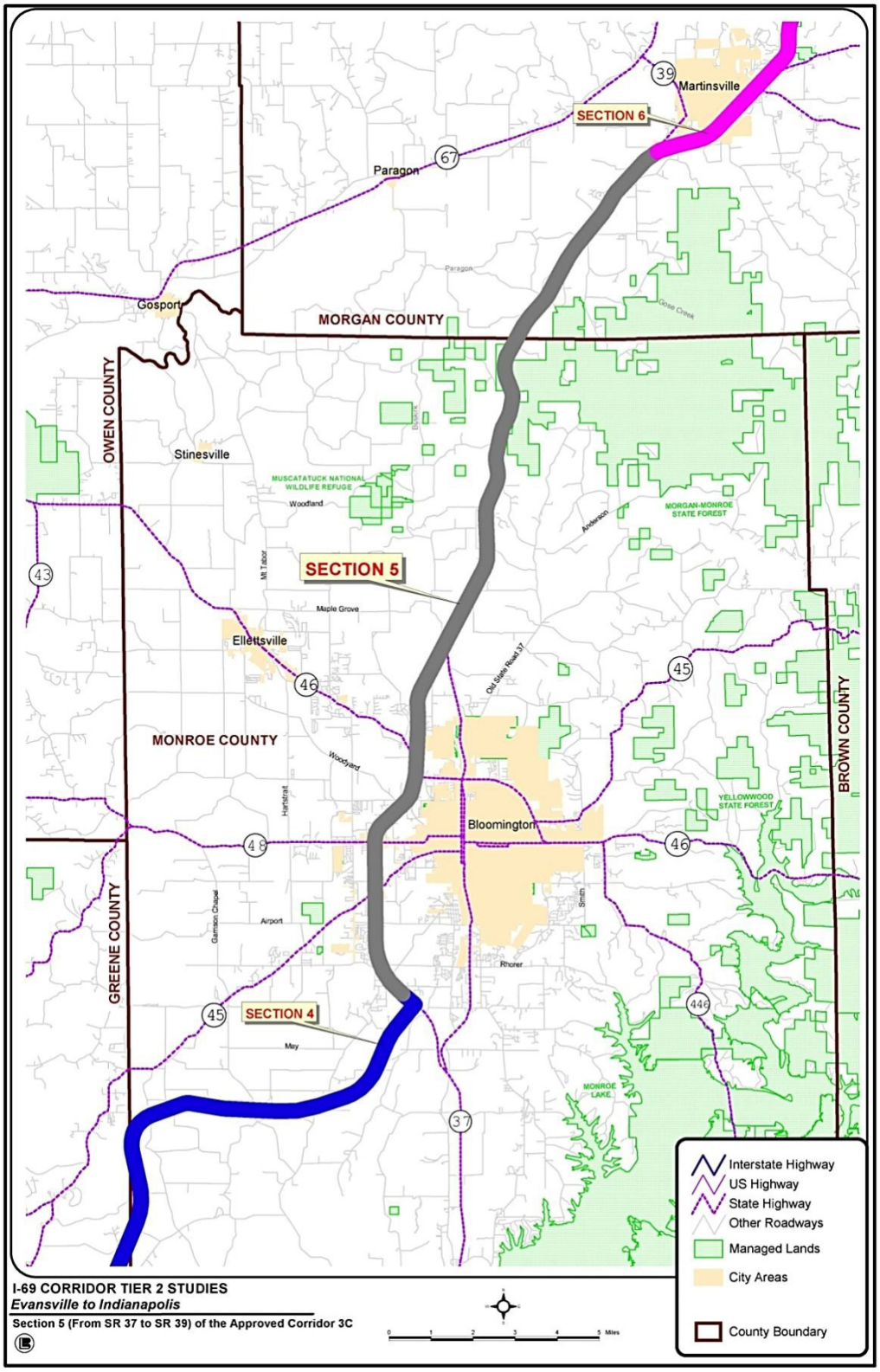

Figure 2: Tier 2 Section 5 Study Corridor

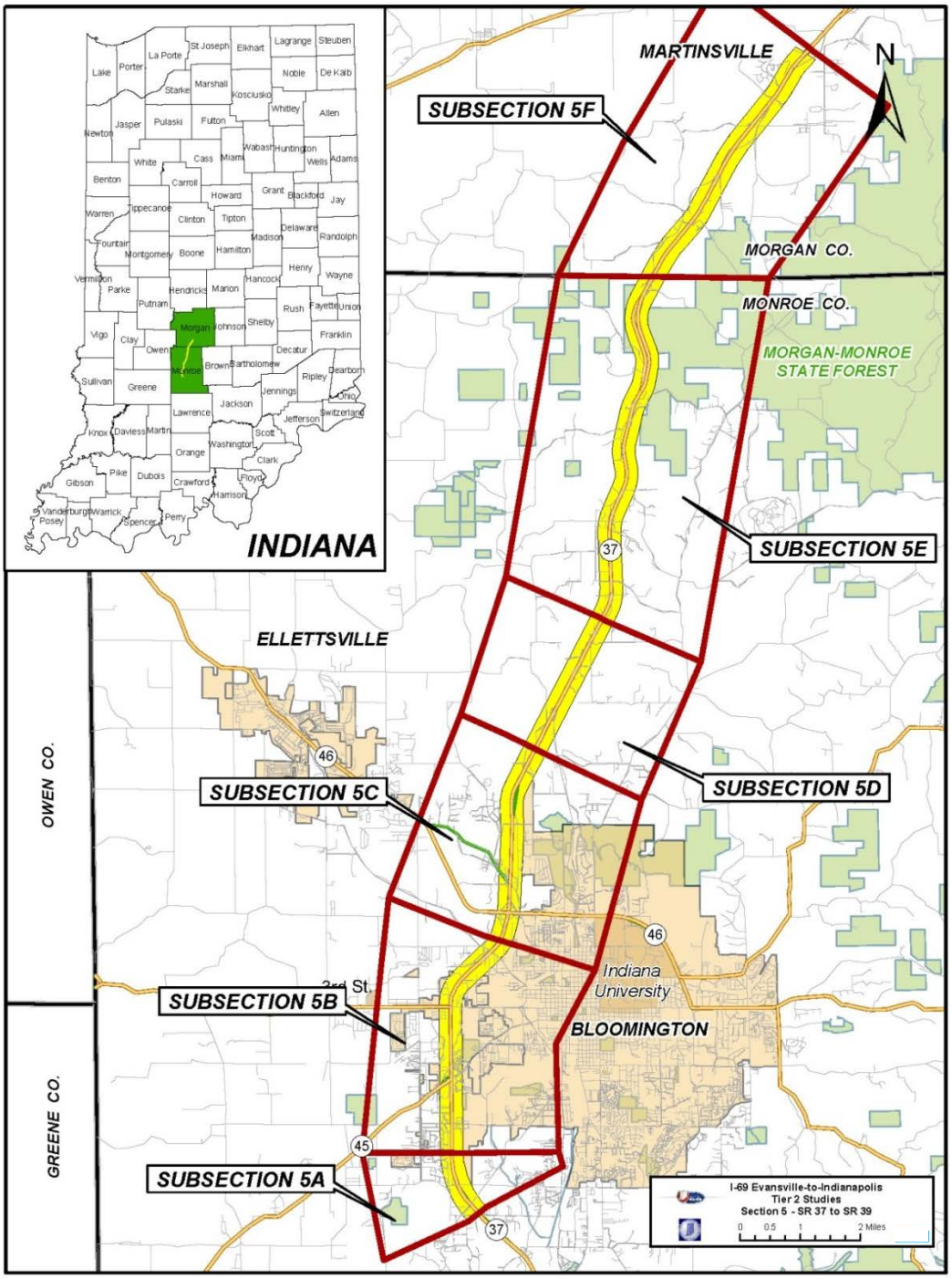

Figure 3: Section 5 Subsection Study Area

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Appendix B – Section 5
Mitigation Commitments Summary Form

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DESIGNATION NUMBER	COMMIT. NUMBER	COMMIT. DATE	COMMITMENT TEXT	CONSULTANT SUBMIT COMMITMENT	FIRST NAME CONSULTANT	LAST NAME CONSULTANT	CONSULTANT PHONE NUMBER	OFFICE DOCUMENTING COMMITMENT	DOCUMENTER FIRST NAME	DOCUMENTER LAST NAME	DOCUMENTER PHONE NUMBER	AGENCY REQUIRING COMMITMENT	CONTACT FIRST NAME	CONTACT LAST NAME	CONTACT PHONE NUMBER	REQUIRED OR FOR CONSIDERATION	IMPLEMENT DURING PROJ DEVELOPMENT	ATTENTION TO CONSTRUCTION	NOTES
0300381	1	5/10/2013	Guard rail is recommended along the bifurcation in order to preserve forest, streams, and view shed.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	Yes	No	
0300381	2	5/10/2013	Existing access at the SR37/Walnut Street interchange will be maintained. Monroe County bridge 913 is considered historic and will not be altered. Traffic will continue to utilize Monroe Co. bridge 913.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	3	5/10/2013	Grade separator walls, steepened side slopes, and/or benched rock cuts have been committed to reduce direct impacts and neighborhood encroachment at (Yonkers Drive), multi-family complex (2nd Street), churches (Prow Road), utility distribution center (Ellis Drive), and IWPA dam (Stonebelt Drive).	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	4	5/10/2013	A grade separation at I-69/Vernal Street/17th Street will be provided in order to provide east-west connectivity.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	5	5/10/2013	INDOT has committed to include Context Sensitive Solutions (CSS) measures such as plantings, "gateways", and other enhancements, within constraints of available right-of-way, impacts, and cost, as further discussed with the city and county agencies during design.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	6	5/10/2013	As part of the early coordination activities during construction, coordination will occur with outdoor advertising and utility companies.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	7	5/10/2013	Where reasonable and cost effective, local access roads (e.g., local access roads and road relocations) will be used to maintain accessibility for residences, farm operations, businesses, churches, schools, and other land uses. The determination of whether access roads to potentially landlocked parcels will be constructed or whether the landlocked parcels will be acquired due to the cost of providing access will be made during final design.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	Yes	No	
0300381	8	5/10/2013	The existing That Road intersection will remain open until connection to Rockport Road is constructed. However, the median crossover may be removed as part of the Section 4 project.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	9	5/10/2013	Should design changes cause impacts outside of the proposed Refined Preferred Alternative 8 footprint, those will be analyzed and documented.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	10	5/10/2013	Changes in roads used by school bus routes will be discussed with the school systems well in advance of when they actually take place so the school systems can adjust routes in a timely manner. Where roads are severed, provisions for turnarounds will be included during the final design phase of the project.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	11	5/10/2013	With the exception of Acuff Road, cul-de-sacs or other turnaround design features will be provided at locations where access terminates at the interstate.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	12	5/10/2013	INDOT will continue to coordinate with emergency response and law enforcement personnel as the project progresses into final design, construction, and operation.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	13	5/10/2013	INDOT will work with fire response, township, and county governments regarding potential intergovernmental agreements for managing response based on I-69 Section 5 access changes.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	14	5/10/2013	Median emergency crossover locations will be confirmed by INDOT during final design, in coordination with emergency and law enforcement agencies.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	15	5/10/2013	Bicycle/pedestrian access will be provided as described in Table 7-2 in Chapter 7.3.2 of the FEIS.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	16	5/10/2013	A total of 3 residences and 1 business are not considered potential displacements. The use of final design elements may be necessary to avoid impacting these structures. Right-of-Way limits at these locations will be further adjusted based on final design. Detailed location and parcel information can be found in FEIS Chapter 7.3.2, Item 6.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	17	5/10/2013	All acquisitions and relocations required by this project will be completed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended, 49 CFR (Code of Federal Regulations) 24, and Title VI of the Civil Rights Act of 1964. INDOT will take required actions to ensure fair and equitable treatment of persons displaced as a result of this project up to and including providing replacement housing of last resort as defined in 49 CFR 24.404. Relocation resources for this project are available to residential and business relocatees without discrimination. Payments received are not considered as income under the provisions of the Internal Revenue Code of 1954; or for the purposes of determining any person's eligibility, or the extent of eligibility, for assistance under the Social Security Act or any other Federal law.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	18	5/10/2013	Nineteen (19) cemeteries are recorded within the project's historic resources APE. Of the cemeteries, three could not be field verified. Eight cemeteries are located in close proximity to at least one of the alternatives that were considered as part of the Section 5 project. They are Fullerton Cemetery, Parks/Bell/Wampler Cemetery, Griffith Cemetery, Tourner/Ridge/Wylie Cemetery, Carlton/Huff/Kendrick Cemetery, Simpson Chapel Cemetery (New), Simpson Chapel Cemetery (Old), and Stitt-Maxwell Cemetery. This project would be developed in accordance with Indiana Code regulating construction near cemeteries (IC 14-21-1-26.5) and (IC 23-14-44-1). If disturbance of ground within 100 feet of a cemetery gravesite is proposed, a development plan will be completed and submitted to IDNR-DHPA during the design phase of project development as per the Indiana Historic Preservation and Archaeology Act (IHPAA).	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	19	5/10/2013	Three noise barriers were found to be both feasible and reasonable in the preliminary noise analysis. (Figures 5.10-2 and 5.10-3, Section 5.10, FEIS). Barrier 1 involves impacted receptors along southbound I-69 between Fullerton Pike and Tapp Road. Barrier 3 involves impacted receptors along northbound I-69 between Tapp Road and SR 45/2nd Street. Barrier 4 involves impacted receptors along northbound I-69 between SR 45/2nd Street and SR 48/3rd Street. Potentially affected property owners and/or tenants at the three potential barrier locations that meet INDOT feasible and reasonableness criteria were surveyed in accordance with the requirements set forth in the INDOT Traffic Noise Analysis Procedure to determine whether they do or do not want noise abatement. As a result of the responses that were collected, the majority of the responding residences voted in favor of noise barrier construction. A final determination on noise abatement will be made during the design phase. The final designer will adhere to the most recent version of the INDOT Traffic Noise Analysis Procedure.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	20	5/10/2013	Construction noise and vibration control measures may be required in areas where residences or other sensitive noise receptors are located, and will include those contained in INDOT's Standard Specifications. Noise impacts could be controlled through the regulation of construction time and hours worked, using noise-controlled construction equipment, limitations of construction vehicles during evening and weekend hours and by locating equipment storage areas away from noise sensitive areas.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	Yes	No	

DESIGNATION NUMBER	COMMIT. NUMBER	COMMIT. DATE	COMMITMENT TEXT	CONSULTANT SUBMIT COMMITMENT	FIRST NAME CONSULTANT	LAST NAME CONSULTANT	CONSULTANT PHONE NUMBER	OFFICE DOCUMENTING COMMITMENT	DOCUMENTER FIRST NAME	DOCUMENTER LAST NAME	DOCUMENTER PHONE NUMBER	AGENCY REQUIRING COMMITMENT	CONTACT FIRST NAME	CONTACT LAST NAME	CONTACT PHONE NUMBER	REQUIRED OR FOR CONSIDERATION	IMPLEMENT DURING PROJ DEVELOPMENT	ATTENTION TO CONSTRUCTION	NOTES
0300381	21	5/10/2013	The final design of the preferred alternative may include shifting the alternative both vertically and horizontally, wherever feasible, to minimize noise impacts where other factors are not prohibitive.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	Yes	No	
0300381	22	5/10/2013	Consideration will be made to provide reasonable and feasible noise abatement, including noise barrier walls, early in construction for the added benefit of mitigating construction noise.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	No	No	
0300381	23	5/10/2013	Construction vehicles will be required to follow INDOT Standard Specifications on controlling noise.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	No	No	
0300381	24	5/10/2013	Since most of the proposed project would be located on existing roadway, there is limited potential for local officials and developers to minimize adverse noise impacts. With regard to currently undeveloped land, the creation of a "buffer zone" or locating noise sensitive developments a reasonable distance away from the project would help minimize future noise impacts. Local planning authorities will be provided with information that generally identifies the limits of where 66 dBA and 71 dBA noise levels are predicted relative to the proposed facility and can be utilized to direct noise compatible land uses outside the 66 dBA and 71 dBA buffer zones along the highway.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	25	5/10/2013	Minimize tree clearing and snag removal near streams and rivers. [Note: Providing approximately 20 feet of cleared space around a bridge would be permitted to allow sufficient room for bridge maintenance and inspection.] Environmentally sensitive locations (e.g., wetlands, streams, historic structures, archaeology sites, sinkholes) in the general area will be clearly shown on construction plans. Sites outside the construction limits within the right-of-way will be delineated. These sites will not be permitted for use as staging areas, borrow, or waste sites.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	Yes	
0300381	26	5/10/2013	As part of the construction plan required under 327 IAC 15-5 (Rule 5), an erosion control plan and storm water pollution prevention plan (SWPPP) will be developed and approved by INDOT and IDEM prior to construction. As part of the erosion control plan and SWPPP, BMPs and erosion and sediment control measures will be in place in accordance with Chapter 205 of the INDOT Design Manual and/or the IDEM Storm Water Quality Manual, whichever is more stringent for each situation.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	27	5/10/2013	Erosion control devices such as burlap, jute matting, grading, seeding, and sodding, as well as other temporary erosion and sediment control devices, will be used to minimize sediment and debris from leaving the project site in runoff and minimize sediment and debris in tributaries crossed by the project. Erosion control measures will be put in place as a first step in construction and maintained throughout construction.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	28	5/10/2013	Timely revegetation after soil disturbance will be implemented and monitored for coverage and viability. When revegetating sites, the contractor will take into consideration the site's specific needs for water quality and karst protection.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	29	5/10/2013	INDOT will complete contractor compliance inspections on a regular basis to help control erosion and sediment on the project	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	30	5/10/2013	Any riprap used below the high water mark will be of a large diameter in order to allow space for habitat for aquatic species after placement, and extend below the low-water elevation to provide for aquatic habitat.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	31	5/10/2013	Slopes will be designed that resist erosion. If slopes exceed 2 to 1, they will include stabilization techniques. The extent of artificial bank stabilization will be minimized. Soil bioengineering techniques for bank stabilization will be considered where situations allow.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	32	5/10/2013	BMPs will be implemented during construction to protect groundwater. Where groundwater from private, individual wells is the principal source of potable water, grassy swales or equivalent methods to divert stormwater from the road to ditches and streams, and construction methods to reduce turbidity that construction temporarily causes, will be among the measures employed to protect sources of potable water. Stormwater runoff protection measures will be installed at all karst features in the right-of-way at the initiation of construction and maintained until all stormwater drainage has been diverted away from the feature or until final permanent stormwater treatment measures are in place.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	33	5/10/2013	Design and construction will adhere to the Karst MOU (dated October 13, 1993) and INDOT's Standard Specifications to reduce the impacts to karst.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	Yes	
0300381	34	5/10/2013	Construction within the karst areas should be planned with effective erosion and sediment control measures. Procedures to reduce the impacts to karst will be implemented in accordance with applicable but not karst specific INDOT's Standard Specifications and other BMPs identified in the Section 5 FEIS/ROD, Final Karst Feature and Groundwater Flow Investigations Report, and the 1993 Karst MOU. Table 7-3 of the FEIS lists possible measures to reduce impacts to karst.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Virginia	Laszewski	312-886-7501	Required	Yes	Yes	
0300381	35	5/10/2013	If active groundwater flow paths are discovered, measures will be taken to perpetuate the flow and protect water quality as part of the karst mitigation efforts.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USEPA	Virginia	Laszewski	312-886-7501	Required	Yes	Yes	
0300381	36	5/10/2013	Class V injection well permits may be required for this project. For example such a permit could be required by USEPA Region 5 if a Class V injection well is located within the karst region of the state, a sole source aquifer area, a state designated source water protection area for a public water supply, or anywhere untreated fluids discharged through a Class V well may otherwise endanger an underground source of drinking water. While the specific karst features requiring a Class V injection well are not known at the EIS stage of the Section 5 project, they are likely to be related to sinkholes if they are modified to receive Section 5 stormwater drainage as part of final design. If there are measures in place to prevent contamination of groundwater, a Class V well could be authorized by rule rather than by a permit. Most of the Class V well permits anticipated within Section 5 would be authorized by rule because there will be measures in place as part of sinkhole mitigation under the Karst MOU. A Class V Well Inventory Form would need to be provided to USEPA Region 5 prior to construction of a Class V injection well so that USEPA could determine if a Class V injection well permit will be required for any Class V wells. For the I-69 project, if the inventory information provided indicates that any injection well would likely contaminate any underground source of drinking water, a permit would be required. Any permit would need to be applied for and obtained prior to construction of the Class V well.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USEPA	Virginia	Laszewski	312-886-7501	Required	Yes	No	
0300381	37	5/10/2013	Construction equipment will be maintained in proper mechanical condition. MSAT and diesel emission reduction strategies may also be employed to limit the amount of diesel emissions from construction equipment, such as limiting idling times, or reducing the number of trips. These and other strategies are detailed in the FEIS, Appendix J, Final Air Quality Technical Report.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	38	5/10/2013	Fugitive dust generated during land clearing and demolition procedures will be controlled by proper techniques as documented in INDOT's Standard Specifications. These include, but are not limited to, vegetative cover, mulch, spray-on adhesive, calcium chloride application, water sprinkling, stone, tillage, wind barriers, and construction of a temporary graveled entrance/exit to the construction site.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	

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0300381	39	5/10/2013	All bituminous and Portland cement concrete proportioning plants and crushers will meet the requirements of the IDEM. For any portable bituminous or concrete plant or crusher, the contractor must apply for and obtain a permit-to-install from the Permit Section, Air Quality Division of IDEM. Dust collectors must also be provided on all bituminous plants. Dry, fine aggregate material removed from the dryer exhaust by the dust collector must be returned to the dryer discharge unless otherwise directed by the project engineer.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	40	5/10/2013	Prior to construction, planning for parking and turning areas outside the construction limits but within the right-of-way for heavy equipment will be located to minimize soil erosion, tree clearing, and impacts to other identified resources (such as karst).	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	41	5/10/2013	No trees with a diameter of three or more inches at breast height (3 or more inches DBH) will be removed between April 1 and November 15 within the Winter Action Area (WAA), and April 1 and September 30 within the Summer Action Area (SAA), to avoid any direct take of Indiana bats. Tree clearing will be allowed in the WAA from November 16 to March 31 and from October 1 through March 31 in the SAA.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	Yes	
0300381	42	5/10/2013	Tree clearing and snag removal will be kept to a minimum and limited to within the construction limits and calendar requirements. Tree clearing will be kept to a minimum outside of the clear zone with woods kept in as much of a natural state as reasonable in bifurcated sections with widened medians.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	Yes	
0300381	43	5/10/2013	Forested medians will be managed following IDNR State Forest timber management plan.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	44	5/10/2013	INDOT will comply with the requirements of 312 IAC 18-3-18 and Title 312 Natural Resources Commission Emergency Rule (LSA Document #12-195(E)) in regards to handling and transportation of cleared trees to prevent the spread of the emerald ash borer.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300381	45	5/10/2013	Revegetation of disturbed areas will occur in accordance with INDOT standard specifications. Woody vegetation will only be used a reasonable distance beyond the clear zone to ensure a safe facility.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	Yes	No	
0300381	46	5/10/2013	Revegetation of disturbed soils in the right-of-way and medians will utilize native grasses and native wildflowers as appropriate, such as those cultivated through INDOT's Roadside Heritage program.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	Yes	No	
0300381	47	5/10/2013	To fulfill Rule 5 (327 IAC 15-5) requirements, contractors will need to provide an acceptable spill response plan, as part of the overall construction plan required by 327 IAC 15-5. This response plan will include telephone numbers for emergency response personnel and copies of agreements with any agencies which are part of the spill-response effort. An emergency contact telephone number also is required. Rule 5 requires that contractors have spill containment plans in their contract documents.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	48	5/10/2013	While heavy blasting is unlikely, in the event that it is required, strict blasting specifications will be followed. Blasting will be performed in accordance with the INDOT Standard Specification 203.15 for roadway construction or other blasting specifications developed for the project. Consideration will be given to the timing of blasting in order to minimize noise impacts to sensitive receptors during periods of occupancy.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	Yes	
0300381	49	5/10/2013	Blasting in karst areas will be completed following special provisions developed in consultation with limestone industry representatives as well as the Indiana Geological Survey (IGS) and other geology experts. It is anticipated that the Blasting Operations Specifications utilized during the Section 4 construction in karst areas will be utilized for the Section 5 activities. The specification was developed to protect karst and limestone resources.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	Yes	
0300381	50	5/10/2013	Blasting will be avoided between September 15 and April 15 in areas within 0.5-mile of known Indiana bat hibernacula. All blasting in the Winter Action Area (WAA) will follow the specifications developed in consultation with the USFWS and will be conducted in a manner in attempt to avoid compromising the structural integrity or alter the karst hydrology of nearby caves serving as Indiana bat hibernacula.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	Yes	
0300381	51	5/10/2013	INDOT will be responsible for proper closing of any improperly abandoned well discovered during construction within the project right-of-way, according to INDOT Standard Operating Procedures for closing wells that are to be abandoned. In addition, the procedure will include advance notification of IDEM regarding the potential for contamination of groundwater and need for remediation. The IDNR shall be contacted to ensure any located abandoned wells are properly capped. If an abandoned or dry petroleum well is encountered during construction, proper closure methods shall be implemented through coordination with the IDNR, Division of Oil and Gas, and IDEM.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	52	5/10/2013	Coordination with local governments, emergency responders, and schools will take place during final design to ensure that appropriate access is maintained during construction with as little disturbance to emergency routes as possible. Local law enforcement officials, fire departments, and other emergency responders will be notified in advance of road closings and other construction-related activities that could affect their response times and routes so that they can plan alternative routes in advance.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	53	5/10/2013	Early notice of detour routes will be provided to the local communities. Signs will be used to notify the traveling public of road closures and other pertinent information, and the local news media will be notified in advance of road closings and other construction-related activities that could excessively inconvenience the community, so that motorists can be advised and plan alternative travel routes.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	Yes	
0300381	54	5/10/2013	Construction in a Floodway permit(s) will be applied for with the IDNR Division of Water before or during the design phase of this project for all areas that require a "Construction in a Floodway" permit.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300381	55	5/10/2013	The undersides of existing bridges that must be removed for construction of I-69 will be visually surveyed and/or netted to determine their use as night roosts by Indiana bats during the summer.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	56	5/10/2013	Design and construction will adhere to the Wetland MOU (dated January 28, 1991). The primary purpose of the Wetland MOU is to fulfill water resource permitting requirements. In so doing, the Wetland MOU serves to minimize impacts to the Indiana bat by mitigating for wetland losses and creating bat foraging areas at greater ratios than that lost to the project.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	57	5/10/2013	All servicing of construction equipment will take place in a designated maintenance area away from environmentally-sensitive areas, such as streams, wetlands, karst features, and historic resources.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	58	5/10/2013	BMPs will be used in the construction of this project to minimize impacts related to borrow and waste disposal activities.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300381	59	5/10/2013	Solid waste generated by clearing and grubbing, demolition or other construction practices will be removed from the location and properly disposed.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	60	5/10/2013	All burning will be monitored. Burning of construction-related debris would be conducted in accordance with all local, state, and federal regulations, and INDOT's Standard Specifications.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	No	Yes	

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0300381	61	5/10/2013	Contractors are required to follow safeguards established in INDOT's Standard Specifications (Section 203.08 Borrow or Disposal) that include obtaining required permits. Prior to their use, borrow sites will be assessed for impacts to resources such as archaeological resources, wetlands, etc., and appropriate measures taken to avoid or mitigate impacts to these resources.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	62	5/10/2013	All I-69 engineering supervisors, equipment operators, and other construction personnel and INDOT (and/or concessionaire) maintenance staff will attend a mandatory environmental awareness training that discloses where known sensitive Indiana bat sites are located in the project area, addresses any other concerns regarding Indiana bats, and presents a protocol for reporting the presence of any live, injured, or dead bats observed or found within or near the construction limits or right-of-way during construction, operation, and maintenance of I-69. Karst training will be developed for implementation during construction and is anticipated to include karst-specific field check meetings and a karst awareness video.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	Yes	
0300381	63	5/10/2013	Special Provisions will include prohibiting the filling or other damaging of wetlands within the right-of-way outside the construction limits. Wetlands within the right-of-way that are not within the construction limits will be delineated and protected from construction impacts.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USACE	Deborah	Snyder	317-543-9424	Required	Yes	Yes	
0300381	64	5/10/2013	No right-of-way will be taken from Maple Grove Road Rural Historic District or Hunter Valley Historic Landscape District.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	65	5/10/2013	Right-of-way property taken from North Clear Creek Historic Landscape District will not be more than what is currently shown for the Refined Preferred Alternative 8 (1.96 acres); minimization efforts will continue during final design.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	66	5/10/2013	Stipulations in the Section 106 Memorandum of Agreement (MOA) for historic properties will be followed.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	67	5/10/2013	In the early stages of design, FHWA and INDOT shall conduct at least one meeting with its design consultants or technical advisor and invite representatives from Monroe County, City of Bloomington, SHPO, consulting parties, and owners of property within the portions of the following historic districts within the Section 5 Project APE: Hunter Valley Historic Landscape District, Reed Historic Landscape District, and North Clear Creek Historic Landscape District. Drainage design plans will be presented and meeting participants will have an opportunity to ask questions and provide input on drainage related design aspects as they relate to the quality and quantity of water on historic properties, especially quarries, within the quarrying landscape. FHWA and INDOT shall use Best Management Practices (BMP) on the Section 5 Project to ensure that roadway drainage from the Project does not introduce effects that adversely impact the water quality and quantity at these historic properties.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	68	5/10/2013	FHWA and INDOT shall coordinate with the local community regarding context-sensitive solutions during the design phase of the Section 5 Project and shall incorporate aesthetic features into the design, in accordance with applicable INDOT policies. Potential aesthetic features may include landscaping, use of limestone or other treatments, as coordinated between the community, FHWA and INDOT.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	69	5/10/2013	INDOT shall reimburse the Monroe County Historic Preservation Board of Review for the activities associated with the implementation of an educational outreach initiative, such as a tour, for the historic limestone quarries in Monroe County. Acceptable activities include the design and production of educational outreach materials and promotion and marketing initiatives. This reimbursement shall not exceed five thousand dollars ($5,000.00). Within one (1) calendar year of the signing of the MOA, the Monroe County Historic Preservation Board of Review, as a Certified Local Government (CLG), shall either prepare a proposal for the educational outreach initiative or the Monroe County Historic Preservation Board of Review shall review and select a proposal submitted by local individuals or groups. The proposal shall define and describe the initiative and shall include but not be limited to: a discussion of those entities that have committed to participate in developing and conducting the outreach initiative, goals, safety plan (if appropriate), project budget, milestones, and timeline for completion. Monroe County Historic Preservation Board of Review shall submit the proposal to FHWA, INDOT, and SHPO for a thirty (30) day review and comment/acceptance. If the FHWA, INDOT, or SHPO provides written comments, the Monroe County Historic Preservation Board of Review shall have sixty (60) days to make revisions to the educational outreach proposal in response to the comments. Monroe County through its representative the Monroe County Historic Preservation Board of Review shall have responsibility for the implementation of the educational outreach initiative. The reimbursement shall be implemented through an INDOT Local Public Agency (LPA) agreement with Monroe County. Monroe County, through the Monroe County Historic Preservation Board of Review, shall provide an annual progress report to FHWA, INDOT, and SHPO. The educational outreach initiative must be completed, provided to the public, and all funds expended within five (5) years of the signing of the MOA. This educational outreach initiative shall be considered to satisfy, for the Section 5 Project, the commitment in Stipulation II.C.2. of the 2003 I-69 Tier 1 MOA (i.e., "Memorandum of Agreement Between the Federal Highway Administration and the Indiana State Historic Preservation Officer Regarding the Selection of a Corridor for I-69, From Evansville to Indianapolis, Indiana"). If a proposal is not received within (1) calendar year of the signing of the MOA or the Monroe County Historic Preservation Board of Review declines to pursue the educational outreach initiative, then FHWA and INDOT obligations under this stipulation shall be concluded.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	70	5/10/2013	FHWA and INDOT or their representatives shall fund the preparation of a Multiple Property Documentation Form nominating the Dimension Limestone Industry in Bloomington, Indiana, to the NRHP, in order to disseminate information about the history and potential property types relating to the aboveground and archaeological historic properties in the limestone industry within Section 5 of the Tier 2 Study. The Multiple Property Documentation Form shall be offered as a paper copy to selected repositories in Monroe County and in an electronic format for posting on selected websites and may include but not be limited to those of the NRHP (National Park Service), Indiana Department of Natural Resources/Division of Historic Preservation and Archaeology, and INDOT. This nomination shall be considered to satisfy, for the Section 5 Project, the commitment in Stipulation II.C.2. of the 2003 I-69 Tier 1 MOA (i.e., "Memorandum of Agreement Between the Federal Highway Administration and the Indiana State Historic Preservation Officer Regarding the Selection of a Corridor for I-69, From Evansville to Indianapolis, Indiana").	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	71	5/10/2013	If the Section 5 Project is modified after a finding of effect has been issued, then FHWA shall review the Section 5 Project modifications and proceed by complying with I.E.1. of the Section 106 MOA and, if appropriate, I.E.2. References to FHWA also apply to INDOT, wherever INDOT is authorized to act on FHWA's behalf.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	

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0300381	72	5/10/2013	Three archaeological sites (12Mo1413, 12Mo1442, and 12Mg456) within, or in proximity to, the Section 5 Project APE are considered potentially eligible for inclusion in the NRHP or Indiana Register of Historic Sites and Structures. Site 12Mg450 is located in alluvial soils found in the Section 5 Project APE that have the potential to contain buried archaeological deposits and so there is insufficient information to determine the eligibility of site 12Mg450 without conducting Phase Ic investigations in the floodplain of Little Indian Creek. In addition, alluvial floodplain areas in the vicinities of Little Indian Creek, Jordan Creek, and Buckner Branch in Morgan County and in drainage areas of Beanblossom Creek and Bryants Creek in Monroe County have been identified as having the potential to contain buried archaeological deposits. Nineteen test areas within, or in proximity to, the Section 5 Project APE are associated with these alluvial floodplains: A11, A18a, B3, B4b, B4c, B5a, B5c, B7, B17, C2, H9, H10a, H10b, Smith Property, Shot Makers, Liberty Church Road West, Wells Field, Maxwell Barn Triangle, and Hacker Creek. Where avoidance is not possible, Phase Ic testing will occur at affected test area(s). A plan for all Phase Ic investigations will be submitted to the SHPO for review and comment prior to field implementation.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	73	5/10/2013	Three archaeological sites (12Mo1413, 12Mo1442, and 12Mg456) within, or in proximity to, the Section 5 Project APE are considered potentially eligible for inclusion in the NRHP or Indiana Register of Historic Sites and Structures. If these sites are avoided by the alternative, the should be clearly marked prior to ground disturbing activities in the area so that they are avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations will be submitted to the SHPO for review and comment. In addition, no staging or borrow can occur within the site boundaries	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	74	5/10/2013	Consultation with the Indiana SHPO revealed that there is insufficient information regarding archaeological sites 12Mo1401, 12Mg467, 12Mg458, 12Mo1432, 12Mo1434, 12Mo1435, 12Mo1444, 12Mo1445, 12Mo1450, 12Mo1451, and 12Mo1452 to determine whether they are eligible for inclusion in the NRHP. However, portions of these archaeological sites that are within the Section 5 Project APE do not appear to contain significant archaeological deposits, and no further archaeological investigations are necessary in those portions of the site. These areas will be clearly marked prior to ground disturbing activities in the area so that they are avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations will be submitted to the SHPO for review and comment.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	75	5/10/2013	All archaeological investigations shall be conducted according to the Secretary of the Interior's Standards and Guidelines for Archaeology, Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, and the most current Indiana "Guidebook for Indiana Historic Sites and Structures Inventory—Archaeological Sites."	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	76	5/10/2013	All necessary Phase Ic and Phase II investigations in the project area shall be completed in accordance with Stipulations I.F.3.(a) to I.F.3.(c) of the Section 106 MOA. If, following Phase Ic or Phase II archaeological evaluation studies, archaeological sites within the APE are determined NRHP eligible, an assessment of effects and treatment plans shall be prepared in accordance with Stipulations I.F.3.(d) and I.F.3.(e), respectively.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	77	5/10/2013	Modification or modifications ("modifications") to the Section 5 Project which fall outside of the archaeological APE, depicted in Attachment B of the Section 106 MOA, dated March 26, 2013, shall be subject to archaeological identification, evaluation and assessment per Stipulations I.F.3.(a)-I.F.3.(d). If FHWA determines that the modifications have the potential to cause adverse effects on archaeological resources, then FHWA shall re-open the Section 106 process in accordance with the 36 C.F.R. part 800 regulations in effect at that time	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	78	5/10/2013	In the event that one or more historic properties—other than Daniel Stout House, Maple Grove Road Rural Historic District, Monroe County Bridge No. 83, Stipp-Bender Farmstead, Maurice Head House, North Clear Creek Historic Landscape District, Hunter Valley Historic Landscape District, Reed Historic Landscape District, Monroe County Bridge No. 913, Morgan County Bridge No. 161, Morgan County Bridge No. 224, or the archaeological sites (12Mo1413, 12Mo1442, 12Mg450, and 12Mg456) and test areas discussed in Stipulation I.F.1.—are discovered or that unanticipated effects on historic properties are found during the implementation of this MOA, FHWA shall follow the procedure specified in the 36 C.F.R. part 800 regulations in effect at that time, as well as Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Office of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations shall be conducted according to the provisions of Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, and the most current "Guidebook for Indiana Historic Sites and Structures Inventory—Archaeological Sites."	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	Yes	
0300381	79	5/10/2013	FHWA and INDOT will provide funding and technical assistance to support a comprehensive effort to update the Interim Reports for Monroe and Morgan counties.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	No	No	
0300381	80	5/10/2013	Mitigation measures may include vegetative screening and roadside ditch enhancements with wetland and wildflower plantings.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	Yes	No	
0300381	81	5/10/2013	Non-diffuse lighting will be used at interchange locations, where appropriate. Any lights installed will be 40 feet above the highway in order to avoid collisions between bats and vehicles.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	82	5/10/2013	The NEPA phase identified six hazardous material (HM) sites, where residual contamination and migration routes were avoided. These sites include HM-3 (Coca-Cola), HM-4 (K-Mart), HM-5 (Former Amoco Unit 10116), HM-6 (Former Marathon), HM-8 (Hanna Trucking), and HM-12 (INDOT Subdistrict). More specific information regarding the status and location of each site can be found in FEIS Chapters 5.16 and 7.3.7. The right-of-way identified in the FEIS avoids direct impacts to these sites. During final design, the designer will confirm that the final design construction limits are within the existing SR37 right of way and Refined Preferred Alternative 8 construction limits, and that the excavation depths are less than 10 feet below the ground surface. In the event that avoidance of potential residual contamination or a migration route cannot be confirmed during final design, a Phase II Environmental Site Assessment (ESA) may be recommended.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	83	5/10/2013	A Phase I ESA is recommended for two sites where a portion of a Hazardous Material (HM) site is part of the Refined Preferred Alternative right-of-way. The Phase I ESA may include a recommendation for a subsequent Phase II ESA. The Phase I ESAs will be performed prior to, or as part of, right-of-way acquisition. Sites committed for Phase I ESA's prior to property acquisition include HM-1 (C&H Stone) and HM-10 (Dotlich Crane Service). More specific information regarding the status and location of each site can be found in FEIS Chapters 5.16 and 7.3.7.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	

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0300381	84	5/10/2013	A Phase II ESA is recommended at five sites that were recognized as having potential residual contamination and/or migration routes and will potentially be acquired as part of the Refined Preferred Alternative 8. A Phase II ESA may also be required as a result of other Phase I ESA's. While a Phase I ESA is not a requirement for conducting a Phase II ESA, a Phase I ESA may include a recommendation for a Phase II ESA. The Phase II ESAs will be performed prior to, or as part of, right-of-way acquisition. Sites committed for Phase II ESA's include HM-2 (Sams Club # 6437), HM-9 (Sturgis Auto Salvage), HM-13 (Hoosier Energy), HM-14 (Johnson Oil Bigfoot), and HM-15 (Bloomington Auto Parts). More specific information regarding the status and location of each site can be found in FEIS Chapters 5.16 and 7.3.7.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	85	5/10/2013	Maintain the eastern boundary of the SR 37 right-of-way within the Illinois Central Spring recharge area with any required mainline expansion or new access roads to the west, away from the Lemon Lane Landfill (Superfund Site).	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	86	5/10/2013	Maintain the proposed shift in the Vernal Pike grade crossing north to connect with 17th Street and use an overpass rather than rock cut to avoid impacts to the Illinois Central Spring recharge area and Lemon Lane Landfill (Superfund Site).	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	87	5/10/2013	Hazardous Materials Site HM-7 (Lemon Lane Landfill/Illinois Central Spring [ILCS], Superfund Site), located southeast of the intersection of SR 37 and Vernal Pike, Bloomington, will not be directly impacted by Refined Preferred Alternative 8 mainline improvements. INDOT has made a mitigation commitment to prevent I-69 drainage from increasing above the existing SR 37 levels extending along the eastern side of SR 37 that is within the Lane Landfill/ILCS recharge area to address USEPA and IDEM concerns regarding indirect impacts from changes in existing groundwater flow. Design plans shall be provided to USEPA and IDEM for review during final design. Blasting is not anticipated and will not be allowed adjacent to the site to prevent damage to the monitoring system. More specific information regarding the status and location of each site can be found in FEIS Chapters 5.16 and 7.3.7.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	Yes	
0300381	88	5/10/2013	Limit paving and construction to the existing SR 37 and SR 46 mainline and intersection to avoid impacts to Bennett Stone Quarry (Superfund Site).	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	89	5/10/2013	Hazardous Materials Site HM-11 (Bennett Stone Quarry, Superfund Site), located south of Hunter Lane, Bloomington, will not be directly impacted, by additional lane construction and earthwork under the Arlington Road bridge as part of the re-use of existing SR 46 interchange and Arlington Road bridge INDOT has made a mitigation commitment to prevent I-69 drainage from increasing above the existing SR 37 levels extending along the northwest quadrant of the SR 37/SR 46 interchange area to address USEPA and IDEM concerns regarding indirect impacts form changes in existing drainage at Site HM-11 - Bennett's Dump area. Design plans shall be provided to USEPA and IDEM for review during final design. Blasting is not anticipated and will not be allowed adjacent to the site to prevent damage to the monitoring system. More specific information regarding the status and location of each site can be found in FEIS Chapters 5.16 and 7.3.7.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	Yes	
0300381	90	5/10/2013	Coordination with IDEM and USEPA has occurred throughout the Section 5 study and will continue through the final design phase for the hazardous waste and Superfund sites. Design plans will be provided to USEPA and IDEM for review in these areas with a two-week turnaround time for comment.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	91	5/10/2013	Numerous rural residences and farms were identified within the Section 5 corridor with the potential for ASTs and USTs to be present. These tanks are typically used for the on-site storage of chemicals associated with pesticides and herbicides and fuel for equipment. No specific sites were identified. If any of these ASTs and/or USTs are encountered, then they will be removed in accordance with applicable state and federal laws and regulations. INDOT will coordinate with the appropriate agencies and property owners to see that proper cleanup of any contaminated sites are completed. As part of the removal of the USTs, an impact assessment consisting of soil and/or groundwater testing will be performed.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	Yes	
0300381	92	5/10/2013	During the field inspection, utility owned, pole-mounted electrical transformers located along public rights-of-way were observed. No visible indicators of oil leakage were observed. Coordination will occur with the owners of electrical transformers before and during construction for proper handling and removal of any transformers or pipes.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	Yes	
0300381	93	5/10/2013	Where construction would require the removal/relocation of buried fuel (oil, natural gas, and diesel) pipelines, coordination will occur with pipeline owners, per INDOT's Standard Specifications. Also, stipulations in the Standard Specifications will be followed to ensure safe removal/relocation of the pipelines and associated appurtenances, and appropriate remediation of soils and groundwater impacts, should such be necessary. In addition, the procedure will include advance notification of IDEM regarding the potential for contamination of groundwater and need for remediation.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	Yes	
0300381	94	5/10/2013	Major streams and FEMA mapped 100-year floodplains crossed in Section 5 are at Beanblossom Creek, Griffy Creek, Bryant Creek, Little Indian Creek, Jordan Creek, Buckner Branch of Little Indian Creek, and Indian Creek. A final hydraulic design study that addresses various structure size and types will be completed during the final design phase.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300381	95	5/10/2013	Longitudinal and transverse floodplain encroachments will be minimized, where reasonable, through re-use of existing bridges and design practices.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300381	96	5/10/2013	Wetlands and wetland complexes will continue to be avoided as much as possible. If unable to be avoided completely, wetland impacts will be minimized by shifts in the alignment. INDOT and FHWA are committed to mitigating for unavoidable wetland losses. A commitment has been made that wetlands and other water resources will be avoided throughout the final design of the Section 5 roadway.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	
0300381	97	5/10/2013	Unavoidable impacts to wetlands determined to be "waters of the U.S." will be replaced in accordance with the MOU between INDOT, USFWS, and IDNR as dated January 28, 1991, or any successor agreement entered into by these agencies. While not signatory to the agreement, USACE typically follows the mitigation ratios within the MOU. Under the 1991 MOU, wetlands would be mitigated as follows: Farmed 1 to 1 ; Scrub/shrub and palustrine/lacustrine emergent 2 - 3 to 1 depending upon quality ; Bottomland hardwood forest 3 – 4 to 1 depending upon quality ; Exceptional, unique, critical (i.e. cypress swamps) - 4 and above to 1 depending upon quality. As required for Section 404/401 permitting, Wetland Mitigation and Monitoring Plans will be prepared.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USACE	Deborah	Snyder	317-543-9424	Required	Yes	No	
0300381	98	5/10/2013	Wetlands outside the actual footprint of the project will be protected from secondary construction impacts with methods such as erosion and sediment control measures as approved by IDEM, signage, and borrow/waste site control and location efforts.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	Yes	

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0300381	99	5/10/2013	INDOT will consult with appropriate resource agencies regarding wetland and forest mitigation measures. Coordination with regulatory agencies has been initiated and will continue throughout the development of the proposed mitigation sites that will be offered for compensatory mitigation in Section 5. Potential forest and wetland mitigation sites and mitigation ratios are identified in the Revised Tier 1 Conceptual Forest and Wetlands Mitigation and Enhancement Plan. The plan provides a list of possible replacement sites. For Section 5, possible wetland and/or forest mitigation sites to be considered are in 7 focus areas, as identified in the Tier 2 Biological Assessment: West Fork (Bryant Creek) Maternity Colony, Lambs Creek Maternity Colony, Beanblossom Bottoms Nature Preserve Maternity Colony, Crooked Creek Maternity Colony, Morgan-Monroe State Forest, Beanblossom Creek, and Maple Grove Road Rural Historic District. Signage will be erected along the boundary of mitigation sites to protect these areas from mowing and herbicide spraying.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	100	5/10/2013	Upland forest impacts will be mitigated at a ratio of 3 to 1 for the I-69 Evansville-to-Indianapolis project as a whole, through the preservation and/or replacement of forested lands within Southwest Indiana. Mitigation goals are to replace direct forest impacts at a 1 to 1 ratio and provide an additional 2 to 1 ratio of forest preservation. All forest mitigation lands will be protected in perpetuity by conservation easements and/or deed restrictions. It is anticipated that all of the mitigation for forest impacts caused by each I-69 Section will be located within the Study Area for each Section. However, forest mitigation is being developed on a project-wide basis, and may include large tracts that serve as mitigation for multiple Tier 2 sections. The 3 to 1 mitigation ratio may not necessarily be provided within each Tier 2 section; however, the total mitigation for all forest impacts will be 3 to 1.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	101	5/10/2013	Riparian impacts were calculated by identifying plant communities within 100 feet of a stream. If these riparian forests are identified as wetland forests, the impacts will be mitigated according to the Wetland MOU. If the riparian forests are identified as non-wetland forests in a floodway, impacts will be mitigated according to IDNR ratios: 2 to 1 replanting or 10 to 1 preservation. Impacts to non-wetland riparian areas that are not in a floodway will be mitigated in consultation with IDEM and USACE. All nonwetland riparian forest replacement will be included as part of the 3 to 1 upland forest mitigation.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USACE	Deborah	Snyder	317-543-9424	Required	No	No	
0300381	102	5/10/2013	The realignment of surface streams or impacts to riffle-pool complexes and natural stream geomorphology will be avoided where reasonable. Stream impacts have been minimized through alignment planning and unavoidable relocations will be mitigated.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300381	103	5/10/2013	Stream relocations within Indiana bat maternity colony areas will be completed using the natural channel design features that are identified through coordination with the resource agencies. Stream mitigation will be completed to adequately mitigate for linear feet of stream impacts in coordination with regulatory agencies during the permitting process of the Section 5 project. Wherever possible, both banks of stream mitigation areas will be protected. If both banks cannot be protected, coordination with the regulatory agencies will be completed to identify the amount of mitigation credits that INDOT may receive based on the proposed mitigation site. INDOT will coordinate with IDEM, IDNR, and USACE to take into account any recent stream stabilization projects. USFWS will be included in the coordination regarding the relocation during the permitting process to assure that any concerns relative to the Indiana bat are addressed as part of the stream relocation.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	104	5/10/2013	Coordination with all regulatory agencies has been initiated and will continue throughout the development of the proposed mitigation sites that will be offered for compensatory mitigation in Section 5. Natural channel stream designs for perennial and larger intermittent stream relocation located within the Indiana bat maternity colony areas and the WAA may include but will not be limited to stream designs that incorporate riffle/run/pool/glide or step/pool sequences and sinuosity to replicate natural channel geomorphology, in stream natural structures (log and rock vanes) to help prevent streambank erosion, and riparian buffer plantings outside the clear zone of the roadway. Off-site channel restoration for compensatory mitigation will also be completed including the same natural channel design features	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300381	105	5/10/2013	Site-specific plans for stream relocations will be developed in design considering the needs of sensitive species and environmental concerns. Plans will include the planting of woody and herbaceous vegetation to stabilize the banks. Such plantings will provide foraging cover for many species. Stream Mitigation and Monitoring plans will be developed for stream relocations, as appropriate.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	106	5/10/2013	Consideration will be given in the design phase to planting trees and shrubs along relocated streams and outside right-of-way edge.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	For Consideration	Yes	No	
0300381	107	5/10/2013	Continued efforts will be made during final design to identify design features that would minimize impacts at stream crossings, including identifying measures to keep channel and bank modifications to a minimum and, where feasible, avoid channel alterations below the ordinary high water mark elevation.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	For Consideration	Yes	No	
0300381	108	5/10/2013	During the design phase, consideration will be given to using alternative armoring materials and including portions of dry land under the bridge opening that is not armored with riprap. The use of bio-engineering techniques to provide natural armoring of stream banks will be considered and implemented where practicable. Installation of riprap will be limited to areas necessary to protect the integrity of structures being installed. If riprap is required, it will be installed outside the thalweg and between the toe of slope and the ordinary high water mark (OHWM) where possible. In some instances, such as culvert inlets and outlets, riprap may need to be placed within the thalweg to prevent scour. Riprap will be installed at the same elevation as the thalweg to avoid fish passage issues. Riprap may also be needed above the OHWM to protect bridge piers and abutments from scour where bio-engineering will not suffice.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-8163	Required	Yes	No	
0300381	109	5/10/2013	Where reasonable, below-water work will be restricted to placement of piers, pilings and/or footings, shaping of spill slopes around the bridge abutments, and placement of riprap. Any in-stream construction timing restrictions will be addressed during permitting.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USACE	Deborah	Snyder	317-543-9424	Required	Yes	No	
0300381	110	5/10/2013	Where reasonable, channel work and vegetation clearing shall be restricted to within the width of the normal approach road right-of-way.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USACE	Deborah	Snyder	317-543-9424	Required	Yes	Yes	
0300381	111	5/10/2013	Culverts and other devices will be placed so that they do not preclude the movement of fish and other aquatic organisms.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-8163	Required	Yes	No	
0300381	112	5/10/2013	Culverts and other devices will be used to preserve existing drainage patterns.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jason	Randolph	317-233-0467	Required	Yes	No	
0300381	113	5/10/2013	Consideration will be given to oversized culverts to allow for the passage of small fauna at locations where it is determined to be appropriate and reasonable.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-8163	Required	Yes	No	

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0300381	114	5/10/2013	As determined during Section 404 and Section 401 permitting and/or Flood Control Act administered by IDNR, detailed Wetland Mitigation and Monitoring Plans will be prepared. Additional measures to minimize impacts to specific wetland sites will be considered, including narrowing the right-of-way; installing drainage features such as swales to ensure that roadway runoff does not enter wetland areas; and, designing culverts to maintain the flow of water to a wetland area otherwise cut off from its existing water source.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USACE	Deborah	Snyder	317-543-9424	Required	Yes	No	
0300381	115	5/10/2013	Wherever practicable, INDOT will use structures that reduce and/or avoid stream manipulations. In all practicable areas where perennial and/or large intermittent streams require relocations, the relocations may be completed using natural channel stream designs using techniques similar to the ones used for Rosgen Natural Channel Stream Designs (i.e., cross vein structures, j-hook structures, 2-staged channel construction, natural stream bank stabilization using vegetation, etc…). In areas where natural channel stream designs are completed for perennial and/or larger intermittent channel relocations, it is anticipated that on-site mitigation will be proposed for these channels.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	Yes	Yes	
0300381	116	5/10/2013	Where woody vegetation, wetlands, wildflowers, karst, water bodies, riparian habitat, or environmentally sensitive areas occur outside the construction limits but within the right-of-way; permanent "Do Not Mow or Spray" signs will be posted to alert construction and maintenance staff. This will assist in prevention of disturbance, clearing, and/or herbicide treatment both during and after construction.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	Yes	
0300381	117	5/10/2013	Where reasonable, alternatives will follow existing property lines and minimize dividing or splitting of large tracts of farmland to reduce the creation of point rows and uneconomic remnants.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	NRCS	Jane	Hardisty	317-290-3200	For Consideration	Yes	No	
0300381	118	5/10/2013	Where providing access to farm parcels was not deemed reasonable from an economic standpoint (i.e., it would cost more to provide new access than to acquire the property), the disposition of landlocked parcels and uneconomic remnants will be addressed during final design.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	Yes	No	
0300381	119	5/10/2013	In mitigation sites and within the proposed right-of-way for I-69, INDOT will use appropriate herbicides and/or physical mechanisms to control invasive plants, such as purple loosestrife, reed canary grass, kudzu, Japanese knotweed and others.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-8163	Required	Yes	Yes	
0300381	120	5/10/2013	Coordination with the USFWS will continue pursuant to the Migratory Bird Treaty Act of 1918.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	121	5/10/2013	Transportation designers will work with appropriate agencies to determine the most feasible and practical conservation measures for the maintenance of wildlife movements and landscape connectivity. Wildlife is afforded the opportunity to cross at six existing locations (Griffy Creek, Beanblossom Creek, Beanblossom Creek Overflow, Bryant Creek, Little Indian Creek, and Jordan Creek). These include existing bridge structures that currently provide wildlife crossing opportunities beneath SR 37. Upon completion of I-69 construction, the opening sizes will not be reduced below the existing size. Additional information can be found in Chs. 5.18.4 and 7.3.13 of the FEIS.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-8163	Required	Yes	No	
0300381	122	5/10/2013	During the final design phase, consideration may be given to incorporating vegetation plantings that will provide adequate cover for wildlife to access these crossings from adjacent areas of cover. Fencing to funnel wildlife toward these crossings will also be evaluated during design. Vegetation plantings and fencing will be assessed in regards to the habitat remaining after final design, the final size of structures, topography, fill material used in the roadway, and cost. Natural bottoms for the box culverts will be used for these crossings where feasible to further promote maintenance of aquatic communities and wildlife movement.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-8163	For Consideration	Yes	No	
0300381	123	5/10/2013	Where reasonable, the preferred alternative will cross streams at their narrowest floodway width and utilize existing stream crossings where appropriate.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300381	124	5/10/2013	Return disturbed in-stream habitats to their original condition, when possible, upon completion of construction in the area.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300381	125	5/10/2013	Where appropriate, especially in karst areas, construct roadside ditches that are grass-lined and connected to filter strips and containment basins.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	No	
0300381	126	5/10/2013	Special measures including diversions of highway runoff from direct discharge off of bridge decks into streams, and containment basins to detain accidental spills, will be incorporated into final design plans for perennial streams within any of the Indiana bat maternity colony areas.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	127	5/10/2013	Make every effort to minimize the amount of salt used on the bridges and roads. Use alternative substances or low salt (e.g., sand) as much as possible.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	No	No	
0300381	128	5/10/2013	FHWA, INDOT, and the City of Bloomington have agreed that mitigation for the Wapahani Mountain Bike Park (a Section 4(f) resource) will be implemented in accordance with the Wapehani MOA (Appendix QQ of the FEIS). The land required for right-of-way will be purchased in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), as amended in 1987 (Uniform Act). In addition, the City will be compensated to reconnect the portion of the trail impacted by the project in a manner that provides a similar challenge for the user and provides other aesthetic improvements identified by the City on property owned by the City within the Wapehani Mountain Bike Park. Coordination with the City will continue during final design.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	129	5/10/2013	The following design features are committed to in order to provide access to the Morgan-Monroe State Forest. A local access road that connects the Sample Road Interchange with Chambers Pike will provide visitor access from the south. The overpass at Chambers Pike will provide access to forest property on the west side of SR 37/I-69. A local access road that connects Liberty Church Interchange with Old 37 will provide visitor access from the north. Directional signage will be provided from Liberty Church and Sample Road Interchanges to direct visitors to the State Forest. A local access road will be provided between Burma Road and Chambers Pike to maintain access to forest property on both sides of SR 37/I-69.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Jim	Allen	765-342-4026	Required	Yes	No	
0300381	130	5/10/2013	Efforts will be made to locate Interstate alignments beyond 0.5 miles from known Indiana bat hibernacula.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	131	5/10/2013	To avoid and minimize the potential for flooding, dewatering, and/or microclimate (i.e. temperature and humidity) changes within hibernacula, site-specific efforts will be made to minimize changes in the amount, frequency, and rate of flow of roadway drainage that enters karst systems that are determined to be hydrologically connected to Indiana bat hibernacula. No roadway runoff from Section 5 will be directed to karst features with hydrological connectivity to Indiana bat hibernacula.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	132	5/10/2013	Efforts will be made to locate Interstate alignments so they avoid transecting forested areas and fragmenting core forest where reasonable.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	Yes	No	.

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0300381	133	5/10/2013	Should USFWS so desire, INDOT and FHWA will assist USFWS in distributing letters to the property owners in the Section 5 corridor designed to increase awareness of the impact of tree harvesting on Indiana bats. INDOT will also send a letter to each property owner in the right-of-way, stating that INDOT is not working with any logging companies in the development of I-69. This information should prevent any confusion on the part of the landowners that INDOT advocates, condones or permits logging on the property prior to the time when INDOT purchases the property for the Project. INDOT and FHWA will also work with USFWS to identify logging activities within the project area, and INDOT will notify USFWS of any logging activity discovered. This notice will allow USFWS to take appropriate action under the ESA as warranted.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	.
0300381	134	5/10/2013	Where reasonable and appropriate, floodplains and oxbows will be bridged to protect environmentally sensitive areas.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	Yes	No	
0300381	135	5/10/2013	Variable-width medians and independent alignments will be used where appropriate to minimize impacts to sensitive and/or significant habitats. Context sensitive solutions will be used, where possible. This may involve vertical and horizontal shifts in the Interstate.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	136	5/10/2013	Efforts have been made to limit interchanges in karst areas, thereby limiting access and discouraging secondary growth and impacts. In Tier 2, further consideration will be given to limiting the location and number of interchanges in karst areas.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	137	5/10/2013	The use of herbicides will be minimized in environmentally sensitive areas, such as karst areas that are protective of Indiana bats and their prey. Environmentally sensitive areas will be determined in coordination with INDOT as appropriate. Appropriate signage will be posted along the interstate to alert maintenance staff. In coordination with USFWS, an herbicide use plan will be developed for locations within the Indiana bat maternity colony areas.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	138	5/10/2013	A low salt and no spray strategy will be developed for this project. A signing strategy for these items will also be developed. The limits for the low salt/no spray zone would be along I-69 continuing from Section 4 to 200 feet north of the existing Chambers Pike intersection along SR 37. Further coordination with the Karst MOU agencies will occur during the design phase of the project regarding low-salt zones, including specific elements of the low salt strategy.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	139	5/10/2013	Where feasible and appropriate, bridges will be designed with none or a minimum number of in-span drains. To the extent possible, the water flow will be directed towards the ends of the bridge and to the riprap drainage turnouts.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	140	5/10/2013	Indiana bat summer habitat will be created and enhanced in the Action Area through wetland and forest mitigation focused on riparian corridors and existing forest blocks for habitat connectivity. In selecting sites for summer habitat creation and enhancement, priority will be given to sites located within a 2.5-mile radius from a recorded capture site or roost tree. If willing sellers cannot be found within these areas, other areas may be used as second choice areas as long as they are within the Action Area and close enough to benefit the maternity colonies, or are outside the Action Area but accepted by USFWS.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	141	5/10/2013	Where appropriate, mitigation sites will be planted with a mixture of native trees that is largely comprised of species that have been identified as having relatively high value as potential Indiana bat roost trees.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	142	5/10/2013	Tree plantings at mitigation sites will be monitored for a minimum of five years after planting to ensure establishment and will be protected in perpetuity via conservation easements and/or deed restrictions. Some mitigation sites will be monitored for a minimum of 10 years, as specified in the mitigation and monitoring plans for each site.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	143	5/10/2013	With landowner permission, investigations will be coordinated with the USFWS on acquiring easements to erect bat-friendly angle-iron gates. These gates restrict access to the caves preventing disturbance of hibernacula, while maintaining airflow at the entrances of known hibernacula within the Action Area. Gates will be constructed according to designs from the American Cave Association. Effects of gates on water flow and flash flooding debris will be carefully evaluated before gates are installed. Other structures (e.g. perimeter fencing) or techniques (e.g. alarm systems and signs) may be used. Gates will be designed in consultation with USFWS to minimize environmental changes, bat rejection, and predator opportunities.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	144	5/10/2013	Investigations will be coordinated with the USFWS on purchasing lands in the Action Area from "willing sellers" to preserve summer habitat. Any acquired summer habitat area would be turned over to an appropriate government conservation and management agency for protection in perpetuity via conservation easements and/or deed restrictions in coordination with USFWS.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	145	5/10/2013	All caves that have gates erected as mitigation for this project will have their temperature, humidity, and populations monitored before and for 3 years after gate installation. Infra-red video monitoring or other techniques deemed acceptable by USFWS will be conducted for a minimum of 2 nights in the appropriate season at each newly installed cave gate to ensure the bats are able to freely ingress and egress. Data acquisition will use a number of data loggers minimizing the need for entry into these caves. All precautionary measures will be taken to minimize potential impacts to hibernating Indiana bats.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	146	5/10/2013	Where deemed appropriate by USFWS, the following may be done: signs will be posted that warn the public and discourage cave entry at hibernacula within/near the Action Area. Signs should be placed so that they do not block air flow into the cave and do not draw attention to the entrance and attract violators. Also, light-sensitive data loggers may be placed within the caves to assess the effectiveness of warning signs at deterring unauthorized entries. Permission from the landowners must be obtained before erecting such signs and installing data loggers.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	147	5/10/2013	Total funding of $50,000 will be provided to supplement the biennial winter census of hibernacula within/near the proposed Winter Action Area. Funding will be made available as soon as practical after Notice to Proceed given to construction contractor for the applicable Tier 2 Section.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	148	5/10/2013	Total funding of $125,000 will be provided for research on the relationship between quality autumn/spring habitat near hibernacula and hibernacula use within/near the Action Area. This research should include methods attempting to track bats at longer distances such as aerial telemetry or a sufficient ground workforce. A research work plan will be developed in consultation with the USFWS. Funding will be made available as soon as practical after Notice to Proceed given to the construction contractor for the applicable Tier 2 Section (or earlier).	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	149	5/10/2013	A work plan for surveying, monitoring, and reporting of bats will be developed and conducted in consultation with and approved by USFWS. This mist netting effort will be beyond the Tier 2 sampling requirements. Fifty mist netting sampling sites are anticipated. Monitoring surveys focused at each of the 16 known maternity colonies will be completed the summer before construction begins in a given section and will continue each subsequent summer during the construction phase and for at least five summers after construction. If Indiana bats are captured, radio transmitters will be used in an attempt to locate roost trees, and multiple emergence counts will be made at each located roost tree. These monitoring efforts will be documented and summarized within an annual report prepared for USFWS.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	

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0300381	150	5/10/2013	Total funding of $25,000 will be provided for the creation of an educational poster or exhibit and/or other educational outreach media to inform the public about the presence and protection of bats in Indiana, particularly the Indiana bat. Funding would be provided after a Notice to Proceed is issued for the first section of the project.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	151	5/10/2013	FHWA and INDOT intend to comply, as appropriate, with the Bald and Golden Eagle Protection Act permit requirements established by FWS prior to construction. This includes the completion/incorporation of the previously developed Section 7 Consultation Conservation Measures associated with the bald eagle.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	152	5/10/2013	FHWA and INDOT intend to comply fully with the terms and conditions imposed by the incidental take statement that is included in the August 24, 2006, revised Tier 1 BO, and any amendments, as it proceeds with this project.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	153	5/10/2013	According to Step 14 of the Karst MOU, if during construction previously unknown karst features are identified and it is found that the mitigation agreement must be altered, all of the agencies will be contacted and agreement reached prior to work continuing in that specific area of the project. Mitigation for impacts to unidentified karst features will be managed in the same manner as mitigation for impacts to identified features.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USEPA	Virginia	Laszewski	312-886-7501	Required	Yes	Yes	
0300381	154	5/10/2013	In areas where alternative drainage is not possible, mitigation and treatment for karst features receiving highway drainage will include the implementation of water quality treatment or abatement measures for highway runoff prior to its release toward karst features. Such measures include peat and sand filters, gravel filters, vegetative buffers, and lined spill or runoff containment structures. These structures could be constructed in appropriate locations along the highway to detain and/or treat highway runoff prior to discharge. Monitoring is required by the Karst MOU to assure that the drainage discharged from these structures has minimal impact on karst features.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	155	5/10/2013	Examination of the karst areas that receive runoff from the highway will be performed to detect soil piping or opening of buried karst features during construction. Soil piping will be addressed by the contractor during the weekly erosion control inspections (or after every ½ inch of rainfall) required as part of the Rule 5 requirements during construction.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	Yes	
0300381	156	5/10/2013	Examination of the karst areas that receive runoff from the highway will be performed to detect soil piping or opening of buried karst features following construction. Inspections following construction will be determined during the final design phase as part of the monitoring and maintenance plan per the Karst MOU. It will be INDOT's responsibility or their designated agent's responsibility to perform these inspections. Quarterly inspections and inspections after all heavy rains are recommended for the first year. Annual or bi -annual inspections are recommended after the first year.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	157	5/10/2013	Special planning, where appropriate and practicable, will be conducted by INDOT to ensure that highway derived runoff is dispersed through natural vegetation and/or an engineered treatment system before entering the groundwater system. Also, where appropriate and practicable, special planning should be conducted so that construction does not sever recharge features by sedimentation or impervious cover.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	For Consideration	Yes	No	
0300381	158	5/10/2013	Karst treatment BMP's will be considered for implementation on a case by case basis. Examples of circumstances which may require BMP implementation, BMPs that may be implemented, and a numerical cross-reference to applicable INDOT Standard Specifications is included in Table 7-3 of the FEIS.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	For Consideration	Yes	No	
0300381	159	5/10/2013	Care should be taken to ensure that the final design of SR 37 and SR 45/2nd Street interchange considers sinkholes which no longer have the appearance and function of sinkholes, but have the potential to destabilize the roadbed and adjacent lands. Limit paving and construction to existing SR 37 and SR 45/2nd Street mainline and intersection.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	160	5/10/2013	Several treatment options are available for consideration of potential mitigation measures in implementation of the Karst MOU to reduce roadway impacts to the Cave A recharge area and maintain the existing base flow levels in the system. These include engineered wetland sediment and contaminant reduction systems; linear peat sand filters and/or vegetated swales along the roadway or at the terminus of lined storm water control structures; sinkhole sediment and containment traps; runoff and storm water detention/retention systems, treatment, and infiltration galleries; and control of "first flush" (or initial stormwater runoff which typically will have higher contaminant concentrations) volumes with designed overflow into natural drainage systems.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	161	5/10/2013	INDOT will provide to permitting agencies and USEPA a tracking summary on an annual basis. The summary will identify the mitigation commitments and describe the status of the activities-to-date associated with each commitment.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	No	No	
0300381	162	5/10/2013	Utility relocation plans are a function of final design, which means coordination with utility companies involved in this phase of the project will continue during the final design phase of the project. A comprehensive GIS layer showing utility locations and (where appropriate) sizes will be prepared for use in the final design of the highway.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	163	5/10/2013	FHWA will review and update its approach to climate change at both the project and policy level as more information emerges and as policies and legal requirements evolve. In response to USEPA's March 19, 2013 follow-up request, INDOT will coordinate further with FHWA during final design to determine if adaptation plans that USDOT and others are in the process of finalizing at this time can be factored into final design for Section 5.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	164	5/10/2013	The following will be considered as best management practices for unavoidable stream channel realignments: Limit the length of channel to be realigned to the minimum necessary for the bridge construction; If the channel reach to be realigned contains good bottom substrates (i.e. gravel, cobbles and boulders), stockpile this material and use it for substrate in the new channel; Minimize the use of riprap and other artificial bank protection. Use bioengineering techniques wherever possible; If riprap is used, extend it below low-water to enhance aquatic habitat; Construct the new channel with bank slopes and bottom elevations equivalent to those in the natural channel; Use best methods to contain soil and sediment runoff during construction (e.g. silt curtains); Plant native hardwood trees and shrubs in a zone at least 50 feet wide on both sides of the new channel.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-8163	For Consideration	Yes	No	
0300381	165	5/10/2013	Via comments on the DEIS, the City of Bloomington and Monroe County requested further evaluation of further improvements to 17th Street and Crescent Road. INDOT will consult with the City of Bloomington about the possibility of participating in additional improvements to 17th Street and Crescent Road; any such participation would be as part of a separate project from I-69 Section 5.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	166	5/10/2013	Via comments on the DEIS, the City of Bloomington requested further evaluation of an extension of Sample Road to provide alternative access to I-69 for residents of Ellettsville and northwest Monroe County. INDOT will continue discussions with the City of Bloomington and Monroe County regarding participating in improvements to Sample Road west of I-69; any such participation would be as part of a separate project from I-69 Section 5.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	167	5/10/2013	Coordination with the City of Bloomington, Monroe County, and Morgan County will continue through construction. Coordination will include project updates, maintenance of traffic plans, and community involvement.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	168	5/10/2013	The need for glare protection where concrete barrier walls are proposed between the new access roads and I-69 will be evaluated in the final design phase.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	

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0300381	169	5/10/2013	Further engineering solutions as part of final design may be needed to avoid the Monroe Hospital Administration and Billing building.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	170	5/10/2013	Coordination with Hoosier Energy will continue through design.	& Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	171	5/10/2013	Monitoring is required by the Karst MOU to assure that the drainage discharged from drainage treatment structures has minimal impact on karst features. Additional information on runoff treatment and protocol for long term monitoring within any drainage area of a karst feature will be developed in the design phase of the project and provided to the IDNR, IDEM and USFWS. The establishment of water quality standards and a point at which a standard is established for remediation will be a part of the monitoring plan. The results of the monitoring plan will be submitted to IDNR, USFWS, and IDEM on a regular basis.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	For Consideration	Yes	No	
0300381	172	5/10/2013	Stormwater runoff protection measures will be installed at all karst features in the right-of-way at the initiation of construction and maintained until all stormwater drainage has been diverted away from the feature, or final permanent stormwater treatment measures are in place.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDEM	Jim	Sullivan	317-234-7476	Required	Yes	No	
0300381	173	5/10/2013	Per the Karst MOU, the IDNR, IDEM, and USFWS will be invited to attend field checks and meetings dealing with effects to negate or minimize adverse effects to karst features. Prior to acceptance of the final design plans an agreement will be developed which will set out the appropriate and practicable measures to offset unavoidable impacts to karst features. This agreement will be signed by the Department Director of IDNR, the Commissioner of the IDEM, the Commissioner of INDOT, and the Supervisor of the USFWS Bloomington, Indiana Field Office. The agreement will become a part of the contract documents for the project, will be discussed at the pre-construction conference and will be on file at the office of the project administrator.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USEPA	Virginia	Laszewski	312-886-7501	Required	Yes	Yes	
0300381	174	5/10/2013	INDOT will assure that the terms of the agreement will be completed with all safeguards given to the karst area. Special provisions, which are binding provisions that are a part of the contract, will be included outlining the precautions to be taken. Construction and design strategies for handling karst features will be discussed with the contractor(s) and project administrator during the pre-construction conference. Erosion control standards that meet current Rule 5 requirements and any special precautions outlined in the design plans for karst feature treatment will be followed.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USEPA	Virginia	Laszewski	312-886-7501	Required	Yes	Yes	
0300381	175	5/10/2013	Baseline water quality sampling for karst features prior to construction will be conducted as part of the Karst MOU.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USEPA	Virginia	Laszewski	312-886-7501	Required	Yes	No	
0300381	176	5/10/2013	The Section 5 Environmental Awareness Training video will be provided to USFWS for review and comment.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	177	5/10/2013	INDOT will be responsible for monitoring and maintaining the mitigation areas while they are being established, as well as monitoring periodically. As noted in the Tier 2 BA, the mitigation sites will be restricted from other uses to ensure that they remain in a natural condition in perpetuity.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	178	5/10/2013	The FHWA must implement all proposed mitigation and conservation measures, as detailed in the revised "Tier 1 Forest and Wetland Mitigation and Enhancement Plan" and "Conservation Measures for Impacts to Threatened and Endangered Species" sections of the Tier 1 BA Addendum and Appendix B of the Tier 1 BA or alternative measures that are of equal or greater benefit to Indiana bats as developed in consultation with the USFWS during Tier 2 consultations.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	179	5/10/2013	FHWA, in consultation with the USFWS, must develop detailed, site-specific final mitigation plans for each secured mitigation site within six (6) months of securing the site or within 6 months of the issuance of this Tier 2 Section 5 BO (dated July 25, 2013), whichever is later. All mitigation sites must be identified and secured within 3 years of the issuance of the Tier 2 BO, including the development of final mitigation plans. The mitigation plans will not be conceptual, but rather will contain detailed descriptions for each phase of mitigation including 1) initial construction and establishment, 2) 5-year, post-construction monitoring phase, and 3) long-term management. The Section 5 final mitigation plans will address and/or establish the following: quantifiable criteria and methods for assessing success of all mitigation plantings and functionality of constructed wetlands and streams, approved lists of tree/plant species to be planted (and their relative abundance/%), approved lists of herbicides for weed control, proposed construction schedules, annual post-construction monitoring schedules, and a long-term, ongoing management/stewardship strategy.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	180	5/10/2013	To ensure timeliness, the FHWA must begin construction and/or reforestation within the Section 5 Mitigation Areas either before (the most preferable option) or during the first summer reproductive season (1 April – 30 September) immediately after any I-69 related tree clearing or construction begins in Section 5 anywhere within each 2.5-mile radius maternity area. Once initiated, all USFWS-approved construction and tree plantings within the Section 5 Mitigation Areas must be completed within 3 calendar years.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	181	5/10/2013	FHWA will prepare and provide USFWS with a written annual report detailing all conservation measures, mitigation efforts, and monitoring that have been initiated, are ongoing, or completed during the previous calender year and the current status of those yet to be completed. The report will be submitted to the USFWS Bloomington Field Office by 31 January each year and reporting will continue for at least 5 years post-construction or until otherwise agreed to with the USFWS. If proposed conservation measures or mitigation goals cannot be realized (e.g., lack of willing-sellers), then FHWA will investigate and propose alternative solutions that can be realized and are of equal or greater benefit to Indiana bats within the Summer and Winter Action Areas. The annual report for Section 5 may be a stand-alone document or included as part of the annual report required under the Tier 1 Term and Condition Number 2 (amended May 25, 2011 and July 24, 2013).	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	182	5/10/2013	Hazardous materials traps (HMT's) will be constructed at storm water outfalls and other locations to protect karst features from spill contamination. The location and nature of the sinkholes and drainage schematic will be provided to IDEM. IDEM will provide the information to the appropriate local authorities and Hazmat teams. An emergency response plan will be made a part of the contract documents.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USEPA	Virginia	Laszewski	312-886-7501	Required	Yes	No	
0300381	183	5/10/2013	Newly discovered Indiana bat hibernacula (caves and/or mines) will be fully investigated (e.g. temperature and humidity data loggers may be installed) and surveyed by experts in the field prior to construction of the Interstate and again 1 year and 3 years post-construction. All information will be provided to the USFWS in a timely manner.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	184	5/10/2013	INDOT will consider adjustment of cul-de-sac locations to avoid/minimize stream and wetland impacts.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	For Consideration	Yes	No	
0300381	185	5/10/2013	Efforts have been made and will continue to be made to minimize relocations.	& Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT OES	Laura	Hilden	317-232-5018	Required	Yes	No	
0300381	186	5/10/2013	Construction work within floodplains will be carefully controlled to minimize impacts to stream, wetlands, and wildlife habitat.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	

DESIGNATION NUMBER	COMMIT. NUMBER	COMMIT. DATE	COMMITMENT TEXT	CONSULTANT SUBMIT COMMITMENT	FIRST NAME CONSULTANT	LAST NAME CONSULTANT	CONSULTANT PHONE NUMBER	OFFICE DOCUMENTING COMMITMENT	DOCUMENTER FIRST NAME	DOCUMENTER LAST NAME	DOCUMENTER PHONE NUMBER	AGENCY REQUIRING COMMITMENT	CONTACT FIRST NAME	CONTACT LAST NAME	CONTACT PHONE NUMBER	REQUIRED OR FOR CONSIDERATION	IMPLEMENT DURING PROJ DEVELOPMENT	ATTENTION TO CONSTRUCTION	NOTES
0300381	187	5/10/2013	Any dead bats located within the construction limits, right-of-way, rest stops, or mitigation areas of I-69, regardless of species, should be immediately reported to the USFWS Bloomington Field Office (BFO) [(812) 334-4261], and subsequently transported (frozen or on ice) to BFO. No attempt should be made to handle any live bat, regardless of its condition; report bats that appear to be sick or injured to BFO. BFO will make a species determination on any dead or moribund bats. If an Indiana bat is identified, BFO will contact the appropriate Service Law Enforcement office as required.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	Yes	
0300381	188	5/10/2013	INDOT and FHWA will keep track of all known Indiana bats killed from vehicle collisions to ensure that the anticipated amount of incidental take, 21 killed per calendar year for I-69 from Evansville to Indianapolis, is not exceeded.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	189	5/10/2013	The FHWA needs to ensure that the impacts of take associated with future Tier 2 section specific actions are appropriately minimized and that the exemption of incidental take is appropriately documented and anticipated levels of incidental take will not be exceeded nor will any new forms of take occur that were not anticipated in Tier 1RPBO or the recent amendments (2011 and 2013) to the Tier 1 RPBO.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	190	5/10/2013	A Phase Ia archaeological survey and any other subsequent surveys will be conducted for any final right-of-way adjustments which were not covered under the original Phase Ia survey.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	191	5/10/2013	Prior to construction, Phase Ic and II archaeological surveys and any other subsequent surveys will be conducted for previously identified archaeological sites identified in the Section 106 MOA.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR DHPA	Chad	Slider	317-234-5366	Required	Yes	No	
0300381	192	5/10/2013	All 404/401 permit requirements shall be implemented in design and construction. Construction limits in final design shall remain within the construction limits outlined in the 404/401 permits and applications. Any locations where construction limits extend outside the permitted construction limits, and may result in additional impacts to wetlands or streams, shall be evaluated to ensure permit requirements are met.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USACE	Deborah	Snyder	317-543-9424	Required	No	No	
0300381	193	5/10/2013	All I-69 engineering supervisors, equipment operators, and other construction personnel and INDOT (and/or concessionaire) maintenance staff will attend a mandatory environmental awareness training that discloses where known bald eagle nests are located in the project area, addresses any other concerns regarding bald eagles, and presents a protocol for reporting any eagle nests, and any live, sick, injured, or dead eagles observed or found within or near the construction limits or right-of-way during construction, operation, and maintenance of I-69. Project personnel will also be instructed about the terms and conditions of the ITS and the restrictions imposed by them before construction and operation begins.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	194	5/10/2013	All I-69 construction workers and INDOT maintenance staff need to be made aware of potential issues concerning bald eagles and construction and maintenance of I-69.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	195	5/10/2013	Any dead bald or golden eagles found within the construction limits, right-of-way, rest stops, or mitigation areas of I-69, should be reported to BFO [(812) 334-4261] as soon as possible and subsequently transported (frozen or on ice) to BFO. Any sick or injured bald or golden eagle located within the construction limits, right-of-way, rest stops, or mitigation areas of I-69 should immediately be reported to BFO (and an Indiana Conservation Officer or the State Police if outside of normal business hours or on weekends). If possible, attempts should be made to remove an injured eagle from harm's way, until a trained person arrives to safely capture and transport the bird. Sick and injured eagles will be transported to a veterinarian or a rehabilitation center that has a valid Federal permit to treat and rehabilitate eagles.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	Yes	
0300381	196	5/10/2013	INDOT will closely coordinate with IDNR biologists regarding the locations of Bald Eagle nests near and within the Action Area. Alignments will be shifted away from Bald Eagle nests when feasible.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	197	5/10/2013	Standard operating procedures will be employed to remove carrion from the Interstate in a timely manner to reduce the potential for vehicle/eagle collisions. Appropriate INDOT Maintenance Units in Districts where proposed I-69 crosses or comes near to the Patoka River, East Fork of the White River, and West Fork of the White River will be given notice for special attention to this measure, especially in winter.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	198	5/10/2013	Where feasible and appropriate, a vegetative screen (i.e., trees) will be maintained within INDOT owned R/W between any nearby Bald Eagle nests and the Interstate to minimize visual and auditory disturbances during and after construction.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	Yes	No	
0300381	199	5/10/2013	In regards to Bald Eagle habitat restoration/replacement, wetland and forested mitigation sites will be considered in areas near the Patoka River bottoms, Beanblossom Bottoms, East Fork of the White River, White River (Elnora), White River (Gosport), White River (Blue Bluff), and possibly others. Purchasing of lands for habitat preservation shall be considered within the Patoka River bottoms, East Fork of the White River, and Lake Monroe. Any acquired habitat would be turned over to the appropriate government conservation and management agency for protection in perpetuity via conservation easements and/or deed restrictions.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	No	No	
0300381	200	5/10/2013	In regards to Bald Eagle habitat restoration/replacement, where tree planting is part of forest mitigation near large water bodies and rivers, native tree species that form large, open-branched crowns (e.g. Eastern Cottonwood and Sycamore) will be included in the species mix.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	201	5/10/2013	Mitigation sites will be evaluated for inclusion of Bald Eagle nesting platforms and artificial perch sites.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	No	No	
0300381	202	5/10/2013	Total funding of $25,000 will be provided for the creation of an educational pamphlet and/or other educational materials to inform the public about the recovery, presence, and protection of bald eagles, including measures to reduce harm, harassment risks, and water quality.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	203	5/10/2013	Heavy equipment that had previously (within the last two weeks) been utilized in waters infested by zebra mussels will be thoroughly cleaned and left to dry for at least 2 weeks prior to use in proposed I-69 construction to prevent the spread of this invasive species.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	Yes	
0300381	204	5/10/2013	In regards to Eastern Fanshell Mussel habitat restoration/replacement, where reasonable, wetland mitigation will be completed adjacent to the Patoka River, East Fork of the White River, White River (Gosport), and possibly other river areas. Plans will include planting trees to enhance the riparian buffer and restore wetlands to create habitat and protect water quality. Such measures would enhance the opportunity for mussels to colonize the area by improved water quality conditions. All mitigation land would be protected in perpetuity via conservation easements and/or deed restrictions.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	For Consideration	No	No	
0300381	205	5/10/2013	Total funding of $20,000 will be provided to the USFWS for research on federally listed mussel populations in streams in the Ohio River Valley to be used for the project entitled "Culture and propagation of imperiled mussel species in the Ohio River drainage." Federally listed species selected for propagation include the pink mucket, orange-footed pimpleback, ring pink, fanshell, fat pocketbook, and rough pigtoe.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	206	5/10/2013	Total funding of $25,000 will be provided for the creation of an educational pamphlet and/or other educational materials to inform the public about the occurrence and protection of the eastern fanshell in Indiana, including measures to minimize harm, and water quality issues.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	No	No	
0300381	207	5/10/2013	No work shall be performed within a jurisdictional stream from April 1 through June 30 without prior written approval of the IDNR Division of Fish and Wildlife.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	

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0300381	208	5/10/2013	A USACE Section 404 permit and IDEM Section 401 Water Quality Certification (WQC) will be applied for before or during the design phase of this project.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300381	209	5/10/2013	Rule 5 (327 IAC 15-5) requirements regulate contaminant discharge via stormwater runoff from construction sites. Rule 5 requirements will be followed for this project.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300381	210	5/10/2013	A Tall-Structure permit is required where proposed construction may impact the navigable airspace of a public-use airport. Proposed construction may include permanent installation (e.g., high-mast lighting towers) or construction equipment (e.g., crane, derrick). Monroe County Airport is a public-use airport within 20,000 feet of existing SR 37 and the Section 5 alternatives. Coordination with INDOT's Office of Aviation and the Federal Aviation Administration will be required during the final design phase to determine whether Tall-Structure permits are necessary.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300381	211	5/10/2013	If necessary, an IDEM Isolated Wetland Permit will be applied for before or during the design phase of this project. The application for the IDEM Isolated Wetland Permit would be made together with the application for IDEM's Section 401 WQC, if required.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	IDNR	Christie	Stanifer	317-232-4160	Required	Yes	Yes	
0300381	212	7/19/2013	If feasible, existing screening will be retained along the existing highway right-of-way in the vicinity of Bloomington Auto Parts in accordance with IC 8-23-20-18.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	INDOT	Laura	Hilden	317-232-5018	Required	Yes	Yes	
0300381	213	7/23/2013	FHWA and INDOT will work with property owners within the proposed right-of-way who plan to harvest trees on their property. FHWA and INDOT propose to develop a voluntary agreement with the interested landowners, such as a "right of entry" agreement or other type of covenant, to pay the landowner to limit the time of year in which they harvest their property; this time period would be limited to the late fall and winter when Indiana bats are not present in the forested areas.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	214	7/26/2013	If at any point in time during this project, the exempted project-wide or section-specific, or hibernacula-specific habitat acreages (including utility, billboard, and ROW impacts) or annual number of roadkilled bats quantified in the AMOUNT OR EXTENT OF TAKE of the revised Tier 1 BO Amendment 2 Incidential Take Statement are exceeded by more than 10%, then the USFWS will assume that the exempted level of take for this project may have been exceeded and the FHWA should immediately reinitate formal consultation.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	
0300381	215	7/26/2013	If, during the course of the action, the level of incidental take (i.e. habitat modification [including utility, billboard, and ROW impacts] and/or roadkill) listed in the revised Tier 1 BO Amendment 2 or Tier 2 Section 5 BO is exceeded (or tree clearing occurs during the period April 1-September 30 in the Summer Action Area or April 1-November 15 within the Winter Action Area any given year) such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided in the revised Tier 1 BO Amendment 2. The FHWA must immediately provide an explanation of the causes of the taking and review with the USFWS the need for possible modification of the reasonable and prudent measures.	Bernardin, Lochmueller & Associates	Kia	Gillette	317-222-3880	INDOT OES	Laura	Hilden	317-232-5018	USFWS	Robin	McWilliams-Munson	812-334-4261	Required	Yes	No	

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