

S.5.2 Environmental Impact Analysis
S.6 Summary Comparison of Alternatives
S.7 Areas of Controversy

S5.25 Permits:

Karst of Monroe County

INDOT needs to come into compliance with the Memorandum of Understanding regarding Karst at a state level now before being issued a ROD for Tier 1. The inappropriateness of the Karst Region for this project is not known by INDOT, because documentation that was accessed to produce the map of the Karst was incomplete. The source data says that Cave information was withheld to keep persons who would enter caves on private property from learning of these caves. The problem that we have publicly exposed, but INDOT refuses to acknowledge is that they are on the wrong side of this screen. Their source data is only the most general of survey. The EPA has told them that. A DEIS report told them that, but because they were protecting raw data from access to the public by not requesting the raw data from the consultants BLA, INDOT did not have access to the raw data until the last few months.

We have an INDOT map from 1933 that is more detailed and in fact the map that INDOT's map was a second generation composite. The INDOT accessed document makes no claim to be of a quality up to the task. The disclaimer that INDOT makes to citizens, claiming that the vagueness of information is correct and intentional is correct, but INDOT is the party that is being protected from the truth of the orders of magnitude more frequent sink holes. That this situation continues this far into the Tier 1 process, shows contempt and lack of professionalism of the INDOT/ BLA administrators of this project. One would have expected that EPA comments to the DEIS regarding this matter would have been a wake up call even to these bureaucrats.

1.1 Previous Studies This study must include the effects on I-465 and existing I-69. The MPO for the existing I-69 in Marion County has said that traffic congestion is so bad that only commuter rail can address this issue; asphalt cannot address the problem. See also Air quality.

S5.3 Social Impacts

More than any other topic, I have tried to bring to the EIS the missing protection. That of People.

PEOPLE

To my speech referenced in the FEIS as (0826-055 Smith) INDOT responded: They understand “some emotional distress”...”It is not expected that the project will affect the rate of divorces, disabling health problems, and emotional disorders.

I still totally disagree. I have seen the beginnings of this and provide examples below. I believe that if this as the largest eminent domain action in Indiana history is to move forward, trained Psychologists and negotiation experts must be funded. Fair and just mitigation for PEOPLE must be addressed.

The Federal Highway Administration replied to a request from INDOT when INDOT asked for suggestions on how to mitigate the division of farmlands. FHWA suggested that INDOT purchase entire farms that would be divided if the owner of the farm would prefer to be bought out rather than divided. Then INDOT would make these partial lands on each side of the interstate available for sale. FHWA hoped that this would allow for the putting together of farms on one side and the other of the Interstate that would be more economically viable than divided farms. To the extent that farms would be divided in triangles rather than rectangles, would effect the return on investment to the State for this plan, but this would be a more equitable solution to the farmers. Those who would sell would be paid what their land was worth before it was triangulated and those who would buy would purchase at a reduced value rate based on the lands diminished value, a much more equitable solution.

INDOT has responded to my comment that homes that are left next to the built I-69, but not purchased will loose value. In the FEIS, they say yes, but overall there will be increased value. You cannot mitigate people like trees. If you enrich someone else on the other side of the county while you destroy my life's savings in the equity of my home, you have not mitigated! The only mitigation that I think would be fair would be similar to the Federal Highway

suggested plan for farms outlined above. INDOT should offer any property owner within 1 mile of the proposed corridor the right to voluntarily sell their property to INDOT at an amount determined to have been the appraised value + moving expenses prior to the designation of being on the Interstate route. Then the State could sell the property for what the market will pay given the property status with I-69. This is fair though still emotionally a burden. Universally every homeowner on the alternative has said. If this thing is built, I want it right on my head. I want out. We all realize that those left behind are the losers. People deserve as much protection as frogs. I am still not convinced that properties will increase in value at anything like the amount that home after home will lose value on both sides of this project, for the length of the project.

The social consequences of this do not have to be what they will be if the Study does not start listening to my warning of the psychological effect of this largest ever eminent domain project in the state of Indiana.

Two days after Governor O'Bannon's announcement of 3C, a farmer took his life. I-69 divided his farm in 1/2. His son and his grandsons and his wife all help on the family farm. They all live within eyesight of each other. This was perhaps the first fatality that I warned of in my speech. "What will be the Toll of I-69"?

A few persons have expressed the question; "I wonder how many homeowners are Vietnam vets who address the taking of their homes in the only way they know how?" This is not my question, but it is one that I have wondered myself as I walked from door to door distributing maps showing people their homes on the I-69 route. I would not have done this if I were not on the side of the homeowners.

If some funds and a project could be set aside to understand and intervene with more sensitivity than simply "we have the right by eminent domain to take your home or destroy your equity, so we are sending in the armed police to move you out, this would not have to be so ugly. An editorial in the Evansville paper last week that supported Governor Kernan and INDOT's decision to reject 500 peoples and dozens of organizations request to extend the time for us to read the 3000+ page FEIS and make comment, ended with the

phrase "MOVE ON". Perhaps the newspaper was thinking of "activists" like myself, but I woke up in the middle of that night unable to go back to sleep thinking of a generic farmer in Gibson or Pike county who has not spoken a word of official comment, and who reads the Evansville paper every day who is living this nightmare. The audacity and callus of people who can't understand why people can be upset is beyond belief if you have lived this situation.

That these worries are real; I forward a worst-case scenario

>From COUNT US! Director John Smith:

When I saw our home on a map for I-69, I became a NIMBY (Not In My Back Yard). Two days later, I wrote a speech that announced the organization of COUNT US! and a Car Tour of The New Terrain Routes of I-69. My speech, "What will be the Toll of I-69", presented as comments to the DEIS, requested a CDC (Center for Disease Control) type study of the likely stress related effects of I-69 on those of us asked to give of our homes, neighbors and surroundings.

The FEIS has discounted my reasoning.

Follows is an extreme example of the stress that perhaps proper government planning and trained humanistic intervention could avoid.

While we do not consider the Bixbys a typical family, we understand the underlying emotions that triggered this horrendous response. A project that is legal but uncaring is not the only way, we can do better!

In this light, we forward this story of a family that shot it out with police over a highway project on their land.

<http://www.wistv.com/Global/story.asp?S=1555225>

(Abbeville County) Dec. 9, 2003 – Two law enforcement officers are dead after a standoff that lasted almost 14 hours Monday night in Abbeville County. Three people are in custody, and one of them is

in critical condition after being shot in what State Law Enforcement Division Chief Robert Stewart called "a horrendous gunfight" that ended the standoff.

Investigators believe Arthur Bixby's family planned the assault against the officers at a home on Union Church Road off Highway 72 because they were angry with the state and federal government about a road-widening project.

Investigators believe Bixby and his son, Steven Bixby, are responsible for shooting Abbeville County Sheriff's Deputy Danny Wilson and Constable Donnie M. Ouzts.

Abbeville County Sheriff Charles Goodwin says Arthur Bixby and Steven Bixby are charged with two counts of murder and one count of conspiracy. Arthur Bixby's wife, Rita, has been charged with accessory before the fact of murder, conspiracy and failure to report a crime.

Steven Bixby in court Tuesday in Greenwood for an arraignment said he was acting in self defense. Bixby told reporters in the courtroom that he loves what America stands for, but not the people in it. He says he shot deputy Danny Wilson because the officer forced his way into his home.

Authorities say Wilson was only visiting the home because transportation workers complained the Bixbys threatened them last week when they began work on widening the road in front of the Bixby home.

Steven Bixby's mother, Rita, also was arraigned on a charge of accessory before the fact of murder. Rita Bixby told the judge she was not guilty and hung her head when he told her she could face life in prison if convicted. Arthur Bixby is in critical condition at Greenville Memorial Hospital.

Officers from the Abbeville Police Department, the Abbeville County Sheriff's Office, the Greenwood County Sheriff's Office, the State Law Enforcement Division and the South Carolina Highway Patrol converged on the house for a standoff.

Officers stormed the home around 9:00pm and about half a dozen shots were heard with several bursts of gunfire. Tear gas sent several dozen officers scrambling back hundreds of yards. Abbeville County Sheriff Charles Goodwin says Steven Bixby surrendered, but Arthur Bixby did not, "We tried to negotiate with him."

The standoff ended Monday night around 11:00 with another gunfight. Sheriff Goodwin says it was war, "They were firing at our people at the end and what not, so we had to fire back." Goodwin says Arthur Bixby was shot in the standoff and taken into custody.

As officers tried to storm the home, Chief Stewart says they were fired on with the most powerful weapons he had ever seen in his more than 30 years in law enforcement. None of the officers was injured during the assaults.

During the standoff, Arthur Bixby's wife went to an Abbeville apartment with another son and threatened to open fire on bystanders if either man was harmed. No bystanders were injured. She was also later arrested.

Updated 4:08pm by Chris Rees with AP

<http://www.wistv.com/Global/story.asp?S=1558490&nav=0RaMJae1>

(Concord, New Hampshire—AP) Dec. 10, 2003 – New Hampshire authorities say a suspect in the shooting deaths of two officers in Abbeville County this week was wanted in his former home state.

Steven Bixby, 36, who formerly lived in Haverhill, New Hampshire, and his father, Arthur Bixby, are charged with two counts of murder and one count of conspiracy. Investigators believe the family was angry with the state and federal government about a Highway 72 road widening project. Steven Bixby plead not guilty in an arraignment Tuesday.

Constable Donnie M. Ouzts and Abbeville County Sheriff's Deputy were shot and killed during the course of a nearly 14-hour standoff

Monday night at Arthur Bixby's Union Church Road home off Highway 72 in Abbeville County.

Steven Bixby is wanted in New Hampshire on probation violations stemming from two traffic convictions. Grafton County, New Hampshire, Sheriff's Captain Paul Leavitt says Bixby was convicted in 1992 of driving with a revoked license and drunken driving.

Two years later an arrest warrant was issued after Bixby did not contact the state to open a probation case and for not paying his fine. The court renewed the warrant in October, based on the probation violations.

Steven Bixby mentioned New Hampshire's "Live Free or Die" motto as justification for the stand-off earlier this week. He told reporters he'd rather die if he can't be free from police intrusion. Bixby says he was defending his parents' home.

Bixby told reporters in the courtroom that he is a true American, "I love this country. I just can't stand the bastards in it." He says he shot Deputy Danny Wilson because the officer forced his way into his home, "Why did I do it? We didn't do it. They started it, and, if we can't be any freer than that in this country, I would just as soon die. ... A sheriff kicking the door in just cause he had it slammed in his face? He didn't have a warrant."

Bixby continued his defiance over the episode even when questioned about the high price, "Never a regret that my dad had to get shot. I don't know how he's doing. Like I said, he's 74-years-old. We have a right to defend our property." Arthur Bixby was in critical condition Tuesday.

Authorities say Wilson was only visiting the home because transportation workers complained the Bixbys threatened them last week when they began work on widening the road in front of the Bixby home. The state says it purchased the right of way to the Bixby's land from the previous owner more than 40 years ago.

Steven's mother and Arthur's wife, Rita Bixby, was also arraigned Tuesday on a charge of accessory before the fact of murder, conspiracy and failure to report a crime. Rita Bixby told the judge

she was not guilty and hung her head when he told her she could face life in prison if convicted.

Stewart says officers found anti-American literature, suicide notes and other items inside the house and the apartment.

posted 10:32am by Chris Rees with AP

<http://www.wistv.com/Global/story.asp?S=1556983&nav=0RaMJae1>

(Abbeville County) Dec. 9, 2003 - "We lost two fine officers in this tragedy." One of Abbeville County Sheriff Charles Goodwin's deputies was killed Monday, along with a state magistrate's officer, after a 13-hour standoff at a Union Church Road home off Highway 72 in Abbeville County.

Investigators believe the family of Arthur Bixby family were angry with the state and federal government about a road widening project. Sheriff Goodwin says it appears Bixby and his family had planned for a fight, "We feel that it was planned. ... It was a dispute over the right of way over some land as ... Highway 72 is being widened in Abbeville, and there was a dispute over the land issues."

Sheriff Goodwin says Arthur Bixby and his son, Steven Bixby, are charged with two counts of murder and one county of conspiracy. In court for an arraignment Tuesday, Steven Bixby said he was acting in self defense.

Bixby told reporters in the courtroom that he is a true American, "I love this country. I just can't stand the bastards in it." He says he shot Deputy Danny Wilson because the officer forced his way into his home, "Why did I do it? We didn't do it. They started it and if we can't be any freer than that in this country I would just as soon die...A sheriff kicking the door in just cause he had it slammed in his face? He didn't have a warrant."

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His mother, Rita, also was arraigned on a charge of accessory before the fact of murder, conspiracy and failure to report a crime. Rita Bixby told the judge she was not guilty and hung her head when he told her she could face life in prison if convicted.

Officers say the incident began around 9:00am when Deputy Wilson came to Arthur Bixby's home. Abbeville Sheriff Charles Goodwin says Wilson went to the small white house along state Highway 72, just west of downtown Abbeville, but didn't return to his office. Constable Donnie M. Ouzts, 63, and another officer then went to the house and almost immediately put out an officer-down call. Ouzts was reportedly then shot. The other officer escaped without injury.

The Highway Patrol retrieved the fatally wounded Ouzts some time later. The Associated Press reports Ouzts was shot with a high powered rifle outside the Bixby home. Ouzts' son, Chris Ouzts, says his father was a family man and always visited his wife each morning at her work. They were married for 40 years.

Officers stormed the home around 9:00pm and Steven Bixby surrendered. Police, who at one point thought Wilson was being held hostage, found his body during the raid. Wilson's girlfriend Verteema Chiles held hope until the end, "He has an outgoing personality. He smiles constantly. He's always smiling. You never see him without smiling."

Goodwin says the men who were killed would have wanted the law upheld, "Danny and Donnie would encourage us to keep our heads up and our hands to plow to do the best we can to enforce the laws of the State of South Carolina"

Arthur Bixby was taken into custody after he was shot in a gunfight around 11:00pm. During the standoff, Arthur Bixby's wife went to an Abbeville apartment with another son and threatened to open fire on bystanders if either man was harmed. No bystanders were injured. She was also later arrested.

Stewart says officers found anti-American literature, suicide notes and other items inside the house and the apartment.

Neighbor Gene Land says Steven Bixby was angry because the state planned to take some of his land to widen the highway. Land lives about a half-mile away and says Bixby had been living in the house with his mother and father for at least 10 years. Land says some days Bixby was a good guy, some days he was moody.

One unnamed neighbor says he doesn't understand the anger, "I hate to see something like that happen, especially over what is supposed to be just land. Just a little bit of land the state was going to take for the road move."

Updated 6:16pm by Chris Rees with AP

Few would deny NAFTA's I-69 on 3-C if built will damage the property values and disrupt the lives of thousands of Hoosiers along its route. Some can't sell and others are just now buying and building their homes unaware. Developers are sharking the valuable proposed exits.

COUNT US! has recently requested that the Monroe County Indiana's Metropolitan Planning Organization provide unbiased notifications and meaningful maps with clearly marked "potential road closings" to all property owners within 2500 feet of proposed routing of I-69. We have also requested that all Realtors be formally provided this information. Our request was voted down as the MPO voted to add the I-69 project to the region's long-term plan, in the name of "government planning".

We believe stealth and an under informed, misguided public are important tools used by public officials working toward eminent domain acquisition. Public access to INDOT study material is

routinely denied and when granted, is blacked out as if a national security issue. Such short cuts damage the public trust of government.

With the proposed \$3 to \$4 billion (pdf) in Indiana transportation tax dollars for a state wide I-69 already flowing out, can INDOT afford a negotiation/ intervention team trained in psychology? Homeowners deserve some help accepting the unacceptable.

If the project is sound, can it stand up to true advanced notification? Can every effected home within 2500 feet of 3C have a GIS generated map with accurate likelihood of access closings and restrictions?

It is easier to accept loss in a fair debate rather than feeling tricked and without the needed power and influence.

S5.12 Construction impacts:

During construction, the damage to the area of the Patoka River will do unnecessary and unrepairable damage to a fragile and irreplaceable resource. As the EPA said 14 times in their DEIS comments. Use US41 and I-70, it fulfills your purpose and need with many times less environmental consequences and at a much lower cost.

S5.20 Farms

Farmland

Page 304 of V. IV comments and responses, I asked if the farmland that would be used to mitigate other lands would it's self be mitigated, since to take one piece of farm land for another would not be mitigation. Perhaps empty buildings and parking lots along existing interstates could be removed, the materials recycled and the land returned to productive farmland. Topsoil scraped from the project, should be preserved and shipped by rail back to Kansas, from where it came, if we don't have farming uses for this soil.

In my earlier comments I referred to the problem of farming point rows and the problem of a SW to NE direction Interstate dividing farms into triangles that would produce less crops per acre based on rows of unequal length that multiple row mechanized farming can not adapt too. The FEIS recognizes this comment as valid and suggests that this will be addressed in Tier 2. The best way to address this flaw is to build a highway with a more south to north and east to west grid to match the N/S- E/W land development of our state. Alternative 1 or no build with a future look toward an improved grid transportation system of super two type roads would create far better solutions.

The FEIS justifies the loss of farmland based on a trend that farmland is lost every year and the projected farmland loss is only slightly higher than what would be expected. Any increase in the loss of farmland is bad. Farmland should be protected to a higher level than most of the things that we do already protect.

In comments to the DEIS, the USDA suggests that INDOT mitigate farm loss by purchasing farmland in the state and reselling this with easements that will assure only farm usage in the future. This act of mitigation would add temporary costs to the project until land was resold, but would provide some degree of mitigation at little or no long-term cost. Why has not this been mentioned in the FEIS?

The Federal Highway Administration replied to a request from INDOT when INDOT asked for suggestions on how to mitigate the division of farmlands. FHWA solution to this problem was similar to the solution suggested by USDA. FHWA suggested that INDOT purchase entire farms that would be divided if the owner of the farm would prefer to be bought out rather than divided. Then INDOT would make these partial lands on each side of the interstate available for sale. FHWA hoped that this would allow for the putting together of farms on one side and the other of the Interstate that would be more economically viable than divided farms. To the extent that farms would be divided in triangles rather than rectangles, would effect the return on investment to the State for this plan, but this would be a more equitable solution to the farmers. Those who would sell would be paid what their land was worth before it was triangulated and those who would buy would purchase at a reduced value rate based on the lands diminished value, a much more equitable solution.

The USDA has recommended that farms be purchased elsewhere in the state by INDOT and then sold with Agricultural use only requirements. Has INDOT agreed to this mitigation of farmland loss? Have you recalculated land loss based on point rows and fence setbacks? The Solution to the point row problem is an either, No Build to protect this valuable Indiana Economic engine of food production or building a north south and east west highway. This again would be US 41 and I-70, Alternative one.

The FEIS recognized

S.8 Regulatory Actions Associated with this Project

S.9 Summary of Major Findings

S.10 Next Step for Tier 1. Return to karst study, study effects of increased traffic to I 465 and existing I-69.

S.11 Glossary of Key Terms

1.1 Previous Studies The MPO for the existing I-69 in Marion County has said that traffic congestion is so bad that only commuter rail can address this issue, asphalt can not address the problem. See also Air quality.

Elected County Surveyor, Kevin Enright, from Monroe County Indiana has learned of several fundamental errors in the Congressional study that lead to the passage of the Corridor 18 National Priority bill.

1. The no build option compared a little related Interstate that served a Canadian Boarder crossing in Minnesota, despite the fact that two interstate systems exist that serve Laredo to Port Huron. (See the attached document showing details of the three routes:
 - a. Existing: Mexico, I-35, I-30, I-55, I-70, I-465, I-69 to Canada. Total Mileage: 1706 miles (86 miles shorter)
 - b. Existing: Mexico, I-35, I-30, I-40, I-65, I-465, I-69 to Canada. Total Mileage: 1690 miles (100 miles shorter)
 - c. Proposed Mexico I-69 to Canada. Total Mileage: 1790 miles (86 and 100 miles longer than two existing Interstates already serving the “NAFTA” international trading partners).

2. The cost of Corridor 18 that was presented to Congress when national priority status was granted was \$10 Billion dollars for the entire National I-69 completed. Now that 20% has of the distance has been estimated, the proposed total cost (\$10 Billion) has been reached. When 100% of the national I-69 is studied, one can estimate that corridor 18 will cost \$40 Billion, \$30 billion over budget should other studies continue the trends set by Indiana, Texas and Louisiana.

3. Given that the money to build in any state comes from the return of federal gas tax collected in each state and their state gasoline taxes, It seems unlikely that the right to chose "no build" has already been lost to other states. If this would be the case, then those who would call this project no longer a priority would need to have Congress to reverse the approval of I-69 as a priority. "No Build" is still an option for every state, including Indiana.

In the paper that Follows, I will divide my comments into chapters based on the protections afforded under NEPA as presented in "The Environmental Handbook"

Volume 1 The Natural Environment

- Air Quality

Air quality is another strong reason for the return of "No Build" as the best conclusion to this study. "No Build" does not mean that there are not any valid transportation issues, but the building of an Interstate from Evansville to Indianapolis directly flies in the face of federally mandated air quality compliance violations of these two cities and regions. Air quality and transportation needs might both be met with cleaner forms of transportation or even the information highway. The proposed Interstate highway is in direct conflict of needed improvements. 9 counties surrounding and including Marion are out of compliance this year. Evansville has long been faced with polluted air by the nature of their low valley and high sulfur coal burning power plants.

Indianapolis has the most Interstate highways connections of any city in the United States. If I-69 should be completed in the USA, it

should avoid these cities rather than further regionalize traffic to these cities. A better quality of life and cleaner air can be achieved with an improved development of a state transportation grid system that will allow for more local rather than regional economic development, or development of relatively pollution free transportation as promoted in the TEA acts. Fewer car trips, shorter car trips, and increased mass transit are solutions not promoted with the build options for I-69. Violation of air quality standards, because hoped for increases in economic prosperity might offset the costs of air quality non-compliance fines is not a valid option in a developed nation.

* Coastal Barrier Resources – does not apply

* Coastal Zone Management– Indiana’s intermodal transportation plan must recognize the Port of Indiana on Lake Michigan. I-69 would not be our best investment in this resource.

Endangered Species–

There are numerous endangered species as well as suspected at least one new species. 3C poses threats to more endangered species than alternative 1 or “no build”. There is a new species of crayfish in the karst regions of Monroe County that will be proved when this study has needed genetic studies completed to disprove this claim. There is a woman researcher in Ohio who is the only source of enough genetic data on crawfish to disprove this claim.

Added to the other serious flaws of the 3C alternative the potential loss of irreplaceable species is unacceptable. 3C should be discarded.

Farmland

In my earlier comments I referred to the problem of farming point rows and the problem of a SW to NE direction Interstate dividing farms into triangles that would produce less crops per acre based on rows of unequal length that multiple row mechanized farming can not adapt too. The FEIS recognizes this comment as valid and suggests that this will be addressed in Tier 2. The best way to address this flaw is to build a highway with a more south to north and east to west grid to match the N/S– E/W land development of our state. Alternative 1 or no build with a future

look toward an improved grid transportation system of super two type roads would create far better solutions.

The FEIS justifies the loss of farmland based on a trend that farmland is lost every year and the projected farmland loss is only slightly higher than what would be expected. Any increase in the loss of farmland is bad. Farmland should be protected to a higher level than most of the things that we do already protect.

I could not find the comments from USDA to the I-69 FEIS. I have attached a copy that I was sent as a FOIA request. The USDA suggests that INDOT mitigate farm loss by purchasing farmland in the state and reselling this with easements that will assure only farm usage in the future. This act of mitigation would add temporary costs to the project until land was resold, but would provide some degree of mitigation at little or no long-term cost. Why has not this been mentioned in the FEIS?

Too the Federal Highway Administration replied to a request from INDOT when INDOT asked for suggestions on how to mitigate the division of farmlands. FHWA solution to this problem was similar to the solution suggested by USDA. FHWA suggested that INDOT purchase entire farms that would be divided if the owner of the farm would prefer to be bought out rather than divided. Then INDOT would make these partial lands on each side of the interstate available for sale. FHWA hoped that this would allow for the putting together of farms on one side and the other of the Interstate that would be more economically viable than divided farms. To the extent that farms would be divided in triangles rather than rectangles, would effect the return on investment to the State for this plan, but this would be a more equitable solution to the farmers. Those who would sell would be paid what their land was worth before it was triangulated and those who would buy would purchase at a reduced value rate based on the lands diminished value, a much more equitable solution.

- * Floodplains
- * Hazardous Waste & Brownfields
- * Noise
- * Roadside Vegetation
- * Safe Drinking Water Act
- * Section 404 Permits
- * Water Quality & the Clean Water Act

- * Watershed Management
- * Wetlands
- * Wild & Scenic Rivers
- * Wilderness Areas/ Section 6(f) Properties
- * Wildlife, Habitat & Ecosystems

Volume 2

The Built and Social Environment

- Aesthetics

The two most beautiful areas in the I-69 Corridor are the Patoka River Crossing at the Pike/ Gibson County line and the area of Greene County between Scotland and Hobbieville. The Aesthetic includes aural and visual tranquility that are incompatible with an interstate highway. These areas have high value as protected park, historic, and nature preservation areas in our countries future. The protections offered these areas need be further studied and understood as accumulative rather than as one or another. If I-69 would be build, it should be on US41/ I 70 the site of existing 4 lanes and the saved \$800 million directed to preservation of these areas if the funds are actually available.

The private forestlands are being lost to US 37 development near Bloomington. We are told that I-69 will move-in to allow the doubling of lanes past Bloomington. Substandard interstates with concrete barriers are ugly. Bloomington will loose the aesthetic entrance quality that has been proposed and nurtured by the city.

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Bicycle & Pedestrian Issues

Please note the FEIS shows bicycles and pedestrians are given among the least consideration of all the protections afforded by NEPA. The two pages have a total file size of .99KB. The concerns expressed by cyclists so far have merited not even the required statements of Avoidance or Measures to minimize harm. In Chapter 7 "Mitigation and Commitments", the word bicycle appears only one time:

"3. Road Closures – Efforts will be made to minimize the disruption of local cross roads and pedestrian and bicycle facilities, and minimize impacts to school bus routes." (Section 7.3.2, Page 7–9)

This study is inadequate and incomplete. Serious effort to study this area of NEPA protection was not made and must be addressed in Tier 1. Even sources listed for the two–page report were not read as witnessed by the missing of Wapahani Mountain Bike Park as mentioned in comments to 4f deficiencies.

3–C would severely impact this region of the country has been nationally recognize in a major Bicycle publication as “one of America’s ten best bicycle rides”. (Bicycling Magazine)

I–69, 3–C would cross the Route of The Hilly Hundred, an event that draws 5000+ tourists to the region on one weekend every year and untold numbers throughout the year.

Breaking–Away and our states status as leader in the nation in Medal winning Olympic cyclists makes the protection of existing and future corridors for cycling of enhanced importance. The tourism importance of cycling to Bloomington as evidenced by the slogan, “Break away to Bloomington” used by the tourism bureau is evidence that the Tier 1 for this NEPA protection has not even started in the Two pages presented in the FEIS.

PARKS

Regarding our current bike routes and wished for future routes,

Preservation of Transportation Corridors:

<http://environment.fhwa.dot.gov/guidebook/vol2/doc5a.pdf>

Regarding the omission and protection of Wapahani Mountain Bike Park:

<http://environment.fhwa.dot.gov/guidebook/vol2/doc15g.pdf>

A word of warning, I have tried to provide the links that will help protect and preserve what is and what can be for bicycling in the context of the I-69 study. If you start looking around in the Environmental handbook, it can get confusing, because bicycles are looked at both positively and negatively. That is, you will find areas where bicycle infrastructure that exists or corridors that might in the future be important to our activity are protected by the law. In other places proposed bicycle infrastructure is looked at in the same way as I-69 is studied. For example a proposed bicycle trail in a park or on the lands of a nationally protected historic district could have negative effects on that lands purpose. Don't assume that because it is in the environmental handbook, bicycles are automatically good. Our pavement can be seen as something that other protected areas need protection from.

The weather is not conducive to riding outdoors this weekend. I hope you will comment to the FEIS in a way that might make our future rides even more enjoyable.

Thank you,

John Smith
Bikesmiths
and
COUNT US!

BTW. I am not sure if I have addressed this e-mail correctly to get it on the BBC list serve. If I have not, I hope someone will forward this to the full membership and anyone you think will help us protect cycling interests. Thanks!

Footnote:

* In the past six weeks I have been told by Michael Grovak that local governments still can only access the background data (shape files) for the GIS if formal "Indiana Open Door" requests are correctly sent

to the INDOT legal department. The official of Monroe County Government who has made this request told Monroe County Commissioner Joyce Poling that he had considered doing this, but was reluctant, for fear of appearing confrontational to INDOT officials.

City and County park officials could have easily identified omission of parks if they had been asked.

**I am unable to find mention of the road closures in the FEIS, but in the appendix to the DEIS, it was shown that 60% off all roads crossed by I-69 would be closed. Yes that is closed, not grade separation crossings or interchanges. The maps for the DEIS only showed about 10% or less closed, but many roads were shown as "potential grade separations". The closures would come from those roads.

* U.S. Coast Guard Coordination

• Community Impacts

As a solution to the reduced viability of farmland on two sides of the proposed Interstate, FHWA suggested to INDOT that they should purchase entire farms from farmers who would voluntarily sell. Then the divided sections could be resold to farms on one side or the other. Similarly homeowners whose homes would not be purchased normally, but devalued by close proximity to the new Interstate, should be offered the option of selling to the state. The state would more fairly mitigate this loss in value by purchasing at the fair market value before the curse of an interstate was introduced to the market and by then selling at the new market value based on the built interstate value. Homeowners in close proximity will loose equity value to even a greater percentage of their total worth than farms. A program of voluntary sell off of any property in the 2000 foot corridor or wider which would then be made available to the market in general would assure that property owners most likely to be severely hurt economically by the State project would be treated fairly. In response to my question regarding equity losses to properties not purchased, but left next to the built I-69, The FEIS acknowledged that homes near the interstate would be devalued and claimed that the enrichment of others mitigated this problem. This is no mitigation for the effected homeowners, by offering to purchase any home in the corridor >>>>>>>>

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- Corridor Preservation

Corridor Preservation is not just for cars, and it is not just for routes that currently exist, but it is to be used as recognition of routes that will be or might be developed in the future. The comments of “Bicyclists in Bloomington” as they are referred to in the FEIS and by INDOT J. Brian Nicol in his letter to the Indianapolis Star deserve the protections afforded by NEPA Corridor preservation.

- * Cumulative & Secondary Impacts
- * Environmental Documentation
- * Freedom of Information Act Requests
- * General Environmental Requirements
- * Historical & Archeological Preservation
- * Interagency Coordination
- * Project Development
- * Public Involvement
- * Scenic Byways
-
- Section 4(f)

The two most beautiful areas in the I-69 Corridor are the Patoka River Crossing at the Pike/ Gibson County line and the area of Greene County between Scotland and Hobbieville. The Aesthetic includes aural and visual tranquility that are incompatible with an interstate highway. These areas have high value as protected park, historic, and nature preservation areas in our countries future. The protections offered these areas need be further studied and understood as accumulative rather than as one or another. This land as future 4f potential is undeniable. The specifics of 103 protections should be investigated with the up most care. If I-69 would be build, it should be on US41/ I 70 the site of existing 4 lanes and the saved \$800 million directed to preservation of these areas if the funds are actually available.

The bridges and connecting section of road that have gained favorable comment for a Historic preservation district would be severely negatively impacted aurally and visually by I-69. This regions view-scape is incompatible to I-69. Please not in the historic preservation statement from the consultant the statement regarding the road connecting the two bridges. They mention that this area is so unique and pristine as to have been thought a private road rather than a public road of historic importance until we

brought this to the attention of the historic community. Their comment is indicative of the “magic” that I mentioned in my original comments to the DEIS. From that place one can immediately feel the importance of this region.

We have been less able to find the time to establish this areas protection worthiness that we would have liked, but we still believe that left unchanged by I-69, this area will become one of the most important preserved areas in Indiana and the nation.

We believe that a 2002 offer to purchase by US Fish and Wildlife of land owned by Bill Hughes is very important. Bill McCoy of USF&WL has said that there are up to 300 willing sellers to the Patoka F&WL Refuge. Bill McCoy did tell me that he made it clear to his bosses that the Hughes property was in the I-69 alignment. In 2002 US Fish and Wildlife chose the Hughes land as one of three “offers to purchase” with the small budget for land expansion. This land is exactly to the west of the road connecting our two historic bridges crossing the Patoka River and Houdgins ditch. The process of US F&WL producing a purchase offer takes 6 to 8 months. Had Bill Hughes not entered the hospital on the day that the “offer to purchase” was delivered to his home and had he not died the next day, this would have become undisputed 4f NEPA protected Nature Refuge and Management land. Because this land is in the buy area of Patoka F&WL and it has been shown to be of upper most importance to F&WL by virtue of the produced and presented purchase offer. We believe that this area should be granted the protections afforded this land if it were already assimilated into the Refuge’s holdings.

I-69 is less than 1/4 mile from the largest bird migration of in the areas history ever photographed. The Ropp Bottoms is the location of the picture that hangs in the office of the Oakland City USFWL office. Bill McCoy has noted that the privately owned Ropp Farm is the best tool for managed bird Migration. “It is illegal today and was perhaps illegal when it was built, “ said Bill McCoy. You could not build this today, but it is grandfathered. “If F&WL were to manage it, we would do so almost exactly as it is done now by the Plug brothers who farm it.” The Ropp Levee is a large farm of perhaps 30 or 40 acres. The levee is wide enough for car travel on top and rises 15 to 20 feet above river level. The importance of levees to bird migration in the region is witnessed by the many

entries regarding the importance of USF&WL building levees in the DEIS that established the Patoka FWLR. The EIS for the Patoka Wildlife is considered to be a document of the FEIS for the Evansville to Indianapolis I-69 study by Bill McCoy as manager of the Patoka USFWLR. He has said that he believes all of the information in that document clearly demonstrates the importance of this land to the Patoka USFWLR. The Patoka River national Wetland Project FEIS July 1994 should be included as part of the FEIS for I-69 according to Bill McCoy and we would agree.

We would particularly include attention to pages:

Forested wetlands page 112 -114

Bird Migration

Bill McCoy referred to the best migratory bird area as "The Ropp Bottoms".

There are lots more "bird migration" references in the index, but I found this one important page 187 "birds would be expected" ..."Patoka River valley at traditional activity sites (Oatsville and Wheeling Bottoms, Snake Point). This is in the general direction of "Ropp Bottoms" though further west. See these points on the K14A maps

From the index "dikes": Ropp's dike is huge, grandfathered and a tremendous resource!

The desirability of the Ropp dike might be best supported by the discussions of the USF&WL Refuge to build dikes (Moist Soil Units) on pages 199 & 265, 268, a-iv, a-vii, a6, a19 and more on the index pages.

8.34 Page 512 Balance wildlife populations. Could I-69 disrupt the balance of migratory birds? I would reference the pages for Migratory birds,

I-69 MORE

Here is the biggest section regarding I-69 in the Patoka EIS

pages 253 & 254. The Ropp Farm grandfathered levee is illegal and cannot be replaced, yet a very important aspect of bird migration.

Hydrograph

See page 560, Hydrograph: it is at the point that I-69 would cross. See page appendix A-13. The build of I-69 here would damage data collection from this site that has a historical Hydrographic value. <http://www.crh.noaa.gov/cgi-bin/ahps.cgi?pah&pnti3&printable>

Hughes farm Purchase Offer

Might not a freedom of information request of those conversations provide insight into their willingness to make offer to purchase?

see appendix K-16 and map on K-14a Bill Hughes land is listed as 109, Hughes also owned 79a and 79b. (I think 79b would maybe be crossed by I-69 3C too.

Please include some words regarding their "Willing Seller policy" and documentation of more willing sellers than funds, page 504 and Eminent Domain page 505. These would be noted as Chapter 8.5 and 8.8 in the FEIS, I think. I think this might be useful when showing that with something like 300 willing sellers and only \$150,000 in budget, F&WL made one of 3 purchase offers to Bill Hughes. This land was not just the pink land, but I think too.

4.5.6 page 257 Land Acquisition Procedures

I like this one quite a bit...8.80 page 527: Effect of willing seller policy on acquisition time frame.

I-69 is causing a major hit on the refuge here.

Also property related 8.35 Pre-Acquisition contaminant survey, 8.36 Impacts on family farms/ traditional way of life and 8.39 ability to "start over" on page 513, 8.47 page 516

See 8.23 Need for the Project page 509.
8.59 Objectives of the Project page 519.

Regarding the 4f (Parks) protection of bicycling in Monroe County. It only recognizes one bicycle facility (links follow):

The Bloomington Rail Trail.

- * The FEIS mitigation recommendations:
- * Avoidance: Alternatives not applicable. All of the alternatives avoid this resource.
- * Measures to minimize harm: Harm not applicable. All of the Alternatives avoid.

This means that according to federal law INDOT recognized no special needs for 4f bicycle protection regarding the I-69 project in Monroe County.

City of Bloomington, Wapahani Mountain Bike Park should be a recognize NEPA protected 4f park. The I-69 Study FEIS and DEIS have totally missed this park, which shares a fence line for one of its boundaries with the existing US37. I 69 will double the width of US37 at Bloomington. Wal-Mart will add considerable pressure toward this park. NEPA protections should preserve or replace this park

The FEIS has totally over looked the 4f eligible City of Bloomington Wapahani Mountain Bike Park. This park cannot survive being reduced in size. It's most important features are the rugged, forested terrain in a beautiful lake setting a short bike ride from the center of Bloomington on relatively calm roads and in the proximity of planed future bicycle trails.

The width of the trail on the west side Wapahai between Wapahani Lake and the fence is the matter of 6 or 8 feet in one spot. Any reduction in size of this park would render it greatly reduced as a functional Mountain Bike Park. The lake is a beautiful feature to this park. It is the only mountain bike specific park anywhere near.

- * Title VI & Environmental Justice
- * Transportation Enhancements
- * Transportation & Community & System Preservation Pilot Program