



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

June 14, 2022

REPLY TO THE ATTENTION OF:
Mail Code RM-19J

VIA ELECTRONIC MAIL ONLY (michelle.allen@dot.gov)

Michelle Allen
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Re: EPA Comments – Tier 1 Draft Environmental Impact Statement for the Mid-States Corridor;
Daviss, Dubois, Greene, Lawrence, Martin, Orange, Pike, and Spencer Counties, Indiana: CEQ
#20220052

Dear Ms. Allen:

The U.S. Environmental Protection Agency has reviewed the Tier 1 Draft Environmental Impact Statement (DEIS) for the proposed Mid-States Corridor in southern Indiana. The Mid-States Corridor project is an undertaking administered by the Indiana Department of Transportation (INDOT) on behalf of the Federal Highway Administration (FHWA). This Tier 1 Study is funded by the Mid-States Corridor Regional Development Authority and does not have federal funding. However, future project stages are anticipated to include federal funds and permits. This letter provides our comments on the Tier 1 DEIS, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The Mid-States Corridor is intended to improve the transportation linkage of US 231 between State Road (SR) 66 and I-69 in Southern Indiana. The study area for the project encompasses 12 counties: Spencer, Dubois, Perry, Warrick, Pike, Daviess, Crawford, Orange, Martin, Lawrence, Greene, and Monroe counties. These were selected as the project study area because they may experience noteworthy changes in traffic patterns due to the project. The Tier 1 DEIS Build Alternatives propose to establish a continuous corridor through the entire project area, identify how they will connect to I-69, and propose what their Sections of Independent Utility (SIUs) would be for future analysis in the Tier 2 NEPA analyses.

The proposed Build Alternatives were separated into three distinct sections to further evaluate potential conceptual alternatives; these includes Sections 1-3 starting from the southern termini and progressing north. Section 1, the section of US 231 which was upgraded to a four-lane expressway in 2011, begins at SR 66 (the project's southern terminus) and continues north to I-64. Section 2 is in Dubois County, beginning at the existing US 231/I-64 interchange near Dale and ending in northern Dubois County near the Dubois/Martin County line. Section 3 occupies the area between Section 2 and a connection point with I-69. Although there are three distinct sections, new corridors were only developed for Sections 2 and 3. Any recommendations for build alternatives in Section 1 would be limited to spot improvements for access management. A single corridor representing the existing alignment of US 231 was used for

Section 1. While Section 1 will ultimately include evaluation for transportation improvements, they will be localized projects determined as part of the Tier 2 NEPA analysis.

After corridors in each section were established, combinations of corridors between the three sections were created to form alternatives that would provide a single route between the termini. Each corridor was composed of a two-mile wide study band for evaluation of resources and placement of a reasonable roadway alignment. Routes from Sections 1, 2 and 3 were combined to specify 18 routes as potential preliminary alternatives. The 18 potential preliminary alternatives were designated as Alternatives A through R.

After pre-screening and evaluation for fatal flaws, the alternatives carried forward for detailed analysis in the DEIS were Corridors B, C, M, O, and P. Each proposed corridor also includes localized improvements to existing roadways associated with each specific corridor. The western Loogootee bypass option of Corridor P was identified in the Tier 1 DEIS as the Preferred Alternative for the Mid-States Corridor. The Tier 1 Preferred Alternative P is a corridor that generally is 2,000 feet wide. Final alignments are anticipated to be 200 to 500 feet wide. These will not be determined until Tier 2 studies. Preferred Alternative P includes five SIUs and nine localized improvement projects, all also with independent utility.

EPA's comments and recommendations on the DEIS are enclosed with this letter. We recommend that the Final EIS address these comments and our recommendations, which generally relate to water resources, mitigation, and environmental justice.

We appreciate the opportunity to review and provide comments on this DEIS and are available to discuss our comments with you in further detail if requested. We look forward to continued discussions with FHWA, the Indiana Department of Transportation, and the other natural resource agencies to address EPA's detailed comments in the Tier 1 Final EIS. If you have any questions about this letter, please contact the lead NEPA Reviewer, Liz Pelloso, PWS, at 312-886-7425 or via email at pelloso.elizabeth@epa.gov.

Sincerely,

Kenneth A. Westlake
Deputy Director, Office of Multimedia Programs
Office of the Regional Administrator

cc (via email):

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EPA Detailed Comments
Tier 1 Draft Environmental Impact Statement for the Mid-States Corridor
June 14, 2022

ENVIRONMENTAL IMPACTS – WATER RESOURCES

- EPA recommends the Tier 1 FEIS commit to crossing all streams/rivers in as perpendicular a manner to active flow as possible.
- EPA recommends that both new and replacement stream crossings be designed to allow fish and other aquatic organism passage and to ensure continuity of the aquatic habitat (by not restricting or altering water depth, flow, or velocity). Span crossings (bridges, 3-sided box culverts, open-bottom culverts, or arches) are preferred from both an environmental and fisheries standpoint as they preserve the natural stream channel and maintain favorable habitat, natural processes, and aquatic organism passage under and/or through the structure. If a non-open bottom crossing is pursued, (such as a four-sided box culvert or a pipe), they should be embedded into the bottom of channel.
- The DEIS did not discuss stormwater management. The Tier 1 FEIS should discuss stormwater management expectations and commitments as the project develops. Natural wetlands and existing streams should not be used for storm water detention or pollution prevention devices. All stormwater best management practices and detention areas should be built and located outside of natural wetlands and streams.
- The DEIS utilized impaired streams spatial data from the 2018 list of Clean Water Act Section 303(d) impaired water bodies. The FEIS and future Tier 2 analyses should utilize the most up-to-date impaired water bodies listings.
- Appendix R (Section 303(d) Impacts) failed to discuss how proposed stream crossings could or would affect existing impairments of 303(d) listed waters. The FEIS should address this.

MITIGATION

EPA is aware that avoidance and minimization of potential impacts will be determined in Tier 2 analyses and that the 2000-foot project planning corridor will allow for additional avoidance and minimization of impacts as a final alignment is selected and designed in Tier 2.

Recommendations:

- EPA recommends that mitigation commitments be added to the Tier 1 FEIS, including (but not limited to) potential mitigation locations, timeframes, follow-up maintenance/adaptive management requirements, and mitigation goals.
- The FEIS should discuss if and when a Preferred Alternative Mitigation Package for unavoidable impacts to wetlands and other regulated water resources will be developed.
- The FEIS should clarify information on any existing or planned mitigation sites that may be impacted by the corridor of the Preferred Alternative. The DEIS was unclear whether or not previously approved U.S. Army Corps of Engineers (USACE) Section 404 mitigation sites are in the vicinity of, or will be impacted by, Corridor P.
- Information on cumulative wetland impacts, such as to previous Section 404 mitigation sites in the corridor footprint of the Preferred Alternative, should also be provided in the FEIS.

- Mitigation strategies for wildlife impacts are most successful if included from the earliest stages of planning a new roadway. Many techniques can reduce wildlife mortality. Wildlife crossings should be discussed in the FEIS and planned for as the project progresses. Designing stream crossings to incorporate wildlife passage features would be beneficial wherever feasible. Also consider wildlife crossings in additional locations.

ENVIRONMENTAL JUSTICE

Appendix AA includes information from a March 12, 2020, coordination meeting held by the project team with the Orange and Lawrence County Area Amish Community. The meeting minutes state, *“After the meeting we were made aware that English is the third language learned by this community (German, Pennsylvania Dutch (a German Dialect) and then English). Some of [sic] younger members understood what was being discussed, but perhaps some of the items presented were not fully understood. Per the above, an additional future meeting was offered to clear up any questions that might still be out there.”* Appendix DD (Social Impacts) provides additional information on concerns the Amish communities have raised with the project and Corridor P.

The project’s Environmental Justice Outreach Plan states, *“Project team members utilizing resources and input from local officials, churches and social service organizations will arrange for up to ten (10) meetings proximate to areas with identified potential environmental justice communities. Although not specifically identified communities, special efforts will be made to engage members of the Amish communities within the project study area as well.”*

Recommendations:

- The FEIS should describe how members of the Amish communities were provided a meaningful voice in the project’s development. The FEIS should document how the project team has ensured full and fair public participation.
- Based on the ethnic and socio-economic characteristics of each community along the corridor, ongoing opportunities exist to implement strategies that incorporate environmental justice efforts. As the Preferred Alternative will impact Amish communities, the FEIS should include additional information on how the project team will provide meaningful outreach to the Amish, including how outreach efforts will be developed and implemented in a manner that considers Limited English Proficiency (LEP) populations.
- The FEIS document should document how there is an equitable distribution of benefits from the transportation investment to all affected communities.
- The FEIS should include additional information on how, as the project progresses towards major decision-making milestones, the agencies will provide meaningful coordination with community groups to maximize the distribution of outreach efforts.