



TABLE OF CONTENTS

CHAPTER 1 – BACKGROUND1-1

1.1 Introduction1-1

1.2 Tier 1 NEPA Study1-2

 1.2.1 Tier 1 DEIS.....1-6

 1.2.2 Tier 1 FEIS1-8

 1.2.3 Tier 1 ROD1-11

 1.2.4 Tier 1 Reevaluation1-12

 1.2.5 Tier 1 Legal Challenges1-13

1.3 Tier 2 NEPA Studies1-13

 1.3.1 Section 6 Notice of Intent to Prepare EIS1-14

 1.3.2 Section 6 Alternatives Screening Process1-14

1.4 Project Location and Description1-16

 1.4.1 Geographic Setting1-16

 1.4.2 Physiographic Setting1-17

LIST OF TABLES

Table 1-1: Overall Methodologies for Tier 1 and Tier 2 Studies1-4

Table 1-2: Environmental Analysis for Tier 1 and Tier 2.....1-5

LIST OF FIGURES

Figure 1-1: I-69 Tier 1 Alternatives and Study Area1-7

Figure 1-2: Preferred Alternative 3C and Tier 2 Sections1-9

Figure 1-3: Section 6 Corridor Identified in Tier 11-10

Figure 1-4: Section 6 Alternatives Screening Study Area.....1-15

Figure 1-5: Section 6 Topographic Features1-18



CHAPTER 1 – BACKGROUND

Since the publication of the Draft Environmental Impact Statement (DEIS), introductory text has been added at the beginning of this chapter to describe the organizational structure of the Final Environmental Impact Statement (FEIS). The contents and formats of FEIS **Volumes I, II, and III** are described.

This Tier 2 FEIS has been prepared by the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) for Section 6 of the proposed I-69 Evansville to Indianapolis project. The termini of I-69 Section 6 are SR 39 at the south end of Martinsville and I-465 in Indianapolis.

This I-69 Section 6 FEIS consists of three volumes, as described below.

- Volume I, Report. This volume includes a summary and 13 chapters. It is the narrative report of the FEIS. Volume I is provided in print and/or electronic media.
- Volume II, Appendices. This volume includes 37 appendix documents that provide greater detail and support for information provided in Volume I. Volume II is provided electronically on media accompanying Volume I.
- Volume III, Comments and Responses. This volume includes two sections. Section 1 includes all comments, with INDOT responses, received on the DEIS. Section 2 includes all comments, with INDOT responses, on the Refined Preferred Alternative. Volume III is provided electronically on media accompanying Volume I.

1.1 Introduction

This environmental impact statement (EIS) and other environmental documents for this project have been prepared pursuant to the National Environmental Policy Act (NEPA) and the NEPA implementing regulations issued by the Council on Environmental Quality (CEQ) (40 CFR Parts 1500-1508) and by FHWA (23 CFR Part 771).

The CEQ and FHWA regulations allow NEPA studies for large, complex projects to be carried out in a two-stage, tiered process. In the first stage (Tier 1), an overall study area or general route is identified. In the second stage (Tier 2), project level environmental studies are conducted to identify a preferred alignment and configuration of the facility. This EIS is one of six Tier 2 studies for the corridor defined in the I-69 Evansville to Indianapolis Tier 1 environmental study.

The Intermodal Surface Transportation Efficiency Act (ISTEA) passed by Congress in 1991 designated “Corridor 18 from Indianapolis, Indiana, to Memphis, Tennessee, via Evansville, Indiana” as a high-priority corridor. This corridor was extended in the National Highway System Designation Act of 1995 and the Transportation Equity Act for the 21st Century (TEA-21) in 1998 to link the Canadian border at Port Huron, Michigan, to the Mexican border in the Lower Rio Grande Valley. TEA-21 designated Corridor 18 as “Interstate Route I-69.”



As stated by FHWA in *Announcement of I-69 Status* of the December 8, 2000 *Federal Register*, “the national I-69 corridor has been divided into 26 Sections of Independent Utility (SIUs). Each SIU is considered an independent project for purposes of NEPA review.” (65 FR 77064, December 8, 2000). The Evansville to Indianapolis section of I-69 was designated as SIU #3 of the national I-69 corridor.

The *Announcement of I-69 Status* stated that the NEPA document for each SIU will consider “state and local needs... as well as the national legislative and administrative objectives for the movement of goods across the country.” The announcement also stated that FHWA intended to “partner with the state departments of transportation to facilitate the examination of alternatives and impacts within the proposed corridor, and to ensure consistency in addressing the national transportation objectives relative to transcontinental trade put forth by Congress.”

Proposals to complete an interstate highway from Evansville to Indianapolis have been considered, in various forms, since the earliest planning stages for the Interstate system. There also have been proposals to provide a major highway to connect Evansville to other points in Indiana. The most recent proposal prior to this tiered I-69 study was for a “Southwest Indiana Highway” to link Evansville with Bloomington. A DEIS for that project was released in March 1996, but the process was never completed. For a full description of the previous studies, see the Tier 1 FEIS, Volume I, Section 1.1, *Previous Studies*.

1.2 Tier 1 NEPA Study

The Tier 1 environmental study process for I-69 from Evansville to Indianapolis was completed in 2004. The study began in January 2000 with the publication of a Notice of Intent (NOI) to prepare an EIS. The Tier 1 DEIS was issued in July 2002, followed by the Tier 1 FEIS in December 2003. The Tier 1 study concluded with a Record of Decision (ROD) issued by FHWA on March 24, 2004.

The Tier 1 ROD selected “Alternative 3C” as the I-69 corridor between Evansville and Indianapolis. The ROD divided the corridor into six sections, with a separate Tier 2 EIS required for each section. This Tier 2 EIS is prepared for Section 6 of the overall I-69 project.

The decision to undertake a tiered environmental process was driven by the size and complexity of the I-69 project. The Evansville to Indianapolis section of I-69 is geographically large and is characterized by several complex issues, as described below:

- The Tier 1 study area includes 26 counties—over one quarter of the State of Indiana. Within this study area, there are major cities, midsize cities, small towns, and rural communities.
- The project serves numerous goals across a broad geographic area. The diversity of this project’s goals is reflected in the large number of performance measures used in Tier 1. As shown in the Tier 1 FEIS, Volume 1, Chapter 3, *Alternatives*, the Tier 1 alternatives



vary in the degree to which they meet the project’s purpose and need because of this diversity of goals.

- The Tier 1 alternatives all share common termini (Evansville and Indianapolis), but they are spread across a broad geographic area. Between these termini, the Tier 1 alternatives serve different combinations of communities, including Vincennes, Petersburg, Washington, Bloomington, Terre Haute, Bedford, Spencer, Martinsville, and others.
- Because this project is part of a national transportation corridor designated by Congress as I-69, all Tier 1 EIS alternatives are fully access controlled facilities developed to interstate highway standards.

The Tier 1 EIS and Tier 1 ROD were structured to resolve the following issues: (1) whether to complete I-69 in Southwestern Indiana, (2) which corridor I-69 should use, and (3) how the Tier 2 study process should be conducted.

The determination by FHWA and INDOT that a corridor, rather than a specific alignment, would be selected in the Tier 1 process grew out of consultations with resource agencies that began before the commencement of the Tier 1 study. On May 18, 1999, INDOT and FHWA held a meeting with resource agencies—including U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), Indiana Department of Environmental Management (IDEM), and Indiana Department of Natural Resources (IDNR)—to discuss whether the Evansville to Indianapolis study should be a conventional or tiered EIS.

Consultations continued among FHWA, INDOT and resource agencies to identify the level of detail required to differentiate among alternatives and select a corridor during the Tier 1 study. These consultations included two general meetings with resource agencies (on February 3, 2000, and June 5, 2001). In addition, many one-on-one meetings with individual agencies were held throughout the study. These are documented in detail in the Tier 1 FEIS Chapter 11.4, *Agency Review and Coordination*, and Tier 1 FEIS Appendix Y, *Agency Coordination Materials*.

Based on these consultations, appropriate overall methodologies and level of detail for analysis of specific resources were determined for the Tier 1 and Tier 2 studies. **Table 1-1** compares the methodologies used in Tier 1 with those used in the Tier 2 studies. **Table 1-2** compares the level of analysis for impacts to resources in Tier 1 with the level of analysis of Tier 2 studies.

The Tier 1 study began with a NOI in the January 5, 2000 *Federal Register* announcing preparation of a Tier 1 EIS for “the proposed extension of I-69 from Indianapolis to Evansville in Southwest Indiana (Corridor 18)” (65 FR 551, January 5, 2000). The NOI identified the termini as I-64 north of Evansville and I-465 in Indianapolis. It stated that “[t]he Tier 1 document will involve extensive environmental studies, as well as transportation studies, economic impact studies, and cost analysis. This document will provide the basis for FHWA to grant approval for a specific corridor.” The NOI also announced the official withdrawal of the March 1996 Evansville to Bloomington “Southwest Indiana Highway” DEIS.



Table 1-1: Overall Methodologies for Tier 1 and Tier 2 Studies

Environmental Resource	Tier 1 Activities	Tier 2 Activities
Public Outreach	Obtain input across wide geographic area (26 counties). Address entire Evansville to Indianapolis corridor.	Focus on those impacted in and near selected corridor. Separate outreach activities for each section. Use community advisory committees and stakeholder working groups in Tier 2 sections. Closer coordination with MPOs and local units of government.
Resource Agency Coordination	Coordination at key decision points. Based upon GIS-level impacts, some of which are field verified.	Continued coordination. Use more detailed impact data, based upon specific alignments. Data are field verified.
Purpose and Need	Consider national, state, and regional needs. Based on comprehensive needs analysis in 26-county study area.	Focus on local needs specific to individual sections. Local needs pertain to one or more Tier 1 goals.
Alternatives Development	Consider a broad range of corridors over large geographic area.	Consider alternative alignments within selected corridor. Alternatives include access details, grade separations, and interchange locations and types.
Cost Development	Costs given in Year 2000 dollars. Costs based upon typical sections and terrain type.	Costs updated to 2010 dollars for Sections 1 through 4, 2015 dollars for Section 5, and year of construction 2021 dollars for Section 6. Costs based on preliminary design of highway, local service roads, bridges, interchanges, and mitigation.
Mitigation	Agency coordination for mitigation began after INDOT recommended a preferred alternative (January 2003). Impacts based upon GIS analysis. In some cases, GIS analysis field verified.	Agency coordination for mitigation began at commencement of Tier 2 studies (March 2004). Mitigation based upon detailed impact information that is field verified.
NEPA Decision	Select Preferred Corridor (approximately 2,000 feet wide).	Select actual location of I-69 (footprint).



Table 1-2: Environmental Analysis for Tier 1 and Tier 2

Environmental Resource	Tier 1 Activities	Tier 2 Activities
Wetlands	Identify wetlands using NWI maps.	Identify wetlands through field surveys. Delineate wetlands for preferred alternative using USACE procedures.
Historic/ Archaeology	Conduct research using interim reports with limited survey and records check with GIS analysis, and site visits.	Make final determination of eligibility and boundaries through additional field work and research. Resolve any adverse effects.
Threatened & Endangered Species	Identify species in study area for all alternatives. Prepare Biological Assessment (BA) and obtain Biological Opinion (BO) for preferred alternative.	Conduct additional field studies pursuant to BO for Tier 1. Prepare BA for each Tier 2 section. Obtain BO for each Tier 2 section.
Farmland	Identify farmland, including prime farmland.	Map and delineate farmland, including prime farmland. Complete NRCS forms.
Land Use	Use GIS layers to identify land uses. Field verify land use shown on aerials. Review local land use plans for consistency.	Use GIS layers to identify land uses. Field verify land use shown on aerials. Review local land use plans for consistency. Consult with local officials responsible for land use planning.
Water Quality and Floodplains	Use GIS layers to identify water bodies, floodplains, and water quality.	Conduct field survey to evaluate biodiversity and water quality, as appropriate.
Air Quality	Conduct comparative analysis of alternative air quality impacts. Demonstrate conformity with applicable air quality plans.	Conduct microscale (“hot spot”) analysis as appropriate. Update conformity analysis and/or findings, as appropriate.
Economic Impacts	Identify impacts within region using REMI model.	Assess impacts on local basis. Consult with local officials and business leaders.
Social Impacts	Use aerial photography and field surveys to estimate relocations. Identify other social impacts.	Conduct community impact assessments. Refine relocation impacts.
Cumulative Impacts	Determine existing land use trends and forecast future trends for key resources. Identify other major projects.	Consult local officials and determine local development trends. Identify key resources separately for each Tier 2 section.
Noise	Estimate noise impact contour lines. Identify potential noise mitigation areas.	Use noise model to identify noise-impacted receivers. Identify likely noise barrier locations.
Visual	Evaluate view of and from the roadway. Identify key scenic areas.	Refine assessment of visual impacts by field surveys. Develop context sensitive designs.
Karst	Identify areas with high density of sensitive karst features using best available mapping.	Conduct field surveys to locate karst features. Conduct dye tracings and other actions required under INDOT Karst MOU.
Construction	Describe potential construction impacts.	Analyze site-specific impacts.



1.2.1 Tier 1 DEIS

The Tier 1 DEIS identified five basic alternatives for detailed analysis. Four of these alternatives included two or three potential options to connect with Indianapolis at their northern end. Including these options, there were a total of 12 distinct alternatives considered in the Tier 1 DEIS. **Figure 1-1** shows the location of these alternatives in the 26-county study area.

Alternatives 3A, 5A, and 5B were among the better performers in terms of project goals, but they were not selected as preferred alternatives due to environmental impacts and availability of other alternatives with similar or better performance. Alternative 3A would traverse the Beanblossom Bottoms Nature Preserve. Alternatives 5A and 5B would bisect the Tincher Special Area of the Hoosier National Forest. Alternatives 5A and 5B would also pass over Blue Springs Cavern.

Many interest groups favored Alternative 1 because of its low impact on the natural environment, but it had the worst performance of any alternative with respect to meeting project purpose and need. Alternative 1 scored low on all project goals, including the three core goals. It would also have the most business relocations (estimated at 70 to 131) and would potentially impact more hazardous materials sites (17 to 30) than any alternative except Alternative 2C.

Alternatives 1, 2A, 2B, and 4A were not identified as preferred alternatives since they performed poorly in meeting the project purpose and need. These alternatives were rated low or medium compared to the other alternatives on most of the project goals, including the core goals.

Five alternatives (2C, 3B, 3C, 4B, and 4C) were shown as preferred alternatives in the Tier 1 DEIS. These alternatives were generally higher performers and were not considered to be fatally flawed from an environmental perspective. These alternatives scored relatively high on most of the project goals, including the core goals.

The Tier 1 DEIS was published on July 31, 2002. Formal public hearings were held August 19 to August 21 in Terre Haute, Bloomington, and Evansville. Approximately 1,400 people attended these hearings, and the comment period on the DEIS extended through November 7, 2002. Over 21,000 comments were received on the DEIS during this comment period.

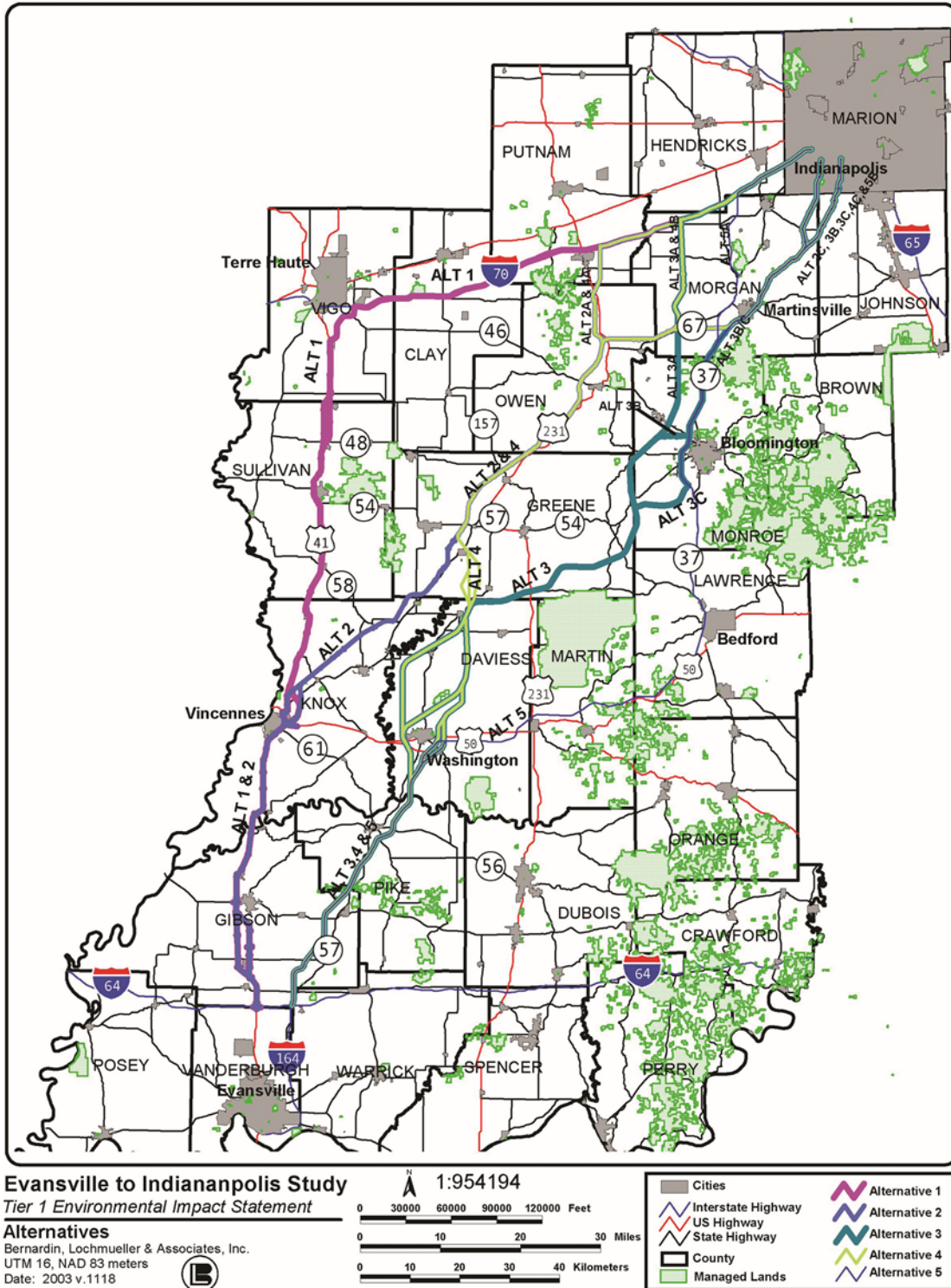
After a careful consideration of all comments received, INDOT recommended Alternative 3C as the preferred alternative. This recommendation was accepted by then Governor Frank O'Bannon in January 2003 and work proceeded on the Tier 1 FEIS.



I-69 EVANSVILLE TO INDIANAPOLIS TIER 2 STUDIES

Section 6—Final Environmental Impact Statement

Figure 1-1: I-69 Tier 1 Alternatives and Study Area





1.2.2 Tier 1 FEIS

Section 6.4.2 of the Tier 1 FEIS details the selection of Alternative 3C as the single preferred alternative. The reasons for selecting Alternative 3C are summarized below:

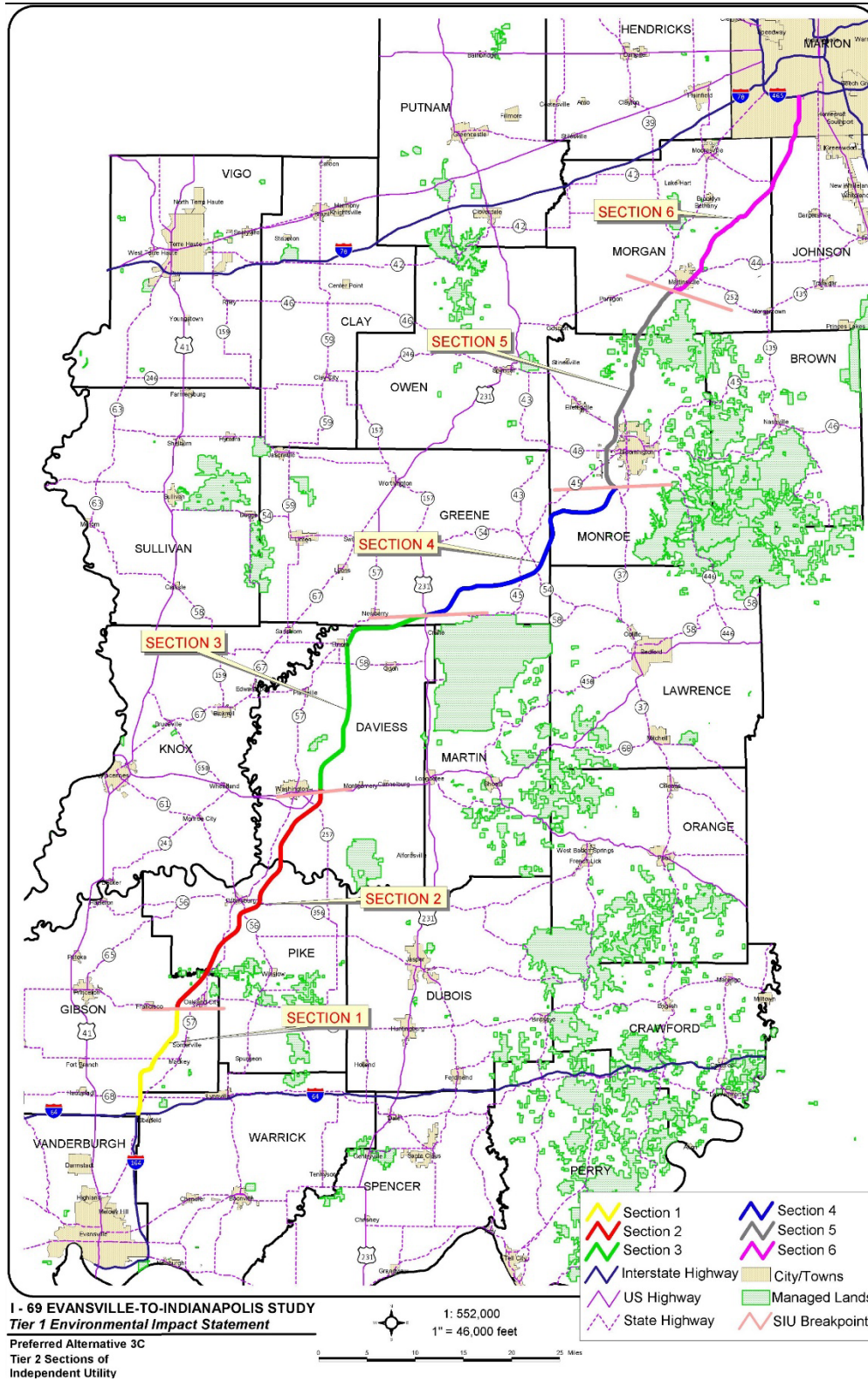
- **Alternative 3B** was eliminated based on major environmental impacts, particularly on the Garrison Chapel Valley, a high-quality karst ecosystem. In its comment letter on the DEIS, USFWS stated that the Alternative 3B was “environmentally unacceptable.” Other resource agencies provided similar comments.
- **Alternative 4C** was eliminated based on high environmental impacts, especially on wetlands, floodplains, stream crossings, and farmland. Alternative 4C generally performed well on project goals, including two core goals, but other alternatives offered equal or better performance without the same impact levels.
- **Alternative 4B** was eliminated due to lower performance than other Tier 1 preferred alternatives, without lower environmental impacts. Key impacts included 90 acres of wetlands, 5,160 acres of farmland (second-highest of any alternative), and a higher potential to encourage sprawl in western Morgan County than other Tier 1 alternatives.
- **Alternative 2C** was eliminated due to lack of performance benefit and greater impacts, particularly for water quality. It was the second-lowest performer of the Tier 1 alternatives, with only a 21-minute travel time savings from Evansville to Indianapolis (6 to 9 minutes less than the other alternatives). Alternative 2C also had high wetland and floodplain impacts.
- **Alternative 3C** was selected as the preferred alternative in the Tier 1 FEIS. It performed well on all three core goals, and performed highest on all three economic development goals. It had the lowest wetland impacts, the third-lowest number of floodplain acres crossed and the lowest farmland impacts. INDOT and FHWA determined that Alternative 3C best satisfied the project purpose and need while having an acceptable level of impact.

The Tier 1 FEIS specified that the preferred corridor would be divided into six sections for Tier 2 NEPA studies, as shown on **Figure 1-2**. The Tier 2 sections are designated as follows:¹

- Section 1 begins on I-164 at the Blue Bell Road-Warrenton Road overpass immediately south of the present-day junction of I-164, State Road (SR) 57, and I-64. It continues to approximately one-half mile north of SR 64 west of Oakland City. It is approximately 13 miles long.

¹ The project lengths for Sections 1 – 5 are those shown in the Tier 2 FEIS for each section. The project length for Section 6 is as shown in Table 6-31 of the Tier 1 FEIS. Lengths are rounded to the nearest mile. In some cases, these differ slightly from the lengths of Tier 2 Sections shown in Tables 6-26 through 6-30 of the Tier 1 FEIS.

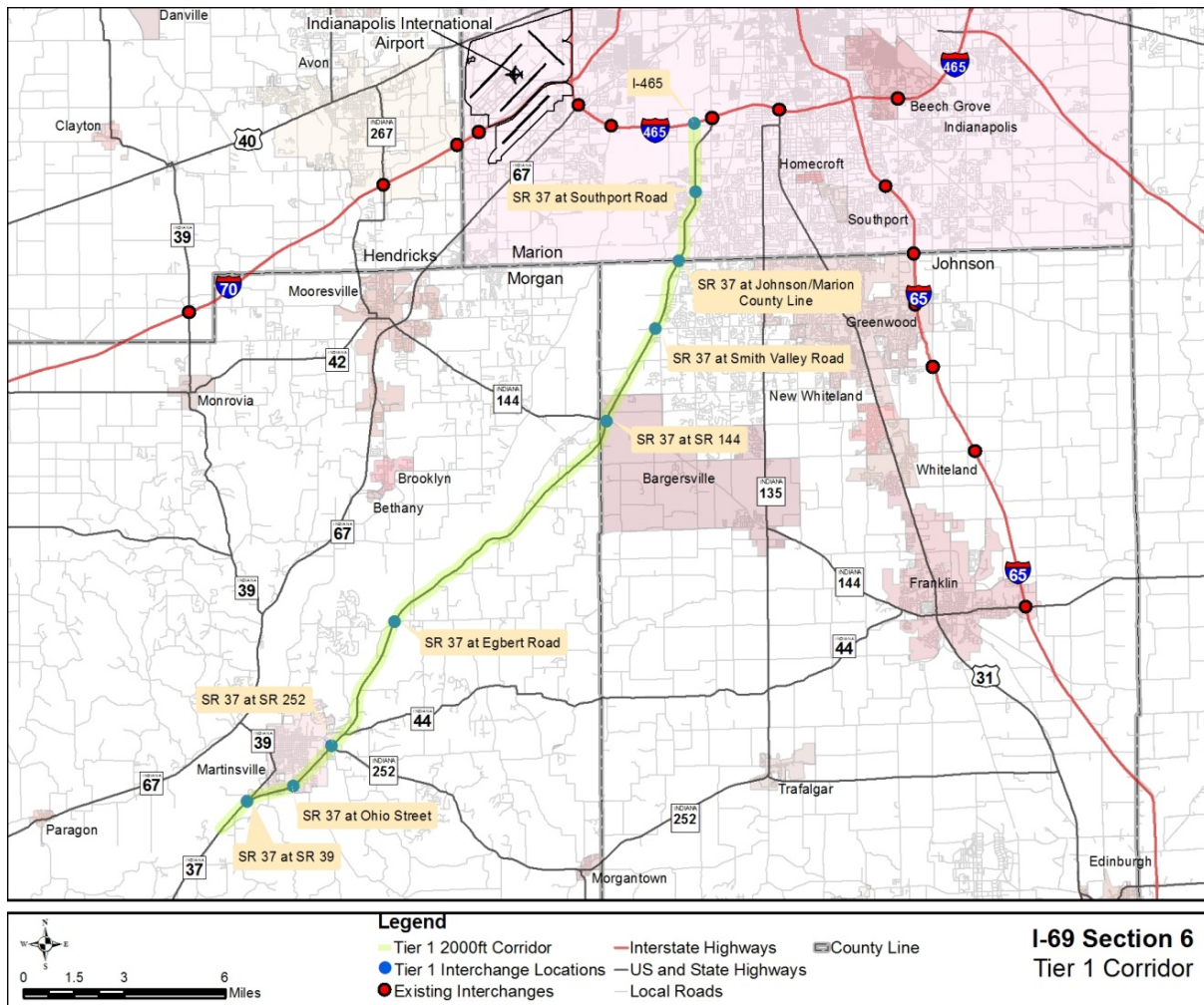
Figure 1-2: Preferred Alternative 3C and Tier 2 Sections





- Section 2 begins approximately one-half mile north of SR 64 near Oakland City and continues to US 50 east of Washington. It is approximately 29 miles long.
- Section 3 begins at US 50 east of Washington and continues to US 231 near Scotland. It is approximately 26 miles long.
- Section 4 begins at US 231 near Scotland and continues to SR 37 south of Bloomington. It is approximately 27 miles long.
- Section 5 begins on SR 37 south of Bloomington and follows existing SR 37 to SR 39 near Martinsville. It is approximately 21 miles long.
- Section 6 begins on SR 37 at SR 39 near Martinsville and follows existing SR 37 to I-465 in Indianapolis. It is approximately 26 miles long (see **Figure 1-3**).

Figure 1-3: Section 6 Corridor Identified in Tier 1





The Tier 1 FEIS was published December 5, 2003. Although no comment period is required for an FEIS under FHWA regulations, FHWA and INDOT established a 47-day period for submittal of comments on the Tier 1 FEIS, ending February 2, 2004. Comments received following the end of the comment period, but prior to the issuance of the ROD, were also considered.

1.2.3 Tier 1 ROD

FHWA issued the Tier 1 ROD on March 24, 2004, approving Alternative 3C as the selected alternative for I-69 between Evansville and Indianapolis. FHWA also approved the designation of six sections for Tier 2 studies, which enabled the initiation of Tier 2 NEPA activities.

The key decisions in the Tier 1 ROD are as follows:

- FHWA approved the selection of a build alternative for I-69 between Evansville and Indianapolis.
- FHWA approved the location of the selected corridor as depicted in Tier 1 FEIS, Volume III, *Environmental Atlas*.
- FHWA noted that decisions regarding the number and location of interchanges and grade separations would be made in Tier 2 studies and were not being made in the Tier 1 ROD.
- FHWA approved the use of federal funds for property acquisition for the project to the extent that such acquisitions meet the conditions for a hardship or protective acquisition.
- FHWA approved the selection of the SR 37 variation² of the selected corridor near Indianapolis and eliminated the variation along Mann Road shown in the Tier 1 DEIS.
- FHWA stated that though Alternative 3C corridor was selected, "... the flexibility will exist to consider alternatives outside the selected corridor to avoid significant impacts within the selected corridor. The issue of whether to consider alternatives outside the selected corridor will be determined in consultation with resource agencies in Tier 2."

The Tier 1 ROD documented that appropriate coordination with all appropriate federal and state agencies regarding regulatory requirements occurred. These requirements included:

- **Section 106 Consultation (National Historic Preservation Act).** On January 30, 2004, FHWA submitted to the Advisory Council on Historic Preservation (ACHP) all information required by 36 CFR §800.11(f). The Tier 1 FEIS also included (Appendix P) an executed Memorandum of Agreement that identified mitigation measures and other actions to be further examined in Tier 2 Section 106 consultations.
- **Air Quality Conformity Findings (Clean Air Act).** At the time of the ROD, Marion and Vanderburgh were the only counties in the Tier 1 study area subject to air quality

² With the SR 37 variation, the last mile of I-69 (just south of I-465) would be realigned outside the SR 37 alignment to link with a new I-465 interchange approximately one mile west of the existing SR 37/I-465 interchange.



conformity requirements. The Metropolitan Planning Organizations (MPOs) in both regions completed air quality modeling for the selected alternative and made conformity findings that were approved by FHWA and the Federal Transit Administration (FTA) in January 2004.

- **Section 404 (Clean Water Act).** Based on analyses provided in the Tier 1 FEIS, FHWA and INDOT concluded that Alternative 3C would qualify as the Least Environmentally Damaging Practicable Alternative (LEDPA) per Clean Water Act (CWA) Section 404(b)(1) guidelines. The ROD made it clear that USACE must make the actual LEDPA determination at the time a permit is issued. FHWA and INDOT committed to continued coordination with USACE and other agencies, and to apply for Section 404 permits with the USACE prior to construction.
- **Section 7 (Endangered Species Act).** In July 2003, FHWA and INDOT submitted a Biological Assessment (BA) to USFWS that examined the impacts of Alternative 3C on three species—the Indiana bat, bald eagle, and eastern fanshell mussel. Based on the BA, USFWS concurred that the project is not likely to adversely affect the eastern fanshell mussel. On December 3, 2004, USFWS issued a Biological Opinion (BO) stating that Alternative 3C is not likely to jeopardize the bald eagle or Indiana bat. The Tier 1 ROD stated that additional Section 7 consultation would be conducted during the Tier 2 studies. The BO was later amended to include the northern long-eared bat, consider bat white-nose syndrome, and specify the procedures for Section 7 consultation in Tier 2.
- **Section 4(f) (Department of Transportation Act).** Although there was an intent to avoid or minimize impacts, the corridors in the Tier 1 FEIS appeared to be substantially equal in their potential for harm to Section 4(f) resources. The Tier 1 ROD concluded that in these circumstances, Section 4(f) would not limit the choice of alternatives.

Approximately 500 comments on the Tier 1 FEIS were received and summarized in Section 7.2 of the Tier 1 ROD. The comments and their responses are maintained in FHWA files. FHWA prepared eight technical memoranda that addressed comments in detail.

1.2.4 Tier 1 Reevaluation

Federal transportation legislation enacted in August 2005 (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [SAFETEA-LU]) provided new flexibility to state transportation departments to commingle toll funding with traditional highway funding sources. With the potential to accelerate I-69 construction, FHWA issued a draft reevaluation of the Tier 1 FEIS for public and agency comment, and considered amending the Tier 1 ROD.

On November 9, 2006, Indiana Governor Mitch Daniels announced that the I-69 Evansville to Indianapolis project would be developed as a non-tolled interstate highway. In a letter to FHWA in November 2006, INDOT stated an intent to “proceed with the ongoing Tier 2 studies for I-69 in accordance with the original Tier 1 Record of Decision....” and asked that FHWA not finalize



the reevaluation. The letter stated that tolling was no longer being considered as an option. FHWA agreed that the Tier 2 studies could proceed as appropriate. See **Appendix C**.

1.2.5 Tier 1 Legal Challenges

On October 2, 2006, a lawsuit was filed in the United States District Court for the Southern District of Indiana, challenging the Tier 1 ROD and the Revised Biological Opinion (BO) for Tier 1 (submitted to FHWA on August 24, 2006). The plaintiffs alleged a variety of violations under the NEPA and other environmental laws. On December 10, 2007, the District Court issued a decision rejecting all the plaintiffs' claims (*Hoosier Environmental Council, et al. v. U.S. Department of Transportation, et al.*, S.D. Ind., Civ. No. 1:06-cv-1442, December 10, 2006). The plaintiffs did not file an appeal. Therefore, the District Court's decision was final.

On April 17, 2007, FHWA issued a Notice of Final Federal Agency Actions on Proposed Highway in Indiana, which established a 180-day period in which to seek judicial review of decisions made in Tier 1, including both the Tier 1 ROD and Revised BO for Tier 1 (72 FR 19228, April 17, 2007). Because the District Court's decision was final and the time for other judicial challenges to the Tier 1 decisions expired on October 14, 2007, no further legal challenges can be brought against the Tier 1 decisions.

1.3 Tier 2 NEPA Studies

With Tier 1 NEPA activities complete, INDOT and FHWA began the process of preparing Tier 2 EISs for the six sections identified in Tier 1. Generally, the work progressed from south to north to establish a more direct four-lane limited access route from Evansville to Indianapolis as early as possible. Sections 1 through 4 from Evansville to Bloomington, combined with SR 37 from Bloomington to Indianapolis, would be a major improvement over existing routes.

For each of the first five sections of I-69, a Tier 2 DEIS and FEIS were prepared, each with extensive agency review and public comment. Completion of the studies is indicated when a ROD is issued by FHWA. Listed below are the dates that FHWA issued a ROD and the date of opening (completion of construction) for each of the first five sections of I-69 between Evansville and Indianapolis:

- Section 1, Evansville to Oakland City
ROD issued by FHWA: December 2007
Construction complete: September 2009 (partial)³, November 2012 (remainder)
- Section 2, Oakland City to Washington
ROD issued by FHWA: April 2010
Construction complete: November 2012

³ The Final EIS and construction was accelerated on the southernmost two-mile section of I-69 from I-64 to SR 68.



- Section 3, Washington to Crane NSWC
ROD issued by FHWA: January 2010
Construction complete: November 2012
- Section 4, Crane NSWC to Bloomington
ROD issued by FHWA: September 2011
Construction complete: December 2015
- Section 5, Bloomington to Martinsville
ROD issued by FHWA: August 2013
Currently under construction

As shown above, Tier 2 NEPA studies are complete and a ROD has been issued for the first five sections of I-69. When the current study is complete and FHWA issues a ROD for Section 6, all NEPA studies for I-69 between Evansville and Indianapolis will be complete.

1.3.1 Section 6 Notice of Intent to Prepare EIS

The original NOI for I-69 Section 6 was issued on April 29, 2004. In 2006, efforts in I-69 Section 6 were minimized to include only critical management and public outreach activities while other sections were being completed. On October 15, 2014, FHWA published a revised NOI in the *Federal Register* to advise the public and resource agencies that Tier 2 studies in I-69 Section 6 were resuming.⁴ Due to the potential for increased impacts and/or changed conditions along SR 37, the NOI established a scoping process to determine whether to consider alternatives outside the selected Tier 1 corridor. The NOI also confirmed that an alternative using SR 37, within the Tier 1 approved corridor, would be included in the Tier 2 EIS for I-69 Section 6.

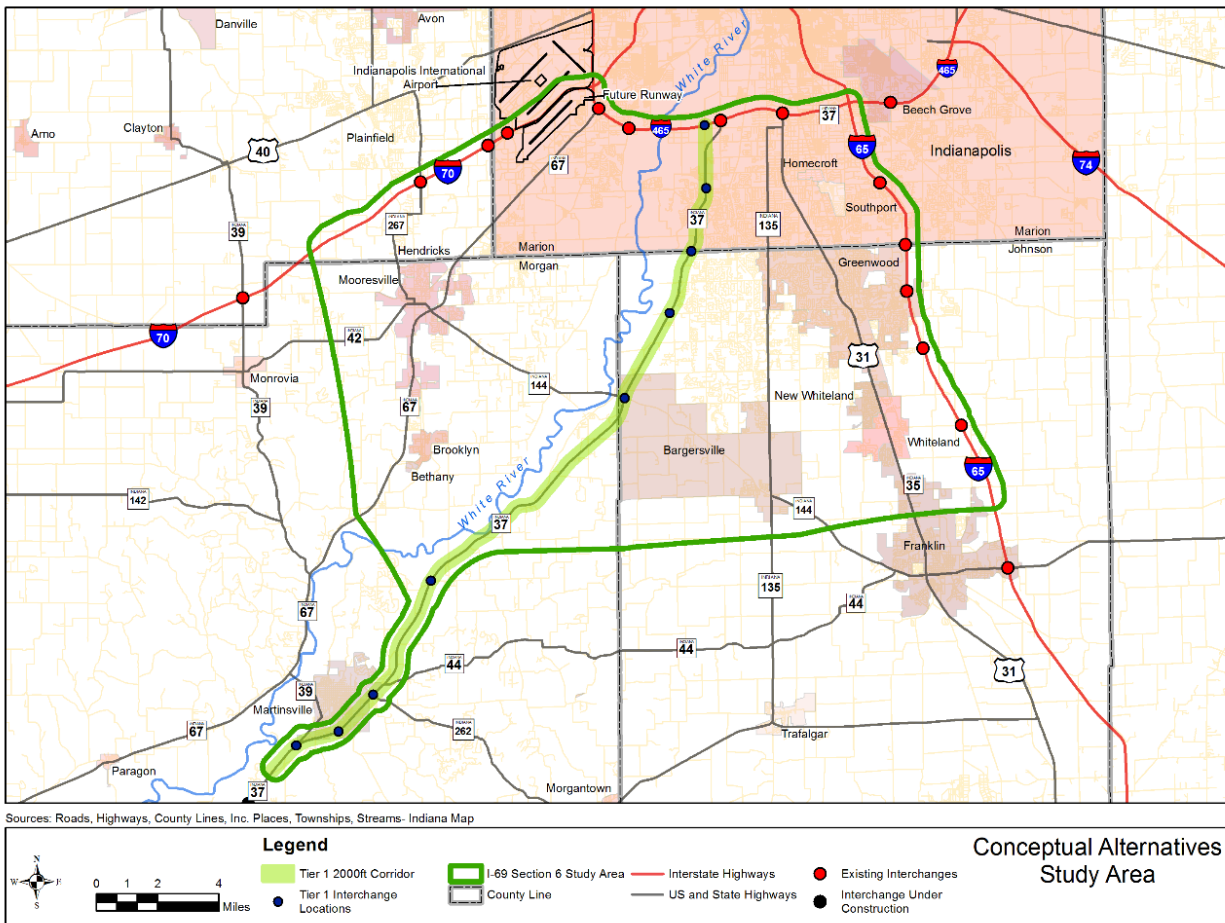
1.3.2 Section 6 Alternatives Screening Process

Based on public input and changed conditions in the corridor, alternatives located in part or entirely outside the SR 37 corridor were considered as conceptual or preliminary alternatives. Twenty-six conceptual alternatives that deviate from the SR 37 corridor, plus the SR 37 corridor selected in Tier 1, were considered in the conceptual screening process.⁵ **Figure 1-4** shows the expanded study area for I-69 Section 6 to encompass potential alternative alignments.

⁴ The Notice of Intent published in the Oct. 15, 2014, *Federal Register*, which announced the resumption of studies in Section 6 provides that alternatives already considered within the Tier 1 approved corridor (SR 37) will remain under consideration.

⁵ In 2005, Indiana state legislation was passed to limit INDOT's ability to construct I-69 in the SR 37 corridor through Perry Township of Marion County. This legislation allowed for a SR 37 route to be selected, but only with legislative approval. Alternatives outside of the SR 37 corridor had the potential to avoid construction in Perry Township. In July 2015, Indiana Governor Michael Pence signed legislation which removed the restriction regarding construction of I-69 in Perry Township.

Figure 1-4: Section 6 Alternatives Screening Study Area



Based on qualitative screening, the number of conceptual alternatives was reduced to 13 plus the SR 37 corridor (Alternative C). Five preliminary alternatives, including alternative C were eventually evaluated for performance measures, human and environmental impacts, and costs. As a result of the scoping process, FHWA and INDOT decided to eliminate all alternatives outside of the Tier 1 approved corridor.

The process and results of the alternatives screening process is described in detail in *Conceptual Alternatives Evaluation Report for Tier 2, Section 6 (Martinsville to Indianapolis) of the I-69 Evansville to Indianapolis Project*, dated May 18, 2015, *Preliminary Alternatives Selection Report for Tier 2, Section 6 (Martinsville to Indianapolis) of the I-69 Evansville to Indianapolis Project*, dated June 30, 2015, and *Preliminary Alternatives Screening Report for Tier 2, Section 6 (Martinsville to Indianapolis) of the I-69 Evansville to Indianapolis Project*, dated March 29, 2016. These reports are available for review at **Appendix CC**, **Appendix DD**, and **Appendix EE**, respectively. The screening process and results are also summarized in **Sections 3.1** through **3.4** of this EIS.



1.4 Project Location and Description

As approved in the Tier 1 ROD, I-69 Section 6 is approximately 26 miles long, from the end of I-69 Section 5 to I-465. The preferred alternative from Tier 1 (which is Alternative C in this EIS) would begin just south of the intersection of SR 37 and SR 39 on the south side of Martinsville, and continue northward to Edgewood Avenue in Indianapolis where it would leave SR 37 and head northwest for approximately 0.9 mile to a new I-465 interchange. Alternative alignments (see **Section 1.2.3**) outside the Tier 1 SR 37 corridor originated at the same place in Martinsville and utilized different routes to serve I-465 in Indianapolis.

Constructing I-69 Section 6 within the Tier 1 preferred alternative alignment would involve upgrading the existing four-lane, divided highway to interstate design standards. Access to I-69 would be fully controlled and limited to interchanges, requiring the elimination of intersections and driveways and the realignment of local service roads at selected locations. Alternative alignments involved similar treatment of SR 37 at the southern end, with construction of a facility with the same interstate highway standards on new alignment further north.

At the conceptual alternative stage, the study corridors for I-69 Section 6 were generally 2,000-foot wide (consistent with the scale of the Tier 1 analysis). All alternatives passed through Morgan and Marion counties. Depending on alignment, the conceptual alternatives also passed through Johnson and/or Hendricks counties. A more detailed description of the project location for the Tier 1 preferred alternative and alternative alignments is provided in **Chapter 3, Alternatives**.

1.4.1 Geographic Setting

The project area is comprised of moderate to dense urban, rural, and agricultural land use. Development through Martinsville is largely commercial with some residential use. Martinsville High School, IU Health of Morgan County, and the Morgan County Fairgrounds are adjacent to the study area on the west with commercial areas to the east and southwest.

Further north, the terrain is more rolling with forest interspersed with farmland and commercial and residential properties. Rectangular ponds of the IDNR Cikana Fish Hatchery and Ozark Fisheries, Inc. are located east of SR 37. The Martinsville Golf Club is to the west.

North of Martinsville, the geographic setting varies by alternative. For the Tier 1 preferred alternative on SR 37, the surrounding terrain flattens near Egbert Road and land use is largely agricultural as SR 37 parallels the White River floodplain to the west. Areas of rural residential developments are scattered along the corridor, especially near Waverly and Whiteland Road. Commercial development is concentrated along SR 144 at SR 37.

Residential development increases as SR 37 crosses into Johnson County and commercial development is prominent north of Southport Road. The route crosses commercial development



and sand/gravel quarry ponds as it leaves SR 37 and heads west to connect to I-465 with a new interchange.

The geographic setting of alternative alignments varies north of Martinsville depending on the route. Some alternatives follow SR 37 nearly all the way to I-465. Others cross the White River and pass through rolling terrain before following Mann Road to I-465, or passing close to or through Mooresville into Hendricks County to reach I-70. Others pass through portions of Johnson County to reach I-65. These routes are summarized in **Chapter 3, Alternatives**.

A complete description of the geographic setting for all alternatives considered is provided in the *Conceptual Alternatives Evaluation Report for Tier 2, Section 6 (Martinsville to Indianapolis) of the I-69 Evansville to Indianapolis Project*, dated May 18, 2015 (see **Appendix CC** of this document), the *Preliminary Alternatives Selection Report for Tier 2, Section 6 (Martinsville to Indianapolis) of the I-69 Evansville to Indianapolis Project*, dated June 30, 2015 (see **Appendix DD** of this document), and the *Preliminary Alternatives Screening Report for Tier 2, Section 6 (Martinsville to Indianapolis) of the I-69 Evansville to Indianapolis Project*, dated March 29, 2016 (see **Appendix EE** of this document).

1.4.2 Physiographic Setting

A topographic map of the project area is shown in **Figure 1-5**. The I-69 Section 6 project is in the Southern Hills and Lowlands Region and Central Till Plains Region (Gray, 2000). Within the Southern Hills and Lowlands Region, the study area is predominately within the Martinsville Hills (Gray, 2000). This area is more rugged than the adjacent till plains to the north and contains areas of sharp ridges and V-shaped valleys due to stream action over a long period of time. These areas can be noted along SR 37 south of Egbert Road.

North of Egbert Road, SR 37 leaves the hills and is associated with the low regions along the West Fork of the White River. From the Martinsville Hills Region, it enters the New Castle Till Plains and Drainage Ways Physiographic Region. This region is characterized by till plains of low relief crossed by many major tunnel-valleys. SR 37 crosses Stotts Creek along the edge of the floodplain for the West Fork of the White River. The New Castle Till Plains and Drainage Ways Region extends to the project terminus at I-465.



Figure 1-5: Section 6 Topographic Features

