

## CHAPTER 8 – PUBLIC INVOLVEMENT AND AGENCY COORDINATION

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### *Substantive changes to Chapter 8 since the publication of the DEIS*

- Sections 8.1.1 and 8.2.2 – Updated RCAC, IAC, Section 106, and stakeholder outreach
- Section 8.1.2 – Added description of the DEIS public hearing process, including summary of comments received and associated outreach, that occurred in January 2019
- Section 8.1.2 – Added description of the virtual public meeting, including summary of comments received and associated outreach, that occurred in April 2021 for the Single Preferred Alternative
- Section 8.1.3 – Added description of EJ outreach efforts for the publication of the DEIS and the identification of the Single Preferred Alternative public meeting
- Section 8.2.3 – Updated additional agency coordination that occurred after the DEIS
- Updated outreach facts and figures to reflect current status and/or values throughout the chapter

The public and agency involvement program was designed to inform road users, the public, area residents and businesses, and public agencies about the NEPA process and to solicit their feedback. This input was evaluated by the I-69 Ohio River Crossing (ORX) project team and influenced decisions pertaining to the location, alignment, and conceptual design of the I-69 ORX DEIS alternatives and the subsequent development and selection of Central Alternative 1B Modified as the Selected Alternative in this FEIS.

### **8.1 PUBLIC INVOLVEMENT**

The public involvement program consisted of advisory committees, public meetings and hearings, small group meetings, and other outreach and informational tools designed to provide an opportunity for stakeholders to participate in the development of the project. A copy of the Public Involvement Plan is provided in **Appendix C-1**. Comprehensive summaries of advisory committee meetings, public open houses, and other outreach activities are provided in **Appendices C-2 through C-8**.

### 8.1.1 ADVISORY COMMITTEES AND STAKEHOLDER OUTREACH

Three public advisory committees, described below, met periodically with the project team and provided valuable knowledge, guidance, and feedback. The River Cities Advisory Committee (RCAC) focused on regional issues, the Environmental Justice (EJ) Subcommittee—a subset of the RCAC—focused on potential disproportionately high and adverse effects to low-income and minority populations, and the Section 106 consulting parties focused on cultural resources.

#### RIVER CITIES ADVISORY COMMITTEE

The RCAC, consisting of 37 members from Henderson, Evansville, and surrounding counties, met seven times to provide input and facilitate discussions regarding the project's development. Meetings focused on the following topics:

- Public scoping process (April 13, 2017)
- Results of the *Screening Report* (July 19, 2017)
- Short list of corridors, future of US 41 bridges, and tolling (September 19, 2017)
- Results of the *Screening Report Supplement* and review of preliminary alternatives (January 31, 2018)
- Updated alternatives and visualizations (June 26, 2018)
- Updated preferred alternatives, including route and financial analysis, and DEIS public hearing/comment process (December 18, 2018; joint meeting with EJ Subcommittee)
- Development and identification of Central Alternative 1B Modified as the Single Preferred Alternative and virtual public meeting/comment process (virtual meeting on March 31, 2021; joint meeting with EJ Subcommittee)

Summaries of each meeting and a list of RCAC members are found in [Appendix C-5](#).

#### ENVIRONMENTAL JUSTICE SUBCOMMITTEE

The EJ Subcommittee, a subset of the RCAC, assisted the Project Team in identifying and addressing potential disproportionately high and adverse effects on minority and/or low-income populations and ensuring equitable distribution of the project's benefits and burdens. The 25-member subcommittee met separately from the RCAC five times and jointly with the RCAC twice, as noted above. EJ Subcommittee meeting topics were:

- Introduction to EJ (June 13, 2017)
- Results of the *Screening Report* (July 19, 2017)
- Short list of corridors, future of US 41 bridges and tolling (September 19, 2017)
- Results of the *Screening Report Supplement* and review of the preliminary alternatives (January 31, 2018)
- Public survey, Community Conversations, tolling mitigation, and updated alternatives (June 18, 2018)

Summaries of each meeting and a list of EJ Subcommittee members are found in [Appendix C-6](#).

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**SECTION 106 CONSULTING PARTIES**

Section 106 of the National Historic Preservation Act of 1966 (NHPA), described in **Chapter 4**, includes a public involvement component, which provides the public with information about the project and its effects on historic properties, seeking public input, and establishing a consultation process. Accordingly, the Federal Highway Administration (FHWA) invited consulting parties to participate in the Section 106 process for the I-69 ORX project. The consulting parties included representatives of historical societies and local governments, landowners, and individuals with a demonstrated interest in the project, whether because they have a legal or economic relation to the project or affected properties, or an interest in the project's potential effects on historic properties. The consulting parties met four times and played a key role in the following:

- Identifying historic properties that may be affected (May 16, 2017)
- Providing input regarding the potential effects of the project on historic resources (December 12, 2017)
- Assisting in the development of appropriate mitigation measures to resolve adverse effects (July 24, 2018)
- Assisting in the finalization of appropriate mitigation measures to resolve adverse effects of the Selected Alternative, prior to the finalization and execution of the Memorandum of Agreement (May 6, 2021)

Additional information about the consulting parties is available in **Chapter 4, Sections 4.5.1 and 4.5.2**.

**EVANSVILLE METROPOLITAN PLANNING ORGANIZATION**

The Evansville Metropolitan Planning Organization (EMPO) is responsible for coordinating regional planning in the Evansville-Henderson urbanized area, including Vanderburgh, Warrick, and Henderson counties and a small portion of eastern Posey County. It is also responsible for maintaining the region's travel demand model (TDM), demonstrating the region's conformity with National Ambient Air Quality Standards, and distributing federal funds to local public agencies.

The project team met regularly with the EMPO Director and Deputy Director, who also served on the project's RCAC, EJ Subcommittee, and Interagency Advisory Committee (IAC), to keep them informed of the project's progress and solicit input. The project team worked with EMPO to update the TDM, extending its forecast year from 2040 to 2045 and adding the ability of the model to consider project tolling scenarios. Project team members regularly attended EMPO's Policy and Technical Committee meetings to provide updates and asked committee members to review the DEIS.

**ELECTED OFFICIALS**

To ensure that elected officials stayed informed and had the opportunity to ask questions about the project, the project team held meetings for elected officials in Indiana and Kentucky prior to public open houses, the DEIS public hearings, and other project milestones. Elected officials

include mayors, state legislators, members of Congress, and county and city council members. Other individuals were included at the request of the elected officials.

### 8.1.2 PUBLIC MEETINGS

The project team hosted several public meetings at project milestones to keep the public informed and gather feedback.

#### PUBLIC OPEN HOUSES

Open houses in Evansville and Henderson were promoted via legal notices in local newspapers, agency ListServes, social media, fliers, media releases, websites, and other outreach tools outlined in [Section 8.1.4](#) of this chapter. Three rounds of public open houses were hosted prior to the publication of this DEIS. Each round consisted of two meetings, one in each state, for a total of six open houses. A round of public hearings, one in each state, was held after publication of the DEIS during the formal comment period. Additionally, a virtual public meeting was conducted prior to the publication of the FEIS and Record of Decision (ROD).



Project team member discusses the preliminary alternatives at the July 2017 open houses.

**Table 8.1-1** lists the public open houses, hearings, and virtual public meeting hosted for the I-69 ORX project, including date held, location, and number of attendees.

**Table 8.1-1. Public Open Houses**

MILESTONE	DATE	LOCATION	NO. OF ATTENDEES
Project purpose and need, preliminary corridors, and the NEPA process	April 18, 2017; April 20, 2017	Henderson Community College, Henderson, KY; Cedar Creek Elementary, Evansville, IN	207
Release of <i>Screening Report</i> and the short list of corridors	July 31, 2017; August 1, 2017	Crescent Room at Milestones, Evansville, IN; Henderson Community College, Henderson, KY	333
Publication of <i>Screening Report Supplement</i> , with additional details for the preliminary alternatives	February 6, 2018; February 7, 2018	Henderson Community College, Henderson, KY; Benjamin Bosse High School, Evansville, IN	273
Public hearing for the DEIS	January 7, 2019; January 8, 2019	Henderson Community College, Henderson, KY; Old National Events Plaza, Evansville, IN;	347
Identification of Central Alternative 1B Modified as the Single Preferred Alternative prior to the publication of the FEIS and ROD	April 1, 2021	Virtual public meeting	221

Each meeting was held in a public space that was accessible for people with disabilities and provided free parking. Meetings consisted of at least one formal presentation, and an open house before and after the presentation to provide attendees the opportunity to view the displays and converse one-on-one with project team members. The public hearings also provided the public the opportunity to present their comments in a public forum, which was recorded by a stenographer. For the project update prior to the



Open house attendees review meeting materials at an open house.

publication of the FEIS and ROD, a virtual public meeting was hosted via Zoom webinar. The meeting included a formal presentation followed by a question and answer session moderated through Zoom's chat function. Meeting summaries, which include a list of attendees, handouts, presentations, displays, and agendas, are included in [Appendix C-2](#).

The following sections provide additional information on the five rounds of open houses held for the project to date.

#### APRIL 2017 OPEN HOUSES – PROJECT PURPOSE AND NEED, PRELIMINARY CORRIDORS, AND THE NEPA PROCESS

These two public open houses presented the preliminary corridors and provided attendees a chance to provide input and ask questions of the project team. Each meeting was held from 5:00 to 7:00 p.m. Central Time (CT), with a formal presentation at 5:30 p.m. Public transportation to the Evansville open house was available via Metropolitan Evansville Transit System (METS) through regular route service. No public transportation service was available to the Henderson open house due to the operating hours of Henderson Area Rapid Transit (HART).

The goals of the meetings were to:

- Update the public on the history of the corridors
- Explain the NEPA process and solicit feedback on the I-69 ORX project's goals and proposed Purpose and Need Statement
- Present the schedule for the DEIS development
- Present the five preliminary corridors that would be analyzed as part of the development of the *Screening Report* ([Appendix B-1](#))

The meeting summary for the April 2017 open houses, which includes all public comments received between March and May 2017, is provided in [Appendix C-2](#).



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JULY/AUGUST 2017 OPEN HOUSES – RELEASE OF SCREENING REPORT AND SHORT LIST OF CORRIDORS

On July 31 and August 1, 2017, another round of public open houses presented the short list of corridors that would be carried forward into the DEIS for detailed study.

The meetings were held from 5:00 to 7:00 p.m. CT, with the formal presentation scheduled at 6:00 p.m. at the suggestion of the EJ Subcommittee. Attendees were able to view displays and interact with project team members.

Public transportation to the Evansville open house was available via METS through regular route service. HART provided a special transit service for the open house, at no cost to passengers, from Third and Main Streets in downtown Henderson to Henderson Community College between 5:00 and 7:00 p.m.

The focus of these open houses was to:

- Summarize the results of the *Screening Report*
- Explain why the West Corridor 1, West Corridor 2, and Central Corridor 1 alternatives were advanced for further study in the DEIS
- Provide details on why East Corridor and Central Corridor 2 alternatives were dismissed from further consideration
- Show preliminary typical sections for each corridor

The meeting summary for the July/August 2017 open houses is provided in **Appendix C-2**.

FEBRUARY 2018 OPEN HOUSES – RELEASE OF SCREENING REPORT SUPPLEMENT, AND ADDITIONAL DETAILS FOR THE PRELIMINARY ALTERNATIVES

In February 2018, two public open houses were held to present the *Screening Report Supplement* and additional details on the preliminary alternatives. The meetings were held from 4:30 to 7:30 p.m. CT, with formal presentations given at 5:00 and 6:30 p.m.

The project team shared information from the *Screening Report Supplement* (**Appendix B-2**), including:

- Information about the bridge scenarios associated with each proposed corridor
- Number of lanes needed for cross-river traffic
- Potential property impacts
- Total project costs by year of expenditure
- Information on potential funding methods, including the proposed tolling of a new I-69 bridge

The meeting summary for the February 2018 open houses is provided in **Appendix C-2**.

#### JANUARY 2019 PUBLIC HEARINGS – RELEASE OF DEIS; COMMENT PERIOD

The Notice of Availability (NOA) of the DEIS was published in the *Federal Register* on December 14, 2018. The public was notified of the availability of the DEIS, the public hearings, and the public comment period through a variety of means, including the project's website, text messages, email newsletter, social media accounts, a media release, newspaper advertisements, and fliers distributed throughout Evansville and Henderson.

To present the DEIS and gather feedback from the public and local, state, and federal agencies, two public hearings (one in Evansville, IN and one in Henderson, KY) were held in early January. The project team shared project information including:

- Summary of impacts for each project alternative, including the Preferred Alternatives
- Detailed project mapping
- Basis for selection of the Preferred Alternatives
- Financial feasibility
- Financing and funding updates
- Tolling information
- Comment and feedback process
- Next steps

Each meeting included open house hours from 5:00 to 8:00 p.m. CT and a formal presentation at 6:00 p.m. CT, after which attendees were invited to provide verbal testimony. Additionally, attendees were able to provide verbal comments to a court reporter or return or mail a comment form available at the public hearings and online.

The meeting summary for the January 2019 public hearings is provided in **Appendix C-2**.

The formal public comment period for the DEIS ended on February 8, 2019. Comments were received by participation in public hearings, through the "Contact Us" page on the project website, by email (info@I69ohiorivercrossing.com), by mail, by phone, or in person at an I-69 ORX project office. During the comment period for the DEIS, the Henderson project office was staffed Tuesdays, Wednesdays and Fridays and the Evansville office was staffed Mondays, Tuesdays, and Thursdays, with office hours at both from 8 a.m. to 5 p.m. CT and by appointment.

Almost 300 individual agencies, organizations, business owners, and/or residents submitted individual comments on the DEIS, as summarized in **Table 8.1-2**. Copies of the comments received are provided in **Appendix C-10**.

**Table 8.1-2. DEIS Comments Received, by Type, During Comment Period**

COMMENTS TYPE	NO. OF COMMENTERS
Federal Agencies	6
State Agencies	8
Local Government	1
Organizations	14
Businesses	23
Residents/Individuals	238

Most individuals submitted comments on more than one topic. In accordance with 40 CFR 1503.4, the project team carefully reviewed each comment and compiled similar comments into broad subject matter categories for response. The responses to DEIS comments submitted at public hearings and during the public comment period are provided in **Appendix C-10**.

**Table 8.1-3** summarizes the number of comments received in each of 24 categories, as well as the number of unique comments for which responses are provided.

The following is a summary of the most common comments received:

- Supported Central Alternative 1A/1B corridor over West Alternative 1 or West Alternative 2
- Supported keeping the U.S. 41 crossing non-tolled, as in Central Alternative 1B; concerns were primarily focused on the potential economic impact on businesses in the U.S. 41 commercial strip in Henderson, local drivers who regularly cross the Ohio River, and on low-income drivers (i.e., environmental justice populations)
- Supported keeping both existing U.S. 41 bridges operational (neither of the two Preferred Alternatives retained both existing U.S. 41 Ohio River bridges) and non-tolled
- Recommended prohibiting heavy trucks, or discouraging them through the use of higher tolls, on the U.S. 41 Ohio River bridge to reduce long-term maintenance costs
- Suggested providing a discounted or toll-free option for local drivers

Note that, while the official comment period ended on February 8, 2019, **Appendix C-10** includes responses to comments received on the DEIS through the end of March 2019



**Table 8.1-3. DEIS Comment Categories and Number of Comments Received**

COMMENT CATEGORY	COMMENT CODE (APPENDIX C-10)	NO. OF COMMENTS
Air Quality	U	7
Alternatives	A	93
Bridges – Existing U.S. 41	B	182
Community	C	0
Farmland	V	1
Funding	F	22
Hazardous Materials	T	16
Historical and Archaeological Resources	J	11
Interchanges/Access	K	8
Maintenance of Traffic/Construction	L	1
Natural Environment	E	60
Noise	M	3
Ohio River Navigation	W	2
Other	Z	4
Pedestrian/Bicycle Access	S	23
Project Costs	G	12
Proposed Green River National Wildlife Refuge	Y	2
Purpose and Need	N	6
Question	O	0
Right-of-Way/Relocations	P	3
Safety	D	2
Section 4(f)	X	2
Socioeconomics	Q	8
Tolling	H	84
Traffic Congestion	I	11
Visual/Aesthetics	R	2

VIRTUAL PUBLIC MEETING – IDENTIFICATION OF CENTRAL ALTERNATIVE 1B MODIFIED AS THE SINGLE PREFERRED ALTERNATIVE, PRIOR TO RELEASE OF FEIS AND ROD

With the identification of Central Alternative 1B Modified as the Single Preferred Alternative, INDOT and KYTC provided the public and agencies an opportunity to comment on that decision and on the project's potential impacts prior to publishing the FEIS and ROD. Because of the social gathering restrictions due to the COVID-19 pandemic at the time, the project team hosted a virtual

public meeting on April 1, 2021, to brief project stakeholders on the process leading to the identification of the Single Preferred Alternative. The public was notified of the virtual meeting and comment period for the Single Preferred Alternative through a variety of means, including the project's website, text messages, email newsletter, social media accounts, a media release, newspaper advertisements, and fliers distributed throughout Evansville and Henderson. The meeting summary for the April 2021 virtual public meeting is provided in **Appendix C-2**.

Following the virtual meeting, a 15-day period was provided for the public and agencies to submit comments on the Single Preferred Alternative. Approximately 150 individual agencies, organizations, business owners, and/or residents submitted individual comments on the Single Preferred Alternative, as summarized in **Table 8.1-4**. Copies of the comments received are provided in **Appendix C-11**.

**Table 8.1-4. Single Preferred Alternative Comments Received, by Type, During Comment Period**

COMMENTER TYPE	NO. OF COMMENTERS
Federal Agencies	3
State Agencies	1
Local Government	3
Organizations	14
Businesses	1
Residents/Individuals	128

Responses to comments submitted at the virtual public meeting and during the review period are also provided in **Appendix C-11**. Similar to the DEIS comment response process, the project team carefully reviewed each comment and compiled similar comments into broad subject matter categories for response.

**Table 8.1-5** summarizes the number of comments received in each of 24 categories, as well as the number of unique comments for which responses are provided. The following is a summary of the most common comments received:

- Recommended that the project should provide a shared-use pathway safely connecting the two sides of the river for wheelchair (ADA)/bicycle/pedestrian access, on either the I-69 bridge and/or the US 41 bridge(s), for varied reasons.
- Supported keeping both US 41 bridges open and/or operational to vehicular traffic.
- Design recommendations or questions at specific interchanges, particularly at the new interchange with existing I-69, its traffic impacts, and overall signage.
- Landowners of specific properties requested information on effects to their properties and the project process.
- General comments and questions about the design and construction timeline of one or both sections, the new bridge, and future tolling rates.

**Table 8.1-5. Single Preferred Alternative Comment Categories and Number of Comments Received**

COMMENT CATEGORY	COMMENT CODE (APPENDIX C-11)	NO. OF COMMENTS
Air Quality	U	0
Alternatives	A	6
Bridges – Existing U.S. 41	B	19
Community	C	0
Farmland	V	0
Funding	F	2
Hazardous Materials	T	1
Historical and Archaeological Resources	J	1
Interchanges/Access	K	13
Maintenance of Traffic/Construction	L	4
Natural Environment	E	9
Noise	M	2
Ohio River Navigation	W	0
Other	Z	0
Pedestrian/Bicycle Access	S	111
Project Costs	G	1
Proposed Green River National Wildlife Refuge	Y	0
Purpose and Need	N	0
Question	O	4
Right-of-Way/Relocations	P	4
Safety	D	0
Section 4(f)	X	0
Socioeconomics	Q	0
Tolling	H	1
Traffic Congestion	I	3
Visual/Aesthetics	R	3

### COMMUNITY CONVERSATIONS

In April and May 2018, and again in January 2019 after the DEIS was published, the project team hosted a series of “Community Conversations” to gather additional public feedback on the project. The goal of the Community Conversations was to provide a forum for public comment, address questions about the preliminary alternatives and tolling, and to solicit information for

use in the identification of potentially disproportionately high adverse effects on EJ (low-income and minority) populations.

Eight Community Conversations, four each in Evansville and Henderson County (**Table 8.1-6**), were held. All used an open house format, with members of the public, including residents and business owners, able to drop in as available. To afford convenience to the largest number of attendees, the times and locations of these meetings varied.

Community Conversations were promoted through 6,000 direct-mail postcards sent to residents within identified EJ U.S. Census Tract Block



Project team member addresses attendees at a Community Conversation in Henderson.

Groups (CTBGs); fliers, which were sent home with all students in Evansville and Henderson public schools and posted throughout both cities; news media; social media, the project website and other digital communications; and notifications to advisory groups and local churches.

**Table 8.1-6. Community Conversations**

LOCATION	DATE	TIME (CT)	NO. OF ATTENDEES
C.K. Newsome Community Center, Evansville, IN	April 3, 2018	5:00 – 7:00 p.m.	14
Henderson Public Library, Henderson, KY	April 11, 2018	5:00 – 7:00 p.m.	60
Red Bank Library Branch, Evansville, IN	April 17, 2018	3:00 – 5:00 p.m.	29
The Gathering Place Senior Center, Henderson, KY	April 18, 2018	10:00 a.m. – 2:00 p.m.	57
McCollough Library Branch, Evansville, IN	April 30, 2018	5:30 – 7:30 p.m.	54
Housing Authority of Henderson	May 1, 2018	5:30 – 7:30 p.m.	41
Housing Authority of Henderson	January 23, 2019	5:30 – 7:30 p.m.	34
Evansville-Vanderburgh Public Library, Central Branch	January 24, 2019	5:30 – 7:30 p.m.	32

### 8.1.3 ENVIRONMENTAL JUSTICE OUTREACH

The EJ Subcommittee guided outreach to low-income and minority stakeholders. They helped identify EJ organizations and individuals who represent EJ populations to assist with the outreach efforts. They also provided recommendations for public involvement strategies and partners who could help engage EJ populations throughout the development of the DEIS/FEIS.

**LIMITED ENGLISH PROFICIENCY OUTREACH**

Efforts have been and will continue to be made to involve individuals with limited English proficiency (LEP) in the development of the project. All public meeting notices offered, upon prior notice, to address any reasonable request for accommodation, including foreign language translation. An “I Read” card was available at the sign-in table at each public open house in case visitors needed to identify their primary language.

Key materials, including handouts and comment cards, were available in English and Spanish at the Fiesta Evansville and Community Conversations.

Contact information for requesting Spanish-language materials is available on the project website.

**FALL 2017 OUTREACH**

Throughout the project, the project team has sought opportunities to attend local meetings and events where project information could be shared with EJ communities. Many of the meetings and events were recommended by the EJ Subcommittee.

Twenty-one organizations were contacted in the Fall of 2017 and four allowed the project team to participate in one of their events (**Table 8.1-7**).

**Table 8.1-7. Presentations or Events with EJ Partners**

EVENT/MEETING HOST	CITY	DATE	# ATTENDEES
Fiesta Evansville	Evansville, IN	October 7, 2017	2,100
The Gathering Place Senior Center	Henderson, IN	October 13, 2017	40
Henderson NAACP	Henderson, IN	October 16, 2017	25
Evansville Promise Zone	Evansville, IN	October 18, 2017	15

In addition, the project team coordinated with multiple organizations for the posting of project information at their location. Fliers and project handouts for public review were placed at the Henderson County Public Library. Fliers with information on the project website and upcoming meetings were placed at or near the entrances of 12 other locations, including grocery stores, transit providers, retail outlets, and government offices.

**SPRING 2018 OUTREACH**PUBLIC SURVEY

A public survey was prepared to collect input from residents regarding their use of the existing US 41 bridges and the potential impacts of the project, particularly the effects of various toll scenarios, on low-income and minority populations. In February 2018, surveys were mailed to 4,668 residences within the CTBGs in the project area that were identified as having environmental justice populations (**Appendix C-2**). The survey was also available online.

A total of 570 completed surveys were received—335 via mail and 235 online. There were 463 surveys from Kentucky, 101 from Indiana, and six from unspecified origins. Seventy-five

respondents were identified as low-income based on their reported income and household size and the standards established by the US Department of Health and Human Services. Thirty-eight respondents were identified as minority based on the data provided.

#### COMMUNITY CONVERSATIONS

Following the February 2018 open houses and public and business surveys, the project team collected additional public feedback about the preliminary alternatives and tolling scenarios, with an emphasis on reaching EJ populations. The project team hosted Community Conversations in the identified EJ block groups and promoted them extensively to encourage participation. Approximately 320 individuals attended these events.

The goal of the Community Conversations was to gather feedback and questions about the preliminary alternatives and tolling, with an emphasis on identifying potential disproportionately high adverse effects on low-income and minority individuals. More information about the Community Conversations is available in **Section 8.1.2**.

#### TRI-FEST

The I-69 ORX project team hosted a booth at Tri-Fest, an annual festival in downtown Henderson that draws more than 30,000 attendees, from April 20 to 22, 2018. The I-69 ORX booth displayed all materials available at the Community Conversations. Project-branded tote bags were given to approximately 460 visitors who stopped at the booth to learn more about the project. Fliers were distributed promoting the Community Conversations and encouraging people to submit comments about the preliminary DEIS alternatives, tolling, and other project concerns.

#### **DEIS PUBLICATION OUTREACH**

As documented in **Section 8.1.1**, the EJ Subcommittee met jointly with the RCAC to review the DEIS Preferred Alternatives and DEIS public hearing/comment process, shortly after the NOA for the DEIS was published in the Federal Register. In addition to the publication notification described in **Section 8.1.2**, additional efforts were undertaken to notify areas with EJ populations. Postcards were mailed to properties in the project area with identified EJ populations, and letters were mailed to 51 churches in Henderson, Newburgh, and Evansville to place in their community bulletins. Hard copies of the DEIS were available for review at several locations throughout the project area, including those with identified EJ populations, as documented in Chapter 10 of the DEIS.

#### **SINGLE PREFERRED ALTERNATIVE OUTREACH**

As documented in **Section 8.1.1**, the EJ Subcommittee met jointly with the RCAC to review the development and identification of Central Alternative 1B Modified as the Single Preferred Alternative and virtual public meeting/comment process. In addition to the publication notification described in **Section 8.1.2**, additional efforts were undertaken to notify areas with EJ populations. Postcards were mailed to properties in the project area with identified EJ populations. As part of EJ outreach, a large map and handouts were placed in four public locations in Evansville and Henderson. Those locations included Judge Executive Brad Schneider's office, the Henderson County Public Library, the Central Branch of the Evansville Public Library and the Southwest Indiana Chamber's office.



## **8.1.4 PUBLIC INFORMATION TOOLS AND TARGETED OUTREACH**

### **PROJECT OFFICES**

Two local project offices opened in March 2017 to serve as hubs for information and communication about the I-69 ORX project. The project offices allow members of the public and representatives from organizations to stop by the offices, view progress, ask questions, and share their input on the project. The project offices also serve as meeting places for advisory committee meetings, media briefings, and meetings with other organizations. Outreach materials are available in both offices. From initiation through the publication of the DEIS, the office in Evansville was open Monday, Tuesday, and Thursday and the office in Henderson was open Wednesday and Friday; office hours were from 8:00 a.m. to 5:00 p.m. at each location. Both project offices closed in March 2020 following the COVID-19 pandemic. On June 11, 2020, the project office in Evansville permanently closed; the project office in Henderson reopened June 22, 2021.



Project offices

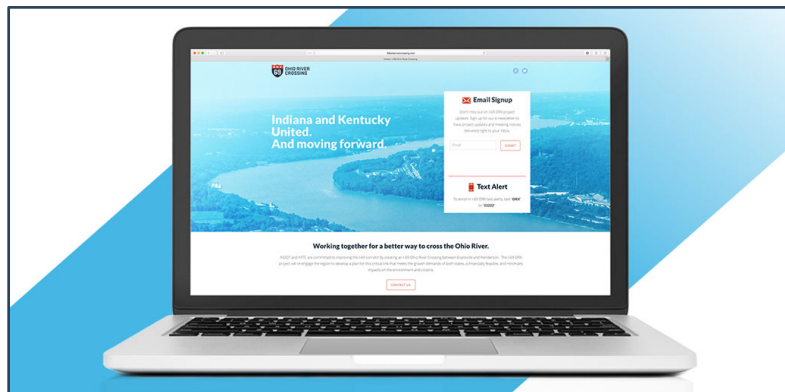
Until March 2020, the project offices were staffed by a full-time public information coordinator and other members of the project team. Appointments were also available outside normal business hours. After the offices were closed, the public can still call the offices and schedule appointments via phone outside normal business hours. Information about the project offices is provided in project outreach materials.

The project phone number, (888) 515-9756, rings to the public information manager. The project e-mail, [info@I69OhioRiverCrossing.com](mailto:info@I69OhioRiverCrossing.com), is monitored throughout the work day.

### **WEBSITE**

The I-69 ORX website—[www.I69OhioRiverCrossing.com](http://www.I69OhioRiverCrossing.com)—includes information about the project, maps, materials distributed at public open houses, contact information for the project team and options for submitting questions or comments.

Nearly 40,000 individuals have visited the project website, with most users located in Evansville and Indianapolis, IN, and Henderson, KY. Monthly digital outreach reports are available in **Appendix C-7**.



## **MEDIA RELATIONS**

The project team worked closely with reporters and media outlets in Southern Indiana and Western Kentucky to keep the public informed about the project development. The project team issued news advisories and/or releases at nine project milestones. As a result of these efforts, information about the I-69 ORX project appeared nearly 1,000 times in newspapers, television reports, radio reports, and online stories.

In addition to stories that the project team proactively sent to the news media, approximately 24 other articles or stories were produced on a variety of topics.



Project spokesperson Mindy Peterson addresses reporters before the April 2017 open houses.

Monthly media reports are available in **Appendix C-7**.

## **SOCIAL MEDIA**

Social media has allowed the project team to quickly provide project updates and converse with residents and business owners.

The I-69 ORX project social media handles are:

- Facebook – I-69 Ohio River Crossing
- Twitter – I69ORX
- YouTube – I-69 Ohio River Crossing

More than 900 people “liked” the I-69 ORX Facebook page and 370 follow the project on Twitter. A social media calendar was developed each month, and information on social media usage and engagement is included in the monthly Digital Outreach reports available in **Appendix C-7**.

## **OTHER DIGITAL OUTREACH**

Videos were an integral tool for engagement on social media and the project website. Nearly 30 videos that featured project team members, NEPA process, public meetings, and public involvement have been produced to date.

E-newsletters and SMS text messaging were coordinated with the social media and media outreach, ensuring messaging is consistent across all outreach materials. Both were used to promote public open houses and other meetings, and to share major announcements. More than 1,200 persons are subscribed to the project e-newsletter and 350 receive text messages.

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**PRINTED MATERIALS**

Printed materials were used to inform residents about the project and notify them of upcoming meetings. Outreach materials included the project website address, social media handles, project office location(s), the project e-mail address, and a toll-free phone number.

**SMALL GROUP PRESENTATIONS**

In addition to meetings with the advisory groups and the general public, the project team presented to small groups to help inform them and answer questions about the project. To date, presentations have been given to 15 organizations, including community service clubs, neighborhood associations, and business organizations.

The availability of speakers was publicized via the website, general media, social media, and e-newsletter. Pertinent questions and comments received at those presentations were added to the Public Inquiry Log, provided in **Appendix C-4**. A list of small-group presentations is available in **Appendix C-8**.

**PROPERTY OWNER CONTACT**

Prior to project field surveys, the team developed a property owner database, and “Notice of Survey” letters were mailed to all potentially affected property owners. Field review consent forms were also mailed to property owners in October 2019.

**SURVEYS**

At key stages of the NEPA process, the project team distributed surveys to provide feedback on specific topics:

- A survey was distributed at the April 2017 public open houses that sought feedback on the project’s purpose and need and five preliminary corridors. A summary of the survey is included with the meeting summary in **Appendix C-2**.
- A survey was distributed at the February 2018 public open houses that sought feedback on the DEIS alternatives, project impacts, and the potential effects of tolling. A summary of this survey is included with the meeting summary in **Appendix C-2**.
- In February 2018, a public survey was mailed to more than 4,600 project area residences located within EJ CTBGs with a minority or low-income population 25 percent higher than the corresponding rate for the project area. This survey is described in greater detail in **Section 8.1.3**.
- Also in February 2018, postcards were sent to over 900 businesses within 1 mile of the DEIS Alternatives and downtown Henderson to provide directions on how to access the online survey. The online survey gathered information about each business (type of business, number of employees, etc.) and how each business may be affected by the DEIS alternatives. Details regarding this survey are provided in the *Socioeconomic Technical Report* (**Appendix E-1**).

Summaries of the results of each open house survey are included in the public meeting summaries (**Appendix C-2**). Reports for the public and business surveys are provided in **Appendices C-2 and E-1**.

## STAKEHOLDER INQUIRIES

A record of stakeholder inquiries has been maintained throughout the NEPA process. Written inquiries (letters, comment forms, or e-mails), phone calls, and requests at meetings or the project offices were logged into the online inquiry database. Nearly 1,000 entries have been filed in the Public Inquiry Log, provided in **Appendix C-3**. A Public Inquiry Report is prepared each month; copies are provided in **Appendix C-4**.

## 8.2 AGENCY COORDINATION

This section summarizes coordination with federal, tribal, and state permitting and resource agencies. Activities conducted specifically for Section 106 compliance, such as consulting party meetings, are described in **Chapter 4, Section 4.5**.

### 8.2.1 NOTICE OF INTENT AND EARLY COORDINATION

A Notice of Intent (NOI) for the I-69 ORX EIS was published in the *Federal Register* on February 13, 2017. It revised the original NOI that was issued for the project on May 10, 2001. On March 7, 2017, a copy of the NOI was attached to invitation letters sent to identified agencies and tribes with jurisdiction over aspects of the proposed project or with a likely interest in the project (**Table 8.2-1**). These organizations were invited to become cooperating or participating agencies, attend Interagency Advisory Committee (IAC) meetings, and comment on the proposed project. A copy of a sample invitation letter and the list of invitees are provided in **Appendix H-2**.

Cooperating agencies include federal, state, and local agencies, other than the lead agencies, as well as Native American tribes, that have jurisdiction by law or special expertise with respect to any potential environmental impact involved with the project. Participating agencies are those with an interest in the project.

**Table 8.2-1. Agencies and Tribes Invited to be Cooperating or Participating Agencies**

AGENCY/TRIBE NAME	COOPERATING OR PARTICIPATING	ACCEPTED OR DECLINED
U.S. Coast Guard Eighth District	Cooperating	Accepted
U.S. Fish and Wildlife Service – Indiana	Cooperating	Accepted
U.S. Fish and Wildlife Service – Kentucky	Cooperating	Accepted
U.S. Army Corps of Engineers – Louisville District	Cooperating	Accepted
U.S. Environmental Protection Agency Region 4	Participating	Accepted
U.S. Environmental Protection Agency Region 5	Participating	Accepted
National Park Service – Midwest	Participating	Accepted
National Park Service – Southeast	Participating	Declined
Natural Resources Conservation Service – Indiana	Participating	Accepted
Natural Resources Conservation Service – Kentucky	Participating	Accepted

<b>AGENCY/TRIBE NAME</b>	<b>COOPERATING OR PARTICIPATING</b>	<b>ACCEPTED OR DECLINED</b>
Federal Aviation Administration – Great Lakes Region	Participating	Declined
Federal Aviation Administration – Southern Region	Participating	Accepted
U.S. Department of Housing and Urban Development – Region 4	Participating	Accepted
U.S. Department of Housing and Urban Development – Region 5	Participating	Declined
U.S. Forest Service – Hoosier National Forest	Participating	Declined
U.S. Department of Interior – Office of Environmental Policy and Compliance	Participating	Accepted
U.S. Department of Energy – Office of NEPA Policy and Compliance	Participating	Declined
Miami Tribe of Oklahoma	Participating	Accepted
Peoria Tribe of Indians of Oklahoma	Participating	Accepted
Delaware Nation of Oklahoma	Participating	Accepted
United Keetoowah Band of Cherokee Indians	Participating	Accepted
Eastern Shawnee Tribe of Oklahoma	Participating	Accepted
Eastern Band of Cherokee	Participating	Accepted
Cherokee Nation	Participating	Accepted
Shawnee Tribe	Participating	Accepted
Absentee Shawnee	Participating	Accepted
Indiana Department of Natural Resources – Division of Historic Preservation and Archeology (State Historic Preservation Officer)	Participating	Accepted
Indiana Department of Natural Resources – Division of Fish and Wildlife	Participating	Accepted
Indiana Department of Natural Resources – Division of Water	Participating	Accepted
Indiana Department of Environmental Management	Participating	Accepted
Indiana Geological and Water Survey	Participating	Accepted
Indiana Department of Transportation – Office of Aviation	Participating	Declined
Indiana Department of Environmental Management – Office of Water Quality	Participating	Accepted
Indiana Department of Homeland Security	Participating	Accepted
Kentucky Department of Aviation	Participating	Declined
Kentucky Department for Environmental Protection	Participating	Accepted
Kentucky Department for Environmental Protection – Division of Water	Participating	Accepted
Kentucky Division of Forestry	Participating	Accepted
Kentucky Department of Fish and Wildlife Resources	Participating	Accepted
Kentucky Office of Homeland Security	Participating	Accepted
Kentucky Department for Natural Resources	Participating	Accepted
Kentucky State Nature Preserves Commission	Participating	Accepted
Kentucky Heritage Council (State Historic Preservation Officer)	Participating	Accepted
Kentucky Tourism, Arts and Heritage Cabinet	Participating	Accepted
Evansville Metropolitan Planning Organization	Participating	Accepted



## 8.2.2 INTERAGENCY ADVISORY COMMITTEE

### INTERAGENCY ADVISORY COMMITTEE MEETING NO. 1

The IAC was formed to enable the project team to consult with multiple agencies, including the cooperating and participating agencies, develop consensus among a wide range of stakeholders, and resolve conflicts to produce positive and effective solutions. The first IAC meeting was held on April 12, 2017 in Evansville. Topics covered included project history, purpose and need, the range of corridors under consideration, the March 17, 2017 *Draft Environmental Methods Memorandum* (INDOT and KYTC 2017), and an overview of environmental issues. Copies of meeting minutes, presentations, and a memorandum dated June 6, 2017 that discusses the comments are provided in [Appendix H-3](#). The following summarizes written responses to the materials distributed for the first IAC meeting. Feedback received was incorporated into the project analyses and is provided in [Appendix H-4](#).

- U.S. Fish and Wildlife Service (USFWS) commented on March 6, 2017 that the project is within the range of the federally endangered Indiana bat, gray bat, sheepnose mussel, and fat pocketbook mussel, as well as the federally threatened northern long-eared bat.
- U.S. Army Corps of Engineers (USACE) commented on May 10, 2017 that a permit under Clean Water Act Sections 404 and 401 would be required for the project; that appropriate steps to avoid and minimize impacts to waters of the U.S. (WOTUS) must be documented; and that USACE may only permit the least environmentally damaging practicable alternative (LEDPA). Additional discussion of permitting and mitigation occurred.
- Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (DNR-DHPA) commented on May 10, 2017 that the proposed Section 106 process was sufficient; the purpose and need should consider local motorists unwilling or unable to drive at interstate speeds; the US 41 bridges are likely eligible for listing in the National Register of Historic Places (NRHP); and East Corridor would have long-term, adverse impacts on Angel Mounds State Historic Site and should be avoided.
- U.S. Environmental Protection Agency (USEPA) commented on May 11, 2017 that they had no concerns with the project purpose and need; performance measures should be broadened to include options like bicycle and pedestrian use; and that the project's proposed range of alternatives appeared reasonable. USEPA also encouraged expanding the current hours of operation at the project offices.
- Indiana Department of Environmental Management (IDEM) commented on May 12 and 15, 2017 with information about existing wetland mitigation sites that should be avoided within the project area.

### INTERAGENCY ADVISORY COMMITTEE MEETING NO. 2

A second IAC meeting was held on July 20, 2017 prior to the release of the draft *Screening Report* ([Appendix B-1](#)). The *Screening Report* was approved in August 2017. Attendees discussed stakeholder involvement, environmental and screening processes, and *Screening Report* results. Comments were incorporated into the project analyses and are summarized below. Copies of meeting minutes, presentations, and responses are provided in [Appendix H-3](#).



- USEPA commented on August 24, 2017 that they recognize the project team's efforts to avoid resources such as wetland mitigation sites, Eagle Slough Natural Area, and NHRP-eligible properties. Because East Corridor had the least wetland and stream impacts, it had potential to be the LEDPA and therefore USEPA recommended retaining it for further study. USEPA also requested a rationale as to why East Corridor would either not meet the project purpose and need or have a fatal environmental flaw.
- IDNR-DHPA commented on September 26, 2017, clarifying their concerns regarding the removal of both US 41 bridges.
- USACE commented on September 6, 2017 that they can only permit the LEDPA, agricultural ditches may or may not be jurisdictional, costs should include estimates for mitigation, and steps must be shown to avoid and minimize impacts to WOTUS. There were additional comments regarding the delineation process.
- Kentucky Department for Environmental Protection, Division of Water commented on August 30, 2017 that a portion of the Ohio River is an Outstanding State Resource Water; the proposed crossings are within Source Water Protection Zone 1, the "critical zone" for Henderson Municipal Water and Sewer's surface water intake; West Alternatives 1 and 2 are within the Wellhead Protection Area of Ellis Park Race Course; and a Groundwater Protection Plan will be needed.

#### SCREENING REPORT SUPPLEMENT

On February 22, 2018, the *Screening Report Supplement* was submitted to IAC members for their review and comment (**Appendix B-2**). Written responses were documented in a memorandum dated April 2, 2018 (**Appendix H-4**) and are summarized below. These comments were incorporated into the project analyses.

- USACE commented on March 26, 2018 that they appreciate the revisions made to alignments to avoid resources, and visual impacts to NHRP-eligible properties should be considered.
- USEPA commented on March 26, 2018 that they recognize the efforts made to avoid resources and they reiterated comments made in their April 2, 2017 letter regarding East Corridor.
- USFWS commented on March 6, 2018 that they appreciate avoidance efforts and requested status of field work for mussel species.
- IDEM commented on February 23, 2018 that they were pleased with the avoidance of impacts to sensitive resources and requested continued avoidance and minimization measures.
- Indiana Department of Natural Resources – Division of Fish and Wildlife (IDNR-DFW) commented on March 26, 2018 that the project will require a Construction in a Floodway Permit, that Eagle Slough Natural Area should be avoided, and that bald cypress trees

and a bald eagle nest are within 0.5 mile of the project area. However, due to distance (greater than 1,200 feet), they indicated that no impacts to the bald eagle nest are anticipated. IDNR-DFW recommended either West Alternative 1 or 2 to minimize impacts to wetlands and other habitat.

- IDNR-DHPA commented on March 20, 2018 that there are no aboveground resources in Indiana, but elimination of one or both of the US 41 bridges could have adverse socio-economic impacts on the viability of historic properties, such as historic districts within Evansville.

### **INTERAGENCY ADVISORY COMMITTEE FIELD TOUR (COMMITTEE MEETING NO. 3)**

A third IAC meeting, which included a field tour, occurred on May 24, 2018. The project team gave agency attendees a project update followed by a tour of the project area via minibus. A copy of the meeting summary is provided in [Appendix H-3](#).

### **INTERAGENCY ADVISORY COMMITTEE MEETING NO. 4**

After the publication of the DEIS, a fourth IAC meeting was held on January 23, 2019 to present the findings of the draft environmental document, particularly the selection of the Preferred Alternatives (Central Alternatives 1A and 1B), including summary of design changes since the last IAC meeting, public and agency involvement, potential impacts, and potential commitments and mitigations. Meeting attendees also discussed environmental studies that were currently ongoing and/or upcoming, and next steps. Since the originally scheduled meeting fell within a Federal government shutdown, a supplemental meeting was held on February 12, 2019 to allow all agencies to participate; additionally, the DEIS comment period for the agencies was extended to March 18, 2019. A copy of both meeting summaries are provided in [Appendix H-3](#). The following is a summary of the IAC comments. Responses to agency comments on the DEIS are provided in [Appendices C-10 and H-4](#).

- KDOW commented on the impacts to Waters of the United States (WOTUS), and indicated their interest in the mussel survey report and attending any onsite waters meetings in the future.
- IDEM commented on the proposed interchange area at the north end of the project as it related to the existing hydrology in the area, on the landfills in Indiana, and confirmation of proposed construction dates.
- USACE commented on the new proposed WOTUS rule, and if an Individual Section 404 permit would be required based on anticipated project impacts. USACE also commented on the potential impact of the proposed Green River Wildlife Refuge.
- USEPA had several comments on existing and proposed bicycle and pedestrian access across the Ohio River and/or within the project area, as well as tolling need, input from environmental justice stakeholders, and project traffic and noise. USEPA also commented on the mitigation ratios and permitting process, and progress of the wildlife field surveys.
- USFWS commented on wildlife connectivity and passage in regard to public safety.

- IDNR-DHPA commented on archaeological testing in Indiana.

The meeting concluded with discussion of project funding and timing.

#### **INTERAGENCY ADVISORY COMMITTEE MEETING NO. 5 (VIRTUAL)**

On May 11, 2021, a fifth IAC meeting was held to provide a project update on the work that has been completed since the publication of the DEIS and the identification of the Single Preferred Alternative (Central Alternative 1B Modified) to be evaluated in the FEIS. Attendees discussed project design modifications, including ORX Sections 1 and 2 as well as interchange refinements through the project corridor, and potential environmental impacts and mitigations. Copies of meeting materials, including a meeting summary and specific discussion items, are provided in **Appendix H-3**. Comments for the record were accepted during the meeting, as summarized below, and were also accepted via phone, email, and mail through June 1, 2021 for inclusion in the FEIS. Agency comments were incorporated into the project analyses, as appropriate, and responses to agency comments are included in **Appendix C-11**.

- USEPA had several questions on the Northbound US 41 bridge in relation to project improvements and costs as well as stormwater and drainage management, and several comments regarding existing and proposed bicycle and pedestrian access and safety. USEPA also commented on residential relocations for the Single Preferred Alternative, and asked if there were any Tribal concerns in regard to the project. USEPA confirmed the comment-response process for public and agency input on the Single Preferred Alternative and the project overall, and, in regard to Section 2 of the project, confirmed if there would be a future environmental process at that time.
- USFWS commented on the location of the potential forest impacts for the Single Preferred Alternative.
- USACE commented on potential work in the Ohio River, particularly in regard to potential pier locations and required coordination. USACE also noted that a Section 408 permit, if required, must be obtained prior to issuance of the Section 404/10 permit.
- IDEM requested draft plans for the proposed interchange concept at existing I-69.
- INDR-DFW requested draft plans for the project footprint in the Eagle Creek floodplain area.
- A representative of the Cherokee Nation commented on the archaeological surveys completed to date and requested access to those reports.
- KDEP commented on the location and size of the proposed detention basins near US 41 for the Single Preferred Alternative, and the bridge type(s) in relation to bridge approaches.

The meeting concluded with a discussion of next steps for the approval and publication of the combined FEIS and ROD.

### 8.2.3 ADDITIONAL AGENCY COORDINATION

In addition to the IAC meetings and related submittals, the project team coordinated with agencies, elected officials, and local organizations regarding specific issues. These activities are summarized below.

#### U.S. COAST GUARD

Coordination was conducted with the U.S. Coast Guard (USCG) regarding bridge span arrangements and navigational clearances across the Ohio River. In addition to the materials sent to the IAC, a request for preliminary guidance was sent to USCG on March 2, 2017 (**Appendix H-5**). USCG responded on May 11, 2017 with initial comments regarding potential bridge and pier placements.

*A Navigation Clearance Study and Navigation Simulation Modeling Report* were submitted to USCG on October 9, 2017 (**Appendix P-1**). The *Modeling Report* detailed navigation modeling plan development and progress of the study during simulation modeling exercises, and summarized the results of each exercise. The *Clearance Study* detailed proposed horizontal and vertical clearance envelopes based on initial guidance from the USCG, the results of the navigation simulation modeling, and consideration of ongoing project development related to river crossing alternative locations analysis.

USCG responded on November 27, 2017 that the vertical and horizontal clearances presented for Western Alternatives 1 and 2 and Central Alternatives 1A and 1B (Preferred) would be acceptable for a USCG Bridge Permit and would meet reasonable needs of navigation (**Appendix H-5**). Final concurrence would occur following submittal of drawings and opportunities for public input.

#### IDEM – OFFICE OF LAND QUALITY, PERMITTING BRANCH, ENGINEERING SECTION

On January 26, 2018, coordination occurred with IDEM Office of Land Quality (OLQ) Engineering Section regarding existing landfills beneath I-69 (**Chapter 4, Section 4.2.13**) (**Appendix H-6**). IDEM OLQ responded on March 9, 2018 that official permits from them would not be necessary; however, any work in regulated landfills would need written approval from IDEM (**Appendix H-6**). Specifically, any construction activity/post-closure use at landfill/open dump disposal sites would require their approval. Their response described the specific standards that would need to be implemented depending on the type of project impacts. Their response and Post-Closure Uses of Solid Waste Disposal Facilities guidance are included in **Appendix H-6**.

#### STATE AND TRIBAL HISTORIC PRESERVATION OFFICERS

Coordination with SHPOs (IDNR-DHPA and KHC) and the Tribal Historic Preservation Officers (THPOs) listed in **Table 8.2-1** was conducted as part of the IAC and consulting parties meetings. See **Section 4.5.2** for a detailed summary of consulting parties coordination. The full record of consultation activities, list of consulting parties, and consulting party meeting summaries are contained in the Section 106 Documentation, **Appendix L-3**. This coordination culminated in the execution of the Section 106 Memorandum of Agreement (MOA) to resolve adverse effects to historic properties, which was signed on June 15, 2021, which is also part of **Appendix L-3**. On July 1, 2021 the Advisory Council of Historic Preservation (ACHP) acknowledged receipt of the

executed Section 106 documentation ([Appendix L-6](#)), the filing and implementation of which fulfills the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations. Subsequently, on July 6, 2021, the executed Section 106 MOA was distributed to all consulting parties, SHPOs, and THPOs via email, mail, and INSCOPE.

### U.S. FISH AND WILDLIFE SERVICE

Coordination was conducted with USFWS regarding threatened and endangered species in accordance with Section 7 of the Endangered Species Act. A meeting was held on September 11, 2017 with the project team and USFWS to discuss the proposed approach to field surveys. The comments received were incorporated into the field studies discussed in [Section 4.4.6](#) and the technical reports in [Appendices K-1 and K-2](#). A copy of the meeting summary is provided in [Appendix H-7](#).

Based on coordination with USFWS, a mussel survey was conducted in the Ohio River along West Alternatives 1 and 2 and Central Alternatives 1A and 1B; the results were not ready to be included in the DEIS so are included in this FEIS. Meetings were held on July 16, 2018 and December 17 and 19, 2018 (meeting minutes provided in [Appendix H-7](#)) with USFWS to discuss the mussel survey process and results, including the conclusion that adverse effects were not likely and formal consultation was not required.

FHWA submitted a draft Biological Assessment (BA) for review and comment on March 15, 2019. Meetings were held on March 5 and April 8, 2020 (meeting minutes provided in [Appendix H-7](#)) to discuss the BA and the consultation process as well as review USFWS comments, which were incorporated into the final BA. The BA is provided in [Appendix K-4](#) and the results are summarized in [Chapter 4, Section 4.4.6](#). In a letter dated September 3, 2020 ([Appendix H-7](#)), the USFWS concurred with the BA effect determinations and initiated formal Section 7 consultation for those species that received an effect determination of "may affect, is likely to adversely affect". Following their review of the BA, USFWS issued a Biological Opinion (BO) on December 17, 2020 (USFWS 2020) ([Appendix K-5](#)) that the project is not likely to jeopardize the continued existence of the species that were identified to be potentially affected or adversely effected by the project. Conservation measures from the Section 7 consultation are included in [Chapter 7](#) of this FEIS. Since Central Alternative 1B Modified (Selected) was developed after the BA was submitted to USFWS and a Biological Opinion (BO) was issued by USFWS, FHWA submitted a letter to USFWS dated June 10, 2021 ([Appendix H-7](#)) stating that the design modifications do not require the re-initiation of consultation with USFWS in accordance with the BO guidelines.

Additional coordination was conducted with USFWS regarding the proposed Green River National Wildlife Refuge. A meeting was held on August 7, 2018 to discuss the timeline for development of the refuge and ensure that each project appropriately accounted for the other in its analysis. Additional information about the proposed refuge is provided in [Appendix N-2](#). A copy of the meeting summary is provided in [Appendix H-7](#). In September 2019, the USFWS published the *Land Protection Plan and Environmental Assessment for Green River National Wildlife Refuge and Conservation Partnership Area (CPA)* (USFWS 2019) (see [Section 4.2.5](#) for details of managed lands). FHWA and KYTC have coordinated closely with the USFWS, including a



meeting on March 8, 2019 (meeting minutes provided in [Appendix H-7](#)), on the designation of the CPA boundary to ensure that it would not impede the development of the I-69 corridor. An advance right-of-way acquisition in this area by KYTC (i.e., prior to the I-69 ORX project ROD) required preparation of a categorical exclusion (CE) document, which KYTC completed in July 2020 (KYTC 2020) and coordinated with USFWS.

#### **UNITED STATES ARMY CORPS OF ENGINEERS & KENTUCKY DEPARTMENT OF WATER**

At the request of USACE and KDOW, a teleconference meeting was held on May 17, 2021 with the project team to discuss the proposed detention basins that are part of Central Alternative 1B Modified as well as current permitting requirements and process for project design and construction. The project team also conducted a field review with representatives of USACE and KDOW on May 19, 2021. The purpose of the field review was to gain concurrence of certain delineations of Waters of the United States (WOTUS), and mapping of the wetland, stream, and open water features within the construction limits of the project was provided for discussion purposes. The proposed detention basin north of North Fork Canoe Creek was the primary area of the field review, with additional stops at the proposed I-69/US-60 interchange and at the proposed access road from Bowling Lane, as well as a walking tour from Green River Road #1 south to the wetlands in the Ohio River floodplain. Following a general discussion of the next steps for the Section 1 permitting, the meeting adjourned. The final delineations are provided in the I-69 ORX WOTUS Addendum ([Appendix J-3](#)), which is compliant with the recently updated Navigable Waters Protection Rule.

#### **EVANSVILLE-VANDERBURGH COUNTY AREA PLAN COMMISSION**

The Evansville-Vanderburgh County Area Plan Commission provided written comments for the project on February 20, 2018 ([Appendix H-8](#)). Regarding land use, the Commission stated that the Future Land Use Map in the *Evansville-Vanderburgh County Comprehensive Plan 2035* recommends the future potential I-69 corridor alternatives for continued agricultural use, with the exception of commercial use at US 41 and Waterworks Road.

Regarding indirect impacts/growth potential, the Commission stated that West Alternatives 1 and 2 could present a redevelopment opportunity along South Kentucky Avenue, north of Veterans Memorial Parkway ([Appendix A-1, Sheet 2 and Appendix A-2, Sheet 2](#)). Central Alternatives 1A and 1B (Preferred) could improve growth potential along Green River Road north of existing I-69.

The Commission stated that it prefers an alternative that would keep one of the existing bridges open for local traffic, which they believe would provide better local access. They also stated that the need for cross-river redundancy in the event of emergencies.

The Commission stated that there are no plans to extend public utilities south of the existing city limits. They also said that they have drainage concerns related to the Ohio River floodway/floodplain and the “Eagle Slough legal drain,” which is termed “Eagle Creek” throughout this report. They recommended coordination with the county surveyor.



Other items mentioned by the Commission pertained to the proposed Greenway Route (a.k.a. Pigeon Creek Greenway) and the existing Shared Use Agreement with INDOT for I-69 right-of-way. The Commission requested the project accommodate future construction of the trail. They also requested consideration of bicycle and pedestrian access in the new proposed bridge design.

Finally, the Commission requested that the project team coordinate with the Levee Authority Superintendent, local public safety officials, and Sycamore Land Trust (owner of Eagle Slough Natural Area).

#### **EVANSVILLE EMERGENCY MANAGEMENT AGENCY**

On April 25, 2018, the director of the Evansville Emergency Management Agency (EMA) and the Evansville Fire Chief contacted the project team regarding emergency access issues ([Appendix H-8](#)). Currently, EMA's access to the Ohio riverfront is limited, which at times causes response delays to spills, suicide attempts, and other emergencies that require river access. Therefore, they are requesting that the project install a boat dock on the north side of the river to facilitate emergency response access.

#### **BOARD OF COMMISSIONERS OF THE COUNTY OF VANDERBURGH**

On April 17, 2018, the Vanderburgh County Board of Commissioners sent a letter to the project team stating the Board would like the refurbished or new bridge(s) to include a 10-foot-wide trail on both sides for pedestrian, bicycle, and non-vehicular use, and the trail should be non-tolled. Additionally, they would like to be notified of any future access changes to Waterworks Road ([Appendix C-3](#)).

#### **MAYOR OF HENDERSON**

Mayor Austin of the City of Henderson contacted the project team on May 9, 2018 declining the City of Henderson's offer for adaptive re-use of the existing US 41 bridges due to a lack of connectivity ([Appendix H-8](#)). Additionally, the Mayor commented on the project's draft purpose and need, stating that all three build alternatives should include a minimum of eight lanes of cross-river traffic. Furthermore, the Mayor stated,

“Kentucky and Indiana can and should maintain the existing bridges over the next 30 years through its road fund budgets. (Maintenance on those two bridges is currently in Kentucky's road plan.) Long term maintenance of existing infrastructure should not be piled on to the construction cost for new infrastructure in my opinion.”

#### **CITY OF HENDERSON**

As part of the design modifications of Central Alternative 1B Modified (Selected) at the KY 351 and US 41 interchanges, including the planning study of Section 1 (INDOT and KYTC 2021a), KYTC closely coordinated with the City of Henderson to ensure their feedback was incorporated into the improved access and gateway, streetscaping, and landscaping opportunities for the City. Coordination also included the status of, and design modification to, the Merrill Way Trail. As part of the analysis to determine the applicability of Section 4(f) of the U.S. Department of Transportation Act to the trail, the City of Henderson sent a letter on March 19, 2021 (see

**Appendix H-8)** to INDOT and KYTC, which was considered in the determination that the trail was not a significant recreational resource and was therefore not considered a Section 4(f) resource (see **Section 4.1.5** for further details).

#### **HENDERSON COUNTY SCHOOLS**

KYTC coordinated with Henderson County Schools to ensure that the proposed design modifications at the KY 351 intersection with KY 2084 accommodated school travel patterns and volumes, particularly pedestrians and buses, for the North Middle School, Henderson County High School, and the Board of Education building. A meeting was held on February 3, 2021 to share preliminary design concepts for the KY 351 interchange and get feedback from school officials on the interchange options. A second meeting was held on March 4, 2021 to present the design of the Selected Alternative at the schools and get additional feedback to incorporate into the design (meeting minutes provided in **Appendix H-8**). Additional details of the design in relation to the schools are provided in **Chapter 4, Sections 4.1.5 and 4.2.3**.

#### **HENDERSON FLOOD CONTROL BOARD**

KYTC coordinated with the Henderson Flood Control Board regarding the portion of the project within the watershed of the North Fork Canoe Creek and the Canoe Creek floodplain. A meeting was held on February 25, 2020 to present proposed project options in the area and their potential hydrology and hydraulic impacts, particularly the stormwater detention basins near the proposed US 41 interchange in Henderson. The project team presented the results of the analysis that confirmed the project would have no backwater impacts and would, in fact, substantially improve existing downstream flooding concerns associated with Canoe Creek. It was also discussed that the I-69 development within this floodway would require a Conditional Letter of Map Revision (CLOMR) through the Federal Emergency Response Agency (FEMA). Feedback from the Henderson Flood Control Board has been incorporated into the design of the Central Alternative 1B Modified (Selected). The right-of-way for the detention basins would be transferred to the Henderson Flood Control District or City of Henderson. Additional details of floodplains and floodways, including the proposed stormwater detention basin, are provided in **Section 4.4.3**.

#### **HENDERSON CITY-COUNTY PLANNING COMMISSION**

KYTC presented the I-69 ORX project to the Henderson City-County Planning Commission on January 26, 2021 (meeting minutes provided in **Appendix H-8**). The purpose of the meeting was to gain feedback from the commission members as well as local elected officials in attendance at the meeting. The agenda included a project schedule and financial overview, description of the ongoing interchange design refinements and options at that time, and open discussion of questions or comments from the members.

#### **INDIANA SAFE AND ACCESSIBLE STREETS WORKGROUP**

This workgroup met on June 10, 2021 and included attendees from INDOT, IDNR, Indiana Destination Development Corporation, Bicycle Indiana, and Health by Design as well as the project team. The purpose of this meeting was to discuss the project's approach to bicycle and pedestrian facilities, including the design and impacts of project alternatives and local and

regional long-range plans for connectivity. Potential partnering opportunities for additional pedestrian/bicycle accommodation in the Henderson/Evansville area were also discussed, including successful examples and/or best practices of responsibility and ownership of bridges by local governments and organizations in other cities. Meeting minutes are provided in **Appendix H-8**.