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Meeting Summary
Resource Agency Coordination Meeting
May 26, 2011

Lead Agency Participants
Janice Osadczuk, FHWA - Presenter
Duane Thomas, FHWA
Anthony Goodman, FHWA
John Ballantyne, FHWA
Gary Valentine, KYTC - Presenter
Andy Barber, KYTC
Paul Boone, INDOT – Presenter

Cooperating and Participating Agency Participants
Saad Assef, Louisville and Jefferson County Metropolitan Sewer District
David Johnson, Louisville and Jefferson County Metropolitan Sewer District
Max Hagan, US Army Corp of Engineers, Louisville District
George Thompson, Indiana Dept. of Homeland Security
Brian Fogle, Jeffersonville Planning and Zoning
Tim Foreman, KYTC Department of Environmental Analysis
Dave Waldner, KYTC Department of Environmental Analysis
Li Knag, INDOT, Environmental Services, Ecology and Permits
Chris Andrews, INDOT, Environmental Services, Environmental Policy
Laura Hilden, INDOT Environmental Services
*Virginia Laszewski, US EPA Region 5 (Chicago, IL)
*Ramona McConney, US EPA Region 4 (Atlanta, GA)
*Diane Mobley, FHWA, Department of Transportation
*Ruth Rentch, FHWA, Department of Transportation
*Donald Dott, Jr. KY State Nature Preserves Commission
*John Carr, IN State Historic Preservation Office
*Mike Kimmel, Louisville Waterfront Development Corporation
*Mary Kennedy, INDOT Cultural Resources Office
*via conference call

CTS Attendees
John Sacksteder, CTS - Presenter
Tony Pakeltis, CTS – Presenter
Cory Grayburn, CTS - Presenter

Jason Hignite, CTS – Presenter
Phil Banton, CTS
Jeff Vlach, CTS
Cindy Kowalski, CTS
Bob Lauder, CTS

Other Attendees
Steve Slade, Parsons Brinkerhoff, Section 5 Design Consultant
Kelly Meyer, HDR
Steve McDevitt, Burgess & Niple, Section 6 Design Consultant
Jerry Leslie, HW Lochner, Section 4 Design Consultant
J. B. Williams, Michael Baker, Jr., Section 2 Design Consultant
Chad Carlton, KYTC
Lee Walker, KY Ombudsman

The Resource Agency Coordination Meeting was held at 1:00 p.m. May 26, 2011 at the Crowne Plaza Hotel, 830 Phillips Lane, Louisville, Kentucky. Notification of the meeting was sent on May 3, 2011, to Lead Agencies, Cooperating Agencies, Participating Agencies, and Native American Tribes.

At the meeting, attendees were provided a copy of the meeting agenda (attached), the presentation outline "*Resource Agency Coordination Meeting*" (attached), the draft *Coordination Plan*, and the draft *Environmental Analysis Methodology*. The *Purpose and Need* document and the *Alternatives Screening* document will be submitted to the agencies in the near future. These two documents are still under preparation. Some attendees participated via teleconference and on-line through www.gotomeetings.com

Welcome and Introductions

Janice Osadczuk opened the meeting with welcoming remarks and introductions. She explained the reasons for requiring the Supplemental Environmental Impact Statement are the passage of time since the original EIS, need for tolling, and the need to evaluate cost savings.

Ms. Osadczuk then discussed the first part of the presentation outline "Agency Involvement Opportunities", slides 2-5. Early coordination packets were distributed on April 6, 2011 for the purpose of initiating the SEIS for the Ohio River Bridges Project. The lead agencies are FHWA, KYTC, and INDOT with the FHWA being the ultimate agency responsible for the SEIS. Cooperating agencies and Participating agencies have different roles and responsibilities, and are listed in the handout in slides 4 and 5. The agencies are asked to provide comments to Ms Osadczuk on the draft documents (*Coordination Plan*, the *Environmental Analysis Methodology, Purpose and Need* and *Screening)* within 30 days of receipt.

Project History

John Sacksteder presented the Project History, slides 6 – 15, beginning with the EIS Phase, the subsequent 2003 Record of Decision, a description of each of the six design sections, and lastly, the project activities that had occurred since 2003. In the EIS phase there was an extensive public involvement process and over 5000 comments received on the Draft EIS. Key activities since 2003 include: plan development, right-of-way acquisition (which is on-going with 108 of 109 offers made on Section 4), a major financial plan in 2010 (to be updated in the SEIS), and the creation of the Louisville and Southern Indiana Bridges Authority (at the request of Kentucky and Indiana).

At the end of the Project History portion, a question was posed: *Were provisions made for pedestrian walkways and bikeways on the two river bridge*? Mr. Sacksteder answered that, there was a 17-foot-wide pedestrian walkways / bikeways designed for both Ohio River bridges, and they were connected to walkways on the river roads at each end of the bridge.

Why We are Here / What has Changed

Gary Valentine presented the next section of the outline, "Why We are Here" from slides 16-26. The addition of tolls to the project came about after the update of the Kentuckiana Regional Planning & Development Agency (KIPDA)'s Horizon 2030: Metropolitan Transportation Plan and the formation of the Bridges Authority. A determination was made that core program funds were not available for the current project. As a result of the *Financial Demonstration to 2030*, the Governors of Indiana and Kentucky and the Mayor of Louisville requested cost-saving changes to the project, including: rebuild the Kennedy Interchange in-place; remove the pedestrian walkway/bikeway from the Downtown Ohio River bridge; and reduce the East End bridge and approaches from six lanes to four lanes, with the option to widen to six lanes in the future.

A Supplemental Environmental Impact Statement was needed to review possible changes since the 2003 ROD, validate the original Purpose and Need, and evaluate impacts of the proposed cost saving changes. The Lead Agencies proposed three alternatives:

1. No-action / No build
2. The Selected Alternative (as approved by the 2003 ROD) with tolls
3. A Modified version of the Selected Alternative with tolls and the aforementioned cost-saving alternatives.

Purpose and Need

Tony Pakeltis presented the "Purpose and Need" section (slides 27 – 35) and discussed the main points: Inefficient Mobility, Traffic Congestion, Traffic Safety, and Cross-River Transportation. Purpose and Need is the first item to be evaluated after the Notice of Intent (NOI) for the SEIS.

Inefficient Mobility was assessed with KIPDA's Travel Demand Model with new forecasted growth data. The Kennedy Bridge is currently at 97% capacity. With no action, there will be oversaturation, 123%, by 2030.

Traffic Congestion was estimated with a CORSIM model. The A.M./P.M. Levels of Service on the existing Kennedy Bridge show grades A-F with several congestion points ranging from C/D (acceptable) to E/F (unacceptable). On the Kennedy Bridge and in the Kennedy Interchange, delay would be increasing over time. By 2030, there would be as much as 1,240 vehicle hours of delay with the no-action alternative.

As for Traffic Safety, total crash rates, fatal crash rates and injury crash rates are above statewide averages for both the Kennedy Interchange and for adjacent sections. The design deficiencies described in the 2003 EIS remain unchanged. Since then, no safety improvements have been made.

The issues with Cross-River Transportation are similar. No significant changes have been made to the system linkage, a key part of the Kentucky-Southern Indiana area. To meet that need, KIPDA adopted *Horizon 2030: The Metropolitan Transportation Plan*, which includes the Ohio River Bridges Project.

In conclusion, Mr. Pakeltis reported that all five of the original project need factors remain applicable and unchanged for the SEIS.

A question was raised: *In reference to the travel summary on slide 31, are 2007 numbers available to compare with 2010 and 2030*? Mr. Pakeltis replied that they will be included in the Purpose and Need white paper. Q: *Are there differences in the 2007 and 2010 traffic data? If the 2010 numbers are lower, then you may want to consider other alternatives*. John Sacksteder responded that there was a decline in traffic count, but the 2010 counts were physical counts taken in greater detail and with the use of a camera. There was some reduction from the 2007 to the 2010 counts, but not enough to change needs. The traffic systems still are beyond capacity.

Alternative Evaluation Process

Cory Grayburn described the Alternative Evaluation Three Step Process from slides 36-39. Purpose and Need Screening is the first step. Four of the five screening criteria, Inefficient Mobility, Traffic Congestion, Traffic Safety and System Linkage are the same from the original EIS. The fifth criterion, Consistency with Local Transportation Plans, was already evident.

Step 2 of the Alternative Evaluation process is Environmental Resources and Fatal Flaw Screening. Mr. Grayburn explained that resources will be screened if affected. Financial feasibility is Step 3 of the evaluation process. Currently, KIPDA's *Horizon 2030* plan includes funding for the Ohio River Bridges Project.

A question was raised at the conclusion of this section: *Did the original EIS include a Financial Evaluation*? Answer: Yes, at that time, it consisted of a comparison with each of the other alternates, but not in terms of tolls. Question: *Was the $1.9B available*? Answer: Currently $1.9 billion in federal funds is set aside in the KIPDA Metropolitan Transportation Plan and those funds are available through 2022. Toll revenues will account for $2.2 billion through 2030. UPDATE to the response: Soon after the 2003 ROD, an Initial Financial Plan was prepared by KYTC and INDOT. That initial plan was approved by FHWA on January 2, 2008. Since that time, the Financial Plan has been updated yearly, as required.

Environmental Analysis Methodology

Environmental Analysis Methodology, slides 40 – 42, was presented by Jason Hignite. Jason pointed out that one of the SEIS primary tasks is to look at impacts associated with changes in the project area and from the proposed selected alternatives. Also in response to regulated resources, permits would be addressed by the Section Design Consultants (SDCs) with CTS General Engineering Consultant (GEC) overview.

For the Water Resources, the SDCs are identifying and addressing impacts under the management of the GEC. For Biological resources, there are no changes to soils and geology, and assessment of habitat and wildlife has been ongoing since the ROD. No changes are assumed for Archaeological Resources at this time.
For Historic/Cultural Resources, assessments are based on KYTC and INDOT procedure manuals. Some historic and cultural changes have occurred since the 2003 ROD, for example, the Swartz farm was demolished by the owner. Also, some properties may now be historic. Section 4(f) resources will be updated and amended as necessary. The Section 106 MOA, signed Sept. 2003, is being addressed by the FHWA, INDOT and KYTC.

In Social, Community, and Economic Resources, some elements have seen quite a bit of change, some with potential to alter the project. Even Farmland Impacts will be re-assessed – due to a regulatory change and new forms. Cumulative and Indirect Impacts will be assessed as per the new AASHTO Guidelines. Assessment of Environmental Justice now will involve tolling and traffic diversion issues.

For Hazardous materials, ESA II were completed by the SDC's in 2000. A new search will be performed to compare with the 2000 baseline.

Air Quality, Traffic Noise, and Energy each will be updated for the preferred alternatives.

At the conclusion of the Environmental Analysis Methodology section the following questions were raised:

> Question: *Will climate change be included in the assessment of impacts*?
> Answer: Yes, that is to be addressed.

Question: *In the Environmental Justice assessment, will you be looking at tolls and diversion in terms of cumulative impacts on the community*?
Answer: Absolutely, the cumulative impacts will be part of the analysis.

Observation / Comment: *In making references in the SEIS to parts of the FEIS,, please do not refer back to the FEIS, but provide a summary in the SEIS itself.* Answer: We can do that. Update to response: The SEIS will follow current practice and refer back to the original FEIS where possible and give a summary where necessary.

Involvement Opportunities

The last section of the presentation, Project Meeting Opportunities, was presented by Paul Boone, INDOT. Public Involvement has been a hallmark of this project. Project meetings already scheduled, listed in the handout on slide 44, include the Historic Preservation Consultation Team, the Regional Advisory Committee, four Area Advisory Team meetings, and two Public Meetings. There will also be a Public Hearing and a 45-day comment period after the release of the Draft SEIS, expected this fall.

One question was raised after this section: *The Draft SEIS will be released in the fall of 2011. When will the final be released?* Answer: The target date is early next year (2012).

Comments and Questions

Ms. Osadczuk opened the floor for additional comments and questions. Having no further questions presented, Ms. Osadczuk concluded the meeting by reminding attendees the main purpose of agency coordination is to seek comments on the draft documents. She asked the agencies to please return comments to her within 30 days of receipt of documents. Her mailing address is shown on the agenda and on the presentation slide 45.

End of Meeting

The materials presented in this meeting will be on the project web site. www.kyinbridges.com.

Following the meeting, e-mail correspondence was received from two federal agencies, as follows.

Mr. Dave Studt, Eighth Coast Guard District:
I reviewed the CD provided with Mr. Vlach's letter. My comments/questions: Is Harrods Creek a waterway which the project will cross? In a map of the project area it appears that the Gene Snyder (I-265) extension to the Ohio River may cross it. Also is there any reference to the Migratory Bird Treaty

Act of 1918 in the SEIS material? This may have been covered in the U.S. Fish & Wildlife treatment but not mentioned.

In response to these questions:

Harrods Creek is a navigable waterway of the US as determined by the US Army Corps of Engineers, Louisville District. It is crossed by the project alignment in the vicinity immediately east of River Road via a proposed bridge structure.

The Migratory Bird Treaty Act is directly addressed in the original project EIS. The passages that follow are directly from that document. It will also be appropriately addressed in the work that is forthcoming for the Supplemental EIS.

Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act of 1918 states that it is unlawful to, "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703). This prohibition applies to birds included in the respective international conventions between the U.S. and Great Britain, the U.S. and Mexico, the U.S. and Japan and the U.S. and the Russia. The Act designates federal responsibility for the protection of migratory birds, and sets seasons for the hunting of those birds. Additionally, the Act regulates the closing of areas, both federal and non-federal, to the hunting of migratory birds.

Coordination with the USFWS, IDNR and KNREPC and field investigation of the Preferred Alternative did not identify any resting or nesting areas, waterfowl flyways or habitat used by migratory waterfowl. The proposed project shall not entail the taking, killing or possession of any migratory birds. In accordance with the Act, no impact is anticipated to occur to any migratory waterfowl as a result of the construction of the Preferred Alternative. If you have any further questions, please feel free to contact Jeff Vlach or John Sacksteder at the e-, mail addresses provided in this response.

A second response was received from Mr. Studt:

The proposed Harrods Creek bridge crossing will require a separate Coast Guard bridge permit in addition to the other permits for the downtown bridge and the east end bridge. I not sure Harrods Creek has been fully addressed in the documents that I've reviewed so far. Please specify how this proposal will be disclosed in the project documentation. Separate applications for bridge permits will be required with separate water quality certifications (WQC) from Kentucky and Indiana. Harrods Creek will need a Kentucky WQC only.

In response to this question:

The original EIS identified the crossing of Harrods Creek as a navigable stream. As such, it is recognized that the Coast Guard permits will be required along with the WQC. During the development of the SEIS,

the permit requirements for the crossing and the floodplain will be further addressed. It is our intent that draft permits will be prepared close to the approval of the draft SEIS.

Ms. Ramona K. McConney, NEPA Program Office, EPA Region 4:
We've been reading your methodology document, and want to clarify----are all the wetlands/404 impacts in Indiana, none in Kentucky?

In response to this question:

That is correct. Wetland delineations are underway at this time. Wetlands in the amount of less than an acre were determined to exist on the Indiana side. The spring flooding has prevented staff from investigating the potential for wetlands on the Kentucky side. That review was just started this week. There are some identified wetlands in Kentucky in the vicinity of Beargrass Creek near its crossing by I-71. However, at this time, it is uncertain whether the modified Alternative that is now being investigated will impact that area. There has not been any pre-identified wetland areas on the Kentucky East End, Section 404 and Section 401 permits would be required to construct the bridge crossings of the alignment at Harrods Creek (Kentucky East End) and Beargrass Creek (Kentucky Downtown), as well as several other smaller streams. If you have any further questions, please feel free to contact Jeff Vlach or John Sacksteder at the e-, mail addresses provided in this response.