

cc: Babbie Walker



U.S. Department
of Transportation
**Federal Highway
Administration**

Michigan Division

315 W. Allegan, Room 201
Lansing, Michigan 48933

October 31, 2008

Ms. Susan P Mortel, Director
Bureau of Transportation Planning (B340)
Michigan Department of Transportation
Lansing, MI

Dear Ms. Mortel:

Record of Decision
US-131 Improvement Study from the
Indiana Toll Road (I-80/90) to a point one mile north of Cowling Road
St. Joseph County, Michigan

I have enclosed a signed copy of the Record of Decision for the US-131 Improvement Study. I anticipated the Notice of Decision and Notice of Limitation of Claims for Judicial review being published in the Federal register on Friday, November 14th. You will receive copies of the Notice in a following letter.

Contact David T. Williams, (Environmental Program Manager), by phone at (517) 702-1820 or e-mail David.Williams@fhwa.dot.gov, if you have any questions.

Sincerely,

David T. Williams
Environmental Program manager

For: James J. Steele
Division Administration

Enclosures: Original ROD

cc: Mike O'Malley, MDOT (B340), 1 copy of ROD
M. M. Barondess, MDOT (B340)

Profile No. P-23656

**MOVING THE
AMERICAN
ECONOMY**

Record of Decision

Proposed US-131 Improvement Study, From the Indiana Toll Road (I-80/90) to a point one mile north of Cowling Road St. Joseph County, Michigan FHWA-MI-EIS-02-03-F

I. DECISION

The following sets forth the basis for the selection of a two-lane bypass around the Village of Constantine, truck climbing lanes and minor improvements along the existing US-131 alignment in St. Joseph County, Michigan (Figure 1). The US-131 controlled access bypass of the Village of Constantine would improve traffic operations, greatly reduce truck traffic through downtown Constantine and would provide safe and efficient movement of goods and people within the region. A detailed description of the proposed action can be found in Section 2.0, "Alternatives Considered" in the Final Environmental Impact Statement (FEIS).

This decision is based on the full consideration of the information contained in the Draft Environmental Impact Statement (DEIS) dated November 10, 2004. A public hearing was held on March 29, 2005 to gather public, state and federal resource and regulatory agency comments pertaining to the proposed action. The DEIS and FEIS are available for review on the Michigan Department of Transportation (MDOT) project website, MDOT Bureau of Transportation Planning in Lansing, Michigan; the MDOT Southwest Region's office in Kalamazoo, Michigan; the Kalamazoo Transportation Service Center in Kalamazoo, Michigan; and the Federal Highway Administration's office in Lansing, Michigan.

Many aspects of the DEIS and FEIS process contributed to the extended 1999 to 2008 project timeline. In 1999, MDOT began a study to evaluate options for constructing a US-131 bypass around the Village of Constantine in St. Joseph County. In February 2000, a desire to enhance system connectivity led to the expansion of the bypass study limits to include all of US-131 between the Indiana Toll Road and M-60. In March 2001, the study limits were extended further north to the northern city limits of Three Rivers in response to resolutions passed by Fabius Township, the City of Three Rivers, and Lockport Township. The revised northern terminus is a point one mile north of Cowling Road in St. Joseph County, Michigan.

In November 2004, the Draft Environmental Impact Statement (DEIS) was completed. The public hearing was held on March 29, 2005, and the public comment period was extended through May 13, 2005. Approximately 90 comments were received. Based on the comments received from the public a bypass of the Village of Constantine (PA-5) was selected as the Preferred Alternative. During the preparation of the FEIS, additional threatened and endangered species, archaeological and cultural investigations were required that took two years (2004-2006) to complete. The FEIS document in 2008 kept the Study Area boundaries intact, and focused on improvements for the Preferred Alternative in Michigan (no improvements in Indiana). Project funding was identified and the project process moved forward with additional coordinated community involvement to further refine the Preferred Alternative.

II. ALTERNATIVES CONSIDERED

All alternative modes of transportation were originally considered as part of the evaluation process. Early in the development process, four preliminary Illustrative Alternative categories were developed for evaluation within the Study Area. Following public comment and further analysis, these preliminary Illustrative Alternatives were refined and combined to provide six Practical Alternatives (PA-1, PA-2, PA-3, PA-4, PA-5 and PA-5 Modified). These Practical Alternatives and the prior Illustrative Alternatives were fully discussed in the DEIS published in November 2004, as were a full range of Transportation Systems Management alternatives and a No-Build Alternative. Section 2.0, "Alternatives Considered" in the FEIS provides an in-depth analysis of each alternative and a history of the alternatives development process.

No-Build

The No-Build Alternative served as the basis for evaluation of the other alternatives. The No-Build Alternative would maintain the existing US-131 facility with its current lane configuration. With this alternative, routine maintenance would occur on an as-needed basis.

Traffic projections indicate that the No-Build Alternative would result in a reduction of level-of-service (LOS) to E at some locations by 2030. LOS E is defined as a roadway near capacity with limited speed and long delays. The No-Build Alternative does not allow for the removal of truck traffic from the Village of Constantine and would not improve vehicular traffic or movement of goods in the US-131 corridor; it does not meet the Purpose of and Need for the project.

Practical Alternative One (PA-1)

Practical Alternative 1 (PA-1) begins at the existing four-lane section of US-131 at the entrance ramp to the Indiana Toll Road, where it widens to a five-lane roadway and follows existing US-131 north to Dickinson Road. North of Dickinson Road, the roadway transitions from a five-lane section to a four-lane limited-access freeway and leaves the existing US-131 alignment, curving to the northwest in order to bypass the Village of Constantine. North of Millers Mill Road, PA-1 curves to the east connecting with existing US-131 and continues north along the existing US-131 alignment to Drummond Road. PA-1 continues north at Drummond Road and connects with M-60 approximately one-half mile west of the existing intersection of US-131 and M-60. At Broadway Road, PA-1 turns northeast and meets the existing US-131 alignment near Coon Hollow Road where it transitions from a rural to an urban freeway facility. After crossing the Rocky River, PA-1 transitions back to a rural freeway and curves north, then west near Cowling Road, joining existing US-131 at the northern project terminus.

This alternative was dismissed because traffic volumes did not warrant a freeway cross-section, there was significant cost vs. benefit for mobility and because it would have substantial environmental impacts (farmlands, wetlands and relocations). PA-1 improvements are estimated to cost \$269 million (2004 dollars). The following are the principal engineering disadvantages of PA-1 when compared to the other Practical Alternatives.

Disadvantages of PA-1:

- Railroad crossing delay due to the five-lane roadway at-grade crossing of the Norfolk & Southern Railroad south of the Village of White Pigeon
- Six at-grade intersections
- Five local roads would be required to be terminated with a cul-de-sac
- Substantially more costly than PA-5 or PA-5 MOD

Practical Alternative (PA-2)

Practical Alternative 2 (PA-2) follows the same alignment as PA-1 up to Drummond Road, north of the Village of Constantine, except that it transitions from a five-lane roadway to a four-lane limited access freeway north of Anderson Road. PA-2 then continues along the existing US-131 alignment to the north terminus of the project one mile north of Cowling Road. North of King Road, PA-2 transitions from a rural to an urban freeway facility (a longer urban freeway section than proposed for PA-1, PA-3 and PA-4) and is proposed to be depressed approximately 20 feet below existing US-131. This depression allows existing local roads to cross US-131 without being raised and allows service drives to be located directly in front of businesses currently fronting on US-131. After crossing the Rocky River, PA-2 transitions back to a rural freeway until it connects with existing US-131 one mile north of Cowling Road.

This alternative was dismissed because traffic volumes did not warrant a freeway cross-section, there was significant cost vs. benefit for mobility, it would require the most ROW takes of all the alternatives and it would have substantial environmental impacts to farmlands, wetlands and relocations. PA-2 is forecasted to have a total project cost of \$461 million (2004 dollars). The following are the principal engineering disadvantages of PA-2 when compared to the other Practical Alternatives.

Disadvantages of PA-2:

- Most expensive Practical Alternative (\$461 million)
- Most difficult for staged implementation
- Most difficult for maintenance of traffic during construction
- Most costly for long-term maintenance
- Requires new bridge for service drive over the White Pigeon River
- Requires most total ROW due to service drive requirements and adjoining property setback requirements (925 acres)
- Requires most service drives (23.1 miles)
- Requires six local roads to be terminated with a cul-de-sac

Practical Alternative Three (PA-3)

Practical Alternative 3 (PA-3) begins as a five-lane roadway, as described above for PA-1, at the Indiana Toll Road and follows existing US-131 northeast to Anderson Road. At Anderson Road PA-3 transitions from a five-lane roadway to a four-lane limited access freeway, heading north to parallel existing US-131 approximately one-half mile to the west. North of Dickinson Road PA-3 curves west, using the same alignment as PA-1 and PA-2 over the St. Joseph River. PA-3 continues along the PA-1 alignment to the northern project terminus.

This alternative was dismissed because traffic volumes did not warrant a freeway cross-section, there was significant cost vs. benefit for mobility and because it would have substantial environmental impacts to farmlands, wetlands and relocations. PA-3 is forecasted to have a total project cost of \$289 million (2004 dollars). The following are the principal engineering disadvantages of PA-3 when compared to the other Practical Alternatives.

Disadvantages of PA-3:

- Seven local roads would be terminated with a cul-de-sac
- More expensive than PA-1 and significantly more expensive than PA-5 and PA-5 MOD

Practical Alternative Four (PA-4)

Practical Alternative 4 (PA-4) follows the same alignment with the same roadway typical sections as PA-3 from the Indiana Toll Road north to Dickinson Road. At Dickinson Road PA-4 heads northwest to bypass the Village of Constantine approximately one-half mile west of the village limits. At North River Road, PA-4 curves northeast, then heads north between Zerbe and Garber Roads. North of Drummond Road PA-4 turns northeast and runs parallel to existing US-131 to the west. At Gleason Road, PA-4 heads north to intersect M-60 just east of the PA-1/M-60 proposed interchange location. North of Broadway Road PA-4 joins the PA-1/PA-3 alignment extending to the north project limits.

This alternative was dismissed because traffic volumes did not warrant a freeway cross-section, there was significant cost vs. benefit for mobility, and because it would have substantial environmental impacts, including the greatest floodplain crossing length at the St. Joseph River (approximately 1325'). PA-4 is estimated to have a total project cost of \$303 million (2004 dollars). The following are the principal engineering disadvantages of PA-4 when compared to the other Practical Alternatives.

Disadvantages of PA-4:

- Greatest floodplain crossing length at the St. Joseph River (approximately 1325')
- Six local roads would be terminated with a cul-de-sac
- Requires access to the Village of Constantine through a residential street on Youngs Prairie Road

Practical Alternative Five Modified (PA-5 MOD)

Practical Alternative 5 Modified (PA-5 MOD) is on the same alignment as PA-5 except at the north end of the Village of Constantine bypass, between North River Road and Garber Road. At North River Road, PA-5 MOD curves northeast, merging with existing US-131 at Youngs Prairie Road. A new four-legged signalized intersection is proposed where the new US-131 bypass connects with the existing US-131 alignment. From this point north, PA-5 MOD remains as a two-lane section and utilizes the existing US-131 alignment to Garber Road. North of Garber Road to the study limits, PA-5 MOD is the same alternative as PA-5.

The following cross-roads are not proposed to be carried across PA-5 MOD: Stears Road and King Road. Access is proposed to be maintained to all other crossroads.

This alternative was dismissed because it did not completely remove through auto and truck traffic out of downtown Constantine. It also has more signalized intersections than any of the other alternatives, hence the most travel time required to reach motorist destinations of any of the Build Alternatives, because of delays due to traffic flow interruptions. PA-5 MOD is estimated to have a total project cost of \$25 million (2004 dollars).

Disadvantages of PA-5 MOD:

- Requires two local roads to be terminated with a cul-de-sac
- Requires access to the Village of Constantine from the bypass by a new roadway
- Lower design speed for through traffic than freeway alternatives
- More signalized intersections than any other Practical Alternative
- Most travel time required to reach motorist destinations of any of the Build Alternatives, because of delays due to traffic flow interruptions
- Lowest posted speeds and most traffic interruptions of all the Build Alternatives

Practical Alternative Five (PA-5)

Analysis of the Practical Alternatives included comparisons between the Practical Freeway Build Alternatives as well as the non-freeway Practical Alternatives to the No-Build Alternative. The merit of each alternative was assessed based on the Purpose of and Need for the Project, the environmental impacts of the alternative and comments from stakeholders and the public. Based on this evaluation, MDOT and the Federal Highway Administration (FHWA) have concluded that PA-5 should be the Preferred Alternative for design and construction.

The Preferred Alternative (PA-5) meets the Purpose of and Need for the project as well or better than other Practical Alternatives. It meets the purpose of providing safe and efficient movement of goods and people. The cost effectiveness of the Preferred Alternative supports the economic growth of the region and the State by improving traffic operations within the Study Area at a lower cost than freeway alternatives, while still improving the movement of goods and people through the corridor with environmental impacts that are lower than the other Practical Alternatives.

The Preferred Alternative will provide a bypass of the Village of Constantine, while still utilizing more of the existing alignment than any other freeway alternative except PA-2. It will require much less new ROW than the freeway alternatives and is less environmentally intrusive than all freeway alternatives. The Preferred Alternative will reduce truck traffic and its associated noise and vibration in downtown Constantine and will improve intersection geometrics. The Preferred Alternative will have positive impacts on pedestrian and non-motorized vehicle movement in downtown Constantine. Decreasing commercial traffic will allow pedestrians and non-motorized vehicles easier travel through downtown Constantine.

The Preferred Alternative begins as a two-lane facility from the Indiana/Michigan State Line and follows existing US-131 north to Dickinson Road as illustrated in Figure 1. All existing roads that would cross the Preferred Alternative will have at-grade intersections with full access, with the exception of Stears Road (the eastern leg of the proposed intersection would "T" into the bypass, while the western leg of the proposed intersection would be cul-de-saced) and Millers Mill Road (cul-de-saced to the east of the bypass). Anderson Road would be realigned to achieve a more optimal intersecting angle, as would Eagley Road. While these two intersection improvements are cleared as part of this FEIS, the cost to improve these intersections is not included in the \$31 million dedicated funding for the Preferred Alternative. The PA-5 alignment utilizes the existing US-131 bridge crossing of the White Pigeon River. An at-grade crossing of the Norfolk & Southern Railroad north of Indian Prairie Road also would be maintained. North of Dickinson Road, PA-5 consists of a two-lane roadway section and leaves the existing US-131 alignment, curving to the northwest in order to bypass the Village of Constantine. Existing US-131 would be realigned south of Stears Road to create a "T" intersection with the new US-131 bypass.

North of Stears Road, PA-5 follows the northbound roadway alignment of PA-1 and PA-2, while maintaining at-grade intersections at Riverside Drive, North River Drive, Youngs Prairie, Quarterline Road and Zerbe Road. This alternative requires a new two-lane bridge crossing of the St. Joseph River east of Blue School Road, at the same location as PA-1, PA-2 and PA-3. The new St. Joseph River bridge will be 870 feet long and will span the 100 year floodplain and associated wetlands. The new structure is expected to be six spans with two piers in the St. Joseph River and three piers in the floodplain. In this area, Quarterline Road would be realigned to "T" into the existing US-131 and Youngs Prairie intersection, within the Village of Constantine. As noted above, Millers Mill Road would be cul-de-saced at the PA-5 alignment. Youngs Prairie northwest and southeast of Millers Mill would be realigned and remain open and

intersect with PA-5. Zerbe Road would also be realigned and remain open and intersect with PA-5. North of Zerbe Road, PA-5 curves northeast merging with the existing US-131 alignment prior to Garber Road. At this location, existing US-131 would be realigned to provide a more optimal intersecting angle with the new US-131/PA-5 alignment.

The US-131 bypass around the Village of Constantine (from north of Stears Road to south of Garber Road), would be designated as US-131. The existing US-131 alignment thru the Village of Constantine would be maintained by MDOT and redesignated as US-131 Business Route (US-131 BR).

From south of Garber Road northward, PA-5 continues as a two-lane section and utilizes the existing US-131 alignment to north of Gleason Road. However, a single 12-foot wide truck climbing lane would be added in each direction north of Garber Road. The northbound lane would extend approximately 3,000-feet starting south of Drummond Road to just north of King Road. The southbound truck climbing lane would extend approximately 3,800 feet starting midway between Gleason and King and extending to its terminus south of King Road. Just south of M-60, the roadway would transition from a two-lane to a five-lane section through M-60 (See figure 1 Preferred Alternative).

North of M-60, PA-5 follows the existing US-131 alignment from Broadway to Hoffman Road, with conversion of the existing four-lane median (dual turn lanes) section to a five-lane section at this location. North of Hoffman Road, PA-5 transitions back to a four-lane divided cross-section and continues on the existing US-131 alignment to the north project limits.

Where PA-5 utilizes the existing US-131 alignment, minor improvements will be implemented to bring the existing alignment up to current MDOT standards (i.e., 8 foot shoulders, 12-foot lanes). The right-of-way (ROW) width for PA-5 varies throughout the corridor. South of the Constantine bypass, the ROW varies between 66 and 100 feet. Along the new bypass, the ROW is 200 feet and typical ROW north of the bypass to M-60 is 120 feet. North of M-60 the ROW is typically 200 feet.

Advantages of Preferred Alternative (PA-5):

- Utilizes more of the existing alignment than any freeway alternative except PA-2
- Improves intersection geometrics
- Perpendicular crossing of the St. Joseph River with a shorter bridge and reduced floodplain and wetland impacts
- Less environmentally impacts (ROW, farmland, relocations) than all freeway alternatives
- Requires much less new ROW than the freeway alternatives
- Controlled access bypass of Constantine
- Less costly than all freeway Build Alternatives (31 million verses 269-461 million)
- Reduces truck traffic and its associated noise and vibration in downtown Constantine
- Improves pedestrian and non-motorized access in Downtown Constantine

III. SECTION 4(f)

There are no Section 4(f) impacts associated with the Preferred Alternative.

IV. MEASURES TO MINIMIZE HARM

The proposed mitigation measures to minimize the adverse effects of the undertaking are described in Section 4.0 Environmental Consequences of the FEIS. Standard construction practices for the control of soil erosion and sedimentation, control of excavation and disposal of materials, maintaining access and detouring traffic, control of air pollution, and continuance of public utility services will be employed. Permits required from resource agencies for stream crossings, floodplains, and wetlands will be obtained, and the conditions of the permits will be met during construction.

Special mitigation measures as described in the Project Mitigation Summary "Green Sheet" are found at the end of Section IV of this draft Record of Decision. These measures will minimize the effects of the proposed project on the surrounding environment. These special mitigation measures, specific to the implementation of the Preferred Alternative, are summarized below.

Changed Conditions Since FEIS Comment Period

Since the FEIS comment period ended on June 16, 2008, the need for three additional relocations has been identified. This would increase the number of potential project relocations from twelve to fifteen. Two homes were built subsequent to aerial mapping and initial photogrammetric and survey activities. Both were discovered during recent survey activities. A third home is located along the proposed truck climbing lane area of the project. Though this home was originally considered a potential relocation, it was determined it could be saved if a retaining wall is constructed. Due to escalating construction costs and the property owner's willingness to sell, MDOT believes this property should be added as a potential relocation, with the final decision being made during the Real Estate process once final ROW plans are complete.

Right-of-Way Acquisition and Relocation Assistance

Relocations will only be necessary where the alternative directly impacts a residence. All relocation assistance would be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Resources would be made available without discrimination to all residents who are relocated. Under the requirements of this Act, relocations cannot occur until it is shown that comparable housing is available in the area for relocation purposes. Replacement housing must be similar both in type and price range. A Conceptual Stage Relocation Plan has been developed by MDOT. For more information on relocation impacts see, the updated Conceptual Stage Relocation Plan located at the end of this draft ROD.

Relocation estimates for all properties are based upon a worst-case scenario of acquiring all structures that would not comply with zoning setbacks due to ROW acquisition. Estimates also assume acquiring the full property if the principal residence or business requires relocation. The residential relocations consist of single-family homes and farmsteads and are representative of the overall housing stock within the Study Area. No disproportionate impacts were identified as a part of the Environmental Justice review. The Preferred Alternative will require 15 single family residential relocations. No minority or low-income households have been identified as required relocations.

Wetlands

The Preferred Alternative alignment has been formulated to avoid and minimize impacts to wetland areas to the greatest degree possible, particularly high-value wetlands that may harbor threatened or endangered species. Two wetland complexes will be affected by the project, as was described in greater detail in the FEIS, Section 3.12.

Wetland Complex 1, part of the larger delineated wetland #16, is located in the proposed southbound truck passing lane and is approximately 4 acres in size. The area of potential impact to this wetland is approximately 0.3 acre or 7.5% of the total wetland acreage. Wetland scientists determined that this wetland is of low quality based on its relatively small size, severely limited plant community structure, and its proximity to the existing highway limiting the number of functions/values that Wetland Complex 1 can provide. Groundwater recharge/discharge, sediment/toxic retention and nutrient removal were determined to be the principal functions/values of this wetland. However, impacts on Wetland Complex 1 are expected to be minimal and are not expected to significantly impact these primary or other listed functions and values identified within this wetland complex.

Wetland Complex 2, part of the larger delineated wetland #8, is located on the south bank of the St. Joseph River and provides an approximate 300-foot buffer between the river and the upland to the south. The total wetland size is 15 acres and the area of potential impact is 1.2 acres (8%). The principal functions/values that were identified for this wetland complex are floodway alteration, nutrient removal, wildlife habitat and endangered species habitat. Wildlife habitat will be permanently impacted in portions of the Study Area although, no direct impacts to the species will occur. Impacts on the floodway and nutrient removal are expected to be minimal. These conclusions are based on the assumption that the use of support pilings in the wetland will not fragment the wetland or the functions it serves. Placement of support pilings to bridge over the floodplain/wetland area will reduce potential impacts to endangered species habitat and will maintain the corridor for wildlife passage under the bridge.

Wetland impacts associated with the US-131 project will be mitigated by using a wetland preservation bank site known as the Tamarack Fen located in the St. Joseph River watershed in Cass County. This property was originally purchased, under agreement between MDOT and The Nature Conservancy (TNC), for the proposed US-31 freeway project in Berrien County to mitigate for potential impacts to the federally endangered Mitchell's Satyr butterfly habitat at the Blue Creek Fen. Design changes during the development of the US-31 alignment resulted in avoidance of the Blue Creek Fen. This eliminated impacts to the fen and the Mitchell's Satyr butterfly. Since the property was already purchased, and the contractual agreement between MDOT and TNC mandated, both agencies are working towards permanent easement protection of this high quality wetland complex. This site would then become a wetland preservation bank for the wetland impacts associated with the US-131 and other future projects.

MDOT provided funding to TNC approximately ten years ago to purchase 292 acres of property within this fen system as a "mitigation service" for MDOT. Mitigation services provided by TNC involved locating, purchasing and managing the rare fen habitat suitable for the Mitchell's Satyr butterfly. Of the 292 acres of property that were purchased, 118 acres have been identified as high quality wetland by both TNC and the U.S. Fish and Wildlife Service (USFWS). TNC determined that this site had the ecological characteristics required to support the Mitchell's Satyr butterfly and other state listed threatened and endangered species. These characteristics included the proper hydrology, diverse plant communities, and a unique vegetational mosaic comprised of woody and herbaceous vegetation.

At a 10:1 replacement ratio, 15 acres of the high quality wetlands will be credited for preservation against an estimated impact of 1.5 acres of wetland from this project. These wetlands are located within the same St. Joseph River Watershed as the impacted wetlands. After signing the banking agreement for this site, MDOT will place a conservation easement or deed restriction prohibiting development over the entire 118 acres of wetland along with 100 feet of associated perimeter buffer zone to assure permanent protection of this area. This banking agreement and conservations easements or deed restriction will be approved and in place prior to construction.

MDOT is in the process of developing a wetland banking agreement for this site that outlines management activities and permanent easement protection. As part of our management strategy, MDOT will be providing funding to TNC to initiate restoration of the fen habitat at this location. This will include funding to control invasive species, manage hydrology, and excessive shrub growth in order to maintain the sites heterogeneity and diversity. Active site management will be required to maintain the biological integrity and promote suitable habitat for the Mitchell's Satyr butterfly. Without active site management, the existing fen will become degraded and the habitat for the Mitchell's Satyr butterfly will be lost. In 2009 MDOT will delineate the existing wetlands, perform a comprehensive biological assessment of the fen and work with TNC to develop a management plan. It is anticipated that the final banking agreement, management plan and conservation easement will be in place by 2010.

Threatened and Endangered Species

Overall, the Preferred Alternative will not impact threatened and endangered species. Based on the studies performed for this project, (see Technical Memorandum, Ecological Assessment for US-131 Village of Constantine Bypass, available from MDOT), it does not appear that the upland and wetland communities identified within the Study Area contain sufficient acreage or the specific attributes necessary for habitat to support either the copperbelly water snake or eastern massasauga rattlesnake. The habitat suitability assessment included a literature search, discussions with a snake expert, and an on-site assessment. Therefore, the Preferred Alternative will not have an impact on the copperbelly or massasauga snakes.

A mist netting and acoustical survey for the Indiana bat was conducted in May 2007 (see A Netting Survey for Indiana Bats for the Proposed US-131 Bypass Improvement Study, St. Joseph County, Michigan, available from MDOT). While foraging and roosting habitat for the Indiana bat is present in the two areas investigated during the field reviews, the Indiana bat was not documented in the Study Area during mist netting or acoustical surveys. Therefore, construction of the Preferred Alternative will not adversely impact the species. Indiana Bat tree clearing restrictions will be followed in accordance with Michigan Department of Natural Resources and United States Fish and Wildlife Service guidance.

The purple wartyback mussel was documented in the Study Area in the form of two dead shells. The Preferred Alternative has the potential to alter the aquatic environment through the placement of piers in the river but there should no impact as live mussels were not located. The Study Area also contains suitable habitat for the river redhorse and spotted gar. Based on results of the literature review, historical records and field investigations, these species were not located within the Study Area.

Suitable nesting habitat was found for the prothonotary warbler along the south shore of the St. Joseph River; however none were observed and no historical records for this species exist at this location. No nesting habitat was found for the yellow-throated warbler.

Wild rice was documented in the St. Joseph River during previous studies; however the species, suitable plant communities, or preferred sunlight condition was not found within the Study Area. Because historical records indicate the presence of this species, dispersal of seeds is possible. The removal of the overstory could increase the amount of emergent wetland and therefore, have a positive impact on this species.

Floristic assessments were conducted in August and September of 2006 to identify the presence of prairie birdfoot violet, hairy ruellia, prairie coreopsis, leadplant, white or prairie fringed indigo or false boneset. Despite the timing of the study, none of these species was located and the results of floristic quality assessments indicate that suitable plant communities or site conditions do not exist for these species in the Study Area. Therefore, no impacts from the Preferred Alternative are expected.

Though not specifically targeted during the field assessments, water-willow (state-threatened) and red mulberry (state-special concern) were found within the Preferred Alternative's proposed ROW. The project would require placement of fill for the northbound truck climbing lane, thereby having a direct impact on the red mulberry. Impacts to the water-willow may be minimized by avoiding the south shore of the river during project design and construction.

To mitigate the effects of US-131 improvements on threatened, endangered and special concern species, the alternatives underwent an iterative process of refinement to a) avoid resources altogether, then b) minimize impacts where resources could not be fully avoided. During development, the alternatives first avoided the larger and higher-valued bog and fen habitats. The higher quality wetland resources were avoided to the greatest extent possible. Unavoidable impacts were then minimized and then mitigated.

Farmland

The Preferred Alternative will directly affect less than 0.25% of the total farmland in St. Joseph County and will not have a substantial regional impact on farmland, farm employment or farm production. The Preferred Alternative will not require the displacement of any farmland operation. PA-5 will require six parcel splits and impact a total of 132.3 acres of active farmland. MDOT will purchase property in accordance with FHWA regulations.

The alignment of the Preferred Alternative has been refined to minimize effects on center-pivot irrigation equipment and farmland. No center-pivot equipment or wells will be required to be removed in their entirety. Center-pivot irrigation equipment is adjustable; therefore it can be reconfigured to operate up to the Preferred Alternative's right-of-way line. Impacts to center-pivot equipment will be mitigated as necessary by MDOT to maintain the existing irrigation quality on impacted farms.

Any Federal action that results in conversion of farmland to a non-agricultural use requires coordination with the Natural Resources and Conservation Service (NRCS). Coordination has been completed through a Land Evaluation Site Assessment (LESA), which measures the relative value of farmland affected, and assigns a score according to set criteria. The evaluation includes direct and indirect conversion. The Form AD 1006, which evaluates the impacts of farmland conversion, is provided in Appendix D of the FEIS.

Part 361 of Act 451, Natural Resources and Environmental Act, as amended, is intended to support the preservation of farmland and open spaces through restrictive covenants. Part 361 provides tax incentives for participation in the program. The Act also allows for lands acquired for highway improvements in the public interest to be released from this preservation program.

MDOT would coordinate with the Michigan Department of Agriculture and impacted property owners to identify affected properties or portions of properties, which would require a public interest release. The Preferred Alternative will not impact any unique farmland but will have impacts to 132.3 acres of prime farmland. The Preferred Alternative would impact four Part 361 designated farmland preservation parcels.

V. COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT

The FEIS was made available for agency and public review and sent to the EPA for filing. The comment period closed June 16, 2008. The following is a summary of the comments received from state and federal review agencies, and the public. The agency and public comment letters can be found at the end of this attachment.

Public Comments:

Donna Strawser Letter and Petition: A letter dated May 31, 2008 and a petition dated July, 2007 to September, 2007 previously sent to Governor Granholm's office and responded to by Larry A. Tibbits, P.E. MDOT Chief Operations Officer on June 17, 2008. Many aspects of the Preferred Alternative have changed since the petition was signed.

What is the real reason behind the Project?

Response: The purpose of the project as stated in the FEIS is to identify potential alternatives that support the safe and efficient movement of goods and people and cost effectively support the economic growth of the region and the state by improving traffic operations within the study corridor. The identified needs of the project include:

- Assurance of sufficient capacity to accommodate future traffic growth
- Improvement of roadway inefficiencies
- Improvement of US-131 highway operations

You plan to purchase residential homes, but what about the impact on the homes left next to the noisy bypass?

Response: Noise impacts are listed in section 4.9 Noise Impacts on page 4-18. Noise abatement measures are considered when noise levels approach or exceed the Noise Abatement Criteria (NAC) level for the appropriate land use category or when future noise levels indicate a substantial increase over existing levels. Several of the receptors in the Study Area, specifically 1, 7 and 9 are expected to experience a substantial increase in traffic noise under future build conditions although they will not exceed NAC levels. Receiver 10 exceeds the NAC for residential properties. However, this receiver is anticipated to be acquired for the project, so no noise mitigation would be required.

When you slice up farmland, you curtail or destroy the farm operation.

Response: Construction of the Preferred Alternative will not necessitate the displacement of any farm operation. Partial takes however, may require different access to those farm properties. MDOT will purchase any farmland that becomes land locked as a result of this project. Access will be maintained to all farmland for their continued operations.

MDOT has said that perhaps later the Constantine village bridge will be turned over to the county – who bears these costs?

Response: Existing US-131 through the Village of Constantine and the bridge over the St. Joseph River will remain under MDOT's jurisdiction and will be designated and maintained as a Business Route.

In the future it is the Village of Constantine that will bear the "extra" cost of repairing the sewer pipeline under the proposed passing lane.

Response: MDOT will design the truck climbing lanes in a manner that will not disrupt the service and will allow the operation of the pipeline to continue in accordance with the existing permits and agreements. Future maintenance and repair of the sewer pipeline will be the responsibility of the owner and operator of the system in accordance with existing MDOT utility policies.

Where the bypass crosses Riverside Drive is only about a quarter of a mile from the new Constantine High School and Riverside Elementary. This location cannot help but affect the safety of students and others who use this route to school, work and home.

Response: MDOT has met and will continue to meet with Constantine School's officials and the public to discuss motorized and non-motorized traffic and bus routes as they pertain to the bypass and US-131 BR. MDOT will continue to meet with school officials and the County Road Commission throughout the design phase of the project.

Mr. & Mrs. Richard Stutsman Letter: *Letter dated May 12, 2008 to Robert Parsons of MDOT stating their concerns about their living circumstances when the truck climbing lanes portion of the project are constructed.*

Although we have checked the website and watched the news releases, we have heard nothing so far about the study being presented for further consideration. Is this date looming in the near term or is it still being pushed back?

Response: MDOT Real Estate will contact and meet with the Stutsmans to consider design options that could minimize impacts to their property and the possible purchase of their property during the design phase of the project. MDOT will also assure that erosion and sedimentation control measures will be followed during construction of the project.

Mr. Glenn E. Miller Letter: *Letter dated June 21, 2008 to Robert Parsons of MDOT stating his concern on the location of a cul-de-sac.*

I am requesting that the proposed cul-de-sac in front of our property on US-131 be completely eliminated. I am also suggesting that it would be less costly to cul-de-sac east of the proposed highway and only have access to the new highway from the west of Zerbe Road.

Response: Comment acknowledged. MDOT has modified PA-5, to remove the cul-de-sacs along Zerbe Road and allow for a four leg intersection with US-131. More information regarding this intersection can be found in the FEIS in Section 2.3 "Selection of Preferred Alternative" on pages 2-8 to 2-11, and on Figure 2.1 on pages 2-12 and 2-13.

Mr. Mark Honeyset, Village Manager, Village of Constantine: *Letter dated June 12, 2008, to David Wresinski stated that the Constantine Village Council held a special meeting to discuss commenting on the US-131 FEIS. The following is an excerpt from the minutes of the meeting: Motion by Mathers, Seconded by Harder, that the Village Council go on record in support of the proposed bypass, PA-5 as stated in the Environmental Impact Study, but with rigorous concern*

for specific design attention toward safety at all at grade intersections, especially the Riverside Drive Crossing, and the safe-guarding of the integrity of the sewer line to Three Rivers, Motion passed by Roll Call 6-1.

Response: MDOT will continue to coordinate with the Village of Constantine through the design and construction phases to address their concerns.

Michigan Department of Environmental Quality (MDEQ): The MDEQ submitted the following six comments:

Page iii of the executive summary, Wetlands, states the impacts are shown on figure 4.5. Also section 3.12.1 references figure 4.5. This should be 4.6.

Response: Comment acknowledged. Please see the Errata Sheet in Appendix E (US 131Improvement Study FEIS Errata Sheet).

Page iii of the executive summary, Wetlands, states that wetland mitigation will be achieved by preserving 15 acres of high quality fen to compensate for the loss of 1.5 acres of wetland. In order for the 15 acres to qualify as mitigation, MDOT will need to provide the following:

- a. *Demonstrate that the preserved wetlands perform exceptional physical or biological functions that are essential to the preservation of the natural resources of the state or the preserved wetlands are an ecological type that is rare or endangered.*

Response: Please see Section IV, Measures to Minimize Harm, Wetlands, for additional information regarding how MDOT has demonstrated that the preserved wetlands perform exceptional physical or biological functions that are essential to the preservation of the natural resources of the state or the preserved wetlands are an ecological type that is rare or endangered.

- b. *Demonstrate that the preserved wetlands are under a demonstrable threat of loss or substantial degradation due to human activities that are not otherwise restricted by state law. MDOT could assist with providing management for threatened and endangered species and/or the control of invasive species. Monitoring would have to be provided before and after to verify success of the management activities.*

Response: Please see Section IV, Measures to Minimize Harm, Wetlands, for additional information regarding how MDOT has demonstrated that the wetland is under demonstrable threat of loss or degradation.

- c. *The preserved wetlands will need to be protected with a permanent conservation easement.*

Response: Please see Section IV, Measures to Minimize Harm, Wetlands, for additional information regarding how MDOT has demonstrated that we will protect the wetlands with a permanent conservation easement or deed restriction prior to construction.

MDEQ supports MDOT's decision to construct a much longer bridge than was originally proposed in the DEIS.

Response: Comment acknowledged.

Page ix of the executive summary, Potential Contaminated Sites, indicates that there are two potential contamination sites located within the proposed right of way of the bypass. MDOT should coordinate any potential impacts to the contamination sites with the MDEQ's Remediation and Redevelopment Division.

Response: MDOT will coordinate any potential impacts with the MDEQ Remediation and Redevelopment Division.

Michigan Department of Agriculture (MDA): PA-5 and PA-5 Modified offer the least overall direct impacts on prime farmland and farmland enrolled under Part 361 of Act 451, of Natural Resources and Environmental Protection Act (NREPA).

Plans indicate that the Preferred Alternative will impact four parcels encompassing 18.3 acres of farmland enrolled under the Farmland and Open Preservation Act. In order to move forward with a project affecting any of these properties, MDOT must 1) receive local unit of government approval; 2) seek formal termination of the individual agreements through the MDA Farmland Preservation Program and 3) pay back up to seven years of tax credits claimed on the property, if any.

Response: MDOT will comply with all regulations concerning the impacted acreage enrolled under Act 451, Part 361, Farmland and Open Preservation. Once design plans have been completed MDOT will be able to determine actual ROW needs. Once these properties has been acquired, MDOT will proceed with the relinquishment process. Prior to construction, MDOT will first request local government approval and then termination through MDA which will determine the tax credit payback. MDOT will then make the necessary tax credit payments to the Michigan Department of Treasury.

Michigan Department of Community Health (MDCH): MDCH indicated there would be minimal impact by the project on licensed health facilities along the US-131 Corridor in St. Joseph County as a result of the selection of the Preferred Alternative (PA-5).

MDCH listed several concerns over the possible impacts the project could have on licensed health facilities in the Cities of Three Rivers and Centreville due to the project construction in the City of Three Rivers.

Response: MDOT will coordinate with local officials prior to construction. Construction areas listed as concerns will not be part of the Preferred Alternative and will therefore not affect the licensed health facilities.

Elkhart County, Indiana: No approvals are required from the Elkhart County Drainage Board

An existing National Geodetic Survey Point needs to be preserved or an equivalent point re-established on the west side of State Road 13 at the Michigan-Indiana State line.

Response: Comment acknowledged. The Preferred Alternative no longer includes improvements in the state of Indiana.

Indiana Department of Natural Resources (INDNR): INDNR did not identify any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Historic Places within the probable area of potential effect.

If an archaeological records check or reconnaissance has been conducted for the Indiana portion of the project, we would be able to comment on that work once it has been submitted to our office.

Response: Comment acknowledged. The Preferred Alternative no longer includes improvements in the state of Indiana.

United States Environmental Protection Agency (USEPA): *Information provided in the FEIS addresses our concerns related to wetland information and potential project impacts to trout in the St. Joseph River. We offer the following recommendations to further reduce environmental impacts.*

If changes in hydrology do occur as a result of the proposed project, we recommend corrective action or mitigation for lost functions and values.

Response: Comment acknowledged. MDOT will coordinate with the MDEQ as necessary.

We recommend MDOT coordinate with the MDNR Fisheries Division to determine if seasonal restrictions for working in the river would benefit spawning trout. MDOT should also clarify what is meant by the phrase "to the extent possible" as it is used in the construction activity time restriction to avoid river red horse spawning migration periods.

Response: The phrase "to the extent possible" means that MDOT will assure there are no impacts to the river redhorse during construction through the use of construction activity time restrictions during the spawning migration period. The final Project Mitigation Summary "Green Sheet" at the end of section IV of this ROD documents construction restrictions during spawning migration periods. MDOT will coordinate with the MDNR Fisheries Division on seasonal fish spawning restrictions that will be used during construction.

We acknowledge that MDOT has agreed to bridge the entire floodplain and wetland complex.

Response: The Preferred Alternative will bridge the entire wetland complex and most, not all of the floodplain to reduce impacts to wildlife corridors. The 100-year floodplain will be spanned.

To reduce impacts to breeding individuals, and to comply with the Migratory Bird Treaty Act of 1918, we recommend MDOT coordinate with the MDNR Wildlife Division to determine the appropriate seasonal restriction for tree removal along the river's floodplain and to select an appropriate location and voluntarily mitigate for riparian impacts by planting native trees at a 1:1 ratio along the river's corridor.

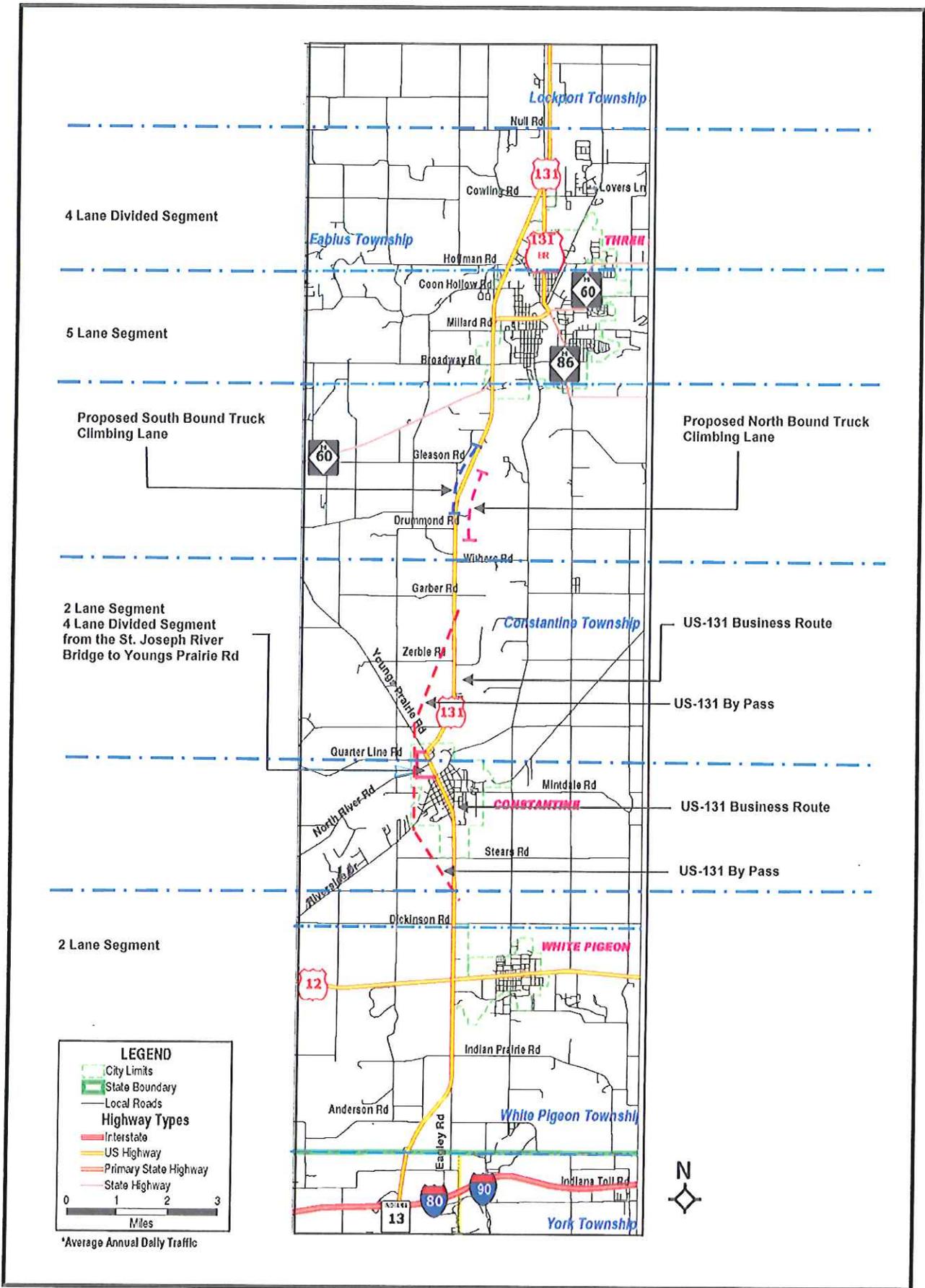
Response: Comments acknowledged. MDOT will comply with the Migratory Bird Treaty Act of 1918 and will coordinate appropriate cutting dates with the MDNR Wildlife Division before removing any trees. Tree clearing will also be minimized in this area to retain the forested floodplain characteristics at the bridge crossing location over the St. Joseph River. Trees will be replaced where needed to assure the functions and values of the river crossing remain intact following construction.

Oct 27, 2008
Date

James J. Steele
for the Federal Highway Administration

Record of Decision

Figure 1 Preferred Alternative



Appendix A

Project Mitigation Summary “Green Sheet”

US-131 Improvement Study
St. Joseph County, Michigan
Elkhart County, Indiana

Record of Decision (ROD)

Project Mitigation Summary
“Green Sheet”

This final Project Mitigation Summary “Green Sheet” contains the project specific mitigation measures being considered at this time. These mitigation items and commitments may be modified during the final design, right-of-way acquisition, or construction phases of this project.

I. Social and Economic Environment

- a. **Relocations:** Adequate replacement housing is available to mitigate the loss of 15 residential relocations required for the Preferred Alternative. **See the updated Conceptual Stage Relocation Plan located in Appendix B of this ROD.**
- b. **Aesthetic and Visual:** To mitigate aesthetic and visual impacts, landscaping opportunities will be investigated during the design phase to enhance the visual characteristics of the proposed project. MDOT intends to hold at least one additional workshop during the design phase to allow stakeholders and the public an opportunity to continue their discussions with MDOT on developing a transportation facility that fits with in the local context, preserves community values while maintaining safety and mobility. It is anticipated that the participants will include representatives from the Village of Constantine, Constantine Township, Three Rivers, businesses, special interests, and others.
- c. **Emergency Services:** To provide an adequate amount of time to adjust emergency response plans and school district routes, MDOT will coordinate with emergency service providers and local school districts prior to the beginning of or implementation of any new phase of construction. Coordination will be maintained throughout construction.
- d. **Noise:** The Preferred Alternative will cause one residence to receive noise impacts that exceed noise abatement criteria (NAC) levels but no noise mitigation will be done because the cost would exceed the per residence cost limit of \$38,060 (2007 dollars), which is contained in MDOT’s 2003 noise policy.
- e. **Community Input:** As a result of the first Community Involvement Workshop held in May of 2007, MDOT intends to hold at least one additional workshop during the design phase. This will give the stakeholders and public an

opportunity to continue their discussions with MDOT on developing a transportation facility that fits with in the local context, preserves community values while maintaining safety and mobility. It is anticipated that the participants will include representatives from the Village of Constantine, Constantine Township, Three Rivers, businesses, special interests, and others.

II. Natural Environment

- a. Wetlands: Wetland impacts were significantly reduced by lengthening the proposed St. Joseph River structure to span most of the adjacent floodplain/wetland area. The Preferred Alternative will impact 1.5 wetland acres. The impacts will be in two wetland complexes. In Wetland Complex 1, 0.3 acres of classified lower quality shrub scrub wetlands will be impacted. In Wetland Complex 2, 1.2 acres of classified higher quality forested wetland with an emergent wetland understory will be impacted. Where wetland impacts cannot be avoided, MDOT will preserve existing wetlands in accordance with Part 303, Wetland Protection, of Act 451, of the Natural Resources and Environmental Protection Act of 1994.

Wetland mitigation would occur within the 118-acre high quality Tamarack Fen located in the St. Joseph River watershed in Cass County. For wetland preservation, a 10:1 ratio applies whereby one acre of wetland may be impacted for ten acres of preserved wetland. Fifteen acres of the Tamarack Fen will be preserved through a conservation easement or deed restriction to mitigate the 1.5 acres impacted by the Preferred Alternative.

A wetland mitigation and monitoring plan will be prepared and included in the Michigan Department of Environmental Quality permit application.

- b. Threatened and Endangered Species: In addition to following MDOT mitigation measures (e.g. soil erosion and sedimentation control, dewatering, use of construction mats, etc.) the bridge over the St. Joseph River will be constructed to span the river, wetlands, and most of the floodplain. Two piers will be placed in the St. Joseph River. Construction activities relating to these two piers will be avoided during the river redhorse spawning migration period (March 20 to June 30). Protective construction fence will be placed around the water-willow throughout construction to avoid impacts. The red mulberry will be protected by transplanting it into adjacent suitable habitat within MDOT right-of-way.
- c. Hazardous/Contaminated Materials: A Project Area Contamination Survey (PACS) will be conducted in the design phase of the project. A PAC survey is a record check and field verification of potential contaminated sites. If mitigation is required, MDOT's standard mitigation for contaminated sites will be instituted. This includes appropriately abandoning all groundwater monitoring wells; evaluation of new utility cuts through contaminated areas and appropriate disposal of contaminated media generated during construction. Standard mitigation also includes development of a risk management plan which includes a worker health and safety component.
- d. Floodplains: Floodplain fills were greatly reduced by lengthening the proposed St. Joseph River structure to span most of the adjacent floodplain/wetland area.

Compensatory floodplain storage will not be necessary as there will not be any fill within the 100-year floodplain exceeding 300 cubic yards. Tree clearing will also be minimized in this area to retain the forested floodplain characteristics at the St. Joseph River bridge crossing location. Trees will be replaced where needed to assure the functions and values of the river crossing remain intact after construction.

- e. Wildlife Corridors: To facilitate wildlife passage at the new bridge over the St. Joseph River, the structure will span most of the floodplain and wetland complex with six spans and five piers. Two piers will be placed in the St. Joseph River and three piers will be placed in the floodplain and wetland complex. Spanning these areas will allow wildlife passage under the structure on both sides of the river channel.

III. Cultural Environment

- a. Archaeological: Phase I and Phase II archaeological surveys were carried out for the Recommended Alternative. For those properties whose owners denied access during the original surveys, Phase I and Phase II archaeological surveys will be conducted as necessary on those sites determined to be potentially significant.
- b. Coordination: If impacts are found in the design phase, measures to minimize impacts will include avoidance, preservation in place and recordation of the property and structures prior to highway construction. Appropriate mitigation measures will be developed through consultation between MDOT, SHPO, FHWA, and the property owners. If impacts are identified, a Memorandum of Agreement (MOA) will be prepared prior to start of construction.

IV. Construction

- a. Traffic Flow: MDOT will coordinate with local communities to determine desirable detour routes and access points for local communities to minimize delays, congestion and access restrictions while also maintaining through traffic.

MDOT will coordinate with the Norfolk and Southern Railroad to assure rail traffic service will not be interrupted.

MDOT will maintain public awareness throughout the project by providing general information, addressing public concerns and providing specific information such as duration and location of detours, lane closures, alternative routes, upcoming activities and anticipated construction deadlines.

- b. Construction Permits - Permits under PA 451 of 1994 Natural Resource and Environmental Protection Act, Parts 31 (Regulatory Floodplains), 301 (Inland Lake and Streams), and 303 (Wetland Protection) are required from the MDEQ for this project. Coverage under the National Pollutant Discharge Elimination System (NPDES), which is administered by the MDEQ, is also required. Permit conditions will likely include fish spawning protection dates of March 20 through

June 30. No work can occur in the water unless it is isolated behind an enclosed cofferdam installed prior to the start of the protection date. Temporary use of equipment mats will be utilized in the floodplain on the south side of the river during the placement of piers in the floodplain. Barges will be used to construct the bridge within the St Joseph River. They will be used to set the bridge beams and for the construction of both piers within the river.

- c. Navigable Waterways: The contractor will be required to maintain a navigable channel during all phases of the project. Maintaining a navigable channel may include the placement of signs both upstream and downstream of the construction area that clearly indicates the location of the navigable channel. Lighting of barges and other areas may also be required.

Appendix B

Conceptual Stage Relocation Plan

**Michigan Department of Transportation
Real Estate Division
Conceptual Stage Relocation Plan
Control Section 78013, Project Number 46269**

July 30, 2008

GENERAL AREA AND PROJECT INFORMATION

This is a revision to the June 28, 2007 Conceptual Stage Plan. This plan incorporates two alternatives, the No-Build Alternative and the Preferred Alternative 5 (PA-5). PA-5 is a two-lane roadway on the existing US-131 alignment from the Indiana Toll Road to Dickinson Road, and from south of Garber Road north to M-60. PA-5 includes a new two-lane bypass of Constantine, with controlled access points on the Constantine bypass. North of M-60, PA-5 follows the existing US-131 alignment as a five-lane cross section maintaining existing at-grade intersections. North of Constantine, various intersection and roadway improvements are proposed, as are truck climbing lanes between Drummond and Gleason Roads.

DISPLACEMENTS

The No-build Alternative will not create any displacements.

Preferred Alternative 5 (PA-5) will create 15 residential displacements.

DISPLACEMENT EFFECTS AND ANALYSIS

Property acquired for this project will be purchased in segments or phases, providing for the efficient and complete relocation of all eligible displaced residential, commercial, farm and community facilities impacted by the project. Completing the project in phases will allow an adequate period of time for the relocation process and ensure the availability of a sufficient number of replacement properties in the local area for all eligible displacees.

Residential: The project may cause the displacement of approximately 15 residential units. A review of the housing market in the various communities in the study area indicates a sufficient number of replacement homes and rentals will be available throughout the relocation process. It is anticipated that the local residential real estate market will have the capacity to absorb the residential displacements impacted by this project.

ASSURANCES

The acquiring agency will offer assistance to all eligible residential, commercial, farm and community facilities impacted by the project, including persons requiring special

services and assistance. The agency's relocation program will provide such services in accordance with Act 31, Michigan P.A. 1970; Act 227, Michigan P.A. 1972; Act 87, Michigan P.A. 1980, as amended; P.A. 367 and 439, 2006, as amended, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The acquiring agency's relocation program is realistic and will provide for the orderly, timely and efficient relocation of all eligible displaced persons in compliance with state and federal guidelines.

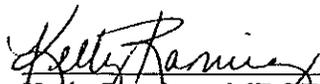
Prepared by:



David Ricard, MDOT Property Analyst

Date: July 30, 2008

Reviewed by:



Kelly Ramirez, MDOT Relocation Specialist

Date: July 30, 2008

Appendix C
Wetland Finding

**DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
E.O. 11990 – WETLAND FINDING
FHWA-MI-EIS-02-03-F**

This statement sets forth the basis for a finding that there is no practical alternative to construction in wetlands for the proposed improvements to approximately 17 miles of US-131 from the Indiana Toll Road (I-80/90) in Elkhart County, Indiana, north to a point one mile north of Cowling Road in St. Joseph County, Michigan. All practical measures to minimize harm to the wetlands have been taken. This finding is prepared in accordance with Executive Order 11990 (23 CFR 771.125(a)(1)), on the Protection of Wetlands, dated May 24, 1977.

DESCRIPTION OF PROJECT

The Preferred Alternative consists of a two lane bypass around the Village of Constantine, truck climbing lanes and other minor improvements along the existing US-131 alignment in St. Joseph County, Michigan (See Figure 1 of this ROD). The US-131 controlled access bypass to the west of the Village of Constantine would include a new trunkline crossing of the St. Joseph River and associated floodplain/wetland. A detailed description of the proposed action can be found in Section 2.0, "Alternatives Considered in the Final Environmental Impact Statement (FEIS)".

DESCRIPTION OF WETLANDS AFFECTED

The Preferred Alternative alignment has been formulated to avoid and minimize impacting wetland areas to the greatest degree possible, particularly high-value wetlands that may harbor threatened or endangered species. Two wetland complexes will be affected by the project, as was described in greater detail in the FEIS, Section 3.12 Wetlands.

Wetland Complex 1, part of the larger delineated wetland #16, is located in the proposed southbound truck passing lane and is approximately 4 acres in size. The area of potential impact to this wetland is approximately 0.3 acre or 7.5% of the total wetland acreage. Groundwater recharge/discharge, sediment/toxic retention and nutrient removal were determined to be the principal functions/values of this wetland. However, impacts on Wetland Complex 1 are expected to be minimal and are not expected to significantly impact these primary or other listed functions and values identified within this wetland complex.

Wetland Complex 2, part of the larger delineated wetland #8, is located on the south bank of the St. Joseph River and provides an approximate 300-foot buffer between the river and the upland to the south. The total wetland size is 15 acres and the area of potential impact is 1.2 acres (8%). Impacts on the floodway and nutrient removal are expected to be minimal. Placement of support pilings to bridge over the floodplain/wetland area will reduce potential impacts to endangered species habitat and will maintain the corridor for wildlife under the bridge.

PRACTICABLE ALTERNATIVES TO THE PROPOSED ACTION

Six different Practical Alternatives as well as the No Build Alternative were evaluated in the FEIS. Chapter 2 of the DEIS identifies these alternatives and explains why many were eliminated from further study. Chapter 2 of the FEIS provides an explanation regarding the

selection of Practical Alternative 5 (PA-5) as the Preferred Alternative. The other alternatives do not meet the purpose of and need for the project, have unacceptable negative impacts, and/or are prohibitively expensive. For these reasons, all other alternatives were eliminated from consideration and there is no practicable alternative to the Preferred Alternative.

The Preferred Alternative has much fewer wetland impacts than the freeway alternatives. The Preferred Alternative Constantine Bypass would include a perpendicular crossing of the St. Joseph River to reduce the floodplain and associated wetland impacts. This alternative also includes a longer structure to not only span the St. Joseph River but the entire 100-year floodplain and the majority of the adjacent wetlands complex.

MEASURES TO MINIMIZE HARM

Impacts associated with the US-131 project will be mitigated by the use of a wetland preservation bank site known as the Tamarack Fen which is located in the St. Joseph River watershed in Cass County. MDOT provided funding to The Nature Conservancy (TNC) to purchase 292 acres of property within this fen system as a "mitigation service" for MDOT. The fen was originally purchased to satisfy potential wetland and endangered species mitigation requirements of a prior MDOT project, US-31 in Berrien County. However, project changes eliminated the need for this site therefore all wetland acreage within the fen is available to provide compensatory acreage for the wetland impacts associated with this US-131 and other MDOT projects. Of the 292 acres of property that were purchased, 118 acres have been identified as wetland. All wetland acres are classified as high quality and both TNC and the U.S. Fish and Wildlife Service (USFWS) have identified this property as potential habitat for the endangered Mitchell's satyr butterfly.

At a 10:1 replacement ratio, 15 acres of the high quality wetlands will be credited for preservation against an estimated impact of 1.5 acres of wetland from this project. These wetlands are located within the same St. Joseph River Watershed as the impacted wetlands. After signing of the banking agreement for this site, MDOT will place a conservation easement prohibiting development over the entire 118 acres of wetland along with 100 feet of associated perimeter buffer zone to assure permanent protection of this area.

COORDINATION AND PUBLIC INVOLVEMENT

This project has been coordinated with representatives of the Environmental Protection Agency (EPA), U.S. Fish and Wildlife Services (USFWS), Michigan Department of Environmental Quality (MDEQ), and other agencies as listed in Section 6 of the DEIS. A formal public hearing was held on March 29, 2005. Evidence of this coordination is contained in the appendices of the DEIS along with Section 6 of the FEIS. The concerns raised by these agencies and the public in general have been adequately considered in the selection of the Preferred Alternative.

CONCLUSION

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to avoid and minimize harm to wetlands which may result from such use.

Appendix D
Public Comment Letters

US-131 Improvement Study: on – the Final Environmental Impact Statement (FEIS) on the Proposed US-131 Improvement Study from the Indiana Toll Road (I-80/90) to a point one mile north of Cowling Road, St. Joseph County, MI and Elkhart County, IN.

TO: Mr. David T. Williams
Engineering & Operations Unit
Environmental Program Manager
Federal Highway Administration
15 W Allegan St. Room 21
Lansing MI 48933

Comments:

I have taken my time to attend meetings on this project – given by MDOT and the Constantine Village Council and others. I have read the FEIS Study.

MDOT had previously said “no build”. Then, politics got mixed up with this. Yes, in the past there was discussion by many of a four-lane freeway from Schoolcraft to the Indiana toll road for economic development of this area of the state. Now, however, we have this proposal, which is a far cry from the freeway. We are told, “something is better than nothing”. I disagree.

At first, this project was to be funded by the state selling bonds. Now, it is being funding 80/20 federal/state gas tax monies. Our federal and state governments already have serious financial troubles. Gas prices are soaring. Foreclosures and many other problems exist. I believe that going forward with this project is fiscally irresponsible.

We are told that the prime objective of the Constantine US-131 Bypass project is to get truck traffic away from Constantine. Please note that our industries are on the opposite side of this proposed bypass. You may get some trucks out of town, but many have said that they will continue to drive the more direct route – through town.

What is the real reason behind this project? MDOT and others do not really care about the truck traffic in Constantine. They have repeatedly stated that we do not have the volume to warrant such a project. Therefore, we must “follow the money”, or politics, and while this part is still hazy, if this project goes through, we know the real reasons behind the project will eventually come out.

You say there will not be “that much impact” on people and farmland – twelve (12) residential homes and one hundred and thirty-two (132) acres of farmland. Stop right there. Yes, you plan to purchase twelve residential homes, but what about the impact on the homes left next to the noisy bypass? The farmland is productive, not vacant, land. Anyone involved in a farming community can tell you that when you slice up farmland, you curtail or destroy the farm operation. You would not cut through a factory building and claim that does not hurt that business, would you?

Constantine taxpayers are paying for a new high school. Constantine Township residents are helping to pay for it. The lower tax income from township residents affected by the loss of homes or farm income will affect the rest of us.

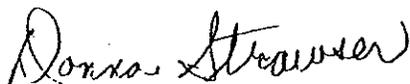
You say the state will make the bridge and US-131 through Constantine a business route, and maintain the bridge and roadway. You plan to build another bridge over the St. Joseph River by Timm Road. Now the state will have two bridges to maintain. MDOT has said that perhaps later the Constantine village bridge will be turned over to the County – who bears these costs? The people of Constantine through special assessment.

I studied your total route of PA-5. You intend to make five (5) lanes instead of four (4) lanes from Hoffman Road to Broadway Road in Three Rivers. You expect to put truck-passing lanes on the big hill going north and south. On the north side, is the sewer pipeline that sends Constantine sewage to the Three Rivers WWTP. In the future it is the Village of Constantine that will bear the “extra” cost of repairing the sewer pipeline under the proposed passing lane.

The five to six miles of the Constantine Bypass intersects many well-used roads in the area. Riverside Drive is already a busy road. Where the bypass crosses Riverside Drive, is only about a quarter of a mile from the new Constantine High School and Riverside Elementary. This location cannot help but affect the safety of students and others who use this route to school, work and home. You then plan to come out near Monsanto, not far from the intersection of US-131 and US-12 near White Pigeon, an already busy intersection. And, you plan to keep using the same US-131 two-lane highway to the Indiana toll road. This is progress? This is worth \$31 million dollars?

It has been stated that “down the road”, the bypass can be made into a four-lane freeway. That word “can” may be partly true, but the economic possibility is wishful thinking. MDOT, local politicians and officials have admitted this, and you and I know this, so don’t even go there.

Last summer, I went to one hundred (100) homes in Constantine to see what others thought about the proposed bypass. Over eighty (80) said, “No!” to the proposed bypass. I showed them the PA-5 bypass route. They said that a two-lane short bypass to get the trucks out of Constantine was a waste of their taxpayer money. Now, nine months later, we, whether locally, state and federally, have many more economic problems that need our attention. We need to take care of the roads and bridges we already have. Farming is important in our area. Let’s not waste our land. People are worried about jobs, homes, health coverage, high gas and utility prices, rising food costs and the war. Let us focus our money and energy on true priorities – not the Constantine Bypass PA-5.



Donna Strawser
540 Cass St.
Constantine MI 49042

Petitions included.

We, the undersigned, DO NOT SUPPORT the proposed 2-LANE CONSTANTINE BYPASS. We believe that the 2-LANE BYPASS will hurt the people of the Village of Constantine and Constantine Township. We believe that the 2-LANE CONSTANTINE BYPASS is not the best use of our taxpayer dollars.

	NAME	ADDRESS	DATE
1.	George Murphy	365 W 6th Constantine	7-23-07
2.	Terris Blankenship	385 W 6th Constantine	7-23-07
3.	Carolyn C. Blankenship	389 W. 6th Constantine	7/23/07
4.	Richard F. Ash	1200 S Washington ST	7-23-07
5.	Bruce Heath	405 W. 6th St	7-23-07
6.	Robin Bowen	500 W. 6th St	7/23/07
7.	Mary Schrock	540 W 6th St	7/23/07
8.	Kevin Schrock	540 West 6th Street	7/23/07
9.	John Schrock	540 West 6th St.	7/23/07
10.	Kirk Schrock	540 W 6th St	7/23/07
11.	Robert Knepper	380 W. 6th ST. Constantine	7/23/07
12.	Ruth Stroman	540 Cass St Constantine	7-23-07
13.	Kevin Lucas	360 W. 5th St. Constantine	7-24-07
14.	Hather Harrison	365 W 5th St Constantine	7-24-07
15.	Larry Punt	385 W 5th ST Constantine	7-24-07
16.	Edward McQuay	420 Green St	7-24-07

Petition circulated by - Donna M. Stroman - 540 Cass, Constantine, MI 4904.

We, the undersigned, DO NOT SUPPORT the proposed 2-LANE CONSTANTINE BYPASS. We believe that the 2-LANE BYPASS will hurt the people of the Village of Constantine and Constantine Township. We believe that the 2-LANE CONSTANTINE BYPASS is not the best use of our taxpayer dollars.

	NAME	ADDRESS	DATE
1.	Charles Clements	420 ⁴⁹⁰⁴² Grove St Constantine MI	7-24-07
2.	Mike Potto	180 W 4th Constantine	7-24-07
3.	R. Lee Smith	385 W. 4th St Const	7-24-07
4.	Ursula Bernhardt	440 Cass Const.	7-24-07
5.	Richard Berman	440 Cass St.	7-24-07
6.	Harold Burt	525 Canaris	7-24-07
7.	Nancy Lintz	220 W. 5th St.	7-24-07
8.	William Skelton	480 Cass St	7-28-07
9.	Jim Hines	275 West 6 th Street	7-28-07
10.	Orville Ely	115 W Lafayette St	7-28-07
11.	Joy Hines	160 W 6th	7-28-07
12.	Carl Helmer	110 W 6th St	7-28-07
13.	Bob Puff	560 Canaris St	7-28-07
14.	Pho Vochetto	545 White Pigeon St	7-29-07
15.	Janet D. Shestak	545 White Pigeon St.	7-29-07
16.	Andrew Sherman	425 Grove St	7-29-07

Petition Circulated by: Donna M. Strauss - 540 Cass, Constantine, MI 49042

We, the undersigned, DO NOT SUPPORT the proposed 2-LANE CONSTANTINE BYPASS. We believe that the 2-LANE BYPASS will hurt the people of the Village of Constantine and Constantine Township. We believe that the 2-LANE CONSTANTINE BYPASS is not the best use of our taxpayer dollars.

	NAME	ADDRESS	DATE
1.	Rosey Shinglededeo	460 White Pigeon Rd Constantine, Mich	7/29/2007
2.	Mary Shinglededeo	460 White Pigeon Rd Constantine, Mi. 49042	7-29-2007
3.	Amanda Kufelst	200 E. 3rd St Const	7/29/07
4.	Kevin Ray	310 Mill St Const	7-29-07
5.	Harry Kufelst	280 E. 3rd St. CONST.	7-29-07
6.	Mary J. Young	285 E 5th Street	7-29-07
7.	Raymond J. Young	285 E. 5th St.	7-29-07
8.	Amanda Bramhart	280 E. 3rd St. Constantine	7-29-07
9.	Janet Marshall	285 Mill St	7-29-07
10.	Cindy LaFluer	595 Riverside DR. CONSTANTINE	07-30-07
11.	Dorinda Kay Kennard	Constantine 1200 S. Washington #124	07-30-07
12.	Mahlon	595 Riverside Dr	07-31-07
13.	Vicki Duggs	1200 S. Washington	07-31-07
14.	John R. Sears	320 Florence Rd.	07-31-07
15.	Shirley M. Sears	320 Florence Rd Const MI 49042	7/31/07
16.	Jean Barbera	360 FLORENCE RD. Const. MI.	7/31/07

Petition circulated by: Donna M. Strawn - 540 Cass, Constantine, MI 49042

4

We, the undersigned, DO NOT SUPPORT the proposed 2-LANE CONSTANTINE BYPASS. We believe that the 2-LANE BYPASS will hurt the people of the Village of Constantine and Constantine Township. We believe that the 2-LANE CONSTANTINE BYPASS is not the best use of our taxpayer dollars.

	NAME	ADDRESS	DATE
1.	Donna J. Cannon	360 Florence Rd.	7-31-07
2.	Clyde Fowler	335 FLORENCE RD.	7-31-07
3.	Stephanie Outman	345 Florence Rd	7-31-07
4.	John W. Out	345 Florence Rd	7/31/07
5.	David Jacobs	270 Florence RD	7/31/07
6.	Alvina S. Wymann	825 White Pigeon Rd	7/31/07
7.	Dedra Wymann	825 White Pigeon Rd	7/31/07
8.	Therese G. Gider	925 Canaris	7/31/07
9.	Thomas G. Gider	925 Canaris	7/31/07
10.	James L. Heenan	780 Riverside Dr	8/2/07
11.	Jenny Brown	390 Florence Rd	8-2-07
12.	John Falconer	210 Orchard St.	8-2-07
13.	Debbie Falconer	210 Orchard St	8-2-07
14.	Kenda Cartagena	465 E Clinton St	8-2-07
15.	Alfonso Cartagena	465 E. Clinton St.	8-2-07
16.	Dyl Embet	430 E. Clinton St	8-2-07

Petition Circulated by: Donna M. Strawn - 540 Cass, Constantine, MI 49042

We, the undersigned, DO NOT SUPPORT the proposed 2-LANE CONSTANTINE BYPASS. We believe that the 2-LANE BYPASS will hurt the people of the Village of Constantine and Constantine Township. We believe that the 2-LANE CONSTANTINE BYPASS is not the best use of our taxpayer dollars.

	NAME	ADDRESS	DATE
1.	Stephanie Embert	430 E. Clinton St.	8-2-07
2.	John A. Berninger	745 White Pigeon St.	8/2/07
3.	Wayne Berninger	745 White Pigeon St.	8/2/07
4.	Gretchen Mathews	240 W. 2 ND St	8/4/07
5.	Daryl Mathews	240 W 2 ND ST	8/4/07
6.	Al W. Acosta	225 W. 2 ND ST	8/4/07
7.	Doug Connor	140 CANARIS ST	8/4/07
8.	Bruce Connor	140 Canaris St.	8-4-07
9.	Diara Sodeman	471 N. Washington St	8-5-07
10.	Ron Miller	485 N. Washington St.	8-5-07
11.	Steve Miller	485 N. Washington St.	8-5-07
12.	Michael Allen Jr	420 N. Washington St.	8-5-07
13.	Sueann Allen	420 N Washington St	8-5-07
14.	R. Hull	415 N. Washington.	8/5/07
15.	Robert Meyer	220 W. 4 TH	8-5-07
16.	MacKenzie Strawn	540 Cass St	8-5-07

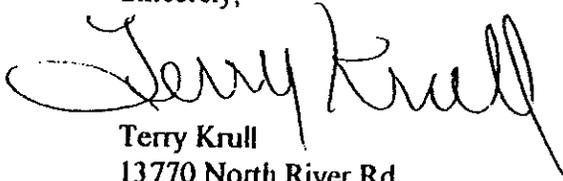
Petition circulated by: Donna M. Strawn - 540 Cass, Constantine, MI 49042

August 2, 2007

To the Constantine Village Council

The purpose of this letter is to inform the council that I am in support of Donna Strawser's petition regarding the US 131 Bypass proposal around Constantine. I believe that the loss of prime farmland is not comparable to the purported benefit of said bypass. A two-lane bypass cannot possibly increase the economic picture that a four-lane bypass would. A two-lane bypass, in my opinion, is just not the answer to the economic traffic picture for southwest lower Michigan. I do own property in the village so I feel I have a right to voice my opinion even though I reside in the township. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Terry Krull". The signature is written in black ink and is positioned above the typed name and address.

Terry Krull
13770 North River Rd.
Constantine, Michigan

We, the undersigned, DO NOT SUPPORT the proposed 2-LANE CONSTANTINE BYPASS. We believe that the 2-LANE BYPASS will hurt the people of the Village of Constantine and Constantine Township. We believe that the 2-LANE CONSTANTINE BYPASS is not the best use of our taxpayer dollars.

	NAME	ADDRESS	DATE
1	Carol DeShais	14119 Timm Rd	9/9/07
2	Robert Skelton	Spring St	9-10-07
3	Synthia M. Peter	15235 N. River Rd	9-10-07
4	Ju Jakob	14153 Timm Rd.	9-10-7
5	Jheri Jakob	14153 Timm Rd.	9-10-7
6	Sharon W. Mann	14185 Timm Rd	9-10-07
7	David Schelley	14201 Timm Rd	9-10-07
8	Clyff Burgesman	14249 Timm Rd	9-10-07
9	Ann White	14350 Timm Rd	9-10-07
10	Albee Peter	13991 N River Rd.	9-10-07
11	Eileen Dunne	6599 Newman Rd	9-10-07
12	Amy Mitchell	13789 Timm Rd	9-10-07
13	Anna Lucia	13789 Timm Rd	9-10-07
14	Lulu Enney	13659 Timm Rd	9-10-07
15	Sandra Hummel	13799 Timm Rd	9-10-07

Petition circulated by Randy Holm - 14119 Timm Rd. Constantine 49042



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
SOUTHWEST REGION

KIRK T. STEUDLE
DIRECTOR

June 17, 2008

Ms. Donna Strawser
540 Cass Street
Constantine, Michigan 49042

Subject: US-131 Improvement Study from the Indiana Toll Road to a point one mile North of Cowling Road,
St. Joseph County, Michigan, and Elkhart County, Indiana

Dear Ms. Strawser:

Governor Granholm asked me to respond to your letter of May 31, 2008, regarding the US-131 Improvement Study on the Final Environmental Impact Statement on the Proposed US-131 improvement study from the Indiana toll road to a point one mile north of Cowling Road, St. Joseph County, Michigan, and Elkhart County, Indiana. The Michigan Department of Transportation (MDOT) appreciates your concern regarding the study in this area.

It is true there is a gap between the public's expectations for new roads and MDOT's ability to meet them. Transportation revenues, influenced by increasing gas prices, are not growing as rapidly as system costs. Projected future funding will not be sufficient to meet all of our transportation needs. Integrating all modes of transportation, reducing congestion, leveraging technology, preserving and improving the system equitably in the face of limited revenues, will be a challenge for this decade and beyond.

On April 21, 2006, Governor Granholm was pleased to announce that while current traffic volumes and fiscal realities don't justify the construction of a 17 mile stretch of new freeway, costing hundreds of millions of dollars, it is in the best interest of the state of Michigan to make a significant investment in mobility, safety, and economic development in Constantine. The Governor and I are optimistic that our actions will have a very positive impact on the local and regional economy. We are also committed to purchasing sufficient right of way so that if future growth warrants it, we can much more easily re-evaluate and adjust the capacity of the Constantine by-pass and that corridor.

As you are aware, MDOT has spent a considerable amount of time working with the Village of Constantine and its citizens to ensure we have a good understanding of the issues that are important to the community. The process MDOT follows in developing the Final Environmental Impact Statement (FEIS), documents these issues and concerns. The PA-5 Alternative, including the modifications proposed by the Village of Constantine, best meets the purpose and need for the project.

If you have any further questions, please contact me or Jason Latham at 269-337-3792 or at lathamj@michigan.gov.

Sincerely,

Larry E. Tibbits, P.E.
Chief Operations Officer

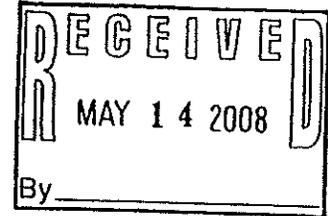
Cc: Ron DeCook

BOH:SWR:RSW:tac

May 12, 2008

From: Mr. & Mrs. Richard Stutsman
61214 US 131
Three Rivers, MI 49093

To: Robert Parsons, Public Hearing Officer
Project Planning Division
Michigan Department of Transportation
425 Ottawa St.
P.O. Box 30050
Lansing, MI 48909



Sir,

We have been observing with interest the increasing activity of preparation on the roadway of US 131 which is our address. We have been well aware of the planning and have attended most, if not all, of the planning meetings, which have been open to the public.

We would like to address some issues of key importance to our living circumstance that the ensuing road project will bring into play for us.

At the last meeting in Constantine we became aware that there is some initial concept of grading our property to allow the highway full access to the entire right of way. The right of way at our location is rather narrow, and the State is planning on utilizing the full right of way for an extra passing lane. This presents problems for our property as the line of right of way is half way up the steep grade at the West side of the present roadbed.

Noting the grading line on the proposal prints we have endeavored to make it known to the planners that further grading into our property will have unfavorable results to our home and living circumstance.

First would be the loss of yard on the East side of our house. We already are limited to around 30 feet of mown yard, off the corner of our Sun Room. Any further grading into that surface will have us looking right down from our Sun Room windows onto the heavy truck traffic. At the present time we do look down at the tops of the trucks below us, when we are out in the yard on that side. The elevation is substantial.

Therefore I question whether you have considered that there may be a negative impact on our foundation & surrounding ground from the closer proximity of the heavy truck traffic?

We will also lose all the trees, which have been a buffer between us and the road noise. Further, a substantial grading will be necessary at the point of our driveway to afford us safe entrance and exit from the roadway.

We have no idea if you have considered other alternatives. Only two come to mind. One would be a retaining wall which would leave the roadway buffered from further eroding or grading our yard close to the house. This would still leave the needed improvement for our drive as the widening will absolutely impact that area.

The other alternative would be that the State buy our parcel and alter it in any way they deem necessary. In some ways this view may make more sense. The project could remove the house and grade the surrounding area to be of better benefit, long term, for

the State and the ensuing years of maintenance. The maintenance being an unavoidable aspect of the highway of which I am certain you are aware.

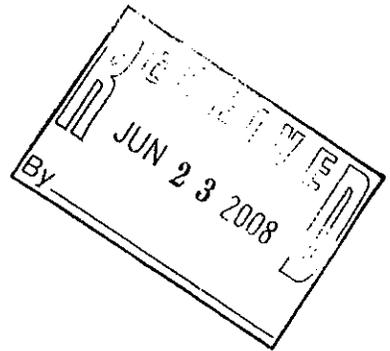
We are enclosing pictures of the property taken from our perspective and from the Highway perspective.

Although we have checked the web site and watched the news releases we have heard nothing so far about the study being presented for further consideration. Is this date looming in the near term or is it still being pushed back?

Thanks for your consideration in this matter.

Richard & Rita Stutsman

GLENN E. MILLER
63719 US-131
CONSTANTINE, MI 49042
PHONE: 269 435 7774 (HOME)
269 506 3272 (CELL)



June 21, 2008

Robert H. Parsons, Public Hearings Officer
Bureau of Transportation Planning
Michigan Department of Transportation
PO Box 30050
Lansing MI 48909

Dear Mr. Parsons:

After reviewing the FEIS we are requesting that the proposed cul de sac in front of our property on US-131 be completely eliminated. After the completion of the new highway we consider this private property and do not want the public driving in and out of here for no reason at all. It appears that this will be the entrance to our property on our farm.

I am also suggesting that it would be safer and less costly to cul de sac east of the proposed highway and only have access to the new highway from the west at Zerbe Road.

Sincerely,

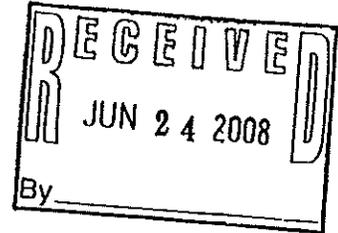
Glenn E. Miller

cc: David Wresinski

GLENN E. MILLER
63719 US-131
CONSTANTINE, MI 49042
PHONE: 269 435 7774 (HOME)
269 506 3272 (CELL)

June 21, 2008

Robert H. Parsons, Public Hearings Officer
Bureau of Transportation Planning
Michigan Department of Transportation
PO Box 30050
Lansing MI 48909



Dear Mr. Parsons:

After reviewing the FEIS we are requesting that the proposed cul de sac in front of our property on US-131 be completely eliminated. After the completion of the new highway we consider this private property and do not want the public driving in and out of here for no reason at all. It appears that this will be the entrance to our property on our farm.

I am also suggesting that it would be safer and less costly to cul de sac east of the proposed highway and only have access to the new highway from the west at Zerbe Road.

Sincerely,

A handwritten signature in cursive script that reads "Glenn E. Miller".

Glenn E. Miller

June 12, 2008

Mr. David Wresinski
Administrator – Project Planning Div.
Michigan Department of Transportation
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48933

Dear Mr. Wresinski:

On June 11, 2008, the Constantine Village Council held a special meeting to discuss how and whether to comment on the Final Environmental Impact Statement for the Preferred Alternative (PA-5) for US-131 in St. Joseph County, Michigan and Elkhart County, Indiana from the Indiana Toll Road (I-80/90) to a point one mile north of Cowling Road near the City of Three Rivers Michigan.

The following is an excerpt from the minutes of that meeting:

Motion by Mathers, Seconded by Harder, that the Village Council go on record in support of the proposed bypass, PA-5 as stated in the Environmental Impact Study, but with rigorous concern for specific design attention toward safety at all at-grade intersections, especially the Riverside Drive crossing, and the safe-guarding of the integrity of the sewer line to Three Rivers. Motion passed by Roll Call 6 – 1. Voting YES: Brewer, Brown, Harder, Larrance, Mathers and Weiss. Voting NO: Witek.

Thank you for your time and the opportunity to respond to the FEIS. If you have any questions I can be reached at (269)435-2085.

Sincerely,

Mark Honeysett
Village Manager

file copy



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

June 20, 2008

Mr. David Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. Wresinski:

SUBJECT: Final Environmental Impact Statement (FEIS) for the US-131 Improvement Study from Indiana Toll Road to one mile north of Cowling Road St. Joseph County, Michigan

We have completed our review of the FEIS for the US-131 Improvement Study in St. Joseph County. The project proposes 17 miles of improvements along US-131 between the Indiana Toll Road to one mile north of Cowling Road, which is just north of Three Rivers, Michigan. The current roadway consists of a combination of 2-lane, 4-lane, and 5-lane sections. The purpose and need of the proposed project is to:

1. Identify potential alternatives that support the safe and efficient movement of goods and people and that cost effectively support the economic growth of the region by improving traffic operations.
2. Provide assurance of sufficient capacity to accommodate future traffic growth.
3. Improve roadway inefficiencies.
4. Improve US-131 highway operations.

Alternative PA-5 was selected as the preferred alternative in the FEIS. PA-5 consists of a 2-lane limited access bypass around the Village of Constantine, along with several improvements along the remainder of the existing roadway. The proposed project will impact 1.5 acres of wetland at two separate wetland locations.

We have the following comments:

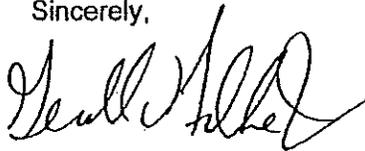
1. Page iii of the executive summary, Wetlands, states the impacts are shown on figure 4.5. Also section 3.12.1 references figure 4.5. This should be figure 4.6.
2. Page iii of the executive summary, Wetlands, states that wetland mitigation will be achieved by preserving 15 acres of high quality fen to compensate for the loss of 1.5 acres of wetland. In order for the 15 acres to qualify as mitigation, the Michigan Department of Transportation (MDOT) will need to provide the following:

Mr. David Wresinski
Page 2
June 20, 2008

- a. Demonstrate that the preserved wetlands perform exceptional physical or biological functions that are essential to the preservation of the natural resources of the state or the preserved wetlands are an ecological type that is rare or endangered.
 - b. Demonstrate that the preserved wetlands are under a demonstrable threat of loss or substantial degradation due to human activities that are not otherwise restricted by state law. MDOT could assist with providing management for threatened and endangered species and/or the control of invasive species. Monitoring would have to be provided before and after to verify the success of the management activities.
 - c. The preserved wetlands will need to be protected with a permanent conservation easement.
3. We support MDOT's decision to construct a much longer bridge (870 feet) than was originally proposed in the Draft EIS (405 feet).
 4. Page ix of the executive summary, Potential Contaminated Sites, indicates that there are two potential contamination sites located within the proposed right of way of the bypass. MDOT should coordinate any potential impacts to the contamination sites with the MDEQ's Remediation and Redevelopment Division.

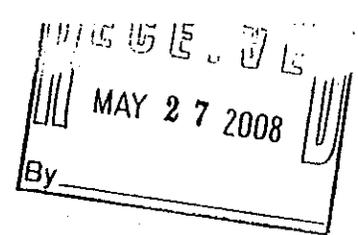
If you have any questions, please contact me or Ms. Holly Stearns at 517-373-4667.

Sincerely,



Gerald W. Fulcher, Jr., P.E., Chief
Transportation and Flood Hazard Unit
Land and Water Management Division
517-335-3172

cc: Mr. David Williams, U.S. Federal Highway Administration
Ms. Sherry Kamke, U.S. Environmental Protection Agency
Ms. Kathleen Kowal, U.S. Environmental Protection Agency
Mr. Craig Czarniecki, U.S. Fish and Wildlife Service
Mr. John Konik, U.S. Army Corps of Engineers
Mr. Kamron Jordan, MDEQ
Ms. Holly Stearns, MDEQ



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

DON KOIVISTO
DIRECTOR

May 21, 2008

Mr. David Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Dear Mr. Wresinski:

Re: FEIS for the US-131 Improvement Study from the Indiana Toll Road (I-80/90) to One Mile North of Cowling Road

I received your request for review and comment on the Final Environmental Impact Statement (FEIS) for the proposed improvement of US-131, from the Indiana Toll Road (I-80/90) to one mile north of Cowling Road in St. Joseph County, Michigan and Elkhart County, Indiana.

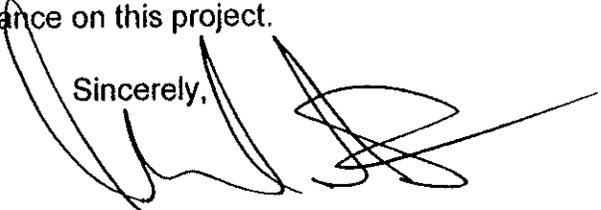
As noted in our March 25, 2005 comments on the Draft Environmental Impact Statement (DEIS) our primary concern was the potential impacts that any of the Practical Alternatives would have on prime farmland and farmland enrolled under Part 361 of the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended, (formerly Public Act 116 of 1974, the Farmland and Open Space Preservation Act). At that time we noted that PA-5 and PA- 5 Modified offered the least overall direct and indirect impacts from this standpoint. With that said, although we consider the loss of any additional prime farmland to be significant, we understand that improvements to US-131 are necessary and we appreciate the considerations given to the agriculture industry and the choice of PA-5 as the Preferred Alternative. We encourage you to continue to work with the local community to accommodate the use of established center pivot irrigation systems and to lessen the burden on agricultural operations as a result of the six proposed farm parcel splits.

Plans indicate that the Preferred Alternative will impact four (4) parcels, encompassing 18.3 acres of farmland, enrolled under the Farmland and Open Space Preservation Act. Please note that in order to move forward with a project affecting any of the these properties you must 1) receive local unit of government approval, 2) seek formal termination of the individual agreements through the MDA Farmland Preservation Program and 3) pay back up to seven (7) years of tax credits claimed on the property, if any.

Mr. David Wresinski
May 21, 2008
Page 2

We appreciate being included in this EIS review process. Feel free to contact me at (517) 241-3933 if I can be of further assistance on this project.

Sincerely,



Abigail S. Eaton
Environmental Resource Specialist
Environmental Stewardship Division

cc: Rich Harlow, MDA – Farmland Preservation Program



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

June 9, 2008

Mr. David E. Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
425 W. Ottawa Street
P.O. Box 30050
Lansing, MI 48933

Re: US-131 Improvement Study

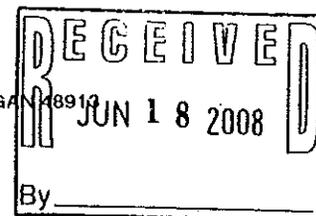
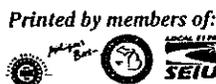
Dear Mr. Wresinski:

Our review of the Final Environmental Impact Statement (EIS) study of the US-131 corridor from the state line to one mile north of Cowling Road in St. Joseph County, indicates that there will be minimal impact by construction on the licensed health facilities along the US-131 corridor in St. Joseph County as a result of the selection of the Preferred Alternative (PA-5).

The Village of Constantine does not have access to a hospital in their community. Therefore, they rely on the Three Rivers Hospital for critical care and emergencies. Currently, US-131 is the primary route that ambulances and the public would take to get to Three Rivers Hospital. The proposed 2-lane roadway bypass would have very little effect on travel since the existing U.S. 131 roadway will still be open for traffic. However, there may be some impact where the roadway converts from the 2-lane roadway to a 5-lane roadway at the M-60 junction (east of U.S. 131). The Village of Centreville also does not have a hospital in their community but does have a Nursing Home and a Home for the Aged. It is likely most traffic from Centreville to Three Rivers would be via M-86 and therefore would not be impacted by any proposed construction. The public and ambulances attempting to reach the Three Rivers Hospital from the west side of US-131, will have a higher degree of difficulty reaching the hospital if the normal route takes them through the M-60/U.S. 131 junction.

The Three Rivers Hospital, two Nursing Homes, two Homes for the Aged, and an ESRD (dialysis unit) are all located within an approximate half-mile of the proposed conversion of the existing 4-lane divided section to a 5-lane section (between Broadway and Hoffman). These facilities may be impacted by the increased noise level and increased airborne dirt and debris due to the construction activity. All but one facility is on the east side of US-131, so transportation to the facility in the event of an emergency should not be a problem.

CAPITOL VIEW BUILDING • 201 TOWNSEND STREET • LANSING, MICHIGAN 48913
www.michigan.gov • (517) 373-3740



David E. Wresinski

June 9, 2008

Page: 2

The facility that is on the west side and on the north end of the project (Riverview Manor) will be impacted the greatest. However, it appears that it is on a road that has a direct route to the north side of Three Rivers.

The affected facilities and their addresses are:

- | | | |
|---|-----------------------|--------------|
| • Three Rivers Hospital | 701 S. Health Parkway | Three Rivers |
| • Riverview Manor (NH ¹ and AGD ²) | 55378 Wilbur Road | Three Rivers |
| • Heartland Health Care Center | 517 S. Erie St. | Three Rivers |
| • RCG Three Rivers (ESRD ³) | 601 S. Health Parkway | Three Rivers |
| • Bowman House (AGD) | 1215 N. Elm St. | Three Rivers |

In summary, the greatest impact of the proposed US-131 corridor upgrade will be emergency transportation to the Three Rivers Hospital. Staging for areas of road replacement and upgrade will have to consider how emergency vehicles can use the route without traffic delays.

Sincerely,



Nick Lyon, Deputy Director
Health Policy, Regulation and Professions Administration

cc: James D. Scott, P.E., Manager, HFES, MDCH

NL/AM/kg

¹ Nursing Home

² Home for the Aged

³ End-Stage Renal Disease (dialysis unit)

Elkhart County

SURVEYOR

June 18, 2008

David E. Wresinski, Administrator
Project Planning Division
Bureau of Transportation
State of Michigan
Murray D. Van Wagoner Building
P.O. Box 30050
Lansing, Michigan 48909



Dear Mr. Wresinski:

The Elkhart County Surveyors Office Staff reviewed the plans and environment study for the U.S.-131 Improvement Study at the Indiana Toll Road (I-80/90) corridor. We found no County Regulated Drainage Ditches or Tiles within this study area, therefore; no approvals are required from the Elkhart County Drainage Board.

An existing NGS Control Point (designated as "E-370") is located on the west side of S.R. 13 at the Indiana-Michigan State line. This point needs to be preserved or an equivalent point re-established.

Thank you for your cooperation and interest in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "S. S. Schweisberger".

Steve S. Schweisberger, First Deputy for
C. Blake Doriot, RLS
Elkhart County Surveyor

SSS/rsp

My Docs-DB Ltrs-State of Michigan-MDOT-David Wresinski, Administrator



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

JUN 16 2008

REPLY TO THE ATTENTION OF:
E-19J

David E. Wresinski, Administrator
Project Planning Division
Bureau of Transportation Planning
Michigan Department of Transportation
Murray D. Van Wagoner Building
P.O. Box 30050
Lansing, Michigan 48909

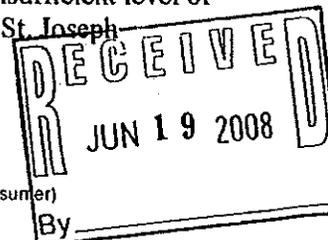
Re: **Final Environmental Impact Statement for the US-131 Improvement Study,
From Elkhart County, Indiana, to St. Joseph County, Michigan
EIS No. 20080183**

Dear Mr. Wresinski:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (U.S. EPA) has reviewed the Final Environmental Impact Statement (EIS) for proposed transportation improvements along US-131. The portion of US-131 under study consists of a one-mile wide corridor extending 17 miles north from the Indiana Toll Road in Elkhart County, Indiana, to a logical terminus one-mile north of Cowling Road in St. Joseph County, Michigan. The Final EIS identifies Preferred Alternative 5 (PA-5) as the selected alternative for the proposed project.

The Preferred Alternative includes a bypass of the Village of Constantine, at-grade intersections, a new two-lane bridge crossing of the St. Joseph River, two 12-foot wide truck climbing lanes in each direction south of Drummond Road, and various minor improvements to bring the existing alignment up to current Michigan Department of Transportation (MDOT) standards. The Preferred Alternative will utilize more of the existing alignment than any other freeway alternative except PA-2. The Preferred Alternative will also reduce truck traffic and its associated noise and vibration in downtown Constantine, improve intersection geometrics, and have positive impacts on pedestrian and non-motorized vehicle movement through downtown Constantine.

The U.S. EPA commented on the Draft EIS on May 13, 2005. At that time, we expressed concerns with practical alternatives PA-3 and PA-4 due to potential direct and indirect impacts to high quality wetlands as well as three new river crossings in the study area. We also expressed concerns with PA-1 and PA-2 due to the level of wetland information provided and potential impacts to trout habitat and wildlife corridors along the rivers, as well as three new river crossings in the study area. We stated in our comment letter, that we understood PA-5 and PA-5 MOD to be the two alternatives which would result in the least environmental impacts of all practical alternatives evaluated in the Draft EIS. However, we also stated in our letter that we had concerns with PA-5 and PA-5 MOD relating to: 1) the insufficient level of wetland information provided in the Draft EIS, 2) project impacts to trout habitat in the St. Joseph

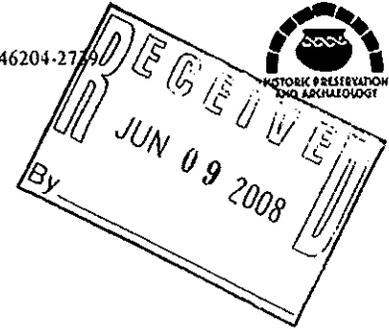




Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2749
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director



June 4, 2008

David Wresinski
Project Planning Division
Michigan Department of Transportation
Murray D. Van Wagoner Building
Post Office Box 30050
Lansing, Michigan 48909

Federal Agency: Federal Highway Administration

Re: Final Environmental Impact Statement for the improvements to US 131 from the Indiana Toll Road to St. Joseph County, Michigan (DNR #8244; DHPA #4101)

Dear Mr. Wresinski:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated May 5, 2008 and received on May 13, 2008, for the above indicated project in York Township, Elkhart County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In regard to archaeological resources, as indicated in our letters dated March 22, 2005, April 23, 2003, and July 11, 2000, it was our understanding that an archaeological contractor had been hired to coordinate the archaeological aspects of the Indiana portion of the study area. Please notify us if this has changed. If an archaeological records check or reconnaissance has been conducted for the Indiana portion of the project, we would be able to comment on that work once it has been submitted to our office.

As you know, Environmental Impact Statements are used in the National Environmental Policy Act ("NEPA") reviews and does not mean that Section 106 compliance is complete.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Shana Kelso at (317) 232-3491 or skelso@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #4101.

Very truly yours,

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:SNK:ALJ:aj

cc: Christopher Koeppel, Indiana Department of Transportation

River (River), 3) wildlife corridor impacts for the three rivers in the study area, and 4) migratory bird impacts. Information provided in the Final EIS addresses our concerns related to wetland information and potential project impacts to trout in the River. We offer the following recommendations to further reduce environmental impacts.

Wetlands

Information provided in the Final EIS addresses our concerns regarding the level of information necessary to understand potential wetland impacts. The Final EIS indicates that a total of 1.5 acres of wetland impacts in two wetland complexes will be mitigated by the use of a wetland preservation bank site known as Tamarack Fen. Tamarack Fen was purchased by the Nature Conservancy using MDOT funds to satisfy potential wetland and endangered species mitigation requirements for a prior MDOT project. Changes to that prior project eliminated the need for wetland credits from the fen. MDOT decided to utilize the wetland acreage available in the fen to provide compensatory acreage for wetland impacts associated with this and future projects. The fen is located in the St. Joseph River watershed.

We have one recommendation concerning the remaining wetland acreage of the two complexes which will not be directly impacted by PA-5. Wetland Complex 1 is approximately four acres in size, with 0.3 acres within the study area. Wetland Complex 2 is approximately 15 acres in size, with 1.2 acres within the study area. We are concerned that the hydrology of these wetlands may be negatively impacted by drainage modifications. Because hydrology is a major factor contributing to the function and value of a wetland, we recommend discussing the need to monitor the remaining portions of these two wetland complexes with the Michigan Department of Environmental Quality (MDEQ) at the permit stage to determine if changes in hydrology will occur as a result of the proposed project. If harmful changes in hydrology do occur as a result of this project, we recommend corrective action or mitigation for lost functions and values.

Trout Habitat in the St. Joseph River

We understand that, based on discussions between MDOT and MDEQ, MDOT has agreed to bridge the entire floodplain and wetland complex. In addition, the Final EIS indicates that stormwater runoff from the new river crossing will be routed overland through vegetated swales or other vegetative controls into containment areas prior to outletting into the river. This will minimize pollutants entering the river and indirect impacts to trout and other fish species in the river. This information responds to our concerns related to trout impacts. However, we have one recommendation that could further reduce potential impacts to trout in the river.

We recommend MDOT coordinate with the Michigan Department of Natural Resources (MDNR) Fisheries Division to determine if seasonal restrictions for working in the river would benefit spawning trout. The appropriate time period may already be covered by the time restriction MDOT has committed to in order to avoid the river redhorse spawning migration period, but this is not clear from the information provided in the Final EIS. Lastly, MDOT should clarify what is meant by the phrase "to the extent possible" as it is used in the construction activity time restriction to avoid river redhorse spawning migration periods (generally late March to early June).

Wildlife Corridor and Migratory Bird Impacts

We acknowledge that MDOT has agreed to bridge the entire floodplain and wetland complex, which will reduce impacts to the wildlife corridors along both sides of the river channel. However, the new crossing will result in the loss of 3.59 acres of riparian habitat, which is used by many species including the prothonotary warbler, a state species of special concern. We expect the proposed project will result in adverse impacts to wildlife resources, including migratory birds. To reduce impacts to breeding

individuals, and to comply with the Migratory Bird Treaty Act of 1918, we recommend MDOT coordinate with the MDNR Wildlife Division to determine the appropriate seasonal restriction for tree removal along the river's floodplain. We also recommend MDOT coordinate with MDNR to select an appropriate location and voluntarily mitigate for riparian impacts by planting native trees at a 1:1 ratio along the river's corridor.

Thank you for the opportunity to review and comment on this Final EIS. We urge MDOT to commit to seasonal restrictions and discussing the necessity of post-project wetland monitoring as stated in this letter. Please send a copy of the Record of Decision for this project to our office once it has been signed. If you have any questions concerning these comments, please contact Kathleen Kowal of my staff at (312) 353-5206.

Sincerely,



Kenneth A. Westlake, Supervisor
NEPA Implementation
Office of Enforcement and Compliance Assurance

cc: Gerald Fulcher, MDEQ
Lori Sargent, MDNR, Wildlife Division
Jay Wesley, MDNR, Fisheries Division

Appendix E
FEIS Errata Sheet

1. The Executive Summary, Page iii, "Wetlands", and Section 3.12.1, page 3-28, "Identification Methodology", references wetland impacts on Figure 4.5, these should have been referenced to Figure 4.6.