

ENVIRONMENTAL MANAGEMENT POLICY COMMITTEE

NIRPC AUDITORIUM, PORTAGE, IN

May 2, 2013

Members/Guests Present: Chandra Viswanathan, Dave Shafer, Dennis Rittenmeyer, Jennifer Gadzala, Susan MiHalo, Nicole Barker, Michelle Caldwell, Ashley Snyder, Arber Himaj, Sherryl Doerr, Mark Reshkin, Lee Botts, Charlotte Read, Deb Backhus, Geoff Benson, Kevin Breitzke, Vince Griffin, Dan Plath, Maggie Byrne, Jim Sweeney, Jim Pinkerton, Nick Minich, Bob Daum, Laurie Keagle, Leslie Dorworth, Kay Nelson, Michael Kuss, Kim Ferraro, Ron Shimizu, Erin Nolan-Higgins, Gayle Van Sessen, Katie Kukielka, Jim Pinkerton, Matt Deitchley, Gia Wagner, Jim Earl

NIRPC Staff: Kathy Luther, Joe Exl, Meredith Stilwell

Call to order and Pledge of Allegiance

Chairman Breitzke called the meeting to order with the Pledge of Allegiance and self-introductions.

NIRPC Business:

a. **NIRPC Environmental TAP funding project timelines**

Applications are due May 17. A tentative sub-committee meeting was scheduled for May 22 to review applications. If there are no environmental applications submitted the sub-committee will not meet. Any proposals will be brought to the June meeting for review by the EMPC.

Approval of April 4, 2013 EMPC Minutes

On motion by Geof Benson and second by Dave Shafer the April 4, 2013 EMPC minutes were approved. Kathy Luther mentioned many of the NIRPC Committees, in an effort to save paper, have elected to stop receiving printed meeting packets and asked the Committee if they would like to have packets emailed and not printed out for the day of the meeting. The consensus was to receive the packets by email. A printed packet may be requested if needed.

Presentations:

a. **Illiana – Phase II Corridor Study** – *Jim Earl, INDOT & Ron Shimizu, Parsons Brinckerhoff*

The main goal of the roughly 50 mile Illiana highway project from I65 to I55 is to deal with the discontinuity of east-west traffic and reduce travel times and congestion by moving truck traffic from the overburdened routes of I80, I94, US30, US20 and State Roads 10 and 2. The project has been broken into a two tier environmental process. Tier 1 was approved in January and Tier 2 has begun with numerous stakeholder meetings, public outreach and traffic studies. The Tier 2 process should have a decision around March, 2014. Since the project involves both Illinois and Indiana and many groups, much outreach is being done to ensure it is meeting the goals of local planners. The Corridor Planning Group includes counties and municipalities in Illinois and Indiana, the Chicago Metropolitan Agency for Planning, Kankakee Area Transportation Study (KATS) and NIRPC. The Technical Task Force is comprised of agencies, communities, counties and other units of government, interested groups, and organizations. Tier One public involvement included nine Corridor Planning Group and Technical Task Force meetings, three rounds of public meetings, formal public hearings, and 100+ stakeholder meetings. Five newsletters/fact sheets were distributed and a project website has been created as well. An initial alternatives map was created during a workshop and those ideas were analyzed and narrowed down to three. The three corridors were studied in depth and detail based on GIS information, traffic studies and environmental information to result in the preferred selected corridor of B3. The expected travel benefits, jobs and economic information were reviewed by Jim and included the environmental aspect of better air quality. Tier 2 involves figuring out crossroad connectivity issues, interchanges, frontage roads, and minimizing water impacts for the 2,000' corridor to determine the best location for the roughly 400' wide alignment. The actual alignment will be proposed at a hearing in the fall of 2013 and Federal Highway will be asked to review and provide recommendation. As part of the process, work is being done with affected local groups and landowners as well as understanding farm operations, coordinating with schools emergency services providers, and looking at road closure studies. At this point geotechnical and environmental crews water surveys and environmental outreach is being conducted. 45 one-on-one stakeholder meetings; five landowner meetings, two corridor planning group meetings, a land use task force meeting, and the first round of public meetings

have taken place. From an environmental perspective the first option is to avoid sensitive areas as much as possible, with the second and third options minimization or mitigation. INDOT is working with Illinois on best management practices for minimizing water quality concerns to figure out concepts to incorporate in the Indiana plan. There will be native grass plantings, roadside ditches will be minimized so as not to interfere with farmland and water table impacts as much as possible. As a water sensitive area with unique soils, considerations are being made for eco, plant, and wildlife systems to allow the ecosystem to remain vibrant and uses context sensitive design concepts to mimic existing grades; naturalized drainage courses, intentional alignment meanders and lane pair separations; naturalized/native plantings; wildlife underpasses; aesthetic plan for structures. Work is also being done with local agencies to ensure their land use visions are being incorporated and corridor-wide solutions will be sought. FHWA's sustainable highway tool INVEST (Infrastructure Voluntary Evaluation Sustainability Tool) has been used. Engineering and right of way costs will be state funded with federal participation, but construction funds are not available from Illinois or Indiana. Options are being researched and include a public-private partnership (P3) which would allow a private consortium to take on the risk of funding, building, operating, and maintaining the project or MAP-21 increased Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance. INDOT is working with NIRPC technical staff and committees to brief them on the project and answer questions and concerns. A formal request has been submitted to NIRPC to include the Illiana Corridor into its long-range plan. *A question, answer and discussion period took place regarding some of the following topics. The long term job numbers presented are a maximization of what is seen happening after looking into possible future plans; by bringing traffic south, areas on local streets appear to be more desirable for reinvestment. There will be an interchange at I65, and although the proposal does not prevent expansion, there are no current plans to extend the project. Improvements are being done on I65 this year and more than likely an added capacity project will need to be looked at to convert to six lanes. Ground water protection and preservation was discussed and it was noted INDOT is working with Illinois to garner ideas since they have used more water friendly processes in their projects. The lack of attention to the need for a public transportation system in the region was mentioned and Jim noted some of the railroad groups and transit agencies were consulted. There currently is no existing public transit in the east-west corridor, and the Illiana doesn't preclude any future transit services. As communities grow, public transit will possibly become a more viable option financially. Jim noted that both the public transportation and water concerns were studied during the Tier 1 process and is why the B3 alternative was found to be the least impactful and most beneficial for those concerns. As more field studies are conducted in the upcoming months, more detailed responses will be provided. Another round of public meetings will take place in June and the goal is to have 90-95% conceptual ideas of every aspect of the project including how the water quality will be addressed for the project by those meetings. If the end result is a P3 project, some of the physical measures will be up to the concessionaire to decide what is done, but Illinois and Indiana will give them options based on what is preferred and requested. Emergency access is also being worked on. As part of the Tier 2 process, State agencies such as IDEM and Corps of Engineers are being worked with on the EIS which includes any mitigation commitments. Water impacts and requirements are still being identified and have not been incorporated into a mitigation plan yet. Since everything will not be able to be mitigated on-site, entities such as Lake County Parks have been contacted to make some of their acquired areas more suitable for natural habitats. The question of placing infrastructure through the corridor to meet the needs for both high speed rail and the Illiana was raised and USEPA wants INDOT to look at providing potential for that type of development in the future, but it would increase the footprint and mitigation requirements and there is not the density to support the development right now. Right now it doesn't seem to be a viable option, but does not mean so for the future. Commissioner Benson noted some of the hurdles the project has to clear before being considered to be placed in the NIRPC 2040 Plan. Jim responded there are some points where the Illiana Plan versus the NIRPC 2040 Plan don't jive and discussions have been held with NIRPC on how to identify and overcome those inconsistencies. Chairman Breitzke noted the tremendous challenge of overlays and having good planning guidance and local traffic, waterways, and wetlands that are being disturbed from the project need to be looked at. Chairman Benson suggested it would be helpful to refer to the 12 miles in Indiana out of the 50 mile project as a reference point for clarification. INDOT's desire is to look at both the Illiana and 2040 Plans and adjust the Illiana to fit the 2040 Plan as much as possible.*

b. 2013 Indiana Legislative Summary – Vince Griffin, Indiana Chamber of Commerce / Kim Ferraro, Hoosier Environmental Council / Nicole Barker, Save the Dunes

Vince touched on the outcomes of the election which led to a republican super majority. The session started the first week of January and ended on April 26th. 1,234 bills were filed and 295 new bills passed. 2013 legislative issues were presented with the only constitutional item being to pass a state budget. A two year (\$30billion) budget was passed with \$800m for transportation, money was allocated to pay cash for new university capital projects, \$100m for workforce development, \$25m dedicated to bioscience research, and a couple large debts were paid off ahead of time which results in long-term savings. The Governor's state income tax cut was trimmed to 5% and other tax/fiscal items covered included the internet tax issue has been pushed to congressional consideration; inheritance tax is now effectively gone as of 1/1/13, sales tax exemption on research and development, and the Indy 500 "loan" which results in \$5m a year for 20 years. In the education area, Indiana's Common Core standards will have a summer review, there will be a major expansion of vouchers and charter schools, regional boards will be under the "Indiana Works Council", and high school graduates can be awarded a vocational training certificate as a pathway to employment. Health legislative issues touched on included Workers Comp, the Governor's ability to negotiate how Indiana is going to administer health insurance coverage, and the Department of Insurance will oversee the products in the Health Insurance Exchange. Also a bill requiring drug screen testing for those receiving some government assistance died and more controls will be placed on pseudoephedrine. Other topics reviewed included mass transit in Indianapolis; Sunday liquor sales; the allowance of craft micro-distilleries; no live dealers at casinos; grants provided to fund school resource officers; and the guns on college campuses bill died. Animal issue bills that died included Ag-Gag; wild hogs; shooting animals on airport property; and the high fence hunting aka canned hunt. However, you can now purchase roadside rabbits as long as they are frozen. Energy issues reviewed included the \$3B Rockport Coal Gasification Project; a study on small modular nuclear reactors; utility transmission; Office of Energy Development moved to under the Governor; and the establishment of a road impact fee on alternative energy vehicles. A few environmental issues included the allowance of IDEM to send out certain notices via electronic means; water and waste water provisions; and solid waste management districts restriction regarding vehicle permitting. Summer study committees issues include agricultural fugitive dust; consolidation of all water management functions under one agency; single point of contact for IDEM 401 certification and DNR flood control; small modular nuclear reactors; non-jurisdictional water and waste water rates and charges; Indiana's water plan status; and in lieu wetlands program.

Kim expounded on the Ag-Gag bill which does not allow going on property to film various agricultural operations. Large industrialized confined animal feeding creates quality of life and water problems as well as food safety implications. The Bill was important because videos taken exposed many of the wrong doings that go on in factory farms and led to very important policy changes. The bill passed out of the Senate containing language that would have criminalized the taking of the videos and passing them on to the press, but made it ok to pass the videos along to law enforcement or a regulator within 24 hours. In the House, lawyers reviewed the language and realized there were 1st amendment issues and changed it to increase the penalties for lying on an employment application and trespassing. Because the Senate and House versions were so different, the bill went into summer study committee, but House Speaker Bosma decided not to give the bill a hearing because of the huge public outcry generated over the bill. Because of the many quality of life and water quality issues there has been an intense focus on industrial agriculture in Indiana. Law suits have been generated, and regulations strengthened. In addition to the Ag-Gag bill, 13 different bills designed to provide legal immunity for industrial agriculture were presented. Kim closed by noting that only \$97k was appropriated for the Heritage Trust. Nicole briefly spoke about the Indiana Heritage Trust being a great concern and noted some action alerts were put out right before the session ended in an attempt to add things on. A bill passed in the House relating to septic systems and allows an employee of a local health department to conduct an on-site soil evaluation concerning the repair or replacement of a failed on-site sewage system under certain conditions. The attempt to make the phosphorous bill more education related failed again. The Moon Valley bill did not go through. A good conversation was held about the bill, and as a result a Bicentennial Nature Trust application was submitted and awarded. The bill to allow canned hunting, which fences animals in and does not allow for fair chase, did not pass. Nicole noted that this issue comes up session after session because there are people who want these preserves and concerns involve chronic wasting disease in these populations and will cost millions of dollars to take care of these preserves and decrease hunting activity in our area. On the federal level, Save the Dunes has been advocating for \$300m in funding for Great Lakes Initiative, and to date Indiana has had over 35 projects, over \$25m come to this area and 2,600 acres of restoration. Many organizations, water and habitat are benefitting. The State Revolving Fund dollars which help to address combined sewer overflows and aging infrastructure issues have gone down over the years and advocating is being done to have the funding boosted. The

Invasive Fish and Wildlife Prevention Act of 2013 was introduced in early March. The goal is to modernize the 113 year old Lacey Act and establish pre-screening requirements for any novel fish and wildlife species being proposed for import into the Country. The Act would put the burden of studies and cost on the importers. The conservation programs that are in the Farm Bill have helped reduce sediment into the Great Lakes by 50% over the years are critical and need to be strong and well supported. Around \$50m has been awarded to the State over the last few years for these programs. The Great Lakes Water Protection Act appears to amend the Water Pollution Control Act to help address public sewage dumping and establishes a deadline of January 1, 2033 after which you cannot have any combined sewer overflows into the Great Lakes or a daily fine will be assessed for every day of violation. Nicole noted she still has a lot of questions about this and will into this further. Senator Karen Talian came into the meeting during the presentation and was introduced by Chairman Brietzke. She briefly spoke on the Heritage Trust money noting that three days before the final budget was received the \$500k for each year was still in there. However, the final copy of the budget revealed the \$500k was no longer there. She has no explanation and will look into where the money went.

Announcements:

Various upcoming events were announced.

Joe announced the Lawn to Lakes pledge to help reduce phosphorous impacts in our local waterways is now online. The Program is part of Great Lakes Restoration Initiative Grant cooperative projects with Illinois partners and Illinois Indiana SeaGrant. Information booklets are available. Vince Griffin distributed an informative flyer on lawns and phosphorous as it relates to personal lawns. Scotts, which makes over 50% of all bagged fertilizer has pulled phosphorous from their lawn maintenance fertilizers.

Chairman Breizke spoke about the St. Joseph energy project to build a power plant in St. Joe County which went through the degradation demonstration process and succeeded in demonstrating low impact, but the Kankakee River Basin Commission has concerns about potential surge on the flows. It is going through process right now and he will report later on as things develop.

The next EMPC meeting will be June 6, 2013.

Meeting adjourned at 10:45 a.m.