

ENVIRONMENTAL MANAGEMENT POLICY COMMITTEE

NIRPC AUDITORIUM, PORTAGE, IN

December 5, 2013

Members/Guests Present: Lee Botts, Matt Mikus, Kevin Breitzke, Lauri Keagle, Mark Reshkin, Brenda Scott-Henry, Rafi Wilkinson, Geoff Benson, Jody Melton, Jim Sweeney, Mike Molnar, Leslie Dorworth, Dennis Rittenmeyer, Chris Nesper, Ron Shimizu, Maggie Byrne, Kara Salazar, Jared Doucette, Deb Backhus, Greg Quartucci, Meg Kelly, Daniel Goldfarb

NIRPC Staff: Kathy Luther, Mitch Barloga, Meredith Stilwell

Call to order and Pledge of Allegiance

Chairman Breitze called the meeting to order at 9:08 a.m. with the Pledge of Allegiance and self-introductions.

Approval of November 7, 2013 EMPC Minutes

On motion by Geoff Benson, second by Jim Sweeney and no opposition the November 7, 2013 EMPC meeting minutes were approved as presented. Before the presentation it was confirmed that there would be discussion regarding an EMPC recommendation to the NIRPC Board regarding the Illiana.

Presentation:

a. Tipping Points – *Kara Salazar and Jarrod Doucette, Illinois-Indiana Seagrant, Purdue University*

The project research team and outreach project team both include representatives from each of the Great Lakes states. Funding directly for the tipping points research was received from Great Lakes Restoration Initiative, Illinois-Indiana Sea Grant, CILER and Forestry and Natural Resources. The Program is a Great Lakes Extension program and companion web-based decision support system (DSS) to support community visioning discussions and action plan development and targeted for the primary audiences of watershed and land use planning groups. A user needs assessment for professional planners and extension specialists was performed to come up with a summary of desired elements users wanted in a DSS. Those results led to the development of a decision support tool for a facilitated process to support community visioning discussions and action plan development by showing: 1. Links natural resource management actions to community values; 2. Gives community the ability to see where they are now and where they will be in the future. 3. Helps communities identify assets and determine threats to sustainability. 4. Identifies actions of highest priority with data and tipping points models and 5. Provides a framework for discussing and selecting ordinances, BMPs, and action strategies. The final action plan includes customized community scenario maps and tailored action strategies. <http://tippingpointplanner.org>. The project timeline was reviewed. Some training has already taken place with more training, pilots and program enhancement in 2014 and ongoing. Jarrod presented screen shots of how inputting information into the website works. Indicators are developed from the input to help guide communities as to what is important to their residents. The Tipping Points & Indicators reports that can be used as a strategy or bigger study and to supplement and support plans to help further goals and make plans more robust. This will be used for the Deep River/Burns Waterway Watershed Plan. This is intended to be a public participation exercise and even utilizes a WII table and a big touch screen to obtain input from different people. The NIRPC analysis for the Illiana is pretty much done, but this tool would be able to paint in the Illiana to see how it would affect the watershed. The website has a lot of background information and user group funding is being sought for programmer time to make the system more robust and to tailor for different communities. A couple of Indiana pilots have been identified.

NIRPC Business:

Illiana – NIRPC Staff Analysis

Before discussion began, Mark Reshkin referred to the 1975 Indiana geological survey he co-authored in which it was found that the area of farms and other activities which lie at the south end of the Illiana consideration have shallow water wells some of which could and have gone dry. He noted he is not against and wants growth, but it needs to be done carefully and pleaded for the water supply issue in the farm areas be part of looking at the Illiana.

Mitch Barloga gave a brief history and updated the Committee on the current status of the Illiana Expressway and I-65 widening process. A formal request to amend the NIRPC 2040 CRP to include the Illiana Expressway was received in April 2013. The Illiana Expressway is a proposed 47 mile limited access toll facility developed jointly between IDOT and INDOT and has to be amended into the 2040 CPR to move forward. There will be three major interchanges on the Indiana portion of the road at 41, 55 and 65. Also included is the widening of I-65 from 4-6 lanes between us 30 in Merrillville and US231 in Crown Point. The Chicago Metropolitan Agency for Planning (CMAP) has already approved to amend their GOTO 2040 Plan. The schedule for development is available on INDOT's website. The prerequisites that have been satisfied are the approval of the congestion management process document by the TPC at their November meeting; the environmental justice benefits and burdens analysis report found no detriment to environmental justice communities and no further action was required. The required public comment period was open from October 14 to November 20, during which four open houses were held and the financial demonstration for fiscal constraint requirement of the 2040 CRP was also met. A detailed NIRPC staff analysis was completed on the proposal using the 65 goals and objectives from the CRP and classifying those as consistent, inconsistent, mixed, uncertain and neutral and are laid out clearly in the report. The report covers prerequisites such as complete streets and the congestion management process; mobility issues; freight; land use; environmental indicators; and quality of life issues. Some recommendations for the project if it is approved and moves toward development include the development of a non-motorized trail within the right of way along the entire length; promote infill and enhance livable centers by limiting greenfield development in corridor (this is the job of local governments); maintain prime farmland; environmental practices such as wildlife connectivity be incorporated, green stormwater management, and invasive species management; drinking water protections; reduction of mobile source air toxics, incident management, anti-idling and incentives to replace or rebuild Diesel engines; promote Illiana as a green energy corridor with natural gas, propane, electric and biofuel stations; as well as maintain access for water trail routes and minimize secondary impacts such as sprawl and core city disinvestment. The TPC approved the air quality conformity, amendment to the 2040 CRP and the FY 2014-2017 Transportation Improvement Project amendment with recommendations of approval to the NIRPC Full Commission which will take action at their meeting being held on December 12th.

Chairman Breitzke commended the staff for putting together the analysis. The table citing recommendations and consistent, inconsistent, mixed, uncertain and neutral rankings was displayed for the group upon request by Jim Sweeney. Kathy noted there was much discussion at TPC regarding the uncertain and many of the secondary impacts of the road end up back on the local decision makers. She exemplified the toll road and how many interchanges might only have a gas station located there and while it was built in 1956 it took until recently for development and growth to catch up at the 49 interchange. There are a lot of great proposals and practices cited for this project related to green infrastructure and wildlife connectivity some of which will be above and beyond permit requirements. However, sometimes with large projects environmental amenities happen last and sometimes the money is gone for these as well so better assurances will need to be included in the contract as it moves forward to ensure the proposed amenities will occur.

Jim Sweeney voiced his opposition to the Illiana due to negatives to the environment and the number of uncertainties, 40%, out of the 63 goals and objectives of the 2040 CRP. While a lot of the recommendations made were pertaining to those uncertainties a lot of them will be costly to implement and are non-binding. The things that can be made part of the permits would be binding, but that would be after the build starts.

Kathy touched on the air portion of the analysis noting the project meets conformity but does substantially use a significant percentage of the NO_x particulate matter precursor budget going into the future. It also will also meet all of the local standards and won't generate hot spots. The hot spot analysis actually showed those living along I-65 now have the highest exposure to particulate emissions, none of which exceed the standards regardless of whether the road is built or not. The transportation model predicts where vehicles will be. It was run for no Illiana, with the Illiana build using CRP growth controls and again with the Illiana using growth projections. In all cases, by 2040 emissions in the region will increase. The percentages of increase were discussed by Kathy and Ron Shimizu added that some of the air pollutant emissions are based on congestion levels and speed of vehicles. If you have increase in speed overall, some emissions actually go down. One of the key findings was based on vehicles miles traveled, there would probably be a net reduction in diesel emissions in urban core communities and has an environmental justice benefit from that perspective and was highlighted in the CRP. All of the numbers include both the Illiana and I-65 widening projects. Brief

discussion continued regarding non-attainment and even incremental increases in air pollution would not have an effect since the analysis is based on the transportation air budget and not point source.

Discussion was held regarding tolls including the result of high vs low tolls and the 25-30% of truck drivers which are owner/operators who are not compensated for tolls. The analysis tried to capture the impact of those not willing to pay the tolls with both low and high toll scenarios, with final conformity based on in-between figures.

Discussion was held regarding the job creation selling point for building the Illiana. While building would create short term construction jobs, the prediction of job creation around the Illiana would mostly be Illinois jobs and would encourage sprawl and economic development there. While no one knows the answers to how many jobs will be created in Indiana, there was concern that one of those job creation and growth predictions is exactly opposite of what the 2040 CRP says. Some secondary impacts could stem from development and planning and not specifically from the road and seems both ways to say the road doesn't drive the planning and subsequent land use, but does drive the subsequent economic development. Secondary impacts on the water issue was raised and it was interjected that the state of Indiana is embarking on a state-wide water supply/use study and will be a tool to help preclude making bad decisions with regards to development. In the NIRPC staff analysis the criteria was not weighted, just compared to the goals and objectives of the 2040 CRP and not all answers can be made available at this time.

Jim Sweeney voiced that due to all of the uncertainties it was premature for the full NIRPC board to make a decision, much less the EMPC. It was clarified that the NIRPC staff analysis was to determine if the project supports the ideals of the 2040 Plan or not but not to go on to the next level of completing a cost/benefit analysis, etc. Kathy Luther iterated that a lot is dependent upon what is done next. When the EIS is drafted it will go out for public comment. The EIS also contains a section for environmental commitments which will be out for comment and allows for the public to attempt to steer the project in a direction they would like it to go. In addition most activities will have to be permitted and permit applications will be out for comment as well. Jim once again stated concerns if the decision is made to go ahead with the project.

Kathy informed the Committee that they were free to make a recommendation to the Commission and Chairman Breitzke would in turn take the recommendation to the Board. Geof Benson spoke briefly on what occurred in the Pathway to 2040 Implementation Committee meeting during which INDOT explained that this is a PPP investment with a 35 year window and Chairman Michael Griffin explained that even if it is in the plan, the project cannot proceed unless there is money to do it and is not a done deal. The Implementation Committee also did not put forth a recommendation to the Commission. It was suggested that EMPC take on the responsibility of informing the public, local officials, economic and environmental interested parties to use the EIS process for making input on the Illiana project.

Jim Sweeney commented that based on all the uncertainties, he was considering making a motion to table this for a year and hoped the EMPC would send a statement that the body is not satisfied nor convinced this is a good idea. Chairman Breitzke clarified that a motion such as that would not have any impact and Geof Benson went on to clarify that if that motion passed, it would mean the EMPC could not have on the agenda or discuss the subject for a year even if it were to pass. He also mentioned that if Jim wanted to send a recommendation to the Full Commission to table the subject for a period of time he did not think it would be binding. Jim then made motion that the EMPC recommend that the Illiana not be added to the 2040 Plan. Geof Benson seconded only for discussion purposes, but then removed his second. With no second, the motion failed. Voting members and procedures were clarified by Kathy Luther. Further discussion was held regarding the events that took place regarding motions to the Full Commission at the Pathway to 2040 Implementation Committee which resulted in no passed motion against the Illiana, but they were unsuccessful in a motion to include it. Jody Melton requested moving on to public comment.

Mitch interjected that while the recommendations and if they will be carried through are ambiguous, the back-end of the staff analysis takes a detailed look at things that the Illiana can incorporate as a best practices facility and NIRPC staff will be working with INDOT and the consultant step by step to make sure these are incorporated to the best extent possible. In addition it also makes it clear that all Committees at NIRPC have a stake in this process going forward. Kathy reviewed some of the environmental practices included in the report. After discussion as to if or what recommendation to make to the Board, **a motion was made by Kay Nelson to recommend to the Full Commission that, as there are uncertainties about the environmental impacts of the proposed Illiana project, which may be addressed or resolved through the remainder of the Environmental Impact Statement and permitting process, the EMPC**

requests to be a recognized stakeholder entity to allow members to actively participate and comment in all environmental reviews. The EMPC willingly commits to be actively engaged in the various state and federal environmental permitting processes that must occur should this project be approved. Dennis Rittenmeyer seconded the motion. Jim Sweeney made final comment that if every best management practice is implemented, this will still be a huge net loss to the environment; air quality, water quality, ag, wildlife, across the board. With no further discussion, a vote was taken. With no opposition, the motion passed.

Announcements:

The Deep River TMDL interim public meeting is December 5th from 1:00-3:00 p.m. at that Lake County Soil and Water Conservation District.

A Coastal Advisory Board meeting is being held at the NIRPC office on December 18th at 10:00 a.m.

The NIRPC Full Commission will be meeting Thursday, December 12th at Woodland Park at 9:00 a.m. and will be dealing with the Illiana recommendations.

Meeting adjourned at 10:56 a.m.