



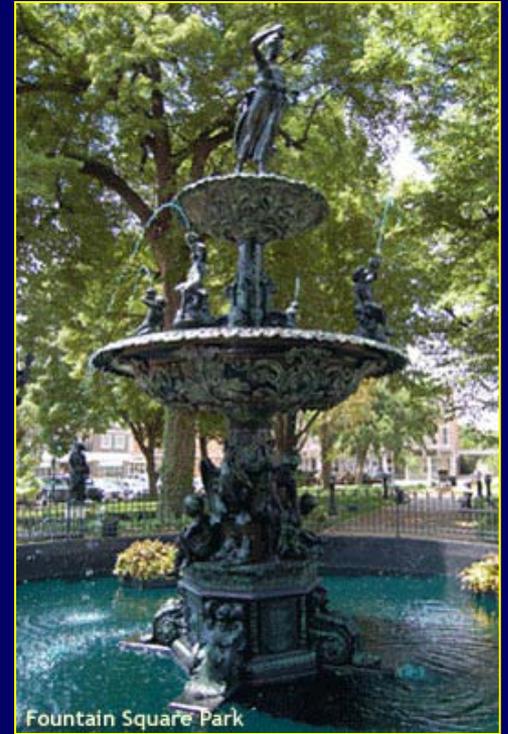
KENTUCKY
TRANSPORTATION
CABINET



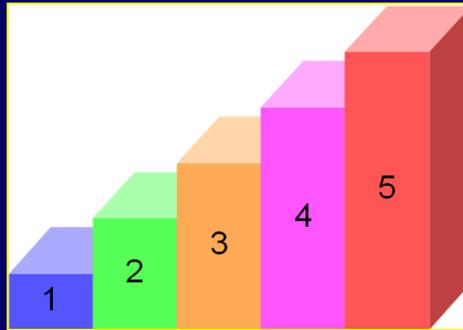


Bowling Green

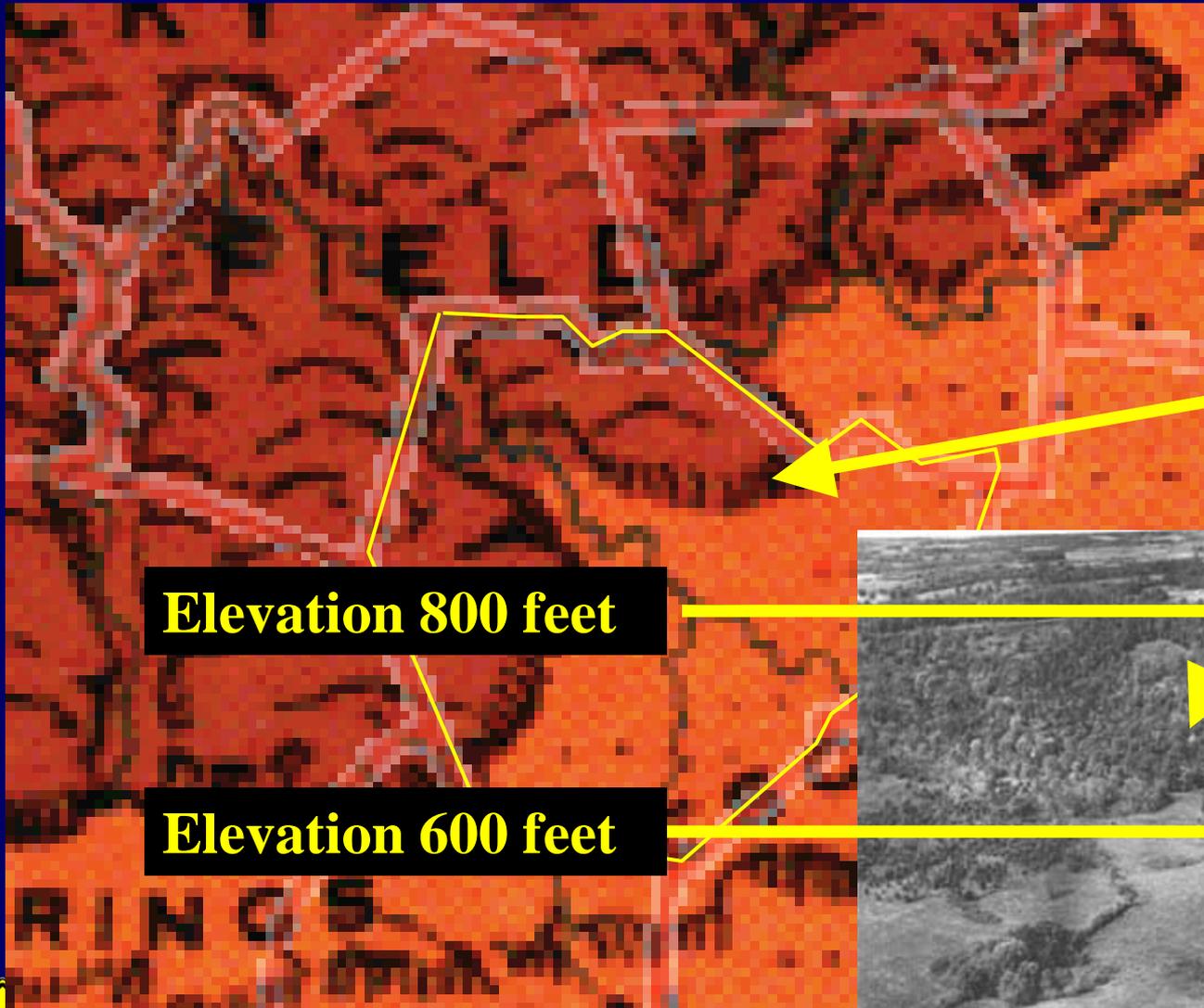
Bowling Green



Fountain Square Park

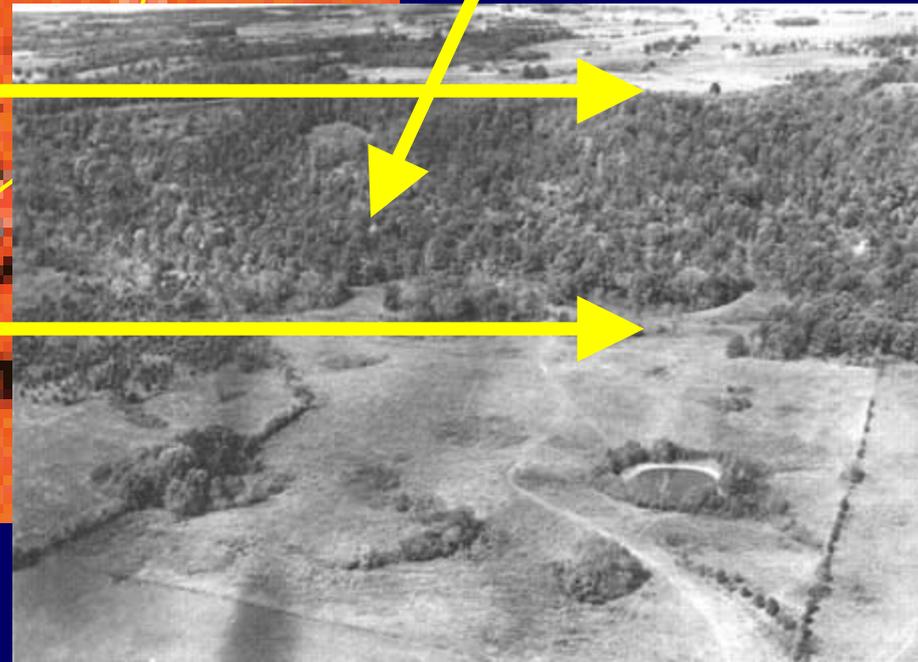


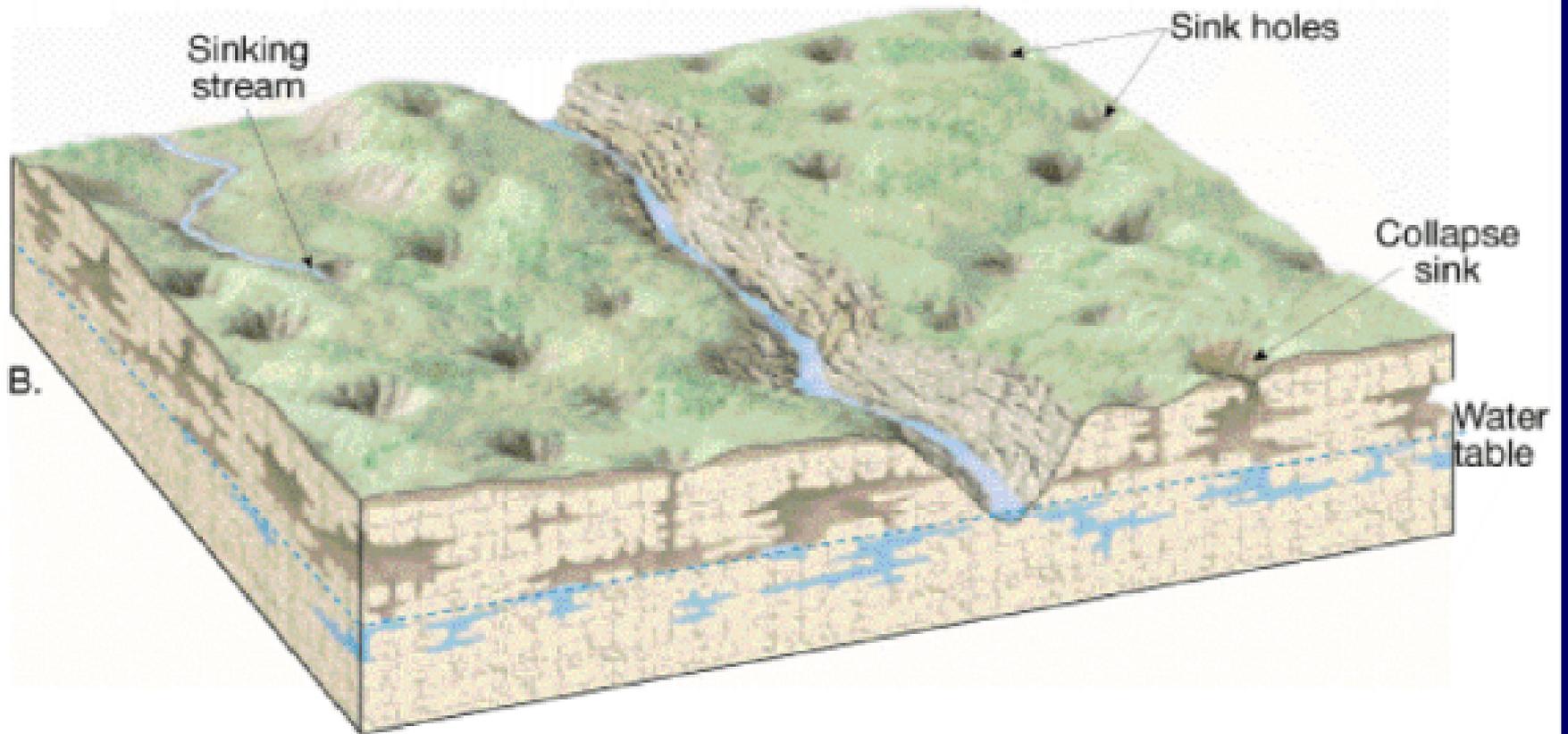
Karst Geology



**Dripping
Springs**

Escarpment







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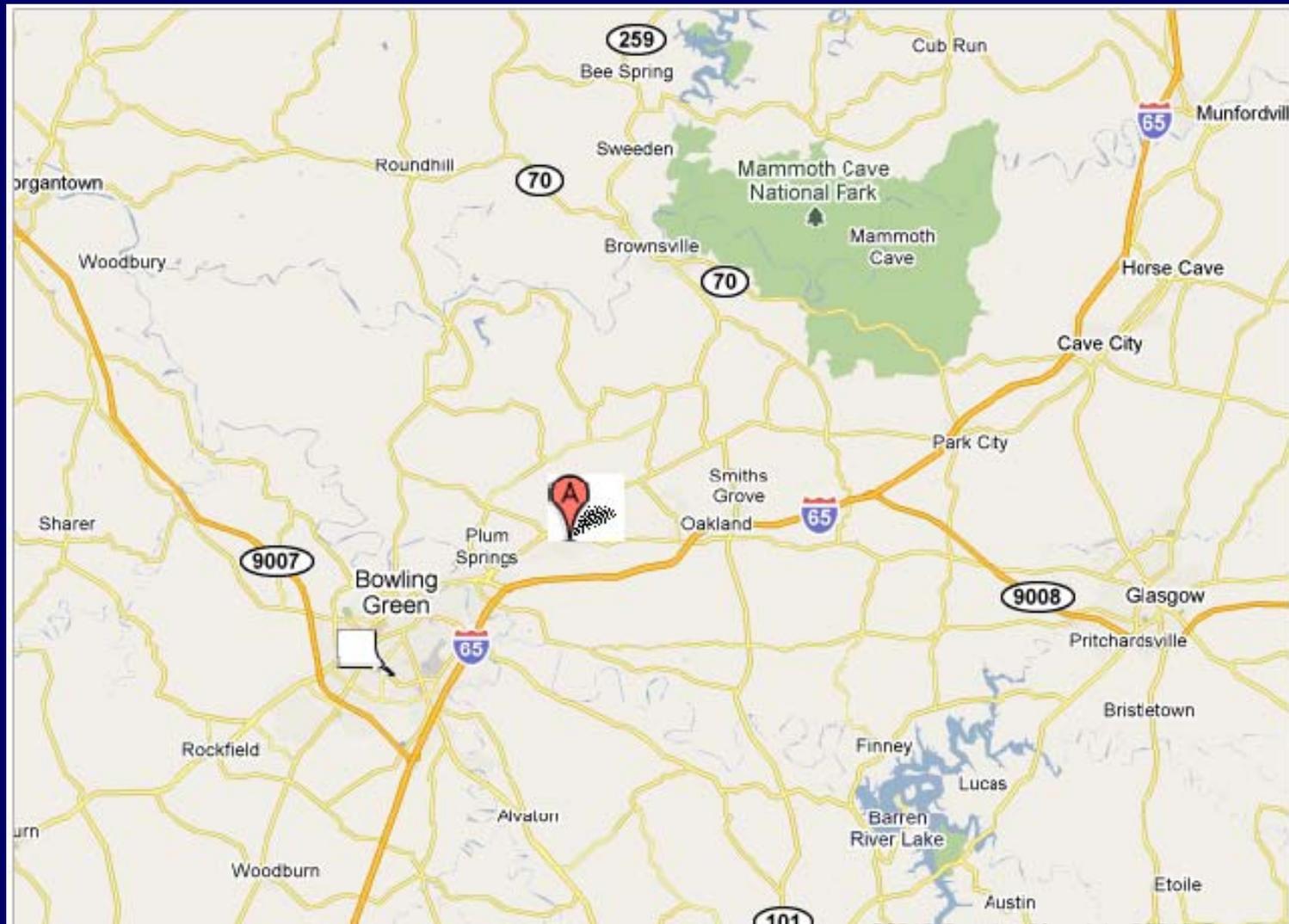


Bowling Green Growth Meets Karst Topography

Kentucky Trimodal Transpark

- Local Government 1,174 acre Industrial Park
- BOD: 10-County Membership
- Vision: Multi-Modal (Air, RR, I-65), Environmentally Sustainable Development
- Alt Selection Process for Transpark
- Choose NW BG: Sinkhole Capital
- Opposition Groups Form: KarstEEP





KarstEEP:

- 1. Want to Stop The Project in the Karst Area**
- 2. Oakland, Karst Groups, Sierra Clubs, Educators, Activists, Others**
- 3. Push for an EIS for Transpark
- Local Funded but with Federal Help**

NO TRAN\$PORK



[What You Can Do](#) | [Frequently Asked Questions](#) | [News](#) | [Area Map](#) | [Links](#) | [Sinkholes](#)



Scientists are concerned that chemical and fuel spills from the Kentucky TriModal Transpark

[Transpark lawsuit to require an EIS is in the U.S. Court of Appeals in D.C. - July 2006](#)

[Transpark funding lawsuit filings, 27 September 2005](#)

[Transpark lawsuit filed in federal court.](#)

[Kentucky Transpark Cosma Magna Project: A Collapse of Environmental Common Sense](#)

[Expensive Collapse at Transpark Magna Site & Letters](#)

The Inter-Modal Transportation Authority (ITA) of Bowling Green, KY plans to develop a 4,000 acre Kentucky TriModal Transpark (KTT) near Oakland, KY. The development poses a serious risk to taxpayers and to the environment. It threatens to pollute Mammoth Cave National Park, a World Heritage Site and part of the International Biosphere Reserve system. This Web site provides information on the project, what you can do to oppose it, and how to contact organizations opposing what the Louisville Courier Journal called "Airpork".

Federally Funded Highway

- **NEPA**
- **IJS for New Interchange on I-65**

The project is “federalized”



6-Year Highway Plan

Description:

“A new road from I-65 to serve the KY Transpark”

THE I-65 / TRANSPARK ACCESS TEAM CHARTER

MISSION STATEMENT

We, The I-65/Transpark Access Team, are committed to provide responsive leadership in the delivery of a high-quality connection to I-65 in a cost-effective and expeditious manner. This will be accomplished with an emphasis on public safety and a special sensitivity to the human, cultural, and natural environments, as well as the surrounding communities. We pledge to use teamwork, trust, and effective communication to deliver this project. Our objective is to improve access and enhance economic development and the quality of life in the area.

GOALS

- Meet the scheduled completion dates for all phases.
- Create an economical design within KyTC's budget.
- Develop positive working relationships within the team.
- Develop new and innovative ideas.
- Design to minimize disruption of traffic during construction.
- Create a design that considers public safety throughout the project.
- Identify environmental issues early and resolve them in a timely manner.
- Complete the project with minimum adverse impacts on the human, cultural, and natural environments.
- All deliverables done correctly the first time.
- Make decisions in a timely manner consistent with the Issue Resolution Ladder.
- Create and maintain a public information campaign to foster their active involvement.
- Timely processing of all design reviews, environmental documents, and other project deliverables.
- Establish a team informational web-site.
- Positive reports from local media.
- Consider the maintainability of the highway system in all design decisions.
- Maintain the Partnering spirit throughout the project.
- Maintain high morale among all partners at all levels.
- Have fun!!

<i>Henry Holman</i>	<i>Paul C. Patton</i>	<i>Jack L. Conway</i>	<i>David E. Smith</i>
<i>Robert C. Frank</i>	<i>Robert P. ...</i>	<i>Robert P. ...</i>	<i>James Slaughter</i>
<i>Dan B. ...</i>	<i>SE ...</i>	<i>Greg W. ...</i>	<i>Tim L. ...</i>
<i>Thomas W. ...</i>	<i>Richard ...</i>	<i>David ...</i>	<i>Wayne & Davis</i>
<i>Kevin M. ...</i>	<i>...</i>	<i>...</i>	<i>...</i>
<i>Robert ...</i>	<i>Mark ...</i>	<i>Kent ...</i>	<i>Chris ...</i>
<i>Greg C. Wilson</i>	<i>Ken ...</i>	<i>Annelle ...</i>	<i>...</i>
<i>...</i>	<i>...</i>	<i>...</i>	<i>...</i>
<i>...</i>	<i>...</i>	<i>...</i>	<i>...</i>
<i>...</i>	<i>...</i>	<i>...</i>	<i>...</i>



*Independent Utility:
You can't segment a
project for convenience*

*“BG Outer Beltway”
and
“I-66”
Planning Studies*



Purpose and Need?

Purpose: Serve Traffic in a Rapidly Developing Area of NW Warren County

Needs: Traffic, Safety, and Connectivity



Traffic

Build vs. No-Build

- **Build Traffic:**
 - **Transpark: 3 phases:**
 - **1: 834 AC + other developments**
 - **2: 340 AC more = 1,174 AC**
 - **3: Relocated Airport – Out, No FAA Approval**
 - **Opposition says the growth won't happen**
 - **County-wide model**
- **No Build Traffic: 834 AC +**



Alternatives

- **CEQ Says Study “*All Reasonable Alternatives*”**

EIS: “*Reasonable Range that covers the full spectrum*”

Courts: “*Rule of Reason*”

- **Must Meet P/N**
- **IJS Policy: “*Prove You Can’t Rebuild Existing Roads*”**



Alternatives

Alternative 3

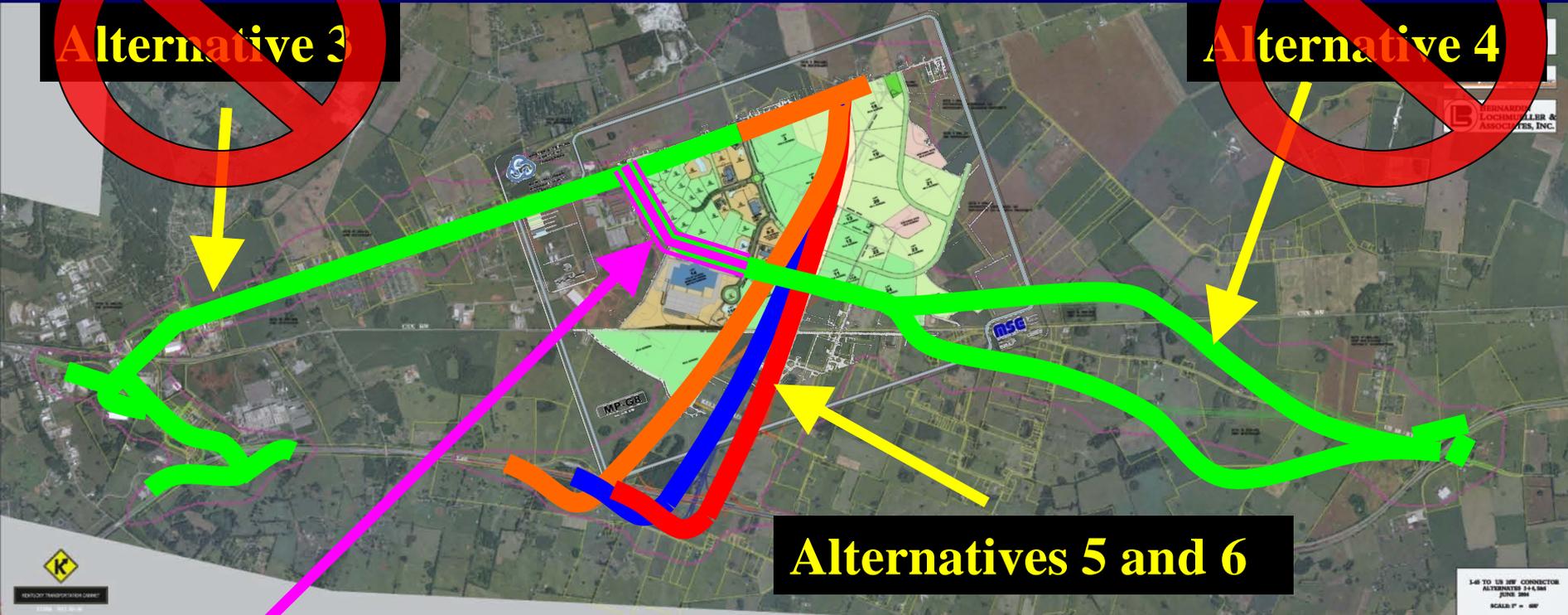
Alternative 4

Alternatives 5 and 6

State Funded Project

1 No-Build

2 TSM



“The Stealth Project”



The Daily W

Sunday, August 30, 2006

Hostage Situation at Transpa



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What if we combine Alts 3+4??

Alternative 3

Alternative 4



Enter Alternative 3+4 North and South



Indirect and Cumulative Impacts

“If You Build It They Will Come”



NEPA Says: Disclose Indirect and Cumulative Impacts

Direct Impacts

“...effects which are caused by the action and occur at the same time and place.”

40 CFR
1508.8(a)



Indirect Impacts

“...effects which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.

Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate...”

40 CFR 1508.8(b)



“...but for...”

Cumulative Impacts

“The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”

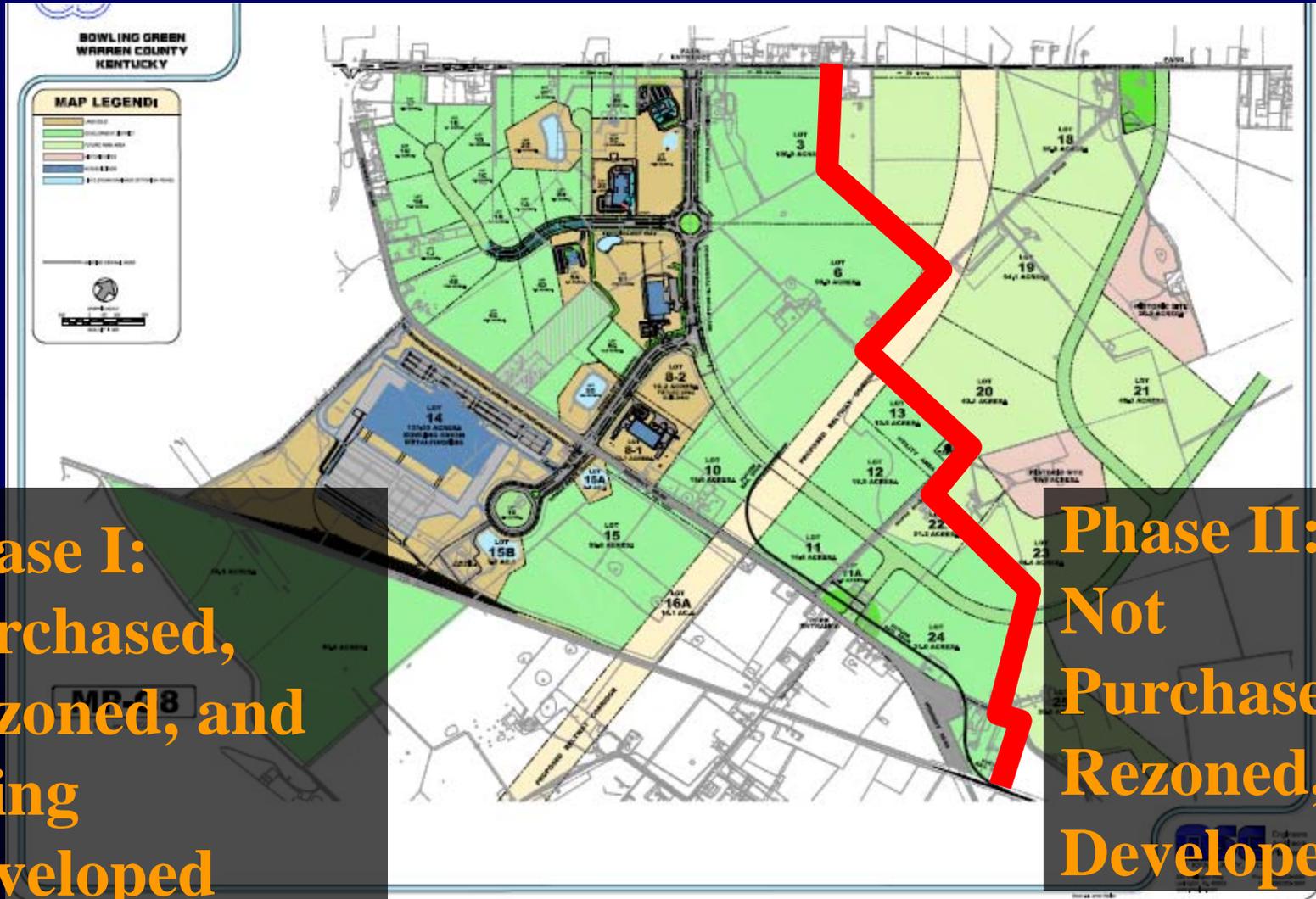


Direct, Indirect, and Cumulative Impact Analyses

- **Direct = Footprint / Viewshed / Noise Contours**
- **Indirect =**
 1. **Difference in Traffic between Build and No-Build**
 2. **Traffic Converted to Acres via ITE Trip Generation**
 3. **Conclusion = 422 Acres of Induced Growth**
 4. **340 = Transpark Phase II, 82 elsewhere**
 5. **Environmental Overviews of the 422 Acres**
- **Cumulative = Farmland Conversion over the Entire County**



Transpark MP



Section 106 Process

Consulting Parties

- 60 Initially
- 25 Ultimately

3 Meetings / Major Steps

1. APE & Eligibility

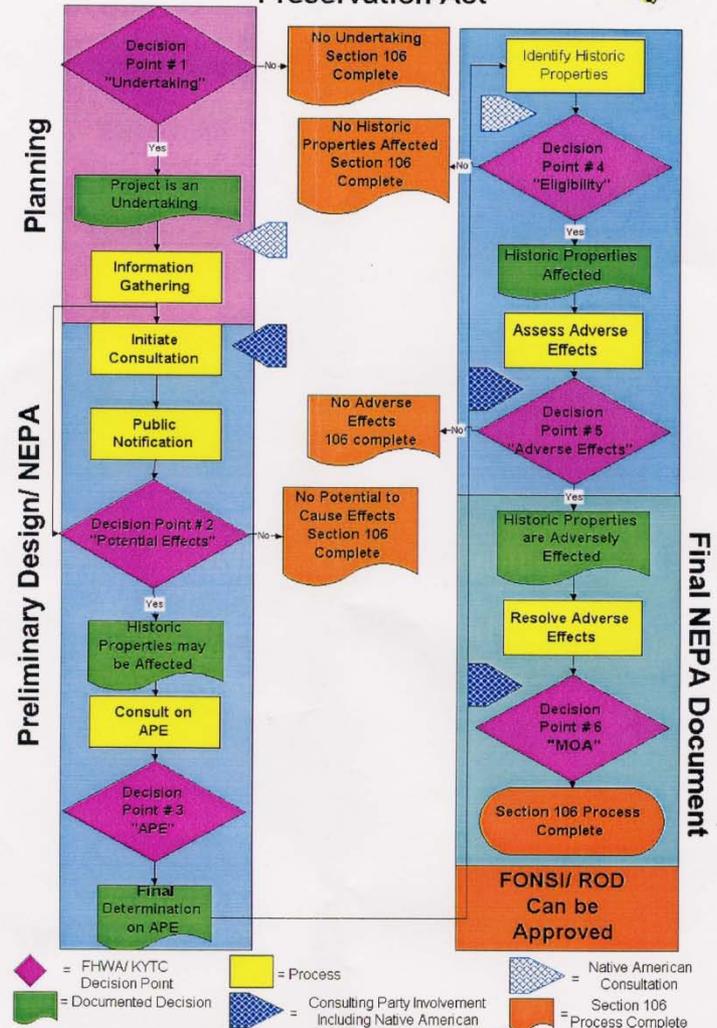
- Multi-County APE
- I-66 / Outer Beltway
- Anticipatory Demolition
- Constructive Use
- Want ALL Information
- Wrote a 60 page Response

2. Effects

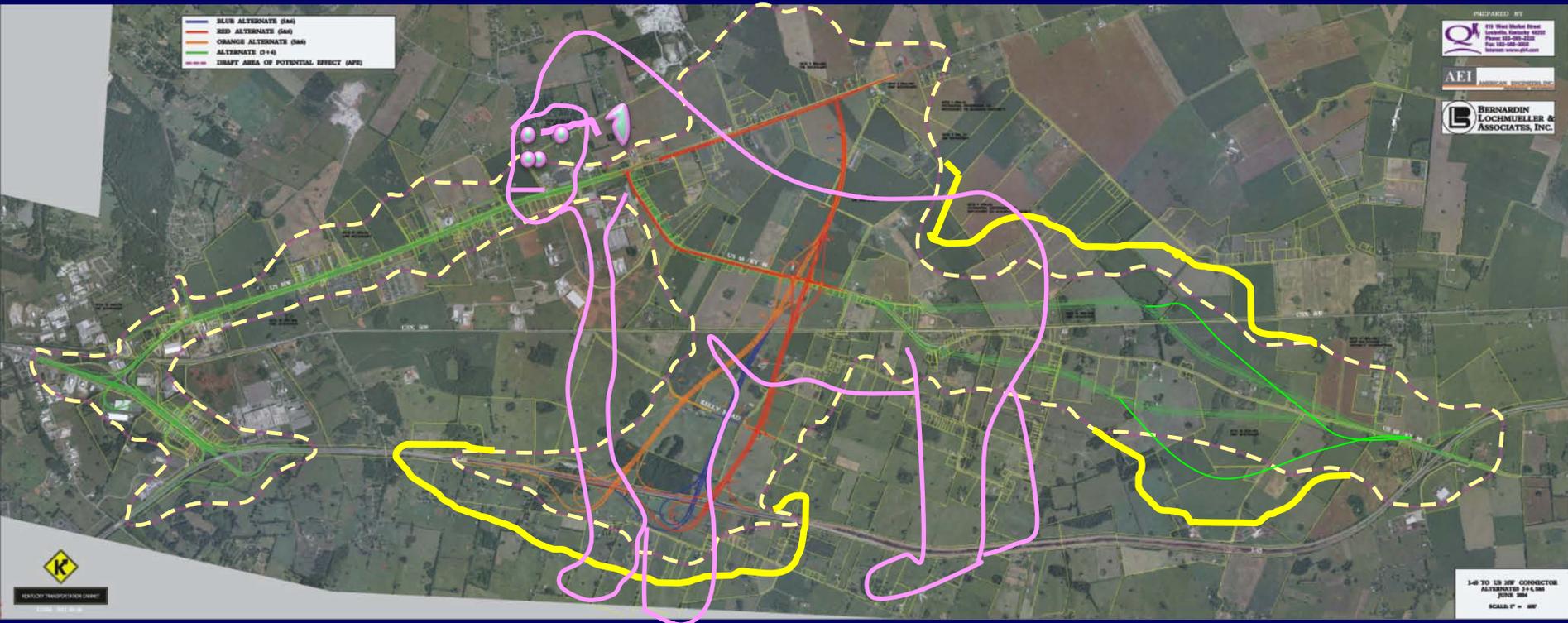
3. Mitigation



FHWA - KYTC Implementing
Procedures for Section 106 of
the National Historic
Preservation Act



Area of Potential Effect (APE)



APE Presented at June 17, 2004 Mtg.

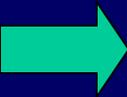
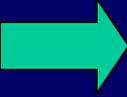
—————

Revised and Approved APE to Include Indirect Effects

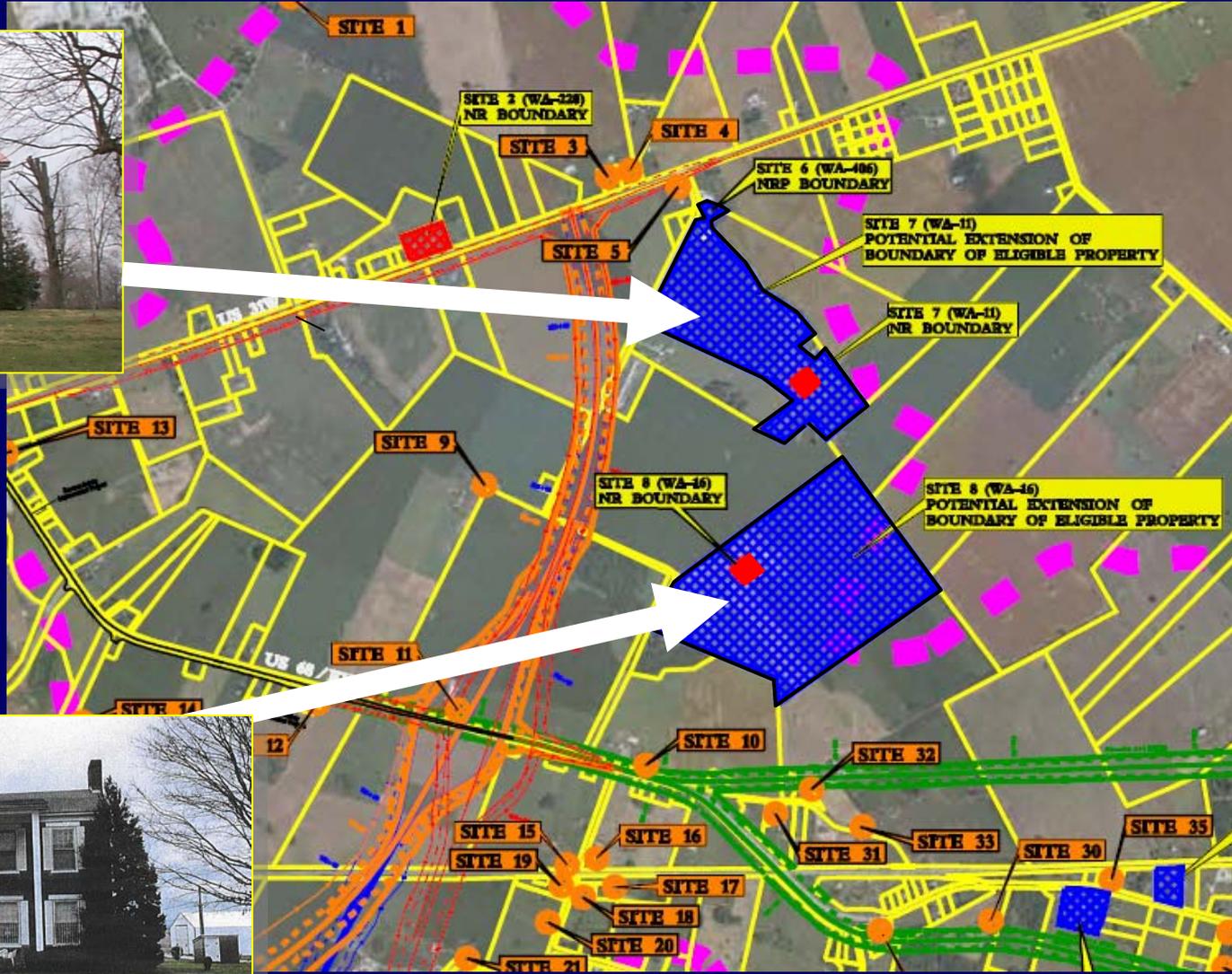


Effects Determinations

	3+4 North	3+4 South	5 and 6: Red, Blue and Orange (Including Reconstruction of US 31W)
Site 2 Horse Shoe Camp	No Adverse Effect	No Adverse Effect	No Adverse Effect
Site 6 Mizpah Burial Ground	No Effect	No Effect	No Effect
Site 7 Andrew James Wardlaw III House	Adverse Effect (Anticipated Indirect Land Use Change)	Adverse Effect (Anticipated Indirect Land Use Change)	No Adverse Effect (from Red, Blue, or Orange Alignment) No Effect (from US 31W Reconstruction) Adverse Effect (Anticipated Indirect Land Use Change)
Site 8 Garnett Bryant House	Adverse Effect (Anticipated Indirect Land Use Change)	Adverse Effect (Anticipated Indirect Land Use Change)	No Adverse Effect (from Red, Blue, or Orange Alignment) No Effect (from US 31W Reconstruction) Adverse Effect (Anticipated Indirect Land Use Change)



Site 7 – Wardlaw House



Site 8 – Bryant House



Transpark MP, w/ Sites 6, 7 & 8



Section 106 Mitigation

- **For Indirect Land Use Changes**
- **ACHP Decides to Play**
- **MOA Developed – If ITA Develops Phase II:**
 - Houses will be preserved per the Master Plan
 - But if they can't be, mitigation off site
 - 100-foot buffer around Cemetery
 - Archaeology field work for Phase II of Transpark
- **Signed by KYTC, ITA, SHPO, ACHP, and FHWA**



From ACHP's Presentation on I&C Mitigation "How-to" Case Studies

Kentucky Transpark Project- Phase I



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Cave and Karst Research

- **WKU's Dr. Crawford / Geotechnical / Testing**
- **Transpark Broke into a Cave**
 - **Native Bones and Drawings**
 - **Transpark Handled Well: SHPO, WKU, UK Studied it, Sealed it up, then issued a Press Release**



Cave and Karst Research

- **Groundwater Divide – Where is it?**
 - WKU Dye Tracing
 - Very low probability of crossover spillage
 - Mammoth Cave Concurrence
- **Endangered Bat Habitat**
- **Kentucky Cave Shrimp**
 - Known in Mammoth Cave, only
 - Dr. Lewis Scuba Diving



Mitigation

- **HAZMAT Spill Response Plan**
- **Grassy Swales, Retain All Runoff**
- **Cave Collapse Contingency Plan**
- **KYTC Sinkhole Treatment Plan**
- **Wetland – Sinkholes / Nexus**
- **MOA – Indirect for Historic**



Draft EIS

- Identify **Alt 6-Orange** as Preferred, Best Traffic, Farthest from Cave Entrance
- Public Hearing
- 54 Individuals / Agencies / Groups Comment:
 - EPA: Air Quality / Climate Change / MSATs
 - USACE: Wetlands
 - KarstEEP: Many Complaints
 - ITA Legal Council: All ITA Work
 - Local Governments: Support
- 103-page line by line response



Final EIS

- **Confirmed 6-Orange as Preferred Alt**
- **2 Responses:**
 - **EPA: Wetlands, Groundwater, Climate Change, and MSATs**
 - **KarstEEP: Thanks for ID of Substantive Changes**
 - **Reiterated previous comments**

ROD – *Signed March 23, 2010*



Oct 5, 2010, 4:07 PM

- **Lawsuit elements:**

- **Delays, delays.** Then: “...*all data is stale...*”

- Amendment filed Jan 3, 2011
- Motion for Summary Judgment: April 29, 2011
- Plaintiffs Reply July 1, 2011
- 17-months of lawsuit actions,...so far

- **Traffic:** *Heart of the lawsuit*

- **Several new items, which is impermissible**

- Sinkhole floodplains
- Relocated jobs = negative socioeconomic impact
- Indirect air quality impacts from industries

- *No hard look at Indirect and Cumulative*



Lawsuit Elements Continued

- *Karst not studied enough - spillover issue*
- *Mitigation to capture runoff was unacceptable*
- *Alternative: “Strawman” alternative ... a “preordained formality designed to fail” ... a “Frankenstein concoction”*
- *Transpark would not exist “but for” the road*
- *“Stunned” to learn the WKU did the karst investigations for Transpark and KYTC*
- *FHWA did not independently evaluate the project – should have hired independent reviewers for nearly every aspect*



Lessons Learned

• **Administrative Record and emails**

.... Apparently, even FHWA considered this concoction as a sham alternative based on an internal email:

“They [FHWA] think our design of 3 plus 4 was done very poorly, that we designed it in such a way that it could never be built and that we did it on purpose so that we would have to pick 5 or 6.” AR003391.

It was indeed a “poor” design ... This hybridized strawman ...

Subject: I-65 Connector Project

I talked to Tom Springer this morning (who is at home with plumbing issues).

The four problems they have with the DEIS that came out of the last meeting held with FHWA were:

1) They don't like our purpose and need. They think it should be more direct in specifying the connection between I-65 and US 31W instead of just improvements to the network.

2) They don't believe our traffic model is correct, that there is no way our numbers can be right. The FHWA team out of Atlanta, the legal team is where this is coming from according to Tom.

3) They think our design of 3 plus 4 was done very poorly, that we designed it in such a way that it could never be built and that we did it that way on purpose so that we would have to pick 5 or 6.



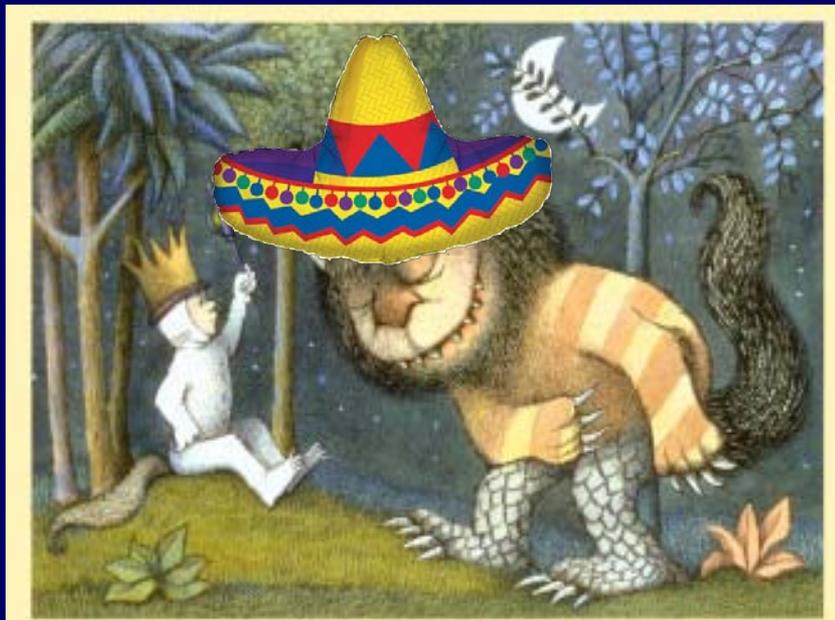
Lessons Learned

- **Administrative Record and emails**
 - **The FEIS is the main course, but A/R becomes the dessert menu**
 - **Documentation of FHWA oversight**
-

- **Approach NEPA Projects as NEPA Projects**
 - **Get Best Expertise Available**
 - **Positive Attitude / Love the Challenge**
 - **Remain Flexible**

At the End of the Day...

- **We Listened, Responded, and Made Adjustments**
 - **Environmental Designs Were Incorporated**
 - **And we still got sued!!**
 - *But we learned a lot and are better for it!*



The End