

**IN RE: SOUTH LAWRENCE TRAFFICWAY  
PUBLIC MEETING**

**DATE: OCTOBER 17, 200**

**PLACE: SPRING HILL SUITES  
6TH AND NEW HAMPSHIRE  
LAWRENCE, KANSAS**

**STENOGRAPH REPORTER: LINDA R. BURT, CSR, RPR**

**FACILITATORS: Mr. John Huyler and Mr. Dennis Donald.**

**PANEL MEMBERS PRESENT:**

Mr. Steve Sublette, Mr. Martin Kennedy, Ms. Sharon Ashworth, Mr. Stan Loeb, Ms. Linda Finger, Ms. Mary Loveland, Ms. Joyce Wolf, Ms. Judy DeHose, Ms. Rebecca Manley, Mr. Bob Johnson, Ms. Ann Gardner, Mr. Marvin Buzzard, Mr. Dan Lambert, Ms. Carey Maynard-Moody, Mr. Pat Kincaid and Mr. Ron Durflinger.

**ALSO PRESENT:**

Mr. Terry Flanagan (HNTB) and Mr. Larry Carvin (U.S. Corps of Engineers)

(The proceedings commenced at 5:33 p.m.)

**MR. HUYLER:** Okay. Everyone, if you can please come forward -- I think everybody can hear. We've had some experiments with acoustics in this room. The last time you suggested that instead of having the group act to you as the audience that the group face you. This should work better. If not, at any time during this hearing, please give us the international sign that you can't hear. And if someone else is speaking, we'll go like this (indicating) and try to get them to speak more loudly. Or if it's me or Dennis, we'll just start speaking more loudly, I guess.

Thank you for all coming. We are expecting that this will be a very productive and informative meeting for everybody. And we're glad that you're here.

My name is John Huyler. I'm a principal with The Osprey Group who was asked to convene and facilitate the stakeholders group, and my colleague, Dennis Donald. And I this evening will be handing off the facilitation between the two of us.

As you will see in a few minutes when I begin to walk you through the agenda and what we hope to accomplish tonight, we have a very full agenda. And it's a very important meeting. With that in mind, I think we will skip introductions. Those of you who were here last time will notice a few new faces and I'll read off who I think these people are.

First, for the Audubon Society there's Sharon Ashworth. Thank you for being here, Sharon.

On behalf of the Lawrence Public School System there is Mary Loveland. Thank you, Mary.

On behalf of the Perry Park Neighborhood, we are expecting one of two people, but I think a lot of people in town who have kids know that tonight is parent-teachers conference night. So that is obviously a conflict for a variety of people. We are hoping, however, that either Donna Thomas or Denny Peterson will be able to attend because -- and we know that both of them have that conflict tonight.

On behalf of the Indian Hills Neighborhood, Joyce Wolf. Thank you for being here.

And for the City of Lawrence, Martin Kennedy. Thank you for being here.

Did I miss any new faces around this table?

(No response.)

**MR. HUYLER:** Okay. If you will please take the agenda that you may have and take a look at it. For those of you in the audience, there are extra copies back -- at this point in time, many extra copies of the agenda at the check-in table. And please get it so it will help you understand what we're trying to accomplish tonight.

The major goals of the meeting are highlighted in the box at the top. There's four bullets. The first is to receive some updates on several things that we know about, such as the planning commission subcommittee and the mitigation committee that's been meeting under Baker University's auspices. And we've asked people at the table who were part of those efforts to speak briefly about those things.

If there's something else that we haven't heard about that you want to tell us about, that's also fair game. Anyone at the table please add anything else that you think is relevant in terms of updates and backgrounds.

Last time when we met, there was reference to traffic projections, and we went over those verbally. I'm sure you all know from reading the paper that those have now come out in a more formal manner, and we will ask Terry Flanagan from HNTB to give us a little background on the traffic projections so that everybody has the same information.

Is there someone here from the Corps of Engineers?

**MR. CARVIN:** Yes.

**MR. HUYLER:** We'll also ask that when we get to this segment that one of you stand and give us just a little background on what the Corp's process is and time line as we go through.

So we have up to 45 minutes for updates and backgrounds. We certainly don't expect it to take that long. And I think you'll find as we go along we'll want to be getting ahead of the ball as things go along.

One of the things that is not on the agenda per se but that you asked for last time that we think is quite reasonable is a break. Rather than going at it for three and a half hours without a break, how about if we take a break that's contingent upon good behavior, though, sort of being ahead of the game. And we hope that we can take a break right about the 7:00 slot.

So the first major thing is recent developments and updates, and then under Bullets 2 and 3 of the meeting goals we'll get into what really is the heavy lifting and the purpose for this meeting, and it has to do with the evaluation criteria that everybody around the table is now familiar with because of the survey that we sent out to you.

This part of the agenda is divided into two segments: One is the first, which is listed at 6:30 is for Dennis to take the opportunity to tell you what your feedback was to us on the survey that we sent out. And then we hope and expect that we can choose from what you've told us the subset of criteria that you think are most important to discuss tonight. That's what might be called the criteria selection part of the meeting.

And then under the third bullet, which is analyzing 32nd Street, 42nd Street and the no-build alternatives in light of the priority criteria, we want to have you address these criteria and the alternatives in a very methodical way, which Dennis will explain when we get to that part of the agenda.

So we expect that to take until about 8:00. And at that point in time we'd like you to be, if we're on time and have the opportunity, hoping that you've been able to listen to each other, hear what criteria are more important to each other and that you'll be able, at the end, to state very clearly what your preferred alignment would be, if any, and why. And then if you want to take the opportunity to say what your input would be to KDOT and the Corps of Engineers if some other alignment is suggested, we'd like to provide you with that opportunity as well.

Finally, at 8:45, we'll look for next steps and Terry Flanagan, again of HNTB, will run through what happens, is expected in the analysis and public involvement of the EIS. So I think you can tell by the rapidity by which I'm talking and sort of the bulk of this agenda that it's some heavy lifting.

Last time Dennis and I were impressed by your ability collectively to be succinct and to speak clearly, and we're going to certainly encourage more of that this time around.

I would point out before starting that we fully expect that this is the last time this group will be convened. But if you look around the table you can see that we're delighted to have representatives of the same groups that were here at the first meeting.

So, Dennis, have I forgotten anything here so far on the agenda that you can think of?

**MR. DONALD:** I don't think so.

**MR. HUYLER:** So I'll get to sort of the ground rules for the meeting in a second. But in terms of the agenda, it's got those major chunks. Is that all right with everybody? I'll accept head nods as a sign of assent.

So we'll get on with this. I'll note, please, in the interest of time, since there's so much to do we're not expecting to have public comment during this meeting.

In terms of ground rules, there's really three things that we'd like to emphasize: One is that Dennis and I will call on each of you to speak, and you can just signal us and we'll call on you. And we'll try to keep this even-handed. If some people are not saying anything, we'll call on you again and make sure you at least have a blatant opportunity to speak. And conversely, if somebody -- if any of you are getting to be long-winded, we'll try to deal with that as best we can. And we'll ask you to speak just one at a time and to keep your side conversations to a minimum.

Secondly, we'll ask you to be brief and succinct -- I've already mentioned that -- and to the point. And you'll see when we get into the criteria, and what we're really trying to get out of you tonight, that repetition is unnecessary. So it's not a matter that if someone says that so-and-so is important, that's what we want to get down on paper and it's not a matter of how many people agree or disagree. We're not taking votes tonight. This is a randomly selected, if methodically selected, group; and as such, we're not trying to come to closure or consensus about any particular alternative; rather, we're going to try, in a very methodical way, to hear your opinions and advice using these criteria.

So the second ground rule is please be brief.

And then the final thing to note, I believe, is that every word that's being said is being transcribed by the court reporter, so it's your chance to be eloquent and to really get it on the record.

Okay. Any questions about those ground rules?

(No response.)

**MR. HUYLER:** In terms of logistics. For the bathrooms, keep going to the right out there. And people should feel free to stand up and get more food or whatever. We'll try to run it informally.

I've already said that we will hope to take a break, and we will do our darnedest to be finished and have it be a very productive session by nine o'clock this evening. Okay. Shall we just get into it, then? I note we're ahead of time -- no, we're two minutes behind time. We're more or less on time, shall we say.

And Larry or Bob, if you are ready, I'd like for you please to give us just a little bit of perspective from the Corps of Engineers about this, and feel free to come forward if you'd like. Everybody can hear okay, right, if someone's talking as loud as I am? You're shaking your head.

(Audience members responded.)

**MR. HUYLER:** I can shout. I am going to stand right here. Can everybody hear me now?

(The audience responded.)

**MR. CARVIN:** And I can be brief. I can't be eloquent, but I can be brief.

The Corps of Engineers is involved only because it has responsibilities under the Clean Water Act, and more specifically Section 404 of the Clean Water Act which is designed to regulate the discharge of gradual fill or fill material into any water of the United States; and in general terms that includes wetlands and rivers and streams. And because this trafficway project does involve some fill and wetlands, the Corps of Engineers is involved, then, in the process and needs to either issue or deny a permit for that fill material. So that's how we get into the process. If this road could be built without doing that, I wouldn't be here not being eloquent tonight.

The first time around it was the Federal Highway Administration that was involved because it was a federally funded project. Now it is not a federally funded project, and even though we were involved last time, we were not the lead. Because we are the only federal agency involved at this time we are the lead federal agency. And what that means is that we're responsible for the environmental impact statement that is being written. We -- Kansas Department of Transportation is the applicant for this permit, and because this program is -- by "this program," I mean the regulatory program -- is not very well funded. We don't have many resources. We pass on to applicants a lot of the leg work that has to be done and they bear the cost because it would take us a long time to get it done because we don't have the resources to do it. So the Kansas Department of Transportation has hired a consultant to write the environmental impact statement and they will do it within our guidelines. And we are ultimately responsible for that. And the district engineer in Kansas City will be the one who signs the regular decision for this project.

Now, does that mean the Corps is going to select the alternative and tell the community where this road will be built? Well, in a general sense, yes, it does mean that. But the district engineer is the person who will make

the final decision based on the public input and the NEPA process, which is National Environmental Policy Act. That's why the environmental statement is being written. The district engineer is the one who makes that decision. But he makes that decision on the basis of all the public input.

The Corps -- and I need to stress this right now -- the Corps really does not have a stake in this. You don't see us up here. We're not a stakeholder. Our responsibility is to conduct the public interest review and make a public interest decision. And that means we take all the information and all the data that we can collect, try to sort it out, and try to figure out, from the federal government's point of view, from the community's point of view what seems to be the best decision, what's in the public interest. That's our role. And certainly when that decision is made, it isn't going to please everybody. We know that. I know that because I've been in this program a long time. We don't please a lot of people. But some people do get pleased.

That's the way the process works. We try to be -- and I think generally are as objective as possible.

We try to weigh all the factors. We have a very long list of things that we look at. It isn't just the wetlands that we look at or the aquatic resources. We look at endangered species, we look at economics, we look at social issues, we look at Clean Air Act issues, we look as noise. It's a wide variety of things we look at in making a public interest decision.

In this case, of course, there's some issues connected with this project that rise to be more controversial or seemingly more important than others.

That's our role in the process. And I think maybe I should just leave it there, if it's okay.

I'm open to some questions, if anybody has any questions. I don't want to stand up here to steal anybody's thunder, but I'm certainly willing to answer anybody's questions. And that's just from the stakeholders.

**MR. HUYLER:** Pat, did I overlook introducing you to start with? I apologize. You and I both know that.

**MR. KINCAID:** I just wanted to ask you, how will you insure that KDOT will go by the guidelines set by the EIS?

**MR. CARVIN:** We're working very closely with Howard-Needles on a regular basis on this process, meeting with them and talking about our issues, our concerns, how we think things need to be done. And we'll review the draft EIS before it ever goes public, and if it doesn't meet our standards, we'll give it back and say Work needs to be done here or there. But rather than find out at the end of that process, we're working with them right now so that the process works correctly. Does that help?

**MR. KINCAID:** (Nodded affirmatively.)

**MR. HUYLER:** Other questions from the group?

**MS. FINGER:** I know you identified yourself before, but I don't know who you are or what your role is. Are you going to be the decision-maker with the Corps? Is that --

**MR. CARVIN:** No, I'm not the decision-maker.

**MR. HUYLER:** Would you repeat the question?

**MR. CARVIN:** She asked who am I and whether I will be the decision-maker. And no, I will not be the decision-maker. That will be the district engineer. And my name is Larry Carvin, and I'm chief of the regulatory branch. So the regulatory branch is the one that has responsibility for the permitting. Okay. Other questions?

**MR. HUYLER:** Yes, Ann.

**MS. GARDNER:** Is the Corps basically the only agency that's going to have to issue a regulatory permit? Is it the only federal agency that will have to issue a permit for this process?

**MR. CARVIN:** Probably not. It's possible that the Kansas Department of Agriculture might. But more often than not, they would be involved only if it involves a stream. If this just involves the wetlands, they probably would waive the need for a permit. I don't want to speak for them, but my experience is they're more

involved with water rights than they are with aquatic resources and wetlands, but they do have a permitting program. But the Kansas Department of Wildlife and would be involved if the project has any impact on the Kansas endangered species. They have an endangered species program.

In connection with the 404 permit, the Kansas Department of Environment must certify what we call a 401 certification. They must certify that the discharge the Corps is proposing to permit doesn't have a negative effect on the clean water standards of the state. So that's not to permit per se, but if, however, the Department of Health and Environment were to deny 401 certification, the Corps would automatically deny the permit. In fact, if any state agency denied permit, the Corps would automatically deny the permit.

**MR. HUYLER:** Thank you. Bob?

**MR. JOHNSON:** Would you talk a little bit about the time line you expect to follow?

**MR. CARVIN:** What we're in the process of right now is gathering information and material on the cultural resources issues, the native American tribes that have been involved at Haskell. We have a responsibility to consult nation to nation with Indian tribes. And this project is kind of unique in a way, even in the country, because of the number of tribes involved over the history of Haskell University. So we're in the process of sorting that out. And I'll get to the time line, but I need to get back on a piece of background.

We haven't totally reached a conclusion on exactly how that's going to happen, but we expect to be doing that here in the next month, as to how we're going to engage in that consultation process.

Right now the schedule calls for the environmental impact statement to be available sometime in the spring. That would be a draft environmental impact statement, and the final to follow later. So that's kind of where we are right now. That's about as definitive as I can be.

**MR. JOHNSON:** How long does it follow along later?

**MR. CARVIN:** Ordinarily a draft environmental impact statement is out for 45 days for comment. Then depending on the nature and number of comments that have to be addressed, you know, the final environmental impact statement can follow, you know, in a matter of two or three months, depending. Sometimes it's much longer than that. That's going to be involved on the issues that come up and what it may take to resolve them, what kinds of changes might need to be made, because the draft more than likely will identify a preferred alternative.

Now, there are occasions where a draft environmental impact statement comes out without a preferred alternative, but normally it does. But the kinds of comments and concerns that are raised in that draft process, once the draft is out, goes out to the public, could change the preferred alternative. I mean, you can't predict that. And if that's the case, I would think that the period between the draft and the final would be extended.

**MR. HUYLER:** Okay. Joyce?

**MS. WOLF:** The previous federal administration had a very strong commitment to environmental justice. Do you know what the current administration's --

**MR. HUYLER:** Would you repeat the question, please?

**MR. CARVIN:** The question was: The previous administration had a strong commitment to environmental justice; do I know what the current administration's position is on environmental justice? And no, I don't. We've had nothing come down to us to indicate anything's changed.

**MR. HUYLER:** Okay. Other questions.  
(No response.)

**MR. HUYLER:** Thank you very much, Larry.

**MR. KINCAID:** I have another question if that's all right.

**MR. HUYLER:** That's perfectly all right.

**MR. KINCAID:** How does the Corps handle the Indian burial sites once they come across them?

**MR. CARVIN:** You mean if we've issued a permit and as we do construction we come across something?

**MR. KINCAID:** Even before a permit is issued, if you're aware that there are some burial sites out there, how do you deal with that usually? In the past how has the Corps dealt with that?

**MR. CARVIN:** Well, I have not had personal experience in regulatory programs -- other elements of the Corps have -- so I may not have the best answer. But we do have a responsibility under NAGRA, and I can't -- unless, Bob, do you have information on this that -- can you help me out?

**UNIDENTIFIED VOICE:** I would just say we have a NAGRA expert on staff.

**MR. HUYLER:** Would you translate that acronym? Native American something or other.

**MR. CARVIN:** Yes, Native American Graves and Repatriation. We have somebody on staff that's trained and competent in that. And we would follow whatever procedures are appropriate and we're required to protect and coordinate and consult over any Native American graves that might be there.

**MR. KINCAID:** How do you mean "protect"? If you move them, that's really not protecting them. But I'm just curious if -- well, that's fine on that.

**MR. CARVIN:** I don't know that can I get real specific with you other than to say that, you know, any requirements that we have to avoid or protect, we would follow. Because there are rules and processes and procedures set out for federal agencies, anyway. And then of course we, as a federal agency, have a trust responsibility that -- which is a separate thing, but it's something that's taken seriously. So we'd follow the appropriate and required procedures.

As far as what happens specifically, you know, I can't answer that today. And if you -- you know, if you want to follow up on that later, I can get more information for you.

**MR. KINCAID:** I would like that very much, yes. Thanks.

**MR. HUYLER:** Carey?

**MS. MAYNARD-MOODY:** I thought I was tracking, but now that I'm thinking about it, I'm confused again. So if you wouldn't mind. There has been a lot of effort in the community to choose routes, a route, and it varies from group to group. On the other hand, the environmental -- the supplemental environment or the draft of the EIS is going to come up with a route. And how will the decision of the community influence that if you're basing your recommended route on the things that you're finding in your research from...

**MR. CARVIN:** Well, the selection of the first alternative is not done in a vacuum in terms of we're not doing things that private research is not doing -- I'll just restate the question.

**MR. HUYLER:** Please.

**MR. CARVIN:** The question was how does the public have an input into the preferred alternative if it's selected on the basis of our research? And part of the process in preparing the environmental impact statement is scoping, where we are asking the public to raise their issues and their concerns and so forth. And what we're doing tonight is part of our scoping process. And we have records of all those issues that are coming up in the community and what they see as preferred alternatives and what the impacts of the preferred alternatives are. So we're listening to all of that, and we'll try to sort out what we're hearing. And what seems to be the preferred alternative that's in the public interest, that takes into consideration the community needs, the impact on the aquatic resources, the impact on the Native American community; all those things will be evaluated and sorted out in the selection of a preferred alternative.

Now, when the draft EIS is made public, if there is additional information that we didn't know about or didn't look at, that would then go into the pot and that preferred alternative could change and it may not change.

Does that answer your question?

MS. MAYNARD-MOODY: Yes.

MR. HUYLER: Sharon?

MS. ASHWORTH: I was wondering if, in light of 404 guidelines, the communication sequencing that's set forth in the memorandum agreements between the EPA and the Corps of Engineers that essentially says --

UNIDENTIFIED VOICE: We can't hear you.

MS. ASHWORTH: I'm wondering if you can speak briefly about the Section 404(b)1 guidelines set forth by the EPA and the Corps of Engineers for establishing whether or not a wetland permit is given, and that sequence is essentially avoid, minimize, compensate.

MR. CARVIN: I don't know if I can speak briefly to that or not. That's a fairly complicated process. Did everybody out hear the question?

The 404(b)1 guidelines, which is really a regulation -- the process is based on a couple of things: One, it's a water quality issue, and it -- it's a process that we go through to make sure that the disposal of fill material does not -- is not prohibited by the guidelines themselves, which are water quality guidelines. And one aspect of that is that we look for the least environmentally damaging practical alternative. That's a mouthful. That just means "Which of the alternatives has the least impact?" But it also needs to be -- it needs to meet the project objectives. So you can't just reach out there and pick anything just because it has less environmental damage. It needs to meet the project's objectives or it's not a practicable alternative. So we're looking at that aspect of it, too.

She mentioned the sequencing, process of avoiding. And that's really a mitigation process rather than a 404(b)1 guidelines process. The 401-- 404(b)1 guidelines process is really sort of a make-or-break kind of thing in that if it doesn't meet the guidelines, it's over. That's the end of the process. We don't get to a public interest review, essentially. I'm simplifying this just a little bit, but if, early on in the process, we're looking at that and we think this is not the least damaging practicable alternative, it does not meet the

404(b)1 guidelines, then we have a responsibility to say -- then it doesn't, and there's no sense in going in any farther because this kills the project.

So that's one aspect of it.

Now, if it does meet the 404(b) guidelines and we're in the public interest review and we're trying to assess impact, we look at ways, first of all, to avoid those impacts. I mean, can you build this road in a way that there are no impacts? That's one of the things we look at. Sometimes we find there are ways to do the project differently than was proposed by the applicant, and we suggest very strongly that they make some modifications. So the first thing we look at is avoidance.

And the second is if you can't avoid it, maybe there are ways that the project can be designed or little tweaks here or little tweaks there that reduce the impact. And once we get that done, we've done everything there that we can do, then you really get the compensation where if you've done everything you can do and you still affect, say, 25 acres of wetlands and you think it can be permitted, if it can be mitigated, then you require mitigation for those 25 acres of wetlands which may be another 25 acres or 50 acres or 75 acres, depending on the quality of the wetlands that are being impacted.

Does that answer your question?

MS. MAYNARD-MOODY: Oh, yes.

MR. HUYLER: Okay. Other questions, Larry, before we move on?

MR. KINCAID: Just one more.

MR. HUYLER: Okay, Pat. Go for it.

**MR. KINCAID:** You said next month KDOT has to contact all the tribes on that.

**MR. CARVIN:** KDOT doesn't decide that. That is a federal job. I wouldn't want to be held to thirty days from today, but we have the cultural resources consultant who should be providing us, within the next week, his report. And if -- we're allowing ourselves about thirty days to review that report and sort things out and coordinate with the state Historic Preservation office and come to a conclusion.

**MR. KINCAID:** Can you elaborate on any reasons why they wouldn't be required to honor the nation-to-nation agreement?

**MR. CARVIN:** "They" meaning the Corps?

**MR. KINCAID:** Like KDOT would not have to honor the nation-to-nation commitment.

**MR. CARVIN:** Because KDOT does not operate as a nation. In other words, it's federal responsibility to coordinate nation-to-nation. That's not the state's responsibility, that's a federal law.

**MR. HUYLER:** Thank you, Larry.

Okay. Let's move on, then, please, to the second update. And thank you very much for answering questions and for being here.

Marty, if you'll speak, please, to the Lawrence-Douglas County Planning Commission subcommittee.

**MR. KENNEDY:** Thank you, John. I can really expound.

This committee was really put together by the planning commission to address the issue on land use and how it would impact the finishing of this major trafficway. I just would like to read just a little bit from one of our statements here. It kind of gives you a quick synopsis of the amount of hours that we did put in on this. Our purpose statement, the charge given by the Lawrence-Douglas County Planning Commission to the special land use committee was to review the proposed alignments for the SLT taken with respect to their individual impact on the future land use, growth of Lawrence and the urban grave areas, focusing on the no-build, 32nd and 42nd Street alignments. This charge was the foundation of the committee's goal, which was expanded to include a review of all fourteen potential scenarios, thirteen alignment alternatives and a no-build alternative. The committee was comprised of the Lawrence-Douglas County Planning Commission, including three planning commissioners. The chair of the committee was Gene Bateman, and from the planning commission, David Burris, John Hasey from the Lang Commission, myself from the city commission, Bob Johnson from the County -- I missed a couple -- and Mary Loveland from the school district. I would like to basically just read everything on here, but it's going to take me probably too long and too many hours to be able to tell you of all the aspects that we did address during each one of our meetings and then the amount of time that it took each one of us after that to read all of the documents and information that was provided us from KDOT, from the Corps, from the planning commission, from the City, from the County, and all of that in the way of how this trafficway is going to impact our future land use. And it was very important that we really did focus on this.

We established some format right at this start of this committee as to how we were going to address each one of these alignments. And what we did is we developed, thanks to one of our planning commissioners, John Hasey, provided us with a mathematical matrix that we went through to actually take a look at each one of these alignments as to nine different perspectives. We had a number of -- I'll just read these nine perspectives -- and we judged each one of the alignments of these nine perspectives. KDOT's highway objective was one; impact on local traffic, number two; flood plain implications; environmental implications; historical and cultural implications; land use growth and cost; economic implications; funding; and Army Corps mandated review.

Each one of us took these matrix of these nine elements, and what we did was we judged the number of alignments that we really wanted to judge on this. We actually, after our first two meetings -- I think it was the third meeting on this -- we decided that 42B really was out of the picture once we received information on most all of these objectives that we were trying to achieve. We also eliminated 38B, 38A, 35B, and 35A. These were just not going to work with just the minor little bit of information that we gathered at these initial meetings, that these alignments were just not going to be able to meet the criteria in terms of land use that we were really striving for.

This committee met four different times to just get together and be able to talk and review all the information that we were given at each of these meetings to be able to digest and then come back and have some



one-on-one and just have some open discussion on how these issues do impact our land use of where this road actually will go.

I would really like to probably just stop right here. But it was very important that after all that we went through to take each one of these issues and do this matrix, it was very -- it was very challenging to be able to take and adjust each one of them according to the information that we were given and try to balance which one was going to be the best for the community in the way of a land use and growth issues. And the one that we ended up coming up with in the end are -- it was also the matrix -- was this choice of 32B, and it was also the choice of the committee in a 5-2 vote for 32B alignment also.

This had many different scenarios behind it. The documents -- both these documents -- Linda, can they get them from the --

MS. FINGER: They're on the web site.

MR. KENNEDY: They're on the planning commission's web site. We had the minority and the majority opinion on the matrix and the final decision on it. So it's on the web, if you want to read it. It's a number of pages and a bunch of information on there. This was just part of the information from a few of the meetings. So we had a lot of information given to us. We did only physically spend probably about sixteen hours together working on this issue, but each one of them I would say probably spent forty to sixty hours researching all of the information that we were given to be able to determine what was the alignments that was best for the community in the way of the land use issue.

MR. HUYLER: Thank you. And I think that probably people can find that whole report on the web. You can probably come up with it pretty quickly.

MS. FINGER: [WWW.lawrenceplanning.org](http://WWW.lawrenceplanning.org).

MR. HUYLER: Did you hear that? [WWW.lawrenceplanning.org](http://WWW.lawrenceplanning.org) is where you'll find that full report. Thank you, Marty. Next, Dr. Lambert from Baker University. Thank you for being here.

DR. LAMBERT: John, thank you.

MR. HUYLER: And you've also been active trying to evaluate all this.

DR. LAMBERT: I'm going to be honest. I was elected by secret ballot. I don't speak much louder than this, so I'll try to speak so that this lady can hear me.

I do want to say that there are probably at least three people here who can speak more intelligently than I on this issue because they've been part of our committee: Steve Sublette, Terry Flanagan and Dr. Roger Boyd, who's been very much involved in the discussions, not just now but over a period of many years. The original charge to our committee was to look at the conditions under which we felt mitigation would make it appropriate with regard to the wetlands.

The general charge was to look at all the proposed routes: 32nd Street, 35th Street, 38th Street. I think it's fair to say our committee is focused, because of the direction that this discussion took the last time around, is focused on concerns with regard to 32nd Street.

Basically we're looking at mitigation that would rest on three legs. The first of those -- and let me also be candid and say that there are no details to share on this, but I do want you to know what the concepts are. Some of these may be new to you and some of them may not be.

The first of the mitigation that we feel is critical to any invasion of the wetlands is the addition of land that would provide sufficient buffer on that route to insure that we had maximum protection of the wetlands from that point forward. We think that that may be the most important thing we have to look at.

The second leg would be the creation of the research and interpretive center to serve the people of this part of Kansas -- more specifically Douglas County and Lawrence -- and provide a facility that would be associated with a regional or national class environmental area.

And the final thing that we would look for in mitigation -- and this, I think, can't be overemphasized -- that there be sufficient resources made available to the university for the ongoing management, improvement and the educational programs associated with those wetlands. We continue to work on the details here. Some will

depend on what the alignment proposals are. But those are the major concepts that we see as we move through our discussions.

**MR. HUYLER:** Thank you.

Okay. Is there anyone else who's been part of something that they want to bring to the table that would have to do with this updating portion?

**MS. FINGER:** I just want to bring the additional fact of follow-up with what Commissioner Kennedy said, and that is that on September 8th the planning commission held a special meeting, and at that special meeting they listened to the report from the committee, they listened to the majority report, and they voted as a full body. We had nine out of ten commissioners there, and the vote was six to three to recommend the 32B alignment.

**MR. HUYLER:** Thank you. Yes, Pat.

**MR. KINCAID:** I had a question about the mitigation committee, and that was if, Bob, diversity is important to the new wetlands; and if so, how do you plan on reproducing a plant community of 333 species and a wild life community with that?

**DR. LAMBERT:** I'm not sure I'm prepared to answer that. But the issue is important.

**MR. HUYLER:** Mary, you have a question?

**MS. LOVELAND:** This is a little more amplification on Marty's report and the points Linda brought up. That subcommittee of the planning commission kind of early on in the process -- and I'm not as good at logging which meeting it was, but it became -- we had pretty much, I would say, 100 percent consensus, no formal vote -- was on the fact that the no-build option was not an option that was productive. "Productive" isn't even the right word. That would be in the best interest of the community from the perspective that this committee assignment was taken; that no-build was not an option. And the other was that there not be a Louisiana Street exit/entrance. I keep calling them cloverleaves because I remember the first cloverleaf in Kansas, in Mission. But they're called something else now.

**MS. FINGER:** Interchange?

**MS. LOVELAND:** Cloverleaf. That just jumps in there. Those were two very strong items of consensus, and I just thought it important to bring that forward.

**MR. HUYLER:** Thank you. Okay. Is there anybody else who would like to have a report that you've been involved with? If not, let's get to the traffic -- to the traffic projections. And, Terry, I happen to know you've got a graphic right behind me.

**MR. FLANAGAN:** I do. Can I have nine minutes or less?

**MR. HUYLER:** Nine minutes of the graphic or less.

**MR. FLANAGAN:** Okay. We have some handouts coming to you, and we should have enough at least for some sharing with the audience.

A few things while they're getting handed out. First off, the traffic information that was done is based on basically land use. And based on what the City and County and planning commission have identified, I think it's still in draft form, Linda, as far as the future land --

**MS. FINGER:** (Nodded affirmatively.)

**MR. FLANAGAN:** -- use information. But basically the best information available, looking out into the future, into the year 2025, and that data or that information was provided to the traffic engineers at KDOT. And they took that information and put it into a traffic model along with other existing traffic counts and other

things, and basically that generated what you have before you and what I'll spend just a little bit of time orienting you to.

There are several minor refinements that will be made to this information before it basically becomes final. Several weeks ago, after this run, I guess there was some refinements to the land use plan that were provided back to KDOT, and basically in essence, it will tweak the traffic counts up a little bit. So we'll see a little bit of a refinement, but I think for the purposes of comparison and so forth, this certainly is representative.

In this information, too, we have two sets of numbers: We have 1998 as kind of a base year, and then we have the 2025 which is looking out ahead. And the 1998 is basically -- in the traffic model is assuming that the facility -- the trafficway's built out there to just identify based on existing land use and known improvements that have -- would occur out there, what the traffic would be. And again, this 2025 is what future land use projections would show.

Assumptions that were made include that it would be a four-lane freeway section, four lanes like freeway, basically like we'd see in the segment from Lawrence to Kansas City, three being the interchanges or cloverleaves, Mary.

At any rate, not only for this new segment between K-10 and U.S. 59 but for the existing segment from 59 up to K-10 -- or, excuse me, I-70, the assumption there is that some day that will be upgraded, and those were the numbers that we included. We also made the assumption that 31st Street would be four-lane as well sometime in that time frame.

Otherwise I think all the existing roadways were assumed as they are.

I'll go through some more details, but just to kind of orient you as to the handout, in particular I am going to go through these charts. And I'll save that for a little bit. But the charts, again, look at different locations or different spots, whether it be on the trafficway, 23rd Street, 31st, Louisiana, Haskell, and compares both this 1998 with the 2025. And the exhibits here are, I think, probably a bit more descriptive. Same information, but maybe a little easier way to see it, although maybe a little more difficult to present.

On the exhibits, basically you see -- for the various alternatives, you see the numbers there, two sets of numbers, basically the 1998 numbers and then the 2025 numbers, and those are average daily traffic counts.

Okay. And so that gives you a little bit of idea of where those play out.

MR. HUYLER: So how long are you speculating this to take, Terry?

MR. FLANAGAN: We're doing it. I appreciate that.

With that little bit of orientation of what you have in front of you, what I'd like to do is just kind of hit briefly on some of the charts specifically that we have in front of you.

And just to start out with, maybe just go on to Page 4 in your handout, because this gives you kind of an interesting overview. This chart shows basically -- on this exhibit over here, it shows a north-south screen line and what traffic would be like. In other words, along a segment between Louisiana and Haskell, basically if you took a traffic count on any given day along there, what this chart shows you for the various alternatives in the different colors or shading; the trafficway, for example, shown here in blue, that height is representative of how many vehicles would be using the trafficway -- in this case in the year 025 -- the red showing 31st Street, the yellow showing 23rd Street, and then the blue would be the other roads that would include I think it's 00 south of the river, 15th Street, some of the other roadways.

So the alternative. The no-build, no SLT, you can see there's no blue there, and you can see the traffic that at least from the standpoint in comparison with the other alternatives, and in this case you see 23rd Street has a fair amount of traffic there, oh, maybe 52,000 vehicles here, in comparison if there is a trafficway or that traffic taken up by the trafficway you'll see that gap there's little bit different.

Everybody kind of understand that orientation?

(No response.)

MR. FLANAGAN: So with that, then, if we go back and look at just a couple of examples. And this is traffic on the trafficway, and again in this same segment in here for the different alignments. So, for example, if it was built on 31st Street, then the trafficway would end up with about -- well, if it was out there today, about 28,000, 29,000 vehicles per day; and then in the future, in the year 2025, that we would anticipate somewhere in the 63,000 vehicles per day. And you can go through and look at all the other alternatives and see what traffic counts would be, whether it was out there today or at some point in the future.

And the exhibits that you have here, again, we've kind of shown that comparison for the trafficway for 23rd Street, for example, again, with a no-build, 23rd Street would have sometime in the future, 2025, over 50,000 vehicles. With the trafficway, it would drop down into the forty -- thirty-four to forty-four thousand range.

I don't know if we can take questions from the audience.

MR. HUYLER: I'd like to keep going, and if we have time, we will. I'd like to get you through your thing first, Terry.

MR. FLANAGAN: Again, I don't want to go through these in a whole lot of detail, but you can look at the traffic numbers on 31st Street. That includes the Louisiana, Haskell, the comparison charts here. And as I said earlier, in the exhibits you can kind of see numbers specifically for your alignment, which road you might be most interested in.

One other comment. I'm almost there.

MR. HUYLER: Okay. I'm almost fidgeting.

MR. FLANAGAN: There's been some question as to how much, you know, what is this traffic that might be driving along the trafficway? And basically in looking at the mix of traffic or the traffic distribution, basically there's about 20 percent of the traffic that is through traffic -- in other words, it may be going from Kansas City to Topeka -- and then there's about 40 percent that is either starting or ending out of Lawrence, whether it be going to Topeka or somewhere else or coming toward the east to the Kansas City area. And then there's about 35 to 40 percent of the traffic that is local traffic that may be getting on, say, west and coming down to the southern part of the city, or vice versa. So a little bit on where that traffic is coming from that's drawing up on the various trafficway alternatives.

MR. HUYLER: Let me suggest that we hold any questions to a break, which we plan to have in less than half an hour.

So let's get on with choosing -- getting into the details of what criteria we want to use for most of this meeting. And if you'll take that stuff over to that corner and be available in half an hour for any particular questions on this traffic thing.

So now I get to turn it over to Dennis, who's got the most complicated remote control I ever saw, and we'll hope to project something right in our faces here in a second and we'll see if it works. That means I'd better get up and get out of the way.

MR. DONALD: What we want to do is define or select or talk about the different alignment alternatives. Marvin said he had nine different perspectives that you were looking at. KDOT has a matrix that they're looking at that has 32 different considerations or criteria.

John, there's an example of it back there. Maybe we can pass those out so everybody can see what we're starting with here.

And they range from a lot of the kinds of things that Terry just presented, like forecasting traffic volume to wetlands and hydric soils, to land use impact, socioeconomic and energy impact and so on. This is not meant to be something that they're going to weigh and calculate and add up and divide and come up with an alternative recommendation, but it reflects the complexity of the issue, I think, and the breadth of the considerations that they're looking at.

What we did to complement that and something that we could grapple with this evening is last week -- and the turnaround time on this is great, because we sent out a survey last Friday to all of the people sitting at the table and we got -- most of you all sent back replies already. And I want to review those replies.

What we did is we took sixteen of the different criteria that they have on here at the broadest level, because they have broad topics and they have subtopics within those and some of subtopics within subtopics. But we took sixteen at the highest level, some in things like impacts to the wetlands from an educational viewpoint, from a recreational viewpoint, the biological diversity, impacts to farmland and so on. And we asked you all to give us some feedback on which ones you thought would be most important, and we gave you a scale of one to ten and asked you to check off the boxes.

I want to summarize that -- if I can figure out how to work all this stuff. Is this going to work? Is it getting darker? I'll move back here so I can see that.

You know, Joyce, every once in a while I'll ask you to hit "Return" on this. If you would just hit "Return" when I ask you to. It'll be about five -- or the space bar.

Okay. The valuation matrix is the one that we just passed out that HNTB just developed. It has a lot of different considerations and so on.

I mentioned that we have sixteen criteria that we identified that we shared with this group. And the desire was to give not only KDOT and HNTB some input, but primarily to help focus some discussion tonight, because we have a limited amount of time. We're not going to look at 32 criteria. Even if we only looked at just two alignments we wouldn't get there from here. So we're trying to come down to a limited set of criteria that we can really focus upon.

So we did the survey of the stakeholder group. Those responding were asked to indicate on a scale of one to ten basically, if it was limited importance to very high importance. And we got twelve replies.

Joyce, you're on.

So general observations from what we heard is that while every one of the sixteen criteria -- in fact, every one of the 32 criteria on the HNTB matrix -- are important, we still want to come up with some selection of which ones we feel are most important to spend our time discussing. In fact, in our survey, every one of the criteria, someone -- at least one person gave a ten to every one of these criteria. So every one received at least one ten. So for somebody, it's real important. The average vote ranged from 6.3 -- and there are actually two of the criteria that tied for this low vote: Project cost and consistency with land use plans.

Linda, you'll probably be happy to hear that.

The other thing that this points out, too, is that this is the community's perspective, and this is a subset of the community that -- and obviously project cost is a highly important thing to KDOT, but from where you're sitting in this community, it may be less important than some of the other considerations. The high was 8.4, which was impacts to a biologically diverse wetland. That was the highest of all the sixteen that we looked at.

Two of the considerations, interestingly, received ten votes from five of the twelve people who responded, and those two were noise and visual impacts. So even though they got the five people voting ten, the high average still went to the biologically diverse wetland, which received more high impacts.

In fact, we looked at a number of ways to evaluate the responses. One way is clearly just to do an average and see what you get. Like we got the 6.3 and the 8.4. But this is not a real scientific poll or anything like that, and we don't want to overstate the statistical analysis. So one way to look at this is just how many people gave it a 9 or a 10, how many people gave it an 8, 9 or a 10, something like that.

Well nine criteria received votes of, 8, 9 or 10 from the respondents. So seven out of twelve of you, in returning these, gave nine criteria votes of 8, 9 or 10. So to me those indicated a strong preference for those being priority considerations that ought to be viewed when we try to evaluate the different alignment alternatives.

Joyce, could you space for me? Space me.

We also asked about other considerations for the group. And a lot of things came up because we only had sixteen criteria. You'll note that some of these -- for example, air quality is an example of something that is on the HNTB evaluation list, it just wasn't on ours. But there's a lot of things that other people said that we ought to be looking at. A couple of people said, "Just get it done." The impact on 23rd Street, continuity for east-west traffic, no disconnections, couple related to open space, the issue of litigation, the role -- that was actually something was raised with Larry, the role of EPA and the Kansas Department of Parks and Wildlife in the process. Some of these were procedural and some of these were kind of substantive criteria.

John can also help me with that, the easel there. Why don't we just put it right there for a second. There are also some other ones that I'll just highlight real quickly that came into it we didn't get on the list that you have that I'll give you in a minute. The unmarked graves, the spiritual significance, new plant species, obviously tied to the wetland concerns, I think. Mammals and their migration routes or possible endangered species groups, with particular concern about frogs. So there are a lot of other things that we can be looking at.

And I'm going to pass -- John would you pass these on the other side?

MR. HUYLER: We hope we have enough for everybody.

MR. DONALD: This is just a copy of the Powerpoint slides so you don't have to take notes from this.

MR. HUYLER: And if you go ahead and add those five to the page of other considerations.

MR. DONALD: These are a variety of other considerations.

Space bar, Joyce.

So for this evening's discussion what we wanted to do is determine what this group wants to focus on. What do you all perceive to be most important? And the way I grappled with this is I said, Well, as I mentioned a moment ago, we had a number of people who gave certain criteria votes of 8, 9 or 10, rated them pretty highly. And we ended up with nine priority considerations out of the sixteen if we just looked at that filter. And if we combined one which was rated very close to each other, which was the educational and recreation of the Baker Wetlands, that takes me down to 8.

If you'd hit the space bar again, Joyce.

So the eight that that approach would suggest, we've looked at. These are not in any kind of order except the order that they were in the survey. The first one is the projected traffic volume on the trafficway and surrounding streets, similar to the data that Terry just presented.

The educational and recreational use of the Baker wetlands, this is a combination of two separate criteria that were in the survey, but they were very close.

Impacts to a biologically diverse wetland, which a bit of a different issue that still relates to Baker, but it's a biological focus.

Displacement of homes and businesses, noise, visual impacts, historical and archeological sites, floodways and stream crossings.

So those would be, if we look at the number of you that gave them 7s, 8s, 9s, 0s, these would be the ones that came up as your top choices.

Now, there's a lot of other ways you could look at this. We could have defined them based upon the numbers if you just gave them a 9 or a 10 or just got 10s, or, you know, you have the highest low score or -- there's a lot of ways you can manipulate this stuff, but I think this is a reasonable way to approach it.

I will say that the ones that came closest to being included -- I'll say the softest ones were displacement of homes and businesses, historical sites and projected traffic. Those were the three softest that made the list, so they just barely made it in. The three that came closest that didn't make it in were impacts to farms and farmland and impacts to Haskell. So that's a consideration that we might talk about in a minute. Again, I'm trying to avoid having them all be in, but I would be open for some discussion about what we really ought to be talking about in this as well. And if you want to add more than one to the list, I'd ask you to eliminate something at the same time, which is always the harder thing.

Joyce.

So where we're going with this is in about half an hour, after we take a break, our hope is to take the priority considerations that we have on the right side, those eight considerations, and compare them with the alignments. And if we can take Mary's admonition that no action is really not an acceptable alternative, you know, most of the folks maybe could be on 32nd and 42nd and see how they play out. And I think the way we would look at that is we have a worksheet where we look at both the benefits from the prospective of the specific criteria, the drawbacks, and if there's drawbacks, is there any potential mitigation measure that should be considered. So we'll have a bit of a worksheet that we'll pass out, and that would be the mechanism that we'd deal with.

But right now what I'd like to do is take the next few minutes and focus on the criteria, the right side of this page only, to say: Can you all live with these? These eight ones that you all voted as getting the highest scores, as I defined it, or would you like to massage this a little bit before we go on?

**MR. KINCAID:** I think since I wasn't able to be included in this and Haskell was obviously my top priority, I'd like the group to consider the impact on Haskell.

**MR. FLANAGAN:** You are included in this, by the way. Your vote -- your survey is included.

**MR. KINCAID:** I didn't do the rating on mine. I didn't do 1 through 10.

**MR. FLANAGAN:** We included the ones as extremely high. We've got them in as extremely high.

**MS. MAYNARD-MOODY:** But I would like the Haskell on there.

**MR. DONALD:** Again, that was one that was quite close to being in in any event. How do the rest of you feel about Haskell being included?

**MR. BUZZARD:** Well, I'm for it.

**MR. DONALD:** Marvin, you're for it?

**MR. BUZZARD:** Yeah, I'm for it.

**MR. DONALD:** Marvin's for it.

**MR. FLANAGAN:** What are you going to take off?

**MR. DONALD:** That's the question. If we add anything else, we've got to take something else off. I'm giving you -- one can slop in, but if we add anything else, I think I'd like to advocate that we take something else off, because otherwise we're just not going to get there from here.

**MR. KENNEDY:** I think noise is a given.

**UNIDENTIFIED VOICE:** I would object to noise being on.

**MS. MAYNARD-MOODY:** I would, too.

**MR. DONALD:** I might mention, the softest were the displacement of homes, businesses, historical sites -- historical or archeological sites and projected traffic. If that helps at all.

**MR. SUBLETTE:** The weakest link, displacement of homes and businesses, that -- if you're on 32nd Street, that is of absolutely no bearing. If you are on 42nd Street it's of extremely important bearing. So you have eliminated 50 percent, perhaps, of the people who have supported displacement of homes, businesses, historical sites by cutting them in half.

**MR. DONALD:** So you're saying we should keep it?

**MR. SUBLETTE:** That should be done.

**MS. MAYNARD-MOODY:** I'm a little confused about the meaning of the word "traffic." We didn't get to talk to Terry; we didn't get to ask him questions. Because there's different levels of noise with trucks than there are with cars. And also the projection of the traffic over a period of time, would that take into consideration some of the public transit that would relieve some of that that is in the tubes that will impact -- you know, we didn't get to ask Terry those questions. So when we're talking about projected traffic volume, I'm confused, really, what we're talking about.

**MR. FLANAGAN:** Again, maybe we can get there.

**MS. LOVELAND:** To me this is sort of an add-on to what Terry is saying. To me, what I think is -- I would need to know in there from a noise standpoint what percentage of those traffic counts do they presume is truck traffic? You just said there's a difference between truck and car noise. To me that's relevant. I mean, I agree with you. But therefore, then, it's important to know what percentage of that volume is truck and what's not.

**MR. DONALD:** Okay. We'll see if Terry can give us an answer on that. Not now, but when we get to the point of applying it.

**MS. MAYNARD-MOODY:** But what we're talking about, taking it off or adding it.

**MR. DONALD:** That would make a difference to you, the amount of truck --

**MS. MAYNARD-MOODY:** Yeah. Not just truck but the public transportation that is in the tubes that, over time, is going to diminish, perhaps, the traffic volume. But we're not allowed to ask Terry those questions.

**MS. LOVELAND:** Would it minimize them for a bypass road? I mean, that's a bypass. Public transportation --

**MS. MAYNARD-MOODY:** You said of the traffic. What about commuters, through traffic?

**MR. JOHNSON:** How can you talk about building a road and not talk about traffic?

**MS. MAYNARD-MOODY:** How can you build a road and not talk about transportation that is more than highways?

**MR. DONALD:** Is anyone advocating taking it off at this point?

**MS. GARDNER:** Do we need to take one off at this point if we add another one?

**MR. DONALD:** No, no.

**MS. MAYNARD-MOODY:** We're trying to add one --

**MS. GARDNER:** He said we could add one without taking one off. Only if we add another one do we need to take one off.

**MS. FINGER:** I was going to suggest, if we had to take one off, always trying to rebuild the wheel, why couldn't we just combine the bigger ones, the biological diversity, wetlands?

**MS. GARDNER:** Or the noise and visual.

**MS. FINGER:** I'm not sure that everybody out here has the ability to make that broad distinction.

**MR. DONALD:** How do you all feel, just in the interest of time, when we get to these work sheets where we're going to say, you know, what are the benefits and drawbacks and potential mitigation, would it be useful to combine those? In other words, having the second and third one would focus primarily on the wetlands from a scientific -- recreational and scientific aspect?

**DR. LAMBERT:** Can I ask a question? Clearly you had something in mind when you had those as separate items on the surveys, separating out educational, recreational and impact on biologically diverse wetlands. How would we distinguish in that category from the educational aspect that we covered in the other part of the survey?

**MR. DONALD:** Yeah.

**DR. LAMBERT:** Were those that distinctive in your minds?

**MR. DONALD:** Well, the response is, from educational and recreational parallel to one another, quite close. So that's why I felt comfortable combining those. The biologically diverse wetlands seem to garner more support than anything else. So it seemed to be an issue of interest to more people for different reasons, regardless, even if you didn't have recreational or educational programs, the biological diversity, in and of itself, seemed to be important to people. As a result, it got the highest votes. That's the only thing that can I see, Dan.

**MS. MAYNARD-MOODY:** Does anyone object to combining noise and visual?

**MS. GARDNER:** I was suggesting that.

**MS. FINGER:** You see that very often.

**MS. GARDNER:** They really go together.



**MR. DONALD:** Noise and visual combined. We can do that. I mean, the next hour we're going to spend together is going to be spent going through these, and if we can expedite that in any way, that would be helpful. So noise and visual will be combined.

**MS. MAYNARD-MOODY:** And add Haskell.

**MR. DONALD:** Add Haskell, yes.

Any other suggested changes? And for right now should we keep the biologically diverse wetlands separate from the educational and recreational?

**DR. LAMBERT:** Isn't one a mitigation? Since the proposed educational center is a mitigation plan, not the existing educational experience. Isn't that true? For one, it's a part of the mitigation plan, if the wetlands is disturbed. Isn't that correct?

**MR. DONALD:** I think there's educational with or without mitigation. But mitigation could enhance education, you know, perhaps more than it could enhance biological diversity.

**MR. LOEB:** So they're really the same.

**MR. DONALD:** Yes.

Okay. That will be our charge. And we'll start that after we take a ten-minute break. We'll reconvene at five after seven -- actually that's about twelve minutes, according to my clock. And what I'm going to do while you're on the break, we'll pass out the worksheet that we'd like to give to you to work on this, and we'll make the changes as we go through this to combine noise and visual and add Haskell.

**MR. HUYLER:** Two other things. We'll ask Terry to come up here to answer specific questions about the traffic projections now and we'll ask him to address the question about percentage of truck volume relative to this right up front when we get back together.

(A recess was taken.)

**MR. HUYLER:** Thank you for getting this far and being this close to on time and breaking accordingly, which we are grateful for.

We have passed out around this table a sheaf of paper that includes, in the order that you saw it -- saw them on the Powerpoint presentation that you also have a copy of the various criteria. So we also have passed that out in the audience, I believe. So there should be enough copies to go around.

This is a tool that we plan to use during the next hour to again elicit your perspectives on the benefits and drawbacks, particularly of each of these criteria as they relate to the alignments on the page.

So last time -- but just before we broke, I believe we decided to take the priority conversations that have come out of our survey with the alterations of combining noise and visual impacts into one. So when you get to that page on your sheets, which is the fifth page, you can take out the sixth page and make noise and visual, please, on one page. And then when you get to Page 9, you have the first that says Evaluation and Consideration, Other, and you should change Other to Impact at Haskell University.

So those are the ones that we would like to discuss and get your input about during the next hour.

I guess it will be an opportunity to really go into a micro level, we hope, as you talk about these things, if there are aspects of these things that you want to bring forward, this will be the time to do it. And we will want to go through this in a way that, as I said at the beginning, exhorting you to not be repetitive and to try to be concise. The reason for those exhortations were these, which is essentially a little quick math. If you took eight criteria and you had sixteen of you and then you had two alignments, you do that multiplication and get 312, divide that into an hour and you see how much time you get. I'm not going to run through this. So you see that we need to be concise.

I would like to begin this by asking Terry, however, to answer the two questions, Terry, that were raised. And then, Bob, if have you a comment, we'll take that, too, if the train doesn't come through.

So, Terry, the two things that I heard were the percentage of --

**MR. JOHNSON:** I think it's a really quick question. When you say 32nd Street, I'm assuming you mean alignment 32B, which is the alignment that was recommended by the planning --

**MR. HUYLER:** That's correct. If anybody needs to see exactly what that is, the two primary ones we're talking about are 32B and 42nd.

**MS. GARDNER:** 42nd-A, right.

**MR. HUYLER:** Right. Thank you for asking.

I think you can probably remember Terry's two questions. So in the interests of time, I'll probably not repeat them.

**MR. FLANAGAN:** The first one was the truck traffic. And we don't have that information yet. KDOT is still working on it. And yet I think it will fall in some sort of range five to twenty percent. As soon as we that information, we'll be able to get it out to everybody. The other questions I think you had was on commuter rail.

**MS. MAYNARD-MOODY:** The impact of regional public transit that's in the tubes at this point, is that taken into account in your projections?

**MR. FLANAGAN:** The -- what's the --

**MS. MAYNARD-MOODY:** Or are your projections based on the absence of that?

**MR. FLANAGAN:** I don't think we had much at this point.

**MR. CARVIN:** You know, you could really -- they are based on not having regional transit based on the fact that nowhere in this country outside of New York City is more than five percent using transit for regional traffic, overall trips. So generally it's the accepted practice in forecasting to know the transit's there and know there's a possibility. I think Lawrence, in the long term, is modeling into their model local transit inside of Lawrence.

**MR. FLANAGAN:** So if we had the best case, it would be a five percent swing in the numbers; is that fair to say?

**MR. CARVIN:** Yes.

**MS. MAYNARD-MOODY:** And that's based on nationwide use?

**MR. FLANAGAN:** (Nodded affirmatively.)

**MR. HUYLER:** And you're involved in that study on that, aren't you?

**MR. FLANAGAN:** Well, there's a study looking at the region, computer rail Kansas City, Lawrence, and Topeka.

**MS. MAYNARD-MOODY:** And also there's one in the tubes studying bus commuter options.

**MR. FLANAGAN:** Local.

**MS. MAYNARD-MOODY:** Not just in the city, into Kansas City along the K-10 corridor.

**MR. FLANAGAN:** I guess at this point I don't think in that study they've made it far enough to define what that may look like. And that's another thing is that it's available. We can get it on the web site. There's a link to it.

**MR. HUYLER:** So on your web site, which is the project web site for this, there would be a link to wherever that study is?

**MR. FLANAGAN:** Yes.

**MR. HUYLER:** Sharon?

**MS. ASHWORTH:** Did your projections also take into consideration that no matter what alignment might be chosen north or south of the river, that will encourage growth on the west side of Lawrence and potentially increase intown traffic no matter which line we choose, just because more people will come?

**MR. FLANAGAN:** It was based on the land use model that the -- from the city planning -- city-county planning group. So it didn't differentiate alignments.

**MR. CARVIN:** But it did assume some type of South Lawrence Trafficway somewhere, so that I think that was one of the assumptions when they developed that land use plan.

**MS. ASHWORTH:** Thank you.

**MR. HUYLER:** Pat?

**MR. KINCAID:** How did you get your future projections for the 42nd Street alignment?

**MR. FLANAGAN:** Again, those came from the land use plan developed by the city-county planning group. Those were put in the traffic model. And just like any of the other alternatives, 32nd, 31st, no-build, the 2nd Street was generated from that information.

**MR. HUYLER:** Okay. I've asked Dennis to help me with sort of the time management on this. And I did that little math exercise before, and if you multiply seven times eight you get 56, which is roughly an hour. So we're going to try to contain this to roughly an hour. And he's going to try to get obnoxious first with me and then with you, and if we really start going over time, I think if we allow equal time to each of the criteria you want to review, we might even get ahead of time because you can be so concise. But we will go through the eight that we've listed and at the end of that the impact to Haskell.

So here's the evaluation matrix that you have. And the way I suggest that we get started is by starting on Page 1. These are, incidentally, in an arbitrary order which is the order that they were on -- that we sent them to you. So that's the order that we'll take them in. It's really arbitrary order. I suggest that we ask you to talk succinctly to the benefits or drawbacks, first on 32nd-B relative to projected traffic volume on the trafficway and surrounding streets. So let's go with this and see what comes out and see how much we did learn on this matrix.

So who wants to be the first person.

Mary, you spent some time on this.

**MS. LOVELAND:** On the benefit of 32nd Street would be the opportunity to abandon 31st Street right-of-way and replace it with a parallel road to the trafficway that would essentially be 32nd Street and still resolve the east-west local traffic needs that are currently being served.

**MR. HUYLER:** There's a good example. We'll start with that.

Again, this is being transcribed verbatim, so whatever you say will be in the transcript. And also I offer you the opportunity to fill in the blanks as well, if you want, and hand them to us at the end and we'll give them to HNTB.

**MR. DONALD:** The other thing I'd like to say, too, is do this just like Mary did. Throw out your ideas. And we don't want to have to devote time into critiquing the ideas, so if you don't think someone's on the mark, don't spend time critiquing it. We want you to talk about this from the individual perspective.

**MR. JOHNSON:** According to the numbers, 32B has a larger volume of traffic than 42A, so that would be a plus, wouldn't it?

**MR. HUYLER:** This is exactly what I want. However you see it from the benefits or drawbacks of these alignments. Yes, Stan.

**MR. LOEB:** Well, if we're doing benefit.

**MR. HUYLER:** You can do drawbacks. Anything on this page is fair.

**MR. LOEB:** I would like to say, it's only ten percent difference in the volume between them.

**MR. JOHNSON:** All you said was it was larger.

**MS. GARDNER:** So 42nd Street is almost as large.

**MR. HUYLER:** You don't have to agree and you don't have to critique it. Okay. Other things?

**MR. KENNEDY:** There's nothing minor about traffic on the city streets.

**DR. LAMBERT:** Not much minor about 5000 vehicles per day.

**MR. LOEB:** Out of a total of 50,000.

**DR. LAMBERT:** Fine.

**MR. HUYLER:** Dan, you have the floor.

**DR. LAMBERT:** I don't think I can add anything to that conversation. An obvious drawback would be the impact on the wetlands. Drawback of 32nd Street.

**MS. MAYNARD-MOODY:** How does that impact the volume?

**MR. HUYLER:** We're just focusing on the criterion of traffic volume at this time. And there's another one later for wetlands.

**MR. SUBLETTE:** Once more, I want to register the township's preference for 32nd Street to remove this traffic from roads that are not built for -- get it off the township roads. And if you put it on 42nd Street, we consider that a drawback because you're going to be generating traffic on our roads, and they are not designed to take the heavy traffic.

**MR. HUYLER:** Okay. Thank you.

**MS. GARDNER:** Are we still considering the no-action option?

**MR. HUYLER:** Yes.

**MS. GARDNER:** Then there's the obvious drawback that there won't be any improvement to other streets if we had a no-build option.

**MR. HUYLER:** Pat?

**MR. KINCAID:** And then I would just say that 42nd Street would have less impact on the land than going right through the heart of the wetlands.

MR. HUYLER: And we're talking about traffic volume at this point in time.

MR. KINCAID: Okay. Traffic volume would -- okay.

MR. HUYLER: I'm not trying to correct you, but is there something about traffic volume about that?

MR. KINCAID: We'll be talking about those issues. They're all kind of related.

MR. BUZZARD: I believe eight lanes of traffic will significantly increase the volume of traffic on our southern corridor.

MR. HUYLER: That's a drawback to 42nd Street. Carey?

MS. MAYNARD-MOODY: Yes. I believe that the building of any highway, anyway, will actually increase the volume, because if it's there they'll use it and more will use it. That's a drawback.

MR. DONALD: There are two minutes left for this topic. And, Sharon, you get the first bite of the two minutes.

MS. ASHWORTH: In terms of the drawback of 32nd Street, I believe I heard at the planning commission last Monday night that there is a possibility that a southern alignment will be built sometime in the future, fifty years down the road. So I think in terms of long-range planning that the draw back to building 32nd Street now is short-term.

MR. HUYLER: Okay. Other comments, Joyce, about traffic?

MS. WOLF: And the surrounding streets. A drawback for me on 32nd Street is I think it might produce an opportunity to move traffic coming from Kansas City and go through Naismith Park up to the campus, and that would be a major drawback for our neighborhood.

MR. JOHNSON: No access on Louisiana.

MR. HUYLER: You don't all have to agree on this.

MS. MANLEY: Actually I want to say what may be a drawback on one maybe an advantage on the other.

UNIDENTIFIED VOICE: We can't hear you.

MR. LOEB: What she said was a drawback was really a positive. But what did you say?

MS. MANLEY: Okay. Thank you. Thank you so much.

Actually, one of the advantages of 32nd is that if an additional southern route is built, it would have to be built farther enough -- farther south that it wouldn't mitigate any traffic for Lawrence. In essence, what you're doing is you're making continuous layers of transportation that would function together better, rather than if you would go south of the river. And that's what the planning commission had looked at.

MR. HUYLER: Okay. Let's move on to the next page if we can.

And let me say, this isn't your last bite of this page. If you're going along and say, Woops, there's something we should say under traffic volume, write it down and give it to us. So if there's something about a criterion that we passed that you didn't get to, you can write it down.

The next one is educational use of Baker Wetlands. These views about the difference and the one on the next page, it seems to me that this one primarily relates to human beings, education and recreational use, and the next one is primarily related to biological diversity. So if we're treating them separately, and let's do the same thing, please. Have any of you suggested any benefit or drawbacks for these alignments? I think you should interpret it either way, as a benefit or a mitigation, whichever.

**MR. LOEB:** So the additional educational facility, and the mitigation goes under the potential mitigation column.

**MR. HUYLER:** So you should speak to the existing and future.

**MS. ASHWORTH:** Yes. Drawback to 32nd, it will go right through one of our premier outdoor educational opportunities, the Boardwalk, that part of the wetlands. I don't believe the potential mitigation in terms of getting that -- this road is going to take an extremely long time to build, if it's built, and we will lose those benefits in the meantime.

**MR. HUYLER:** And, Stan, you may have wanted to say something about that.

**MR. LOEB:** I brought this up last time. It was about the Monarch watch that was held and that I discussed this issue with Professor Taylor, who's head of that, and he said that it would be negative impacts on the Monarch migration if the 32nd Street route was taken. So that adds an educational experience loss.

**MR. HUYLER:** Okay. Thank you. Any other comments on this. Steve?

**MR. SUBLETTE:** If we're talking about 42nd Street, we've completely taken this off, the wetlands. So 42nd Street and the wetlands are not a related topic.

**MR. HUYLER:** Is that a benefit or a drawback?

**MR. SUBLETTE:** I don't know. That's one of those questions that was not addressed.

**MR. HUYLER:** All right. A good consideration. Pat?

**MR. KINCAID:** I would like to say that 32nd Street would definitely be a drawback, because students use that area every day for science classes.

**MR. HUYLER:** Okay. Thank you.

**MR. KENNEDY:** 42nd Street alignment would be a drawback due to the fact that no chance to relocate 31st Street, and we would have to actively use that street as an east-west corridor.

**MR. HUYLER:** How does that affect education and recreation?

**MR. KENNEDY:** That there would be nothing happening out there. It would continue as it is.

**MR. JOHNSON:** That would be --

**MR. KENNEDY:** It would be a drawback because we wouldn't have any potential expansion of the wetlands.

**MR. HUYLER:** Bob, were you clarifying or --

**MR. JOHNSON:** 32nd Street would allow better access to the wetlands for more people, would allow for better facilities for recreational and educational purposes.

**MR. HUYLER:** Okay. Other comments on this?

**MS. ASHWORTH:** For the potential -- I guess under the potential mitigation, that doesn't try to address the educational-recreational use of Baker Wetlands; however, what we have there now is a premier outdoor

education facility. I don't think we need to see more kids sitting in classrooms looking at pictures of wetlands; I'd rather see them outside.

**MR. HUYLER:** Any other comments on educational and recreational use of Baker Wetlands?

**MR. SUBLETTE:** Yes, I have another one.

In talking to some people there, if Baker University's wetlands continue to exist as is, there's going to be continued pressure as development occurs to the east and the west and perhaps to the north. And the more people that you pack into this area, the more people are going to consider this as a health hazard and the more pressure you're going to have to make the project go away. We look on it as the 32nd Street alignment will be a buffer for the wetlands project in the future and not a drawback. It will protect the wetlands from the continuing encroachment of civilization.

**MR. HUYLER:** Thank you.  
Yes, Carey.

**MS. MAYNARD-MOODY:** I see no action as having a much better effect on the educational use of the wetlands, so I see that as a benefit -- and recreational use.

**MR. HUYLER:** Okay.

**MS. MAYNARD-MOODY:** Did you get that?

**MR. HUYLER:** I'm not writing it down, but every word is being transcribed.  
Dan?

**DR. LAMBERT:** All I have to say in terms of the mitigation we would be looking at on 32nd Street, we couldn't go along if we couldn't improve the educational and recreational use of that facility.

**MR. HUYLER:** So that goes under the potential mitigation.

**MS. LOVELAND:** And I have a question that somebody said that as a drawback that 32nd Street eliminated the Boardwalk. I thought the Boardwalk was built as an Eagle Scout project. And couldn't another Eagle Scout build a Boardwalk in a newly mitigated wetlands? I ask this merely as the mother of an Eagle Scout that built something as Eagle Scout project.

**MR. HUYLER:** So that's a potential mitigation.  
Other things on this topic?  
(No response.)

**MR. HUYLER:** Let's go to the biological diversity topic.

Okay. This has to do with impacts to biologically diverse wetlands. And let's hear your comments on these alignments --these three alignments, the benefits and drawbacks.

**MS. LOVELAND:** And this is a question and there may be an answer. Someone pointed out that it would have a negative impact on the Monarch project, the Monarch migration. And I thought they flew back and forth to Mexico every year. I'm confident they fly across a lot of highways. And so I'm asking this out of ignorance. Just watching the Monarchs go through my farm, I just wondered why they wouldn't be able to fly over this highway as opposed to another one.

**MR. LOEB:** Let me explain, if I might. The low elevation and open terrain that the wetlands allows those organisms to come closer to the ground, they would avoid in a treeline environment. So say if they were out south, or even north, where there's more trees, they do not come down close to the ground, and that's why they actually utilize the wetlands as the place to roost during the migration. So it's because of the topography and low coverage that they come in and utilize the wetlands.

**MR. HUYLER:** Would you translate that into an interpretation that --

**MR. LOEB:** It's flat and it's low and there's no trees, very few scattered trees. The forest to the south, they would stay at a higher elevation when they flew through this area as opposed to flying low to the ground over the wetlands.

**MR. HUYLER:** And how does that get into a benefit?

**MR. LOEB:** I didn't say it. She wanted to talk about it. I said because if you build a road right through there, I believe you'll see a lot of Monarchs on cars, that's all.

**MS. MAYNARD-MOODY:** It's a drawback.

**MR. JOHNSON:** Unless you eliminate cars, that's inevitable.

**MR. SUBLETTE:** So we plant trees and built a bunker out there so they can fly over the road.

**MS. MAYNARD-MOODY:** No action is the best benefit to and has the least impact to the biological diversity of the wetlands.

**MR. HUYLE:** Okay.

Sharon?

**MS. ASHWORTH:** I just want to speak to the time issue again. Obviously 32nd Street will impact biologically diverse wetlands. It will take time for the mitigation wetlands to be essentially up and running and fulfilling the functions that the current wetland does. During that time, a loss of -- there will be loss of wildlife habitat.

**MR. HUYLER:** Ron?

**MR. DURFLINGER:** I've got a question that hopefully somebody can answer. How many acres of wetlands are we impacting and how many total are there right now? I keep getting the impression that if we build the road, the wetlands are going to disappear until we get new wetlands. And I didn't see that on the map.

**MS. MAYNARD-MOODY:** Is that what we're doing now?

**MR. HUYLER:** Terry, why don't you answer that question in case it's relevant to the biologically diverse wetlands.

**MR. FLANAGAN:** The approximate numbers -- I guess a couple of categories.

First, what's in Baker, and then what's been identified outside of Baker. And these are potential wetlands that would be surveyed further once we do select an alignment. For 32nd Street, it's about 60, 65 acres within the Baker Wetlands.

**MR. HUYLER:** Are impacted?

**MR. FLANAGAN:** And that's the 32B.

**MR. DURFLINGER:** How many? What's the total acreages?

**MR. HUYLER:** Five hundred seventy-three, he says.

**MR. FLANAGAN:** Five hundred seventy-three. And then obviously in Baker, 42nd Street there is zero. Other wetlands are about 40 acres, whether it's 32nd or 42nd. So if you add them up, 32nd Street is about 100 acres total, Baker and elsewhere; and 42nd Street is approximately 40 acres total. Now, those are approximate. I think as Larry said earlier, as we get into an alignment, preferred alignment, there will be some adjustment.



**MR. DUFLINGER:** So that's slightly over ten percent.

**MR. HUYLER:** Carey?

**MS. MAYNARD-MOODY:** I have a question for Terry. When you're talking about impact, you're talking about quality of air on the species, you're talking about the quality of the water on the species, you're talking about -- and that means -- and the noise on the species in that habitat there? Because --

**MR. FLANAGAN:** Those are all criteria --

**MS. MAYNARD-MOODY:** -- it's not just the 60 acres that are physically disturbed, it's the 570 where they habitate.

**MR. FLANIGAN:** Right. Those are all the criteria.

**MR. DONALD:** Two minutes left on this topic.

**MR. HUYLER:** So I think it's a broad -- it's not just a footprint, if you will, that he's talking about. Yes, Pat.

**MR. KINCAID:** Because of the low elevation of the area, all the water, when it rains, runs down to that part of the wetlands, so all the pollution on the roads goes there. Without any alignment through the wetlands you're going to have more pollution, and it's going to directly affect the diversity of the area.

And also when you have a ten-lane highway, there's a lot of lighting there. The plant life needs darkness as well as light there, so that's going to affect the biological diversity.

**MS. WOLF:** One of the things I agree with would be that it would be a definite drawback to biological diversity of the wetlands on 32nd Street. On 42nd Street, when you look at the alignment, it goes through a lot of flood plain area. That's going to end up having to be mitigated as well. And it could be that that same buffer that's to the west of Louisiana or to the east of Haskell could be put in without having to disturb a really good biologically diverse wetland in Baker Wetlands.

**MR. HUYLER:** Okay. We move on to the next topic, slightly ahead of the Grim Reaper here on my right. A pulse check. I think that most everybody is participating in this around the table. That's good. I want to make explicit invitation to those of you who haven't said a lot that you're welcome to be in this mix, but we're not going to make you.

So the next topic is displacement of homes and businesses. And let's follow this format and talk about benefits or drawbacks, please,

**MS. MAYNARD-MOODY:** No-build has the greatest benefit to that.

**MR. JOHNSON:** I think 32nd doesn't displace any homes, does it?

**MR. FLANAGAN:** 32nd Street there's practically four homes versus seven on 2nd Street; and then businesses at this point, depending on the alignment, probably the businesses that would be affected are at Haskell and Haskell and 31st Street area, those businesses there. And, you know, I think there's a way to avoid those.

**MR. JOHNSON:** Yeah, they wouldn't be displaced.

**MR. FLANAGAN:** Those are things that we'll have to get into some refinements as far as how that's addressed.

**MR. HUYLER:** Okay. So comments about benefits or drawbacks of these alignments in this category? Steven?

**MR. SUBLETTE:** One more time. 32nd Street, essentially no large displacement; 42nd Street, there are 38 property owners who will be affected. And contrary to what one of our planning commissioners has said, there will be pro bono and pro se lawsuits, and there are people that live out there that can afford a lawsuit.

**MR. HUYLER:** So is that a drawback or is that --

**MR. SUBLETTE:** That's a drawback for the 42nd Street alignment.

**MS. DeHOSE:** If we go a little past the subject in here of displacement and look at this human impacts of some of the -- extend the concept of displacement just a bit farther to include the human impact of some of the same concerns which have been voiced or will be discussed with relation to environmental impact, noise impact, visual impact, potential loss of property values. The potential which is a big issue -- and I haven't heard this discussed here -- in the planning commission meetings for unplanned growth of the type that is not desired in the western areas of the county. And what happens, some annexation would occur down the road. Or perhaps encouraging developing and/or annexation for infrastructure.

Back to displacement and impact. I certainly think that traffic noise is going to be a major issue for those people who have not been displaced but will remain within a considerable distance -- up to half a mile based on my empirical observations while on K-10.

**MR. HUYLER:** And that's our next criterion that we're going to get to. Other comments on this topic?

**MS. FINGER:** Did you say that when we could go back, or is that at the end?

**MR. HUYLER:** Let's see if we have time at the end and go back verbally. Or we can go back in written form. So let's turn the page, please. We've combined noise and visual impacts. And you were just beginning to talk about the noise and visual impacts.

**MS. MANLEY:** There are regulations that govern the -- what is considered to be severity of impact compared to prehighway noise levels in various areas. And there are categories of various land use types that you see different levels of preference, if you will, where mitigation and impact are concerned, residents that are currently in the same category with a number of other land use such as education, schools, churches, parks, outdoor recreation areas. So residential impact is certainly considered by KDOT at least as important as many of these other issues. Perhaps in a 24-7 situation, it might be different. But certainly that's a concern. For those who remain along the corridor, that would have impact.

**MR. HUYLER:** All of that applies to 42nd Street.

**MS. MANLEY:** And 32nd as well. I haven't seen them where there are a couple of points in the alignment where the roads share a common path. Those are the ones that are impacted.

**MR. HUYLER:** Sharon?

**MS. ASHWORTH:** Yes. Drawbacks to both 32nd and 42nd are noise and visual impacts. I would argue that building ten lanes of traffic through the wetland without any noise barrier or visual barrier will render those wetlands practically useless for education and recreation.

Just one example. I've been up to the arboretum at E. W. Madison. Those two prairies up there are bisected by a six-lane freeway and you can't hear yourself think in those areas. And I'm afraid the same would happen with the Baker Wetlands, the new wetlands and the existing wetlands.

**MR. HUYLER:** Other comments on this?  
Yes, Carey.

**MS. MAYNARD-MOODY:** Well, it's hard to imagine that there's any benefit to the noise that's presently on 31st Street, but I think it's better than what we have with the SLT on either route. So I see that no action would be a benefit.

**MR. HUYLER:** Other comments.  
Stan?

**MR. LOEB:** Just a point of clarification. I've been associated with other environmental impact statements before, and they've always had a visual conceptional view of what this -- each alternative would be, such as, oh, the public and the stakeholders could see, like, a picture of what the wetlands would be, what the lighting would be, just so it would be better to visualize what these alternatives are. And I have not seen that. It would be nice to see that.

**MS. MAYNARD-MOODY:** That was ten years ago we saw those pictures.

**MR. HUYLER:** Okay.  
Pat?

**MR. KINCAID:** I would just like to say that the 32nd Street alignment with the noise there, that would directly effect Haskell sweat lodges and medicine wheel, where the community goes there to play. The noise would have a huge impact on that with the 32nd Street alignment.

**MR. JOHNSON:** But that's a drawback to no action because it will get worse.

**MS. MAYNARD-MOODY:** Don't forget the T. Don't forget the T.

**MR. HUYLER:** Marvin.

**MR. BUZZARD:** No, I'm just curious. Earlier you were talking about evaluating comments that we're making. You need to take better control.

**MR. HUYLER:** You can do that informally. Benefit or --

**MR. BUZZARD:** No, I think it's a drawback. The traffic on the existing 31st Street will significantly increase.

**MR. HUYLER:** Marvin, would you like to add anything on that?

**MR. BUZZARD:** I think the noise and visual impacts are going to be considerable no matter what route you take.

**MR. HUYLER:** Anybody else on this topic?  
(No response.)

**MR. HUYLER:** Okay. Let's --

**DR. LAMBERT:** Just one more point. If the State is involved, will there be enough money in this project for mitigation for noise and visual effect on either 32nd or 42nd? If there's no action, there will definitely be an increase in noise, and trucks are backing off and there will be no mitigation.

**MR. HUYLER:** Okay.  
So if you'll turn the page, please, to historical and archeological sites. How about that? Somebody else want to kick this out?  
Pat, go for it.

**MR. KINCAID:** I would like to say that there's several unmarked graves out there, and be aware in the wetlands was an area that the students would go to also to get away from the assimilation and cultururation of militant practices that were done on there. So to Haskell it's a historical as well as archeological site. And with all that, that would definitely be on 32nd Street.

**MR. HUYLER:** Okay. Thank you. Other comments on this topic?

**MS. MANLEY:** Again, the report the archeologic consultant did concerning the human variables on both north and south of the Wakarusa, there's a section in here that existence of human variables on the south of the Wakarusa alignment 42nd-A and B., There are written records of burials, of graves of indigent and poor people who resided in Douglas County in the latter half of the 1800s and early part of the 1900s, unmarked poor-farm graves, if they had no other resources or family to take care of them. It's believed that this graveyard is within or very near the right-of-way of the 42nd alignment. There's -- there are county records that indicate this, and probably within there are more records when the poor farm got burned to the ground in 1944. So there are unmarked graves that are thought to be those of African-Americans and probably others as well in this area.

And in addition, there's a whole laundry list of historically significant sites and ruins and standing buildings along the corridor attendant to Underground Railroad activity sites and pre-Civil War era sites that leave Kansas in the 1850s. Historic farms that have been continually -- homesteads that have been continually farmed since the 1850s. In the Wakarusa Crossing, Blanton's Bridge is very close to the crossing of the 42nd-A alignment. This crossing has been designated a highly significant site by the Oregon Trail-California Trails Association, by the Department of Interior, Parks Service, highly significant site in need of protection. And the whole operation of the Douglas County Poor Farm over these grounds, the trafficway bisects 42nd-A alignment, and the number of historical sites and a number of other more miscellaneous archeological sites that were identified in the survey.

**MR. HUYLER:** All those are drawbacks to the 42nd Street?

**MS. MAYNARD:** Yes.

**MR. HUYLER:** Okay.  
Carey?

**MS. MAYNARD-MOODY:** No action has the greatest benefit of all choices and ensures the integrity of the historic and archeological sites.

**MR. HUYLER:** A benefit, in your opinion.  
Anybody else on this topic?

(No response.)

**MR. HUYLER:** Okay. We've got three to go, I believe, and then we can come back.  
Floodways and stream crossings.

**MS. MANLEY:** There are a number of potential environmental impacts to an alignment that would cross a river crossing of the approximate size of the Wakarusa. I think there are a number of state agencies and Corps of Engineers that are studying the various environmental impacts. But especially those who are concerned with wildlife, terrestrial impact and waterfowling; the same issues from runoff from construction, sanitation, and Louisiana crossing road, the question of fill, where does it come from, what environmental impact does it have. Long-term runoff from the existence of the road and other council views on the roads, the byproducts of construction runoff in the lanes. 42nd-A alignment particularly follows the Wakarusa rather closely and the total buffer zone to prevent runoff just into the Wakarusa stream and minor tributaries from uses such as this. Also there are also a lot of potential impacts to wildlife migration grounds and so on in the areas that the -- albeit not just the --

**THE COURT REPORTER:** I'm sorry. You're either going to have to slow down or speak up.

**UNIDENTIFIED VOICE:** We can't hear her either.

**MR. HUYLER:** Yes. Say the last two sentences again.

**MS. MANLEY:** A number of the --

**UNIDENTIFIED VOICE:** We still can't hear.

**MS. MANLEY:** A number of the environmental concerns that have been voiced in relation to the wetland road runoff, runoff of products of combustion, water quality issues, runoff from initial construction, sedimentation water quality, impacts to habitat, corridors along the Wakarusa riparian stream corridor are all things that the Department of Parks and Wildlife and others will be considering when they look at an alignment at 42nd or anything south of the river which crosses the Wakarusa is chosen.

**MR. HUYLER:** Thank you.  
Sharon?

**MS. ASHWORTH:** That was an excellent list of all the ecological and biological impacts. It listed all the things that we are also concerned about. My only addition to that is I would say that the impact to aquatic resources of filling in the forty to hundred acres of wetland at the Baker Wetlands is a more severe impact.

**MR. HUYLER:** Okay.  
Other points on floodways or stream crossings?  
This side of table. Joyce?

**MS. WOLF:** This is more of a question than anything else. I noticed that all of the alignments come in at Maurer Road. Is there any particular reason why it can't be shifted east of that, where there is a road that already goes across the Wakarusa River on the east side?

**MR. HUYLER:** Can you answer that quickly, Terry?

**MR. FLANAGAN:** Yes. The eastern connection, basically there has to be -- there's an interchange a couple of miles to the east, and there has to be a separation between interchanges or you get a lot of problems with weaving traffic and congestion and other things. So it is separated far enough to the west of that eastern interchange. And then as well as, you know, the 23rd Street starts to swing up to the north. So it pretty well falls into about where it could be. There's not a whole lot of opportunity there.

**MS. WOLF:** I guess I was thinking of it -- and it's not on here -- but in terms of -- I mean, it's part of floodways and stream crossings is the cause, and it seems to me that all of these things that affect flood plains and stream crossings require massive bridges, lots of fill; and then we're talking about the higher cost that's going to accrue to the taxpayer.

**MR. FLANIGAN:** That's --

**MS. MAYNARD-MOODY:** That's a drawback.

**MS. WOLF:** That's a distinct drawback for me.

**MS. MAYNARD-MOODY:** For both.

**MR. HUYLER:** That's a yes -- you're nodding -- drawback for both, in your opinion.  
Okay. Other people from this side of the table before I come over here again?  
(No response.)

**MR. HUYLER:** On this side of the table? Anything else on this topic of floodways.  
Ron? I looked away too quick, and I shouldn't have. Am I going to regret that?

**MR. DURFLINGER:** Briefly, there are several crossings on across the Wakarusa River, but they're not built to KDOT standards, so we can't use any of the existing ones. But I think 32nd Street does not impact the -- I mean, the river crossings aren't present on 32nd Street, which is a big plus for monetary reasons as well as for environmental reasons. There's no way you're going to have this road on any alignment without having some environmental impact. But the difference is that with the 32nd Street alignment, there's an offer being made

that additional wetlands can be created. And the bridges are going to be there, and -- regardless. So in essence, we have to try and find the least objectionable route in this case. And I think that the drawback of 42nd Street is because of those other concerns.

**MR. HUYLER:** Specifically towards floodways and stream crossings?

**MS. GARDNER:** The number of crossings, the amount of elevated highway would have to be much larger on 42nd Street.

**MR. DURFLINGER:** Yes. It would be monumental crossings as opposed to the county road bridges.

**MR. HUYLER:** Okay. Thank you, Ron.  
On this side?  
Yes, Pat.

**MR. KINCAID:** Building a floodway and building a road through there would definitely be a drawback on the wetlands. That's all.

**MR. HUYLER:** Okay. Can we turn the page.  
Not quite yet. Carey?

**MS. MAYNARD-MOODY:** No action has the greatest benefit to protecting floodways and stream crossings.

**MR. HUYLER:** Anything else? I don't want to be precipitous here.  
The next criterion is impacts to Haskell University. So let's hear about benefits and drawbacks in that category, please.

Bob, you're first. I didn't know if you were almost raising your hand first.

**MR. JOHNSON:** A benefit, 32nd Street allows for the mitigation of 31st Street.

**MR. HUYLER:** Okay.

**MR. BUZZARD:** We think the decision of a new 31st Street and the four lanes and the trafficway being right next to that is more damaging than 31st Street as it currently exists.

**MR. HUYLER:** Okay.

**MR. KINCAID:** Haskell has spiritual, cultural, historical, academic and environmental concerns, and it would be a drawback. 32nd Street would definitely affect all them. We have the medicine wheel and the sweat lodges. I've estimated about five hundred unmarked graves in the area. Students use the wetlands every day. And it would -- all five of them would be negative and impacted by a 32nd Street alignment.

**MR. HUYLER:** Thank you.

**MR. BUZZARD:** There's one other objection that I'd like to give that isn't specific to this, and it's not really specific to the local discussion, but the Corps of Engineers alluded to this. There's a tribal consultation process that's required for the Corps of Engineers to follow, and I don't know if folks really fully appreciate how complicated that is, because they're talking to every tribe that has students at Haskell. The potential of that is about five or six hundred tribes. And under the law, the Corps of Engineers is going to have to consult with all of those tribes. And I think that's something that's -- a discussion that doesn't really take place within the local community, but it is a factor, because the Corps of Engineers, being a federal agency, has to deal with those tribes.

**MR. HUYLER:** Is that the case, in your opinion, whether or not 32nd or 42nd Street alignment is --

**MR. BUZZARD:** Well, I think the potential for the tribes to weigh in is a lot more on 32nd as opposed to 42nd. But I can't speak for the tribes. I don't know.

**MR. HUYLER:** Comments on impact to Haskell University.  
This side of the table. Anything else on this?  
(No response.)

**MR. HUYLER:** Okay. As you've thought about this, of the eight criteria that we have talked about, is there anything that's been a flashing "ah-ha" that you want to come back to and fill in the blanks?

**MS. LOVELAND:** I think with all due respect, it's come up occasionally that no action would not do some of the things that were listed on these things. If you go back to our first page, a no-action alignment would have a profound impact on traffic on any other east-west street that currently exists or -- in Lawrence, because I think the traffic volume totals, I think that the edge that would be different with or without the trafficway is that some of the circuitous traffic would elect to use 70 instead of 10. But an awful lot of the traffic that is Johnson County to Topeka is still going to still come in the southern edge of Lawrence, and if 23rd Street is frustrating, they'll try 27th. I occasionally use it myself trying to get -- you know, get west to as far west as I can on it as an alternative to 23rd Street.

So no action is a serious drawback on traffic function and, you know, a serious problem for the streets.

**MR. HUYLER:** Thank you. We don't want to get into a debate about this, but I want to allow anybody the opportunity to fill in the blanks, like she just did, that they've considered after having gone through all this.  
Yes, Carey.

**MS. MAYNARD-MOODY:** The blank that I would fill in there is that I know people that are so sick and tired of present congestion that they're doing the right thing, which is they're talking the T, and they're finding other -- carpooling, other options for commuting so that we're not encouraging the problem but we're finding over ways.

**MR. HUYLER:** Sharon,

**MS. ASHWORTH:** Fill in the blank for noise and visual impacts. Drawbacks to 32nd Street, according to Federal Highway Administration, any noise barrier that might be built will only reduce noise by one half at maximum, and the truck noise from ten lanes of traffic will be much greater than any increased traffic on 31st Street.

And to fill in the blank with the biologically diverse wetlands. The National Academy of Sciences has just come out with a report on wetland mitigation, and one of the things it does is that it recommends that all constructed wetlands be self-sustaining. And I'm not sure that the money will be there in terms of maintaining this in perpetuity. These will not be self-sustaining wetlands. They will take a great deal of management with water control structures and manipulating the water. It is a long-term, in perpetuity, expensive proposition.

**MR. HUYLER:** All right, Sharon.  
Any other fill-in-the-blanks?  
Pat?

**MR. KINCAID:** On floodways, I was going to say this before and I just forgot. Wetlands help control the flooding. Where is the water going to go when wetland's not there? Where is the water going to go when it floods?

**MR. HUYLER:** And in terms of also filling in the blanks, as you think back about what we've run through with these eight criteria, is there something under the topic of potential mitigation that you think about that hasn't been mentioned yet?  
Joyce?

**MS. WOLF:** That's what I was going to ask about. Under Evaluation, Consideration, impacts of biologically diverse wetlands, we have a Santa Fe Trail triangle east of the wetlands that's been in place for ten

years or more, I think. And I'm not a scientist, but I don't think that it is nearly as biologically diverse as the Baker Wetlands currently are.

**MR. HUYLER:** Okay. Thank you.  
Ron?

**MR. DURFLINGER:** I have a quick question that falls under the potential mitigation on the wetlands. How many acres are being proposed of additional wetlands to replace this 65 and 40 that would be disturbed?

**MR. FLANAGAN:** Two to four hundred acres.

**MR. DURFLINGER:** Two to four hundred.

**MR. HUYLER:** What would you say about that?

**MR. DURFLINGER:** One of the advantages of impact to a biologically diverse wetlands is the fact that we would only be disturbing a little over ten percent, which we've learned from an opinion on the traffic count, is not a significant amount. Because when we were discussing that, there was one comment that said, "Well, ten percent" --

**MR. HUYLER:** We're not debating.

**MR. DURFLINGER:** However, we're going to be replacing it with over twice as much or more. So one of the advantages is that we have the ability to do something about that. We don't have the ability to do something about some of the other issues.

**MR. HUYLER:** Thank you.  
Yes, please.

**MR. KENNEDY:** 32B alignment -- this is in regard to floodways and stream crossings -- gives an opportunity for the City to address massive or very damaging water problems that we have throughout our neighborhoods on our south part of town. We could help our flooding conditions and the floodway conditions by development of 32B.

**MR. HUYLER:** Ann, you're next.

**MS. GARDNER:** This is one of those things that I don't have that much expertise about that we were talking about when we were talking about noise and visual impact. I'm assuming that a certain amount of technology could be put to bear on the 32nd Street -- either alignment, actually -- to diminish that. And I guess -- I don't know what the possible mitigation would be. You alluded to the fact that you often see models of, you know, what kind of lighting and such would be there. And I guess this is kind of more of a plea that, whichever one is built, the designers be sensitive to that and do what can be done to mitigate that.

**MS. LOVELAND:** You know, I was out by the western leg of the trafficway, and it's awful dark. I'm not conscious of much lighting at all because it's hard to find the turnoff to my road. And that's just an observation. That's not very scientific, and I don't build streets. But it's dark.

**MR. HUYLER:** You think that having this model would be a good idea?

**MS. GARDNER:** Just take whatever steps, because since we haven't really been given any potential mitigation for that, it's hard to judge, but...

**MR. HUYLER:** Okay. Well, thank you. It's 8:00, I encourage any of you around the table, or, for that matter, in the audience who may be filling these out to pass them our way with other things that you can think of that fall under these cells that may not have -- that has been mentioned or hasn't been mentioned.

Dennis, the last part.



**MR. DONALD:** A check on where we stand. We've kind of been looking at these alignment options under the microscope for the last 45 minutes or so. What we want to do is stand back and have you all talk about what your alignment preference is. Not that there will be a lot of big surprises here, I don't think, but what your alignment preference is and concisely why, so -- not a long treatise, but why do you think it's your preference. And then if you could also speak to if it's -- if your choice does not come up as the choice that KDOT ultimately chose, what would be the message that you want to convey to KDOT? Let me say that differently, because you could convey a lot of messages that we don't think would be very helpful. But what we really want to hear is: What's the kind of guidance or input that you want to give to KDOT if they're moving ahead with either 32nd or 42nd in particular and they're not your first choice, what are the things they should be considering to make it more optimal in your mind? And what we want to do is we want to hear from everybody on this. And so we're just going to go around the table.

Steve, could we start with you?

You've got them up here. Your preference and why. And if it's not 32nd, you know, what would make 42nd more preferable in your mind?

**MR. SUBLETTE:** Well, there are several things that I looked at, to a certain extent pragmatically. I see, having worked with Baker on the establishment of the original wetlands and also on the committee that's looking at mitigation, at the ways of mitigating any harm that comes to the Baker Wetlands at this point from 32B. I can see that this would be a definite asset to Baker University and the educational community; if nothing else, just simply having a much larger contiguous wetland. Baker has done a very good job of managing the water and the resources in that spot right there, what they have now, and I'm sure the same people will do as good a job or better job if they had more resources. So that's one reason why I prefer the 32B route.

Another one, pragmatically, I think it moves more traffic. And from the people who got me here, it will reduce the traffic that we have on our township roads. That's why I prefer 32B.

Drawbacks that I see for 42A or -B, this is no longer an east-west traffic motion pattern; this is, in essence, kind of a north-south traffic motion pattern that would be in conflict with the existing routes on 59 Highway, Haskell Street, Louisiana Street, and they would interfere with all those routes.

I also foresee that there will be, sometime in the future, an east-west route that will serve the middle of Johnson County, the middle of Douglas County to carry the traffic to this wonderful recreation area that we have called Clinton Lake.

And again, I -- you know, my own personal opinion is that the KDOT is not going to build two routes within a mile or two of each other to serve the same purpose.

**MR. DONALD:** Okay. If it went to 42nd even though you preferred 32nd?

**MR. SUBLETTE:** My personal opinion is that KDOT would probably reject the route.

**MR. DONALD:** What would your counsel be to KDOT if they were thinking about 2nd? What would your counsel be?

**MR. SUBLETTE:** My counsel personally or --

**MR. DONALD:** How does it make it more palatable to you?

**MR. SUBLETTE:** The mitigation of many dollars for the roads of the township. Because you're moving that out to split our roads and you're going to be putting a lot of traffic on the township roads that we're just not designed to handle. At that point I want them to offer mitigation to the township. If nothing else, make them all state roads.

**MR. DONALD:** Marty?

**MR. KENNEDY:** I'll do this according to my matrix that did I on the planning commission subcommittee that we had a chance to address each one of the routes. Actually we took seven of them that we had a preference that were possibly feasible for the City of Lawrence to use and be usable as a land use and as a tool. So let me just run down those real quick.

**Impact on local traffic.**

2nd-B would definitely beat 42nd Street. That was just a given due to its proximity. It also helped our traffic due to limited access points that we want KDOT to develop on that trafficway only at Haskell, and then only clear out east. Nothing on Louisiana.

**Flood plain implications.** With this location on 32B, it gives the City a chance to address many storm water issues that we have flooding our neighborhoods on our southern and eastern part of the city. This could actually meet -- or implement some type of a storm water issue that they could take care of.

**Environmental implications.** They were major on either one of the locations, 2B versus 42nd. The environmental implications in this point were addressed by the possibility that we were going to get two to three hundred acres and an educational system and a larger wetlands. I see the wetlands as being able to take a lot of the storm water from the city and making it useful.

**Historical and cultural implications.** I think that is definitely a major player on both, and I weighted them both the same. 32nd Street, land use growth and cost. 32nd Street-B was much more cost prohibitive for the City to be able to bear than going to 42nd Street. As 42nd Street expands our urban growth boundaries that far, we will be, as a city, impacted with much higher tax increases over the next few years to be able to build the roads to get to that road, because that will be something that KDOT won't do, only in minor areas. So we had to have that road deal. So cost was a big one.

The economic implications just go right along with the cost. 32B made it more economical for the city and economical applications for our community.

The local roadway funding, that, again, I would have to say goes along with the expenses. 32B was workable for the city.

2nd Street was going to become a very cost prohibitive expansion of our urban growth area and our land use.

And then the Army Corps of -- the Army Corps mandated review which was our last one, I believe it's weighted appropriately all the way through. It's looked at through all of the areas on both 42nd and 32B.

But overall, once I did this matrix and weighted all of those issues, all nine of them, all five of us came out to where 32B was the choice for this subcommittee on planning, focused mainly on land use issues.

So 32B is my choice.

**MR. DONALD:** That's very helpful. You do have a minority opinion here, I guess. The 42nd, how does that become palatable in your mind? What would the Council say if KDOT went the other way?

**MR. SUBLETTE:** If KDOT went to 42nd Street?

**MR. DONALD:** What's the rationale?

**MR. KENNEDY:** They would have to build Haskell through the Baker Wetlands, or next to it, and a four-lane road back to our city. We would have to take Louisiana Street -- Louisiana Street would have to be widened to a four-lane road in the future to take it out to the SLT. So you have two arterial roads that are just two lanes at this time that would ultimately, in the future, be expanded to four lanes. There wouldn't be anything to keep it from there. With 42nd Street jumping the river, the urban growth area just blows up, and what we have is major sprawl.

**MR. DONALD:** Thank you.  
Sharon.

**MS. ASHWORTH:** The Jayhawk Audubon Society, we really don't have an alignment preference except that it doesn't go through the wetlands. Our main concern is that it does not go through the wetlands. Now, I understand how the potential mitigation can make people very excited. It's very starry-eyed. There's a lot of benefits that can be seen from this mitigation with that many acres in the education center. However, I want to add a note of caution for going that route. I don't believe that the potential mitigation can adequately compensate for what will be lost. There is no way to fully compensate for the noise and visual impact of ten lanes of traffic that go through that wetland.

I am also concerned about the resources that might be available for such a mitigation. This is in perpetuity. Dr. Boyd has certainly done an excellent job with the wetlands that are there now. I do wonder what happens when Dr. Boyd retires and the commitment to that resource after that since it's been basically a

one-person-plus-student operation for a long time. I don't think that the resources will be there in perpetuity for protecting this area.

I also question in terms of attracting businesses or allowing trucks to go through this, through -- we having this east-west corridor, I don't think they'll really care whether they're going south or north of the river as long as it's there.

Let's see. What else can I say? I've made a number of comments throughout this, you know, in terms of my concerns about the -- it going through the wetlands. I just don't see how any potential mitigation can adequately compensate for ten lanes of traffic.

**MR. DONALD:** Sharon, having said that, if KDOT decided that their preferred option was 32nd, what would your input to them be in terms making it the most palatable option?

**MS. ASHWORTH:** Well, my input to them, it would have to be: One, financial resources if this were to happen, in terms of making sure that there are, one, established success criteria up front and public before this is done; a guarantee that those success criteria will be met; some kind of resource is available if those success criteria are not met.

Certainly there would have to be a noise barrier. Like I said, it's not going to adequately compensate, but there would have to be a noise area in terms of a berm. That's going to be more wetland acres taken.

What I would actually like to see happen is if the 42nd Street route were chosen, I'd love to see this restoration plan happen. If it wasn't 32nd Street and there were wetlands that had to be compensated for on 42nd Street, this would be an excellent plan.

But I would like to see the details and I would like to see the money.

**MR. DONALD:** Stan?

**MR. LOEB:** University of Kansas wants to share that it's very respectful of all the points of view and the diverse opinions that are being proposed here and input that's being provided to this group. The University is a neutral party in this. We'd like to provide our expertise and our oversight of the process in that we are encouraged that you have this input and that you take it seriously and provide it to those that are charged with the responsibility of making these decisions.

**MR. DONALD:** Did you have that written down?

**MR. LOEB:** No, I did not.

**MR. DONALD:** So you want to pass in terms of saying anything except you want to remain neutral.

**MR. LOEB:** The University of Kansas is happy to participate. We have land in the wetlands. But at this point we will remain neutral.

**MR. DONALD:** Ron?

**MR. DURFLINGER:** I'll speak as someone who supported the 42nd Street alignment for many years because the 31st Street alignment was untenable for a number of reasons; and even when the 32nd Street alignment was first proposed last spring, couldn't accept it because there was no way for local traffic to continue on an east-west route.

But the 32B alignment presents a number of things that I find are great benefits, although I can easily accept the 42nd Street alignment if that was the only choice, provided we get to keep 31st Street.

But cost is a factor. In the world I live in, being able to do something is dependent upon cost, and if you exceed that cost, it doesn't get done. So there's a real potential that the cost factor, from the KDOT standpoint, could be significant enough on 42nd Street that the project doesn't occur.

Regardless of what we might have heard earlier this evening, no-build is not an option. It does not address the problem; it ignores the problem.

The mass transportation remedies that have been referred to are so far in the future that we can't look at those as any kind of a realistic solution for today. But it's not just the cost of the road, it's the cost to the community, locally, of the, as Marty referred to, the additional roadways that would be needed to connect the

trafficway and the improvements on Haskell, the improvements on 32nd Street. The fact that Louisiana is still going to be given the same kind of traffic, the fact that we would have to somehow find the funds to do these other public projects that wouldn't -- that that wouldn't otherwise get done.

The other thing is that from a planning perspective, 32nd Street provides an interior high-speed conduit east-west that can service us well into the future, and that when and if another road is built south, it would be built further south and would address totally different needs. And in that sense, 32nd Street does do the best job of moving traffic east-to-west. And I'm speaking entirely from the objective viewpoint as you're looking at this on a map. And then I'll get into some of the other deals here very quickly.

But the storm water, the other infrastructures that we need, the Baldwin water line that needs to be improved, the wetlands are going to have to be disturbed in order to protect the public's needs. And from the planning commission standpoint, we have to look at not just the needs of a few groups here and there, we have to look at the needs of 85,000 people that currently live in the city of Lawrence, or 100,000 people that live in Douglas County that will grow in the planning period to over 150,000 people, and we have to move those people east and west and protect our economic competitiveness. And the only way you can do that is with the road at 32nd Street. That does the best.

And also the reason I could go with 32B was that finally we had something that, while not perfect, does attempt to address the needs of all the groups that have expressed opposition up to this point. There will be no perfect solution to these things. And even no-build has -- outside of the traffic issue has ramifications that haven't been supported. So I know it's not what everyone wants, but it may be the compromise that we could all live with.

**MR. DONALD:** Any counsel on if 2nd was the choice? You already said you can live with it.

**MR. DURFLINGER:** Oh, absolutely. I agree with Marty. We would have to have some funding to help soften the impact to the local community, because while 42nd Street might be \$50 million more than 32nd Street to the state taxpayers, we're looking at another \$50 million potentially to the local community that we would have to somehow come up with to meet the other infrastructure needs.

And 32nd Street will allow not just the road to be moved, 31st to be moved, but also the sewer line that's on Haskell's property. I think there's a gas line out there also. It gets all this away from their campus. And these are things that, you know, we're going to have to deal with hopefully some way or another. But we would need some extra money.

**MR. DONALD:** Mary?

**MS. LOVELAND:** Sort of like Marty, and I'm forced, in an attempt to communicate this, to revisit the considerations that I had when I took a vote as a member of that subcommittee, and I -- I mean, the word "compromise," which Ron has used, had come up mentally for me several times because, I mean, my vision of compromise is that everybody gets part of what they want and nobody gets everything of what they want. That's a personal definition, and it may not pass muster with Webster. But I saw 32B as helping Baker because it produced an expanded wetlands. I presume -- there's been some talk about the time it would take to build the road. I presume that intelligent people would attempt to sequence tasks in such a way to transport wetland and minimize the impact, et cetera, et cetera. I mean, I just -- I'm presuming that those kinds of things might help with some of the concerns.

They would receive the educational building. I understood there was a commitment of an endowment which would generate the resources for as long as you can predict that endowments can generate adequate resources. I presume that these would be resources they don't have now to manage and generate and continue wetlands in their current state.

I thought -- and, you know, I've been listening very carefully to Pat -- because I can't see that far, I can't call you Mr. Something because I can't see your last name -- and Mr. Buzzard. And their comments this evening, I had previously seen this as an improvement for HIU because it was an opportunity to abandon 31st Street with the 32nd Street alignment, because you could -- which would, I thought, reconnect all pieces of the campus and therefore the wetlands that I'm presuming you refer to that students use in classes and all this kind of thing that Baker -- I mean that Haskell wetlands would be reconnected without 31st Street going through the middle. I presumed that was a benefit. And -- but I acknowledge that that would only be effective or helpful if there was, you know, a high commitment made to noise and visual mitigating kinds of things.

I saw it as helpful for Lawrence. It would retain 31st Street functionality and yet give them the opportunity to vacate 31st Street by moving that to a 32nd Street. Lawrence, in the broader community, would not have the negative impact on township roads, et cetera.

Personally, everybody's talking about ten lanes. And this is just an opinion. I question that there would ever be six lanes independently of trafficway in addition to four lanes of 32nd Street to that total of ten lanes people are talking about. I personally question that because I suspect by the time you would need more than four -- and right now we're functioning with just two on the western leg -- that the clarity of the need for the way the southern route -- wherever that might land, since somebody said it wouldn't be 42nd Street -- by that time would probably happen before there would be a fifth and sixth lane.

And the other thing, you know, a point that was made earlier by either a KDOT engineer -- not here, but at an earlier meeting -- is that actually the current 31st Street would function a whole lot better if you had adequate intersections at each end. I'm presuming a need for lights rather than the mystery of people's approach to four-way stop signs and their obvious forgetting of what they learned in all driving instruction.

And then one other thing I would like to bring up -- and I really don't mean to be this hysterical -- I've lived in this town 25 years. I can put children's names on two traffic intersections in this community because of children that died in accidents because of inadequate management of traffic; and an adult's name on a third. And there was a response almost immediately once there was a child's death. And I -- we have the traffic. We can project that there will be traffic. It needs to be moving and it needs to be moving in as safe a way as possible. And I just wanted to bring that up.

Oh, and we've got to have either 31st Street or 31st Street functionality for the school district to be able to -  
- I mean, it lends greatly to the utility of two school sites on Louisiana.

MR. DONALD: Mary, thank you.  
Joyce.

MS. WOLF: Yes, I have a number of different points that I can make.

First of all, I appreciate that those who support 42nd Street said there would be no alignment or no intersection at Louisiana. I think that's an important item for our particular neighborhood. That does not address the flooding issue. That's still out there.

On 32nd Street drawbacks, I'm still very leery about what Sharon talked about in terms of the possibility that we're going to get back what we will lose.

The other thing -- the other issue that has not been brought forward this evening is litigation. We all know that this trafficway was litigated many, many times, and it was primarily because it was through the Baker Wetlands. I don't think that that is something that can be outlawed. I think it's something that we have to consider. And if we consider it seriously, then that means that the project goes further into the future and costs more. So those are some very serious drawbacks that I would have to a 32nd Street alignment.

Ten lanes of traffic, to mitigate that, I can't imagine Haskell having access to that on a pedestrian basis. I know that there was a statement that came out that Haskell wanted 31st Street to be vacated, and it occurred to me that would it help at all to put a pedestrian bridge across current 31st Street? I mean, we were out there with our granddaughter a couple of weeks ago, and as we were leaving a Haskell student was crossing 31st Street. If 31st Street ends up with the kind of traffic that there's going to be, that would be the last thing in the world we would want to have happen is the possibility of a Haskell student becoming injured along that route. And I thought, you know, there are all these mitigation things out there. Would it be possible to put the education center on the southern part of the campus at Haskell University?

MR. DONALD: Let me interrupt you and ask you: Are you speaking in favor of one of the options? Because I thought I heard you say --

MS. WOLF: Our organization has not taken a vote on either option.

MR. DONALD: Do you want to speak to either one?

MS. WOLF: Well, I gather from our steering committee, which is a group of about fourteen or fifteen people that represent the neighborhood, my guess is that there's probably 75 percent that would prefer the trafficway to go south of the river and 25 percent that just say, "Get it done."

I guess of all these different choices -- and I've got this land use map, and I don't even know where it came from -- but it talks about Transportation 2020. And it shows that the county -- or the city's growth area as being significantly south of the Wakarusa River. And those -- you know, the kind of development that would happen once that area was annexed would be far different from the kind of development that's happening out there now. It's on five, ten, fifteen, twenty acres that is very difficult to bring into the city. We saw that out in the western part of the city of Lawrence.

So personally, I think something that goes south and gets those criteria into place has a great benefit to the city as a whole, because eventually -- it's already happening. I didn't think far enough in advance what is the state conservation commission or USDA, but they've got aerial maps. But what I wanted to do was go back to 1985 and look at the difference of how much growth has already happened south of Wakarusa.

MR. DONALD: Joyce --

MS. WOLF: My only personal -- not the Indian Hills -- but I would like to go not on 32nd Street, not on 42nd Street, but on 1100 Road North with the -- you know, obviously the township would have to have a lot of help with that.

MR. DONALD: Joyce, thank you.  
Let's start over here, with you first, Rebecca -- or Becky.

MS. MANLEY: I probably don't have a whole lot that hasn't already been said, the practical concerns.

MR. DONALD: Speak up, please. Speak up and speak slowly.

MS. MANLEY: A practical concern, a couple of them, in support of something along the north of the river have already been discussed and the relative costs of the alignment. Looking at a map, a route north of the river appears to be the most direct and logical route for east-west movement of traffic without creating a bubble in the road.

It also appears to me from what I've been following in the media and talking with people that there's a great deal of support in the community for some route north of the river for those very reasons. A lot of the people feel the need for traffic relief to get around town, and they see that as the most straightforward and sensible option.

The fact that Baker University is willing to support the 32nd Street alignment with mitigations that they deem acceptable and reasonable I think is a strong point to that alignment.

MR. HUYLER: Okay.

MR. DONALD: Becky, if KDOT decided that ultimately 42nd was the direction to go, you're not in favor of that, what would be your counsel to KDOT be to mitigate that?

MS. MANLEY: I think the first thing on the list would be carefully study the noise impact on the remaining residents and provide mitigation at least to the extent required by regulations for noise. I would like further investigation of historic resources and avoidance of those where practicable. I would like further investigation of environmental impacts and avoidance and minimization of those where practicable. I would like some assurance that if annexation by the City is the ultimate fate of that area that proper infrastructure is provided and that growth is controlled and planned; that what we see now as the yellow area of low density residential on the Horizon 2025 doesn't always turn to mega commercial, warehousing, industrial, other high-impact, environmentally very unfriendly things in that area which is now at very, very low density residential and agricultural. And I would like some consideration of the cost to local taxpayers that's already been addressed in terms of the need to separately improve 32nd Street with local funds and the need to provide infrastructure in the form of new sewage treatment plant and other infrastructure south of the river if any growth of any size is to occur in that area.

MR. DONALD: Thank you, Becky.  
Bob, do you have any thoughts on this?

MR. JOHNSON: You know, it seems like this has pretty well occupied my life for the last several months.

MR. HUYLER: You have your white hair, right?

MR. JOHNSON: No, no. I had a couple of strands before.

Let me just begin by saying that I served on the committee with Marty and with Mary, and along with the two of them, I was part of the team that presented the finding to Ron on the planning commission. So rather than repeat everything that they've said, I want the record to show that I said everything they said.

MR. DONALD: But a little better.

MR. JOHNSON: No, no. Just exactly as they said it. Exactly as they said it is exactly how I feel. So I want that said.

So the other comments that I make, I will try to be brief.

I have to say that, you know, that obviously but I'm not a biologist, I'm not a scientist, I'm not an environmentalist. But I value the environment and I consider myself a part of the environment. In fact, I consider all of you a part of the environment. I think that we frequently do not give nature the credit it deserves. I like Monarchs; look forward to seeing them when they come through. I think we don't give the Monarch enough credit. If we really believed because we built a road the Monarch will go away -- they might be interrupted. I'm not sure. I would hope not, but it might be for a little while. I remember the eagles on the river and we were doomed forever to never see another eagle. We've seen more than before. So I just think we don't give them enough credit. We don't give nature enough credit.

That doesn't mean we should ignore the travails of nature, that we should do consciously things to make it worse. I don't mean that at all. I think that one of the best slices of environment that we have in this country is surrounded by millions of people and tall buildings, and we call it Central Park. I don't think we should lose sight of that. Okay.

Specifically to what we're talking about today, I have huge respect for the job that's been done by Dr. Boyd and his father in either building or recreating the wetlands, however you want to discuss it. I have implicit faith in the stewardship of Baker. We wouldn't have the wetlands today if it were not for Baker and for Dr. Boyd and his father. I am absolutely comfortable and convinced that Baker University will not do anything that is not in the best long-term interests of the wetlands and this community at large. So I have no concern about their ability to negotiate that. I think they'll do a good job and they'll represent us and themselves quite well.

I favor 32B in every respect versus 42A, because I don't think that anyone who has any responsibility for the long-range planning of this community or the tax base of this community could consciously come to any other conclusion when you look at the facts. Ron said himself that he began as a 42A proponent.

MR. DURFLINGER: 44D now.

MR. JOHNSON: What?

MR. DURFLINGER: 44 short.

MR. JOHNSON: But with intense examination of the facts you can't help but come to that conclusion when you have those kinds of responsibilities and those kinds of interests.

I think probably the most compelling reason for me to side with 32B is that I think it is, without any doubt, in the best interest of this community to build that road in that environment on that alignment because it -- as Ron says and everybody else has said -- not everybody but most people have said -- it doesn't give everybody everything, but it does create some opportunities for everybody. It respects everybody's position. It allows everybody to have something that is better than where we are today.

And to me, we, as a community, Haskell University is a major, major resource in this community, will never be that resource unless we resolve this issue. Baker Wetlands will never be the resource that they can be with the right kind of funding. They don't have -- I cannot speak for them. I don't think they have the resources. I know this community does not have the resources or the will to go in and do what would need to be done. But with this proposal, if it can come to pass, we have an opportunity, through Baker's stewardship and

Dr. Boyd's guidance, we have an opportunity to create our Central Park into perpetuity. I don't think we can afford to miss that opportunity.

MR. DONALD: Thank you very much.  
Ann?

MS. GARDNER: I'm here on behalf of the Chamber of Commerce and I need to represent their view. I don't think it's significantly different from my personal view, so that's not a problem for me.

The position that we've had throughout the last year or so of this most recent process, the Chamber's played a role on this for the last fifteen years or so. But we've been really dedicated to the idea of a community process on deciding on a route for this road. But the overriding desire of the Chamber and the Chamber board is that this road be built, and that we are consistently saying that the no-build is just not an option, that we need to come to a consensus and -- or as much of a consensus as we can, and get this road built.

I think at this point -- I mean, there's a lot of factors that go into that. When you start talking about it, you say, Which road is most likely to be built? Which road is going to cost the most? Which road is going to maybe be the most likely to draw litigation? There are so many factors to discuss when you start talking about this.

I suspect that, although the board has been very sensitive to the desires of Haskell and the effect of this road on the wetlands, that it is likely that they would be swayed to a 32nd Street alignment. I think, however, that they would probably be on Ron's page with the idea that you could also accept a 42nd Street alignment if that was what was deemed by the stakeholders and the community as the most acceptable route.

I guess that what -- the message that I bring from the Chamber is that we just urge people to choose the best alternative, to look at it and say, as Ron said, that we're probably not going to get a perfect road, we're not going to get a perfect route. But we need to choose the best alternative and move on with this and then move on to other issues that affect this community.

MR. DONALD: And personally, not speaking for the Chamber, you would say what is my best choice?

MS. GARDNER: That's really difficult for me, because I'm always one of those people that wants everybody to be happy. And in some way I can see that 42nd Street would make a lot of people happy and I'm not at all -- I am swayed by the possibility of eight or ten lanes of traffic along that route of the wetlands. But I also see the practical implications and the practical -- I'm also a pragmatist, and if we can get the road built and, if not supported, at least acceptable to the majority of the parties at this table, I would probably support -- I would probably support 32nd-B.

MR. DONALD: Marvin?

MR. BUZZARD: Well, let me begin by saying that we at Haskell believe that we have been exercising one of the founding principals that this nation was founded upon, and that was freedom of speech and the freedom, I guess, to state our own point of view. And we have found it, I think, very hurtful at times that we see in this community that there are all kinds of folks who raise issues with all kinds of things. Certainly this trafficway is not the only road that's been discussed and cussed. 59 has been, 24, 40. And so we're a little bit confused sometimes by some of the references to how we've damaged ourselves in this community and how we've hurt our standing in this community because we're simply exercising what we believe that we've all, at some point in time, sacrificed, and at least our ancestors has or someone has. So we don't apologize to our neighbors because we are part of this community. We're exercising what we believe are our rights. And I just want to say that, regardless of whether we're talking about this road or anything else.

But moving from that, in terms of 31st Street, Haskell's concern about 31st Street began when the County began talking about making that a four-lane road, and in the effect, in our view, of creating a de facto trafficway. And this may have been out of frustration and the need to do something relative to traffic, but our concern with 31st was really based upon the discussion about making that a four-lane road and extending on, because in our belief that created a de facto trafficway. That was our concern with 31st.

We do not believe that moving 31st to 32nd, some few hundred feet south of us, and right next to that building a trafficway, whether it's two lanes or four lanes, we're talking at least probably for right now six lanes, perhaps; in the future. Who knows? We don't think that that really addresses the issues that have been raised. And I'm not going to go through those issues, because we've all heard them talked about in the past. But we don't think moving a two-lane road 200 feet south and making it a six-lane road addresses the issues that we've



raised. And so therefore we do not believe that this alignment addresses the issues and the concerns that have been raised by Haskell and folks attached to Haskell.

MR. DONALD: Okay. Thank you very much.  
Dan?

DR. LAMBERT: I am going to beg off any comments on 42nd Street. I picked that up from my colleague at KU. If I could remain neutral on the rest of it, I would. I don't think it's appropriate for me to comment on that or for Baker University to take a position on that particular route. We'll have all kinds of people within our university community who will have all kinds of positions. But the university will not take a position on that.

I will have to say that I have some concerns about the increase in traffic on 42nd Street without potential mitigation. And whatever happens with regard to the trafficway, apparently that's going to happen. And so we have to deal with 31st Street where it is now and looking at the traffic projections, we would be foolish not to be concerned about that, because I don't think we're going to have any mitigation or opportunities for mitigation on that route, unless one of the other routes is -- for the trafficway is chosen.

I don't need to rehearse this. This is a very difficult issue. Marvin said it well. We have competing interests here that we all value and that we all hold up, and to have to choose among them is very difficult. And we academicians aren't used to making tough decisions like that, but we're going to have to weigh those competing interests and take a position on it.

One other comment that I'm going to have to make is I'm still waiting for a formal recommendation from this committee I appointed to look at mitigation. But I think it's important for me to say to this group and to the community that we're likely to support the 32nd Street route, and we'll do it for reasons that reasonable people will differ on, but primarily because we've been responsible for those wetlands for 30 years. The issue of whether or not Baker should have gotten them is kind of beside the point. We've had them and we're responsible for them and we've been faithful in our obligation to use that as an educational resource. There's no question about it, in the absence of Ivan Boyd and Roger Boyd we would not have a wetlands there. I think that is clearly the case. But there's never been a time in that 30 years when we haven't been under assault one way or the other, everyone needing this, wanting that; legitimate concerns often, but nonetheless always under pressure for something that our community says and I think and I believe it values, the committee values. But the pressure is there, and it will continue to be there, we believe, unless we take advantage of an opportunity through mitigation to build in the defense of the wetlands that will remain.

Now, if that sounds awfully pragmatic, so be it. But that's one of the ways we feel we serve the public.

I think it's critical for us to make sure that this point's clear: The mitigation we're looking for isn't to benefit Baker University; it's to try to reduce the risk that Sharon talks about that at some point in time we're going to have to look somewhere else for the resources to make things happen. And we have other priorities at the university, but we believe in this situation we may have the opportunity -- pardon me, we may have the opportunity to put the resources in place to have a wonderful, wonderful facility for the entire community, and we think the other options will not provide that opportunity. And we don't like some of the down side on it, and most of the things that will happen there will be difficult for us to respond to. But we think in the long run the 32nd Street route, with proper mitigation, can become that major resource. And we would manage it not for Baker but for our community, and we would expect the community to honor that.

I wish there were some options in front of us that didn't have any risks. I don't think there are. And so far as our wetlands are concerned, we know they're not, because I think we've done a pretty good job of looking at all of them and trying to decide what's in the best interests of our responsibility. We own the real estate, but there are times when we don't have the prerogatives that come, just the responsibility. This is an opportunity to share that responsibility and to give us what we think we'll need to make that what we envision it to be.

Now, if 32nd Street doesn't happen, Baker University will continue to be good stewards of those wetlands and to do everything we can to cooperate with the University of Kansas, with Haskell, with the public schools in the region to maximize access and utilization of that facility. But in the absence of major resources, it's never going to be what we think it can be if we have the opportunity to put those resources to work.

MR. DONALD: Dan, thank you very much.  
Carey?

MS. MAYNARD-MOODY: The National Sierra Club has come to understand that highways are sprawl magnets, that they do impact the environment adversely and they actually promote traffic. If you build it, they

will come. We can never build enough roads for the attractive idea of the convenience of your own private automobile. We will have more and more and more as we build more and more roads.

Now, I got the sense more tonight than ever before, but I've had it ever since I moved to Kansas, that many in Lawrence think that it is an island in itself and it is not really part of the northeast Kansas region, nor that people want choices about how they travel between our communities. But I think they do. And I have spoken with people who are interested in moving to Lawrence or to Kansas City or to Topeka who don't when they realize that the only way they can get around is through a car. Sierra Club believes that owning a car should be an option, not a necessity. And before we get to some regional transportation, public transportation, which could alleviate the problem of moving people back and forth among our communities, then this isn't a transportation project, this a highway project. And highways have adverse affects on the environment, no matter what the mitigations are.

And I wish the eagle and the monarch would have a discussion with Bob, because I think that they would have something to say.

MR. JOHNSON: You set it up, Carey. I'll be there.

MS. MAYNARD-MOODY: I'll have to work with some of my friends.

But I think they would have something to say about the little nibbling that happens over the years and the quality of life is impacted.

The Central Park notion. Joyce mentioned that in her retirement speech, that she would hope that the Haskell-Baker Wetlands could be our community's Central Park. Central Park does not have a six-lane highway running through it. And I think that New Yorkers would object.

So I would encourage KDOT to give us some choices rather than the same paving over, which is just going to promote more traffic.

And I would encourage our region to start planning together to get off our car dependency kind of planning that we do in our community. We do not plan our communities around being transit oriented. We plan our communities around getting where we need to go in a car. And as long as accommodating the car is where we're putting our money, the quality of life in this region and in Lawrence is going to be not enhanced. And there are other communities you can visit where you can see that they've made that choice and they regret it. And I don't think we're immune to that here, and that's what I see coming down the pike.

MR. DONALD: Carey, thank you.  
Pat?

MR. KINCAID: The Wetland Preservation Organization doesn't want a highway anywhere through the wetlands. I know that Joyce had mentioned that we had -- we didn't want 31st Street. But it's -- Haskell doesn't want -- vacating the wetlands would be a better description rather than vacating 31st Street. We've touched on some of the spiritual aspects. Some of the ceremonies done have to be done at night, and the lighting on ten lanes of highway are going to affect the ceremonies. These ceremonies will no be able to be practiced there.

Culturally, historically, I've already talked about the grave disturbance.

Academically, these resources aren't going to be utilized by Haskell anymore.

Environmentally you just can't create that kind of biodiversity: 333 species of plants, 219 species of birds. Man cannot recreate that. It's -- the wetlands is there because it's in a flood plain and it's in the perfect area for the wetlands, and that's why it's there. And it's probably going to continue to be a wetlands whether the highway is built there or not.

I don't believe the flooding issue has been addressed or the pollutant issue without the wetlands being there. That is the lowest elevation in the city, and all of the water is going to run into that part of the city. There's not going to be a wetlands there.

And I would just like to say that WPO is prepared to fight this legally should the highway go anywhere through the wetlands, and in doing so would have the support of Haskell, have the support of the BIA, have the support of the Board of Regents, and we have the support of all the tribes in the United States, and that includes the financial support for litigation by all the tribes.

That's it.

MR. DONALD: Okay. Thank you very much.

Maybe two other things I want to do, plus the third thing we want to do is get out of here at nine o'clock, which is about five minutes.

So, Terry, you've got an abbreviated allowance for talking about next steps. Can we do it in just a couple of minutes?

MR. FLANAGAN: Yeah, we sure can.

John, would you put that schedule up, please?

Next I thought I'd refer to the schedule, which I think most of you have seen, and it's up there. And I think Larry addressed this fairly well earlier. But as the schedule shows, there's two things that have been going on over the last several months and will continue into the year, and that's our efforts in addressing many of the things that you talked about here today, and that's the issues, and try to put together an evaluation of how each of these alignments size up versus those issues.

Additionally, the public involvement that has occurred, the stakeholder meetings that we've had, and any other future input that we get from other meetings from the public, from the web site, I'd encourage you, as John and Dennis said, if there's any other issues on that matrix, fill them out. Certainly that's helpful and beneficial.

But with that information, the evaluation effort, the public input will be brought together into a document. We've all talked about the environmental impact statement. And as Larry said, with KDOT in collaboration with the Corps, we'll identify the preferred alignment and include that in the environmental document. And that's anticipated to be out early next year at some point, which is shown on our schedule here.

After that draft is out, then there would be scheduled -- and again, there is variability on exactly what that date is. There are a lot of factors that play in what Larry addressed, including the consultation process that was identified here earlier. But at any rate, as soon as that's out, there will be a public hearing set up after people have had the opportunity to look at that and again come back and make comments. And again, as Larry said, that information will be, as well, addressed and incorporated prior to editions of the final environmental impact statement.

And then once that's done, then that would move into a decision and then a permit, and I think, as we've all heard, hopefully a build option.

So that's a little bit on the schedule, again, just kind of elaborating on what Larry said.

I'll make one other comment since I have the floor, and that is I'm not sure if anybody is -- has been or is as excited as I've been about having this group here together. I think as we've heard, and I guess the hope that I have, is that at some point in the future, in hopefully the near future, we're all sitting around looking at what that alignment will be. And I'm not sure it's going to look exactly like any of these up here, but the input that I've heard and taken a lot of notes, our team working with KDOT and with the Corps, I think without this exercise, without the comments, information we've gained certainly would not be reflected in ultimately what that alignment will be. In other words, you know, the input that you provided I think is just going to be invaluable in rolling into what, again, hopefully somewhere in the near future we'll all be looking at that says this maybe doesn't address all the issues, but certainly has a lot into it.

So from that end, I think from our end, and I think in addition to working with KDOT and with the Corps, this has been a very valuable process and I believe will be reflected in what we ultimately end up with. So...

MR. DONALD: Larry, thank you.

The goal when we launched this thing was to have thoughtful, informed input into the process for HNTB and for KDOT. As Terry indicated, I think we're getting that. Dan said he wished there was a no-risk option out there. And there's really not one. These are complex and tough choices that you all are facing. And what's gratifying for us to do is to participate in a group like this where there are good, thoughtful discussions about tough topics. Many of the comments are heartfelt. You're coming from very dedicated positions, and it really makes a difference, I think. And this is one that's not going to be an easy choice.

But many of the kind of comments that you're offering I'm confident will be reflected in the work Terry and his firm are doing.

I'd like to offer just a closing opportunity to any of you to make a closing comment, because this is the last time we're going to meet as a group, in the way of a benediction for going forward.

MS. MANLEY: I was hoping you would ask this.

UNIDENTIFIED VOICE: You'd better speak up if you're going to do a benediction.

**MS. MANLEY:** The unfortunate subgroup of litigation was brought up by at least three, if not four, people. I'd like to have an opportunity to read just a few lines of something that I think it would be better if I just read that I believe states not only my views but a pragmatic view that is probably shared by many.

There is implications by some community decision-makers that avoidance of lawsuits is a legitimate factor in the decision process. Their intent is avoidance of potential lawsuits that may be filed if a decision is made along any alignments north of Wakarusa. Left out of this analysis is the possibility of lawsuits that may be filed by interests south of the river in the event an alignment through that area is chosen. There's no reason to assume that such lawsuits will not be filed by certain public agencies and other agencies or by private individuals. Regardless of the above, I and many others I've talked to strongly believe that any decision or recommendation regarding the trafficway should not be based in full or in part on the avoidance of potential lawsuits from either side of this issue. This would set a very undesirable precedent for the way decisions are made in this community.

**MR. DONALD:** Let me ask you if you have any other benedictorial type of comments, because we want to leave shortly here. And I don't want to talk any more about litigation.

**MS. MANLEY:** That's -- I thank you for the opportunity to say that.

**MR. DONALD:** Anybody else?  
(No response.)

**MR. DONALD:** Okay. We're adjourned. Thank you very much.  
(The proceedings concluded at 9:03 p.m.)

**C E R T I F I C A T E**

**I, LINDA R. BURT, a Certified Shorthand Reporter of the State of Kansas, do hereby certify:**

**That said foregoing proceedings were taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to typewriting under my direction;**

**That the foregoing transcript is a true record of the statements given by said witness;**

**That I am not a relative or employee or attorney or counsel of any of the parties or a relative or employee of such attorney or counsel or financially interested in the action.**

**WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2001.**

\_\_\_\_\_

**LINDA R. BURT, C.S.R.**

**Certified Shorthand Reporter**

**State of Kansas**