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CHAPTER 8 – SECTION 4(f)

Since the Draft Environmental Impact Statement (DEIS), the following substantive changes have been made to this chapter:

- **Section 8.1** – A statement has been added to identify this chapter as the individual Section 4(f) documentation required by 23 CFR 774.7(a).
- **Section 8.3.2.2** – The evaluation of archaeological resources has been updated.
- **Section 8.5.2.4** – A description has been provided of the Refined Preferred Alternative (RPA) as the final step of alternatives definition.
- **Section 8.7.4.2** – A new section has been added to summarize consultation following the objection to individual findings for the John Sutton House and Travis Hill Historic District.
- **Section 8.7.4.3** – A new section has been added to summarize consultation with Department of the Interior.
- **Section 8.8** – Measures to minimize harm have been updated to reflect current mitigation in the Memorandum of Agreement.
- **Section 8.9** – Information has been added to summarize consultation following the objection to individual findings for the John Sutton House and Travis Hill Historic District and coordination with Department of the Interior.

8.1 Introduction

Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. §303(c), requires that, prior to the use of any of the land types listed below, it must be determined that there are no prudent and feasible alternatives that avoid such use and that the project includes all possible planning to minimize harm to such resources. The land types are:

- A publicly-owned park,
- A publicly-owned recreation area,
- A publicly-owned wildlife or waterfowl refuge,
- Land from an aboveground historic resource that is listed in or eligible for inclusion in the National Register of Historic Places (NRHP), and
- Archaeological sites listed in or eligible for inclusion in the NRHP and that warrant preservation in place.



According to FHWA regulations, a “use” can be either (1) permanent, (2) constructive, or (3) temporary [See 23 CFR §774.17].

- A *permanent* use occurs when land from a Section 4(f) resource is permanently incorporated into a transportation project.
- A *constructive* use occurs when the proximity impacts of the project are so severe that they substantially impair the protected activities, features, or attributes that qualify the resource for Section 4(f) protection.
- A *temporary* use occurs when there is a temporary occupancy of the Section 4(f) property that is adverse in terms of the statute’s preservation purposes. A temporary occupancy results when a Section 4(f) property is required for project construction-related activities but will not be permanently incorporated into a transportation use. In accordance with Section 23 CFR §774.13(d), there are conditions under which “temporary occupancies of land...are so minimal as to not constitute a use within the meaning of Section 4(f).”

For a park, recreation area, or wildlife/waterfowl refuge to qualify for protection under Section 4(f), it must be publicly-owned and officially designated as a park, recreational area, or wildlife or waterfowl refuge. Historic and archaeological resources that are listed in or are eligible for listing in the NRHP are not required to be publicly-owned to be protected under Section 4(f). In addition to being listed in or eligible for listing in the NRHP, archaeological sites must also be important for “preservation in place” to qualify for protection as a Section 4(f) property.

Since the approval of the I-69 Tier 1 ROD, FHWA amended the regulations implementing Section 4(f). The new regulations are found at 23 CFR Part 774. The Section 4(f) findings made in the Tier 1 ROD relied on the previous regulations found at 23 CFR §771.135. The findings in this Tier 2 document for I-69 Section 6 are based on the new regulations in Part 774.

When FHWA determines that a project may use a Section 4(f) property, there are three methods available for FHWA to approve the use:

- Preparing a *de minimis* impact determination;
- Applying a programmatic Section 4(f) evaluation; or
- Preparing an individual Section 4(f) evaluation.

As stated in the FHWA *Section 4(f) Policy Paper*,¹ a *de minimis* impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures), results in either:

- A determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f); or
- A Section 106 finding of no adverse effect or no historic properties affected.

¹ USDOT/FHWA, *Office of Planning, Environment, and Realty, Project Development and Environmental Review, “Section 4(f) Policy Paper,”* July 20, 2012, <http://www.environment.fhwa.dot.gov/4f/4fpolicy.asp> (Accessed July 13, 2012).



The FHWA *Section 4(f) Policy Paper* describes a programmatic Section 4(f) evaluation as a time saving procedural option for preparing Section 4(f) evaluations for certain minor uses of Section 4(f) property. The five Programmatic Section 4(f) Evaluations used by FHWA include Independent Walkway and Bikeways Construction Projects; Historic Bridges; Minor Involvements with Historic Sites; Minor Involvements with Parks, Recreation Areas, and Waterfowl and Wildlife Refuges; and Net Benefits to a Section 4(f) Property.

The FHWA *Section 4(f) Policy Paper* states that an individual Section 4(f) evaluation must be completed when approving a project that requires the use of Section 4(f) property if the use, as described above, results in a greater than *de minimis* impact and a programmatic Section 4(f) evaluation cannot be applied to the situation (see 23 CFR §774.3). The individual Section 4(f) evaluation documents the evaluation of the proposed use of Section 4(f) properties in the project area of all alternatives. The individual Section 4(f) evaluation requires two findings:

- That there is no feasible and prudent alternative that completely avoids the use of Section 4(f) property; and
- That the project includes all possible planning to minimize harm to the Section 4(f) property resulting from the transportation use (See 23 CFR §774.3(a)(1) and (2)).

The intent of the statute, and the policy of FHWA, is to avoid and, where avoidance is not feasible and prudent, minimize the use of significant public parks, recreation areas, wildlife and waterfowl refuges and historic sites by a project. Unless the use of a Section 4(f) property is determined to have a *de minimis* impact, FHWA must determine that no feasible and prudent avoidance alternative exists before approving the use of such land (See 23 § CFR 774.3). The Section 4(f) regulations refer to an alternative that would not require the use of any Section 4(f) property as an avoidance alternative. Feasible and prudent avoidance alternatives are those that avoid using any Section 4(f) property and do not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property (23 CFR § 774.17).

If the analysis concludes that there is no feasible and prudent avoidance alternative, then FHWA may approve, from among the remaining alternatives that use Section 4(f) property, only the alternative that causes the least overall harm in light of the statute's preservation purpose. If the assessment of overall harm finds that two or more alternatives are substantially equal, FHWA can approve any of those alternatives. This analysis is required when multiple alternatives that use Section 4(f) property remain under consideration. I-69 Section 6 will result in a Section 4(f) use of one property. This chapter contains the individual Section 4(f) documentation required by 23 CFR 774.7(a).

8.2 Purpose and Need

Chapter 2 of this EIS contains a thorough discussion of the project purpose and need. The following is a summary of the purpose and need for I-69 Section 6.



8.2.1 Tier 1

As defined in the Tier 1 FEIS, the purpose of I-69 is to provide an improved transportation link between Evansville and Indianapolis that:

- Strengthens the transportation network in Southwest Indiana²;
- Supports economic development in Southwest Indiana; and
- Completes the portion of the national I-69 project between Evansville and Indianapolis.

Specific goals were identified in Tier 1 that support this overall purpose. They are listed below, with core goals shown in italics. These core goals were identified in Tier 1 based on consideration of the policy/legislative framework, as well as the transportation and economic development needs assessment. For each of the core goals, the Tier 1 selected alternative was required in the Tier 1 study to achieve a substantial improvement over existing conditions. The selection of core goals also recognized that this is primarily a transportation project.

Improved transportation linkages constitute one of many factors that can support economic growth. In view of the demonstrated needs for economic development in Southwest Indiana, goals related to supporting economic development were established in Tier 1. At the same time, transportation is only one of a number of factors needed to support economic development. Therefore, none of the project *core goals* (shown in italics) were associated with supporting economic development.

Tier 1 Transportation Goals

Goal 1: Improve the transportation linkage between Evansville and Indianapolis.

Goal 2: Improve personal accessibility for Southwest Indiana residents.

Goal 3: Reduce existing and forecasted traffic congestion on the highway network in Southwest Indiana.

Goal 4: Reduce traffic safety problems.

Tier 1 Economic Development Goals

Goal 5: Increase accessibility for Southwest Indiana businesses to labor, suppliers, and consumer markets.

Goal 6: Support sustainable, long-term economic growth (diversity of employer types).

Goal 7: Support economic development to benefit a wide spectrum of area residents (distribution of economic benefits).

² “Southwest Indiana” refers to 26-county Tier 1 study area. See Figure 1.1 for map of Tier 1 study area.



Tier 1 National I-69 Goals

Goal 8: Facilitate interstate and international movement of freight through the I-69 corridor, in a manner consistent with the national I-69 policies

Goal 9: Connect I-69 to major intermodal facilities in Southwest Indiana

As defined in Tier 1, the goals of the I-69 Evansville to Indianapolis project are regional goals; that is, they are expressed as goals for the entire Southwest Indiana region, which includes 26 counties and encompasses a quarter of the State of Indiana. These broad, regional goals were used as the basis for evaluating alternatives in Tier 1, when the alternatives analysis involved comparing different corridors 140 to 160 miles in length spread across a broad geographic area.

8.2.2 Tier 2

The purpose of the I-69 Section 6 project is to advance the overall goals of the I-69 Evansville to Indianapolis project in a manner consistent with the commitments in the Tier 1 ROD, while also addressing local needs identified in the Tier 2 process. The local needs identified in Tier 2 for I-69 Section 6 include:

- Complete Section 6 of I-69, as determined in the Tier 1 ROD;
- Reduce existing and forecasted traffic congestion;
- Improve traffic safety; and
- Support local economic development initiatives.

Alternative alignments for I-69 Section 6 were developed to be consistent with the overall goals of Tier 1 and the local needs identified in this Tier 2 study.

8.3 Identification of 4(f) Resources

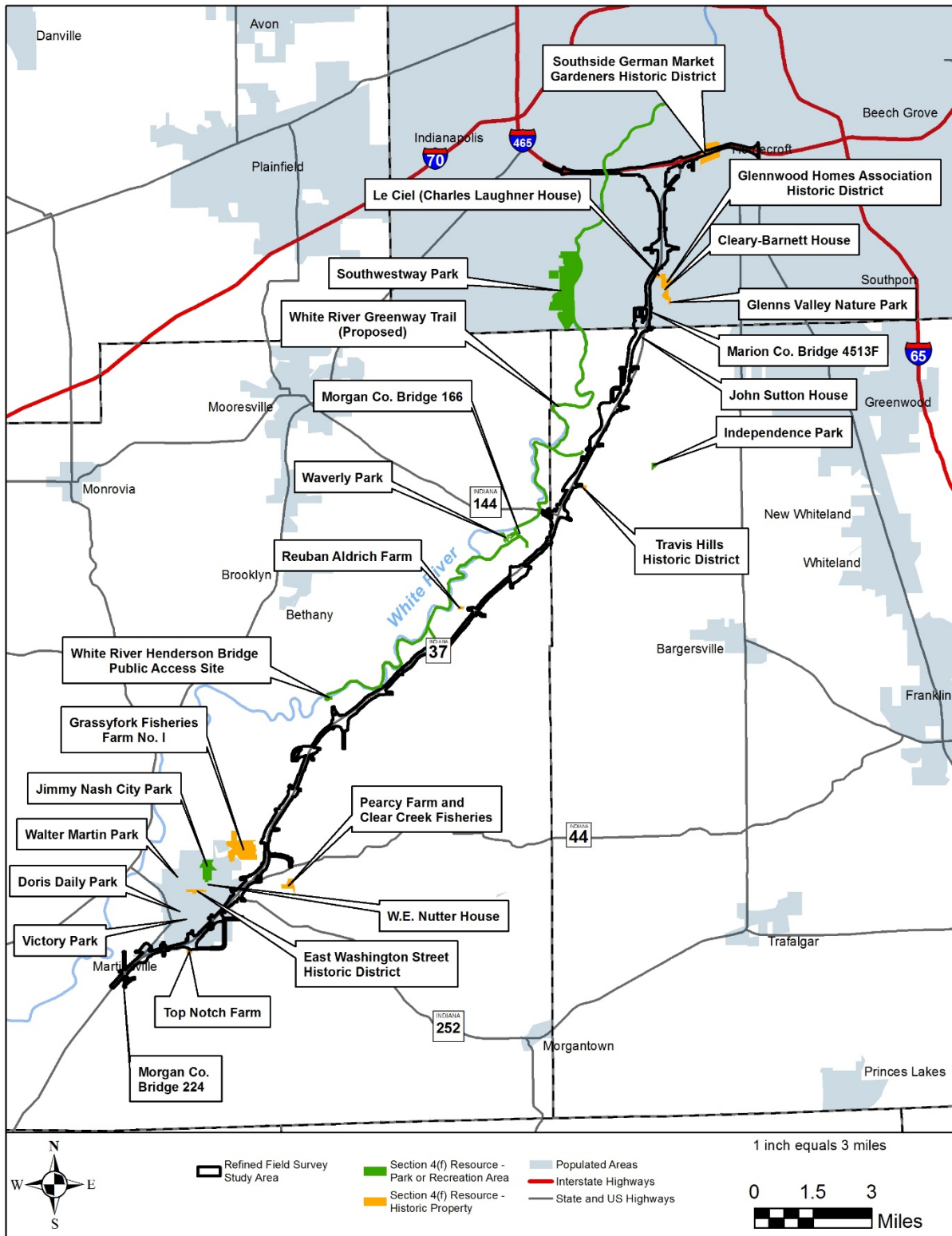
The following is a summary of publicly-owned parks, publicly-owned recreation areas, publicly-owned wildlife or waterfowl refuges, aboveground historic resources listed in or eligible for inclusion in the NRHP and archaeological resources listed in or eligible for inclusion in the NRHP.

8.3.1 Parks and Recreation

The following are parks, recreation areas, and wildlife or waterfowl refuges identified within the I-69 Section 6 project area. **Figure 8-1** shows the locations of all properties in the vicinity of I-69 Section 6 that have been identified as eligible for Section 4(f) protection. Historic properties detailed in **Section 8.3.2** are shown on **Figure 8-1** along with parks and recreation properties.



Figure 8-1: Section 4(f) Properties





Publicly-owned parks and recreation areas near I-69 Section 6 include eight parks, one public access site to the White River, and four trails of which one is existing and three are proposed. Existing parks and recreation areas in the vicinity of I-69 Section 6 that are eligible for Section 4(f) protection are discussed below and are described in more detail in **Section 4.2.2.5** and **Section 4.3.3.4**.

- Southwestway Park, located approximately 1.7 miles west of I-69 Section 6 alternatives, is a 587-acre regional park owned and managed by the Indianapolis Department of Parks and Recreation.
- Glens Valley Nature Park, located approximately 0.3 mile east of the I-69 Section 6 alternatives, is a 30-acre park owned and managed by the Indianapolis Department of Parks and Recreation.
- Jimmy Nash City Park, located approximately 0.6 mile northwest of the I-69 Section 6 alternatives, is a 113-acre park owned and managed by the Martinsville Parks and Recreation Department.
- Doris Daily Park, located approximately 0.7 mile west of the I-69 Section 6 alternatives, is approximately 0.8 acre and owned and managed by the Martinsville Parks and Recreation Department.
- Walter Martin Park, located approximately 1.4 miles northwest of the I-69 Section 6 alternatives, is just under one acre and owned and managed by the Martinsville Parks and Recreation Department.
- Victory Park, located approximately 0.5 mile northwest of the I-69 Section 6 alternatives, is approximately 0.4 acre and owned and managed by the Martinsville Parks and Recreation Department.
- Old Town Waverly Park, located approximately 0.8 mile west of the I-69 Section 6 alternatives, is approximately 55 acres and owned and managed by Morgan County Parks and Recreation.
- Independence Park, located approximately 1.7 miles east of the I-69 Section 6 alternatives, is a 13.5-acre park owned and managed by Johnson County Parks and Recreation.
- The Henderson Ford White River public access site, located approximately 1,000 feet north of the I-69 Section 6 alternatives, is approximately 13 acres and owned and managed by the Indiana Department of Natural Resources (IDNR).
- The Little Buck Creek Greenway has two existing sections that extend between Mann Road and Bluff Road along the north side of Little Buck Creek, just north of and parallel to Southport Road. One existing section is 0.40 mile in length and is located 500 feet east of SR 37 and the other is 0.54 mile in length located 1,300 feet west of SR 37. The trail is owned and managed by the Indianapolis Department of Parks and Recreation.



Trails that are planned in the vicinity of the I-69 Section 6 project and would be eligible areas for Section 4(f) protection in the future and include those listed below. These trails are currently in the planning stage and no right of way for the trails has been acquired within the proposed I-69 Section 6 right of way. Note that White River Greenway trails are located in two locations along the length of the I-69 Section 6 project corridor and proposed by two different agencies.

- The Little Buck Creek Greenway when completed will be approximately three miles long, beginning in Perry Township and connecting to the South White River Greenway and Southwestway Park in Decatur Township. For reference to all agency coordination on Section 4(f) items, see **Appendix FF**. The existing Little Buck Creek Greenway is not continuous through the I-69 Section 6 project area, as it stops approximately 500 feet east of SR 37 and 1,300 feet west of SR 37. The Little Buck Creek Greenway is shown as a planned crossing of SR 37 in the *Indy Greenways Master Plan* (May 2014).³ The Indianapolis Department of Parks and Recreation has jurisdiction over this resource.
- The White River Greenway (Wapahani Trail) is proposed as an extension of the existing trail into the study area. The existing trail is approximately 4.75 miles long, starting at Riverside Regional Park at 38th Street and following the White River south to White River State Park (outside of the I-69 Section 6 study area). The White River Greenway is shown on the *Indy Greenways Master Plan* (May 2014) mapped along the White River and under the I-465 bridge within the I-69 Section 6 study area. The Indianapolis Department of Parks and Recreation will have jurisdiction over this resource.
- The White River Greenway trail is shown on the *Morgan County Parks and Recreation 2015-2019 Master Plan*⁴ west of SR 37 along the White River, from the Morgan/Johnson County line to Henderson Ford Road. Morgan County Parks and Recreation will have jurisdiction over this resource if it is constructed.
- Martinsville Bike-Pedestrian Bypass for I-69 is shown on the *Morgan County Parks and Recreation Five-Year Master Plan* (2015) and uses and upgrades rights of way of some existing county roads and city streets, in combination with some new right of way to create a bicycle and pedestrian trail. Morgan County Parks and Recreation will have jurisdiction over this resource if it is constructed. The bicycle and pedestrian bypass would be located east of I-69. Ideally, it would start at least as far south as the proposed interchange at Godsey Road or Liberty Church Road and extend at least as far north as the proposed interchange at Henderson Ford Road.

8.3.2 Historic Resources

Section 4(f) applies to all aboveground and archaeological historic resources that are listed in or are eligible for listing in the NRHP regardless of whether or not they are publicly owned or open to the public. Archaeological historic resources that do not warrant “preservation in place” are

³ <https://indygreenwaysmasterplan.wordpress.com/full-circle-master-plan-2/>

⁴ <http://morgancountyparks.org/documents/FiveYearPlanMorganCounty2015.pdf>



typically excepted from Section 4(f) because these resources are chiefly important for information that could be recovered by data recovery (23 CFR 774.13(b)(1)). Aboveground and archaeological historic resources were identified through Section 106 consultation under the National Historic Preservation Act per 23 CFR §774.17 (definition of "Section 4(f) Property") and are summarized below.

8.3.2.1 Aboveground Historic Resources

Identification of aboveground historic sites is documented in the *Historic Property Report (HPR) for Section 6, SR 39 to I-465* (Thayer, 2008), *The Historic Property Report Additional Information, I-69 Evansville to Indianapolis: Tier 2 Studies Section 6* (Weintraut & Associates, Inc., 2015), and *Additional Information Memorandum—No. 2, I-69 Evansville to Indianapolis: Tier 2 Studies Section 6* (Weintraut & Associates, Inc., 2016). **Section 5.13** and **Appendix M** identify the locations of historic properties within the project's APE.

The HPR (published in 2008) identified one individual district listed in the NRHP and recommended seven properties eligible for listing in the NRHP (see **Appendix M**). The East Washington Street Historic District (NR-1313) was listed in the NRHP in 1997. The following properties were recommended eligible for listing in the NRHP:

- Morgan County Bridge No. 224 (NBI No. 55001421; IHSSI No. 109-386-60030);
- Top Notch Farm (IHSSI No. 109-386-60028);
- W.E. Nutter House (IHSSI No. 109-386-64053);
- Grassyfork Fisheries (IHSSI No. 109-386-60012);
- Stockwell Bridge (IHSSI No.: 109-386-60053; NBI No.: 550004) (has since been demolished);
- Morgan County Bridge No. 166 (109-428-30017; NBI No.: 5500153), and;
- John Sutton House (IHSSI No. 081-031-10002).

Since the release of the HPR in 2008, the *Indiana Historic Bridge Inventory* (2009) identified the following NRHP-eligible bridges:

- Marion County Bridge 4513 F (NBI No.: 4900484);
- Morgan County Bridge 166 (IHSSI No.: 109-428-30017; NBI No.: 5500153);
- Morgan County Bridge 224 (IHSSI No. 109-386-60030; NBI No.: 5500142), and;
- Stockwell Bridge/Morgan County Bridge 56 (IHSSI No. 109-386-60053; NBI No.: 5500049).

Subsequently, in 2012, Grassyfork Fisheries was listed in the NRHP as Grassyfork Fisheries Farm No. 1 (NR-2209).



In 2015, the AI No. 1 Report (see **Appendix M**) recognized the above NRHP-listed and NRHP-eligible properties as well as recommended the following resources as eligible for listing in the NRHP:

- Reuben Aldrich Farm (IHSSI No. 109-428-30009);
- Travis Hill Historic District; Cleary-Barnett House (FID: 9869);
- Glenn’s Valley Nature Park Retreat House (IHSSI No. 097-392-85416);
- Glennwood Homes Association Historic District;
- Le Ciel (Charles Laughner House) (FID: 9600);
- Cleary-Barnett House, 8000 Bluff Road (FID No.: 9569), and;
- Southside German Market Gardeners Historic District.

In the AI No. 2 Memorandum published in 2016, historians recommended the Percy Farm and Clear Creek Fisheries (IHSSI No. 109-386-60015) eligible for the NHRP. See **Appendix M** for AI No. 2 Memorandum.

8.3.2.2 Archaeological Historic Resources

Per 36 CFR § 800.4(b)(2), Tier 2 archaeological research and evaluation was conducted in a series of steps, beginning with a literature review and file research as part of the preliminary alternatives screening process described in **Section 3.4**. The final step was completion of a Phase Ia investigation of the area of potential effects (APE) of the Refined Preferred Alternative (RPA). The results of that research and evaluation are provided in **Section 5.14**.

Phase Ia archaeological surveys have been completed for the I-69 Section 6 RPA to identify whether NRHP-eligible archaeological resources are located within the APE, and to determine what effect the proposed I-69 undertaking could have on those resources. The APE was investigated through shovel testing, surface collection/survey, and visual inspection. The 2015–2016, 2016–2017, and 2017 Phase Ia archaeological research identified 72 sites within the APE. Fifty-five sites were determined to not be eligible for listing in the NRHP. Five sites were determined eligible for listing in the NRHP. Twelve sites had insufficient data for eligibility determinations outside the I-69 Section 6 APE, and if these sites are located in the right of way these sites should be clearly marked during construction so they can be avoided during ground disturbing activities. Three alluvial locales (five individual areas) were recommended for Phase Ic archaeological investigations. In addition, site 12Mg525 is located in close proximity to the project and will be clearly marked and avoided. If it cannot be marked and avoided, then further investigation will be required.

The determination of effects upon archaeological resources resulting from the proposed I-69 Section 6 undertaking will be assessed after final design, and after completion of the Phase Ic and Phase II investigations. For purposes of Section 4(f), archeological resources identified for I-69 Section 6 qualify for the Section 4(f) exception.



FHWA Section 4(f) regulations except archeological sites from Section 4(f) protection if the archaeological resource “is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place” per 23 CFR §774.13(b)(1). This exception from Section 4(f) is only effective if the “officials(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected” per 23 CFR §774.13(b)(2). Most archaeological resources qualify for this exception.

Commitments to mitigate adverse impacts to archaeological resources that are determined eligible for the NRHP as a result of the I-69 Section 6 project have been developed through a Memorandum of Agreement (MOA) between INDOT, FHWA, DHPA-SHPO, and consulting parties.

On September 12, 2017 a draft MOA was sent for review and comment to the DHPA-SHPO and all Section 6 consulting parties. Comments were received from DHPA-SHPO on October 16, 2017. After revisions to the MOA, the final version was circulated to the DHPA-SHPO and consulting parties on October 27, 2017. The DHPA-SHPO signed the MOA on November 3, 2017. INDOT, the project applicant, signed the MOA as an invited signatory on November 11, 2017. FHWA signed the MOA on November 13, 2017. All documentation referenced herein is provided in **Appendix M**.

8.3.3 Properties Not Eligible for Section 4(f) Protection

The applicability of Section 4(f) to nine other resources was taken into consideration, but they were found to be not eligible for Section 4(f) protection because they are not publicly owned recreation areas, do not contain a recreational resource available to the public or are not publicly owned wildlife/waterfowl refuges. These resources are the Cikana State Fish Hatchery, Martinsville Golf Club, Bluff Creek Golf Course, Millard Sutton/Amos Butler Audubon Sanctuary Nature Preserve, Center Grove Youth Baseball facility, U.S. Bicycle Route 50, Kamper Korner Lake Haven Retreat, Baptist Tabernacle Christian School, and Martinsville High School.

The Cikana State Fish Hatchery is divided into two units. The north unit is approximately 40 acres and located adjacent to SR 37, one mile north of SR 44. The east unit is approximate 78 acres and located adjacent to SR 44, one mile east of SR 37. The hatchery is publicly owned by the State of Indiana and maintained by IDNR. While public access is allowed, the property is not operated as a park, recreation area, or wildlife/waterfowl refuge. A meeting regarding potential impacts to the Cikana State Fish Hatchery was held at the north unit on August 11, 2015, between IDNR and INDOT. IDNR personnel indicated that the hatchery has a visitor area and allows the public to observe the ponds, but there are no activities or facilities specifically defined for recreational purposes on the property. The property is not a historic site or wildlife refuge. Because the Cikana State Fish Hatchery has no activities, features, or attributes that qualify the property for protection under Section 4(f), the requirements of Section 4(f) do not apply. Impacts to the Cikana State Fish Hatchery are addressed in **Section 5.22**.



The Martinsville Golf Club is located off SR 37 at Teeters Road, just northwest of the Cikana State Fish Hatchery north unit. The property consists of an 18-hole golf course, driving range, and club house. While public access is allowed, the property is privately owned and maintained. It was determined to not be a historical resource as part of the Section 106 consultation process with the DHPA-SHPO and consulting parties. Therefore, the requirements of Section 4(f) do not apply to the Martinsville Golf Club.

The Bluff Creek Golf Course is located west of SR 37 near Stones Crossing Road and Old SR 37. The property consists of an 18-hole golf course and banquet hall. While public access is allowed, the property is privately owned and was determined to not be a historical resource as part of the Section 106 consultation process with the DHPA-SHPO and consulting parties. Therefore, the requirements of Section 4(f) do not apply to the Bluff Creek Golf Course.

The Millard Sutton/Amos Butler Audubon Sanctuary Nature Preserve is located near I-69 Section 6. The nature preserve is a 76-acre forested floodplain located west of the White River approximately 0.7 mile west of SR 37 in Johnson County (Amos Butler Audubon, 2016). The nature preserve is privately owned by the Central Indiana Land Trust, Inc. and was purchased with funding from the Amos W. Butler Audubon Society, the Indianapolis Audubon Chapter. This property is a state-dedicated nature preserve, and while it could be considered a wildlife refuge, it is privately owned and public access is not allowed. Therefore, the requirements of Section 4(f) do not apply. No impacts would occur to the property.

The Center Grove Little League baseball facility is located off West CR 900 North, west of SR 37 and north of Smith Valley Road. The facility includes nine baseball diamonds, parking, and concession stands. The property is privately owned and maintained by Center Grove Youth Baseball, Inc. The requirements of Section 4(f) do not apply to the Center Grove Little League baseball facility.

A segment of the U.S. Bicycle Route 50 uses Southport Road, which travels through the I-69 Section 6 study area in Marion County. The U.S. Bicycle Route System is a national cycling route network consisting of inter-state, long-distance cycling routes that use multiple types of bicycling infrastructure, including off-road paths, bicycle lanes, and low-traffic roads. As with the U.S. numbered highway system for motorists, state and local governments maintain each U.S. Bicycle Route. The U.S. Bicycle Route System is intended to eventually traverse the entire country (INDOT, 2016).

U.S. Bicycle Route 50 in Indiana is a 160-mile route extending from the Illinois border, near Terre Haute, to Richmond on the Ohio border (INDOT, 2016). Although U.S. Bicycle Route 50 is mapped along Southport Road at SR 37, no designated bicycle lanes are present. At the June 3, 2016, meeting with Indianapolis Department of Parks and Recreation, the staff indicated that they provided a letter of support for the route. The final designation is made by the American Association of State Highway and Transportation Officials (AASHTO), which also coordinates the numbering of Interstate highways and U.S. Routes. The requirements of Section 4(f) do not apply to the U.S. Bicycle Route 50 because the facility is primarily used for transportation and the route is not a recreational area. All I-69 Section 6 alternatives include an interchange at I-69



and Southport Road, and in all cases the facility will be designed and constructed to accommodate pedestrian and bicycle traffic.

Lake Haven Retreat, also known as Kamper Korner, is a 22-acre recreational vehicle (RV) campground located approximately two miles south of Indianapolis at the intersection of SR 37 and Edgewood Avenue. The campground provides a 5-acre stocked lake used for fishing, RV camping sites, tent camping sites, an event hall and paddle boat rental. While public access is allowed, Lake Haven Retreat is privately owned. Therefore, the requirements of Section 4(f) do not apply to this property (Lake Haven Retreat, 2016).

Two schools, Martinsville High School and the Martinsville Baptist Tabernacle Christian School are located within and near I-69 Section 6 and would be impacted by the proposed project. Martinsville High School is publicly owned, but the portion of the property that would be acquired as part of the I-69 Section 6 project for the interstate, Grand Valley Boulevard, and sidewalk connection from Grand Valley Boulevard to the Martinsville High School does not contain recreational resources. Portions of the band practice field, adjacent grassed area, and the cross-county track would be acquired. The band practice field consists of a brick, two-story observation tower and an asphalt parking lot which is striped for parking. This portion of the property is not used for recreational activities. The cross-county track consists of mowed yard around the Martinsville High School which is used for sporting events. The mowed yard is not a recreational resource. In a letter dated September 12, 2016, (see **Appendix FF**) the Martinsville School District Superintendent indicated that the parking lot and mowed yard do not serve organized or substantial walk-on public recreational use. The parking lot and mowed yard are not of local significance for public recreational purposes. Therefore, no further 4(f) evaluation is necessary for the Martinsville High School.

The Martinsville Baptist Tabernacle Christian School does contain a playground associated with the school. However, neither the school nor the playground are publicly owned and therefore are not protected under Section 4(f).

8.4 Section 4(f) Use

A “use” can be either (1) permanent, (2) constructive, or (3) temporary [See 23 CFR §774.17]. The following is a summary of use of each of the Section 4(f) resources previously identified.

8.4.1 Parks and Recreation

For reference to parks and recreational 4(f) properties identified within the project vicinity see **Section 8.3.1**. Existing parks and recreation areas eligible for Section 4(f) protection are located within the project vicinity; however, there would be no Section 4(f) use of any of these properties as part of I-69 Section 6. In each case, there would be no right of way acquisition, therefore no permanent Section 4(f) use. For each park or recreation facility, the proximity of the



park or recreation facility to I-69 Section 6 and the primary use of the park or recreation facility are noted in **Table 8-1**.

Table 8-1: Parks and Recreation Facilities

Recreational Facility	Distance to I-69 Section 6 (miles)	Total Area (ac)	Official with Jurisdiction	Primary use of park
Southwestway Park	1.7	587	Indianapolis Department of Parks and Recreation	Sports and recreation, trails, picnic shelters
Glenns Valley Nature Park	0.3	30	Indianapolis Department of Parks and Recreation	Nature Park
Jimmy Nash City Park	0.6	113	Martinsville Parks and Recreation Department	Sports and recreation, pool, picnic shelters
Doris Daily Park	0.7	0.8	Martinsville Parks and Recreation Department	Green space and garden
Walter Martin Park	1.4	1.0	Martinsville Parks and Recreation Department	Greenspace
Victory Park.	0.5	0.4	Martinsville Parks and Recreation Department	Greenspace
Old Town Waverly Park	0.8	55	Morgan County Parks and Recreation	Greenspace, recreation
Independence Park	1.7	13.5	Johnson County Parks and Recreation	Recreation and playground
Henderson Ford White River public access site	0.2	13	Indiana Department of Natural Resources	Nature Park
Little Buck Creek Greenway	0.1	NA	Indianapolis Department of Parks and Recreation	Recreation/Trail

The Little Buck Creek Greenway is the closest Section 4(f) resource to I-69 Section 6, located 500 feet east of existing SR 37. The I-69 Section 6 design will accommodate future trail planning under I-69 to ensure trail connectivity can be maintained. The Little Buck Creek Greenway is the only recreational resource within the area included in the noise evaluation for I-69 Section 6. The primary use of the Little Buck Creek Greenway is as a recreation trail and an increase in noise levels at this location would not substantially impair the use of the resource.

Based on their distance from I-69 Section 6, proximity impacts to the remaining recreation resources would not be so severe that they substantially impair the protected activities, features, or attributes that qualify the resource for Section 4(f) protection, therefore there is no constructive use. Access would be maintained during and after construction to parks and



recreational facilities, and there would be no temporary occupancy, therefore no temporary Section 4(f) use.

In addition to the Little Buck Creek Greenway, three additional trails are proposed within the project vicinity: White River Greenway (Wapahani Trail) in Marion County, White River Greenway in Morgan County, and the Martinsville Bike-Pedestrian Bypass. Coordination with the organizations with jurisdiction is ongoing regarding these planned trails, and the I-69 Section 6 design will accommodate future trail planning as appropriate to ensure no Section 4(f) use occurs. The following is a summary of coordination to date regarding these trails and anticipated actions to ensure no Section 4(f) use occurs.

The Little Buck Creek Greenway has two existing sections that extend between Mann Road and Bluff Road along the north side of Little Buck Creek, just north of and parallel to Southport Road. When completed, the trail will be approximately three miles long, beginning in Perry Township and connecting to the White River Greenway and Southwestway Park in Decatur Township. For reference see **Appendix FF**. The existing Little Buck Creek Greenway is not continuous through the I-69 Section 6 project area, as it stops approximately 550 feet east of SR 37 and 1,300 feet west of SR 37. The Little Buck Creek Greenway is shown as a planned crossing of SR 37 in the *Indy Greenways Master Plan* (May 2014).⁵

The I-69 Section 6 project team met with the Indianapolis Parks and Recreation staff on June 3, 2016, to discuss the planned trails. They indicated that where the trail crosses I-69, an underpass rather than a bridge would be preferred to provide connectivity across the interstate. The underpass could be included with the I-69 bridge(s) over Little Buck Creek. Indianapolis Department of Parks and Recreation staff recommended following the underpass standards in the *Indy Greenways Master Plan*. In addition, they asked that the bridge design not direct drainage onto the trail. There is not yet a specific construction timeframe for the Little Buck Creek Greenway, but it would likely be after 2020.

No temporary occupancy of the Little Buck Creek Greenway would be required for I-69 Section 6 construction, and connectivity would be provided in the project design. No Section 4(f) use of this resource is anticipated for the I-69 Section 6 project.

The White River Greenway (Wapahani Trail) does not currently exist within the I-69 Section 6 study area, but an extension of the existing trail into the study area is proposed. The existing trail is approximately 4.75 miles long, starting at Riverside Regional Park at 38th Street and following the White River south to White River State Park (outside of the I-69 Section 6 study area). The Indianapolis Department of Parks and Recreation has jurisdiction over this resource.

Currently, the White River Greenway links with the Central Canal Towpath and passes by several Indianapolis cultural and educational attractions including the Indianapolis Museum of Art, the Lake Sullivan Sports Center, IUPUI, the Downtown Canal Walk, the White River State

⁵ <https://indygreenwaysmasterplan.wordpress.com/full-circle-master-plan-2/>



Park, and the Indianapolis Zoo. Trail users can also access the Monon Trail via the Central Canal Towpath at 30th Street. With approximately 18 more miles planned, it will eventually connect to Fall Creek, Eagle Creek, Pleasant Run, and Little Buck Creek Greenways. The next planned improvement will be the extension from the Indianapolis Zoo south to Raymond Street (Indy Parks and Recreation (3), 2016).

The Indy Greenways Master Plan (May 2014) shows a segment of the proposed White River Greenway along the White River and under the I-465 bridge within the I-69 Section 6 study area. The I-69 Section 6 project would replace and widen the bridge deck and widen the substructure. This bridge work is not anticipated to affect future trail construction under the bridge.

In a meeting on June 3, 2016, staff of the Indianapolis Department of Parks and Recreation described the importance of the White River Greenway for providing connectivity from downtown to Southwestway Park. There is not a specific timeframe for constructing the White River Greenway at the I-465 bridge, but it would likely be after 2020.

The White River Greenway has not yet been constructed within the I-69 Section 6 study area. No right of way associated with the trail would be acquired, and no temporary occupancy of the trail would be needed to construct I-69 Section 6. Construction activities on the I-465 bridges is not anticipated to affect construction of a trail under the bridge. For these reasons, no Section 4(f) use of this proposed resource is anticipated.

The *Morgan County Parks and Recreation 2015-2019 Master Plan*⁶ includes a proposed White River Greenway trail west of SR 37 along the White River, from the Morgan/Johnson County line to Henderson Ford Road. Morgan County Parks and Recreation would have jurisdiction over this resource if it is constructed. The vision for the White River Greenway is to create a multiuse greenway corridor that would parallel the White River. Walking, biking, and running would be encouraged on the route.

The potential also exists to construct parallel equestrian trails along the route, either initially or as a future phase of the project. In addition, this segment is planned as a water trail for canoeing, rafting or otherwise boating on the White River. I-69 Section 6 does not cross the White River and would not have a Section 4(f) use on this proposed planned recreational trail or “water trail.” This trail is a continuation of the White River Greenway in Marion County and would be publicly owned. No right of way associated with the trail would be acquired, and no temporary occupancy of the trail would be needed to construct I-69 Section 6. For these reasons, no Section 4(f) use of this proposed resource is anticipated.

The Morgan County Parks and Recreation Five-Year Master Plan (2015) recommends a Martinsville Bike-Pedestrian Bypass for I-69 that uses and upgrades rights of way of some existing county roads and city streets, in combination with some new right of way to create a bicycle and pedestrian trail. Morgan County Parks and Recreation would have jurisdiction over

⁶ <http://morgancountyparks.org/documents/FiveYearPlanMorganCounty2015.pdf>



this resource. The bike-pedestrian bypass would be located east of I-69. Ideally, it would start at least as far south as the proposed interchange at Godsey Road or Liberty Church Road and extend at least as far north as the Henderson Ford Road interchange. This proposed trail does not cross or intersect I-69 Section 6, so there would be no Section 4(f) use of this facility.

8.4.2 Historic Resources

The I-69 Tier 1 FEIS did not identify the use of any Section 4(f) resources for the Preferred Alternative 3C corridor. The Tier 1 ROD (Section 4.5) stated that “[b]ased on existing information, all of the corridors appear to be substantially equal in terms of their overall potential for harm to Section 4(f) resources. In these circumstances, Section 4(f) does not limit the choice of alternatives.” It did acknowledge that further investigation of aboveground historic properties and archaeological sites will be conducted in Tier 2 NEPA studies, and these studies will definitively determine the presence and exact location of any aboveground or archaeological historic properties that may be present in the selected corridor.

Alternatives developed for the I-69 Section 6 avoid direct use and temporary occupancy of Section 4(f) historic properties listed in **Section 8.3.2** except for the portion of the project along I-465 at the Southside German Market Gardeners Historic District. Within the Southside German Market Gardeners Historic District, which has been determined to be eligible for listing in the NRHP, acquisition of right of way will occur due to widening of I-465. Right of way acquisition is unavoidable in this location as I-465 bisects the historic district.

For the remaining 15 historic properties, the project would not result in a direct or temporary use of any of these resources. Proximity impacts to these 15 historic properties were considered and it was concluded that these impacts would not be so severe that the activities, features, or attributes that qualify these resources for protection under Section 4(f) would be substantially impaired per 23 CFR § 774.15(a). Therefore, there will be no constructive use of these remaining 15 resources in accordance with 23 CFR §774.15(f)(1).

Morgan County Bridge No. 224, Marion County Bridge 4513 F, and Morgan County Bridge 166 are eligible for the NRHP and are part of the existing transportation system. The proposed project would not result in an adverse effect to these three eligible historic bridges. Per 23 CFR §774.13(a), FHWA determined that Section 4(f) approval is required only when a listed or eligible historic bridge is adversely affected by the proposed project. As it has been determined there is no adverse effect to these bridges, no Section 4(f) approval is required. See **Appendix M** for a summary of the *Historic Property Report Additional Information, I-69 Evansville to Indianapolis: Tier 2 Studies Section 6* (Weintraut & Associates, Inc., 2015).

The Southside German Market Gardeners Historic District was identified in *Historic Property Report Additional Information, I-69 Evansville to Indianapolis: Tier 2 Studies Section 6* (Weintraut & Associates, Inc., 2015) as a historic district that is eligible for inclusion in the NRHP. This district is comprised of mid-century “truck farms” established by German immigrants along Bluff Road. A truck farm is a small farm devoted to the production of



vegetables for the local market. These market gardeners sold fresh produce in Indianapolis, but also shipped their produce by rail to more distant markets. The district is comprised of small fields/gardens, greenhouses, barns, sheds, and houses.

I-465 is an existing feature within the Southside German Market Gardeners Historic District. The proposed project is expected to acquire permanent right of way along I-465 within the historic district and removal of the contributing house at 4401 Bluff Road will result in a Section 4(f) direct use of this resource. See **Figure 8-2**. The residence at 4401 Bluff Road may be acquired as a hardship acquisition. A Categorical Exclusion and 4(f) determination for the acquisition is included in **Appendix FF**.

Figure 8-2: Views of 4401 Bluff Road with I-465 in Background



In addition to physical right of way acquisition and removal of a contributing house within the Southside German Market Gardeners Historic District, other factors such as noise and visual effects were evaluated to determine if there was an adverse effect on the historic district.



Within the Southside German Market Gardeners Historic District, existing noise levels were modeled at 69.7 Leq, dBA. In the design year of 2045 modeled noise levels are 67.0 Leq, dBA with a noise barrier and 70.1 Leq, dBA without a noise barrier. The existing and predicted noise levels exceed the stated criteria of 66 dBA in the existing condition and in the future condition. Based on the analysis, the predicted noise levels will not cause an additional adverse effect to the Southside German Market Gardeners Historic District.

The project would widen and raise I-465 and replace and widen the I-465 bridge over Bluff Road. In order to complete the widening, a retaining wall would be used along the south side of I-465, a vegetated side-slope would be constructed along the north side I-465 to the west of Bluff Road, and a combination of a vegetated side-slope and retaining walls would be constructed along north side of I-465 to the east of Bluff Road. The contributing house located at 4401 Bluff Road would be removed as part of the side-slope construction. The addition of the retaining walls and the removal of a structure will cause an adverse visual effect to the Southside German Market Gardeners Historic District.

The project will have a Section 106 adverse effect on the Southside German Market Gardeners Historic District due to removal of the structure at 4401 Bluff Road and additional visual impacts. The proposed project is expected to acquire permanent right of way along I-465 within the Southside German Market Gardeners Historic District resulting in a Section 4(f) direct use of this resource.

Section 5.13 describes effects to historic properties. The project would not result in an adverse effect to remaining historic properties with the exception of the Reuben Aldrich Farm. The remaining historic properties will not experience an adverse effect and therefore will not experience an impact which would be so severe that they substantially impair the protected activities, features, or attributes that qualify the resource for Section 4(f) protection, therefore there is no constructive use.

The Reuben Aldrich Farm is located west of SR 37 along Old SR 37 near Tunnel Road in Morgan County. It is located approximately 1,300 feet west of I-69 Section 6 which is the nearest project component. Per the Section 106 Effect Finding, the setting of the Reuben Aldrich Farm would be impacted by the increase in traffic in front of the Reuben Aldrich Farm, resulting in an adverse effect on this property. However, as the Reuben Aldrich Farm is located on Old SR 37, which historically was the main route past this farm, the change in setting is not large enough that the resource will experience an impact which would be so severe that it would substantially impair the protected activities, features, or attributes that qualify the resource for Section 4(f) protection, therefore there is no Section 4(f) constructive use.

8.4.3 Identification of Alternatives

The alternatives studied in detail in **Chapter 3, Alternatives** are the result of an iterative process that began in 2004. This evaluation was conducted to identify the range of reasonable alternatives for detailed study and considered impacts, including direct or constructive use, on resources afforded protection under Section 4(f). In addition to alternatives discussed in **Chapter**



3, Alternatives, an evaluation was completed with regards to configuration of interchanges along I-465 and treatment of the I-465 widening to eliminate or reduce impacts to the Southside German Market Gardeners Historic District. This section details alternatives evaluated.

8.4.4 Consideration of Alternatives

Prior to consideration of any alternative which results in the use of Section 4(f) property, Section 4(f) requires evaluation of a reasonable range of feasible and prudent alternatives which avoid the use of Section 4(f) property, including the no-build alternative. Feasible and prudent avoidance alternatives are those that avoid using any Section 4(f) property and do not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property. An avoidance alternative is not considered feasible if it cannot be constructed as a matter of sound engineering judgment. An avoidance alternative is not considered prudent if:

- It compromises the project to a degree that it is unreasonable to proceed in light of the project's stated purpose and need (i.e., the alternative does not address the purpose and need of the project);
- It results in unacceptable safety or operational problems;
- After reasonable mitigation, it still causes severe social, economic, or environmental impacts; severe disruption to established communities; severe or disproportionate impacts to minority or low-income populations; or severe impacts to environmental resources protected under other Federal statutes;
- It results in additional construction, maintenance, or operational costs of extraordinary magnitude;
- It causes other unique problems or unusual factors; or
- It involves multiple factors as outlined above that, while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

If the evaluation of avoidance alternatives identifies a feasible and prudent alternative that would not result in the use of Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property, Section 4(f) requires that it be selected as the preferred alternative.

If the evaluation of avoidance alternatives concludes that there is no feasible and prudent avoidance alternative, then, from among the alternatives that would use Section 4(f) property, the alternative that causes the least overall harm to Section 4(f) property may be approved. This analysis is required when multiple alternatives that use Section 4(f) property remain under consideration. If the assessment of overall harm finds that two or more alternatives are substantially equal, FHWA can approve any of those alternatives. To determine which of the alternatives would cause the least overall harm, seven factors set forth in 23 CFR §774.3(c)(1) must be balanced. When comparing the alternatives under these factors, comparable mitigation



measures are considered. The first four factors relate to the net harm that each alternative would cause to Section 4(f) property:

- The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property);
- The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;
- The relative significance of each Section 4(f) property; and
- The views of the officials with jurisdiction over each Section 4(f) property.

The remaining three factors to be compared take into account any substantial problem with any of the alternatives remaining under consideration on issues beyond Section 4(f). These factors are:

- The degree to which each alternative meets the purpose and need for the project;
- After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- Substantial differences in costs among the alternatives.

By balancing the seven factors, all relevant concerns are considered to determine which alternative would cause the least overall harm to Section 4(f) property, which allows FHWA to fulfill its statutory mandate to make project decisions in the best overall public interest.

This Section 4(f) evaluation discloses the various impacts to Section 4(f) property that would result from the alternatives under consideration.

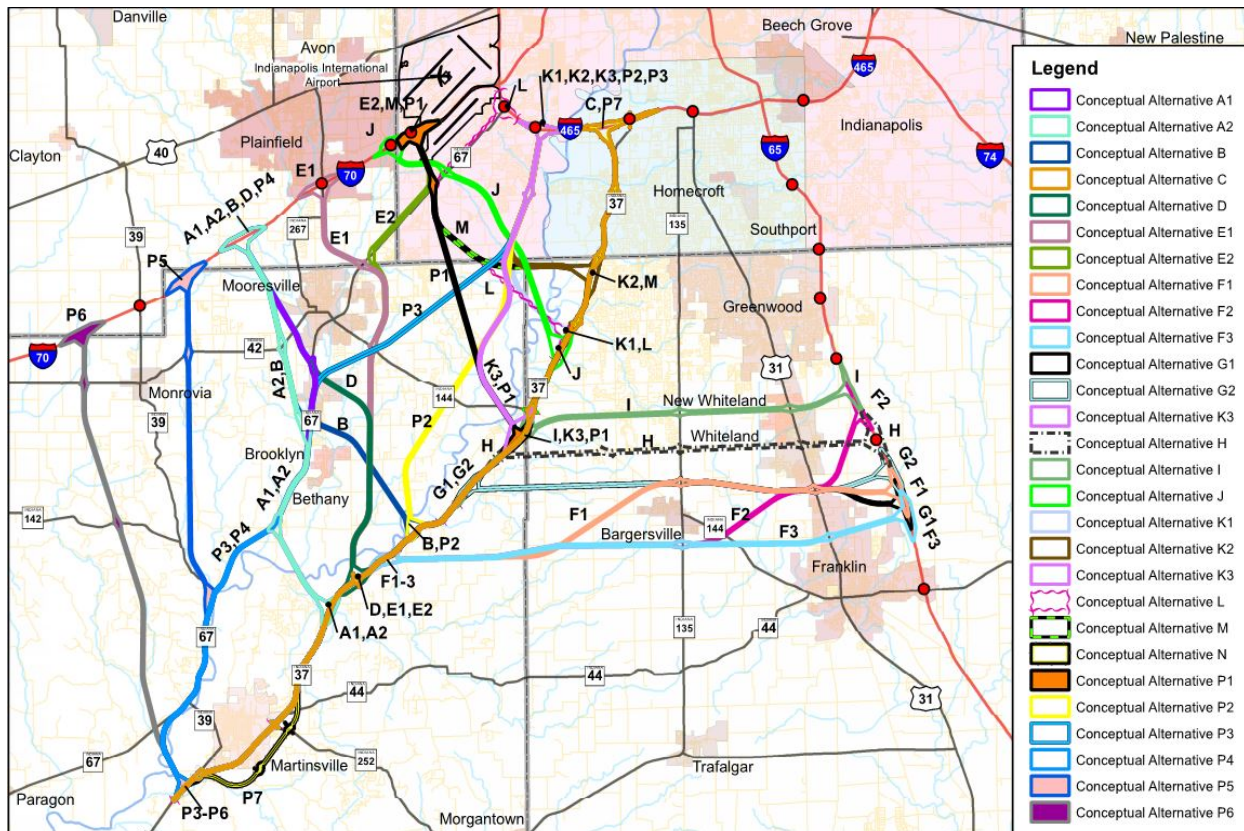
8.5 Development and Evolution of Alternatives Considered

8.5.1 Conceptual Alternatives

During the scoping process, FHWA affirmed that alternatives outside the SR 37 corridor would be reviewed along with the Tier 1 Alternative 3C (Alternative C in this EIS) to determine whether they should be considered as reasonable alternatives. Twenty-six initial conceptual alternatives in addition to Alternative C were identified at the beginning of the alternatives development process. These initial conceptual alternatives are shown in **Figure 8-3**.



Figure 8-3: Initial Conceptual Alternatives



Each initial conceptual alternative was drawn with a 400-foot wide footprint to represent the estimated area of direct impacts. Footprints were widened at potential interchange locations. Engineers and environmental scientists reviewed the alternatives to identify appropriate interchange locations and spacing, consider freeway design and local access requirements, and minimize impacts to environmental resources identified by geographic information system (GIS) data and aerial photography. Wetlands, floodplains, forest, businesses, residential properties, managed lands, and other land uses were considered in developing the alternatives.

Maps showing the location of environmental resources and a preliminary listing of qualitative advantages and disadvantages were developed for each initial conceptual alternative. This list of advantages and disadvantages is included in the *Conceptual Alternatives Evaluation Report*, located in **Appendix CC** including impacts to recreational facilities and historic resources.

Examples of the advantages identified were re-use of state owned right of way or infrastructure, lower levels of impact on the natural environment, P2 than the other alternatives, and better service to regional destinations such as Indianapolis International Airport. Example disadvantages included direct impacts to large numbers of residential or commercial properties, direct impacts to protected Indiana bat habitat mitigation areas, and costly or highly impactful interchange



configurations. The study team⁷ conducted preliminary reviews of the 26 initial conceptual alternatives to identify alternatives that should be eliminated based on engineering or environmental impacts or due to a clear lack of advantage over other alternatives. Use of Section 4(f) properties was one environmental impact which was considered. Half of the alternatives were eliminated in this review. The SR 37 alternative (Alternative C) and 13 conceptual alternatives remained.

The conceptual alternatives were evaluated based on satisfaction of purpose and need, environmental impacts, relative cost, and comments received from agencies and the public. The process is described in the *Preliminary Alternatives Selection Report*, located in **Appendix DD**.

8.5.2 Preliminary Alternatives

The result of the conceptual alternatives screening process was the identification of five preliminary alternatives for further refinement and continued screening, as shown in **Figure 8-4**. Two alternatives (B and D) would link the SR 37 corridor to I-70 west of Indianapolis International Airport. Two alternatives (K3 and K4) would link the SR 37 corridor to I-465 near Mann Road. One alternative (C) would follow the SR 37 corridor from Martinsville to I-465.

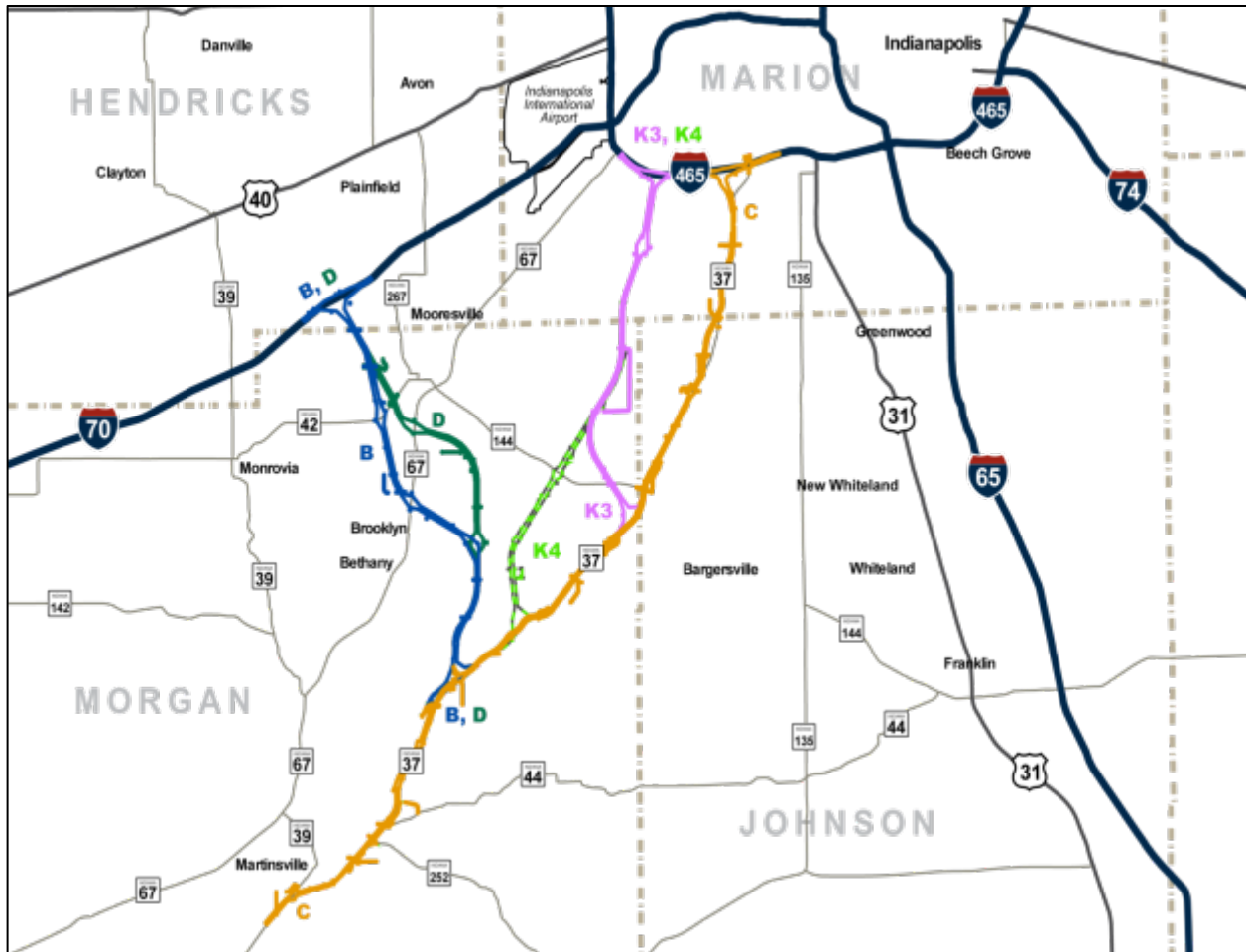
The five preliminary alternatives all originate just south of SR 39 in Martinsville and follow the SR 37 corridor for at least 9 miles. From this point, they vary in alignment and interchange connection points with I-465. The preliminary alternatives evaluated are as follows.

- **Alternative C:** Follows SR 37 from south of SR 39 to I-465.
- **Alternative B:** Follows SR 37 for about 9 miles then leaves SR 37 on new alignment near Henderson Ford Road, crossing SR 67 between Bethany and Brooklyn, to a point on I-70 west of Plainfield, then along I-70 to I-465.
- **Alternative D:** Follows a route similar to Alternative B, with a variation in the route to cross SR 67 just south of Mooresville.
- **Alternative K3:** Follows SR 37 for about 17 miles, then extends westerly from a point just south of SR 144 on new terrain to cross the White River, then parallel to SR 37 on the west side of the river to interchange with I-465 at Mann Road.
- **Alternative K4:** Follows a route similar to K3, except that it leaves SR 37 about 6 miles closer to Martinsville (just north of Cragen Road) before crossing the White River and proceeding north to interchange with I-465 at Mann Road.

⁷ The study team consists of INDOT project management and engineering/environmental professionals from INDOT, FHWA, HNTB Corporation and Lochmueller Group.



Figure 8-4: Preliminary Alternatives



Each preliminary alternative was evaluated based on its ability to meet purpose and need performance measures identified for the project. Alternatives were also evaluated based on relative cost, with Alternative C used as a baseline for comparison. Additionally, impacts to the natural and human environment were compared. The natural environment includes resources such as streams, wetlands, and forests. The human environment includes historic properties, archeological sites, and land parcel impacts.

The preliminary alternative evaluation indicated that Alternative C would have the least effect on known above ground resources and the highest impact on archaeological sites compared to the other preliminary alternatives. This evaluation was based on known historic sites including archaeological sites on or eligible for the NRHP as determined from previous studies, the State Historic Architectural and Archaeological Research Database (SHAARD) and windshield surveys. This evaluation was a preliminary evaluation as sites not previously identified may be



present within the study corridors. Effects included property acquisition and did not include an evaluation of noise or visual effects.

All preliminary alternatives evaluated resulted in a Section 4(f) use of a historic resource on or eligible for listing on the NRHP. The preliminary alternative evaluation indicated that Alternative C could result in the Section 4(f) use of two above ground historic sites and 26 archaeological sites compared to four above ground historic sites and five archaeological sites for Alternative B; five above ground historic sites and 14 archaeological sites for Alternative D; three above ground historic sites and 15 archaeological sites for Alternative K3; and five above ground historic sites and 12 archaeological sites for Alternative K4.

Alternatives K3 and K4 would impact the Nicholson-Rand House near Southport and Mann Roads, which is listed on the NRHP, likely resulting in a total acquisition and Section 4(f) use of this property. Alternative C was found to have fewest Section 4(f) uses of each of the preliminary alternatives which factored into its selection as the reasonable alternatives corridor. Part 1 of the *Preliminary Alternatives Screening Report* provided in **Appendix EE** describes the preliminary alternatives screening process and results in detail.

The review of performance measures, relative cost, and environmental impact, along with public and agency input, was used to determine that Alternatives B, D, K3 and K4 should be eliminated from further consideration. Alternatives B and D were eliminated due to greater impacts to endangered species and three historic properties, and more right of way acquisition when compared to Alternative C. Alternatives K3 and K4 were eliminated due to excessive cost and greater impacts to endangered species, historic properties, floodways, wetlands, and forests when compared to Alternative C. All reasonable alternatives advanced for evaluation in the Tier 2 EIS would follow the Alternative C route (SR 37). This corresponds to the alternative selected in the I-69 Tier 1 ROD, referred to in that document as Alternative 3C.

8.5.3 Reasonable Alternatives

Sections 3.6 and **3.7** detail the reasonable alternatives that were evaluated in the DEIS. Alternatives are defined by design features, roadway alignments and configurations within the SR 37 corridor including the I-69 mainline, interchanges and local service roads.

Impacts were considered in the layout of three alternatives using GIS data and preliminary right of way footprints.⁸ Efforts were made to minimize impacts to wetlands, floodplains, Section 4(f) resources, and relocations. These three alternatives were described as “alternative alignments” in

⁸Previously considered alignments were reviewed as these three alternatives were developed. The previous alignments were developed for the SR 37 corridor and presented in 2006. Many of the options from the previously considered alignments were incorporated into the alternatives described here.



the *Preliminary Alternatives Screening Report* (**Appendix EE**), and were presented at public meetings on April 4, 2016, and April 5, 2016.⁹

The alternatives were structured to include the full range of project components that may comprise the preferred alternative. These components include the I-69 mainline, interchanges and local service road configurations. Detailed descriptions of three alternatives, referenced as Alternative C1, C2, and C3, are provided in **Section 3.6** and maps of each of the alternatives are provided at the end of **Chapter 3, Alternatives**.

Following the public presentation of Alternatives C1, C2, and C3, an opportunity for comment was provided to local units of government as well as public and agency stakeholders. Based on this input and more detailed evaluation of some features, a fourth alternative, referred to as Alternative C4 was developed as the preferred alternative.¹⁰ All four alternatives (C1, C2, C3, and C4) were carried forward for identification of impacts in **Chapter 5, Environmental Consequences** and evaluation in **Chapter 6, Comparison of Alternatives**, of the DEIS.

Alternatives C1, C2, C3, and C4 avoided a Section 4(f) use for historic and recreational resources along the mainline of I-69 Section 6 and I-69 Section 6 interchanges, grade separations and local access roads. The Section 4(f) use of the Southside German Market Gardeners Historic District is associated only with the improvements along I-465. This Section 4(f) use is similar for each of the four reasonable alternatives. Due to the improvements to the existing I-465, no reasonable and prudent alternatives would avoid a Section 4(f) use of the Southside German Market Gardeners Historic District and none of the previously considered preliminary alternatives that met the project's purpose and need could avoid a Section 4(f) use. For reference to the evaluation of alternatives in this location see **Section 3.6.8** and **Section 3.7.8**.

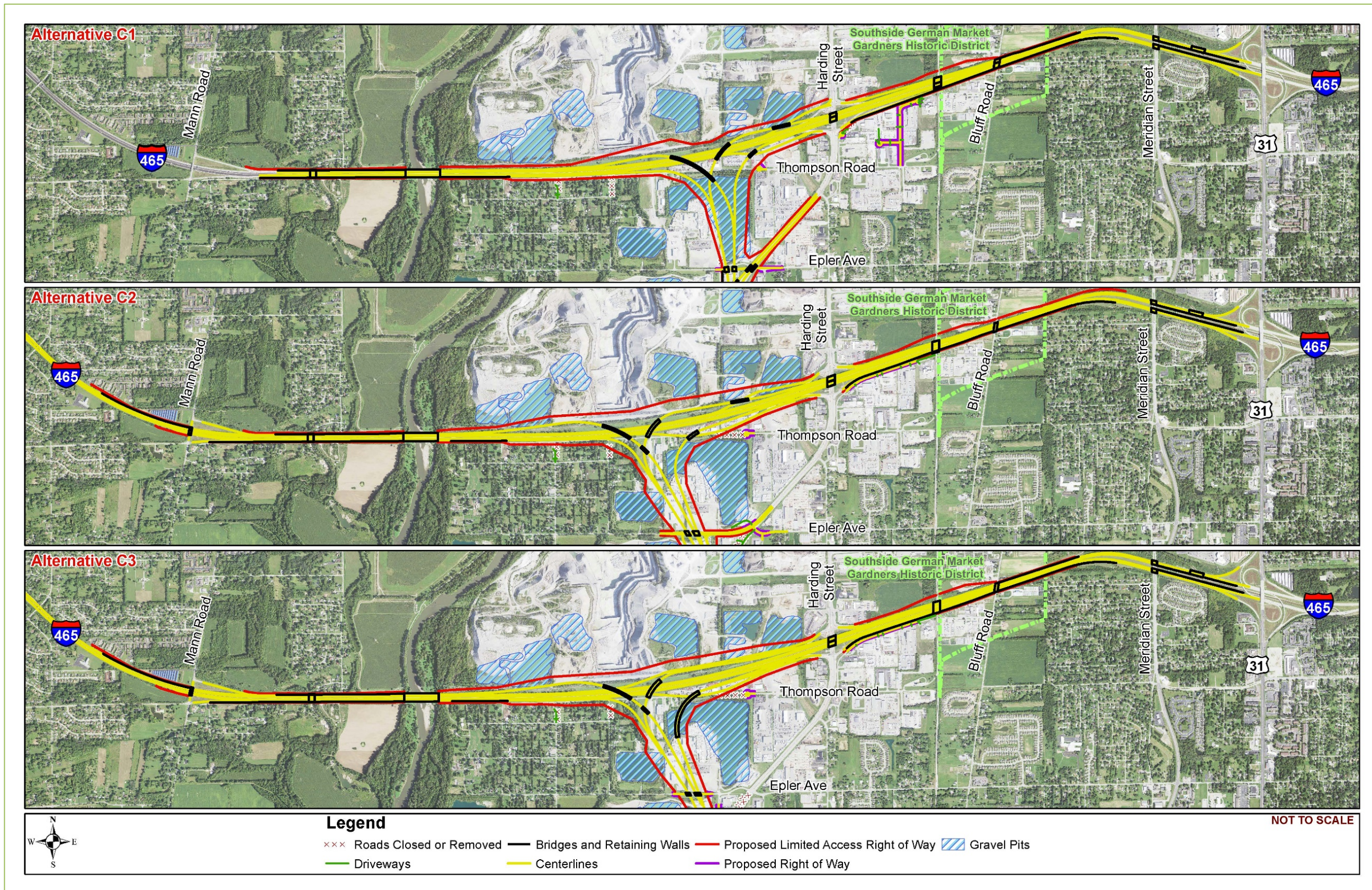
As an “interstate to interstate” connection, the system interchange between I-69 and I-465 would be designed to standards associated with a 55-mph design speed. Three optional configurations of the I-69/I-465 interchange have been defined. With Alternative C1, I-69 would be aligned through the existing gravel pits to avoid the businesses on the west side of SR 37 and to minimize impacts to the Sunshine Gardens neighborhood further west. With Alternatives C2 and C3, I-69 would be shifted west of existing SR 37 to minimize impacts to the gravel pits. See **Figure 8-5**.

Each alternative investigated along I-465 resulted in a Section 4(f) use of the Southside German Market Gardeners Historic District. Variations in impacts between alternatives evaluated included access, impacts to business, impacts to the Sunshine Gardens neighborhood, impacts to gravel pits, and use of retaining walls to minimize the I-465 and I-69 Section 6 right of way.

⁹ Public information meetings were held on April 4, 2016 at Center Grove Middle School and April 5, 2016 at Martinsville High School.

¹⁰ Minor adjustments were also made to Alternatives C1, C2 and C3 based on the same input at this stage. These adjustments are reflected in the description of alternatives in this section.

Figure 8-5: Alternatives C1, C2, and C3 - I-465 at I-69 and SR 37





8.5.3.1 Refined Preferred Alternative

Alternative C4, as described in **Section 3.7**, was identified as the preferred alternative in the DEIS. The RPA retains most of the features of Alternative C4, with refinements based on public and agency input, more detailed technical evaluation, and value engineering studies. Within the Southside German Market Gardeners Historic District there have been no changes from Alternative C4 to the RPA. The RPA, as defined in **Chapter 3, Alternatives**, is the basis of the final impact measures presented in this FEIS and is the alternative included in the Record of Decision.

Alternative C4 was presented as the preferred alternative of the DEIS in formal public hearings held on April 6, 2017, at Perry Meridian High School, and on April 10, 2017, at Martinsville High School. Comments on the DEIS and the preferred alternative were requested during the period March 17, 2017, to May 8, 2017. Additional comments from key stakeholders and local government officials received soon after as part of ongoing coordination were also accepted. **Volume III, Comments and Responses**, of this FEIS presents all substantive comments, categorized by sender as federal agency (AF); state agency (AS); local government (LG); public input - organization (PO); and public input - individual (PI). Responses to each comment are also provided in **Volume III, Comments and Responses**.

The RPA was presented in a series of meetings over three nights in September 2017, so that the public could learn of refinements made to the preferred alternative in the DEIS, and comment before changes were described in the FEIS. A comment period extended through September 29, 2017. See **Chapter 11, Comments, Coordination, and Public Involvement** for a description of the meetings, and **Volume III, Comments and Responses**, to review the actual comments received following these meetings.

To define the RPA, technical adjustments were made to design details of Alternative C4 to better define anticipated project elements and construction limits. In some cases, these technical adjustments were made in response to comments. In other cases, they were based on more detailed information developed after the DEIS preferred alternative had been identified. Although this level of detail was not required for alternatives evaluation, it is reasonable at this stage to provide a more precise measure of impacts and right of way definition for the selected alternative of the FEIS.

After the design elements of Alternative C4 were adjusted based on public and agency comments, and initial technical refinements were complete, a Value Engineering Study was conducted in accordance with FHWA and INDOT policy.¹¹ The purpose of the review was to

¹¹ Value engineering is defined by FHWA as “a systematic process of review and analysis of a project, during the concept and design phases, by a multidiscipline team of persons not involved in the project, that is conducted to provide recommendations for providing the needed functions safely, reliably, efficiently, and at the lowest overall cost; improving the value and quality of the project; and reducing the time to complete the project.” (<https://www.fhwa.dot.gov/ve/>). FHWA requires value engineering analysis for projects on the National Highway System with an estimated cost of \$50 million or more.



identify adjustments that might reduce construction cost or construction time without compromising the function of the design in meeting the project purpose and need. The review team was comprised of qualified and experienced professionals that had no previous direct involvement in project development. Based on value engineering recommendations, further refinements were made to the RPA. The changes to the RPA did not impact additional 4(f) resources or change previous 4(f) impacts.

8.5.4 Development of Individual Section 4(f) Evaluation Alternatives

Use of a Section 4(f) property by the I-69 Section 6 alternatives is limited to the I-465 area in the vicinity of the Southside German Market Gardeners Historic District. Therefore, the discussion of alternatives in this section is limited to those considered along I-465. Alternatives developed to avoid or inflict the least harm involving the use of Southside German Market Gardeners Historic District property fall into the following two categories.

1. Variations of I-465 mainline including reducing number of lanes, reducing shoulder widths, shifting the alignment, bridging, and using retaining walls.
2. Variations of the I-465 interchanges with Harding Street and I-69 Section 6.

As referenced in **Section 8.4.2**, any required right of way needed for I-465 improvements would require the acquisition of property from the Southside German Market Gardeners Historic District since existing I-465 bisects the historic resource today. Avoidance and least harm alternatives are described below.

8.5.4.1 Development of Avoidance Alternatives

Three alternatives were identified to avoid a Section 4(f) use of the Southside German Market Gardeners Historic District. None of the avoidance alternatives were found to be both feasible and prudent. The reasons for eliminating each alternative are summarized in **Table 8-2**.

No-Build Alternative

A Section 4(f) use would not occur if the I-69 Section 6 project were not constructed. However, the no-build alternative for I-69 was eliminated from consideration during the Tier 1 EIS and ROD because it did not meet the purpose and need. The no-build alternative is not prudent and was eliminated from consideration.

No Widening of I-465

An alternative with no widening of I-465 adjacent to the Southside German Market Gardeners Historic District while still constructing I-69 Section 6 would avoid the use of the historic district. This avoidance alternative would maintain existing I-465 with the existing three lanes in each direction with no improvements. Projected future traffic will require five lanes in each direction to meet minimum criteria for design and level of service. Five travel lanes, including an



Table 8-2: Avoidance Alternatives Developed

Alternative	Feasible and Prudent	Section 4(f) Use and Reason for Elimination	Eliminated or Carried Forward
No-Build	Not Prudent	Eliminated from Tier 1 EIS	Eliminated
No widening of I-465	Not Prudent	Does not meet purpose and need to “improve traffic safety” and “reduce existing and forecasted traffic congestion” because projected level of service on I-465 would not meet design criteria.	Eliminated
Extend the I-465 bridge over Bluff Road to span the Southside German Market Gardeners Historic District.	Feasible Not Prudent	This alternative would avoid a Section 4(f) use of the Southside German Market Gardeners Historic District. This alternative is not prudent as the additional construction costs, long term maintenance costs, and intrusive nature of a half mile bridge elevated above the district would cumulatively cause unique problems or impacts of extraordinary magnitude.. The estimated cost difference between this bridge alternative and the preferred alternative would be approximately \$35M. The intrusive impacts of I-465 through the historic district is an existing adverse effect. Spanning the Southside German Market Gardeners Historic District would aggravate the intrusion of the interstate in the district.	Eliminated

auxiliary lane, would be required in each direction to allow for smooth merging and diverging of vehicles at the Mann Road, I-69, Harding Street, and US 31 interchanges. This avoidance alternative would not meet the purpose and need of the project to reduce existing and forecasted traffic congestion or improve traffic safety. For this reason, this avoidance alternative is not prudent and was eliminated from further consideration.

Extend the I-465 Bridge over Bluff Road to Span the Southside German Market Gardeners Historic District

An alternative to construct bridges for I-465 to span the Southside German Market Gardeners Historic District in its entirety avoids right of way acquisition and the Section 4(f) use. In this alternative, I-465 is widened to five lanes in each direction. The Bluff Road bridges spanning the historic district, one for eastbound I-465 and one for westbound I-465, would be approximately 2,700 feet longer than the existing bridge over Bluff Road. These larger bridges would cost approximately \$35M more than the reasonable alternative bridges and would cost more to maintain in the future than an elevated roadway.

The I-465 bridge over Bluff Road would involve constructing two additional lanes in each direction and raising the grade of I-465 up to 3 feet above the existing elevation in order to meet vertical clearance requirements at Bluff Road and I-465. The existing vertical clearance of the I-465 bridge over Bluff Road is two feet four inches less than is required by current design criteria in accordance with the Indiana Design Manual (IDM). Since the bridge will be widened to



accommodate the added lanes on I-465, the vertical clearance must be increased by approximately three feet resulting in the need to raise I-465 by the same amount. In addition, bridges at Harding Street, SR 135 and the Indiana Rail Road do not meet the current IDM design standards resulting in reconstruction of those bridges and raising of I-465 in those locations.

Though no right of way acquisition from the Southside German Market Gardeners Historic District would be required, this alternative does not eliminate the adverse effect of I-465 on the Southside German Market Gardeners Historic District. In a letter dated September 1, 2016, the DHPA-SHPO offered the following comment on the intrusion of I-465 and the impact of raising the bridges indicating raising the bridge will be increase the adverse effect. A copy of the letter is provided in **Appendix FF**.

The construction of I-465 through what only later was recognized as a historic district had a greater impact than any of the alternatives for improving that part of I-465 would [have]. Elevating the I-465 bridges over Bluff Road will tend to aggravate the intrusive nature of the highway.

Due to the cost of the bridge construction to extend the structures and the intrusive impact on the historic district of raising the structures, this avoidance alternative was found to not be prudent and is eliminated from further consideration.

No feasible and prudent avoidance alternatives were identified that avoid the use of the Southside German Market Gardeners Historic District.

8.5.4.2 Development of Least Overall Harm Alternatives

A wide variety of alternatives were considered in an attempt to avoid or minimize impacts to the Southside German Market Gardeners Historic District. None of the various alternatives considered completely avoided the use of the historic district due to the proximity of I-465. This evaluation indicated that the use of the historic district is directly related to the number of lanes necessary for I-465 and widening of the interstate and not the configuration of the system interchange of I-69 and I-465 or the interchange of Harding Street with I-465. Therefore, alternatives screened which involved various locations of interchanges were not successful in eliminating or reducing the Section 4(f) use.

Alternatives considered to provide the least overall harm to the Southside German Market Gardeners Historic District property are summarized in **Table 8-3**.

Narrow the Shoulders on I-465

A least harm alternative was developed which includes narrowing of the shoulders of I-465 in the vicinity of Southside German Market Gardeners Historic District. Providing narrower shoulders than existing would not meet the purpose and need to improve safety. For this reason, this alternative is eliminated from further consideration.



Table 8-3: Least Overall Harm Alternatives

Alternative	Section 4(f) Use and Reason or Not for Elimination	Eliminated or Carried Forward
Narrow the shoulders on I-465	Does not meet purpose and need “Improve traffic safety” because narrowing shoulders to less than design criteria does not decrease crash rates.	Eliminated
Shift I-465 south	Does not reduce Section 4(f) use of Southside German Market Gardeners Historic District. Direct Impacts reduced on the north side I-465 to the Southside German Market Gardeners Historic District, potentially allowing contributing structure to remain but increased direct impacts on the south side of I-465	Eliminated
Combine exits to Harding Street and I-69 SB	Does not reduce Section 4(f) use of Southside German Market Gardeners Historic District. Widening along I-465 in this vicinity is still needed in this alternative.	Eliminated
Use folded diamond interchange at Harding Street	Does not reduce Section 4(f) use of Southside German Market Gardeners Historic District. Widening along I-465 in this vicinity is still needed in this alternative.	Eliminated
Relocate local access from interchange at Harding Street to an interchange at Epler Avenue	Does not reduce Section 4(f) use of Southside German Market Gardeners Historic District. Widening along I-465 in this vicinity is still needed in this alternative.	Eliminated
Shift I-69 / I-465 interchange west along I-465	Does not reduce Section 4(f) use of Southside German Market Gardeners Historic District and greatly increases impacts to other resources including the White River and Sunshine Gardens neighborhood. Estimated impacts to the Sunshine Gardens neighborhood are 50+ additional residential relocations. Impacts to the White River would include a new river crossing approximately 800 feet south of the existing I-465 bridges over the White River.	Eliminated
Add one lane in each direction on I-465 instead of two.	Does not meet purpose and need “Improve traffic safety” or “reduce existing and forecasted traffic congestion” because projected level of service does not meet design criteria. Reducing to one lane in each direction still results in a Section 4(f) use.	Eliminated
Use retaining walls in all quadrants of I-465 and Bluff Road intersection	Reduces Section 4(f) use of Southside German Market Gardeners Historic District. Widening along I-465 in this vicinity is still needed in this alternative. Use of retaining walls reduces proposed right of way needs from 4(f) resource.	Carried Forward
Use retaining walls in SW and SE quadrants of I-465 and Bluff Road intersection with earthen slope in NW and NE quadrants	Reduces Section 4(f) use of Southside German Market Gardeners Historic District. Widening along I-465 in this vicinity is still needed in this alternative. Use of an earthen slope minimizes visual impacts and cost on the north side of the district.	Carried Forward



Shift I-465 South

A least harm alternative was developed which includes realigning I-465 slightly south in the vicinity of Southside German Market Gardeners Historic District to shift the proposed right of way needs further from the contributing house at 4401 Bluff Road. While this concept would reduce right of way acquisition on the north side of I-465, it would increase right of way acquisition on the south side of I-465, bringing the proposed right of way closer to the house at 4425 Bluff Road. There would be no net reduction of Section 4(f) use as compared to the reasonable alternatives. For this reason, this alternative is eliminated from further consideration.

Combine Exits to Harding Street and I-69 Southbound

A least harm alternative was developed which combined the exit ramps from I-465 to Harding Street and I-69 southbound. The initial concept would shift the development of the ramp lane further west reducing right of way acquisition from the Southside German Market Gardeners Historic District. However, upon further development of this alternative, it was found that combining the exit ramps would not reduce the right of way acquisition in the historic district. For this reason, this alternative is eliminated from further consideration.

Use Folded Diamond Interchange at Harding Street

A least harm alternative was developed which would utilize a folded diamond interchange at I-465 and Harding Street. The westbound I-465 to Harding street exit ramp and the Harding Street to eastbound I-465 entrance ramps would tie back into I-465 further to the west which would reduce Section 4(f) use to Southside German Market Gardeners Historic District. However, upon further development of this alternative, it was found that a folded diamond interchange type would not reduce the Section 4(f) use and would add several commercial relocations. For these reasons, this alternative is eliminated from further consideration.

Relocate Local Access from Interchange at Harding Street to an Interchange at Epler Avenue

A least harm alternative was developed which would eliminate the existing interchange at I-465 and Harding Street and replace the service interchange movements at I-465 and Epler Avenue. The initial concept was that eliminating the Harding Street ramps on I-465 east of Harding Street would reduce right of way acquisition from the Southside German Market Gardeners Historic District. However, upon further development of this alternative, it was found that no reduction of right of way would be realized since additional lanes are needed along I-465 in the vicinity of the historic district. For this reason, this alternative is eliminated from further consideration.

Shift I-69 / I-465 interchange west along I-465

A least harm alternative was developed which would shift the I-69 Section 6 interchange with I-465 west enough to separate the I-69 ramps from the Harding Street ramps. The initial concept



was that separating the ramps would allow I-465 to be narrower in the vicinity of the Southside German Market Gardeners Historic District which would reduce right of way acquisition from the district. However, upon further development of this alternative, it was found that modifying the interchange location would not reduce the right of way acquisition. Moreover, it would create more than 50 residential relocations in the Sunshine Gardens neighborhood and would create an addition crossing of the White River approximately 800 feet south of the existing I-465 bridges over the White River. For these reasons, this alternative is eliminated from further consideration.

Add One Lane in Each Direction on I-465 Instead of Two

A least harm alternative was developed which includes would widen I-465 by one lane instead of two, thereby creating four lanes in each direction instead of five. This alternative would reduce the right of way acquisition from the Southside German Market Gardeners Historic District by 12 feet in width on the north and south sides of I-465. The right of way footprint with this alternative would still require the acquisition of the house at 4401 Bluff Road due to the proximity of the structure to existing I-465 right of way. Without the addition of the fifth lane in each direction the level of service for the forecasted traffic would not meet design criteria. This alternative would not meet the purpose and need for the project to “improve traffic safety” or “reduce existing and forecasted traffic congestion.” For this reason, this alternative is eliminated from further consideration.

Install Retaining wall in Northeast Quadrant

This least harm alternative would involve widening and elevating I-465 throughout the Southside German Market Gardeners Historic District. Widening would involve constructing two additional lanes in each direction and elevating would involve raising I-465 up to 3 feet above the existing elevation to meet vertical clearance requirements at Bluff Road and I-465. The existing vertical clearance of the I-465 bridge over Bluff Road is two feet four inches less than is required by current design criteria in accordance with the Indiana Design Manual (IDM). Since the bridge will be widened to accommodate the added lanes on I-465, the vertical clearance must be increased by approximately three feet resulting in the need to raise I-465 by the same amount. In addition, bridges at Harding Street, SR 135 and the Indiana Rail Road do not meet the current IDM design standards resulting in reconstruction of those bridges and raising of I-465 in those locations.

Along the south side of I-465 this alternative would include a retaining wall to avoid direct impacts to one contributing residential structure within the Southside German Market Gardeners Historic District and would reduce the acquisition of new right of way when compared to an earthen slope by approximately six acres. The retaining wall would be approximately 90 feet from the nearest contributing residential structure. It would be 20 to 22 feet high at Bluff Road and extend to the Harding Street ramps on the west and the US 31 ramps on the east. The visual impact of the retaining wall in this location would be less severe than the removal of the contributing residential structure at 4425 Bluff Road and the acquisition of six additional acres of right of way.

Along the north side of I-465 within the Southside German Market Gardeners Historic District this design option would include a retaining wall east of Bluff Road. The house at 4401 Bluff Road is contributing to the historic district and is located on the existing right of way line for I-465. The retaining wall would be 35 feet south of the corner of the house and 25 to 45 feet south of the electric transmission towers, allowing these towers to remain in place. The retaining wall would be approximately 22 feet high at Bluff Road and extend either the entire width of the historic district or from Bluff Road east past the eastern edge of the historic district with an earthen slope west of Bluff Road. **Figure 8-6** shows the south side retaining wall and **Figure 8-7** shows the north side retaining wall. See **Appendix FF** for additional graphics.

Figure 8-6: Retaining Wall on South Side of I-465, Southside German Market Gardeners Historic District

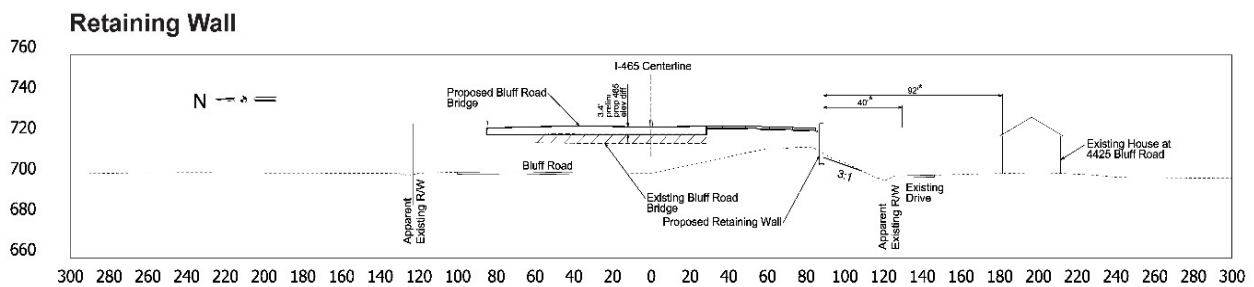
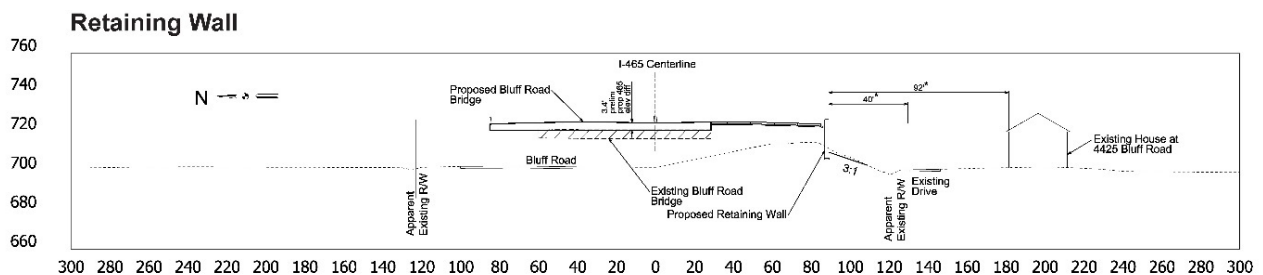


Figure 8-7: Retaining Wall on North Side of I-465, Southside German Market Gardeners Historic District



It was previously assumed that a wall at this location would prevent direct physical impacts to the house at 4401 Bluff Road, a contributing structure to the Southside German Market Gardeners Historic District. Further analysis indicated that a retaining wall cannot be constructed without removing the house due to its proximity to the existing I-465 right of way. Construction access, as well as physical damage to the house caused by vibration of the construction activities, are concerns with leaving the house in place. A retaining wall option would have the house approximately 15 feet from the wall. However, the construction of the retaining wall would likely result in physical impacts to 4401 Bluff Road during construction based on the existing condition of the structure. A visual inspection by a structural engineer confirmed the house located at 4401 Bluff Road is likely constructed of unreinforced masonry. It is unlikely to remain a viable residence after construction of the retaining wall. The existing property owner also noted the house was constructed within unenforced masonry. See **Appendix FF**.



Approximately 4.0 acres of right of way would be acquired in the northwest quadrant (4402 Bluff Road) to accommodate the earthen side slope. Approximately 0.4 acre of right of way would need to be acquired in the far eastern side of the Southside German Market Gardeners Historic District on both sides of I-465 for retaining wall access and maintenance. The retaining wall would be constructed within the existing right of way near the contributing house at 4401 Bluff Road with minor right of way acquisition required further east to accommodate the construction of the retaining wall.

The use of a retaining wall and the addition of lanes to I-465 in close proximity to the house is an adverse effect to the Southside German Market Gardeners Historic District due to visual impacts. With this option the existing contributing house at 4401 Bluff Road would be acquired and demolished due to its proximity of the retaining wall in the northeast quadrant. No other structures would be acquired or removed.

Use Earthen Slope in Northeast Quadrant

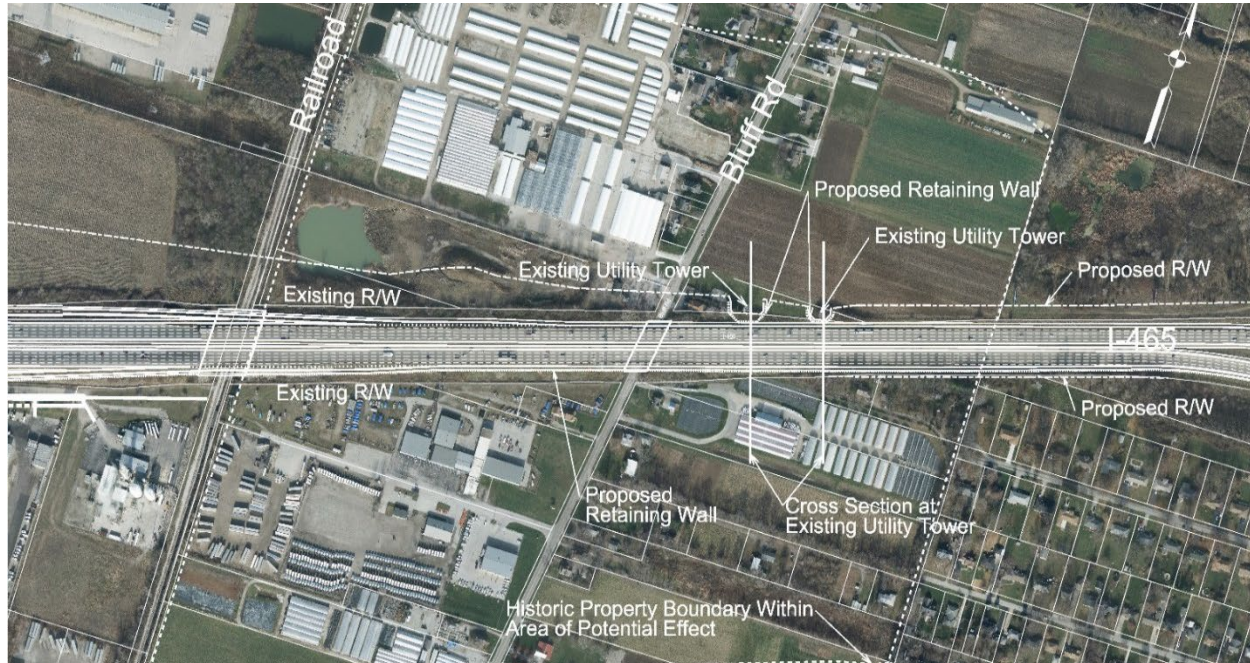
This least harm alternative is the same as the “retaining wall in northeast quadrant” described above except in the northeast quadrant. Where the previous alternative would include a retaining wall in the northeast quadrant, this least harm alternative would include an earthen slope with retaining walls at the electric transmission towers. See **Appendix FF** for additional graphics.

Along the north side of I-465 within the Southside German Market Gardeners Historic District, this design option would include a combination of retaining walls and earthen slopes. In the northeast and northwest quadrants, earthen side slopes would extend from the I-465 pavement down to the natural ground level. Retaining walls would be used to avoid the two large electric transmission towers in the northeast quadrant of Bluff Road and I-465. Efforts would be made to avoid direct impacts to the transmission towers due to the high cost of relocation and the risk that other nearby towers would have to be relocated to meet utility tower spacing requirements.

The house at 4401 Bluff Road is contributing to the Southside German Market Gardeners Historic District and would be impacted by the earthen slope resulting in its removal. Two smaller retaining walls would be used to avoid relocation of the two electric transmission towers located east of Bluff Road. The retaining walls around the towers would be up to 14 feet in height and gradually slope to existing ground level. For reference to the plan view of the side slope and smaller retaining walls see **Figure 8-8**.

Approximately 5.9 acres of right of way would be acquired in the northwest (4402 Bluff Road) and northeast (4401 Bluff Road) quadrants to accommodate the earthen side slopes. On average, the width of the proposed right of way acquisition on the north side would be 90 feet for the 2,750-foot length of the Southside German Market Gardeners Historic District. This would require the acquisition and demolition of the contributing house at 4401 Bluff Road. Approximately 0.1 acre of right of way would need to be acquired in the southeast quadrant (4425 Bluff Road) on the far eastern side of the historic district for retaining wall access and maintenance.

Figure 8-8: Earthen Slope and Retaining Walls at Southside German Market Gardeners District identified in Alternative C4 and the RPA



The use of a retaining wall and the addition of lanes to I-465 in close proximity to the house is an adverse effect to the Southside German Market Gardeners Historic District due to visual impacts. With this option the existing contributing house at 4401 Bluff Road would be acquired and demolished due to the earthen side slope wall in the northeast quadrant. No other structures would be acquired or removed.

8.6 Comparison of Alternatives

8.6.1 Feasibility and Prudence of Avoidance Alternatives

Preliminary alternatives discussed in **Section 8.5** considered outside of the C3 corridor may avoid a Section 4(f) use of the Southside German Market Gardeners Historic District. However, all these alternatives would result in use of other Section 4(f) resources and therefore they are not avoidance alternatives. These alternatives have been excluded from further consideration.

As discussed in **Section 8.5.3.1** three avoidance alternatives were identified. These avoidance alternatives were eliminated from further consideration either due to excessive cost or by not satisfying the purpose and need of the project. Therefore, these alternatives have been excluded from further consideration. The conclusion drawn from elimination of the avoidance alternatives is that there is no feasible and prudent alternative that completely avoids the use of Section 4(f)



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property. All remaining least harm alternatives would result in a use of the Southside German Market Gardeners Historic District.

8.6.2 Use of Section 4(f) Properties by Remaining Alternatives

The Southside German Market Gardeners Historic District is the only Section 4(f) property identified to be impacted within the project area. The impacts associated with the remaining alternatives that would result in the use of Section 4(f) property are discussed in the following section and are identified in **Table 8-4**.

8.6.2.1 Retaining wall in Northeast Quadrant

The Section 4(f) property impacts associated with this alternative include acquisition of approximately 4.4 acres of new right of way from four parcels of the Southside German Market Gardeners Historic District. The direct impact results from the acquisition of right of way from the eligible historic district include the acquisition of the contributing house located at 4401 Bluff Road. See **Table 8-4** for reference.

8.6.2.2 Earthen Slope in Northeast Quadrant

The Section 4(f) property impacts associated with this alternative include acquisition of approximately 6.0 acres of new right of way from four parcels of the Southside German Market Gardeners Historic District. The direct impact would result from the acquisition of right of way from the eligible historic district include acquisition of the contributing house located at 4401 Bluff Road. See **Table 8-4** for reference.

Table 8-4: Section 4(f) Direct Impacts by Remaining Least Harm Alternatives

Quadrant	Address	Retaining Wall in NE Quadrant			Earthen Slope in NE Quadrant		
		Retaining wall or Earthen Slope	Acres Right of Way Acquired	House or Structure Acquired?	Retaining wall or Earthen Slope	Acres Right of Way Acquired	House or Structure Acquired?
NW	4402 Bluff Road	Earthen Slope	4.0	No	Earthen Slope	4.0	No
NE	4401 Bluff Road	Retaining wall	0.3	Yes	Earthen Slope	1.9	Yes
SE	4425 Bluff Road	Retaining wall	0.1	No	Retaining wall	0.1	No
SW	4450 Bluff Road	Retaining wall	0	No	Retaining wall	0	No
Total			4.4			6.0	



8.7 Assessment of Least Overall Harm to Section 4(f) Properties

Since the evaluation of alternatives concluded there is no feasible and prudent avoidance alternative, an assessment of remaining alternatives to identify the alternative that causes the least overall harm to Section 4(f) property is required. To determine which of the alternatives would cause the least overall harm, the seven factors set forth in 23 CFR §774.3(c)(1) listed in **Section 8.4.4** must be balanced.

Below is an evaluation of the alternatives to use or not use a retaining wall in the northeast quadrant to minimize harm to the Southside German Market Gardeners District. For a summary of the evaluation, see **Section 8.7.8**. As both alternatives under consideration are the same on the south and northwest sides of I-465, this evaluation will focus on differences between alternatives on the northeast side of I-465. Both alternatives include retaining walls on the south side of I-465 to minimize Section 4(f) use. Both alternatives also include an earthen side slope in the northwest quadrant. This earthen side slope minimizes project costs and lessens visual impacts to the historic district without impacting contributing structures.

8.7.1 Mitigate Adverse Impacts

The ability of the least overall harm alternatives to mitigate adverse impacts to each Section 4(f) property including any measures that result in benefits to the property was evaluated. Both the alternatives under consideration mitigate impacts to the Southside German Market Gardeners Historic District equally on the south side of I-465 at 4425 Bluff Road and 4450 Bluff Road by use of retaining walls. The alternatives differ in the impacts to the property at 4401 Bluff Road. The use of a retaining wall is not sufficient to avoid direct impact to 4401 Bluff Road. Construction of the retaining wall would result in physical impacts to 4401 Bluff Road during construction based on the existing condition of the structure. A visual inspection by a structural engineer confirmed the house located at 4401 Bluff Road is most likely constructed of unreinforced masonry. It is unlikely to remain a viable residence after construction of the retaining wall.

In comparison, the acquisition of the house in the alternative with earthen slope and retaining walls at the electric transmission towers at this property is also an adverse effect to the Southside German Market Gardeners Historic District through removal of the structure and visual impacts. Consultation with the DHPA-SHPO, consulting parties and residents of the historic district regarding a preference for a retaining wall or earthen slope to mitigate visual impacts to the district were undertaken. Comments were solicited from DHPA-SHPO, consulting parties, and owners within the historic district. A meeting was held with residents in the historic district to discuss the project, including the option of a retaining wall or a possible slope within the historic district. That meeting occurred on the evening of October 4, 2016, at the German American Klub at 8602 South Meridian Street.

The purpose of the meeting was to update residents on the status of I-69 Section 6, discuss impacts and mitigation measures to historic properties, answer questions regarding the project



and historic properties, and solicit feedback. INDOT discussed impacts to the Southside German Market Gardeners Historic District, including the effects of widening I-465, and the potential use of retaining walls or earthen slopes along I-465. A meeting summary and graphics presented at the meeting are included in **Appendix FF**.

Two comments were received subsequent to the October 4, 2016 meeting. One expressed a preference for the slope. The second expressed a concern for the potential increase in flooding from highway run off and for the potential increase in noise levels. The submitter asked if a sound wall is a possibility. These comments are included in **Appendix FF** for reference.

In addition to the October 4, 2016 public meeting, INDOT met with the property owners of 4401 Bluff Road on October 17, 2016, to discuss the retaining wall versus earthen slope alternatives. The owners stated that the house was built of unreinforced masonry (not frame) and cannot be moved. They also indicated the house could potentially be damaged during construction due to the vibration from construction machinery as it has happened in the past. See **Appendix FF**.

Based on feedback received, DHPA-SHPO, consulting parties and residents believe the alternative with the earthen side slope has a slight advantage in ability to mitigate adverse effects.

On September 12, 2017, a draft MOA was sent for review and comment to the DHPA-SHPO and all I-69 Section 6 consulting parties. Comments were received from DHPA-SHPO on October 16, 2017. After revisions to the MOA, the final version was circulated to the DHPA-SHPO and consulting parties on October 27, 2017. The DHPA-SHPO signed the MOA on November 3, 2017. INDOT, the project applicant, signed the MOA as an invited signatory on November 11, 2017. FHWA signed the MOA on November 13, 2017. All documentation referenced herein is provided in **Appendix M**.

The MOA includes provisions for FHWA to convene an Advisory Team to consider the treatment of the side slopes along I-465 within the Southside German Market Gardeners Historic District and the bridge carrying I-465 over Bluff Road within the historic district. Responsibilities and participation of the Advisory Team include consultation during design phases to function in an advisory capacity to assist INDOT in developing certain I-69 Section 6 project design details within the historic district, limited to aesthetic treatments, such as the use and type of vegetative screening and/or stamped or textured bridge walls. FHWA shall have the authority for final approval of actions recommended by the Advisory Team regarding the implementation of measures to avoid, minimize, or mitigate effects to the Southside German Market Gardeners Historic District.

INDOT shall fund the manufacturing and installation of an interpretive sign within the boundaries of the Southside German Market Gardeners Historic District or at a neighboring park or public space with a connection to the District. The interpretive sign shall provide information about the history of these resources in I-69 Section 6. The design and graphic content of the sign may focus on German ethnic heritage in Indianapolis and/or market gardening in Indianapolis. The proposed locations, design, and content (text and illustrations) of the



interpretive signage will be prepared by a qualified professional historian and shall be submitted to the Advisory Team and DHPA-SHPO at thirty and sixty percent completion for review and comment. If the Advisory Team and/or DHPA-SHPO responds with recommendations, a good faith effort to accommodate the recommendations will be made. Content, graphic design, and final design plans for the interpretative signs will be provided to Advisory Team and the DHPA-SHPO for their records.

Additionally, INDOT shall fund the preparation a NRHP district nomination documentation, if given consent by the majority of property owners within the Southside German Market Gardeners Historic District. This NRHP nomination documentation will serve as an educational component to disseminate information about the history of the District. The NRHP nomination documentation shall be made available as a paper copy at selected repositories in Marion County and in an electronic format on selected websites including but not limited to those of the NRHP (National Park Service), Indiana Department of Natural Resources/Division of Historic Preservation and Archaeology (“IDNR/DHPA”), and INDOT.

8.7.2 Relative Severity of the Remaining Harm

The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection was evaluated for each alternative. The use of a retaining wall and the addition of lanes to I-465 in close proximity to the house at 4401 Bluff Road is an adverse effect to the Southside German Market Gardeners Historic District due to visual impacts. The use of a retaining wall is not sufficient to avoid indirect impacts to 4401 Bluff Road as the retaining wall would likely result in physical impacts to the structure due to its unreinforced masonry construction. The alternative which utilizes only a retaining wall in the northeast quadrant is marginally a more severe impact as it includes both the hard scape of the retaining wall and loss of the structure. As such, the alternative with the earthen side slope and retaining wall in the northeast quadrant has a slight advantage in ability to reduce the severity of the harm to the Southside German Market Gardeners Historic District due to the use of natural vegetation.

8.7.3 Relative Significance of each Section 4(f) property

The properties at 4401, 4425 and 4450 Bluff Road are contributing properties to the Southside German Market Gardeners Historic District. The property at 4402 Bluff Road is a modern structure and non-contributing to the historic district. The structure located at 4401 Bluff Road is a bungalow on a small lot and has been converted to include a small business in the front of the structure. Construction of I-465 acquired most the lot and farm fields associated with this property resulting in a loss of integrity of setting associated with this property. While the structure does date to the period of significance of the historic district and is associated with agricultural production during the period of significance, it is no longer clearly identifiable as such due to its diminished integrity. The DHPA-SHPO has therefore determined this house to be a contributing resource within the historic district. See **Appendix FF**. As it retains the least



amount of integrity of any of the three contributing structures, the structure at 4401 Bluff Road has the least significance to the Southside German Market Gardeners Historic District.

The structures located at 4425 Bluff Road and 4450 Bluff Road are bungalows on large lots dating to the period of significance of the Southside German Market Gardeners Historic District and are associated with agricultural production during the period of significance. The structure located at 4425 Bluff Road is associated with agricultural production as part of the Schlegel Greenhouses. As such this property retains a high level of integrity. The structure at 4450 Bluff Road is no longer associated with agricultural production and is part of a marine repair and sales business. However, this property does retain a moderate amount of integrity as it is still situated on a large lot and the associate fields are recognizable even though no longer in production.

8.7.4 Views of the Officials with Jurisdiction

8.7.4.1 Consultation with DHPA/SPHO

The Southside German Market Gardeners Historic District is the only Section 4(f) property identified within the project area. Section 106 consultation performed to date indicates that all alternatives will result in an adverse effect upon the historic district. However, the severity of the adverse effects upon the historic district varies by alternative as one alternative utilizes an earthen slope and the other utilizes a retaining wall on the north side of I-465. The DHPA-SHPO is the official with jurisdiction¹² over these properties since they have jurisdiction over all historic resources in Indiana. In letters dated September 1, 2016, DHPA-SHPO indicated the following:

We do not have a preference between the MSE [retaining] wall and the sloped, earthen embankment. The construction of I-465 through what only later was recognized as a historic district had a greater impact than any of the alternatives for improving that part of I-465 would. Elevating the I-465 bridges over Bluff Road will tend to aggravate the intrusive nature of the highway. If the house at 4401 Bluff Road is removed, the district will lose a contributing building, but, as a practical matter, it is difficult to foresee that house being considered suitable for human habitation and continuing to exist in the long run, due to its proximity to the highway and the existing traffic noise. Without the MSE wall, the fill slope would impact the structure.

¹² *Official with Jurisdiction - The official empowered to represent a Section 4(f) resource on matters related to the property. Typically for historic sites the official with jurisdiction is the State Historic Preservation Officer (DHPA-SHPO) and for public parks, recreation areas, and wildlife and waterfowl refuges the official with jurisdiction is the agency or agencies that own or administer the property.*



INDOT provided additional information to DHPA-SHPO on October 28, 2016, regarding the preferred design option alongside the Southside Market Gardeners Historic District. On November 28, 2016, DHPA-SHPO indicated the following:

We accept the recommendation that an earthen slope be constructed east of Bluff Road and north of I-465 within the Southside German Market Gardeners Historic District, with MSE (i.e., mechanically stabilized earth) retaining walls being constructed around the electric transmission towers to the east of the house at 4401 Bluff Road. We realize that this alternative probably would result in the total loss of that house, which contributes to the significance of the historic district, because we infer from the information you provided that moving the house is not feasible in light of its unreinforced masonry construction. Allowing the house to remain in place by constructing an MSE wall instead of an earthen slope does not appear to be prudent, ...

See **Appendix FF** for copies of the correspondence.

8.7.4.2 Consultation with the Advisory Council on Historic Preservation (ACHP)

FHWA provided e-800 notification of the finding of Adverse Effect to the ACHP on March 20, 2017. On April 6, 2017, the ACHP, stated that “we do not believe our participation in the consultation to resolve adverse effects is needed.” The ACHP added, “However, if we receive a request for participation from the SHPO Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision.” The ACHP further requested to be notified “should circumstances change, and it is determined that our participation is needed to conclude the consultation process.” Finally, the ACHP noted that filing of the MOA with the ACHP “is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.”

Subsequently, Indiana Landmarks sent letters on May 8, 2017; May 31, 2017; and July 17, 2017, expressing the opinion the I-69 Section 6 undertaking will have an adverse effect on the John Sutton House and the Travis Hill Historic District, both properties that had been found to have a no adverse effect by FHWA.

INDOT responded to Indiana Landmarks on May 18, 2017, and conducted a site visit on June 12, 2017, to clarify the project and to address the concerns of Indiana Landmarks. Meeting minutes and additional information was provided to Indiana Landmarks on June 30, 2017. However, Indiana Landmarks continued to express the opinion that the project would have an adverse effect to the settings of both the John Sutton House and Travis Hill Historic District.

Therefore, pursuant to 36 CFR §800.5(c)(2)(i), FHWA notified the ACHP on July 26, 2017, that Indiana Landmarks had objected to the finding. FHWA requested that ACHP “review the finding and offer an opinion on the effects of the undertaking on the John Sutton House and Travis Hill Historic District.” On August 21, 2017, the ACHP responded with its “opinion that FHWA



applied the Criteria of Adverse correctly as the undertaking will not alter the character defining elements or the integrity of these two historic properties at the time it is implemented or in the future.” The ACHP added that FHWA is required to take this opinion into consideration in its final finding of effect and to provide a summary of how its decision was reached to the ACHP, DHPA-SHPO, and consulting parties. FHWA provided this summary to consulting parties in a letter dated September 12, 2017. See correspondence relating to ACHP consultation in **Appendix M**.

8.7.4.3 Consultation with the Department of the Interior (DOI)

On March 20, 2017, resource agencies including the DHPA-SHPO and the U.S. Department of the Interior, Office of Environmental Policy and Review (DOI) were provided a copy of the DEIS for I-69 Section 6 to review with a request that comments be returned by May 8, 2017. On May 1, 2017, additional information relevant to the Section 4(f) evaluation was submitted to the DOI to assist in the review of the Section 4(f) documentation and to seek concurrence on a determination of no feasible or prudent alternative to the preferred alternative. On May 8, 2017, the DOI indicated in a letter to FHWA that “if a Memorandum of Agreement with the SHPO is fully executed, it [DOI] will have no objection to the draft evaluation and concur with the measures to mitigate impacts to 4(f) resources.”

8.7.5 Purpose and Need

The least harm alternative under consideration, the RPA, would meet the stated project Purpose and Need. The construction of additional lanes on I-465 in this vicinity will reduce existing and forecasted traffic congestion and improve traffic safety.

8.7.6 Resources not Protected by Section 4(f)

After reasonable mitigation, the magnitude of adverse impacts to resources not protected by Section 4(f) was evaluated for each alternative. Four major themes were identified as primary concerns to the public and resource agencies during the project development process. These are the affirmation of the Tier 1 selected corridor, local access and circulation, the construction timetable for I-69 Section 6, and planned treatment of the I-465/SR 37 interchange area. Of those four primary concerns, none of them directly impact the Southside German Market Gardeners Historic District. Only the planned treatment of I-465/SR 37 interchange could potentially influence impacts to I-465 and the historic district.

The I-465/SR 37 interchange area includes the existing I-465/SR 37 interchange and extends through the state and local roadway network. Existing land use along SR 37 from Southport Road north to I-465 includes residential, commercial, and industrial development, including specialized businesses that cater to the trucking industry. These businesses are strategically located in this area due to heavy truck traffic along these roadways. Examples of these



specialized businesses include M & K Truck Centers, Indy South, Rush Truck Center and TMC Transportation.

Businesses in the I-465 interchange area have provided comments that stress the importance of maintaining efficient access within the interchange area. In addition to access, signage would be an important component to the ultimate interchange design. Comments also included the importance of minimizing impacts through the heavily developed commercial and industrial area around this interchange. Local commuters have commented on the congested conditions at I-465/SR 37 in the morning and evening peak travel times and the desire to address the existing condition. Some businesses have commented on the need to include improvements and/or additional capacity along I-465 and along existing SR 37.

Within the project area there are several large electric transmission lines. There is a large electric transmission line that runs along and crosses I-465 in the vicinity of the Southside German Market Gardeners Historic District. This transmission line is owned and operated by Duke Energy and pre-dates the construction of I-465. Duke Energy owns both the towers and the easement for the towers. As such, any INDOT construction along I-465 within the easement must be approved by Duke Energy.

Three towers may be affected by the widening of I-465, two north of I-465 in the Southside German Market Gardeners Historic District and one south of I-465 just east of the historic district. Coordination has been undertaken with Duke Energy to develop alternatives which would avoid relocation of the transmission towers. Efforts to avoid relocation of the towers include the use of retaining walls within the Southside German Market Gardeners Historic District to limit the impact of earthen side slopes on the footprint of the tower. Tower relocations can cost more than a million dollars each to relocate. The retaining walls around the towers would be up to 14 feet in height and gradually slope to existing ground level. Duke Energy has preliminary agreed to the use of retaining walls. Coordination with the utility will be on-going through project development.

8.7.7 Costs

The cost of the alternatives which use a retaining wall in the northeast quadrant, including the RPA, is more than the alternatives that utilize an earthen slope in the northeast quadrant. The difference in cost is approximately \$2,000,000.

8.7.8 Summary of Least Overall Harm

The seven factors set forth in 23 CFR 774.3(c)(1) were compared for the alternatives, including the RPA. See **Table 8-5**. The alternative rankings are similar regarding Section 4(f) property impacts, the ability to mitigate adverse effects, the relative severity of remaining harm after mitigation, views of officials with jurisdiction, relative satisfaction of the stated project purpose and need, neighborhood cohesion impacts, and CAC / Public input. With regard to the relative significance of the Section 4(f) properties in proximity to the alternatives, the alternatives rank



Table 8-5: Section 4(f) Impacts by Remaining Alternative

Project Impacts / Effects	Project Alternatives	
	Retaining wall in NE Quadrant	Earthen Slope in NE Quadrant
Properties within the National Register – Listed Southside German Market Gardeners Historic District – Removals		
Individually NHRP Listed or Eligible Structures	0	0
Contributing Structures	1	1
Non-Contributing Structures	1	1
Factors for Consideration (774.3(c)(1)(i-vii))		
Ability to mitigate adverse effects	High	High
Relative severity of remaining harm after mitigation	Moderate	Moderate
Relative significance of each Section 4(f) property	Low	Low
Views of officials with jurisdiction (DHPA-SHPO) – Adverse Effect for all alternatives, relative severity	Acceptable	Acceptable
Relative satisfaction of Purpose and Need	Same	Same
Magnitude of any adverse effects on non-4(f) resources		
Maintaining I-465 and SR 37 Interchange	Meets	Meets
Noise	No Change from existing or projected	No Change from existing or projected
Consulting Party Input	Not-favored	Favored
Project cost differential**	\$2,000,000 more than earthen slope	\$0

** Project cost estimate includes construction, right of way (not including relocation), and engineering costs.

equally, relative to each other. Regarding project costs, the earthen slope in the northeast quadrant alternative is least expensive. The retaining wall in the northeast quadrant alternative is the costliest alternative, primarily due to added construction costs of the retaining wall.

As the DHPA-SHPO did not object to the removal of the structure at 4401 Bluff Road and in fact indicated the structure may not continue to be suitable for human habitation, it was concluded that removal of the structure and use of a smaller retaining walls at towers to minimize project costs was the prudent alternative for the north side of I-465. Use of retaining walls to avoid impacts to the structure at 4425 Bluff Road is the prudent alternative for the south side of I-465.

8.8 Measures to Minimize Harm

Measures to minimize harm to the identified Section 4(f) properties will be incorporated into the preferred alternative. Mitigation measures to be incorporated were determined through Section 106 consultation and a Memorandum of Agreement (MOA) will be executed.

Possible measures to minimize harm to the Southside German Market Gardeners Historic District include:



- Construction of an earthen slope on the north side of I-465;
- Construction of retaining wall on the south side of I-465 to lessen required right of way; The manufacture and installation of an interpretive sign within the boundaries of the Southside German Market Gardeners Historic District or at a neighboring park or public space with a connection to the District;
- Completion of a National Register application for the entire Southside German Market Gardeners Historic District;
- Consideration in the design phase of a larger opening at the bridge carrying I-465 over Bluff Road to better connect the Southside German Market Gardeners Historic District on either side of I-465;
- Commitment to conduct a neighborhood meeting during design to discuss specific plantings on the earthen slope and treatments on the retaining walls; and,
- Provision of graffiti resistant coverings on retaining wall.

Therefore, the RPA incorporates all possible planning to minimize harm to Section 4(f) property, and will cause the least harm to Section 4(f) property after consideration of mitigation measures.

8.9 Coordination

Coordination with the DHPA-SHPO has been undertaken. Coordination was initiated with a May 18, 2004 meeting and has been on-going. The following is a summary of consultation which has occurred in relationship to the Southside German Market Gardeners Historic District. For reference to all coordination with DHPA-SHPO and other consulting parties see the Section 800.11 documentation included in **Appendix FF**.

Historians published the *Historic Property Report Additional Information* (AI Memorandum No. 1) on September 2, 2015, and the report was made available to consulting parties and the DHPA-SHPO on November 19, 2015. The report identified the resources that had been recommended as eligible for listing in the NRHP in the HPR (2008) and recommended eligible for listing in the NRHP: Southside German Market Gardeners Historic District. DHPA-SHPO agreed to the recommendations of eligibility in the report in a letter dated December 21, 2015.

On April 21, 2016, INDOT, consultants, and DHPA-SHPO met to discuss a potentially eligible resource within the expanded APE and the status of the Southside German Market Gardeners Historic District. On May 2, 2016, INDOT and DHPA-SHPO met in the field to review the relationship of the undertaking to historic resources including the Southside German Market Gardeners Historic District and the potential effects of the undertaking upon them.

On November 19, 2015, FHWA invited consulting parties to the third consulting party meeting for Section 6. The meeting was held on December 7, 2015, at Southland Christian Church, 5800 W Smith Valley Rd, Greenwood, to discuss the Section 106 process, properties eligible to the NRHP, the extended APE, and survey methodology. Representatives of DHPA-SHPO, FHWA,



INDOT and its consultants, and nine other consulting parties attended the meeting. Resources that were recommended eligible for the NRHP as part of the AI study were presented including three districts and four individual resources: Southside German Market Gardeners Historic District, Glennwood Homes Association Historic District, Travis Hills Historic District, Le Ciel, Cleary-Barnett House, Glenn’s Valley Nature Park Retreat House, and Reuben Aldrich Farm.

On August 2, 2016, FHWA invited consulting parties to the fourth consulting party meeting for I-69 Section 6. The meeting was held on August 17, 2016, at Southland Christian Church in Greenwood. Representatives from FHWA, INDOT and its consultants, DHPA-SHPO, and six other consulting parties attended the meeting. Eligible properties from the 2004-2008 study were presented and eligible properties from the 2015 and 2016 surveys followed. The archaeology consultants provided an overview of the archaeological efforts for this project. Phase Ia survey was conducted in an area common to alternatives C1, C2, and C3. Eight archaeological sites were identified. The archaeology consultants identified one of these sites as potentially eligible. In addition, a sensitive area was noted and one section recommended for further work.

Consultants then discussed “effects” and “adverse effects” in the context of Section 106 including what makes a resource eligible and presented the four criteria under which a property may be eligible. Direct and indirect effects were clarified and historian consultants described effects on the recommended eligible properties including the more recently recommended eligible property, Percy Farm, and Clear Creek Fisheries. Mitigation discussion followed.

In a letter dated September 1, 2016, the DHPA-SHPO commented that they do not have a preference between the retaining wall and the sloped, earthen embankment and that efforts to maintain the structure at 4401 Bluff Road may not be practical.

As part of the Section 106 process a consulting party meeting was held with residents of the Southside German Market Gardeners Historic District on October 4, 2016. Two comments were received after the meeting. One expressed a preference for the earthen slope. The second expressed concern regarding flooding from highway run off and for the potential increase in noise levels. Additionally, the property owner of the contributing property indicated concerns with alternatives that may retain the property at 4401 Bluff Road and construct a retaining wall.

A letter was sent by FHWA to the DHPA-SHPO on October 28, 2016, describing the October 4, 2016, meeting with residents of the Southside German Market Gardeners Historic District. A summary of the meeting and graphics presented at the meeting were attached to the letter. The letter also included a discussion of the noise analysis that had not previously been available and described increases in noise at historical properties. FHWA asked whether the DHPA-SHPO had “a preferred option in the northeast corner of Bluff Road and I-465 (i.e. a retaining wall or earthen slope).” The DHPA-SHPO stated in a letter dated November 28, 2016, that they “accept the recommendation that an earthen slope be constructed east of Bluff Road and north of I-465 within the Southside German Market Gardeners Historic District.” A copy of this correspondence is provided in **Appendix FF**.



On March 20, 2017, resource agencies including the DHPA-SHPO and the U.S. Department of the Interior, Office of Environmental Policy and Review (DOI) were provided a copy of the DEIS for I-69 Section 6 to review with a request that comments be returned by May 8, 2017.

FHWA signed a “Historic Properties Affected: Adverse Effect” finding for the undertaking, as documented in “Section 4(f) Compliance Requirements (for Historic Properties) and Section 106 Findings and Determinations: Area of Potential Effects, Eligibility Determinations, Effect Finding” on February 14, 2017. Notification that this documentation was available for review was sent via email to consulting parties on March 17, 2017, with a hard copy sent to DHPA-SHPO at the same time. On March 20, 2017, INDOT-CRO transmitted the information via email and INSCOPE to Tribal contacts, and FHWA transmitted the 800.11(e) and “e106” submission form to the ACHP. Legal Notice of Availability of I-69 Section 6 Tier 2 DEIS, Section 4(f) Compliance Requirements, Section 106 Findings and Determinations and Public Hearing was published in the Daily Journal (Johnson County), the Indianapolis Star (Marion County), the Martinsville Reporter (Morgan County) on March 21, March 28, and April 4, 2017:

ACHP responded on April 6, 2017, to the Finding of Effect and 800.11 Documentation and declined to participate in consultation at the time. DHPA-SHPO concurred with the Section 106 finding of Adverse Effect on April 13, 2017.

On May 1, 2017, the DEIS Chapter 8, DEIS Appendix M: Section 106 Documentation, I 69 Section 6 Draft Memorandum of Agreement, April 6, 2017, Advisory Council on Historic Preservation letter declining opportunity to consult, and April 13, 2017, letter from the Indiana State Historic Preservation Officer concurring with the finding were submitted to the U.S. Department of Interior (DOI) Office of Environmental Policy and Review to assist in the review of the Section 4(f) documentation and to seek concurrence on a determination of no feasible or prudent alternative to the preferred alternative.

On May 8, 2017, the DOI indicated in a letter to FHWA that “if a Memorandum of Agreement with the SHPO is fully executed, it [DOI] will have no objection to the draft evaluation and concur with the measures to mitigate impacts to 4(f) resources.”

FHWA notified ACHP on July 26, 2017, that Indiana Landmarks had objected to the finding of No Adverse Effect on Travis Hill Historic District and the John Sutton House in correspondence in May and July 2017. FHWA requested that ACHP “review the finding and offer an opinion on the effects of the undertaking on the John Sutton House and Travis Hill Historic District.” On August 17, 2017, ACHP offered the opinion that “FHWA applied the Criteria of Adverse Effect correctly ... on the two historic properties.”

On September 13, 2017, INDOT and FHWA sent to the DHPA-SHPO and to consulting parties summarizing how the comments of ACHP were considered. A memorandum discussing the RPA and its effects on historic properties was included. The finding remains Historic Properties Affected: Adverse Effect. A draft Memorandum of Agreement (MOA) was included with the letter and memorandum. On October 16, 2017, DHPA-SHPO responded to the Memorandum



and the draft MOA. As of November 13, 2017, the MOA had been signed by all required and invited signatories.

8.10 Section 6(f) Resources

The Land and Water Conservation Fund Act of 1965 established grants-in-aid funding to assist states in the planning, acquisition, and development of outdoor recreational land and water area facilities. Section 6(f) of the act prohibits the conversion of any property acquired or developed with any assistance of the fund to anything other than public outdoor recreation use without the approval of the Secretary of the U.S. Department of the Interior.

Fieldwork, communications with the public, coordination with the IDNR Division of Outdoor Recreation, and review of the National Park Service Land and Water Conservation Fund (LWCF) website confirmed that there are no properties that have received funding from the Land and Water Conservation Act that would be affected by I-69 Section 6.

8.11 Summary

The I-69 Tier 1 FEIS did not identify the use of any Section 4(f) resources for the Preferred Alternative 3C corridor. The Tier 1 ROD stated that “all of the Tier 1 corridors appeared to be substantially equal in terms of their overall potential for harm to Section 4(f) resources, such that Section 4(f) did not limit the choice of alternatives.” It did acknowledge that further investigations of historic properties and archaeological sites will be conducted in Tier 2 NEPA studies. Additional analysis in this Tier 2 study for I-69 Section 6 identified a new Section 4(f) use. The Southside German Market Gardeners Historic District was identified as eligible for the NRHP as part of the Tier 2 Section 106 consultation. The RPA includes the construction of an earthen slope with retaining walls in the northeast quadrant of I-465 and Bluff Road. The project would require additional right of way to accommodate construction of retaining walls and earthen side slopes, resulting in a direct use of the Southside German Market Gardeners Historic District.

The RPA would require the acquisition of the contributing house at 4401 Bluff Road. As a result of the property acquisition associated with raising and widening I-465 and visual impacts associated with construction of retaining walls, the Southside German Market Gardeners Historic District would experience an adverse effect under Section 106 of the National Historic Preservation Act.

The final determination is that there is no feasible and prudent avoidance alternative to the use of land from the Southside German Market Gardeners Historic District and the proposed action includes all possible planning to minimize harm to this Section 4(f) resource resulting from such use.



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The project would not result in a direct use or temporary occupancy of any of the remaining recreational resources or 15 historic properties. The project would not result in an adverse effect to 14 of the historic properties and therefore would not result in a constructive use of these properties. The project would result in an adverse effect to the Reuben Aldrich Farm; however, as it is located on Old SR 37 which historically was the main route past this farm, the change in setting is not large enough that the resource will experience an impact which would be so severe that it would substantially impair the protected activities, features, or attributes that qualify the resource for Section 4(f) protection, therefore there is no constructive use.

In accordance with 23 CFR §774.11(f) and §774.13(b), if any archaeological sites eligible for the NRHP are identified that should be preserved in place, the protections under Section 4(f) will be applied.