



I-69 EVANSVILLE TO INDIANAPOLIS

I-69 SECTION 1 REEVALUATION STATEMENT DESIGN PACKAGE 4

I-69
Evansville, IN to Indianapolis, IN
Designation Number: 0300377
Federal Project No.: IN10 (003)

Tier 2 Final Environmental Impact Statement (FHWA-IN-EIS-06-01-F) approved October 17, 2007

Record of Decision approved December 12, 2007

This reevaluation of the Tier 2 Final Environmental Impact Statement (FEIS) was prepared to reflect design changes on Section 1 of the new terrain I-69 highway in Gibson County, Indiana. Section 1 is the first segment to be built for the I-69 project and will extend north from I-64 approximately 13 miles to SR 64. The revised design for Section 1 within Package 4 has added additional right-of-way areas to accommodate: cul-de-sac construction; right-of-way shift to reduce stream relocation impacts; stream channel re-alignment and tree planting; berm construction around existing oil storage tanks; driveway construction; interchange modification; and grade modifications. This reevaluation examined the potential impacts on the natural, human, and cultural environments of the revised design for Section 1. The analysis in this reevaluation supports the conclusion that these design changes will not have impacts sufficient to require the preparation of a Supplemental Environmental Impact Statement (SEIS) or an additional Draft Environmental Impact Statement (DEIS) for Section 1. Therefore, the Tier 2 FEIS and Record of Decision remain valid.

Approval



OES Signature

12-7-10
Date



FHWA Signature

12-13-10
Date

1. INTRODUCTION

The I-69 Evansville to Indianapolis project, which extends from Interstate 64 in Gibson County to Interstate 465 in Marion County, is being developed in six (6) Sections of independent utility. These sections are numbered from south (Section 1) to north (Section 6). Section 1 is approximately 13 miles long and extends north from I-64 just north of Evansville to just north of SR 64 west of Oakland City.

The purpose of this reevaluation document is to examine minor right-of-way changes required for the final design within Design Package 4 for Section 1 and to determine whether these right-of-way changes cause impacts to the affected environment beyond the impacts documented in the Section 1 Final Environmental Impact Statement (Section 1 FEIS), (approved on October 17, 2007) and Section 1 Tier 2 Record of Decision (ROD) dated December 12, 2007. The Notice of Availability for the Section 1 FEIS was published in the Federal Register on October 26, 2007.

This reevaluation document has been drafted to evaluate the environmental impacts of additional right-of-way areas not discussed in the Tier 2 FEIS as part of the Preferred Alternative presented in the Section 1 FEIS. The additional permanent and temporary right-of-way areas along the alignment approved in the Section 1 ROD are required to accommodate the following features required by the final design:

- cul-de-sac construction;
- right-of-way shift to avoid a stream channel;
- stream channel re-alignment and tree planting;
- berm construction around existing oil storage tanks;
- driveway construction;
- interchange modification; and grade modifications;
- flood easements

The analysis of the impacts from these final design elements supports the conclusion that implementation of these design changes will not result in significant environmental impacts that were not evaluated in the Section 1 FEIS, and that the modifications required by the final design offer no new information or circumstances relevant to environmental concerns bearing on the proposed action or its impacts which will result in significant environmental impacts that were not discussed in the Section 1 FEIS.

2. PROJECT DESCRIPTION

2.1 Project Description and Area

This reevaluation document examines the following general locations of Section 1 listed from south to north:

- Gibson County Road 900 S;
- Gibson County Road 550 E;
- Gibson County Road 825 S;
- Gibson County Road 750 S;
- State Road 168 Interchange

These areas are being reexamined because the need for additional right-of-way or a change in right-of-way was identified during the final design of Section 1. These right-of-way impacts were not addressed in the Tier 2 Section 1 FEIS or ROD. A complete description of why the additional right-of-way is required can be found below in the *Description of Project Changes* section of this document.

The reevaluation areas of Section 1 discussed in this document are not located within or directly adjacent to any cities or towns. Access points to I-69 throughout Section 1, as approved in the ROD, will be built as interchanges with SR 68, SR 168, and SR 64. I-64 will also serve as an access point and a connector

road has been built to connect County Road 1250 S and Nobles Chapel Road to State Road 57. As disclosed in the FEIS, residential relocations and environmental impacts to streams, wetlands, and forests will occur during the construction of Section 1. Land uses in the vicinity of Section 1 include developed land, residential, wetland habitat, water (ponds), upland habitat, forested areas, and agricultural land. Dominant crops in the vicinity are corn, wheat, and soybeans.

2.2 Approved Environmental Documentation

The environmental review process for the I-69 project (Evansville to Indianapolis) is being conducted in two tiers. The Tier 1 environmental studies provided the information needed to select a corridor for I-69 between Evansville and Indianapolis. The Tier 1 DEIS for the Evansville to Indianapolis project was approved in July 2002. The DEIS described resource impacts for each proposed corridor. The Tier 1 FEIS was approved in December 2003. The Tier 1 FEIS documented impacts analyzed in the DEIS and additional impacts to the natural, human, and cultural environments not analyzed in the DEIS. The Record of Decision (ROD) for the Tier 1 project was approved in March 2004.

The Tier 2 studies focus on identifying and analyzing alternative alignments within the corridor approved in Tier 1. For each of the six sections identified and approved in the Tier 1 FEIS and ROD, a Tier 2 DEIS and FEIS has/will be prepared. The Tier 2 NEPA studies for Section 1 (the southernmost Section and the subject of this reevaluation), Section 2, and Section 3 have been completed, while the studies in the remaining three sections are still in progress. The Tier 2 DEIS for Section 1 was approved on December 11, 2006. The Tier 2 FEIS for Section 1 was approved October 17, 2007, and the Section 1 ROD issued on December 12, 2007. The FEIS documented impacts analyzed in the DEIS and additional impacts to the natural, human, and cultural environments from design changes to the preferred alternative since the approval of the DEIS.

2.3 Previously Identified Impacts

Section 1 was divided into three (3) segments (South, Central, and North) for analysis in the Tier 2 EIS. Impacts to the natural and human environments were examined for each of the segment alternatives, including the Preferred Alternative of Section 1. The FEIS evaluated the impacts of the subsection alternatives across multiple resource categories, including right-of-way acres, parcels impacted by right-of-way acquisition, streams, wetlands, forest, farmland, relocations, HAZMAT sites, and historic and archaeological resources. Minimization of impacts to these resources was considered during the selection of the Preferred Alternative. Mitigation for unavoidable impacts is described in the Section 1 FEIS.

The Section 1 FEIS states that the Preferred Alternative will directly impact 630 acres of agricultural land (FEIS Table 5.4-7). Agricultural impacts in the form of permanent conversion of farmland to non-farmland use will not be mitigated by the creation of new farmland elsewhere. Minimization of the unavoidable impacts to farmland occurred during the development of alternatives for Section 1.

The Section 1 FEIS documents impacts to streams, wetlands, and forests. In Section 1, approximately 27.0 acres of forest (including forested wetlands) are located within the right-of-way of the Preferred Alternative (FEIS Table 5.20-6). A total of 2.05 acres of wetland impacts (0.22 open water; 1.33 emergent; 0.02 forested; and 0.47 unconsolidated bottomland) are documented in the FEIS, Tables 5.19-3 and 5.19-5. The Preferred Alternative has stream impacts of 15,450 linear feet as shown in the FEIS Table 5.19-7. These environmental impacts are mitigated at an approximately 161.2 acre site located adjacent to Pigeon Creek in Gibson County, just west of the proposed I-69 highway.

The I-69 Section 1 project was also evaluated for impacts to cultural resources. No historic properties or archaeological resources eligible for the National Register of Historic Places (NRHP) will be adversely affected by the Section 1 preferred alternative. On July 16, 2007, FHWA signed a "Revised Section 106

Findings and Determinations: Area of Potential Effect, Eligibility Determinations, Effect Finding” that incorporated the findings of archaeological investigations together with above-ground properties. FHWA, in consultation with the Indiana State Historic Preservation Officer, determined that there are no NRHP-eligible resources affected within the APE of Section 1.

2.4 Other Reevaluation Documents

Other reevaluation documents will be completed as required for additional right-of-way changes at other locations of the Section 1 Preferred Alternative and throughout the I-69 project with completion of final design. Previously approved reevaluation documents include Section 1, I-64 to C.R. 825 S; Section 2, Design Segments 1 and 1A; Section 3, Early Bridge Contracts; Section 3, Design Segments 8 & 9; Section 3, Design Segments 10-13; Section 3, Design Segments 10-13(2); Section 3, Flood Easements; and Section 3 Flood Easement Addendum. All previously approved reevaluations can be found on the I-69 project website <http://www.i69indyevn.org/>.

2.5 Public Involvement

The final design for Package 4 of Section 1 affects two parcels not previously impacted by the Preferred Alternative analyzed in the FEIS. No new property owners not identified in the FEIS will be impacted by the additional right-of-way. The owners of both parcels own other parcels that were previously identified as affected by the FEIS right-of-way. Right-of-way appraising and buying activities are on-going and the owners of both properties are aware of the impact to the previously unaffected parcels as a result of the final design.

Through previous coordination with FHWA, as required by *Part 1, Section IV, Page 32-33* in the INDOT and FHWA approved Public Involvement Manual (approved March 25, 2009 and title sheet dated April 1, 2009), it has been determined that additional public involvement activities are not required for the right-of-way changes needed as a result of the final design (See Appendix D).

3. DESCRIPTION OF PROJECT CHANGES

This reevaluation focuses on changes to the right-of-way resulting from the final design in Section 1, Design Package 4. The Preferred Alternative in the Section 1 FEIS directly impacts approximately 720 acres of land. Implementation of the Package 4 final design will result in impacts to approximately 11.24 additional acres for permanent right-of-way not previously addressed in the FEIS (See Maps in Appendix A for locations.) Figure 1 in Appendix A shows the entire Section 1 project, including each location where this evaluation addresses the modified right-of-way. Figure 2 in Appendix A shows Design Package 4, along with each location where this reevaluation addresses modified right-of-way. The right-of-way changes discussed below are listed from south to north.

- Gibson County Road 900 S in Package 4 (See Figure 3 in Appendix A). On the east side of the highway, the right-of-way was revised in order to construct a cul-de-sac not analyzed in the FEIS. Gibson County Road 900 S was listed as a road closure in the FEIS; however the cul-de-sac and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. The right-of-way shifted at this location to reduce the length of stream channel relocation described below at Gibson County Road 550 E. Approximately 2.46 acres of permanent right-of-way is required at this location. Land uses within this 2.46 acre area consist of 2.23 acre of agricultural land, 0.07 acre of upland habitat, and 0.16 acre of developed land. As a result of the alignment shift approximately 1.65 acres of right-of-way analyzed in the FEIS will be eliminated.
- Gibson County Road 550 E in Package 4 (See Figure 3 in Appendix A). On the west side of the highway, right-of-way was added for stream channel realignment and tree plantings. The northbound and southbound I-69 bridges over the existing stream channel cross the stream at an angle which

would lead to erosion around the bridge abutments. The stream channel will be realigned to correct this issue and will cross under the bridges at a more appropriate angle. Approximately 1.3 acres of permanent right-of-way is required at this location. Land uses within this 1.3 acre area consist of 1.01 acres of agricultural land and 0.29 acre of upland habitat.

- Gibson County Road 825 S in Package 4 (See Figure 4 in Appendix A). There are two final design changes at this location that require additional right-of-way. A total of approximately 3.05 acres of permanent right-of-way is required at the County Road 825 S location.
 - A. On the east side of the highway a cul-de-sac not analyzed in the FEIS will be constructed which will require approximately 1.22 acres of permanent right-of-way. County Road 825 S at this location was listed as a road closure in the FEIS; however the cul-de-sac and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Land uses within this 1.22 acre area consist of 1.14 acres of agricultural land and 0.08 acre of transportation.
 - B. On the west side of the highway, the right-of-way increased in order to construct a connector road at the request of Gibson County to preserve traffic flow on the county road system between County Road 825 S and County Road 600 E. This right-of-way change was discussed at the May 5, 2009 and November 3, 2009 Gibson County Board of Commissioners meetings and a speed limit for this connector road was established at the November 3 meeting. Approximately 1.83 acres of permanent right-of-way is required at this location. Land uses within this 1.83 acre area consist of 1.6 acres of agricultural land and 0.23 acre of transportation.
 - C. Between County Road 825 S and County Road 750 S, the final design right-of-way was reduced approximately 2.01 acres on the north side of the highway and approximately 2.34 acres on the south side for a total of 4.35 acres. This reduction is due to the revised design described above in (A) and (B) at County Road 825 S.
- Gibson County Road 750 S in Package 4 (See Figure 5 in Appendix A). There are two final design changes at this location that require additional right-of-way. A total of approximately 1.73 acres of permanent right-of-way is required at the County Road 750 S location.
 - A. On the east side of the highway, the right-of-way increased in order to construct a cul-de-sac not analyzed in the FEIS and reconstruct a driveway. County Road 750 S at this location was listed as a road closure in the FEIS; however the cul-de-sac and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Approximately 0.65 acre of permanent right-of-way is required. Land uses within this 0.65 acre consist of 0.41 acre agricultural land and 0.24 acre developed.
 - B. On the west side of the highway, the right-of-way increased to accommodate a cul-de-sac not analyzed in the FEIS and berm construction around existing oil storage tanks. County Road 750 S at this location was listed as a road closure in the FEIS; however the cul-de-sac and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Approximately 1.08 acres of right-of-way is required. Land uses within this 1.08 acre area consists of 0.9 acre agricultural land, 0.12 acre developed land, and 0.06 acre upland habitat.

- State Road 168 Interchange (See Figure 6 in Appendix A). There are three final design changes in this area which require additional right-of-way. A total of approximately 2.7 acres of permanent right-of-way is required at the State Road 168 Interchange location.
 - A. Interchange ramps pulled in to reduce overall footprint of interchange, thereby flattening the SR 168 profile in order to provide sight distance at ramp termini (approximately 2.21 acres of permanent right-of-way is required at these locations). Land uses within this 2.21 acre area consist of 2.01 acres of agricultural land and 0.2 acre transportation;
 - B. Cul-de-sac construction not analyzed in the FEIS (approximately 0.13 acre of right-of-way is required at this location). County Road 725 at this location was listed as a road closure in the FEIS; however the cul-de-sac and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Land uses within this 0.13 acre area consist of 0.09 acre agricultural land and 0.04 acre transportation;
 - C. Grade lowered to reduce length of bridge to the south (approximately 0.36 acre of permanent right-of-way required at this location). Land use within this 0.36 acre area consists entirely of agricultural land.
 - D. As a result of item (A) above, approximately 12.92 acres of right-of-way analyzed in the FEIS at the State Road 168 Interchange will be eliminated. In addition, two relocations shown in the FEIS no longer are required. These previously-identified relocations are on the south side of SR 168 west of the I-69 interchange.
- Flood Easements will also be acquired within Package 4 at the Unnamed Tributary to Smith Fork crossing located just south of County Road 750 S (STA 1807+25) and the Unnamed Tributary to Smith Fork crossing located north of the State Road 168 interchange (STA 1862+00). All property owners impacted by the flood easements are impacted by highway right-of-way. No new property owners will be impacted. The flood easements acquired at STA 1807+25 total approximately 16.01 acres and impact 4 parcels (See Figure 5 in Appendix A). The flood easements at STA 1862+00 on the east side of the State Road 168 Interchange total approximately 30.66 acres and impact 4 parcels. The flood easements at STA 1862+00 on the west side of the State Road 168 Interchange total approximately 19.81 acres and impact 3 parcels (Figure 6 in Appendix A shows flood easements on both sides of I-69 at SR 168 interchange).

4. ENVIRONMENTAL CONSEQUENCES

The total additional 11.24 acres of right-of-way within Package 4 of I-69, Section 1 not analyzed in the FEIS or ROD described above will not result in a significant increase to impacts previously analyzed for Section 1. This revised footprint for Section 1 was reviewed for impacts to the resource categories examined in the existing environmental documentation (i.e. wetlands, forest, streams, farmland, etc.).

Land use in the additional right-of-way areas is predominantly agriculture and developed land. The FEIS shows approximately 720 acres of land to be acquired for right-of-way for the Section 1 Preferred Alternative (See Table 5.3-1). These additional approximately 11.24 acres of land not within the Section 1 Preferred Alternative were reviewed for environmental impacts. The additional right-of-way areas include agricultural, upland habitat, and developed land. Adjacent land uses to the additional right-of-way areas are residential, forest, transportation, and farmland.

According to the FEIS Table 5.3-1, agricultural land accounts for 630 acres, or 88% of the total direct land use impacts within the Section 1 Preferred Alternative. Approximately 9.75 acres of agricultural

land will be impacted within this additional right-of-way. This will not result in a significant increase in the impacts previously analyzed in the FEIS. Planning to reduce the farmland impacts in the FEIS and final design focused on avoiding and/or minimizing the creation of uneconomic remnants, or designing alignments to minimize disruption to existing agricultural practices. Given the predominance of agricultural land in the Section 1 project area, the majority of any land impacted by additional right-of-way is expected to be agricultural land.

According to the FEIS Table 5.3-1, developed land accounts for 51 acres, or 7% of the total direct land use impacts in Section 1. Approximately 1.07 acres of land within the additional right-of-way areas are used as residential, commercial, or existing transportation. This falls under the FEIS category of developed land. The additional 1.07 acres do not represent a material or significant increase in the impacts to developed land analyzed in the FEIS.

According to the FEIS Table 5.3-1, upland habitat land (which consists of non-wetland forest, herbaceous cover, and scrub/shrub areas) accounts for 36 acres, or 5% of the total direct land use impacts. Approximately 0.42 acre of upland habitat¹ is located within the additional right-of-way areas. This will not result in a material or significant increase in the impacts to upland habitat as analyzed in the FEIS. Table 7-1 in the FEIS states that INDOT and FHWA will mitigate upland forests impacted by Section 1 at a ratio of 3:1. An approximate 161.2 acre site located adjacent to Pigeon Creek in Gibson County has been secured for this effort. Additional mitigation measures beyond commitments in the FEIS are not anticipated as a result of the above described upland habitat impacts.

As described above at the reevaluation area at Gibson County Road 550 E, the existing stream channel will be realigned. Approximately 845 linear feet of stream impacts were reported in the FEIS at this location. The final design will instead impact approximately 783 linear feet of this stream. Because the final design results in fewer linear feet impacted, additional mitigation measures beyond commitments in the FEIS will not be required as a result of this design change.

In regard to above-ground historic resources, the additional right-of-way areas are located inside the approved area of potential effect (APE) for Section 1; thus, these added right-of-way areas require no change to the above-ground APE (See Appendix A, Figure 1). According to the Section 1 Historic Property Report, no above ground properties inside of the Section 1 APE were determined to be eligible for or listed in the NRHP. Because no resources listed in or eligible for listing in the NRHP are located in Section 1, no additional investigation for above ground historic resources was performed as a part of this reevaluation.

In regard to archaeological resources, a Phase Ia field reconnaissance was conducted by Gray & Pape, Inc. for areas located outside of the original surveyed preferred alternative. In a report dated November 22, 2010 Gray & Pape determined that no archaeological resources were identified during their survey. INDOT approved the Phase Ia field reconnaissance report on November 22, 2010. The Phase Ia archaeological report was provided to the Indiana SHPO office on November 22, 2010 for comment (See Appendix B for letter). In a letter dated November 30, 2010 the SHPO stated that, "Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project areas". Based on this survey, it has been determined that there would be no

¹ The net forest impacts in Section 1 for the final design right-of-way analyzed in this document are unchanged from those documented in the Section 1 Tier 2 Biological Assessment and FEIS. Annual reporting to the United States Fish & Wildlife Service (USFWS) addresses the current state of forest impacts. Any changes not evaluated in the Tier 2 Biological Assessment and FEIS are addressed during this ongoing coordination.

change to the potential effects on archaeological resources from the additional right-of-way areas (See Appendix C for Phase Ia summary).

Based on the above information, the Section 106 process will not be reopened in consideration of the following: all design changes occur within the previously approved APE; visually, there will essentially be no change due to the minor additional right-of-way areas; the determination that no above ground resources listed in or eligible for the NRHP are located within the Section 1 APE; and the conclusion that the proposed action of adding approximately 11.24 acres of additional final design right-of-way within Package 4 will not change the "no adverse effect" determination previously made for archaeological resources in Section 1.

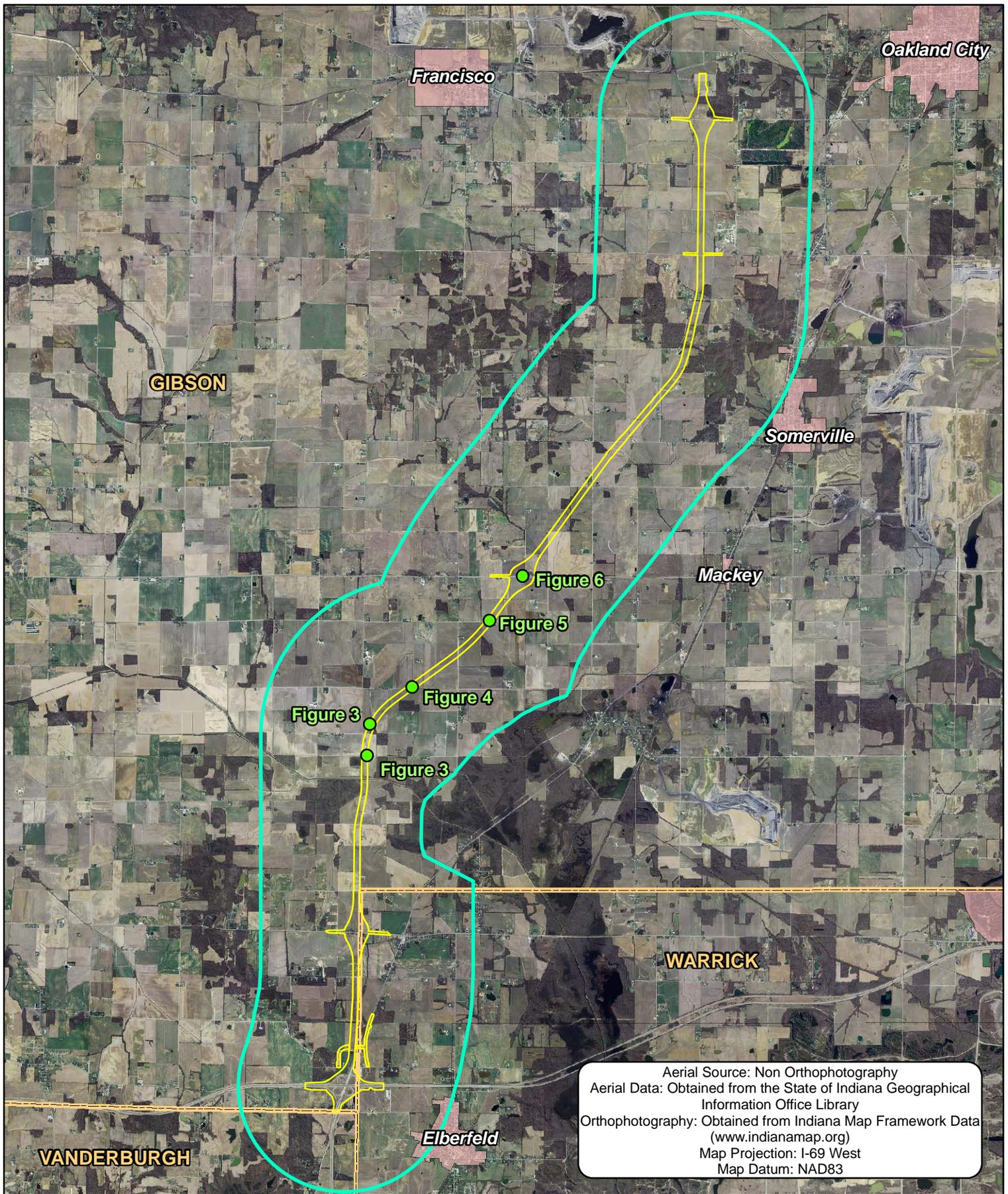
Two residential relocations in the southwestern quadrant of the State Road 168 Interchange were identified in the FEIS. During the final design, the interchange ramps were modified to reduce the overall footprint. As a result of the design modification, the residences and associated outbuildings will no longer be affected. As shown in the attached maps, approximately 18.92 acres of right-of-way analyzed as impacted in the FEIS no longer will be impacted as a result of the final design.

5. CONCLUSIONS

In conclusion, the final design additional right-of-way as discussed above for Section 1 of the I-69 project will result in additional right-of-way, which consists predominantly of agricultural and previously disturbed areas. There will be no other notable impacts. Therefore, the revised design will not result in significant environmental impacts that were not evaluated in the EIS nor is there new information or circumstances relevant to environmental concerns bearing on the proposed action or its impacts which will result in significant environmental impacts not discussed in the EIS.

Appendix A

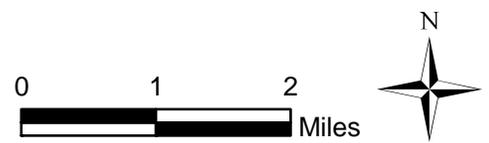
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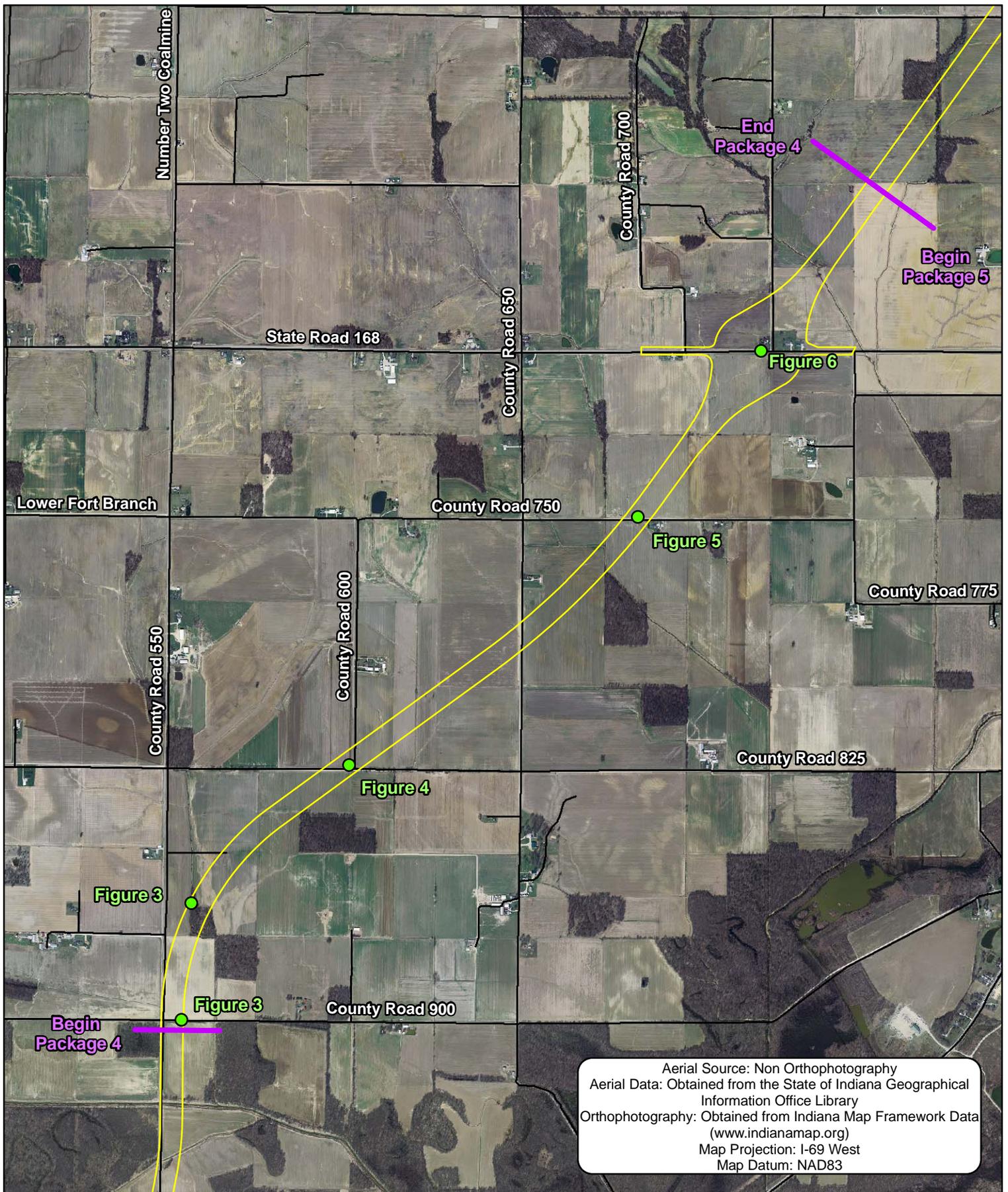


Aerial Source: Non Orthophotography
 Aerial Data: Obtained from the State of Indiana Geographical Information Office Library
 Orthophotography: Obtained from Indiana Map Framework Data (www.indianamap.org)
 Map Projection: I-69 West
 Map Datum: NAD83

- Package 4 Reevaluation Areas
- Section 1 FEIS Preferred Right-of-Way
- Section 1 Historic APE
- Incorporated Areas
- County Line

Figure 1
 I-69, Section 1
 Design Package 4
 Shown on 2005 Aerial
 Final Design Right-of-Way Changes

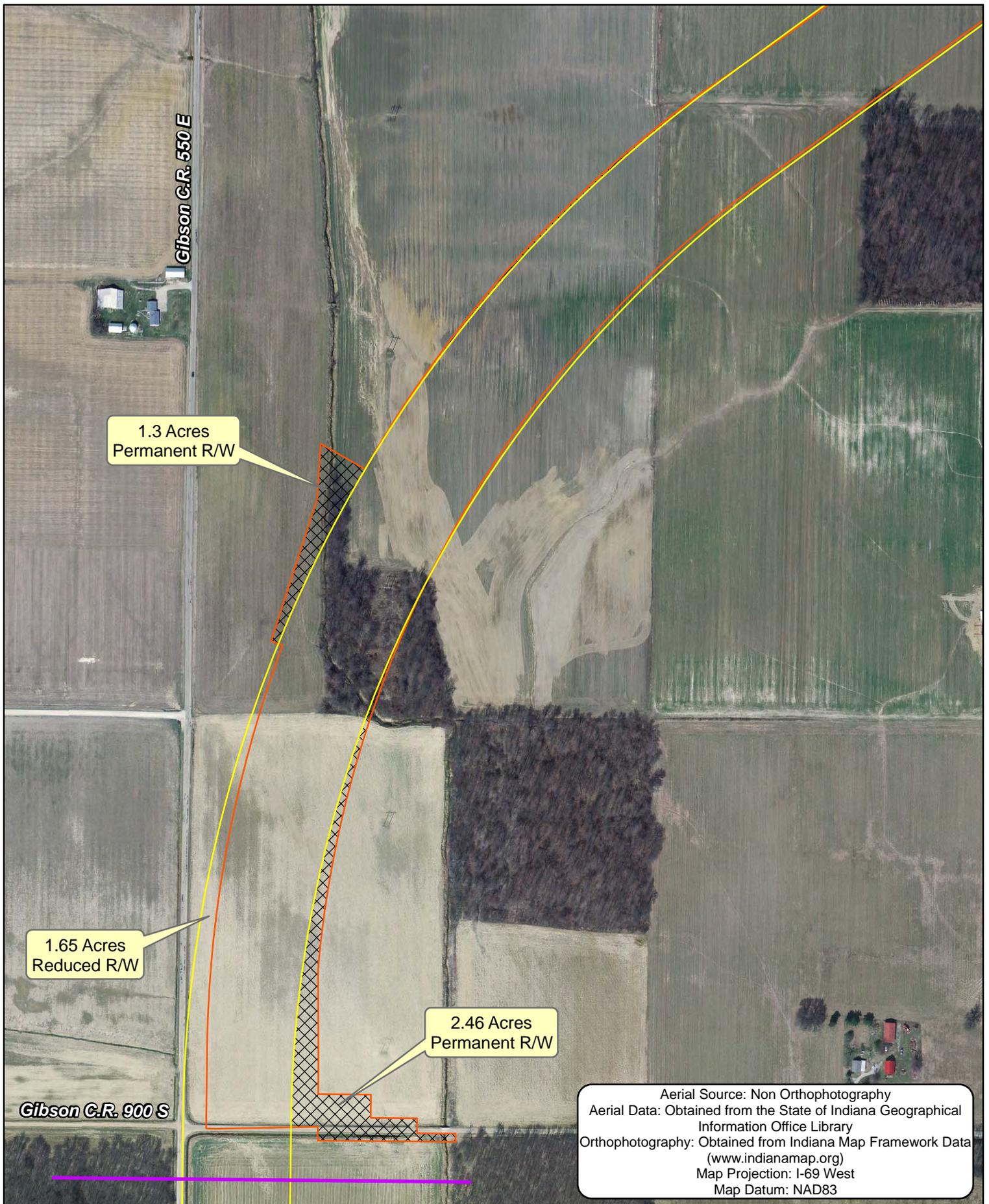




- Package 4 Reevaluation Areas
- Package 4 & 5 Breakpoints
- Section 1 FEIS Preferred Right-of-Way
- County Line

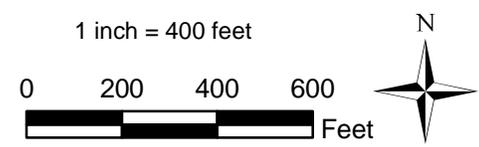
Figure 2
 I-69, Section 1
 Design Package 4
 Shown on 2005 Aerial
 Final Design Right-of-Way Changes





- Begin Design Package 4
- Sec 1 FEIS Preferred R/W
- Sec 1 Package 4 Final Design R/W
- Sec 1 Package 4 Reevaluation Area

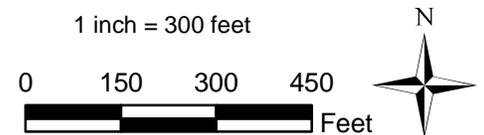
Figure 3
 I-69, Section 1
 Design Package 4
 Right-of-Way Changes
 Shown on 2005 Aerial Photo

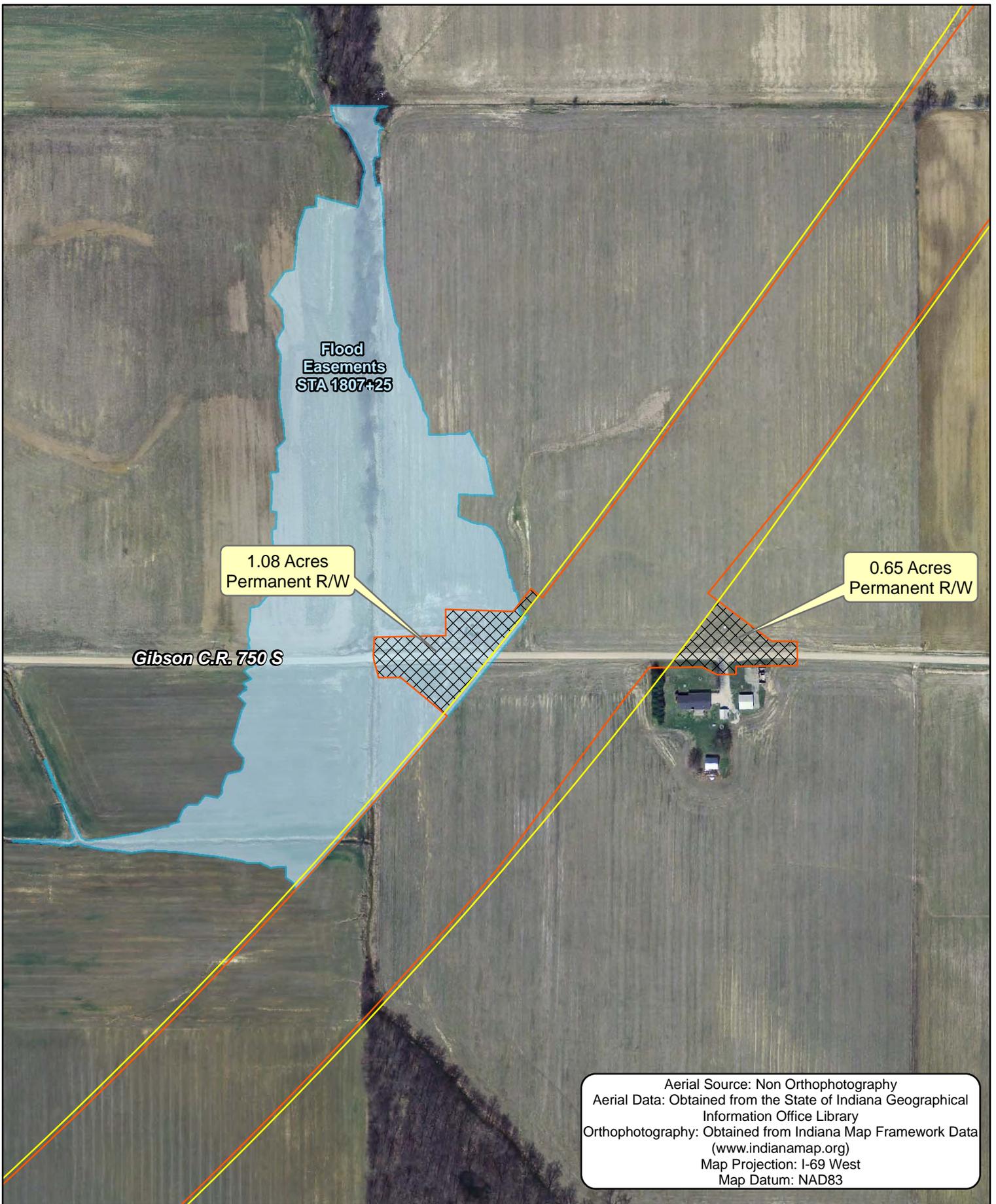




- Sec 1 FEIS Preferred R/W
- Sec 1 Package 4 Final Design R/W
- Sec 1 Package 4 Reevaluation Area

Figure 4
 I-69, Section 1
 Design Package 4
 Right-of-Way Changes
 Shown on 2005 Aerial Photo

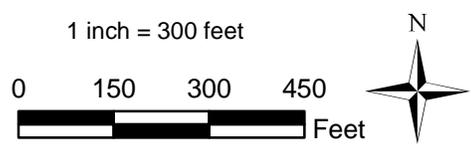


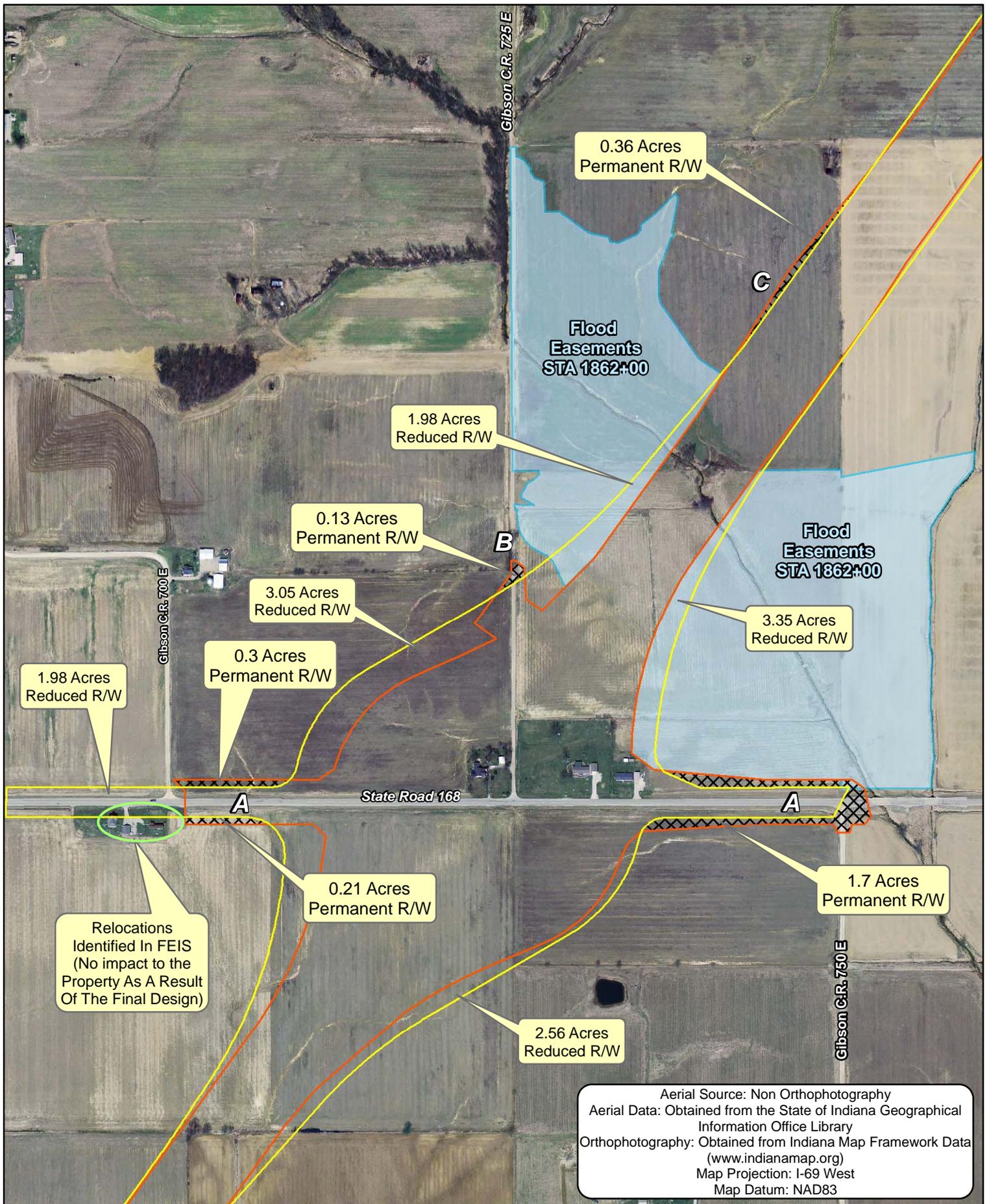


Aerial Source: Non Orthophotography
 Aerial Data: Obtained from the State of Indiana Geographical Information Office Library
 Orthophotography: Obtained from Indiana Map Framework Data (www.indianamap.org)
 Map Projection: I-69 West
 Map Datum: NAD83

- Sec 1 FEIS Preferred R/W
- Sec 1 Package 4 Final Design R/W
- Sec 1 Package 4 Reevaluation Area
- Flood Easements

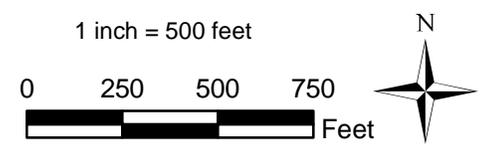
Figure 5
 I-69, Section 1
 Design Package 4
 Right-of-Way Changes
 Shown on 2005 Aerial Photo





- Sec 1 FEIS Preferred R/W
- Sec 1 Package 4 Final Design R/W
- Sec 1 Package 4 Reevaluation Area
- Flood Easements

Figure 6
 I-69, Section 1
 Design Package 4
 Right-of-Way Changes
 Shown on 2005 Aerial Photo



Aerial Source: Non Orthophotography
 Aerial Data: Obtained from the State of Indiana Geographical Information Office Library
 Orthophotography: Obtained from Indiana Map Framework Data (www.indianamap.org)
 Map Projection: I-69 West
 Map Datum: NAD83

Appendix B
Informational Letter to SHPO
&
SHPO Response



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November 22, 2010

Dr. James A. Glass, Director
Division of Historic Preservation and Archaeology
402 W. Washington Street, Room W274
Indianapolis, Indiana 46204-2739

RE: Additional information on Section 106 resources for the I-69 Section 1 additional right-of-way reevaluation areas – Design Package 4 located in Gibson County, Indiana.
DES #: 0300377 Project #: IN10 (003)
DHPA #: 1353 BLA Project #: 103-0001-1PL

Dear Dr. Glass,

On behalf of the Indiana Department of Transportation, the attached information is being provided for your review, showing that the adjustment in the original I-69 Section 1 preferred alternative right-of-way described herein does not modify the effect on historic properties. The final design for Section 1 within Package 4 has added additional right-of-way areas to accommodate cul-de-sac construction; right-of-way shift to reduce stream channel impacts; stream channel re-alignment and tree planting; berm construction around existing oil storage tanks; driveway construction; interchange modification; grade modifications; and flood easements (See Appendix A). The final design additional right-of-way areas total approximately 11.24 acres of permanent right-of-way way not examined in the Section 1 Final Environmental Impact Statement (FEIS). Flood Easements totaling approximately 66.48 acres will be acquired.

More specifically, the following locations of Section 1 additional right-of-way reevaluation areas are listed from south to north:

- 1) Gibson County Road 900 S (See Figure 3 in Appendix A): On the east side of the highway, the right-of-way was revised in order to construct a cul-de-sac not analyzed in the FEIS. The right-of-way shifted at this location to reduce the length of stream channel relocation described below at Gibson County Road 550 E. Approximately 2.46 acres of permanent right-of-way is required at this location. As a result of the alignment shift approximately 1.65 acres of right-of-way analyzed in the FEIS will be eliminated.
- 2) Gibson County Road 550 E (See Figure 3 in Appendix A): On the west side of the highway, right-of-way was added for stream channel realignment and tree plantings. The northbound and southbound I-69 bridges over the existing stream channel cross the stream at an angle which would promote erosion around the bridge abutments. The stream channel will be realigned to correct this issue and will cross under the bridges at a

more suitable angle. Approximately 1.3 acres of permanent right-of-way is required at this location.

- 3) Gibson County Road 825 S (See Figure 4 in Appendix A). There are two final design changes at this location that require additional right-of-way. A total of approximately 3.05 acres of permanent right-of-way is required. On the east side of the highway a cul-de-sac not analyzed in the FEIS will be constructed which will require approximately 1.22 acres of permanent right-of-way. On the west side of the highway, the right-of-way increased in order to construct a connector road at the request of Gibson County to preserve traffic flow on the county road system between County Road 825 S and County Road 600 E. Approximately 1.83 acres of permanent right-of-way is required at this location. Between County Road 825 S and County Road 750 S, the final design right-of-way was reduced approximately 2.01 acres on the north side of the highway and approximately 2.34 acres on the south side for a total of 4.35 acres. This reduction is due to the revised design described above.
- 4) Gibson County Road 750 S (See Figure 5 in Appendix A). There are two final design changes at this location. On the east side of the highway, the right-of-way increased in order to construct a cul-de-sac not analyzed in the FEIS and reconstruct a driveway. Approximately 0.65 acre of permanent right-of-way is required. On the west side of the highway, the right-of-way increased to accommodate a cul-de-sac not analyzed in the FEIS and berm construction around existing oil storage tanks. Approximately 1.08 acres of right-of-way is required to accommodate this change.
- 5) State Road 168 Interchange (See Figure 6 in Appendix A). There are three final design changes in this area which require additional right-of-way; Interchange ramps pulled in to reduce overall footprint of interchange, thereby flattening the SR 168 profile in order to provide sight distance at ramp termini (approximately 2.21 acres of permanent right-of-way is required for this change); Cul-de-sac construction not analyzed in the FEIS (approximately 0.13 acre of right-of-way is required at this location); Grade lowered to reduce length of bridge to the south (approximately 0.36 acre of permanent right-of-way required at this location).

Flood Easements will also be acquired within Package 4 at the Unnamed Tributary to Smith Fork crossing located just south of County Road 750 S (STA 1807+25) and the Unnamed Tributary to Smith Fork crossing located north of the State Road 168 interchange (STA 1862+00). The flood easements are being acquired for areas where the I-69 bridge designs result in increased backwater exceeding 0.14 feet during the regulatory flood (the allowable limit identified in the Flood Control Act – IC 14-28). The bridge designs all comply with FHWA approved design standards which allow a maximum backwater increase of 1.0 foot during the regulatory flood. The regulatory flood is defined as “a flood having a one percent (1%) probability of being equaled or exceeded in a year as calculated by a method and procedure that is approved by the [Natural Resources Commission]. The regulatory flood is equivalent to the base flood or the 100-year frequency flood” (312 IAC 10-2-35). As defined, the flood event that produces backwater on these flood easement parcels is a low probability or infrequently occurring event. The flood easements acquired at STA 1807+25 total approximately 16.01 acres (See Figure 5 in Appendix A). The flood

easements at STA 1862+00 on the east side of the State Road 168 Interchange total approximately 30.66 acres. The flood easements at STA 1862+00 on the west side of the State Road 168 Interchange total approximately 19.81 acres (Figure 6 in Appendix A shows flood easements on both sides of I-69 at SR 168 interchange).

The Federal Highway Administration (FHWA) and Indiana Department of Transportation (INDOT) have reviewed potential modifications resulting from the additional right-of-way areas and determined no change to the original finding of "no historic properties affected" identified in the Tier 2 FEIS dated October 17, 2007. Therefore, based on this determination, FHWA does not intend to reopen the Section 106 process on the I-69 Section 1 project for the above mentioned areas for the following reasons: all design changes occur within the previously approved above ground APE; visually, there will essentially be no change due to the minor additional right-of-way areas; the determination that no above ground resources listed in or eligible for the NRHP are located within the Section 1 APE; and the conclusion that the proposed action of adding approximately 11.24 acres of additional final design right-of-way and flood easements within Package 4 will have no change to the "no effect" determination previously made for archaeological resources in Section 1.

The Section 1 Tier 2 Historic Property Report, dated November 21, 2005 concluded that no above ground resources eligible for or listed on the (NRHP) are located within the Section 1 APE (See Appendix A showing APE). On January 5, 2006 the FHWA in consultation with the Indiana SHPO determined that Section 1 of the I-69 project will have a "no above ground historic properties affected" finding (See Appendix B). The previously defined APE for above ground resources will not be modified by the additional right-of-way area.

The attached maps identify that the location of the additional right-of-way areas are within the previously documented above-ground resource APE for Section 1 of the I-69 project (See Appendix A). The approved APE for Section 1 above-ground resources is identified to be generally 1.0 mile beyond the typically 2,000-foot wide study corridor. The exception to this is the area just north of the Gibson/Warrick County line, where a densely wooded area limits the line of site.

In regard to archaeological resources, a Phase Ia field reconnaissance was conducted by Gray & Pape, Inc. for right-of-way areas located outside of the original surveyed preferred alternative. In a report dated November 22, 2010 Gray & Pape determined that no new archaeological resources were identified during their survey (See Archaeological Report). In regard to the flood easement areas show in Appendix A, a review was conducted by Gray & Pape, Inc. This analysis identified all of these areas to be in poorly drained soils based on soil survey data, indicating that these areas have historically and prehistorically subjected to inundation. In addition, based on the short duration, infrequent recurrence of the potential flooding which is anticipated based on the current design, there would be no effect on any archaeological resources present. Based on these evaluations, no further archaeological investigations for the above mentioned areas are needed, and it has been determined that there would be no change to the "no effect" determination

previously made for archaeological resources in Section 1 as a result of the additional right-of-way areas and flood easement areas.

If any human remains are encountered at any point in the project, all work in the area will immediately cease and any burials will be reported to IDNR/DHPA within two business days in accordance with IC 14-21 and 312 IAC 21.

Please review this letter and attached Archaeological Report and provide comments. INDOT and FHWA are proceeding with the approval of the reevaluation document to the original Tier 2 FEIS without modification of the previous Section 106 findings based on this information. If you should have any questions regarding this reevaluation information, please contact me at 812-479-6200 or via email at melsner@blainc.com.

Sincerely,

A handwritten signature in black ink that reads "Michael Elsner". The signature is written in a cursive, slightly slanted style.

Michael Elsner
Environmental Scientist
Bernardin • Lochmueller and Associates, Inc.

Enclosures: Appendix A – Graphics
Appendix B – Section 1 Effect Finding

Archaeology Report



Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



November 30, 2010

Michael Elsner
Environmental Scientist
Bernardin, Lochmueller and Associates, Inc.
6200 Vogel Road
Evansville, Indiana 47715-4006

Federal Agency: Federal Highway Administration ("FHWA")

Re: Additional information on Section 106 resources for the I-69 Section 1 additional right-of-way reevaluation areas—Design Package 4 located in Gibson County, Indiana, including an addendum to phase Ia archaeological investigations (Baltz, 11/22/10) (Des. No. 0300377; Project No. IN10 (003); BLA Project No. 103-0001-1PL; DHPA No. 1353)

Dear Mr. Elsner:

Pursuant to Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana," the staff of the Indiana State Historic Preservation Officer has reviewed the materials under your cover dated November 22, 2010 and received on November 23, for the aforementioned project in Gibson County, Indiana.

On page one of your letter, you indicated that the Section 1 final design has added "approximately 11.24 acres of permanent right-of-way not examined in the Section 1 Final Environmental Impact Statement" and that "[f]lood easements totaling approximately 66.48 acres will be acquired." On page 3, you stated that "Federal Highway Administration (FHWA) and Indiana Department of Transportation (INDOT) have reviewed potential modifications resulting from the additional right-of-way areas and determined no change to the original finding of 'no historic properties affected' identified in the Tier 2 FEIS dated October 17, 2007" and that "FHWA does not intend to reopen the Section 106 process on the I-69 Section 1 project." You further advised us that "[t]he previously defined APE for above ground resources will not be modified by the additional right-of-way area" and that "the location of the additional right-of-way areas are within the previously documented above-ground resource APE for Section 1 of the I-69 project." You, did, however, ask us on page 4 to "review this letter and the attached Archaeological Report and provide comments." Staffan Peterson of INDOT, in his November 23, 2010 e-mail message, subsequently asked us to respond to your letter by December 10. In light of the narrow focus of your request, and in light of INDOT's request that we expedite this review, we have not taken the time to analyze your submission with regard to effects on above-ground properties within the areas of additional right-of-way and are not offering any comments on such effects here.

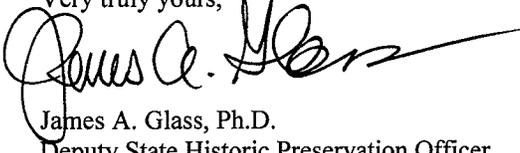
Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project areas archaeologically investigated in the Baltz (11/22/10) report. In regard to the flood easement areas (figures 5 and 6), based upon the information from Gray & Pape, Inc. provided in your November 22, 2010 letter, minimal, short duration flooding should have minimal impact on any archaeological resources that may be present in those areas.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and -29 does not obviate the need to adhere to applicable federal statutes and regulations.

If you have questions about archaeological issues, then please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures may be directed to John Carr at (317) 233-1949 or

jcarr@dnr.IN.gov. In all future correspondence regarding the I-69 Section 1 construction project, please continue to refer to DHPA No. 1353.

Very truly yours,



James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:JLC:JRJ:jj

cc: Robert F. Tally, Jr., P.E., Indiana Division, Federal Highway Administration
Staffan Peterson, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation

emc: Michelle Allen, Indiana Division, Federal Highway Administration
Shaun Miller, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Mary Kennedy, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Lochmueller & Associates, Inc.
Michael Elsner, Bernardin, Lochmueller & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.

Appendix C

Phase 1a Archaeological Report Summary

I-69 CORRIDOR TIER 2 STUDIES
Evansville to Indianapolis
Addendum to Phase Ia Archaeological Investigations
Section 1 (I64 to SR 64)
Reevaluation Group Package 4,
Gibson County, Indiana
DES Number 0300377

November 22, 2010



Prepared by

Gray & Pape, Inc.
101 W. Kirkwood, Suite 207
Bloomington, Indiana 47404

Prepared for

Federal Highway Administration and
Indiana Department of Transportation



**Addendum to Phase Ia Archaeological Investigations
Section 1 (I64 to SR 64)
Reevaluation Group Package 4,
Gibson County, Indiana
I-69 Corridor Tier 2 Studies
Evansville to Indianapolis
DES. No. 0300377**

Lead Agency: FHWA

Prepared For:

**Indiana Department of Transportation
Indiana Government Center North, N642
Indianapolis, Indiana 46204**

Prepared By:

**Christopher J. Baltz
Gray & Pape, Inc.
101 W. Kirkwood, Suite 207
Bloomington, Indiana 47404**



**Beth McCord
Principal Investigator
November 22, 2010**

Gray & Pape Project No. 09-43502

3.0 CONCLUSIONS AND RECOMMENDATIONS

Phase Ia survey of the Section 1 Package 4 Reevaluation Areas was conducted on November 12, 2010. Ground surface visibility in cultivated fields throughout the APE was 30–60%. The Phase Ia survey employed surface inspection within the cultivated fields. Two disturbed areas, within Items 36 and 34, were examined by walkover. No archaeological sites were identified during the survey. It is recommended that the project will have no effect on historic properties.

Appendix D

FHWA Public Involvement Coordination



I-69 EVANSVILLE TO INDIANAPOLIS

Public Involvement Memo I-69, Section 1, Package 4 Reevaluation November 30, 2010

The purpose of the reevaluation is to examine minor right-of-way changes required for the final design within Design Package 4 in Section 1 that have occurred since the approval of the Tier 2 Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). Package 4 begins just south of Gibson County Road 900 S and extends north approximately 3.4 miles to approximately 0.6 miles north of the State Road 168 Interchange. The revised design adds approximately 11.24 acres of permanent right-of-way (land use consisting of 9.75 acres of agricultural land, 1.07 acres of developed land, 0.42 acres of upland habitat). As required by *Part 1, Section IV, Page 32-33* in the March 25, 2009 FHWA and INDOT approved Public Involvement Manual, this memo has been drafted to document whether further public involvement activities are required to complete the reevaluation.

The reevaluation documents additional right-of-way changes at the following locations of Section 1 (listed from south to north):

- Gibson County Road 900 S – additional right-of-way required to accommodate cul-de-sac construction and a shift in the right-of-way to reduce stream relocation length;
- Gibson County Road 550 E – additional right-of-way required for stream channel realignment and tree plantings;
- Gibson County Road 825 S – additional right-of-way required for cul-de-sac construction and in order to construct a connector road between County Road 825 S and County Road 600 E;
- Gibson County Road 750 S – additional right-of-way required for cul-de-sac construction and berm construction around existing oil storage tanks;
- State Road 168 Interchange – additional right-of-way required for interchange modifications, cul-de-sac construction, and grade modifications

These permanent right-of-way areas affect predominantly agricultural areas. No new permanent road closures not discussed in the Tier 2 FEIS will result from the changes identified in the reevaluation document. Two parcels not previously impacted by the FEIS right-of-way will now be impacted by the final design right-of-way. No new property owners not identified in the FEIS will be impacted by the additional right-of-way. Both property owners of the previously unaffected parcels own parcels impacted by highway right-of-way identified in the FEIS. Both property owners are aware of the impact to the previously unaffected parcels and appraising and buying activities are on-going. The connector road between County Road 825 S and County Road 600 E was discussed at the May 5, 2009 and November 3, 2009 Gibson County Board of Commissioners meetings and a speed limit for this connector road was established at the November 3 meeting.

All additional right-of-way areas are located within the previously approved area of potential effect (APE) for above-ground resources, and no change to the Section 2 findings of effect on historic properties will occur. A Phase 1a Archaeological Investigation was conducted for all of the additional right-of-way areas not previously surveyed. No resources eligible for or listed in the National Register of Historic Places (NRHP) were found.

Flood Easements will also be acquired within Package 4 at the Unnamed Tributary to Smith Fork crossing located just south of County Road 750 S (STA 1807+25) and the Unnamed Tributary to Smith Fork crossing located north of the State Road 168 interchange (STA 1862+00). All property owners impacted by the flood easements are impacted by highway right-of-way. No new property owners will be impacted. The flood easements acquired at STA 1807+25 totals approximately 16.01 acres and impacts 4 parcels. The flood easements at STA 1862+00 on the east side of the State Road 168 Interchange totals approximately 30.66 acres and impacts 4 parcels. The flood easements at STA 1862+00 on the west side of the State Road 168 Interchange totals approximately 19.81 acres and impacts 3 parcels. It is INDOT's recommendation that no additional public involvement is required because no new property owners will be impacted by the flood easements or the additional right-of-way. Through this memo, it is INDOT's recommendation that additional public involvement activities are not required for the right-of-way changes within Package 4.

From: Bren.George@dot.gov [mailto:Bren.George@dot.gov]
Sent: Friday, December 03, 2010 3:27 PM
To: Lawrence, Ben
Cc: Flum, Sandra; Lemon, Janelle; michelle.allen@dot.gov; Robert.Dirks@dot.gov; Jay.DuMontelle@dot.gov
Subject: FW: Sec 1, Package 4 Memo & Reevaluation
Importance: High

Good afternoon, Ben. FHWA concurs with INDOT that no additional public involvement is necessary for this re-evaluation. Consequently, you can move forward with submitting the final version for approval.

However, FHWA reserves the right to comment on the content of the Re-Evaluation until the final version is submitted.

Should you have questions, please, do not hesitate to contact us.

Thanks,

Bren

From: Lawrence, Ben [mailto:BLAWRENCE@indot.IN.gov]
Sent: Wednesday, December 01, 2010 9:35 AM
To: George, Bren (FHWA); Allen, Michelle (FHWA)
Cc: 'Elsner, Mike'; DuPont, Jason; Lemon, Janelle; Flum, Sandra; Sperry, Steve
Subject: FW: Sec 1, Package 4 Memo & Reevaluation

Michelle/Bren,

Please find attached a Re-Evaluation for Section 1 of I-69. The revisions include R/W changes to account for cul-de-sac construction, access roads, reducing stream impacts, and flood easements. No property owners are affected who were not already being affected by the project. Based on previous guidance, we recommend no additional public involvement for this Re-evaluation.

Please let us know if you'd like any revisions. If everything looks ok, we'll be ready to approve the document when we receive SHPO approval. Thanks for your help.

Ben Lawrence, PE
Environmental Policy Administrator
Office of Environmental Services
Indiana Department of Transportation
V: 317-233-1164 F: 317-233-4929