

1. INTRODUCTION

This reevaluation document examines the additional environmental impacts associated with minor design changes to Section 1 of the new terrain I-69 project for the construction section between I-64 to just north of CR 825 S in Gibson County, Indiana. The I-69 project is a four lane interstate highway on mostly new terrain that will link Evansville, Indiana with Indianapolis, Indiana. The purpose of this reevaluation is to determine whether there have been changes in the project or its affected environment since the approval of the Tier 2 Final Environmental Impact Statement (FEIS) which would require the preparation of a supplemental environmental impact statement (SEIS) or a new draft environmental impact statement (DEIS).

The I-69 project extends from Interstate 64 in Gibson County to Interstate 465 in Marion County. The project is being developed in six (6) Sections, which 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. Construction on both the first 2 mile segment of Section 1 and the Section 1 environmental mitigation site have already begun.

This reevaluation is required to evaluate the effects of additional right-of-way and improvements on I-69 in the final design for Section 1, which was revised from the modified preferred alignment presented in the FEIS. The additional permanent and temporary right-of-way along the proposed new alignment of I-69 is required to accommodate bank stabilization, drainage improvements, guard-rail, cul-de-sacs, and a potential levee at locations along the preferred alternative (See Appendix A for Graphics). No new road closures other than those discussed in Table 5.3-4 in the Tier 2 FEIS will result from the construction of the cul-de-sacs identified in this reevaluation document. The analysis in this reevaluation supports the conclusion that this design change will not have impacts sufficient to require the preparation of an SEIS or DEIS.

2. PROJECT DESCRIPTION

2.1 Project Description and Area

This reevaluation examines the segment of Section 1 that begins at I-64 and extends north until just north of CR 825 S. This part of Section 1 does not pass directly through any cities or towns. Small towns such as Buckskin, Mackey, and Somerville are located along SR 57 east and northeast of the project area. This project will consist of two 12-foot travel lanes in each direction with a median ranging from 84 to 60 feet wide. The outside shoulder will be 10 feet wide and the inside shoulder will be 4 feet wide. Access points to I-69 throughout Section 1 will be built as interchanges with SR 68, SR 168, and SR 64. Additionally, as a part of Section 1, a connector road will be built to connect County Road 1250 S and Nobles Chapel Road to State Road 57.

Pigeon Creek and its floodplain will be crossed by this part of Section 1. Residential relocations and environmental impacts to stream, wetland, and forest will occur as a result of Section 1. Land use in the Section 1 vicinity includes developed land, residential, wetland habitat, water (ponds), upland habitat, forested areas, and agricultural land. Dominant crops in the area are corn and soybeans.

2.2 Approved Environmental Documentation

The environmental review process for the I-69 project (Evansville to Indianapolis) contains 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 this project was approved in July 2002. The DEIS described resource impacts for each proposed corridor. The Tier 1 FEIS for this project was approved in December 2003. The FEIS documented additional impacts to the natural, human, and cultural environments not covered in the DEIS. The Record of Decision (ROD) for the Tier 1 studies was approved in March 2004.

The Tier 2 studies are intended to determine a specific alignment within the selected corridor. The Tier 2 studies divided the corridor into six sections and a DEIS and FEIS will be prepared for each section. The Tier 2 study for Section 1, the southernmost Section, has been completed while the remaining 5 sections are still in progress. The Tier 2 DEIS for Section 1 was approved on December 11, 2006. The DEIS described resource impacts on several spatial scales: corridor, Traffic Analysis Zones (TAZ), county, and region. The Tier 2 FEIS for this project was approved on October 17, 2007. The FEIS documented additional impacts to the natural, human, and cultural environments from design changes on the preferred alternative that had occurred since the approval of the DEIS. The ROD for the Tier 2 Section 1 study was approved on December 12, 2007.

2.3 Previously Identified Impacts

Section 1 was divided into three (3) segments (South, Central, and North) during the Tier 2 environmental survey. Impacts to the natural and human environments were examined for each of the segment alternatives, including the preferred alternative of Section 1. The environmental document evaluated the impact of the Section 1 segment 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. The preferred alternative was chosen to minimize impacts to these resources. Mitigation for unavoidable impacts is described in the Tier 2 DEIS and FEIS.

The Section 1 preferred alternative as stated in the Tier 2 FEIS will directly impact 630 acres of agricultural land, of which 493 acres would be removed from production. According to Table 5.4-7 in the FEIS, no Section 1 alternative studied, including the preferred alternative, had a clear advantage over the others regarding impacts to agricultural land. Agricultural impacts in the form of permanent conversion of farmland to non-farmland will not be mitigated by the creation of new farmland elsewhere, as this generally cannot be easily done. Therefore, mitigation for the unavoidable impacts to farmland occurred during the development of alternatives for Section 1. Examples of efforts to avoid farmland impacts during the development of alternatives included: regular coordination with the Natural Resources Conservation Service (NRCS); following existing property lines and minimize dividing or splitting of large tracts of farmland; fields were crossed at perpendicular angles to reduce point rows and the creation of uneconomic remnants; where reasonable, access will be provided to parcels that would otherwise be landlocked as a result of the project; and overpasses were proposed at several locations to maintain the connectivity of county roads, thereby facilitating access to farm fields and operations severed by the Interstate.

Within Section 1 for the I-69 project, the Tier 2 DEIS and FEIS document impacts to streams, wetlands, and forests. In Section 1, approximately 27.4 acres of forest will be directly affected by the preferred alternative. In regards to water resource impacts, a total of 12 wetland areas totaling 1.18 acres (1.16 emergent and 0.02 forested), 4 open water areas totaling 0.75 acre and 40 streams totaling 15,573 linear feet are located within the Section 1 Preferred Alternative.

These environmental impacts will be mitigated at an approximate 161.2 acre site located adjacent to Pigeon Creek in Gibson County, just west of the proposed I-69 highway. The Section 1 Mitigation Site will include the development of approximately 3.0 acres of emergent wetlands, 2.0 acres of forested wetlands, 11,970 linear feet of stream development, 6,300 linear feet of herbaceous filter strips along existing regulated drains (located within the 75 foot regulated drain easements on both sides of the drains), 95.4 acres of upland forest development (including 25.4 acres of riparian habitat along the 11,970 linear feet of stream development), and 31.9 acres of existing wetland, bottomland forest, and riparian habitat preservation (including 0.3 acres of open water created from the dredging of a portion of the Old Pigeon Creek channel). Access easements, existing stream channels, and existing roadways comprise 8.8 acres of the mitigation property. The entire mitigation site is approximately 161.2 acres.

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

Changes at other locations of the Section 1 preferred alternative are possible. Reevaluations of these areas will be required. Other changes are anticipated throughout the construction of the I-69 project and will receive separate reevaluation.

2.5 Public Involvement

Public Involvement procedures have been on-going as part of the overall I-69 project. Public involvement activities preceding the Tier 2 ROD date back to the scoping process for the Tier 1 EIS, which began in February 2000. During this scoping process, public information meetings were held to evaluate route concepts. Several public hearings on the Tier 1 DEIS were held in August 2002.

During the Tier 2 studies, two public information meetings were held in Oakland City. The first, on November 18, 2004, was held to present and receive input regarding the Purpose and Need Statement and preliminary alternatives. The second, on May 26, 2005, was held to present and receive input on the eight build alternative alignments.

Additionally, a Community Advisory Committee (CAC), developed in late 2004, met a total of five times to provide input regarding key local issues such as access and farmland impacts, and the preliminary and build alternative alignments.

More than one month after the publication of the Section 1 DEIS, a formal public hearing regarding the DEIS was held on January 18, 2007 in Oakland City. Approximately 200 people attended the hearing. The comment period on the DEIS extended through February 20, 2007.

Major issues raised during the public involvement process of the Tier 2 studies included access in the vicinity of the proposed I-64/I-164/I-69 interchange, local access and public road connectivity, farmland impacts, impacts to the Pigeon Creek floodplain area, impacts to wetlands and wildlife habitat, and business access.

Post Tier 2 ROD public involvement activities have been limited to on-going property owner coordination as a part of design and right-of-way activities. Additional public involvement activities are not needed for the reevaluation areas as the areas are small in size, are located directly adjacent to the I-69 alignment, and no notable environmental impacts are associated with them. Therefore, public involvement activities for this reevaluation document are complete.

3. DESCRIPTION OF PROJECT CHANGES

This revised design of Section 1 between I-64 and just north of CR 825 S requires eight additional right-of-way acquisition areas along the preferred alternative totaling approximately 8.04 acres of permanent right-of-way and 3.29 acres of temporary right-of-way (See Maps in Appendix A for locations). These acquisition areas will accommodate for bank stabilization, drainage improvements, guard-rail, cul-de-sacs, and a potential levee for Section 1.

The bank stabilization area requires one small permanent right-of-way acquisition area totaling approximately 1.5 acres just north of Gibson County Road 1250 S (Nobles Chapel Road), which is just

north of the I-64 interchange with SR 57/I-164. More specifically, the additional right-of-way area begins directly north of CR 1250 S and extends north approximately 1,000 feet. This acquisition area is located in a former borrow pit where INDOT is proposing to reinforce/repair the slope at the western edge of the borrow area (See Appendix A).

The seven remaining acquisition areas are located between CR 1050 S and just north of CR 825 S. The first acquisition area to be discussed is the area along the south side of CR 1050 S (Tepe Rd). Approximately 0.58 acres of additional permanent right-of-way on the west side of the I-69 preferred alternative and approximately 0.45 acres on the east side will be acquired to accommodate guard-rail under the I-69 overpass. The guard-rail is needed for safety measures for traffic traveling on Tepe Rd. A total of 1.03 acres of permanent right-of-way acquisition will result from this improvement (See Appendix A).

The second acquisition area is the area along the north side CR 1050 S (Tepe Rd). Approximately 0.63 acres of additional permanent right-of-way on the west side of the I-69 preferred alternative and approximately 0.63 acres on the east side will be acquired to accommodate drainage improvements. The drainage improvements are necessary because CR 550 E and Tepe Rd will be reconstructed resulting from the proposed I-69 overpass to be built over Tepe Rd. A total of 1.26 acres of permanent right-of-way acquisition will result from this improvement (See Appendix A).

The third acquisition area begins approximately 0.6 miles north of Tepe Road on the east side of the I-69 preferred alternative. Approximately 1.94 acres of permanent right-of-way acquisition and approximately 2.29 acres of temporary right-of-way acquisition will occur at this area. The 1.94 acre area is needed to accommodate the realignment of CR 550 E and the construction of a cul-de-sac at the north end of CR 550 E. The 2.29 acres of temporary right-of-way is needed to build an access road to provide entry to a property on the east side of the preferred alternative. A total of 4.23 acres will be impacted by these improvements (See Appendix A).

The fourth acquisition area is located directly south of an unnamed tributary of Pigeon Creek, east of CR 550 E. Approximately 1 acre of temporary right-of-way acquisition will occur at this area. The 1 acre area is needed to accommodate the potential construction of a levee south of the tributary. A total of 1.0 acre will be impacted as a result of this potential improvement (See Appendix A).

The fifth acquisition area is located where the preferred alternative will intersect CR 900 S, approximately 0.25 miles north of Pigeon Creek. The acquisition areas will be located on the east side of the preferred alternative. Approximately 0.41 acres will be permanently acquired on the north side of CR 900 S and approximately 0.29 acres will be permanently acquired on the south. The 0.41 acre acquisition area is needed to accommodate the construction of a cul-de-sac where CR 900 S will end on the east side of the proposed Interstate. The 0.29 acre area is needed to accommodate drainage improvements on the south side of CR 900 S. The proposed drainage improvement area will connect a drainage channel on the south side of CR 900 S into an unnamed tributary of Pigeon Creek. A total of 0.70 acres will be impacted at CR 900 S as a result of these improvements (See Appendix A).

The sixth acquisition area is located where the preferred alternative will intersect CR 825 S, approximately 0.75 miles north of CR 900 S. The acquisition areas will be located on the east and west side of the preferred alternative. Approximately 0.48 acres will be permanently acquired on the west side and 0.77 acres will be permanently acquired on the east side. Both areas will be acquired to accommodate the construction of cul-de-sacs where CR 825 S will end on both sides of the proposed Interstate. A total of 1.25 acres will be impacted at CR 825 S as a result of these improvements (See Appendix A).

The seventh acquisition area is located on the northwest side of the preferred alternative at CR 600 E, approximately 500 feet north of CR 825 S. Approximately 0.36 acres will be permanently acquired on the northwest side of the preferred alternative. The additional area is needed to accommodate the construction of a cul-de-sac where CR 600 E will end on the north side of the proposed Interstate. A total of 0.36 acres will be impacted at CR 600 E as a result of this improvement (See Appendix A).

4. ENVIRONMENTAL CONSEQUENCES

The approximately 11.33 acres of additional temporary and permanent right-of-way acquisition for Section 1 of I-69 as mentioned above are expected to have minimal environmental consequences compared to the impacts previously documented and mitigated for in 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, streams, farmland, etc.). Because the additional right-of-way areas are located directly adjacent to the Section 1 preferred alternative, several resource categories were covered by the analysis presented in the Tier 2 DEIS.

Land use in the bank stabilization right-of-way area discussed above is currently sparsely vegetated and previously disturbed land, which served as the bank of a former borrow pit. Land use in the remaining additional right-of-way areas is predominantly agricultural, existing county roads, streams, and roadside ditches. Approximately 720 acres of land to be acquired for right-of-way was documented within the Section 1 preferred alternative as defined by the FEIS. As a result of the proposed additional right-of-way areas, approximately 731.33 acres of land is within the Section 1 preferred alternative. The additional right-of-way areas fall into the FEIS categories of agricultural and developed land. Adjacent land uses to the additional right-of-way areas are residential, wooded, transportation, cemetery, and farmland.

According to the FEIS, agricultural land accounts for 630 acres, or 62% of the total land use impacts within the Section 1 preferred alternative. Approximately 7.04 acres of agricultural land will be impacted as a part of the additional right-of-way. This impact on farmland is the only notable environmental impact of this reevaluation. As discussed above, a designated mitigation site for farmland impacts will not be a part of this project. Mitigation for the farmland impacts as stated in the FEIS focused on practices that assisted in avoiding and/or minimizing farmland conversion, or designing alignments to minimize disruption to existing agricultural practices. The same practices were observed during the design for the additional right-of-way areas. Only the necessary amount of land needed for making the proposed improvements will be taken.

Developed land accounts for 51 acres, or 5% of the total land use impacts. The remaining approximately 4.29 acres of impacted land use is either used as a former borrow area, residential, or transportation. This falls under the FEIS category of developed land.

The bank stabilization will occur on a previously disturbed slope of the borrow area where erosion has begun. The Nobles Chapel Cemetery is located directly southwest of the additional right-of-way area. No impacts to the cemetery are anticipated as the right-of-way area is located entirely north of CR 1250 S and the cemetery is located south of the county road. The cemetery boundaries are located within 100 feet of the proposed right-of-way area, but the requirement to prepare a cemetery development plan according to IC 14-21-1-26.5 does not apply because the slope stabilization project will repair an existing structure (the borrow pit slope) and will not directly impact the burial ground.

As discussed above the additional right-of-way areas will include a previously identified jurisdictional stream channel (See Figure 6 in Appendix A). The first acquisition area between CR 1050 S and CR 825 S detailed above will include the jurisdictional stream within the acquired right-of-way. However, this stream will not be impacted as no work will be performed in the channel or below the ordinary high water mark (OHWM). An overpass is proposed for I-69 to cross CR 1050 S. The scope of work involved along the stream is limited to placing guard-rail on the top-of-bank of the channel for safety reasons. No

other streams or wetlands are located within these additional right-of-way areas. Therefore, no water resource impacts are anticipated to occur as a result of activities in these additional right-of-way areas.

A water main is located in the northeast quadrant of the CR 1050 S intersection with CR 550 E. This utility will need to be relocated as a part of this project. No additional environmental impacts are anticipated to result from the impact on developed land.

In regards to historic resources, the additional right-of-way areas are located inside the approved area of potential effect (APE) for Section 1 (See Figure 10 in Appendix A for map). 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 work regarding above ground historic resources was performed as a part of this reevaluation.

However, the eight additional right-of-way areas are located outside of the Phase Ia field reconnaissance for archaeological resources completed for Section 1. Therefore, an archaeological field reconnaissance was conducted by Gray & Pape, Inc. on October 2, 2008 for the former borrow area and between November 10-14, 2008 for the remaining areas. In summary, no archaeological resources were identified through the survey. Gray & Pape recommends no further work for the Section 1 additional ROW between I-64 and just north of CR 825 S (See Appendix B). In a letter dated February 17, 2009 the office of the Indiana State Historic Preservation Officer (SHPO) concurred with this recommendation stating that, "Based upon the documentation available to the staff at of the Indiana SHPO, we have not identified any currently know archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area" (See Appendix B for letter).

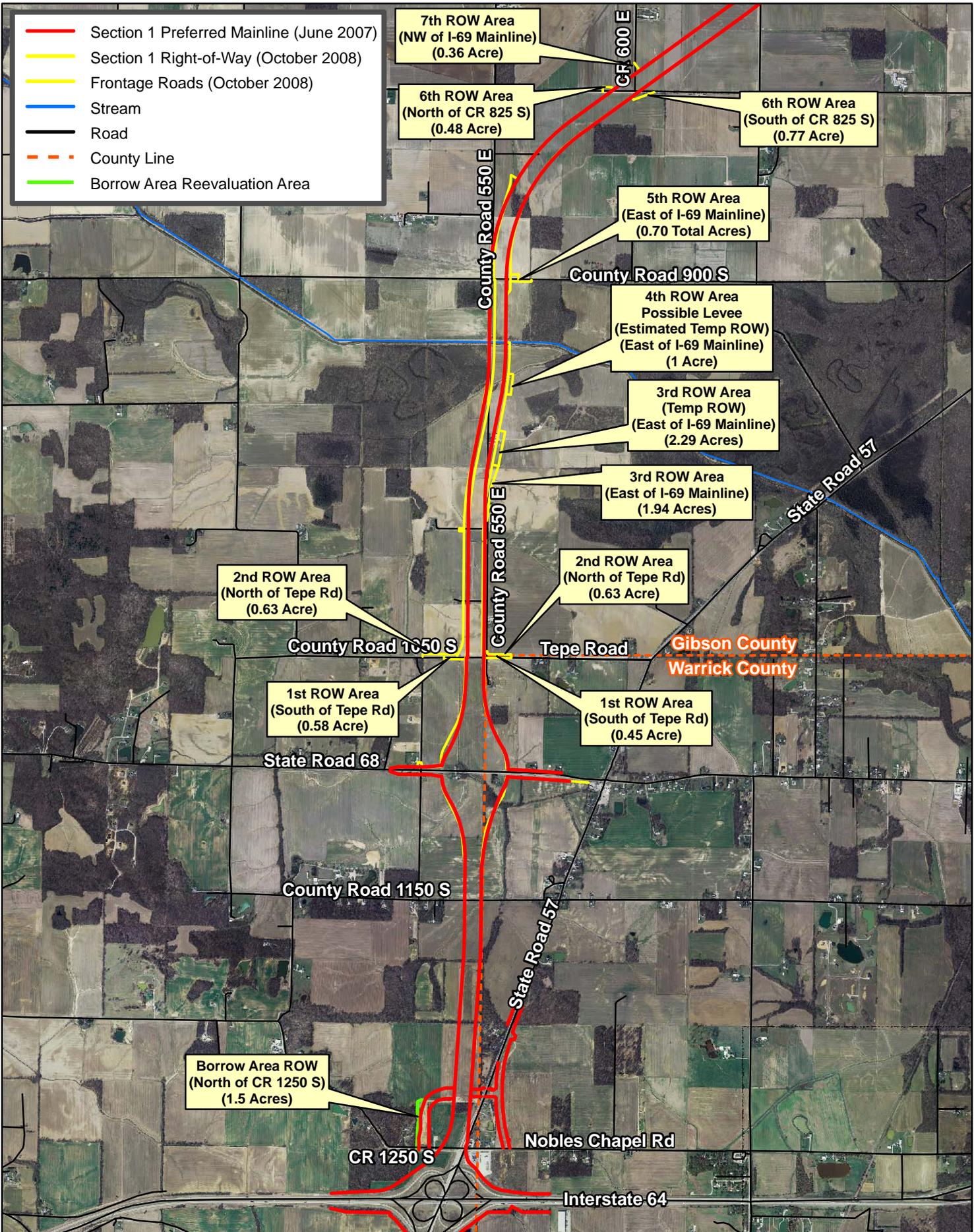
Therefore, there is no intention to re-open the Section 106 process based on the following factors: visually, there will essentially be no change with the minor additional right-of-way areas; the determination that no above ground resources listed in or eligible for the NRHP are located within the Section 1 APE; and the conclusion that the proposed action of adding approximately 11.33 acres of additional right-of-way resulting from the proposed bank stabilization, drainage improvements, guard-rail, cul-de-sacs, and potential levee will have no effect on archaeological resources. In a letter dated January 15, 2008 the SHPO's office was notified of this intention (See Appendix B). A copy of the archaeological report was also submitted on this date to the SHPO's office.

5. CONCLUSIONS

In conclusion, the revised design for Section 1 of the I-69 project will result in the conversion of predominantly agricultural and previously disturbed areas that will not require additional mitigation measures beyond those committed in the Tier 2 FEIS. There will be no other notable impacts. Therefore, the revised design will not have significant impacts on the natural and human environments. The analysis presented in this reevaluation confirms that the revised design for Section 1 does not require the preparation of a supplemental EIS or a new DEIS.

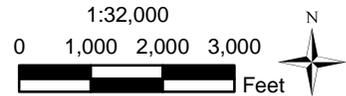
Appendix A

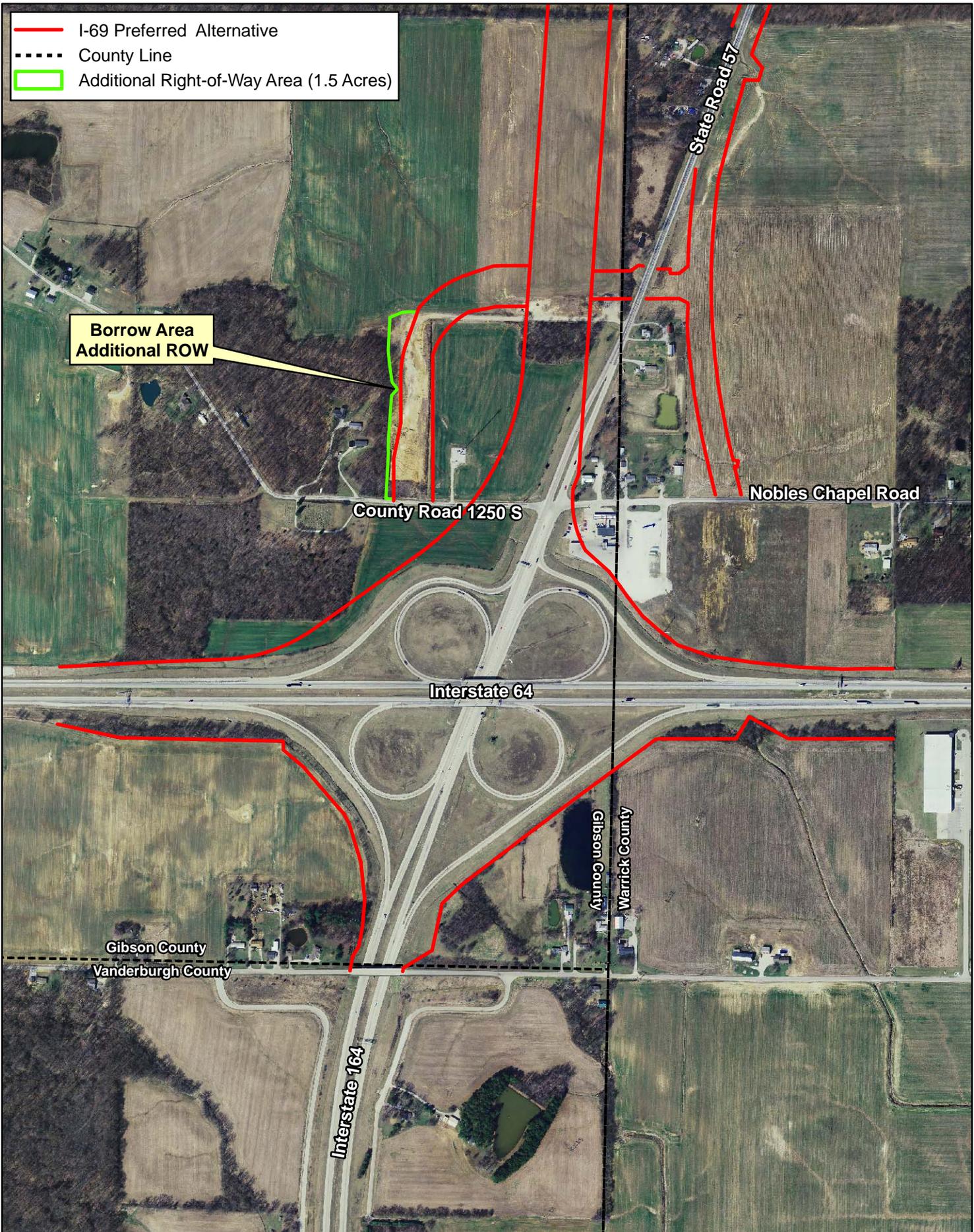
Graphics



Project: Interstate 69 - Section 1
 Location: I-64 to CR 825 S
 County: Gibson
 Shown On: 2005 Aerial

Figure 1
 I-69 Section 1
 Additional ROW Area



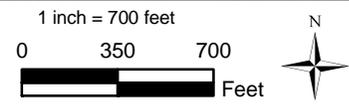


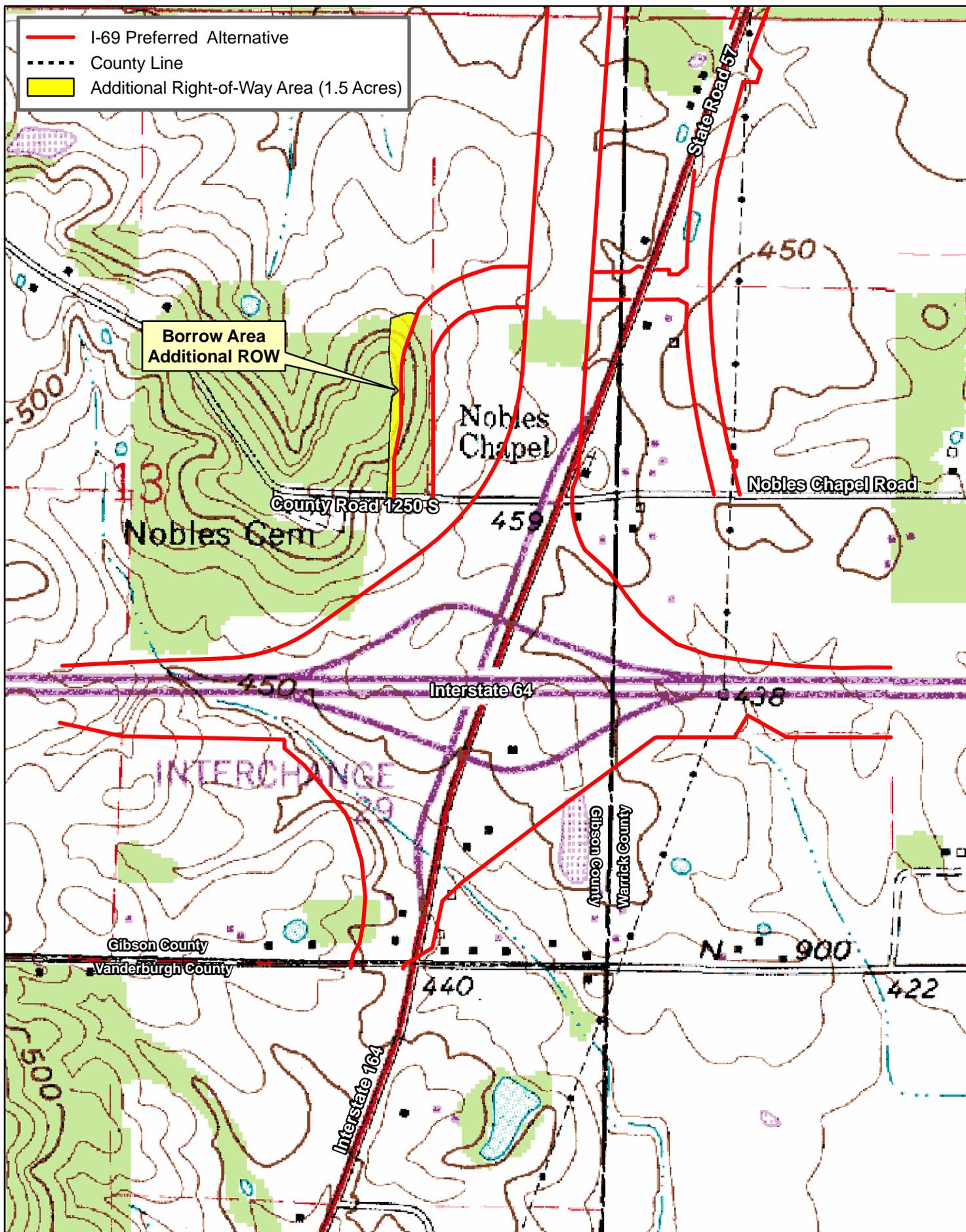
- I-69 Preferred Alternative
- County Line
- Additional Right-of-Way Area (1.5 Acres)

**Borrow Area
Additional ROW**

Project: Interstate 69 - Section 1
 Location: CR 1250 S
 County: Gibson
 Shown On: 2005 Aerial Photo

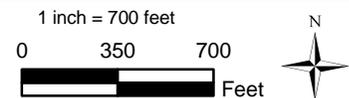
Figure 2
 I-69 Section 1
 Additional ROW Area

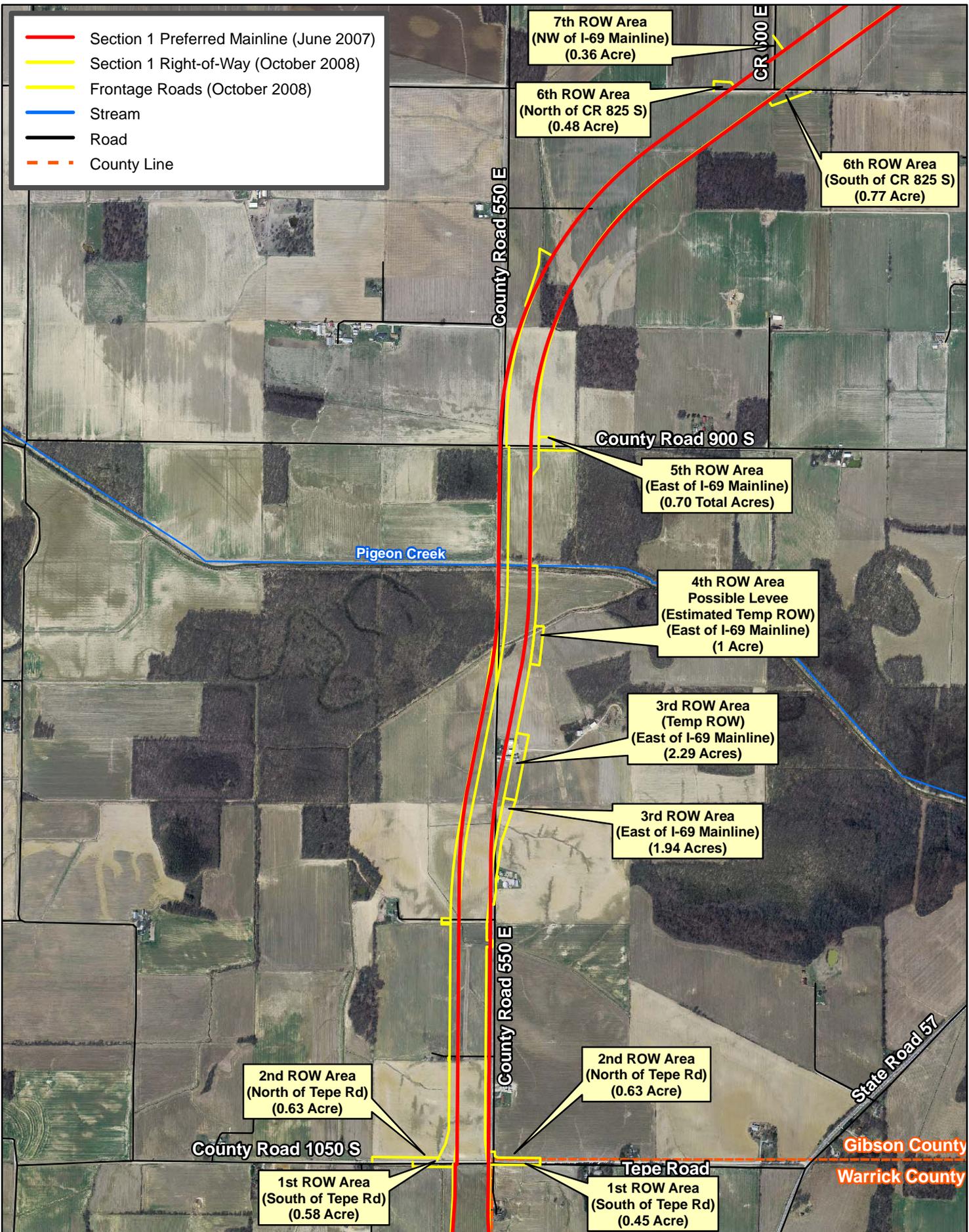




Project: Interstate 69 - Section 1
 Location: CR 1250 S
 County: Gibson
 Shown On: Elberfeld USGS Quad Map

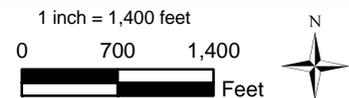
Figure 3
 I-69 Section 1
 Additional ROW Area

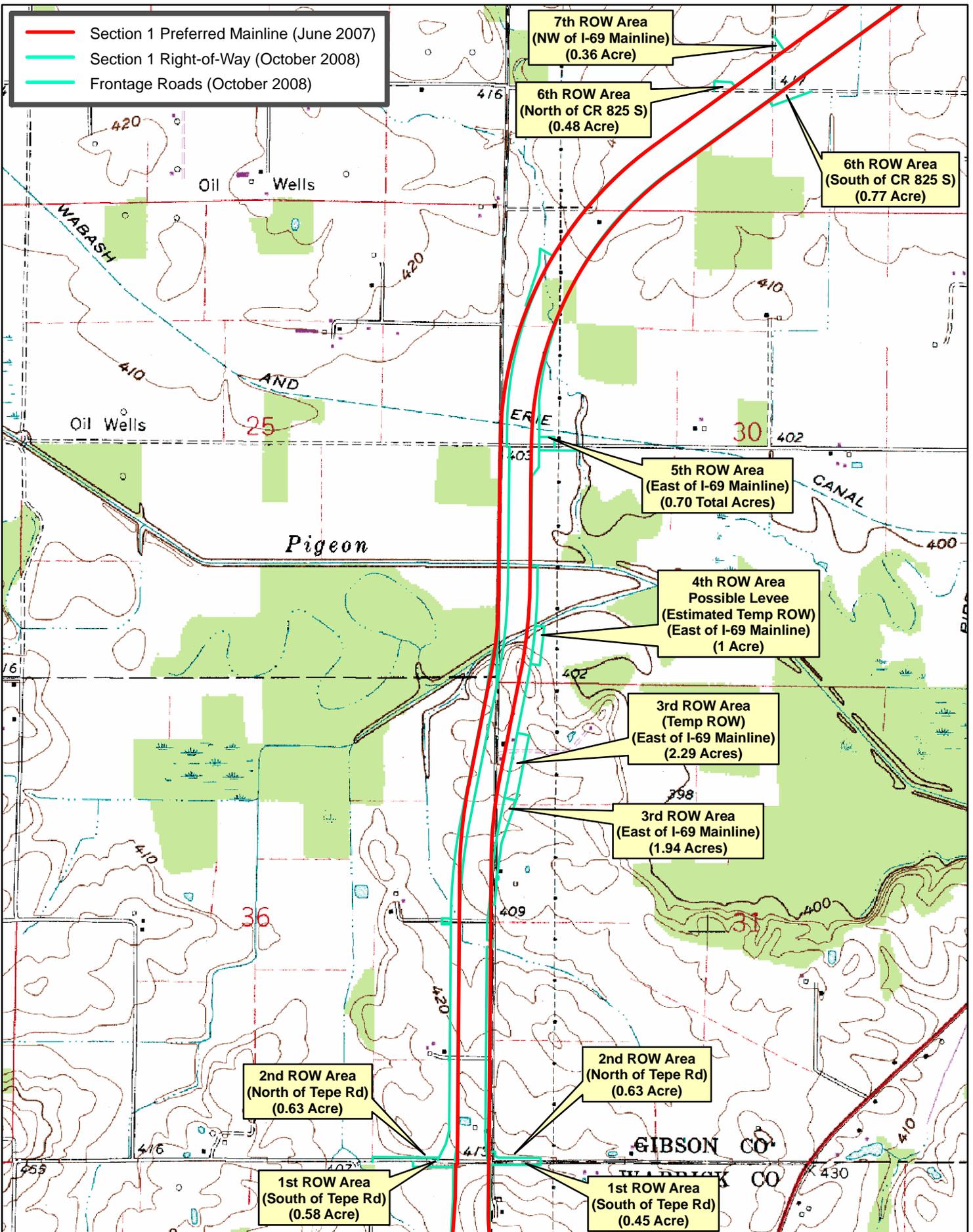




Project: Interstate 69 - Section 1
 Location: CR 1050 S to CR 825 S
 County: Gibson
 Shown On: 2005 Aerial

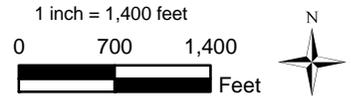
Figure 4
 I-69 Section 1
 Additional ROW Area

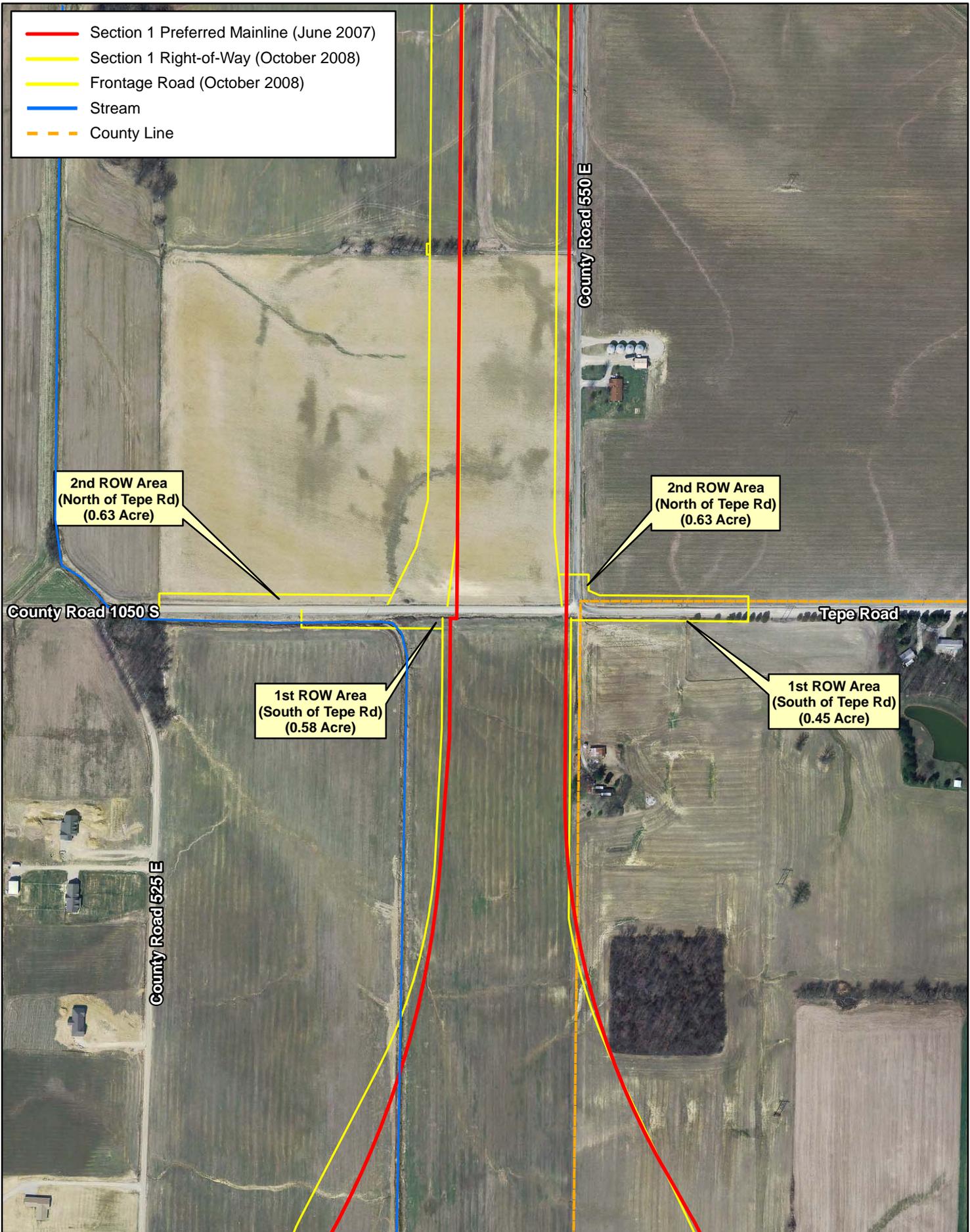




Project: Interstate 69 - Section 1
 Location: CR 1050 S to CR 825 S
 County: Gibson
 Shown On: Elberfeld USGS Quadrangle

Figure 5
 I-69 Section 1
 Additional ROW Area





- Section 1 Preferred Mainline (June 2007)
- Section 1 Right-of-Way (October 2008)
- Frontage Road (October 2008)
- Stream
- - - County Line

2nd ROW Area
(North of Tepe Rd)
(0.63 Acre)

2nd ROW Area
(North of Tepe Rd)
(0.63 Acre)

1st ROW Area
(South of Tepe Rd)
(0.58 Acre)

1st ROW Area
(South of Tepe Rd)
(0.45 Acre)

County Road 1050 S

Tepe Road

County Road 550 E

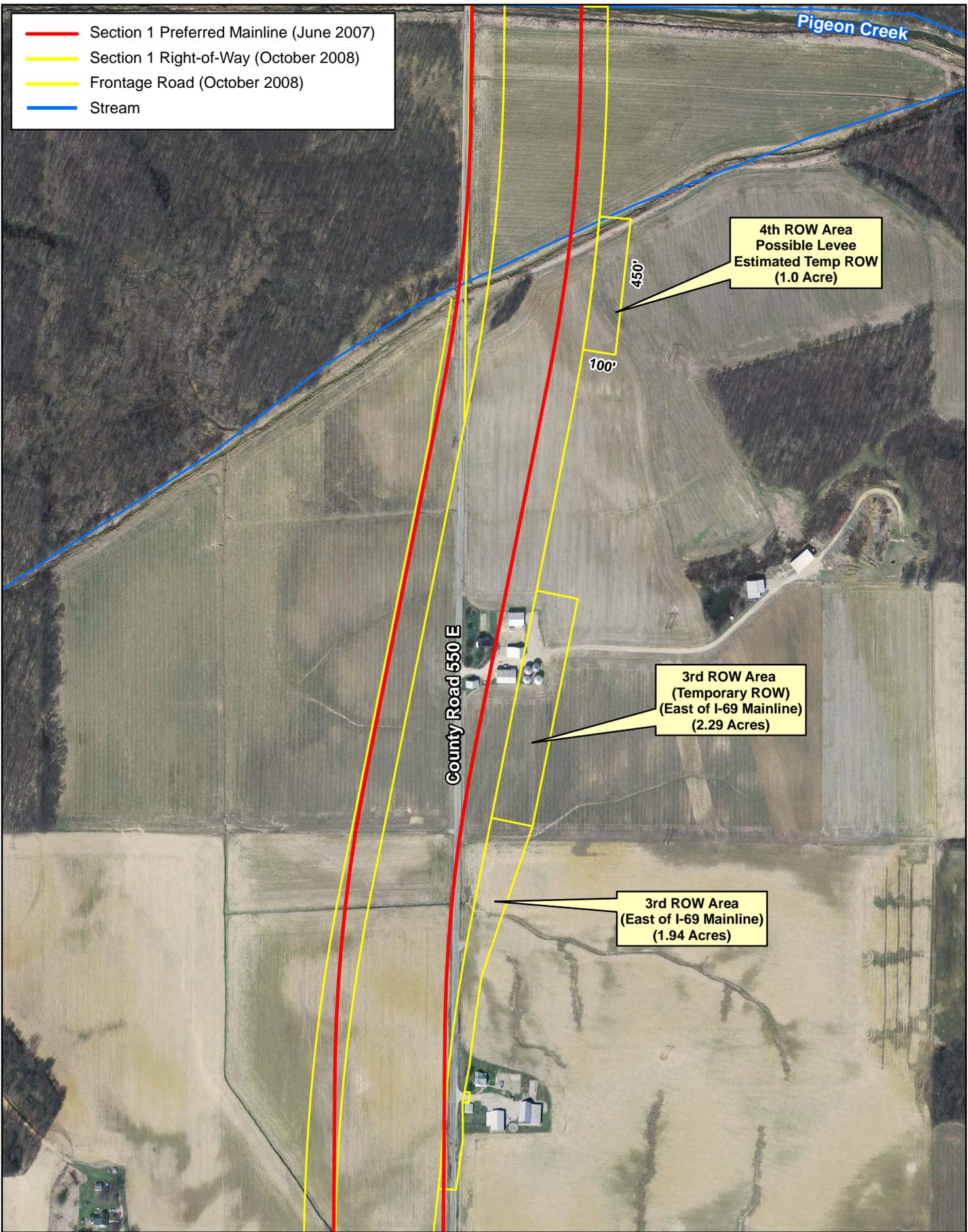
County Road 525 E

Project: Interstate 69 - Section 1
 Location: CR 1050 S (Tepe Road)
 County: Gibson
 Shown On: 2005 Aerial Photo

Figure 6
 I-69 Section 1
 Showing Additional ROW Areas 1 & 2

1 inch = 400 feet

0 200 400 Feet



- Section 1 Preferred Mainline (June 2007)
- Section 1 Right-of-Way (October 2008)
- Frontage Road (October 2008)
- Stream

**4th ROW Area
Possible Levee
Estimated Temp ROW
(1.0 Acre)**

450'

100'

County Road 550 E

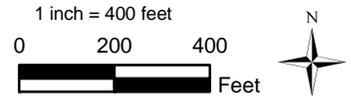
**3rd ROW Area
(Temporary ROW)
(East of I-69 Mainline)
(2.29 Acres)**

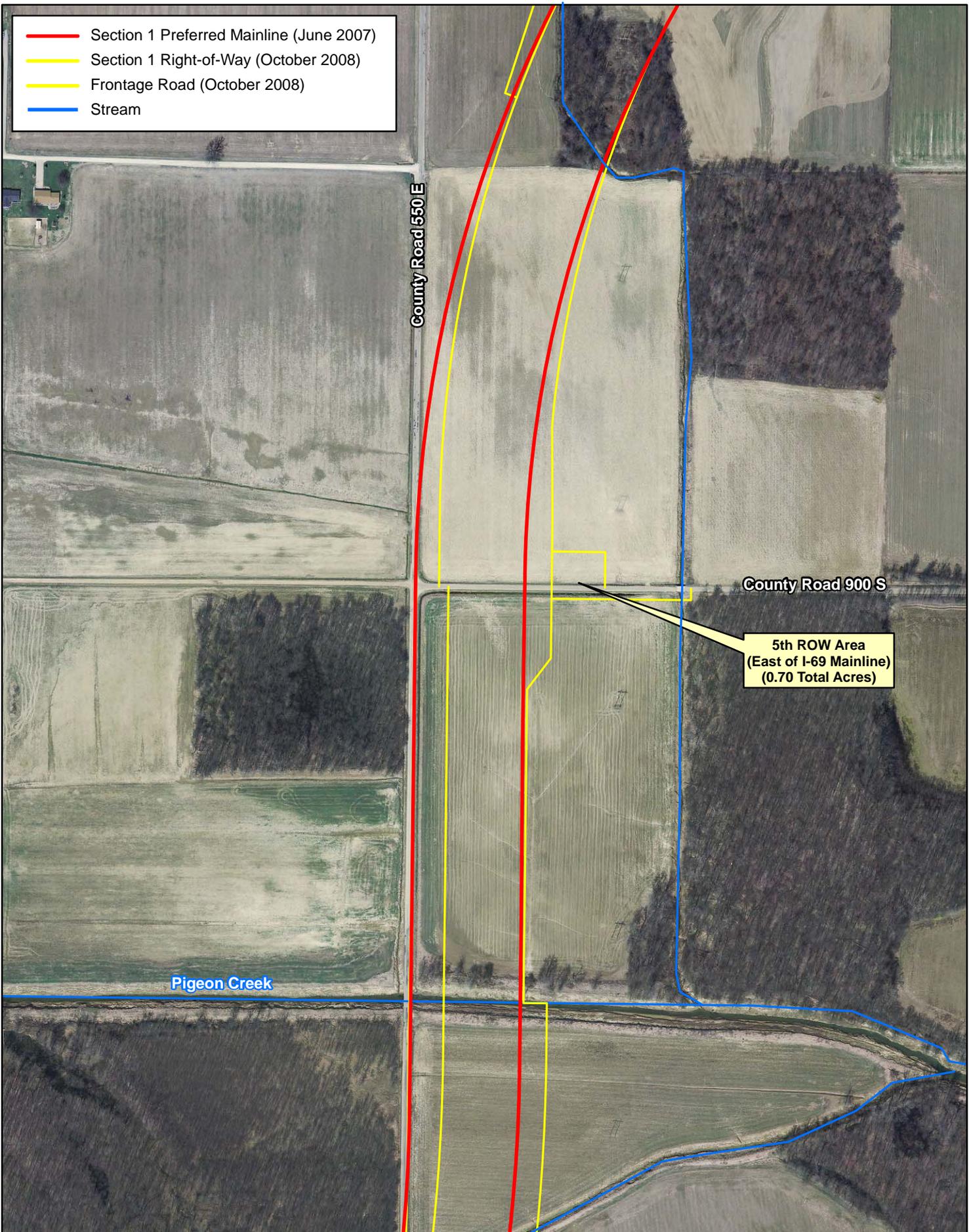
**3rd ROW Area
(East of I-69 Mainline)
(1.94 Acres)**

Pigeon Creek

Project: Interstate 69 - Section 1
 Location: CR 550 E
 County: Gibson
 Shown On: 2005 Aerial Photo

Figure 7
 I-69 Section 1
 Showing Additional ROW Areas





- Section 1 Preferred Mainline (June 2007)
- Section 1 Right-of-Way (October 2008)
- Frontage Road (October 2008)
- Stream

County Road 550 E

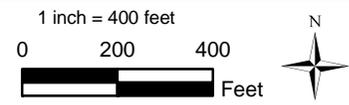
County Road 900 S

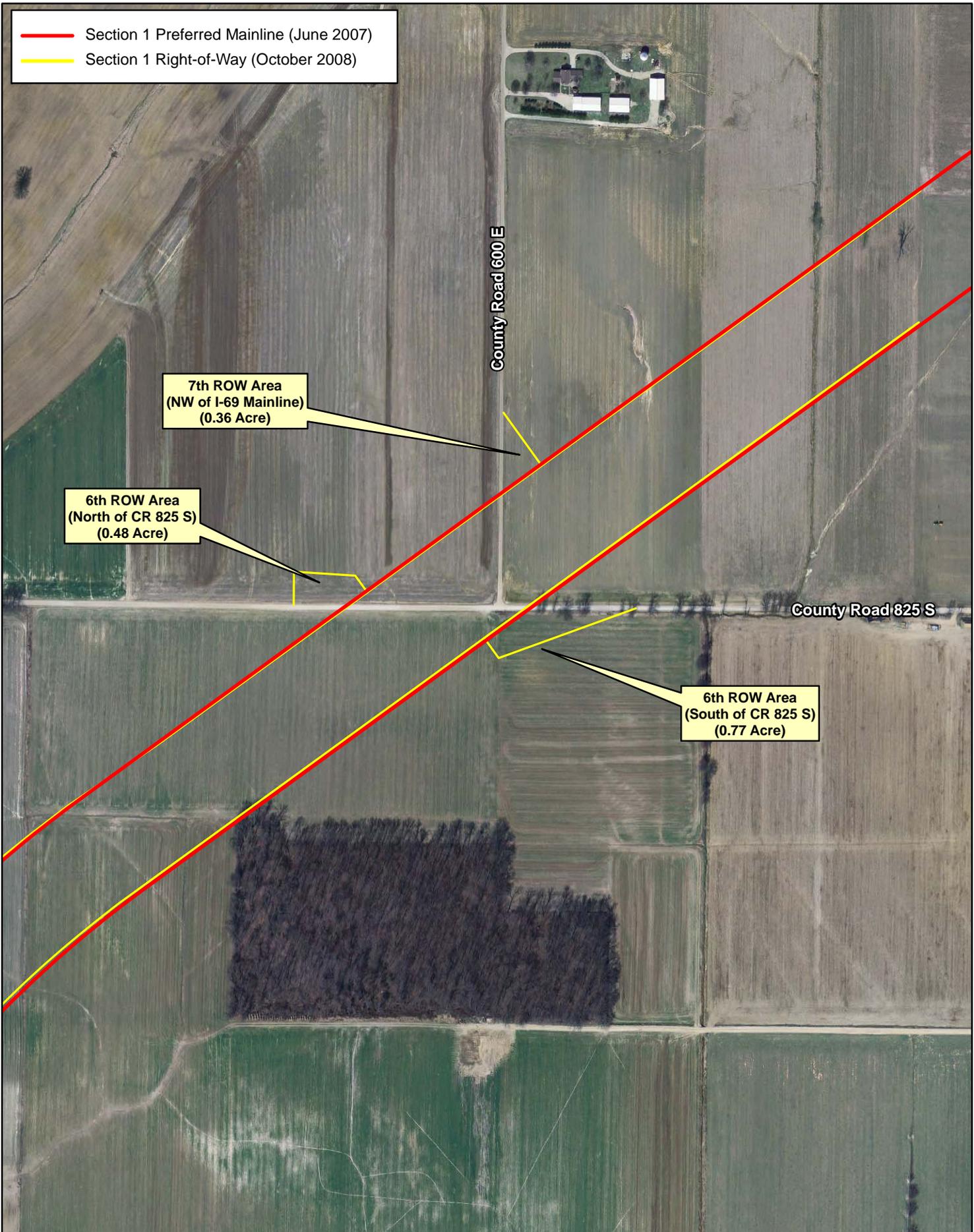
**5th ROW Area
(East of I-69 Mainline)
(0.70 Total Acres)**

Pigeon Creek

Project: Interstate 69 - Section 1
 Location: CR 900 S
 County: Gibson
 Shown On: 2005 Aerial Photo

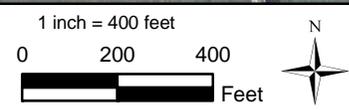
Figure 8
 I-69 Section 1
 Showing Additional ROW Area 5

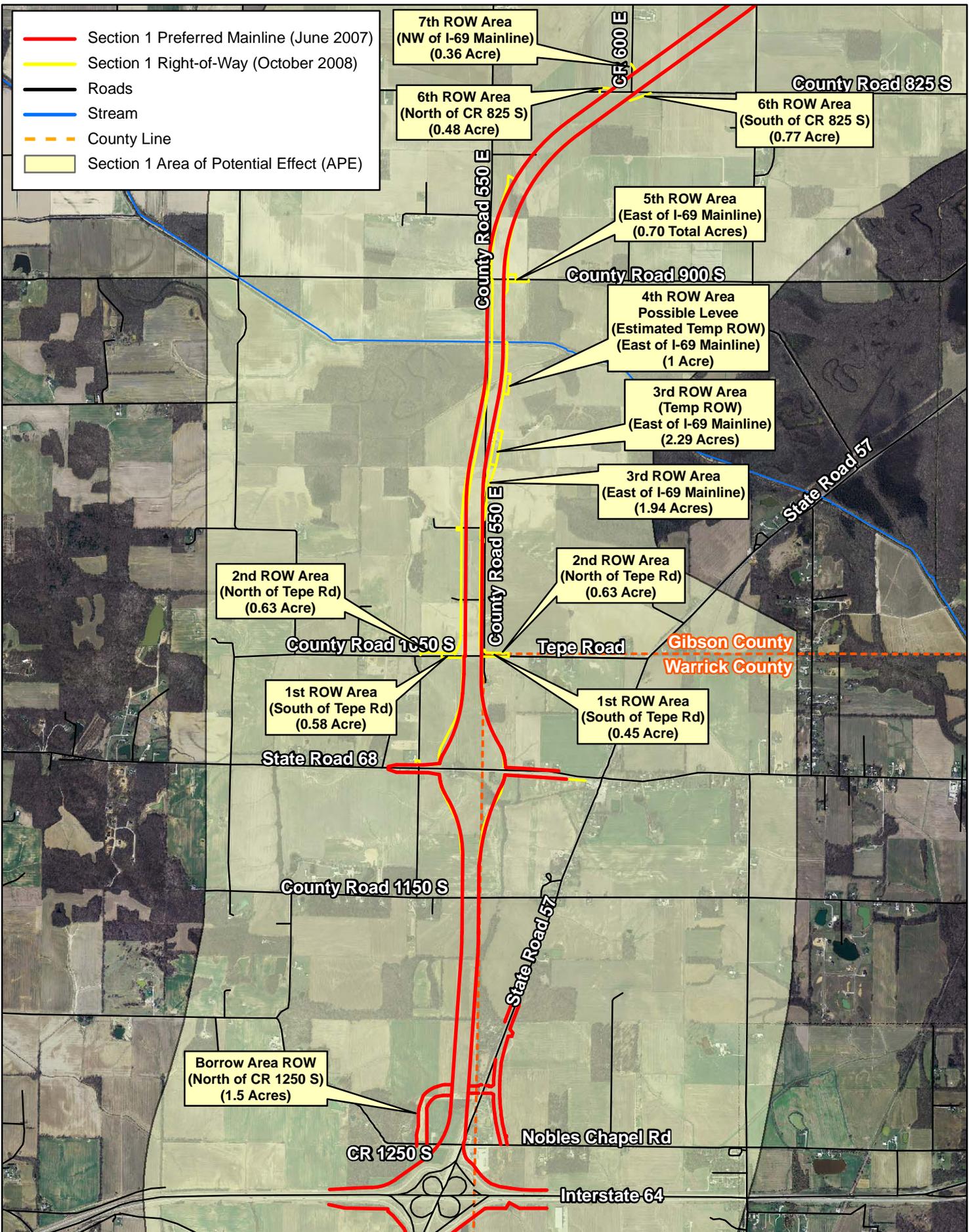




Project: Interstate 69 - Section 1
 Location: CR 825 S & CR 600 E
 County: Gibson
 Shown On: 2005 Aerial Photo

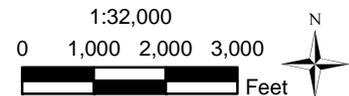
Figure 9
 I-69 Section 1
 Showing Additional ROW Areas 6 & 7





Project: Interstate 69 - Section 1
 Location: I-64 to CR 825 S
 County: Gibson
 Shown On: 2005 Aerial

Figure 10
 I-69 Section 1
 Additional ROW Area



I-69 Section 1 Additional Right-of-Way Area Photographs



Photo 1: Looking north at former borrow area and current construction (reevaluation area on far left) (Oct. '08)



Photo 2: Looking north at former borrow area and current construction inside reevaluation area (Oct '08)



Photo 3: Looking northwest at eroded slope of former borrow area inside reevaluation area (Oct '08)



Photo 4: Looking west at eroded slope of former borrow area inside reevaluation area (Oct '08)



Photo 5: Standing on CR 1250 S looking north at former borrow area (reevaluation on far left) (Oct '08)



Photo 6: Standing on CR 1250 S looking north at reevaluation area in former borrow pit (Oct '08)

I-69 Section 1 Additional Right-of-Way Area Photographs



Photo 7: Looking southwest at 1st ROW area from CR 1050 S on the east side of I-69 (Oct '08)



Photo 8: Looking southeast at 1st ROW area from CR 1050 S on the west side of I-69 (Oct '08)



Photo 9: Looking west at 2nd ROW area from intersection of CR 550 E & CR 1050 S west of I-69 (Oct. '08)



Photo 10: Looking northeast at 2nd ROW area from intersection of CR 550 E with CR 1050 S east of I-69 (Oct '08)



Photo 11: Looking at water main located in the 2nd ROW area on the east side of I-69 (Oct '08)



Photo 12: Looking east at 2nd ROW area from CR 550 E on the east side of I-69 (Oct '08)

I-69 Section 1 Additional Right-of-Way Area Photographs (continued)



Photo 13: Looking northeast at 3rd ROW area on the east side of CR 550 E and I-69 (Oct '08)



Photo 14: Looking west at 5th ROW area on the south side of CR 900 S and east of I-69 (Oct '08)



Photo 15: Looking west at 5th ROW area on the north side of CR 900 S and east of I-69 (Oct '08)



Photo 16: Looking northeast at 6th ROW area on the north side of CR 825 S and west of I-69 (Oct '08)



Photo 17: Looking southwest at 6th ROW area on the south side of CR 825 S and east of I-69 (Oct '08)



Photo 18: Looking northeast at 7th ROW area on the east side of CR 600 E and north of I-69 (Oct '08)

Appendix B

Section 106 Documentation

Letter to SHPO

SHPO Response Letter

Archaeological Report Summary



BERNARDIN • LOCHMUELLER & ASSOCIATES, INC.

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January 15, 2009

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 from I-64 to just north of CR 825 S located in Gibson County, Indiana.
DES #: 0300377 Project #: IN10 (003)
DHPA #: 1353 & 20062058 BLA Project #: 103-0001-1PL

Dear Mr. Glass,

On behalf of the Indiana Department of Transportation, the attached information is being provided for informational purposes only, 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. This revised design of Section 1 requires eight additional right-of-way acquisition areas along the preferred alternative totaling approximately 8.04 acres of permanent right-of-way and 3.29 acres of temporary right-of-way. The approximate 11.33 acres of additional right-of-way area was implemented to accommodate bank stabilization, drainage improvements, cul-de-sacs, guard-railing, and the potential construction of a levee. The project area is located between I-64 and extends north approximately 4.5 miles until just north of CR 825 S. No relocations will occur as a result of this modification to the right-of-way.

The Federal Highway Administration (FHWA) and Indiana Department of Transportation (INDOT) have reviewed potential modifications resulting from the additional right-of-way area and determined that the original finding of "no historic properties affected" identified in the Tier 2 FEIS dated October 17, 2007 is still valid. Therefore, based on this determination, FHWA does not intend to reopen the Section 106 process on the I-69 Section 1 project from I-64 to just north of CR 825 S for the following reasons: visually, there will essentially be no change with this minor additional right-of-way area; the determination that no above ground resources listed in or eligible for listing in the National Register of Historic Places (NRHP) are located within the Section 1 APE; and the conclusion that the proposed action of performing the aforementioned improvements and adding approximately 11.33 acres to the preferred alternative will have no effect on archaeological resources (see below).

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 Attached Map). 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 Attached letter). The previously defined APE for above ground resources will not be modified by the additional right-of-way area.

The attached map showing the additional right-of-way areas of the I-69 Section 1 project identifies 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 Figure 10 in Appendix A). The approved APE for Section 1 above ground resources is identified to be generally one mile on either side of the 2,000-foot 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.

The attached maps show that both the additional right-of-way areas and the original alignment have similar overall impacts to above ground resources for Section 1. The entire additional right-of-way area on the southern end of the Section 1 preferred alternative is incorporated in a former borrow pit and the impacts to above ground resources would essentially be the same as for the original right-of-way. No structures documented in the Section 1 Historic Property Report are located directly adjacent to the additional right-of-way area. The closest structure in the Report is the Gibson County Inventory # 45040, Nobles Chapel Church. This structure is located approximately 1,200 feet east of the additional right-of-way area and will not be impacted. The Nobles Chapel Cemetery, documented in the report with the church, is located directly southwest of the additional right-of-way area on the south side of CR 1250 S (See Appendix A for location). The cemetery is not anticipated to be affected by the additional right-of-way as it is located outside of the project area. The cemetery boundaries are located within 100 feet of the proposed right-of-way area, but a cemetery development plan according to IC 14-21-1-26.5 does not apply because the slope stabilization project will repair an existing structure (the borrow pit slope) and will not directly impact the burial ground.

The seven remaining additional right-of-way areas are located predominantly in agricultural fields and previously disturbed land and the impacts to above ground resources would also be essentially the same as for the original right-of-way. The closest listed structure in the Section 1 Historic Property Report is the Gibson County Inventory # 35031, Schwiersch Farm. The third additional right-of-way area transects a portion of this farm (See Figure 7 in Appendix A). This structure is located on CR 550 E and is listed as “contributing” in the *Gibson County Interim Report*. Lacking significance and integrity, the farmstead is not eligible for the NRHP under any of the selection criteria.

Additionally, these reevaluation areas of the I-69 Section 1 project are within the previously documented Phase Ia Archaeological literature review. The APE for the Phase Ia literature review is the 2,000-foot corridor. However, the Phase Ia reconnaissance was only conducted for the preferred alternative right-of-way. The additional right-of-way areas are located outside of the preferred alternative, thus a field reconnaissance was conducted by Gray & Pape, Inc. on October 2, 2008 for the former borrow area and on November 10-14, 2008 for the remaining areas. In a report dated January 6, 2009 Gray & Pape determined that no archaeological resources were identified during the survey. Gray & Pape recommended no further archaeological work for the Section 1 additional right-of-way areas (See Archaeological Report).

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.

Again, this package is being sent for informational purposes only regarding the status of the project. 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 jdupont@blainc.com.

Sincerely,



Jason A. DuPont, P.E.
Chief of Environmental Services
Bernardin, Lochmueller and Associates, Inc.

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

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February 17, 2009

Jason A. Dupont, P.E.
Chief of Environmental Services
Bernardin, Lochmueller and Associates, Inc.
6200 Vogel Road
Evansville, Indiana 47715-4006

Federal Agency: Federal Highway Administration

Re: Phase Ia archaeological reconnaissance survey report (Roberts, 1/6/09) for additional right of way pertaining to I-69 Evansville to Indianapolis Tier 2 Section 1, I-64/I-164/SR 57 to SR 64, between Evansville and Oakland City (Designation #0300377; DHPA #1353)

Dear Mr. Dupont:

Pursuant to Section 106 of the National Historic Preservation Act (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, 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 conducted an analysis of the materials dated January 15, 2009 and received on January 20, 2009, for the above indicated project in Gibson County, Indiana.

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 area.

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 must 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.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #1353.

Very truly yours,


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

JAG:JRJ:jj

cc: Christopher D. Koeppe, Indiana Department of Highways
Thomas H. Seeman, Indiana Department of Highways

Archaeological Report Summary

I-69 Section 1 Additional Right-of-Way Areas Between I-64 and Just North of CR 825 S

ABSTRACT

Under contract with Bernardin Lochmueller & Associates, Gray & Pape, Inc. conducted Phase Ia archaeological survey for additional right-of-way (ROW) for Section 1 of the proposed Interstate 69, Gibson County, Indiana. The Section 1 Area of Potential Effects (APE) was surveyed by ASC Group, Inc. in 2005-2006 and no resources eligible for the National Register of Historic Places (NRHP) were identified (Schwarz and Stetar 2007). The Indiana Division of Historic Preservation and Archaeology (DHPA) concurred with these findings in correspondence dated August 17, 2007.

Minor design changes in the Section 1 right-of-way, adjacent to the APE, necessitated additional Phase Ia archaeological investigations. An existing borrow area immediately adjacent to the APE at the southern terminus was also examined. Background research and a sites files check were conducted as part of the I-69 Tier 2 Phase Ia investigation for the Section 1 highway project study corridor and updated by Gray & Pape, Inc., for the current project. No previously recorded archaeological sites are within the additional ROW or borrow area.

All areas of additional ROW, totaling approximately 4 hectares (10 acres), were surveyed using a combination of field methods in accordance with DHPA guidelines. The borrow area, which has been completely disturbed through previous excavations, was visually surveyed and photographed. No archaeological resources were identified. Shovel testing for the current and previous geomorphological investigations for Section 1 (Monaghan 2007), indicate that subsurface reconnaissance is not warranted.

The current study is in compliance with Section 106 of the National Historic Preservation Act, as part of the Tier 2 environmental impact analysis for the project.

PROJECT RESULTS/RECOMMENDATIONS

An existing borrow area near the southern terminus of the Section 1 APE was subject to Phase Ia archaeological survey. The majority of this area was previously examined by ASC Group as part of the Phase Ia archaeological reconnaissance for the mainline (Schwarz and Stetar 2007). The area examined has been completely disturbed through years of heavy machinery disturbance and removal of soils, not associated with the current project. No intact ground surface remains. It is understood that INDOT proposes to reinforce/repair the slope at the western limit of the borrow area. The proposed action will have no effect on archaeological resources.

Phase Ia archaeological survey for the remaining Section 1 additional ROW APE (4 ha) was conducted November 10-14, 2008. The current APE occurs as slivers of additional ROW adjacent to the original Section 1 APE in the area between CR 1050 S north to CR 825 S. The general topography of the area consists of slightly undulant uplands adjacent to the Pigeon Creek drainage. The majority of the APE had been recently harvested and surface visibility was variable, although the majority of the area was >30%. The additional ROW APE was surveyed through surface inspection at 10-m intervals and shovel testing at 15-m intervals. No archaeological resources were identified through the survey. Gray & Pape recommends no further work for the Section 1 additional ROW.