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I-69 SECTION 3 REEVALUATION STATEMENT
SEGMENT 8 & 9

I-69
Evansville, IN to Indianapolis, IN
Designation Number: 0300379
Federal Project No.: IN10 (006)

Tier 2 Final Environmental Impact Statement (FHWA-IN-EIS-09-01-F) approved December 3, 2009

Record of Decision approved January 28, 2010

This reevaluation of the Tier 2 Final Environmental Impact Statement (FEIS) was prepared by Bernardin, Lochmueller & Associates to reflect design changes on Section 3 of the new terrain I-69 highway in Daviess and Greene Counties, Indiana. Section 3 will extend north from US 50 approximately 26 miles to the US 231/SR 58 intersection. The revised design for Section 3 has added additional right-of-way required due to a shift in the US 50 interchange to the north, accommodate cul-de-sac construction, driveway and field access construction, modified vertical profile changes, and building removal within Section 3. This reevaluation examined the potential impacts on the natural, human, and cultural environments of the revised design for Segment 8 & 9 in Section 3. This reevaluation found that the revised design will not result in any new adverse impacts that will require new mitigation or the preparation of additional environmental documentation. Therefore, the Tier 2 FEIS and Record of Decision remain valid.

4-18-10

Federal Highway Administration — Date

4-15-10

Indiana Department of Transportation — Date

1. INTRODUCTION

This reevaluation summary examines the additional environmental impacts associated with minor design changes to Section 3 of the new terrain I-69 project for the construction section between US 50 in Daviess County to US 231 in Greene 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 summary is to examine the design changes in design build Segment 8 & 9 within Section 3 and determine the impact on the affected environment after the completion of the Tier 2 Final Environmental Impact Statement (FEIS), title sheet dated December 1, 2009 and Record of Decision (ROD) dated January 28, 2010. The Section 3 FEIS was entered into the Federal Register on December 11, 2009.

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 3 is approximately 26 miles long and extends north from US 50 just east of Washington to the US 231/SR 58 intersection.

This reevaluation summary has been drafted to evaluate the effects of additional right-of-way areas, not discussed in the Tier 2 FEIS, which have been revised from the refined preferred alternative presented in the FEIS and approved in the ROD. The additional permanent and temporary right-of-way areas along the proposed new alignment of I-69 are required due to a shift in the US 50 interchange to the north and to accommodate cul-de-sac construction, driveway and field access construction, modified vertical profile changes, and building removal within Section 3 (See Attachment 1 for Graphics). No new road closures beyond those discussed in Table 5.3-4 in the Tier 2 FEIS will result from the changes identified in this reevaluation summary. 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 3.

2. PROJECT DESCRIPTION

2.1 Project Description and Area

This reevaluation summary examines the following locations of Section 3 listed from south to north: U.S. 50 Interchange; Daviess County Road 100 N; Daviess CR 250 E; Daviess CR 350 E; Daviess CR 500 N; and Daviess CR 550 N. These areas are being reexamined because additional right-of-way or a change in right-of-way was required during the final design of Section 3. These right-of-way areas were not discussed in the Tier 2 FEIS. 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 3 discussed in this document are not located within or directly adjacent to any cities or towns. Small towns such as Elnora, Newberry, and Odon are the closest incorporated areas to the additional right-of-way locations. Access points to I-69 throughout Section 3 will be built as interchanges with SR 58 and US 231, as identified in the FEIS.

As disclosed in the FEIS, residential relocations and environmental impacts to stream, wetland, and forest will occur with the implementation of Section 3. Land use in the vicinity of Section 3 includes 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) 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 studies for Section 1, the southernmost Section, and Section 3 have been completed while the remaining 4 sections are still in progress. The Tier 2 DEIS for Section 3 was approved on January 26, 2009. The DEIS described resource impacts on several spatial scales: corridor, Traffic Analysis Zones (TAZ), county, and region. The Tier 2 FEIS for Section 3 was approved December 3, 2009 (title sheet dated December 1, 2009). 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.

2.3 Previously Identified Impacts

Section 3 was divided into five (5) subsections (A-E) during the Tier 2 environmental survey. Impacts to the natural and human environments were examined for each of the segment alternatives, including the refined preferred alternative of Section 3. The environmental document evaluated the impact of the Section 3 subsections across multiple resource categories, such as right-of-way acres, parcels impacted by right-of-way acquisition, streams, wetlands, forest, farmland, relocations, HAZMAT sites, and historic and archaeological resources. The refined 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 3 refined preferred alternative, as described in the Tier 2 FEIS, will directly impact 1,501 acres of agricultural land. According to Table 5.3-1 in the FEIS, no Section 3 alternative studied, including the refined 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 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 3. Examples of efforts to avoid farmland impacts during the development of alternatives included: regular coordination with the Natural Resources Conservation Service (NRCS); and where reasonable, following existing property lines and minimizing dividing or splitting of large tracts of farmland; crossing fields at near perpendicular angles to reduce point rows and the creation of uneconomic remnants; providing access to parcels that would otherwise be landlocked as a result of the project; and providing overpasses at several locations to maintain the connectivity of county roads, thereby facilitating access to farm fields and operations severed by the Interstate.

Within Section 3 for the I-69 project, the Tier 2 DEIS and FEIS document impacts to streams, wetlands, and forests. In Section 3, approximately 69 acres of forest will be directly affected by the refined preferred alternative. In regards to water resource impacts, a total of 7.25 acres (2.22 open water; 2.4 emergent; 1.18 scrub/shrub; and 1.45 forested), and streams totaling 34,620 linear feet are located within the Section 3 refined preferred alternative. These environmental impacts will be mitigated at an approximate 355 acre site located adjacent to West Fork of the White River in Greene County, northwest of the proposed I-69 highway.

The I-69 Section 3 project was also evaluated for impacts to cultural resources. Five (5) above ground properties/districts eligible for or listed on the National Register of Historic Places (NRHP) are located

within the Section 3 Area of Potential Effect (APE). On November 7, 2008, FHWA signed a "Section 106 Findings and Determinations: Area of Potential Effect, Eligibility Determinations, Effect Finding" for above-ground properties. Only one (1) property, the McCall Family Farmstead will be adversely impacted by Section 3.

2.4 Other Reevaluation Documents

Other reevaluation documents will be completed for additional right-of-way changes at other locations of the Section 3 refined preferred alternative and throughout the I-69 project as final design of the highway is completed.

3. DESCRIPTION OF PROJECT CHANGES

This revised design of Section 3 requires six additional right-of-way acquisition areas within the I-69 corridor totaling approximately 6.67 acres of permanent right-of-way and 1.23 acres of temporary right-of-way for a total of 7.9 acres of total right-of-way (See Maps in Attachment 1 for locations). These acquisition areas will occur within the design build Segment 8 & 9 in Section 3. Furthermore, one change in design area not requiring additional right-of-way will also be discussed for informational purposes. The project changes discussed below are listed from south to north.

The first additional right-of-way acquisition area is located at the U.S. 50 interchange, directly north of the CSX railroad. This permanent right-of-way is required to accommodate the shift of the interchange to the north. Approximately 0.18 acre will be required on the west side of the highway and approximately 1.05 acres on the east for a total of 1.23 acres of additional permanent right-of-way (See Attachment 1).

The second additional right-of-way area is located at Daviess County Road 100 N, approximately 0.66 miles north of the CSX railroad. This temporary right-of-way is needed to accommodate driveway construction. A maximum of 0.86 acre of additional temporary right-of-way is required. The temporary right-of-way shown directly to the east of the highway may be moved further east depending on final design (See Attachment 1).

The change in design area not requiring right-of-way outside of that defined in the FEIS is located at Daviess County Road 250 E, approximately 1.8 miles north of the CSX railroad. At this location, limited access right-of-way was inadvertently located on the east side of County Road 250 E which would have unnecessarily landlocked 3 parcels. During final design, the limited access right-of-way was moved to the west side of County Road 250 E to avoid land locking these 3 parcels. No new right-of-way not discussed in the FEIS will be required at this location (See Attachment 1).

The third additional right-of-way area is also located along Daviess County Road 250 E, approximately 2.16 miles north of the CSX railroad. At this location, a cul-de-sac design was revised based upon results of a Local Service Road (LSR) Study. A portion of the LSR (AR-5) that was proposed in the FEIS will not be built because it was found to be not feasible. Therefore, the cul-de-sac location was revised and will be located on the southern end of the proposed LSR as seen in Attachment 1. This revised design area will require approximately 0.11 acre of additional permanent right-of-way (See Attachment 1).

The fourth additional right-of-way area is located at Daviess County Road 350 E, approximately 3.66 miles north of the CSX railroad. At this location, the vertical profile along County Road 350 E was modified for hydraulic requirements which resulted in additional right-of-way areas. Approximately 0.66 acre of additional permanent right-of-way is required at this location (See Attachment 1).

The fifth additional right-of-way area is located at Daviess County Road 500 N, approximately 5.1 miles north of the CSX railroad. At this location, the right-of-way was revised on the east side of the highway due to a shift in the cul-de-sac to the north to avoid and/or minimize impacts to a residential property on the south side of County Road 500 N. A garage and outbuilding of this residential property are now avoided and will not be taken. Approximately 0.37 acre of permanent right-of-way will be required at this location. Temporary right-of-way located within the FEIS footprint was added to accommodate building removal impacted by the mainline highway. The right-of-way was revised on the west side of the highway to accommodate a residential relocation. This residential relocation was noted in the FEIS. However, the permanent right-of-way acres totaling approximately 4.3 acres were not. During final design this parcel was determined to be a total take because of the take for I-69 and it's lose of access. A temporary easement for demolition was not included in the right-of-way engineering since the entire remainder of the five acre tract is included as a take (See Attachment 1).

The sixth additional right-of-way area is located at Daviess County Road 550 N, approximately 6.1 miles north of the CSX railroad. At this location, temporary right-of-way is required on the east and west side of the highway to accommodate for driveway and field access construction. A total of approximately 0.37 acre of temporary right-of-way will be needed at this location.

4. ENVIRONMENTAL CONSEQUENCES

The approximately 7.9 acres of additional right-of-way acquisition for Section 3 of I-69 as mentioned above are expected to have minimal environmental consequences compared to the impacts previously documented for Section 3. This revised footprint for Section 3 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 3 refined preferred alternative, several resource categories were covered by the analysis presented in the Tier 2 FEIS.

Land use in the additional right-of-way areas is predominantly agricultural and residential. Approximately 1,722 acres of land to be acquired for right-of-way was documented within the Section 3 refined preferred alternative as defined by the FEIS. As a result of the proposed additional right-of-way areas, approximately 7.9 acres of land not within the Section 3 refined preferred alternative was reviewed for environmental impacts. 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, and farmland.

According to the FEIS, agricultural land accounts for 1,501 acres, or 87% of the total direct land use impacts within the Section 3 refined preferred alternative. Approximately 3.49 acres of agricultural land (all acres classified as prime farmland) 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. Planning to reduce the farmland impacts as stated in the FEIS focused on practices that assisted in avoiding and/or minimizing farmland conversion from uneconomical remnants, or designing alignments to minimize disruption to existing agricultural practices. Only the necessary amount of land needed for making the proposed improvements will be acquired.

According to the FEIS, developed land accounts for 100 acres, or 6% of the total direct land use impacts. The remaining approximately 4.41 acres of additional impacted right-of-way is either used as residential or transportation. This falls under the FEIS category of developed land. This represents a minor difference in the total developed land impacts, and all locations are associated with relocations and local access considerations identified in the FEIS.

The elimination of the LSR (AR-5) will result in two landlocked parcels on the west side of County Road 250 E between the highway and Eagan Ditch. The landlocked parcels are 19.1 acres and 16.7 acres for a total of 35.8 acres. The current land use for these parcels is agricultural. Compensation for the farmland will be offered to the parcel owners and the land will likely remain in agricultural use (See Attachment 1).

The additional right-of-way described at County Road 500 N will not result in an additional relocation. This residential relocation was identified in the FEIS. However, the right-of-way was not and is being evaluated as part of this reevaluation. A small pond is located within this additional right-of-way area. This water resource was identified in Chapter 5.19 of the FEIS as a 0.36 acre Palustrine unconsolidated bottom (PUB) wetland (W10). In Section 3 a PUB wetland is an open water pond. No impacts to the small pond on this property are planned.

No additional water resources (streams/wetlands) are located within these additional right-of-way areas. None of the above listed reevaluation areas are located within a designated floodplain. Therefore, no water resource impacts are anticipated to occur as a result of activities in these additional right-of-way areas.

In regard to historic resources, the additional right-of-way areas are located inside the approved area of potential effect (APE) for Section 3, and given their location within the Tier 1 corridor and in immediate proximity to the previously reviewed right-of-way, there is no change to the APE (See Attachment 1for map). According to the Section 3 Historic Property Report, one above ground property within the Section 3 APE (Scotland Hotel) is listed in the National Register of Historic Places (NRHP). As a result of identification and evaluation efforts for Section 3 of the I-69 project, three individual properties and one district were determined eligible for listing in the NRHP. They are as follows: McCall Family Farmstead; Blackmore Store; State Road 257 Bridge over Veale Creek; and Daviess County Home Historic District. Analysis has been completed for the location of the additional right-of-way areas compared to the location of the NRHP listed and eligible resources for potential changes in effects on these resources. In summary, Table 1 below details the distance from each additional right-of-way area to the specified NRHP listed and eligible properties within Section 3.

Table 1: Additional R/W Area distance from NRHP property

Additional R/W Area	Scotland Hotel	McCall Family Farmstead	Blackmore Store	Daviess County Home Historic District	SR 257 Bridge over Veale Creek
U.S. 50 Interchange	22.9 miles	10.15 miles	22.9 miles	4.48 miles	2.10 miles
C.R. 100 N	20.46 miles	7.41 miles	20.46 miles	1.89 miles	2.78 miles
C.R. 250 E	19.21 miles	6.0 miles	19.21 miles	1.03 miles	4.24 miles
C.R. 350 E	17.65 miles	4.5 miles	17.65 miles	2.15 miles	5.65 miles
C.R. 500 N	16.37 miles	3.15 miles	16.37 miles	3.21 miles	7.0 miles
C.R. 550 N	16.05 miles	2.72 miles	16.05 miles	3.51 miles	7.47 miles

As disclosed in Table 1 above, none of the NRHP listed and eligible properties are located within 1.0 miles of the additional right-of-way areas. Based on the distance from these properties, and the minor changes in the proposed alternative which require the right-of-way changes, it has been determined that there would be no change to the identified effects on historic properties.

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 within Segment 8 & 9. Some of the areas shown in Attachment 1 were not surveyed by Gray & Pape at this time, as they were covered during the previous preferred alternative Phase Ia survey. In a report dated March 12, 2010 Gray & Pape determined that no archaeological resources identified during their survey are considered eligible for the NRHP, and no further archaeological investigations for the above mentioned additional areas are needed (See Attachment 2 for Archaeological Summary). Based on this survey, it has been determined that there would be no change to the potential effects on archaeological resources from the additional right-of-way areas.

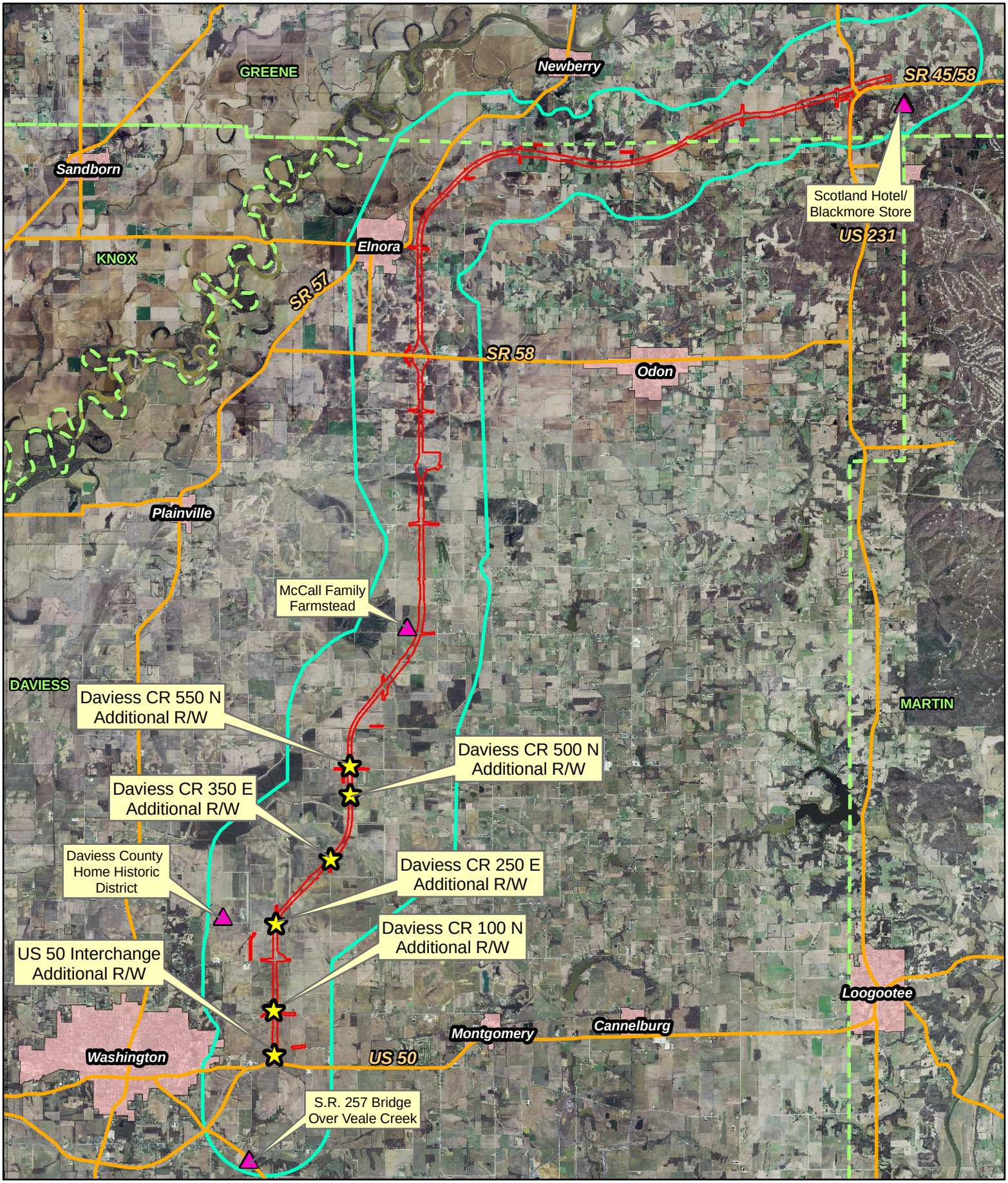
Based on the above information, there is no intention to re-open the Section 106 process due to the following factors: visually, there will essentially be no change with the minor additional right-of-way areas; the determination that no above ground resources listed in or eligible for the NRHP will have any change to its effect finding due to the additional right-of-way areas; and the conclusion that the proposed action of adding approximately 7.9 acres of additional right-of-way within Segment 8 & 9 will have no change to the effect on archaeological resources. The archaeological report was provided to the Indiana SHPO office on March 15, 2010. An information letter stating the intention to not re-open the Section 106 process was sent to the SHPO on March 31, 2010 (See Attachment 3). In a letter dated April 8, 2010 the SHPO stated that "we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the above proposed project areas" (See Attachment 2).

5. CONCLUSIONS

In conclusion, the revised design for Section 3 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 summary confirms that the revised design for Section 3 does not require the preparation of a supplemental EIS or a new DEIS.

Attachment 1

Graphics

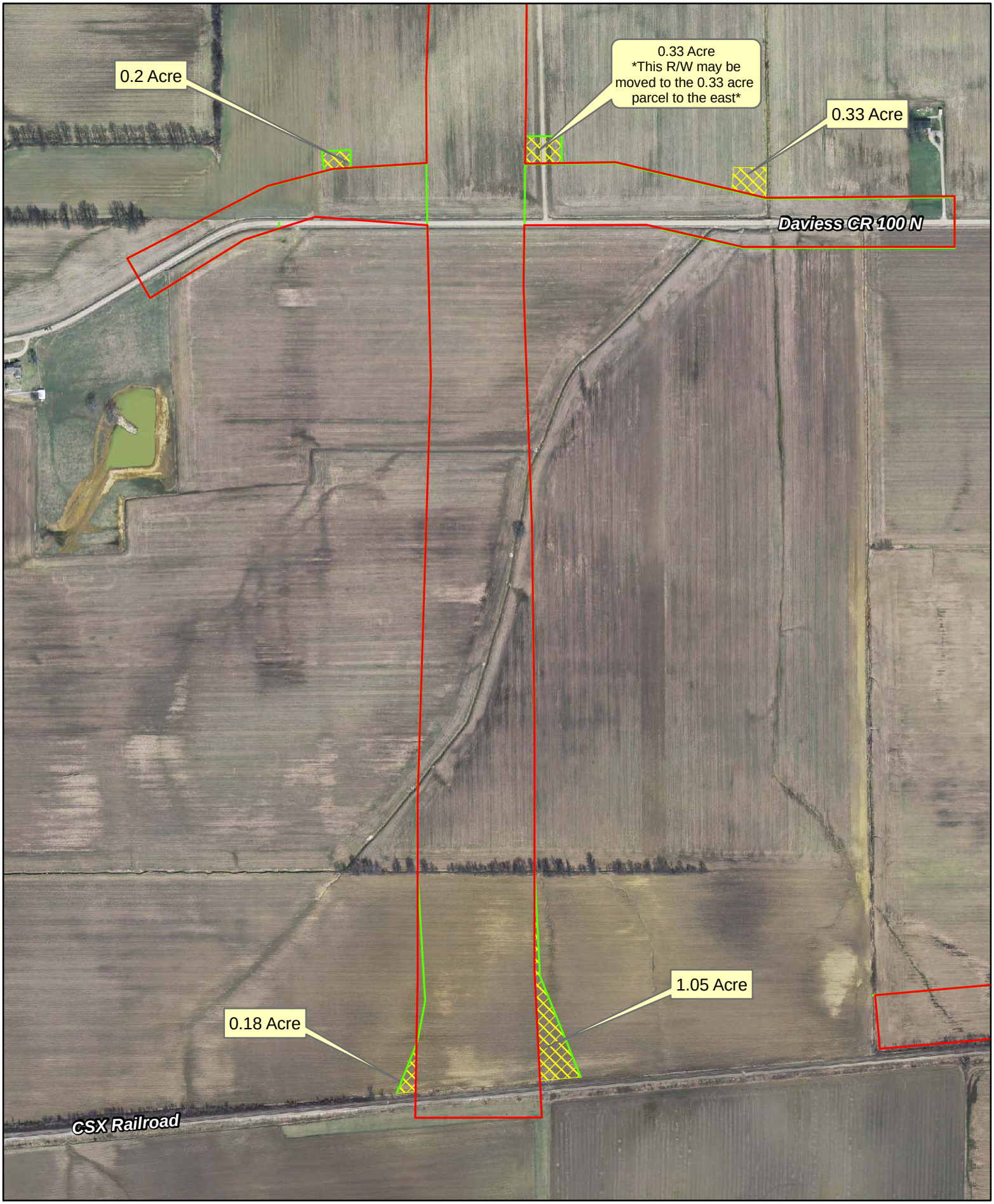


Section 3 NRHP Property
Highway
County Line
Incorporated Areas
Section 3 APE
Section 3 FEIS R/W

Figure 1
I-69 Section 3
Segment 8 & 9
Additional Right-of-Way Areas

0 1 2 3 Miles

N



Section 3 FEIS R/W

Section 3 Final Design R/W

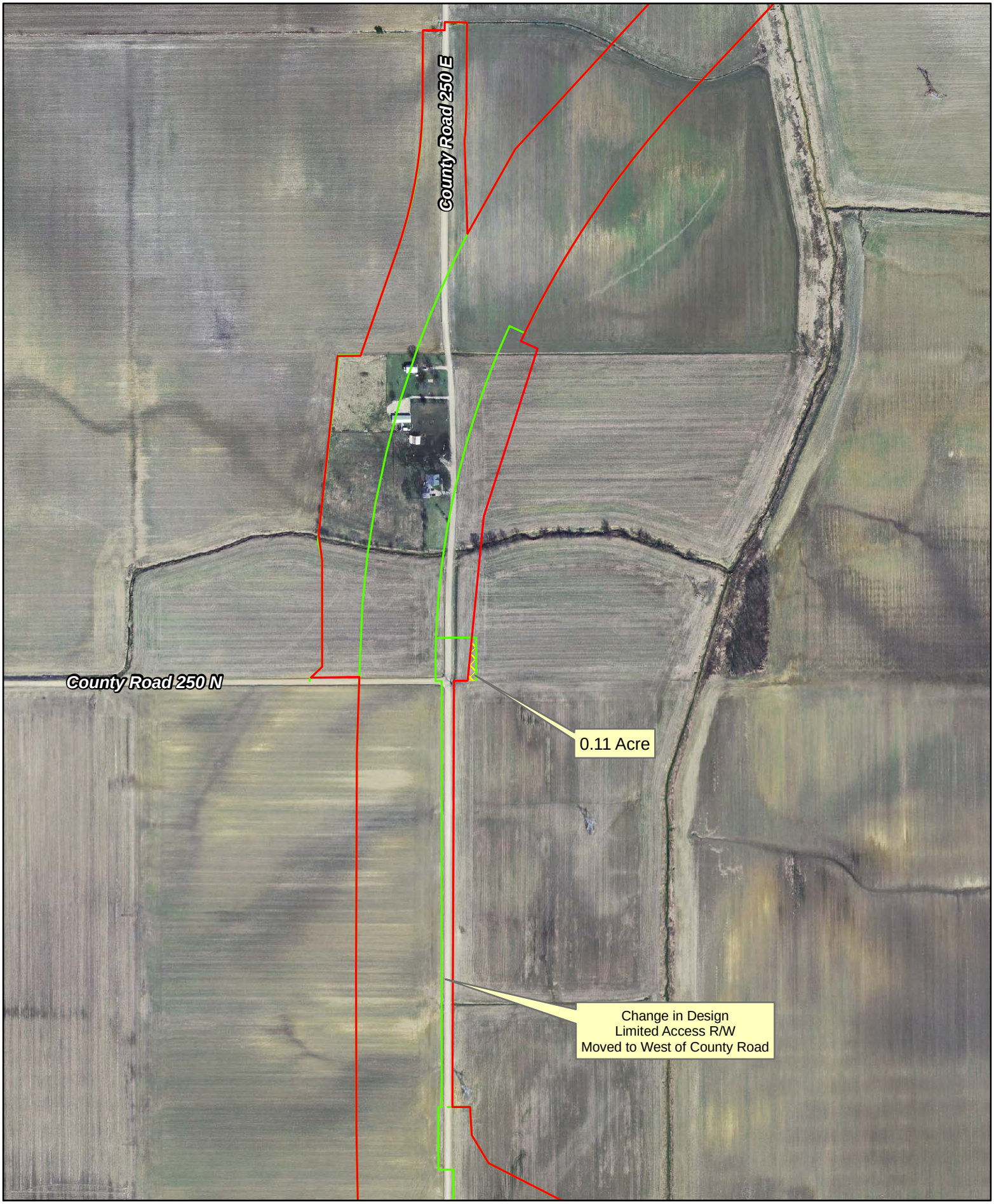
Section 3 Additional R/W Area

Figure 2
I-69 Section 3 - Segment 8 & 9
Additional Right-of-Way Areas Located
At US 50 Interchange & Daviess CR 100 N

1 inch = 500 feet

0 250 500 750 Feet

N



Section 3 FEIS R/W

Section 3 Final Design R/W

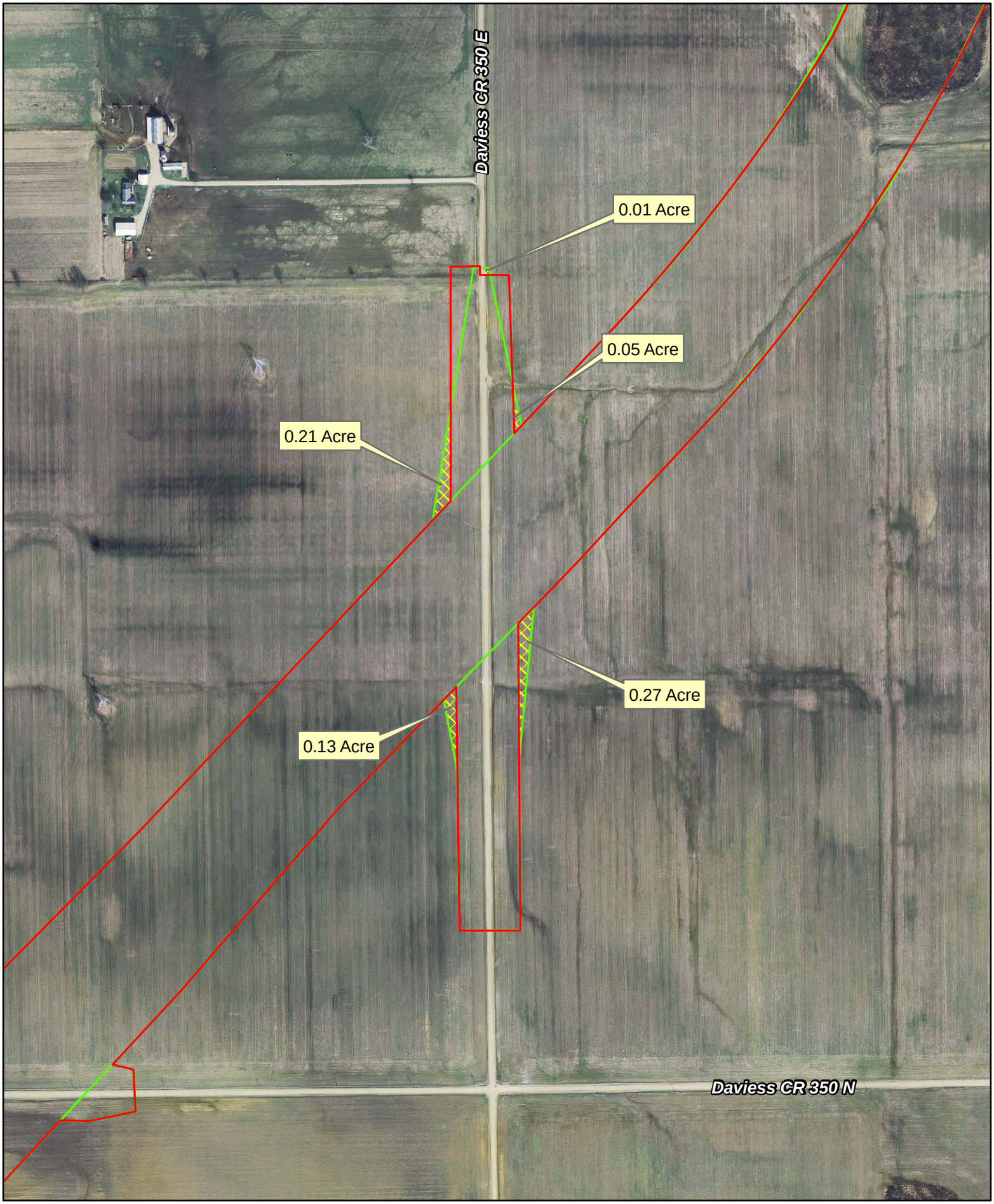
Section 3 Additional R/W Area

Figure 3
I-69 Section 3 - Segment 8 & 9
Additional Right-of-Way Areas Located
Daviess County Road 250 E

1 inch = 500 feet

0 250 500 750 Feet

N



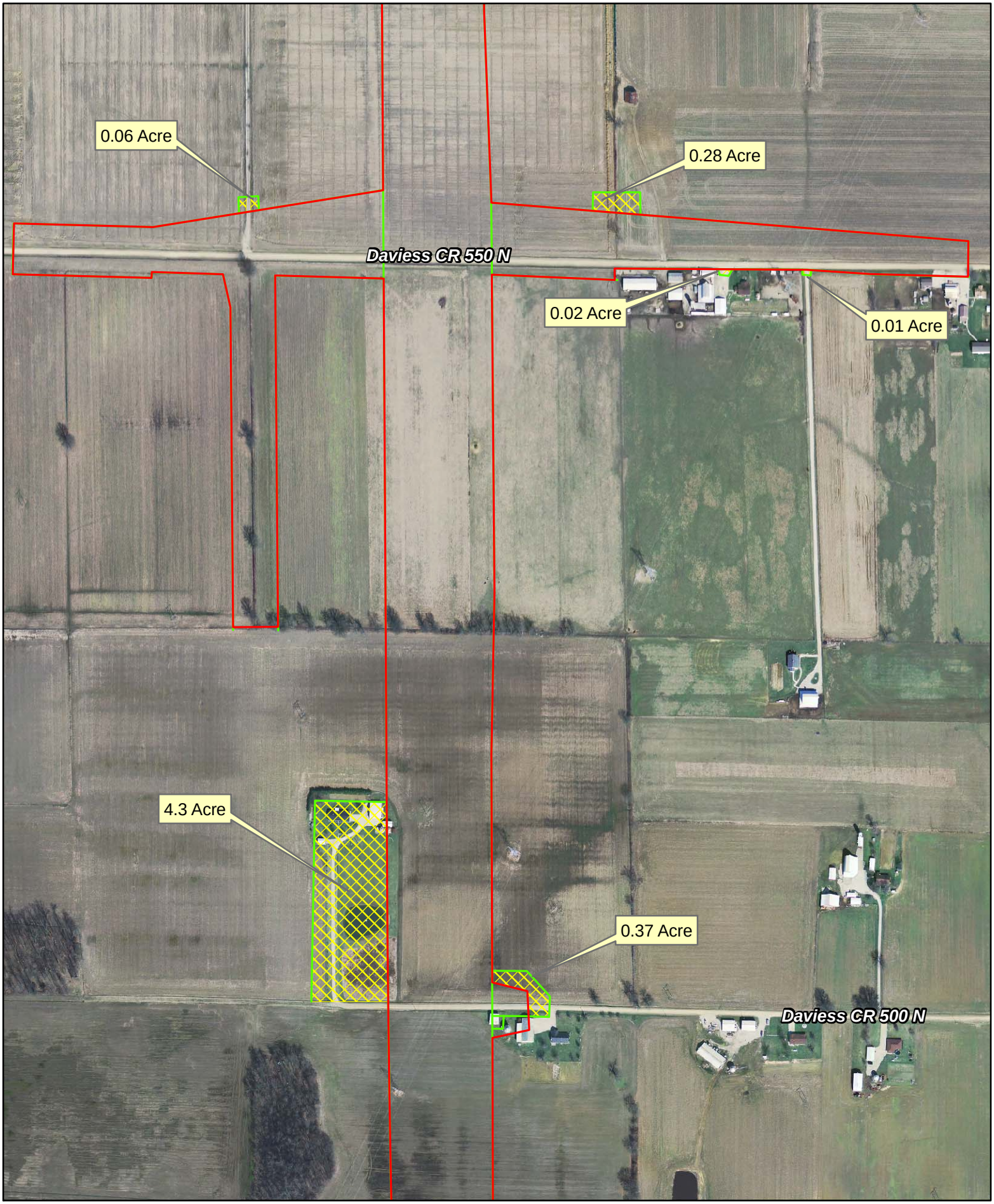
Section 3 FEIS R/W
Section 3 Final Design R/W
Section 3 Additional R/W Area

Figure 4
I-69 Section 3 - Segment 8 & 9
Additional Right-of-Way Area Located
Daviess County Road 350 E

1 inch = 400 feet

0 250 500 Feet

N



Section 3 FEIS R/W
Section 3 Final Design R/W
Section 3 Additional R/W Area

Figure 5
I-69 Section 3 - Segment 8 & 9
Additional Right-of-Way Areas Located
Daviess County Road 500 N & 550 N

1:5,200
0 250 500
Feet

N

Attachment 2

Archaeological Survey Summary

Archaeological Report Summary
I-69 Section 3 Additional Right-of-Way Areas
Design Build Segment 8 & 9

ABSTRACT

Gray & Pape, Inc., under contract with Bernardin Lochmueller & Associates, Inc., conducted a Phase Ia archaeological survey for Section 3 Reevaluation Group #2 (Segment 8 & 9 Design Build), within Section 3 of the Indiana Department of Transportation's I-69 Corridor Tier 2 Studies, Evansville to Indianapolis. The Section 3 Reevaluation Group #2 (Segment 8 & 9 Design Build), is located at the US 50 Interchange (at the beginning of Section 3), Daviess CR 100 North, Daviess CR 250 East, Daviess CR 250 East (near AR-5), Daviess CR 350 East, Daviess CR 500 North, and Daviess CR 550 North. In addition to these areas, a small area at Daviess CR 200 North (within the FEIS right-of-way) was identified as an area that had not been previously surveyed. That area is reported herein. The Section 3 Build Alternative 1 Area of Potential Effects extends from US 50 near Washington to US 231 near Scotland, crossing central Daviess County and the southwest corner of Greene County, for a distance of 40 kilometers (25 miles). A report documenting the results of the Phase Ia investigation of the Section 3 Build Alternative 1 was recently published (Hambacher and Robertson 2009). This addendum to that report documents the results of the Phase Ia investigation of the aforementioned Reevaluation Group #2.

Phase Ia survey of the Section 3 Reevaluation Group #2 was conducted on December 16, 2009, for Daviess CR 100 N and CR 500 North and February 1, 2010, for Daviess CR 350 East and CR 550 North, and the additional area at Daviess CR 200 North. The US 50 Interchange area and the two areas along CR 250 East had been covered during the initial Phase I investigations (Hambacher and Robertson 2009). The access road east of the beginning of Section 3 was surveyed on February 24, 2010, as was the expanded area near CR 500 North. The Phase Ia survey employed surface reconnaissance throughout the Area of Potential Effects, as all of the areas exhibited surface visibility between 35and 100%. One previously undocumented historic site, 12Da1585, was identified near the northwest corner of the Daviess CR 350 East project area. This site represents a late nineteenth to mid twentieth century farmstead. Gray & Pape does not recommend the portion of the site located within the new right-of-way for additional investigations as it is not considered eligible for inclusion in the National Register of Historic Places.

PROJECT RESULTS/RECOMMENDATIONS

Phase Ia survey of the Section 3 Reevaluation Group #2 (Segment 8 & 9 Design Build) was conducted in December 2009 and January - February 2010. Ground surface visibility throughout the APE was 35-100%. The Phase Ia survey employed surface reconnaissance throughout the APE. The survey identified one previously undocumented site (12Da1585). This historic site dates to the late nineteenth to mid twentieth century. The portion of the sites within the APE is not recommended for additional investigations.

DNR Indiana Department of Natural Resources

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

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

April 8, 2010

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

Federal Agency: Federal Highway Administration

Re: Addendum Phase Ia Archaeological Investigations for Section 3 Reevaluation Group #2 (Segment 8 & 9 Design Build) (Baltz, 3/12/10), pertaining to future construction of Section 3 of the I-69 Evansville to Indianapolis, US 50 to US 231 (Designation #0300379; DHPA #1352)

Dear Ms. McCord:

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 March 15, 2010 and received on March 18, 2010, for the above indicated project in Daviess 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 above proposed project areas.

If you have not already done so, please submit an archaeological site form for archaeological site 12Da1585 electronically to the state SHAARD database.

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 #1352.

Very truly yours,

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

JAG:JRJ:jj

cc: Robert F. Tally, Jr., P.E., Federal Highway Administration, Indiana Division
Staffan Peterson, Cultural Resources Section, Indiana Department of Transportation
I-69 Section 3 Project Office

emc: Janice Osadczuk, Federal Highway Administration, Indiana Division
Ben Lawrence, Indiana Department of Transportation
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Shannon Hill, Bernardin, Lochmueller & Associates, Inc.

Attachment 3

Informational Letter to SHPO

BERNARDIN · LOCHMUELLER & ASSOCIATES, INC.
3502 Woodview Trace · Suite150 · Indianapolis, IN 46268
PHONE 317.222.3880 · TOLL FREE 888.830.6977 · FAX 317.222.3881

March 31, 2010

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 3 additional right-of-way reevaluation areas – Segment 8 & 9 located in Daviess County, Indiana.
DES #: 0300379 Project #: IN10 (006)
DHPA #: 1352 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 3 preferred alternative right-of-way described herein does not modify the effect on historic properties. This revised design of Section 3 requires six (6) additional right-of-way acquisition areas within the I-69 corridor totaling approximately 6.67 acres of permanent right-of-way and 1.23 acres of temporary right-of-way for a total of 7.9 acres of total right-of-way (see maps in Appendix A for locations). These acquisition areas will occur within the design build Segment 8 & 9 in Section 3. Segment 8 & 9 begins just north of the CSX railroad near the planned US 50 interchange and ends just south of the North Fork Prairie Creek. Furthermore, one change in design area not requiring additional right-of-way will also be discussed for informational purposes. The following project changes discussed are listed from south to north: U.S. 50 Interchange; Daviess County Road 100 N; Daviess County Road 250 E; Daviess County Road 350 E; Daviess County Road 500 N; Daviess County Road 550 N.

The first additional right-of-way acquisition area is located at the U.S. 50 interchange, directly north of the CSX railroad. This permanent right-of-way is required to accommodate the shift of the interchange to the north. Approximately 0.18 acre will be required on the west side of the highway and approximately 1.05 acres on the east for a total of 1.23 acres of additional permanent right-of-way (see Appendix A).

The second additional right-of-way area is located at Daviess County Road 100 N, approximately 0.66 miles north of the CSX railroad. This temporary right-of-way is needed to accommodate driveway construction. A maximum of 0.86 acre of additional temporary right-of-way is required. The temporary right-of-way shown directly to the east of the highway may be moved further east depending on final design (see Appendix A).

The change in design area not requiring right-of-way outside of that defined in the FEIS is located at Daviess County Road 250 E, approximately 1.8 miles north of the CSX railroad. At this location, limited access right-of-way was inadvertently located on the east side of County Road 250 E which would have unnecessarily landlocked three (3) parcels. During final design, the limited access right-of-way was moved to the west side of County Road 250 E to avoid land locking these three (3) parcels. No new right-of-way not discussed in the FEIS will be required at this location (see Appendix A).

The third additional right-of-way area is also located along Daviess County Road 250 E, approximately 2.16 miles north of the CSX railroad. At this location, a cul-de-sac design was revised based upon results of a Local Service Road (LSR) Study. A portion of the LSR (AR-5) that was proposed in the FEIS will not be built because it was found to be not feasible. Therefore, the cul-de-sac location was revised and will be located on the southern end of the

proposed LSR. This revised design area will require approximately 0.11 acre of additional permanent right-of-way (see Appendix A).

The fourth additional right-of-way area is located at Daviess County Road 350 E, approximately 3.66 miles north of the CSX railroad. At this location, the vertical profile along County Road 350 E was modified for hydraulic requirements which resulted in additional right-of-way areas. Approximately 0.67 acre of additional permanent right-of-way is required at this location (see Appendix A).

The fifth additional right-of-way area is located at Daviess County Road 500 N, approximately 5.1 miles north of the CSX railroad. At this location, the right-of-way was revised on the east side of the highway due to a shift in the cul-de-sac to the north to avoid and/or minimize impacts to a residential property on the south side of County Road 500 N. A garage and outbuilding of this residential property are now avoided and will not be taken. Approximately 0.37 acre of permanent right-of-way will be required at this location. Temporary right-of-way located within the FEIS footprint was added to accommodate building removal impacted by the mainline highway. The right-of-way was revised on the west side of the highway to accommodate a residential relocation. This residential relocation was noted in the FEIS. However, the permanent right-of-way acres totaling approximately 4.3 acres were not. During final design this parcel was determined to be a total take because of the take for I-69 and it's lose of access. A temporary easement for demolition was not included in the right-of-way engineering since the entire remainder of the five acre tract is included as a take (see Appendix A).

The sixth additional right-of-way area is located at Daviess County Road 550 N, approximately 6.1 miles north of the CSX railroad. At this location, temporary right-of-way is required on the east and west side of the highway to accommodate for driveway and field access construction. A total of approximately 0.37 acre of temporary right-of-way will be needed at this location (see Appendix A).

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 "adverse effect" identified in the Tier 2 FEIS dated December 1, 2009. Therefore, based on this determination, FHWA does not intend to reopen the Section 106 process on the I-69 Section 3 project for the above mentioned Segment 8 & 9 areas for the following reasons: visually, there will essentially be no change with these minor additional right-of-way areas; none of the above ground resources listed as eligible for the National Register of Historic Places (NRHP) in Section 3 are located within one (1.0) mile of the reevaluation areas; no previously identified archaeological sites eligible for the NRHP are located within the proposed additional right-of-way areas; and the conclusion that no archaeological resources eligible for the NRHP were identified within the proposed additional right-of-way areas as determined by an additional survey completed by Gray & Pape, Inc. (see below).

The Section 3 Tier 2 Historic Property Report, dated October 19, 2005 concluded that four above ground resources eligible for or listed on the NRHP are located within the Section 3 APE (see Attached Map). At a later date, another property located within the Section 3 APE was determined eligible for the NRHP (SR 257 Bridge over Veale Creek). On November 7, 2008 the FHWA in consultation with the Indiana SHPO determined that Section 3 of the I-69 project will have an adverse effect (see Appendix B). The previously defined APE for above ground resources will not be modified and there will be no change to the adverse effect finding as a result of these six (6) additional right-of-way areas.

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 3 of the I-69 project (see Appendix A). The approved APE for

Section 3 above ground resources is identified to be generally 1.0 mile beyond the typically 2,000-foot wide study corridor. General exceptions to this APE occur throughout Section 3 as defined in the Historic Property Report. 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 3. No listed or eligible NRHP structures documented in the Section 3 Historic Property Report are located within 1.0 mile of the additional right-of-way areas. The Daviess County Home Historic District is the closest listed resource to the reevaluation areas (see attached Table 1).

These six (6) additional right-of-way areas of the I-69 Section 3 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 as stated in the *Phase Ia Archaeological Investigations* report dated August 14, 2009. No previously recorded sites identified during the archaeological literature review are located within or directly adjacent to the additional right-of-way areas. The Section 3 Phase Ia reconnaissance described in the August 14, 2009 report was only conducted for the preferred alternative right-of-way. During this reconnaissance, no sites were identified within the additional right-of-way areas mentioned in this document.

Additionally, a Phase Ia field reconnaissance was conducted by Gray & Pape, Inc. for areas located outside of the original surveyed preferred alternative. Some of the areas shown in Appendix A were not surveyed by Gray & Pape as they were covered during the original survey. The areas surveyed as part of this reevaluation can be viewed in the report sent under separate cover by Gray & Pape and titled "I-69 CORRIDOR TIER 2 STUDIES, Evansville to Indianapolis, Addendum to Phase Ia Archaeological Investigations, Section 3 (US 50 to US 231), Reevaluation Group #2, Segment 8 & 9 Design Build (DES No 0300379, DHPA #1352)" dated March 12, 2010. In this report, Gray & Pape determined that one previously undocumented historic site, 12Da1585, was identified near the northwest corner of the Daviess CR 350 East project area. This site represents a late-nineteenth to mid-twentieth century farmstead. Gray & Pape does not recommend the portion of the site located within the new right-of-way for additional investigations as it is not considered eligible for inclusion in the National Register of Historic Places.

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 317-222-3880 or via e-mail at shill@blainc.com.

Sincerely,

Shannon Hill

Shannon Hill, Historic Resources Specialist
BERNARDIN • LOCHMUELLER & ASSOCIATES, INC.

Appendix A: Graphics
Appendix B: Section 3 Effect Finding
Appendix C: Table 1

Attachment 4

General Photo Page

I-69 Section 3 Segment 8 & 9 Reevaluation Photos

Photo 1: Standing on CSX railroad looking northeast at reevaluation area

Photo 2: Standing on Daviess CR 100 N looking north at 0.33 acre reevaluation area

Photo 3: Standing on Daviess CR 100 N looking northwest at 0.33 acre reevaluation area

Photo 4: Standing on Daviess CR 250 E looking northeast at 0.11 acre reevaluation area

Photo 5: Standing on Daviess CR 350 E looking north at reevaluation areas

Photo 6: Standing on Daviess CR 500 N looking north at 4.3 acre reevaluation area