



**I-69 EVANSVILLE TO INDIANAPOLIS**

**I-69 SECTION 1 REEVALUATION STATEMENT  
DESIGN PACKAGE 5**

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 5 has added additional right-of-way areas to accommodate: cul-de-sac construction; building removal; cut sections through hills; grade modifications; driveway reconstruction; interchange modification; erosion control; fill in remainder portions of impacted ponds; connector road; drainage easement; and revised right-of-way to even station and offset. 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.

**Release for Public Involvement**

BTR  
OES Initials

1-18-11  
Date

**Approval**

[Signature]  
OES Signature

2-8-11  
Date

[Signature]  
FHWA Signature

2-17-11  
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 5 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;
- building removal;
- cut sections through hills;
- grade modifications;
- driveway reconstruction;
- interchange modification;
- erosion control;
- fill in remainder portions of impacted ponds;
- connector road;
- drainage easement; and
- revised right-of-way to even station and offset

The analysis of the impacts from these final design elements supports the conclusion that implementation of these changes in the right-of-way needed as a result of the final design elements will not cause significant environmental impacts that were not evaluated in the Section 1 FEIS, and that the right-of-way 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 600 S;
- Gibson County Road 550 S;
- Gibson County Road 875 E;
- Gibson County Road 925 E;
- Gibson County Road 450 S;
- Gibson County Road 400 S;
- Gibson County Road 350 S;
- Gibson County Road 300 S;
- Gibson County Road 250 S (Seedtick Rd);

- State Road 64 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 at 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 Section 1 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), Section 2, and Section 3 have been completed; a Tier 2 DEIS for Section 4 was issued in July 2010. Studies in Sections 5 and 6 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) during the Tier 2 environmental analysis, with alternatives designated in each subsection. Impacts to the natural and human environments were examined for each of the subsection alternatives, including the Preferred Alternative. 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 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 1.35 acres of wetland habitat impacts (1.33 emergent; 0.02 forested) 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 prepared as required for additional right-of-way changes at other locations of the Section 1 Preferred Alternative as final design of Section 1 is completed. In addition, reevaluation documents have been prepared in other sections of the I-69 project. Previously approved reevaluation documents include: Section 1, I-64 to C.R. 825 S; Section 2, Design Segments 1 and 1A; Section 2, Design Segments 2 and 3; Section 2 Flood Easements; Section 3, Early Bridge Contracts; Section 3, Design Segments 8 and 9; Section 3, Design Segments 10-13; Section 3, Design Segments 10-13(2); Section 3, Flood Easements; and Section 3 Flood Easements 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 5 of Section 1 affects sixteen parcels not previously impacted by the Preferred Alternative analyzed in the FEIS. Twelve property owners not previously impacted by the FEIS Preferred Alternative are now impacted. Right-of-way appraising and buying activities are on-going and the owners of all properties are aware of the impact to the previously unaffected parcels as a result of the final design. Additional revisions that triggered the need for public involvement include the elimination of both the Access Road (AR) 11 and the I-69 overpass at Gibson County Road 450 S as listed in the FEIS, and the lengthening of Gibson County Road 925 E which was not analyzed in the FEIS.

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 required based on the impact to previously unaffected property owners, the elimination of AR-11, and the elimination of the I-69 overpass over County Road 450 S and the resulting extension of County Road 925 E. A legal notice advertising this reevaluation document was placed in the *Oakland City Journal* on January 19, 2011 and the *Evansville Courier* on January 20, 2011 (See Appendix D for copy of notice and affidavits). This reevaluation was also posted to the I-69 Project website. The public was afforded 15 days to comment on the reevaluation. No comments were received from the public during the 15 day comment period.

### **3. DESCRIPTION OF PROJECT CHANGES**

This reevaluation focuses on changes to the right-of-way resulting from the final design in Section 1, Package 5. The Preferred Alternative in the Section 1 FEIS directly impacts approximately 720 acres of land. Implementation of the Package 5 final design will result in impacts to approximately 44.97 additional acres for permanent right-of-way, 7.6 acres of temporary right-of-way, and 0.79 acre of

drainage easement (total, 53.36 acres) not previously addressed in the FEIS. With the implementation of the Package 5 final design, approximately 26.19 acres of right-of-way analyzed in the FEIS will no longer be impacted by the Section 1 project. 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 Package 5, along with each location where this reevaluation addresses modifications to the right-of-way. The right-of-way changes discussed below are listed from south to north.

- **Gibson County Road 600 S in Package 5 (See Figure 3 in Appendix A)** – There are four final design changes in this area requiring additional right-of-way. A total of approximately 2.83 acres of permanent right-of-way and 3.01 acres of temporary right-of-way (total 5.84 acres of additional right-of-way) are required at the County Road 600 S location. AR-11 located on the west side of I-69 at this location will be eliminated. A total of approximately 6.55 acres of right-of-way analyzed in the FEIS will no longer be impacted as a result of the elimination of AR-11. An additional approximate 2.72 acres of right-of-way analyzed in the FEIS will no longer be impacted due to the below referenced design changes. A total of approximately 9.27 acres of right-of-way analyzed in the FEIS will no longer be impacted at County Road 600 S location.
  - A. On the west side of the highway along County Road 600 S and County Road 800 E, the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.87 acres of permanent right-of-way is needed for this revision. AR-11 as described in the FEIS connected County Road 600 S and County Road 800 E on the west side of I-69. During the October 19, 2010 Gibson County Board of Commissioners meeting, the Commissioners discussed constructing AR-11 versus having County Road 600 S and County Road 800 E end in cul-de-sacs. By unanimous vote, the Commissioners requested that INDOT construct cul-de-sacs at this location. Cul-de-sacs will now be constructed on County Road 600 S and County Road 800 E on the west side of the highway. Approximately 0.72 acres of permanent right-of-way is required at the County Road 600 S location. Land use within this 0.72 acre area consists of 0.64 acre of agricultural land and 0.08 acre of existing transportation use. Approximately 1.15 acres of right-of-way is required at the County Road 800 E location. Land use within this 1.15 acre area consists of 0.94 acre of agricultural land and 0.21 acre of existing transportation use.
  - B. On the west side of the highway, the right-of-way was revised for building removal and to fill in the remaining portion of a pond affected by the highway. The building being removed at location (B) is a barn. The structure is located both inside and outside of the permanent right-of-way needed for the design change described above. The temporary right-of-way is needed to remove the portion located outside of the permanent right-of-way. Temporary right-of-way was not evaluated during the engineering assessment completed for the FEIS. The structure is located within the previously-approved APE for Section 1 and was not identified as listed or eligible for the NRHP in the Section 1 Historic Property Report. Approximately 2.84 acres of temporary right-of-way is required at this location. Land use within this 2.84 acre area consists of approximately 0.45 acre of agricultural land, 0.93 acre pond, and 1.46 acres of residential.
  - C. On the east side of the highway, the right-of-way was revised for pavement removal on County Road 600 S and County Road 800 E. Approximately 0.17 acre of temporary right-of-way is required at this location. Land use within this 0.17 acre area consists of 0.1 acre of existing transportation use and 0.07 acre of residential land.
  - D. On the east side of the highway, the right-of-way was revised to accommodate a cut section through a hill not evaluated during the engineering assessment completed for the FEIS.

- Approximately 0.96 acre of permanent right-of-way is required at this location. Land use within this 0.96 acre area consists of 0.65 acre of agricultural land, 0.03 acre existing transportation use, and 0.28 acre residential land.
- **Gibson County Road 550 S in Package 5 (See Figure 4 in Appendix A)** – There are two final design changes in this area requiring additional right-of-way. A total of approximately 1.4 acres of permanent right-of-way is required at the County Road 550 S location. As a result of the design changes at the County Road 550 S area approximately 1.5 acres of right-of-way analyzed in the FEIS will not be impacted.
    - A. On the east and west side of the highway, the right-of-way was revised because of grade modifications to the I-69 overpass over County Road 550 S. The overpass over County Road 550 S was listed in the FEIS. The grade change results in approximately 1.33 acres of additional permanent right-of-way. Land use within this 1.33 acre area consists of 1.02 acre of agricultural land, 0.01 acre of developed land, 0.27 acre stream, and 0.03 acre of wetland.
    - B. Located approximately 0.2 mile north of County Road 550 S on the east side of the highway, the right-of-way was revised to install riprap for permanent erosion control on the downstream end of the stream crossing. Approximately 0.07 acre of permanent right-of-way is required at this location. Land use within this 0.07 acre area consists of 0.01 acre of agricultural land and 0.06 acre of stream.
  - **Gibson County Road 875 E in Package 5 (See Figure 5 in Appendix A)** – There are two final design changes in this area requiring additional right-of-way. A total of approximately 2.13 acres of permanent right-of-way and 0.32 acre of temporary right-of-way (total 2.45 acres) is required at the County Road 875 E location. As a result of the design changes at the County Road 550 S area approximately 0.81 acre of right-of-way analyzed in the FEIS will not be impacted.
    - A. On the north and south sides of the highway along County Road 875 E the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.69 acres of permanent right-of-way and 0.32 acre of temporary right-of-way (total 2.01 acres) is needed for these cul-de-sacs. County Road 875 E was listed as a road closure in the FEIS; however the cul-de-sacs and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Approximately 1.08 acres of permanent right-of-way is required on the north side of the highway. Land uses within this 1.08 acre area consist of 0.72 acre of agricultural land, 0.15 acre of existing transportation use, and 0.21 acre of stream. Approximately 0.61 acre of permanent right-of-way and 0.32 acre of temporary right-of-way is required on the south side of the highway (total 0.93 acre). Land use within this 0.93 acre area consists of 0.85 acre of agricultural land and 0.08 acre of existing transportation use.
    - B. On the south side of the highway, the right-of-way was revised to accommodate a cut section through a hill not evaluated during the engineering assessment completed for the FEIS. A total of approximately 0.44 acre of permanent right-of-way is required at this location. Land use within this 0.44 acre area consists of 0.28 acre of agricultural land and 0.16 acre of developed land.
  - **Gibson County Road 925 E in Package 5 (See Figure 6 in Appendix A)** – The final design change at this location is the result of eliminating the I-69 overpass over Gibson County Road 450 S for cost saving purposes. The elimination of the overpass was discussed with Gibson County. Gibson County did not object to the overpass elimination and approved the alternative design presented. County Road

450 S will be closed at I-69. A cul-de-sac will be constructed on County Road 450 S on the east side of I-69 and access to the properties east of I-69 along County Road 450 S and County Road 925 E will be provided by connecting two dead end portions of the existing County Road 925 E. The construction of this connector road will provide access to parcels which otherwise would be landlocked as a result of the elimination of the overpass. This connector road will be built as part of the I-69 project and relinquished to Gibson County for maintenance after construction. County Road 925 E connects to County Road 550 S. A total of approximately 5.75 acres of permanent right-of-way and 0.13 acre of temporary right-of-way (total 5.88 acres) is required at this location. Land use within this 5.88 acre area consists of 3.15 acre of agricultural land, 2.28 acre of upland habitat (including 1.04 acre forest), and 0.45 acre of residential land.

The construction cost of the original design, which provided for I-69 to overpass County Road 450 S is estimated at \$4,076,100. The final design alternative of not constructing an overpass and closing County Road 450 S and extending County Road 925 E is estimated at \$1,085,600. The final design alternative of extending County Road 925 E results in a savings of \$2,990,500 and provides access for two properties with homes and three properties that are either fields or woods.

- **Gibson County Road 450 S in Package 5 (See Figure 7 in Appendix A)** – There are four final design changes in this area requiring additional right-of-way. A total of approximately 4.46 acres of permanent right-of-way and 2.54 acres of temporary right-of-way (total 7.0 acres) is required at the County Road 450 S location. As a result of the design changes at the County Road 450 S area approximately 6.69 acres of right-of-way analyzed in the FEIS will not be impacted.
  - 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. As discussed above, the FEIS stated that I-69 will overpass County Road 450 S. County Road 450 S will now be closed at I-69. The cul-de-sac is required due to the road closure. A total of 0.24 acre of additional permanent right-of-way is needed for this revision. Land use within this 0.24 acre area consists of approximately 0.2 acre of agricultural land and 0.04 acre of existing transportation use. On the west side of the highway, traffic flow will be maintained using County Road 450 S and County Road 890 E.
  - B. On the west side of the highway the right-of-way was revised due to a raised grade to provide a bridge for a wildlife crossing. A total of approximately 0.15 acre of temporary right-of-way is required at this location. Land use within this 0.15 acre area consists of entirely upland forest habitat.
  - C. The final design change at these locations is the result of an alignment shift to the west per coordination with impacted property owners. A Concentrated Animal Feeding Operation (CAFO) is located adjacent to the final design right-of-way on the west side of the highway. This business could potentially be relocated as a result of the highway. Additional temporary right-of-way could be needed at this location for building removal and to fill in the waste lagoon. Approximately 2.39 acres of temporary right-of-way would be required at this location. Land use within this 2.39 acre area consists of 1.07 acres of commercial land, 0.50 acre agricultural land, 0.05 acre upland habitat, and 0.77 acre lagoon. This would be a commercial relocation not documented in the FEIS. Please refer to the *Environmental Consequences* section of this document for further discussion on this area. As a result of the alignment shift, approximately 4.21 acre of additional permanent right-of-way is required on the west side of the highway and 0.01 acre on the east (total 4.22 acres). Land use within this 4.22 acre area consists of approximately 2.82 acres of agricultural land, 0.07 acre existing transportation use, and 1.33 acres upland habitat (including 0.27 acre forest).

Benefiting from the alignment shift a reduction to wetland impacts on the east side of the highway will occur. Reductions to wetland impacts at this location total approximately 0.35 acre of Palustrine Emergent (PEM) wetlands which include the following: 0.16 acre reduction of PEM wetland at W19; 0.06 acre reduction of PEM wetland at W26; and 0.13 acre reduction of PEM wetland at W31.

- **Gibson County Road 400 S in Package 5 (See Figure 8 in Appendix A)** – There are three final design changes in this area requiring additional right-of-way. A total of approximately 1.66 acres of permanent right-of-way and 0.02 acre of temporary right-of-way (total 1.68 acres) is required at the County Road 400 S location. As a result of the design changes at the County Road 400 S area approximately 1.64 acres of right-of-way analyzed in the FEIS will not be impacted.
  - A. On the east and west sides of the highway the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.64 acre of additional permanent right-of-way is needed for this revision. County Road 400 S was listed as a road closure in the FEIS; however the cul-de-sacs and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Land use within this 1.64 acre area consists of approximately 0.02 acre of agricultural land, 0.95 acre residential land, 0.29 acre existing transportation use, and 0.38 acre upland habitat.
  - B. On the east side of the highway the right-of-way was revised for driveway reconstruction. Approximately 0.02 acre of temporary right-of-way is required at this location. Land use within this 0.02 acre area consists entirely of residential land.
  - C. Located on the west side of the highway approximately 0.25 mile north of County Road 400 S, the right-of-way was revised to even station and offset, which results in right-of-way lines that follow parallel with the roadway. Approximately 0.02 acre of permanent right-of-way is required at this location. Land use within this 0.02 acre area consists entirely of agricultural land.
- **Gibson County Road 350 S in Package 5 (See Figure 9 south of West Fork Keg Creek in Appendix A)** – There are three final design changes in this area requiring additional right-of-way. A total of approximately 2.11 acres of permanent right-of-way and 0.68 acre of temporary right-of-way (total 2.79 acres) is required at the County Road 350 S location. As a result of the design changes at the County Road 350 S area approximately 2.31 acres of right-of-way analyzed in the FEIS will not be impacted.
  - A. The right-of-way changes are a result of a revised design of the County Road 350 overpass to avoid natural gas underground storage caverns on an adjacent property. The overpass was shifted to the west and the right-of-way on the east side of the highway was decreased to avoid the underground caverns. Approximately 2.09 acres of permanent right-of-way is required at this location. Land use within this 2.09 acre area consists 1.78 acres of agricultural land and 0.31 acre of residential land.
  - B. The right-of-way changes are required at this location for building removal. The structures are located both inside and outside of the permanent right-of-way needed for the design change described above. The temporary right-of-way is needed to remove the portion located outside of the permanent right-of-way. Temporary right-of-way was not evaluated during the engineering assessment completed for the FEIS. The structures are located within the previously-approved APE for Section 1 and were not identified as listed or eligible for the

- NRHP in the Section 1 Historic Property Report. Approximately 0.43 acre of temporary right-of-way is required at this location. Land use within this 0.43 acre area consists entirely of residential land.
- C. The right-of-way changes at these locations are required for erosion control. A temporary sediment basin will be constructed to assist in the removal of sediment from water runoff during construction. The sediment basin will be removed after vegetative cover has been established within the surrounding watershed. Approximately 0.27 acre of temporary right-of-way is required at this location. Land use within this 0.27 acre area consists entirely of agricultural land.
- **Gibson County Road 300 S in Package 5 (See Figure 9 north of West Fork Keg Creek in Appendix A)** – There are two final design changes in this area requiring additional right-of-way. A total of approximately 1.53 acres of permanent right-of-way and 0.22 acre of temporary right-of-way (total 1.75 acres) is required at the County Road 300 S location. As a result of the design changes at the County Road 300 S area approximately 0.63 acres of right-of-way analyzed in the FEIS will not be impacted.
    - A. On the east and west sides of the highway the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.53 acres of additional permanent right-of-way is needed for this revision. County Road 300 S was listed as a road closure in the FEIS; however the cul-de-sacs and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Land use within this 1.53 acre area consists of approximately 1.45 acres of agricultural land and 0.08 acre existing transportation use.
    - B. The right-of-way changes at these locations are required for erosion control. A temporary sediment basin will be constructed to assist in the removal of sediment from water runoff during construction. The sediment basin will be removed after vegetative cover has been established within the surrounding watershed. Approximately 0.22 acre of temporary right-of-way is required at these locations. Land use within this 0.22 acre area consists entirely of agricultural land.
  - **Gibson County Road 250 S (Seedtick Road) in Package 5 (See Figure 10 in Appendix A)** – There are two final design changes in this area requiring additional right-of-way and one change requiring a drainage easement. A total of approximately 1.62 acres of permanent right-of-way and 0.11 acre of temporary right-of-way (total 1.73 acres) is required at the County Road 250 S location. Located approximately 0.13 mile north of County Road 250 S approximately 0.79 acre of land not analyzed in the FEIS will be acquired for a drainage easement. Approximately 2.87 acres of right-of-way analyzed in the FEIS will not be impacted due to the below referenced design changes at this location.
    - A. On the east and west sides of the highway the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.62 acres of additional permanent right-of-way is needed for this revision. County Road 250 S was listed as a road closure in the FEIS; however the cul-de-sacs and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Land use within this 1.62 acre area consists of approximately 1.42 acres of agricultural land and 0.2 acre existing transportation use.
    - B. The right-of-way change at this location is required for erosion control. A temporary sediment basin will be constructed to assist in the removal of sediment from water runoff during construction. The sediment basin will be removed after vegetative cover has been established

within the surrounding watershed. Approximately 0.11 acre of temporary right-of-way is required at this location. Land use within this 0.11 acre area consists entirely of agricultural land.

- C. A perpetual drainage easement was added at this location to re-grade the ditch for erosion control purposes. This area will not be INDOT owned right-of-way and the landowner will retain ownership. The purpose of the drainage easement is to perform the work needed to construct the highway and to allow access for future maintenance. Approximately 0.79 acre of land is required at this location. Land use within this 0.79 acre area consists of 0.6 acre of agricultural land and 0.19 acre of stream.
- **State Road 64 Interchange in Package 5 (See Figure 11 in Appendix A)** – There are four final design changes in this area requiring additional right-of-way. A total of approximately 21.5 acres of permanent right-of-way and 0.55 acre of temporary right-of-way (total 22.05 acres) is required at the State Road 64 Interchange location. As a result of the design changes at the State Road 64 area approximately 0.47 acres of right-of-way analyzed in the FEIS will not be impacted.

- A. The right-of-way changes are required at this location because State Road 64 will be shifted to the north of its existing alignment so that it can remain open at all times during construction of I-69. Keeping State Road 64 open during construction is needed since there are no adequate local detours to accommodate the State Road 64 traffic flow during construction and the closest state road detour (State Road 168 located approximately 5 miles south) will be closed due to construction of an I-69 interchange at this location. State Road 64 was selected to remain open over State Road 168 due to a greater amount of traffic (8,320 vehicles per day on State Road 64 – year 2011 versus 1,874 vehicles per day on State Road 168 – year 2011) and State Road 168 is located between State Road 68 and State Road 64. Traffic flow using state roads will be maintained during construction of I-69 by using State Road 68 (approximately 4 miles south of State Road 168) and by using State Road 64 (approximately 5 miles north of State Road 168).

Two options were analyzed for keeping State Road 64 open during construction. Option 1 consisted of a temporary road and temporary bridge over Keg Creek. This alternative would have resulted in two residential relocations on the south side of State Road 64. Option 2 consists of shifting State Road 64 to the north as stated above. Option 2 will not result in any residential relocations and has a cost savings of approximately \$911,830 compared to Option 1. Therefore, Option 2 was selected. As a result of this design change, the interchange ramps vertical and horizontal alignments were refined because of the horizontal and vertical relocation of State Road 64. All additional right-of-way locations labeled (A) are a result of the vertical and horizontal shift of State Road 64. A total of approximately 21.5 acres of permanent right-of-way is required at these locations. Land use within this 21.5 acre area consists of 10.78 acres of agricultural land, 3.22 acres developed land (residential and transportation), 0.15 acre stream, and 7.35 acres of upland habitat (including 5.7 acres of forest).

- B. The right-of-way changes at these locations are required for erosion control. A temporary sediment basin will be constructed to assist in the removal of sediment from water runoff during construction. The sediment basin will be removed after vegetative cover has been established within the surrounding watershed. Approximately 0.5 acre of temporary right-of-way is required at this location. Land use within this 0.5 acre area consists entirely of agricultural land.

- C. The right-of-way change at this location is required for driveway reconstruction. Approximately 0.04 acre of temporary right-of-way is required at this location. Land use within this 0.04 acre area consists entirely of residential land.
- D. The right-of-way change at this location is required for building removal. The building is a residence that was listed as a relocation in the FEIS. Temporary right-of-way for demolishing this residence was not evaluated during the engineering assessment completed for the FEIS. The structure is located within the previously-approved APE for Section 1 and was not identified as listed or eligible for the NRHP in the Section 1 Historic Property Report. Approximately 0.01 acre of temporary right-of-way is required at this location. Land use within this 0.01 acre area consists entirely of residential land.

#### **4. ENVIRONMENTAL CONSEQUENCES**

The total additional 52.57 acres of right-of-way (44.97 acres permanent and 7.6 acres temporary) and 0.79 acre drainage easement within Design Package 5 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. A total of approximately 26.19 acres of right-of-way analyzed in the FEIS will no longer be acquired, and therefore will not be impacted by the project. The net increase of final design right-of-way is approximately 26.38 acres (52.57 acres not previously analyzed minus 26.19 acres no longer impacted). 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 approximate 53.36 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, streams, wetlands, and developed land (which includes residential, commercial, and transportation uses). Adjacent land uses to the additional right-of-way areas are residential, forest, commercial, 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 29.4 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. A total of approximately 22.98 acres of agricultural land analyzed in the FEIS will no longer be acquired, and therefore will not be impacted by the project. The net increase of final design right-of-way impacts on agricultural land is approximately 6.42 acres (29.4 acres not previously analyzed minus 22.98 acres no longer impacted).

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 10.58 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. A total of approximately 1.7 acres of developed land analyzed in the FEIS will no longer be acquired, and therefore will not be impacted by the project. The net increase of final design right-of-way impacts on developed land is approximately 8.88 acres (10.58 acres not previously analyzed minus 1.7 acres no longer impacted).

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 11.54 acres of upland habitat<sup>1</sup> is located within the additional right-of-way areas (including 7.16 acres of forest). 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. A total of approximately 1.01 acres of upland habitat (including 0.96 acres of forest) analyzed in the FEIS will no longer be acquired, and therefore will not be impacted by right-of-way. The net increase of final design right-of-way impacts on upland habitat is approximately 10.53 acres (11.54 acres not previously analyzed minus 1.01 acres no longer impacted). The net increase of final design right-of-way impacts on forest is approximately 6.2 acres (7.16 acres not previously analyzed minus 0.96 acres no longer impacted).

According to the Tier 2, Section 1 Biological Assessment (BA) approximately 27.4 acres of forest would be directly impacted by the preferred alternative. As stated above, the net increase of forest within the final design right-of-way of Package 5 is approximately 6.2 acres which results in 33.6 acres of total forest within Section 1 right-of-way (27.4 acres stated in the BA plus 6.2 acres of net forest increase in Package 5). According to the Tier 2, Section 1 Biological Opinion (BO) issued on August 29, 2007 by the United States Fish & Wildlife Service (USFWS), reinitiation of Section 7 of the Endangered Species Act is required if final forest impacts exceeded 10% of what was reported in the Tier 2, Section 1 Biological Assessment (BA). According to the BO, approximately 28 acres of forest (rounded up from 27.4) would be impacted by Section 1; therefore the 10% threshold for reinitiation would be total forest impacts within Section 1 greater than 30.8 acres. Impacts to forest within Section 1 will occur only within the construction limits. Forest located within the right-of-way but outside the construction limits will not be disturbed. Forest located within the Section 1 final design construction limits total approximately 22.4 acres. Therefore, the total impact on forest within Section 1 is approximately 22.4 acres, well below the 10% threshold for reinitiation.

According to the FEIS Table 5.3-1, wetland habitat accounts for 1.35 acres, or less than 0.2% of the total direct land use impacts. Approximately 0.03 acre of Palustrine Emergent (PEM) wetlands is located within the additional right-of-way areas. Table 7-1 in the FEIS states that INDOT and FHWA will replace wetlands impacted by Section 1 in accordance with INDOT's Wetlands Memorandum of Understanding (MOU). As discussed above, a site has been secured for mitigation. The wetland impacts as a result of the final design right-of-way will be mitigated at the ratios described in the MOU and FEIS. Additional mitigation measures beyond commitments in the FEIS will not be required as a result of the above described impact to 0.03 acre impact to PEM wetlands. A total of approximately 0.35 acre of PEM wetlands analyzed in the FEIS will no longer be acquired, and therefore will not be impacted by right-of-way. A net decrease of final design right-of-way impacts on wetlands is approximately 0.32 acre (0.35 acre no longer impacted minus 0.03 acre not previously analyzed).

According to the FEIS Table 5.3-1, open water accounts for 0.7 acres, or less than 0.1% of the total direct land use impacts. Approximately 0.93 acre of open water is located within the additional right-of-way areas. Additional mitigation measures beyond commitments in the FEIS will not be required as a result of the above described impact to 0.93 acre of open water.

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<sup>1</sup> The net forest impacts in Section 1 for the final design right-of-way will be included in annual reporting to the United States Fish & Wildlife Service (USFWS) addressing the current state of forest impacts. Any changes not evaluated in the Tier 2 Biological Assessment and FEIS are addressed during this ongoing coordination.

According to the FEIS Table 5.3-1, streams account for 1.3 acres, or less than 0.2 % of the total direct land use impacts. Approximately 0.88 acre of streams is located within the additional right-of-way areas. All stream impacts will be mitigated at a 1:1 ratio according to the FEIS (See FEIS p. 7-39). As discussed above, a site has been secured for mitigation. Additional mitigation measures beyond commitments in the FEIS will not be required as a result of the above described 0.88 acre of impact to streams. A total of approximately 0.28 acre of streams analyzed in the FEIS will no longer be acquired, and therefore will not be impacted by right-of-way. The net increase of final design right-of-way impacts on streams is approximately 0.6 acre (0.88 acre not previously analyzed minus 0.28 acre no longer impacted).

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. Gray & Pape determined that no archaeological resources were identified during their survey. This report was provided to the Indiana SHPO on January 5, 2011. In a letter dated January 14, 2011 the concurred with the findings of the Phase Ia report (See Appendix B). 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 (See Appendix C for Phase Ia summary).

Based on the above information, there is no intention to re-open the Section 106 process due to the following factors: 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 change to the effect finding will occur to the previously identified above ground resources listed in or eligible for the NRHP due to the additional right-of-way areas; and the conclusion that the proposed action of adding approximately 53.36 acres of additional final design right-of-way and drainage easement within Package 5 will have no change to the effect on archaeological resources.

Located at the Gibson County Road 450 S location, a possible business relocation not discussed in the FEIS could occur as stated above in Section 3 of this document. A National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) is located west of the highway immediately south of County Road 450 S. A barn and waste lagoon associated with the operation are at this location. Permanent right-of-way from the mainline I-69 highway will not impact the barn or lagoon. However, the I-69 highway will acquire right-of-way acres from land used for the CAFO. This acreage is an essential portion of the business operation. This could result in the relocation of the business (NPDES CAFO Identification Number ING800175). As stated above, temporary right-of-way could be acquired for building removal and to fill in the waste lagoon. All activities associated with the possible demolition of the barn and filling/modification to the lagoon will be coordinated with the Indiana Department of Environmental Management (IDEM) and will comply with the regulations of 327 IAC 15-15 and all rules referenced within.

Located at the State Road 64 interchange the final design impacts 17.7 acres of forest, an increase of approximately 5.7 acres from what was reported in the FEIS Table 5.20-4. No core forest acres were located within the FEIS Preferred Alternative. As stated in the FEIS (pg 5-349), an indirect impact to the core forest will occur due to the proximity of the right-of-way to the core and the resulting need to redefine

the core boundary. The FEIS Preferred Alternative right-of-way reduced the core in size by approximately 1 acre. No core forest acres are located within the final design right-of-way. A similar indirect impact to the core forest will occur due to the proximity of the final design right-of-way to the core and the resulting need to redefine the core boundary. The final design right-of-way reduces the core in size by 3.7 acres, an increase of approximately 2.7 acres from what was reported in the FEIS.

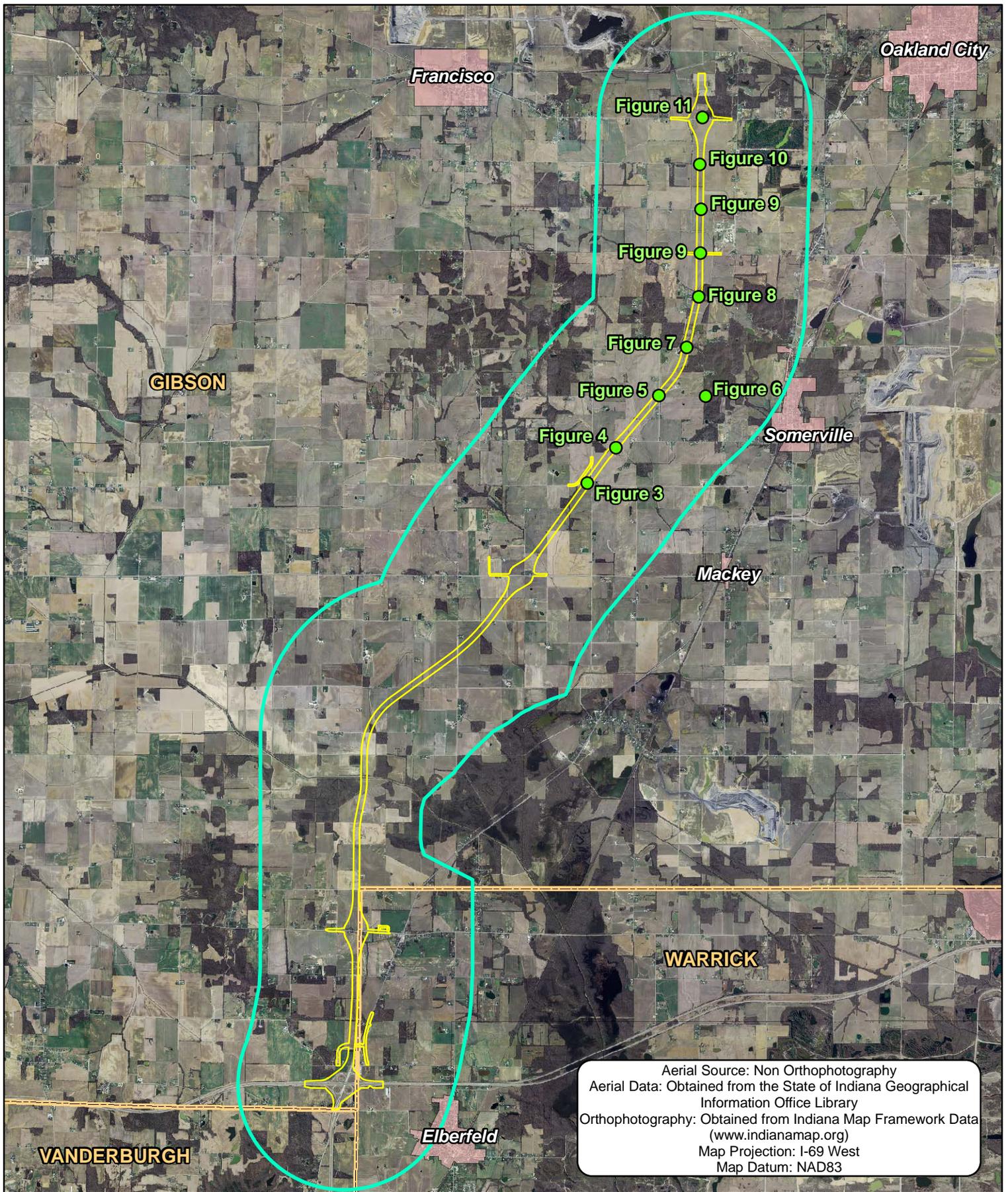
As shown in the attached maps, approximately 26.19 acres of right-of-way analyzed as impacted in the FEIS will no longer be impacted as a result of the final design.

## **5. CONCLUSIONS**

In conclusion, the final design for Package 5 of Section 1 of the I-69 project will result in the use of additional land for the project's right-of-way. This additional land consists predominantly of agricultural, upland and previously disturbed areas. There will be no other notable impacts resulting from the increased right-of-way. 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

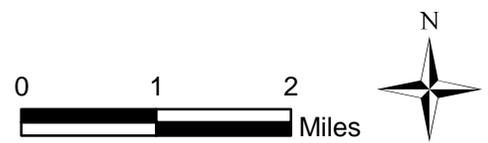
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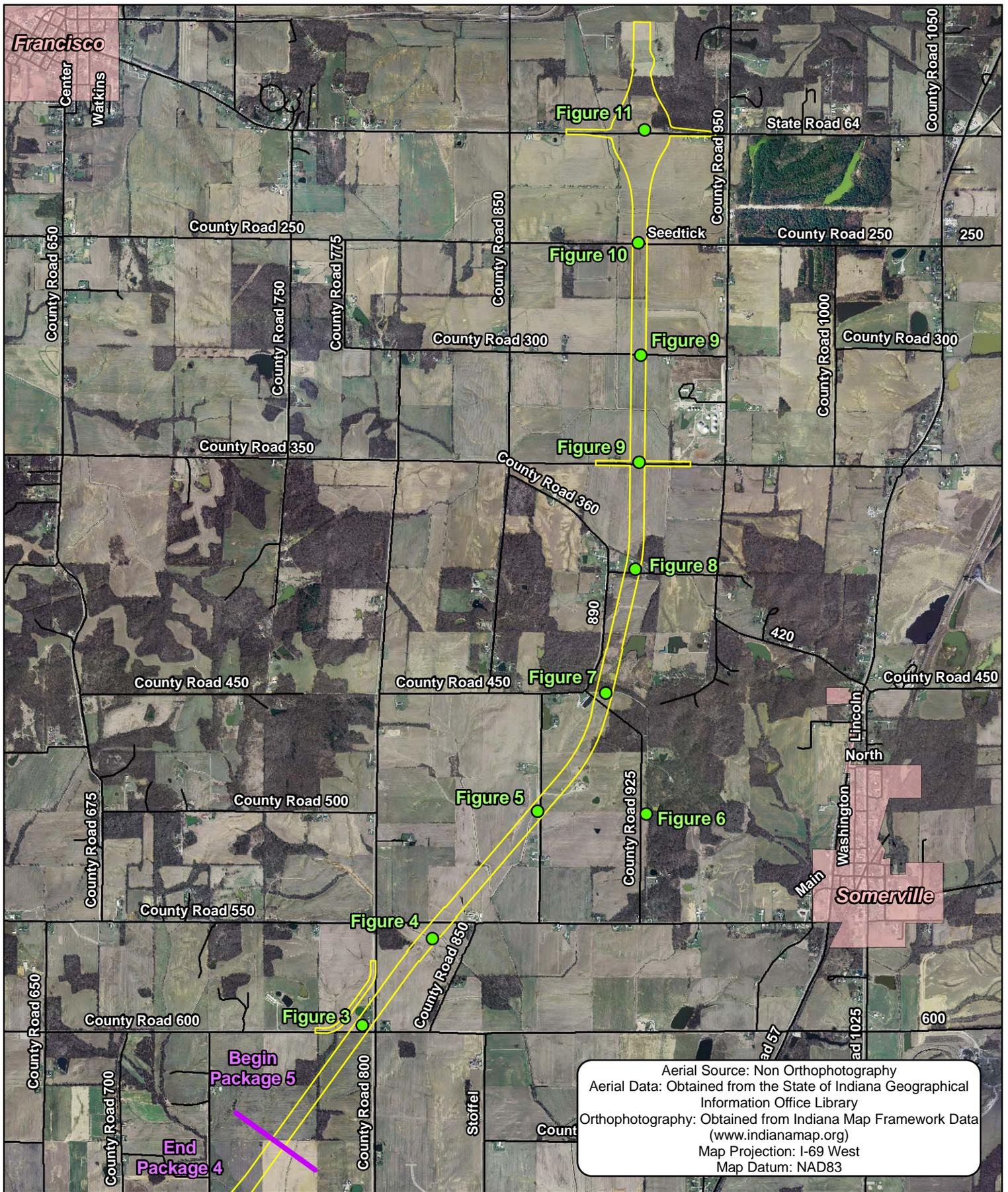


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 Aerial Data: Obtained from the State of Indiana Geographical Information Office Library  
 Orthophotography: Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
 Map Projection: I-69 West  
 Map Datum: NAD83

- Package 5 Reevaluation Areas
- Section 1 FEIS Preferred Right-of-Way
- Section 1 Historic APE
- Incorporated Areas
- County Line

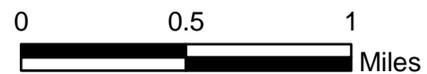
Figure 1  
 I-69, Section 1  
 Design Package 5  
 Shown on 2005 Aerial  
 Final Design Right-of-Way Changes

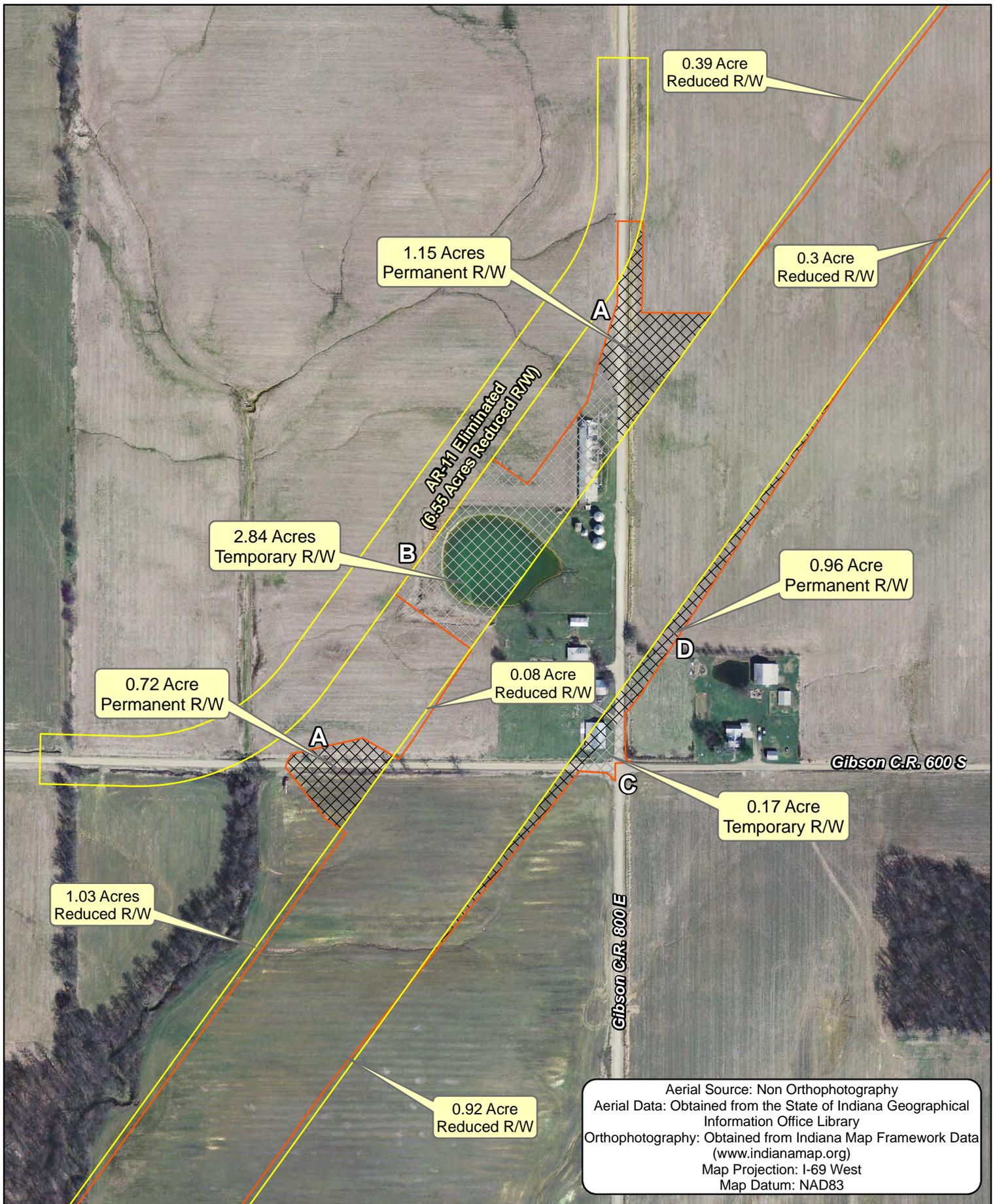




- Package 5 Reevaluation Areas
- Package 4 & 5 Breakpoints
- Section 1 FEIS Preferred Right-of-Way
- Incorporated Areas

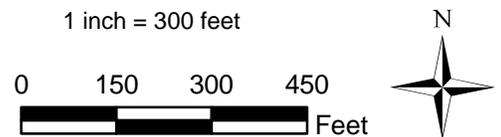
Figure 2  
 I-69, Section 1  
 Design Package 5  
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 Final Design Right-of-Way Changes

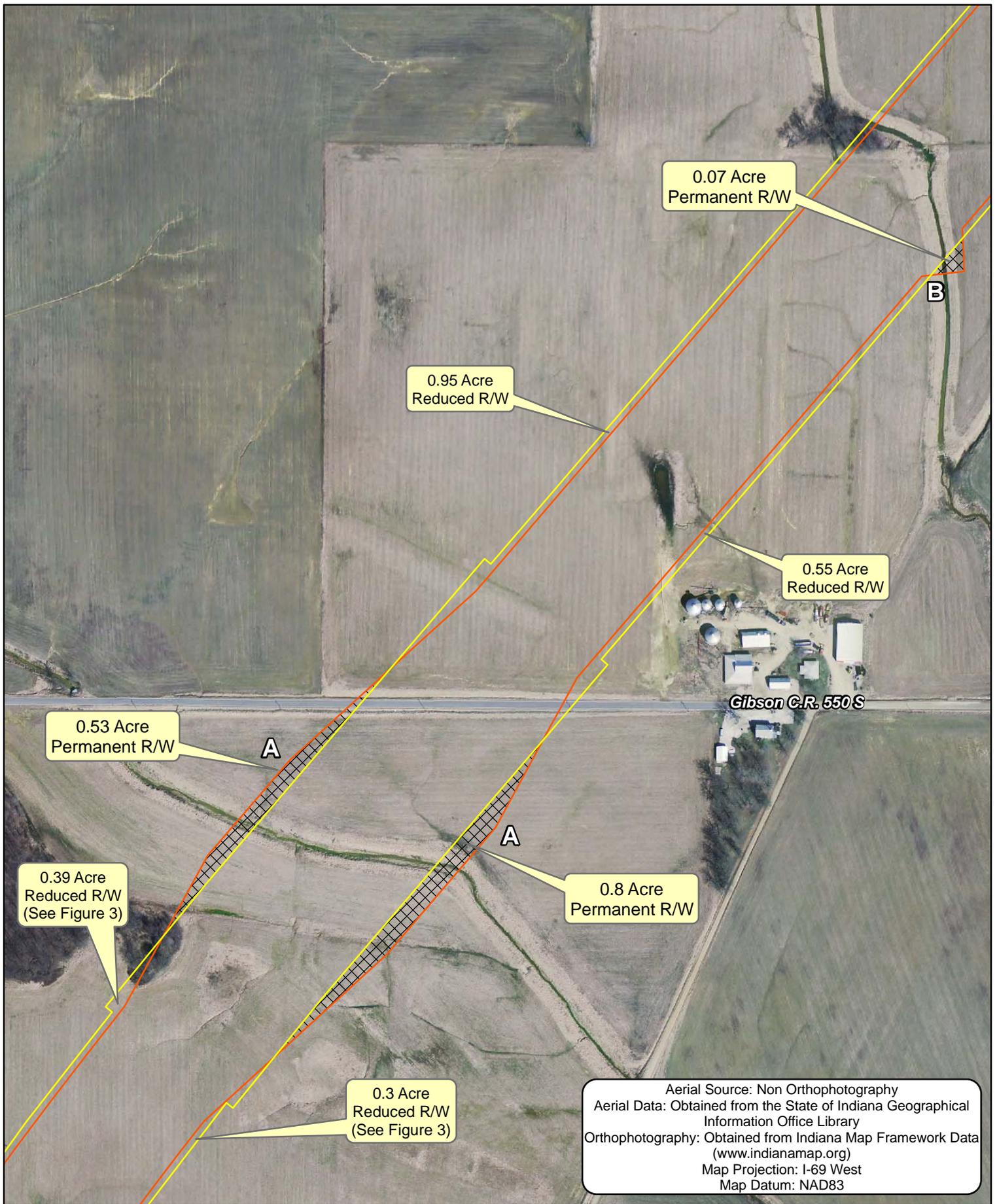




- Sec 1 FEIS Preferred R/W
- Sec 1 Final Design R/W
- Temporary R/W Reevaluation Area
- Permanent R/W Reevaluation Area

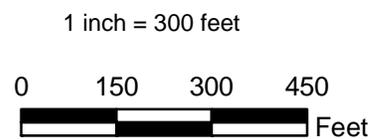
**Figure 3**  
 Right-of-Way Changes  
 I-69, Section 1 - Package 5  
 Shown on 2005 Aerial Photo





- Sec 1 FEIS Preferred R/W
- Sec 1 Final Design R/W
- Permanent R/W Reevaluation Area
- Temporary R/W Reevaluation Area

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



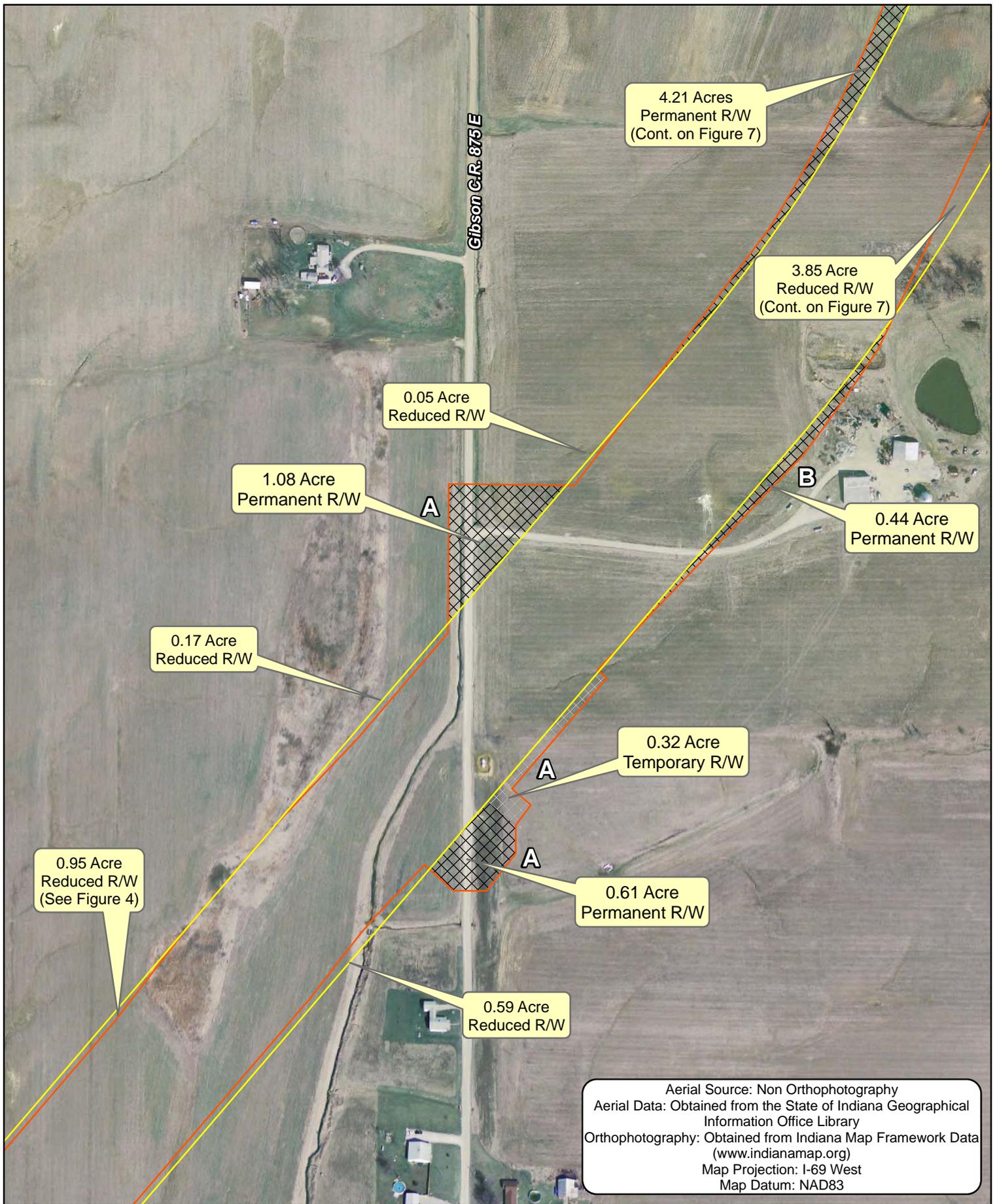
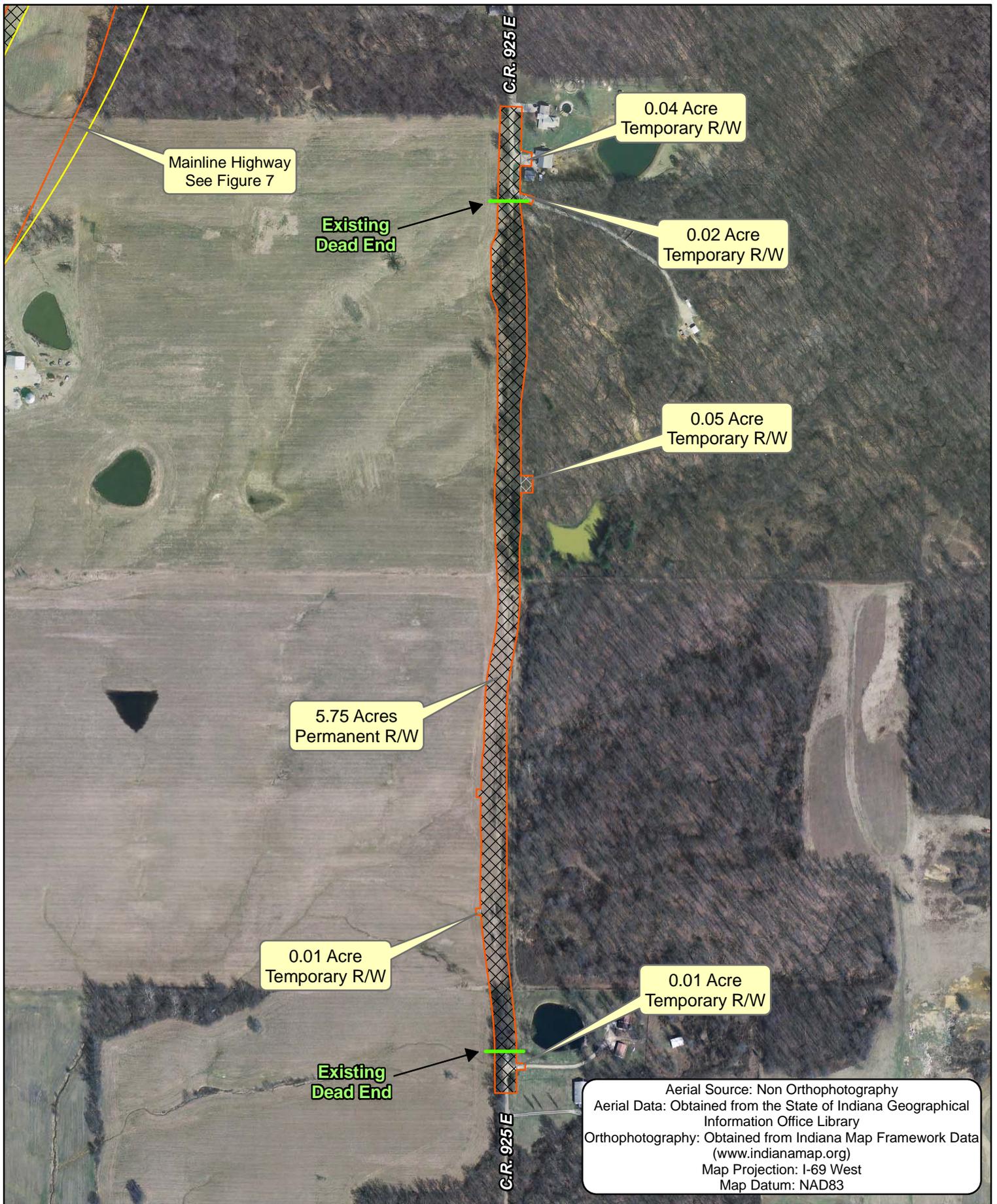
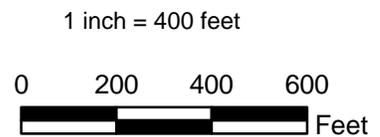


Figure 5  
 Right-of-Way Changes  
 I-69, Section 1 - Package 5  
 Shown on 2005 Aerial Photo



- Sec 1 FEIS Preferred R/W
- Sec 1 Final Design R/W
- Permanent R/W Reevaluation Area
- Temporary R/W Reevaluation Area

Figure 6  
 Right-of-Way Changes  
 I-69, Section 1 - Package 5  
 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

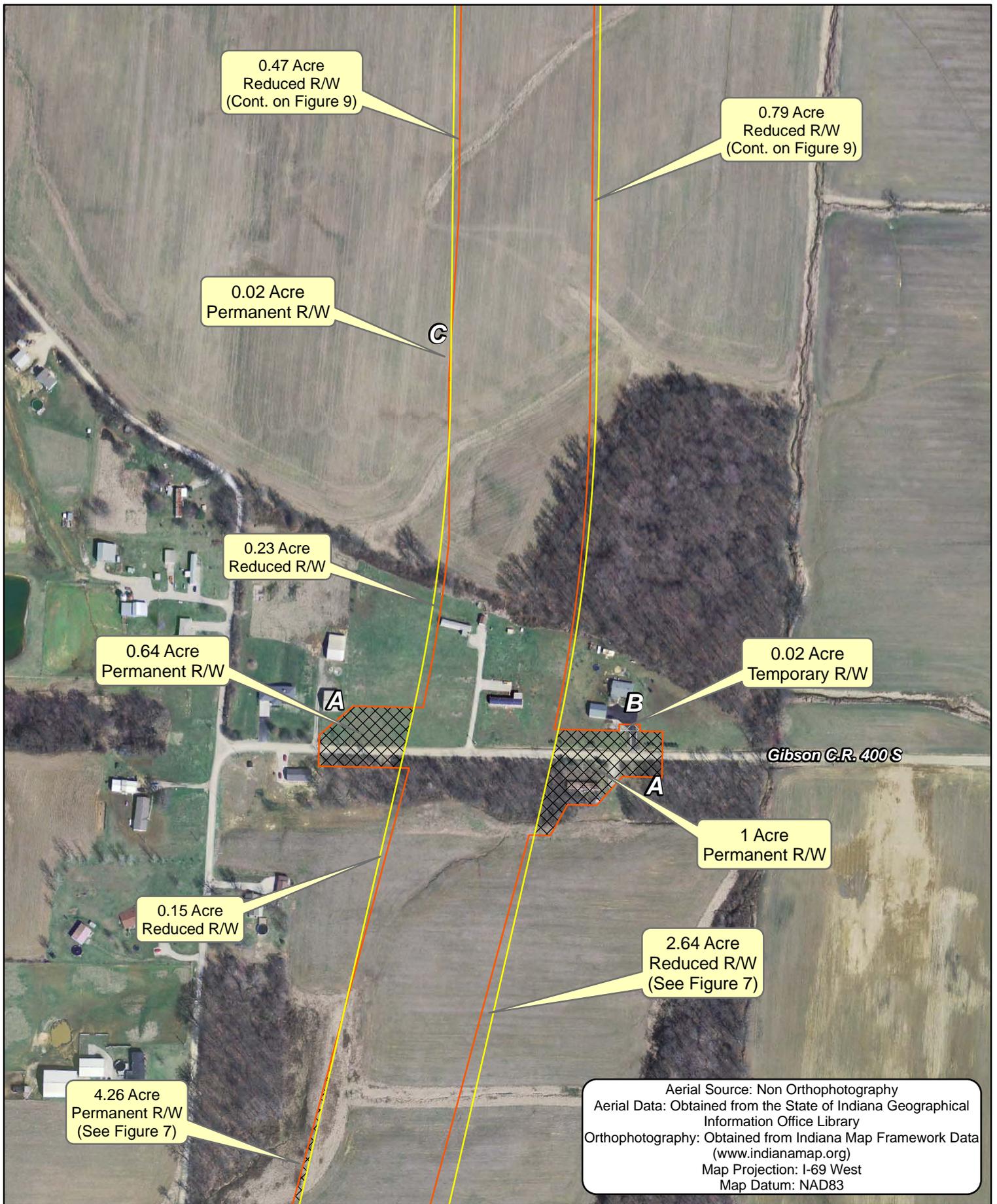


- Sec 1 FEIS Preferred R/W
- Sec 1 Final Design R/W
- Permanent R/W Reevaluation Area
- Temporary R/W Reevaluation Area

Figure 7  
 Right-of-Way Changes  
 I-69, Section 1 - Package 5  
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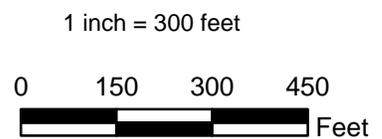
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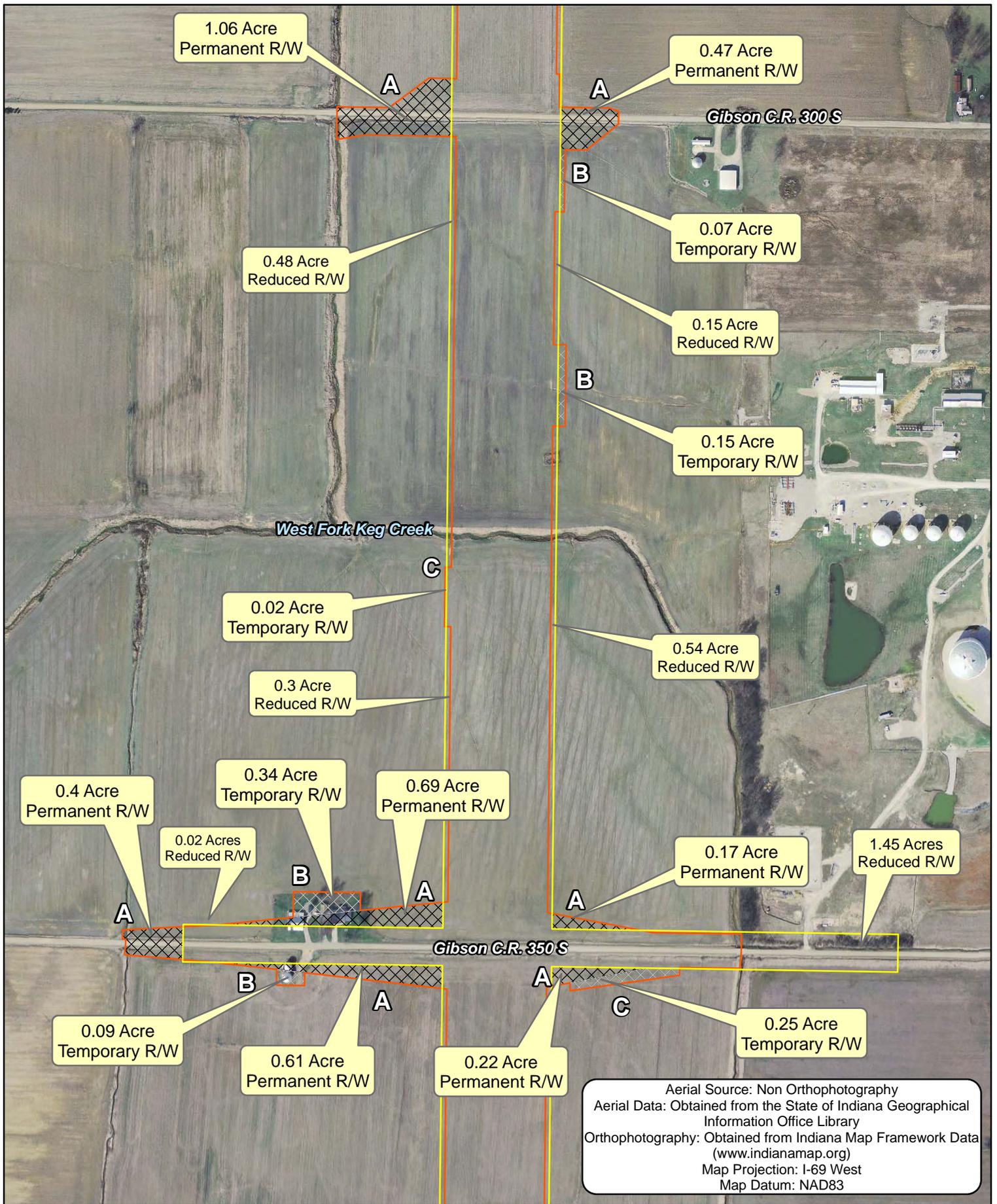
0 200 400 600 Feet



- Sec 1 FEIS Preferred R/W
- Sec 1 Final Design R/W
- Permanent R/W Reevaluation Area
- Temporary R/W Reevaluation Area

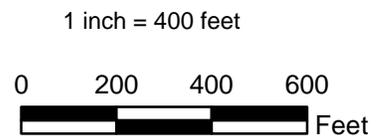
Figure 8  
 Right-of-Way Changes  
 I-69, Section 1 - Package 5  
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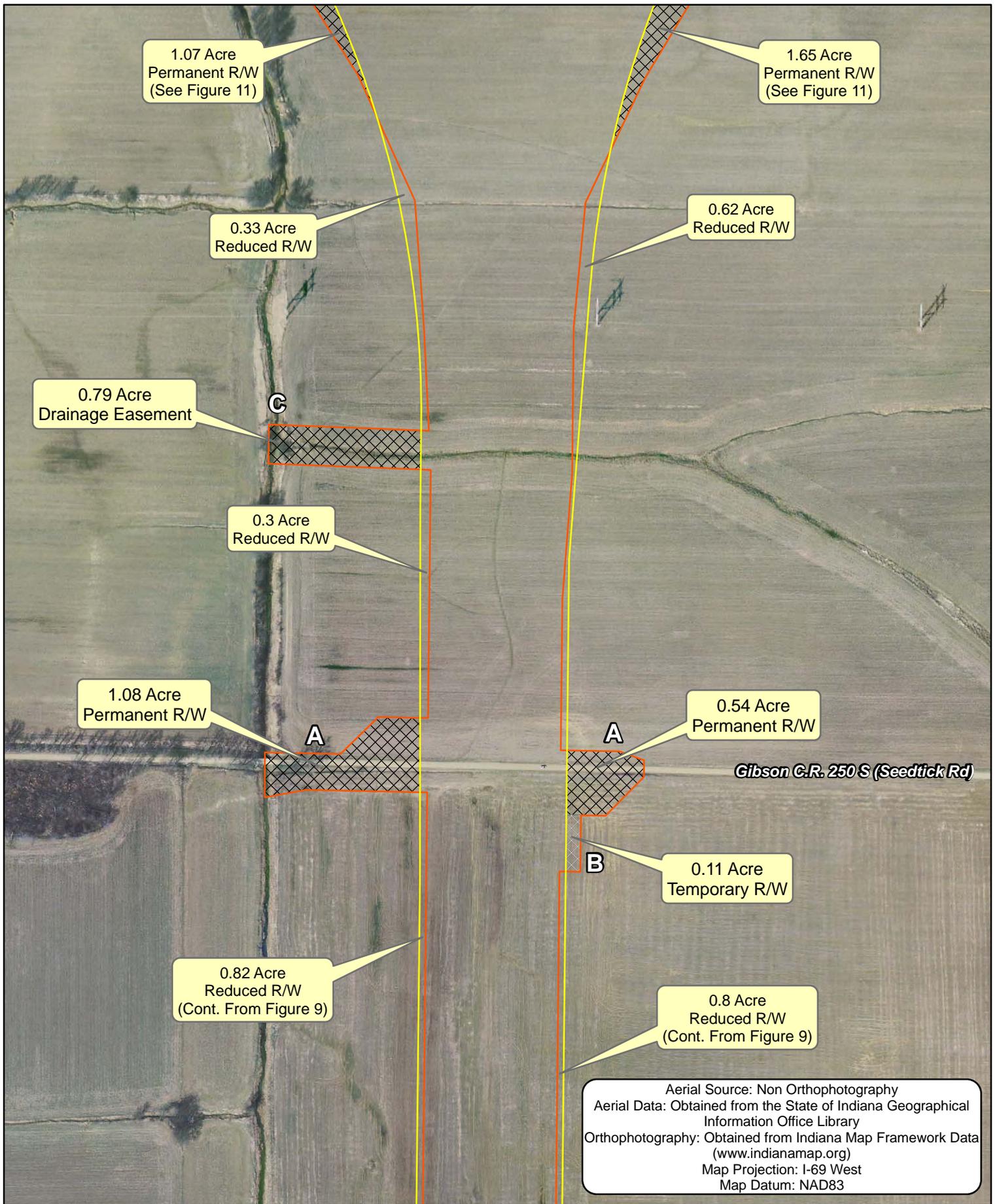




- Sec 1 FEIS Preferred R/W
- Sec 1 Final Design R/W
- Permanent R/W Reevaluation Area
- Temporary R/W Reevaluation Area

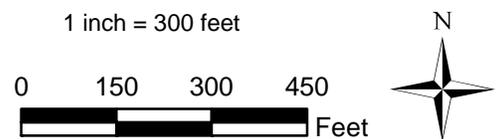
Figure 9  
 Right-of-Way Changes  
 I-69, Section 1 - Package 5  
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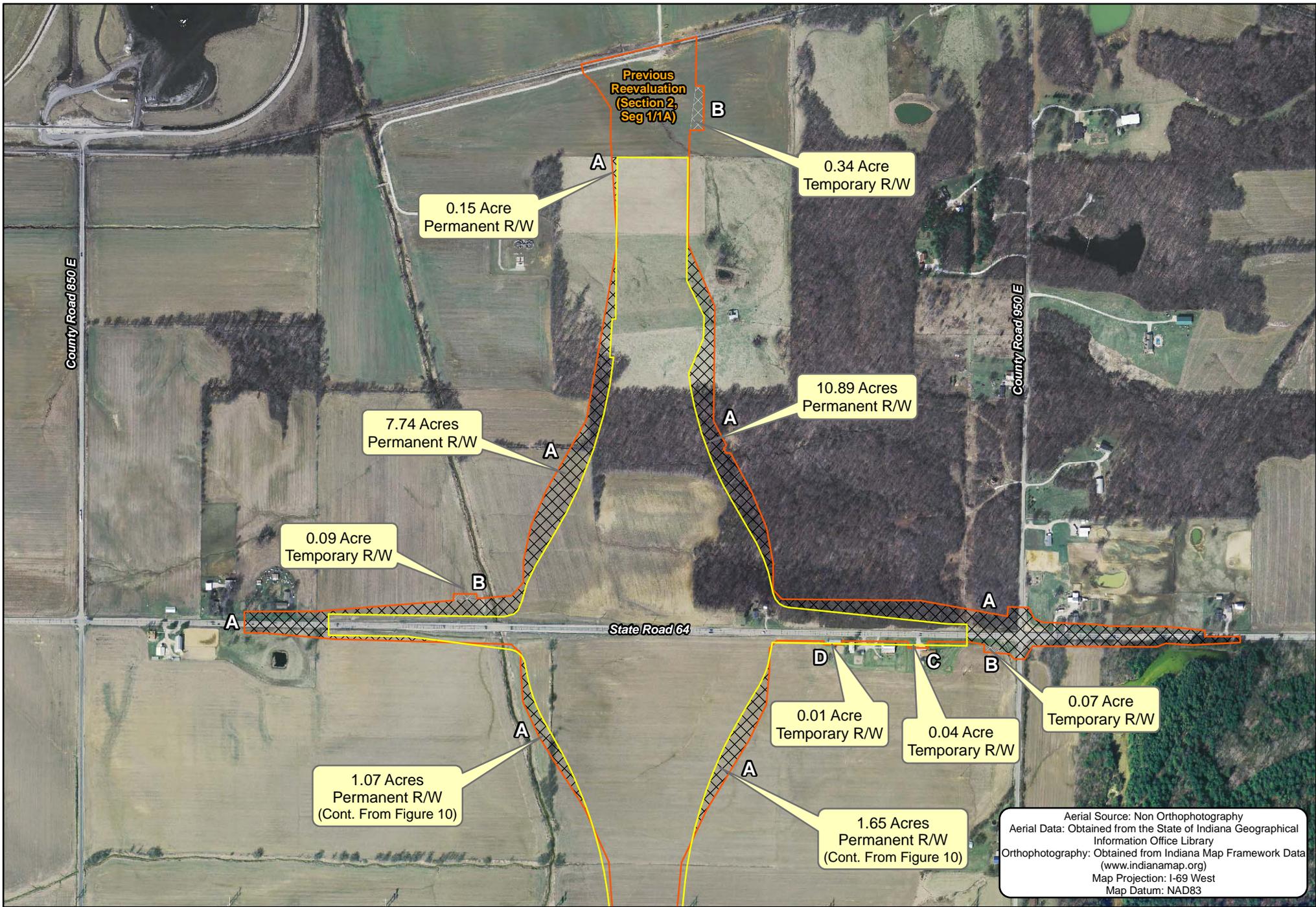




- Sec 1 FEIS Preferred R/W
- Sec 1 Final Design R/W
- Permanent R/W Reevaluation Area
- Temporary R/W Reevaluation Area

Figure 10  
 Right-of-Way Changes  
 I-69, Section 1 - Package 5  
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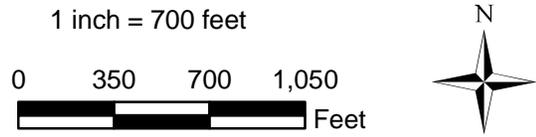




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 Aerial Data: Obtained from the State of Indiana Geographical Information Office Library  
 Orthophotography: Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
 Map Projection: I-69 West  
 Map Datum: NAD83

- Sec 1 FEIS Preferred R/W
- Sec 1 Final Design R/W
- Permanent R/W Reevaluation Area
- Temporary R/W Reevaluation Area

Figure 11  
 Right-of-Way Changes  
 I-69, Section 1 - Package 5  
 Shown on 2005 Aerial Photo



**Appendix B**  
**Informational Letter to SHPO**  
**&**  
**SHPO Response**



# BERNARDIN • LOCHMUELLER & ASSOCIATES, INC.

6200 Vogel Road · Evansville · Indiana 47715-4006  
PHONE (812) 479-6200 · TOLL FREE (800) 423-7411 · FAX (812) 479-6262

January 12, 2011

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 5 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 5 has added additional right-of-way areas to accommodate cul-de-sac construction; building removal; cut sections through hills; grade modifications; driveway reconstruction; interchange modification; erosion control; fill in remainder portions of impacted ponds; connector road; drainage easement; and revised right-of-way to even station and offset (See Appendix A). The final design additional right-of-way areas total approximately 44.97 additional acres for permanent right-of-way, 7.6 acres of temporary right-of-way, and 0.79 acre of drainage easement (total, 53.36 acres) not examined in the Section 1 Final Environmental Impact Statement (FEIS).

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

- 1) **Gibson County Road 600 S (Figure 3 in Appendix A)** – There are four final design changes in this area which total approximately 2.83 acres of permanent right-of-way and 3.01 acres of temporary right-of-way (total 5.84 acres of additional right-of-way). AR-11 located on the west side of I-69 at this location will be eliminated. A total of approximately 6.55 acres of right-of-way analyzed in the FEIS will no longer be impacted as a result of the elimination of AR-11. An additional approximate 2.72 acres of right-of-way analyzed in the FEIS will no longer be impacted due to the below referenced design changes. A total of approximately 9.27 acres of right-of-way analyzed in the FEIS will no longer be impacted at the County Road 600 S location.

- A. On the west side of the highway along County Road 600 S and County Road 800 E, the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.87 acres of permanent right-of-way is needed for this revision. AR-11 as described in the FEIS connected County Road 600 S and County Road 800 E on the west side of I-69. The Gibson County Board of Commissioners requested that INDOT construct cul-de-sacs at this location. Approximately 0.72 acres of permanent right-of-way is required at the County Road 600 S location. Approximately 1.15 acres of right-of-way is required at the County Road 800 E location.
  - B. On the west side of the highway, the right-of-way was revised for building removal and to fill in the remaining portion of a pond affected by the highway. The building being removed at location (B) is a barn. The structure is located both inside and outside of the permanent right-of-way needed for the design change described above. The temporary right-of-way is needed to remove the portion located outside of the permanent right-of-way. Temporary right-of-way was not evaluated during the engineering assessment completed for the FEIS. The structure is located within the previously-approved APE for Section 1 and was not identified as listed or eligible for the NRHP in the Section 1 Historic Property Report. Approximately 2.84 acres of temporary right-of-way is required at this location.
  - C. On the east side of the highway, the right-of-way was revised for pavement removal on County Road 600 S and County Road 800 E. Approximately 0.17 acre of temporary right-of-way is required at this location.
  - D. On the east side of the highway, the right-of-way was revised to accommodate a cut section through a hill not evaluated during the engineering assessment completed for the FEIS. Approximately 0.96 acre of permanent right-of-way is required at this location.
- 2) **Gibson County Road 550 S (See Figure 4 in Appendix A)** – There are two final design changes in this area which total approximately 1.4 acres of permanent right-of-way. As a result of the design changes at this location approximately 1.5 acres of right-of-way analyzed in the FEIS will not be impacted.
- A. On the east and west side of the highway, the right-of-way was revised because of grade modifications to the I-69 overpass over County Road 550 S. The overpass over County Road 550 S was listed in the FEIS. The grade change results in approximately 1.33 acres of additional permanent right-of-way.
  - B. Located approximately 0.2 mile north of County Road 550 S on the east side of the highway, the right-of-way was revised to install riprap for permanent erosion control on the downstream end of the stream crossing. Approximately 0.07 acre of permanent right-of-way is required at this location.

- 3) **Gibson County Road 875 E in Package 5 (See Figure 5 in Appendix A)** – There are two final design changes which total approximately 2.13 acres of permanent right-of-way and 0.32 acre of temporary right-of-way (total 2.45 acres). As a result of the design changes at this location approximately 0.81 acre of right-of-way analyzed in the FEIS will not be impacted.
- A. On the north and south sides of the highway along County Road 875 E the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.69 acres of permanent right-of-way and 0.32 acre of temporary right-of-way (total 2.01 acres) is needed for these cul-de-sacs. County Road 875 E was listed as a road closure in the FEIS; however the cul-de-sacs and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Approximately 1.08 acres of permanent right-of-way is required on the north side of the highway. Approximately 0.61 acre of permanent right-of-way and 0.32 acre of temporary right-of-way is required on the south side of the highway (total 0.93 acre).
  - B. On the south side of the highway, the right-of-way was revised to accommodate a cut section through a hill not evaluated during the engineering assessment completed for the FEIS. A total of approximately 0.44 acre of permanent right-of-way is required at this location.
- 4) **Gibson County Road 925 E (See Figure 6 in Appendix A)** – The final design change at this location is the result of eliminating the I-69 overpass over Gibson County Road 450 S for cost saving purposes. County Road 450 S will be closed at I-69. A cul-de-sac will be constructed on County Road 450 S on the east side of I-69 and access to the properties east of I-69 along County Road 450 S and County Road 925 E will be provided by connecting two dead end portions of the existing County Road 925 E. A total of approximately 5.75 acres of permanent right-of-way and 0.13 acre of temporary right-of-way (total 5.88 acres) is required at this location.
- 5) **Gibson County Road 450 S in Package 5 (See Figure 7 in Appendix A)** – There are four final design changes in this area which total approximately 4.46 acres of permanent right-of-way and 2.54 acres of temporary right-of-way (total 7.0 acres). As a result of the design changes at the County Road 450 S area approximately 6.69 acres of right-of-way analyzed in the FEIS will not be impacted.
- 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. As discussed above, the FEIS stated that I-69 will overpass County Road 450 S. County Road 450 S will now be closed at I-69. The cul-de-sac is required due to the road closure. A total of 0.24 acre of additional permanent right-of-way is needed for this revision. On the west side of the highway, traffic flow will be maintained using County Road 450 S and County Road 890 E.

- B. On the west side of the highway the right-of-way was revised due to a raised grade to provide a bridge for a wildlife crossing. A total of approximately 0.15 acre of temporary right-of-way is required at this location.
  - C. The final design change at these locations is the result of coordination with impacted property owners. Benefiting from the alignment shift to the west, a reduction in impacts to wetlands on the east side of the highway will occur. As a result of the alignment shift, approximately 4.21 acre of additional permanent right-of-way is required on the west side of the highway and 0.01 acre on the east (total 4.22 acres).
  - D. Additional temporary right-of-way could be needed at this location for building removal and to fill in a lagoon. Approximately 2.39 acres of temporary right-of-way would be required at this location.
- 6) **Gibson County Road 400 S (See Figure 8 in Appendix A)** – There are three final design changes in this area which total approximately 1.66 acres of permanent right-of-way and 0.02 acre of temporary right-of-way (total 1.68 acres). As a result of the design changes at the County Road 400 S area approximately 1.64 acres of right-of-way analyzed in the FEIS will not be impacted.
- A. On the east and west sides of the highway the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.64 acre of additional permanent right-of-way is needed for this revision. County Road 400 S was listed as a road closure in the FEIS; however the cul-de-sacs and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS.
  - B. On the east side of the highway the right-of-way was revised for driveway reconstruction. Approximately 0.02 acre of temporary right-of-way is required at this location.
- 7) **Gibson County Road 350 S (See Figure 9 south of West Fork Keg Creek in Appendix A)** – There are three final design changes in this area which total approximately 2.11 acres of permanent right-of-way and 0.68 acre of temporary right-of-way (total 2.79 acres). As a result of the design changes at the County Road 350 S area approximately 2.31 acres of right-of-way analyzed in the FEIS will not be impacted.
- A. The right-of-way changes are a result of a revised design of the County Road 350 overpass to avoid natural gas underground storage caverns on an adjacent property. The overpass was shifted to the west and the right-of-way on the east side of the highway was decreased to avoid the underground caverns. Approximately 2.09 acres of permanent right-of-way is required at this location.

- B. The right-of-way changes are required at this location for building removal. The structures are located both inside and outside of the permanent right-of-way needed for the design change described above. The temporary right-of-way is needed to remove the portion located outside of the permanent right-of-way. Temporary right-of-way was not evaluated during the engineering assessment completed for the FEIS. The structures are located within the previously-approved APE for Section 1 and were not identified as listed or eligible for the NRHP in the Section 1 Historic Property Report. Approximately 0.43 acre of temporary right-of-way is required at this location.
- 8) **Gibson County Road 300 S (See Figure 9 north of West Fork Keg Creek in Appendix A) –** There are two final design changes in this area which total approximately 1.53 acres of permanent right-of-way and 0.22 acre of temporary right-of-way (total 1.75 acres). As a result of the design changes at the County Road 300 S area approximately 0.63 acres of right-of-way analyzed in the FEIS will not be impacted.
- A. On the east and west sides of the highway the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.53 acres of additional permanent right-of-way is needed for this revision. County Road 300 S was listed as a road closure in the FEIS; however the cul-de-sacs and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS.
- B. The right-of-way changes at these locations are required for erosion control. A temporary sediment basin will be constructed to assist in the removal of sediment from water runoff during construction. The sediment basin will be removed after vegetative cover has been established within the surrounding watershed. Approximately 0.22 acre of temporary right-of-way is required at these locations.
- 9) **Gibson County Road 250 S (Seedtick Road) in Package 5 (See Figure 10 in Appendix A) –** There are two final design changes in this area which total approximately 1.62 acres of permanent right-of-way and 0.11 acre of temporary right-of-way (total 1.73 acres). Located approximately 0.13 mile north of County Road 250 S approximately 0.79 acre of land not analyzed in the FEIS will be acquired for a drainage easement. Approximately 2.87 acres of right-of-way analyzed in the FEIS will not be impacted due to the below referenced design changes at this location.
- A. On the east and west sides of the highway the right-of-way was revised in order to construct cul-de-sacs not analyzed in the FEIS. A total of 1.62 acres of additional permanent right-of-way is needed for this revision. County Road 250 S was listed as a road closure in the FEIS; however the cul-de-sacs and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS.
- B. The right-of-way change at this location is required for erosion control. A temporary sediment basin will be constructed to assist in the removal of sediment from water

runoff during construction. The sediment basin will be removed after vegetative cover has been established within the surrounding watershed. Approximately 0.11 acre of temporary right-of-way is required at this location.

- C. A perpetual drainage easement was added at this location to re-grade the ditch for erosion control purposes. This area will not be INDOT owned right-of-way and the landowner will retain ownership. The purpose of the drainage easement is to perform the work needed to construct the highway and to allow access for future maintenance. Approximately 0.79 acre of land is required at this location.
  - D. The right-of-way changes at these locations are required for erosion control. A temporary sediment basin will be constructed to assist in the removal of sediment from water runoff during construction. The sediment basin will be removed after vegetative cover has been established within the surrounding watershed. Approximately 0.27 acre of temporary right-of-way is required at this location.
- 10) **State Road 64 Interchange (See Figure 11 in Appendix A)** – There are four final design changes in this area which total approximately 21.5 acres of permanent right-of-way and 0.55 acre of temporary right-of-way (total 22.05 acres). As a result of the design changes at the State Road 64 area approximately 0.47 acres of right-of-way analyzed in the FEIS will not be impacted.
- A. The right-of-way changes are required at this location because State Road 64 will be shifted to the north of its existing alignment so that it can remain open at all times during construction of I-69. Keeping State Road 64 open during construction is needed since there are no adequate local detours for traffic during construction. The closest State Road detour (State Road 168) will be closed during construction of I-69, further reinforcing the necessity to keep open State Road 64. As a result of this design change, the interchange ramps vertical and horizontal alignments were refined because of the horizontal and vertical relocation of State Road 64. All additional right-of-way locations labeled (A) are a result of the vertical and horizontal shift of State Road 64. A total of approximately 21.5 acres of permanent right-of-way is required at these locations.
  - B. The right-of-way changes at these locations are required for erosion control. A temporary sediment basin will be constructed to assist in the removal of sediment from water runoff during construction. The sediment basin will be removed after vegetative cover has been established within the surrounding watershed. Approximately 0.5 acre of temporary right-of-way is required at this location.
  - C. The right-of-way change at this location is required for driveway reconstruction. Approximately 0.04 acre of temporary right-of-way is required at this location.

- D. The right-of-way change at this location is required for building removal. The building is a residence that was listed as a relocation in the FEIS. Temporary right-of-way for demolishing this residence was not evaluated during the engineering assessment completed for the FEIS. The structure is located within the previously-approved APE for Section 1 and was not identified as listed or eligible for the NRHP in the Section 1 Historic Property Report. Approximately 0.01 acre of temporary right-of-way is required at this location.
  
- E. Located on the west side of the highway approximately 0.25 mile north of County Road 400 S, the right-of-way was revised to even station and offset, which results in right-of-way lines that follow parallel with the roadway. Approximately 0.02 acre of permanent right-of-way is required at this location.

The attached maps identify that the location of the additional right-of-way areas are within the previously documented above-ground resource Area of Potential Effect (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. 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 areas.

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 December 21, 2010 Gray & Pape determined that no new archaeological resources were identified during their survey (See Archaeological Report mailed to DHPA office on January 5, 2011). Based on this evaluation, 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.

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 additional

final design right-of-way within Package 5 will have no change to the "no effect" determination previously made for archaeological resources in Section 1 (See Below).

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.

Archaeological investigations within Package 5 addressing stipulations required under the Section 1 Memorandum of Agreement (MOA) will be directed to your office for review in the near future. The pending information will address any potential buried archaeological sites and they will be fully addressed per the guidelines of the MOA. At this time, we request that the report mailed January 5, 2011 be reviewed to address only archaeological sites evaluated under the Phase Ia Addendum. Please also review the above described additional right-of-way areas potential for effects on above ground resources.

If you should have any questions regarding this reevaluation information, please contact me at 812-479-6200 or via email at [melsner@blainc.com](mailto:melsner@blainc.com). Thank You.

Sincerely,



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

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

Archaeology Report – Mailed to DHPA on January 5, 2010:  
**Addendum to Phase Ia Archaeological Investigations, I-69 Section 1 (I-64 to SR 64)  
Reevaluation Group Package 5, Gibson County, Indiana (DES No. 0300377)**

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • [dhp@dnr.IN.gov](mailto:dhp@dnr.IN.gov)



January 14, 2011

Shannon Hill  
Historic Resources Specialist  
Bernardin, Lochmueller and Associates, Inc.  
3502 Woodview Trace, Suite 150  
Indianapolis, Indiana 46268

Federal Agency: Federal Highway Administration ("FHWA")

Re: "I-69 Corridor Tier 2 Studies, Evansville to Indianapolis: Addendum to Phase Ia Archaeological Investigations, Section 1 (I64 to SR 64), Reevaluation Group Package 5, Gibson County, Indiana, DES Number 0300377" (Baltz, 12/21/10) and descriptive and locational information about the reevaluation areas (Project No. IN10 [003]; BLA Project No. 103-0001-1PL; DHPA No. 1353)

Dear Ms. Hill:

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 transmittal memorandum dated January 5, 2011 and Michael Elsner's cover letter of January 12, 2011, which were received on January 6 and January 14, respectively, for the aforementioned project in Gibson County, Indiana.

In a January 5, 2011 e-mail, you had asked us to refrain from commenting on the addendum to the phase Ia investigations until we had received a letter containing better descriptions of the reevaluation areas. Mr. Elsner's January 12 contains that additional, descriptive information about the "44.97 acres of additional right-of-way, 7.6 acres of permanent right-of-way, and 0.79 acres of drainage easement (total, 53.36 acres) not examined in the Section 1 Final Environmental Impact Statement (FEIS)." The letter also advises us that, based on the addendum to the phase Ia investigations, "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' determinations previously made for archaeological resources in Section 1 as a result of the additional right-of-way areas." That letter also says that FHWA and the Indiana Department of Transportation "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, consequently, "FHWA does not intend to reopen the Section 106 process on the I-69 Section 1 project," among other reasons, because of "the determination that no above ground resources listed in or eligible for the NRHP are located within the Section 1 APE . . ." Even so, the letter goes on to "request that the report mailed January 5, 2011 be reviewed to address only archaeological sites evaluated under the Phase Ia Addendum" and that our office also review the above described additional right-of-way areas potential for effects on above ground resources." We will attempt to comply with the requests for comments, as we understand those requests and as we think appropriate.

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. However, this identification is subject to all project activities avoiding archaeology sites 12Gi312 (east of item 10), 12Gi423 (east of items 12 and 15), and 12Gi640 (east of items 6 and 7). If these archaeological sites cannot be avoided, further archaeological investigations of these resources may be necessary. The investigations must be done in accordance with the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716). A description of the methods and results of the investigations must be submitted to the

Division of Historic Preservation and Archaeology for review before we can comment further (see list of qualified professional archaeologists at the DHPA website link [http://www.in.gov/dnr/historic/bin/qp/qp\\_archeo.pdf](http://www.in.gov/dnr/historic/bin/qp/qp_archeo.pdf)).

In the northern portion of the Section 1 corridor, we note that Stafford (8/7/6) recommended subsurface coring, and possibly other subsurface archaeological reconnaissance investigations, in the West Fork of Keg Creek crossing in the I-69 Section 1 corridor. To our knowledge, the coring or investigations have not been completed, or results submitted to our office.

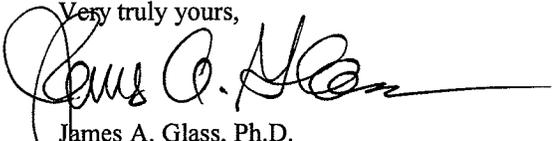
If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please 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.

The January 12 letter referred to the "I-69 Evansville to Indianapolis Tier 2 Studies: Historic Property Report, Section 1, I-64/I-164/SR 57 to SR 64" (11/21/05), which we located on the compact disc containing Appendix II to the FEIS for Section 1. As the letter indicates, all of the Package 5 reevaluation areas are within the area of potential effects ("APE") for above-ground properties in Section 1, and it appears that all of those reevaluation areas are near the center of the APE. As the letter further indicates, the 2005 historic property report ("HPR") did not identify any above-ground properties within the APE that are listed in or eligible for inclusion in the National Register.

Neither the January 12 letter nor the December 21, 2010 addendum archaeological report provides enough information about above-ground properties that will be demolished or otherwise altered within the reevaluation areas to enable us to formulate an independent opinion on the National Register eligibility of those properties. The January 12 letter does not cite the 2005 HPR for specific information about any of the above-ground properties within the reevaluation areas. Presumably, however, if any of the above-ground properties within the reevaluation areas had displayed any potential for eligibility, they would have been identified in the HPR. Under these circumstances, and given the urgency of this review, we have not attempted to correlate the specific locations of the Package 5 reevaluation areas with properties identified in the HPR, although a quick review of maps in the HPR does not appear to indicate that any identified properties would be in close proximity to those reevaluation areas.

If you have questions about archaeological issues, then please contact Dr. Rick Jones at (317) 233-0953 or [rjones@dnr.IN.gov](mailto:rjones@dnr.IN.gov). Questions about above-ground properties may be directed to John Carr at (317) 233-1949 or [jcarr@dnr.IN.gov](mailto: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:jlc

emc: Michelle Allen, Indiana Division, Federal Highway Administration  
Staffan Peterson, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation  
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  
Melany Prather, Indiana Department of Transportation  
Jason DuPont, P.E., Bernardin, Lochmueller & Associates, Inc.  
Shannon Hill, 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 5,*  
*Gibson County, Indiana*  
*DES Number 0300377*

December 17, 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 5,  
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**



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**Beth McCord  
Principal Investigator  
December 17, 2010**

**Gray & Pape Project No. 09-43502**

### **3.0 CONCLUSIONS AND RECOMMENDATIONS**

Phase Ia survey of the Section 1 Package 5 Reevaluation Areas was conducted in November and December, 2010. Surface inspection, walkover, and shovel testing techniques were used in the survey of the 21.15 hectares (52.25 acres) of new ROW in the 27 items. No archaeological sites were identified during the survey. It is recommended that the project will have no effect on historic properties.

# Appendix D

## Public Involvement Coordination

## Public Notice

The Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) have completed a reevaluation of areas within Design Package 5 of Section 1 of the I-69 project. Section 1 of the I-69 project extends from I-64 just north of Evansville to just north of SR 64 near Oakland City. The I-69 project is a four lane interstate highway on mostly new terrain that will link Evansville, Indiana with Indianapolis, Indiana. The Section 1 Tier 2 Final Environmental Impact Statement (FEIS) was approved on October 17, 2007 and its Notice of Availability published in the Federal Register on October 26, 2007. The Section 1 Record of Decision (ROD) was approved on December 12, 2007. Since the publication of the above documents, final design refinements to the right-of-way have been identified within Package 5 and are summarized in a reevaluation document.

Package 5 begins approximately 0.5 mile north of SR 168 and extends north ending approximately 0.6 mile north of SR 64. It is approximately 5.6 miles long. The revised design totals approximately 44.97 additional acres for permanent right-of-way, 7.6 acres of temporary right-of-way, and 0.79 acre of drainage easement (total, 53.36 acres not analyzed in the FEIS).

The final design right-of-way changes occur at the following general locations listed from south to north: Gibson County Road 600 S; Gibson County Road 550 S; Gibson County Road 875 E; Gibson County Road 925 E; Gibson County Road 450 S; Gibson County Road 400 S; Gibson County Road 350 S; Gibson County Road 300 S; Gibson County Road 250 S (Seedtick Rd); and State Road 64 Interchange. The additional permanent and temporary right-of-way areas are required to accommodate: cul-de-sac construction; building removal; cut sections through hills: grade modifications; driveway reconstruction; interchange modification; erosion control; fill in remainder portions of impacted ponds; connector road; drainage easement; and revised right-of-way to even station and offset.

The environmental impacts on all right-of-way areas have been considered and are documented in the reevaluation document. Access Road (AR) 11 as listed in the FEIS and ROD connected Gibson County Road 800 E with Gibson County Road 600 S. AR-11 has been eliminated as a result of the final design and cul-de-sacs will be constructed on Gibson County Road 800 E and Gibson County Road 600 S. The I-69 overpass at Gibson County Road 450 S listed in the FEIS and ROD will be eliminated. Gibson County Road 450 S will be closed at I-69. Gibson County Road 925 E will be lengthened to provide access to parcels that would otherwise be landlocked by the I-69 project. This road lengthening was not analyzed in the FEIS. The additional right-of-way areas resulting from the final design will not have significant impacts on the natural and human environments. The analysis presented in the reevaluation confirms that the final design for Section 1, Design Package 5 does not require the preparation of a Supplemental Environmental Impact Statement (SEIS) or an additional Draft Environmental Impact Statement (DEIS).

The reevaluation document is available for review and public comment on the I-69 project website at [www.i69indyevn.org](http://www.i69indyevn.org) and in the INDOT Washington Project Office. Questions or comments pertaining to Section 1 or other parts of the project may also be directed to the project website. The views of the public on the reevaluation are being sought. Please reply no later than February 3, 2011. Please reply to the contact listed below.

Janelle Lemon  
INDOT Washington Project Office  
60 North Commercial Park Drive  
P.O. Box 759  
Washington, IN 47501  
Phone: 812-254-2831



Public Notice

The Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) have completed a reevaluation of areas within Design Package 5 of Section 1 of the I-69 project. Section 1 of the I-69 project extends from I-64 just north of Evansville to just north of SR 64 near Oakland City. The I-69 project is a four lane interstate highway on mostly new terrain that will link Evansville, Indiana with Indianapolis, Indiana. The Section 1 Tier 2 Final Environmental Impact Statement (FEIS) was approved on October 17, 2007 and the Notice of Availability published in the Federal Register on October 26, 2007. The Section 1 Record of Decision (ROD) was approved on December 12, 2007. Since the publication of the above documents, final design refinements to the right-of-way have been identified within Package 5 and are summarized in a reevaluation document.

Package 5 begins approximately 0.5 mile north of SR 168 and extends north ending approximately 0.6 mile north of SR 64. It is approximately 5.6 miles long. The revised design totals approximately 44.97 additional acres for permanent right-of-way, 7.6 acres of temporary right-of-way, and 0.79 acre of drainage easement (total, 53.36 acres not analyzed in the FEIS).

The final design right-of-way changes occur at the following general locations listed from south to north: Gibson County Road 600 S; Gibson County Road 550 S; Gibson County

Road 875 E; Gibson County Road 925 E; Gibson County Road 450 S; Gibson County Road 400 S; Gibson County Road 350 S; Gibson County Road 300 S; Gibson County Road 250 S (Speedick Rd.); and State Road 64 Interchange. The additional permanent and temporary right-of-way areas are required to accommodate: cul-de-sac construction; building removal; cut sections through hills; grade modifications; driveway reconstruction; interchange modification; erosion control; fill in remainder portions of impacted ponds; connector road; drainage easement; and revised right-of-way to even station and offset. The environmental impacts on all right-of-way areas have been considered and are documented in the reevaluation document. Access Road (AR) 11 as listed in the FEIS and ROD connected Gibson County Road 800 E with Gibson County Road 600 S. AR-11 has been eliminated as a result of the final design and cul-de-sacs will be constructed on Gibson County Road 800 E and Gibson County Road 600 S. The I-69 overpass at Gibson County Road 450 S listed in the FEIS and ROD will be eliminated. Gibson County Road 450 S will be closed at I-69. Gibson County Road 925 E will be lengthened to provide access to parcels that would otherwise be landlocked by the I-69 project. This road lengthening was not analyzed in the FEIS. The additional right-of-way areas resulting from the final design will not have significant impacts on the natural and human environments. The analysis presented in the reeval-

uation confirms that the final design for Section 1, Design Package 5 does not require the preparation of a Supplemental Environmental Impact Statement (SEIS) or an additional Draft Environmental Impact Statement (DEIS).

The reevaluation document is available for review and public comment on the I-69 project website at [HYPERLINK "http://www.169indyevn.org" www.169indyevn.org](http://www.169indyevn.org) and in the INDOT Washington Project Office. Questions or comments pertaining to Section 1 or other parts of the project may also be directed to the project website. The views of the public on the reevaluation are being sought. Please reply no later than February 3, 2011. Please reply to the contact listed below.

Janelle Lamon  
INDOT Washington Project Office  
60 North Commercial Park Drive  
P.O. Box 759  
Washington, IN 47501  
Phone: 812-254-2831  
OCJ January 19, 2011

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a daily newspaper published in the city of Evansville, in said county and state and that  
the legal advertisement, of which the attached is a true copy, was printed in its issues of:  
January 20, 2011

Signed Julie Lewis Date: 1/25/11

Public Notice

RE: Reevaluation Document Subscribed and sworn to before me this date: 1/27/11

Manuca R Schreiber Notary Public  
City Legals Bernardin Lochmueller Notary is Resident of **Vanderburgh County**

AD: 5545497 My Commission expires: **February 26, 2016**

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\$0.00

PUBLIC NOTICE

The Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) have completed a reevaluation of areas within Design Package 5 of Section 1 of the I-69 project. Section 1 of the I-69 project extends from I-64 just north of Evansville to just north of SR 64 near Oakland City. The I-69 project is a four lane interstate highway on mostly new terrain that will link Evansville, Indiana with Indianapolis, Indiana. The Section 1 Tier 2 Final Environmental Impact Statement (FEIS) was approved on October 17, 2007 and its Notice of Availability published in the Federal Register on October 26, 2007. The Section 1 Record of Decision (ROD) was approved on December 12, 2007. Since the publication of the above documents, final design refinements to the right-of-way have been identified within Package 5 and are summarized in a reevaluation document.

Package 5 begins approximately 0.5 mile north of SR 168 and extends north ending approximately 0.6 mile north of SR 64. It is approximately 5.6 miles long. The revised design totals approximately 44.97 additional acres for permanent right-of-way, 7.6 acres of temporary right-of-way, and 0.79 acre of drainage easement (total, 53.36 acres not analyzed in the FEIS).

The final design right-of-way changes occur at the following general locations listed from south to north: Gibson County Road 600 S; Gibson County Road 550 S; Gibson County Road 875 E; Gibson County Road 925 E; Gibson County Road 450 S; Gibson County Road 400 S; Gibson County Road 350 S; Gibson County Road 300 S; Gibson County Road 250 S (Seedtick Rd); and State Road 64 Interchange. The additional permanent and temporary right-of-way areas are required to accommodate: cul-de-sac construction; building removal; cut sections through hills; grade modifications; driveway reconstruction; interchange modification; erosion control; fill in remainder portions of impacted ponds; connector road; drainage easement; and revised right-of-way to even station and offset.

The environmental impacts on all right-of-way areas have been considered and are documented in the reevaluation document. Access Road (AR) 11 as listed in the FEIS and ROD connected Gibson County Road 800 E with Gibson County Road 600 S. AR-11 has been eliminated as a result of the final design and cul-de-sacs will be constructed on Gibson County Road 800 E and Gibson County Road 600 S. The I-69 overpass at Gibson County Road 450 S listed in the FEIS and ROD will be eliminated. Gibson County Road 450 S will be closed at I-69. Gibson County Road 925 E will be lengthened to provide access to parcels that would otherwise be landlocked by the I-69 project. This road lengthening was not analyzed in the FEIS. The additional right-of-way areas resulting from the final design will not have significant impacts on the natural and human environments. The analysis presented in the reevaluation confirms that the final design for Section 1, Design Package 5 does not require the preparation of a Supplemental Environmental Impact Statement (SEIS) or an additional Draft Environmental Impact Statement (DEIS).

The reevaluation document is available for review and public comment on the I-69 project website at [www.i69indyevn.org](http://www.i69indyevn.org) and in the INDOT Washington Project Office. Questions or comments pertaining to Section 1 or other parts of the project may also be directed to the project website. The views of the public on the reevaluation are being sought. Please reply no later than February 3, 2011. Please reply to the contact listed below.

Janelle Lemon  
INDOT Washington Project Office  
60 North Commercial Park Drive  
P.O. Box 759  
Washington, IN 47501  
Phone: 812-254-2831

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