I-69 SECTION 4 REEVALUATION STATEMENT
DESIGN SEGMENT 8

I-69
Evansville, IN to Indianapolis, IN
Designation Number: 0300380

Tier 2 Final Environmental Impact Statement (FHWA-IN-EIS-11-01-F) approved July 13, 2011

Record of Decision approved September 8, 2011

This reevaluation of the Tier 2 Final Environmental Impact Statement (FEIS) was prepared to reflect a design change in Section 4 of the I-69 highway in Greene County, Indiana. Section 4 will extend north from just east of US 231 in Greene County approximately 27 miles to SR 37 in Monroe County. The revised design for Section 4 within design Segment 8 has added additional right-of-way areas to accommodate building removal, private driveway construction, and cul-de-sac construction. This reevaluation examined the potential impacts on the natural, human, and cultural environments of this revised design in Section 4. The analysis in this reevaluation supports the conclusion that this design change 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 4. Therefore, the Section 4 Tier 2 FEIS and Record of Decision remain valid.

Approval

ES Signature	July 23, 2012 Date
Robert F Tally Jr FHWA Signature	July 31, 2012 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 4 is approximately 27 miles long and extends from just east of US 231 in Greene County to SR 37 in Monroe County.

The purpose of this reevaluation document is to examine a modification of new right-of-way in two locations since the issuance of the Section 4 Final Environmental Impact Statement (FEIS) and the Section 4 Record of Decision (ROD). This reevaluation determines whether the modification to the right-of-way causes impacts to the affected environment. The additional right-of-way areas (both permanent and temporary) are required to accommodate building removal, private driveway construction, and cul-de-sac construction.

2. PROJECT DESCRIPTION

2.1 Project Description and Area

This reevaluation document examines two additional right-of-way areas totaling approximately 0.91 acre located on the south side of the I-69 mainline directly west of Harmony Road and on the north side of Tramway Road west of the I-69 mainline. The Section 4 FEIS identified a low-cost design criteria right-of-way and an initial design criteria right-of-way. Resource and total right-of-way impacts as shown in the FEIS were based on these designs. Subsequent final design activities identified the need for additional right-of-way with impacts located outside of both the low-cost and initial right-of-way footprints. Figures 1 – 2 in Appendix A show the location of Design Segment 8 and the reevaluation locations within the Section 4 project; Figures 3 – 4 show the outermost right-of-way (combination of the low-cost and initial) considered in the Section 4 FEIS at two locations addressed by this reevaluation.

2.2 Approved Environmental Documentation

The Tier 2 NEPA studies for Section 4 have been completed. The Tier 2 Draft Environmental Impact Statement (DEIS) for Section 4 was approved on July 23, 2010. The Tier 2 FEIS for Section 4 was approved on July 13, 2011. The FEIS documented impact data identified in the DEIS. In addition, the FEIS documented impacts along the preferred alternative to the natural, human and cultural environment since the publication of the DEIS. The Notice of Availability for the Section 4 FEIS was published in the Federal Register on July 29, 2011. The ROD for Section 4 was approved on September 8, 2011. The ROD (Appendix F) identified additional impacted areas not shown in the FEIS, and approved their use for the Segment 8 project. Both Figures 3 and 4 include such areas, which are labeled "Added in ROD. See ROD Appendix F".

2.3 Public Involvement

The two above mentioned additional right-of-way areas were included in a Section 4 reevaluation document written for design Segments 7, 8, and 9 and advertised for public comment on May 3, 2012 in the *Bloomington Herald Times* and Bedford *Times-Mail*. A 15 day comment period was provided for comment on the reevaluation. No comments were received pertaining to the above mentioned additional right-of-way areas. Furthermore, the additional right-of-way areas are located on parcels of land previously impacted by the Refined Preferred Alternative analyzed in the FEIS. No new property owners will be impacted by the additional right-of-way. No public access change will occur as a result of this right-of-way area. Therefore, no additional public involvement is required for this reevaluation.

2.4 Description of Project Change

Minor Right-of-Way Adjustments:

- **Harmony Road (See Figure 3 in Appendix A) –** Located on the south side of the I-69 mainline directly west of Harmony Road in design Segment 8, a total of approximately 0.23 acre of temporary right-of-way is needed for building removal within the right-of-way. Land use within this 0.23 acre area includes 0.06 acre of upland forest habitat and 0.17 acre of developed land. A home is located both inside and outside of the limited access right-of-way. The temporary right-of-way is needed to remove the portion located outside of the permanent right-of-way. This residence was identified as a relocation in the FEIS.

- **Tramway Road (See Figure 4 in Appendix A) –** Located on the north side of Tramway Road west of the I-69 mainline in design Segment 8, a total of 0.58 acre of permanent right-of-way is needed in order to construct a cul-de-sac not analyzed in the FEIS. The access road leading to the cul-de-sac was analyzed in the FEIS; however the cul-de-sac and associated right-of-way were not evaluated during the engineering assessment completed for the FEIS. Land use within the 0.58 acre area includes 0.05 acre of agricultural land, 0.38 acre of upland habitat (including 0.16 acre forest), and 0.15 acre within a utility easement which is classified as developed land. An additional 0.10 acre of temporary right-of-way has been identified at this location for construction of a private driveway. Land use within this 0.10 acre area includes 0.03 acre agricultural land, 0.01 acre upland habitat, and 0.06 acre developed land.

3. ENVIRONMENTAL CONSEQUENCES

According to Table 5.3-1 of the Section 4 FEIS, agricultural land accounts for 356 acres, or 24% of the total direct land use impacts within the Section 4 Refined Preferred Alternative low-cost design criteria area and for 461 acres, or 25% of the total direct land use impacts within the Section 4 Refined Preferred Alternative initial design criteria area. Approximately 0.08 acre of agricultural land will be impacted within the additional right-of-way areas.

According to Table 5.3-1 of the Section 4 FEIS, developed land accounts for 134 acres, or 9% of the total direct land use impacts within the Section 4 Refined Preferred Alternative low-cost design criteria area. According to the FEIS Table 5.3-1, developed land accounts for 146 acres, or 8% of the total direct land use impacts within the Section 4 Refined Preferred Alternative initial design criteria area. Approximately 0.38 acre of developed land is within the additional right-of-way areas.

According to Table 5.3-1 of the Section 4 FEIS, upland habitat land (which consists of non-wetland forest, herbaceous cover, and scrub/shrub areas) accounts for 962 acres or 66% of the total direct land use impacts within the Section 4 Refined Preferred Alternative low-cost design criteria area and 1,192 acres or 66% of the total direct land use impacts within the Section 4 Refined Preferred Alternative initial design criteria area. Approximately 0.45 acre of upland habitat[1] is located within the additional right-of-way areas (including 0.22 acre of forest). Table 7-1 in the Section 4 FEIS states that INDOT and FHWA will mitigate upland forests impacted by Section 4 at a ratio of 3:1. Various mitigation sites located in Daviess, Greene, and Monroe Counties have been secured or are in the process of being secured for this

[1] The net forest and wetland impacts in Section 4 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 and wetland impacts. Any changes not evaluated in the Tier 2 Biological Assessment and FEIS are addressed during this ongoing coordination.

effort. Additional mitigation measures beyond commitments in the FEIS are not anticipated as a result of the above described upland habitat impacts.

In regard to above-ground historic resources, the additional right-of-way areas are located inside the approved above-ground Area of Potential Effect (APE) for Section 4 and no change to the APE is required as a result of these additional right-of-way areas. According to the Section 4 Historic Property Report, eleven above ground properties within the Section 4 APE were determined to be eligible for or listed in the National Register of Historic Places (NRHP). During historic evaluation efforts for Section 5 of the I-69 project, a twelfth resource was identified within the Section 4 APE as eligible for the NRHP. This resource is the North Clear Creek Historic Landscape District. The Indiana State Historic Preservation Officer (SHPO) and Section 4 Consulting Parties were notified of the post review discovery in a letter dated April 17, 2012. In addition to the letter, an Addendum to the 800.11(e) Documentation and Revised Section 106 Finding were also transmitted (See Appendix B). Coordination between INDOT, FHWA, SHPO, and the Consulting Parties resulted in a No Adverse Effect finding on the North Clear Creek Historic Landscape District for Section 4. The proximity of the additional right-of-way to the North Clear Creek Historic Landscape District and other NRHP resources in Section 4 can be found below in Table 1. Based on the distance of the additional right-of-way area from the NRHP eligible or listed properties and districts, there will be no change to the identified effects on historic properties.

Table 1: Additional Right-of-Way distance from NRHP property

Additional R/W Area	Scotland Hotel	Blackmore Store	Clifty Church	Koontz House	Stipp-Bender Farm	Harris Ford Bridge	Greene Co. Bridge 311	Monroe Co. Bridge 83	Maurice Head House	Virginia Ironworks District	Victor Limestone District	North Clear Creek District
Harmony Rd	18.4 mi	18.4 mi	9.7 mi	0.2 mi	4.8 mi	5.2 mi	5.4 mi	4.2 mi	4.4 mi	2.0 mi	3.0 mi	4.9 mi
Tramway Rd	21.4 mi	21.4 mi	12.6 mi	3.1 mi	1.8 mi	2.1 mi	8.2 mi	1.1 mi	1.8 mi	4.6 mi	0.2 mi	2.4 mi

*****This represents the distance between the additional right-of-way and NRHP resource (measured in miles).

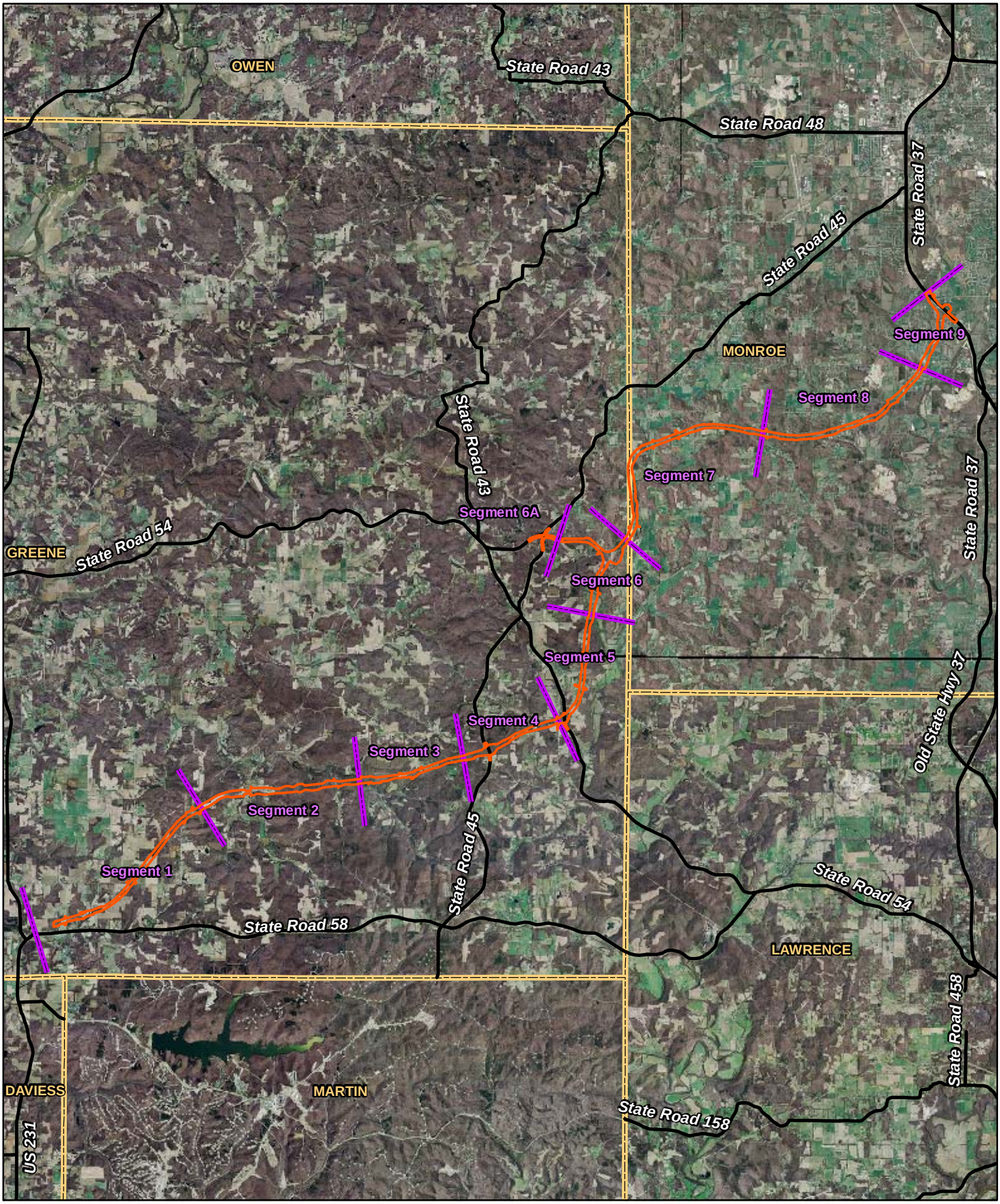
In regard to archaeological resources, all additional field reconnaissance and documentation will be addressed as needed per the stipulations of the Section 4 Memorandum of Agreement (MOA) between FHWA and the Indiana SHPO.

4. CONCLUSIONS

The analysis of the impacts from the additional right-of-way areas caused by this design change supports the conclusion that implementation of this modification in permanent right-of-way will not cause significant environmental impacts that were not evaluated in the Section 4 FEIS. The proposed right-of-way modifications offers no new information or circumstances relevant to environmental concerns, nor will it result in significant environmental impacts that were not discussed in the Section 4 FEIS. The analysis in this reevaluation supports the conclusion that this design modification will not have impacts sufficient to require the preparation of a Supplemental Environmental Impact Statement (SEIS).

Appendix A

Graphics

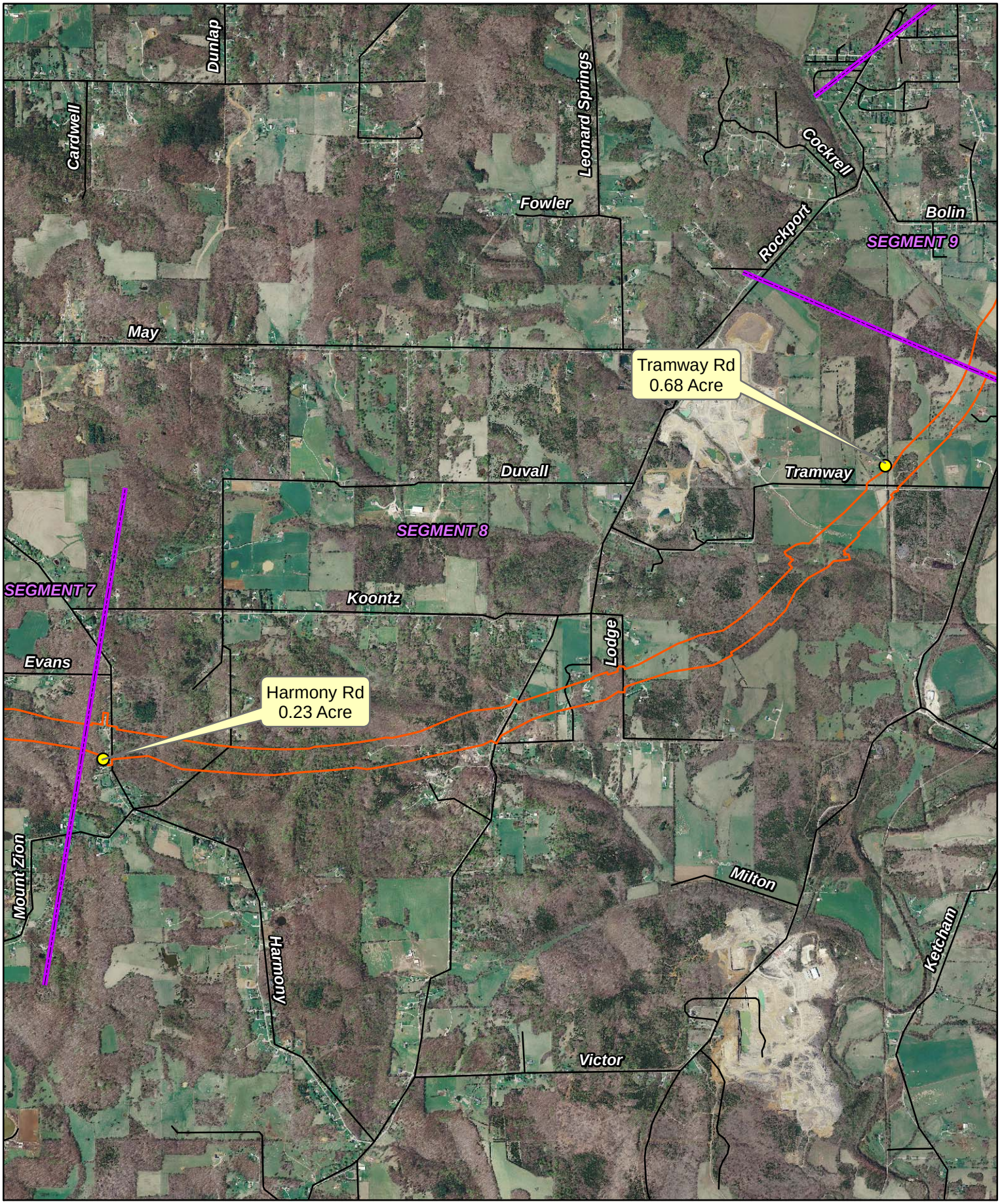


State Highways
Section 4 Design Segments
County Line
Section 4 FEIS Right-of-Way

Figure 1
I-69, Section 4
Design Segment Breaks
Shown on 2005 Aerial Photo

0 1 2 3 Miles

N

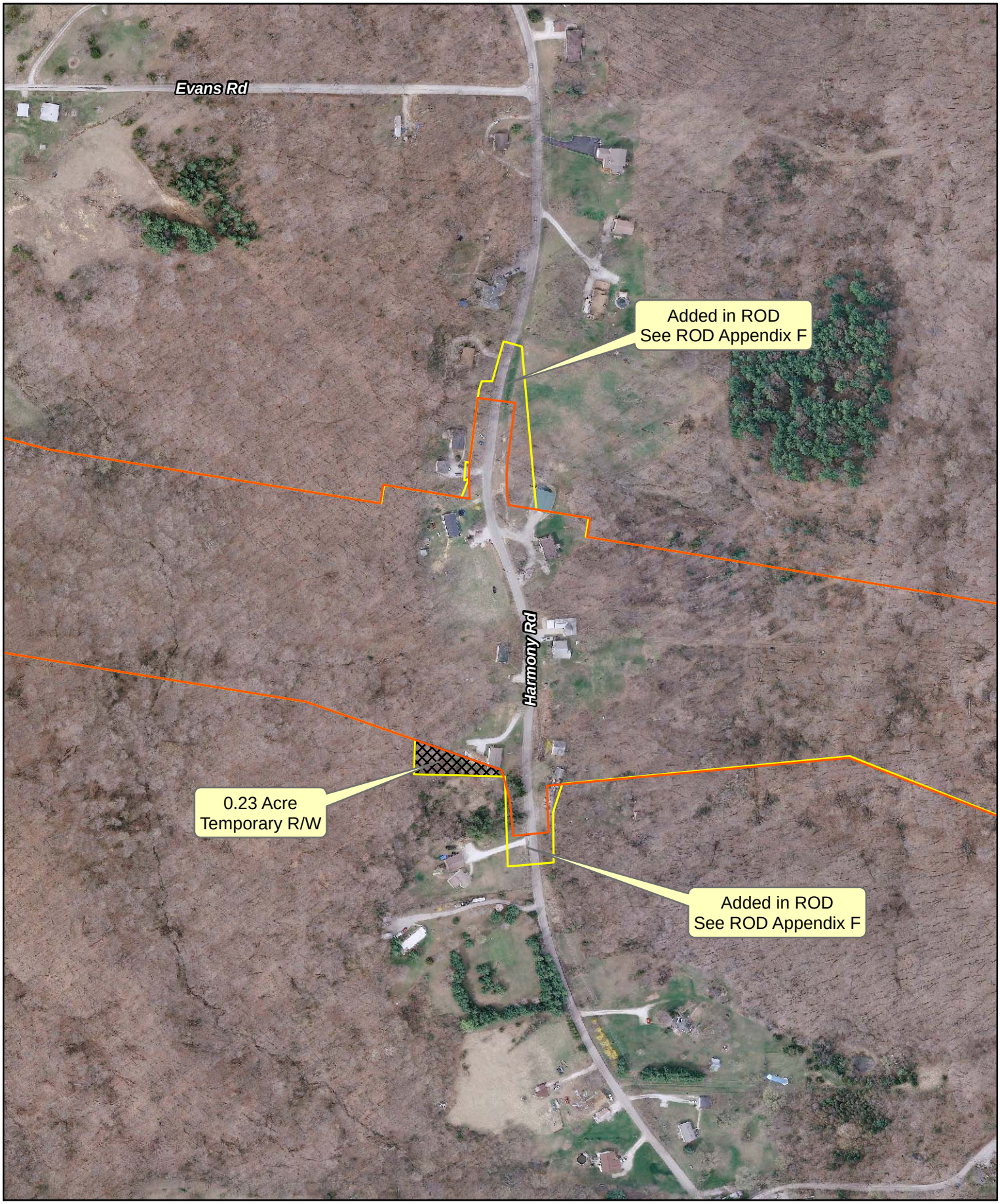


Roads
Additional Right-of-Way Area
Section 4 Design Segments
Section 4 FEIS Right-of-Way

Figure 2
I-69, Section 4
Additional Right-of-Way Areas
Shown on 2005 Aerial Photo

0 0.25 0.5 0.75 Miles

N

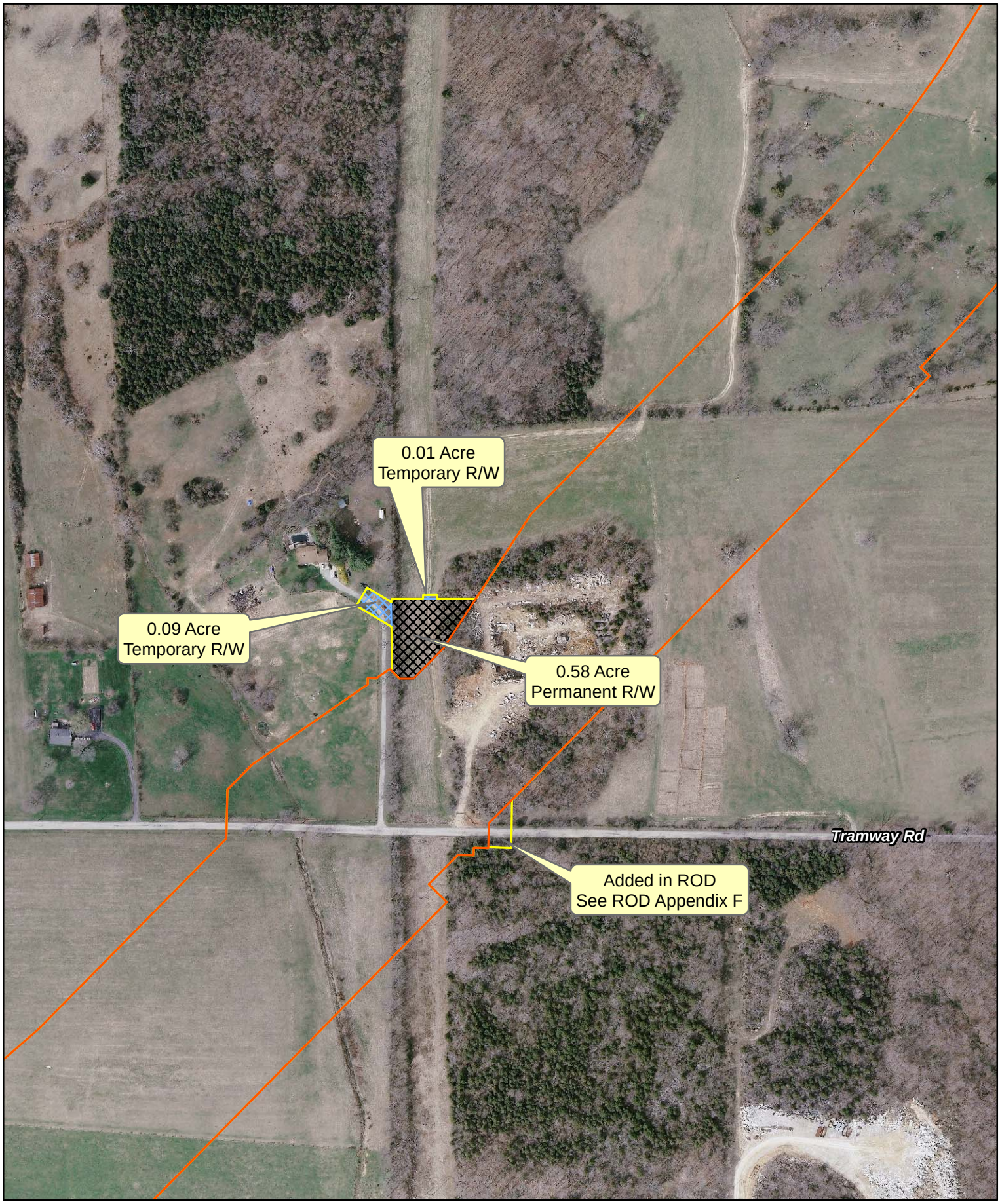


Section 4 FEIS Right-of-Way
Section 4 Design Right-of-Way
Section 4 Design Additional Right-of-Way

Figure 3
I-69, Section 4
Design Segment 8
Additional Right-of-Way Area
Shown on 2010 Aerial Photo

0 150 300 450 Feet

N



Section 4 Design Additional Temporary R/W
Section 4 Design Additional Permanent R/W
Section 4 FEIS Right-of-Way
Section 4 Design Right-of-Way

Figure 4
I-69, Section 4
Design Segment 8
Additional Right-of-Way Area
Shown on 2010 Aerial Photo

0 150 300 450 Feet

N

Appendix B

Section 106 Coordination

I-69 Evansville to Indianapolis
Tier 2 Studies

April 17, 2012

Mr. Rob E. Carter, Jr.
State Historic Preservation Officer (SHPO)
Division of Historic Preservation & Archaeology
Indiana Department of Natural Resources
402 West Washington Street; Room W274
Indianapolis, Indiana 46204

Re: Section 4, I-69 Evansville to Indianapolis Tier 2 Study; Designation (DES) Number: 0300380, DHPA Number: 1016; North Clear Creek Historic Landscape District Post Review Discovery: Addendum to 800.11(e) Documentation and Modified Section 106 Finding; and SR 37 Modified Interchange Reevaluation

Dear Mr. Carter,

This letter is regarding the I-69 Section 4 Memorandum of Agreement (MOA) between the Federal Highway Administration (FHWA) and the Indiana State Historic Preservation Officer (SHPO), signed respectively on May 12, 2011 and May 11, 2011 (DES Number 0300380, DHPA Number 1016). Specifically, this letter addresses a "Post Review Discovery" (Stipulation III) as it pertains to the North Clear Creek Historic Landscape District and a "Modification of the Project with Respect to Aboveground Resources" (Stipulation I.B.) as it pertains to the interchange at SR 37.

Post Review Discovery: North Clear Creek Historic Landscape District

Per Stipulation III of the Memorandum of Agreement, "In the event that one or more historic properties…are discovered or that unanticipated effects on historic properties are found during the implementation of this MOA, the FHWA shall follow the procedure specified in the 36 C.F.R. part 800 regulations in effect at that time, as well as and [*sic.*] IC 14-21-1-27 and IC 14-21-1-29."

The North Clear Creek Historic Landscape District is in the overlap area of the Areas of Potential Effects (APE) for Sections 4 and 5 of the I-69 project. The Section 4 Historic Property Report (HPR) had recommended the resource to be non-contributing and the SHPO concurred with the findings of that report. However, following the 2008 Section 5 HPR and the 2011 Section 5 Additional Information (AI) report, the FHWA and Indiana Department of Transportation (INDOT) conducted an additional investigation of limestone resources within the Section 5 APE. These findings were documented in a report titled "Consideration of and Findings Regarding Dimension Limestone Resources within the I-69 Section 5 Area of Potential Effects," dated January 24, 2012 (Baker, 2012). As a result of that investigation, the North Clear Creek Historic Landscape District was recommended eligible for listing in the National Register of Historic Places (NRHP) under Criteria A and D. In a letter dated February 20, 2012, the SHPO concurred with this recommendation.

The I-69 Section 4 project will have no adverse effect on the North Clear Creek Historic Landscape District. The district is located approximately 0.47 mile from Section 4's right-of-way and is not visible from planned Section 4 construction activities (see Figure 1[1]). Potential effects as a result of the I-69 Section 5 project will be evaluated separately as part of the Section 106 consultation for Section 5.

Revised Section 106 Finding

Due to the post review discovery of the North Clear Creek Historic Landscape District, the Findings and Determinations that were signed on September 13, 2006, July 15, 2010, and January 18, 2011 have been modified by FHWA to include the district. Additionally, an Addendum to the 800.11(e) Documentation has been prepared to reflect this modification.

Project Modification: SR 37 Interchange

Per Stipulation I.B. of the MOA, "if this project is modified after a finding…has been issued, then FHWA shall review the Section 4 project modifications and proceed by complying with I.B.1 or I.B.2, or both." Per Stipulation I.B.1(c), the FHWA "may request the opinion of Indiana SHPO about identification, evaluation, effects assessment or avoidance, minimization or mitigation…provided that such a request for an opinion is not substituted for formal consultation under Stipulation I.B.2. Indiana SHPO shall have 30 days to respond to such a request."

In the I-69 Section 4 Final Environmental Impact Statement (FEIS), the recommended SR 37 interchange configuration included a loop ramp in the northeast quadrant for northbound SR 37 to southbound I-69 traffic movements (Figure 6-4-A from page 6-179 of the FEIS is enclosed for your reference). The interchange maintained the present at-grade intersection access between SR 37 and Victor Pike immediately south of the Section 4 corridor; it also included a 2-lane directional ramp for southbound traffic movements that continues southbound along SR 37. Additionally, the FEIS showed the alignment of I-69 from Section 4 to Section 5 to be north of That Road in Monroe County and approximately 150 feet east of the existing SR 37 centerline. An interim signalized intersection was also been proposed for this location in Appendix PP of the FEIS and the Tier 2 ROD for Section 4; it would have provided a signalized "T" intersection with SR 37 until the completion of Section 5, when the permanent interchange would be constructed.

The final design of the interchange is being revised to accommodate full construction of the interchange with the initial construction of Section 4. The purpose of the design change is to realign I-69 into the existing SR 37 alignment (instead of what was described above as proposed in the FEIS) and eliminate the need for construction of an interim signalized intersection. Additionally, the new design will be fully operational when Section 4 Design Segment 9 is constructed and will be compatible and functional with Section 5 of I-69. Two SR 37 interchange design concepts were evaluated during the post NEPA design stage and are currently under consideration. They are a tight diamond interchange with roundabouts at the ramp termini and a trumpet interchange with free-flow ramps. The proposed interchanges would be located approximately 6,100 feet south from the Fullerton Pike intersection with SR 37 and approximately 3,550 feet north of the existing Victor Pike intersection with SR 37, in the same general location as the FEIS planned interchange (see Figures 1-3[1]).

<u>Trumpet Interchange with Free-Flow Ramps</u>

In comparison to the original interchange proposed in the FEIS, this configuration is more compact and can be built within the limits from That Road to the north and Victor Pike to the south along SR 37 (see Figure 2[1]). The proposed interchange will realign I-69 to tie into the existing SR 37 alignment approximately 840 feet south of the That Road intersection. The entire ramp system for the proposed interchange will also be transitioned into I-69 before the intersection of That Road with SR 37, and the south ramp system will tie into SR 37 north of the Victor Pike intersection. A total of approximately 24.75 acres of permanent right-of-way outside of the FEIS limits is needed to accommodate the design change of this interchange. A total of approximately 27.95 acres of right-of-way analyzed in the FEIS will no longer be needed, and therefore will not be impacted by the project. Therefore, there will be a net decrease of final design right-of-way at the SR 37 interchange of approximately 3.2 acres.

[1] Labels on the map include "Old (FEIS)" to refer to the design described the I-69 Section 4 FEIS and "New (Design)" to refer to the modified design described in this letter.

Tight Diamond with Roundabouts

The second alternative interchange configuration evaluated by INDOT during the post NEPA design is the tight diamond, free flowing with roundabouts, in which the I-69 north and south mainlines will travel under the roundabout (see Figure 3[1]). A bridge will be built for the roundabout to cross over the mainline interstate. In comparison to the original interchange proposed in the FEIS, this configuration is more compact and can be built within the limits from That Road to the north and Victor Pike to the south along SR 37 (see Figure 2[1]). The proposed interchange will realign I-69 to tie into the existing SR 37 alignment approximately 840 feet south of the That Road intersection. This interchange design will require right-of-way outside of the FEIS limits. A total of approximately 15.35 acres of permanent right-of-way outside of the FEIS limits is needed to accommodate the design change of the interchange. A total of approximately 29.65 acres of right-of-way analyzed in the FEIS will no longer be needed and therefore, will not be impacted by the project. This results in a net decrease of final design right-of-way at the SR 37 interchange of approximately 14.3 acres.

Historic Resource Evaluation – SR 37 Interchange Project Modification

With regard to above-ground historic resources, the additional right-of-way areas for the proposed interchange are located inside the approved APE for Section 4 and no change to the APE is required. According to the Section 4 HPR, eleven above-ground properties inside the Section 4 APE were determined to be eligible for or listed in the NRHP. Of these eleven NRHP-eligible or listed properties, the Maurice Head House, Stipp-Bender Farmstead, the Harris Ford Bridge, and the newly identified North Clear Creek Historic Landscape District are located in close proximity to the interchange. The subsequent designs' (tight diamond with roundabout and trumpet interchange with free-flow ramps) right-of-ways are located further from the Maurice Head House (both located approximately 425 feet) when compared to the FEIS right-of-way (264 feet). Additionally, the I-69 South to SR 37 South Fly-over Bridge analyzed in the FEIS (Structure #242), which was located in close proximity to the Maurice Head House, has been eliminated and the vertical profile of the new interchange configurations are lower than the bridges analyzed in the FEIS (Figures 2-3[1]). The new design right-of-ways are located approximately 239 feet (tight diamond) and 517 feet (trumpet) closer to the Stipp-Bender Farmstead than the FEIS right-of-way along SR 37 (see Figures 2-3[1]). However, the extension of the right-of-way occurs south along SR 37, an existing highway facility, and no audible changes will occur based on the design when compared to that evaluated in the FEIS; additionally, the horizontal and vertical profile of I-69 near the Stipp-Bender Farmstead is similar to that of the existing SR 37 and the previously evaluated interchange. Also, a loop ramp proposed in the FEIS on the northeast side of SR 37 will no longer be constructed and the majority of the proposed design interchange will be located southwest of SR 37. Therefore, no adverse change to the effects on the Maurice Head House or Stipp-Bender Farmstead will occur based on the revised scope of work at this location. The Harris Ford Bridge is located approximately 2,557 feet east of SR 37 and due to this distance, the proposed design changes will not result in an Adverse Effect to this property. The North Clear Creek Historic Landscape District is located approximately 2,481 feet north of the Section 4 right-of-way and due to this distance, the proposed design changes will not result in an Adverse Effect to the district.

In regard to archaeological resources, all additional field reconnaissance and documentation will be addressed as needed per the stipulations of the Section 4 Memorandum of Agreement (MOA) between the Federal Highway Administration (FHWA) and the Indiana State Historic Preservation Officer (SHPO).

At this time we are requesting your informal opinion on potential effects to the identified NRHP-eligible resources in the vicinity of the SR 37 interchange and formal comment on the modified Section 106 Finding and Addendum to the 800.11(e) documentation regarding the North Clear Creek Historic Landscape District. Per the MOA, please respond within thirty (30) days with your written comments. Please direct comments and questions to Shannon Hill at Bernardin, Lochmueller and Associates, Inc., 3502 Woodview Trace, Suite 150, Indianapolis, Indiana 46268; 317.222.3880; or shill@blainc.com. Thank you in advance for your input.

Sincerely,

Staffan Peterson

Cultural Resources Manager
Environmental Services
Indiana Department of Transportation
100 N. Senate Ave., IGCN, Room N642
Indianapolis, IN 46204
(317) 232-5161
stpeterson@indot.in.gov

Enclosures: Section 4 FEIS Figure 6-4-A
Figure 1 – Proximity Map
Figure 2 – Historic Property Locations: Free Flowing Trumpet
Figure 3 – Historic Property Locations: Tight Diamond Roundabouts
Addendum to the 800.11(e) Documentation and Revised Section 106 Finding

Cc: Federal Highway Administration
Indiana Department of Transportation, Cultural Resources Office
Ms. Tamara Francis, NAGPRA Director
Mr. Zachariah Pahmahmie, Prairie Band Potawatomi Nation
Mr. Ron Sparkman, Shawnee Tribe, Oklahoma
Mr. John P. Froman, Peoria Tribe of Indians of Oklahoma
Mr. Marsh Davis, Indiana Landmarks
Mr. Tommy Kleckner, Indiana Landmarks Western Regional Office
Mr. Stewert Sebree, Indiana Landmarks Southwest Field Office
Ms. Cheryl Ann Munson, Monroe County Historic Preservation Board of Review
Ms. Patsy Powell, Owen County Preservations, Inc.
Ms. Edith Sarra, Owen County CARR/Owen County Preservations Inc.
Dr. Joanne Stuttgen, Traditional Arts Indiana
Ms. Bonnie Tinsley, Owen County Preservations, Inc.
Ms. Sandra Tokarski, CARR
Mr. Steve Wyatt, Bloomington Restorations, Inc.
Office of the Mayor, City of Mitchell
Dr. Polly Spiegel
Ms. Jan Boyd
Dr. Patrick Munson, I.U. Department of Anthropology
Mr. William McNiece, Wabash and Ohio Chapter of Industrial Archaeology
Mr. Jesse Kharbanda, Hoosier Environmental Council
Ms. Nancy Hiestand, Historic Preservation Commission
Ms. Beth McCord, Gray & Pape, Inc.
Dr. Linda Weintraut, Weintraut & Associates, Inc.
Mr. Gary Fisk, DLZ

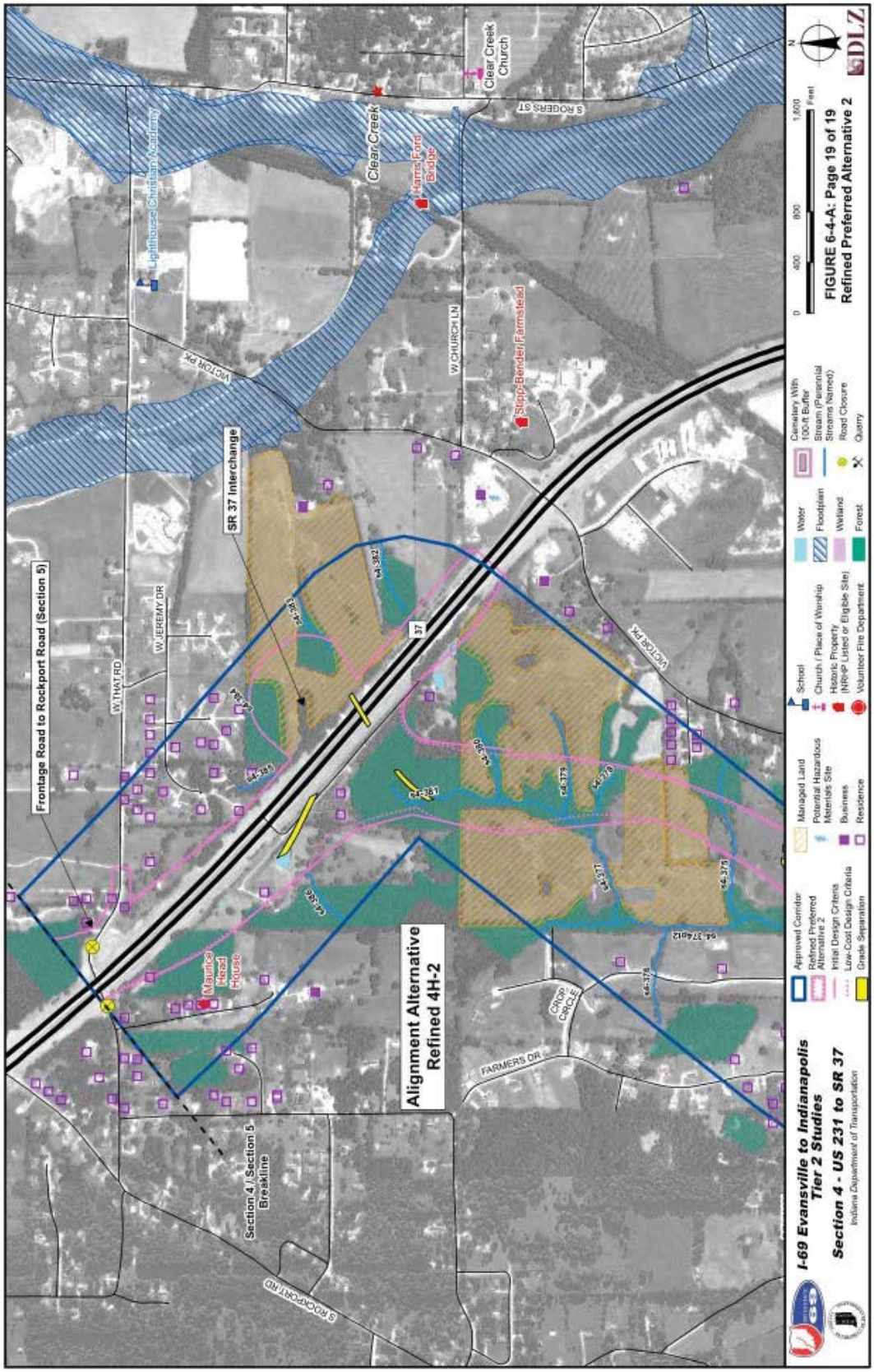


FIGURE 6-4-A: Page 19 of 19
Refined Preferred Alternative 2

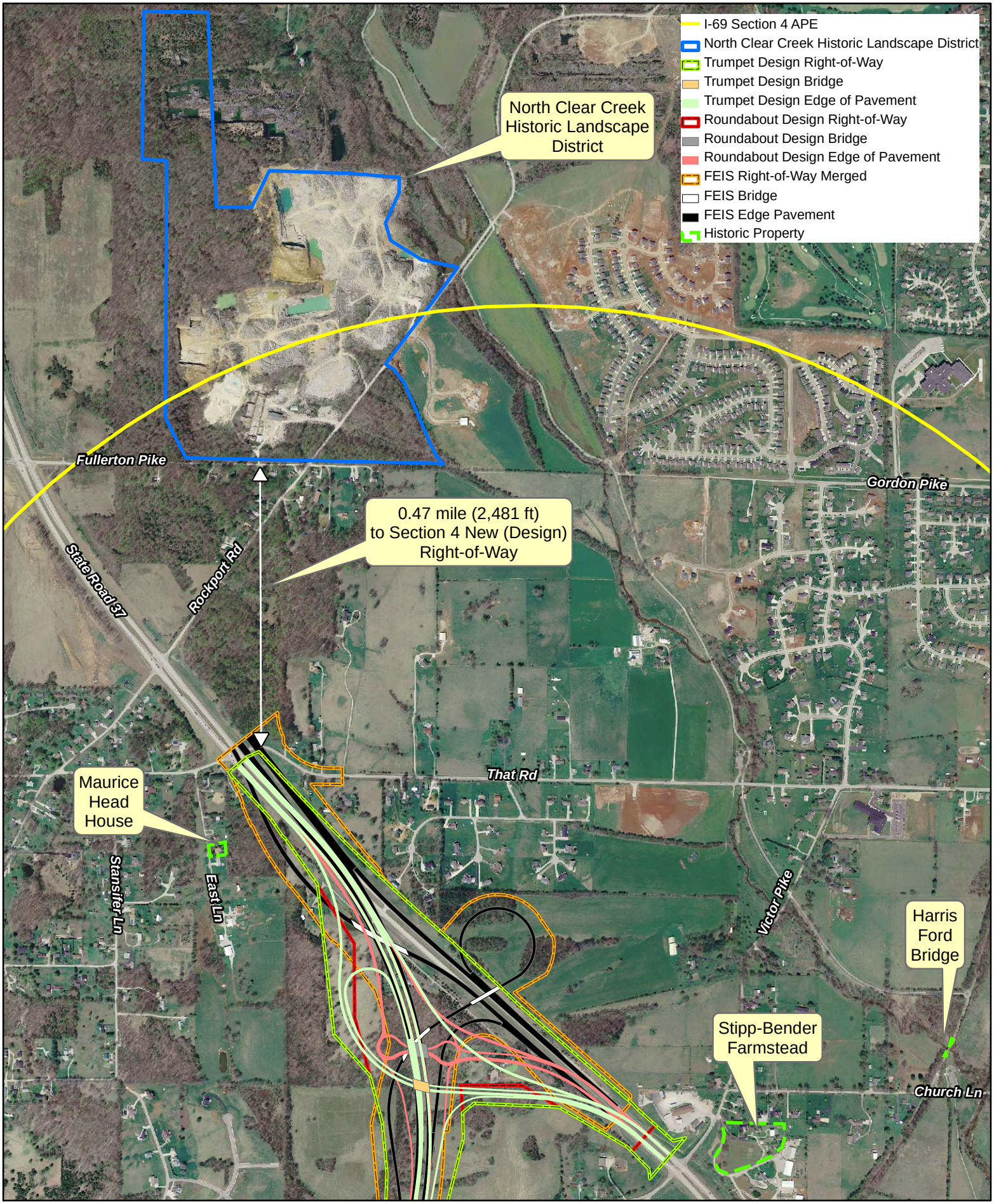
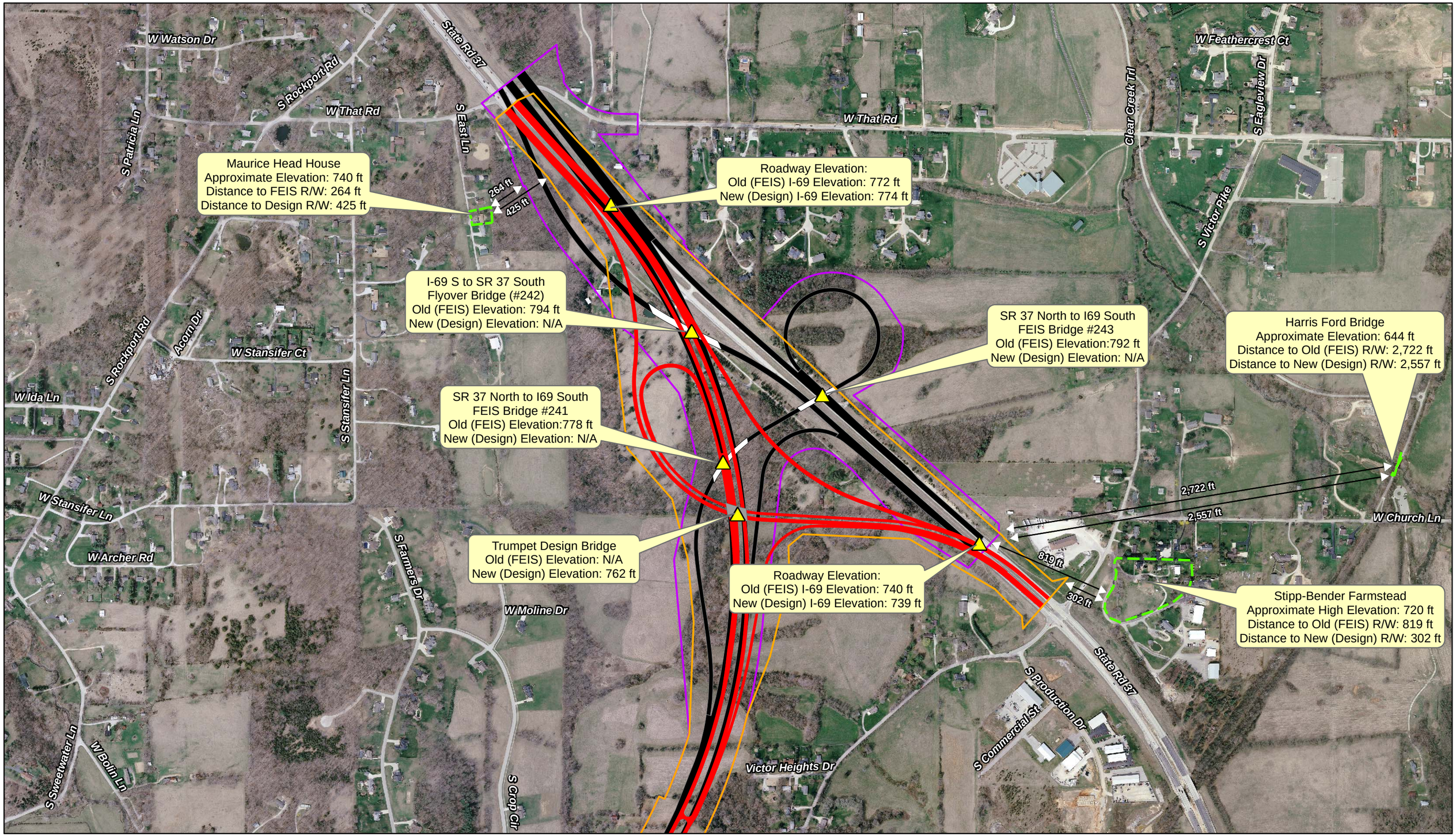


Figure 1
I-69, Section 4 Proximity Map
North Clear Creek Historic Landscape District
SR 37 Interchange Design Modifications
Shown on 2005 Aerial Photo

0 500 1,000 1,500 Feet

N



Section 4 Design Right-of-Way
Section 4 Design Bridges
Section 4 Design Edge of Pavement
Section 4 FEIS R/W Merged

Figure 2
I-69, Section 4
Historic Property Locations
SR 37 Free Flowing Trumpet
Interchange Design Modification
Shown on 2010 Aerial Photo

Section 4 FEIS Bridge
Section 4 FEIS Pavement
I-69 Roadway Elevation Comparisons
Historic Property

0 300 600 900 Feet

N

Section 4 Design Right-of-Way
Section 4 Design Bridges
Section 4 Design Edge of Pavement
Section 4 FEIS R/W Merged

Figure 3
I-69, Section 4
Historic Property Locations
SR 37 Tight Diamond Roundabouts
Interchange Design Modification
Shown on 2010 Aerial Photo

Section 4 FEIS Bridge
Section 4 FEIS Pavement
I-69 Roadway Elevation Comparisons
Historic Property

0 300 600 900 Feet

N

Revised Section 106 Findings

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
MODIFIED ELIGIBILITY DETERMINATIONS
EFFECT FINDING
I-69 EVANSVILLE TO INDIANAPOLIS TIER 2 STUDY: SECTION 4, US 231 TO SR 37
DES. NO.: 0300380

MODIFIED ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))

In addition to the Scotland Hotel, the Blackmore Store, Clifty Church, Koontz House, Stipp-Bender Farmstead, Harris Ford Bridge, Greene County Bridge No. 311, Monroe County Bridge No. 83, Maurice Head House, Virginia Iron Works Archaeological District, and Victor Limestone Archaeological District, the North Clear Creek Historic Landscape District has been determined eligible for listing in the National Register of Historic Places (NRHP) within the Area of Potential Effects (APE) since Federal Highway Administration (FHWA) signed the modified eligibility determinations on January 18, 2011.

North Clear Creek Historic Landscape District – Located west of Rockport Road and north of Fullerton Pike, this historic landscape reflects a theme of industry, where the landscape has been shaped or manipulated to provide a product that contributed to the development of a community or society. Specifically, Bloomington was, and is, a top producer of limestone in the nation, and limestone has shaped the national architectural heritage as one of the premier types of domestic building stone, particularly in the 1890 to 1940s period. The North Clear Creek Historic Landscape District is eligible for listing in the NRHP under Criterion A, for its association with events that have made a significant contribution to the broad patterns of history and Criterion D, because it is likely to yield information important in prehistory or history.

Additional archaeological investigations have been recommended for some sites that are not within archaeological districts but within the APE. The eligibility of those individual archaeological sites will be determined at a later date following additional archaeological investigations.

EFFECT FINDING

Scotland Hotel – No Adverse Effect
Blackmore Store – No Adverse Effect
Clifty Church – No Adverse Effect
Koontz House – No Adverse Effect
Stipp-Bender Farmstead – No Adverse Effect
Harris Ford Bridge – No Adverse Effect
Greene County Bridge No. 311 – No Adverse Effect
Monroe County Bridge No. 83 – No Adverse Effect
Maurice Head House – No Adverse Effect
Virginia Iron Works Archaeological District – Adverse Effect on Contributing Site
Victor Limestone Archaeological District – Adverse Effect on Contributing Site
North Clear Creek Historic Landscape District – No Adverse Effect

FHWA has determined an Adverse Effect finding is appropriate for this undertaking.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)

Scotland Hotel -- This undertaking will not convert property from the Scotland Hotel, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for the Scotland Hotel. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Scotland Hotel.**

Blackmore Store -- This undertaking will not convert property from the Blackmore Store, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for the Blackmore Store. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Blackmore Store.**

Clifty Church -- This undertaking will not convert property from Clifty Church, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for Clifty Church. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Clifty Church.**

Koontz House -- This undertaking will not convert property from the Koontz House, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for the Koontz House. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Koontz House.**

Stipp-Bender Farmstead -- This undertaking will not convert property from the Stipp-Bender Farmstead, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for the Stipp-Bender Farmstead. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Stipp-Bender Farmstead.**

Harris Ford Bridge -- This undertaking will not convert property from the Harris Ford Bridge, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for the Harris Ford Bridge. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Harris Ford Bridge.**

Greene County Bridge No. 311 -- This undertaking will not convert property from Greene County Bridge No. 311, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for Greene County Bridge No. 311. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Greene County Bridge No. 311.**

Monroe County Bridge No. 83 -- This undertaking will not convert property from Monroe County Bridge No. 83, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for Monroe County Bridge No. 83. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Monroe County Bridge No. 83.**

Maurice Head House -- This undertaking will not convert property from the Maurice Head House, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for the Maurice Head House. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the Maurice Head House.**

Mitigation for impacts on **Virginia Iron Works Archaeological District** does not warrant preservation-in-place, therefore it is not a Section 4(f) resource. This undertaking will not convert a Section 4(f) resource to a transportation use; the FHWA has determined the appropriate Section 106 finding is "Adverse Effect." **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "Adverse Effect" and the determination that the archaeological site does not warrant preservation-in-place.**

Mitigation for impacts on **Victor Limestone Archaeological District** does not warrant preservation-in-place, therefore it is not a Section 4(f) resource. This undertaking will not convert a Section 4(f) resource to a transportation use; the FHWA has determined the appropriate Section 106 finding is "Adverse Effect." **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "Adverse Effect" and the determination that the archaeological site does not warrant preservation-in-place.**

North Clear Creek Historic Landscape District -- This undertaking will not convert property from the North Clear Creek Historic Landscape District, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for the North Clear Creek Historic Landscape District. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect" for the North Clear Creek Historic Landscape District.**

Eligibility of individual archaeological sites will be addressed at a later date. FHWA intends to address any archaeological work that may need to be completed after the Record of Decision through stipulations in a Memorandum of Agreement.

Consulting parties will be provided a copy of FHWA's findings and determinations in accordance with INDOT and FHWA's Section 106 procedures. Comments will be accepted for thirty (30) days upon receipt of the findings.

Michelle Allen

for Robert F. Tally, Jr., P.E.
Administrator
FHWA-IN Division

4·12·12

Approved Date

ADDENDUM
to
“800.11(e) Report”

ADDENDUM

to

"800.11(e) Report"

Prepared July 8, 2011

FEDERAL HIGHWAY ADMINISTRATION
DOCUMENTATION OF SECTION 106 FINDING OF EFFECT
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR 800.6(a)(3)
I-69 EVANSVILLE TO INDIANAPOLIS TIER 2 STUDY: SECTION 4, US 231 TO SR 37
DES. NO. 0300380

As a result of additional investigation documented in the report, "Consideration of and Findings Regarding Dimension Limestone Resources within the I-69 Section 5 Area of Potential Effects," dated January 24, 2012 (Baker, 2012), an additional resource within the Section 4 Area of Potential Effects (APE) was recommended eligible for listing in the National Register of Historic Places (NRHP). This Addendum seeks to provide information discovered since the July 8, 2011 version of the 800.11(e) Report, as discussed in the following sections.

1. Post Review Discovery: North Clear Creek Historic Landscape District; Eligibility and Effects

Section 3 on pages 24 through 29 of the 800.11(e) Report describes historic properties identified within the Section 4 APE. The North Clear Creek Historic Landscape District should be added per the discussion below:

Per Stipulation III of the I-69 Section 4 Memorandum of Agreement (MOA) between the Federal Highway Administration (FHWA) and the Indiana State Historic Preservation Officer (SHPO), signed respectively on May 12, 2011 and May 11, 2011, "In the event that one or more historic properties…are discovered or that unanticipated effects on historic properties are found during the implementation of this MOA, the FHWA shall follow the procedure specified in the 36 C.F.R. part 800 regulations in effect at that time, as well as and [*sic.*] IC 14-21-1-27 and IC 14-21-1-29."

The North Clear Creek Historic Landscape District is in the overlap area of the APE for Sections 4 and 5 of the I-69 project. The Section 4 Historic Property Report (HPR) had determined the resource to be non-contributing. However, following the 2008 Section 5 HPR and the 2011 Section 5 Additional Information (AI) report, the FHWA and Indiana Department of Transportation (INDOT) conducted an additional investigation of limestone resources within the Section 5 APE. These findings were documented in a report titled "Consideration of and Findings Regarding Dimension Limestone Resources within the I-69 Section 5 Area of Potential Effects," dated January 24, 2012 (Baker, 2012). As a result of that investigation, the North Clear Creek Historic Landscape District was recommended eligible for listing in the National Register of Historic Places (NRHP) under Criteria A and D. In a letter dated February 20, 2012, the SHPO concurred with this recommendation.

Under the Section 106 Review process of the National Historic Preservation Act of 1966, the I-69 Section 4 project will have "No Adverse Effect" on the North Clear Creek Historic Landscape District. The district is located approximately 0.47 mile from Section 4's right-of-way and is not visible from planned Section 4 construction activities (please see Appendix A).

The pertinent examples of adverse effect from 36 CFR 800.5(a)(2)(i) through (vii) were compared to the historic property identified in this Addendum, and none were found to apply for Section 4 of I-69. Per 36 CFR 800.5(a)(2): (i) the proposed undertaking will not result in the physical destruction or damage to all or part of the eligible district; (ii) the proposed undertaking will not result in an alteration of the eligible district that is not consistent with the Secretary's standards for the treatment of historic properties (36 CFR Part 68) and applicable guidelines; (iii) the proposed undertaking will not result in the removal of the district from its historic location; (iv) there will not be a change of the character of the district's use or physical features within the district's setting that contribute to its historic significance; (v) there will not be an introduction of visual, atmospheric or audible elements that would diminish the integrity of the district's significant features; (vi) the project will not result in neglect of the district which causes its deterioration; and (vii) there will be no transfer, sale or lease of the district out of federal ownership or control as the district is not owned or controlled by the federal government.

Potential effects as a result of the I-69 Section 5 project will be evaluated separately as part of the Section 106 consultation for Section 5.

2. Consulting Party Comments and Public Views

Item 1 above was identified as a result of the Section 106 Consultation process following review of the January 24, 2012 "Consideration of and Findings Regarding Dimension Limestone Resources within the I-69 Section 5 Area of Potential Effects" report. Appendix B includes written correspondence with the SHPO regarding Item 1.

FHWA has determined that the findings summarized in this Addendum to the July 8, 2011 800.11(e) Report are appropriate for the I-69 Section 4 Project. FHWA respectfully requests the State Historic Preservation Officer to provide written concurrence with the determinations contained within this document. This document is also being provided to I-69 Section 4 consulting parties for review.

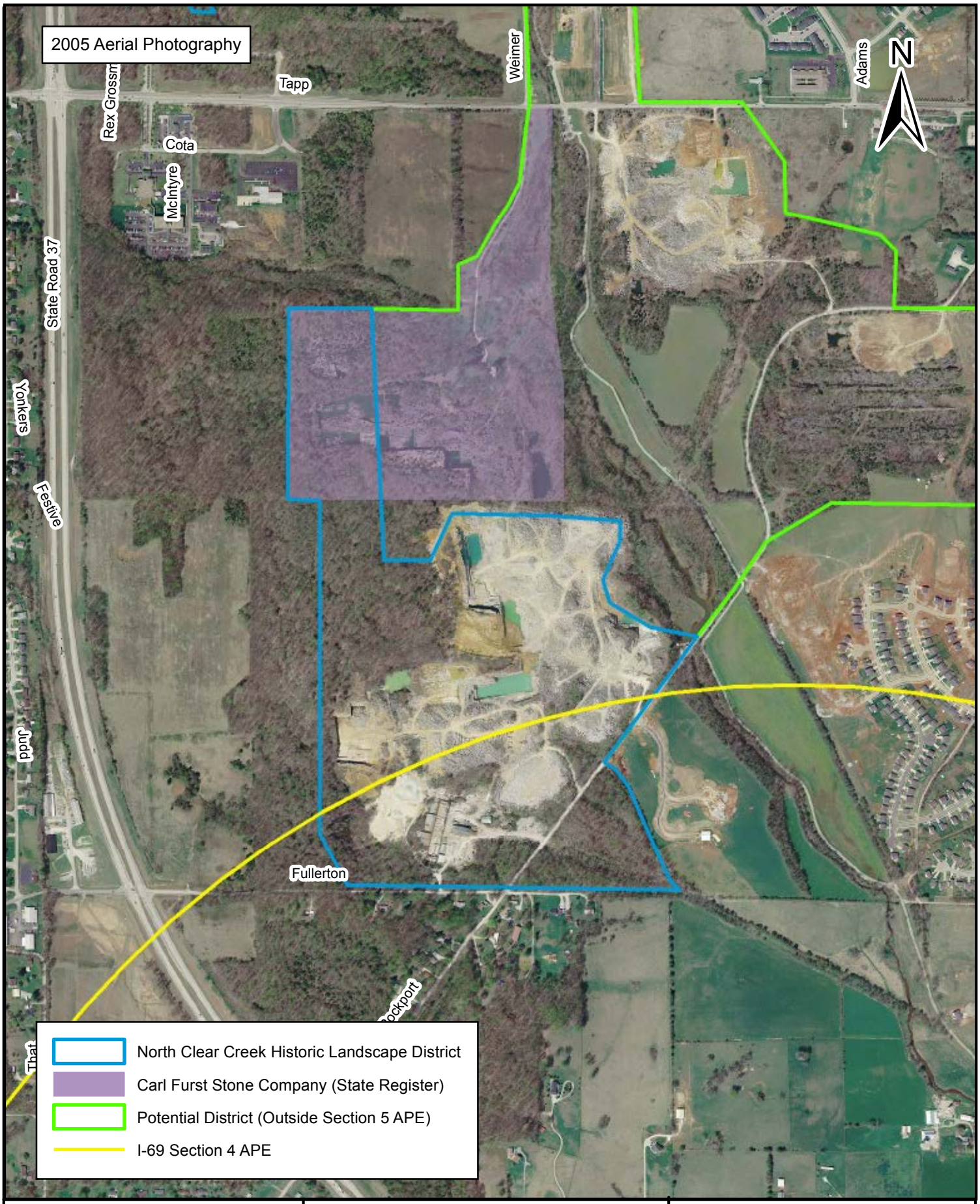
Addendum Appendices

Appendix A – Map
Appendix B – Correspondence

Amended 800.11(e)

Appendix A

Map



BERNARDIN LOCHMUELLER & ASSOCIATES, INC.
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North Clear Creek Historic Landscape District Boundary

800 400 0 800 Feet

Location: Bloomington Vicinity
County: Monroe
Township: Perry
State: Indiana

Date: 3/30/2012

Amended 800.11(e)

Appendix B

Correspondence

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

Indiana Department of Natural Resources

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

February 20, 2012

I-69 Section 5 Project Office
3802 Industrial Boulevard, Unit 2
Bloomington, Indiana 47403

Federal Agency: Federal Highway Administration

Re: "I-69 Evansville to Indianapolis Tier 2 Studies: Additional Information Report, Section 5, SR 37 south of Bloomington to SR 39" (Zinn, Molnar, and Belfast, 1/13/12) and "I-69 Evansville to Indianapolis Tier 2 Studies: Consideration of and Findings regarding Dimension Limestone Resources within the I-69 Section 5 Area of Potential Effects" (Zinn, Molnar, and Belfast, 1/24/12) (Des. No. 0300381; DHPA No. 2123)

Dear Sir or Madam:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials submitted with your cover letters of January 13, 2012 and January 24, 2012, which were received on January 13 and January 25, respectively, for the aforementioned project in Morgan and Monroe counties, Indiana.

"Additional Information Report"

The conclusions of the report regarding the eligibility or ineligibility, for inclusion in the National Register of Historic Places, of individual properties that are outside the proposed historic landscape districts appear reasonable, for the purposes of the Section 106 review of this undertaking.

"Dimension Limestone Resources" report

We agree that the Hunter Valley Historic Landscape District, the Reed Historic Landscape District, and the North Clear Creek Historic Landscape District are eligible for the National Register under criterion A for the reasons stated in the report for each of those landscapes. The proposed boundary of each of the three historic landscapes appears reasonable where the boundary falls within the Section 5 area of potential effects ("APE"). We also agree that there probably are areas outside the APE that should be included within the National Register boundaries of some or all of the three landscapes but that, especially in the case of North Clear Creek, it is not feasible or necessary, for Section 106 purposes, to define precisely the boundary of the historic landscape outside the APE. We do believe, based on the information presented in the report, that it is appropriate to include at least the entirety of the Indiana Register of Historic Sites and Structures-listed Borland House and Carl Furst Stone Company Quarry within the North Clear Creek Historic Landscape District.

In regards to archaeology, we have not yet received the archaeological reconnaissance report for Section 5, so we do not know currently the specific areas that have been subjected to archaeological investigations, and are thus not able to comment specifically at this time on the archaeological investigations and archaeological sites recorded in the archaeological APE (construction footprint) for the project. In addition to any discovered or recorded archaeological sites in the archaeological APE, there are a number of historic properties including, but not limited to, homes, farmsteads, stone walls, quarries, mills, and cemeteries that—if in the archaeological APE—may have archaeological artifacts, features, or elements present, and if present, avoidance of these resources or further archaeological investigations may be necessary. In addition, from an archaeological standpoint, given the presence of machinery, features, and artifacts in the Hunter Valley, Reed, and North Clear Creek proposed historic landscapes, we believe that the quarries possess significance under criterion D.

Any cemeteries in the archaeological APE must be avoided by all project activities, subjected to further archaeological investigations, and/or treated under relevant Indiana statutes. Please note that per IC 14-21-1-26.5, if ground disturbance is to occur within one hundred (100) feet of a burial ground or cemetery for the purpose of excavating or covering over the ground or erecting, altering, or repairing any structure, a development plan may need to be submitted to the Department of Natural Resources for approval.

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.

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about issues involving buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding the I-69 Section 5 project, please refer to DHPA No. 2123.

Very truly yours,

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

JAG:JRJ:JLC:jlc

emc: Michelle Allen, Indiana Division, Federal Highway Administration
Laura Hilden, Indiana Department of Transportation
Ben Lawrence, P.E., Indiana Department of Transportation
Staffan Peterson, Ph.D., Indiana Department of Transportation
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Beth McCord, Gray & Pape, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Mary Jo Hamman, Michael Baker Jr., Inc.