

APPENDIX F

MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT (MOA)
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE INDIANA STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR 800.6(b)(iv)
REGARDING I-69 EVANSVILLE TO INDIANAPOLIS PROJECT: SECTION 2, FROM SR 64
NEAR OAKLAND CITY TO US 50 EAST OF WASHINGTON

IN COLUMBIA TOWNSHIP, GIBSON COUNTY, JEFFERSON, WASHINGTON, LOGAN
TOWNSHIPS, PIKE COUNTY AND WASHINGTON AND VEALE TOWNSHIPS, DAVIESS
COUNTY INDIANA

WHEREAS the Federal Highway Administration ("FHWA") is proposing to construct Section 2, from SR 64 near Oakland City to US 50 East of Washington (Section 2 Project) of the I-69 Evansville to Indianapolis Project, which is located in Columbia Township, Gibson County; Jefferson, Washington, and Logan Townships, Pike County and Washington and Veale Townships, Daviess County, Indiana; and

WHEREAS the FHWA, in cooperation with the Indiana Department of Transportation ("INDOT"), has conducted a tiered study for the I-69 Evansville to Indianapolis Project; and

WHEREAS the I-69 Evansville to Indianapolis Project has been divided into six sections for the Tier 2 Study; and

WHEREAS each Tier 2 section, as defined in the Tier 1 Environmental Impact Statement (EIS), is considered a separate undertaking for purposes of consultation; and

WHEREAS the Section 2 Project provides for a four-lane divided interstate highway using the alignment identified as Build Alternative A within subsections 1-6, 8 and 9, and as Build Alternative B within subsection 7 only, as described in the Project Tier 2 EIS, and in Attachment A, Project Description; and

WHEREAS FHWA, in consultation with the Indiana State Historic Preservation Officer ("Indiana SHPO"), has defined the Section 2 Project area of potential effects (APE), as defined in 36 C.F.R. 800.16(d), for aboveground resources to be the area extending typically one mile to either side of and in a radius of typically one mile from either terminus of the 2,000-foot wide corridor identified as 3C (see Attachment B); and

WHEREAS FHWA, in consultation with the Indiana SHPO, has defined the Section 2 Project APE for archaeological resources, as the term defined in 36 CFR 800.16(d), to be the area within construction right-of-way for Section 2, Build Alternative A (subsection alternatives: 1-6, 8-9) and Build Alternative B (subsection 7) as depicted in Attachment B; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has found that Patoka Bridges Historic District, Thomas C. Singleton Round Barn, Chapman-Allison Farmstead, and SR 257 Bridge over Veale Creek are within the Project's APE; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. Section 800.4(c), that Thomas C. Singleton Round Barn, Chapman-Allison Farmstead, and SR 257 Bridge over Veale Creek are eligible for inclusion in the National Register of Historic Places; and

WHEREAS the FHWA and the Indiana SHPO both recognize that the Patoka Bridges Historic District is listed in the National Register of Historic Places; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. Section 800.4(c), that two archaeological sites and three areas with alluvial soils along the Patoka River, East Fork White River, and Veale Creek in Gibson and Pike counties are potentially eligible for inclusion in the National Register of Historic Places or the Indiana Register of Historic Sites and Structures; and

WHEREAS FHWA, in consultation with the Indiana SHPO, has determined that the identification and evaluation of archaeological properties within Build Alternative A/B remains to be completed, as required by 36 CFR 800.4; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined pursuant to 36 C.F.R. Section 800.5(a) that the Section 2 Project will have an adverse effect on Patoka Bridges Historic District; and

WHEREAS the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on February 11, 13, 25, and March 4-11, 2009 in the *Washington Times Herald*; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Section 800) to resolve the adverse effect on the Patoka Bridges Historic District; and

WHEREAS the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect and invited ACHP's participation in the project, pursuant to 36 CFR 800.6(a)(1), in a letter dated November 23, 2009, and

WHEREAS the Advisory Council on Historic Preservation declined to participate in consultation by not responding to the invitation within 15 days; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited the Consulting Parties in Attachment C, to participate in the consultation and to concur in this memorandum of agreement; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Part 800) concerning the scope of work as presented in the materials and plans dated, June 3, 2004; June 29, 2004; March 30, 2005; October 18, 2005; October 19, 2005; February 22, 2006; February 9, 2007; March 27, 2007; April, 20, 2007; and agreed to proceed with the project as proposed dated June 18, 2004; May 17, 2005; November 23, 2005; May 11, 2006; November 30, 2006; December 18, 2006; March 2, 2007; April 20, 2007; April 24, 2007; and

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Section 800.11(e) and (f) to the Advisory Council on Historic Preservation ("Council" pursuant to 36 C.F.R. Section 800.6[b][1][iv]) and upon the FHWA's approval of the Section 2 Project FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the Section 2 Project on historic properties.

STIPULATIONS

FHWA will ensure that the following measures are implemented:

I. ABOVEGROUND RESOURCES

- A. INDOT will provide funding for the local match (not to exceed \$100,000.00 per bridge), if Pike County chooses to apply for, and is awarded, federal funding through a grant program to rehabilitate Pike County Bridge No.246 and/or Pike County Bridge No. 81. All rehabilitation efforts will have to be in compliance with the guidelines set forth in FHWA's Historic Bridge Programmatic Agreement.
- B. Construction contract documents will contain language prohibiting I-69 construction traffic from using the Pike County Bridge No. 81 and Pike County Bridge No. 246.
- C. Indiana SHPO and the other consulting parties will be provided construction plans regarding the proposed location and design of the new bridge spanning the Patoka River at an early phase of

design (5 to 10 percent) and again at 25 to 30 percent completion. Indiana SHPO and the other consulting parties will be provided thirty (30) days for written review and comment. If the Indiana SHPO does not respond within thirty (30) days, acceptance will be assumed. If the Indiana SHPO responds with recommendations, a good faith effort to accommodate the recommendations will be made and revised information will be provided to the Indiana SHPO. The Indiana SHPO will have thirty (30) days, after receipt of the revised information, to provide written review and comment. FHWA will inform the Indiana SHPO and the consulting parties of its response to such comments. Substantive design changes should not be made after 30 percent review; however, in the event that it becomes necessary to make design changes during construction, these design changes will be sent to the Indiana SHPO. The Indiana SHPO will have thirty (30) days to review such changes and to comment. If the Indiana SHPO does not respond within thirty (30) days, acceptance will be assumed. If the Indiana SHPO responds with recommendations, a good faith effort to accommodate the recommendations will be made and revised information will be provided to the Indiana SHPO and the consulting parties.

- D. Consultation with the Indiana SHPO and the other consulting parties regarding the planting of trees within the Patoka floodplain to screen the view of the I-69 bridges from the Patoka Bridges Historic District. During final design following final right of way acquisition, the Indiana SHPO and the other consulting parties will be provided thirty (30) days for review and comment on the location and species of trees to be planted within the floodplain. If the Indiana SHPO does not respond within thirty (30) days, acceptance will be assumed. If the Indiana SHPO responds with recommendations, a good faith effort to accommodate the recommendations will be made and revised information will be provided to the Indiana SHPO. The Indiana SHPO will have thirty (30) days, after receipt of the revised information, to review and comment. FHWA will inform the Indiana SHPO and the other consulting parties of its response to such comments.

If vegetative screening plantings are to occur in areas not substantially disturbed by previous construction of a recent and non-historical nature, INDOT shall ensure that they shall be subjected to all necessary archaeological investigations. All archaeological investigations shall be conducted according to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, Indiana Code 14-21-1, 312 IAC 21, 312 IAC 22, and the most current "Indiana Guidebook for Indiana Historic Sites and Structures, Inventory-Archaeological Sites."

- E. Preparation of an audio tour focusing on the cultural and natural environment along the I-69 corridor, with specific references to historic properties within Section 2 of the Tier 2 Study. The tour will include a map of locations discussed in the audio tour. Both the tour and map will be available in an electronic format. This audio tour will be part of a larger mitigation stipulation for the I-69 corridor that was provided for in the I-69 Tier 1 Memorandum of Agreement. The proposed content of the audio tour and illustrated map (text and illustrations) will be provided to the Indiana SHPO and the other consulting parties at fifty (50) percent and ninety-five (95) percent completion for review and comment. If the Indiana SHPO does not respond within thirty (30) days, acceptance will be assumed. If the Indiana SHPO responds with recommendations, a good faith effort to accommodate the recommendations will be made and revised information will be provided to the Indiana SHPO. The Indiana SHPO will have thirty (30) days, after receipt of the revised information, to review and comment.
- F. Preparation of a marketing plan for dissemination of the audio tour (Stipulation I.C.). The proposed marketing plan will be provided to the Indiana SHPO and the other consulting parties at fifty (50) percent and ninety-five (95) percent completion for review and comment. If the Indiana SHPO does not respond within thirty (30) days, acceptance will be assumed. If the Indiana SHPO responds with recommendations, a good faith effort to accommodate the recommendations will be made and revised information will be provided to the Indiana SHPO. The Indiana SHPO will have thirty (30) days, after receipt of the revised information, to review and comment.

II. ARCHAEOLOGICAL RESOURCES

A Phase Ia reconnaissance was conducted during fall 2005, spring/summer 2006, and spring/summer 2007 covering approximately 2,200 acres along the entire APE in Gibson, Pike and Daviess Counties. Three areas with alluvial soils along the Patoka River, East Fork White River, and Veale Creek, and one archaeological site (12Pi103) with the potential to contain buried deposits, were considered potentially NRHP eligible, or having the potential to contain eligible archaeological resources, and recommended for avoidance or, if that is not feasible, additional investigation should the sites be potentially impacted by the Project. The floodplain, alluvial soils area, and archaeological site are either wholly or partially within the right-of-way of Build Alternative A (subsection alternatives: 1-6, 8-9) and Build Alternative B (subsection 7). All necessary Phase Ic investigations in the project area will be completed in accordance with Stipulation II.B. If, following Phase Ic archaeological evaluation studies, archaeological sites within the APE are determined NRHP eligible, an assessment of effects and treatment plans will be prepared in accordance with Stipulations II.D and II.E, respectively.

Late modifications to the U.S. 50 interchange footprint which fall outside of the current APE for archaeological resources will be subject to archaeological identification, evaluation and assessment per Stipulations II.B-II.D. Any changes to the construction right-of-way through final design modifications that lie outside of the current APE will be subject to archaeological identification, evaluation and assessment per Stipulations II.B-II.D.

All archaeological investigations will be conducted according to the Secretary of the Interior's Standards and Guidelines for Archaeology, Indiana Code 14-21-1, 312 IAC 21, 312 IAC 22, and the most current Indiana "Guidebook for Indiana Historic Sites and Structures Inventory—Archaeological Sites".

The following stipulations apply:

A. Implementation Standards

1. In implementing Stipulation II, FHWA may withhold or limit public disclosure of information about historic properties in accordance with Section 304 of the NHPA and 36 CFR 800.6(a)(5) and 36 CFR 800.11(c).
2. To maximize the opportunity to avoid adverse effects, the required archaeological investigations shall be conducted as soon as practicable following gaining the appropriate rights to access the property.
3. In implementing Stipulation II, FHWA may consult with the parties listed in Attachment C and others identified in accordance with 36 CFR 800.2(c)(2)(ii) and 36 CFR 800.2(c)(5).
4. FHWA, in consultation with the Indiana SHPO, and other parties deemed appropriate by FHWA, will take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Indian Tribes, including modification of the Project.

B. Identification

1. Two archaeological sites and an area with alluvial soils along the Patoka River, East Fork White River, and Veale Creek, were considered potentially eligible for inclusion in the NRHP or Indiana Register of Historic Sites and Structures, or to have the potential to contain eligible or potentially eligible archaeological resources; these sites were recommended for avoidance or, if that is not feasible, additional investigation should the sites be potentially impacted by the Project.
2. If avoidance is not possible, upon completion of the additional investigations, FHWA shall complete the identification and evaluation of archaeological resources for

inclusion in the NRHP in accordance with applicable Federal and State standards and guidelines in consultation with the Indiana SHPO and appropriate consulting parties and Indian Tribes.

3. If any human remains are encountered during the project, work shall cease in the immediate area and the human remains left undisturbed. The FHWA will contact the county coroner and law enforcement officials immediately, and the discovery must be reported to the Indiana SHPO and the INDOT Cultural Resources Section within two (2) business days. The discovery must be treated in accordance with IC 14-21-1 and 312 IAC 22.

If the remains are determined to be Native American, the FHWA will notify the appropriate federally recognized Indian Tribes, and the Indiana will provide notice to the Native American Affairs Commission as per IC 14-21-1-25.5.

Work at this site shall not resume until a plan for the treatment of the human remains is developed and approved in consultation with the Indiana SHPO, the INDOT Cultural Resources Section, and any appropriate consulting parties. The plan will comply with IC 14-21-1, 312 IAC 22, the most current *Guidebook for Indiana Historic Sites and Structures Inventory---Archaeological Sites*, and all other appropriate federal and state guidelines, statutes, rules and regulations.

4. In ensuring that any human remains and grave goods identified are treated in a sensitive, respectful and careful manner, FHWA shall be guided by ACHP's Policy Statement *Regarding Treatment of Human Remains and Grave Goods* (February 23, 2007), the Native American Graves Protections and Repatriation Act (NAGPRA) regulations set forth in 43 CFR 10, and other guidelines as appropriate.
5. FHWA shall prepare and distribute final Identification and Evaluation reports in accordance with Stipulation II.D.

C. Evaluation

1. The studies completed pursuant to Stipulation II.B. shall demonstrate a level of effort consistent with 36 CFR 800.4(b)(1) and provide FHWA with the information to determine, in consultation with the Indiana SHPO, which archaeological resources are eligible for inclusion in the NRHP in accordance with 36 CFR 800.4(c). FHWA shall acknowledge and seek the special expertise of any Indian Tribes who have previously entered into consultation in assessing the eligibility of historic properties that may possess religious and cultural significance to them.
2. If FHWA and the Indiana SHPO do not agree on NRHP eligibility, FHWA will follow the procedures identified in accordance with Stipulation III.
3. Upon completion of the evaluation, FHWA will follow the procedures set forth in 36 CFR 800.4(d) which will include, if it is determined that no historic properties will be affected, updated documentation described in 36 CFR 800.11(d).
4. If FHWA and the Indiana SHPO agree that any archaeological resources identified are not NRHP eligible, then no further action is necessary under the terms of this MOA and FHWA's responsibilities under Section 106 are fulfilled.
5. If FHWA determines any of the NRHP criteria are met and the Indiana SHPO agrees, the archaeological resource shall be considered eligible for the NRHP and consultation shall continue in accordance with Stipulations II.D and II.E.

D. Assessment of Effects

1. In consultation with the Indiana SHPO, Indian Tribes when appropriate, and other parties whom FHWA deems appropriate, FHWA shall determine if the Project will

adversely affect archeological resources determined eligible for inclusion in the NRHP pursuant to 36 CFR §800.5.

2. If, in consultation with the Indiana SHPO, Indian Tribes when appropriate, and other parties whom FHWA deems appropriate, FHWA determines the Project may adversely affect eligible archeological resources; then FHWA shall make reasonable efforts to avoid or minimize the adverse effect. If, in consultation with the Indiana SHPO, Indian Tribes when appropriate, and other parties whom FHWA deems appropriate, FHWA determines it is not possible to avoid disturbance, then FHWA shall treat the archaeological resource in accordance with Stipulation II.E.
3. Any dispute regarding the determination of effects on eligible archaeological resources shall be resolved in accordance with Stipulation III of the MOA.

E. Treatment

If FHWA, in consultation with the Indiana SHPO, Indian Tribes when appropriate, and other parties whom FHWA deems appropriate, determines that the adverse effect cannot be avoided or minimized, then FHWA shall develop and implement a Treatment Plan(s), as part of the above consultation, to mitigate the adverse effects to an archeological resource on a site-by-site basis. The implementation of the Treatment Plan(s) must be completed for each site prior to the initiation of any Project construction activities within a segment that could affect that site.

F. Qualifications and Reporting

1. FHWA shall ensure the results of all archaeological studies performed under the terms of this MOA are presented in professionally written reports meeting the standards for fieldwork, laboratory work, analysis, and report preparation that have been established by the Indiana SHPO.
2. FHWA, INDOT, and the Indiana SHPO, contractors, consultants, and Indian Tribes shall ensure that sensitive information regarding the nature and location of human remains and grave goods, and the location, character, and ownership of archaeological sites is kept confidential from the public, in accordance with Section 304 of the NHPA and 36 CFR 800.11(c).
3. Any dispute regarding the report(s) shall be resolved in accordance with Stipulation III.

III. OBJECTION RESOLUTION PROVISION

Disagreement and misunderstanding about how this memorandum of agreement is or is not being implemented shall be resolved in the following manner:

- a. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the FHWA regarding any action carried out or proposed with respect to the undertaking or implementation of this memorandum of agreement, then the FHWA shall consult with the objecting party to resolve this objection. If after such consultation the FHWA determines that the objection cannot be resolved through consultation, then the FHWA shall forward all documentation relevant to the objection to the Council, including the FHWA's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:
 1. Provide the FHWA with a staff-level recommendation, which the FHWA shall take into account in reaching a final decision regarding its response to the objection;
or

2. Notify the FHWA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. The FHWA shall take into account the Council's comments in reaching a final decision regarding its response to the objection.
- b. If comments or recommendations from the Council are provided in accordance with this stipulation, then the FHWA shall take into account any Council comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. The FHWA's responsibility to carry out all actions under the memorandum of agreement that are not the subjects of the objection shall remain unchanged.

IV. POST REVIEW DISCOVERY

In the event that one or more historic properties--other than the Patoka Bridges Historic District, Thomas C. Singleton Round Barn, Chapman-Allison Farmstead, SR 257 Bridge over Veale Creek, Site 12Pi103 and 12Da1462 -- are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as and IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Section of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1 and 312 IAC 21, and the most current *Guidebook for Indiana Historic Sites and Structures Inventory - Archaeological Sites*.

V. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. 800.6(c)(7) shall govern the execution of any such amendment.

VI. TERMINATION

- A. If the terms of this memorandum of agreement have not been implemented by January 1, 2029 then this memorandum of agreement shall be considered null and void. In such an event, the FHWA shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the Section 2 Project; then it shall reinstitute review of the Section 2 Project in accordance with 36 CFR Sections 800.3 through 800.7.
- B. Any signatory to the memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 CFR Sections 800.3 through 800.7 with regard to the review of the Section 2 Project
- C. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 CFR Sections 800.3 through 800.7 with regard to the review of the Section 2 Project.

The execution of this memorandum of agreement by the FWHA, INDOT, and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 CFR Section 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the Section 2 Project and its effect on historic properties and that the FHWA has taken into account the effects of the Section 2 Project on historic properties.

SIGNATORIES:

FEDERAL HIGHWAY ADMINISTRATION

INDIANA STATE HISTORIC PRESERVATION OFFICER

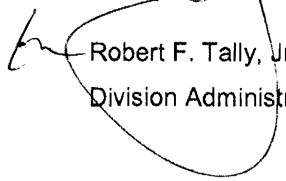
INVITED SIGNATORY:

INDIANA DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

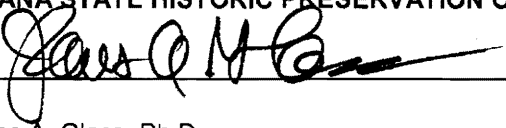
By: 

Date: 1/11/10

 Robert F. Tally, Jr., P.E.

Division Administrator, FHWA-Indiana Office

INDIANA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 1/7/2010

James A. Glass, Ph.D.

Deputy State Historic Preservation Officer

Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology

INVITED SIGNATORY:

INDIANA DEPARTMENT OF TRANSPORTATION

By: James M. Potvin Date: 1/1/10

for Michael W. Reed, Commissioner
Indiana Department of Transportation

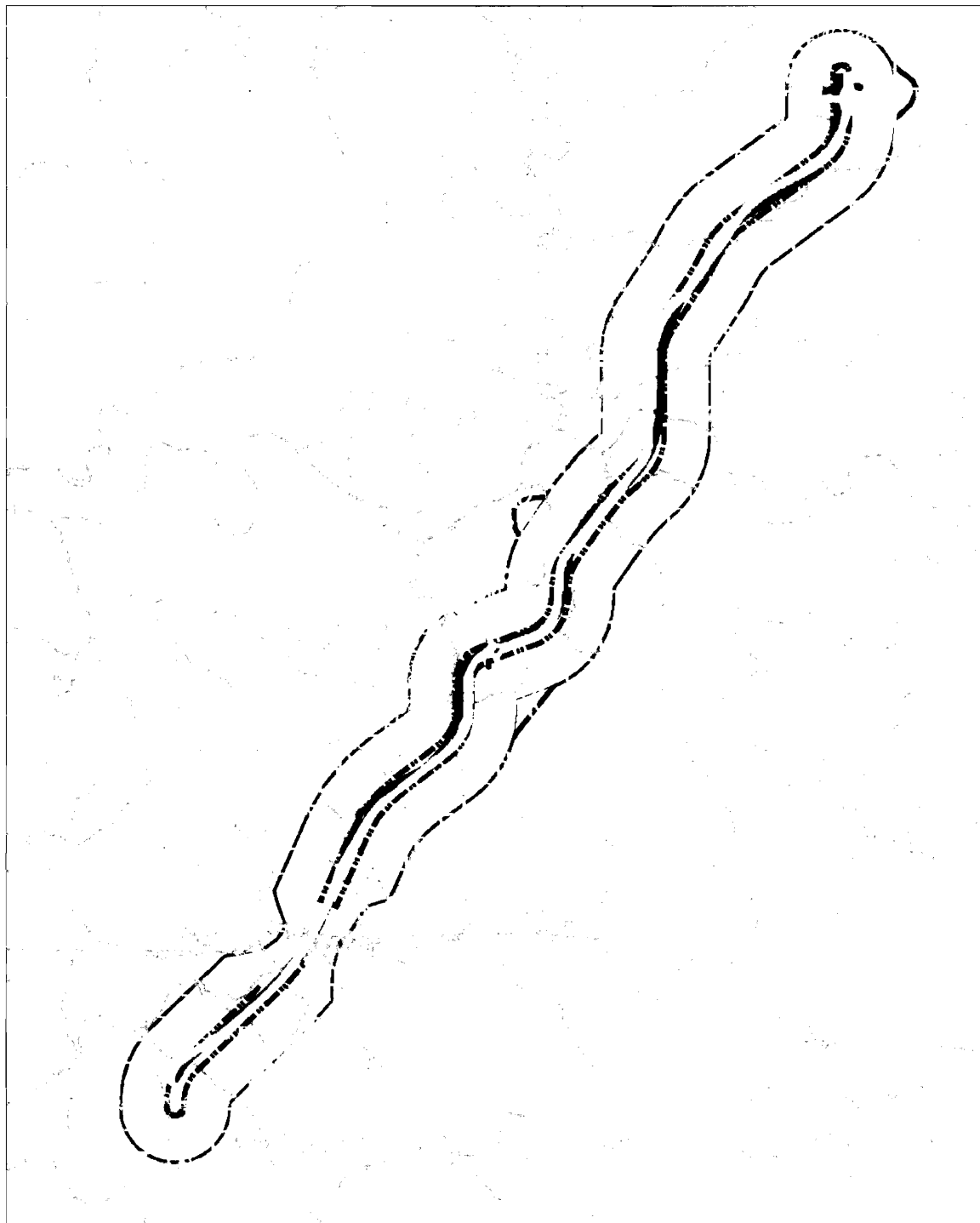
ATTACHMENT A
PROJECT DESCRIPTION

Section 2 of the Alternative 3C for I-69 runs from SR64 to US 50 in Gibson, Pike and Daviess Counties, Indiana.

The Preferred Build Alternative—Build Alternative A (subsection alternatives: 1-6, 8-9) and Build Alternative B (subsection 7) —involves construction of a four-lane, new alignment, interstate highway with a minimum right-of-way width of 330 feet.

ATTACHMENT B
AREA OF POTENTIAL EFFECTS (APE)

Map 1: I-69 Evansville to Indianapolis Study Section 2: Gibson, Pike, and Daviess Counties

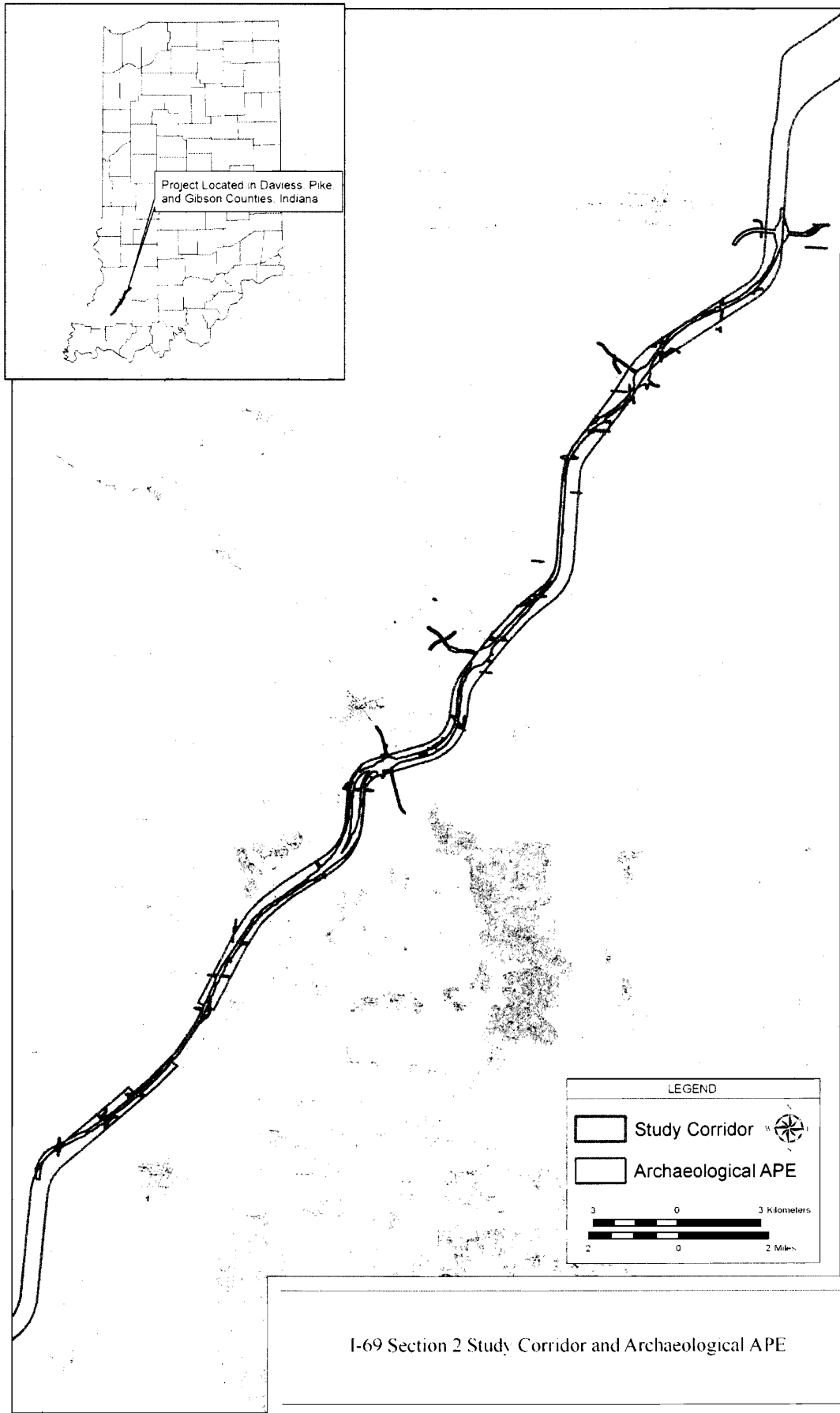


0 1 2 3 4 5 Miles



Note: GIS data used to create this map are from the best known sources existing at this time. However, experience shows that many national datasets such as corridors, churches, airports, schools, etc. are not all inclusive. Some national datasets are created on a much smaller scale than that mapped here and as a result have positional inaccuracies. Use of this map should be limited to planning, but should not replace field review or background checks with other sources.

	Original Area of Potential Effects
	Expanded Area of Potential Effects
	2000-ft Corridor
	Alternative A
	Alternative B
	County Roads
	Major Streets
	Rivers and Streams



ATTACHMENT C

LIST OF CONSULTING PARTIES

The following responded affirmatively to FHWA's invitation to join in consultation or requested consulting party status:

Mayor – City of Washington
Mr. Harold Allison
Dale and Christine Allison
Tamara Francis – Delaware Tribe
Chief John Froman – Peoria Tribe
Marsh Davis - Historic Landmarks Foundation of Indiana
Tommy Kleckner – Historic Landmarks Foundation Regional Office
Sandy McBeth – Pike County Historical Society
Historic Spans Group – Historic Landmarks Foundation
Tim Maloney – Hoosier Environmental Council
Julie Olds – Miami Tribe
Chairman Zachariah Pahmahmie – Prairie Band Potawatomi Nation
Joanne Stuttgen – Traditional Arts Indiana
Edith Sarra – CARR/Owen County Preservation
Stewart Sebree – Historic Landmarks Foundation
Mr. Robert Schmidt – Canal Society of Indiana
Mr. Joe Tamalavic
Pauline Spiegel
Ron Sparkman – Shawnee Tribe
Sandra Tokarski – CARR
Ms. Patricia Warner – Pike County Historical Society
Pike County Highway Department
John Carr – INDR-DHPA
Indiana Department of Transportation



U.S. Department
of Transportation
**Federal Highway
Administration**

Indiana Division

575 North Pennsylvania Street, Room 25
Indianapolis, Indiana 46204

January 12, 2010

HDA-IN

Ms. Carol Legard, FHWA Liaison
Office of Planning and Review
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW
Suite 809
Washington, DC 20004

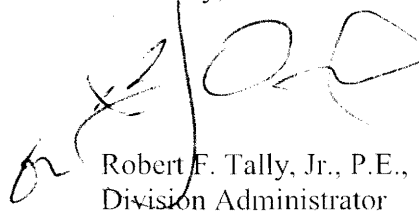
Dear Ms. Legard:

Pursuant to 36 CFR §800.6(b)(1)(iv), enclosed is the Memorandum of Agreement (MOA), for I-69 Evansville to Indianapolis Tier 2 study: Section 2, SR 64 near Oakland City to US 50 east of Washington, in Gibson, Pike and, Daviess County in Indiana. This MOA was developed in consultation with the Indiana State Historic Preservation Office (SHPO) and other consulting parties. The related documentation was sent to the Advisory Council on Historic Preservation (ACHP) on November 23, 2009 and the ACHP did not respond.

The filing of this MOA and supporting documentation with the ACHP completes the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions or require our further assistance, please contact Janice Osadczuk of this office at (317) 226-7486 or via e-mail at janice.osadczuk@dot.gov.

Sincerely,



Robert F. Tally, Jr., P.E.,
Division Administrator

Enclosure

cc:

EF: \\Fhinwfp05\efile\Projects\EISs\69-Tier 2\Section 2

**MOVING THE
AMERICAN
ECONOMY**

