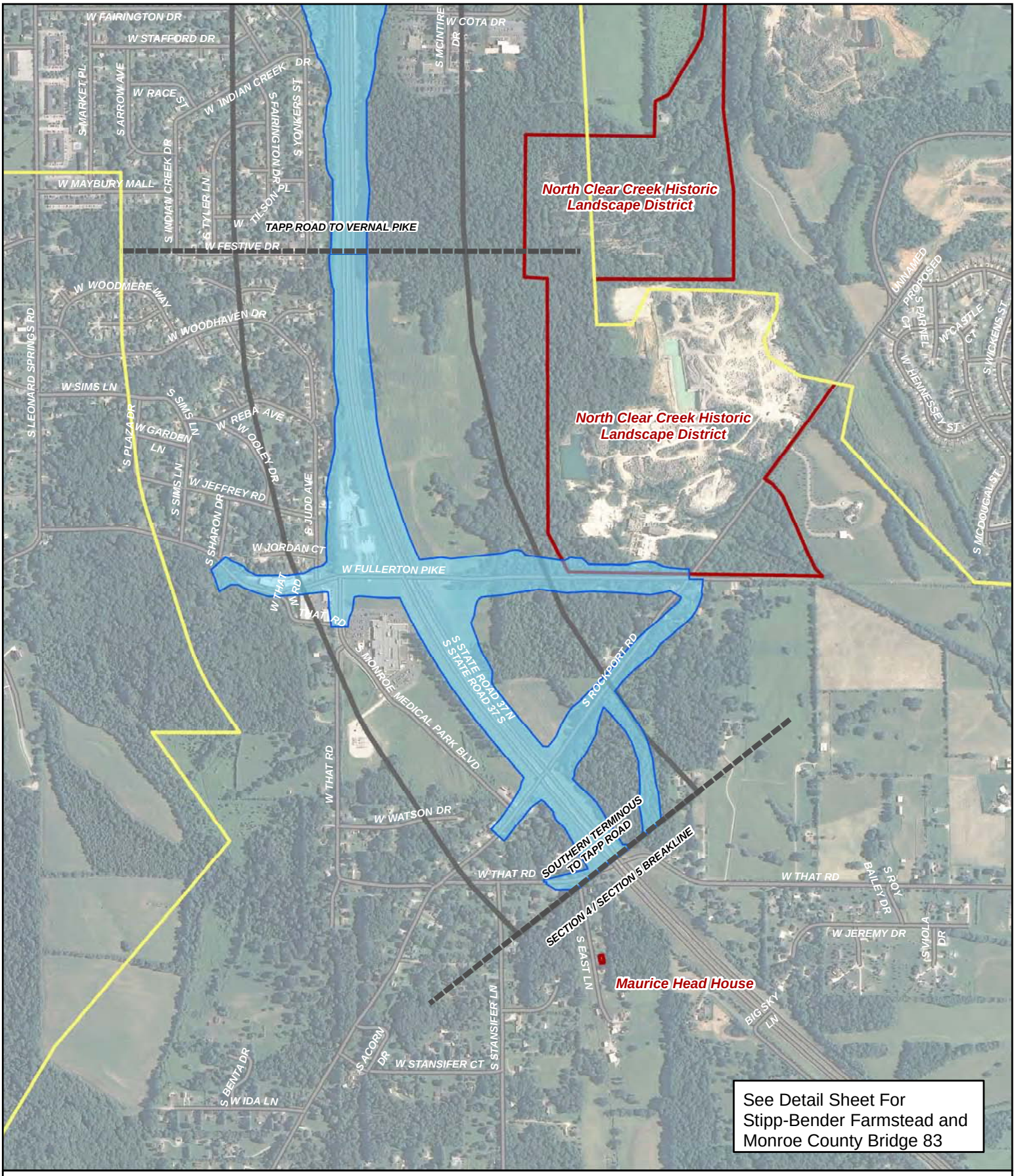
APPENDIX N
SECTION 106 DOCUMENTATION
File 9: Appendix H (Project Mapping)

TECHNICAL REPORT APPENDICES

File 2	APPENDIX A	Area of Potential Effects
File 2	APPENDIX B	FHWA's Findings and Determinations
Files 2-5	APPENDIX C	Reports
File 6	APPENDIX D	Agency Coordination
File 6	APPENDIX E	Consulting Party Coordination *(Invitations, Meeting Materials, Minutes, and Letters Regarding Consulting Party Status)*
File 7	APPENDIX F	Correspondence/ Comments Received *(see Appendix D for SHPO Correspondence)*
File 8	APPENDIX G	Hardship Acquisitions
File 9	**APPENDIX H**	**Project Mapping – Preferred Alternative 8**
File 9	APPENDIX I	Correspondence/Comments Received/Transmitted Following Section 106 Review Period *(OCTOBER 2012 TO MAY 2013)*
File 9	APPENDIX J	Memorandum Of Agreement
File 9	APPENDIX K	Consultation with the ACHP



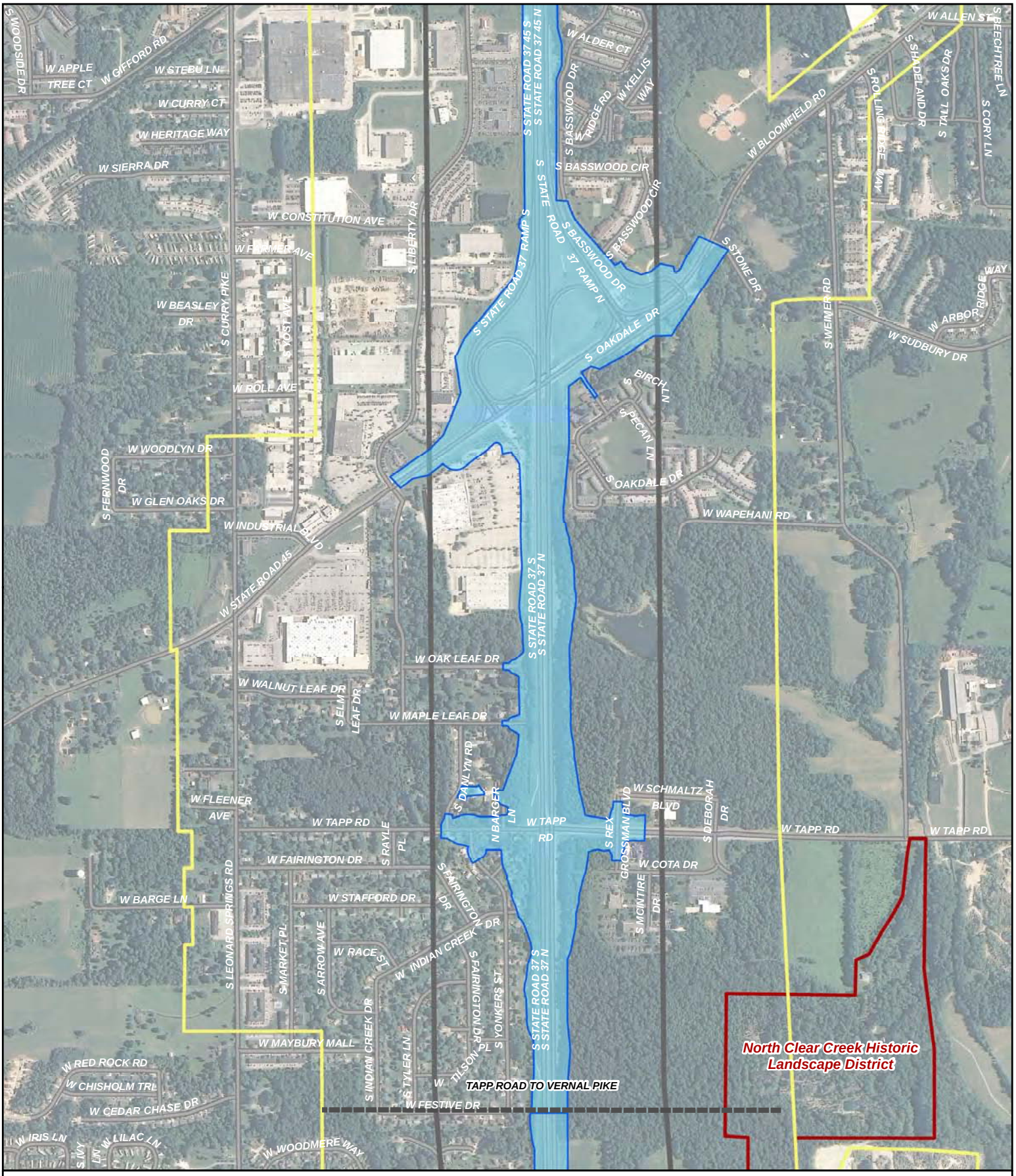
Legend

- Refined Preferred Alternative 8
- Section 5 Corridor
- Area of Potential Effect
- National Register Historic Property/District Listed or Eligible

0 0.25 mi

Section 5 - Historic Resources

Revised April 24, 2013



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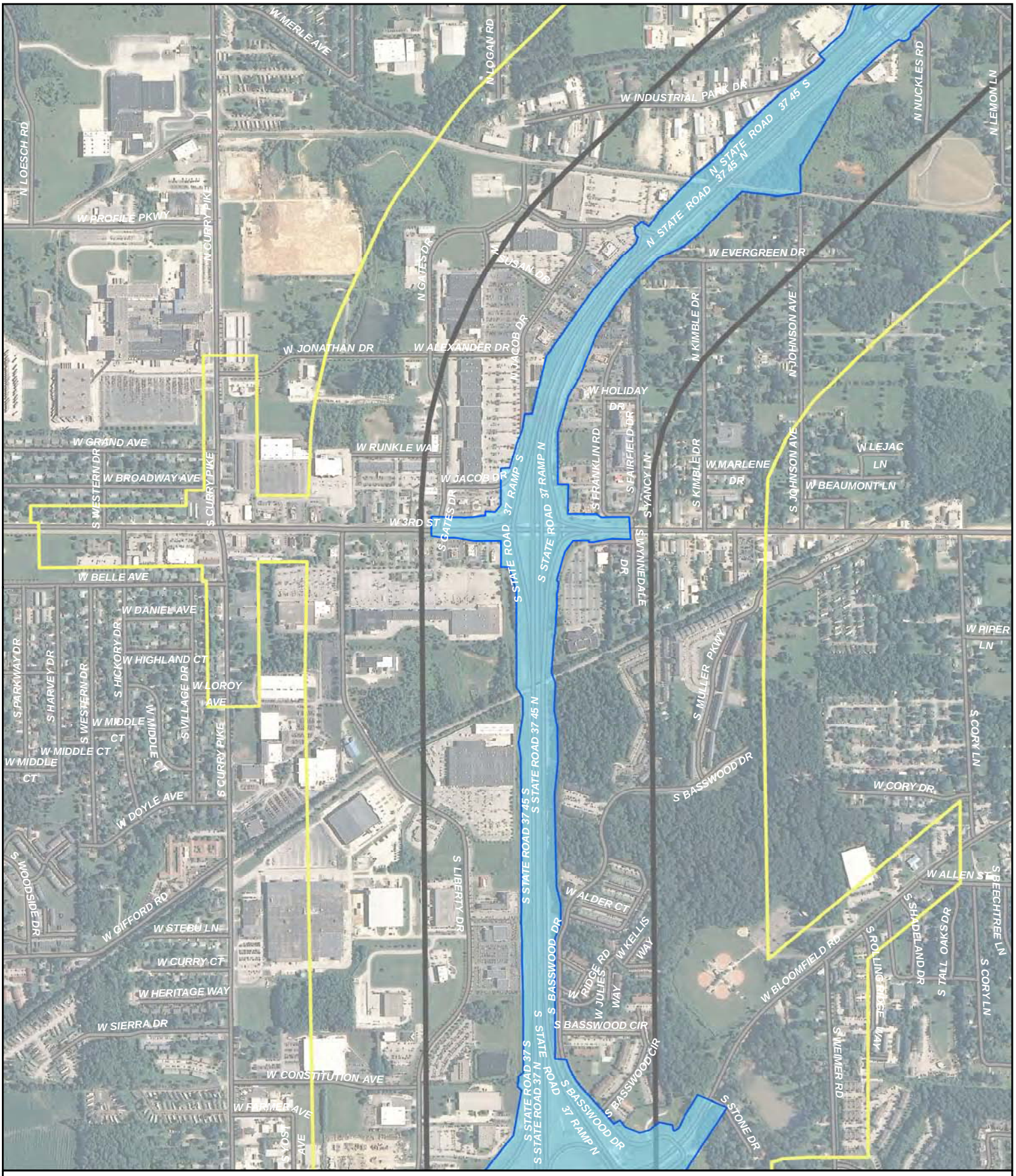
Section 5 - Historic Resources

Revised April 24, 2013



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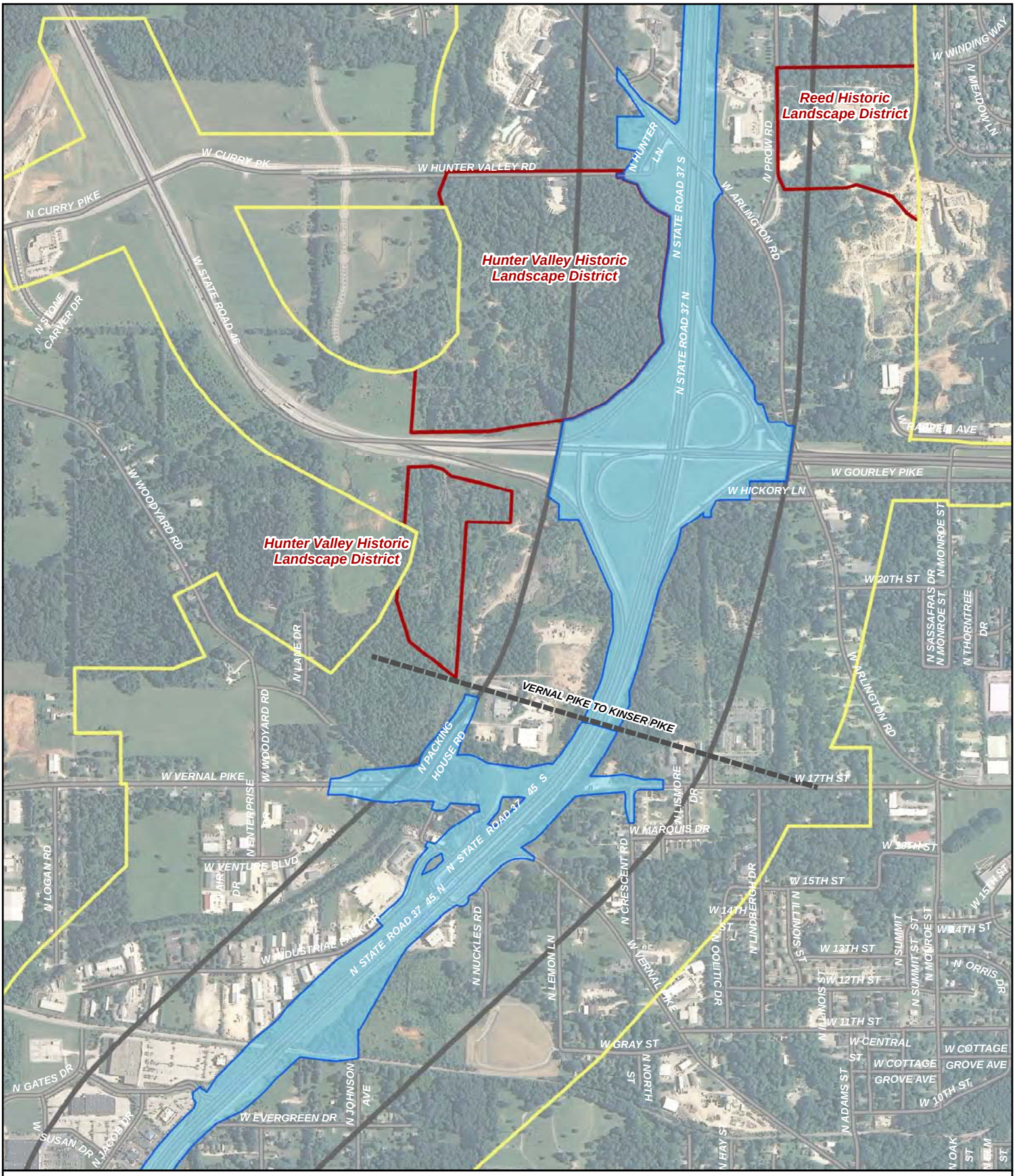
0 0.25 mi

Section 5 - Historic Resources

Revised April 24, 2013



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0 0.25 mi

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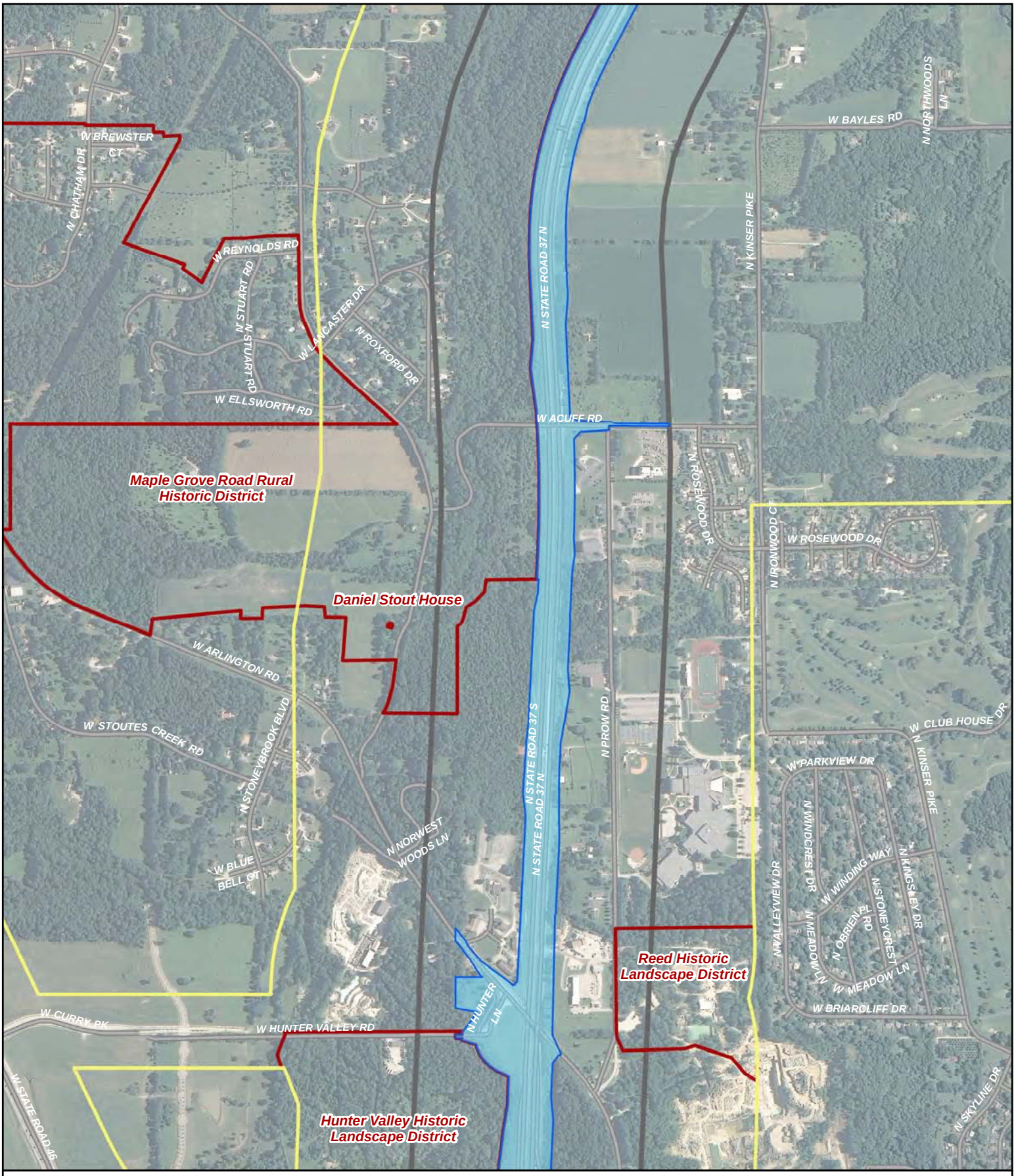

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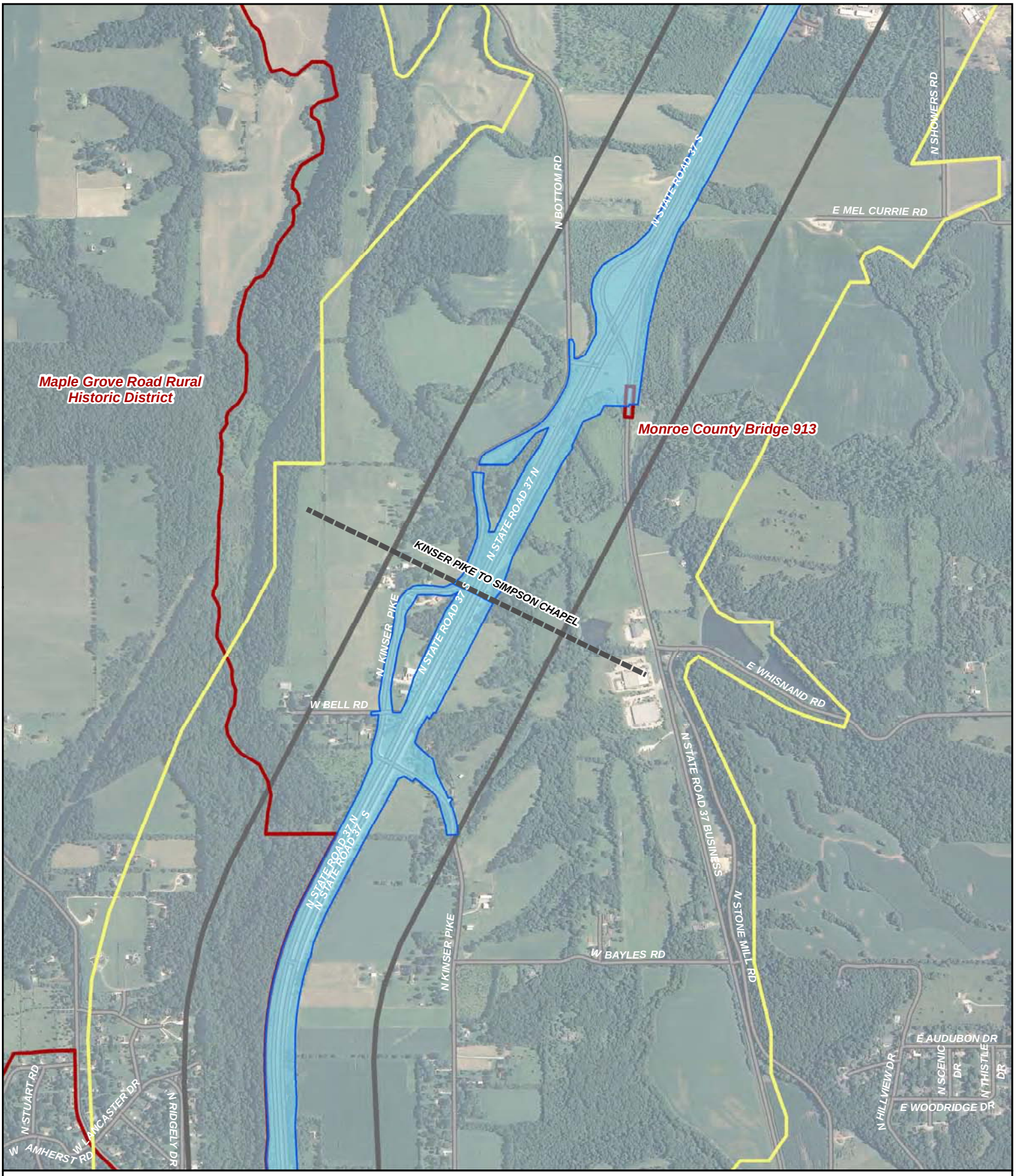
Revised April 24, 2013



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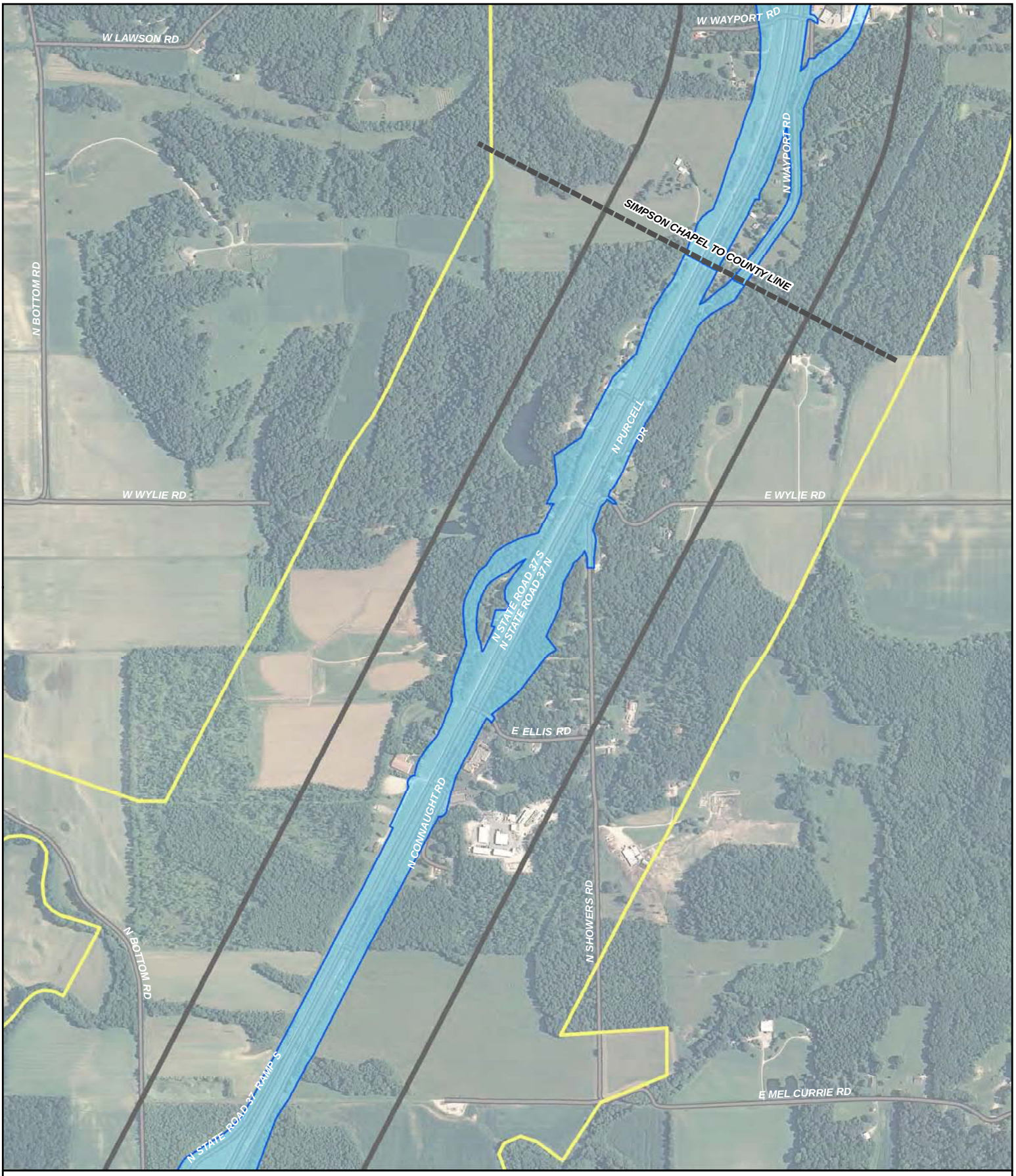

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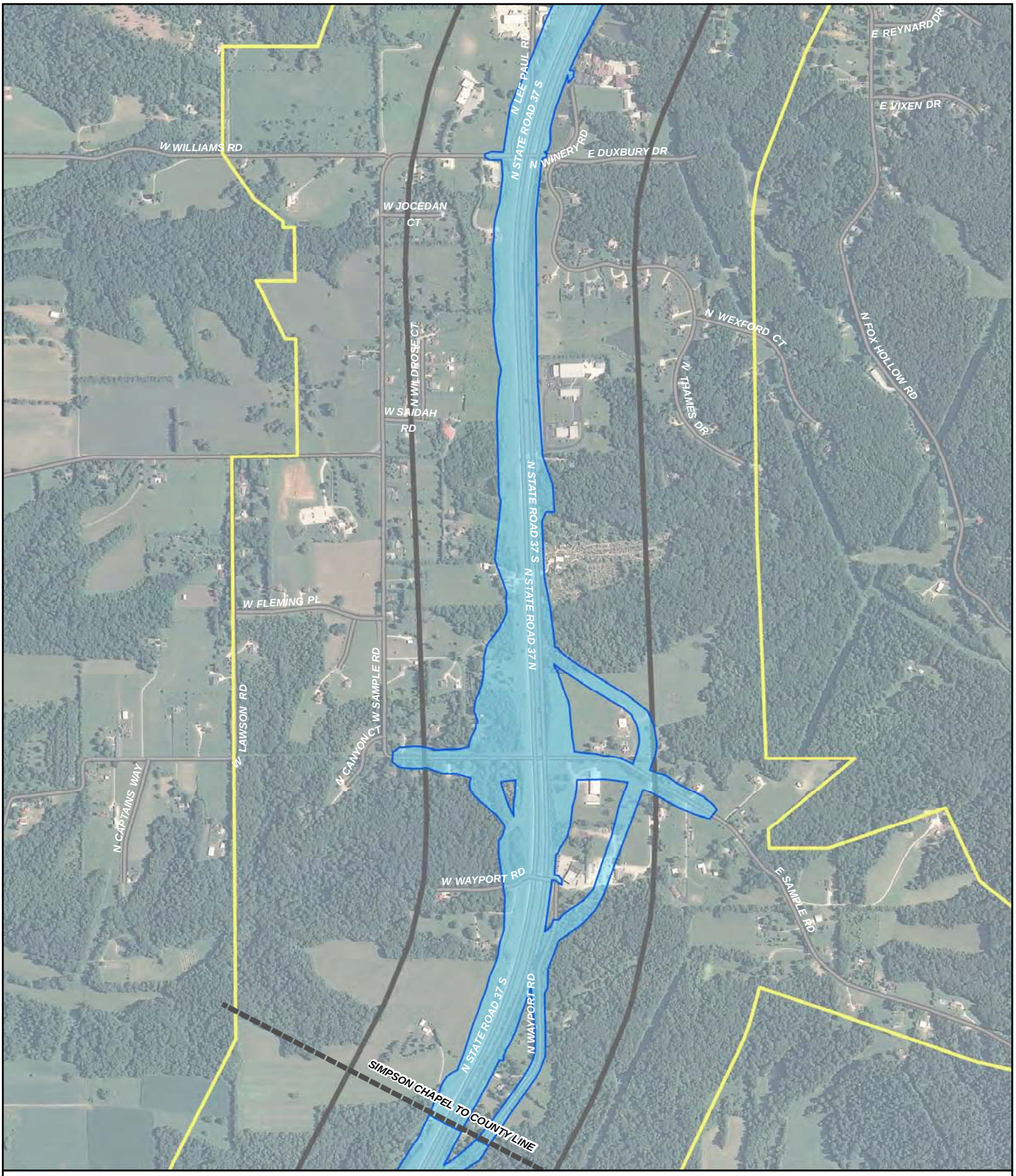

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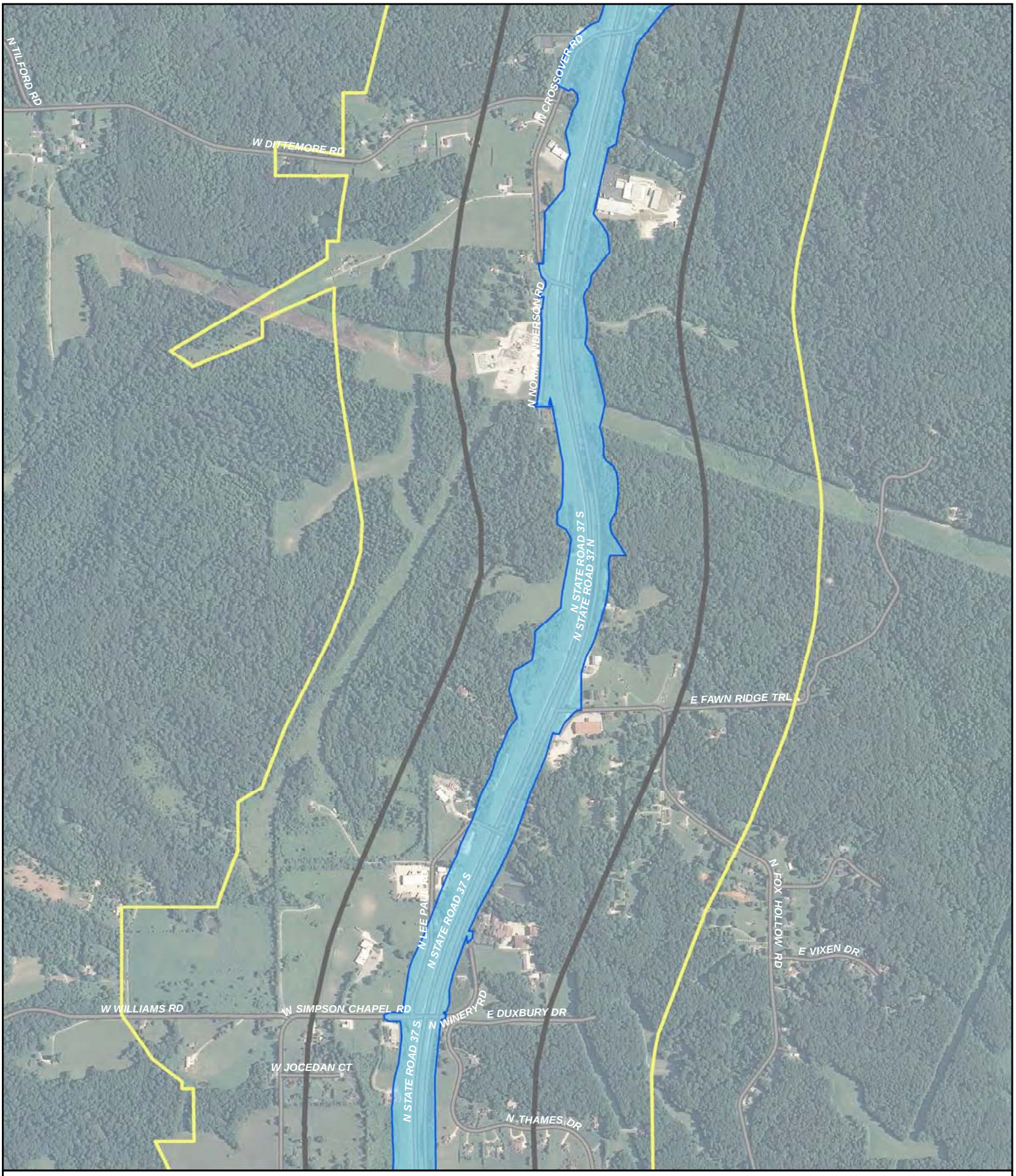

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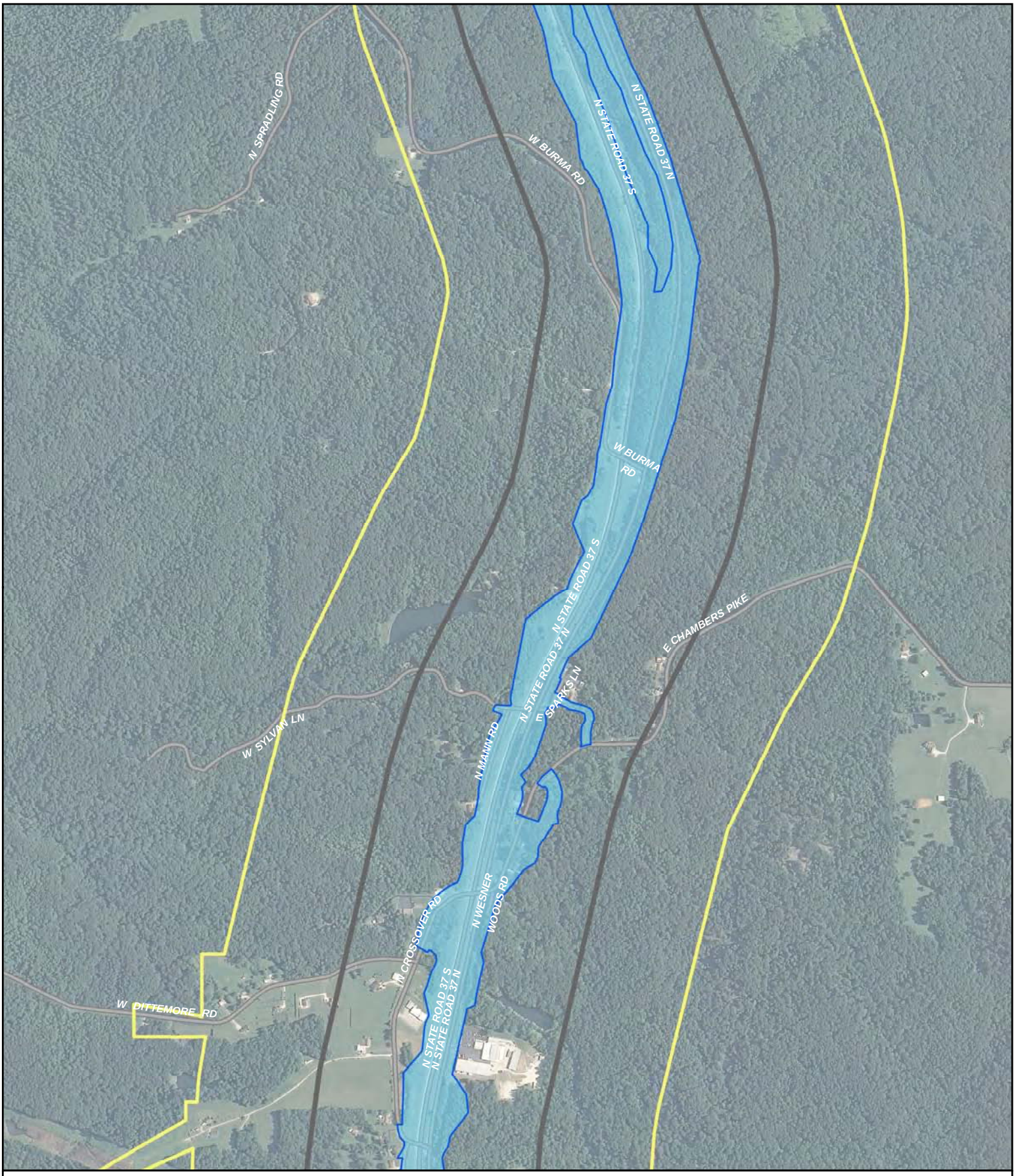
0 0.25 mi

Section 5 - Historic Resources

Revised April 24, 2013



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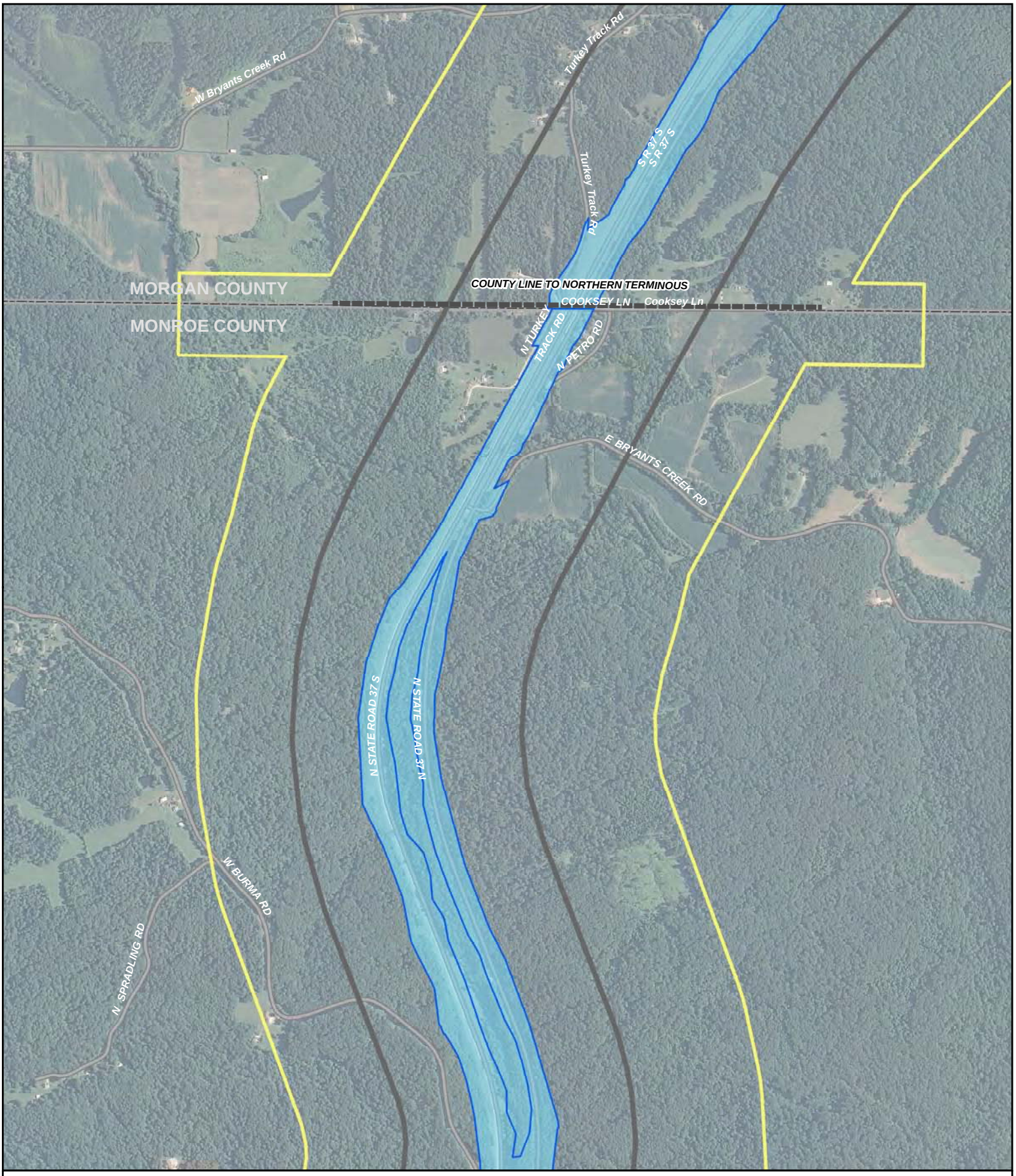

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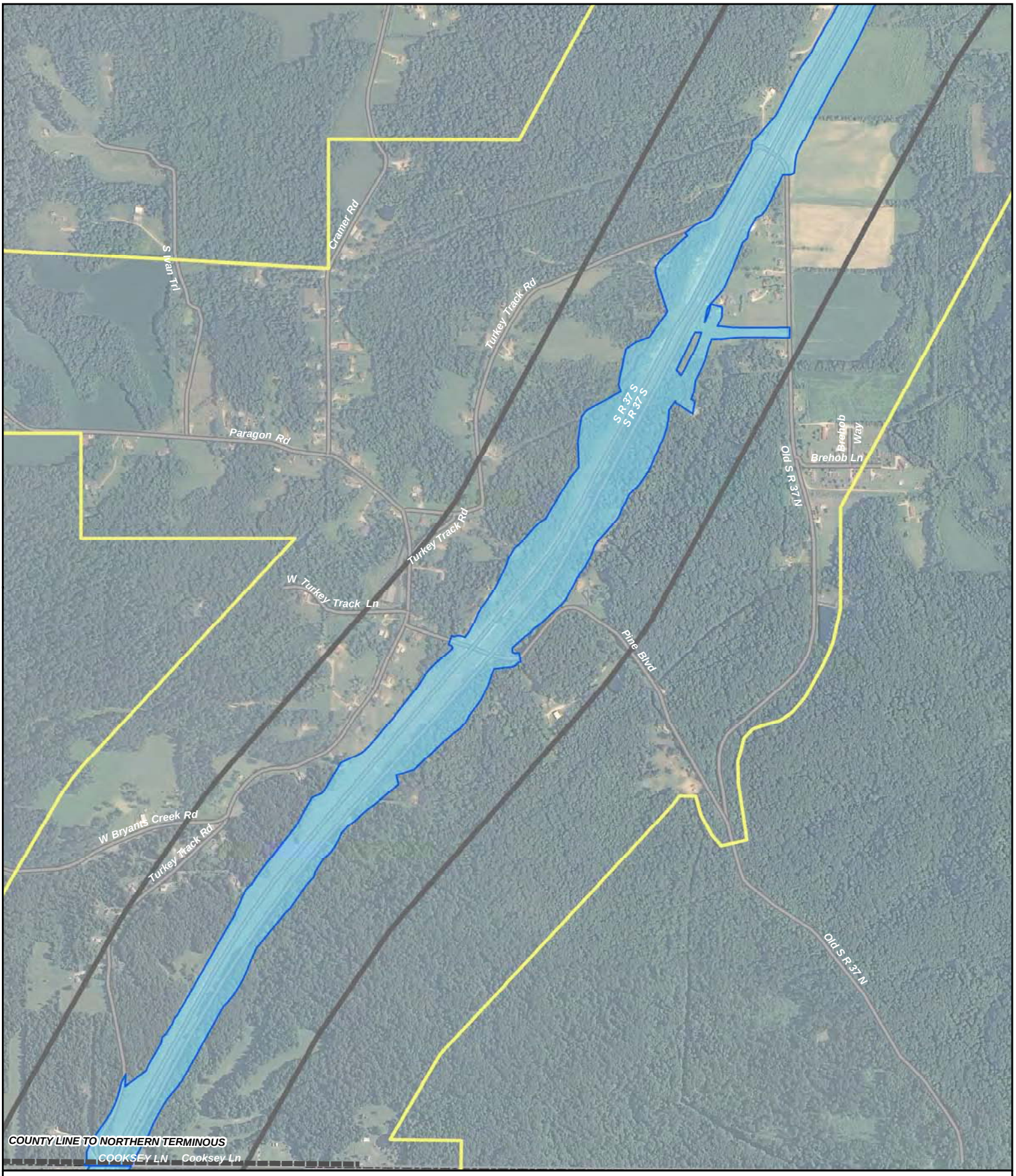

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0 0.25 mi

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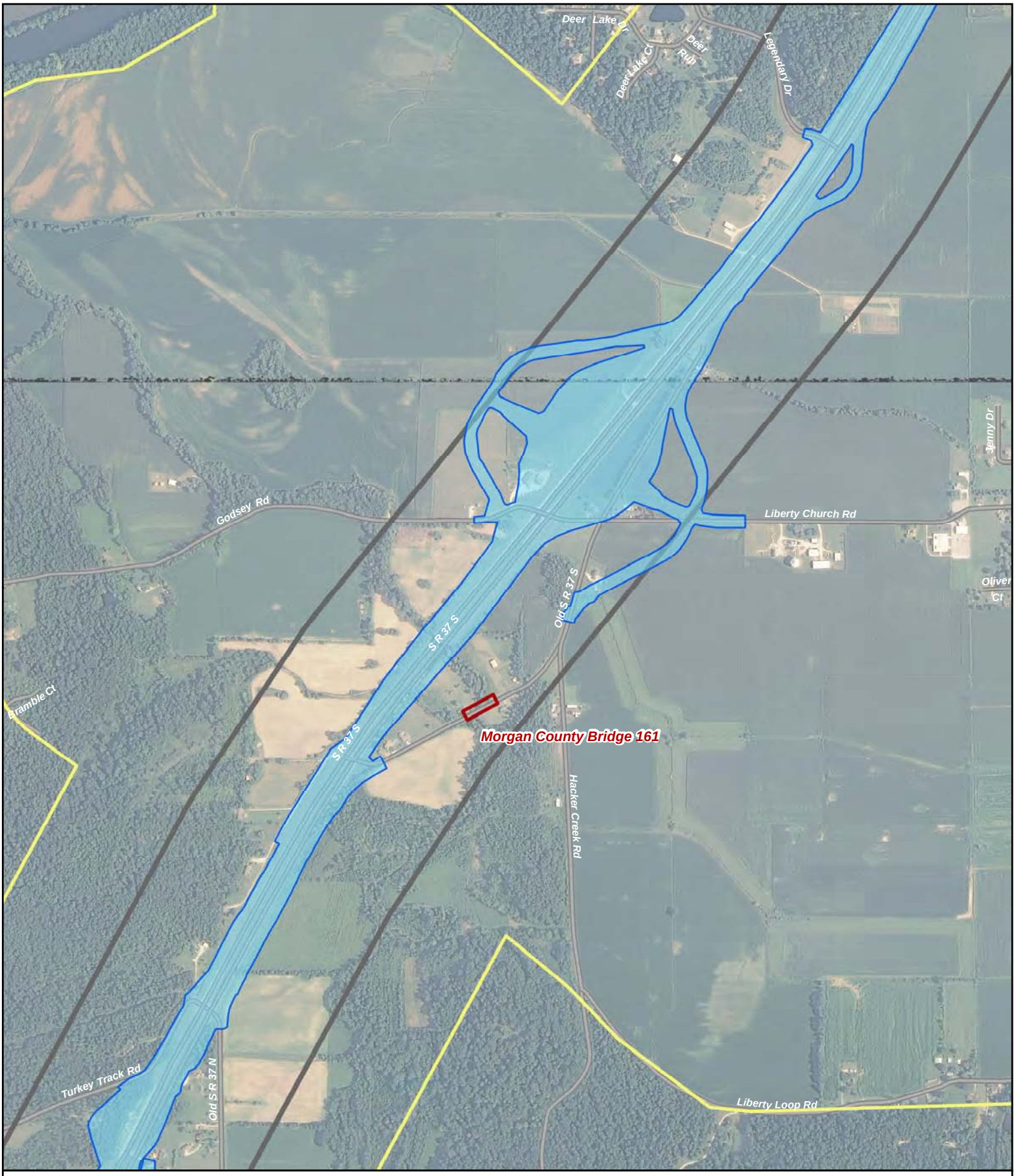

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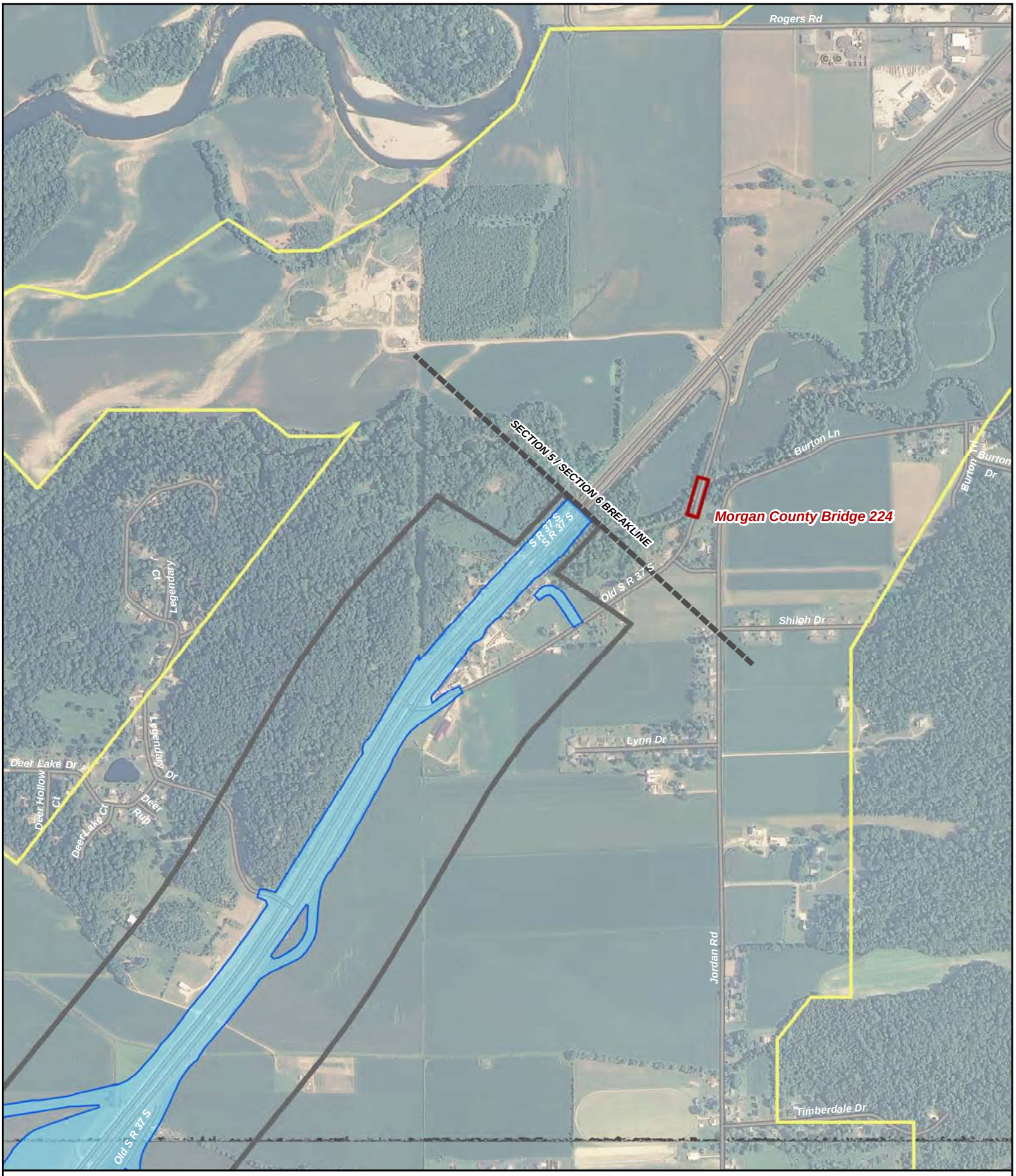

Legend

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0 0.25 mi

Section 5 - Historic Resources

Revised April 24, 2013

Legend

- Refined Preferred Alternative 8
- Section 5 Corridor
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0 100 200 400 Feet

N

Section 5 - Historic Resources

Revised April 24, 2013

Legend

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0 100 200 400 Feet

Section 5 - Historic Resources

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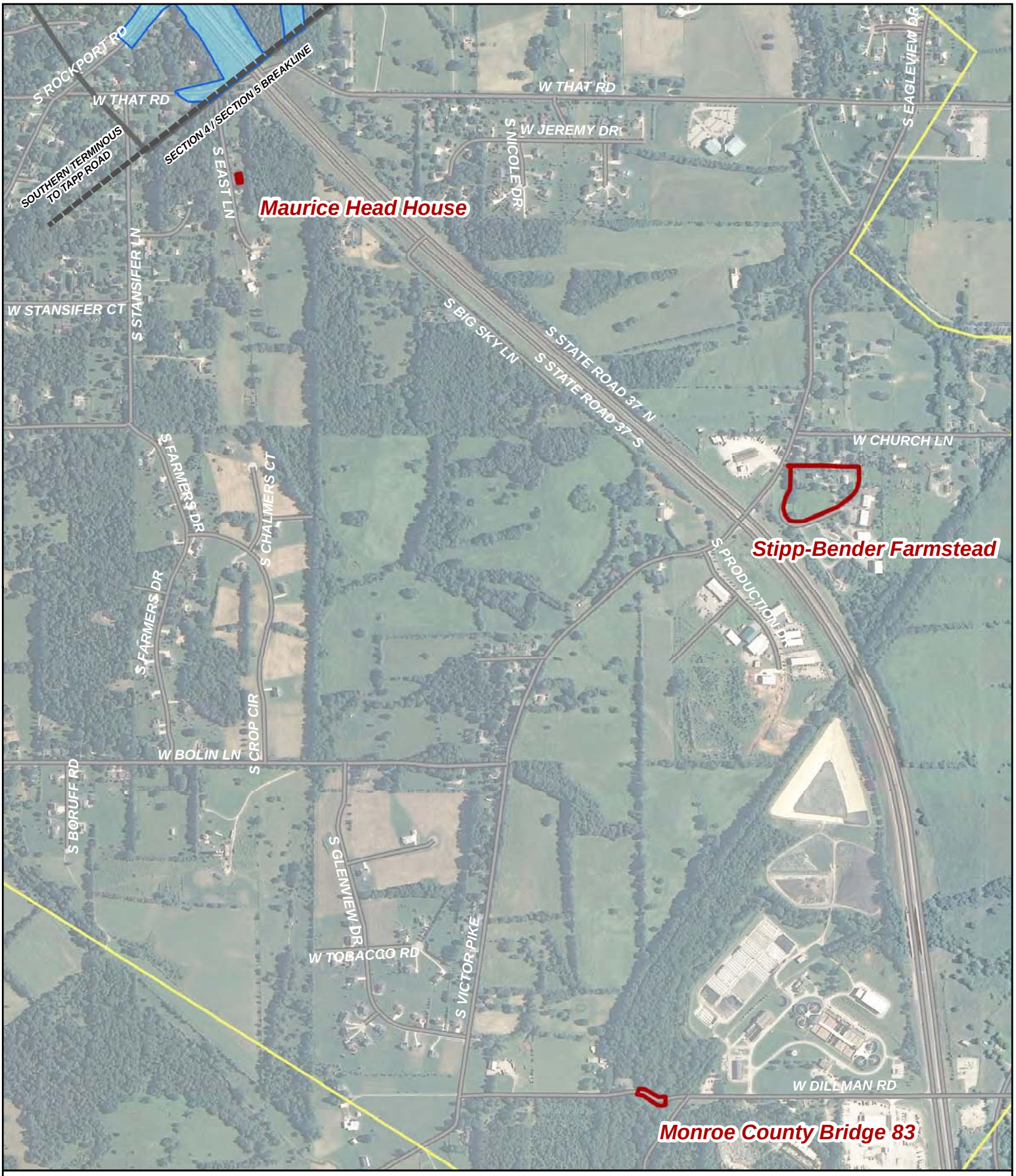

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0 400 800 1,600 Feet

Section 5 - Historic Resources

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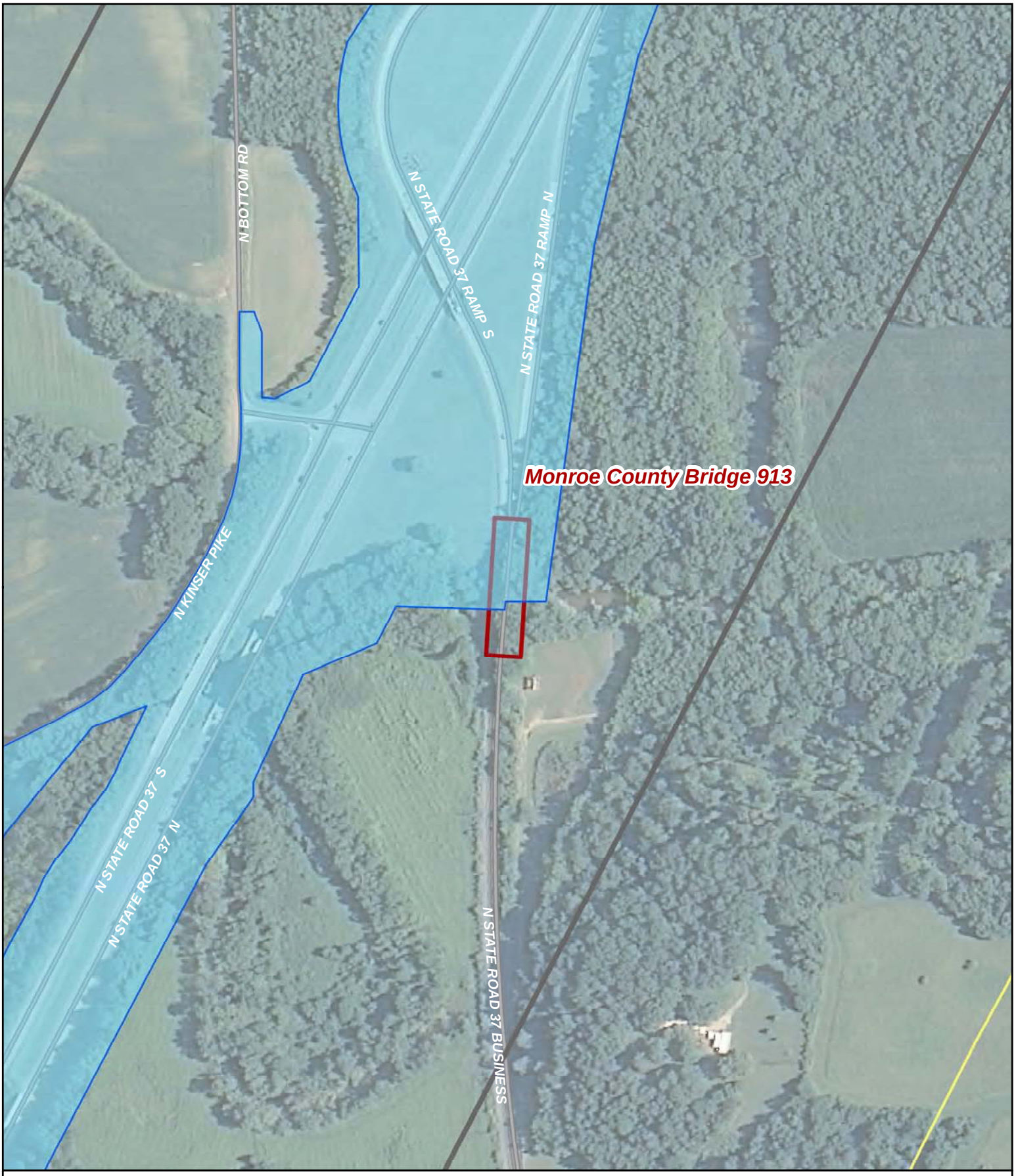

Legend

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0 100 200 400 Feet

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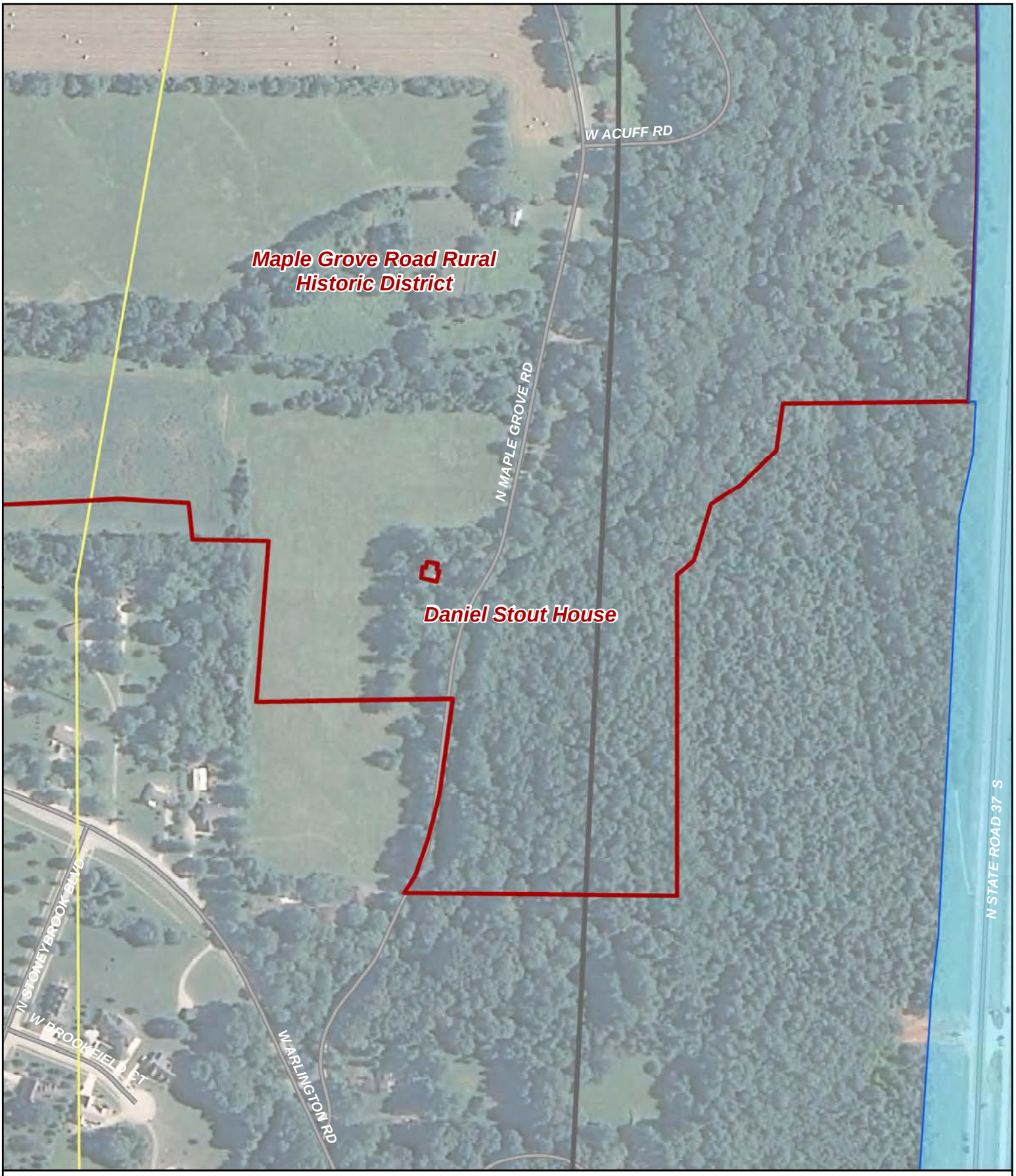

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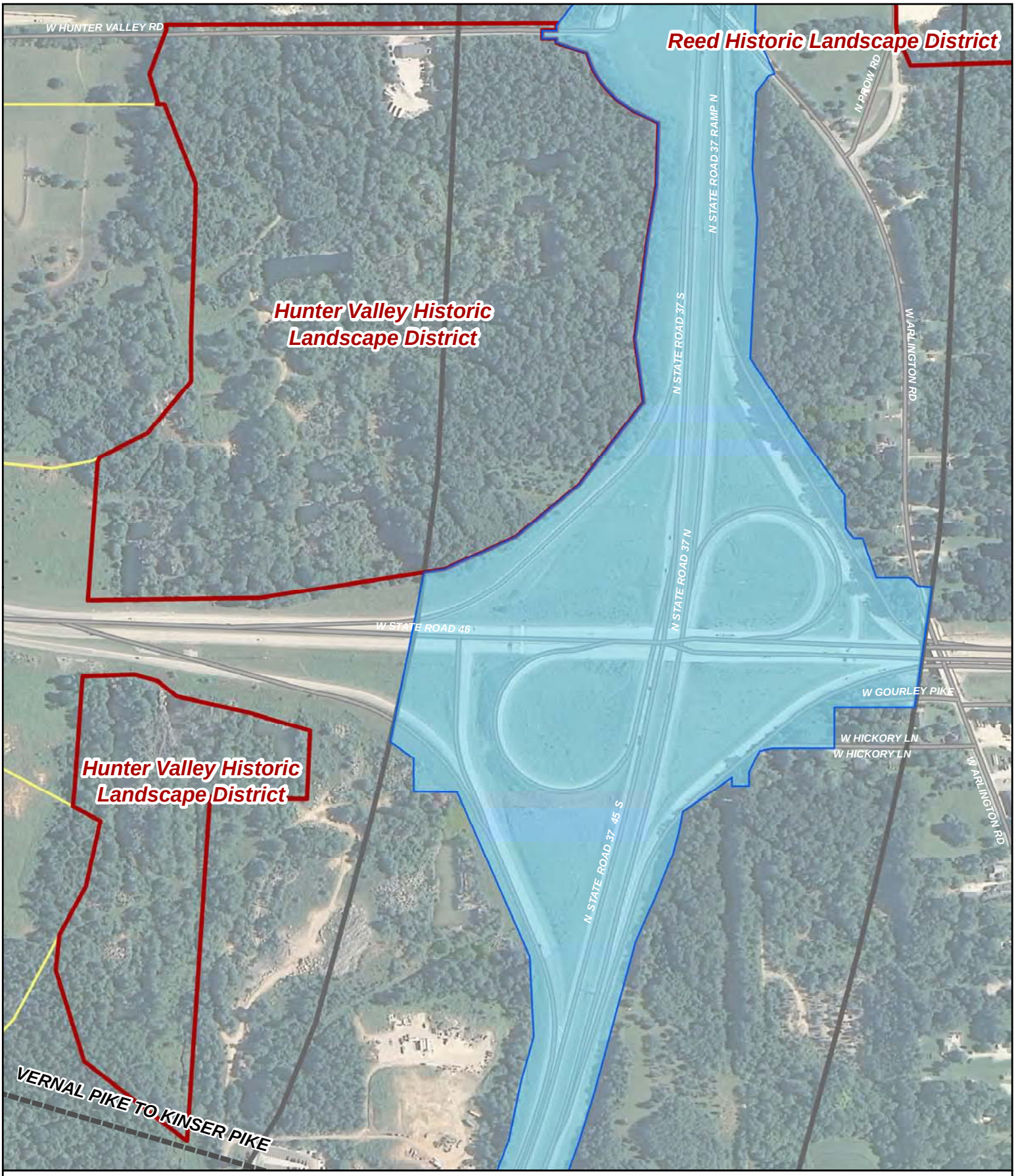
0 100 200 400 Feet

Section 5 - Historic Resources

Revised April 24, 2013

N



Legend

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0 250 500 1,000 Feet

N

Section 5 - Historic Resources

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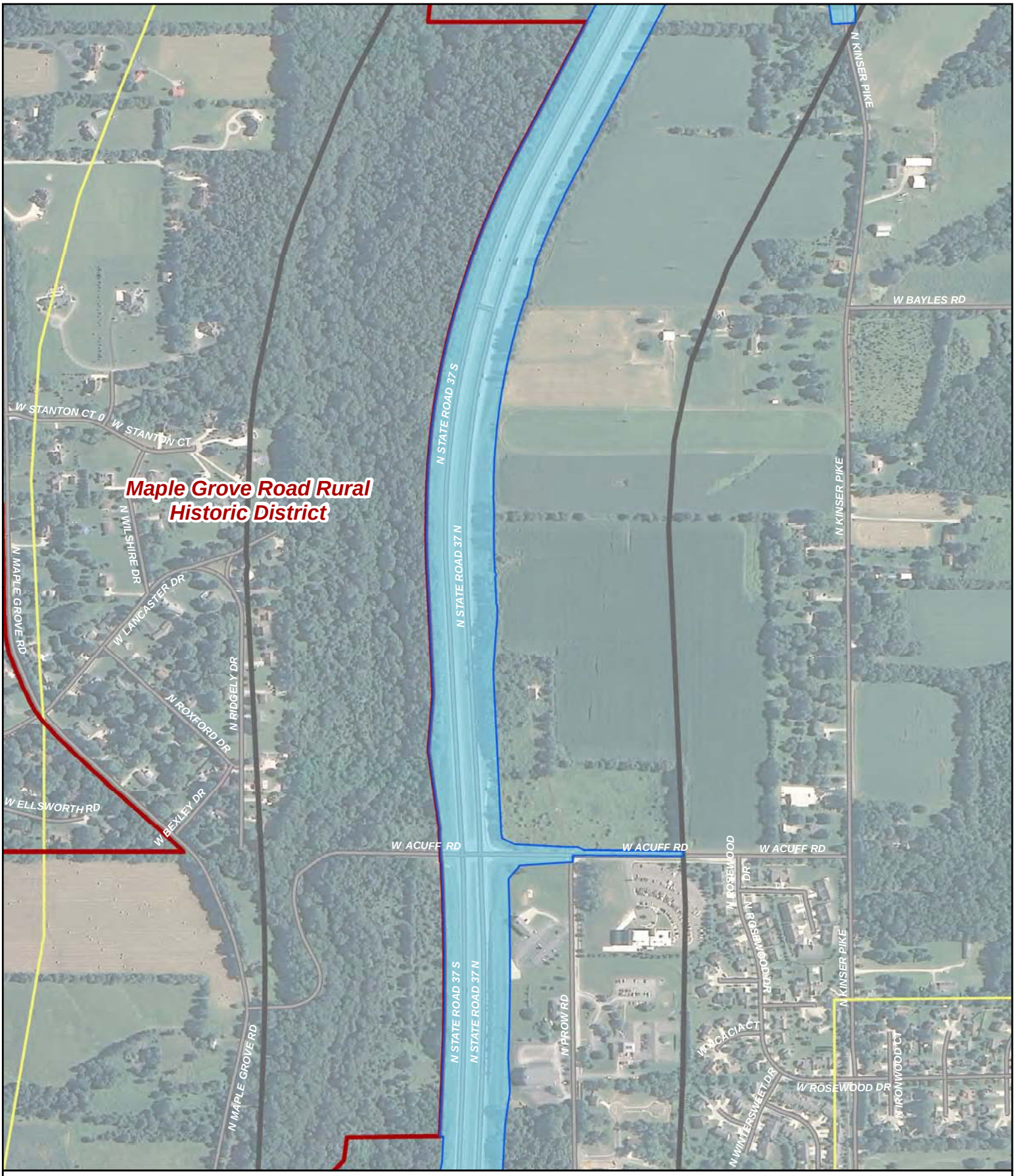

Legend

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0 250 500 1,000 Feet

Section 5 - Historic Resources

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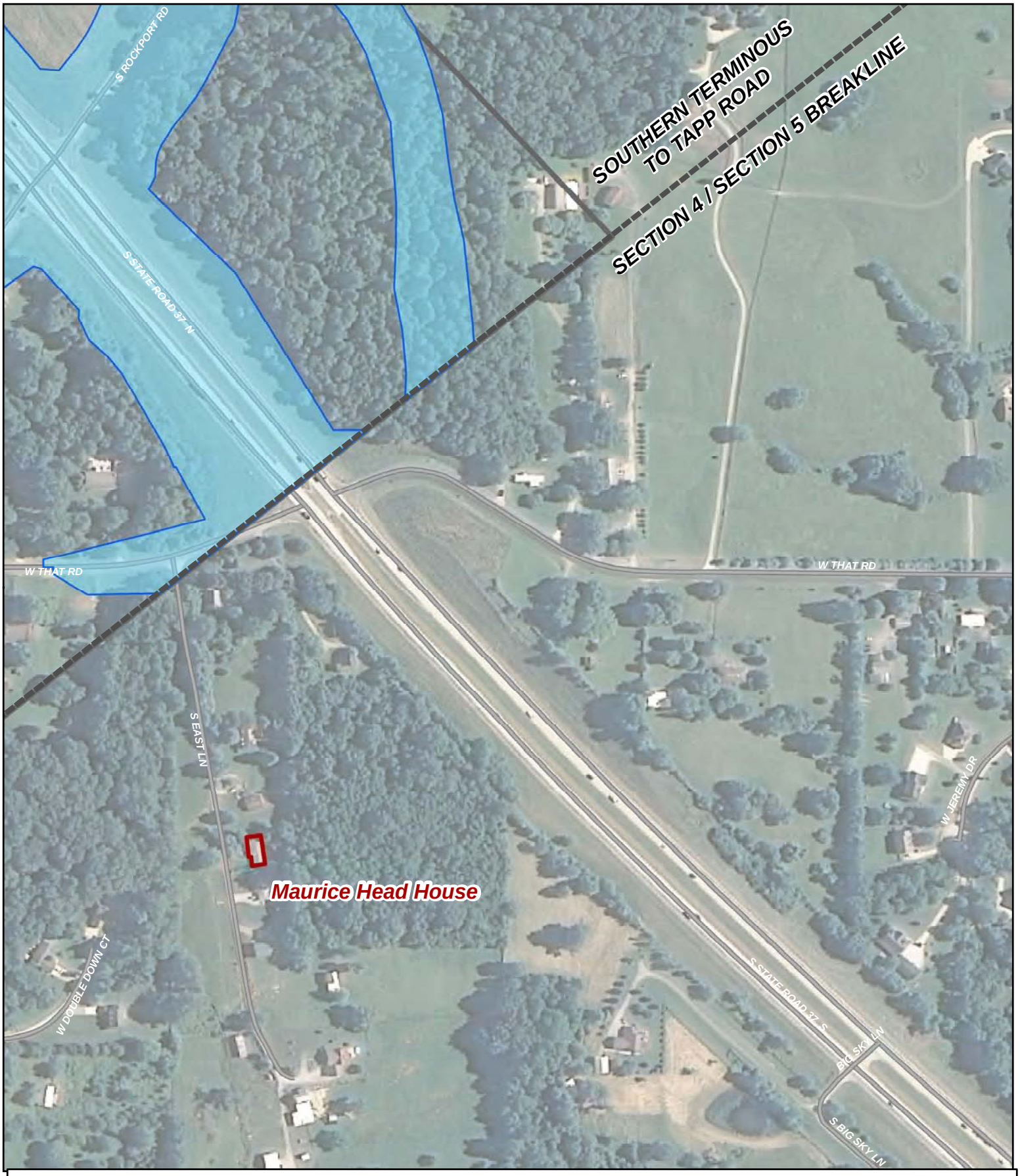

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0 100 200 400 Feet

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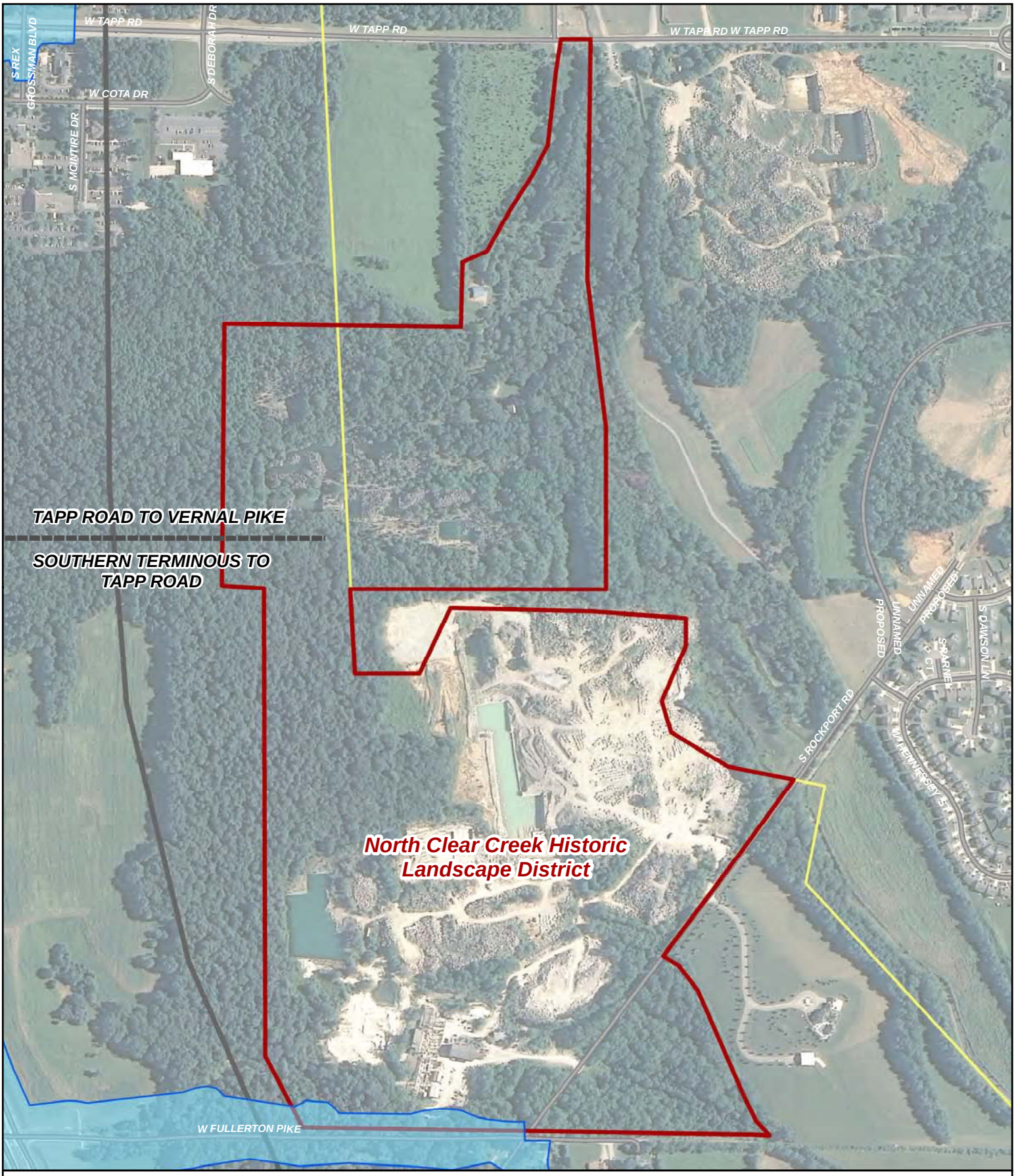

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0 300 600 1,200 Feet

N

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0 100 200 400 Feet

N

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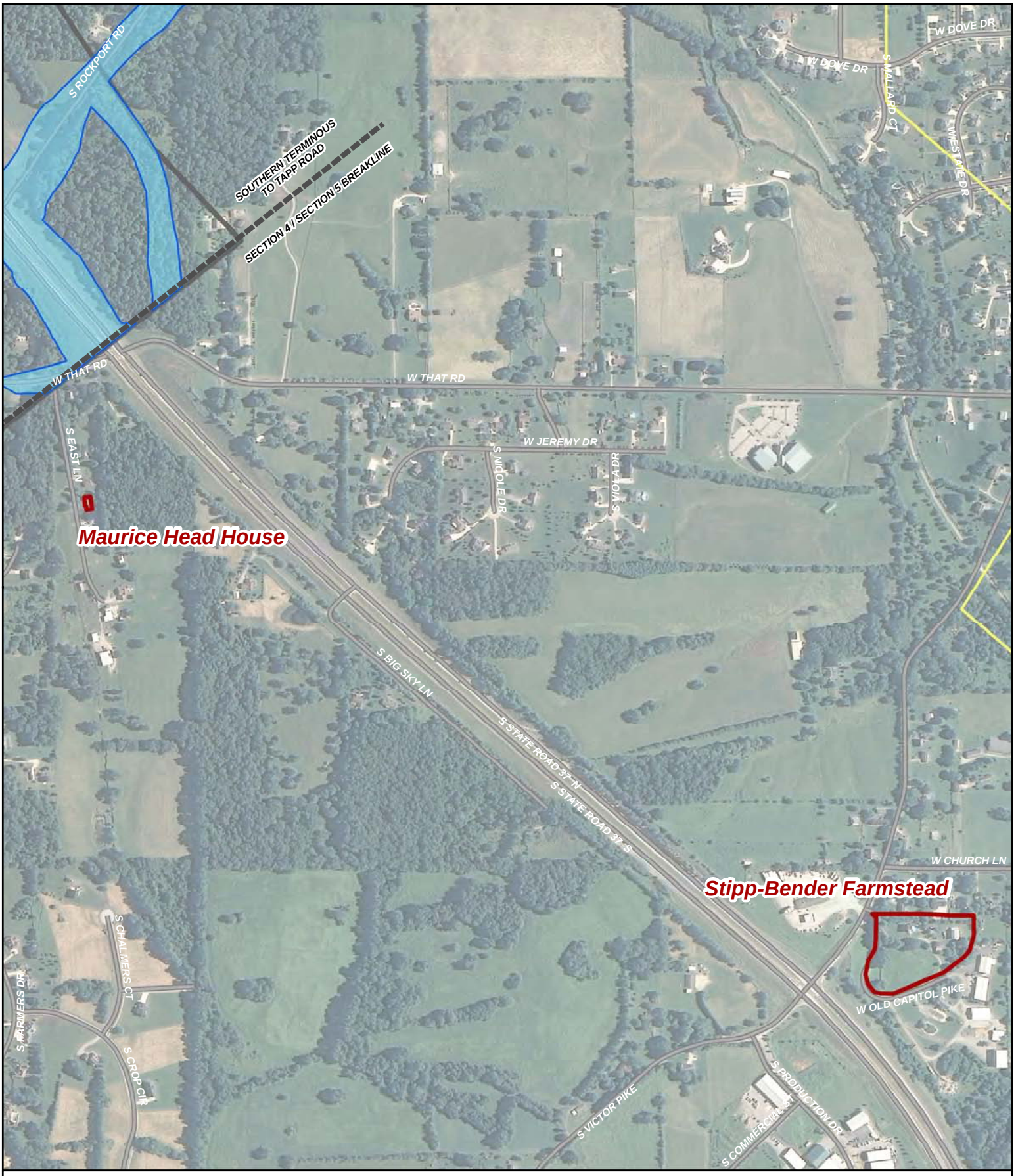

Legend

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0 250 500 1,000 Feet

Section 5 - Historic Resources

Revised April 24, 2013

APPENDIX N
SECTION 106 DOCUMENTATION
File 9: Appendix I
(Correspondence / Comments Received/ Transmitted Following Section 106 Review Period)

TECHNICAL REPORT APPENDICES

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Notice

Environmental Impacts Statements; Notice of Availability

A Notice by the Environmental Protection Agency on 10/26/2012

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Publication Date:
Friday, October 26, 2012

Agency:
Environmental Protection Agency

Entry Type:
Notice

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Agency/Docket Number:
ER-FRL-9005-7

Document Number:
2012-26377

Shorter URL:
https://federalregister.gov/a/2012-26377

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- SUPPLEMENTARY INFORMATION:
- Amended Notices

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements Filed 10/15/2012 Through 10/19/2012

Pursuant to 40 CFR 1506.9.

Notice

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Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html*.

SUPPLEMENTARY INFORMATION:

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As of October 1, 2012, EPA will not accept paper copies or CDs of EISs for filing purposes; all submissions on or after October 1, 2012 must be made through e-NEPA. While this system eliminates the need to submit paper or CD copies to EPA to meet filing requirements, electronic submission does not change requirements for distribution of EISs for public review and comment. To begin using e-NEPA, you must first register with EPA's electronic reporting site—*https://cdx.epa.gov/epa_home.asp*.

EIS No. 20120334, Draft EIS, USFS, OR, Oregon Dunes NRA Management Area 10(C) Designated Routes Project, Central Coast Ranger District, Oregon Dunes National Recreation Area, Siuslaw National Forest, Coos, Douglas, and Lane

Counties, OR, Comment Period Ends: 12/10/2012, Contact: Angie Morris 541-271-6040.

EIS No. 20120335, Final EIS, USFWS, CA, Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP), Propose Issuance of a 50-Year Incidental Take Permit for 27 Federal-and State-Listed and Unlisted Species, New Information and a Revised Range of Alternatives, Kern County, CA, Review Period Ends: 11/26/2012, Contact: Roger Root 805-644-1766.

EIS No. 20120336, Draft EIS, USACE, TX, Luce Bayou Interbasin Transfer Project, Harris and Liberty Counties, TX, Comment Period Ends: 12/10/2012, Contact: Jayson Hudson 409-766-3108.

EIS No. 20120337, Draft EIS, FHWA, AR, Northwest Arkansas Regional Airport Intermodal Access Road, Benton County, AR, Comment Period Ends: 12/14/2012, Contact: Randal Looney 501-324-5625.

EIS No. 20120338, Final EIS, USACE, CA, Isabella Lake Dam Safety Modification Project, To Remediate Seismic, Seepage, and Hydrologic Deficiencies in the Main Dam, Spillway and Auxiliary Dam, Kern County, CA, Review Period Ends: 11/26/2012, Contact: Carlos Lazo 916-557-5158.

EIS No. 20120339, Final EIS, USACE, AK, Alaska Stand Alone Gas Pipeline, Construction and Operation of a 737 mile Pipeline to Transport Supply of Natural Gas and Natural Gas Liquids from Alaska's North Slope to Fairbanks, Anchorage and the Cook Inlet Area by 2019, USACE Section 10 and 404 Permits, NPDES Permit, AK, Review Period Ends: 11/26/2012, Contact: Mary Romero 907-753-2773.

EIS No. 20120340, Draft EIS, FHWA, IN, I-69 Evansville to Indianapolis, Tier 2, Indiana Project, Section 5, Bloomington to Martinsville, Monroe and Morgan Counties, IN, Comment Period Ends: 01/02/2013, Contact: Michelle Allen 317-226-7344.

EIS No. 20120341, Draft EIS, USFS, AK, Big Thorne Project, Proposes to Harvest Timber, Build New Roads, and Reconstruct Roads, Thorne Bay Ranger District, Tongass National Forest, AK, Comment Period Ends: 12/10/2012, Contact: Frank W. Roberts 907-828-3250.

EIS No. 20120342, Draft EIS, GSA, VA, U.S. Department of State Bureau of Diplomatic Security, Foreign Affairs Security TrainingCenter (FASTC), Nottoway County, VA, Comment Period Ends: 12/10/2012, Contact: Abigail Low 215-446-4815.

EIS No. 20120343, Draft EIS, FHWA, WI, West Waukesha Bypass County TT, from I-94 to WIS 59, Waukesha County, WI, Comment Period Ends: 12/10/2012, Contact: George Poirier 608-829-7500.

Amended Notices

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EIS No. 20120279, Draft EIS, VA, CA, San Francisco Veterans Affairs Medical Center (SFVAMC) Long Range Development Plan, Implementation, Fort Miley, San Francisco County, CA, Comment Period Ends: 10/31/2012, Contact: Allan Federman 415-221-4810.

Revision to FR Notice Published 08/31/2012; Extending Comment Period from 10/16/2012 to 10/31/2012.

EIS No. 20120284, Draft EIS, USFS, CO, White River National Forest Oil and Gas Leasing, Eagle, Garfield, Gunnison, Mesa, Moffat, Pitkin, Rio Blanco, Routt, and Summit Counties, CO, Comment Period Ends: 10/30/2012, Contact: David Francomb 970-963-2266, ext. 3136.

Revision to FR Notice Published 08/31/2012;

Extending Comment Period from

10/30/2012 to 11/30/2012.

Dated: October 23, 2012.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2012-26377 Filed 10-25-12; 8:45 am]

BILLING CODE 6560-50-P

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- FOIA
- No Fear Act
- Continuity Information

Related Resources

- Tutorials, History, and Statistics
- Regulatory Journals
- Regulatory Improvement
- Developers

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

Indiana Division

575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

October 26, 2012

HDA-IN

Dear Consulting Party:

Re: I-69 Evansville to Indianapolis Tier 2 Studies, Section 5 Section 106: Transmittal of 800.11(e) documentation (Des. No.: 0300381; DHPA No.: 2123)

Section 106 of the National Historic Preservation Act (1966) requires federal agencies to take into account the effects of their undertakings "on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register." The Federal Highway Administration (FHWA) in cooperation with the Indiana Department of Transportation (INDOT) is conducting Section 106 consultation, in accordance with the implementing regulations found in 36 C.F.R. Part 800, as part of I-69 Evansville to Indianapolis Tier 2 Studies, Section 5, SR 37 South of Bloomington to SR 39 in Monroe and Morgan counties.

Pursuant to 36 C.F.R. 800.4(d)(2), FHWA, in consultation with the Indiana State Historic Preservation Officer, has determined that there are eleven (11) aboveground historic properties included in or eligible for inclusion in the National Register within the Area of Potential Effects (APE) for Section 5: Daniel Stout House; Maple Grove Road Rural Historic District; Monroe County Bridge No. 83; Stipp-Bender Farmstead; Maurice Head House; North Clear Creek Historic Landscape District; Hunter Valley Historic Landscape District; Reed Historic Landscape District; Monroe County Bridge No. 913; Morgan County Bridge No. 161; and Morgan County Bridge No. 224.

In accordance with 36 C.F.R. 800.6(a)(3), FHWA is providing this copy of the 800.11(e) documentation. Note that on October 11, 2012, the FHWA signed the Section 106 Findings and Determinations: Area of Potential Effects, Modified Eligibility Determinations, and Effects Findings of Adverse Effect for this undertaking. The individual effect finding for each of the aboveground historic resources is:

Daniel Stout House—No Effect
Maple Grove Road Rural Historic District—No Adverse Effect
Monroe County Bridge No. 83—No Effect
Stipp-Binder Farmstead—No Effect
Maurice Head House—No Effect
North Clear Creek Historic Landscape District—No Adverse Effect
Hunter Valley Historic Landscape District—No Adverse Effect
Reed Historic Landscape District—No Effect
Monroe County Bridge No. 913—No Adverse Effect

Morgan County Bridge No. 161—No Adverse Effect
Morgan County Bridge No. 224—No Adverse Effect

The undertaking will not have an Adverse Effect on any aboveground resources but potentially will have an Adverse Effect on archaeological resources. Since the results of the archaeology surveys are not known at the time of this drafting, the finding for this undertaking is Adverse Effect.

As noted above, there is a No Adverse Effect finding for the North Clear Creek Historic Landscape District. The undertaking will convert property from the North Clear Creek Historic Landscape District, a Section 4(f) historic property, to a transportation use. Pursuant to SAFETEA-LU, FHWA intends to issue a "de minimis" finding for the North Clear Creek Historic Landscape District. According to the FHWA Section 4(f) Policy Paper (July 20, 2012), a de minimis impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), results in a Section 106 finding of No Adverse Effect or No Historic Properties Affected on a historic property. **FHWA intends to make this determination based on the State Historic Preservation Officer's written concurrence with the Section 106 determination of No Adverse Effect for the North Clear Creek Historic Landscape District, in accordance with Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303, and Section 18(a) of the Federal-Aid Highway Act of 1968 23 U.S.C. 138.**

Enclosed is a copy of the 800.11(e) documentation, which describes the undertaking, describes the efforts taken to identify historic properties, describes the historic properties, describes the effects of the undertaking on historic properties, explains the application of the criteria of adverse effect, and summarizes consulting party and public views.

Please direct any comments to the **I-69 Section 5 Project Office, 3802 Industrial Boulevard, Unit 2, Bloomington, Indiana, 47403.** Please provide any comments by November 28, 2012.

Sincerely,

Michelle Allen

For Richard J. Marquis
Acting Division Administrator
Federal Highway Administration – Indiana Division

Enclosures

cc: Patrick Carpenter, INDOT
Dr. James Glass, SHPO

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

Indiana Division

575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

October 26, 2012

Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 W. Washington Street, W274
Indianapolis, IN 46204

HDA-IN

Dear Dr. Glass:

Re: I-69 Evansville to Indianapolis Tier 2 Studies, Section 5 Section 106: Transmittal of 800.11(e) documentation (Des. No.: 0300381; DHPA No.: 2123)

Section 106 of the National Historic Preservation Act (1966) requires federal agencies to take into account the effects of their undertakings "on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register." The Federal Highway Administration (FHWA) in cooperation with the Indiana Department of Transportation (INDOT) is conducting Section 106 consultation, in accordance with the implementing regulations found in 36 C.F.R. Part 800, as part of I-69 Evansville to Indianapolis Tier 2 Studies, Section 5, SR 37 South of Bloomington to SR 39 in Monroe and Morgan counties.

Pursuant to 36 C.F.R. 800.4(d)(2), FHWA, in consultation with the Indiana State Historic Preservation Officer, has determined that there are eleven (11) aboveground historic properties included in or eligible for inclusion in the National Register within the Area of Potential Effects (APE) for Section 5: Daniel Stout House; Maple Grove Road Rural Historic District; Monroe County Bridge No. 83; Stipp-Bender Farmstead; Maurice Head House; North Clear Creek Historic Landscape District; Hunter Valley Historic Landscape District; Reed Historic Landscape District; Monroe County Bridge No. 913; Morgan County Bridge No. 161; and Morgan County Bridge No. 224.

In accordance with 36 C.F.R. 800.6(a)(3), FHWA is providing this copy of the 800.11(e) documentation. Note that on October 11, 2012, the FHWA signed the Section 106 Findings and Determinations: Area of Potential Effects, Modified Eligibility Determinations, and Effects Findings of Adverse Effect for this undertaking. The individual effect finding for each of the aboveground historic resources is:

Daniel Stout House—No Effect
Maple Grove Road Rural Historic District—No Adverse Effect
Monroe County Bridge No. 83—No Effect
Stipp-Binder Farmstead—No Effect

Maurice Head House—No Effect
North Clear Creek Historic Landscape District—No Adverse Effect
Hunter Valley Historic Landscape District—No Adverse Effect
Reed Historic Landscape District—No Effect
Monroe County Bridge No. 913—No Adverse Effect
Morgan County Bridge No. 161—No Adverse Effect
Morgan County Bridge No. 224—No Adverse Effect

The undertaking will not have an Adverse Effect on any aboveground resources but potentially will have an Adverse Effect on archaeological resources. Since the results of the archaeology surveys are not known at the time of this drafting, the finding for this undertaking is Adverse Effect.

As noted above, there is a No Adverse Effect finding for the North Clear Creek Historic Landscape District. The undertaking will convert property from the North Clear Creek Historic Landscape District, a Section 4(f) historic property, to a transportation use. Pursuant to SAFETEA-LU, FHWA intends to issue a "de minimis" finding for the North Clear Creek Historic Landscape District. According to the FHWA Section 4(f) Policy Paper (July 20, 2012), a de minimis impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), results in a Section 106 finding of No Adverse Effect or No Historic Properties Affected on a historic property. **FHWA intends to make this determination based on the State Historic Preservation Officer's written concurrence with the Section 106 determination of No Adverse Effect for the North Clear Creek Historic Landscape District, in accordance with Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303, and Section 18(a) of the Federal-Aid Highway Act of 1968 23 U.S.C. 138.**

Enclosed is a copy of the 800.11(e) documentation, which describes the undertaking, describes the efforts taken to identify historic properties, describes the historic properties, describes the effects of the undertaking on historic properties, explains the application of the criteria of adverse effect, and summarizes consulting party and public views.

Please direct any comments to the **I-69 Section 5 Project Office, 3802 Industrial Boulevard, Unit 2, Bloomington, Indiana, 47403.** Please provide any comments by November 28, 2012.

Sincerely,

Michelle Allen

For Richard J. Marquis
Acting Division Administrator
Federal Highway Administration – Indiana Division

Enclosures

cc: Patrick Carpenter, INDOT
Dr. James Glass, SHPO

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

Indiana Division

575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

October 26, 2012

HDA-IN

Dear Sir or Madam:

Re: I-69 Evansville to Indianapolis Tier 2 Studies, Section 5 Section 106: Transmittal of 800.11(e) documentation (Des. No.: 0300381; DHPA No.: 2123)

Section 106 of the National Historic Preservation Act (1966) requires federal agencies to take into account the effects of their undertakings "on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register." The Federal Highway Administration (FHWA) in cooperation with the Indiana Department of Transportation (INDOT) is conducting Section 106 consultation, in accordance with the implementing regulations found in 36 C.F.R. Part 800, as part of I-69 Evansville to Indianapolis Tier 2 Studies, Section 5, SR 37 South of Bloomington to SR 39 in Monroe and Morgan counties.

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The undertaking will not have an Adverse Effect on any aboveground resources but potentially will have an Adverse Effect on archaeological resources. Since the results of the archaeology surveys are not known at the time of this drafting, the finding for this undertaking is Adverse Effect.

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Enclosed is a copy of the 800.11(e) documentation, which describes the undertaking, describes the efforts taken to identify historic properties, describes the historic properties, describes the effects of the undertaking on historic properties, explains the application of the criteria of adverse effect, and summarizes consulting party and public views.

Please direct any comments to the **I-69 Section 5 Project Office, 3802 Industrial Boulevard, Unit 2, Bloomington, Indiana, 47403.** Please provide any comments by November 28, 2012.

Sincerely,

Michelle Allen

For Richard J. Marquis
Acting Division Administrator
Federal Highway Administration – Indiana Division

Enclosures

cc: Patrick Carpenter, INDOT
Dr. James Glass, SHPO

Prescribed By State Board of Accounts

Legal Notice of Section 106 Effect Findings

WEINTRAUT & ASSOCIATES
(Governmental Unit)

Morgan County, Indiana

TO: Martinsville Reporter Times

PO Box 1636 Martinsville, IN 46151

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed 2 actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head - number of lines

Body - number of lines

Tail - number of lines

Total number of lines in notice: 105

COMPUTATION OF CHARGES:

105 lines 1 column(s) wide equals 105 equivalent lines at .374 cents per line . . . $ 39.27

Additional Charges for notices containing rule or tabular work (50% of above amount)

Charge for extra proofs of publication ($1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM . . . $ 39.27

DATA FOR COMPUTING COST

Width of single column in picas 9.4 Size of type 7 point.

Number of insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 time. The dates of publication being as follows:

10/27/12

Additionally, the statement checked below is true and correct:

.....Newspaper does not have a Web site.

✓ Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

.....Newspaper has a Web site, but due to technical problem or error, public notice was posted on

.....Newpaper has a Web site but refuses to post the public notice.

Date 10-29-12 Title Public Notice Clerk

Legal Notice of Section 106 Effect Findings

The Indiana Department of Transportation (INDOT) is planning to undertake the construction of Interstate 69 (I-69) Section 5, funded in part by the Federal Highway Administration (FHWA). The construction of Section 5 of the I-69 Evansville to Indianapolis project (DES. NO. 0300381, FEDERAL PROJECT NO. FHWA-IN-EIS-12-01-D) begins at SR 37 on the south side of Bloomington, and proceeds north along SR 37, ending at SR 37 and SR 39 just south of Martinsville. The Section 5 project is an upgrade of an existing facility to meet interstate standards. A series of alternatives and access options have been analyzed for environmental, social, economic, and engineering concerns. Alternative 8 has been identified as the preferred alternative.

The purpose and need of Section 5 consists of two parts: (1) the overall project purpose as defined in Tier 1 for the I-69 Evansville to Indianapolis project, and (2) local goals identified as part of the Tier 2 process. The local needs identified in Tier 2 for Section 5 includes: increase personal accessibility for local area residents, reduce existing and forecasted traffic congestion, improve traffic safety and support local economic development initiatives.

The FHWA has issued an "Adverse Effect" finding for the project since archaeology surveys are ongoing and the results of these surveys are unknown at this time; therefore, there is a possibility that the project may have an adverse effect on historic properties. In accordance with the National Historic Preservation Act, the views of the public are being sought regarding the effect of the proposed project on the historic elements as per 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). Pursuant to 36 CFR 800.6(a)(4), the documentation specified in 36 CFR 800.11(e) is available for inspection at the I-69 Section 5 Project Office. This documentation serves as the basis for the FHWA's adverse effect finding.

FHWA intends to issue a No Adverse Effect finding for the North Clear Creek Historic Landscape District. The undertaking will convert property from the North Clear Creek Historic Landscape District, a Section 4(f) historic property, to a transportation use. Pursuant to SAFETEA-LU, FHWA intends to issue a "de minimis" finding for the North Clear Creek Historic Landscape District. According to the FHWA Section 4(f) Policy Paper (July 20, 2012), a de minimis impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures) results in a Section 106 finding of No Adverse Effect or No Historic Properties Affected on a historic property. FHWA intends to make this determination based on the State Historic Preservation Officer's written concurrence with the Section 106 determination o

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No. _____ Warrant No. _____

IN FAVOR OF
The Martinsville Reporter
PO Box 1636, Martinsville, IN 46151

$_____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____ 3512 62 662

ALLOWED _____, ____

IN THE SUM OF $_____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently correct / incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

_____

_____, ____

Prescribed By State Board of Accounts

Legal Notice of Section 106 Effect Findings

WEINTRAUT & ASSOCIATES
(Governmental Unit)

Monroe County, Indiana

TO: Herald-Times

PO Box 909 Bloomington, IN 47402

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed 2 actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head - number of lines .....

Body - number of lines .....

Tail - number of lines .....

Total number of lines in notice: 105

COMPUTATION OF CHARGES:

105 lines 1 column(s) wide equals 105 equivalent lines at .374 cents per line ..... $ 39.27

Additional Charges for notices containing rule or tabular work (50% of above amount) .....

Charge for extra proofs of publication ($1.00 for each proof in excess of two) .....

TOTAL AMOUNT OF CLAIM .....

DATA FOR COMPUTING COST

Width of single column in picas 9.4 Size of type 7 point.

Number of insertions 1

Pursuant to the provisions and penalties of IC 5-11-1 just and correct, that the amount claimed is legally due the same has been paid.

I also certify that the printed matter attached hereto which was duly published in said paper 1 time. The dat

10/27/12

Additionally, the statement checked below is true an

.....Newspaper does not have a Web site.

✓...Newspaper has a Web site and this public the newspaper.

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The views of the public on this finding are being sought. Please reply no later than November 28, 2012 to:

Mary Jo Hamman, Project Manager
I-69 Section 5 Project Office
3802 Industrial Blvd., Unit 2
Bloomington, Indiana, 47403

Date 10-29-12

Title Public Notice Clerk

Claim No. _____ Warrant No. _____

IN FAVOR OF
To: Herald Times
_____PO Box 909, Bloomington, IN 47402

$_____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____ 3512 62 682

ALLOWED _____, ____

IN THE SUM OF $_____

Attest

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently correct / incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

_____

_____, _____

See table of legal rates in the applicable State Board of Accounts Bulletin

DNR Indiana Department of Natural Resources

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

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

HISTORIC PRESERVATION AND ARCHAEOLOGY

November 19, 2012

Beth McCord
Gray & Pape, Inc.
5807 North Post Road
Indianapolis, Indiana 46216

Federal Agency: Federal Highway Administration ("FHWA")

Re: *Addendum I: Phase Ia and Ib Archaeological Survey of the Indiana I-69 Evansville to Indianapolis Study, Section 5 (from SR 37 to SR 39), Monroe and Morgan Counties, Indiana* (Lombardi et al., 10/26/12) (Des. No. 0300381; DHPA No. 2123)

Dear Ms. McCord:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the materials submitted with your cover letter dated and received on October 26, 2012, for the aforementioned project in Monroe and Morgan counties, Indiana.

Thank you for providing the Phase Ia archaeological investigations report addendum for the above project. Archaeological sites 12Mo1415, 12Mo1430, 12Mg448, 12Mg449, 12Mg451, 12Mg452, 12Mg453, 12Mg454, 12Mg455, 12Mg457, 12Mg459, 12Mg460, 12Mg461, 12Mg462, 12Mg463, 12Mg464, 12Mg465, 12Mg466, 12Mo1433, 12Mo1436, 12Mo1437, 12Mo1438, 12Mo1439, 12Mo1440, 12Mo1443, 12Mo1446, 12Mo1447, 12Mo1448, 12Mo1449, and 12Mo1453 do not appear to be eligible for inclusion in the National Register of Historic Places, and no further archaeological investigations at these sites appear necessary.

We concur that archaeological site 12Mo1416 is a contributing element to the North Clear Creek Historic Landscape District. It is our understanding from the archaeological report that archaeological site 12Mo1416 is outside of the proposed project area.

There is insufficient information regarding archaeological sites 12Mo1401, 12Mg467, 12Mg458, 12Mo1432, 12Mo1434, 12Mo1435, 12Mo1444, 12Mo1445, 12Mo1450, 12Mo1451, and 12Mo1452 to determine whether they are eligible for inclusion in the National Register of Historic Places. However, those portions of these archaeological sites that are within the proposed project area do not appear to contain significant archaeological deposits, and no further archaeological investigations are necessary in those portions of the sites. However, the portions of these archaeological sites that lie outside of the proposed project area must either be avoided by all project activities, or subjected to further archaeological investigations. These areas should be clearly marked so that they are avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations must be submitted to the Division of Historic Preservation and Archaeology ("DHPA") for review and comment prior to further field investigations. Further archaeological investigations must be conducted in accordance with the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716). It is our understanding that archaeological site 12Mg467 is outside of the proposed project area.

We concur with the report that archaeological sites 12Mg456 and 12Mo1442 appear to be potentially eligible for the National Register of Historic Places. These sites must either be avoided by all project activities, or subjected to further archaeological investigations. If avoidance is not feasible, an archaeological plan for Phase II test excavations must be submitted to the DHPA for review and comment/ Any further archaeological 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).

All necessary Phase Ic subsurface reconnaissance investigations will take place in the areas mentioned in the report as well as in any other drainage areas in the project area that have potential contain buried archaeological sites. There is insufficient information regarding archaeological site 12Mg 450 to determine whether it is eligible eligible for inclusion in the National Register of Historic Places; given its location, it should also be subjected to Phase Ic investigations if it cannot be avoided by all project activities. A plan for the Phase Ic subsurface investigations must be submitted to the DHPA for review and comment. Any further archaeological 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).

The cemeteries in or near the archaeological APE must be avoided by all project activities, or 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 artifacts are to be returned to the landowner, additional analyses and documentation of those specimens may be necessary in consultation with our office.

If you have questions about archaeological issues please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA No. 2123.

Very truly yours,

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

JAG:JRJ:jj

ec: I-69 Section 5 Project Office
emc: Michelle Allen, Indiana Division, Federal Highway Administration, Indiana Division
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shann Miller, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Melany Prather, INDOT, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Lochmueller and Associates, Inc,
Timothy Miller, Bernardin, Lochmueller and Associates, Inc.
Kia Gillette, Bernardin, Lochmueller and Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller and Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Mary Jo Hamman, Michael Baker Jr., Inc. Corporation

NOV 2012
Received
Michael Baker Jr. Inc.

November 20, 2012

Dear Ms. Allen and Mr. Marquis:

I am writing to you about a historic property that was not included in your October 26, 2012 letter to Consulting Parties:

"Re: I-69 Evansville to Indianapolis Tier 2Studies, Section 5 Section 106: Transmittal of 800.11(e) documentation (Des. No.: 0300381; DHPA No.: 2123)"

Located at 3275 N. Prow Road, Bloomington, Indiana, is the very old and historic Parks-Patton-Hedrick House and farm. It is not a grand mansion but it is quite historic. Our nation's 16th President, A. Lincoln, lived in modest log homes in Kentucky and southern Indiana. Likewise the Parks-Patton-Hedrick House has stone and huge hand hewn beams in the earliest part of the structure. Tax documents have people living in the house in 1874. Monroe County Tax Duplicates known to exist did not begin until 1842. The family cemetery which was once part of the original farm, but now part of the National Registry's Maple Grove Road Historic District, have people buried in the 1830s and 1840s. Those people lived and owned the present day Hedrick farm and home as documented on the abstract. There are many more grave stones which are not legible. In 1998 the Maple Grove area was given National Designation and it has local and state designation. The Parks-Patton-Hedrick House was lived in *before* many of the Maple Grove district structures were built! Many of the beautiful, historically protected places throughout Bloomington, Indiana University campus and Monroe County, were built *after* the Parks-Patton-Hedrick House. Due to an oversight, The Parks-Patton-Hedrick House was not included in the Maple Grove Historic District but should have due to adjacent location, history, home, farm, original cemetery existing *before* most included in the Maple Grove district. It is the 14th oldest surviving structure in Monroe County! (See enclosure: A)

The Parks-Patton-Hedrick House was given local historic designation after application; a thorough review and grueling four step process:

Monroe County Historic Preservation Board
Monroe County Plan Review Committee
Monroe County Plan Commission
Monroe County Commissioners

The many people on the above commissions and boards are very intelligent, thorough, demanding and possess a high degree of common sense. They knew their reputations were on the line concerning the Parks-Patton-Hedrick House. The County officials enthusiastically bestowed historic designation on the farm and house based on:

"1) an association with events that have made significant contributions to the broad patterns of county history;
2) an association with the lives of persons significant in the county's past;
3) the distinctive characteristics of a type, period or method of contribution."

The local officials were keenly interested and hoping I would further research: "the capability of yielding information in prehistory or history" as the house's yards, farm, house and people have deep connections to the limestone industry and prehistoric settlements. Local quarries, close to the house and farm, opened up in the late 1860s. 3275 N. Prow Road was originally part of the Hunter Valley Historic Quarry District. We have proof of prehistoric history which was formed 330 million years ago…the stone and shark's teeth. The home's basement/the first house, has a solid stone ledge basement floor, limestone foundation walls, stone steps and stone walls leading to ground level which is another solid stone ledge of Salem-Oolitic limestone. Early settlers had to know the nature of these limestone deposits. The basement and ground level room floor remain exactly the same…solid Salem-Oolitic limestone. In addition, prehistoric people lived in the area. Artifacts found around the house and farm have been dated (8000-200 BC), photographed and are still in our possession. (See: enclosures: B & C)

Earlier findings by the FHWA and INDOT reported many changes to the Parks-Patton-Hedrick House. This is not the case. Only one (1) window is not original. Every other window, top to bottom, is original. The siding put on can come off. Mr. Phillip Hedrick, my dad, thinking he was doing a good thing, put on aluminum siding in efforts to preserve the historic house. All the original wood is still in tact and in great shape due to Dad's efforts. Please see Enclosure D, prepared by my 89 year old mother, and you can read everything still existing, original to the house. Frankly, the reason the house (1874-to last renovation in 1912) is "intact" is due to no money for changes. (See enclosure: D)

We have applied for State designation. Telling you every bit of truth, our first application was denied. The submitted application was a first ever attempt of its kind by a talented, wonderful lady. The State has graciously agreed to accept additional data, photographs and documents for re-submission and review. We believe the house and farm worthy.

In conclusion, in the book: "Counties of Morgan, Monroe and Brown, Indiana" by Charles Blanchard, 1884, the very first people who bought land, September 1816, in Bloomington-Monroe County were: George Hedrick, Joseph Taylor, Henry Wampler and James Parks. All four of these men, bravely opening and settling Bloomington/Monroe County, are tied to the Parks-Patton-Hedrick House, farm and cemetery.

With great respect, please, please re-consider your position concerning this 14th oldest, surviving historic home and farm. My family will be on earth a short time. We have nothing to gain but keenly understand the value of this place to Monroe County and Indiana. We so desperately want to save the house and land for further generations to see the past…330 millions years ago; 8000-200 BC; the 1816s; 1874s to present day all in one place! Thank you.

Sincerely,

Deborah Hedrick Reed

Deborah Hedrick Reed

Enclosure: A

Monroe County/Bloomington, Indiana Surviving Historical Places

1818 Monroe County Courthouse (first log structure gone/present day 1907)

1828 Daniel Stout House (Hall and Parlor-plan consists of two rooms)

1830 Henderson House South Morton McDoel Gardens District

1835 Andrew Wylie House

1840 218 South Rogers Street Prospect Hill District

1845 Governor Paris Dunning House Prospect Hill District

1850 Cochran-Helton-Lindley House

1850 Elias Abel House

1860 Hughes-Branum House Prospect Hill District

1860 221 N. Rogers House

1860 217 East Tenth Street House (Vernacular Hall and Parlor)

1863 John East House

1864 Ben Owens Farm

1870/1900 Belden House East Eighth Street

1874 Patton Hedrick House (1890 renovations-1912 expansion)

1875 Maple Grove Road Double-Pen House

1875 Hannah Hendrix House

1876 Maple Grove Church & Cemetery

1876 Maple Grove Road John Ridge Victorian Farm

1880 Peden Farm

1885 Graves-Morrison House

1885 Owen Hall Indiana University

1885 Wylie Hall Indiana University

1890 Showers-Bridwell House North Washington Street

1890 Grant Street Inn (Wm. Rogers House)

1890 Maxwell Hall Indiana University

1890 Seward House North Washington Street

1892 Morgan House North Walnut

1895 Ira Dillman House South Rogers Street

1895 Batman House

1895 Flanigan House 714 West 7th Street

1895 Kirkwood Hall Indiana University

1897 Buskirk-Showers House North Washington Street

1897 William Fogg House 304 South Rogers Street

1900 904 West 7th Street Gabled-ell House

1900 Showers Myers House North Washington

1903 Lindley Hall Indiana University

1905 Showers-Graham House North Washington

1905 Student Building Indiana University

1906 Illinois Central Railroad Freight Depot

1908 Franklin Hall Indiana University

1910 Swain Hall East Indiana University

1910 Showers Brothers Co. Furniture Factory

1913 Second Baptist Church

1915 Banneker School House

1923 Rawles Hall Indiana University

1930 Chris Donato House East First Street

1932 Anthony House East First Street

1936 Bryan Hall Indiana University

1937 Myers Hall Indiana University

1940 Swain Hall West Indiana University

1940 Christ Donato House 1025 East First Street

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McDoel Gardens District—one 1830 home listed above and the remaining 17 homes date: 1905-1950.

Prospect Hill District---one 1840; one 1845 and one 1860's house listed above and the remaining 21 homes date: 1885-1936.

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Cottage Grove Historic District---one home 1860 listed above and the remaining 20 homes date: 1880-1930.

North Washington Historic District—one 1870 home listed above and the remaining 23 homes date: 1890-1929.

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University Courts Historic District---earliest homes dated: 1906-1934.

Vinegar Hill Limestone Historic District---earliest homes dated: 1926-1940.

Enclosure: B

Enclosure: C

132-1.jpeg

Enclosure: D

Original features of the Hedrick House
3275 North Prow Road
Bloomington, Indiana

Basement - first house, solid limestone ledge floor, limestone foundation walls, stone steps leading to ground level.

Hand hewn poplar beams joined together by notching out. No nails used.

Cistern

Gem handle for cistern (tin)

Original pine floors (every room intact

All original windows except one in the kitchen. Original locks and lifts on "old windows.

All doors original except kitchen (1) and bathroom (1).
Doors are called Egg and Dart. Old fashion knob

Well House (as it was in 1957 when we moved here.)

Attic remains unfinished.

All furnace room registers original.

All Closets very tiny, all wood.

All ceilings are 9½ ft.
None have been lowered.

Enclosed Back Porch is solid stone ledge of Salem - Oolitic limestone.

Six inch high baseboards throughout the house.

The majority of woodwork surrounds, molding and baseboards are original.

Staircases are original and steep.

No. change in original room size.

Original five light fixtures.

Phillip and I purchased the property in 1957. The information listed above establishes the age of the house, the original features and the value of its history.

Juanita Hedrick, 89 years old. Nov. 26, 2012

Enclosure: E

COUNTIES

OF

MORGAN, MONROE AND BROWN,

INDIANA.

HISTORICAL AND BIOGRAPHICAL.

CHARLES BLANCHARD, EDITOR.

CHICAGO:
F. A. BATTEY & CO., PUBLISHERS.
1884.

F. A. BATTEY. F. W. TEEPLE.

(Twenty-seventh), killed at Atlanta, Ga.; John Trueblood (Thirty-first), died at Pulaski, Tenn.

"No more shall the war cry sever,
Or the winding river be red;
They banish our anger forever
When they laurel the graves of our dead!

"Under the sod and the dew,
Waiting the Judgment Day;
Love and tears for the Blue,
Tears and love for the Gray."

BLOOMINGTON.

EARLY RESIDENTS OF BLOOMINGTON TOWNSHIP.

THERE is abundant reason to believe that Bloomington Township was settled as early as 1816, and there are some evidences which fix the date of the first settlement in 1815 if not before. The power of the Indians was crushed at the battle of Tippecanoe in 1811, but all apprehension of danger from them did not die out for several years afterward. It may be stated as the opinion of several of the oldest settlers in the county that Monroe was settled as early as 1810 or 1811 by a few families of professional pioneers. Much of this, however, must be regarded as traditional. In the absence of definite data, it may be presumed that Bloomington Township received a few of these early settlers. It is certain that several families arrived in 1815, and many more in 1816, and, as stated above, there is strong evidence that permanent settlers reached the township as early as 1815. Of course, as late as 1816, the county of Monroe, which as yet had no boundary or existence, was a wilderness filled with all varieties of wild animals inhabiting this latitude, and was roamed over by numerous bands of half-subdued savages. In fact, all of the county north of the old Indian boundary was yet the property of the Indians, and remained so until the treaty of St. Mary's, Ohio, in October, 1818, when it was ceded to the Government as part of the "New Purchase." By the time of the first land sale of Bloomington Township in 1816, there were a score or nearly so of families residing within its limits. Among those who entered land in the township during the first four or five years after the first land sale—in fact, all who entered land during that period—are the following, with the sections of land and the years of entry: David Rogers, Section 33, 1816; Joseph Taylor, Section 33, 1816; George Ritchey, Section 33, 1816; George Hedrick, Section 33, 1816; John Ketchum, Section 6, 1816; Henry Wampler, Section 6, 1816; Adam Bower, Section 6, 1816; Thomas Smith, Section 7, 1816; William Julian, Section 7, 1816; William J. Adair, Section 7, 1816; George Parks, Section 8, 1816; John Kell, Section 17, 1816; James Parks, Section 17, 1816; John Owens, Section 18, 1816; David Stout, Section 19, 1816; Samuel Caldwell, Section 19, 1816; Roderick Rawlins, Section 20, 1816; Joseph Taylor, Section 20, 1816; James Parks, Section 20, 1816; George Paul, Section 21, 1816; David Raymond,

Section 21, 1816; Jacob Renderbach, Section 25, 1816; Ebenezer Daggett, Section 27, 1816; James Borland, Section 27, 1816; Gideon Frisbie, Section 28, 1816; John Lee, Section 28, 1816; William Matlock, Section 28, 1816; Samuel Camphries, Section 28, 1816; Thomas Graham, Section 29, 1816; James Parks, Section 29, 1816; Abraham Appler, Section 29, 1816; Christopher Eslinger, Section 30, 1816, Henry Wampler, Section 32, 1816; Henry Rogers, Section 34, 1816; John Thompson, Section 34, 1816; Wheeler Matlock, Section 34, 1816; Samuel Scott, Section 34, 1816; William Jackson, Section 35, 1816; John Jackson, Section 35, 1816; Thomas Heady, Section 36, 1816; John Griffith, Section 15, 1817; James Matlock, Section 18, 1817; James Wood, Section 19, 1817; John Buskirk, Section 25, 1817; Lawrence Smoyer, Section 29, 1817; Samuel Rogers, Section 30, 1817; James Wood, Section 30, 1817; Titan Kemble, Section 31, 1817; Simon Chauvin, Section 31, 1817; Chesley D. Bailey, Section 32, 1817; Robertson Graham, Section 32, 1817; Granville Ward, Section 35, 1817; Nicholas Fletcher, Section 35, 1817; William Goodwin, Section 13, 1818; Thomas Barker, Section 19, 1818; Abraham Buskirk, Section 24, 1818; Stephen P. Sealls, Section 26, 1818; O. F. Barker, Section 30, 1818; Ebenezer Dickey, Section 32, 1818; George Whisenand, Section 6, 1820; Thomas Heady, Section 24, 1821. These were the only entries in the township previous to 1822.

THE FIRST RESIDENT OF BLOOMINGTON.

The first man to settle permanently upon the present site of the city of Bloomington cannot be named with absolute certainty. Neither can the time of this first settlement be given. The first entries of land were as follows:

PURCHASERS.	Section.	Township.	Range.	Acres.	Date.	Location.
George Ritchey	33	9	1	160	Sept. 26, 1816	N. E. ¼
George Hedrick	33	9	1	160	Sept. 26, 1816	N. W. ¼
David Rogers	33	9	1	160	Sept. 26, 1816	S. W. ¼
Joseph Taylor	33	9	1	160	Sept. 26, 1816	S. E. ¼
Henry Wampler	32	9	1	160	Sept. 27, 1816	N. E. ¼
Chesley Bailey	32	9	1	160	Feb. 5, 1817	S. W ¼
Robertson Graham	32	9	1	160	May 26, 1817	S. E. ¼
Ebenezer Dickey	32	9	1	160	Feb. 12, 1818	N. W. ¼

The lots were laid out on the southwest quarter of Section 33, and the southeast quarter of Section 32, which two quarters had been entered by David Rogers and Robertson Graham, as shown by the above table. It is probable that no man lived upon the town site until 1816, at which time both Rogers and Graham built log houses. Some fix the date of the erection of these houses as 1817. At all events, when the first lots were laid out, in June, 1818, a crop of wheat was growing on the land that had been purchased of Mr. Rogers. Whether it was the first or second crop on the same land cannot be stated. David Rogers entered the southwest quarter of Section 33, on which a portion of the town was laid out, but Jonathan Rogers afterward obtained part interest in the tract, as his name appears upon the deed which conveyed the land to the county.

PI

On the 10th of April,
County Commissioners,
named "Bloomington."
work. He was instructe
and to lay out lots 66x1
of lots to be laid out was
public auction or sale of
agent was instructed to
cennes; the Louisville C
the *Western Eagle*, of
which so far as known w
surveyor to lay out the
record of the County Bo
that the agent of this co
the sale of town lots in
proceeds of this first sale
will probably be conclu
not misplaced—that is,
many speculators bough
at this sale is as follows:
John Keys, Arthur H
Lowe, Robinson Grahar
man, James Borland, G
Dunning, James Newm
W. D. McCullough, Jac
Pruitt, Elias Goodwin,
Samuel Scott, Sr., Natl
Solomon Phillips, E. R
David Matlock, Lewis
kirk, Zachariah Williar
Lee, William Hardin,
Aquilla Rogers, John
Dickens, Stephen S. F
Fullen, Martha Brown
The above were the onl
only two days of sale, l
lots. As stated elsewl
The land upon which t
Jonathan and David R
sioners. The Rogers
Graham $900 for 150
lots were laid out, the
wheat and corn, whic
without disturbance.
veyor. He laid out
Parks, County Agent
sale. The whisky wa
chain carrier; Aquill
Lewis Noel was the "

1.

1816; Ebenezer Dag-
on 27, 1816; Gideon
1816; William Mat-
on 28, 1816; Thomas
29, 1816; Abraham
r, Section 30, 1816;
ers, Section 34, 1816;
ock, Section 34, 1816;
on, Section 35, 1816;
y, Section 36, 1816;
k, Section 18, 1817;
ction 25, 1817; Law-
s, Section 30, 1817;
Section 31, 1817; Si-
ey, Section 32, 1817;
e Ward, Section 35,
am Goodwin, Section
raham Buskirk, Sec-
1818; O. F. Barker,
1818; George Whis-
n 24, 1821. These
822.

GTON.

esent site of the city
rtainty. Neither can
t entries of land were

Date.	Location.
ept. 26, 1816	N. E. ¼
ept. 26, 1816	N. W. ¼
ept. 26, 1816	S. W. ¼
ept. 26, 1816	S. E. ¼
ept. 27, 1816	N. E. ¼
eb. 5, 1817	S. W ¼
ay 26, 1817	S. E. ¼
eb. 12, 1818	N. W. ¼

of Section 33, and
ers had been entered
by the above table.
until 1816, at which
e fix the date of the
en the first lots were
on the land that had
first or second crop
entered the south-
e town was laid out,
t in the tract, as his
l to the county.

PLATTING OF THE VILLAGE.

On the 10th of April, 1818, the first day of the first meeting of the County Commissioners, the county seat was ordered laid off and was named "Bloomington." The County Agent was ordered to oversee the work. He was instructed to make the public square measure 276 feet, and to lay out lots 66x132 feet, and streets 82½ feet wide. The number of lots to be laid out was left to the discretion of the agent. The first public auction or sale of lots was fixed for the 22d of June, 1818, and the agent was instructed to advertize the sale in the *Western Sun*, of Vincennes; the Louisville *Correspondent*; the *Argus of Western America*; the *Western Eagle*, of Madison, and the *Liberty Hall*, of Cincinnati, which so far as known was duly done. Jonathan Nichols was appointed surveyor to lay out the town. The following entry appears upon the record of the County Board: "On motion of Bartlett Woodward, *Ordered*, that the agent of this county procure one barrel of whisky and have it at the sale of town lots in Bloomington." When it is remembered that the proceeds of this first sale amounted to the enormous sum of $14,326.85, it will probably be concluded by the reader that the action of the board was not misplaced—that is, on that day over sixty-five years ago. Of course many speculators bought lots. The complete list of those who bought lots at this sale is as follows: John Scott, D. Thompson, Christian Eppinger, John Keys, Arthur Harris, W. A. Beatty, W. P. Anderson, William Lowe, Robinson Graham, David Sears, Floyd Cummings, Samuel Coleman, James Borland, George Hedrick, W. D. Hoof, David Rogers, James Dunning, James Newman, Jonathan Rogers, Thomas Smith, B. Miller, W. D. McCullough, Jacob B. Lowe, Wm. Cnrl, Henry Wampler, Coleman Pruitt, Elias Goodwin, Abner Goodwin, Solomon Bowers, John Owens, Samuel Scott, Sr., Nathan Julian, Isham Sumpter, Hezekiah Woodford, Solomon Phillips, E. R. Maxwell, Benjamin Freeland, George Richey, David Matlock, Lewis Noel, Samuel Haslett, James Denny, John Buskirk, Zachariah Williams, Moses Williams, T. B. Clark, Eli Lee, Thomas Lee, William Hardin, Nelson Moore, Ebenezer McDonald, J. W. Lee, Aquilla Rogers, John Foster, Thomas Hadey, Granville Ward, James Dickens, Stephen S. Bigger, Susannah Lee, Jonathan Nichols, Reuben Fullen, Martha Brown, W. B. Brown, Joshua Howe and James Brown. The above were the only buyers on the 22d and 23d of June, 1818, the only two days of sale, but several of them bought several lots or even many lots. As stated elsewhere, the total proceeds of this sale were $14,326.85. The land upon which the new town was located had been secured from Jonathan and David Rogers and Robert Graham by the locating Commissioners. The Rogers Brothers were paid $1,200 for such land and Mr. Graham $900 for 150 acres soon after the first sale of lots. When the lots were laid out, there was growing upon a portion of them a crop of wheat and corn, which the Rogers Brothers were permitted to harvest without disturbance. At the first sale of lots, Jonathan Nichols was surveyor. He laid out 208 lots and was paid 30 cents each. Benjamin Parks, County Agent, was allowed $33.50 for whisky furnished at the sale. The whisky was obtained of Whisenand. Robinson Graham was chain carrier; Aquilla Rogers, chain carrier; John Owen, chain carrier. Lewis Noel was the "crier" or auctioneer. James Parks was clerk of

Hedrick House 1956

Enclosure: F

Hedrick House 1972

Enclosure: G

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

November 21, 2012

Richard J. Marquis
Acting Division Administrator
Federal Highway Administration—Indiana Division
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: FHWA's finding of Adverse Effect, with supporting documentation, for I-69 Evansville to Indianapolis Tier 2 Studies, Section 5: Bloomington to Martinsville (Des. No. 0300381; DHPA No. 2123)

Dear Mr. Marquis:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation 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 ("Indiana SHPO") has reviewed the binder containing the finding and supporting documentation, which arrived on October 26, 2012, and your October 26, 2012 letter with a compact disc containing the finding and supporting documentation, which were received on October 29, for the aforementioned project in Monroe and Morgan counties in Indiana.

We concur with FHWA's October 11, 2012, Section 106 finding of Adverse Effect for this undertaking, because the effects of this undertaking on archaeological resources are not yet known.

We concur, also, that this undertaking will not adversely affect any historic above-ground properties.

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 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 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 Tier 2 Studies, Section 5: Bloomington to Martinsville, please continue to refer to DHPA No. 2123.

Very truly yours,

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

JAG:JLC:JRJ:jlc

cc: I-69 Section 5 Project Office

emc: Michelle Allen, Indiana Division, Federal Highway Administration
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Lochmueller and Associates, Inc.
Timothy Miller, Bernardin, Lochmueller and Associates, Inc.
Kia Gillette, Bernardin, Lochmueller and Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Mary Jo Hamman, Michael Baker Jr., Inc.

November 28, 2012

Dear Ms. Hilden:

I am writing to you about a historic property that was not included in your October, 2012 letter (DVD) concerning:

Re: Draft Environmental Impact Statement (Tier 2) for the I-69, Evansville to Indianapolis project for Section 5 between Bloomington and Martinsville, Indiana. [FHWA-IN-EIS-12-01-D]

Located at 3275 N. Prow Road, Bloomington, Indiana, is the very old and historic Parks-Patton-Hedrick House and farm. It is not a grand mansion but it is quite historic. Our nation's 16th President, A. Lincoln, lived in modest log homes in Kentucky and southern Indiana. Likewise the Parks-Patton-Hedrick House has stone and huge hand hewn beams in the earliest part of the structure. Tax documents have people living in the house in 1874. Monroe County Tax Duplicates known to exist did not begin until 1842. The family cemetery which was once part of the original farm, but now part of the National Registry's Maple Grove Road Historic District, have people buried in the 1830s and 1840s. Those people lived and owned the present day Hedrick farm and home as documented on the abstract. There are many more grave stones which are not legible. In 1998 the Maple Grove area was given National Designation and it has local and state designation. The Parks-Patton-Hedrick House was lived in *before* many of the Maple Grove district structures were built! Many of the beautiful, historically protected places throughout Bloomington, Indiana University campus and Monroe County, were built *after* the Parks-Patton-Hedrick House. Due to an oversight, The Parks-Patton-Hedrick House was not included in the Maple Grove Historic District but should have due to adjacent location, history, home, farm, original cemetery existing *before* most included in the Maple Grove district. It is the 14th oldest surviving structure in Monroe County! (See enclosure: A)

The Parks-Patton-Hedrick House was given local historic designation after application; a thorough review and grueling four step process:

Monroe County Historic Preservation Board
Monroe County Plan Review Committee
Monroe County Plan Commission
Monroe County Commissioners

The many people on the above commissions and boards are very intelligent, thorough, demanding and possess a high degree of common sense. They knew their reputations were on the line concerning the Parks-Patton-Hedrick House. The County officials enthusiastically bestowed historic designation on the farm and house based on:

"1) an association with events that have made significant contributions to the broad patterns of county history;
2) an association with the lives of persons significant in the county's past;

DEC 2012
Received
National Park Service

3) the distinctive characteristics of a type, period or method of contribution."

The local officials were keenly interested and hoping I would further research: "the capability of yielding information in prehistory or history" as the house's yards, farm, house and people have deep connections to the limestone industry and prehistoric settlements. Local quarries, close to the house and farm, opened up in the late 1860s. 3275 N. Prow Road was originally part of the Hunter Valley Historic Quarry District. We have proof of prehistoric history which was formed 330 million years ago…the stone and shark's teeth. The home's basement/the first house, has a solid stone ledge basement floor, limestone foundation walls, stone steps and stone walls leading to ground level which is another solid stone ledge of Salem-Oolitic limestone. Early settlers had to know the nature of these limestone deposits. The basement and ground level room floor remain exactly the same…solid Salem-Oolitic limestone. In addition, prehistoric people lived in the area. Artifacts found around the house and farm have been dated (8000-200 BC), photographed and are still in our possession. (See: enclosures: B & C)

Earlier findings by the FHWA and INDOT reported many changes to the Parks-Patton-Hedrick House. This is not the case. Only one (1) window is not original. Every other window, top to bottom, is original. The siding put on can come off. Mr. Phillip Hedrick, my dad, thinking he was doing a good thing, put on aluminum siding to preserve the historic house. All the original wood is still in tact and in great shape due to Dad's efforts. Please see Enclosure D, prepared by my 89 year old mother, and you can read everything still existing, original to the house. Frankly, the reason the house (1874-to last renovation in 1912) is "intact" is due to no money for changes. (See enclosure: D)

We have applied for State designation. Telling you every bit of truth, our first application was denied. The submitted application was a first ever attempt of its kind by a talented, wonderful lady. The State has graciously agreed to accept additional data, photographs and documents for re-submission and review. We believe the house and farm worthy.

In conclusion, in the book: "Counties of Morgan, Monroe and Brown, Indiana" by Charles Blanchard, 1884, the very first people who bought land, September 1816, in Bloomington-Monroe County were: George Hedrick, Joseph Taylor, Henry Wampler and James Parks. All four of these men, bravely opening and settling Bloomington/Monroe County, are tied to the Parks-Patton-Hedrick House, farm and cemetery. (enclosure: E)

With great respect, please, please re-consider your position concerning this 14th oldest, surviving historic home and farm. My family keenly understands the value of this place for Monroe County and Indiana. We so desperately want to save the house and land for further generations to see the past…330 millions years ago; 8000-200 BC; the 1816s; 1874s to present day all in one place! Thank you.

Sincerely,

Deborah Hedrick Reed

Deborah Hedrick Reed

Enclosure: A

Monroe County/Bloomington, Indiana Surviving Historical Places

1818 Monroe County Courthouse (first log structure gone/present day 1907)

1828 Daniel Stout House (Hall and Parlor-plan consists of two rooms)

1830 Henderson House South Morton McDoel Gardens District

1835 Andrew Wylie House

1840 218 South Rogers Street Prospect Hill District

1845 Governor Paris Dunning House Prospect Hill District

1850 Cochran-Helton-Lindley House

1850 Elias Abel House

1860 Hughes-Branum House Prospect Hill District

1860 221 N. Rogers House

1860 217 East Tenth Street House (Vernacular Hall and Parlor)

1863 John East House

1864 Ben Owens Farm

1870/1900 Belden House East Eighth Street

1874 Patton Hedrick House (1890 renovations-1912 expansion)

1875 Maple Grove Road Double-Pen House

1875 Hannah Hendrix House

1876 Maple Grove Church & Cemetery

1876 Maple Grove Road John Ridge Victorian Farm

1880 Peden Farm

1885 Graves-Morrison House

1885 Owen Hall Indiana University

1885 Wylie Hall Indiana University

1890 Showers-Bridwell House North Washington Street

1890 Grant Street Inn (Wm. Rogers House)

1890 Maxwell Hall Indiana University

1890 Seward House North Washington Street

1892 Morgan House North Walnut

1895 Ira Dillman House South Rogers Street

1895 Batman House

1895 Flanigan House 714 West 7th Street

1895 Kirkwood Hall Indiana University

1897 Buskirk-Showers House North Washington Street

1897 William Fogg House 304 South Rogers Street

1900 904 West 7th Street Gabled-ell House

1900 Showers Myers House North Washington

1903 Lindley Hall Indiana University

1905 Showers-Graham House North Washington

1905 Student Building Indiana University

1906 Illinois Central Railroad Freight Depot

1908 Franklin Hall Indiana University

1910 Swain Hall East Indiana University

1910 Showers Brothers Co. Furniture Factory

1913 Second Baptist Church

1915 Banneker School House

1923 Rawles Hall Indiana University

1930 Chris Donato House East First Street

1932 Anthony House East First Street

1936 Bryan Hall Indiana University

1937 Myers Hall Indiana University

1940 Swain Hall West Indiana University

1940 Christ Donato House 1025 East First Street

1950 Fagan Stone Company McDoel Gardens Historic District

McDoel Gardens District—one 1830 home listed above and the remaining 17 homes date: 1905-1950.

Prospect Hill District---one 1840; one 1845 and one 1860's house listed above and the remaining 21 homes date: 1885-1936.

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University Courts Historic District---earliest homes dated: 1906-1934.

Vinegar Hill Limestone Historic District---earliest homes dated: 1926-1940.

Enclosure: B

132-1.jpeg

ENCLOSURE : D

Original features of the Hedrick House
3275 North Prow Road
Bloomington, Indiana

Basement - first house, solid limestone ledge floor, limestone foundation walls, stone steps leading to ground level.

Hand hewn poplar beams joined together by notching out. No nails used.

Cistern

Gem handle for cistern (tin)

Original pine floors (every room intact

All original windows except one in the kitchen. Original locks and lifts on "old windows.

All doors original except kitchen (1) and bathroom (1).
Doors are called Egg and Dart. Old fashion knobs

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All Closets very tiny, all wood.

All ceilings are 9½ ft.
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The majority of woodwork surrounds, molding and baseboards are original.

Staircases are original and steep.

No. change in original room size.

Original five light fixtures.

Phillip and I purchased the property in 1957. The information listed above establishes the age of the house, the original features and the value of its history.

Jesanita Hedrick, 89 years old. Nov. 26, 2012

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OF

MORGAN, MONROE AND BROWN,

INDIANA.

HISTORICAL AND BIOGRAPHICAL.

CHARLES BLANCHARD, EDITOR.

CHICAGO:
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F. A. BATTEY. F. W. TEEPLE.

il, 1864; James H.
d, December, 1864;
1865; Ira Young,
·les Amor, died at
Gaines; John R.

YEAR'S SERVICE.

65; William Clark,
raig, died at Louis-
l May, 1865; John
1865; Tilghman A.
:ewart, died at Bain-
ed at Dalton, Ga.,
bert, Ga., January,
.865.

, Tenn.; Capt. Fred
ıs; William Barnes,
[emphis; Milton H.
'ren Allen (Second
:t (Second Cavalry),
y) killed at Newman
at Cornith; James
H. Gourley (Twen-
'eter Kop (Twenty-
the service; William
ıng (Ninety-seventh),
.h), died of wounds at
se at Helena, Ark.;
ıphis; Alfred Bowers
Carmichael (Ninety-
ks (Ninety-seventh),
ıth). died in Ander-
ed at Chattanooga;
Station; Lieut. Isaac
lle; Samuel Knight
ı.; Joseph Richeson
Jacobs (Fifty-fourth),
venth), died in Field
; William Simpson,
ond), killed at Vicks-
:stown, Md.; Thomas
M. Flatlook (Twenty-
, killed at Resaca;
.ca; Thomas Pratt
d at Louisville, Ky.;
· City; J. W. Litz
ıga; John Thomas

(Twenty-seventh), killed at Atlanta, Ga.; John Trueblood (Thirty-first), died at Pulaski, Tenn.

"No more shall the war cry sever,
Or the winding river be red;
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When they laurel the graves of our dead!

"Under the sod and the dew,
Waiting the Judgment Day;
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BLOOMINGTON.

EARLY RESIDENTS OF BLOOMINGTON TOWNSHIP.

THERE is abundant reason to believe that Bloomington Township was settled as early as 1816, and there are some evidences which fix the date of the first settlement in 1815 if not before. The power of the Indians was crushed at the battle of Tippecanoe in 1811, but all apprehension of danger from them did not die out for several years afterward. It may be stated as the opinion of several of the oldest settlers in the county that Monroe was settled as early as 1810 or 1811 by a few families of professional pioneers. Much of this, however, must be regarded as traditional. In the absence of definite data, it may be presumed that Bloomington Township received a few of these early settlers. It is certain that several families arrived in 1815, and many more in 1816, and, as stated above, there is strong evidence that permanent settlers reached the township as early as 1815. Of course, as late as 1816, the county of Monroe, which as yet had no boundary or existence, was a wilderness filled with all varieties of wild animals inhabiting this latitude, and was roamed over by numerous bands of half-subdued savages. In fact, all of the county north of the old Indian boundary was yet the property of the Indians, and remained so until the treaty of St. Mary's, Ohio, in October, 1818, when it was ceded to the Government as part of the "New Purchase." By the time of the first land sale of Bloomington Township in 1816, there were a score or nearly so of families residing within its limits. Among those who entered land in the township during the first four or five years after the first land sale—in fact, all who entered land during that period—are the following, with the sections of land and the years of entry: David Rogers, Section 33, 1816; Joseph Taylor, Section 33, 1816; George Ritchey, Section 33, 1816; George Hedrick, Section 33, 1816; John Ketchum, Section 6, 1816; Henry Wampler, Section 6, 1816; Adam Bower, Section 6, 1816; Thomas Smith, Section 7, 1816; William Julian, Section 7, 1816; William J. Adair, Section 7, 1816; George Parks, Section 8, 1816; John Kell, Section 17, 1816; James Parks, Section 17, 1816; John Owens, Section 18, 1816; David Stout, Section 19, 1816; Samuel Caldwell, Section 19, 1816; Roderick Rawlins, Section 20, 1816; Joseph Taylor, Section 20, 1816; James Parks, Section 20, 1816; George Paul, Section 21, 1816; David Raymond,

Section 21, 1816; Jacob Renderbach, Section 25, 1816; Ebenezer Daggett, Section 27, 1816; James Borland, Section 27, 1816; Gideon Frisbie, Section 28, 1816; John Lee, Section 28, 1816; William Matlock, Section 28, 1816; Samuel Camphries, Section 28, 1816; Thomas Graham, Section 29, 1816; James Parks, Section 29, 1816; Abraham Appler, Section 29, 1816; Christopher Eslinger, Section 30, 1816, Henry Wampler, Section 32, 1816; Henry Rogers, Section 34, 1816; John Thompson, Section 34, 1816; Wheeler Matlock, Section 34, 1816; Samuel Scott, Section 34, 1816; William Jackson, Section 35, 1816; John Jackson, Section 35, 1816; Thomas Heady, Section 36, 1816; John Griffith, Section 15, 1817; James Matlock, Section 18, 1817; James Wood, Section 19, 1817; John Buskirk, Section 25, 1817; Lawrence Smoyer, Section 29, 1817; Samuel Rogers, Section 30, 1817; James Wood, Section 30, 1817; Titan Kemble, Section 31, 1817; Simon Chauvin, Section 31, 1817; Chesley D. Bailey, Section 32, 1817; Robertson Graham, Section 32, 1817; Granville Ward, Section 35, 1817; Nicholas Fletcher, Section 35, 1817; William Goodwin, Section 13, 1818; Thomas Barker, Section 19, 1818; Abraham Buskirk, Section 24, 1818; Stephen P. Sealls, Section 26, 1818; O. F. Barker, Section 30, 1818; Ebenezer Dickey, Section 32, 1818; George Whisenand, Section 6, 1820; Thomas Heady, Section 24, 1821. These were the only entries in the township previous to 1822.

THE FIRST RESIDENT OF BLOOMINGTON.

The first man to settle permanently upon the present site of the city of Bloomington cannot be named with absolute certainty. Neither can the time of this first settlement be given. The first entries of land were as follows:

PURCHASERS.	Section.	Township.	Range.	Acres.	Date.	Location.
George Ritchey	33	9	1	160	Sept. 26, 1816	N. E. ¼
George Hedrick	33	9	1	160	Sept. 26, 1816	N. W. ¼
David Rogers	33	9	1	160	Sept. 26, 1816	S. W. ¼
Joseph Taylor	33	9	1	160	Sept. 26, 1816	S. E. ¼
Henry Wampler	32	9	1	160	Sept. 27, 1816	N. E. ¼
Chesley Bailey	32	9	1	160	Feb. 5, 1817	S. W ¼
Robertson Graham	32	9	1	160	May 26, 1817	S. E. ¼
Ebenezer Dickey	32	9	1	160	Feb. 12, 1818	N. W. ¼

The lots were laid out on the southwest quarter of Section 33, and the southeast quarter of Section 32, which two quarters had been entered by David Rogers and Robertson Graham, as shown by the above table. It is probable that no man lived upon the town site until 1816, at which time both Rogers and Graham built log houses. Some fix the date of the erection of these houses as 1817. At all events, when the first lots were laid out, in June, 1818, a crop of wheat was growing on the land that had been purchased of Mr. Rogers. Whether it was the first or second crop on the same land cannot be stated. David Rogers entered the southwest quarter of Section 33, on which a portion of the town was laid out, but Jonathan Rogers afterward obtained part interest in the tract, as his name appears upon the deed which conveyed the land to the county.

PI

On the 10th of April.
County Commissioners,
named "Bloomington."
work. He was instructe
and to lay out lots 66x1
of lots to be laid out was
public auction or sale of
agent was instructed to
cennes; the Louisville C
the *Western Eagle*, of
which so far as known w
surveyor to lay out the
record of the County Bo
that the agent of this co
the sale of town lots in
proceeds of this first sale
will probably be conclu
not misplaced—that is,
many speculators bough
at this sale is as follows:
John Keys, Arthur H
Lowe, Robinson Graha
man, James Borland, G
Dunning, James Newm
W. D. McCullough, Jac
Pruitt, Elias Goodwin,
Samuel Scott, Sr., Natl
Solomon Phillips, E. R
David Matlock, Lewis
kirk, Zachariah Willia
Lee, William Hardin,
Aquilla Rogers, John
Dickens, Stephen S. E
Fullen, Martha Brown
The above were the onl
only two days of sale, l
lots. As stated elsewl
The land upon which t
Jonathan and David R
sioners. The Rogers
Graham $900 for 150
lots were laid out, the
wheat and corn, whic
without disturbance.
veyor. He laid out
Parks, County Agent
sale. The whisky wa
chain carrier; Aquill
Lewis Noel was the "

1816; Ebenezer Dag-
on 27, 1816; Gideon
1816; William Mat-
on 28, 1816; Thomas
29, 1816; Abraham
er, Section 30, 1816;
ers, Section 34, 1816;
ock, Section 34, 1816;
on, Section 35, 1816;
y, Section 36, 1816;
k, Section 18, 1817;
ction 25, 1817; Law-
's, Section 30, 1817;
Section 31, 1817; Si-
ey, Section 32, 1817;
e Ward, Section 35,
am Goodwin, Section
raham Buskirk, Sec-
1818; O. F. Barker,
1818; George Whis-
n 24, 1821. These
822.

GTON.

esent site of the city
rtainty. Neither can
t entries of land were

Date.	Location.
ept. 26, 1816	N. E. ¼
ept. 26, 1816	N. W. ¼
ept. 26, 1816	S. W. ¼
ept. 26, 1816	S. E. ¼
ept. 27, 1816	N. E. ¼
eb. 5, 1817	S. W ¼
ay 28, 1817	S. E. ¼
eb. 12, 1818	N. W. ¼

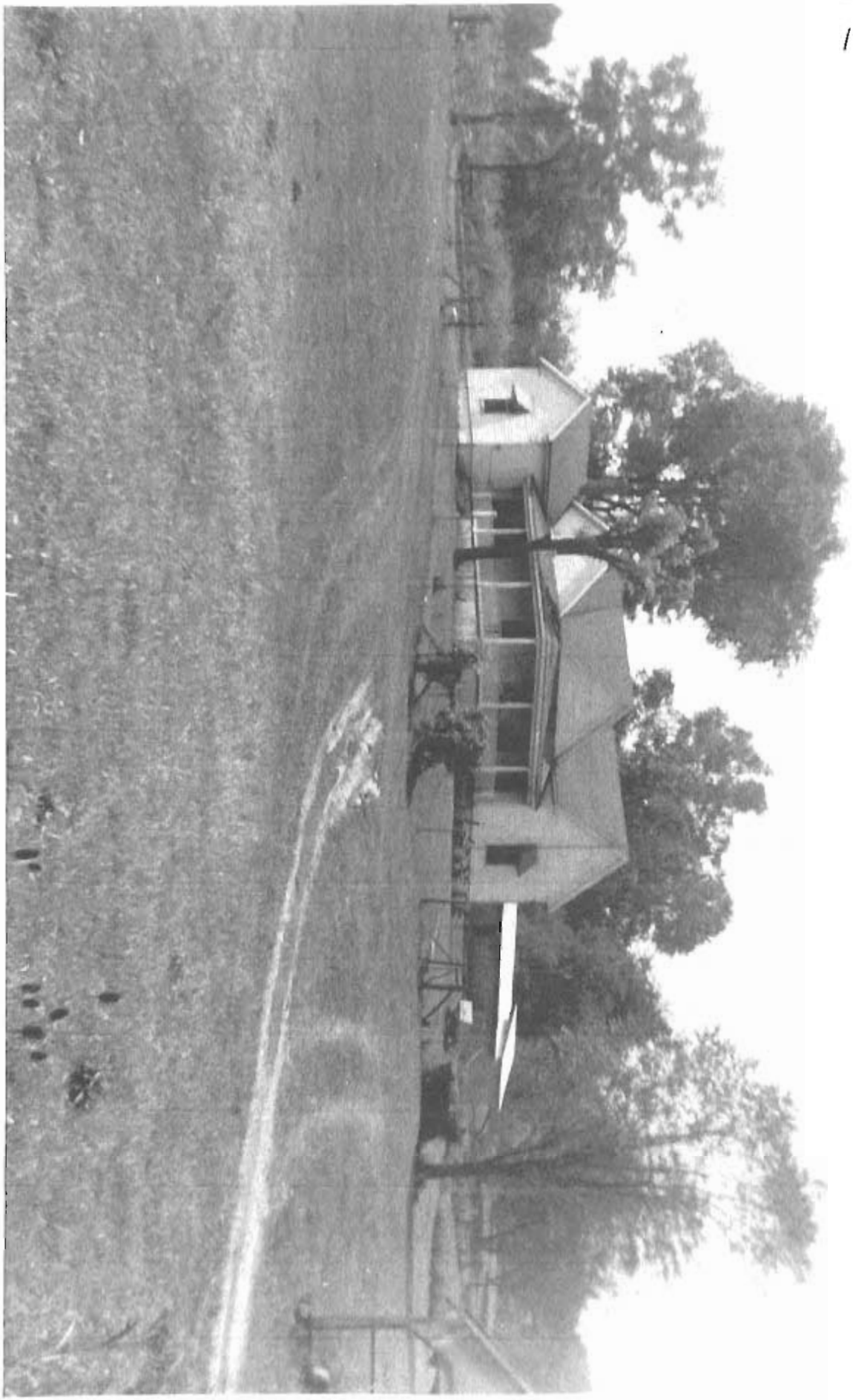
of Section 33, and
ers had been entered
by the above table.
until 1816, at which
ie fix the date of the
en the first lots were
on the land that had
first or second crop
entered the south-
e town was laid out,
t in the tract, as his
l to the county.

PLATTING OF THE VILLAGE.

On the 10th of April, 1818, the first day of the first meeting of the County Commissioners, the county seat was ordered laid off and was named "Bloomington." The County Agent was ordered to oversee the work. He was instructed to make the public square measure 276 feet, and to lay out lots 66x132 feet, and streets 82½ feet wide. The number of lots to be laid out was left to the discretion of the agent. The first public auction or sale of lots was fixed for the 22d of June, 1818, and the agent was instructed to advertize the sale in the *Western Sun*, of Vincennes; the Louisville *Correspondent*; the *Argus of Western America*; the *Western Eagle*, of Madison, and the *Liberty Hall*, of Cincinnati, which so far as known was duly done. Jonathan Nichols was appointed surveyor to lay out the town. The following entry appears upon the record of the County Board: "On motion of Bartlett Woodward, *Ordered*, that the agent of this county procure one barrel of whisky and have it at the sale of town lots in Bloomington." When it is remembered that the proceeds of this first sale amounted to the enormous sum of $14,326.85, it will probably be concluded by the reader that the action of the board was not misplaced—that is, on that day over sixty-five years ago. Of course many speculators bought lots. The complete list of those who bought lots at this sale is as follows: John Scott, D. Thompson, Christian Eppinger, John Keys, Arthur Harris, W. A. Beatty, W. P. Anderson, William Lowe, Robinson Graham, David Sears, Floyd Cummings, Samuel Coleman, James Borland, George Hedrick, W. D. Hoof, David Rogers, James Dunning, James Newman, Jonathan Rogers, Thomas Smith, B. Miller, W. D. McCullough, Jacob B. Lowe, Wm. Curl, Henry Wampler, Coleman Pruitt, Elias Goodwin, Abner Goodwin, Solomon Bowers, John Owens, Samuel Scott, Sr., Nathan Julian, Isham Sumpter, Hezekiah Woodford, Solomon Phillips, E. R. Maxwell, Benjamin Freeland, George Richey, David Matlock, Lewis Noel, Samuel Haslett, James Denny, John Buskirk, Zachariah Williams, Moses Williams, T. B. Clark, Eli Lee, Thomas Lee, William Hardin, Nelson Moore, Ebenezer McDonald, J. W. Lee, Aquilla Rogers, John Foster, Thomas Hadey, Grauville Ward, James Dickens, Stephen S. Bigger, Susannah Lee, Jonathan Nichols, Reuben Fullen, Martha Brown, W. B. Brown, Joshua Howe and James Brown. The above were the only buyers on the 22d and 23d of June, 1818, the only two days of sale, but several of them bought several lots or even many lots. As stated elsewhere, the total proceeds of this sale were $14,326.85. The land upon which the new town was located had been secured from Jonathan and David Rogers and Robert Graham by the locating Commissioners. The Rogers Brothers were paid $1,200 for such land and Mr. Graham $900 for 150 acres soon after the first sale of lots. When the lots were laid out, there was growing upon a portion of them a crop of wheat and corn, which the Rogers Brothers were permitted to harvest without disturbance. At the first sale of lots, Jonathan Nichols was surveyor. He laid out 208 lots and was paid 30 cents each. Benjamin Parks, County Agent, was allowed $33.50 for whisky furnished at the sale. The whisky was obtained of Whisenand. Robinson Graham was chain carrier; Aquilla Rogers, chain carrier; John Owen, chain carrier. Lewis Noel was the "crier" or auctioneer. James Parks was clerk of

Enclosure: F

1956 –
Hedrick House



Enclosure: G

Hedrick House

1971-72

Enclosure: H
Hedrick House
2012

INDIANA DEPARTMENT OF TRANSPORTATION
Driving Indiana's Economic Growth

100 North Senate Avenue
Room N 642
Indianapolis, Indiana 46204

PHONE: (317) 232-5018
FAX: (317) 233-4929

Mitchell E. Daniels, Jr., Governor
Michael B. Cline, Commissioner

Re: Draft Environmental Impact Statement (Tier 2) for the I-69, Evansville to Indianapolis project for Section 5 between Bloomington and Martinsville, Indiana. [FHWA-IN-EIS-12-01-D]

Dear Sir or Madam:

Enclosed is a copy (paper and/or DVD) of the Draft Environmental Impact Statement (DEIS) for the above referenced project. It is being provided for your review and comment. Copies provided to libraries are for the general public to view and receive information on the proposed project. We are requesting libraries keep these on display during the duration of the comment period. The formal comment period for this project is October 26, 2012 – January 2, 2013.

Tier 2 studies of the proposed extension of I-69 between Evansville and Indianapolis are being conducted in six sections, as determined in the Tier 1 Record of Decision (ROD) approved March 24, 2004. An individual Tier 2 DEIS and Final Environmental Impact Statement (FEIS) will be prepared for each of these six Tier 2 sections. The Evansville-to-Indianapolis project will connect to additional segments of the roadway beyond Indiana.

This study is conducted pursuant to the National Environmental Policy Act (NEPA) and the NEPA regulations issued by the Council on Environmental Quality (CEQ), 40 CFR Part 1500, and the Federal Highway Administration (FHWA) 23 CFR 771.

A corridor for the project was approved in the Tier 1 ROD. In Tier 2 studies, the focus shifts to issues associated with the selection of an alignment within the approved corridor, including more precise measurement of impacts, and the avoidance and mitigation of adverse impacts.

Various alternatives to complete the project in Section 5 are discussed in this DEIS. The comments received will be used in the development of a Section 5 FEIS.

Please note your comments should be submitted by **January 2, 2013** to the address provided on the title sheet of this Tier 2 DEIS. If you have any questions concerning this document, please direct them to the FHWA or INDOT contact persons identified on the title sheet of this document. The distribution of the Tier 2 Draft Environmental Impact Statement is made on behalf of the Federal Highway Administration in accordance with 23 CFR 771.

Sincerely,

Laura Hilden, Director
Environmental Services Division
Indiana Department of Transportation

Attachment(s)

Hamman, Mary Jo

From: Devin Blankenship <indianadevin@gmail.com>
Sent: Thursday, November 29, 2012 1:41 PM
To: Hamman, Mary Jo
Cc: Jacqueline Scanlan; Cheryl Munson
Subject: Re: Request for time extension to submit comments, I-69, Section 5, Historic Properties report

On Wed, Nov 28, 2012 at 11:08 PM, Devin Blankenship <indianadevin@gmail.com> wrote:
Dear Ms. Hamman:

The Monroe County Historic Preservation Board requests a time extension for reviewing the historic properties report, and submitting our comments. We ask for a 2-week extension, to December 12, when our members may have more time to review the report.

We do have a copy of the report on CD, but this is difficult to share with our members. If the same report is incorporated into the DEIS, which is on-line, please advise, since our members could read that report. Otherwise, would you please send me a pdf version of the report or a download link, that we can share with our membership.

If you need to discuss this matter with me, you may feel free to contact me via e-mail at IndianaDevin@gmail.com

Thank you for your consideration.

Devin Blankenship,
Chairman, Monroe County Historic Preservation Board.

Hamman, Mary Jo

From: Hamman, Mary Jo
Sent: Friday, November 30, 2012 4:20 PM
To: 'Devin Blankenship'
Cc: Jacqueline Scanlan; Cheryl Munson
Subject: RE: Request for time extension to submit comments, I-69, Section 5, Historic Properties report

Importance: High

Dear Mr. Blankenship,

We're in receipt of your email from the Monroe County Historic Preservation Board, requesting additional time to review the 800.11(e) Documentation from the I-69, Section 5 project. We are able to extend the comment period through December 7, 2012. Please provide any comments by 5:00 pm ET.

You had also asked if the documentation was already available on the internet, noting that if it was not, your membership would appreciate having it available through an ftp link. The 800.11(e) documentation is included on the I-69 website as Appendix N of the DEIS. The document is large enough that it is broken into five different files: Parts A-E. I'm attaching the web-link for Appendix N, Part A - Parts B-E are similar. http://www.i69indyevn.org/wp-content/uploads/DEIS_Sec5/VolumeII/S5_Appendix_N/S5_Appendix_N-A.pdf

Please confirm receipt of this email at your earliest opportunity.

Kind regards,

Mary Jo Hamman
I-69, Section 5 Project Manager

From: Devin Blankenship [mailto:indianadevin@gmail.com]
Sent: Thursday, November 29, 2012 1:41 PM
To: Hamman, Mary Jo
Cc: Jacqueline Scanlan; Cheryl Munson
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If you need to discuss this matter with me, you may feel free to contact me via e-mail at IndianaDevin@gmail.com

Hamman, Mary Jo

From: Devin Blankenship <indianadevin@gmail.com>
Sent: Thursday, December 06, 2012 9:09 PM
To: Hamman, Mary Jo
Subject: Historic Properties Sec. 106 Comments: Monroe County Historic Preservation Board of Review
Attachments: I-69, Evansville to Indianapolis, Tier 2 Studies, Historic Properties, Section 106, MCHP comments, 12-06-2012.pdf

Dear Ms. Hamman,

Attached are our board's comments regarding Historic Properties Sec. 106 for I-69 Evansville to Indianapolis. Again, we appreciated having an extension to allow for more comprehensive board member input.

Thank you,

Devin Blankenship
Monroe County Historic Preservation Board

MONROE COUNTY HISTORIC PRESERVATION
BOARD OF REVIEW
501 N. Morton Street, Suite 224, Bloomington, IN 47404
Telephone: (812)-349-2560 / Fax: (812)-349-2967
www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment/HistoricPreservation.aspx

December 6, 2012

I-69, Section 5 Project Office
3802 Industrial Boulevard, Unit 2
Bloomington, Indiana 47403
Attn: Mary Jo Hamman, via email to: MHamman@mbakercorp.com (hard copy via U.S. mail)

Re: I-69 Evansville to Indianapolis Tier 2 Studies, Historic Properties, Section 106; 800.11(3) (Des. No. 0300381; DHPA No. 2123)

Dear Section 5 Office:

After careful review, our board would like to highlight issues regarding the following historic properties:

(1) The Hedrick House: This house was locally designated in November 2012 as an historic district, approved by the Monroe County Commissioners in accordance with the County's historic preservation ordinance. Furthermore, additional prehistoric artifacts beyond those initially described have been reported from the property around the house.

(2) Maurice Head: We concur with the study; no visual impacts.

(3) Stipp Bender: We concur with the study; no visual impacts.

(4) Brown School: As the only remaining public school building in Washington Township, we maintain that this site has local significance, illustrates a national consolidation movement, and holds a certain degree of international fame. Thomas L. Brown Elementary school is named after a local educator who taught in one-room schools in Washington Township. This particular township was the first in the county to consolidate all of the schools into one. The land for the school was donated by a local family, who still reside in the immediate vicinity. The namesake of the school is buried in Simpson Chapel Cemetery across the road. The school was open for a relatively short period prior to a second major round of consolidation which closed this rural community landmark. The building's exterior maintains the same character as when it opened in 1968. Other area schools have additions and modifications that compromise their architectural integrity; not so with Brown School. Brown School was purchased by local entrepreneur, Bill Cook, in 1984 as a practice facility for a fledgling drum and bugle corps. That group, Star of Indiana, won the Drum Corps International Open Class World Champion title in 1991. The group evolved into Brass Theater and then Blast! Blast won the 2001 Tony Award for Best Special Theatrical Event and the 2001 Emmy Award for Best Choreography. The local community is proud of Brown School's history as both an elementary school and performing arts practice facility. This property is locally significant, and we believe should be determined eligible for the National Register of Historic Places in the future. The current I-69 route proposal would have adverse visual impacts on this property as the center line shifts westward, closer to Brown School.

(5) Maple Grove Road: While the report states that the project will "not introduce any visual elements that contrast with the existing visual setting," extensive steel guardrails and concrete barriers proposed for the I-69 corridor will greatly detract visually from the current rural character of the area around the district and in the expanded district. We find this to be an adverse visual impact. Instead of steel guardrails and concrete barriers, we recommend using quarry blocks as

blockade alternatives to steel guardrails and concrete barriers, to avoid creating visual impacts; see discussion in (7) below.

(6) Reed Historic Landscape District: The district should be expanded to include the Hedrick House at 3275 N. Prow Road, as well as those at 3225, 3215, 2095, and 3065, since former residents were reported to have been associated with quarry work. Census data have not confirmed that the residents did not work there, and employment records for Reed Quarry do not cover the period of significance. Historic records have not countered the longstanding oral history.

(7) Reed, Hunter Valley, and North Clear Creek Historic Landscape Districts: The adverse visual impacts on all three districts will be significant and detractions from their historic character. Using steel guardrails or concrete barriers goes against the common local practice for safety and traffic lane containment, which uses reject quarry blocks to create a secure separation. There is an incredible abundance of reject quarry blocks in Monroe and Lawrence Counties. It makes far more economic and environmental sense to move these blocks for placement along I-69 than to manufacture and haul concrete or steel rails. Both concrete and steel rails will change the historic character of these three National Register eligible Landscape Districts, and create visual impacts that are avoidable.

Additionally, we wish to inform government agencies and the public that visual impacts to the historic and natural character of the major entryway into Monroe County and Bloomington can be expected to make the area less attractive and interesting to visitors, and so produce a negative effect on tourism. Affecting tourism in this way creates economic impacts – namely, a decline in tourism revenues. Unlike some serious issues re: I-69/Sec. 5, visual impacts can be avoided by sensitive construction.

We appreciate this opportunity to comment on your study. Please do not hesitate to communicate any thoughts, concerns, or questions to our board using the above contact information.

Sincerely,

Devin Blankenship, Chair

Monroe County Historic Preservation Board

From:
Sent: Friday, December 21, 2012 3:48 PM
To:
Cc:
Subject: RE: FW: Section 106 comments?
Attachments: 20121219 DNR-ProjOffice.pdf; 20121219 Reed-ProjOffice-sm.pdf

The two attached comments were received at the project office.

And the following verbal comment from the Public Hearing:

MS. CHERYL MUNSON: Thank you. A bit of confusion. In January, I will be a new member of the Monroe County Council, and so I signed up tonight to speak as an appointed government official for the Monroe County Historic Preservation Board. And many of you may have heard me speak before. I've spoken many times in opposition to Section 4, and tonight I wish to speak and urge construction of Section 5 because of public safety concerns and because of connectivity concerns for people commuting from the county into Bloomington; but that doesn't mean that everything is good and well with historic resources in Section 5. Our Board has prepared comments in detail, and we disagree with several findings. We concur with many others I should say. Let me just tell you the points of disagreement. We disagree that there is no adverse effect on four important districts. These are the Maple Grove Road, National Register of Historic Places Rural District, the Hunter Valley Historic Landscape District, the Reed Historic Landscape District, and the North Clear Creek Historic Landscape District. The latter three are all significant for their importance -- Did I just run out of time? Oops! -- for their importance to the history of the limestone industry. And the effects will be -- caused by construction will be the erection of concrete barriers and steel guardrails, and we think this will be a terrible visual impact that could be alleviated by using traditional methods of barriers called quarry bluffs. Thank you.

Hamman, Mary Jo

From: Hamman, Mary Jo
Sent: Friday, December 07, 2012 9:59 AM
To: Linda Sievers
Subject: RE: public comment noise and light pollution

Thank you Linda. I appreciate your follow up after yesterday's meeting.

The comment period for the Section 5 DEIS concludes January 2, 2013. In compliance with the requirements of the National Environmental Policy Act (NEPA), all comments received during the DEIS comment period are considered on an equal basis. All will be reviewed following the close of the comment period. All comments on the DEIS will be published in full in the FEIS, and responses to all substantive comments will also be provided in that document.

Thank you again for taking time to provide your input on the Section 5 DEIS.

We'll look forward to your visit next week.

Mary Jo

From: Linda Sievers [mailto:lsievers@btfire.org]
Sent: Friday, December 07, 2012 9:39 AM
To: Hamman, Mary Jo
Subject: public comment noise and light pollution

Good Morning Mary Jo,

I'm following up with my comments yesterday concerning noise and light pollution along I-69, Section 5.

I am requesting that the road surface material through Section 5 be sound sensitive due to the expected increase in traffic. I live in the Maple Grove Historic District and we hear some truck traffic, but it will only get worse and more frequent with I-69. In addition, I ask that you consider using lights that face downward and those that do not emit light in all directions.

Thank you in advance for your consideration.
Linda

Linda G. Sievers,Trustee
Bloomington Township
2111 W. Vernal Pike
Bloomington, IN 47404

P (812) 336.4976
F (812) 335.8993

CONFIDENTIALITY NOTICE

This transmission (including any attachments) may contain confidential information belonging to the sender, which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified than any disclosure, copying, distribution, or the taking of any action in reliance on the content of this information is strictly

Hamman, Mary Jo

From: Hamman, Mary Jo
Sent: Monday, December 10, 2012 9:56 AM
To: 'Devin Blankenship'
Subject: RE: Historic Properties Sec. 106 Comments: Monroe County Historic Preservation Board of Review

Mr. Blankenship,

I wanted to confirm receipt of your comments. Thank you for your input. We'll begin reviewing them today.

Kind Regards,

Mary Jo Hamman
I-69, Section 5 Project Manager

From: Devin Blankenship [mailto:indianadevin@gmail.com]
Sent: Thursday, December 06, 2012 9:09 PM
To: Hamman, Mary Jo
Subject: Historic Properties Sec. 106 Comments: Monroe County Historic Preservation Board of Review

Dear Ms. Hamman,

Attached are our board's comments regarding Historic Properties Sec. 106 for I-69 Evansville to Indianapolis. Again, we appreciated having an extension to allow for more comprehensive board member input.

Thank you,

Devin Blankenship
Monroe County Historic Preservation Board

WEINTRAUT & ASSOCIATES, INC.

Dr. James A. Glass
Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 W. Washington Street, W274
Indianapolis, IN 46204

December 10, 2012

Re: I-69 Evansville to Indianapolis Tier 2 Studies, Section 5 Section 106: Draft Memorandum of Agreement (Des. No.: 0300381; DHPA No.: 2123)

Dear Dr. Glass:

As part of the Section 106 consultation for the I-69 Evansville to Indianapolis Tier 2 Studies, Section 5, the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) are providing you a copy of the draft Memorandum of Agreement (MOA).

On October 11, 2012, the FHWA signed the Section 106 Findings and Determinations: Area of Potential Effects, Modified Eligibility Determinations, and Effects Findings of Adverse Effect for this undertaking. This draft MOA has been prepared as part of the resolution of adverse effects, pursuant to 36 C.F.R. § 800.6.

Enclosed is a copy of the draft MOA for your review and comment. Please note the draft MOA prepared for Section 5 is similar to the MOA prepared for Section 4 of I-69 Evansville to Indianapolis Tier 2 Studies signed by your office on May 11, 2011. However, in the Section 5 draft MOA the provision for audio tour mitigation has been replaced by the preparation of a brochure regarding the cultural and natural history of the limestone industry. (Please see Stipulation I.A.)

It is our understanding that INDOT, Cultural Resources Office will request an expedited review of this document in order to have time to adequately address SHPO comments and meet project schedules. Therefore, your review and comments are requested by Friday, December 21, 2012.

Sincerely,

Linda Weintraut
Weintraut & Associates, Inc.

Enclosures

cc: Michelle Allen, FHWA
Patrick Carpenter, INDOT
Kia Gillette, BLA

Indiana Department of Natural Resources

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

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

December 17, 2012

Linda Weintraut, Ph.D.
Weintraut & Associates, Inc.
P.O. Box 5034
Zionsville, Indiana 46077

Federal Agency: Federal Highway Administration ("FHWA")

Re: December 10, 2012 version of the Draft Memorandum of Agreement ("Draft MOA") regarding I-69 Evansville to Indianapolis: Tier 2 Studies, Section 5 (Des. No. 0300381; DHPA No. 2123)

Dear Dr. Weintraut:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation 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 conducted an analysis of the Draft MOA under your cover letter dated and received on December 10, 2012, for the aforementioned project in Monroe and Morgan counties, Indiana.

Thank you for providing our office with the December 10, 2012 version of the Draft MOA for review and comment. Although we recognize that parts of this Draft MOA are very similar to parts of one or more previous MOAs, we have taken the opportunity to suggest some clarifications that we think would improve this document. We appreciate your having provided us with an electronic copy of the Draft MOA, in case we wished to mark suggested changes on it. In this case, however, we have found it easier to make our points by integrating our comments with our suggested changes. We offer the following comments and recommendations:

- The first clause in the preamble establishes "FHWA" as the abbreviation for the Federal Highway Administration, yet there are numerous places in the preamble and the stipulations where "the FHWA" is used. The meaning does not change, but we think it would be appropriate to settle on one abbreviation or the other, and "FHWA" is slightly more compact.

- The fifth clause in the preamble includes the phrase "Alternative 8 which is comprised of alternatives 4, 5, 6, and 7." After we had read the Project Description in Attachment A, it became clearer that Alternative 8 actually includes *features of* the other four, named alternatives but not the entirety of all four of the named alternatives. Also, using "comprised" in this context might not be the most appropriate word choice. We think a possible ambiguity could be avoided if the phrase in question were revised to say, "Alternative 8, which is composed of features of alternatives 4, 5, 6, and 7," in both the preamble and Attachment A.

- We think that the commitment in Stipulation I.A. to prepare a brochure on the limestone industry, which would include references to specific historic properties within Section 5, could have educational and tourism benefits. Because Stipulation I.A. deals only with a specific mitigation measure, however, we would recommend changing the heading from "General Mitigation" to something like "Educational Brochure."

- The first sentence of the first paragraph of I.A. is not in the same form as other commitments in the MOA. We suggest beginning that paragraph as follows: "A brochure regarding the cultural and natural history of the limestone industry along the I-69 corridor shall be prepared, ..."

- What we perceive to be the intent of the last sentence of the first paragraph of Stipulation I.A. could be clarified if that sentence were reworded to read approximately as follows: "This brochure shall be considered to satisfy, for Section 5, the commitment in Stipulation II.C.2. of the 2003 I-69 Tier 1 MOA (i.e., "Memorandum of Agreement Between the Federal Highway Administration and the Indiana State Historic Preservation Officer Regarding the Selection of a Corridor for I-69, From Evansville to Indianapolis, Indiana").

- Under Stipulation I.C.1., we suggest adding that a plan for the Phase Ic investigations will be submitted to the SHPO for review and comment.

- Although we realize that this is addressed later in I.C.3.(f)(3), for clarification it may be helpful under Stipulation I.A., to note that specific archaeological site locations and archaeological features should not be located in the brochure map per I.C.3.(f)(3).

- If it is considered important to note expressly the consultation with the Indiana SHPO in the first sentence of Stipulation I.C.2., we think the meaning of that sentence would be clearer if it began as follows: "Consultation with the Indiana SHPO revealed that there is insufficient information regarding archaeological sites . . . ."

- Also regarding Stipulation I.C.2., in the last sentence, the phrase "submitted to the SHPO" is stated twice.

- We wonder whether "Before commencing ground-disturbing activities" would come closer to the intent of Stipulation I.C.3.(b)(1) than does "Before advancing ground disturbing activities." It seems to us that "advancing" suggests that some ground-disturbing activities will already have occurred before archaeological resource identification and evaluation have been completed. Alternatively, if it is intended that some ground-disturbing activities may or will have occurred previously, it might be appropriate to indicate which kinds of ground-disturbance, or in which kinds of locations, such activities would be acceptable prior to completion of archaeological resource identification and evaluation. That might avoid disagreement later over whether ground-disturbing activities had gone too far before identification and evaluation were completed.

- In the first sentence of Stipulation I.C.3.(c)(2), we think the intent would be expressed more clearly if "in effect" were inserted after "36 C.F.R. part 800 regulations."

- In that same sentence in I.C.3.(c)(2), the phrase "on the date upon which this MOA is fully executed" appears twice. In the context of an agreement, "executed" can mean either that it has been signed or that its commitments have been carried out. From the context, we sense that the intent here is to refer to the completion of the signature process by necessary signatories. If that is the intent, then, in order to avoid possible confusion about which version of the 36 C.F.R. part 800 regulations will govern this stipulation if those regulations were to be amended during the life of the MOA, we recommend using, instead, the phrase "on the date on which the last of the required signatories has signed this MOA." Furthermore, it appears that the first sentence could be terminated after the phrase "eligible for inclusion in the NRHP." It would seem as though the studies and the eligibility determinations ought to be conducted under the same version of the regulations, because both are parts of the identification and evaluation step of the Section 106 process. However, if the intent of the last part of that sentence is not to cite the Section 106 regulations but, rather, to cite the NRHP criteria for evaluation, then the correct citation would be 36 C.F.R. § 60.4.

If you have questions about archaeological issues, please contact Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding I-69 Tier 2 Section 5, please continue to refer to DHPA No. 2123.

Very truly yours,

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

JAG:JRJ:JLC:jlc

cc: I-69 Section 5 Project Office

emc: Michelle Allen, Federal Highway Administration, Indiana Division
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Lochmueller and Associates, Inc.
Timothy Miller, Bernardin, Lochmueller and Associates, Inc.
Kia Gillette, Bernardin, Lochmueller and Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller and Associates, Inc.
Kyle Boot, Bernardin, Lochmueller & Associates, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Mary Jo Hamman, Michael Baker Jr., Inc. Corporation

DNR Indiana Department of Natural Resources

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

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

HISTORIC PRESERVATION AND ARCHAEOLOGY

January 2, 2013

Mary Jo Hamman
Michael Baker Corporation
Post Office Box 8464
Evansville, Indiana 47716

Federal Agency: Federal Highway Administration ("FHWA")

Re: "I-69 Evansville to Indianapolis, Indiana, Tier 2 Draft Environmental Impact Statement, Section 5: Bloomington to Martinsville, Volumes I & II" (October 2012) (FHWA-IN-EIS-12-01-D; INDOT Des. No. 0300381; DHPA No. 2123)

Dear Ms. Hamman:

Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321, et seq.) and pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the aforementioned draft environmental impact statement ("DEIS"), which was received on a digital video disc ("DVD") on October 30, 2012, for this project in Monroe and Morgan counties in Indiana. According to the Indiana Department of Transportation's ("INDOT's") undated cover letter, the comment deadline is January 2, 2013, and according to that letter and the title signature page of the DEIS, we are to submit comments to you.

With regard to Volume I, Section 5.13 Historic Resource Impacts, we agree with the conclusions regarding above-ground properties that are listed in, or eligible for inclusion in, the National Register of Historic Places. Having concurred, in our November 21, 2012, letter that "that this project will not adversely affect any historic above-ground properties," we now concur, as well, with the DEIS's similar conclusion regarding impacts on historic above-ground properties. The North Clear Creek Landscape Historic District will perhaps see the most noticeable changes to its setting of any of the historic above-ground properties identified in Section 5 of I-69. We note that the explanation in Section 5.13 of why the North Clear Creek Historic Landscape District will not suffer an adverse impact from this project is more succinct than that in Section 5.6 of the documentation accompanying FHWA's October 11, 2012, finding of Adverse Effect for the project as a whole (see Appendix N of the DEIS). However, the lack of an adverse impact on the North Clear Creek Historic Landscape District was perhaps explained most succinctly by the paragraph in Appendix N, PDF page 57/87 that begins with the following statement: "Under CFR 800.5(a)(2)(v), there will be an '[i]ntroduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features,' but that introduction will not constitute an adverse effect."

Regarding archaeology, in Volume I, Section 5.14 Archaeology Impacts, we note that the Addendum Phase Ia and Ib archaeological report (Lombardi et al., 10/26/12) documented archaeological resources in the footprint of the proposed project area, and our office commented in detail on the report in our letter of November 19, 2012.

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 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 buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding I-69 Section 5, please refer to DHPA No. 2123.

Very truly yours,

Ron McAhron
Deputy Director
Indiana Department of Natural Resources

RM:JLC:JRJ:jj

eme: Michelle Allen, Indiana Division, Federal Highway Administration
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Lochmueller and Associates, Inc.
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Kia Gillette, Bernardin, Lochmueller and Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller & Associates, Inc.
Kyle Boot, Bernardin, Lochmueller & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Mary Jo Hamman, Michael Baker Jr., Inc.

Hamman, Mary Jo

From: Cheryl Munson <cherylmunson2012@gmail.com>
Sent: Wednesday, January 02, 2013 9:17 PM
To: Hamman, Mary Jo
Subject: I-69, Section 5, DEIS comments due January 2, 2013
Attachments: Cheryl Ann Munson, comments on DEIS, I-69, Sec. 5.pdf

Dear Ms. Hamman:

Please find my comments attached.

Thank you,

Cheryl Ann Munson

CherylMunson2012@gmail.com
(812) 325-3407
www.cherylmunson.us

Cheryl Ann Munson
6707 W. Rock East Road
Bloomington, IN 47403
(812) 325-3407

January 2, 2013

I-69, Section 5 Project Office
3802 Industrial Boulevard, Unit 2
Bloomington, Indiana 47403
Attn: Mary Jo Hamman, via email to: MHamman@mbakercorp.com (hard copy via U.S. mail)

Re: DEIS (Tier 2), I-69 Evansville to Indianapolis Tier 2 Studies, Section 5, Bloomington-Martrinsville, Indiana (FHWA-IN-EUS-12-01-D)

Dear Section 5 Office:

As a citizen, a long-time resident of Monroe County, and an elected public official with more than 16 years in office, I have followed the I-69 development closely and have commented extensively on impacts to the environment and to historic properties. In my view, stopping construction of Section 4 would be the best for the environment and historic properties, and would also reduce the impacts on local transportation and public safety that I-69 will bring to the county.

Barring such a halt, I believe Section 5 should be built to help reduce impacts caused by the increased traffic, especially truck traffic, that Section 4 will deliver to SR 37. Those impacts include reduced public safety; downgraded emergency response time; and diminished air quality due to stop-and-go traffic of tractor-trailer rigs dumped onto 37; as well as increased travel time and distance for local commuters and concommitant enlarged monetary and environmental costs that will ensue.

But Section 5 as presently planned is not a sufficient remedy. I will address two points for Section 5: (1) connectivity issues and (2) mitigation of impacts on the historic character and tourism values of Monroe County.

Connectivity

Since its construction, SR 37 has increasingly become THE north-south LOCAL transportation route on the west side of Bloomington and Monroe County. It is widely used by people traveling to work, to stores, and to services. No other north-south road works to connect Victor Pike or Arlington Road to the west side shopping areas at Sam's Club, Walmart, SR 48 area, and Whitehall Crossing. Connectivity is also an issue for emergency response, especially between the SR37/I-69 intersection, SR 45, SR 48, and SR 46.

Poor connectivity can be remedied by building a frontage road for local transportation. Such a road should begin at Victor Pike on the south and extend north to Kinser Pike. Reducing

the number of lanes on I-69 from 6 to 4 would be workable because local traffic would use the frontage road. The frontage road should have a side path for pedestrian and bicycle traffic.

If the entirety of the frontage road is not possible, then there needs to be substitute north-south route provided by INDOT. Extending Gates Drive to Vernal Pike would be helpful, as would extending Cory Lane to Vernal Pike and Arlington Road.

Additionally, all the overpasses over I-69 need pedestrian/bicycle paths.

Mitigating Visual Impacts on Historic Character

The historic character of the Bloomington/Monroe County community is treasured by local residents and draws tourists to our beautiful roadsides with their historic features and attractive natural settings. Three Historic Landscape Districts have been determined eligible for the National Register of Historic Places because of their association with the limestone industry. A fourth historic district, Indiana's first National Register Rural Historic District, includes the varied constructions, stone fences, and patterns of association within Maple Grove Road District. All four districts will suffer visual impacts by the planned construction using steel guard rails or concrete barriers along I-69. Under the National Historic Preservation Act, such impacts are to be mitigated when feasible.

Using either steel or concrete barriers will greatly detract from the historic character of the area, and in so doing lessen the touristic appeal of Monroe County. Tourism, of course, provides a significant component for the local economy, and this should be reason enough to mitigate the visual impact, but the local population also appreciates the historic character of our area and wants it preserved.

Solution? Use a more appropriate material for a barrier, namely large blocks of limestone that are rejects from quarry operations. The county has many thousands of these, and they are traditionally used along rural roadways as barriers. Re-using limestone blocks would be especially appropriate in the four historic districts but they could be used any place a steel guardrail or cement barrier is considered. Furthermore, the environmental cost of project construction would be considerably lowered because no steel would need to be produced and shipped. Ditto for concrete. Using locally available construction materials would also benefit the local economy.

Thank you for the opportunity to comment.

Yours truly,

Cheryl Ann Munson

MONROE COUNTY HISTORIC PRESERVATION
BOARD OF REVIEW
501 N. Morton Street, Suite 224, Bloomington, IN 47404
Telephone: (812)-349-2560 / Fax: (812)-349-2967
www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment/HistoricPreservation.aspx

January 2, 2013

I-69, Section 5 Project Office
3802 Industrial Boulevard, Unit 2
Bloomington, Indiana 47403
Attn: Mary Jo Hamman via email to: MHamman@mbakercorp.com

Re: Draft Environmental Impact Statement (Tier 2), I-69 Evansville to Indianapolis project for Section 5 between Bloomington and Martinsville, Indiana. (FHWA-IN-EIS-12-01-D)

Dear Section 5 Office:

After careful review, our board would like to highlight issues regarding the following historic properties:

(1) The Hedrick House: This house was locally designated in November 2012 as an historic district, approved by the Monroe County Commissioners in accordance with the County's historic preservation ordinance. Furthermore, additional prehistoric artifacts beyond those initially described have been reported from the property around the house.

(2) Maurice Head: We concur with the study; no visual impacts.

(3) Stipp Bender: We concur with the study; no visual impacts.

(4) Brown School: As the only remaining public school building in Washington Township, we maintain that this site has local significance, illustrates a national consolidation movement, and holds a certain degree of international fame. Thomas L. Brown Elementary school is named after a local educator who taught in one-room schools in Washington Township. This particular township was the first in the county to consolidate all of the schools into one. The land for the school was donated by a local family, who still reside in the immediate vicinity. The namesake of the school is buried in Simpson Chapel Cemetery across the road. The school was open for a relatively short period prior to a second major round of consolidation which closed this rural community landmark. The building's exterior maintains the same character as when it opened in 1968. Other area schools have additions and modifications that compromise their architectural integrity; not so with Brown School. Brown School was purchased by local entrepreneur, Bill Cook, in 1984 as a practice facility for a fledgling drum and bugle corps. That group, Star of Indiana, won the Drum Corps International Open Class World Champion title in 1991. The group evolved into Brass Theater and then Blast! Blast won the 2001 Tony Award for Best Special Theatrical Event and the 2001 Emmy Award for Best Choreography. The local community is proud of Brown School's history as both an elementary school and performing arts practice facility. This property is locally significant, and we believe should be determined eligible for the National Register of Historic Places in the future. The current I-69 route proposal would have adverse visual impacts on this property as the center line shifts westward, closer to Brown School.

(5) Maple Grove Road: While the report states that the project will "not introduce any visual elements that contrast with the existing visual setting," extensive steel guardrails and concrete barriers proposed for the I-69 corridor will greatly detract visually from the current rural character of the area around the district and in the expanded district. We find this to be an adverse visual impact. Instead of steel guardrails and concrete barriers, we recommend using quarry blocks as

blockade alternatives to steel guardrails and concrete barriers, to avoid creating visual impacts; see discussion in (7) below.

(6) Reed Historic Landscape District: The district should be expanded to include the Hedrick House at 3275 N. Prow Road, as well as those at 3225, 3215, 2095, and 3065, since former residents were reported to have been associated with quarry work. Census data have not confirmed that the residents did not work there, and employment records for Reed Quarry do not cover the period of significance. Historic records have not countered the longstanding oral history.

(7) Reed, Hunter Valley, and North Clear Creek Historic Landscape Districts: The adverse visual impacts on all three districts will be significant and detractions from their historic character. Using steel guardrails or concrete barriers goes against the common local practice for safety and traffic lane containment, which uses reject quarry blocks to create a secure separation. There is an incredible abundance of reject quarry blocks in Monroe and Lawrence Counties. It makes far more economic and environmental sense to move these blocks for placement along I-69 than to manufacture and haul concrete or steel rails. Both concrete and steel rails will change the historic character of these three National Register eligible Landscape Districts, and create visual impacts that are avoidable.

Additionally, we wish to inform government agencies and the public that visual impacts to the historic and natural character of the major entryway into Monroe County and Bloomington can be expected to make the area less attractive and interesting to visitors, and so produce a negative effect on tourism. Affecting tourism in this way creates economic impacts – namely, a decline in tourism revenues. Unlike some serious issues re: I-69/Sec. 5, visual impacts can be avoided by sensitive construction.

We appreciate this opportunity to comment on your study. Please do not hesitate to communicate any thoughts, concerns, or questions to our board using the above contact information.

Sincerely,

Devin Blankenship, Chair

Monroe County Historic Preservation Board

Hamman, Mary Jo

From: Bill Williams <bwilliams@co.monroe.in.us>
Sent: Wednesday, January 02, 2013 4:47 PM
To: Hamman, Mary Jo
Cc: Iris Kiesling Forwarded; Iris Kiesling; Patrick Stoffers; 'Julie Thomas'; Geoff McKim; jpittsford@bluemarble.net; 'Richard Martin'; Larry Wilson; Sarvis, Samuel
Subject: I-69, Section 5; DEIS Comments
Attachments: I-69, Section 5; Tier 2, DEIS Comments.pdf

Good afternoon,

Please find comments regarding to the Draft Environmental Impact Statement from the Monroe County Board of Commissioners for Section 5 of the I-69 project. A hard copy of this is being mailed to you as well.

Feel free to contact me if you have any questions or comments.

Thank you for your assistance,

Bill Williams
Monroe County Public Works Director / Highway Engineer
Monroe County Highway Department
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OFFICE OF
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Patrick Stoffers *Iris F. Kiesling, Vice President* *Julie Thomas*

January 2, 2013

Mary Jo Hamman, Section 5 Project Manager
Michael Baker Corporation
P. O. Box 8464
Evansville, Indiana 47716

RE: I-69, Section 5; DEIS Comments.

Dear Ms. Hamman:

Please find attached a report prepared by the Monroe County Highway Department for the Monroe County Commissioners as it relates to the impacts of I-69 in our County. Be advised that we have reviewed the Draft Environmental Impact Statement for Section 5, have discussed the latest alignments, potential road closures and impacts of the project with Bill Williams, Monroe County Public Works Director / Highway Engineer, in detail, and concur with the requirements, concerns and recommendations that are listed in the report.

Therefore, consider the attached report the formal comments from the Monroe County Board of Commissioners on the DEIS for Section 5 of the I-69 project. We urge the Indiana Department of Transportation and the Federal Highway Administration to favorably consider the information outlined in this report.

If you have any questions or comments, please feel free to contact us at your convenience.

Sincerely,

Monroe County Board of Commissioners

Iris Kiesling

Iris Kiesling, Vice-President

IK/ww

Enclosure

Cc: Rick Marquis, Acting Division Administrator, Federal Highway Administration
Michael B. Cline, Commissioner, Indiana Department of Transportation
Larry Wilson Monroe County Planning Director
Bill Williams, Monroe County Public Works Director / Highway Engineer

The Monroe County Board of Commissioners

and

I-69

Monroe County Road Impacts of Section 5

Comments for Tier 2, Draft Environmental Impact Statement January 2, 2013

Prepared for:
The Monroe County Board of Commissioners

by:
Bill Williams
Monroe County Highway Engineer
January 2, 2013

Introduction

This report was prepared to use as a directive for the review of the impacts the construction of I-69, Section 5, will have on the road system of the Monroe County Highway Department. Unlike this Department's review of Tier 1 and the 2005 review of Tier 2, which reviewed all roads in the entire 2 mile wide Study Band and, in some instances, discussed possible affects on the road network outside of that study boundary, this report will focus on specific access issues to the interstate and the proposed grade separations and/or closures being proposed at this time and the impact on the local transportation network, both vehicular and alternative, caused by these various alternatives. It will also address other environmental issues such as drainage and noise, as well as construction concerns and phasing of the project.

The report focuses on Section 5, from the State Road 37, south of Bloomington in Monroe County to State Road 39 in Morgan County, with information provided to this office by the Indiana Department of Transportation and their consultant, Michael Baker Corporation, specifically documents and maps titled "I-69 Evansville to Indianapolis Tier 2 Draft Environmental Impact Statement, Section 5: Bloomington to Martinsville", dated October, 2012.

As with most projects of this magnitude, it is anticipated that additional comments by the Monroe County Commissioners and Monroe County Drainage Board will be afforded as the detailed plans are developed once a Record of Decision has been made and approved by the Federal Highway Administration. This is in accordance with current Federal Highway Administration rules and regulations. We further anticipate being able to review and comment on the drainage impacts on our existing roadway drainage ditches and structures that a refined alignment will provide, thus the ability to review the impacts in accord with Monroe County Code Chapter 761, Monroe County's Storm Water Management Ordinance, shall be required.

Given the possibility of a design–build contract for Section 5, as has been done in segments of previous Sections, versus the design-bid-build, which affords additional comments during the design period, timely coordination and review is necessary by all parties if the design-build process is used. Monroe County Government agencies, such as the Highway Department and Planning Department, request to be advised of the design as it is developed. This is necessary for coordination with emergency agencies, schools and other public and private agencies.

As was stated in previous the Tier 1 and Tier 2 submittals by this Department and the Monroe County Board of Commissioners, we expect the Federal Highway Administration and the Indiana Department of Transportation to fund and construct frontage roads, grade separations and interchanges at critical locations in order to maintain a high degree of safety for the public and our emergency response personnel. Previous Tier 1 and Tier 2

studies indicated that the County transportation network would be restricted along the Section 5 corridor. This includes building new frontage roads to connect to substandard roadways that currently have lower traffic volumes than that expected once the connections to the interstate are closed. Given Monroe County is a County that is continuing to develop at a rapid pace, improvements to the local road system should be considered when development of the interstate occurs. This will require further study, assurance and commitment of additional State or Federal funding support, as well as coordination as construction plans are developed.

Monroe County actively participated in the "*I-69 Community Planning Program*" and submitted a report to the INDOT which was found acceptable and approved by the Division of Planning. Recommendations for improvements as it relates to the INDOT's implementation of this project were detailed in said report and incorporated as a part of Monroe County's formal comment as it applies to Section 5 of this project. The report was unanimously recommended for approval by the Monroe County Plan Commission on July 20, 2010, and was formally adopted by the Monroe County Board of Commissioners on August 27, 2010 via Resolution 2010-20.

There are seven preferred interchange options in Section 5 between State Road 37 and State Road 39, inclusive of these locations, of which the preferred alternates are generally consistent with previous County recommendations. Additionally, however, for the safety of the traveling public that use this interstate, emergency access points should be provided for ambulance, fire and police agencies given their need to provide their services on this State-owned facility if deemed necessary by the emergency agencies in this community.

As mentioned in the preferred alternate, grade separations were proposed at Rockport Road, Vernal Pike / 17th Street, Arlington Road, Kinser Pike, and Chambers Pike. These grade separations, along with the interchanges, will assist with intercounty and interstate traffic movements in Monroe County provided that adequate access / frontage roads are constructed.

Local access roads are proposed, that will serve as frontage roads, along existing State Road 37 being converted to I-69, beginning at the North Walnut Street interchange to near the Monroe / Morgan County line. On the east side of the interchange, a frontage road beginning at Walnut Street and end at Chambers Pike, which will accommodate existing residents and businesses in this area. Most of the access road will utilize the existing SR 37 northbound lane, as new southbound I-69 lanes will be constructed west of the existing southbound lane in this segment. Also, a local access road / frontage road is proposed on the west side of the interstate from Charlie Taylor Road to Burma Road which again will aid in providing access to the existing residents and businesses. Unfortunately, some of the access road / frontage roads are being connected to existing roads that have severe horizontal and vertical alignment problems. Also, the existing pavement cross-section in these areas are of insufficient depth to carry the type and volumes of traffic anticipated.

We recommend that INDOT reconstruct these road segments in coordination with the reconstruction of the interstate in order to provide a safe and efficient road system in the area. Otherwise, if left unimproved, the costs for upgrading must be borne by Monroe County. The INDOT and FHWA should commit to supplemental financial assistance to fund the improvements necessary by their restrictions to and across State Road 37 and the consequent increased demand for the use of County roads, inadequate for the new traffic demand.

Aesthetic interchange and grade separation treatments are desired in this community. There exist several options that INDOT is familiar with such as form liners for abutment walls, piers and bridge railing to stamped and/or colored concrete for the same. Areas of native grasses or wildflower plantings could be added to enhance the interchanges and grade separations. The Greater Bloomington Chamber of Commerce has formed a committee, consisting local government officials and private interests that is investigating the various options and recommend the INDOT work with this group to select a common theme throughout the corridor.

Another aesthetic matter is the protection of our historic resources. Some of the locations as designated in the DEIS are adjacent to or near the interstate corridor. The Monroe County Historic Preservation Board has reviewed the corridor and offered comments as it relates to historic locations along the corridor. A relatively cost effective treatment may be to protect these areas with existing limestone blocks which could also be used for noise abatement purposes. Some of the comments from the MCHPB are listed in DEIS, Appendix N, Sub appendix F, for reference.

As it relates to Alternative Transportation issues in Section 5, we are referencing the *"Monroe County Alternative Transportation and Greenways Plan"*, adopted by the Monroe County Board of Commissioners on May 26, 2006, for direction, which provides guidance for recommendations on improvements adjacent to and along Section 5. On most of the County maintained areas it is recommended that on-road opportunities, or paved shoulders, be provided to satisfy this requirement. The exceptions are the Fullerton Pike area where the County has a major roadway improvement project with a planned 10 foot wide, separated multi-use facility that links three City owned trails and at Vernal Pike where the County has constructed an 8 foot wide multi-use trail along a recently completed road project, both of which should be carried across the interstate to accommodate bike and pedestrian traffic movements. Also, the *"I-69/SR 37 Alternative Transportation Corridor Study"* helps to provide the focus for improvements along the overpasses and interchanges and should be used for guidance when considering bridge and road widths.

Another concern is the area wildlife. Since the subsections at the south and north of Section 5 are rural in nature, continued review and implementation of the placement of

wildlife corridors is strongly urged. This is a matter of public safety given the possibility of a crash involving an animal and vehicle is high in these areas.

It is believed that the Participating Agency meetings were successful in that it allowed communities to express concerns and needs as the DEIS was developed. It is strongly encouraged to continue this communication by allowing any interested governmental agency to participate in the Design Team Meetings. This was allowed in Section 4 and we believe it was very useful to both the INDOT and Monroe County during this phase of the project's development.

This report will comment only on those Subsections in Monroe County, and those in Morgan County that will have an impact on the Monroe County road system. Comments will be further refined to the preferred alternates in those subsections.

This report was submitted on behalf of the Monroe County Board of Commissioners. Comments regarding this report should be directed to Bill Williams, Monroe County Public Works Director / Highway Engineer, Courthouse, Room 323, Bloomington, Indiana, 47404, by calling (812) 349-2555, or by e-mail at bwilliams@co.monroe.in.us.

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

January 2, 2013

9043.1
ER 12/778

Mr. Rick Marquis
Acting Division Administrator
Federal Highway Administration
575 N. Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Dear Mr. Marquis/Ms. :

As requested, the Department of Interior (Department) has reviewed the October 2012 Tier 2 Draft Environmental Impact Statement (DEIS) for the **I-69 Evansville to Indianapolis Project, Section 5, between Bloomington and Martinsville in Monroe and Morgan Counties, Indiana (EIS#: FHWA-IN-EIS-12-01-D)**. With respect to those portions of the document for which the Department or its bureaus have jurisdiction or special expertise, we are providing the following comments and recommendations for your consideration.

Section 4(f) Comments

The DEIS considers effects to two identified properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303§ 771.135) associated with the Tier 2 study of Section 5 of the I-69 Evansville to Indianapolis project. Section 5 begins at State Route (SR) 37 southwest of Bloomington and continues to SR 39 in Martinsville. The study area for Section 5 includes Monroe, Owen, Greene, Brown and Morgan counties. Section 5 is approximately 21 miles in length. The Section 5 project consists of upgrading SR 37 to interstate highway standards. SR 37 is a four-lane, divided highway which has multiple, diverse access points. Most of these access points are at grade.

This evaluation, prepared by Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA), considered the impacts to Wapehani Mountain Bike Park, a recreational property, and the North Clear Creek Historic Landscape District, a historic property eligible for the National Register of Historic Places. Specific impacts depend upon the alternate chosen for implementation. For the Wapehani Mountain Bike Park, INDOT and FHWA propose to make a *de minimis* determination for the impacts associated with two of the alternatives, though the preferred alternative avoids any use of the property. For the North Clear Creek Historic Landscape District, the INDOT and FHWA also propose a *de minimis* determination because they have made a determination of No Adverse Effect to the property by the preferred alternative. In both cases, neither the City of Bloomington, property owner/manager of the Bike Park, nor the State Historic Preservation Officer for the Historic District have concurred with the *de minimis* finding.

The Department cannot concur with the INDOT and FHWA because there is no evidence that the City of Bloomington or the State Historic Preservation Officer have agreed to the determinations. We will reserve our concurrence with the hope that the Final EIS will present the necessary agreements.

Chapter 8 [Section 4(f)] appears to be silent on properties owned by the FWS and/or properties that may have a federal interest (*e.g.*, Pittman-Robertson & Dingell-Johnson funds) such as state wildlife management areas. Please indicate if any such properties occur in the project area and if so, whether or not they may be affected.

General Comments

In contrast to the first four sections, which were developed on new terrain, Section 5 of I-69 interstate project involves the upgrading of an existing, multi-lane divided highway, to a full freeway facility. Most of the right-of-way used for Section 5 is already devoted to transportation use. Overall, the preferred alternative for the I-69 alignment in Section 5 (Alternative 8) demonstrates a reasonable effort to avoid impacts to natural resources, including minimizing habitat fragmentation and impacts to karst features.

The U.S. Fish and Wildlife Service (FWS) is greatly in favor of the Indiana Department of Transportation's (INDOT) previous commitments to bridge the entire floodplains of various streams and rivers and encourages the continued employment of this practice within Section 5, where possible. The FWS also strongly supports the proposed development of wildlife crossings throughout the Section 5 project area. Because of the rural and densely forested nature of parts of the project area, minimizing habitat gaps and barriers to wildlife movement is very important.

There are a couple of interchange options the FWS would like to address. With respect to the specific alternatives discussed for Subsection 5D, we recommend that the proposed partial Walnut Street interchange (Alternative 8, Option B) be considered in order to minimize impacts to wetlands, streams and floodplains in the Beanblossom Creek area. We understand that this configuration will require special approval from the Federal Highway Administration in order to move forward.

In addition, the FWS recommends that the interchange design at the Liberty Church Road intersection be carefully considered due to the proposed multiple crossings of Little Indian Creek and its tributaries. This interchange is within the West Fork (White River) – Bryant Creek maternity colony area of the Indiana bat (*Myotis sodalis*). Records indicate that the Indiana bat does use Little Indian Creek for foraging and/or traveling; a male bat was captured very near the proposed interchange location in 2004. Little Indian Creek provides some connectivity between the West Fork White River west of existing S.R. 37 and forested areas east of the roadway. Care should be taken to adequately size bridges to allow bats to cross under the roadways and also to preserve as much of the riparian corridor along the waterways as possible in order to maintain foraging habitat and forest cover. It appears that Alternative 7 may result in fewer impacts to the streams in this area; if this is the case, this alternative (for Subsection 5F) should be explored in more detail.

WATER RESOURCE IMPACTS

Page 5.19-34 indicates that a majority of the streams in Section 5 are low to moderate quality based on scoring using the Qualitative Habitat Evaluation Index (QHEI) and the Headwater Habitat Evaluation Index (HHEI). While there are many ephemeral and intermittent streams with low HHEI scores, there are some that scored in the moderate to high range. Overall, 99 of the 330 intermittent and ephemeral streams had scores either over 40 (30 for modified channels) or 60, which indicates a moderate or high potential to support diversity in stream plants and animals, respectively. For perennial streams, approximately 40% of the 29 stream crossings/reaches had QHEI scores above 51, which indicates these streams are at least partially supportive of their aquatic life use designation. Impacts from the project and further degradation of already impacted streams should be minimized and avoided. This is of particular concern for Beanblossom Creek and Little Indian Creek (and their tributaries), which are crossed at several locations by the preferred alternative and are known to be used by the Indiana bat. Bridging the floodplains and minimizing in-stream work and stream relocations should be a top priority. Furthermore, due to the steep terrain and karst topography in parts of the project area, proper erosion and sediment control is vital.

The FWS is generally opposed to the realignment of stream channels unless there is no other alternative and the purpose involves public safety or protection of the stream itself. Project cost should not be used to justify large alterations in stream channels unless it can be demonstrated that preserving the existing channel alignment would make the entire project cost-prohibitive. Adverse impacts resulting from channel alterations include loss of aquatic habitat, destabilization of the channel hydraulics and accelerated bank erosion and sedimentation. We recommend the following measures be included where stream relocations are necessary:

1. Limit the length of channel to be realigned to the minimum necessary for the bridge construction.

2. If the channel reach to be realigned contains good bottom substrates (i.e. gravel, cobbles and boulders), stockpile this material and use it for substrate in the new channel.

3. Minimize the use of riprap and other artificial bank protection. Use bioengineering techniques wherever possible.

4. If riprap is used, extend it below low-water to enhance aquatic habitat.

5. Construct the new channel with bank slopes and bottom elevations equivalent to those in the natural channel.

6. Use best methods to contain soil and sediment runoff during construction. Use silt curtains or other devices at the downstream end of the project to contain bottom sediment in the newly excavated channel and to prevent it from adding to the downstream sediment load. Maintain such devices by removal of accumulated sediment.

7. Plant native hardwood trees and shrubs in a zone at least 50 feet wide on both sides of the new channel.

Finally, the application of the methods presented in the publication "Measuring the Impact of Development on Maine Surface Waters (Morse, chandler and S. Kahl. 2003) (Page 5.24-42)

may not be applicable in areas of karst topography such as are present in portions of Section 5 of the I-69 project.

ENDANGERED SPECIES COMMENTS

The FWS's concerns regarding I-69's impacts to the federally endangered Indiana bat (*Myotis sodalis*) and the formerly listed bald eagle (*Haliaeetus leucocephalus*) have been addressed in a Revised Tier 1 Biological Opinion (BO) for this project, dated August 26, 2006 (amended May 25, 2011). Section 5-specific impacts to these two species will be detailed in a Tier 2 Biological Assessment (BA) being prepared by FHWA and INDOT, which the FWS's Bloomington, Indiana Field Office will review prior to completion of the Section 5 Final EIS. If impacts detailed in the Tier 2 BA are consistent with those analyzed in the Revised Tier 1 BO, the FWS will issue a separate Tier 2 Biological Opinion and Incidental Take Statement for Section 5 of the I-69 project and thereby complete consultation as required by Section 7 of the Endangered Species Act (as amended).

The DEIS does not discuss or mention the recent discovery of two new maternity colonies within the Section 5 project corridor. This past summer (2012), during project-related Indiana bat surveys, INDOT's consultants documented a new colony of Indiana bats, just north of the original colony. In addition, during an unrelated survey, a separate colony was discovered along Beanblossom Creek, north of Bloomington. This brings the total to three documented Indiana bat maternity colonies within the Section 5 corridor, for a total of 16 colonies project-wide. More in-depth information on these new colonies will be detailed in the Tier 2 BA and subsequent BO; however, the DEIS should document the recent discoveries of these two new colonies and update any text that references the presence of only one colony in Section 5. Furthermore, there are eight (8) documented Indiana bat hibernacula within five miles of the project right-of-way. No Critical Habitat is present within the Section 5 project area.

Although the bald eagle was removed from the list of threatened and endangered species in July, 2007, it is still protected under the Bald and Golden Eagle Protection Act (Eagle Act). On May 20, 2008 the FWS issued regulations that created a new permit category to provide Eagle Act permits to entities previously authorized to take bald eagles through Section 7 Incidental Take Statements. The FHWA and INDOT have indicated they will comply with the all permit requirements previously established for the bald eagle for this project through Section 7 consultation. The FWS is aware of one eagle nest in the vicinity of the project corridor, approximately 0.3 miles from the Section 5 Preferred Alternative and 0.5 miles from existing SR 37. The proposed construction activities are beyond the recommend 660 foot buffer as described in the FWS's National Bald Eagle Management Guidelines. The parcel containing the eagle nest is proposed to be permanently protected via a conservation easement as part of the project's mitigation activities.

Lastly, the FWS recommends that a vehicle for funding the long term management (*i.e*. invasive species control, levee/berm repair, etc.) of mitigation sites be established. This will help ensure the continued viability of these sites for the Indiana bat and other species, beyond the initial five to ten year monitoring period.

KARST

Page 5.21-25: The discussion of buried sinks and sinkhole concerns for the SR45/2nd Street exit should include whether or not adding the split interchange for Tapp Road verses an overpass at Tapp Road increases the potential problem of roadbed failure and/or reopened sinkholes since the exits are so close to one another.

Page 5.21-29: In the discussion of potential increased impacts to the Cave A and B recharge areas there is no mention of the new Fullerton Pike Interchange (only the addition of a travel lane and wider shoulder, etc.). Will the new interchange impact these recharge areas and if so, how? Could the new interchange be of "sufficient magnitude" to adversely affect the identified species in either Cave A or Cave B?

Page 5.21-30: The DEIS cites study results from a highway project on SR 37 (Lawrence County) in the early 90's. These results indicated that construction-related activities elevated pollutant loadings to the subsurface during construction and that these levels returned to pre-construction levels two years after construction. INDOT anticipates a similar pattern of pollutant loadings for Section 5 of the I-69 project. Please address whether or not it is possible (20 years later and with better technology and methods), to substantially decrease the pollutant loading during construction in these sensitive karst environments and strive to return to pre-construction conditions in a time frame shorter than two years.

SPECIFIC COMMENTS

Page S-57: The DEIS indicates that the Fullerton Pike corridor improvements have not been calculated or included in the cumulative totals (the project is in the early environmental planning stages). At a minimum, some discussion should be included within Section 5.24, Cumulative Impacts, to acknowledge the likely karst impacts from the Fullerton Pike corridor improvement project. Based on the footprint of the project alone, there will be impacts to the relevant karst area near the I-69 corridor where the proposed road improvements are expected to tie into the I-69 project.

Page S63, 2nd paragraph: Please clarify whether Indiana bats were reported in Salamander Cave in 2009 or 2010. The information the FWS has indicates they were most recently reported in 2010.

Page S68: Please add karst training requirements, such as karst-specific field check meetings and awareness video, to the list of mitigation measures.

Page 3-54: The table indicates that the alternatives pass through only one Indiana bat maternity colony. This should be updated to include the Beanblossom Creek and Lamb's Creek colonies.

Page 3-81: Same issue as above.

Pages 5.2-18-20: This section discusses the availability of land for the displaced institutions and businesses. Where is the available land and is it forested? What type of impacts may occur if this land is developed?

Page 5.3-81: The DEIS does not have the first 4 figures that are referenced on this page.

Page 5.17-7: Footnote 5 indicates only 14 Indiana bat maternity colonies are present within the summer action area of the I-69 project. Need to include the Lamb's Creek and Beanblossom Creek colonies.

Page 5.17-7: The last sentence introduces the WAA (winter action area) impacts with no previous description or mention of what or where the WAA is.

Page 5.17-19: Lamb's Creek and Beanblossom Creek maternity colonies left out of DEIS discussion.

Page 5.17-25: Footnote 9. It is unclear if Cave B's recharge area is within the Sec. 5 corridor (further comments on page 5.17-42 under *Herbicide Use Plan* suggest it is). If so, please add map of Cave B's recharge area. Even if Cave B's recharge area is not directly in the corridor, it may be useful to have a map of the area since it is referenced repeatedly in the DEIS.

Page 5.17-39: Item number 9 indicates that the bridge with known Indiana bat use near Section 3 is being monitored by the USFWS. The bridge had been monitored by INDOT's consultants, Bernardin, Lochmueller and Associates for several years. The USFWS is not formally conducting any monitoring of the bridge at this time. The bridge is slated to be replaced in the next few years and is undergoing separate Section 7 consultation.

Page 5.17-42: The *Herbicide Use Plan* should be implemented within any area of the Section 5 right-of-way known to contain karst features.

Pages 5.18-16-17: Any new crossings of Beanblossom and Little Indian Creeks (such as new access roads, exit ramps, etc.) should be addressed with respect to wildlife crossings.

Page 5.19-35: Fourth (4th) paragraph states that QHEI scores over 64 "…indicate a stream is partially supportive…" This should be changed to "capable of supporting a balanced warm water community".

Pages 5.19-81-82: Drainage Control and Hazardous Spill Response: What type of roadway design elements are being incorporated to reduce the risk of hazardous materials and pollutants entering streams, particularly those streams within the Indiana bat maternity colony areas?

Page 5.19-88: Please expand upon what role the USEPA has played in the karst study and assessment for Sections 4 and 5.

Page 5.20-5: Do forest impacts include the relocation of existing utilities and billboards?

Table 5.24-3: For Alternatives 5, 7, and 8, why is no induced growth shown to occur within the TAZs that include the Monroe Hospital complex (5301504, 5301511, and 5303311)? Page 5.21-26 indicates new development is likely in this area and Alternative 4 shows induced growth in these areas.

The Indiana Department of Natural Resources recommends short light poles with shielded/direct light. While we agree that non-diffuse, direct lighting is preferred, we recommend that light poles be at least 40 feet high to prevent bats that may forage around the lights from being struck by vehicles.

Permits under Section 404 of the Clean Water Act will be needed for the proposed project. Our recommendations to the U.S. Army Corps of Engineers for permit conditions would be consistent with our comments here.

The Department has a continuing interest in working with the FHWA and INDOT to ensure that project impacts to resources of concern to the Department are adequately addressed. For matters related to fish and wildlife resources and federally listed threatened and endangered species, please continue to coordinate with Scott Pruitt, Field Supervisor, or Robin McWilliams Munson, project biologist, U.S. Fish and Wildlife Service, 620 South Walker Street, Bloomington, Indiana 47403-2121, telephone: (812) 334-4261. For continued consultation and coordination with the issues concerning the Section 4(f) resources, please contact Regional Environmental Coordinator, Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102; telephone 402-661-1844.

Sincerely,

Lindy Nelson
Regional Environmental Officer

Mr. Rick Marquis

cc: Michelle Allen, FWHA, IN
Paul Richert, FWS, MN
Stephanie M. Nash, FWS, VA
Nick Chevance, NPS-MWR-PC

U.S. Department of Transportation
Federal Highway Administration

Indiana Division

575 N. Pennsylvania Street, Room 254
Indianapolis, IN 46204
317-226-7475

January 30, 2013

In Reply Refer To:
HAD-IN

Chad Slider
Assistant Director, Environmental Review
Division of Historic Preservation & Archaeology
402 West Washington Street, Room W274
Indianapolis, Indiana

Dear Mr. Slider:

The Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT), is preparing an Environmental Impact Statement (EIS) for Section 5 of the I-69 Evansville to Indianapolis Tier 2 Studies. Section 5 extends from SR 37 south of Bloomington to SR 39 near Martinsville (DHPA No. 1351; Des 0300381). Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. This letter is regarding additional information on the North Clear Creek Historic Landscape District.

As part of identification and evaluation efforts for this project, FHWA sent to the Indiana State Historic Preservation Officer (SHPO) and to consulting parties a copy of an Additional Information Report on January 13, 2012, and a copy of the report titled, "Consideration of and Findings regarding Dimension Limestone Resources within the I-69 Section 5 Area of Potential Effects," on January 24, 2012. (These reports supplemented the original Section 5 Historic Property Report, dated July 2008.) The Indiana SHPO concurred with the eligibility recommendations of aboveground resources on February 20, 2012.

As part of the efforts to assess effects of the undertaking upon historic properties, FHWA transmitted to the Indiana SHPO and to consulting parties an Identification of Effects Report on April 9, 2012. SHPO sent concurrence with the recommendations of this report on May 23, 2012, and on July 12, 2012.

As part of the documentation of the assessment of effects, FHWA sent to the Indiana SHPO and to consulting parties on October 26, 2012, the Findings of Adverse Effect (signed October 11, 2012) for Preferred Alternative 8 and the 800.11(e) documentation. The SHPO concurred with this finding of Adverse Effect on November 26, 2012. (Note that North Clear Historic Landscape District and the ten other aboveground historic properties were <u>not</u> adversely affected. The Adverse Effect finding is a result of the fact that the undertaking's effects on archaeological resources is not yet known.)

Since the time of the signed finding, the property owner of C&H Mill, a property located within the National Register of Historic Places-eligible North Clear Creek Historic Landscape District, has harvested some trees in a portion of the district as it intersects with Preferred Alternative 8. The harvesting of these trees was not initiated by, or conducted on behalf of, INDOT or FHWA but rather the action of an individual property owner. (Please see attached map and photographs of the *approximate* area of tree harvesting.)

Trees within the historic district boundary are part of the setting of the district but they are not Contributing resources to the district. Indeed, even with the harvesting, trees continue to be part of the setting of the historic district even though there are fewer of them. Therefore, this tree harvesting constitutes a minor change to the total setting of the North Clear Creek Historic Landscape District as a whole. Tree harvesting has not caused a substantive alteration to the setting that would result in a change in the finding of No Adverse Effect for this property because the integrity of the mining district and its significance under Criteria A and D have not been diminished by the tree harvesting. This is a large district that contains more than 135 acres of limestone quarries and wooded land that extends from Fullerton Road northward to include C&H Mill (formerly Maple Hill Mill & Quarry), the Carl Furst Stone Company Quarry property, and perhaps other historic properties.

FHWA believes that the harvesting of these trees does not alter the effect finding signed on October 11, 2012 for the North Clear Creek Historic Landscape District; the finding for this aboveground resource is still No Adverse Effect.

Therefore, FHWA is sending you this documentation and requests a formal response containing your comments regarding this tree harvesting on a portion of the setting of the North Clear Creek Historic Landscape District.

Please respond within one week of receipt of this letter with written review and comment.

Sincerely,

Michelle Allen

for Karen A. Bobo
Acting Division Administrator

CC:
Mr. Steve Wyatt, Bloomington Restorations, Inc.
Ms. Sandra Tokarski, CARR (Citizens for Appropriate Rural Roads)
The Honorable Gary L. Pruett, City of Mitchell
Ms. Tamara Francis, NAGPRA Director
Mr. Jesse Kharbanda, Hoosier Environmental Council (HEC)

Mr. Tim Maloney, Hoosier Environmental Council
Mr. Mark Dollase, Indiana Landmarks
Mr. Stewart Sebree, Indiana Landmarks
Mr.Tommy Kleckner, Indiana Landmarks
Ms. Julie Olds, Miami Tribe of Oklahoma
Mr. Devin Blankenship, Monroe County Historic Preservation Board of Review
Ms. Jackie Scanlan, Monroe County Historic Preservation Board of Review
Mr. Norman Voyles, Morgan County Commissioner
Ms. Joanne Stuttgen, Morgan County Historian & Morgan County Historic Preservation Society
Ms. Edith Sarra, Owen County CARR/Owen County Preservations, Inc.
Ms. Patricia Powell, Owen County Preservations, Inc.
Ms. Bonnie Tinsley, Owen County Preservations, Inc.
Mr. John P. Froman, Peoria Tribe of Indians of Oklahoma
Mr. Zachariah Pahmahmie, Prairie Band Potawatomi Nation
Mr. Ron Sparkman, Shawnee Tribe
Mr. Jon Kay, Traditional Arts Indiana
Mr. William McNiece, Wabash & Ohio Chapter of Industrial Archeology
Ms. Pauline Spiegel
Mr. Bob Bernacki
Ms. Nancy Hiestand, Program Manager Historic Preservation Housing and Neighborhood Development
Dr. James Cooper
Mr. Paul Brandenburg, Historic Spans Taskforce
Mr. Patrick Stoffers, Monroe County Commissioner
Mr. and Ms. Debby and Steve Reed, Reed Quarries, Inc.
Ms. Cheryl Ann Munson
Mr. Tim Miller, Bernardin Lochmueller & Associates, Inc.
Ms. Beth McCord, Gray & Pape
Dr. Linda Weintraut, Weintraut & Associates, Inc.
Ms. Mary Jo Hamman, Michael Baker Corporation
Mr. Patrick Carpenter, INDOT
Ms. Michelle Allen, FHWA

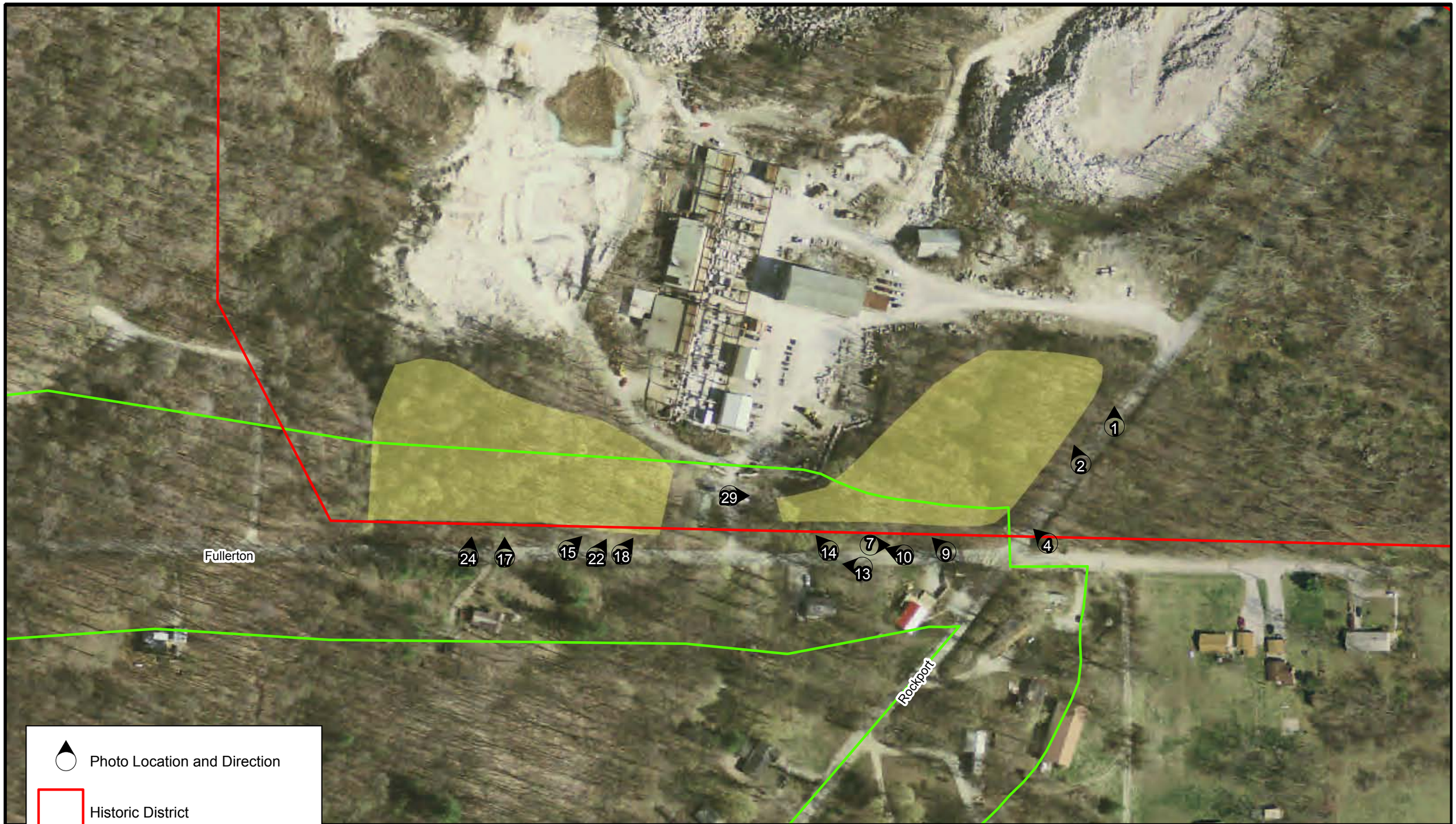


Photo Location and Direction

Historic District

Alternative 8 ROW (DEIS)

Approximate Tree Harvesting Area

Approximate Tree Harvesting Along Fullerton Pike West of Rockport Road

N

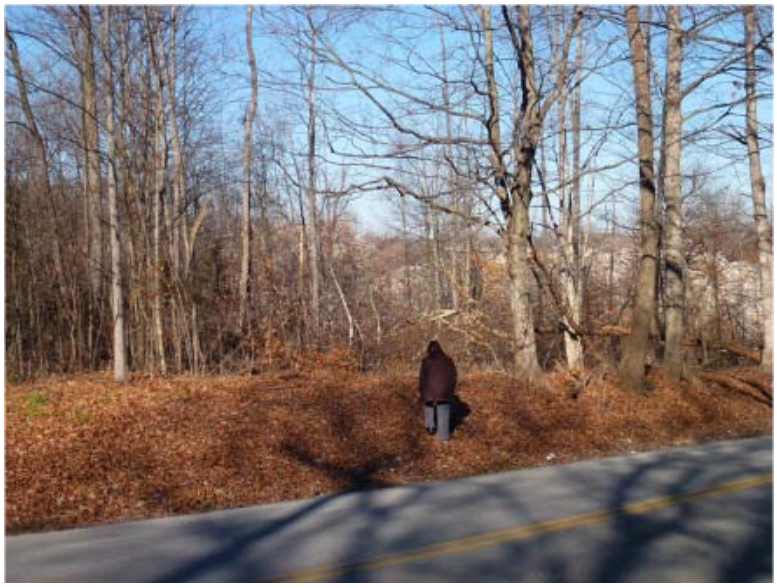
0 60 120 240 360 480 600 720 Feet

Fullerton Pike & Rockport Rd., Bloomington, Perry Township, Monroe County, Indiana

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

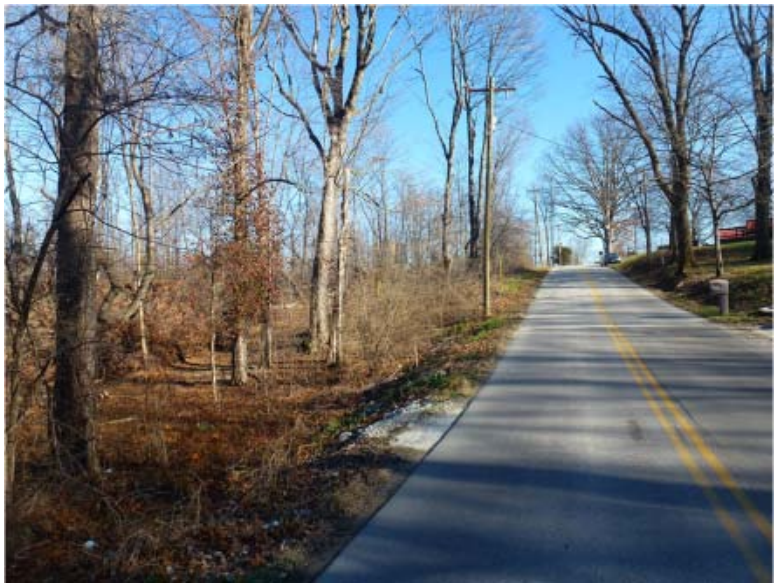
Orthophotography obtained from Indiana Map Framework Data (2011). Photographs taken 12/12/2012.

1. Looking North



2. Looking Northwest

4. Looking Northwest



7. Looking East

9. Looking Northwest

10. Looking Northwest

13. Looking West

14. Looking Northwest

15. Looking Northeast

17. Looking North

18. Looking Northeast

22. Looking Northeast

24. Looking North

29. Looking East

Indiana Department of Natural Resources

Michael R. Pence, Governor
Robert E. Carter, Jr., Director

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

February 1, 2013

Karen A. Bobo
Acting Division Administrator
Federal Highway Administration, Indiana Division
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration

Re: Information about tree harvesting by a private property owner from the setting of the North Clear Creek Historic Landscape District, within the area of potential effects of I-69 Evansville to Indianapolis: Tier 2 Studies, Section 5 (HAD-IN; Des. No. 0300381; DHPA No. 2123)

Dear Ms. Bobo:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the information contained in, and exhibits enclosed with, your letter dated January 30, 2013, which we received that same day, regarding the aforementioned tree harvesting in Monroe County, Indiana.

Based on the information that you have provided, we do not believe that the property owner's having harvested trees from the setting and within the southern boundary of the North Clear Creek Historic Landscape District has had an adverse effect on that district, which is considered eligible for inclusion in the National Register of Historic Places.

If you have questions about our comment, you may contact John Carr at (317) 233-1949 or jcarr@dnr.IN.gov.

Very truly yours,

for Ron McAhron
Deputy Director
Indiana Department of Natural Resources

RM:JLC:jlc

cmc: Karen Bobo, Federal Highway Administration, Indiana Division
Michelle Allen, Federal Highway Administration, Indiana Division
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Lochmueller and Associates, Inc.
Timothy Miller, Bernardin, Lochmueller and Associates, Inc.
Kia Gillette, Bernardin, Lochmueller and Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller & Associates, Inc.
Kyle Boot, Bernardin, Lochmueller & Associates, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc
Mary Jo Hamman, Michael Baker Jr., Inc.

MONROE COUNTY HISTORIC PRESERVATION
BOARD OF REVIEW
501 N. Morton Street, Suite 224, Bloomington, IN 47404
Telephone: (812)-349-2560 / Fax: (812)-349-2967
www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment/HistoricPreservation.aspx

February 6, 2013

U.S. Department of Transportation
575 N. Pennsylvania Street, Room 254
Indianapolis, IN 46204
ATTN: Karen Bobo, Acting Division Administrator

Re: HAD-IN, Additional Information on the North Clear Creek Historic District

This letter is in response to a request for comment regarding the effect of tree harvesting in the North Clear Creek Historic Landscape District in Monroe County, Indiana. The Monroe County Historic Preservation Board of Review would like to offer the following comments.

1. The opinion of this Board, as previously stated, is that the character and ambiance of the North Clear Creek Historic Landscape District will be greatly affected by the visual changes wrought by this project. The devastation caused by the recent cutting of trees provides a disturbing preview of the changes to come, should the planned work proceed.

2. The Board disagrees strongly with the No Adverse Effect determination.

3. The Federal Highway Administration and the Indiana Department of Transportation should mitigate the visual impacts on the areas of the North Clear Creek Historic Landscape District that are no longer buffered as a result of the loss of the newly "harvested" trees. This can be partly accomplished by placing sizable reject quarry blocks along the road where the trees have been removed.

We appreciate the chance to comment on the effect finding.

Thank you,

Nancy R. Hiller (gs)
Nancy R. Hiller
Acting Chair
Monroe County Historic Preservation Board of Review

From: Jones, Rick
Sent: Wednesday, February 20, 2013 3:05 PM
To: Miller, Shaun (INDOT)
Cc: Carr, John; Carpenter, Patrick A
Subject: Addendum II: Phase Ia Archaeological Survey of the Indiana I-69 Evansville -to-Indianapolis Study, Section 5 (From SR 37 to SR39), Monroe and Morgan counties, Indiana (Lombardiand Seymour 02/13).

Shaun,

For the above project, could you or the consultant provide more details of each of the project areas, including map enlargements with boundaries of areas investigated, nature of the project area (including any disturbance, on slopes, flat areas, etc.), each project area size? What were field techniques employed in each (there is no field methodology or techniques section). The yellow "Walk thru Areas" are very difficult to see on the report reduced topographic maps. Also, the archaeological report should include portion of a 7.5' U.S.G.S. topographic map showing the site location of site 12Mo1468 rather than the vernal Pike Cul de Sac area.

Sincerely,

Rick

James R. Jones III, Ph.D.
State Archaeologist
Team Leader for Archaeology
Division of Historic Preservation and Archaeology
402 W. Washington Street
Room W274, IGCS
Indianapolis, Indiana 46204
(317) 233-0953
rjones@dnr.in.gov

From: **Carr, John** <JCarr@dnr.in.gov>
Date: Thu, Feb 21, 2013 at 3:12 PM
Subject: I-69 Sec 5 draft MOA, Version February 12, 2013

Thank you for having taken into consideration the Indiana SHPO's comments on Version December 10, 2012, for providing our office with the revised Version February 12, 2013, for review and comment. We will be commenting formally in a letter soon, but in the meantime, Dr. Rick Jones and I wanted to offer some editorial comments or suggestions:

- In Stipulation I.A., second paragraph, we suggest replacing the word "should" with "shall."

- In Stipulation I.C.1., for clarity, we suggest adding "prior to field implementation" to the end of the last sentence.

- In the first line of Stipulation I.C.2., we found a redundant "is."

- In the first paragraph of Stipulation I.C.3., in the last paragraph of Stipulation I.C.3.(b)(4), in Stipulation I.C.3.(f)(1), and in Stipulation III., the symbol "§," meaning "section," is used in reference to provisions in the Indiana Code and the Indiana Administrative Code, specifically " . . . Indiana Code § 14-21-1, 312 Indiana Administrative Code § 21, 312 Indiana Administrative Code § 22, . . . ," where the actual section number intentionally has not been cited. Those references, instead, are made appropriately to a chapter in Indiana Code and to articles in Indiana Administrative Code. In the case of the Indiana Code, a fourth set of digits would be the section number, and in the Indiana Administrative Code, a third set of digits following "Indiana Administrative Code" is the section number. Consequently, we believe that the symbol "§" should be deleted in the four, specific instances identified above to avoid confusion; that string of citations should, instead, read: " . . . Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, ..." Other uses of the "§"symbol in the MOA appear to be correct: e.g., " . . . as well as Indiana Code § 14-21-1-27 and Indiana Code § 14-21-1-29, . . . " and " . . . 36 C.F.R. § 800.16(d) (2012) . . . ."
- In the first sentence of the third paragraph of Attachment A, we think that "composed" would be more accurate than "comprised" in that context (just as it is in the fifth paragraph of the preamble).

Thank you for your cooperation.

John L. Carr

Team Leader for Historic Structures Review

Division of Historic Preservation and Archaeology

Indiana Department of Natural Resources

402 W. Washington St., Room W274

Indianapolis, IN 46204

Ph. No.: 317-233-1949 Fax No.: 317-232-0693

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Robert E. Carter, Jr., Director

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Phone 317-232-1646•Fax 317-232-0693 · dhpa@dnr.IN.gov

HISTORIC PRESERVATION AND ARCHAEOLOGY

February 22, 2013

Karen A. Bobo
Acting Division Administrator
Federal Highway Administration, Indiana Division
575 North Pennsylvania Avenue, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Version February 12, 2013, of the draft "Memorandum of Agreement ("MOA") . . . Regarding the I-69 Evansville to Indianapolis Project: Section 5, SR 37 South of Bloomington to SR 39 in Bloomington, Perry, Van Buren, and Washington Townships, Monroe County, Indiana; and Washington Township, Morgan County, Indiana" (HAD-IN: Des. No. 0300381; DHPA No. 2123)

Dear Ms. Bobo:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed Version February 12, 2013, of the draft MOA, which was submitted under your cover letter dated February 12, 2013, and received on February 13, for the aforementioned project in Monroe and Morgan counties in Indiana.

Thank you for having taken into consideration our comments on Version December 10, 2012, and for providing our office with this revised Version February 12, 2013, for review and comment. The Indiana SHPO staff offered several editorial comments and recommendations in an e-mail message sent on February 21, 2013. In all other respects, we are satisfied with Version February 12, 2013, of the draft MOA.

If you have questions about archaeological issues, please contact Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding I-69 Tier 2 Section 5, please continue to refer to DHPA No. 2123.

Very truly yours,

Ron McAhron
Deputy Director
Indiana Department of Natural Resources

JAG:JLC:JRJ:jlc

cc: Linda Weintraut, Ph.D., Weintraut & Associates, Inc.

emc: Karen Bobo, Federal Highway Administration, Indiana Division
Michelle Allen, Federal Highway Administration, Indiana Division
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation

Jason DuPont, P.E., Bernardin, Loehmueller & Assoeiates, Inc.
Timothy Miller, Bernardin, Lochmueller & Assoeiates, Inc.
Kia Gillette, Bernardin, Lochmueller & Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller & Associates, Inc.
Kyle Boot, Bernardin, Lochmueller & Associates, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Mary Jo Hamman, Michael Baker Jr., Inc. Corporation

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Robert E. Carter, Jr., Director

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Phone 317-232-1646•Fax 317-232-0693 · dhpa@dnr.IN.gov

March 8, 2013

Sandra Flum
Project Manager
Indiana Department of Transportation
100 North Senate Avenue, N755
Indianapolis, Indiana 46204

State Agency: Indiana Department of Transportation ("INDOT")

Federal Agency: Federal Highway Administration ("FHWA")

Re: Invitation to a March 12, 2013, webcast and request for feedback on responses by INDOT and FHWA to resource agencies' comments on "I-69 Evansville to Indianapolis, Indiana, Tier 2 Draft Environmental Impact Statement, Section 5: Bloomington to Martinsville, Volumes I & II" (October 2012) (FHWA-IN-EIS-12-01-D; INDOT Des. No. 0300381; DHPA No. 2123)

Dear Ms. Flum:

Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321, et seq.) and pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed your February 26 and March 4, 2013, e-mail messages and the documents attached to the latter, containing responses to state agency and federal agency comments on the aforementioned DEIS.

We are satisfied with the responses by INDOT and FHWA to our January 2, 2013, comments on the DEIS. We have no further feedback to offer regarding those responses.

Because we are satisfied with the responses, we will not be participating in the March 12 webcast.

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov.

Very truly yours,

Chad W. Slider

for Ron McAhron
Deputy Director
Indiana Department of Natural Resources

RM:JLC:jlc

emc: Michelle Allen, Indiana Division, Federal Highway Administration
Laura Hilden, Indiana Department of Transportation
Sandra Flum, Indiana Department of Transportation
Michael Grovak, Bernardin, Lochmueller & Associates, Inc.
Mary Jo Hamman, P.E., Michael Baker Jr., Inc.
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation

Jason DuPont, P.E., Bernardin, Lochmueller & Associates, Inc.
Timothy Miller, Bernardin, Lochmueller & Associates, Inc.
Kia Gillette, Bernardin, Lochmueller & Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller & Associates, Inc.
Kyle Boot, Bernardin, Lochmueller & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.

From: **Cheryl Munson** <cherylmunson2012@gmail.com>
Date: Fri, Mar 8, 2013 at 3:26 PM
Subject: Re: I 69 Section 5, Section 106 Meeting
To: Linda Weintraut <linda@weintrautinc.com>

Hi Linda,

Thank you for including me in the cc (even though I'm no longer on the Historic Preservation Board....). Could you please fwd me correspondence about the subject of the agency's momentous visit, so I am informed in advance?

Cheryl

Cheryl Munson,
Monroe County Council At-Large

CherylMunson2012@gmail.com
(812) 325-3407
www.cherylmunson.us

From: Cheryl Munson [mailto:cherylmunson2012@gmail.com]
Sent: Monday, March 11, 2013 11:10 AM
To: Allen, Michelle (FHWA)
Cc: Nancy Hiller; Jacqueline Scanlan; Nancy Hiestand; Steve Wyatt; Tommy Kleckner; Duncan Campbell; Debby Reed; Sandra and Thomas Tokarski
Subject: HAD-IN: ACHP and MOA

Dear Ms. Allen:

Karen Bobo's 2-12-13 letter to Chad Slider of the Indiana DHPA stated that "upon request, consulting parties will be provided copies of the letters objecting to the finding that FHWA submitted to the Council."

As a consulting party, I am requesting copies of those letters. I would like to read them prior to a meeting with the ACHP on March 14, and ask that you please send me the letters via email attachment.

Thank you.

Yours truly,

Cheryl Munson

CherylMunson2012@gmail.com
(812) 325-3407
www.cherylmunson.us

From: Allen, Michelle (FHWA)
Sent: Monday, March 11, 2013 6:17 PM
To: 'Cheryl Munson'
Cc: Nancy Hiller; Jacqueline Scanlan; Nancy Hiestand; Steve Wyatt; Tommy Kleckner; Duncan Campbell; Debby Reed;
Sandra and Thomas Tokarski
Subject: RE: HAD-IN: ACHP and MOA

Cheryl,

As you requested, attached are the letters objecting to the finding. They are combined into one pdf.

Michelle Allen

FHWA-IN

(317) 226-7344

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

T R A N S M I T T A L

DATE: March 12, 2013

TO: State Historic Preservation Officer
Division of Historic Preservation & Archaeology
Indiana Department of Natural Resources
402 W. Washington St., Room W274
Indianapolis, IN 46204

ATTENTION: Mr. Ron McAhron

WE TRANSMIT:

☒ Attached ☐ Under Separate Cover ☐ In Accordance With Your Request

VIA:

☒ UPS ☐ Overnight UPS ☐ Personal Delivery ☐ Other: USPS

Number of Copies	Date	Description
1	3/2013	Addendum II: Phase Ia Archaeological Survey, I-69 Section 5, SR 37 to SR 39, Monroe and Morgan Counties, Indiana (DES No. Pending)

REMARKS:

Dear Mr. McAhron,

Enclosed for your review is one copy of the report referenced above.

Please let me know if you have questions.

Sincerely,

Bernardin Lochmueller & Associates, Inc.

By: Connie Zeigler, Historic Resources Specialist

-----Original Message-----
From: Cheryl Munson [cherylmunson2012@gmail.com]
Sent: Wednesday, March 13, 2013 10:39 AM Eastern Standard Time
To: Allen, Michelle (FHWA)
Subject: additional letters re historic preservation issues

Dear Michelle,

The packet of correspondence you sent does NOT include letters from Mrs. Debby Reed to INDOT and federal agents re: the Patton-Hedrick House. This historic property is of wide concern in Monroe County.

Copies of letters provided to me by Mrs. Reed are attached, fyi,

Cheryl

Cheryl Munson,
Monroe County Council At-Large

CherylMunson2012@gmail.com
(812) 325-3407
www.cherylmunson.us

From: Cheryl Munson <cherylmunson2012@gmail.com>
Sent: Wednesday, March 20, 2013 11:26 PM
To: Hamman, Mary Jo
Subject: I-69, safe use of quarry blocks in vicinity of Historic Limestone Industry Landscape Districts

Dear Mary Jo:

In terms of mitigating I-69's unfortunate changes to the historic character of Monroe County, what will be doable according to INDOT must be safe, and no one would want anything else. It would be nice if mitigation provided something of relevant permanence. A tour is nice, but it has limited duration and also reaches a limited number of people.

In consideration of possibilities of emplacing quarry blocks in engineering acceptable and historically relevant locations, would you be willing to go out with me for 1-2 hours to "tour" I-69 area along the Historic Districts, to have two sets of eyes (your engineering ones; my historic ones) on the roadside and to discuss possibilities/impossibilities?

Many concerned people believe I-69 will cut an ugly and otherwise changing swath through out community. It is important to mitigate the visual changes to the historic rural character as much as possible, for our residents and for the visitors who (we hope will continue to) want to come to our area for its beauty and traditions. It is important that the mitigative actions taken have some lasting result. And those quarry blocks are darn durable.

Monday, Mar 25, I can be free in the afternoon. Other dates are: morning of Wed, Mar 27, morning of Thu, Mar 28, and various times on Wed Apr 3.

Yours truly,

Cheryl

Cheryl Munson,
Monroe County Council At-Large

CherylMunson2012@gmail.com
(812) 325-3407
www.cherylmunson.us

From: Hamman, Mary Jo
Sent: Friday, March 22, 2013 2:20 PM
To: 'Cheryl Munson'
Subject: RE: I-69, safe use of quarry blocks in vicinity of Historic Limestone Industry Landscape Districts

Dear Cheryl,

Based on our discussions last week, the Memorandum of Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, and the Indiana State Historic Preservation Officer is undergoing revision. With respect to context-sensitive solutions (CSS), INDOT and FHWA intend to apply the principles of CSS during the final design phase of project development. As part of implementing CSS, the final designers will consider the use of limestone treatments on bridges and at points of community interest during the design phase of the Section 5 project. Coordination with county and city officials will continue during the design phase of the project.

While I very much appreciate the invitation to tour the historic districts with you, I believe it will be much more productive to have that meeting take place with INDOT's final design team. A meeting with this group would be possible about the same time as the coordination takes place regarding design aspects of drainage as they relate to the historic qualities of the quarrying landscape. I would encourage you to keep in contact with the Section 5 Project Office – INDOT anticipates that the selection of the final design team would occur during the Summer of 2013.

Kind Regards,

Mary Jo Hamman
I-69, Section 5 Project Manager

From: Cheryl Munson <cherylmunson2012@gmail.com>
Sent: Friday, March 22, 2013 2:30 PM
To: Hamman, Mary Jo
Subject: Re: I-69, safe use of quarry blocks in vicinity of Historic Limestone Industry Landscape Districts

Hi Mary Jo,

That's a good plan.

Thanks,

Cheryl

Cheryl Munson,
Monroe County Council At-Large

CherylMunson2012@gmail.com
(812) 325-3407
www.cherylmunson.us

Indiana Department of Natural Resources

Michael R. Pence, Governor
Robert E. Carter, Jr., Director

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

April 9, 2013

Connie Zeigler
Historic Resources Specialist
Bernardin, Lochmueller & Associates, Inc.
3502 Woodview Trace, Suite 150
Indianapolis, Indiana 46268

Federal Agency: Federal Highway Administration

Re: Addendum II: phase Ia archaeological survey report (Lombardi and Seymour, 3/2013) pertaining to I-69 Evansville to Indianapolis, Tier 2 studies, Section 5 (Designation No. 0300381; DHPA No. 2123)

Dear Ms. Zeigler:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated March 12, 2013 and received on march 13, 2013, for the aforementioned project in Monroe County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the above proposed project areas.

If artifacts are to be returned to the landowner, additional analyses and documentation of those specimens may be necessary in consultation with 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.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures

should be directed John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA No. 2123.

Very truly yours,

Chad W. Slider

for Chris Smith
Interim Deputy Director
Indiana Department of Natural Resources

CS:JRJ:jj

eme: Michelle Allen, Indiana Division., Federal Highway Administration
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Jason DuPont, P.E., Bernardin, Loehmueller & Associates, Inc.
Timothy Miller, Bernardin, Lochmueller & Assoeiates, Inc.
Kia Gillette, Bernardin, Lochmueller & Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller & Associates, Inc.
Kyle Boot, Bernardin, Lochmueller & Associates, Inc.
Mary Jo Hamman, Michael Baker Jr., Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Kathryn Lombardi, Michael Baker Jr., Inc.

Indiana Department of Natural Resources

Michael R. Pence, Governor
Robert E. Carter, Jr., Director

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

April 9, 2013

Michelle Allen
Federal Highway Administration, Indiana Division
575 North Pennsylvania Avenue, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Summary of March 14, 2013, consulting parties meeting and Version March 26, 2013, of the draft "Memorandum of Agreement ("MOA") . . . Regarding the I-69 Evansville to Indianapolis Project: Section 5, SR 37 South of Bloomington to SR 39 in Bloomington, Perry, Van Buren, and Washington Townships, Monroe County, Indiana; and Washington Township, Morgan County, Indiana" (HAD-IN: Des. No. 0300381; DHPA No. 2123)

Dear Ms. Allen:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the aforementioned documents, which were submitted by e-mail by Linda Weintraut, on March 26, 2013. Comments on the draft MOA were requested by today.

Thank you for taking into consideration the mitigation suggestions offered by the consulting parties at the March 14 meeting.

We have no corrections to suggest for the meeting summary and no recommendations to offer on the latest draft MOA.

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future, written correspondence regarding I-69 Tier 2 Section 5, please refer to DHPA No. 2123 and address it to Chad W. Slider, Assistant Director for Environmental Review, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

Very truly yours,

Chad W. Slider

Chris Smith
Interim Deputy Director
Indiana Department of Natural Resources

CS:JLC:jlc

eme: Michelle Allen, Federal Highway Administration, Indiana Division
Carol Legard, Advisory Council on Historic Preservation
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation

Jason DuPont, P.E., Bernardin, Lochmueller & Associates, Inc.
Timothy Miller, Bernardin, Lochmueller & Associates, Inc.
Kia Gillette, Bernardin, Lochmueller & Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller & Associates, Inc.
Kyle Boot, Bernardin, Lochmueller & Associates, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Mary Jo Hamman, P.E., Michael Baker Jr., Inc.

From: Carpenter, Patrick A
To: nrhiller@nrhillerdesign.com
Sent: Tuesday, April 16, 2013 11:28 AM
Subject: I-69 Section 106-Section 5 MOA-Monroe County Historic Preservation Review Board comments

Hi Ms. Hiller,

Thank you for taking the time to talk this morning. Per our conversation, here is my contact information. I look forward to hearing from you and I greatly appreciate your assistance.

Thank you again,

Patrick Carpenter
Manager, Cultural Resources Office
Environmental Services
Indiana Department of Transportation
100 N Senate Ave., IGCN-Rm. N-642
Indianapolis, IN 46204-2216
317-233-2061

From: Nancy Hiller [mailto:nrhiller@nrhillerdesign.com]
Sent: Tuesday, April 16, 2013 12:18 PM
To: Carpenter, Patrick A
Cc: dcampbell@bsu.edu; Chase Martin; Jacqueline Scanlan
Subject: Re: I-69 Section 106-Section 5 MOA-Monroe County Historic Preservation Review Board comments

Dear Mr. Carpenter,

I have spoken with Duncan Campbell, who is working with the amended MOA document. We will have official comments from our board just as soon as we can, but it may take a few more days.

Apologies for our delay.

Sincerely,

Nancy R. Hiller
NR Hiller Design, Inc.
www.nrhillerdesign.com
812.825.5872 (Shop)
812.325.0038 (Cell)

From: Carpenter, Patrick A
To: Nancy Hiller
Cc: dcampbell@bsu.edu ; Chase Martin ; Jacqueline Scanlan ; michelle.allen@dot.gov
Sent: Tuesday, April 16, 2013 4:06 PM
Subject: RE: I-69 Section 106-Section 5 MOA-Monroe County Historic Preservation Review Board comments

Dear Ms. Hiller,

Thank you for your response. The deadline for MOA comments was April 9th, but we would appreciate having the Board's comments. Based on our project timelines, we kindly request that the Board have any comments to us by tomorrow, Wednesday- 4/17/2013. We plan on circulating the MOA for signatures later this week and so comments should be submitted as soon as possible for them to be considered.

As we discussed briefly, we are asking Monroe County to become an invited signatory of the MOA due to Stipulation C that involves INDOT reimbursing the County for an educational tour of limestone quarries. If the Board plans to pursue this tour and asks for INDOT reimbursement per the MOA, then an agreement would be developed between INDOT and the County to agree on the arrangement to transfer funds. Please note however that by signing the MOA, the Board is not committed or obligated to fulfill any stipulations. If the Board decides not to pursue a tour, then there are no commitments by the Board or County. Please also note that it is not required that the Board or County sign the MOA, but we appreciate your consideration of this invitation.

For the purposes of the MOA, we have inserted the County Commissioners as the signing party for the County. Please let us know if the Board or another County entity would be the preferred signatories. We would like to make the correct reference before the final MOA is sent out for signatures.

Please do not hesitate to contact me if you have any questions or want to discuss further. I can be available at your convenience.

Thank you,

Patrick Carpenter
Manager, Cultural Resources Office
Environmental Services
Indiana Department of Transportation
100 N Senate Ave., IGCN-Rm. N-642
Indianapolis, IN 46204-2216
317-233-2061

From: Nancy Hiller [mailto:nrhiller@nrhillerdesign.com]
Sent: Tuesday, April 16, 2013 4:54 PM
To: Carpenter, Patrick A
Cc: dcampbell@bsu.edu; Chase Martin; Jacqueline Scanlan; michelle.allen@dot.gov
Subject: Re: I-69 Section 106-Section 5 MOA-Monroe County Historic Preservation Review Board comments

Dear Mr. Carpenter,

Thank you for your response. I acted immediately following our conversation this morning, calling Duncan Campbell and the Monroe County Planning and Zoning Department, only to find that Jackie Scanlan, along with the director of Planning and the other planners, are all at a conference and will not be back until Thursday. Our board would certainly prefer to have our staff person review our comments before we submit them.

In light of the board's discussion of the MOA at our last meeting, and based on the discussion that you and I had this morning, Duncan and I believe the matter warrants a special meeting of our board. I wrote to board members at 12:11 p.m. apprising them of this. Based on the replies I have received so far, it seems the earliest we can have a quorum is on Friday evening at 5:30.

We understand that we are late with our response, but we wonder whether you would grant us until Monday morning to furnish our comments.

Sincerely,

Nancy R. Hiller

From: **Carpenter, Patrick A** <PACarpenter@indot.in.gov>
Date: Wed, Apr 17, 2013 at 11:25 AM
Subject: RE: I-69 Section 106-Section 5 MOA-Monroe County Historic Preservation Review Board comments
To: Nancy Hiller <nrhiller@nrhillerdesign.com>
Cc: dcampbell@bsu.edu, Chase Martin <chasebmartin@gmail.com>, Jacqueline Scanlan <jscanlan@co.monroe.in.us>, michelle.allen@dot.gov, KGillette@blainc.com, linda@weintrautinc.com

Dear Ms. Hiller,

We are entering the signature process for the MOA, but we are willing to consider comments from your Board. We are willing to wait until Monday morning if you can provide comments as early as possible on that day.

The first Draft MOA was sent to consulting parties on 2/12/13, a meeting was held with Board representatives and the ACHP on 3/14/13, the second Draft of the MOA was sent for review on 3/26/13, and the most recent comment period expired on 4/9/13. During the meeting on 3/14, Board representatives and other consulting parties made suggestions that FHWA and INDOT agreed to incorporate into the MOA. Given previous review opportunities and input from Board representatives, we would greatly appreciate if your discussion and comments could focus on the Board's responsibilities with the Educational Tour Funding Grant stipulation in the MOA. If you do not believe this is a feasible option, we can remove it from the MOA.

We would also greatly appreciate it if you could let us know who the signing party would be for the MOA (i.e. Board chair person, county commissioners, etc.).

Please let me know if you have any further questions.

Thank you,

Patrick Carpenter
Manager, Cultural Resources Office
Environmental Services
Indiana Department of Transportation
100 N Senate Ave., IGCN-Rm. N-642
Indianapolis, IN 46204-2216
317-233-2061

From: **Campbell, Duncan** <dcampbell@bsu.edu>
Date: Wed, Apr 17, 2013 at 2:56 PM
Subject: Draft comments, Monroe County HP Board of Review
To: Linda Weintraut <linda@weintrautinc.com>
Cc: Carol Legard <clegard@achp.gov>

Linda-

Attached please find my comments on the revised draft MOA for I-69 Tier 1 Section 5. I have copied Carol Legard. As you requested, I have commented on both the comments provided by the ACHP as well as the substantive mitigation provisions of the revised draft MOA. Again, I apologize for the late response. My copy of the revised draft MOA did not reflect the suggestions provided by the ACHP. My comments will be considered by the Monroe Co. HP Board of Review at a special meeting to be held this Friday, April 19. If our Board of Review provides amendments to what you see here, I will forward those to you as soon as possible.In any case, once my comments are approved or amended by our Board, they will become the official comment response of our Board.

Please let me know if you would like to discuss theses comments further, either by phone (812) 325-0248, or email.

Thanks,
-Duncan

Duncan Campbell
dcampbell@bsu.edu

April 16, 2013

Michelle Allen
Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Ref: *I-69 Evansville to Indianapolis, Tier 2 Study; Section 5*
Revised Draft Memorandum of Agreement (MOA)
Monroe and Morgan Counties, Indiana

Dear Ms. Allen,

The purpose of this letter is to provide comments on behalf of the Monroe County Historic preservation Board of Review on the revised draft Memorandum of Agreement for the I-60 Project—Evansville to Indianapolis Tier 2 Section 5.
The Board has reviewed the revised draft Memorandum of Agreement for the I-69 project—Evansville to Indianapolis Tier 2 Section 5, recently provided to me by Linda Weintraut, Weintraut and Associates. We have also reviewed the April 15, 2013 letter to you from Charlene Dwin Vaughn of the Office of Federal Agency Programs, on behalf of the Advisory Council on Historic Preservation, recommending edits to the revised draft MOA.

The Board of Review concurs with Ms. Vaughn's recommended changes to the MOA, noting that their intent is primarily for greater clarification and consistency with ACHP regulations.

Regarding the revised draft MOA, we will note that the copy under review does <u>not</u> contain the recommended edits of the above referenced letter, and can only conclude that an additional revision will be forthcoming prior to signature in order to include those recommendations.

The Board of Review's comments on the *Stipulations* presented in the revised draft MOA are as follows:

Mitigation 1A. Drainage Impacts to Historic Resources

We concur with the Advisory Council's recommended edits for this passage, agreeing with the Council that they better address the issue of water quality within

the historic sites and districts. The issue here is not only that there be no increase in the current amount of drainage effluent, but that it be lessened if possible, and that the water quality itself should be such that it not add any pollutants to existing water resources, represented by streams and drainage tributaries, and existing bodies of water in the form of the limestone quarries themselves. Even with the inclusion of the Council's recommended edits, we do not believe that the existing statement is clear enough on the matter of protecting water quality, noting that the quality of the water itself is not even mentioned in Mitigation 1A, but, rather, the mitigating intent is generalized as "adverse effects" at "historic resources." Understanding that such language is typical of such documents, we remind the agency (Federal Highway Administration) that the quarries themselves are the primary resource of these historic districts and sites, and would like to see language that commits the undertaking to protecting water quality in these locations. Moreover, it is not clear what happens should the project fail to protect such resources, either in the short or long run. It seems that there should be some language referencing the remedy should these resources suffer adverse effects during work on the project, and/or subsequent to completion of the project.

Mitigation 1B. Context-Sensitive Solutions

While the Board appreciates the agency's commitment to "additional coordination with city and county officials …during the design phase of the project", we do not feel that the statement "shall consider the use of limestone treatments" represents anything more than a nod to the community within the MOA. There was a great deal of discussion on this item at our March 14 meeting, and although no final resolution was reached, we believe that community participants understood that highway safety was primary, and that the use of limestone in certain locations might create a hazard. Acknowledging that, there was further discussion about placing limestone in areas where no hazard would result, such as gateway locations or on bridges. I would like to see language in this passage that indicates a greater commitment to the use of limestone in some of these areas than simply "considering" it. The limestone industry and its historic resources matter to this community, and as much as anything serve as symbols of its strength and stability. Symbolic uses of the stone in such locations are an important aspect of retaining local identity, something easily mislaid by the appropriation of the landscape by a major highway project. We do not want context-sensitive solutions merely considered. Considering something is not mitigation.

Mitigation 1C. Educational Tour Funding Grant

This paragraph substantially represents the discussion at the March 14 meeting, and the Board of Review has no further comment on the substance of the funding grant as presented. We will comment, however, that as of this date, the Board has not had the opportunity to adequately discuss the tour option, nor to vote on whether or not to undertake a tour as described. However, according to the MOA, if the Board does not act within a year of the signing of the document, the

commitment to fund the grant dissolves, so we do not see a problem at this time with leaving this paragraph as it is. We understand the "grant" is really a reimbursement not to exceed $5,000.

Mitigation 1D. Multiple Property Documentation Form

The Board has no comments on this stipulation.

Mitigation 1E. Modifications to the Project with Respect to Above Ground Resources

The Board has no comments on this stipulation.

Mitigation 1F. Archaeological Resources

The Board has no comments on this stipulation.

Sections II, III, IV, V

The Board has no comments on these sections.

Comments on the revised draft MOA submitted by:

Duncan Campbell
For the Monroe Country Historic Preservation Board of Review
April 16, 2013

From: **Campbell, Duncan** <dcampbell@bsu.edu>
Date: Mon, Apr 22, 2013 at 8:14 AM
Subject: Board of Review meeting
To: Linda Weintraut <linda@weintrautinc.com>

Hi, Linda,

The Monroe County HP Board of Review held its special meeting Friday evening, April 19, and voted to approve my written comments on the revised draft MOA as written , with one amendment. The idea for the amendment surfaced during a discussion about providing something potentially more enduring than just the tour of limestone resources itself, perhaps some kind of educational materials. No specific suggestion was determined, but I believe this notion could be wrapped into the tour proposal itself, and be seen as accompanying the materials printed for the tour. Whatever theses materials are, their cost would be within the $5000 maximum reimbursement currently provided. Some Board members felt that the offer of $5000 was not enough, but no one suggested increasing it, only that it not necessarily be limited just to the tour, but that some of it could be used for more "enduring" materials. The amendment reads as follows:

Amend the motion to add something to Mitigation C. : incorporating a phrase that allows us[Monroe County Historic Preservation Board of Review]to use the [tour] funding for other lasting educational activities related to the limestone industry. (My brackets)

The Board approved the idea of the tour itself, and felt that such an event could possibly be made into an annual venture for the Board if funding could be secured through the County or other means, but also thought the tour was perhaps a one-time event, and wanted to produce some materials that could be more lasting—materials that would promote historic preservation in the County. I know this is not very specific, but I would appreciate it if you could find a way to incorporate the notion of "lasting educational activities" into the MOA revision. I believe these can be included in the tour proposal that is required, so the FHWY will have a clear idea of what is being funded. Again, the amendment is not intended to increase the funding, or make it more than a one-time commitment from the FHWY.

I will be in Muncie today and tomorrow teaching a couple of classes, but can be reached by email or phone much of the time, if you want to draft something and send it to me for a look. If I come up with the language myself, which I will try to do also, I will send it along.

Thanks,
-Duncan

Duncan Campbell
dcampbell@bsu.edu

From: Nancy Hiller [mailto:nrhiller@nrhillerdesign.com]
Sent: Monday, April 22, 2013 3:32 PM
To: Carpenter, Patrick A
Cc: dcampbell@bsu.edu; Chase Martin
Subject: Following up re. Monroe County Preservation Board comments

Dear Mr. Carpenter,

Our board convened last Friday evening from 5:30 to 7. Duncan Campbell said that he would speak with Ms. Weintraut today regarding our comments on the amended MOA.

Please let me know if you need anything further from our board at this time. We sincerely appreciate your interest in our comments.

With best wishes,

Nancy R. Hiller

U.S. Department of Transportation
Federal Highway Administration

Indiana Division 575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204
(317) 226-7475

April 29, 2013

In Reply Refer To:
HDA-IN

Iris Kiesling
President, Monroe County Board of Commissioners
100 W. Kirkwood Ave.
Bloomington, IN 47404-5140

Dear Ms. Kiesling:

The Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT), has conducted Section 106 consultation as part of the I-69 Evansville to Indianapolis Tier 2 Studies, Section 5, SR 37 South of Bloomington to SR 39 near Martinsville. Pursuant to Section 106 of the National Historic Preservation Act (1966) and 36 CFR Part 800 (2013), federal agencies are required to take into account the effects of their undertakings on historic properties.

FHWA has issued a finding of "Adverse Effect" for this project due to the potential impacts to archaeological resources. A Memorandum of Agreement (MOA) has been prepared as part of the efforts to resolve adverse effects as described in 36 CFR § 800.6.

FHWA has consulted with the Monroe County Historic Preservation Board of Review as a consulting party throughout the Section 106 process. At a consulting party meeting held on March 14, 2013, the Monroe County Historic Preservation Board of Review offered suggestions for revisions to the draft MOA. A revised draft MOA incorporating the suggested changes was distributed to signatories and consulting parties, including the Monroe County Historic Preservation Board of Review and the Monroe County Commissioners' representative on March 26, 2013, for review and comment.

After considering comments received from the Advisory Council on Historic Preservation and the Monroe County Historic Preservation Board of Review, FHWA revised the MOA. As a result of these comments submitted by the Monroe County Historic Preservation Board of Review, Stipulation I.C. of the MOA provides for a reimbursement to the Monroe County Historic Preservation Board of Review not to exceed $5,000.00 for an educational outreach initiative.

An electronic version of the revised MOA was transmitted to Monroe County Historic Preservation Board of Review on April 23, 2013; a paper copy of the MOA is enclosed with this letter.

It is our understanding that the Monroe County Commissioners will be the official signatory for the Monroe County Historic Preservation Board of Review. As signatory, the Commissioners' representative is requested to sign the appropriate signature page and return the original page to: Linda Weintraut, Weintraut & Associates, PO Box 5034, Zionsville, Indiana, 46077.

Thank you for your participation in this Section 106 process.

Sincerely,

Michelle Allen

for Karen A. Bobo
Acting Division Administrator
FHWA

Cc: John Carr, IDNR Division of Historic Preservation & Archaeology/SHPO
Michelle Allen, FHWA
Carol Legard, Advisory Council on Historic Preservation
Patrick Carpenter, INDOT
Tim Miller, Bernardin Lochmueller and Associates
Beth McCord, Gray & Pape
Linda Weintraut, Weintraut & Associates

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Robert E. Carter, Jr., Director

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

May 1, 2013

Linda Weintraut, Ph.D.
Weintraut & Associates, Inc.
Post Office Box 5034
Zionsville, Indiana 46077

Federal Agency: Federal Highway Administration ("FHWA")

Re: Request for signature on Version April 23, 2013, of the draft "Memorandum of Agreement ("MOA") . . . Regarding the I-69 Evansville to Indianapolis Project: Section 5, SR 37 South of Bloomington to SR 39 in Bloomington, Perry, Van Buren, and Washington Townships, Monroe County, Indiana; and Washington Township, Morgan County, Indiana" (HAD-IN: Des. No. 0300381; DHPA No. 2123)

Dear Dr. Weintraut:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer and staff have reviewed the aforementioned document, which Patrick Carpenter of the Indiana Department of Transportation ("INDOT") delivered to our office on April 29, 2013.

We are satisfied with the terms of this memorandum of agreement. We appreciate FHWA's and INDOT's attempts to address the concerns of the consulting parties.

At Mr. Carpenter's request, we are forwarding the signed memorandum of agreement to you with this letter.

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future, written correspondence regarding I-69 Section 5, please refer to DHPA No. 2123 and address it to Chad W. Slider, Assistant Director for Environmental Review, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

Very truly yours,

Robert E. Carter, Jr.
Indiana State Historic Preservation Officer

REC:JLC:jlc

Enclosure

emc: Karen Bobo, Federal Highway Administration, Indiana Division
Michelle Allen, Federal Highway Administration, Indiana Division
Carol Legard, Advisory Council on Historic Preservation
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation

Jason DuPont, P.E., Bernardin, Lochmueller & Associates, Inc.
Timothy Miller, Bernardin, Lochmueller & Associates, Inc.
Kia Gillette, Bernardin, Lochmueller & Associates, Inc.
Connie Zeigler, Bernardin, Lochmueller & Associates, Inc.
Kyle Boot, Bernardin, Lochmueller & Associates, Inc.
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Mary Jo Hamman, P.E., Michael Baker Jr., Inc.

U.S. Department of Transportation
Federal Highway Administration

Indiana Division 575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204
(317) 226-7475

May 13, 2013

In Reply Refer To:
HDA-IN

Dear Consulting Party,

The Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT), has conducted Section 106 consultation as part of the I-69 Evansville to Indianapolis Tier 2 Studies, Section 5, SR 37 South of Bloomington to SR 39 near Martinsville (Des. No.: 0300381/ DHPA No.: 2123). Pursuant to Section 106 of the National Historic Preservation Act (1966) and 36 CFR Part 800 (2013), federal agencies are required to take into account the effects of their undertakings on both aboveground and archaeological historic properties. FHWA has issued a finding of "Adverse Effect" for this project. A Memorandum of Agreement (MOA) has been prepared as part of the efforts to resolve adverse effects as described in 36 CFR § 800.6.

As a willing consulting party, you were sent a copy of the draft MOA on March 26, 2013, for review and comment. After receipt of comments on the MOA, FHWA has consulted with the Advisory Council on Historic Preservation (Council) and with the Indiana State Historic Preservation Officer (SHPO) in order to make mutually agreed upon changes to address consulting party comments. Pursuant to 36 CFR § 800.6(v)(2)(c)(ii), FHWA, the Council, and the Indiana SHPO executed a MOA; INDOT and Monroe County have signed the document as invited signatories.

Enclosed with this letter is a paper copy of the MOA. As a consulting party, you are invited to concur with this document pursuant to 36 CFR § 800.6(c)(3). Should you choose to concur with the MOA, please sign the "Concurring Party" signature page and send it to Linda Weintraut no later than June 15, 2013. Concurring Party signature pages may be directed to: Linda Weintraut, Weintraut & Associates, PO Box 5034, Zionsville, Indiana, 46077 or scan your signature page and send it via email to Linda@weintrautinc.com.

Thank you for your participation as a consulting party in this Section 106 process.

Sincerely,

Michelle Allen

for Karen A. Bobo
Acting Division Administrator

Cc: Mr. Steve Wyatt, Bloomington Restorations, Inc.
Ms. Sandra Tokarski, CARR (Citizens for Appropriate Rural Roads)
The Honorable Gary L. Pruett, City of Mitchell
Ms. Tamara Francis, NAGPRA Director Delaware Nation
Chad Slider, IDNR Division of Historic Preservation & Archaeology/SHPO
Mr. Mark Dollase, Indiana Landmarks
Mr. Stewart Sebree, Indiana Landmarks
Mr. Tommy Kleckner, Indiana Landmarks
Ms. Julie Olds, Miami Tribe of Oklahoma
Ms. Nancy Hiller, Monroe County Historic Preservation Board of Review
Ms. Jacqueline Scanlan, Monroe County Planner
Mr. Norman Voyles, Morgan County Commissioner
Ms. Joanne Stuttgen, Morgan County Historian
Ms. Joanne Stuttgen, Morgan County Historic Preservation Society
Ms. Edith Sarra, Owen County CARR/Owen County Preservations
Ms. Patricia Powell, Owen County Preservations, Inc.
Ms. Bonnie Tinsley, Owen County Preservations, Inc.
Mr. John P. Froman, Chief Peoria Tribe of Indians of Oklahoma
Mr. Steve Ortiz, Chairperson Prairie Band Potawatomi Nation
Mr. Ron Sparkman, Chairperson Shawnee Tribe
Mr. Jon Kay, Traditional Arts Indiana
Mr. William McNiece, Wabash & Ohio Chapter of Industrial Archeology
Ms. Pauline Spiegel
Mr. Bob Bernacki
Ms. Nancy Hiestand, Program Manager Historic Preservation Housing and Neighborhood Development
Dr. James Cooper
Mr. Paul Brandenburg, Historic Spans Taskforce
Mr. Patrick Stoffers, Monroe County Board of Commissioners
Ms. Iris Kiesling, Monroe County Board of Commissioners
Ms. Julie Thomas, Monroe County Board of Commissioners
Tim Maloney, Hoosier Environmental Council
Ms. Cheryl Munson
Debby and Steve Reed, Reed Quarries, Inc.
Carol Legard, ACHP

Emc: Mr. Jesse Kharbanda, Executive Director, Hoosier Environmental Council
Mr. Tim Miller, Bernardin Lochmueller & Associates, Inc.
Ms. Beth McCord, Gray & Pape
Dr. Linda Weintraut, Weintraut & Associates, Inc.
Ms. Mary Jo Hamman, Michael Baker Corporation
Mr. Patrick Carpenter, INDOT

Linda Weintraut <linda@weintrautinc.com>

I69 Sect 5 Mem. of Agreement - WOSIA concurring party - signature page

bhb@bernacki.com <bhb@bernacki.com> Wed, Jun 5, 2013 at 10:36 AM
To: linda@weintrautinc.com

Ms. Weintraut,

Please accept the attached WOSIA "concurring party" signature page for I69 Sect 5 Mem. of Agreement.

Thank you,
Bob Bernacki, consulting party, Sect. 5, I-69 project.

I69 WOSIA Concurring 2013001.pdf
14K

I-69 Tier 2: Evansville to Indianapolis
Section # 5: Consulting Party Comment Form – November 2012 to May 2013

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Re: *Addendum I: Phase Ia and Ib Archaeological Survey of the Indiana I-69 Evansville to Indianapolis Study, Section 5 (from SR 37 to SR 39), Monroe and Morgan Counties, Indiana* (Lombardi et al., 10/26/12) (Des. No. 0300381; DHPA No. 2123) Dear Ms. McCord: Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the materials submitted with your cover letter dated and received on October 26, 2012, for the aforementioned project in Monroe and Morgan counties, Indiana. Thank you for providing the Phase Ia archaeological investigations report addendum for the above project. Archaeological sites 12Mo1415, 12Mo1430, 12Mg448, 12Mg449, 12Mg451, 12Mg452, 12Mg453, 12Mg454, 12Mg455, 12Mg457, 12Mg459, 12Mg460, 12Mg 461, 12Mg462, 12Mg463, 12Mg464, 12Mg465, 12Mg466, 12Mo1433, 12Mo1436, 12Mo1437, 12Mo1438, 12Mo1439, 12Mo1440, 12Mo1443, 12Mo1446, 12Mo1447, 12Mo1448, 12Mo1449, and 12Mo1453 do not appear to be eligible for inclusion in the National Register of Historic Places, and no further archaeological investigations at these sites appear necessary. We concur that archaeological site 12Mo1416 is a contributing element to the North Clear Creek Historic Landscape District. It is our understanding from the archaeological report that archaeological site 12Mo1416 is outside of the proposed project area. ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, November 19, 2012.***	Thank you for your comment.
There is insufficient information regarding archaeological sites 12Mo1401, 12Mg467, 12Mg458, 12Mo1432, 12Mo1434, 12Mo1435, 12Mo1444, 12Mo1445, 12Mo1450, 12Mo1451, and 12Mo1452 to determine whether they are eligible for inclusion in the National Register of Historic Places. However, those portions of these archaeological sites that are within the proposed project area do not appear to contain significant archaeological deposits, and no further archaeological investigations are necessary in those portions of the sites. However, the portions of these archaeological sites that lie outside of the proposed project area must either be avoided by all project activities, or subjected to further archaeological investigations. These areas should be clearly marked so that they are avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations must be submitted to the Division of Historic Preservation and Archaeology ("DHPA") for review and comment prior to further field investigations. Further archaeological investigations must be conducted in accordance with the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716). It is our understanding that archaeological site 12Mg467 is outside of the proposed project area. We concur with the report that archaeological sites 12Mg456 and 12Mo1442 appear to be potentially eligible for the National Register of Historic Places. These sites must either be avoided by all project activities, or subjected to further archaeological investigations. If avoidance is not feasible, an archaeological plan for Phase II test excavations must be submitted to the DHPA for review and comment/ Any further archaeological 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).	The Memorandum of Agreement (MOA) for the Section 5 Project provides for the clear marking of sites 12Mo1401, 12Mg467, 12Mg458, 12Mo1432, 12Mo1434, 12Mo1435, 12Mo1444, 12Mo1445, 12Mo1450, 12Mo1451, and 12Mo1452 prior to ground disturbing activities in the area so that they will be avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations will be submitted to the SHPO for review and comment. Sites 12Mo1413, 12Mg456, 12Mo1442, and 12Mg450 and alluvial floodplain test areas (in the vicinities of Little Indian Creek, Jordan Creek, and Buckner Branch in Morgan County and Beanblossom Creek and Bryant Creek in Monroe County) will be avoided or, if that is not feasible, affected test area(s) or site(s)will be subjected to further investigations as appropriate. In the event that additional

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
All necessary Phase Ic subsurface reconnaissance investigations will take place in the areas mentioned in the report as well as in any other drainage areas in the project area that have potential contain buried archaeological sites. There is insufficient information regarding archaeological site 12Mg 450 to determine whether it is eligible eligible for inclusion in the National Register of Historic Places; given its location, it should also be subjected to Phase Ic investigations if it cannot be avoided by all project activities. A plan for the Phase Ic subsurface investigations must be submitted to the DHPA for review and comment. Any further archaeological 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). ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, November 19, 2012, Continued.***	investigations are necessary, a work plan will be submitted to the SHPO for review and comment. (See Appendix J, Memorandum of Agreement.)
The cemeteries in or near the archaeological APE must be avoided by all project activities, or 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 artifacts are to be returned to the landowner, additional analyses and documentation of those specimens may be necessary in consultation with our office. ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, November 19, 2012, Continued.***	Cemeteries in or near the archaeological APE will be avoided or, if that is not feasible, subjected to archaeological investigations, and/or treated under relevant Indiana statutes. A development plan will be submitted if ground disturbing activities occur within 100 feet of a burial ground. Project archaeologists will consult with SHPO regarding analyses and documentation in the event that artifacts are to be returned to the land owner.

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
November 20, 2012 Dear Ms. Allen and Mr. Marquis: I am writing to you about a historic property that was not included in your October 26, 2012 letter to Consulting Parties: **"Re: I-69 Evansville to Indianapolis Tier 2Studies, Section 5 Section 106: Transmittal of 800.11(e) documentation (Des. No.: 0300381; DHPA No.: 2123)"** Located at 3275 N. Prow Road, Bloomington, Indiana, is the very old and historic Parks-Patton-Hedrick House and farm. It is not a grand mansion but it is quite historic. Our nation's 16th President, A. Lincoln, lived in modest log homes in Kentucky and southern Indiana. Likewise the Parks-Patton-Hedrick House has stone and huge hand hewn beams in the earliest part of the structure. Tax documents have people living in the house in 1874. Monroe County Tax Duplicates known to exist did not begin until 1842. The family cemetery which was once part of the original farm, but now part of the National Registry's Maple Grove Road Historic District, have people buried in the 1830s and 1840s. Those people lived and owned the present day Hedrick farm and home as documented on the abstract. There are many more grave stones which are not legible. In 1998 the Maple Grove area was given National Designation and it has local and state designation. The Parks-Patton-Hedrick House was lived in *before* many of the Maple Grove district structures were built! Many of the beautiful, historically protected places throughout Bloomington, Indiana University campus and Monroe County, were built *after* the Parks-Patton-Hedrick House. Due to an oversight, The Parks-Patton-Hedrick House was not included in the Maple Grove Historic District but should have due to adjacent location, history, home, farm, original cemetery existing *before* most included in the Maple Grove district. It is the 14th oldest surviving structure in Monroe County! (See enclosure: A)	Thank you for your comments. While this property was not included in the cover letter that accompanied the 800.11(e) documentation (36 CFR § 800.6[a][3]), it was discussed within the body of the 800.11(e) and in the appendix. (See "Memorandum Re: 3275 North Prow Road" in Appendix C.) Historians acknowledge the house at 3275 North Prow Road contributes to the historic fabric of Monroe County. It is not possible to know the all factors the authors considered in delineating the boundary of Maple Grove Road Rural Historic District for its listing in the National Register of Historic Places (NRHP), but it does not appear the house at 3275 North Prow Road was inadvertently omitted from the District. The presence of State Road (SR) 37, which separates the house from the eastern boundary of the District, is a non-historic feature which disrupts the connection of the house on Prow Road to the District. The National Park Service's *Guidelines for Documenting and Evaluating Rural Historic Landscapes* states, "continuity is essential" when defining district boundaries. The bulletin explains that, "historic landscape characteristics should predominate and occur throughout. Peripheral areas having a concentration of non-historic features should be excluded." Further, the National Register Bulletin *How to Apply the National Register Criteria for Evaluation* guidelines for applying the criteria states, "It is not appropriate to use the discontiguous district format to include an isolated resource or small group of resources which were once connected to the district, but have since been separated either through demolition or new construction." During 2004-2005 survey efforts, the house at 3275 North Prow Road was evaluated as a Non-Contributing resource. In 2012, in response to comments from consulting parties, project historians re-surveyed the house and recommended it as Contributing to the historic fabric of Monroe County. Based on the information available at that time, historians did not recommend the house as

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Letter from Deborah Hedrick Reed, November 20, 2012 ***On December 20, INDOT received an identical letter from Ms. Reed, dated November 28, 2012, in response to the Draft Environmental Impact Statement (DEIS). Responses to that letter are identical to those shown at right.***	individually eligible for listing in the NRHP. (See Appendix E, Consulting Parties, for consulting party meeting slides and minutes.)
The Parks-Patton-Hedrick House was given local historic designation after application; a thorough review and grueling four step process: Monroe County Historic Preservation Board Monroe County Plan Review Committee Monroe County Plan Commission Monroe County Commissioners The many people on the above commissions and boards are very intelligent, thorough, demanding and possess a high degree of common sense. They knew their reputations were on the line concerning the Parks-Patton-Hedrick House. The County officials enthusiastically bestowed historic designation on the farm and house based on: "1) an association with events that have made significant contributions to the broad patterns of county history; 2) an association with the lives of persons significant in the county's past; 3) the distinctive characteristics of a type, period or method of contribution." ***Letter from Deborah Hedrick Reed, November 20, 2012, Continued.*** ***On December 20, INDOT received an identical letter from Ms. Reed, dated November 28, 2012, in response to the DEIS. Responses to that letter are identical to those shown at right.***	Thank you for this comment.

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
The local officials were keenly interested and hoping I would further research: "the capability of yielding information in prehistory or history" as the house's yards, farm, house and people have deep connections to the limestone industry and prehistoric settlements. Local quarries, close to the house and farm, opened up in the late 1860s. 3275 N. Prow Road was originally part of the Hunter Valley Historic Quarry District. We have proof of prehistoric history which was formed 330 million years ago…the stone and shark's teeth. The home's basement/the first house, has a solid stone ledge basement floor, limestone foundation walls, stone steps and stone walls leading to ground level which is another solid stone ledge of Salem-Oolitic limestone. Early settlers had to know the nature of these limestone deposits. The basement and ground level room floor remain exactly the same…solid Salem-Oolitic limestone. In addition, prehistoric people lived in the area. Artifacts found around the house and farm have been dated (8000-200 BC), photographed and are still in our possession. (See: enclosures: B & C) ***Letter from Deborah Hedrick Reed, November 20, 2012, Continued.*** ***On December 20, INDOT received an identical letter from Ms. Reed, dated November 28, 2012, in response to the DEIS. Responses to that letter are identical to those shown at right.***	Historians researched possible connections between residential buildings and quarry resources in preparation for the *Consideration of and Findings regarding Dimension Limestone Resources within the I-69 Section 5 Area of Potential Effects* (January 24, 2012). Architectural historians did not find evidence substantiating a connection between the house at 3275 North Prow Road and the Hunter Valley Historic Landscape District. In June 2012, historians conducted research and a field review from the public right-of-way to determine if residential structures along Prow Road, including the house at 3275 North Prow Road, should be included in the Reed Historic Landscape District. Following research efforts, "historians did not uncover any clear associations with the houses on Prow Road, particularly the house at 3275 North Prow Road referenced by consulting parties, and the Reed Historic Landscape District." SHPO agreed with these research findings, as presented at a meeting held June 6, 2012, in a letter dated July 12, 2012. (See Appendix C, Reports and Appendix D, Agency Coordination.) As part of the I-69 Section 5 Studies, no Phase Ia survey was required on this property, as the archaeological APE does not currently transverse the parcel and therefore no land acquisition or ground disturbance is anticipated on the property.
Earlier findings by the FHWA and INDOT reported many changes to the Parks-Patton-Hedrick House. This is not the case. Only one (1) window is not original. Every other window, top to bottom, is original. The siding put on can come off. Mr. Phillip Hedrick, my dad, thinking he was doing a good thing, put on aluminum siding in efforts to preserve the historic house. All the original wood is still in tact and in great shape due to Dad's efforts. Please see Enclosure D, prepared by my 89 year old mother, and you can read everything still existing, original to the house. Frankly, the reason the house (1874-to last renovation in 1912) is "intact" is due to no money for changes. (See enclosure: D)	Thank you for this comment. New information provided by consulting parties prompted historians to revaluate the house at 3275 North Prow in 2012. Although the historians were not granted access to the home's interior, a review of its exterior did demonstrate that not all of the windows had been replaced. This is one of the reasons that the resource's rating was changed from Non-Contributing to Contributing. However, based on the information available at that time, historians did not recommend the house as individually eligible for listing in the NRHP. (See Appendix E,

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Letter from Deborah Hedrick Reed, November 20, 2012, Continued. ***On December 20, INDOT received an identical letter from Ms. Reed, dated November 28, 2012, in response to the DEIS. Responses to that letter are identical to those shown at right.***	Consulting Parties, for summary and materials from meeting.) Integrity of design, materials, and setting has been compromised. The addition of the enclosed rear porch, the replacement wrap-around front porch, the application of the aluminum siding, the removal of historic outbuildings, and the construction of SR 37 have lessened the integrity of this property.
We have applied for State designation. Telling you every bit of truth, our first application was denied. The submitted application was a first ever attempt of its kind by a talented, wonderful lady. The State has graciously agreed to accept additional data, photographs and documents for re-submission and review. We believe the house and farm worthy. ***Letter from Deborah Hedrick Reed, November 20, 2012, Continued.*** ***On December 20, INDOT received an identical letter from Ms. Reed, dated November 28, 2012, in response to the DEIS. Responses to that letter are identical to those shown at right.***	Thank you for your comment. The consultants acknowledge that the property owners have had a State Register application prepared for this property.

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In conclusion, in the book: "Counties of Morgan, Monroe and Brown, Indiana" by Charles Blanchard, 1884, the very first people who bought land, September 1816, in Bloomington-Monroe County were: George Hedrick, Joseph Taylor, Henry Wampler and James Parks. All four of these men, bravely opening and settling Bloomington/Monroe County, are tied to the Parks-Patton-Hedrick House, farm and cemetery. With great respect, please, please re-consider your position concerning this 14th oldest, surviving historic home and farm. My family will be on earth a short time. We have nothing to gain but keenly understand the value of this place to Monroe County and Indiana. We so desperately want to save the house and land for further generations to see the past…330 millions years ago; 8000-200 BC; the 1816s; 1874s to present day all in one place! Thank you. Sincerely, Deborah Hedrick Reed Deborah Hedrick Reed ***Letter from Deborah Hedrick Reed, November 20, 2012, Continued.*** ***On December 20, INDOT received an identical letter from Ms. Reed, dated November 28, 2012, in response to the DEIS. Responses to that letter are identical to those shown at right.***	Thank you for this information. Project historians have recommended the house at 3275 North Prow Road as Contributing to the historic fabric of Monroe County. Historians also evaluated the house using the four criteria set forth by the NRHP for assessing eligibility. Based on the information available to historians, including documentary research and aboveground survey of the home's exterior, the property was not recommended individually eligible for listing in the NRHP. (Please note that, following the property's re-survey in January 2012, historians have not been granted access to the property to evaluate the interior of the residence.) At this time, no land acquisition is planned at this property under Refined Preferred Alternative 8 of the proposed I-69 project. (See Appendix E, Consulting Parties, for materials from and summary of consulting party meeting and Appendix C, Reports, for Memorandum Re: 3275 North Prow Road.)

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Re: FHWA's finding of Adverse Effect, with supporting documentation, for I-69 Evansville to Indianapolis Tier 2 Studies, Section 5: Bloomington to Martinsville (Des. No. 0300381; DHPA No. 2123) Dear Mr. Marquis: Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation 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 ("Indiana SHPO") has reviewed the binder containing the finding and supporting documentation, which arrived on October 26, 2012, and your October 26, 2012 letter with a compact disc containing the finding and supporting documentation, which were received on October 29, for the aforementioned project in Monroe and Morgan counties in Indiana. We concur with FHWA's October 11, 2012, Section 106 finding of Adverse Effect for this undertaking, because the effects of this undertaking on archaeological resources are not yet known. We concur, also, that this undertaking will not adversely affect any historic above-ground properties. 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 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. ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, November 21, 2012.***	Thank you for your comments. No further action required at this time.
Dear Ms. Hamman: The Monroe County Historic Preservation Board requests a time extension for reviewing the historic properties report, and submitting our comments. We ask for a 2-week extension, to December 12, when our members may have more time to review the report. We do have a copy of the report on CD, but this is difficult to share with our members. If the same report is incorporated into the DEIS, which is on-line, please advise, since our members could read that report. Otherwise, would you please send me a pdf version of the report or a download link, that we can share with our membership. ***Email from Devin Blankenship, Chairman, Monroe County Historic Preservation Board, November 29, 2012.***	On November 30, 2012, project consultants responded to Mr. Blankenship via email. The email indicated approval to extend the comment period through 5:00 pm on December 7, 2012. The email also indicated that the 800.11(e) documentation was included on the I-69 website as Appendix N of the DEIS. A link to the website was attached to the email. (See Appendix I, Correspondence/Comments Received/Transmitted Following Section 106 Review Period, for correspondence.)

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CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Dear Ms. Hamman, Attached are our board's comments regarding Historic Properties Sec. 106 for I-69 Evansville to Indianapolis. Again, we appreciated having an extension to allow for more comprehensive board member input. ***Email from Devin Blankenship, Chairman, Monroe County Historic Preservation Board, December 6, 2012.***	On December 10, 2012, the project consultants replied to Mr. Blankenship via email, confirming the receipt of the Monroe County Historic Preservation Board's comment letter. (See Appendix I, Correspondence/Comments Received/Transmitted Following Section 106 Review Period, for correspondence.)
Re: I-69 Evansville to Indianapolis Tier 2 Studies, Historic Properties, Section 106; 800.11(3) (Des. No. 0300381; DHPA No. 2123) Dear Section 5 Office: After careful review, our board would like to highlight issues regarding the following historic properties: (1) The Hedrick House: This house was locally designated in November 2012 as an historic district, approved by the Monroe County Commissioners in accordance with the County's historic preservation ordinance. Furthermore, additional prehistoric artifacts beyond those initially described have been reported from the property around the house. (2) Maurice Head: We concur with the study; no visual impacts. (3) Stipp Bender: We concur with the study; no visual impacts. ***Letter from the Monroe County Historic Preservation Board, authored by Devin Blankenship, Chairman, December 6, 2012.*** ***On January 2, 2013, the Monroe County Historic Preservation Board sent an identical letter to the project office in response to the DEIS.***	Thank you for your comments regarding the status of the Hedrick House. During a check of state archaeological records, project archaeologists identified no previously recorded sites on this property or in the general vicinity and are unaware of any "additional prehistoric artifacts" that may be attributable to the property. As part of the I-69 Section 5 Studies, no Phase Ia survey was required on this property, as the archaeological APE does not currently encroach on the parcel and therefore no land acquisition or ground disturbance is anticipated on the property. (See Appendix C, Reports, for management summaries from archaeological reports.) Thank you for your comments regarding the Maurice Head House and the Stipp Bender Farmstead.

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(4) Brown School: As the only remaining public school building in Washington Township, we maintain that this site has local significance, illustrates a national consolidation movement, and holds a certain degree of international fame. Thomas L. Brown Elementary school is named after a local educator who taught in one-room schools in Washington Township. This particular township was the first in the county to consolidate all of the schools into one. The land for the school was donated by a local family, who still reside in the immediate vicinity. The namesake of the school is buried in Simpson Chapel Cemetery across the road. The school was open for a relatively short period prior to a second major round of consolidation which closed this rural community landmark. The building's exterior maintains the same character as when it opened in 1968. Other area schools have additions and modifications that compromise their architectural integrity; not so with Brown School. Brown School was purchased by local entrepreneur, Bill Cook, in 1984 as a practice facility for a fledgling drum and bugle corps. That group, Star of Indiana, won the Drum Corps International Open Class World Champion title in 1991. The group evolved into Brass Theater and then Blast! Blast won the 2001 Tony Award for Best Special Theatrical Event and the 2001 Emmy Award for Best Choreography. The local community is proud of Brown School's history as both an elementary school and performing arts practice facility. This property is locally significant, and we believe should be determined eligible for the National Register of Historic Places in the future. The current I-69 route proposal would have adverse visual impacts on this property as the center line shifts westward, closer to Brown School. ***Letter from the Monroe County Historic Preservation Board, authored by Devin Blankenship, Chairman, December 6, 2012, Continued.*** ***On January 2, 2013, the Monroe County Historic Preservation Board sent an identical letter to the project office in response to the DEIS.***	The architectural historians examined the resource in context with school consolidation in Monroe County and found that Thomas L. Brown School was originally planned in 1963 in response to overcrowding and the poor physical condition of the Washington Consolidated School, built in 1928. Thus, it was not the first consolidated township school, and it was not constructed as a result of township or county consolidation. It was not recommended eligible under Criterion A. It is common for schools to be named for former teachers/administrators, and this association alone would not justify NRHP eligibility under Criterion B, as the property was not directly associated with the productive life of Thomas L. Brown. The school is a late example of mid-century school design and is not particularly innovative or representative of significant new trends in educational philosophy. Research did not reveal that architect Richard Paul Miller was of outstanding significance. Further, the building's association with Bill Cook, beginning in 1984 and the Star of Indiana's champion title in 1991, are recent events which do not qualify the building as eligible under Criterion A. Properties that have achieved significance within the past 50 years are generally not considered eligible for the NRHP except under Criteria Consideration G. After further investigation, project consultants continue to recommend the property not eligible for listing in the NRHP. SHPO has agreed with that recommendation. (See Appendix C, Reports, for the AI Report; Appendix D, Agency Coordination, for SHPO letter of general agreement with the conclusions of the Additional Information Study; Appendix E, Consulting Parties, for consulting party meeting slides and minutes; and Appendix K, Consultation with the ACHP, for consulting party minutes.)

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(5) Maple Grove Road: While the report states that the project will "not introduce any visual elements that contrast with the existing visual setting," extensive steel guardrails and concrete barriers proposed for the I-69 corridor will greatly detract visually from the current rural character of the area around the district and in the expanded district. We find this to be an adverse visual impact. Instead of steel guardrails and concrete barriers, we recommend using quarry blocks as blockade alternatives to steel guardrails and concrete barriers, to avoid creating visual impacts; see discussion in (7) below. ***Letter from the Monroe County Historic Preservation Board, authored by Devin Blankenship, Chairman, December 6, 2012, Continued.*** ***On January 2, 2013, the Monroe County Historic Preservation Board sent an identical letter to the project office in response to the DEIS.***	The effects of Alternatives 4, 5, 6, and 7 on the Maple Grove Road Rural Historic District have been assessed in the April 2012 *Identification of Effects Report*. The Refined Preferred Alternative 8 is a combination of Alternatives 4, 5, 6, 7, and 8. In the vicinity of Maple Grove Road Rural Historic District, the Refined Preferred Alternative 8 is derived from Alternatives 4-8 (Overpass at Arlington Road – derived from Alternatives 4-8; No I-69 Access at Acuff Road – derived from Alternatives 4-8; and Overpass at Kinser Pike – derived from Alternatives 5, 7, and 8). Because the proposed segment of I-69 bordering the Maple Grove Road Rural Historic District involves the upgrade of SR 37 within its present right-of-way, the undertaking will not introduce any visual elements that contrast with the existing visual setting. MOA stipulation I.B. provides for coordination with the local community regarding context sensitive solutions during the design phase, in accordance with applicable INDOT policies. This will be explored during design phase. The project engineers have proposed a design for I-69 along the Maple Grove Road Rural Historic District that includes the utilization of double-faced guardrail in the median between the three northbound and three southbound lanes. The use of the guardrail as opposed to concrete median barrier begins at the Arlington Road overpass and extends north through the Sample Road bridge/interchange. The installation of this guardrail will correspond with the construction of the third lane, which may not occur for many years, but potentially prior to the design year of 2035. Your comment was noted and forwarded to the ACHP since you disagreed with the finding of No Adverse Effect for this district. Project historians continue to stand by their recommendation of a No Effect finding as documented in the *Identification of Effects Report.* (See Appendix C, Reports, for the *Identification of Effects Report*; Appendix J, MOA; Appendix I, Correspondence/Comments

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	Received/Transmitted Following Section 106 Review Period; and Appendix K, Consultation with the ACHP, for correspondence.)
(6) Reed Historic Landscape District: The district should be expanded to include the Hedrick House at 3275 N. Prow Road, as well as those at 3225, 3215, 2095, and 3065, since former residents were reported to have been associated with quarry work. Census data have not confirmed that the residents did not work there, and employment records for Reed Quarry do not cover the period of significance. Historic records have not countered the longstanding oral history. ***Letter from the Monroe County Historic Preservation Board, authored by Devin Blankenship, Chairman, December 6, 2012, Continued.*** ***On January 2, 2013, the Monroe County Historic Preservation Board sent an identical letter to the project office in response to the DEIS.***	Historians researched possible connections between residential buildings and quarry resources in preparation for the *Consideration of and Findings regarding Dimension Limestone Resources within the I-69 Section 5 Area of Potential Effects*. In doing so, they did not find evidence substantiating a connection between the referenced houses along North Prow Road and the Reed Historic Landscape District. In June 2012, historians conducted additional research and a site visit from the public right-of-way to determine if residential structures along Prow Road, including the houses at 3225, 3215, 3095, 3075, and 3275 North Prow Road, should be included in the Reed Historic Landscape District. Following research efforts, "historians did not uncover any clear associations with the houses on Prow Road, particularly the house at 3275 North Prow Road referenced by consulting parties, and the Reed Historic Landscape District." Historians further researched homes at 3225, 3215, 3095, and 3065 North Prow Road for evidence that residents of those properties worked at the Reed Quarry, but could find no definitive associations. (See Appendix C, Reports for Memorandum Re: 3275 North Prow Road.)
(7) Reed, Hunter Valley, and North Clear Creek Historic Landscape Districts: The adverse visual impacts on all three districts will be significant and detractions from their historic character. Using steel guardrails or concrete barriers goes against the common local practice for safety and traffic lane containment, which uses reject quarry blocks to create a secure separation. There is an incredible abundance of reject quarry blocks in Monroe and Lawrence Counties. It makes far more economic and environmental sense to move these blocks for placement along I-69 than to manufacture and haul concrete or steel rails. Both concrete and steel rails will change the historic character of these three National Register eligible Landscape Districts, and create visual impacts that are avoidable.	Thank you for your comment. Your comment has been noted and has been forwarded to the ACHP since you have disagreed with the finding of No Adverse Effect for these districts. Project historians continue to stand by their recommendation of a No Adverse Effect. (See Appendix C, Reports for *Identification of Effects Report,* and Appendix K, Consultation with the ACHP, for correspondence.)

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Letter from the Monroe County Historic Preservation Board, authored by Devin Blankenship, Chairman, December 6, 2012, Continued. ***On January 2, 2013, the Monroe County Historic Preservation Board sent an identical letter to the project office in response to the DEIS.***	Project engineers have proposed guardrails and/or concrete barriers that will meet or exceed safety requirements. Per Stipulation I.B. in the Section 5 MOA, FHWA and INDOT "shall coordinate with the local community regarding context-sensitive solutions during the design phase … in accordance with applicable INDOT policies." The specifics of context sensitive solutions will be decided during design. Since FHWA has signed a finding of Adverse Effect for the undertaking but there is not an adverse effect on these particular resources, there is no mitigation required as part of the Section 5 undertaking. However, in fulfillment of a commitment made as part of the I-69 Tier 1 MOA for educational mitigation, FHWA has agreed to provide funding for an educational outreach initiative relating to the dimension limestone industry in Monroe County (Stipulation I.C.). FHWA has also agreed to fund the preparation of a NRHP multiple property nomination form for the limestone related historic landscape districts (Stipulation I.D.). (See Appendix B, FHWA's Findings and Determinations for finding signed October 11, 2012, and Appendix J, MOA.)

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Additionally, we wish to inform government agencies and the public that visual impacts to the historic and natural character of the major entryway into Monroe County and Bloomington can be expected to make the area less attractive and interesting to visitors, and so produce a negative effect on tourism. Affecting tourism in this way creates economic impacts – namely, a decline in tourism revenues. Unlike some serious issues re: I-69/Sec. 5, visual impacts can be avoided by sensitive construction. We appreciate this opportunity to comment on your study. Please do not hesitate to communicate any thoughts, concerns, or questions to our board using the above contact information. Sincerely, Devin Blankenship, Chair Monroe County Historic Preservation Board ***Letter from the Monroe County Historic Preservation Board, authored by Devin Blankenship, Chairman, December 6, 2012, Continued.*** ***On January 2, 2013, the Monroe County Historic Preservation Board sent an identical letter to the project office in response to the DEIS.***	Several chapters of the DEIS and FEIS explored and addressed these concerns. Chapter 5.5 addresses Economic Impacts and Chapter 5.7 addresses Visual & Aesthetic Impacts. Per Stipulation I.B. in the Section 5 MOA, FHWA and INDOT "shall coordinate with the local community regarding context-sensitive solutions during the design phase … in accordance with applicable INDOT policies." The specifics of context sensitive solutions will be decided during design. (See Appendix J, MOA.)
MS. CHERYL MUNSON: Thank you. A bit of confusion. In January, I will be a new member of the Monroe County Council, and so I signed up tonight to speak as an appointed government official for the Monroe County Historic Preservation Board. And many of you may have heard me speak before. I've spoken many times in opposition to Section 4, and tonight I wish to speak and urge construction of Section 5 because of public safety concerns and because of connectivity concerns for people commuting from the county into Bloomington; but that doesn't mean that everything is good and well with historic resources in Section 5. Our Board has prepared comments in detail, and we disagree with several findings. We concur with many others I should say. Let me just tell you the points of disagreement. We disagree that there is no adverse effect on four important districts. These are the Maple Grove Road, National Register of Historic Places Rural District, the Hunter Valley Historic Landscape District, the Reed Historic Landscape District, and the North Clear Creek Historic Landscape District. The latter three are all significant for their importance -- Did I just	Thank you for your comment. Your comment was noted and your written comments forwarded to the ACHP since you disagreed with the finding of No Adverse Effect for these districts. Consultation on this subject occurred between the ACHP, SHPO, FHWA, INDOT and consulting parties during March 2013. SHPO has concurred with the finding of effect on these resources. (See Appendix I, Correspondence/Comments Received/Transmitted following Section 106 Review Period and Appendix K, Consultation with the ACHP.)

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run out of time? Oops! - - for their importance to the history of the limestone industry. And the effects will be -- caused by construction will be the erection of concrete barriers and steel guardrails, and we think this will be a terrible visual impact that could be alleviated by using traditional methods of barriers called quarry bluffs. Thank you. ***Verbal testimony from Cheryl Ann Munson, Monroe County Council member-elect, at the I-69 Section 5 Public Hearing, Bloomington, December 6, 2012.***	
I'm following up with my comments yesterday concerning noise and light pollution along I-69, Section 5. I am requesting that the road surface material through Section 5 be sound sensitive due to the expected increase in traffic. I live in the Maple Grove Historic District and we hear some truck traffic, but it will only get worse and more frequent with I-69. In addition, I ask that you consider using lights that face downward and those that do not emit light in all directions. Thank you in advance for your consideration.	Thank you for your comments. The *Identification of Effects Report* addressed these concerns, as they relate to the Maple Grove Road Rural Historic District. (See Appendix C, Reports.) As per the report, the nearest occupied building of a Contributing property to the I-69 alternatives, the Zellers Farmstead, is located more than 800 feet from the Refined Preferred Alternative's right-of-way. Therefore, noise modeling was not used at this location in accordance with the INDOT *Traffic Noise Analysis Procedure*. The nearest distance to occupied buildings of Non-Contributing residences along Lancaster and North Ridgely drives within the district to the Refined Preferred Alternative's right-of-way is approximately 696 feet but noise modeling is only conducted for Contributing resources where noise is an element of setting. The Traffic Noise Model (TNM) 2.5 noise modeling predicted that the undertaking will result in an increase of 6 dBA (A-weighted decibel), a minor increase. Current sources of ambient light nearest the project alternatives are headlights from traffic on SR 37, lights from churches on North Prow Road and a multi-story office building on West Acuff Road, just east of North Prow Road. It is not expected that the undertaking would introduce any significant additional sources of ambient light to the Maple Grove Road Rural Historic District, as the section of right-of-way that borders the historic district would use the existing alignment of SR 37 and the new section of highway would be

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Email from Linda G. Sievers,Trustee, Bloomington Township, December 7, 2012.	constructed at approximately the same elevation as the existing road. Contributing properties in the district are far enough removed from the overpass (Refined Preferred Alternative 8) at Kinser Pike that an increase in highway lighting at this location would not adversely affect the district. Elevated sections of road related to the Kinser Pike overpass (Refined Preferred Alternative 8), approximately 27-31 foot elevation increase, will not have an adverse visual effect on the district, as the overpass is located over 1,000 feet north of the expanded boundaries of the district. Moreover, the area of the district directly west of the Kinser Pike overpass is screened from the elevated section of road by a strip of wooded land.
Re: December 10, 2012 version of the Draft Memorandum of Agreement ("Draft MOA") regarding I-69 Evansville to Indianapolis: Tier 2 Studies, Section 5 (Des. No. 0300381; DHPA No. 2123) Dear Dr. Weintraut: Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation 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 conducted an analysis of the Draft MOA under your cover letter dated and received on December 10, 2012, for the aforementioned project in Monroe and Morgan counties, Indiana. Thank you for providing our office with the December 10, 2012 version of the Draft MOA for review and comment. Although we recognize that parts of this Draft MOA are very similar to parts of one or more previous MOAs, we have taken the opportunity to suggest some clarifications that we think would improve this document. We appreciate your having provided us with an electronic copy of the Draft MOA, in case we wished to mark suggested changes on it. In this case, however, we have found it easier to make our points by integrating our comments with our suggested changes. We offer the following comments and recommendations: ❖ The first clause in the preamble establishes "FHWA" as the abbreviation for the Federal Highway Administration, yet there are numerous places in the preamble and the stipulations where "the FHWA" is used. The meaning does not change, but we think it would be appropriate to settle on one abbreviation or the other, and "FHWA" is slightly more compact. ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, December 17, 2012.***	Thank you; applicable revisions were incorporated into a subsequent draft of the MOA. (See Appendix J, MOA.)

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❖ The fifth clause in the preamble includes the phrase "Alternative 8 which is comprised of alternatives 4, 5, 6, and 7." After we had read the Project Description in Attachment A, it became clearer that Alternative 8 actually includes *features of* the other four, named alternatives but not the entirety of all four of the named alternatives. Also, using "comprised" in this context might not be the most appropriate word choice. We think a possible ambiguity could be avoided if the phrase in question were revised to say, "Alternative 8, which is composed of features of alternatives 4, 5, 6, and 7," in both the preamble and Attachment A. ❖ We think that the commitment in Stipulation I.A. to prepare a brochure on the limestone industry, which would include references to specific historic properties within Section 5, could have educational and tourism benefits. Because Stipulation I.A. deals only with a specific mitigation measure, however, we would recommend changing the heading from "General Mitigation" to something like "Educational Brochure." ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, December 17, 2012, Continued.***	Thank you for your comments; a subsequent revision of the MOA took your comments into account. Since that time, in consultation with consulting parties and the ACHP, stipulations for this MOA have been revised to include funding to Monroe County to oversee an educational outreach initiative relating to the dimension limestone industry in Monroe County instead of a brochure and the preparation of a NRHP multiple property nomination form for the limestone-related historic landscape districts. (See Appendix J, MOA, and Appendix K, Consultation with the ACHP, for Meeting Minutes dated March 14, 2013.)
❖ The first sentence of the first paragraph of I.A. is not in the same form as other commitments in the MOA. We suggest beginning that paragraph as follows: "A brochure regarding the cultural and natural history of the limestone industry along the I-69 corridor shall be prepared, ..." ❖ What we perceive to be the intent of the last sentence of the first paragraph of Stipulation I.A. could be clarified if that sentence were reworded to read approximately as follows: "This brochure shall be considered to satisfy, for Section 5, the commitment in Stipulation II.C.2. of the 2003 I-69 Tier 1 MOA (i.e., "Memorandum of Agreement Between the Federal Highway Administration and the Indiana State Historic Preservation Officer Regarding the Selection of a Corridor for I-69, From Evansville to Indianapolis, Indiana"). ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, December 17, 2012, Continued.***	Thank you for your comments.

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❖ Under Stipulation I.C.1., we suggest adding that a plan for the Phase Ic investigations will be submitted to the SHPO for review and comment. ❖ Although we realize that this is addressed later in I.C.3.(f)(3), for clarification it may be helpful under Stipulation I.A., to note that specific archaeological site locations and archaeological features should not be located in the brochure map per I.C.3.(f)(3). ❖ If it is considered important to note expressly the consultation with the Indiana SHPO in the first sentence of Stipulation I.C.2., we think the meaning of that sentence would be clearer if it began as follows: "Consultation with the Indiana SHPO revealed that there is insufficient information regarding archaeological sites . . . ." ❖ Also regarding Stipulation I.C.2., in the last sentence, the phrase "submitted to the SHPO" is stated twice. ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, December 17, 2012, Continued.***	Thank you for your comments.
❖ We wonder whether "Before commencing ground-disturbing activities" would come closer to the intent of Stipulation I.C.3.(b)(1) than does "Before advancing ground disturbing activities." It seems to us that "advancing" suggests that some ground-disturbing activities will already have occurred before archaeological resource identification and evaluation have been completed. Alternatively, if it is intended that some ground-disturbing activities may or will have occurred previously, it might be appropriate to indicate which kinds of ground-disturbance, or in which kinds of locations, such activities would be acceptable prior to completion of archaeological resource identification and evaluation. That might avoid disagreement later over whether ground-disturbing activities had gone too far before identification and evaluation were completed. ❖ In the first sentence of Stipulation I.C.3.(c)(2), we think the intent would be expressed more clearly if "in effect" were inserted after "36 C.F.R. part 800 regulations." ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, December 17, 2012, Continued.***	Thank you for your comments; subsequent revisions to the MOA took your comments into account. (See Appendix J, MOA.)

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❖ In that same sentence in I.C.3.(c)(2), the phrase "on the date upon which this MOA is fully executed" appears twice. In the context of an agreement, "executed" can mean either that it has been signed or that its commitments have been carried out. From the context, we sense that the intent here is to refer to the completion of the signature process by necessary signatories. If that is the intent, then, in order to avoid possible confusion about which version of the 36 C.F.R. part 800 regulations will govern this stipulation if those regulations were to be amended during the life of the MOA, we recommend using, instead, the phrase "on the date on which the last of the required signatories has signed this MOA." Furthermore, it appears that the first sentence could be terminated after the phrase "eligible for inclusion in the NRHP." It would seem as though the studies and the eligibility determinations ought to be conducted under the same version of the regulations, because both are parts of the identification and evaluation step of the Section 106 process. However, if the intent of the last part of that sentence is not to cite the Section 106 regulations but, rather, to cite the NRHP criteria for evaluation, then the correct citation would be 36 C.F.R. § 60.4. ***Letter from James A. Glass, Ph.D., Deputy Indiana State Historic Preservation Officer, December 17, 2012, Continued.***	Thank you for your comments; subsequent revisions took these comments into account. (See Appendix J, MOA.)
Re: "I-69 Evansville to Indianapolis, Indiana, Tier 2 Draft Environmental Impact Statement, Section 5: Bloomington to Martinsville, Volumes I & II" (October 2012) (FHWA-IN-EIS-12-01-D; INDOT Des. No. 0300381; DHPA No. 2123) Dear Ms. Hamman: Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321, et seq.) and pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 4701), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the aforementioned draft environmental impact statement ("DEIS"), which was received on a digital video disc ("DVD") on October 30, 2012, for this project in Monroe and Morgan counties in Indiana. According to the Indiana Department of Transportation's ("INDOT's") undated cover letter, the comment deadline is January 2, 2013, and according to that letter and the title signature page of the DEIS, we are to submit comments to you. ***Letter from RonMcAhron, Deputy Director, Indiana Department of Natural Resources (IDNR), DHPA, January 2, 2013.***	Thank you for your comments. No further action required at this time.

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With regard to Volume I, Section 5.13 Historic Resource Impacts, we agree with the conclusions regarding above-ground properties that are listed in, or eligible for inclusion in, the National Register of Historic Places. Having concurred, in our November 21, 2012, letter that "that this project will not adversely affect any historic above-ground properties," we now concur, as well, with the DEIS's similar conclusion regarding impacts on historic above-ground properties. The North Clear Creek Landscape Historic District will perhaps see the most noticeable changes to its setting of any of the historic above-ground properties identified in Section 5 of I-69. We note that the explanation in Section 5.13 of why the North Clear Creek Historic Landscape District will not suffer an adverse impact from this project is more succinct than that in Section 5.6 of the documentation accompanying FHWA's October 11, 2012, finding of Adverse Effect for the project as a whole (see Appendix N of the DEIS). However, the lack of an adverse impact on the North Clear Creek Historic Landscape District was perhaps explained most succinctly by the paragraph in Appendix N, PDF page *57/87* that begins with the following statement: "Under CFR 800.5(a)(2)(v), there will be an '[i]ntroduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features, but that introduction will not constitute an adverse effect." Regarding archaeology, in Volume I, Section 5.14 Archaeology Impacts, we note that the Addendum Phase Ia and Ib archaeological report (Lombardi et al., 10/26/12) documented archaeological resources in the footprint of the proposed project area, and our office commented in detail on the report in our letter of November 19, 2012. 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 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. ***Letter from RonMcAhron, Deputy Director, IDNR, DHPA, January 2, 2013, Continued.***	Thank you for your comments. We have amended the paragraph of the 800.11(e) regarding the North Clear Creek Historic Landscape District to address these concerns.

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Mitigating Visual Impacts on Historic Character The historic character of the Bloomington/Monroe County community is treasured by local residents and draws tourists to our beautiful roadsides with their historic features and attractive natural settings. Three Historic Landscape Districts have been determined eligible for the National Register of Historic Places because of their association with the limestone industry. A fourth historic district, Indiana's first National Register Rural Historic District, includes the varied constructions, stone fences, and patterns of association within Maple Grove Road District. All four districts will suffer visual impacts by the planned construction using steel guard rails or concrete barriers along I-69. Under the National Historic Preservation Act, such impacts are to be mitigated when feasible. Using either steel or concrete barriers will greatly detract from the historic character of the area, and in so doing lessen the touristic appeal of Monroe County. Tourism, of course, provides a significant component for the local economy, and this should be reason enough to mitigate the visual impact, but the local population also appreciates the historic character of our area and wants it preserved. Solution? Use a more appropriate material for a barrier, namely large blocks of limestone that are rejects from quarry operations. The county has many thousands of these, and they are traditionally used along rural roadways as barriers. Re-using limestone blocks would be especially appropriate in the four historic districts but they could be used any place a steel guardrail or cement barrier is considered. Furthermore, the environmental cost of project construction would be considerably lowered because no steel would need to be produced and shipped. Ditto for concrete. Using locally available construction materials would also benefit the local economy. ***Portion of letter from Cheryl Ann Munson, January 2, 2013.***	The median treatment along the entire Section 5 I-69 corridor has not been determined. The specifications for these treatments will be considered during the final design phase of the project. Moreover, guardrails, medians, and barriers will not be visible from many areas within the eligible and listed historic districts. Where visible, the treatments will not affect the historic setting (due to distance and existing conditions), and do not constitute adverse effects. After meeting with consulting parties and the ACHP on March 14, 2013, revisions were incorporated into the MOA including language on context-sensitive solutions. Per Stipulation I.B. of the MOA, "FHWA and INDOT shall coordinate with the local community regarding context-sensitive solutions during the design phase of the Section 5 Project and shall incorporate aesthetic features into the design, in accordance with applicable INDOT policies." (See Appendix J, MOA.) Most of the Maple Grove Road Rural Historic District is screened from present SR 37 in all seasons by a strip of wooded land. Most of this wooded strip of land is included within the boundary of the district and will be untouched by any of the project alternatives. A section of the district, approximately one mile in length, presently borders the right-of-way of SR 37. SR 37 is the dominant visual feature looking east, north, and south from this area of the district; views west from this part of the district's eastern border are dominated by wooded land. This strip of wooded land (located within the district) is about 715 feet wide at its narrowest point. The nearest occupied buildings of a Contributing property, the Zellers Farmstead, are located more than 800 feet away from the from the Refined Preferred Alternative 8 right-of-way. Present SR 37 is not visible from any other sections of the Maple Grove Road Rural Historic District that contain occupied Contributing resources. For these reasons, the potential use of concrete barriers or steel guardrails will not result in an adverse effect to the district. The proposed undertaking would produce a visual effect, though not

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	adverse, on the North Clear Creek Historic Landscape District. While the Refined Preferred Alternative 8 includes an interchange at West Fullerton Pike (approximately 27-31 feet higher than the existing SR 37 elevation), the mainline of the undertaking will not be visible from any portion of the district, nor from West Tapp Road (looking west), West Fullerton Pike (looking west), or South Rockport Road (looking southwest). The westernmost boundary of the district is approximately 1,141 feet from the nearest mainline right-of-way for the Refined Preferred Alternative 8. The guardrails along the mainline will not be visible from this distance. Visible improvements along entrance/exit ramps at the West Fullerton Pike interchange are outside the setting of the historic district, will not affect the characteristics of the district that qualify it for listing in the NRHP, and therefore will not be adverse. At the Reed Historic Landscape District, the proposed undertaking would have no visual effect on the district. Views west and southwest from the property toward the mainline of I-69 and the SR 46 interchange would not change, as the existing mainline alignment and interchange would be maintained. Moreover, views west and southwest across North Prow Road and Arlington Road are limited because of a slight rise in topography in these directions. Where visible, the addition of steel guardrails or concrete barriers will not affect the characteristics of the district that qualify it for listing in the NRHP, and therefore will not be adverse. At the Hunter Valley Historic Landscape District, the undertaking would have no adverse visual effect. Views from the property toward the mainline of I-69 and the SR 46 interchange would not change, as the existing mainline alignment and interchange would be maintained. For more information on the effects to any of these districts, reference the *Identification of Effects Report* (See Appendix C, Reports.)

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Another aesthetic matter is the protection of our historic resources. Some of the locations as designated in the DEIS are adjacent to or near the interstate corridor. The Monroe County Historic Preservation Board has reviewed the corridor and offered comments as it relates to historic locations along the corridor. A relatively cost effective treatment may be to protect these areas with existing limestone blocks which could also be used for noise abatement purposes. Some of the comments from the MCHPB are listed in DEIS, Appendix N, Sub appendix F, for reference. ***Portion of a letter from Iris Kiesling, Vice-President, Monroe County Board of Commissioners, January 2, 2013.***	Thank you for your comment. Final design has not been determined. The specifications for these treatments will be considered during the final design phase of the project. Per Stipulation I.B. of the MOA for this project, "FHWA and INDOT shall coordinate with the local community regarding context-sensitive solutions during the design phase … in accordance with applicable INDOT procedures." (See Appendix J, MOA.)
Section 4(f) Comments The DEIS considers effects to two identified properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303§ 771.135) associated with the Tier 2 study of Section 5 of the I-69 Evansville to Indianapolis project. Section 5 begins at State Route (SR) 37 southwest of Bloomington and continues to SR 39 in Martinsville. The study area for Section 5 includes Monroe, Owen, Greene, Brown and Morgan counties. Section 5 is approximately 21 miles in length. The Section 5 project consists of upgrading SR 37 to interstate highway standards. SR 37 is a four-lane, divided highway which has multiple, diverse access points. Most of these access points are at grade. This evaluation, prepared by Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA), considered the impacts to Wapehani Mountain Bike Park, a recreational property, and the North Clear Creek Historic Landscape District, a historic property eligible for the National Register of Historic Places. Specific impacts depend upon the alternate chosen for implementation. For the Wapehani Mountain Bike Park, INDOT and FHWA propose to make a *de minimis* determination for the impacts associated with two of the alternatives, though the preferred alternative avoids any use of the property. For the North Clear Creek Historic Landscape District, the INDOT and FHWA also propose a *de minimis* determination because they have made a determination of No Adverse Effect to the property by the preferred alternative. In both cases, neither the City of Bloomington, property owner/manager of the Bike Park, nor the State Historic Preservation Officer for the Historic District have concurred with the *de minimis* finding.	Thank you for your comments. In the case of the North Clear Creek Historic Landscape District, the SHPO concurred with the No Adverse Effect finding in a November 21, 2012 letter from Dr. James A. Glass, Deputy Indiana SHPO. The letter was in response to FHWA's October 11, 2012 Finding of Adverse Effect, with supporting documentation, in which FHWA made the following statement: "**North Clear Creek Historic Landscape District** -This undertaking will convert property from the North Clear Creek Historic Landscape District, a section 4(f) historic property, to a transportation use; the FHWA has determined the appropriate Section 106 finding is No Adverse Effect; therefore FHWA hereby intends to issue a 'de minimis' finding for the North Clear Creek Historic Landscape District, pursuant to SAFETEA-LU, thereby satisfying FHWA's responsibilities under Section 4(f) for this historic property." SHPO replied: "We concur with FHWA's October 11, 2012, Section 106 finding of Adverse Effect for this undertaking, because the effects of this undertaking on archaeological resources are not yet known. We concur, also, that this undertaking will not adversely affect any historic above-ground properties." On February 26, 2013, the ACHP sent a letter to FHWA indicating it would participate in consultation. On April 23, 2013, FHWA formally requested that ACHP concur with the Section 106 determination of No Adverse Effect and the de minimis finding.

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Portion of a letter from Lindy Nelson, Regional Environmental Officer, Department of the Interior, January 2, 2013.	ACHP concurred with the determination of No Adverse Effect on North Clear Creek Historic Landscape District in a letter dated May 9, 2013, and stated, "We understand that FHWA intends to make a *de minimis* impact finding for this particular property since it has obtained the necessary concurrences." (See Appendix I, Correspondence/Comments Received/Transmitted Following Section 106 Review Period, for letters, and Appendix K, Consultation with the ACHP, for correspondence.)
The Department cannot concur with the INDOT and FHWA because there is no evidence that the City of Bloomington or the State Historic Preservation Officer have agreed to the determinations. We will reserve our concurrence with the hope that the Final EIS will present the necessary agreements. Chapter 8 [Section 4(f)] appears to be silent on properties owned by the FWS and/or properties that may have a federal interest (*e.g.*, Pittman-Robertson & Dingell-Johnson funds) such as state wildlife management areas. Please indicate if any such properties occur in the project area and if so, whether or not they may be affected. ***Portion of a letter from Lindy Nelson, Regional Environmental Officer, Department of the Interior, January 2, 2013, Continued.***	Thank you for your comment. Please reference the above comment and response for more information on SHPO's and ACHP's responses to the No Adverse Effect finding at North Clear Creek Historic Landscape District.
Re: Information about tree harvesting by a private property owner from the setting of the North Clear Creek Historic Landscape District, within the area of potential effects of I-69 Evansville to Indianapolis: Tier 2 Studies, Section 5 (HAD-IN; Des. No. 0300381; DHPA No. 2123) Dear Ms. Bobo: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the information contained, and exhibits enclosed with, your letter dated January 30, 2013, which we received that same day, regarding the aforementioned tree harvesting in Monroe County, Indiana. Based on the information that you have provided, we do not believe that the property owner's having harvested trees from the setting and within the southern boundary of	Thank you for your comment.

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the North Clear Creek Historic Landscape District has had an adverse effect on that district, which is considered eligible for inclusion in the National Register of Historic Places. ***Letter signed by Chad Slider for Ron McAhron, Deputy Director, Indiana Department of Natural Resources (IDNR), DHPA, February 1, 2013.***	
This letter is in response to a request for comment regarding the effect of tree harvesting in the North Clear Creek Historic Landscape District in Monroe County, Indiana. The Monroe County Historic Preservation Board of Review would like to offer the following comments. 1. The opinion of this Board, as previously stated, is that the character and ambiance of the North Clear Creek Historic Landscape District will be greatly affected by the visual changes wrought by this project. The devastation caused by the recent cutting of trees provides a disturbing preview of the changes to come, should the planned work proceed. 2. The Board disagrees strongly with the No Adverse Effect determination. 3. The Federal Highway Administration and the Indiana Department of Transportation should mitigate the visual impacts on the areas of the North Clear Creek Historic Landscape District that are no longer buffered as a result of the loss of the newly "harvested" trees. This can be partly accomplished by placing sizable reject quarry blocks along the road where the trees have been removed. We appreciate the chance to comment on the effect finding. ***Letter from Nancy R. Hiller, Acting Chair of the Monroe County Historic Preservation Board of Review, February 6, 2013.***	Thank you for your comment. Your comment was noted and forwarded to the ACHP since you are disagreeing with the finding of No Adverse Effect for this district. The ACHP concurred with the determination of No Adverse Effect on North Clear Creek Historic Landscape District in a letter dated May 9, 2013. (See Appendix K, Consultation with the ACHP.) Since FHWA has signed a finding of Adverse Effect for the undertaking but has found there is No Adverse Effect to the North Clear Creek Historic Landscape District, mitigation is not required for this resource specifically. General mitigation, however, as stipulated in the Tier 1 MOA, was accounted for. In consultation with consulting parties, Tier 2 mitigation measures include context sensitive design framework, an educational outreach initiative, consideration for water drainage near historic landscape districts, and a NRHP multiple property nomination form for the limestone related historic landscape districts. (See Appendix J, MOA .)
Subject: Addendum II: Phase Ia Archaeological Survey of the Indiana I-69 Evansville -to-Indianapolis Study, Section 5 (From SR 37 to SR39), Monroe and Morgan counties, Indiana (Lombardiand Seymour 02/13). Shaun, For the above project, could you or the consultant provide more details of each of the project areas, including map enlargements with boundaries of areas investigated, nature of the project area (including any disturbance, on slopes, flat areas, etc.), each	These comments were addressed in a revised *Addendum II: Phase Ia Report*, which was submitted to SHPO on March 12, 2013. (See Appendix C, Reports, for management summary.)

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project area size? What were field techniques employed in each (there is no field methodology or techniques section). The yellow "Walk thru Areas" are very difficult to see on the report reduced topographic maps. Also, the archaeological report should include portion of a 7.5' U.S.G.S. topographic map showing the site location of site 12Mo1468 rather than the vernal Pike Cul de Sac area. ***Email from James R. Jones III, PhD., State Archaeologist (DHPA), February 20, 2013.***	
From: **Carr, John** <JCarr@dnr.in.gov> Date: Thu, Feb 21, 2013 at 3:12 PM Subject: I-69 Sec 5 draft MOA, Version February 12, 2013 Thank you for having taken into consideration the Indiana SHPO's comments on Version December 10, 2012, for providing our office with the revised Version February 12, 2013, for review and comment. We will be commenting formally in a letter soon, but in the meantime, Dr. Rick Jones and I wanted to offer some editorial comments or suggestions: • In Stipulation I.A., second paragraph, we suggest replacing the word "should" with "shall." • In Stipulation I.C.1., for clarity, we suggest adding "prior to field implementation" to the end of the last sentence. • In the first line of Stipulation I.C.2., we found a redundant "is."	Thank you for your comments. The suggested edits were incorporated into a revised draft MOA, which was distributed to the SHPO and consulting parties on March 26, 2013. Since that time, the MOA has been revised to include new stipulations. (See Appendix J, MOA, for the final MOA.)

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• In the first paragraph of Stipulation I.C.3., in the last paragraph of Stipulation I.C.3.(b)(4), in Stipulation I.C.3.(f)(1), and in Stipulation III., the symbol "§," meaning "section," is used in reference to provisions in the Indiana Code and the Indiana Administrative Code, specifically " . . . Indiana Code § 14-21-1, 312 Indiana Administrative Code § 21, 312 Indiana Administrative Code § 22, . . . ," where the actual section number intentionally has not been cited. Those references, instead, are made appropriately to a chapter in Indiana Code and to articles in Indiana Administrative Code. In the case of the Indiana Code, a fourth set of digits would be the section number, and in the Indiana Administrative Code, a third set of digits following "Indiana Administrative Code" is the section number. Consequently, we believe that the symbol "§" should be deleted in the four, specific instances identified above to avoid confusion; that string of citations should, instead, read: " . . . Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, ..." Other uses of the "§"symbol in the MOA appear to be correct: e.g., " . . . as well as Indiana Code § 14-21-1-27 and Indiana Code § 14-21-1-29, . . . " and " . . . 36 C.F.R. § 800.16(d) (2012) . . . ." • In the first sentence of the third paragraph of Attachment A, we think that "composed" would be more accurate than "comprised" in that context (just as it is in the fifth paragraph of the preamble). ***Email from John Carr, Team Leader for Historic Structures Review (DHPA), February 21, 2013.***	
Re: Version February 12, 2013, of the draft "Memorandum of Agreement ("MOA") . . . Regarding the I-69 Evansville to Indianapolis Project: Section 5, SR 37 South of Bloomington to SR 39 in Bloomington, Perry, Van Buren, and Washington Townships, Monroe County, Indiana; and Washington Township, Morgan County, Indiana" (HAD-IN: Des. No. 0300381; DHPA No. 2123) Dear Ms. Bobo: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed Version February 12, 2013, of the draft MOA, which was submitted under your cover letter dated February 12, 2013, and received on February 13, for the aforementioned project in Monroe and Morgan counties in Indiana. Thank you for having taken into consideration our comments on Version December 10, 2012, and for providing our office with this revised Version February 12, 2013, for review and comment. The Indiana SHPO staff offered several editorial comments and recommendations in an e-mail message sent on February 21, 2013. In all other respects, we are satisfied with Version February 12, 2013, of the draft MOA. If you have questions about archaeological issues, please contact Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding I-69 Tier 2 Section 5, please continue to refer to DHPA No. 2123. ***Letter from Ron McAhron, Deputy Director, IDNR, February 22, 2013.***	Thank you for your comments. The suggested edits from the February 21, 2013 email were incorporated into the revised draft MOA, which was distributed to the SHPO and consulting parties on March 26, 2013. Since that time, the MOA has been revised to include new stipulations. (See Appendix J, MOA, for the final MOA.)

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Dear Mr. Mendez: On February 11, 2013, the Federal Highway Administration (FHWA), Indiana Division, notified the Advisory Council on Historic Preservation (ACHP) of its finding that the proposed I-69 Evansville to Indianapolis Tier 2 Study: Section 5, SR 37 South of Bloomington to SR 39 will have an adverse effect on historic properties. The project will occur in Monroe and Morgan Counties, Indiana. This letter is to inform you that the ACHP has decided to participate in consultation under Section 106 of the National Historic Preservation Act (16 USC 470[f]) to develop a Memorandum of Agreement for the proposed project. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained in Appendix A of our regulations. The criteria are met for this proposed undertaking because the undertaking has the potential for presenting procedural problems. Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Karen A. Bobo, Acting Division Administrator for the Indiana Division, of this decision. Our participation in this consultation will be handled by Carol Legard who can be reached at 202-606-8522 or via e-mail at clegard@achp.gov. We look forward to working with your agency and other consulting parties to facilitate the resolution of adverse effects consistent with the requirements of Section 106, and bring the Section 106 review to a conclusion. ***Letter from John M. Fowler, Executive Director, Advisory Council for Historic Preservation, February 26, 2013.***	Thank you for your comment.

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Re: Invitation to a March 12, 2013, webcast and request for feedback on responses by INDOT and FHWA to resource agencies' comments on "I-69 Evansville to Indianapolis, Indiana, Tier 2 Draft Environmental Impact Statement, Section 5: Bloomington to Martinsville, Volumes I & II" (October 2012) (FHWA-IN-EIS-12-01-D; INDOT Des. No. 0300381; DHPA No. 2123) Dear Ms. Flum: Pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321, et seq.) and pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed your February 26 and March 4, 2013, e-mail messages and the documents attached to the latter, containing responses to state agency and federal agency comments on the aforementioned DEIS. We are satisfied with the responses by INDOT and FHWA to our January 2, 2013, comments on the DEIS. We have no further feedback to offer regarding those responses. Because we are satisfied with the responses, we will not be participating in the March 12 webcast. If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. ***SHPO Letter signed by Chad Slider for Ron McAhron, Deputy Director, IDNR, DHPA, March 8, 2013.***	Thank you for your comments.
Subject: Re: I 69 Section 5, Section 106 Meeting Hi Linda, Thank you for including me in the cc (even though I'm no longer on the Historic Preservation Board....). Could you please fwd me correspondence about the subject of the agency's momentous visit, so I am informed in advance? Cheryl ***Email from Chery Munson, Monroe County Council At-Large, March 8, 2013.***	The requested information was forwarded to Ms. Munson in a March 11, 2013 email from FHWA. (See Appendix I, Correspondence/Comments Received/Transmitted Following Section 106 Review Period, for this correspondence.)
Subject: HAD-IN: ACHP and MOA Dear Ms. Allen: Karen Bobo's 2-12-13 letter to Chad Slider of the Indiana DHPA stated that "upon	On March 11, 2013, FHWA replied via email to Ms. Munson. The email enclosed a PDF attachment of the letters objecting to the finding. (See Appendix I, Correspondence/Comments Received/Transmitted Following Section 106 Review Period, for this correspondence.)

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request, consulting parties will be provided copies of the letters objecting to the finding that FHWA submitted to the Council." As a consulting party, I am requesting copies of those letters. I would like to read them prior to a meeting with the ACHP on March 14, and ask that you please send me the letters via email attachment. Thank you. Yours truly, Cheryl Munson ***Email from Chery Munson, Monroe County Council At-Large, March 11, 2013.***	
Subject: additional letters re historic preservation issues Dear Michelle, The packet of correspondence you sent does NOT include letters from Mrs. Debby Reed to INDOT and federal agents re: the Patton-Hedrick House. This historic property is of wide concern in Monroe County. Copies of letters provided to me by Mrs. Reed are attached, fyi, Cheryl ***Email from Chery Munson, Monroe County Council At-Large, March 13, 2013.***	Thank you for your comment. Ms. Reed's comments related to eligibility and not to effects. Pursuant to 36 CFR § 800.5(c)(2)(i), FHWA sent to the ACHP only letters objecting to the finding.
Subject: I-69, safe use of quarry blocks in vicinity of Historic Limestone Industry Landscape Districts Dear Mary Jo: In terms of mitigating I-69's unfortunate changes to the historic character of Monroe	On March 22, 2013, project consultants replied to Ms. Munson's email. The reply letter noted that the MOA was under revision. The project manager affirmed consideration to the principals of context-sensitive solutions but suggested that a later meeting with the final design team would be more productive. (See Appendix I, Correspondence/Comments Received/Transmitted Following

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County, what will be doable according to INDOT must be safe, and no one would want anything else. It would be nice if mitigation provided something of relevant permanence. A tour is nice, but it has limited duration and also reaches a limited number of people. In consideration of possibilities of emplacing quarry blocks in engineering acceptable and historically relevant locations, would you be willing to go out with me for 1-2 hours to "tour" I-69 area along the Historic Districts, to have two sets of eyes (your engineering ones; my historic ones) on the roadside and to discuss possibilities/impossibilities? Many concerned people believe I-69 will cut an ugly and otherwise changing swath through out [*sic*] community. It is important to mitigate the visual changes to the historic rural character as much as possible, for our residents and for the visitors who (we hope will continue to) want to come to our area for its beauty and traditions. It is important that the mitigative actions taken have some lasting result. And those quarry blocks are darn durable. Monday, Mar 25, I can be free in the afternoon. Other dates are: morning of Wed, Mar 27, morning of Thu, Mar 28, and various times on Wed Apr 3. Yours truly, Cheryl ***Email from Chery Munson, Monroe County Council At-Large, March 20, 2013.***	Section 106 Review Period, for correspondence.)
Subject: Re: I-69, safe use of quarry blocks in vicinity of Historic Limestone Industry Landscape Districts Hi Mary Jo, That's a good plan. Thanks,	Thank you for your comment.

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CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Cheryl ***Email from Chery Munson, Monroe County Council At-Large, March 22, 2013.***	
Re: Addendum II: phase Ia archaeological survey report (Lombardi and Seymour, 3/2013) pertaining to I-69 Evansville to Indianapolis, Tier 2 studies, Section 5 (Designation No. 0300381; DHPA No. 2123) Dear Ms. Zeigler: Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated March 12, 2013 and received on march 13, 2013, for the aforementioned project in Monroe County, Indiana. Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the above proposed project areas. If artifacts are to be returned to the landowner, additional analyses and documentation of those specimens may be necessary in consultation with 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. ***Letter signed by Chad Slider for Chris Smith, Interim Deputy Director, IDNR, DHPA, April 9, 2013.***	Thank you for your comment.

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Re: Summary of March 14, 2013, consulting parties meeting and Version March 26, 2013, of the draft "Memorandum of Agreement ("MOA") . . . Regarding the I-69 Evansville to Indianapolis Project: Section 5, SR 37 South of Bloomington to SR 39 in Bloomington, Perry, Van Buren, and Washington Townships, Monroe County, Indiana; and Washington Township, Morgan County, Indiana" (HAD-IN: Des. No. 0300381; DHPA No. 2123) Dear Ms. Allen: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the aforementioned documents, which were submitted by e-mail by Linda Weintraut, on March 26, 2013. Comments on the draft MOA were requested by today. Thank you for taking into consideration the mitigation suggestions offered by the consulting parties at the March 14 meeting. We have no corrections to suggest for the meeting summary and no recommendations to offer on the latest draft MOA. ***Letter signed by Chad Slider for Chris Smith, Interim Deputy Director, IDNR, DHPA, April 9, 2013.***	Thank you for your comment.

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Ref: *I-69 Evansville to Indianapolis, Tier 2 Study; Section 5* *Revised Draft Memorandum of Agreement (MOA)* *Monroe and Morgan Counties, Indiana* Dear Ms. Allen: On March 26, 2013, the Advisory Council on Historic Preservation (ACHP) received an email from Linda Weintraut, Weintraut and Associates, Inc. transmitting meeting notes from the March 14, 2013 Section 106 consultation meeting in Bloomington, Indiana. A revised draft Memorandum of Agreement (MOA) for the I-69 Project—Evansville to Indianapolis Tier 2 Section 5 Study was also provided. We have reviewed both the notes and the draft MOA, and would like to provide the Federal Highway Administration (FHWA) with the following comments. The meeting notes are an accurate summary of the discussion held at the project office in Bloomington. We have no recommendations for changes to the notes. We appreciate that FHWA, Indiana Department of Transportation (INDOT), and the consultant, Linda Weintraut, provided consulting parties with an additional opportunity to share their concerns, as well as their knowledge of the historic properties in the project area. The site tour and discussions with various property owners and the State Historic Preservation Officer (SHPO) on March 13th, and the follow up meeting on March 14th, provided additional insight on the significance of the limestone quarries to the Bloomington area and the interests of the community. The revised MOA accurately reflects our understanding of changes agreed upon as a result of these discussions. We do, however, have several recommendations for revising the MOA to ensure clarification and consistency with the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800). ***Letter from the Advisory Council on Historic Preservation, from Charlene Dwin Vaughn, AICP, Assistant Director, FPLAS, Office of Federal Agency Programs, April 15, 2013.***	Thank you for your comments.

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
1. 13th WHEREAS Clause (Page 2, 4th Paragraph): It would be more accurate to restate this whereas to read: "*WHEREAS, in accordance with 36 CFR 800.4(b)(2), FHWA and the Indiana SHPO have agreed to a phased process to complete the identification and evaluation of archaeological properties that may be affected by the undertaking; and*" 2. Please add another WHEREAS clause for each invited signatory stating: "*WHEREAS, INDOT is responsible for assisting FHWA to carry out the requirements of this MOA, has participated in consultation, and has been invited by FHWA to be a signatory to this MOA; and* *WHEREAS, the FHWA consulted with the Monroe County Historic Preservation Review Board in developing this MOA, and has been assigned responsibilities under this MOA, and has therefore been invited to be a signatory to this MOA; and*" ***Letter from the Advisory Council on Historic Preservation, from Charlene Dwin Vaughn, AICP, Assistant Director, FPLAS, Office of Federal Agency Programs, April 15, 2013, Continued.***	Thank you for your comments. The suggested revisions have been incorporated into the final MOA. (See Appendix J, MOA.)

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
3. The NOW, THEREFORE statement at the bottom of page 2 contains a typo. It should read: "*NOW, THEREFORE, FHWA, the Council, and the Indiana SHPO agree that* ***upon*** *FHWA's approval of the Section 5 Project….*" 4. Stipulation I.A. Drainage Impacts to Historic Resources: Please change the title to read: "*Drainage Impacts to Historic Properties.*" Also, this paragraph should commit FHWA and INDOT to conducting ***at least one*** meeting. Please change the last sentence to read: "*FHWA and INDOT shall use Best Management Practices (BMP) on the Section 5 Project to ensure that roadway drainage from the Project does not introduce adverse effects at these historic properties.*" This revision makes a stronger statement regarding protection of the water quality within the historic sites and districts. 5. Stipulation I.D. Multiple Property Documentation Form: Parties may be uncertain what FHWA requires in this stipulation. Is there a common understanding of the geographic area to be covered? Should the MPD form be accompanied by one or more individual site nominations, or is the intent to prepare the MPD without specifically nominating any site or district to the National Register? 6. Stipulation I.F (d) Assessment of Effects: In both paragraphs (1) and (2), please replace "Indian Tribes when appropriate" with "*Indian tribes that may ascribe traditional cultural and religious significance to affected properties.*" ***Letter from the Advisory Council on Historic Preservation, from Charlene Dwin Vaughn, AICP, Assistant Director, FPLAS, Office of Federal Agency Programs, April 15, 2013, Continued.***	Thank you for your comments. Revisions have been incorporated into the final MOA, where appropriate. (See Appendix J, MOA.)
7. Stipulation I.F (4): Please revise to read: "*FHWA shall provide the written reports on the results of archaeological studies to the Indiana SHPO, federally recognized Indian tribes, and other consulting parties, consistent with the confidentiality provisions of Section 304 of the NHPA and Section 36 CFR 800.11(c), and afford them thirty (30) days, after confirmed receipt, to review and submit comments on the reports. FHWA shall respond to all comments received.*" 8. Please revise Stipulation II.A to read: "*If any signatory or concurring party to this MOA should object in writing…*" ***Letter from the Advisory Council on Historic Preservation, from Charlene Dwin***	Thank you for your comments. These revisions have been incorporated into the final MOA. (See Appendix J, MOA)

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Vaughn, AICP, Assistant Director, FPLAS, Office of Federal Agency Programs, April 15, 2013, Continued.	
Dear Mr. Carpenter, I have spoken with Duncan Campbell, who is working with the amended MOA document. We will have official comments from our board just as soon as we can, but it may take a few more days. Apologies for our delay. Sincerely, Nancy R. Hiller NR Hiller Design, Inc. ***Email from Nancy R. Hiller, Acting Chair of the Monroe County Historic Preservation Board of Review, April 16, 2013.***	Thank you for your comment. On April 16, 2013, INDOT responded that comments would be accepted through Wednesday, April 17, 2013. (See Appendix I, Correspondence/Comments Received/Transmitted Following Section 106 Review Period (October 2012 to April 2013.)
Dear Mr. Carpenter, Thank you for your response. I acted immediately following our conversation this morning, calling Duncan Campbell and the Monroe County Planning and Zoning Department, only to find that Jackie Scanlan, along with the director of Planning and the other planners, are all at a conference and will not be back until Thursday. Our board would certainly prefer to have our staff person review our comments before we submit them. In light of the board's discussion of the MOA at our last meeting, and based on the discussion that you and I had this morning, Duncan and I believe the matter warrants a special meeting of our board. I wrote to board members at 12:11 p.m. apprising them of this. Based on the replies I have received so far, it seems the earliest we can have a quorum is on Friday evening at 5:30.	Thank you for your comment. On April 17, 2013, INDOT responded that comments would be accepted through Monday, April 22, 2013. (See Appendix I, Correspondence/Comments Received/Transmitted Following Section 106 Review Period (October 2012 to April 2013.)

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
We understand that we are late with our response, but we wonder whether you would grant us until Monday morning to furnish our comments. Sincerely, Nancy R. Hiller ***Email from Nancy R. Hiller, Acting Chair of the Monroe County Historic Preservation Board of Review, April 16, 2013.***	
Linda- Attached please find my comments on the revised draft MOA for I-69 Tier 1 Section 5. I have copied Carol Legard. As you requested, I have commented on both the comments provided by the ACHP as well as the substantive mitigation provisions of the revised draft MOA. Again, I apologize for the late response. My copy of the revised draft MOA did not reflect the suggestions provided by the ACHP. My comments will be considered by the Monroe Co. HP Board of Review at a special meeting to be held this Friday, April 19. If our Board of Review provides amendments to what you see here, I will forward those to you as soon as possible. In any case, once my comments are approved or amended by our Board, they will become the official comment response of our Board. ***Email from Duncan Campbell, member of the Monroe County Historic Preservation Board of Review, April 17, 2013.***	Thank you for your comment.
Ref: I-69 Evansville to Indianapolis, Tier 2 Study; Section 5 Revised Draft Memorandum of Agreement (MOA) Monroe and Morgan Counties, Indiana Dear Ms. Allen, The purpose of this letter is to provide comments on behalf of the Monroe County Historic preservation Board of Review on the revised draft Memorandum of Agreement for the I-60 Project—Evansville to Indianapolis Tier 2 Section 5. The	Thank you for your comment.

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Board has reviewed the revised draft Memorandum of Agreement for the I-69 project—Evansville to Indianapolis Tier 2 Section 5, recently provided to me by Linda Weintraut, Weintraut and Associates. We have also reviewed the April 15, 2013 letter to you from Charlene Dwin Vaughn of the Office of Federal Agency Programs, on behalf of the Advisory Council on Historic Preservation, recommending edits to the revised draft MOA. The Board of Review concurs with Ms. Vaughn's recommended changes to the MOA, noting that their intent is primarily for greater clarification and consistency with ACHP regulations. Regarding the revised draft MOA, we will note that the copy under review does not contain the recommended edits of the above referenced letter, and can only conclude that an additional revision will be forthcoming prior to signature in order to include those recommendations. The Board of Review's comments on the Stipulations presented in the revised draft MOA are as follows: ***Letter from Duncan Campbell, member of the Monroe County Historic Preservation Board of Review, dated April 16, 2013 (transmitted April 17, 2013).***	
Mitigation 1A. Drainage Impacts to Historic Resources We concur with the Advisory Council's recommended edits for this passage, agreeing with the Council that they better address the issue of water quality within the historic sites and districts. The issue here is not only that there be no increase in the current amount of drainage effluent, but that it be lessened if possible, and that the water quality itself should be such that it not add any pollutants to existing water resources, represented by streams and drainage tributaries, and existing bodies of water in the form of the limestone quarries themselves. Even with the inclusion of the Council's recommended edits, we do not believe that the existing statement is clear enough on the matter of protecting water quality, noting that the quality of the water itself is not even mentioned in Mitigation 1A, but, rather, the mitigating intent is generalized as "adverse effects" at "historic resources." Understanding that such language is typical	In response to this comment, the final version of the MOA includes language to clarify the types of drainage impacts to historic properties (Stipulation I.A). (See Appendix J, MOA.)

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
of such documents, we remind the agency (Federal Highway Administration) that the quarries themselves are the primary resource of these historic districts and sites, and would like to see language that commits the undertaking to protecting water quality in these locations. Moreover, it is not clear what happens should the project fail to protect such resources, either in the short or long run. It seems that there should be some language referencing the remedy should these resources suffer adverse effects during work on the project, and/or subsequent to completion of the project. ***Letter from Duncan Campbell, member of the Monroe County Historic Preservation Board of Review, dated April 16, 2013 (transmitted April 17, 2013), Continued.***	
Mitigation 1B. Context-Sensitive Solutions While the Board appreciates the agency's commitment to "additional coordination with city and county officials …during the design phase of the project", we do not feel that the statement "shall consider the use of limestone treatments" represents anything more than a nod to the community within the MOA. There was a great deal of discussion on this item at our March 14 meeting, and although no final resolution was reached, we believe that community participants understood that highway safety was primary, and that the use of limestone in certain locations might create a hazard. Acknowledging that, there was further discussion about placing limestone in areas where no hazard would result, such as gateway locations or on bridges. I would like to see language in this passage that indicates a greater commitment to the use of limestone in some of these areas than simply "considering" it. The limestone industry and its historic resources matter to this community, and as much as anything serve as symbols of its strength and stability. Symbolic uses of the stone in such locations are an important aspect of retaining local identity, something easily mislaid by the appropriation of the landscape by a major highway project. We do not want context-sensitive solutions merely considered. Considering something is not mitigation. ***Letter from Duncan Campbell, member of the Monroe County Historic Preservation Board of Review, dated April 16, 2013 (transmitted April 17, 2013), Continued.***	In response to this comment, the final version of the MOA includes additional language describing potential context-sensitive solutions and community/agency involvement (Stipulation I.B). (See Appendix J, MOA.)
Mitigation 1C. Educational Tour Funding Grant	Thank you for this comment. This stipulation has been changed to: Educational Outreach Initiative Funding instead of a tour. (See

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
This paragraph substantially represents the discussion at the March 14 meeting, and the Board of Review has no further comment on the substance of the funding grant as presented. We will comment, however, that as of this date, the Board has not had the opportunity to adequately discuss the tour option, nor to vote on whether or not to undertake a tour as described. However, according to the MOA, if the Board does not act within a year of the signing of the document, the commitment to fund the grant dissolves, so we do not see a problem at this time with leaving this paragraph as it is. We understand the "grant" is really a reimbursement not to exceed $5,000. ***Letter from Duncan Campbell, member of the Monroe County Historic Preservation Board of Review, dated April 16, 2013 (transmitted April 17, 2013), Continued.***	Appendix J, MOA.)
Mitigation 1D. Multiple Property Documentation Form The Board has no comments on this stipulation. **Mitigation 1E. Modifications to the Project with Respect to Above Ground Resources** The Board has no comments on this stipulation. **Mitigation 1F. Archaeological Resources** The Board has no comments on this stipulation. **Sections II, III, IV, V** The Board has no comments on these sections. Comments on the revised draft MOA submitted by: Duncan Campbell For the Monroe Country Historic Preservation Board of Review April 16, 2013	Thank you for this comment.

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Letter from Duncan Campbell, member of the Monroe County Historic Preservation Board of Review, dated April 16, 2013 (transmitted April 17, 2013), Continued.	
Hi, Linda, The Monroe County HP Board of Review held its special meeting Friday evening, April 19, and voted to approve my written comments on the revised draft MOA as written , with one amendment. The idea for the amendment surfaced during a discussion about providing something potentially more enduring than just the tour of limestone resources itself, perhaps some kind of educational materials. No specific suggestion was determined, but I believe this notion could be wrapped into the tour proposal itself, and be seen as accompanying the materials printed for the tour. Whatever theses materials are, their cost would be within the $5000 maximum reimbursement currently provided. Some Board members felt that the offer of $5000 was not enough, but no one suggested increasing it, only that it not necessarily be limited just to the tour, but that some of it could be used for more "enduring" materials. The amendment reads as follows: Amend the motion to add something to Mitigation C. : incorporating a phrase that allows us[Monroe County Historic Preservation Board of Review]to use the [tour] funding for other lasting educational activities related to the limestone industry. (My brackets) The Board approved the idea of the tour itself, and felt that such an event could possibly be made into an annual venture for the Board if funding could be secured through the County or other means, but also thought the tour was perhaps a one-time event, and wanted to produce some materials that could be more lasting—materials that would promote historic preservation in the County. I know this is not very specific, but I would appreciate it if you could find a way to incorporate the notion of "lasting educational activities" into the MOA revision. I believe these can be included in the tour proposal that is required, so the FHWY will have a clear idea of what is being funded. Again, the amendment is not intended to increase the funding, or make it more than a one-time commitment from the FHWY. I will be in Muncie today and tomorrow teaching a couple of classes, but can be reached by email or phone much of the time, if you want to draft something and send it to me for a look. If I come up with the language myself, which I will try to do also, I will send it along. Thanks, -Duncan ***Letter from Duncan Campbell, member of the Monroe County Historic Preservation***	In response to this comment, the final version of the MOA includes revisions changing “educational tour funding” to “educational outreach initiative funding” (Stipulation I.C.). (See Appendix J, MOA.)

COMMENTS REGARDING THE SECTION 106 PROCESS	
CONSULTING PARTY COMMENT	**ACTION TAKEN/ RESPONSE TO ADDRESS COMMENT**
Board of Review, April 22, 2013.	
Dear Mr. Carpenter, Our board convened last Friday evening from 5:30 to 7. Duncan Campbell said that he would speak with Ms. Weintraut today regarding our comments on the amended MOA. Please let me know if you need anything further from our board at this time. We sincerely appreciate your interest in our comments. With best wishes, Nancy R. Hiller ***Email from Nancy R. Hiller, Acting Chair of the Monroe County Historic Preservation Board of Review, April 22, 2013.***	Thank you for this comment.
We are satisfied with the terms of this memorandum of agreement. We appreciate FHWA's and INDOT's attempts to address the concerns of the consulting parties. At Mr. Carpenter's request, we are forwarding the signed memorandum of agreement to you with this letter. ***Letter conveyed on behalf of the State Historic Preservation Officer, May 1, 2013***	Thank you.

Enclosed is your copy of the fully executed Memorandum of Agreement for the referenced project. By carrying out the terms of the Agreement, you will fulfill your responsibilities under Section 106 of the National Historic Preservation Act and the regulations of Advisory Council on Historic Preservation. . . We commend the Federal Highway Administration (FHWA) for working with the consulting parties and the Indiana State Historic Preservation Office (SHPO) to resolve the concerns raised by consulting parties, and address the effects of the I-69, Tier 2, Section 5 Project on historic properties. ***Letter from the Advisory Council on Historic Preservation, from Charlene Dwin Vaughn, AICP, Assistant Director, FPLAS, Office of Federal Agency Programs, May 9, 2013***	Thank you.
The ACHP concurs with FHWA's concurs with FHWA's finding of effect for this undertaking, including the determination of "no adverse effect" for the North Clear Creek Historic Landscape District (NCCHLD). We understand that FHWA intends to make a *de minimis* impact finding for this particular property since it has obtained necessary concurrences. ***Letter from the Advisory Council on Historic Preservation, from Charlene Dwin Vaughn, AICP, Assistant Director, FPLAS, Office of Federal Agency Programs, May 9, 2013***	Thank you.

APPENDIX N
SECTION 106 DOCUMENTATION
File 9: Appendix J (Memorandum of Agreement)

TECHNICAL REPORT APPENDICES

File 2	APPENDIX A	Area of Potential Effects
File 2	APPENDIX B	FHWA's Findings and Determinations
Files 2-5	APPENDIX C	Reports
File 6	APPENDIX D	Agency Coordination
File 6	APPENDIX E	Consulting Party Coordination *(Invitations, Meeting Materials, Minutes, and Letters Regarding Consulting Party Status)*
File 7	APPENDIX F	Correspondence/ Comments Received *(see Appendix D for SHPO Correspondence)*
File 8	APPENDIX G	Hardship Acquisitions
File 9	APPENDIX H	Project Mapping – Preferred Alternative 8
File 9	APPENDIX I	Correspondence/Comments Received/Transmitted Following Section 106 Review Period *(OCTOBER 2012 TO MAY 2013)*
File 9	**APPENDIX J**	**Memorandum Of Agreement**
File 9	APPENDIX K	Consultation with the ACHP

MEMORANDUM OF AGREEMENT ("MOA")

AMONG

THE FEDERAL HIGHWAY ADMINISTRATION,

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND

THE INDIANA STATE HISTORIC PRESERVATION OFFICER,

PURSUANT TO 36 C.F.R. SECTION 800.6(b)(iv)

REGARDING

THE I-69 EVANSVILLE TO INDIANAPOLIS PROJECT:
SECTION 5, SR 37 SOUTH OF BLOOMINGTON TO SR 39

IN BLOOMINGTON, PERRY, VAN BUREN, AND WASHINGTON TOWNSHIPS,
MONROE COUNTY, INDIANA;
AND WASHINGTON TOWNSHIP, MORGAN COUNTY, INDIANA

WHEREAS, the Federal Highway Administration ("FHWA") is proposing to construct Section 5, beginning on State Road ("SR") 37 southwest of Bloomington, Indiana, centering on and continuing in a northerly direction along current SR 37 to SR 39 near Martinsville, Indiana ("Section 5 Project"), of the I-69 Evansville to Indianapolis Project, which is located in Bloomington, Perry, Van Buren, and Washington Townships of Monroe County, Indiana and in Washington Township of Morgan County, Indiana; and

WHEREAS, FHWA, in cooperation with the Indiana Department of Transportation ("INDOT"), has conducted a two-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 I-69 Evansville to Indianapolis Project Tier 1 Environmental Impact Statement ("EIS"), is considered a separate undertaking for purposes of consultation; and

WHEREAS, the Section 5 Project provides for a divided interstate highway using the alignment identified as Refined Preferred Alternative 8 which is composed of features of alternatives 4, 5, 6, and 7, as described in the I-69 Evansville to Indianapolis Project Tier 2 DEIS, and in Attachment A, Project Description; and

WHEREAS, FHWA, in consultation with the Indiana State Historic Preservation Officer ("Indiana SHPO"), has defined the Section 5 Project's area of potential effects ("APE"), as defined in 36 C.F.R § 800.16(d) (2013), for aboveground properties to generally be not less than 4,000 feet wide and centered on existing SR 37 (a four-lane divided highway) identified as Alternative 3C (see Attachment B); and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has defined the Section 5 Project APE for archaeological properties, as the term defined in 36 C.F.R. § 800.16(d), as the area within the right-of-way for the Section 5 preferred alternative (Refined Preferred Alternative 8) as described in Attachment A; and

WHEREAS, FHWA and the Indiana SHPO both recognize that Daniel Stout House and Maple Grove Road Rural Historic District are listed in the National Register of Historic Places ("NRHP"); and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. § 800.4(c), that Monroe County Bridge No. 83, Stipp-Bender Farmstead, Maurice Head House, North Clear Creek Historic Landscape District, Hunter Valley Historic Landscape District, Reed Historic Landscape District, Monroe County Bridge No. 913, Morgan County Bridge No. 161, and Morgan County Bridge No. 224 are eligible for inclusion in the NRHP; and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has found that Daniel Stout House, Maple Grove Road Rural Historic District, Monroe County Bridge No. 83, Stipp-Bender Farmstead, Maurice Head House, North Clear Creek Historic Landscape District, Hunter Valley Historic Landscape District,

Reed Historic Landscape District, Monroe County Bridge No. 913, Morgan County Bridge No. 161, and Morgan County Bridge No. 224 are within the Section 5 Project's APE; and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. § 800.4(c), that three archaeological sites (12Mo1413, 12Mo1442, and 12Mg456) are potentially eligible for inclusion in the NRHP or the Indiana Register of Historic Sites and Structures; and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has determined that there is insufficient information regarding the potential eligibility of site 12Mg450 due to its location in an alluvial setting with the potential for buried archaeological deposits, and that an eligibility determination would require the completion of Phase Ic investigations in the floodplain of Little Indian Creek; and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has determined that 12Mo1413, 12Mo1442, and 12Mg456 are within, or in proximity to, the Section 5 Project archaeology APE for the Refined Preferred Alternative and must be avoided or subjected to additional investigations; and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has determined that alluvial floodplain areas lie in the vicinities of Little Indian Creek (including the documented location of site 12Mg450), Jordan Creek, and Buckner Branch in Morgan County and drainage areas, such as Beanblossom Creek and Bryants Creek in Monroe County and that nineteen test areas associated with these alluvial floodplains are within, or in proximity to, the Section 5 Project archaeology APE for the Refined Preferred Alternative 8, and have the potential to contain buried archaeological sites and must be avoided or subjected to further investigations; and

WHEREAS, in accordance with 36 C.F.R. § 800.4, FHWA in consultation with the Indiana SHPO, has determined that the identification and evaluation of archaeological properties, within portions of the archaeological APE of Refined Preferred Alternative 8 remains to be completed; and

WHEREAS, in accordance with 36 C.F.R. § 800.4(b)(2), FHWA and the Indiana SHPO have agreed to use of a phased process to complete the identification and evaluation of archaeological properties that may be affected by the undertaking; and

WHEREAS, the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on October 27, 2012, in the (Bloomington) Herald-Times and on October 27, 2012, in the (Martinsville) Reporter-Times; and

WHEREAS, FHWA has notified the Advisory Council on Historic Preservation ("Council") of the adverse effect and invited the Council's participation in the project, pursuant to 36 C.F.R. § 800.6(a)(1), in a letter dated February 4, 2013, and an email dated February 11, 2013; and

WHEREAS, the Council has elected to participate in consultation in a letter dated February 26, 2013; and

WHEREAS, INDOT is responsible for assisting FHWA to carry out the requirements of this MOA, has participated in consultation, and has been invited by FHWA to be a signatory to this MOA; and

WHEREAS, the FHWA consulted with Monroe County, through the Monroe County Historic Preservation Board of Review as Monroe County's representative, in developing this MOA; and

WHEREAS, Monroe County has been assigned responsibilities under this MOA and has therefore been invited to be a signatory to the MOA; and

WHEREAS, 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 MOA; and

WHEREAS, 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 23, 2004; December 8, 2004; February 9, 2005; June 9, 2005; July 14, 2005; August 25, 2005; February 6, 2006; April 25, 2007; April 30, 2008; August 19, 2011; January 13, 2012; January 24, 2012; February 20, 2012; April 18, 2012; April 23, 2012, October 26, 2012, December 10, 2012, January 22, 2013, January 30, 2013, February 12, 2013, March 8, 2013, March 12, 2013, and March 26, 2013 and agreed to proceed with the project as proposed and as reflected in Indiana SHPO correspondence dated July 7, 2004; May 25, 2005; August 1, 2005; August 16, 2005; March 13, 2006; May 25, 2007; May 30, 2008; September 28, 2011; February 20, 2012; April 5, 2012; May 14, 2012; May 23, 2012; and July 12, 2012; November 19, 2012, November

21, 2012, December 17, 2012, January 2, 2013, February 1, 2013, February 22, 2013, March 8, 2013, and April 9, 2013;

NOW, THEREFORE, FHWA, the Council, and the Indiana SHPO agree that upon FHWA's approval of the Section 5 Project, FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the Section 5 Project on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are implemented:

I. MITIGATION

A. Drainage Impacts to Historic Properties

In the early stages of design, FHWA and INDOT shall conduct at least one meeting with its design consultants or technical advisor and invite representatives from Monroe County, City of Bloomington, SHPO, consulting parties, and owners of property within the portions of the following historic districts within the Section 5 Project APE: Hunter Valley Historic Landscape District, Reed Historic Landscape District, and North Clear Creek Historic Landscape District. Drainage design plans will be presented and meeting participants will have an opportunity to ask questions and provide input on drainage related design aspects as they relate to the quality and quantity of water on historic properties, especially quarries, within the quarrying landscape. FHWA and INDOT shall use Best Management Practices (BMP) on the Section 5 Project to ensure that roadway drainage from the Project does not introduce effects that adversely impact the water quality and quantity at these historic properties.

B. Context-Sensitive Solutions

FHWA and INDOT shall coordinate with the local community regarding context-sensitive solutions during the design phase of the Section 5 Project and shall incorporate aesthetic features into the design, in accordance with applicable INDOT policies. Potential aesthetic features may include landscaping, use of limestone or other treatments, as coordinated between the community, FHWA and INDOT.

C. Educational Outreach Initiative Funding

INDOT shall reimburse the Monroe County Historic Preservation Board of Review for the activities associated with the implementation of an educational outreach initiative, such as a tour, for the historic limestone quarries in Monroe County. Acceptable activities include the design and production of educational outreach materials and promotion and marketing initiatives. This reimbursement shall not exceed five thousand dollars ($5,000.00). Within one (1) calendar year of the signing of the MOA, the Monroe County Historic Preservation Board of Review, as a Certified Local Government (CLG), shall either prepare a proposal for the educational outreach initiative or the Monroe County Historic Preservation Board of Review shall review and select a proposal submitted by local individuals or groups. The proposal shall define and describe the initiative and shall include but not be limited to: a discussion of those entities that have committed to participate in developing and conducting the outreach initiative, goals, safety plan (if appropriate), project budget, milestones, and timeline for completion. Monroe County Historic Preservation Board of Review shall submit the proposal to FHWA, INDOT, and SHPO for a thirty (30) day review and comment/acceptance. If the FHWA, INDOT, or SHPO provides written comments, the Monroe County Historic Preservation Board of Review shall have sixty (60) days to make revisions to the educational outreach proposal in response to the comments. Monroe County through its representative the Monroe County Historic Preservation Board of Review shall have responsibility for the implementation of the educational outreach initiative. The reimbursement shall be implemented through an INDOT Local Public Agency (LPA) agreement with Monroe County. Monroe County, through the Monroe County Historic Preservation Board of Review, shall provide an annual progress report to FHWA, INDOT, and SHPO. The educational outreach initiative must be completed, provided to the public, and all funds expended within five (5) years of the signing of the MOA. This educational outreach initiative shall be considered to satisfy, for the Section 5 Project, the commitment in Stipulation II.C.2. of the 2003 I-69 Tier 1 MOA (i.e., “Memorandum of Agreement Between the Federal Highway Administration and the

Indiana State Historic Preservation Officer Regarding the Selection of a Corridor for I-69, From Evansville to Indianapolis, Indiana"). If a proposal is not received within (1) calendar year of the signing of the MOA or the Monroe County Historic Preservation Board of Review declines to pursue the educational outreach initiative, then FHWA and INDOT obligations under this stipulation shall be concluded.

D. Multiple Property Documentation Form

FHWA and INDOT or their representatives shall fund the preparation of a Multiple Property Documentation Form nominating the Dimension Limestone Industry in Bloomington, Indiana, to the NRHP, in order to disseminate information about the history and potential property types relating to the aboveground and archaeological historic properties in the limestone industry within Section 5 of the Tier 2 Study. The Multiple Property Documentation Form shall be offered as a paper copy to selected repositories in Monroe County and in an electronic format for posting on selected websites and may include but not be limited to those of the NRHP (National Park Service), Indiana Department of Natural Resources/Division of Historic Preservation and Archaeology, and INDOT. This nomination shall be considered to satisfy, for the Section 5 Project, the commitment in Stipulation II.C.2. of the 2003 I-69 Tier 1 MOA (i.e., "Memorandum of Agreement Between the Federal Highway Administration and the Indiana State Historic Preservation Officer Regarding the Selection of a Corridor for I-69, From Evansville to Indianapolis, Indiana").

E. Modifications of the Project with Respect to Aboveground Properties

If the Section 5 Project is modified after a finding of effect has been issued, then FHWA shall review the Section 5 Project modifications and proceed by complying with I.E.1. and, if appropriate, I.E.2. References to FHWA also apply to INDOT, wherever INDOT is authorized to act on FHWA's behalf.

1. FHWA shall determine whether or not any modifications have the potential to cause adverse effects on historic properties, if any are found to exist within the area in which the modifications may cause effects.

(a) If FHWA determines that the project modifications do not have the potential to cause adverse effects on historic properties, then FHWA or INDOT shall document that determination in its records, and no further review or consultation with respect to those modifications' effects on historic properties is required for purposes of this MOA.

(b) If FHWA determines that the project modifications have the potential to adversely affect historic properties, then FHWA or INDOT shall proceed to review the modifications in accordance with Stipulation I.E.2.

(c) Prior to determining whether the project modifications have the potential to adversely affect historic properties, FHWA may submit, for the Indiana SHPO's files, copies of reports generated as a result of modifications or may request the opinion of the Indiana SHPO about identification, evaluation, effects assessment or avoidance, minimization or mitigation or about any other issue under federal or state preservation or archaeological law pertaining to the project, provided that such a request for an opinion is not substituted for formal consultation under Stipulation I.E.2. The Indiana SHPO shall have thirty (30) days to respond to such a request.

2. If FHWA determines that a project modification has the potential to cause adverse effects on historic properties, then FHWA shall re-open the Section 106 consultation process in accordance with the 36 C.F.R. part 800 regulations that are in effect on the date upon which this MOA has been signed by the last of all required and invited signatories.

(a) The re-opened consultation shall occur with regard only to:

(1) adverse effects assessment, or avoidance, minimization or mitigation of adverse effects related to the project modifications, for previously-evaluated historic properties within the APE, or

(2) identification, evaluation, adverse effects assessment, or avoidance, minimization or mitigation of adverse effects related to the project modifications, for aboveground properties, within the area added to the APE, as a result of the expansion of the APE.

(3) except that if Stipulation I.F.3. also requires re-opening the Section 106 process for identification, evaluation, or adverse effects assessment or for avoidance, minimization, or mitigation of adverse effects, then any such activities pertaining to archaeological resources also shall be included in the consultation.

(b) FHWA shall consult with the consulting parties listed in Attachment C and other parties, as appropriate, except to the extent that the public disclosure of information about historic properties is withheld or limited under Stipulation I.F.3.(a)(1).

(c) FHWA shall issue a new finding, supported either by revised documentation or by an update to the documentation, regardless of whether additional, or different kinds of, adverse effects have been found to result from the modification of the project.

F. Archaeological Properties

1. Three archaeological sites (12Mo1413, 12Mo1442, and 12Mg456) within, or in proximity to, the Section 5 Project APE are considered potentially eligible for inclusion in the NRHP or Indiana Register of Historic Sites and Structures. Site 12Mg450 is located in alluvial soils found in the Section 5 Project APE that have the potential to contain buried archaeological deposits and so there is insufficient information to determine the eligibility of site 12Mg450 without conducting Phase Ic investigations in the floodplain of Little Indian Creek. In addition, alluvial floodplain areas in the vicinities of Little Indian Creek, Jordan Creek, and Buckner Branch in Morgan County and in drainage areas of Beanblossom Creek and Bryants Creek in Monroe County have been identified as having the potential to contain buried archaeological deposits. Nineteen test areas within, or in proximity to, the Section 5 Project APE are associated with these alluvial floodplains: . A11, A18a, B3, B4b, B4c, B5a, B5c, B7, B17, C2, H9, H10a, H10b, Smith Property, Shot Makers, Liberty Church Road West, Wells Field, Maxwell Barn Triangle, and Hacker Creek. Where avoidance is not possible, Phase Ic testing will occur at affected test area(s). A plan for all Phase Ic investigations will be submitted to the SHPO for review and comment prior to field implementation.

2. Consultation with the Indiana SHPO revealed that there is insufficient information regarding archaeological sites 12Mo1401, 12Mg467, 12Mg458, 12Mo1432, 12Mo1434, 12Mo1435, 12Mo1444, 12Mo1445, 12Mo1450, 12Mo1451, and 12Mo1452 to determine whether they are eligible for inclusion in the NRHP. However, portions of these archaeological sites that are within the Section 5 Project APE do not appear to contain significant archaeological deposits, and no further archaeological investigations are necessary in those portions of the site. These areas will be clearly marked prior to ground disturbing activities in the area so that they are avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations will be submitted to the SHPO for review and comment.

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

All necessary Phase Ic and Phase II investigations in the project area shall be completed in accordance with Stipulations I.F.3.(a) to I.F.3.(c). If, following Phase Ic or Phase II archaeological evaluation studies, archaeological sites within the APE are determined NRHP eligible, an assessment of effects and treatment plans shall be prepared in accordance with Stipulations I.F.3.(d) and I.F.3.(e), respectively.

Modification or modifications ("modifications") to the Section 5 Project which fall outside of the archaeological APE, depicted in Attachment B, dated March 26, 2013, shall be subject to archaeological identification, evaluation and assessment per Stipulations I.F.3.(a)-I.F.3.(d). If FHWA determines that the modifications have the potential to cause adverse effects on

archaeological resources, then FHWA shall re-open the Section 106 process in accordance with the 36 C.F.R. part 800 regulations in effect at that time.

The following standards apply:

(a) Implementation Standards

(1) In implementing Stipulation I.F., FHWA may withhold or limit public disclosure of information about historic properties in accordance with Section 304 of the NHPA and with the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed.

(2) To maximize the opportunity to avoid adverse effects, the required archaeological investigations shall be conducted as soon as practicable upon securing the appropriate rights to access property.

(3) In implementing Stipulation II, FHWA may consult with the consulting parties listed in Attachment C and others identified in accordance with the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed.

(4) FHWA, in consultation with the Indiana SHPO, and other parties deemed appropriate by FHWA, shall take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Native Americans, including investigations associated with modifications of the Section 5 Project.

(b) Identification

(1) Before commencing ground-disturbing activities in the Section 5 Project archaeological APE for the Refined Preferred Alternative (as identified on the Attachment B map dated March 26, 2013), FHWA shall complete the identification and evaluation of archaeological properties eligible for inclusion in the NRHP in any of these areas of ground disturbance in accordance with applicable Federal and State standards and guidelines listed in Stipulation I.F.(3).

(2) FHWA shall investigate any additional locations where ground-disturbing activities are proposed or where they may occur within temporary easements and permanent right of way.

(3) Upon completion of any additional investigations, FHWA shall complete the identification and evaluation of archaeological properties eligible 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 federally recognized Indian Tribes.

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

If the remains are determined to be Native American, FHWA shall notify the appropriate federally recognized Indian Tribe(s), and the Indiana SHPO shall provide notice to the Native American Affairs Commission as per Indiana Code 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 Office, and any appropriate consulting parties. The plan shall comply with Indiana Code 14-21-1, 312 Indiana Administrative Code 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.

(5) In ensuring that any human remains and grave goods identified are treated in a sensitive, respectful, and careful manner, FHWA shall be guided by the Council's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" (February 23, 2007) and the Native American Graves Protections and Repatriation Act ("NAGPRA") regulations set forth in 43 C.F.R. part 10, and other guidelines as appropriate.

(6) FHWA shall prepare and distribute a final Identification and Evaluation reports in accordance with I.F.3.(f).

(c) Evaluation

(1) Three archaeological sites (12Mo1413, 12Mo1442 and 12Mg456) within, or in proximity to, the Section 5 Project APE are considered potentially eligible for inclusion in the NRHP or Indiana Register of Historic Sites and Structures. Site 12Mg450 is located in alluvial soils within the Section 5 Project APE that have the potential to contain buried archaeological deposits; there is insufficient information to determine the site's eligibility without conducting Phase Ic investigations in the floodplain of Little Indian Creek. In addition, test areas in the alluvial floodplain in the vicinities of Little Indian Creek, Jordan Creek, and Buckner Branch in Morgan County and in the drainage areas of Beanblossom Creek and Bryants Creek in Monroe County have been identified during archaeological investigations as being within, or in proximity to, the Section 5 Project APE as having the potential to contain buried archaeological deposits. These test areas are: A11, A18a, B3, B4b, B4c, B5a, B5c, B7, B17, C2, H9, H10a, H10b, Smith Property, Shot Makers, Liberty Church Road West, Wells Field, Maxwell Barn Triangle, and Hacker Creek If avoidance is not possible, Phase Ic testing will occur at the affected test area(s).

(2) The studies completed pursuant to Stipulation I.F. shall demonstrate a level of effort consistent with the 36 C.F.R. part 800 regulations in effect on the date upon which the last of the required signatories has signed this MOA and provide FHWA with the information to determine, in consultation with the Indiana SHPO, which archaeological properties are eligible for inclusion in the NRHP. FHWA shall acknowledge and seek the special expertise of any federally recognized Indian Tribes which have previously entered into consultation in assessing the eligibility of historic properties that may possess religious and cultural significance to them.

(3) 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 treated in accordance with the Stipulations I.F.3.(d) and I.F.3.(e).

(4) If FHWA and the Indiana SHPO do not agree on NRHP eligibility, FHWA shall follow the procedures identified in accordance with Stipulation II.

(5) Upon completion of the evaluation, FHWA shall follow the procedures set forth in the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed which shall include updated documentation described in those regulations, if it is determined that no historic properties shall be affected.

(6) 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.

(d) Assessment of Effects

(1) In consultation with the Indiana SHPO, federally recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, FHWA shall determine if the Section 5 Project shall adversely affect archeological properties determined eligible for inclusion in the NRHP pursuant to the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed.

(2) If, in consultation with the Indiana SHPO, federally recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, FHWA determines the Section 5 Project may adversely affect NRHP-eligible archeological properties, then FHWA shall make reasonable efforts to avoid or minimize the adverse effect. If, in consultation with the Indiana SHPO, federally recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, FHWA determines it is not possible to avoid or minimize adverse effects, then FHWA shall treat the archaeological resource in accordance with Stipulation I.F.3.(e)(1) of the MOA.

(3) Any dispute regarding the determination of effects on NRHP-eligible archaeological properties shall be resolved in accordance with Stipulation II. of the MOA.

(e) Treatment

(1) If FHWA, in consultation with the Indiana SHPO, federally recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, 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 Section 5 Project construction activities within a segment that could affect that site.

(2) Plans addressing the treatment of human remains and grave goods, as provided for in Stipulation I.C.3.(b)(5), shall be guided by the Council's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" (February 23, 2007) and the NAGPRA regulations set forth in 43 C.F.R. part 10, and other guidelines as appropriate.

(f) Qualifications and Reporting

(1) In consultation with the Indiana SHPO, FHWA shall ensure that all archaeological work carried out pursuant to this MOA is performed by, or under the direct supervision of, a person or persons meeting the Secretary of the Interior's Professional Qualification Standards in archaeology and who has supervisory experience in the prehistoric and historic archaeology of the southwestern Indiana region and that all work shall be conducted pursuant the provisions of Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, and the most current "Guidebook for Indiana Historic Sites and Structures Inventory—Archaeological Sites."

(2) 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.

(3) FHWA, INDOT, and the Indiana SHPO, contractors, consultants, and federally recognized 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 the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed.

(4) FHWA shall provide the written reports on the results of archaeological studies to the Indiana SHPO, federally recognized Indian Tribes, and other consulting parties, consistent with the confidentiality provisions of Section 304 of the NHPA and 36 C.F.R. § 800.11(c), and afford them thirty (30) days, after confirmed receipt, to review

and submit comments on the reports. FHWA shall make its response available to those who received copies of the report.

(5) Any dispute regarding the report(s) shall be resolved in accordance with Stipulation II.

(6) Upon completion of all archaeological studies, FHWA shall provide copies of final archaeological reports to the Indiana SHPO, INDOT, and federally recognized Indian Tribes when appropriate.

II. OBJECTION RESOLUTION PROVISION

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

A. If any signatory or concurring party to this MOA should object in writing to FHWA regarding any action carried out or proposed with respect to the Section 5 Project and implementation of this MOA, FHWA shall consult with the objecting party to resolve this objection. If after such consultation FHWA determines that the objection cannot be resolved through consultation, then FHWA shall forward all documentation relevant to the objection to the Council, including FHWA's proposed response to the objection. Within forty-five (45) days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

1. Provide FHWA with a staff-level recommendation, which FHWA shall take into account in reaching a final decision regarding its response to the objection; or

2. Notify FHWA that the objection shall be referred for formal comment pursuant to the 36 C.F.R. part 800 regulations in effect at that time, and proceed to refer the objection and comment. 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 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. FHWA's responsibility to carry out all actions under the MOA that are not the subject(s) of the objection shall remain unchanged.

III. POST REVIEW DISCOVERY

In the event that one or more historic properties—other than Daniel Stout House, Maple Grove Road Rural Historic District, Monroe County Bridge No. 83, Stipp-Bender Farmstead, Maurice Head House, North Clear Creek Historic Landscape District, Hunter Valley Historic Landscape District, Reed Historic Landscape District, Monroe County Bridge No. 913, Morgan County Bridge No. 161, Morgan County Bridge No. 224, or the archaeological sites (12Mo1413, 12Mo1442, 12Mg450, and 12Mg456) and test areas discussed in Stipulation I.C.1.—are discovered or that unanticipated effects on historic properties are found during the implementation of this MOA, FHWA shall follow the procedure specified in the 36 C.F.R. part 800 regulations in effect at that time, as well as Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Office of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations shall be conducted according to the provisions of Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, and the most current “Guidebook for Indiana Historic Sites and Structures Inventory—Archaeological Sites.”

IV. AMENDMENT

Any signatory to this MOA may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. The 36 C.F.R. part 800 regulations in effect at the time of the amendment shall govern the execution of any such amendment.

V. TERMINATION

A. If the terms of this MOA have not been implemented by January 1, 2023, then this MOA shall be considered null and void. In such an event, FHWA shall so notify the parties to this MOA and, if it chooses to continue with the Section 5 Project, then it shall reinitiate review of the Section 5 Project in accordance with the 36 C.F.R. part 800 regulations in effect at that time.

B. Any signatory to the MOA 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, FHWA shall comply with the 36 C.F.R. part 800 regulations in effect at the time that the MOA is terminated regarding the review of the Section 5 Project.

C. In the event that FHWA does not carry out the terms of this MOA, then FHWA shall comply with the 36 C.F.R. part 800 regulations in effect at the time that the MOA is terminated, with regard to the review of the Section 5 Project.

The execution of this MOA and its implementation is evidence that FHWA has afforded the Council an opportunity to comment on the Section 5 Project and its effect on historic properties and that FHWA has taken into account the effects of the Section 5 Project on historic properties.

SIGNATORIES:

FEDERAL HIGHWAY ADMINISTRATION

INDIANA STATE HISTORIC PRESERVATION OFFICER

ADVISORY COUNCIL ON HISTORIC PRESERVATION

INVITED SIGNATORIES:

INDIANA DEPARTMENT OF TRANSPORTATION

MONROE COUNTY COMMISSIONERS

FEDERAL HIGHWAY ADMINISTRATION

By: Karen A Bobo **Date:** 5/6/2013

Karen A. Bobo

Acting Division Administrator

Federal Highway Administration–Indiana Office

INDIANA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 4/30/2013

State Historic Preservation Officer

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler **Date:** 5/9/13

John M. Fowler, Executive Director

Advisory Council on Historic Preservation

INVITED SIGNATORIES:

INDIANA DEPARTMENT OF TRANSPORTATION

By: Jason S. Wasson (FOR) Date: 4/30/2013

Michael B. Cline, Commissioner

Indiana Department of Transportation

MONROE COUNTY COMMISSIONER

Signed by: Iris Kiesling Date: 5/2/2013

Iris Kiesling, President

CONCURRING PARTY:

By: Robert H. Bernacki **Date:** 6-5-2013

Name and Title: Robert H. Bernacki for the
(Typed or printed)

Wabash & Ohio Chapter of the
Society for Industrial Archeology

ATTACHMENT A

PROJECT DESCRIPTION

The project is the construction of Section 5 of Interstate 69 (I-69) Evansville to Indianapolis for a distance of approximately twenty-one miles through Monroe and Morgan counties in southwestern Indiana. Section 5 of the Tier 1 approved corridor begins at State Road (SR) 37, southwest of Bloomington, Indiana, centering on and continuing in a northerly direction along current SR 37 to south of SR 39 near Martinsville, Indiana. Section 5 is composed of rural and urban/suburban environments. The I-69 Evansville to Indianapolis project, which is 142 miles in length, is a component of the congressionally designated national I-69 corridor extending more than 2,100 miles from the Canadian border to the Mexican border.

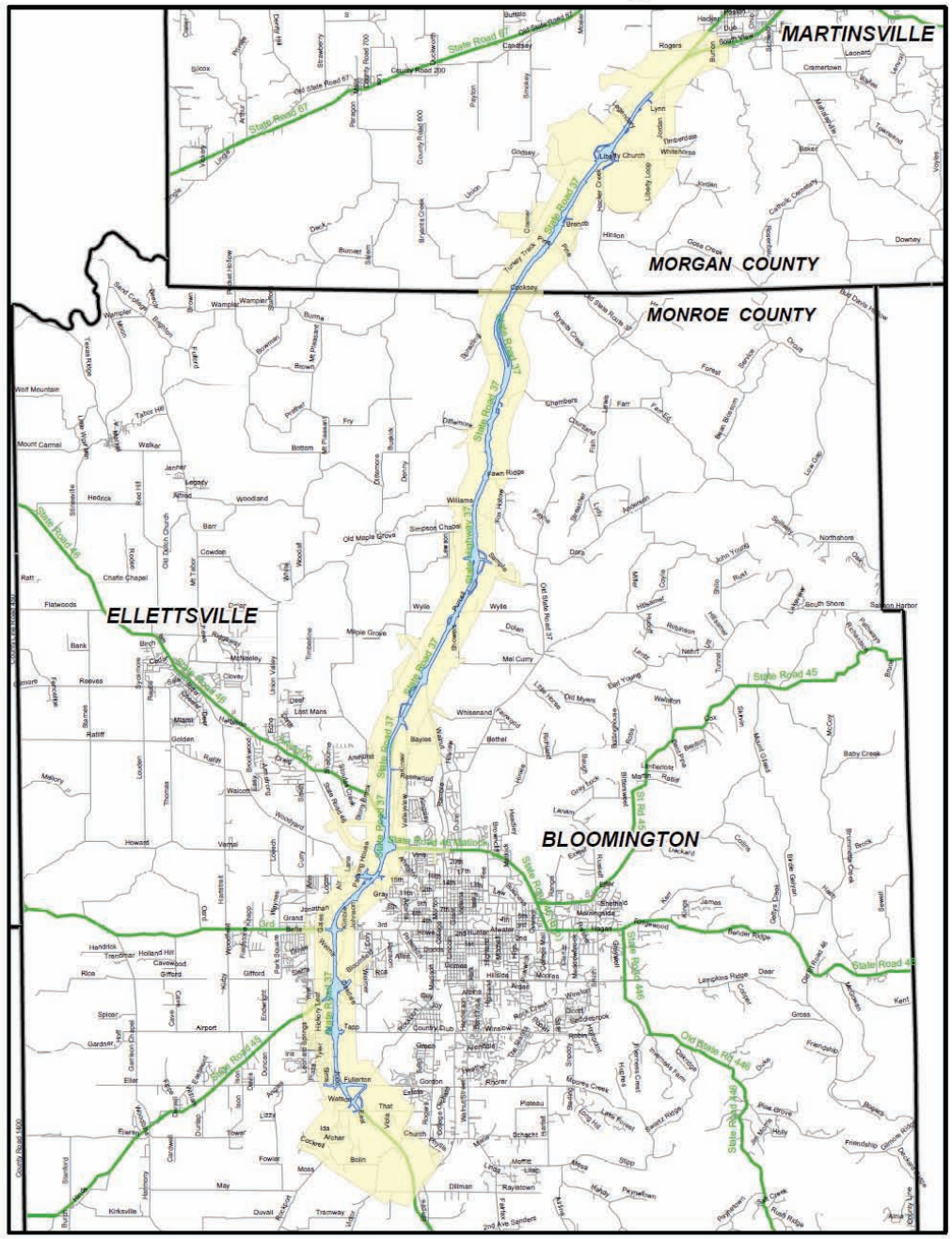
The Tier 1 Environmental Impact Statement (EIS) for the I-69 Evansville to Indianapolis project concluded in March 2004. The Federal Highway Administration (FHWA) selected a corridor—Alternative 3C—in its Record of Decision (ROD) and divided the corridor into six Tier 2 sections for detailed study. Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470f), requires federal agencies to take into account the effects of their undertakings—i.e., projects wholly or partially funded, permitted, or licensed by a Federal agency—on historic properties. FHWA has allocated federal funds to the Indiana Department of Transportation (INDOT) to use for the Tier 2 Studies of the I-69 Evansville to Indianapolis Project.

Section 5's Refined Preferred Alternative 8 is comprised of various features of Alternatives 4, 5, 6, and 7, as presented during consultation. Preferred Alternative 8 uses the existing SR 37 right of way, with additional adjacent acreage required based on design requirements and topography. Interchanges are located at Fullerton Pike (double folded diamond), Tapp Road/SR 45/2nd Street (split diamond), SR 48/3rd Street (urban diamond), SR 46 (double folded diamond), Walnut Street (partial interchange or single-point diamond), Sample Road (folded diamond), and Liberty Church Road (urban diamond). In addition, overpasses are located at Rockport Road, Vernal Pike, Arlington Road, Kinser Pike, and Chambers Pike. Local access roads and new connections to existing local roads are provided in portions of the Section 5 corridor where drives and other roads currently connect to existing SR 37. These are located primarily north of Walnut Street to the northern project terminus.

ATTACHMENT B

AREA OF POTENTIAL EFFECTS (APE)

I-69 Evansville-to-Indianapolis Study
Section 5: Monroe and Morgan Counties



ATTACHMENT C

LIST OF CONSULTING PARTIES

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

Indiana State Historic Preservation Officer

Prairie Band Potawatomi Nation

Peoria Tribe of Indians of Oklahoma

Delaware Nation

Shawnee Tribe of Oklahoma

Miami Tribe of Oklahoma

Bloomington Restorations, Inc.

Citizens for Appropriate Rural Roads (CARR)

City of Mitchell (Mayor)

Hoosier Environmental Council

Historic Landmarks Foundation of Indiana (now Indiana Landmarks) Central Office

Historic Landmarks Foundation of Indiana (now Indiana Landmarks) Western Regional Office

Historic Landmarks Foundation of Indiana (now Indiana Landmarks) Southwest Field Offices

Monroe County Historic Preservation Board of Review

Morgan County Historian

Owen County CARR

Owen County Preservations, Inc.

Traditional Arts Indiana

Morgan County Commissioner

Morgan County Historic Preservation Society

Wabash & Ohio Chapter of the Society for Industrial Archaeology

Ms. Pauline Spiegel

City of Bloomington, Housing and Neighborhood Development Department

Dr. James Cooper

Indiana Historic Spans Taskforce

Steve and Debby Reed

Monroe County Commissioner

Cheryl Ann Munson

APPENDIX N
SECTION 106 DOCUMENTATION
File 9: Appendix K (Consultation with the ACHP)

TECHNICAL REPORT APPENDICES

File 2	APPENDIX A	Area of Potential Effects
File 2	APPENDIX B	FHWA's Findings and Determinations
Files 2-5	APPENDIX C	Reports
File 6	APPENDIX D	Agency Coordination
File 6	APPENDIX E	Consulting Party Coordination *(Invitations, Meeting Materials, Minutes, and Letters Regarding Consulting Party Status)*
File 7	APPENDIX F	Correspondence/ Comments Received *(see Appendix D for SHPO Correspondence)*
File 8	APPENDIX G	Hardship Acquisitions
File 9	APPENDIX H	Project Mapping – Preferred Alternative 8
File 9	APPENDIX I	Correspondence/Comments Received/Transmitted Following Section 106 Review Period *(OCTOBER 2012 TO MAY 2013)*
File 9	APPENDIX J	Memorandum Of Agreement
File 9	**APPENDIX K**	**Consultation with the ACHP**

U.S. Department of Transportation
Federal Highway Administration

Indiana Division
575 N. Pennsylvania Street, Room 254
Indianapolis, IN 46204
317-226-7475

February 4, 2013

In Reply Refer To:
HAD-IN

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

Dear Ms. Legard:

Attached is a copy of the supporting documentation, 800.11(e), for Advisory Council review regarding the adverse effects on properties listed or eligible for listing in the National Register of Historic Places for the I-69 Evansville to Indianapolis Tier 2 Study: Section 5, SR 37 South of Bloomington to SR 39 in Monroe and Morgan counties, Indiana.

Attached also are the public and consulting party comments regarding this undertaking. Please be advised that FHWA has included two letters from consulting parties objecting to the finding of no adverse effects on specific properties. Based on consultation with the IN SHPO, FHWA believes that a no adverse effect finding for these specific properties is applicable.

Please review the documentation to determine whether your agency wishes to participate in consultation. We have included a CD of the complete documentation and a paper copy of the narrative as well as significant maps. If you wish for a complete paper copy, please let us know at your earliest convenience so your review is not delayed.

Thank you for assisting us with this notification of adverse effect. If you have any questions or require further assistance, please contact Michelle Allen at 317.226.7344 or via email at michelle.allen@dot.gov.

Sincerely,

Michelle Allen
for Karen A. Bobo
Acting Division Administrator

Enclosure

Linda Weintraut <linda@weintrautinc.com>

RE: I-69 Tier 2 Section 5

1 message

Carol Legard <clegard@achp.gov> Mon, Feb 11, 2013 at 10:37 AM
To: michelle.allen@dot.gov
Cc: Patrick Carpenter <pacarpenter@indot.in.gov>, SFlum@indot.in.gov, Najah Duvall-Gabriel <ngabriel@achp.gov>, linda@weintrautinc.com, Janice.Osadczuk@dot.gov, larry.heil@dot.gov

Thanks, Michelle. We'll turn this around as soon as we can.

Carol

From: michelle.allen@dot.gov [mailto:michelle.allen@dot.gov]
Sent: Monday, February 11, 2013 9:48 AM
To: Carol Legard
Cc: Patrick Carpenter; SFlum@indot.IN.gov; Najah Duvall-Gabriel; linda@weintrautinc.com
Subject: FW: I-69 Tier 2 Section 5

Carol,

I apologize for the FHWA letter omission from the I69 Section 5 packet of information. I have attached the original letter that was intended to go along with the packet. I do realize your 15 day comment period will begin today instead of February 5, 2013, which I believe will put the response date at February 26, 2013. Let me know if this email submission will work, or if you need a hard copy of the letter.

I have also attached one additional objection letter from the Monroe County Historic Preservation Board regarding some private property owner tree clearing in the North Clear Creek Historic Landscape District. The original packet already contains a letter sent by FHWA to SHPO and Consulting Parties, along with the SHPO response. This additional letter was received after the packet was originally sent to ACHP.

Please let me know if you have any additional questions.

Sincerely,

Michelle Allen

U.S. Department of Transportation
Federal Highway Administration

Indiana Division

575 N. Pennsylvania Street, Room 254
Indianapolis, IN 46204
317-226-7475

February 12, 2013

In Reply Refer To:
HAD-IN

Chad Slider
Assistant Director, Environmental Review
Division of Historic Preservation & Archaeology
402 West Washington Street, Room W274
Indianapolis, Indiana

Dear Mr. Slider:

The Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT), is preparing an Environmental Impact Statement (EIS) for Section 5 of the I-69 Evansville to Indianapolis Tier 2 Studies (Des. No.: 0300381; DHPA No.: 2123). Section 5 extends from SR 37 south of Bloomington to SR 39 near Martinsville. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties.

FHWA has determined this undertaking will not have an Adverse Effect on any aboveground resources but potentially will have an Adverse Effect on archaeological resources. Therefore, the finding for the undertaking is Adverse Effect.

In a letter dated February 4, 2013, FHWA asked the Advisory Council of Historic Preservation (the Council) if it wished to participate in consultation. With that invitation, FHWA included: (1) a copy of the 800.11(e) documentation transmitted to consulting parties on October 26, 2012; (2) additional correspondence received since October 26, 2012; (3) a comment/response form responding to comments received; (4) and the draft Memorandum of Agreement (MOA). Pursuant to 36 C.F.R. § 800.5(c)(2)(i), in its letter to the Council on February 4, 2013, FHWA referenced two letters objecting to the finding of effect on aboveground resources. The Council received FHWA's letter and accompanying documentation on February 11, 2013. Please note that FHWA has received another letter objecting to the finding of effect that was forwarded to the ACHP on February 11, 2013.

FHWA is notifying you of its submission to the Council. FHWA's submission to the Council will be available to the public as part of the Final EIS. Additionally, upon request, consulting parties will be provided copies of the letters objecting to the finding that FHWA submitted to the Council. After review, if the Council determines it is warranted, it will "provide its opinion as to whether the adverse effect criteria have been correctly applied" pursuant to 36 CFR § 800.5(c)(3)(i).

At the same time, we are taking the opportunity to send you this updated draft of the MOA that incorporates edits that the staff of the SHPO requested on December 17, 2012. Attached to this concurrent notification is a copy of that draft MOA that was also sent to the Council.

Please direct any questions or comments to Michelle Allen at 317.226.7344 or by email at michelle.allen@dot.gov.

Sincerely,

Michelle Allen

for Karen A. Bobo
Acting Division Administrator

Cc: Ms. Carol Legard, FHWA Liason, ACHP
Ms. MaryAnn Naber, FHWA Federal Preservation Officer
Mr. Steve Wyatt, Bloomington Restorations, Inc.
Ms. Sandra Tokarski, CARR (Citizens for Appropriate Rural Roads)
The Honorable Gary L. Pruett, City of Mitchell
Ms. Tamara Francis, NAGPRA Director
Mr. Jesse Kharbanda, Hoosier Environmental Council (HEC)
Mr. Tim Maloney, Hoosier Environmental Council
Mr. Mark Dollase, Indiana Landmarks
Mr. Stewart Sebree, Indiana Landmarks
Mr.Tommy Kleckner, Indiana Landmarks
Ms. Julie Olds, Miami Tribe of Oklahoma
Mr. Devin Blankenship, Monroe County Historic Preservation Board of Review
Ms. Jackie Scanlan, Monroe County Historic Preservation Board of Review
Mr. Norman Voyles, Morgan County Commissioner
Ms. Joanne Stuttgen, Morgan County Historian & Morgan County Historic Preservation Society
Ms. Edith Sarra, Owen County CARR/Owen County Preservations, Inc.
Ms. Patricia Powell, Owen County Preservations, Inc.
Ms. Bonnie Tinsley, Owen County Preservations, Inc.
Mr. John P. Froman, Peoria Tribe of Indians of Oklahoma
Mr. Zachariah Pahmahmie, Prairie Band Potawatomi Nation
Mr. Ron Sparkman, Shawnee Tribe
Mr. Jon Kay, Traditional Arts Indiana
Mr. William McNiece, Wabash & Ohio Chapter of Industrial Archeology
Ms. Pauline Spiegel
Mr. Bob Bernacki
Ms. Nancy Hiestand, Program Manager Historic Preservation Housing and Neighborhood Development
Dr. James Cooper
Mr. Paul Brandenburg, Historic Spans Taskforce
Mr. Patrick Stoffers, Monroe County Commissioner
Mr. and Ms. Debby and Steve Reed, Reed Quarries, Inc.
Ms. Cheryl Ann Munson
Mr. Tim Miller, Bernardin Lochmueller & Associates, Inc.
Ms. Beth McCord, Gray & Pape
Dr. Linda Weintraut, Weintraut & Associates, Inc.

Ms. Mary Jo Hamman, Michael Baker Corporation
Mr. Patrick Carpenter, INDOT

Milford Wayne Donaldson, FAIA
Chairman

Clement A. Price Ph.D.
Vice Chairman

John M. Fowler
Executive Director

Preserving America's Heritage

February 26, 2013

Victor Mendez
Administrator
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Mendez:

On February 11, 2013, the Federal Highway Administration (FHWA), Indiana Division, notified the Advisory Council on Historic Preservation (ACHP) of its finding that the proposed I-69 Evansville to Indianapolis Tier 2 Study: Section 5, SR 37 South of Bloomington to SR 39 will have an adverse effect on historic properties. The project will occur in Monroe and Morgan Counties, Indiana. This letter is to inform you that the ACHP has decided to participate in consultation under Section 106 of the National Historic Preservation Act (16 USC 470[f]) to develop a Memorandum of Agreement for the proposed project. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained in Appendix A of our regulations. The criteria are met for this proposed undertaking because the undertaking has the potential for presenting procedural problems.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Karen A. Bobo, Acting Division Administrator for the Indiana Division, of this decision.

Our participation in this consultation will be handled by Carol Legard who can be reached at 202-606-8522 or via e-mail at clegard@achp.gov. We look forward to working with your agency and other consulting parties to facilitate the resolution of adverse effects consistent with the requirements of Section 106, and bring the Section 106 review to a conclusion.

Sincerely,

John M. Fowler
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

From: Linda Weintraut <linda@weintrautinc.com>
Sent: Friday, March 08, 2013 2:15 PM
To: bri@bloomingtonrestorations.org; carr@bluemarble.net; mayor@mitchell-in.gov; tfrancis@delawarenation.com; jkharbanda@hecweb.org; CSlider@dnr.in.gov; mdollase@indianalandmarks.org; ssebree@indianalandmarks.org; tkleckner@indianalandmarks.org; jlolds@miamination.com; jscanlan@co.monroe.in.us; nvoyles@morgancounty.in.gov; jstuttgen@comcast.net; esarra@indiana.edu; ppal@bluemarble.net; albontinsley@smithville.net; jfroman@peoriatribe.com; zachp@pbpnation.org; Shawneetribe@neok.com; tradarts@indiana.edu; nmcniece@indy.rr.com; pspiegel@indiana.edu; bhb@bernack.com; hiestann@bloomington.in.gov; jlcooper@ccrtc.com; indianabridges@sbcglobal.net; pstoffer@alumni.indiana.edu; maloneyt@hecweb.org; reedquarries@sbcglobal.net; cherylmunson2012@gmail.com; nrhiller@nrhillerdesign.com; jcarr@dnr.in.gov; Jones, Rick
Cc: Miller, Tim; michelle.allen@dot.gov; Flum, Sandra; Hamman, Mary Jo; Carpenter, Patrick A
Subject: I 69 Section 5, Section 106 Meeting

Dear Consulting Party,

Pursuant to 36 C.F.R. § 800.5(c)(2)(i), as a consulting party for Section 5 of the I-69 Evansville to Indianapolis:Tier II Studies, you received a letter dated February 12, 2013 informing you of Federal Highway Administration's (FHWA) notification to the Advisory Council on Historic Preservation of objections to the finding of effect on aboveground resources.

This is to inform you that a representative from the Advisory Council on Historic Preservation will be available, along with representatives from FHWA, the State Historic Preservation Officer, and the Indiana Department of Transportation's project team, at the **I-69 Section 5 project office on Thursday March 14, 2013 at 10:00 am.** The project office is located at: 3802 Industrial Boulevard, Unit 2, Bloomington, Indiana. FHWA has scheduled this time for you to meet with the Council's representative so that you will have an opportunity to express your concerns regarding the finding of effects for this project.

--
Linda Weintraut, Ph.D.
Weintraut & Associates, Inc.
PO Box 5034
4649 Northwestern Drive
Zionsville, Indiana 46077
317.733.9770 ext. 310

www.weintrautinc.com

Meeting Attendance

I-69 Section 5 Project Office
3802 Industrial Blvd., Unit 2
Bloomington, IN 47403 U.S.A.
(812) 355-1390

Meeting Location	Section 5 Office (above)	**Project**	I-69 Tier 2, Section 5
Meeting Date/Time	March 14, 2013 10:00-11:30 AM	**File**	103300
Subject	Section 5 Consulting Parties- ACHP		

Name	Representing	Address	Phone and E-Mail Address
Jackie Scanlan	Monroe County Planning HP Board of Review	501 N. Morton St. Suite 224 Blgtn, IN	812-349-2560 jscanlan@co.monroe.in.us
Michelle Allen	FHWA		
LINDA WEINTRAUB	W&A		
Carol Legard	ACHP		clegard@achp.gov 202-606-8522
Kia Gillette	BLA	3502 Woodview Trace Suite, 150, Indpls. IN	kgillette@blainc.com 317-222-3880
John Carr	DNR-DHPA (INSHPO staff)	402 W. Washington St. Rm. W274 Indpls., IN 46204	jcarr@dnr.in.gov 317-233-1949
Patrick Carpenter	INDOT -CRO		pacarpenter@indot.in.gov
Cheryl Munson	Monroe County Council	4707 W. Rock East Road Bltn 47403	Cheryl Munson202@gmail.com
DUNCAN CAMPBELL	Monroe County HP Rev. Board owner Bakers H	2302 W. Tapp Rd. Bloomington In 47403	812-325-0248 dcampbell@bsa.edu
MARY JO HAMMAN	BAKER		812-355-1390 mhamman@mbakercorp.com
NANCY HIESTAND	COBLOOM HAND	P.O BOX 100 BLOOMINGTON, IN 47402	812 349 3507 hiestann@bloomington.in.gov
Lisa Manning	Baker		

Section 5, I-69 North Tier 2 Studies

Consulting Party Meeting, March 14, 2013, 10:00 am

Section 5 Project Office

Participants:

Carol Legard, Advisory Council on Historic Preservation (ACHP)
Duncan Campbell, Monroe County Historic Preservation Board of Review (MCHPBR)
Jackie Scanlan, MCHPBR/Monroe County Planning
Cheryl Munson, Monroe County Council
Nancy Hiestand, City of Bloomington, Historic Preservation Officer
John Carr, Staff of State Historic Preservation Officer, Indiana Department of Natural Resources/Division of Historic Preservation & Archaeology (SHPO)
Michelle Allen, Federal Highway Administration (FHWA)
Patrick Carpenter, Indiana Department of Transportation (INDOT)
Mary Jo Hamman, Michael Baker Jr., Inc.
Kia Gillette, Bernardin Lochmueller & Associates
Linda Weintraut, Ph.D., Weintraut & Associates

Michelle Allen asked the participants to introduce themselves and thanked everyone for coming. She said that the purpose of the meeting is to give consulting parties the opportunity to talk with the Advisory Council on Historic Preservation's representative, Carol Legard.

Linda Weintraut spoke briefly about where we are in the process: the signed Finding of Effects was distributed on October 26, 2012 with the 800.11(e) documentation. The Finding was Historic Properties Affected: Adverse Effect, based on the potential for adverse effects on archaeological resources. Consulting parties were given thirty (30) days to comment on the Section 106 documentation. The Draft Environmental Impact Statement (DEIS), also distributed on October 26, 2012, contained both the signed Finding and supporting 800.11(e) documentation as an appendix item. MCHPBR sent a letter dated December 6, 2012, objecting to the Finding of No Adverse Effect on aboveground resources in the 800.11(e). At the public hearing held on December 6, 2012, Cheryl Munson spoke in opposition to the Finding on aboveground resources. The public comment period for the DEIS ended on January 2, 2013. MCHPBR objected to the Finding at that time (January 2, 2013). FHWA transmitted these objections to the ACHP on February 11, 2013; consulting parties received concurrent notification on February 12, 2013. On February 26, 2013, the ACHP advised FHWA that they would participate in consultation.

Weintraut said that on March 13, 2013, the ACHP, FHWA, SHPO, INDOT, and its consultants had conducted a field review of the resources on which the consulting parties had commented regarding eligibility and/or objected to the finding of effect. The trip began with a brief stop at the Thomas Brown School and then proceeded to the Woolery Mill, and then North Clear Creek Historic Landscape District: the Borland House and Furst Quarry where Duncan Campbell had given the group a tour, and the C&H Mill. The group drove by both the north and south portions of Hunter Valley Historic Landscape District, and then toured Reed Historic Landscape District with Debby Reed. Finally, the group viewed 3275 North Prow Road before driving through the Maple Grove Road Rural Historic District. Weintraut said that FHWA had wanted to give the ACHP the opportunity to see these resources before this meeting occurred.

Carol Legard noted that there were amazing sites and resources that she had seen during the tour. She could understand why people are passionate about these resources. She said that the ACHP had elected to join consultation for Section 5 because of objections to the finding of No Adverse Effects on aboveground

resources. Legard had decided that she needed to come to Indiana to experience properties on behalf of the ACHP, in order to get a full picture of the objections and to help FHWA wrap up the Section 106 process. The ACHP does not comment on eligibility but she wanted to give consulting parties the opportunity to raise concerns about effects.

Duncan Campbell said it is hard to anticipate impacts from project. For example, in regard to the locally-funded Tapp Road improvements, he did not fully understand the impacts until the improvements were under construction. Legard said that it is sometimes difficult to comprehend impacts and asked the consultants to explain what will happen at Fullerton Pike.

Mary Jo Hamman explained that at Fullerton Pike, INDOT intends to work within the proposed Right-of-Way as currently designed on project mapping. Design usually lessens impacts but issues that come up in the design stage would be dealt with, per stipulations in the Memorandum of Agreement (MOA). The mainline for I-69 is generally within the SR 37 Right-of-Way. Traffic projections (design year of 2035) show the need for a third lane (36 feet with a 12 foot shoulder) in each direction on I-69. A concrete barrier will divide the north- and south-bound lanes. The third lane which will be located in the present median would not be constructed until the need warranted it.

Campbell asked about drainage; he said that drainage can cause adverse impacts. He asked that I-69 not make the drainage (water volume and water quality) situation worse for his historic property (Borland House and Furst Quarry). The MOA as written does not address drainage impacts. Legard said drainage is a legitimate Section 106 concern and asked FHWA to ensure that drainage is addressed. Allen said that INDOT is required to analyze drainage during design. Regularly-scheduled design meetings will include a county representative.

Cheryl Munson said that Fullerton Pike (Monroe County project) will have four lanes of traffic (two each way) and a 10-foot multi-use trail on one side of the road, and a 5-foot sidewalk on the other. She asked that parties for both projects, as well as developers, consider drainage impacts upon historic resources. Allen said that the county must follow INDOT design standards since FHWA is participating in the funding of the improvements; state and county projects are communicating. Campbell suggested a commitment in the MOA for extra precaution, so as to not increase toxicity and drainage volume. Legard asked for a commitment in the MOA that FHWA will work with the county to address storm water drainage. The group discussed such meetings occurring early in the design process with county/city/project team to ensure designers are aware of drainage issues. Legard asked about plantings along I-69; Hamman said that the disturbed areas in the highway right-of-way will be reseeded, however wild flowers and other low plantings could be utilized as long as a clear line of sight was provided for motorists.

In regard to visual and auditory impacts on North Clear Creek Historic Landscape District (NCCHLD), Munson said that trees have been recently harvested by the private property owner and the existing trees will not provide screening. Legard said that she believes that it is INDOT's position that an industrial site was historically noisy and that noise is not a characteristic that affects the property. In regard to visual impacts, NCCHLD will see the road but, again, the change in setting will not affect eligibility of the property. Legard said that this is not a Section 106 issue but a quality of life issue. This resource has an active life. Munson countered that there will be a change in the historic character of the area. Campbell said that when he purchased his property it looked like the "moonscape." Part of the experience of traveling through Bloomington is to experience beauty of limestone from the road. The road will change character of space; even concrete barriers obstruct visual scenery. Campbell asked if it is possible to enhance scenic view.

The discussion turned to the mitigation measures currently presented in the Draft MOA. Legard asked if a brochure is a practical way to disseminate information regarding the resource, or if the MCHPBR does not want a brochure, what kind of mitigation would they like. Munson said that the Board would like to see quarry blocks used along the road or around the quarries to promote the limestone industry. Hamman said

that INDOT has concerns about quarry blocks and salt treatment; quarry blocks cannot be used to separate road because of safety concerns. Allen said that it is not possible to use quarry blocks on land in the Right-of-Way due to safety concerns. Allen mentioned that Participating Agency meetings have discussed "gateways" such as the one at Walnut Street. This concept of a gateway has been used in other communities to establish a theme. Allen said that there was a Tier 1 commitment to provide educational material relating to historic and archaeological resources; FHWA had hoped that the brochure would provide information about the limestone industry. Munson said that there is presently a brochure; another is not needed.

Patrick Carpenter suggested a tour as an advertised venue to promote historic resources. There was discussion regarding a tour facilitated by a local group and funded by FHWA/INDOT.

Munson said that she would like FHWA to consider locations for quarry blocks that would not be unsafe, perhaps include a stipulation in the MOA to incorporate limestone in bridge design facing and in gateway design to ensure commitment. The idea of incorporating limestone features into the project under the auspices of public art was also introduced.

Weintraut asked John Carr if SHPO had thoughts on this discussion. Carr replied that it had been a productive discussion; SHPO would be happy with stipulations that serve local needs and that can be carried out safely.

There was discussion regarding INDOT funding a website to house documentation and a video tour of properties. Once established, it would be up to the county to maintain. The website would be an educational repository of information about the limestone industry. Campbell said that he thought Monroe County Historic Preservation Board of Review would be more responsive to a website than a brochure but there is presently a website for quarrying resources.

Munson inquired why the Thomas Brown School was not eligible. Weintraut said that Baker historians had evaluated the school during initial survey efforts and re-evaluated the Brown School for eligibility after comments were submitted by consulting parties. However, the school failed to meet any of the criteria for eligibility since it was a small township school built in an era of county consolidations, was not associated with a person who had achieved sufficient local significance, and was not the work of a master or of outstanding design. Legard asked if it would be impacted; it will not be. Munson said that she is mostly concerned about eligibility. SHPO said that based on the information presented, the staff has agreed that the resource is not eligible.

Discussion turned to a concept of Multiple Property Listing (MPL) to the National Register of Historic Places as a way of documenting and educating the public about the limestone industry. It would contain a historic context, property typology, and a bibliography. This is a format that is more finite than a tour or a website. Campbell said that he liked the concept and suggested a MPL for both quarries and farmsteads. A MPL sets forth a framework for recognition of industry, whereas a tour requires participation by a third party and a website must have up keep. MCHPBR representatives identified the Board's priorities as both a tour and an MPL. The website is last on their list. Legard asked if the group could agree to include both a tour and an MPL in the MOA. If a tour becomes part of the MOA, Legard said that the wording could limit the expenditure and the time available to implement the tour.

Munson said that she would like to see the Hedrick House (3275 North Prow Road) eligible for the National Register. Legard said that the ACHP does not comment on eligibility; the Council does suggest at times that if questions of eligibility persist, the property be sent to the Keeper of the National Register. Carr said that a number of rationales for eligibility of this property had been suggested but the staff did not feel that individually or collectively, the reasons rose to National Register significance. A discussion followed regarding eligibility. Weintraut said that the property did not fit with the other property types of the Reed Historic Landscape District; the Hedrick House is separated from the landscape district by theme, time and place since

there are intervening properties between that property and the larger district. A discontiguous district did not seem appropriate in this case. Jackie Scanlan questioned why a house could be included in the Matthews District (now Bybee Quarries) and not the Reed District. Weintraut explained that in the case of the Matthews District, John Matthews lived in the house which is located across the road from the mill and quarries. Further, Matthews was an individual who introduced innovative techniques and exerted influence over the limestone industry. Legard asked if there was an effect on the house; Hamman explained that I-69 is staying within the existing Right-of-Way of SR 37 at this point so there will be no further impact. Noise was assessed throughout the corridor but it was not reasonable and feasible to construct noise barriers at this location.

Next steps: it was decided that the MOA would be revised and circulated via email to consulting parties and the ACHP. If necessary, another consulting party meeting will occur, but it is not anticipated.

MOA stipulations:

- Include language for an educational tour of the limestone industry facilitated by a third party, including a financial commitment with a timeframe and application procedure.
- Require a design meeting to be between consulting parties/county/city/designers at which drainage issues will discussed so water runoff (volume and water quality) does not adversely affect limestone quarry resources
- Include language regarding context-sensitive solutions that will incorporate consideration of local limestone themes on new structures, including bridges and/or gateway(s)
- Multiple Property Listing for local limestone industry

The meeting was adjourned.

Note: Details discussed in this meeting are subject to change, but are a reflection of how things stood at the close of the meeting. This meeting summary documents ongoing, internal agency deliberations. Accordingly, the information contained in this summary is considered to be pre-decisional and deliberative.

From: Linda Weintraut [mailto:linda@weintrautinc.com]
Sent: Tuesday, March 26, 2013 3:40 PM
To: clegard@achp.gov; bri@bloomingtonrestorations.org; carr@bluemarble.net; mayor@mitchell-in.gov; tfrancis@delawarenation.com; jkharbanda@hecweb.org; CSlider@dnr.in.gov; mdollase@indianalandmarks.org; ssebree@indianalandmarks.org; tkleckner@indianalandmarks.org; jolds@miamination.com; jscanlan@co.monroe.in.us; nvoyles@morgancounty.in.gov; jstuttgen@comcast.net; esarra@indiana.edu; ppal@bluemarble.net; albontinsley@smithville.net; jfroman@peoriatribe.com; zachp@pbpnation.org; Shawneetribe@neok.com; tradarts@indiana.edu; nmcniece@indy.rr.com; pspiegel@indiana.edu; bhb@bernack.com; hiestann@bloomington.in.gov; jlcooper@ccrtc.com; indianabridges@sbcglobal.net; pstoffer@alumni.indiana.edu; maloneyt@hecweb.org; reedquarries@sbcglobal.net; cherylmunson2012@gmail.com; nrhiller@nrhillerdesign.com; dcampbell@bsu.edu; Carr, John
Cc: Carpenter, Patrick A; michelle.allen@dot.gov; Gillette, Kia; Miller, Tim; Hamman, Mary Jo
Subject: I 69 Section 5: CP Meeting Summary and Revised MOA

Dear Consulting Party,

Please see attached summary of the Consulting Party Meeting held on March 14, 2013 at the Section 5 office. The purpose of that meeting was to discuss the expressed written concerns of consulting parties as they related to the finding of No Adverse Effect on aboveground historic properties. This summary is for your records.

As a result of the discussion held on March 14th, additional stipulations have been added to the draft Memorandum of Agreement (MOA) that you were sent on February 12, 2013.

Please review these new stipulations. Note also in this revised MOA (version 2013.0326), Monroe County has been included as an invited signatory because the Monroe County Historic Preservation Board of Review has responsibilities under Stipulation I.C. Educational Tour Funding Grant.

Please submit any comments on this attached draft MOA (version 2013.0326) by April 9, 2013 to Michelle Allen (michelle.allen@dot.gov) and copy me (linda@weintrautinc.com) and Patrick Carpenter (PACarpenter@indot.in.gov).

Thank you for your participation in this project.

--
Linda Weintraut, Ph.D.
Weintraut & Associates, Inc.
PO Box 5034
4649 Northwestern Drive
Zionsville, Indiana 46077
317.733.9770 ext. 310

www.weintrautinc.com

Preserving America's Heritage

April 15, 2013

Michelle Allen
Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204

Ref: *I-69 Evansville to Indianapolis, Tier 2 Study; Section 5*
Revised Draft Memorandum of Agreement (MOA)
Monroe and Morgan Counties, Indiana

Dear Ms. Allen:

On March 26, 2013, the Advisory Council on Historic Preservation (ACHP) received an email from Linda Weintraut, Weintraut and Associates, Inc. transmitting meeting notes from the March 14, 2013 Section 106 consultation meeting in Bloomington, Indiana. A revised draft Memorandum of Agreement (MOA) for the I-69 Project—Evansville to Indianapolis Tier 2 Section 5 Study was also provided. We have reviewed both the notes and the draft MOA, and would like to provide the Federal Highway Administration (FHWA) with the following comments.

The meeting notes are an accurate summary of the discussion held at the project office in Bloomington. We have no recommendations for changes to the notes. We appreciate that FHWA, Indiana Department of Transportation (INDOT), and the consultant, Linda Weintraut, provided consulting parties with an additional opportunity to share their concerns, as well as their knowledge of the historic properties in the project area. The site tour and discussions with various property owners and the State Historic Preservation Officer (SHPO) on March 13th, and the follow up meeting on March 14th, provided additional insight on the significance of the limestone quarries to the Bloomington area and the interests of the community. The revised MOA accurately reflects our understanding of changes agreed upon as a result of these discussions. We do, however, have several recommendations for revising the MOA to ensure clarification and consistency with the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800).

1. 13th WHEREAS Clause (Page 2, 4th Paragraph): It would be more accurate to restate this whereas to read: "*WHEREAS, in accordance with 36 CFR 800.4(b)(2), FHWA and the Indiana SHPO have agreed to a phased process to complete the identification and evaluation of archaeological properties that may be affected by the undertaking; and*"

2. Please add another WHEREAS clause for each invited signatory stating:

   "*WHEREAS, INDOT is responsible for assisting FHWA to carry out the requirements of this MOA, has participated in consultation, and has been invited by FHWA to be a signatory to this MOA; and*

WHEREAS, the FHWA consulted with the Monroe County Historic Preservation Review Board in developing this MOA, and has been assigned responsibilities under this MOA, and has therefore been invited to be a signatory to this MOA; and"

3. The NOW, THEREFORE statement at the bottom of page 2 contains a typo. It should read: "*NOW, THEREFORE, FHWA, the Council, and the Indiana SHPO agree that* ***upon*** *FHWA's approval of the Section 5 Project....*"

4. Stipulation I.A. Drainage Impacts to Historic Resources: Please change the title to read: "*Drainage Impacts to Historic Properties.*" Also, this paragraph should commit FHWA and INDOT to conducting ***at least one*** meeting. Please change the last sentence to read: "*FHWA and INDOT shall use Best Management Practices (BMP) on the Section 5 Project to ensure that roadway drainage from the Project does not introduce adverse effects at these historic properties.*" This revision makes a stronger statement regarding protection of the water quality within the historic sites and districts.

5. Stipulation I.D. Multiple Property Documentation Form: Parties may be uncertain what FHWA requires in this stipulation. Is there a common understanding of the geographic area to be covered? Should the MPD form be accompanied by one or more individual site nominations, or is the intent to prepare the MPD without specifically nominating any site or district to the National Register?

6. Stipulation I.F (d) Assessment of Effects: In both paragraphs (1) and (2), please replace "Indian Tribes when appropriate" with "*Indian tribes that may ascribe traditional cultural and religious significance to affected properties.*"

7. Stipulation I.F (4): Please revise to read: "*FHWA shall provide the written reports on the results of archaeological studies to the Indiana SHPO, federally recognized Indian tribes, and other consulting parties, consistent with the confidentiality provisions of Section 304 of the NHPA and Section 36 CFR 800.11(c), and afford them thirty (30) days, after confirmed receipt, to review and submit comments on the reports. FHWA shall respond to all comments received.*"

8. Please revise Stipulation II.A to read: "*If any signatory or concurring party to this MOA should object in writing...*"

Thank you for providing us an opportunity to comment on the revised MOA If you have any questions or require our further assistance, please contact Carol Legard, at 202-606-8522 or via e-mail at clegard@achp.gov.

Sincerely,

John T. Eddins

for Charlene Dwin Vaughn, AICP
Assistant Director, FPLAS
Office of Federal Agency Programs

From: **Linda Weintraut** <linda@weintrautinc.com>
Date: Tue, Apr 23, 2013 at 4:26 PM
Subject: To MOA signatories and invited signatories:
To: "Carr, John" <jcarr@dnr.in.gov>, "Carpenter, Patrick A" <PACarpenter@indot.in.gov>, "michelle.allen@dot.gov" <michelle.allen@dot.gov>, clegard@achp.gov, Nancy Hiller <nrhiller@nrhillerdesign.com>, Jacqueline Scanlan <jscanlan@co.monroe.in.us>
Cc: "Miller, Tim" <tmiller@blainc.com>, "Gillette, Kia" <KGillette@blainc.com>, "Flum, Sandra" <sflum@indot.in.gov>

On March 26, 2013, Weintraut & Associates, Inc., at the direction of Federal Highway Administration (FHWA), emailed you a copy of a draft **Memorandum of Agreement (MOA) regarding Section 5 of the I-69 Evansville to Indianapolis Tier 2 Studies.**

Since that time, comments on the MOA have been received from the Advisory Council on Historic Preservation and from Monroe County Historic Preservation Board of Review.

We have incorporated changes in the attached MOA to address these comments and to clarify terminology regarding archaeological sites. Notable revisions to the MOA include:

1.) New language to reflect the involvement and responsibilities of Monroe County under the MOA ("Whereas" clauses).

2.) Additional language to reflect other dates of consultation ("Whereas" clause).

3.) Additional language to clarify types of drainage impacts to historic properties (Stipulation I.A).

4.) Additional language describing potential context-sensitive solutions and community/agency involvement (Stipulation I.B.).

5.) Revisions changing "educational tour funding" to "educational outreach initiative funding" (Stipulation I.C.).

6.) Revisions clarifying archaeological properties are within or in proximity to the APE; revisions replacing "creek crossings" with "alluvial floodplains;" additional language incorporating specific alluvial floodplain areas to be subjected to further Phase Ic testing if appropriate (various locations).

7.) Grammatical revisions (various locations).

8.) Changes in terminology regarding Indian tribes (Stipulation I.F. (d)).

9.) Clarification of reporting procedures for archaeology (Stipulation I.F. (f)(4)).

We anticipate this being the final version. Please read the attached copy of the MOA carefully. A paper copy of the attached MOA will be sent to you via US postal service for your signature no later than Monday, April 29th, 2013

After the MOA has been signed by a representative of your agency/organization, please reply to this email with the scanned copy of the signature and mail the original signed copy to this address:

The final executed MOA will be distributed to signatories and consulting parties with the final 800.11(e) documentation for your records.

Thank you for your participation on this project,

--
Linda Weintraut, Ph.D.
Weintraut & Associates, Inc.
PO Box 5034
4649 Northwestern Drive
Zionsville, Indiana 46077
317.733.9770 ext. 310

www.weintrautinc.com

U.S. Department of Transportation
Federal Highway Administration

Indiana Division
575 N. Pennsylvania Street, Room 254
Indianapolis, IN 46204
317-226-7475

April 23, 2013

In Reply Refer To:
HAD-IN

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

Dear Ms. Legard:

Thank you for participating in Section 106 consultation and for providing comments on the Draft Memorandum of Agreement (MOA) for the I-69 Evansville to Indianapolis Tier 2 Study: Section 5, SR 37 South of Bloomington to SR 39 in Monroe and Morgan counties, Indiana. The MOA has been revised and will be submitted for signature in the near future.

Please consider this formal notification that the Federal Highway Administration (FHWA) intends to make a "No Adverse Effect" determination for the North Clear Creek Historic Landscape District (NCCHLD) for the I-69 Section 5 project. Refined Preferred Alternative 8 would acquire 1.96 acres of NCCHLD for new right-of-way, which represents about 1.4% of the North Clear Creek Historic Landscape District (within the Area of Potential Effect (APE)). Approximately 1.0 acre of the district's southern border would be covered with fill material. A Non-Contributing modern driveway and office building would be directly affected by these alternatives due to upgrades to existing West Fullerton Pike between SR 37 and South Rockport Road, but no Contributing resources would be taken. The elevation of West Fullerton Pike at the C&H Stone Company driveway would increase approximately 16 feet. The layout of and relationship between Contributing features in the district would not be changed. In a letter dated November 21, 2012, the Indiana State Historic Preservation Office (SHPO) concurred with FHWA's finding that the undertaking would not adversely affect any above-ground historic resources.

Section 4(f) requires that the Advisory Council on Historic Preservation (ACHP), if participating, must concur in writing in the Section 106 determination of No Adverse Effect (*See* 23 CFR 774.5(b)(1)(ii)). FHWA requests that you provide written concurrence with the No Adverse Effect determination for the NCCHLD for the I-69 Section 5 project. Upon your concurrence with this Section 106 determination, because Refined Preferred Alternative 8 would have No Adverse Effect to the North Clear Creek Historic Landscape District, FHWA intends to make a *de minimis* impact finding for the property.

Thank you again for participating in Section 106 consultation for this project. If you have any questions or require further assistance, please contact Michelle Allen at 317.226.7344 or via email at michelle.allen@dot.gov.

Sincerely,

Michelle Allen

for Karen A. Bobo
Acting Division Administrator
Federal Highway Administration-Indiana Division

cc: Ms. Laura Hilden (INDOT)
Mr. Tim Miller (BLA, Indianapolis)

U.S. Department of Transportation
Federal Highway Administration

Indiana Division 575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204
(317) 226-7475

May 6, 2013

In Reply Refer To:
HDA-IN

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

Dear Ms. Legard:

Thank you for participating in Section 106 consultation for the I-69 Evansville to Indianapolis Tier 2 Studies, Section 5, SR 37 South of Bloomington to SR 39 near Martinsville, Indiana.

Pursuant to Section 106 of the National Historic Preservation Act (1966) and 36 CFR Part 800 (2013), federal agencies are required to take into account the effects of their undertakings on historic properties. FHWA has issued a finding of "Adverse Effect" for this project. A Memorandum of Agreement (MOA) has been prepared as part of the efforts to resolve adverse effects as described in 36 CFR § 800.6.

On March 26, 2013, signatories and consulting parties were sent a copy of the draft MOA for review and comment. After receipt of comments, FHWA revised the MOA to incorporate comments received from the Advisory Council on Historic Preservation and the Monroe County Historic Preservation Board of Review.

An electronic version of the revised MOA was transmitted to signatories on April 23, 2013; a paper copy is enclosed with this letter. The MOA has been signed by the Indiana Department of Transportation, State Historic Preservation Officer, Monroe County, and FHWA. As a signatory to this MOA you are requested to sign the appropriate signature page and return the original page to: Linda Weintraut, Ph.D., Weintraut & Associates, PO Box 5034, Zionsville, Indiana, 46077.

Thank you again for participating in this Section 106 process. If you have any questions or require further assistance, please contact Michelle Allen at 317.226.7344 or via email at michelle.allen@dot.gov.

Sincerely,

Michelle Allen

for Karen A. Bobo
Acting Division Administrator

Cc: John Carr, IDNR Division of Historic Preservation & Archaeology/SHPO
Michelle Allen, Federal Highway Administration
Patrick Carpenter, Indiana Department of Transportation

Preserving America's Heritage

May 9, 2013

Ms. Michelle Allen
Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204

Ref: *I-69 Evansville to Indianapolis, Tier 2 Study; Section 5*
Memorandum of Agreement (MOA)
Monroe and Morgan Counties, Indiana

Dear Ms. Allen:

Enclosed is your copy of the fully executed Memorandum of Agreement for the referenced project. By carrying out the terms of the Agreement, you will fulfill your responsibilities under Section 106 of the National Historic Preservation Act and the regulations of Advisory Council on Historic Preservation. Per your request, we are returning the original ACHP signature for the Agreement to Ms. Linda Weintraut, Ph.D., of Weintraut & Associates. Please ensure that all signatories and concurring parties are provided copies of the fully executed Agreement.

We commend the Federal Highway Administration (FHWA) for working with the consulting parties and the Indiana State Historic Preservation Office (SHPO) to resolve the concerns raised by consulting parties, and address the effects of the I-69, Tier 2, Section 5 Project on historic properties. If we may be of further assistance as the Agreement is implemented, please contact Ms. Carol Legard at (202) 606-8522, or via e-mail at clegard@achp.gov.

Sincerely,

Charlene Dwin Vaughn

Charlene Dwin Vaughn, AICP
Assistant Director, FPLAS
Office of Federal Agency Programs

Enclosure

Preserving America's Heritage

May 9, 2013

Ms. Michelle Allen
Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204

Ref: *I-69 Evansville to Indianapolis, Tier 2 Study; Section 5*
Memorandum of Agreement (MOA)
Monroe and Morgan counties, Indiana

Dear Ms. Allen:

On April 23, 2013, we received your letter notification that the Federal Highway Administration (FHWA) intends to make a "no adverse effect" determination regarding the effects of the I-69 Section 5 project on the North Clear Creek Historic Landscape District (NCCHLD). Although the Refined Preferred Alternative 8 alternative would acquire 1.96 acres of this National Register-eligible historic district, only a modern office building and driveway will be impacted. As such, FHWA has determined that there will be "no adverse effect" to contributing features in the district.

The ACHP concurs with FHWA's finding of effect for this undertaking, including the determination of "no adverse effect" for the North Clear Creek Historic Landscape District (NCCHLD). We understand that FHWA intends to make a *de minimis* impact finding for this particular property since it has obtained the necessary concurrences.

If we may be of further assistance, please contact Carol Legard at (202) 606-8522, or via e-mail at clegard@achp.gov.

Sincerely,

Charlene Dwin Vaughn

Charlene Dwin Vaughn, AICP
Assistant Director, FPLAS
Office of Federal Agency Programs