1-69 EVANSVILLE TO INDIANAPOLIS

1-69 SECTION 2 REEVALUATION STATEMENT
SEGMENT 6 & 7

Evansville, IN to Indianapolis, IN
Designation Number: 0300378
Federal Project No.: IN10 (005)

Tier 2 Final Environmental Impact Statement (FHWA-IN-EIS-10-01-F) approved February 25, 2010

Record of Decision approved April 30, 2010

This reevaluation of the Tier 2 Final Environmental Impact Statement (FEIS) was prepared to reflect design changes on Section 2 of the new terrain 1-69 highway in Gibson, Pike, and Daviess Counties, Indiana. Section 2 will extend north from S.R. 64 near Oakland City approximately 29 miles to US 50 near Washington. The revised design for Section 2 within Segments 6 and 7 have added additional right-of-way areas to accommodate cul-de-sac construction; right-of-way shift to avoid stream channel; side slope and ditching design to stay within right-of-way; construct access drives; roadway profile changes; fill in small remainder of impacted pond; building removal; Local Service Road (LSR) modifications; right-of-way revisions to follow surveyed parcel lines; provide better intersection sight distance; right-of-way revised to simplify acquisition; and traffic maintenance. This reevaluation examined the potential impacts on the natural, human, and cultural environments of the revised design for Section 2. The analysis in this reevaluation supports the conclusion that these design changes will not have impacts sufficient to require the preparation of a Supplemental Environmental Impact Statement (SEIS) or an additional Draft Environmental Impact Statement (DEIS) for Section 2. Therefore, the Tier 2 FEIS and Record of Decision remain valid.

Approval


OES Signature

FHWA Signature

Date

1-12-10

1-13-10
1. INTRODUCTION
The I-69 project extends from Interstate 64 in Gibson County to Interstate 465 in Marion County. The project is being developed in six (6) Sections of independent utility, which are numbered from south (Section 1) to north (Section 6). Section 2 is approximately 29 miles long and extends north from SR 64 just west of Oakland City to US 50 just south of Washington.

The purpose of this reevaluation summary is to examine minor right-of-way changes required for the final design within Design Segments 6 and 7 within Section 2 and to determine the changes in impacts to the affected environment from what was documented in the Section 2 Final Environmental Impact Statement (FEIS), (approved on February 25, 2010) and Section 2 Tier 2 Record of Decision (ROD) dated April 30, 2010. The Notice of Availability for the Section 2 FEIS was published in the Federal Register on March 5, 2010.

This reevaluation document has been drafted to evaluate the environmental impacts of additional right-of-way areas not discussed in the Tier 2 FEIS as part of the Refined Preferred Alternative presented in the FEIS. The additional permanent and temporary right-of-way areas along the proposed new alignment of I-69 are required to accommodate the following features required by the final design:

- cul-de-sac construction;
- a right-of-way shift to avoid a stream channel;
- side slope and ditching design to stay within right-of-way;
- construct access drives; roadway profile changes;
- filling in the small remainder of an impacted pond;
- building removal;
- Local Service Road (LSR) modifications;
- right-of-way revisions to follow surveyed parcel lines;
- provide better intersection sight distance;
- right-of-way revised to simplify acquisition; and traffic maintenance.

The analysis of the impacts from these final design elements supports the conclusion that implementation of these design changes will not result in significant environmental impacts that were not evaluated in the EIS and that there is no new information or circumstances relevant to environmental concerns bearing on the proposed action or its impacts which will result in significant environmental impacts not discussed in the EIS.

2. PROJECT DESCRIPTION
2.1 Project Description and Area
This reevaluation document examines final design changes to the right-of-way at the following general locations of Section 2 listed from south to north:

- Daviess County Road 150 W;
- Daviess County Road 550 S;
- Daviess County Road 450 S;
- Daviess County Road 50 W;
- Daviess County Road 375 S;
- Troy Rd / Horrall Road Intersection; with Daviess County Road 300 S;
- Daviess County Road 250 S;
- Daviess County Road 125 E;
- Daviess County Road 150 S;
- US 50 Interchange.
These areas are being reexamined because the need for additional right-of-way or a change in right-of-way was identified during the final design of Section 2. These right-of-way impacts were not addressed in the Tier 2 FEIS or ROD. A complete description of why the additional right-of-way is required can be found below in the Description of Project Changes section of this document.

The reevaluation areas of Section 2 discussed in this document are not located within or directly adjacent to any cities or towns. Access points to I-69 throughout Section 2, as approved in the ROD, will be built as interchanges with SR 61/56, North Pike County (deferred construction), South Daviess County (deferred construction), and US 50. As disclosed in the FEIS, residential relocations and environmental impacts to streams, wetland, and forest will occur during the construction of Section 2. Land uses in the vicinity of Section 2 include developed land, residential, wetland habitat, water (ponds), upland habitat, forested areas, and agricultural land. Dominant crops in the vicinity are corn, wheat, and soybeans.

2.2 Approved Environmental Documentation
The environmental review process for the I-69 project (Evansville to Indianapolis) is being conducted in two tiers. The Tier 1 environmental studies provided the information needed to select a corridor for I-69 between Evansville and Indianapolis. The Tier 1 DEIS for this project was approved in July 2002. The DEIS described resource impacts for each proposed corridor. The Tier 1 FEIS for this project was approved in December 2003. The FEIS documented impacts analyzed in the DEIS and additional impacts to the natural, human, and cultural environments not analyzed in the DEIS. The Record of Decision (ROD) for the Tier 1 project was approved in March 2004.

The Tier 2 studies identify alternative alignments within the corridor approved in Tier 1. For Tier 2 studies, the corridor is divided into six sections, and a DEIS and FEIS has/will be prepared for each section. The Tier 2 NEPA studies for Section 1 (the southernmost Section), Section 2, and Section 3 have been completed, while the studies in the remaining 3 sections are still in progress. The Revised Tier 2 DEIS for Section 2 was approved on April 27, 2009. The Tier 2 FEIS for Section 2 was approved February 25, 2010. The FEIS documented impacts analyzed in the DEIS and additional impacts to the natural, human, and cultural environments from design changes to the preferred alternative since the approval of the Revised DEIS.

2.3 Previously Identified Impacts
Section 2 was divided into nine (9) subsections during the Tier 2 environmental survey. Impacts to the natural and human environments were examined for each of the subsection alternatives, including the Refined Preferred Alternative of Section 2. The FEIS evaluated the impacts of the subsection alternatives across multiple resource categories, including right-of-way acres, parcels impacted by right-of-way acquisition, streams, wetlands, forest, farmland, relocations, HAZMAT sites, and historic and archaeological resources. Minimization of impacts to these resources was considered during the selection of the Refined Preferred Alternative. Mitigation for unavoidable impacts is described in the Section 2 FEIS.

The Section 2 FEIS states that the Refined Preferred Alternative will directly impact 1,113 acres of agricultural land (see Table 5.3-1). Agricultural impacts in the form of permanent conversion of farmland to non-farmland use will not be mitigated by the creation of new farmland elsewhere. Minimization of the unavoidable impacts to farmland occurred during the development of alternatives for Section 2.

The Section 2 FEIS documents impacts to streams, wetlands, and forests. In Section 2, approximately 227.4 acres of forest (including forested wetlands) are located within the right-of-way of the Refined Preferred Alternative (FEIS Table 5.20-5). A total of 28.89 acres of wetland impacts (4.91 open water; 6.62 emergent; 0.55 scrub/shrub; 16.13 forested; and 0.68 aquatic bed) are documented in the FEIS (FEIS...
Tables 5.19-4a and 5.19-5). The Refined Preferred Alternative has stream impacts of 65,181 linear feet, as shown in the FEIS Table 5.19-6. These environmental impacts will be mitigated at various mitigation sites located in the vicinity of the Patoka River, Flat Creek, East Fork White River, West Fork White River, and Veale Creek.

The I-69 Section 2 project was also evaluated for impacts to cultural resources. Four (4) above ground properties/districts eligible for or listed on the National Register of Historic Places (NRHP) are located within the Section 2 Area of Potential Effect (APE). On December 15, 2008, FHWA signed a “Section 106 Findings and Determinations: Area of Potential Effect, Eligibility Determinations, Effect Finding” for above-ground properties. The Patoka Bridges Historic District will be adversely impacted by the Section 2 project. On September 20, 2010 the FHWA re-issued the Section 2 finding of adverse effect after a change to the Section 2 APE for above-ground resources occurred due to floodplain easements along the East Fork White River. The APE for above ground resources was modified. However, there is no change to the effects finding as a result of this APE modification. The revised APE for above-ground resources in Section 2 is depicted in Appendix A, Figure 1.

2.4 Other Reevaluation Documents
Other reevaluation documents will be completed as required for additional right-of-way changes at other locations of the Section 2 Refined Preferred Alternative and throughout the I-69 project with completion of final design. Previously approved reevaluation documents include: Section 1, I-64 to C.R. 825 S; Section 2, Design Segments 1 and 1A; Section 3, Early Bridge Contracts; Section 3, Design Segments 8 & 9; Section 3, Design Segments 10-13; Section 3, Design Segments 10-13(2); and Section 3, Flood Easements. All previously approved reevaluations can be found on the I-69 project website http://www.i69indyevn.org/.

2.5 Public Involvement
The final design for Segments 6 and 7 of Section 2 affects two parcels not previously impacted by the Refined Preferred Alternative analyzed in the FEIS. The owners of both parcels own other parcels that were previously affected by the FEIS right-of-way. The owners of both properties are aware of the impact to the previously unaffected parcels as a result of the final design. Appraising/buying activities have concluded and both parcels have been purchased by INDOT. The acquisition of one of the parcels not previously impacted results in a residential relocation not identified in the FEIS or ROD.

Public involvement activities preceding the Tier 2 ROD date back to the scoping process for the Tier 1 EIS, which began in February 2000. During this scoping process, public information meetings were held to evaluate route concepts. Several public hearings on the Tier 1 DEIS were held in August 2002.

During the Tier 2 studies, two public information meetings were held at Pike Central High School. The first, on February 2, 2005, was held to present and receive input regarding the Purpose and Need Statement and preliminary alternatives. The second, on August 9, 2005, was held to present and receive input on the build alternative alignments.

Additionally, a Community Advisory Committee (CAC), developed in late 2004, met a total of five times prior to the FEIS to provide input regarding key local issues such as access and farmland impacts, and the preliminary and build alternative alignments.

After the publication of the Section 2 DEIS, a formal public hearing regarding the DEIS was held on March 19, 2009 at Pike Central High School. Approximately 200 people attended the hearing. The comment period on the DEIS ended June 29, 2009.
Through previous coordination with FHWA, as required by *Part I, Section IV, Page 32-33* in the INDOT and FHWA approved Public Involvement Manual (approved March 25, 2009 and title sheet dated April 1, 2009), it has been determined that additional public involvement activities are not required for the right-of-way changes needed as a result of the final design.

### 3. DESCRIPTION OF PROJECT CHANGES

This reevaluation focuses on areas of the final design in Section 2, Design Segments 6 and 7. The Refined Preferred Alternative in the Section 2 FEIS directly impacted approximately 1,702 acres of land. Implementation of the Segment 6 and 7 final design will result in impacts to approximately 25.35 additional acres for permanent right-of-way and 2.72 acres for temporary right-of-way (total, 28.07 acres) not previously addressed in the FEIS (See Maps in Appendix A for locations.) Maps in Appendix A have individual figure numbers. Figure 1 shows the entire Section 2 project, including each location where this evaluation addresses the modified right-of-way. Figure 2 shows Design Segments 6 and 7, along with each location where this evaluation addresses modified right-of-way. The project changes discussed below are listed from south to north.

- Daviess County Road 150 W in Segment 6 (See Figure 3 in Appendix A). This area is an access road located approximately 0.1 mile east of the mainline highway (See Figure 2 in Appendix A). The road will serve as access to an otherwise landlocked parcel as a result of the highway. The final design requires two changes to the right-of-way at this location. One change shifts right-of-way to the north so that the right-of-way would be outside of the existing adjacent stream channel. The other change is needed to accommodate a 50’ radius cul-de-sac which will be constructed to benefit landowners using the access road. Approximately 1.24 acres of additional permanent right-of-way is required at this location for the two changes. Land use within the additional right-of-way area at this location consists of 1.16 acre of agricultural land, 0.01 acre of stream, 0.01 acre forest, and 0.06 acre existing transportation use.

- Daviess County Road 550 S in Segment 6 (See Figure 4 in Appendix A). There are five final design changes to the right-of-way in this area.
  
  A. On the west side of the highway, the right-of-way is increased by 0.45 acre on the south side of Daviess County Road 550 S. This will allow the final design 3:1 side slopes and drainage ditches to remain within the right-of-way. Land uses within this area include 0.02 acre of stream, and 0.43 acre of herbaceous cover.

  B. A 0.01 acre of added right-of-way approximately 0.64 mile north of County Road 550 S on the east side of I-69 is needed due to the elimination of LSR-19. Land use within this 0.01 acre area is entirely forested.

  C. Located on the east side of the highway, the right-of-way increased 0.28 acre on the south side of Daviess County Road 550 S to construct a drive entrance to provide access to an otherwise landlocked parcel. Land use within this 0.28 acre area consists of 0.19 acre of forest and 0.09 acre of herbaceous cover. As shown in Figure 4, a total of approximately 0.28 acre of temporary right-of-way and 0.46 acre of permanent right-of-way for a total of 0.74 acre of right-of-way is required at these locations.

  D. East of I-69, the right-of-way on the north side of County Road 550 S was reduced to avoid taking a pond and the right-of-way on the south side was reduced to minimize take for a total of 2.4 acres of FEIS right-of-way eliminated.
E. On the west side of I-69, LSR-19 and the right-of-way associated with it (totaled 6.98 acres) were eliminated because the cost of building the roadway exceeds the cost of the land that this LSR would serve to un-lock.

- Daviess County Road 450 S in Segment 6 (See Figure 5 in Appendix A). There are three final design changes in this area.
  
  A. 0.09 acre of temporary right-of-way on Daviess County Road 125 W south of Daviess County Road 450 S was added so that the proposed roadway profile can be tied into the existing roadway profile. Land use within this 0.09 acre area consists of 0.03 acre residential, 0.03 acre transportation, and 0.03 acre forest.
  
  B. 0.30 acre of temporary right-of-way on the north side of Daviess County Road 450 S was added to fill in the remainder of a pond which was previously impacted. Land use within the 0.30 acre area consists of 0.19 acre forest and 0.11 acre open water. As shown in Figure 5, a total of approximately 0.39 acre of temporary right-of-way is required at these locations.
  
  C. West of I-69, the right-of-way on the south side of Daviess County Road 450 S was reduced to avoid a water tower.

- Daviess County Road 50 W in Segment 6 (See Figure 6 in Appendix A). There are ten final design changes to the right-of-way in this area.
  
  A. 0.13 acre of temporary right-of-way added for building removal (land use consists of 0.02 acre of forest and 0.11 acre of agricultural);
  
  B. 0.50 acre of temporary right-of-way added to fill in remainder of pond (land use consists of 0.25 acre agricultural and 0.25 acre of open water);
  
  C. 1.03 acre of permanent right-of-way added to modify LSR-19B to provide minimum 215' curve radii and to construct a 50' radius cul-de-sac (land use entirely agricultural);
  
  D. 0.01 acre of permanent right-of-way added to follow parcel line (land use entirely agricultural);
  
  E. 0.11 acre of temporary right-of-way added for building removal (land use entirely residential);
  
  F. right-of-way is reduced by 1.08 acres to shorten LSR-18B, because access to the benefiting parcel is now provided from the south; right-of-way is increased by 0.58 acre in order to construct a 50' radius cul-de-sac (land use consists of 0.21 acre of forest, 0.21 acre of residential, and 0.16 acre of agricultural);
  
  G. 0.09 acre temporary right-of-way is added for building removal (land use entirely residential);
  
  H. right-of-way is reduced by 0.09 acre due to modified design of LSR 19-B. As shown in Figure 6, a total of approximately 0.83 acre of additional temporary right-of-way and 1.62 additional acres of permanent right-of-way are required at these locations.

The building being removed at location (A) is a garage; at location (E) is a residence; and at location G is a residence. All structures are located both inside and outside of the limited access right-of-way.
Temporary right-of-way required for demolition of the structures was not analyzed in the FEIS. The temporary right-of-way is needed to remove the portion located outside of the limited access right-of-way. These structures were all identified as being relocated in the FEIS. The structures are located within the previously-approved APE for Section 2. All structures were not identified as listed or eligible for the NRHP in the Section 2 Historic Property Report.

- Daviess County Road 375 S in Segment 6 (See Figure 7 in Appendix A). The area of the Section 2 Final Design right-of-way shown here portrays the right-of-way not acquired at this time, due to the deferral of the South Daviess Interchange. Cul-de-sacs will be built on County Road 375 S due to deferred construction of the South Daviess Interchange (as stated in the ROD). The right-of-way associated with the construction of the cul-de-sacs was analyzed in the FEIS. North of County Road 375 S, an additional 0.22 acre of permanent right-of-way not addressed in the FEIS is required at this location. The right-of-way was revised to follow right-of-way engineered parcel lines. Approximately 1.35 acres of FEIS right-of-way was reduced due to this change. Land use within the 0.22 acre area consists of 0.05 acre of stream, 0.06 acre of forest, and 0.11 acre of agricultural land.

- Intersection of Troy/Horrall Road with relocated CR 300S in Segment 7 (See Figure 8 in Appendix A). – There are ten final design changes to the right-of-way in this area.

  A. The profile for I-69, Troy-Horrall Road, and relocated CR 300S were raised to provide a hydraulic opening for the I-69 bridges over an unnamed tributary of Veale Creek, as well as provide adequate clearance for I-69 under the Troy-Horrall Road bridge. The intersection of LSR-24 and Troy-Horrall Road had to be moved further north along Troy-Horrall Road in order to provide adequate intersection sight distance. As a result of these changes, Area (A) requires approximately 0.17 acre of permanent right-of-way (land use consisting of 0.13 acre residential and 0.04 acre of agricultural).

  B. LSR-25 was added to the project at the request of the Daviess County Engineer's Office. Daviess County was concerned about flooding along Troy-Horrall Road in the vicinity of Veale Creek to the south. LSR-25 would provide alternative access, which would address this concern in the event of flooding along Troy-Horrall Road. Approximately 7.01 acres of permanent right-of-way is required at this location (land use entirely agricultural);

  C. The profile for I-69, Troy-Horrall Road, and relocated CR 300S were raised to provide a hydraulic opening for the I-69 bridges over an unnamed tributary of Veale Creek, as well as provide adequate clearance for I-69 under the Troy-Horrall Road bridge. The LSR-24 alignment was revised to avoid impacts to an adjacent property, lessen the impacts to an adjacent property, and reduce the costs to the project by eliminating a bridge crossing over an unnamed tributary of Veale Creek. The intersection of LSR-24 and Troy-Horrall Road had to be moved further north along Troy-Horrall Road in order to provide adequate intersection sight distance. As a result of these changes, Area (C) requires approximately 3.5 acres of permanent right-of-way (land use consisting of 0.09 acre of forest, 0.09 acre residential, and 3.32 acres of agricultural;

  D. The intersection of LSR-24 and Troy-Horrall Road had to be moved further north along Troy-Horrall Road in order to provide adequate intersection sight distance. As a result of these changes, Area (D) requires approximately 1.39 acre of permanent right-of-way (land use consisting of 0.47 acre agricultural, 0.27 acre transportation, and 0.65 acre of residential);

  E. Approximately 0.11 acre of temporary right-of-way added for building removal (land use entirely residential). This building removal was not identified in the FEIS;
F. Approximately 0.23 acre of temporary right-of-way added for building removal (land use entirely residential). This building removal was identified in the FEIS;

G. The majority of an existing pond is being filled by the I-69 northbound roadway fill and an additional 0.15 acre of limited access permanent right-of-way acquisition allows for the complete filling of the residual pond area (land use consisting of 0.1 acre forest, 0.03 acre of residential, and 0.02 acre of open water;

H. Approximately 0.07 acre of permanent right-of-way needed for even station offset (land use entirely agricultural).

As seen in Figure 8, a total of approximately 0.34 acre of temporary right-of-way and 12.29 acres of permanent right-of-way are required at these locations. The structures being removed at location (E) are a residence and outbuilding; and at location (F) is a garage. All structures are located both inside and outside of the limited access right-of-way. Temporary right-of-way required for demolition of the structures was not analyzed in the FEIS. The temporary right-of-way is needed to remove the portion located outside of the limited access right-of-way. The residence located at location (E) was not identified as being relocated in the FEIS because the right-of-way stopped approximately 155 feet south of the residence. As a result of the final design, the right-of-way extends approximately 150 beyond (north) of the residence requiring the relocation. See (A) above for the reasoning for extending the right-of-way north of the residence. The structure at location (F) was identified as being relocated in the FEIS. All impacted structures are located within the previously-approved APE for Section 2. No structures within these reevaluation areas were identified as listed or eligible for the NRHP in the Section 2 Historic Property Report.

- Daviess County Road 250 S in Segment 7 (See Figure 9 in Appendix A). Based on the final design, the right-of-way increases on the north and south side of the highway in order to construct 50’ radius cul-de-sacs. A total of approximately 0.2 acre of permanent right-of-way is required at this location. Land use within the additional right-of-way areas at this location consists of 0.15 acre of agricultural land, 0.02 acre residential, 0.02 acre transportation, and 0.01 acre herbaceous cover.

- Daviess County Road 125 E in Segment 7 (See Figure 10 in Appendix A). There are five final design changes to the right-of-way in this area.

A. Profile for County Road 125 E was raised to maintain the profile grade above the 100 Year Flood Elevation. County Road 250 S ties into County Road 125 E within the raised portion of the profile. The profile for County Road 250 S was raised to keep the reconstructed portion of the roadway above the 100 Year Flood Elevation. These changes add 0.23 acre of permanent right-of-way (land use consisting of 0.11 acre of agricultural land, 0.09 acre of forest, and 0.03 acre of transportation);

B. 0.02 acre temporary right-of-way added for building removal (land use entirely residential);

C. 0.14 acre temporary right-of-way added for building removal (land use entirely residential);

D. 0.29 acre permanent right-of-way added for even station offset (land use consisting of 0.04 acre of residential and 0.25 acre of agricultural);

E. 0.06 acre temporary right-of-way added to construct an entrance to an adjacent field (land use consisting of 0.04 acre residential and 0.02 acre agricultural).
As seen in Figure 10, a total of approximately 0.22 acre of temporary right-of-way and 0.52 acre of permanent right-of-way for a total of 0.74 acre of right-of-way is required at these areas. North of I-69 and west of County Road 125 E, LSR-27 and the right-of-way associated with it (totaled 1.32 acres) were eliminated because the cost of building the roadway exceeds the cost of the land that this LSR would serve. South of I-69 and east of County Road 125 E, LSR-28 and the right-of-way associated with it (totaled 1.51 acres) were eliminated because the cost of building the roadway exceeds the cost of the land that this LSR would serve. Located on County Road 250 S, the right-of-way was reduced by approximately 1.27 acres due to the revised design described in location (A) above.

- Daviess County Road 150 S in Segment 7 (See Figure 11 in Appendix A). Based on final design, the right-of-way was increased by 0.07 acre on the west side of the highway in order to construct a 50' radius cul-de-sac (land use consists of 0.01 acre of transportation and 0.06 acre of agricultural). 0.76 acre of permanent right-of-way and 0.13 acre of temporary right-of-way were added on the east side of the highway to raise the roadway profile of CR 150S over the ordinary high water elevation at Hurricane Branch Creek (land use consists of 0.4 acre of agricultural land, 0.11 acre of upland scrub/shrub, 0.02 acre of stream, and 0.12 acre of transportation, and 0.24 acre of emergent wetlands. The 0.26 acre and 0.09 acre temporary right-of-way areas were added for building removal (land use entirely residential). A total of approximately 0.48 acre of temporary right-of-way and 0.83 acre of permanent right-of-way for a total of 1.31 acres is required at these areas. The residential structures are located both inside and outside of the right-of-way. Temporary right-of-way required for demolition of the structures was not analyzed in the FEIS. The temporary right-of-way is needed to remove the portion located outside of the right-of-way. Both residences were identified as being relocated in the FEIS. All impacted structures are located within the previously-approved APE for Section 2. No structures within these reevaluation areas were identified as listed or eligible for the NRHP in the Section 2 Historic Property Report.

- The tenth reevaluation area is located at the US 50 Interchange in Segment 7 (See Figure 12 in Appendix A). Based on final design, the permanent right-of-way areas at this location are required due to ramp revisions intended to simplify right-of-way take. These minor adjustments are consistent with the safety considerations documented in the FEIS (see Appendix DD, US 50 Interchange Design Options Analysis). The temporary right-of-way on the east side of the interchange is needed for traffic maintenance. A total of approximately 0.18 acre of temporary right-of-way (land use consisting of 0.08 residential and 0.1 acre agriculture) and 7.97 acres of permanent right-of-way (land use consisting of 6.32 acre of agricultural land, 0.02 acre of residential, 0.71 acre herbaceous cover, and 0.92 acre of transportation) for a total of 8.15 acres of total right-of-way is required at these areas. Located on the east side of the interchange, south of US 50, LSR-32 and the right-of-way associated with it (totaled 2.78 acres) were eliminated because the road did not fit the future development plans of the land owner in which it would have benefited. The owner of the property to which LSR-32 would have provided access will be compensated for loss of access; that property owner will be responsible for providing future access. This has been coordinated and agreed upon with the affected property owner.

4. ENVIRONMENTAL CONSEQUENCES
The total additional 28.07 acres of right-of-way within Design Segments 6 and 7 of I-69, Section 2 not analyzed in the FEIS or ROD described above will not result in a significant increase to impacts previously analyzed for Section 2. This revised footprint for Section 2 was reviewed for impacts to the resource categories examined in the existing environmental documentation (i.e. wetlands, forest, streams, farmland, etc.).
Land use in the additional right-of-way areas is predominantly agriculture and existing transportation use. The FEIS shows approximately 1,702 acres of land to be acquired for right-of-way for the Section 2 Refined Preferred Alternative (See Table 5.3-1). These additional approximately 28.07 acres of land not within the Section 2 Refined Preferred Alternative were reviewed for environmental impacts. The additional right-of-way areas include agricultural, upland habitat, streams, wetlands, and developed land. Adjacent land uses to the additional right-of-way areas are residential, forest, transportation, and farmland.

According to the FEIS Table 5.3-1, agricultural land accounts for 1,113 acres, or 65% of the total direct land use impacts within the Section 2 Refined Preferred Alternative. Approximately 21.15 acres of agricultural land will be impacted within this additional right-of-way. This will not result in a significant increase in the impacts previously analyzed in the FEIS. Planning to reduce the farmland impacts in the FEIS focused on avoiding and/or minimizing the creation of uneconomic remnants, or designing alignments to minimize disruption to existing agricultural practices.

According to the FEIS Table 5.3-1, developed land accounts for 180.9 acres, or 11% of the total direct land use impacts. Approximately 3.85 acres of land within the additional right-of-way areas are used as residential, commercial, or existing transportation. This falls under the FEIS category of developed land. This will not result in a significant increase in the impacts analyzed in the FEIS.

According to the FEIS Table 5.3-1, upland habitat land (which consists of non-wetland forest, herbaceous cover, and scrub/shrub areas) accounts for 354 acres, or 21% of the total direct land use impacts. Approximately 2.34 acres of upland habitat is located within the additional right-of-way areas. This will not result in a significant increase in the impacts analyzed in the FEIS. Table 7-1 in the FEIS states that INDOT and FHWA will mitigate upland forests impacted by Section 2 at a ratio of 3:1. Multiple sites have been secured for this mitigation effort. Additional mitigation measures beyond commitments in the FEIS are not anticipated as a result of the above described upland habitat impacts.

According to the FEIS Table 5.3-1, wetlands account for 26.6 acres, or 2% of the total direct land use impacts. Approximately 0.62 acre of wetlands [0.38 acre Palustrine Unconsolidated Bottom (PUB) and 0.24 of Palustrine Emergent (PEM)] are located within the additional right-of-way areas. This will not result in a significant increase in the impacts analyzed in the FEIS. Table 7-1 in the FEIS states that INDOT and FHWA will replace wetlands impacted by Section 2 in accordance with INDOT’s Wetlands Memorandum of Understanding (MOU). Sites have been secured and mitigation construction is underway in advance of highway construction. The wetland impacts as a result of the final design right-of-way will be mitigated at the ratios described in the MOU and FEIS. Additional mitigation measures beyond commitments in the FEIS will not be required as a result of the above described 0.61 acre of impact to wetlands.

According to the FEIS Table 5.3-1, streams account for 15.1 acres, or 1% of the total direct land use impacts. Approximately 0.1 acre of streams is located within the additional right-of-way areas. This will not result in a significant increase in the impacts analyzed in the FEIS. All stream impacts will be mitigated at a 1:1 ratio according to the FEIS (See FEIS p. 7-48). Sites have been secured and mitigation construction is underway in advance of highway construction. Additional mitigation measures beyond

1 The net forest impacts in Section 2 for the final design right-of-way are virtually unchanged from those documented in the Section 4 Tier 2 Biological Assessment and FEIS. Annual reporting to the United States Fish & Wildlife Service (USFWS) addresses the current state of forest impacts. Any changes not evaluated in the Tier 2 Biological Assessment and FEIS are addressed during this ongoing coordination.
commitments in the FEIS will not be required as a result of the above described 0.11 acre of impact to streams.

In regard to above ground historic resources, the additional right-of-way areas are located inside the approved area of potential effect (APE) for Section 2; thus, these added right-of-way areas require no change to the above-ground APE (See Appendix A, Figure 1). According to the Section 2 Historic Property Report and the revised 800.11(e), one above ground property within the Section 2 APE (Patoka Bridges Historic District) is listed in the National Register of Historic Places (NRHP). As a result of identification and evaluation efforts for Section 2 of the I-69 project, three individual properties were determined eligible for listing in the NRHP. They are as follows: Thomas C. Singleton Round Barn, Chapman-Allison Farmstead, and State Road 257 Bridge over Veale Creek. Analysis of the location of the additional right-of-way areas compared to the location of the NRHP listed and eligible resources and potential changes in effects on these resources has been completed.

In summary, Table 1 below details the distance from each additional right-of-way area to the specified NRHP listed and eligible properties within Section 2. The closest final design additional right-of-way area in Segments 6 and 7 is located approximately 0.1 mile from a NRHP eligible or listed resource (Daviess C.R. 150 S is 0.1 mile from the State Road 257 Bridge over Veale Creek). The State Road 257 Bridge over Veale Creek is currently planned by INDOT to be replaced in the year 2013. No other eligible or listed NRHP properties are located within 0.8 mile of the additional right-of-way areas. Therefore, based on the previous adverse effect finding on the Patoka Bridges Historic District, the distance of the additional right-of-way areas from the other eligible NRHP properties, and the minor changes in the proposed alternative, it has been determined that there would be no change to the identified effects on historic properties.

<table>
<thead>
<tr>
<th>Additional R/W Area</th>
<th>Patoka Bridges Historic District</th>
<th>Thomas C. Singleton Round Barn</th>
<th>Chapman-Allison Farmstead</th>
<th>State Road 257 Bridge over Veale Creek</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daviess C.R. 150 W</td>
<td>14.7 miles</td>
<td>1.7 miles</td>
<td>3.3 miles</td>
<td>5.8 miles</td>
</tr>
<tr>
<td>Daviess C.R. 550 S</td>
<td>15.2 miles</td>
<td>1.0 miles</td>
<td>2.9 miles</td>
<td>5.4 miles</td>
</tr>
<tr>
<td>Daviess C.R. 450 S</td>
<td>16.3 miles</td>
<td>0.9 mile</td>
<td>1.9 miles</td>
<td>4.3 miles</td>
</tr>
<tr>
<td>Daviess C.R. 50 W</td>
<td>17.2 miles</td>
<td>1.5 miles</td>
<td>1.2 miles</td>
<td>3.4 miles</td>
</tr>
<tr>
<td>Daviess C.R. 375 S</td>
<td>17.8 miles</td>
<td>2.0 miles</td>
<td>1.1 miles</td>
<td>2.9 miles</td>
</tr>
<tr>
<td>Troy Rd / Horrall Rd</td>
<td>18.4 miles</td>
<td>2.6 miles</td>
<td>1.1 miles</td>
<td>2.3 miles</td>
</tr>
<tr>
<td>Daviess C.R. 250 S</td>
<td>19.1 miles</td>
<td>3.3 miles</td>
<td>1.4 miles</td>
<td>1.6 miles</td>
</tr>
<tr>
<td>Daviess C.R. 125 E</td>
<td>19.9 miles</td>
<td>4.2 miles</td>
<td>1.9 miles</td>
<td>0.8 mile</td>
</tr>
<tr>
<td>Daviess C.R. 150 S</td>
<td>20.5 miles</td>
<td>4.9 miles</td>
<td>2.5 miles</td>
<td>0.1 mile</td>
</tr>
<tr>
<td>U.S. 50 Interchange</td>
<td>22.2 miles</td>
<td>6.4 miles</td>
<td>4.3 miles</td>
<td>1.9 miles</td>
</tr>
</tbody>
</table>

In regard to archaeological resources, a Phase Ia field reconnaissance was conducted by Gray & Pape, Inc. for areas located outside of the original surveyed preferred alternative. In a report dated November 12, 2010 Gray & Pape determined that no archaeological resources were identified during their survey. INDOT approved the Phase Ia field reconnaissance report on November 16, 2010. The Phase Ia archaeological report was provided to the Indiana SHPO office on November 16, 2010 for review and comment (See Appendix B for letter). In letters dated November 30, 2010 and January 4, 2010 the SHPO concurred with the findings that no further archaeological investigations are necessary for the reevaluation areas. Based on this, it has been determined that there would be no change to the potential
effects on archaeological resources from the additional right-of-way areas (See Appendix C for Phase 1a summary).

Based on the above information, there is no intention to re-open the Section 106 process due to the following factors: all design changes occur within the previously approved APE; visually, there will essentially be no change due to the minor additional right-of-way areas; the determination that no above ground resources listed in or eligible for the NRHP will have any change to its effect finding due to the additional right-of-way areas; and the conclusion that the proposed action of adding approximately 28.07 acres of additional final design right-of-way within Segment 6 and 7 will have no change to the effect on archaeological resources.

As discussed above, LSR-24 will be modified located near the Troy-Horrall Road intersection with County Road 300S as shown in Figure 8 in Appendix A. The LSR analyzed in the FEIS resulted in a residential relocation along County Road 300S on the west side of the highway. As a result of the final design, this residence will no longer be relocated and right-of-way will no longer be acquired on this parcel. The final design of LSR-24 eliminated approximately 4.6 acres of right-of-way analyzed in the FEIS. In all, as shown in the attached maps, approximately 30.61 acres of right-of-way analyzed in the FEIS was eliminated during the final design. The deferred construction of the South Daviess Interchange and the right-of-way associated with it was discussed in the ROD.

5. CONCLUSIONS
In conclusion, the final design additional right-of-way as discussed above for Section 2 of the I-69 project will result in additional right-of-way, which consists predominantly of agricultural and previously disturbed areas. There will be no other notable impacts. Therefore, the revised design will not result in significant environmental impacts that were not evaluated in the EIS nor is there new information or circumstances relevant to environmental concerns bearing on the proposed action or its impacts which will result in significant environmental impacts not discussed in the EIS.
Appendix A

Graphics
Section 2 NRHP Resource
Segment 6 & 7 Reevaluation Areas
Section 2 FEIS Refined Preferred ROW
Section 2 Historic APE
County Line

Figure 1
I-69 Section 2
Segment 6 and 7
Shown on 2005 Aerial
Final Design Additional Right-of-Way

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

Figure 3
Figure 4
Figure 5
Figure 6
Figure 7
Figure 8
Figure 9
Figure 10
Figure 11
Figure 12

S.R. 257 Bridge
Over Veale Creek

Patoka Bridges Historic District

Thomas C. Singleton Round Barn

Chapman-Allison Farmstead
Aerial Source: Non Orthophotography
Aerial Data: Obtained from the State of Indiana Geographical Information Office Library
Orthophotography: Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: I-69 West
Map Datum: NAD83

0.45 Acre Permanent R/W
0.01 Acre Permanent R/W
2.4 Acre Reduced R/W
0.28 Acre Temporary R/W

Figure 4
I-69 Section 2
Segment 6 and 7
Right-of-Way Changes
Shown on 2009 Aerial Photo
Figure 5  
I-69 Section 2  
Segment 6 and 7  
Right-of-Way Changes  
Shown on 2009 Aerial Photo

Section 2 FEIS Refined Preferred R/W
Section 2 Final Design R/W
Segment 6 & 7 Reevaluation Area

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

1 inch = 300 feet

0.09 Acre Temporary R/W
0.3 Acre Temporary R/W
0.03 Acre Reduced R/W
Figure 6
I-69 Section 2
Segment 6 and 7
Right-of-Way Changes
Shown on 2009 Aerial Photo

1 inch = 300 feet

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

Section 2 FEIS Refined Preferred R/W
Section 2 Final Design R/W
Segment 6 & 7 Reevaluation Area

- 0.09 Acre Temporary R/W
- 0.34 Acre Permanent R/W
- 1.08 Acres Reduction of Original R/W
- 0.24 Acre Permanent R/W
- 0.11 Acre Temporary R/W
- 0.01 Acre Permanent R/W
- 0.5 Acre Temporary R/W
- 0.09 Acre Reduced R/W
- 1.03 Acre Permanent R/W
- 0.09 Acre Reduced R/W
- 0.13 Acre Temporary R/W

R/W Not Acquired At This Time
R/W Not Acquired At This Time
Figure 7
I-69 Section 2
Segment 6 and 7
Right-of-Way Changes
Shown on 2009 Aerial Photo

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

1 inch = 300 feet

Section 2 FEIS Refined Preferred R/W
Section 2 Final Design R/W
Segment 6 & 7 Reevaluation Area

VEALE CREEK

0.22 Acre
Permanent R/W

1.35 Acres
Reduced R/W

R/W Not Acquired At This Time
Daviess C.R. 300 S
Troy - Horrall Rd
2.29 Acres
Permanent R/W
(Area C)

0.11 Acre
Temporary R/W
(Residential Relocation Not Previously Listed in FEIS)

0.23 Acre
Temporary R/W

0.15 Acre
Permanent R/W

1.39 Acres
Permanent R/W

7.01 Acres
Permanent R/W

0.07 Acre
Permanent R/W

0.01 Acre
Permanent R/W
(Area C)

0.36 Acre
Reduced R/W

1.2 Acres
Permanent R/W
(Area C)

0.35 Acre
Reduced R/W


t 0 200 400 600
Feet

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

Figure 8
I-69 Section 2
Segment 6 and 7
Right-of-Way Changes
Shown on 2009 Aerial Photo

1 inch = 400 feet

Proposed Roadway
Proposed Bridge Over I-69
Section 2 FEIS Refined Preferred R/W
Section 2 Final Design R/W
Segment 6 & 7 Reevaluation Area
Figure 9
I-69 Section 2
Segment 6 and 7
Right-of-Way Changes
Shown on 2009 Aerial Photo

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

1 inch = 300 feet
Figure 10
I-69 Section 2
Segment 6 and 7
Right-of-Way Changes
Shown on 2009 Aerial Photo

Section 2 FEIS Refined Preferred R/W
Section 2 Final Design R/W
Segment 6 & 7 Reevaluation Area

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

1 inch = 400 feet
2.93 Acres
Permanent R/W

1.83 Acres
Permanent R/W

0.52 Acre
Permanent R/W

2.93 Acres
Permanent R/W

1.79 Acres
Permanent R/W

0.18 Acre
Temporary R/W

0.52 Acre
Permanent R/W

0.18 Acre
Temporary R/W

0.9 Acre
Permanent R/W

2.78 Acres
Reduced R/W

6.22 Acres
Reduced R/W

1.79 Acres
Permanent R/W

0.9 Acre
Permanent R/W

LSR-32 Eliminated

Figure 12
I-69 Section 2
Segment 6 and 7
Right-of-Way Changes
Shown on 2009 Aerial Photo

Aerial Source: Non Orthophotography
Aerial Data: Obtained from the State of Indiana Geographical Information Office Library
Orthophotography: Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: I-69 West
Map Datum: NAD83
Appendix B
Informational Letter to SHPO
&
SHPO Response Letter
November 16, 2010

Dr. James A. Glass, Director  
Division of Historic Preservation and Archaeology  
402 W. Washington Street, Room W274  
Indianapolis, Indiana 46204-2739

RE: Additional information on Section 106 resources for the I-69 Section 2 additional right-of-way reevaluation areas – Design Segment 6 & 7 located in Daviess County, Indiana.

DES #: 0300378  Project #: IN10 (005)  
DHPA #: 1351  BLA Project #: 103-0001-1PL

Dear Dr. Glass,

On behalf of the Indiana Department of Transportation, the attached information is being provided for your review, showing that the adjustment in the original I-69 Section 2 preferred alternative right-of-way described herein does not modify the effect on historic properties. The final design for Section 2 within Segments 6 and 7 have added additional right-of-way areas to accommodate cul-de-sac construction; a right-of-way shift to avoid a stream channel; side slope and ditching design to stay within right-of-way; construct access drives; roadway profile changes; filling in the small remainder of an impacted pond; building removal; Local Service Road (LSR) modifications; right-of-way revisions to follow surveyed parcel lines; provide better intersection sight distance; right-of-way revised to simplify acquisition; and traffic maintenance (See Appendix A). These final design areas total approximately 25.35 acres of permanent right-of-way and 2.72 acres of temporary right-of-way for 28.07 acres of total right-of-way not examined in the Section 2 Final Environmental Impact Statement (FEIS).

More specifically, the following locations of Section 2 additional right-of-way reevaluation areas are listed from south to north:

1) Daviess County Road 150 W (Segment 6): The right-of-way shifted to the north so that the right-of-way would be outside of the existing adjacent stream channel and was revised in order to construct a 50'-radius cul-de-sac. As shown in Figure 3, approximately 1.24 acres of additional permanent right-of-way is required at this location.

2) Daviess County Road 550 S (Segment 6): Located on the west side of the highway, the right-of-way increased 0.45 acre on the south side of Daviess County Road 550 S so that final design 3:1 side slopes and drainage ditches would remain within the right-of-way. A 0.01 acre of added right-of-way approximately 0.64 mile north of County Road 550 S on the east side of I-69 is needed due to the elimination of LSR-19. Located on the east side of the highway, the right-of-way increased 0.28 acre on the south side of Daviess County...
Road 550 S to construct a drive entrance to provide access to an otherwise landlocked parcel. As shown in Figure 4, a total of approximately 0.28 acre of temporary right-of-way and 0.46 acre of permanent right-of-way for a total of 0.74 acre of right-of-way is required at these locations. East of I-69, the right-of-way on the north side of County Road 550 S was reduced to avoid taking a pond and the right-of-way on the south side was reduced to minimize take. On the west side of I-69, LSR-19 and the right-of-way associated with it (totaled 6.98 acres) were eliminated because the cost of building the roadway exceeds the cost of the land that this LSR would serve to un-land lock.

3) Daviess County Road 450 S (Segment 6): 0.09 acre of temporary right-of-way on Daviess County Road 125 W south of Daviess County Road 450 S was added so that the proposed roadway profile can be tied into the existing roadway profile. 0.30 acre of temporary right-of-way on the north side of Daviess County Road 450 S was added to fill in the remainder of a pond which was previously impacted. As shown in Figure 5, a total of approximately 0.39 acre of temporary right-of-way is required at these locations.

4) Daviess County Road 50 W (Segment 6): Multiple additional right-of-way areas are shown on this Figure. They are as follows: (A) 0.13 acre of temporary right-of-way added for building removal; (B) 0.50 acre of temporary right-of-way added to fill in remainder of pond; (C) 1.03 acre of permanent right-of-way added to modify LSR-19B to provide minimum 215' curve radii and to construct a 50' radius cul-de-sac; (D) 0.01 acre of permanent right-of-way added for building removal; (E) 0.11 acre of temporary right-of-way added for building removal; (F) right-of-way is reduced by 1.08 acres to shorten LSR-18B, because access to the benefiting parcel is now provided from the south; right-of-way is increased by 0.58 acre in order to construct a 50'-radius cul-de-sac; (G) 0.09 acre temporary right-of-way is added for building removal; (H) right-of-way is reduced by 0.09 acre due to modified design of LSR 19-B. As shown in Figure 6, a total of approximately 0.83 acre of additional temporary right-of-way and 1.62 additional acres of permanent right-of-way are required at these locations. The building being removed at location (A) is a garage; at location (E) is a residence; and at location (G) is a residence. All structures are located both inside and outside of the limited access right-of-way. The temporary right-of-way is needed to remove the portion located outside of the limited access right-of-way. These structures were all identified as being relocated in the FEIS. The structures are located within the previously-approved APE for Section 2. All structures were identified as not listed or eligible for the NRHP in the Section 2 Historic Property Report.

5) Daviess County Road 375 S (Segment 6): The area of the Section 2 Final Design right-of-way shown here portrays the right-of-way not acquired at this time, due to the deferral of the South Daviess Interchange. Cul-de-sacs will be built on County Road 375 S due to deferred construction of the South Daviess Interchange (as stated in the ROD). The right-of-way associated with the construction of the cul-de-sacs was analyzed in the FEIS. North of County Road 375 S, an additional 0.22 acre of permanent right-of-way not addressed in the FEIS is required at this location. The right-of-way was revised to follow right-of-way engineered parcel lines. Approximately 1.35 acres of FEIS right-of-way was reduced due to this change. This can be viewed in Figure 7.
6) Intersection of Troy/Horrall Road with relocated CR 300S (Segment 7): Multiple additional right-of-way areas are located in this vicinity and the right-of-way changes labeled in Figure 8 are as follows: (A, C, & D) The profile for I-69, Troy/Horrall Road, and relocated CR 300S were raised to provide a hydraulic opening for the I-69 bridges over an unnamed tributary of Veale Creek, as well as provide adequate clearance for I-69 under the Troy/Horrall Road bridge. The LSR-24 alignment was revised to avoid impacts to an adjacent property, lessen the impacts to an adjacent property, and reduce the costs to the project by eliminating a bridge crossing over an unnamed tributary of Veale Creek. The intersection of LSR-24 and Troy Road had to be moved further north along Troy Road in order to provide adequate intersection sight distance. Area (A) requires approximately 0.17 acre of permanent right-of-way. Area (C) requires approximately 3.5 acres of permanent right-of-way. Area (D) requires approximately 1.39 acre of permanent right-of-way; (B) LSR-25 was added to the project at the request of the Daviess County Engineer’s Office. Approximately 7.01 acres of permanent right-of-way is required at this location; (E) approximately 0.11 acre of temporary right-of-way added for building removal; (F) approximately 0.23 acre of temporary right-of-way added for building removal; (G) the majority of an existing pond is being filled by the I-69 northbound roadway fill and an additional 0.15 acre of limited access permanent right-of-way acquisition allows for the complete filling of the residual pond area; (H) approximately 0.07 acre of permanent right-of-way needed for even station offset. As seen in Figure 8, a total of approximately 0.34 acre of temporary right-of-way and 12.29 acres of permanent right-of-way are required at these locations. The structures being removed at location (E) are a residence and outbuilding; and at location (F) is a garage. All structures are located both inside and outside of the limited access right-of-way. The temporary right-of-way is needed to remove the portion located outside of the limited access right-of-way. The residence located at location (E) was not identified as being relocated in the FEIS. The structure at location (F) was identified as being relocated in the FEIS. All impacted structures are located within the previously-approved APE for Section 2. No structure was identified as listed or eligible for the NRHP in the Section 2 Historic Property Report.

7) Daviess County Road 250 S (Segment 7): The right-of-way was increased on the north and south side of the highway in order to construct 50'-radius cul-de-sacs. A total of approximately 0.2 acre of permanent right-of-way is required at this location. This can be viewed in Figure 9.

8) Daviess County Road 125 E (Segment 7): Multiple additional right-of-way areas are located in this vicinity and the right-of-way changes labeled in Figure 10 are as follows: (A) Profile for County Road 125 E was raised to maintain the profile grade above the 100 Year Flood Elevation. County Road 250 S ties into County Road 125 E within the raised portion of the profile. The profile for County Road 250 S was raised to keep the reconstructed portion of the roadway above the 100 Year Flood Elevation. These changes add 0.23 acre of permanent right-of-way; (B) 0.02 acre temporary right-of-way added for building removal; (C) 0.14 acre temporary right-of-way added for building removal; (D) 0.29 acre permanent right-of-way added for even station offset; (E) 0.06...
acre temporary right-of-way added to construct an entrance to an adjacent field. As seen in Figure 10, a total of approximately 0.22 acre of temporary right-of-way and 0.52 acre of permanent right-of-way for a total of 0.74 acre of right-of-way is required at these areas. North of I-69 and west of County Road 125 E, LSR-27 and the right-of-way associated with it (totaled 1.32 acres) were eliminated because the cost of building the roadway exceeds the cost of the land that this LSR would serve to un-land lock. South of I-69 and east of County Road 125 E, LSR-28 and the right-of-way associated with it (totaled 1.51 acres) were eliminated because the cost of building the roadway exceeds the cost of the land that this LSR would serve to un-land lock. Located on County Road 250 S, the right-of-way was reduced by approximately 1.27 acres due to the revised design described in location (A) above.

9) Daviess County Road 150 S (Segment 7): The right-of-way was increased by 0.07 acre on the west side of the highway in order to construct a 50'-radius cul-de-sac. 0.76 acre of permanent right-of-way and 0.13 acre of temporary right-of-way were added on the east side of the highway to raise the roadway profile of CR 150 S over the ordinary high water elevation at Hurricane Branch Creek. The 0.26 acre and 0.09 acre temporary right-of-way areas were added for building removal. A total of approximately 0.48 acre of temporary right-of-way and 0.83 acre of permanent right-of-way for a total of 1.31 acres is required at these areas. The residential structures are located both inside and outside of the right-of-way. The temporary right-of-way is needed to remove the portion located outside of the right-of-way. Both residences were identified as being relocated in the FEIS. All impacted structures are located within the previously-approved APE for Section 2. No structure was identified as listed or eligible for the NRHP in the Section 2 Historic Property Report. These changes can be viewed in Figure 11.

10) US 50 Interchange (Segment 7): The permanent right-of-way areas at this location are required due to ramp revisions during the final design to simplify right-of-way take. The temporary right-of-way on the east side of the interchange is needed for traffic maintenance. A total of approximately 0.18 acre of temporary right-of-way and 7.97 acres of permanent right-of-way for a total of 8.15 acres of total right-of-way is required at these areas. Located on the east side of the interchange, south of US 50, LSR-32 and the right-of-way associated with it (totaled 2.78 acres) were eliminated because the road did not fit the future development plans of the land owner in which it would have benefited. The owner of the property to which LSR-32 would have provided access will be compensated for loss of access and the property owner will be responsible for providing future access.

The Federal Highway Administration (FHWA) and Indiana Department of Transportation (INDOT) have reviewed potential modifications resulting from the additional right-of-way areas and determined no change to the original finding of “adverse effect” identified in the Tier 2 FEIS dated February 25, 2010. Therefore, based on this determination, FHWA does not intend to reopen the Section 106 process on the I-69 Section 2 project for the above mentioned areas for the following reasons: visually, there will essentially be no change with the minor additional right-of-way areas; the determination that no above-ground resources listed in or eligible for the National Register of
Historic Places (NRHP) will have any change to its effect finding due to the additional right-of-way areas; and the conclusion that the proposed action of adding approximately 28.07 acres of additional final design right-of-way within Segment 6 and 7 will have no change to the effect on archaeological resources (see below).

The Section 2 Tier 2 Historic Property Report, dated October 18, 2005 concluded that four above-ground resources eligible for or listed in the NRHP are located within the Section 2 APE (See Appendix A). On December 15, 2008 the FHWA in consultation with the Indiana SHPO determined that Section 2 of the I-69 project will have an adverse effect (See Appendix B). On September 20, 2010 the FHWA re-issued the Section 2 finding of adverse effect after a change to the Section 2 APE occurred at the East Fork White River. The APE for above-ground resources will not be modified and there will be no change to the adverse effect finding as a result of these additional right-of-way areas.

The attached maps identify that the location of the additional right-of-way areas are within the previously documented above-ground resource APE for Section 2 of the I-69 project (See Appendix A). The approved APE for Section 2 above-ground resources is identified to be generally 1.0 mile beyond the typically 2,000-foot wide study corridor. General exceptions to this APE occur throughout Section 2 as defined in the Historic Property Report and at the East Fork White River.

The attached maps show that both the additional right-of-way areas and the original alignment have similar overall impacts to above-ground resources for Section 2. The closest final design additional right-of-way area in Segments 6 and 7 is located approximately 0.1 mile from a NRHP eligible or listed resource (Daviess C.R. 150 S from the S.R. 257 Bridge over Veale Creek) (See Table 1 in Appendix C). The I-69 project will have a “no adverse effect” finding on the S.R. 257 Bridge over Veale Creek as stated in the September 20, 2010 Section 2 effect finding. This finding will not change as a result of the additional right-of-way areas.

In regard to archaeological resources, a Phase Ia field reconnaissance was conducted by Gray & Pape, Inc. for areas located outside of the original surveyed preferred alternative. In a report dated November 11, 2010 Gray & Pape determined that no new archaeological resources identified during their survey are considered eligible for the NRHP, and no further archaeological investigations for the above-mentioned additional areas are needed (See Archaeological Report). Based on these surveys, it has been determined that there would be no change to the potential effects on archaeological resources from the additional right-of-way areas.

If any human remains are encountered at any point in the project, all work in the area will immediately cease and any burials will be reported to IDNR/DHPA within two business days in accordance with IC 14-21 and 312 IAC 21.

Please review this letter and attached Archaeological Report and provide comments. INDOT and FHWA are proceeding with the approval of the reevaluation document to the original Tier 2 FEIS without modification of the previous Section 106 findings based on this information. If you should
have any questions regarding this reevaluation information, please contact me at 317-222-3880 or via email at shill@blainc.com.

Sincerely,

[Signature]

Shannon Hill
Historic Resources Specialist
Bernardin • Lochmueller and Associates, Inc.

Enclosures: Appendix A – Graphics
Appendix B – Section 2 Effect Finding
Appendix C – Table 1: Additional R/W Area Proximity to NRHP Properties

Archaeology Report
November 30, 2010

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

Federal Agency: Federal Highway Administration ("FHWA")

Re: Additional information on Section 106 resources for the I-69 Section 2 additional right-of-way reevaluation areas—Design Segment 6 & 7 located in Daviess County, Indiana, including an addendum to phase 1a archaeological investigations (Baltz, 11/11/10) (Des. No. 0300378; Project No. IN10 (005); BLA Project No. 103-0001-1PL; DHPA No. 1351)

Dear Ms. Hill:

Pursuant to Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana," the staff of the Indiana State Historic Preservation Officer has reviewed the materials under your cover dated November 16, 2010 and received on November 17, for the aforementioned project in Daviess County, Indiana.

On the first page of your letter, you indicated that an adjustment has been made to "the original I-69 Section 2 preferred alternative right-of-way," which has resulted in a total of "approximately 25.35 acres of permanent right-of-way and 2.72 acres of temporary right-of-way," that had not been examined in the Section 2 Final Environmental Impact Statement, being added to the project area. On page 4, you stated that "the Federal Highway Administration (FHWA) and Indiana Department of Transportation (INDOT) have reviewed potential modifications resulting from the additional right-of-way areas and determined no change to the original finding of 'adverse effect' identified in the Tier 2 FEIS" and that "FHWA does not intend to reopen the Section 106 process on the I-69 Section 2 project." On page 5, you further stated that "the APE for above-ground resources will not be modified and there will be no change to the adverse effect finding as a result of these additional right-of-way areas." You did, however, ask us to "review this letter and the attached Archaeological Report and provide comments." Staffan Peterson of INDOT, in his November 17, 2010 e-mail message, subsequently asked us whether we could respond to your letter by December 2. In light of the narrow focus of your request, and in light of INDOT’s request that we expedite this review, we have not analyzed your submission with regard to effects on above-ground properties within the areas of additional right-of-way and are not offering any comments on such effects here.

In regards to archaeology, there is insufficient information to determine the presence of archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the items 3-6 proposed project areas, in the vicinity of Veale Creek crossing of the I-69 Section 2 project corridor. Stafford (9/11/06) recommended subsurface coring in the Veale Creek crossing in the I-69 Section 2 corridor. Monaghan (01/05/10) completed the coring for two cores on each side, adjacent to the creek, but did not complete the northern portion (areas west of items 5 and 6, east to southeast of items 3 and 4). Monaghan (2010:17) recommended that the rest of the cores be completed: "The remainder of the DTL, north of this core may include a better, preserved alluvial sequence than that adjacent to Veale Creek." To our knowledge, the further coring has not been completed, or results submitted to our office. Please provide further information regarding the potential for subsurface archaeological sites in the items 3-6 portions of the project area in the vicinity of Veale Creek. Based on the information provided in the archaeological report, the rest of the items (2, 7-13, 14a, 14b, 15, 71-72) do not appear to contain currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places, and no further archaeological investigations appear necessary in these proposed project areas.

www.DNR.IN.gov
Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

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, then please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.in.gov. Questions about buildings or structures may be directed to John Carr at (317) 233-1949 or jcarr@dnr.in.gov. In all future correspondence regarding the I-69 Section 2 construction project, please continue to refer to DHPA No. 1351.

Very truly yours,

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

JAG:JLC:JR:jj

cc: Robert F. Tally, Jr., P.E., Indiana Division, Federal Highway Administration
    Staffan Peterson, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation

emc: Michelle Allen, Indiana Division, Federal Highway Administration
     Shaun Miller, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
     Mary Kennedy, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
     Beth McCord, Gray & Pape, Inc.
     Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
January 4, 2011

Michael Elsner
Environmental Scientist
Bernardin, Lochmueller & Associates, Inc.
6200 Vogel Road
Evansville, Indiana 47715-4006

Federal Agency: Federal Highway Administration

Re: Phase Ic subsurface coring of I-69 corridor (Section 2, Alternative Corridor 3C) at the I-69/Veale Creek Crossing (Cantin and Stafford, 12/13/10) and response to request for additional information concerning the addendum to phase Ia archaeological investigations (Baltz, 11/11/10) for the I-69 Section 2 additional right-of-way reevaluation areas - Design Segment 6 & 7 (Designation Nos. 0300377 and 0300378; DHPA #1351)

Dear Mr. Elsner:

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 Office 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 December 21, 2010 and received on December 22, 2010 for the above indicated projects in Daviess County, Indiana.

Thank you for providing the Phase Ic subsurface reconnaissance archaeological report for the above project. Based on the documentation provided to the staff of the Indiana SHPO, it does not appear that further Phase Ic investigations are necessary within the above Veale Creek crossing proposed project area. In addition, items 3-6 (in the vicinity of Veale Creek) in the additional right-of-way reevaluation areas in the I-69 Section 2 Design Segment 6 & 7 do not appear to contain currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places, and no further archaeological investigations appear necessary in these proposed project areas.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #1351.

Very truly yours,

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

cc: Robert F. Tally, Jr., P.E., Indiana Division, Federal Highway Administration
    Staffan Peterson, Indiana Department of Transportation

emc: Michelle Allen, Indiana Division, Federal Highway Administration
      Mary Kennedy, Indiana Department of Transportation
      Shaun Miller, Indiana Department of Transportation
      Jason DuPont, P.E., Bernardin, Lochmueller & Associates
      Michael Elsner, Bernardin, Lochmueller & Associates
      C. Russell Stafford, Archaeology and Quaternary Research Laboratory
      Linda Weintraut, Ph.D., Weintraut & Associates, Inc.

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I-69 CORRIDOR TIER 2 STUDIES
Evansville to Indianapolis
Addendum to Phase Ia Archaeological Investigations
Section 2 (SR 64 to US 50)
Reevaluation Group 3, Segments 6 and 7,
Pike County, Indiana
INDOT Designation Number 0300378

November 11, 2010

Prepared by
Gray & Pape, Inc.
101 W. Kirkwood, Suite 207
Bloomington, Indiana 47404

Prepared for
Federal Highway Administration and
Indiana Department of Transportation
I-69 CORRIDOR TIER 2 STUDIES
Evansville to Indianapolis
Addendum to Phase Ia Archaeological Investigations
Section 2 (SR 64 to US 50)
Reevaluation Group 3, Segments 6 and 7,
Pike County, Indiana
INDOT Designation Number 0300378

November 11, 2010

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Gray & Pape Project No. 09-43502
3.0 CONCLUSIONS AND RECOMMENDATIONS

Phase Ia survey of the Section 2, Reevaluation Groups 6 and 7 was conducted in September and October 2010. Much of the additional ROW was found to lie in previously disturbed contexts or on slope greater than 20%. These areas were investigated by means of walkover examination. Ground surface visibility in the cultivated fields was 30-90%. The Phase Ia survey employed surface reconnaissance within the cultivated fields and shovel testing in the yards and fallow fields. No archaeological sites were identified during the survey. It is recommended that the portions of the project reported herein will have no effect on historic properties.
Appendix D
FHWA Public Involvement Coordination
Public Involvement Memo
I-69, Section 2, Segment 6 and 7 Reevaluation
November 15, 2010

The purpose of the reevaluation is to examine minor right-of-way changes required for the final design within design Segment 6 and 7 in Section 2 that have occurred since the approval of the Tier 2 Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). Segment 6 begins at the north end of the I-69 bridges over the East Fork White River and extends north ending approximately 700 feet north of Veale Creek for a total of 4.3 miles. Segment 7 begins where Segment 6 ends and extends north until the Section 2 and Section 3 breakpoint at the north end of the US 50 Interchange for a total of 4.8 miles.

The revised design totals add approximately 25.35 acres of permanent right-of-way and 2.72 acre of temporary right-of-way for a total of 28.07 total additional acres of right-of-way (land use consisting of 21.4 acres of agricultural land, 4.04 acres of developed land, 1.91 acres of upland habitat, 0.11 acre of stream, and 0.61 acre of wetlands). As required by Part 1, Section IV, Page 32-33 in the March 25, 2009 FHWA and INDOT approved Public Involvement Manual, this memo has been drafted to document whether further public involvement activities are required to complete the reevaluation.

The reevaluation documents changes in impacts at the following locations of Section 2 (listed from south to north):
Daviess County Road 150 W; Daviess County Road 550 S; Daviess County Road 450 S; Daviess County Road 50 W;
Daviess County Road 375 S; Troy Rd / Horrall Road Intersection; Daviess County Road 250 S; Daviess County Road 125 E;
Daviess County Road 150 S; and US 50 Interchange. The additional right-of-way areas are needed to accommodate the following design changes: cul-de-sac construction; a right-of-way shift to avoid a stream channel; side slope and ditching final design went beyond FEIS right-of-way, therefore requiring additional right-of-way; construct access drives; roadway profile changes; fill in small remainder of impacted pond; building removal; Local Service Road (LSR) modifications; right-of-way revisions to follow surveyed parcel lines; provide better intersection sight distance; right-of-way revised to simply property acquisition; and traffic maintenance.

No new permanent road closures not discussed in Table 5.3-4 in the Tier 2 FEIS will result from the changes identified in the reevaluation summary. Two parcels not previously impacted by the FEIS right-of-way will now be impacted by the final design right-of-way. Acquiring one of the parcels not previously impacted results in a residential relocation not identified in the FEIS or ROD. No new property owners not identified in the FEIS will be impacted by the additional right-of-way. Both property owners of the previously unaffected parcels own land impacted by highway right-of-way identified in the FEIS. Both property owners are aware of the impact to the previously unaffected parcels and appraising / buying activities have concluded and both previously unaffected parcels have been purchased by INDOT. The final design modified a total of eight Local Service Roads, including four that were eliminated (LSR-19, LSR-27, LSR-28, LSR-32). The cost of building LSR-19, LSR-27, and LSR-28 exceeded the cost of land to which each LSR would provide access. LSR-32 did not fit into the future development plans of the landowner in which it would have provided access. The owner of the property to which LSR-32 would have provided access will be compensated for loss of access; that property owner will be responsible for providing future access. This has been coordinated with the affected property owner. LSR-24 was redesigned, such that a residential relocation along Troy Road listed in the FEIS will not occur.

All additional right-of-way areas are located within the previously approved area of potential effect (APE) for above-ground resources, and no change to the Section 2 findings of effect on historic properties will occur. A Phase 1a Archaeological Investigation was conducted for all of the additional right-of-way areas. No resources eligible for or listed in the National Register of Historic Places (NRHP) were found during this investigation. Ten additional temporary right-of-way areas are required for building removal. Multiple structures are located partially within the right-of-way; temporary right-of-way is required for adequate space to demolish the buildings. All of these buildings were previously identified as relocations in the FEIS, with the exception of the above mentioned residential relocation. None of the buildings are eligible for or listed in the NRHP. Through this memo, it is INDOT’s recommendation that additional public involvement activities are not required for the right-of-way changes within Segment 6 & 7.