



APPENDIX FF

Section 4(f)

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IDNR-DHPA CONSULTATION LETTER, SEPTEMBER 1, 2016

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Cameron F. Clark, 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



September 1, 2016

Jermaine R. Hannon
Acting Division Administrator
Federal Highway Administration, Indiana Division
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Identification of effects report (Natali and Weintraut, 8/1/2016); August 17, 2016, consulting parties meeting; and Weintraut & Associates' August 29, 2016, e-mail response to our questions about alternatives C2 and C3 relative to Marion County Bridge No. 4513F; all with regard to I-69 Evansville to Indianapolis: Tier 2 Studies Section 6 (HDA-IN; Des. No. 0300382; DHPA No. 4615)

Dear Mr. Hannon:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the National Environmental Policy Act of 1969 (42 U.S.C § 4321, *et seq.*), the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed your cover letter of August 2, 2016, with the aforementioned report enclosed, which we received in paper form on August 4, and Weintraut & Associates' aforementioned August 29 e-mail, regarding I-69 Section 6, which is proposed to be built in Morgan, Johnson, and Marion counties in Indiana.

The adverse effect identified for the historic Reuben Aldrich Farm is based on changes to the historic farmstead's setting, as a result of projected doubling (Alternative C3), tripling (Alternative C2), or quadrupling (Alternative C) the volume of traffic on Old SR 37 between 2010 and 2045, including at least a six-fold increase in truck traffic for any of those alternatives. Any of those levels of increase likely would be noticeable to the owners of the farmstead both visually and audibly (even if the potential for increased noise does not warrant mitigation under FHWA or Indiana Department of Transportation standards). How burdensome those increases would be is difficult to gauge. Because such increases would be sizeable, we are willing to agree that they may have an adverse effect, although we would recommend attempting to obtain the owners' input on what they think the impact on the property would be.

Devising meaningful mitigation for that particular adverse effect seems to be difficult, as the discussion at the August meeting indicated. John Carr of my staff thought he heard it suggested that the possibility of vegetative screening might be investigated. That could soften the effects of the increased traffic, but on the downside, screening would make it harder to enjoy the historic property from the public right-of-way. Input from the owners should be obtained, if possible, as to whether they think vegetative screening would be beneficial. Even if the owners think it would be beneficial, there would remain the question of whether to plant it on the Old SR 37 right-of-way (which presumably is county-owned) or on the farmstead side of the right-of-way line; it appears that the consent and cooperation of either the county or the private property owner would be necessary. If this project does have an adverse effect as a result of the increased traffic, it might be that it is of a degree and a kind that cannot specifically and meaningfully be mitigated.

We appreciate having received from Weintraut & Associates the approximate distances, at the closest points, between historic Marion County Bridge No. 4513F and the existing SR 37 bridge over Pleasant Run and the SR 37 right-of-way and between the historic bridge and the proposed I-69 bridges and rights-of-way for alternatives C2 and C3. Because Alternative C1 would move the new bridge farther away from the historic bridge than the existing SR 37 is, we do not think C1 could have an adverse effect. As we understand it, the right-of-way for both C2 and C3 would be the same distance

away from the historic bridge as the SR 37 right-of-way is. Either the C1 or the C2 bridge, however, would be about 71 feet from the historic bridge, whereas the existing SR 37 bridge is about 105 feet away. It is our understanding that the new, northbound bridge (*i.e.*, the bridge that would be closer to the historic bridge) for C1, C2, or C3 would stand about 10 to 15 feet higher than the historic bridge. Although the new C2 or C3 bridge would be about 34 feet closer, we think the 71-foot space between either of them and the historic Marion County Bridge No. 4513F would be sufficient to avoid adversely affecting the setting or viewshed of the historic bridge.

The question was raised at the August 17 meeting about whether it would be preferable to use a mechanically stabilized earth ("MSE") retaining wall along I-465 in the northeast and northwest quadrants of that highway's over pass of Bluff Road or to use a sloped, earthen embankment, as is proposed in the variation of Alternative C2. An MSE wall has the advantage of occupying less space and not extending as far into the Southside German Market Gardeners Historic District, but, as another consulting party noted at the meeting, a grassy slope would be somewhat more in keeping with the emphasis on green plants that give the district part of its character.

We do not have a preference between the MSE wall and the sloped, earthen embankment. The construction of I-465 through what only later was recognized as a historic district had a greater impact than any of the alternatives for improving that part of I-465 would. Elevating the I-465 bridges over Bluff Road will tend to aggravate the intrusive nature of the highway. If the house at 4401 Bluff Road is removed, the district will lose a contributing building, but, as a practical matter, it is difficult to foresee that house being considered suitable for human habitation and continuing to exist in the long run, due to its proximity to the highway and the existing traffic noise.

If an MSE wall is used, some kind of textured or scored surface might be less stark than a plain, concrete wall, although, as someone mentioned at the meeting, it would be best if it were by nature or by application of a coating relatively resistant to graffiti.

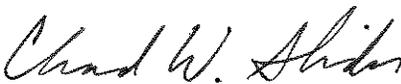
The only other, possibly beneficial mitigation or minimization measure that would directly address and alleviate some aspect of the impact of changes to I-465 on the Southside German Market Gardeners Historic District would be to widen the opening under I-465, in an effort to reduce the visual effect of the highway's being a barrier between the north and south parts of the district. However, that would mean lengthening the bridges, and it is our understanding that building structures such as bridges is more expensive than building a roadway atop earthen fill.

We agree with the identification of effects report that any of the alternatives of I-69 Section 6 would have an overall adverse effect on historic properties.

Please direct questions about our comments on above-ground properties, such as buildings and structures, to John Carr at (317) 233-1949 or JCarr@dnr.in.gov. Questions about archaeological issues should be directed to Wade Tharp (317) 232-1650 or wtharp1@dnr.in.gov.

In all future correspondence regarding the I-69 Tier 2 Studies for Section 6 from Martinsville to Indianapolis (Des. No. 0300382), please continue to refer to DHPA No. 4615.

Very truly yours,


Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JLC:jlc

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

emc: Janice Osadczyk, Federal Highway Administration, Indiana Division
Michelle Allen, Federal Highway Administration, Indiana Division
Sarah Rubin, Indiana Department of Transportation

James Earl, P.E., Indiana Department of Transportation
Laura Hilden, Indiana Department of Transportation
Anuradha Kumar, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Shirley Clark, Indiana Department of Transportation
I-69 Section 6 Project Office
Christine Meador, HNTB Corporation
Rich Connolly, HNTB Corporation
Timothy Miller, HNTB Corporation
Michael Grovak, Lochmueller Group
Jason DuPont, P.E., Lochmueller Group
Kia Gillette, Lochmueller Group
Connie Zeigler, Bernardin, Lochmueller Group
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Wade T. Tharp, Department of Natural Resources, Division of Historic Preservation and Archaeology
John Carr, Department of Natural Resources, Division of Historic Preservation and Archaeology

INDIANAPOLIS DEPARTMENT OF PARKS & RECREATION MEETING, JUNE 3, 2016

MEETING MINUTES

I-69 Section 6 Indianapolis Department of Parks & Recreation Meeting

Indianapolis DPW, 1200 S. Madison

June 3, 2016 at 11:00 a.m. EDT

Attendee	Organization
Andre Denman	Indianapolis Department of Parks & Recreation
Brenda Howard	Indianapolis Department of Parks & Recreation
Don Colvin	Indianapolis Department of Parks & Recreation
Sarah Rubin	Indiana Department of Transportation (INDOT)
Kia Gillette	Lochmueller Group

I. Introductions/Purpose of the Meeting

- Meeting participants introduced themselves. The purpose of the meeting is to discuss I-69 Section 6 and proposed greenway trails within or near the project area. It is also to discuss other considerations the Indianapolis Department of Parks & Recreation may have regarding the Section 6 project.

II. I-69 Section 6 Project Update

- INDOT provided an update on the status of the I-69 Section 6 project.
- The I-69 environmental studies were completed in two Tiers because of the size of the project. The Tier 2 studies started in the south and moved north. After the completion of the Environmental Impact Statement (EIS) and start of construction for the previous section, the EIS for the following section was initiated.
- The environmental study for Section 6 began in 2014 and is ongoing. At the onset of the study, INDOT and the Federal Highway Administration (FHWA) chose to investigate other alternatives outside of the SR 37 corridor within a larger study area. This was a due diligence effort because of the amount of time that had passed since the original Tier 1 decision to use the SR 37 corridor.
- Four rounds of public meetings have occurred as part of the study. These have been in Martinsville, Center Grove, Perry Township and Mooresville.
- As a result of the first round of public meetings in February 2015, 27 conceptual alternatives were developed. There was a wide range of alternatives with some connecting east to I-65, some connecting west to I-70, and some connecting near SR 67, Mann Road and SR 37.
- In the spring of 2015, the number of alternatives was refined to 14, and further refined in the fall of 2015 to five alternatives. Additional public meetings were held in the fall of 2015 to gather input on the five alternatives.
- In March of 2016, INDOT announced that I-69 Section 6 would remain within the SR 37 corridor. There are currently three alternatives (C1, C2 and C3) that would connect Martinsville to I-465 in Indianapolis generally following SR 37. Another round of public meetings was held in April of 2016 to gather public input on these alternatives.

- The preferred alternative in the Draft EIS will likely include components from all 3 alternatives.

III. General Discussion

- In 2014 the Indianapolis Parks and Recreation Department published the Greenways Master Plan. They received a lot of positive feedback on the plan and the public generally likes to see more proposed trails. In the past, that was not always the case.
- The challenge on the south side of Indianapolis is that there are not as many abandoned rail lines or waterways to locate a trail as there are on the north side of the city.
- There are people working to bring more funding to the city for trails. If the additional funding becomes available, additional trails could be added that are not listed in the Master Plan. Possible trails could be along Thompson Road or Bluff Road. The proposed I-69 alternatives include a cul-de-sac at Thompson Road, so the project team would need to know what connectivity would be needed in that area.
- If additional funding becomes available quickly, the Parks and Recreation Department will be looking for areas such as existing right-of-way where trails could be quickly constructed.
- Andre Denman indicated he will contact the project team if he became aware of any new trail possibilities within the I-69 project area.

IV. Little Buck Creek Greenway Trail

- The proposed Little Buck Creek Greenway Trail is mapped on the north side of Little Buck Creek, north of Southport Road. Portions of the trail both east and west of SR 37 have been constructed.
- The biggest concern would be connectivity and getting from one side of the highway to the other.
- An underpass for the trail is preferred over a bridge over I-69. The underpass could be with the I-69 bridge(s) over Little Buck Creek. The Parks and Recreation Department recommended following the underpass standards in the Master Plan. Examples of trail underpasses are at Shadeland and I-70 at the White River.
- In addition, the Parks and Recreation Department asked that bridge designers try not to direct drainage downspouts directly down onto the trail.
- There is not yet a specific construction timeframe for the Little Buck Creek Trail, but it would likely be after 2020.

V. White River Greenway Trail

- The proposed White River Greenway Trail is mapped following the White River and under the I-465 bridge over that river.
- Additional work on I-465 may be required as part of I-69; however, at this point in the project development, it is uncertain what if anything will be done to the existing I-465 bridge over the White River.
- The White River Trail is a big concern as it would provide connectivity from downtown to Southwestway Park.

- There is not yet a specific construction timeframe for the White River Greenway Trail, but it would likely be after 2020.

VI. US Bicycle Route 50 (Southport Road)

- The US Bicycle Route 50 is mapped along Southport Road at SR 37. The Parks and Recreation Department provided a letter of support for the route, but the designation is made by a national group. The designated bicycle routes utilize existing roads and trails.
- As part of I-69, a sidewalk will be provided along Southport Road at the interchange. This will likely be safer than current conditions.
- If there was a proposed detour during construction, this could be a concern for the bicycle route.
- The Parks and Recreation Department recommended contacting Richard Vonnegut at trails@indianatrails.com for questions regarding US Bicycle Route 50.

VII. Other Considerations

- The Parks and Recreation Department asked if signage at the Southport interchange could reference Southwestway Park and the Winding River Golf Course.
- If the I-69 project needs mitigation land, especially along the White River, the Parks and Recreation Department would be interested in working together towards a combination of mitigation land and trail corridor. They would like to pursue this conversation further.
- INDOT indicated they recently met with the Department of Metropolitan Development and they are getting ready to update their Thoroughfare Plan. They are looking for eventual connectivity to the Ronald Reagan Parkway which would entail another crossing of the White River. This may be something to consider with regards to future trails.

Next Steps

Action Item	Responsible Party	Due Date
Department of Parks and Recreation will notify the I-69 project team if additional trail possibilities come up within the I-69 project area	Indianapolis Department of Parks and Recreation	As Needed

Details discussed in this meeting are subject to change. This summary is a reflection of the status of these items at the close of the meeting.

These meeting minutes represent the understanding of the events that occurred. Please forward any comments or revisions to the attention of Kia Gillette.

Note: This meeting summary documents ongoing, internal agency deliberations. Accordingly, the information contained in this summary is considered to be pre-decisional and deliberative.

METROPOLITAN SCHOOL DISTRICT OF MARTINSVILLE, SEPTEMBER 12, 2016

Metropolitan School District of Martinsville

*P.O. Box 1416
389 E. Jackson St.
Martinsville, Indiana 46151
765-342-6641
Fax 765-342-6877*

Board of Education

*Tana Lobb, President
Stephanie Fraker, Vice-President
Steve Brock, Secretary
Michelle Baugh, Member
Julie Reeves, Member*

Superintendent

*Dr. Michele Moore
Assistant Superintendent
Mr. Terry Terhune
Treasurer
Kimberly LaRue*

September 12, 2016

Kia Gillette
Lochmueller Group, Inc.
3502 Woodview Trace; Suite 150
Indianapolis, Indiana 46268

RE: Section 4(f) & Martinsville High School Recreational Use
I-69 Section 6
Martinsville, Morgan County, Indiana

Dear Ms. Gillette

The purpose of this letter is to inform you that the asphalt parking lot in the southwest corner of the Martinsville High School property and the mowed grassy area between the Martinsville High School and SR 37 do not serve organized or substantial walk-on public recreation use. The parking lot and grassy area are not of local significance for public recreational purposes.

This letter is also to inform you that the official of jurisdiction for the property is the Martinsville High School Superintendent and there is no other public agency (e.g. city park or recreation department) with control over the parking lot or grassy area after school hours.

Sincerely,



Michele D. Moore, Ed.D.
Superintendent

INDOT FHWA MEETING MINUTES AND ATTACHMENTS, SEPTEMBER 14, 2016



MEETING MINUTES

I-69 Section 6

Section 4(f) Feasible and Reasonable Alternatives Conference Call

September 14, 2016, 11:30 AM

Attendee	Organization
Laura Hilden	INDOT
Sarah Rubin	INDOT
Jim Earl	INDOT
Jennifer Jansen	INDOT
Anu Kumar	INDOT
Patrick Carpenter	INDOT
Michelle Allen	FHWA IN Division
Janice Osadcuk	FHWA IN Division
Eryn Fletcher	FHWA IN Division
Julie Dingle	FHWA HQ
David Clarke	FHWA HQ
Carolyne Nelson	FHWA HQ
Al Ferlo	Perkins Coie
Tim Miller	HNTB Corporation
Jen Goins	HNTB Corporation
Chris Meador	HNTB Corporation
Adin McCann	HNTB Corporation

I. Purpose of the Meeting

The purpose of the meeting was to discuss potential feasible and prudent avoidance alternatives for the Southside German Market Historic District and to determine which alternatives we would move forward with in the Section 4(f) documentation.

II. Discussion Topics

Discussion of Traffic Analysis and Proposed Cross Section

- Jennifer Goins provided an overview of the cross sections prepared for the widening of I-465 at the Southside German Market Historic District. A 4 and 5-lane section (each direction) of I-465 is currently under consideration between Mann Road and US 31. A 5-lane section is currently the preferred alternative.



- The house at 4401 Bluff Road is on the north side of I-465 on the east side of Bluff Road and the house at 4425 Bluff Road is on the south side of I-465 on the east side of Bluff Road
- Either a 4 or 5-lane alternative would require acquisition for property within the historic district. The proposed 5-lane section along I-465 could be constructed within existing right of way at 4401 Bluff Road and 4425 Bluff Road if constructed with MSE wall. Both structures are contributing properties to the historic district.
- The existing house at 4401 Bluff Road is on the existing right of way line at its closest spot to the right of way. The existing house is a contributed property to the District. Therefore, the MSE wall would be 35 feet from the house with five lanes or 47 feet from the house with four lanes. Without the MSE wall, the fill slope would impact the structure.
- The existing house at 4425 Bluff Road is south of the existing right of way by approximately 55 feet. Therefore, the MSE wall would be 92 feet from the house with five lanes or 104 feet from the house with four lanes. Without the MSE wall, the fill slope would impact the structure.
- It had previously been determined through consultation with the DHPA-SHPO and consulting parties that construction of the MSE wall and/or fill slope within the Southside German Market Historic District would result in an Adverse Effect. As we will have property acquisition within the historic district we will have a Section 4(f) use. With the adverse effect finding Section 4(f) use cannot be resolved programmatically and an individual Section 4(f) Evaluation must be completed.
- It should also be noted that there is an existing utility tower on the property at 4401 Bluff Road. Coordination with Duke Energy regarding these lines resulted in a determination that the MSE wall may also be required to avoid impacts to the utility towers. Duke Energy will allow the MSE wall but requires final approval on designs.

Discussion of Feasible and Prudent Avoidance Alternatives

- As an individual Section 4(f) evaluation associated with the property exists, a review of feasible and prudent avoidance alternatives has been conducted. Avoidance of the house is possible as the MSE retaining wall can be constructed in the existing right of way. However, this will leave the structure at 4401 Bluff Road on the existing right of way 35 to 47 feet from an MSE wall which is at least as tall as the house.
- We discussed if avoidance of the house at 4401 Bluff Road was prudent given the proximity of the house to the existing right of way and proposed wall. INDOT indicated if I-465 were to be constructed today they would not leave the house as it currently exists.
- Anu Kumar reviewed the comment from DHPA-SHPO from September 1, 2016. This comments indicated the following. The DHPA-SHPO is the official with jurisdiction over this resource.

We do not have a preference between the MSE wall and the sloped, earthen embankment. The construction of I-465 through what only later was recognized as a historic district had a greater impact than any of the alternatives for improving that part of I-465 would. Elevating the I-465 bridges over Bluff Road will tend to aggravate the intrusive nature of the highway. If the house at 4401



Bluff Road is removed, the district will lose a contributing building, but, as a practical matter, it is difficult to foresee that house being considered suitable for human habitation and continuing to exist in the long run, due to its proximity to the highway and the existing traffic noise. Without the MSE wall, the fill slope would impact the structure.

- As the DHPA-SHPO did not object to the removal of the structure at 4401 Bluff Road, and in fact indicated the structure was not suitable for human habitation, it was determined that removal of the structure and use of a smaller MSE wall to minimize impacts to the utility towers was the prudent alternative for the north side of I-465. Use of the MSE walls to avoid impacts to the structure at 4425 Bluff Road is the prudent alternative for the south side of I-465.

Discussion of Least Harm Alternatives

- Least harm alternatives will be investigated that possibly include some kind of textured or scored surface on the MSE wall. Additionally, different surfaces which are resistant to graffiti will be investigated.
- Additionally, design engineers will evaluate the optimal width of the I-465 bridge over Bluff Road as the IDNR-SHPO indicated “beneficial mitigation or minimization measure.... would be to widen the opening under I-465, in an effort to reduce the visual effect of the highway's being a barrier between the north and south parts of the district.”

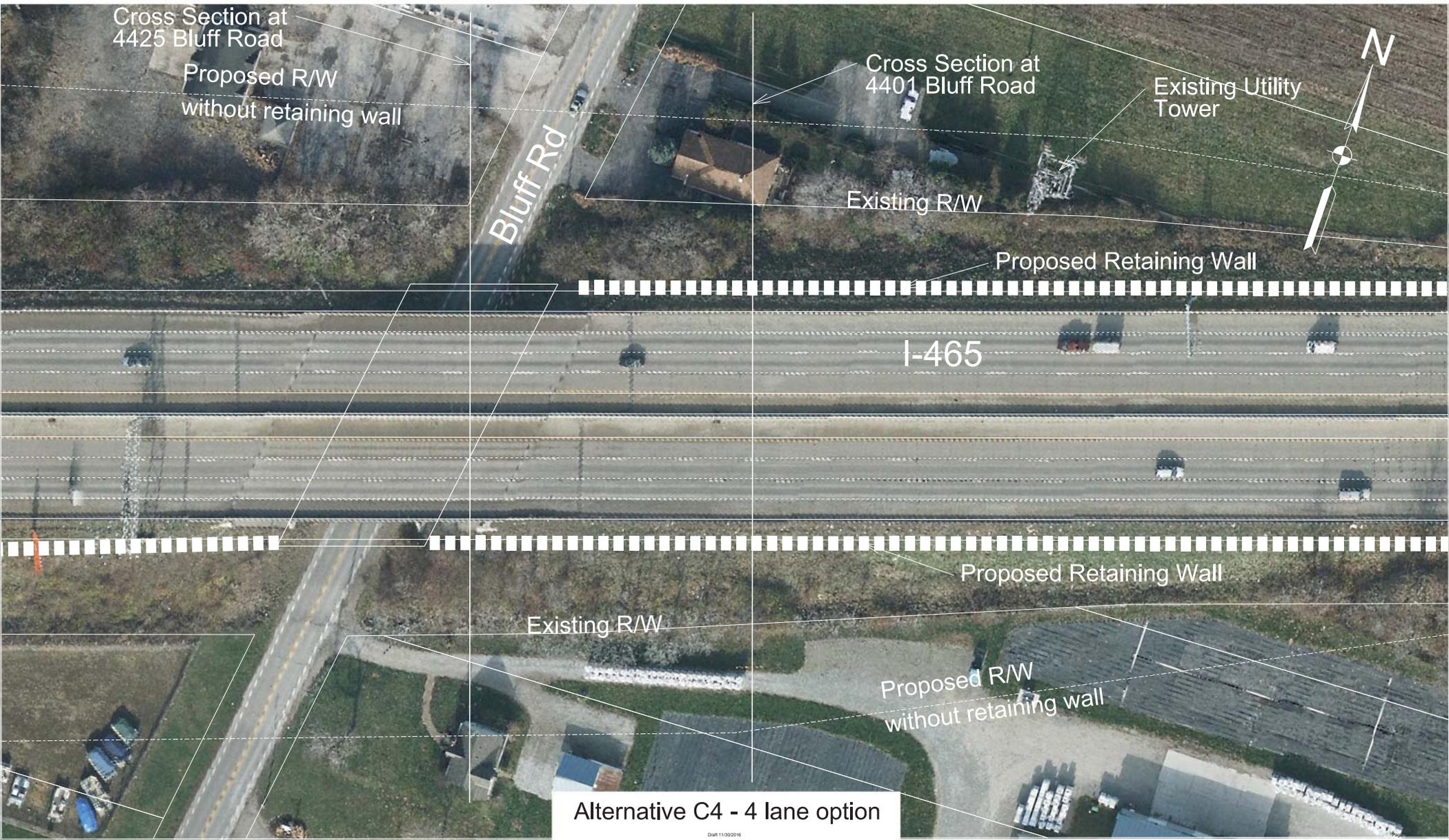
III. Action Items

- HNTB will begin Least Overall Harm Alternatives and developing an individual Section 4(f) Evaluation.
- INDOT will schedule a meeting with the SHPO to receive concurrence on the approach in each of the 4 quadrants of I-465/Bluff Road. These include:
 - SW: Use of MSE Wall
 - SE: Use of MSE Wall
 - NW: Slope along property with the exception of an area near the transmission towers
 - NE: Slope

Attachments: Copies of the graphics referenced during this meeting and correspondence from DHPA-SHPO are attached for informational purposes.

Note: This meeting summary documents ongoing, internal agency deliberations. Accordingly, the information contained in this summary is considered to be pre-decisional and deliberative.

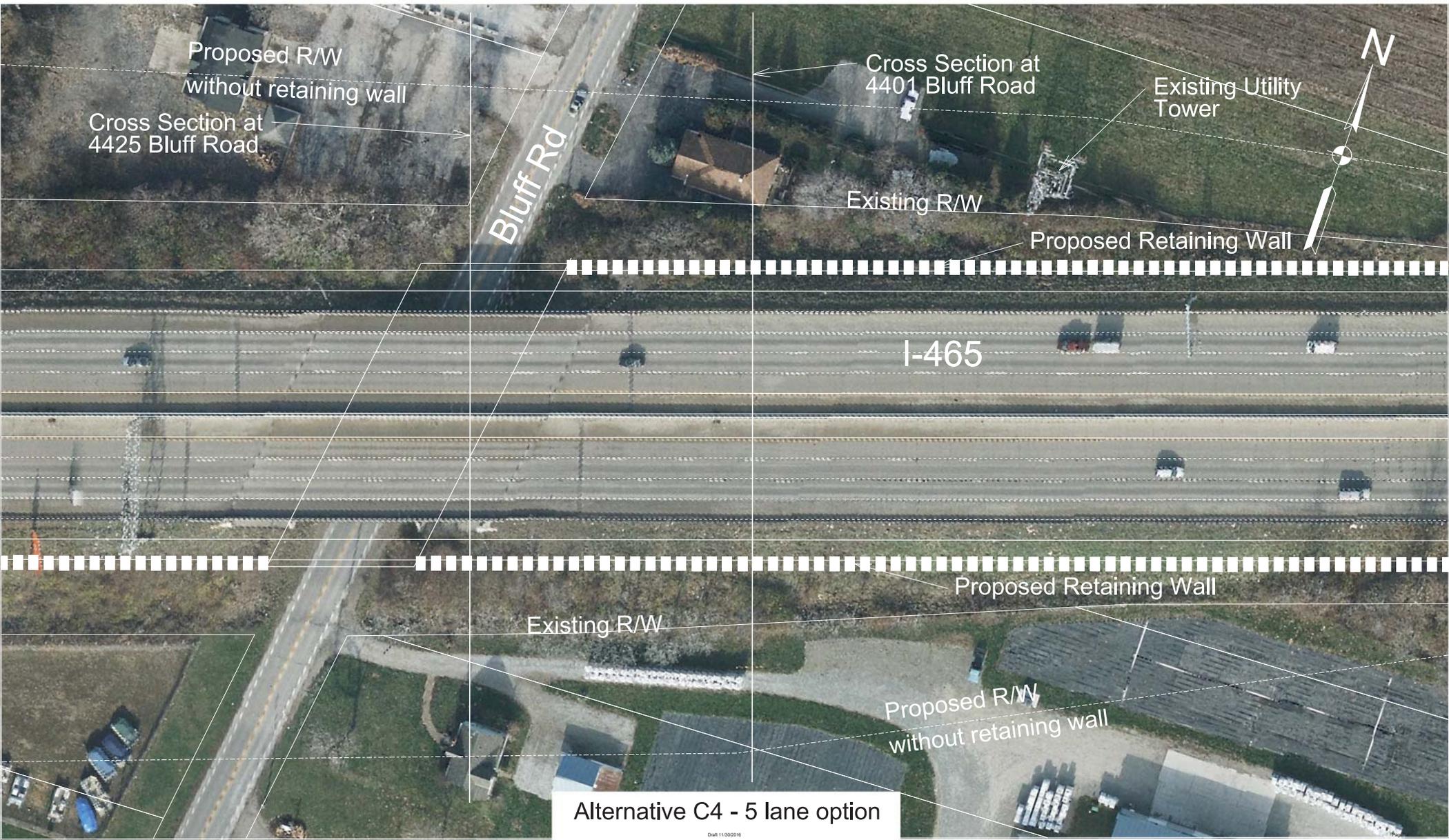
I-465 Cross Sections Near Bluff Road
DRAFT AND DELIBERATIVE
September 14, 2016



Alternative C4 - 4 lane option

Draft 11/30/2016

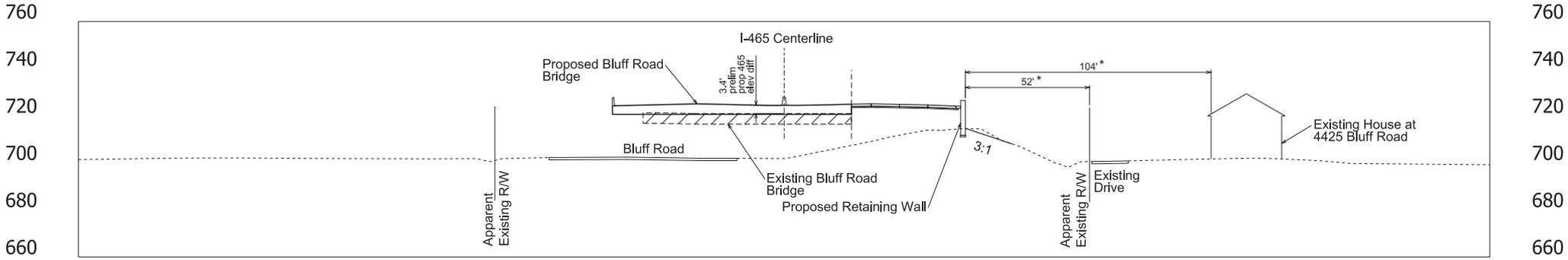
I-465 Cross Sections Near Bluff Road
DRAFT AND DELIBERATIVE
September 14, 2016



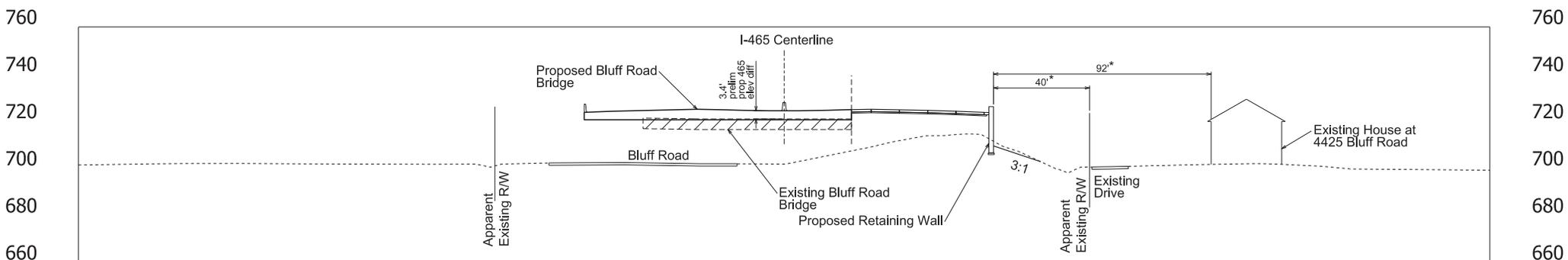
Alternative C4 - 5 lane option

Draft 11/30/2016

I-465 Cross Sections Near Bluff Road DRAFT AND DELIBERATIVE September 14, 2016



**Alternative C4; 4-lane option
with retaining wall**



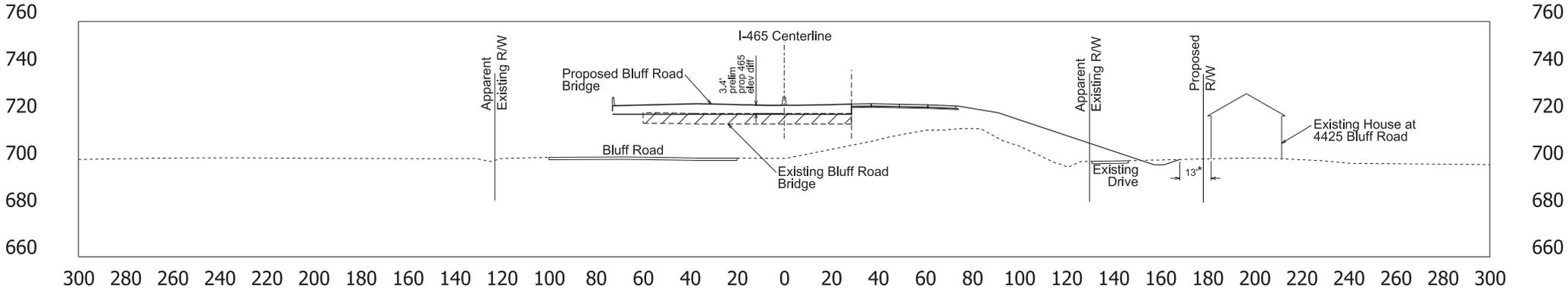
**Alternative C4; 5-lane option
with retaining wall**

*Dimensions are based on digital orthophotography, GIS property lines, and field observation. No survey has been conducted. House scale is approximate.

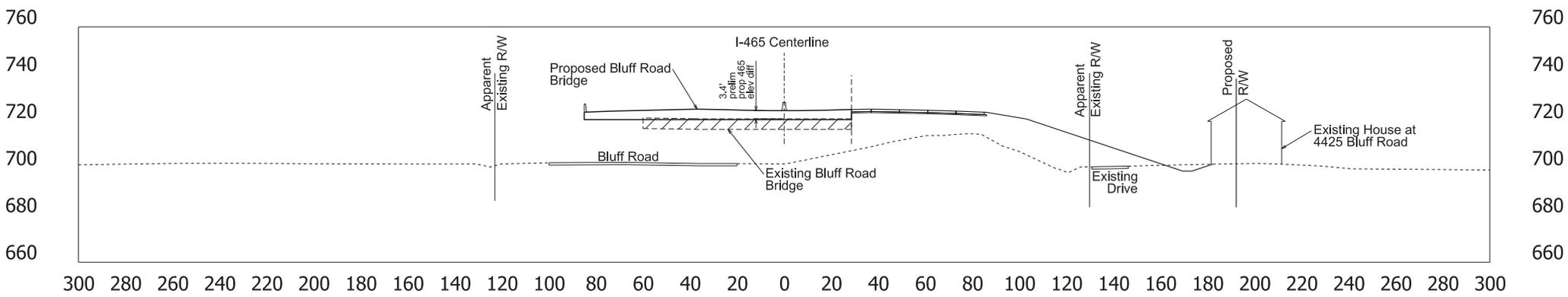
Note: Due to the skew of the bridge over Bluff Road, the north side of I-465 is on the bridge while the south side is on earth fill.



I-465 Cross Sections Near Bluff Road DRAFT AND DELIBERATIVE September 14, 2016



**Alternative C4; 4-lane option
with grading**



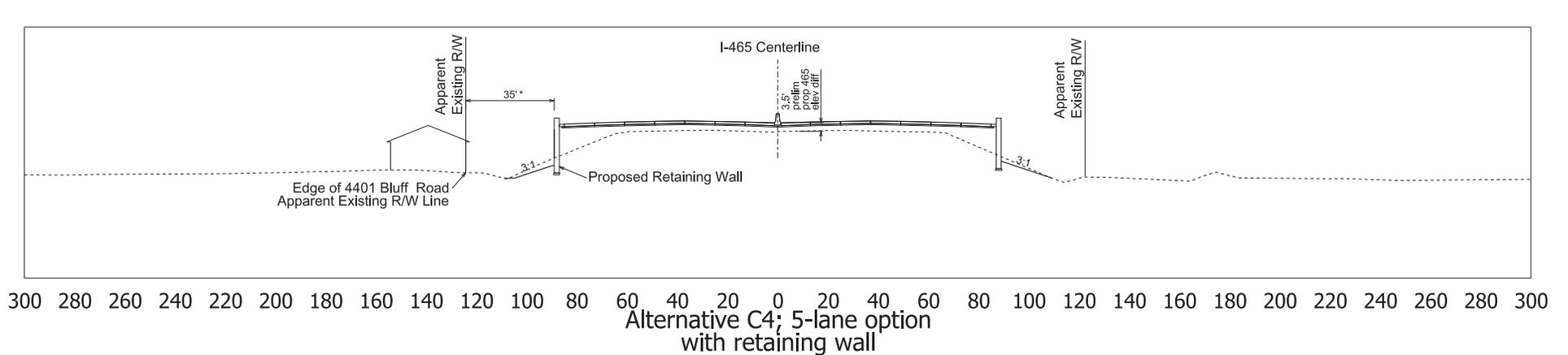
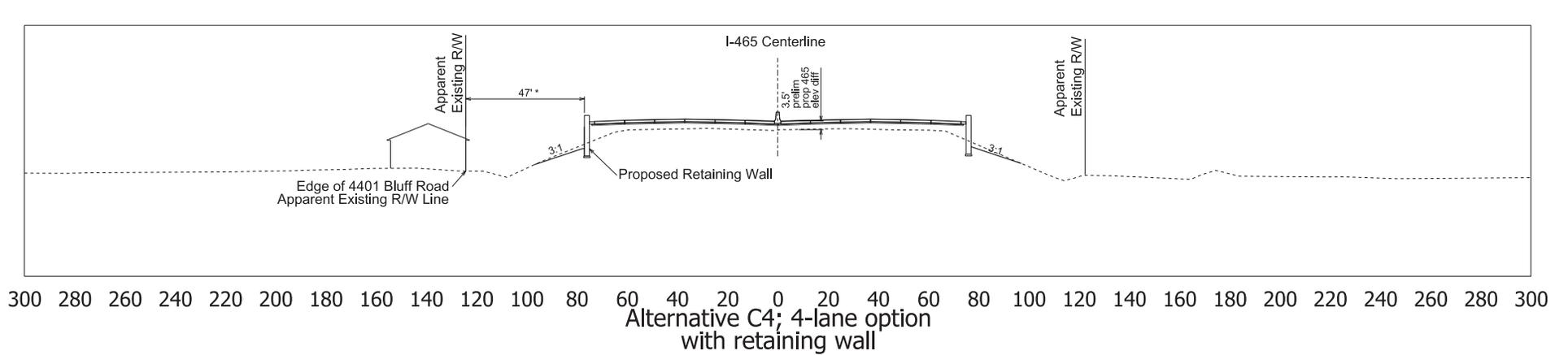
**Alternative C4; 5-lane option
with grading**

*Dimensions are based on digital orthophotography, GIS property lines, and field observation. No survey has been conducted. House scale is approximate.

Note: Due to the skew of the bridge over Bluff Road, the north side of I-465 is on the bridge while the south side is on earth fill.



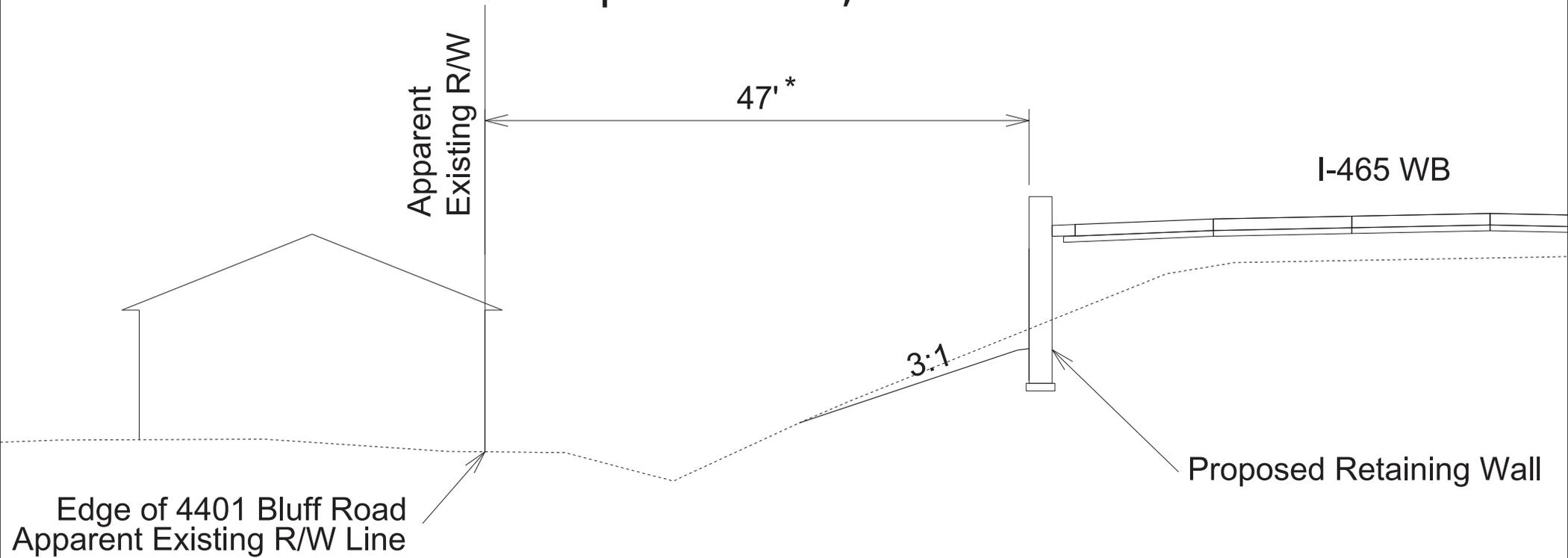
I-465 Cross Sections Near Bluff Road DRAFT AND DELIBERATIVE September 14, 2016



*Dimensions are based on digital orthophotography, GIS property lines, and field observation. No survey has been conducted. House scale is approximate.

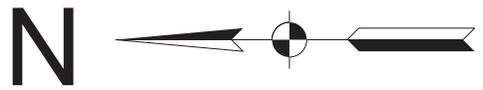


I-465 Cross Sections Near Bluff Road DRAFT AND DELIBERATIVE September 14, 2016

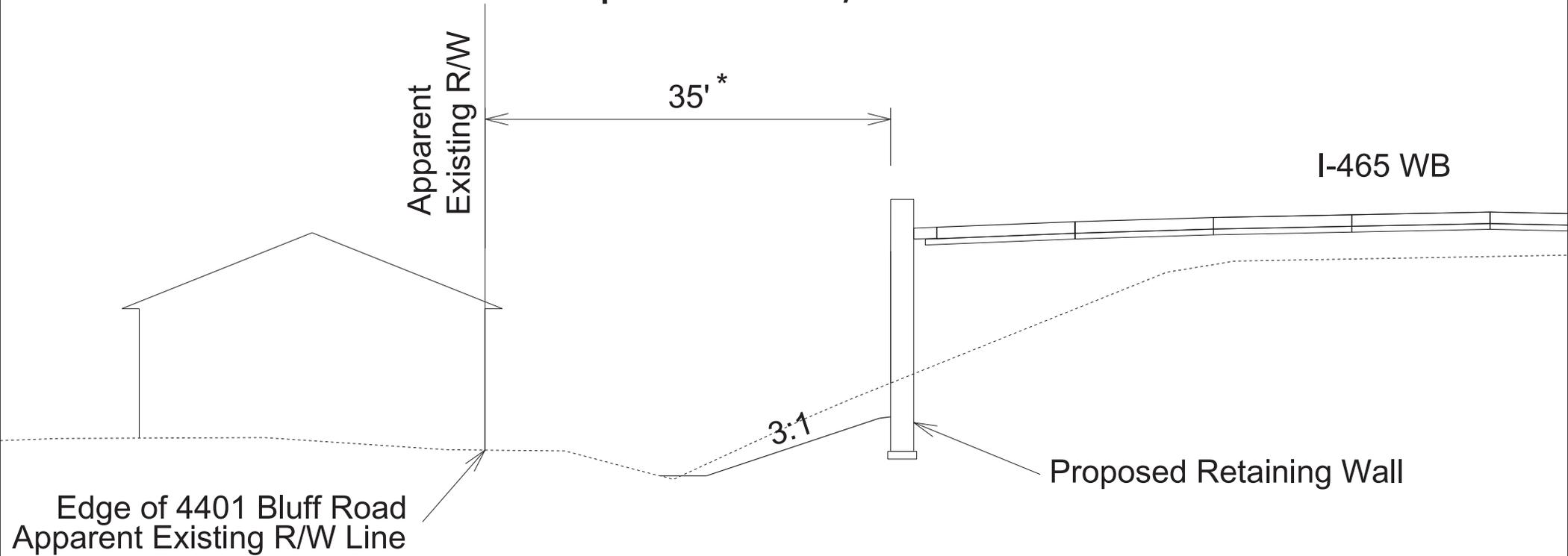


*Dimensions are based on digital orthophotography, GIS property lines, and field observation. No survey has been conducted. House scale is approximate.

Alternative C4; 4-lane option with retaining wall



I-465 Cross Sections Near Bluff Road DRAFT AND DELIBERATIVE September 14, 2016

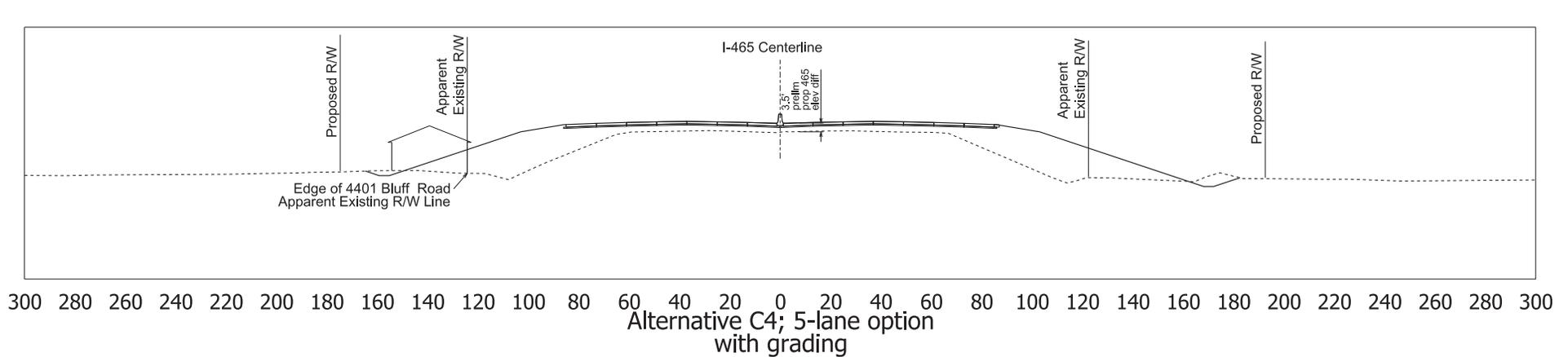
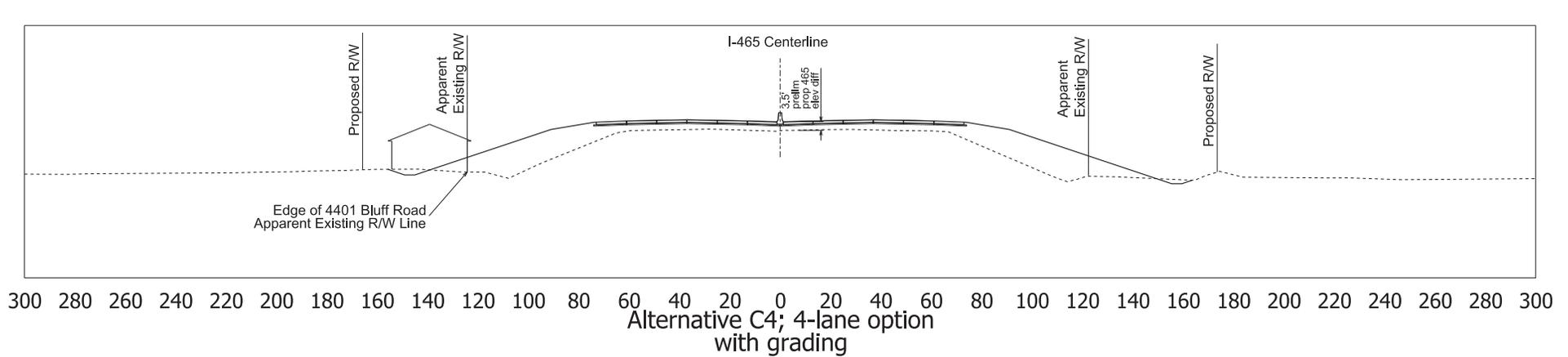


*Dimensions are based on digital orthophotography, GIS property lines, and field observation. No survey has been conducted. House scale is approximate.

Alternative C4; 5-lane option with retaining wall



I-465 Cross Sections Near Bluff Road DRAFT AND DELIBERATIVE September 14, 2016



*Dimensions are based on digital orthophotography, GIS property lines, and field observation. No survey has been conducted. House scale is approximate.



I-465 Cross Sections Near Bluff Road DRAFT AND DELIBERATIVE September 14, 2016

Proposed R/W

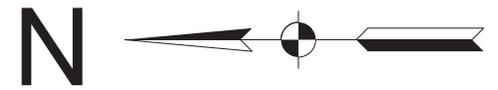
Apparent
Existing R/W

I-465 WB

Edge of 4401 Bluff Road
Apparent Existing R/W Line

*Dimensions are based on digital orthophotography, GIS property lines, and field observation. No survey has been conducted. House scale is approximate.

Alternative C4; 4-lane option
with grading



I-465 Cross Sections Near Bluff Road DRAFT AND DELIBERATIVE September 14, 2016

Proposed R/W

Apparent
Existing R/W

I-465 WB

Edge of 4401 Bluff Road
Apparent Existing R/W Line

*Dimensions are based on digital orthophotography, GIS property lines, and field observation. No survey has been conducted. House scale is approximate.

Alternative C4; 5-lane option with grading



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 11, 2016

James Earl, P.E.
Project Manager
I-69 Section 6 Project Office
7847 Waverly Road
Martinsville, Indiana 46151

Federal Agency: Federal Highway Administration ("FHWA")

Re: "Preliminary Alternatives Screening Report: Tier 2 Environmental Impact Statement, Section 6, Martinsville to Indianapolis" (March 29, 2016) and May 2 Section 106 site visit (HDA-IN; Des. No. 0300382; DHPA No. 4615)

Dear Mr. Earl:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the National Environmental Policy Act of 1969 (42 U.S.C § 4321, *et seq.*), the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed, selectively, the aforementioned report, accessed through a hyperlink in your March 30, 2016, e-mail message, for I-69 Section 6, which is proposed to be built in Morgan, Johnson, and Marion counties in Indiana.

As you know, my staff did not participate in the May 5, 2016, bus tour, but John Carr of my staff did participate in a site visit led by project consultants for the benefit of FHWA, Indiana Department of Transportation, and Indiana SHPO staff on May 2, 2016. The May 2 site visit focused on specific, historic above-ground properties that might be adversely impacted by one or more of the alternative alignments (C1, C2, or C3) that are still under consideration. It was helpful to have not only historical consultants but also a consulting engineer participating in the May 2 tour.

Based on observations and discussions during the May 2 tour, it appears to us that the historic above-ground property most likely to incur adverse effects from one or more of the alternative alignments is the Southside German Market Gardeners Historic District, especially a contributing house at 4401 Bluff Road in Indianapolis, immediately north of the existing I-465 overpass, and possibly a contributing house at 4425 Bluff Road, a short distance south of that overpass. The adverse effects on 4401 Bluff Road are likely to be visual effects of a retaining wall on the setting and possibly physical encroachment on the side yard. If 4425 Bluff Road were adversely affected, it likely would be due to visual effects on the setting resulting from the slope of the I-465 embankment coming closer to the side of the house. We are unable to detect a difference in the degree of effect among alternative alignments C1, C2, and C3, based on the maps in Appendix F of the preliminary alternatives screening report.

The setting of Marion County Bridge No. 4315F on Bluff Road over Pleasant Run Creek potentially could be adversely affected, depending on how tall a new bridge on I-69 over Pleasant Run Creek would stand and how close it would be built to the historic bridge. The proximity of the new I-69 bridge to the historic bridge also could limit the ability of the public to enjoy a lateral view of the historic bridge.

It does not appear that elevating Stones Crossing Road over I-69 would have a physical impact the Travis Hills Historic District. However, the elevation of, and perhaps other improvements to, Stones Crossing Road would begin just outside the district, and if large trees bordering the district would have to be removed, then the setting likely would be affected.

Determining whether that effect would be adverse would require more detailed information about the nature of the improvements to that part of Stones Crossing Road.

The potential for adverse effects on the Percy Farm & Clear Creek Fisheries at 295 Hess Road, outside Martinsville, depends on whether the I-69 Section 6 project would make improvements to Hess Road in front of the property and the nature and extent of those improvements. Effects could be physical, if part of the yard or barn lot is taken, or visual, if the relationship of the road to the house is altered significantly. The consultants were uncertain during the site visit as to whether improvements to that part of Hess Road for use as an access road would be included in any of the three alternative alignments, but maps in Appendix F of preliminary alternatives screening report do not show improvements being proposed there.

To enable us to offer more specific comments on the project's effects on any of the aforementioned properties, we would need more precise information about the proximity to the particular historic property and the size and description of proposed construction. It was difficult during the site visit to visualize the changes that would occur based only on verbal descriptions of the construction provided. Schematic plans and elevations of new construction or other proposed improvements in the immediate vicinity of each of those properties would be helpful.

The other historic above-ground properties that were visited during the May 2 site visit (La Ciel [Charles Laughner House] at 7719 Belmont Avenue in Indianapolis, John Sutton House at 988 North Bluff Road near Greenwood, Reuben Aldrich Farm at 7020 Old SR 37 in Morgan County, Top Notch Farm at 352 East Mahalasville Road near Martinsville, and Morgan County Bridge No. 224 on a closed section of Old SR 37 over Indian Creek southwest of Martinsville) may incur some visual effects but appear less likely than most of the properties discussed above to be adversely affected, based on our current understanding of the alternative alignments.

It is our impression that archaeological resources are still in the process of being identified and evaluated within the Section 6 project area. Our most recent comments on archaeological issues can be found in our letters to Kia Gillette of Lochmueller Group dated February 4, 2016, and April 14, 2016.

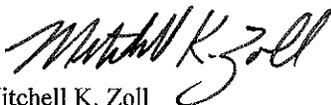
We noticed that Table 2-7 on page 2-38 and Table 2-10 on page 2-43 of the preliminary alternatives screening report identify only one historic property impact for each alternative alignment (C1, C2, C3), and that impact would be the acquisition of five acres from the Southside German Market Gardeners Historic District. We sense that perhaps only direct, physical impacts on historic above-ground properties have been identified so far.

The maps in the preliminary alternatives screening report still show the historic Stockwell Bridge (Morgan County Bridge No. 56) on Teeters Road over West Fork of Clear Creek. However, as the historical consultants have explained, within the last year or so the county demolished and replaced it with a new bridge.

Please direct questions about our comments on above-ground properties, such as buildings and structures, to John Carr at (317) 233-1949 or JCarr@dnr.in.gov. Questions about archaeological issues should be directed to Wade Tharp (317) 232-1650 or wtharp1@dnr.in.gov.

In all future correspondence regarding the I-69 Tier 2 Studies for Section 6 from Martinsville to Indianapolis (Des. No. 0300382), please refer to DHPA No. 4615.

Very truly yours,



Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JLC:jlc

emc: Richard Marquis, Division Administrator, Federal Highway Administration, Indiana Division
Janice Osadczuk, Federal Highway Administration, Indiana Division

Michelle Allen, Federal Highway Administration, Indiana Division
Sarah Rubin, Indiana Department of Transportation
James Earl, P.E., Indiana Department of Transportation
Laura Hilden, Indiana Department of Transportation
Anuradha Kumar, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
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I-69 Section 6 Project Office
William Wiedelman, P.E., HNTB Corporation
Christine Meador, HNTB Corporation
Rich Connolly, HNTB Corporation
Timothy Miller, HNTB Corporation
Michael Grovak, Lochmueller Group
Jason DuPont, P.E., Lochmueller Group
Kia Gillette, Lochmueller Group
Connie Zeigler, Lochmueller Group
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Wade T. Tharp, Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology
John Carr, Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Cameron F. Clark, Director

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



September 1, 2016

Jermaine R. Hannon
Acting Division Administrator
Federal Highway Administration, Indiana Division
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Identification of effects report (Natali and Weintraut, 8/1/2016); August 17, 2016, consulting parties meeting; and Weintraut & Associates' August 29, 2016, e-mail response to our questions about alternatives C2 and C3 relative to Marion County Bridge No. 4513F; all with regard to I-69 Evansville to Indianapolis: Tier 2 Studies Section 6 (HDA-IN; Des. No. 0300382; DHPA No. 4615)

Dear Mr. Hannon:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the National Environmental Policy Act of 1969 (42 U.S.C § 4321, *et seq.*), the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed your cover letter of August 2, 2016, with the aforementioned report enclosed, which we received in paper form on August 4, and Weintraut & Associates' aforementioned August 29 e-mail, regarding I-69 Section 6, which is proposed to be built in Morgan, Johnson, and Marion counties in Indiana.

The adverse effect identified for the historic Reuben Aldrich Farm is based on changes to the historic farmstead's setting, as a result of projected doubling (Alternative C3), tripling (Alternative C2), or quadrupling (Alternative C) the volume of traffic on Old SR 37 between 2010 and 2045, including at least a six-fold increase in truck traffic for any of those alternatives. Any of those levels of increase likely would be noticeable to the owners of the farmstead both visually and audibly (even if the potential for increased noise does not warrant mitigation under FHWA or Indiana Department of Transportation standards). How burdensome those increases would be is difficult to gauge. Because such increases would be sizeable, we are willing to agree that they may have an adverse effect, although we would recommend attempting to obtain the owners' input on what they think the impact on the property would be.

Devising meaningful mitigation for that particular adverse effect seems to be difficult, as the discussion at the August meeting indicated. John Carr of my staff thought he heard it suggested that the possibility of vegetative screening might be investigated. That could soften the effects of the increased traffic, but on the downside, screening would make it harder to enjoy the historic property from the public right-of-way. Input from the owners should be obtained, if possible, as to whether they think vegetative screening would be beneficial. Even if the owners think it would be beneficial, there would remain the question of whether to plant it on the Old SR 37 right-of-way (which presumably is county-owned) or on the farmstead side of the right-of-way line; it appears that the consent and cooperation of either the county or the private property owner would be necessary. If this project does have an adverse effect as a result of the increased traffic, it might be that it is of a degree and a kind that cannot specifically and meaningfully be mitigated.

We appreciate having received from Weintraut & Associates the approximate distances, at the closest points, between historic Marion County Bridge No. 4513F and the existing SR 37 bridge over Pleasant Run and the SR 37 right-of-way and between the historic bridge and the proposed I-69 bridges and rights-of-way for alternatives C2 and C3. Because Alternative C1 would move the new bridge farther away from the historic bridge than the existing SR 37 is, we do not think C1 could have an adverse effect. As we understand it, the right-of-way for both C2 and C3 would be the same distance

away from the historic bridge as the SR 37 right-of-way is. Either the C1 or the C2 bridge, however, would be about 71 feet from the historic bridge, whereas the existing SR 37 bridge is about 105 feet away. It is our understanding that the new, northbound bridge (*i.e.*, the bridge that would be closer to the historic bridge) for C1, C2, or C3 would stand about 10 to 15 feet higher than the historic bridge. Although the new C2 or C3 bridge would be about 34 feet closer, we think the 71-foot space between either of them and the historic Marion County Bridge No. 4513F would be sufficient to avoid adversely affecting the setting or viewshed of the historic bridge.

The question was raised at the August 17 meeting about whether it would be preferable to use a mechanically stabilized earth ("MSE") retaining wall along I-465 in the northeast and northwest quadrants of that highway's over pass of Bluff Road or to use a sloped, earthen embankment, as is proposed in the variation of Alternative C2. An MSE wall has the advantage of occupying less space and not extending as far into the Southside German Market Gardeners Historic District, but, as another consulting party noted at the meeting, a grassy slope would be somewhat more in keeping with the emphasis on green plants that give the district part of its character.

We do not have a preference between the MSE wall and the sloped, earthen embankment. The construction of I-465 through what only later was recognized as a historic district had a greater impact than any of the alternatives for improving that part of I-465 would. Elevating the I-465 bridges over Bluff Road will tend to aggravate the intrusive nature of the highway. If the house at 4401 Bluff Road is removed, the district will lose a contributing building, but, as a practical matter, it is difficult to foresee that house being considered suitable for human habitation and continuing to exist in the long run, due to its proximity to the highway and the existing traffic noise.

If an MSE wall is used, some kind of textured or scored surface might be less stark than a plain, concrete wall, although, as someone mentioned at the meeting, it would be best if it were by nature or by application of a coating relatively resistant to graffiti.

The only other, possibly beneficial mitigation or minimization measure that would directly address and alleviate some aspect of the impact of changes to I-465 on the Southside German Market Gardeners Historic District would be to widen the opening under I-465, in an effort to reduce the visual effect of the highway's being a barrier between the north and south parts of the district. However, that would mean lengthening the bridges, and it is our understanding that building structures such as bridges is more expensive than building a roadway atop earthen fill.

We agree with the identification of effects report that any of the alternatives of I-69 Section 6 would have an overall adverse effect on historic properties.

Please direct questions about our comments on above-ground properties, such as buildings and structures, to John Carr at (317) 233-1949 or JCarr@dnr.in.gov. Questions about archaeological issues should be directed to Wade Tharp (317) 232-1650 or wtharp1@dnr.in.gov.

In all future correspondence regarding the I-69 Tier 2 Studies for Section 6 from Martinsville to Indianapolis (Des. No. 0300382), please continue to refer to DHPA No. 4615.

Very truly yours,



Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JLC:jlc

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

emc: Janice Osadczyk, Federal Highway Administration, Indiana Division
Michelle Allen, Federal Highway Administration, Indiana Division
Sarah Rubin, Indiana Department of Transportation

James Earl, P.E., Indiana Department of Transportation
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Beth McCord, Gray & Pape, Inc.
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Wade T. Tharp, Department of Natural Resources, Division of Historic Preservation and Archaeology
John Carr, Department of Natural Resources, Division of Historic Preservation and Archaeology

**SOUTHSIDE GERMAN MARKET GARDENERS HISTORIC DISTRICT MEETING,
PRESENTATION OCTOBER 4, 2016**



Southside German Market Gardeners Historic District

Martinsville to Indianapolis Section 6

October 4, 2016



Meeting Purpose

1. Update residents on I-69 Section 6 Status
2. Explain how and why area is historic
3. Discuss potential impacts and potential mitigation
4. Solicit feedback and answer questions



Project Update

March 29, 2016

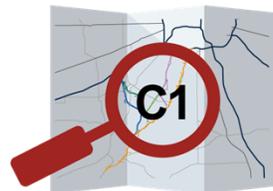
Announcement of Alternative C as
Alternative Moving Forward
SR 39 in Martinsville to I-465



ALTERNATIVE

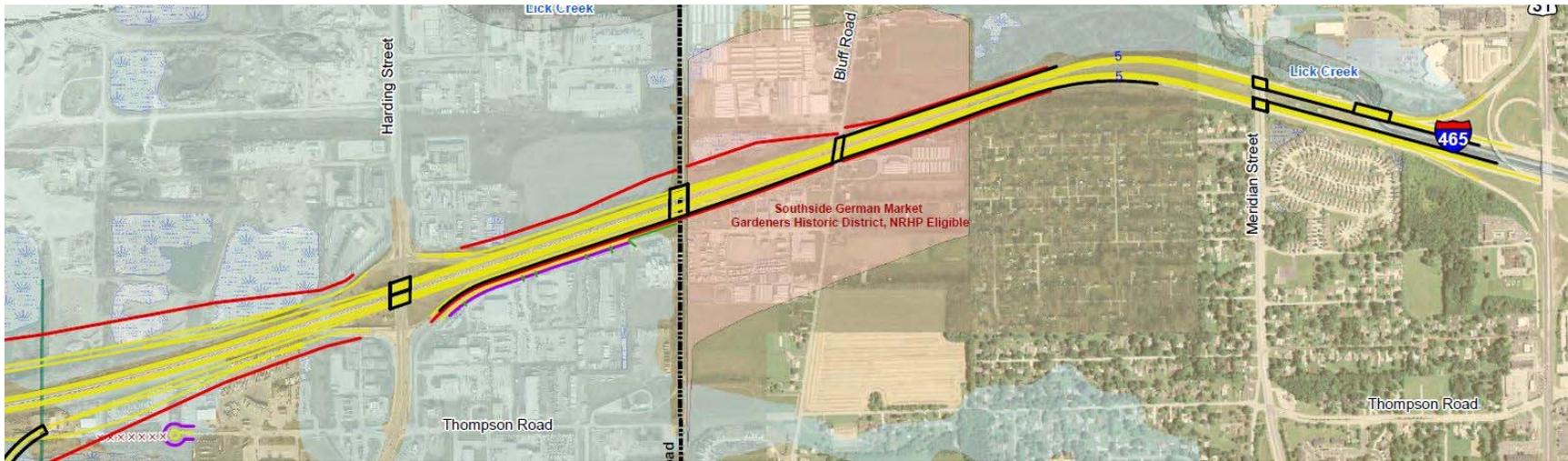
C

ALIGNMENTS



Project Update

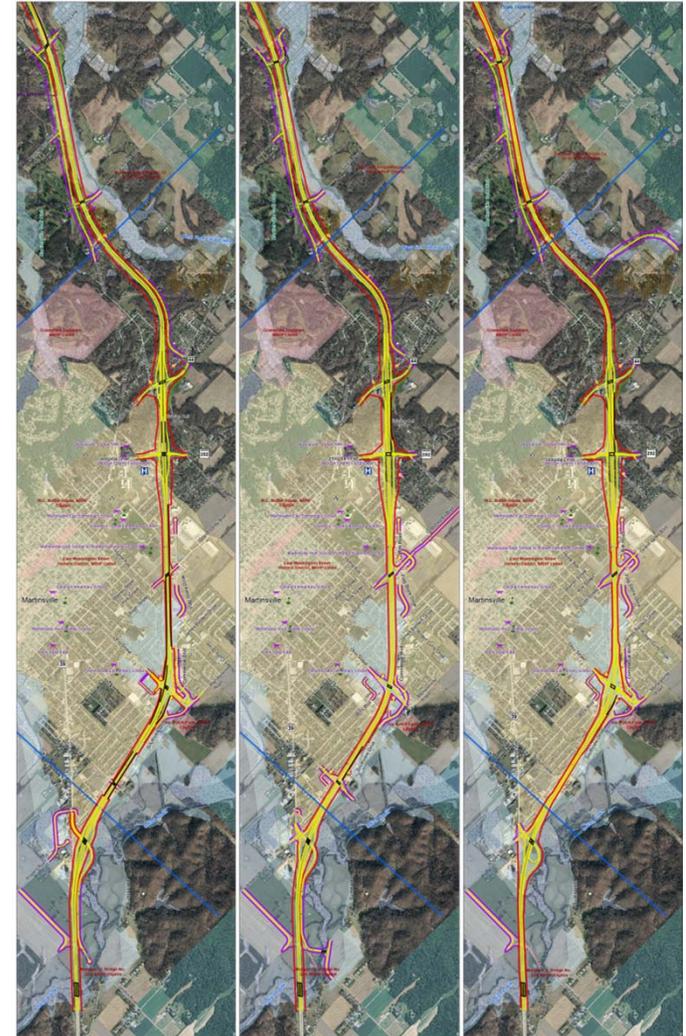
Project Limits Include Improvements to I-465



Project Update

Differences among C1, C2 and C3

- Interchange locations and configurations
- Local service road connections
- Grade separation locations
- Environmental impacts
- Right of way impacts



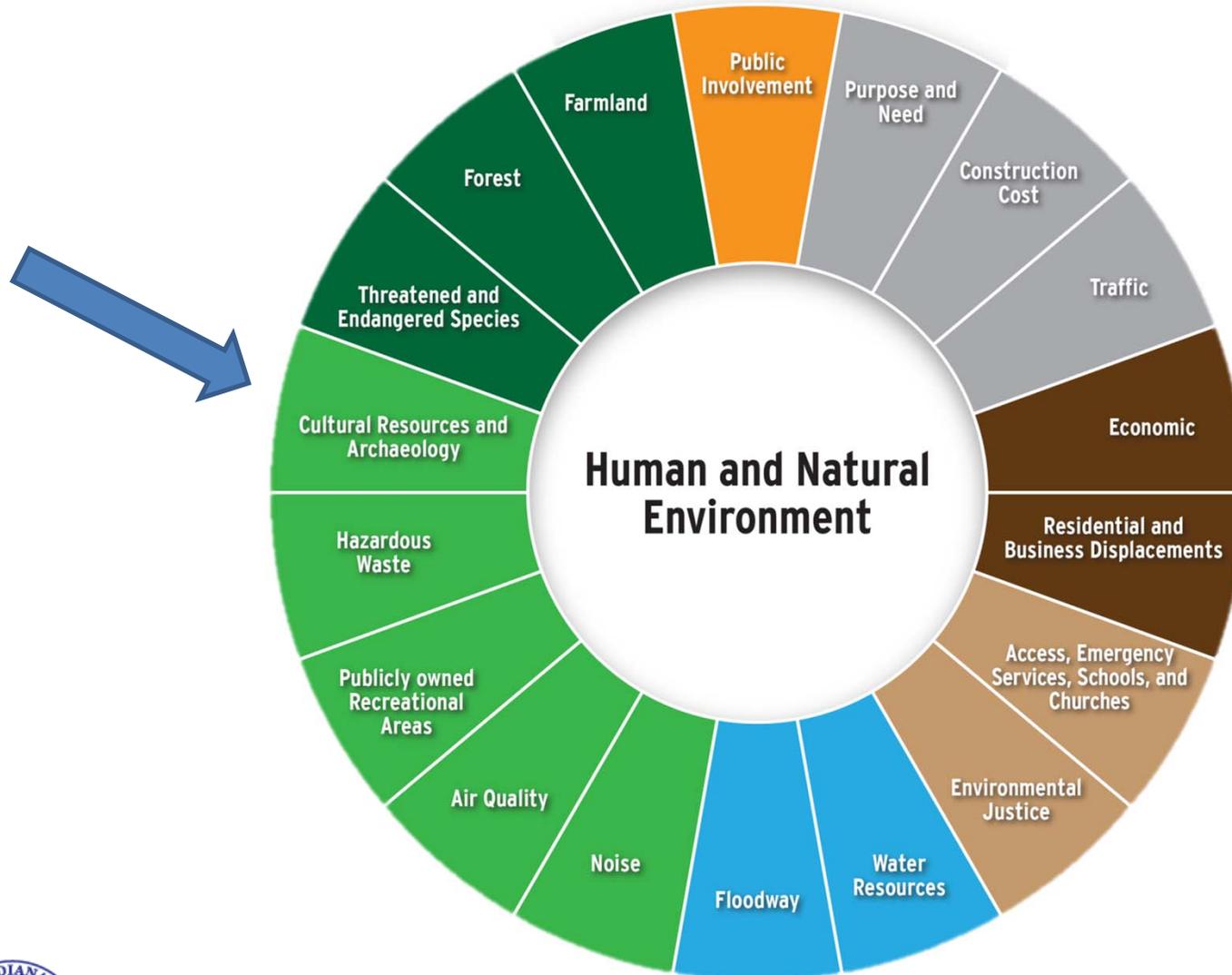
Project Update

Potential Number of Lanes

- **Indian Creek to SR 144:**
2 lanes each direction
- **SR 144 to Southport Road:**
3 lanes each direction
- **Southport Road to I-465:**
4 lanes each direction
- **I-465 between Mann Road and US 31**
Added Capacity



Project Update



Schedule



Historic Properties

- **What is Section 106?**
 - Section 106 of the NHPA requires federal agencies “to take into account the effect of the undertaking” (the project) upon historic properties (16 U.S.C. §470(f)).
 - Agencies are required to make a “reasonable and good faith effort” to identify and evaluate historic properties and then to document the project’s effects upon these historic properties (36 CFR §800.4(b)(1)).
- **Historic property evaluations for I-69 Section 6 have been conducted in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966.**



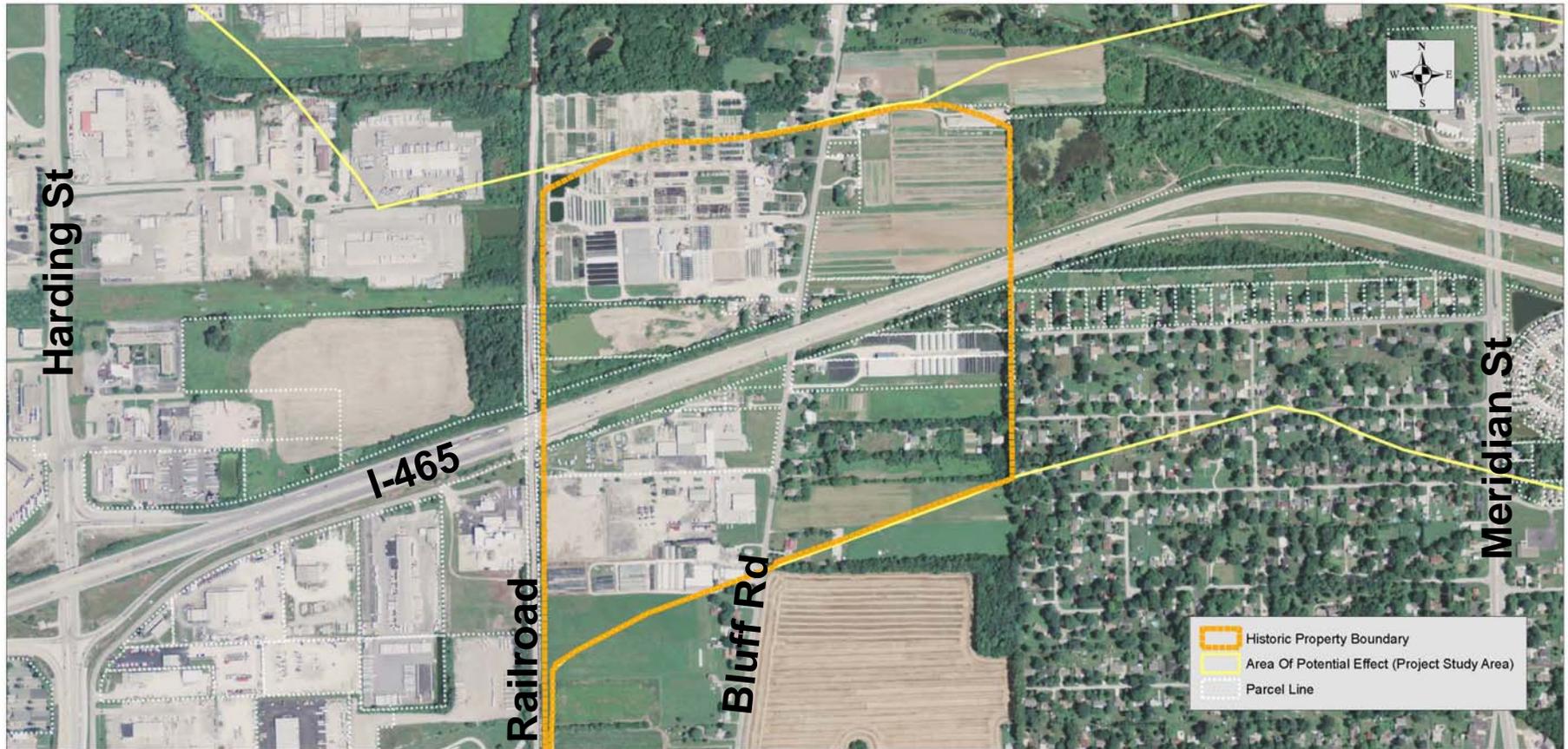
Historic Properties

NRHP Eligibility Criteria

- **What makes a property NRHP eligible?**
 - A. Association with events that have made a contribution to the broad patterns of history
 - B. Association with the lives of significant persons
 - C. Embodiment of the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant or distinguishable entity whose components may lack individual distinction
 - D. Have yielded, or may be likely to yield, important data (i.e.: archaeology)



Historic Properties



Assess Effects
Southside German Market Gardeners Historic District
Eligible under Criterion A & C



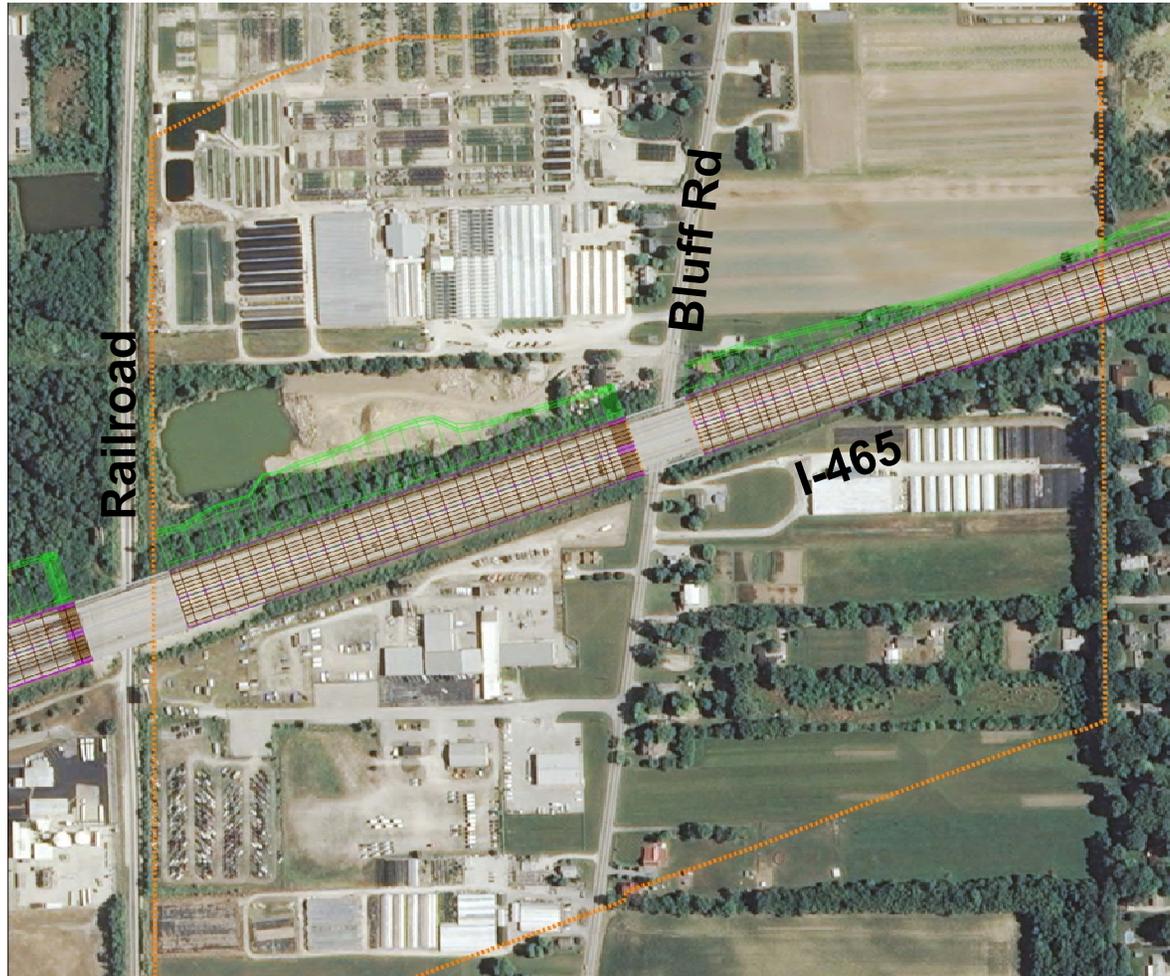
Historic Properties



**Southside German Market Gardeners Historic District
Eligible under Criterion A & C**



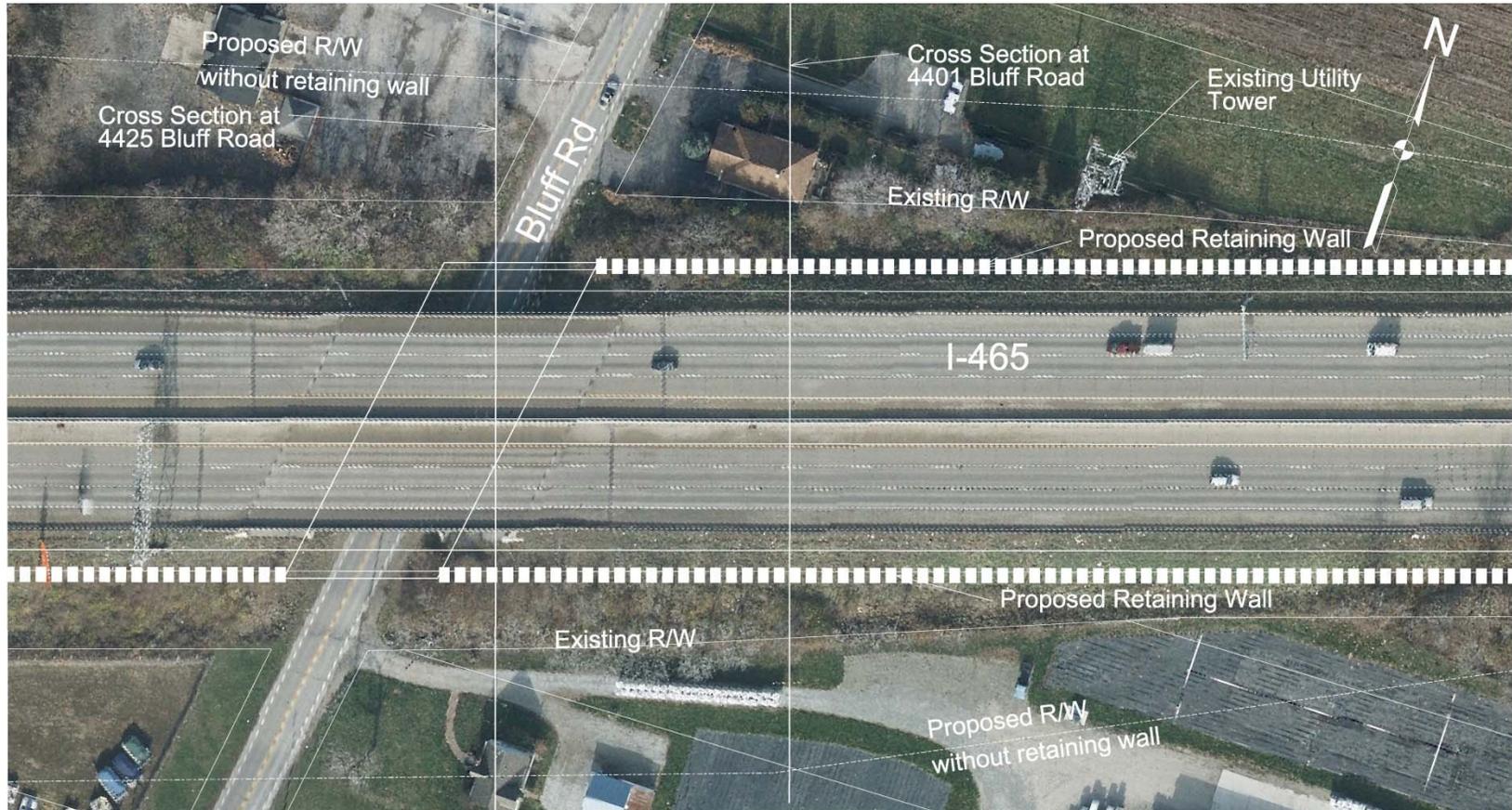
Historic Properties



Southside German Market Gardeners Historic District



Historic Properties

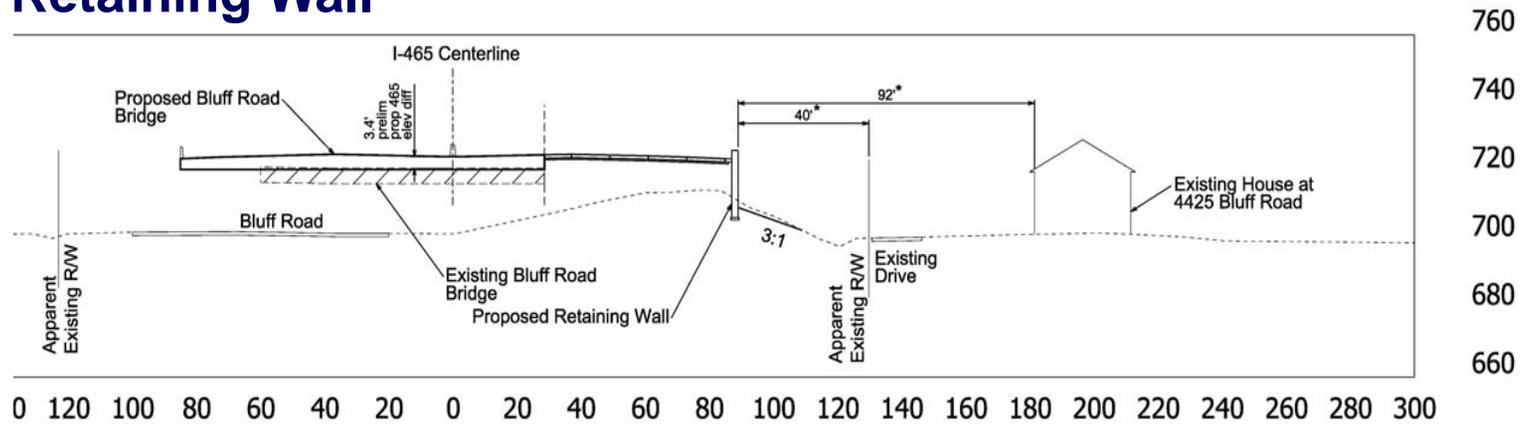


Southside German Market Gardeners Historic District

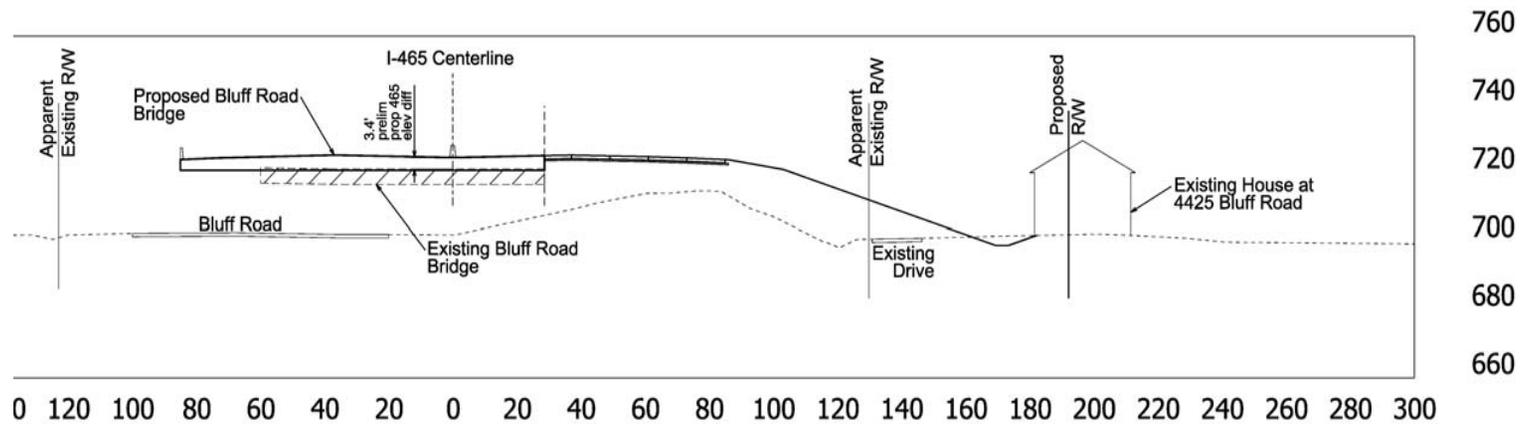


Historic Properties

Retaining Wall



Fill Slope

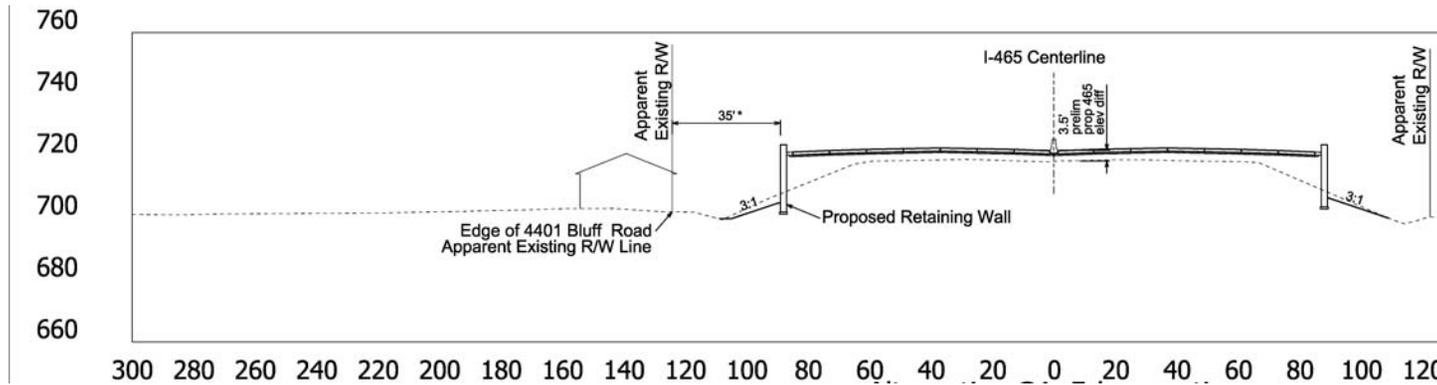


South of I-465, Looking East

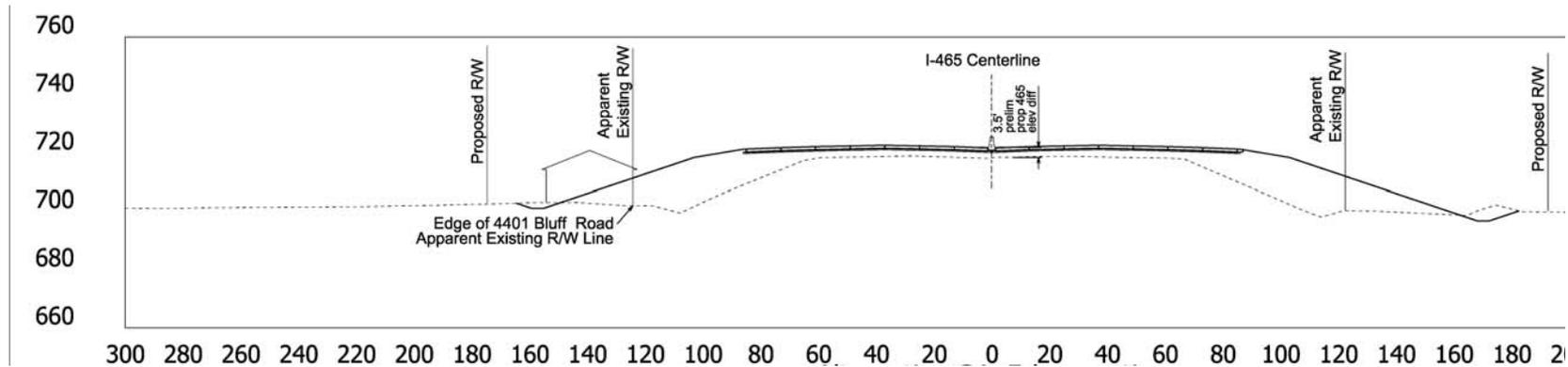


Historic Properties

Retaining Wall



Fill Slope



North of I-465, Looking East



Historic Properties



Southside German Market Gardeners Historic District



Examples of MSE Wall



Historic Properties

Potential Mitigation:

- Landscaping
- Interpretative Signage
- Design Treatments
- Historic District Nomination
- Others?
- Submit comments on or before October 14



Historic Properties

Next Steps?

- Listen to your feedback
- Minimize right of way requirements
- Develop potential mitigation measures that will limit impacts to the District
- Submit comments on or before October 14



Questions





Section 6 Project Office

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4401 BLUFF ROAD SITE INSPECTION, OCTOBER 25, 2016

MEMORANDUM

To: File

From: Tim Miller, Jeff Ballard, HNTB Corporation

Date: October 25, 2016

Re: Site inspection at 4401 Bluff Road, Indianapolis

The purpose of this memo is to document that a site inspection occurred at 4401 Bluff Road, Indianapolis. The purpose of the site inspection was to determine the structural components of the house.

Tim Miller, Project Manager, and Jeff Ballard, HNTB Structural Engineer, visited the site on October 25, 2016 at 5:30pm. John and Sandy Harrison, owners of the property, provide Tim and Jeff a tour both inside and outside the property. Mr. Harrison noted the house was constructed in the early 1920s. Mr. Harrison converted the front portion of the residence into a work space for Sandy's hair cutting/styling business. Based on visual observations on the interior of the home it does appear that the age of the home dates back to the 1920s. The built-in cabinetry in their living area appears to confirm the age of the home along with the entry archways visible on the interior of the home.

The home is a one story residence with a basement. The basement is constructed of concrete block walls up to the first floor. The Owner informed us that the walls above the basement are constructed of two wythes of brick. The exterior walls above basement level have been finished with siding – added in the past. The floor of the basement is concrete.

Typical of residential construction of this time period, no reinforced concrete masonry nor reinforced brick masonry was likely used, nor would there have been a need for them to reinforce this structure. The first floor is constructed of conventionally framed wood joists and hard wood floors are visible.

John Harrison pointed out where the roof line was altered in order to avoid infringing upon the I-465 right of way.

Figure 1: Towers on north side of property looking west.

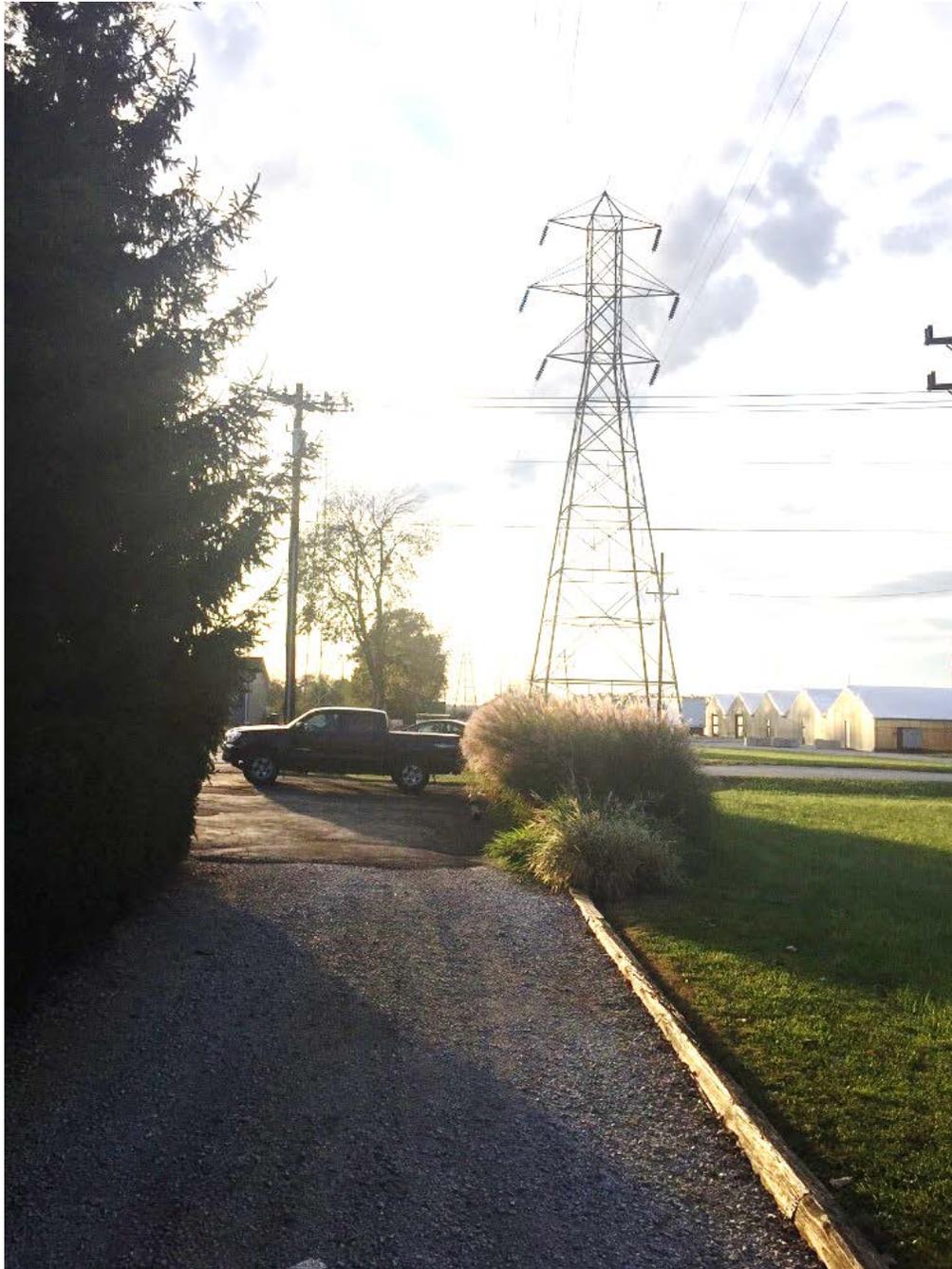


Figure 2: Roofline on southeast quadrant of house. Avoided right of way.



CONSULTATION LETTER TO DHPA-SHPO AND CONSULTING PARTIES AND ATTACHMENTS, OCTOBER 28, 2015



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

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

October 28, 2016

In Reply Refer To:
HDA-IN

Dear Consulting Party:

The Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT), is preparing a Tier 2 Environmental Impact Statement (EIS) for Section 6 of the I-69 Evansville to Indianapolis project (Des. No. 0300382; DHPA No.: 4615). Section 106 of the National Historic Preservation Act (1966) requires Federal agencies to take into account the effects of their undertakings on historic properties. Historic properties are those properties that are listed in, or eligible for listing in, the National Register of Historic Places.

On October 16, 2015, FHWA re-initiated consultation for the I-69 Section 6 evaluation of cultural resources under Section 106 by extending invitations to join in consultation to those who had previously been consulting parties and those individuals, groups, and tribes with a demonstrated interest in the project. Since that time, the following above-ground reports have been disseminated to those who accepted consulting party status: *Historic Property Report Additional Information No. 1*; *Historic Property Report Additional Information No. 2*; and *Identification of Effects Report*.

You may access these reports at INDOT's Section 106 document posting website, IN-SCOPE, at <http://erms.indot.in.gov/Section106Documents/>. The Des. No. is the most efficient search term, once in IN-SCOPE.

The *Historic Property Report Additional Information No. 1* identified the area both north and south of I-465 along Bluff Road as the Southside German Market Gardeners Historic District. This area had not previously been identified as a historic district and is referred to as the Southside German Market Gardeners Historic District for the purposes of this I-69 Section 6 study. The Southside German Market Gardeners Historic District has been recommended eligible for listing in the National Register of Historic Places. The *Identification of Effects Report* (August 1, 2016) recommended an Adverse Effect finding for the Southside German Market Gardeners Historic District for the following reasons: the home at 4401 Bluff Road may be demolished, land will be acquired from the district, and I-465 will be widened resulting in the construction of mechanically stabilized earth (MSE) retaining walls along the south side I-465 and MSE retaining walls and/or an earthen slope along the north side of I-465 within the district.

Since the publication of the *Identification of Effects Report*, INDOT and FHWA invited property owners within the Southside German Market Gardeners Historic District to a meeting to discuss the project, including the option of a MSE retaining wall or a possible slope within the District. That meeting occurred on the evening of October 4, 2016, at the German American Klub at 8602 South Meridian Street. The purpose of the meeting was to update residents on the status of I-69 Section 6, discuss potential impacts and potential mitigation measures to historic properties, answer questions regarding the project and historic properties, and solicit feedback. INDOT discussed potential impacts to the district, including the effects of widening I-465, and the potential use of MSE retaining walls or earthen slopes along I-465. A meeting summary and graphics presented at the meeting are attached.

I-465 will be widened to accommodate additional capacity between approximately U.S. 31 and Mann Road and the I-465 bridge over Bluff Road will be raised by approximately two feet in order to meet current bridge clearance standards. Both the north and south sides of I-465 are currently fronted by an earthen slope.

Along the south side of I-465 within the historic district, current design options are an MSE retaining wall or an earthen slope. Use of an MSE retaining wall would avoid direct impacts to two contributing residential structures within the District and would minimize acquisition of new right of way. The existing earthen embankment is approximately 18 to 20 feet in height and the proposed MSE retaining wall would be approximately 20 to 22 feet high at Bluff Road and extend to the Harding Street ramps on the west and the US 31 ramps on the east. The MSE retaining wall is the recommended alternative at this location.

Along the north side of I-465 within the historic district, current design options also include an MSE retaining wall, earthen slope, or a combination of the two. The house at 4401 Bluff Road is contributing to the historic district and is located on the existing right of way line for I-465. The earthen slope would impact the house located at 4401 Bluff Road resulting in its removal and would impact two electric transmission towers located east of Bluff Road, potentially requiring their relocation.

The MSE retaining wall would be 35 feet south of the corner of the house and 25 to 45 feet south of the electric transmission towers. The house and electric transmission towers could remain in place. The MSE retaining wall would be approximately 22 feet high at Bluff Road and extend either the entire width of the District or from Bluff Road east past the eastern edge of the District with an earthen slope west of Bluff Road. The MSE retaining wall would not directly impact the house or electric transmission towers, but the use of the wall might not be sufficient to avoid impacts. The MSE retaining wall could result in physical impacts to 4401 Bluff Road during construction and future livability concerns based on the proximity of the house to I-465.

A combination of MSE retaining wall and earthen slope is recommended in this location. The earthen slope would be used on the west side of Bluff Road within the historic district. The earthen slope with MSE retaining wall around the electric transmission towers would be used on

the east side of Bluff Road within the historic district. The MSE walls around the towers would be up to 14 feet in height and gradually slope to existing ground level.

Two comments were received subsequent to the October 4, 2016 meeting. One expressed a preference for the slope. The second expressed a concern for the potential increase in flooding from highway run off and for the potential increase in noise levels. The submitter asked if a sound wall is a possibility. These comments are attached for reference.

In addition to the October 4, 2016 public meeting, INDOT met with the property owners of 4401 Bluff Road on October 17, 2016 to discuss the wall versus slope option. The owners agreed that the wall would not be “reasonable and prudent” and requested that they be relocated. The owners stated that the house was built of unreinforced masonry (not frame) and cannot be moved. They also indicated the house could potentially be damaged during construction due to the vibration from construction machinery. Additionally, INDOT and HNTB conducted a on-site assessment of the house at 4401 Bluff Road on October 25, 2016. It was confirmed that the house was constructed of unreinforced masonry.

Since the publication of the *Identification of Effects Report*, additional information regarding noise impacts on historic properties has become available. The *Identification of Effects Report* was based on the best information available at the time of preparation. Since the publication of that report, preliminary noise information has been refined for properties within 800 feet of the I-69 Section 6 mainline or of a local road that will experience increased traffic as a result of the undertaking.

The INDOT Traffic Noise Analysis Procedure states that highway noise impacts occur if either of two conditions is met: 1) the predicted Leq(h) levels “approach” or “exceed” the appropriate noise abatement criteria for the land use identified, or 2) the predicted highway Leq(h) noise levels substantially exceed the existing noise level. “Approach or exceed” is defined as levels that are within 1 decibels dBA Leq(h) of the appropriate Noise Abatement Criteria (NAC) or higher. The NAC for Category B land use (residential properties) is 67 dBA. Accordingly, 66 dBA is the level at which highway noise impacts occur. “Substantially exceed” means predicted traffic noise levels exceed existing noise levels by 15 dBA or more. Please note that if the existing ambient noise level currently approaches or exceeds the criteria, then predicted increases are not considered effects unless there is an increase of 15 dBA. Existing, and design year 2045, sound levels were determined by noise level measurement and/or FHWA TNM 2.5 modeling, as applicable.

Table 1 presents the existing modeled noise levels (“Before”) at the historic properties and the design year modeled noise levels (“After”) with I-69 Section 6 in place. The historic properties listed in the table are already located along a highly traveled state road. INDOT and FHWA have determined that the INDOT Traffic Noise Analysis Procedure would, therefore, apply.

The predicted noise levels are below the stated criteria of 66 dBA and do not exceed an increase of 15 dBA. Based on the analysis, the predicted noise levels will not cause any additional adverse effect. Additionally, since sound levels are added logarithmically and not linearly, it

would take a subsequent “doubling” of present traffic volumes to increase the predicted noise levels by 3 decibels. A 3 dB(A) increase in the Leq noise level is barely perceptible to the human ear in the natural environment.

Table 1. Modeled Noise Levels for Historic Properties			
Historic Property	Existing Noise, Leq, dBA (Before)	Design Year Noise, Leq, dBA (After)	Noise Difference, Leq, dBA
John Sutton House	57.4	64.0	6.6
Southside German Market Historic District	69.7	67.0/70.1*	-2.7/0.4
Glenwood Homes Association Historic District #1	54.3	63.0	8.7
Glenwood Homes Association Historic District #2	52.1	56.6	4.5
Travis Hills Historic District #1	53.9	60.6	6.7
Travis Hills Historic District #2	57.5	56.9	-0.6
Le Ciel (Laughner House)	56.9	65.9	9.0
Cleary-Barnett House	49.9	55.2	5.3
Glenn’s Valley Nature Park Retreat House	47.5	54.5	7.0
Top Notch Farm	49.6	57.9	8.3
Grassyfork Fisheries Farm No. 1	48.2	55.7	7.5
Pearcy Farm & Clear Creek Fisheries	41.6	44.9	3.3
Reuben Aldrich Farm	50.1	52.6	2.5

* Noise level with retaining wall and safety barrier/Noise level without retaining wall and safety barrier

We are sending this additional information regarding noise modeling and meetings with the property owners of the Southside German Market Gardeners Historic District as part of our ongoing consultation for this project. We ask that you please comment if you have a preferred option in the northeast corner of Bluff Road and I-465 (i.e. an MSE retaining wall or earthen slope). We respectfully request any comments you have on this information no later than 30 days of the date of this letter.

Best regards,


 Mayela Sosa
Division Administrator

Attachment: Meeting Summary, Graphics, and Comments

cc: Michelle Allen, FHWA
Sarah Rubin, INDOT
James Earl, INDOT
Christine Meador, HNTB
Kia Gillette, Lochmueller Group.
Dr. Linda Weintraut, Weintraut & Associates, Inc.
Beth McCord, Gray & Pape



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

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

October 28, 2016

In Reply Refer To:
HDA-IN

Mr. Mitch Zoll
Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 West Washington Street, W274
Indianapolis, IN 46204

Dear Mr. Zoll:

The Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT), is preparing a Tier 2 Environmental Impact Statement (EIS) for Section 6 of the I-69 Evansville to Indianapolis project (Des. No. 0300382; DHPA No.: 4615). Section 106 of the National Historic Preservation Act (1966) requires Federal agencies to take into account the effects of their undertakings on historic properties. Historic properties are those properties that are listed in, or eligible for listing in, the National Register of Historic Places.

On October 16, 2015, FHWA re-initiated consultation for the I-69 Section 6 evaluation of cultural resources under Section 106 by extending invitations to join in consultation to those who had previously been consulting parties and those individuals, groups, and tribes with a demonstrated interest in the project. Since that time, the following above-ground reports have been disseminated to those who accepted consulting party status: *Historic Property Report Additional Information No. 1*; *Historic Property Report Additional Information No. 2*; and *Identification of Effects Report*.

You may access these reports at INDOT's Section 106 document posting website, IN-SCOPE, at <http://erms.indot.in.gov/Section106Documents/>. The Des. No. is the most efficient search term, once in IN-SCOPE.

The *Historic Property Report Additional Information No. 1* identified the area both north and south of I-465 along Bluff Road as the Southside German Market Gardeners Historic District. This area had not previously been identified as a historic district and is referred to as the Southside German Market Gardeners Historic District for the purposes of this I-69 Section 6 study. The Southside German Market Gardeners Historic District has been recommended eligible

for listing in the National Register of Historic Places. The *Identification of Effects Report* (August 1, 2016) recommended an Adverse Effect finding for the Southside German Market Gardeners Historic District for the following reasons: the home at 4401 Bluff Road may be demolished, land will be acquired from the district, and I-465 will be widened resulting in the construction of mechanically stabilized earth (MSE) retaining walls along the south side I-465 and MSE retaining walls and/or an earthen slope along the north side of I-465 within the district.

Since the publication of the *Identification of Effects Report*, INDOT and FHWA invited property owners within the Southside German Market Gardeners Historic District to a meeting to discuss the project, including the option of a MSE retaining wall or a possible slope within the District. That meeting occurred on the evening of October 4, 2016, at the German American Klub at 8602 South Meridian Street. The purpose of the meeting was to update residents on the status of I-69 Section 6, discuss potential impacts and potential mitigation measures to historic properties, answer questions regarding the project and historic properties, and solicit feedback. INDOT discussed potential impacts to the district, including the effects of widening I-465, and the potential use of MSE retaining walls or earthen slopes along I-465. A meeting summary and graphics presented at the meeting are attached.

I-465 will be widened to accommodate additional capacity between approximately U.S. 31 and Mann Road and the I-465 bridge over Bluff Road will be raised by approximately two feet in order to meet current bridge clearance standards. Both the north and south sides of I-465 are currently fronted by an earthen slope.

Along the south side of I-465 within the historic district, current design options are an MSE retaining wall or an earthen slope. Use of an MSE retaining wall would avoid direct impacts to two contributing residential structures within the District and would minimize acquisition of new right of way. The existing earthen embankment is approximately 18 to 20 feet in height and the proposed MSE retaining wall would be approximately 20 to 22 feet high at Bluff Road and extend to the Harding Street ramps on the west and the US 31 ramps on the east. The MSE retaining wall is the recommended alternative at this location.

Along the north side of I-465 within the historic district, current design options also include an MSE retaining wall, earthen slope, or a combination of the two. The house at 4401 Bluff Road is contributing to the historic district and is located on the existing right of way line for I-465. The earthen slope would impact the house located at 4401 Bluff Road resulting in its removal and would impact two electric transmission towers located east of Bluff Road, potentially requiring their relocation.

The MSE retaining wall would be 35 feet south of the corner of the house and 25 to 45 feet south of the electric transmission towers. The house and electric transmission towers could remain in place. The MSE retaining wall would be approximately 22 feet high at Bluff Road and extend either the entire width of the District or from Bluff Road east past the eastern edge of the District with an earthen slope west of Bluff Road. The MSE retaining wall would not directly impact the house or electric transmission towers, but the use of the wall might not be sufficient to avoid

impacts. The MSE retaining wall could result in physical impacts to 4401 Bluff Road during construction and future livability concerns based on the proximity of the house to I-465.

A combination of MSE retaining wall and earthen slope is recommended in this location. The earthen slope would be used on the west side of Bluff Road within the historic district. The earthen slope with MSE retaining wall around the electric transmission towers would be used on the east side of Bluff Road within the historic district. The MSE walls around the towers would be up to 14 feet in height and gradually slope to existing ground level.

Two comments were received subsequent to the October 4, 2016 meeting. One expressed a preference for the slope. The second expressed a concern for the potential increase in flooding from highway run off and for the potential increase in noise levels. The submitter asked if a sound wall is a possibility. These comments are attached for reference.

In addition to the October 4, 2016 public meeting, INDOT met with the property owners of 4401 Bluff Road on October 17, 2016 to discuss the wall versus slope option. The owners agreed that the wall would not be “reasonable and prudent” and requested that they be relocated. The owners stated that the house was built of unreinforced masonry (not frame) and cannot be moved. They also indicated the house could potentially be damaged during construction due to the vibration from construction machinery. Additionally, INDOT and HNTB conducted a on-site assessment of the house at 4401 Bluff Road on October 25, 2016. It was confirmed that the house was constructed of unreinforced masonry.

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We are sending this additional information regarding noise modeling and meetings with the property owners of the Southside German Market Gardeners Historic District as part of our ongoing consultation for this project. We ask that you please comment if you have a preferred option in the northeast corner of Bluff Road and I-465 (i.e. an MSE retaining wall or earthen slope). We respectfully request any comments you have on this information no later than 30 days of the date of this letter.

Best regards,



 Mayela Sosa
Division Administrator

Attachment: Meeting Summary, Graphics, and Comments

cc: Michelle Allen, FHWA
Sarah Rubin, INDOT
James Earl, INDOT
Christine Meador, HNTB
Kia Gillette, Lochmueller Group.
Dr. Linda Weintraut, Weintraut & Associates, Inc.
Beth McCord, Gray & Pape



MEETING MINUTES

I-69 Section 6 Southside German Market Gardeners Historic District Meeting

German American Klub, Edelweiss Restaurant Ballroom

8602 S. Meridian Street

Indianapolis, IN 46217

October 4, 2016 from 6:30 p.m. – 8:00 p.m. EDT

Attendee	Organization
Charles Jordan	Historic District Property Owner
Jon Brehob	Historic District Property Owner
Judy Brehob	Historic District Property Owner
John Harrison	Historic District Property Owner
Sandy Harrison	Historic District Property Owner
Marie Lawson Miller	Historic District Property Owner
Ron Kocher	Historic District Property Owner
Mary Kocher	Historic District Property Owner
Paul Peaper	Historic District Property Owner
Sarah Rubin	Indiana Department of Transportation (INDOT)
Jim Earl	INDOT
Mary Kennedy	INDOT
Michelle Allen	FHWA
Linda Weintraut	Weintraut & Associates
Tim Miller	HNTB
Kia Gillette	Lochmueller Group

I. Welcome and Introductions

- a. The Indiana Department of Transportation (INDOT) opened the meeting and introduced members of the I-69 Section 6 project team.

II. Meeting Purpose

- a. INDOT discussed the purpose of the meeting. The purpose is to update residents on the status of I-69 Section 6, discuss potential impacts and potential mitigation measures to historic properties, and solicit feedback and answer questions regarding the project and historic properties.

III. Project Update

- a. INDOT provided an update on the status of the I-69 Section 6 project. In March 2016, INDOT announced that Alternative C, along SR 37 from SR 39 to I-465, was the preferred corridor. The I-69 Section 6 project also includes improvements along I-465.
- b. There are currently three alternative alignments along the SR 37 corridor, C1, C2 and C3. The differences among the three alignments include: interchange locations and configurations, local service roads, grade separation locations, environmental impacts, and right of way impacts.
- c. The number of lanes would be the same for each alternative alignment with two lanes in each direction from Indian Creek (at the southern project limits) to SR 144, three lanes in each direction from SR 144 to Southport Road, and four lanes in each direction from Southport Road to I-465. In addition, there will be added capacity along I-465 from Mann Road (at the western project limits) to US 31 (at the eastern project limits).



- d. The project schedule includes publishing a Draft Environmental Impact Statement (DEIS) in early 2017 with a public hearing in the second quarter of 2017. The Final EIS (FEIS) is anticipated to be published in early 2018.

IV. Historic Properties

- a. Weintraut & Associates (W&A) discussed the Section 106 consultation process and the definition of a historic property. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of the undertaking (the project) upon historic properties when federal funds are being spent or if a federal permit is being issued. Historic properties are those listed in or eligible for the National Register of Historic Places (NRHP).
- b. There are four criteria that can make a property eligible for the NRHP: A) association with events that have made a contribution to the broad patterns of history, B) association with the lives of significant persons, C) embodiment of the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant or distinguishable entity whose components may lack individual distinction, or D) have yielded, or may be likely to yield, important data (i.e.: archaeology).
- c. The Southside German Market Gardeners Historic District is eligible for the NRHP under Criteria A and C. It is located along Bluff Road when it intersections with I-465 and extends north and south within the Area of Potential Effects (APE) for the I-69 Section 6 project. It is possible the district extends further north and south, but for the purposes of the project the boundaries are drawn at the APE line. The district extends west to the railroad tracks and east to the modern residential development. The Indiana Division of Historic Preservation and Archaeology (DHPA) agreed the district was eligible for the NRHP.
- d. “Contributing” properties are those that are 50 years or older and relate to the theme of the district. The types of “Contributing” resources present in the district are homes, greenhouses and fields. They contribute to the historic feeling of the area. The DEIS will have a map showing the “Contributing” and “Non Contributing” structures in the historic district.

V. Effects to the Southside German Market Gardeners Historic District

- a. INDOT discussed the potential impacts to the historic district. Additional widening is anticipated along I-465 to tie the interchange ramps down to the existing interstate. This could include retaining walls on the south side of the interstate and retaining walls or a vegetated slope on the north side.
- b. According to cross sections prepared by project designers, in the southeast corner of Bluff Road and I-465, if a retaining wall is constructed, it would be approximately 90 feet from the house at 4425 Bluff Road. If a fill slope is constructed, it would likely impact this house.
- c. According to cross sections prepared by project designers, in the northeast corner of Bluff Road and I-465, if a retaining wall is constructed, it would be approximately 35 feet from the house at 4401 Bluff Road. If a fill slope is constructed, it would impact this house. The fill slope in this area would be approximately 80 feet wide from I-465.
- d. The retaining wall could be a mechanically stabilized earth (MSE) wall with wire fabric that holds back the soil and is covered with concrete.



VI. Mitigation

- a. INDOT would like to get feedback from property owners within the Southside German Market Gardeners Historic District regarding potential measures to mitigate for impacts to the historic district. Mitigation could be vegetation plantings for landscaping or screening, stamped or textured concrete walls, interpretive signage, a nomination form for the NRHP or other measures. Comment forms are available at the sign in sheet. Please provide comments by October 14.
- b. FHWA added there are other federal requirements that require investigations on what is best for the historic district as a whole. It may be better for the historic district to have a fill slope with vegetation or a retaining wall with less right of way impact. It could be important to you to recognize the historic significance of the area and the project could help facilitate nominating the historic district for the NRHP. Comments from property owners weigh heavily on the decision.

VII. Questions

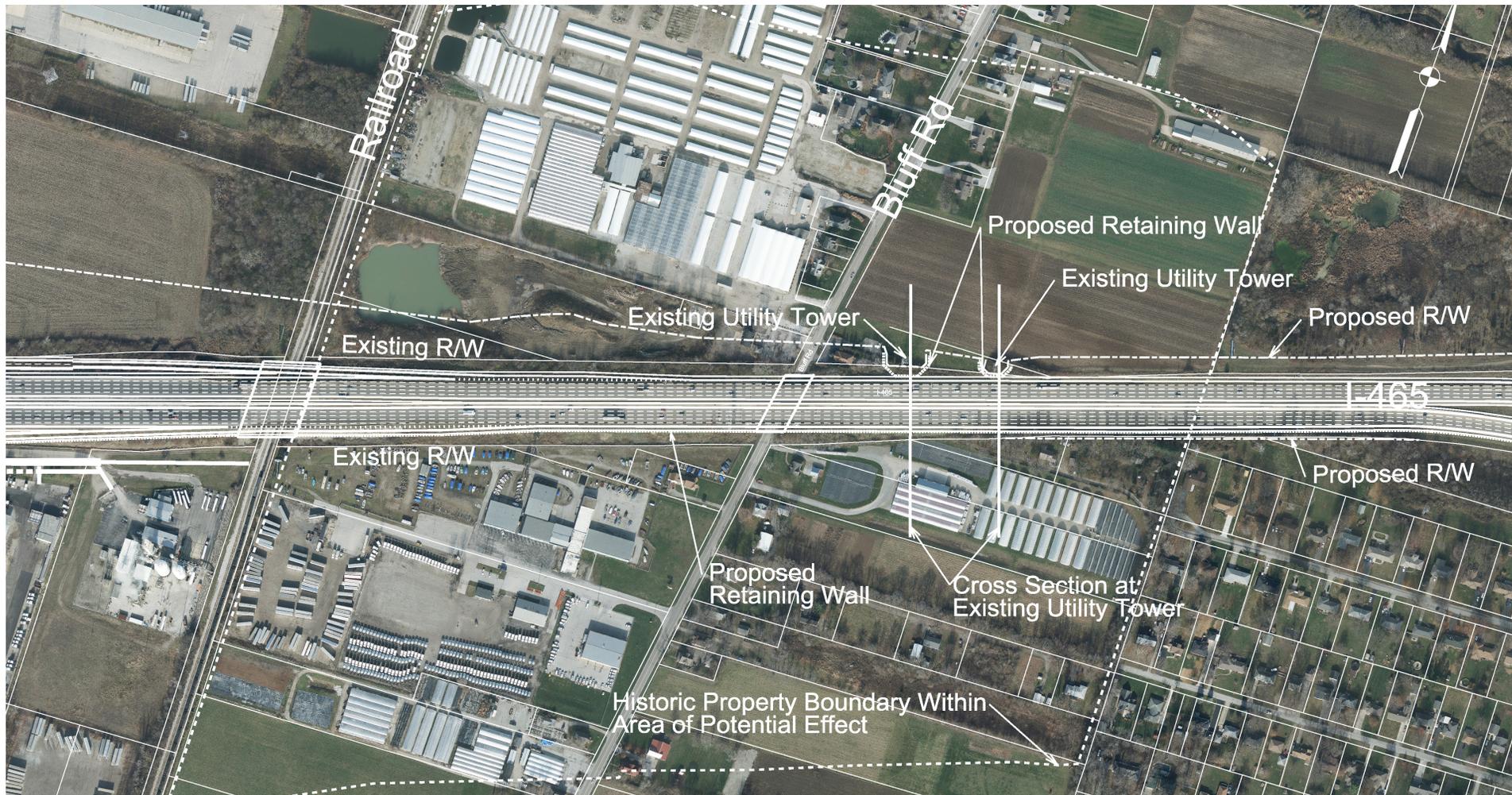
- a. INDOT opened the meeting for questions
- b. Question: Referring to the two illustrations in the powerpoint presentation that show what is proposed on the east side of Bluff Road, what is proposed for the west side of Bluff Road?
Answer: There is currently a modern block structure in the northwest. This structure is “Non Contributing” to the historic district. A fill slope is proposed for the northwest side, and a retaining wall is proposed for the southwest side.
- c. Question: How many lanes will be added along I-465 for capacity?
Answer: The traffic analysis is still being completed. This analysis is being completed for the region, not just I-465. It is anticipated one lane will need to be added.
- d. Question: The noise is very loud and almost unbearable in the summer. We cannot sit outside because of the noise. Is a retaining wall the same as a noise wall?
Answer: No, it is not the same as a sound barrier. A noise analysis will be completed and included in the DEIS. The noise analysis is a separate process that will look at existing and future noise levels. Certain thresholds must be met for a sound barrier.
- e. Question: How much additional property are you going to acquire in the northeast side?
Answer: It depends upon whether a retaining wall or a fill slope is constructed. There are also utility towers that are a concern.
- f. Question: Is the fence the right of way line?
Answer: It is likely very close to it. The retaining wall would not directly impact the house, but the fill slope would impact it. The retaining wall would be 30-35 feet from the house. The fill slope would likely require an additional 40-50 feet of right of way from the property.
- g. Question: What construction is occurring on I-465 near Mann Road now?
Answer: This is maintenance work on the pavement.
- h. Question: Do you have a tentative date and anticipated length of construction?
Answer: There is not a date yet, the project will still need to be designed and right of way acquired. Construction is still several years out and will depend upon funding. It could be in 2020 or later. The project could also be constructed in small pieces.
- i. Question: Will there be a new interchange at I-465?
Answer: Yes, it will be west of the existing interchange with SR 37.
- j. Question: Who was informed of this meeting?
Answer: Invitations were just sent to those property owners within the historic district.



- k. Question: What makes this area a historic district?
Answer: It is eligible for listing in the NRHP because of its long association with German Market Gardening/Farming. For the project, properties eligible for listing are treated the same as properties already listed in the NRHP.
- l. Question: If the historic district is listed in the NRHP, how would this impact the area?
Answer: No one can tell you what to do with your property. If there is a federal action, such as the construction of a federally funded highway project, they must take into account effects to the historic district. If there are too many alterations to properties within the historic district, it could be delisted. It is more of a recognition. Restrictions of use could come from its designation as a local district but that is not the case in this area now. More information about NRHP listing can be found here: <http://www.in.gov/dnr/historic/3654.htm>.
- m. Question: In the DEIS, is there an analysis of property values?
Answer: The DEIS will discuss the value of properties to be impacted. It will not speculate on the potential change in use or change in value of properties. An economic analysis will be completed from a regional standpoint, but it will not be parcel specific. Indiana's right of way acquisition process requires that when an offer is made on the property it is based on the fair market value based on comps in the area.
- n. Question: Is there a website or photos of the potential walls or slope options?
Answer: INDOT could do some research and provide that to you. If landscaping is provided, it could be grass, shrubs or trees.
- o. INDOT added that comments could be provided to the project office email (section6pm@indot.gov) or via the website (www.i69indyevn.org). The project also has Facebook (i-69 Section 6) and Twitter (@i69Section6) accounts. INDOT also thanked meeting participants for attending the meeting.

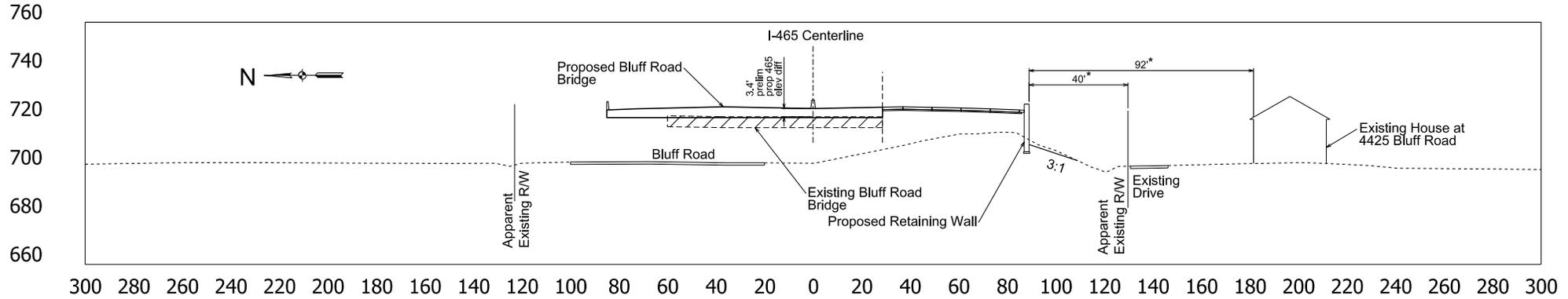
VIII. Adjourn

Southside German Market Gardeners Historic District

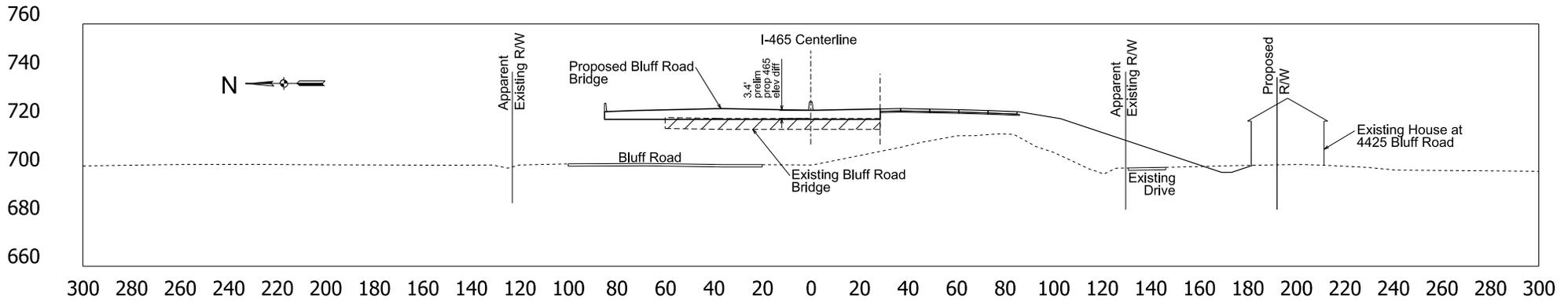


Southside German Market Gardeners Historic District

Wall

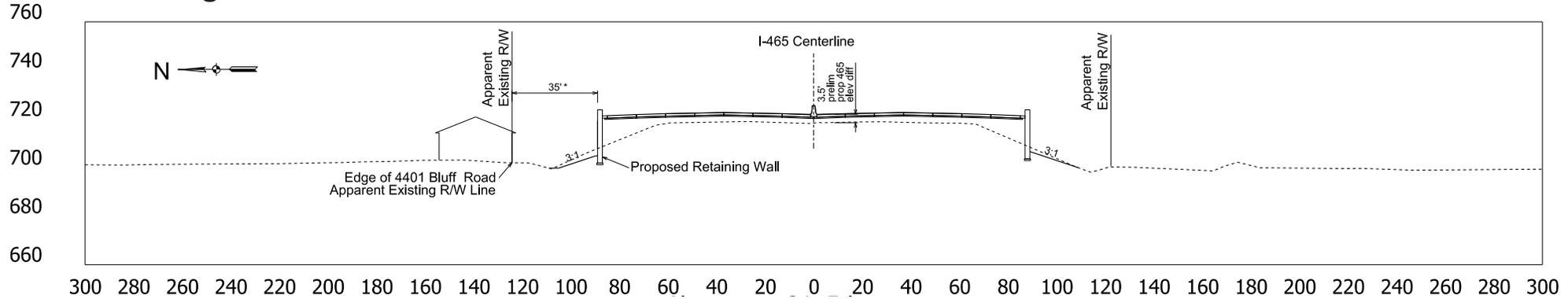


Fill Slope

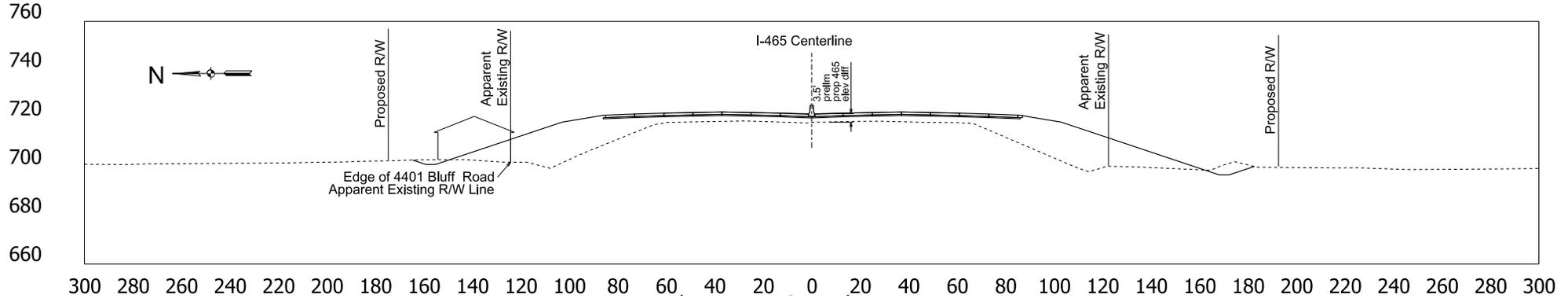


Southside German Market Gardeners Historic District

Retaining Wall



Fill Slope



From: [INDOT Section 6 PM](#)
To: [Web Form Poster](#)
Subject: RE: [Section 6 Comment Form]
Date: Thursday, October 06, 2016 12:14:18 PM

Hi Judy,

Thank you for your comment on the I-69 Section 6 project. Your comment has been added to the project record. To receive information about I-69 Section 6, please visit www.i69indyevn.org. If you wish to make additional comments, you can do so at section6pm@indot.in.gov.

Thank you,
LaMar

LaMar Holliday
Public Involvement Specialist
I-69 Project, Section 6
Indiana Department of Transportation
7847 Waverly Road
Martinsville, IN 46151
Office: (317) 881-6408
Email: lholliday@indot.in.gov
Website: www.i69indyevn.org

-----Original Message-----

From: Web Form Poster [<mailto:jbrehob@brehobnursery.com>]
Sent: Thursday, October 06, 2016 12:13 PM
To: INDOT Section 6 PM <Section6PM@indot.IN.gov>
Subject: [Section 6 Comment Form]

First Name:
Judy

Last Name:
Brehob

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Comments

Brehob Nursery would prefer a slope instead of a wall to support I-465 over Bluff Road as part of the I-69 extension.

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

From: [INDOT Section 6 PM](#)
To: [Web Form Poster](#)
Subject: RE: [Section 6 Comment Form]
Date: Monday, October 17, 2016 11:36:51 AM

Hi Mary,

Thank you for your comment on the I-69 Section 6 project. Your comment has been added to the project record.

At this time, it's too early in the process to know the definitive expansion of future I-69 Section 6. That information will be released in the draft impact study in the 1st quarter of 2017.

As far as your question regarding contact information for the historic district, could you be more specific on the information you're requesting?

Thank you,
LaMar

LaMar Holliday
Public Involvement Specialist
I-69 Project, Section 6
Indiana Department of Transportation
7847 Waverly Road
Martinsville, IN 46151
Office: (317) 881-6408
Email: lholliday@indot.in.gov
Website: www.i69indyevn.org

-----Original Message-----

From: Web Form Poster [<mailto:rgkocher@att.net>]
Sent: Friday, October 14, 2016 8:40 PM
To: INDOT Section 6 PM <Section6PM@indot.IN.gov>
Subject: [Section 6 Comment Form]

First Name:
mary

Last Name:
kocher

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E-mail:
rgkocher@att.net

Comments

CONCERNS: NOISE LEVEL will increase even more. we are not a densely populated area, and we do not fit the normal criteria for soundwalls. FLOODING with the possibility of more water being pushed to the creek which already is unable to handle the water runoff. LANE EXPANSION effect on the area property and homes. We are strongly in favor of a sound barrier wall so we would like to know with the expansion is this a possibility? I have a quick question. At our meeting our area could be eligible for a historic district, and I would like the contact information if you have it. Thank-you

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

IDNR-DHPA CONSULTATION LETTER, NOVEMBER 28, 2016

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Cameron F. Clark, 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



November 28, 2016

Mayela Sosa
Division Administrator
Federal Highway Administration, Indiana Division
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Information about alternatives for the northeast quadrant of I-465 and Bluff Road, as they would affect the house at 4401 Bluff Road in Marion County, in connection with the I-69 Evansville to Indianapolis: Tier 2 Studies Section 6 (HDA-IN; Des. No. 0300382; DHPA No. 4615)

Dear Ms. Sosa:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the National Environmental Policy Act of 1969 (42 U.S.C § 4321, *et seq.*), the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed your letter of October 28, 2016, with enclosures, which we received on October 31, regarding I-69 Section 6, which is proposed to be built in Morgan, Johnson, and Marion counties in Indiana.

The narrow issue on which the October 28 letter asked us to comment is "if you have a preferred option in the northeast corner of Bluff Road and I-465 (i.e. an MSE retaining wall or earthen slope." As you know, we had attempted to answer that question previously, both formally and informally, but apparently our response was not precise enough to provide the feedback that FHWA needs. Since then, you have provided the information included in and enclosed with your October 28 letter for our general information and to aid us in developing a more precise answer.

We accept the recommendation that an earthen slope be constructed east of Bluff Road and north of I-465 within the Southside German Market Gardeners Historic District, with MSE (*i.e.*, mechanically stabilized earth) retaining walls being constructed around the electric transmission towers to the east of the house at 4401 Bluff Road. We realize that this alternative probably would result in the total loss of that house, which contributes to the significance of the historic district, because we infer from the information you provided that moving the house is not feasible in light of its unreinforced masonry construction. Allowing the house to remain in place by constructing an MSE wall instead of an earthen slope does not appear to be prudent, because the information provided states that the current owners of the house "agreed that the wall would not be 'reasonable and prudent' and requested they be relocated." The current owners' comments could lead one to conclude that if the house were to be left standing, it might be abandoned. We recall that one consulting party had recommended a grassy slope at the August 17, 2016, consulting parties meeting, and your information indicates that another property owner within the historic district recently expressed a similar preference. For these reasons, we are not asking that this project avoid taking the house at 4401 Bluff Road by constructing an MSE wall as close as 35 feet away from the house.

Please direct questions about our comments on above-ground properties, such as buildings and structures, to John Carr at (317) 233-1949 or JCarr@dnr.in.gov. Questions about archaeological issues should be directed to Wade Tharp (317) 232-1650 or wtharp1@dnr.in.gov.

In all future correspondence regarding the I-69 Tier 2 Studies for Section 6 from Martinsville to Indianapolis (Des. No. 0300382), please continue to refer to DHPA No. 4615.

Very truly yours,



Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JLC:jlc

emc: Janice Osadcuk, Federal Highway Administration, Indiana Division
Michelle Allen, Federal Highway Administration, Indiana Division
Sarah Rubin, Indiana Department of Transportation
James Earl, P.E., Indiana Department of Transportation
Laura Hilden, Indiana Department of Transportation
Anuradha Kumar, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Shirley Clark, Indiana Department of Transportation
I-69 Section 6 Project Office
Christine Meador, HNTB Corporation
Rich Connolly, HNTB Corporation
Timothy Miller, HNTB Corporation
Kia Gillette, Lochmueller Group
Michael Grovak, Lochmueller Group
Jason DuPont, P.E., Lochmueller Group
Linda Weintraut, Ph.D., Weintraut & Associates, Inc.
Beth McCord, Gray & Pape, Inc.
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Wade T. Tharp, Department of Natural Resources, Division of Historic Preservation and Archaeology
John Carr, Department of Natural Resources, Division of Historic Preservation and Archaeology

INDOT SUBMITTAL OF INFORMATION TO DOI, MAY 1, 2017

May 1, 2017

Michaela E. Nobel
U.S. Department of Interior
Office of Environmental Policy and Compliance
1849 C Street, NW
MS 2462
Washington, DC 20240

Re: Draft Environmental Impact Statement (DEIS) for the I-69, Evansville to Indianapolis project for Section 6 between Martinsville and Indianapolis, Indiana. [FHWA-IN-EIS-17-01-D]

Dear Ms. Nobel,

On March 20, 2017, Indiana Department of Transportation (INDOT) and the Federal Highway Administration (FHWA) provided your office a flash drive of the Tier 2 Draft Environmental Impact Statement (DEIS) for Section 6 of the I-69, Evansville to Indianapolis project. Comments on the document are requested by May 8, 2017.

Page 48 of Chapter 8 states “the preliminary determination is that there is no feasible and prudent avoidance alternative to the use of land from the Southside German Market Gardeners Historic District and the proposed action includes all possible planning to minimize harm to this Section 4(f) resource resulting from such use”. INDOT and FHWA is providing the following documentation to assist in your review and seek concurrence on a determination of no feasible or prudent alternative to the preferred alternative.

The following information is enclosed:

- DEIS Chapter 8
- DEIS Appendix M: Section 106 Documentation
- Section 6 Draft Memorandum of Agreement
- April 6, 2017 Advisory Council on Historic Preservation letter declining opportunity to consult
- April 13, 2017 letter from the Indiana State Historic Preservation Officer concurring with the finding

Any additional comments on the 800.11e documentation will be forwarded to your office at the conclusion of the May 8, 2017 comment period. In the meantime, we ask for your preliminary review of the Section 4(f) documentation and comments received to date.

This study is conducted pursuant to the National Environmental Policy Act (NEPA) and the NEPA regulations issued by the Council on Environmental Quality, 40 CFR Part 1500, and the Federal Highway Administration (FHWA) 23 CFR 771. The distribution of this Tier 2 DEIS is made on behalf of FHWA in accordance with 23 CFR 771.

If you have any questions, please do not hesitate to contact me at (317) 234-5282 or Michelle Allen, FHWA, at 317-226-7344. We can also be contacted at srubin@indot.in.gov or michelle.allen@dot.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sarah E. Rubin". The signature is written in a cursive style and is contained within a thin black rectangular border.

Sarah Rubin, Project Manager
Indiana Department of Transportation
Enclosure

DOI RESPONSE LETTER, MAY 8, 2017



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:

May 8, 2017

9043.1
ER 17/0129

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

RE: Tier 2 Draft Environmental Impact Statement and Section 4(f) Evaluation for Interstate 69 (I-69) Evansville to Indianapolis, Indiana

Dear Ms. Allen:

The Department of the Interior (Department) has reviewed the Tier 2 Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation for Interstate 69 (I-69) Evansville to Indianapolis, Indiana. The Department of Transportation, Federal Highway Administration (FHWA), and Indiana Department of Transportation (INDOT) propose to establish I-69 in Indiana. The purpose of I-69 is to provide an improved transportation link between Evansville and Indianapolis that strengthens the transportation network in Southwest Indiana, and supports economic development in Southwest Indiana. The document specifically evaluates Section 6 of the proposed I-69, from Martinsville to Indianapolis, Indiana. The national I-69 project has been ongoing since 2004, and Section 6 is the final section to be approved.

The Department offers the following comments and recommendations for your consideration.

Section 4(f) Comments

The proposed project will establish I-69 in Indiana, and result in the construction or upgrades of multiple interstate mainlines, interchanges, and support facilities. Several alternatives have been considered during the course of the project. The DEIS considers effects under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303) associated with the project. The DEIS concludes that the project would have an impact on two historic properties, the Reuben Aldrich Farm and the Southside German Market Gardeners Historic District.

The project would result in an adverse effect to the Reuben Aldrich Farm. The DEIS concludes that the farm was historically situated on a main route, however, and the change in setting is not large enough that the resource will experience a severe impact. The DEIS determines that the impact would not substantially impair the protected activities, features, or attributes that qualify

the resource for Section 4(f) protection, and that therefore there is no constructive use as defined by Section 4(f).

The DEIS also concludes that the project would result in a use of the Southside German Market Gardeners Historic District, and that the use is an adverse effect pursuant to Section 106 of the National Historic Preservation Act, as amended (36 CFR 800.5(a)(1)). The DEIS determines that there is no feasible and prudent avoidance alternative to the use of land from the Southside German Market Gardeners Historic District, and the proposed action includes all possible planning to minimize harm to this Section 4(f) resource resulting from such use. The Department concurs with the determination that there is no feasible or prudent avoidance alternative for this property.

The DEIS further states that in accordance with 23 CFR §774.11(f) and §774.13(b), if any archaeological sites eligible for the NRHP are identified, the protections under Section 4(f) will be applied. Consultation with the Indiana State Historic Preservation Officer (SHPO) and Consulting Parties was ongoing at the time the DEIS was reviewed. The Department determines that if a Memorandum of Agreement with the SHPO is fully executed, it will have no objection to the draft evaluation and concur with the measures to mitigate impacts to 4(f) resources.

Section 6(f) comments

The DEIS did not identify any properties in the project study area to be considered under Section 6(f) of the Land and Water Conservation Fund (LWCF) Act of 1965 (54 U.S.C. 200305(f)(3) et seq.) or the Urban Park and Recreation Recovery (UPARR) Act of 1978. The DEIS states that fieldwork, communications with the public, coordination with the Indiana Department of Natural Resources Division of Outdoor Recreation, and review of the National Park Service Land and Water Conservation Fund (LWCF) website confirmed that there are no properties that have received funding from the Land and Water Conservation Act that would be affected by I-69 Section 6. The Department confirms this determination.

Natural Resource Comments

Overall, the preferred alternative for the I-69 alignment in Section 6 (Alternative C4) demonstrates a reasonable effort to avoid impacts to natural resources, including minimizing habitat fragmentation and forest impacts. The Department is greatly in favor of INDOT's and FHWA's previous commitments to bridge entire floodplains of various streams and rivers and encourages the continued employment of this practice within Section 6, where possible. The Department also strongly supports the proposed development of wildlife crossings throughout the Section 6 project area. Because of the rural and forested nature of parts of the project area, and the proximity to the White River, minimizing habitat gaps and barriers to wildlife movement is very important.

In general, the selection of the preferred alternative for Section 6 appears to avoid and minimize impacts to most natural resources. There are a few decision areas where the U.S. Fish and Wildlife Service (FWS), based on forest and stream impacts, recommends a slightly different alignment. Those include decision area 4-2 (recommend Alternative C1), area 5-2 (recommend C3), and area 5-4 (recommend C1/C3).

Water Resource Impacts

It appears that a majority of the streams in Section 6 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 streams with low scores, there are some that scored in the moderate to high range. Approximately eight percent of streams crossed by the alternatives have at least moderate water quality. The White River was the only one of the 49 stream segments that had an excellent QHEI score (64.5).

Impacts from the project and further degradation of already impacted streams should be minimized and avoided. Records indicate that the Indiana bat and northern long-eared bat use Crooked Creek, Stotts Creek, Clear Creek and Travis Creek for foraging and/or traveling. Two Indiana bats were caught along Crooked Creek just west of SR 37; a juvenile northern long-eared bat was captured along Stotts creek near the proposed new crossing; two Indiana bats and one northern long-eared bat have been capture on Clear Creek near the SR 37 right of way; and, an Indiana bat was captured just east of SR 37 along Travis Creek.

These waterways (and likely others) provide 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. We appreciate the commitment (page 7-32) to include special measures into the roadway design to reduce run-off and impacts from spills in perennial streams with Indiana bat and northern long-eared bat records. Minimizing in-stream work and stream relocations should also be a priority.

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. New culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed, where practicable, on an essentially flat slope.

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.
8. Evaluate wildlife crossings under new bridge/culvert projects in appropriate situations. Suitable crossings include flat areas below bridge abutments with suitable ground cover, high water shelves in culverts, amphibian tunnels and diversion fencing.

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*) were initially addressed in the Revised Tier 1 Biological Opinion (BO) for this project, dated August 26, 2006 (amended May 25, 2011, July 24, 2013, and April 1, 2015). Concerns related to the northern long-eared bat (*Myotis septentrionalis*) were specifically addressed in a third amendment to the Revised Tier 1 BO in the form of a Conference Opinion (appended April 1, 2015).

Section 6-specific impacts to these species will be detailed in a Tier 2 Biological Assessment (BA) being prepared by FHWA and INDOT, which the FWS's Indiana Field Office will review prior to completion of the Section 6 Final EIS. If impacts detailed in the Tier 2 BA are consistent with those analyzed in the Revised Tier 1 BO (and subsequent amendments), the FWS will issue a separate Tier 2 Biological Opinion and Incidental Take Statement for Section 6 of the I-69 project and thereby complete consultation as required by Section 7 of the Endangered Species Act (as amended).

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 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 a proposed local access road of the Section 6 Preferred Alternative. As mentioned in the DEIS, the proposed construction activities are beyond the recommend 660 foot buffer as described in the FWS's National Bald Eagle Management Guidelines and therefore are not anticipated to impact the nest.

On January 11, 2017, the U.S. Fish and Wildlife Service (FWS) published a final rule to list the rusty patched bumble bee (*Bombus affinis*) as an endangered species under the Endangered Species Act (as amended). The listing became effective on March 21, 2017.

Rusty patched bumble bees once occupied grasslands and tallgrass prairies of the Upper Midwest and Northeast. They emerge early in spring and are one of the last species to go into hibernation. Rusty patched bumble bees live in colonies that include a single queen and female workers. The colony produces males and new queens in late summer. Bumble bees require areas that provide nectar and pollen from flowers, nesting sites (underground and abandoned rodent

cavities or clumps of grasses), and overwintering sites for hibernating queens (undisturbed soil). They need a constant supply and diversity of flowers blooming for pollen and nectar collection throughout the colony's long life, April through September. There are several records of the rusty patched bumble bee in Marion County.

Recently, the FWS has developed "high potential" zones around each current (2007-2016) rusty patched bumble bee record. We have concluded that the bee is only likely to be present within these specific areas. These zones, although not of uniform size, have discrete boundaries that are being used by FWS field offices to help action agencies determine when consultation under the ESA section 7(a)(2) may be necessary. We have one such zone in northern Marion County although it is not near the I69 project area. Based on the project location and action area, consultation for the rusty patched bumble bee under section 7(a)(2) for the I69 Section 6 project is not required.

Finally, the FWS reaffirms our previous concurrence with the determination that the I-69 project is *not likely to adversely affect* the eastern fanshell mussel (*Cyprogenia stegaria*).

Specific Comments

Page S-35: The text here states the recommended alternative will extend a new north local service road to connect Twin Branch Road to SR 44 around the east side of the Cikana State Fish Hatchery south ponds (Alternative C1/C2/C4). Our understanding is the preferred service road will be just east of I69, on the west side of the hatchery.

Page S-36: No heading or introduction is included for the Subsection 3 discussion. It is also missing from the Table of Contents on Page S-i.

Page 4.3-37: The text in the third paragraph suggests that no threatened and endangered species were found during the Tier 2 field surveys. This should be clarified. Our understanding is that no threatened and endangered species were found during the pedestrian walkover surveys, but several were encountered during other field work, as documented in subsequent chapters.

Page 5.17-15: The draft Biological Assessment indicates that the Lamb's Creek Indiana bat maternity colony is being included for Section 7 evaluation for the I69 Section 6 project because of updated impact information and a more defined alignment (as opposed to the representative alignment). The Lamb's Creek colony is not included in the DEIS for Section 6 (it was previously addressed in the Section 5 documents). What was the reason for not including it? The Service intends to evaluate the colony during our Section 7 consultation for Section 6.

Page 5.17-33, third paragraph: There are three Indiana bat colonies south of SR 144 (if the Lambs Creek colony is considered), and one north. If the Lambs Creek colony is not included, then there are two colonies south of SR 144.

Page 5.18-10: Under the Streams and Wildlife Crossings section, Travis Creek is left out. It is unclear if it is a perennial stream (although it is listed in Table 5.19-3); regardless, we do have a record of an Indiana bat along the creek, very near to SR 37. We encourage FHWA to consider this stream for adequate wildlife passage conditions.

Page 5.18-12: Under the description of Honey Creek, the new channel crossing and associated impacts for the proposed access road near the Center Grove Little League fields is not mentioned or discussed.

Page 5.17-33: The fifth paragraph states that “Based on the results of these surveys no direct or indirect impacts on federal listed endangered or threatened species that would jeopardize the continued existence of such species are anticipated as a result of any of the alternatives in I-69 Section 6.” Tier 2 Section 7 consultation for the preferred alignment in Section 6 has not yet occurred and therefore no Tier 2 jeopardy determination has been made. We anticipate the Tier 2 Section 7 consultation to be initiated soon.

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 impacts to resources of concern to the Department are adequately addressed. For issues concerning Section 4(f) resources, please contact Tokey Boswell, Chief, Planning and Compliance Division, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, or by telephone at 402-661-1534. 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, or by telephone at (812) 334-4261.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lindy Nelson', with a long horizontal flourish extending to the right.

Lindy Nelson
Regional Environmental Officer

cc: NPS-MWR-PC (Blackburn)
FWS-Pruitt

ACHP RESPONSE LETTER, AUGUST 17, 2017



Preserving America's Heritage

August 17, 2017

Ms. Mayela Sosa
Division Administrator
Federal Highway Administration
Indiana Division
575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204

Ref: *Review of Application of Criteria for Adverse Effects to Section 6 of the I-69 Evansville to Indianapolis Project, Johnson County, Indiana*

Dear Ms. Sosa:

On July 27, 2017, the Advisory Council on Historic Preservation (ACHP) received your documentation and request pursuant to 36 C.F.R. § 800.5(c)(3) of the Section 106 regulations "Protection of Historic Properties" (36 CFR Part 800), that the ACHP review the issue of whether the Federal Highway Administration, Indiana Division (FHWA) correctly applied the Criteria of Adverse Effect for the referenced undertaking. The proposed undertaking is the construction of Section 6 of Interstate 69 (I-69) from Evansville to Indianapolis, Indiana. The Section 6 corridor is located along State Route (SR) 37 and covers a distance of approximately twenty-six miles through Morgan, Johnson, and Marion Counties before terminating at Interstate 465 in Indianapolis, Indiana. It is the ACHP's opinion that the FHWA has applied the Criteria of Adverse Effect correctly in this case and this letter provides the ACHP's reasoning for this opinion.

The FHWA and the Indiana State Historic Preservation Officer (SHPO) concurred on the determination of an Adverse Effect for the entire undertaking on April 13, 2017. However, Indiana Landmarks disagreed with the specific determination made for two specific properties: John Sutton House and Travis Hill Historic District. The FHWA and the Indiana SHPO concurred that the undertaking will have no adverse effects to these two properties. Since Indiana Landmarks did not disagree with the determination of Adverse Effect made for the entire undertaking, the ACHP's comments regarding the FHWA's proper application of the Criteria of Adverse Effect will focus solely on these two properties.

The ACHP's Section 106 regulations define the criteria of adverse effect as follows:

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative. (36 C.F.R. § 800.5(a)(1))

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

Page 94 of 124

In the documentation submitted to the ACHP, the FHWA identified and evaluated the significance, the character defining elements, and the integrity of the two historic properties. FHWA made the finding of No Adverse Effect because the proposed project will not alter the qualifying characteristics or further compromise the historic integrity of these two properties.

The ACHP's advisory opinion is that FHWA applied the Criteria of Adverse Effect correctly as the undertaking will not alter the character defining elements or the integrity of these two historic properties at the time it is implemented or in the future.

In regards to the John Sutton House, the ACHP does not concur with Indiana Landmark's assertions that the possible removal of the modern construction adjacent to the proposed construction of I-69 would alter the setting and therefore result in indirect adverse effects, since such actions are not reasonable and foreseeable. Currently, these modern structures would block a significant portion of the planned construction from view at the John Sutton House. Considering this modern construction is extant and the proposed I-69 construction will be located behind it when viewed from the John Sutton House, it is the ACHP's view that the undertaking will not alter the character of the setting for this historic property.

The Travis Hill Historic District is an early example of a post-war, rural, suburban development that is oriented to highways. The disputed potential indirect effects concerning a change in the elevation of Stones Crossing Road, which is the main road entering the historic district, would alter the character of setting in the approach to the historic district are not substantiated. The original design of entering the development through an ascent up Travis Hill is the character defining element distinguishing the approach into this historic district. Based upon our review, this will not be altered with the proposed change in elevation of Stones Crossing Road.

In accordance with 36 CFR 800.5(c)(3), the FHWA is required to take into account this advisory opinion in reaching a final decision on its finding of effect, and to provide to the ACHP, Indiana SHPO, Indiana Landmarks, and any other consulting parties a summary of how these advisory comments were considered by FHWA. Once the summary of the decision has been sent to the ACHP and other parties, the FHWA's responsibilities are fulfilled for this step in the Section 106 process.

If you have any question, please contact Sarah Stokely at 202-517-0224 or via e-mail at sstokely@achp.gov.

Sincerely,



Reid J. Nelson
Director
Office of Federal Agency Programs

EXECUTED MOA

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION,
THE INDIANA DEPARTMENT OF TRANSPORTATION 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 TIER 2 STUDY:
SECTION 6, SR 39 TO I-465
IN WASHINGTON, CLAY, MADISON, GREEN, and HARRISON TOWNSHIPS,
MORGAN COUNTY, INDIANA; WHITE RIVER TOWNSHIP, JOHNSON COUNTY; AND DECATUR
AND PERRY TOWNSHIPS, MARION COUNTY, INDIANA**

WHEREAS, the Federal Highway Administration (“FHWA”) is proposing to construct Section 6, beginning on State Road (“SR”) 37 south of SR 39 in Martinsville, Indiana, centering on and continuing in a northeasterly direction along current SR 37 to I-465 in Indianapolis, Indiana (“Section 6 Project”), of the Interstate 69 (“I-69”) Evansville to Indianapolis Project, which is located in Washington, Clay, Madison, Green, and Harrison Townships of Morgan County, Indiana; White River Township of Johnson County, Indiana; and in Decatur and Perry Townships of Marion 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 6 Project provides for a divided interstate highway using the preferred alignment identified as the Refined Preferred Alternative which is composed of features of alternatives C1, C2, C3, and C4 as described in the I-69 Evansville to Indianapolis Project Tier 2 Draft EIS, and in Attachment A, Project Description; and

WHEREAS, FHWA, in consultation with the Indiana State Historic Preservation Officer (“Indiana SHPO”), has defined the Section 6 Project’s area of potential effects (“APE”), as defined in 36 C.F.R § 800.16(d) (2017), for aboveground resources to generally be not less than 4,000 feet wide and centered on existing SR 37 (a four-lane divided highway), identified as the Tier 1 Alternative 3C, and not less than 2,000 feet wide along I-465 (see Attachment B); and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has defined the Section 6 Project APE for archaeological resources, as the term defined in 36 C.F.R. § 800.16(d) (2017), as the area within the right of way for the Section 6 Refined Preferred Alternative as described in Attachment A; and

WHEREAS, the East Washington Street Historic District and Grassyfork Fisheries Farm No. 1 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) (2017), that the Morgan County Bridge 224 (National Bridge Inventory [“NBI”] No. 5500142), Top Notch Farm, W.E. Nutter House, Percy Farm and Clear Creek Fisheries, Reuben Aldrich Farm, Morgan County Bridge No. 166 (NBI No. 5500153), Travis Hill Historic District, John Sutton House, Marion County Bridge No. 4513 F (NBI No. 4900484), Cleary-Barnett House, Glenn’s Valley Nature Park Retreat House, Glennwood Homes Association Historic District, Le Ciel (Charles Laughner House), and Southside German Market Gardeners Historic District are eligible for inclusion in the NRHP; and

WHEREAS, FHWA, in consultation with the Indiana SHPO, has found that the Morgan County Bridge 224 (NBI No. 5500142), Top Notch Farm, East Washington Street Historic District, W.E. Nutter House, Percy Farm and Clear Creek Fisheries, Grassyfork Fisheries Farm No. 1, Reuben Aldrich Farm, Morgan

County Bridge No. 166 (NBI No. 5500153), Travis Hill Historic District, John Sutton House, Marion County Bridge No. 4513 F (NBI No. 4900484), Cleary-Barnett House, Glenn's Valley Nature Park Retreat House, Glennwood Homes Association Historic District, Le Ciel (Charles Laughner House), and Southside German Market Gardeners Historic District are within the Section 6 Project's APE; and

WHEREAS, in accordance with 36 C.F.R. § 800.4, FHWA and the Indiana SHPO, has determined that the identification and evaluation of archaeological properties, within portions of the archaeological APE of the Refined Preferred Alternative 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 FHWA, in consultation with the Indiana SHPO, has determined pursuant to 36 C.F.R. Section 800.5(a) that the Section 6 Project will have an adverse effect on the Reuben Aldrich Farm and the Southside German Market Gardeners Historic District; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations (36 C.F.R. Section 800) to resolve the adverse effect on the Reuben Aldrich Farm and the Southside German Market Gardeners Historic District; and

WHEREAS, the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on March 21, March 28, and April 4, 2017, in the *Daily Journal* (Johnson County), the *Indianapolis Star* (Marion County), and the *Martinsville Reporter* (Morgan County); 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) (2017), in a notification dated March 20, 2017, and notified the Council of an objection to certain individual effect findings in a letter dated July 26, 2017, and

WHEREAS, the Council has declined to participate in consultation in a letter dated April 6, 2017 and the Council concurred that FHWA correctly applied the Criteria of Adverse effect on individual properties in a letter dated August 17, 2017; and

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

WHEREAS, the Delaware Nation of Oklahoma, Peoria Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation; Shawnee Tribe; Miami Tribe of Oklahoma; United Keetoowah Band of Cherokee Indians; Absentee Shawnee Tribe of Oklahoma; Eastern Shawnee Tribe of Oklahoma; Red Cliff Band of Lake Superior Chippewas; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Chippewa Cree; Saginaw Chippewa Tribe of Michigan were invited to participate in consultation; and

WHEREAS, the Peoria Tribe of Indians of Oklahoma; Miami Tribe of Oklahoma; United Keetoowah Band of Cherokee Indians; and Chippewa Cree have participated in consultation; and

WHEREAS, Consulting Parties have participated in consultation as identified in Attachment C; and

WHEREAS, FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) and its implementing regulations (36 C.F.R. part 800) concerning the scope of work as presented in the materials and plans dated: June 14, 2004; June 29, 2004; August 13, 2005; August 15, 2005; October 24, 2005; August 24, 2006; June 25, 2008; February 5, 2015; April 27, 2015; July 31, 2016; April 27, 2015; June 30, 2015; October 15, 2015; November 19, 2015; January 4, 2016; March 14, 2016; April 21, 2016; June 15, 2016; August 2, 2016; and August 29, 2016; October 28, 2016; March 17, 2017; July 7, 2017; and agreed to proceed with the project as proposed and as reflected in Indiana SHPO correspondence dated June 25, 2004, September 7, 2005; November 21, 2005; December 21, 2006; July 25, 2008; March 10, 2015; May 15, 2015; May 19, 2015; May 26, 2015; July 30, 2015; November 4, 2015; December 21, 2015; February 4, 2016; April 14, 2016;

May 11, 2016; June 1, 2016; July 14, 2016; August 26, 2016; September 1, 2016; November 28, 2016; April 13, 2017; May 5, 2017; June 19, 2017; and August 7, 2017.

NOW, THEREFORE, FHWA, and the Indiana SHPO agree that upon FHWA's approval of the Section 6 Project, FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the Section 6 Project on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. PROFESSIONAL QUALIFICATIONS

A. In consultation with the Indiana SHPO, INDOT shall ensure that all work performed pursuant to this MOA is performed or supervised by a qualified individual and/or team(s) that meet the Secretary of the Interior's Professional Qualification Standards as outlined in Appendix A to 36 CFR 61 for history, archaeology, architectural history, architecture, and/or historic architecture, as appropriate.

B. The individual and/or team(s) performing or supervising the archaeology investigations shall have supervisory experience in the prehistoric and historic archaeology of the southeastern Indiana region. All work performed or supervised by such person or persons shall be conducted pursuant the provisions of Indiana Code 14-21-1, 312 Indiana Administrative Code 22, and the most current versions of the "Guidebook for Indiana Historic Sites and Structures Inventory-Archaeological Sites" and the INDOT Cultural Resources Manual.

II. MITIGATION MEASURES

A. Context Sensitive Design

FHWA and INDOT shall ensure Context Sensitive Design is implemented in the following manner. The execution of this stipulation is considered to satisfy, for the Section 6 Project, the commitment in Stipulation II.A.4. of the 2003 "I-69 Tier 1 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" ("Tier 1 MOA").

1. INDOT and/or its representatives shall consult with the property owner of the Reuben Aldrich Farm and, if appropriate and given consent by the property owner, will fund and install vegetative screening on this property. If the property owner provides consent for the vegetative screen, the property owner will provide INDOT and/or its contractors with right of entry to the property during mitigation implementation and subsequent monitoring. After the installation of the vegetative screening, maintenance of such screening on private property will be the responsibility the property owner of the Reuben Aldrich Farm.

2. As soon as practical, FHWA will convene an Advisory Team to consider the treatment of the side slopes along I-465 within the Southside German Market Gardeners Historic District and the bridge carrying I-465 over Bluff Road within the Southside German Market Gardeners Historic District. Responsibilities of and participation of the Advisory Team include the following:

a) At the discretion of FHWA, the following may be invited to participate on the Advisory Team: individuals having a geographic connection to, or an interest in, the Southside German Market Gardeners Historic District or individuals with an expertise pertaining to historic preservation. Representatives from INDOT or the Indiana SHPO may participate in Advisory Team meetings at their discretion.

b) FHWA will convene no less than two meetings of the Advisory Team: one meeting shall occur at the thirty (30) percent design phase and one meeting shall occur at the sixty (60) percent design phase. The Advisory Team shall review plans, comment, and make specific recommendations regarding the Project design, scopes of work, and details for consideration by FHWA. The Advisory Team will be chaired or overseen by a

representative from INDOT or by a consultant. The chair will be responsible for convening meetings of the Advisory Team, preparing and maintaining a summary of meetings, and preparing and submitting Advisory Team recommendations to FHWA for consideration, in consultation with the Indiana SHPO.

c) The Advisory Team will function in an advisory capacity to assist INDOT in developing certain Section 6 Project design details within the Southside German Market Gardeners Historic District, limited to aesthetic treatments, such as the use and type of vegetative screening and/or stamped or textured bridge walls.

d) INDOT and/or its consultants will provide any materials needed for review by the Advisory Team at least fifteen (15) days before scheduled meetings. In addition to comments voiced in meetings, Advisory Team members may provide written comments to the chair within fifteen (15) days following the scheduled meeting. Meeting summaries will be distributed to all attendees, FHWA, and INDOT following each meeting.

e) Based on the comments provided by the Advisory Team members, the chair will develop recommendations and submit them to FHWA for consideration and action.

f) INDOT and/or its consultant shall be responsible for providing final design plans, or one hundred (100) percent design, provided to members of the Advisory Team and the Indiana SHPO for their records.

g) FHWA shall have the authority for final approval of actions recommended by the Advisory Team regarding the implementation of measures to avoid, minimize, or mitigate effects to the Southside German Market Gardeners Historic District.

B. Education and Interpretation

FHWA and INDOT shall ensure Education and Interpretation are implemented in the following manner. The execution of this stipulation shall be considered to satisfy, for the Section 6 Project, the commitment in Stipulations II.C.2 and II.C.3. of the Tier 1 MOA.

1. INDOT shall fund the manufacture and the installation of interpretive signage within the boundaries of the Southside German Market Gardeners Historic District or at a public space with a connection to the District. The interpretative signage shall provide information about the history of these resources in Section 6 of the Tier 2 Study. The design and graphic content of the interpretative signage may focus on German Ethnic Heritage in Indianapolis and/or Market Gardening in Indianapolis. The proposed design and content (text and illustrations) of the interpretive signage will be prepared by a qualified professional historian and shall be submitted to the Advisory Team at thirty (30) and sixty (60) percent completion for review and comment. If the Advisory Team does not respond within thirty (30) days, acceptance will be assumed. If the Advisory Team responds with recommendations, a good faith effort to accommodate the recommendations will be made. Content, graphic design, and final design plans for the interpretative signage will be provided to Advisory Team for their records.

2. INDOT shall fund the preparation a NRHP nomination application, if given consent by the majority of property owners within the Southside German Market Gardeners Historic District. This NRHP nomination application will serve as an educational component to disseminate information about the history of the District. The NRHP nomination application shall be made available as a paper copy at selected repositories in Marion County and in an electronic format on selected websites including but not limited to those of the NRHP (National Park Service ["NPS"]), INDOT, and the Indiana State Architectural and Archaeological Research Database ("SHAARD") of the Indiana Department of Natural Resources/Division of Historic Preservation and Archaeology ("IDNR/DHPA").

3. FHWA and INDOT shall ensure that the NRHP nomination application is completed. If the NRHP nomination application preparation is not undertaken directly by INDOT, INDOT shall

provide funding to a consultant for activities performed in preparation of the application. INDOT and/or its consultant shall prepare and submit the first draft of the application to the Indiana SHPO within two years of the project's construction letting.

- a)** The qualified professional shall contact the National Register Survey and Registration staff at the IDNR/DHPA/Indiana SHPO prior to beginning work on the NRHP nomination application to discuss the National Register process and expectations for completion of the application and to verify the NRHP eligibility and boundaries of the property.
 - b)** Prior to preparing the NRHP nomination application to the Indiana SHPO, INDOT shall publicize and hold a public meeting for the purpose of informing property owners and residents of the proposed district and other interested persons about the National Register and application process.
 - c)** Photographs of the district that are required to be included in the NRHP nomination application shall be taken by the qualified professional preceding the submission of the application to the Indiana SHPO, and all such photographs shall be taken either before the commencement of construction of this project or after the completion of this project.
 - d)** INDOT and/or its consultant shall be responsible for revising the NRHP nomination application to address revisions requested by IDNR/DHPA, the Indiana Historic Preservation Review Board, and/or the NPS.
 - e)** INDOT's obligation to prepare the NRHP nomination application shall be considered satisfied when the Indiana SHPO notifies INDOT and/or its consultant that the application is complete and has been accepted by the NPS.
- 4.** INDOT shall fund the preparation of the NRHP nomination application for the Reuben Aldrich Farm, if the property owner gives permission for the preparation of the application. This NRHP nomination application will provide a means to disseminate information about the history of agriculture. The NRHP nomination application shall be made available as a paper copy at selected repositories in Morgan County and in an electronic format on selected websites including but not limited to those of the NRHP (NPS), INDOT, and SHAARD.
- 5.** FHWA and INDOT shall ensure that the NRHP nomination application for the Aldrich Farm is completed. If the nomination application preparation is not undertaken directly by INDOT, INDOT shall provide funding to a consultant for activities performed in preparation of the application. INDOT or its consultant shall prepare and submit the application to the Indiana SHPO within two years of the project's construction letting.
- a)** The qualified professional shall contact the Survey and Registration staff at the IDNR/DHPA prior to beginning work on the NRHP nomination application to discuss the National Register process and expectations for completion of the application and to verify the NRHP eligibility and boundaries of the property.
 - b)** Photographs of the property that are required to be included in the NRHP nomination application shall be taken by the qualified professional preceding the submission of the application to the IDNR/DHPA/Indiana SHPO, and all such photographs shall be taken prior to installation of vegetative screening, if the property owner has agreed to Stipulation II.A.1.
 - c)** INDOT and/or its consultant shall be responsible for revising the NRHP nomination application to address revisions requested by IDNR/DHPA, the Indiana Historic Preservation Review Board, and/or the NPS.
 - d)** INDOT's obligation to prepare the NRHP nomination application shall be considered satisfied when the Indiana SHPO notifies INDOT and/or its consultant that the application is complete and has been accepted by the NPS.

6. INDOT shall fund the manufacture and the installation of a commemorative plaque for the Reuben Aldrich Farm upon acceptance of the Reuben Aldrich Farm for listing in the NRHP, if the property owner provides permission for the installation and for access to the property. The plaque will state that the Reuben Aldrich Farm is listed in the NRHP and will be affixed to one of the buildings that contribute to the significance of the property. INDOT's obligation to manufacture and install the plaque should be completed within one year of the property's listing in the NRHP.

C. Modification or Modifications ("Modifications") of the Project with Respect to Aboveground Resources

If the Section 6 Project is modified after a finding of effect has been issued and this MOA has been executed, then FHWA shall review the Section 6 Project modifications and proceed by complying with II.C.1. and, if appropriate, II.C.2. References to FHWA also apply to INDOT, wherever INDOT is authorized to act on FHWA's behalf.

1. FHWA shall determine whether any modifications have the potential to cause adverse effects on aboveground resources, 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 aboveground resources, then FHWA or INDOT shall document that determination in its records, and no further review or consultation with respect to those modifications' effects on aboveground properties is required for purposes of this MOA.

b) If FHWA determines that the project modifications have the potential to adversely affect aboveground resources, then FHWA or INDOT shall proceed to review the modifications in accordance with Stipulation II.C.2.

c) Prior to determining whether the project modifications have the potential to adversely affect aboveground resources, 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 II.C.2. The Indiana SHPO shall have thirty (30) days to respond to such a request.

2. If FHWA determines that project Modifications have the potential to cause adverse effects on aboveground resources, 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:

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

(ii) 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.

(iii) Except that if Stipulation III.B. 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 resources is withheld or limited under Stipulation III.A.3.

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 Modifications of the project.

III. TREATMENT OF ARCHAEOLOGICAL RESOURCES

A. Statutory and Regulatory Standards

1. The studies completed pursuant to Stipulation III.E. 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 and/or that may possess religious and cultural significance to them.

2. In implementing Stipulation III.A through III.F., INDOT 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.

3. 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 INDOT and its consultants, 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.

4. In ensuring that any human remains and grave goods identified are treated in a sensitive, respectful, and careful manner, INDOT 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.

5. If any human remains are encountered during the project, work shall cease in the immediate area and the human remains left undisturbed. INDOT 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. 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.

6. Modifications to the Section 6 Project which fall outside of the archaeological APE and which have not been previously surveyed shall be subject to archaeological identification, evaluation and assessment per Stipulations III.B - III.C. 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.

7. Any dispute regarding the report(s) shall be resolved in accordance with Stipulations IV.A.

Upon completion of work, FHWA shall provide copies of final reports to the Indiana SHPO, INDOT, and federally recognized Indian Tribes when appropriate, and afford them thirty (30) days to review and submit comments on the reports. FHWA shall respond to all comments received.

B. Identification & Evaluation

1. Before commencing ground-disturbing activities in the Section 6 Project archaeological APE for the Refined Preferred Alternative (as identified on the Attachment B map dated August 31, 2017), INDOT and/or its consultants shall complete the identification and evaluation of archaeological resources 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 III.A.

2. INDOT and/or its consultants 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. INDOT and/or its consultants shall prepare and distribute a final Identification and Evaluation report in accordance with Stipulations I and III.A.

4. Upon completion of the evaluation, INDOT and/or its consultants 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.

5. 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.

6. 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 III.C - III.F.

7. If FHWA and the Indiana SHPO do not agree on NRHP eligibility, FHWA shall follow the procedures identified in accordance with Stipulation IV.A.

C. 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 6 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 Project may adversely affect NRHP-eligible archeological properties, then FHWA shall make reasonable efforts to avoid or minimize the adverse effect. If, after this consultation, FHWA determines it is not possible to

avoid or minimize adverse effects, then FHWA shall treat the archaeological resource in accordance with Stipulation III.F. of the MOA.

3. Any dispute regarding the determination of effects on NRHP-eligible archaeological properties shall be resolved in accordance with applicable Federal and State standards and guidelines listed in Stipulation IV.A.

D. Avoidance

1. Consultation with the Indiana SHPO determined that there is insufficient information regarding archaeological sites 12-Mg-0564, 12-Mg-0565, 12-Mg-0566, 12-Mg-0567, and 12-Mg-0568 to determine whether they are eligible for inclusion in the NRHP. These sites must be avoided or subjected to further archaeological investigations. If avoidance is not feasible, a plan for evaluative testing will be submitted to the Indiana SHPO for review and comment.

2. Additionally, consultation with the Indiana SHPO revealed that there is insufficient information regarding archaeological sites 12-Mg-0052, 12-Mg-0334, 12-Mg-0561, 12-Mg-0571, 12-Jo-0010, 12-Jo-0017, 12-Jo-0042, 12-Jo-0044, 12-Jo-0062, 12-Jo-0489, 12-Ma-0052, 12-Ma-0170, 12-Ma-0171, 12-Ma-0174, 12-Ma-0175, and 12-Ma-0241 to determine whether they are eligible for inclusion in the NRHP. However, portions of these sites within the Section 6 Project APE do not appear to contain significant archaeological deposits; and, therefore, no further archaeological investigations are necessary in those portions of the sites. The portions of the sites located outside the Section 6 Project APE will be clearly marked prior to ground disturbing activities 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 Indiana SHPO for review and comment.

3. Similarly, consultation with the Indiana SHPO revealed that there is insufficient information regarding archaeological site 12-Mg-0525 to determine whether it is eligible for inclusion in the NRHP. This site must be avoided by project activities or if it cannot be avoided subjected to additional investigation to make an eligibility determination. Site 12-Mg-0525 lies outside the Section 6 Project APE and will be avoided by all project related ground disturbance.

4. Also in consultation with Indiana SHPO, it has been determined that an Alluvial Floodplain Area near Indian Creek, an Alluvial Floodplain Area (three loci) near Crooked Creek, and an Alluvial Floodplain Area near Honey Creek in the White River valley have the potential for buried cultural deposits and should be avoided by project activities, or if they cannot be avoided, subjected to Phase Ic investigations as necessary to identify and evaluate potential buried archaeological sites.

E. Additional Investigations

1. Where avoidance is not possible, all archaeological investigations shall be conducted according to applicable Federal and State standards and guidelines listed in Stipulations I and III.A.

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. INDOT, in consultation with the Indiana SHPO, and other parties deemed appropriate by INDOT, 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 6 Project.

4. Upon completion of any additional investigations, FHWA shall complete the identification and evaluation of archaeological resources for inclusion in the NRHP in accordance with applicable Federal and State standards and guidelines in consultation with the Indiana SHPO and appropriate consulting parties and federally recognized Indian Tribes.

F. Treatment

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 Project construction activities within a segment that could affect that site.

IV. ADMINISTRATIVE PROVISIONS

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

A. Dispute Resolution

1. 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 6 Project and implementation of this MOA, then 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:

a) 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

b) 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.

2. 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.

B. Post Review Discovery

In the event that one or more historic properties—other than the Morgan County Bridge 224 (NBI No. 5500142), Top Notch Farm, East Washington Street Historic District, W.E. Nutter House, Percy Farm and Clear Creek Fisheries, Grassyfork Fisheries Farm No. 1, Reuben Aldrich Farm, Morgan County Bridge No. 166 (NBI No. 5500153), Travis Hill Historic District, John Sutton House, Marion County Bridge No. 4513 F (NBI No.4900484), Cleary-Barnett House, Glenn's Valley Nature Park Retreat House, Glennwood Homes Association Historic District, Le Ciel (Charles Laughner House), and Southside German Market Gardeners Historic District, or the archaeological sites (12-Mg-0525, 12-Mg-0556, 12-Mg-0052, and the Alluvial Floodplain Area south of Martinsville) discussed in Stipulation I.D.1. through I.D.3—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 22, and the most current versions of the "Guidebook for

Indiana Historic Sites and Structures Inventory—Archaeological Sites” and the INDOT Cultural Resources Manual.

C. 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.

D. Duration

If the terms of this MOA have not been implemented by December 31, 2032, 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 6 Project, then it shall reinstate review of the Section 6 Project in accordance with the 36 C.F.R. part 800 regulations in effect at that time.

E. Termination

1. 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 6 Project.
2. 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 6 Project.

The execution of this MOA and its implementation is evidence that FHWA has afforded the Council an opportunity to comment on the Section 6 Project and its effect on historic properties and that FHWA has taken into account the effects of the Section 6 Project on historic properties.

SIGNATORIES (Required):

FEDERAL HIGHWAY ADMINISTRATION
INDIANA STATE HISTORIC PRESERVATION OFFICER

INVITED SIGNATORY:

INDIANA DEPARTMENT OF TRANSPORTATION

CONCURRING PARTIES

SIGNATORY PAGE

MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION,
THE INDIANA DEPARTMENT OF TRANSPORTATION 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 TIER 2 STUDY:
SECTION 6, SR 39 TO I-465

IN WASHINGTON, CLAY, MADISON, GREEN, and HARRISON TOWNSHIPS,
MORGAN COUNTY, INDIANA; WHITE RIVER TOWNSHIP, JOHNSON COUNTY; AND DECATUR
AND PERRY TOWNSHIPS, MARION COUNTY, INDIANA

REQUIRED SIGNATORY

FEDERAL HIGHWAY ADMINISTRATION

By: Michelle Allen Date: 11.13.17

for Mayela Sosa,
Division Administrator
Federal Highway Administration—Indiana Office

SIGNATORY PAGE

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AND PERRY TOWNSHIPS, MARION COUNTY, INDIANA

REQUIRED SIGNATORY

INDIANA STATE HISTORIC PRESERVATION OFFICER

By: Mitchell K. Zoll Date: 11-3-2017

Mitchell Zoll

Deputy State Historic Preservation Officer

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

SIGNATORY PAGE

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INVITED SIGNATORY

INDIANA DEPARTMENT OF TRANSPORTATION

By:  Date: 11/9/2017

Laura Hilden, Environmental Services Director
Indiana Department of Transportation

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**IN WASHINGTON, CLAY, MADISON, GREEN, and HARRISON TOWNSHIPS,
MORGAN COUNTY, INDIANA; WHITE RIVER TOWNSHIP, JOHNSON COUNTY; AND DECATUR
AND PERRY TOWNSHIPS, MARION COUNTY, INDIANA**

OPTIONAL: CONCURRING PARTY

By: _____ Date: _____

Name and Title: _____

(Typed or printed)

ATTACHMENT A
PROJECT DESCRIPTION

The project is the construction of Section 6 of Interstate 69 (I-69) Evansville to Indianapolis. The Section 6 corridor is located along the State Road (SR) 37 and covers a distance of approximately twenty-six miles through Morgan, Johnson, and Marion Counties before terminating at I-465 in Indianapolis, Indiana. The project also proposes to improve I-465 from approximately Mann Road to United States (US) 31. The I-69 Evansville to Indianapolis project, which is approximately 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.

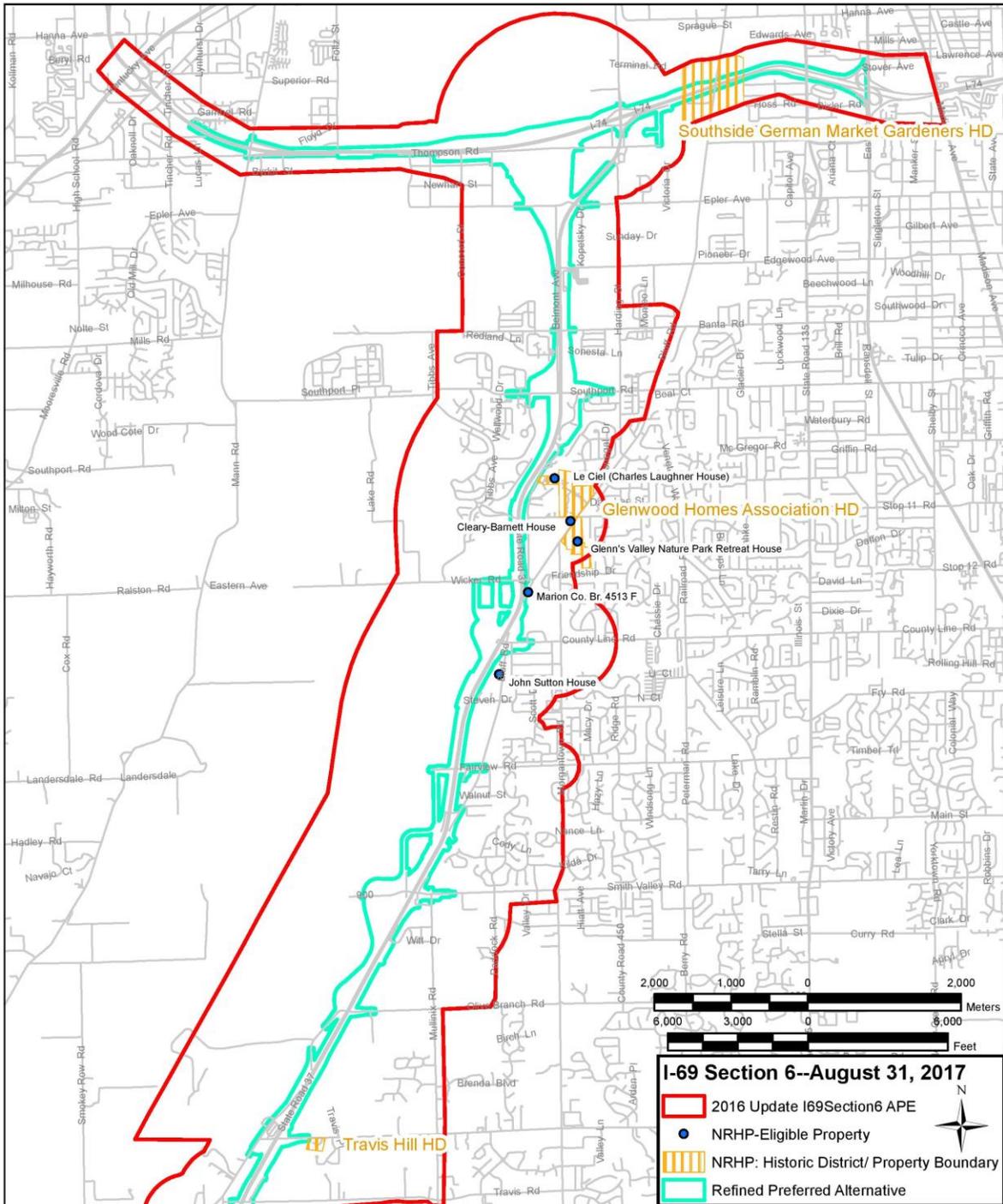
The project area for the SR 37 alternatives of Section 6 is comprised of rural and urban/suburban environments. Those portions of Martinsville and Indianapolis contained within Section 6 are characterized as being predominately clustered modern suburban residential developments along major roads with retail, commercial, and industrial nodes at major intersections and along SR 37. The area becomes more commercial and industrial near Martinsville and Indianapolis. Rural areas of the SR 37 alternatives for Section 6 are characterized by a scattering of commercial and retail businesses along SR 37, with a mix of agricultural land occupied by small farms, modern houses and modern residential developments, and forested land.

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 (54 U.S.C. 306108), mandates 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.

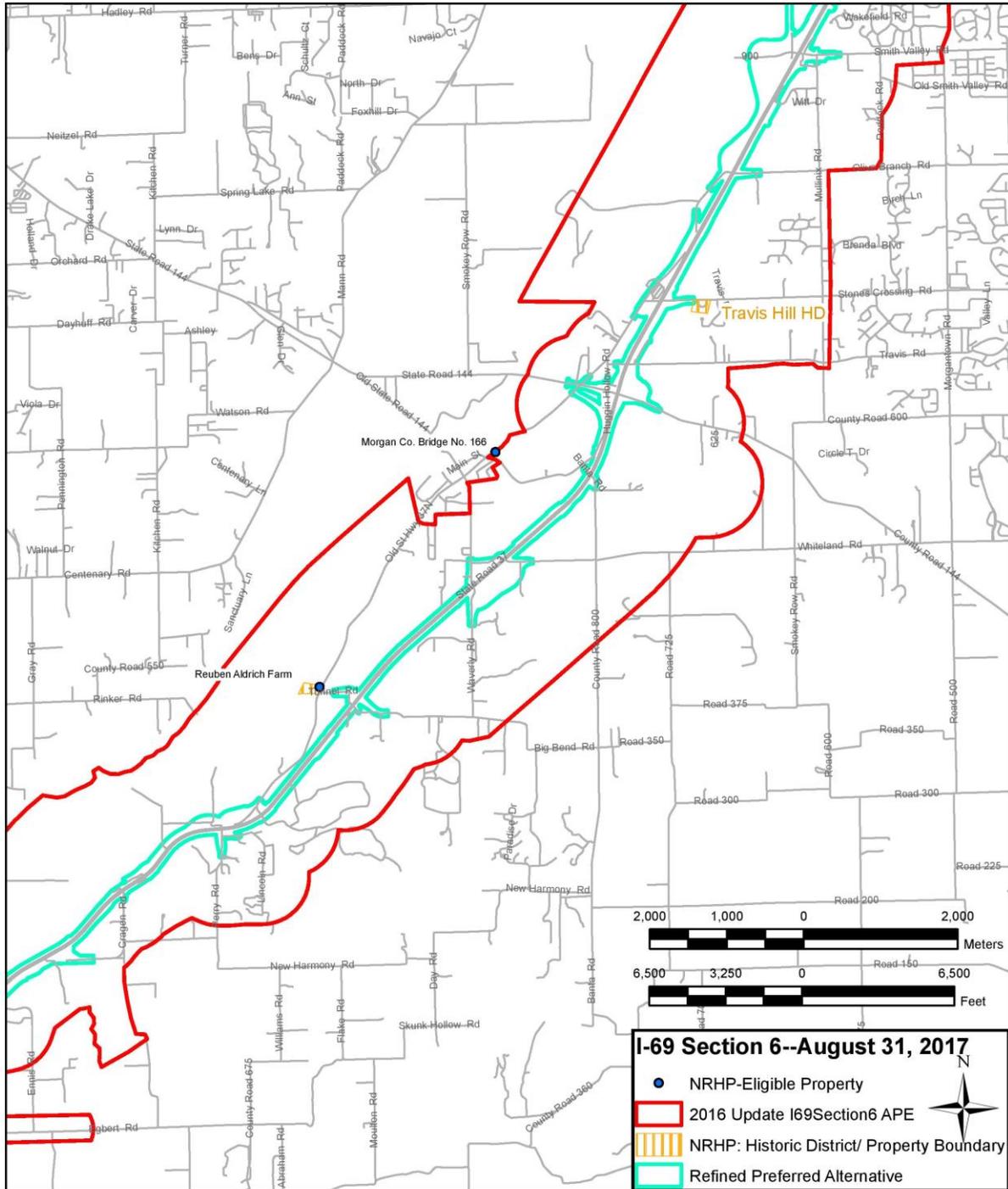
On April 29, 2004, FHWA issued a Notice of Intent (NOI) for Section 6 of I-69. In 2006, environmental efforts in I-69 Section 6 were minimized to include only critical management and public outreach activities while other sections of the I-69 undertaking were being completed. On October 15, 2014, FHWA published a revised NOI in the Federal Register to advise the public and resource agencies that Tier 2 studies in I-69 Section 6 were resuming. The revised NOI indicated that the range of alternatives may include alternatives outside of the corridor selected in the Tier 1 ROD. All alternatives evaluated connect Section 5 of I-69 in Martinsville with I-465 in Indianapolis. On March 29, 2016, INDOT and FHWA announced that Section 6 would follow the SR 37 corridor.

The Section 6 Refined Preferred Alternative is comprised of various features of Alternatives C1, C2, C3, and C4, as presented during consultation.

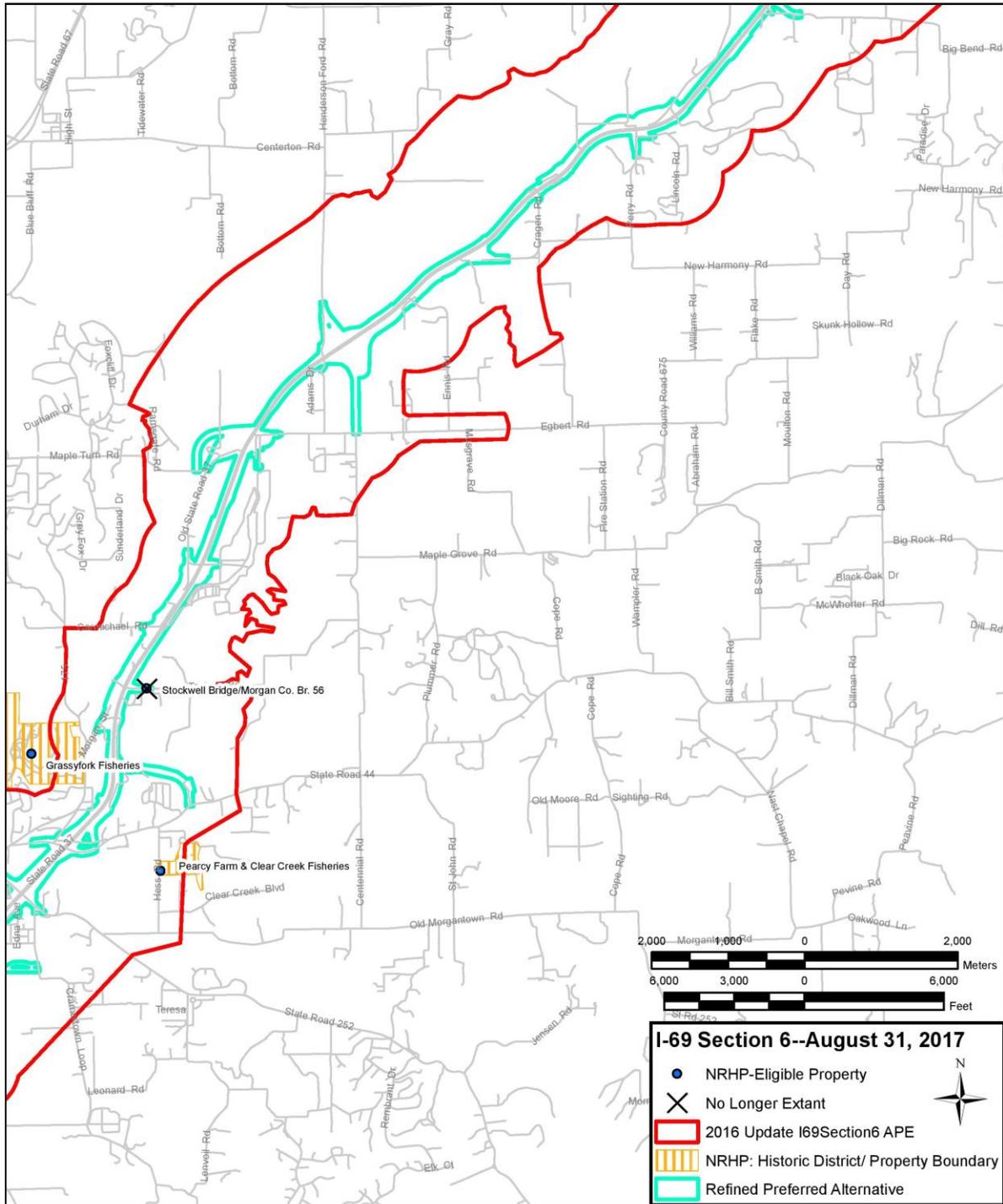
ATTACHMENT B
AREA OF POTENTIAL EFFECTS (APE)



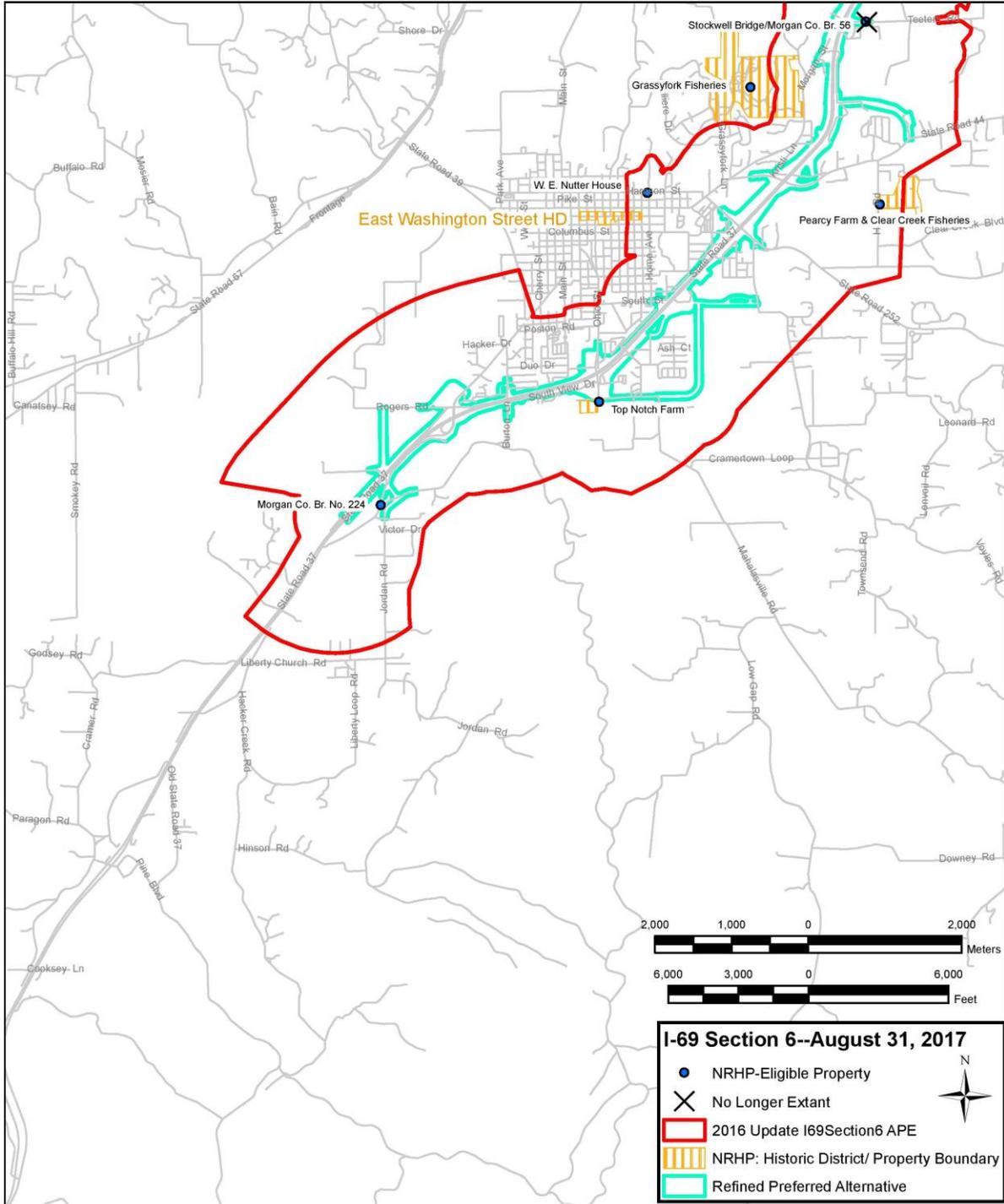
Map 1 of 4



Map 2 of 4



Map 3 of 4



Map 4 of 4

ATTACHMENT C
LIST OF AGENCIES, TRIBES, AND CONSULTING PARTIES

Agencies and Tribes:

- Federal Highway Administration
 - Indiana Department of Transportation
 - Indiana State Historic Preservation Officer
 - Peoria Tribe of Indians of Oklahoma
 - Miami Tribe of Oklahoma
 - United Keetoowah Band of Cherokee Indians
 - Chippewa Cree
-

Consulting Parties:

- Indiana Landmarks
- Morgan County Historic Preservation Society & Martinsville Plan Commission
- Pauline Spiegel
- Historic SPANs Taskforce
- Indianapolis Historic Preservation Commission
- Dr. James Cooper
- Morgan County Commissioner
- City of Martinsville
- Johnson County Historian
- Debra Underwood
- Larry and Loretta Hess
- Brehob Nursery Inc.
- Mapa Properties LLC
- Peaper & Proctor Real Estate LLC
- Erelyn Novicki Trust and Trustee
- John W. Demaree, Summit Realty Group
- Scott Greenhouse LLC
- Julie and Ryan Gettum
- Anne Bilodeau
- Melvin J. Crichton
- Henry and Mary Scheid
- Jeffery and Beth Line
- Todd Bylsma and Beth Dillman
- Charles F. Laughner
- Jerry L. Barnett
- City of Indianapolis Department of Public Works
- Lonnie and Marcia Smith
- Rick Underwood
- Ozark Fisheries
- M. Duane and C. Dean Leonard
- Ginger Fitzpatrick
- John and Sandra Harrison

CATEGORICAL EXCLUSION 4 - HARRISON PARCEL

INSERT DOCUMENT AFTER APPROVAL