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5.13 Aboveground Historic Resource Impacts

Since the Draft Environmental Impact Statement (DEIS), the following substantive changes have been made to this section:

- The consultation activities timeline and narrative has been updated in **Section 5.13.2.1** to include consultation following the publication of the 800.11(e) documentation and Finding of Adverse Effect document.
- The effects discussion in **Section 5.13.4** has been updated to include the Refined Preferred Alternative (RPA) and a new effects discussion for the Reuben Aldrich Farm.
- A summary has been provided in **Section 5.13.5** to describe consultations following the objection to individual findings for the John Sutton House and Travis Hill Historic District.
- **Section 5.13.6** has been renumbered and text has been updated to include mitigation stipulations.
- The Summary has been renumbered as **Section 5.13.7**.

5.13.1 Introduction

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, as amended, 54 U.S.C. 302302¹, and its implementing regulations, 36 CFR Part 800 (2016). According to the NHPA, “the historical and cultural foundations of the nation should be preserved as part of our community life and development in order to give a sense of orientation to the American people” (54 U.S.C. 302302). Further, the federal government has the responsibility “to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony” (54 U.S.C. 302302).

Section 106 of the NHPA requires federal agencies “to take into account the effect of the undertaking” (the project) upon historic properties (54 U.S.C. 306108). 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)).

¹ 16 USC 470(b)(2) has been re-codified in Title 54 of the United States Code, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515.



This section documents the process by which FHWA and INDOT initiated Section 106 consultation, identified and evaluated aboveground historic properties, assessed the effects of the undertaking upon aboveground historic properties, and mitigated any adverse effects of the undertaking upon historic properties.

Since I-69 Section 6 entails upgrading an existing multi-lane, divided transportation facility to a full freeway design, most of the right of way for the project is already devoted to transportation use. Analysis of impacts to cultural resources in I-69 Section 6 takes into consideration that a major transportation facility with high traffic levels already is centrally located within the Area of Potential Effects (APE) for this project. Where aboveground historic resources are located in proximity to existing SR 37 or local service roads, the impacts of upgrading the roadway were weighed against existing conditions. For more information on how the existing roadway factored into the analysis of effects on resources, see the Identification of Effects Report in **Appendix M**.

This section focuses on aboveground resources. **Section 5.14** discusses archaeological resources, which also fall within the requirements of the NHPA. Note that this section documents consultation which has occurred as part of this project. As consultation frequently includes both above and below ground historic resources both are discussed in this section.

5.13.2 Methodology

All work described in this section was conducted by qualified professionals who meet the standards set forth by the U.S. Department of the Interior in 36 CFR Parts 61 and 68 and the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716). These qualified professionals are registered with the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (IDNR/DHPA).

5.13.2.1 Consultation Process

According to 36 CFR §800.16(f), consultation is “the process of seeking, discussing, and considering the view of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.” Consulting parties can include: the Advisory Council on Historic Preservation (ACHP); State Historic Preservation Officer (SHPO) located in the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology (IDNR/DHPA); Native American tribes; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; historic resource property owners; and other interested parties.

For the State of Indiana, the Director of the IDNR/DHPA has been designated as the Deputy SHPO. Members of his or her staff at the DHPA typically are involved in the consultation. Pursuant to 36 CFR §800.2(c)(5) additional consulting parties are defined as those “with a demonstrated interest in the undertaking ... due to the nature of their legal or economic relation



to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.”

The original Notice of Intent (NOI) for I-69 Section 6 was issued on April 29, 2004. In 2006, 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.² Prior to publication of the revised NOI, consultation with consulting parties had taken place as part of the Section 106 identification and evaluation efforts. See **Appendix M** for documentation of consultation with consulting parties beginning in 2004.

Timeline of Resource Agency and Tribal Consultation

Significant activities in the consultation process for I-69 Section 6 are detailed below.

- **May 18, 2004:** FHWA sent a letter and response card to potential consulting parties, including 13 Native American tribes, inviting them to participate as consulting parties for Tier 2. The letter directed invitees to the ACHP website to obtain more information about the Section 106 process.
- **May and June, 2004:** FHWA received postcard responses from prospective consulting parties, including Native American tribes.
- **June 14, 2004:** Letter sent to SHPO/DHPA describing APE for the I-69 Section 6 undertaking.
- **June 16, 2004:** Invitation sent to SHPO/DHPA and consulting parties for a meeting on July 2, 2004 to discuss the APE and list of potentially eligible properties identified in the Tier 1 study.
- **June 25, 2004:** SHPO/DHPA sent letter stating that the APE “appears to be appropriate.”
- **June 29, 2004:** Letter to SHPO/DHPA with list of consulting parties for review and inviting SHPO/DHPA to submit additional consulting parties.
- **June 29, 2004:** Letter from Prairie Band Potawatomi Nation stating that the tribe has “no objections” to the I-69 Section 6 project.
- **July 2, 2004:** Consulting party meeting held to discuss the Section 106 process, the role of consulting parties, the APE and next steps.
- **August 12, 2004:** First environmental resource agency meeting

² *The Notice of Intent published in the Oct. 15, 2014, Federal Register, which announced the resumption of studies in I-69 Section 6 provides that alternatives already considered within the Tier 1 approved corridor (SR 37) will remain under consideration.*



- **January 10, 2005:** Meeting held with DHPA to discuss: bridges, Aldrich Farm, Sutton House, Nutter House, Top Notch Farm, and Grassyfork Fisheries.
- **February 15, 2005:** Meeting held with SHPO/DHPA to discuss documentation to be included in the forthcoming Historic Property Reports (HPRs) for all sections.
- **February 23-24, 2005:** Coordination with SHPO/DHPA continued via the second environmental resource agency coordination meeting.
- **August 15, 2005:** Invitation sent to SHPO/DHPA and to consulting parties to a consulting party meeting on August 31, 2005 to discuss properties listed or eligible for listing in the National Register of Historic Places (NRHP). Enclosures included appropriate sections of the Historic Property Report (HPR).
- **August 15, 2005:** Draft HPR sent to SHPO/DHPA.
- **August 29, 2005:** Meeting held with SHPO/DHPA to discuss general issues relating to archaeological surveys and reports.
- **August 31, 2005:** Consulting party meeting held to discuss the Section 106 – Findings of Eligibility for I-69 Section 6.
- **September 7, 2005:** SHPO/DHPA responded to the HPR; staff expressed concerns for the Morgan County Bridge carrying Old SR 37 over Crooked Creek and requested additional information.
- **October 24, 2005:** Letter sent to SHPO/DHPA responding to concerns regarding the Morgan County Bridge carrying Old SR 37 over Crooked Creek.
- **November 21, 2005:** SHPO/DHPA responded to materials provided October 24, 2005 stating that there were no further concerns.
- **January 9, 2006:** Field review held to assess preliminary project effects on historic resources and cemeteries.
- **August 24, 2006:** *Draft Phase Ia Literature Review Section 6, SR 39 to I-465* submitted to SHPO/DHPA.
- **December 21, 2006:** SHPO/DHPA sent a letter highlighting issues to address in revisions to the *Draft Phase Ia Literature Review Section 6, SR 39 to I-465*.
- **June 25, 2008:** FHWA sent the Final HPR to SHPO/DHPA and to consulting parties.
- **July 25, 2008:** SHPO/DHPA concurred with the eligibility and ineligibility recommendations in the HPR.
- **January 13, 2015:** Section 106 meeting held with SHPO/DHPA to discuss the project approach for the SR 37 Additional Information (AI) Study.
- **February 5, 2015:** Meeting summary, revised APE and Memo on Methodology for AI Study sent to SHPO/DHPA.



- **February 17, 2015:** Resource agency scoping meeting/webinar held to review and receive resource agency comments on I-69 Section 6 purpose and need and preliminary alternatives.
- **March 10, 2015:** SHPO/DHPA responded to materials transmitted on February 5, 2015, and offered comments on survey methodology and NRHP evaluation guidelines for recent past properties.
- **March 12, 2015:** SHPO/DHPA responded to meeting held February 17, 2015. No comments offered on the I-69 Section 6 draft purpose and need but indicated significant cultural resources are within and near the SR 37 corridor.
- **March 13, 2015:** Conference call/meeting held with SHPO/DHPA to clarify survey methodology for mid-century subdivisions and linear suburban development.
- **April 27, 2015:** *Memorandum on existing SR 37 Right-of-Way Disturbance and Memorandum on Archaeology Predictive Modeling* sent to SHPO/DHPA.
- **May 14, 2015:** Site visit held with SHPO/DHPA to select recent past individual resources and subdivisions/neighborhoods in the APE.
- **May 15, 2015:** SHPO/DHPA responded to the “Draft Purpose & Need Statement and Conceptual Alternatives for I-69 Studies for Section 6 from Martinsville to Indianapolis.”
- **May 19, 2015:** DHPA Survey and Registration staff responded to the properties presented at the site visit on May 14, 2015.
- **May 26, 2015:** SHPO/DHPA agreed with *Memorandum on existing SR 37 Right-of-Way Disturbance and Memorandum on Archaeology Predictive Modeling*.
- **June 30, 2015:** INDOT emailed web site link to the I-69 Section 6 Preliminary Alternatives Screening Report to resource agencies.
- **July 30, 2015:** SHPO/DHPA sent letter to FHWA regarding the preliminary alternatives: It was stated that not enough information was submitted with four of the five alternatives. No specific comments about the preliminary alternatives were made.
- **October 14, 2015:** FHWA re-initiated consultation with a group of former and newly identified consulting parties with a demonstrated interest in the project along or near the SR 37 corridor.
- **October-December 2015:** FHWA received postcard and general responses from consulting parties, including Native American tribes.
- **November 4, 2015:** SHPO/DHPA sent letter commenting on the consulting party list.
- **November 19, 2015:** Consulting parties notified that AI No. 1 Report was available on the INDOT website INSCOPE and were invited to a consulting party meeting on December 7, 2015, to discuss project updates and the AI No. 1 Report. A separate letter was sent to Native American tribes that also included the results of the *Phase Ia Archaeological Literature Review, Section 6 Preliminary Alternatives in Hendricks,*



Johnson, Marion and Morgan Counties, Indiana, I-69 Tier 2 Studies, Evansville to Indianapolis.

- **December 7, 2015:** I-69 Section 6 consulting party meeting held to discuss the results of the AI No. 1 Report and to provide an update on archaeology.
- **December 21, 2015:** SHPO/DHPA concurred with recommendations of the AI No. 1 Report.
- **December 22, 2015:** Meeting minutes (December 7, 2015) sent via email to consulting parties; paper copies distributed to those parties who had not provided email address.
- **January 4, 2016:** *Phase Ia Archaeological Literature Review* sent to SHPO/DHPA for review and comment.
- **February 4, 2016:** SHPO/DHPA concurred with the recommendations in the *Phase Ia Archaeological Literature Review*, stating that once an alternative has been chosen, a Phase Ia archaeological reconnaissance should be conducted.
- **March 14, 2016:** *Phase Ia Archaeological Survey Report (from southern project limits to Teeters Road north of Martinsville)* mailed to SHPO/DHPA.
- **March 23, 2016:** *Phase Ia Archaeological Survey Report (from southern project limits to Teeters Road north of Martinsville)* mailed to Native American tribes.
- **April 5, 2016:** Tribal Historic Preservation Officer (THPO) of Miami Tribe of Oklahoma responded to *Phase Ia Archaeological Survey Report*.
- **April 14, 2016:** SHPO/DHPA responded to the *Phase Ia Archaeological Survey Report*.
- **April 20, 2016:** Resource agency coordination meeting held to provide update to I-69 Section 6 and how alternatives were eliminated to retain Alternatives C1, C2, and C3.
- **April 21, 2016:** Meeting with SHPO/DHPA to discuss a potentially eligible resource within the expanded APE and the status of the Southside German Market Gardeners Historic District.
- **May 2, 2016:** Section 106 tour held with SHPO/DHPA to review the relationship of the undertaking to historic resources and the potential effects of the undertaking upon them.
- **May 11, 2016:** SHPO/DHPA responded to tour held on May 2, 2016.
- **June 1, 2016:** SHPO/DHPA provided comments on the meeting summary for the May 2, 2016, site tour.
- **June 15, 2016:** AI No. 2 Memorandum transmitted to consulting parties via INSCOPE; paper copy was transmitted to SHPO/DHPA
- **July 14, 2016:** SHPO/DHPA concurred with the recommendation of AI No. 2 Memorandum.
- **August 2, 2016:** Consulting parties notified of availability of the Effects Report on the INDOT website INSCOPE and invited to attend a consulting party meeting on August



17, 2016, to discuss the report and updates to archaeology; paper copy of the Effects Reports provided to SHPO/DHPA.

- **August 17, 2016:** Consulting party meeting held to discuss the AI No. 2 Memo, Effects Report, and updates on archaeology.
- **September 1, 2016:** Minutes from consulting party meeting on August 17, 2016, sent via email to consulting parties; paper copies distributed to those parties who did not provide an email address.
- **September 1, 2016:** SHPO/DHPA responded to the Effects Report and consulting party meeting. SHPO/DHPA concurred with an adverse effect for the Reuben Aldrich Farm and the Southside German Market Gardeners Historic District and discussed mitigation for those properties.
- **October 4, 2016:** Meeting held with property owners within the Southside German Market Gardeners Historic District to discuss impacts to the historic district and potential mitigation measures.
- **October 28, 2016:** FHWA transmitted a letter to SHPO/DHPA and consulting parties that summarized comments following the October 4, 2016, meeting. Information about noise levels for historic properties as a result of the undertaking was also provided.
- **November 28, 2016:** SHPO/DHPA sent letter commenting on “the alternatives for the northeast quadrant of I-465 and Bluff Road, regarding the effects on the house at 4401 Bluff Road.”
- **February 14, 2017:** FHWA signed a “Historic Properties Affected: Adverse Effect” finding for the undertaking, as documented in “Section 4(f) Compliance Requirements (for Historic Properties) and Section 106 Findings and Determinations: Area of Potential Effects, Eligibility Determinations, Effect Finding.”
- **March 17, 2017:** Notification of the availability of “Section 4(f) Compliance Requirements (for Historic Properties) and Section 106 Findings and Determinations: Area of Potential Effects, Eligibility Determinations, Effect Finding” and the “800.11 Documentation of Section 106 Finding of Adverse Effect” were sent via email for access on INSCOPE to consulting parties and to SHPO/DHPA. SHPO/DHPA was sent a paper copy of these items.
- **March 20, 2017:** INDOT-CRO transmitted the “Section 4(f) Compliance Requirements (for Historic Properties) and Section 106 Findings and Determinations: Area of Potential Effects, Eligibility Determinations, Effect Finding” and the “800.11 Documentation of Section 106 Finding of Adverse Effect” via email and INSCOPE to Tribal contacts.
- **March 20, 2017:** FHWA transmitted the 800.11(e) and “e106” submission form to the ACHP.
- **March 21, March 28, and April 4, 2017:** Legal Notice of Availability of I-69 Section 6 Tier 2 DEIS, Section 4(f) Compliance Requirements, Section 106 Findings and Determinations and Public Hearing was published in the *Daily Journal* (Johnson



County), the *Indianapolis Star* (Marion County), the *Martinsville Reporter* (Morgan County).

- **April 6, 2017:** ACHP responded to the Finding of Effect and 800.11 Documentation and declined to participate in consultation at the time.
- **April 13, 2017:** SHPO/DHPA concurred with the Section 106 finding of Adverse Effect.
- **May 5, 2017:** SHPO/DHPA responded to the DEIS, which included the Finding of Effect and 800.11 Documentation, and requested revisions to the DEIS document based on the archaeology findings.
- **May 17, 2017:** The “I-69 Tier 2 Studies, Evansville to Indianapolis: Phase Ia Archaeological Survey 2 for Section 6” was mailed to SHPO/DHPA.
- **May 18, 2017:** Native American Tribes were notified that the “I-69 Tier 2 Studies, Evansville to Indianapolis: Phase Ia Archaeological Survey 2 for Section 6” was available on INSCOPE.
- **June 6, 2017:** The Miami Tribe of Oklahoma responded to “I-69 Tier 2 Studies, Evansville to Indianapolis: Phase Ia Archaeological Survey 2 for Section 6.”
- **June 19, 2017:** SHPO/DHPA responded to “I-69 Tier 2 Studies, Evansville to Indianapolis: Phase Ia Archaeological Survey 2 for Section 6” and requested revisions.
- **June 27, 2017:** An agency meeting was held for DEIS comment resolution.
- **July 7, 2017:** The revised “I-69 Tier 2 Studies, Evansville to Indianapolis: Phase Ia Archaeological Survey 2 for Section 6” was sent to SHPO/DHPA for their records.
- **July 26, 2017:** FHWA notified ACHP that Indiana Landmarks had objected to the finding of No Adverse Effect on Travis Hill Historic District and the John Sutton House in correspondence in May and July 2017. FHWA requested that ACHP “review the finding and offer an opinion on the effects of the undertaking on the John Sutton House and Travis Hill Historic District.”
- **August 14, 2017:** A Section 6 Resource Agency meeting was held to discuss the Refined Preferred Alternative (RPA).
- **August 17, 2017:** ACHP offered the opinion that “FHWA applied the Criteria of Adverse Effect correctly... on the two historic properties.”
- **September 13, 2017:** A letter was sent to SHPO/DHPA and to consulting parties summarizing how the comments of ACHP were considered. A memorandum discussing the RPA and its effects on historic properties was included. The finding remains Historic Properties Affected: Adverse Effect. A draft Memorandum of Agreement (MOA) was included with the letter and memorandum.
- **September 14, 2017:** SHPO/DHPA responded to materials discussed on August 14, 2017.
- **September 12, 2017:** SHPO/DHPA responded to the memorandum and the draft MOA.



- **November 13, 2017:** MOA was signed by all required and invited signatories.
- **November 2017:** The “I-69 Tier 2 Studies, Evansville to Indianapolis, Phase Ia Archaeological Survey 3 for Section 6, Morgan, Johnson, and Marion Counties, Indiana Des. No. 0300382” dated October 2, 2017 report was mailed to SHPO/DHPA.
- **November 2017:** Native American Tribes were notified that the “I-69 Tier 2 Studies, Evansville to Indianapolis, Phase Ia Archaeological Survey 3 for Section 6, Morgan, Johnson, and Marion Counties, Indiana Des. No. 0300382” dated October 2, 2017 was available on INSCOPE.

Identification of Consulting Parties

Consultation for Section 106 was reinitiated in October 2015, following the publication of the revised NOI. A group of former (2004-2014) and newly identified consulting parties with a demonstrated interest in the project along or near the SR 37 corridor were invited to be consulting parties for I-69 Section 6. In addition to SHPO/DHPA (designated consulting party), the following individuals or agencies accepted the invitation to join consultation in 2015: Morgan County Historian, Indiana Landmarks, Morgan County Historic Preservation Society & Martinsville Plan Commission, Pauline Spiegel, Historic SPANs Taskforce, Indianapolis Historic Preservation Commission, Dr. James Cooper, Morgan County Commissioners, City of Martinsville, and the Johnson County Historian. The following Native American tribes accepted the invitation to join consultation: Peoria Tribe of Indians of Oklahoma, United Keetoowah Band of Cherokee Indians in Oklahoma, Chippewa Cree Tribe, and Miami Tribe of Oklahoma.

Property owners of listed or eligible historic properties (or in the case of a district, a designated association) were sent invitations to join in consultation in 2015 and 2016. The following accepted invitations to join in consultation by returning a postcard, attending a consulting party meeting, or verbally responding: Larry and Loretta Hess (Percy Farm and Clear Creek Fisheries), John W. Demaree (Southside German Market Gardeners Historic District: 4604 Bluff Road), Ann Bilodeau (Glennwood Homes Association Historic District: 7639 Timber Hill North Drive), Melvin J. Crichton (Glennwood Homes Association Historic District: 2025 Timber Hill North Drive), Henry and Mary Sheid (Glennwood Homes Association Historic District: 1910 Timber Hill North Drive), Jeffery and Beth Line (Glennwood Homes Association Historic District: 7902 Timber Hill North Drive), Todd and Beth Bylsma (Travis Hill Historic District: 6782 Travis Place), Charles F. Laughner (Le Ciel), Jerry and JoNell Barnett (Cleary Barnett House), Lonnie and Marcia Smith (Reuben Aldrich Farm), City of Indianapolis: Department of Public Works (Glenns Valley Nature Park Retreat House), Joseph Cleveland/Ozark Fisheries, Inc. (Grassyfork Fisheries Farm No. 1), Debra and Rick Underwood (John Sutton House), and John and Sandy Harrison (Southside German Market Gardeners Historic District).

**Consulting Party Meeting—December 7, 2015**

On November 19, 2015, FHWA invited consulting parties to attend a consulting party meeting for I-69 Section 6. The meeting was held on December 7, 2015, at Southland Church to discuss the Section 106 process, properties eligible for the NRHP, the extended APE, and survey methodology. Representatives of SHPO/DHPA, FHWA, INDOT and nine other consulting parties attended the meeting. “Integrity” and “significance” were explained, especially in relation to NRHP listings. The following resources had been recommended in 2008 as eligible: East Washington Street Historic District, Grassyfork Fisheries, W.E. Nutter House, Top Notch Farm, Morgan County Bridge No. 224, Morgan County Bridge No. 166, and the John Sutton House. In 2009, the Indiana Historic Bridge Inventory determined the following resources eligible: Marion County Bridge No. 4513F (Non-Select³); Morgan County Bridge No 166 (Select⁴), Morgan County Bridge No. 224 (Select), and Morgan County Bridge No. 56 (Non-Select). In 2012, Grassyfork Fisheries Farm No. 1 was listed in the NRHP. During the 2015 survey, the following resources were recommended eligible for the NRHP: Southside German Market Gardeners Historic District, Glennwood Homes Association Historic District, Travis Hills Historic District, Le Ciel, Cleary-Barnett House, Glenn’s Valley Nature Park Retreat House, and Reuben Aldrich Farm.

The updated archaeological records check was also discussed. The records check identified 21 archaeological sites that are potentially eligible for the NRHP under Criterion D. SHPO/DHPA and other consulting parties were asked to add any additional comments for discussion. No comments were offered. See **Appendix M** for documents associated with this meeting including invitation, agenda, minutes, and consulting party comments.

Consulting Party Meeting—August 17, 2016 On August 2, 2016, FHWA invited consulting parties to attend a consulting party meeting for I-69 Section 6. The meeting was held on August 17, 2016, at Southland Church. Representatives from FHWA, INDOT, SHPO/DHPA, and six consulting parties attended the meeting. The EIS timeline was presented and an overview of the Section 106 process followed. A review of the eligible properties from the 2004-2008 study and eligible properties from the 2015 survey followed. The results of AI No. 2 Memorandum were presented which included identification of the Pearcy Farm and Clear Creek Fisheries as an additional resource recommended eligible for the NRHP.

An update of the archaeological efforts for this project was also provided. An Archaeological Phase Ia survey was conducted in an area common to Alternatives C1, C2, and C3. Eight sites were identified with one site recommended potentially eligible. One area was recommended for further work.

The Effects Report was also discussed, including the definition of effects and adverse effects in the context of Section 106. The recommended finding for the project was Adverse Effect.

³ A “Non-Select” bridge is one that is a good example of its type but is not a good candidate for preservation.

⁴ A “Select” bridge is one that is a good example of its type and a good candidate for preservation.



Mitigation discussion followed. See **Appendix M** for documents associated with this meeting including invitation, agenda, minutes, and consulting party comments.

5.13.2.2 Area of Potential Effects (APE)

The APE is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking” (36 § CFR 800.16(d)). The APE for this undertaking incorporates the project area and those areas that might reasonably be affected by the undertaking, using guidance recommended by the INDOT *Cultural Resource Manual*.

In 2004, FHWA in consultation with SHPO/DHPA utilized an aboveground APE for I-69 Section 6 that centered on the Tier 1 Corridor (Alternative 3C), a 2,000-foot-wide corridor on either side of current SR 37 that was expanded or contracted based on topography. The APE included potential interchanges, grade separations, and local service road locations that were known at that time. In some areas of relatively flat relief, the APE was expanded to incorporate potential physical, temporary and long-term visual, atmospheric, or audible impacts or alterations to aboveground resources eligible for, or listed in, the NRHP. As required by the Tier 1 Record of Decision (ROD) and the MOA for Section 106, the southern terminus of the I-69 Section 6 APE overlapped the adjoining APE of I-69 Section 5.

In 2015, the 2004 APE was re-evaluated. As a basis for expanding or reducing the APE in 2015, the largest footprint was utilized for all the most current SR 37 alternatives, as provided on January 30, 2015. The APE established in 2004 was not reduced since any reduction would be relatively minor and the 2004 APE was reviewed by consulting parties and concurred upon by SHPO/DHPA in a letter dated June 25, 2004.

Along SR 37, where there was less than a 2,000-foot buffer from the most recent SR 37 alternatives, the APE was expanded to approximately 2,000 feet from the mainline to include possible effects at these locations. In general, the areas of expansion in 2015 occurred where overpasses and interchanges might be built. Along I-465 where the footprint of the most recent SR 37 alternatives had expanded along an already existing interstate highway, the APE was drawn to be only 1,000 feet on either side of the interstate, a methodology consistent with the Tier 1 APE.

When design plans were further refined in 2016, the appropriateness of the APE was examined once more. Consistent with the methodology utilized during the previous surveys for I-69 studies (where a new terrain road was being introduced) the APE was extended one mile initially, then reduced as the topography and other environmental factors warranted. Further, consistent with the methodology of the I-69 studies, historians drew the APE to extend at least 1,000 feet along either side of the expanded areas of I-465 and 1,000 feet from local service roads in the new design plans.



The 2016 APE modifications took into account interchanges, overpasses, and changes to the project footprint not previously shown on plans for Alternatives C1, C2, and C3. The 2015 APE was modified in areas where design plans extend beyond the boundary of the APE established for the SR 37 alternatives in 2015; where the proposed new right of way is closer than 1,000 feet to the outer edge of the APE established for the SR 37 alternatives in 2015; and where a potential detour route for local traffic may occur outside the APE established for the SR 37 alternatives in 2015. Specifically, the APE was expanded at I-465, Smith Valley Road to Morgantown Road, Travis Road to Mullinix Road, Egbert Road, Robin Run Court, and Jordan Road/Burton Lane.

See **Appendix M** for maps showing the project location and APE.

5.13.2.3 Research

The general historic context of the entire I-69 project area and the data on potentially eligible aboveground resources that had been identified during the I-69 Tier 1 study were reviewed prior to starting research specific to I-69 Section 6. In 2004, historians conducted a review of published literature to identify and obtain general sources of information pertinent to the history and architecture of Morgan, Johnson, and Marion counties before delving into more specific research topics related to the history and the built environment from 1800 to 1954. In 2014–2015, research focused on the recent past (1955–1972 or 50 years from the projected construction date of 2022).

As part of research for this project, a review of architectural histories and resource guides included the NRHP, National Historic Landmark (NHL) Program, Indiana Register of Historic Sites and Structures (State Register), Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER), State Historical Architectural and Archaeological Research Database (SHAARD), Indiana Historic Sites and Structures Inventory (IHSSI), *Morgan County: Interim Report*, *Johnson County: Interim Report*, *Marion County, Decatur, Perry, and Franklin Townships: Interim Report*, and Indiana Historic Bridge Inventory for previously identified properties. Throughout the research process, the following sources were reviewed: the previous I-69 Section 6 Tier 2 documentation, the I-69 Section 4 AI study, and the I-69 Section 5 AI study for relevant historical and architectural trends within the I-69 APE.

Other documentary research for the project included a review of county histories, city directories, historic photographs, county historic topographical maps (USGS), historic aerials, historic fire insurance maps, plat maps, and online resources. Mapping and aerial photographs available through Indiana University Libraries and City of Indianapolis websites were especially helpful. Several repositories provided pertinent general and specific information relative to the project area and its history. These included: Indiana State Library, Indiana Historical Society Library, Johnson County Public Library, Johnson County Historical Society, Indianapolis Historic Preservation Commission, the Department of Metropolitan Development for the City of Indianapolis, Marion County Assessor's Office, Marion County Clerk's Office (microfilm records), Indianapolis Division of Planning, Indianapolis Department of Parks and Recreation, Johnson County Plat Office, and Johnson County Recorder's Office.



Consultation occurred with more than 35 stakeholders, including 18 individuals with a general interest in the project, as well as the Eli Lilly & Company Archivist; a representative from the Perry Township/Southport Historical Society; seven property owners of homes in Glennwood Homes Association neighborhood; the president of Glenn's Valley Conservation Club; the pastor and a board member of Glenn's Valley United Methodist Church; a representative of the Indianapolis Division of Planning; a representative of the Indianapolis Department of Parks and Recreation; the owner of the Percy House and Clear Creek Fisheries; the Chief of Registration and Survey at the DHPA; and staff of SHPO/DHPA.

5.13.2.4 Fieldwork

In 2004 and 2005, qualified professionals had surveyed and inventoried aboveground resources within the APE in accordance with professional standards and in consultation with the IDNR/DHPA. All the roads in the APE were driven to identify and document resources greater than 50 years of age. All aboveground resources were further examined to determine whether they retained sufficient integrity. See **Appendix M** for a summary of the 2008 HPR.

In the 2004-2005 survey, 113 aboveground resources built prior to 1955 were considered or rated Contributing or higher per the rating system established for the IHSSI.⁵ Of those, 64 were not previously identified in county surveys for Morgan, Johnson, and Marion counties. During fieldwork, the survey found that 10 previously identified resources had been demolished, and 11 previously identified properties were found to be extensively altered since the county survey was conducted and were not included in the survey. Seven properties that were previously surveyed individually were listed in the NRHP as part of the East Washington Street Historic District, and were not surveyed individually as part of the survey.

In spring 2015, the survey from 2004-2005 was updated. The status of properties identified as Contributing in that survey was reviewed and properties constructed between 1955 and 1972 (50 years from the projected construction date of 2022) were surveyed. In areas where the APE had been expanded, properties constructed in, or prior to, 1972 were surveyed. In addition to those properties documented in the 2004-2005 survey, a total of 107 individual properties or districts considered Contributing or higher in the APE were identified. See **Appendix M** for the AI No. 1 Report.

In 2016, the APE was expanded to account for impacts that might occur because of design changes, and an additional field survey was conducted for areas of the expanded APE. As a

⁵ The word "Contributing" carries multiple meanings. Consistent with the terminology of the IHSSI, individual properties that meet the age requirement and that possess some integrity and some significance but which are not individually eligible for listing in the NRHP are labeled as "Contributing" resources as a way of classification. The word "Contributing" also carries another meaning in regard to NRHP districts. In that context, resources that may lack individual distinction but are part of an eligible district may be considered "Contributing" to the district. Therefore, properties may be considered as contributing to the history of the county and not eligible for listing in the NRHP and/or they may be considered as a contributing element within an NRHP-eligible district but not individually eligible for listing in the NRHP.



result of this reconnaissance, 57 resources considered or rated Contributing or higher were identified. See **Appendix M** for a summary of the AI No. 2 Memorandum.

5.13.2.5 Consideration of the Reuben Aldrich Farm

The Reuben Aldrich Farm was recommended not eligible for the NRHP in the HPR (2008). SHPO/DHPA concurred with the recommendations of the HPR in a letter dated July 25, 2008. As part of the AI survey in 2015, qualified professionals revisited the Reuben Aldrich Farm and found that it retained sufficient integrity as a farmstead to represent the late nineteenth early/twentieth century period of agricultural affluence for the State of Indiana. The property had lost some outbuildings, but mature trees and pastures added to the ambience of the property. The Italianate farmhouse, a favorite style of affluent farmers in the second half of the nineteenth century, appeared to be the best example of the Italianate style of architecture in Harrison Township. As a result of this re-evaluation and due to the shrinking number of existing farmsteads in Indiana, the farm was recommended eligible for the NRHP in the AI No. 1 HPR (2015). SHPO/DHPA concurred with this recommendation in a letter dated December 21, 2016. See **Appendix M** for a copy of the AI No. 1 HPR, and correspondence.

5.13.3 Identification and Evaluation of Aboveground Historic Resources

Qualified professionals identified and evaluated aboveground resources in consultation with SHPO/DHPA and the consulting parties for this project. The AI No. 1 Report and the AI No. 2 Memorandum prepared for I-69 Section 6 document the methodology and the recommended findings of eligibility as part of the Section 106 process.

The Tier 1 FEIS provides a detailed description of the historical context of Southwest Indiana. **Chapter 4, Affected Environment**, of this Tier 2 FEIS provides description of the cultural overview (**Section 4.4.1**) and historic setting (**Section 4.4.2**) applicable to I-69 Section 6.

Aboveground resources within the APE were evaluated to determine their eligibility for listing in the NRHP based on their integrity and their ability to meet one or more of the NRHP selection criteria.

The NRHP-eligible properties may be “districts, sites, buildings, structures, and objects that possess integrity and meet one of the following criteria:

- A. Associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Associated with the lives of persons significant in our past; or
- C. Embody 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 and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.”



According to the NRHP, “integrity is the ability of a property to convey its significance.” There are seven attributes of integrity: location, design, setting, materials, workmanship, feeling, and association.

As part of the evaluation process, historians also took into account the criteria considerations outlined by the NRHP:

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.
- d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.⁶

The significance of an aboveground resource can only be determined when it is evaluated within its historic context. NRHP guidance defines historic contexts as “those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and

⁶ Andrus, “How to Apply the National Register Criteria for Evaluation.”



ultimately its significance) within history or prehistory is made clear.” Historic contexts identify the trends, patterns, and themes that shaped the history of particular geographic areas during certain time periods and the types of aboveground resources associated with them.

A field survey of the APE and documentary research were conducted to collect data needed to develop a historic context and complete the eligibility determinations according to NRHP guidelines. The survey was completed in accordance with the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation, the INDOT *Cultural Resource Manual*, and written guidance provided by the DHPA.

The HPR (published in 2008) identified one individual district listed in the NRHP and recommended seven properties eligible for listing in the NRHP (see summary in **Appendix M**). The East Washington Street Historic District (NR-1313) was listed in the NRHP in 1997. The following properties were recommended eligible for listing in the NRHP:

- Morgan County Bridge No. 224 (NBI No. 55001421; IHSSI No. 109-386-60030);
- Top Notch Farm (IHSSI No. 109-386-60028);
- W.E. Nutter House (IHSSI No. 109-386-64053);
- Grassyfork Fisheries (IHSSI No. 109-386-60012);
- Stockwell Bridge (IHSSI No.: 109-386-60053; NBI No.: 550004) (has since been demolished);
- Morgan County Bridge No. 166 (109-428-30017; NBI No.: 5500153); and
- John Sutton House (IHSSI No. 081-031-10002).

Since the release of the HPR in 2008, the *Indiana Historic Bridge Inventory* (2009) had identified the following NRHP-eligible bridges:

- Marion Co. Br. 4513 F (NBI No.: 4900484);
- Morgan Co. Br. 166 (IHSSI No.: 109-428-30017; NBI No.: 5500153);
- Morgan Co. Br. 224 (IHSSI No. 109-386-60030; NBI No.: 5500142); and
- Stockwell Bridge/Morgan Co. Br. 56 (IHSSI No. 109-386-60053; NBI No.: 5500049).

Subsequently, in 2012, Grassyfork Fisheries was listed in the NRHP as Grassyfork Fisheries Farm No. 1 (NR-2209).

In 2015, the AI No. 1 Report (see summary in **Appendix M**) recognized the above NRHP-listed and NRHP-eligible properties and recommended the following resources as eligible for listing in the NRHP:

- Reuben Aldrich Farm (IHSSI No. 109-428-30009);
- Travis Hill Historic District; Cleary-Barnett House (FID: 9869);



- Glenn’s Valley Nature Park Retreat House (IHSSI No. 097-392-85416),
- Glennwood Homes Association Historic District,
- Le Ciel (Charles Laughner House) (FID: 9600),
- Cleary-Barnett House, 8000 Bluff Road (FID No.: 9569), and
- Southside German Market Gardeners Historic District.

In the AI No. 2 Memorandum published in 2016, historians recommended the Percy Farm and Clear Creek Fisheries (IHSSI No. 109-386-60015) eligible for the NHRP. See summary of AI No. 2 Memorandum in **Appendix M**.

5.13.4 Effects Evaluation

An effect is the “alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register” (36 CFR §800.16(i)). In determining the effects of the undertaking upon historic properties, the finding will be either: No Historic Properties Affected or Historic Properties Affected (36 CFR §800.4(d)(1) and (2)). The results of a Historic Properties Affected assessment will be either No Adverse Effect or Adverse Effect (36 CFR §800.5 (d)(1) and (2)).

According to 36 CFR §800.5(a)(1), “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.”

According to 36 CFR §800.5(a)(2), examples of adverse effects include:

1. Physical destruction or damage to all or part of the property;
2. Alteration of the property including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties (36 CFR Part 800) and applicable guidelines;
3. Removal of a property from its historic location;
4. Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance;
5. Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features;



6. Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
7. Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.”

Alternatives were developed in response to public comments and to avoid and minimize effects to historic resources. Four alternatives were studied along the existing SR 37 corridor: Alternatives C1, C2, C3, and C4. These alternatives were selected based upon a screening process, which is detailed in **Chapter 3, Alternatives**. Effects on historic properties were evaluated for each alternative. In 2017, the Refined Preferred Alternative (RPA) was developed as a revision to the DEIS preferred alternative, Alternative C4, based on public and agency comments, engineering refinements, and value engineering studies. Consulting parties and SHPO/DHPA were provided a summary of the impacts of the RPA on historic properties on September 13, 2017.

The types of effects considered during the assessment of effects included direct impacts (destruction or damage), visual intrusion, and noise (auditory) intrusion effects. The alternatives under consideration were developed to avoid intrusions upon the historic properties wherever possible.

Alternatives were assessed for potential visual and auditory effects. To assess these effects, the impact of each alternative upon the aspects of integrity (location, design, setting, materials, workmanship, feeling, and association) was considered. This evaluation was based on field observation of sight lines, traffic modeling, and other considerations that could reasonably be attributed to the undertaking as well as consultation with SHPO/DHPA and consulting parties.

To assess visual effects, aerial and topographic mapping, as well as field observation, helped determine the existence of sight lines between the historic properties and the alternatives under consideration. Photographs were taken from the property toward the undertaking if view or setting had the potential to be impacted by the undertaking.

To assess noise effects, the updated INDOT Traffic Noise Analysis Procedure (approved by FHWA and effective July 2011) was utilized. Title 23 of the Code of Federal Regulations Part 772 (Procedures for Abatement of Highway Traffic Noise and Construction Noise) requires a highway noise study to determine the potential impacts to noise-sensitive land uses for major highway projects.

The INDOT Traffic Noise Analysis Procedure has adopted the seven activity categories and respective Noise Activity Categories (NAC) defined by the FHWA in 23 CFR 772. The NAC for Category B (residential) is the most commonly used. The NAC for this category has an hourly sound level $Leq(h)$ of 67 dBA (A-weighted decibels) and typically applies to exterior areas of frequent human use residential areas. For the purpose of this preliminary noise study, the historic properties were included in this classification, per INDOT policy. A noise analysis was not



conducted for areas such as the bridges because noise is not a component of their setting and noise is also a consequence of their functions.

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 dBA Leq(h) of the appropriate NAC or higher. The NAC for Category B land use 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. 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 using sound level meters and/or FHWA TNM 2.5 modeling, as applicable. According to the INDOT Traffic Noise Analysis Procedure, all receptors must be identified within 500 feet from each reasonable alternative (edge of the outside travel lane) considered in the NEPA evaluation. If during the identification of impacted receptors, it is shown that receptors are being impacted at 500 feet, the corridor of study will be extended to 800 feet from each reasonable alternative. According to INDOT policy, noise receptor locations located more 800 feet from the project roadway are not evaluated for highway traffic noise effects.

FHWA has not validated the TNM model for accurate results beyond 800 feet, per FHWA’s “Addendum to Validation of FHWA’s Traffic Noise Model® TNM: Phase 1.” For purposes of this preliminary analysis, a conservative approach of capturing potential noise impacts for those properties within an 800-foot distance from the mainline was used.

For the purpose of this study, noise effects on historic properties attributable to the undertaking were assessed in the following manner: A TNM-predicted noise impact, as defined in the INDOT Traffic Noise Analysis Procedure, is considered an adverse effect. Noise effects are not considered adverse if the undertaking would result in a change in noise levels (i.e., if an audible increase in noise levels was predicted, or, if traffic noise would be introduced or added to the historic property), but a noise impact per the noise policy was not predicted. Additionally, if the existing ambient noise level currently meets the criteria, then predicted increases are not considered an adverse effect unless there is an increase of 15 dBA. Noise effects are also considered not to be present if the undertaking would cause no change in noise levels or would not introduce or add to traffic noise.

Table 5.13-1 presents the existing modeled noise levels (“Before I-69”) at the historic properties and the design year modeled noise levels (“After I-69”) with I-69 Section 6 in place. It also shows the difference between the two noise levels. The Noise Activity Categories (NAC) column indicates whether the predicted noise levels exceed the criteria. Noise levels will not exceed the criteria at any historic properties; therefore, there would be no adverse noise impacts as a result of the undertaking. See **Section 5.10**.



Table 5.13-2 provides a summary of the eligibility and effects of NRHP Listed or Eligible Aboveground Properties within the APE. The project would have an adverse effect on two properties: the Reuben Aldrich Farm and the Southside German Market Gardeners Historic District, as described below.

- Reuben Aldrich Farm**—The I-69 Section 6 mainline would be located about 1,300 feet from the boundary of the farm. An overpass connecting Big Bend Road and Tunnel Road included in the DEIS preferred alternative will not be constructed with the RPA. Traffic is anticipated to decrease as a result of the undertaking, particularly truck traffic.
- Southside German Market Gardeners Historic District**—The project would replace and widen the I-465 bridge over Bluff Road. Mechanically stabilized earth (MSE) retaining walls would be used along the south side of I-465. A vegetated side-slope would be constructed along the north side I-465, west of Bluff Road. A combination of a vegetated side slope and MSE walls would be constructed along north side of I-465, east of Bluff Road to avoid impacting electric transmission towers. The contributing house located at 4401 Bluff Road would be removed as part of the side slope construction. In consultation with SHPO and residents of the district, it was agreed that removal of the house would be preferable to the construction of a wall in such proximity that the structural integrity of the house would be compromised. The project would require a total of approximately 6.0 acres from the historic district. Traffic along Bluff Road would decrease from 11,500 VPD in 2010 to 9,890 VPD in the year 2045. Daily truck traffic along Bluff Road would decrease from 240 to 105 VPD.

Table 5.13-1: Modeled Noise Levels for Historic Properties

Historic Property	Existing Noise, Leq, dBA (Before I-69)	Design Year Noise, Leq, dBA (After I-69)	Noise Difference, Leq, dBA	Exceeds NAC?
John Sutton House	54.3	63.9	9.6	No
Southside German Market Historic District	70.6	Removed	N/A	No
Glennwood Homes Association Historic District #1	53.7	63.1	9.4	No
Glennwood Homes Association Historic District #2	47.7	60.7	13.0	No
Travis Hills Historic District #1	57.6	65.9	8.3	No
Travis Hills Historic District #2	45.5	54.4	8.9	No
Le Ciel (Laughner House)	43.6	52.9	9.3	No
Cleary-Barnett House	45.8	56.9	11.1	No
Glenn’s Valley Nature Park	42.8	51.9	9.1	No



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Historic Property	Existing Noise, Leq, dBA (Before I-69)	Design Year Noise, Leq, dBA (After I-69)	Noise Difference, Leq, dBA	Exceeds NAC?
Retreat House				
Top Notch Farm	49.8	57.9	8.1	No
Grassyfork Fisheries Farm No. 1	48.5	55.7	7.2	No
Pearcy Farm & Clear Creek Fisheries	39.0	44.1	5.1	No
Reuben Aldrich Farm	45.0	52.6	7.6	No

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

Table 5.13-2: Eligibility and Effects on NRHP Listed or Eligible Aboveground Properties

Survey No.	Property Name	Address	Property Type	County	NRHP Status	Effects
109-386-60030 (NBI No. 5500142)	Morgan County Bridge No. 224	Old SR 37 over Indian Creek	Warren Pony Truss Bridge	Morgan	NRHP Eligible "Select"	All Alternatives: No Adverse Effect
109-386-60028	Top Notch Farm	351 Mahalassville Road	Farm	Morgan	NRHP Eligible	All Alternatives: No Adverse Effect
NR-1313	East Washington Street Historic District	East Washington Street	Residential District	Morgan	NRHP Listed	All Alternatives: No Effect
109-386-64053	W.E. Nutter House	1089 East Harrison Street	American Foursquare	Morgan	NRHP Eligible	All Alternatives: No Effect
109-386-60015	Pearcy Farm and Clear Creek Fisheries	295 Hess Road	Farm and Fishery	Morgan	NRHP Eligible	All Alternatives: No Effect
NR-2209	Grassyfork Fisheries Farm No. 1	2902 East Morgan Street	Fishery	Morgan	NRHP Listed	All Alternatives: No Adverse Effect
109-428-30009	Reuben Aldrich Farm	7020 Old SR 37	Farm	Morgan	NRHP Eligible	All Alternatives: Adverse Effect
109-428-30017 (NBI No. 5500153)	Morgan County Br. No. 166	Old SR 37 over Bluff Creek	Reinforced Concrete Bridge	Morgan	NRHP Eligible "Select"	All Alternatives: No Effect
N/A	Travis Hill Historic District	Travis Place at Stones Crossing Road	Residential District	Johnson	NRHP Eligible	All Alternatives: No Adverse Effect
081-031-10002	John Sutton House	988 North Bluff Road	Italianate House	Johnson	NRHP Eligible	All Alternatives: No Adverse Effect
NBI No. 4900484	Marion Co. Br. 4513 F	Bluff Road over Pleasant Run	Reinforced Concrete Bridge	Marion	NRHP Eligible "Non-Select"	All Alternatives: No Adverse Effect
FID No.: 9869	Cleary-Barnett House	8000 Bluff Road	Ranch House	Marion	NRHP Eligible	All Alternatives: No Adverse



Survey No.	Property Name	Address	Property Type	County	NRHP Status	Effects
						Effect
097-392-85416	Glenn's Valley Nature Park Retreat House	8015 Bluff Road	Colonial Revival House	Marion	NRHP Eligible	All Alternatives: No Adverse Effect
N/A	Glennwood Homes Historic District	Northwest corner of Stop 11 and Bluff Road	Residential District	Marion	NRHP Eligible	All Alternatives: No Adverse Effect
FID: 9600	Le Ciel (Charles Laughner House)	7719 Belmont Avenue	New Traditional French House	Marion	NRHP Eligible	All Alternatives: No Adverse Effect
N/A	Southside German Market Gardeners Historic District	Bluff Road at I-465	Historic District	Marion	NRHP Eligible	All Alternatives: Adverse Effect

5.13.5 Consultation with the ACHP

FHWA provided e-800 notification of the finding of Adverse Effect to the ACHP on March 20, 2017. On April 6, 2017, the ACHP stated that “we do not believe our participation in the consultation to resolve adverse effects is needed.” The ACHP added, “However, if we receive a request for participation from the . . . SHPO. . . Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision.” The ACHP further requested to be notified “should circumstances change, and it is determined that our participation is needed to conclude the consultation process.” The ACHP noted that filing of the MOA with the ACHP “is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.”

Subsequently, Indiana Landmarks sent letters on May 8, 2017; May 31, 2017; and July 17, 2017, expressing the opinion that the I-69 Section 6 undertaking will have an adverse effect on the John Sutton House and the Travis Hill Historic District, both properties that had been found to have No Adverse Effect by FHWA. (SHPO/DHPA had concurred with the finding of No Adverse Effect in a letter dated April 13, 2017.)

INDOT responded to Indiana Landmarks on May 18, 2017, and conducted a site visit on June 12, 2017, to clarify the project and to address the concerns of Indiana Landmarks. Meeting minutes and additional information were provided to Indiana Landmarks on June 30, 2017. However, in a letter dated July 17, 2017, Indiana Landmarks continued to express the opinion that the project would have an adverse effect to the settings of both the John Sutton House and Travis Hill Historic District.

Pursuant to 36 CFR 800.5(c)(2)(i), FHWA notified the ACHP on July 26, 2017, that Indiana Landmarks had objected to the finding. FHWA requested that ACHP “review the finding and offer an opinion on the effects of the undertaking on the John Sutton House and Travis Hill Historic District.”



On August 17, 2017, the ACHP responded with its opinion 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.” The ACHP added that FHWA is required to take this opinion into consideration in its final finding of effect and to provide a summary of how its decision was reached to the ACHP, SHPO/DHPA, and consulting parties. FHWA provided this summary to consulting parties in a letter dated September 13, 2017. See correspondence relating to ACHP consultation in **Appendix M**.

5.13.6 Resolution of Adverse Effects – Mitigation

FHWA determined an Adverse Effect finding is appropriate for the I-69 Section 6 undertaking. For reference see the Section 106 Finding and Determination signed on February 14, 2017, included in **Appendix M**. The undertaking will have an adverse effect on the following individual resources: the Reuben Aldrich Farm, the Southside German Market Gardeners Historic District, and potential effects on archaeological resources. To mitigate the adverse effects on the Reuben Aldrich Farm, consultation with the property owner and consulting parties was undertaken to evaluate vegetative screening, preparation of an NRHP nomination form, and a plaque regarding its NRHP status.

To mitigate the adverse effects on the Southside German Market Gardeners Historic District, consultation with property owners in the district and consulting parties was undertaken to evaluate the use of retaining walls, vegetative screening and/or MSE wall treatments, preparation of an NRHP nomination form, signage, or other suitable mitigation.

An MOA for I-69 Section 6 has been prepared. To mitigate any potential effects on archaeological resources, the MOA stipulates the identification and evaluation efforts as well as any additional testing that will occur. Eligible archaeological sites will be avoided or mitigated. The MOA has been signed by FHWA, INDOT, and SHPO/DHPA. FHWA has invited other consulting parties to sign the executed document as consulting parties (see **Section 5.14** and **Appendix M** for additional information).

5.13.7 Summary

Regarding aboveground historic resources:

NRHP Properties — One individual property, the Grassyfork Fisheries Farm No. 1, is located within the APE of I-69 Section 6 and is listed in the NRHP. A determination of No Adverse Effect has been made.

NRHP Districts — One historic district, the East Washington Street Historic District, is located within the APE of I-69 Section 6 and is listed in the NRHP. A determination of No Effect has been made.



Eligible Properties — Eleven individual properties within the APE are eligible for listing in the NRHP: Morgan County Bridge No. 224, Top Notch Farm, W.E. Nutter House, Percy Farm and Clear Creek Fisheries, Reuben Aldrich Farm, Morgan County Br. No. 166, John Sutton House, Marion Co. Br. 4513 F, Cleary-Barnett House, Glenn’s Valley Nature Park Retreat House, and Le Ciel (Charles Laughner House).

A determination of No Effect has been made for the W.E. Nutter House, Percy Farm, and Clear Creek Fisheries, and Morgan County Br. No. 166.

A determination of No Adverse Effect has been made for Morgan County Bridge No. 224, Top Notch Farm, John Sutton House, Marion Co. Br. 4513 F, Cleary-Barnett House, Glenn’s Valley Nature Park Retreat House, and Le Ciel (Charles Laughner House).

A determination of Adverse Effect has been made for the Reuben Aldrich Farm.

Eligible Districts — Three historic districts, Travis Hill Historic District, Glennwood Homes Historic District, and Southside German Market Gardeners Historic District, are eligible for inclusion in the NRHP.

A determination of No Adverse Effect has been made for the Travis Hill Historic District and Glennwood Homes Historic District.

A determination of Adverse Effect has been made for Southside German Market Gardeners Historic District.

An overall determination of “Historic Properties Affected: Adverse Effect” has been issued for this project.