



MID-STATES CORRIDOR

APPENDIX P: SECTION 106 DOCUMENTATION

Mid-States Corridor Tier 1 Environmental Impact Statement

Prepared for
Indiana Department of Transportation
Mid-States Regional Development Authority

NOVEMBER 12, 2021

Prepared by
Hannah Blad and Gary Francis Quigg, Lochmueller Group





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1. METHODOLOGY

Introduction: Section 106 Documentation

For Tier 1, above-ground resource identification of historic properties consisted of an online review of the State Historic Architectural and Archaeological Resource Database (SHAARD) structures map to determine the locations of previously recorded structures. This online review was followed by on site “Windshield Survey” field verification within each of the preliminary Areas of Potential Effects (APEs) for the route alternatives. This Windshield Survey was conducted to 1) verify that the previously recorded structures within the preliminary APEs remain extant and worthy of their current ratings from the Indiana Historic Sites and Structures Inventory (IHSSI) which included NRHP-listed, Outstanding, Notable and Contributing properties and 2) to record any previously undocumented structural resources using the same rating system. Field recordation efforts were limited to one photograph and brief textual notation per resource. No additional research on above-ground cultural resources was conducted as a part of the Tier 1 review. The results from the online research and Windshield Survey field review were placed within a matrix representing all newly recorded and previously documented structures in all of the preliminary APEs for the route alternatives. See **Appendix O – Historic Properties Analysis**.

This appendix includes copies of all correspondence sent to Section 106 Consulting Parties and Consulting Party Meeting Summaries.

2. DOCUMENTATION

Documents Provided to Consulting Parties in Tier 1

A general National Environmental Policy Act (NEPA) Early Coordination Letter was sent to tribal organizations and governmental agencies on August 6, 2019 requesting comments related to the potential environmental effects which could result from the Mid-States Corridor. Those who responded were added to the list of participating Consulting Parties. The Section 106 Early Coordination Letter (ECL) was sent in two mailings on December 12, 2019, and January 31, 2020 to those who replied to the initial August 2019 invitation. The January 31, 2020 mailing was suggested by the Indiana State Historic Preservation Officer (SHPO) to include organizations that were not included in the initial distribution. Subsequent mailings to individuals requesting to become a Consulting Party were also mailed out after the January 31, 2020 mailing. Only the December 12, 2019 letter is included below. The text of both the December and January letters was identical.

Tier 1 Section 106 documentation presented on the following pages includes:

- December 12, 2019 Early Coordination Letter – **Figure 1**
- April 13, 2020 letter inviting Consulting Parties to a Consulting Party meeting providing an overview of the project and the Section 106 process – **Figure 2**
- July 1, 2020 Meeting Summary from the April 27, 2020 Consulting Party Meeting – **Figure 3**



- April 5, 2021 letter inviting Consulting Parties to the second Consulting Party meeting to discuss the results of the Tier 1 cultural resources study – **Figure 4**
- May 11, 2021 Meeting Summary from the April 20, 2021 Consulting Party meeting (#2).
Figure 5

Forthcoming documents from Tier 1 will include a CP invitation letter to a third CP meeting and a CP meeting summary. The third CP meeting will present the Programmatic Agreement and DEIS. It is presumed after this third meeting, upon approval of the FEIS/ROD, Tier 2 Section 106 activities will commence.

Tier 2 documentation will include distribution letters to CPs for each Historic Property Report (HPR), an abstract page for each HPR, all Effect Finding/800.11e documents and all Memorandum of Agreement (MOA) documents, as well as all correspondence from Consulting Parties related to HPRs, Findings and MOAs.



FIGURE 1: EARLY COORDINATION LETTER, DECEMBER 12, 2019



December 12, 2019

This letter was sent to the listed parties.

RE: Des. No. 1801941
Mid-States Corridor Project
Ohio River to I-69
12 County Study Area:
Crawford, Daviess, Dubois, Greene, Lawrence, Martin, Monroe, Orange, Perry, Pike, Spencer,
Warrick

Dear Consulting Party (see attached list),

The Indiana Department of Transportation (INDOT) proposes to proceed with a new terrain roadway project (Des. No. 1801941). Lochmueller Group is under contract with INDOT to advance the environmental documentation for the referenced project. This present phase (a Tier 1 Environmental Impact Statement (EIS)) is funded by the Mid-States Corridor Regional Development Authority (RDA), in cooperation with INDOT and the Federal Highway Administration (FHWA).

This letter is an invitation to you to serve as a consulting party for this project and begins the Section 106 coordination process for the undertaking. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties. FHWA funding is anticipated for subsequent project activities, including Tier 2 environmental studies.

The precise location of the proposed undertaking has not yet been determined, although a range of potential corridors within the 12 county study area are being considered. The study area is bounded by I-69 on the west and north, SR 37 on the east, and the Ohio River on the south. Please see the enclosed maps.

The need for the project stems from lack of efficient access to regional and national destinations, resulting stagnant economic development in the 12 county study area, and safety concerns. The purpose of the project is to provide a better transportation link between the Ohio River and I-69 to improve connectivity and safety in support of enhanced quality of life and economic growth within the study area.

The proposed project involves the construction of a new roadway. Possible design options for the roadway include a freeway (multi-lane, controlled access), expressway (multi-lane, partial controlled access) or Super 2 (two-lane, partial controlled access with passing lanes) from SR 66 near Rockport to I-69 either directly or via SR 37. Further design efforts have not been undertaken. New right-of-way (ROW) will be required, but the amount is not known. It is anticipated that there will be some relocations.



In accordance with 36 CFR 800.2 (c), you are hereby requested to be a consulting party to participate in the Section 106 process. Entities that have been invited to participate in the Section 106 consultation process for this project are identified in the attached list. Per 36 CFR 800.3(f), we hereby request that the Indiana State Historic Preservation Officer (SHPO) notify this office if the SHPO staff is aware of any other parties that may be entitled to be consulting parties or should be contacted as potential consulting parties for the project.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

The Section 106 process will be extended for this project due to the scope and size of the undertaking. Specifically, the Section 106 process will be divided into two phases under a tiered approach as part of the National Environmental Policy Act (NEPA) assessment for the study area. Tier 1 of the Section 106 process will narrow down the project area from a range of alternatives consisting of two-mile study bands to select a preferred corridor. This corridor generally will be 2,000 feet wide. The Tier 1 draft Environmental Impact Statement (EIS) will include a section titled, "Historical and Archaeological Impacts" to include a discussion of above-ground and archaeological concerns which will summarize the evaluation of cultural resources within the 12 county study area. A Programmatic Agreement is anticipated to be developed which will define how the Section 106 process will be completed during Tier 2 environmental studies. The Section 106 process for Tier 2 will focus specifically on the 2,000 foot preferred corridor (determined during the Tier 1 phase) and will conduct a more in-depth analysis in assessing impacts to historic and archaeological resources within and near the preferred corridor.

Please review the information and comment within thirty (30) calendar days of receipt regarding any cultural resources concerns or Section 106 process items related to the project. If you indicate that you do not desire to be a consulting party, or if you do not respond, you will not be included on the list of consulting parties for this project. If we do not receive your response in the time allotted, the project will proceed consistent with the proposed design and you will not receive further information about the project.

For questions concerning specific project details, you may contact Jason DuPont of Lochmueller Group at 812.759.4129 or JDupont@lochgroup.com. All future responses regarding the proposed project should be forwarded to Lochmueller Group at the following address:

Jason DuPont
Director of Environmental Services
Lochmueller Group
6200 Vogel Road
Evansville, IN 47715
JDupont@lochgroup.com

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Sincerely,



Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:

- Maps of Study Area

Distribution List:

- State Historic Preservation Officer
- INDOT Cultural Resource Office
- Indiana Landmarks, Central Regional Office
- Indiana Landmarks, Southern Regional Office
- Indiana Landmarks, Southwest Field Office
- Indiana Landmarks, Western Regional Office
- Indiana 15 Regional Planning Commission
- Southern Indiana Development Commission
- Absentee Shawnee Tribe of Oklahoma
- Delaware Nation of Oklahoma
- Eastern Shawnee Tribe of Oklahoma
- Miami Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Pokagon Band of Potawatomi Indians
- United Keetoowah Band of Cherokee Indians
- Crawford County Board of Commissioners
- Crawford County Council
- Crawford County Highway Supervisor
- Crawford County Historian
- Crawford County Historical and Genealogical Society
- English Town Manager
- English Town Council
- Leavenworth Town Council
- Marengo Town Council
- Milltown Town Council
- Daviess County Board of Commissioners
- Daviess County Council
- Daviess County Highway Supervisor
- Daviess County Historian
- Daviess County Historical Society
- Alfordsville Town Council
- Cannelburg Town Council



- Elnora Town Council
- Montgomery Town Council
- Odon Town Council
- Plainville Town Council
- Washington City Council
- Mayor of Washington
- Dubois County Board of Commissioners
- Dubois County Council
- Dubois County Surveyor
- Dubois County Highway Supervisor
- Dubois County Historian
- Dubois Historical Society
- Dubois County Landmarks Preservation
- Birdseye Town Council
- Ferdinand Town Council
- Ferdinand Historical Society
- Holland Town Council
- Ireland Historical Society
- Huntingburg City Council
- Huntingburg City Planner
- Mayor of Huntingburg
- Jasper City Council
- Mayor of Jasper
- Jasper City Engineer
- Greene County Board of Commissioners
- Greene County Council
- Greene County Surveyor
- Greene County Highway Supervisor
- Greene County Historian
- Bloomfield Town Council
- Mayor of Jasonville
- Linton City Council
- Mayor of Linton
- Lyons Town Council
- Newberry Town Council
- Scotland Historical Society
- Switz City Town Council
- Worthington Town Council
- Lawrence County Board of Commissioners
- Lawrence County Council
- Lawrence County Surveyor
- Lawrence County Highway Superintendent
- Lawrence County Historian
- Lawrence County Museum of History
- Lawrence County Railroad Historical Society
- Bedford City Council



- Mayor of Bedford
- Mitchell City Council
- Mayor of Mitchell
- Oolitic Town Council
- Martin County Board of Commissioners
- Martin County Council
- Martin County Highway Superintendent
- Martin County Historian
- Martin County Historical Society
- Crane Town Manager
- Crane Town Board
- Loogootee City Council
- Mayor of Loogootee
- Shoals Town Council
- Monroe Board of Commissioners
- Monroe County Council
- Monroe County Surveyor
- Monroe County Highway Supervisor
- Monroe County Highway Engineer
- Monroe County Historian
- Monroe County History Center
- Bloomington City Council
- Mayor of Bloomington
- Ellettsville Town Manager
- Ellettsville Town Council
- Stinesville Town Council
- Orange County Board of Commissioners
- Orange County Council
- Orange County Surveyor
- Orange County Highway Director
- Orange County Historian
- Orange County Historical Society
- Saving Historic Orange County
- West Baden Historical Society
- West Baden Springs Historic Preservation
- French Lick Town Council
- Orleans Town Council
- Paoli Town Council
- West Baden Town Council
- Perry County Board of Commissioners
- Perry County Council
- Perry County Surveyor
- Perry County Highway Superintendent
- Perry County Historian
- Cannelton City Council
- Mayor of Cannelton



- Tell City Council
- Mayor of Tell City
- Tell City Historical Society
- Troy Town Council
- Pike County Board of Commissioners
- Pike County Council
- Pike County Highway Superintendent
- Pike County Historian
- Pike County Historical Society and Museum
- Petersburg City Council
- Mayor of Petersburg
- Spurgeon Town Council
- Winslow Town Council
- Spencer County Board of Commissioners
- Spencer County Town Council
- Spencer County Surveyor
- Spencer County Highway Superintendent
- Spencer County Historical Society
- Chrisney Town Board
- Dale Town Council
- Gentryville Town Council
- Grandview Town Council
- Richland City Clerk-Treasurer
- Rockport City Council
- Mayor of Rockport
- Santa Claus Town Council
- Warrick County Board of Commissioners
- Warrick County Council
- Warrick County Surveyor
- Warrick County Highway Engineer
- Warrick County Historian
- Warrick County Museum
- Boonville City Council
- Mayor of Boonville
- Chandler Town Council
- Elberfield Town Council
- Lynnville Town Board
- Newburgh Town Council
- Newburgh Town Manager
- Tennyson Town Council



FIGURE 2: INVITATION TO FIRST CONSULTING PARTY MEETING, APRIL 13, 2020



April 13, 2020

This letter was sent to the listed parties.

RE: Des. No. 1801941
Mid-States Corridor Project
SR66 to I-69
12-County Study Area:
Crawford, Daviess, Dubois, Greene, Lawrence, Martin, Monroe, Orange, Perry, Pike, Spencer,
Warrick

Dear Consulting Party (see attached list),

The Indiana Department of Transportation (INDOT) proposes to proceed with a new terrain roadway project (Des. No. 1801941). Lochmueller Group is under contract with INDOT to advance the environmental documentation for the referenced project. This present phase (a Tier 1 Environmental Impact Statement (EIS)) is funded by the Mid-States Corridor Regional Development Authority (RDA), in cooperation with INDOT and the Federal Highway Administration (FHWA). FHWA funding is anticipated for subsequent project activities, including Tier 2 environmental studies.

As you have accepted consulting party status for this project, you are invited to attend our first consulting party meeting as a part of the Section 106 coordination process for this undertaking. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties.

Due to the ongoing health concern, this consulting party meeting will be held using online technology (LoopUp website) and telephone call-in service for those unable to participate online. This remote meeting will be held **Monday, April 27, 2020 at 2:00pm EDT.**

A weblink to access the meeting via LoopUp will be sent to you by an Outlook email meeting invite. The toll free call-in phone number for those not accessing LoopUp to participate is **(855) 633-2040**. When your call is connected you will be asked for your guest dial-in code, which is **2007692#**.

The precise location of the proposed Mid-States Corridor Project has not yet been determined, although a range of potential corridors within the 12-county study area is being considered. The study area is bounded by I-69 on the west and north, SR 37 on the east, and the Ohio River on the south. Please see the enclosed maps.

The need for the project stems from lack of efficient access to regional and national destinations, resulting stagnant economic development in the 12-county study area, and safety concerns. The purpose of the project is to provide a better transportation link between the Ohio River and I-69 to improve connectivity and safety in support of enhanced quality of life and economic growth within the study area.

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The proposed project involves the construction of a new roadway. Possible design options for the roadway include a freeway (multi-lane, controlled access), expressway (multi-lane, partial controlled access) or Super 2 (two-lane, partial controlled access with passing lanes) from SR 66 near Rockport to I-69 either directly or via SR 37. Further design efforts have not been undertaken. New right-of-way (ROW) will be required, but the amount is not known. It is anticipated that there will be some relocations.

Individuals/Entities that have accepted consulting party status for the Section 106 consultation process for this project are identified in the attached list. Per 36 CFR 800.3(f), we hereby request that the Indiana State Historic Preservation Officer (SHPO) notify this office if the SHPO staff is aware of any other parties that may be entitled to be consulting parties or should be contacted as potential consulting parties for the project.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

The Section 106 process will be extended for this project due to the scope and size of the undertaking. Specifically, the Section 106 process will be divided into two phases under a tiered approach as part of the National Environmental Policy Act (NEPA) assessment for the study area. Tier 1 of the Section 106 process will narrow the project area from a range of alternatives consisting of two-mile study bands in order to select a preferred corridor. This corridor generally will be 2,000 feet wide. The Tier 1 draft Environmental Impact Statement (EIS) will include a section titled, "Above-Ground and Archaeological Impacts" to include a discussion of above-ground and archaeological concerns which will summarize the survey of cultural resources within the 12 county study area. A Programmatic Agreement is anticipated to be developed which will define how the Section 106 process will be completed during Tier 2 environmental studies. The Section 106 process for Tier 2 will focus specifically on the 2,000 foot preferred corridor (determined during the Tier 1 phase) and associated Area of Potential Effects, and will conduct a more in-depth analysis in assessing impacts to above-ground and archaeological resources within and near the preferred corridor.

An invitation to the April 27, 2020 consulting party meeting has been sent to you via email. However, if you did not receive this invitation, or have not responded to date, please respond either by email or phone to the contact information provided below to indicate whether or not you will be joining us. A hard copy of the presentation materials to be shared during the LoopUp meeting presentation will be made available upon request. Please respond to this letter with your request for a hard copy of the presentation materials within seven (7) days.

For questions concerning specific project details, you may contact Jason DuPont of Lochmueller Group at 812.759.4129 or JDupont@lochgroup.com. All future responses regarding the proposed project should be forwarded to Lochmueller Group at the following address:

Jason DuPont
Director of Environmental Services
Lochmueller Group
6200 Vogel Road
Evansville, IN 47715
JDupont@lochgroup.com



Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Sincerely,

Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:

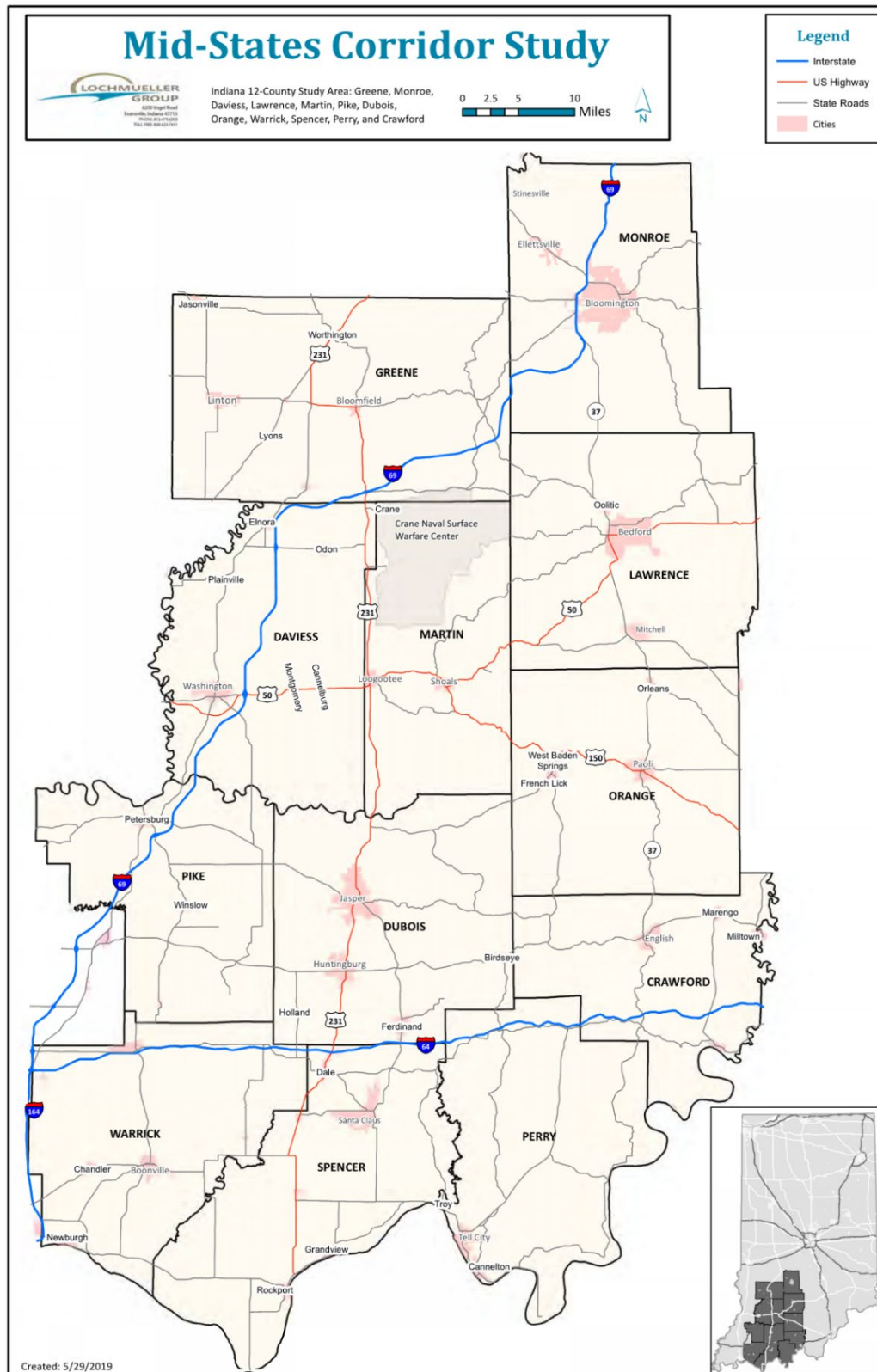
- Maps of Study Area

Distribution List:

- State Historic Preservation Officer
- INDOT Cultural Resource Office
- Advisory Council on Historic Preservation
- Indiana Landmarks, Central Regional Office
- Indiana Landmarks, Southern Regional Office
- Delaware Nation of Oklahoma
- Miami Tribe of Oklahoma
- Pokagon Band of Potawatomi Indians
- Shawnee Tribe of Oklahoma
- Dale Town Council
- Dubois County Commissioners
- Ellettsville Town Council
- Lawrence County Historian
- Lawrence County Museum of History
- Luke Baker
- Mayor of Rockport
- Newburgh Town Council
- Rockport City Council
- Shoals Town Council



Several individuals contacted Lochmueller Group just prior to the meeting requesting Consulting Party status. All were added to the Consulting Party list and most participated in the April 27, 2020 meeting.



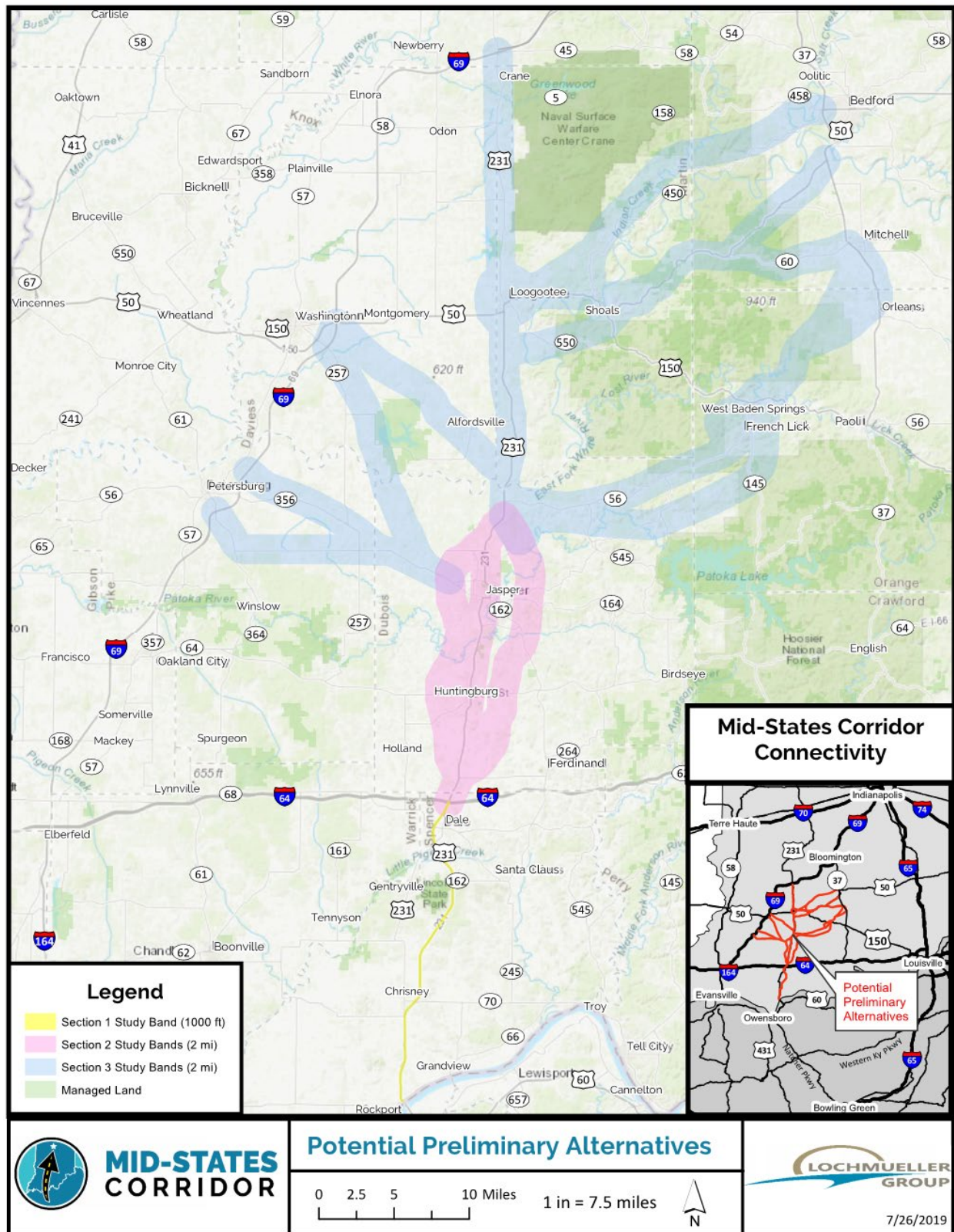




FIGURE 3: CONSULTING PARTY MEETING SUMMARY, JULY 1, 2020



MEETING SUMMARY

Date of Meeting: April 27, 2020
2:00pm EDT

Location: Conference Call

Submitted By: Gary Quigg

Re: Mid States Corridor Tier 1
Section 106 Consulting Party Meeting

Issue Date: July 1, 2020

In Attendance:

Anuradha Kumar
Shaun Miller
Patrick Carpenter
Kelyn Alexander
Kyanna Moon
Brandon Miller
Dan Corbin
Jason DuPont
David Goffinet
Gary Quigg
Michael Grovak
Chad Costa
Beth McCord
Danielle Kauffmann
John Carr
Michelle Allen
Kari Carmany-George
Diane Hunter
Joshua Biggs
Greg Sekula
Laura Renwick
Candice Croix
Chad Blessinger
Jeff Stant
B.J. Elmore
Luke Baker
Gretchen Anderson

INDOT Cultural Resources Office
INDOT Cultural Resources Office
INDOT Cultural Resources Office
INDOT Cultural Resources Office
INDOT Environmental Services Division
INDOT Environmental Services Division
INDOT Environmental Services Division
Lochmueller Group
Lochmueller Group
Lochmueller Group
Lochmueller Group
Lochmueller Group
Indiana State Historic Preservation Office
Indiana State Historic Preservation Office
Indiana State Historic Preservation Office
Federal Highway Administration
Federal Highway Administration
Miami Tribe of Oklahoma
Indiana Landmarks, Central Regional Office
Indiana Landmarks, Southern Regional Office
Indiana Landmarks Southern Regional Office
Indiana Landmarks Southwest Field Office
Dubois County Commissioner
Indiana Forest Alliance
Private Citizen
Private Citizen
Private Citizen





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ITEMS DISCUSSED:

Purpose

The purpose of the meeting was to provide an overview of the Mid-States Corridor project and a status update, review the preliminary corridors, discuss the preliminary alternative screening report, explain the Tier 1 and Tier 2 National Environmental Policy Act (NEPA) review process, explain Section 106 of the National Historic Preservation Act (NHPA) and its cultural resources review process, introduce the plan for a draft Programmatic Agreement, answer any questions and/or listen to concerns from Consulting Parties regarding the project's effects on cultural resources, and present the next steps for Section 106 and the overall project schedule.

The following subject headings provide an overview of the meeting discussion and are not presented as detailed minutes (wherein each individual speaker's questions or comments would be quoted as a matter of record). Although, in several areas within the Question & Answer section, for clarity, more precise wording from the recording of the meeting has been used for optimal representation. Copies of the audio recording of this meeting are available to Consulting Parties upon request by contacting Lochmueller Group.

Introductions & Project Overview

- Following welcome and introductions, Jason DuPont (Lochmueller Group) provided an overview of the Mid-States Corridor undertaking which included: project background, purpose and need, project goals, preliminary alternatives, project status, explanation of the Screening of Alternatives Report, a brief introduction to the two tier NEPA resources review approach, and information on the facility (highway) types under consideration.

Section 106 & Tiered NEPA Approach Overview

- Gary Quigg (Lochmueller Group) provided an overview of Section 106 of the NHPA, explaining the purpose of this federal law is to assure federal agencies take into account the effects of their undertakings (projects) on historic and archaeological properties. Further, Mr. Quigg explained the Section 106 process is concerned with identifying historic and archaeological properties that are listed, or eligible for listing, in the National Register of Historic Places (NRHP) that may be affected by the Mid-States Corridor project, assessing the affects that may occur to these properties, and seeking ways to avoid, minimize or mitigate any adverse effects on these properties.
- Mr. Quigg continued with an overview of the importance of participation by Consulting Parties in the Section 106 process, explaining what organizations/individuals are usually invited to become Consulting Parties, and the efforts the Mid-States Corridor team has undertaken (December 2019 – March 2020) to invite Consulting Parties to participate in the Section 106 process. Mr. Quigg also noted that three individuals notified



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Lochmueller Group of their wish to be participating Consulting Parties just a few hours prior to the beginning of this Consulting Party meeting, which brought the total number of Consulting Parties to 22 as of April 27, 2020.

- Mr. Quigg then explained the two-staged, “tiered” approach for large complex projects such as the Mid-States Corridor. Tier 1 is a “big picture” review of cultural resources wherein a preferred corridor would be selected along with Sections of Independent Utility (SIU) within the preferred corridor. Tier 2 is a more detailed evaluation of cultural resources within the preferred corridor and each SIU. Tier 1 would include a remote, virtual review of the existing State Historical Architectural & Archaeological Resource Database (SHAARD) which includes all previously recorded structures that are 50 years old and older. Mr. Quigg explained the SHAARD map of aboveground structures is available to members of the public to review, but that archaeological resources are available to review by qualified archaeologists and Native American tribal representatives only. In addition to the remote, virtual review using SHAARD the qualified professional historians on the Mid-States Corridor team will be conducting a windshield survey of each corridor alternative as a part of Tier 1 studies. The windshield survey is particularly important not only for verifying the continuing existence and condition of those resources previously identified, but also to identify aboveground structures that have not been previously recorded. Mr. Quigg explained many Indiana counties have aboveground structural survey data that has not been updated for several years, and that structures 50 years old or older may be considered eligible for the NRHP if they meet one or more of the NRHP criteria. Recently, there has been an emphasis on identifying what are known as “Mid-Century” resources such as housing additions from the 1950s/1960s which most people are not aware are considered potential historic resources.
- Mr. Quigg then explained the importance of determining potential “Adverse Effects” from the undertaking on cultural resources and the establishment of a preliminary “Areas of Potential Effects” (APE) for each of the corridor alternatives. An APE extends beyond the project area to include the viewshed to and from the undertaking where visual and audible effects to historic and archaeological resources may occur. An APE will vary in width based on limiting features such as topography, vegetation, or structural density.
- Mr. Quigg stated that a ratings matrix will be prepared for aboveground cultural resources identified during Tier 1 review. This matrix will utilize the existing rating system established by the Indiana Historic Sites & Structure Surveys (IHSSI) which have been completed for all counties in the state. This rating system uses the terms “Contributing,” “Notable,” and “Outstanding” to categorize properties based on their level of significance, wherein Notable and Outstanding resources may be considered potentially eligible for the NRHP. The ratings matrix will include both previously identified resources and those newly identified during the windshield survey.
- Mr. Quigg continued, expressing that the ultimate goals of the Tier 1 cultural resources survey and review is to establish a single preferred alternative corridor and to use the



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data obtained and input from Consulting Parties to develop a Programmatic Agreement (PA) which will guide the more detailed Section 106 cultural resources survey during Tier 2 studies.

- Mr. DuPont clarified that determinations of effects to cultural resources will not occur during Tier 1 studies, but rather be limited to Tier 2 studies within the preferred corridor. However, potential impacts to cultural resources will be evaluated during the alternatives analysis process.
- Mr. Quigg then explained the Tier 2 cultural resources survey and review plan, which is more typical of the Section 106 process usually followed. Tier 2 studies focus solely on the preferred corridor established at the end of Tier 1. The Tier 2 study will involve the establishment of SIUs, which may be understood as segments of the preferred corridor. Following the established PA from Tier 1, APEs will be developed for each SIU along the preferred corridor in which NRHP listed and eligible properties will be identified, Historic Property Reports (HPR) for each SIU will be prepared, Effects determinations will be developed for cultural resources in each SIU, and, where necessary, plans for the resolution of adverse effects to historic properties will be completed which will involve mitigation stipulations within Memorandum of Agreement (MOA) documents signed by appropriate parties (INDOT, FHWA, SHPO, etc.).
- Mr. DuPont and Mr. Quigg provided a recap of the Tier 1 process which is presently ongoing, noting the review of the SHAARD database, the identification of preliminary APEs for each of the corridor alternatives, the windshield survey, the development of the ratings matrix for aboveground resources, and the development of a PA to guide Tier 2 cultural resources studies. Further, potential impacts to cultural resources for each of the corridor alternatives will be included within the Draft Environmental Impact Statement (DEIS) which will be completed in the fall of 2020. Mr. Quigg then asked all meeting participants if they had any questions about the Section 106 or two tier NEPA approach processes.

Questions and Answer Period

- Ms. Gretchen Anderson (private citizen) asked whether the identification of properties potentially eligible for the NRHP, and development of MOAs, would occur during Tier 1 studies. Mr. Quigg explained that one of the purposes of Tier 1 studies was to identify properties that are either listed or potentially eligible for listing in the NRHP, but the development of MOAs do not occur during Tier 1, but rather are developed during Tier 2 studies after a preferred corridor has been selected. Mr. Quigg also noted that MOAs are developed only when it has been determined that an adverse effect will occur to a historic property. Mr. DuPont explained that the PA, which will be developed as a part of Tier 1 studies, provides guidelines for the Tier 2 study including addressing adverse effects to properties. Mr. Quigg noted it's a little confusing to hear similar terms such as PA and MOA, but clarified the PA guides the Section 106 process for Tier 2 studies, and that MOAs would be developed after it is determined an adverse effect will occur to a



July 1, 2020

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historic property/ies as a result of the Mid-States Corridor project. Further, that MOAs are established to mitigate the adverse effects to the property/ies.

- Ms. Anderson then asked which National Register was being referred to in the meeting discussion. Mr. Quigg answered we are referring to the National Register of Historic Places (NRHP) in discussions focused on Section 106 review. Mr. Quigg went on to explain that a property must meet at least one of the four NRHP criteria in order to be eligible for listing in the NRHP.
- Mr. Luke Baker (private citizen) asked if elaboration could be made on the ratings matrix to be prepared for aboveground resources. Mr. Baker assumed the matrix would be one way of comparing “the routes to each other.” Mr. DuPont answered that the matrix is used only to rate the aboveground structural resources identified, and that the matrix is a part of the process of identifying potential impacts to historic resources from the project. Mr. Quigg reiterated when a ratings matrix is being discussed within Section 106 it is referring to specific aboveground properties, and repeated the ratings provided (Contributing, Notable, Outstanding) in the county surveys conducted as a part of the IHSSI, and that those properties and their ratings are now part of the SHAARD database previously discussed. Mr. Quigg further explained that SHAARD was accessible to the public online, and that a state map may be viewed on which each previously recorded aboveground resource may be seen with a colored dot which has a different color for each rating. Also, that properties already listed on the NRHP are identified with a star on the map. Mr. Quigg repeated the SHAARD database includes the aboveground resources of which we are aware, but that there are other resources of which we are not aware that will be identified during the windshield surveys of Tier 1. Mr. DuPont stated that for those resources we determine to be potentially eligible for the NRHP, we would be determining potential impacts to those properties which would then be a part of the evaluation of the corridor alternatives to assist in determining a preferred corridor.
- Jeff Stant (Indiana Forest Alliance) asked about the process of going from SHAARD to the properties that we may not be aware of, and stated he assumed that the windshield survey reconnaissance would be how we would make a more thorough review of cultural resources within the alternative corridors. Mr. Stant asked if we would be going to county courthouses and looking through records and asked what we would be doing within the windshield survey process. Mr. Quigg explained that during the Tier 1 process no research would be undertaken within county courthouses or any other archival repositories, rather the windshield survey fieldwork would consist only of being within a vehicle and viewing aboveground cultural resources within the preliminary APEs of each alternative corridor. As a part of the windshield survey, when properties are identified that have not been previously recorded (on the SHAARD database) we would be taking a photo of each of those properties and noting their features and location. When one of the alternative corridors becomes the preferred corridor alternative, then the Tier 2 process will be followed which includes far more detailed documentation of aboveground resources within that preferred alternative corridor and APE.



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- Mr. Stant then asked if, as a part of the Windshield Survey process, we would be contacting all of the individual property and landowners in each one of the alternative corridors and asking them for information, or asking the residents of the area for information. Mr. Quigg answered that we would not be stopping by each property, but would be working with our Consulting Parties to help identify key cultural resources within various localities within the study area and more obscure resources near the alternative corridors. One of our goals in obtaining Consulting Parties is to get in touch with individuals who have local knowledge of properties which we may not otherwise obtain, including structures that may be missed during a windshield survey. Mr. Quigg stated that Mr. Stant had brought forth an excellent point, and that the reason we reach out to so many organizations and individuals in trying to obtain Consulting Party participation is to have them lead us through this process. Mr. DuPont stated this has been a part of previous public outreach efforts of the project prior to beginning Tier 1 of cultural resources review.
- Mr. Stant then asked, "Who are the Consulting Parties? I believe 22 were mentioned. Are they the people on this call today? How do you become a Consulting Party?" Mr. DuPont stated that the people who are on this conference call are Consulting Parties, and reiterated that Consulting Parties include local governmental officials, historical societies, the Indiana State Historic Preservation Office (SHPO), and other interested groups and individuals.
- Mr. Stant then asked, "So we could put out a call to our (Indiana Forest Alliance) members across the area who are very concerned about this project's potential impacts and say if they want to help with this process they could become a Consulting Party and they should just get a hold of you?" Mr. DuPont replied yes, that those individuals could reach out directly to him.
- Ms. Anderson stated that she had reached out several days previously asking to be on the Consulting Party list, but had not received a reply. She stated she had to reach out to another Consulting Party to find out about the April 27 meeting. Mr. DuPont stated he had replied to Ms. Anderson's email with the meeting information, and noted that she had been added to the Consulting Party list, earlier that day. Ms. Anderson stated she had not received that email.
- Mr. Stant asked Mr. DuPont what contact information he should provide to his organization's members (Indiana Forest Alliance). Mr. DuPont suggested his email address would be fine.
- Ms. Anderson asked how many Consulting Party Meetings would be held. Mr. Quigg stated the current plan is to hold two such meetings, but more could be held if necessary. Mr. Quigg mentioned the Consulting Parties would receive the draft PA in June for review prior to the next meeting, and that the next Consulting Party meeting is planned for the fall of 2020 after the release of the DEIS. At the fall 2020 Consulting Party meeting, the evaluation from the DEIS will be discussed and the PA will be finalized. At that point Tier 2 studies will begin.



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- Mr. Stant asked if the PowerPoint presentation from the April 27 Consulting Party meeting could be shared with all Consulting Parties. Mr. DuPont stated we would do so.
- Mr. DuPont noted that in addition to the Consulting Party meetings for Section 106 review, there are other stakeholder groups who are involved in the review process for other parts of the NEPA process, and that public hearings will be a part of the outreach plan to present the findings of the DEIS.
- Mr. Stant asked if the public hearings would consist of booths where the public could talk to someone directly involved in the project or would they be actual hearings where the public can “testify” in a plenary format to everyone there. Mr. DuPont stated the hearings would involve a presentation, informational exhibits, and an opportunity for the public to make oral comments formally, which would be recorded, as well as provide written comments. Mr. Stant asked if people would be able to speak to everyone gathered at the meeting. Mr. DuPont said yes.
- Ms. Anderson said, “But the thing is, that’s after (the hearing would be after) the decision has been made as to which route you’re taking, correct?” Mr. DuPont stated, “No, but that there would be a recommendation (for a preferred corridor) provided within the DEIS.” The actual decision would be made during the development of a Final Environmental Impact Statement (FEIS). The final Record of Decision (ROD) by FHWA would be anticipated in mid-2021.
- Ms. Anderson stated, as she understood it, “Once INDOT makes the recommendation (for a preferred corridor) and everyone agrees on which route they want to pursue, it’s not going to get changed by the feds or anybody else; they’ll go along with what’s recommended. Mr. DuPont stated, “That’s depending on the input we receive and what is included within the recommendation.”
- Mr. Stant asked when the “second stakeholder meeting” will be held. Mr. DuPont clarified that this is a Consulting Party meeting, rather than a “stakeholder meeting” and that the next Consulting Party meeting will be held later this year, although a date has not been set. Further, that the second Consulting Party meeting would be held after the draft PA has been circulated to Consulting Parties for review, around the time of the release of the DEIS.
- Mr. Stant asked if the second Consulting Party meeting would be before the DEIS or after. Mr. DuPont stated this meeting would be held during the comment period for the DEIS (after the DEIS is issued).
- Mr. Baker asked, “How long until we would want to get input from stakeholders, and/or landowners that we could contact, within the corridor area before you would be able to include that as a part of your DEIS, seeing how the next meeting will not be until after that. Would we have until June?” Mr. DuPont stated we would welcome such input at any time, indicating within the next 30 days would be helpful.
- Mr. Baker asked, “Is that 30 days from today that it will be guaranteed to be a part of the DEIS?” Mr. DuPont replied, “30 days from the date of the invite letter (April 12, 2020), but 30 days from today we certainly would incorporate any input that we receive.”



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- Mr. Stant asked, "Are you saying there is an input period we are now in that extends for 30 days?" Mr. DuPont explained the 30-day period extends from the date of the invitation (April 12, 2020), but that with the input received today during this meeting we would accept comments within 30 days from this meeting date (April 27, 2020). Mr. Stant continued, "So you're asking us to get you information on historic properties within the next 30 days or are you saying information on processes that we think you should pursue?" Mr. DuPont replied, "Both."
- Mr. Baker stated, "If you're going to incorporate information about the windshield survey later, do you have anything more to say about that at this meeting?" Mr. DuPont stated that would be part of the Mid-States Corridor team's information gathering process during Tier 1 review and that the windshield survey would be discussed at the next Consulting Party meeting. Mr. Baker continued, "But, when you say 'our' you mean Lochmueller and its historians?" Mr. DuPont answered, "The project team, yes." Mr. Baker asked, "Would we be able to be made aware, or advised of, when this would happen?" Mr. DuPont explained we cannot provide that timeframe as it is likely to vary and involve multiple visits.
- Mr. Stant asked, "Is there a 'part 800' or are there 'regs' that define this public comment period and its scope that we're talking about now?" Mr. DuPont stated yes, and that 36 CFR 800 codifies Section 106 comment periods.
- Mr. Patrick Carpenter (INDOT Cultural Resources Office) explained anyone who is not familiar with the Section 106 process may access the Advisory Council on Historic Preservation's (ACHP) website and look for their Citizens Guide which explains the Section 106 process in a more "digestible" format. Mr. Carpenter encouraged the Consulting Parties to visit the ACHP website.
- Mr. Baker asked, "Do any of the other Consulting Parties represent an agency based in Orange or Lawrence County?" Mr. Quigg stated the Lawrence County Historian and Lawrence County Museum of History accepted Consulting Party status, but they did not accept the invitation to participate in this first Consulting Party meeting.
- Mr. Greg Sekula (Indiana Landmarks, Southern Regional Office) said one of the things that would have been helpful in this call would be to have identified all of the agencies and individuals who are participating in this conference call meeting among the 22 Consulting Parties. Mr. DuPont read aloud the names of the organizations and individuals who are among the 22 Consulting Parties.
- Mr. Baker asked if anyone from Orange County accepted the invitation to become a Consulting Party. Mr. Quigg stated that among the approximately 30 invitations that went out to Orange County no responses were received. Mr. Baker asked if all of those invites were just letters or if any were followed up by emails and phone calls. Mr. Quigg stated the initial invitations were by email, which were followed up with hard copy letters and phone calls as necessary.
- Ms. Anderson asked if it would be possible to obtain a list of organizations from Orange County invited to participate as Consulting Parties. Mr. DuPont stated the initial



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invitation letter (which includes a listing of all organizations invited to become Consulting Parties) would be sent to the Consulting Parties.

- Mr. Sekula stated there was a group called Saving Historic Orange County and he was wondering if they were included in the invitations sent out to potential Consulting Parties.
- Ms. Anderson asked if the Orange County Historical Society was included in the invitations sent out to potential Consulting Parties.
- Mr. Baker asked if the Indiana Karst Conservancy was invited to become a Consulting Party, because he felt they would have a good knowledge of the archaeological resources in the area. Mr. DuPont stated the Mid-States Corridor team has reached out and coordinated with the Indiana Karst Conservancy with regard to karst resources, but they are not on the Section 106 Consulting Party invitation list.
- Mr. Baker stated, “Would they not be one of the best resources available for archaeological knowledge?” Mr. DuPont stated, “No, but INDOT maintains a list of those organizations who would be most helpful for those resources.”
- Ms. Anderson stated she believed the Indiana Karst Conservancy should be involved.
- Kyanna Moon (INDOT Project Manager) stated the Indiana Karst Conservancy has been involved and that they have shared their database with the project team.
- Mr. Baker asked if the Indiana Karst Conservancy had been “surveyed” for archaeological resources specific to the Section 106 resource process. Mr. DuPont stated, “No we have not.” Mr. Baker asked if they (Indiana Karst Conservancy) would not be the best resource for those (archaeological sites). Mr. Quigg responded that in his experience as a historian and archaeologist he had never consulted a karst organization for archaeological information, but there’s no reason not to ask them.
- Ms. Anderson stated that the project area was a prominent karst area. Mr. Quigg replied that this is certainly understood by the project team, but that karst information is not a part of Section 106 review. Mr. Baker stated that anything that is tied to a “people of the past” would be tied to Section 106. Mr. Quigg stated that the project team would like to reach out to anyone that has knowledge that may be helpful.
- Mr. Stant asked about the White River crossings that would occur as a part of the project, and whether or not information had been obtained about the shellfish/mussels in the part of this river that may be impacted. Mr. DuPont stated the project team is reaching out to the appropriate state and federal agencies and organizations (including the Indiana DNR and US Fish & Wildlife) who have this information.
- Mr. Stant asked if the Glen Black Laboratory had been consulted regarding archaeological resources within the study area. Mr. DuPont responded that the records from Glen Black Laboratory are a part of the SHAARD database. Mr. Stant formally requested that the Mid-States Project team connect directly with the Glen Black Laboratory regarding archaeological resources in the study area.
- Mr. Quigg stated that there was an earlier question in the meeting about Orange County organizations invited to participate as Consulting Parties and wanted to let the group know that both the Orange County Historical Society and the Saving Historic Orange



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County had both been invited, but had not responded to the invitations. Mr. Baker asked who the contact person was for Saving Historic Orange County, and Mr. Quigg replied it was Terry Cornwell. Mr. Baker and Ms. Anderson both stated that was the correct contact person. Mr. Sekula said he would reach out to Mr. Cornwell and encourage Saving Historic Orange County to participate.

- Ms. Anderson asked when the invitation letters inviting organizations/individuals to become Consulting Parties were sent out. Mr. Quigg responded that invitations were sent out December 12, 2019, January 31, 2020, and March 12, 2020.
- Mr. Quigg noted one of the reasons for having Consulting Party meeting was to find out what other organizations/individuals should be invited to become a Consulting Party, and thanked the group for providing additional information.
- Mr. Stant expressed that having only 30 days with which to reply with information did not seem viable for public input. Mr. DuPont stated the project team is available to receive information throughout the study process, but 30 day review periods are standard within the NEPA process as well as Section 106.
- Mr. Sekula stated it is “somewhat overwhelming” to be asked for information about cultural resources within so many counties within so many different alternative corridors. Mr. Sekula went on to say he understood the project team would do a SHAAARD review of the alternative corridors, windshield surveys within the alternative corridors, summarize the results of these studies, and at that point there would be an opportunity for Consulting Parties to offer comments on that work. Mr. DuPont replied, “Yes.”
- Mr. Baker stated, “But for clarification, that input from Consulting Parties would not be requested until after a single route has been proposed as the preferred alternative, correct? Could we schedule a Consulting Party meeting before the release of the DEIS so that we may have the opportunity to provide additional information on historical and archeological resources before the decision is made for a preferred corridor? Mr. DuPont stated the project team would consider and evaluate this based on the project schedule. Mr. DuPont stated we could make the presentation of information a two-step process wherein the results of the Tier 1 cultural resources studies are presented to Consulting Parties in advance of the DEIS.
- Mr. Sekula stated he would concur with the suggested two-step approach indicated by Mr. DuPont so that the Consulting Parties would have an opportunity to comment on the Tier 1 findings on cultural resources for all alternative corridors.
- Mr. Stant added that the dissemination of the Tier 1 study results on cultural resources should be early enough that the feedback from Consulting Parties could be used in the selection of the preferred corridor. Mr. DuPont stated this is something that the project team could do, but would need to coordinate this with INDOT.
- Mr. Sekula stated he would like to see the cultural resource data from the Tier 1 studies presented to Consulting Parties, a 30 day review period provided to Consulting Parties to review the Tier 1 information and comment on it, then proceed to the development of the DEIS.



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- Mr. Stant asked when the Consulting Parties could anticipate receiving the results of the Tier 1 cultural resources study. Mr. DuPont stated that at this time the project team is unable to provide a date for the distribution of that information. Mr. Stant stated this information must be brought to the Consulting Parties well before the preferred alternative corridor decision is made and communicated within the DEIS. Mr. DuPont said, "Yes."
- Mr. Quigg noted that 357 invitations were sent out to potential Consulting Parties.
- Mr. Sekula stated he felt that a very aggressive time schedule has been laid out for such a large project, particularly in light of the pandemic.
- Mr. Stant asked the project team if there had ever been a situation where comment periods have been extended beyond 30 days, and if the project team will be sticking to that no matter what the appeal is from the public. Mr. DuPont stated that he would not anticipate deviating from the established review periods unless there was direction from INDOT or FHWA that revised such review periods.
- Mr. Sekula stated based on his past experience with large projects involving Section 106 review that the agencies (INDOT/FHWA) usually offer a bit more time, within reason, if there is an overwhelming consensus by Consulting Parties that more time is needed for review.
- Ms. Anderson commented that among all of these different routes, this is "not just flat ground," that there are a lot of karst areas and that she believed it required more time and did not understand how it could get "pushed through" so quickly.
- Kyanna Moon (INDOT Project Manager) identified herself as the project manager of the Mid-States Corridor project and stated a typical environmental study is 12 to 18 months. This project is two years in length for Tier 1, and Tier 2 is an additional two years, so it is much more extensive than a typical study. Ms. Moon went on to say that the project team is being mindful of the pandemic moving forward. Further, if more time is needed INDOT will consider that on a case by case basis. "We're here to offer as much flexibility as we can while still staying on schedule."
- Mr. Stant stressed the importance of the "ability to give feedback back to the people pushing the project...is the essence of good government."
- Mr. Baker asked Mr. Quigg and Mr. DuPont a hypothetical question. Specifically, Mr. Baker stated that he had elderly neighbors who have a cabin on their property. Mr. Baker wanted to know how he would go about asking his neighbors for information on that cabin when they do not have access to internet, and Mr. Baker does not know their cell phone number, "without breaking the regulations and advisements of the Indiana and United States governments in regards to this pandemic and not communicate with them and putting them at risk?" Mr. DuPont stated that Mr. Baker could make the project team aware of the location, and that his neighbors would not have to be disturbed, or the project team could reach out to them. Mr. Baker asked if the project team would reach out by physically going to their residence and putting them at a health risk. Mr. DuPont stated that we are observing, and will continue to observe, all social distancing guidelines and would not put anyone at risk, but would provide



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whatever evaluation of the property that was possible under the circumstances. Mr. Baker asked if the pandemic situation would not warrant extending the deadline (for information on cultural resources). Ms. Moon stated that this is not a decision we can make here today during the meeting, but that INDOT and FHWA will confer and consider this kind of situation with regard to being flexible due to the pandemic. Ms. Moon asked Mr. Baker for time to confer on extending periods in which information will be accepted regarding cultural resources.

- Mr. Grovak (Lochmueller Group) stated that in this level of cultural resources survey the project team is limited to windshield surveys from public roadways within each of the alternative corridors, and that without letters of survey being sent out to each property owner the project team is not allowed, by law, to access private property. This would preclude the project team from making personal contact with property owners unless it was initiated by someone else.
- Mr. DuPont reiterated that in addition to the 30 day comment period stated on the materials provided to Consulting Parties in the invitation letter to this meeting and within this meeting, that there will be additional comment periods between now and the completion of the DEIS. The project team will look at, and evaluate, what additional efforts will be made to involve Consulting Party review of materials as well as the overall timeline in light of the current health climate and when we will have cultural resources data to present to the Consulting Parties.
- Mr. DuPont asked if there were any additional questions. Ms. Moon asked the Consulting Parties to feel free to reach out to the project team via email or phone if they have other questions or concerns after the meeting.
- Mr. Stant stated, "You gotta give us more time. If you're really interested in the input...You can't just say, Well project timelines mean your time's up after 30 days...and I heard you just say that you are willing to consider that (more time) and will take the pandemic into account and I'm looking forward to seeing you do that."
- Michelle Allen (FHWA) stated she "just wanted to make sure that the Consulting Parties understand that the Section 106 process does not end with the DEIS or the end of Tier 1. As we move into Tier 2 we will continue the Section 106 process. All that we are doing right now is a very high-level survey so we know of any very significant properties." Ms. Allen went on to explain that no decision will have been made within the DEIS; it is simply identifying what may be the preferred alternative, and this alternative is a corridor. "So, it is a wide band and within Tier 2 (studies) the goal is to avoid significant properties within that corridor. The end of this 30-day review period does not mean that Section 106 will be complete. We're really just starting a multi-year process of Section 106."
- Mr. Stant replied, "But it's also true that because you've divided the NEPA process into this tiering, that once we're done with the Tier 1 process it doesn't matter what we find out in one corridor relative to another in terms of its historic properties, we're stuck in that corridor." Ms. Allen replied, "This particular study is concerned with historic properties and making efforts to avoid them, but there are a lot of other studies going



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on as well, we're looking at karst, we're looking at wetlands...the project team is looking at all these different areas and compiling information so that they can make the best decision they can, and then the public is involved in that process as well."

- Mr. Stant replied, "If you select Route O there is nowhere in your 2,000-foot corridor you can put the highway without causing massive impacts on the karst system. You would have to put most of it outside the Lost River basin." Ms. Allen replied, "That's a great comment, but for this particular process right now, here, we have to focus on historical properties. That doesn't mean the karst comment isn't an important comment as well, it's just that the karst resources, the wetland resources, and all of those different areas have a lot of research going on right now to try to identify things so that the public has a chance to look at that as a part of the DEIS. For this particular process right now, the focus is really on historic properties aboveground and below ground."
- Mr. Sekula stated, "What I would say to my colleagues who are local in Dubois County and Orange County and those counties that are affected, "You know best, some of these historic resources and cultural resources that are what I would call off the beaten path...be thinking about those historic resources that you're aware of that might not have been picked up in the (IHSSI) survey. What the consultants won't be able to find on the SHAARD database or are not visible from a public road, that's the kind of information that is very helpful at this stage." Mr. DuPont replied, "Absolutely."
- Ms. Anderson asked, "Since you're referring to buildings as historical properties, and Michelle (Allen) has referenced aboveground and below ground, the karst system, a good portion of it, is below ground, when is that considered?" Mr. DuPont replied, "In regard to cultural resources significance (of karst resources) it would need to be related to sites that have been identified. We are looking at mapped cave information, and cultural associations there, but the extent of the geologic formations is not all of cultural significance. We are evaluating this (karst) as a part of other aspects of the study. Ms. Anderson asked, "When is that exactly, when will you be considering those?" Mr. DuPont stated, "We are considering them now." Ms. Anderson stated, "So if we have information with regards to karst caves or caverns or springs, who do we turn that information into and by what deadline?" Ms. Allen replied, "That is ongoing, and you may turn that into Jason (DuPont). However, the purpose of this call is related to Section 106, so anything that is related to the project that is outside of 106 we would ask that you reach out to us later just so we're not taking up everyone's time on this call to discuss something that's not related to the 106 process. Ms. Anderson stated, "I am trying to figure out if the karst system here is a part of the National Preservation site, and I'm trying to figure out if it is on SHAARD."
- Mr. Sekula stated, "I think there may be some confusion about what is cultural and geological resources. I think we might want to distinguish for folks what is archaeological and geological just for verification." Mr. Quigg stated, "To answer your question directly, the SHAARD system would not have any karst resources unless they are specifically linked or directly related to cultural resources meaning human occupation of some sort or human use. The SHAARD map that you can access publicly



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does not show karst features unless there is an archaeological site associated. Archaeology is simply evidence of human activity that's usually below ground, so that's what differentiates between karst features and archaeological resources. Archaeological features have to be associated with human activity."

- Ms. Anderson also stated, "That karst system does supply ground water to some of our springs for some of our homes. Human consumption." Mr. DuPont replied, "That's a separate evaluation that is ongoing...but not part of the Section 106 process."
- Mr. Stant asked, "Can we assume that this 106 process could actually influence the selection of alternatives to the point that alternatives that have already been dismissed could be reconsidered? I'm thinking of the alternative that would deal only with the congestion in Huntingburg and Jasper, then make some safety upgrades to US 231 going north, but it's not new terrain." Mr. DuPont replied, "There was an alternative like that which was discarded during the preliminary screening. As we went through that preliminary screening process we did look at cultural resources from the databases in that evaluation." Mr. Stant continued, "But if we find so many sites in the (remaining) alternatives that all involve new terrain would it be possible that would result in going back and looking at that (a previously dismissed alternative). Mr. DuPont replied, "We can't really answer that question until we have all the information (from Tier 1 cultural resources studies)."
- Ms. Allen stated we were at the end of our allotted time for the meeting (2 hours) and asked if anyone had any final comments in regard to the Section 106 process. Ms. Allen also stated if Consulting Parties think of other comments after the meeting to please contact the project team.
- As the meeting closed, Mr. DuPont stated that the project team would circulate the PowerPoint presentation used during the meeting, as well as the original Consulting Party invitation letter (December 12, 2019) and the Consulting Party Meeting invitation letter (April 12, 2020). Mr. DuPont thanked all for attending and asked if there are any other organizations or individuals that the group believes should be invited to become Consulting Parties to please let the project team know.
- The meeting ended at 1:57pm (EDT).

Other Items/Action Steps:

- On April 30, 2020 the PowerPoint presentation used during the meeting, as well as the original Consulting Party invitation letter (December 12, 2019) and the Consulting Party Meeting invitation letter (April 12, 2020) were emailed to all Consulting Parties (those who do not have email addresses were sent hard copies of the materials by mail).

The above constitutes our understanding of the meeting. If you believe there are omissions, additions, or corrections, please send your written comments within seven working days to Lochmueller Group.



FIGURE 4: INVITATION TO SECOND CONSULTING PARTY MEETING, APRIL 5, 2021



April 5, 2021

This letter was sent to the listed parties.

RE: Des. No. 1801941/DHPA No. 24215
Mid-States Corridor Project
SR66 to I-69
12-County Study Area:
Crawford, Daviess, Dubois, Greene, Lawrence, Martin, Monroe, Orange, Perry, Pike, Spencer,
Warrick

Dear Consulting Party (see attached list),

The Indiana Department of Transportation (INDOT) proposes to proceed with a new terrain roadway project (Des. No. 1801941). Lochmueller Group is under contract with INDOT to advance the environmental documentation for the referenced project. This present phase (a Tier 1 Environmental Impact Statement (EIS)) is funded by the Mid-States Corridor Regional Development Authority (RDA), in cooperation with INDOT and the Federal Highway Administration (FHWA). FHWA funding is anticipated for subsequent project activities, including Tier 2 environmental studies. At this time, we have completed our Tier 1 reviews for cultural resources (historic and archaeological) and look forward to sharing our results with you.

As you have accepted consulting party status for this project, you are invited to attend our second consulting party meeting as a part of the Section 106 coordination process for this undertaking. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties.

Due to the ongoing health concern, this consulting party meeting will be held using online technology (ZOOM website) and telephone call-in service for those unable to participate online. This remote virtual meeting will be held **Tuesday, April 20, 2021 at 3:00pm EDT.**

A weblink to access the meeting via Zoom will be sent to you by an Outlook email meeting invite. The toll-free call-in phone number for those not accessing Zoom to participate is **(888) 788-0099**. The meeting ID number is **895 5845 7858**, and the Passcode is **098963**.

Enclosed you will find the slide images to be shown during the April 20, 2021 consulting party meeting, along with the Historic Properties Analysis. This letter and enclosures may be viewed electronically by accessing 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). Please use the project identification details provided in the subject heading to search for the documents. In addition to an explanation of the review conducted during Tier 1 studies, the Historic Properties Analysis includes appendices with maps of the preliminary Areas of Potential Effects (APEs) for each potential route, photographs and tables of all above-ground properties currently

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listed in the National Register of Historic Places (NRHP) or considered potentially eligible for the NRHP within the preliminary APEs, as well as sample photographs of properties not considered potentially NRHP-eligible. Each property has a Photo ID Number which you may use to locate the NRHP-listed and potentially NRHP-eligible properties on the maps, tables, and photograph appendices.

A range of potential corridors within the 12-county study area are being considered to determine a preferred alternative route. The study area is bounded by I-69 on the west and north, SR 37 on the east, and the Ohio River on the south. Please see the enclosed materials.

The need for the project stems from lack of efficient access to regional and national destinations, resulting stagnant economic development in the 12-county study area, and safety concerns. The purpose of the project is to provide a better transportation link between the Ohio River and I-69 to improve connectivity and safety in support of enhanced quality of life and economic growth within the study area.

The proposed project involves the construction of a new roadway potentially combined with upgrades to existing roads. Possible design options for the new roadway include an expressway (multi-lane, partial controlled access) or Super 2 (two-lane, partial controlled access with passing lanes), and two-lane upgrades from I-64 near Dale to I-69 either directly or via SR 37. Potential upgrades to existing roads will make use of a combination of existing and new right-of-way (ROW). Further design efforts have not been undertaken. New right-of-way (ROW) will be required, but the amount is not known. It is anticipated that there will be some relocations.

Individuals/Entities that have accepted consulting party status for the Section 106 consultation process for this project are identified in the attached list. Per 36 CFR 800.3(f), we hereby request that the Indiana State Historic Preservation Officer (SHPO) notify this office if the SHPO staff is aware of any other parties that may be entitled to be consulting parties or should be contacted as potential consulting parties for the project.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

The Section 106 process will be extended for this project due to the scope and size of the undertaking. Specifically, the Section 106 process will be divided into two phases under a tiered approach as part of the National Environmental Policy Act (NEPA) assessment for the study area. The Tier 1 process will narrow the project area from a range of alternatives consisting of two-mile study bands in order to select a preferred corridor. This corridor generally will be 2,000 feet wide. The Tier 1 draft Environmental Impact Statement (EIS) will include a section titled, "Cultural Resources Impacts" to include a discussion of above-ground and archaeological concerns which will summarize the review of cultural resources within the 12-county study area. For Tier 1, the Section 106 process is concerned with identifying properties that are currently listed in, or potentially eligible for listing in, the NRHP. Final determinations of eligibility of properties for the NRHP, and the level of effects (impacts) to such properties, are not a part of Tier 1, but will be completed during Tier 2. A Programmatic Agreement is under development which will further define how the Section 106 process will be completed during Tier 2 environmental studies. The Section 106 process for Tier 2 will focus specifically on the 2,000-foot preferred corridor (determined during the Tier 1 phase) and associated Area of Potential Effects and will conduct a more in-depth analysis to identify above-ground and archaeological resources within and near the preferred corridor. The impacts to resources determined potentially eligible for listing in the NRHP will also be evaluated during Tier 2.



An invitation to the April 20, 2021 consulting party meeting has been sent to you via email if you have provided an email address. However, if you did not receive this invitation, or have not responded to date, please respond either by email or phone to the contact information provided below to indicate whether or not you will be joining us. Digital copies of the presentation materials to be shared during the Zoom meeting are being sent by email to you, and by hard copy for those who have not provided an email address. If you receive the digital copies of the presentation materials, but would also like a hard copy, please respond to this letter with your request for a hard copy of the presentation materials within seven (7) days.

For questions concerning specific project details, you may contact Jason DuPont of Lochmueller Group at 812.759.4129 or JDupont@lochgroup.com. All future responses regarding the proposed project should be forwarded to Lochmueller Group at the following address:

Jason DuPont
Director of Environmental Services
Lochmueller Group
6200 Vogel Road
Evansville, IN 47715
JDupont@lochgroup.com

Consulting Parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Sincerely,

Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:

- PowerPoint Slides for the April 20, 2021 Meeting
- Historic Properties Analysis

Enclosures are not included here due to the large size of these documents. The Historic Properties Analysis may be viewed in Appendix O.

Distribution List:

- State Historic Preservation Officer
- INDOT Cultural Resource Office
- Absentee Shawnee Tribe of Oklahoma
- Advisory Council on Historic Preservation
- Bloomington Restorations
- Dale Town Council
- Delaware Tribe of Indians of Oklahoma
- Delaware Nation of Oklahoma



- Dubois County Commissioners
- Eastern Shawnee Tribe of Oklahoma
- Ellettsville Town Council
- Forest County Potawatomi Community
- Indiana Barn Foundation
- Indiana Forest Alliance
- Indiana Landmarks, Central Regional Office
- Indiana Landmarks, Southern Regional Office
- Indiana Landmarks, Southwest Field Office
- Lawrence County Historian
- Lawrence County Museum of History
- Martin County Historical Society
- Mayor of Rockport
- Miami Tribe of Oklahoma
- Monroe County Historic Preservation Board of Review
- Newburgh Town Council
- Peoria Tribe of Indians of Oklahoma
- Pike County Historian/Historical Society
- Pokagon Band of Potawatomi Indians
- Rockport City Council
- Saving Historic Orange County
- Shawnee Tribe of Oklahoma
- Shoals Town Council
- United Keetoowah Band of Cherokee Indians
- Wyandotte Nation
- Gretchen Anderson
- Luke Baker
- B. J. Elmore
- Jim Himself
- David Ring
- LeRoy Seitz



FIGURE 5: CONSULTING PARTY MEETING SUMMARY, MAY 11, 2021



MEETING SUMMARY

Date of Meeting: April 20, 2021
3:00pm EDT

Location: Zoom Virtual Mtg

Submitted By: Gary Quigg

Re: Mid States Corridor Tier 1
Section 106 Consulting Party Meeting #2

Issue Date: May 11, 2021

In Attendance:

Anuradha Kumar
Shaun Miller
Patrick Carpenter
Kelyn Alexander
Danny Corbin
Jason DuPont
Gary Quigg
Hannah Blad
Randy Weaver
Michael Grovak
Chad Costa
Kevin Cupka Head
Danielle Kauffmann
Wade Tharp
Kari Carmany-George
Diane Hunter
Erin Paden
Matthew Bussler
Michael LaRonge
Greg Sekula
Laura Renwick
Candice Croix
Chad Blessinger
Ferman Yearby
Danielle Bachant-Bell
Cindy Barber
Jim Himself

INDOT Cultural Resources Office
INDOT Cultural Resources Office
INDOT Cultural Resources Office
INDOT Cultural Resources Office
INDOT Project Management
Lochmueller Group
Lochmueller Group
Lochmueller Group
Lochmueller Group
Lochmueller Group
Lochmueller Group
Cultural Resource Analysts
Department of Historic Preservation/Archaeology
Department of Historic Preservation/Archaeology
Federal Highway Administration
Miami Tribe of Oklahoma
Delaware Nation
Pokagon Band of Potawatomi
Forest County Potawatomi
Indiana Landmarks, Southern Regional Office
Indiana Landmarks, Southern Regional Office
Indiana Landmarks Southwest Field Office
Dubois County Commissioner
City Council of Rockport
Indiana Barn Foundation/Monroe Co. Pres. Board
Indiana Barn Foundation
Private Citizen





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ITEMS DISCUSSED:

Purpose

The purpose of the meeting was to provide a “refresher” overview of the Mid-States Corridor project and a status update, review the preliminary corridors, review the Tier 1 and Tier 2 National Environmental Policy Act (NEPA) study process, review Section 106 of the National Historic Preservation Act (NHPA) and its cultural resources study process, provide the results of the Tier 1 analysis of historic and archaeological properties within the preliminary Areas of Potential Effects (APEs), answer any questions and/or listen to concerns from Consulting Parties regarding the project’s identification of cultural resources, and present the next steps for Section 106 review under Tier 1.

The following subject headings provide an overview of the meeting discussion and are not presented as detailed minutes (wherein each individual speaker’s questions or comments would be quoted as a matter of record). Although, within the Question & Answer section, for clarity, more precise wording from the recording of the meeting has been used for optimal representation. Copies of the audio recording of this meeting are available to Consulting Parties upon request by contacting Lochmueller Group.

Introductions & Project Overview

- Following welcome and introductions, Jason DuPont (Lochmueller Group) introduced Kari Carmany-George of the Federal Highway Administration (FHWA) who provided background on highway projects administered locally that use federal funds from FHWA. Specifically, Ms. Carmany-George explained that such projects must meet certain criteria, and among those is compliance with the NHPA. As the lead federal agency on the Mid-States Corridor project, it is FHWA’s responsibility to make sure such compliance is fulfilled. Ms. Carmany-George stressed that FHWA wants to hear from the Consulting Parties regarding their concerns on historic properties in the study area and that the project team is “here to listen” today as well as present information.
- Next, Mr. DuPont began a PowerPoint presentation, providing a review of the meeting agenda, a project “refresher” overview of the Mid-States Corridor undertaking which included: project background, purpose and need, project goals, preliminary alternatives, project status, a brief introduction to the two tier NEPA resources review approach, and information on the facility (highway) types under consideration. Mr. DuPont noted the maps being shown in the presentation (and within the materials provided to Consulting Parties prior to the meeting) no longer show the areas of US 231 from the Ohio River to I-64, or along SR 37 from Mitchell to Bloomington, because no changes are anticipated to these existing highways as a result of the Mid-States Corridor project.



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Section 106 & Tiered NEPA Approach Overview

- As Mr. DuPont ended his portion of the presentation, Gary Quigg (Lochmueller Group) began a review of the cultural resources studies that have occurred as a part of Tier 1 of the NEPA study process. Mr. Quigg's portion of the presentation included:
 1. A review of Section 106 of the NHPA: Mr. Quigg explained the purpose of this federal law is to assure federal agencies take into account the effects of their undertakings (projects) on historic and archaeological properties. Further, Mr. Quigg emphasized the Section 106 process is concerned with identifying historic and archaeological properties that are listed, or eligible for listing, in the National Register of Historic Places (NRHP) that may be affected by the Mid-States Corridor project (Tier 1), assessing the affects that may occur to these properties (Tier 2), and seeking ways to avoid, minimize or mitigate any adverse effects on these properties (Tier 2). Mr. Quigg stressed that at this time, **during the Tier 1 review period, the Section 106 process is only concerned with the identification of potential historic and archaeological properties within the five preliminary APEs.** Effects to these cultural resources (and necessary mitigation steps) are not assessed or determined during Tier 1 but will be addressed during Tier 2 studies.
 2. A review of the Section 106 Consulting Parties Process: Mr. Quigg noted 347 invitation letters were sent out resulting in our current number of 34 participating Consulting Parties. Mr. Quigg explained the types of groups and individuals asked to participate as Consulting Parties and thanked all those attending the meeting for their ongoing input, information, and guidance.
 3. A review of the five preliminary APEs: Mr. Quigg explained each APE for Tier 1 Review was not based on the viewshed to/from cultural resources, but rather was developed as pre-defined uniform distances. Specifically, for the 2,000-foot-wide new terrain corridors, the preliminary APEs extend one mile out from each edge of the 2,000-foot corridor. For existing highways, preliminary APEs extend 4,000 feet from the existing centerline of the alignment.
 4. A review of the Tier 1 methodology and status: Mr. Quigg noted Milestone 1 (online review of the State Historic Architectural and Archaeological Resource Database [SHAARD]) for each preliminary APE began in February 2020 and was completed in May 2020. Further, Milestone 2 (Windshield Survey of above-ground resources) began in May 2020 and was completed in February 2021. Mr. Quigg specified that Huntingburg, Jasper, Loogootee, Mitchell, Oolitic and Bedford were not surveyed due to structural density. Continuing the status review, Mr. Quigg stated Milestone 3 (Cultural Resources Summary chapter



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within the Draft Environmental Impact Statement [DEIS]) is in draft form and a large portion of this chapter was distributed to all Consulting Parties for review prior to the meeting. Mr. Quigg continued, noting the final Section 106 Milestone for Tier 1 is the Programmatic Agreement to guide Tier 2 environmental studies which will be completed and shared with Consulting Parties during Fall 2021.

5. A review of the Tier 2 Studies for Cultural Resources: Mr. Quigg explained only one “preferred” route (determined at the conclusion of Tier 1 studies) will be evaluated during Tier 2 studies. Specifically, Tier 2 studies will include: A refined APE based on viewshed, formal eligibility determinations including enhanced identification/evaluation of historic/archaeological resources, and Historic Property Reports (HPRs). Additionally, Effects Determinations documents will be prepared for each Section of Independent Utility (SIU) during Tier 2 studies. Mr. Quigg reminded the group that some properties identified as “potentially eligible for the NRHP” during Tier 1 may not be recommended eligible during Tier 2 upon further, more in-depth, research. Likewise, “newly recorded” resources may be identified during the more intensive Tier 2 fieldwork that were not identified during Tier 1.
6. A review of the results of the Windshield Survey: Mr. Quigg noted the number of photographs taken, and aboveground resources documented, during this automobile-based fieldwork (1,785 total /1,444 structures). He then provided a summary table showing the locations (by preliminary APE) of all the NRHP listed/potentially NRHP-eligible above-ground resources. Mr. Quigg explained 128 total resources were NRHP listed or potentially NRHP eligible, five of which were newly recorded resources with the remainder having been previously recorded during past surveys conducted as a part of the Indiana Historic Sites and Structures Inventory (IHSSI) or other projects requiring Section 106 review.
7. A review of the meaning of “Potentially NRHP Eligible”: Mr. Quigg provided an explanation of how historic and archaeological properties may meet the criteria for listing in the NRHP, and what each criterion specifies. The Tier 1 review process does not include formal eligibility determinations (this will occur during Tier 2), so based on the Tier 1 review resources which appear to meet NRHP eligibility criteria are considered to be “potentially eligible”.
8. A review of the NRHP-listed and potentially NRHP-eligible above-ground resources within each preliminary APE: Mr. Quigg examined these resources with the group, providing the maps, a sample sheet from the matrix (tables of above-ground resources), and example photographs from each of the five preliminary APEs. Mr. Quigg reminded the group they had each received a



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complete set of the preliminary APE maps, matrix, and photographs showing all of the NRHP listed and eligible properties prior to the meeting within the Historic Properties Analysis document appendices.

9. A review of some of the above-ground resources considered not potentially NRHP-eligible. Mr. Quigg went through several photographs of properties that are considered “Contributing to the historic fabric of the built environment/cultural landscape,” but do not rise to the level of NRHP eligibility.
- Mr. Quigg ended his portion of the presentation by noting only an online review was conducted for archaeological (below-ground) resources during Tier 1, with no fieldwork involved, and introduced Mr. Head (Cultural Resource Analysts), who further explained the Tier 1 review process conducted for archaeological resources. Sharing several slides of tables summarizing archaeological sites within the study area (without location information), Mr. Head described the virtual review process utilizing the SHAARD archaeological database to identify previously recorded sites within each preliminary corridor. The character of each site was provided (e.g., camp, lithic scatter, isolated find) and whether or not the site is considered potentially eligible for the NRHP or has not been assessed for eligibility. As Mr. Head concluded his portion of the presentation, Mr. DuPont reminded the group that archaeological fieldwork will occur during Tier 2, once a preferred route has been identified. Mr. DuPont then asked if the Consulting Parties attending had any questions or comments about the cultural resource studies completed during Tier 1 review.

Questions and Answer Period

- Via the online chat, Ms. Renwick (Indiana Landmarks, Southern Regional Office) asked if the Windshield Survey field review included identification of previously recorded, and newly recorded, historic districts (particularly rural districts) in addition to individual above-ground resources. Mr. DuPont answered that the historians were indeed looking for historic districts during the Windshield Survey. He also noted that the urban areas with high structural density were not included as they are not expected to be a part of the final APE as they are defined during Tier 2. As the APE is further refined (for the preferred alternative), the areas not surveyed for Tier 1 (due to structural density) would be reviewed. Mr. Quigg added that the historians did not identify any new historic districts during the Windshield Survey but did document two previously recorded historic districts within the preliminary APEs (Ballard Homes Historic District in French Lick and the Crane Historic District). Mr. Quigg also mentioned that the historians were particularly “on the lookout” for rural historic districts in the preliminary APEs but did not identify any areas that had the cohesiveness and ability to convey significance within the NRHP criteria required of a rural historic district.



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- Mr. Sekula (Indiana Landmarks, Southern Regional Office) wanted to inform the group that within the preliminary APE for Route B the Maple Grove Methodist Camp is in the process of becoming NRHP listed. Mr. Sekula also commented that Route B appeared to be the shortest alternative and would likely be impacting the least number of historic resources according to the Tier 1 survey. Mr. Sekula then asked, “What other criteria are you looking at in terms of the viability of the corridors? What other factors, considerations will be taken into account as you move further toward refining which corridor makes the most sense?” Mr. DuPont answered, “We will be evaluating all of these cultural resources along with a number of other environmental resources.” Mr. Quigg asked Mr. Sekula if his question was specific to cultural resources or if he was asking what other items were a part of consideration in determining a preferred alternative. Mr. Sekula answered, “I’m looking at other items for consideration. I remember the general goals of the corridor...but if you could refresh that. So, for example, is the ability to connect various larger areas within the study area...is that a major factor beyond environmental considerations that are being looked at.” Mr. DuPont answered, “There are essentially three key elements [as determining factors]...*performance*, such as how they address those identified needs, *environmental resource impacts*, and *cost*.” Mr. DuPont explained all three of those will be looked at in an attempt to achieve a balance between infrastructure improvement and environmental protection, including cultural resources.
- Mr. DuPont then addressed a question received in the chat forum from Ms. Renwick (Indiana Landmarks, Southern Regional Office) about whether or not the “No build” alternative was still being considered. Mr. DuPont stated that the five “build” alternatives will be evaluated against the “No build” option throughout the Tier 1 Environmental Impact Statement process and that yes, the “No build” option is being considered.
- Ms. Bachant-Bell (Indiana Barn Foundation/Monroe County Preservation Board of Review) stated that earlier in the Mid-States Corridor project there was a corridor shown potentially coming into Monroe County using SR 37, but the current maps show this corridor stopping south of the county. She asked, “Is that because you simply feel that the current corridor is already improved enough, or that there are no resources that would be effected, and so that potentially there’s not really a lot to be concerned about in that area? I’m just curious why the maps now have eliminated or stopped short of that area.” Mr. DuPont explained that since our initial Consulting Party meeting, and with the temporary pause due to Covid-19, the project team took a closer look at this area and upon coordination with FHWA the team does not anticipate a facility type (highway design) that would be a freeway or interstate. Instead, we are looking at two-lane facilities including what is known as a “Super Two,” which would have wider shoulders and passing lanes, as well as a divided four-lane “Expressway” facility which would have some grade separated interchanges but would also have connections with local roads at grade level. Given that SR 37 from Mitchell to Bloomington is currently a divided four-lane expressway the team does not anticipate that there would be any



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modification to it. Since SR 37 would remain as is, we didn't show a preliminary APE along SR 37 in this area or along existing US 231 south of I-64, which is also a divided four-lane expressway.

- Mr. Himsel (Private Citizen) asked, "Is the 'No-build' option still on the table?" Mr. DuPont stated that the "No-build" option remained an option being considered and would be evaluated against the five "build" options within the DEIS.
- Mr. Ferman Yearby (City Council of Rockport) commented on Route B, noting its merits in his opinion, "Efficiency, less impact on areas, provides economic connectivity to the quickest extent possible, and cost of building." Mr. DuPont restated that the three key elements to be considered in reviewing all potential routes are performance, impact on environmental resources, and cost. Mr. Yearby asked, "Which of these routes provide efficiency to the extent of getting into a high-speed corridor, especially I-69, as quickly as possible?" Mr. DuPont said all alternative routes provide improvements as to relative performance, but that is not something that we will address at this time as a part of the Section 106 process. Mr. DuPont said a discussion of each route's performance will be a part of the DEIS. Mr. Yearby stated that he understood one of the selling points to the state was that the project would move traffic away from other areas onto the Mid-States Corridor "because it made sense for the driving public."
- As the meeting began to draw to a close, Mr. DuPont stated that the project team would circulate a meeting summary to all Consulting Parties. Mr. DuPont thanked all for attending and for their comments and reminded the group that we will continue to receive comments throughout the 30-day comment period.
- Mr. Sekula (Indiana Landmarks, Southern Regional Office) asked Mr. Quigg if he would re-send the online link to the documents provided prior to the meeting (invitation letter, PowerPoint presentation, and Historic Properties Analysis) because the link was no longer active. Mr. Quigg stated he would re-send the link to all Consulting Parties but advised the group the system limits access to the link to 14 days.
- Ms. Kauffman (Department of Historic Preservation/Archaeology) asked, "During this open comment period are you looking for Consulting Party input on preferred alternatives so that the Consulting Parties could state which alternatives they think are preferred?" Mr. DuPont stated the project team is looking for any input from Consulting Parties on the cultural resources identified as a part of Tier 1 studies and any comparative considerations they would like to offer. The project team will provide a more specific comparison of these resources by alternative routes within the DEIS, which the Consulting Parties will be provided with for review at the third Consulting Party meeting planned for Fall 2021.
- Hearing no further questions, Mr. DuPont reviewed the next steps in the Section 106 process: 1) input from this Consulting Party meeting and during the 30-day review period will be incorporated into the draft DEIS, 2) The DEIS will be finalized for publication this fall, 3) the third Consulting Party meeting will be held Fall 2021 where the final DEIS will be presented and Consulting Parties may review the Programmatic Agreement document that will provide guidance for Tier 2 studies, 4) the Programmatic



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Agreement will be finalized and the project team will advance to the Tier 2 process. Mr. DuPont also noted how comments may be received from Consulting Parties and members of the public, showing a slide with all contact information opportunities.

- The meeting ended at 4:20pm (EDT).

Other Items/Action Steps:

- On May 11, 2021, this meeting summary was emailed to all Consulting Parties (those who do not have email addresses were sent hard copies of the summary by mail).

The above constitutes our understanding of the meeting. If you believe there are omissions, additions, or corrections, please send your written comments within seven working days to Lochmueller Group.

DRAFT PROGRAMMATIC AGREEMENT
REGARDING IMPLEMENTATION OF THE SECTION 106 PROCESS
AND TIER 2 NEPA STUDIES

MID-STATES CORRIDOR PROJECT: SR 66 TO I-69
DES. NO. 1801941

12 COUNTY STUDY AREA:
CRAWFORD, DAVIESS, DUBOIS, GREENE, LAWRENCE, MARTIN, MONROE,
ORANGE, PERRY, PIKE, SPENCER, WARRICK

FEDERAL HIGHWAY ADMINISTRATION
INDIANA STATE HISTORIC PRESERVATION OFFICER
INDIANA DEPARTMENT OF TRANSPORTATION

[DATE], 2022

WHEREAS the Federal Highway Administration ("FHWA"), in cooperation with the Indiana Department of Transportation (INDOT), is preparing a Tier 1 environmental impact statement (EIS) study of transportation solutions for the Mid-States Corridor (the undertaking) to improve regional mobility and connectivity between the Ohio River and I-69, address local system deficiencies, provide efficient movement of freight, support economic development, and enhance safety; and

WHEREAS the Mid-States Corridor Tier 1 National Environmental Policy Act (NEPA) study is evaluating a broad range of north-south oriented transportation improvements within a 12 County Study Area including Crawford, Daviess, Dubois, Greene, Lawrence, Martin, Monroe, Orange, Perry, Pike, Spencer, and Warrick Counties in Indiana between SR 66 near the Ohio River and I-69; and

WHEREAS the Mid-States Corridor Project is subject to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations (36 C.F.R. Part 800) that are in effect as of the execution of this Programmatic Agreement; and

WHEREAS FHWA has consulted with the Indiana State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

WHEREAS pursuant to 36 C.F.R. 800.4(b)(2) and 800.5 (a)(3), FHWA and INDOT have determined that a phased process (Tier 1 and Tier 2) for compliance with Section 106 of the National Historic Preservation Act (NHPA) is appropriate for the Mid-States Corridor with regard to the completion of the identification of historic properties, determinations of specific effects on historic properties, and consultation concerning measures to avoid, minimize, or mitigate any adverse effects;

WHEREAS FHWA and INDOT have undertaken efforts during Tier 1 within multiple alternative corridors to identify and evaluate historic and archaeological properties that are potentially eligible for the National Register of Historic Places (NRHP). Tier 1 efforts consisted of an online review of the State Architectural and Archaeological Research Database (SHAARD), as well as a windshield survey of aboveground resources to verify the status of existing inventoried properties and document previously unidentified properties that may be considered historic. In addition, an archaeological records check of each alternative to identify previously recorded archaeological sites, cemeteries, and mapped structures has been completed. FHWA and INDOT intend to undertake more in-depth efforts to identify and evaluate aboveground and archaeological properties and assess potential effects to these resources within a single preferred alternative corridor during Tier 2;

WHEREAS the SHPO concurs that the investigation of aboveground and archaeological properties completed to date is satisfactory for purposes of Tier 1 decision-making, with the understanding that further efforts to identify and evaluate aboveground and archaeological properties will take place, in consultation with consulting parties, including the SHPO and the federally recognized Tribes whose ancestral homelands include the State of Indiana (Tribes), during Tier 2;

WHEREAS FHWA and INDOT prepared the Mid-States Corridor Tier 1 Draft Environmental Impact Statement (DEIS) to determine what mode(s) of transportation will meet the purpose and need for the Mid-States Corridor and to identify the alternatives, and examine the relative effects of the proposed alternatives on known historic properties included in or eligible for inclusion in the NRHP within the alternatives in general terms, as described in the DEIS;

WHEREAS it is the intention of FHWA and INDOT to identify a corridor approximately 2,000 feet wide as the preferred alternative corridor in the Tier 1 Final EIS;

WHEREAS it is the intention of FHWA and INDOT to further define “Local Improvements” as a part of the Mid-States Corridor during Tier 2. Such additional projects are identified in an illustrative fashion in the Draft EIS and may include the construction of auxiliary travel lanes, intersection improvements, access management and other upgrades to US 231 associated with the preferred Mid-States Corridor Alternative;

WHEREAS following the completion of the Tier 1 EIS, FHWA and INDOT will conduct Tier 2 environmental studies within the preferred alternative corridor and associated with the Local Improvements to determine the specific alignment/improvements and right-of-way, including compliance with the Section 106 process to determine specific impacts to historic properties as well as opportunities for avoidance, minimization of effects, and appropriate mitigation for the undertaking;

WHEREAS FHWA and INDOT have determined that the Mid-States Corridor Project may affect historic properties listed in or determined eligible for listing in the NRHP, and, having consulted with the SHPO, desire to establish a Programmatic Agreement at this time pursuant to Section 800.14(b)(3) of the regulation (36 CFR Part 800) in order to establish a framework for

implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and Section 110(1) of the same Act (16 U.S.C. 470h-2(1)) for the preferred alternative corridor which will be advanced in Tier 2;

WHEREAS any projects carried out by INDOT within the Mid-States Corridor during the term of this Agreement, including “Local Improvements”, that were not analyzed within the Tier 1 NEPA studies will be subject to separate consultations and compliance actions as specified in 36 CFR Part 800;

WHEREAS INDOT, FHWA and the SHPO have participated in consultations leading to the development of this Programmatic Agreement and have agreed to be signatories thereto;

WHEREAS development and execution of this Programmatic Agreement by FHWA, INDOT, and the SHPO indicates their participation in the Section 106 process followed during the Mid-States Corridor Tier 1 process and does not indicate a preference for a specific alternative;

WHEREAS FHWA and INDOT have communicated with Advisory Council on Historic Preservation (ACHP or Council) regarding the development of this Programmatic Agreement;

WHEREAS execution of this Programmatic Agreement as a concurring party indicates participation as a Section 106 consulting party and acknowledgement that the party’s views were taken into consideration;

WHEREAS execution of this Programmatic Agreement as a concurring party does not necessarily indicate approval of the outcome of the Tier 1 NEPA analysis for the Mid-States Corridor;

WHEREAS the historic preservation (and other) organizations, local governments, and unaffiliated private citizens listed in Attachment A to this Programmatic Agreement were invited to participate as Section 106 Consulting Parties, have participated in Section 106 consultation during Tier 1 studies, are expected to continue as Section 106 Consulting Parties during Tier 2 studies, and have been invited to concur in this Programmatic Agreement;

WHEREAS the Tribes listed in Appendix A to this Programmatic Agreement were invited to participate as Section 106 Consulting Parties, have participated in Section 106 consultation during Tier 1 studies, are expected to continue as Section 106 Consulting Parties during Tier 2 studies, and have been invited to concur in this Programmatic Agreement;

WHEREAS the invited Tier 1 Section 106 Consulting Parties and Tribes and other interested parties are invited to participate in the Tier 2 Section 106 process to consult on the historic properties identification, effects determinations, and a future agreement document that would delineate treatments to historic properties should adverse effects be identified;

NOW, THEREFORE FHWA, INDOT and the SHPO agree that the Mid-States Corridor undertaking shall be administered and implemented in accordance with the following Principals and Stipulations in order to take into account the potential effects of the undertaking on historic properties and to satisfy FHWA’s and INDOT’s Section 106 responsibilities for the undertaking:

Principals

FHWA and INDOT shall adhere to the following principals in complying with Section 106 of the NHPA for Tier 2 studies:

1. Although many decisions about the Mid-States Corridor, including the selection of a preferred alternative, will be made during the Tier 1 process, substantial opportunities will be available during Tier 2 analyses for consulting party input concerning design, construction options, and variances.
2. Consistent with 36 CFR 800.5(a)(1), FHWA and INDOT will take into account direct, indirect, and cumulative effects on historic properties.
3. FHWA and INDOT will seek, discuss, and consider the views of the consulting parties, and, where feasible, will seek agreement with them (36 CFR 800.16[f]) when making decisions under the stipulations of this Programmatic Agreement.
4. FHWA and INDOT will adhere to the stipulations of the Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, [the Advisory Council on Historic Preservation,] and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program in the State of Indiana (MPPA) dated July 13, 2011, and revisions thereto, during Tier 2 analyses wherein certain types of minor highway projects that typically have no effect on historic resources included in, or eligible for inclusion, within the National Register may be exempted from full Section 106 review. The MPPA is attached as Appendix B.
5. FHWA and INDOT will adhere to the stipulations of all other Programmatic Agreements related to cultural resources during Tier 2 analyses.
6. As a matter of public policy, reasonableness of cost must be considered when selecting measures to avoid, minimize, or mitigate adverse effects (FHWA policy is that mitigation measures must represent “a reasonable public expenditure” after considering the impacts of the action and benefits of the proposed mitigation measures) to historic properties, but cost should not be the only determining factor in mitigation decisions.

Stipulations

FHWA shall ensure that the following measures are implemented during Tier 2 studies:

I. Application of the MPPA

- A. If a project qualifies for one of more of the MPPA categories, full Section 106 consultation (as outlined in stipulations II through VII) will not be required. For example, it is anticipated that the MPPA may be applicable to some of the “Local Improvement” projects.

II. Consultation and Consulting Parties

A. Delegation of Consultation Authority

1. FHWA authorizes INDOT to conduct consultation with the SHPO and other consulting parties on its behalf, including identification of consulting parties, determining the area of potential effects (APE), determining the level of resource identification and documentation, NRHP eligibility determinations, and determinations of effect.
2. FHWA will remain ultimately responsible for all the findings and determinations and retains responsibility for complying with all federal requirements pertaining to direct government-to-government consultation with Native American Tribes and requests to the ACHP and National Park Service for participation in cases of adverse effect on National Historic Landmarks.
3. Except as provided below, FHWA will take the lead in consultation with Native American Tribes, in implementation of the dispute resolution clause of this Programmatic Agreement, and in resolving adverse effects in accordance with 36 CFR 800.6.

B. Consultation with the SHPO

As part of initial scoping for the Tier 2 NEPA studies, INDOT shall initiate consultation with the SHPO as provided in 36 CFR 800.2(c)(1).

C. Consultation with ACHP

1. FHWA shall notify the ACHP if there is a finding of adverse effect and shall invite the ACHP to participate in consultation if the undertaking will adversely affect any NRHP eligible or listed cultural resource.
2. Such notifications shall include the documentation specified in 36 CFR 800.11(e). The ACHP will apply all the criteria set forth in Appendix A of 36 CFR Part 800 to determine whether it will participate in consultation to resolve adverse effects.
3. In addition, FHWA and the consulting parties may seek advice, guidance, and assistance from the ACHP on the application of this Programmatic Agreement to Tier 2 studies, including the resolution of disagreements, whether or not the ACHP is formally involved in the review of the undertaking.

D. Native American Tribal Consultation

FHWA shall consult according to the requirements of 36 CFR Part 800 when properties of religious and cultural significance to such Tribes may be affected by the undertaking. Such consultation will be guided by the Memorandum of Understanding (MOU) Among the Federal Highway Administration, Indiana State Historic Preservation Officer, Indiana Department of Transportation, and Federally Recognized Tribes Interested in Indiana Lands Regarding Tribal Consultation Requirements for the Indiana Federal Transportation Program (May 16, 2017). The MOU is attached as Appendix C.

E. Additional Consulting Parties and Public Involvement

1. INDOT shall confer with consulting parties about the Mid-States Corridor projects within their respective areas of jurisdiction (as established by each party in consultation with INDOT) unless these organizations request a narrower scope of consultation. Consulting parties include the SHPO, Tribal Historic Preservation Officers (or other tribal representative), environmental review agencies, local government representatives, local and statewide historical societies and preservation organizations, other organizations with a demonstrated interest in the undertaking, as well as unaffiliated private citizens who are landowners or have concerns about the project's effect on historic properties.
2. Representatives of agencies, government, organizations, or individuals with a demonstrated interest in, or a concern about, the effects of the undertaking on historic properties may become a consulting party by making a request to FHWA or INDOT during the term of this Programmatic Agreement.
3. INDOT shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking, its potential to affect historic properties, and the likely interest of the public in the undertaking.

III. The Consultation Process

A. Consultations about Identification of Historic Properties

1. For Tier 2 studies under Section 106, FHWA and INDOT shall review existing information about historic properties within the project APE, conduct intensive field review, analysis, NRHP-eligibility evaluations, and, in consultation with the SHPO, determine any additional efforts necessary to identify historic properties

2. FHWA and INDOT shall confer with the consulting parties to identify additional potential historic properties that may not have been previously documented.

B. Consultations about Eligibility of Historic Properties

1. Based on criteria of eligibility to the NRHP in 36 CFR 60.4 and guidance that may be developed in the historic context described in Stipulation IV.C, INDOT shall complete determinations of eligibility for all properties identified under Stipulation IV and request concurrence from the SHPO on these determinations.
2. If INDOT and the SHPO are unable to reach a consensus about the eligibility of a resource within the APE in the Tier 2 studies, FHWA will seek a determination of eligibility from the Keeper of the NRHP, as provided in 36 CFR 800.4(c)(2).

C. Consultations about Determinations of Effect

1. For the Tier 2 studies, INDOT shall provide the consulting parties with information about the NRHP-listed properties within the APE, any properties found through consensus determinations to be NRHP-eligible, and any properties being treated as NRHP eligible for the purposes of the undertaking.
2. INDOT shall then invite the consulting parties to provide their views on the nature of effects from the undertaking on the characteristics of those properties that qualify them for listing in the NRHP, and shall consider those views in making a determination of effect for the undertaking.
3. If INDOT finds that the undertaking will have no effect on historic properties or no adverse effect on historic properties, the agency shall notify the consulting parties of this finding and provide them with the documentation specified in 36 CFR 800.11(d) or (e) respectively.
4. If no signatories or consulting parties object to such findings within 30 days, INDOT will proceed with the undertaking. If any party objects, INDOT shall follow the dispute resolution stipulation process in Stipulation VIII of this Programmatic Agreement to resolve the objection.

D. Consultation about Resolution of Adverse Effect

1. If INDOT finds during Tier 2 studies that the undertaking will have an adverse effect on historic properties, the agency shall notify ACHP following the procedures specified in 36 CFR 800.6(1) and consult further with the consulting parties about measures to avoid, minimize, or mitigate the adverse effect.

2. If the signatories to this Programmatic Agreement cannot reach a satisfactory resolution of the adverse effect during Tier 2 studies for the undertaking, and one or more signatories terminates consultation, FHWA shall either follow the procedures provided in ACHP's regulation at 36 CFR 800.6(c) to execute a Memorandum of Agreement or comply with the procedures in 36 CFR 800.7.

IV. Area of Potential Effects (APE)

- A. The Tier 1 APE for historic resources was based on the 2,000-foot-wide corridor for each alternative under consideration, plus an additional mile on either side of each corridor boundary. This width was proposed to address direct impacts to historic properties, as well as indirect impacts. The Tier 1 APE width will be carried forward to the Tier 2 study as the preliminary area of investigations. The APE for historic resources related to local road improvements initiated as a part of the Mid-States Corridor undertaking will be based on the viewshed to/from the project limits of each local road improvement only.
- B. The Tier 1 APE for archaeological resources was based on the 2,000-foot-wide corridor boundaries for alternatives under consideration. The literature review for Tier 2 will include archaeological resources documented within the 2,000-foot-wide preferred corridor. The Tier 2 APE for archaeological resources will be limited to the areas of direct impact or ground disturbance within the 2,000-foot-wide preferred corridor.
- C. During the Tier 2 studies, INDOT and the SHPO will review and refine the preliminary APE, as applicable, to adequately identify historic properties while taking into account the potential effects that may occur as a result of the project. Any changes to the APE will be based on field survey work to be completed as a part of the Tier 2 analysis and as additional, and more detailed, information on specific project elements becomes available. Changes to the APE will be made to ensure the APE is logical and practical, and that all potential impacts are considered.
- D. If INDOT proposes to refine or change the APE, then the agency shall consult with the SHPO to ensure the APE boundaries are consistent and logical.

V. Level of Effort to Identify and Evaluate Historic Resources

As early as possible, INDOT shall complete the following identification and evaluation efforts within the APE (limited to the viewshed to/from the project limits as determined by topography and structural density) for the entire preferred alternative corridor in consultation with the consulting parties as a part of Tier 2 studies:

- A. Identification and Evaluation of Historic Resources

1. Section 106 review of Historic Resources during Tier 2 will be informed by the analysis completed in Tier 1 for each preliminary alternative corridor. The Tier 1 investigation for aboveground resources consisted of:
 - a. A complete review of the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) online, which contains all data from the Indiana Historic Sites and Structures Inventory (IHSSI) including previously documented properties listed, and eligible for listing in, the NRHP, properties listed in the State Register, as well as previously conducted cultural resource inventories and cultural resource management projects. SHAARD includes information on buildings, cemeteries, and bridges and provides their locations on the Indiana Historic Buildings, Bridges, and Cemeteries Map (IHBBC) online.
 - b. The completion of a ratings matrix of historic structures, wherein previously documented properties from the SHAARD database, and newly documented properties from the Tier 1 “windshield survey,” from all the preliminary alternative corridors under consideration were placed according to the rating system (Contributing, Notable, Outstanding) used by the IHSSI surveys in each county of the study area. This ratings matrix was used to help determine which of the preliminary alternative corridors will have the lowest impact to historic properties.
 - c. The completion of a “windshield survey” of aboveground historic resources throughout the entire Mid-States Corridor study area. This survey was conducted by Qualified Professional historians who drove the entirety of all the APEs for each of the preliminary alternative corridors, photographing all previously documented SHAARD/IHSSI resources as well as newly identified resources the historians considered deserving of a rating of Contributing or higher. These digital photographs were uploaded via a GIS system to a project map for locational reference, which included the address, house style/type, and the appropriate IHSSI rating for the property.
2. Historic resources identified during Tier 2 studies as a result of this stipulation’s provisions will be recorded using the guidance and standards provided in the INDOT Cultural Resources Manual and established documentation requirements from the SHPO, as appropriate.
3. Historic resources 45 years or older located in the APE will be identified through intensive-level field survey and evaluated for NRHP eligibility by applying the NRHP criteria outlined in 36 CFR 60.4 and the historic context guidance developed in Stipulation IV. C of this Programmatic Agreement.
4. The identified historic resources and determinations of NRHP eligibility will be documented in a Historic Property Report submitted to and reviewed by the

INDOT Cultural Resources Office prior to being submitted to the consulting parties for review and concurrence.

5. INDOT shall consider that the passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency to re-evaluate resources previously determined eligible or ineligible for the NRHP.

B. Identification and Evaluation of Archaeological Resources

1. Section 106 Review of Archaeological Resources during Tier 2 will be informed by the analysis completed in Tier 1 for each preliminary alternative corridor. The Tier 1 investigation for archaeological resources consisted of:
 - a. A complete review of SHAARD online, which contains data on all previously recorded archaeological sites, including a thorough examination of the Indiana Archaeological Features Map that provides locations of archaeological sites and features within each of the preliminary alternative corridors (available to Qualified Professional archaeologists). This information included location information and interment data on all cemeteries recorded within the Indiana Department of Historic Preservation & Archaeology Cemetery and Burial Ground Registry.
 - b. An investigation of historic maps for each of the 12 counties in the study area, focusing on the preliminary alternative corridors, to corroborate with existing recorded historic archaeological sites and note locations of potential undocumented sites or features.
 - c. Consulting party input, through formal meetings and individual communications with consulting parties by the Mid-States Corridor project team, wherein potential undocumented archaeological site locations were provided for further evaluation.
2. During the Tier 2 NEPA studies, archaeological investigations will follow Indiana Code (IC) 14-21-1, 312IAC 21, 312 IAC 22, and the ***Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites***.
3. The historic significance and NRHP eligibility of identified archaeological resources will be evaluated by applying the NRHP criteria outlined in 36 CFR 60.4 and the historic context guidance developed in Stipulation IV. C. of this Programmatic Agreement.
4. Phase 1 technical reports, which will include archaeological records reviews using SHAARD data and other available resources, will be prepared and submitted to INDOT's Cultural Resources Office for review as appropriate. Determinations of NRHP eligibility for any archaeological resources encountered during the Phase 1 investigations will be completed and submitted

for review and concurrence to the Tribal consulting parties and the SHPO. All archaeological reports will meet the Secretary of the Interior's, and the SHPO's, standards.

5. Phase II investigations will be conducted as necessary to evaluate potentially eligible archaeological resources identified, and Phase III data recovery will be completed to mitigate adverse effects to NRHP eligible archaeological sites. A scope of work or archaeological plan will be submitted to INDOT and the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (DHPA) for review, comment, and approval prior to fieldwork.
6. Artifacts, associated records, and documentation from the archaeological investigations will be curated at a qualified curation facility pursuant to the requirements of 36 C.F.R. 79.
7. Archaeological sites will be protected through the non-disclosure of archaeological site locations to the public, according to the requirements in 16 U.S.C. 470hh, 16 U.S.C. 470w-3, 36 CFR Part 800.11 (c), and IC14-21-1-32.
8. Any unanticipated or inadvertent discoveries of archeological resources will be reported to INDOT, CRO and DHPA within two (2) business days pursuant to IC 14-21-1-27 and IC 14-21-1-29. Any such discoveries must also comply with the requirements of applicable federal statutes and regulations (36 CFR Part 800.13).
9. INDOT shall consider that the passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency to re-evaluate resources previously determined eligible or ineligible for the NRHP.

C. Historic Context Development

1. Historic contexts are information about historical trends and resources grouped by an important theme and a particular period of time. These documents link historic resources to important historical trends.
2. To evaluate NRHP eligibility of resources identified in the APE, INDOT may, in consultation with the SHPO and the other consulting parties, develop a historic context or contexts for the Mid-States Corridor, as appropriate. Context topics may be developed in consultation with consulting parties.

VI. Determining the Effect of the Undertaking on Historic Properties

In Tier 2, if properties listed in or eligible for inclusion in the NRHP are within the APE of the preferred alternative corridor, effects assessments for each historic property will be completed. The nature of the effect will be indicated for each individual

resource affected. Effects assessments will be based on the criteria of adverse effect as defined in 36 CFR 800.5.

INDOT shall ensure that direct, indirect, and cumulative effects will be taken into account where appropriate during Tier 2 studies. Although the following list of possible categories of effects for the undertaking is not exclusive, if this undertaking may result in any of the categories of effects named here, then those effects will be taken into account in the manner indicated:

A. Physical Destruction of Damage

1. Avoidance of physical takes of historic properties, including historic structures and features, as well as archaeological sites, shall be given full consideration in all cases.
2. The potential for effects to historic properties as a result of transportation facility construction, and construction-related vibration and noise, shall be assessed where appropriate. The general potential for, and nature of, such effects shall be considered early in planning; however, specific details of such assessments may need to be delayed until after the construction contractor has been selected.

B. Visual Effects

1. Visual effects considered will be related to the qualities of significance of the historic properties being affected. INDOT will meet with the appropriate consulting parties to discuss visual impact criteria appropriate to evaluating both new and cumulative visual effects of the undertaking upon historic properties. Cumulative visual effects include those that result from the incremental consequences of an undertaking when those effects are added to the visual effects of past INDOT undertakings.
2. The following points may be considered in these consultations:
 - a. Minimization and mitigation of visual impacts will take into consideration the qualities of the historic properties, particularly the requirements of Section 110(f) of the NHPA concerning National Historic Landmarks.
 - b. Changes to viewsheds to or from historic properties and changes to historic properties' character-defining visual features will be considered.

C. Noise Effects

FHWA and INDOT will seek to minimize noise effects on historic properties which have noise-sensitive characteristics that contribute to the historic significance, in accordance with state and federal noise regulations, policies and guidance.

Specifically, the INDOT Traffic Noise Analysis Procedure (2017) will be followed. The INDOT noise policy, effective July 1, 2017, is based on INDOT's application of FHWA standards.

D. Unanticipated Effects

Any unanticipated effects that have the potential to adversely affect a historic resource or post review discoveries of historic resources will be reported to the SHPO for consultation.

VII. Resolution of Adverse Effects for Tier 2

As appropriate, FHWA and INDOT will consult with the SHPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties.

Consultation with the consulting parties regarding the resolution of adverse effects on historic properties shall follow the process described in Stipulation II.D. of this Programmatic Agreement.

Any mitigation measures developed in consultation with the SHPO and other consulting parties will be documented in a Memorandum of Agreement (MOA).

VIII. Historic Preservation Standards and Professional Qualifications

FHWA shall ensure that activities carried out under the terms of this Programmatic Agreement follow the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, and are conducted by staff or consultants meeting the Professional Qualification Standards for Archaeologists/Historians (48 FR 190: 44716-44742). Staff or consultants responsible for carrying out these activities shall be listed in the Indiana Division of Historic Preservation's Qualified Professional Roster.

IX. Dispute Resolution

Should any signatory to this Programmatic Agreement object in writing to FHWA regarding any action carried out or proposed with respect to the Tier 2 studies, or to the implementation of this Programmatic Agreement, FHWA shall consult with the objecting party to resolve the objection.

If, after initiating such consultation FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the ACHP, including the agency's proposed response to the objection, and also inform other signatories to this Programmatic Agreement of the objection.

Within 30 days after receipt of all pertinent documentation, ACHP shall exercise one of the following options:

- A. Advise the agency that the ACHP concurs with the agency's proposed response to the objection, whereupon the agency will respond to the objection accordingly;
- B. Provide the agency with recommendations, which the agency shall take into account in reaching a final decision regarding its response to the objection;
- C. Notify the agency that the objections will be referred for comment pursuant to 36 CFR 800.7(a)(4), and proceed to refer the objection and comment. The agency shall take the resulting comment into account in accordance with 36 CFR 800.7(c)(4).
- D. If comments or recommendations from the ACHP are provided, in accordance with this stipulation, then FHWA shall take into account any ACHP 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 any MOA that are not subject of the objection shall remain unchanged.

X. Amendment and Termination

Any signatory to this Programmatic Agreement may request that it be amended, whereupon the parties will consult to reach a consensus on the proposed amendment. Where no consensus can be reached, the Programmatic Agreement will not be amended.

In the event that Congress amends Section 106 of the NHPA, or in the case of substantial changes to 36 CFR 800, the parties to this Programmatic Agreement will meet to consider whether it would be appropriate to amend the Programmatic Agreement.

Any signatory to this Programmatic Agreement may terminate it by providing thirty (30) days written notice to the other signatories, provided that the signatories and concurring parties will consult during the period prior to termination to seek agreement on amendments of other actions that would avoid termination.

In the event of termination, FHWA shall comply with 36 CFR Part 800 for the Tier 2 undertaking of the Mid-States Corridor.

XI. Sunset Provision

This Programmatic Agreement is executed as of the last date shown below and expires upon completion of construction of the undertaking or 5 years after the Programmatic Agreement's execution, whichever occurs first, at which time it is subject to review, renewals, or expiration. The process for renewal, expedited for simplicity, will involve

obtaining the signatures of the primary and invited signatories on the Programmatic Agreement once any appropriate revisions are completed and approved.

XII. Participation by Additional Federal Agencies

Any additional federal agency that funds or authorizes a component of the Mid-States Corridor during the life of this Programmatic Agreement may choose to meet its Section 106 obligations at its own cost for that undertaking under the process provided in this Programmatic Agreement by executing the Additional Signatory Form (Appendix A) and notifying FHWA, the ACHP, and the SHPO of its intention to do so. Notification to FHWA, the ACHP, and the SHPO should include an explanation of the nature of the agency's participation in or assistance to the Mid-States Corridor.

Execution and implementation of this Programmatic Agreement and of all supplements to this Programmatic Agreement evidence that FHWA and INDOT will take into account the effects of the Mid-States Corridor undertaking on historic properties.

SIGNATORIES (required):

FEDERAL HIGHWAY ADMINISTRATION

Signed by: _____ Date: _____

Jermaine Hannon Division Administrator, FHWA-IN Division

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by: _____ Date: _____

Beth McCord

Deputy State Historic Preservation Officer

INVITED SIGNATORIES

INDIANA DEPARTMENT OF TRANSPORTATION

Signed by: _____ Date: _____

Laura Hilden

Director of Environmental Services, Indiana Department of Transportation

CONCURRING PARTY:

Signed by: _____ Date: _____

Name and Title: _____

CONCURRING PARTY:

Signed by: _____ Date: _____

Name and Title: _____

APPENDIX A: List of Consulting Parties

Private Citizen	Gretchen Anderson
Private Citizen	Luke Baker
Private Citizen	B.J. Elmore
Private Citizen	Jim Himsel
Private Citizen	David Ring
Private Citizen	LeRoy Seitz
Advisory Council on Historic Preservation	Mandy Ranslow, ACHP-FHWA Liaison
Bloomington Restorations	Steve Wyatt, Executive Director
Dale Town Council	Ray Striegel, President
Department of Historic Preservation & Archaeology	Chad Slider for Beth McCord (SHPO)
Delaware Nation	Erin Paden, Director of Historic Preservation
Dubois County Commissioners	Chad Blessinger, Commissioner
Ellettsville Town Council	William Ellis, Council Member
Indiana Barn Foundation	Kent Yeager, Board Chair
	Cindy Barber, Board Member
	Danielle Bachant-Bell, Board Member
Indiana Forest Alliance	Jeff Stant, Executive Director
Indiana Landmarks, Central Region Specialist	Mark Dollase, Community Preservation
Indiana Landmarks, Southern Region	Gregory Sekula, Director
	Laura Renwick, Community Preservation Specialist
Indiana Landmarks, Southwest Field Office	Candice Croix, Director
Lawrence County Historian	Ron Bell
Lawrence County Museum of History	Rowena Cross-Najafi, President
Martin County Historical Society	Alyssa Kerns, Treasurer

Mayor of Rockport	Don Winkler
Miami Tribe of Oklahoma	Diane Hunter, THPO
Monroe County Historic Preservation Board of Review	Tammy Behrman for Danielle Bachant-Bell
Newburgh Town Council	Carol Schaefer
Pike County Historian/Historical Society	Sandy McBeth
Pokagon Band of Potawatomi	Matthew Bussler
Rockport City Council	Ferman Yearby
Saving Historic Orange County	Terry Cornwell, President
Shawnee Tribe	Tonya Tipton, THPO
Shoals Town Council	Cecil Ragsdale, President

APPENDIX B: Minor Projects Programmatic Agreement

APPENDIX C: Tribal Memorandum of Understanding