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4 SECTION 4(F) & 6(F) RESOURCES

4.1 Introduction and Proposed Action

The following substantive changes have been made to this section since the Draft Environmental Impact Statement (DEIS) was published:

- During the Screening of Alternatives, preliminary Alternative R was evaluated before being removed from further consideration. Alternative R consists of upgrading US 231 from I-64 to I-69. Many comments on the DEIS requested further consideration of an upgrade of US 231 in addition to the five Build Alternatives presented in the DEIS. In response to these comments, this FEIS further evaluates the costs, impacts and benefits of Alternative R. See **Section 2.5.1** for details about Alternative R.
- Multiple comments were received from local officials in Loogootee and Martin County about the alignment of Alternative P in Martin County, in particular in the vicinity of Loogootee. The DEIS showed Alternative P with an alignment west of Loogootee. Portions of this alignment are in Daviess County. These comments requested modifications to Alternative P to bring it through or to the east of Loogootee.

In response to these comments, three additional variations of Alternative P have been added in Martin County. All variations of Alternative P are within Section of Independent Utility (SIU) 4. See **Section 2.7** for a discussion of Tier 2 sections for all alternatives. Alternative P with these variations has been designated as Refined Preferred Alternative P (RPA P). It is evaluated separately from any Build Alternative considered in the DEIS. A single variation of RPA P will be selected in Tier 2 studies for SIU 4. See **Section 2.5.2** for details about the variations of RPA P near Loogootee.

- Trails from the Dubois County, Jasper and Huntingburg plans were added to the analysis. See **Section 4.2**.
- Multiple properties with additional cultural resources were identified, and multiple previously identified properties that were more than 500 feet from an alignment were found to be within 500 feet of either RPA P or Alternative R.

Section 4(f) of the Department of Transportation Act of 1966 requires that prior to the more than *de minimis* use of any land from resources protected under this act, it must be determined that there are no prudent and feasible alternatives which avoid such use and that the project includes all possible planning to minimize harm to such resources. Protection of Section 4(f) resources are codified in 49 U.S.C §303 and 23 U.S.C. §138 and apply only to the U.S. Department of Transportation. Protected resources include two key categories:

- Historic sites of national, state, or local significance
 - *These resources may be publicly OR privately owned.*
 - *Archaeological sites are only subject to 4(f) when they are chiefly important for information that could be recovered in data recovery and warrant preservation in place.*
- Publicly owned lands specifically managed with public access for recreation or wildlife or waterfowl refuges
 - *Publicly owned includes permanent easements and in certain cases, long term leases.*

Impacts to Section 4(f) resources are categorized as “Uses”. These Uses are defined under 23 CFR 774 and include three principal types¹:

- **Permanent Incorporation Use.** This involves the resource becoming permanently incorporated into the transportation facility by acquiring the property by direct purchase or permanent control through easement.

¹ Permanent and temporary uses are considered direct impacts. Constructive uses are considered indirect impacts.



- **Temporary Occupancy Use.** This involves the resource becoming temporarily occupied for actions such as construction staging areas, temporary access or grading activities associated with drainage or changing the angle of slope to tie back into adjacent properties. Any easements associated with temporary occupancy are not permanent.
- **Constructive Use.** This involves an indirect impact to the Section 4(f) property of such magnitude as to effectively act as a permanent incorporation. In this case, the proximity of the transportation facility may severely impact important features, activities or attributes associated with it, and substantially impair it.

When considering the permanent incorporation or temporary occupancy of a Section 4(f) resource, FHWA may determine a *de minimis* impact is applicable. A *de minimis* impact is one that involves the use of a Section 4(f) resource that is usually minor, and due to avoidance, minimization, or mitigation, there is no adverse effect on the attributes, features, or activities of a Section 4(f) property. Application of a *de minimis* impact requires concurrence from the official with jurisdiction (OWJ) over the Section 4(f) resource. The OWJ is often the local parks and recreation department or other public entity; however, in the case of historic sites, the State Historic Preservation Officer (SHPO) serves as the OWJ. An intended *de minimis* impact upon a publicly owned and accessible park, recreational facilities, or wildlife and waterfowl refuges requires the opportunity for public comment. A *de minimis* impact determination may not be made when there is a constructive use of the resource. Application of a *de minimis* finding by FHWA does not require an analysis of feasible and prudent alternatives or an avoidance alternative.

Also evaluated in this chapter are properties protected under the U.S. Land and Water Conservation Fund Act of 1965, which established the Land and Water Conservation Fund (LWCF). The fund was created to preserve, develop and assure accessibility to outdoor recreation resources. Section 6(f) of the Act disallows conversion of lands purchased or developed with LWCF funds to a non-recreation use unless approved by the Secretary of the Interior. In March 2019, the LWCF was permanently reauthorized.

The agency coordination process for Section 4(f) and Section 6(f)² evaluation is documented in **Appendix KK**. 23 CFR 774.7(e), which provides guidance for Section 4(f) evaluations in tiered EISs, states that sufficient information needed to finalize the Section 4(f) approval may not be available at the Tier 1 stage but that “the documentation should address the potential impacts” and “whether those impacts could have a bearing on the decision to be made.” This chapter provides a review of potential Section 4(f) properties as appropriate for a Tier 1 EIS and does not offer any preliminary Section 4(f) approval as to whether the potential impacts resulting from the possible use of a Section 4(f) property are *de minimis* or whether more in-depth evaluations (Programmatic or Individual) are necessary requiring an analysis of feasible and prudent alternatives, including an avoidance alternative. The detailed information needed to complete the Section 4(f) approval was not available during the Tier 1 stage, which provides a broad-scale examination of the potential Section 4(f) resources in the study area. Tier 2 studies will provide a site-specific evaluation of the potential Section 4(f) resources.

4.2 Section 4(f) Resources – Parks, Recreation Areas and Wildlife or Waterfowl Refuges

Potentially eligible parks, recreation areas and wildlife or waterfowl refuges within 1,000 feet of the Build Alternatives were evaluated for Section 4(f) eligibility and potential use. As appropriate, the potential to avoid or minimize use of these resources was evaluated. The properties are depicted in **Figure 4-1** and enumerated in **Table 4-1**. **Appendix KK** provides additional information for Section 4(f) resources. Impacts to managed lands are described in **Chapter 3.27** and **Appendix GG**.

² See **Section 4.4** for discussion of Section 6(f) resources.

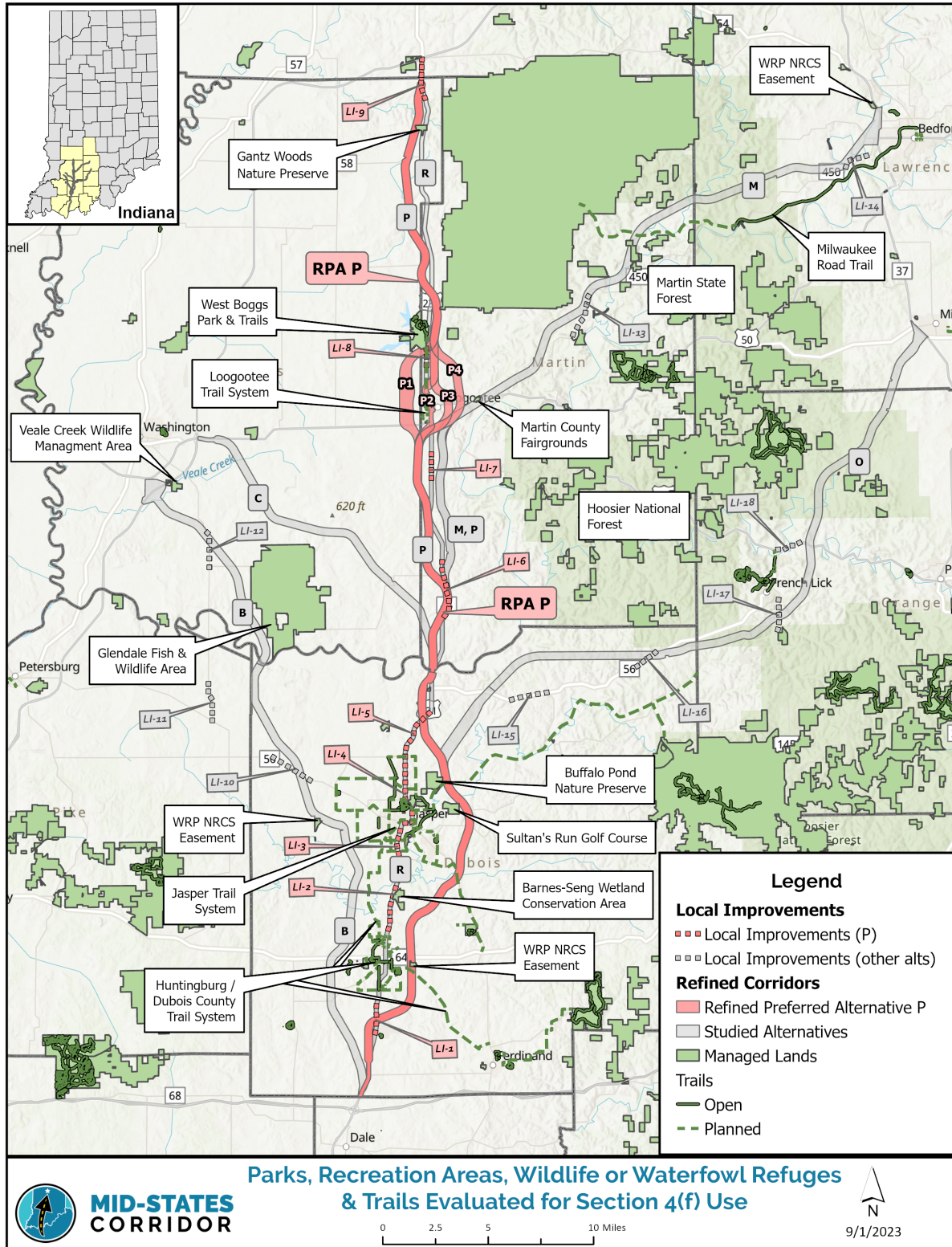


Figure 4-1: Parks, Recreation Areas and Wildlife or Waterfowl Refuges Evaluated



Resource	Is it a Section 4(f) Resource?	Do any Alternatives use the Section 4(f) resource?	Can the Alternative be shifted to avoid the Section 4(f) Resource?
Buffalo Pond Nature Preserve	Yes	No	N/A
Daviess-Martin County Park (West Boggs)	Yes	Yes - P, RPA P, R	P, RPA P -High potential for avoidance R - Low potential for avoidance
West Boggs Park Trails	Yes	Yes - R	Low potential for avoidance
Glendale Fish and Wildlife Area	Yes	No	N/A
Hoosier National Forest	Yes	No	N/A
Indiana Forest Bank Fee (Gantz Woods Nature Preserve)	No - Private	N/A	N/A
INDOT Mitigation Area (Veale Creek)	No - Closed to Public	N/A	N/A
INDOT Mitigation Area (Doans Creek)	No - Closed to Public	N/A	N/A
Loogootee Trail System-County Line Trail to W. Boggs Park & Loogootee Loop	No - Not yet open	N/A	N/A
Martin State Forest	No - Not parcels impacted	N/A	N/A
Milwaukee Road Trail	No - Not yet open	N/A	N/A
Sultan's Run Golf Course	No - Private	N/A	N/A
Various WRP Properties	No - Private & Closed to Public	N/A	N/A
Martin County 4-H Fairgrounds & Speedway	unknown	Yes - M	High potential for avoidance
Jasper Trail System	Yes	Yes - All Alternatives	Low potential for avoidance
Huntingburg Trail System	Yes	Yes - R	Low potential for avoidance
Dubois County Trail System	No - Not yet open	N/A	N/A

Table 4-1: Parks, Recreation Areas and Wildlife or Waterfowl Refuges Evaluation

4.2.1 Buffalo Pond Nature Preserve

Buffalo Pond Nature Preserve is located in Dubois County, northeast of Jasper near Kellerville Road. It is owned by the State of Indiana and managed by the Indiana Department of Natural Resources (IDNR) Division of Nature Preserves. Data provided by IDNR in 2020 indicates that Buffalo Pond is “open per regulations”. As a publicly owned nature preserve with public access, it is assumed to be a Section 4(f) resource.

The property is situated approximately 450 feet west of the Alternative C, M, O, P and RPA P working alignments. Direct use of the resource is not anticipated. Temporary use of the resource should be avoided. At this Tier 1 level of analysis there is no information indicating a possible constructive use of the Buffalo Pond Nature Preserve. Use of this Section 4(f) resource is not anticipated at this time.

4.2.2 Daviess-Martin County Park (West Boggs Park) & Trails

Daviess-Martin County Park (West Boggs Park) is located in Daviess and Martin counties north of Loogootee near US 231. It is owned and managed by Daviess-Martin County Park Board. The property is open to the public and provides recreational opportunities such as boating, fishing, hiking, camping and golfing. As a publicly owned recreational facility that is open to the public, Daviess-Martin County Park (West Boggs Park) and associated trails are assumed to be Section 4(f) resources.



The park is located partially within the RPA P working alignment that uses the western variation around Loogootee (RPA P1) and Alternative R. There is less than one acre of the park located within the Alternative P working alignments that use the western variation around Loogootee, which include RPA P1. This impact is limited to Park property that is currently within the existing US 231 right of way, as there would be no encroachment to the west of US 231 along the Park boundary for any improvements associated with RPA P. While the RPA P1 alignment could impact Section 4(f) resources, this would be a minimal impact if it could not be completely avoided. Additionally, RPA P variations east of US 231 would afford avoidance opportunities as they do not have any right of way impact with the current working alignments. RPA P1 will need to be further reviewed during Tier 2 and modified if necessary in order to avoid potential use of any Section 4(f) resources. INDOT will engage in joint development coordination with the Board to address any potential park expansion in the area of RPA P, as well as to coordinate on trail connectivity to the park associated with currently planned trails as identified through ongoing coordination with park representatives. This will ensure that planning for the roadway avoids and minimizes any impact to the park and takes into account any of the Board's planned future development of the park. Based on coordination, it is anticipated that any potential use of this resource would not exceed a *de minimis* level.

Alternative R would impact approximately 13 acres of West Boggs Park within the working alignment extending west of the existing right of way of US 231. This would impact Harker Road and an associated parking area which is used frequently for shore fishing on the lake. While there may be potential to adjust the alignment to reduce impacts to the Park, that would result in increasing other impacts, including relocations, and would still result in a use of the Section 4(f) resource. Additional information regarding West Boggs Park coordination and potential impacts is included in **Appendix KK**.

4.2.3 Glendale Fish and Wildlife Area

Glendale Fish and Wildlife Area is located in Daviess County southeast of Washington. It is owned by the State of Indiana and managed by the IDNR Division of Fish and Wildlife. It includes 8,060 acres of land and over 1,400 acres of open water. The property is managed for wildlife habitat and protection and is open to the public, providing recreational opportunities such as hunting, fishing, camping and wildlife observation. As a publicly owned wildlife management area functioning as a wildlife refuge that is open to the public, Glendale Fish and Wildlife Area is assumed to be a Section 4(f) resource.

The property is approximately 830 feet east of the Alternative B working alignment. Direct use of the resource is not anticipated. At this Tier 1 level of analysis there is no information indicating a possible constructive use of the Glendale Fish and Wildlife Area. Use of this Section 4(f) resource is not anticipated at this time.

4.2.4 Hoosier National Forest

The Hoosier National Forest occupies 202,814 acres of South-Central Indiana in Perry, Crawford, Dubois, Orange, Lawrence, Martin, Monroe, Brown and Jackson counties. The proclamation boundary for the forest comprises Management Areas interspersed with privately-owned parcels. Alternative O crosses the proclamation boundary south of French Lick but does not impact any parcels owned or managed by the Hoosier National Forest. Privately-owned parcels within the Hoosier National Forest are not considered Section 4(f) resources. No Section 4(f) use is anticipated at this time.

4.2.5 Indiana Forest Bank Fee (Gantz Woods Nature Preserve)

Gantz Woods Nature Preserve is located in Daviess County north of Loogootee near US 231 adjacent to Alternative P. It is owned by the Nature Conservancy and managed as part of the organization's Indiana Forest Bank Fee program. The property is open to the public for activities such as birdwatching and hiking. Although it is a nature preserve that is open to the public for recreational activity, Gantz Woods Nature Preserve is not a Section 4(f) resource since it is owned by a private non-profit organization. Therefore, no Section 4(f) use could occur.



4.2.6 Veale Creek Wildlife Management Area

Veale Creek Wildlife Management Area is located in Daviess County southeast of Washington near Alternative B. It is owned by the State of Indiana and managed by the IDNR Division of Fish and Wildlife as a management unit of the Glendale Fish and Wildlife Area. The site was developed by INDOT as a mitigation site for the I-69 project. The property is currently closed to the public. Although it is not currently open to the public, the Veale Creek Wildlife Management Area is assumed to be a Section 4(f) resource for planning purposes as a publicly owned wildlife management area functioning as a wildlife refuge.

While Alternative B is in close proximity to the property, no direct impacts to the site are anticipated. Direct use of the resource is not anticipated. At this Tier 1 level of analysis there is no information indicating a possible constructive use of the Veale Creek Wildlife Management Area. Use of this Section 4(f) resource is not anticipated at this time.

4.2.7 Doans Creek Property - Martin State Forest

Doans Creek Property is located in Greene County west of the US 231 and I-69 junction near Alternative P and RPA P. It is owned by the State of Indiana and managed by IDNR Division of Forestry as a part of the Martin State Forest. The site was developed by INDOT as a mitigation site for the I-69 project. The property is currently closed to the public. Although it is not currently open to the public, the Doans Creek Property is assumed to be a Section 4(f) resource for planning purposes based on wildlife refuge functions.

While Alternative P and RPA P are in close proximity to the property, no direct impacts to the site are anticipated. Direct use of the resource is not anticipated. At this Tier 1 level of analysis there is no information indicating a possible constructive use of the Doans Creek Property. Use of this Section 4(f) resource is not anticipated at this time.

4.2.8 Huntingburg Trail System

The Huntingburg Comprehensive Plan targets bicycle and pedestrian trails. It includes both existing and planned trails. Only Alternative R impacts these trails. Alternative R would impact slightly more than 2,000 feet of these trails (existing and planned). It is anticipated that Alternative R would result in a Section 4(f) use of the existing trails in Huntingburg. However, the potential use of these resources may not exceed a *de minimis* level. No other Alternatives are in proximity of the Huntingburg Trails and none would result in a Section 4(f) use of these resources.

4.2.9 Jasper Trail System

The Jasper Trail System is managed by the Jasper Parks and Recreation Department and can be found in the Jasper Transportation Plan. The existing paths are not located along the previously studied alternatives or local improvements. A planned segment of the Jasper Multi-Use Pathway follows US 231 from 15th Street to Schuetter Road. Several planned segments cross US 231 within the limits of Local Improvements 3 and 4. Four planned trails and one open trail (Jasper Parklands Perimeter Trail) are within the study corridor of Alternative R. Portions of the property slated for these planned trail segments are already owned by the City of Jasper; however, areas within US 231 right-of-way have not yet been acquired. The planned segments of the trail are assumed to be a Section 4(f) resource along with the existing trail due to public ownership, recreational purpose, and formal designation in the Jasper Transportation Plan. Coordination with Jasper Parks and Recreation Department will be conducted to further evaluate proposed trail status and determine needed accommodations relative to potential future Section 4(f) use.

4.2.10 Dubois County Trail System

The Dubois County Commissioners' Bike and Pedestrian Master Plan provides for a network of bicycle and pedestrian trails throughout Dubois County. Portions of this plan provide for designation of existing roads as bicycle facilities



with no physical alterations other than the addition of signage. This analysis considers only proposed trails for which new construction or physical modifications to existing facilities are planned. Alternatives C, M, O, P and RPA P would impact between approximately 1,300 and 1,600 feet of these proposed trails. Additional parts of this trail system are within a 500- and 1,000-foot proximity of these same alternatives. Three proposed trails are crossed by RPA P. These include the Huntingburg to Ferdinand Trail, SR 162 Shared Use Path and the Dubois County Railroad Trail (Jasper to French Lick). Coordination with the Dubois County Commissioners will be conducted to further evaluate proposed trail status and determine needed accommodations relative to potential future Section 4(f) use. It is anticipated that any potential use of these resources would not exceed a *de minimis* level.

4.2.11 Loogootee Trail System - County Line Trail

County Line Trail to West Boggs Park is a planned trail to connect Loogootee to West Boggs Park to the north. The trails would be owned and managed by the Loogootee Park Board and the City of Loogootee (Loogootee, Indiana Parks and Recreation Master Plan 2021-2025). However, the trail does not currently have funding. Portions of the property for the planned trail segments have not yet been acquired, but the City of Loogootee does own some of the property slated for the planned trail segments. If adequate funding is obtained and the trail planning progresses, the trail will be assumed to be a Section 4(f) resource due to its public ownership, recreational purpose, and designation in the master plan referenced above. Approximately 294 feet of the planned trail is within the working alignment of the western variation for Alternative P around Loogootee, and approximately 4,100 feet of the planned trail is within the working alignment for Local Improvement 8. Approximately 4,184 to 5,800 feet of County Line Trail is within RPA P and approximately 14,829 feet of the trail is within Alternative R. If RPA P or Alternative R is selected, coordination will be conducted with the Loogootee Park Board to determine needed accommodations relative to potential future Section 4(f) use. It is anticipated that any potential use of this resource would not exceed a *de minimis* level. The eastern variations (P3 and P4) of RPA P around Loogootee do not have an impact on the planned trails.

4.2.12 Martin County 4-H Fairgrounds and Speedway

The Martin County 4-H Fairgrounds and Speedway is located in Martin County east of Loogootee near US 50. It is owned by the Martin County 4-H Club Council Inc. It is currently unclear if this is a public entity. The property operates as a 4-H fairground as well as a county community center. The property is adjacent to the Alternative M working alignments. The property is currently not identified to be a general public park or recreation area that would qualify it as a Section 4(f) resource. If the property is determined to be a Section 4(f) resource as a result of further coordination, further evaluation of potential use and avoidance of the property is anticipated. If Alternative M is selected, further coordination will occur to further define the nature of the ownership of the property and park functions to determine if it is a Section 4(f) resource.

4.2.13 Martin State Forest

Martin State Forest is located in Martin County northeast of Shoals. It is owned by the State of Indiana and managed by the IDNR Division of Forestry and consists of 7,863 acres. The property is open to the public and provides recreational opportunities such as hunting, fishing, camping, and picnicking as a multiple-use public land holding. As a publicly owned multiple-use land holding that is open to the public, Martin State Forest may include features that qualify as Section 4(f) resources.

Between 27 acres and 35 acres of Martin State Forest would be impacted by the Alternative M working alignments. No specific park or recreational facilities have been identified within the parcels of Martin State Forest that would likely be impacted by Alternative M. As part of a multiple-use land holding, these parcels provide general recreation opportunities and may provide wildlife or waterfowl refuge function. Based on this, the parcels of Martin State Forest crossed by Alternative M may be identified to be Section 4(f) resources. Due to the location of other Martin State Forest tracts in the vicinity of Alternative M and the proximity of the East Fork White River to the east of



Alternative M, it may be difficult to avoid the Martin State Forest property; however, it may be possible to shift the alignment to the west to avoid use of this resource. At this Tier 1 stage, the properties crossed have been identified as a potential Section 4(f) resource. Based on this preliminary determination there would be a use of this resource with the current alignment. Additional evaluation and coordination with the OWJ will be conducted as the project development process and planning continues if Alternative M is selected. Opportunities to minimize harm or use of this resource have not been precluded by decisions made at this Tier 1 stage.

4.2.14 Milwaukee Road Trail

The Milwaukee Road Trail is a 10.9-mile public rail trail extending from Williams to Bedford through the Hoosier National Forest in Lawrence County. The trail is owned and managed by the Hoosier National Forest and is open to the public. There are plans to extend the trail from Williams to Indian Springs in Martin County. As a publicly owned recreational trail that is open to the public, and that is assumed to be significant unless the official with jurisdiction over it determines that it is not, the Milwaukee Road Trail is a Section 4(f) resource. However, only the planned trail is potentially impacted.

Between 502 feet and 556 feet of the planned extension of the Milwaukee Road Trail would be used by Alternative M. Portions of the property slated for the planned trail segments are already publicly owned. If Alternative M is selected, coordination will be conducted with the Hoosier National Forest to determine needed accommodations relative to potential future Section 4(f) use.

4.2.15 Sultan's Run Golf Course

Sultan's Run Golf Course is located in Dubois County east of Jasper. It is open to the public but privately owned. Thus, it is not protected by Section 4(f).

4.2.16 Wetland Reserve Program Properties

Properties protected with easements through the Natural Resources Conservation Service, Wetlands Reserve Program could be impacted by each Build Alternative. These properties are privately owned and closed to the public and are not protected by Section 4(f).

4.3 Section 4(f) Resources - Historic and Archaeological Resources

Historic properties and archaeological sites that are listed in or are eligible for the National Register of Historic Places (NRHP) are subject to Section 4(f) protection. This Tier 1 evaluation included previously recorded historic and archaeological sites and conducted additional windshield survey evaluations to identify resources that are potentially eligible for the NRHP. Additional analysis, including formal eligibility and effects determinations will be conducted during Tier 2 studies.

Historic properties and documented archaeological sites within 2,000 feet of the new corridor alignments were evaluated for applicability of Section 4(f) protection, potential use, avoidance and minimization. The number of properties are listed in **Tables 4-2 and 4-3**; **Appendix KK** provides additional details. Impacts to cultural resources are described in **Chapter 3.13** and **Appendices N, O, and P**.

Efforts were made to avoid and/or minimize use of Section 4(f) historic resources. Individual historic resources within the 2,000-foot corridor may be avoided by shifting the working alignment during the Tier 2 studies.



4.3.1 Historic Resources

Aboveground historic properties within 2,000 feet of the new alignments were evaluated for Section 4(f) eligibility. Property data were collected using methods outlined in **Chapter 3.13** and the Indiana State Historic Architectural and Archaeological Research Database (SHAARD). A GIS-based proximity analysis was performed to identify properties which may be directly impacted. During Tier 2 studies, alternative footprints will be determined and compared to the boundaries of NHRP-listed and eligible properties. This Tier 1 proximity analysis is an approximate evaluation, appropriate for Tier 1 comparisons of Build Alternatives.

The results of the analysis are listed in **Table 4-2. Table 2** in **Appendix KK** identifies and further evaluates the properties within 500 feet of each Build Alternative.

Analysis of Historic Properties within 2,000 feet of Alternative Working Alignment							
Historic Designation	B	C	M	O	P	RPA P	R
National Historic Landmarks	0	0	0	0	0	0	0
Historic Properties on National Register	0	0	0	0	0	0	2
Potentially Eligible Historic Properties	0	7	4	15	6	5-6	20

Table 4-2: Listed and Potentially Eligible Individual Historic Properties within 2,000 Feet

No currently-listed resources in the NRHP were identified within 2,000 feet of the new alignments with the exception of Alternative R which has two NRHP listed resources in proximity. A total of 57 historic properties that are listed or may be eligible for listing in the NRHP were identified within 2,000 feet of the new alignments. These include no properties in proximity to Alternative B, seven in proximity to Alternative C, four in proximity to Alternative M, 15 in proximity to Alternative O, six in proximity to Alternative P, six in proximity to RPA P and 22 in proximity to Alternative R.

Two properties were identified that may be directly impacted by the previously studied alternatives. These properties were identified as the Morgan C. Keane Farm in Lawrence County (Alternative O), and Orange County Bridge Number 21 in Orange County (Alternative O). Nine additional properties were identified that may be impacted by Alternative R, including one that would also be impacted by RPA P. These properties were identified as three Jasper Residential Historic Districts, Jasper Downtown Historic District, Huntingburg Commercial Historic District and Huntingburg Residential Historic District in Dubois County, as well as Brinegar Chapel in Daviess County (Alternative R). The RPA P2 variation and Alternative R through downtown Loogootee on existing US 231 have two NHRP-eligible resources: Loogootee Commercial Historic District and Loogootee Gymnasium. Impacts to these properties could constitute direct use of Section 4(f) resources. See discussion in **Appendix KK** regarding avoidance alternatives and measures to minimize harm. If Alternative O, Alternative P, RPA P or Alternative R is selected, **Appendix KK** describes considerations including alignment shifts which could avoid these resources. These further considerations to avoid and minimize impacts will be reviewed and implemented during Tier 2.

Additional properties were identified in close proximity, within approximately 500 feet of the alternatives. These properties include the Harbison-Himsel House in Dubois County (Alternative O) and Brinegar Chapel in Daviess County (Alternative P), and Shady Nook Motel in Martin County (Alternative Pe), Gramelspacher-Gutzweiler House, St. Joseph Catholic Church, St. Paul's Evangelical Lutheran Church, Indiana State Police Post and six houses (Alternative R). While direct impacts to the referenced resources are not anticipated, proximity impacts will need additional evaluation. Minimization of these effects through alignment refinement during Tier 2 is anticipated to address this. Any Section 4(f) use associated with these resources is not expected to exceed a *de minimis* level.

Due to the differing level of construction activities associated with the Local Improvements, evaluation for potentially eligible historic properties was conducted separately from the new alignments. Local Improvement 4 is adjacent to seven historic resources and within four historic districts. These are listed in Attachment E to **Appendix O** –



Historic Properties Analysis. The improvements associated with Local Improvement 4 are not anticipated to require additional right of way and include limited construction impacts. If additional right of way is required it is anticipated that it would be limited. Based on the anticipated construction impacts and limited, if any, right of way needs, any Section 4(f) use associated with these improvements is not expected to exceed a *de minimis* level. Additional evaluation will be conducted during Tier 2 to limit any potential Section 4(f) use to *de minimis*.

Local Improvement 15 is in proximity to three historic resources including the Neukam Farm, St. John’s Lutheran Church and Cemetery and a house. The improvements associated with Local Improvement 15 include expansion of the existing highway. No impact to any of these structures is anticipated. Based on the anticipated construction any Section 4(f) use associated with these improvements is not expected to exceed a *de minimis* level. Additional evaluation will be conducted during Tier 2 to limit any potential Section 4(f) use to *de minimis*.

Local Improvement 18 is in proximity to one historic resource, the Dalton Gas Station. The improvements associated with Local Improvement 18 include expansion of the existing highway. No impact to the structure is anticipated. Based on the anticipated construction, any Section 4(f) use associated with these improvements is not expected to exceed a *de minimis* level. Additional evaluation will be conducted during Tier 2 to limit any potential Section 4(f) use to *de minimis*.

4.3.2 Archaeological Resources

Previously recorded belowground archaeological resources within the working alignments were evaluated for Section 4(f) eligibility. Site data were collected using methods outlined in **Chapter 3.13** and SHAARD. A proximity analysis was performed using GIS to identify properties with direct impacts. The results of the analysis are listed in **Table 4-3**.

Archaeological Sites Directly Impacted by Right of Way										
Alternative	Eligible		Potentially Eligible		Not Assessed		Not Eligible		Total	
	Site Count	Impacted Acres	Site Count	Impacted Acres	Site Count	Impacted Acres	Site Count	Impacted Acres	Site Count	Impacted Acres
B	0	0	0	0	11 - 12	9 - 10	13 - 16	2 - 3	24 - 28	11 - 13
C	1	1 - 2	2	2	11 - 15	13 - 20	34 - 44	19 - 23	48 - 62	35 - 47
M	1	1 - 2	6	5 - 6	23 - 27	23 - 32	22 - 31	11 - 13	52 - 65	40 - 52
O	2	1 - 2	2	2	13 - 15	33 - 40	22 - 30	10 - 12	39 - 49	46 - 57
P	1	1 - 2	2	2	14 - 18	13 - 21	25 - 34	11 - 14	43 - 55	28 - 39
RPA P	1	1 - 2	2	2	14 - 18	13 - 21	25 - 34	11 - 14	42 - 55	28 - 39
R	0	0	0	0	8	2	11	3	19	5

Table 4-3: Archaeological Sites Directly Impacted by Right of Way

No archaeological sites within the working alignments have been listed in the NRHP, and only two sites have definitively been determined to be eligible for the NRHP. One site is associated with Alternatives C, M, O, P and RPA P, and the other site is only associated with Alternative O. Additional sites have been identified to be potentially eligible or have not been assessed for NRHP eligibility. Additional recorded sites have previously been determined not eligible for the NRHP. Currently no sites have been identified that would warrant preservation in place and thus result in Section 4(f) use considerations. Further investigation into the eligibility of these sites as well as identification of other potential sites will be undertaken as needed during the Tier 2 studies.



4.4 Section 6(f) Resources

Indiana has received approximately \$90 million in LWCF funds and has acquired over 30,000 acres of land with LWCF assistance. A review of 6(f) properties on the LWCF website at <https://lwcf.tplgis.org/mappast/> did not disclose any 6(f) properties that would be impacted by any of the Tier 1 Build Alternatives. However, a review of the Indiana DNR's database of Managed Lands and the list of Section 6(f) properties on the INDOT Environmental Services website (<https://secure.in.gov/indot/engineering/environmental-services/environmental-policy/>) indicated that Buffalo Pond Nature Preserve and Daviess-Martin County Park (West Boggs Park) have both received LWCF funding. Section 6(f) does not allow conversion of lands purchased or developed with LWCF funds to a non-recreation use unless approved by the Secretary of the Interior. Further consultation with the National Park Service and the IDNR Division of Outdoor Recreation to determine the significance of this funding will be conducted as part of the Tier 2 studies. This coordination will also identify specific elements of the properties that received LWCF funds or if the funding was applied to the entire property for evaluation of potential conversion concerns.

4.5 Summary

The purpose of this section is to provide preliminary Tier 1 determinations about the potential for Build Alternatives to use Section 4(f) protected resources, as well as the potential for avoiding and minimizing harm to those resources during Tier 2 studies. This Tier 1 Section 4(f) evaluation process considered previously catalogued natural and cultural properties to perform a determination appropriate for a Tier 1 Study. Tier 2 studies will further evaluate these resources for the selected alternative, evaluate any additional resources identified and further consider avoidance and minimization options to comply with the provisions of Section 4(f).

4.5.1 Parks, Recreation Areas, Wildlife or Waterfowl Refuges

- If RPA P or Alternative R is selected, INDOT will engage in joint development activities with the owners of West Boggs Park.
- Alternative M is likely to result in an impact to Martin State Forest. Based on preliminary evaluation identifying this property as a potential Section 4(f) resource, a use of this resource is anticipated from these impacts. Additional coordination with the manager of Martin State Forest will be conducted to further evaluate avoidance and minimization for this resource if Alternative M is selected.
- If RPA P is selected, INDOT will engage in joint development activities with Dubois County regarding the future Dubois County Trail System development.
- If RPA P is selected, INDOT will engage in joint development activities with Jasper regarding the future Jasper Trail System development.
- If RPA P or Alternative R is selected, INDOT will engage in joint development activities with the owner of the future Loogootee Trail System.
- If Alternative M is selected, INDOT will engage in joint development activities with the owner of the future Milwaukee Road Trail project.

4.5.2 Historic and Archaeological Sites

- RPA P is within approximately 500 feet of seven potential Section 4(f) historic resources. These include Log House #372 and St. Paul's Evangelical Lutheran Church in Dubois County; Brinegar Chapel and Frank Cunningham House (RPA P1 only) in Daviess County; and Shady Nook Motel (RPA P4 only), Loogootee Gymnasium (RPA P2 only) and Loogootee Commercial Historic District (RPA P2 only) in Martin County. **Appendix KK** identifies measures to minimize harm which should be undertaken for RPA P. Any Section 4(f) use associated with these resources is not expected to exceed a *de minimis* level.



- Alternative O could impact three potential Section 4(f) resources. These are the Morgan C. Keane Farm in Lawrence County, Orange County Bridge Number 21 in Orange County and the Harbison-Himsel House in Dubois County. **Appendix KK** identifies measures to minimize harm which should be undertaken if Alternative O is selected.
- Alternative R could impact up to twenty-two potential Section 4(f) properties, including seven historic districts. Alternative R would take right of way from 2 NRHP listed historic districts (Jasper Downtown Historic District and Huntingburg Commercial Historic District), and would require the removal of contributing and potentially eligible structures within these districts as well as other districts along with individually eligible resources. These impacts are expected to constitute a use of Section 4(f) resources if Alternative R were developed.
- Each Build Alternative would result in direct impacts to archaeological sites, whose NHRP eligibility has not yet been determined.
- Alternative M would result in the direct impact of a potentially eligible archaeological site.
- Impacts to archaeological properties may constitute direct use of Section 4(f) resources if found eligible for listing in the NRHP and warrant preservation in place for archaeological resources. Further investigation into the eligibility of these sites for inclusion in the NRHP is chiefly important for the information that could be gained from data recovery that will be undertaken during the Tier 2 studies.

