Annual Report on the *Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Indiana State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Management and Preservation of Indiana's Historic Bridges* (Historic Bridge PA)

Prepared by
the Cultural Resources Office,
Environmental Services,
Indiana Department of Transportation

Prepared for
the Indiana Historic Bridge Task Group (Task Group)

January 28, 2011

The following report is being submitted to the Indiana Historic Bridge Task Group (Task Group) per Stipulation IV.C of the *Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Indiana State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Management and Preservation of Indiana's Historic Bridges* (Historic Bridge PA). Stipulation IV.C states, in part, that "INDOT will prepare an annual report that will include a list of Select and Non-Select Bridges that have been processed during the previous calendar year pursuant to this Agreement and the scope of each project. INDOT will submit this report on or before January 31 of each year to the Task Group."

The following report lists the bridges for which the Indiana Department of Transportation (INDOT) Cultural Resources Office (CRO) has knowledge of actions taking place from January 2010 through January 2011. This document is a reflection of how CRO understands items to stand through January 28, 2011. Please forward any comments or revisions to Mary Kennedy via email: mkennedy@indot.in.gov

Historic Bridge PA - Annual Update - Actions Taken - Jan 2010 through Jan 2011

Bridge	Action Taken	Support Documentation	Additional Comments
INDOT Bridge No. (231)157-28-03525 (NBI No. 27860), US 231 over Doan's Creek, Greene County	Changed to not NRHP eligible; removed from Select/Non-Select list	Report & Addendum Report from Weintraut & Associates (May & June 2010); signed determination of not NRHP eligible from FHWA, SHPO & INDOT dated June 29, 2010 (see Attachment 1)	December 2010 Select/Non-Select List does not include this bridge at all
INDOT Bridge No. (231)157-28-03526 (NBI No. 27870), US 231 over Branch Doan's Creek, Greene County	Changed to not NRHP eligible; removed from Select/Non-Select list	Report & Addendum Report from Weintraut & Associates (May & June 2010); signed determination of not NRHP eligible from FHWA, SHPO & INDOT dated June 29, 2010 (see Attachment 1)	December 2010 Select/Non-Select List does not include this bridge at all
INDOT Bridge No. (231) 157-28-03527 (NBI No. 27880), US 231 over Bogard Creek, Greene County	Changed to not NRHP eligible; removed from Select/Non-Select list	Report & Addendum Report from Weintraut & Associates (May & June 2010); signed determination of not NRHP eligible from FHWA, SHPO & INDOT dated June 29, 2010 (see Attachment 1)	December 2010 Select/Non-Select List does not include this bridge at all
INDOT Bridge No. 31-36-1775C (NBI No. 9210), US 31 over Sand Creek, Jackson County	Changed to not NRHP eligible; removed from Select/Non-Select list	SHPO letter dated May 5, 2005 says bridge is not NRHP eligible (see Attachment 2); Historic Bridge PA Stipulation IV.H invoked	December 2010 Select/Non-Select List does not include this bridge at all
Wayne Co. Bridge No. 173 (NBI No. 8900126), Mineral Springs Road over Greens Fork River, Wayne County	Changed from Select to Non-Select	MOA executed in December 2010 to change Bridge #173 from Select to Non-Select & change Bridge #197 from Non-Select to Select (See Attachment 3)	December 2010 Select/Non-Select List classifies this bridge as Non-Select; FHWA determined rehab of #173 is not prudent & feasible; individual review shows #173 is Non-Select; County committed to preserving #197 instead
Wayne Co. Bridge No. 197 (NBI No. 8900147), Turnpike Road over Nettle Creek, Wayne County	Changed from Non-Select to Select	MOA executed in December 2010 to change Bridge #173 from Select to Non-Select & change Bridge #197 from Non-Select to Select (See Attachment 3)	December 2010 Select/Non-Select List classifies this bridge as Non-Select; FHWA determined rehab of #173 is not prudent & feasible; individual review shows #173 is Non-Select; County committed to preserving #197 instead

Bridge	Action Taken	Support Documentation	Additional Comments
INDOT Bridge No. 039-55-03108B (NBI No. 13110), SR 39 over the White River, Martinsville, Morgan County	Removed from Select/Non-Select list; bridge is currently being replaced (still in use until new bridge is finished in 2011).	MOA executed in November 2009 for this bridge's replacement (See Attachment 4)	December 2010 list classifies this bridge as "Select/Non-Select determination not required"; Due to MOA signed in late 2009, no Select/Non-Select determination was needed.
INDOT Bridge No. 052-24-00825 (NBI No. 19420), US 52 over Butlers Run, Brookville, Franklin County	Changed to not NRHP eligible; removed from Select/Non-Select list	SHPO letter dated February 20, 2004 says bridge is not NRHP eligible (see Attachment 5); Historic Bridge PA Stipulation IV.H invoked	December 2010 Select/Non-Select List does not include this bridge at all
INDOT Bridge No. 024-91-03731B (NBI No. 5940), US 24 over the Tippecanoe River, Monticello, White County	Removed from Select/Non-Select list; bridge is going to be replaced. Due to MOA signed in late 2009, no Select/Non-Select determination was needed.	MOA executed in December 2009 for this bridge's replacement (See Attachment 6)	December 2010 list classifies this bridge as "Select/Non-Select determination not required"; Due to MOA signed in late 2009, no Select/Non-Select determination was needed.
INDOT Bridge No. 055-86-03502B (NBI No. 19740), SR 55 over Big Pine Creek, Warren County	Section 106 process for replacement of this Non-Select bridge concluded under the HBPA procedures	Finding of "adverse effect" dated 11/4/10; SHPO concurrence letter dated 12/6/10 (See Attachment 7)	INDOT Des. No. 0800834; SHPO letter of 1/18/11 asks for photodocumentation of bridge to be submitted to the Indiana Memory Project
Allen Co. Bridge No. 546 (NBI No. 0200273), State Blvd. over Spy Run Creek, Ft. Wayne, Allen County	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0400587; per request of American Structurepoint, bridge posted to INDOT Marketing website on 2/26/10; no major activity noted since that time
Hendricks Co. Bridge No. 272 (NBI No. 3200214), CR 550 W over Conrail Railroad, Hendricks County	Section 106 process for replacement of this Non-Select bridge concluded under the HBPA procedures	Finding of "adverse effect" dated 4/8/10; SHPO concurrence letter dated 5/12/10 (See Attachment 8)	INDOT Des. No. 0800717

Bridge	Action Taken	Support Documentation	Additional Comments
INDOT Bridge No. 33-20-3906A (NBI No. 10970), US 33 over the Elkhart River, Elkhart County	Section 106 process for rehabilitation of this Non-Select bridge concluded under the HBPA procedures	Finding of "adverse effect" dated 1/15/10; SHPO concurrence letter dated 4/26/10 (See Attachment 9)	INDOT Des. No. 0101525; SHPO letter of 4/26/10 asks for photodocumentation of bridge pursuant to the State of Indiana Minimum Architectural Documentation Standards
Putnam Co. Bridge No. 137 (NBI No. 6700122), CR 100 E over Big Walnut Creek, Putnam County	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 9982470; per request of County Commissioner Baird, bridge posted to INDOT Marketing website on 4/23/10; no major activity noted since that time
INDOT Bridge No. (12)912-45-02352D (NBI No. 33080), SR 912 over Gary Avenue & E.J.E. Railroad, Lake County	Section 106 process for rehabilitation of this Non-Select bridge concluded under the HBPA procedures	Finding of "adverse effect" dated 8/9/10; SHPO concurrence letter dated 9/15/10 (See Attachment 10)	INDOT Des. No. 0201063; SHPO letter of 9/15/10 asks for no photodocumentation of bridge
Floyd Co. Bridge No. 23 (NBI No. 2200022), John Pectol Rd. over Big Indian Creek, Floyd County	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 8676620; SHPO currently reviewing alternatives analysis information
INDOT Bridge No. 252-55-01968 (NBI No. 30720), SR 252 over Long Run Creek, Morgan County	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0401165; per request of Northwest Consultants, bridge posted to INDOT Marketing website on 6/14/10; no major activity noted since that time
Parke Co. Bridge No. 72 (NBI No. 6100059), CR 600 W over Big Racoon Creek	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0800716; per request of ASC Group, bridge posted to INDOT Marketing website on 10/19/10; no major activity noted since that time
Parke Co. Bridge No. 248 (NBI No. 6100218), CR 1200 E over Conrail Railroad	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0900839; per request of Beam, Longest & Neff, bridge posted to INDOT Marketing website on 10/19/10; no major activity noted since that time

Bridge	Action Taken	Support Documentation	Additional Comments
INDOT Bridge No. 052-79-01784EEBL (NBI No. 19010), US 52 over the Wabash River & SR 43 (River Road), Tippecanoe County	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0400774; Consulting party invitation and HPR sent out on 12/28/10
Pike Co. Bridge No. 147 (NBI No. 6300100), CR 350 E over the Patoka River, Pike County	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0902251; Consulting party invitation sent out on 11/1/10
INDOT Bridge No. 017-09-04177A (NBI No. 4410), SR 17 (Third St.) over the Eel River, Logansport, Cass County	Final rehabilitation plans submitted to SHPO for review on 12/17/10	SHPO letter of 1/18/11 states that submitted plans satisfy Stipulation II of the 2007 MOA (See Attachment 11)	INDOT Des. No. 9300840; Per 2007 MOA for rehabilitation of this Non-Select Bridge, final plans were to be submitted to SHPO for approval
INDOT Bridge No. 027-89-03748 (NBI No. 7210), US 27 over the Whitewater River, Richmond, Wayne County	Section 106 process for rehabilitation of this Non-Select bridge concluded under the HBPA procedures	Finding of "adverse effect" dated 7/21/10; SHPO concurrence letter dated 8/5/10 (See Attachment 12).	INDOT Des. No. 9702981; SHPO letter of 11/8/10 asks for photodocumentation of bridge to be submitted to the Indiana Memory Project
INDOT Bridge No. 046-11-03116A (NBI No. 17050), SR 46 Bridge over Eel River, Clay County	Section 106 process for project involving this Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0800910; Consulting party invitation and HPR sent out on 8/24/10
Delaware Co. Bridge No. 85 (NBI No. 1800070), CR 800 E over the Mississinewa River, Delaware County	Section 106 process for project involving this Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0500078; HPR and alternatives analysis sent to consulting parties on 11/19/10
Shelby Co. Bridge No. 13 (NBI No. 7300013), CR 875 W over Buck Creek, Shelby County	Select Bridge closed to traffic in January 2011	Online newspaper article about closure: http://www.shelbynews.com/articles/2011/01/14/news/doc4d2f8ced111fa155455492.txt (See Attachment 13)	INDOT CRO notified of closure by local citizen

Bridge	Action Taken	Support Documentation	Additional Comments
Crawford Co. Bridge No. 123 (NBI No. 1300067), Main St. over Blue River, Milltown, Crawford-Harrison County Line	Select Bridge replaced with new structure (with local funds)	Online newspaper article about replacement: http://www.corydondemocrat.com/Articles-i-2010-07-13-216042.114125-Milltown-celebrates-as-bridge-opens.html (See Attachment 14)	INDOT CRO notified of replacement by Vice-President of the Town of Milltown
Carroll Co. Bridge No. 181 (NBI No. 0800119), Towpath Rd. over Burnetts Creek, Carroll County	Section 106 process for rehabilitation of this Select bridge concluded under the HBPA procedures	Finding of "no adverse effect" dated 12/14/10; will be distributed to consulting parties soon	INDOT Des. No. 0401192
Medora Covered Bridge (NBI No. XX012), Bypassed SR 235 over the E. Fork of the Whitewater River, Jackson County	Rehabilitation of this Select bridge nearing completion	Local website tracks progress of project: http://www.medoracoveredbridge.com/Updates.html	INDOT Des. No. 0101359
Lawrence Co. Bridge No. 128 (NBI No. 0201239), Huron-Williams Road over the E. Fork of White River, Lawrence County	MOA executed to continue stipulations from expired 2004 MOA	2010 MOA (See Attachment 15)	INDOT Des. No. 0201239
Jennings Co. Bridge No. 25 (NBI No. 4000024), CR 575 W over Sand Creek, Jennings County	Section 106 process for project involving this Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0101263; HPR and alternatives analysis sent to consulting parties on 11/30/10
Warrick Co. Bridge No. 271 (NBI No. 8700123), Yankeetown Rd. over Little Pigeon Creek, Warrick County	Section 106 process for rehabilitation of this Select bridge concluded under the HBPA procedures	Finding of "no adverse effect" dated 7/29/10; SHPO concurrence letter dated 8/25/10 (See Attachment 16)	INDOT Des. No. 9982660
Pulaski Co. Bridge No. 291 (NBI No. 6600152), CR 625 E over the Tippecanoe River, Pulaski County	Section 106 process for rehabilitation of this Select bridge concluded under the HBPA procedures	Finding of "adverse effect" dated 6/14/10; SHPO concurrence letter dated 7/8/10 (See Attachment 17)	INDOT Des. No. 0301024

Bridge	Action Taken	Support Documentation	Additional Comments
Marion Co. Bridge 1803F (NBI No. 4900142), College Ave. over Fall Creek, Indianapolis, Marion County	Section 106 process for a project involving this Select Bridge concluded	Finding of "no adverse effect" dated 5/24/10; SHPO concurrence letter dated 8/18/10 (See Attachment 18)	INDOT Des. No. 9880710
Marion Co. Bridge 1804F (NBI No. 4900143), Central Ave. over Fall Creek, Indianapolis, Marion County	Section 106 process for a project involving this Select Bridge concluded	Finding of "no adverse effect" dated 5/24/10; SHPO concurrence letter dated 8/18/10 (See Attachment 18)	INDOT Des. No. 9880710
Marion Co. Bridge No. 1123F (NBI No. 4900638), Meridian St. over IWC Canal, Indianapolis, Marion County	Section 106 process for a project involving this Select Bridge concluded	Finding of "no adverse effect" dated7/6/10; SHPO concurrence letter dated 11/18/10 (See Attachment 19)	INDOT Des. No. 0901706
Marion Co. Bridge No. 1111L (NBI No. 4900078), Illinois St. over IWC Canal, Indianapolis, Marion County	Section 106 process for a project involving this Non-Select Bridge concluded	Finding of "no adverse effect" dated7/6/10; SHPO concurrence letter dated 11/18/10 (See Attachment 19)	INDOT Des. No. 0901706
Marion Co. Bridge No. 3108F (NBI No. 4900296), Morris St. over the White River, Indianapolis, Marion County	Section 106 process for rehabilitation of this Select bridge concluded	Finding of "no adverse effect" dated 1/25/10; SHPO concurrence letter dated 2/11/10 (See Attachment 20)	INDOT Des. No. 0900010
Wabash Co. Bridge No. 645 (NBI No. 8500685), Mill St. over Eel River, North Manchester, Wabash County	Section 106 process for rehabilitation of this Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0710686; consultation about rehab plans ongoing
Madison Co. Bridge 123 (NBI No. 4800107), CR 600 W over the White River, Madison County	Section 106 process for project involving this Non-Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. 0801065; consultation about rehab plans ongoing
INDOT Bridge No. 042-11-03101A (NBI No. 15790), SR 42 over the Eel River, Clay County	Review of 100% State-funded project under State law concluded	SHPO determination letter for project under State law dated 10-29-10 (See Attachment 21)	INDOT Des. No. 1006092

Historic Bridge PA - Annual Update - Actions Taken - Jan 2010 through Jan 2011

Bridge	Action Taken	Support Documentation	Additional Comments
INDOT Bridge No. 046-11-03116A (NBI No. 17050), SR 46 Bridge over Eel River, Clay County	Section 106 process for rehabilitation of this Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. #0800910; consulatation about rehab plans ongoing
Marion Co. Bridge No. 1109L (NBI No. 4900076), Guilford Ave. over the IWC Canal, Indianapolis, Marion County	Section 106 process for rehabilitation of this Select bridge in progress under the HBPA procedures	Nothing of note to include with this report	INDOT Des. No. Not Yet Assigned; general notification of project sent on 8/26/10; no major activity noted since that time

INDIANA DEPARTMENT OF TRANSPORTATION
Driving Indiana's Economic Growth

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Mitchell E. Daniels, Jr., Governor
Michael B. Cline, Commissioner

MEMORANDUM

June 29, 2010

To: Mr. Robert Tally, FHWA
Robert E. Carter, Jr, SHPO

From: INDOT--Cultural Resources Section

RE: Final Determination of NRHP Eligibility for US 231 Bridges

This memo serves as the final determination of the eligibility of Bridge (231)157-28-03525/NBI No. 27860 (Over Doan's Creek), Bridge (231)157-28-03526/NBI No. 27870 (Over Doan's Creek Branch), and Bridge (231) 157-28-03527/NBI No. 27880 (Over Bogard Creek), collectively US 231 bridges, for the National Register of Historic Places (NRHP). Research was conducted to establish the final determination of the eligibility of the bridges in the reports entitled *Report Regarding the Determinations of Eligibility for US 231 Bridges (Report)* and *Addendum* published June 24, 2010. The report was published on May 7, 2010 for comment by June 11, 2010. One comment was received. Based upon this comment, additional studies were conducted to confirm the findings of the original report.

The recommendation presented in the *Report* is that the US 231 bridges are not eligible to the NRHP. This recommendation is supported by the additional research presented in the *Addendum*. Based on these findings, FHWA and INDOT, with the concurrence of the Indiana State Historic Preservation Officer, have concluded that the US 231 Bridges are not eligible for the National Register of Historic Places, and recommend their removal from the *Indiana Historic Bridge Inventory*.

By signature of this Memo, FHWA, INDOT, and SHPO hereby affirm their approval of this eligibility determination, dated June 29, 2010.

for Robert R. Tally

Michael B. Cline
Commissioner
Indiana Department of Transportation

Robert F Tally Jr

Robert F. Tally, Jr., PE
Division Administrator
Federal Highway Administration-Indiana Division

for James C. Carter 6/29/2010

Robert E. Carter, Jr.
State Historic Preservation Officer
Indiana Department of Natural Resources

Attachment 1

DNR Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov

Mitchell E. Daniels, Jr., Governor
Kyle J. Hupfer, Director

May 5, 2005

Trevor M. Wieseke
Environmental Analyst
Beam, Longest & Neff, LLC
8126 Castleton Road
Indianapolis, Indiana 46250

Federal Agency: Federal Highway Administration ("FHWA")

Re: Additional project information for US 31 improvements from US 50 to CR 50 North and information regarding the replacement of Bridge #31-36-1775C which carries US 31 over Sand Creek (Project #STP-4703[ ]; Designation #0014750, 0014820, 0100359, 0200816, 0200817, 0200818, 0200820, 0300117)

Dear Mr. Wieseke:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated March 23, 2005, and received on March 24, 2005, for the above indicated project in Jackson, Redding, Sand Creek, Rock Creek, and Clay townships, Bartholomew and Jackson counties, Indiana.

Thank you for providing the additional information we requested in our letter dated September 7, 2004. Based upon the information provided and the documentation available to our office, we do not believe that Bridge #31-36-1775C is individually eligible for inclusion in the National Register of Historic Places.

With respect to the Morton Hall and Charles Lindley Farms, based upon the information provided, it does not appear that there will be alterations to the characteristics that make the properties eligible for the National Register. However, we are concerned about the amount of right-of-way that will be taken from the properties, especially given that the aerials provided appear to bring the roadway much closer to the buildings. Although we understand that detailed plan sheets are not currently available, if possible, please draw the proposed placement of the new road and right-of-way on photographs to enable us to better visualize the potential impacts to the buildings.

Be advised that if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In the event that artifacts or features are discovered during the implementation of the Federally assisted project, activity, or program and a plan has not been developed, it is the Federal agency's responsibility to make reasonable efforts to avoid, minimize or mitigate adverse effects in accordance with 36 C.F.R. § 800.13.

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Christopher Koeppel. Questions about historic buildings or structures pertaining to this project should be directed to Karie A. Brudis.

Very truly yours,

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:kab

cc: Robert F. Tally, Division Administrator, Federal Highway Administrator
emc: Greg Sekula, Director, Southern Regional Office, Historic Landmarks Foundation of Indiana

Attachment 2

AMENDED MEMORANDUM OF AGREEMENT
BETWEEN FEDERAL HIGHWAY ADMINISTRATION AND
THE INDIANA STATE HISTORIC PRESERVARTION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 C.F.R. § 800.6 (b)(iv) & 36 C.F.R. § 800.6(c)(7)
REGARDING THE REPLACEMENT OF WAYNE COUNTY BRIDGE NO. 141
CARRYING GOOSE HEAVEN ROAD OVER THE WHITEWATER RIVER
IN JACKSON TOWNSHIP, WAYNE COUNTY, INDIANA

WHEREAS the Federal Highway Administration (FHWA) funded the replacement of Wayne County Bridge No. 141 carrying Goose Heaven Road over the Whitewater River in Jackson Township, Wayne County, Indiana; and

WHEREAS the FHWA, in consultation with the Indiana State Historic Preservation Officer (Indiana SHPO), has defined this bridge replacement project's area of potential effects, as the term is defined in 36 C.F.R. § 800.16 (d), to be the area within a ¼ mile radius centered around Wayne County Bridge No. 141; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has found that Wayne County Bridge No. 141 was within the area of potential effects; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. § 800.4 (c), that Wayne County Bridge No. 141 was eligible for inclusion in the National Register of Historic Places; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, determined, pursuant to 36 C.F.R. § 800.5 (a), that the Wayne County Bridge No. 141 Replacement Project had an adverse effect on Wayne County Bridge No. 141; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and its implementing regulations (36 C.F.R. Part 800) to resolve the adverse effect of the Wayne County Bridge No. 141 Replacement Project on Wayne County Bridge No. 141; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited the Board of Commissioners of Wayne County (Commissioners) and the Indiana Department of Transportation (INDOT) to participate in the consultation and to concur in this memorandum of agreement; and

WHEREAS the FHWA, the Indiana SHPO, INDOT and the Commissioners executed a memorandum of agreement in September, 2002 taking into account adverse effects on Wayne County Bridge No. 141 and committing to rehabilitation of Wayne County Bridge No. 173 which carries Mineral Springs Road over Greens Fork Creek in Clay Township, Wayne County, Indiana; and

WHEREAS the demolition and replacement of Wayne County Bridge No. 141 has been completed; and

WHEREAS stipulations I.1. through I.6. of the 2002 memorandum of agreement pertained to the preservation and rehabilitation of Wayne County Bridge No. 173 for either vehicular or non-vehicular use as long as such use was safe or until Wayne County Bridge No. 173 was bypassed; and

WHEREAS the same parties agree that rehabilitation of Wayne County Bridge No. 173 for non-vehicular use is now not a prudent expenditure of funds due to this bridge's deteriorated condition, as detailed in 2010 engineering assessment documents; and

WHEREAS the same parties agree that an amendment to the 2002 memorandum of agreement should be executed and that this amended memorandum of agreement shall supersede the 2002 memorandum of agreement;

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. § 800.11 (e) and (f), to the Advisory Council on Historic Preservation ("Council" pursuant to 36 C.F.R. § 800.6 [b][1][iv]) and upon the FHWA's approval of the undertaking, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effects of this undertaking on historic properties:

I. MITIGATION

The FHWA provided federal funds for the replacement of Wayne County Bridge No. 141, and the FHWA shall ensure that the following stipulations are implemented:

A. Wayne County Bridge No. 197, carrying Turnpike Road over Nettle Creek in Jefferson Township, Wayne County, Indiana, shall be preserved to mitigate the adverse effect of the loss of Wayne County Bridge No. 141. The Commissioners shall maintain Wayne County Bridge No. 197 for vehicular use until it is determined to be unsafe for vehicular use. The Commissioners shall then rehabilitate Wayne County Bridge No. 197 for vehicular traffic.

B. The Commissioners shall include the Wayne County Bridge No. 197, as long as it is open to vehicular use, as part of the routine inspection approximately every two years in accordance with the National Bridge Inspection Standards established by the Federal-Aid Highway Act of 1968 and perform the repairs that are deemed necessary.

C. If, in the future, the maintenance of Wayne County Bridge No. 197 is called into question, the Commissioners shall be prepared to present clear evidence through accurate record keeping that the bridge has been regularly maintained. The records shall include the identification of problems (e.g., structural failures, broken joints, damage to connections, rust

and other signs of deterioration), date in which problems are corrected, and the treatment method.

D. The Commissioners shall make a good faith and continuing effort to secure additional funds for further maintenance, repair and rehabilitation work, as needed, on Wayne County Bridge No. 197, and be prepared to document this effort if called into question in the future.

II. OBJECTION RESOLUTION PROVISION

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

A. If the Indiana SHPO or any invited signatory to this MOA should object in writing to the FHWA regarding any action carried out or proposed with respect to the Wayne County Bridge No. 141 Replacement Project or implementation of this MOA, then the FHWA shall consult with the objecting party to resolve the objection. If after initiating such consultation, the FHWA determines that the party to resolve the objection. If after initiating such consultation, the FHWA determines that the objection cannot be resolved thought the consultation, then the FHWA shall forward all documentation relevant to the objection to the Council, including the FHWA's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

1. Provide the FHWA with a staff-level recommendation, which the FWHA shall take into account in reaching a final decision regarding it response to the objection; or

2. Notify the FHWA that the objection will be referred for formal comment pursuant to 36 C.F.R. § 800.7 (c), and to proceed to refer the objection and comment. The FHWA shall take into account the Councils comments in reaching a final decision regarding its response to the objection.

B. If comments from the Council are provided in accordance with stipulation II.A. of this memorandum of agreement, then the FHWA shall take into account any Council comment provided in accordance with 36 C.F.R. § 800.7 (a)(4) with reference only to the subject of objection. The FHWA's responsibility to carry out all actions under this memorandum of agreement that are not the subjects of the objection shall remain unchanged.

III. POST REVIEW DISCOVERY

In the event that one or more historic properties-other than Wayne County Bridge No. 141-are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the FHWA shall follow the procedure specified in 36 C.F.R. § 800.13, as well as IC 14-21-1-27 and IC 14-21-1-29, by stopping work

in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Section of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1, 312 IAC 21, and 312 IAC 22 and the most current Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites.

IV. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. § 800.6 (c)(7) shall govern the execution of any such amendment.

V. TERMINATION

A. Any signatory to the memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to see agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 C.F.R. §§ 800.3 through 800.7 with regard to the review of the Wayne County Bridge No. 141 Replacement Project.

B. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. §§ 800.3 through 800.7 with regard to the review of the Wayne County Bridge No. 141 Replacement Project.

The execution of this memorandum of agreement by the FHWA, the Indiana Department of Transportation, the Commissioners, and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. § 800.11 (e) and (f), and the implementation of its terms evidence that the FWHA has afforded the Council an opportunity to comment on the Wayne County Bridge No. 141 Replacement Project and its effect on historic properties and that the FHWA has taken into account the effects of the Wayne County Bridge No. 141 Replacement Project on historic properties.

SIGNATORIES:

FEDERAL HIGHWAY ADMINISTRATION

Signed By: Lawrence M. Hall

Date: 12-16-2010

for Name and Title: Robert F. Tally, Jr., P.E., Division Administrator
by Lawrence M. Hall, FHWA Environmental Specialist

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed By: James A. Glass

Date: 12-16-2010

Name and Title: James A. Glass, Ph.D, Deputy State Historic Preservation Officer

INDIANA DEPARTMENT OF TRANSPORTATION

Signed By: David B. Holtz

Date: 17 December 2010

Name and Title: David B. Holtz, Deputy Commissioner of Engineering Services and Design Support

Attachment 3

WAYNE COUNTY COMMISSIONERS

Signed By:_____
Date: December 22, 2010
Name and Title: Ken Paust

Signed By:_____
Date: December 22, 2010
Name and Title: Denny Burns

Signed By:_____
Date: December 22, 2010
Name and Title: Doug Williamson

Attachment 3

MEMORANDUM OF AGREEMENT

BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND

THE INDIANA STATE HISTORIC PRESERVATION OFFICER

SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

PURSUANT TO 36 C.F.R. Section 800.6(b)(iv)

REGARDING THE SR 39 BRIDGE OVER WHITE RIVER REPLACEMENT

IN JEFFERSON AND WASHINGTON TOWNSHIPS,
WEST OF MARTINSVILLE, MORGAN COUNTY, INDIANA
DES. NO.: 0600731

WHEREAS the Federal Highway Administration ("FHWA") proposes to demolish the existing two-lane SR 39 Bridge over White River (INDOT Structure #39-55-3108B and NBI #013110) for replacement with a new four-lane SR 39 over White River, located west of Martinsville, in Jefferson and Washington Townships, Morgan County, Indiana; and

WHEREAS the FHWA, in consultation with the Indiana State Historic Preservation Officer ("SHPO"), has defined this SR 39 Bridge over White River Replacement's area of potential effects, as the term defined in 36 C.F.R. Section 800.16(d), to be the approximately 5,300 feet wide by 6,300 feet long area one-fourth of a mile north and west of SR 67, one-half mile from either side of the centerline of SR 39, and three-quarters of a mile down SR 39 from the south side of the White River Bridge; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has found that 1) SR 39 Bridge over White River and 2) Old SR 39 (Site #12Mg419) are within the area of potential effects; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. Section 800.4(c), that 1) SR 39 Bridge over White River and 2) Old SR 39 are eligible for inclusion in the National Register of Historic Places;

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined pursuant to 36 C.F.R. Section 800.5(a) that the SR 39 Bridge over White River Replacement will/may have an adverse effect on 1) SR 39 Bridge over White River and 2) Old SR 39; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Section 800) to resolve the adverse effect on 1) SR 39 Bridge over White River and 2) Old SR 39; and

Attachment 4

WHEREAS the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on July 16, 2009 in the *Martinsville Reporter*; and

WHEREAS the FHWA has notified the Advisory Council on Historic Preservation of the adverse effect and invited the Council's participation in the project, pursuant to 36 CFR Section 800.6(a)(1), in a letter dated September 23, 2009; and

WHEREAS the Advisory Council on Historic Preservation declined to participate in consultation in a letter dated October 22, 2009; and

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Section 800.11(e) and (f) to the Advisory Council on Historic Preservation ("Council" pursuant to 36 C.F.R. Section 800.6[b][1][iv]) and upon the FHWA's approval of the SR 39 Bridge over White River Replacement, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the SR 39 Bridge over White River Replacement on historic properties.

Stipulations

I. The following mitigation measures will be completed.

A. Before construction activities begin for the SR 39 Bridge over White River, INDOT will undertake photographic and written documentation of the structure. This documentation shall be in accordance with the current State of Indiana Minimum Architectural Documentation Standards. INDOT shall contact the SHPO in writing to determine the appropriate standards to utilize before undertaking photographic documentation. INDOT will submit the completed photographic documentation to the SHPO for review and approval before construction activities begin. The SHPO will reply within thirty (30) calendar days.

B. INDOT will provide a historic site marker for the City of Martinsville. The historic site marker will explain the history of the river crossing, including the existing historic SR 39 Bridge. The proposed location, design, and context (text and illustration) of the interpretive signage will be provided to the SHPO and consulting parties at 95 percent completion for review and comment. If the SHPO does not respond within thirty (30) days of receipt of the information, acceptance will be assumed. If the SHPO responds with recommendations, a good faith effort to accommodate the recommendations will be made and revised information will be provided to the SHPO. The SHPO will have thirty (30) days, after receipt of the revised information, to review and comment. INDOT will inform the SHPO and the consulting parties of its response to such comments.

C. Site 12Mg419, consisting of the Old SR 39 brick roadbed, will be archaeologically documented following standard procedures and methodologies.

Attachment 4

Portions of the site will be excavated in an effort to record the construction history of Old SR 39 and adjacent curbs and sidewalks. All archaeological investigations will be conducted according to the Secretary of the Interior's Standards and Guidelines for Archaeology, Indiana Code 14-21-1, 312 IAC 21, 312 IAC 22, and the most current Indiana Guidebook for Indiana Historic Sites and Structures Inventory—Archaeological Sites. A sample of the bricks from site 12Mg419 will be curated at a facility meeting the curation standards in 36 C.F.R. Part 79 with the remainder made available first to interested historical and preservation groups or facilities, and then to the City of Martinsville for use in the restoration of brick residential streets.

D. INDOT, or INDOT's agent, will, within three years following the signing of this MOA will prepare and seek a National Register of Historic Places nomination for Old SR 39.

E. INDOT will consider incorporating bridge railing with openings providing a view of the White River during design of the replacement bridge. Any application of bridge railing with openings providing a view of the White River will be subject to INDOT safety standards and design review. A decision regarding the railing will be relayed to consulting parties prior to completion of final design.

II. OBJECTION RESOLUTION PROVISION

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

A. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the FHWA regarding any action carried out or proposed with respect to the SR 39 Bridge over White River Replacement or implementation of this memorandum of agreement, then the FHWA shall consult with the objecting party to resolve this objection. If after such consultation the FHWA determines that the objection cannot be resolved through consultation, then the FHWA shall forward all documentation relevant to the objection to the Council, including the FHWA's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

   i. Provide the FHWA with a staff-level recommendation, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or

   ii. Notify the FHWA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. The FHWA shall take into account the Council's comments in reaching a final decision regarding its response to the objection.

B. If comments or recommendations from the Council are provided in accordance with this stipulation, then the FHWA shall take into account any Council comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. The FHWA's responsibility to carry out all actions under the memorandum of agreement that are not the subjects of the objection shall remain unchanged.

III. POST REVIEW DISCOVERY

In the event that one or more historic properties--other than the 1) SR 39 Bridge over White River and 2) Old SR 39-- are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, or if discovery of human remains is made, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Section of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1 and 312 IAC 21, the most current *Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites*, and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 F.R. 44716).

IV. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. 800.6(c)(7) shall govern the execution of any such amendment.

V. TERMINATION

A. If the terms of this memorandum of agreement have not been implemented by January 1, 2015, then this memorandum of agreement shall be considered null and void. In such an event, the FHWA shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the SR 39 Bridge over White River Replacement, then it shall reinitiate review of the SR 39 Bridge over White River Replacement in accordance with 36 C.F.R. Sections 800.3 through 800.7.

B. Any signatory to the memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the SR 39 Bridge over White River Replacement.

C. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the SR 39 Bridge over White River Replacement.

The execution of this memorandum of agreement by the FWHA and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the SR 39 Bridge over White River Replacement and its effect on historic properties and that the FHWA has taken into account the effects of the SR 39 Bridge over White River Replacement on historic properties.

SIGNATORIES (required):

FEDERAL HIGHWAY ADMINISTRATION

Signed by: _____ Date: 11/12/05

Name and Title: B. J. Oskowski, Env. Prog. Mgr. FHWA

(Typed or printed)

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by: _____ Date: _____

Name and Title: _____

(Typed or printed)

INVITED SIGNATORIES

INDIANA DEPARTMENT OF TRANSPORTATION

Signed by: _____ Date: _____

Name and Title: _____

Attachment 4

C. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the SR 39 Bridge over White River Replacement.

The execution of this memorandum of agreement by the FWHA and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the SR 39 Bridge over White River Replacement and its effect on historic properties and that the FHWA has taken into account the effects of the SR 39 Bridge over White River Replacement on historic properties.

SIGNATORIES (required):

FEDERAL HIGHWAY ADMINISTRATION

Signed by: _____ Date: _____

Name and Title: _____

(Typed or printed)

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by: James A. Glass Date: 11/10/2009

Name and Title: James A. Glass, Deputy SHPO

(Typed or printed)

INVITED SIGNATORIES

INDIANA DEPARTMENT OF TRANSPORTATION

Signed by: _____ Date: _____

Name and Title: _____

Attachment 4

C. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the SR 39 Bridge over White River Replacement.

The execution of this memorandum of agreement by the FWHA and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the SR 39 Bridge over White River Replacement and its effect on historic properties and that the FHWA has taken into account the effects of the SR 39 Bridge over White River Replacement on historic properties.

SIGNATORIES (required):

FEDERAL HIGHWAY ADMINISTRATION

Signed by: _____ Date: _____

Name and Title: _____

(Typed or printed)

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by: _____ Date: _____

Name and Title: _____

(Typed or printed)

INVITED SIGNATORIES

INDIANA DEPARTMENT OF TRANSPORTATION

Signed by: Jane M. Peters Date: 11/4/09

Name and Title: Jane M. Peters, IHC

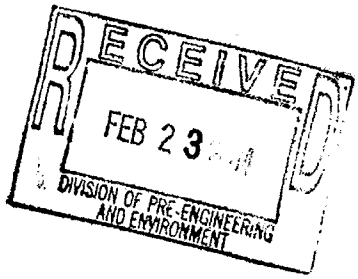
DNR Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

Joseph E. Kernan, Governor
John Goss, Director

HISTORIC PRESERVATION AND ARCHAEOLOGY

February 20, 2004



James E. Juricic
Environmental Assessment Section
Environment, Planning, and Engineering Division
Indiana Department of Transportation
100 North Senate Avenue, Room N848
Indianapolis, Indiana 46204-2249

Federal Agency: Federal Highway Administration ("FHWA")

Re: Additional information regarding the replacement of Bridge #52-24-825 carrying US 52 over Butler's Run (Project #STP-082-5 [ ], Designation #0100349)

Dear Mr. Juricic:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated and received on January 14, 2004, for the above indicated project in Brookville, Brookville Township, Franklin County, Indiana.

Thank you for providing the additional information we requested in our letter dated January 6, 2004. Based upon the submitted information, we have determined that Bridge #52-24-825 does not meet the criteria of eligibility for inclusion in the National Register of Historic Places.

In regard to the Brookville Historic District, we do not believe that there will be any alterations to its characteristics qualifying it for inclusion in or eligibility for the National Register (*see* 36 C.F.R. § 800.16[i]).

Therefore, it would be appropriate for the FHWA to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

1) If the FHWA believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. §800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).

2) If, on the other hand, the FHWA finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R.§§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the FHWA may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Attachment 5

We look forward to receiving notice of the FHWA's findings. *A copy of the revised 36 C.F.R. Part 800 that went into effec January 11, 2001, may be found on the Internet at www.achp.gov for your reference.* If you have questions about our comme please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Bill Mangold. Quest about historic buildings or structures pertaining to this project should be directed to Shana Kelso.

Very truly yours,

Shana Kelso

for: Jon C. Smith
Deputy State Historic Preservation Officer

JCS:SNK:snk

cc: Robert F. Tally, Jr., P.E, Division Administrator, Federal Highway Administration
emc: Wayne Goodman, Eastern Regional Office, Historic Landmarks Foundation of Indiana

Attachment 5

MEMORANDUM OF AGREEMENT

BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND

THE INDIANA STATE HISTORIC PRESERVATION OFFICER

SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

PURSUANT TO 36 C.F.R. Section 800.6(b)(iv)

REGARDING THE REPLACEMENT OF THE US 24 BRIDGE OVER THE TIPPECANOE RIVER

IN MONTICELLO, WHITE COUNTY, INDIANA

WHEREAS the Federal Highway Administration ("FHWA") proposes to replace the US 24 bridge over the Tippecanoe River (#24-91-3731A; NBI # 5940) [INDOT Des. No. 0710864] in Monticello, White County, Indiana; and

WHEREAS the FHWA, in consultation with the Indiana State Historic Preservation Officer ("SHPO"), has defined this bridge replacement's area of potential effects, as the term defined in 36 C.F.R. Section 800.16(d), to be the area bounded by Main Street to the west, Broadway Street to the south, a point east of Riverside Drive east of the river and the east approach of US 24 within the visual confine of the bridge, and a point mid-block between Washington Street (US 24) and Marion Street to the north; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has found that the Monticello Public Library, the Thomas W. O'Connor House, and US 24 bridge over the Tippecanoe River (#24-91-3731A) are within the area of potential effects; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. Section 800.4(c), that the Monticello Public Library, the Thomas W. O'Connor House, and US 24 bridge over the Tippecanoe River (#24-91-3731A) are eligible for inclusion in the National Register of Historic Places;

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined pursuant to 36 C.F.R. Section 800.5(a) that the US 24 bridge replacement will have an adverse effect on the US 24 bridge over the Tippecanoe River; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Section 800) to resolve the adverse effect on the US 24 bridge over the Tippecanoe River; and

WHEREAS the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on October 2, 2006, in the Monticello Herald-Journal Times; and

WHEREAS the FHWA has notified the Advisory Council on Historic Preservation of the adverse effect and invited the Council's participation in the project, pursuant to 36 CFR Section 800.6(a)(1), in a letter dated September 28, 2009; and

WHEREAS the Advisory Council on Historic Preservation declined to participate in consultation in a letter dated October 28, 2009; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited the Indiana Department of Transportation to participate in the consultation and to become a signatory to this memorandum of agreement; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Part 800) concerning the scope of work as presented in the materials and plans dated 2006, and agreed to proceed with the project as proposed with the recommendations provided by the Indiana SHPO by letter dated August 24, 2006; and

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Section 800.11(e) and (f), to the Advisory Council on Historic Preservation ("Council") pursuant to 36 C.F.R. Section 800.6[b][1][iv]) and upon the FHWA's approval of the replacement of the US 24 bridge over the Tippecanoe River, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the replacement of the US 24 bridge over the Tippecanoe River on historic properties.

Stipulations

I. Mitigation for the replacement of the US 24 bridge over the Tippecanoe River will consist of the following measures.

A. Before construction activities begin for the replacement of US 24 bridge over the Tippecanoe River, INDOT will undertake written and photographic documentation of the structure. This documentation shall be in accordance with the current National Park Service or Indiana State Level Equivalent documentation standards. INDOT shall contact the SHPO in writing to determine the appropriate standards to utilize before undertaking photographic documentation. INDOT will submit the completed documentation to the SHPO for review and approval before construction activities begin. The SHPO will reply within thirty (30) calendar days.

B. INDOT will ensure that a plaque will be produced and placed on or near the new bridge in a location that is accessible to the public for viewing without causing potential safety concerns. The plaque will concisely provide some or all of the following information: previous river crossings at this site, date of construction of the existing bridge, architect and/or engineer of the existing bridge, significance of the existing bridge, and date of removal of the existing bridge. An image of the existing bridge may also be included, if feasible. The Indiana SHPO and consulting parties will be provided the opportunity to review and comment on the content, design, and placement of the plaque on the new bridge. This review will take place within thirty (30) calendar days of receipt of the materials. Comments will be taken into consideration, but all final decisions concerning the content, design, or placement of the plaque rest solely with INDOT.

C. INDOT will endeavor to use context sensitive elements in the design of the railings for the new bridge. The railing will need to meet current design and safety standards regardless of any aesthetic choices. Before the solicitation of bids for construction, INDOT will submit the plans and specifications for the railings to the Indiana SHPO and the consulting parties for a thirty (30) day comment period. INDOT will endeavor to incorporate in the design of the railings any comments or suggestions received during the thirty (30) days, subject to feasibility. All final decisions concerning the design of the railings for the new bridge rest solely with INDOT.

II. OBJECTION RESOLUTION PROVISION

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

A. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the FHWA regarding any action carried out or proposed with respect to the replacement the US 24 bridge over the Tippecanoe River (#24-91-3731A) or implementation of this memorandum of agreement, then the FHWA shall consult with the objecting party to resolve this objection. If after such consultation the FHWA determines that the objection cannot be resolved through consultation, then the FHWA shall forward all documentation relevant to the objection to the Council, including the FHWA's proposed response to the objection. Within forty-five (45) days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

   i. Provide the FHWA with a staff-level recommendation, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or

   ii. Notify the FHWA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. The FHWA shall take into account the Council's comments in reaching a final decision regarding its response to the objection.

B. If comments or recommendations from the Council are provided in accordance with this stipulation, then the FHWA shall take into account any Council comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. The FHWA's responsibility to carry out all actions under the memorandum of agreement that are not the subjects of the objection shall remain unchanged.

III. POST REVIEW DISCOVERY

In the event that one or more historic properties--other than the Monticello Public Library, the Thomas W. O'Connor House, and US 24 bridge over the Tippecanoe River (#24-91-3731A)—including archaeological deposits—are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as and IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the ~~INDOT Cultural Resources Section of such unanticipated~~ discoveries or ~~effects within~~ two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1 and 312 IAC 21, and the most current *Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites*, and the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" (48 FR 44716).

If any human remains are encountered during the implementation of this memorandum of agreement, work shall cease in the immediate area and the human remains left undisturbed. INDOT and FHWA will contact the county coroner and law enforcement officials immediately, and the discovery must be reported to the SHPO within two (2) business days. The discovery must be treated in accordance with IC 14-21-1 and 312 IAC 22. If the remains are determined to be Native American, FHWA will notify the appropriate federally recognized Indian Tribes. Work at the site shall not resume until a plan for the treatment of the human remains is developed and approved in consultation with the SHPO and any appropriate consulting parties. The plan will comply with IC 14-21-1, 312 IAC 22, the current Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites, and all other appropriate federal and state guidelines, statutes, rules, and regulations.

IV. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. 800.6(c)(7) shall govern the execution of any such amendment.

V. TERMINATION

a. If construction of this project has not commenced within five (5) years of the date of FHWA's signature or the date of the Indiana SHPO's signature (whichever is later) on this memorandum of agreement, or if the terms of this memorandum of agreement have not been implemented within five (5) years from the onset of construction, then this memorandum of agreement shall be considered null and void. In such an event, the FHWA shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the replacement the US 24 bridge over the Tippecanoe River (#24-91-3731A), then it shall reinitiate review of the replacement the US 24 bridge over the Tippecanoe River (#24-91-3731A) in accordance with 36 C.F.R. Sections 800.3 through 800.7.

b. Any signatory to the memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the replacement the US 24 bridge over the Tippecanoe River (#24-91-3731A).

c. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the replacement the US 24 bridge over the Tippecanoe River (#24-91-3731A).

The execution of this memorandum of agreement by the FWHA, the Indiana Department of Transportation, and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the replacement the US 24 bridge over the Tippecanoe River (#24-91-3731A) and its effect on historic properties and that the FHWA has taken into account the effects of the replacement the US 24 bridge over the Tippecanoe River (#24-91-3731A) on historic properties.

SIGNATORIES (required):

~~FEDERAL HIGHWAY ADMINISTRATION~~

Signed by: Joyce E Newcomer Date: December 14, 2009

Name and Title: Planning & Environmental Specialist

(Typed or printed)

SIGNATORIES (required):

INDIANA STATE HISTORIC PRESERVATION OFFICER

Signed by: _____ Date: 12/12/2009

Name and Title: James A. Glass
Deputy SHPO

(Typed or printed)

INVITED SIGNATORIES

INDIANA DEPARTMENT OF TRANSPORTATION

Signed by: James M. Poturalski Date: Nov. 30, 2009

Name and Title: James M. Poturalski
Deputy Commissioner, Highway Management

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(f) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
SR 55 Bridge Project over Big Pine Creek
Bridge No. 055-86-03502B
WARREN COUNTY, INDIANA
DES NUMBER: 0800834

AREA OF POTENTIAL EFFECTS
(Pursuant to 36 CFR Section 800.4(a)(1))

The Area of Potential Effects (APE) for the SR 55 Bridge Project over Big Pine Creek encompasses all areas adjacent to the proposed project area and includes those properties which have a view shed of the project area.

ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))

The APE for the proposed project contains one historic property considered eligible for listing in the National Register of Historic Places (NRHP) under Criterion C: SR 55 Bridge over Big Pine Creek (INDOT Structure No. 055-86-03502B; NBI No. 19740).

EFFECT FINDING
(Pursuant to 36 CFR 800.4(d)(1))

There is one historic property eligible for the NRHP within the APE for this undertaking.

1. SR 55 Bridge over Big Pine Creek (INDOT Structure No. 055-86-03502B; NBI No. 19740) – "Adverse Effect"

The Federal Highway Administration (FHWA) has determined an "Adverse Effect" finding is appropriate for this undertaking.

SECTION 4(f) COMPLIANCE REQUIREMENTS (for historic properties)

SR 55 Bridge over Big Pine Creek (INDOT Structure No. 055-86-03502B; NBI No. 19740): This resource is used for transportation purposes. This undertaking will have an "Adverse Effect" on INDOT Structure No. 055-86-03502B, a Section 4(f) historic property. The FHWA

has determined the appropriate Section 106 finding is "Adverse Effect" and therefore a Section 4(f) evaluation must be completed for INDOT Structure No. 055-86-03502B. FHWA respectfully requests that the Indiana State Historic Preservation Officer provide written concurrence with FHWA's Section 106 determination of "Adverse Effect."

Consulting Parties will be provided a copy of FHWA's findings and determinations in accordance with FHWA's Section 106 procedures. Comments will be accepted for 30 days upon receipt of the findings.

Robert F. Tally, Jr.
Administrator, Indiana Division
Federal Highway Administration

11-4-2010
Approval Date

Attachment 7

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology·402 W. Washington Street, W274·Indianapolis, IN 46204-2739
Phone 317-232-1646·Fax 317-232-0693·dhpa@dnr.IN.gov

December 6, 2010

Robert F. Tally, Jr., P.E.
Division Administrator, Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Notification of FHWA's finding of "adverse effect" and 800.11(e) documentation regarding replacement of Bridge No. 055-86-03502B (NBI No. 19740) carrying SR 55 over Big Pine Creek, located 0.03 miles north of US 41 (Des. No. 0800834I; DHPA No. 9939)

Dear Mr. Tally:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated November 5, 2010, and received on November 8, 2010, for the above indicated project in Liberty Township and Warren Township, Warren County, Indiana.

Thank you for providing the public notice information and notification of the FHWA's November 4, 2010 finding of adverse effect. Thank you, as well, for addressing our concerns about whether the area of potential effects should be expanded and about the one-way pair alternative. We are satisfied with your explanations.

As previously stated, in regard to archaeology, based upon the submitted information and the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area.

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

We concur with FHWA's November 4, 2010 finding that this undertaking will have an adverse effect on the SR 55 Bridge over Big Pine Creek (INDOT Structure No. 055-86-03502B; NBI No. 19740).

If you have questions about archaeological issues, please contact Wade T. Tharp at (317) 232-1650 or wtharp1@dnr.IN.gov. If you have questions about buildings or structures, please contact John Carr at (317) 233-1949 or jcarr@dnr.IN.gov.

Very truly yours,

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

JAG:WTT:JLC:jlc

Attachment 7

cc: Staffan Peterson, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Shannon Hill, Bernardin, Lochmueller, & Associates, Inc.

emc: Larry Heil, P.E., Indiana Division, Federal Highway Administration
Staffan Peterson, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Mary Kennedy, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Shaun Miller, Cultural Resources Section, Indiana Department of Transportation
Shannon Hill, Bernardin, Lochmueller, & Associates, Inc.
Wade Tharp, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources
John Carr, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources

Attachment 7

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(f) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECTS
ELIGIBILITY DETERMINATIONS
EFFECT FINDING

HENDRICKS COUNTY BRIDGE No. 272 REPLACEMENT/REHABILITATION
CLAY TOWNSHIP, HENDRICKS COUNTY, INDIANA
DES. NO.: 0800717
FEDERAL PROJECT NO.: PENDING

AREA OF POTENTIAL EFFECT
(Pursuant to 36 CFR Section 800.4(a)(1))

The Area of Potential Effects (APE) has been drawn to encompass properties along the route of and adjacent to the undertaking. (See map of APE in Appendix C.)

ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))

There are no properties listed in the NR within the APE of this undertaking; one individual property is recommended eligible for listing in the NR:

Hendricks County Bridge No. 272 (NBI No. 3200214)
CR 550W

Built on a skew in 1907, this five-span, continuous T-beam bridge is built entirely of reinforced concrete. Designed by the Cleveland, Cincinnati, Chicago and St. Louis Railroad, the structure carries County Road 550W over two parallel railroad tracks. The spans are supported by two abutments, two bents rising from the sides of the right-of-way cut, and two taller bents ascending from the crushed limestone rail bed. Each bent has trapezoidal verticals that taper slightly as they rise to terminate in arched connections at the broad deck flanges. The bent connections between the verticals (just beneath the deck) are also arched. A centered, single stringer supports the entire length of the deck and features arched connections at each bent. The original railing has been replaced with modern steel safety guardrail. Few early continuous T-beam bridges of this design survive. Hendricks County Bridge No. 272 was determined eligible as part of the Indiana Historic Bridge Inventory under Criterion C.

EFFECT FINDING

Hendricks County Bridge No. 272 will be replaced, and therefore this will constitute an adverse effect.

INDOT, acting on FHWA's behalf, has determined that a finding of Adverse Effect is appropriate for this undertaking.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)
Hendricks County Bridge No. 272: This resource is used for transportation purposes. This undertaking will have an "Adverse Effect" on Hendricks County Bridge No. 272, a Section 4(f) property; the FHWA has determined the appropriate Section 106 finding is "Adverse Effect"; and therefore a Section 4(f) evaluation must be completed for Hendricks County Bridge No. 272. **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "Adverse Effect."**

Consulting parties will be provided a copy of INDOT's, acting on FHWA's behalf, findings and determinations in accordance with INDOT and FHWA's Section 106 procedures. Comments will be accepted for 30-days upon receipt of the findings.

Robert F. Tally, Jr., P.E.
Administrator

FHWA-IN Division

4-8-2010

Approved Date

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
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May 12, 2010

Robert F. Tally, Jr., P.E.
Division Administrator
Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Notification of INDOT's finding of "adverse effect" on behalf of the FHWA regarding the removal and replacement of Hendricks County Bridge No. 272 on CR 550 W over the CSXT Railroad (Des. No. 0800717; DHPA No. 7972)

Dear Mr. Tally:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana," the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the materials with Dyer Environmental Services' April 13 cover letter, which was received on April 14, for the aforementioned project in Clay Township, Hendricks County, Indiana.

As we previously have stated, based upon the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources within the project area that was archaeologically surveyed (Plunkett, 9/16/09).

We concur with FHWA's April 8, 2010 finding that historic Hendricks County Bridge No. 272 will be adversely affected by this project.

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

If you have questions about archaeological issues, please contact Amy Johnson at (317) 2326982 or ajohnson@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov.

Very truly yours,

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

JAG:JLC:jle

cc: Staffan Peterson, Cultural Resources Section, Indiana Department of Transportation

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
Bridge Deck Replacement
US 33
4.4 miles north of SR 13
Benton Township
Benton County, Indiana
DES. NO. 0101525
FEDERAL PROJECT NO.

AREA OF POTENTIAL EFFECT

(Pursuant to 36 CFR Section 800.4(a)(1))

The area of potential effect (APE) for this project includes existing and proposed right-of-way and the area immediately surrounding it, including incidental construction. (See map in *Appendix C*). The project is located onus 33 over the Elkhart River in Benton Township, Elkhart County. Approximately 0.5 acre of permanent right-of-way will be required for the proposed project. It is not anticipated that any temporary right-of-way will be required for the proposed project and no relocations are anticipated. Traffic will be maintained throughout construction by means of an official detour.

ELIGIBILITY DETERMINATIONS

(Pursuant to 36 CFR 800.4(c)(2))

US 33 Bridge over Elkhart River (Elkhart #33-20-390B6A/NBI #10970) is a six-(6)-span continuous reinforced concrete-slab bridge constructed by the State of Indiana circa-1953. The distinctive bridge rail is a two-(2)-foot, eight-(8)-inch tall open-window concrete rail with plasters located over the rail caps. It is recommended NR-eligible under Criterion C: Engineering *"...because it represents a variation, evolution, or transition that is conveyed through important features or innovations related to bridge construction, design or engineering, and it retains historic integrity necessary to convey its engineering significance..."*

EFFECT FINDING

US 33 Bridge over Elkhart River (Elkhart #033-20-3906A/NBI #10970), NR-eligible under Criterion C: Engineering. The proposed project will involve the removal of distinctive features (bridge railing) that qualify this resource as NR-eligible. Per 36 CFR 800.5(a)(2)(iv), the project will *"Change of the character of the property's...physical features within the property's setting that contribute to its historic significance"* and will therefore constitute an "Adverse Effect" to Elkhart #033-20-3906A/NBI #10970).

FHWA has determined an "Adverse Effect" finding is appropriate for this undertaking.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)

US 33 Bridge over Elkhart River (Benton SS #039-243-86010/Elkhart #033-20-3906A/NBI #10970). This resource is used for transportation purposes. This undertaking will have an "Adverse Effect" on *US 33 Bridge over Elkhart River* (Benton SS #039-243-86010/Elkhart #033-20-3906A/NBI #10970), a Section 4(f) historic property; the FHWA has determined that the appropriate Section 106 finding is "Adverse Effect"; therefore a Section 4(f) evaluation must be completed for *US 33 Bridge over Elkhart River* (Benton SS #039-243-86010/Elkhart #033-20-3906A/NBI #10970). FHWA respectfully requests the Indiana Historic Preservation Officer provide written concurrence with the Section 106 determination of "Adverse Effect."

Attachment 9

Consulting parties will be provided a copy of FHWA's finding and determinations in accordance with INDOT and FHWA's Section 106 procedures. Comments will be accepted for 30 days upon receipt of the findings.

for Robert F. Tally, Jr., P.E.
Division Administrator

January 15, 2010
Approved Date

Attachment 9

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 · dhpa@dnr.IN.gov

April 26, 2010

Robert F. Tally, Jr., P.E.
Division Administrator, Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Funding Applicant: Indiana Department of Transportation ("INDOT")

Re: Renewal of INDOT's request for concurrence in FHWA's finding of "adverse effect," notification of INDOT's intention to proceed under the Historic Bridges PA's Standard Treatment Approach for Historic Bridges, and request for comments on whether photo documentation is needed, regarding deck replacement on Bridge No. 033-20-03906A, carrying US 33 over the Elkhart River (Des. No. 0101525; Federal Project No. STP-4932[ ]; DHPA No. 7195)

Dear Mr. Tally:

Pursuant the "Programmatic Agreement . . . Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana" ("Minor Projects PA") and the "Programmatic Agreement . . . Regarding Management and Preservation of Indiana's Historic Bridges" ("Historic Bridges PA"), the staff of the Indiana State Historic Preservation Officer has reviewed the materials with INDOT's letter of January 29, 2010, received on February 3, which transmitted FHWA's "adverse effect" finding, and INDOT's letters dated March 29, 2010 and April 13, 2010, received on April 1 and April 13, respectively, for the above-indicated project in Benton Township, Elkhart County, Indiana.

We concur with FHWA's January 15, 2010 finding that the effect of this undertaking, as a whole, is an "adverse effect" under Section 106. We also concur with the underlying findings and determinations with regard to the area of potential effects and specific properties.

We agree, as well, with INDOT's proposal, in its April 13 letter, to follow the Demolition procedures, rather than the Rehabilitation procedures, in the Standard Treatment Approach for Historic Bridges in Attachment B of the Historic Bridges PA.

Pursuant to Item 2. of the Demolition procedures, INDOT has requested our recommendation regarding photo documentation of the US 33 bridge over the Elkhart River in Benton Township. In our opinion, Standards 3. and 3.a. and—if feasible—Standard 3.b. of the "State of Indiana, Indiana DNR - Division of Historic Preservation and Archaeology, Minimum Architectural Documentation Standards" (copy enclosed) should be followed.

As was stated previously, we have not identified any currently known archaeological resources listed in or eligible for the National Register of Historic Places within the proposed project area.

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

If you have questions about archaeological issues, please contact Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. Please direct questions about buildings or structures to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding this project, please continue to refer to DHPA No. 7195.

Very truly yours,

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

JAG:ALJ:JLC:jlc

Enclosure

cc: Staffan Peterson, Indiana Department of Transportation

emc: Joyce Newland, Indiana Division, Federal Highway Administration
Susan Branigin, Cultural Resources Section, Indiana Department of Transportation
Todd Zeiger, Northern Regional Office, Historic Landmarks Foundation of Indiana, Inc.
Paul Brandenburg, Indiana Historic Spans Task Force
James L. Cooper, Ph.D., historian
Amy Johnson, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources
John Carr, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
Bridge Rehabilitation
SR 912
Over Gary Avenue/EJE Railroad
0.49 mile west of I-80/I-90
Calumet & North townships,
Lake County, Indiana
DES. NO. 0201063
FEDERAL PROJECT NO.

AREA OF POTENTIAL EFFECT

(Pursuant to 36 CFR Section 800.4(a)(1))

The area of potential effect (APE) for this project includes existing and proposed right-of-way and the area immediately surrounding it, including incidental construction. (See map in *Appendix C*). Des. #0201063 is on SR 912 over Gary Avenue/EJE Railroad, 0.49 mile west of I-80/I-90 in Calumet & North townships, Lake County, Indiana.

ELIGIBILITY DETERMINATIONS

(Pursuant to 36 CFR 800.4(c)(2))

SR 912 over Gary Avenue/EJE Railroad (Structure No. 912-45-02352D; NBI No. 33080) is an eight-(8-) span, composite steel beam/reinforced concrete girder bridge constructed in 1965. It was recommended NR-eligible by the INDOT Historic Bridge Inventory (HBI) under Criterion C: Engineering. The HBI stated in part the following: "*...This bridge is eligible under Criterion C, as it represents an early or distinctive phase in bridge construction, design or engineering and it retains the historic integrity necessary to convey its engineering significance. Rationale: This bridge is distinctive because it exemplifies an uncommon highway bridge type in Indiana...*" More specifically, the bridge possesses unique steel-beam hinge-pin assemblies and bearings. The bridge was classified as a "Non-Select" bridge by the HBI. As defined by the "Programmatic Agreement Regarding Management and Preservation of Indiana's Historic Bridges," (Historic Bridge PA) "Non-Select" bridges are "those historic bridges that are not considered excellent examples of a given type or are not suitable candidates for preservation."

EFFECT FINDING

SR 912 over Gary Avenue/EJE Railroad (Structure No. 912-45-02352D; NBI No. 33080) Proposed project activities include bridge deck reconstruction and changes to the superstructure that include the removal of steel-beam hinge-pin assemblies and bearings and their replacement with bolted flange and web splice plates at all locations in order to create a continuous steel beam structure. This will eliminate the transverse deck joints above the existing hinge pins.

FHWA has determined an "Adverse Effect" finding is appropriate for this undertaking.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)

SR 912 over Gary Avenue/EJE Railroad (Structure No. 912-45-02352D; NBI No. 33080) This resource is used for transportation purposes. This undertaking will have an "Adverse Effect" on *SR 912 over Gary Avenue/EJE Railroad (Structure No. 912-45-02352D; NBI No. 33080)*, a Section 4(f) historic property; the FHWA has determined that the appropriate Section 106 finding is "Adverse Effect", therefore a Section 4(f) evaluation must be completed for *SR 912 over Gary Avenue/EJE Railroad (Structure No. 912-45-02352D;*

Attachment 10

NBI No. 33080). FHWA respectfully requests the Indiana Historic Preservation Officer provide written concurrence with the Section 106 determination of "Adverse Effect."

Consulting parties will be provided a copy of FHWA's finding and determinations in accordance with INDOT and FHWA's Section 106 procedures. Comments will be accepted for 30 days upon receipt of the findings.

Joyce E Newland

Robert F. Tally, Jr., P.E.
Division Administrator

August 9, 2010

Approved Date

Attachment 10

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 · dhpa@dnr.IN.gov

September 15, 2010

Robert F. Tally, Jr., P.E., Division Administrator
Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Notification of INDOT's finding of "adverse effect" on behalf of the FHWA regarding the rehabilitation of Bridge No. 912-45-02352D carrying SR 912 over Gary Avenue and Elgin, Joliet & Eastern Railroad (Designation #0201063; DHPA #9974)

Dear Mr. Tally:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, the "Programmatic Agreement . . . Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana," and the "Programmatic Agreement . . . Regarding the Management and Preservation of Indiana's Historic Bridges" ("Historic Bridges PA"), the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the materials under your cover letter dated August 19, 2010 and received on August 30, 2010, for the above indicated project in Gary, Calumet and North Creek Townships, Lake County, Indiana.

As previously stated, based upon the documentation available to the staff of the Indiana SHPO, we have not identified currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area. However, this identification is subject to the project activities remaining within areas disturbed by previous construction.

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

Thank you for providing notification of the FHWA's August 9, 2010 finding of adverse effect. We concur with August 9, 2010 finding of adverse effect.

We do not see the need for photo-documentation of Bridge No. 912-45-02352D.

If you have questions about archaeological issues please contact Wade T. Tharp at (317) 232-1650 or wtharp1@dnr.IN.gov. If you have questions about buildings or structures please contact Toni Lynn Giffin at (317) 233-9636 or tgiffin@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #9974.

Very truly yours,

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

JAG:TLG:WTT:wt

cc: Staffan Peterson, Administrator, Indiana Department of Transportation

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology•402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
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January 18, 2011

Staffan Peterson, Ph.D.
Administrator
Cultural Resources Section
Office of Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Final plans for the rehabilitation of the SR 17 bridge over the Eel River (Des. No. 9300840; DHPA No. 2728)

Dear Dr. Peterson:

Pursuant to Stipulation II. of the 2007 "Amended Memorandum of Agreement . . . Regarding the Rehabilitation of Structure #17-09-4177A (Third Street Bridge) in Logansport, Eel Township, Cass County, Indiana," the staff of the Indiana SHPO has reviewed the materials submitted with your cover letter dated December 17, 2010 and received the same day, as supplemented by an e-mail of January 14, 2011 from David Day, P.E., of American Structurepoint, Inc., for the aforementioned project in Cass County, Indiana.

We believe that the plans you submitted, as clarified in Mr. Day's e-mail, satisfy the requirements of Stipulation II. of the Amended Memorandum of Agreement.

If you have questions about our comments, please contact John Carr of our office at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding this project, please refer to DHPA No. 2728.

Very truly yours,

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

JAG:JLC:jlc

emc: Joyce Newland, Indiana Division, Federal Highway Administration
Julie Sonnemaker, LaPorte District, Indiana Department of Transportation
Staffan Peterson, Ph.D., Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Mary Kennedy, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Patrick Carpenter, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Melany Prather, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
David Day, P.E., American Structurepoint, Inc.

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
Bridge Project along US 27
Over the East Fork of the Whitewater River
Richmond, Wayne Township,
Wayne County, Indiana
DES. NO. 9702981
FEDERAL PROJECT NO.

AREA OF POTENTIAL EFFECT

(Pursuant to 36 CFR Section 800.4(a)(1))

The project is located on located on US 27 over the East Fork of the Whitewater River, within the urban area boundary of Richmond and corporation limits of Spring Grove in Wayne Township of Wayne County, Indiana. The area of potential effect (APE) for this project includes existing right-of-way and the area immediately surrounding it *(refer to Appendix B)*. All work on this project will be undertaken within existing R/W and no acquisition of permanent or temporary R/W or relocations are anticipated for this project. One lane of traffic in each direction will be kept open during construction of this project. No detours will be necessary.

ELIGIBILITY DETERMINATIONS

(Pursuant to 36 CFR 800.4(c)(2))

Bridge on US 27 over the East Fork of the Whitewater River (#027-89-03748, NBI #7210) is a three span, closed spandrel, reinforced concrete arch structure built in 1957. It was determined to eligible for inclusion in the National Register for Historic Places in the 2009 *Indiana Historic Bridge Inventory* under Criterion C: Engineering "...because it possesses high artistic value as illustrated through its overall design, outstanding architectural treatment, or notable use of ornamentation, and retains historic integrity necessary to convey design significance..."

EFFECT FINDING

Bridge on US 27 over the East Fork of the Whitewater River (#027-89-03748, NBI #7210) is eligible for the National Register of Historic Places under Criterion C: Engineering. The proposed project will involve the removal of distinctive features (bridge railing and brackets) that qualify this resource as eligible for the National Register of Historic Places. Per 36 CFR 800.5(a)(2)(iv), the project will *"Change of the character of the property's...physical features within the property's setting that contribute to its historic significance"* and will, therefore, constitute an "Adverse Effect" to *Bridge on US 27 over the East Fork of the Whitewater River (#027-89-03748, NBI #7210).* FHWA has, therefore, determined an "Adverse Effect" finding is appropriate for this undertaking.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)

This undertaking will adversely impact the *Bridge on US 27 over the East Fork of the Whitewater River (#027-89-03748, NBI #7210),* a Section 4(f) historic property; the FHWA has determined that the appropriate Section 106 finding is "Adverse Effect"; therefore a Section 4(f) evaluation must be completed for *Bridge on US 27 over the East Fork of the Whitewater River (#027-89-03748, NBI #7210).* FHWA respectfully requests the Indiana Historic Preservation Officer provide written concurrence with the Section 106 determination of "Adverse Effect."

Consulting parties will be provided a copy of FHWA's findings and determinations in accordance with INDOT and FHWA's Section 106 procedures. Comments will be accepted for 30 days upon receipt of the findings.

for Robert F. Tally, Jr., P.E.
Division Administrator

7-21-2010
Approved Date

Attachment 12

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov

August 5, 2010

Robert F. Tally, Jr., P.E.
Division Administrator
Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Bridge Project along US 27 over the East Fork of the Whitewater River in Wayne Township, Wayne County, Indiana (Des. No. 9702981; DHPA No. 5888)

Dear Mr. Tally:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement . . . Regarding Management and Preservation of Indiana's Historic Bridges," the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the materials that accompanied the Indiana Department of Transportation's July 21, 2010 cover letter, which were received on July 26, for the aforementioned project in Wayne County, Indiana.

We concur that the US 27 bridge over the East Fork of Whitewater River (#027-89-03748, NBI #7210) is the only above-ground property within the area of potential effects that is eligible for inclusion in the National Register of Historic Places.

Furthermore, based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register within the project area. However, this identification is subject to the project activities' remaining within areas disturbed by previous construction.

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

Finally, we concur with your July 21, 2010 finding that the preferred alternative (rehabilitation) will have an adverse effect on the historic US 27 bridge over the East Fork of Whitewater River, within the meaning of 36 C.F.R. § 800.5(a).

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future communications regarding this project, please continue to refer to DHPA No. 5888.

Very truly yours,

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

JAG:JLC:jlc

cc: Staffan Peterson, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation

Attachment 12

Bridge closing indefinitely

Moral Township iron bridge unsafe, inspectors say

Staff report

Published: Friday, January 14, 2011 8:13 AM US/eastern

County officials have closed a 120-year-old historic bridge in the northwestern portion of the county after inspectors found it to be unsafe.

Commissioner David Mohr said Bridge 13 in Moral Township — on Shelby County Road 875W, between C.R. 600N and 700N — needs either rehabilitated or replaced, but the county has funds to do neither, so until a decision can be made on the best way to save the landmark, it is being closed.

"I was kind of hoping to hold off until we could get the snow cleared and take a look at it, but (others) seemed to think this was an emergency," he said. "It's going to create a lot of problems for commuters, but you don't want that kind of liability hanging over your head."

Mohr said the Highway Department will put up blockades as soon as it can, but they are still plowing snowy roads. He indicated that the plowing was expected to be completed Thursday night, so workers could put up signs and barriers today.

"We'll get the gates up as soon as possible," he said.

Commissioners will make the closing official at their Tuesday meeting.

Bridge 13 is a one-lane iron bridge built in 1889. It has a specific type of truss that makes it notable, Mohr said. All county bridges are required to undergo bi-annual inspections, and in those reports engineers have been suggesting Bridge 13 be replaced for at least 30 years, Mohr said.

Inspectors for USI Consultants Inc., an Indianapolis-based company that serves as Shelby County's engineer, were at Bridge 13 last week. Head engineer Bonnie Money contacted commissioners immediately because of the shape the bridge was in. Money said in a letter to commissioners that she was at the site for an hour an recommended the immediate closure.

Currently a graded metal deck sits over the bridge to help lighten loads from buses, trucks and other large vehicles, but it doesn't take all the stress off the bridge.

Mohr said the safety and physical road problems have been growing for decades, but the biggest issue is money.

"It's expensive to rehab it, and it's expensive to replace. We don't have the money for either," he said.

To rebuild and rehabilitate the historic bridge requires custom-made parts and special engineering knowledge. Replacing the bridge would mean moving and then replacing a piece of history.

"It's just expensive. (Proponents) want you to rehab, to rebuild as is. If people want to save these types of things, then help us out financially," Mohr said. He suggested the old bridge could be moved to Blue River Memorial Park or another public site.

"We can save the bridge, but it costs a lot of money," he said.

For now, Bridge 13 will remain closed while elected officials debate what to do with it.

"I'm not against saving history, but sometimes it can get in the way of progress," Mohr said.

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Manor expands care in a homey way

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Column: Attack propels soul searching

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Reader Comments

All comments will be reviewed prior to being posted. The following is criteria editors will follow in deeming comments suitable for posting. The newspaper reserves the right to not publish any comment for any reason and is not responsible for the content of any comment that posts. If you have a question as to why your comment was not posted, please e-mail Editor Andrea Smithson at asmithson@shelbynews.com

KEEP IT CLEAN. Avoid language that is obscene, vulgar, lewd or sexually-oriented. If you can't control yourself, it won't post.
DON'T THREATEN. No one should feel that they may be harmed in any way.
BE TRUTHFUL. Don't lie about anyone or anything.
BE NICE. No racism, sexism or any other sort of hate that degrades another person. Insults and name calling will not be tolerated.

Attachment 13

The Corydon Democrat

search

Thu, Jan 27, 2011 09:29 AM

Issue of January 26, 2011

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2010-07-13 ► News ►

News

Kathleen and Duke Roggenkamp, Milltown residents and long-time advocates of a new bridge, officially open the new bridge Saturday during a ceremony in the town. Officials from both Crawford and Harrison counties were on hand for the event. *Photo by Wade Bell (click for larger version)*

Milltown celebrates as bridge opens

Lee Cable write the author

July 14, 2010 | 10:11 AM

Milltown residents joined local political leaders Saturday to celebrate the opening of the new bridge the town has been waiting, and needing, for years.

The new, two-lane bridge, which crosses the Blue River, has been under construction since last summer and replaced an old, one-lane bridge that officials determined was unsafe and closed last fall when inspectors discovered seriously rusted beams under its floor.

A parade was organized for the official opening and ribbon cutting on Saturday and red, white and blue balloons marked the parade route from the town's post office to the bridge.

Kathleen and Duke Roggenkamp, long-time advocates of a new bridge for the town, were grand marshals of the event and rode in a convertible along the parade route to the new bridge. As the crowd watched and a drum corps from North Harrison High School played, Kathleen Roggenkamp cut the ribbon on the bridge, officially opening it for two-way traffic across the Blue River -- a first for the town.

"This was a wonderful event," Crawford County Commissioner Larry Bye said. "This was a chance for us to honor Kathleen Roggenkamp, who worked so diligently to get this bridge, and to celebrate the completion of this project and the grand opening of the new bridge. This has taken longer to complete than we anticipated, but there has been a lot of rain and other obstacles that have caused delays, and there are still a few finishing touches to address, but I'm really happy that Kathleen was able to see this project completed. It's been a dream of hers for a long time."

The bridge project cost about $1.7 million and was shared by Harrison County, which paid 60 percent of the cost, and Crawford County, which funded the

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30	31					

Attachment 14

remaining 40 percent.

The closing of the old bridge last year created a hardship on the few businesses still in town because traffic was diverted to another route that enters the town from the west.

"I live on the Harrison County side of the river," said one man who was watching the parade. "If I needed something from the store, it was a six-mile drive for me to go all the way around. And now, emergency vehicles will, once again, be able to get across the river using the new bridge. They weren't allowed to use the old bridge, because of weight limits, for several years. The new bridge was badly needed."

"It's difficult to imagine the impact this bridge will have on this community," said State Rep. Paul Robertson, who participated in the event. "Milltown, Crawford County and Harrison County working together was able to replace the old one-lane bridge, and this should help rejuvenate Milltown and help get more business downtown.

"This is money well spent and a plus for the whole community. This will improve the quality of life for these residents and businesses alike. I'm excited for Milltown, to say the least."

"It's been a long process," Milltown resident Bob Crecelius said. "I've been coming down here and checking on these construction boys almost every day. I'm really glad it's finally completed. It will help all of us."

The old bridge already has been removed. The center pier, which still stands in the middle of the river, dates back to Civil War times and the stones from the pier may be saved and used by the town.

Reader Feedback

July 15, 2010 | 11:07 AM

Although the new bridge was badly needed for many different reasons, I sure will miss the old one.

Milltown Bridge
July 17, 2010 | 10:28 AM

Since the old bridge was an eyesore, as well as having been repaired many, many times, and was beyond any more renovations, I think it was a great thing to replace it with a new bridge that will not bleed money from the communities any longer.

It is now a safe transport for buses and fire trucks and ambulances, needed more than an old decrepit bridge.

Alert! The allowed time limit for adding new feedback to this item has expired.

Attachment 14

REVISED MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE INDIANA STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 C.F.R. Section 800.6(b)(iv)
REGARDING THE REHABILITATION OF WILLIAMS COVERED BRIDGE
IN SPICE VALLEY TOWNSHIP, LAWRENCE COUNTY, INDIANA
Des. No. 0201239

WHEREAS the Federal Highway Administration ("FHWA") proposes the Rehabilitation of Williams Covered Bridge in Spice Valley Township, Lawrence County, Indiana; and

WHEREAS the FHWA, in consultation with the Indiana State Historic Preservation Officer ("Indiana SHPO"), has defined this Rehabilitation of Williams Covered Bridge's area of potential effects, as the term is defined in 36 C.F.R. Section 800.16(d), to be the area within the proposed and existing right-of-way and the land adjacent to the right-of-way as shown in the 36 CFR 800.4 documentation on file with FHWA and the Indiana SHPO; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has found that Williams Covered Bridge is within the area of potential effects; and

WHEREAS the FHWA and the Indiana SHPO both recognize that Williams Covered Bridge is listed on the National Register of Historic Places; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined pursuant to 36 C.F.R. Section 800.5(a) that the Rehabilitation of Williams Covered Bridge will have an adverse effect on Williams Covered Bridge; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Section 800) to resolve the adverse effect on Williams Covered Bridge; and

WHEREAS the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on March 30, 2004 in the Bedford and Lawrence County Times-Mail; and

WHEREAS the FHWA has notified the Advisory Council on Historic Preservation of the adverse effect and invited the Council's participation in the project, pursuant to 36 CFR Section 800.6(a)(1), in a letter dated June 15, 2004; and

WHEREAS the Advisory Council on Historic Preservation declined to participate in consultation; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited the Indiana Department of Transportation ("INDOT") and the Lawrence County Commissioners to participate in the consultation and to become signatories to this memorandum of agreement; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Part 800) concerning the scope of work as presented in the materials and schematic drawings included in the 36 C.F.R. 800.11 (e) documentation that accompanied the FHWA's March 15, 2004 adverse effect finding, and has agreed to proceed with the project as proposed; and

WHEREAS a memorandum of agreement was executed by FHWA, the Indiana SHPO, the INDOT, and the Lawrence County Commissioners in 2004, which expired, according to its own terms, on December 31, 2007; and

WHEREAS the stipulations included in the original memorandum of agreement for this undertaking are included in this new memorandum of agreement; and

WHEREAS this revised memorandum of agreement shall supersede the 2004 memorandum of agreement; and

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Section 800.11(e) and (f), to the Advisory Council on Historic Preservation ("Council") pursuant to 36 C.F.R. Section 800.6[b][1][iv] and upon the FHWA's approval of the Rehabilitation of Williams Covered Bridge, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the Rehabilitation of Williams Covered Bridge on historic properties.

The FHWA shall ensure that the following stipulations are implemented:

Stipulations

I. **MITIGATION**

The existing roof configuration is a character-defining feature of the Williams Covered Bridge, and replacement of the roof with a new roof with eaves that will extend 9.5 inches further from the peak to the end of the eave on each side to increase protection from wind-driven rain will result in an adverse effect. In consultation with Indiana SHPO, FHWA agrees to the following mitigation measures:

A. Documentation shall be prepared to describe and photograph the existing roof configuration prior to any alteration of the Williams Covered Bridge for the extension of the eaves. In addition to photographs of the existing roof configuration, a few overview photographs of the exterior and interior of Williams Covered Bridge shall also be provided. Such documentation shall be:

1. Provided to Indiana SHPO for their record files;
2. Provided to local historic groups with interest in the Williams Covered Bridge; and
3. Permanently filed in the records of the Engineer of Lawrence County, Indiana

B. An interpretive sign shall be placed near the historic bridge. The sign shall provide a brief description of the history of the Williams Covered Bridge, including the existing roof configuration and the extension of the eaves for protection against wind-driven rain that will result from this undertaking.

C. Other rehabilitation work to Williams Covered Bridge that will not result in an adverse effect to the historic character of the bridge shall be performed as developed in consultation with Indiana SHPO and as described in the 36 C.F.R. 800.11(e) documentation.

II. OBJECTION RESOLUTION PROVISION

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

A. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the FHWA regarding any action carried out or proposed with respect to the Rehabilitation of Williams Covered Bridge or implementation of this memorandum of agreement, then the FHWA shall consult with the objecting party to resolve this objection. If after such consultation the FHWA determines that the objection cannot be resolved through consultation, then the FHWA shall forward all documentation relevant to the objection to the Council, including the FHWA's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

1. Provide the FHWA with a staff-level recommendation, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or

2. Notify the FHWA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. The FHWA shall take into account the Council's comments in reaching a final decision regarding its response to the objection.

B. If comments or recommendations from the Council are provided in accordance with this stipulation, then the FHWA shall take into account any Council comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. The FHWA's responsibility to carry out all actions under the memorandum of agreement that are not the subjects of the objection shall remain unchanged.

III. POST REVIEW DISCOVERY

In the event that one or more historic properties--other than Williams Covered Bridge--are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Section of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1, 312 IAC 21, 312 IAC 22, and the most current *Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites*.

IV. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. 800.6(c)(7) shall govern the execution of any such amendment.

V. TERMINATION

A. If the terms of this memorandum of agreement have not been implemented by December 31, 2014, then this memorandum of agreement shall be considered null and void. In such an event, the FHWA shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the Rehabilitation of Williams Covered Bridge, then it shall reinitiate review of the Rehabilitation of Williams Covered Bridge in accordance with 36 C.F.R. Sections 800.3 through 800.7.

B. Any signatory to the memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the Rehabilitation of Williams Covered Bridge.

C. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the Rehabilitation of Williams Covered Bridge.

The execution of this memorandum of agreement by the FWHA, INDOT, Lawrence County, and the Indiana SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the Rehabilitation of Williams Covered Bridge and its effect on historic properties and that the FHWA has taken into account the effects of the Rehabilitation of Williams Covered Bridge on historic properties.

SIGNATORIES (required):

FEDERAL HIGHWAY ADMINISTRATION

Signed by: Michelle Allen Date: 12.30.10

Robert F. Tally, Jr., P.E.,
Administrator, FHWA-Indiana Division

Attachment 15

SIGNATORIES (required):

INDIANA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 11/10/2010

James A. Glass, Ph.D
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology

INVITED SIGNATORIES

INDIANA DEPARTMENT OF TRANSPORTATION

By: David B. Holtz Date: 15 Nov 2010

David B. Holtz, Deputy Commissioner of Design, Project Management, and Technical Support
Indiana Department of Transportation

Attachment 15

INVITED SIGNATORIES

LAWRENCE COUNTY COMMISIONER

By: David Flinn Date: 11-23-2010

David Flinn
Lawrence County Commissioner

Attachment 15

INVITED SIGNATORIES

LAWRENCE COUNTY COMMISIONER

By: _____ Date: 11-23-2010

Chris May
Lawrence County Commissioner

Attachment 15

INVITED SIGNATORIES

LAWRENCE COUNTY COMMISIONER

By: _____ Date: 11-23-2010

Bill Spreen
Lawrence County Commissioner

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4 (F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
BRIDGE REHABILITATION PROJECT: COUNTY BRIDGE NO. 271
DES NO.: 9982660
NEAR YANKEETOWN, WARRICK COUNTY, INDIANA

AREA OF POTENTIAL EFFECT
(Pursuant to 36 CFR Section 800.4(a)(1))
The Area of Potential Effects (APE) has been drawn to encompass properties on both sides of the undertaking. (See Appendix B, Maps.).

ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))
There are no properties listed in the NR within the APE of this undertaking; one resource has been determined eligible for listing in the National Register of Historic Places as a result of the Indiana Statewide Historic Bridge Inventory: Warrick County Bridge No. 271 over Little Pigeon Creek on Yankeetown Road (Old River Road).

Warrick County Bridge No. 271 (173-695-45010) Warrick County Bridge No. 271 (circa 1885) consists of two stringer spans, two pin-connected Kingpost pony trusses as approach spans and one pin-connected Whipple (Double Intersection Pratt) thru truss as the primary span. The amount of original integrity and rarity of these trusses results in substantial engineering significance; therefore, the bridge is eligible under Criterion C.

EFFECT FINDING
Warrick County Bridge No. 271 (173-695-45010) will be affected through the rehabilitation of its structural components per the Secretary of the Interior's Standards for Rehabilitation, but this effect will not be adverse. INDOT acting on FHWA's behalf, has determined that a finding of No Adverse Effect is appropriate for this undertaking.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)
This undertaking will not convert property from Warrick County Bridge No. 271 (173-695-45010), a section 4(f) property, to a transportation use as the bridge has always been used for transportation; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is No Adverse Effect; therefore no Section 4(f) evaluation is required for Warrick County Bridge No. 271 (173-695-45010). **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

Consulting parties will be provided a copy of INDOT's, acting on FHWA's behalf, findings and determinations in accordance with INDOT and FHWA's Section 106 procedures. Comments will be accepted for 30-days upon receipt of the findings.

Michelle Allen

FOR Staffan Peterson for FHWA
Administrator
INDOT Cultural Resources

7.29.10

Approved Date

Attachment 16

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 · dhpa@dnr.IN.gov

August 25, 2010

Staffan Peterson, Administrator
Cultural Resources Section
Office of Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Finding of "no adverse effect" regarding the rehabilitation of Warrick County Bridge No. 271, carrying Yankeetown Road over Little Pigeon Creek (Des. No. 9982660; DHPA No. 6075)

Dear Mr. Peterson:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana," the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the finding and 36 C.F.R. § 800.11(e) documentation under RW Armstrong's cover letter, which was dated July 30, 2010 and received on August 2, for the aforementioned project in Anderson Township, Warrick County, Indiana.

As we previously have stated, based on the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area as delineated in the Wells and Pope (November 2002) Phase Ic archaeological report. This identification is subject to the project activities' remaining within the project area delineated in that report. If the project area footprint changes or has changed, please notify our office of the location(s).

We do not believe that the integrity of the characteristics that qualify Warrick County Bridge No. 271 for inclusion in the National Register of Historic Places will be diminished as a result of this project.

Therefore, we concur with the Indiana Department of Transportation's July 29, 2010 finding, on behalf of FHWA, that this project will have no adverse effect.

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

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov.

Very truly yours,

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

JAG:JLC:jle

cc: Trevor Wieseke, RW Armstrong

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

Attachment 16

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
PULASKI COUNTY BRIDGE No. 291 BRIDGE REPLACEMENT
DES. NO.: 0301024

AREA OF POTENTIAL EFFECT
(Pursuant to 36 CFR Section 800.4(a)(1))

The Area of Potential Effect (APE) consists of an irregularly shaped area with a minimum width of 343 ft and a maximum width of 554 feet, centered on the bridge. The length of the APE is 1,124 feet along the length of Walnut Street, and 563 feet along Railroad Avenue, and 214 feet of Legion Road, east of Walnut Street.

ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))

One property, the Pulaski County Bridge No. 291, is eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion C, for being a significant example of bridge engineering.

EFFECT FINDING

INDOT, acting on FHWA's behalf, has determined an "Adverse Effect" finding is appropriate for this undertaking due to changes in the property's use and setting resulting from the undertaking.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)

This resource is used for transportation purposes. This undertaking will have an "Adverse Effect" on the Pulaski County Bridge No. 291, a Section 4(f) historic property; the FHWA has determined the appropriate Section 106 finding is "Adverse Effect" and therefore, a Section 4(f) evaluation must be completed for Pulaski County Bridge No. 291. FHWA respectfully requests that the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "Adverse Effect."

Joyce E. Newlander

Robert F. Tally, Jr., PE
Division Administrator
Federal Highway Administration

June 14, 2010
Approved Date

Attachment 17

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov

July 8, 2010

Robert F. Tally, Jr., P.E.
Division Administrator
Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: FHWA's finding of "adverse effect," supporting 36 C.F.R. § 800.11(e) documentation, and 30% and 60% design plans for the bypass of Pulaski County Bridge No. 291, carrying County Road 625 East over the Tippecanoe River (Des. No. 0301024; DHPA No. 3099)

Dear Mr. Tally:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement . . . Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana" ("Minor Projects PA") and the "Programmatic Agreement . . . Regarding Management and Preservation of Indiana's Historic Bridges" ("Historic Bridges PA"), the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the materials under United Consulting's cover letter dated June 14, 2010 and received on June 16, for the aforementioned project in the Town of Monterey, Tippecanoe Township, Pulaski County, Indiana.

We realize that this project is one of the first to navigate the project development process for a Select Bridge and that the project already was being planned and reviewed under the usual Section 106 process by the time the Historic Bridges PA could be fully implemented, so it is not surprising that there may be a few rough spots in the transition to the project development process. It seems to us, however, that requesting consulting parties to comment on the purpose and need and alternatives analysis and the "adverse effect" finding, and—in the case of the Indiana SHPO—both the 30% and 60% design plans, all within the same, 30-day time frame, places a heavier burden on the Indiana SHPO and the other consulting parties than was intended in the Historic Bridges PA. In the future, we request that the purpose and need and alternatives analysis be provided for comment prior to, and separately from, the effect finding and the design plans. We also request that the 30% design plans be submitted for review well in advance of the completion and submission of the 60% plans, so that the 60% plans could reflect changes that might result from Indiana SHPO's comments on the 30% plans.

Although we have not been asked expressly to comment on the purpose and need ("P&N") of this project, we note that according to stipulations III.A.3. and III.A.4. of the Historic Bridges PA, the consulting parties in a Section 106 review of a project the subject of which is a Select Bridge have the right to comment on the draft P&N and alternatives analysis and to have their comments considered. Having gleaned the purpose and need from the "Description of the Undertaking" section of the 36 C.F.R. § 800.11(e) documentation, we believe that the P&N have been justified adequately. The Preferred Alternative (Bypassing the Structure on a New Alignment) appears to be an appropriate way to preserve historic Bridge No. 291. Given the inadequacies of the historic bridge and its approach roadway and the impacts to the natural environment that other alternatives would have, the Preferred Alternative appears to be the only one that is feasible and prudent.

Even so, we would want to be informed if any of the other consulting parties expresses concerns about the draft P&N or alternatives analysis pursuant to Stipulation III.A.3. of the Historic Bridges PA. The April 1, 2010 "Historic Bridge PA Project Development Process" document, on page 3, authorizes INDOT, in consultation with the SHPO, to request a consulting parties meeting "to address questions and concerns with the draft 4[f] alternatives analysis." If another

consulting party were to raise a relevant issue in a timely fashion, then we might want to recommend that a consulting parties meeting be held.

As was stated previously, we have not identified any archaeological sites listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area. However, this identification is subject to the project activities remaining within areas previously archaeologically surveyed (Zoll, 6/25/04) and cleared by our office.

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

We concur with your finding of June 14, 2010 that historic Pulaski County Bridge No. 291 is the only historic property within the above-ground area of potential effects and that this project will have an adverse effect (within the meaning of 36 C.F.R. § 800.5[a]) on that historic bridge, for the reasons stated in the finding and in the § 800.11(e) documentation.

The only difference we have been able to perceive between the 30% plans ("*Plot Date: 5/1/2009*") and the 60% plans ("*Plot Date: 11/4/2009*") in the immediate vicinity of the proposed bridge and the historic bridge is that in the 60% plans, somewhat less riprap is proposed to be used beneath and between the two bridges on the north bank of the river.

We did not find a profile or elevation of the historic bridge in the 60% plans that could be compared with the profile of the proposed bridge, but, based on the 60% profile and plans of the proposed bridge and on United Consulting's January 14, 2009 letter to our office, it is our understanding that the proposed bridge's deck at its highest point will be about four feet higher in elevation than the deck of the historic bridge and that the centerline-to-centerline distance between the bridges will be about fifty feet at the closest point. The elevation difference between the two bridges will not be substantial. On the other hand, we estimate that the exterior surfaces of the two bridges would be no more than 23 feet apart, at the closest point. Given the types and sizes of the bridges involved here, our impression is that such a separation is probably adequate to prevent the proposed bridge from visually overwhelming the historic bridge and to allow a reasonable view of the historic bridge from the new bridge. However, if the bridges were going to be much closer together or larger, we might want to discuss whether it would be feasible to separate them by a somewhat greater distance.

If you have questions about archaeological issues, please contact Wade T. Tharp at (317) 232-1650 or wtharp1@dnr.IN.gov. Questions about buildings or structures should be directed to John L. Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding the above indicated project, please refer to DHPA No. 3099.

Very truly yours,

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

JAG:JLC:WTT:wt

cc: Staffan Peterson, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Michael Oliphant, United Consulting

emc: Joyce Newland, Indiana Division, Federal Highway Administration
Mary Kennedy, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Shaun Miller, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Michael Oliphant, United Consulting

Attachment 17

FEDERAL HIGHWAY ADMINISTRATION
SECTION 4(f) COMPLIANCE REQUIREMENTS (for historic properties)
AND SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
CONSTRUCTION OF THE FALL CREEK GREENWAY
ALONG FALL CREEK FROM CENTRAL AVENUE TO
THE MONON TRAIL IN INDIANAPOLIS, MARION COUNTY, INDIANA
DES. NO.: 9880710
FEDERAL PROJECT NO.:

AREA OF POTENTIAL EFFECT
(Pursuant to 36 CFR Section 800.4(a)(1)

The Area of Potential Effect (APE) includes the project limits and surrounding areas. The greenway route can be seen on the attached aerial map (Appendix pages A5 – A6).

ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR Section 800.4(c)(2)

The following properties are located within the APE and are eligible for listing in the National Register of Historic Places:

- Fall Creek Parkway Historic District – eligible for the National Register of Historic Places under Criterion A and C
- Indianapolis Park & Boulevard System – listed in the National Register of Historic Places under Criterion A and C

EFFECT FINDING

- Fall Creek Parkway Historic District
  "No Adverse Effect"
- Indianapolis Park & Boulevard System
  "No Adverse Effect"

SECTION 4(f) COMPLIANCE REQUIREMENTS

Fall Creek Parkway Historic District – This undertaking will not convert property from Fall Creek Parkway Historic District, a section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for Fall Creek Parkway Historic District. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect".**

Indianapolis Park & Boulevard System – This undertaking will not convert property from the Indianapolis Park & Boulevard System, a section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for Fall Creek Parkway Historic District. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect".**

Staffan Peterson
Administrator, Cultural Resources Section
INDOT OES

5/24/2010
Approved Date

Attachment 18

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology•402 W. Washington Street, W274 · Indianapolis, IN
Phone 317-232-1646•Fax 317-232-0693 · dhpa@dnr.IN.gov

August 18, 2010

Staffan Peterson, Administrator
Cultural Resources Section
Office of Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: The Indiana Department of Transportation's ("INDOT's") finding, on behalf of FHWA, of "no adverse effect," with documentation prepared pursuant to 36 C.F.R. § 800.11(e), regarding the construction of the Fall Creek Greenway along Fall Creek, from Central Avenue to the Monon Trail, as supplemented, modified, or clarified by Butler, Fairman and Seufert's June 24, 2010 submission of plans on a compact disc, and Butler, Fairman and Seufert's telephone call of July 1 and e-mails and attachments of July 22 and August 12, 2010 (Des. No. 9880710; DHPA No. 8579)

Dear Mr. Peterson:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana," the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the items of information enumerated above regarding the aforementioned project in Indianapolis, Marion County, Indiana.

Having carefully reviewed not only the finding and supporting documentation originally submitted on May 26, 2010 by Kristi D. Hamilton of Butler, Fairman & Seufert, Inc. but also enumerated information subsequently provided by Ms. Hamilton regarding the College Avenue and Central Avenue Bridges over Fall Creek, we do not believe that the integrity of the characteristics that qualify the Fall Creek Parkway Historic District or the Indianapolis Park & Boulevard System for inclusion in the National Register of Historic Places will be diminished as a result of this project. Additionally, based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the project area.

Therefore, we concur with INDOT's May 24, 2010 finding, on behalf of FHWA, that no historic buildings, structures, districts, objects, or archaeological resources within the area of potential effects will be adversely affected by this project.

Although the effects on any specific historic property are comprehended within the overall finding of "no adverse effect," at your request and for Section 4(f) purposes, we also concur that this project will have no adverse effect on the Fall Creek Parkway Historic District or on the Indianapolis Park & Boulevard System.

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

Questions about this project's effects on the historic districts should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov.

Very truly yours,

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

JAG:JLC:jlc

cc: Kristi D. Hamilton, Butler, Fairman and Seufert, Inc.

emc: Lawrence Heil, P.E., Indiana Division, Federal Highway Administration
Patrick Carpenter, Cultural Resources Section, Office of Environmental Services, Indiana Department of Transportation
Kristi Hamilton, Butler, Fairman and Seufert, Inc.

Attachment 18

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(f) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECTS
ELIGIBILITY DETERMINATIONS
FINDING OF NO ADVERSE EFFECT
HARMONI—HISTORIC MIDTOWN INITIATIVE
CITY OF INDIANAPOLIS, WASHINGTON TOWNSHIP, MARION COUNTY, INDIANA
DES No.: 0901706
FEDERAL NO.: PENDING

AREA OF POTENTIAL EFFECT
(Pursuant to 36 CFR Section 800.4(a)(1))

The Area of Potential Effects (APE) for Project Area A has been drawn to encompass properties along the route of and adjacent to the undertaking. The APE for Project Area B has been drawn approximately three hundred feet north and south along Meridian Street at the intersection of 43rd Street, encompassing properties on both side of Meridian Street. (See Appendix B: Maps.)

ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))

There is one district and one individual property listed in the National Register of Historic Places (NR) within the APE of this undertaking. Two bridges have been previously determined eligible for listing in the NR. The Central Canal has been previously determined eligible for listing in the NR by the Keeper of the NR. Three districts are recommended eligible for listing in the NR:

North Meridian Street Historic District (NR, 1986): The North Meridian Street Historic District, located on one of the city's major roads, was home to many of the city's most affluent residents beginning in the early twentieth century. Architecture within the district is an eclectic mix of high-style designs, with Colonial Revival, Renaissance Revival, French Eclectic, and Tudor styles well represented. The North Meridian Street Historic District is listed in the NR under Criterion C for its high concentration of architect-designed high-style structures.

William N. Thompson House (NR, 1982): Built in 1920 by noted architect Frank B. Hunter the two-and-one-half-story house was built for the Stutz Motor Car Company president and was later occupied by an oil company executive. The house is a Renaissance Revival dwelling consisting of a five-bay central block with small projecting wings at the north and south ends of the building. The house is listed in the NR under Criterion A for its significance in the area of industry and politics/government.

Meridian Street Bridge (Bridge No. 1123F/NBI No. 4900638): Built on a skew in 1926, this three-span, filled-spandrel arch bridge is constructed of reinforced concrete. Designed by eminent engineer Daniel B. Luten, and constructed by the National Concrete Company, the bridge continues in its original function on Meridian Street allowing automobile traffic to traverse the Central Canal. The *Indiana Historic Bridge Inventory* lists this bridge as eligible for the NR under Criterion C, "...since it represents a significant phase or feature of the work of a master. It is distinguishable when compared with similar structures and retains historic integrity necessary to convey engineering or design significance."

Illinois Street Bridge (Bridge No. 1111L/NBI No. 4900078): This 1920 two-span, filled-spandrel arch bridge is built of reinforced concrete on a skew, and features Royce-formula tapered abutments. Designed by eminent engineer Daniel B. Luten, and constructed by the National Concrete Company, the bridge continues in its original function on Illinois Street allowing automobile traffic to traverse the canal. The *Indiana Historic Bridge Inventory* lists this bridge as having been "...previously listed or determined eligible for listing in the National Register." It is

Attachment 19

recommended that this bridge retain its eligibility for the NR under Criterion C, "...as it represents an early or distinctive phase in bridge construction, design or engineering and it retains the historic integrity necessary to convey its engineering significance."

Central Canal (097-296-05627): Construction of Central Canal was mandated in the State of Indiana's ambitious, but ill-fated, Mammoth Internal Improvements Act of 1836 In 1977, the Indiana SHPO advised the City of Indianapolis that the Central Canal was eligible for the NR. On October 20, 1983 the Indiana SHPO wrote a letter to the city re-stating the 1977 opinion, though noting that some downtown areas of the canal were "so altered. . .as to make that portion ineligible." On April 25, 1985, the Keeper of the NR issued a determination that the canal was eligible for inclusion in the NR.

North Illinois Street Historic District (097-296-20001-247): Architecture within the district is diverse and includes French Provincial, Colonial Revival, and a number of commercial style buildings dating to the first part of the twentieth century. The North Illinois Street Historic District, as identified in the 1999 *Interim Report*, retains its overall integrity and is recommended eligible for listing in the NR under Criterion C for its excellent examples of residential, public, and commercial architecture styles and designs from the early to mid-twentieth century.

North Pennsylvania Street Historic District (097-296-22001-961): Architecture within the district is eclectic and within the project area examples of French Eclectic, Colonial Revival, and Art Moderne are present. The North Pennsylvania Street Historic District is recommended eligible for listing in the NR under Criterion C for its excellent examples of residential architecture styles and designs from the early- to mid-twentieth century.

Central Avenue Historic District (097-296-34001-240): Containing an eclectic mix of architectural styles, the Central Avenue Historic District is an example of high-style architecture on a more modest scale. Located on a major north-south route in early twentieth century Indianapolis, architecture within the district is eclectic and a mix of French Eclectic, Colonial Revival, and Art Moderne are represented. The Central Avenue Historic District is recommended eligible for listing in the NR under Criterion C for its excellent examples of residential architecture styles and designs from the early- to mid-twentieth century.

Riviera Club (WA 11): Founded in 1933 by James Makin, the Riviera Club aimed to provide affordable, accessible recreational facilities for midtown Indianapolis residents. In December 2006, the Riviera Club was nominated to the NR. In April 2008, the office of the Indiana SHPO returned the nomination and suggested revisions. Since that time, no nomination has been submitted for the facility. For the purposes of this Section 106 report only, the Riviera Club is considered eligible for listing in the NR.

EFFECT FINDING
North Meridian Street Historic District-No Adverse Effect
William N. Thompson House-No Adverse Effect
Meridian Street Bridge-No Adverse Effect
Illinois Street Bridge-No Adverse Effect
Central Canal-No Adverse Effect
North Illinois Street Historic District-No Adverse Effect
North Pennsylvania Street Historic District-No Historic Properties Affected
Central Avenue Historic District-No Adverse Effect
Riviera Club-No Adverse Effect

INDOT acting on FHWA's behalf, has determined that a conditional finding of No Adverse Effect is appropriate for this undertaking if the following conditions are met: Paving bricks to be the darkest color from previously provided literature and the intersections are made entirely of brick with no concrete or asphalt center circles. (See product literature in Appendix D.)

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)

North Meridian Street Historic District – This undertaking will not convert property from the North Meridian Street Historic District, a section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for the North Meridian Street Historic District. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

William N. Thompson House – This undertaking will not convert property from the William N. Thompson House, a section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for North Meridian Street Historic District. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

Meridian Street Bridge – This resource is used for transportation purposes. This undertaking will have a "no adverse effect" on the Meridian Street Bridge, a Section 4(f) historic property; INDOT acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; and therefore no Section 4(f) evaluation must be completed for the Meridian Street Bridge. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

Illinois Street Bridge – This resource is used for transportation purposes. This undertaking will have a "no adverse effect" on the Illinois Street Bridge, a Section 4(f) historic property; INDOT acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; and therefore no Section 4(f) evaluation must be completed for the Illinois Street Bridge. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

Central Canal – This resource is not used for transportation purposes. This undertaking will have a "no adverse effect" on the Central Canal, a Section 4(f) historic property; INDOT acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; and therefore no Section 4(f) evaluation must be completed for the Central Canal. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

North Illinois Street Historic District – This undertaking will not convert property from North Illinois Street Historic District, a section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for the North Illinois Street Historic District. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

North Pennsylvania Street Historic District – This undertaking will not convert property from North Pennsylvania Street Historic District, a section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Historic Properties Affected"; therefore no Section 4(f) evaluation is required for North Pennsylvania Street Historic District. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Historic Properties Affected."**

Central Avenue Historic District – This undertaking will not convert property from the Central Avenue Historic District, a section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse

Effect"; therefore no Section 4(f) evaluation is required for Central Avenue Historic District. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

Riviera Club – This undertaking will not convert propertyfrom the Riviera Club, a section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for the Riviera Club. **INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of "No Adverse Effect."**

Consulting parties will be provided a copy of INDOT's, acting on FHWA's behalf, findings and determinations in accordance with INDOT and FHWA's Section 106 procedures. Comments will be accepted for thirty (30) days upon receipt of the findings.

Staffan Peterson for FHWA
Administrator
INDOT Cultural Resources

7/6/2010

Approved Date

Attachment 19

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 · dhpa@dnr.IN.gov

November 18, 2010

Robert F. Tally
Division Administrator, Indiana Division
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: FHWA response to letter from Meridian Kessler Neighbors Helping Neighbors expressing their opinion of phase 1 of the HARMONI neighborhood streetscape, beautification and pedestrian safety plan (Designation # 0500824, 0901706; DHPA #8410)

Dear Mr. Tally:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated November 18, 2010, and received on November 18, 2010, for the above indicated project in Indianapolis, Marion County, Indiana.

Thank you for providing additional information. We concur with the FHWA's November 18, 2010 conclusions regarding the HARMONI Transportation Enhancement Project.

If you have questions about archaeological issues please contact Wade Tharp at (317) 232-1650 or wtharp1@dnr.IN.gov. If you have questions about buildings or structures please contact Toni Lynn Giffin at (317) 233-9636 or tgiffin@dnr.IN.gov.

Very truly yours,

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

JAG:TLG:tlg

cc: James F. Hill, President, Meridian Kessler Neighbors Helping Neighbors
Robert E. Carter, Jr., State Historic Preservation Officer
Staffan Peterson, Indiana Department of Transportation OES
Andy Lutz, City of Indianapolis Department of Public Works
Marsh Davis, Indiana Landmarks
Mark Dollase, Indiana Landmarks
Ashley Payne, Indianapolis Historic Preservation Commission
Connie Zeigler, Citizen
Councillor Joanne Sanders
Councillor Ryan Vaughn
Representative Ed Delaney
Bob Wilch, Meridian Street Preservation Commission
Anna Tyszkiewicz, Indianapolis MPO
Kathryn Shorter, HARMONI, Inc.
Margaret T. Storrow, Storrow Kinsella Associates
Linda Weintraut, Weintraut Associates, Inc.

FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4 (f) COMPLIANCE REQUIREMENTS (for historic properties)
AND SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBLITY DETERMINATIONS
EFFECT FINDING
REHABILITATION OF MARION COUNTY BRIDGE 3108F
MORRIS STREET OVER THE WHITE RIVER
CITY OF INDIANAPOLIS, MARION COUNTY, INDIANA
DES. NO.: 0900010
FED. NO.:

AREA OF POTENTIAL EFFECT
(Pursuant to 36 CFR Section 800.4(a)(1))

The Area of Potential Effect (APE) includes an area adjacent to the proposed bridge rehabilitation. (see aerial maps attached to the enclosed 800.11(e) document).

ELIGIBLITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))

The following properties are located within the APE and are considered eligible for inclusion or listed in the National Register of Historic Places.

- **Morris Street Bridge (Marion County Bridge 3108F)**

No other structures, sites, districts or archaeological resources that are considered eligible for inclusion in the National Register are located within the probable area of potential effects.

EFFECT FINDING

- ~~Morris Street Bridge (Marion County Bridge 3108F) (Criterion A and C)~~
  "no adverse effect"

The FHWA has determined a "No Adverse Effect" finding is appropriate for this undertaking.

SECTION 4(f) COMPLIANCE REQUIREMENTS

Morris Street Bridge (Marion County Bridge 3108F) -- This undertaking will not convert property from the Morris Street Bridge (Marion County Bridge 3108F) --, a section 4(f) historic property, to a transportation use; the FHWA has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for the Morris Street Bridge (Marion County Bridge 3108F). **FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with FHWA's Section 106 determination of "No Adverse Effect"; the Indiana State Historic Preservation Officer's concurrence is not required for FHWA's determination that a Section 4(f) evaluation is not required for the Morris Street Bridge (Marion County Bridge 3108F).**

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Consulting parties will be provided a copy of FHWA's findings and determinations in accordance with FHWA's Section 106 procedures. Comments will be accepted for 30-days upon receipt of the findings.

Staffan Peterson, for FHWA
Administrator
Cultural Resources Section

1/25/10
Approved Date

Attachment 20

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology•402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646•Fax 317-232-0693 · dhpa@dnr.IN.gov

HISTORIC PRESERVATION AND ARCHAEOLOGY

February 11, 2010

Staffan Peterson, Administrator
Cultural Resources Section
Office of Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Notification of the Indiana Department of Transportation's finding of "no adverse effect" on behalf of the Federal Highway Administration concerning the rehabilitation of the Morris Street Bridge (3108F) over the White River (Designation #0900010; DHPA #5229)

Dear Mr. Peterson:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated February 1, 2010 and received on February 2, 2010, for the above indicated project in Indianapolis, Center Township, Marion County, Indiana.

As previously indicated, we do not believe the characteristics that qualify the identified historic property for inclusion in the National Register of Historic Places will be diminished as a result of this project. Additionally, based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

Therefore, we concur with the INDOT's January 25, 2010 finding, on behalf of the FHWA, that there are no historic buildings, structures, districts, objects, or archaeological resources within the area of potential effects that will be adversely affected by the above indicated project.

Please keep in mind this identification is subject to the project activities remaining within areas disturbed by previous construction. Additionally, if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

If you have questions about archaeological issues please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. If you have questions about buildings or structures please contact Toni Lynn Giffin at (317) 233-9636 or tgiffin@dnr.IN.gov.

Very truly yours,

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

JAG:TLG:tlg

cc: Joshua Smith, Butler, Fairman, Seufert, Inc
emc: Mark Dollase, Central Regional Office, Historic Landmarks Foundation of Indiana, Inc.
Paul Brandenburg, Indiana Historic Spans Task Force
James L. Cooper, Ph.D., Historian

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology•402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646•Fax 317-232-0693 · dhpa@dnr.IN.gov

October 29, 2010

Staffan Peterson, Administrator
Cultural Resources Section
Office of Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

State Agency: Indiana Department of Transportation

Re: Repairs to Bridge #042-11-03101A carrying SR 42 over the Eel River (Designation #1006092; DHPA #10857)

Dear Mr. Peterson:

Pursuant to Indiana Code 14-21-1-18 and Natural Resources Commission Emergency Rule #08-762, the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("DHPA") has conducted a review of the materials dated and received by the DHPA on October 29, 2010, for the above indicated project in Cass Township, Clay County, Indiana.

Thank you for your submission for the above indicated project. Although the bridge is listed in the National Register of Historic Places, based on what we currently know, there will be no adverse impact on any known historic site or historic structure that is state owned. Therefore, under Section 11(c) of Emergency Rule #08-762, a certificate of approval will not be necessary from the Indiana Historic Preservation Review Board for this project.

Pursuant to LSA #08-762(E), Subsection 11(g), within fifteen (15) days after this determination, an interested person may request a member of the review board to provide public hearing and review under 312 IAC 2-3. The designated member shall issue a determination whether an application for a certificate of approval must be filed. If the designated member determines an application must be filed, the division shall place the completed application on the agenda of the review board's next meeting. If the designated member determines that an application for a certificate is not required, the division director's letter of clearance is affirmed. A determination under this subsection is not effective until the later of the following:

(1) fifteen (15) days after issuance of the determination; or
(2) the day resulting from a notice given under 312 IAC 2-3-7(d).

If any archaeological artifacts, features, or human remains are uncovered during construction, state law (Indiana Code 14-21-1-27 & 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646.

If you have any further questions regarding this determination, please contact Karie Brudis at (317) 233-8941 or kbrudis@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #10857.

Very truly yours,

for Ron McCutchan

James A. Glass, PhD
Director, Division of Historic Preservation & Archaeology
Indiana Department of Natural Resources

JAG:KAB:kab