

DATE: April 8, 2008

TO: Ben Lawrence, Administrator, Environmental Policy Section
Joyce Newland, Planning/Environmental Specialist, FHWA *gzn*

THROUGH: Chris Andrews, Supervisor, NEPA Document Review Unit

FROM: Loni Hrynk, Environmental Scientist, NEPA Document Review Unit

SUBJECT: Additional Information to Approved Environmental Document for the Road Construction of the MacGregor Park Primary Access Road in Hamilton County, Designation Number 0500018

This memorandum provides additional information to the approved environmental document for the road construction of the MacGregor Park Primary Access Road in Hamilton County. This memorandum contains a history of the environmental documentation, a revised project description, and revised discussions of impacts to potential archaeological sites, historic properties, Section 4(f) resources, and of hazardous materials. Traffic maintenance will also be discussed in this memorandum.

Project and Environmental Document History: The MacGregor Park Primary Access Road was originally included in the scope for the US 31 project (des. no. 9905500). A decision was made in December 2004 to accelerate the design and construction of the access road under a separate project. The decision to remove the park access road from the US 31 project also took into consideration that the current access drive on US 31 is not an ideal location for a park entrance. It is very near the intersection of US 31 and SR 38 and vehicles are currently limited to turning right to enter and right to exit. For these reasons, INDOT decided to accelerate the schedule for the park access road into MacGregor Park from SR 38.

A Categorical Exclusion (CE) for the MacGregor Park Primary Access Road on SR 38 was approved on January 19, 2005. The project, as described in the CE, included a typical roadway cross section of a 10 foot wide raised/curb median, a single 12 foot wide travel lane in each direction, an 8 foot wide paved shared multi-use path and a 3:1 or 4:1 side slope to open ditches. The north end of the access road would cross Lindley Ditch. The Lindley ditch structure was estimated to be a three-sided 24 foot span by 6 foot rise culvert.

Since the approval of the CE, there have been changes in the design of the access road including a shift of the road south along Lindley Ditch and minor changes in the roadway cross section. The access road approach at SR 38 will remain the same as discussed in the CE, while the structure crossing Lindley Ditch will be further south. The proposed project includes a typical roadway cross section of an 11 foot wide raised/curb median, a single 11 foot wide travel lane in each direction, 4-7 foot shoulders, and a 3:1 or 4:1 side slope to open ditches. The north end of the access road will cross Lindley Ditch. The Lindley ditch structure is estimated to be a 36'-9¹/₈" single span timber bridge with a clear roadway width of 32'-6".

Archaeological Sites and Historic Properties (Section 106): The original CE referenced a Section 106 finding for US 31. Because there was no finding made for the access road project, the Section 106 process was initiated on November 30, 2007 specifically for the access road.

An archaeological reconnaissance was conducted on December 14, 2007. Approximately 1.79 acres of land was investigated for cultural resources. No evidence of cultural resources was identified during the field reconnaissance and a recommendation was made by INDOT to allow the project to proceed as planned.

Based on the Historic Properties Report, no historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion on the National Register were identified within the proposed area of potential effects (APE).

The State Historic Preservation Officer (SHPO) agreed with the area of potential effects (APE), and with the findings from the archaeology and historic property reports in a letter dated January 17, 2008. At that time, the SHPO found it would be appropriate for INDOT, on behalf of the FHWA, to analyze the information gathered, and to make the necessary determinations and findings.

The APE, eligibility determinations, effect finding, and Section 4(f) compliance requirements (for historic properties) was signed by INDOT for the FHWA on February 13, 2008.

The SHPO and public were given 30 days to comment on the finding. No comments were received.

Section 4(f) Resource:

Project Description:

The proposed project involves construction of an access road into the town of Westfield's MacGregor Park at the northeast quadrant of the intersection of SR 38 and US 31 as described above in Project and Environmental Document History. The project begins approximately 1330 feet east of the intersection of SR 38 and US 31 and ends approximately 800 feet north of SR 38 into MacGregor Park. The total length of the project is 0.14 mile. The estimated cost of the project is \$988,000.00. Construction is anticipated to begin in April of 2009 and end in July of 2009.

Section 4(f) Applicability and Impacts to the Section 4(f) Resource:

MacGregor Park is publicly-owned, by Washington Township – Hamilton County. The property has a deed restriction in the form of a conservation easement that designates the property as a nature preserve. This easement is enforced by the Indiana Department of Natural Resources, Department of Outdoor Recreation. Washington Township is in the process of developing walking/hiking trails on the site, as well as a parking and event area. The development of the trails, parking, and event area was to be completed by December 31, 2007. A septic system and restroom/maintenance facility will also be built. The park was scheduled to open on January 1, 2008 with a Grand Opening schedule when the road to MacGregor off SR 38 is completed. The park hopes that this will occur in the summer of 2008. Due to issues related to the weather, the park was unable to complete construction on the access road off of US 31 and the opening of the

park has been delayed. As the proposed park provides public access to recreational facilities, Section 4(f) of the Department of Transportation Act of 1966 applies to this property, and the property is therefore considered a Section 4(f) resource.

Construction of the access road from SR 28 to MacGregor Park will result in the use of approximately 0.22 acres of permanent right-of-way and 0.19 acre of temporary right-of-way north of Lindley ditch on property for the planned MacGregor Park. Currently, this land has not been developed by the park. The transportation impacts to the park are minor, and will not adversely affect the features or functions of the resource. Currently, the only other planned access to MacGregor Park is off of US 31, and allows for only a right turn in and a right turn out of the park. Providing an additional road to access the park will be a benefit to the Section 4(f) resource. As stated in the December 19, 2007 letter from Ms. Melody Sweat –Director of Washington Township Parks and Recreation, the park is “excited about working with INDOT to expedite the construction of the road to MacGregor Park.” Based on the limited impacts to the park, a *de minimis* finding is applicable.

Coordination and Correspondence with officials with jurisdiction over the Section 4(f) resource:
A letter from INDOT’s Office of Environmental Services was sent to Ms. Melody Sweat, Director of Washington Township Parks and Recreation on December 7, 2007. The letter requested responses from Ms. Sweat regarding applicability of the proposed park as a Section 4(f) resource. A response letter dated December 19, 2007 from Ms. Sweat provided answers regarding applicability and expressed an interest in working with INDOT to expedite the construction of the road to MacGregor Park. A second letter dated December 27, 2007 from Ms. Sweat stated that Washington Township Parks and Recreation is in concurrence with the FHWA’s intent to issue a *de minimis* finding. In a phone conversation on January 14, 2008, Ms. Sweat stated that the opening of the park has been delayed due to the weather.

Public Involvement

A legal notice was published in the Noblesville Daily Times on January 24, 2008, describing the 4(f) impacts and offering the public the opportunity to submit their comments and input to INDOT. The public was given thirty (30) days to respond. No comments were received.

Hazardous Materials:

A Red Flag Investigation was conducted on March 4, 2008. No hazardous materials concerns were found during the investigation.

Maintenance of Traffic: The majority of the proposed construction can be completed without impacting current traffic. During construction of the approach at SR 38, traffic on SR 38 will be shifted to the south to make the tie in.

INDOT Approval



Date 4-9-08

_FHWA Section 4(f) Concurrence



Date 4/9/08

Appendix

A: Maps, Graphics

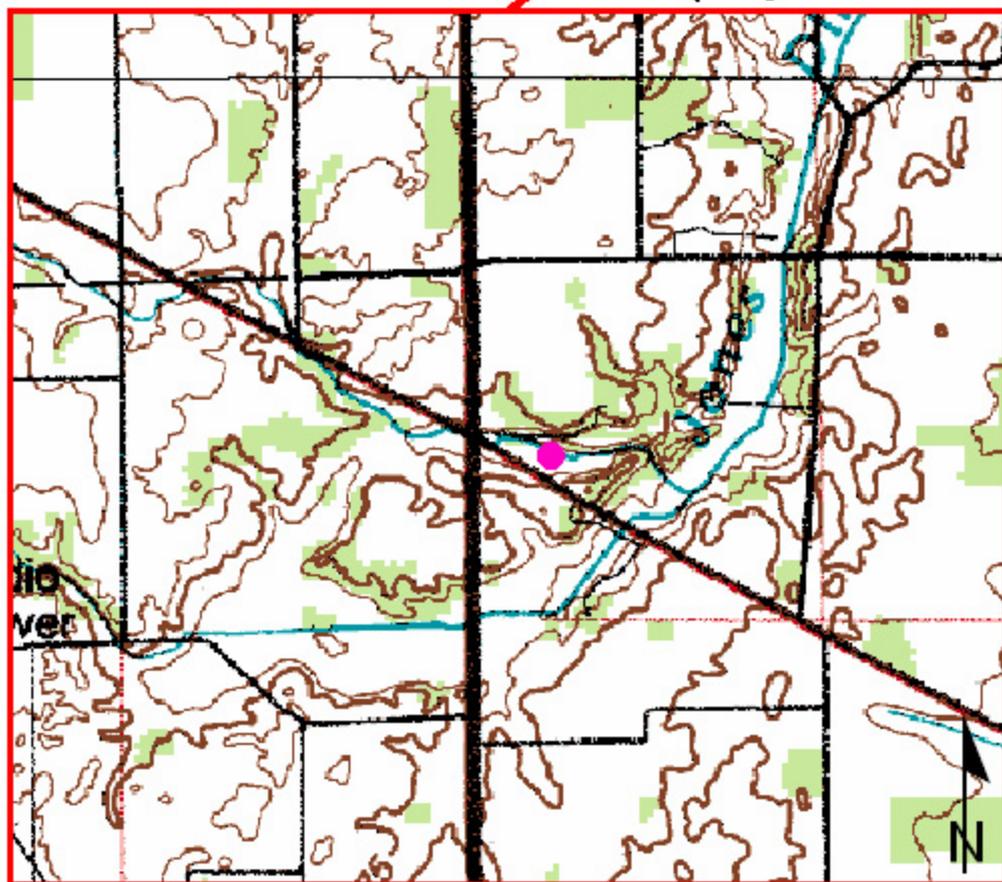
B: Section 4(f) documentation

C: Section 106 Documentation

D: Red Flag Investigation

Appendix A: Maps, Graphics

Site Location
Road, County, Indiana
Des. No. Project Description

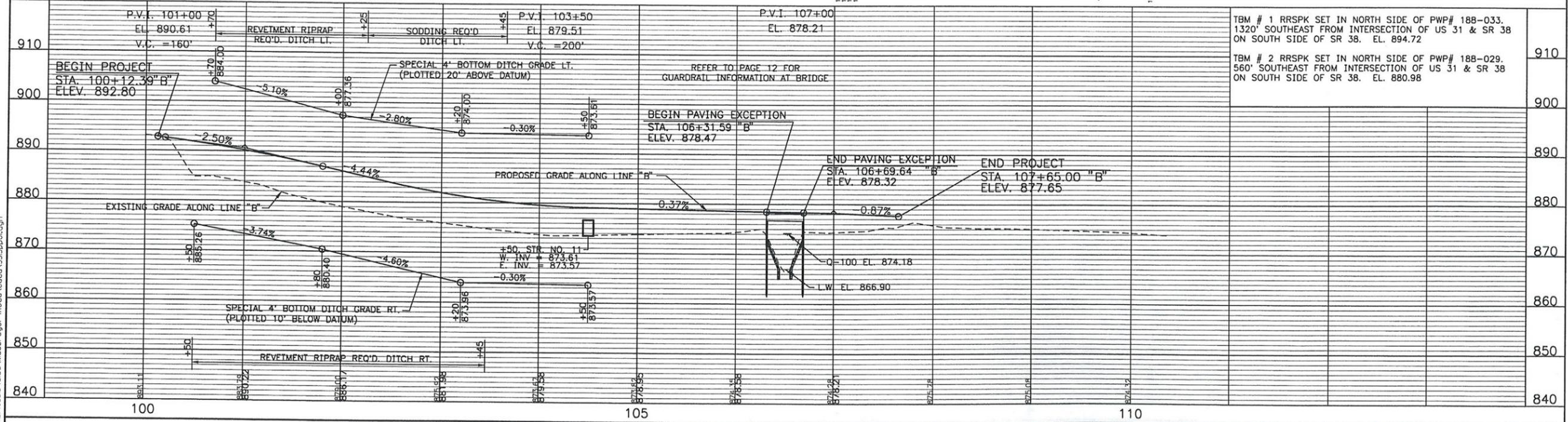
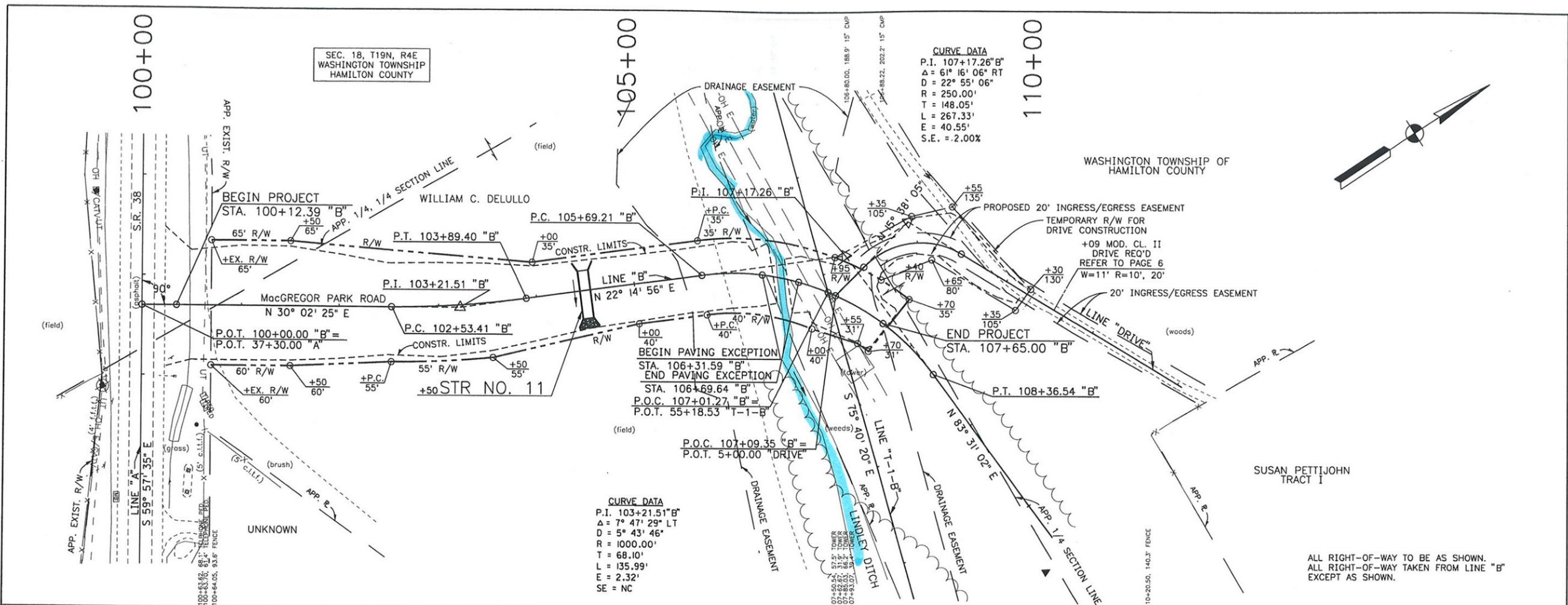




Unsaved collection

1. MacGregor Park Access Road Entrance





9/20/2007 9:49:29 AM E:\03333\disc\MacGregor\Road\Coord\3333p01.dgn

ALL RIGHT-OF-WAY TO BE AS SHOWN.
ALL RIGHT-OF-WAY TAKEN FROM LINE "B"
EXCEPT AS SHOWN.

RECOMMENDED FOR APPROVAL DESIGN ENGINEER: JEJ DATE: JRG DRAWN: JRG CHECKED: MAT DATE: MAT	INDIANA DEPARTMENT OF TRANSPORTATION PLAN AND PROFILE LINE "B"		HORIZONTAL SCALE	BRIDGE FILE
			VERTICAL SCALE	DESIGNATION
	SURVEY BOOK: 5 of 24		SHEETS: 5 of 24	
	CONTRACT: ST-9929 (00A)		PROJECT: ST-9929 (00A)	

Appendix B:

Section 4(f) Documentation



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204-2216 (317) 232-5348 FAX: (317) 233-4929

Mitchell E. Daniels, Jr., Governor
Karl B. Browning, Commissioner

December 7, 2007

Melody Sweat
1549 East Greyhound Pass
Carmel, Indiana 46302
(317)-574-1074

RE: SR 38/MacGregor Park Primary Access Road, Hamilton County, MacGregor Park 4(f), Des. No. 0500018

Dear Ms. Sweat,

The Indiana Department of Transportation (INDOT) is proposing the construction of an access road from SR 38 to MacGregor Park. The current plans for the proposed project will result in the use of approximately 0.22 acre of permanent right-of-way and 0.19 acre of temporary right-of-way north of Lindley Ditch on property for the planned MacGregor Park.

Under Section 4(f) of the Department of Transportation Act of 1966, we are required to evaluate all potential impacts to public recreation facilities. In order to determine whether this property is or is not protected by Section 4(f), we are requesting information on the designation of the affected land. Please answer the following questions to assist in this determination:

1. Is the property publicly owned?
2. Has the property been formally designated and determined to be significant for a park/recreational area?
3. Are plans for the park included in the city or county Master Plan?

All Section 4(f) impacts must be reviewed by and approved of by the Federal Highway Administration (FHWA). We would like to proceed with obtaining a *de minimis* finding from the FHWA regarding impacts to the planned MacGregor Park. A *de minimis* finding simply means that the official with jurisdiction over the resource protected by Section 4(f) is in agreement with INDOT and the FHWA that the impacts to the resource are minor, and will not adversely impact the features or functions of the resource.

We would request that you provide us, as expeditiously as possible, with a letter documenting your concurrence with the preceding, including a statement of your concurrence with the FHWA's intent to issue a *de minimis* finding and responses to the questions on the applicability of Section 4(f) listed above.

Please refer to the attachments for the location of the proposed transportation facility and its involvement with the planned MacGregor Park. We appreciate your coordination in this project. If you have any questions,



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Mitchell E. Daniels, Jr., Governor
Karl B. Browning, Commissioner

please do hesitate to contact myself at 317-233-1164 or blawrence@indot.in.gov; or Loni Hrynk at 317-234-4916 or lhrynk@indot.gov.

Sincerely,

Ben Lawrence, PE, Administrator
Environmental Policy Section
Office of Environmental Services

Enclosure
cc: file
Attachments



PARKS DIRECTOR
MELODY SWEAT

BOARD
ALYN BERNELL
HANK ARSZMAN
NORM SPRINGER
DAVID GILL

1549 EAST GREYHOUND PASS • CARMEL, INDIANA 46032
PHONE 317.574.1074 • FAX 317.574.1076
www.washingtontownship-hc.us

Ben Lawrence, PE, Administrator
Environmental Policy Section
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, IN 46204-2216

December 19, 2007

Dear Mr. Lawrence,

Washington Township Parks is excited about working with INDOT to expedite the construction of the road to MacGregor Park. In your letter dated December 7, 2007 you had a few questions that we needed to address.

Your first question was is the property publicly owned. The answer is yes, Washington Township – Hamilton County is the owner of the 42 acres that is known as MacGregor Park.

This property has a deed restriction in the form of a conservation easement that designates the property as a nature preserve. The conservation easement is enforced by the Indiana Department of Resources, Department of Outdoor Recreation. The Township is in the process of developing walking/hiking trails on the site; as well as the parking and event area. All of this will be completed by December 31, 2007. As weather permits the septic system and restroom/maintenance facility will be built. The park will be open on January 1, 2008 with a Grand Opening scheduled when the road to MacGregor off State Road 38 is completed; hopefully in the summer 2008.

MacGregor Park is included in the Washington Township Park Plan; the Westfield Park Plan; the Hamilton County Park Plan; Westfield/Washington Township Comprehensive Plan; Westfield US 31 Corridor Overlay Ordinance; and the Westfield Thoroughfare Plan.

I believe this was the information you needed, but if I can be of any further assistance please contact me at any time. Thank you for moving this project forward.

Sincerely,


Melody Sweat, Director



PARKS DIRECTOR
MELODY SWEAT

BOARD
ALYN BERNELL
HANK ARSZMAN
NORM SPRINGER
DAVID GILL

1549 EAST GREYHOUND PASS • CARMEL, INDIANA 46032
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Ben Lawrence, PE, Administrator
Environmental Policy Section
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, IN 46204-2216

December 27, 2007

Dear Mr. Lawrence,

This is a follow-up to my letter dated December 19, 2007.

The Washington Township Park Department agrees with any proposed impact the road to MacGregor Park may have on the park and we are in concurrence with the FHWA's intent to issue a *de minimis* finding.

If we need to provide any additional information to INDOT to expedite the construction of MacGregor Road please contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink that reads "Melody Sweat".

Melody Sweat, Director

INDOT

(Governmental Unit)
Hamilton County, Indiana

To: The Noblesville Daily Times Dr.
Noblesville, Indiana 46060

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall
Total more than four solid lines of type in which the body of the advertisement is set)
Number of equivalent lines

Head - number of lines
Body - number of lines
Tail - number of lines

COMPUTATION OF CHARGES

38 lines, 1 columns wide equals 38 equivalent lines
at .407 cents per line \$ 15.47
Additional charges for notices containing rule or tabular work
(50 percent of above amount)
Charge for extra proofs of publication (\$1.00 for each proof)
in excess of two

TOTAL AMOUNT OF CLAIM \$ 15.47

DATA FOR COMPUTING COSTS

Width of single column 11 ems
Number of insertions 1
Size of type, 7 point

Pursuant to the provisions and penalties of chapter 155, Acts 1953

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Michael Corbett

Dated: January 24, 2008

Title Publisher

PUBLISHER'S AFFIDAVIT

State of Indiana)
Hamilton County) ss:

Personally appeared before me, a notary public in and for said county and state,
The undersigned Michael Corbett who, being duly
Sworn, says that he is Publisher of the
The Noblesville Daily Times

newspaper of general circulation printed and published in the English
language in the city of Noblesville in state and county aforesaid, and that the
said paper for 1 time(s) the dates of published being as follows:

January 24, 2008

Subscribed and sworn to before me this 24 day of January, 2008.

My commission
Expires: 3-1-2014

Melissa Bowyer

NOTARY PUBLIC

Melissa Bowyer
Resident of
Hamilton County

The Indiana Department of Transportation is planning to undertake a road construction project funded in part by the Federal Highway Administration. The project (des. no. 0500018) is located in Carmel, in Hamilton County. The project beings on SR 38 approximately 1330 feet east of the intersection of US 31 and SR 38 to approximately 800 feet north off of SR 38 into MacGregor Park. The road will provide access to the newly developed park. The project will require the use of approximately 0.22 acres of permanent right-of-way and 0.19 acres of temporary right-of-way, north of Lindley ditch. The proposed action does not adversely impact the activities, features, and attributes that qualify the property for protection under Section 4(f) of the Department of Transportation Act of 1966 and in accordance with SAFETEA-LU Section 6009 (a). As such, it is the intent of INDOT, along with the Federal Highway Administration to issue a finding of de minimis. In accordance with SAFETEA-LU Section 6009 (a), the views of the public are being sought regarding the effect of the proposed project on the public park/recreational area. Please respond no later than February 25, 2008 to the contact information below with a reference to the project's des. no. Ben Lawrence, PE, Administrator
Environmental Policy Section
Office of Environmental Services
Indiana Department of Transportation
100 N. Senate Ave. Rm. N642
Indianapolis, IN 46204-2216
1/24 40070934

Appendix C:

Section 106 Documentation



February 12, 2001

Cory Grayburn
Deputy Project Manager
US 31 Improvement Project
Parsons Transportation Group
11405 North Pennsylvania Street, Suite 100
Carmel, Indiana 46032

Federal Agency: Federal Highway Administration ("FHWA")

Re: Modifications to US 31 from I-465 to SR 38

Dear Mr. Grayburn:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated December 22, 2000, and received by the Indiana SHPO on December 27, 2000, for the above indicated project in Carmel, Clay and Washington townships, Hamilton County, Indiana.

As the authorized representative of FHWA, the Parson's Transportation Group is responsible for making a reasonable effort to carry out appropriate identification efforts. Therefore, beyond consultation with the Indiana SHPO or other consulting parties, you need to define the area of potential effects ("a.p.e."), document the a.p.e., gather and review historic information on properties within the a.p.e., and evaluate the significance of properties in the a.p.e. as specified in 36 C.F.R. § 800.4. Moreover, the Indiana SHPO must be notified of the results of your identification efforts supported by sufficient documentation to enable the Indiana SHPO to understand its basis.

To assist you with carrying out the appropriate identification efforts, refer to the following comments, and provide the requested documentation to support your analysis:

- 1) Based on the information provided, we believe the a.p.e. should incorporate not just the physical area where construction activities will take place, but also adjacent properties. Define the a.p.e. and provide a map or a good quality photocopy of a map containing: the boundaries of the a.p.e. and the precise location of the project area within those boundaries clearly outlined in dark ink on a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map and the names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).
- 2) Document the a.p.e. by providing photographs, as needed, illustrating representative examples of buildings, structures, and landscape features in the a.p.e. Moreover, include close-up views of any properties, that you may consider to be historic, in relation to US 31. Key the photographs to a site map for our reference.
- 3) Detail any construction, demolition, and earthmoving activities. For example, what specific construction activities will be executed to upgrade the current road and where?
- 4) Indicate how much additional right-of-way (permanent and temporary) will be required, and where. Provide drawings *with a key* clearly showing existing and proposed conditions.
- 5) Describe the current and past land uses within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and, if so,

indicate the part or parts of the project area that have been disturbed and the nature of the disturbance; agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose.

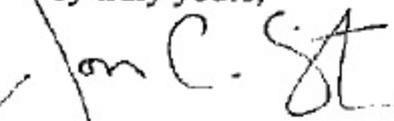
- 6) Provide a clear rationale for the scope of your identification efforts. For instance, if Parsons Transportation Group has reasons for limiting the scope of its evaluation efforts (e.g., based upon the nature of the work and the location of historic properties) within the area of potential effects, then it should provide the Indiana SHPO with sufficient information to enable us to understand the basis for its decision.
- 7) Provide the Indiana SHPO with the results of your identification efforts, such as a brief summary of eligible and ineligible buildings or structures within the a.p.e. (particularly those that may be affected) and the basis for your determinations, such as the applicability or inapplicability of the National Register criteria, the age of the properties, the integrity of the properties, or any other materials (such as available survey information) or evidence that might be appropriate to enable us or any other reviewing party to understand the basis for your evaluation.

For your information, we believe the following two properties meet the criteria to be considered eligible for inclusion in the National Register due to their architectural significance. The S. Lindley Farm on US 31 (site #057-667-20003) is a good example of Italianate farmhouse. The Hunt House on US 31 (site #057-667-20025) is a good example of the Gothic Revival style residential architecture.

At this time, the results of Parsons Transportation Group's identification efforts have not been documented. Therefore, we believe that it is premature to provide our views on effects. As mentioned above, once your identification steps are complete, we will need to be notified. Moreover, if there are historic properties that may be affected, you will need to provide us with sufficient information to enable us to provide our views on the effects (e.g., alterations to the roadway, shoulders, or existing landscape features). We look forward to continuing with our analysis of this project.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January, 11, 2001, 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 buildings or structures should be directed to Michelle M. Daleiden-Fischer. Questions pertaining to archaeological issues should be directed to Jim Mohow or Rick Jones, Ph.D.

Very truly yours,



Larry D. Macklin
State Historic Preservation Officer

LDM:JAM:MDF:mdf

Enclosures

cc: John Baxter, Division Administrator, Federal Highway Administration
Amy Kotzbauer, Central Regional Office, Historic Landmarks Foundation of Indiana
Joe H. Burgess, Hamilton County Historian
Diane Nevitt, Hamilton County Historical Society
Jim Juricic, Indiana Department of Transportation



August 3, 2001

Cory Grayburn
Deputy Project Manager
Parsons Transportation Group
11405 North Pennsylvania Street, Suite 100
Carmel, Indiana 46032

Federal Agency: Federal Highway Administration ("FHWA")

Re: Additional information regarding modifications to US 31 from I-465 to SR 38
(Designation #9905500)

Dear Mr. Grayburn:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") is conducting an analysis of the materials dated May 29, 2001, and received by the Indiana SHPO on May 30, 2001, for the above indicated project in Clay and Washington townships, Hamilton County, and Washington and Pike townships, Marion County, Indiana.

We regret that, due to schedule conflicts, we were unable to send a staff person to the June 28, 2001, Interagency Review Meeting.

Based upon the information provided, we have noted that you are still in the process of determining alternatives. To facilitate the identification and analysis of historic properties within the proposed alternatives, we recommend that you refer to the *Hamilton County Interim Report, Indiana Historic Sites and Structures Inventory, 1992* and the *Marion County Interim Report, Indiana Historic Sites and Structures Inventory, Washington Township, 1999*, and the *Marion County Interim Report, Pike and Lawrence townships, 1994, Indiana Historic Sites and Structures Inventory*. We have enclosed a list of facilities that should have a complete set of Interim Reports available for public use. Additionally, copies of Interim Reports are available for purchase through the Historic Landmarks Foundation of Indiana [340 West Michigan Street, Indianapolis, Indiana 46202 (317) 639-4534, www.historiclandmarks.org]. For information regarding properties that have been listed on the National Register of Historic Places, the National Park Service maintains a database which can be accessed through their website at www.cr.nps.gov/nr.

Cory Grayburn
August 3, 2001
Page 2

With respect to the archaeological aspects of this review, it is likely that portions of the proposed project areas have not been assessed by a professional archaeologist. Based upon our knowledge of the region, locations within the proposed project areas are physiographically suitable to contain archaeological resources. In order to determine the effects of this project on archaeological resources and as part of the Federal Agency Official's responsibilities to identify historic properties, pursuant to 36 C.F.R. 800.4, we would need an archaeological reconnaissance level survey conducted on all previously undisturbed areas that would be suitable for human habitation. The survey must be done in accordance with the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716). A description of the survey methods and results must then be submitted to the Division of Historic Preservation and Archaeology for review before the areas can be cleared for construction activities.

Once the area(s) of potential effects has been identified and the identification of historic properties has been initiated, we will be happy to assist you further.

Please send future correspondence to the attention of my staff at the Division of Historic Preservation and Archaeology, 402 West Washington Street, Room W274.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions, please contact our office at (317) 232-1646. Questions about archaeological issues should be directed to Bill Mangold. Questions about buildings or structures should be directed to Karie Brudis.

Very truly yours,

Larry D. Macklin
State Historic Preservation Officer

LDM:KAB:JLC:WLM:wlm


cc: John Baxter, Division Administrator, Federal Highway Administration
Cynthia Brubaker, Director, Central Regional Office, Historic Landmarks Foundation of Indiana



May 15, 2002

Erin Breetzke, MES
Environmental Planner
Parsons Transportation Group
11405 North Pennsylvania Street, Suite 100
Carmel, Indiana 46032

Federal Agency: Federal Highway Administration

Re: Additional information concerning the modifications to US 31 from I-465 to SR 38
(Designation #9905500; DNR #8610-1)

Dear Ms. Breetzke:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. . 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer (Indiana SHPO) has conducted an analysis of the materials dated April 1, 2002, and April 25, 2002, and received by the Indiana SHPO on April 2, 2002, and April 26, 2002, for the above indicated project in Carmel, Clay and Washington townships, Hamilton County, Indiana.

In our opinion, the following properties are individually eligible for inclusion in the National Register of Historic Places:

- 1) S. Lindley Farm on US 31 (Site #057-667-20003 per the *Hamilton County Interim Report*) is a good example of Italianate architecture.
- 2) Hunt House on US 31 (Site #057-667-20025) is a good example of the Gothic Revival style of architecture.

However, based upon the available historical and architectural documentation, we believe that the following properties do not meet the criteria to be considered eligible for inclusion in the National Register.

- 1) Chester Friends Cemetery on US 31 (Site #057-667-20017)
- 2) Farm on US 31 (Site #057-667-20018)
- 3) Pleasant View Cemetery on East 202nd Street (Site #057-667-20019)
- 4) House on East 191st Street (Site #057-464-20020)
- 5) Farm on Grassy Branch Road (Site #057-464-20023)
- 6) House on Westfield Boulevard (Site #057-464-20042)
- 7) House at 315 West Main Street (Site #057-667-26025)
- 8) House at 131 Poplar Street (Site #057-667-26026)
- 9) Goodrich Brothers Grain Elevator on SR 32 (Site #057-667-26027)
- 10) Summit Lawn Cemetery (Site #057-667-26037)
- 11) Benjamin Chappel House at 416 West Smoky Road (Site #057-098-55010)
- 12) Farm on West 131st Street (Site #057-098-55011)
- 13) Carmel Cemetery on North Rangeline Road (Site #057-098-56001)

We would be happy to reevaluate the above listed thirteen properties, if more historical or architectural documentation becomes available.

When the information becomes available, please provide a detailed site plan, drawn to scale, showing the footprint or face of the Lindley Farm and the Hunt House in relation to the existing and proposed conditions (e.g., roadway, right-of-way, driveways, etc.). Be sure to include any changes to the existing conditions.

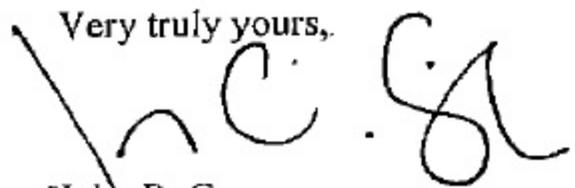
In regard to archaeological aspects of this review, we concur that 12H359 will require further investigations. Sites 12H87, 12H88, 12H102, 12H120, 12H121, 12H151, 12H155, 12H168, 12H304, 12H458, 12H459, 12H460, 12H482, 12H823, 12H824, 12H848, and 12H849 are not eligible for register status.

Our records indicate that portions of the proposed project area have not been assessed by a professional archaeologist. Based upon our knowledge of the region, the proposed project area is physiographically suitable to contain archaeological resources. In order to determine the effects of this project on archaeological resources and as part of the Federal Agency Official's responsibilities to identify historic properties, pursuant to 36 C.F.R. 800.4, we will need an archaeological reconnaissance level survey. The survey must be done in accordance with the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716). A description of the survey methods and results must be submitted to the Division of Historic Preservation and Archaeology for review before we can comment further.

In the event that sites which are eligible for the National Register are discovered, the applicant must follow the rules and regulations established by the Advisory Council on Historic Preservation (found at 36 C.F.R. Part 800) to implement federal Public Laws 89-665, 94-422, and 96-515, and Executive Order 11593

If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Bill Mangold. Questions about buildings or structures should be directed to Karie A. Brudis.

Very truly yours,



John R. Goss
State Historic Preservation Officer

JRG/KAB:WLM:wlm

cc: John Baxter, Division Administrator, Federal Highway Administration
Jena Roy, Central Regional Office, Historic Landmarks Foundation of Indiana



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
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Frank O'Bannon, Governor
John Goss, Director



August 14, 2002

Cory Grayburn
Parsons Transportation Group
11405 North Pennsylvania Street, Suite 100
Carmel, Indiana 46032

Federal Agency: Federal Highway Administration

Re: Additional information concerning the modifications to US 31 from I-465 to SR 38
(Designation #9905500; DNR #8610-1)

Dear Mr. Grayburn:

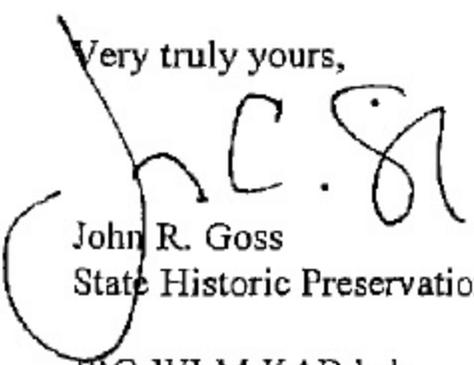
Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated July 15, 2002, and received by the Indiana SHPO on July 16, 2002, for the above indicated project in Carmel, Clay and Washington townships, Hamilton County, Indiana.

In regard to archaeological concerns, we will comment further when the field reconnaissance is submitted.

With respect to buildings and structures, once the route has been finalized, please provide a detailed site plan, drawn to scale, showing the footprint or face of the properties identified in the *US 31 Preliminary Alternatives Analysis and Screening Report* in relation to the existing and proposed conditions (e.g., roadway, right-of-way, driveways, etc.). Be sure to include any changes to the existing conditions.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, 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 Bill Mangold. Questions about buildings or structures should be directed to Karie A. Brudis.

Very truly yours,


John R. Goss
State Historic Preservation Officer

JRG:WLM:KAB:kab

cc: John Baxter, Division Administrator, Federal Highway Administration
Jena Roy, Central Regional Office, Historic Landmarks Foundation of Indiana



Indiana Department of Natural Resources

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Frank O'Bannon, Governor
John Goss, Director



February 17, 2003

Cory Grayburn
Project Manager
Parsons Transportation Group
11405 North Pennsylvania Street, Suite 100
Carmel, Indiana 46032

Federal Agency: Federal Highway Administration

Re: Additional information and November 18, 2002 meeting record about the modifications to US 31 from I-465 to SR 38 (Designation #9905500; DNR #8610-1)

Dear Mr. Grayburn:

At your request, the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated December 11, 2002, and received by the Indiana SHPO on December 16, 2002, for the above indicated project in Carmel, Clay and Washington townships, Hamilton County, Indiana, specifically with regard to Section 4(f) issues.

As we previously indicated, the Hunt House on US 31 North and the Lindley Farm at 20820 US 31 North, are individually eligible for inclusion in the National Register due to their architectural significance.

Based upon the photographs and documentation provided, it is difficult to determine if the Willey House is individually eligible. However, we believe that it is at least potentially eligible and will revisit it if additional, clear photographs are provided (not photocopies) and some kind of plan is provided identifying the 1928 and 1960 portions of the home.

We do not believe that the Gabled Ell is eligible.

With respect to the property boundaries for the Willey House, Hunt House and Lindley Farm, as shown on the aerial photographs, we have prepared the following comments:

We agree that the possible historic boundaries of the Willey House are more or less the same as shown on the aerial photograph.

Because the Hunt House is eligible mostly for its architectural significance, we believe that the possible property boundaries would not include the entire portion identified as the "historic boundary" on the aerial photograph. We believe that the north, west and east boundaries are more or less accurate; however, it is difficult to determine what the actual relationship is between the property and the roadway. The southern boundary would extend to the "y" of historic boundary. We have identified the probable historic boundaries of the property on the aerial photographs you provided (see enclosures). Please note that these boundaries have been drawn based upon the information that has been provided to our office.

Although it is impressive that the acreage of the Lindley Farm property have remained the same for over 100 years, we do not believe that all of it contributes to the property's significance. Therefore, the possible boundaries would be much smaller than outlined on the aerial photographs. Looking at the aerial for Alternative G, the western boundary would be the line where the vegetation changes from trees to the field. North would be about 1/4 of an inch from the north side of the barn. East would be the roadway and south would be about 1/2 inch from the south side of the driveway. Again, we have identified the probable historic boundaries of the property on the aerial photographs you provided.

With respect to whether or not the Temporary Construction Easement Criteria are applicable, it appears to us that there may be a permanent, adverse change to the features or attributes of the Hunt House, as access to the property will no longer be from US 31, changing the setting and orientation of the property. Therefore, we are not sure that the Temporary Construction Easement Criteria

apply here.

With respect to the Lindley Farm, if Alternative F is chosen, the Temporary Construction Easement Criteria would not apply, as it appears to us, there may be a permanent adverse change to the features or attributes of the property as access would no longer be from US 31, changing the setting and orientation of the property. If Alternative G is chosen, the criteria would appear to apply.

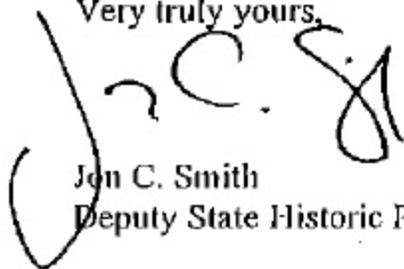
In short, based upon what we have been shown, we believe that Section 4(f) would be applicable to both the Hunt House and the Lindley Farm if Alternative F is chosen. It would not, however, apply to either property if Alternative G is chosen.

Please keep in mind though that we are not well versed in applying the Section 4(f) guidelines and are uncertain if we have applied them correctly for the proposed project. In terms of Section 106, it will be necessary to apply the criteria of adverse effect, in accordance with 36 C.F.R. § 800.5, to determine if the integrity of the Hunt House and the Lindley Farm's location, design, setting, materials, workmanship, feeling or association will be directly or indirectly altered as a result of this project, in addition to what is identified above.

With respect to archaeological issues, please refer to our letter dated August 14, 2002.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, 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 Bill Mangold. Questions about buildings or structures should be directed to Karie A. Brudis.

Very truly yours,



Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:JLC:kab

Enclosures

cc: Janice Osadczak, Indiana Department of Transportation with enclosures
John Baxter, Federal Highway Administration with enclosures
Camille Fife, The Westerly Group
emc: Central Regional Office, Historic Landmarks Foundation of Indiana



Indiana Department of Natural Resources

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Frank O'Bannon, Governor
John Goss, Director



March 28, 2003

Cory Grayburn
Project Manager
Parsons Transportation Group
11405 North Pennsylvania Street, Suite 100
Carmel, Indiana 46032

Federal Agency: Federal Highway Administration

Re: Additional information and request for determinations of eligibility for properties in conjunction with the modifications to US 31 from I-465 to SR 38 (Designation #9905500; DNR #8610-1)

Dear Mr. Grayburn:

At your request, the Indiana State Historic Preservation Officer (Indiana SHPO) has conducted an analysis of the materials dated February 28, 2003, March 6, 2003, and March 20, 2003, and received by the Indiana SHPO on February 28, 2003, March 7, 2003, and March 21, 2003, for the above indicated project in Carmel, Clay and Washington townships, Hamilton County, Indiana.

As we have indicated in our letters dated May 15, 2002 and February 17, 2003, we still believe that the Hunt House on US 31 North and the Lindley Farm at 20820 US 31 North are individually eligible for inclusion in the National Register of Historic Places due to their architectural significance. With respect to the historic boundaries for the Hunt House, we believe that they should be extended to the edge of the US 31 roadway as that portion of the property contributes to the significance and setting of the property. We do not have any concerns with the property boundaries for the Lindley Farm.

With respect to the Westfield Historic District, we believe that it is eligible for inclusion in the National Register for its collection of late nineteenth century architecture.

Based upon the photographs and documentation provided, we do not believe that the Willey House is individually eligible for inclusion in the National Register. Furthermore, we do not believe that the following properties are individually eligible for inclusion in the National Register:

- Chaucie's House at 1118 East 131st Street
- Stanbough Farm at 19239 Grassy Branch Road
- Benjamin Chappel House at 416 West Smokey Road

With respect to the Grossman House at 445 Smokey Road, it does not appear that this property was included in the Reconnaissance Study completed by The Westerly Group. As a result, we do not have any background information regarding this property. To enable us to make an informed decision regarding the eligibility of this property, please provide historic documentation, such as approximate date of construction and previous owners.

If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,


Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:JLC:kab

- cc: Janice Osadcuk, Indiana Department of Transportation
- John Baxter, Federal Highway Administration
- Camille Fife, The Westerly Group
- emc: Central Regional Office, Historic Landmarks Foundation of Indiana



Indiana Department of Natural Resources

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Frank O'Bannon, Governor
John Goss, Director



April 29, 2003

Cory Grayburn
Project Manager
Parsons Transportation Group
11405 North Pennsylvania Street, Suite 100
Carmel, Indiana 46032

Federal Agency: Federal Highway Administration

Re: Additional information regarding the Grossman House at 445 Smokey Row Road in conjunction with the modifications to US 31 from I-465 to SR 38 (Designation #9905500; DNR #8610-1)

Dear Mr. Grayburn:

At your request, the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated March 20, 2003, and April 2, 2003, and received by the Indiana SHPO on March 21, 2003, and April 3, 2003, for the above indicated project in Carmel, Clay and Washington townships, Hamilton County, Indiana.

Based upon the photographs and documentation provided, we do not believe that the Grossman House is individually eligible for inclusion in the National Register of Historic Places.

If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,

Jon C. Smith

Deputy State Historic Preservation Officer

JCS:KAB:kab

cc: Janice Osadczuk, Indiana Department of Transportation
John Baxter, Federal Highway Administration
Camille Fife, The Westerly Group

emc: Mark Dollase, Director, Central Regional Office, Historic Landmarks Foundation of Indiana



Indiana Department of Natural Resources

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

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March 11, 2008

Christopher Koepfel
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 historic properties affected" on behalf of the Federal Highway Administration regarding the construction of the primary access road for the future MacGregor Park (Designation #0500018; DHPA #3417)

Dear Mr. Koepfel:

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 13, 2008 and received on February 14, 2008, for the above indicated project in Washington Township, Hamilton County, Indiana.

As previously indicated, we have not identified any historic buildings, structures, districts, objects, or 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 February 13, 2008 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 affected by the above indicated 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 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 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:JRI:jj

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



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204-2216 (317) 232-5348 FAX: (317) 233-4929

Mitchell E. Daniels, Jr., Governor
Karl B. Browning, Commissioner

Writer's Direct Line
(317) 233-2061

February 13, 2008

Mr. Robert E. Carter, Jr.
State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
Indiana Government Center South, W274
Indianapolis, IN 46204

RE: Route No.: SR 38
 Des. No.: 0500018
 Federal No.:
 Description: MacGregor Park Primary Access Road, Hamilton County, Indiana
 DHPA No.: 3417

Dear Mr. Carter:

The Indiana Department of Transportation (INDOT), on behalf of the Federal Highway Administration (FHWA), has signed a final determination of "no historic properties affected" for this undertaking. In accordance with 36 CFR 800.4(d), INDOT, on behalf of the FHWA, is providing the Indiana State Historic Preservation Officer (IN SHPO) and those consulting parties that responded to the Early Coordination letter with the documentation for this finding, as specified in 36 CFR 800.11(d). As detailed in the enclosed documentation, a finding of "no historic properties affected" is appropriate as there are no properties listed in or eligible for listing in the National Register of Historic Places within the Area of Potential Effect. As specified in 36 CFR 800.4(d), consulting parties have 30 days from receipt of this documentation to review and comment on the finding. Failure to respond within 30 days from receipt of the finding shall be considered agreement with the finding. If you have any questions regarding this matter, please feel free to contact Mr. Patrick Carpenter of this section at (317) 233-2061. Thank you in advance for your input.

Sincerely,

Christopher Koeppl, Administrator
Cultural Resources Section
Office of Environmental Services

CDK/PAC/pac
Enclosures

cc: OES project file

emc: Loni Hrynk, Environmental Policy, Office of Environmental Services
 Shaun Miller, Cultural Resources, Office of Environmental Services

**FEDERAL HIGHWAY ADMINISTRATION
DOCUMENTATION OF SECTION 106 FINDING OF
NO HISTORIC PROPERTIES AFFECTED
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR Section 800.4(d)(1)
MacGregor Park Primary Access Road
SR 38 in Hamilton County, Indiana
DES# 0500018
FEDERAL PROJECT NO.:**

1. DESCRIPTION OF THE PROJECT UNDERTAKING

The Indiana Department of Transportation (INDOT), acting on behalf of the Federal Highway Administration (FHWA), the lead Federal agency for this Section 106 undertaking, is proposing the construction of an access road into the town of Westfield's MacGregor Park at the northeast quadrant of the intersection of US 31 and SR 38. Specifically, the typical roadway cross section should consist of a 10 ft. wide raised/curb median, a single 12 ft. wide asphalt or concrete travel lane in each direction, a 8 ft. paved shared multi-use path and a 3:1 or 4:1 side slope to open ditches. The cross section width between outside edges of the shared multi-use path is 64 ft. The north end of the access road will cross Lindley Ditch. A structure over Lindley Ditch is estimated to be a three-sided 24 ft. span by 6 ft. rise culvert. The access approach at SR 38 should have both left and right turn lanes for exiting vehicles with a passing blister for east-bound through vehicles on SR 38. SR 38 will be re-striped to form a left turn lane for vehicles exiting the proposed access road. The project is expected to require 2.5 acres of agricultural land from a single property owner. Typical right-of-way (ROW) width will be approximately 120 ft. Please refer to the plan sheets in Appendix E.

The general setting of the project area is rural defined primarily with agricultural fields and pockets of woods, although modern suburban development is increasing in this vicinity. Where the proposed access road is planned is an agricultural field. US 31, on the western boundary of the field where the access road bisects, is a major divided four-lane highway with a high-volume of vehicular traffic that partially disrupts the rural setting and feeling. The closest structure is a modern, single residence located approximately 300 ft. east of the proposed access road on SR 38.

Based on the scope of the project, the MacGregor Park Access Road's APE has been determined to include the proposed right-of-way (ROW), immediately adjacent properties and areas where visual affects may occur, taking into account existing highways, woods, and natural contours that would disrupt views of the access road. Specifically, the APE's western boundary is defined by US 31. From the southern point on US 31, the APE extends along the north edge of a wooded area east to a creek for which it follows northeast across SR 38. The APE boundary travels northward from a point along the creek, following the general eastern edge of a large wooded area. At the northeast corner, the APE extends along the northern edges of the woods west to US 31. Please refer to a map of the APE in Appendix C.

2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

As a means to confirm that there are no properties potentially eligible or listed in the National Register of Historic Places within the APE drawn for the MacGregor Park Access Road, INDOT Cultural Resource staff listed on the DHPA's Qualified Professionals Roster has conducted further identification efforts. First, a review of the National Register of Historic Places and Indiana Register of Historic Places indicated no properties listed on either registry. Second, a review of the *Hamilton County Interim Report of the Indiana Historic Sites and Structures Inventory* published in March 1992 did indicate one surveyed property in the APE. Site # 057-464-20002 was surveyed as a double-pen house built circa 1870 and ranked as Contributing. Third, INDOT Cultural Resource staff visited the project area. Site # 057-464-20002 was the only property found in the APE to be older than fifty-years. Although the dwelling's double-pen construction is evident and it retains wood siding, the replaced windows, rear addition and attached garage diminish its historic integrity (See Appendix C for photographs). INDOT agrees with the Contributing ranking for the property and recommends that it is not eligible for the National Register of Historic Places.

In addition to identification of standing structures, INDOT archaeologists completed an Archaeological Records Check and Phase Ia Field Reconnaissance (Greenlee, 12/14/07). No evidence of cultural resources were found during the field reconnaissance. The report concluded that, "...based on the results of the Phase Ia archaeological field reconnaissance and other relevant information, that the proposed project should have no adverse effect* on significant cultural resources..." The archaeology report has been forwarded to the SHPO for review. (**Does not indicate a 106 finding*)

Early Coordination was sent on January 2, 2008. The following agencies were invited to become consulting parties: SHPO, Historic Landmarks Foundation of Indiana-Central Regional Office, the Westfield-Washington Historical Society, the Hamilton County Historical Society/Hamilton County Museum of History, and the Hamilton County Historian. At that time, Early Coordination provided the APE and recommended Site # 057-464-20002 as not eligible. Moreover, the archaeology report was also provided to the SHPO.

Subsequently, the Hamilton County historian responded to Early Coordination stating that, "...I have studied the papers sent me and agree with the conclusions made therein." In a letter dated January 17, 2008, the SHPO responded by stating, "Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed APE." Moreover, the SHPO recommended that the FHWA could proceed to make the necessary determinations and findings (Please refer to Appendix F for correspondence). No other invited consulting parties responded to Early Coordination.

In summary, based on our identification and consultation efforts, it is INDOT's finding that there are no historic properties listed on or eligible for the National Register of Historic Places in the APE.