

3. BASIS FOR FINDING

Based on our identification and evaluation efforts, a finding of “No Historic Properties Affected” is appropriate because no properties listed in or eligible for listing in the National Register are present within the area of potential effects.

A public notice regarding the APE and “No Historic Properties Affected” finding will be issued for this project in a local newspaper. A 30-day comment period will be provided. This document will be revised if necessary after the public notice to reflect any comments received.

APPENDICES

- A. List of Consulting Parties**
- B. APE/Eligibility/Effect Finding**
- C. Maps**
- D. Photos**
- E. Plans**
- F. Correspondence**
- G. Archaeology Report Conclusions**

Appendix A--List of Consulting Parties

CONSULTING PARTIES
SR 38 MacGregor Park Access Road
Des. Nos. 0500018
Hamilton County, Indiana

Title 1	First_Na me	Last_Na me	Title	Company_Nam e	Address_Line_1	Address_Line_2	City	State	ZIP_ Code
Mr.	Robert E.	Carter, Jr.	State Historic Preservation Officer	Indiana Department of Natural Resources	Division of Historic Preservation and Archaeology	Indiana Government Center South, Rm. W274	Indianapolis	IN	46204
Mr.	Mark	Dollase		Historic Landmarks Foundation of Indiana	Williamson Center/Charles J. Kuhn House	340 West Michigan Street	Indianapolis	IN	46202
Ms.	Carol	Daubensp eck	President	Westfield- Washington Historical Society	P.O. Box 103		Westfield	IN	46074
Ms.	Diana	Nevitt	Director	Hamilton County Historical Society/Hamilton County Museum of History	P.O. Box 397		Noblesville	IN	46061
Mr.	Joe	Burgess		Hamilton County Historian	384 North 11 th Street		Noblesville	IN	46060

Shaded entries indicate those responding to Early Coordination.

Appendix B---APE/Eligibility/Effect Finding

**FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
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.:**

AREA OF POTENTIAL EFFECT

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

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 the APE in Appendix C.

ELIGIBILITY DETERMINATIONS

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

The APE does not contain sites either listed or considered eligible for listing in the National Register of Historic Places.

EFFECT FINDING

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

INDOT, acting on FHWA's behalf, has determined a No Historic Properties Affected finding is appropriate for this undertaking because there are no properties listed in or eligible for listing in the National Register present within the APE.

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

This undertaking will not convert property from any Section 4(f) historic property to a transportation use; the 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. INDOT respectfully requests the Indiana State Historic Preservation Officer (IN SHPO) provide written concurrence with the Section 106 determination of "No Historic Properties Affected"

Consulting parties will be provided a copy of the 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.



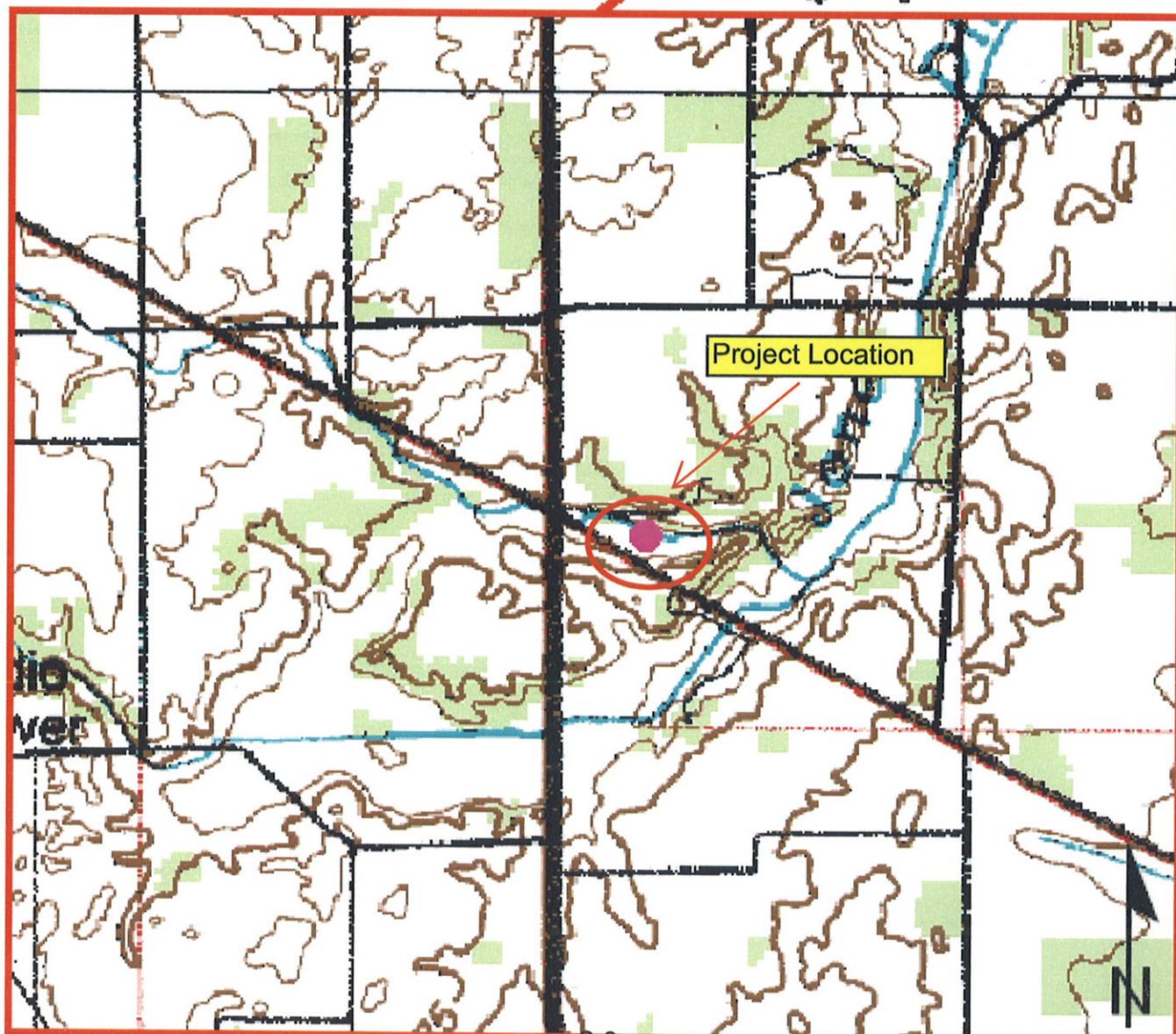
Christopher D. Koeppe for FHWA
Administrator
INDOT Cultural Resources

Feb. 13, 2008

Approved Date

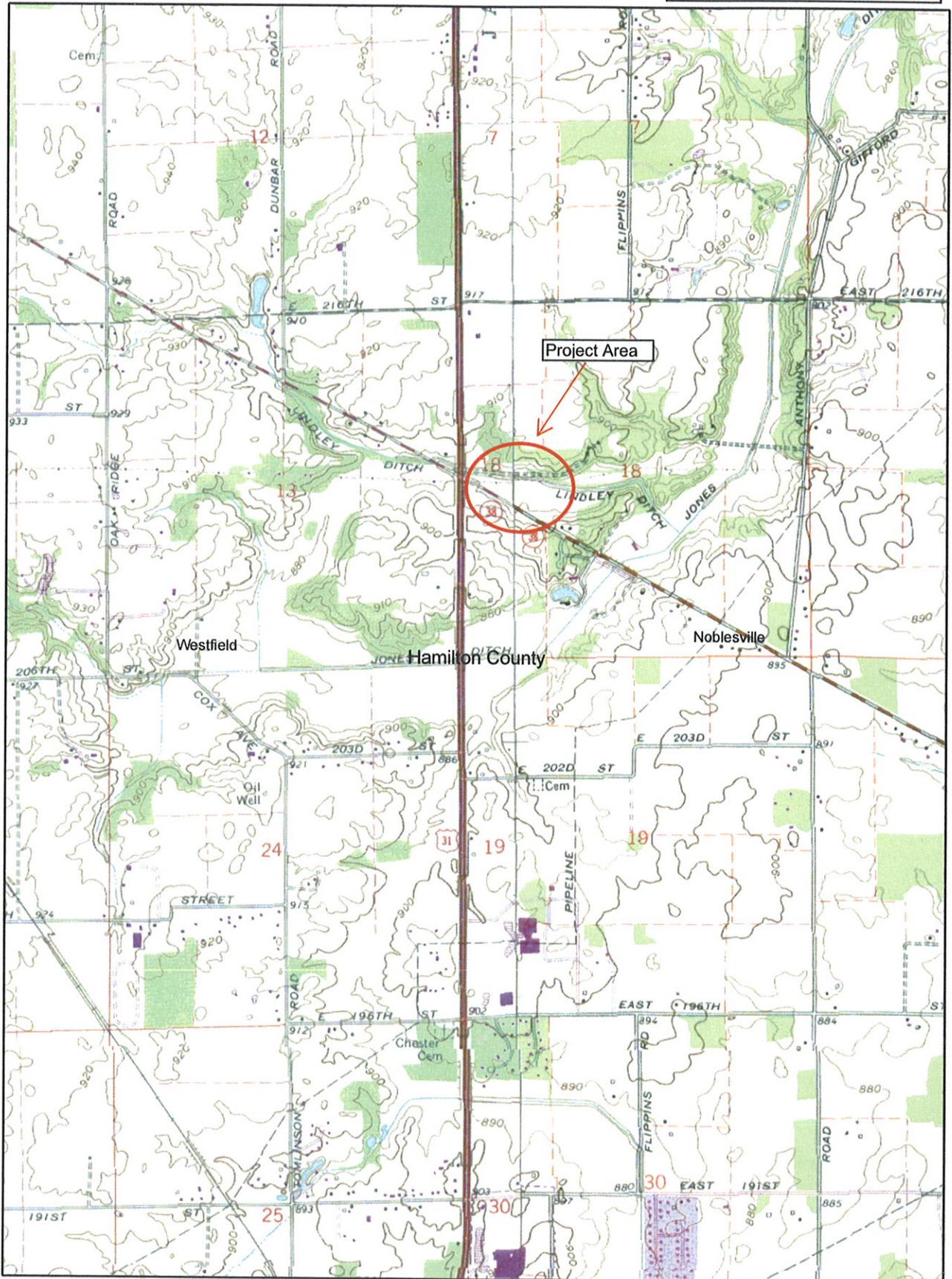
Appendix C---Maps

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

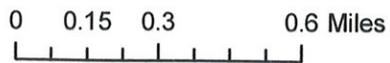


3,500 1,750 0 3,500
Scale: 1:24,001
[Date, photo revision if applicable]
Town XX, Range XX, Section XX
Source: U.S.G.S. 7.5 Minute Series Topographic Map

MacGregor Primary Access Road
SR 38, Hamilton County
Des. # 0500018



Westfield and Noblesville USGS Quadrangles
1:24,000



Area of Potential Effect
SR 38 MacGregor Park Proposed
Access Road
Des. #0500018



Area of Potential Effect

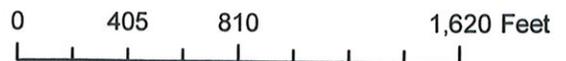
Access Road Alignment Buffer

Future MacGregor Park

Site#057-464-20002



C-4



Appendix D---Photos



Photo 1: Powerline corridor looking northeast from northern terminus of proposed access road.



Photo 2: Looking north into woods from northern terminus of proposed access road.



Photo #3: Proposed access road corridor, looking south into corn field with SR 38 in background



Photo #4: Close-up of looking north into woods



Photo #5: SR 38, looking east from proposed access road



Photo #6: Looking west towards US 31 from site of proposed access road



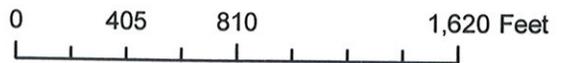
Photo #7: Façade, Hamilton County Interim Report Site #057-464-20002



Photo #8: East elevation, Hamilton County Interim Report Site #057-464-20002



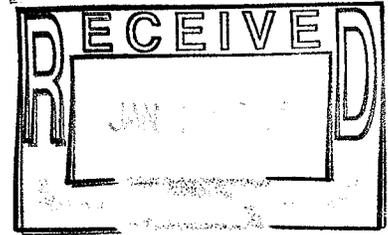
D-6



Appendix E---Plans

Appendix F---Correspondence

Joe H. Burgess
284 North 11th Street
Noblesville, Indiana 46060-2146



8 January 2008

Indiana Department of Transportation
100 North Senate Avenue- Room N642
Indianapolis, IN 46204-2218

Attn: Christopher Koepfel

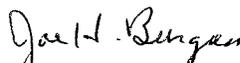
Dear Mr. Koepfel:

Re: Route No. SR 38
Des. No. 0500018
Description: MacGregor Park Primary Road,
SR 38 in Hamilton County

I have taken the liberty of answering your letter of 2 January 2008, although my term of Office expired at the end of December After 28 years as County Historian, I have had to give it up because of my health and age (87 years old), however, as of this date I have not been officially notified as to who has been appointed in my place. Therefore, I have studied the papers sent me and agree with the conclusions made therein.

It has been a pleasure to have worked with you and the many engineering firms over the past three decades and I will still be available to help whenever I can. I am just not able to get around and due the research I feel is necessary to do a good job.

Respectfully:


Joe H. Burgess

JHB/jb



January 17, 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: Archaeological records check and phase Ia field reconnaissance report (Greenlee, 12/14/07) and general project information regarding the construction of the primary access road from SR 38 for the future MacGregor Park (Des. No. 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 records check and reconnaissance report transmitted under your cover letter dated December 14, 2007 and received on December 17, 2007 and the general project information transmitted under your cover letter dated January 2, 2008 and received on January 3, 2008, for the above indicated project in Washington Township, Hamilton County, Indiana..

We agree with the area of potential effects (“APE”) that you have proposed for aboveground properties.

We also agree that the ca. 1870, double-pen house (Hamilton County survey # 057-464-20002) within the APE appears to have lost too much integrity of design and materials to be individually eligible for the National Register of Historic Places. The replacement windows, the rear addition, and the addition of an attached garage tend significantly to diminish the house’s integrity. The large, hip-roofed dormer on the front of the roof also appears to be a later addition to the original double-pen form of the house that compromises somewhat the house’s integrity of design.

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 within the proposed APE.

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.

At this time, it would be appropriate for the Indiana Department of Transportation (“INDOT”), on behalf of 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. Please refer to the following comments for guidance:

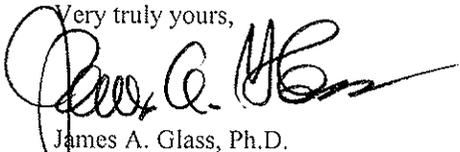
- 1) If the INDOT believes that a determination of “no historic properties affected” accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R., § 800.11 to the

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 INDOT 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 INDOT 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.

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 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. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #3417.

Very truly yours,



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

JAG:JLC:JRJ:jlc

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

Appendix G---Archaeology Report Conclusions

Results of the Archaeological Field Reconnaissance

Rachael Greenlee of INDOT, CRS conducted the Phase Ia archaeological field reconnaissance of the project area on December 4, 2007. The survey area consisted of a harvested corn field, a powerline corridor, and woods all with 0% visibility (Figure 3). The harvested corn field (Figure 4) and woods (Figure 5) were examined with shovel probes, but no cultural material was found. The powerline corridor (Figure 6) was considered disturbed because construction of the MacGregor Park parking had already started.

CONCLUSIONS AND RECOMMENDATIONS

In response to a request from INDOT, Greenfield District, an archaeological records check and field reconnaissance have been conducted for the proposed MacGregor Park access road off of SR 38 (Des. No. 0500018) in Washington Township, Hamilton County, Indiana. Approximately 0.67 ha (1.65 ac) of permanent ROW and 0.06 ha (0.14 ac) of temporary ROW will be required for this project.

Previously, this project was to be a part of the US 31 (I-465 to SR 38) Improvement Project (Des. No. 9905500), but a decision was made in December 2004 to accelerate the design and construction of the access road under a separate project. In September 2000, ASC Group, Inc. was contracted by Parsons Transportation Group to conduct a Phase Ia reconnaissance survey for the proposed US 31 road improvement project, and a proposed alignment for the MacGregor Park access road was surveyed (Striker et al. 2003). A new archaeological reconnaissance was completed because the proposed location of the MacGregor Park access road was shifted southeast along SR 38.

An archaeological records check for this project was conducted by Rachael Greenlee of INDOT, Cultural Resources Section (CRS) at the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (IDNR, DHPA). The records check found that four archaeological reconnaissances (Zoll 1988, Striker et al. 2003, Stillwell 2005, Crider 2005) have been conducted within 1.6 km (1 mi) of the project area, of which two reconnaissances (Zoll 1988, Striker et al. 2003) located four archaeological sites within 1.6 km (1 mi) of the project area. In addition, two other archaeological sites appeared on DHPA topographic maps within 1.6 km (1 mi) of the project area. These sites will not be impacted by this project.

An examination of the Hamilton County Historic Sites and Structures Inventory (HLFI 1992) listed five historic structures within 1.6 km (1 mi) of the project area. A review of the cemetery records on file at DHPA found the Pleasant View and Chew cemeteries within 1.6 km (1 mi) of the project area. These historic structures and cemeteries will not be impacted by the project.

Rachael Greenlee of INDOT, CRS conducted a Phase Ia field reconnaissance for the proposed project area on December 4, 2007. The project area consisted of a harvested corn field,

a powerline corridor, and woods. No evidence of cultural resources was identified during the field reconnaissance.

It is the author's opinion, 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 meeting the criteria established for the inclusion to the IRHSS or NRHP and it is therefore recommended that construction be allowed to proceed as planned. This is with the understanding that if human remains, features, or midden deposits are revealed during construction, any further disturbance will cease until an INDOT, CRS archaeologist is contacted and mitigation is completed.

Appendix D: Red Flag Investigation



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

March 4, 2008

To: Loni Hrynk
Environmental Scientist
Document Review Unit

From: Kenneth McMullen
Supervisor
Hazardous Materials Unit

Re: Red Flag Investigation
Des 0500018
New Road Construction
MacGregor Park Access
Hamilton County

The Hazardous Materials Unit has completed the Red Flag Investigation for the above listed site.

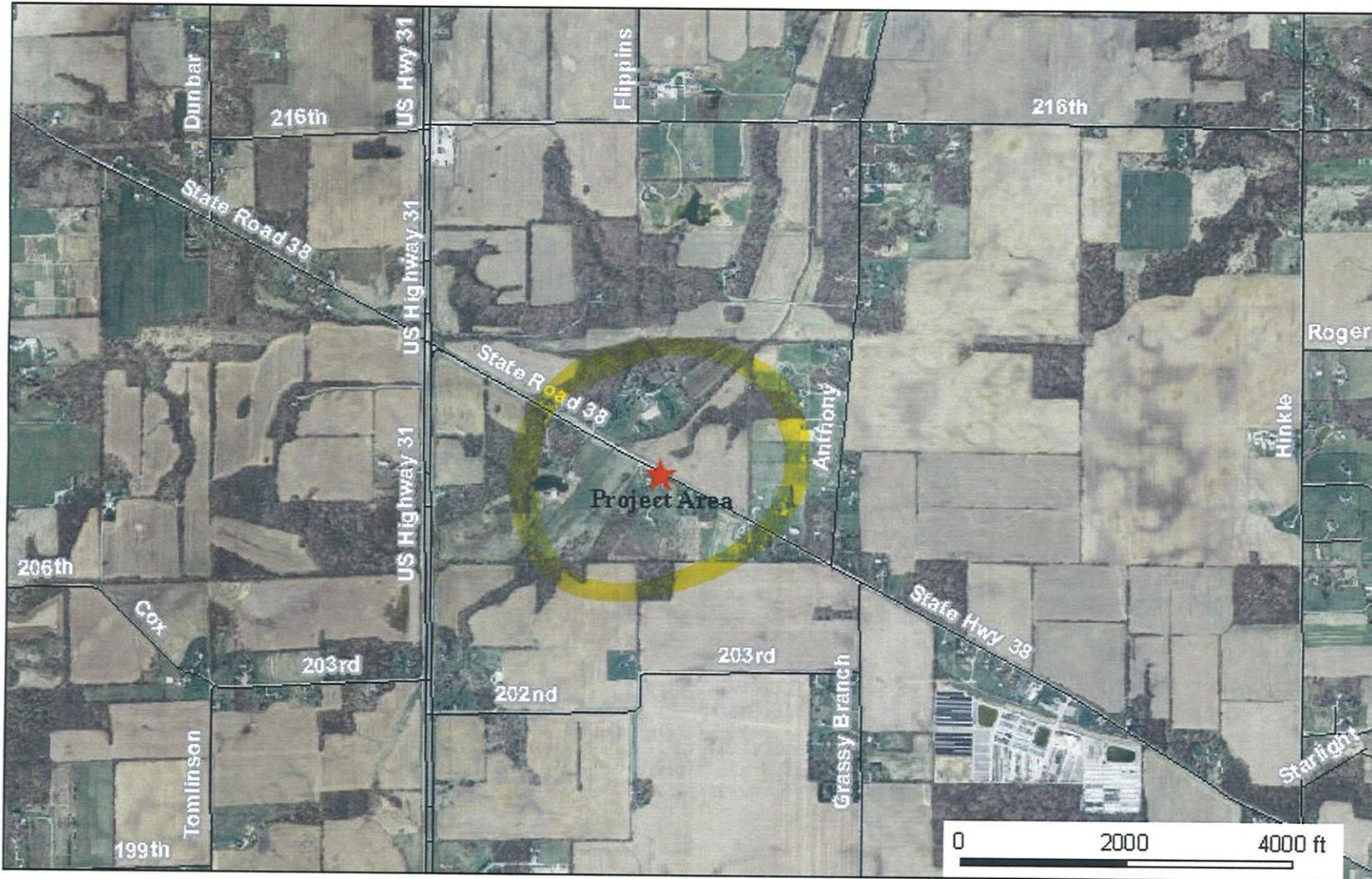
There were wetlands and floodplains, as well as Hydrologic Terrains indicated during this investigation. The Permitting Unit should be contacted if you have further questions regarding the waterways of the area.

There were no hazardous material concerns found during this investigation. Please contact the Hazardous Materials Unit if additional information is found during the field investigation.

The potential to encounter an endangered vertebrate animal was found during this investigation. Please contact the Ecology Unit for further details.

If additional information is discovered during a field investigation or if the scope of the project changes additional research may be needed. Please contact me if you have questions regarding our investigation at 317-232-5113 or kmcmullen@indot.in.gov.

Thank You.



This map was prepared by the Indiana Geological Survey, using data believed to be accurate; however, a margin of error is inherent in all maps. This product is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability of a particular purpose or use. There is no attempt in either design or production of this map to define the limits or jurisdiction of any federal, state or local government. A detailed on-the-ground survey and historical analysis of a single site may differ from this map.

Scale 1:23000

Indiana Geological Survey

