



**Driving Indiana's Economic Growth**

# INDOT Procedures for Section 106 Findings & 800.11 Documentation



Last Revised  
May 2007



## New Section 106 Findings Process

- Per the Minor Projects PA, which was finalized in October 2006, FHWA has delegated to INDOT the authority to make determinations of:
  - Area of Potential Effects (APE)
  - Eligibility
  - Findings of “No Historic Properties Affected” and “No Adverse Effect”



# All documents reviewed by INDOT Cultural Resources Staff

- INDOT reviews and signs findings of “No Historic Properties Affected” and “No Adverse Effect”
- INDOT reviews findings of “Adverse Effect” and forwards to FHWA for signature
- Guidance and template forms can be found in INDOT Cultural Resources Manual. Please use them!

<http://www.in.gov/dot/div/pubs/ceprepmanual.htm>



# Cover Letter Information to INDOT

- Name and signature of the qualified professional that prepared the documentation
- Name of contact person to receive comments
- What is being submitted for review
- Send two copies of the information—one for INDOT's files and one to be signed and returned to the applicant or consultant



# Cover Letter Information, contd.

- General project identification information:
  - Project Designation Number
  - Route Number
  - Feature crossed (for bridge or small structure projects)
  - Township
  - County
- See Appendix L of INDOT Cultural Resources Manual for Checklist and more guidance



# Section 106 Finding

- Use proper finding template
- August 2005---SAFETEA-LU
- Remember to include Section 4(f) discussion on ALL projects



# Section 106 Finding

- Heading
  - The first line should read INDOT for “No Historic Properties Affected” and “No Adverse Effect” findings
  - The first line should read FHWA for “Adverse Effect Findings”
  - If no Fed. Project No. is available, keep FPN in heading, but just leave number area blank, per FHWA’s request



# Section 106 Finding

- Area of Potential Effect
  - Description of APE
  - Include map clearly marking the APE in the appendix
  - Complex APEs--textual description is not required. Reference APE map

## AREA OF POTENTIAL EFFECT

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

The proposed project consists of the replacement of Bridge No. 166-62-01995A located on SR 166 on Millstone Creek, 1.94 miles south of SR 66 in Perry County. The general setting of the project location is mostly wooded with scattered residential and recreational vehicles sites. The Area of Potential Effect (APE) has been determined as those areas of existing and proposed R/W and incidental construction, including immediately adjacent properties. As the scope of the project does not introduce major widening, change in capacity or other significant alterations to the character of the roadway, the visual impacts associated with this project are minor. Thus, only those immediately adjacent properties are included in the APE (See APE map in Appendix C).



# Section 106 Finding

- Eligibility Determinations
  - If no historic properties are present in APE, this section is very short!

## ELIGIBILITY DETERMINATIONS

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

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



# Section 106 Finding

- Eligibility Determinations
  - Historic Properties are located in APE
    - Brief description of each NRHP eligible property within the APE
    - Include the National Park Service criterion, or criteria, that renders the property eligible
    - For properties already listed in the Register, also note the date it was listed

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

One property eligible for listing in the National Register of Historic Places was found within the APE. School No. 4 (No. 25023 in the *Posey County Interim Report*) on Downen Road (identified in the *Interim Report* as Parker Church Road) is eligible under Criteria A and C because of its association with education in Posey County and its outstanding architectural features. It is a brick, gable-front structure with a metal roof and brick and wood decorative work.



# Section 106 Finding

- Effect Finding
  - No Historic Properties Affected
    - NRHP eligible or listed properties within APE will not be affected by project

## **EFFECT FINDING**

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

Current plans call for the project to be confined to the current right-of-way in front of the National Register eligible Jacob Blasdel Farm. No additional right-of-way from this property will be needed. The project is not considered traffic generating. Therefore, impacts from increased traffic will not be experienced.

Given the topography and wooded nature of the area, the view of the current bridge from the Blasdel Farm is somewhat obscured. The same outcome is expected with the proposed bridge. Therefore, the project should not have impacts on the property. A finding of "No Historic Properties Affected" is appropriate.



# Section 106 Finding

- Effect Finding
  - No Historic Properties Affected
    - No NRHP eligible or listed properties within APE

## EFFECT FINDING

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

The INDOT has determined a "No historic properties affected" finding is appropriate for this undertaking because no properties listed in or eligible for listing in the National Register are present within the area of potential effects.



# Section 106 Finding

## ■ Effect Finding

### ■ No Adverse Effect

- The effects of the project will not directly or indirectly alter any of the characteristics of the historic properties that qualify them for inclusion in the NRHP in a manner that would diminish their integrity

#### **EFFECT FINDING**

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

The proposed project will not alter any of the characteristics of the Carlisle Commercial Historic District that qualify it for the National Register. Slight changes to the sidewalk and curbs at the western edge of the district will not noticeably alter the setting of the district.

Because the proposed project will not noticeably alter the setting of the district, and because the project will not alter any of the characteristics of the district that qualifies it for the National Register, there is "No Adverse Effect."



# Section 106 Finding

- Effect Finding

- The project will directly or indirectly alter characteristics of the historic properties that qualify them for inclusion in the NRHP in a manner that would diminish their integrity

## EFFECT FINDING

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

A large portion of the original material of Bridge Nos. 31-41-03040ASBL and 31-41-03040JANB (the deck, part of the spandrel walls, the railing, and the brackets) will be either replaced or replicated. The loss of material integrity diminishes the characteristics of the bridges that make them NRHP eligible. An "Adverse Effect" determination is appropriate.



# Section 106 Finding

- Section 4(f) compliance
  - For each project, a statement must be made to describe the Section 4(f) compliance requirements
  - Four (4) potential Section 4(f) conclusions that can be made for historic properties
  - One (1) conclusion for archaeological sites that are eligible for the NRHP but do not warrant preservation in place.



# Section 106 Finding

- Section 4(f) compliance
  - Use templates in Cultural Resources Manual, Appendix N
  - Some of the wording has changed recently
  - Please read wording in templates carefully



# Section 106 Finding

- Section 4(f) compliance
  - When no historic properties are 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 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."



# Section 106 Finding

- Section 4(f) compliance
  - When historic properties are present, but no conversion to a transportation use

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

*Brook-Iroquois Township Public Library* -- This undertaking will not convert property from the Brook-Iroquois Township Public Library, a section 4(f) historic property, to a transportation use; the INDOT has determined the appropriate Section 106 finding is "No Historic Properties Affected"; therefore no Section 4(f) evaluation is required for the Brook-Iroquois Township Public Library. INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with INDOT's Section 106 determination of "No Historic Properties Affected."



# Section 106 Finding

- Section 4(f) compliance
  - Project will convert property from historic resource and de minimis applies

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

*Carlisle Commercial Historic District* -- This undertaking will convert property from the Carlisle Commercial Historic District, a section 4(f) historic property, to a transportation use; the INDOT has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore FHWA hereby intends to issue a "de minimis" finding for the Carlisle Commercial Historic District, pursuant to SAFETEA-LU, thereby satisfying FHWA's responsibilities under Section 4(f) for this historic property. INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with INDOT's Section 106 determination of "No Adverse Effect" and the "de minimis" finding for the Carlisle Commercial Historic District



# Section 106 Finding

- Section 4(f) compliance
  - Project will convert property from historic resource and a 4(f) evaluation is required

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

*US 31 Northbound and Southbound Bridges over the Big Blue River (Structure Nos. 31-41-03040ASBL and 31-41-03040JANB) -- This undertaking will convert these bridges, Section 4(f) historic properties, to a transportation use; the FHWA has determined the appropriate Section 106 finding is "Adverse Effect"; and therefore a Section 4(f) evaluation must be completed for Bridge Nos. 31-41-03040ASBL and 31-41-03040JANB. This project will fall under the Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges. FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with FHWA's Section 106 determination of "Adverse Effect."*



# Section 106 Finding

- Section 4(f) compliance
  - Archaeological sites that are eligible for the National Register of Historic Places but do not warrant preservation in place.

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

Section 4(f) applies to archaeological sites that are on or eligible for inclusion on the National Register of Historic Places and that warrant preservation in place. This archaeological site, 12-Le-392, although eligible for inclusion in the National Register of Historic Places, does not warrant preservation in place, therefore 12-Le-392 is not a Section 4(f) resource. Thus, this undertaking will not convert a section 4(f) resource to a transportation use; the FHWA has determined the appropriate Section 106 finding is "Adverse Effect"; no Section 4(f) evaluation is required for 12-Le-392. FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with FHWA's Section 106 determination of "Adverse Effect" and the determination that the archaeological site does not warrant preservation in place.



# Section 106 Finding

- Consulting Party notification

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



# 800.11 documentation

- Proper template
  - No Historic Properties Affected
    - 3 Sections and Appendix
  - No Adverse Effect and Adverse Effect
    - 6 Sections and Appendix



# No Historic Properties Affected

- Description of the Undertaking
  - Describe the work to be completed
  - Discuss the federal involvement in the project
  - Describe the APE; reference the appropriate location in the appendix of the APE map and Section 106 finding form that approves APE.
  - Appendices should include photographs, maps, drawings, etc. as necessary to provide a complete description of the project's location and setting.



# No Historic Properties Affected

## ■ Description of the Undertaking

### 1. DESCRIPTION OF THE UNDERTAKING

The Indiana Department of Transportation (INDOT), with the Federal Highway Administration (FHWA) providing funding for the project and thereby acting as lead Federal agency in this Section 106 undertaking, is proposing the replacement of Bridge No. 166-62-01995A on SR 166 over Millstone Creek, 1.94 miles south of SR 66 in Perry County. The bridge, a three-span composite steel beam, was built in 1938 and was rehabilitated in 1984. Inspection reports indicate that the bridge is structurally deficient, evidenced by severe section loss on the exterior steel beam at the interior bents. The most recent inspection report in February 2005 lowered the superstructure condition rating from “fair” to “serious” due to extreme corrosion and advanced section loss at the bottom flange of beam #1 over bents #2 and #3.

The need for the project is evidenced by the structural deficiencies of the bridge, which includes severe section loss on the exterior steel beam at the interior bents. Moreover, the bridge’s clear roadway width is substandard. As such, the purpose of the project is to replace the deteriorated bridge with a wider structure. An alternative analysis found that the no-build alternative would not address the deficiencies with the existing structure. Therefore, the recommended alternative is to replace the existing structure and improve the superelevation north of the bridge.

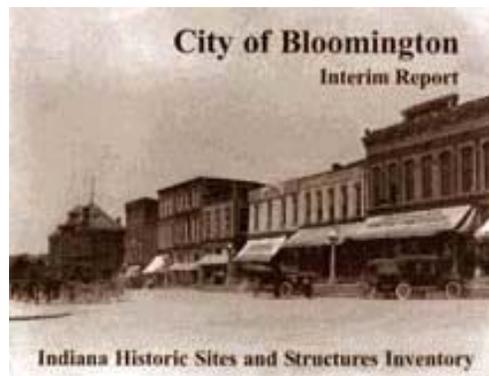
In detail, the proposed project involves replacement of the existing bridge with a three-span structure skewed 25° to the right. Approach work includes pavement widening from an existing clear roadway width of 28 ft. to 31’-4”, grading and drainage improvements, and guardrail installation. The roadway approach reconstruction will extend approximately 220 ft. north and south of the proposed structure, with the total project length approximately 650 ft. Incidental construction will extend approximately 100ft. south and approximately 1100 ft. north of the structure. An additional 500ft buffer perimeter beyond these limits is included to lessen impacts to the adjacent areas. The proposed construction is anticipated to impact four parcels and require approximately 1.0 acre of permanent right-of-way (R/W). The anticipated R/W limits will extend 40 ft. east and west of the centerline of SR 166 (extending approximately 300’) south of the bridge and 75 ft. to each side of SR 166 (extending approximately 300’) north of the bridge (See plan sheet in Appendix E).

The Area of Potential Effect (APE) has been determined as those areas of existing and proposed R/W and incidental construction, including immediately adjacent properties. As the scope of the project does not introduce major widening, change in capacity or other significant alterations to the character of the roadway, the visual impacts associated with this project are minor. Thus, only those immediately adjacent properties are included in the APE (See APE map in Appendix C).



# No Historic Properties Affected

- Efforts to Identify Historic Properties
  - Describe all of the steps taken to identify historic properties and efforts to seek information
  - Resources checked
    - County interim reports
    - Indiana Register of Historic Places
    - National Register of Historic Places



# No Historic Properties Affected

- Efforts to Identify Historic Properties
  - Discuss any archaeological work that was done
  - Summarize conclusions of archaeology report; include conclusions page in appendix
  - Don't specify locations of archaeology sites; Block out locations of sites on conclusions page
  - If archaeological work was not required, explain why



# No Historic Properties Affected

- Efforts to Identify Historic Properties
  - List all entities invited to become consulting parties and those that responded
  - Discuss any input received from consulting parties

## 2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

The National Register of Historic Places (National Register) and Indiana Register of Historic Sites and Structures (State Register) were checked. No properties on either list are located in the project area. The *Boone County Interim Report* (Marion Township) of the Indiana Historic Sites and Structures Inventory was checked. No properties are recorded in this area.

On October 12, 2006, the following entities were invited to become Section 106 consulting parties, help identify historic properties, and comment on project impacts: the State Historic Preservation Officer (SHPO), the Boone County Historian, the Boone County Historical Society Inc., the Boone County Landmarks Preservation, Inc., Historic Landmarks Foundation of Indiana--Central Regional Office (HLFI), and the Indianapolis Metropolitan Planning Organization (MPO).

The SHPO responded in a letter dated December 14, 2006 that no archaeological resources listed in or eligible for listing in the National Register were identified within the APE (*See letter in Appendix F*). The letter stated that a Free Classic House located on US 421, and identified as Site #011-317-00013 in the Interim Report, might be in the APE and might be National Register eligible. The house is not located in the APE for this project. It is located approximately 2.0 miles north of this small structure.

An archaeological field reconnaissance (Stillwell, 6-25-05) for the project area determined that it had been previously disturbed by agricultural activity. No archaeological sites were recorded and project clearance was recommended because the project would not affect any sites eligible for the National Register. The SHPO concurred with the findings of this report in a letter dated July 22, 2005 (*See letter in Appendix F*).



# No Historic Properties Affected

- Efforts to Identify Historic Properties
  - If NRHP properties exist within APE, provide information found in Eligibility Determinations section of Section 106 finding form

## 2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

The *Posey County Interim Report* (Robinson Township) of the Indiana Historic Sites and Structures Inventory was checked. It identifies one property within the APE; School No. 4 on Parker Church Road (now called Downen Road). The school is survey number 25023 and is rated "notable." It is a brick, gable-front structure with a metal roof and brick and wood decorative work. The property is eligible for the National Register of Historic Places under Criteria A and C because of its association with education in Posey County and its outstanding architectural features. No other National Register eligible or listed properties are located within the APE.

An archaeological field reconnaissance was performed by Archaeological Consultants of Ossian. The report is dated November 19, 2003. No sites were discovered that were eligible for the National or State Registers of Historic Places. The report recommended that the project continue as planned without further archaeological investigations. The State Historic Preservation Officer (SHPO) concurred with the findings of this report in a letter dated July 26, 2004.

On June 24, 2004, the following entities were invited to be Section 106 consulting parties: the State Historic Preservation Officer (SHPO), the Posey County Historian, the Posey County Historical Society, and the Historic Landmarks Foundation of Indiana. The SHPO was the only entity to reply to early coordination. In a letter dated July 26, 2004, it stated that it had "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." The SHPO identified School No. 4 as a National Register eligible property within the APE, but stated that it did not believe the project would result in any alterations to the characteristics of the school that qualified it for National Register eligibility. (*See letter in appendix*)



# No Historic Properties Affected

- Basis for Finding
  - Legitimate bases for the “No Historic Properties Affected” finding include
    - No historic properties are present within the area of potential effects
    - Historic properties are present within APE but the project will have no effect upon them



# No Historic Properties Affected

- Basis for Finding
  - No historic properties are present within the area of potential effects

## 3. BASIS FOR FINDING

Based on our identification 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 INDOT’s APE and “No Historic Properties Affected” finding will be issued for this project in a local newspaper in February 2007. A 30-day comment period will be given. This document will be revised, if necessary, after the public notice to reflect any comments received.



# No Historic Properties Affected

- Basis for Finding
  - Historic properties are present but the project will have no effect upon them

## EFFECT FINDING

The Tudoresque property at 204 East Main Street possesses a large front lawn that buffers the house from the sidewalk. The installation of a new sidewalk in front of this property that stays within the current right-of-way will not impact the property. The project will have no effect on the property and will not alter any of the characteristics that qualify the property for National Register eligibility.

The Queen Anne style house at 316 East Main Street is located close to the sidewalk and is separated from it by a small retaining wall. This wall will remain as part of the proposed project. The installation of a new sidewalk in front of this property that stays within the current right-of-way will not impact the property. The project will have no effect on the property and will not alter any of the characteristics that qualify the property for National Register eligibility.

The Brook-Iroquois Township Public Library possesses a small front lawn and is set back from the Main Street sidewalk a short distance. The installation of a new sidewalk in front of this property that stays within the current right-of-way will not impact the property. The project will have no effect on the property and will not alter any of the characteristics that qualify the property for National Register eligibility.

The Bungalow at 309 East Main Street possesses a small front lawn and is set back from the Main Street sidewalk a short distance. The installation of a new sidewalk in front of this property that stays within the current right-of-way will not impact the property. The project will have no effect on the property and will not alter any of the characteristics that qualify the property for National Register eligibility.

Based on the above information, the INDOT has determined a "No historic properties affected" finding is appropriate for this undertaking.



# No Historic Properties Affected

- Appendices

## APPENDICES

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



# No Historic Properties Affected

- Appendices
  - A list of all entities invited to become consulting parties and indicate those that responded

US 24 Small Structure Replacement over Railroad Ditch  
 Approximately 0.66 mile west of US 41  
 Kentland, Newton County  
 DES. NO.: 0200070

Consulting Parties  
 Those that responded to early coordination are shaded

Title	First Name	Last Name	Title	Company Name	Address Line 1	Address Line 2	City	State	ZIP Code
Mr.	Kyle	Hupfer	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.	Todd	Zieger	Director	Northern Regional Office	Historic Landmarks Foundation of Indiana	Remedy Building, 402 W. Washington St.	South Bend	IN	46601
Ms.	Donna	Lacosse	Newton County Historian		PO Box 86		Morocco	IN	47963
Ms.	Becky	Lyons	Newton County Historical Society	224 N. 3 <sup>rd</sup> St.	PO Box 303		Kentland	IN	47951



# No Historic Properties Affected

- Appendices
  - Signed Section 106 finding

INDIANA DEPARTMENT OF TRANSPORTATION'S  
SECTION 4(F) COMPLIANCE REQUIREMENTS (FOR HISTORIC PROPERTIES) AND  
SECTION 106 FINDINGS AND DETERMINATIONS  
AREA OF POTENTIAL EFFECT  
ELIGIBILITY DETERMINATIONS  
EFFECT FINDING  
LOGANSPORT ROAD AT CASS COUNTY ROAD 600 EAST INTERSECTION RECONSTRUCTION  
DES. NO.: 0501172  
FEDERAL PROJECT NO.: HES-9909 (00C)

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

The area of potential effect has been defined as the area within and adjacent to Cass County Road 600 East and Logansport Road intersection. The area of potential effect extends 500 feet south of Logansport Road along County Road 600 East and 165 feet east of County Road 600 East and 325 feet west of County Road 600 East. Please refer to the attached location map for further details.

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

No historic buildings, structures, districts, archaeological resources or objects listed in or eligible for inclusion in the National Register of Historic Places are located within the area of potential effect.

**EFFECT FINDING**

INDOT has determined a "No historic properties affected" finding is appropriate for this undertaking.

**SECTION 4(F) COMPLIANCE REQUIREMENTS**

There are no 4(f) resources present within the project limits. No Section 4(f) involvement is required for this project. This undertaking will not convert property from a Section 4(f) historic property, to a transportation use; Indiana Department of Transportation (INDOT) 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 provide written concurrence with INDOT's Section 106 determination of "No Historic Properties Affected."

Consulting parties will be provided a copy of INDOT or 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.



Christopher D. Koepfel  
Administrator  
INDOT Cultural Resources

5/11/07

Approved Date



# No Historic Properties Affected

## ■ Appendices

- Maps -- All maps should include a scale, a north arrow, and a key or legend
  - General location of the project within the state and county – Project areas and property locations must be clearly presented
  - APE---clearly delineated
  - Roadway plan showing the proposed right-of-way limits of the project; this can be combined with the aerial photo and/or APE map
  - If historic properties are present, include map delineating boundaries of each property
  - Topographic map of the project area



# No Historic Properties Affected

## ■ Appendices

- Topographic map of the project area
  - 1:24000 scale
  - The caption of the topographic map should be properly titled, for example; "Portion of the USGS 7.5' series Miami, Indiana topographic quadrangle showing the location of the project area."
  - USGS topographic maps and high-quality 2005 aerial photographs are available free of charge (and without copyright restrictions) at the Indiana GIS Atlas website (<http://129.79.145.7/arcims/statewide%5Fmxd/viewer.htm>).



# No Historic Properties Affected

- Appendices
  - Aerial photo of the project area
    - Should include the date of aerial photos in the caption; for example, "A 1998 aerial photograph showing the project location."
  - Abstract and/or summary/conclusions page of historic property reports and archaeological reports
  - General project area photos keyed to a map (the photo key can be combined with one of the other maps previously mentioned)



# No Historic Properties Affected

- Appendices
  - Copies of all correspondence from consulting parties in chronological order



HISTORIC  
LANDMARKS  
FOUNDATION OF  
INDIANA

Northern Regional Office  
402 West Washington Street  
South Bend, IN 46601  
574.232.4534 Fax: 574.232.5549

northern@historiclandmarks.org  
www.historiclandmarks.org

October 20, 2006

Christopher Koepfel  
Indiana Department of Transportation  
100 North Senate Avenue  
Room N642  
Indianapolis, IN 46204

Re: Des No. 0200069 & 0200070, US 24 Small Structure Replacements

Dear Mr. Koepfel:

Thank you for providing me with information for the small structure replacements on US 24 in Newton County. I appreciate your consideration in involving our organization in the review of this project. I have surveyed the proposed area of potential effects and I concur with your preliminary finding of no adverse effect. I have found no historic properties affected. Because of this, I respectfully decline to serve as a consulting party.

It is important for you to know that my concern in the project areas is only with the built environment, and does not include possible archaeological sites. For archaeological records for the sites, I suggest you contact the state historic preservation office. So long as the scope of the project remains as outlined in the October 17<sup>th</sup> packet of information, I have no objections to the project. If you have any questions regarding my findings or if changes are made to the current project, please let me know. Unless the project changes significantly, there is no need to send me further documentation.

Sincerely,

  
Rodd Zeigler  
Director, Northern Regional Office

cc: John Carr, DEHPA  
Donna Lacosse, Newton Co. Historian

## DNR Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 - Indianapolis, IN 46204-2739  
Phone: 317.232.3684 • Fax: 317.232.6903 • [dhpa@dnr.in.gov](mailto:dhpa@dnr.in.gov)

Robert E. Carter, Jr., Director



January 30, 2007

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: General information concerning the replacement of Bridge #166-62-0195A carrying SR 166 over Millstone Creek (Designation #0200106, STIP-2362(01)5, DEPA #1428)

Dear Mr. Koepfel:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470) 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 January 2, 2007, and received on January 3, 2007, for the above indicated project in Tobie Township, Perry County, Indiana.

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 probable area of potential effects.

At this time, 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.

Also, 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.

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# No Adverse Effect and Adverse Effect

- Description of the Undertaking and Efforts to Identify Historic Properties
  - Same information as described for No Historic Properties Affected Findings



# No Adverse Effect and Adverse Effect

- Describe the Undertaking's Effects on Historic Properties
  - Describe the extent to which each property will be affected by the project
    - Acquisition of right-of-way?
    - Tree removal?
    - Stone sidewalk removal?
    - Visual impact?
    - Noise impact?
  - If the project does not affect a historic property, it should also be noted in this section



# No Adverse Effect and Adverse Effect

- Describe the Undertaking's Effects on Historic Properties

## 4. DESCRIBE THE UNDERTAKING'S EFFECTS ON HISTORIC PROPERTIES

Bridge No. 1-15-01683A is located within the APE and will be adversely affected by the project. The existing bridge will be removed and replaced with a wider concrete structure.



# No Adverse Effect and Adverse Effect

- Explain Application of Criteria of Adverse Effect
  - For each historic property identified, explain why the criteria of adverse effect do or do not apply.
  - If an adverse effect is considered unavoidable, discuss the avoidance alternatives considered and why they were dismissed.
  - If an adverse effect occurs, discuss minimization or mitigation efforts to be undertaken.



# No Adverse Effect and Adverse Effect

- Explain Application of Criteria of Adverse Effect

## 5. EXPLAIN APPLICATION OF CRITERIA OF ADVERSE EFFECT -- INCLUDE CONDITIONS OR FUTURE ACTIONS TO AVOID, MINIMIZE OR MITIGATE ADVERSE EFFECTS

The criteria of adverse effect apply because a large portion of the original material of the bridges (the deck, part of the spandrel walls, the railing, and the brackets) will either be replaced or replicated. The loss of material integrity diminishes the characteristics of the bridges that make them NRHP eligible, which is an adverse effect.

INDOT has minimized the effects to the structures to the fullest extent possible. First, INDOT chose a rehabilitation of the bridges over replacement, which would have been the most severe adverse effect. Secondly, as outlined in Section 6 of this document, during the course of the Section 106 process, INDOT has modified the rehabilitation plans in response to SHPO staff comments. This has resulted in the most context sensitive design possible.

Because of severe deterioration and because Bridge Nos. 31-41-03040ASBL and 31-41-03040JANB must be rehabilitated to current design standards, some of the original features cannot be retained. The rehabilitation will widen the bridges. The widening is necessary given the location of the bridges along a major US route. The Average Annual Daily Traffic (AADT) for the structures in 2003 was 11,330 and the projected AADT for 2027 is 15,925. Commercial vehicles make up 6% of this traffic. The existing clear roadway width of the bridges is 28' with two 12' travel lanes. The proposed clear roadway width is 36', composed of two 12' travel lanes, an inside shoulder of 4' and an outside shoulder of 8'. To achieve the new bridge width, a portion of the spandrel wall at a uniform depth down to the arch ring crown will be removed, along with the concrete pilaster wall brackets that provide support to the existing bridge railing and safety curb.

The two key original features that will be removed and replicated are the concrete support brackets and the railing. Replicating the brackets is an added expense to the project. One side of the brackets on each bridge will not even be visible to the motoring public. Replicating the bridges' bush hammered railing is atypical and required getting special approval from FHWA. However, INDOT is replicating these features to make the design of the rehabilitation more context sensitive.

In order to mitigate the adverse effect, INDOT is proposing to document the bridges according to the State of Indiana's Minimum Architectural Documentation Standards, which will include a written description, history, and digital photographs printed on an archival photo printer (*See proposed MOA in Appendix G*).



# No Adverse Effect and Adverse Effect

- Summary of Consulting Parties and Public Views
  - Summarize SHPO's position on the project
  - Summarize consulting party positions
  - Reference any correspondence received in the appendix
  - For Adverse Effect, owner of historic property affected should be notified and given opportunity to comment
  - If a public notice has been issued, note the date it was issued and summarize any comments received from the public.



# No Adverse Effect and Adverse Effect

- Summary of Consulting Parties and Public Views

## 6. SUMMARY OF CONSULTING PARTIES AND PUBLIC VIEWS

On January 27, 2004, the following entities were invited to become consulting parties: Dearborn County Historian, Dearborn County Historical Society, Surveyors Historical Society, Historic Landmarks Foundation of Indiana (HLFI—Southeast Field Office) and the Indiana State Historic Preservation Officer (SHPO).

The Surveyors Historical Society responded on February 4, 2004 with a request for more information on the project and a statement that the organization could not formally comment on the project until after discussing it at their board of directors meeting on April 16, 2004 (*See letter in appendix*). More information was provided to the organization via telephone on February 16, 2004, but further comments by the Society were never received.

SHPO responded on February 25, 2004, requesting more information about the bridge. More information was provided in a letter dated August 2, 2004. SHPO responded again on August 24, 2004, stating that Bridge No. 1-15-01683A does meet the criteria of eligibility for inclusion in the National Register and that its replacement will result in an adverse effect. SHPO stated willingness to enter into a memorandum of agreement for the proposed project with appropriate mitigation measures. SHPO also commented that no archaeological resources listed in or eligible for inclusion in the National Register are located within the APE (*See letter in appendix*).

A public notice regarding FHWA's APE and "Adverse Effect" finding was issued for this project on November 18, 2004 in a local newspaper (*See publisher's claim in appendix*). This Section 106 Finding document was sent to consulting parties on November 12, 2004 for review and comment. During the 30 day comment period, SHPO was the only consulting party to respond. In a letter dated November 29, 2004, SHPO stated agreement with the effect finding and indicated willingness to enter into a Memorandum of Agreement with appropriate mitigation measures (*See letter in appendix*). During the 30 day reply period for the public notice, no one responded.



# No Adverse Effect and Adverse Effect

## ■ Appendices

- Same information as described for No Historic Properties Affected Finding
- EXCEPT—for Adverse Effect, include draft and final MOA in appendix
- For Adverse Effect, FHWA will notify ACHP of finding
- Final MOA must be submitted to ACHP
- MOA template can be found in Appendix Q of Cultural Resources Manual:

<http://www.in.gov/dot/div/pubs/ceprepmanual.htm>



# Common Mistakes to Avoid

- Stating a property is eligible because the SHPO said so
- Stating a property is eligible because it was rated “Outstanding” in the Interim Report
- Stating a property is not eligible because it was rated “Contributing” in the Interim Report



# Common Mistakes to Avoid

- Insufficient graphics and maps
- Not delineating historic property boundaries
- Section 4(f) discussion not included or incorrect on Section 106 Finding form



# Questions???

- For more information:
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