U.S. Department of Transportation
Federal Highway Administration

Indiana Division

575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

HDA-IN

November 3, 2011

Dear Section 106 Consulting Party,

Thank you for your willingness to participate in the Louisville-Southern Indiana Ohio River Bridges (LSIORB) Project. We are entering the Assessment of Effects phase of the Section 106 process, culminating in an Effects Meeting (notification for location and date to be provided soon). This letter, along with its attachments, is intended to present the preliminary effects recommendations of the project team.

With this letter, you will find a number of attachments, described below.

1. *Identification Findings Report* – These pages are being provided to replace the initial *Eligibility Workbook* pages provided in mid September. The previous content has been revised to incorporate changes discussed during the September 29 Eligibility Meeting and other issues identified by consulting parties in follow-up letters.

   These findings represent FHWA's determinations for the Eligibility phase of the Section 106 process. Electronic copies of these files are available on the project website.

2. A comment summary labeled "Team approach to addressing consulting party comments on APE & Eligibility" summarizes the comments we received from consulting parties on the APE and eligibility coordinating phase. A brief description of how the team addressed these comments is also included. A complete set of correspondence and meeting summaries for the Section 106 process to date will be included as an appendix to the Draft 800.11(e) Report for the project, which should be available for your review in the coming weeks.

3. *Effects Recommendations Document* - This document presents the team's preliminary effects recommendations, for discussion at the November Effects Meeting. You will be receiving information about the meeting date, time, location, and call-in information in the near future. To facilitate review during the workshop, we ask that you take time to familiarize yourself with the attached *Effects Recommendations Document*.

   Comments or questions relating to the effects materials should be directed to Janice Osadczuk (janice.osadczuk@dot.gov). Please provide any comments relating to the

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identification of historic resources by no later than 9 a.m. EST on December 5, 2011. An electronic copy of this file is available on the project website.

We understand that your participation in this project is a major commitment of time. Your input is valuable in assisting Kentucky and Indiana in achieving the best possible outcome for the LSIORB project. We certainly appreciate your attendance and contributions. We will provide details about the upcoming Effects Meeting as soon as possible.

Thank you for your continuing involvement in this important process,

Janice Osadczuk
Federal Highway Administration

Team approach to addressing consulting party comments on APE & Eligibility

Requests to Expand Original APE

1. There is concern about various historic districts (HD) that are split by the APE ... effects should be evaluated on the district as a whole. (*KHC page 2 paragraph 2; Preservation Louisville bullet 2; Riverfields page 3 first paragraph)* – See below.
2. Expand Original APE to include Entire Butchertown HD (*Butchertown Neighborhood Association paragraph 3; Neighborhood Planning & Preservation Inc paragraph 2; NTHP page 2 bullet 2; NTHP page 4 bullet 2; Riverfields page 4 paragraph 2)* - See below.
3. Expand Original APE to include Entire Phoenix Hill HD (*NTHP page 2 bullet 2; NTHP page 4 bullet 3; Riverfields page 4 paragraph 2)* - See below.
4. 1600 Block of Story Avenue should be included in the APE (*Preservation Louisville bullet 4; Riverfields page 5 paragraph 2)* –This area falls within the Butchertown HD. See below.
5. APE boundary near Country Estates HD (pg 83) needs to be corrected to include entire HD (*NTHP page 4 bullet 1; Riverfields page 5 paragraph 3)* – The map has been corrected to show the Original APE in this area. See below.
6. James Taylor Subdivision HD should be fully included in the APE (*NTHP page 4 bullet 4; Riverfields page 5 paragraph 3)* – See below.
7. Upper River Road HD & River Hill/Stonebridge HD should be fully included in the APE (*NTHP page 5 bullet 1; Riverfields page 5 paragraph 4)* – See below.

Language has been added to the Identification Findings Report Introduction (Section 1: E) to clarify that effects to historic districts will be evaluated for the entire district, whether the full district falls within the APE or only in part. Therefore, it is not necessary to expand the APE to match the HD boundaries in order to consider the effects within the entire HD. Per the Section 106 regulations, the APE is defined before it is known whether historic resources are present; it is a reasonable and good faith effort to identify the geographic area that may be affected by a project.

8. The APE should be expanded to include Wolf Pen Branch Mill Farm (*Riverfields page 6 last paragraph)* - - The East End APE was developed to cover potential effects for multiple alignments studied in the 2003 FEIS; the potential effects from the A-15 alignment itself would occur over a considerably smaller area. The APE is defined by the area that may experience effects, not by the location of potential historic resources. As Wolf Pen Branch Mill Farm is located more than 500 feet away from either alternative, it would be beyond the boundary where potential effects may occur from blasting.
9. No need to expand APE (*Jeffersonville paragraph 1)* – No action required.
10. Special consideration is needed for National Historic Landmarks beyond APE boundaries: Louisville Water Tower, Belle of Louisville, Locust Grove, & Marine Hospital (*Riverfields pages 5-6*) – The Belle of Louisville and the Water Tower are within the Original APE and are included in the Identification Findings Report (p. 2-23 & 2-61). Locust Grove and the Marine Hospital were included in the 2003 Broad APE, but were not reexamined as part of the SEIS process as they fell outside APE boundaries. The analysis in the 2011 traffic forecasting report (*Traffic Forecast Report, October 27, 2011*) concluded there would be no indirect effects on the surface streets fronting Locust Grove and Marine Hospital resulting from tolling and other changes in the project.

Requests to Expand the Extended APE

11. Expand the Extended APE to include the "donut hole" between Witherspoon, Market, Jackson, Second Streets (*Butchertown Neighborhood Association paragraph 4; Neighborhood Planning & Preservation Inc paragraph 4; NTHP page 2 bullet 1; Riverfields page 4 paragraph 2)* – This area was included in the 2003 Broad APE. In the downtown Louisville area, the screening process showed a few local streets with potential impacts. However, because the traffic model is not accurate to a block-by-block level, the team took a conservative approach and considered this to be a trend in the downtown area, expanding the Extended APE to make a connection between the US 31 bridge and I-65. There were no trends toward potential impacts in the "donut hole" area described above. Maps showing the screening results are provided on CD with the Identification Findings Report.

    Language has also been added to Section 6.0 of the APE Methodology Report (included in the Identification Findings Report) to clarify the screening process used to identify the Extended APE areas. This includes an example step-by-step explanation of the screening in New Albany, IN.

12. West Louisville should be included in APE; further documentation should be provided (*Preservation Louisville bullet 5; NTHP page 3 bullet 1; NTHP page 5 paragraph C; Riverfields page 3 paragraph 2)* - See response to Comment 11. This area was included in the 2003 Broad APE. In the west Louisville area, the screening process showed no local streets with potential impacts, and therefore no trends toward potential impacts in this area. Discussion of traffic movements in this area is provided in the Traffic Forecasting Appendix of the DSEIS.

13. The missing riverfront section between the Original and Extended APEs (pg 282) should be included in the APE (*NTHP page 3 bullet 2)* – The Extended APE has been expanded to include the properties on the north side of River Road that may be impacted by traffic changes on River Road itself.

Requests for Additional Information

14. Further data should be provided that analyzes traffic patterns and economic impacts; need to engage in additional consultation (*Preservation Louisville bullet 3; NTHP page 1 paragraph I.A; Riverfields page 4 paragraph 3)* – See below.

15. Should disclose more specific information about the results of the methodology within the disputed areas, such as the projected increases in ADT and projected V/C for excluded portions of East Main Street, East Market Street, and key streets in Phoenix Hill, Butchertown, West Louisville, and Portland (*NTHP page 3 last paragraph; Riverfields page 2 paragraph 3)* – See below.

16. Modeling is not sufficiently considering cross-neighborhood traffic (cutting east-west through Phoenix Hill to get to US31 bridge) that will occur from tolling; what is the volume and will it change over time? (*Phoenix Hill NA)* – See below.

See Comment 11. Economic impacts for the project area will be discussed in the SEIS document. Discussion of traffic movements for the project is provided in the Traffic Forecasting Appendix of the DSEIS.

Specific Property Edits: Original APE

17. Jacob School Road HD was previously determined eligible with 13 contributing properties but the update only includes 12 (*KHC page 1 paragraph 3)* – This information is copied from the 2010

Jefferson Co Survey Update; the team is continuing to follow up with KHC to understand why this changed.

18. For Utica Lime Kilns, above and below ground archaeology features are eligible under Criteria A and D. Provide justification for boundaries of sites. (*IN DNR page 1 last paragraph)* – The team has concurred with eligibility under Criteria A and D. Language has been added to the Identification Findings Report to justify the site boundaries (p. 2-16).

19. Nuttall House should be reevaluated under Criteria B (*Preservation Louisville bullet 6; Riverfields page 7 bullet 1)* – The Nuttall House has been reevaluated and determined to be not eligible. A CD with backup documentation for this finding has been added to the Identification Findings Report.

20. Nuttall House should be referred to the Keeper of the NRHP (*NTHP page 6)* – The Nuttall House has been submitted to the Keeper previously. No new information has been found or provided that would illustrate a need to submit to the Keeper again.

21. The north field at Belleview should be referred to the Keeper of the NRHP (*NTHP page 7; Riverfields page 8 bullet 1)* – The north field at Belleview was reexamined and determined not eligible. No new information has been found or provided that would illustrate a need to submit to the Keeper again.

22. The Mason home at 6307 Wolf Pen Branch Road should be considered within the APE; similar bungalows in other parts of the project have been considered eligible (*Riverfields page 8 last bullet*) - The home does fall within the APE and was evaluated in the 2010 Jefferson County Survey Update which recommended the site as not eligible.

23. The Henning Hilliard House at 4006 Upper River Road could be considered as an expansion to the APE and Country Estates HD and should be evaluated for its eligibility (*Riverfields page 8 last paragraph*) – This property is located outside of the APE boundary.

24. The Thomas Henry and Amelia Brown Payne House at 5025 Nitta Yuma should be evaluated for its eligibility (*Riverfields page 9 paragraph 1)* – This site has been evaluated and determined to be not eligible or contributing. There is an inventory sheet for this property in the Identification Findings Report (p. 2-84).

25. The cluster of 1950s ranch houses along Upper River Road between Harrods Creek Bridge and Mayfair Avenue should be evaluated for its eligibility (*Riverfields page 9 bullet 1)* - These properties have been evaluated and determined to be not eligible or contributing. There is an inventory sheet for these properties in the Identification Findings Report (p. 2-89).

26. Add explanation why Indian Hills subdivision is not a historic district (*Riverfields page 9 last bullet)* – The Indian Hills subdivision is located outside the APE boundary.

<u>Specific Property Edits: Extended APE</u>

27. 200 West Chestnut and 135 West Muhammad Ali should be considered (*Preservation Louisville bullet 3; Metro page 2 last two paragraphs)* – These two properties are included in the Identification Findings Report. Language in the workbook has been amended to clarify that all resources 45+ years old in the Extended APE will be treated as eligible for this project (p. 4-1).

28. Whiskey Row (105-133 W Main) has been officially listed in the NRHP (*KHC page 2 last paragraph; Preservation Louisville bullet 1; Metro page 1 paragraph 7)* – An inventory sheet has been added for Whiskey Row in the Identification Findings Report (p. 4-125).

29. 102-124 W Main Street should be evaluated as part of an eligible district with Whiskey Row HD (*Metro page 1 paragraph 6)* - Language in the workbook has been amended to clarify that all resources 45+ years old in the Extended APE will be treated as eligible for this project (p. 4-1).
30. Question outstanding designation on pages 213/282 (*Metro page 1 paragraph 4)* - References to the Indiana SHPO ratings have been removed. Language in the workbook has been amended to clarify that all resources 45+ years old in the Extended APE will be treated as eligible for this project (p. 4-1).
31. 301-305 Muhammad Ali property was constructed in 1985 and is not eligible (*Metro page 2 paragraph 1)* – This property has been removed from the Identification Findings Report.
32. Photo on page 220 is a modern reconstruction (*Metro page 1 paragraph 5*) – This photo has been removed from the Identification Findings Report.

<u>Other Misc Comments</u>

33. A separate traffic diversion scenario is needed for the East End Bridge only alternative (*NTHP page 1 paragraph 1A; Riverfields page 2 second to last paragraph*) – The East End Bridge only alternative will be eliminated in the SEIS; it does not meet purpose and need.
34. Consulting parties only got two weeks to review materials (*NTHP page 1 paragraph 2; Riverfields page 10 paragraph 4)* – The Eligibility Workbooks (now called the Identification Findings Report) were provided on September 13, 2011, and comments were requested by October 14, 2011.
35. Providing earlier and more detailed documentation to the consulting parties would speed up the consultation process (*Riverfields page 2 paragraph 1*) – See response to Comment 34.
36. Page 72 should be edited to clarify/remove reference that largest contributing property is 40 acres (*Riverfields page 10 bullet 1*) – This text has been removed from the Identification Findings Report.
37. Page 66 and 71 provide contradictory info regarding the eligibility of Woodhill Valley Subdivision (*Riverfields page 10 bullet 2*) – The Identification Findings Report has been corrected to show Woodhill Valley Road Subdivision HD as NRHP Eligible (p. 2-76).
38. Clarify location of Mockingbird Valley subdivision, which was previously listed in the NRHP. Clarify references in workbook (*Riverfields page 10 bullet 3)* – Mockingbird Valley HD has been added to the Identification Findings Report as NRHP Listed (p. 2-83).
39. NRHP boundaries shouldn't be expanded to protect areas from future improvements because these may be needed in the future, independent of the Bridges Project (*Jeffersonville paragraph 2*) – No action required.