Section 1: Identification Findings Report for the LSIORB Section 106 Process, October 2011

This report documents the findings of the "Identification" phase of the current Section 106 review for the Louisville Southern Indiana Ohio River Bridges (LSIORB) project, incorporating feedback received from consulting parties during the September 29, 2011 Eligibility meeting in Louisville and subsequent written correspondence.

This report focuses on two groups of historic resources in distinct geographic areas, as discussed in the following sections:

- Properties within the Original APE, which were evaluated as part of the initial Section 106 process, lie near the project footprint and may experience direct or proximity impacts (such as displacement, visual impacts, noise, etc.). These are the red areas outlined in **Figure 1**.
- Properties within the 2011 Extensions to the Original APE lie further from the project footprint but have the potential to experience indirect effects (such as noise, vibration, air quality, etc.) due to the proposed design changes or the potential traffic diversion due to the introduction of tolling. These are the blue areas shaded in **Figure 2**, excluding the previously identified Original APE areas shown in red.

A. What happened since 2003 to Reopen the Section 106 Process?

In 2003, the Federal Highway Administration (FHWA) approved the Final Environmental Impact Statement (FEIS), the Record of Decision (ROD), and Section 106 Memorandum of Agreement (MOA) for the Project. A careful balancing of numerous environmental, community, and transportation factors led to the identification of the Selected Alternative: Alternative C-1 (Downtown), Alternative A-15 (Far East), and the Kennedy Interchange Reconstruction to the South. These elements reflected the best options to avoid and minimize adverse environmental and community impacts to the extent practicable while meeting the intended purpose and need.

Through the *Metropolitan Transportation Plan* update process in 2010, the project sponsors determined that traditional funding sources were insufficient to cover the estimated cost of the project but that toll-based revenues could reasonably be expected to supplement traditional funds to cover the shortfall. Based on the proposed inclusion of tolls, the project sponsors determined that the LSIORB Project would need to go through a supplemental environmental review under NEPA because a tolled version of the Selected Alternative would have the potential for impacts that were not evaluated during the original NEPA/Section 106 process.

In addition, Kentucky Governor Steve Beshear, Indiana Governor Mitch Daniels and Louisville Mayor Greg Fisher, directed the project team to evaluate several potential cost saving modifications to the Selected Alternative indentified in the 2003 Record of Decision. The leaders requested that the transportation agencies consider modernizing the Kennedy Interchange in-place rather than rebuilding it to the south; reducing the proposed Eastern bridge and its approaches from 6 to 4 lanes while providing

the ability to expand to 6 lanes when traffic demand warrants; and eliminating the pedestrian/bikeway facility from the new downtown bridge. The Supplemental EIS will document potential environmental consequences of modifying the Selected Alternative as requested by the governors and mayor and collecting tolls to help finance the project.

B. What has changed in the Original APE?

In 2003, the project sponsors and consulting parties worked together to identify historic resources within the Original APE, shown as the red outlined areas in **Figure 1**. As documented in the FEIS, seven historic districts and 33 properties listed on or eligible for listing in the National Register of Historic Places (NR) were identified in Indiana portions of the Original APE. Twelve historic districts and 44 properties listed on or eligible for listing in the NR were identified in Kentucky portions of the Original APE. Listed/eligible properties identified in 2003 are shown on Figures 4.3-16 through 4.3-20 in the FEIS. An additional 129 properties between the two states were examined and determined to be ineligible for listing in the NR.

Since the FEIS was completed, historic survey updates were completed for Clark County, Indiana and portions of the Original APE in Jefferson County, Kentucky as stipulated in the Section 106 Memorandum of Agreement. These updates were completed in 2011 by the Indiana State Historic Preservation Office (SHPO) and in 2010 by Kentucky Archaeological Survey (administered by the University of Kentucky and the Kentucky SHPO), respectively.

As part of the current SEIS/Section 106 effort, historians reviewed information contained in the 2003 FEIS, the 2011 Clark County survey update, and the 2010 Jefferson County survey update (*A Survey Update of Butchertown, Phoenix Hill, Downtown Louisville, and River Road*). Field reviews were also conducted to identify any structures which (1) may have been demolished or significantly altered since these determinations were made or (2) may have attained eligibility since the previous surveys were conducted. The current status of historic districts and properties within the Original APE are discussed in **Section 2**.

C. What areas are being considered in the 2011 Extensions to the APE?

Based on the proposed project design modifications and the introduction of tolling, traffic patterns were forecast using the travel demand model. A multi-tiered screening process was used to identify areas where local streets were likely to experience changes in traffic volumes and operational characteristics to an extent that historic properties in these areas could potentially be affected. Through the results of this analysis and consultation with the SHPOs in both Kentucky and Indiana, five sub-areas were identified in which changes in traffic patterns could lead to indirect effects on surrounding historic properties. These five subareas – Jeffersonville, Clarksville/SR 62, New Albany, downtown Louisville, and River Road – comprise the 2011 extensions to the Original APE (Extended APE) for the project. The 2011 Extensions to the Original APE are shown as the blue areas in **Figure 2** and do not include the Original APE areas shown in red; a description of how the 2011 Extensions to the Original APE was defined is included in **Section 3**.

It should be noted that historic properties within the 2011 Extensions to the Original APE are expected to experience only indirect effects as a result of the project modifications; direct effects are limited to the Original APE. Indirect effects from changes in traffic patterns will be similar for individual properties along travel corridors and property-specific impact information cannot be provided given the uncertain natures of these potential indirect effects. Therefore, effects will be assessed at the district or neighborhood level during the next phase of the Section 106 consultation process for these extension areas. Because effects will be assessed at a district or neighborhood level, eligibility discussions during the Identification phase of the Section 106 consultation process will also occur at a district or neighborhood level. Historic districts and properties identified within the 2011 Extended APE are discussed in **Section 4**.

D. Organization of the Report

This report includes three sections following this introduction. In addition, a CD is attached that provides supplemental information on select properties and the travel demand model screening results.

Section 2 provides updated information on historic properties located within the Original APE. The Original APE encompasses properties that lie near the project footprint and may experience direct impacts (e.g. displacements) or proximity impacts (e.g. noise or vibration) from the Project. This updated information addresses properties that may have been demolished or significantly altered since the eligibility determinations in the MOA and ROD were made, as well as any properties that may have become 45 years old since the previous surveys were conducted, in order to determine whether the list of NRHP eligible properties within the Original APE should be revised.

Section 3 evaluates whether the Original APE should be expanded to account for additional potential effects on historic properties that may occur as a result of the proposed modifications of the Project. These effects are primarily associated with changes in traffic patterns caused by tolling. This section describes the methodology for assessing potential traffic diversion caused by tolling and the proposed design modifications and identifies additional areas that have been added to the Project's APE. These extended areas, shown in blue in **Figure 2**, are referred to as the 2011 Extended APE.

Section 4 provides information on historic properties within the 2011 Extended APE, which is the area containing historic properties that may experience indirect effects as a result of changes in traffic patterns. Because potential effects on properties within the 2011 Extended APE will be assessed at a district or neighborhood level, all properties within the 2011 Extended APE are considered as eligible for the purposes of assessing potential indirect effects from traffic diversion.

E. Key Definitions

For those less familiar with the Section 106 consultation process, this section contains an overview of key concepts and terms which may be used throughout the process.

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider effects of their actions on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to implementation. Regulations guiding the

Section 106 process are published in the Code of Federal Regulations at 36 CFR Part 800. These regulations describe a four-step consultation process: (1) initiate consultation; (2) identify historic properties; (3) assess adverse effects; and (4) resolve adverse effects. This report is intended to document findings relevant to step 2 – the identification of historic properties.

Numerous agencies and individuals are invited to participate in the Section 106 process. This may include the State Historic Preservation Office (SHPO), Indian Tribes, local governments, and other organizations/individuals with a demonstrated interest in the project or affected properties. The SHPO for Kentucky is the Kentucky Heritage Council; for Indiana, it is the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology.

Prior to historic resource identification efforts, the project team developed the Area of Potential Effect (APE) in consultation with the SHPOs in both states. The APE defines the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist. Properties can include individual buildings, sites, objects, structures, districts (resources within a defined boundary), or multiple property groups (related resources scattered over a larger, discontiguous area). Its boundaries are defined to encompass geographic areas where project effects may occur, independent of the presence of historic properties or districts. Districts which fall fully or partially within the APE boundary are considered as a whole, even if portions of the district lie outside the APE.

Cultural historians then conducted research and field visits to identify properties which are listed in or eligible for listing in the National Register of Historic Places (NRHP). The NRHP is the nation's official list of properties recognized for their significance in American history, architecture, archaeology, engineering, and culture. It is maintained by the National Park Service and includes districts, sites, buildings, structures, and objects. To be eligible for listing in the NRHP, a property must meet one of four criteria:

A. Association with events that have made a significant contribution to broad patterns in history
B. Association with persons significant to the past
C. Embodiment of distinctive architectural design or construction characteristics
D. Potential to yield information important to history or prehistory (e.g. archaeological sites)

In addition, a property must also maintain a degree of integrity, that is, it must retain adequate integrity to convey the characteristics that make it significant. **Table 1** summarizes the seven aspects of integrity, defined in 36 CFR 60, which identifies procedures to evaluate properties for listing on the NRHP.

As part of the Kentucky Historic Resources Survey program, the Kentucky SHPO identifies individual historic resources as either eligible for listing in the National Register, not eligible, or undetermined. Individual properties within larger historic districts may be identified as either contributing or non-contributing to the district.

As part of the Indiana Historic Sites and Structures Inventory program, the Indiana SHPO defines four ratings to describe a property's potential National Register eligibility:

- An "outstanding" rating means the property has enough historic or architectural significance that it is already listed, or should be considered for individual listing, in the NRHP. These resources can be of national, state, or local importance.
- A "notable" rating means that the property does not quite merit an outstanding rating but it is still above average in importance. Further research or investigation may be necessary to reveal if the property could be eligible for NRHP listing.
- A "contributing" rating means a property is 40 years in age or older but that it is not important enough to stand on its own as notable or outstanding. Such resources are important to the density or continuity of an area's historic fabric. These properties can be listed on the NRHP as part of an historic district but would not be eligible for the NRHP individually.
- A "non-contributing" rating is either less than 40 years old or is an older structure that has lost its historic character. These properties are not eligible for the NRHP.

Table 1: Aspects of Integrity

Integrity	Definition
Location	Location is the place where the historic property was constructed or the place where the historic event occurred.
Design	Design is the combination of elements that create form, plan, space, structure and style of a property.
Setting	Setting is the physical environment of a historic property.
Materials	Materials are the physical elements that were combined or deposited during a particular period of a time and in a particular pattern or configuration to form a historic property.
Workmanship	Workmanship is the physical evidence of the crafts of a particular culture or people during any give period in history or prehistory.
Association	Association is the direct link between an important historic event or person and a historic property.
Feeling	Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.

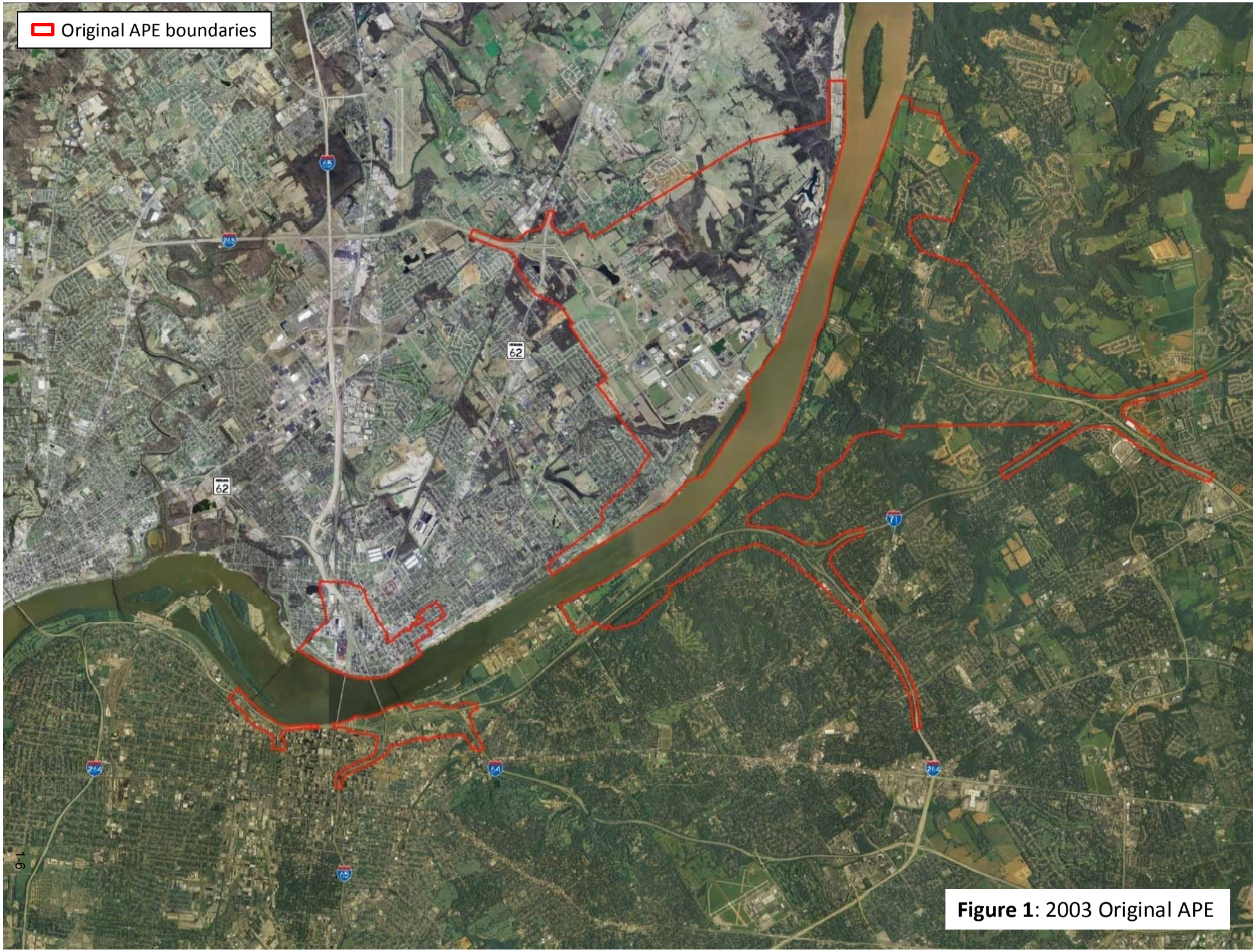

Figure 1: 2003 Original APE

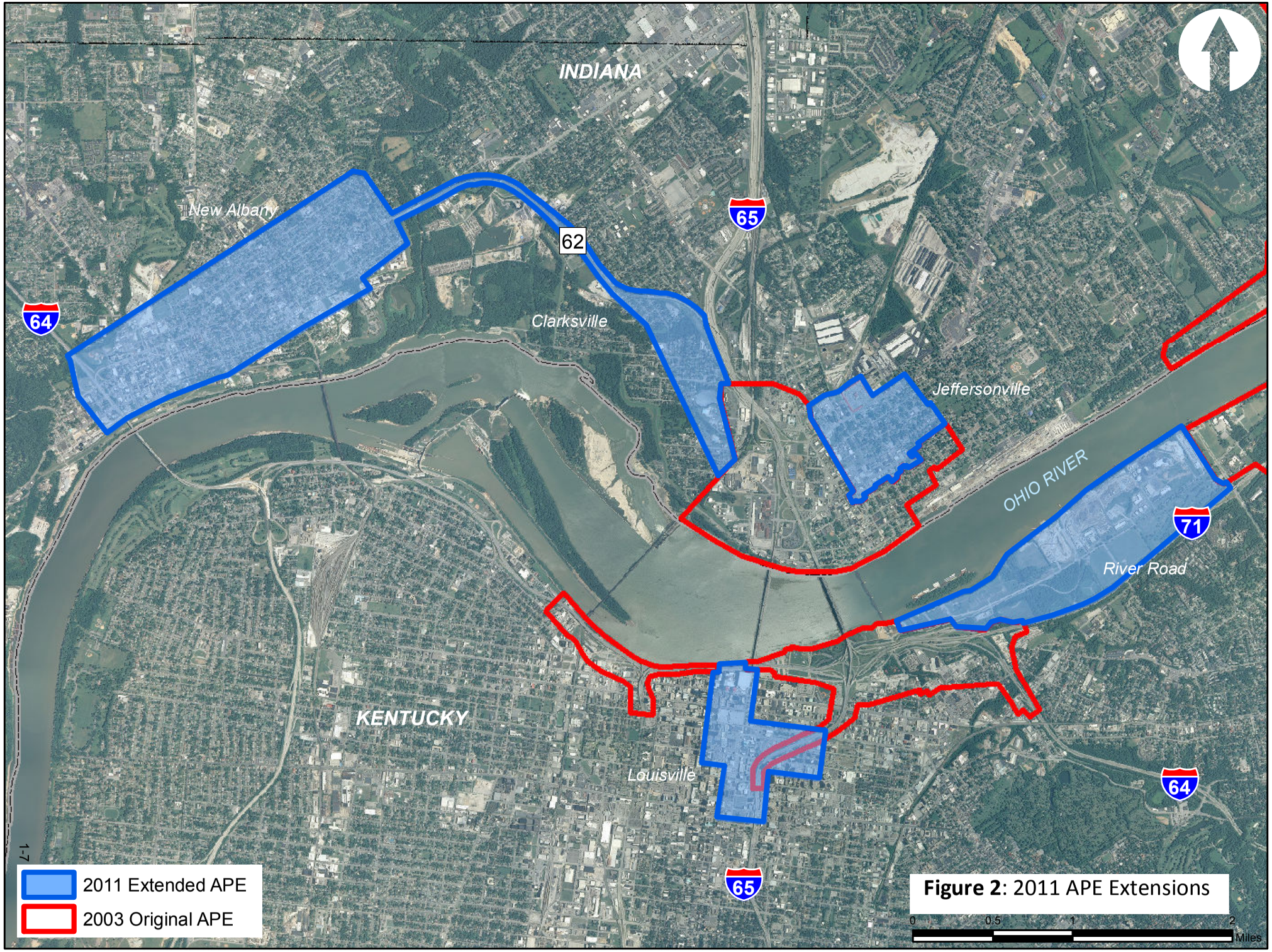

Figure 2: 2011 APE Extensions