

Lead Des 1801915

Appendix D

Section 106 of the National Historic Preservation Act

Division of Historic Preservation & Archaeology · 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 · Fax 317-232-0693 · dhpa@dnr.IN.gov ·



August 8, 2022

Scott Henley
Cultural Resources Associate
SJCA Inc.
9102 N. Meridian Street, Suite 200
Indianapolis, Indiana 46260

State Agency: Indiana Department of Transportation (“INDOT”),
Federal Agency: Federal Highway Administration, Indiana Division (“FHWA”)

Re: DUAL REVIEW: Federal Highway Administration’s finding of “Adverse Effect”, and
draft memorandum of agreement (07/11/2022 Version) for the Wabash East Street
Railroad Grade Separation (Local Trax project) (Des. No. 1801915; DHPA No. 26959)

Dear Mr. Henley:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108); implementing regulations at 36 C.F.R. Part 800; the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana” (“Indiana Minor Projects PA”); and also pursuant to Indiana Code 14-21-1-18 and 312 Indiana Administrative Code (“IAC”) 20-4, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has reviewed your July 12, 2022, submission which enclosed the aforementioned finding, supporting documentation, and draft Memorandum of Agreement (“Draft MOA”; 07/11/2022 Version), received by our office the same day for this project in Wabash, Noble Township, Wabash County, Indiana.

As previously indicated, we agree that the East Wabash Historic District (NR-1916) is the only historic property listed in the National Register of Historic Places (“NRHP”) located within this project’s area of potential effects. Also as previously indicated, after a review of the archaeological reconnaissance report by SJCA, Inc. indicated that two archaeological sites (12-Wb-1026 and 12-Wb-1027) were documented. However, these sites are both low-density historical artifact scatters and do not appear to be eligible for inclusion in the NRHP. Therefore, as stated before, we concur with the recommendation that project activities may proceed without further archaeological investigation.

If any prehistoric or historic 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 be reported to the Indiana SHPO 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, including but not limited to 36 C.F.R. Part 800.

Accordingly, we concur with FHWA's July 7, 2022, Section 106 finding that the East Wabash Historic District (NR-1916), will be **adversely affected** by this federal undertaking. We also concur that the undertaking's temporary occupancy requirements for the East Wabash Historic District have been met and that it does not constitute a Section 4(f) use.

Regarding the draft MOA, we offer the following comments:

- The language in Stipulation I.B.i is vague. How many interpretive signs are proposed? What topics will they cover as they relate to the East Wabash Historic District? Where within the Historic District are the interpretive signs proposed to be installed?
- We recommend that Stipulation I.B.ii should instead read "The graphics and text for the interpretive signage shall be created by a consultant that meets the *Secretary of the Interior's Professional Qualification Standards* and is on the Indiana SHPO's Qualified Professionals list."

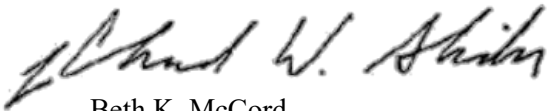
Unless another consulting party disagrees with the finding documentation or the language of the draft MOA, it might be appropriate now to make any revisions and finalize the MOA and circulate it for signature. Once the MOA is ready for signature, then we will consider whether it is appropriate to issue a Director's Letter of Clearance for this project, indicating compliance with Indiana Code 14-21-1-18.

If you have questions regarding our final review of the aforementioned project, please contact DHPA. Questions about archaeological issues should be directed to Rachel Sharkey at (317) 234-5254 or rsarkey@dnr.IN.gov. Questions about buildings or structures pertaining to this review should be directed to Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov.

For the benefit of those recipients of a copy of this letter who are not Section 106 consulting parties, please be aware that the documents discussed here can be found online in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/>. From there, search by this project's designation number: 1801915. Anyone receiving an e-mailed copy of this letter who does *not* wish to receive future copies of our correspondence about this project is asked to reply to dkauffmann@dnr.IN.gov and so advise us.

In all future correspondence regarding the final review of this Wabash East Street Railroad Grade Separation in Wabash County (Des. No. 1801915), please continue to refer to DHPA No. 26959.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:RAS:dmk

CC to potentially interested persons:
Wabash Historic Preservation Board

EMC to federal and state agency or consultant staff members:
Kari Carmany-George, FHWA
Matt Coon, INDOT
Susan Branigin, INDOT
Scott Henley, SJCA, Inc.
Rachel Sharkey, DNR-DHPA
Danielle Kauffmann, DNR-DHPA

EMC to Indiana Historic Preservation Review Board Members:

J. Scott Keller, Review Board
Daniel Kloc, AIA, Review Board
Jason Larrison, AIA, Review Board
Chandler Lighty, Review Board
Beth K. McCord, INDNR-DHPA, Review Board
Ryan Mueller, Deputy Director, INDNR, and Chairman, Review Board
Anne Shaw, Review Board
April Sievert, Ph.D., Review Board

EMC to potentially interested persons:

Delaware Tribe of Indians, Oklahoma
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe
United Keetowah Band of Cherokee Indians

Indiana Landmarks, Northeast field office
Wabash County Historian
Wabash County Historical Museum
Wabash Marketplace
Wabash County Commissioners
Honorable Scott Long, Mayor of Wabash
Wabash Street Department



Miami Tribe of Oklahoma

3410 P St. NW, Miami, OK 74354 • P.O. Box 1326, Miami, OK 74355
Ph: (918) 541-1300 • Fax: (918) 542-7260
www.miamination.com



Via email: PKorzeniewski@indot.in.gov

August 10, 2022

Patricia Jo Korzeniewski
Archaeologist and Tribal Liaison
INDOT, Cultural Resources Office
100 North Senate Avenue, N758-ES
Indianapolis, Indiana 46204

Re: Des. No. 1801915; Draft MOA, Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana – Comments of the Miami Tribe of Oklahoma

Dear Ms. Korzeniewski:

Aya, kikwehsitoole – I show you respect.

The Miami Tribe of Oklahoma, a federally recognized Indian tribe, organized pursuant to a Constitution and Bylaws adopted by its members under the Oklahoma Indian Welfare Act of 1936, and approved, as amended, by the United States Secretary of the Interior on February 22, 1996, respectfully submits the following comments regarding the above-entitled Memorandum of Agreement (MOA).

The Tribe has a deep connection with and enduring interest in protecting cultural property and associated human remains within its historic lands. The area covered by this MOA includes the Paradise Spring Historical Park, site of the 1826 Treaty, in which the Miami ceded lands north of the Wabash River. Many Miami people attended the treaty negotiations, not only the leaders who signed the treaty. This project is located on the Rebecca Hackley Reserve, which was designated as a result of the 1826 Treaty. The Tribe appreciates the opportunity to comment on the MOA, and therefore, the Tribe submits the comments below.

The Miami Tribe wishes to be an Invited Signatory to the MOA. The Miami Tribe of Oklahoma should be added to the MOA title. An added Whereas statement should note that the Miami Tribe was asked to be an Invited Signatory and has agreed to participate. A signature page for Chief Douglas Lankford to sign for the Tribe should be included.

In Stipulation I.A., the Miami Tribe requests that trees native to the area and of cultural significance to the Miami be planted. We suggest the following as possibilities and welcome the opportunity to discuss the choice of trees to be planted.

Northern White Cedar (*Thuja occidentalis*) and Eastern Red Cedar (*Juniperus virginiana*) are culturally significant, long lasting, evergreen, and can be planted densely. Eastern red

cedars are a little shorter than Northern White Cedars but can be maintained at high densities to block any sight lines.

Poplars (quaking aspen, for example) can be planted at very high densities as well and are a great source for food and for home for birds and other wildlife. They create a wall of small green leaves; however, they create new, young shoots.

Large trees can be planted less densely than other trees but have a strong visual presence. These would be oaks, hickories, or basswood. These trees are big, long lasting, and culturally significant trees. Particular species might be red oak, swamp white oak, shag bark hickory, northern pin oak, or chinkapin oak.

In Stipulation I.B., given the proximity to the Paradise Spring treaty site, the Miami Tribe of Oklahoma requests to work with INDOT and other interested tribes to include information about the Treaty of 1826 from the Native perspective.

In Stipulation III. Post-Review Discovery, the Miami Tribe should be listed among those notified of unanticipated discoveries.

In my capacity as Tribal Historic Preservation Officer, I am the point of contact for consultation. I can be reached at 918-541-8966 or by email at dhunter@miamination.com.

Respectfully,



Diane Hunter
Tribal Historic Preservation Officer



August 26, 2022

Steven Minor
Federal Highway Administration
Indiana Division
575 N. Pennsylvania Street, Suite 254
Indianapolis, Indiana 46204

Ref: *Proposed East Street Railroad Grade Separation Project*
City of Wabash, Wabash County, Indiana
INDOT Des. No. 1801915
ACHP Project Number: 18547

Dear Mr. Minor:

On July 12, 2022, the Advisory Council on Historic Preservation (ACHP) received a notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Because the ACHP did not respond within 15 days with a decision regarding our non-participation, the ACHP assumes that the Federal Highway Administration has continued the consultation to resolve adverse effects.

However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Indiana State Historic Preservation Office and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions or require our further assistance, please contact Ms. Mandy Ranslow at 202-517-0218 or by e-mail at mranslow@achp.gov and reference the ACHP Project Number above.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs



EASTERN SHAWNEE
CULTURAL PRESERVATION DEPARTMENT

70500 East 128 Road, Wyandotte, OK 74370

September 12, 2022

INDOT - Indiana Department of Transportation
100 N. Senate Ave. IGCN642
Indianapolis, IN 46201

RE: Des No. 1801915, Wabash County, IN

Dear Mr. Alexander,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Wabash County, IN. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a)). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.

Sincerely,

Paul Barton, Tribal Historic Preservation Officer (THPO)
Eastern Shawnee Tribe of Oklahoma
(918) 666-5151 Ext:1833
THPO@estoo.net

Public Notice
Des. No. 1801915

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), is planning to undertake a railroad grade separation project that may receive funding from the Federal Highway Administration in the future. The project is located on East Street in the City of Wabash, Wabash County, Indiana.

Under the preferred alternative, the proposed project would involve reconstruction of East Street beginning at the intersection with Hill Street and ending just north of Maple Street to raise the roadway profile to a maximum grade of 8% to construct a single-span bridge over the Norfolk Southern Railroad. The bridge will be a steel multi-girder superstructure with a span length of 127 feet. Existing lighting along East Street will be removed and replaced with lighting along the elevated roadway. A portion of Maple Street will be reconstructed to tie into the elevated roadway. The right-of-way acquisition is anticipated to be a total of 1.962 acres: 1.17 acres permanent, 0.054-acre temporary, and 0.738-acre of excess right-of-way from 16 residential parcels and up to a total of 15 property owners may be relocated as a result of the proposed project. Letting is scheduled for 2024.

Properties listed in or eligible for the National Register of Historic Places (NRHP) located within the Area of Potential Effects (APE) include the East Wabash Historic District. The proposed action impacts properties listed in or eligible for the NRHP. The Indiana Department of Transportation (INDOT), on behalf of the FHWA, has issued an “Adverse Effect” finding for the project because the project will diminish the integrity of the characteristics that qualify the East Wabash Historic District for inclusion in the NRHP. In accordance with the National Historic Preservation Act, the views of the public are being sought regarding the effect of the proposed project on the historic elements as per 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). Pursuant to 36 CFR 800.4(d)(2), the documentation specified in 36 CFR 800.11(e) is available for inspection in SJCA Inc. Additionally, this documentation can be viewed electronically by accessing INDOT’s Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents>. This documentation serves as the basis for the “Adverse Effect” finding. The views of the public on this effect finding are being sought. Please reply with any comments to Scott Henley, SJCA Inc., 9102 N. Meridian St., Suite 200, 317-566-0629, or shenley@sjcainc.com no later than August 16, 2022.

In accordance with the “Americans with Disabilities Act”, if you have a disability for which the City of Wabash needs to provide accessibility to the document(s) such as interpreters or readers, please contact Beverly Vanderpool, Assistant to the Mayor, at (260) 563-4171 or cityofwabash@cityofwabash.com.

AFFP

Public Notice Des. No. 1801915

Affidavit of Publication

STATE OF IN }
COUNTY OF WABASH } SS

Shelva Garrison, being duly sworn, says:

That she is Advertising Clerk of the Wabash Plain Dealer, a daily newspaper of general circulation, printed and published in Wabash, Wabash County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

July 16, 2022

Publication Fees: \$ 32.30

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 16th day of July 2022.



Rebecca Jo Barr, Notary Public 08/22/2024



00012035 70413437

Public Notice

Des. No. 1801915

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), is planning to undertake a railroad grade separation project that may receive funding from the Federal Highway Administration in the future. The project is located on East Street in the City of Wabash, Wabash County, Indiana. Under the preferred alternative, the proposed project would involve reconstruction of East Street beginning at the intersection with Hill Street and ending just north of Maple Street to raise the roadway profile to a maximum grade of 8% to construct a single-span bridge over the Norfolk Southern Railroad. The bridge will be a steel multi-girder superstructure with a span length of 127 feet. Existing lighting along East Street will be removed and replaced with lighting along the elevated roadway. A portion of Maple Street will be reconstructed to tie into the elevated roadway. The right-of-way acquisition is anticipated to be a total of 1.962 acres: 1.17 acres permanent, 0.054-acre temporary, and 0.738-acre of excess right-of-way from 16 residential parcels and up to a total of 15 property owners may be relocated as a result of the proposed project. Letting is scheduled for 2024.

Properties listed in or eligible for the National Register of Historic Places (NRHP) located within the Area of Potential Effects (APE)

include the East Wabash Historic District. The proposed action impacts properties listed in or eligible for the NRHP. The Indiana Department of Transportation (INDOT), on behalf of the FHWA, has issued an "Adverse Effect" finding for the project because the project will diminish the integrity of the characteristics that qualify the East Wabash Historic District for inclusion in the NRHP. In accordance with the National Historic Preservation Act, the views of the public are

being sought regarding the effect of the proposed project on the historic elements as per 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). Pursuant to 36 CFR 800.4(d)(2), the documentation specified in 36 CFR 800.11(e) is available for inspection in SJCA Inc. Additionally, this documentation can be viewed electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents>. This documentation serves as the basis for the "Adverse Effect" finding. The views of the public on this effect finding are being sought. Please reply with any comments to Scott Henley, SJCA Inc., 9102 N. Meridian St., Suite 200, 317-566-0629, or shenley@sjcainc.com no later than August 16, 2022.

In accordance with the "Americans with Disabilities Act", if you have a disability for which the City of Wabash needs to provide accessibility to the document(s) such as interpreters or readers, please contact Beverly Vanderpool, Assistant to the Mayor, at (260) 563-4171 or cityofwabash@cityofwabash.com.
HSPAXLP.07/16/2022

INDIANA DEPARTMENT OF
TRANSPORTATION
100 NORTH SENATE AVE
ROOM N758-ES

Scott Henley (Jeffrey Scott)

From: Scott Henley (Jeffrey Scott)
Sent: Tuesday, July 12, 2022 9:11 AM
To: Kauffmann, Danielle M; Wabash Marketplace; doug@lehmanlaw.net
Cc: Alexander, Kelyn; Branigin, Susan; Coon, Matthew; Watson, George C.; Springer, Jason; Holder, Jason; Karen Wood; Victoria Veach
Subject: FHWA Project: Des. No. 180195; AE Finding and draft MOA, Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana
Attachments: EastStRRGradeSeparation_Des1801915_RDL_2022-7-12.pdf

Des. No.: 1801915

Project Description: Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation, proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

FHWA has signed a determination of "Adverse Effect" for this Section 106 undertaking. In accordance with 36 CFR 800.4(d), you and the other consulting parties that accepted consulting party status during the Section 106 process are being provided the documentation for this finding. You can view the determination of "Adverse Effect" and draft Memorandum of Agreement (MOA) electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Tribal contacts may contact Patricia Jo Korzeniewski at PKorzeniewski@indot.IN.gov or 317-416-4377 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Thank you in advance for your input,

Scott Henley (Jeffrey Scott)
Cultural Resource Associate

SJCA Inc.

1028 Virginia Ave, Suite 201
Indianapolis, IN 46203

Tel: 317-566-0629



Victoria Veach

From: Alexander, Kelyn <KAlexander3@indot.IN.gov>
Sent: Tuesday, July 12, 2022 10:29 AM
To: thpo@estoo.net; THPO@MiamiNation.com; Matthew Bussler; Section106@shawnee-tribe.com
Cc: Korzeniewski, Patricia J; Carmany-George, Karstin (FHWA); Coon, Matthew
Subject: FHWA Project: Des. No. 1801915; AE Finding and draft MOA, Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana
Attachments: EastStRRGradeSeparation_Des1801915_RDL_2022-7-12.pdf

Des. No.: 1801915

Project Description: Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation, proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

FHWA has signed a determination of "Adverse Effect" for this Section 106 undertaking. In accordance with 36 CFR 800.4(d), you and the other consulting parties that accepted consulting party status during the Section 106 process are being provided the documentation for this finding. You can view the determination of "Adverse Effect" and draft Memorandum of Agreement (MOA) electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Tribal Contacts please respond to INDOT's Tribal Liaison, Patty Jo Korzeniewski at pkorzeniewski@indot.in.gov (317-416-4377) with any responses pertaining to this project including to provide INDOT/Indiana FHWA additional information about Tribal resources/concerns and questions/comments regarding cultural resources. The FHWA point of contact is Kari Carmany-George at K.CarmanyGeorge@dot.gov (317-226-5629).

Thank you in advance for your input,

Kelyn Alexander

Major Projects/LPA Review Liaison

Cultural Resources Office

Environmental Services

100 N. Senate Ave., Room N758-ES

Indianapolis, IN 46204

Office: (317) 519-7759

Remote: 8am-4pm

Email: kalexander3@indot.in.gov

****Link to the CRO-Public Web Map App can be found [here](#)**



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Eric Holcomb, Governor
Michael Smith, Commissioner

July 12, 2022

This letter was sent to the listed parties.

RE: Dual Review Project: East Street Railroad Grade Separation, Wabash, Wabash County, Indiana,
Des. No. 1801915, DHPA No. 26959

Dear Consulting Party,

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

This letter is part of the Section 106 review process for this project. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties. We are requesting comments from you regarding the possible effects of this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

A Section 106 early coordination letter was distributed on January 27, 2021. In addition, a letter distributed on November 16, 2021 notified consulting parties that a historic property report and archaeology report (Tribes only) were available for review and comment. A Consulting Parties Meeting was held on December 1, 2021 and meeting minutes were distributed to consulting parties on December 17, 2021.

The proposed undertaking is on East Street extending north of Maple Street and south to Hill Street in Wabash, Wabash County, Indiana. It is within Noble Township, USGS Wabash Topographic Quadrangle in Section 11, Township 27 North, Range 6 East.

East Street consists of two 11-foot-wide lanes and one 8-foot-wide parking lane for a roadway width of approximately 32'6". The entire section of the proposed project area has existing curb and gutter on both sides of the roadway. The existing roadway along Maple Street consists of one 13'-0" travel lane and two 7'-0" wide parking lanes for a roadway width of approximately 28'-0". The entire section has a curb and gutter and sidewalk on both sides.

The previous correspondence for this project conveyed the following project information for Des. No. 1801915 to consulting parties:

The proposed project involves the reconstruction of East Street with new bridge construction with mechanically stabilized earth (MSE) walls to pass over the Norfolk Southern Railroad beginning at the intersection with Hill Street and ending just north of Maple Street.

Since the November 16, 2021 project correspondence, details for the proposed undertaking on East Street have been refined and are now presented as follows:

The proposed project involves raising the roadway profile of East Street to a maximum grade of 8% beginning at the intersection with E. Hill Street and ending just north of Maple Street. A portion of Maple Street will be reconstructed to tie into the elevated roadway. The grade raise is to accommodate a new bridge for grade separation of East Street over the Norfolk Southern Railroad. The new bridge will be a single-span, 127 foot-long (center-to-center) structure with a 5 – 54-inch web weathering steel multi-girder superstructure. The bridge floor will have an out-to-out coping width of 35 feet 4 inches with a clear roadway width of 26 feet 4 inches, and a sidewalk width of 7 feet. Modified PF-1 railings with a pedestrian fence are anticipated on both sides. The supports will include integral end bents with mechanically stabilized earth (MSE) walls. The minimum vertical clearance over the railroad is 23 feet 6 ¼ inches, and horizontal clearances vary from a minimum of 28 feet 11 inches to a maximum of 45 feet 3 inches. Terminal joint, Type HMA will be constructed at the end of the approach slabs. There will be tapering of the road width in the first 33 feet of the roadway beginning at E. Hill Street and moving north along East Street. Existing lighting along East Street will be removed and replaced with standard, cobra-style street lighting along the elevated roadway approximately every 150 feet.

In addition to the bridge construction and roadway reconstruction, the proposed undertaking will reconstruct two stairways that provide property access to the street-level sidewalks at 390 E. Hill Street and 402 E. Hill Street. The project will reconstruct a drive access to 10 N. East Street. The undertaking will install new ADA-compliant curb ramps on the northwest and northeast corners of the E. Hill Street and N. East Street intersection. The undertaking will also install modern concrete sidewalk on the west side of East Street between the new ADA-compliant curb ramp on the northwest corner of E. Hill Street and N. East Street and the driveway access to 10. N. East Street. A new storm sewer will be installed under E. Hill Street in front of 402 E. Hill Street.

The purpose of the project is to improve the mobility of the public access in the City of Wabash. The need of this project is due to access and mobility issues caused by at-grade railroad crossings in the City of Wabash. On average, 17 trains per day (nine during the day and eight at night) pass through the City of Wabash. The trains have grown longer in recent years, causing increased delays and disruption in traffic between the north and south sides of the city. On occasion, a stopped train event occurs, completely cutting the city in half. With no alternate route nearby, the stopped train event causes large scale disruption to city traffic, creating lengthy congestion delays, including disruption to school bus routes and emergency vehicle traffic. In case of a stopped train event in the City of Wabash, the train blocks north-south traffic on all streets in the city that cross the railroad, from Mill Street to East Street; the nearest detours available are Lagro Road and US Business Route 24. Lagro Road is approximately 5.5 miles east of the city limits. Another alternate is on US Business Route 24 approximately 4 miles west of the city limits. Considering that the City of Wabash is served by one hospital at Parkview Wabash Hospital along SR 13 on the north side of the city, the threat of a stopped train event or even a lengthy delay caused by a passing train presents serious hazards to the southern portion of the city in the form of long delays in response time for emergency vehicles.

Six different alternatives were considered for the location of the grade separation. East Street was chosen as part of Section 106 minimization efforts to limit impacts on the East Wabash Historic District, NR-1916.

Since the distribution of the Historic Property Report and Archaeology Report on November 16, 2021, the right-of-way acquisition amount has been revised. Currently, it is anticipated that a total of 1.962 acres will be required. That total includes 1.17 acres permanent, 0.054-acre temporary, and 0.738-acre of excess right-of-way. The right-of-way includes property from 16 residential parcels and up to a total of 15 property owners may be relocated as a result of the proposed project. Letting is anticipated for March 2023.

SJCA Inc. is under contract with INDOT to advance the environmental documentation for the referenced project.

In accordance with 36 CFR 800.2 (c), you were invited to become a consulting party as part of the Section 106 process, or you are hereby invited to become a consulting party as part of the Section 106 process. Entities that have previously accepted consulting party status--as well as additional entities that are currently being invited to become consulting parties--are identified in the attached list.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, to assess the undertaking's effects and to seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

Please note that, per the permanent rule issued by the Indiana Department of Natural Resources effective August 14, 2013 (312 IAC 20-4-11.5), INDOT is requesting that this project be subjected to "dual review"; that is, reviewed by the Division of Historic Preservation and Archaeology simultaneously under 54 U.S.C. 306108 (Section 106) and IC 14-21-1-18 (Indiana Preservation and Archaeology Law dealing with alterations of historic sites and structures requiring a Certificate of Approval). Pursuant to Section 11.5(f) of this rule, at the conclusion of the review process we anticipate that the Division Director would issue a letter of clearance exempting this project from obtaining a Certificate of Approval under IC 14-21-1-18. Enclosed with this letter is a detailed list of the consulting parties with contact information, including email addresses, for processing the dual review submission.

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. The APE contains one resource, East Wabash Historic District, NR-1916, listed in the National Register of Historic Places (NRHP).

A historian who meets the Secretary of the Interior's Professional Qualification Standards identified and evaluated above-ground resources within the APE for potential eligibility for the NRHP. As a result of the historic property identification and evaluation efforts, the East Wabash Historic District, NR-1916, listed in the NRHP, is recommended to remain listed in the NRHP. No other resources were recommended eligible for listing in the NRHP.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards identified two (2) sites within the project area. Sites 12-Wb-1026 and 12-Wb-1027 both consisted of early to mid-20th century domestic artifact scatter. As a result of these efforts, sites 12-Wb-1026 and 12-Wb-1027 were recommended as not eligible for listing in the NRHP and no further work is recommended.

On December 15, 2021, the Indiana State Historic Preservation Officer (SHPO) staff responded to the Historic Property Short Report and the Archaeology Report stating that the proposed area of potential effect (APE) "appears to be of adequate size to encompass the geographic area in which direct and indirect effects of a

project of this nature could occur.” SHPO staff also noted that, “In terms of archaeology, no currently known archaeological resources eligible for inclusion in the NRHP have been recorded within the proposed project area.” With regard to the two archaeological sites that were documented, staff stated, “These sites are both low-density historical artifact scatters and do not appear to be eligible for inclusion in the NRHP. Therefore, we concur with the recommendation that project activities may proceed without further archaeological investigation.” SHPO staff also stated that their response to the Consulting Party Meeting would be forthcoming once the meeting minutes were received.

On December 17, 2021, the Eastern Shawnee Tribe accepted consulting party status and offered no objection to the project.

On January 13, 2021, the Indiana SHPO responded to the Consulting Party Meeting Minutes. SHPO staff confirmed the boundaries of the East Wabash Historic District as that was a topic of discussion during the meeting. Staff stated, “Although the verbal boundary description does not call out 10 North East Street, it does explicitly state that the boundary ‘continues west along the south edge of the alley’ off North East Street behind the houses that front East Hill Street, thus including 10 North East Street within the historic district.” Staff continued, “Based on photographs provided and online street-view imagery, we believe the house at 10 North East Street, while within the East Wabash Historic District (NR-1916), is a non-contributing building within the district.”

SHPO staff also noted that, “Since the project as proposed will likely result in an “Adverse Effect” to the East Wabash Historic District, regarding the mitigation ideas, we have no concerns with the ones proposed during the consulting parties meeting. We would be curious to hear other consulting party input, as well as if there is additional input from the Miami Tribe of Oklahoma due to the proximity (but outside the project’s area of potential effects) of the nearby historic site related to the signing of the Treaty of 1826. We also want to echo our concern about the increased traffic through the district as part of this project and if any mitigation ideas could minimize those concerns.”

Regarding archaeology, SHPO staff stated, “We would like to bring to your attention a minor error that was presented in the consulting party meeting. A review of the archaeological reconnaissance report by SJCA, Inc. (Smith, 10/19/2021) indicates that two archaeological sites (12-Wb-1026 and 12-Wb-1027) were documented as a result of the reconnaissance survey, rather than the one that was reported during the meeting and in the minutes. However, these sites are both low-density historical artifact scatters and do not appear to be eligible for inclusion in the NRHP. Therefore, as stated before, we concur with the recommendation that project activities may proceed without further archaeological investigation.”

The Effect Finding, 800.11(e) Documentation, and draft Memorandum of Agreement are available for review in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). You are invited to review these documents and to respond with comments on any historic resource impacts incurred as a result of this project so that an environmental report can be completed. We also welcome your related opinions and other input to be considered in the preparation of the environmental document. If you prefer a hard-copy of this material, please respond to this email with your request as soon as you can.

Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party or if you have not previously accepted consulting party status and you do not respond to this letter, you will not be included on the list of consulting parties for this project and will not receive further information about the project unless the design changes. Tribal consulting parties may enter the

process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

For questions concerning specific project details, you may contact Scott Henley of SJCA Inc. at (317) 566-0629 x 430 or shenley@sjcainc.com. All future responses regarding the proposed project should be forwarded to SJCA Inc. at the following address:

Scott Henley
Cultural Resources Associate
SJCA Inc.
9102 N. Meridian St., Suite 200
Indianapolis, IN 46260
shenley@sjcainc.com

Tribal contacts may contact Patricia Jo Korzeniewski at PKorzeniewski@indot.IN.gov or 317-416-4377 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Sincerely,



Matthew S. Coon, Acting Manager
Cultural Resources Office
Environmental Services

Enclosures:

800.11 Documentation (available via IN SCOPE)
Draft Memorandum of Agreement (available via IN SCOPE)

Distribution List:

State Historic Preservation Officer dkauffmann@dnr.IN.gov, rsharkey@dnr.IN.gov
Wabash Marketplace, Inc. andrea@wabashmarketplace.org
City of Wabash, Attorney doug@lehmanlaw.net
Pokagon Tribe of Potawatomi Indians
Miami Tribe of Oklahoma
Eastern Shawnee Tribe
Shawnee Tribe

Property Owners adjacent to the project area in East Wabash Historic District:

Shawn L. Burkholder, 10 N. East St.
Steve R. & Tina R. Burger, 390-392 E. Hill St.
Phillip Bernon Woodward, 402 E. Hill St.

East Street Railroad Grade Separation Project

800.11 (e) Documentation and Effect Finding

Wabash, Wabash County, Indiana
Des. No. 1801915; DHPA No. 26959

July 2022



Prepared for:
WSP USA Inc.
115 W. Washington St.
Indianapolis, IN 46204

By:

Scott Henley
Cultural Resources Associate
SJCA, Inc.
9102 N. Meridian St., Suite 200
Indianapolis, IN 46260

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**FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
East Street Railroad Grade Separation
Wabash, Wabash Co., Indiana
DES. No.: 1801915; DHPA NO. 26959**

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

The Area of Potential Effects (APE) of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. Land use within the APE consists primarily of residential properties and a city park. The APE is approximately 0.34-mile long and approximately 0.38-mile wide at its widest point. The Archaeological APE consists of approximately 4.2 acres (1.7 hectares) including all proposed new, temporary, and existing right-of-way as well as any additional area investigated beyond it. See Appendix A for a map of the APE.

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

There is one resource listed in or eligible for the National Register of Historic Places (NRHP).

East Wabash Historic District (NR-1916), listed in the NRHP in 2011, is significant under Criteria A and C. Under Criterion A, the district is important for its association with a period of significant growth in Wabash due to the arrival of the Wabash and Erie Canal and the arrival of important railroad lines making the city an important link in transportation since many of the workers associated with the railroad and industry settled in this area. Under Criterion C, the district is significant for its large variety of architectural styles that reflect a long history as a residential district, including Federal, Greek Revival, Gothic Revival, Italianate, and Craftsman.

EFFECT FINDING

East Wabash Historic District – The undertaking will have an “Adverse Effect” on the East Wabash Historic District.

Federal Highway Administration (FHWA) has determined an "Adverse Effect" finding is appropriate for this undertaking. FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of effect.

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

East Wabash Historic District - This undertaking will temporarily occupy land from the East Wabash Historic District, a Section 4(f) historic property. FHWA has determined the appropriate Section 106 finding is "Adverse Effect;" however, FHWA believes that the temporary occupancy will not constitute a Section 4(f) use because all of the conditions listed in 23 CFR 774.13(d) are satisfied:

1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The fulfillment of conditions 1-4 are detailed in Section 4 of the attached documentation, "Describe the Undertaking's Effects on Historic Properties." With regard to condition 5, FHWA respectfully requests the Indiana State Historic Preservation Officer (SHPO) provide written concurrence that they are in agreement that the above criteria have been met and that the impacts to the East Wabash Historic District constitute a temporary occupancy.

STEVEN

ANTON MINOR

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ANTON MINOR

Date: 2022.07.07 10:53:50
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for Jermaine R. Hannon
Division Administrator
FHWA-IN Division

07/07/2022

Approved Date

**FEDERAL HIGHWAY ADMINISTRATION
DOCUMENTATION OF SECTION 106 FINDING OF
ADVERSE EFFECT
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR Section 800.6(a)(3)
East Street Railroad Grade Separation
Wabash, Wabash Co., Indiana
DES. No.: 1801915; DHPA NO. 26959**

1. DESCRIPTION OF THE UNDERTAKING

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. The proposed undertaking is on East Street extending north of Maple Street and south to Hill Street in Wabash, Wabash County, Indiana. It is within Noble Township, USGS Wabash Topographic Quadrangle in Section 11, Township 27 North, Range 6 East.

The proposed project involves raising the roadway profile of East Street to a maximum grade of 8% beginning at the intersection with E. Hill Street and ending just north of Maple Street. The grade raise is in order to accommodate a new bridge for grade separation of East Street over the Norfolk Southern Railroad. The new bridge will be a single-span, 127 foot-long (center-to-center) structure with a 5 – 54-inch web weathering steel multi-girder superstructure. The bridge floor will have an out-to-out coping width of 35 feet 4 inches with a clear roadway width of 26 feet 4 inches, and a sidewalk width of 7 feet. Modified PF-1 railings with a pedestrian fence are anticipated on both sides. The supports will include integral end bents with mechanically stabilized earth (MSE) walls. The minimum vertical clearance over the railroad is 23 feet 6 ¼ inches, and horizontal clearances vary from a minimum of 28 feet 11 inches to a maximum of 45 feet 3 inches. Terminal join, Type HMA will be constructed at the end of the approach slabs. There will be tapering of the road width in the first 33 feet of the roadway beginning at E. Hill Street and moving north along East Street. Existing lighting along East Street will be removed and replaced with standard, cobra-style street lighting along the elevated roadway approximately every 150 feet.

In addition to the bridge construction and roadway reconstruction, the proposed undertaking will reconstruct two stairways that provide property access to the street-level sidewalks at 390 E. Hill Street and 402 E. Hill Street. The project will reconstruct a drive access to 10 N. East Street. The undertaking will install new ADA-compliant curb ramps on the northwest and northeast corners of the E. Hill Street and N. East Street intersection. The undertaking will also install modern concrete sidewalk on the west side of East Street between the new ADA-compliant curb ramp on the northwest corner of E. Hill Street and N. East Street and the driveway access to 10. N. East Street. Modern concrete sidewalk will also be installed on the east side of East Street beginning at the new ADA-compliant curb ramp on the northeast corner of E. Hill Street and N. East Street extending north to a new ADA-compliant curb ramp being installed on the northeast quadrant of the N. East Street and Maple Street intersection. New ADA-compliant curb ramps will be

installed in the northwest, northeast, and southwest quadrants of the intersection of N. East Street and Maple Street. A new storm sewer will be installed under E. Hill Street in front of 402 E. Hill Street.

The purpose of the project is to improve the mobility of the public access in the City of Wabash. The need of this project is due to access and mobility issues caused by at-grade railroad crossings in the City of Wabash. On average, 17 trains per day (nine during the day and eight at night) pass through the City of Wabash. The trains have grown longer in recent years, causing increased delays and disruption in traffic between the north and south sides of the city. On occasion, a stopped train event occurs, completely cutting the city in half. With no alternate route nearby, the stopped train event causes large scale disruption to city traffic, creating lengthy congestion delays, including disruption to school bus routes and emergency vehicle traffic. In case of a stopped train event in the City of Wabash, the train blocks north-south traffic on all streets in the city that cross the railroad, from Mill Street to East Street; the nearest detours available are Lagro Road and US Business Route 24. Lagro Road is approximately 5.5 miles east of the city limits. Another alternate is on US Business Route 24 approximately 4 miles west of the city limits. Considering that the City of Wabash is served by one hospital at Parkview Wabash Hospital along SR 13 on the north side of the city, the threat of a stopped train event or even a lengthy delay caused by a passing train presents serious hazards to the southern portion of the city in the form of long delays in response time for emergency vehicles.

Currently, it is anticipated that a total of 1.962 acres will be required. That total includes 1.17 acres permanent, 0.054-acre temporary, and 0.738-acre of excess ROW. The right-of-way includes property from 16 residential parcels and up to a total of 15 property owners may be relocated as a result of the proposed project. Letting is anticipated for March 2023.

The Area of Potential Effects (APE), as defined in 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties if any such properties exist.” The APE of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. The APE is defined by the presence of residential properties with rolling terrain along with a curvilinear railroad corridor. The APE is approximately 0.34-mile long and approximately 0.38-mile wide at its widest point. The Archaeological APE consists of consists of approximately 4.2 acres, (1.7 hectares) including all proposed new, temporary, and existing right-of-way as well as any additional area investigated beyond it. See Appendix A for a map of the APE.

2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

Research indicated that previous Section 106 investigations had not occurred within the project APE. The National Register of Historic Places (NRHP), Indiana Register of Historic Sites and Structures (State Register), the State Historic Architectural and Archaeological Research Database (SHAARD), Indiana Historic Bridges, Buildings, and Cemetery Map (IHBBC Map), showing the results of the Indiana Historic Sites and Structures Inventory (IHSSI), and the *Wabash County Interim Report* (2010) were consulted. There is one property listed in the NRHP: East Wabash Historic District, NR-1916, listed in 2011. The APE contains no above-

ground resources previously surveyed outside the boundaries of the East Wabash Historic District, NR-1916.

There are no Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER)/Historic American Landscapes Survey (HALS) resource identified within the vicinity of the project. The INDOT-sponsored *Indiana Historic Bridge Inventory* (February 2009) by M&H Architecture, Inc. was review, and no historic bridges were listed within the APE.

On January 27, 2021, an early coordination letter was distributed to consulting parties, inviting them to participate in the Section 106 process for this project. The Indiana State Historic Preservation Officer (SHPO) is an automatic consulting party; that office and others that accepted consulting party status are shown in boldface type below. All consulting party correspondence is located in Appendix C.

Indiana State Historic Preservation Officer

Indiana Landmarks, Northeast Field Office

Wabash County Historian

Wabash County Historical Museum

Wabash Historic Preservation Board

Wabash Marketplace

Wabash County Commissioners

Mayor of Wabash

Wabash Street Department

Delaware Tribe of Indians, Oklahoma

Eastern Shawnee Tribe of Oklahoma

Miami Tribe of Oklahoma

Peoria Tribe of Indians of Oklahoma

Pokagon Band of Potawatomi Indians

Shawnee Tribe

United Keetowah Band of Cherokee Indians

In an email dated January 28, 2021, the Executive Director of Wabash Marketplace, Inc. accepted consulting party status. They expressed support for the project and added that they do not foresee any historic or environmental impacts.

On February 10, 2021, Indiana SHPO staff responded in a letter noting receipt of the early coordination letter. SHPO requested to be informed “which consulting parties agreed to participate in the consultation of this dual review.”

In a letter dated February 11, 2021, the Wabash City Attorney responded on behalf of the City of Wabash and the City of Wabash Historic Preservation Commission stating they have determined, after examination of SHAARD and their own database of buildings, that “there are no buildings in the project area that have any historical value.”

On February 25, 2021, the Pokagon Band of Potawatomi Indians accepted consulting party status and did not anticipate any historic properties of concern to be affected.

On March 9, 2021, the Miami Tribe of Oklahoma responded to the early coordination letter accepting consulting party status. They also noted “This project is within ¼ mile from Paradise Spring Historical Park, the site of negotiation and signing of the Treaty of 1826 between the Miami Tribe and the United States. Many Miami people were present at the treaty negotiations, and therefore the site is of great concern to the Miami Tribe.”

On March 5, 2021, Scott Henley, a QP historian who meets the Secretary of Interior Standards, conducted a site visit. The historian investigated the APE for the existence of any historic properties, structure, objects, or districts listed in or eligible for listing in the NRHP. The historian walked and/or drove the entire project alignment and the APE, documenting above-ground resources. All resources that will be at least 50 years of age at the time of project letting, anticipated 2023, were surveyed. Photographic documentation of “contributing” resources and representative “non-contributing” resources was prepared. Please see Appendix B for photographs. The APE contains one resource listed in the NRHP: East Wabash Historic District, NR-1916, listed in 2011, remaining eligible for listing. Please see Appendix D for a summary of the findings in the HPSR.

In an email on April 21, 2021, the Shawnee Tribe accepted consulting party status.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards identified two (2) sites within the project area. Sites 12-Wb-1026 and 12-Wb-1027 both consisted of early to mid-20th century domestic artifact scatters. As a result of these efforts, sites 12-Wb-1026 and 12-Wb-1027 were recommended as not eligible for listing in the NRHP and no further work is recommended.

A Historic Property Short Report (HPSR) (Henley, 11/2021) and Archaeology Report (Smith, 10/19/2021) (Tribes only) were prepared by SJCA Inc. These reports accompanied by a report distribution letter (RDL) dated November 16, 2021 was distributed to invited consulting parties for review and comment. The letter also contained an invitation to a Consulting Party Meeting to be held via Microsoft Teams on December 1, 2021 at 1pm.

On December 15, 2021, SHPO staff responded to the HPSR and Archaeology Report. SHPO staff stated that they agreed “with the conclusions of the HPSR that the East Wabash Historic District (NR-1916) is the only historic property listed in the [NRHP] located within the project’s APE.” SHPO staff continued that “in terms of archaeology, no currently known archaeological resources eligible for inclusion in the NRHP have been recorded within the proposed project area.” SHPO acknowledged the survey of two archaeological sites (12-Wb-1026 and 12-Wb-1027) and noted that “these sites are both low-density historical artifact scatters and do not appear to be eligible for inclusion in the NRHP. Therefore, we concur with the recommendation that project activities may proceed without further archaeological investigation.” SHPO noted that their consulting party meeting response would be forthcoming once they received the meeting minutes.

In a letter dated December 17, 2021, the Eastern Shawnee Tribe responded to the HPSR and Archaeology Report stating that “the project proposed NO Adverse Effect or endangerment to known sites of interest to the Eastern Shawnee Tribe.”

On December 17, 2021, an email was distributed to participating consulting parties notifying them that the Consulting Party Meeting Minutes were available for review and comment.

In a letter dated January 13, 2022, SHPO staff responded to the Consulting Party Meeting Minutes. SHPO staff clarified the East Wabash Historic District boundary within the project area that was discussed during the meeting. SHPO stated that:

Although the verbal boundary description does not call out 10 North East Street, it does explicitly state that the boundary “**continues west along the south edge of the alley**” off North East Street behind the houses that front East Hill Street, thus including 10 North East Street within the historic district. Based on photographs provided and online street-view imagery, we believe the house at 10 North East Street, while within the East Wabash Historic District (NR-1916), is a non-contributing building within in the district.

None of the other consulting parties provided any additional comments regarding the early coordination letter, HPSR, or archaeological investigation. Please see Appendix C for Consulting Party Correspondence.

3. DESCRIBE AFFECTED HISTORIC PROPERTIES

East Wabash Historic District (NR-1916, listed in 2011) – The East Wabash Historic District is composed of 204 Contributing buildings and 35 Non-Contributing buildings and structures. The district was listed in the NRHP in 2011 and is eligible under Criteria A and C. The period of significance is circa 1850 – 1930. Under Criterion A, the district is important for its association with a period of significant growth in Wabash due to the arrival of the Wabash and Erie Canal and the arrival of important railroad lines making the city an important link in transportation since many of the workers associated with the railroad and industry settled in this area. Under Criterion C, the district is significant for its large variety of architectural styles that reflect a long history as a residential district, including Federal, Greek Revival, Gothic Revival, Italianate, and Craftsman.

4. DESCRIBE THE UNDERTAKING'S EFFECTS ON HISTORIC PROPERTIES

East Wabash Historic District (NR-1916) – Temporary right-of-way will be required from small portions of the East Wabash Historic District to allow for driveway and property access improvements. Within the district, temporary right-of-way will be utilized from the following locations (as noted on the plan sheets in Appendix E: Plans): 1) 10 N. East Street – 836 sq. ft. (a non-contributing resource to the district per SHPO); 2) 390 E. Hill Street – 65 sq. ft. (a contributing resource to the historic district per the National Register Nomination Form); 3) 402 E. Hill Street – 55 sq. ft. (a contributing resource to the historic district per the National Register Nomination Form). The undertaking will also: 1) Reconstruct East Street for new bridge construction to pass over the Norfolk Southern Railroad; 2) Construct a bridge to carry East Street over the Norfolk Southern Railroad; 3) Install modern concrete curb ramps that are

compliant with the Americans with Disabilities Act (ADA) on the northwest and northeast corners of Hill Street and East Street: 4) Remove and replace existing modern concrete sidewalk on the east and west side of East Street. 5) Replace existing streetlights with standard, cobra-style street lighting along the reconstructed East Street approximately every 150 feet, including along the proposed bridge over the Norfolk Southern Railroad. 6) Install a new storm sewer under E. Hill Street in front of 402 E. Hill Street. Temporary right-of-way work will be needed only for a short period of time during part of the construction of the project. The scope of work will be minor at each location. The temporary right-of-way is needed for driveway and stairway improvements to facilitate property access to and from East Street due to the grade raise proposed along East Street. The work at each location will not create adverse physical impacts or permanent or temporary interference with protected features and attributes of the East Wabash Historic District. Lastly, the land will be fully restored to a condition at least as good as that which existed prior to the project. Therefore, this temporary right-of-way work will not cause adverse physical impacts to the East Wabash Historic District.

The proposed new bridge construction to carry East Street over the Norfolk Southern Railroad is anticipated to rise 70 feet above the current at-grade crossing and be 35 feet higher than the current level of the roadway at the East Street and Hill Street intersection. The proposed new bridge construction is anticipated to be visible from portions of the southern and western areas of the East Wabash Historic District. The new bridge construction will introduce a new visual element to the viewshed of the East Wabash Historic District. The existing lighting will be removed and replaced with standard, cobra-style street lighting along the reconstructed roadway and bridge on East Street. The installation of lighting on the new bridge is anticipated to introduce new visible light to portions of the East Wabash Historic District. Due to the proximity of the new bridge construction to the East Wabash Historic District and the introduction of new light sources adjacent to and in view of the East Wabash Historic District, these elements of the proposed undertaking are anticipated to have an adverse visual impact on the East Wabash Historic District.

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

According to 36 CFR § 800.5(a)(1): “An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.”

East Wabash Historic District (NR-1916) - Adverse Effect

The criteria of adverse effect, as defined and described in 36 CFR 800.5(a)(1) and in 36 CFR 800.5(a)(2)(i) through (vii), do apply to the East Wabash Historic District.

Per 36 CFR 800.5(a)(2)(i), the undertaking will not cause “physical destruction of or damage to all or part of the property.” While 956 square feet (0.022-acre) of temporary right-of-way is required within the district for grading, driveway reconstruction, and to provide property access to the new sidewalk, property within the East Wabash Historic District will not be destroyed or damaged. The installation of new ADA-compliant curb ramps at the northwest and northeast corners of E. Hill Street and N. East Street, road tapering, and grade raise of N. East Street, and the installation of a new storm sewer underneath E. Hill Street will not cause destruction or damage to the historic district.

Per 36 CFR 800.5(a)(2)(ii), “Alteration of the property including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines,” will not occur.

Per 36 CFR 800.5(a)(2)(iii), the property will not be removed from its historic location.

Per 36 CFR 800.5(a)(2)(iv), there will be a minor change in “the character of the property’s use or of physical features within the property’s setting.” There will be a total of approximately 956 square feet (0.022-acre) of temporary right-of-way required from small portions of the East Wabash Historic District to allow for driveway and property access improvements at 10 N. East Street, 390 E. Hill Street, and 402 E. Hill Street that will slightly alter the physical features within the district’s setting, but not alter the character of the property’s use due to the temporary right-of-way. In addition, the undertaking will install new ADA-compliant curb ramps on the northwest and northeast corners of E. Hill Street and N. East Street changing the physical features within the district’s setting. The undertaking will also install modern concrete sidewalk on the west side of East Street between the new ADA-compliant curb ramp on the northwest corner of E. Hill Street and N. East Street and the driveway at 10. N. East Street. Additionally, the undertaking will install modern concrete sidewalk on the east side of East Street beginning at the new ADA-compliant curb ramp on the northeast corner of E. Hill Street and N. East Street extending north, outside the East Wabash Historic District, to a new ADA-compliant curb ramp being installed on the northeast quadrant of the N. East Street and Maple Street intersection. Lastly, the undertaking will reconstruct East Street creating a raise in grade from E. Hill Street up to the level of the new bridge to be constructed over the Norfolk Southern Railroad. There will be a tapering of the road width in the first 33 feet of the roadway beginning at E. Hill Street and moving north along East Street. The character of the property’s use will not change; however, the physical features within the property’s setting will change with the introduction of a new bridge within the viewshed of the property, and the change in configuration of the roadway.

Per 36 CFR 800.5(a)(2)(v), there will be an “introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features.” The undertaking will construct a bridge over the Norfolk Southern railroad. The bridge will rise approximately 70 feet higher than the current railroad grade, and approximately 35 feet higher than the current level of the roadway at the intersection of E. Hill Street and N. East Street. The new bridge will be visible from East Wabash Historic District, particularly the western and

southern portions of the district between Maple Street and Main Street and some of the area between Allen Street and Spring Street (as shown in Appendix A). Approximately thirty-six (36) houses within the East Wabash Historic District will have a view of the new bridge. Existing street lighting along East Street is anticipated to be removed and replaced with standard, cobra-style streetlights spaced approximately 150 feet apart. Streetlight replacement is anticipated within the East Wabash Historic District on East Street immediately north of Hill Street. New streetlights are anticipated on the proposed bridge. Due to the height of the proposed bridge over the Norfolk Southern Railroad, additional light is anticipated to be visible from portions of the East Wabash Historic District immediately adjacent to the project area. Additionally, the reconstruction of East Street and the construction of the new bridge over the Norfolk Southern Railroad may introduce additional traffic through the historic district that may cause additional noise in the area. A Noise Analysis Study will be conducted to determine if additional noise may be introduced.

Per 36 CFR 800.5(a)(2)(vi), there will be no neglect or deterioration of the property.

Per 36 CFR 800.5(a)(2)(vii), there will be no “transfer, lease, or sale of the property out of Federal ownership or control.”

Avoidance and Minimization Measures:

Six different alternatives were considered for the location of the grade separation. East Street was determined as the alternative with the least overall harm and was chosen as part of Section 106 minimization efforts to limit impacts on the East Wabash Historic District, NR-1916. Please see table below for alternatives assessment:

Alternative	Project Length (ft)	Advantages	Disadvantages
Wabash Street	1705	<ul style="list-style-type: none"> -Major roadway, improved north-south mobility -Relatively low impact on parcels in historic district 	<ul style="list-style-type: none"> -High project length -Large number of ROW parcels impacted -High number of cross streets need to be reconstructed -Tall MSE walls directly adjacent to courthouse -Drastically reduced east-west mobility through City -Geometry of City not favorable for a tunnel
Huntington Street	1007	<ul style="list-style-type: none"> -Relatively low number of ROW parcels affected -Improved north-south mobility 	<ul style="list-style-type: none"> -Large number of parcels in historic district -High number of residential relocations -Drastically reduced east-west mobility through City
Allen Street	1208	<ul style="list-style-type: none"> -Major roadway with high traffic volume -Improved north-south mobility 	<ul style="list-style-type: none"> -High project length -Large number of parcels in historic district -High number of residential relocations -Drastically reduced east-west mobility through City
Spring Street	1000	<ul style="list-style-type: none"> -Relatively low number of ROW parcels affected -Improved north-south mobility 	<ul style="list-style-type: none"> -Significant impact on parcels in historic district -Closing Spring Street & Hill Street intersection would cause significant impacts to the traffic operations -High number of residential impacts
East Street	865	<ul style="list-style-type: none"> -Low project length -Relatively low number of ROW parcels affected -Relatively low impact on parcels in historic district -Only one cross street (Maple Ave) needs to be reconstructed 	<ul style="list-style-type: none"> -Impact on parcels in historic district -High number of residential relocations
Washington Street	1325	<ul style="list-style-type: none"> -Minimal impact on parcels in historic district -Relatively low impact on parcels in historic district -Not connective to city's grid system 	<ul style="list-style-type: none"> -High project length -Additional construction of non-existing roadway required -High number of residential relocations

Mitigation:

Mitigation measures are anticipated due to the presence of the new bridge construction within the viewshed of the East Wabash Historic District. Mitigation measures include the following suggestions: tree plantings in the excess ROW area leftover from parcel acquisition in order to lessen the impact of the view of the bridge adjacent to the historic district, and interpretive signage for the East Wabash Historic District. A Memorandum of Agreement (MOA) will be sent out to consulting parties to discuss and finalize mitigation measures.

6. SUMMARY OF CONSULTING PARTIES AND PUBLIC VIEWS

A Section 106 Early Coordination Letter (ECL), dated January 27, 2021, was sent to the following parties: Indiana State Historic Preservation Officer, Indiana Landmarks, Northeast Field Office, Wabash County Historian, Wabash County Historical Museum, Wabash Historic Preservation Board, Wabash Marketplace, Wabash County Commissioners, Mayor of Wabash, Wabash Street Department, Delaware Tribe of Indians, Oklahoma, Eastern Shawnee Tribe of Oklahoma, Miami Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Pokagon Band of Potawatomi Indians, Shawnee Tribe, United Keetowah Band of Cherokee Indians.

In an email dated January 28, 2021, the Executive Director of Wabash Marketplace, Inc. accepted consulting party status. They expressed support for the project and added that they do not foresee any historic or environmental impacts.

On February 10, 2021, Indiana SHPO staff responded in a letter noting receipt of the early coordination letter.

In a letter dated February 11, 2021, the Wabash City Attorney responded on behalf of the City of Wabash and the City of Wabash Historic Preservation Commission stating they have determined, after examination of the Indiana SHAARD and their own database of buildings, that “there are no buildings in the project area that have any historical value.”

On February 25, 2021, the Pokagon Band of Potawatomi Indians accepted consulting party status and did not anticipate any historic properties of concern to be affected.

On March 9, 2021, the Miami Tribe of Oklahoma responded to the early coordination letter accepting consulting party status. They also noted “This project is within ¼ mile from Paradise Spring Historical Park, the site of negotiation and signing of the Treaty of 1826 between the Miami Tribe and the United States. Many Miami people were present at the treaty negotiations, and therefore the site is of great concern to the Miami Tribe.”

In an email on April 21, 2021, the Shawnee Tribe accepted consulting party status.

On November 16, 2021, a letter was distributed to consulting parties notifying them that a HPSR (Henley, 11/2021) and Archaeology Report (Smith, 10/19/2021) (Tribes only) were ready for review and comment. The letter also contained an invitation to a Consulting Party Meeting to be

held via Microsoft Teams on December 1, 2021 at 1pm. The following historic property owners were invited to become consulting parties:

- Shawn L. Burkholder, property owner of 10 N. East Street within the East Wabash Historic District
- Steve R. & Tina R. Burger, property owners of 392 E. Hill Street within the East Wabash Historic District
- Phillip Bernon Woodward, property owner of 402 E. Hill Street within the East Wabash Historic District

At this time, none of the historic property owners have accepted consulting party status.

On December 1, 2021, a Consulting Party Meeting was held via Microsoft Teams. The minutes from the meeting are included in the Consulting Party Correspondence in Appendix C.

On December 15, 2021, SHPO staff responded to the HPSR and Archaeology Report. SHPO staff stating that they agreed with the conclusions of the HPSR and the archaeology report.

In a letter dated December 17, 2021, the Eastern Shawnee Tribe responded to the HPSR and Archaeology Report stating that “the project proposed NO Adverse Effect or endangerment to known sites of interest to the Eastern Shawnee Tribe.”

On December 17, 2021, an email was distributed to participating consulting parties notifying them that the Consulting Party Meeting Minutes were available for review and comment.

In a letter dated January 13, 2022, SHPO staff responded to the Consulting Party Meeting Minutes. SHPO staff clarified the East Wabash Historic District boundary within the project area that was discussed during the meeting. SHPO stated that:

Although the verbal boundary description does not call out 10 North East Street, it does explicitly state that the boundary **“continues west along the south edge of the alley”** off North East Street behind the houses that front East Hill Street, thus including 10 North East Street within the historic district. Based on photographs provided and online street-view imagery, we believe the house at 10 North East Street, while within the East Wabash Historic District (NR-1916), is a non-contributing building within in the district.

SHPO staff added “Since the project will likely result in an “Adverse Effect” to the East Wabash Historic District, regarding the mitigation ideas, we have no concerns with the ones proposed during the consulting parties meeting. We would be curious to hear other consulting party input, as well as if there is additional input from the Miami Tribe of Oklahoma due to the proximity (but outside this project’s area of potential effects) of the nearby historic site related to the signing of the Treaty of 1826. We also want to echo our concern about the increased traffic through the district as part of this project and if any mitigation ideas could minimize those concerns.”

No other consulting party comments were received. Copies of all consulting party correspondence are found in Appendix C.

The finding will be advertised as a legal notice in a local paper, *Wabash Plain Dealer* (Wabash, IN) and the public will be given a 30-day period in which to comment on the finding of effects.

This documentation will be revised to reflect any substantive comments received.

APPENDIX

Appendix A – Maps

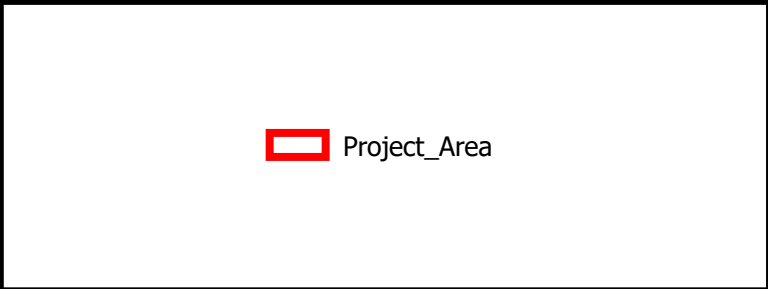
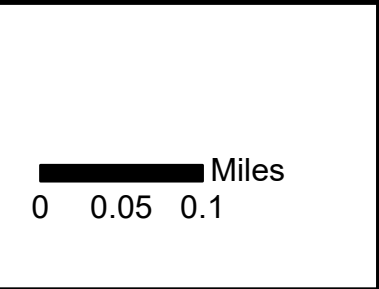
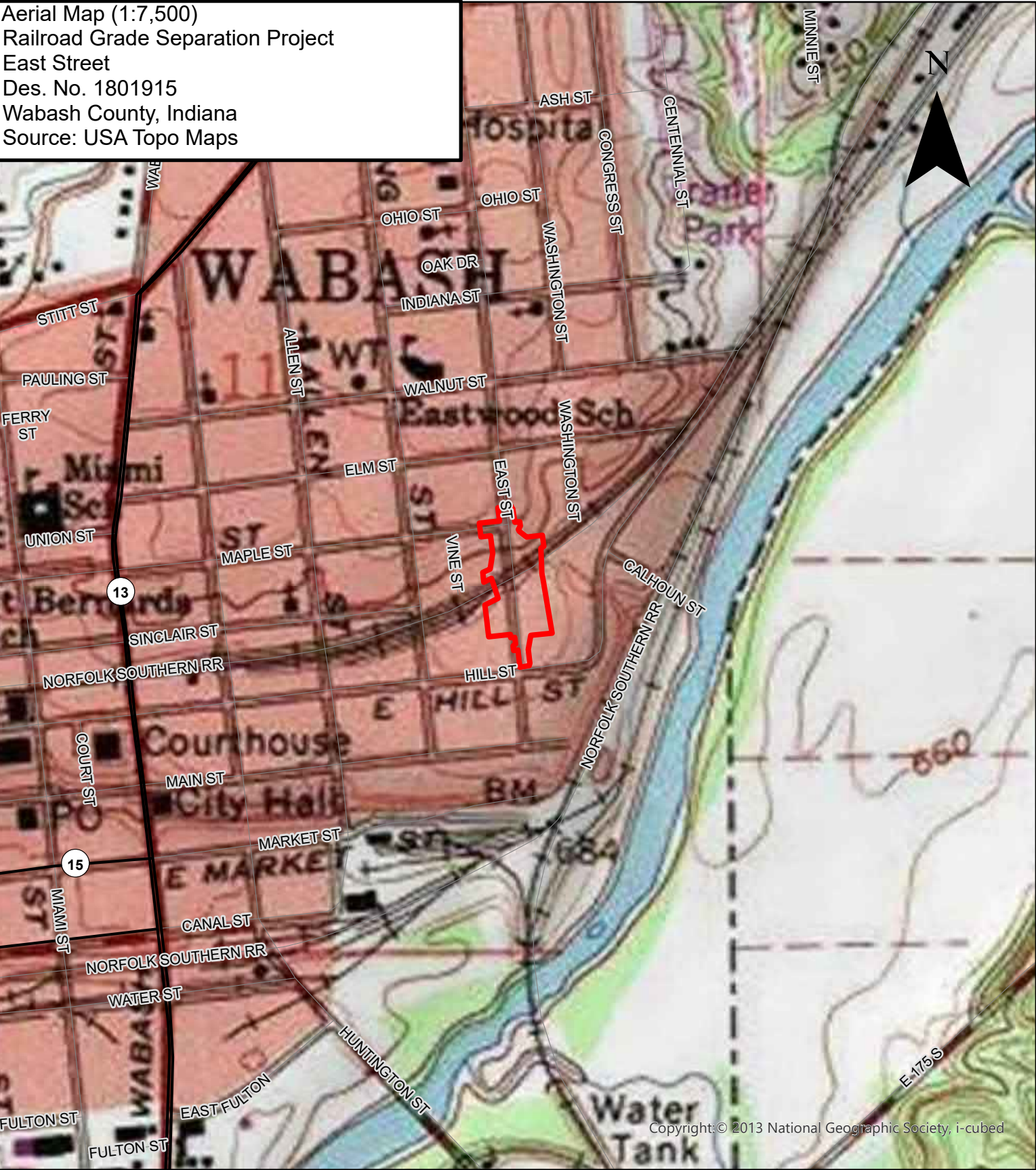
Appendix B – Photographs

Appendix C – List of Consulting Parties and Consulting Party Correspondence

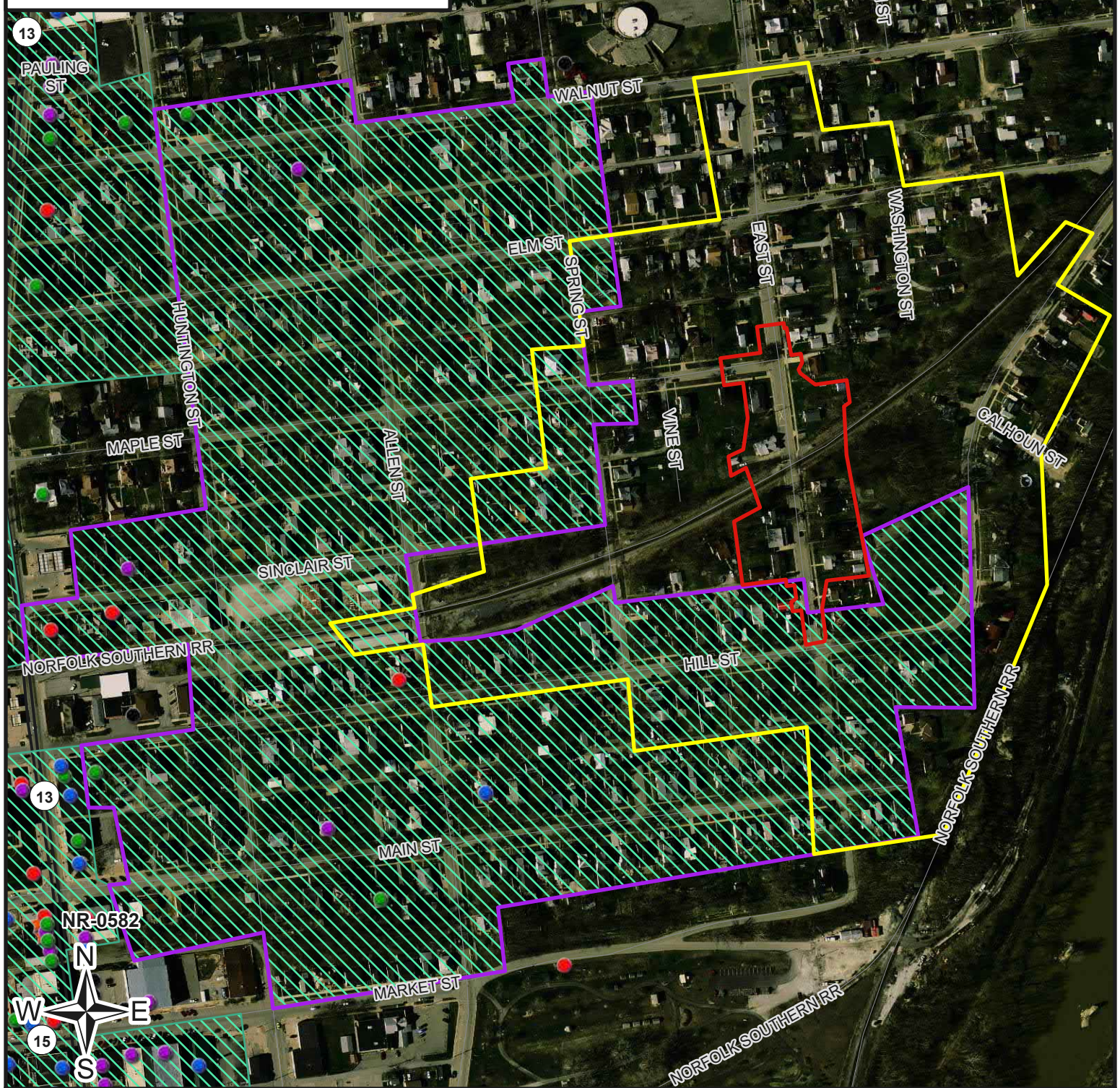
Appendix D – Summaries of the HPR and Archaeology Report

Appendix E – Plan Sheets

Aerial Map (1:7,500)
Railroad Grade Separation Project
East Street
Des. No. 1801915
Wabash County, Indiana
Source: USA Topo Maps



APE Map (1:4,000)
 Railroad Grade Separation Project
 City Streets
 Des. No. 1801915
 Wabash County, Indiana
 Source: Indiana Orthoimagery, 2011-2013



0 0.05 0.1
 Miles

- Project Area
- Area of Potential Effect
- East Wabash Historic District



Cultural Resources Map (1:3,500)
 Railroad Grade Separation Project
 East Street
 Des. No. 1801915
 Wabash County, Indiana
 Source: SJCA Inc. Field Survey



Project Area

APE Boundary

Photo Location

County Survey Sites

RATING

● Outstanding

● Notable

● Contributing

● Non-Contributing

● Demolished

● Unknown or Not Rated

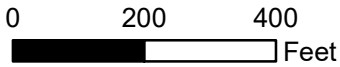
Historic Districts



Cultural Resources Map (1:3,500)
 Railroad Grade Separation Project
 East Street
 Des. No. 1801915
 Wabash County, Indiana
 Source: SJCA Inc. Field Survey



Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology, National Agriculture Imagery Program (NAIP), Farm Services Agency (FSA), U. S. Department of Agriculture (USDA), UIITS, Indiana Spatial Data Portal



- | | |
|---|---|
| Project Area | ● Notable |
| APE Boundary | ● Contributing |
| ● SJCA Survey | ● Non-Contributing |
| County Survey Sites | ● Demolished |
| RATING | ● Unknown or Not Rated |
| ● Outstanding | Historic Districts |





1. Facing north on S. East St. from Hill St. at southern end of the project limits within East Wabash Historic District, NR-1916



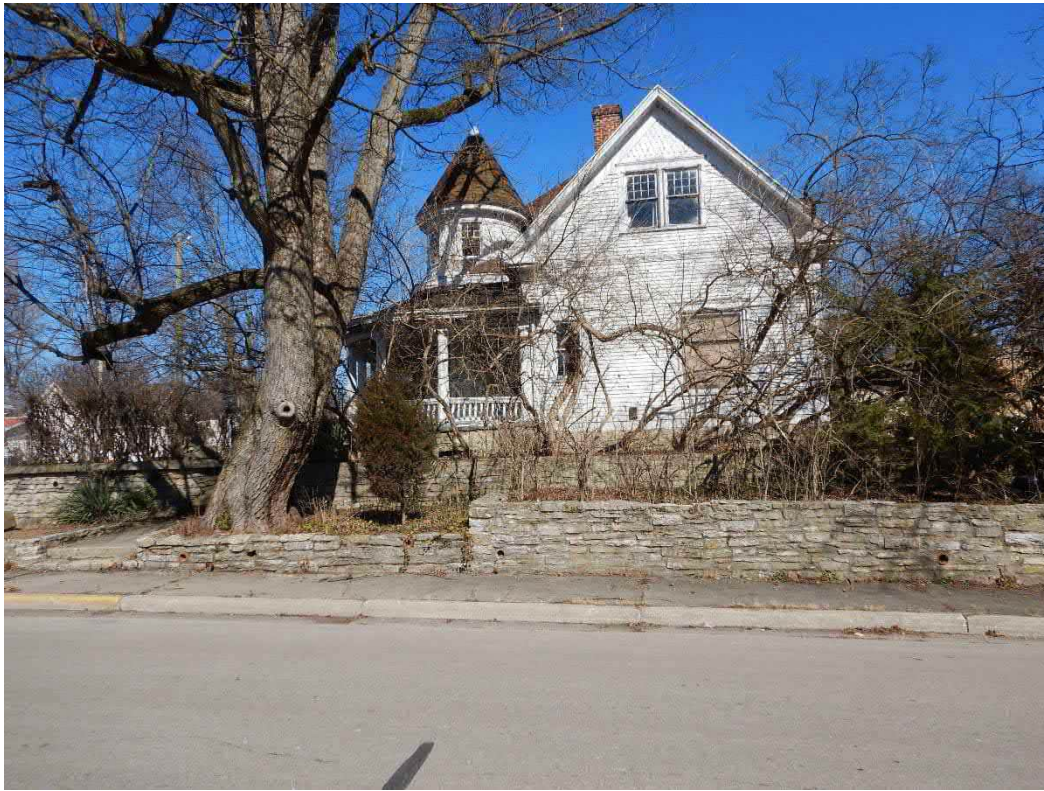
2. Facing east on Hill St. from S. East St. at southern end of project limits within East Wabash Historic District, NR-1916



3. Facing south on S. East St. from Hill St. at southern end of project limits within East Wabash Historic District, NR-1916



4. Facing west on Hill St. from S. East St. at southern end of project limits within East Wabash Historic District, NR-1916



5. Facing north toward 402 Hill St., a contributing resource within East Wabash Historic District, NR-1916. A stone retaining wall surrounds the property



6. Facing south on N. East St. at railroad crossing toward the East Wabash Historic District, NR-1916



7. Facing west along the railroad tracks from N. East St.



8. Facing north on N. East St. from railroad crossing



9. Facing east along railroad tracks from N. East St.



10. Facing south on N. East St. toward the area of proposed new construction of the bridge over the railroad tracks from northern end of project limits



11. Facing west along Maple St. from N. East St. at northern end of project limits



12. Facing north on N. East St. at northern end of project limits



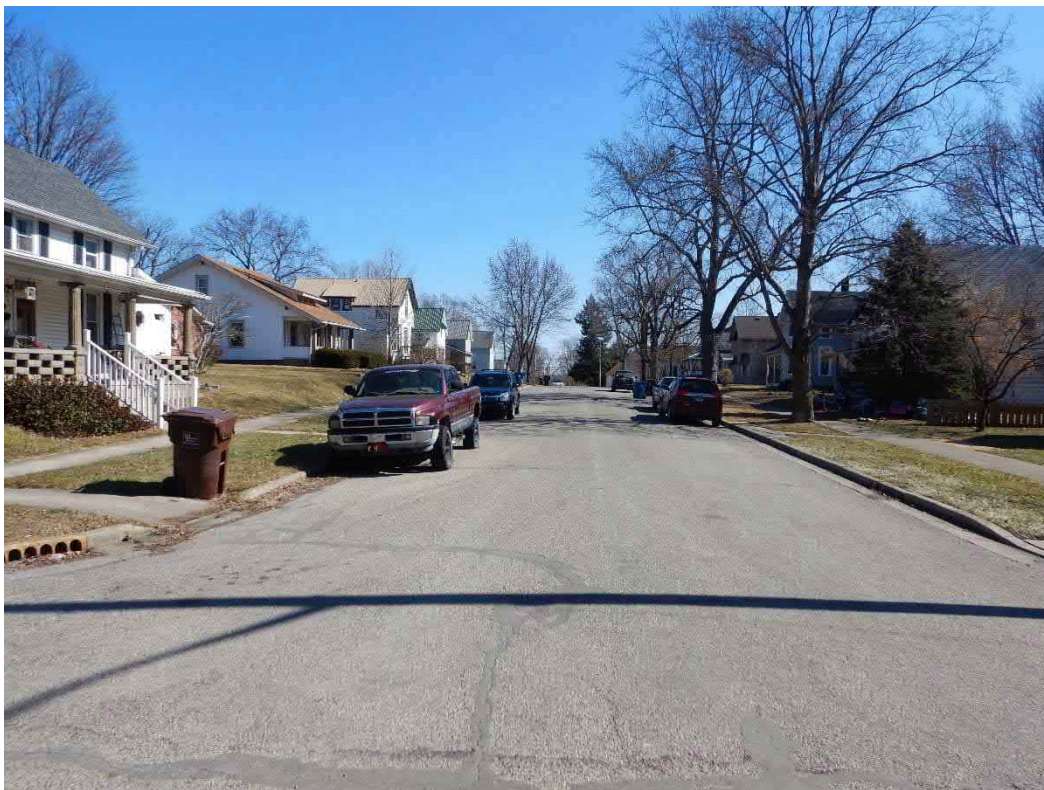
13. Facing east toward non-contributing property at 123 N. East St.



14. Facing south on N. East St. from Walnut St. and northern end of APE



15. Facing southwest on Elm St. at eastern end of APE



16. Facing east on Elm St. from Spring St. at western end of APE within East Wabash Historic District, NR-1916



17. Facing west on Elm St. from Spring St. within East Wabash Historic District, NR-1916



18. Facing east on Maple St. from Spring St. and western edge of APE within East Wabash Historic District, NR-1916



19. Facing east along railroad tracks at Spring St. crossing toward project area



20. Facing east along railroad tracks at Allen St. crossing along western edge of APE



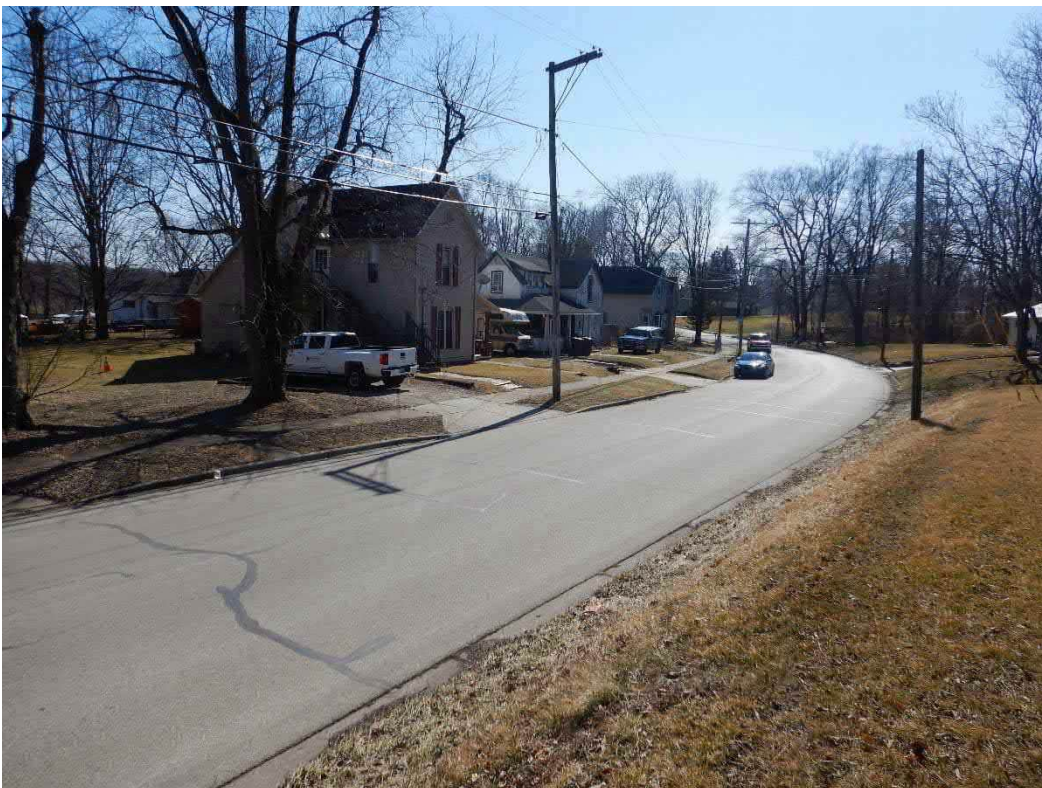
21. Facing west along railroad tracks at Allen St. crossing toward commercial buildings within East Wabash Historic District, NR-1916



22. Facing north along S. East St. from Main St. at southern end of APE within East Wabash Historic District, NR-1916



23. Facing east toward project area from northeast corner of Hanna Park on Hill St. within East Wabash Historic District, NR-1916



24. Facing southwest toward non-contributing properties on Hill St. at Calhoun St.



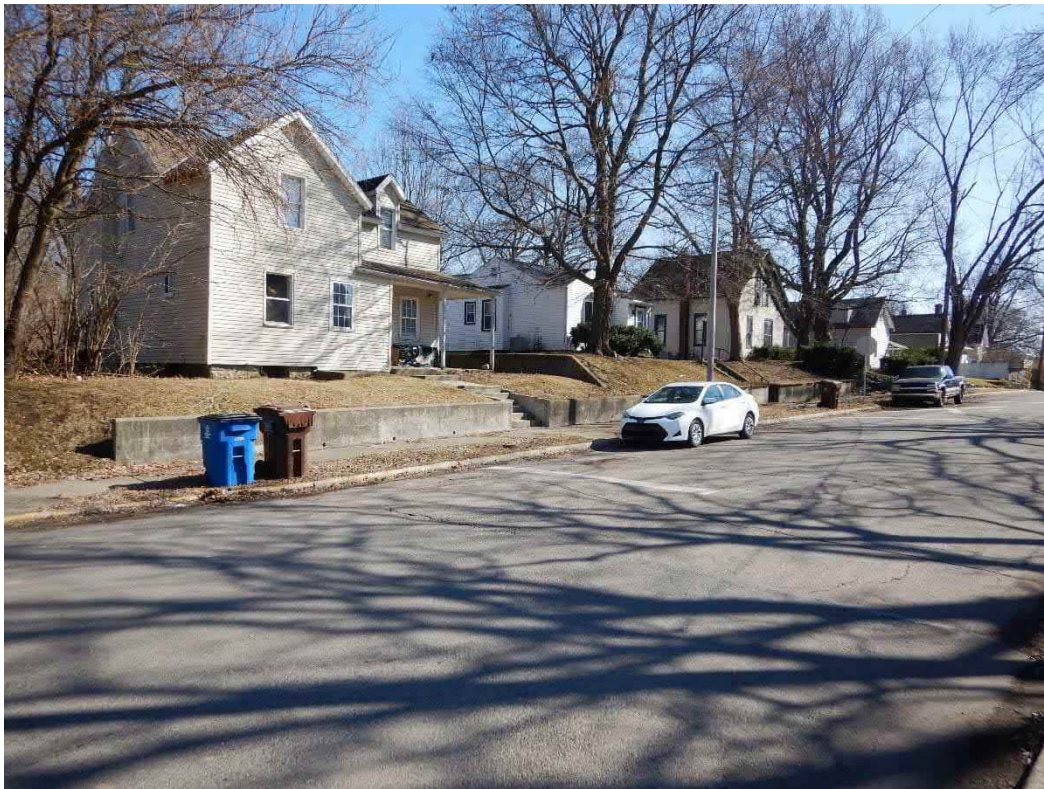
25. Facing west along railroad tracks toward project area from northeastern end of APE



26. Facing northwest toward non-contributing properties to be relocated on N. East St.



27. Facing northeast toward non-contributing property to be relocated on N. East St.



28. Facing southeast toward non-contributing properties to be relocated on N. East St.



29. Facing southwest toward non-contributing properties to be relocated on N. East St.



30. Facing southeast toward non-contributing properties to be relocated on N. East St.



31. Facing west toward modern property at 28 N. East St. to be relocated

CP Name	Organization	Email
Beth McCord	Indiana State Historic Preservation Office	BMcCord@dnr.IN.gov
Danielle Kauffmann		Dkauffmann@dnr.IN.gov
Douglas Lehman		doug@lehmanlaw.net
	City of Wabash	
	Wabash County Historian	drwoodward@cinergymetro.net
	Wabash County Historical Museum	
Andrea Zweibel	Wabash Marketplace	andrea@wabashmarketplace.org
	Wabash Historic Preservation Board	
Jeff Dawes	Wabash County Commissioners	dawes_jeff@hotmail.com
Barry Eppley		beppley@wabashcounty.in.gov
Brian Hauptert		commishhbrian1@gmail.com
	Wabash Street Department	streetdept@cityofwabash.com
	Indiana Landmarks- Northeast Field Office	northeast@indianalandmarks.org
Tribes		
	Eastern Shawnee Tribe of Oklahoma	
	Miami Tribe of Oklahoma	
	Peoria Tribe of Indians of Oklahoma	
	Pokagon Band of Potawatomi Indians	
	Delaware Tribe of Indians, Oklahoma	
	Shawnee Tribe	
	United Keetoowah Band of Cherokee Indians	
Historic Property Owners		
Shawn L. Burkholder	10 N. East Street	
Steve R. & Tina R. Burger	392 E. Hill Street	
Phillip Bernon Woodward	402 E. Hill Street	

Karen Wood

From: Karen Wood
Sent: Wednesday, January 27, 2021 1:58 PM
To: Slider, Chad (DNR); northeast@indianalandmarks.org; drwoodward@cinergymetro.net; andrea@wabashmarketplace.org; dawes_jeff@hotmail.com; beppley@wabashcounty.in.gov; commishhbrian1@gmail.com; mayor@cityofwabash.com; streetdept@cityofwabash.com; director@wabashmuseum.org
Cc: Ross, Anthony; Branigin, Susan
Subject: FHWA Project: Des. No. 1801915; Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana
Attachments: EastStRRGradeSeparation_ECL_Des1801915_2021-1-27.pdf

Des. No.: 1801915

Project Description: Wabash East Street Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Wabash East Street Railroad Grade Separation, Des. No. 1801915. This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. The following agencies/individuals are being invited to become consulting parties:

Indiana State Historic Preservation Officer
Indiana Landmarks Northeast Field Office
Wabash County Historian
Wabash County Historical Museum
Wabash Historic Preservation Board
Wabash Marketplace
Wabash County Commissioners
Mayor of Wabash
Wabash Street Department
Delaware Tribe of Indians, Oklahoma
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe
United Keetowah Band of Cherokee Indians

This letter is part of the early coordination phase of the environmental review process requesting comments associated with this project. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

Please review the attached letter, which is also located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with your comments on any historic resource impacts incurred as a result of this project so that an environmental report can be completed. We also welcome your related opinions and other input to be considered in the preparation of the environmental document. If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comments. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Thank you in advance for your input,

Sincerely,

Karen Wood
Environmental and Cultural Resources Manager
SJCA Inc.
1104 Prospect St.
Indianapolis, IN 46203 (Indy South Office)
T (317) 566-0629
C (317) 847-9856
kwood@sjcainc.com



Karen Wood

From: Branigin, Susan <SBranigin@indot.IN.gov>
Sent: Wednesday, January 27, 2021 2:52 PM
To: bobermeyer@delawaretribe.org; thpo@estoo.net; Diane Hunter; lpappenfort@peoriatribes.com; Matthew.Bussler@pokagonband-nsn.gov; wwarrior@ukb-nsn.gov; tonya@shawnee-tribe.com
Cc: Miller, Shaun (INDOT); Carmany-George, Karstin (FHWA); Springer, Jason; Ross, Anthony; Novak, Karen; Karen Wood; Branigin, Susan
Subject: FHWA Project: Des. No. 1801915; Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana
Attachments: EastStRRGradeSeparation_ECL_Des1801915_2021-1-27.pdf

Dear Consulting Parties,

Des. No.: 1801915

Project Description: Wabash East Street Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Wabash East Street Railroad Grade Separation, Des. No. 1801915. This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. The following agencies/individuals are being invited to become consulting parties:

Indiana State Historic Preservation Officer
Indiana Landmarks Northeast Field Office
Wabash County Historian
Wabash County Historical Museum
Wabash Historic Preservation Board
Wabash Marketplace
Wabash County Commissioners
Mayor of Wabash
Wabash Street Department
Delaware Tribe of Indians, Oklahoma
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe
United Keetowah Band of Cherokee Indians

This letter is part of the early coordination phase of the environmental review process requesting comments associated with this project. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

Please review the attached letter, which is also located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with your comments on any historic resource impacts incurred as a result of this project so that an environmental report can be completed. We also

welcome your related opinions and other input to be considered in the preparation of the environmental document. If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comments. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Thank you in advance for your input,

Susan R. Branigin

History Team Lead

Cultural Resources Office

Environmental Services

100 N. Senate Ave., Rm. **N758-ES

Indianapolis IN 46204

Office: **317.417.1622

Email: sbranigin@indot.in.gov

**** Office Hours_M-F: 7:30 a.m.-3:30 p.m.**



****Please note office hours and new office mailing address/phone number**

***For the latest updates from INDOT's Cultural Resources Office, subscribe to the Environmental Services listserv: <https://www.in.gov/indot/3217.htm>**



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

PHONE: (317) 296-0799

Eric Holcomb, Governor
Joe McGuinness, Commissioner

January 27, 2021

This letter was sent to the listed parties.

RE: Dual Review Project: Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana, Des. No. 1801915

Dear Consulting Party (see attached list),

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Wabash East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. SJCA Inc. is under contract with INDOT to advance the environmental documentation for the referenced project.

This letter is part of the early coordination phase of the environmental review process requesting comments associated with this project. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

The proposed undertaking is on East Street extending north of Maple Street and south to Hill Street in Wabash, Wabash County. It is within Noble Township, USGS Wabash Topographic Quadrangle in Section 11, Township 27 North, Range 6 East.

East Street consists of two 11-foot-wide lanes and one 8-foot-wide parking lane for a roadway width of approximately 32'6". The entire section of the proposed project area has existing curb and gutter on both sides of the roadway. The existing roadway along Maple Street consists of one 13'-0" travel lane and two 7'-0" wide parking lanes for a roadway width of approximately 28'-0". The entire section has curb and gutter and sidewalk on both sides.

The proposed project involves the reconstruction of East Street with new bridge construction with mechanically stabilized earth (MSE) walls to pass over the Norfolk Southern Railroad beginning at the intersection with Hill Street and ending just north of Maple Street.

The purpose of the project is to improve the safety and mobility of the public by addressing the adverse effects of the current at grade crossings at the project location. The need for this project is due to the lack of any grade-separated crossings with the City of Wabash limits. In case of a stopped train event in the City of Wabash, the train blocks Mill Street to East Street; the nearest detour available is Lagro Road. Lagro Road is approximately 5.5 miles east of the city limits. Considering that the City of Wabash is served by one hospital at Parkview Wabash Hospital along SR 13 on the north side of the city, the threat of a stopped train presents serious safety hazards to the southern portion of the city in the form of long delays for emergency vehicles. A second need for the project is to reduce the number of at-grade train collisions. According to the Federal Railroad Association

www.in.gov/dot/

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(FRA) data, there have been 21 collisions resulting in 4 injuries and 2 fatalities in the past 10 years throughout Wabash County (data found was only found specific to the county). In a separate project which will not use Local Trax funding, the City of Wabash will work with Norfolk Southern Railroad to close several at-grade intersections throughout the city. The locations are still to be determined and closure of these intersections will occur after construction of the East Street bridge is complete.

It is anticipated that approximately 1.21 acre of right of way acquisition may be required for 16 residential parcels and a total of 15 of those properties may be relocated as a result of the proposed project. Letting is scheduled for March 15, 2023.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties. In accordance with 36 CFR 800.2 (c), you are hereby requested to be a consulting party to participate in the Section 106 process. Entities that have been invited to participate in the Section 106 consultation process for this project are identified in the attached list. Per 36 CFR 800.3(f), we hereby request that the Indiana State Historic Preservation Officer (SHPO) notify this office if the SHPO staff is aware of any other parties that may be entitled to be consulting parties or should be contacted as potential consulting parties for the project.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

Please note that per the permanent rule issued by the Indiana Department of Natural Resources effective August 14, 2013 (312 IAC 20-4-11.5), INDOT is requesting that this project be subjected to "dual review"; that is, reviewed by the Division of Historic Preservation and Archaeology simultaneously under 54 U.S.C. 306108 (Section 106) and IC 14-21-1-18 (Indiana Preservation and Archaeology Law dealing with alterations of historic sites and structures requiring a Certificate of Approval). Pursuant to Section 11.5(f) of this rule, at the conclusion of the review process we anticipate that the Division Director would issue a letter of clearance exempting this project from obtaining a Certificate of Approval under IC 14-21-1-18. Enclosed with this letter is a detailed list of the consulting parties, including contact information including email addresses, for processing the dual review submission.

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. At this time, no cultural resource investigations have occurred; however, the results of cultural resource identification and evaluation efforts, both above-ground and archaeological, will be forthcoming. Consulting parties will receive notification when these reports are completed.

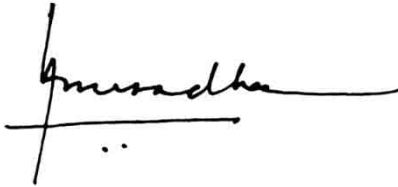
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party, or if you do not respond, you will not be included on the list of consulting parties for this project. If we do not receive your response in the time allotted, the project will proceed consistent with the proposed design and you will not receive further information about the project unless the design changes.

For questions concerning specific project details, you may contact Karen Wood of SJCA Inc. at (317) 566-0629 or kwood@sjcainc.com. All future responses regarding the proposed project should be forwarded to SJCA Inc. at the following address:

Karen Wood
Environmental and Cultural Resources Manager
SJCA Inc.
1104 Prospect St.
Indianapolis, IN, 46203
kwood@sjcainc.com

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Sincerely,



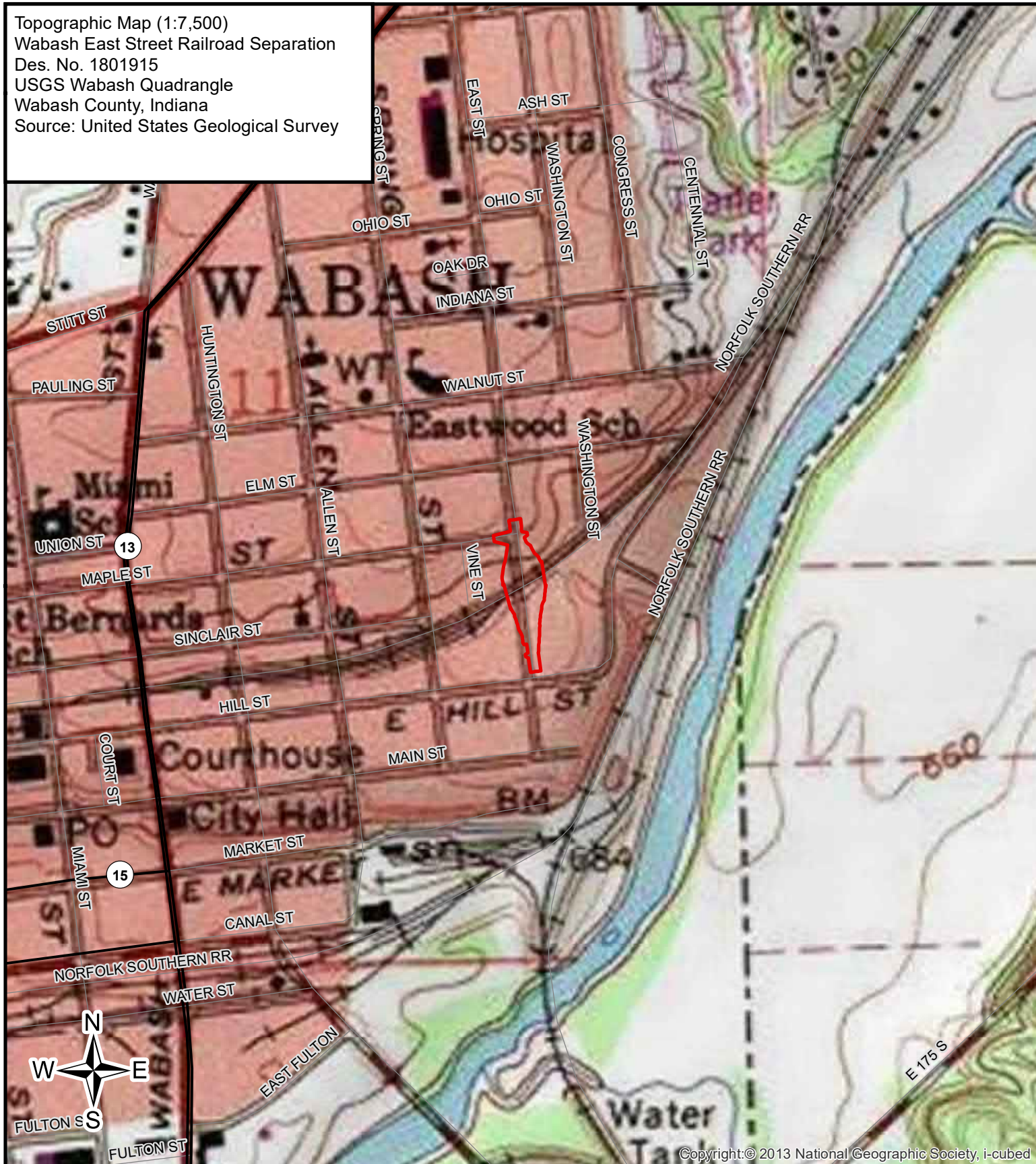
Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:
Topographic Map

Distribution List:

Indiana State Historic Preservation Officer, CSlider@dnr.in.gov
Indiana Landmarks Northeast Field Office, northeast@indianalandmarks.org
Wabash County Historian, drwoodward@cinergymetro.net
Wabash County Historical Museum, 36 East Market Street; Wabash, Indiana, 46992
Wabash Historic Preservation Board, 202 S Wabash Street; Wabash, Indiana, 46992
Wabash Marketplace, andrea@wabashmarketplace.org
Wabash County Commissioners, dawes_jeff@hotmail.com; beppley@wabashcounty.in.gov; commishhbrian1@gmail.com
Mayor of Wabash, mayor@cityofwabash.com
Wabash Street Department, streetdept@cityofwabash.com
Delaware Tribe of Indians, Oklahoma
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe
United Keetowah Band of Cherokee Indians

Topographic Map (1:7,500)
 Wabash East Street Railroad Separation
 Des. No. 1801915
 USGS Wabash Quadrangle
 Wabash County, Indiana
 Source: United States Geological Survey



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0 440 880
 Feet

— Project Area



1/12/2021

Karen Wood

From: Wabash Marketplace <andrea@wabashmarketplace.org>
Sent: Thursday, January 28, 2021 9:41 AM
To: Karen Wood
Subject: Re: FHWA Project: Des. No. 1801915; Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana

Hi, Karen. In regards to **Des. No.: 1801915**, Wabash Marketplace, Inc. does not foresee any impacts on historic resources or environmental effects.

We are in support of the project. Traffic congestion in Downtown Wabash is an issue when the railways are blocked. This will alleviate traffic flow issues in Downtown Wabash.

Thanks,
Andrea

Andrea Zwiebel

Executive Director
Wabash Marketplace, Inc
260.563.0975

andrea@wabashmarketplace.org

99 W. Canal St., Wabash IN 46992

www.wabashmarketplace.org



On Wed, Jan 27, 2021 at 1:58 PM Karen Wood <kwood@sjcainc.com> wrote:

Des. No.: 1801915

Project Description: Wabash East Street Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Wabash East Street Railroad Grade Separation, Des. No. 1801915. This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. The following agencies/individuals are being invited to become consulting parties:

Indiana State Historic Preservation Officer

Indiana Landmarks Northeast Field Office

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov • www.IN.gov/dnr/historic



February 10, 2021

Karen Wood
Environmental & Cultural Resources Manager
SJCA, Inc.
1104 Prospect Street
Indianapolis, Indiana 46203

State Agency: Indiana Department of Transportation (“INDOT”)

Federal Agency: Federal Highway Administration, Indiana Division (“FHWA”)

Re: DUAL REVIEW: Early coordination letter and proposal for dual review for the Wabash East Street Railroad
Grade Separation (Local Trax) in Wabash, Wabash County (Des. No. 1801915; DHPA No. 26959)

Dear Ms. Wood:

The Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (“DNR-DHPA”), which also serves as the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”), is in receipt of INDOT’s early coordination letter, dated January 27, 2021, transmitting your proposal for a dual review, pursuant to 312 Indiana Administrative Code (“IAC”) 20-4-11.5, of the aforementioned project in Wabash, Wabash County. We received this submission January 27, 2021.

The Indiana SHPO/DNR-DHPA will review the information submitted under Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), implementing regulations at 36 C.F.R. Part 800, as well as Indiana Code 14-21-1-18 and 312 IAC 20-4. By copy of this letter, DNR-DHPA is providing notification of the commencement of the dual review to interested persons and members of the Indiana Historic Preservation Review Board (“Review Board”). Notice of the commencement will also be posted on the division’s website (www.in.gov/dnr/historic/7440.htm).

For the purposes of Indiana Code 14-21-1-18 and 312 IAC 20-4, we have added the members of the Review Board and additional, potentially interested parties to the list of parties we intend to copy with our comment letters. Anyone receiving an e-mailed copy of this letter who *does not wish to receive future copies of our correspondence about this project* is asked to reply by e-mail to dkauffmann@dnr.IN.gov or to (317) 232-0582 or by letter to the address in our letterhead and advise us that he or she does not wish to receive any further copies of our e-mails on this project.

In your next regular submission, please include which consulting parties agree to participate in the consultation of this dual review.

We note that this project is part of INDOT’s Local Trax program which may receive funding from the FHWA in the future. As INDOT’s January 27 letter indicates, additional information regarding above-ground historic resources and archaeological resources are forthcoming. Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

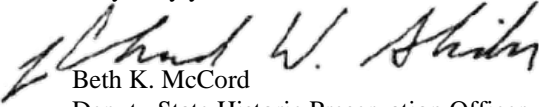
For the benefit of those recipients of a copy of this letter who are not Section 106 consulting parties, please be aware that a copy of INDOT’s January 27 letter can be found online at [http://erms.indot.in.gov/Section 106Documents/](http://erms.indot.in.gov/Section%20106Documents/). From there, search by this project’s designation number: 1801915.

If you have questions regarding our dual review of the aforementioned project, please contact DNR-DHPA. Questions about archaeological issues should be directed to contact Rachel Sharkey at (317) 234-5254 or rsharkey@dnr.IN.gov. Questions about

historic buildings or structures pertaining to this review should be directed to Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov.

In all future correspondence regarding the dual review of the Wabash East Street Railroad Grade Separation in Wabash County (Des. No. 1801915), please refer to DHPA No. 26959.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer
Director, Division of Historic Preservation and Archaeology

BKM:DMK:dmk

CC to potentially interested persons:
Wabash Historic Preservation Board

EMC to federal and state agency or consultant staff members:

Kari Carmany-George, FHWA
Anuradha Kumar, INDOT
Anthony Ross, INDOT
Shaun Miller, INDOT
Susan Branigin, INDOT
Karen Wood, SJCA, Inc.
Rachel Sharkey, DNR-DHPA
Danielle Kauffmann, DNR-DHPA

EMC to Indiana Historic Preservation Review Board Members:

J. Scott Keller, Review Board
Anne Shaw Kingery, Review Board
Daniel Kloc, AIA, Review Board
Jason Larrison, AIA, Review Board
Chandler Lighty, Review Board
Beth K. McCord, INDNR-DHPA, Review Board
April Sievert, Ph.D., Review Board
Christopher Smith, Deputy Director, INDNR, and Chairman, Review Board

EMC to potentially interested persons:

Delaware Tribe of Indians, Oklahoma
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe
United Keetowah Band of Cherokee Indians

Indiana Landmarks, Northeast field office
Wabash County Historian
Wabash County Historical Museum
Wabash Marketplace
Wabash County Commissioners
Honorable Scott Richardson, Mayor of Wabash
Wabash Street Department



City of Wabash
DOUGLAS C. LEHMAN
City Attorney

30 West Canal Street
Wabash, IN 46992

(260) 569-0590
FAX (260) 569-1193

doug@lehmanlaw.net

February 11, 2021

Karen Wood
Environmental And Cultural Resources Manager
SJCA Inc.
1104 Prospect St.
Indianapolis, IN 45203

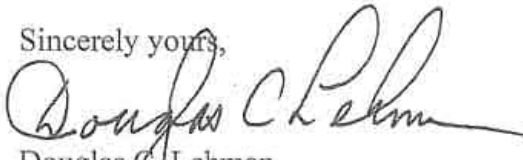
In re: Dual Review Project; Des. No. 1801915

Dear Ms. Wood:

As the Wabash City Attorney, I am responding on behalf of both the City of Wabash and the City of Wabash Historic Preservation Commission. We have examined the site, the Indiana State Historic Architectural and Archeological Research Database (SHAARD) maintained by the Indiana Department of Natural Resources, and our own database of buildings compiled by the City's Historical Preservation Commission.

We have determined there are no buildings in the project area that have any historical value. We are aware of no other architectural or archeological features, buildings, sites or other items of concern in the project area.

Sincerely yours,


Douglas C. Lehman
Wabash City Attorney
DCL/kg

Cc: Mayor, City of Wabash
Susan Stewart, President, Wabash Historical Preservation Board



Pokégnek Bodéwadmik

POKAGON BAND OF POTAWATOMI
LANGUAGE & CULTURE

02/25/2021

Shaun Miller
INDOT

Smiller@indot.in.gov

317-416-0876

INDOT - Des. No. 1801915

Dear Responsible Party:

Migweth for contacting me regarding these projects. As THPO, I am responsible for handling Section 106 Consultations on behalf of the tribe. I am writing to inform you that after reviewing the details for the project referenced above, I have made the determination that there will be **No Historic Properties in Area of Potential Effects (APE)** significant to the Pokagon Band of Potawatomi Indians. However, if any archaeological resources are uncovered during this undertaking, please stop work and contact me immediately. Should you have any other questions, please don't hesitate to contact me at your earliest convenience.

Sincerely,

Matthew J.N. Bussler
Tribal Historic Preservation Officer
Pokagon Band of Potawatomi Indians
Office: (269) 462-4316
Cell: (269) 519-0838
Matthew.Bussler@Pokagonband-nsn.gov



Miami Tribe of Oklahoma

3410 P St. NW, Miami, OK 74354 • P.O. Box 1326, Miami, OK 74355
Ph: (918) 541-1300 • Fax: (918) 542-7260
www.miamination.com



Via email: smiller@indot.in.gov

March 9, 2021

Shaun Miller
Archaeological Team Lead, Cultural Resources Office
Indiana DOT
575 North Pennsylvania Street
Indianapolis, IN 46204

Re: Des. No. 1801915; Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana – Comments of the Miami Tribe of Oklahoma

Dear Mr. Miller:

Aya, kikwehsitoole – I show you respect. The Miami Tribe of Oklahoma, a federally recognized Indian tribe with a Constitution ratified in 1939 under the Oklahoma Indian Welfare Act of 1936, respectfully submits the following comments regarding Des. No. 1801915.

This project is within less than ¼ mile from Paradise Spring Historical Park, the site of the negotiation and signing of the Treaty of 1826 between the Miami Tribe and the United States. Many Miami people were present at the treaty negotiations, and therefore the site is of great concern to the Miami Tribe. Given the Miami Tribe's deep and enduring relationship to its historic lands and cultural property within present-day Indiana and this area in particular, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966 or by email at dhunter@miamination.com to initiate consultation.

The Miami Tribe accepts the invitation to serve as a consulting party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for all Section 106 consultation.

Respectfully,

Diane Hunter
Tribal Historic Preservation Officer

Karen Wood

From: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Sent: Wednesday, April 21, 2021 4:33 PM
To: Karen Wood
Cc: Branigin, Susan
Subject: FW: FHWA Project: Des. No. 1801915; Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana

Hi Karen,

Please see the below response to the ECL from the Shawnee Tribe accepting consulting party status.

Thank you,

Shaun Miller
INDOT, Cultural Resources Office
Archaeology Team Lead
(317)416-0876

From: Tonya Tipton <tonya@shawnee-tribe.com>
Sent: Wednesday, April 21, 2021 12:48 PM
To: Branigin, Susan <SBranigin@indot.IN.gov>
Subject: RE: FHWA Project: Des. No. 1801915; Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Susan,

The Shawnee Tribe would like to be a consulting party on this project.

I apologize for the late notice. I am in the process of getting caught up on projects.

Thank you,



Tonya Tipton
Tribal Historic Preservation Officer
Phone: (918)542-2441
Email: tonya@shawnee-tribe.com
29 S Highway 69A
Miami, OK 74354
www.Shawnee-Tribe.org

Karen Wood

From: Karen Wood
Sent: Tuesday, November 16, 2021 1:41 PM
To: Kauffmann, Danielle M; Sharkey, Rachel; Wabash Marketplace; doug@lehmanlaw.net
Cc: Ross, Anthony; Moffatt, Charles D; Branigin, Susan; Miller, Shaun (INDOT); Watson, George C.; Springer, Jason; Holder, Jason; Scott Henley (Jeffrey Scott)
Subject: FHWA Project: Des. No. 1801915; HPSR and Archaeology Report (Tribes only), Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana
Attachments: EastStRRGradeSeparation_Des1801915_RDL_2021-11-16.pdf

Des. No.: 1801915

Project Description: Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation, proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. The Section 106 Early Coordination Letter for this project was originally distributed on January 27, 2021.

As part of Section 106 of the National Historic Preservation Act, a Historic Property Short Report, Archaeology Report (Tribes only), and a letter describing the project and its effects have been prepared and are ready for review and comment by consulting parties.

Please review this documentation located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with any comments that you may have. If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Additionally, FHWA is inviting you to attend a Consulting Party meeting for this project. The meeting will be held via a virtual Microsoft Teams meeting. The meeting will be held via a virtual Microsoft Teams meeting. The link for the meeting is [Click here to join the meeting](#). For those who wish to attend, but are unable to join via Microsoft Teams, you may use the following call-in number: (317) 939-6638. The conference ID number is 168099923#. The meeting will be held on December 1, 2021, at 1pm. The intent of the meeting is to discuss the current condition of the crossing, the proposed alternatives under consideration, and the effects of the undertaking upon the historic district, and possible avoidance, minimization, and mitigation measures.

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Thank you in advance for your input,

Karen Wood
Environmental & Cultural Resource Manager

SJCA Inc.
9102 N. Meridian Street, Suite 200

Karen Wood

From: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Sent: Wednesday, November 17, 2021 12:22 PM
To: Karen Wood; Moffatt, Charles D
Cc: Ross, Anthony
Subject: FW: FHWA Project: Des. No. 1801915; HPSR and Archaeology Report (Tribes only), Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana

Karen,

Please see below for your project file.

Dave, Please be sure to include the 106 consultant and assigned historian when sending tribal notifications and forwarding tribal responses for full Section 106 projects.

Thank you!

Shaun Miller
INDOT, Cultural Resources Office
Archaeology Team Lead
(317)416-0876

From: Moffatt, Charles D <CMoffatt@indot.IN.gov>
Sent: Tuesday, November 16, 2021 2:08 PM
To: thpo@estoo.net; Diane Hunter <dhunter@miamination.com>; kstand@peoriatribes.com; Matthew Bussler (Matthew.Bussler@pokagonband-nsn.gov) <Matthew.Bussler@pokagonband-nsn.gov>; tonya@shawnee-tribe.com; michael.laronge@fcpotawatomi-nsn.gov
Cc: Miller, Shaun (INDOT) <smiller@indot.IN.gov>; Carmany-George, Karstin (FHWA) <k.carmanygeorge@dot.gov>
Subject: FHWA Project: Des. No. 1801915; HPSR and Archaeology Report (Tribes only), Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana

Des. No.: 1801915

Project Description: Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation, proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. The Section 106 Early Coordination Letter for this project was originally distributed on January 27, 2021.

As part of Section 106 of the National Historic Preservation Act, a Historic Property Short Report, Archaeology Report (Tribes only), and a letter describing the project and its effects have been prepared and are ready for review and comment by consulting parties.

Please review this documentation located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with any comments that you may have. If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Additionally, FHWA is inviting you to attend a Consulting Party meeting for this project. The meeting will be held via a virtual Microsoft Teams meeting. The meeting will be held via a virtual Microsoft Teams meeting. The link for the meeting is [Click here to join the meeting](#). For those who wish to attend, but are unable to join via Microsoft Teams, you may use the following call-in number: (317) 939-6638. The conference ID number is 168099923#. The meeting will be held on December 1, 2021, at 1pm. The intent of the meeting is to discuss the current condition of the crossing, the proposed alternatives under consideration, and the effects of the undertaking upon the historic district, and possible avoidance, minimization, and mitigation measures.

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Thank you for your input,

David Moffatt
Archaeologist
Environmental Services
Cultural Resources Office
Indiana Department of Transportation
1-317-439-3337



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

PHONE: (317) 296-0799

Eric Holcomb, Governor
Joe McGuinness, Commissioner

November 16, 2021

This letter was sent to the listed parties.

RE: Dual Review Project: East Street Railroad Grade Separation, Wabash, Wabash County, Indiana,
Des. No. 1801915, DHPA No. 26959

Dear Consulting Party,

The City of Wabash, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

This letter is part of the Section 106 review process for this project. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties. We are requesting comments from you regarding the possible effects of this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

A Section 106 early coordination letter was distributed on January 27, 2021.

The proposed undertaking is on East Street extending north of Maple Street and south to Hill Street in Wabash, Wabash County, Indiana. It is within Noble Township, USGS Wabash Topographic Quadrangle in Section 11, Township 27 North, Range 6 East.

East Street consists of two 11-foot-wide lanes and one 8-foot-wide parking lane for a roadway width of approximately 32'6". The entire section of the proposed project area has existing curb and gutter on both sides of the roadway. The existing roadway along Maple Street consists of one 13'-0" travel lane and two 7'-0" wide parking lanes for a roadway width of approximately 28'-0". The entire section has a curb and gutter and sidewalk on both sides.

The proposed project involves the reconstruction of East Street with new bridge construction with mechanically stabilized earth (MSE) walls to pass over the Norfolk Southern Railroad beginning at the intersection with Hill Street and ending just north of Maple Street.

The purpose of the project is to improve the mobility of the public access in the City of Wabash. The need of this project is due to access and mobility issues caused by at-grade railroad crossings in the City of Wabash. On average, 17 trains per day (nine during the day and eight at night) pass through the City of Wabash. The trains have grown longer in recent years, causing increased delays and disruption in traffic between the north and south sides of the city. On occasion, a stopped train event occurs, completely cutting the city in half. With no alternate route nearby, the stopped train event causes large scale disruption to city traffic, creating lengthy

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congestion delays, including disruption to school bus routes and emergency vehicle traffic. In case of a stopped train event in the City of Wabash, the train blocks north-south traffic on all streets in the city that cross the railroad, from Mill Street to East Street; the nearest detours available are Lagro Road and US Business Route 24. Lagro Road is approximately 5.5 miles east of the city limits. Another alternate is on US Business Route 24 approximately 4 miles west of the city limits. Considering that the City of Wabash is served by one hospital at Parkview Wabash Hospital along SR 13 on the north side of the city, the threat of a stopped train event or even a lengthy delay caused by a passing train presents serious hazards to the southern portion of the city in the form of long delays in response time for emergency vehicles.

Six different alternatives were considered for the location of the grade separation. East Street was chosen as part of Section 106 minimization efforts to limit impacts on the East Wabash Historic District, NR-1916.

In the early coordination letter distributed January 27, 2021, it was anticipated that approximately 1.21 acre of right-of-way acquisition may be required for this project. Since then, new estimates have been recalculated and refined. The new right-of-way acquisition is anticipated to be a total of 2.96 acres: 2.14 acres permanent, 0.06-acre temporary, and 0.76-acre of excess right-of-way from 16 residential parcels and up to a total of 15 property owners may be relocated as a result of the proposed project. Letting is scheduled for March 15, 2023.

SJCA Inc. is under contract with INDOT to advance the environmental documentation for the referenced project.

In accordance with 36 CFR 800.2 (c), you were invited to become a consulting party as part of the Section 106 process, or you are hereby invited to become a consulting party as part of the Section 106 process. Entities that have previously accepted consulting party status--as well as additional entities that are currently being invited to become consulting parties--are identified in the attached list.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, to assess the undertaking's effects and to seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

Please note that, per the permanent rule issued by the Indiana Department of Natural Resources effective August 14, 2013 (312 IAC 20-4-11.5), INDOT is requesting that this project be subjected to "dual review"; that is, reviewed by the Division of Historic Preservation and Archaeology simultaneously under 54 U.S.C. 306108 (Section 106) and IC 14-21-1-18 (Indiana Preservation and Archaeology Law dealing with alterations of historic sites and structures requiring a Certificate of Approval). Pursuant to Section 11.5(f) of this rule, at the conclusion of the review process we anticipate that the Division Director would issue a letter of clearance exempting this project from obtaining a Certificate of Approval under IC 14-21-1-18. Enclosed with this letter is a detailed list of the consulting parties with contact information, including email addresses, for processing the dual review submission.

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. The APE contains one resource, East Wabash Historic District, NR-1916, listed in the National Register of Historic Places (NRHP).

A historian who meets the Secretary of the Interior's Professional Qualification Standards identified and evaluated above-ground resources within the APE for potential eligibility for the NRHP. As a result of the historic property identification and evaluation efforts, the East Wabash Historic District, NR-1916, listed in the NRHP, is recommended to remain listing in the NRHP. No other resources were recommended eligible for

listing in the NRHP.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards identified two (2) sites within the project area. Sites 12-Wb-1026 and 12-Wb-1027 both consisted of early to mid-20th century domestic artifact scatter. As a result of these efforts, sites 12-Wb-1026 and 12-Wb-1027 were recommended as not eligible for listing in the NRHP and no further work is recommended.

In an email sent January 28, 2021, the Executive Director of Wabash Marketplace, Inc. expressed support for the project and added that they do not foresee any historic or environmental impacts.

On February 10, 2021, State Historic Preservation Officer (SHPO) staff responded in a letter noting receipt of the early coordination letter.

In a letter dated February 11, 2021, the Wabash City Attorney responded on behalf of the City of Wabash and the City of Wabash Historic Preservation Commission stating they have determined, after examination of the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) and their own database of buildings, that "there are no buildings in the project area that have any historical value."

On February 25, 2021, the Pokagon Band of Potawatomi Indians accepted consulting party status and noted they don't anticipate any historic properties of concern to be affected.

On March 9, 2021, the Miami Tribe of Oklahoma responded to the early coordination letter accepting consulting party status. They also noted "This project is within less than ¼ mile from Paradise Spring Historical Park, the site of the negotiation and signing of the Treaty of 1826 between the Miami Tribe and the United States. Many Miami people were present at the treaty negotiations, and therefore the site is of great concern to the Miami Tribe."

The Historic Property Short Report and Archaeology Report (Tribes only) are available for review in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). You are invited to review these documents and to respond with comments on any historic resource impacts incurred as a result of this project so that an environmental report can be completed. We also welcome your related opinions and other input to be considered in the preparation of the environmental document. If you prefer a hard-copy of this material, please respond to this email with your request as soon as you can.

Anticipating a finding of "Adverse Effect" for the project, INDOT welcomes any consulting party input at this time on proposed mitigation measure for the project. The finding of "Adverse Effect" is anticipated due to the proposed alternative of building a bridge for grade separation on East Street. In particular, the undertaking is anticipated to change physical features within the property's setting according to the criteria of adverse effect set forth in 36 CFR 800.5(a)2(iv). The undertaking includes the reconstruction of East Street to accommodate the new bridge construction and reconstruction activities extend south to Hill Street within the East Wabash Historic District. Additionally, the undertaking is anticipated to introduce visual and audible elements that may diminish the integrity of the property's significant historic features per 36 CFR 800.5(a)2(v). The undertaking includes introducing a new bridge that will rise approximately 30 feet above the current at-grade crossing and MSE walls into the viewshed of the East Wabash Historic District. The bridge deck is anticipated to be concrete which will likely introduce much more audible road noise to the area and, coupled with the traffic being well above current grade, more audible vehicle noise is anticipated within the East Wabash Historic District. All of the comments gathered on mitigation will be taken into consideration for development of a draft

Memorandum of Agreement (MOA).

Additionally, FHWA is inviting you to attend a Consulting Party meeting for this project. The meeting will be held via a virtual Microsoft Teams meeting. If you are unfamiliar with this platform, here is a [quick tutorial](#) on how to enter the meeting once you receive the invitation. The link for the meeting is [Click here to join the meeting](#). If you are receiving this letter by mail and would like to join the meeting via Microsoft Teams, then please email Scott Henley at shenley@sjcainc.com or Karen Wood at kwood@sjcainc.com to receive a link to the meeting. For those who wish to attend, but are unable to join via Microsoft Teams, you may use the following call-in number: (317) 939-6638. The conference ID number is 168099923#. The meeting will be held on Wednesday, December 1, 2021, at 1pm. The intent of the meeting is to discuss the current condition of the crossing, the proposed alternatives under consideration, the above-ground and archaeological identification processes, the effects of the undertaking upon the historic district, and possible avoidance, minimization, and mitigation measures. Some mitigation measures might include aesthetic treatments for the proposed bridge, tree plantings, and/or signage that may indicate the presence of the National Register-listed East Wabash Historic District.

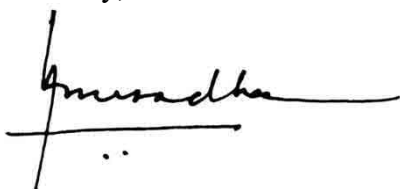
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party or if you have not previously accepted consulting party status and you do not respond to this letter, you will not be included on the list of consulting parties for this project and will not receive further information about the project unless the design changes. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

For questions concerning specific project details, you may contact Scott Henley of SJCA Inc. at (317) 566-0629 x 430 or shenley@sjcainc.com. All future responses regarding the proposed project should be forwarded to SJCA Inc. at the following address:

Scott Henley
Cultural Resources Associate
SJCA Inc.
9102 N. Meridian St., Ste. 200
Indianapolis, IN 46260
shenley@sjcainc.com

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Sincerely,



Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:

Consulting Party Meeting Agenda (to be held December 1, 2021 at 1:00 pm)

Historic Property Short Report (available via IN SCOPE)

Archaeology Report (Tribes only) (available via IN SCOPE)

Project Area Map

2021-1-28 Email from Marketplace Wabash, Inc. to SJCA Inc.

2021-2-11 Letter from City of Wabash to SJCA Inc.

2021-3-9 Letter from Miami Tribe of Oklahoma to INDOT Cultural Resources Office

2021-6-9 Excerpts of most recent plan sheets

Email, letters, CP meeting agenda, and plan excerpts not included to prevent redundancy in the appendices.

Distribution List:

State Historic Preservation Officer dkauffmann@dnr.IN.gov, rsharkey@dnr.IN.gov

Wabash Marketplace, Inc. andrea@wabashmarketplace.org

City of Wabash, Attorney doug@lehmanlaw.net

Pokagon Tribe of Potawatomi Indians

Miami Tribe of Oklahoma

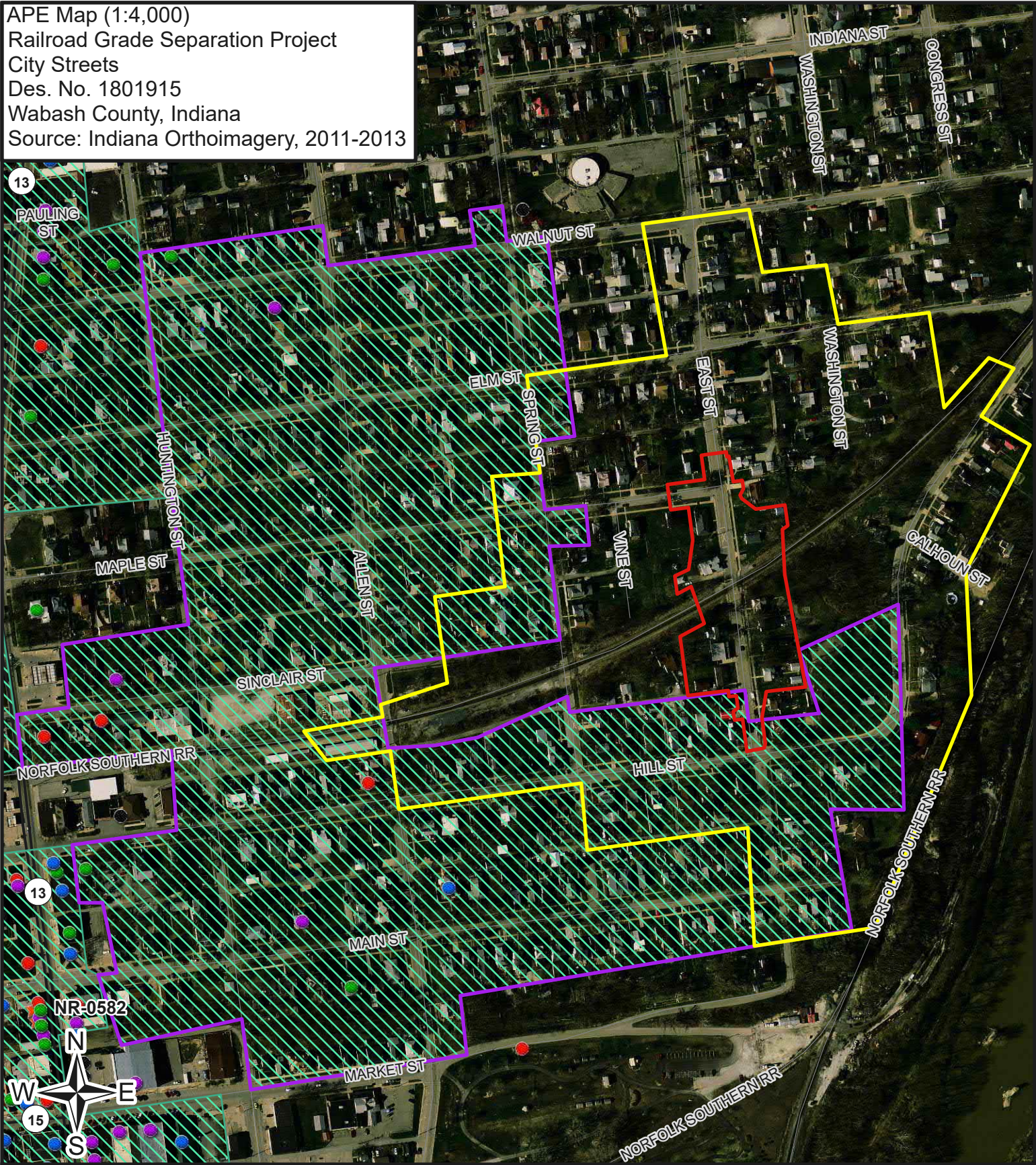
Property Owners adjacent to the project area in East Wabash Historic District:

Shawn L. Burkholder, 10 N. East St.

Steve R. & Tina R. Burger, 390-392 E. Hill St.

Phillip Bernon Woodward, 402 E. Hill St.

APE Map (1:4,000)
Railroad Grade Separation Project
City Streets
Des. No. 1801915
Wabash County, Indiana
Source: Indiana Orthoimagery, 2011-2013



0 0.05 0.1
Miles

- Project Area
- Area of Potential Effect
- East Wabash Historic District



Division of Historic Preservation & Archaeology · 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 · Fax 317-232-0693 · dhpa@dnr.IN.gov



December 15, 2021

Scott Henley
Cultural Resources Associate
SJCA, Inc.
9102 N. Meridian Street, Suite 200
Indianapolis, Indiana 46260

State Agency: Indiana Department of Transportation (“INDOT”),
Federal Agency: Federal Highway Administration, Indiana Division (“FHWA”)

Re: DUAL REVIEW: Phase Ia archaeological literature review and reconnaissance survey report (Smith, 10/19/2021), and historic property short report (Henley, 11/2021) for the Wabash East Railroad Grade Separation (Local Trax Project) (Des. No. 1801915; DHPA No. 26959)

Dear Mr. Henley:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108); implementing regulations at 36 C.F.R. Part 800; the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana” (“Indiana Minor Projects PA”); and also pursuant to Indiana Code 14-21-1-18 and 312 Indiana Administrative Code (“IAC”) 20-4, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has reviewed your November 16, 2021, submission which enclosed the aforementioned reports, received by our office the same day for this project in Wabash, Noble Township, Wabash County, Indiana.

The area of potential effects (“APE”) proposed in the historic property short report (“HPSR”; Henley 11/2021) appears to be of adequate size to encompass the geographic area in which direct and indirect effects of a project of this nature could occur.

We agree with the conclusions of the HPSR that the East Wabash Historic District (NR-1916) is the only historic property listed in the National Register of Historic Places (“NRHP”) located within the project’s APE.

Danielle Kauffmann and Rachel Sharkey of my office virtually attended the December 1, 2021, Consulting Parties meeting. We will comment on the meeting summary in a subsequent letter once the summary is submitted to our office for review.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the NRHP have been recorded within the proposed project area. Thank you for the submission of the archaeological reconnaissance report by SJCA, Inc. (Smith, 10/19/2021). A review of the report indicates that two archaeological sites (12-Wb-1026 and 12-Wb-1027) were documented as a result of the reconnaissance survey. These sites are both low-density historical artifact scatters and do not appear to be eligible for inclusion in the NRHP. Therefore, we concur with the recommendation that project activities may proceed without further archaeological investigation.

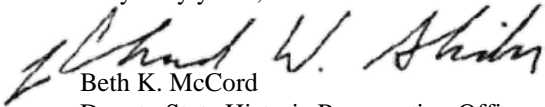
If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the Indiana SHPO within two (2) business days. In that event, please 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, including but not limited to 36 C.F.R. Part 800.

For the benefit of those recipients of a copy of this letter who are not Section 106 consulting parties, please be aware that a copy of this submission can be found online at <http://erms.indot.in.gov/Section106Documents/>. From there, search by this project's designation number: 1801915.

If you have questions regarding our dual review of the aforementioned project, please contact DNR-DHPA. Questions about archaeological issues should be directed to contact Rachel Sharkey at (317) 234-5254 or rsharkey@dnr.in.gov. Questions about historic buildings or structures pertaining to this review should be directed to Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov.

In all future correspondence regarding the dual review of this Wabash East Street Railroad Grade Separation project in Wabash County, a Local Trax project (Des. No. 1801915), please refer to DHPA No. 26959.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer
Director, Division of Historic Preservation and Archaeology

BKM:DMK:RAS:dmk

CC to potentially interested persons:

Wabash Historic Preservation Board

EMC to federal and state agency or consultant staff members:

Kari Carmany-George, FHWA
Anuradha Kumar, INDOT
Anthony Ross, INDOT
Shaun Miller, INDOT
Susan Branigin, INDOT
Scott Henley, SJCA, Inc.
Rachel Sharkey, DNR-DHPA
Danielle Kauffmann, DNR-DHPA

EMC to Indiana Historic Preservation Review Board Members:

J. Scott Keller, Review Board
Daniel Kloc, AIA, Review Board
Jason Larrison, AIA, Review Board
Chandler Lighty, Review Board
Beth K. McCord, INDNR-DHPA, Review Board
Ryan Mueller, Deputy Director, INDNR, and Chairman, Review Board
Anne Shaw, Review Board
April Sievert, Ph.D., Review Board

EMC to potentially interested persons:

Delaware Tribe of Indians, Oklahoma
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe
United Keetowah Band of Cherokee Indians

Indiana Landmarks, Northeast field office
Wabash County Historian
Wabash County Historical Museum
Wabash Marketplace
Wabash County Commissioners
Honorable Scott Richardson, Mayor of Wabash
Wabash Street Department



EASTERN SHAWNEE
CULTURAL PRESERVATION DEPARTMENT

70500 East 128 Road, Wyandotte, OK 74370

December 17, 2021

INDOT - Indiana Department of Transportation
100 N. Senate Ave. IGCN642
Indianapolis, IN 46201

RE: Des No. 1801915, Wabash County, Indiana

Dear Mr. Miller,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Wabash County, Indiana. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a)). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.

Sincerely,

Paul Barton, Tribal Historic Preservation Officer (THPO)
Eastern Shawnee Tribe of Oklahoma
(918) 666-5151 Ext:1833

Scott Henley (Jeffrey Scott)

From: Scott Henley (Jeffrey Scott)
Sent: Friday, December 17, 2021 8:32 PM
To: Kauffmann, Danielle M; rsharkey@dnr.in.gov; andrea@wabashmarketplace.org; doug@lehmanlaw.net; mayor@cityofwabash.com; michelle.allen@dot.gov
Cc: Karen Wood; Ross, Anthony; Branigin, Susan; Miller, Shaun (INDOT); Watson, George C.; Moffatt, Charles D; Springer, Jason
Subject: FHWA Project: Des. No. 1801915; Consulting Party Meeting Minutes, Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana
Attachments: Des1801915_EastStRRGradeSeparationCPMtg_Minutes_2021-12-17.pdf

Des. No.: 1801915

Project Description: Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation, proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. The Section 106 Early Coordination Letter for this project was originally distributed on January 27, 2021. A Historic Properties Short Report was distributed on November 16, 2021.

As part of Section 106 of the National Historic Preservation Act, Consulting Party Meeting Minutes have been prepared and are ready for review and comment by consulting parties.

Please review this documentation located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with any comments that you may have. If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Thank you in advance for your input,

Scott Henley (Jeffrey Scott)
Cultural Resource Associate

SJCA Inc.

1023 Virginia Ave, Suite 201
Indianapolis, IN 46203

Tel: 317-566 0629

December 17, 2021

Section 106 Consulting Party Meeting

Meeting Date: December 1, 2021
Work Type: Grade Separation Project
Route: East Street
Des. No.: 1801915
DHPA: 26959

Attended by:

Anthony Ross, INDOT Cultural Resources Office (CRO)-LPA Administrator
Susan Branigin, INDOT CRO-History Unit Team Lead
Jason Springer, INDOT Project Manager
Brandon Miller, INDOT Environmental Services-NEPA Team Lead
Michelle Allen, Federal Highway Administration (FHWA)-Indiana Division
Steven Minor, FHWA-Indiana Division
Danielle Kauffmann, Indiana Department of Natural Resources (IDNR), Division of Historic Preservation and Archaeology (DHPA) (staff of the State Historic Preservation Officer [SHPO])
Rachel Sharkey, IDNR, DHPA (staff of the SHPO)
Scott Long, Mayor, City of Wabash
Doug Lehman, City Attorney, City of Wabash
George Watson, WSP-Project Manager
Jackie Dohrenwend, WSP-Project Manager
Karen Wood, SJCA Inc.-Cultural Resources and Environmental Manager
Erin Mulryan, SJCA Inc.-Director of Environmental Services
Scott Henley, SJCA Inc.-Cultural Resources Associate

A Section 106 consulting party meeting was held virtually via Microsoft Teams on December 1, 2021 at 1:00 pm EST to discuss the proposed project and the impact on one historic resource: the East Wabash Historic District, NR-1916. The following is a summary of the meeting agenda items and ensuing discussions:

The meeting began with introductions and Scott Henley gave an overview of the housekeeping items for the meeting and the agenda for the meeting. Michelle Allen gave a brief overview of the Section 106 process. Scott Henley then discussed the Section 106 process as it pertains to the Wabash Local Trax project specifically. Henley presented the steps in the process that have already been completed and what steps are yet to come in the process.

George Watson provided a general overview of the Local Trax project as a whole. Scott Henley followed with the Purpose & Need for the project and discussed the specifics of the issues caused by stopped train events in the City of Wabash. George Watson then began a discussion on this particular Local Trax project beginning with a graphic overview of the separation of the city by the railroad and the current

conditions of the project area. Watson demonstrated that there is one small underpass crossing located on Vermont Street in a park that is not appropriate for higher volumes of traffic and emergency vehicles. This is new information and future project correspondence will be revised to make a note of this underpass. Mayor Scott Long added that a ninety-degree turn is present on Vermont Street adjacent to the underpass that prohibits emergency fire vehicles from being able to use the underpass. George Watson then discussed the selection of the east side of Wabash for the location of the grade separation project, discussing each of the six alternatives that were assessed for this project. The grade that would be necessary for the grade separation was assessed for each alternative in order to ensure that the road grade would not be too steep. Watson also noted that part of assessing the alternatives was how much work would need to be done to raise adjoining side street intersections to the grade of the new roadway. Each cross street, where they intersect with the main line road, would have to be raised to properly align them with the new roadway. Reconstruction of those intersections would have an impact on an even larger number of properties than what was shown in the aerials and diagrams provided.

Watson discussed each alternative analyzed, presenting the advantages and disadvantages of each. Watson discussed the relationship between each alternative and the East Wabash Historic District and also noted the overall project length, number of right-of-way parcels impacted, and the number of residential/business relocations that would be required. When discussing the East Street alternative, Watson noted it was shorter in length and more favorable as it relates to the surrounding terrain. East Street also requires a relatively low number of right-of-way parcels in the historic district and only one cross street would need to be reconstructed. Watson stated that the overall assessment was to do the least overall harm while still meeting the purpose and need of the project. Watson presented an advantages/disadvantages table, showing the engineering assessment for each alternative.

Scott Henley asked Watson to discuss a graphic in the presentation that overlaid the project design on an aerial of East Street to demonstrate where the work would take place, what parcels would be affected, and how the area might look after the project is completed. Watson spoke about some design specifics regarding the bridge structure, the road profile, and the plan sheet for the project.

Henley discussed identified historic properties in the project area and presented a map demonstrating the project area, the area of potential of effect, and the East Wabash Historic District. Henley noted that three properties located within the historic district are adjacent to the project area. Henley discussed the significance of the historic district, its eligibility for listing in the National Register of Historic Places, and its date of listing. Next, Henley discussed the archaeological survey that was conducted, the one site that was found, and that it was recommended not eligible for the National Register. Henley read an excerpt of a letter from the Miami Tribe of Oklahoma regarding their concern for a nearby historic site related to the signing of the Treaty of 1826 between the Miami Tribe and the United States. Although the project will not directly affect that site, Henley believed it important to register the concern of the Tribe into the meeting record.

Henley discussed the effects of the undertaking upon the historic district and the anticipated finding of "Adverse Effect." Henley provided the definition of an "Adverse Effect" as defined by 36 CFR § 800.5(a)(1). Next, Henley presented the specific effects of the undertaking upon the East Wabash Historic District. Henley presented slides with photographs of the three properties in the historic district

adjacent to the project area. George Watson then went over the specific portions of the undertaking that relate to those properties and how they will be affected. Watson explained the retaining walls in front of the properties would be diminished in height due to the grade raise of the roadway as it climbs up toward the proposed bridge. Any driveways and stairways currently tying into the roadway would need to be reconstructed in order to tie into the grade raise. One of the properties would essentially be below the level of the road due to the new rise in the grade of the road. Sidewalks would be reconstructed to follow the new grade proposed for East Street. Additionally, Watson discussed a new storm sewer line that will be under Hill Street on the east sides of East Street and a new ADA-compliant curb ramp at the northeast corner of East Street and Hill Street.

Karen Wood added that the storm sewer work is a new design item that has been added to the project due to concerns raised by Norfolk Southern Railroad regarding potential drainage issues that might affect railroad property. George Watson stated this design change was included to satisfy the railroad's concerns over drainage issues.

Scott Henley discussed the avoidance, minimization, and mitigation measures proposed for the project. Henley noted that the only avoidance alternative identified to date is a no-build alternative which would not meet the purpose and need of the project. Henley also noted that minimization has been a concern throughout the design of this project noting several minimization efforts that have been undertaken to avoid impacts to historic properties via the other alternatives. Henley discussed three different proposed mitigation measures for the project: aesthetic treatment for the proposed bridge, tree plantings, and interpretive signage for the historic district. Henley opened up the meeting to questions and comments from the attendees.

Anthony Ross of INDOT asked about the ramifications of the design elements related to raising the grade of the road adjacent to the three properties within the historic district. Scott Henley and George Watson discussed that the stairs of 390 East Hill Street would have to be adjusted to meet the new level of the road. The driveway of 10 N. East Street would be reconstructed to meet the new level of the road and the retaining wall in front of that property would be removed as at that point, the road would begin to rise above the current level of the yard and a retaining wall would be placed facing the property. At 402 East Hill Street, the stairs would likely need to be adjusted to meet the rising grade of the new sidewalk to be installed; however, the retaining wall would stay in place. While the anticipation of an "Adverse Effect" was previously shared with consulting parties, the details of what design elements would be taking place within the boundaries of the East Wabash Historic District were shared with the consulting parties at the meeting for the first time.

Anthony Ross stated that we would need to discuss how these changes might imply, potentially, the need for a possible Section 4(f) alternatives analysis. A Section 4(f) analysis is separate from the Section 106 process and is required if a part of all of a historic property is being converted to a transportation use either through permanent incorporation into the project, temporary occupancy that is an adverse effect in terms of the preservation purpose of Section 4(f), or if the project's proximity to the property substantially impairs the features or attributes that qualify the property for protection under Section 4(f). Before approving a project that uses Section 4(f) property, FHWA must determine that there is no feasible and prudent alternative that avoids the Section 4(f) properties and that the project includes all

possible planning to minimize harm to the Section 4(f) properties. When multiple alternatives use Section 4(f) property and the evaluation of avoidance alternatives concludes that there is no feasible and prudent avoidance alternative, then FHWA may approve, from the remaining alternatives that use Section 4(f) property, only the alternative that causes the least overall harm in light of the preservation purpose of the statute. For additional information on Section 4(f), please visit: https://www.environment.fhwa.dot.gov/env_topics/4f_tutorial/overview.aspx?e=e#e. Karen Wood spoke about the temporary right-of-way (approximately 0.06 acre) that is anticipated to be needed from two of the properties and how that relates to the Section 4(f) temporary occupancy exception. Wood stated that the requirement to meet the temporary occupancy exception to return the property to existing conditions would not be met. Therefore, a Section 4(f) use may apply. Wood then asked for input from Michelle Allen of FHWA. Allen stated that it sounds like there may be an impact that could trigger Section 4(f). Allen then gave a brief statement regarding what Section 4(f) is and how the process unfolds when it occurs. Anthony Ross added that INDOT CRO will need some time to analyze the effects and noted that Section 4(f) does require its own process and time frame apart from the Section 106 process. Allen spoke to the time implications of Section 4(f), stating that it could add several months to the overall process. Allen also noted some of the specific steps involved and other agencies that are involved in that process. Ross then stated that another meeting regarding Section 4(f) would be welcome in the future.

Danielle Kauffmann of SHPO staff stated she had several questions. First, Kauffmann asked if the bridge would be visible from any other areas of the East Wabash Historic District. Scott Henley explained that the bridge would likely be visible along much of the eastern and southern portions of the historic district. Kauffmann asked if any of the proposed relocations were in the historic district boundaries. Henley said that no relocations would take place in the historic district. Kauffmann asked if any of the anticipated increase in traffic discussed earlier along East Street would include trucks and heavy vehicles. George Watson stated that signage is anticipated as part of the project in order to try and restrict truck and heavy vehicle traffic to the main thoroughfare on State Road 13 in Wabash. Kauffmann noted that in looking at the National Register nomination form for the East Wabash Historic District, the boundary appears to not include the house at 10 North East Street and that a closer look at the verbal boundary description is warranted. Karen Wood asked Kauffmann to include that information in the SHPO response letter to the consulting party meeting minutes. Kauffmann then noted that this project is under dual review and explained that the dual review process means this project is going to be reviewed simultaneously with the Section 106 process as well as the Certificate of Approval process under Indiana Code 1421-1-18. At the conclusion of this review process in addition to a Section 106 finding, there would potentially be a director's letter of clearance to exempt the project from having to go in front of the historic preservation review board. Otherwise, the project would have to go in front of the review board.

Scott Henley asked for any other questions or comments. After no responses, Henley discussed the next steps after the meeting noting the consulting party meeting summary will be distributed, and went over contact information for SJCA, INDOT, and FHWA. Anthony Ross asked if time could be taken to get any ideas on potential mitigation before the end of the meeting. Scott Henley reviewed the mitigation measures that had been discussed. Danielle Kauffmann mentioned that signage pertaining to the Treaty of 1826 mentioned in the Miami Tribe letter might be appropriate if signage does not already exist.

Karen Wood noted that signage is already in place at the park for the treaty. Wood then asked George Watson how reasonable it would be for trees to be planted in the flatter areas adjoining the project area near the bridge. Watson stated he would have to verify how the right-of-way lays in relation to the embankment and the flatter areas that would be reverting to the city from acquired properties. Karen Wood asked Mayor Scott Long of the City of Wabash if there were any specific comments about the tree plantings. Mayor Long stated he was not opposed to tree plantings on the back edge of the right-of-way. Watson added that seemed feasible. Wood stated tree planting might provide additional screening for the historic district.

Danielle Kauffmann asked if anyone had seen any other mitigation ideas from other local trax projects across the state. Karen Wood added that this is the only local trax project that she has been a part of that had an adverse effect. Wood asked Mayor Long if the city had any ideas for specific results regarding mitigation. Mayor Long answered they really haven't thought about it. Scott Henley recapped the next steps after the meeting.

Scott Henley closed the meeting. The meeting minutes will be distributed, including the exhibits shared during the meeting. Please use this link here to see the recorded meeting: https://sjcaeng-my.sharepoint.com/:v:/g/personal/shenley_sjcainc_com/ESnxaIJ1mh1BlqddRhZPLgkBeLyilHB58wjhakLAIJHCFw?e=EvQYL8

This is our understanding of the items presented for discussion. Please inform WSP or SJCA Inc. in writing of any corrections/additions to the summary. If no written comments are received within thirty (30) days of receipt of the summary, it will be considered finalized as written.

Attachments

CP Meeting Agenda

CP Meeting Exhibits

Agenda
Consulting Party Meeting
December 1, 2021, at 1:00 PM EST
Des. No. 1801915
East Street Railroad Grade Separation

- 1) Introductions (SJCA)
- 2) Brief Overview of Project and existing Conditions (WSP)
- 3) Proposed Alternatives (WSP)
- 4) Effects of the undertaking upon the historic property (SJCA)
- 5) Avoidance/Minimization/Mitigation measures (SJCA)
- 6) Questions/Discussion
- 7) Review and Conclusion

Welcome to Wabash Local Trax Consulting Parties Meeting; Des. No. 1801915

- Everyone is muted to start
- During the presentation, use the chat function to submit a question or make a comment anytime during the presentation
- An open Q&A discussion will follow the presentation
- All comments and questions will be part of the official record, taken into consideration, and included in the 800.11 (e) documentation



1

Agenda

1. Introductions (SJCA)
2. Brief overview of project and existing conditions (WSP)
3. Proposed alternatives (WSP)
4. Identified historic properties & archaeological areas of concern (SJCA)
5. Effects of the undertaking upon the historic property (SJCA)
6. Avoidance/Minimization/Mitigation measures (SJCA)
7. Questions/Discussion
8. Review and conclusion



2



Wabash Local Trax

Des. No. 1801915

Consulting Party Meeting
December 1, 2021

Scott Henley, SJCA
George Watson, WSP
Karen Wood, SJCA
Erin Mulryan, SJCA


3

Section 106 Steps for East Street Grade Separation Project

1. Initiate Consultation:
 - Early Coordination Letter distributed January 27, 2021
2. Identify Historic Properties:
 - Historic Properties Short Report and Archaeology Report distributed November 16, 2021
3. Assess Effects of Undertaking on Historic Properties:
 - Consulting Parties Meeting held December 1, 2021 ← We are here
 - 800.11(e) Document/Finding/Mitigation (Winter 2021/2022)
4. Resolve any Adverse Effects
 - Draft Memorandum of Agreement (MOA) for review (Jan/Feb 2022)
 - Final MOA for Signatures (Spring 2022)





4



Statewide Goals of the Local Trax Program:

- Reduce the number of public-grade crossings
- Encourage grade separations where possible to bridge over or pass under busy rail lines
- Focus attention on grade crossings with a recent history of multiple collisions




5

Purpose & Need

The need of this project is due to access and mobility issues caused by at-grade railroad crossings in the City of Wabash.

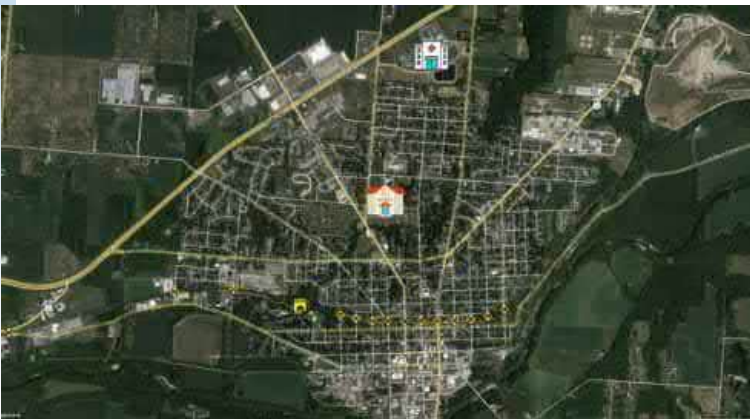
- On average, 17 trains per day (nine during the day and eight at night) pass through the City of Wabash.
- On occasion, a stopped train event occurs, completely cutting the city in half. With no alternate route nearby, the stopped train event causes large scale disruption to city traffic, creating lengthy congestion delays, including disruption to school bus routes and emergency vehicle traffic.
- In case of a stopped train event in the City of Wabash, the train blocks north-south traffic on all streets in the city that cross the railroad, from Mill Street to East Street; the nearest detours available are Lagro Road and US Business Route 24.




The purpose of the project is to provide an unobstructed route for emergency vehicles and the public during stopped train events in the City of Wabash.



6

A Divided City of Wabash



7

Divided by the Rail Line

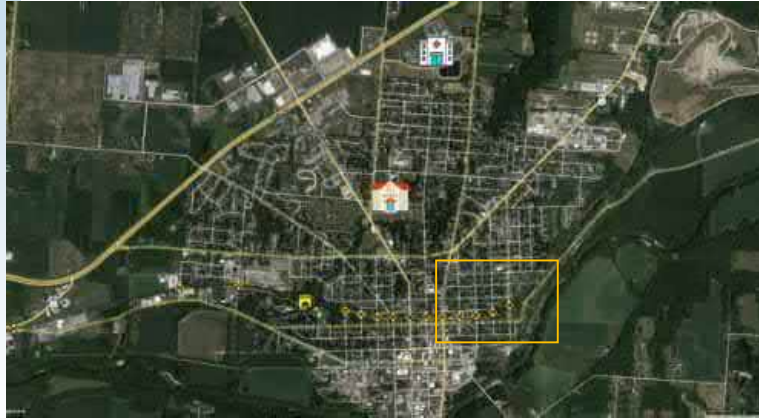






8

Focus on the east side



9

Engineering Assessment

Looked at six potential project sites:



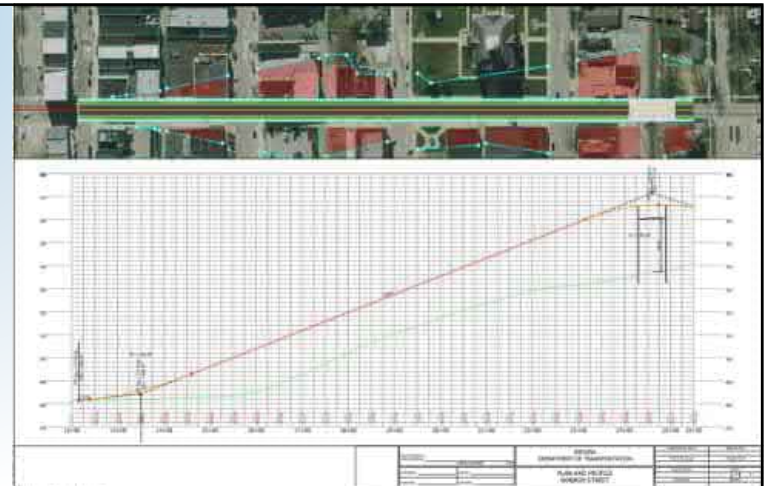
10

Proposed Alternatives



11

A1: Wabash Street



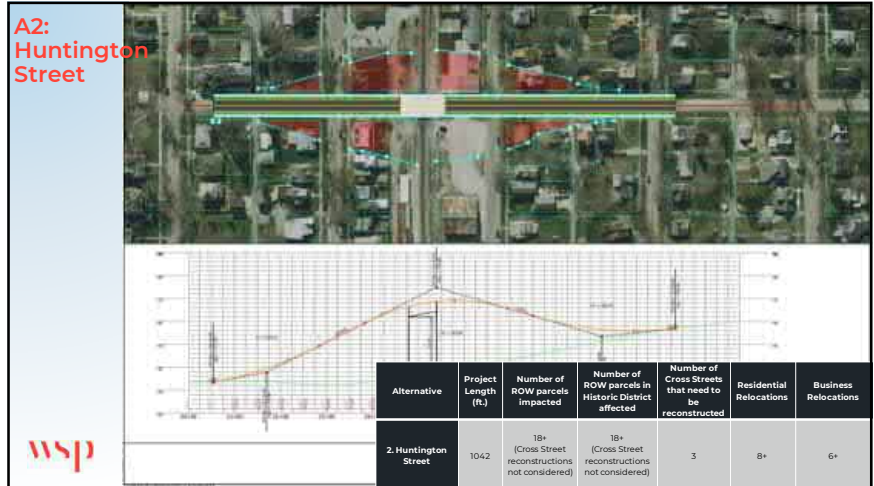
12

A1: Wabash Street



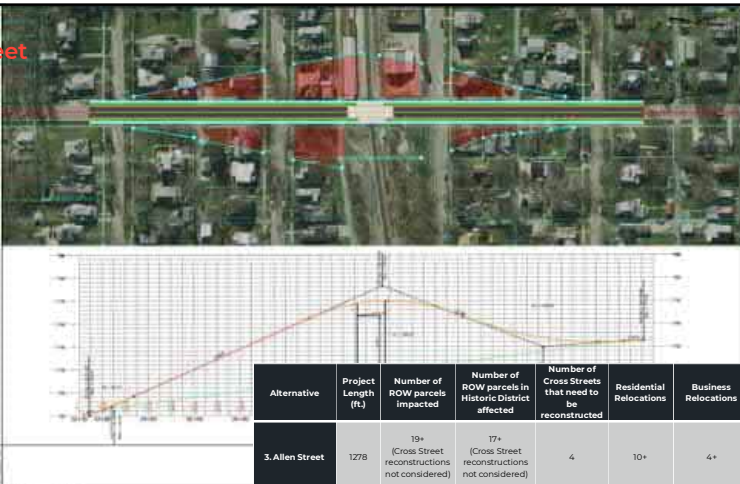
13

A2: Huntington Street



14

A3: Allen Street



15

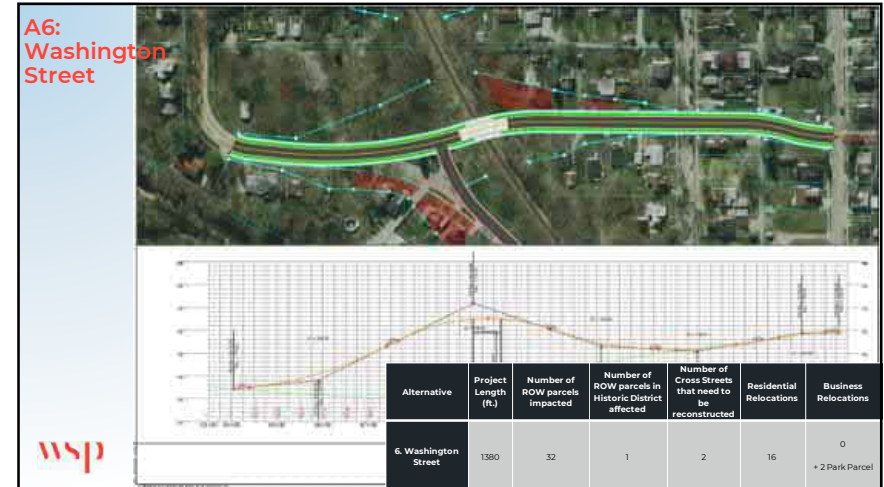
A4: Spring Street



16



17



18

Engineering Assessment

Alternative	Project Length (ft.)	Advantages	Disadvantages
1. Wabash Street	1705	<ul style="list-style-type: none"> Major roadway, much improved north-south mobility Relatively low impact on parcels in historic district 	<ul style="list-style-type: none"> High project length Large number of ROW parcels impacted High number of cross streets need to be reconstructed Tall MSE Walls directly adjacent to courthouse Drastically reduce east-west mobility through City Geometry of city not favorable for a tunnel
2. Huntington Street	1007	<ul style="list-style-type: none"> Relatively low number of ROW parcels affected. Improved north-south mobility 	<ul style="list-style-type: none"> Large number of parcels in historic district. High number of residential relocations Drastically reduce east-west mobility through City
3. Allen Street	1208	<ul style="list-style-type: none"> Major roadway with high traffic volume Improved north-south mobility 	<ul style="list-style-type: none"> High project length Large number of parcels in historic district. High number of residential relocations Drastically reduce east-west mobility through City
4. Spring Street	1000	<ul style="list-style-type: none"> Relatively low number of ROW parcels affected. Improved north-south mobility 	<ul style="list-style-type: none"> Significant impact on parcels in historic district. Closing Spring Street & Hill Street Intersection would cause significant impacts to the traffic operations. High number of residential relocations
5. East Street	865	<ul style="list-style-type: none"> Low project length Relatively low number of ROW parcels affected. Relatively low impact on parcels in historic district Only one cross street (Maple Ave) needs to be reconstructed. Improved north-south mobility 	<ul style="list-style-type: none"> Impact on parcels in historic district High number of residential relocations
6. Washington Street	1325	<ul style="list-style-type: none"> Minimal impact on parcels in historic district. Relatively low impact on parcels in historic district Not connective to city's grid system 	<ul style="list-style-type: none"> High project length Additional construction of non-existing roadway required. High number of residential relocations

10
CITY OF WABASH, INDIANA
CITY OF SPRINGFIELD, ILLINOIS
wsp

19

Engineering Assessment

Alternative	Project Length (ft.)	Advantages	Disadvantages
1. Wabash Street	1705	<ul style="list-style-type: none"> Major roadway, much improved north-south mobility Relatively low impact on parcels in historic district 	<ul style="list-style-type: none"> High project length Large number of ROW parcels impacted High number of cross streets need to be reconstructed Tall MSE Walls directly adjacent to courthouse Drastically reduce east-west mobility through City Geometry of city not favorable for a tunnel
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20
CITY OF WABASH, INDIANA
CITY OF SPRINGFIELD, ILLINOIS
wsp

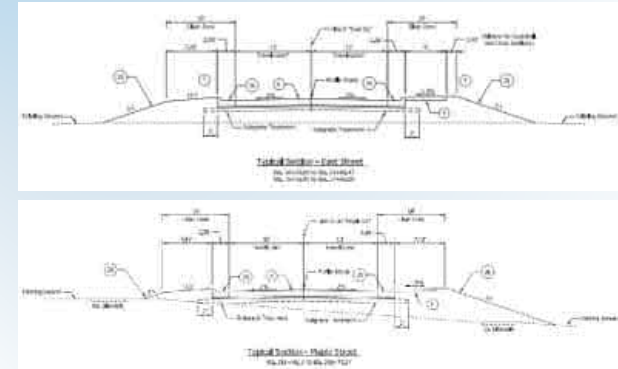
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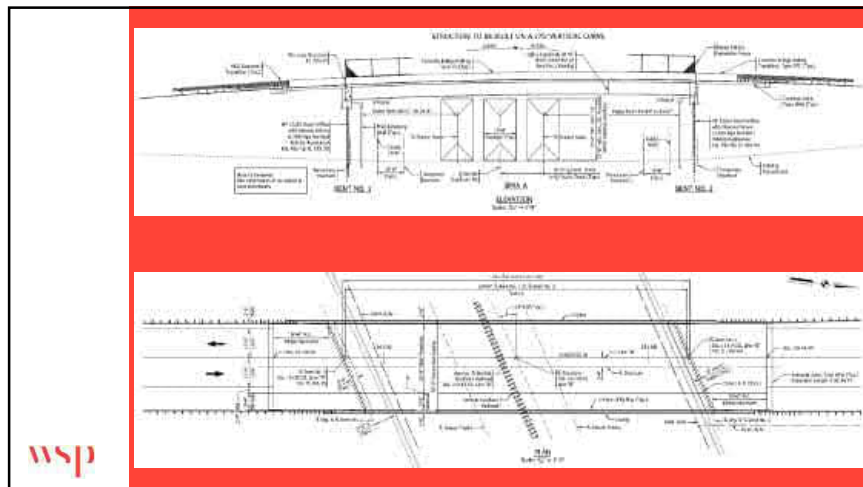
21

Brief Overview of Project

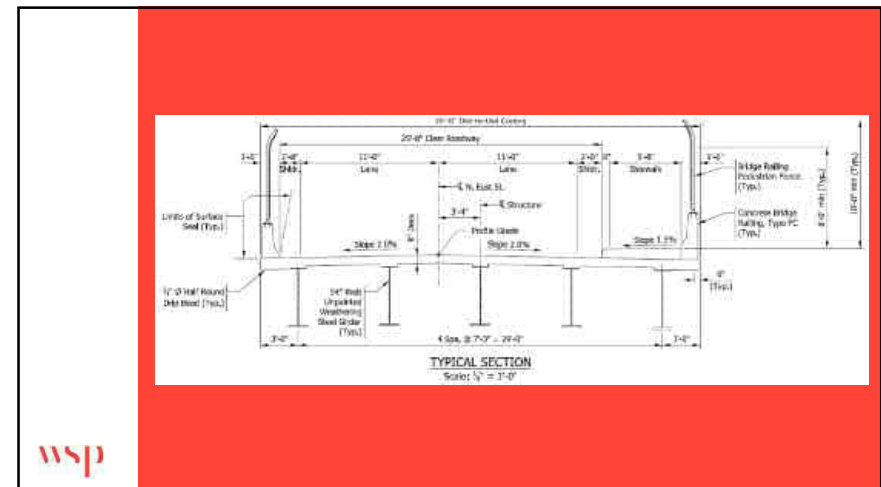
- The proposed new structure will be a simple span composite weathering steel plate girder bridge that will provide a grade-separated crossing at the N. East Street over Norfolk Southern Railroad intersection.



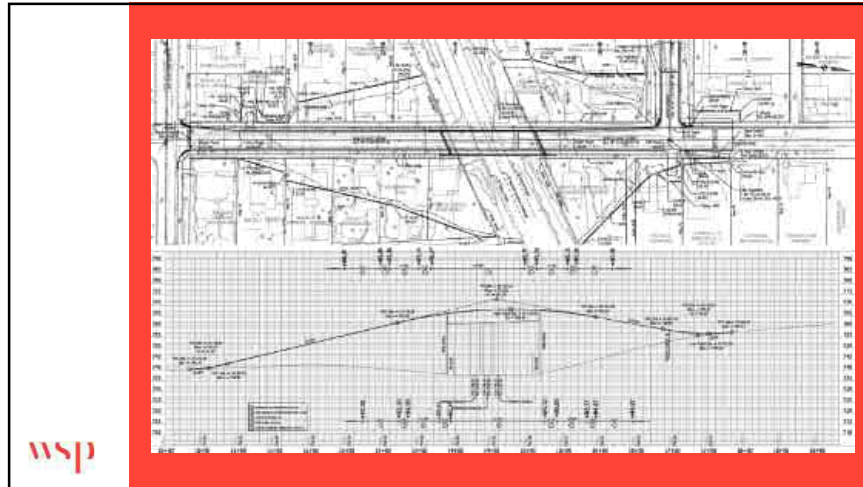
22



23



24



25

Identified historic properties



Aerial Map of project area and Area of Potential Effects (APE).

Three properties within the East Wabash Historic District, NR-1916, are adjacent to the proposed project area, and portions of the historic district are located within the western and southern parts of the APE.

26

Archaeological Investigation

- Phase Ia Archaeological Survey conducted
- One site located and interpreted to be a late 19th to mid-20th century historic era domestic residential site
- Artifacts recovered appeared to be a mixture of general refuse discard and architectural debris
- Site recommended not eligible for the NRHP and no further work was recommended for the site

27

Nearby Areas of Concern



Paradise Spring Historic Park is owned and managed by the City of Wabash. This site is the location of the signing of the 1826 Treaty between the Miami and Pottawatomi Tribes and the United States.

The project is not anticipated to impact this area of concern and efforts have been made to ensure that this site is avoided by all project activities.

Source: Beacon Schneider GIS
Map <https://beacon.schneidercorp.com/Application.aspx?AppID=167&LayerID=2153&PageTypeID=1&PageID=1111>

28

Effects of the Undertaking Upon the Historic Property

The undertaking is anticipated to result in a finding of "Adverse Effect" upon the East Wabash Historic District, NR-1916.

"An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative."

- 36 CFR § 800.5(a)(1)

wsp

29

Effects of the Undertaking Upon the Historic Property

The undertaking is anticipated to result in a finding of "Adverse Effect" upon the East Wabash Historic District, NR-1916.

The undertaking is anticipated to:

- change physical features within the property's setting
- the undertaking is anticipated to introduce visual and audible elements that may diminish the integrity of the property's significant historic features
- temporary right-of-way is anticipated for driveway reconstruction, sidewalk reconstruction, and for removing and replacing a retaining wall

TRAFFIC DATA		
A.A.D.T. (2023)	995	V.P.D.
A.A.D.T. (2043)	995	V.P.D.
D.H.V. (2043)	90	V.P.H.
DIRECTIONAL DISTRIBUTION	NB 51.28%, SB 48.72%	
% TRUCKS	1.11%	A.A.D.T.
	0.00%	D.H.V.

wsp

30

Effects of the Undertaking Upon the Historic Property



Within the East Wabash Historic District, NR-1916:

390-392 E. Hill St. located at the northwest corner of N. East St. and E. Hill St. (both properties are contributing resources to the district)

Staircases to be reconstructed

wsp

31

Effects of the Undertaking Upon the Historic Property



Within the East Wabash Historic District, NR-1916:

402 E. Hill St. located at the northeast corner of N. East St. and E. Hill St. (a contributing resource to the district)

wsp

32

Effects of the Undertaking Upon the Historic Property



Facing west on E. Hill St. from the East St. intersection within the East Wabash Historic District (Right)

Facing south on S. East St. from E. Hill St. intersection within the East Wabash Historic District (Left)



wsp

33

Effects of the Undertaking Upon the Historic Property



Facing east on E. Hill St. from S. East St. intersection within the East Wabash Historic District

34

wsp

34

Avoidance/Minimization/Mitigation Measures

Avoidance

The only avoidance alternative for this project would be the No Build/Do Nothing alternative, which would not meet the Purpose & Need of the project.

Minimization

- Six different alternatives were considered for the location of grade separation
- Four alternatives included impacts to multiple properties within the East Wabash Historic District, NR-1916
- The alternative involving Washington St. (east of East St.) would also impact Hanna Park and include more residential relocations than the proposed alternative

wsp

35

Potential Mitigation Measures

Aesthetic Treatment for the Proposed Bridge tree plantings, and/or signage that may indicate the presence of the National Register-listed East Wabash Historic District, NR-1916.



wsp

36

Potential Mitigation Measures

Tree Plantings around the Proposed Bridge
signage that may indicate the presence of the National Register-listed East Wabash Historic District, NR-1916.



wsp

37

Potential Mitigation Measures

Interpretive Signage that may Indicate the Presence of the National Register-listed East Wabash Historic District, NR-1916.



wsp

38

Questions or Comments?

wsp

39

Next Steps

- Meeting Summary distributed to Consulting Parties
- Consulting Party Comments to Scott Henley, 9102 N. Meridian St., Suite 200, 317-566-0629 x 430, shenley@sjcainc.com, submit by December 15, 2021
- Tribal contacts may contact Shaun Miller, smiller@indot.IN.gov or 317-416-0876 or Kari Carmany-George, K.CarmanyGeorge@dot.gov or 317-226-5629

wsp

40



January 13, 2022

Karen Wood
SJCA, Inc.
9102 N. Meridian Street, Suite 200
Indianapolis, Indiana 46260

State Agency: Indiana Department of Transportation (“INDOT”),
Federal Agency: Federal Highway Administration, Indiana Division (“FHWA”)

Re: DUAL REVIEW: Consulting party meeting summary for the Wabash East Street Railroad Grade
Separation (Local Trax Project) (Des. No. 1801915; DHPA No. 26959)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108); implementing regulations at 36 C.F.R. Part 800; the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana” (“Indiana Minor Projects PA”); and also pursuant to Indiana Code 14-21-1-18 and 312 Indiana Administrative Code (“IAC”) 20-4, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has reviewed your December 17, 2021, submission which enclosed the aforementioned meeting summary from the December 1, 2021 consulting parties meeting, received by our office December 20, 2021, for this project in Wabash, Noble Township, Wabash County, Indiana.

Danielle Kauffmann and Rachel Sharkey of my office virtually attended the December 1, 2021, Consulting Parties meeting. Regarding the meeting summary, we have no corrections to suggest. We appreciate the detail of the PowerPoint presentation slides that clearly illustrate the process to determine East Street as the preferred alternative for this project as other intersections in downtown Wabash have greater relocation, cultural resources, and parcel impact concerns.

Regarding the National Register of Historic Places (“NRHP”)-listed East Wabash Historic District (NR-1916) which is located within the project’s area of potential effects, we would like to clarify the district boundary. While the map within the NR nomination appears to exclude the house at 10 North East Street, the verbal boundary description reads:

The boundary turns west, follows the north property line of Hanna Park to the northwest property corner, turns south and follows the west property line of the park until it meets the northeast property corner of 402 East Hill Street. Here the boundary turns west, follows the north property line of 402 East Hill Street, crosses North East Street to the point directly west of the north property line of 402 North East Street. The boundary makes a 90 degree turn north, continues along the east property line of 390 East Hill Street to the north property line of said lot where it meets the southeast corner of the east-west alley. The boundary continues west along the south edge of the alley, crosses North Spring Street, follows along the south side of the north property line of the homes on the north side of East Hill Street, crosses North Allen Street where it turns north.”

Although the verbal boundary description does not call out 10 North East Street, it does explicitly state that the boundary “**continues west along the south edge of the alley**” off North East Street behind the houses that front East Hill Street, thus including 10 North East Street within the historic district. Based on photographs provided and online street-view imagery, we believe the house at 10 North East Street, while within the East Wabash Historic District (NR-1916), is a non-contributing building within the district.

Since the project as proposed will likely result in an "Adverse Effect" to the East Wabash Historic District, regarding the mitigation ideas, we have no concerns with the ones proposed during the consulting parties meeting. We would be curious to hear other consulting party input, as well as if there is additional input from the Miami Tribe of Oklahoma due to the proximity (but outside this project's area of potential effects) of the nearby historic site related to the signing of the Treaty of 1826. We also want to echo our concern about the increased traffic through the district as part of this project and if any mitigation ideas could minimize those concerns.

In terms of archaeology, we would like to bring to your attention a minor error that was presented in the consulting party meeting. A review of the archaeological reconnaissance report by SJCA, Inc. (Smith, 10/19/2021) indicates that *two* archaeological sites (12-Wb-1026 and 12-Wb-1027) were documented as a result of the reconnaissance survey, rather than the one that was reported during the meeting and in the minutes. However, these sites are both low-density historical artifact scatters and do not appear to be eligible for inclusion in the NRHP. Therefore, as stated before, we concur with the recommendation that project activities may proceed without further archaeological investigation.

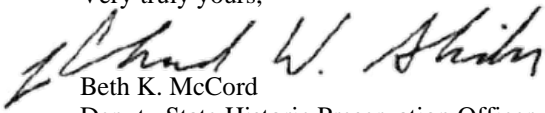
If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the Indiana SHPO within two (2) business days. In that event, please 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, including but not limited to 36 C.F.R. Part 800.

For the benefit of those recipients of a copy of this letter who are not Section 106 consulting parties, please be aware that a copy of this submission can be found online at <http://erms.indot.in.gov/Section106Documents/>. From there, search by this project's designation number: 1801915.

If you have questions regarding our dual review of the aforementioned project, please contact DNR-DHPA. Questions about archaeological issues should be directed to contact Rachel Sharkey at (317) 234-5254 or rsharkey@dnr.in.gov. Questions about historic buildings or structures pertaining to this review should be directed to Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov.

In all future correspondence regarding the dual review of this Wabash East Street Railroad Grade Separation project in Wabash County, a Local Trax project (Des. No. 1801915), please refer to DHPA No. 26959.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer
Director, Division of Historic Preservation and Archaeology

BKM:DMK:dmk

CC to potentially interested persons:
Wabash Historic Preservation Board

EMC to federal and state agency or consultant staff members:
Kari Carmany-George, FHWA
Anuradha Kumar, INDOT
Anthony Ross, INDOT
Shaun Miller, INDOT
Susan Branigin, INDOT
Scott Henley, SJCA, Inc.
Karen Wood, SJCA, Inc.
Rachel Sharkey, DNR-DHPA
Danielle Kauffmann, DNR-DHPA

EMC to Indiana Historic Preservation Review Board Members:
J. Scott Keller, Review Board
Daniel Kloc, AIA, Review Board
Jason Larrison, AIA, Review Board
Chandler Lighty, Review Board
Beth K. McCord, INDNR-DHPA, Review Board
Ryan Mueller, Deputy Director, INDNR, and Chairman, Review Board
Anne Shaw, Review Board

April Sievert, Ph.D., Review Board

EMC to potentially interested persons:

Delaware Tribe of Indians, Oklahoma
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe
United Keetowah Band of Cherokee Indians

Indiana Landmarks, Northeast field office
Wabash County Historian
Wabash County Historical Museum
Wabash Marketplace
Wabash County Commissioners
Honorable Scott Richardson, Mayor of Wabash
Wabash Street Department

East Street Railroad Grade Separation Project
HISTORIC PROPERTY SHORT REPORT

Wabash, Wabash County, Indiana
Des. No. 1801915; DHPA No. 26959

November 2021



Prepared for:
WSP USA Inc.
115 W. Washington St.
Indianapolis, IN 46204

By:

Scott Henley
Cultural Resources Associate / Qualified Professional
SJCA Inc.
9102 N. Meridian St., Suite 200
Indianapolis, IN 46260

p.317.566.0629

f. 866.422.2046

shenley@sjcainc.com



Management Summary

This report documents the identification and evaluation efforts for properties included in the Area of Potential Effects (APE) for the East Street Railroad Grade Separation project in Wabash, Wabash County, Indiana (Des. No. 1801915). Above-ground resources located within the project APE were identified and evaluated in accordance with Section 106, National Historic Preservation Act (NHPA) of 1966, as amended, and the regulations implementing Section 106 (36 CFR Part 800).

As a result of the NHPA, as amended, and CFR Part 800, federal agencies are required to take into account the impact of federal undertakings upon historic properties in the area of the undertaking. Historic properties include buildings, structures, sites, objects, and/or districts that are eligible for or listed in the National Register of Historic Places (NRHP). As this project has the potential to receive funds from the Federal Highway Administration (FHWA), it is subject to a Section 106 review.

The APE contains one property that is listed in the NRHP: East Wabash Historic District, NR-1916, listed in 2011. It is recommended to remain listed in the NRHP. The APE contains no properties that are recommended eligible for listing in the NRHP.



A Phase Ia Archaeological Literature Review and Reconnaissance Survey for the Proposed North East Street over the Norfolk Southern Railroad Grade Separation Project (Des 1801915), 0.08 miles North of East Hill Street, in the City of Wabash, Wabash County, Indiana

Archaeological report

October 15, 2021

Lead Agency: Federal Highway Administration

Prepared for:

WSP USA Inc.
115 W. Washington St. Suite 1270S
Indianapolis, Indiana 46205



Galen K Smith, M.A.
Archaeologist/QP
SJCA, Inc.

9102 North Meridian Street, Suite 200
Indianapolis, Indiana 46260

p. 317.566.0629

f. 866.422.2046

e. ksmith@sjcainc.com

MANAGEMENT SUMMARY

In February 2019, WSP USA, Inc. contracted SJCA, Inc. (formerly Green 3) to conduct a Phase Ia archaeological literature review and reconnaissance survey for the proposed North East Street over the Norfolk Southern Railroad Grade Separation Project (Des 1801915), 0.08 miles North of East Hill Street, in the City of Wabash, Wabash County, Indiana.

The Local TRAX rail overpass program is a partnership with the Indiana Department of Transportation (INDOT), local communities, businesses, industry, and railroads to improve the quality of life for residents through large-scale rail-related transportation projects. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

The proposed undertaking is on East Street, extending just north of Maple Street and south to Hill Street in the City of Wabash, Wabash County, Indiana. The project is in Noble Township in Section 11, Township 16 North, Range 6 East of the United States Geological Survey (USGS) Wabash quadrangle (7.5' topographic map).

The survey area (the area examined by this investigation) encompassed 4.2 acres or 1.7 hectares.

The literature review identified 24 archaeological sites and five previous cultural resource investigations within the survey area's 1.0-mile (1.6-kilometer [km]) radius. Portions of the survey area fall within the East Wabash historic district along Hill Street.

A review of the historic cartographic sources and aerial photographs indicated that the survey area had been platted by the last quarter of the 19th century. Residential development occurred throughout the survey area through the first decade of the 20th century.

The Phase Ia reconnaissance survey was conducted on July 19, 2021. The entire survey area was examined through a combination of visual walkover and shovel probing. The survey identified two historic-era sites (12-Wb-1026 and 12-Wb-1027). Both sites are considered not eligible for listing in the National Register of Historic Places (NRHP). Therefore, SJCA recommends no further work for the project.

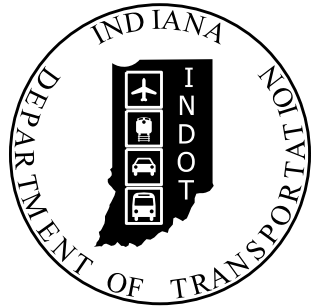
PROJECT	DESIGNATION
1801915	1801915
CONTRACT	BRIDGE FILE
B-41854	85-00918

STRUCTURE INFORMATION				
STRUCTURE	TYPE	SPAN AND SKEW	OVER	STATION
Wabash County Bridge Number 918	Simple Span Composite Weathering Steel Plate Girders	129'0" Skew: 24°0'0" Lt.	Norfolk Southern Railroad	14+50.02 Line "B"

KIN PROJECT INFORMATION	
DES. NO.	PROJECT DESCRIPTION
1801915	Wabash Local Trax On-Call Road Construction
1900837	Wabash Local Trax On-Call New Bridge Construction (Included in this plan set)

STAGE 2 PLANS
NOT FOR CONSTRUCTION
DECEMBER 9th, 2021

INDIANA DEPARTMENT OF TRANSPORTATION



BRIDGE PLANS

FOR SPANS OVER 20 FEET

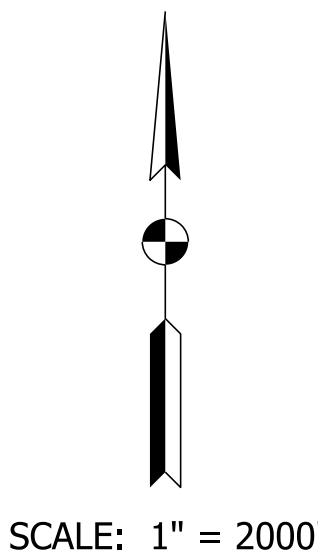
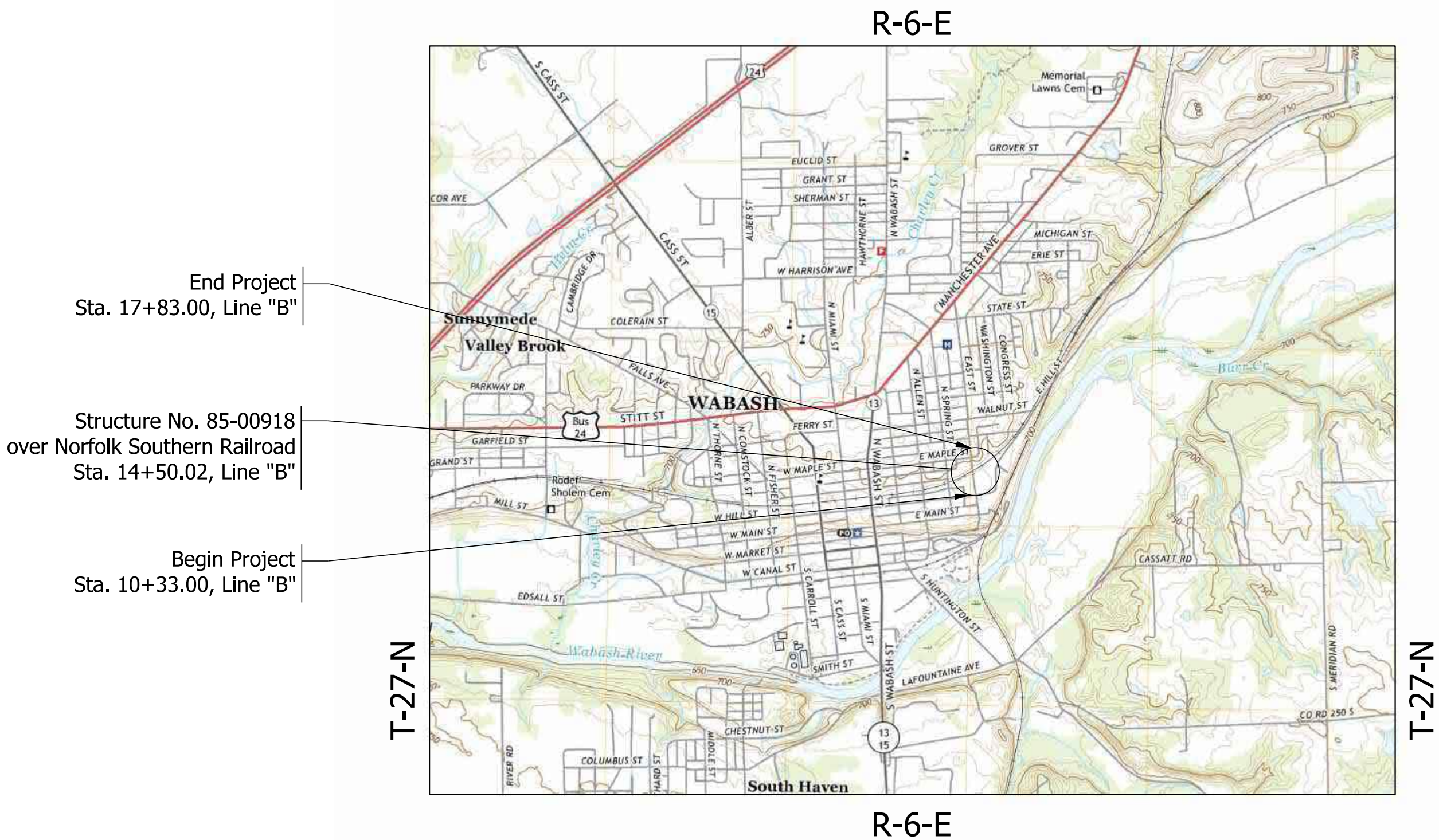
ROUTE: N. EAST ST. AT: RP N/A

PROJECT NO. 1801915 P.E.

 1801915 R/W

 1801915 CONST.

N. East Street over Norfolk Southern Railroad
Located 0.08 Miles North of E. Hill Street
Section 11, T-27-N, R-6-E, Noble Township, Wabash County



TRAFFIC DATA		
A.A.D.T. (2023)		995 V.P.D.
A.A.D.T. (2043)		995 V.P.D.
D.H.V. (2043)		90 V.P.H.
DIRECTIONAL DISTRIBUTION		51/49 %
TRUCKS		1.11% A.A.D.T. 0.00% D.H.V.

DESIGN DATA	
DESIGN SPEED	30 M.P.H.
PROJECT DESIGN CRITERIA	NEW CONSTRUCTION (NON-FREEWAY)
FUNCTIONAL CLASSIFICATION	LOCAL AGENCY COLLECTOR
RURAL/URBAN	URBAN (BUILT-UP)
TERRAIN	LEVEL
ACCESS CONTROL	NONE



PROJECT LOCATION SHOWN BY
WABASH COUNTY

LATITUDE: 40° 48' 02" N LONGITUDE: 85° 48' 52" W

BRIDGE LENGTH:	0.025	MI.
ROADWAY LENGTH:	0.165	MI.
TOTAL LENGTH:	0.140	MI.
MAX. GRADE:	8.0	%

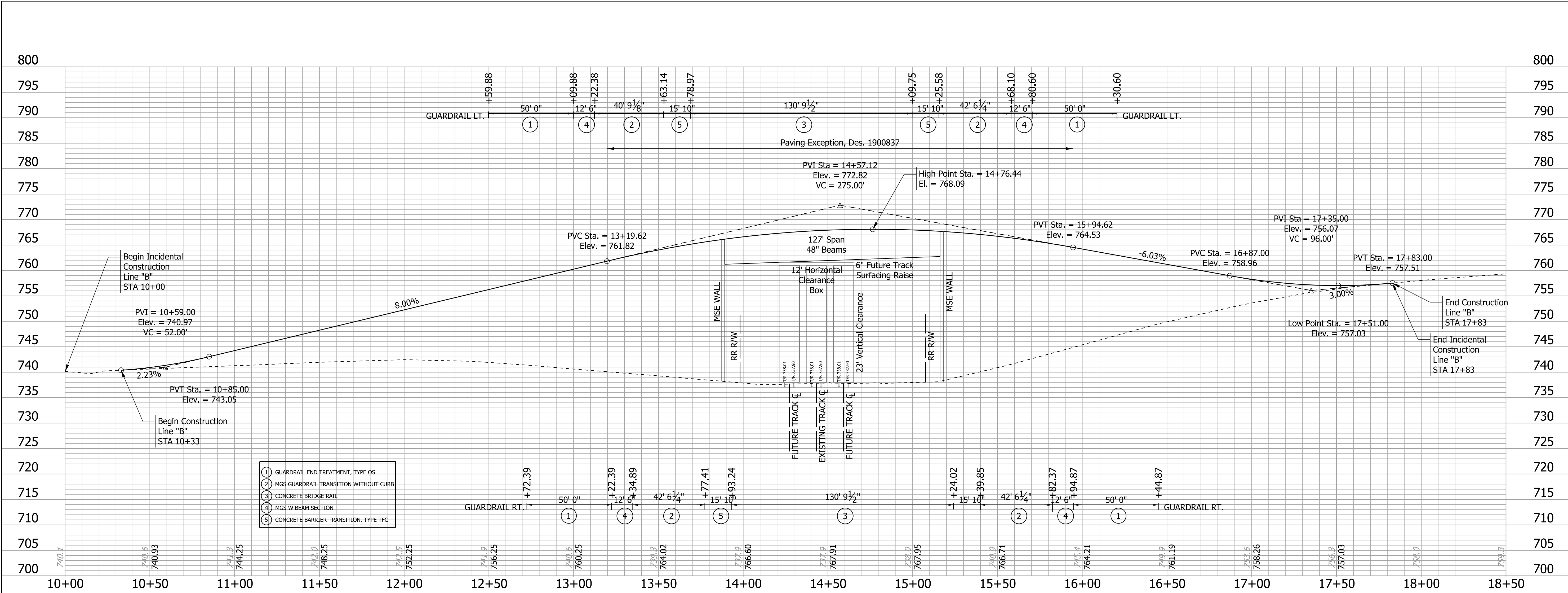
INDIANA DEPARTMENT OF TRANSPORTATION
STANDARD SPECIFICATIONS DATED 2022
TO BE USED WITH THESE PLANS.



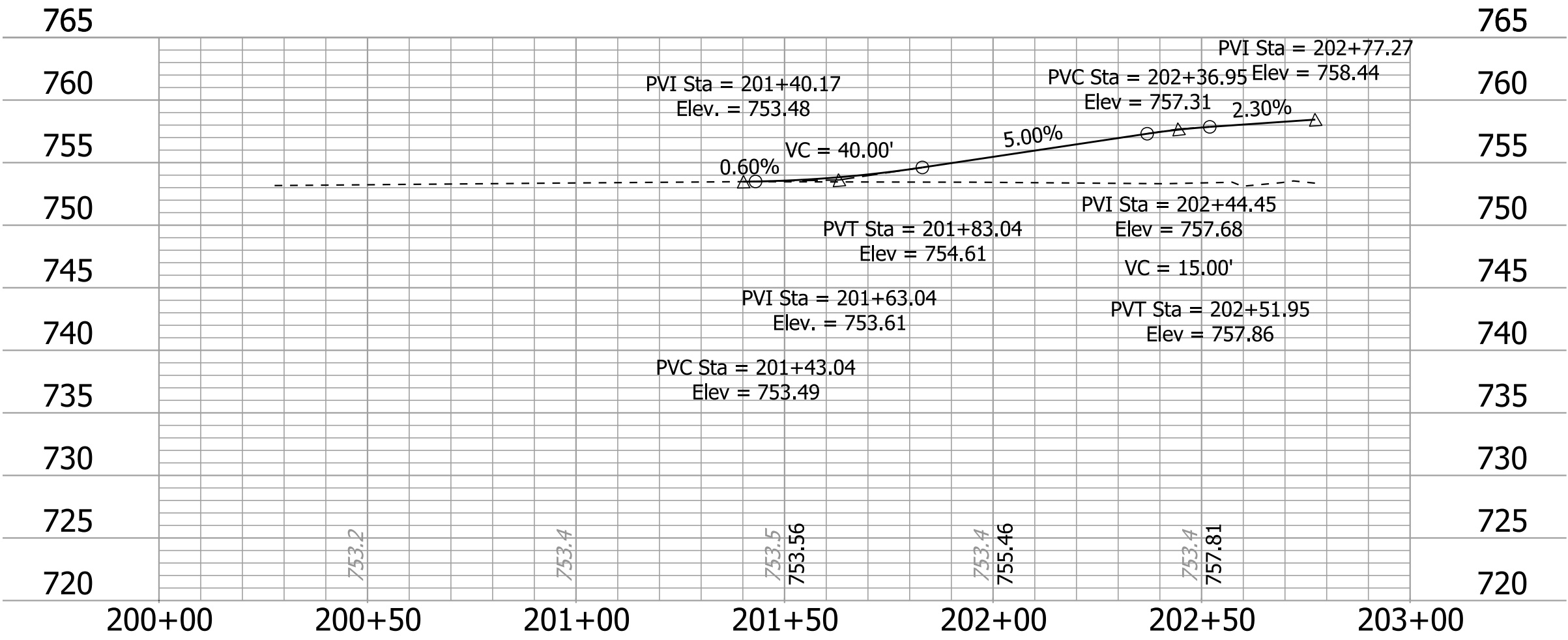
WSP USA Inc.
115 W. Washington Street
Suite 1270S
Indianapolis, IN 46204
TEL: 317-972-1706

PLANS PREPARED BY:	WSP USA INC.	(317) 972-1706 PHONE NUMBER
CERTIFIED BY:		DATE
APPROVED FOR LETTING:	INDIANA DEPARTMENT OF TRANSPORTATION	DATE

SURVEY BOOK	BRIDGE FILE	
	85-00918	
	DESIGNATION	
	1801915	
CONTRACT	SHEETS	
	1	of 36
B-41854	PROJECT	
	1801915	

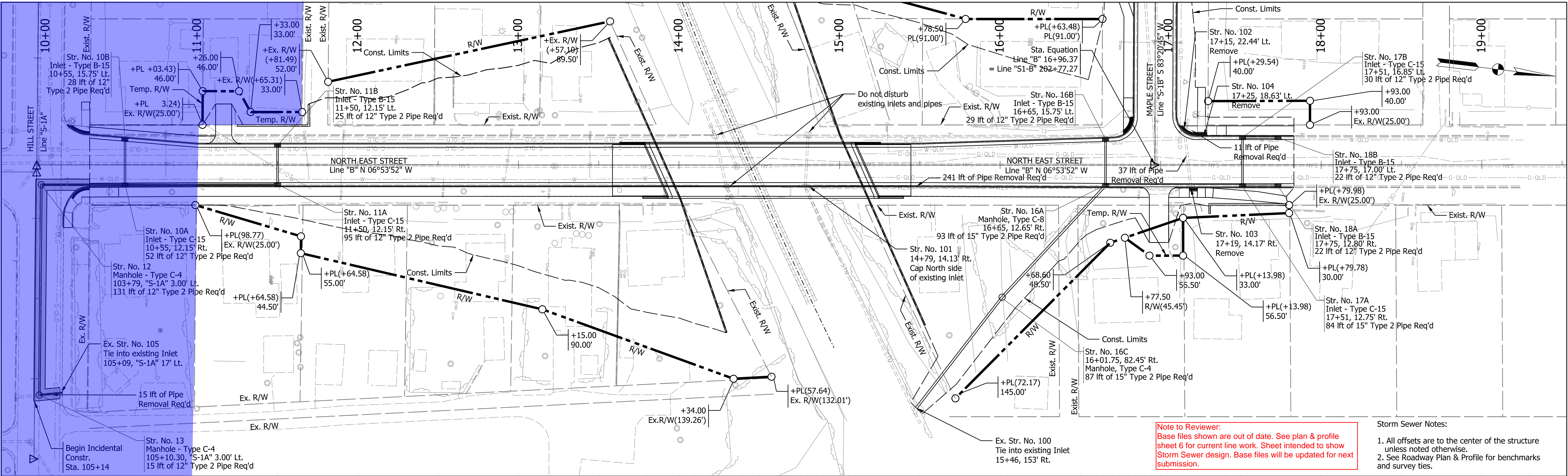


Line B - N East Street



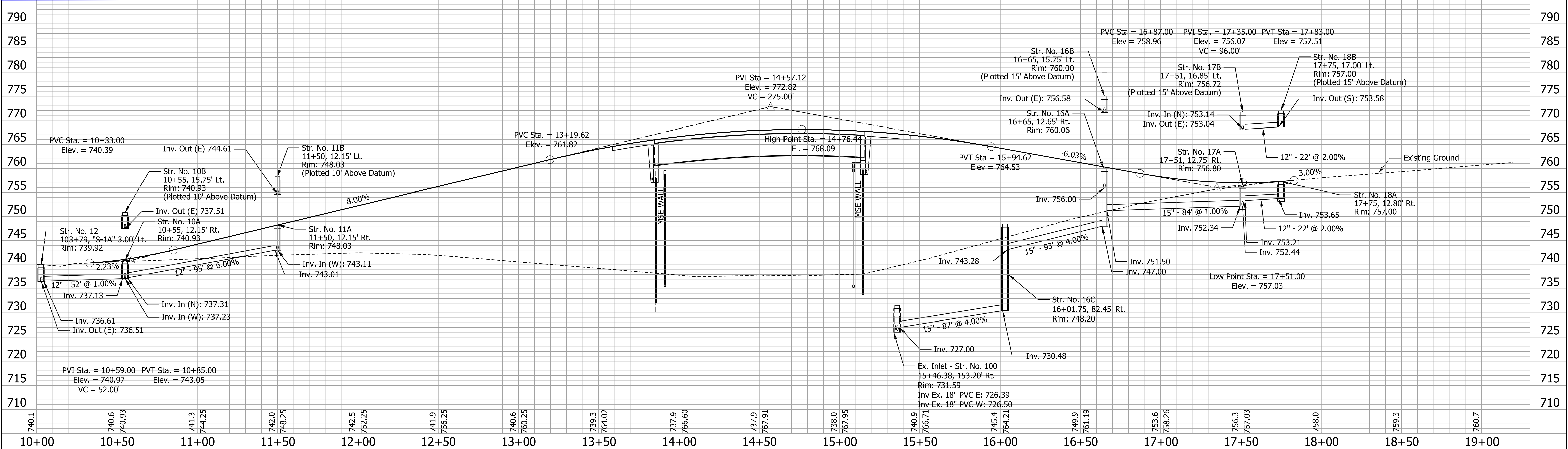
Line S-1B - Maple Street

		RECOMMENDED FOR APPROVAL _____ DESIGN ENGINEER _____ DATE _____	INDIANA DEPARTMENT OF TRANSPORTATION	HORIZONTAL SCALE		BRIDGE FILE		
				1"=30'		85-00918		
				VERTICAL SCALE		DESIGNATION		
				1"=10'		1801915		
			DESIGNED: KMC		DRAWN: DDE		PROFILE - LINE "B" & LINE "S-1B"	
			CHECKED: JOD		CHECKED: JOD			

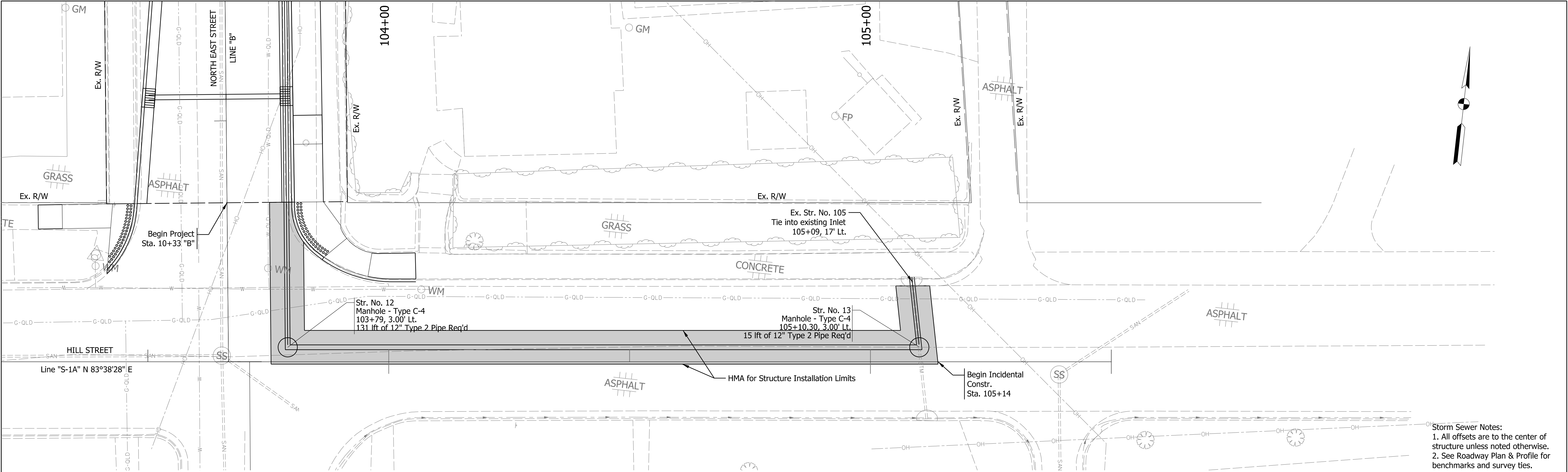


Note to Reviewer:
Base files shown are out of date. See plan & profile sheet 6 for current line work. Sheet intended to show Storm Sewer design. Base files will be updated for next submission.

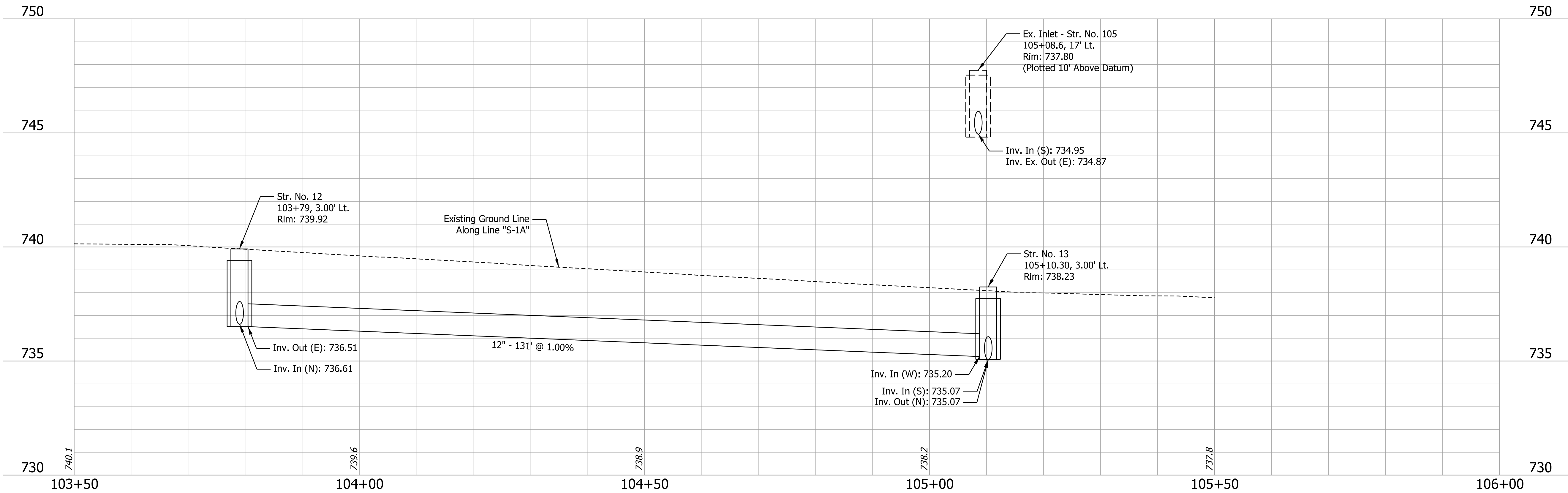
- Storm Sewer Notes:
1. All offsets are to the center of the structure unless noted otherwise.
 2. See Roadway Plan & Profile for benchmarks and survey ties.



RECOMMENDED FOR APPROVAL		DESIGN ENGINEER		DATE		INDIANA DEPARTMENT OF TRANSPORTATION		HORIZONTAL SCALE		BRIDGE FILE	
								1" = 30'		85-00918	
								VERTICAL SCALE		DESIGNATION	
								1" = 10'		1801915	
DESIGNED: BB		DRAWN: KA		PLAN AND PROFILE STORM SEWER		SURVEY BOOK		SHEETS			
						8		of 36			
CHECKED: AJP		CHECKED: BB				CONTRACT		PROJECT			
						B-41854		1801915			



Storm Sewer Notes:
1. All offsets are to the center of structure unless noted otherwise.
2. See Roadway Plan & Profile for benchmarks and survey ties.



LEGEND

HMA for Structure Installation, Type B

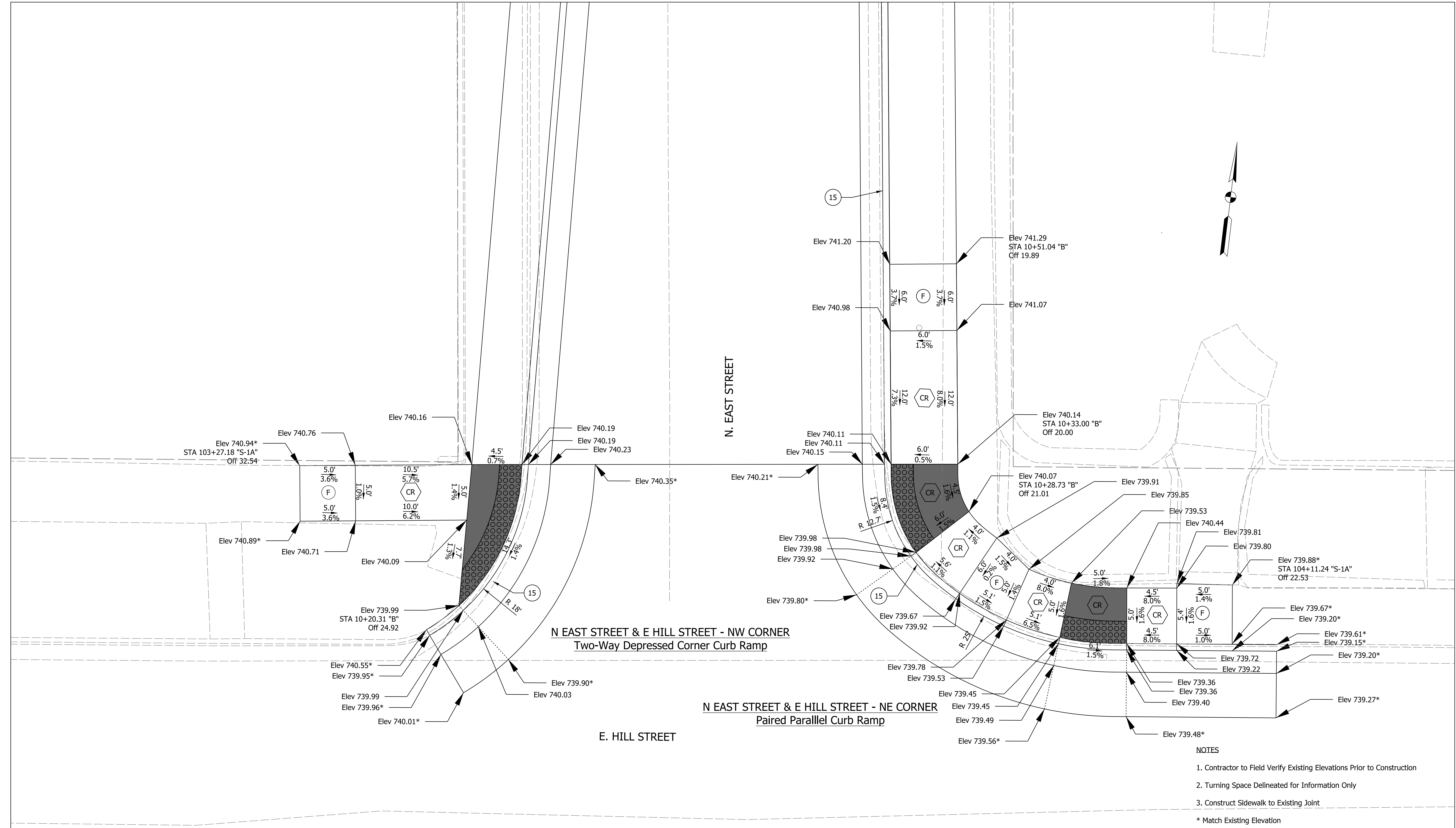
RECOMMENDED FOR APPROVAL _____
DESIGN ENGINEER DATE

DESIGNED: BB DRAWN: KA
CHECKED: AJP CHECKED: BB

INDIANA
DEPARTMENT OF TRANSPORTATION






PLAN AND PROFILE
STORM SEWER

HORIZONTAL SCALE 1" = 10'	BRIDGE FILE 85-00918	
VERTICAL SCALE 1" = 2.5'	DESIGNATION 1801915	
SURVEY BOOK	SHEETS	
	9	of 36
CONTRACT B-41854	PROJECT 1801915	

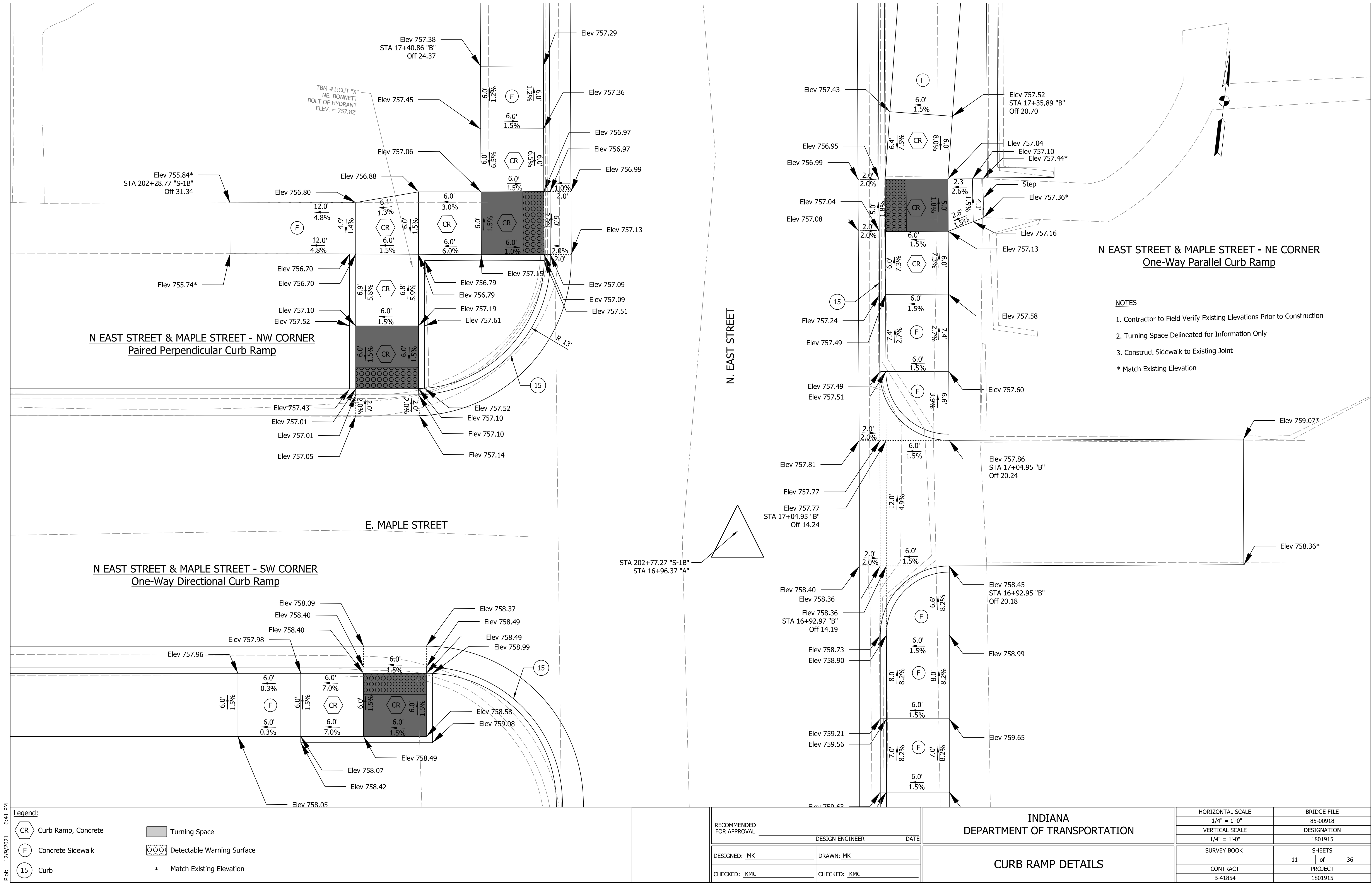


- NOTES
- 1. Contractor to Field Verify Existing Elevations Prior to Construction
 - 2. Turning Space Delineated for Information Only
 - 3. Construct Sidewalk to Existing Joint
- * Match Existing Elevation

Plot: 12/9/2021 6:41

Legend:				RECOMMENDED FOR APPROVAL _____		INDIANA DEPARTMENT OF TRANSPORTATION		HORIZONTAL SCALE		BRIDGE FILE	
	Curb Ramp, Concrete		Turning Space	DESIGN ENGINEER _____		CURB RAMP DETAILS		1/4" = 1'-0"		85-00918	
	Concrete Sidewalk		Detectable Warning Surface	DATE _____				VERTICAL SCALE		DESIGNATION	
	Curb		* Match Existing Elevation	DESIGNED: <u>MK</u>				1/4" = 1'-0"		1801915	
				DRAWN: <u>MK</u>				SURVEY BOOK		SHEETS	
				CHECKED: <u>KMC</u>				10 of 36			
				CHECKED: <u>KMC</u>				CONTRACT		PROJECT	
								B-41854		1801915	

Plot: 12/9/2021 6:41 PM
\\wsppw14ics02\CS_pdf_work_dir\3063\412381_4\5ht Curb Ramp_04_01.dgn



Plot: 12/9/2021 6:41 PM
\\wsppw14ics02\CS_pdf_work_dir\3063\412381_3\5ht Curb Ramp_04_02.dgn

Scott Henley (Jeffrey Scott)

From: Scott Henley (Jeffrey Scott)
Sent: Tuesday, November 22, 2022 9:31 AM
To: Kauffmann, Danielle M; Sharkey, Rachel; mayor@cityofwabash.com
Cc: doug@lehmanlaw.net; Karen Wood; Alexander, Kelyn; Coon, Matthew; Victoria Veach; Watson, George C.; Holder, Jason
Subject: FHWA Project: Des. No. 180195; Final MOA, Wabash East Street Railroad Grade Separation, Wabash, Wabash County, Indiana
Attachments: EastStRRGradeSeparation_Des1801915_finalMOA_2022-11-21_signatures.pdf

Des. No.: 1801915

Project Description: Railroad Grade Separation

Location: Wabash, Wabash County, Indiana

The City of Wabash, with administrative oversight from the Indiana Department of Transportation, proposes to proceed with the East Street Railroad Grade Separation project, Des. No. 1801915. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

As part of Section 106 of the National Historic Preservation Act, the final Memorandum of Agreement (MOA) is now ready for signatures and is being provided to all parties concurrently. Please sign the respective signature page and return a copy to me at shenley@sjcainc.com or by mail to 9102 N. Meridian St., Suite 200, Indianapolis, IN 46260. Once all signature have been collected, the MOA will be distributed to consulting parties via IN SCOPE.

Please review the documentation attached. If a hard copy of the material is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Therefore, if we do not receive a response within thirty (30) days, your agency or organization will not receive any further information on the project unless the scope of work changes.

Tribal Contacts please respond to INDOT's Acting Tribal Liaison, Matt Coon mcoon@indot.in.gov; (317-697-9752) with any responses pertaining to this project including to provide INDOT/Indiana FHWA additional information about Tribal resources/concerns and questions/comments regarding cultural resources. The FHWA point of contact is Kari Carmany-George at K.CarmanyGeorge@dot.gov (317-226-5629).

Thank you in advance for your input,

Scott Henley (Jeffrey Scott)
Cultural Resource Associate

SJCA Inc.

1028 Virginia Ave, Suite 201
Indianapolis, IN 46203

Tel: 317-566-0629

Scott Henley (Jeffrey Scott)

From: Alexander, Kelyn <KAlexander3@indot.IN.gov>
Sent: Tuesday, November 22, 2022 8:45 AM
To: Diane Hunter
Cc: Coon, Matthew; Scott Henley (Jeffrey Scott)
Subject: RE: FHWA Project Des. No. 1801915 East Street Railroad Grade Separation, Wabash, Wabash County, IN--ACTION ITEM: MOA ready for signature
Attachments: EastStRRGradeSeparation_Des1801915_finalMOA_2022-11-21_signatures.pdf

Des. No.: 1801915
Project Description: Railroad Grade Separation
Location: Wabash, Wabash County, Indiana

Good morning Diane,

The final MOA has been prepared and is attached to this email. As an invited signatory, please have the Miami Tribe of Oklahoma's signature page signed and return a copy of it to me at kalexander3@indot.in.gov or by mail at 100 N. Senate Ave., Room N758-ES, Indianapolis, IN 46204. Once all signatures have been collected, the MOA will be distributed to the consulting parties via IN SCOPE.

If you have any questions, please feel free to contact me.

Best regards,

Kelyn Alexander
Major Projects/LPA Review Liaison
Cultural Resources Office
Environmental Services
100 N. Senate Ave., Room N758-ES
Indianapolis, IN 46204
Office: (317) 519-7759
Remote: 8am-4pm
Email: kalexander3@indot.in.gov

****Link to the CRO-Public Web Map App can be found [here](#)**

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE INDIANA STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 C.F.R. Section 800.6(b)(iv)
REGARDING THE EAST STREET RAILROAD GRADE SEPARATION
IN WABASH, NOBLE TOWNSHIP, WABASH COUNTY, INDIANA
DES. NO. 1801915**

WHEREAS the Federal Highway Administration ("FHWA") proposes to proceed with the East Street Railroad Grade Separation Project ("undertaking") in Wabash, Noble Township, Wabash County, Indiana; and

WHEREAS the FHWA, in consultation with the Indiana State Historic Preservation Officer ("Indiana SHPO"), has defined the undertaking's area of potential effects ("APE"), as the term is defined in 36 C.F.R. Section 800.16(d), to encompass the area illustrated on the aerial photograph attached to this document as "Attachment A"; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has found that the East Wabash Historic District (NR-1916) is within the APE; and

WHEREAS the FHWA and the Indiana SHPO both recognize that the East Wabash Historic District (NR-1916) is listed on the National Register of Historic Places ("National Register"); and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined pursuant to 36 C.F.R. Section 800.5(a) that the East Street Railroad Grade Separation will have an adverse effect on the East Wabash Historic District (NR-1916); and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations (36 C.F.R. Section 800) to resolve the adverse effect on the East Wabash Historic District (NR-1916); and

WHEREAS the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on July 16, 2022 in the *Wabash Plain Dealer* (Wabash Co. IN); and

WHEREAS the FHWA has notified the Advisory Council on Historic Preservation ("Council") of the adverse effect and invited the Council's participation in the project, pursuant to 36 CFR Section 800.6(a)(1), in a letter dated July 12, 2022; and

WHEREAS the Council declined to participate in consultation through lack of response to the FHWA's invitation within fifteen (15) days; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited the Indiana Department of Transportation (“INDOT”) to participate in the consultation and to become a signatory to this memorandum of agreement; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited the City of Wabash to participate in the consultation and to become a signatory to this memorandum of agreement; and

WHEREAS the Miami Tribe of Oklahoma has expressed its desire to participate in the consultation and to become a signatory to this memorandum of agreement; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 C.F.R. Part 800) concerning the scope of work as presented in the materials and plans dated July 11, 2022, and has agreed to proceed with the project as proposed with the recommendations provided by the Indiana SHPO in a letter dated August 8, 2022; and

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Section 800.11(e) and (f) to the Council pursuant to 36 C.F.R. Section 800.6[b][1][iv]) and upon the FHWA's approval of the East Street Railroad Grade Separation, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the undertaking on historic properties.

I. MITIGATION STIPULATIONS

The FHWA, in coordination with INDOT, shall ensure that the following measures are carried out:

A. Tree Planting for Screening Purposes

- i. INDOT and/or its representatives shall consult with the City of Wabash, and if appropriate and given consent by the city, INDOT and/or its representatives will plant trees in areas deemed prudent to provide screening for the historic district.
- ii. INDOT and/or its representatives shall make a good faith effort to introduce species appropriate to provide screening and to match existing species in the area.
- iii. Before construction, INDOT and/or its representatives shall present a tree planting plan to consulting parties.
- iv. The tree planting plan shall identify the location and species of the trees to be planted as part of this project and the location they will be planted. A

good faith effort will be made to accommodate the recommendations of the Miami Tribe of Oklahoma to include native species and of cultural significance to the Tribe, such as Northern White Cedar (*Thuja occidentalis*) and Eastern Red Cedar (*Juniper virginiana*).

- v. Indiana SHPO and consulting parties will have thirty (30) days to review and comment on the plan. If the Indiana SHPO does not respond to this submission within thirty (30) days, acceptance will be assumed.
- vi. If the Indiana SHPO or any consulting party responds with recommendations, a good faith effort to accommodate the recommendation will be made. FHWA/INDOT and/or its representatives will inform the Indiana SHPO and consulting parties of its response to such recommendations and submit any revisions for their records.
- vii. INDOT and/or its contractor shall inspect and monitor the mitigative plantings following the INDOT Standard Specification for Care, Inspection, and Replacement of Plant Materials (INDOT Spec 622.18) attached as Exhibit A.
- viii. The City of Wabash will provide INDOT and/or its contractor with right-of-entry to the property during mitigation implementation and subsequent monitoring.
- ix. After completion of the replanting of replacement trees, INDOT and/or its representatives will provide documentation to that effect to consulting parties.

B. Interpretive Signage

- i. INDOT and/or its representatives shall work with the City of Wabash to design interpretive signage within the East Wabash Historic District to indicate the presence and historical significance of the district.
- ii. The graphics and text for the interpretive signage shall be created by a consultant that meets the *Secretary of the Interior's Professional Qualification Standards* and is on the Indiana SHPO's Qualified Professionals list.
- iii. INDOT and/or its representatives shall work with the City of Wabash and the Indiana SHPO to determine the appropriate number of interpretive signs to be erected, with a maximum of two (2) signs, relating to the East Wabash Historic District, the appropriate topics for the interpretive signs relevant to the East Wabash Historic District, and the best locations for the interpretive signs, preferably within the project area for this project.
- iv. The interpretive signage design for the East Wabash Historic District shall be provided to the Indiana SHPO to review for a 30-day period. If the

Indiana SHPO does not provide comments on the signage design within thirty (30) days, acceptance will be assumed. If the Indiana SHPO responds with comments, a good faith effort will be made to accommodate their comments.

- v. INDOT and/or its representatives shall work with the Miami Tribe of Oklahoma, and other interested Tribes, to design interpretive signage regarding the Treaty of 1826 and the nearby Paradise Spring treaty site, from the Native perspective. An effort will be made to secure a location in the Paradise Springs Historical Park to install the sign, but if that is not possible or feasible, a sign will be placed within the project area for this project.
- vi. The interpretive signage design regarding the Treaty of 1826 and the nearby Paradise Spring treaty site shall be provided to the Miami Tribe of Oklahoma, and other interested Tribes, to review for a 30-day period. If the Miami Tribe of Oklahoma, and other interested Tribes do not provide comments on the signage design within thirty (30) days, acceptance will be assumed. If the Miami Tribe of Oklahoma, and other interested Tribes respond with comments, a good faith effort will be made to accommodate their comments.
- vii. The installation of the signage shall be made part of the construction contract.

II. OBJECTION RESOLUTION PROVISION

Disagreement and misunderstanding about how this memorandum of agreement is or is not being implemented shall be resolved in the following manner:

- A. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the FHWA regarding any action carried out or proposed with respect to the East Street railroad grade separation or implementation of this memorandum of agreement, then the FHWA shall consult with the objecting party to resolve this objection. If after such consultation the FHWA determines that the objection cannot be resolved through consultation, then the FHWA shall forward all documentation relevant to the objection to the Council, including the FHWA's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:
 - i. Provide the FHWA with a staff-level recommendation, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or
 - ii. Notify the FHWA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. The FHWA shall take into account the Council's comments in reaching a final decision regarding its response to the objection.

- B. If comments or recommendations from the Council are provided in accordance with this stipulation, then the FHWA shall take into account any Council comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. The FHWA's responsibility to carry out all actions under the memorandum of agreement that are not the subjects of the objection shall remain unchanged.

III. POST-REVIEW DISCOVERY

In the event that one or more historic properties--other than the East Wabash Historic District (NR-1916)-- are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as IC 14-21-1-27 and IC 14-21-1-29, by stopping work in the immediate area and informing the Indiana SHPO and the INDOT Cultural Resources Office of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1 and 312 IAC 21, and the most current *Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites*.

In addition, the Miami Tribe of Oklahoma shall be notified of any unanticipated discoveries during the implementation of this memorandum of agreement.

IV. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. 800.6(c)(7) shall govern the execution of any such amendment.

V. TERMINATION

- A. If the terms of this memorandum of agreement have not been implemented by December 31, 2025, then this memorandum of agreement shall be considered null and void. In such an event, the FHWA shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the East Street Railroad Grade Separation, then it shall reinitiate review of the undertaking in accordance with 36 C.F.R. Sections 800.3 through 800.7.
- B. Any signatory to this memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the undertaking.
- C. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the undertaking.

The execution of this memorandum of agreement by the FWHA, the Indiana SHPO, the INDOT, and the City of Wabash, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the East Street Railroad Grade Separation and its effect on historic properties and that the FHWA has taken into account the effects of the undertaking on historic properties.

SIGNATORIES (required):

FEDERAL HIGHWAY ADMINISTRATION
INDIANA STATE HISTORIC PRESERVATION OFFICER

INVITED SIGNATORIES:

INDIANA DEPARTMENT OF TRANSPORTATION
CITY OF WABASH
MIAMI TRIBE OF OKLAHOMA

SIGNATORY PAGE
MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE INDIANA STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 C.F.R. Section 800.6(b)(iv)
REGARDING THE EAST STREET RAILROAD GRADE SEPARATION
IN WABASH, NOBLE TOWNSHIP, WABASH COUNTY, INDIANA
DES. NO. 1801915

REQUIRED SIGNATORY

FEDERAL HIGHWAY ADMINISTRATION

KARSTIN MARIE
CARMANY-
GEORGE

Digitally signed by KARSTIN
MARIE CARMANY-GEORGE
Date: 2023.01.13 07:34:18
-05'00'

By: _____
for Jermaine R. Hannon, Division Administrator

Date: 1/13/23

**SIGNATORY PAGE
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IN WABASH, NOBLE TOWNSHIP, WABASH COUNTY, INDIANA
DES. NO. 1801915**

REQUIRED SIGNATORY

INDIANA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 12/01/2022
Beth K. McCord, Deputy State Historic Preservation Officer

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IN WABASH, NOBLE TOWNSHIP, WABASH COUNTY, INDIANA
DES. NO. 1801915**

INVITED SIGNATORY

INDIANA DEPARTMENT OF TRANSPORTATION

By: LEHilden
Laura Hilden, Environmental Services Director

Date: 11/21/2022

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REGARDING THE EAST STREET RAILROAD GRADE SEPARATION
IN WABASH, NOBLE TOWNSHIP, WABASH COUNTY, INDIANA
DES. NO. 1801915**

INVITED SIGNATORY

CITY OF WABASH

By: Scott A. Long
Scott A. Long, Mayor

Date: 11/22/2022

**SIGNATORY PAGE
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DES. NO. 1801915**

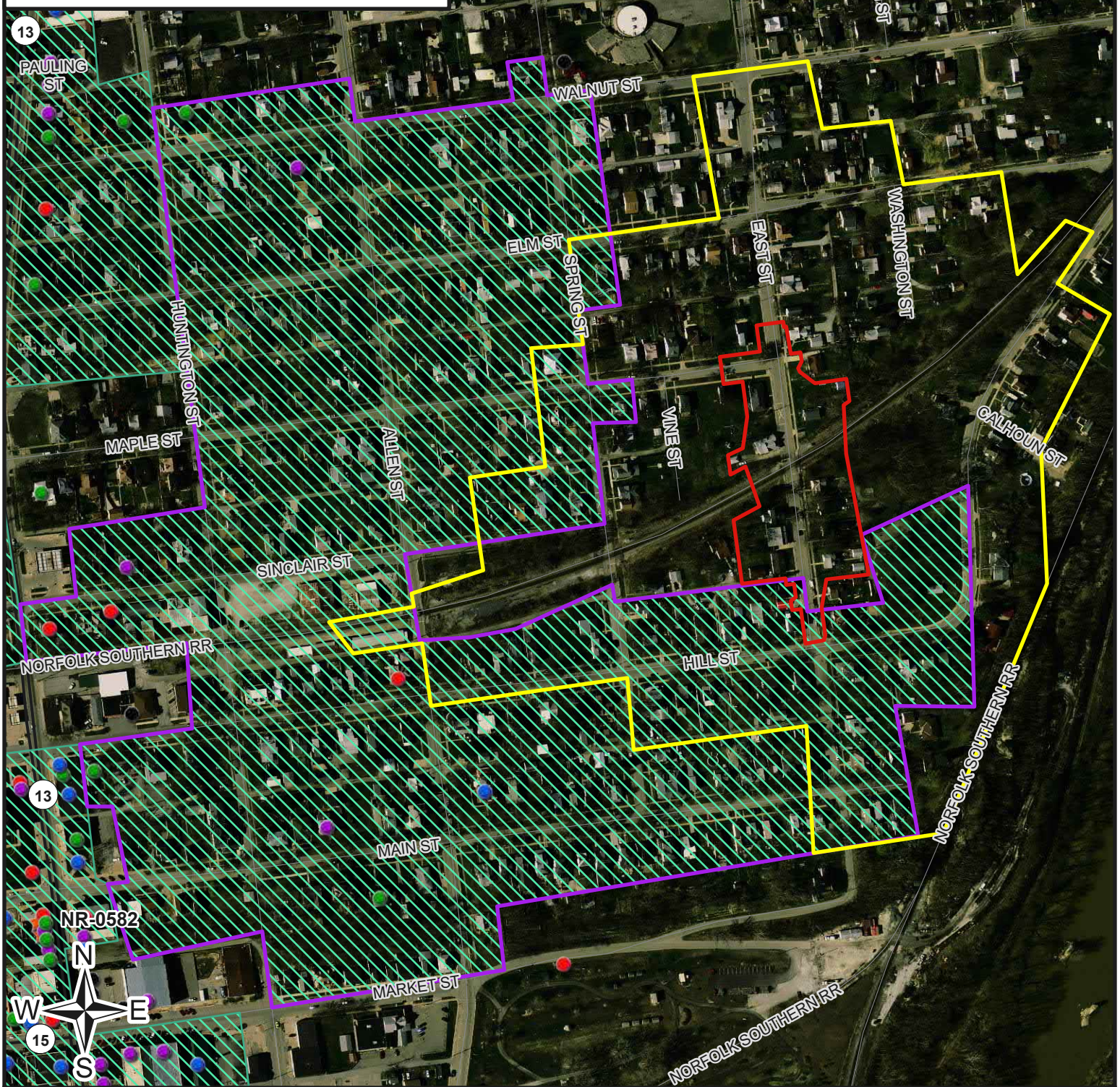
INVITED SIGNATORY

MIAMI TRIBE OF OKLAHOMA

By: 
Douglas Lankford, Chief

Date: 01/11/2023

APE Map (1:4,000)
 Railroad Grade Separation Project
 City Streets
 Des. No. 1801915
 Wabash County, Indiana
 Source: Indiana Orthoimagery, 2011-2013



0 0.05 0.1
 Miles

- Project Area
- Area of Potential Effect
- East Wabash Historic District



point itself to 2 ft beyond the stub stakes of the guy wires or 2 ft beyond the mulched area. In general, these areas shall be in accordance with the plans.

622.18 Care, Inspection, and Replacement

(a) Care

330 Watering, fertilizing, weeding, cultivating, spraying to control insect infestation and disease, and all other good horticultural practices necessary to maintain the plants in a living healthy condition shall be performed up to the time for termination of responsibility for care as set out herein. The plants shall be cared for throughout the life of the contract. All plants stolen, damaged, or destroyed by fire, automobiles, vandalism, or any other cause, with the exception of plants damaged or destroyed by Department maintenance operations, shall be replaced with no additional payment as soon as practicable. Plants damaged or destroyed by the Department will be replaced by the Department prior to the date of final acceptance.

(b) Inspection and Replacement

340 On or about May 1, a spring inspection of initial plantings will be made during and before the end of the planting season and prior to the beginning of the establishment period. Plants not living, unhealthy, in a poor growing condition, or otherwise not meeting the specifications shall be replaced with no additional payment, prior to May 15 for trees and prior to May 25 for other plants. These replacements shall be in accordance with all other requirements of the initial planting. All plants found to be not living or in an unhealthy condition between this replacement and final inspection shall be removed from the project immediately, as directed, and shall be replaced after September 15 as detailed below.

350 A fall inspection will be made on or about September 15, at which time the condition of the materials planted within the specified planting season will be determined. At the time of this inspection, all plants which are found to be dead, unhealthy, in a poor growing condition, or otherwise not meeting the specifications will be rejected. Rejected plants shall be removed and disposed of as soon as practicable and replaced prior to November 15 with no additional payment. Replacement materials and operations shall be in accordance with the requirements of the initial planting.

360 A final inspection of the contract will be made as soon as possible after replacement. All plants shall be cared for and maintained until final inspection and acceptance.

All seedlings for wildlife habitat shall be in accordance with ASNS Seedling Trees and Shrubs and will be inspected by a landscape architect within one week of planting. Spring and fall inspections as described above will not be required. The inspection, planting, and maintenance of seedlings as required will constitute final acceptance.

Scott Henley (Jeffrey Scott)

From: Scott Henley (Jeffrey Scott)
Sent: Tuesday, January 17, 2023 2:58 PM
To: Kauffmann, Danielle M; mayor@cityofwabash.com
Cc: doug@lehmanlaw.net; Karen Wood; Alexander, Kelyn; Coon, Matthew; Victoria Veach; Watson, George C.; Holder, Jason
Subject: FHWA Project Des. No. 1801915 East Street Railroad Grade Separation, Wabash, Wabash County, IN-- Fully Executed MOA
Attachments: EastStRRGradeSeparation_Des1801915_ExecutedFinalMOA_2023-1-13.pdf

Des. No.: 1801915
Project Description: Railroad Grade Separation
Location: Wabash, Wabash County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the East Street Railroad Grade Separation Project, Des. Nos. 1801915.

A fully executed Memorandum of Agreement (MOA) is available for your files. You can view the MOA electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <https://erms12c.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). If a hard copy of the materials is needed, please respond to this email with your request within seven (7) days.

Tribal Contacts please respond to INDOT's Acting Tribal Liaison, Matt Coon mcoon@indot.in.gov; (317-697-9752) with any responses pertaining to this project including to provide INDOT/Indiana FHWA additional information about Tribal resources/concerns and questions/comments regarding cultural resources. The FHWA point of contact is Kari Carmany-George at K.CarmanyGeorge@dot.gov (317-226-5629).

Thank you in advance for your input,

Scott Henley (Jeffrey Scott)
Cultural Resource Associate

SJCA Inc.

1028 Virginia Ave, Suite 201
Indianapolis, IN 46203

Tel: 317-566-0629



Scott Henley (Jeffrey Scott)

From: Alexander, Kelyn <KAlexander3@indot.IN.gov>
Sent: Tuesday, January 17, 2023 3:33 PM
To: thpo@estoo.net; THPO@MiamiNation.com; Matthew Bussler; Section106@shawnee-tribe.com
Cc: Carmany-George, Karstin (FHWA); Coon, Matthew; Scott Henley (Jeffrey Scott)
Subject: FHWA Project Des. No. 1801915 East Street Railroad Grade Separation, Wabash, Wabash County, IN-- Fully Executed MOA
Attachments: EastStRRGradeSeparation_Des1801915_ExecutedFinalMOA_2023-1-13.pdf

Des. No.: 1801915
Project Description: Railroad Grade Separation
Location: Wabash, Wabash County, Indiana

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Thank you in advance for your input,

Kelyn Alexander
Major Projects/LPA Review Liaison
Cultural Resources Office
Environmental Services
100 N. Senate Ave., Room N758-ES
Indianapolis, IN 46204
Office: (317) 519-7759
Remote: 8am-4pm
Email: kalexander3@indot.in.gov

****Link to the CRO-Public Web Map App can be found [here](#)**



EASTERN SHAWNEE CULTURAL PRESERVATION DEPARTMENT

70500 East 128 Road, Wyandotte, OK 74370

February 13, 2023

INDOT - Indiana Department of Transportation
100 N. Senate Ave. IGCN642
Indianapolis, IN 46201

RE: Des No. 1801915, Wabash County, IN

Dear Mr. Coon,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Wabash County, IN. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a)). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.

Sincerely,

Paul Barton, Tribal Historic Preservation Officer (THPO)
Eastern Shawnee Tribe of Oklahoma
(918) 666-5151 Ext:1833
THPO@estoo.net