PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
ILLINOIS DEPARTMENT OF TRANSPORTATION,
INDIANA DEPARTMENT OF TRANSPORTATION,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
AND
INDIANA STATE HISTORIC PRESERVATION OFFICER,
REGARDING
COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT,
FOR THE PROPOSED ILLIANA CORRIDOR TIER TWO PROJECT,
IN WILL COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA

WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the Illinois Department of Transportation (IDOT) and the Indiana Department of Transportation (INDOT), has conducted a two-tiered study of transportation solutions for the Illiana Corridor to improve regional mobility, address local system deficiencies, and provide efficient movement of freight (the Project); and

WHEREAS, the Illiana Corridor Tier One National Environmental Policy Act (NEPA) studies evaluated three east-west oriented transportation corridor alternatives within a 950 square mile Study Area including portions of Will and Kankakee counties in Illinois and Lake County in Indiana, between I-55 on the west and I-65 on the east (see Exhibit A); and

WHEREAS, FHWA prepared the Illiana Corridor Tier One Draft Environmental Impact Statement (DEIS) to determine what mode(s) of transportation would meet the purpose and need for the Illiana Corridor and to identify alternative corridors, and examined the relative effects of the proposed alternatives on known historic properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) within the corridors in general terms, as described in the Tier One DEIS; and

WHEREAS, FHWA selected a preferred corridor (identified as Corridor B3) to be advanced to the Tier Two NEPA studies in the combined Tier One Final Environmental Impact Statement (FEIS) and Record of Decision (ROD); and

WHEREAS, FHWA prepared the Illiana Corridor Tier Two DEIS to evaluate three build alternatives and a No-Action Alternative within the 2,000-foot wide selected corridor (Corridor B3) in a detailed level of analysis, as well as interchange locations and types, grade separations and road closures, and context sensitive solutions (CSS) and sustainability features; and

WHEREAS, FHWA identified a Preferred Alternative in the Tier Two DEIS based on a comparative evaluation of socioeconomic and environmental impacts, travel performance, and other factors including stakeholder and agency input (see Exhibit A); and

WHEREAS, FHWA, in consultation with the Illinois State Historic Preservation Officer (Illinois SHPO) and the Indiana State Historic Preservation Officer (Indiana SHPO), has identified the Illiana Corridor project's area of potential effects (APE), as defined in 36 CFR 800.16(d), for aboveground properties to be the area extending generally one mile to either side of Corridor B3 and in a radius of one mile from either terminus of Corridor B3 (see Exhibit B); and

WHEREAS, FHWA, in consultation with the Illinois SHPO and Indiana SHPO, has defined the Illiana Corridor project's APE for archaeological properties as the areas of potential ground disturbance within the right-of-way for Corridor B3; and

WHEREAS, FHWA, the Illinois SHPO, and the Indiana SHPO recognize that the Eagle Hotel, Alternate Route 66 - Wilmington to Joliet, Peotone Mill, Beecher Mausoleum, and Kingsbury-Doak Farmhouse are listed in the National Register of Historic Places (NRHP); and

WHEREAS, FHWA, in consultation with the Illinois SHPO and Indiana SHPO, has determined, pursuant to 36 CFR 800.4(c), that the Rodney Bowen House, John P. Lynott Summer House, Stone Farmstead, Andrew Markert House, Downtown Wilmington Historic District, Howard Hyde House, John R. Baskerville Farmstead, Will County Fairgrounds, 2444 West Corning Road, and Cutler Farm are eligible for inclusion in the NRHP (see Exhibit C); and

WHEREAS, FHWA, in consultation with the Illinois SHPO and the Indiana SHPO, has determined that no aboveground properties that are listed in or eligible for inclusion in the NRHP will be adversely affected by the Illiana Corridor project (see Exhibit D); and

WHEREAS, FHWA, in consultation with the Illinois SHPO and the Indiana SHPO, has identified, pursuant to 36 CFR 800.4(c), sixty-five (65) archaeological sites in Illinois and four (4) archaeological sites in Indiana (12-La-0664, 12-La-0666, 12-La-0668, and 12-La-0675) within the APE for archaeological properties that are potentially eligible for inclusion in the NRHP and do not appear to warrant preservation in place; and

WHEREAS, FHWA, in consultation with the Illinois SHPO and the Indiana SHPO, has determined that there is insufficient information regarding the potential NRHP eligibility of these archaeological sites and they must be avoided, or subjected to additional investigations, and if they are determined eligible for inclusion in the NRHP, that any unavoidable adverse effects to those sites must be minimized or mitigated; and

WHEREAS, FHWA, in consultation with the Illinois SHPO and the Indiana SHPO, has determined that additional survey of the Preferred Alternative is needed and additional archaeological sites may be identified that will require evaluation for their NRHP eligibility; and

WHEREAS, in accordance with 36 CFR 800.4(b)(2), FHWA, the Illinois SHPO, and the Indiana SHPO, have agreed to the use of a phased process to complete the identification and evaluation of archaeological properties that may be affected by the undertaking; and

WHEREAS, IDOT and INDOT are responsible for assisting FHWA to carry out the requirements of this Programmatic Agreement (PA), have participated in consultation, and have been invited by FHWA to be signatories to this PA; and

WHEREAS, FHWA, IDOT, and INDOT have invited 124 different agencies, tribes, organizations, and communities to participate in consultation (see Exhibit E), thirty-four (34) of which have accepted consulting party status for the Illiana Corridor Tier Two project and have participated in consultation: Cedar Lake Historical Association, Chicago Metropolitan Agency for Planning, City of Joliet, City of Wilmington, Florence Township, Forest Preserve District of Will County, Illinois Historic Preservation Agency, Kankakee Area Transportation Study, Kankakee County, Manteno Township, Midewin Heritage Association, Midewin National Tallgrass Prairie, Route 66 Scenic Byway, Sumner Township, Village of Crete, Village of Elwood, Village of Manhattan, Village of Peotone, Will County, Will County Historic Preservation Commission, Will County Historical Society, Will County Land Use Department, Will Township, Wilmington Area Historical Society, Cedar Creek Township, Eagle Creek Township, Indiana Department of Natural Resources Division of Historic Preservation and Archaeology, Indiana Landmarks, Lake County Historical Society and Museum, Lake County Parks, Northwest Indiana Regional Development Authority, Three Creeks Historical Association, and Town of Lowell; and

WHEREAS, the Miami Tribe of Oklahoma accepted FHWA's invitation to become a consulting party and has participated in consultation for the Illiana Corridor Tier Two project; and

WHEREAS, on March 28, 2014, FHWA notified the Advisory Council on Historic Preservation (ACHP) of the potential for adverse effects to archaeological properties and FHWA's intention to prepare this PA, and invited them to participate in the consultation for the Project, and the ACHP declined to participate in a letter dated March 31, 2014; and

NOW, THEREFORE, FHWA, the Illinois SHPO, the Indiana SHPO, IDOT, and INDOT agree that the Project will be implemented in accordance with the following Stipulations in order to take into account the effects of the Project on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are implemented:

I. ABOVEGROUND HISTORIC PROPERTIES – Illinois and Indiana

A. Modification of the Project with Respect to Aboveground Properties

If the Illiana Corridor project is modified after the execution of this PA, then FHWA shall review the Illiana Corridor project modifications and proceed by complying with the following Stipulation I.A.1. and, if appropriate, I.A.2. References to FHWA also apply to IDOT and INDOT, wherever IDOT or INDOT are authorized to act on FHWA's behalf.

1. FHWA shall determine if any historic properties exist within the area of project modifications and whether any of those modifications have the potential to cause adverse effects to historic properties. Depending on the location of the project modifications, FHWA shall coordinate with the appropriate state DOT, SHPO, and consulting parties.

    a. If FHWA determines that the project modifications do not have the potential to cause adverse effects to historic properties, then FHWA, IDOT, or INDOT shall document the determination in its records, and no further review or consultation with respect to those modifications' effects to historic properties is required for the purposes of this PA.

    b. If FHWA determines that the project modifications have the potential to adversely affect historic properties, then FHWA, IDOT, or INDOT shall proceed to review the modifications in accordance with Stipulation I.A.2.

    c. Prior to determining whether the project modifications have the potential to adversely affect historic properties, FHWA may submit, for the Illinois SHPO or Indiana SHPO's files, copies of reports generated as a result of modifications or may request the opinion of the Illinois SHPO or the Indiana SHPO about identification, evaluation, effects assessment, or avoidance, minimization, or mitigation, or about any other issue under federal or state preservation law pertaining to the project, provided that such a request for an opinion is not substituted for formal consultation under Stipulation I.A.2. The Illinois SHPO or Indiana SHPO shall have thirty (30) days to respond to such a request.

2. If FHWA determines that a project modification has the potential to cause adverse effects to historic properties, then FHWA shall follow the Section 106 consultation process in accordance with the 36 CFR Part 800 regulations that are in effect at that time.

    a. The consultation shall address the following matters:

        i. For previously evaluated NRHP-listed or eligible historic properties within the existing APE, an effects assessment will be performed, and if an adverse effect related to the proposed project modifications is identified, measures to avoid, minimize, or mitigate the adverse effects will be evaluated.

        ii. For newly identified aboveground properties within any areas added to the existing APE as a result of project modifications requiring an expansion of the APE: historic properties will be identified and evaluated for eligibility for inclusion in the NRHP; an effects assessment will be performed; and if an

adverse effect related to the proposed project modifications is identified, measures to avoid, minimize, or mitigate the adverse effect will be evaluated.

iii. Any such consultation shall be limited to an evaluation of the potential effects of the proposed project modification on historic properties, if any, located within the area in which the effects of such modification will be experienced.

b. FHWA shall consult with the consulting parties listed in Exhibit E and other parties, as appropriate, except to the extent that the public disclosure of information about historic properties is withheld or limited under Stipulation III.E.3.

c. FHWA shall issue a new finding, supported by a revision or update to the 800.11 documentation, regardless of whether additional, or different kinds of, adverse effects have been found to result from the modification of the project.

II. ARCHAEOLOGICAL RESOURCES – Illinois

A. All archaeological investigations shall be conducted in coordination with the Illinois SHPO and according to the Secretary of the Interior's Standards and Guidelines for Archaeology and the established state reporting standards, as appropriate, under the Section 106 process as outlined in 36 CFR Part 800.

Modification or modifications to the Illiana Corridor project which fall outside of the archaeological APE shall be subject to archaeological identification, evaluation, and assessment by IDOT. If FHWA determines that the modification may adversely affect an archaeological property determined eligible for inclusion in the NRHP, then FHWA and IDOT shall coordinate with the Illinois SHPO and follow standard procedures and guidelines.

B. Phase I (Archaeological Survey)

1. Additional survey needs to be completed in some areas of Corridor B3 and additional archaeological sites may be identified that may require further investigation to evaluate their eligibility for the NRHP.

C. Phase II (Archaeological Testing)

1. When IDOT has secured access to the sixty-five (65) identified archaeological sites in Corridor B3, the Illinois State Archaeological Survey (ISAS), on behalf of IDOT, will conduct test excavations to identify and evaluate archaeological resources. IDOT will then seek Illinois SHPO concurrence in determining the NRHP eligibility of the identified archaeological resources.

2. None of the archaeological sites identified to date appear to warrant preservation in place. If additional research reveals archaeological resources that warrant preservation in place, they will be avoided if prudent and feasible alternatives exist that avoid the use of the site(s).

3. If the resources are determined eligible for the NRHP, and adverse effects by the Illiana Corridor project cannot be avoided, IDOT, in coordination with FHWA and the Illinois SHPO, will ensure that data-recovery excavations (mitigation) are completed.

D. Phase III (Archaeological Mitigation)

1. To mitigate the adverse effect, IDOT will ensure that data-recovery excavations are completed by the ISAS in accordance with the attached data-recovery plan (Exhibit F), which is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Secretary of the Interior's Standards and Guidelines for the Treatment of Archaeological Properties and Historic Preservation, and the Advisory Council on Historic Preservation's Treatment of Archaeological Properties: A Handbook. IDOT will ensure that no construction activities will be undertaken in the vicinity of the archaeological sites prior to the conclusion of data-recovery excavations.

2. Human remains are not expected to be found during the investigations covered by this PA. However, if encountered, IDOT will follow the provisions of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440, 17 IAC 4170) and its rules (the Act), and in accordance with the stipulations of the Section 106 tribal consultation Memorandum of Understanding ratified September 11, 2011 between federally-recognized American Indian Tribes with an interest in Illinois, the Illinois Division of FHWA, IDOT, and the Illinois SHPO, IDOT and FHWA will notify federally-recognized Tribes that have expressed an interest in Will County, Illinois. In accordance with the Act, required notifications of the discovery will be made to the county coroner and the SHPO, then after authorization under the Act, the remains along with any associated artifacts will be removed following procedures for recording and reporting established under the Act. No excavation of human remains will be performed except under the direction of a Certified Skeletal Analyst (17 IAC 4170.300(f)). Disposition of the remains and associated artifacts will be accomplished as determined under the Act.

E. Professional Standards

1. For the purposes of implementing this PA, IDOT shall continue to employ departmental staff with qualifications that meet the requirements of 36 CFR Part 61, Appendix A. At a minimum, the professional staff required to carry

out the terms of this PA shall consist of one permanent, full-time archaeologist.

2. IDOT shall ensure that all historic preservation work carried out pursuant to this PA is completed by or under the supervision of a person or persons meeting, at a minimum, the Secretary of the Interior's Professional Qualification Standards in the fields of archaeology and architectural history, as published in 36 CFR Part 61.

F. Post Review Discoveries

1. Human Remains. In the case of an unanticipated discovery of human remains or burials during construction activities or unanticipated impacts to known historic properties, IDOT shall halt construction, secure the area, and follow the provisions of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440, 17 IAC 4170).

2. Historic Properties. In the event of an unanticipated discovery of historic properties during construction activities, IDOT shall halt construction, secure the area, and consult with FHWA, the Illinois SHPO, and ACHP for the purposes of Section 106 pursuant to 36 CFR 800.13(b).

III. ARCHAEOLOGICAL RESOURCES – INDIANA

A. All archaeological investigations shall be conducted according to the Secretary of the Interior's Standards and Guidelines for Archaeology, Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, and the most current Indiana "Guidebook for Indiana Historic Sites and Structures Inventory–Archaeological Sites."

Modification or modifications to the Illiana Corridor project which fall outside of the archaeological APE shall be subject to archaeological identification, evaluation, and assessment per Stipulations III.C.2 to III.C.4. If FHWA determines that the modification may adversely affect an archaeological property determined eligible for inclusion in the NRHP, then FHWA shall develop and implement a Treatment Plan(s) in accordance with Stipulation III.D.

B. Phase I (Archaeological Survey)

1. Additional survey needs to be completed in some areas of the Preferred Alternative and additional archaeological sites may be identified that may require further investigation to evaluate their eligibility for the NRHP.

C. Phase II (Archaeological Testing)

1. Implementation Standards

a. In implementing Stipulation III.C., FHWA may withhold or limit public disclosure of information about historic properties in accordance with Section 304 of the NHPA and with the 36 CFR Part 800 regulations in effect at that time.

b. To maximize the opportunity to avoid adverse effects, the required archaeological investigations shall be conducted as soon as practicable upon securing the appropriate rights to access property.

c. In implementing Stipulation IV, FHWA may consult with the consulting parties listed in Exhibit E and others identified in accordance with the 36 CFR Part 800 regulations in effect at that time.

d. FHWA, in consultation with the Indiana SHPO, and other parties deemed appropriate by FHWA, shall take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Native Americans, including investigations associated with modifications of the Illiana Corridor project.

2. Identification

a. Before commencing ground-disturbing activities in the Illiana Corridor archaeological APE for the Preferred Alternative, FHWA shall complete the identification and evaluation of archaeological properties eligible for inclusion in the NRHP (sites 12-La-0664, 12-La-0666, 12-La-0668, and 12-La-0675) in any of these areas of ground disturbance in accordance with applicable federal and state standards and guidelines listed in Stipulation III.A.

b. FHWA shall investigate any additional locations where ground-disturbing activities are proposed or where they may occur within permanent or temporary easements and right-of-way. These locations may include, but are not limited to, construction staging areas, temporary access roads for heavy equipment, and storage areas.

c. Upon completion of any additional investigations, FHWA shall complete the identification and evaluation of archaeological properties eligible for inclusion in the NRHP in accordance with applicable federal and state standards and guidelines in consultation with the Indiana SHPO, appropriate consulting parties, and federally recognized Indian Tribes.

d. If any human remains are encountered during the project, work shall cease in the immediate area and the human remains left undisturbed.

FHWA shall contact the county coroner and law enforcement officials immediately, and the discovery must be reported to the Indiana SHPO within two (2) business days. The discovery must be treated in accordance with Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, and any other applicable laws.

If the remains are determined to be Native American, FHWA shall notify the appropriate federally recognized Indian Tribe(s), and the Indiana SHPO shall provide notice to the Native American Affairs Commission as per Indiana Code 14-21-1-25.5.

Work at this site shall not resume until a plan for the treatment of the human remains is developed and approved in consultation with the Indiana SHPO, the INDOT Cultural Resources Office, and any appropriate consulting parties. The plan shall comply with Indiana Code 14-21-1, 312 Indiana Administrative Code 22, the most current "Guidebook for Indiana Historic Sites and Structures Inventory–Archaeological Sites," and all other appropriate Federal and State guidelines, statutes, rules, and regulations.

e. In ensuring that any human remains and grave goods identified are treated in a sensitive, respectful, and careful manner, FHWA shall be guided by the Council's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" (February 23, 2007) and the Native American Graves Protections and Repatriation Act ("NAGPRA") regulations set forth in 43 CFR Part 10, and other guidelines as appropriate.

f. FHWA shall prepare and distribute final Identification and Evaluation reports in accordance with III.E.

3. Evaluation

a. The studies completed pursuant to Stipulation I.C. shall demonstrate a level of effort consistent with the 36 CFR Part 800 regulations in effect at that time and shall provide FHWA with the information to determine, in consultation with the Indiana SHPO, which archaeological sites are eligible for inclusion in the NRHP. FHWA shall acknowledge and seek the special expertise of any federally recognized Indian Tribes that have previously entered into consultation in assessing the eligibility of historic properties that may possess religious and cultural significance to them.

b. If FHWA determines any of the NRHP criteria are met and the Indiana SHPO agrees, the archaeological resources shall be considered eligible

for the NRHP and treated in accordance with the Stipulations III.C.4. and III.C.1.

c. If FHWA and the Indiana SHPO do not agree on NRHP eligibility, FHWA shall follow the procedures identified in Stipulation IV.

d. Upon completion of the evaluation, FHWA shall follow the procedures set forth in the 36 CFR Part 800 regulations in effect at that time which shall include updated documentation described in those regulations, if it is determined that no historic properties shall be affected.

e. If FHWA and the Indiana SHPO agree that any archaeological resources identified are not NRHP eligible, then no further action is necessary under the terms of this PA and FHWA's responsibilities under Section 106 are fulfilled.

4. Assessment of Effects

a. In consultation with the Indiana SHPO, federally recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, FHWA shall determine if the Illiana Corridor project will adversely affect archaeological properties determined eligible for inclusion in the NRHP pursuant to 36 CFR Part 800 regulations in effect at that time.

b. If FHWA, in consultation with the Indiana SHPO, federally recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, determines the Illiana Corridor project may adversely affect NRHP-eligible archaeological properties, then FHWA shall make reasonable efforts to avoid or minimize the adverse effect. If, in consultation with the Indiana SHPO, federally recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, FHWA determines it is not possible to avoid or minimize adverse effects, then FHWA shall treat the archaeological resource in accordance with Stipulation III.D.1. of this PA.

c. Any dispute regarding the determination of effects on NRHP-eligible archaeological resources shall be resolved in accordance with Stipulation IV of this PA.

D. Phase III (Archaeological Mitigation)

1. If FHWA, in consultation with the Indiana SHPO, federally recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, determines that the adverse effect cannot be avoided or minimized, then FHWA shall develop and implement a Treatment Plan(s), as part of the above consultation, to mitigate the adverse effects to an archaeological resource on a site-by-site basis. The implementation of the Treatment Plan(s) must be completed for each site prior to the initiation of any Illiana Corridor project construction activities within a segment that could affect that site.

2. Plans addressing the treatment of human remains and grave goods, as provided for in Stipulation III.C.2.e., shall be guided by the Council's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" (February 23, 2007) and the NAGPRA regulations set forth in 43 CFR Part 10, and other guidelines as appropriate.

E. Professional Standards and Reporting

1. In consultation with the Indiana SHPO, FHWA shall ensure that all archaeological work carried out pursuant to this PA is performed by, or under the direct supervision of, a person or persons meeting the Secretary of the Interior's Professional Qualification Standards in archaeology and who has supervisory experience in the prehistoric and historic archaeology of the northwestern Indiana region and that all work shall be conducted pursuant to the provisions of Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, and the most current "Guidebook for Indiana Historic Sites and Structures Inventory–Archaeological Sites."

2. FHWA shall ensure the results of all archaeological studies performed under the terms of this PA are presented in professionally written reports meeting the standards for fieldwork, laboratory work, analysis, and report preparation that have been established by the Indiana SHPO.

3. FHWA, INDOT, and the Indiana SHPO, contractors, consultants, and federally recognized Indian Tribes shall ensure that sensitive information regarding the nature and location of human remains and grave goods, and the location, character, and ownership of archaeological sites is kept confidential from the public, in accordance with Section 304 of the NHPA and the 36 CFR Part 800 regulations in effect at that time.

4. FHWA shall provide the written reports on the results of archaeological studies to the Indiana SHPO, federally recognized Indian Tribes, and other consulting parties consistent with the confidentiality provisions of Section 304 of the NHPA and 36 CFR 800.11(c), and afford them thirty (30) days, after confirmed receipt, to review and submit comments on the reports. FHWA shall make its response available to those who received copies of the report.

5. Any dispute regarding the report(s) shall be resolved in accordance with Stipulation IV.

6. Upon completion of all archaeological studies, FHWA shall provide copies of final archaeological reports to the Indiana SHPO, INDOT, and federally recognized Indian Tribes when appropriate.

F. Post Review Discoveries

1. FHWA shall follow Indiana Code 14-21-1-27 and Indiana Code 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.

2. Any necessary archaeological investigations shall be conducted according to the provisions of Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administrative Code 22, and the most current "Guidebook for Indiana Historic Sites and Structures Inventory–Archaeological Sites."

IV. OBJECTION RESOLUTION PROVISION

Disagreement about how this PA is or is not being implemented shall be resolved in the following manner:

A. If any signatory to this PA should object in writing to FHWA regarding any action carried out or proposed with respect to the Illiana Corridor Tier Two project and implementation of this PA, FHWA shall consult with the objecting party to resolve this objection. If after such consultation FHWA determines that the objection cannot be resolved through consultation, then FHWA shall forward all documentation relevant to the objection to the ACHP, including FHWA's proposed response to the objection. Within forty-five (45) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

1. Provide FHWA with a staff-level recommendation, which FHWA shall take into account in reaching a final decision regarding its response to the objection; or

2. Notify FHWA that the objection shall be referred for formal comment pursuant to the 36 CFR Part 800 regulations in effect at that time, and proceed to refer the objection and comment. FHWA shall take into account the ACHP's comments in reaching a final decision regarding its response to the objection.

B. If comments or recommendations from the ACHP are provided in accordance with this stipulation, then FHWA shall take into account any ACHP comment or

recommendations provided in accordance with this stipulation with reference only to the subject of the objection. FHWA's responsibility to carry out all actions under the PA that are not the subject(s) of the objection shall remain unchanged.

V. AMENDMENT

Any signatory to this PA may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. The 36 CFR Part 800 regulations in effect at the time of the amendment shall govern the execution of any such amendment.

VI. TERMINATION

A. If the terms of this PA have not been implemented by May 5, 2024, then this PA shall be considered null and void. In such an event, FHWA shall so notify the parties to this PA and, if it chooses to continue with the Illiana Corridor Tier Two project, then it shall reinitiate review of the Illiana Corridor project in accordance with 36 CFR Part 800 regulations in effect at that time.

B. Any signatory to the PA 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, FHWA shall comply with the 36 CFR Part 800 regulations in effect at the time that the PA is terminated regarding the review of the Illiana Corridor Tier Two project.

C. In the event that FHWA does not carry out the terms of this PA, then FHWA shall comply with the 36 CFR Part 800 regulations in effect at the time that the PA is terminated, with regard to the review of the Illiana Corridor Tier Two project.

The execution of this PA and its implementation is evidence that FHWA has afforded the ACHP an opportunity to comment on the Illiana Corridor Tier Two project and its effect on historic properties and that FHWA has taken into account the effects of the Illiana Corridor Tier Two project on historic properties.

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THE FEDERAL HIGHWAY ADMINISTRATION,
ILLINOIS DEPARTMENT OF TRANSPORTATION,
INDIANA DEPARTMENT OF TRANSPORTATION,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
AND
INDIANA STATE HISTORIC PRESERVATION OFFICER,
REGARDING
COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT,
FOR THE PROPOSED ILLIANA CORRIDOR TIER TWO PROJECT,
IN WILL COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA

Signatory:

FEDERAL HIGHWAY ADMINISTRATION

By: _____ Date: June 26, 2014
Catherine A. Batey, Illinois Division Administrator

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THE FEDERAL HIGHWAY ADMINISTRATION,
ILLINOIS DEPARTMENT OF TRANSPORTATION,
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IN WILL COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA

Signatory:

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Ann L. Schneider Date: 6/24/14
Ann L. Schneider, Secretary

By: Osman, Omer Date: 6/18/14
Omer Osman, P.E., Director, Division of Highways

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IN WILL COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA

Signatory:

INDIANA DEPARTMENT OF TRANSPORTATION

By: _____ (FOR) _____ Date: 5/27/2014
Karl B. Browning, Commissioner

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IN WILL COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA

Signatory:

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 5/31/14
Amy Martin, Director, Illinois Historic Preservation Agency

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IN WILL COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA

Signatory:

INDIANA STATE HISTORIC PRESERVATION OFFICER

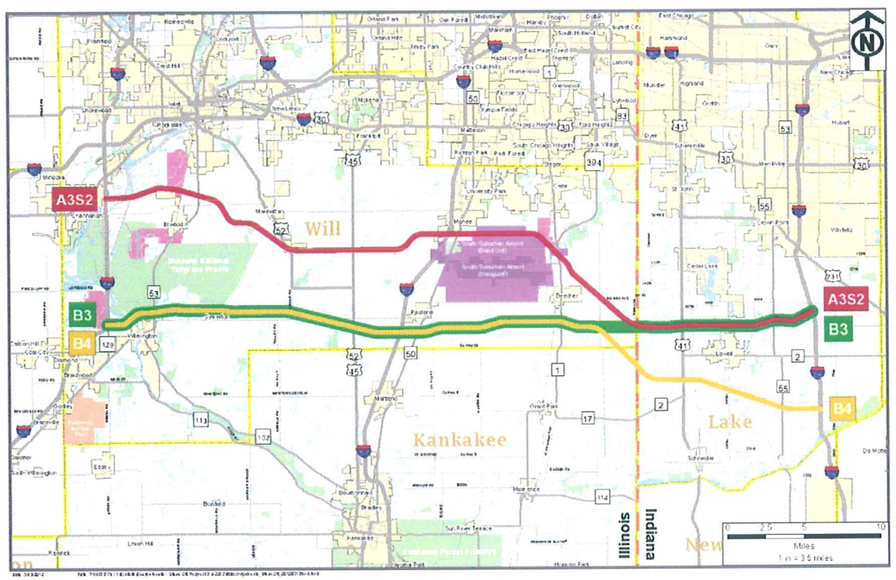
By: Mark Zoll FOR _____ Date: 5-21-2014
Cameron Clark, Director, Indiana Department of Natural Resources

EXHIBIT A – PROJECT DESCRIPTION

The National Environmental Policy Act (NEPA) process for the Illiana Corridor is being conducted in two steps or "tiers" that build upon one another. It is also being completed concurrently with the Section 106 process.

The combined Tier One EIS/ROD was released in January 2013 to resolve issues regarding the transportation mode, facility type, and general location. The Tier One EIS was completed at a sufficient level of engineering and environmental detail to resolve the mode, facility type (e.g., type of roadway), and corridor location. The Tier One EIS/ROD resulted in the selection of a preferred corridor; Corridor B3. The selected corridor is a 2,000-foot wide, 50-mile long, east-west oriented corridor with a western terminus at I-55 just north of the City of Wilmington in Illinois and an eastern terminus at I-65 approximately 3 miles north of SR 2 in Indiana. The proposed project would construct a limited-access highway within the limits of Corridor B3.

Alternative Corridors Carried Forward in the Tier One DEIS



The Tier Two EIS is being completed as a single study from I-55 on the west to I-65 on the east. Whereas the Tier One EIS assumed a working alignment generally located within the center of each corridor, along with generalized interchange locations for comparative analysis, the Tier Two EIS includes a detailed analysis of alignment alternatives within the selected corridor, as well as interchange locations and types, grade separations and road closures, and context

sensitive solution and sustainability features. This includes three mainline alternatives, two interchange design options at I-55, and six interchange design options at IL-53.

The alternatives considered in the Tier Two study were built upon selection of Corridor B3 in Tier One, with the Tier One working alignment for the corridor providing a baseline for defining alignment alternatives. The Tier Two alternatives were developed with a focus on detailed evaluation of the following project elements within the corridor:

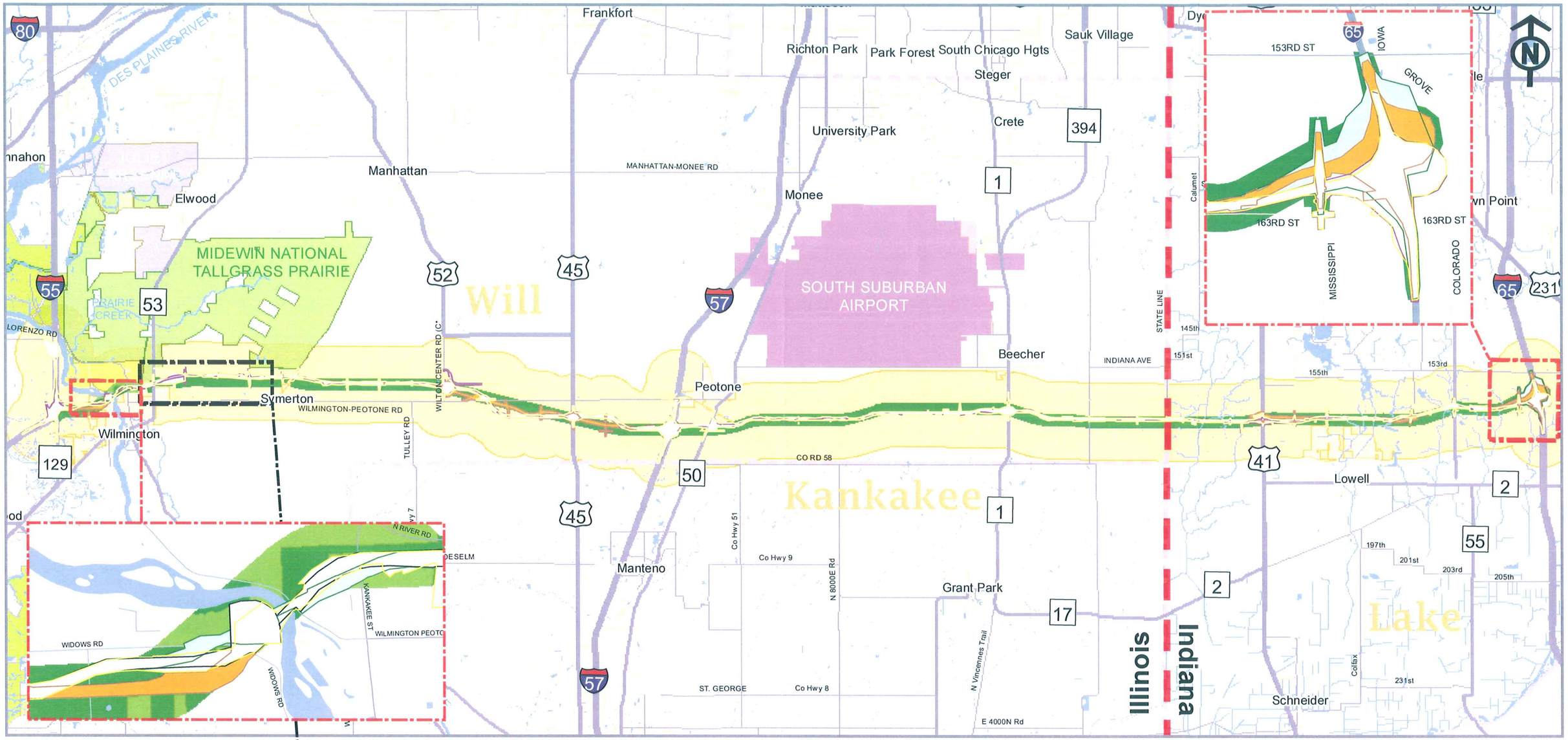
- Initial preliminary facility design requirements including access requirements, road closures, cross route improvements, and frontage road connections;
- Additional evaluation of roadway alignment based on impact avoidance and minimization;
- Interchange locations and types;
- Context Sensitive Solutions (CSS) features including water quality best management practices (BMPs) and sustainability; and
- Economic analysis of, and stakeholder input to grade separations and road closures.

These project elements were developed through technical performance analysis, extensive stakeholder involvement, and localized comparative analysis of environmental impacts.

The Preferred Alternative identified in the Tier Two DEIS consists of Alternative 1 and Design Option 4, offset interchange at Riley Road, located approximately 3,300 feet east of IL-53. The Preferred Alternative was selected based on a comparison of key socioeconomic and environmental factors, as well as stakeholder and agency input.

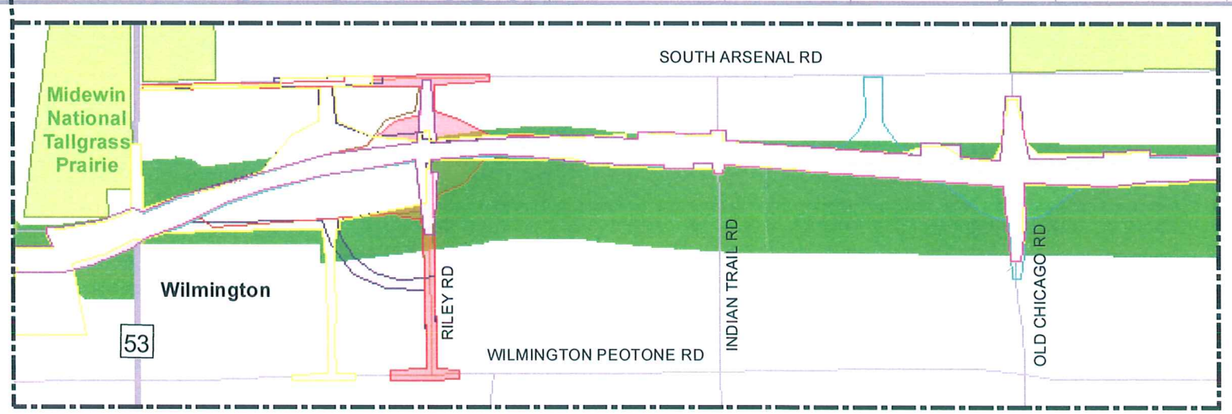
Preferred Alternative

EXHIBIT B – AREA OF POTENTIAL EFFECTS (APE)



IL-53 Design Option: Location and Type

- Riley Road (modified)
- Riley Rd (diamond)
- Riley Rd (modified parclo)
- Riley Rd (offset)
- Old Chicago (split)
- No Interchange



Legend

- Alternative 1 Modified
- Alternative 1
- Alternative 2
- Alternative 3
- Planning Corridor
- Area of Potential Effect

EXHIBIT C – SHPOS LETTERS OF CONCURRENCE WITH NATIONAL REGISTER OF HISTORIC PLACES DETERMINATIONS OF ELIGIBILITY

Michael R. Pence, Governor
Cameron F. Clark, Director

DNR Indiana Department of Natural Resources

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

HISTORIC PRESERVATION AND ARCHAEOLOGY

June 28, 2013

Patrick Carpenter
Manager, Cultural Resources Office
Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: *Historic Property Report: Lake County, Indiana, Illiana Corridor* (Parsons Brinckerhoff and Cardno JF New, May 15, 2013) (INDOT Des. No. 1006456; DHPA No. 11913)

Dear Mr. Carpenter:

Pursuant to the National Environmental Policy Act, Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, and Section 106 of the National Historic Preservation Act, the staff of the Indiana State Historic Preservation Officer has considered the historic property report ("HPR"), which we received on June 5, 2013, with John Fortmann's and James Earl's cover letter of June 4, regarding the Illiana Corridor Tier Two studies in Lake County, Indiana, and in Kankakee and Will counties, Illinois.

As requested in the cover letter, we have attempted to respond "by Monday, July 4, 2013." We recommend, however, that the Section 106 consulting parties be given at least 30 days to comment, from the date of receipt of future Section 106 submissions.

We agree with the HPR that the Kingsbury-Doak Farmhouse at 4411 East 153rd Avenue, Hebron, in Eagle Creek Township of Lake County (Survey ID 235), is listed in the National Register of Historic Places and remains eligible for inclusion in the National Register.

We also agree with the extremely thorough HPR, for the purposes of the NEPA and Section 106 reviews of this particular undertaking, that the only other, above-ground property that has been identified within the area of potential effects that is eligible for inclusion in the National Register is the Cutler Farm at 15504 Morse Street, Lowell, in Cedar Creek Township of Lake County (Survey ID 72).

If any other consulting party disagrees with the conclusions of the HPR or identifies another above-ground property that might be eligible for the National Register, we would want to be advised of that and to participate in the consultation to resolve the issue.

If you have questions about issues pertaining to above-ground properties, such as buildings or structures, in Indiana, then please contact John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. Questions about archaeological issues in Indiana should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. In future correspondence regarding this project, please refer to DHPA No. 11913 and please continue to address written correspondence on Illiana Corridor Tier Two to Chad W. Slider, Assistant Director for Environmental Review, Division of Historic Preservation and

Archaeology, Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

Very truly yours,

Chad W. Smith

Chris Smith
Deputy Director
Indiana Department of Natural Resources

CS:JLC:jlc

emc: Matt Fuller, Federal Highway Administration, Illinois Division
Joyce Newland, Federal Highway Administration, Indiana Division
James A. Earl, II, P.E., Indiana Department of Transportation
John Fortmann, Illinois Department of Transportation
Steven Schilke, P.E., Illiana Project Manager
Kesti Susinskas, P.E., IDOT PMC Project Manager
Katie Kukielka, P.E., IDOT PMC Project Manager
Anne Haaker, Illinois Deputy State Historic Preservation Officer
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Anuradha Kumar, Indiana Department of Transportation
Susan Branigin, Indiana Department of Transportation
Matt Coon, Ph.D., Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Richard Rampone, P.E., Parsons Brinckerhoff
Aimee Paquin, Parsons Brinckerhoff
Steve Ott, Parsons Brinckerhoff

Michael R. Pence, Governor
Cameron F. Clark, Director

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HISTORIC PRESERVATION AND ARCHAEOLOGY

September 26, 2013

Patrick Carpenter
Manager, Cultural Resources Office
Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: *Historic Property Report Addendum: Corridor B3 at I-65, Lake County, Indiana* (Parsons Brinckerhoff, August 22, 2013) (INDOT Des. No. 1006456; DHPA No. 11913)

Dear Mr. Carpenter:

Pursuant to the National Environmental Policy Act, Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, and Section 106 of the National Historic Preservation Act, the staff of the Indiana State Historic Preservation Officer has considered the aforementioned addendum to the historic property report ("*HPR Addendum*"), which we received on August 30, 2013, with John Fortmann's and James Earl's cover letter of June 28, regarding the Illiana Corridor Tier Two studies in Lake County, Indiana, and in Kankakee and Will counties, Illinois.

We agree with the *HPR Addendum* that none of the newly-surveyed properties within the areas within Indiana that have been added to the area of potential effects ("APE") to create what is being called the "revised APE" appear to be eligible for inclusion in the National Register of Historic Places. We further agree that the Kingsbury-Doak Farmhouse (Survey ID 235)—which is listed in the National Register—and the Cutler Farm (Survey ID 72) are the only above-ground properties within the Indiana portion of the revised APE that appear to be eligible for the National Register.

If you have questions about issues pertaining to above-ground properties, such as buildings or structures, in Indiana, then please contact John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. Questions about archaeological issues in Indiana should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov.

In future correspondence regarding this project, please refer to DHPA No. 11913, and please address written correspondence on Illiana Corridor Tier Two to Chad W. Slider, Assistant Director for Environmental Review, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

Very truly yours,

Chad W. Slider

for Chris Smith
Deputy Director
Indiana Department of Natural Resources

CS:JLC:jlc

emc: Matt Fuller, Federal Highway Administration, Illinois Division
Joyce Newland, Federal Highway Administration, Indiana Division
James A. Earl, II, P.E., Indiana Department of Transportation
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Steven Schilke, P.E., Illiana Project Manager
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Anuradha Kumar, Indiana Department of Transportation
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Melany Prather, Indiana Department of Transportation
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Richard Rampone, P.E., Parsons Brinckerhoff
Aimee Paquin, Parsons Brinckerhoff
Steve Ott, Parsons Brinckerhoff

Michael R. Pence, Governor
Cameron F. Clark, Director

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HISTORIC PRESERVATION AND ARCHAEOLOGY

October 22, 2013

Patrick Carpenter, Manager
Cultural Resources Office, Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Management summary for the Phase Ia Archaeological Records Review and Reconnaissance & Phase Ib Intensive Survey (Parsell, 7/26/2013) for Illiana Corridor Tier Two (INDOT Des. No. 1006456; DHPA No. 11913)

Dear Mr. Carpenter:

Pursuant to the National Environmental Policy Act, Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, and Section 106 of the National Historic Preservation Act, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the aforementioned project for the Illiana Corridor, which might have impacts in Lake County, Indiana, and in Kankakee and Will counties, Illinois.

Thank you for providing the management summary of the Phase Ia and Phase Ib archaeological investigations for the above project. Based upon the documentation available to the staff of the Indiana SHPO, archaeological sites 12La659-12La663, 12La665, 12La670-12La674, and 12La676-686 do not appear eligible for inclusion in the National Register of Historic Places and no further archaeological investigations at these sites appear necessary.

There is insufficient information to determine whether archaeological site 12La199 is eligible for inclusion in the National Register of Historic Places. However, those portions of site 12La199 that are within the proposed project area above do not appear to contain significant archaeological deposits, and no further archaeological investigations are necessary in those portions. However, any portions of archaeological site 12La199 that lie outside of the proposed project area must either be avoided by all project activities, or subjected to further archaeological investigations. These areas should be clearly marked so that they are avoided by all project activities. If avoidance is not feasible, further archaeological investigations will be necessary. A plan for further archaeological investigations would need to be submitted to the Division of Historic Preservation and Archaeology ("DHPA") for review and comment. Any further archaeological investigations must be done in accordance with the "Secretary of the Interior's Standards and guidelines for Archeology and Historic Preservation" (48 F.R. 44716).

We concur with the archaeological management summary that there is insufficient information to determine whether archaeological sites 12La664, 12La666, 12La668, and 12La675 are eligible for inclusion in the National Register of Historic Places. These sites must either be avoided by all project activities or subjected to further archaeological investigations. If avoidance is not feasible, further archaeological investigations will be necessary. A plan for further archaeological investigations would need to be submitted to the Division of Historic Preservation and Archaeology ("DHPA") for review and comment. Any further archaeological investigations must be done in accordance with the "Secretary of the Interior's Standards and guidelines for Archeology and Historic Preservation" (48 F.R. 44716).

If artifacts are to be returned to the landowner(s), additional analyses and documentation of those specimens may be necessary in consultation with our office.

In regard to the archaeological report, we do have some questions and comments. The DHPA was not consulted with regarding only collecting diagnostics or grab samples and not collecting all of the historic artifacts at archaeological site 12La666. The DHPA expects an approved plan to be obtained for Phase Ib investigations, especially in regard to disturbing the ground to find features.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

If you have questions about issues pertaining to above-ground properties, such as buildings or structures, in Indiana, then please contact John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. Questions about archaeological issues in Indiana should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Please address future written correspondence on Illiana Corridor Tier Two to Chad W. Slider, Assistant Director for Environmental Review, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

Very truly yours,

Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JLC:JRJ:jj

emc: Matt Fuller, Federal Highway Administration, Illinois Division
Joyce Newland, Federal Highway Administration, Indiana Division
James A. Earl, II, P.E., Indiana Department of Transportation
John Fortmann, Illinois Department of Transportation
Steven Schilke, P.E., Illiana Project Manager
Katie Kukielka, P.E., IDOT PMC Project Manager
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Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Anuradha Kumar, Indiana Department of Transportation
Susan Branigin, Indiana Department of Transportation
Matt Coon, Ph.D., Indiana Department of Transportation
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Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Richard Rampone, P.E., Parsons Brinckerhoff
Steve Ott, Parsons Brinckerhoff
Aimee Paquin, Parsons Brinckerhoff
Ryan Duddleson, Cardno JFNew

Michael R. Pence, Governor
Cameron F. Clark, Director

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Phone 317-232-1646•Fax 317-232-0693 · dhpa@dnr.IN.gov

October 23, 2013

J. Ryan Duddleson, MA, RPA
Senior Project Scientist
Cardno JFNew
708 Roosevelt Road
Walkerton, Indiana 46574

Federal Agency: Federal Highway Administration ("FHWA")

Re: *Work Plan for the Phase II Archaeological Investigations at Sites 12-La-0664,12-La-0666, 12-La-0668 and 12-La-0675 in the Illiana B3 Corridor, Lake County, Indiana* (Duddleson/Parsell, 9/19/2013) (INDOT Des. No. 1006456; DHPA No. 11913)

Dear Mr. Duddleson:

Pursuant to the National Environmental Policy Act, Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, and Section 106 of the National Historic Preservation Act, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the aforementioned work plan, which we received with your September 20, 2013, cover letter on September 23, for the Illiana Corridor, which might have impacts in Lake County, Indiana, and in Kankakee and Will counties, Illinois.

Thank you for providing the Phase II archaeological plan for archaeological sites 12La664, 12La666, 12la668, and 12La675. The plan is acceptable with the following conditions:

1. All archaeological investigations must be directly supervised in the field and laboratory by an archaeologist meeting the professional qualification standards for archaeology in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation."
2. If any human remains dating on or before December 31, 1939 are encountered, the discovery must be reported to the Indiana Department of Natural Resources within two (2) business days. The discovery must be treated in accordance with IC 14-21-1 and 312 IAC 22. In that event, please call 317-232-1646.
3. For archaeological sites 12La664, 12La666, and 12La675, we concur with the techniques of a10% sample of each site at the Phase II level; additional shovel probes at the Phase II level, if necessary; hand excavation units of .5% of the site area; and mechanical excavation. Please re-check the square meters to be investigated at each of these sites, as our calculations appear slightly higher for square meters to be tested than those approximated in the report.
4. For archaeological site 12La668, a modified investigations approach may be considered, but should include at least the known cultural components (Early, Middle, and Late Archaic) and units and stripped areas placed to cover a representative range of areas where artifacts were found and in areas indicated by the Phase Ib investigations. Please notify our office, before field implementation, of specific areas and amounts of excavation planned to occur at the site. Please remain in close consultation with our office regarding investigations at this site, as a reduced percentage of or sample of the site may not be sufficient to complete Phase II investigations and determine the site's significance. Also, before field investigations are planned and occur, please notify our office how many hand excavation units are being considered. And were statistically representative samples of the site considered?
5. Along with measured drawings, scaled photographs will be taken of profiles of any trenches that contain buried artifacts, features, or strata and a representative sample of any sterile trench profiles.

6. All features encountered will be 100% excavated. If large features, large numbers of features, or other situations arise, please consult with the DHPA regarding excavations or possible sampling prior to further excavation. Features can include midden and occupation floors.
7. To clarify, the plowzone from the test units will be screened through ¼ inch mesh.
8. If artifacts are to be returned to the landowner, additional analyses and documentation of those specimens may be necessary in consultation with our office.
9. An archaeological site form for the investigations for each archaeological investigation must be submitted electronically to the state SHAARD database.
10. The full report detailing the methods, techniques, analysis, and results of the project must be submitted to the DHPA for review and comment within one year of the end of fieldwork.
11. Any proposed revisions to the archaeological plan must be submitted in writing to the Division of Historic Preservation and Archaeology ("DHPA") prior to implementation in the field or laboratory. Please call or otherwise contact any DHPA staff archaeologist in case the reviewer of this project is not available on a particular day. This plan is not transferable.

With these conditions, the proposed archaeological investigations may proceed. Once the archaeological report for the proposed investigations is received, the Indiana SHPO will resume identification and evaluation procedures for this project.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

If you have questions about issues pertaining to above-ground properties, such as buildings or structures, in Indiana, then please contact John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. Questions about archaeological issues in Indiana should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Please address future written correspondence on Illiana Corridor Tier Two to Chad W. Slider, Assistant Director for Environmental Review, Division of Historic Preservation and Archaeology, Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

Very truly yours,

Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JLC:JRJ:jj

emc: Matt Fuller, Federal Highway Administration, Illinois Division
Joyce Newland, Federal Highway Administration, Indiana Division
James A. Earl, II, P.E., Indiana Department of Transportation
John Fortmann, Illinois Department of Transportation
Steven Schilke, P.E., Illiana Project Manager
Katie Kukielka, P.E., IDOT PMC Project Manager
Anne Haaker, Illinois Deputy State Historic Preservation Officer
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Anuradha Kumar, Indiana Department of Transportation
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Melany Prather, Indiana Department of Transportation
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Richard Rampone, P.E., Parsons Brinckerhoff
Steve Ott, Parsons Brinckerhoff
Aimee Paquin, Parsons Brinckerhoff
Ryan Duddleson, Cardno JFNew

Illinois Department of Transportation

Memorandum

To:	John Fortmann	Attn:	Steven Schilke
From:	John Baranzelli	By:	Brad Koldehoff
Subject:	Illiana B3 Corridor – Determination of Eligibility Reports		
Date:	October 24, 2013		

Will County
Wilmington to Beecher
Illiana B3 Corridor, I-55 to Indiana State Line
Interstate Construction
Job # P-91-749-10
IDOT Seq. # 16651A, 16651B

Further coordination with the Illinois State Historic Preservation Officer (SHPO) is required for the above referenced project. Based on the SHPO's review of the Determination of Eligibility reports and related information regarding the potentially historic properties brought forward by consulting parties, the SHPO has determined that the following properties are eligible for the National Register of Historic Places:

- **John R. Baskerville Farmstead**
- **Will County Fairgrounds**
- **Farmhouse, 2444 W. Corning Road**
- **Stone Farmstead**
- **Bowen Farmstead**
- **John P. Lynott Summer House**
- **Howard Hyde House**
- **Andrew Markert House**

The attached SHPO letter also notes that the Symerton Historic District and the Midewin Buffer District are not eligible for the National Register.

In order for the SHPO to evaluate the project's potential effects to these historic resources, please forward the Effects Assessment Report to the Cultural Resources Unit when it becomes available.

Brad H. Koldehoff, RPA
Cultural Resources Unit
Bureau of Design and Environment

BK:ee

Illinois Historic
Preservation Agency

FAX (217) 782-8161

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • www.illinois-history.gov

Various Counties
Wilmington to Beecher
Illiana B3 Corridor
I-55 to I-65
IDOT Seq #-16651A, 16651B
IHPA Log #004101812

September 3, 2013

Brad Koldehoff
Illinois Department of Transportation
Bureau of Design and Environment
2300 S. Dirksen Parkway
Springfield, IL 62764

Dear Mr. Koldehoff:

We have reviewed the Historic Property Report and addenda and comments on it from consulting parties for the referenced project. Based on these documents, we find that the following buildings probably meet the criteria for eligibility to the National Register of Historic Places:

	NR Criteria
John R. Baskerville Farmstead	A
Will County Fairgounds	A & C
Farmhouse, 2444 W. Corning Road	A & C
Stone Farmstead	C
Bowen Farmstead	C
John P. Lynott Summer House	C
Howard Hyde House	C
Andrew Markert House	A & C

For the Midewin Buffer District and the Symerton Historic District, neither appear to have sufficient significance or integrity for National Register eligibility.

Thank you for this opportunity to comment.

Sincerely,

Anne E. Haaker

Anne E. Haaker
Deputy State Historic
Preservation Officer

A teletypewriter for the speech/hearing impaired is available at 217-524-7128. It is not a voice or fax line.

Illinois Department of Transportation
2300 South Dirksen Parkway / Springfield, Illinois / 62764

Will County
Wilmington to Beecher
Illiana B3 Corridor, I-55 to Indiana State Line
IDOT Sequence #16651A-C
ISAS Log #12068, 13032, 13082

November 14, 2013

RECEIVED
NOV 15 2013
Preservation Services

Federal - Section 106 Project

ARCHAEOLOGICAL RESOURCES - PRELIMINARY ELIGIBILTY DETERMINATION

Ms. Anne Haaker
Deputy State Historic Preservation Officer
Illinois Historic Preservation Agency
Springfield, Illinois 62701

Dear Ms. Haaker:

For the above referenced project, ongoing Phase I archaeological investigations are summarized in the attached memo provided by the Illinois State Archaeological Survey (ISAS). Beginning in June 2012, ISAS personnel have been conducting field and archival studies to identify archaeological sites within the preferred B3 Corridor that warrant consideration for inclusion in the National Register of Historic Places (NRHP).

Currently, 65 sites have been identified that warrant NRHP consideration. Of these, 64 are prehistoric and historic period habitation sites that are important for the information they may yield about the prehistory and history of the region and do not warrant preservation in place. A single cemetery site was identified: the Dwyer Cemetery (11WI3989), an unregistered historic period Euro-American family cemetery. This site does warrant preservation in place.

In accordance with the established procedure for coordination of proposed IDOT projects, and pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we are submitting this preliminary site eligibility information for your review and comment. A more detailed and comprehensive report will be submitted in the near future.

Very truly yours,

Brad Koldehoff

Brad H. Koldehoff, RPA
Cultural Resources Unit
Bureau of Design & Environment

CONCUR
By: Anne E. Haaker
Deputy State Historic Preservation Officer
Date: 11-15-13

EXHIBIT D – SHPOS LETTERS OF CONCURRENCE WITH ASSESSMENT OF EFFECTS TO ABOVEGROUND HISTORIC PROPERTIES

Michael R. Pence, Governor
Cameron F. Clark, Director

DNR Indiana Department of Natural Resources

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

HISTORIC PRESERVATION AND ARCHAEOLOGY

March 7, 2014

James A. Earl II, P.E.
Project Manager
Indiana Department of Transportation
100 North Senate Avenue, IGCN 642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: "Section 106 Effects Assessment Report" from the *Illiana Corridor Tier Two Draft Environmental Impact Statement* (January 2014; "DEIS") (INDOT Des. No. 1006456; DHPA No. 11913)

Dear Mr. Earl:

Pursuant to the National Environmental Policy Act, and Section 106 of the National Historic Preservation Act, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the aforementioned DEIS, which we received with your January 29, 2014, cover letter of the same date, for Tier Two of the proposed Illiana Corridor, which might have impacts in Lake County, Indiana, and in Will County, Illinois. As requested in your cover letter, which was sent jointly with John Fortmann of the Illinois Department of Transportation, we are sharing this comment letter with Katie Kukielka of the Illinois Department of Transportation by e-mail, as well.

As we have done in previous comments, we will limit our comments here to properties and effects in Indiana, in deference to our Illinois counterparts, and to issues pertaining to cultural resources (archaeological and above-ground) in Indiana, in deference to the other Indiana state resource agencies that are participating in this review.

None of the three alternatives would have a physical impact on the Cutler Farm (Survey ID 72), which is considered to be eligible for inclusion in the National Register of Historic Places.

Likewise, none of the three alternatives would have a physical impact on the National Register-listed Kingsbury-Doak Farmhouse (Survey ID 235).

However, among the alternatives being considered, Alternative 1 would place the Illiana Corridor interchange with I-65 farthest to the south. We realize that the Indiana Department of Transportation ("INDOT") at the present time has no specific plans to extend the Illiana Corridor (by whatever name or designation) farther to the east than the proposed Illiana/I-65 interchange, but it is our understanding that it might be possible to do so in the future, if the need arose, and that such an extension might commence at that interchange. Alternatives 2 and 3 would place the interchange closer to the Kingsbury-Doak Farmhouse. Accordingly, it appears to us that it would be advantageous to select Alternative 1, at least with regard to impacts on above-ground properties, because an eastward or northeastward extension of the Illiana Corridor from that interchange would be less likely than the other two alternatives to have an adverse effect on the Kingsbury-Doak Farmhouse.

We agree that the Illiana Corridor is probably beyond view from either the Cutler Farm and the Kingsbury-Doak Farmhouse, and that would be true even during the winter, when the largely-deciduous vegetation between the proposed highway and either historic property would be without foliage. It also appears that the proposed highway would not limit access to the historic properties in a way that would change their use.

Consequently, we do not believe that any of the alternatives currently proposed for the Illiana Corridor would have a direct, physical effect—or an indirect effect of *most* kinds.

It is less clear to us that there would be no noise effect *at all* on either historic property. From our own experience, we have found that it is not unusual for ordinary interstate highway traffic noises (other than horns and brakes) to be heard clearly from more than one mile away.

Section 4.2 in the "Section 106 Effects Assessment Report" in Appendix K of the DEIS explains that, according to INDOT's Noise Policy, receptors to record noise for analysis will be placed within 500 feet of the edge of the outside travel lane and may be placed as far as 800 feet from the edge of the outside travel lane, if the potential for noise impacts extends beyond 500 feet. However, noise analysis of receptors is not recommended beyond 800 feet, "because the FHWA Traffic Noise Model Version 2.5) model does not provide accurate prediction of noise levels beyond that distance . . . ." Consequently, noise analysis was not completed for the Cutler Farm or the Kingsbury-Doak Farmhouse. Also, we surmise, from the explanatory information in Section 4.2, that whether noise abatement will be considered depends on whether the noise level can be reduced by a certain amount and whether the cost of abatement is economically reasonable.

Furthermore, it is our understanding, from having reviewed draft environmental impact statements in other projects, that traffic noise model ("TNM") projections are based on an average noise level over the course of an hour's time. From our prior experience with TNM and from information in Appendix K, Section 4.2, it appears that INDOT's Noise Policy provides for mitigating noise effects only for impacts that are measurable by TNM and at levels recognized under the policy and when it is economically reasonable to mitigate noise levels within 800 feet of the edge of the outside travel lane. Because those appear to be the key parameters for analyzing noise impacts in highway projects, one is led *logically* from those premises to the conclusion that this project *could not* have adverse noise impacts on either the Cutler Farm or the Kingsbury-Doak Farmhouse.

It seems to us, however, *as a practical matter*, that noise impacts from individual events (such as the sounding of horns, the shifting of gears, or the application of truck brakes) might cause the highest spikes in noise levels during any given hour, but noise impacts of that nature would be taken into consideration only to the extent that they contribute to the average noise level for that hour. It also seems that the noise impact levels, or increases in levels, that are recognized by FHWA and INDOT as meriting specific mitigation measures (such as noise barriers) might not include the entire range of noises that occupants of a historic property would consider annoying or otherwise an impediment to their use of the property. Consequently, although we can see value in TNM because it may provide effective mitigation for some kinds of impacts caused by highway noise, we are not sure that TNM necessarily takes into consideration all new or increased kinds of noise that the average person would consider to have an effect on his or her use of a historic property.

Given the distances between the new highway or the new I-65 interchange and the Indiana historic properties, we doubt that either the construction noise or the traffic noise would rise to a level that would be likely to affect adversely the Cutler Farm or the Kingsbury-Doak Farmhouse, by causing a change in how those historic properties are used, for example. Even so, we think that the blasts from truck horns, the sounds of shifting of gears on large trucks, and the rumble from applying truck breaks, in particular, likely would be heard at the Indiana historic properties from the Illiana Corridor to a greater degree than they are now heard from other nearby roads or highways. Consequently, we believe that they at least should be considered possible effects of the Illiana Corridor. While we acknowledge that such sounds caused by existing traffic on I-65 might already be audible from the Kingsbury-Doak Farmhouse, but we think that adding an interchange within about one mile of that property is likely to increase the incidence of such noise spikes. Accordingly, the proposed "no effect" findings for the Cutler Farm and the Kingsbury-Doak Farmhouse seem to us to understate the potential for noise effects.

As section 3.4.5.4 in the Draft DEIS indicates, archaeological investigations are incomplete, so it is not known yet whether National Register-eligible archaeological sites in Indiana will be adversely affected by the Illiana Corridor. It is true that 36 C.F.R. 800.4(b)(2) allows phased identification and evaluation of historic properties where the proposed project involves corridors or large land areas or where the access to properties necessary for investigations is restricted.
It seems that often archaeological investigations are deferred towards the ends of projects, rather than earlier in the Section 106 process, and it becomes routine to use such phased identification in large highway projects in Indiana, even when the other environmental studies preceding the signing of the record of decision take years to complete. It also seems to be assumed that if significant archaeological resources are later found to lie in the path of a project, the preservation of such properties in place will not be necessary. Thus, significant archaeological properties may seem to not be accorded the same degree of consideration as other cultural resources that are more easily identified, such as buildings or structures, when it comes to avoidance of adverse effects.

We suggest stating clearly in the Tier Two DEIS for the Illiana Corridor that all necessary archaeological investigations (including Phase I, II, and III, if necessary) at archaeological sites 12La664, 12La666, 12La668, and 12La675 will be conducted, and that all necessary archaeological investigations will be conducted for any inadvertent discoveries during project development and for any new rights-of-way and areas of the project area that have not been previously and substantially, non-historically disturbed, and that have not been cleared by previous archaeological investigations.

If you have questions about issues pertaining to above-ground properties, such as buildings or structures, in Indiana, then please contact John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. Questions about archaeological issues in Indiana should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov.

Very truly yours,

Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JLC:JRJ:jlc

emc: John Fortmann, P.E., Illinois Department of Transportation
Katie Kukielka, P.E., IDOT PMC Project Manager
Matt Fuller, Federal Highway Administration, Illinois Division
Michelle Allen, Federal Highway Administration, Indiana Division
Janice Osadczuk, Federal Highway Administration, Indiana Division
Joyce Newland, Federal Highway Administration, Indiana Division
James A. Earl II, P.E., Indiana Department of Transportation
Steven Schilke, P.E., Illiana Project Manager
Anne Haaker, Illinois Deputy State Historic Preservation Officer
Laura Hilden, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Anuradha Kumar, Indiana Department of Transportation
Susan Branigin, Indiana Department of Transportation
Matthew Coon, Ph.D., Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Chris Smith, Deputy Director, Indiana Department of Natural Resources
John Davis, Deputy Director, Indiana Department of Natural Resources
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife
Richard Rampone, P.E., Parsons Brinckerhoff
Steven Ott, LLA, Parsons Brinckerhoff
Aimee Paquin, Parsons Brinckerhoff
Ryan Duddleson, Cardno JFNew

Illinois Department of Transportation

Memorandum

To:	John A. Fortmann	Attn: Katie Kukielka
From:	John D. Baranzelli	By: Brad H. Koldehoff
Subject:	Illiana Effects Assessment Report, SHPO Comment	
Date:	March 12, 2014	

Will County
Illiana B3 Corridor, I-55 to Indiana State Line
IDOT Sequence #16651A-C

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the Illinois State Historic Preservation Officer (SHPO) concurs with IDOT's findings documented in the Illiana Effect Assessment Report, see attached.

Brad Koldehoff

Brad H. Koldehoff, RPA
Cultural Resources Unit
Bureau of Design and Environment

ILLIANA CORRIDOR

www.illianacorridor.org

RECEIVED
FEB 20 2014
ENVIRONMENT SECTION

January 29, 2014

Ms. Anne Haaker
Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, IL 62701

RE: Illiana Corridor Tier Draft Two Environmental Impact Statement: Section 106 Effects Assessment Report for Will County, Illinois and Lake County, Indiana (November 22, 2013)

Dear Ms. Haaker:

In March 2013, your organization was invited to participate as a Section 106 consulting party for the Illiana Corridor project. The role of consulting parties is to provide information on potential historic and archaeological properties in the project area, provide comments on potential effects to historic properties, and provide input on ways to avoid, minimize, or mitigate adverse effects upon historic properties.

The Federal Highway Administration (FHWA) is seeking consulting party, public, and Illinois and Indiana State Historic Preservation Officers (SHPO) comments on the draft effects assessment to historic properties during the Draft Environmental Impact Statement (DEIS) public comment period. A hard copy summarizing the contents of the *Section 106 Effects Assessment Report for Will County, Illinois and Lake County, Indiana* (November 22, 2013) and a DVD of the Tier Two DEIS is enclosed for your review (the entire report is located in Appendix K, Part 9 of 9, page K-2875 of the DEIS). This report documents the methodology and draft assessment of effects to only above-ground historic properties within the Area of Potential Effects (APE) as part of the Section 106 process of the Illiana Corridor Tier Two studies.

Two public hearings providing the opportunity for comment on the Tier Two DEIS are scheduled for Tuesday, February 18, 2014 at Lowell Middle School, 19250 Cline Avenue, Lowell, Indiana 46356; and Wednesday, February 19, 2014 at the Local 150 Training Facility, 19800 W. South Arsenal Road, Wilmington, IL 60481. The hours for each hearing will be 5 PM to 8 PM CST.

Further review and evaluation will be necessary to identify archaeological resources and assess effects to below-ground archaeological resources beyond the publication of the Tier Two Environmental Impact Statement (EIS) and Record of Decision (ROD). Therefore, the Illinois Department of Transportation (IDOT) and Indiana Department of Transportation (INDOT) will coordinate with the FHWA, the Illinois and Indiana SHPOs, Native American tribes, and other consulting parties to develop a Programmatic Agreement (PA) prior to the Tier Two ROD to describe the process to continue identification of historic properties and mitigation of adverse effects, if necessary, beyond the Tier Two ROD.

Because a PA will be necessary to phase further archaeological work after the National Environmental Policy Act (NEPA) process is complete, FHWA will notify the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination and its intent to prepare a PA. The notification will occur after the public comment period. FHWA will work with IDOT, INDOT, the Illinois and Indiana SHPOs, and consulting parties to develop a PA to resolve adverse effects, which will be included in the Final Environmental Impact Statement (FEIS).

The project's effects to individual historic properties were assessed for each proposed build alternative and IL-53 design option. In general, the three alternatives follow the same alignment and were therefore discussed together. When the alternatives diverged in the vicinity of a historic property, the effects of each alternative were assessed.

Potential adverse effects to Alternate Route 66, Wilmington to Joliet were identified with IL-53 Design Option 1, while the three alternatives and IL-53 Design Options 2-6 would have no adverse effect to the historic road. In the selection of the Illiana Corridor Preferred Alternative in the Tier Two DEIS, IL-53 Design Option 1 has been dismissed from further consideration as an interchange option for the Illiana Corridor and is not recommended to be carried forward because there are feasible and prudent alternatives that avoid Alternate Route 66 and do not have an adverse effect to the historic road.

Of the 15 NRHP-listed and eligible above-ground historic properties in the APE, FHWA has made a preliminary determination that there would be no adverse effect to six (6) historic properties:

- Survey ID #17 John P. Lynott Summer House
- Survey ID #53 Stone Farmstead
- Survey ID #54 Andrew Markert House
- Survey ID #13 Alternate Route 66, Wilmington to Joliet
- Survey ID #182 John R. Baskerville Farmstead
- Survey ID #416 2444 West Corning Road

FHWA has made a preliminary determination that there would be no effect to nine (9) historic properties:

- Survey ID #138 Rodney Bowen House
- Survey ID #160 Eagle Hotel
- Survey ID #159 Downtown Wilmington Historic District
- Survey ID #167 Howard Hyde House

- Survey ID #451 Peotone Mill
- Survey ID #340 Will County Fairgrounds
- Survey ID #440 Beecher Mausoleum
- Survey ID #72 Cutler Farm
- Survey ID #235 Kingsbury-Doak Farmhouse

FHWA has made a preliminary effect determination that the Illiana Corridor would have **no adverse effect** to above-ground historic properties. FHWA will take into consideration any comments received. Thereafter, an effect finding and supporting Section 106 800.11 documentation, taking into account public and consulting parties input, along with a draft PA, will be circulated for comment and review.

In reviewing the information, your comments, if any, should be addressed to Ms. Katie Kukielka of IDOT at katie.kukielka@illinois.gov by March 10, 2014. Thank you for your ongoing assistance with this important project. We look forward to continued coordination with you.

Sincerely,

John Fortmann, P.E.
Deputy Director of Highways,
Region One Engineer
Illinois Department of Transportation

James A. Earl II, P.E.
Project Manager
Indiana Department of Transportation

Enclosures: Tier Two Draft Environmental Impact Statement CD of DEIS and Appendices

Summary of *Section 106 Effects Assessment Report for Will County, Illinois and Lake County, Indiana* (November 22, 2013)

CONCUR
By: Anne E. Haaker
Deputy State Historic Preservation Officer
Date: 3/11/14

Michael R. Pence, Governor
Cameron F. Clark, Director

DNR Indiana Department of Natural Resources

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

HISTORIC PRESERVATION AND ARCHAEOLOGY

April 25, 2014

Steve Schilke, P.E.
Illiana Project Manager
201 West Center Court
Schaumberg, Illinois 60196

Federal Agency: Federal Highway Administration ("FHWA")

Re: Illiana Corridor Tier Two Draft Final Environmental Impact Statement: Section 106, 800.11(e) Document and Draft Programmatic Agreement (Des. No. 1006456; DHPA No. 11913)

Dear Mr. Schilke:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer has reviewed the materials under the Illinois Department of Transportation's and the Indiana Department of Transportation's joint cover letter dated March 28, 2014, and received on March 31, for Tier Two of the Illiana Corridor in Lake County, Indiana, and in Will County, Illinois.

As we have done in previous comments, we will limit our comments here to issues in Indiana (sections 9 through 12), in deference to our Illinois counterparts, and to issues pertaining to cultural resources (archaeological and above-ground), in deference to the other Indiana state resource agencies that are participating in this review.

At the request of the Indiana Department of Transportation, we have attempted to comment on FHWA's March 28, 2014, Adverse Effect finding (which is in Appendix B of the supporting, 36 C.F.R. § 800.11[e] documentation) by April 25.

We received the March 28 finding on March 31. The joint cover letter requests comments by April 27, which is a Sunday. Under 36 C.F.R. § 800.5(c)(2)(i), consulting parties are allowed 30 days after receipt in which to object to, or otherwise comment on, a finding of No Adverse Effect, and the finding here includes some individual findings of No Adverse Effect for specific properties. Furthermore, it is our understanding that the Advisory Council on Historic Preservation does not consider the 30-day comment period to have expired until the next business day, if the 30th day falls on a weekend or a holiday. Consequently, in order to allow the other consulting parties an appropriate amount of time in which to comment, we recommend that you not consider the comment period to have closed before at least April 30. It would be advisable to allow a couple of additional days, in case some comments are submitted by regular mail.

Based on the project as it has been described to us to this point, we concur with the finding that the Preferred Alternative will have no adverse effect on above-ground properties in Indiana that are listed in (Kingsbury-Doak Farmhouse) or eligible for inclusion in (Cutler Farm) the National Register of Historic Places.

Since archaeological investigations are incomplete, and it is not known yet whether or how National Register-eligible archaeological sites in Indiana will be affected by the Illiana Corridor, we concur with FHWA's March 28, 2014, finding of Adverse Effect for this undertaking in Indiana on archaeological resources.

Accordingly, we concur with FHWA's overall finding of Adverse Effect for the Illiana Corridor Tier Two undertaking.

In regard to the archaeological aspects of the Programmatic Agreement, we suggest including the archaeological site numbers (12la664, 12La666, 12La668, 12La675)for the four sites in Indiana that merit further investigation, and state clearly that they will be subjected to all necessary archaeological investigations. These may be added to the 12th Whereas clause and the paragraph in III.C.2.a.

We also suggest adding reference to 312 IAC 21 to the paragraph in III.C.2.d.

We note that the sunset clause, paragraph VI.A., would terminate the Programmatic Agreement on May 5, 2029, if its terms have not been implemented by that date. A sunset clause is an important component of an agreement document such as this. We are somewhat concerned, however, about allowing the agreement to stay in effect for as long as 15 years. Within that timeframe, properties that were not old enough to have been given close scrutiny for National Register eligibility could turn 50 years old, but their significance and the project's effect on them might never have been taken into account. We recommend a termination date of sometime in 2014.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and -29 does not obviate the need to adhere to applicable federal statutes and regulations.

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding the above indicated project, please refer to DHPA No. 11913.

Very truly yours,

Chad W. Slider

Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:JRJ:JLC:jlc

emc: Matt Fuller, Federal Highway Administration, Illinois Division
Joyce Newland, Federal Highway Administration, Indiana Division
James A. Earl, II, P.E., Indiana Department of Transportation
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Steve Ott, Parsons Brinckerhoff
Aimee Paquin, Parsons Brinckerhoff
Edward Leonard, Parsons Brinckerhoff
Ryan Duddleson, Cardno JFNew
Chris Smith, Indiana Department of Natural Resources
John Davis, Indiana Department of Natural Resources
Matt Buffington, Indiana Department of Natural Resources, Division of Fish and Wildlife

EXHIBIT E – LIST OF INVITED CONSULTING PARTIES AND RESPONSE STATUS

Invited Agency/Government	Involvement
Invited Tribal Government	
Citizen Potawatomi Nation	Did Not Respond
Delaware Nation	Declined to Participate
Forest County Potawatomi County Community, Wisconsin	Did Not Respond
Hannahville Potawatomi Indian Community, Michigan	Did Not Respond
Ho-Chunk Nation of Wisconsin	Did Not Respond
Kickapoo Traditional Tribe of Texas	Did Not Respond
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas	Did Not Respond
Kickapoo Tribe of Oklahoma	Did Not Respond
Miami Tribe of Oklahoma	Participating Agency and Section 106 Consulting Party
Peoria Tribe of Indians of Oklahoma	Did Not Respond
Pokagon Band of Potawatomi Indians, Michigan and Indiana	Did Not Respond
Prairie Band of Potawatomi Nation, Kansas	Did Not Respond
Sac and Fox Nation of Missouri in Kansas and Nebraska	Did Not Respond
Sac and Fox Nation of Oklahoma	Did Not Respond
Sac and Fox Tribe of the Mississippi in Iowa	Did Not Respond
Shawnee Tribe, Oklahoma	Did Not Respond
Wyandotte Nation, Oklahoma	Did Not Respond
Illinois	
Bourbonnais Grove Historical Society	Did Not Respond
Canal Corridor Association	Did Not Respond
Cedar Lake Historical Association	Section 106 Consulting Party
Channahon Township	Did Not Respond
Chicago Metropolitan Agency for Planning	Section 106 Consulting Party
City of Braidwood	Did Not Respond
City of Joliet	Section 106 Consulting Party
City of Wilmington	Section 106 Consulting Party
Crete Township	Did Not Respond
Custer Township	Did Not Respond
Florence Township	Section 106 Consulting Party

Invited Agency/Government	Involvement
Forest Preserve District of Will County	Section 106 Consulting Party
Frankfort Area Historical Society	Did Not Respond
Grant Park Area Historical Society	Did Not Respond
Green Garden Township	Did Not Respond
Illinois Department of Transportation	Did Not Respond
Illinois Historic Preservation Agency	Section 106 Consulting Party
Illinois State Historical Society	Did Not Respond
Jackson Township	Did Not Respond
Joliet Area Historical Museum	Did Not Respond
Kankakee Area Transportation Study	Section 106 Consulting Party
Kankakee County	Section 106 Consulting Party
Kankakee County Historic Preservation Commission	Did Not Respond
Kankakee County Museum	Did Not Respond
Kankakee River Valley Forest Preserve District	Did Not Respond
Landmarks Illinois	Did Not Respond
Manhattan Township	Did Not Respond
Manhattan Township Historical Society	Declined to Participate
Manteno Historical Society	Did Not Respond
Manteno Township	Section 106 Consulting Party
Midewin Heritage Association	Section 106 Consulting Party
Midewin National Tallgrass Prairie	Section 106 Consulting Party
Monee Township	Did Not Respond
New Lenox Historical Society	Did Not Respond
Park Forest Historical Society	Did Not Respond
Peotone Historical Society	Did Not Respond
Peotone Township	Did Not Respond
Reed Township	Did Not Respond
Rockville Township	Did Not Respond
Route 66 Association of Illinois	Did Not Respond
Route 66 Corridor Preservation Program	Did Not Respond
Route 66 Scenic Byway	Section 106 Consulting Party
Sumner Township	Section 106 Consulting Party
Village of Beecher	Did Not Respond
Village of Braceville	Declined to Participate
Village of Carbon Hill	Did Not Respond
Village of Channahon	Did Not Respond
Village of Coal City	Did Not Respond
Village of Crete	Section 106 Consulting Party

Invited Agency/Government	Involvement
Village of Diamond	Declined to Participate
Village of Elwood	Section 106 Consulting Party
Village of Godley	Did Not Respond
Village of Grant Park	Did Not Respond
Village of Manhattan	Section 106 Consulting Party
Village of Manteno	Did Not Respond
Village of Matteson	Did Not Respond
Village of Monee	Did Not Respond
Village of Peotone	Section 106 Consulting Party
Village of Symerton	Did Not Respond
Village of University Park	Did Not Respond
Washington Township	Did Not Respond
Washington Township Museum, Beecher Community Historical Society	Did Not Respond
Wesley Township	Did Not Respond
Wheatland Township	Did Not Respond
Will County	Section 106 Consulting Party
Will County Governmental League	Did Not Respond
Will County Historic Preservation Commission	Section 106 Consulting Party
Will County Historical Society	Section 106 Consulting Party
Will County Land Use Department	Section 106 Consulting Party
Will-South Cook Soil & Water Conservation District	Did Not Respond
Will Township	Section 106 Consulting Party
Wilmington Area Historical Society	Section 106 Consulting Party
Wilmington Township	Did Not Respond
Wilton Township	Did Not Respond
Yellowhead Township	Did Not Respond
Indiana	
Cedar Creek Township	Section 106 Consulting Party
Cedar Lake Historical Association	Did Not Respond
Center Township	Did Not Respond
City of Crown Point	Did Not Respond
Crown Point Historic Preservation Commission	Did Not Respond
Dyer Historical Society	Did Not Respond
Eagle Creek Township	Section 106 Consulting Party
Hanover Township	Did Not Respond
Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology	Section 106 Consulting Party

Invited Agency/Government	Involvement
Indiana Historical Bureau	Declined to Participate
Indiana Historical Society	Did Not Respond
Indiana Landmarks	Section 106 Consulting Party
Lake County	Did Not Respond
Lake County Historic Preservation Coalition	Did Not Respond
Lake County Historical Society and Museum	Section 106 Consulting Party
Lake County Parks	Section 106 Consulting Party
Lowell Historic Preservation Commission	Did Not Respond
Merrillville Ross Township Historical Society	Did Not Respond
Northwest Indiana Regional Development Authority	Section 106 Consulting Party
Northwestern Indiana Regional Planning Commission	Did Not Respond
Ross Township	Did Not Respond
South Lake County Agricultural Historical Society	Did Not Respond
St. John Historical Society	Did Not Respond
St. John Township	Did Not Respond
Three Creeks Historical Association	Section 106 Consulting Party
Town of Cedar Lake	Did Not Respond
Town of Lowell	Section 106 Consulting Party
Town of Merrillville	Did Not Respond
Town of Schneider	Did Not Respond
Town of St. John	Did Not Respond
Town of Winfield	Did Not Respond
West Creek Township	Did Not Respond
Winfield Township	Did Not Respond

EXHIBIT F – ILLINOIS STANDARD DATA AND RECOVERY PLANS

PART A: STANDARD DATA-RECOVERY PLAN FOR PREHISTORIC SITES

Introduction

The Illinois State Archaeological Survey (ISAS), a joint program of the University of Illinois at Urbana-Champaign (UIUC) and the Illinois Department of Transportation (IDOT), prepared this data-recovery plan for the archaeological mitigation of prehistoric habitation sites. This plan was developed in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716), and "The Treatment of Archaeological Properties" published in 1980 by the Advisory Council on Historic Preservation. All procedures outlined in this plan are implemented using standard ISAS techniques, which are outlined in ISAS 2013 Field Manual: *Standard ISAS Field Procedures for Phase I, II and III Archaeological Investigations.*

The IDOT and the Illinois State Historic Preservation Officer (SHPO) have jointly determined that the prehistoric sites to be investigated with this recovery plan are eligible for the National Register of Historic Places under Criterion D and that impacts to these sites cannot be avoided.

Natural Setting

The natural setting for archaeological sites excavated under this data-recovery plan will be examined (prior to conducting further excavation) in the appropriate existing documentation (such as the Geological Survey Soil Survey) and in the field. A verbal description of the natural setting will accompany maps and photographs in the final reporting of the site.

Summary of Previous Investigations

In general, sites to be investigated under this data recovery plan were recorded by ISAS personnel during the Phase I survey of the proposed project area. When necessary, existing archaeological and historical property lists will be consulted and oral histories conducted to fully develop a site's history and aid in locating possible features and an understanding of a site's stratigraphy and distribution across the landscape. Phase I testing at the site will have revealed the presence of intact cultural material and the site's potential to significantly contribute to our understanding of the prehistory of this area in order to warrant additional investigation.

Research Design

The data generated by excavations at the prehistoric site(s) will be used to examine at least three topics: (1) chronology; (2) technology; and (3) subsistence practices. Insights into changing patterns of community organization may also be granted, as may insights into changes in social organization. The data recovered will then be compared to data from other regional sites.

1. Chronology. It is expected that the recovered artifact assemblage at the prehistoric site(s) will suggest the presence of at least one cultural component (such as the

Mississippian or Late Woodland). Insights into more precise time spans at both sites can be gained through analysis of point and ceramic styles, as well as the acquisition of charcoal samples for radiocarbon analysis.

2. Technology. The lithic artifacts recovered from the prehistoric site(s) are expected to reflect the inhabitant's use of this material for a variety of tasks involved in procuring and processing resources. Analysis of the lithic assemblage will identify raw materials, heating stage, overall stages of tool manufacture, and lithic reduction strategies. Analysis of the ceramics, if ceramics are recovered, may also aid in the identification of pottery manufacturing processes.
3. Subsistence. If plant and animal remains are recovered at the prehistoric site(s), standardized flotation samples will be collected and analyzed from excavated feature fills to identify patterns of plant and animal use by the site inhabitants. These data will be used in the interpretation of seasonality and site function.

Mitigation Plan

Investigations will be conducted in compliance with the National Historic Preservation Act of 1966, as amended, and will be carried out by ISAS archaeologists who meet the Secretary of the Interior's professional qualification standards (48 FR 447838-9). In designing and carrying out the work, ISAS staff will also take into account the Advisory Council on Historic Preservation's publication on the "Treatment of Archaeological Properties."

Standard ISAS methods (as outlined in the ISAS Field Manual 2013) will be employed in all aspects of the data recovery. Portions of the plow zone at the site(s) will be removed; if warranted, a backhoe with a smooth-bladed bucket will likewise be utilized to carefully remove the plow zone at the site(s) in test trenches to recover artifacts, reveal features, and more fully investigate site stratigraphy.

If features are encountered, the archaeological studies will be conducted following the standard ISAS excavation techniques described in the ISAS Field Manual 2013. Any features encountered will be mapped by hand and tied into the site maps with an electronic transit. After plan mapping, features will be bisected along their long axis with hand tools (shovels and trowels). The subsequent profile will be mapped and photographed. Generally, the first half of each pit feature will be excavated as a single unit, with all artifacts bagged together; flotation samples generally will not be collected from the first halves of features. The second half of each pit will be excavated by fill zones identified in profile, with artifacts and flotation samples collected accordingly and screened with ¼-inch hardware cloth as appropriate. At least one 10-liter flotation sample will be collected from each zone. Charcoal-rich zones will be more intensively sampled.

Human remains are not expected to be found during the excavations; however, if encountered, the remains will be mapped and removed in accordance with all procedures and guidelines associated with the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440, 17 IAC 4170). Disposition of the human remains and any burial artifacts will be accomplished under the provisions of the Act.

In the laboratory, all lithic artifacts will be washed, labeled and analyzed by ISAS personnel at the appropriate Survey Division office. Botanical, zoological and human remains will be analyzed by specialists at ISAS's main office at the University of Illinois or by qualified consultants.

All archaeological reports resulting from the project will comply with contemporary standards, including the Secretary of the Interior's "Standards for Final Reports of Data-Recovery Programs" (42 FR 5377-79). The ISAS will also ensure that all final archaeological reports are presented in a format acceptable to the SHPO following Illinois guidelines on report preparation, and that all such reports are presented in a format acceptable to the National Park Service for possible peer review and submission to the National Technical Information Service. Reports will be submitted to the IDOT and SHPO in a timely manner after the completion of all field and laboratory investigations.

Curation

All artifacts, scientific samples, records, photographs, and other data associated with this project will be curated at the University of Illinois at Urbana-Champaign and managed by ISAS in accordance with federal standards as outlined in 36 CFR Part 79

PART B: STANDARD DATA-RECOVERY PLAN FOR HISTORIC SITES

Introduction

The Illinois State Archaeological Survey (ISAS), a joint program of the University of Illinois at Urbana-Champaign (UIUC) and the Illinois Department of Transportation (IDOT), prepared this data recovery plan for the archaeological mitigation of historic sites. This plan was developed in accordance with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716), and "The Treatment of Archaeological Properties" published in 1980 by the Advisory Council on Historic Preservation. All procedures outlined in this plan are implemented using standard ISAS techniques, which are outlined in ISAS 2013 Field Manual: *Standard ISAS Field Procedures for Phase I, II, and III Archaeological Investigations.*

The IDOT and Illinois State Historic Preservation Officer have jointly determined that the historic sites to be investigated with this recovery plan are eligible for the National Register of Historic Places (NRHP) under Criterion D and that impacts to these sites cannot be avoided.

Natural Setting

The natural setting for archaeological sites excavated under this data-recovery plan will be examined (prior to conducting further excavation) in the appropriate existing documentation and in the field. A verbal description of the natural setting will accompany maps and photographs in the final reporting of the site. Midwestern archaeological studies have noted a preference among early Euro-American pioneers to build their first homes along timber-prairie borders. Environmental factors, such as protection from the elements and proximity to timber, water, and wild animal resources, and cultural factors, such as origin of the settler

and proximity to roads, both affect the placement of early settlement homes and farms. General Land Office survey and plat maps, coupled with native vegetation information from county soil surveys, assist in the reconstruction of local environments during the early settlement era. In much of the State, survey maps were created prior to and immediately following the initial Euro-American settlement. Government land transfer and original land entries/patents provide information about locations of early settlements. Further information from county history books, census data, and assorted primary source documents such as letters and diaries can also assist in reconstruction of the environmental and cultural factors affecting individual and group settlement. Aerial photographs and modern maps (US Geological Survey, USDA soil survey, etc.) provide documentation of more recent environmental conditions.

Summary of Previous Investigations

In general, sites to be investigated under this data recovery plan were recorded by ISAS personnel during the Phase I survey of the proposed project area. When necessary, existing archaeological and historical property lists will be consulted and oral histories conducted to fully develop a site's history and aid in locating possible features and an understanding of a site's stratigraphy and distribution across the landscape. Phase I testing at the site will have revealed the presence of intact cultural material and the site's potential to significantly contribute to the history of this area in order to warrant additional investigation.

Research Design

The data generated by excavations at the historic site(s) will be used to examine at least three broad topics: (1) settlement patterns and land distribution; (2) architecture; and (3) subsistence practices. Insights into changing patterns of community organization may also be gained, as may insights into changes in social organization and subscription to mass-produced goods. The data recovered will then be compared with that from other regional sites.

1. **Settlement Patterns and Land Distribution**. The mitigation of historic sites requires the study of patterns of settlement by the pioneers who came to Illinois. The types of sites, their location, number and distribution, all provide important information on early settlement patterns and how they influenced later land development and settlement. In order to understand these settlement patterns, detailed artifact and archival information is required to determine the age, type, and function of specific sites. In addition, data indicating when specific features originated and any transformations in function through time is also needed. Inter- and intra-spatial orientation of structures and features must also be studied.

2. **Architecture.** Building techniques and architectural forms can reflect ethnic identity, stylistic concerns, economic status, and the relative availability of local and imported construction materials. Intact structures dating from the era of earliest Euro-American settlement are comparatively scarce, as many buildings have been abandoned, dismantled, or otherwise destroyed and/or replaced by more recent construction. Early structures are generally poorly documented and specific details regarding their

construction are not available. Intact subsurface remains provide information on dwelling size and shape and details of cellar and footing construction. The distribution of hardware, wood, glass, and other structural items within and around the foundation fill offers clues to the appearance of the superstructure. Exposure and detailed mapping of complete foundations is necessary to document the size, orientation, and shape of the dwelling. The construction materials employed need to be identified along with their likely places of origin. Measured plan views, profiles, and photographs of structural features will provide details on construction techniques. Horizontal and vertical provenience data on other structural remains will aid in the interpretation of aspects of the building superstructure.

3. **Subsistence**. Subsistence in early Euro-American farmsteads was based largely on foods produced directly for household consumption. With limited transportation systems and access to processed flour, wheat was an important crop. Water-powered gristmills were among the earliest important industries. Hogs were important sources of meat, cattle provided milk and butter, and chickens were commonly kept for eggs. Fruit trees and vegetable gardens were also important sources of food on many nineteenth century farms. In addition to these homegrown foods, wild plants and animals supplemented the diet. Deer, various small game mammals, fish, waterfowl, and wild turkey were common, along with wild nuts and fruits, which were seasonally available. Flotation samples taken from feature contexts should provide abundant evidence of subsistence. Identification of carbonized and uncarbonized plant remains will document the range of wild, domestic, and exotic plant species present. Wild, domesticated, and imported animal resources will be identified through the analysis of faunal remains recovered from flotation samples, as well as larger specimens recovered through standard excavation procedures.

Mitigation Plan

Investigations will be conducted in compliance with the National Historic Preservation Act of 1966, as amended, and will be carried out by ISAS archaeologists who meet the Secretary of the Interior's professional qualifications standards (48-FR-447838-9). In designing and carrying out the work, ISAS staff will also take into account the Advisory Council on Historic Preservation's publication on the "Treatment of Archeological Properties."

Standard ISAS methods (as outlined in the ISAS Field Manual 2013) will be employed in all aspects of the data recovery. A standard controlled surface collection grid (generally comprised of 10x10m collection units) will also be used, where possible, as the basis for a gridded metal detector survey to recover that class of artifacts. These individual grid cells will also form the parameters for subsequent machine-aided excavation units, which will be removed in an incremental fashion to increase the artifact sample from the site. Experience indicates that a significant percentage of the historic artifacts from a given site are located in the plow zone and this material, if collected systematically, can provide information about the location of activity loci that are generally not represented by subsurface features (i.e. barnyard activities).

Given this type of systematic plow zone sampling approach, hand excavated units will be used more sparingly on 19th century historic period sites, because intact subsurface deposits

are generally rare outside the limits of subterranean facilities. Thus, adequate artifact samples can typically be derived from surface collection, metal surveys, feature excavation, and systematically collected, standard sized machine excavation blocks. However, more rigorous plow zone and A-Horizon sampling, including dry or water screening and bulk flotation sample collection, will be undertaken on sites believed to be attributable to historic Indian, French, and very early British/American period components to amass adequate samples and recover micro-artifacts, such as glass beads.

Due to the large size of many historic cellars and the extremely deep nature of some water collection facilities, standard ISAS excavation protocols allow these features to be sampled as opposed to completely excavated. The cellars will be excavated in quarters (similar to prehistoric structures) so that both the long and short axis profiles can be mapped and documented. Deeper features, such as wells and cisterns, will typically only be sampled to a reasonable depth (ca. one to two meters) because their absolute limits often cannot be established through hand excavation given personal safety considerations. The overall depths of these features may be assessed through additional hand probing or machine trenching once the hand-excavated samples have been removed. Such sampling strategies, however, must obtain an adequate artifact assemblage and other forms of information to determine the feature's temporal placement and construction techniques. In addition, historic posts will be mapped in plan view, but only a subset may be formally excavated depending upon the number encountered and their relationship to other site features. Any posts that are not excavated will be hand-probed to assess their overall depth.

While not expected, should historic mortuary sites or features be encountered, the remains will be mapped and removed in accordance with all procedures and guidelines associated with the Illinois Human Skeletal Remains Protection Act (HSRPA, 20 ILCS 3440, 17 IAC 4170) and detailed in the ISAS excavation manual (ISAS 2005). Disposition of the human remains and any burial artifacts will be accomplished under the provisions of the Act.

In the laboratory, all artifacts will be washed, cleaned, labeled, and sorted by ISAS personnel at the appropriate Survey Division office, following standard ISAS procedures (ISAS 2013). Botanical, zoological, and historical materials will then be analyzed by ISAS specialists at the University of Illinois or by qualified consultants.

All archaeological reports resulting from the project will comply with contemporary standards, including the Secretary of the Interior's "Standards for Final Reports of Data-Recovery Programs" (42-FR-5377-79). The ISAS will also ensure that all final archeological reports are presented in a format acceptable to the SHPO following Illinois guidelines on report preparation, and that all such reports are presented in a format acceptable to the National Park Service for possible peer review and submission to the National Technical Information Service. Reports will be submitted to the IDOT and SHPO in a timely manner after the completion of all field and laboratory investigations.

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