

APPENDIX N-1

Technical Memorandum: I-69 ORX Section 4(f) Property Recommendations Relative to Parks, Recreation Areas, and Refuges

Clarification Note: This document was completed before the development of Central Alternative 1B Modified (Selected); therefore, the alternative is not included in the document. Applicable information regarding Central Alternative 1B Modified (Selected) is provided in the FEIS.



MEMORANDUM

To: Dan Prevost, Parsons
From: Caroline Ammerman, Stantec
Date: September 8, 2017
Subject: I-69 ORX Section 4(f) Property Recommendations Relative to Parks, Recreation Areas and Refuges

Section 4(f) of the Department of Transportation Act of 1966 protects publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public or privately owned historic sites from adverse impacts resulting from the construction of transportation facilities funded by the USDOT. Section 4(f) requires that prior to the use of land from Section 4(f) resources, it must be determined that there is no prudent or feasible alternative which avoids such use and that the project includes all possible planning to minimize harm to these resources. The purpose of this memorandum is to provide information relevant to determining the applicability of Section 4(f) to parks, recreation areas and refuges within the I-69 Ohio River Crossing (I-69 ORX) project area.

Section 4(f) applies to property which meets the following criteria:

- 1) Parks and recreational areas of national, state, or local significance that are both publicly owned and open to the public;
- 2) Publicly owned wildlife and waterfowl refuges of national, state, or local significance that are open to the public to the extent that public access does not interfere with the primary purpose of the refuge;
- 3) Historic sites of national, state, or local significance in public or private ownership regardless of whether they are open to the public (2012, FHWA).

Several properties in the I-69 ORX project area meet these criteria and are “traditional” Section 4(f) properties such as parks, state parks, and public recreation areas. In addition to the traditional Section 4(f) properties, there are several properties within the project area that are managed lands which meet some but not all of the Section 4(f) applicability criteria. These include properties that were acquired with Imperiled Bat Conservation Fund (IBCF) assets for protection

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of bat habitat, and properties with Natural Resources Conservation Service (NRCS) Wetland Reserve Program (WRP) Easements. Although IBCF and NRCS-WRP properties are not publicly owned and are not public recreation sites, in certain instances conservation easements or other encumbrances on private property which exist to preserve open space and protecting habitat can result in a property being subject to Section 4(f) and, therefore, warrant consideration for Section 4(f) applicability (FHWA, 2012).

The following information is provided for FHWA's consideration of Section 4(f)'s applicability to properties in the I-69 ORX project area: a description of each property; a map identifying the properties; and a summary table which provides a recommendation on the applicability of Section 4(f) for each property. This paper addresses one historic site, the Angel Mounds State Historic Site, because it also has recreational features such as hiking and bike trails. Other historic and archaeological resources are being evaluated as part of Section 106 studies being conducted for the I-69 ORX project.

PROPERTY DESCRIPTIONS

The properties discussed in this memorandum are divided into the following six groups:

- 1) Parks and recreation facilities;
- 2) State forest lands;
- 3) Proposed National Wildlife Refuge;
- 4) Properties acquired with Imperiled Bat Conservation Fund (IBCF) assets;
- 5) Private properties with Natural Resources Conservation Service (NRCS) Wetland Reserve Program (WRP) easements;
- 6) Privately-owned nature preserves.

The properties are described briefly below and shown on Figure 1. Each property is provided with a site number that corresponds with the labels on Figure 1 and the table of detailed property information in Appendix A.

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Parks and Recreational Facilities

Site 1: Anthony C. Oates Memorial Park

Anthony C. Oates Memorial Park is a 6.2-acre public neighborhood park located at 2439 Sunburst Avenue in Evansville, IN (Vanderburgh County, IN), which is owned and managed by the City of Evansville Department of Parks and Recreation. This park includes a pool, basketball courts, playground, and picnic area and is open to the public. (Evansville, Indiana/Vanderburgh County, 2017).

Recommendation for Section 4(f) Applicability: Section 4(f) is applicable to the Anthony C. Oates Memorial Park because it is publicly-owned, open to the public, and a significant recreational resource.

Site 2: James Price Park

James Price Park is a 25.7-acre public park located at 6229 Covert Avenue in Evansville, IN (Vanderburgh County, IN), which is owned and managed by the City of Evansville Department of Parks and Recreation. This park includes soccer fields, shelters, and playgrounds.

Recommendation for Section 4(f) Applicability: Section 4(f) is applicable to the James Price Park because it is publicly-owned, open to the public, and a significant recreational resource.

Site 3: John James Audubon State Park

John James Audubon State Park, which is owned by the Commonwealth of Kentucky and managed by the Kentucky Department of Parks, is located at 3100 US Highway 41 North, in Henderson, KY, just south of the Ohio River. John James Audubon State Park consists of approximately 692 acres, which include the 338-acre Audubon State Nature Preserve (SNP). Approximately 575 acres of the park are historic and included on the National Register of Historic Places (NRHP). The historic area includes the John James Audubon Museum and Audubon State Nature Preserve. The primary function of the state park is public recreation and the primary function of the nature preserve is the management and conservation of rare, threatened, or endangered species and communities that occur there. The park and nature preserve are open to the public, and have trail access. In addition, parking is provided at various parking lots throughout the park located at the John James Audubon Museum, welcome center, golf course, recreation lake, picnic shelters, and cabins. The area outside the NRHP boundary is utilized for recreation and includes the 9-hole golf course and cottages for rental. Recreational activities at the park include camping, golf, fishing, hiking trails, tennis, picnicking, playgrounds, and boating. The park also has interpretive programs that are conducted under the direction of a full-time naturalist and museum educator.

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Recommendation for Section 4(f) Applicability: Section 4(f) applies to John James Audubon State Park. Section 4(f) is applicable to the portion of the park that is included on the NRHP (575 acres) due to its significance as an historic site. In addition, the entire park, regardless of its historic status, meets the criteria for Section 4(f) applicability because it is publicly-owned, open to the public, and significant for recreational use. The fact that fees and reservations are required by the golf course, campsites, and rental cottages do not alter the property's Section 4(f) applicability (2012, FHWA).

Site 4: Audubon Wetlands Tract (now part of John James Audubon State Park)

The Audubon Wetlands Tract, approximately 649 acres in size, is located between John James Audubon State Park to the south and the Ohio River to the north in Henderson County, KY. The property, which is now part of John James Audubon State Park, is owned by the Commonwealth of Kentucky and managed by the Kentucky Department of Parks. With the acquisition of the wetlands tract, John James Audubon State Park now consists of approximately 1,349 acres. The newly acquired wetlands tract is open to the public and has a boardwalk for birdwatching and nature trails. The wetlands tract was purchased, in part, with funds received from the IBCF, requiring that the property is also managed to provide and conserve bat habitat. The management of the IBCF property will be performed by the Kentucky Department of Parks. There are no specific management requirements that the Department of Parks must follow other than maintaining the property in forest. The agreement with the USFWS does not affect the primary function of the property as a park or affect public access to this property. Meeting minutes of the agency teleconference with the USFWS are included in Appendix B. The IBCF program is discussed in greater detail on page 10 of this paper.

Recommendation for Section 4(f) Applicability: Section 4(f) applies to Site 4, the Audubon Wetlands Tract, because it is now part of John James Audubon State Park, a publicly-owned park which is open to the public and is a significant recreational area. This tract provides a boardwalk and nature trails for bird watching and passive recreational use. The requirements of the controlling agreement between the USFWS and the Kentucky Department of Parks do not limit or restrict the use of the property for nature trails, bird watching, and other passive recreational uses.

Sites 5 & 6: Atkinson Park and Henderson Municipal Golf Course

Atkinson Park is identified as a public park on the City of Henderson's website. It is located at 1813 N. Elm Street, Henderson, KY and provides grills, an open shelter, and a skate park (Site 5). Henderson Municipal Golf Course is in Atkinson Park at 1801 North Elm Street, Henderson, Kentucky. The Municipal Golf Course is operated by the City of Henderson Parks and Recreation Department and is open daily to the public (Site 6).

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Recommendation for Section 4(f) Applicability: Section 4(f) is applicable to the Atkinson Park because it is publicly-owned, open to the public, and a significant recreational resource. The Henderson Municipal Golf Course also is a Section 4(f) resource because it is publicly-owned, open to the public, and a significant recreational resource. The fact that greens-fees and reservations (tee times) are required by the golf course does not alter the golf course’s Section 4(f) applicability (2012, FHWA).

Sites 7 & 8: Henderson Schools Athletic Facilities 1 and 2

The Henderson County Board of Education owns baseball fields on North Lincoln Avenue (Site 7) and tennis courts and other recreational facilities near the high school on Zion Road (Site 8) in Henderson, KY. The baseball fields, which total 9.3 acres, are used by the youth baseball teams for organized events in the spring, summer, and fall; and the high school tennis courts, which total 1.7 acres are part of other recreational facilities totaling 61.3 acres, are open to the public. (2017, Tennis Round website, Henderson PCMA baseball website). In addition, the City of Henderson runs a city tennis league at these courts and shares the expenses with the Board of Education. Other recreational facilities available near the high school on Zion Road include a football field and stadium, football practice fields, track, baseball field, soccer fields, and an archery building. These facilities are not open to the public. (2017, Personal Communication with Steve Steiner provided in Appendix B).

Recommendation for Section 4(f) Applicability: Section 4(f) is applicable to the athletic facilities owned by the Henderson County Board of Education located on North Lincoln Avenue (Site 7) and the tennis courts near the high school on Zion Road (Site 8) because they are publicly-owned, open to the public, used for organized recreational activities, and significant for public walk-on recreation. The baseball fields on Site 7 and tennis courts on Site 8 total approximately eleven acres that meet Section 4(f) criteria. Figure 1-A shows the portion of Site 8 recommended for Section 4(f) applicability.

Site 9: Freedom Park and Donald “Hugh” McCormick Henderson County Fairgrounds

The Freedom Park and Henderson County Fairgrounds, which are owned by Henderson County Fiscal Court, are identified as one land parcel encompassing 19 acres on the Henderson County Property Valuation Administrator website, and both resources are listed as parks on Henderson County’s Parks and Programs website (2017, Henderson County, KY). Freedom Park and Henderson County Fairgrounds are a combined area on Airline Road in Henderson, KY. The area includes a walking trail, Farmer’s Market, basketball court, and arena that hosts horse clubs and tractor pulls. Based on information provided by the Director of Parks and Programs for Henderson County, the walking trail around the fairgrounds area, the basketball court in the fairgrounds area, and a playground in the fairgrounds near the arena are significant recreational

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resources, which are open to the public for walk-on recreation. In addition, BBQ pits are currently being constructed for public use. Freedom Park, which is adjacent to the fairgrounds area is open to the public and includes picnic tables and two playsets - one for toddlers and one for older children (2017, Personal Communication with Mitzi Weber included in Appendix B). Figure C-1 in Appendix C provides an aerial photograph which shows Freedom Park and Henderson County Fairgrounds and identifies the recreational facilities at Henderson County Fairgrounds.

Recommendation for Section 4(f) Applicability: Section 4(f) applies to both Freedom Park and Henderson County Fairgrounds. Both Freedom Park and Henderson County Fairgrounds are publicly owned, open to the public, and considered to be locally significant for walk-on recreation. However, there are some areas of Henderson County Fairgrounds that function primarily for commercial purposes, i.e., the Farmer's Market, county fair, tractor pulls, car shows, and rodeos. Section 4(f) would apply only to the portions of the park that are significant for park or recreational purposes. (2012, FHWA) These areas would include the basketball courts, shelters, playground, and walking trail that are identified on Figure 1-B. The total acreage of Freedom Park and portions of Henderson County Fairgrounds that meet Section 4(f) criteria is approximately 2.79 acres.

Site 10: Angel Mounds State Historic Site and Ashumbala Nature Preserve

The Angel Mounds State Historic Site, located in Evansville, IN (Vanderburgh County, IN), consists of more than 600 acres and is listed on the National Register of Historic Places (NRHP) for its significance as one of the best-preserved, pre-contact Native American sites in North America. The Angel Mounds State Historic Site includes an interpretive center, recreations of Mississippian buildings, and a working reconstruction of the 1939 Works Progress Administration archaeology laboratory. The 500-acre non-archaeological portion of the site contains the 63-acre Ashumbala Nature Preserve with hiking and biking trails. (2017, Indiana State Museum) The Angel Mounds State Historic Site and Ashumbala Nature Preserve are owned in fee simple by Indiana Department of Natural Resources (IDNR), Division of State Museums and Historic Sites.

This site was evaluated as part of the *I-69: Henderson, Kentucky to Evansville, Indiana Draft Environmental Impact Statement* (2004). Figure C-2 in Appendix C provides an aerial photograph of the Angel Mounds State Historic Site. The DEIS indicates that the majority of this site is within the NRHP boundary and is, therefore, a Section 4(f) resource. In addition, the DEIS states that the recreational aspects of the entire State Historic Site make the site a Section 4(f) resource, regardless of the historic status of the site. As shown on Figure C-2, there are several portions of the site which are outside of the NRHP boundary for Angel Mounds Historic Site. The parcel located to the northeast of the Angel Mounds Historic Site's NRHP boundary was determined to

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be part of the Section 4(f) resource since it also contains a historic property. The DEIS indicates, however, that there was some property (approximately 98 acres), located west of the NRHP boundary that was not considered to be a Section 4(f) resource in 2004 since there were no recreational uses on this tract (2004, FHWA). This information was recently updated with correspondence received from Mike Linderman, Site Manager for Angel Mounds State Historic Site, who indicated that the wooded area at the north end of this tract is now partially used for trails. He also confirmed that the rest of this tract is being cultivated (see email from Mike Linderman included in Appendix B).

Recommendation for Section 4(f) Applicability: Section 4(f) applies to the area of Angel Mounds Historic Site which is within the NRHP boundary (See Figure C-2 in Appendix C). The area north of Pollack Avenue to the northeast of the Angel Mounds NRHP boundary is also considered to be part of the Section 4(f) property since it also contains a significant historic property. In addition, the portion of the property located west of the NRHP boundary which is used for trails is part of the Section 4(f) resource since it is publicly-owned, open to the public, and locally significant for recreation. The Section 4(f) areas of the Angel Mounds Historic Site and Ashumbala Nature Preserve are identified on Figure 1-C

State Forest Lands

Site 11 and Site 12: Green River State Forest (GRSR)

The Green River State Forest (GRSF), which is owned by the Commonwealth of Kentucky and managed by the Kentucky Division of Forestry, consists of 1,107 acres and is located about five miles northeast of the City of Henderson in Henderson County, KY. Two noncontiguous tracts of land comprise GRSF. The smaller tract (Site 11 on Figure 1), covering approximately 271 acres, is just west of the intersection of Green River 2 Road and Tilman-Bethel Road, approximately two miles west of Site 12. The smaller tract was acquired in 2004 with funding provided by the Kentucky Heritage Land Conservation Fund (KHLCF). The larger tract (Site 12 on Figure 1), which is adjacent to the intersection of Tschanner Road and Green River 1 Road, is approximately 836 acres in size. Approximately 100 acres of Site 12, located in the northeast corner of the site, was purchased with funding provided by the Kentucky Heritage Land Conservation Fund (KHLCF) and the North American Wetland Conservation Act (see email from D. Prevost included in Appendix B). The KHLCF includes a Memorandum of Agreement (MOA) between the Heritage Land Conservation Fund Board and the Kentucky Division of Forestry which requires that lands acquired with KHLCF funds develop a resource management plan and be maintained in perpetuity (2012, Kentucky Heritage Land Conservation Fund (KHLCF)).

Public access is provided to both Sites 11 and 12. Site 11 has a parking area on Green River 2 Road and a few internal dirt roads that were previously used to access old gas wells are now used

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as footpaths for hikers (see Figure C-3, in Appendix C). Site 12 includes two parking areas, an informational kiosk, and a gravel road connecting the two parking lots, which is open to the public for hikers but closed to motorized vehicular traffic. In addition, Site 12 has several designated multi-use trails which are maintained for hiking, horseback riding, hunter access, bird watching, etc. (2017, Gracey). These trails, which are numbered 10-21, are identified on Figure C-3 in Appendix C.

In addition to being publicly owned and open to the public, publicly owned land is a park, recreation area or wildlife and waterfowl refuge when the land has been officially designated as such by a Federal, State or local agency, and the officials with jurisdiction over the land determine that its primary purpose is as a park, recreation area, or refuge (2012, FHWA). To determine the primary purpose of GRSF, the Stantec company reviewed the management plan of the property and obtained information regarding the management of the property from Eric Gracey with the Kentucky Division of Forestry, an Official with Jurisdiction (OWJ) for GRSF (2017a, Gracey and 2017b, Gracey). The email from Mr. Gracey is included in Appendix B.

The Green River State Forest Management Plan was prepared in July 2008, at which time both Sites 11 and 12 were part of GRSF. The management plan included the following purpose statement:

“The Green River State Forest, through utilization of ecosystem management and landscape ecology principles, will achieve optimum biodiversity and sustainable forest while accomplishing the stated goals of quality timber production, research, demonstration, recreation, wildlife enhancement, and watershed protection. The Forest will serve as a forum for education of landowners, industry, resource professionals and the general public by providing demonstrations of proper forest management techniques and open exchange of information.”

In addition, the management plan identifies recreational use as “an integral part of the state forest program” and indicates that GRSF is open to the public for hunting, fishing, hiking, camping, and various other outdoor activities (2008, Kentucky Division of Forestry).

According to Eric Gracey, both Sites 11 and 12 are open to the public for disperse recreational activities including hunting, fishing, camping, hiking, and bird watching. There are no restrictions to public access on either site. As previously stated, Site 11 includes a few internal dirt roads which are used as footpaths for hikers (See Figure C-3 in Appendix C). Site 12 includes several multi-use trails which are maintained for recreational uses including hiking, horseback riding, hunting, bird watching, etc. In addition, the slough area and river frontage identified on the topographic map included as Figure C-4 in Appendix C are used by waterfowl hunters and

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fishermen and the entire GRSF is used by small game, deer, and turkey hunters when in season (2017 Gracey).

The final criteria of Section 4(f) that a property must meet is that it must be a “significant” public park, recreation area, or wildlife and waterfowl refuge. The term “significant,” in the context of Section 4(f), means that in comparing the availability and function of the park, recreation area or refuge, with the park, recreation or refuge objectives of the agency, community or authority, the property in question plays an important role in meeting those objectives. Based on the Green River State Forest Management Plan and the input received from Eric Gracey, GRSF is a multi-use property that has areas that are identified for timber management, as well as maintained multi-use trails used by bird watchers, horseback riders, and hikers. Also, areas in the slough and along the riverfront, which are not suitable for timber management, are used for fishing and waterfowl hunting. In addition, Site 12 was evaluated for Section 4(f) applicability as part of the *Draft Environmental Impact Statement* prepared for the I-69: Henderson, Kentucky to Evansville, Indiana project, which was prepared in 2004. Based on coordination with the Kentucky Division of Forestry in 2004, Site 12 was identified as a Section 4(f) site. Site 11 was acquired in 2004 after the Draft EIS was prepared (FHWA 2004).

Recommendation for Section 4(f) Applicability: Based on information provided by Eric Gracey of the Kentucky Division of Forestry, the Green River State Forest Management Plan, and the findings of the 2004 Draft EIS, Section 4(f) eligibility is recommended for Site 12 of GRSF. This site, which includes 814 acres, is publicly owned, open to the public and significant for recreation due to its extensive network of multi-use trails, as well as its fishing and hunting areas in the slough and along the riverfront which do not include managed forest. It is also recommended that the portion of Site 11 which includes the internal roads used for hiking be considered a Section 4(f) resource. The remainder of Site 11, which is undeveloped, is not recommended to be part of the Section 4(f) area. Figure 1-D shows the portion of Site 11 recommended for Section 4(f) applicability. The portion of Site 11 which meets Section 4(f) criteria totals approximately 0.85 acres.

Proposed National Wildlife Refuge

Site 13: Proposed Green River National Wildlife Refuge

Publicly owned land is a wildlife and waterfowl refuge when the land has been officially designated as such by a Federal, State, or local agency, and the officials with jurisdiction over the land determine that its primary purpose is as a park, recreation area, or refuge. Privately held properties that are designated for future Section 4(f) purposes are not considered to be Section 4(f) properties until the property is publicly-owned (2012, FHWA).

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In 2001 a Final Environmental Assessment received a Finding of No Significant Impact (FONSI) from the U.S. Fish and Wildlife Service for establishment of a wildlife refuge within Henderson County, KY along the Ohio and Green Rivers. The proposed refuge would include up to 23,000 acres of land which would be protected, restored, and managed by the USFWS. The purpose of the refuge would be to restore bottomland hardwood forested wetland habitats to benefit wildlife, migratory waterfowl, and shore birds. The proposed refuge was discussed in the *I-69: Henderson, Kentucky to Evansville, Indiana Draft Environmental Impact Statement (2004)*, which indicated that regular coordination occurred throughout that study with the USFWS regarding the location of I-69 alternatives in the vicinity of the proposed refuge. To date, USFWS has no authority to acquire property to create the refuge. (FHWA, 2004).

Recommendation for Section 4(f) Applicability: Section 4(f) does not apply to Site 13, the property identified for the proposed Green River National Wildlife Refuge. While the USFWS has plans to develop the proposed Green River National Wildlife Refuge, the USFWS has not been authorized to purchase property for the refuge and none of the property identified for the proposed wildlife refuge is publicly-owned at this time.

Private Properties with Easements or Other Encumbrances

Easements or similar encumbrances restricting a property owner from making certain use changes of their property, such as conservation easements, may result in a private property being subject to Section 4(f). To be applicable for Section 4(f), the property needs to be treated as a significant public park, recreation area, or wildlife and waterfowl refuge. Section 4(f) does not apply to private properties with easements or other encumbrances if public access is restricted to the property or the property is not considered to be a significant public park, recreation area, or wildlife and waterfowl refuge by the official(s) with jurisdiction.

Within the I-69 ORX Study Area, there are several properties that have easements or other encumbrances. These include properties that were purchased with funds from the Imperiled Bat Conservation Fund (IBCF) and properties that have Natural Resource Conservation Service (NRCS) Wetland Reserve Program (WRP) Easements. These properties are discussed below.

Properties Acquired with Imperiled Bat Conservation Fund (IBCF) Assets

The Imperiled Bat Conservation Fund (IBCF), originally named the Indiana Bat Conservation Fund, was established in 2009 through a partnership between the U.S. Fish and Wildlife Service (USFWS) Kentucky Ecological Services Field Office and Kentucky Natural Lands Trust (KNLT). The IBCF is a multi-faceted fund that uses a combination of grant, mitigation, and federal discretionary funding to provide resources for bat, forest, and at-risk terrestrial species conservation in Kentucky. The fund is administered by KNLT, with the assistance of the USFWS.

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There are several IBCF properties in the I-69 ORX study area. Based on a teleconference with Lee Andrews with the USFWS, the USFWS has a controlling agreement with the landowners of IBCF properties; there are no easements on these properties. The agreement says that the properties must be maintained as forest habitat for the benefit of Indiana bats. There are no active management plans with specific management responsibilities for these properties. If the properties are sold, it must be to a state or federal management agency or to another non-profit established to manage habitat mitigation sites. According to Lee Andrews, IBCF properties are significant wildlife refuges because of their important role in conserving habitat for the Indiana bat, a federally-listed endangered species, and the northern long-eared bat, a federally-listed threatened species. (see meeting minutes from April 25, 2015 teleconference with Lee Andrews of the USFWS included in Appendix B). However, to be considered Section 4(f) properties, IBCF properties must have public access, be in public use, and be significant as a publicly-owned park, recreation area, or wildlife and waterfowl refuge.

Site 14: Southern Conservation Corp. (SCC) (Eblen Tract)

This parcel, approximately 288 acres in size, is located on Old Evansville-Henderson Road, just west of U.S. 41 in Henderson County, KY. This parcel is privately-owned by Southern Conservation Corp. (SCC), which is registered as a non-profit organization under Section 501(c)(3) of the Internal Revenue Service's regulations. SCC partnered with the United States Fish and Wildlife Service (USFWS) and others to acquire the parcel. Funds from the IBCF, managed jointly by the USFWS and the Kentucky Natural Lands Trust (KNLT), were used to acquire the property.

Although this property is considered to be a significant wildlife refuge by the USFWS, there is no public access to this property or public use of the property because of private ownership and liability concerns. Therefore, this property is not a Section 4(f) resource. Meeting minutes of the teleconference with Lee Andrews of the USFWS are included in Appendix B.

Recommendation for Section 4(f) Applicability: Section 4(f) does not apply to Site 14 because it is not publicly owned or open for public use. In addition, public access is not allowed to this property at any time. (It should be noted that Section 4(f) may apply to wildlife refuges which restrict public access for the protection of refuge habitat or species (FHWA, 2012). Based on discussions with the USFWS, however, public access to Site 14 is not related to protection of refuge habitat or species but to the private ownership of the property and potential liability issues).

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Site 15: Southern Conservation Corp. (SCC) (Chapel Hill United Methodist Church Tract)

This parcel, approximately 288 acres in size, is currently owned by SCC. This parcel is located approximately 1.3 miles east of U.S. 41 in Henderson County, KY, and is bounded on the west and north by Green River 2 Road. No public entity controls or holds an easement or lease of this property. Like Site 14, this property was purchased, in part, with funds received from the IBCF and is being managed by SCC as forest to provide bat habitat. There is no public access to this property because of private ownership and liability concerns. Meeting minutes of the agency teleconference with the USFWS are included in Appendix B.

Recommendation for Section 4(f) Applicability: Although the USFWS considers Site 15 (the Chapel Hill United Methodist Church Tract) to be a significant wildlife refuge, there is no public access to this property or public use of the property because of private ownership and liability concerns. Therefore, this property is not a Section 4(f) resource.

Private Properties with Natural Resources Conservation Service (NRCS) Wetland Reserve Program (WRP) Easements

Several properties within the I-69 ORX study area are privately-owned and have Natural Resources Conservation Service (NRCS) Wetland Reserve Program (WRP) Easements. The WRP is a voluntary program that offers landowners the opportunity to protect, restore, and enhance wetlands on their property and provides technical and financial support to landowners who join the program. The goal of the WRP is to achieve the greatest wetland functions and values, along with optimum wildlife habitat, on every acre enrolled in the program. Applicants for a NRCS easement are required to control or own the eligible land, comply with the adjusted gross income limitation provisions, to comply with highly erodible land and wetland conservation practices, and develop a plan of operations. In addition, the landowner must be willing to grant NRCS or its designee unencumbered, unrestricted, transferable and otherwise sufficient physical and legal access from an identified Federal, State, or local public right-of-way to the entire enrolled area for the term of enrollment for restoration, management, maintenance, monitoring, and enforcement purposes (USDA 2015). To be subject to Section 4(f), these properties must have public access, be in public use, and be significant as a publicly-owned park, recreation area, or wildlife and waterfowl refuge.

Site 16: Private Property, 100 Waterworks Road, Evansville, IN

This property is located between Waterworks Road and Veterans Memorial Parkway, just north of the Indiana-Kentucky border in Evansville, IN (Vanderburgh County, IN). This parcel is approximately 50 acres in size, of which approximately 11 acres is included in the NRCS WRP easement program. This property does not have public access, and is not a significant as a publicly-owned park, recreation area, or wildlife and waterfowl refuge.

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Recommendation for Section 4(f) Applicability: Section 4(f) does not apply to Site 16 because it does not have public access and is not significant as a publicly-owned park, recreation area, or wildlife and waterfowl refuge.

Sites 17 and 18: Private Property located on Old Henderson-Evansville Road, Henderson County, KY

This private farm property is comprised of two parcels totaling approximately 249 acres. It is located on Old Evansville-Henderson Road west of US 41, bordering Site 14, in Henderson County, KY. The property has an easement through the NRCS WRP. This property does not have public access, and is not significant as a publicly-owned park, recreation area, or wildlife and waterfowl refuge.

Recommendation for Section 4(f) Applicability: Section 4(f) does not apply to Sites 17 and 18, which are part of a farm property located on Old Henderson-Evansville Road, because they are privately owned, do not provide public access, and are not significant as publicly-owned parks, recreation areas, or wildlife and waterfowl refuges.

Privately-owned Nature Preserves

Site 19: Eagle Slough Natural Area

The Eagle Slough Natural Area is owned by Sycamore Land Trust, a private nonprofit conservation organization. The property is directly north of Ellis Park on Waterworks Road, east of U.S. 41 and south of I-69, in Vanderburgh County, IN. The Eagle Slough Natural Area is approximately 130 acres and includes wetlands and mature bottomland forest. This preserve is home to some of Indiana's largest bald cypress trees. In addition, the preserve offers a walking trail with interpretive signage along an abandoned trolley bed, and a series of observation decks overlooking the wetlands and open water lake. Sycamore Land Trust also operates an environmental education program that connects children from low-income schools with nature. The preserve is free and open to the public from dawn to dusk. There is a parking lot for visitors but the entrance is not manned. Based on a teleconference conducted on May 8, 2017 with representatives of Sycamore Land Trust and follow-up information provided from the Trust, there is currently a deed restriction on portions of the Eagle Slough Natural Area property that encumbers the property in perpetuity with restrictions to property improvements, the alteration of natural vegetation on the property; and waste disposal on the property. A copy of the meeting minutes from the teleconference with Sycamore Land Trust, as well as a copy of the deed and map of the deed restricted area on the Eagle Slough Natural Area property, are provided in Appendix B.

MEMORANDUM – I-69 ORX Section 4(f) Property Recommendations Relative to Parks, Recreation Areas and Refuges –Final– September 8, 2017

Recommendation for Section 4(f) Applicability: Although the Eagle Slough Natural Area is open to the public, Section 4(f) does not apply to this site because it is privately owned.

Site 20: Alcoa Property

Based on the May 8th teleconference with representatives of Sycamore Land Trust, an additional 78 acres is being donated into the Eagle Slough Natural Area by Alcoa. This property, which is located approximately 800 feet east of the Eagle Slough Natural Area in Vanderburgh County, IN, is being used as mitigation under an agreement with the United States Army Corps of Engineers (USACE). It is not open to the public. It is anticipated that this land transfer will occur in 2017 (see meeting minutes of the teleconference with Sycamore Land Trust in Appendix B).

Recommendation for Section 4(f) Applicability: Section 4(f) does not apply to Site 20, the Alcoa Property, because it is privately owned, is not open for public use, and does not have public access.

Summary of Section 4(f) Property Recommendations

Based on research conducted as part of the early screening of Section 4(f) properties in the I-69 ORX study area and summarized in this paper, recommendations for the applicability of Section 4(f) to the parcels in the study area are provided in Table 1 below. All or portions of twelve of the 20 sites identified are recommended for Section 4(f) applicability. These recommendations are provided to FHWA for their final determination of Section 4(f) applicability to each site identified in this report.

MEMORANDUM – I-69 ORX Section 4(f) Property Recommendations Relative to Parks, Recreation Areas and Refuges –Final– September 8, 2017

Table 1. Recommendations of Applicability of Section 4(f)

PROPERTY	SECTION 4(F) CRITERIA				Recommendation for Applicability of Section 4(f)	
	Publicly-owned Park, Recreation Area, Wildlife and Waterfowl Area, or NRHP Historic Site	Public Access	Significant as a Park, Recreation Area, Refuge, or Historic Site			
Parks and Recreational Facilities						
Site 1 – Anthony C. Oates Memorial Park	Yes	Yes	Yes		Yes	
Site 2 – James Price Park	Yes	Yes	Yes		Yes	
Site 3 – John James Audubon State Park	Yes	Yes	Yes		Yes	
Site 4 – Audubon Wetlands Tract	Yes	Yes	Yes		Yes	
Sites 5 & 6 – Atkinson Park	Yes	Yes	Yes		Yes	
Sites 7 & 8– Henderson Schools Athletic Facilities 1 & 2	Yes	Yes	Yes		Site 7 – Yes Site 8 – Yes (Part)	
Site 9– Freedom Park/Fairgrounds	Yes	Yes	Yes		Yes - Part	
Site 10– Angel Mounds State Historic Site and Ashumbala Nature Preserve	Yes	Yes	Yes		Yes	
State Forest						
Sites 11 and 12– Green River State Forest			Yes	Yes	Yes	Site 11 -Yes (Part) Site 12 – Yes
Proposed National Wildlife Refuge						
Site 13– Proposed Green River National Wildlife Refuge			No	No	No	No
Private Properties Acquired with IBCF Funds						
Site 14 – Southern Conservation Corp. (SCC) (Eblen Tract)			No	No	Yes	No

MEMORANDUM – I-69 ORX Section 4(f) Property Recommendations Relative to Parks, Recreation Areas and Refuges –Final– September 8, 2017

PROPERTY	SECTION 4(F) CRITERIA				Recommendation for Applicability of Section 4(f)	
	Publicly-owned Park, Recreation Area, Wildlife and Waterfowl Area, or NRHP Historic Site	Public Access	Significant as a Park, Recreation Area, Refuge, or Historic Site			
Site 15 – Southern Conservation Corp. (SCC) (Chapel Hill UMC Tract)			No	No	Yes	No
Private Properties with NRCS Wetland Reserve Program (WRP) Easements						
Site 16 – Private Property (100 Waterworks Road)			No	No	No	No
Sites 17 & 18 – Private Property (Old Henderson-Evansville Road)			No	No	No	No
Privately-Owned Nature Preserves Open to the Public						
Site 19 – Eagle Slough Natural Area			No	Yes	Yes	No
Site 20 – Alcoa Property ¹			No	No	No	No

¹ The Alcoa Property is currently being transferred to the Sycamore Land Trust. This property is anticipated to be under Sycamore Land Trust ownership in 2017.

MEMORANDUM – I-69 ORX Section 4(f) Property Recommendations Relative to Parks, Recreation Areas and Refuges –Final– September 8, 2017

REFERENCES

Evansville, Indiana and Vanderburgh County website

2017 Department of Parks and Recreation, accessed June 7, 2017
<http://www.evansville.in.gov/Index.aspx>

Federal Highway Administration

2004 *Draft Environmental Impact Statement: Henderson, Kentucky to Evansville, Indiana*. February 2004.

2012 *Section 4(f) Policy Paper*. July 2012.

Freitag, C.

2017 Teleconference with Dr. Christian Freitag, Executive Director, Sycamore Land Trust on May 8, 2017.

Gracey, E.

2017 Email communication with C. Ammerman on July 28, 2017.

Henderson County, KY

2017 Henderson County Parks and Programs, accessed June 7, 2017,
<http://www.hendersonky.us/parks.php>.

Henderson PCMA Baseball

2017 Henderson PCMA Baseball, accessed June 7, 2017, <http://www.hendersonpcma.com/>.

Indiana State Museum

2017 Angel Mounds State Historic Site, accessed June 7, 2017,
<https://www.indianamuseum.org/angel-mounds-state-historic-site>.

Kentucky Heritage Land Conservation Fund (KHLCF)

2012 KHLCF Management Funding Process, accessed August 21, 2017,
<http://heritageland.ky.gov/Pages/GrantApplication.aspx>

MEMORANDUM – I-69 ORX Section 4(f) Property Recommendations Relative to Parks, Recreation Areas and Refuges –Final– September 8, 2017

Lindeman, M.

2017 Email communication with C. Ammerman on June 17, 2017.

Steiner, S.

2017 Personal communication with C. Ammerman on June 7, 2017.

Tennis Round website

2017 Tennis Round, accessed June 7, 2017, <https://www.tennisround.com/tennis-courts/ky/henderson/henderson-county-high-school>.

United States Department of Agriculture

2015 *Title 440-Conservation Programs Manual*. March 2015.

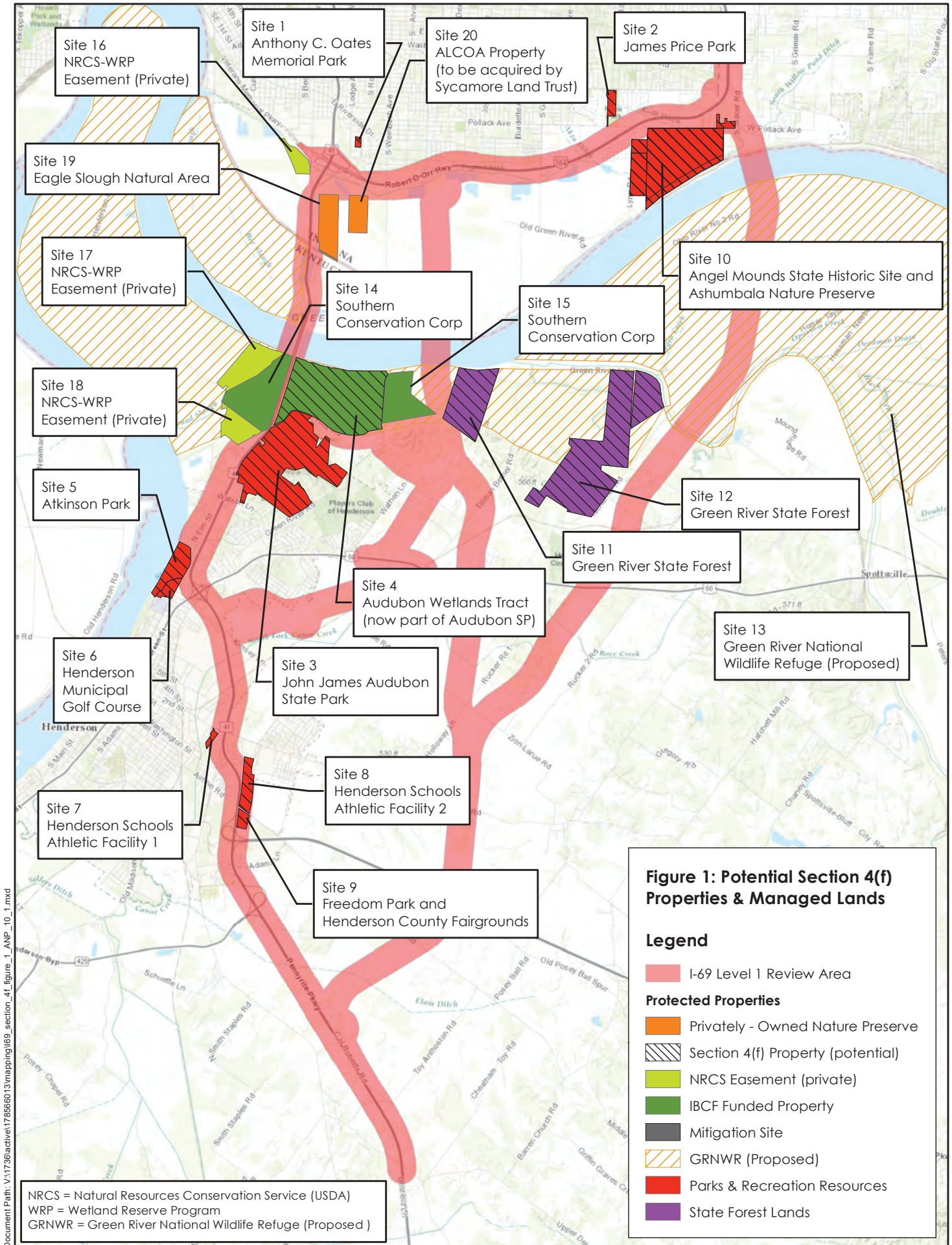
United States Department of the Interior, National Park Service

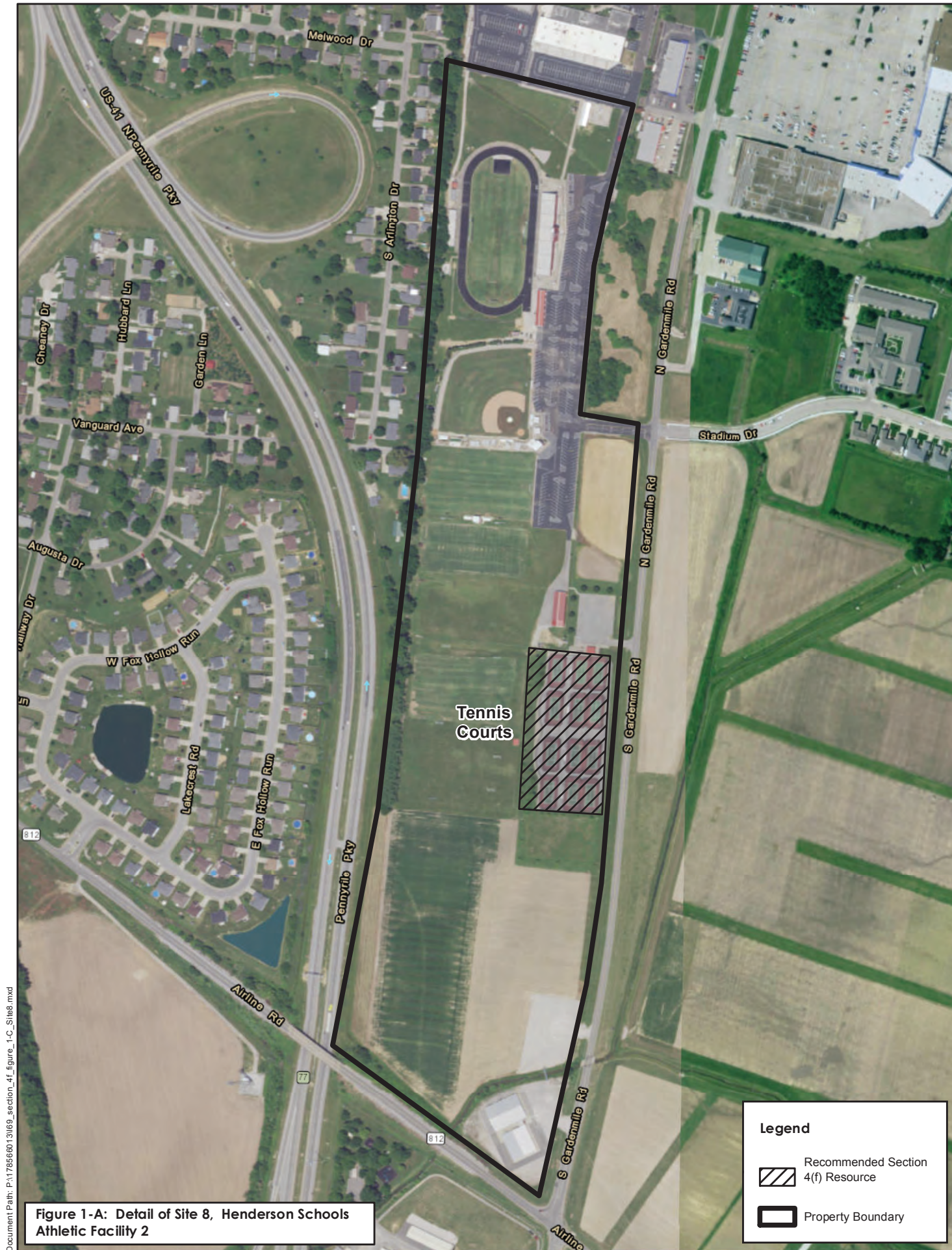
1987 National Register of Historic Places Registration Form for John James Audubon State Park.

Weber, M.

2017 Personal communication with C. Ammerman on June 15, 2017.

FIGURES





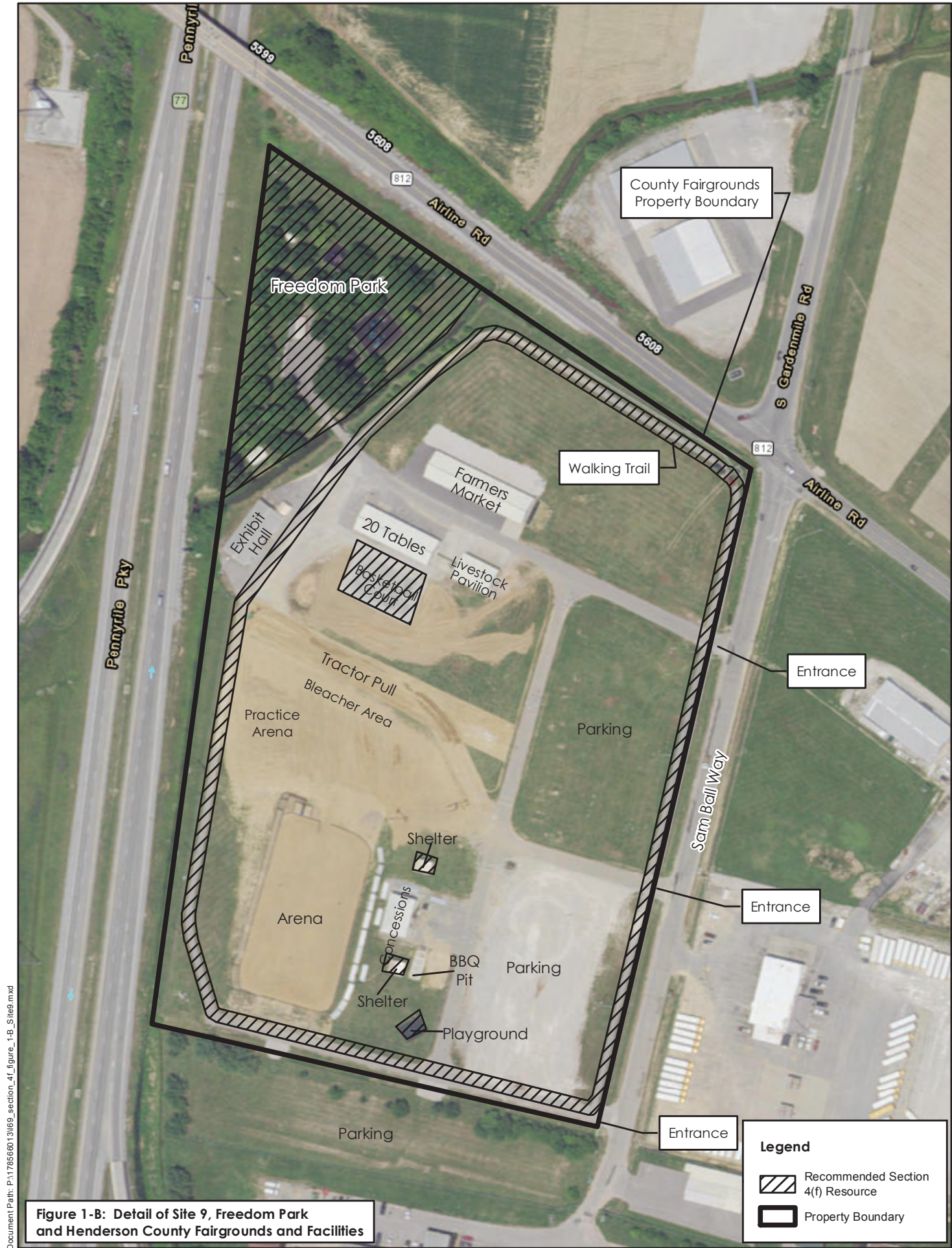
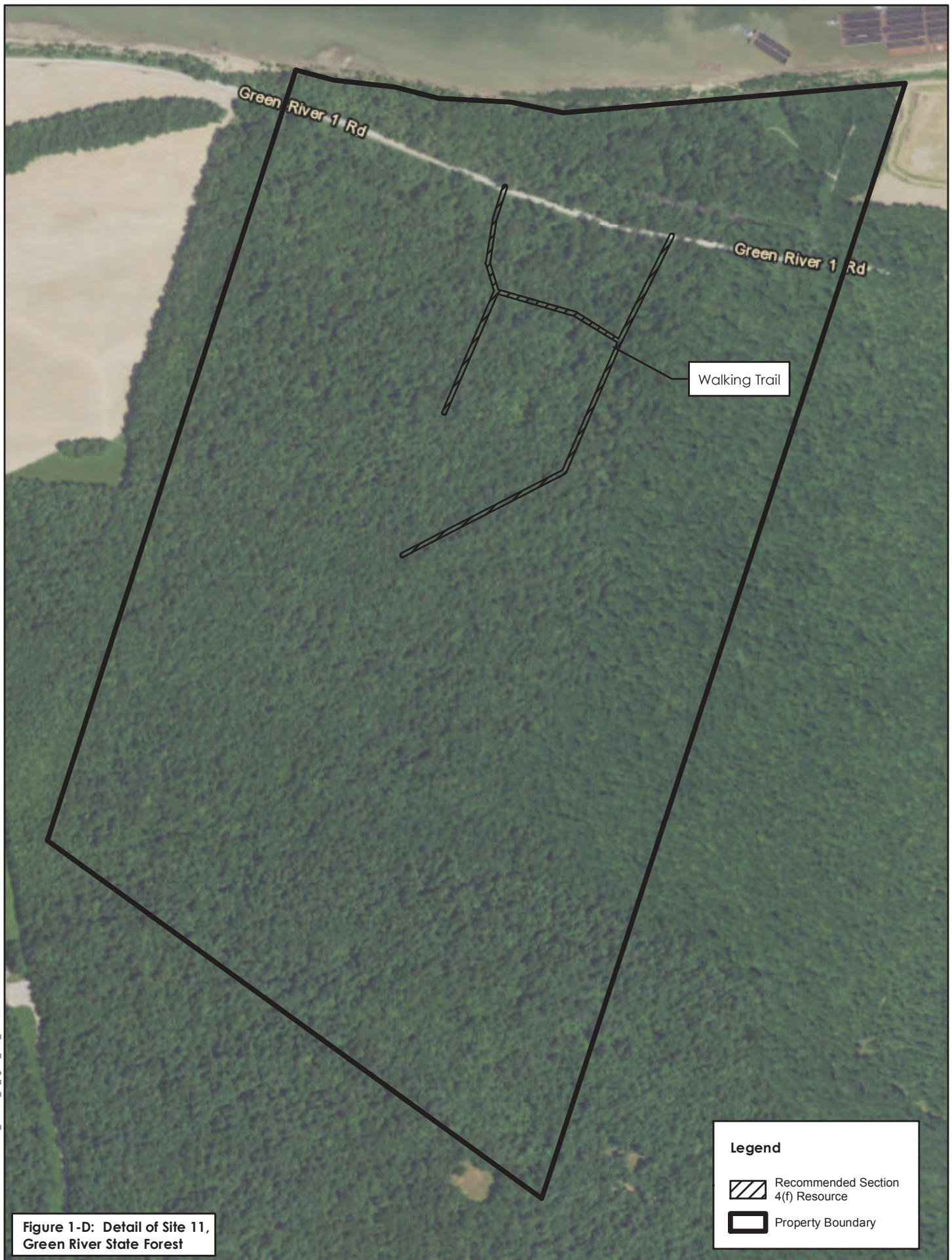




Figure 1-B: Detail of Site 9, Freedom Park and Henderson County Fairgrounds and Facilities





**Figure 1-D: Detail of Site 11,
Green River State Forest**

Legend

-  Recommended Section 4(f) Resource
-  Property Boundary

APPENDIX A

DETAILED PROPERTY INFORMATION

I-69 Ohio River Crossing Project - Detailed Property Information

Site	Name	Owner	Easement/ Controlling Agreement	Parcel Size (acres)	Primary Function of Property	Terms of Easement/Controlling Agreement (termination clauses, restrictions, etc.)	Degree of Public Access to the Property	Management of Property (How/By Whom)	Recommendation for Applicability of Section 4(f)
Parks and Recreational Facilities									
1	Anthony C. Oates Memorial Park	City of Evansville Department of Parks and Recreation	No	6.2	Public park	N/A	Yes	City of Evansville Department of Parks and Recreation	Yes
2	James Price Park	City of Evansville Department of Parks and Recreation	No	25.70	Soccer fields, shelters, playgrounds	N/A	Yes	City of Evansville Department of Parks and Recreation	Yes
3	John James Audubon State Park	Commonwealth of Kentucky	No	692	NRHP Site (575 acres); 9-hole golf course, camping, fishing, hiking, trails, tennis, shelters, playgrounds, boating	N/A	Yes	Kentucky Department of Parks	Yes
4	Audubon Wetlands Tract - now part of Audubon State Park	Commonwealth of Kentucky	Yes - IBCF Funds	649	Conservation and passive recreation. This property includes a boardwalk for birdwatching and nature trails.	Land is to be maintained in forest habitat. If the property is sold, it must be to a government agency or another non-profit established for the purpose of managing habitat mitigation sites.	Open to Public	Kentucky Department of Parks	Yes
5	Atkinson Park	City of Henderson	No	91	Grills, Open Shelter, Skate Park	N/A	Yes	City of Henderson Parks and Recreation Department	Yes
6	Henderson Municipal Golf Course	City of Henderson	No	29	Public golf course	N/A	Yes	City of Henderson Park and Recreation Department	Yes
7, 8	Henderson Schools Athletic Facilities 1 and 2	Henderson County Board of Education	No	9.3 (1) 61.3 (2)	Ballfields (1) Tennis Courts (2)	N/A	Yes	Henderson County Board of Education	Yes
9	Freedom Park and Henderson County Fairgrounds	Henderson County Fiscal Court	No	19	Walking trail, Farmer's Market, recreational facilities, arena	N/A	Yes	Henderson County	Yes

I-69 Ohio River Crossing Project - Detailed Property Information

Site	Name	Owner	Easement/ Controlling Agreement	Parcel Size (acres)	Primary Function of Property	Terms of Easement/Controlling Agreement (termination clauses, restrictions, etc.)	Degree of Public Access to the Property	Management of Property (How/By Whom)	Recommendation for Applicability of Section 4(f)
10	Angel Mounds State Historic Site and Ashumbala Nature Preserve	State of Indiana IDNR State Museum and Historic Sites	No	603	NRHP-listed archaeological site, nature preserve, hiking trails	N/A	Yes	Indiana State Museum	Yes
State Forest Lands									
11,12	Green River State Forest	Commonwealth of Kentucky	Yes -KHLCF funds	1,107	The Green River State Forest is managed under the same general guidelines as the other state forests. It is managed for multiple uses and is open to the public for most recreational uses including hiking, hunting, and fishing.	A resource management plan is to be developed; land to be maintained in perpetuity.	Yes - 2 parking lots, internal road in larger parcel (#12); parking area and dirt lanes in smaller parcel (#11)	KY Division of Forestry	Site 11 - Part Site 12 - All
Proposed National Wildlife Refuge									
13	Green River National Wildlife Refuge (Proposed)	Multiple private landowners	No	22,971	Currently in private ownership; N/A land is in open space.		No Public Access	Private Owner Management	No
Properties Acquired with Imperiled Bat Conservation Funds (IBCF)									
14	Southern Conservation Corp. (Eblen Tract)	Southern Conservation Corp.	Yes - IBCF Funds	287.9	Conservation. Land is being managed by Southern Conservation Corp. for conservation, including bat habitat under agreement with USFWS.	Land is to be maintained in forest habitat. If the property is sold, it must be to a government agency or another non-profit established for the purpose of managing habitat mitigation sites.	No public access	Southern Conservation Corp.	No
15	Southern Conservation Corp. (Chapel Hill United Methodist Church Tract)	Southern Conservation Corp.	Yes - IBCF Funds	288	Conservation. Land is being managed by Southern Conservation Corp. for conservation, including bat habitat.	Land is to be maintained in forest habitat. If the property is sold, it must be to a government agency or another non-profit established for the purpose of managing habitat mitigation sites.	No Public Access	Southern Conservation Corp.	No
Private Properties With NRCS Easements									
16	Private Property with NRCS Easement, 100 Waterworks Road, Evansville, IN	Bauer, Charles M 1/3 Int & Etal 1/3	Yes, NRCS WRP Easement	49.6	Open Space	NRCS easements are either 30-year or permanent. Applicants for the easement program are required to comply with the adjusted gross income limitation provisions, be in compliance with highly erodible land and wetland conservation practices, and develop a plan of operations.	No Public Access	Private Ownership	No

I-69 Ohio River Crossing Project - Detailed Property Information

Site	Name	Owner	Easement/ Controlling Agreement	Parcel Size (acres)	Primary Function of Property	Terms of Easement/Controlling Agreement (termination clauses, restrictions, etc.)	Degree of Public Access to the Property	Management of Property (How/By Whom)	Recommendation for Applicability of Section 4(f)
17, 18	Private Property with NRCS Easement, Old Henderson-Evansville Road, Henderson County, KY	Boswell Gary M & Margaret L	Yes, NRCS WRP Easement	249.2	Farming	NRCS easements are either 30-year or permanent. Applicants for the easement program are required to comply with the adjusted gross income limitation provisions, be in compliance with highly erodible land and wetland conservation practices, and develop a plan of operations.	No Public Access	Private Ownership	No
Privately-Owned Nature Preserves									
19	Eagle Slough Natural Area	Sycamore Land Trust	Yes	127	Wildlife Conservation, Passive Recreation (Hiking, Birding), Environmental Education	Quitclaim Deed restrictions on the entire property - There are to be no improvements to the property except for those authorized and permitted by the soil and water conservation district. Except for the creation of nature trails; the cutting or harvesting of trees, wood products or otherwise altering the natural vegetation of the property is prohibited. Trail location and materials is to be approved by the IDNR, Division of Outdoor Recreation. These restrictions are to last in perpetuity, unless terminated by the State of Indiana pursuant to terms identified in the deed. (Deed is Attached)	Yes - Parking Lot; hiking trail	Sycamore Land Trust	No
20	Alcoa Property	Alcoa - Process underway to transfer property to Sycamore Land Trust in 2017	No; will be open to public after it is transferred to Sycamore Land Trust.	78	Currently a mitigation site.	N/A	No Public Access	Currently property owned by Alcoa as a mitigation site under agreement with USCOE; after it is transferred to Sycamore Land Trust, the Trust will manage the property	No

I-69 Ohio River Crossing Project - Detailed Property Information

Site	Name	Owner	Easement/ Controlling Agreement	Parcel Size (acres)	Primary Function of Property	Terms of Easement/Controlling Agreement (termination clauses, restrictions, etc.)	Degree of Public Access to the Property	Management of Property (How/By Whom)	Recommendation for Applicability of Section 4(f)
Notes: ACEP-WRE = Agricultural Conservation Easement Program-Wetland Reserve Easement (NRCS - Current Name) WRP = Wetland Reserve Program (NRCS former name)									

Sources: Henderson County Property Valuation Administrator
http://qpublic5.qpublic.net/ky_gsearch.php?county=ky_henderson
Henderson City-County GIS
<http://hendkygis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=36f854d2dbab43e68b6f2989063b3a06>
USDA NRCS Geospatial Data Gateway Order Data Showing NRCS Conservation Areas
<https://datagateway.nrcs.usda.gov/>
City of Evansville GIS
<http://dev-evansvilleapc.opendata.arcgis.com/datasets?t=property;>
Vanderburgh County Assessor's Office
<http://www.vanderburgh.org/auditor/>

APPENDIX B

AGENCY COORDINATION

Coordination with USFWS to discuss Imperiled Bat Conservation Fund (IBCF) Properties

Site 4: Audubon Wetlands Tract (now part of Audubon State Park)

Site 14: Southern Conservation Corp. (SCC) (Eblen Tract)

**Site 15: Southern Conservation Corp. (SCC) (Chapel Hill United
Methodist Church Tract)**



MEETING MINUTES

Date: April 25, 2017

Time: 10:00 AM – 10:45 AM

Meeting: I-69 ORX Teleconference to Discuss Applicability of Section 4(f) to IBCF properties

Location: Teleconference

NAME	ORGANIZATION	EMAIL	ATTEND
Michelle Allen	FHWA	Michelle.Allen@dot.gov	X
Paul Boone	INDOT	PBoone@indot.in.gov	X
Janelle Lemon	INDOT	JLemon@indot.in.gov	X
Eric Rothermel	FHWA	Eric.Rothermel@dot.gov	X
Gary Valentine	KYTC	GValentine@ky.gov	X
Laura Hilden	INDOT	LHilden@indot.in.gov	X
Marshall Carrier	KYTC	Marshall.Carrier@ky.gov	X
David Waldner	Stantec	David.Waldner@ky.gov	X
Cory Grayburn	Parsons	Cory.Grayburn@parsons.com	X
Caroline Ammerman	Stantec	Caroline.Ammerman@stantec.com	X
Dan Prevost	Parsons	Daniel.Prevost@parsons.com	X
Lee Andrews	USFWS	Lee.Andrews@fws.gov	X
Phil DeGarmo	USFWS	Phil_DeGarmo@fws.gov	X
Tim Foreman	KYTC	Tim.Foreman@ky.gov	X

The Meeting Agenda and the meeting handouts are attached. The handouts include: a map of possible IBCF sites (provided by USFWS to Eric Rothermel on February 2, 2017); a map showing properties that could be potential Section 4(f) concerns; and a table showing information for sites to be discussed.

ITEM	TOPIC/DISCUSSION	ACTION ITEM/RESPONSIBILITY
1.	Project Overview – Dan Prevost <ul style="list-style-type: none"> Dan provided a brief overview of the I-69 ORX project 	

ITEM	TOPIC/DISCUSSION	ACTION ITEM/ RESPONSIBILITY
2.	<p>Overview of IBCF Properties</p> <ul style="list-style-type: none"> Lee Andrews provided a brief overview of the use of IBCF funds in the study area. <ul style="list-style-type: none"> The language that was previously sent to us regarding the “Terms and Conditions” of property acquired with IBCF funds is not included in the deeds for IBCF properties in the study area. This language is now included in new purchases due to a change in the process. The properties do not have any formal designation. These IBCF properties are managed through a controlling agreement. (There is not an easement on these properties). This agreement says that the properties must be maintained as forest habitat for the benefit of Indiana bats. There is not an active management plan with specific management responsibilities for these properties. If the properties are sold, it must be to a state or federal management agency or to another non-profit established for the purpose of managing habitat mitigation sites. 	
3.	<p>Review of Map from Eric (Attached) -</p> <ul style="list-style-type: none"> Properties that received IBCF funding include: <ul style="list-style-type: none"> Eblen – IBCF: This property is currently owned by Southern Conservation Corp. Audubon Wetlands Tract: This property has been transferred to Audubon Park, a state park. Chapel Hill United Methodist Church Tract: This property is owned by Southern Conservation Corp (approximately 173 acres). Properties that are definitely not IBCF properties include: <ul style="list-style-type: none"> Penn VA Tract Green River State Forest Parcel 	<p>Lee Andrews will provide Dave Waldner with a map of the “Church Tract” to be forwarded to Caroline Ammerman.</p>

ITEM	TOPIC/DISCUSSION	ACTION ITEM/ RESPONSIBILITY
4.	<p>Review of Section 4(f) Questions – Caroline Ammerman</p> <ul style="list-style-type: none"> • Caroline reviewed information needed for the White Paper that will be going to FHWA on the applicability of Section 4(f) for IBCF properties. <ul style="list-style-type: none"> ○ Are IBCF properties considered to be significant wildlife refuges – Yes. Although these properties are not part of the National Wildlife Refuge program, considerable money has been expended on these parcels to provide important conservation areas for Indiana bat. (More than \$5 million for the sites). ○ Who manages the properties? – Southern Conservation Corp is responsible for managing the properties. The agreement with the USFWS dictates that the properties will be managed for habitat purposes but the agreement is not prescriptive in identifying specific management requirements. These properties do not have a standardized management plan. However, Lee did indicate that there is now a standardized management plan for properties that are purchased with IBCF funds. ○ Is there public access to these properties? – No, there is no public access to these properties due to their private ownership and liability issues. Access restriction due to habitat conservation is a secondary reason. ○ Are there other properties within the study area that USFWS is considering for ownership interest or for bat habitat conservation? – There are no properties currently identified. Although USFWS is always looking for suitable habitat to purchase, they do not have significant funds available for additional property acquisition at the present time. ○ What procedures would need to be undertaken if an alternative were to impact property purchased with IBCF funds? – No procedures have been established. At a minimum, the USFWS would want the impacted acreage replaced. In addition, the severity of the property impacts would be an important factor in deciding how much replacement acreage would be required, i.e., would the project sever an important maternity roosting area? These factors should be considered in planning the roadway alternatives. 	

From: [Andrews, Lee](#)
To: [Ammerman, Caroline](#)
Cc: [DeGarmo, Phil](#); [Prevost, Daniel](#)
Subject: Re: FW: Follow-Up to April 25, 2017 Teleconference on I-69 ORX Crossing Project
Date: Friday, August 18, 2017 1:32:12 PM

Thanks. We concur with the notes.

Lee

On Fri, Aug 18, 2017 at 11:19 AM, Ammerman, Caroline
<Caroline.Ammerman@stantec.com> wrote:

I apologize for that oversight. The correction has been made and the meeting minutes are attached.

Caroline

From: DeGarmo, Phil [mailto:phil_degarmo@fws.gov]
Sent: Friday, August 18, 2017 11:11 AM
To: Ammerman, Caroline <Caroline.Ammerman@stantec.com>
Cc: Andrews, Lee <lee_andrews@fws.gov>; Prevost, Daniel
<Daniel.Prevost@parsons.com>
Subject: Re: FW: Follow-Up to April 25, 2017 Teleconference on I-69 ORX Crossing Project

Caroline,

Please accept our correction for the Southern Conservation Corp.

The minutes still reflect it at Southern Conservation Corps.

It should be "Corp." vs "Corps."

Thanks,

Phil

On Fri, Aug 18, 2017 at 10:43 AM, Ammerman, Caroline
<Caroline.Ammerman@stantec.com> wrote:



MEETING AGENDA

Date: April 25, 2017

Time: 10:00 AM ET

Meeting: I-69 ORX Coordination with USFWS to discuss Applicability of Section 4(f) to IBCF Properties

Location: By Phone/WebEx

- 1) Introduction of Meeting Attendees
- 2) Purpose of Teleconference
 - a. Verification of Properties within the ORX Study Area that have received IBCF funds
 - b. Applicability of Section 4(f) to Properties that have received IBCF Funds
- 3) Review of Study Area Map/Spreadsheet to Identify/Verify Properties within the Study Area that have received IBCF funds
- 4) Discussion of questions regarding properties that have received IBCF funds
 - a. Who is the owner(s) of the properties?
 - b. Does the USFWS consider the properties that have received IBCF funds to be **significant** wildlife refuges? (Note: the term significant means “that in comparing the availability and function of the park, recreation area, or wildlife and waterfowl refuge, with the park, recreation or refuge objectives of the agency, community, or authority, the property in question plays an important role in meeting those objectives”)
 - c. What is the purpose of the IBCF easement?
 - d. What are the terms of the easement?
 - e. Are these properties open to the public, and if so, what is the degree of public access to the properties?



- f. How are these properties managed and by whom (the USFWS or the property owner?)
 - g. What parties obtained the easement and what are the termination clauses?
 - h. What restrictions does the easement put on the property owner's use of the property?
- 5) Are there any other properties within the study area that are under consideration by the USFWS for ownership interest, including an easement?
- 6) Other Questions

Provided by Eric
Rothermel (FHWA)
on 2/2/2017.
Provided to him by
USFWS.



Sites 7 and 8: Henderson Schools Athletic Facilities 1 and 2

**Coordination with Steve Steiner, Assistant Superintendent of
Administration Henderson County School District**

From: [Steiner, Steve - BOE, Assistant Superintendent of Administration](#)
To: [Ammerman, Caroline](#)
Subject: RE: I-69 ORX Project - Follow-up to telephone conversation on June 7, 2017
Date: Monday, August 21, 2017 9:39:11 AM

No they are high school fields

Steve Steiner
Assistant Superintendent of Administration
Henderson County Schools
270-831-5000

From: Ammerman, Caroline [mailto:Caroline.Ammerman@stantec.com]
Sent: Monday, August 21, 2017 8:18 AM
To: Steiner, Steve - BOE, Assistant Superintendent of Administration
<steve.steiner@henderson.kyschools.us>
Subject: RE: I-69 ORX Project - Follow-up to telephone conversation on June 7, 2017

Mr. Steiner,

Thank you very much for your response. Are the football field and stadium, football practice fields, track, baseball field, soccer fields, and archery building at the facility on Garden Road open to the public for walk-on recreation?

Caroline Ammerman

Caroline Ammerman, AICP
Deputy Transportation Planning Manager
Stantec
11687 Lebanon Road, Cincinnati OH 45241-2012
Phone: 513-619-6454
Cell: 513-331-0971
Caroline.Ammerman@Stantec.com

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 Please consider the environment before printing this email.

From: Steiner, Steve - BOE, Assistant Superintendent of Administration
[mailto:steve.steiner@henderson.kyschools.us]
Sent: Thursday, August 03, 2017 5:40 PM
To: Ammerman, Caroline <Caroline.Ammerman@stantec.com>
Subject: RE: I-69 ORX Project - Follow-up to telephone conversation on June 7, 2017

1. Yes that is correct about Youth baseball. They have spring, summer and fall games and we do own that area.
2. Yes that is correct all the recreational facilities and athletic

fields on Garden Mile road off of Zion road are owned by Henderson County schools and our Tennis courts are used by City and the City helps with the electric bill for the usage of that area for league and or tournaments. In that area we have a football field and stadium, football practice fields, track, baseball field, soccer fields, and an archery building.

Hope this answers your questions if not let me know.

Steve Steiner

Assistant Superintendent of Administration

Henderson County Schools

270-831-5000

From: Ammerman, Caroline [<mailto:Caroline.Ammerman@stantec.com>]

Sent: Wednesday, August 2, 2017 9:59 AM

To: Steiner, Steve - BOE, Assistant Superintendent of Administration
<steve.steiner@henderson.kyschools.us>

Subject: I-69 ORX Project - Follow-up to telephone conversation on June 7, 2017

Mr. Steiner,

Per our telephone conversation on June 7, 2017, I would like to get your concurrence that the following information is correct:

1. Henderson County Board of Education owns baseball fields on North Lincoln Avenue which are used by youth baseball teams for organized events.
2. Henderson County Board of Education also owns tennis courts and other recreational facilities near the high school on Zion Road in Henderson, KY. The tennis courts are open to the public. In addition, the City of Henderson runs a city tennis league at these courts and shares the expenses with the Board of Education.

Also, could you please let me know if there are other parts of the property near the high school on Zion Road, in addition to the tennis courts, that are open to the public and serve either organized or substantial walk-on recreational purposes that are considered to be significant to the City of Henderson?

Thank you very much with your help on this important project!

Caroline Ammerman

Caroline Ammerman, AICP

Deputy Transportation Planning Manager
Stantec

11687 Lebanon Road, Cincinnati OH 45241-2012

Phone: 513-619-6454

Cell: 513-331-0971

Caroline.Ammerman@Stantec.com

The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose

Site 9: Freedom Park and Henderson County Fairgrounds

**Coordination with Mitzi Weber, Director of Parks and
Programs for Henderson County**

From: [Mitzi Weber](#)
To: [Ammerman, Caroline](#)
Subject: Henderson County Parks & Programs Henderson, Ky.
Date: Thursday, June 15, 2017 12:38:31 PM

Attached is the labeled map of the area at the fairgrounds and an unlabeled map of the area.
We have not had an updated overview for some time so I hope this helps you.
If you have additional questions feel free to call me back.

Thank you,

Mitzi Weber

Mitzi Weber
Executive Administrator,
Henderson County Road Department/
Director, Parks and Programs
399 Sam Ball Way
Henderson, Ky. 42420
270-826-8843
mweber@hendersonky.us







From: [Mitzi Weber](#)
To: [Ammerman, Caroline](#)
Subject: RE: I-69 ORX Project: Freedom Park and Henderson County Fairgrounds
Date: Thursday, August 03, 2017 4:07:51 PM

I have attached an aerial photo of the facility:

1. Freedom Park and Henderson County Fairgrounds are owned by Henderson County Fiscal Court.

Yes

The official Name is Donald "Hugh" McCormick Henderson County Fairgrounds and Freedom Park

2. Some areas of the Henderson County Fairgrounds function primarily for commercial purposes, i.e., the Farmer's Market and the county fair. However, there are several areas within the fairgrounds that are significant recreational resources and are open to the public for walk-on recreation. These areas include the walking trail around the perimeter of the fairgrounds area and the basketball court in the fairgrounds area.

This area also includes a horse arena complete with a concession stand and announcers booth, it is used by the Fair Board for Rodeos, Barrel racing, Etc. It is also used by other non-profit horse clubs for horse fun shows and can be accessed by the public when events are not reserved.

Other hosted events include car shows, truck shows as well as local non-profit fundraisers

There is a tractor pull track which is used for garden tractor pulls, and larger pulls including the Illinois Tractor Pullers Association

There is second playground in the fairgrounds near the arena.
The Johnny Mathias Pavilion is used for livestock events hosted by Henderson 4-H and can also be rented and reserve for family functions or private events – this pavilion also includes picnic tables

BBQ pits are currently being constructed for public use.

3. Freedom Park, which is adjacent to the fairgrounds area, is open to the public and includes picnic tables and playsets.

The picnic tables in this area are in covered shelters and includes a toddler play area as well as a 5-12 years play area

If you have any additional questions do not hesitate to contact me.

Thank you,

Mitzi Weber

Mitzi Weber
Executive Administrator,
Henderson County Road Department/
Director, Parks and Programs
399 Sam Ball Way
Henderson, Ky. 42420
270-826-8843
mweber@hendersonky.us



From: Ammerman, Caroline [mailto:Caroline.Ammerman@stantec.com]
Sent: Wednesday, August 02, 2017 10:24 AM
To: Mitzi Weber
Subject: RE: I-69 ORX Project: Freedom Park and Henderson County Fairgrounds

Dear Ms. Weber:

Per our telephone conversation on June 15, 2017, could you provide concurrence with the following information that we discussed in a reply email:

1. Freedom Park and Henderson County Fairgrounds are owned by Henderson County Fiscal Court.
2. Some areas of the Henderson County Fairgrounds function primarily for commercial purposes, i.e., the Farmer's Market and the county fair. However, there are several areas within the fairgrounds that are significant recreational resources and are open to the public for walk-on recreation. These areas include the walking trail around the perimeter of the fairgrounds area and the basketball court in the fairgrounds area.
3. Freedom Park, which is adjacent to the fairgrounds area, is open to the public and includes picnic tables and playsets.

Thank you very much for your help with the I-69 ORX Project!

Caroline Ammerman

Caroline Ammerman, AICP
Deputy Transportation Planning Manager
Stantec
11687 Lebanon Road, Cincinnati OH 45241-2012
Phone: 513-619-6454
Cell: 513-331-0971
Caroline.Ammerman@Stantec.com

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Please consider the environment before printing this email.

From: Mitzi Weber [<mailto:mdunlap@hendersonky.us>]
Sent: Thursday, June 15, 2017 12:38 PM
To: Ammerman, Caroline <Caroline.Ammerman@stantec.com>
Subject: Henderson County Parks & Programs Henderson, Ky.

Attached is the labeled map of the area at the fairgrounds and an unlabeled map of the area.
We have not had an updated overview for some time so I hope this helps you.
If you have additional questions feel free to call me back.

Thank you,

Mitzi Weber

Mitzi Weber
Executive Administrator,
Henderson County Road Department/
Director, Parks and Programs
399 Sam Ball Way
Henderson, Ky. 42420
270-826-8843
mweber@hendersonky.us





Site 10: Angel Mounds State Historic Site and Ashumbala Nature Preserve

**Coordination with Mike Linderman, Site Manager for
Angel Mounds State Historic Site**

From: [Linderman, Mike](#)
To: [Ammerman, Caroline](#)
Subject: Re: I-69 Ohio River Crossing Project - Question regarding Recreation Area at Angel Mounds State Historic Site
Date: Friday, June 16, 2017 4:44:12 PM

Hey Caroline,
That area is partially used now for trails (wooded area at north end of tract), but the majority is still being cultivated.
Let me know if you have any other questions.
Mike

Sent from my iPhone

On Jun 16, 2017, at 2:40 PM, Ammerman, Caroline <Caroline.Ammerman@stantec.com> wrote:

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

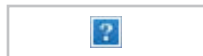
Dear Mr. Linderman:

I am part of the project team for the I-69 Ohio River Crossing Project currently underway in the Evansville Indiana/Henderson, KY area and am doing a study on the parks and recreational facilities in the study area. During the studies done for this project in 2004 as part of the Draft Environmental Impact Statement (DEIS), information was obtained regarding the Angel Mounds State Historic Site which I would like to verify. At that time, there was some property (approximately 98 acres) located west of the NRHP boundary that was not used for recreational purposes. Could you tell me if that part of the site is currently used for recreation? I have attached a recent aerial map showing the portion of the site that I am interested in.

Thank you so much for your help. If you have any questions regarding this request, please feel free to call me.

Caroline Ammerman

Caroline Ammerman, AICP
Deputy Transportation Planning Manager
Stantec
11687 Lebanon Road, Cincinnati OH 45241-2012
Phone: 513-619-6454
Cell: 513-331-0971
Caroline.Ammerman@Stantec.com



<!--[if !vml]--><!--[endif]-->

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 Please consider the environment before printing this email.

<I69_section_4f_figure_C-2with mark-up.pdf>

Sites 11 and 12: Green River State Forest (GRSF)

Email from D. Prevost, Parsons

Coordination with Eric Gracey, Kentucky Division of Forestry

From: [Prevost, Daniel](#)
To: [Ammerman, Caroline](#); [Grayburn, Cory](#)
Subject: FW: Green River State Forest Management Plan
Date: Thursday, April 27, 2017 10:49:18 PM
Attachments: [GRSF Mgnt Plan 2016.pdf](#)

The Plan is a bit dated – 2008.

Of note from my first pass through it:

- The parcel we're most interested in is the "LG&E tract", which was acquired in 2004 through funding from the Kentucky Heritage Land Conservation Fund and the North American Wetland Conservation Act.
- The LG&E tract has a parking area on Green River Road, but the only internal roads are a few overgrown dirt lanes.
- The LG&E tract was logged in approximately 1993.
- The plan notes that hunting is permitted.
- They seem to be much more actively managing the larger tract to the east. Reforesting, controlling for invasives, etc.

From: Howard, Brandon (EEC) [mailto:brandon.howard@ky.gov]
Sent: Thursday, April 27, 2017 9:58 AM
To: Prevost, Daniel <Daniel.Prevost@parsons.com>
Cc: Gracey, Eric (EEC) <Eric.Gracey@ky.gov>
Subject: Green River State Forest Management Plan

Attached is the management plan we discussed on the phone yesterday.

Thanks,
Brandon

From: [Gracey, Eric \(EEC\)](#)
To: [Ammerman, Caroline](#)
Subject: RE: I-69 ORX Project; Section 4(f) - Green River State Forest
Date: Friday, July 28, 2017 9:52:11 AM
Attachments: [GRSF boundary-Rd. Map "15.pdf](#)
[Green River Topo.pdf](#)

Answers below

From: Ammerman, Caroline [mailto:Caroline.Ammerman@stantec.com]
Sent: Thursday, July 27, 2017 8:43 AM
To: Gracey, Eric (EEC) <Eric.Gracey@ky.gov>
Cc: Prevost, Daniel <Daniel.Prevost@parsons.com>
Subject: I-69 ORX Project; Section 4(f) - Green River State Forest

Eric,

In FHWA's consideration of the Green River State Forest (GRSF) as a Section 4(f) resource, they have asked for formal documentation (a response via email will suffice) of the following information:

- 1) Are there any areas within GRSF that are specifically used for recreation? This can include designated hiking trails, camping grounds, shelters, or other facilities specifically developed for recreation within the forest. If there are recreational facilities, could you please identify them on the attached map? [Map attached shows the maintained designated multi-use trails \(hiking, horseback riding, hunter access, birdwatchers etc.\)](#) They're numbered 10-21, we're unsure why they start at 10.
 - 2) If there are no designated recreation areas, are there areas that are frequently used for those purposes? [The slough areas that show up on the topo map are used by waterfowl hunters, the river frontage is used for bank fishing, the entire area is used by small game, deer, and turkey hunters when in season.](#)
 - 3) Are there any organized recreational programs that occur at GRSF? [No](#)
-
- 4) In our earlier conversation, you indicated that there are a few dirt roads which had been used to access gas wells in GRSF that are now used as footpaths by hikers. Are these roads shown on the attached map? If not, do you have a map that shows these roads? [The show up on the attached topo map.](#)

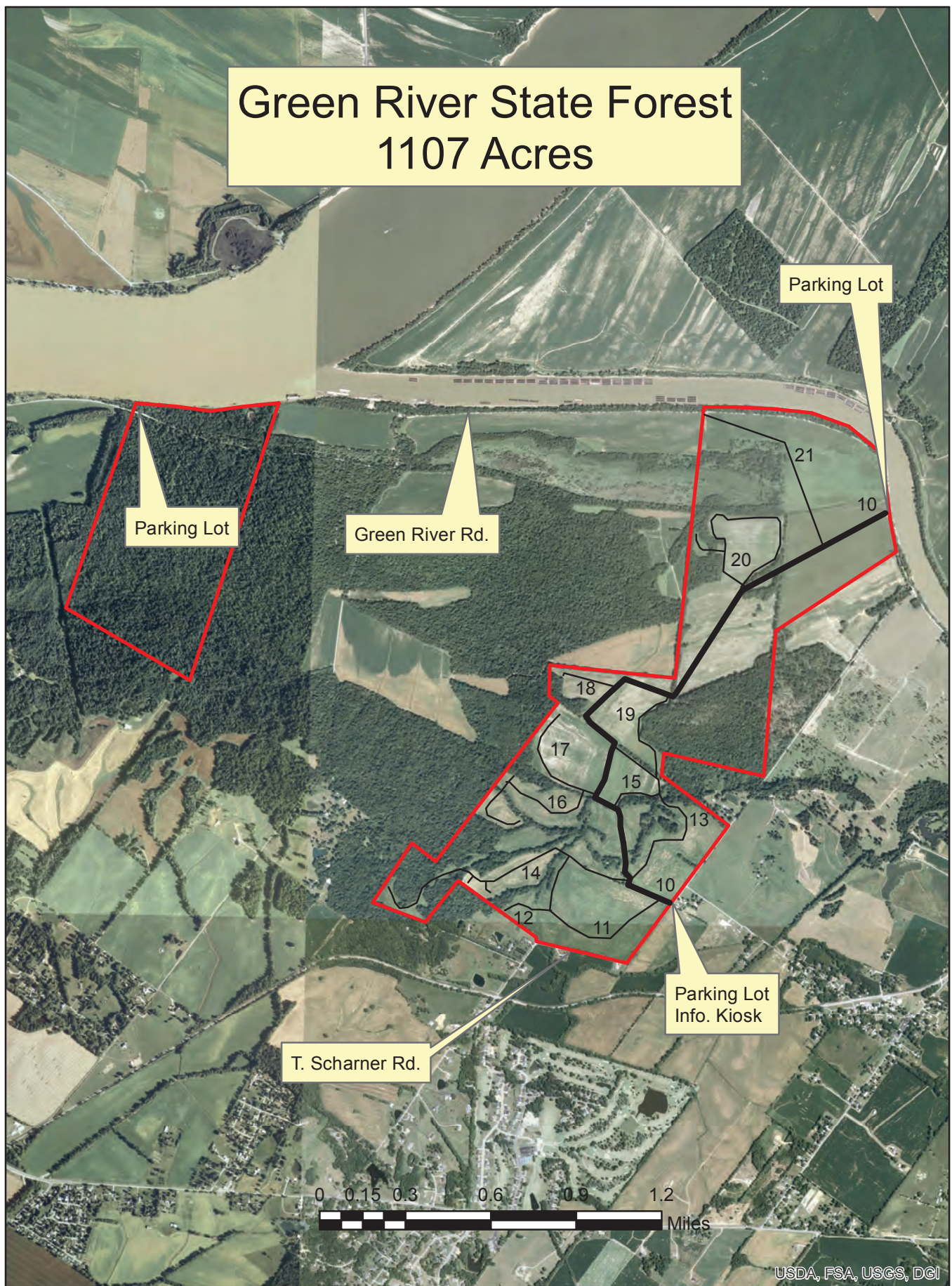
Thank you again for your help with the I-69 ORX Project!

Sincerely,

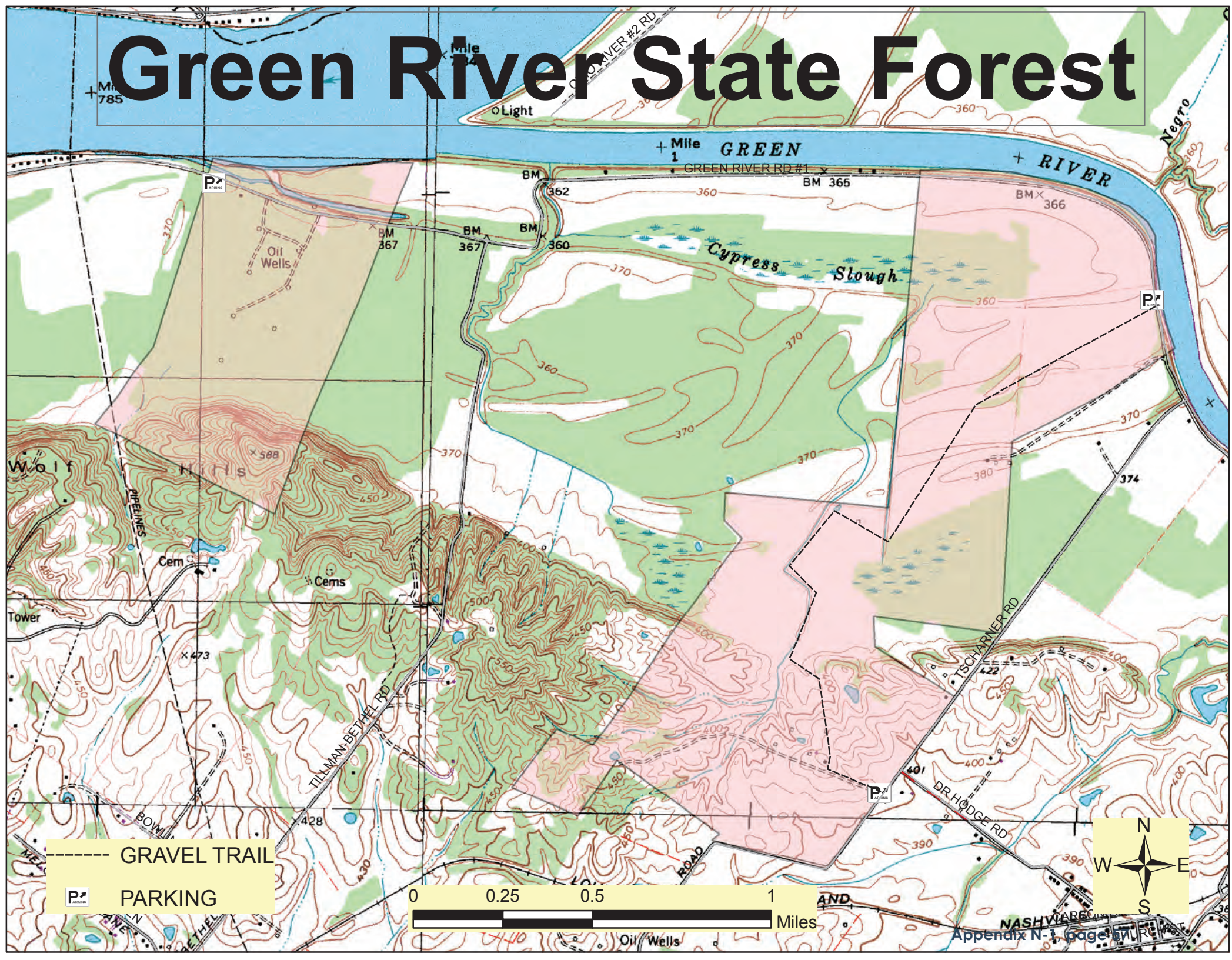
Caroline Ammerman

Caroline Ammerman, AICP
Stantec

Green River State Forest 1107 Acres



Green River State Forest



Sycamore Land Trust Properties

Site 19: Eagle Slough Natural Area

Site 20: Alcoa Property

Coordination with Christian Freitag, Director of Sycamore Land Trust



MINUTES

Date: May 8, 2017

Time: 4 p.m. ET

Meeting: Information sharing with Sycamore Land Trust

Location: Conference call

Participants:

<u>Name</u>	<u>Organization</u>	<u>Email</u>
Steve Nicaise	Parsons	Steven.Nicaise@parsons.com
Dan Prevost	Parsons	Daniel.Prevost@parsons.com
Caroline Ammerman	Stantec	Caroline.Ammerman@stantec.com
Erin Pipkin	Borshoff	Erin.Pipkin@Borshoff.biz
Amber Schaudt	TSW	aschaudt@tswdesigngroup.com
Dr. Christian Freitag	Sycamore Land Trust	christian@sycamorelandtrust.org
Susan Haislip	Sycamore Land Trust	susan@sycamorelandtrust.org
John Lawrence	Sycamore Land Trust	john@sycamorelandtrust.org

- 1) Welcome - Dan welcomed everyone and provided an overview of the project.
- 2) Purpose of call – The Project Team needs to be aware of protected lands, so this is the ideal time to speak with Sycamore Land Trust. We’re gathering data this summer so we can screen down the number of corridors. Detailed fieldwork will begin after this summer. The DEIS will be published in late 2018.
- 3) Sycamore Land Trust Overview – It is a 501(c) 3 nonprofit that’s been around since 1990. They operate out of Bloomington, but cover all of southern Indiana. They are governed by a board of directors and collect input from an advisory board. They work with local businesses and citizens to help them protect their natural areas. In all they own or hold

easement on 10,000 acres. Sycamore also owns land by Waterworks Road and Ellis Park.

The mission of Sycamore Land Trust is to preserve the beauty, health, and diversity of southern Indiana's natural landscape through strategic land conservation and environmental education. Sycamore has thousands of members and supporters across southern Indiana, including SW Indiana, where Eagle Slough is located. The organization has broad support among the corporate community (e.g., Old National Bank, Vectren, Alcoa), individuals, partner organizations, foundations, and others.

- 4) Overview of Eagle Slough – Eagle Slough is a 120-acre preserve owned and managed by Sycamore Land Trust. Several agencies partnered to donate the land to Sycamore Land Trust for the preserve. The Vanderburgh County Soil and Water Conservation District (SWCD) originally purchased portions of the property from the state of Indiana. The Traylor Brothers Corporation donated their parcels to the Four Rivers Resource and Conservation District, which eventually gave their portion to the Vanderburgh County SWCD. The Vanderburgh County SWCD then transferred the entire property to Sycamore Land Trust in 2012 for permanent protection and public access. There are some observation decks throughout the property. A historic trolley line runs through the property and is used as a hiking and environmental education trail. Alcoa also owns property one parcel away from Eagle Slough, which it acquired as part of a mitigation agreement with the US Army Corps of Engineers. Alcoa and Sycamore have an agreement for Alcoa to donate their property to Sycamore Land Trust to be part of the larger Eagle Slough Preserve area. INDOT owns land north of Eagle Slough, and Sycamore hopes that property can someday be added to the larger preserve.

Eagle Slough consists of bottomland hardwood forest and cypress swamp. It is home to several threatened and rare species found only in this part of Indiana, and is part of a larger habitat corridor extending on both sides of the Ohio River, important for many species including migratory birds requiring the habitat. Most of the land in the area is farmland or urban, making Eagle Slough even more important for wildlife. Sycamore Land Trust uses the property for environmental education workshops with area school children, as well as senior citizen organizations. These groups often have little access to natural areas or environmental education programming. Sycamore also partners with other organizations such as Wesselman Woods Nature Center, the Sierra Club, the Audubon Society, and others in the area. Together, these groups represent thousands of citizens invested and interested in protecting Eagle Slough Natural Area.

5) Questions:

Are there restrictions on the property? Yes, Dr. Freitag will send a copy of the easement from SWCD.

Is Eagle Slough Natural Area open 24 hours a day? The property is not manned. They occasionally close the gates to restrict access at night, but it's generally open from dawn to dusk.

To what extent would proximity to a major interstate be a problem? There would be an ecological impact on the species that live there. There are about 130 bird species that have been counted on the property. There would also be human impacts to people who visit the preserves for hiking, birding, and outdoor education. There is a hiking trail that goes through the property and a wildlife observation platform. Proximity impacts would likely be great as nearby traffic noise would greatly impact the experience of visitors to the preserve. Schools may not want to bring their students to the preserve if they are close to a major interstate. People who use the land for a hike would be significantly impacted if the interstate went through there. The bigger the road, the greater the impact on users.

What is the timing of the Alcoa property transfer? Alcoa is working out the details with the USACE. The transfer is underway and should be completed this year (2017).

6) Next steps:

The Project Team hasn't narrowed the list of corridors yet. If one of the West Corridors moves forward, we will circle back with Sycamore to discuss potential impacts. Dr. Freitag offered to accompany Dan and his team to a site visit.

7) The call concluded at 4:40 p.m.

From: Ammerman, Caroline
To: ["Christian Freitag"](#)
Cc: ["Prevost, Daniel"](#)
Subject: RE: FW: Follow-Up to May 8, 2017 Teleconference on I-69 ORX Crossing Project
Date: Thursday, August 17, 2017 12:09:00 PM
Attachments: [20170509 MIN call with Sycamore Land Trust final 8 17 2017.pdf](#)

Christian,

I have made this change and attached the corrected minutes for your files.

Regards,

Caroline

From: Christian Freitag [mailto:christian@sycamorelandtrust.org]
Sent: Thursday, August 17, 2017 11:56 AM
To: Ammerman, Caroline <Caroline.Ammerman@stantec.com>
Cc: Prevost, Daniel <Daniel.Prevost@parsons.com>
Subject: Re: FW: Follow-Up to May 8, 2017 Teleconference on I-69 ORX Crossing Project

Thank you, Caroline.

My colleague told me I had one detail slightly wrong. The Vanderburgh County SWCD originally purchased portions of the property from the State. The Traylor Brothers donated their parcels to the Four Rivers Resource and Conservation District. Four Rivers eventually gave their part to the Vanderburgh SWCD. Vanderburgh SWCD ultimately donated the property in its entirety to Sycamore Land Trust.

Besides that, the minutes are fine. Thanks again.

Christian

On Thu, Aug 17, 2017 at 11:37 AM, Ammerman, Caroline <Caroline.Ammerman@stantec.com> wrote:

Dear Christian,

Thank you very much for your comments on the meeting minutes. I have attached the final minutes for your review and concurrence. If you could send me an email reply, that would be great!

We will be in touch to discuss the I-69 ORX project as the project develops.

Sincerely,
Caroline

Caroline Ammerman, AICP
Stantec
11687 Lebanon Road, Cincinnati OH 45241-2012
Phone: [513-619-6454](tel:513-619-6454)

Material Provided By

Sycamore Land Trust

*Keep forever
Do not purge
or get rid of*

RECORDER
VANDERBURGH COUNTY
BETTY KNIGHT SMITH
2008R00011931
04/25/2008 12:03PM
RECORDING FEE: \$25.00
PAGES: 5

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that the STATE OF INDIANA, acting through the Governor of the State of Indiana and the Commissioner of the Indiana Department of Administration, or their respective designees, and by the authority of Indiana Code 4-20.5-7-11, RELEASES and QUITCLAIMS to:

Vanderburgh County Soil & Water Conservation District
12445 Highway 41 North
Evansville, IN 47725

for good, valuable, and sufficient consideration, receipt of which is hereby acknowledged, the real property located in Vanderburgh County, Indiana and more fully described on Exhibit A, attached hereto and incorporated fully herein.

Conveyance of the above Real Estate is subject to the following:

1. The Protective Covenants and Conditions attached as Exhibit B.
2. Subject to all existing legal rights-of-way, easements, condition, and restriction of record.
3. This deed and conveyance is contingent upon a final closing of this transaction, to include tender of a fully executed deed and related documents by Grantor and tender of the agreed consideration by Grantee.

IN WITNESS WHEREOF, the undersigned have executed the foregoing Quitclaim Deed on behalf of the State of Indiana this 20th day of March 2008.

Mark S. Massa
Mark S. Massa, Designee for
Mitchell E. Daniels, Jr., Governor

DULY ENTERED FOR TAXATION SUBJECT
TO FINAL ACCEPTANCE FOR TRANSFER

State of Indiana)
County of Marion) SS:

2543 R APR 25 2008
B. J. Hutz
AUDITOR

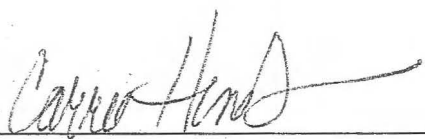
Before me, a Notary in and for said County and State, personally appeared Mark S. Massa, designee of the Governor of Indiana pursuant to IC 4-20.5-7-17(b), and acknowledged execution of the foregoing Quitclaim Deed this 20th day of March 2008.

Notary signature: Kimberly A. Cocke

Notary printed name: Kimberly A. Cocke

My commission expires: FEB. 13, 2014

I reside in Marion County


Carrie Henderson, Commissioner
Indiana Department of Administration

State of Indiana)
County of Marion) SS:

Before me, a Notary in and for said County and State, personally appeared ^{CARRIE HENDERSON} ~~Mark S. Massa~~,
~~Commissioner, Indiana Dept. of Administration~~ pursuant to IC 4-20.5-7-17(b), and acknowledged execution
of the foregoing Quitclaim Deed this 25 day February 2008.

Notary signature: Megan K. Kavanagh

Notary printed name: Megan K. Kavanagh

My commission expires: 1-11-2015

I reside in Hendricks County

Approved as to form and legality:

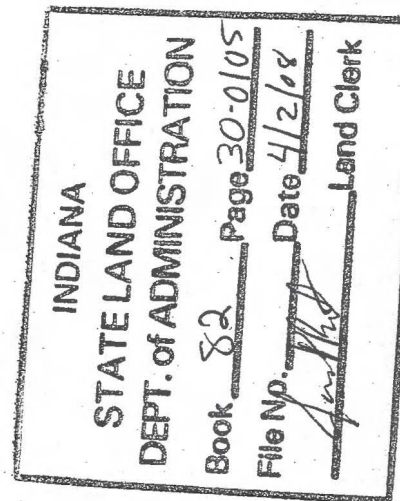
Susan St. Gaud (for)
Stephen Carter, Attorney General

MARCH 5, 2008
Date

Send tax bills to: Vanderburgh County Soil & Water Conservation District
12445 Highway 41 North
Evansville, IN 47725

Filed in Indiana State Land Office:

This instrument prepared by Tim A. Grogg, Esq. (Attorney No. 7316-03), Legal Counsel,
Indiana Department of Administration, 402 W. Washington Street, W479, Indianapolis, IN
46204. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each
Social Security number in this document, unless required by law. Tim A. Grogg



Address of Grantee: 12445 Hwy. 41 North, Evansville, IN 47725
Tax Statement Address: 12445 Hwy. 41 North, Evansville, IN 47725
Common Address of Property: Waterworks Road, Evansville,
IN 477

EXH "A"

Part of the West half of Section Nine (9) Township Seven (7) South, Range Ten (10) West in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at an iron pin being the Northeast corner of Section Nine (9); Township Seven (7) South; Range Ten (10) West; thence North 89 degrees, 11 minutes, 13 seconds West along the North line of said Section Nine (9), 3,349.62 feet to a stone, said stone being the point of beginning of this description; the bearings in this description are based upon North 89 degrees, 11 minutes, 13 seconds West for the said North Section line: thence South 00 degrees, 33 minutes, 18 seconds West a distance of 2,327.50 feet to an iron pin; thence North 33 degrees, 53 minutes, 13 seconds West a distance of 520.57 feet to an iron pin; thence North 34 degrees, 08 minutes, 45 seconds West a distance of 504.48 feet to an iron pin, thence South 87 degrees, 56 minutes, 27 seconds West for a distance of 789.03 feet; thence North 00 degrees, 39 minutes, 28 seconds East a distance of 1,457.00 feet to the North line of said Section; thence North 87 degrees, 56 minutes, 27 seconds along the North line of said Section 1,368.65 feet to the point of beginning containing 51.570 acres.

ALSO:

Part of the West half of Section Nine (9), Township Seven (7) South, Range Ten (10) West in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at an iron pin being the Northeast Corner of Section Nine (9); Township Seven (7) South, Range Ten (10) West; thence North 89 degrees, 11 minutes, 13 seconds West along the North line of said Section Nine (9) 3,349.62 feet to a stone. The bearings in this description are based upon North 89 degrees, 11 minutes, 13 seconds West for the said North Section line, thence South 00 degrees, 33 minutes, 18 seconds West a distance of 3,388.20 feet to an iron pin being the point of beginning of this description, thence continuing South 00 degrees, 33 minutes, 18 seconds East a distance of 1,050.00 feet to an iron pin, thence North 61 degrees, 53 minutes, 29 seconds West 1,371.00 feet to an iron pin; thence North 39 degrees, 30 minutes, 23 seconds East a distance of 89.47 feet; thence North 15 degrees, 18 minutes, 10 seconds East a distance of 736.51 feet; thence South 59 degrees, 45 minutes, 15 seconds East for a distance of 511.09 feet to an iron pin; thence South 6 degrees, 10 minutes, 32 seconds West a distance of 130.63 feet to an iron pin; thence North 88 degrees, 46 minutes, 52 seconds East a distance of 541.54 feet to the place of beginning containing 22.336 acres. Subject to all right-of-ways and easements of record.

This legal description has been confirmed as accurate and appropriate to which the State of Indiana holds title by the State Land Office. JPA

**Protective Covenants and Conditions
Pertaining to the Use of Real Estate**

Grantor is the title holder of certain real property in Vanderburgh County, Indiana, the legal description of which is described within this instrument and attached hereto as Exhibit "A" (Real Estate); and Grantor shall encumber the Real Estate in perpetuity with the following restrictions.

1. **Improvements.** There shall be no improvements made to the property except for such improvements that may be directly associated with and utilized for the purposes of allowing Grantee to provide the services and functions statutorily authorized and permitted by soil and water conservation districts within the State of Indiana. The real estate shall never be used for any residential, commercial or industrial activity, nor shall there ever be or occur mineral, oil and gas or other natural resources production.
2. **Vegetation.** Except for the creation of nature trails; the cutting or harvesting of trees, wood products or otherwise with altering the natural vegetation of the property is prohibited; this includes clearing, earth moving, grading, timbering, cultivation, grazing, pasturing, burning, dredging, filling, channeling, pumping, diking, impounding or other related activities. Trail location and material shall be approved, in writing, by the Indiana Department of Natural Resources, Division of Outdoor Recreation, prior to construction.
3. **Waste.** The dumping, storage or disposal of trash, garbage, sewage, debris, or other refuse of any nature whatsoever is prohibited.
4. **Remedies.** If the State determines that the Grantee is in violation of these deed restrictions, or that a violation is threatened, the State shall provide written notice to Grantee identifying the violation(s) stating the actions necessary to correct the violation. If for a twenty-eight (28) day period after the date of the written notice, the Grantee continues to violate these deed restrictions, or if the Grantee does not abate the violation and commence implementation of the corrective or restorative measures requested/required by the State within such twenty-eight (28) day period, or does not complete the corrective or restorative measurements within a reasonable time, the State may bring an action in law or equity, including but not limited to an action for specific performance or declaratory judgment, to enforce the terms of these restrictions. If the court determines that Grantee has failed to comply with the terms of these restrictions, then the Grantee henderson@idoa.in.gov shall reimburse to the State all reasonable costs and attorney fees incurred by the State in bringing such action and achieving such abatement or restorative activities. The proceeding remedies of the State are cumulative and not exclusive.

5. **Persons Bound.** These covenants, terms, conditions and restriction shall be binding upon, and shall inure to the benefit of the Grantee and the State and their respective heirs, devisees, successors, and assigns, and shall continue as an easement in servitude running with the Real Estate in perpetuity, unless terminated by the State pursuant to the terms hereof. These restrictions are enforceable against Grantee and all present and future owners, tenants, and other holders of any interest in the Real Estate except for interests, if any, in existence at the time of this conveyance or enforceable under other laws of the State of Indiana. The terms "Grantor" and "State", when used herein, shall be deemed to refer to the State of Indiana and its agencies, agents and representatives, as the case may be, and their respective heirs, devisees, successors and assigns.
6. **Severability.** The invalidity of any section, subsection, clause or provision of this protective covenant shall not affect the validity of the remaining sections, subsections, clauses or provisions hereof.

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INTENTIONALLY



* 2 0 1 2 R 0 0 0 9 5 9 4 3 *

RECORDER

VANDERBURGH COUNTY

Z TULEY

2012R00009594

04/17/2012

03:51PM

RECORDING FEES: \$20.00

PAGES: 3

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That **VANDERBURGH COUNTY SOIL & WATER CONSERVATION DISTRICT**, of Vanderburgh County in the State of Indiana, by and through its duly authorized representative, for no monetary consideration,

QUITCLAIMS

to **SYCAMORE LAND TRUST, INC.**, the following described real estate located in Vanderburgh County, Indiana:

Part of the West Half of Section Nine (9), Township Seven (7) South, Range Ten (10) West in Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a stone on the North line of said Half Section, 21.96 chains East of the Northwest corner thereof, said place of beginning also being the Northeast corner of a tract of land set off to Jacob F. Wagner in the Order of Partition recorded in Circuit Court Order Book S, Page 165; thence West along said North line, 13.02 chains to a point which is 8.94 chains east of the Northwest corner of said Half Section; thence South 49.87 chains; thence East 1.19 chains; thence South 8.52 chains to the Kentucky State Line; thence Southeasterly along said State Line to a point 65.62 chains South of the place of beginning; thence North 65.62 chains to the place of beginning.

ALSO

Part of the West Half of Section Nine (9), Township Seven (7) South, Range Ten (10) West in Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a stone on the North line of said Half Section, 21.96 chains East of the Northwest corner thereof, said place of beginning also being the Northeast corner of a tract of land set off to Jacob F. Wagner in the Order of Partition recorded in Circuit Court Order Book S, Page 165; thence South 65.62 chains to the Kentucky State line; thence South 59 degrees 51 minutes 30 seconds East, along said State line, 8.68 chains; thence North 70.21 chains to the North line of said Half Section; thence West along said North line, 7.70 chains to the place of beginning

Containing in all 126.896 acres, more or less.

DULY ENTERED FOR TAXATION SUBJECT
TO FINAL ACCEPTANCE FOR TRANSFER

APR 17 2012 1922

Joe G...
AUDITOR

R

KJW *4/17/12*
Sales Disclosure **NOT** required
Vanderburgh County Assessor

IN WITNESS WHEREOF, VANDERBURGH COUNTY SOIL & WATER CONSERVATION DISTRICT, by and through its duly authorized representative, has executed this Quitclaim Deed on March 28, 2012.

VANDERBURGH COUNTY SOIL &
WATER CONSERVATION DISTRICT

By: Laura Lamb
Laura Lamb

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Laura Lamb, the duly authorized representative of VANDERBURGH COUNTY SOIL & WATER CONSERVATION DISTRICT, who acknowledged the execution of the foregoing Deed to be the voluntary act and deed of VANDERBURGH COUNTY SOIL & WATER CONSERVATION DISTRICT.

WITNESS my hand and Notarial Seal, this 28th day of March, 2012

Gregory G. Meyer
(Gregory G. Meyer) Notary Public

County of Residence: Vanderburgh

My Commission Expires: 11/13/2016

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law

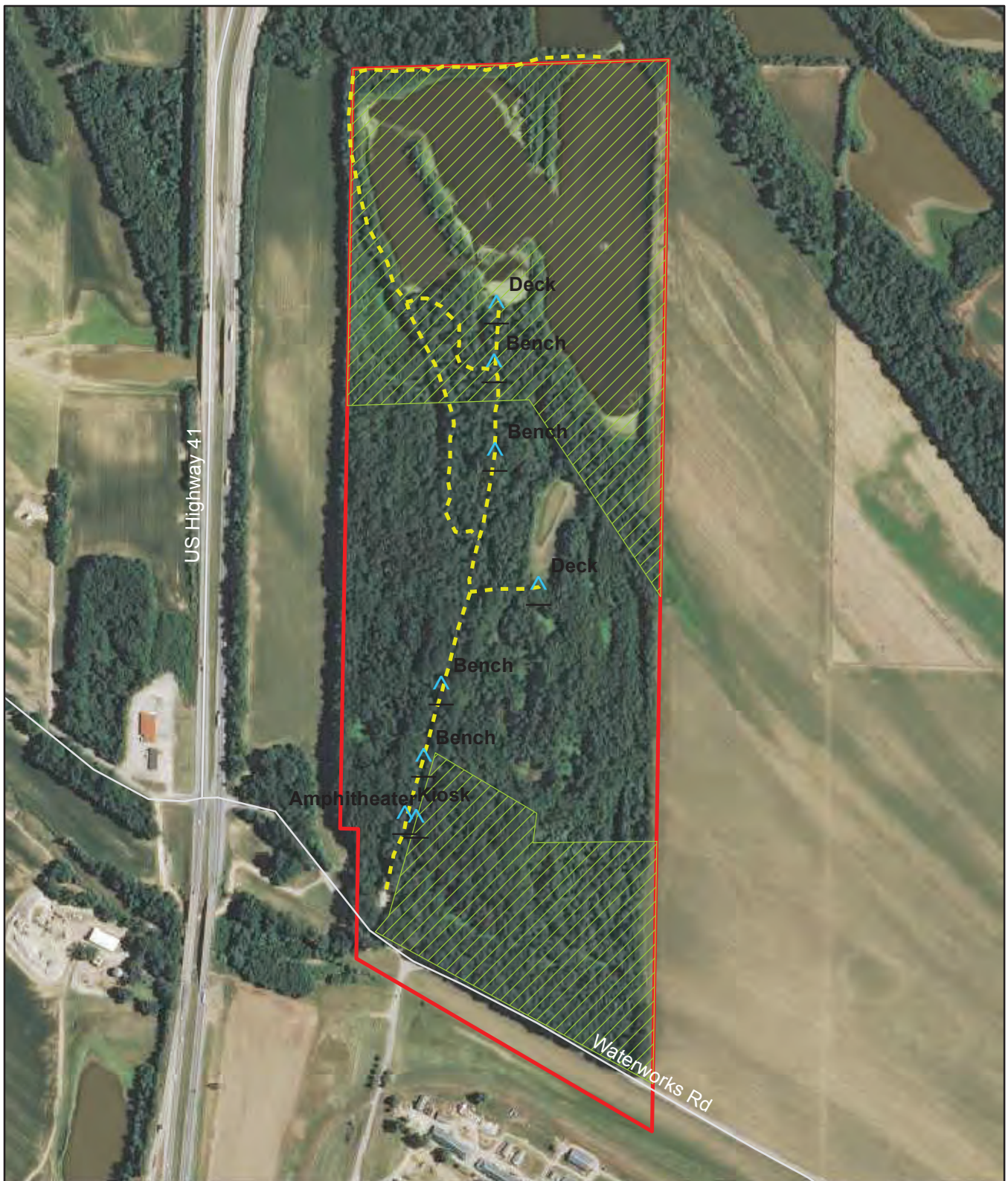
Gregory G. Meyer
Gregory G. Meyer

THIS INSTRUMENT PREPARED BY: GREGORY G. MEYER OF THE LAW FIRM OF MEYER STONE & STRATMAN, LLP, CURTIS BLDG, SUITE 404, 915 MAIN STREET, P. O. BOX 1135, EVANSVILLE, IN 47706-1135. TELEPHONE: (812) 425-5345.

ADDRESS OF GRANTEE: 4898 E. Heritage Woods Road, P. O. Box 7801, Bloomington, IN 47407-7801

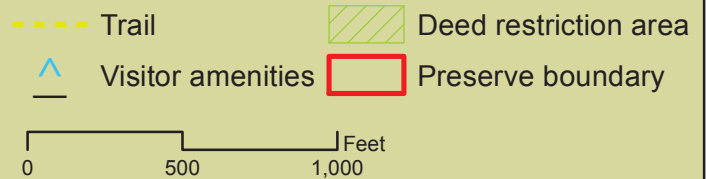
TAX STATEMENT ADDRESS: 4898 E. Heritage Woods Road, P. O. Box 7801, Bloomington, IN 47407-7801

COMMON ADDRESS OF PROPERTY: Waterworks Road (a/k/a Shawnee), Evansville, IN



Eagle Slough Natural Area Sycamore Land Trust

2012 NAIP aerial image
Map by John Lawrence of
Sycamore Land Trust 11/13/2014



APPENDIX C

AERIAL PHOTOGRAPHS AND OTHER MAPPING



Figure C-1: Aerial Map of Freedom Park and Henderson County Fairgrounds and Facilities



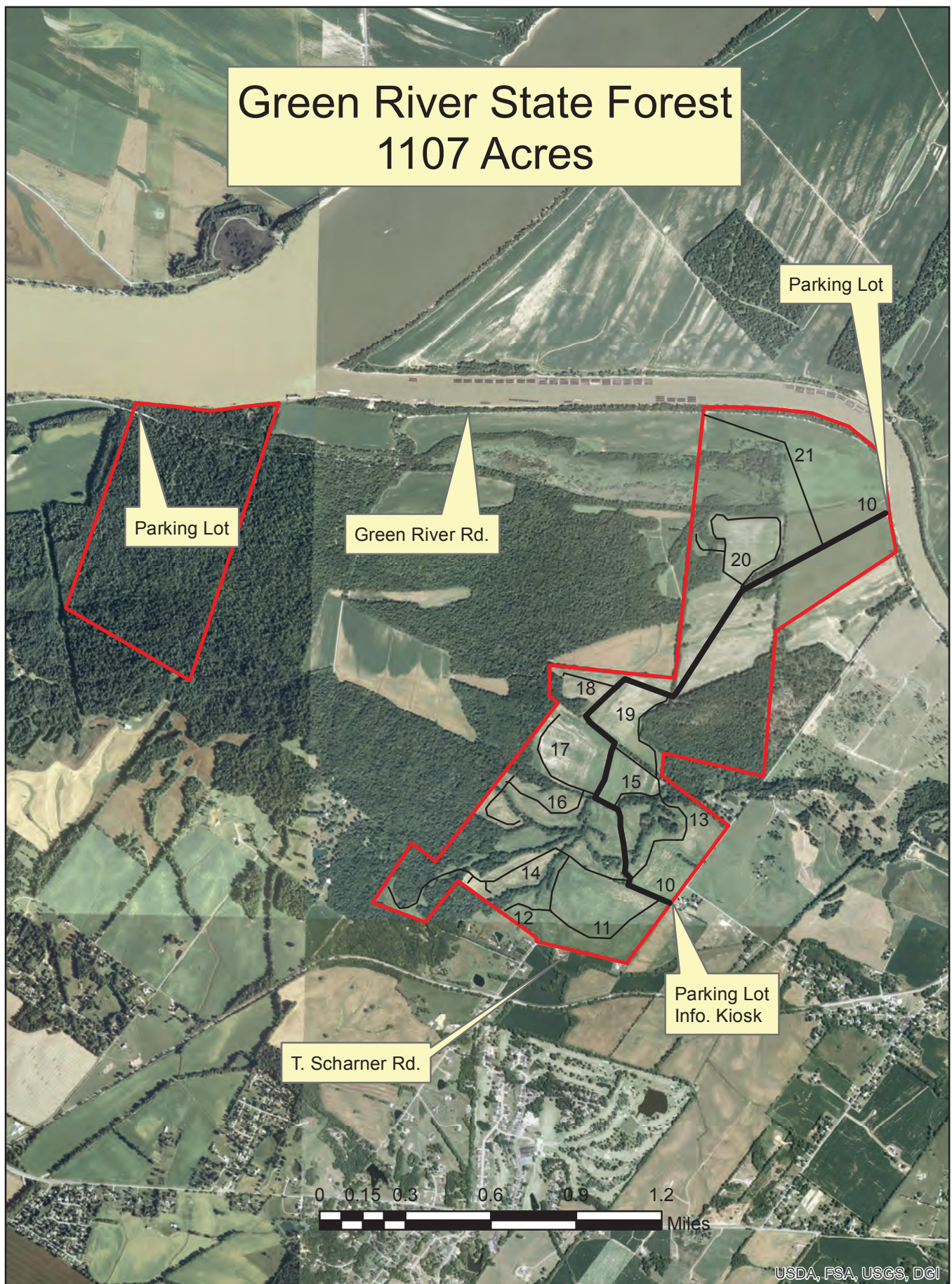


Figure C-3: Aerial of Green Rivers State Forest with Multi-Use Trails
Source: Eric Gracey, Kentucky Division of Forest, July 28, 2017

Green River State Forest

Slough Area and Riverfront Used for Fishing and Waterfowl Hunting

Figure C-4
Green River State Forest
Topographical Map

GRAVEL TRAIL

PARKING

0 0.25 0.5 1 Miles

Source: Eric Anderson, Division of Forestry

