



Section 106 MOA

Attachment D

Section 106 MOA

MEMORANDUM OF AGREEMENT (MOA)
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE INDIANA STATE HISTORIC PRESERVATION OFFICER, AND
THE KENTUCKY STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
LOUISVILLE – SOUTHERN INDIANA OHIO RIVER BRIDGES PROJECT IN
CLARK COUNTY, INDIANA AND JEFFERSON COUNTY, KENTUCKY

(Project No. Item-5-118.00)

WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT) and the Kentucky Transportation Cabinet (KYTC) is proposing to construct the Louisville-Southern Indiana Ohio River Bridges Project (Project) to improve cross-river mobility between Jefferson County, Kentucky and Clark County, Indiana; and

WHEREAS, the Project provides for two new bridges using Alignment C1 and Alignment A15 as described in the Project Draft Environmental Impact Statement and Final Environmental Statement (DEIS/FEIS), reconstruction of the Kennedy Interchange south of its present location, and other improvements and enhancements within the Project corridor as described in Attachment A, Project Description; and

WHEREAS, the Project DEIS/FEIS and supporting technical reports (Attachment B) provide background information to this Memorandum of Agreement (MOA); and

WHEREAS, it is understood that this MOA is based upon review of conceptual design alternatives, shown in the DEIS, which will be refined during the design development process; and

WHEREAS, the FHWA, in consultation with the Kentucky and Indiana State Historic Preservation Officers (SHPO) has delineated an Alternative Specific Area of Potential Effects (APE) as depicted in Attachment C; and

WHEREAS, the FHWA, in consultation with the Kentucky and Indiana SHPOs and the Advisory Council on Historic Preservation (ACHP) has determined that the Project will have an Adverse Effect on certain historic properties, as described in Attachment D,

pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (NHPA), as amended (16 USC 470f); and

WHEREAS, pursuant to 36 CFR § 800.4(b)(2) and 36 CFR §800.5(a)(3), FHWA has phased the final identification, evaluation, and determination of Project effect for archeological resources because alternatives consist of large corridors where access is restricted; and

WHEREAS, FHWA has determined that the Project may adversely affect additional historic properties because sites for construction staging, wetland mitigation, borrow or waste, dredge disposal, or other ancillary activities associated with construction of the Project have not yet been selected; and

WHEREAS, FHWA acknowledges that the Project could result in indirect and cumulative effects on historic properties within the Broad APE, as depicted in Attachment E; and

WHEREAS, terms used in this MOA are defined in accordance with 36 CFR §800.16, unless otherwise indicated; and

WHEREAS, the INDOT and KYTC have participated in consultation and have been invited to be signatories to this MOA; and

WHEREAS, the Eastern Band of Cherokee Indians, Cherokee Nation of Oklahoma, United Keetoowah Band of Cherokee Indians, Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, The Shawnee Tribe, the Miami Tribe of Oklahoma, Peoria Indian Tribe of Oklahoma, Delaware Nation, the Chickasaw Nation, the Wyandotte Nation, and the Citizen Potawatomi Nation have participated in consultation and have been invited to concur in this MOA; and

WHEREAS, the remaining Section 106 Consulting Parties, included in the list at Attachment F, have participated in consultation and have been invited to concur in this MOA;

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

STIPULATIONS

The FHWA will ensure that the following measures are implemented:

I. PROJECT COORDINATION

A. Advisory Teams

1. On or before December 31, 2003, FHWA and the respective State Transportation Agencies (STA) will convene an Indiana Historic Preservation Advisory Team (IHPAT) and a Kentucky Historic Preservation Advisory Team (KHPAT) to ensure the Project is designed in a manner that respects the historic qualities, landscapes, historic buildings and features within the Alternative Specific APE.
2. The Advisory Teams will assist the Bi-State Historic Consultation and Bi-State Management Teams in developing Project design details to implement the measures stipulated in this MOA.
3. Each of the Advisory Teams will be co-chaired by a representative of the respective STA and SHPO. The Co-chairs will be responsible for convening meetings of the Advisory Teams, preparing and maintaining a summary of meetings, and preparing and submitting Advisory Team recommendations to the Bi-State Historic Consultation Team for further action.
4. Representatives of the following will be invited by FHWA and the Indiana Advisory Team co-chairs to participate on the IHPAT:
 - a. City of Jeffersonville Historic Preservation Commission
 - b. Clark County
 - c. City of Jeffersonville
 - d. Town of Utica
 - e. Jeffersonville Main Street Association
 - f. Clarksville Historical Society
 - g. Town of Clarksville
 - h. Clark County. Historian
 - i. Rose Hill Neighborhood Association
 - j. Historic Landmarks Foundation of Indiana
 - k. Jeff -Clark Preservation Inc.
5. Representatives of the following will be invited by FHWA and the Kentucky Advisory Team co-chairs to participate on the KHPAT:
 - a. Louisville/Jefferson County Metro Government Historic Preservation Office
 - b. Louisville/Jefferson County Metro Government
 - c. Butchertown Neighborhood Association Inc.
 - d. City of Prospect
 - e. Phoenix Hill Association Inc.
 - f. River Fields, Inc.
 - g. The National Trust for Historic Preservation

6. Additional participants may be invited to participate on the Advisory Teams at the discretion of the Advisory Team Co-chairs.
7. The ACHP may participate as it sees fit on an ad-hoc basis.
8. As soon as practical following execution of this MOA, the respective co-chairs will convene the Advisory Teams for an initial organizational, kick-off meeting to establish process and procedure for operation of the Advisory Teams.
9. The respective co-chairs will convene additional meetings at the following times to review plans, comment, and make specific recommendations regarding Project design scopes of work and details for consideration by the Bi-State Historic Consultation Team.
 - a. Prior to the development of the scopes of work for the Historic Preservation Plans (HPP) and Treatment Plans under Stipulation III;
 - b. Prior to the selection of contractors for preparation of the HPPs and Treatment Plans under Stipulation III;
 - c. Prior to the development of the scope of work for design consultant services on individual Project sections;
 - d. Prior to the preliminary plan field check inspections (about 30%);
 - e. After preliminary plans are revised, to report on how comments were addressed (about 30%);
 - f. Prior to the design approval for plans for commencement of right-of-way acquisition (about 60%);
 - g. Prior to the final plan inspections (about 90%); and
 - h. After final plans are completed, to report on how comments were addressed.
10. INDOT or KYTC, as appropriate, shall provide any materials needed for review by the Advisory Teams at least fifteen (15) days before scheduled meetings. In addition to any comments voiced in the meetings, the Advisory Team members may provide written comments to the co-chairs within fifteen (15) days following the scheduled meeting.
11. Based on comments provided by the Advisory Teams, the co-chairs will develop recommendations, which they will submit to the Bi-State Historic Consultation Team for consideration and action.

B. Bi-State Historic Consultation Team

1. Bi-State Historic Consultation Team shall consist of representatives of FHWA, INDOT, KYTC and the respective SHPOs.

2. The Bi-State Historic Consultation Team will advise the Bi-State Management Team as to appropriate design and construction approaches so as to comply with the terms and historic preservation commitments of this MOA. The Bi-State Historic Consultation Team shall make its recommendations to the Bi-State Management Team on methods, systems, and plans for Project implementation after considering recommendations provided by the Historic Preservation Advisory Teams.
3. The Bi-State Historic Consultation Team may make final decisions as delegated by the Bi-State Management Team.
4. The Bi-State Historic Consultation Team shall convene to consider the recommendations provided by the Advisory Teams and prepare recommendations for the Bi-State Management Team.
5. The Bi-State Historic Consultation Team will ensure that the comments and recommendations of the Advisory Teams are given full consideration in preparing its recommendations to the Bi-State Management Team or in reaching its final decision.

C. Bi-State Management Team

1. The Bi-State Management Team shall consist of representatives of the INDOT, the KYTC, and FHWA who shall have the authority for final approval of actions required to implement the measures to avoid, minimize, or mitigate effects to historic properties.
2. The Bi-State Management team shall ensure that consultant services procured to assist in the management of the Project include professionals with experience in the following areas: architecture, landscape architecture, historic preservation, archeology, anthropology, landscape history, as well as highway, bridge, and tunnel design to help implement the provisions of this MOA.
3. The Bi-State Management Team shall prepare progress reports, as set forth in Stipulation IX of this MOA.
4. The Bi-State Management Team shall give full consideration to the recommendations of the Bi-State Historic Consultation Team for incorporation into the final plans to the extent reasonable, feasible, and prudent.

D. Ombudsmen

1. The Bi-State Management Team will ensure that two Ombudsmen (one for Indiana and one for Kentucky), will be retained for the duration of the Project.

2. Ombudsmen should be selected who have demonstrated communication and conflict resolution skills, as well as a working knowledge of historic preservation practices as they relate to the goals of this Project.
3. The individuals selected for Ombudsmen will be responsible for communicating with the public and investigating reported problems on all aspects of the Project, including the implementation of measures set forth in this MOA. They shall report recommendations, complaints, and their findings to the Bi-State Management Team for resolution. The Ombudsmen will report findings, decisions, and resolutions as appropriate.
4. The Ombudsmen will be located in an office or offices within or close to the Project area.
5. Every reasonable effort shall be made to locate the offices of the Indiana and Kentucky Ombudsmen assigned to the Project in historic properties, such as the Train Depot in Jeffersonville, Indiana, that can be restored and preserved in association with the Project.
6. Roles and responsibilities of the Ombudsmen shall be further defined in the management plan of the Project developed by the two states and the FHWA.

II. PROJECT DEVELOPMENT

The stipulations within this section apply to the overall construction of the Project unless otherwise noted. All measures stipulated within this MOA shall be implemented as part of the Project prior to its completion. The FHWA and STAs agree to program and fund as a Project cost component, monies necessary for implementation of the measures stipulated within this MOA.

- A. **Project Goals** - The design goal of the Project is to meet the Project purpose and need while avoiding, minimizing, or mitigating adverse impacts to the environment, including adverse effects to historic properties to the extent reasonable, feasible, and prudent. Avoidance of adverse effects is the preferred treatment.
- B. **Public Involvement** - The views of the public are important and will be solicited and considered at a minimum through each state's normal transportation project development process through informational meetings to be convened by the respective STAs.

- C. **Context Sensitive Solutions** -The roadways, bridges, and other Project elements shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes, and the historic context, utilizing the services of professionals with experience in areas related to historic preservation. Design shall include aesthetic treatments to surfaces, structures, portals, appurtenances, and land contours and landscaping that complement the historical contexts of historic properties.

- D. **Roadway Lighting** – Project roadway lighting within the viewshed of historic properties and any navigational lighting required on structures included in the Project shall be designed and constructed to minimize the dispersion of light beyond the highway right of way and include state-of-the-art techniques and systems, such as Full Cutoff Optics (FCOs) or other similar systems, to the extents that are required to ensure safe roadway lighting designs, and navigation required by the U. S. Coast Guard and the Federal Aviation Administration. .

- E. **Noise Abatement** – The Project shall be designed so as to minimize adverse noise effects on historic properties in accordance with state and federal noise regulations, policies, and guidance, including special consideration of enhanced noise abatement measures for historic properties. Noise abatement measures shall be designed and implemented utilizing state-of-the-art methods and systems to minimize adverse noise effects on historic properties, such as innovative pavement designs, bridge decks and joints, berms, noise barriers, and landscaping. Pavements shall be designed incorporating measures and materials that contribute to quieter pavements, such as those identified through the Purdue University Quiet Pavement Research or other innovative measures and technologies, while providing durability and safe driving conditions.

- F. **Historic Preservation Plans** INDOT and KYTC, in consultation with the SHPOs and appropriate local governments, shall have HPPs prepared for historic properties and districts as set forth below and detailed in Stipulation III. The HPPs shall be prepared by a qualified consultant(s) specializing in preservation planning. The HPPs will provide a context to inform the implementation of specific mitigation measures as set forth in Stipulation III. The HPP may include recommendations for additional measures that could be implemented and funded outside this MOA.

Additional avoidance, minimization, or mitigation measures identified in the HPPs which may not have been specified in this MOA, but are found by the Historic Preservation Advisory Teams to be reasonable to incorporate into the Project will be considered by the Bi-State Historic Consultation Team and may be submitted to the Bi-State Management Team for possible implementation as part of the Project. The HPP for a property or district shall be completed prior to the preliminary field plan check inspections for the relevant section of the Project, as referenced in Stipulation I.A.9.d, unless otherwise recommended by the Bi-State Historic Consultation Team and determined appropriate by the Bi-State Management Team.

1. The HPPs will meet the following provisions:
 - a. The scopes of work for the HPPs will be developed in consultation with the respective Historic Preservation Advisory Teams.
 - b. The HPPs will be developed in consultation with owners of the historic properties and/or related neighborhoods.
 - c. Where access to privately owned property is necessary for the preparation of an HPP, consent shall be obtained prior to entry.
 - d. The HPPs shall consider and build upon existing related studies and plans, such as the Ohio River Corridor Master Plan and Louisville's Downtown Development Plan.
 - e. The HPPs shall be developed in cooperation with the appropriate local government and approved by the respective SHPO.
 - f. The HPPs will recognize the unique character, context, and historic significance of each resource/area and will identify ways to protect and enhance the historic qualities found there, particularly those related to avoidance, minimization, and mitigation of adverse Project effects.
 - g. The HPPs will consider land use, transportation patterns, and other urban/suburban related planning issues, as appropriate.
 - h. The HPP shall be presented to the relevant city/county governments and the Kentuckiana Regional Planning and Development Agency (KIPDA) for incorporation into local land use planning processes as appropriate.
2. HPPs will be developed for the following historic properties:
 - a. Old Jeffersonville Historic District
 - b. Township of Utica Historic Lime Industry
 - c. Swartz Farm Rural Historic District
 - d. James Smith Rural Historic Farmstead
 - e. Butchertown Historic District
 - f. Phoenix Hill Historic District
 - g. Country Estates of River Road/River Road Corridor

- G. **Survey Updates** – Within five years following the Record of Decision, the historic preservation documents listed below will be updated by a qualified historic preservation consultant chosen by INDOT or KYTC, as appropriate, with the information developed for the Project and in conformance with GIS or other format specified by the respective survey sponsor and SHPO.
1. Clark County Interim Report and Indiana Historic Sites and Structures Inventory of Clark County will be updated by INDOT in consultation with the INSHPO.
 2. The Jefferson County Inventory and Survey of Historic Sites in Kentucky will be updated by KYTC in consultation with the KYSHPO and the Louisville/Jefferson County Metro Government Historic Preservation Office.
- H. **Historic Preservation Easements** - Preservation easements set forth in this MOA shall be placed on the historic properties identified in Stipulation III in perpetuity by INDOT or KYTC, as appropriate, and held by a local government, local or state preservation organization, or other entity as determined by the INDOT or KYTC in consultation with the respective SHPO. A one-time, lump sum monitoring fee determined through negotiation among INDOT or KYTC, the easement holder, and the respective SHPO will be paid by INDOT or KYTC to the easement holder to monitor and enforce the preservation restrictions. The Bi-State Historic Consultation Team will coordinate as necessary with INDOT or KYTC land acquisition personnel for the acquisition of preservation easements.
- I. **National Register Documentation and Nomination** – When stipulated for a specific property in Stipulation III, documentation required for a National Register of Historic Places (NRHP) nomination shall be prepared by a qualified historic preservation consultant selected by INDOT or KYTC, as appropriate, upon receipt of written consent from the property owner(s). The nomination, owner's written consent, and other supporting documentation shall be forwarded to the INSHPO or the KYSHPO within the first three years following the Record of Decision for the Project to secure National Register listing of the property.. INDOT or KYTC, as appropriate, will coordinate with the Bi-State Historic Consultation Team to ensure that an individual with experience in historic preservation issues participates in presenting any proposal for nomination to the property owners.

J. **Streetscape Improvements** - Streetscape improvements, such as landscaping, tree plantings, ornamental street lighting, fencing, curbing, pavements, sidewalks, traffic calming, or other similar work, when specified in Stipulation III, shall be designed in consultation with the respective SHPO and constructed within public rights of way unless otherwise provided for in this MOA or approved by the Bi-State Management Team. Approval from the agency holding title to the right of way will be obtained prior to use, whenever required. Streetscape improvements shall be designed in conformance with recommendations of any HPP developed for the property in accordance with Stipulation III of this MOA. In the absence of an HPP, design of streetscape improvements shall be based on recommendations provided by the Bi-State Historic Consultation Team with Advisory Team input.

K. **Interpretative Signage** - Interpretative signage, when specified in Stipulation III, shall be placed within the right of way of public streets, or on easements, to explain the significance of the historic properties, their context, and their importance to the development of the area. Approval from the agency holding title to the right of way will be obtained prior to use, whenever required. INDOT or KYTC shall coordinate the text and placement of the signs with the respective Historic Preservation Advisory Team and may implement this provision through existing state historic marker programs where determined appropriate.

L. **Blasting and Vibration**

1. To avoid damage to historic properties, INDOT and KYTC shall ensure that construction blasting/vibration plans and bridge pier construction plans shall be developed by their contractor(s) prior to the beginning any construction activities that would require blasting or result in vibration. These construction blasting/vibration plans shall be implemented during appropriate construction activities.
2. These plans shall be developed for those properties specified in Stipulation III with input from the Bi-State Historic Consultation Team and be coordinated with the contract documents, special provisions, and notes included in the construction plans. These plans shall include provisions for pre-and post-construction surveys, construction monitoring, and other measures to minimize harm to historic properties.

3. The Bi-State Management Team or its designee will make the determination whether damage has occurred as a result of Project activities.
4. The INDOT and KYTC shall be responsible for repair of any blast and vibration damage to historic properties. Any repairs shall be coordinated in advance with the respective SHPO to ensure they are carried out in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Secretary's Standards).
5. Where access to privately owned property is necessary for monitoring or damage repair, consent shall be obtained prior to entry.

M. Timing of Construction Activities - Provisions shall be included in the Project contracts that limit construction activities and construction noise during specific periods of time such as weekends, holidays, or special events. The Bi-State Management Team shall develop these provisions, with input from the Bi-State Historic Consultation Team and Advisory Teams.

N. No-Work Zones - A "no-work zone" will be established on construction plans within the National Register boundaries of those historic properties specified in Stipulation III of this MOA. A "no-work zone" for a historic property is an area where any potentially damaging Project activities such as storage yards, waste disposal, borrow pits, staging areas, or other related activities shall not be permitted. "No-work zones" will be designated in the plans and contract documents by note and will identify protective measures such as "temporary fencing" within right of way determined for the property through consultation with the Bi-State Historic Consultation Team.

O. Smart Growth Conference - Within three years following the Record of Decision for the Project, KYTC, in cooperation with FHWA, INDOT, ACHP, SHPOs, and appropriate local government organizations, will sponsor a Smart Growth Conference for the Louisville – Southern Indiana Region to inform local governments about the opportunities of smart growth to promote changes in local land use planning in a manner that provides for maximum efficiency within the transportation projects while promoting the preservation of historic properties within the region. The conference will involve local and national experts in the field and provide

model ordinances and other materials that can be used by local governments in the implementation of new measures for this region.

P. Education and Interpretation

1. In developing materials for public education and interpretation, FHWA will ensure that sensitive information about the location and nature of archeological resources identified in the APE is withheld or disclosure limited pursuant to Section 304 of the National Historic Preservation Act.
2. KYTC and INDOT, in consultation with FHWA, the respective SHPOs, Indian Tribes, the Advisory Teams, and other parties deemed appropriate by FHWA, shall develop a popular report, in plain English intended for the general public, describing the history, historic properties, and archeological resources identified within the APE. The parties shall consult regarding the format, content, and style of the report. FHWA shall provide an opportunity for the parties to comment on the draft(s) of the report. The parties shall have thirty (30) days from receipt of the draft to provide written comments. FHWA will consider these comments in preparing the final draft of the popular report. Copies of the final report shall be distributed to the SHPOs, parties, and public libraries and museums within the Broad APE.
3. In consultation with the FHWA, ACHP, KYSHPO, Indian Tribes, and the KHPAT, KYTC will develop an exhibit for display in the museum to be established at the Trolley Barn. The exhibit will showcase local history and the historic properties identified during the Project within a regional context and educate visitors about the Federal regulatory process. KYTC will make every effort to have the exhibit completed so that it can be presented during the National Trust for Historic Preservation Annual Conference to be held in Louisville in 2004.
 - a. KYTC will ensure that the exhibit is prepared by a professional in the development of museum exhibits.
 - b. During its preparation, KYTC will ensure that the parties shall have opportunities to review and provide comments on the proposed exhibit.

III. SITE SPECIFIC MITIGATION

A. Train Depot – Indiana

1. INDOT will include streetscape improvements within the limits of the Project and through the Spring Street frontage of the Depot consistent with Stipulation II.J. These improvements may include curbing, ornamental street lighting and tree planting developed with input from the IHPAT and recommended for the Project by the Bi-State Historic Consultation Team.
2. INDOT will make a reasonable and good faith effort to acquire this property at the fair market value and from a willing seller. If acquired, the following additional stipulations shall apply:
 - a. The building on this property will be available during the construction period to house personnel assigned to the Project and the Ombudsman included for the Indiana portion of the Project. Any other activities in the building or on the property shall be permitted only after consultation between INDOT and the INSHPO.
 - b. Any work to rehabilitate the Train Depot shall be undertaken in consultation with the INSHPO and in accordance with the Secretary's Standards.
 - c. A preservation easement shall then be placed on the property consistent with Stipulation II.H and the property shall be sold at fair market value to a preservation organization or other party acceptable to the Bi-State Historic Consultation Team or donated to a local government.
3. If INDOT is unable to acquire the property as stipulated above, INDOT shall consult with the INSHPO to identify and implement alternative mitigation measures.
4. INDOT will develop documentation for and seek NRHP nomination as set forth in Stipulation II.I.
5. In consultation with the IHPAT and the INSHPO, INDOT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility to explain its historic significance.

B. Colgate-Palmolive Historic District

1. INDOT will develop documentation and seek NRHP nomination as set forth in Stipulation II.I. If the property owner does not consent to NRHP listing, then INDOT shall make reasonable effort to prepare documentation for the historic district at a level to be agreed upon by the INSHPO, INDOT and the FHWA.

2. In consultation with the IHPAT and the INSHPO, INDOT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility, to explain the historical importance of the site, its evolution, and its importance to the economic growth of the region.

C. Ohio Falls Car and Locomotive Company Historic District

1. INDOT will develop documentation and seek NRHP nomination as set forth in Stipulation II.I. If the property owner does not consent to National Register listing; then INDOT shall make reasonable effort to prepare documentation for the historic district at a level to be agreed upon by the INSHPO, INDOT and the FHWA.
2. In consultation with the IHPAT and the INSHPO, INDOT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility, to explain the historical significance of the site, its evolution, and its importance to the economic growth of the region.
3. Prior to initiating construction activities in this section of the Project, INDOT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the District as set forth in Stipulation II.L.

D. George Rogers Clark Memorial Bridge

1. INDOT and KYTC shall make every reasonable effort to avoid displacement of the historic bridge pylons on the Indiana approach to the Clark Memorial Bridge (US 31).
2. In the event displacement of the bridge pylons cannot be avoided, the INDOT and KYTC, in consultation with FHWA and the Historic Preservation Advisory Teams, shall develop and implement a Treatment Plan which will include measures designed to minimize damage to the original contributing elements to the structure, including retaining walls and administration building. The Treatment Plan shall include documentation on the original bridge pylons, retaining walls and other features within the Project limits at a level to be agreed upon by the parties noted above, and shall include recommendations for historically appropriate lighting where it is necessary to replace the existing fixtures.

3. The INDOT and KYTC shall make every reasonable effort to relocate the pylons in a way that will ensure protection of the NRHP designation for the bridge.

E. Old Jeffersonville Historic District

1. INDOT shall have an HPP developed for the property as set forth in Stipulation II.F. The HPP will provide a context and other information for use in developing streetscape improvements, relocating contributing houses, and designing pedestrian friendly facilities under the bridges as outlined below. The HPP shall also include guidelines and/or best practices for the selection and implementation of noise abatement measures in a manner so as not to compromise the historic integrity of the district.
2. The HPP will be presented to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan and to inform the community and local government of additional historic preservation threats and opportunities.
3. INDOT will design and construct streetscape improvements along city streets within the historic district between Spring Street and the Project, as set forth in Stipulation II.J, taking into consideration the type of improvements already underway by the City of Jeffersonville on Spring Street.
4. INDOT shall design and construct pedestrian friendly facilities within Indiana right of way under the new bridge and existing John F. Kennedy Bridge. These facilities shall include amenities such as public art, lighting, and other treatments as set forth in Stipulation II.J and will be in keeping with the context identified in the HPP for the Old Jeffersonville Historic District.
5. The INDOT and KYTC shall minimize spacing between the proposed new downtown bridge along the C-1 alignment and the existing John F. Kennedy (I-65) Bridge consistent with prudent engineering principles.
6. INDOT and KYTC will develop and implement a highway signage plan that minimizes the number of overhead directional signs on the approach spans to the bridge, while preserving and improving highway safety.
7. INDOT, in consultation with INSHPO and FHWA, will make a reasonable effort to relocate the five contributing structures that would otherwise be demolished by the Project, including those located at 115 Fort Street, 116 Fort Street, 502 West Market Street, 432 West Riverside Drive, and 502 West Riverside Drive, to available vacant lots within the historic district.

- a. During the acquisition phase, the INDOT, in consultation with the INSHPO, will make a reasonable effort to purchase vacant lots within the historic district from a willing seller at fair market value, then move and place the houses on new foundations in accordance with the approaches recommended in *Moving Historic Buildings* (John Obed Curtis, 1979, American Association for State and Local History), and by a professional who has the capability to move historic buildings properly. The relocated buildings will be made available for sale at fair market value on the open market.
 - b. INDOT shall place a preservation easement on these relocated historically significant houses as set forth in Stipulation II.H.
 - c. INDOT shall stipulate through a covenant that the purchaser must occupy the house for 5 years and maintain the property in accordance with preservation standards acceptable to the INSHPO.
- 8. If INDOT is unable to obtain suitable property within the historic district for the relocation of any of the structures referenced above, INDOT, in consultation with the INSHPO, shall prepare and implement a marketing plan to market the building(s) for relocation by others at a nominal fee.
 - a. The plan shall include information about the building(s), including photographs and information on the property's significance, cost, and tax benefits of rehabilitation; notification that the recipient will be required to rehabilitate the building(s) in accordance with the Secretary's Standards; a distribution list of potential purchasers or transferees; an advertising plan and schedule; and a schedule for receiving and reviewing offers.
 - b. Upon INSHPO's agreement with the marketing plan, INDOT shall implement the plan for a minimum of six months.
 - c. INDOT shall review all offers in consultation with INSHPO prior to acceptance.
- 9. If there is no acceptable offer that will conform to the requirements for rehabilitation and maintenance, INDOT, with the approval of INSHPO, may donate the property to a local government.
- 10. INDOT shall design and construct roadway lighting in the viewshed of the historic district as set forth in Stipulation II.D.
- 11. INDOT shall implement noise abatement measures where Project noise is expected to affect the historic district as set forth in Stipulation II.E.
- 12. Timing of construction activities shall be scheduled and provisions included in the plans by the Bi-State Historic Consultation Team in

accordance with Stipulation II.M and with input from the Advisory Teams, so as to limit construction activities which may result in additional impacts to the historic district.

13. Prior to initiating construction activities, INDOT shall ensure that construction contractors shall develop and implement blasting/vibration plans for properties abutting the Project to avoid damage to listed and eligible historic properties in accordance with Stipulation II.L.

F. INAAP Igloo Storage Historic District

Prior to initiating construction activities, INDOT will ensure that the construction contractor will develop and implement a blasting/vibration plan for the Project in consultation with the Department of the Army, INAAP Re-Use Authority, and the INSHPO to avoid damage to this property as set forth in Stipulation II.L. This plan shall include provisions for blast monitoring and repair if the Department of the Army grants permission and access.

G. Lentz Cemetery

1. Prior to initiating construction activities, INDOT will ensure that the construction contractor will develop a blasting/vibration plan for the Project to avoid damage to this property as set forth in Stipulation II.L.
2. INDOT will design the section of roadway adjacent to the cemetery to minimize noise impacts to this property and complement the refinement with landscaping within the public right of way whenever appropriate.

H. Lime Kilns within the Utica Lime Industry Multiple Property Listing

1. INDOT shall develop a HPP in accordance with Stipulation II.F to include a Context Study focusing on the development of the lime industry within the region and including the identification of significant lime industry structures with recommendations for preservation of the history of the lime industry in Utica Township/Southern Indiana. In consultation with the INSHPO, INDOT will develop and publish a pamphlet for public distribution presenting the results of the lime industry study.
2. Prior to initiating any construction activities within 1,000 feet of the lime kilns, INDOT shall prepare a Condition Report of these

resources that includes photographs to serve, in part, as a baseline to measure any construction related damage that may occur to the kilns. The documentation shall be at a level agreed upon between INDOT and INSHPO.

3. Prior to initiating construction activities, INDOT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the three lime kilns identified as IE-HC-48002, IE-HC-48003, and IE-HC-48004 as set forth in Stipulation II.L. The location of these three kilns shall be noted in the plans for the contractor's use to protect these resources. This plan shall include provisions for construction monitoring for this property.
4. INDOT shall delineate a "no-work zone" around the three lime kilns, noted above, as set forth in Stipulation II.N. The "no-work zone" shall generally extend 100 feet from the kilns.
5. The INDOT shall repair any damage caused as a result of Project construction to the three lime kilns, noted above, in accordance with accepted preservation standards and in consultation with the INSHPO.
6. INDOT shall make a reasonable effort to acquire the lime kiln identified as IE-HC-48004 during the right-of-way phase of the Project if the Bi-State Historic Consultation Team deems it necessary to preserve the resource. Should the lime kiln be acquired, a preservation easement as set forth in Stipulation II.H will be placed on the property and it will be sold at fair market value to a preservation organization or donated to a local government. In consultation with the INSHPO, INDOT shall implement stabilization measures in accordance with the Secretary's Standards prior to its sale.
7. INDOT, in consultation with INSHPO, will develop and place an interpretive marker along Utica Pike as set forth in Stipulation II.K that describes the importance of the lime industry in the area and the significance of the kilns.
8. INDOT will develop documentation for and seek NRHP nomination for the lime kilns as set forth in Stipulation II.I.

I. Swartz Farm Rural Historic District

1. INDOT shall develop a thematic context study for agriculture in Clark County, Indiana, and surrounding counties to assist with future nominations in the region.
2. INDOT will, in consultation with the INSHPO, purchase that portion of the Swartz Farm lying on the west side of the Project that includes the house, barn, and associated outbuildings.

3. Prior to initiating construction activities, INDOT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to this portion of the Swartz Farm as set forth in Stipulation II.L.
4. INDOT will develop documentation for that portion of the Swartz Farmstead defined above and seek NRHP nomination of the remaining farmstead as set forth in Stipulation II.I.
5. INDOT shall delineate a “no-work-zone” around the remaining Swartz farmstead, as set forth in Stipulation II.N.
6. INDOT will place a preservation easement on the property as set forth in Stipulation II.H and sell the property to a historic preservation organization or donate the property to a local government or historic preservation organization. If neither a local government nor preservation organization is willing to accept title to the property, it may be sold to anyone who would accept the property’s preservation easement. If sold, the current owner will have first right of refusal.
7. In consultation with the INSHPO, INDOT shall prepare archival documentation of the Central Passage House prior to its demolition.
8. In consultation with the INSHPO and FHWA., INDOT will develop and implement a landscaping plan for the property to minimize visual impacts of the Project paying particular attention to the roadway and SR 62 interchange.
9. INDOT will accept by donation and preserve that portion of the James Smith Farm (#45024) that was determined eligible for the National Register as a rural historic farmstead. If the property is donated, the following stipulations will apply:
 - a. In consultation with the INSHPO, INDOT shall develop and implement a plan to stabilize the property to ensure that it retains its historic integrity until such time as it can be transferred to a new owner.
 - b. INDOT will place a preservation easement on the property as set forth in Stipulation II.H and sell the property at fair market value to a preservation organization or other party acceptable to the Bi-State Historic Consultation Team or donate the property to a local government. If sold, the current owner will have first right of refusal.
 - c. Prior to the sale or donation of the property, INDOT shall fund the exterior rehabilitation of the structure to a level consistent with the Secretary’s Standards.
 - d. INDOT shall develop an HPP for the James Smith Farm as set forth in Stipulation II.F. The HPP will include strategies and recommendations for treatment and rehabilitation of the residence and grounds, reuse of the

property for public use, and maintenance by a local or regional preservation organization, or local government acceptable to the INDOT and INSHPO.

- e. INDOT will develop documentation for and seek NRHP nomination and listing as set forth in Stipulation II.I.

J. Trolley Barn

KYTC will ensure that any rehabilitation of the Louisville Railway Complex (Trolley Barn), associated with Project, shall be developed and implemented in consultation with the KYSHPO to ensure that plans are in conformance with the Secretary's Standards for Rehabilitation.

K. Butchertown Historic District

1. KYTC shall develop an HPP for the property as set forth in Stipulation II.F. The HPP shall include recommended measures for context sensitive design, noise abatement, streetscape improvements, connectivity to the river, and interpretive signage which shall be implemented as part of the Project to mitigate adverse effects to the historic district and provide additional strategies for rehabilitation and reuse of buildings and grounds that could enhance the district. The HPP shall develop a thematic context to assist with future nominations in the region. The HPP shall be coordinated with the latest development plans available from the Louisville/Jefferson County Metro Government (Metro Government) that affect the historic district and East Downtown area.
2. KYTC shall develop the Witherspoon Extension in accordance with provisions of the HPP as the principal east-west route through the historic district; and implement measures that encourage north-south traffic through the historic district to use Clay Street and Frankfort Avenue.
3. In consultation with the KHPAT, KYTC shall design and construct the roadway sections along the north side of the Butchertown Historic District using embankments or other designs recommended by KHPAT that support aesthetically pleasing noise abatement measures, lighting, and landscaping that maintain the context of the historic district as set forth in the HPP.
4. Edison House – KYTC shall provide funding for rehabilitation of the exterior of the Edison House provided its owners agree to provide a preservation easement to ensure long-term preservation of its exterior in accordance with Stipulation II.H. Plans shall be

submitted to the KYSHPO for approval as to conformance with the Secretary's Standards prior to implementation. During the development of detailed plans and in consultation with the Edison House owners and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified. Interior noise abatement will be considered in accordance with Stipulation II.E. if predicted noise levels exceed the interior noise abatement criteria.

5. Wesley House – KYTC will provide funding for the rehabilitation of the exterior of the Wesley House provided its owners agree to provide a preservation easement to ensure long term preservation of its exterior in accordance with Stipulation II.H. Plans shall be submitted to the KYSHPO for approval as to conformance with the Secretary's Standards prior to implementation. During the development of detailed plans and in consultation with the Wesley House owners and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified. Interior noise abatement will be considered in accordance with Stipulation II.E. if predicted noise levels exceed the interior noise abatement criteria.
6. St. Joseph's Church – During the development of detailed plans and in consultation with the Church and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church, Day Care Center, and School. Interior noise abatement will be considered in accordance with Stipulation II.E. if predicted noise levels exceed the interior noise abatement criteria.
7. Franklin Street Baptist Church – During the development of detailed plans and in consultation with the Church and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church. Interior noise abatement will be considered in accordance with Stipulation II.E. if predicted noise levels exceed the interior noise abatement criteria.
8. Marcus Lindsay Methodist Church - During the development of detailed plans and in consultation with the Church and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church. Interior noise abatement will be considered in accordance with Stipulation II.E. if predicted noise levels exceed the interior noise abatement criteria.
9. Grace Immanuel United Church of Christ - During the development of detailed plans and in consultation with the Church and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church. Noise abatement will be considered in accordance with

Stipulation II.E. if predicted noise levels exceed the interior noise abatement criteria.

10. Grocers Ice and Cold Storage Company (601 – 615 East Main Street) – KYTC shall, in consultation with the KYSHPO, make a reasonable effort during Project development to provide a plan that supports the adaptive reuse of this property. In the event such a plan cannot be developed, the KYTC will develop documentation for the property at a level agreed upon by the KYSHPO, KYTC, and FHWA and proceed to demolish the structure once the agreed upon documentation has been accepted.
11. Mellwood/Story Connection – KYTC will conduct a study of the Mellwood Avenue – Story Avenue Connector during the development of detailed plans in order to evaluate the elimination of this proposed connector and restoration of two-way traffic flow on Mellwood Avenue and Story Avenue. Results of the study will be provided to the Advisory Team for review and comment and reported in the Progress Reports provided for in Stipulation IX.
12. KYTC shall design and construct streetscape improvements within the entire historic district as set forth in Stipulation II.J, in accordance with provisions of the HPP and the Kentucky Heritage Council's streetscape design guidelines.
13. KYTC shall design and construct traffic calming measures on existing streets in the historic district with attention to the expansion of east downtown Louisville and Phase Two of the Waterfront Park with the concurrence of the KYSHPO and to the extent practicable and in a manner consistent with the HPP.
14. KYTC shall design and construct Project roadway lighting within the viewshed of the historic district as set forth in Stipulation II.D.
15. KYTC shall implement noise abatement measures wherever Project noise is expected to adversely affect the historic district as set forth in Stipulation II.E.
16. Prior to initiating construction activities in this section, KYTC will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the District as set forth in Stipulation II.L

L. Phoenix Hill Historic District

1. KYTC shall develop an HPP for the Phoenix Hill Historic District as set forth in Stipulation II.F. The HPP shall include recommended measures for context sensitive design, noise abatement, streetscape improvements, gateway elements, and interpretive signage which shall be implemented as part of the Project to mitigate adverse effects to the historic district, as well as additional recommendations for measures to enhance the historic

district and include strategies for rehabilitation and reuse of the buildings and grounds that lie within the historic district. The HPP shall develop a thematic context to assist with future nominations in the region. The HPP shall be coordinated with the latest development plans available from the Metro Government that affect the historic district and East Downtown area.

2. KYTC shall design and construct Project roadway lighting as set forth in Stipulation II.D.
3. KYTC shall make a reasonable effort to work with the owner to relocate the Baer Fabrics Company to another historic property within the District or to a suitable facility within the Phoenix Hill neighborhood, as defined by the Metro Government. If the owner agrees to move his business to an historic property within the District or neighborhood, Project funds will be made available for its rehabilitation in accordance with Secretary's Standards and to suit the needs of its new function.
4. In consultation with the KYSHPO and the Metro Government, KYTC shall develop a treatment plan for rehabilitation of the Vermont American Buildings affected by the Project and to explore options for their re-use. The KYTC shall undertake the rehabilitation of the exterior of the building, if recommended in the treatment plan, as a part of the Project.
5. St. John's Church - During the development of detailed plans and in consultation with the Church and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church. Interior noise abatement will be considered, in accordance with Stipulation II.E, if the predicted noise levels exceed the interior noise abatement criteria.
6. Refuge in Kentucky Church - During the development of detailed plans and in consultation with the Church and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church, Day Care Center, and School. Interior noise abatement will be considered, in accordance with Stipulation II.E, if the predicted noise levels exceed the interior noise abatement criteria. .
7. KYTC shall place interpretative signage as set forth in Stipulation II.K within the historic district to explain its historic significance.
8. KYTC shall include streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-65 Bridge as set forth in Stipulation II.J and in accordance with provisions of the HPP and the Kentucky Heritage Council's streetscape design guidelines.
9. Prior to initiating construction activities in this section, KYTC will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the District as set forth in Stipulation II.L

M. Country Estates Historic District/River Road Corridor

1. KYTC shall develop an HPP as set forth in Stipulation II.F which will identify the context and provide recommended measures for context sensitive design, noise abatement, roadway lighting, blasting and vibration plans, and interpretive signage which shall be implemented as part of the Project to mitigate adverse effects to the historic district and individual properties within the vicinity of the construction of the A-15 Corridor. The HPP shall specifically consider and develop recommendations for the following historic properties:
 - a. Country Estates of River Road Historic District, including individually listed National Register properties within the District,
 - b. James T. Taylor/James W. Chandler House
 - c. Merriwether House,
 - d. Upper River Road Bridge over Harrods Creek,
 - e. Harrods Creek Village Historic District,
 - f. Schildnecht House,
 - g. Determan House,
 - h. Allison-Barrickman House,
 - i. St. Francis in the Fields Church,
 - j. Belleview, and
 - k. Rosewell
2. KYTC shall, in consultation with the KYSHPO and the KHPAT, design and construct the proposed roadways, bridges, and tunnels from I-71 to the Ohio River as set forth in Stipulation II, taking into consideration the cultural landscapes that are an important contributing element to the historic district. Special attention will be given to viewsheds that are significantly affected and will focus on the development and implementation of creative strategies for mitigating those impacts. This may include landscaping of public rights of way and on private land should the property owner's consent be given.
3. KYTC shall design and construct Project roadway lighting within the viewshed of the historic district as set forth in Stipulation II.D.
4. KYTC shall implement noise abatement measures where Project noise is expected to affect the listed and eligible properties as set forth in Stipulation III.M.1.a – k in accordance with Stipulations II.E.
5. Prior to initiating construction activities, KYTC shall ensure that construction contractors shall develop and implement blasting/vibration plans for this portion of the Project to avoid damage to the listed and eligible properties as set forth in

Stipulation III.M.1.a – k, including the Strater House, in accordance with Stipulation II.L.

6. KYTC shall define a “no-work zone” within the National Register boundaries of the listed and eligible properties as set forth in Stipulation III.M.1.a – k in accordance with Stipulation II.N.

N. Drumanard

1. The Project through this property will be contained in a tunnel so as to limit adverse effects to the historic property.
2. Prior to initiation of construction activities on the A15 Corridor, FHWA shall make every effort to acquire or otherwise establish an historic preservation easement for the entire Drumanard historic property as set forth in Stipulation II.H. The easement shall be held by the KYSHPO.
3. If FHWA cannot acquire an historic preservation easement, then FHWA will acquire the Drumanard property, place an historic preservation easement on the property, and transfer the property to KYTC who shall seek to sell the property at fair market value to a preservation organization or other party acceptable to the Bi-State Historic Consultation Team or donate the property to a local government. The current owner will have first right of refusal.
4. Prior to initiating construction activities, KYTC will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the historic structures within the property as set forth in Stipulation II.L. During construction activities on and around the property, KYTC shall monitor the historic buildings to preclude impacts due to blasting or vibration.

O. Allison-Barrickman House

1. KYTC shall make reasonable efforts to acquire a preservation easement on the tract of land within the National Register boundary of the Allison-Barrickman house and an easement on the property bounded by US 42, KY 841, the Allison-Barrickman property, and Wolf Pen Branch Road, as set forth in Stipulation II.H.
2. KYTC shall implement noise abatement measures as set forth in Stipulation II.E.

3. KYTC shall define a “no-work zone” within the National Register boundary of the property as set forth in Stipulation II.N.
4. Prior to initiating construction activities, KYTC shall ensure that construction contractors shall develop blasting/vibration plans for this portion of the Project to avoid damage to the Allison-Barrickman house as set forth in Stipulation II.L.

P. Rosewell

1. Prior to the initiation of construction activities on the A15 Corridor, KYTC shall develop and implement a Treatment Plan in consultation with the KYSHPO, FHWA, and KHPAT to minimize damage to the historic property.
2. KYTC shall make every reasonable effort to acquire the Rosewell property at the fair market value and from a willing seller.
3. Immediately following its acquisition, KYTC shall place a preservation easement on the property as set forth in Stipulation II.H and sell the property to a local historic preservation organization or other party acceptable to the Bi-State Historic Consultation Team or donate the property to a local government. KYSHPO shall hold the easement. If sold, the current owner will have first right of refusal.
4. KYTC shall design and construct roadway lighting as set forth in Stipulation II.D.
5. KYTC shall implement noise mitigation measures as set forth in Stipulation II.E.
6. Prior to initiating construction activities, KYTC shall ensure that the construction contractors shall develop blasting/vibration plans for this portion of the Project to minimize damage to the house as set forth in Stipulation II.L.
7. KYTC shall define a “no-work zone” within the National Register boundary of the property as set forth in Stipulation II.N.

Q. Belleview

1. KYTC shall design the Ohio River Bridge and embankment adjacent to Belleview as set forth in Stipulation II taking into account the cultural landscape associated with this historic property. Context sensitive landscaping and other visual treatments, in accordance with Stipulation II.C, will

- be considered on or adjacent to the national register boundary, with owner consent and maintenance.
2. KYTC shall design and construct roadway lighting within the viewshed of Belleview as set forth in Stipulation II.D.
 3. KYTC shall implement noise mitigation measures as set forth in Stipulation II.E.
 4. Prior to initiating construction activities, KYTC shall ensure that construction contractors develop blasting/vibration plans for this portion of the Project to avoid damage to the historic buildings as set forth in Stipulation II.L.
 5. KYTC shall define “no-work zones” within the National Register boundary of the historic property as set forth in Section II.N.

IV. ARCHAEOLOGICAL RESOURCES

A. Implementation Standards

1. In implementing Stipulation IV, FHWA may withhold or limit public disclosure of information about historic properties in accordance with Section 304 of the National Historic Preservation Act and 36 CFR §800.6(a)(5) and 36 CFR §800.11 (c).
2. FHWA shall ensure that consultation with Indian Tribes is conducted in a manner which is consistent with 36 CFR §§ 800.2 (c)(2)(ii)(A), (B), and (C). Using the phrase “Indian Tribes when appropriate” means to consult with an Indian Tribe that might attach religious and cultural significance to an historic property.
3. In order to maximize the opportunity to avoid adverse effects, FHWA will make every effort to complete identification and evaluation of archeological resources at the earliest possible time in Project design.
4. In implementing Stipulation IV, FHWA may consult with the parties listed in Attachment F and others identified in accordance with 36 CFR §800.2(c)(2)(ii) and 36 CFR §800.2(c)(5).
5. FHWA, in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, will take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Indian Tribes, including modification of the Project.

B. Identification

1. Before letting any type of Project construction in the APE or selecting sites for ancillary activities associated with the Project, FHWA shall complete the identification and evaluation of archeological resources for inclusion in the NRHP in accordance with applicable Federal and state standards and guidelines listed in Stipulation VIII.B.
2. FHWA shall examine all locations where ground-disturbing activities are proposed or where they may occur within temporary easements and permanent right of way. These locations may include, but are not limited to, roadway cuts and fills, bridge foundations, tunnel shafts, drainage excavations, waste areas, borrow sites, dredge disposal sites, construction staging areas, storage areas, and wetland and other mitigation sites.
3. In ensuring that any human remains and grave goods identified are treated in a sensitive, respectful and careful manner, FHWA shall be guided by the ACHP's Policy Statement Regarding Treatment of Human Remains and Grave Goods (September 27, 1988), and where appropriate other guidelines, such as the Eastern Band of Cherokee Indians (EBCI) Treatment Guidelines for Human Remains and Funerary Objects, and the following conditions:
 - a. FHWA will make every reasonable effort to avoid disinterment or disturbance of human remains and grave goods during identification and evaluation.
 - b. FHWA will make a reasonable and good faith effort to determine the location, cultural/temporal period, and cultural affiliation of human remains and/or grave goods without any removal or destructive analysis of these remains. If, in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, FHWA determines that this information cannot be obtained without disturbance to the human remains and/or grave goods, FHWA may remove the remains for study.
 - c. FHWA will ensure that human remains and/or grave goods are not photographed or subject to invasive study during the identification and evaluation phases.
 - d. In the event that human remains and/or grave goods that may be of religious or cultural significance to Indian Tribes are identified, FHWA shall provide written notification and documentation to the appropriate SHPO, Indian Tribes, and other parties deemed appropriate by FHWA who have requested such notification within 48 hours following the identification, and shall consult with them to determine a specific protocol for addressing the possible analysis, interim curation, and, if necessary, the reburial of the remains.

4. A Plan(s) for the identification and evaluation of archeological resources will be developed by FHWA in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA. Preparation of the Plan(s) for identification and evaluation will be guided by each state's standards for conducting fieldwork and reporting and the archeological component of each state's Historic Preservation Plan.
 - a. FHWA shall provide the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, thirty (30) calendar days from the day of confirmed receipt, to review and provide comments on the Plan(s). The final Plan(s) shall address comments received.
 - b. If no response is received within 30 days of confirmed receipt, FHWA may proceed with its Plan(s).
 - c. Any dispute regarding the Plan(s) shall be resolved in accordance with Stipulation XIII.
5. FHWA shall prepare and distribute final Identification and Evaluation reports in accordance with Stipulation IV.F.

C. Evaluation

1. The studies completed pursuant to Stipulation IV.B shall demonstrate a level of effort consistent with 36 CFR § 800.4(b)(1) and provide FHWA with the information to determine which archeological resources are eligible for inclusion in the NRHP in accordance with 36 CFR § 800.4(c). The FHWA shall acknowledge and seek the special expertise of Indian Tribes in assessing the eligibility of historic properties that may possess religious and cultural significance to them.
2. If the FHWA determines any of the National Register criteria are met and the appropriate SHPO agrees, the archeological resource shall be considered eligible for the National Register and treated in accordance with the Stipulations IV.D and IV.E.
3. If FHWA and the appropriate SHPO do not agree on NRHP eligibility, the FHWA shall seek a formal determination of eligibility from the Keeper of the NRHP.
4. If FHWA and the SHPO agree that the archeological resource is not NRHP eligible, then no further action is necessary under the terms of this MOA unless there is a written objection submitted in accordance with Stipulations IV.C.5 and IV.C.6.
5. FHWA shall notify the Indian Tribes and other parties whom so request of its findings regarding eligibility.
6. If a party who has been so notified objects in writing within 15 days to FHWA's determination of eligibility, even though FHWA and the appropriate SHPO may agree, FHWA shall reconsider its

determination, consult with the appropriate SHPO, Indian Tribes, and the objecting party in accordance with 36 CFR § 800.4 (c)(2), and review any evidence brought forward prior to making a decision.

D. Assessment of Effects

1. In consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, the FHWA shall determine if the Project will adversely affect archeological resources determined eligible for inclusion in the NRHP pursuant to 36 CFR § 800.5, including those archeological sites identified in Attachment D.
2. If, in consultation with the SHPO, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, FHWA determines the Project may adversely affect eligible archeological resources; the FHWA shall make reasonable efforts to avoid or minimize the adverse effect. If, in consultation with the SHPO, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, FHWA determines it is not possible to avoid disturbance, then FHWA shall treat the archeological resource in accordance with Stipulation IV.E.
3. Any dispute regarding the determination of effects on eligible archaeological resources shall be resolved in accordance with Stipulation XIII.

E. Treatment

1. If FHWA, in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, determines that the adverse effect cannot be avoided or minimized, then the FHWA shall develop and implement a Treatment Plan(s), as part of the above consultation, to mitigate the adverse effects to an archeological resource on a site-by-site basis. The implementation of the Treatment Plan must be completed for each site prior to the initiation of any Project construction activities within a segment that could affect that site. The Treatment Plan(s) shall specify at a minimum:
 - a. Description of the historic properties or portions of historic properties where treatment will be carried out,

- b. Description of any historic property or portion thereof that will be adversely affected without treatment for such action,
 - c. Methods for site preservation/protection.,
 - d. Research questions to be addressed through data recovery with a clear and explicit discussion of their scientific justification and an explanation of their relevance and importance, which is guided by the archeological component of the respective state's Historic Preservation Plan.
 - e. Field methods to be used with an explanation of their relevance and applicability to the scientific research questions,
 - f. Methods to be used in data analysis, data management and dissemination of data, including a schedule,
 - g. Plans for the treatment of human remains and grave goods developed in accordance with Stipulation IV.E.2,
 - h. Plans for curation of recovered materials and records,
 - i. Provisions for reburial of human remains and grave goods where appropriate, including timeframes for analysis and reburial,
 - j. Plans for public education and interpretation,
 - k. Plans for keeping the SHPOs, Indian Tribes, and other appropriate parties informed of work progress and findings, and
 - l. A schedule for the submission of reports and other deliverables.
2. Plans addressing the treatment of human remains and grave goods, as provided for in Stipulation IV.E.1.g, shall be guided by the ACHP's Policy Statement Regarding Treatment of Human Remains and Grave Goods (September 27, 1988), and where appropriate other guidelines, such as the Eastern Band of Cherokee Indians (EBCI) Treatment Guidelines for Human Remains and Funerary Objects. In determining how to treat human remains and grave goods, FHWA shall also be guided by the following considerations:
- a. Burials that will not be threatened or disturbed by the Project shall not be disinterred or disturbed through scientific study.
 - b. If disturbance cannot be avoided, FHWA will determine if scientific study of the human remains, grave goods and the burial matrix will be conducted by carefully weighing the contribution of scientific study against the religious and cultural significance ascribed to the remains on a site-by-site basis in consultation with the SHPOs, Indian Tribes when appropriate, and other parties determined appropriate

- by FHWA. FHWA's decision to conduct scientific study of human remains, grave goods, and burial matrix must be supported by an explicit set of definitive and justified research questions on a case-by-case basis.
- c. Human remains and funerary objects of religious and cultural significance to Indian Tribe(s) may be photographed only when FHWA in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed to be appropriate by FHWA, determines that it is called for and justified in a site-specific treatment plan to support scientific study. Detailed drawings and sketches may be developed.
 - d. Human remains and/or grave goods, which have been disinterred, should be reburied as soon as possible, in a timeframe, location, and manner determined appropriate by FHWA, on a case-by-case basis in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA. The dates, times, and location of disinterment and reburial should be considered sensitive and confidential and will be subject to restrictions under Stipulation IV.A.1.
3. Human remains and grave goods shall be made available for reburial to the appropriate party or responsible official within thirty (30) days of any determination made pursuant to this stipulation to rebury human remains and grave goods or the date for such reburial specified in any time frame agreed upon under this stipulation.
 4. FHWA shall provide ACHP, the SHPOs, Indian Tribes who have expressed interest in the site, and other parties deemed appropriate by FHWA, thirty (30) calendar days to review and provide comments on the Treatment Plan(s) developed in accordance with Stipulation IV.E. FHWA shall ensure that the final Treatment Plan(s) takes into consideration comments received. FHWA may provide other consulting parties, as appropriate, an opportunity to review and comment on the proposed Treatment Plan(s). If no response is received within thirty (30) days of confirmed receipt, FHWA may proceed with the Treatment Plan(s).
 5. Any dispute regarding the Treatment Plan(s) shall be resolved in accordance with Stipulation XIII.
 6. After implementing the above stipulations for treatment, FHWA may elect to monitor construction activities in selected portions of the right of way. Monitoring shall be conducted by an archeologist meeting the qualification standards in Stipulation IV.F.1. In deciding whether to conduct monitoring, FHWA shall consider the likelihood of identifying additional archeological resources and any recommendations provided by the SHPOs, Indian Tribes, and

other participating parties. Any archeological resources identified during construction monitoring will be treated in accordance with Stipulation V.

F. Qualifications and Reporting

1. In consultation with the SHPOs, FHWA shall ensure that all archeological work carried out pursuant to this MOA is performed by, or under the direct supervision of, a person or persons meeting *Secretary of the Interior's Professional Qualification Standards* in archeology and who has supervisory experience in the prehistoric and historic archeology of the lower Ohio Valley.
2. FHWA shall ensure the results of all archeological studies performed under the terms of this MOA are presented in professionally written reports meeting the standards for fieldwork, laboratory work, analysis, and report preparation that have been established by the SHPOs for each state.
3. FHWA, INDOT, KYTC, SHPOs, contractors, consultants, and Indian Tribes shall ensure that sensitive information regarding the nature and location of human remains and grave goods, and the location, character, and ownership of archeological sites is kept confidential from the public, in accordance with Section 304 of the NHPA and 36 CFR § 800.11(c).
4. The ACHP, SHPOs, Indian Tribes, and other parties deemed appropriate by FHWA shall have thirty (30) days after confirmed receipt to review and comment on the written reports. The FHWA shall address all comments received in the final written reports.
5. Any dispute regarding the report(s) shall be resolved in accordance with Stipulation XIII.

G. Distribution of Final Reports

1. Upon completion of work, the FHWA shall provide copies of final reports to the respective SHPOs, STAs, and Indian Tribes when appropriate.
2. The FHWA, in consultation with the appropriate SHPO, shall prepare sufficient copies of final reports completed pursuant to this MOA for dissemination to the public libraries, educational institutions, and other repositories in Jefferson and Clark Counties and Indian Tribes as appropriate.
3. FHWA will ensure that all final archaeological reports for public dissemination do not contain sensitive information regarding the nature and location of human remains and grave goods, and the

location, character, and ownership of all archaeological sites as provided for in Section 304 of the NHPA and 36 CFR §800.11(c).

V. UNANTICIPATED DISCOVERIES

- A. If, during the implementation of the Project, a previously unidentified property is discovered or a previously identified historic property is affected in an unanticipated manner, KYTC or INDOT, as appropriate, shall ensure that all work within a minimum of 50 feet around the area of the discovery shall cease until such time as a treatment plan can be developed and implemented as set forth below.
- B. KYTC or INDOT, as appropriate, shall require the contractor to take all reasonable measures to avoid harm to the property until the FHWA concludes consultation with appropriate SHPO, Indian Tribes, and other parties deemed appropriate by FHWA.
- C. Upon being notified of the discovery, the FHWA shall contact the appropriate SHPO, Indian Tribes, and other parties determined to have an interest within 48 hours and provide written details of the discovery.
- D. Within 48 hours of the discovery, or at the very earliest opportunity thereafter, INDOT or KYTC shall conduct an on-site evaluation of the discovery to consider eligibility, effects, and possible treatment measures. The FHWA, SHPOs, Indian Tribes, and other consulting parties deemed appropriate by FHWA may participate in the on-site evaluation and shall be notified in advance of the location, date, and time.
- E. If, based on the on-site evaluation, FHWA determines that a historic property is being adversely affected, then the parties shall consult to determine an appropriate Treatment Plan(s). If archeological resources are discovered, FHWA will develop a Treatment Plan as set forth in Stipulation IV.E. The Treatment Plan will be submitted to the parties for review and comment within seven days of receipt of the proposed plan. FHWA will take comments received into account in developing and implementing the final plan.
- F. If FHWA, SHPO, and Indian Tribes agree the site is not eligible for the NRHP, then ground-disturbing work may proceed.
- G. If the parties cannot reach agreement regarding eligibility, effects, or treatment, they shall invoke the provisions for dispute resolution at Stipulation XIII.

VI. ADDITIONAL HISTORIC PROPERTIES AND EFFECTS

- A. Before the approval of sites for staging, wetland mitigation, borrow or waste, dredge disposal, or other construction activities associated with the Project are approved, INDOT or KYTC shall consult with the FHWA, SHPOs, Indian Tribes, and other parties deemed appropriate by FHWA, in accordance with 36 CFR §§ 800.3– 800.7 to determine if historic properties in addition to those identified in Attachment D and through Stipulation IV will be affected by the Project.
- B. If FHWA determines that there is any adverse effect to an historic property assessed in accordance with Stipulation VI.A, then FHWA shall consult with the INDOT and/or KYTC, the respective SHPO, Indian Tribes, and other parties deemed appropriate by FHWA to seek ways to minimize or mitigate the adverse effects.
- C. If the parties can agree on measures to mitigate the adverse effect, FHWA will ensure that those measures are implemented. If the parties cannot agree, the dispute will be resolved in accordance with Stipulation XIII.

VII. EXCESS RIGHT OF WAY

Should the Project result in excess right-of-way to be disposed, such as is anticipated for the Kennedy Interchange, the FHWA shall consult with the appropriate SHPO to determine whether the disposal or sale would have an adverse effect on historic properties. If consultation indicates the potential for historic resources to be adversely affected, FHWA shall consult pursuant to 36 CFR §§ 800.3 – 800.7 to develop and implement the treatment of the affected resources and disposition of the property.

VIII. PERFORMANCE STANDARDS

- A. Professional Qualifications - The FHWA shall ensure that all cultural resources work carried out pursuant to this MOA shall be carried out by or under the direct supervision of individuals that meet the *Secretary of the Interior's Professional Qualification Standards*.
- B. Standards and Guidelines - The FHWA, shall also ensure that all historic preservation resource work carried out pursuant to this MOA shall be guided by the most recent version of the following standards and guidelines, as applicable:

- 1. The Secretary of Interior: Standards and Guidelines for Archeology and Historic Preservation.
- 2. Advisory Council on Historic Preservation: Treatment of Archeological Properties: A Handbook.

3. Indiana Guidelines: Division of Historic Preservation and Archaeological Guidelines; most recent version of the Indiana Archaeological Guidelines updating the Guidebook for Indiana Historic Sites.
4. Kentucky Guidelines: Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports; most recent version of the Kentucky State Historic Preservation Office.

IX. PROGRESS REPORTS

- A. Progress reports detailing implementation of the measures stipulated within this MOA and providing advanced notice of milestones, such as Plans, Specifications, and Estimates (PS&E) approval, scheduled letting dates, and initiation of construction activities, shall be submitted by the Bi-State Management Team to the signatories, concurring parties, and HPAT members every six (6) months, until all phases of the Project are complete.
- B. The first progress report shall be distributed six (6) months following execution of this MOA.
- C. The progress report shall identify the status of activities for each stipulation outlined in this MOA and of associated documents and products, such as HPPs, treatment plans, late discoveries, and acquisition and preservation of historic properties.

X. PROJECT MODIFICATION

If the Project, as described in Attachment A, is significantly modified, such that additional effects to historic properties not previously considered may result in adverse effects, or if actions are taken by a property's owners in the interim unrelated to the Project which change the NRHP status of previously identified historic properties affected by the Project, then FHWA will consult with the signatories to determine if the MOA should be amended. If the signatories agree that the MOA should be amended, they will consult in accordance with Stipulation XI to amend the MOA.

XI. AMENDMENT

- A. Any signatory to this MOA may request that it be amended, whereupon the signatories of this MOA shall consult to consider such an amendment.
- B. Any resulting amendments shall be developed and executed among the signatories in the same manner as the original MOA.
- C. Any amendment to this agreement will go into effect only upon written agreement of all signatories.

XII. FAILURE TO COMPLY/TERMINATION

If any signatory determines that the terms of this MOA cannot be or are not being carried out, then the signatories shall consult to seek amendment of the MOA. If the MOA is not amended, any signatory may terminate it by providing thirty (30) calendar days written notice to the other parties. FHWA shall then either execute a new agreement with the signatories pursuant to 36 CFR § 800.6(c)(1) or request and respond to the comments of the Council under 36 CFR § 800.7.

XIII. DISPUTE RESOLUTION

- A. Should any signatory or concurring party object in writing within thirty (30) days of the receipt of any plans or implementation of any actions proposed pursuant to this MOA, FHWA shall consult with the objecting party and the appropriate SHPO to try to resolve the objection. If the FHWA and the SHPO determine that the objection cannot be resolved, FHWA shall forward all documentation relevant to the objection to the ACHP. Within fifteen (15) days after receipt of all pertinent documentation, the ACHP shall either:
 - 1. Provide the FHWA with a recommendation, which the FHWA shall take into account in reaching a final decision regarding the dispute; or
 - 2. Notify the FHWA that it shall comment pursuant to 36 CFR § 800.7(c) and proceed to comment within the following 30 days.
- B. Any recommendations provided by the ACHP in response to a request made pursuant to Stipulation XIII.A.1 shall be taken into account by FHWA with reference only to the subject of the dispute.
- C. Any comment provided by the ACHP in response to a request made pursuant to Stipulation XIII.A.2 shall be taken into account and responded

to by the FHWA in accordance with 36 CFR §800.7(c)(4) with reference only to the subject of the dispute.

- D. FHWA's responsibility to carry out all actions under this MOA that are not subject to the dispute shall remain unchanged.

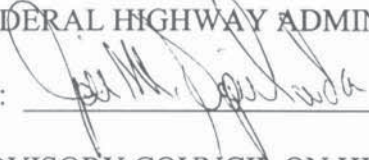
XIV. DURATION

This MOA shall remain in effect for twenty years following its execution. If the Project has not been completed and the terms of the MOA implemented within this time, the signatories shall consult to reconsider the terms of the MOA and determine whether extension, amendment, or termination is in order.

EXECUTION and implementation of this MOA evidence that FHWA has taken into account the effects of the Project on historic properties and has afforded the ACHP an opportunity to comment on those effects.

SIGNATORIES:

FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 3/26/03

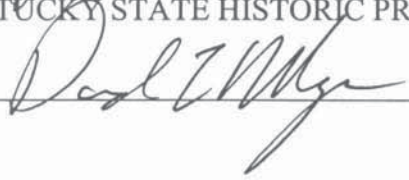
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 4/1/03

INDIANA STATE HISTORIC PRESERVATION OFFICER

By: John R. Goss Date: 3/27/03

KENTUCKY STATE HISTORIC PRESERVATION OFFICER

By:  Date: 3-26-03

INVITED SIGNATORIES:

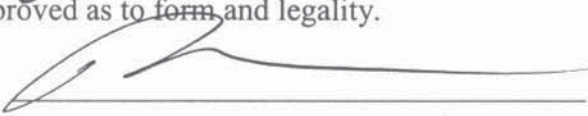
INDIANA DEPARTMENT OF TRANSPORTATION

By: T. Byrd Date: 3/27/03

KENTUCKY TRANSPORTATION CABINET

By: James C. Gaddy III Date: 3.26.03

Approved as to form and legality.

By:  Date: 3-26-03

CONCURRING PARTY:

[Insert Name]

By: _____ Date: _____

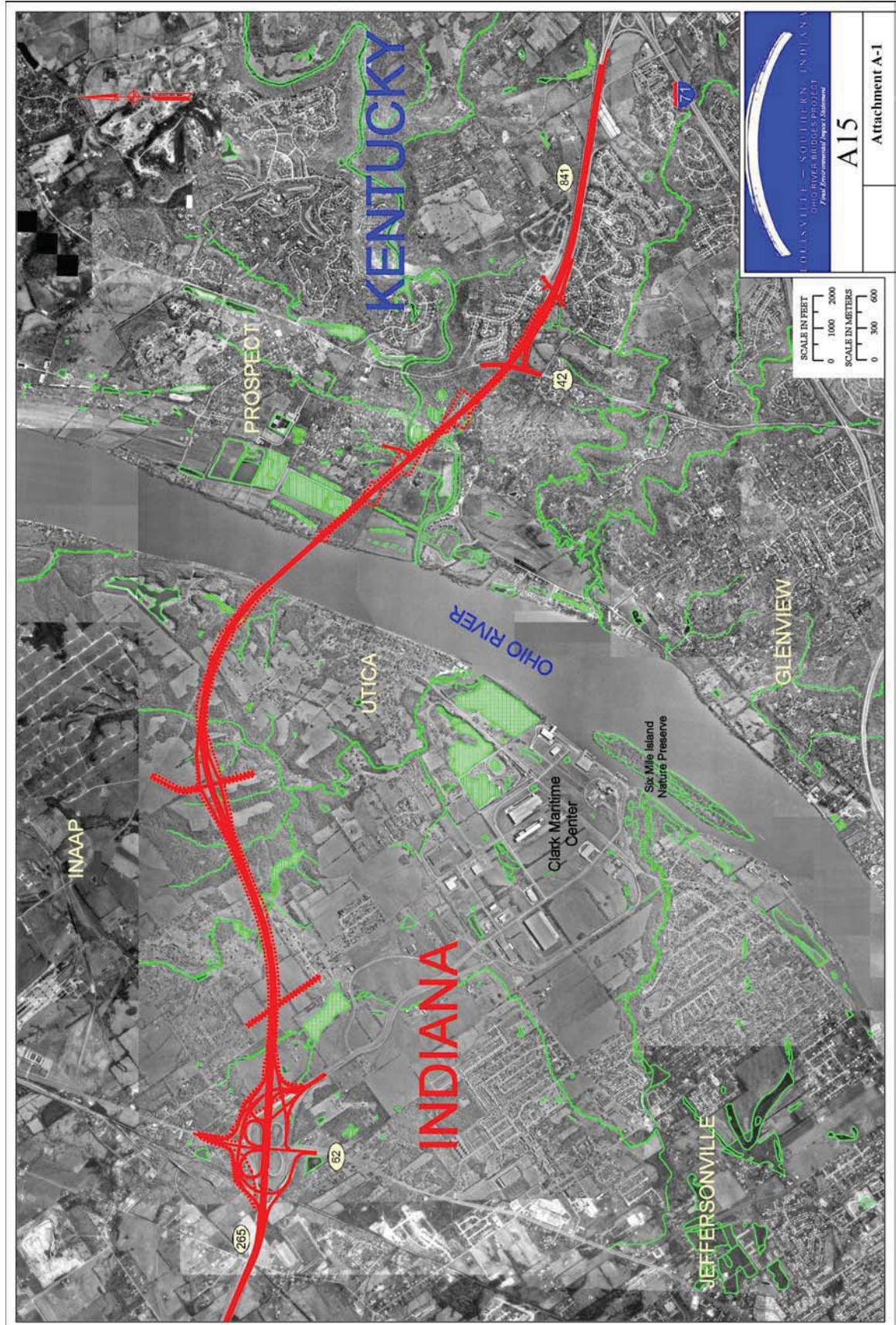
[INDIVIDUAL PAGE PER CONCURRING PARTY TO BE INSERTED INTO
AGREEMENT WHEN SIGNED.]

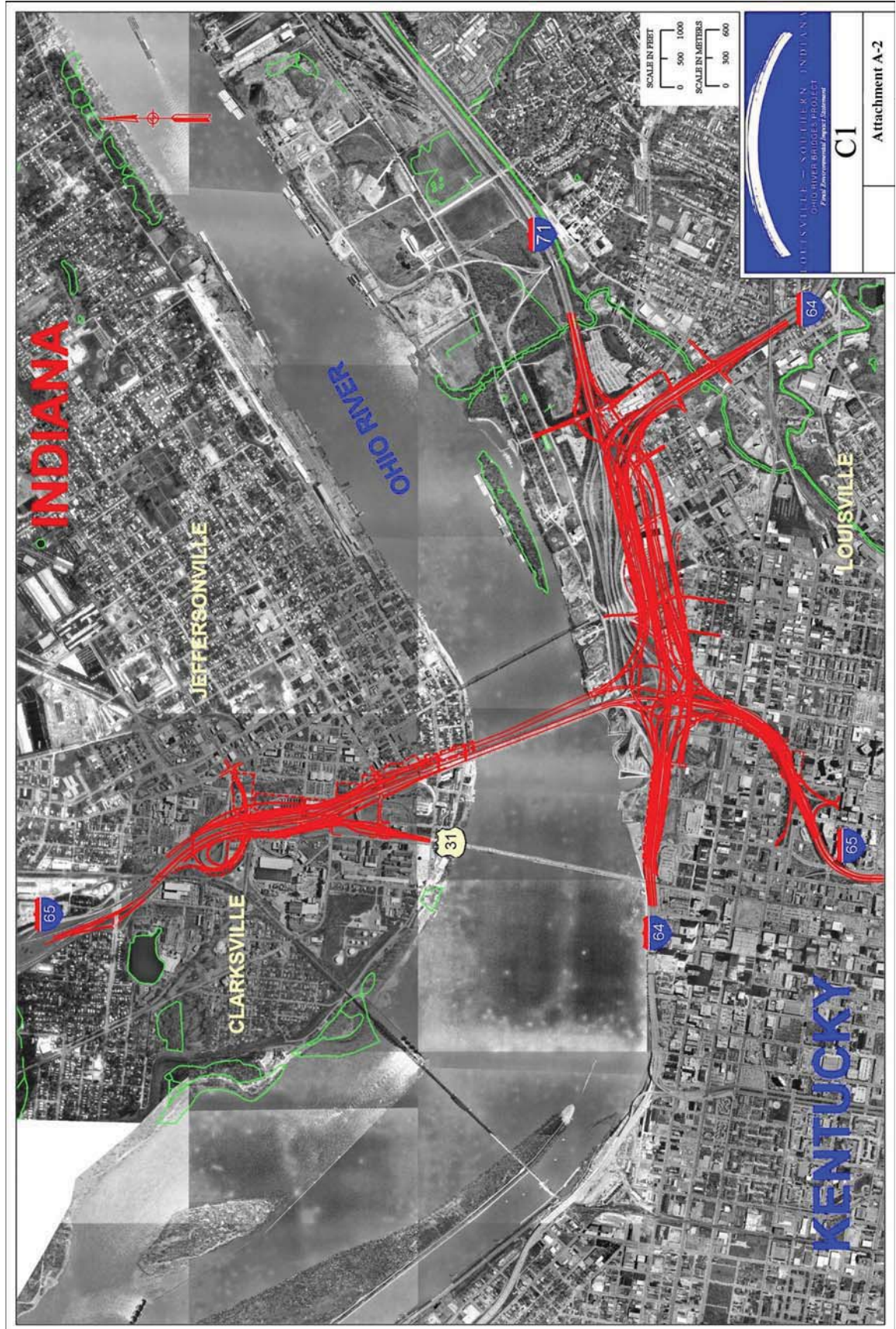
Attachment A

Project Description

The Louisville – Southern Indiana Ohio River Bridges Project consists of two new bridges over the Ohio River using Alignment C1 in the downtown portion of the Project and Alignment A15 in the eastern portion of the Project, reconstruction of the Kennedy Interchange (Spaghetti Junction) south of its present location, and other improvements and enhancements within the project corridor including:

- I-71 – Frankfort Avenue Interchange,
- Extension of Witherspoon Drive from Preston Street to Frankfort Avenue,
- Partial Interchange on A15 at US 42,
- Bikeway/pedestrian facilities on the downstream side of the A15 bridge connecting between River Road in Kentucky and Salem Road in Indiana and on the upstream side of C1,
- Full Interchange on A15 at Salem Road in Indiana, and
- Reconstruction of the Indiana 265 – Indiana 62 Interchange to include A15.





Attachment B

List of Supporting Technical Reports

A Cultural Resource Overview for the Ohio River Bridges at Louisville, Jefferson County, Kentucky by H. Powell and Co., Inc. – January 1999,

Louisville/Southern Indiana Ohio River Bridges Project – Documentary Research of Historical Resources – Environmental Impacts Statement/Phase I by The Westerly Group, Inc. – Revised May 1999,

Cultural Resources Survey for the Louisville – Southern Indiana Ohio River Bridges Project by H. Powell and Co., Inc. – July 2000,

Historical and Cultural Survey – Environmental Impact Statement Preparation – Louisville/Southern Indiana Ohio River Bridges Project – Indiana Downtown and East End Area of Potential Effect by The Westerly Group, Inc. – November 2000,

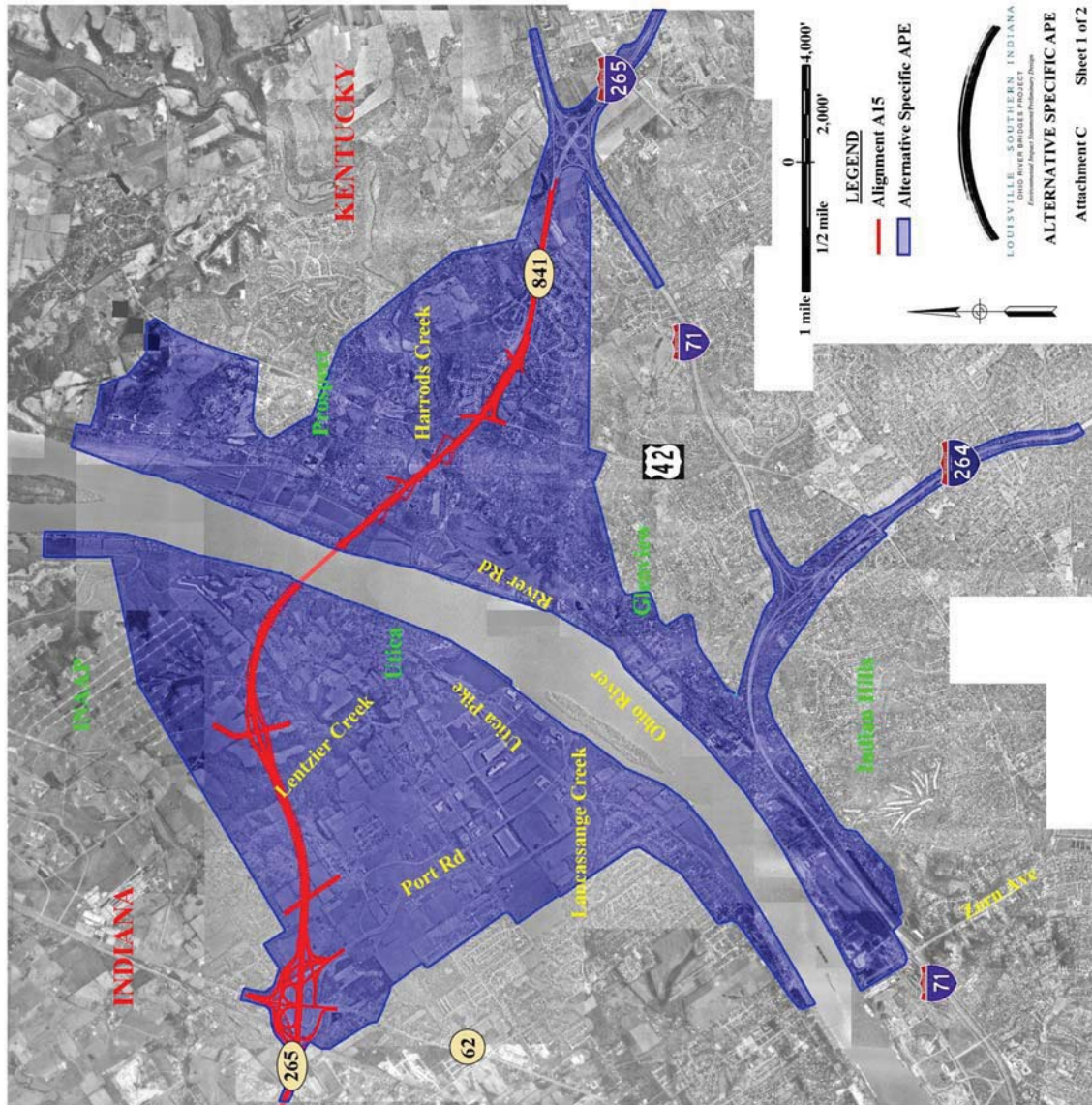
Louisville/Southern Indiana Ohio River Bridges Project – Cultural Resource Reconnaissance and Analysis – Phase II – Indiana Historic Resources – Proposed Alternative Alignments in the East End and Downtown Jeffersonville Areas by The Westerly Group, Inc. – Revised August 2001,

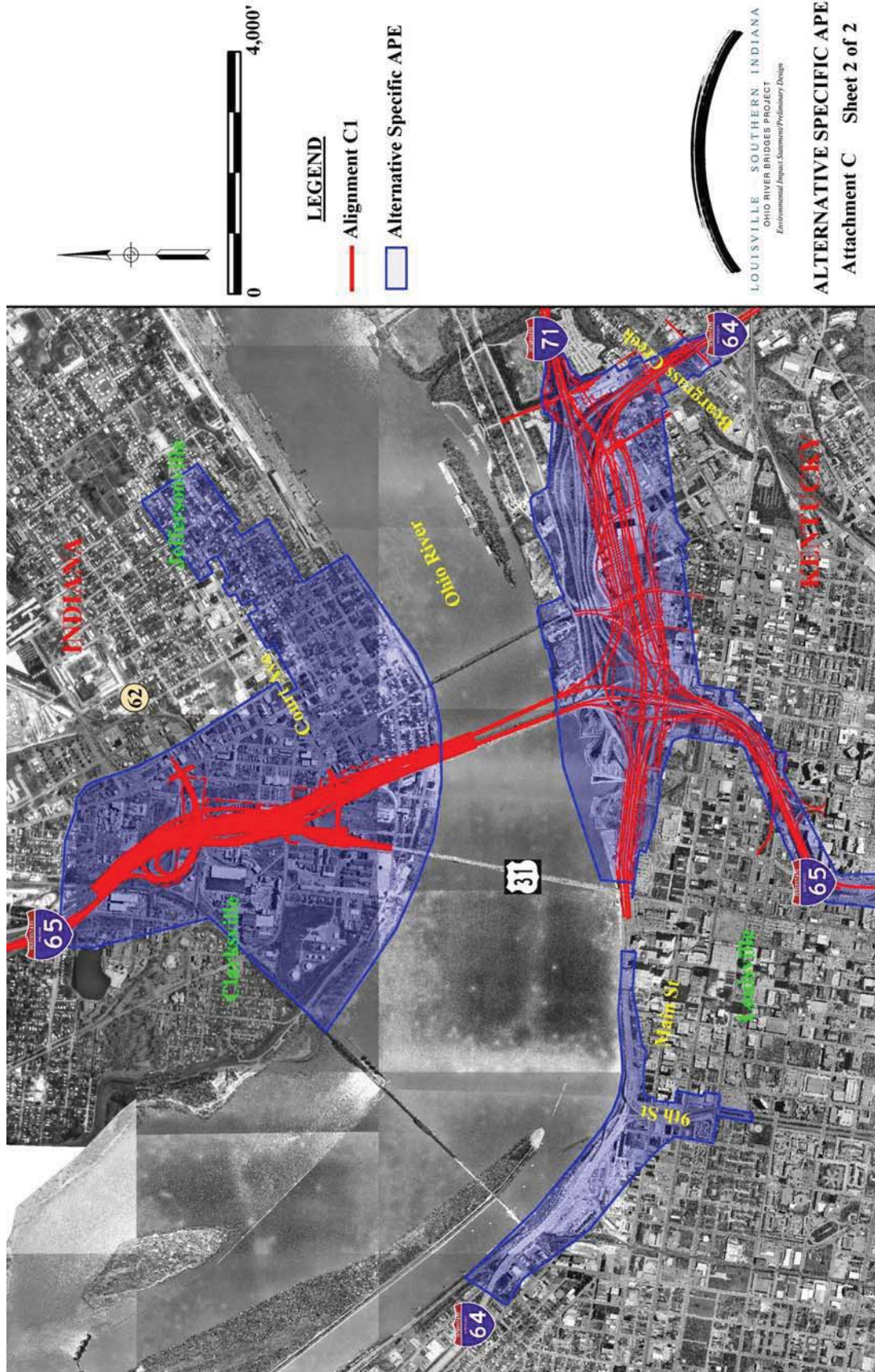
Addendum Expanded APE – Kentucky Cultural Historic Sites by H. Powell and Co., Inc. – February 2002,

Addendum to Cultural Resources Reconnaissance and Analysis – Phase II – Indiana Historic Resources – Louisville/Southern Indiana Ohio River Bridges Project by The Westerly Group, Inc. – February 15, 2002,

Section 106 – Final Determination of Eligibility – FHWA – June 2002,

Indiana – Kentucky – Assessment of Effects (3 volumes) – FWHA – May 2002, Revised July 2002, August 2002 and March 2003.





Attachment D

Historic Properties Determined to be Adversely Affected

Indiana Portion of the Project:

Train Depot – Adverse effect determined for visual and vibration impacts associated with the Alternative C1 portion of the Project;

Colgate-Palmolive Historic District – Adverse effect determined for visual and noise impacts associated with the Alternative C1 portion of the Project;

Ohio Falls Car and Locomotive Company Historic District – Adverse effect determined for visual, noise and vibration impacts associated with the Alternative C1 portion of the Project;

George Rogers Clark Memorial Bridge – Adverse effect determined for encroachment, visual, vibration, and construction impacts associated with the Alternative C1 portion of the Project;

Old Jeffersonville Historic District – Adverse effect determined for encroachment, visual, noise, and vibration impacts associated with the Alternative C1 portion of the Project;

INAAP Igloo Storage Historic District – Adverse effect determined for vibration impacts associated with the Alternative A15 portion of the Project;

Lentz Cemetery – Adverse effect determined for noise and vibration impacts associated with the Alternative A15 portion of the Project;

Lime Kilns within the Utica Lime Industry Multiple Property Listing (Lime Kilns 48002, 48003, and 48004), including Archaeological Site IE-AR-CL-561 associated with two of the lime kilns – Adverse effect determined for vibration impacts associated with the Alternative A15 portion of the Project;

Swartz Farm Rural Agricultural Historic District – Adverse effect determined for encroachment, visual, noise, vibration and construction impacts associated with the Alternative A15 portion of the Project; and

Archaeological Site IE-AR-CL-525 – Adverse effect on this prehistoric site determined for encroachment associated with the Alternative A15 portion of the Project.

Attachment D (continued)

Historic Properties Determined to be Adversely Affected

Kentucky Portion of the Project:

James T. Taylor/James W. Chandler House – Adverse effect determined for visual, noise and vibration impacts associated with the Alternative A15 portion of the Project;

Merriwether House – Adverse effect determined for visual, noise and vibration impacts associated with the Alternative A15 portion of the Project;

Upper River Road Bridge over Harrods Creek – Adverse effect determined for visual and vibration impacts associated with the Alternative A15 portion of the Project;

Harrods Creek Village Historic District – Adverse effect determined for visual impacts associated with the Alternative A15 portion of the Project;

J. Schildknecht House – Adverse effect determined for visual, noise and construction impacts associated with the Alternative A15 portion of the Project;

Determan House – Adverse effect determined for visual, noise, vibration, and construction impacts associated with the Alternative A15 portion of the Project;

Allison-Barrickman – Adverse effect determined for visual, noise, vibration and construction impacts associated with the Alternative A15 portion of the Project;

St. Francis in the Fields Church – Adverse effect determined for visual and construction impacts associated with the Alternative A15 portion of the Project;

Rosewell – Adverse effect determined for visual, noise, vibration and construction impacts associated with the Alternative A15 portion of the Project;

Bellevue – Adverse effect determined for visual, noise, vibration and construction impacts associated with the Alternative A15 portion of the Project;

Phoenix Hill Historic District – Adverse effect determined for encroachment, visual, noise, vibration, and construction impacts associated with the Alternative C1 and;

Kennedy Interchange Reconstruction portions of the Project;

Butchertown Historic District – Adverse effect determined for encroachment, visual, noise, vibration and construction impacts associated with the Alternative C1 and Kennedy Interchange Reconstruction portions of the Project;

Attachment D (continued)

Country Estates of River Road Historic District – Adverse effect determined for visual, noise, vibration and construction impacts associated with the Alternative A15 portion of the Project;

Drumanard Historic District – Adverse effect determined for visual, noise, vibration and construction impacts associated with the Alternative A15 portion of the Project;

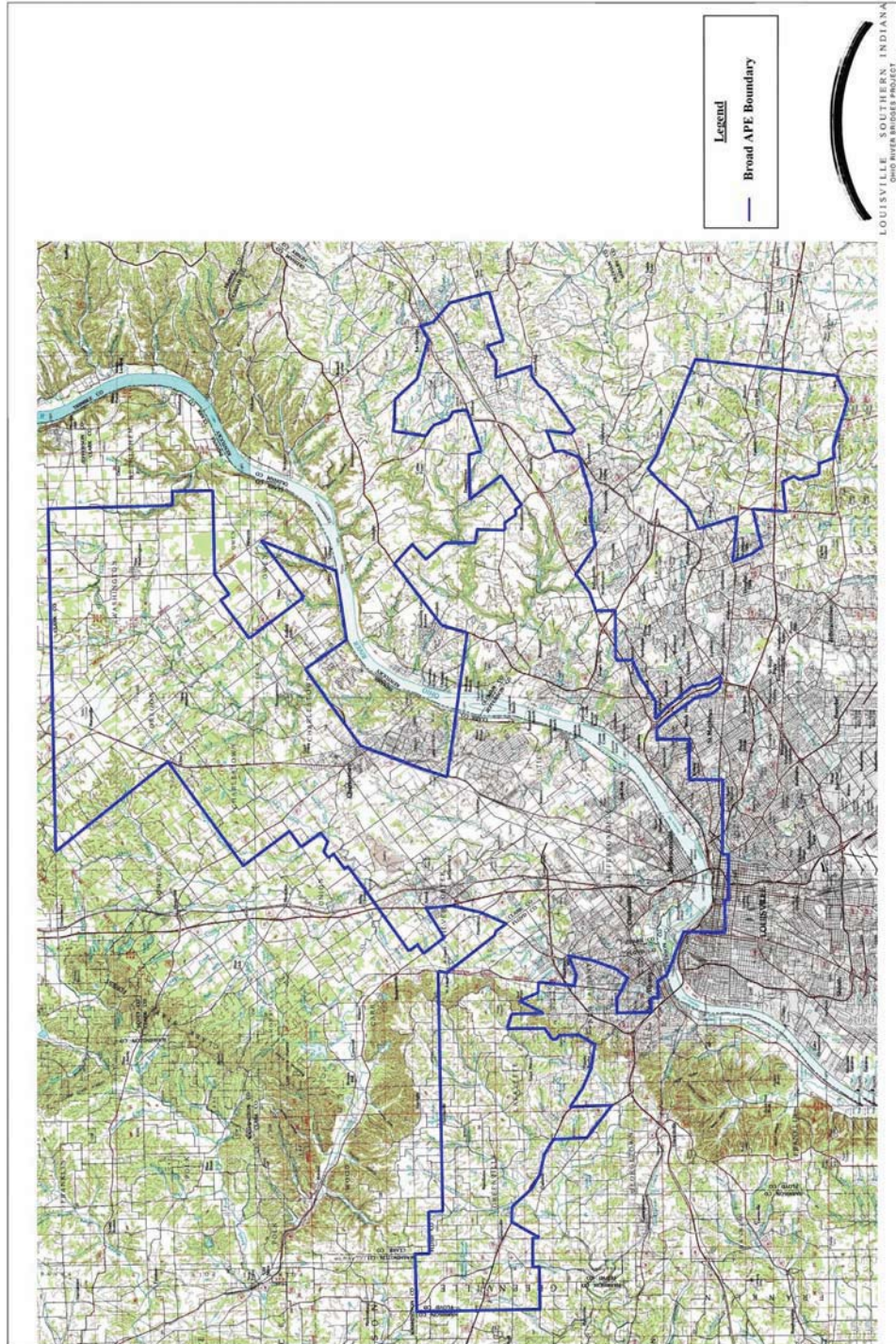
Harrods Creek Historic District – Adverse effect determined for visual impacts associated with the Alternative A15 portion of the Project;

Archaeological Site KE-AR-JF677 – Adverse effect on this prehistoric site determined for encroachment impacts associated with the Alternative A15 portion of the Project;

Archaeological Site KE-AR-JF678 – Adverse effect on this prehistoric site determined for encroachment impacts associated with the Alternative A15 portion of the Project;

Archaeological Site KE-AR-JF679 – Adverse effect on this multi-component historic/prehistoric site (partially or wholly compromised by recent housing construction) determined for encroachment impacts associated with the Alternative A15 portion of the Project; and

Archaeological Site KE-AR-JF680 – Adverse effect on this prehistoric site determined for encroachment impacts associated with the Alternative A15 portion of the Project.



Attachment E

Broad APE

Attachment F

LOUISVILLE – SOUTHERN INDIANA OHIO RIVER BRIDGES PROJECT SECTION 106 CONSULTING PARTIES

1. Advisory Council on Historic Preservation (ACHP),
2. African-American Foundation,
3. American Indian Movement – Mobile Chapter (MO-AIM),
4. American Indian Movement of Louisville,
5. Bridgepointe Home Owners Association,
6. Butchertown Neighborhood Association,
7. City of Green Spring,
8. City of Jeffersonville,
9. City of Louisville,
10. City of Prospect,
11. Clark County Board of Commissioners,
12. Clark County Historian,
13. Clark County Historical Society,
14. Clarksville Historical Society,
15. Clifton Community Council,
16. Coalition of Original People (COP),
17. Council for Conservation of Indiana Archaeology (CCIA),
18. Federal Highway Administration (FHWA)
19. Historic Homes Foundation,
20. Historic Landmarks Foundation of Indiana (HLFI),
21. Indiana Department of Natural Resources - State Historic Preservation Officer,
22. Indiana Department of Transportation (INDOT).
23. Jeff - Clark Preservation, Inc.,
24. Jefferson County Public Works,
25. Jeffersonville Main Street Association,
26. Kentucky Heritage Council – State Historic Preservation Officer (KYSHPO),
27. Kentucky Organization of Professional Archeologists (KYOPA),
28. Kentucky Transportation Cabinet (KYTC)
29. National Trust for Historic Preservation (NTHP),
30. National Trust for Historic Preservation – Southern Office,
31. Phoenix Hill Neighborhood,
32. Preservation Kentucky, Inc.,
33. Prospect/Harrods Creek Neighborhood Association,
34. River Fields, Inc.,
35. Rose Hill Neighborhood Association,
36. St. Francis in the Fields Church,

Attachment F (Continued)

SECTION 106 CONSULTING PARTIES

37. Society for American Archeology (SAA),
38. The Eastern Band of Cherokee Indians,
39. The United Keetoowah Band of Cherokee Indians,
40. The Absentee-Shawnee Tribe of Oklahoma,
41. The Shawnee Tribe,
42. The Cherokee Nation of Oklahoma,
43. The Eastern Shawnee Tribe of Oklahoma,
44. The Miami Tribe of Oklahoma,
45. The Peoria Indian Tribe of Oklahoma,
46. The Delaware Nation,
47. The Chickasaw Nation,
48. The Wyandotte Nation,
49. The Citizen Potawatomi Nation,
50. Town of Clarksville, and
51. Transylvania Beach Association