

Louisville - Southern Indiana Ohio River Bridges Project
Progress Report Number 13
July 1, 2009 – December 31, 2009
Implementation of the Section 106 Memorandum of Agreement

The Section 106 Memorandum of Agreement (MOA)¹ for the Louisville – Southern Indiana Ohio River Bridges Project (Project) was executed on April 1, 2003. Attachment A provides a list of the signatories to the MOA and concurring parties. Included in the MOA was a stipulation providing for the preparation of a Progress Report (Stipulation IX). The following is Progress Report No. 13, which covers July 1, 2009 – December 31, 2009 reporting period (Reporting Period).

Activity during the Reporting Period concentrated on implementation of mitigation measures in the MOA including preparing and convening meetings of the Indiana and Kentucky Historic Preservation Advisory Teams (IHPAT/KHPAT), continuing the Historic Preservation Plan (HPP) process for the Utica Limekilns, the Old Jeffersonville Historic District (HD), Phoenix Hill HD and the Country Estates of River Road/River Road Corridor (CE RR/RRC), continued development of National Register of Historic Places (NRHP) nominations, coordinating the activities to prepare preservation easements for various properties, as well as treatment plans for other identified sites. Activities related to completion of these aforementioned tasks are described in more detail in later sections of this report.

PART I – OVERALL PROJECT STATUS

The Indiana Department of Transportation (INDOT) and the Kentucky Transportation Cabinet (KYTC) executed the prime contract for Community Transportation Solutions – General Engineering Consultant (CTS-GEC) on April 20, 2005. A description of each section and the progress of each Section Design Consultant (SDC) are provided in the following summary.

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| <u>Section 1</u> | Kentucky Downtown Approach (including Kennedy Interchange) – No direct environmental or mitigation efforts were initiated by SDC 1 during this Reporting Period. |
| <u>Section 2</u> | Downtown Bridge (using Alternative C-1, Three Tower Cable Stay) – No direct environmental or mitigation efforts were initiated by SDC 2 during this Reporting Period. |
| <u>Section 3</u> | Indiana Downtown Approach – During this Reporting Period, contracts were developed with INDOT to prepare a condition analysis for the Train Depot. |
| <u>Section 4</u> | Kentucky East End Approach – Work continued on the Rosewell treatment plans and specifications. The 30% Rosewell Treatment Plan and Specifications were submitted to Kentucky State Historic Preservation |

¹ A copy of the Section 106 MOA can be obtained by accessing the Project Website; the URL address is located at http://www.kyinbridges.com/pdfs/rod_d.pdf

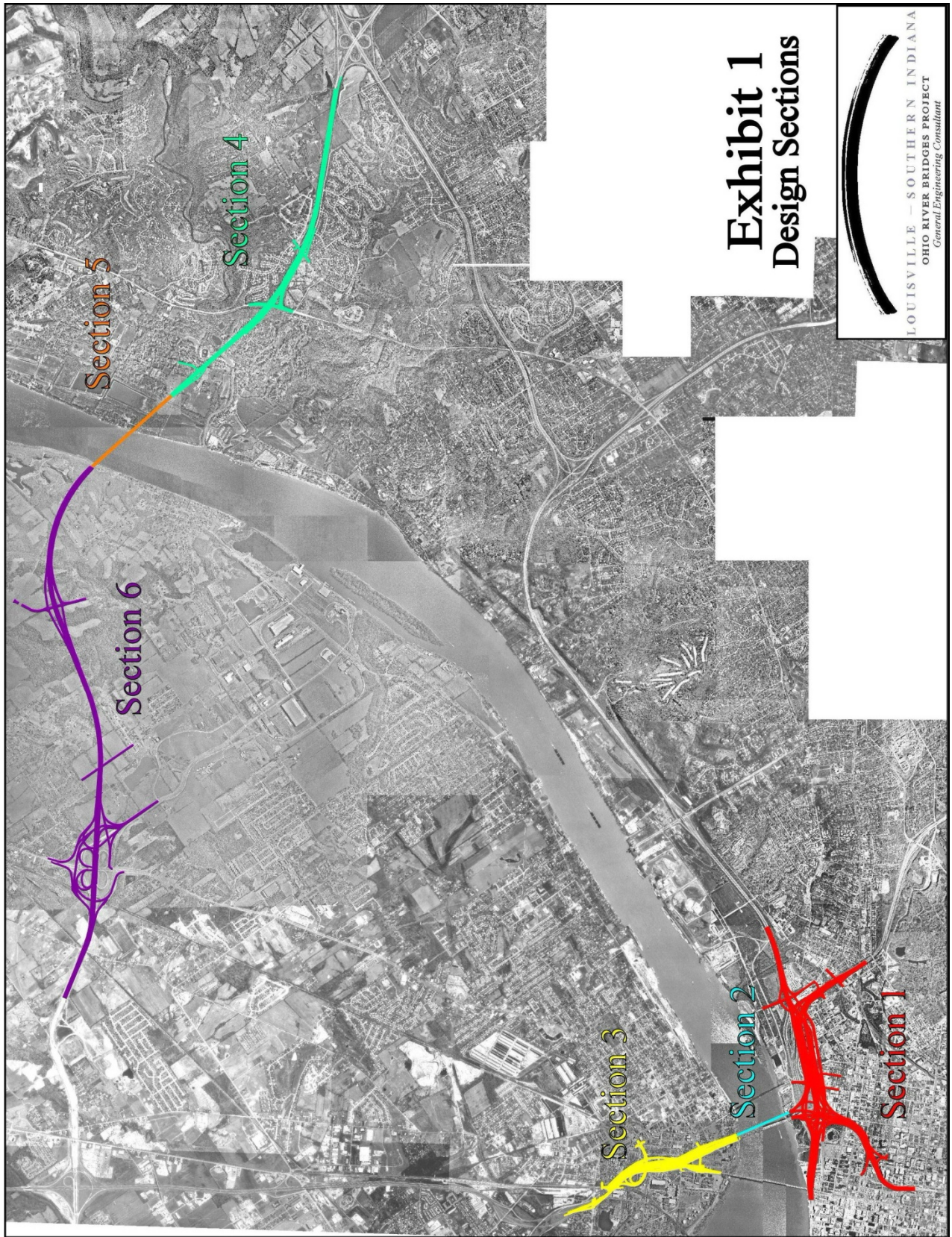
Officer (KY SHPO) for review and finalized. Following this, the 60% Plans and Specifications were developed for review by the KY SHPO and presented to the KHPAT.

Coordination continued with the property owners of the Allison-Barrickman Property in regard to the placement of a preservation easement on the property.

Section 5 East End Bridge – No direct environmental or mitigation efforts were initiated by SDC 5 during this Reporting Period.

Section 6 Indiana East End Approach – East End Approach – The 30% Plans for the Indiana East End were prepared and presented to the BiState Historic Consultation Team (BSHCT) and the IHPAT.

CTS-GEC worked during this Reporting Period with the BiState Management Team (BSMT), which consists of representatives from the INDOT, KYTC and the Federal Highway Administration (FHWA), in the project oversight requirements of the SDCs under contract by either INDOT and/or KYTC.



PART II – IMPLEMENTATION OF MITIGATION MEASURES CONTAINED IN THE MOA

Measures to mitigate adverse effects of the Project on historic properties are described in the MOA along with a number of activities to guide the development of project plans and provide for coordination of those activities through an historic preservation advisory team for the Indiana portion of the project and one for the Kentucky portion of the project.

The MOA is divided into the following fourteen (14) stipulations:

- I. Project Coordination
- II. Project Development
- III. Site Specific Mitigation
- IV. Archaeological Resources
- V. Unanticipated Discoveries
- VI. Additional Historic Properties and Effects
- VII. Excess Right of Way
- VIII. Performance Standards
- IX. Progress Reports
- X. Project Modification
- XI. Amendment
- XII. Failure to Comply/Termination
- XIII. Dispute Resolution
- XIV. Duration

An expanded version of this listing is included as Attachment B to serve as an outline in the preparation of the Progress Report. A complete definition of each of the specific MOA stipulations completed during the Reporting Period is contained in Attachment C. Activities completed toward satisfying the various stipulations of the MOA during the Reporting Period are described in the following information.

STIPULATION I: Project Coordination

Stipulation I.A.2. provides for the Historic Advisory Teams to assist the BSHCT and the BSMT in developing Project design details to implement the measures stipulated in the MOA. Work continued during the Reporting Period on this stipulation.

Stipulation I.A.3. provides for the Co-chairs to convene meetings of the Historic Preservation Advisory Teams (HPATs), prepare summaries of said meetings and prepare and submit HPAT recommendations to the BSHCT for further action. IHPAT meetings were held on October 14, 2009 and December 16, 2009. . KHPAT meetings were held on August 20, 2009, October 15, 2009 and December 17, 2009. . Summaries of each meeting were returned to HPAT members within a reasonable time following each meeting.

Stipulation I.A.10. provides for the distribution of materials needed for review by the advisory teams and comments following scheduled meetings. Meeting materials were provided at least 15 days prior to each scheduled meeting. Presentations and requests for input during the meetings

were supplemented by a 15-day comment period following the meetings to obtain additional input and comment.

Stipulation I.A.11. provides for the development of recommendations by the Co-chairs based on comments provided by the advisory team, for consideration and action by the BSHCT. This was completed after each meeting.

Stipulation I.B. provides for a BSHCT. The BSHCT is to consist of representatives of FHWA, INDOT, KYTC and the respective State Historic Preservation Officers (SHPOs). It defines the roles and responsibilities of the BSHCT, mandates the scheduling of BSHCT coordination meetings and provides a means to advance recommendations of the HPATs to the BSMT for final approval.

The BSHCT held three meetings during the Reporting Period on July 14, 2009, September 15, 2009 and November 17, 2009. Recommendations elevated from the BSHCT to the BSMT (and the date of the respective BSHCT meeting) included advancement of the HPP for the Old Jeffersonville HD for final approval (September 15, 2009) and advancement of the HPP for the Phoenix Hill HD for final approval (November 17, 2009).

Stipulation I.C. provides for a BSMT. The BSMT consists of representatives of INDOT, KYTC and FHWA. It defines the roles and responsibilities of the BSMT, mandates the preparation of Progress Reports as set forth in Stipulation IX of this MOA and provides a means to consider recommendations of the HPATs through the BSHCT for final approval. Biweekly meetings of the BSMT generally occurred on the Monday of every other week and items related to this MOA were brought forth. The BSMT approved the HPP for the Old Jeffersonville HD on September 28, 2009 and the HPP for the Phoenix Hill HD on November 23, 2009. Each report was distributed to the respective IHPAT/KHPAT following these approvals.

Progress Report Number 13 for the Reporting Period of July 1, 2009 – December 31, 2009 is provided in accordance with Stipulation IX.

Stipulation I.D. provides for an Ombudsman for the Indiana portion of the Project and one for the Kentucky portion of the Project. It defines the qualifications for performance as the Project Ombudsman, the roles and responsibilities of the Ombudsman and the location of the office of the Ombudsman for each state. During the Reporting Period, Mr. Carl Pearcy continued to serve as the Indiana Ombudsman. Mr. Lee Douglas Walker continued to serve as the Kentucky Ombudsman.

STIPULATION II: Project Development

Work initiated on implementation of mitigation measures identified in Stipulation II of the MOA during the Reporting Period follows.

Stipulation II.B. provides that the views of the public are important and will be solicited and considered at a minimum through the normal transportation project development process of each state through informal meetings to be convened by the respective State Transportation Agencies (STA). During the Reporting Period, one Area Advisory Team (AAT) meeting was held on

December 16, 2009 to discuss the 30% Plans for the Indiana East End; no Regional Advisory Committee (RAC) meetings were convened.

Stipulation II.D. provides for the 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 right-of-way and include state of the art techniques. All of the SDCs are reviewing the current state-of-the-art technology and will continue to do so until the project letting.

Stipulation II.E. describes activities to minimize adverse effects of noise on historic properties in accordance with state and federal noise regulations, policies and guidance. Noise barriers are still under consideration along I-64 in the area of Clifton. Additional coordination with the neighborhood association is pending a coordination meeting in a following Reporting Period. SDC 4 will hold community meetings in a following Reporting Period with the affected neighborhoods to discuss possible design concepts for proposed noise barriers.

Stipulation II.F. describes the actions for preparation of HPPs. The seven historic properties for which HPPs are to be developed were identified in Stipulation II.F.2 (a through g). During the Reporting Period, development of the HPPs for the Utica Limekilns and the Country Estates of River Road/River Road Corridor continued; the HPPs for the Old Jeffersonville HD and the Phoenix Hill HD were completed.

Draft C of the HPP for the Utica Limekilns is pending the completion of the Multiple Property Documentation Form (MPDF) and the NRHP nominations for the kilns. A status report was provided to the IHPAT at the meeting of October 14, 2009 documenting this activity. Completion and approval is to be sought in the next Reporting Period.

Revisions to the HPP for the CE RR/RRC were completed and the HPP was presented to the KHPAT on December 17, 2009. The final draft is to be provided to the KHPAT for additional review in a subsequent Reporting Period.

For the Old Jeffersonville HD, comments were received and the HPP was revised and returned to the BSHCT on July 14, 2009 for final review. On August 3, 2009, the IHPAT members were sent a final version of the HPP for review in lieu of holding the August 19, 2009 (IHPAT) meeting. As there were no written comments submitted by the IHPAT by the established deadline of September 3, 2009, the BSHCT Co-chairs agreed at the September 15, 2009 (BSHCT) meeting to advance the HPP to the BSMT for approval. The BSMT approved the Final HPP on September 28, 2009. The report was distributed to the IHPAT at their October 14, 2009 meeting. The approved HPP was formally submitted to the City of Jeffersonville for future use and/or reference on November 23, 2009. The City has not taken action on adoption of the HPP.

The HPP for the Phoenix Hill HD was revised and the final draft presented to the BSHCT at the meeting of September 15, 2009 and to the KHPAT on October 15, 2009. On November 17, 2009, the BSHCT Co-chairs agreed to advance the HPP to BSMT for approval. The BSMT approved the Final HPP on November 23, 2009. The report was distributed to the KHPAT at their December 17, 2009 meeting. With this approval, the HPP is to be formally submitted to the City of Louisville.

Invocation of the Dispute Resolution for Butchertown caused the drafts of the HPPs for Phoenix Hill HD and the Country Estates of River Road/River Road Corridor to be reviewed for revision. The FHWA authorized their completion on May 18, 2009, which would be pursued for both in the next Reporting Period.

The FHWA in cooperation with the INDOT and the Indiana State Historic Preservation Officer (IN SHPO) are reviewing information regarding historic elements related to the Swartz Farm, including the Central Passage House (CPH). Mitigation defined in the Amendment to the MOA included the relocation of the CPH. Response letters from the INDOT and the Indiana SHPO (IN SHPO) indicated that the CPH did not retain eligibility for the NRHP. FHWA is currently reviewing these responses for a final recommendation.

The final draft of the HPP for Butchertown is pending completion of the Dispute Resolution.

Stipulation II.G. states that within five years of the ROD, the historic preservation documents for Clark County, Indiana and Jefferson County, Kentucky will be updated by a qualified historic preservation consultant with the information developed for the Project.

The survey of 979 properties has been completed and data input into a GIS compatible format was proceeding on the Clark County Interim Report and Indiana Historic Sites and Structures Inventory. The Inventory is to be complete in the next Reporting Period.

A draft copy of the Jefferson County Inventory and Survey of Historic Sites has been completed for review by the KYTC. The collected data is presently being input into a GIS compatible format. The Survey is to be finalized in the next Reporting Period.

Stipulation II.H. mandates that preservation easements shall be established on (those specific) properties identified in Stipulation III in perpetuity by INDOT or KYTC, and held by a local government, local or state preservation organization or other entity as determined by INDOT or KYTC in consultation with the respective SHPO. The development of individual preservation easements (easements) has been initiated for the Wesley House, the Edison House, the tract of land within the NRHP boundary of the Allison-Barrickman house and the property bounded by US 42 - KY 841 - Allison-Barrickman - Wolf Pen Branch Road.

For the Wesley House, the Kentucky SHPO (KY SHPO) has executed an MOA with the KYTC for the placement of a preservation easement for the Wesley House. The agreement provides that the KY SHPO will prepare an assessment of the work and costs, which have been completed and remain to be completed on the exterior of the Wesley House, for the placement of the easement. The MOA was executed on November 19, 2009 by the KY SHPO and on December 2, 2009 by the KYTC.

The KY SHPO has completed an inspection of the Edison House and documented the findings in a Building Condition Assessment. The Assessment has been provided to the owners of the Edison House to be used to define the scope of work of the exterior building rehabilitation. The owners of the Edison House and the KY SHPO are to review the Assessment to determine those renovations acceptable under the US Department of Interior guidelines. This coordination is to continue in the next Reporting Period.

Coordination with the property owner is continuing for the placement of an easement on the tract of land within the NRHP boundary of the Allison-Barrickman house. The property owners are in receipt of the information requested from SDC 4. To date, no further coordination with them has taken place. It is probable that a meeting will be scheduled to further discuss the easement as the right-of-way acquisition phase is proceeding in the Kentucky East End. The easement for the property bounded by US 42 - KY 841 - Allison-Barrickman - Wolf Pen Branch Road is not to be placed.

Stipulation II.I. mandates that for specific properties identified in Stipulation III, documentation required for a NRHP nomination shall be prepared by a qualified historic preservation consultant selected by INDOT or KYTC, upon receipt of written consent from the property owner(s) and within the first three years following the ROD. Six properties were identified in the MOA requiring the preparation of a nomination form, all located in Indiana.

On September 10, 2009, a conference call was conducted with representatives of the IN SHPO, INDOT and CTS-GEC to discuss the draft MPDF and the NRHP nominations for the Utica Limekilns. As a result of the conference call, revisions were to be completed, and a summary of the progress of these documents was presented at the IHPAT on October 14, 2009. CTS-GEC completed revisions to the MPDF and the NRHP nominations on November 1, 2009. At present, the filed boundaries are being reviewed using a combination of current mapping and field investigations to locate control areas. It is anticipated that this task would be completed in the next Reporting Period.

STIPULATION III: Site Specific Mitigation

Work continued on the implementation of mitigation measures identified in Stipulation III of the MOA during the Reporting Period.

Stipulation III.A.2.b. provides that any work to rehabilitate the Train Depot shall be undertaken in consultation with the IN SHPO and in accordance with the Secretary's Standards. In November 2009, contracts were developed with INDOT to prepare a condition analysis for the Train Depot.

Stipulation III.C.1. provides for the development of documentation to seek a NRHP nomination for the Ohio Falls Car and Locomotive Company HD. The Keeper of the NRHP determined that the HD was eligible for the NRHP on June 25, 2009. A formal letter has not been received. The property owners objected to the nomination; therefore, while the property has been determined to be eligible, the placement of it on the NRHP could not be completed. In the IHPAT meeting of December 16, 2009, the IN SHPO representative stated that the MOA Stipulation had been satisfied, and further listing of the HD will not be pursued. He also agreed to check with the Indiana Historic Preservation Review Board to ensure that the NRHP nomination was complete.

Stipulation III.E.1. provides for the preparation of an HPP for the Old Jeffersonville HD. Comments were received on the final draft and the HPP was revised and returned to the BSHCT on July 14, 2009 for final review. On August 3, 2009, the IHPAT members were sent a final version of the HPP for review in lieu of holding the August 19, 2009 (IHPAT) meeting. As there were no written comments submitted by the IHPAT by the established deadline of September 3, 2009, the BSHCT Co-chairs agreed at the September 15, 2009 (BSHCT) meeting to advance the

HPP to the BSMT for approval. The BSMT approved the Final HPP on September 28, 2009. The report was distributed to the IHPAT at their October 14, 2009 meeting.

Stipulation III.E.2. provides that the HPP will be presented to the City of Jeffersonville for potential use as a component of the *Comprehensive Plan* and to inform the community and local government of additional historic preservation threats and opportunities. The approved HPP was formally submitted to the City for future use and/or reference on November 23, 2009. The City has not taken action on adoption of the HPP.

Stipulation III.H.1. provides for the preparation of an HPP for the Utica Lime Industry Multiple Property Listing, including a Context Study focusing on the lime industry in the region. A pamphlet is to be produced, describing the results of such a study. During the Reporting Period, work on the HPP has been placed on hold while most of the recent research has centered on the NRHP nomination process for the limekilns. Once the research is complete, relevant information is to be edited for inclusion in future drafts of the HPP. Future HPP drafts will likely be provided to the IHPAT for review in early 2010.

As a part of the HPP, the Utica Township Limekilns MPDF was developed, which includes the historic context and the property types and registration requirements for several associated property types, e.g. kilns, quarries, dump piles, concrete foundations, transportation networks, lime houses and warehouses. INDOT and the IN SHPO reviewed the draft MPDF and provided comments in August 2009. On September 10, 2009 a conference call was conducted with representatives of INDOT, IN SHPO and CTS-GEC. Revisions have been completed. Approval is to be sought in the next Reporting Period.

Stipulation III.H.8. requires the INDOT to develop and seek NRHP nomination for the Utica Lime Kiln Multiple Property Listing. Individual nomination forms were prepared for kilns #48001 and #48004 and a district nomination for kilns #48002 and #48003. The district nomination includes associated property types, e.g. quarries, kilns, dump piles, and concrete foundations. On September 10, 2009 a conference call was conducted with representatives of INDOT, IN SHPO and CTS-GEC. Revisions have been completed. At the time the draft documents were prepared, initial boundaries were drawn on an aerial photograph; these boundaries have subsequently been revised to reflect identification and evaluation of resources in the final documents. At present, the boundaries are being reviewed using a combination of current mapping and field investigations to locate control areas. Approval is to be sought in the next Reporting Period.

Stipulation III.I. The FHWA in cooperation with the INDOT and the IN SHPO are reviewing information regarding historic elements related to the Swartz Farm, including the CPH. Mitigation defined in the Amendment to the MOA included the relocation of the CPH. Response letters from the INDOT and the IN SHPO indicated that the CPH did not retain eligibility for the NRHP. FHWA is currently reviewing these responses for a final recommendation.

Stipulation III.I.4. requires the INDOT to develop and seek NRHP nomination for the portion of the Swartz Farm lying to the west of the Project, including the house, barn and associated outbuildings. The preparation of the NRHP nomination form is to be developed by CTS-GEC.

FHWA is currently reviewing the MOA commitment and the two recommendations regarding the CPH for a determination of the future direction for this commitment.

Stipulation III.J. provides that the KYTC will ensure that rehabilitation of the Trolley Barn shall be developed in consultation with the KY SHPO and in accordance with the *Secretary of the Interior Standards for Rehabilitation*. Rehabilitation of the Trolley Barn has been completed in accordance with the *Secretary's Standards*. The structure has been donated to the Louisville African-American Heritage Foundation.

Stipulation III.K.1. provides for the preparation of an HPP for the Butchertown Historic District. The final draft HPP for Butchertown is pending completion of the dispute resolution.

Stipulation III.K.4. provides for the exterior rehabilitation of the Edison House if the owners agree to provide a preservation easement to ensure the long-term preservation of the exterior. Funding for the rehabilitation of the exterior of the Edison House is to be provided if the property owners agree to place an easement to ensure the long-term preservation of the exterior. The KY SHPO has completed the inspection of the Edison House and documented the findings in a Building Condition Assessment. The Assessment has been provided to the owners of the Edison House to be used to define the scope of work of the exterior building rehabilitation. The owners of the Edison House and the KY SHPO are to review the Assessment to determine those renovations acceptable under the US Department of Interior guidelines. This coordination is to occur in the next Reporting Period.

Stipulation III.K.5. provides for the exterior rehabilitation of the Wesley House if the owners agree to provide a preservation easement to ensure the long-term preservation of the exterior. The KY SHPO has executed an MOA with the KYTC for the placement of a preservation easement for the Wesley House. The agreement provides that the KY SHPO will prepare an assessment of the work and costs, which have been completed and remain to be completed on the exterior of the Wesley House, for the placement of the easement. The MOA was executed on November 19, 2009 by the KY SHPO and on December 2, 2009 by the KYTC.

Stipulation III.K.10. provides for the preparation of a plan that supports the adaptive reuse of the Grocers Ice and Cold Storage Company property. The TP was approved by the BSMT on June 15, 2009, and the combined report was distributed to the KHPAT on June 18, 2009.

Stipulation III.L.1. provides for the preparation of an HPP for the Phoenix Hill Historic District. The HPP was approved by the BSHCT and the BSMT during a prior Reporting Period. Invocation of the Dispute Resolution for Butchertown caused the draft of the HPP for Phoenix Hill HD to be reviewed for revision. The FHWA authorized their completion on May 18, 2009. The HPP was revised and the final draft presented to the BSHCT at the meeting of September 15, 2009 and to the KHPAT on October 15, 2009. On November 17, 2009, the BSHCT Co-chairs agreed to advance the HPP to BSMT for approval. The BSMT approved the Final HPP on November 23, 2009. The report was distributed to the KHPAT at their December 17, 2009 meeting. The approved HPP is to be formally submitted to the City of Louisville for future use and/or reference in the next Reporting Period.

Stipulation III.L.3. provides that the Project make a reasonable effort to relocate Baer Fabrics to another historic property within the Phoenix Hill neighborhood. Coordination with the property

owner has indicated that he had no interest in reopening his business in another historic building in Downtown Louisville.

Stipulation III.L.4. provides for the preparation of a treatment plan/reuse options for rehabilitation of the Vermont American Buildings affected by the Project. The present owners of the building have denied access to it. Therefore, CTS-GEC has not been able to advance this TP. Opportunities for this access will be sought in the future during the right-of-way acquisition phase.

Stipulation III.M.1. provides for the preparation of an HPP for the CE RR/RRC. Invocation of the Dispute Resolution for Butchertown caused the draft of the HPP for the Country Estates of River Road/River Road Corridor to be reviewed for revision. The FHWA authorized the completion on May 18, 2009, which would be pursued for both in the next Reporting Period. Revisions to the HPP were completed and the HPP was presented to the KHPAT on December 17, 2009. The final draft is to be provided to the KHPAT for additional review in a subsequent Reporting Period.

Stipulation III.N.1. provides that the Project across the Drumanard property be contained within a tunnel to minimize adverse effects.

Stipulation III.N.2. provides that FHWA shall make every effort to acquire or otherwise establish an historic preservation easement for the entire Drumanard historic property. KYTC is currently considering how to proceed with this property.

Stipulation III.O.1. provides that KYTC shall make a reasonable effort to acquire a preservation easement for the tract of land within the NRHP boundary of the Allison-Barrickman house and an easement on the property bounded by US 42 - KY 841 - Allison-Barrickman - Wolf Pen Branch Road. For the tract of land within the NRHP boundary, coordination with the owner is continuing; they have indicated that they would contact CTS-GEC when they were ready to further discuss the potential easement. For the property bounded by US 42 - KY 841 - Allison-Barrickman - Wolf Pen Branch Road, the property owner has refused to place an easement.

Stipulation III.O.3. defines a “no-work zone” within the NRHP boundary of the property. A “no-work zone” was a special note in the plans for the US 42 ramp relocation and would be incorporated into the final plans for SDC 4.

Stipulation III.O.4. ensures that a blasting/vibration plan shall be developed to avoid damage to the Allison-Barrickman house. A special note was placed in the plans for the US 42 ramp relocation and would be incorporated into the final plans for SDC 4.

Stipulation III.P.1. provides for the preparation of a TP for Rosewell to minimize damage to the historic property. The development of the TP for Rosewell continued. The TP was advanced to the development of 60% plans and specifications. Review comments on the plans and specifications were provided by the KH SHPO on December 1, 2009. As such, the 60% plans and specifications were presented to the KHPAT at their meeting of December 17, 2009. The 90% plans and specifications are to be submitted to CTS-GEC in mid-January 2010, to the KHC in February 2010 and to the BSHCT at the March 2010 meeting. Construction is scheduled to

begin in the summer 2010. Construction oversight required for the work is to be further discussed with Louisville Metro/Richard Jett.

Stipulation III.P.3. provides that KYTC shall place a preservation easement on the property and sell the property to a local preservation organization or other party acceptable to the BSHCT or donate the property to a local government. SDC 4 is working to prepare Rosewell for re-sale or public use.

STIPULATION IV: Archaeological Resources

The final identification, evaluation and determination of Project effects for archaeological resources were phased because alternatives consisted of large corridors where access was restricted during the FEIS phase.

Stipulation IV.A.1. states that FHWA may withhold or limit public disclosure of information about historic properties.

Stipulation IV.A.2. FHWA shall ensure that consultation with Indian Tribes is conducted in a manner consistent with 36 CFR 800.2. **Bridges Native American Consultation:** There has been no NAC consultation during the current Reporting Period.

Stipulation IV.A.3. In order to maximize the opportunity to avoid adverse effects, FHWA will make every effort to complete identification and evaluation of archaeological resources at the earliest possible time in Project Design. **Archaeological GIS:** The GIS is being developed to bring together the wealth of historical information available for downtown Louisville only, which will guide the archaeology of the Downtown section. The final report is pending. **Geotechnical Monitoring for Archaeological Deposits (KY):** The information gleaned from any monitoring will be incorporated into the Archaeological GIS to inform both historic and prehistoric probability models. **Hazmat Area Archaeology (KY):** Additional information from geotechnical borings in areas with potential hazardous materials would be available following Phase II testing that will inform potential archaeological investigations in those areas. In some cases, it is likely that hazardous materials will prohibit archaeological testing or testing may need to wait until cleanup has been completed.

Stipulation IV.A.4. In implementing Stipulation IV, FHWA may consult with the parties listed in Attachment F [consulting parties list] and others identified in accordance with 36 CFR 800.2.

Stipulation IV.A.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. **Human Remains Protocol:** A step-by-step protocol for human remains encountered during archaeological testing was deemed prudent given the potential for human remains in the project setting.

Stipulation IV.B.1-2. States that 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 archaeological resources for inclusion in the NRHP in accordance with applicable Federal and state standards and guidelines listed in Stipulation VIII.B. and lists examples of ancillary areas. **Section 1A Archaeological Exploration:** Phase I

archaeological survey of Section 1A was conducted in 2006. Because of this survey, three previously unrecorded sites were found: 15JF716, 15JF717 and 15JF718. All three are comprised of the remains of historic occupations of the area from the mid-1800s to the present. The KY SHPO issued a conditional clearance letter in March 2007 pending submittal of the final report. The KYTC is completing review of the Phase I/salvage report for the three sites (15Jf716, 15Jf717, and 15Jf717) and for the accelerated I-65 (Kentucky) Downtown. **Section 4 Archaeological Exploration:** Due to lack of landowner permission, Phase II work at 15JF678, 15JF679 and 15JF719 has been postponed until after property has been purchased. Phase II work at the only site for which the project has permission to work, 15JF720, has been completed. The report recommended site 15JF720 as eligible for the NRHP. SDC 4 was tasked with trying to redesign the section in order to avoid impacting this site. It is anticipated that a preliminary design would be available for review in the next Reporting Period. If that is not feasible, additional consultation will be required. **Rosewell Treatment Plan Archaeology:** As a by-product of the structural assessment of the house, the entire basement of the house has been identified as a sensitive resource and no work can occur in the basement (not even concrete removal or repair) without prior archaeological. The entire property is a NRHP listed resource and no work can occur without consulting KYTC and SHPO. **Section 1 Archaeological Database and Document:** A GIS database and accompanying document have been provided to KYTC and distributed to FHWA, SHPO, and CTS-GEC for review and comment in a prior Reporting Period. The database and document await final concurrence from FHWA and the SHPO. The database and document provide an assessment of archaeological potential by parcel and provide a base for decisions regarding archaeological investigations for the Section 1 portion of the project.

Stipulation IV.B.3. States that any human remains and grave good encountered should be treated in a sensitive, respectful and careful manner, avoiding disinterment and photography, if at all possible. In addition, it states that the SHPOs, Indian Tribes, and any other party deemed appropriate by FHWA will be notified within 48 hours if remains that may be significant to Indian Tribes are identified. No human remains were identified during this period.

Stipulation IV.B.4. A Plan(s) for the identification and evaluation of archaeological resources will be developed by FHWA in consultation with the SHPOs, Indian Tribes and other parties deemed appropriate by FHWA. **Archaeological Plan:** After consultation, the Project team agreed that the plan should address auxiliary areas (waste, borrow, staging, and the like), the Archaeological GIS, SDC 2 and 5 underwater surveys and SDC 4 Phase II activities. The plan shall also include or make reference to the Human Remains Protocol developed for this Project and may address artifact conservation and final curation. **Artifact Curation Policy:** A final approved policy from the KY SHPO is pending. **Artifact Conservation:** Further information concerning potential conservation facilities and associated charges is pending.

Stipulation IV.B.5. FHWA shall prepare and distribute final Identification and Evaluation reports in accordance with Stipulation IV.F As stated, a final Sonar Report detailing the results of the underwater archaeology has been accepted and distributed.

Stipulation IV.C.1-6. States that studies shall be completed with a level of effort consistent with 36 CFR 800.4 and provide enough information to determine which archaeological resources are eligible for the NRHP. Indian Tribes will be consulted for their special expertise and FHWA

shall notify Indian Tribes and other parties, whom so request, of eligibility determinations. Provides mechanisms for dispute resolution regarding eligibility and states that any party notified of determinations have 15 days to object in writing. All studies conducted during this Reporting Period have been completed in compliance with 36 CFR 800.4 and have provided sufficient information to make decisions. No eligibility determination disputes have occurred during this period. **Section 4 Archaeological Exploration:** Due to lack of landowner permission, Phase II work at 15JF678, 15JF679 and 15JF719 has been postponed until after property has been purchased. Phase II work at the only site for which the project has permission to work, 15JF720, has been completed. The report recommended site 15JF720 as eligible for the NRHP. SDC 4 was tasked with trying to redesign the section in order to avoid impacting this site. It is anticipated that a preliminary design would be available for review in the next Reporting Period. If that is not feasible, additional consultation will be required.

Stipulation IV.D.1-3. FHWA shall, in consultation with SHPOs, Indian Tribes, and other parties deemed appropriate by FHWA, determine if the Project will adversely affect archaeological resources determined eligible for inclusion in the NRHP and, if adverse impacts cannot be avoided, shall develop a treatment plan in accordance with Stipulation IV.E. Any dispute regarding the determination of effects on eligible archaeological resources shall be resolved in accordance with Stipulation XIII Dispute Resolution. KYTC received an archaeological report detailing the data recovery efforts for sites determined to be eligible for the NRHP in Section 1A. Following review with KY SHPO, additional revisions to this report have been requested of the consultant by January 2009. Copies will be distributed to all appropriate parties once the report has been accepted on receipt.

Stipulation IV.E.1-6. FHWA shall, in consultation with SHPOs, Indian Tribes and other parties deemed appropriate by FHWA, develop a treatment plan for NRHP eligible sites that cannot be avoided. Implementation of the treatment plan must be completed for each site prior to the initiation of any Project construction activities that could affect the site. Treatment of human remains will be determined by FHWA on a site-by-site basis through consultation with SHPOs, Indian Tribes and other parties deemed appropriate by FHWA. FHWA shall provide ACHP, SHPOs, Indian Tribes who have expressed interest in the site, and other parties deemed appropriate by FHWA 30 calendar days to review and provide comment on final Treatment Plans(s). Following the implementation of a treatment plan, FHWA may elect to monitor construction activities in selected portions of the right of way. No treatment plans were developed during this Reporting Period. In addition, no locations where treatment plans were implemented have gone to construction or been subjected to monitoring.

Stipulation IV.F.1-5. FHWA shall ensure that all archaeological work is performed or supervised by person(s) meeting the *Secretary of the Interior's Professional Qualification Standards* in archaeology and that the results of all work are reported in a professional manner consistent with SHPO standards for each state. Sensitive information regarding archaeological sites, human remains and grave goods shall be kept confidential from the public; the ACHP, SHPOs, Indian Tribes, and other parties deemed appropriate by FHWA shall have 30 days to comment on any such reports that are developed.

Stipulation IV.G.1-3. Upon completion of work, FHWA shall provide copies of final reports to SHPOs, STAs, and Indian Tribes when appropriate. In consultation with SHPO, FHWA shall

prepare final reports for dissemination to the public libraries, educational institutions, and other repositories in Jefferson and Clark Counties and Indian Tribes as appropriate; however, FHWA will ensure disseminated reports do not contain sensitive information regarding human remains and grave goods, or the location, character and ownership of archaeological sites. In order to adhere to measures outlined in the MOA concerning the protection of detailed information about archaeological sites, only those reports detailing the results of treatment plans will be disseminated in accordance with this stipulation. The final report concerning the treatment of (Kentucky) Sites 15Jf716, 15Jf717 and 15Jf718 will be treated in accordance with this stipulation when ready. Sites 15Jf716, 15Jf717 and 15Jf718 have been excavated. The KYTC is completing review of the Phase I/salvage report for the three sites (15Jf716, 15Jf717, and 15Jf717) and for the accelerated I-65 (Kentucky) Downtown.

The report entitled *Report of Archaeological Investigations to Delineate the Western Boundary of the "Old Civil War Cemetery," Jeffersonville, Clark County, Indiana* was submitted to the City of Jeffersonville on July 17, 2009. Specific stipulations were placed on the submission of the Report to limit exposure and access to it by staff personnel and the general public.

The KYTC has recommended using a general audience booklet for each of the aforementioned sites for distribution, as opposed to copying the archaeological reports developed for the Project in their entirety. To that end, several examples from the Kentucky Archaeological Survey booklet series were presented at a BSMT meeting in September 2009 for consideration. The BSMT approved the use of the booklet and identified a funding source. The KYTC is to coordinate with the archaeological consultants to develop the booklets and to define a schedule for completion.

STIPULATION V: Unanticipated Discoveries

No previously unidentified property was discovered during the Reporting Period nor was a previously identified historic property affected in an unanticipated manner.

STIPULATION VI: Additional Historic Properties and Effects

No sites for staging, wetland mitigation, borrow or waste, dredge disposal or other construction activities associated with the Project were identified during the Reporting Period.

STIPULATION VII: Excess Right of Way

No excess right of way was identified during the Reporting Period.

STIPULATION VIII: Performance Standards

The FHWA shall ensure that the performance of all cultural resources work required in implementing this MOA shall be performed by or under the supervision of individuals that meet the *Secretary of the Interior's Professional Qualification Standards*. All work performed during this Reporting Period was performed or directly supervised by individuals who meet or exceed the *Secretary of the Interior's Professional Qualification Standards*.

STIPULATION IX: Progress Reports

Progress Report Number 13 for the Reporting Period of July 1, 2009 – December 31, 2009 was developed in accordance with Stipulation IX and will be sent to the signatories, concurring parties and HPAT members (identified in Attachment A). Prior to this Progress Report, the following Progress Reports have been provided:

Report No. 1 for April 1, 2003 – December 31, 2003 was sent on July 21, 2004
Report No. 2 for January 1, 2004 – June 30, 2004 was sent on September 20, 2004
Report No. 3 for July 1, 2004 – December 31, 2004 was sent on April 22, 2005
Report No. 4 for January 1, 2005 – June 30, 2005 was sent on October 10, 2005
Report No. 5 for July 1, 2005 – December 31, 2005 was sent on February 20, 2006
Report No. 6 for January 1, 2006 – June 30, 2006 was sent on November 28, 2006
Report No. 7 for July 1, 2006 – December 31, 2006 was sent on May 9, 2007
Report No. 8 for January 1, 2007 – June 30, 2007 was sent on December 17, 2007
Report No. 9 for July 1, 2007 – December 31, 2007 was sent on March 3, 2008.
Report No. 10 for January 1, 2008 – June 30, 2008 was sent on September 9, 2008
Report No. 11 for July 1, 2008 – December 31, 2008 was sent on March 2, 2008
Report No. 12 for January 1, 2009 – June 30, 2009 was sent on September 3, 2009

STIPULATION X: Project Modification

The FHWA in cooperation with the INDOT and the IN SHPO are reviewing information regarding historic elements related to the Swartz Farm, including the CPH. Mitigation defined in the Amendment to the MOA included the relocation of the CPH. Response letters from the INDOT and the IN SHPO indicated that the CPH did not retain eligibility for the NRHP. FHWA is currently reviewing these responses for a final recommendation.

STIPULATION XI: Amendment

The FHWA in cooperation with the INDOT and the IN SHPO are reviewing information regarding historic elements related to the Swartz Farm, including the CPH. Mitigation defined in the Amendment to the MOA included the relocation of the CPH. Response letters from the INDOT and the IN SHPO indicated that the CPH did not retain eligibility for the NRHP. FHWA is currently reviewing these responses for a final recommendation.

STIPULATION XII: Failure to Comply/Termination

No signatories to the MOA identified any concerns during the Reporting Period that the terms of the MOA cannot be or are not being carried out.

STIPULATION XIII: Dispute Resolution

No written objections were filed during the previous Reporting Period. The Dispute Resolution for Butchertown is pending final resolution by the FHWA.

STIPULATION XIV: Duration

The MOA is in effect through April 1, 2023.

PART III – PROJECT MILESTONES

Coordination with the HPATs in the development of plan details to implement mitigation measures is identified in the MOA at a number of project milestones, including:

Preliminary Plans (about 30%),
Right of Way Plans (about 60%)
Final Plans (about 90%)

Attachment D (following) provides a schedule with milestones anticipated for the Project in the next Reporting Period. It has been developed in more detail and will continue to be revised as a part of the future preparation of this Progress Report.

ATTACHMENT A

SIGNATORIES:

Federal Highway Administration

Advisory Council on Historic Preservation

Indiana State Historic Preservation Officer

Kentucky State Historic Preservation Officer

INVITED SIGNATORIES:

Indiana Department of Transportation

Kentucky Transportation Cabinet

CONCURRING PARTIES:

American Indian Movement – Mobile Chapter (MO-AIM)

Butchertown Neighborhood Association

City of Prospect

The Eastern Band of Cherokee Indians

The Shawnee Tribe

The Delaware Nation

ATTACHMENT B

SECTION 106 MEMORANDUM OF AGREEMENT OUTLINE OF DOCUMENT CONTENT

- I. Project Coordination
 - A. Advisory Teams
 - B. Bi-State Historic Consultation Team
 - C. Bi-State Management Team
 - D. Ombudsmen
- II. Project Development
 - A. Project Goals
 - B. Public Involvement
 - C. Context Sensitive Solutions
 - D. Roadway Lighting
 - E. Noise Abatement
 - F. Historic Preservation Plans
 - G. Survey Updates
 - H. Historic Preservation Easements
 - I. National Register Documentation and Nomination
 - J. Streetscape Improvements
 - K. Interpretative Signage
 - L. Blasting and Vibration
 - M. Timing of Construction Activities
 - N. No-Work Zones
 - O. Smart Growth Conference
 - P. Education and Interpretation
- III. Site Specific Mitigation
 - A. Train Depot – Indiana
 - B. Colgate-Palmolive Historic District
 - C. Ohio Falls and Locomotive Historic District
 - D. George Rogers Clark Memorial Bridge
 - E. Old Jeffersonville Historic District
 - F. INAAP Igloo Storage Historic District
 - G. Lentz Cemetery
 - H. Lime Kilns within the Utica Lime Industry Multiple Property Listing
 - I. Swartz Farm Rural Historic District
 - J. Trolley Barn
 - K. Butchertown Historic District
 - L. Phoenix Hill Historic District
 - M. Country Estates Historic District/River Road Corridor
 - N. Drumanard
 - O. Allison-Barrickman House
 - P. Rosewell
 - Q. Belleview
- IV. Archaeological Resources
 - A. Implementation Standards

- B. Identification
- C. Evaluation
- D. Assessment of Effects
- E. Treatment
- F. Qualifications and Reporting
- G. Distribution of Final Reports
- V. Unanticipated Discoveries
- VI. Additional Historic Properties and Effects
- VII. Excess Right of Way
- VIII. Performance Standards
- IX. Progress Reports
- X. Project Modification
- XI. Amendment
- XII. Failure to Comply/Termination
- XIII. Dispute Resolution
- XIV. Duration

ATTACHMENT C
MOA COMMITMENT TRACKING TABLE
(Note - the intent of Attachment C is to provide a summary of commitments made in the Project MOA and provide a status of each. For the complete description of each commitment, please refer to the Project MOA)

STIPULATION I- PROJECT COORDINATION																	
Status	Taskmaster(s) & Lead					MOA Reference		Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation			
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U		CTS	NR	NR	INDOT/ KYTC/ INSHPO/ KHC	A	1	3	Advisory Teams Convene BHPAT and KHPAT	HPATs	December 2003	December 2003	December 31, 2003 (to convene BHPAT)	BHPAT - December 16, 2003 KHPAT - December 17, 2003	None	Bi-monthly HPAT meetings to be held in addition to special sessions, which are scheduled at the discretion of the BSHCT.	During the Reporting Period, meetings of the HPAT were convened on 10/16/03 and 12/17/03. The KHPAT was convened on 10/16/03 and 12/17/03. The HPAT scheduled for 8/19/03 was canceled due to lack of agenda items.
D		CTS	NR	NR	INDOT/ KYTC/ INSHPO/ KHC		2	3	Advisory Teams will assist the BSHCT and BSMT in developing project design details to implement measures stipulated in the MOA	HPATs	December 2003	December 2003	Duration	Ongoing	None	BSHCT to provide HPATs for recommendations. Recommendations considered by BSHCT at bi-monthly meetings and elevated to BSMT for final decision.	Work was done during the Reporting Period on this stipulation.
D		CTS	NR	NR	INDOT/ KYTC/ INSHPO/ KHC		6	4	Additional participants may be invited to participate on the Advisory Teams at the discretion of the Advisory Team Co-chairs.	HPATs	December 2003	December 2003	Duration	Ongoing	None	Formal requests made to be considered by the BSHCT with final decision made by the BSMT.	There were no requests during the Reporting Period. Additional participants on either the HPAT or KHPAT.
D		NR	NR	NR	INDOT/ KYTC/ INSHPO/ KHC		7	4	ACIP may participate as it sees fit on an ad-hoc basis.	HPATs	December 2003	December 2003	Duration	Ongoing	None	HPATs to engage, as appropriate by the BSHCT and BSMT.	No activity in this Reporting Period.
D	INDOT/ INSHPO/ KYTC/ KHC	CTS	NR	NR	INDOT/ KYTC/ INSHPO/ KHC		9	4	Co-chairs will convene additional meetings at the following times to review plans: (1) 10/16/03, (2) 12/17/03, (3) 2/19/04, (4) 4/15/04, (5) 6/16/04, (6) 8/19/04, (7) 10/20/04, (8) 12/16/04, (9) 2/19/05, (10) 4/15/05, (11) 6/16/05, (12) 8/19/05, (13) 10/20/05, (14) 12/16/05, (15) 2/19/06, (16) 4/15/06, (17) 6/16/06, (18) 8/19/06, (19) 10/20/06, (20) 12/16/06, (21) 2/19/07, (22) 4/15/07, (23) 6/16/07, (24) 8/19/07, (25) 10/20/07, (26) 12/16/07, (27) 2/19/08, (28) 4/15/08, (29) 6/16/08, (30) 8/19/08, (31) 10/20/08, (32) 12/16/08, (33) 2/19/09, (34) 4/15/09, (35) 6/16/09, (36) 8/19/09, (37) 10/20/09, (38) 12/16/09, (39) 2/19/10, (40) 4/15/10, (41) 6/16/10, (42) 8/19/10, (43) 10/20/10, (44) 12/16/10, (45) 2/19/11, (46) 4/15/11, (47) 6/16/11, (48) 8/19/11, (49) 10/20/11, (50) 12/16/11, (51) 2/19/12, (52) 4/15/12, (53) 6/16/12, (54) 8/19/12, (55) 10/20/12, (56) 12/16/12, (57) 2/19/13, (58) 4/15/13, (59) 6/16/13, (60) 8/19/13, 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U	CTS	R, GP	All	INDOT/ KYTC/ INSHPO/ KHC		g	4	Prior to the final plan (inspections about 90%)	HPATs	Varies according to section	§ Section 4 (US 42 Ramp Relocation & Exploratory Tunnel) - 4/27/06	None Established	§ Section 4 (US 42 Ramp Relocation & Exploratory Tunnel) - 4/27/06	None	Plans to be presented to HPATs by SDCs, HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	No activity in this Reporting Period
NI	CTS	R, GP	All	INDOT/ KYTC/ INSHPO/ KHC		h	4	After final plans are completed, to report on how comments were addressed	HPATs	Varies according to section	December 2023	None Established		None	Plans to be presented to HPATs by SDCs, HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	No activity in this Reporting period.
						B	4	Bi-State Historic Consultation Team								
D	INDOT/ INSHPO/ KYTC/ KHC	CTS	NR	NR	INDOT/ KYTC/ INSHPO/ KHC		2	5	BSHCT will advise the Bi-State Management Team as to appropriate design & construction approaches so as to comply with the MOA	None Identified	December 2003	December 2023	Duration	Ongoing	Bi-monthly BSHCT meetings held to ensure proper implementation of process.	Items were carried forward by the BSHCT to the BSMT as needed. Recommendations elevated from the BSHCT to the BSMT occurred on 9/15/09 to advance the US 42/US 40/US 40B HPP for final approval and on 11/17/09 to advance the Project's HPP HPP for final approval.
D	INDOT/ KYTC	NR	NR	NR	INDOT/ KYTC/ INSHPO/ KHC		3	5	BSHCT may make final decisions as delegated by the Bi-State Management Team	None Identified	December 2003	December 2023	Duration	Ongoing	Bi-monthly BSHCT meetings held to ensure proper implementation of process.	Stipulation not implemented during the Reporting Period, but will be considered through the duration of the Project.

STIPULATION I - PROJECT COORDINATION (Cont.)

Status	Taskmaster(s) & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
D	INDOT/ INSHPO/ KYTC/ KHC	CTS	NR	NR	INDOT/ KYTC/ INSHPO/ KHC		4	5	BSHCT shall convene to consider recommendations provided by the HPATs and prepare recommendations to the BSMT	None Identified	December 2003	December 2023	Duration	Ongoing	None	Bi-monthly BSHCT meetings held to ensure proper implementation of process.	The BSHCT met three times during the Reporting Period on 7/14/09, 9/15/09 and 11/17/09. Recommendations were carried forward to the BSMT, as discussed.
D	INDOT/ INSHPO/ KYTC/ KHC	CTS	NR	NR	INDOT/ KYTC/ INSHPO/ KHC		5	5	BSHCT to ensure comments & recommendations given full consideration in preparing its recommendations to the Bi-State Management Team	None Identified	December 2003	December 2023	Duration	Ongoing	None	Bi-monthly BSHCT meetings held to ensure proper implementation of process.	Condition has been met and will continue to be met the duration of the Project.
D	INDOT/ KYTC/ FHWA	NR	NR	NR	INDOT/ KYTC/ FHWA		2	5	Bi-State Management Team to ensure consultant services procured include professionals with the appropriate experience to implement provisions of MOA.	None Identified	December 2003	December 2023	Duration	Ongoing	None	Bi-monthly meetings of the BSMT to be held to ensure work is carried out by qualified professionals.	Condition has been met and will continue to be met the duration of the Project.
D	INDOT/ KYTC/ FHWA	CTS	NR	NR	CTS		3	5	Bi-State Management Team to prepare progress reports as set forth in Stipulation IX.	None Identified	December 2003	December 2023	Duration	Ongoing	None	BSMT to ensure consultant prepare regular progress reports every six months. Reports to be reviewed by BSHCT and elevated to BSMT for approval.	Condition to be met the duration of the Project.
D	INDOT/ KYTC/ FHWA	CTS	NR	NR	INDOT/ KYTC/ FHWA		4	5	Bi-State Management Team to give full consideration to recommendations of BSHCT for incorporation into final plans.	None Identified	December 2003	December 2023	Duration	Ongoing	None	Bi-monthly meetings of the BSMT to be held to ensure the recommendations of the BSHCT.	Condition has been met and will continue to be met the duration of the Project.
						D		5	Ombudsman								
D	INDOT/ KYTC	CTS	NR	NR	INDOT/ KYTC		3	5	Ombudsman will be responsible for communicating with the public and investigating reported problems on all aspects of the Project. Will report to the Bi-State Management Team.	None Identified	December 2003	December 2023	Duration	Ongoing	None	Ombudsman will be involved with meetings of the HPATs and BSHCT to stay current with historic aspects of the Project. Ombudsman will have regular office hours to facilitate public concerns.	The Ombudsman continued to communicate with the public and investigate potential problems.

KEY:

1 - Status	U - Underway	D - Duration of Project	NR - Not Required	NI - Not Yet Initiated
2 - Taskmasters	INDOT - Indiana Department of Transportation	KYTC - Kentucky Transportation Cabinet		
STA - Federal Agency	FHWA - Federal Highway Administration			
SHPO - Indiana State Historic Preservation Office		YHC - Kentucky Heritage Council		
GEC - BL - Rust Architects	CTS - Community Transportation Solutions	A - ANC Group	GP - Gray and Papp	
KY SDCs - RL - RW Lochner	RLA - G Kentucky Transportation Associates			
IN SDCs - BPS - Butler, Feltman and Steiner	IAP - Indiana Approach Partners			
SDCs 2 & 5 - PBS - Pierson Brinkshoff	MB - Midwest Source			
	NR - Not Required			

STIPULATION II - PROJECT DEVELOPMENT																	
Status	Taskmaster(s) & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Item	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
D		CTS	R, GP	All	CTS	A		6	Project goal is to avoid adverse effects to the environment and historic properties to the maximum extent possible.	HPATs, AATs, RAC, General Public	December 2003	December 2023	Duration	Ongoing		Continued coordination with HPATs, AATs, RAC and SDCs.	Ongoing
D		CTS	R, GP	All	INDOT/ KYTC	B		6	Informational meetings convened by respective STAs for public views	City of Jeffersonville, Clark County Commissioners, Metro Government and General Public	December 2003	December 2023	None established	Ongoing		Public to be engaged at the discretion of the BSMT	No activity in this Reporting Period.
D		CTS	R, GP	All	CTS/ SDCs	C		7	The roadway, bridges, and other Project elements shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes and the historic context.	HPATs	September 2004	December 2012	None established	Ongoing		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	No activity in this Reporting Period.
D		CTS	R, GP	All	CTS/ SDCs	D		7	Roadway lighting within the watershed of historic properties & navigational lighting designed and constructed to minimize dispersion of light beyond highway right-of-way and include state-of-the-art techniques and systems.	HPATs	September 2004	December 2012	None established	Ongoing		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision	No activity in this Reporting Period.
D		CTS	R, GP	All	CTS/ SDCs	E		7	Design Project 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.	HPATs	September 2004	December 2012	None established	Ongoing		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	In Section 1, barriers still being considered adjacent to the Clifton Neighborhood. Community meetings to be held in the near future.
						F		7	HPPs prepared for historic properties and districts.	HPATs	July 2004	Continuous	Prior to Preliminary Field Check Plans		HPP	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	To be established for site specific properties indicated in Stipulation III.
U		CTS	R, GP	NR	CTS		1	8	HPPs to meet the following provisions	HPATs	July 2004	Continuous	None established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	
C		CTS	R, GP	NR	CTS/ INDOT/ KYTC/ KHCC/ INSHPO		a	8	Scopes of Work to be developed in consultation with the respective HPATs.	HPATs	March 2004	July 2004	None established	July 2004		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	
U		CTS	R, GP	NR	CTS		b	8	To be developed in consultation with owners of historic properties and/or related neighborhoods.	HPATs	July 2004	Continuous				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Condition considered throughout development of the HPP. Several meetings have occurred with stakeholders of historic properties where HPPs are being developed.
U		CTS	R, GP	NR	CTS		c	8	Consent to be obtained prior to entry on privately owned property.	HPATs	July 2004	Continuous				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Obtained as needed

STIPULATION II - PROJECT DEVELOPMENT (Cont.)																	
Status ¹	Taskmaster(s) & Lead				MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation			
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub-Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U		CTS	R, GP	NR	CTS		d	8	To consider and build upon existing studies and plans.	HPATs, City of Jeffersonville, Clark County Commissioners and Metro Government	July 2004	Continuous				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Condition considered throughout development of the HPP.
U		CTS	R, GP	NR	CTS		e	8	Be developed in cooperation with the appropriate local government and approved by the respective SHPO.	HPATs, City of Jeffersonville, Clark County Commissioners and Metro Government	July 2004	Continuous				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Condition considered throughout development of the HPP. Louisville Metro Government & City of Jeffersonville have been involved in the development of the respective HPPs.
U		CTS	R, GP	NR	CTS		f	8	To recognize the unique character, context, and historic significance of each resource/area. Identify ways to protect and enhance the historic qualities.	HPATs	July 2004	Continuous				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Condition considered throughout development of the HPP.

U		CTS	R, GP	NR	CTS		g	8	To consider land use, transportation patterns & other urban/suburban planning issues.	HPATs, City of Jeffersonville, Clark County Commissioners and Metro Government	July 2004	Continuous				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Condition considered throughout development of the HPP.
NI		CTS	R, GP	NR	CTS		h	8	Present to relevant city/county governments & KIPDA for incorporation into local land use planning processes.	HPATs, City of Jeffersonville, Clark County Commissioners and Metro Government	July 2004	Continuous				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	The HPP for the Old Jeffersonville HD was presented to the City of Jeffersonville for use and reference on November 23, 2009. No activity has occurred to date.
U		CTS	R, GP	NR	CTS		2	8	HPPs to be prepared for the following properties:				Prior to Preliminary Field Check Plans	HPP		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	
U		CTS	R, GP	NR	CTS		a	8	Old Jeffersonville Historic District	IHPAT	March 2006	September 2009	Prior to Preliminary Field Check Plans	September 26, 2009	HPP	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Final HPP approved by the BSMT on 9/28/09.
NI		CTS	R, GP	NR	CTS		b	8	Township of Ulca Historic Lime Industry	IHPAT, Lime Kiln Owners	May 2006	June 2010	Prior to Preliminary Field Check Plans		HPP	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Draft HPP pending completion of the MPDF and NRHP nominations.
U		CTS	R, GP	NR	CTS		c	8	Swartz Farm Rural Historic District	IHPAT, Swartz Farm and Swartz-Volght-Marble House Owners	January 2006	Unknown	Prior to Preliminary Field Check Plans		HPP	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Possible amendment to MOA pending additional action from FHWA.
NR		CTS	R, GP	NR	CTS		d	8	James Smith Rural Historic Farmstead	IHPAT	October 2005	August 2008	Prior to Preliminary Field Check Plans	August 7, 2006	HPP	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Owners elected to not donate the portion of the property determined eligible for the NRHP by not responding by the established deadline, June 14, 2006.
U		CTS	R, GP	NR	CTS		e	8	Butchertown Historic District	KHPAT, Butchertown Business Association	November 2004	December 2010	Prior to Preliminary Field Check Plans		HPP	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	The Final HPP is pending completion of dispute resolution.
C		CTS	R, GP	NR	CTS		f	8	Phoenix Hill Historic District	KHPAT, Phoenix Hill Neighborhood Association	November 2004	November 2009	Prior to Preliminary Field Check Plans	November 23, 2009	HPP	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Final HPP approved by the BSMT on 11/23/09.
U		CTS	R, GP	NR	CTS		g	8	Country Estates of River Road / River Road Corridor	KHPAT	April 2005	June 2010	Prior to Preliminary Field Check Plans		HPP	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Final Draft HPP under revision for additional review by the KHPAT.
							G	9	Survey Updates				Within five years following ROD	Revised Clark County Interim Report and Jefferson County Inventory		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	
U	INDOT	NR	NR	NR	INSHPO/INDOT		1	9	Clark County Interim Report and Indiana Historic Sites and Structures Inventory of Clark County	Clark County Commissioners and INSHPO	April 2009	February 2010	September 6, 2008		Revised Clark County Interim Report	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Survey completed and draft report under development. Data being input in GIS compatible format for use.

STIPULATION II - PROJECT DEVELOPMENT (Cont.)

Status	Taskmaster(s) & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
	FHWA/STA/SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
W	KYTC	NR	NR	NR	CTS		2	9	The Jefferson County Inventory and Survey of Historic Sites in Kentucky	Metro Government and KHC	October 2008	March 2010	September 6, 2008		Revised Jefferson County Inventory	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Survey completed and draft report under development. Data being input in GIS compatible format for use.
U		CTS	NR	BFS, IAP, KTA & HWL	INDOT/KYTC			9	Historic Preservation Easements to be placed on properties identified in Stipulation III in perpetuity	INSHPO and KHC	January 2009	January 2011	None established		Preservation Easement	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	For Westley House, the easement is pending an assessment of required work and costs. For Edson House, a scope of work is under preparation to define exterior building rehabilitation. For Drummand, negotiations with the property owner will determine future development of easement.

U	INDOT	CTS	R, GP	NR	INDOT/ CTS	I	9	Preparation of NRHP documentation and nomination of properties identified in Stipulation III.	INSHPO	April 2006	November 2009	Within first three years following the ROD (September 2006)	Completed NRHP Form	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Refer to Stipulation III.A.4, III.B.1, III.C.1, III.H.8, III.I.4 and III.I.9.d
U		CTS	R, GP	All	KTA/ INDOT	J	10	Streetscape improvements to be designed in consultation with the respective SHPOs and occur within the public right-of-way. Obtain right-of-way title holder approval prior to construction.	HPATs	March 2008	March 2012	None established		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	To be established for site specific properties indicated in Stipulation III.
U		CTS	R, GP	All	INDOT/ KTA/ L / IAP	K	10	Interpretative signage to be placed within the right-of-way of public streets or on easements to explain significance of the historic properties. Obtain right-of-way title holder approval prior to construction.	HPATs	March 2008	March 2012	None established		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	To be established for site specific properties indicated in Stipulation III.
U		CTS	NR	All	CTS	L	10	Blasting & Vibration							
U		CTS	NR	All	CTS	1	10	Ensure construction blasting/vibration plans and bridge pier construction plans are developed by the contractor(s).	Owners of properties identified in MOA for blasting and vibration plans.	January 2006	December 2016	Prior to construction	US 42 Ramp Reloc - May 2006	Coordination with SDCs, STAs, INSHPO, KHC and HPATs.	No blasting or vibration activities occurred during the period that required implementation of this stipulation.
U				All	SDCs / CTS	2	10	Plans to be coordinated with the contract documents, special provisions and notes included in the construction plans.	HPATs	January 2006	December 2016		US 42 Ramp Reloc - May 2006	Coordination with SDCs, STAs, INSHPO, KHC and HPATs.	No blasting or vibration activities occurred during the period that required implementation of this stipulation.
U		CTS	NR	NR	INDOT/ KYTC/ FHWA	3	10	BSMT to determine whether damage has occurred as a result of Project activities.	Owners of properties identified in MOA for blasting and vibration plans.	January 2006	December 2023	As needed	US 42 Ramp Reloc - April 2007	Coordination with SDCs, STAs, INSHPO, KHC and HPATs.	No claims of blasting / vibration damage to historic properties occurred during the Reporting Period.
NI		CTS	NR	NR	INDOT/ KYTC	4	11	INDOT/KYTC shall be responsible for repair of any blast and vibration damage to historic properties. Repairs to be carried out in accordance with the Secretary's	Owners of properties identified in MOA for blasting and vibration plans.	January 2006	December 2023	Prior to entry		Coordination with SDCs, STAs, INSHPO, KHC and HPATs.	Refer to Stipulation III.L.3 above.
U		CTS	NR	All	INDOT/ KYTC	5	11	Obtain consent for entry of privately owned property to access monitoring equipment or damage repair.	Owners of properties identified in MOA for blasting and vibration plans.	January 2006	December 2023	Prior to entry		Coordination with SDCs, STAs, INSHPO, KHC and HPATs.	No blasting or vibration activities occurred during the period that required implementation of this stipulation.
U		CTS	NR	All	SDCs	M	11	Include in the Project contracts provisions that limit construction activities and construction noise during specific periods of time.	HPATs	January 2006	December 2016	None established	US 42 Ramp Reloc - May 2006	Coordination with SDCs, STAs, INSHPO, KHC and HPATs.	None required this Reporting Period
U		CTS	NR	All	SDCs	N	11	Establish no-work zones on construction plans within the NRHP boundaries of properties identified in Stipulation III.	HPATs	January 2006	December 2012	None established	US 42 Ramp Reloc - May 2006	Coordination with SDCs, STAs, INSHPO, KHC and HPATs.	None required this Reporting Period
						P	12	Education & Interpretation							

STIPULATION II - PROJECT DEVELOPMENT (Cont.)

Status ¹	Taskmaster(s) & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
	FWHA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U	FWHA/ INSHPO/ KHC	NR	NR	NR	FHWA		1	12	Ensure that sensitive information about the location and nature of archaeological resources identified in the APE are not disclosed.	INSHPO and KHC	December 2003	December 2023	None established			Coordination with INSHPO, KHC and STAs to ensure sensitivity.	Condition to be met the duration of the Project.
NI		CTS	R, A, GP	NR	CTS		2	12	Develop a Popular Report, in plain English intended for general public, describing history, historic properties and archaeological resources identified in the APE. Draft copy to be provided to parties for 30-day review; comments to be considered in final report.	HPATs and Native American Tribes	June 2008	June 2010	None established			Consult with the BSHCT, HPATs and Native American Tribes to develop report. HPAT recommendations considered by BSHCT and elevated to BSMT for approval. Copies distributed to SHPOs, stakeholders, libraries and museums in Broad APE.	Work activity has not been initiated

STIPULATION III - SITE SPECIFIC MITIGATION																
Status	FHWA/STA/SHPO	Taskmaster(s) & Lead				MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation	
		GEC	Sub-consultant	SDC	Current Lead	Item	Sub Item	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan
						A		13	Train Depot							
NI		CTS	R	BFS	INDOT		1	13	Streetscape improvements	City of Jeffersonville and IHPAT	January 2010	January 2011	None Established			SDC to develop plan and coordinate with IHPAT and general public.
NI	INDOT	CTS	NR	BFS	INDOT		a	13	Make available during the construction period to advise personnel assigned to the Project & the Indiana Ombudsman.	None Identified	January 2010	December 2023	None Established			SDC to develop rehabilitation plan and coordinate with IHPAT and general public.
NI	INDOT	CTS	NR	BFS	INDOT		b	13	Any work to rehabilitate to be done in accordance with the Secretary of Interior Standards.	INSHPO, IHPAT	January 2010	January 2012	None Established			Construction to occur in accordance with the Secretary of Interior Standards.
NI	INDOT	CTS	NR	BFS	INDOT		c	13	Place preservation easement on property & sell at fair market value or donate to a local government.	INSHPO and IHPAT	January 2012	January 2013	None Established		Preservation Easement	INDOT to place preservation easement on property & sell at fair market value or donate to a local government.
NI		CTS	R	BFS	INDOT		5	13	Develop and place interpretative signage.	INSHPO, IHPAT and City of Jeffersonville	March 2010	March 2012	None Established			SDC will develop signage plan as part of the construction documents.
						B		13	Colgate-Palmolive Historic District							
NI		CTS	R	BFS	INDOT		2	14	Develop and place interpretative signage.	INSHPO, IHPAT and town of Clarksville	March 2010	March 2012	None Established			SDC will develop signage plan as part of the construction documents.
						C		14	Ohio Falls Car and Locomotive Company Historic District							
U		CTS	R	NR	CTS		1	14	Document and seek NRHP nomination.	INSHPO, IHPAT and town Clarksville	July 2007	June 2009	September 2006	June 22, 2009	Completed NRHP Nomination Form	CTS/GEC to develop NRHP Nomination for review and approval for listing by the INSHPO and the Keeper of the Register.
NI		CTS	R	BFS	INDOT		2	14	Develop and place interpretative signage.	INSHPO, IHPAT and town of Clarksville	March 2010	March 2012	None Established			SDC will develop signage plan as part of the construction documents.
NI		CTS	R	BFS	INDOT		3	14	Develop and place interpretative signage.	INSHPO, IHPAT and town of Clarksville	March 2012	December 2023	Complete prior to initiation of construction	Blasting/Vibration Plan to be included in the Final Construction Documents	Coordination with SDCs, STAs, INSHPO, KHC and HPATs.	Work activity has not been initiated.
						D		14	George Rogers Clark Memorial Bridge							
NI	INDOT	CTS	R	BFS	INDOT		1	14	Avoid displacement of the historic bridge piers on the IN approach to the bridge.	IHPAT and City of Jeffersonville	January 2010	January 2012	None Established			Avoid displacement of the historic bridge piers on the IN approach to the bridge.
NI		CTS	NR	BFS	INDOT		2	14	If displacement cannot be avoided, develop and implement a Treatment Plan to minimize damage to the original contributing elements.	IHPAT and City of Jeffersonville	January 2012	January 2014	None Established			If displacement cannot be avoided, develop and implement a Treatment Plan to minimize damage to the original contributing elements.
NI		CTS	NR	BFS	INDOT		3	15	Relocate piers in a way to ensure protection of the NRHP designation.	IHPAT and City of Jeffersonville	January 2014	January 2023	None Established			Relocate piers in a way to ensure protection of the NRHP designation.
						E		15	Old Jeffersonville Historic District							
U		CTS	R	NR	CTS		1	15	Develop a HPP.	City of Jeffersonville, INSHPO and IHPAT	March 2006	October 2009	Prior to Preliminary Field Check Plans	September 28, 2009	HPP	IHPAT recommendation to be considered by BSMCT and elevated to BSMT for final decision.

STIPULATION III - SITE SPECIFIC MITIGATION (Cont.)																
Status	FHWA/STA/SHPO	Taskmaster(s) & Lead				MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation	
		GEC	Sub-consultant	SDC	Current Lead	Item	Sub Item	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan
NI	INDOT	CTS	R	NR	CTS		2	15	Present HPP to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan.	City of Jeffersonville	November 2007	January 2010	None Established	November 23, 2009		Upon approval by the BSMT, HPP to be presented to City of Jeffersonville for consideration and adoption.

NI		CTS	R	BFS	INDOT		3	15	Design and construct streetscape improvements within the HD between Spring Street and the Project.	City of Jeffersonville and IHPAT	January 2010	January 2012	None Established		Streetscape Plan for improvements to the designated areas	SDC 3 to develop plan and coordinate with IHPAT and general public.	Awaiting issuance of design contract to Section 3.
U		CTS	R	BFS	INDOT		4	15	Design and construct pedestrian friendly facilities within IN ROW under the new bridge and existing I-65 bridge.	City of Jeffersonville	January 2010	December 2023	None Established			Coordination with City of Jeffersonville and the Indiana Greenway Commission, if required.	The Ohio River Greenway in the Project area was recently completed by the City of Jeffersonville. Project will include these improvements where appropriate.
U		CTS	R	MB	MB		5	15	Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles.	City of Jeffersonville and IHPAT	September 2007	January 2010	None Established			SDC 2 to coordinate with the IHPAT and City of Jeffersonville during the design process to ensure distance between the two bridges is appropriate.	To be evaluated further in future advancement of the bridge design.
NI		CTS	R	BFS	INDOT		6	15	Develop and implement highway signage plan that minimizes the number of overhead directional signs on the approaches.	City of Jeffersonville and IHPAT	January 2010	January 2011	None Established			Signage plan to be presented to IHPAT during development of the design. IHPAT recommendation to be considered by BSHCT and elevated to BSMT for approval.	Awaiting issuance of design contract to Section 3.
NI		CTS	R	BFS	CTS		7	15	Relocate five contributing structures (115 Fort St., 116 Fort St., 502 W. Market St., 432 W. Riverside Dr. and 502 W. Riverside Dr.) that would otherwise be demolished by the Project.	City of Jeffersonville and IHPAT	May 2007	December 2023	None Established			IHPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Additional work to initiate the relocation process is anticipated to begin during the right-of-way acquisition phase.
NI	INDOT	CTS	R	BFS	CTS		a	16	Make a reasonable effort to purchase vacant lots within the district from a willing seller at fair market value. House to be moved & placed on new foundations in accordance with approaches recommended in Moving Historic Buildings. Relocated houses to be sold at fair market value.	INSHPO	January 2011	January 2012	During the Acquisition Phase			IHPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Work activity has not been initiated.
NI	INDOT	CTS	NR	BFS	INDOT		b	16	Place preservation easement on relocated houses.	INSHPO and IHPAT	January 2011	January 2012	None Established		Preservation Easement	IHPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Work activity has not been initiated.
NI	INDOT	NR	NR	NR	INDOT		c	16	Stipulate through a covenant the purchaser must occupy house for five years and maintain in accordance with preservation standards.	INSHPO and City of Jeffersonville	January 2011	January 2012	None Established			INDOT to coordinate with INSHPO to establish covenant language. Once agreed upon, covenant with City of Jeffersonville.	Work activity has not been initiated.
NI	INDOT	CTS	R	NR	INDOT		d	16	If unable to obtain suitable property within the district, prepare & implement a marketing plan for relocation by others at a nominal fee.	INSHPO	January 2011	January 2012	None Established		Marketing Plan	If necessary, plan to be developed in consultation with INSHPO.	Need to invoke stipulation not yet determined.
NI	INDOT	CTS	NR	BFS	INDOT		a	16	Plan to include information about the buildings.	continued	continued	continued	continued		continued	continued	Work activity has not been initiated.
NI	INDOT	CTS	NR	BFS	INDOT		b	16	Upon INSHPO agreement, INDOT to implement for a minimum of six months.	continued	continued	continued	continued		continued	continued	Work activity has not been initiated.
NI	INDOT/ INSHPO	NR	NR	NR	INDOT		c	16	INDOT to review with INSHPO all offers prior to acceptance.	continued	continued	continued	continued		continued	continued	Work activity has not been initiated.
NI	INDOT	CTS	R	NR	INDOT		8	16	If no acceptable offer made that conforms to the requirements for rehabilitation & maintenance, may donate property to a local government.	INSHPO and IHPAT	January 2011	January 2012	None Established			If no acceptable offer made that conforms to the requirements for rehabilitation & maintenance, may donate property to a local government.	Implementation of activity not yet warranted.
NI		CTS	R	BFS	INDOT		10	16	Design and construct roadway lighting in the watershed of district as set forth in Stipulation I.I.D.	IHPAT	January 2010	January 2012	None Established			IHPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Awaiting issuance of design contract to Section 3.
NI		CTS	R	BFS	INDOT		11	16	Implement noise abatement measures as set forth in Stipulation I.I.E.	IHPAT	January 2010	January 2012	None Established			IHPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Awaiting issuance of design contract to Section 3.
NI	INDOT	CTS	R	BFS	INDOT		12	16	Timing of construction activities shall be scheduled to limit construction activities which may result in additional impacts to the district.	IHPAT	January 2011	January 2012	None Established			Provision to be included in the construction specs for the contractor.	Awaiting issuance of design contract to Section 3.

STIPULATION III - SITE SPECIFIC MITIGATION (Cont.)

STIPULATION III - SITE SPECIFIC MITIGATION (Cont.)																	
Taskmaster(s) & Lead						MOA Reference		Stakeholders & Commitment Description			Duration & Deadline				Product & Implementation		
Status ¹	FWHA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
12		CTS	R	BFS	INDOT	13		17	Develop and implement a Blasting/Vibration plan as set forth in Stipulation I.I.L.	INSHPO, IHPAT and City of Jeffersonville	January 2012	December 2016	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Coordination with SDCs, GTAs, INSHPO, KHC and IHPATs.	Awaiting issuance of design contract to Section 3.

Status	FHWA/STA/SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
NI		CTS	GP	NR	CTS		4	19	Document and seek NRHP nomination of the remaining farmstead	Clark County Commissioners, INSHPO, IHPAT and City of Jeffersonville	July 2007	Unknown	September 2006		Completed NRHP Nomination Form	CTS-GEC to develop NRHP nomination for review and approval for listing by the INSHPO and the Keeper of the Register	Possible amendment to MOA concerning additional action from FHWA
NI		CTS	R	IAP	INDOT		5	19	Delimitate a "no-work zone" around remaining Swartz farmstead	IHPAT	January 2009	Unknown	None Established		Coordination with SDCs, STAs, INSHPO, KHC and HPA-Ts.	Possible amendment to MOA regarding additional action from FHWA	
NI	INDOT	CTS	NR	IAP	INDOT		6	19	Place a preservation easement on property and sell to a historic preservation organization or donate to a local government or it can be sold to anyone who would accept the preservation easement.	INSHPO and IHPAT	January 2009	Unknown	None Established		HPAT recommendations to be considered by BSHCT and forwarded to BSMT for final decision	Possible amendment to MOA regarding additional action from FHWA	
NI		CTS	NR	IAP	INDOT		7	19	Prepare archival documentation for Central Passage House	IHPAT and INSHPO	January 2009	Unknown	Prior to the Central Passage House demolition		Archival Document of resource	Prior to demolition, archival documentation to be prepared in coordination with the IHPAT and INSHPO.	Swartz Farmhouse was demolished by the owner. Possible amendment to MOA regarding FHWA action.
NI		CTS	R	IAP	INDOT		8	19	Develop and implement a landscaping plan to minimize visual impacts of the Project.	IHPAT	June 2008	Unknown	None Established		HPAT recommendations to be considered by BSHCT and forwarded to BSMT for final decision	Swartz Farmhouse was demolished by the owner. FHWA, INSHPO and INDOT are currently working to amend the MOA.	
J																	
U	FHWA / KYTC	NR	NR	NR	KYTC		1	20	Trolley Barn	Owner and KHC	April 2003	December 2023				Rehabilitation shall be completed. Building donated to Louisville African American Heritage Foundation.	Rehabilitation of the Trolley Barn is complete. Building donated to Louisville African American Heritage Foundation.
K																	
U		CTS	R, GP	NR	CTS		1	20	Butchertown Historic District	KHPAT	November 2004	December 2010	Prior to Preliminary Field Check Plans		HPP	HPAT recommendations to be considered by BSHCT and forwarded to BSMT for final decision.	Finalization of the HPP is pending conclusion of the dispute resolution.
U		CTS	R, GP	KTA	KTA		2	20	Develop the Witherspoon Extension in accordance with provisions of HPP as the principal east-west route through the district and implement measures that encourage north-south traffic through the district to use Clay Street and Frankfort Avenue.	KHPAT, Butchertown Neighborhood Association and Metro Government	December 2006	January 2010				HPAT recommendations to be considered by BSHCT and forwarded to BSMT for final decision.	Decision on the Witherspoon alignment pending conclusion of the dispute resolution.
U		CTS	R, GP	KTA	KTA		3	20	Design and construct roadway sections along north side of district using embankments or other designs that support aesthetically pleasing noise abatement measures, lighting and landscaping that maintain the context of the district.	KHPAT and Metro Government	September 2010	December 2023				HPAT recommendations to be considered by BSHCT and forwarded to BSMT for final decision.	Recommendations on these elements are included as part of the Final HPP.

STIPULATION III - SITE SPECIFIC MITIGATION (Cont.)																	
Taskmaster(s) & Lead									MOA Reference					Stakeholders & Commitment Description			
Status	FHWA/STA/SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U	KYTC	CTS	NR	KTA	KYTC		4	20	Edison House - Provide funding for the exterior rehabilitation and conduct a noise study to determine whether interior noise abatement measures are justified.	Owner and KHPAT	July 2006	December 2023	During development of detailed plans			Conduct noise readings and review in accordance with Secretary of Interior Standards.	KY SHPO to meet with owners of Edison House to define scope of work for exterior building rehabilitation.
U	KYTC	CTS	NR	KTA	KYTC		5	21	Wesley House - Provide funding for the exterior rehabilitation and conduct a noise study to determine whether interior noise abatement measures are justified.	Owner and KHC	July 2006	December 2023	During development of detailed plans			Conduct noise readings and review in accordance with Secretary of Interior Standards.	KY SHPO and KYTC have executed MOA to prepare an assessment of the repairs and associated costs of exterior rehabilitation, both of those repairs that have been completed and those repairs to be completed.
NI		CTS	NR	KTA	KTA		6	21	St. Joseph's Church - Conduct a noise study for St. Joseph's Church to determine whether interior noise abatement measures are justified for the Church, Day Care Center and School.	Owner and KHC	December 2010	December 2023	During development of detailed plans			Conduct noise readings and review in accordance with Secretary of Interior Standards.	Work activity has not been initiated.

NI	CTS	NR	KTA	KTA	7	21	Franklin Street Baptist Church - Conduct a noise study for Franklin Street Baptist Church to determine whether interior noise abatement measures are justified.	Owner and KHC	December 2010	December 2023	During development of detailed plans			Conduct noise readings and review in accordance with Secretary of Interior Standards	Work activity has not been initiated
NI	CTS	NR	KTA	KTA	8	21	Marcus Lindsay Methodist Church - Conduct a noise study for Marcus Lindsay Methodist Church to determine whether interior noise abatement measures are justified.	Owner and KHC	December 2010	December 2023	During development of detailed plans			Conduct noise readings and review in accordance with Secretary of Interior Standards	Church is presently undergoing renovation. Identification of intended use not yet known.
NI	CTS	NR	KTA	KTA	9	21	Grace Immanuel United Church of Christ - Conduct a noise study for Grace Immanuel United Church of Christ to determine whether interior noise abatement measures are justified.	Owner and KHC	December 2010	December 2023	During development of detailed plans			Conduct noise readings and review in accordance with Secretary of Interior Standards.	Work activity has not been initiated
U	CTS	R, GP	KTA	CTS	10	22	Grocers Ice and Cold Storage Company - Provide a plan for adaptive reuse the property. If plan cannot be developed, develop documentation of the property and proceed to demolish the structure once the documentation has been accepted.	Owner, Metro Government and KHPAT	September 2008	June 2009		June 18, 2009		Conduct noise readings and review in accordance with Secretary of Interior Standards.	Treatment Plan was approved by the BSMT on 6/15/09 and distributed to the KHPAT on 6/18/09.
U	CTS	R, GP	KTA	KTA	12	22	Design and construct streetscape improvements within the entire district in accordance with provisions of the HPP and the KHC streetscape design guidelines.	KHC and KHPAT	March 2008	December 2023			Streetscape Plan for improvements to be designated areas	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Recommendations on streetscape improvements at specific locations are included as part of the Final HPP. Development of specific streetscape plans have not been initiated
NI	CTS	R, GP	KTA	KTA	13	22	Design and construct traffic calming measures on existing streets in the district with attention to the expansion of east downtown Louisville and Phase Two of Waterfront Park.	Metro Government, Waterfront Development Corp. and KHPAT	December 2010	December 2023				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Work activity has not been initiated
U	CTS	R, GP	KTA	KTA	14	22	Design and construct roadway lighting within the watershed of the district.	KHPAT and Metro Government	December 2010	December 2023				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Recommendations on roadway lighting are included as part of the Final HPP. Input sought from HPAT's on lighting in Section 1 at 02/14/09 meeting.

STIPULATION III - SITE SPECIFIC MITIGATION (Cont.)

Status¹	FHWA/ STA/ SHPO	Taskmaster(s) & Lead				MOA Reference		Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation			
		GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U		CTS	R, GP	KTA	KTA		15	22	Implement noise abatement measures as set forth in Stipulation I.E where the Project is expected to adversely affect the district	KHPAT	December 2005	December 2023				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Barriers still being considered by SDC 1 adjacent to the Clifton Neighborhood.
NI		CTS	R, GP	KTA	KTA		16	22	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	KHC and KHPAT	December 2008	December 2023	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision	Work activity has not been initiated
						L		22	Phoenix Hill Historic District								
C		CTS	R, GP	KTA	CTS		1	22	Develop a HPP, which shall develop a thematic context to assist with future nominations in the region. Plan is to be coordinated with latest development plans available from Metro Government.	KHC, KHPAT and Metro Government	November 2004	April 2007	Prior to Preliminary Field Check Plans	November 23, 2009		Complete	Final HPP approved by BSMT on 11/23/09
U		CTS	R, GP	KTA	KTA		2	23	Design and construct roadway lighting as set forth in Stipulation II.D.	KHPAT and Metro Government	December 2005	December 2023				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision	Recommendations on roadway lighting are included as part of the Final HPP.
U	KYTC	CTS	R, GP	KTA	KYTC		3	23	Work with the owner to relocate the Bear Fabric Company within the HD or a suitable facility within the Phoenix Hill neighborhood	Owner and Phoenix Hill Neighborhood Association	September 2008	May 2009				Work with the owner to relocate the Bear Fabric Company within the HD or a suitable facility within the Phoenix Hill neighborhood.	Property was acquired on 5/28/09. State Level Documentation is under preparation prior to demolition. Draft historical archive under preparation to define historic significance of potentially salvageable materials from building.

U		CTS	R, GP	KTA	CTS		4	23	Develop a treatment plan for rehabilitation of the Vermont American Buildings, explore options for reuse and rehabilitate the exterior of the buildings if recommended in the treatment plan.	KHPAT and Metro Government	September 2007	February 2010		Treatment Plan	CTS to coordinate with SHPO in development of Treatment Plan. HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Coordinate with the owner to conduct and arrange to schedule a site inspection as underway.
N		CTS	NR	KTA	KTA		5	23	St. John's Church - Conduct a noise study for St. John's Church to determine whether interior noise abatement measures are justified.	Owner and KHC	December 2012	December 2023	During development of detailed plans		Conduct noise reading and review in accordance with Secretary of Interior Standards.	Work activity has not been initiated.
N		CTS	NR	KTA	KTA		6	23	Refuge in Kentucky Church - Conduct a noise study for Refuge in Kentucky Church to determine whether interior noise abatement measures are justified for the Church, Day Care Center and School.	Owner and KHC	December 2012	December 2023	During development of detailed plans		Conduct noise reading and review in accordance with Secretary of Interior Standards.	Work activity has not been initiated.
NI		CTS	R, GP	KTA	KTA		7	23	Place interpretive signage within the district.	Metro Government KHPAT and KHC	December 2012	December 2023		Interpretive Signage	SDC will develop signage plan as part of the construction documents.	Recommendations on interpretive signage were included as an element of the Final HPP and the PL & G plans prepared by SDC 1
U		CTS	R, GP	KTA	KTA		8	23	Streetscape improvements along Main Street and Market Street from Royal Street to Clay Street and in the area under the I-465 Bridge in accordance with provisions of the HPP and the KHC streetscape design guidelines.	Metro Government and KHPAT	March 2008	March 2012		Streetscape Plan for improvements to the designated areas	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Recommendations on streetscape improvements for specific locations are included as part of the Final HPP. Development of specific streetscape plans have not been initiated.
NI		CTS	R, GP	KTA	KTA		9	23	Develop and implement a blasting/vibration plan as set forth in Stipulation I.L.	Metro Government and KHPAT	January 2008	December 2020	Complete prior to initiation of construction	Blasting/Vibration Plan to be included in the Final Construction Documents	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Work activity has not been initiated.
						M		24	Country Estates Historic District / River Road Corridor							
U		CTS	R, GP	L	CTS		1	24	Develop a HPP, which shall specifically consider and develop recommendations for the following:	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	Prior to Preliminary Field Check Plans		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Final HPP authorized by FHWA on completion on 5/15/09. Revisions to the HPP were presented to the KHPAT on 12/11/09. Additional revisions to follow for continuing review.
U		CTS	R, GP	L	CTS		a	24	Country Estates of River Road Historic District, including individually listed NRHP properties within the district	City of Prospect, Metro Government and KHPAT	April 2005	May 2009			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	CTS		b	24	James T. Taylor / James W. Chandler House	City of Prospect, Metro Government and KHPAT	April 2005	May 2009			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above

STIPULATION III - SITE SPECIFIC MITIGATION (Cont.)

Status	FHWA/STA/SHPO	Taskmaster(s) & Lead				MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
		GEC	Sub-consultant	SDC	Current Lead	Item	Sub Item	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U		CTS	R, GP	L	CTS		c	24	Merrivether House	City of Prospect, Metro Government and KHPAT	April 2005	October 2009				HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	CTS		d	24	Upper River Road Bridge over Harrods Creek	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	CTS		e	24	Herods Creek Village Historic District	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	CTS		f	24	Schildknecht House	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	CTS		g	24	Deiterman House	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	CTS		h	24	Allison-Barrickman House	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	CTS		i	24	St. Francis in the Fields Church	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	CTS		j	24	Bellevue	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above

U		CTS	R, GP	L	CTS		k	24	Rosewell	City of Prospect, Metro Government and KHPAT	April 2005	October 2009	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	See M.1 update, above
U		CTS	R, GP	L	L		2	24	Design and construct proposed roadways, bridges and tunnels from I-71 to the OH River, taking into consideration the cultural landscapes that are important contributing elements to the district.	City of Prospect, Metro Government and KHPAT	January 2004	December 2015	None Established			Design and construct proposed roadways, bridges and tunnels from I-71 to the OH River, taking into consideration the cultural landscapes that are important contributing elements to the district.	Draft HPP recommend roadway, bridge & tunnel design considering cultural landscapes.
U		CTS	R, GP	L	L		3	24	Design and construct roadway lighting as set forth in Stipulation II.D.	City of Prospect, Metro Government and KHPAT	January 2008	December 2015	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Recommendations on roadway lighting are included as part of the Draft HPP. Input sought from HPATs on lighting in Section 5 at 02/14/08 meeting.
U		CTS	R, GP	L	L		4	24	Implement noise abatement measures where the Project noise is expected to affect the listed and eligible properties as set forth in Stipulation II.E.	City of Prospect, Metro Government and KHPAT	January 2010	December 2015	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Noise Barrier Analysis completed by SDG 4. Noise abatement to be implemented where determined reasonable and feasible.
U		CTS	R, GP	L	L		5	24	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	City of Prospect, Metro Government and KHPAT	January 2006	December 2010	Complete prior to initiation of construction	Blasting/Vibration Plan to be included in the Final Construction Documents		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	No blasting or vibration activities occurred during the period that required implementation of this stipulation.
U		CTS	R, GP	L	L		6	25	Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties.	City of Prospect, Metro Government and KHPAT	January 2006	December 2010	None Established			Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties.	No work zones identified in the US 42 ramp relocation and exploratory tunnel plans.
						N		25	Drummond								
U		CTS	R, GP	L	FHWA		1	25	Project through this property to be contained in a tunnel so as to limit adverse effects.	Owner, KYTC, KHC and KHPAT	April 2003	December 2023	None Established			Project through this property to be contained in a tunnel so as to limit adverse effects.	Tunnel through this property remains a component of Section 4.
U		CTS	R, GP	L	KYTC		2	25	Acquire or establish a historic preservation easement for the entire Drummond historic property.	Owner and KHC	January 2005	December 2008	None Established			Acquire or establish a historic preservation easement for the entire Drummond historic property.	For Drummond, negotiations with the property owner will determine future development of easement.
U		CTS	R, GP	L	FHWA		3	25	If acquiring a preservation easement is not possible, FHWA will acquire the property, place the required easement on the property and transfer to KYTC who shall seek to sell the property at fair market value or donate to a	Owner and KHC	December 2008	December 2009	None Established			If acquiring a preservation easement is not possible, FHWA will acquire the property, place the required easement on the property and transfer to KYTC who shall seek to sell the property at fair market value or donate to a	For Drummond, negotiations with the property owner will determine future development of easement.
U		CTS	R, GP	L	L		4	25	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L. Monitor the historic buildings to preclude impacts due to blasting.	KHPAT and KHC	January 2006	December 2010	Plan to be completed prior to initiation of construction. Monitoring to occur during construction activities	Blasting/Vibration Plan to be included in the Final Construction Documents		HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	No blasting or vibration activities occurred during the period that required implementation of this stipulation.

STIPULATION III - SITE SPECIFIC MITIGATION (Cont.)																	
Taskmaster(s) & Lead						MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
Status ¹	FHWA/STA/SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
NI		CTS	R, GP	L	KYTC	O	1	25	Allison-Barrickman House	Owner and KHC	January 2009	January 2011	None Established			Acquire a historic preservation easement for the Allison-Barrickman house on the tract of land within the NRHP boundary and an easement on the property bounded by US 42, KY 841, the Allison-Barrickman property and Wolf Pen Branch Road	For the tract of land within the NRHP boundary, coordination with the owner is continuing. For the land outside of this tract, the property owner has refused to place an easement.
U		CTS	R, GP	L	L		2	25	Implement noise abatement measures as set forth in Stipulation II.E.	KHPAT	January 2010	December 2015	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Noise Barrier Analysis completed by SDG 4. Noise abatement to be implemented where determined reasonable and feasible.
U		CTS	R, GP	L	L		3	26	Define a "no-work zone" within the NRHP boundary of the property.	KHPAT and KHC	January 2006	December 2010	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	No work zones identified in the US 42 ramp relocation and exploratory tunnel plans.

U		CTS	R, GP	L	L		1	26	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	KHPAT and KHC	January 2006	December 2010	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	No blasting or vibration activities occurred during the period that required implementation of this stipulation.
						P		26	Rosewell								
U		CTS	NR	L	L		1	26	Develop and implement a Treatment Plan to minimize damage to the property.	KHPAT and KHC	January 2006	December 2009	None Established		Treatment Plan	Develop and implement a Treatment Plan to minimize damage to the property.	The KY SHPO provided comments on the 60% plans and specifications on 12/1/06. The plans were presented to the KHPAT on 12/1/09. The 60% plans and specs are anticipated to be completed in the next Reporting period in advance to construction in summer 2010.
NI		CTS	R, GP	L	KYTC		3	26	Place a preservation easement on the property and then sell to a local historic preservation organization or other acceptable party or donate to a local government.	Owner, KHPAT and KHC	January 2008	December 2009	Immediately following acquisition			Place a preservation easement on the property and then sell to a local historic preservation organization or other acceptable party or donate to a local government.	HWL is preparing Rosewell for re-sale or public use.
U		CTS	R, GP	L	L		4	26	Design and construct roadway lighting as set forth in Stipulation II.D.	KHPAT, KHC and City of Prospect	January 2009	December 2015	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Recommendations on roadway lighting are included as part of the Draft HPP. Input sought from HPATs on lighting in Section 5 at 02/14/09 meeting.
U		CTS	R, GP	L	L		5	26	Implement noise mitigation measures as set forth in Stipulation II.E.	KHPAT, KHC and City of Prospect	January 2009	December 2015	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Noise Barrier Analysis completed by SDG 4. Noise abatement to be implemented where determined reasonable and feasible.
NI		CTS	R, GP	L	L		6	26	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	KHPAT, KHC and City of Prospect	January 2006	December 2010	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Work activity has not been initiated.
NI		CTS	R, GP	L	L		7	26	Define a "no-work zone" within the NRHP boundary of the property.	KHPAT, KHC and City of Prospect	January 2006	December 2010	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Work activity has not been initiated.
						G		26	Belleview								
U	1	CTS	R, GP	L	L		1	26	Design Ohio River Bridge and entrance adjacent to the property taking into account the cultural landscape associated with this property. Consider context sensitive landscaping and other visual treatments on or adjacent to the NRHP boundary, with owner consent and maintenance.	Owner, KHPAT and KHC	January 2006	December 2015	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Recommendations on these elements are included as part of the Draft HPP.
U	2	CTS	R, GP	L	L		2	27	Design and construct roadway lighting within the viewshed of Belleview as set forth in Stipulation II.D.	KHPAT and KHC	January 2008	December 2015	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Recommendations on roadway lighting are included as part of the Draft HPP. Input sought from HPATs on lighting in Section 5 at 02/14/09 meeting.
U	3	CTS	R, GP	L	L		3	27	Implement noise mitigation measures as set forth in Stipulation II.E.	KHPAT and KHC	January 2010	December 2015	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Noise Barrier Analysis completed by SDG 4. Noise abatement to be implemented where determined reasonable and feasible.
NI	4	CTS	R, GP	L	L		4	27	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	KHPAT and KHC	January 2006	December 2010	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Work activity has not been initiated.
NI	5	CTS	R, GP	L	L		5	27	Define a "no-work zone" within the NRHP boundary of the property.	KHPAT and KHC	January 2006	December 2010	None Established			HPAT recommendations to be considered by BSHCT and elevated to BSMT for final decision.	Work activity has not been initiated.

STIPULATION IV - ARCHAEOLOGICAL RESOURCES*																	
Status ¹	Taskmaster(s) ² & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline			Product & Implementation			
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
						A			Implementation Standards								
U	KYTC	CTS	A	NR	FHWA		1	27	In implementing Stipulation IV, FHWA may withhold or limit public disclosure of information about historic properties.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		2	27	FHWA to ensure consultation with Indian Tribes is conducted in a manner consistent with 36 CFR 800.2(a)(2)(i)(A), (B) & (C).	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		3	27	FHWA to make every effort to complete identification & evaluation of archaeological resources at the earliest possible time in Project design.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	FHWA	CTS	NR	NR	FHWA		4	27	In implementing Stipulation IV, FHWA may consult with the parties identified in Attachment F of the MOA.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		5	27	FHWA will take reasonable measures to avoid disinterment & disturbance to human remains and grave goods of religious & cultural significance to Indian Tribes.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
						B		28	Identification				None Established				
U	KYTC	CTS	A	NR	FHWA		1	28	Before letting any type of Project in the APE or selecting sites for ancillary activities associated with the Project, FHWA shall complete the identification & evaluation of archaeological resources for inclusion in the NRHP.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		2	28	Examine all locations where ground-disturbing are proposed or where they may occur within temporary right-of-way.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (Cont.)																	
Status ¹	Taskmaster(s) ² & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U	KYTC	CTS	A	NR	FHWA		3	28	To ensure the sensitive, respectful and careful treatment of human remains and grave goods, FHWA to be guided by ACHP's Policy Statement Regarding Treatment of Human Remains and Grave Goods and where appropriate other guidelines.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		a	28	Make every reasonable effort to avoid disinterment or disturbance of human remains and grave goods.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.

U	KYTC	CTS	A	NR	FHWA		b	28	Make a reasonable and good faith effort to determine the location, cultural/temoral period, and cultural affiliation of human remains and/or grave goods without any removal or destructive analysis of remains. FHWA may remove remains for study if determined in consultation with KYHC & Indian Tribes that information cannot be obtained without disturbance.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		c	28	Ensure human remains and/or grave goods are not photographed or subject to invasive study.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		d	28	Provide written notification & documentation of discovery to the appropriate SHPO, Indian Tribes & other parties determined appropriate within 48 hours.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA	4		29	Develop a Plan(s) for the identification & evaluation of archaeological resources.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established	Plan(s) for the identification & evaluation of archaeological resources.		Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		a	29	FHWA to provide the SHPOs, Indian Tribes and other parties determined appropriate 30 days to review & comment on Plan(s); final Plan(s) to address comments.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established	Draft Plan(s) for the identification & evaluation of archaeological resources.		Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		b	29	If no response received from the above parties in 30 days, FHWA may proceed with Plan(s).	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established	Plan(s) for the identification & evaluation of archaeological resources.		Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA		c	29	Any dispute regarding Plan(s) to be resolved in accordance with Stipulation XII.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA	5		29	FHWA to prepare & distribute final Identification & Evaluation reports in accordance with Stipulation IV.F.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
						C		29	Evaluation	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	
U	KYTC	CTS	A	NR	FHWA	1		29	Studies completed pursuant to Stipulation IV.B to demonstrate a level of effort consistent with 36 CFR 800.4(b)(1) and provide FHWA with information to determine NRHP eligibility.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (Cont.)

Taskmaster(s) & Lead						MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
Status ¹	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U	KYTC	CTS	A	NR	FHWA	2		29	Archaeological resources considered eligible for the NRHP by FHWA to be treated in accordance with Stipulations IV.D & IV.E.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
NI	KYTC	CTS	A	NR	FHWA	3		29	FHWA to seek a formal determination of NRHP eligibility from Keeper of NRHP if disagreement between FHWA & SHPO.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	Refer to IV.C.1. above.
U	KYTC	CTS	A	NR	FHWA	4		29	No further action necessary for archaeological resource that FHWA & the SHPO agree are not eligible for the NRHP.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
NI	KYTC	CTS	A	NR	FHWA	5		29	FHWA to notify Indian Tribes and other parties whom so request of findings of eligibility.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.

NI	KYTC	CTS	A	NR	FHWA	D	6	29	FHWA to reconsider its determination if a Party objects to FHWA's determination of eligibility in writing within 15 days.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period
U	KYTC	CTS	A	NR	FHWA	D	1	30	Assessment of Effects FHWA to determine if Project will adversely affect NRHP eligible archaeological resources in consultation with the SHPO, Indiana Tribes when appropriate, & other parties deemed appropriate by FHWA.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period
NI	KYTC	CTS	A	NR	FHWA	D	2	30	If FHWA determines Project may adversely affect NRHP eligible archaeological resources, reasonable efforts to be made to avoid/minimize adverse effect. If it's not possible to avoid disturbance, FHWA to treat resources in accordance with Stipulation IV.E.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period
NI	KYTC	CTS	A	NR	FHWA	D	3	30	Disputes regarding the determination of effects on archaeological resources to be resolved in accordance with Stipulation XIII.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period
						E		30	Treatment	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	
NI	KYTC	CTS	A	NR	FHWA	D	1	30	If FHWA determines that an adverse effect cannot be avoided or minimized, a treatment plan will be developed & implemented to mitigate such effects on a site-by-site basis. At a minimum, treatment plan is to include:	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Treatment plan to be implemented prior to initiation of any Project construction activities within a segment that could affect that site.		Same as Description	No activity in this Reporting Period
NI	KYTC	CTS	A	NR	FHWA	D	a	30	Description of the historic properties or portions of historic properties where treatment will be carried out.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period
NI	KYTC	CTS	A	NR	FHWA	D	b	31	Description of any historic property or portion thereof that will be adversely affected without treatment for such action.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period
NI	KYTC	CTS	A	NR	FHWA	D	c	31	Methods for site preservation/protection.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period
NI	KYTC	CTS	A	NR	FHWA	D	d	31	Research questions to be addressed through data recovery.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (Cont.)

Taskmaster(s) & Lead						MOA Reference			Stakeholders & Commitment Description			Duration & Deadline			Product & Implementation		
Status ¹	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub-Item	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
NI	KYTC	CTS	A	NR	FHWA		e	31	Field methods to be used with an explanation of their relevance & applicability.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period	
NI	KYTC	CTS	A	NR	FHWA		f	31	Methods to be used in data analysis, data management & dissemination of data, including a schedule.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period	
NI	KYTC	CTS	A	NR	FHWA		g	31	Plans for treatment of human remains & grave goods.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period	
NI	KYTC	CTS	A	NR	FHWA		h	31	Plans for curation of recovered materials & records.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period	
NI	KYTC	CTS	A	NR	FHWA		i	31	Provisions for removal of human remains & grave goods where appropriate.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period	
NI	KYTC	CTS	A	NR	FHWA		j	31	Plans for public education & interpretation.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period	
NI	KYTC	CTS	A	NR	FHWA		k	31	Plans for keeping the SHPOs, Indian Tribes and other appropriate parties informed of work progress & findings.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period	
NI	KYTC	CTS	A	NR	FHWA		l	31	Schedule for the submission of reports & other deliverables.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period	

NI	KYTC	CTS	A	NR	FHWA		2	31	Plans addressing treatment of human remains & grave goods to be guided by the ACHP's Policy Statement Regarding Treatment of Human Remains & Grave Goods and other guidelines where appropriate. FHWA to be also be guided by:	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
NI	KYTC	CTS	A	NR	FHWA		a	31	Burials that will not be threatened or disturbed by the Project shall not be disinterred or disturbed through scientific study.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
NI	KYTC	CTS	A	NR	FHWA		b	31	If disturbance cannot be avoided, FHWA to determine if scientific study of human remains, grave goods & the burial matrix will be conducted. FHWA's decision must be supported by an explicit set of definitive & justified questions on a case-by-case basis.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
NI	KYTC	CTS	A	NR	FHWA		c	32	Human remains and funerary objects of religious & cultural significance to Indian Tribes may be photographed only when FHWA in consultation with the SHPOs, Indiana Tribes where appropriate & other appropriate parties determines that it is called for & justified in a site-specific treatment plan to support scientific study.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
NI	KYTC	CTS	A	NR	FHWA		d	32	Disinterred human remains and/or grave goods should be reburied as soon as possible in a timeframe, location & manner determined appropriate by FHWA.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.
NI	KYTC	CTS	A	NR	FHWA		3	32	Human remains & grave goods to be made available for reburial to appropriate party or responsible official 30 days from determination.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period.

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (Cont.)

Taskmaster(s) & Lead					MOA Reference		Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation				
Status	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
NI	KYTC	CTS	A	NR	FHWA		4	32	FHWA to provide ACHP, the SHPOs, Indian Tribes who've expressed interest in the site, other parties deemed appropriate by FHWA, 30 days to comment on treatment plans. FHWA to ensure the final plan(s) take comments into consideration.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period
NI	KYTC	CTS	A	NR	FHWA		5	32	Disputes regarding the treatment plan(s) to be resolved in accordance with Stipulation XII.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period
NI	KYTC	CTS	A	NR	FHWA		6	32	After implementing stipulations for treatment, FHWA may elect to monitor construction activities in selected portions of right-of-way. Monitoring to be conducted by qualified archaeologist.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period
						F		33	Qualifications & Reporting	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established			Same as Description	No activity in this Reporting Period

U	FHWA	NR	NR	NR	FHWA	1	33	Work carried out is to be performed by, or under the direct supervision of, a person(s) meeting Secretary of the Interior's Professional Qualification Standards in archaeology & has supervisory experience in prehistoric & historic archaeology of the lower Ohio Valley.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period.
U	KYTC	CTS	A	NR	FHWA	2	33	FHWA to ensure results of archaeological studies are presented in professionally written reports meeting standards established by the SHPOs.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period.
D	INDOT/ KYTC	CTS	A	NR	FHWA	3	33	Sensitive information regarding the nature & location of human remains/grave goods & the location, character & ownership of archaeological sites is kept confidential from the public.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period.
D	INDOT/ KYTC	CTS	A	NR	FHWA	4	33	Parties to have 30 days after confirmed receipt to review & comment on reports. FHWA to address comments in final report.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	None Established		Same as Description	No activity in this Reporting Period.
D	INDOT/ KYTC	CTS	A	NR	FHWA	5	33	Disputes regarding report(s) to be resolved in accordance with Stipulation XIII.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	When Appropriate		Same as Description	No activity in this Reporting Period.
D	INDOT/ KYTC	CTS	A	NR	FHWA	6	33	Distribution of Final Reports	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	When Appropriate		Same as Description	
D	INDOT/ KYTC	CTS	A	NR	FHWA	1	33	FHWA to provide copies of final reports to respective SHPOs, STAs & Indian Tribes, when appropriate.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Upon Completion of Work		Same as Description	No activity in this Reporting Period.
D	INDOT/ KYTC	CTS	A	NR	FHWA	2	33	FHWA to prepare sufficient copies of final reports for dissemination to public libraries, educational institutions & other repositories in Jefferson & Clark Counties.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023			Same as Description	The BSMT approved use of a general audience booklet to distribute the results of the various archaeological reports.
D	INDOT/ KYTC	CTS	A	NR	FHWA	3	33	FHWA to ensure that final archaeological reports for public dissemination do not contain sensitive information.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023			Same as Description	No activity in this Reporting Period.

* - KYTC has procured the services of Cultural Resource Analysts (CRA), a consultant under a statewide contract, to perform archaeological investigations for Sections 1 and 4, as well as within the Ohio River floodplain in Kentucky. ASC Group will perform archaeological investigations in Sections 3 and 6, as well as within the Ohio River floodplain in Indiana.

STIPULATION V - UNANTICIPATED DISCOVERIES																	
Status ¹	Taskmaster(s) ² & Lead				MOA Reference			Stakeholders & Commitment Description		Duration & Deadline			Product & Implementation				
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	A		34	KYTC or INDOT to ensure work within 50 ft. around the area of an unanticipated discovery ceases until a treatment plan is developed & implemented.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project		KYTC or INDOT to ensure work within 50 ft. around the area of an unanticipated discovery ceases until a treatment plan is developed & implemented.	No activity in this Reporting Period.	
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	B		34	FHWA to make all reasonable measures to avoid property until conclusion of consultation with SHPO, Indian Tribes and other appropriate parties.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project		FHWA to make all reasonable measures to avoid property until conclusion of consultation with SHPO, Indian Tribes and other appropriate parties.	No activity in this Reporting Period.	
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	C		34	FHWA shall contact SHPO, Indian Tribes and other appropriate parties within 48 hours and provide written details of discovery.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Within 48 hours		FHWA shall contact SHPO, Indian Tribes and other appropriate parties within 48 hours and provide written details of discovery.	No activity in this Reporting Period.	
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	D		34	INDOT or KYTC shall conduct an on-site evaluation of discovery to determine eligibility effects and possible treatment measures.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Within 48 hours, or at the earliest opportunity thereafter		INDOT or KYTC shall conduct an on-site evaluation of discovery to determine eligibility effects and possible treatment measures.	No activity in this Reporting Period.	

NI	INDOT/ KYTC	CTS	NR	NR	FHWA	E		34	Develop appropriate Treatment Plan(s) for discovered historic property.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			Consult with the BSHCT, HPATs and Native American Tribes to develop report. Use AT recommendations considered by BSHCT and elevated to BSMT for approval.	No activity in this Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	F		34	Ground-disturbing work may commence at sites determined ineligible for NRHP.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			Coordination with INSHPO, KYC and STAs to ensure site eligibility.	No activity in this Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	G		34	Parties shall invoke provisions for dispute resolution should consensus on eligibility not be reached.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			As required, provisions of dispute resolution to be followed (Stipulation XIII).	No activity in this Reporting Period.

STIPULATION VI - ADDITIONAL HISTORIC PROPERTIES AND EFFECTS

Taskmaster(s) & Lead					MOA Reference		Stakeholders & Commitment Description			Duration & Deadline				Product & Implementation			
Status ¹	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	A		35	INDOT or KYTC shall consult with FHWA, SHPOs, Indian Tribes and other parties to determine if other historic properties in addition to those already identified or through Stipulation IV will be affected by the Project.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Before approval of plans for staging, wetland, mitigation, borrow, waste, dredge disposal, or other construction are approved.			INDOT or KYTC shall consult with FHWA, SHPOs, Indian Tribes and other parties to determine if other historic properties in addition to those already identified or through Stipulation IV will be affected by the Project.	No activity in this Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	B		35	Where historic properties are adversely affected, FHWA shall consult with INDOT and/or KYTC, SHPO, Indian Tribes and other appropriate parties to minimize or mitigate effects.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			Where historic properties are adversely affected, FHWA shall consult with INDOT and/or KYTC, SHPO, Indian Tribes and other appropriate parties to minimize or mitigate effects.	No activity in this Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	FHWA	C		35	If agreement on measures to mitigate the adverse effect, FHWA will ensure those measures are implemented. Resolve disputes in accordance with Stipulation XIII.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			As required, provisions of dispute resolution to be followed (Stipulation XIII).	No activity in this Reporting Period.

STIPULATION VII - EXCESS RIGHT OF WAY

Taskmaster(s) & Lead					MOA Reference		Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation				
Status ¹	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
NI	INDOT/ KYTC	CTS	NR	NR	FHWA			35	If Project should result in excess right-of-way to be disposed, the FHWA shall consult appropriate SHPO to determine whether the disposal or sale would have an adverse effect on historic properties.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			If Project should result in excess right-of-way to be disposed, the FHWA shall consult appropriate SHPO to determine whether the disposal or sale would have an adverse effect on historic properties.	No excess right-of-way was determined necessary during the Reporting Period.

STIPULATION VIII - PERFORMANCE STANDARDS

Taskmaster(s) & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation			
Status ¹	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U	INDOT/ KYTC	CTS	NR	NR	FHWA	A		35	FHWA shall ensure all cultural resources work carried out will be carried out by or under the direct supervision of individuals that meet the Secretary of the Interior's Professional Qualification Standards.	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			FHWA shall ensure all cultural resources work carried out will be carried out by or under the direct supervision of individuals that meet the Secretary of the Interior's Professional Qualification Standards.	Condition to be met the duration of the Project.
U	INDOT/ KYTC	CTS	NR	NR	FHWA	B		35	FHWA shall ensure all historic preservation resource work carried out will be guided by the most recent version of the following standards:	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			FHWA shall ensure all historic preservation resource work carried out will be guided by the most recent version of the following standards.	Condition to be met the duration of the Project.
U	INDOT/ KYTC	CTS	NR	NR	FHWA		1	35	The Secretary of Interior Standards and Guidelines for Archaeology and Historic Preservation	HPATs, IN SHPO, KY SHPO and Native American Tribes	April 2003	December 2023	Duration of Project			continued	Condition to be met the duration of the Project.

U	INDOT/ KYTC	CTS	NR	NR	continued	2	35	Advisory Council on Historic Preservation: Treatment of Archaeological Properties: A Handbook	continued	continued	continued	continued		continued	Condition to be met the duration of the Project.
U	INDOT/ KYTC	CTS	NR	NR	continued	3	36	Indiana Guidelines: Division of Historic Preservation and Archaeological Guidelines; most recent version of the Indiana Archaeological Guidelines updating the Guidebook for Indiana Historic Sites	continued	continued	continued	continued		continued	Condition to be met the duration of the Project.
U	INDOT/ KYTC	CTS	NR	NR	continued	4	36	Kentucky Guidelines: Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports; most recent version of Kentucky State Historic Preservation Office	continued	continued	continued	continued		continued	Condition to be met the duration of the Project.

STIPULATION IX - PROGRESS REPORTS																	
Status ¹	Taskmaster(s) & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
U		CTS	NR	NR	CTS	A		35	Progress reports detailing implementation of the measures stipulated within the MOA and providing advanced notice of milestones.	IHPAT, KHPAT, Signatories and Concurring Parties of MOA	April 2003	December 2023	Every six (6) months until all phases of the project are complete	Report No. 1 - 7/21/04 Report No. 2 - 9/20/04 Report No. 3 - 4/22/05 Report No. 4 - 10/10/05 Report No. 5 - 2/23/06 Report No. 6 - 11/28/06 Report No. 7 - 5/6/07 Report No. 8 - 12/17/07 Report No. 9 - 3/5/08 Report No. 10 - 9/9/08 Report No. 11 - 3/2/09 Report No. 12 - 9/3/09	Six Month Progress Report	After the expiration of the Six Month Period, Progress Report to be developed and distributed within three months of close of Reporting Period.	This Report submitted as Progress Report No. 13.
U		CTS	NR	NR	CTS	C		36	Progress report to identify the status of each stipulation outlined in the MOA & of associated documents.	IHPAT, KHPAT, Signatories and Concurring Parties of MOA	April 2003	December 2023			Six Month Progress Report	Progress report to identify the status of each stipulation outlined in the MOA & of associated documents.	Condition to be met the duration of the Project.

STIPULATION X - PROJECT MODIFICATIONS																	
Status ¹	Taskmaster(s) & Lead					MOA Reference			Stakeholders & Commitment Description		Duration & Deadline				Product & Implementation		
	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	Current Lead	Item	Sub Items	Pg. No.	Description	Identified Stakeholders	Anticipated Start Date	Anticipated Completion Date	MOA Deadline	Actual Completion Date	Product	Implementation Plan	Remarks & Comments
INI	N/A	CTS	NR	NR	INDOT and KYTC			38	If the Project is significantly modified and additional effects to historic properties are considered the FHWA will consult with the signatories to determine if the MOA should be amended.	IHPAT, KHPAT, Signatories and Concurring Parties of MOA	April 2003	December 2023	Duration of Project			If the Project is significantly modified and additional effects to historic properties are considered the FHWA will consult with the signatories to determine if the MOA should be amended.	No significant modifications to the Project occurred during the Reporting Period.

ATTACHMENT D

PROGRESS REPORT SCHEDULE

Pursuant to Stipulation IX of the Section 106 MOA, the following schedule by section and milestones is anticipated for the Project in ensuing Reporting Periods.

SECTION 1 – KENNEDY INTERCHANGE

- Butchertown Final HPP Approval – FY 2010
- Butchertown Dispute Resolution Conclusion – FY 2010
- Coordination Meeting for Resolution of Noise Barriers along I-64 in the vicinity of Clifton – FY 2010
- Coordination Meetings with SDC 2 – On-going
- Section 1A Archaeological Exploration Final Report – FY 2010
- Continuation of Jefferson County Inventory and Survey of Historic Sites – March 2010
- Continuation of Development of Preservation Easements for the Edison House – On-going
- Wesley House Preservation Easement – FY 2010

SECTION 2 – DOWNTOWN BRIDGE

- Additional Context Sensitive Design Workshop with IHPAT and KHPAT – As needed
- Coordination Meetings with SDC 1 – On-going

SECTION 3 – DOWNTOWN INDIANA

- Completion of Clark County Interim Report and Historic Sites and Structures Inventory – February 2010
- Completion of the Rehabilitation Plans for the Train Depot – Spring 2010

SECTION 4 – KENTUCKY EAST END

- Country Estates of River Road/River Road HPP – Final HPP for Approval in Spring 2010
- Final Rosewell Treatment Plan Review – FY 2010
- Final R/W Plans – FY 2010
- Community Meetings to Discuss Noise Barrier Analysis and Possible Design Concepts for the Proposed Noise Barriers – FY 2010
- Coordination Meetings with SDC 5 – On-going
- SDC 4 developing outfall treatment facilities for the bridge and tunnel – Pending
- Continuation of Jefferson County Inventory and Survey of Historic Sites – March 2010

SECTION 5 – EAST END BRIDGE

- Coordination Meetings with SDC 4 and SDC 6 – On-going

SECTION 6 – INDIANA EAST END

- Swartz Farm MOA Amendment – On-going
- Swartz Farm Rural HD Final HPP Approval – Pending MOA Amendment
- Completion of Utica Historic Lime Kilns HPP – Spring 2010
- Utica Historic Lime Kilns NRHP Nomination Form – Spring 2010
- Coordination Meetings with SDC 5 – On-going
- Completion of Clark County Interim Report and Historic Sites and Structures Inventory – February 2010

PROJECT WIDE ACTIVITIES

Archaeological GIS Revision – On-going