

**Louisville - Southern Indiana Ohio River Bridges Project**  
**Progress Report Number 20**  
**January 1, 2013 – June 30, 2013**  
**Implementation of the Section 106 First Amended Memorandum**  
**of Agreement**

The Section 106 First Amended Memorandum of Agreement (MOA)<sup>1</sup> for the Louisville – Southern Indiana Ohio River Bridges Project (Project) was executed on March 29, 2012. Attachment A provides a list of the signatories to the First Amended MOA. Included in the First Amended MOA was a stipulation providing for the preparation of a Progress Report (Stipulation IX). The following is Progress Report No. 20, which covers the January 1 – June 30, 2013 reporting period (Reporting Period).

Activity during the Reporting Period concentrated on the approval of the Historic Preservation Plan (HPP) for the Ohio River Camps Multiple Property Group; revision of the National Register of Historic Places (NRHP) nominations for the Utica Limekilns and relocation of the five contributing resources in the Old Jeffersonville Historic District (HD). Additionally, efforts focused on activities related to the Downtown and East End Procurements with the selected construction contractors.

A Settlement Agreement (SA) was reached in federal litigation between the Indiana Department of Transportation (INDOT)/the Kentucky Transportation Cabinet (KYTC) and the National Trust for Historic Preservation (NTHP)/River Fields, Inc. The SA was reached in January 2013. A detailed listing of the activities related to the stipulations of the SA is included as Attachment E.

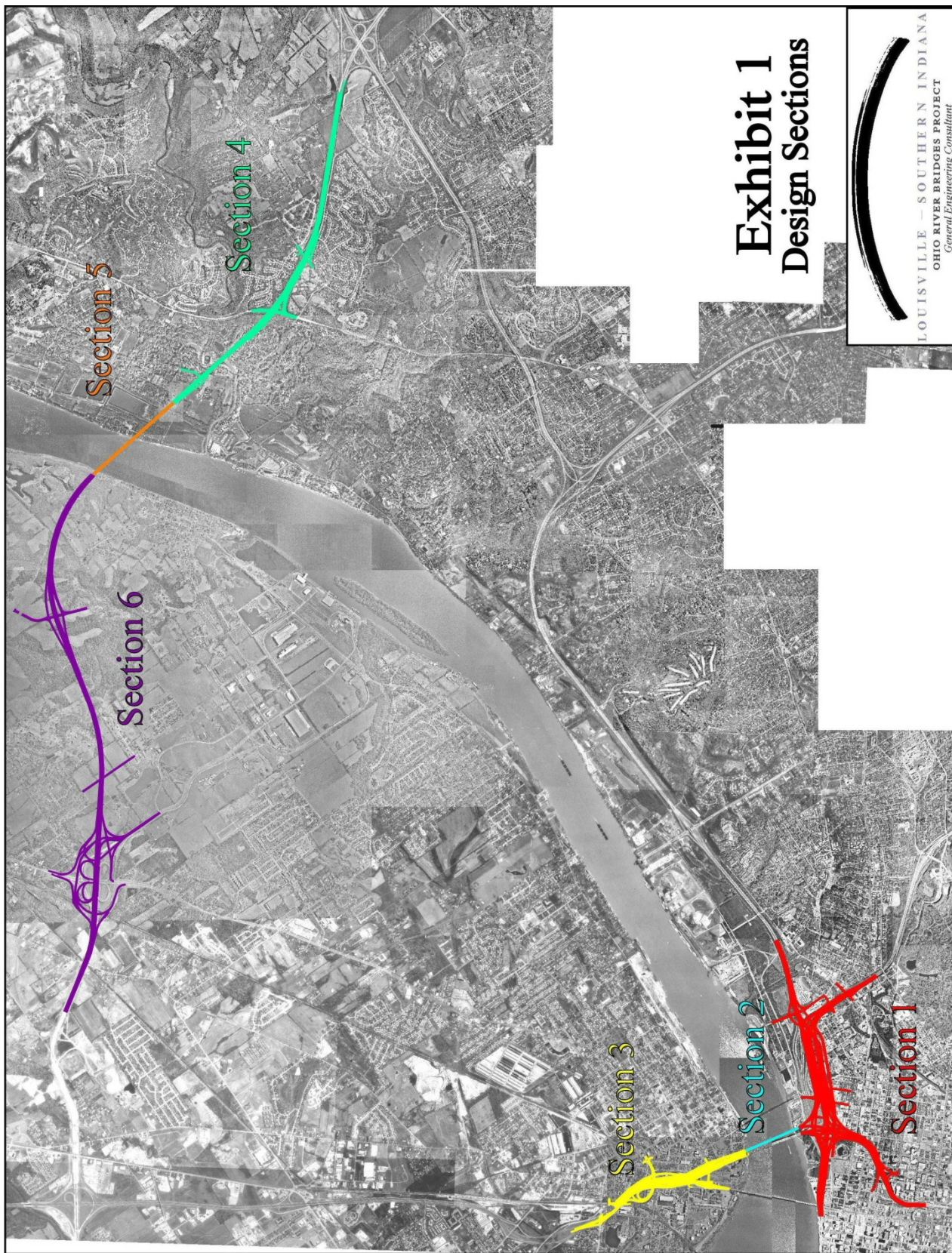
**PART I – OVERALL PROJECT STATUS**

The INDOT and the KYTC executed the prime contract for Community Transportation Solutions – General Engineering Consultant (CTS-GEC) on April 20, 2005.

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).

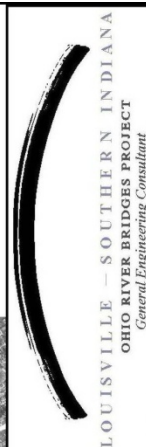
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<sup>1</sup> A copy of the Section 106 First Amended MOA can be obtained by accessing the Project Website; the URL address is located at <http://www.kyinbridges.com>



# Exhibit 1

## Design Sections



## **PART II – IMPLEMENTATION OF MITIGATION MEASURES CONTAINED IN THE FIRST AMENDED MOA**

Measures to mitigate adverse effects of the Project on historic properties are described in the First Amended 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 First Amended MOA stipulations completed during the Reporting Period is contained in Attachment C. Activities completed toward satisfying the various stipulations of the First Amended MOA during the Reporting Period are described in the following information.

### **STIPULATION I: Project Coordination**

**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 BiState Historic Consultation Team (BSHCT) for further action. **Indiana Historic Preservation Advisory Team (IHPAT) meetings were held on March 27, 2013, April 18, 2013 (combined meeting) and June 5, 2013. Kentucky Historic Preservation Advisory Team (KHPAT) meetings were held on January 8, 2013, March 28, 2013, April 18, 2013 (combined meeting) and June 6, 2013.**

**Stipulation I.A.6** clarifies that additional participants may be invited to participate on the HPATs at the discretion of the HPAT Co-chairs. **Ms. Martina Kunnecke, Neighborhood Planning and Preservation, and Ms. Alice Gunnison, Wolf Pen Preservation Association were added as KHPAT members in this Reporting Period.**

**Stipulation I.A.9.** provides that the respective Co-chairs will continue to convene additional meetings with the HPATs to review project information and provide design/construction status

updates. Coordination will occur every three months (quarterly) or at the request of the Co-chairs until all commitments in this First Amended MOA have been fulfilled. **HPAT meetings for the second half of 2013, 2014, 2015 and 2016 have been scheduled and posted to the Project website.**

**Stipulation I.A.10.** provides for the distribution of materials needed for review by the advisory teams and comments following scheduled meetings. **Indiana Historic Preservation Advisory Team (IHPAT) meetings were held on March 27, 2013, April 18, 2013 (combined meeting) and June 5, 2013. Kentucky Historic Preservation Advisory Team (KHPAT) meetings were held on January 8, 2013, March 28, 2013, April 18, 2013 (combined meeting) and June 6, 2013. Appropriate materials for discussion at these meetings were distributed to the IHPAT and KHPAT prior to each meeting.**

**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. **Comments were received from the KHPAT members at the meetings of April 18, 2015 and June 6, 2013 and incorporated into the Project record.**

**Stipulation I.B.** provides for a BiState Historic Consultation Team (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. **BSHCT meetings were held on March 19, 2013, April 15, 2013 and May 21, 2013.**

**Stipulation I.B.5.** provides that the BSHCT will ensure that the comments and recommendations of the HPATs are given full consideration in preparing its recommendations to the BSMT or in reaching its final decision. **Comments were received from the KHPAT members at the meetings of April 18, 2015 and June 6, 2013 and incorporated into the Project record. No specific recommendations were made to the BSHCT. At the meeting of April 18, 2015, documentation in support of a request for blasting and vibration monitoring plans for additional historic structures was solicited from the HPAT members. At the meeting of June 6, 2013, KHPAT members asked for revisions to the report entitled *ORBDC – Visual Effects of CCTV Towers* based upon discussions at the meeting.**

**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 First Amended MOA and provides a means to consider recommendations of the HPATs through the BSHCT for final approval. **The BSMT approved Progress Report No. 19 (July 1, 2012 – December 31, 2012) for distribution on April 12, 2013. Following approval, the Progress Report was distributed in accordance with Stipulation IX of the MOA on that date. Progress Report Number 20 for the Reporting Period of January 1, 2013 – June 30, 2013 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, IHPAT and KHPAT meetings were held as previously discussed. For the Downtown Procurement, the *Community Outreach Plan* was prepared by Walsh and approved for use by KYTC on April 12, 2013. For the East End, the *Community Outreach Plan* was prepared by WVB and approved for use by the Indiana Finance Authority (IFA) on March 12, 2013. The *Public Involvement Plan* was provided to the BSHCT on April 15, 2013. This stipulation is completed.**

**Stipulation II.C.** provides that roadways, bridges, and other Project elements shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes and the historic context, utilizing professionals with experience related to historic preservation. Design shall include aesthetic treatments to complement historical contexts and the HPPs. The Contractor shall also prepare an *Aesthetics and Enhancement Implementation Plan* that shall be reviewed in consultation with the BSHCT. **For the Downtown Procurement, the *Aesthetics and Enhancement Implementation Plan* was prepared by Walsh and approved by KYTC on May 23, 2013. The *Record of Recommendations and Decisions* is under preparation for distribution.**

**For the East End Procurement, the *Aesthetics and Enhancement Implementation Plan* was prepared by WVB. It was presented at the IHPAT meeting of March 27, 2013, at the KHPAT meeting of March 28, 2013 and in public meeting open houses on April 17 and 18, 2013. No comments were received. There is no requirement for approval.**

**Stipulation II.D.** states that Project roadway lighting within the viewshed of historic properties and navigational lighting required on structures shall be designed and constructed to minimize the dispersion of light beyond the right of way and include state-of-the-art techniques and systems, such as Full Cutoff Optics (FCOs) or other similar systems that are required to ensure safe roadway lighting designs and navigation required by the U. S. Coast Guard and the Federal Aviation Administration. **Roadway lighting concepts are under development by Walsh near the historic districts for the Downtown Procurement.**

**Stipulation II.E.** provides that the Project shall be designed to minimize 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. **The *ORB Project Noise Abatement Plan* was prepared for the Downtown Procurement by Walsh on June 11, 2013 and forwarded to the BSHCT Co-chairs for review and comment.**

**Comments are expected in the next Reporting Period. In the East End, a noise abatement plan was included in the Environmental Compliance Mitigation Plan (ECMP).**

**Stipulation II.F.** describes the actions for preparation of Historic Preservation Plans (HPPs). The six historic properties for which HPPs are to be developed were identified in Stipulation II.F.2 (a through g).

**The final HPP for the Ohio River Camps Multiple Property Group was approved by the BSMT on March 26, 2013. This task is complete.**

**Stipulation II.I.** mandates the documentation required for NRHP nominations to secure National Register listing of specific properties. **Comments were received on NRHP nominations for the Utica lime kilns on April 15, 2013. A coordination meeting was held with the IN SHPO on May 2, 2013 to clarify the comments. The nominations were revised and resubmitted to the IN SHPO on June 7, 2012. Additional comments were received for the nomination for Kiln #48004 on June 25, 2013. Revisions will be made in the next Reporting Period.**

**Stipulation II.K.** specifies that interpretative signage shall be placed within the right of way of public streets, or on easements, to explain the significance of the historic properties. Approval from the agency holding title to the right of way will be obtained prior to use. The BSMT shall coordinate the text and placement of the signs with the respective HPAT. **The interpretive sign for the Spring Street Freight House was approved by the BSMT on May 23, 2013. Fabrication and placement of the sign would occur in the next Reporting Period.**

**Stipulation II.L.1.** requires that construction blasting/vibration plans and bridge pier construction plans shall be developed by the contractor prior to any construction activities that would require blasting or result in vibration. Maximum threshold values for historic properties must meet established peak particle velocity (PPV) thresholds. The BSMT and the BSHCT shall discuss protective measures to protect historic resources from vibration damage. The BSMT shall seek the recommendations of the BSHCT regarding additional properties considered Extremely Fragile. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.**

**For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013.**

**Stipulation II.L.2.** states that plans shall be developed for pre-and post-construction surveys conforming to industry standards, construction monitoring, and other measures to minimize harm to historic properties. The BSMT shall be responsible for overseeing the development of these plans, in consultation with the BSHCT, who will help identify the structures to monitor. **Pre-construction surveys were completed in the Downtown and provided to HPATs on April 22, 2013 for Kentucky and on May 20, 2013 for Indiana.**

**Pre-construction surveys were completed in the East End and provided to HPATs on May 17, 2013. Three additional properties were surveyed in the East End; these surveys were provided on June 19, 2013.**

**Stipulation II.M.** provides that construction activities and noise be limited during specific periods such as holidays or special events. The contractor shall comply with all relevant local noise ordinances. Activities that create high levels of construction noise shall not be conducted between 6:00 a.m. and noon on Sundays without the prior approval of the BSMT. The BSMT shall develop these provisions with input from the BSHCT and HPATs. If modifications are made after the contract award, the BSMT shall discuss the modifications with the BSHCT and the HPATs. **Construction that produces noise adjacent to sensitive receivers is to be avoided between 9:00 PM - 7:00 AM on weekdays, 11:00 PM - 6:00 AM on weekends and 6:00 AM - 12:00 PM on Sundays.**

**Stipulation II.N.** establishes a No Work Zone on construction plans within NRHP boundaries. State-owned right-of-way within historic districts is exempt from this restriction. **On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.**

**Stipulation II.P.2.** requires that KYTC, INDOT, FHWA, SHPOs, Indian Tribes, HPATs, and other parties deemed appropriate by FHWA, develop a popular report, in plain English intended for the general public, describing the history, historic properties, and archeological resources identified within the APE. The parties shall have 30-days to provide written comments. FHWA will consider these comments in preparing the final draft. Copies of the final report shall be distributed to the SHPOs, parties, and public libraries and museums within the Broad APE. **On June 14, 2013 the draft Popular Report was provided to the INDOT, KYTC, IN SHPO and KY SHPO for review; comments were requested by June 28, 2013. Comments were received and the Report is under revision in the next Reporting Period.**

**Stipulation II.Q.3.** mandates that pre-construction traffic monitoring shall occur no more than six months prior to the start of construction. FHWA shall be responsible for determining the start of construction. **Pre-construction monitoring was completed in May 2013. The report is expected in the next Reporting Period.**

### **STIPULATION III: Site Specific Mitigation**

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

**Stipulation III.A.2.b.** provides that any work to rehabilitate the Train Depot (Spring Street Freight House) shall be undertaken in consultation with the IN SHPO and in accordance with the Secretary's Standards. **Construction of the rehabilitation was completed on January 29, 2013 with the connection of a sanitary sewer line to the building.**

**Stipulation III.A.2.c.** provides that a preservation easement shall then be placed on the property consistent with Stipulation II.H and the property shall be sold at fair market value to a preservation organization or other party acceptable to the BSHCT or donated to a local

government. After rehabilitation, the INDOT will place a preservation easement on the Freight House. IHPAT members will assist FHWA, INDOT and CTS-GEC in defining the specific stipulations of the preservation easement. **The Freight House was opened to function as a Project Information Center, and will continue to be used for this purpose during the construction phase of the Project.**

**Stipulation III.A.5.** provides that in consultation with the IHPAT and the IN SHPO, the INDOT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility to explain its historic significance. **The interpretive sign for the Spring Street Freight House was approved by the BSMT on May 23, 2013. Fabrication and placement of the sign would occur in the next Reporting Period.**

**Stipulation III.B.1.** provides that since the Colgate – Palmolive property has changed ownership, the BSMT will develop documentation and seek NRHP nomination. If the new property owner does not consent to listing, no further action is required since a documentation report was prepared and approved by the IN SHPO. **The new owners consented to listing on June 10, 2013; Ratio/CTS-GEC is to complete the listing in the next Reporting Period.**

**Stipulation III.D.1.** provides that the BSMT make every reasonable effort to avoid displacement of the historic bridge pylons on the Indiana approach to the Clark Memorial Bridge. **The pylons are to be displaced by the construction. At the BSHCT meeting of May 21, 2013, consensus was reached by the BSHCT Co-chairs on the selection of a modified concrete barrier at the edge of the roadway and an historic rail at the back of the sidewalk. On May 23, 2013, the BSMT approved the relocation of the pylons and the placement of a barrier railing at the bridge in a way that will ensure the protection of the NRHP designation. This was also presented to the IHPAT at the meeting of June 5, 2013; no additional comments were received.**

**Stipulation III.D.2.** provides states that if displacement of the bridge pylons cannot be avoided, the BSMT, in consultation with FHWA and the HPATs, shall develop and implement a Treatment Plan to minimize damage to the original contributing elements to the structure. The Treatment Plan is to include documentation on the original bridge pylons, retaining walls and other features, and include recommendations for historically appropriate lighting where it is necessary to replace the existing fixtures. **On June 18, 2013, Walsh was tasked with the completion of the Treatment Plan.**

**Stipulation III.D.3.** states the BSMT shall make every reasonable effort to relocate the pylons in a way that will ensure protection of the NRHP designation for the bridge. **The pylons are to be displaced by the construction. At the BSHCT meeting of May 21, 2013, consensus was reached by the BSHCT Co-chairs on the selection of a modified concrete barrier at the edge of the roadway and an historic rail at the back of the sidewalk. On May 23, 2013, the BSMT approved the relocation of the pylons and the placement of a barrier railing at the bridge in a way that will ensure the protection of the NRHP designation. This was also presented to the IHPAT at the meeting of June 5, 2013; no additional comments were received.**

**Stipulation III.D.4** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the bridge and administration building, as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.**

**Stipulation III.E.7.** provides that the BSMT, in consultation with IN SHPO and FHWA, will make a reasonable effort to relocate the five contributing structures that would otherwise be demolished by the Project to available vacant lots within the Historic District. **The relocation of these five houses was completed by June 30, 2013.**

**Stipulation III.E.7.a.** mandates that during the acquisition phase, the BSMT and INSHPO, will make a reasonable effort to purchase vacant lots within the historic district from a willing seller at fair market value, move and place the houses on new foundations by a professional who has the capability to move historic buildings properly. The relocated buildings will be made available for sale at fair market value on the open market. **Lots were purchased to relocate the five houses, which was completed by June 30, 2013. Work to prepare the houses for resale in on going and will be completed in the next Reporting Period.**

**Stipulation III.E.7.b.** requires that the BSMT shall place a preservation easement on the relocated historically significant houses as set forth in Stipulation II.H. **Preservation easements are being drafted, modeled on IDNR easements. They are to be included with the sale documents for each of the five houses. The rehabilitation of the houses is nearing completion. Advertising for auction will be scheduled in the next Reporting Period.**

**Stipulation III.E.7.c.** requires that the BSMT shall stipulate through a covenant that the purchaser must occupy the house for five years and maintain the property in accordance with preservation standards acceptable to the INSHPO. **The covenants are being drafted. They are to be included with the sale documents for each of the five houses. The rehabilitation of the houses is nearing completion. Advertising for auction will be scheduled in the next Reporting Period.**

**Stipulation III.E.13** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the properties abutting the Project to avoid damage to the bridge and administration building, as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.**

**Stipulation III.F.** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project in consultation with River Ridge Development and the IN SHPO to avoid damage to the property as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional**

properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013.

**Stipulation III.G.1** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the property as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013.**

**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. The Utica Township Limekilns HPP is completed. **On April 19, 2013, INDOT provided their expectations for the content of the pamphlet. A draft of the pamphlet was prepared and provided to the BSHCT Co-chairs for review on June 28, 2013. Comments are expected in the next Reporting Period.**

**Stipulation III.H.2.** requires that prior to initiating construction activities within 1,000 feet of the individual lime kilns districts, the BSMT shall prepare a Condition Report that includes photographs as a baseline to measure any construction-related damage that may occur to the kilns. The documentation shall be at a level agreed upon between INDOT and INSHPO. **Condition reports for the kilns and quarries were prepared and submitted to the BSHCT Co-chairs for review and comment on June 20, 2013. Comments were received on June 24, 2013 (IN SHPO) and June 26, 2013 (INDOT). Revisions are to be made to continue processing of the condition reports in the next Reporting Period.**

**Stipulation III.H.3** states that Prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the three lime kilns identified as IE-HC-48002, IE-HC-48003, and IE-HC-48004 and associated archaeological sites 12 Cl 561 and 12 Cl 934 as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013.**

**Stipulation III.H.4.** specifies that BSMT shall define a “no-work zone” around lime kilns identified as IE-HC-48001, IE-HC-48002, IE-HC-48003, and IE-HC-48004 and associated archaeological sites 12 Cl 551, 12 Cl 561, and 12 Cl 934. **On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.**

**Stipulation III.H.8.** provides that the BSMT will develop documentation for and seek NRHP nomination for the lime kilns and associated quarries as set forth in Stipulation II.I. **Comments were received on NRHP nominations on April 15, 2013. A coordination meeting was held with the IN SHPO on May 2, 2013 to clarify the comments. The nominations were revised and resubmitted to the IN SHPO on June 7, 2012. Additional comments were received for the nomination for Kiln #48004 on June 25, 2013. Revisions will be made in the next Reporting Period.**

**Stipulation III.I.** stated that INDOT will coordinate with the appropriate historic preservation organization to publicly advertise the Central Passage House (CPH) for purchase and relocation by others at least three (3) months prior to demolition. If a third party decides to purchase or accept ownership, the third party is to bear the costs of relocation. For INDOT to approve the sale or donation, the potential buyer or donee must demonstrate their ability to complete relocation of the structure at least three months prior to scheduled demolition. **During the advertisement of the CPH for purchase and relocation, no one came forth to accept title to the structure. The CPH was demolished in June 2013. This task is complete.**

**Stipulation III.K.9.** provides that in consultation with the Grace Immanuel United Church of Christ and KY SHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church. Noise abatement will be considered if predicted noise levels exceed the interior noise abatement criteria. **The interior noise study was completed on June 20, 2013. Interior noise abatement is not required.**

**Stipulation III.K.10.** provides that the BSMT shall make a reasonable effort to incentivize reinvestment in Grocers Ice property, including consideration of demolition savings that will result from identification of a buyer, reduced land value as a result of establishing a preservation easement, etc. Includes coordination with Louisville Metro for donation of property with preservation easement or public advertisement to identify buyer, followed by preparation of State – Level 1 Documentation and demolition if no buyer is identified. **The Treatment Plan was approved by the BSMT on June 15, 2009; the final baseline documentation report was approved by the KY SHPO on March 4, 2013.**

**Stipulation K.15** states that the BSMT shall implement noise abatement measures wherever Project noise is expected to adversely affect the historic district as set forth in Stipulation II.E. **The ORB Project Noise Abatement Plan was prepared for the Downtown Procurement by Walsh on June 11, 2013 and forwarded to the BSHCT Co-chairs for review and comment. Comments are expected in the next Reporting Period.**

**Stipulation III.K.16** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the District as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.**

**Stipulation III.L.5.** provides that in consultation with the St. John's Church and KY SHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are

justified for the Church. Noise abatement will be considered if predicted noise levels exceed the interior noise abatement criteria. **The interior noise study was completed on June 20, 2013. Interior noise abatement is not required.**

**Stipulation III.L.6.** provides that in consultation with the Refuge in Kentucky Church of Christ and KY SHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church, Day Care Center and School. Noise abatement will be considered if predicted noise levels exceed the interior noise abatement criteria. **The interior noise study was completed on June 20, 2013. Interior noise abatement is not required.**

**Stipulation III.L.9** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the District as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.**

**Stipulation M.4** states that the BSMT shall implement noise abatement measures wherever Project noise is expected to adversely affect the listed and eligible properties as set forth in Stipulation III.M.1.a – i in accordance with Stipulations II.E. **In the East End, a noise abatement plan was included in the Environmental Compliance Mitigation Plan (ECMP).**

**Stipulation III.M.5** states that Prior to initiating construction activities, the BSMT shall ensure that construction contractors shall develop and implement blasting/vibration plans for this portion of the Project to avoid damage to the listed and eligible properties as set forth in Stipulation III.M.1.a – i, including the Strater House, in accordance with Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013.**

**Stipulation III.M.6.** specifies that BSMT shall define a “no-work zone” within the National Register boundary of the listed and eligible properties of the Country Estates of River Road Historic District. **On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.**

**Stipulation III.N.3.** provides that if the BSMT cannot acquire an historic preservation easement, the BSMT will acquire the Drumanard property, place a preservation easement on it, and seek to sell the property at fair market value to a preservation organization or other party acceptable to the BSHCT or donate the property to a local government. **As KYTC purchased the estate on April 17, 2012, the KY SHPO and KYTC are currently developing the language for the preservation easement.**

**Stipulation III.N.4** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the historic structures within the property as set forth in Stipulation II.L. During construction activities on and around the property, the BSMT shall monitor the historic buildings to preclude impacts due to blasting or vibration. The adjacent Strater House, a contributing element in the Country Estates of River Road Historic District, shall also be addressed in the blasting/vibration plan, as described in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013.**

**Stipulation O.2** states that the BSMT shall implement noise abatement measures as set forth in Stipulation II. **In the East End, a noise abatement plan was included in the Environmental Compliance Mitigation Plan (ECMP).**

**Stipulation III.O.3.** specifies that BSMT shall define a “no-work zone” within the National Register boundary of the Allison – Barrickman property. **On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.**

**Stipulation III.O.4** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for this portion of the Project to avoid damage to the Allison-Barrickman house as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013.**

**Stipulation P.5** states that the BSMT shall implement noise abatement measures as set forth in Stipulation II. **In the East End, a noise abatement plan was included in the Environmental Compliance Mitigation Plan (ECMP).**

**Stipulation III.P.6** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for this portion of the Project to minimize damage to the house as set forth in Stipulation II. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013.**

**Stipulation III.P.7.** specifies that BSMT shall define a “no-work zone” within the National Register boundary of the Rosewell property. **On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.**

**Stipulation Q.3** states that the BSMT shall implement noise abatement measures as set forth in Stipulation II.E. **In the East End, a noise abatement plan was included in the Environmental Compliance Mitigation Plan (ECMP).**

**Stipulation III.Q.4** states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for this portion of the Project to avoid damage to the historic buildings as set forth in Stipulation II.L. **A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013.**

**Stipulation III.Q.5.** specifies that BSMT shall define a “no-work zone” within the National Register boundary of the Belleview property. **On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.**

**Stipulation III.R.1.** indicates that to support the creation of the Ohio River Camps Group HPP, the BSMT shall develop a Context Study focusing on recreation along the Ohio River within the region and including the identification of significant riverfront properties during the period 1870-1970 with recommendations for preservation. **The Context Study was an element of the Ohio River Camps HPP, which was approved by the BSMT on March 26, 2013.**

#### **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.3.** states that in order to maximize the opportunity to avoid adverse effects, FHWA will make every effort to complete identification and evaluation of archeological resources at the earliest possible time in Project design. **In the Downtown, two sites that fall within the footprint of the right-of-way in Indiana, 12CI762 and 12CI978, are under investigation for clearance. For the Downtown, a proposed waste site in Kentucky was surveyed and a report of clearance was sent to the KY SHPO on June 25, 2013 for approval, which is pending concurrence. In Indiana, a waste site is to be surveyed and a report of clearance prepared. In the East End, the footprint of the right-of-way has been cleared for archaeological resources. For the East End, a commercial quarry is being used**

as a waste site. KYTC determined that no archaeological surveys were required on June 20, 2013.

**Stipulation IV.B.1-5.** 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. **In the Downtown, two sites that fall within the footprint of the right-of-way in Indiana, 12CI762 and 12CI978, are under investigation for clearance. For the Downtown, a proposed waste site in Kentucky was surveyed and a report of clearance was sent to the KY SHPO on June 25, 2013 for approval, which is pending concurrence. In Indiana, a waste site is to be surveyed and a report of clearance prepared. In the East End, the footprint of the right-of-way has been cleared for archaeological resources. For the East End, a commercial quarry is being used as a waste site. KYTC determined that no archaeological surveys were required on June 20, 2013.**

#### **STIPULATION IX: Progress Reports**

Progress Report Number 20 for the Reporting Period of January 1, 2013 – June 30, 2013 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  
Report No. 13 for July 1, 2009 – December 31, 2009 was sent on April 6, 2010  
Report No. 14 for January 1, 2010 – June 30, 2010 was sent on September 1, 2010  
Report No. 15 for July 1, 2010 – December 31, 2010 was sent on April 11, 2011  
Report No. 16 for January 1, 2011 – June 30, 2011 was sent on October 31, 2011  
Report No. 17 for July 1, 2011 – December 31, 2011 was sent on June 4, 2012  
Report No. 18 for January 1, 2012 – June 30, 2011 was sent on December 12, 2012  
Report No. 19 for July 1, 2012 – December 31, 2012 was sent on April 12, 2012

#### **STIPULATION XIV: Duration**

The MOA is in effect through April 4, 2027. The First Amended MOA was prepared in conjunction with the Supplemental Environmental Impact Statement (SEIS). It was executed by the FHWA (March 29, 2012), Advisory Council on Historic Preservation (ACHP) (April 4,

2102), IN SHPO (March 28, 2012), KY SHPO (March 27, 2102), INDOT (March 28, 2012) and KYTC (March 27, 2012).

**PART III – PROJECT MILESTONES** The respective BSHCT Co-chairs will continue to convene additional meetings with the HPATs to review project information and provide design/construction status updates. Coordination will occur at the following times until all commitments in the First Amended MOA have been fulfilled:

- a. Every three months (quarterly); or
- b. At the request of the Co-chairs.

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

## **ATTACHMENT B**

### **SECTION 106 FIRST AMENDED 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
  - Q. Traffic Monitoring Plan
  - R. Construction Traffic
  
- 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
- R. MPDF Ohio River Camps Group
- 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 - FIRST AMENDED MEMORANDUM OF AGREEMENT

| STIPULATION I - PROJECT COORDINATION |           |  |         |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                            |                                                                                                                                                                           |          |
|--------------------------------------|-----------|--|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Item                                 | Sub Items |  | Pg. No. | Description                                                                                                                                                                                                                                                                                                                                                | Activity                                                                                                                                                                   | East End                                                                                                                                                                  | Downtown |
| A                                    |           |  | 3       | Advisory Teams                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                            |                                                                                                                                                                           |          |
| A                                    | 2         |  | 3       | HPATs to assist BSHCT and BSMT in developing Project Contract Provisions relating to historic preservation issues to implement the measures stipulated in First Amended MOA                                                                                                                                                                                | None                                                                                                                                                                       | The intent of this matrix is to facilitate SHPO/HPAT review of the MOA measures in each design-build RFP                                                                  |          |
| A                                    | 3         |  | 3       | Each HPAT is co-chaired by a representative of the STA and SHPO; Co-chairs are responsible for convening meetings of the HPATs, preparing and maintaining a summary of meetings, and preparing and submitting HPAT recommendations to the BSHCT for further action                                                                                         | IHPAT meetings were held on March 27, 2013, April 18, 2013 and June 5, 2013. KHPAT meetings were held on January 8, 2013, March 28, 2013, April 18, 2013 and June 6, 2013. | The design - build team (DBT) has responsibility for actions associated with this stipulation.                                                                            |          |
| A                                    | 6         |  | 4       | Additional participants may be invited to participate on the HPATs at the discretion of the HPAT Co-chairs.                                                                                                                                                                                                                                                | Martina Kunnecke, Neighborhood Planning and Preservation, and Alice Gunnison, Wolf Pen Preservation Association were added as KHPAT members in this Reporting Period.      | Independent of design-build process.                                                                                                                                      |          |
| A                                    | 7         |  | 4       | ACHP may participate as it sees fit on an ad-hoc basis.                                                                                                                                                                                                                                                                                                    | None                                                                                                                                                                       | Independent of design-build process.                                                                                                                                      |          |
| A                                    | 9         |  | 4       | Co-chairs will convene quarterly meetings of the HPATs until all commitments in this First Amended MOA have been fulfilled                                                                                                                                                                                                                                 | Meetings scheduled for the second half of 2013, 2014, 2015 and 2016 have been scheduled and posted on the Project website.                                                 | The DBT has responsibility for actions associated with this stipulation.                                                                                                  |          |
| A                                    | 10        |  | 4       | Due to the accelerated schedule, materials for review by HPATs provided as soon as possible prior to scheduled meetings with comment deadlines identified when materials are distributed                                                                                                                                                                   | Appropriate materials for discussion at the HPAT meetings were distributed to the HPAT members prior to each meeting.                                                      | HPAT comments will be provided to the BSHCT/BSMT. Because the contract is managed through the BSMT, they will be the only group interacting directly with the Contractor. |          |
| A                                    | 11        |  | 4       | Based on comments provided by the HPATs, Co-chairs will develop recommendations to submit to the BSHCT for consideration and action                                                                                                                                                                                                                        | Comments were received from the KHPAT members at the meetings of April 18, 2013 and June 6, 2013 and incorporated into the Project record.                                 | HPAT comments will be provided to the BSHCT/BSMT.                                                                                                                         |          |
| B                                    |           |  | 4       | Bi-State Historic Consultation Team                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                            |                                                                                                                                                                           |          |
| B                                    | 2         |  | 4       | BSHCT will assist BSMT in the development of Contract Provisions related to commitments of First Amended MOA. The BSHCT shall consider input of the HPATs when assisting the BSMT. Due to the accelerated schedule, Contract Provisions to be provided to the BSHCT as soon as possible. Due dates will be identified when the provisions are distributed. | BSHCT meetings were held on March 19, 2013, April 15, 2013 and May 21, 2013. Meetings are also scheduled for July 16, 2013, September 17, 2013 and November 19, 2013.      | The intent of this matrix is to facilitate SHPO/HPAT review of the MOA measures in each design-build RFP                                                                  |          |
| B                                    | 3         |  | 5       | BSHCT may make final decisions as delegated by BSMT                                                                                                                                                                                                                                                                                                        | None                                                                                                                                                                       | The DBT has responsibility for actions associated with this stipulation.                                                                                                  |          |

| Item | Sub Items | Pg. No. | Description | Activity                                                                                                                                                                                                                                                                                                                                  | East End                                                                                                                                                                                                                                                             | Downtown                                                                 |
|------|-----------|---------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| B    | 4         |         | 5           | BSHCT shall convene to consider recommendations provided by the HPATs and prepare recommendations to the BSMT                                                                                                                                                                                                                             | None                                                                                                                                                                                                                                                                 | The DBT has responsibility for actions associated with this stipulation. |
| B    | 5         |         | 5           | BSHCT to ensure comments and recommendations of HPATs given full consideration in preparing its recommendations to the BSMT or reaching final decision                                                                                                                                                                                    | Comments were received from the KHPAT members at the meetings of April 18, 2013 and June 6, 2013 and incorporated into the Project record.                                                                                                                           | The DBT has responsibility for actions associated with this stipulation. |
| C    |           |         | 5           | Bi-State Management Team                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                      |                                                                          |
| C    | 2         |         | 5           | BSMT to ensure consultant services procured include professionals with the appropriate experience to implement provisions of MOA.                                                                                                                                                                                                         | None                                                                                                                                                                                                                                                                 | 7.3<br>6.3.2.4                                                           |
| C    | 3         |         | 5           | BSMT to prepare progress reports as set forth in Stipulation IX.                                                                                                                                                                                                                                                                          | The BSMT approved PR No. 19 (July 1, 2012 – December 31, 2012 ) for distribution on April 12, 2013. Following approval, the PR was distributed. PR No. 20 for the Reporting Period of January 1, 2013 – June 30, 2013 is provided in accordance with Stipulation IX. | Independent of design-build process.                                     |
| C    | 4         |         | 5           | BSMT to give full consideration to recommendations of BSHCT for incorporation into final plans.                                                                                                                                                                                                                                           | None                                                                                                                                                                                                                                                                 | 7.6<br>9.3                                                               |
| D    |           |         | 5           | Ombudsmen                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                      |                                                                          |
| D    | 1         |         | 5           | BSMT will ensure that two Ombudsmen will be retained for the duration of the Project                                                                                                                                                                                                                                                      | Lee Douglas Walker and Carl Percy continue to serve as the Ombudsmen for Kentucky and Indiana, respectively.                                                                                                                                                         | Independent of design-build process.                                     |
| D    | 2         |         | 5           | Ombudsmen have demonstrated communication, conflict resolution skills and knowledge of historic preservation practices related to the goals of the Project                                                                                                                                                                                | None                                                                                                                                                                                                                                                                 | Independent of design-build process.                                     |
| D    | 3         |         | 5           | Ombudsmen responsible for communicating with the public and investigating reported problems on all aspects of the Project, including the implementation of the First Amended MOA. They shall report recommendations, complaints, and findings to the BSMT for resolution. The Ombudsmen will report findings, decisions, and resolutions. | None                                                                                                                                                                                                                                                                 | Independent of design-build process.                                     |
| D    | 4         |         | 6           | Ombudsmen to be located in offices within or close to the Project area                                                                                                                                                                                                                                                                    | None                                                                                                                                                                                                                                                                 | Independent of design-build process.                                     |
| D    | 5         |         | 6           | Reasonable efforts were made to locate the offices of Ombudsmen in historic properties. BSMT to prioritize office locations in historic properties when determining where to house the Ombudsmen during the construction phase of Project                                                                                                 | None                                                                                                                                                                                                                                                                 | Independent of design-build process.                                     |
| D    | 6         |         | 6           | Roles and responsibilities of Ombudsmen to be further defined in the management plan of the Project developed by the two states and the FHWA                                                                                                                                                                                              | None                                                                                                                                                                                                                                                                 | Independent of design-build process.                                     |

## ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT

| STIPULATION II - PROJECT DEVELOPMENT |           |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |          |          |
|--------------------------------------|-----------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| Item                                 | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | East End | Downtown |
| A                                    |           | 6       | Goal of the Project is to meet purpose and need while avoiding, minimizing, or mitigating adverse impacts to the environment, including historic properties to the extent reasonable, feasible, and prudent. Avoidance of adverse effects is the preferred treatment.                                                                                                                                                                                                             | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 7.3, 7.6 | 1.5      |
| B                                    |           | 6       | The views of the public have been considered through INDOT/KYTC transportation project development process through informational meetings convened by each respective state. DBTs to prepare a <i>Community Outreach Plan</i> to address public involvement for the community on the design and construction phases. The Plan will include specific considerations for historic preservation interest groups. The BSMT will provide the plan to the BSHCT for review and comment. | For the Downtown Procurement, the <i>Community Outreach Plan</i> was prepared by Walsh and approved for use by KYTC on April 12, 2013.<br>For the East End, the <i>Community Outreach Plan</i> was prepared by WVB and approved for use by IFA on March 12, 2013. The <i>Public Involvement Plan</i> was provided to the BSHCT on April 15, 2013. As there is no requirement for BSMT approval of either plan in the East End, this stipulation is completed.                                                                                                                          | 6.3      | 8.2      |
| 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, including an <i>Aesthetics and Enhancement Implementation Plan</i> .                                                                                                                                                                                                                              | For the Downtown Procurement, the <i>Aesthetics and Enhancement Implementation Plan</i> was prepared by Walsh and approved by KYTC on May 23, 2013. The <i>Record of Recommendations and Decisions</i> is under preparation for distribution.<br>For the East End Procurement, the <i>Aesthetics and Enhancement Implementation Plan</i> was prepared by WVB and presented at the IHPAT meeting of March 27, 2013, at the KHPAT meeting of March 28, 2013 and in public meeting open houses on April 17 and 18, 2013. No comments were received. There is no requirement for approval. | 5.3      | 9.1      |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Activity                                                                                                                                                                                                                                                                                                                                                 | East End                             | Downtown   |
|------|-----------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------|
| D    |           | 7       | Roadway lighting within the viewshed of historic properties and navigational lighting designed and constructed to minimize dispersion of light beyond highway right-of-way and include state-of-the-art techniques and systems.                                                                                                                                                                                                                                                                                                                                                        | Roadway lighting concepts are under development by Walsh near the historic districts for the Downtown Procurement.                                                                                                                                                                                                                                       | 11.7                                 | 17.1, 17.2 |
| 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, including measures that contribute to quieter pavements. BSMT responsible for coordinating development of noise abatement. Final determinations on placement of noise abatement barriers to include public involvement. BSMT, BSHCT and HPATs to consider effects on historic properties and measures to mitigate effects. | The <i>ORB Project Noise Abatement Plan</i> was prepared for the Downtown Procurement by Walsh on June 11, 2013 and forwarded to the BSHCT Co-chairs for review and comment. Comments are expected in the next Reporting Period.<br>In the East End, there is no requirement for a noise abatement plan. This was included in the ECMP for the East End. | 7.7                                  | 6.3.2.1    |
| F    |           | 8       | Historic Preservation Plans                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                          |                                      |            |
| F    | 1         | 8       | HPPs to meet the following provisions:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                          | Independent of design-build process. |            |
| F    | 1 a       | 8       | Scopes of Work to be developed in consultation with the respective HPATs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Walsh is to be aware of the cited conditions in each approved HPP.                                                                                                                                                                                                                                                                                       | Independent of design-build process. |            |
| F    | 1 b       | 8       | To be developed in consultation with owners of historic properties and/or related neighborhoods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | This task is complete.                                                                                                                                                                                                                                                                                                                                   | Independent of design-build process. |            |
| F    | 1 c       | 8       | Consent to be obtained prior to entry on privately owned property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | This task is complete.                                                                                                                                                                                                                                                                                                                                   | Independent of design-build process. |            |
| F    | 1 d       | 8       | To consider and build upon existing studies and plans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | This task is complete.                                                                                                                                                                                                                                                                                                                                   | Independent of design-build process. |            |
| F    | 1 e       | 8       | Be developed in cooperation with the appropriate local government and approved by the respective SHPO.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | This task is complete.                                                                                                                                                                                                                                                                                                                                   | Independent of design-build process. |            |

| Item | Sub Items |   | Pg. No. | Description                                                                                                                                                | Activity                                                                                                                                     | East End                             | Downtown |
|------|-----------|---|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------|
| F    | 1         | f | 8       | To recognize the unique character, context, and historic significance of each resource/ area. Identify ways to protect and enhance the historic qualities. | This task is complete.                                                                                                                       | Independent of design-build process. |          |
| F    | 1         | g | 8       | To consider land use, transportation patterns and other urban/suburban planning issues                                                                     | This task is complete.                                                                                                                       | Independent of design-build process. |          |
| F    | 1         | h | 8       | Present to relevant city/county governments and KIPDA for incorporation into local land use planning processes.                                            | The Ohio River Camps HPP was approved by the BSMT on March 26, 2013 and provided to Louisville Metro Government and KIPDA on April 10, 2013. | Independent of design-build process. |          |
| F    | 2         |   | 9       | HPPs to be prepared for the following properties:                                                                                                          |                                                                                                                                              | Independent of design-build          |          |
| F    | 2         | a | 9       | Old Jeffersonville Historic District                                                                                                                       | The HPP was approved on September 28, 2009 and the Update to the HPP was approved on October 2, 2012.                                        | Task completed                       |          |
| F    | 2         | b | 9       | Township of Utica Historic Lime Industry                                                                                                                   | The HPP was approved on October 15, 2012.                                                                                                    | Task completed                       |          |
| F    | 2         | c | 9       | Butchertown Historic District                                                                                                                              | The HPP was approved on October 31, 2012.                                                                                                    | Task completed                       |          |
| F    | 2         | d | 9       | Phoenix Hill Historic District                                                                                                                             | The HPP was approved on April 25, 2007 and the Update to the HPP was approved on October 2, 2012.                                            | Task completed                       |          |
| F    | 2         | e | 9       | Country Estates of River Road Historic District / River Road Corridor                                                                                      | The HPP was approved on January 18, 2011 and the Update to the HPP was approved on November 26, 2012.                                        | Task completed                       |          |
| F    | 2         | f | 9       | Ohio River Camps Multiple Property Group                                                                                                                   | The Ohio River Camps HPP was approved by the BSMT on March 26, 2013.                                                                         | Task completed                       |          |
| H    |           |   | 9       | Historic Preservation Easements to be placed on properties identified in Stipulation III in perpetuity                                                     | Under preparation                                                                                                                            | Independent of design-build process. |          |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                     | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | East End                                                                 | Downtown |
|------|-----------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------|
| I    |           | 9       | Preparation of NRHP documentation and nomination of properties identified in Stipulation III.                                                                                                                                                                                                                                                                                                                                                   | Comments were received on NRHP nominations on April 15, 2013. A coordination meeting was held with the IN SHPO on May 2, 2013 to clarify the comments. The nominations were revised and resubmitted to the IN SHPO on June 7, 2012. Additional comments were received for the nomination for Kiln #48004 on June 25, 2013. Revisions will be made in the next Reporting Period.                                                                                                                                                                                                                                                                                                        | Independent of design-build process.                                     |          |
| 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 use.                                                                                                                                                                                                                                                             | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5.3                                                                      | 9        |
| 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 use.                                                                                                                                                                                                                                       | The interpretive sign for the Spring Street Freight House was approved by the BSMT on May 23, 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The DBT has responsibility for actions associated with this stipulation. |          |
| L    |           | 10      | Blasting & Vibration                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                          |          |
| L    | 1         | 10      | Ensure construction blasting/vibration plans and bridge pier construction plans are developed by the contractor(s). Maximum threshold values for historic properties established. BSMT and BSHCT to discuss protective measures to be used by Contractor to protect historic resources from vibration damage. The BSMT and BSHCT to discuss additional properties not identified by the Contractor that should be considered Extremely Fragile. | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | 7.8                                                                      | 6.3.2.2. |

| Item | Sub Items | Pg. No. | Description | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | East End                                                                                                                                                                                                                                                                                                                                               | Downtown |                                   |
|------|-----------|---------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------|
| L    | 2         |         | 11          | Plans shall include pre-and post-construction surveys conforming to industry standards, construction monitoring, and other measures to minimize harm to historic properties. BSMT responsible for overseeing the development of plans, in consultation with the BSHCT, who will help identify structures to monitor                                                                                                                                                                                                                                                                          | Pre-construction surveys were completed in the Downtown and provided to HPATs on April 22, 2013 for Kentucky and on May 20, 20123 for Indiana. Pre-construction surveys were completed in the East End and provided to HPATs on May 17, 2013. Three additional properties were surveyed in the East End; these surveys were provided on June 19, 2013. | 7.8      | 6.3.2.2.                          |
| L    | 3         |         | 11          | BSMT to determine whether damage has occurred as a result of Project activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                        | 7.8      | 6.3.2.2.                          |
| L    | 4         |         | 11          | BSMT 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 Standards.                                                                                                                                                                                                                                                                                                                                                                                                                       | None                                                                                                                                                                                                                                                                                                                                                   | 7.8      | 6.3.2.2.                          |
| L    | 5         |         | 11          | Obtain consent for entry of privately owned property to access monitoring equipment or damage repair.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | None                                                                                                                                                                                                                                                                                                                                                   | 7.8      | GS 107.12                         |
| M    |           |         | 11          | Provisions shall limit construction activities and noise during specific periods of time such as holidays or special events. The contractor shall comply with all relevant local noise ordinances. Activities that create high levels of construction noise not to be conducted between the hours of 6:00 a.m. and noon on Sundays without the prior approval of the BSMT. The BSMT to develop these provisions with input from the BSHCT and HPATs. If modifications to be made after construction contract is awarded, the BSMT to discuss the modifications with the BSHCT and the HPATs. | Construction that produces noise adjacent to sensitive receivers is to be avoided between 9:00 PM - 7:00 AM on weekdays, 11:00 PM - 6:00 AM on weekends and 6:00 AM - 12:00 PM on Sundays                                                                                                                                                              | 12.4.7   | 6.3.2.1.,<br>8.6.8.,<br>10.4.1.3. |
| N    |           |         | 12          | Establish no-work zones on construction plans within the NRHP boundaries of properties identified in Stipulation III. State owner right-of-way within historic districts is exempt.                                                                                                                                                                                                                                                                                                                                                                                                          | On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.                                                                              | 7.6      | 6.3.2.6.                          |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Activity                                                                                                                                                                                                                                   | East End                             | Downtown |
|------|-----------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------|
| P    |           | 12      | Education and Interpretation                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                            |                                      |          |
| P    | 1         | 12      | Ensure that sensitive information about the location and nature of archaeological resources identified in the APE are not disclosed.                                                                                                                                                                                                                                                                                                                                       | None                                                                                                                                                                                                                                       | Independent of design-build process. |          |
| P    | 2         | 13      | 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.                                                                                                                                                                                                     | On June 14, 2013 the draft Popular Report was provided to the INDOT, KYTC, IN SHPO and KY SHPO for review; comments were requested by June 28, 2013. Comments were received and the Report is under revision in the next Reporting Period. | Independent of design-build process. |          |
| Q    |           | 13      | BSMT shall conduct pre- and post-construction traffic monitoring to assess changes in traffic patterns within the Extensions to the APE caused by Project, and consult with the BSHCT and HPATs regarding results                                                                                                                                                                                                                                                          | Pre-construction monitoring was completed mid-June 2013. The report is expected in the next Reporting Period.                                                                                                                              | Independent of design-build process. |          |
| Q    | 1         | 13      | BSMT responsible for preparing a plan for traffic monitoring studies in consultation with the BSHCT and HPATs. With BSMT approval, final traffic monitoring plan made available on the Project website and remain available on the project website until this stipulation has been fulfilled                                                                                                                                                                               | Task completed on December 20, 2012.                                                                                                                                                                                                       | Independent of design-build process. |          |
| Q    | 2         | 13      | Traffic monitoring plan to include timing of pre-construction and post-construction traffic monitoring, locations of monitoring, methods for conducting the monitoring, process for providing BSHCT and HPATs an opportunity to comment on the results of the monitoring studies and identification of the measured difference in traffic volume that will be considered an indicator of significant change between the pre-construction and post-construction conditions. | A draft plan was presented to the BSMT in September 2012. The plan was finalized on December 20, 2012                                                                                                                                      | Independent of design-build process. |          |
| Q    | 3         | 14      | Pre-construction traffic monitoring to occur no more than six months prior to the start of construction. FHWA responsible for determining start of construction date.                                                                                                                                                                                                                                                                                                      | Pre-construction monitoring was completed in May 2013. The report is expected in the next Reporting Period., and will be discussed at the September HPAT meeting.                                                                          | Independent of design-build process. |          |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                   | Activity                                 | East End                             | Downtown |
|------|-----------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------|----------|
| Q    | 4         | 14      | Post-construction traffic monitoring to commence no sooner than 12 months and conclude no later than 15 months after the completion of construction. FHWA responsible for determining the completion of construction.                                                                                                                                                                                                         | None                                     | Independent of design-build process. |          |
| Q    | 5         | 14      | Within 3 months of completion of the post-construction monitoring, BSMT, BSHCT and HPATs shall discuss results. BSHCT and HPATs will be given opportunity to present their views regarding the effects of any changes in traffic patterns on historic properties within the Extensions to the APE. BSMT to consider views in deciding strategies, if any, to implement to address the effects of changes in traffic patterns. | None                                     | Independent of design-build process. |          |
| Q    | 6         | 14      | After consultation with the BSHCT and HPATs, the BSMT shall determine measures to be implemented to address the effects of changes in traffic patterns within the Extensions to the APE                                                                                                                                                                                                                                       | Will occur in the next Reporting Period. | Independent of design-build process. |          |
| R    |           | 15      | BSMT shall consult with local authorities and the BSHCT to identify maintenance of traffic strategies to mitigate traffic changes caused by construction.                                                                                                                                                                                                                                                                     | Will occur in the next Reporting Period. | Independent of design-build process. |          |

## ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT

| STIPULATION III - SITE SPECIFIC MITIGATION |           |         |             |                                                                                                                |                                                                                                                                                                     |                                                                          |
|--------------------------------------------|-----------|---------|-------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Item                                       | Sub Items | Pg. No. | Description | Activity                                                                                                       | East End                                                                                                                                                            | Downtown                                                                 |
| A                                          |           |         | 15          | <b>Train Depot/Spring Street Freight House</b>                                                                 |                                                                                                                                                                     |                                                                          |
| A                                          | 1         |         | 15          | Streetscape improvements within the limits of the Spring Street frontage                                       | None                                                                                                                                                                | The DBT has responsibility for actions associated with this stipulation. |
| A                                          | 2         | a       | 15          | Make available during the construction period to house personnel assigned to the Project and the Ombudsman.    | Ombudsman not to occupy Freight House; office is near the historic Quartermasters District. Building to be used as a public information office during construction. | Independent of design-build process.                                     |
| A                                          | 2         | b       | 15          | Rehabilitation, to be undertaken in consultation with IN SHPO and in accordance with the Secretary's Standards | The rehabilitation was completed on January 29, 2013.                                                                                                               | Task completed                                                           |
| A                                          | 2         | c       | 15          | Place preservation easement on property and sell at fair market value or donate to a local government.         |                                                                                                                                                                     | Independent of design-build process.                                     |
| A                                          | 5         |         | 16          | Develop and place interpretative signage.                                                                      | The interpretive sign was approved by the BSMT on May 23, 2013. Sign fabrication and placement is forthcoming.                                                      | The DBT has responsibility for actions associated with this stipulation. |
| B                                          |           |         | 16          | <b>Colgate-Palmolive Historic District</b>                                                                     |                                                                                                                                                                     |                                                                          |
| B                                          | 1         |         | 16          | BSMT will develop documentation and seek NRHP nomination.                                                      | The new owners consented to listing on June 10, 2013; Ratio/CTS-GEC is to complete the listing in the next Reporting Period.                                        | Independent of design-build process.                                     |
| B                                          | 2         |         | 16          | Develop and place interpretative signage                                                                       | To be completed through a separate contract near the end of the roadway construction.                                                                               | The DBT has responsibility for actions associated with this stipulation. |
| C                                          |           |         | 16          | <b>Ohio Falls Car and Locomotive Company Historic District</b>                                                 |                                                                                                                                                                     |                                                                          |
| C                                          | 2         |         | 16          | Develop and place interpretative signage                                                                       | To be completed through a separate contract near the end of the roadway construction.                                                                               | The DBT has responsibility for actions associated with this stipulation. |

| Item | Sub<br>Items | Pg.<br>No. | Description                                                                                                                         | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | East End | Downtown |
|------|--------------|------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| C    | 3            | 17         | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.                                                   | A blasting and vibration briefing for the HPATs was held on April 18, 2013.<br>For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.<br>For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | n/a      | 6.3.2.2  |
| D    |              | 17         | <b>George Rogers Clark Memorial Bridge</b>                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |          |
| D    | 1            | 17         | Make reasonable effort to avoid displacement of the historic bridge pylons on the IN approach to the bridge                         | The pylons are to be displaced by the construction. At the BSHCT meeting of May 21, 2013, consensus was reached by the BSHCT Co-chairs on the selection of a modified concrete barrier at the edge of the roadway and an historic rail at the back of the sidewalk. On May 23, 2013, the BSMT approved the relocation of the pylons and the placement of a barrier railing at the bridge in a way that will ensure the protection of the NRHP designation. This was also presented to the IHPAT at the meeting of June 5, 2013; no additional comments were received.                                                                                                                        | n/a      | 6.3.2.4  |
| D    | 2            | 17         | If displacement cannot be avoided, develop and implement a Treatment Plan to minimize damage to the original contributing elements. | On June 18, 2013, the DBT was tasked with the completion of the Treatment Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | n/a      | 6.3.2.4  |

| Item     | Sub Items | Pg. No.   | Description                                                                                                      | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | East End                                                                 | Downtown |
|----------|-----------|-----------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------|
| D        | 3         | 17        | Relocate pylons in a way to ensure protection of the NRHP designation.                                           | The pylons are to be displaced by the construction. At the BSHCT meeting of May 21, 2013, consensus was reached by the BSHCT Co-chairs on the selection of a modified concrete barrier at the edge of the roadway and an historic rail at the back of the sidewalk. On May 23, 2013, the BSMT approved the relocation of the pylons and the placement of a barrier railing at the bridge in a way that will ensure the protection of the NRHP designation. This was also presented to the IHPAT at the meeting of June 5, 2013; no additional comments were received. | n/a                                                                      | 6.3.2.4  |
| D        | 4         | 17        | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.                                | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.                                                                                                                                                                                                                                                                                                              | n/a                                                                      | 6.3.2.2  |
| <b>E</b> |           | <b>17</b> | <b>Old Jeffersonville Historic District</b>                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                          |          |
| E        | 1         | 17        | Develop an HPP                                                                                                   | The HPP was approved on September 28, 2009 and the Update to the HPP was approved on October 2, 2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Task completed                                                           |          |
| E        | 2         | 18        | Present HPP to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan.     | The Updated HPP was sent to the City of Jeffersonville and KIPDA on October 8, 2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Task completed                                                           |          |
| E        | 3         | 18        | Design and construct streetscape improvements within the HD between Spring Street and the Project.               | To be completed through a separate contract near the end of the roadway construction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The DBT has responsibility for actions associated with this stipulation. |          |
| E        | 4         | 18        | Design and construct pedestrian friendly facilities within IN ROW under the new bridge and existing I-65 bridge. | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | n/a                                                                      | 9.2.2    |

| Item | Sub Items |   | Pg. No. | Description                                                                                                                                                                                                                                                                                | Activity                                                                                                                                                                                                                                                                          | East End                             | Downtown |
|------|-----------|---|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------|
| E    | 5         |   | 18      | Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles.                                                                                                                                                              | None                                                                                                                                                                                                                                                                              | n/a                                  | 14.4     |
| E    | 6         |   | 18      | Develop and implement highway signage plan that minimizes the number of overhead directional signs on the approaches.                                                                                                                                                                      | None                                                                                                                                                                                                                                                                              | n/a                                  | 16.2     |
| E    | 7         |   | 18      | Make a reasonable effort to 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.                                                                         | Relocation of the five houses was completed by June 30, 2013.                                                                                                                                                                                                                     | Independent of design-build process. |          |
| E    | 7         | a | 18      | Make a reasonable effort to purchase vacant lots within the district from a willing seller at fair market value. House to be moved and placed on new foundations in accordance with approaches recommended in Moving Historic Buildings. Relocated houses to be sold at fair market value. | Lots were purchased and all five houses were relocated by June 30, 2013. Work to prepare the houses for sale is on-going and will be completed in the next Reporting Period.                                                                                                      | Independent of design-build process. |          |
| E    | 7         | b | 18      | Place preservation easement on relocated houses.                                                                                                                                                                                                                                           | Preservation easements are being drafted, modeled on IDNR easements. They are to be included with the sale documents for each of the five houses. The rehabilitation of the houses is nearing completion. Advertising for auction will be scheduled in the next Reporting Period. | Independent of design-build process. |          |
| E    | 7         | c | 19      | Stipulate through a covenant the purchaser must occupy house for five years and maintain in accordance with preservation standards.                                                                                                                                                        | Covenants are being drafted. They are to be included with the sale documents for each of the five houses. The rehabilitation of the houses is nearing completion. Advertising for auction will be scheduled in the next Reporting Period.                                         | Independent of design-build process. |          |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                                                            | Activity                                                                                                                                                                                                                                                                                                                                                 | East End                             | Downtown       |
|------|-----------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------|
| E    | 8 a-c     | 19      | If unable to obtain suitable property within the district, prepare and implement a marketing plan for relocation by others at a nominal fee. Plan to include information about the buildings, etc. Upon INSHPO agreement, INDOT to implement for a minimum of six months. INDOT to review with IN SHPO all offers prior to acceptance. | Lots were purchased and all five houses were relocated by June 30, 2013.                                                                                                                                                                                                                                                                                 | Independent of design-build process. |                |
| E    | 9         |         | If no acceptable offer made that conforms to the requirements for rehabilitation and maintenance, may donate property to a local government                                                                                                                                                                                            | Lots were purchased and all five houses were relocated by June 30, 2013.                                                                                                                                                                                                                                                                                 | Independent of design-build process. |                |
| E    | 10        |         | Design and construct roadway lighting in the viewshed of district as set forth in Stipulation II.D.                                                                                                                                                                                                                                    | On-going                                                                                                                                                                                                                                                                                                                                                 | n/a                                  | 17.1           |
| E    | 11        |         | Implement noise abatement measures as set forth in Stipulation II.E.                                                                                                                                                                                                                                                                   | The <i>ORB Project Noise Abatement Plan</i> was prepared for the Downtown Procurement by Walsh on June 11, 2013 and forwarded to the BSHCT Co-chairs for review and comment. Comments are expected in the next Reporting Period.<br>In the East End, there is no requirement for a noise abatement plan. This was included in the ECMP for the East End. | n/a                                  | 6.3.2.1        |
| E    | 12        |         | Timing of construction activities shall be scheduled to limit construction activities which may result in additional impacts to the district.                                                                                                                                                                                          | Construction that produces noise adjacent to sensitive receivers is to be avoided between 9:00 PM - 7:00 AM on weekdays, 11:00 PM - 6:00 AM on weekends and 6:00 AM - 12:00 PM on Sundays                                                                                                                                                                | n/a                                  | 6.3.2.1, 8.6.8 |
| E    | 13        |         | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.                                                                                                                                                                                                                                                      | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.                                                                                                 | n/a                                  | 6.3.2.2        |
| F    |           | 19      | INAAP Igloo Storage Historic District                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                          |                                      |                |

| Item | Sub<br>Items | Pg.<br>No. | Description                                                                                                                                                             | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | East End | Downtown |
|------|--------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| F    |              | 19         | Develop and implement a blasting/vibration plan. Plan to include provisions for blast monitoring and repair if River Ridge Development Authority grants access.         | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | 7.8      | n/a      |
| F    |              | 20         | BSMT to make reasonable effort to place roadside historical marker near the facility to explain historical significance of the site                                     | To be completed through a separate contract near the end of the roadway construction.                                                                                                                                                                                                                                                                                                                                                                                                                     | 7.6      | n/a      |
| G    |              | 20         | <b>Lentz Cemetery</b>                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |          |          |
| G    | 1            | 20         | Develop and implement a blasting/vibration plan                                                                                                                         | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | 7.8      | n/a      |
| G    | 2            | 20         | Design the section of roadway adjacent to the cemetery to minimize noise to the property and complement the refinement with landscaping within the public right-of-way. | To be completed through a separate contract near the end of the roadway construction.                                                                                                                                                                                                                                                                                                                                                                                                                     | 7.6      | n/a      |
| H    |              | 20         | <b>Lime Kilns within the Utica Lime Industry Multiple Property Listing</b>                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |          |          |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                          | Activity                                                                                                                                                                                                                                                                                                                     | East End                             | Downtown |
|------|-----------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------|
| H    | 1         | 20      | Develop an HPP to include a Context Study focusing on the development of the lime industry. Develop and publish a pamphlet for public distribution presenting the results of the lime industry study | The HPP was approved on October 15, 2012. On April 19, 2013, INDOT provided their expectations for the content of the pamphlet. A draft of the pamphlet was prepared and provided to the BSHCT Co-chairs for review on June 28, 2013. Comments are expected in the next Reporting Period.                                    | Task completed                       |          |
| H    | 2         | 20      | Prepare a condition report of the resources, which includes photographs, to establish a baseline condition.                                                                                          | Condition reports for the kilns and quarries were prepared and submitted to the BSHCT Co-chairs for review and comment on June 20, 2013. Comments were received on June 24, 2013 (IN SHPO) and June 26, 2013 (INDOT). Revisions are to be made to continue processing of the condition reports in the next Reporting Period. | 7.8                                  | n/a      |
| H    | 3         | 20      | Develop and implement a blasting/vibration plan. To be developed for kilns identified as IE-HC-48002, IE-HC-48003 and IE-HC-48004.                                                                   | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013.                                                                                                                          | 7.8                                  | n/a      |
| H    | 4         | 21      | Delineate a "no-work zone" around the three lime kilns, noted above, which is to extend 100 feet from the kilns.                                                                                     | On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.                                                    | 7.6                                  | n/a      |
| H    | 5         | 21      | Repair any damage caused by the Project to the lime kilns                                                                                                                                            | None                                                                                                                                                                                                                                                                                                                         | 7.8                                  | n/a      |
| H    | 6         | 21      | BSMT to work with Clark County to place a preservation easement for kiln                                                                                                                             | None                                                                                                                                                                                                                                                                                                                         | Independent of design-build process. |          |
| H    | 7         | 21      | Develop and design an interpretive marker along Utica Pike describing the importance of the lime industry and significance of the kilns.                                                             | To be completed through a separate contract near the end of the roadway construction.                                                                                                                                                                                                                                        | 7.6                                  | n/a      |

| Item | Sub Items | Pg. No. | Description | Activity                                                                                                                                                                                                                                                                                                                                                                                                                      | East End                                                                                                                                                                                                                                                                                                                                                                        | Downtown                                            |
|------|-----------|---------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| H    | 8         |         | 21          | Document and seek NRHP nomination                                                                                                                                                                                                                                                                                                                                                                                             | Comments were received on NRHP nominations on April 15, 2013. A coordination meeting was held with the IN SHPO on May 2, 2013 to clarify the comments. The nominations were revised and resubmitted to the IN SHPO on June 7, 2012. Additional comments were received for the nomination for Kiln #48004 on June 25, 2013. Revisions will be made in the next Reporting Period. | Independent of design-build process.                |
| I    |           |         | 21          | Swartz Farm Rural Historic District                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                 |                                                     |
| I    |           |         | 21          | Central Passage House documentation developed prior to the demolition to be made available to public.                                                                                                                                                                                                                                                                                                                         | The <i>Photo Recordation of Central Passage House</i> was approved by the IN SHPO on July 8, 2012.                                                                                                                                                                                                                                                                              | Task completed                                      |
| I    |           |         | 21          | INDOT to coordinate with historic preservation organization to advertise Central Passage House for purchase or donation and relocation by others at least 3 months prior to the scheduled demolition. If third party decides to purchase or accept ownership, third party to bear costs of relocation. Potential buyer/donee must demonstrate ability to complete relocation at least 3 months prior to scheduled demolition. | During the advertisement of the CPH for purchase and relocation, no one came forth to take title to the house. The CPH was demolished in June 2013.                                                                                                                                                                                                                             | Independent of design-build process.                |
| K    |           |         | 22          | Butchertown Historic District                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                 |                                                     |
| K    | 1         |         | 22          | Develop an 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.                                                                                                                                                                                                                              | The HPP was approved on October 31, 2012.                                                                                                                                                                                                                                                                                                                                       | Task completed                                      |
| K    | 9         |         | 23          | 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.                                                                                                                                                                                                                                               | The interior noise study was completed on June 20, 2013. Interior noise abatement is not required.                                                                                                                                                                                                                                                                              | n/a<br><br>Independent of the design-build process. |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Activity                                                                                                                                                                                                                                                 | East End                                                                 | Downtown |
|------|-----------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------|
| K    | 10        | 23      | BSMT shall make a reasonable effort to incentivize reinvestment in Grocers Ice property, including consideration of demolition savings that will result from identification of a buyer, reduced land value as a result of establishing a preservation easement, etc. Includes coordination with Louisville Metro for donation of property with preservation easement or public advertisement to identify buyer, followed by documentation and demolition if no buyer is identified. | The Treatment Plan was approved by the BSMT on June 15, 2009; the final baseline documentation report was approved KY SHPO on March 4, 2013                                                                                                              | n/a                                                                      | 3.6.1.1  |
| K    | 12        | 24      | Design and construct streetscape improvements within the entire district in accordance with provisions of the HPP and the KHC streetscape design guidelines.                                                                                                                                                                                                                                                                                                                        | To be completed through a separate contract near the end of the roadway construction.                                                                                                                                                                    | The DBT has responsibility for actions associated with this stipulation. |          |
| K    | 14        | 24      | Design and construct roadway lighting within the viewshed of the district                                                                                                                                                                                                                                                                                                                                                                                                           | On-going                                                                                                                                                                                                                                                 | n/a                                                                      | 17.1     |
| K    | 15        | 24      | Implement noise abatement measures where the Project is expected to adversely effect the district                                                                                                                                                                                                                                                                                                                                                                                   | The <i>ORB Project Noise Abatement Plan</i> was prepared for the Downtown Procurement by Walsh on June 11, 2013 and forwarded to the BSHCT Co-chairs for review and comment. Comments are expected in the next Reporting Period.                         | n/a                                                                      | 6.3.2.1  |
| K    | 16        | 24      | Develop and implement a blasting/vibration plan                                                                                                                                                                                                                                                                                                                                                                                                                                     | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013. | n/a                                                                      | 6.3.2.2  |
| L    |           | 24      | <b>Phoenix Hill Historic District</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                          |                                                                          |          |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                           | Activity                                                                                           | East End                                                                 | Downtown                                 |
|------|-----------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------|
| L    | 1         | 24      | Develop an 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.                                                                                                      | The HPP was approved on April 25, 2007 and the Update to the HPP was approved on October 2, 2012.  | n/a                                                                      | 6.3.2.4                                  |
| L    | 2         | 25      | Design and construct roadway lighting as set forth in Stipulation II.D.                                                                                                                                                                                                                               | On-going                                                                                           | n/a                                                                      | 17.1                                     |
| L    | 3         | 25      | KYTC to offer identified salvageable historic materials to museums in Jefferson County. If no museums request the materials, materials to be offered to other museums in Kentucky. Salvageable materials not claimed by museums to be sold to public by KYTC in accordance with applicable procedures | None                                                                                               | Independent of design-build process.                                     |                                          |
| L    | 4         | 25      | Develop a treatment plan for rehabilitation of the Vermont American Buildings, explore options for reuse and rehabilitate the exterior of the building if recommended in the treatment plan                                                                                                           | The treatment plan was approved by the BSMT on July 31, 2012.                                      | Independent of design-build process.                                     |                                          |
| L    | 5         | 25      | St. John's Church - Conduct a noise study for St. John's Church to determine whether interior noise abatement measures are justified.                                                                                                                                                                 | The interior noise study was completed on June 20, 2013. Interior noise abatement is not required. | n/a                                                                      | Independent of the design-build process. |
| L    | 6         | 25      | 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.                                                                                                      | The interior noise study was completed on June 20, 2013. Interior noise abatement is not required. | n/a                                                                      | Independent of the design-build process. |
| L    | 7         | 25      | Place interpretive signage within the district                                                                                                                                                                                                                                                        | To be completed through a separate contract near the end of the roadway construction.              | The DBT has responsibility for actions associated with this stipulation. |                                          |
| L    | 8         | 25      | Streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-65 Bridge in accordance with provisions of the HPP and the KHC streetscape design guidelines.                                                                               | To be completed through a separate contract near the end of the roadway construction.              | The DBT has responsibility for actions associated with this stipulation. |                                          |

| Item | Sub Items |  | Pg. No. | Description                                                                                                                                                                                          | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | East End       | Downtown |
|------|-----------|--|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------|
| L    | 9         |  | 26      | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.                                                                                                                    | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments is July 8, 2013.                                                                                                                                                                                                                                                  | n/a            | 6.3.2.2  |
| M    |           |  | 26      | Country Estates Historic District / River Road Corridor                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |          |
| M    | 1         |  | 26      | Develop a HPP, which shall specifically consider and develop recommendations for the listed properties.                                                                                              | The HPP was approved on January 18, 2011 and the Update to the HPP was approved on November 26, 2012.                                                                                                                                                                                                                                                                                                                                                                                                     | Task completed |          |
| M    | 2         |  | 26      | Design and construct proposed roadways, bridges and tunnels from I-71 to the Ohio River, taking into consideration the cultural landscapes that are important contributing elements to the district. | The <i>Aesthetics and Enhancement Implementation Plan</i> was prepared by Walsh and presented at the IHPAT meeting of March 27, 2013, at the KHPAT meeting of March 28, 2013 and in public meeting open houses on April 17 and 18, 2013. No comments were received. There is no requirement for approval.                                                                                                                                                                                                 | 5.3, 7.6       | n/a      |
| M    | 3         |  | 27      | Design and construct roadway lighting as set forth in Stipulation II.D.                                                                                                                              | On-going                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 7.6            | n/a      |
| M    | 4         |  | 27      | Implement noise abatement measures where the Project noise is expected to affect the listed and eligible properties as set forth in Stipulation II.E.                                                | In the East End, there is no requirement for a noise abatement plan. This was included in the ECMP for the East End.                                                                                                                                                                                                                                                                                                                                                                                      | 7.6, 7.7       | n/a      |
| M    | 5         |  | 27      | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.                                                                                                                    | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | 7.8            | n/a      |

| Item | Sub<br>Items | Pg.<br>No. | Description                                                                                                                                                                                                                                      | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | East End                             | Downtown |
|------|--------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------|
| M    | 6            | 27         | Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties.                                                                                                                                                        | On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.                                                                                                                                                                                                                                 | 7.6                                  | n/a      |
| N    |              | 27         | <b>Drumanard</b>                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |          |
| N    | 1            | 27         | Project through this property to be contained in a tunnel so as to limit adverse effects.                                                                                                                                                        | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9.3.1, 16                            | n/a      |
| N    | 2            | 27         | Acquire or establish a historic preservation easement for the entire Drumanard historic property                                                                                                                                                 | KYTC and the KY SHPO are currently reviewing a proposed MOA for the preservation easement.                                                                                                                                                                                                                                                                                                                                                                                                                | Independent of design-build process. |          |
| N    | 3            | 27         | 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 local government. | KY SHPO and KYTC are currently developing language for the preservation easement.                                                                                                                                                                                                                                                                                                                                                                                                                         | Independent of design-build process. |          |
| N    | 4            | 27         | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L. Monitor the historic buildings to preclude impacts due to blasting.                                                                                            | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | 7.8                                  | n/a      |
| O    |              | 28         | <b>Allison-Barrickman House</b>                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |          |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | East End                             | Downtown |
|------|-----------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------|
| O    | 1         | 28      | Acquire a historic preservation easement for the Allison-Barrickman house on the track 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 | The property owner has refused to place an easement on the property.                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent of design-build process. |          |
| O    | 2         | 28      | Implement noise abatement measures as set forth in Stipulation II.E.                                                                                                                                                                       | In the East End, there is no requirement for a noise abatement plan. This was included in the ECMP for the East End.                                                                                                                                                                                                                                                                                                                                                                                      | 7.6, 7.7                             | n/a      |
| O    | 3         | 28      | Define a "no-work zone" within the NRHP boundary of the property.                                                                                                                                                                          | On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.                                                                                                                                                                                                                                 | 7.6                                  | n/a      |
| O    | 4         | 28      | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.                                                                                                                                                          | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | 7.8                                  | n/a      |
| P    |           | 28      | <b>Rosewell</b>                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |          |
| P    | 1         | 28      | Develop and implement a Treatment Plan to minimize damage to the property.                                                                                                                                                                 | The treatment plan and the final rehabilitation are completed.                                                                                                                                                                                                                                                                                                                                                                                                                                            | Task completed                       |          |
| P    | 3         | 28      | 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.                                                                       | A preservation easement will be developed for the property upon the completion of the rehabilitation.                                                                                                                                                                                                                                                                                                                                                                                                     | Independent of design-build process. |          |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                            | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | East End | Downtown |
|------|-----------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| P    | 4         | 28      | Design and construct roadway lighting as set forth in Stipulation II.D.                                                                                                                                                                                                                | On-going                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 7.6      | n/a      |
| P    | 5         | 28      | Implement noise mitigation measures as set forth in Stipulation II.E.                                                                                                                                                                                                                  | In the East End, there is no requirement for a noise abatement plan. This was included in the ECMP for the East End.                                                                                                                                                                                                                                                                                                                                                                                      | 7.6, 7.7 | n/a      |
| P    | 6         | 28      | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.                                                                                                                                                                                                      | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | 7.8      | n/a      |
| P    | 7         | 29      | Define a "no-work zone" within the NRHP boundary of the property.                                                                                                                                                                                                                      | On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.                                                                                                                                                                                                                                 | 7.6      | n/a      |
| Q    |           | 29      | <b>Bellevue</b>                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |          |          |
| Q    | 1         | 29      | Design Ohio River Bridge and embankment 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. | The <i>Aesthetics and Enhancement Implementation Plan</i> was prepared by Walsh and presented at the IHPAT meeting of March 27, 2013, at the KHPAT meeting of March 28, 2013 and in public meeting open houses on April 17 and 18, 2013. No comments were received. There is no requirement for approval.                                                                                                                                                                                                 | 7.6      | n/a      |
| Q    | 2         | 29      | Design and construct roadway lighting within the viewshed of Bellevue as set forth in Stipulation II.D.                                                                                                                                                                                | On-going                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 7.6      | n/a      |

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                               | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | East End                             | Downtown |
|------|-----------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------|
| Q    | 3         | 29      | Implement noise mitigation measures as set forth in Stipulation II.E.                                                                                                                                                     | In the East End, there is no requirement for a noise abatement plan. This was included in the ECMP for the East End.                                                                                                                                                                                                                                                                                                                                                                                      | 7.6, 7.7                             | n/a      |
| Q    | 4         | 29      | Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.                                                                                                                                         | A blasting and vibration briefing for the HPATs was held on April 18, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed for these three additional properties on June 19, 2013. | 7.8                                  | n/a      |
| Q    | 5         | 29      | Define a "no-work zone" within the NRHP boundary of the property.                                                                                                                                                         | On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP.                                                                                                                                                                                                                                 | 7.6                                  | n/a      |
| R    |           | 29      | <b>MPDF Ohio River Camps Group</b>                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |          |
| R    | 1         | 29      | BSMT to develop Context Study focusing on recreation along the Ohio River within region, including identification of significant riverfront properties during the period 1870-1970 with recommendations for preservation. | The Context Study was included in the HPP, which was approved on March 26, 2013.                                                                                                                                                                                                                                                                                                                                                                                                                          | Independent of design-build process. |          |

# STIPULATION IV - ARCHAEOLOGICAL RESOURCES

| Item | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                              | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | East End                                                                 | Downtown |
|------|-----------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------|
| A    |           |         | Implementation Standards                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                          |          |
| A    | 1         | 30      | FHWA may withhold or limit public disclosure of information about historic properties.                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The DBT has responsibility for actions associated with this stipulation. |          |
| A    | 2         | 30      | FHWA to ensure consultation with Indian Tribes is conducted in a manner consistent with 36 CFR 800.2(c)(2)(ii)(A), (B) & (C).                                                                                                                                                                                                                                                                                                            | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The DBT has responsibility for actions associated with this stipulation. |          |
| A    | 3         | 30      | FHWA to make every effort to complete identification and evaluation of archaeological resources at the earliest possible time in Project design.                                                                                                                                                                                                                                                                                         | In the Downtown, two sites that fall within the footprint of the right-of-way, 12CI762 and 12CI978, are under investigation for clearance. For the Downtown a proposed waste site in Kentucky was surveyed and a report of clearance was sent to the KY SHPO on June 25, 2013 for approval, which is pending concurrence. In Indiana, a waste site is to be surveyed and a report of clearance prepared. In the East End, the footprint of the right-of-way has been cleared for archaeological resources. For the East End, a commercial quarry is being used as a waste site. KYTC determined that no archaeological surveys were required on June 20, 2013. | The DBT has responsibility for actions associated with this stipulation. |          |
| A    | 4         | 30      | In implementing Stipulation IV, FHWA may consult with the parties identified in Attachment F of the MOA.                                                                                                                                                                                                                                                                                                                                 | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The DBT has responsibility for actions associated with this stipulation. |          |
| A    | 5         | 30      | FHWA will take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Indian Tribes.                                                                                                                                                                                                                                                                       | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The DBT has responsibility for actions associated with this stipulation. |          |
| B    | 1-5       | 30-32   | Identification: FHWA shall complete the identification and evaluation of archaeological resources where ground disturbing activities may occur in accordance with applicable state and federal standards and other MOA stipulations. A plan for the identification and evaluation of archaeological resources will be developed through consultation, guided by each state's standards. FHWA shall prepare and distribute final reports. | In the Downtown, two sites that fall within the footprint of the right-of-way, 12CI762 and 12CI978, are under investigation for clearance. For the Downtown a proposed waste site in Kentucky was surveyed and a report of clearance was sent to the KY SHPO on June 25, 2013 for approval, which is pending concurrence. In Indiana, a waste site is to be surveyed and a report of clearance prepared. In the East End, the footprint of the right-of-way has been cleared for archaeological resources. For the East End, a commercial quarry is being used as a waste site. KYTC determined that no archaeological surveys were required on June 20, 2013. | The DBT has responsibility for actions associated with this stipulation. |          |

| Item                                                               | Sub Items | Pg. No. | Description                                                                                                                                                                                                                                                                                           | Activity                                                                                                                                                                                                                                                          | East End                                                                 | Downtown  |
|--------------------------------------------------------------------|-----------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-----------|
| C                                                                  | 1-6       | 32      | Evaluation: In consultation with the SHPOs and Native American Tribes, FHWA shall evaluate the NRHP eligibility of archaeological sites.                                                                                                                                                              | An archaeological plan has been developed in the Downtown to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing is to occur, but have not been previously cleared by an archaeological assessment. | The DBT has responsibility for actions associated with this stipulation. |           |
| D                                                                  | 1-3       | 32-33   | Assessment of Effects: In consultation with the SHPOs, Native American Tribes, and other parties deemed appropriate, FHWA shall assess project effects on archaeological sites. FHWA shall make reasonable efforts to avoid or minimize adverse effects.                                              | An archaeological plan has been developed in the Downtown to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing is to occur, but have not been previously cleared by an archaeological assessment. | The DBT has responsibility for actions associated with this stipulation. |           |
| E                                                                  | 1-6       | 33-35   | Treatment: If adverse effects cannot be avoided, FHWA shall develop and implement a Treatment Plan(s) through consultation, in compliance with relevant guidance and MOA stipulations.                                                                                                                | An archaeological plan has been developed in the Downtown to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing is to occur, but have not been previously cleared by an archaeological assessment. | The DBT has responsibility for actions associated with this stipulation. |           |
| F                                                                  | 1-5       | 35-36   | Qualifications & Reporting: Work shall be completed by qualified professionals. Reports shall meet applicable standards and include 30-day review periods. Sensitive material shall be kept confidential.                                                                                             | An archaeological plan has been developed in the Downtown to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing is to occur, but have not been previously cleared by an archaeological assessment. | The DBT has responsibility for actions associated with this stipulation. |           |
| G                                                                  | 1-3       | 36      | Distribution of Final Reports: Archaeological Reports shall be produced and distributed as appropriate.                                                                                                                                                                                               | As needed                                                                                                                                                                                                                                                         | The DBT has responsibility for actions associated with this stipulation. |           |
| <b>STIPULATION V - UNANTICIPATED DISCOVERIES</b>                   |           |         |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                   |                                                                          |           |
| A-G                                                                |           | 36-37   | If previously unidentified sites are discovered, work within 50 feet shall cease and reasonable measures shall be implemented to avoid harm. BSMT shall notify SHPOs and Tribes, conduct on-site evaluation, and develop appropriate Treatment Plan(s) as needed.                                     | An archaeological plan has been developed in the Downtown to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing is to occur, but have not been previously cleared by an archaeological assessment. | Will be addressed in future revision of the RFP                          | GC 107.19 |
| <b>STIPULATION VI - ADDITIONAL HISTORIC PROPERTIES AND EFFECTS</b> |           |         |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                   |                                                                          |           |
| A-C                                                                |           | 37-38   | 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. If adversely affected, FHWA shall consult to minimize or mitigate effects. | As needed                                                                                                                                                                                                                                                         | The DBT has responsibility for actions associated with this stipulation. |           |

| Item                                     | Sub Items | Pg. No. | Description                                                                                                                                                                                            | Activity                                                                                                                                                                                                                                                             | East End                                                                 | Downtown                                |
|------------------------------------------|-----------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------|
| STIPULATION VII - EXCESS RIGHT OF WAY    |           |         |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                      |                                                                          |                                         |
|                                          |           | 38      | 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. | As needed                                                                                                                                                                                                                                                            | The DBT has responsibility for actions associated with this stipulation. |                                         |
| STIPULATION VIII - PERFORMANCE STANDARDS |           |         |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                      |                                                                          |                                         |
| A-B                                      |           | 38      | FHWA shall ensure all cultural resources work is carried out by or under the direct supervision of individuals that meet applicable standards.                                                         | As needed                                                                                                                                                                                                                                                            | 7.3                                                                      | Independent of the design-build process |
| STIPULATION IX - PROGRESS REPORTS        |           |         |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                      |                                                                          |                                         |
| A-C                                      |           | 39      | Progress reports detailing implementation of the measures stipulated within the MOA shall be provided every 6 months.                                                                                  | The BSMT approved PR No. 19 (July 1, 2012 – December 31, 2012 ) for distribution on April 12, 2013. Following approval, the PR was distributed. PR No. 20 for the Reporting Period of January 1, 2013 – June 30, 2013 is provided in accordance with Stipulation IX. | The DBT has responsibility for actions associated with this stipulation. |                                         |
| STIPULATION X -PROJECT MODIFICATION      |           |         |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                      |                                                                          |                                         |
|                                          |           | 39      | If the Project is significantly modified, FHWA will consult to determine if the MOA should be amended.                                                                                                 | As needed                                                                                                                                                                                                                                                            | The DBT has responsibility for actions associated with this stipulation. |                                         |
| STIPULATION XI - AMENDMENT               |           |         |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                      |                                                                          |                                         |
| A-C                                      |           | 39      | Any signatory may request that the MOA be amended, whereupon signatories shall consult to consider amendment.                                                                                          | If required                                                                                                                                                                                                                                                          | Independent of design-build process.                                     |                                         |
| STIPULATION XII - TERMINATION            |           |         |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                      |                                                                          |                                         |
|                                          |           | 40      | Any signatory may terminate the MOA with 30 days written notice.                                                                                                                                       | None                                                                                                                                                                                                                                                                 | Independent of design-build process.                                     |                                         |
| STIPULATION XIII - DISPUTE RESOLUTION    |           |         |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                      |                                                                          |                                         |
| A-C                                      |           | 40      | If signatories object to implementation of measures in MOA, FHWA shall consult to resolve objection. ACHP may assist as needed.                                                                        | None                                                                                                                                                                                                                                                                 | Independent of design-build process.                                     |                                         |
| STIPULATION XIV - DURATION               |           |         |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                      |                                                                          |                                         |
|                                          |           | 40      | MOA shall remain in effect for 15 years.                                                                                                                                                               | The MOA is in effect through April 4, 2027.                                                                                                                                                                                                                          | Independent of design-build process.                                     |                                         |

## ATTACHMENT C - SETTLEMENT AGREEMENT

| Stipulation | Page No. | Description                                                                                                                                                                                                                                                                                                              | Activity                                                                                                                   | East End                                                                 | Downtown |
|-------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------|
| I.          | 3        | Listing of definitions that apply to the Settlement Agreement                                                                                                                                                                                                                                                            | None                                                                                                                       | Independent of design-build process                                      |          |
| II.A.1      | 7        | INDOT/KYTC post on the Project Website advance notice procedures for public meetings, at least seven days in advance of the public meeting; utilize the Project e-mail distribution list for notification; HPAT meetings to continue to be subject to 15-day advance notice                                              | Meetings scheduled for the second half of 2013, 2014, 2015 and 2016 have been scheduled and posted on the Project website. | Independent of design-build process                                      |          |
| II.A.2      | 8        | INDOT/KYTC continue to maintain Project Website with current information throughout construction; the website shall include a "Meetings" page with all pertinent information available                                                                                                                                   | On-going                                                                                                                   | Independent of design-build process                                      |          |
| II.A.3      | 8        | INDOT/KYTC will create and maintain a contact list for all key members of KYTC, KPTIA, INDOT, IFA and contractors                                                                                                                                                                                                        | On-going                                                                                                                   | Independent of design-build process                                      |          |
| II.A.4      | 8        | INDOT/KYTC to establish and maintain a Project e-mail distribution list for public meetings and comment deadlines, include information for the public to be placed on the e-mail distribution list; names from existing e-mail lists to be incorporated into Project e-mail distribution list                            | On-going                                                                                                                   | Independent of design-build process                                      |          |
| II.B.       | 9        | INDOT and KYTC shall provide a total of \$1.7 million in state funds to a Historic by Preservation and Enhancement Fund (Fund). Funds are to be provided to each state SHPO through the development of a Memorandum of Understanding (MOU) for their use in grants to potentially be applied in Stipulations B.2 or B.3. | INDOT and KYTC each contributed \$850,000.00 to the Fund on May 3, 2013.                                                   | Independent of design-build process                                      |          |
| II.B.2      | 9        | Listing of eligible projects under the Fund is in the following stipulations (II.B.2a - II.B.2h)                                                                                                                                                                                                                         | IN SHPO and KY SHPO working to establish criteria for the HPEF                                                             | Independent of design-build process                                      |          |
| II.B.2.a    | 9        | Relocation of some or all of the 5 historic homes in the Old Jeffersonville Historic District in connection with landscaping for the area around the Big Four Approach Ramp                                                                                                                                              | Relocation of houses to be pursued by Jeffersonville Main Street and Indiana Landmarks through an HPEF grant.              | Independent of design-build process                                      |          |
| II.B.2.b    | 9        | Acquisition of one or more limekilns and/or permanent protection through preservation easements and/or public ownership                                                                                                                                                                                                  | None                                                                                                                       | Independent of design-build process                                      |          |
| II.B.2.c    | 9        | Acquisition of one or more igloo structures and/or permanent protection through preservation easements and/or public ownership                                                                                                                                                                                           | None                                                                                                                       | Independent of design-build process                                      |          |
| II.B.2.d    | 10       | Streetscape improvements in Butchertown HD and along East Main Street                                                                                                                                                                                                                                                    | None                                                                                                                       | The DBT has responsibility for actions associated with this stipulation. |          |

| Stipulation | Page No. | Description                                                                                                                                                                                                                                                                                                   | Activity                                                                                | East End                                                                 | Downtown |
|-------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------|
| II.B.2.e    | 10       | Rehabilitation of and placement of a preservation easement on Jefferson Jacob School                                                                                                                                                                                                                          | None                                                                                    | Independent of design-build process                                      |          |
| II.B.2.f    | 10       | Acquisition and rehabilitation of and/or preservation easement on the Merriwether House                                                                                                                                                                                                                       | None                                                                                    | Independent of design-build process                                      |          |
| II.B.2.g    | 10       | Acquisition and rehabilitation of and/or preservation easement on the former Harrods Creek Post Office                                                                                                                                                                                                        | None                                                                                    | Independent of design-build process                                      |          |
| II.B.2.h    | 10       | Preservation, enhancement and interpretation of Garvin Brown Preserve to maintain and enhance public access, through a grant of \$200,000.00 to the Garvin Brown Preserve Endowment Fund                                                                                                                      | Payment to be made in the next Reporting Period per special combined HPAT meeting.      | Independent of design-build process                                      |          |
| II.B.3      | 10       | Uncommitted funds will go to eligible projects within the APE two years after Fund established; eligible projects are listed in the following stipulations (II.B.3.a - II.B.3.e)                                                                                                                              | None                                                                                    | Independent of design-build process                                      |          |
| II.B.3.a    | 10       | Rehabilitation of historic structures                                                                                                                                                                                                                                                                         | None                                                                                    | Independent of design-build process                                      |          |
| II.B.3.b    | 10       | Relocation of historic structures                                                                                                                                                                                                                                                                             | None                                                                                    | Independent of design-build process                                      |          |
| II.B.3.c    | 10       | Placement of a conservation/preservation easements for historic properties                                                                                                                                                                                                                                    | None                                                                                    | Independent of design-build process                                      |          |
| II.B.3.d    | 11       | Streetscape improvements within an historic district                                                                                                                                                                                                                                                          | None                                                                                    | The DBT has responsibility for actions associated with this stipulation. |          |
| II.B.3.e    | 11       | Preparation of NRHP nominations for historic properties                                                                                                                                                                                                                                                       | None                                                                                    | Independent of design-build process                                      |          |
| II.B.4      | 11       | Eligible applicants include local governments, public authorities and Section 501(c)(3) organizations                                                                                                                                                                                                         | None                                                                                    | Independent of design-build process                                      |          |
| II.B.5      | 11       | The Fund shall be administered by the IN SHPO and KY SHPO; the SHPOs shall provide involvement by the HPATs; monies from the Fund may be used for SHPO administration expenses subject to a cap of \$30,000.00 total; Stipulations II.B.5.a - II.B.5.i define responsibilities of SHPOs in regard to the Fund | The IN SHPO and the KY SHPO will schedule the required meeting.                         | Independent of design-build process                                      |          |
| II.B.5.a    | 11       | Maintain funds contributed by INDOT and KYTC                                                                                                                                                                                                                                                                  | None                                                                                    | Independent of design-build                                              |          |
| II.B.5.b    | 11       | Establish eligibility criteria for applicants and projects                                                                                                                                                                                                                                                    | IN SHPO and KY SHPO working to establish criteria for the HPEF                          | Independent of design-build process                                      |          |
| II.B.5.c    | 11       | Establish grant application process and grant application form                                                                                                                                                                                                                                                | IN SHPO and KY SHPO working to establish the grant process and application for the HPEF | Independent of design-build process                                      |          |
| II.B.5.d    | 11       | Establish standard provisions for grant agreements including grant conditions                                                                                                                                                                                                                                 | IN SHPO and KY SHPO working to establish provisions and conditions for the HPEF         | Independent of design-build process                                      |          |
| II.B.5.e    | 11       | Selection of projects for funding and announcement of awards                                                                                                                                                                                                                                                  | None                                                                                    | Independent of design-build process                                      |          |
| II.B.5.f    | 11       | Entering into grant agreements and distribution of grant funds                                                                                                                                                                                                                                                | None                                                                                    | Independent of design-build process                                      |          |

| Stipulation | Page No. | Description                                                                                                                                                                                                                                                                                                                                                         | Activity                                                                 | East End                            | Downtown |
|-------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------|----------|
| II.B.5.g    | 11       | Oversight of use of grant funds                                                                                                                                                                                                                                                                                                                                     | None                                                                     | Independent of design-build         |          |
| II.B.5.h    | 12       | Receiving monies returned to the Fund                                                                                                                                                                                                                                                                                                                               | None                                                                     | Independent of design-build         |          |
| II.B.5.i    | 12       | Completing operation of the Fund and returning any funds to INDOT and KYTC when Fund is terminated                                                                                                                                                                                                                                                                  | None                                                                     | Independent of design-build process |          |
| II.B.6      | 12       | Other sources of funding may also be utilized for eligible projects; identify other fund sources in grant application; disbursement of all funds prior to project initiation                                                                                                                                                                                        | None                                                                     | Independent of design-build process |          |
| II.B.7      | 12       | Grant agreements must include grant conditions as determined by the SHPOs, including (Stipulations II.C.7.a - II.C.7.e)                                                                                                                                                                                                                                             | None                                                                     | Independent of design-build process |          |
| II.B.7.a    | 12       | Property owner consent and other legal interests in subject properties                                                                                                                                                                                                                                                                                              | None                                                                     | Independent of design-build process |          |
| II.B.7.b    | 13       | Cancellation of grant commitment and/or return of grant monies if applicant is unable to complete an eligible project or other circumstances arise as determined by the SHPOs                                                                                                                                                                                       | None                                                                     | Independent of design-build process |          |
| II.B.7.c    | 13       | Return of funds used to acquire a property if said property is sold within 10 years after being purchased by grant funds                                                                                                                                                                                                                                            | None                                                                     | Independent of design-build process |          |
| II.B.7.d    | 13       | Use of grant monies solely for the purposes set forth in the grant agreement                                                                                                                                                                                                                                                                                        | None                                                                     | Independent of design-build process |          |
| II.B.7.e    | 13       | Compliance with any audit requirements and related record retention rules, policies and procedures under applicable state laws                                                                                                                                                                                                                                      | None                                                                     | Independent of design-build process |          |
| II.B.8      | 13       | INDOT and KYTC will provide the monies to the SHPOs for establishment of the Fund no later than 120 days after the effective date of the Settlement Agreement                                                                                                                                                                                                       | INDOT and KYTC each contributed \$850,000.00 to the Fund on May 3, 2013. | Independent of design-build process |          |
| II.B.9      | 13       | Monies returned to the Fund before December 31, 2016 will be available to the SHPOs for an eligible project provided the commitment occurs by July 31, 2017; monies returned after December 31, 2016 are to remain in the Fund until termination of the Fund and returned to the INDOT and KYTC in equal proportions                                                | None                                                                     | Independent of design-build process |          |
| II.B.10     | 14       | Monies within the Fund may be committed no later than July 31, 2017 and dispersed by December 31, 2017                                                                                                                                                                                                                                                              | None                                                                     | Independent of design-build process |          |
| II.B.11     | 14       | The Fund terminates on December 31, 2017; any remaining funds are to be returned to INDOT and KYTC in equal proportions no later than 60 days after termination of the Fund; Fund to be terminated upon return of funds to INDOT and KYTC; if applicant returns funds after Fund termination, monies to be returned by SHPOs to INDOT and KYTC in equal proportions | None                                                                     | Independent of design-build process |          |

| Stipulation | Page No. | Description                                                                                                                                                                                                     | Activity                                                                                                                                                                                                                                                                  | East End                                                                        | Downtown |
|-------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------|
| II.C.1      | 14       | INDOT and KYTC are to transmit a letter to all Section 106 parties within 60 days of Settlement Agreement confirming "No Work Zone" requirements                                                                | On March 1, 2013, INDOT and KYTC sent a letter to the Section 106 consulting parties letter clarifying that a No Work Zone will be established on all properties including, but not limited to, properties that are either listed on or eligible for listing on the NRHP. | 7.12                                                                            | 6.3.2.6  |
| II.C.2.a    | 14       | INDOT and KYTC are to hold HPAT meetings quarterly through the completion of construction. The design-build teams will advise of their activities during the quarterly meetings.                                | Meetings scheduled for the second half of 2013, 2014, 2015 and 2016 have been scheduled and posted on the Project website.                                                                                                                                                | The DBT has the responsibility for any actions associated with this stipulation |          |
| II.C.2.b    | 15       | Agendas and review materials to be provided to HPATs at least 15 days in advance of scheduled meetings                                                                                                          | Meeting materials were submitted in advance of the HPAT meetings as required.                                                                                                                                                                                             | Independent of design-build process                                             |          |
| II.C.2.c    | 15       | HPAT members can request additional review time                                                                                                                                                                 | None                                                                                                                                                                                                                                                                      | Independent of design-build process                                             |          |
| II.C.3.a    | 15       | INDOT to ensure all five historic homes within the Old Jeffersonville HD are relocated, rather than demolished, prior to construction                                                                           | Relocation of the five houses was completed by June 30, 2013.                                                                                                                                                                                                             | Independent of design-build process                                             |          |
| II.C.3.b    | 15       | INDOT to facilitate discussions between historic preservation groups and the City of Jeffersonville regarding relocation of the five homes in connection with the landscaping around the Big Four Approach Ramp | CTS-GEC facilitated meeting with local preservation and governmental agencies on May 23, 2013; relocation of houses to be pursued with an HPEF grant                                                                                                                      | Independent of design-build process                                             |          |
| II.C.3.c    | 15       | INDOT is to attempt to acquire and permanently protect with a preservation easement the lime-kiln located within the right-of-way of Upper River Road (Kiln #IE-HC-48004)                                       | A preservation easement is under development                                                                                                                                                                                                                              | Independent of design-build process                                             |          |
| II.C.3.d    | 16       | INDOT in coordination with the IHPAT is to develop a roadside historical marker for the limekilns and install it prior to December 31, 2016                                                                     | None                                                                                                                                                                                                                                                                      | The DBT has responsibility for actions associated with this stipulation.        |          |
| II.C.3.e    | 16       | INDOT in coordination with the IHPAT is to develop a roadside historical marker for the INAAP igloos and install it prior to December 31, 2016                                                                  | None                                                                                                                                                                                                                                                                      | The DBT has responsibility for actions associated with this stipulation.        |          |
| II.C.3.f    | 16       | INDOT is to prepare a NRHP nomination for Colgate-Palmolive HD by December 31, 2013                                                                                                                             | The new owners consented to listing on June 10, 2013; Ratio/CTS-GEC is to complete the listing in the next Reporting Period.                                                                                                                                              | Independent of design-build process                                             |          |
| II.C.4.a    | 16       | KYTC is to commits to develop an African-American Heritage Interpretive Plan for the Jefferson Jacob School, Jacob School Lane and James Taylor Subdivision no later than December 31, 2013                     | On-going by KYTC                                                                                                                                                                                                                                                          | Independent of design-build process                                             |          |
| II.C.4.b    | 16       | KYTC is to prepare NRHP nominations for Jacob School Lane, James Taylor Subdivision and Historic Village of Harrods Creek no later than December 31, 2014                                                       | On-going by KYTC                                                                                                                                                                                                                                                          | Independent of design-build process                                             |          |

| Stipulation | Page No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                          | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | East End                            | Downtown |
|-------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------|
| II.C.4.c    | 17       | KYTC is to submit a National Scenic Byway nomination for a segment of Upper River Road, including the portion of Upper River Road currently designated as a State Scenic Byway by later than December 31, 2014                                                                                                                                                                                                                                       | The KYTC Office of Local Programs is preparing this nomination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Independent of design-build process |          |
| II.D        | 17       | INDOT will provide HPAT members with a briefing on the B/V monitoring plans on the East End and an opportunity for comment; INDOT to consider requests from HPAT and the public to prepare B/V plans for other properties if documentation is prepared and signed by a PE to show that harm may occur; INDOT will hold an open house regarding the construction impacts, including B/V; KYTC will provide same level of involvement for the Downtown | A blasting and vibration briefing for the HPATs was held on April 18, 2013 and the Open Houses were held on April 24, 2013 (Indiana) and April 25, 2013 (Kentucky) . For the Downtown Procurement, construction vibration monitoring plans were provided to HPATs for review and comment on June 26, 2013; deadline for comments was July 8, 2013. For the East End, the blasting and vibration plans were provided to the HPATs for review and comment on March 29, 2013 with the deadline for comments on May 3, 2013. On May 31, 2013, three additional properties were submitted for consideration for completion of a blasting and vibration monitoring survey. All three properties were approved by IFA on June 10, 2013. The monitoring surveys were completed and provided to the HPATs on June 19, 2013. | 7.8                                 | 6.3.2.2  |
| II.E        | 18       | INDOT will provide current information on the Project website regarding coordination with LWC and KDOW with respect to the storm water management design on the East End, including permit filings and public comment deadlines                                                                                                                                                                                                                      | Posted on Project website on April 5, 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 8                                   | 12       |

## **ATTACHMENT D**

### **PROGRESS REPORT SCHEDULE**

Pursuant to Stipulation IX of the Section 106 MOA, the following milestones are identified by section for the Project in ensuing Reporting Periods.

#### **SECTION 3 – INDIANA DOWNTOWN**

- Archaeological Investigation for Waste Disposal Site – Fall 2013
- Colgate – Palmolive Historic District NRHP Nomination - Winter 2013

#### **SECTION 4 – KENTUCKY EAST END**

- Development of Outfall Treatment Facilities for the Bridge and Tunnel

#### **SECTION 6 – INDIANA EAST END**

- Utica Township Historic Lime Kilns NRHP Nomination – Fall 2013
- Utica Lime Kilns Pamphlet – Fall 2013
- Utica Lime Kilns and Quarries Condition Report – Fall 2013