

Louisville - Southern Indiana Ohio River Bridges Project
Progress Report Number 21
July 1, 2013 – December 31, 2013
Implementation of the Section 106 First Amended Memorandum
of Agreement

The Section 106 First Amended Memorandum of Agreement (MOA)¹ 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. 21, which covers the July 1 – December 31, 2013 reporting period (Reporting Period).

Activity during the Reporting Period concentrated on the approval of the National Register of Historic Places (NRHP) nominations for the Utica Limekilns, completion of the lime kilns and quarries documentation reports, finalization of the lime kilns pamphlet, completion of the Popular Report 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.

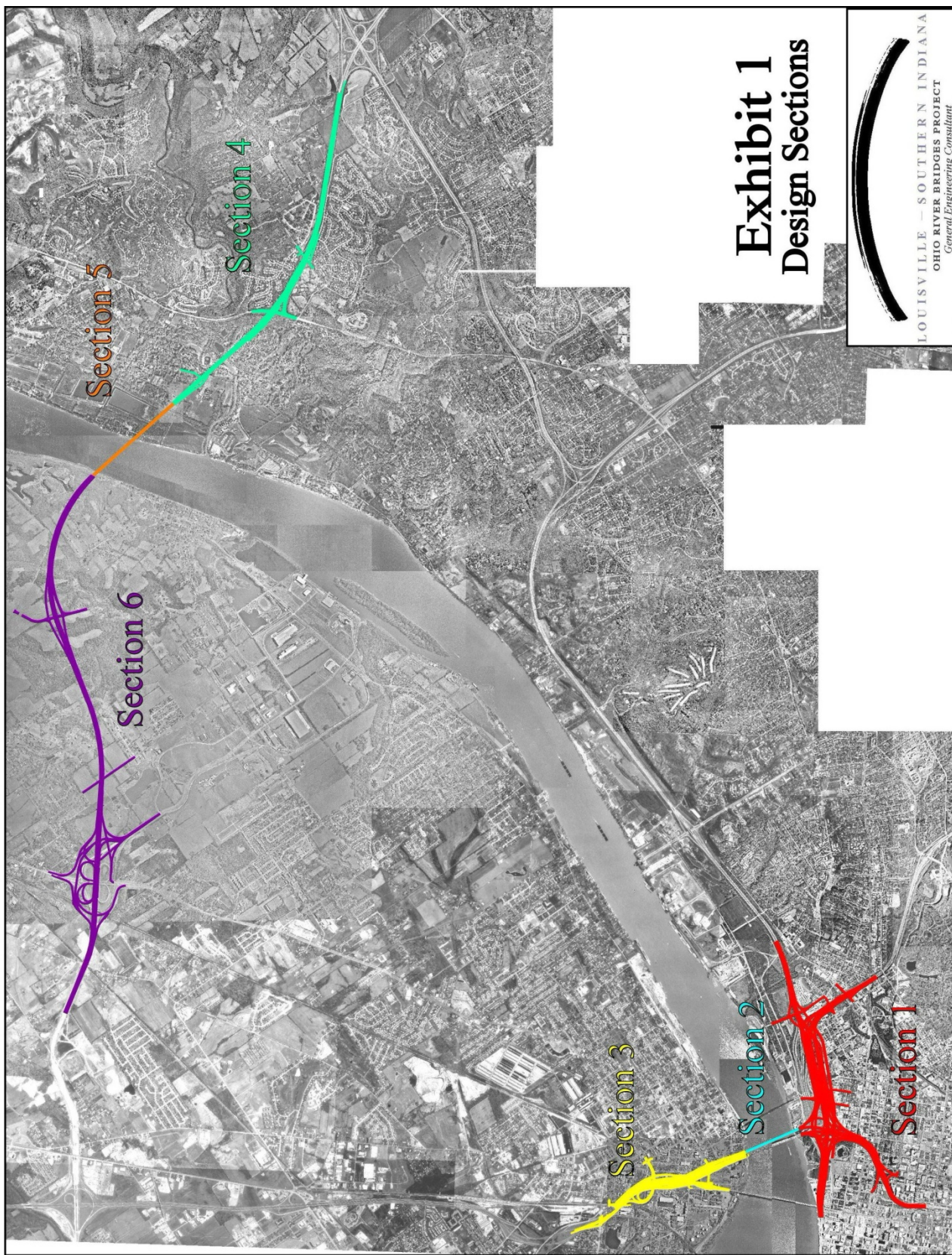
A Settlement Agreement (SA) was reached in federal litigation between the Indiana Department of Transportation (INDOT)/the Kentucky Transportation Cabinet (KYTC) and the National Trust for Historic Preservation (NTHP)/River Fields, Inc. The SA was reached in January 2013. A detailed listing of the activities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

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).

¹ A copy of the Section 106 First Amended MOA can be obtained by accessing the Project Website; the URL address is located at <http://kyinbridges.com/library/historic-environmental/memorandum-of-agreement/>



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 September 25, 2013 and December 11, 2013. Kentucky Historic Preservation Advisory Team (KHPAT) meetings were held on September 26, 2013 and December 12, 2013. A combined IHPAT – KHPAT meeting was held on August 6, 2013.**

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. (Additionally, Stipulation II.C.2. of the SA ensures that HPAT meetings are to be held quarterly through the completion of construction.) **HPAT meetings for the second half of 2013, 2014, 2015 and 2016 have been scheduled and posted to the Project website. HPAT meetings for 2014 are**

scheduled for March 19 – 20, 2014, June 18 – 19, 2014, September 17 – 18, 2014 and December 10 – 11, 2014.

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 September 25, 2013 and December 11, 2013. Kentucky Historic Preservation Advisory Team (KHPAT) meetings were held on September 26, 2013 and December 12, 2013. A combined IHPAT – KHPAT meeting was held on August 6, 2013. Appropriate materials for discussion at these meetings were distributed to the IHPAT and KHPAT at least 15 days prior to each meeting.**

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 July 16, 2013, September 19, 2013 and November 19, 2013.**

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. 20 (January 1, - June 30, 2013) for distribution on September 13, 2013. Following approval, the Progress Report was distributed in accordance with Stipulation IX of the MOA on September 16, 2013. Progress Report Number -21 for the Reporting Period of July 1, 2013 – December 31, 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 Percy continued to serve as the Indiana Ombudsman. Mr. Lee Douglas Walker continued to serve as the Kentucky Ombudsman.**

STIPULATION II: Project Development

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, modification to the *Aesthetics and Enhancement Implementation Plan (AEI)* is required. The AEI was approved on May 23, 2013, but additional aesthetic enhancements in Jeffersonville would require modifications to the plan. This activity is underway.**

For the East End Procurement, the AEI for Section 4 is scheduled for completion by June 1, 2014. The AEI for Section 6 is scheduled for completion by July 1, 2014.

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. In the East End, full cut-off optics would be used near the Lentz Cemetery.**

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. One comment was received on July 10, 2013 concerning construction noise. On December 18, 2013, KYTC solicited the input of area residents regarding the potential for construction of a sound barrier adjacent to the east and two barriers located along the west sides of the northbound and southbound ramps, respectively, of Stansifer Avenue and I-65. Public responses are to be received in the next Reporting Period.**

In the East End, a noise abatement plan was included in the Environmental Compliance Mitigation Plan (ECMP).

Stipulation II.I. mandates the documentation required for NRHP nominations to secure National Register listing of specific properties. **The Multiple Property Documentation Form (MPDF) and the NRHP nominations for Howe's Lime Kiln & Quarry (#48001), Tyler Co. Kiln & Quarry #1 (#48002) and the Starkweather Kiln & Quarry (#48004) were approved by the Keeper of the NRHP/National Park Service (NPS) on December 30, 2013. Due to property owner objection for listing of the Tyler Co. Kiln & Quarry #2 (#48003), the lime kiln was determined eligible for listing on the NRHP, but it will not be listed.**

The NRHP nomination for the Colgate – Palmolive HD was submitted to the IN SHPO on December 3, 2013.

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. **ACS Sign Solutions is fabricating the historic marker for the Spring Street Freight House (SSFH). Final fabrication and placement of the sign would occur in the next Reporting Period.**

Stipulation II.L.1. requires that construction blasting/vibration (BV) 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 BV 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 was July 8, 2013. No comments were received by this date.**

For the East End, blasting commenced at the south tunnel portal on June 27, 2013. The BV plans for the INAAP Igloos, Lentz Cemetery and the Utica Lime Kilns were presented to the BSHCT for comment on November 19, 2013. Comments were requested by November 26, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received. On December 13, 2013, the revised BV Monitoring Plan for the Utica Lime Kilns, which addressed the lack/denial of access to the property by the property owner, was submitted to the BSHCT for comment. Comments were requested by December 20, 2013. On December 19, 2013, comments were received from the Indiana and Kentucky Co-chairs. The comments were addressed and no other comments were received.

On June 17, 2013, BV monitoring plans were provided to the HPATs for Allison Barrickman House, Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House for review and comment. The established deadline was June 26, 2013. On June 19, 2013, BV monitoring plans for Robinson – Brown House, Todd House and Wolf Pen Branch Mill were also submitted to the HPATs for review and comment; the deadline remained June 26, 2013. The only comments received by the deadline were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.

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, 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.

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. **At present, construction that produces noise is to be avoided between 6:00 AM - 12:00 PM on Sundays.**

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. **No comments were received for additional revision of the Popular Report by an established deadline of December 19, 2013. On December 20, 2013, the BSMT approved its distribution. Distribution was completed to the SHPOs, Native American Tribes and HPATs; and distribution to the public libraries would occur 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 has been completed in fall 2013. The Draft Final report was received on December 31, 2013. Reviews by KYTC and INDOT would occur in the next Reporting Period.**

Stipulation R. requires that the BSMT shall consult with local authorities and the BSHCT, throughout the life of construction, to identify maintenance of traffic strategies to mitigate traffic changes caused by construction. **Established detour routes through historic districts in the Downtown were coordinated with the BSHCT at the meeting of November 19, 2013.**

STIPULATION III: Site Specific Mitigation

Stipulation III.A.2.c. provides that a preservation easement shall be placed on the Spring Street Freight House 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. The Preservation Easement will be completed during the latter stages of construction after completion of its use as the Project Information Center.**

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. **ACS Sign Solutions is fabricating the historic marker for the SSFH. Final 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 NRHP nomination for the Colgate – Palmolive HD was submitted to the IN SHPO on December 3, 2013.**

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. The relocation of the pylons is addressed in the Treatment Plan (Plan). The Draft Plan was discussed with the BSHCT on September 19, 2013 and with the IHPAT on September 25, 2013. Specific discussions centered on construction of the retaining wall, continued use of the metal handrail, and removal/reassembly of the existing pylons, stairs and edge blocks. At the BSHCT of November 19, 2013 and at the IHPAT of December 11, 2013, the various iterations of the review of the Plan (Revisions 1 and 2) were shared.

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. **The pylons are to be displaced by the construction. The relocation of the pylons is addressed in 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. The relocation of the pylons is addressed in the Treatment Plan.**

Stipulation III.D.4 states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for the Project to avoid damage to the bridge and administration building, as set forth in Stipulation II.L **A BV 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 was July 8, 2013. No comments were received by this date.**

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 Old Jeffersonville HD 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. **The five houses have been relocated within the historic district and rehabilitated for auction. The auction was held on October 24, 2013, and all of the five received bids were less than the respective appraisals. Using the Final and Best Bid Process, INDOT solicited additional bids on October 31, 2013 for a seven-day period. Ten bids were received. Bids for the three houses relocated to 309 Pearl Street, 411 E. Maple Street and 310 Mechanic Street were accepted. The bids for the houses relocated to 411 W. Market Street and 626 E. 7th Street were rejected. For those accepted bids, INDOT is working to close on the houses in the next Reporting Period. It is intended that the two houses with the rejected bids would be donated to the City of Jeffersonville, which would donate the houses to a non-profit organization. INDOT has conferred with the City and coordination is continuing to complete these donations.**

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 Indiana Landmarks (Landmarks) easements. They are to be included with the sale documents for each of the five houses.

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.**

Stipulation III.E.13 states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for the properties abutting the Project to avoid damage to the bridge and administration building, as set forth in Stipulation II.L. **A BV 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. No comments were received by this date.**

Stipulation III.F. states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for the Project in consultation with River Ridge Development and the IN SHPO to avoid damage to the INAAP Igloos as set forth in Stipulation II.L. **For the East End, BV plans for the INAAP Igloos (including Lentz Cemetery and the Utica Lime Kilns) were presented to the BSHCT for comment on November 19, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received.**

Stipulation III.G.1 states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for the Project to avoid damage to the Lentz Cemetery as set forth in Stipulation II.L. **For the East End, BV plans for the Lentz Cemetery (including the INAAP Igloos and the Utica Lime Kilns) were presented to the BSHCT for comment on November 19, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received.**

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. **The Context Study was a part of the HPP. The BSMT approved the pamphlet on October 25, 2013; 1,500 copies were printed for public distribution. In coordination with the IHPAT, locations were identified to display the pamphlet. Distribution was completed by December 31, 2013.**

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). The IN SHPO concurred in the Condition Report on August 6, 2013.**

Stipulation III.H.3 states that Prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV 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. **For the East End, BV plans for the Utica Lime Kilns (including the INAAP Igloos and Lentz Cemetery) were presented to the BSHCT for comment on November 19, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received. On December 13, 2013, a revised BV Monitoring Plan for the Utica Lime Kilns was submitted to the BSHCT for comment. On December 19, 2013, comments were received from the Indiana and Kentucky Co-chairs. The comments were addressed and no other comments were received.**

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, a No Work Zone was established on the lime kilns. Final comments on the Documentation Report were received from the IN SHPO on November 6, 2013. In these comments, the IN SHPO indicated that upon revision, the Documentation Report would fulfill this stipulation. The Documentation Report was revised and returned on November 18, 2013. With this revision, the Documentation Report was considered final.**

Stipulation III.H.6. states that as lime kiln #48004 has been determined to fall within the Clark County owned right-of-way of Upper River Road, the BSMT will work with Clark County to place a preservation easement on the kiln. **The easement for kiln #48004 falls within the right of way of Upper River Road and is for the kiln only. The easement is under preparation by INDOT. A sample easement was provided to INDOT in July 2013.**

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. **The MPDF and the NRHP nominations for Howe’s Lime Kiln & Quarry (#48001), Tyler Co. Kiln & Quarry #1 (#48002) and the Starkweather Kiln & Quarry (#48004) were approved by the Keeper of the NRHP/NPS on December 30, 2013. Due to property owner objection for listing of the Tyler Co. Kiln & Quarry #2 (#48003), the lime kiln was determined eligible for listing on the NRHP, but it will not be listed.**

Stipulation K.15 states that the BSMT shall implement noise abatement measures wherever Project noise is expected to adversely affect the Butchertown HD 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. One comment was received on July 10, 2013 concerning construction noise, which was addressed.**

Stipulation III.K.16 states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for the Project to avoid damage to the District as set forth in Stipulation II.L. **A BV 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 was July 8, 2013. No comments were received by this date.

Stipulation III.L.9 states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for the Project to avoid damage to the Phoenix Hill HD as set forth in Stipulation II.L. **A BV 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. No comments were received by this date.**

Stipulation III.M.5 states that prior to initiating construction activities in the Country Estates of River Road Historic District/River Road Corridor, the BSMT shall ensure that construction contractors shall develop and implement BV 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. **On June 17, 2013, BV monitoring plans were provided to the HPATs for Allison Barrickman House, Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House for review. On June 19, 2013, BV monitoring plans for Robinson – Brown House, Todd House and Wolf Pen Branch Mill were also submitted to the HPATs for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.**

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. **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 BV plan for Drumanard 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 BV plan, as described in Stipulation II.L. **On June 17, 2013, BV monitoring plans were provided to the HPATs for the Drumanard Estate (including Allison Barrickman House, Belleview, Determan House, Chandler House, Merriwether House, Roswell and Schildknecht House) for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.**

Stipulation III.O.4 states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for this portion of the Project to avoid damage to the Allison-Barrickman house as set forth in Stipulation II.L. **On June 17, 2013, BV monitoring plans were provided to the HPATs for Allison Barrickman House (including Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House) for review. The only comments**

received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.

Stipulation III.P.6 states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for this portion of the Project to minimize damage to Roswell as set forth in Stipulation II. **On June 17, 2013, BV monitoring plans were provided to the HPATs for Roswell (including Allison Barrickman House, Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House and Schildknecht House) for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.**

Stipulation III.Q.4 states that prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a BV plan for this portion of the Project to avoid damage to Belleview as set forth in Stipulation II.L. **On June 17, 2013, BV monitoring plans were provided to the HPATs for Belleview (including Allison Barrickman House, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House) for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.**

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, Phase III excavation of Site 12CI978 was completed on November 27, 2013. An Interim Report for the site is anticipated in the next Reporting Period. In the East End, the footprint of the right-of-way has been cleared for archaeological resources.**

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, Phase III excavation of Site 12CI978 was completed on November 27, 2013. An Interim Report for the site is anticipated in the next Reporting Period. In the East End, the footprint of the right-of-way has been cleared for archaeological resources.**

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, 201 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
Report No. 20 for January 1, 2013 – June 30, 2013 was sent on September 16, 2013

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. (Additionally, Stipulation II.C.2. of the SA ensures that HPAT meetings are to be held quarterly through the completion of construction.):

- 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; it would 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 September 25, 2013 and December 11, 2013. KHPAT meetings were held on September 26, 2013 and December 12, 2013. A combined IHPAT - KHPAT meeting was held on August 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.	As needed	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. Additionally, the SA mandates that INDOT and KYTC are to hold HPAT meetings quarterly through the completion of construction.	Meetings are scheduled for 2014, 2015 and 2016 have been scheduled and posted on the Project website. The HPAT meetings for 2014 are scheduled for March 19 – 20, 2014, June 18 – 19, 2014, September 17 – 18, 2014 and December 10 – 11, 2014.	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	No additional comments were received from the HPAT members following the September or December meetings.	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 July 16, 2013, September 19, 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	If the DBT has responsibility for any action(s) associated with this stipulation, they will be advised.	
B	4	5	BSHCT shall convene to consider recommendations provided by the HPATs and prepare recommendations to the BSMT	None	If the DBT has responsibility for any action(s) associated with this stipulation, they will be advised.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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	No additional comments were received from the HPAT members following the September or December meetings.	If the DBT has responsibility for any action(s) associated with this stipulation, they will be advised.
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 6.3.2.4
C	3		5	BSMT to prepare progress reports as set forth in Stipulation IX.	The BSMT approved PR No. 20 (January 1, 2013 – June 30, 2013) for distribution on September 13, 2013; the PR was distributed on September 16, 2013. PR No. 21 for the Reporting Period of July 1, 2013 – December 31, 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 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	Both of the Ombudsmen are located in offices in historic properties.
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.	This stipulation was completed in May 2013.	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, modification to the <i>AEI</i> is required. The <i>AEI</i> was approved on May 23, 2013, but additional aesthetic enhancements in Jeffersonville would require modifications to the plan. This activity is underway. For the East End Procurement, the <i>AEI</i> for Section 4 is scheduled for completion by June 1, 2014. The <i>AEI</i> for Section 6 is scheduled for completion by July 1, 2014	5.3	9.1
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. In the vicinity of Lentz Cemetery in the East End, full cut-off optics are to be incorporated.	11.7	17.1, 17.2

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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; one comment was received on July 10, 2013 concerning construction noise. In Section 3, a sound wall survey was initiated on December 18, 2013 with area residents, with a deadline for response on January 10, 2014. In the East End, there is no requirement for a noise abatement plan.	7.7	6.3.2.1
F		8	Historic Preservation Plans			
F	1	8	HPPs to meet the following provisions:	Walsh is to be aware of the cited conditions in each approved HPP.	Independent of design-build process.	
F	1 a	8	Scopes of Work to be developed in consultation with the respective HPATs.	This task was completed individually for each respective 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 was completed individually for each respective HPP.	Independent of design-build process.	
F	1 c	8	Consent to be obtained prior to entry on privately owned property.	This task was completed individually for each respective HPP.	Independent of design-build process.	
F	1 d	8	To consider and build upon existing studies and plans.	This task was completed individually for each respective HPP.	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 was completed individually for each respective HPP.	Independent of design-build process.	
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 was completed individually for each respective HPP.	Independent of design-build process.	
F	1 g	8	To consider land use, transportation patterns and other urban/suburban planning issues	This task was completed individually for each respective HPP.	Independent of design-build process.	

Item	Sub Items		Pg. No.	Description	Activity	East End	Downtown
F	1	h	8	Present to relevant city/county governments and KIPDA for incorporation into local land use planning processes.	This task was completed individually for each respective HPP.		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 on October 2, 2012
F	2	b	9	Township of Utica Historic Lime Industry	The HPP was approved on October 15, 2012.		Task completed on October 15, 2012
F	2	c	9	Butchertown Historic District	The HPP was approved on October 31, 2012.		Task completed on October 31, 2012
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 on October 2, 2012
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 on November 26, 2012
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 on March 26, 2013
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.	The MPDF and the NRHP nominations for lime kilns #48001, #48002 and #48004 were approved by the Keeper of the NRHP on December 30, 2013. Due to property owner objection for listing of #48003, the lime kiln was determined eligible for listing on the NRHP, but it was not listed. This task is completed. The initial draft of NRHP nomination for the Colgate – Palmolive HD was submitted to the IN SHPO on December 3, 2013. It is pending property owner approval prior to further processing.	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.	Fabrication of the interpretive sign for the Spring Street Freight House began in this Reporting Period.	The DBT has responsibility for actions associated with this stipulation.	
L			10	Blasting & Vibration			

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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 BV briefing for the HPATs was held on April 18, 2013. In the prior Reporting Period on June 17, 2013, BV monitoring plans were provided to the HPATs for Allison Barrickman House, Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House for review. On June 19, 2013, BV monitoring plans for Robinson – Brown House, Todd House and Wolf Pen Branch Mill were also submitted to the HPATs for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received. For the Downtown Procurement, construction BV monitoring plans were provided to HPATs for review on June 26, 2013; deadline for comments was July 8, 2013. No comments were received. For the East End, BV plans for the INAAP Igloos, Lentz Cemetery and the Utica Lime Kilns were presented to the BSHCT for comment on November 19, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received. On December 13, 2013, a revised BV Monitoring Plan for the Utica Lime Kilns was submitted to the BSHCT for comment. On December 19, 2013, comments were received from the Indiana and Kentucky Co-chairs. The comments were addressed and no other comments were received.	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 on April 22, 2013 in Kentucky and on May 20, 2013 in Indiana. In the East End, theses surveys were completed on September 9, 2013.	7.8	6.3.2.2.
L	3		11	BSMT to determine whether damage has occurred as a result of Project activities.	For the Downtown Procurement, construction BV monitoring	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.		7.8	6.3.2.2.
L	5		11	Obtain consent for entry of privately owned property to access monitoring equipment or damage repair.	For the East End, BV plans for the INAAP Igloos, Lentz	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 6:00 AM - 12:00 PM on Sundays	12.4.7	6.3.2.1., 8.6.8., 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.	The No Work Zone letter was sent to the Section 106 consulting parties on March 1, 2013	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.	Popular Report was approved by the BSMT on December 20, 2013. Final copies will be provided to KYTC, INDOT, SHPOs, HPATs, Native American Tribes and local libraries 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 has been completed in fall 2013. The Draft Final Traffic Report was received on December 31, 2013. Reviews by KYTC and INDOT would occur 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	Pre-construction monitoring has been completed in fall 2013. The Draft Final Traffic Report was received on December 31, 2013. Reviews by KYTC and INDOT would occur in the next Reporting Period.	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.	Pre-construction monitoring has been completed in fall 2013. The Draft Final Traffic Report was received on December 31, 2013. Reviews by KYTC and INDOT would occur in the next Reporting Period.	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 has been completed in fall 2013. The Draft Final Traffic Report was received on December 31, 2013. Reviews by KYTC and INDOT would occur in the next Reporting Period.	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	To be completed after the completion of the roadway construction.	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.	Established detour routes through historic districts in Downtown were coordinated with the BSHCT at a meeting of November 19, 2013	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	Train Depot/Spring Street Freight House		
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.	The building is being used by INDOT as a public information office during construction. The ombudsman continues to be located in the historic Quartermaster building.	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	This task was completed on January 29, 2013.	Task completed on January 29, 2013.
A	2	c	15	Place preservation easement on property and sell at fair market value or donate to a local government.	The preservation easement will be prepared for the property near the completion of construction.	
A	5		16	Develop and place interpretative signage.	Fabrication of the interpretive sign for the Spring Street Freight House began in this Reporting Period.	The DBT has responsibility for actions associated with this stipulation.
B			16	Colgate-Palmolive Historic District		
B	1		16	BSMT will develop documentation and seek NRHP nomination.	The initial draft of NRHP nomination was submitted to the IN SHPO on December 3, 2013. It is pending property owner approval prior to further processing.	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	Ohio Falls Car and Locomotive Company Historic District		
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 Items	Pg. No.	Description	Activity	East End	Downtown
C	3	17	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	In the Downtown Procurement, no comments were received on the construction vibration monitoring plans by the deadline of July 8, 2013.	n/a	6.3.2.2
D		17	George Rogers Clark Memorial Bridge			
D	1	17	Make reasonable effort to avoid displacement of the historic bridge pylons on the IN approach to the bridge.	Pylons to be displaced by the construction; pylon relocation is a part of the TP.	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.	Comments on Draft Treatment Plan are expected from the IN SHPO in the next Reporting Period.	n/a	6.3.2.4
D	3	17	Relocate pylons in a way to ensure protection of the NRHP designation.	Pylons to be displaced by the construction; pylon relocation is a part of the TP.	n/a	6.3.2.4
D	4	17	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	In the Downtown Procurement, no comments were received on the construction vibration monitoring plans by the deadline of July 8, 2013.	n/a	6.3.2.2
E		17	Old Jeffersonville Historic District			
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 on October 2, 2012.	
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 on October 8, 2012	
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
E	5	18	Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles.	This task was completed as part of the final bridge design in 2013.	n/a	14.4

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown	
E	6		18	Develop and implement highway signage plan that minimizes the number of overhead directional signs on the approaches.	This task is underway. The road design is in excess of 50% completed.	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.	This task was completed on 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.	The five houses were relocated within the HD on June 30, 2013 and rehabilitated for auction. The auction was held on October 24, 2013. Final closure on the houses is pending.	Independent of design-build process.	
E	7	b	18	Place preservation easement on relocated houses.	Preservation easements are being drafted and modeled on Indiana Landmarks easements. They are to be included with the sale documents for each of the five houses. The rehabilitation of the houses is nearing completion.	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.	
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.	The five houses were relocated within the HD on June 30, 2013 and rehabilitated for auction. The auction was held on October 24, 2013. Final closure on the houses is pending.	Independent of design-build process.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
E	9	19	If no acceptable offer made that conforms to the requirements for rehabilitation and maintenance, may donate property to a local government	The five houses were relocated within the HD on June 30, 2013 and rehabilitated for auction. The auction was held on October 24, 2013. Final closure on the houses is pending.	Independent of design-build process.	
E	10	19	Design and construct roadway lighting in the viewshed of district as set forth in Stipulation II.D.	Roadway lighting concepts are under development by Walsh near the historic districts for the Downtown Procurement.	n/a	17.1
E	11	19	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; one comment was received on July 10, 2013 concerning construction noise. In Section 3, a sound wall survey was initiated on December 18, 2013 with area residents, with a deadline for response on January 10, 2014.	n/a	6.3.2.1
E	12	19	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 6:00 AM - 12:00 PM on Sundays	n/a	6.3.2.1, 8.6.8
E	13	19	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	In the Downtown Procurement, no comments were received on the construction vibration monitoring plans by the deadline of July 8, 2013.	n/a	6.3.2.2
F		19	INAAP Igloo Storage Historic District			
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.	For the East End, BV plans for the INAAP Igloos (including Lentz Cemetery and the Utica Lime Kilns) were presented to the BSHCT for comment on November 19, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received.	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	Lentz Cemetery			

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
G	1	20	Develop and implement a blasting/vibration plan	For the East End, BV plans for the Lentz Cemetery (including the INAAP Igloos and the Utica Lime Kilns) were presented to the BSHCT for comment on November 19, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received.	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	Lime Kilns within the Utica Lime Industry Multiple Property Listing			
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 Context Study was a part of the HPP. The BSMT approved the pamphlet on October 25, 2013; 1,500 copies were printed for public distribution. In coordination with the IHPAT, locations were identified to display the pamphlet. Distribution will be completed 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.	The IN SHPO concurred in the Condition Report on August 6, 2013	7.8	n/a

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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.	For the East End, BV plans for the Utica Lime Kilns (including the INAAP Igloos and Lentz Cemetery) were presented to the BSHCT for comment on November 19, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received. On December 13, 2013, a revised BV Monitoring Plan for the Utica Lime Kilns was submitted to the BSHCT for comment. On December 19, 2013, comments were received from the Indiana and Kentucky Co-chairs. The comments were addressed and no other comments were received.	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. Prepare a documentation report for those quarries that would be adversely affected by the Project.	On March 1, 2013, a No Work Zone was established on the lime kilns. Final comments on the Documentation Report were received from the IN SHPO on November 6, 2013. In these comments, the IN SHPO indicated that upon revision, the Documentation Report would fulfill this stipulation. The Documentation Report was revised and returned on November 18, 2013. With this revision, the Documentation Report was considered final.	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	The easement for lime kiln #48004 falls within the right of way of Upper River Road and is for the kiln only. The easement is presently at INDOT. A sample easement was provided by BLN in July 2013.	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	The MPDF and the NRHP nominations for lime kilns #48001, #48002 and #48004 were approved by the Keeper of the NRHP on December 30, 2013. Due to property owner objection for listing of #48003, the lime kiln was determined eligible for listing on the NRHP, but it was not listed. This task is completed.	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.	This task was completed on July 8, 2012	Task completed on July 8, 2012
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. This task is completed.	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 on October 31, 2012
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.	A noise study was completed on June 20, 2013 and a determination made that interior noise abatement was not required.	n/a 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 no responsibility for actions associated with this stipulation.	
K	14	24	Design and construct roadway lighting within the viewshed of the district	Roadway lighting concepts are under development by Walsh near the historic districts for the Downtown Procurement.	n/a	17.1
K	15	24	Implement noise abatement measures where the Project is expected to adversely affect the district	The <i>ORB Project Noise Abatement Plan</i> was prepared for the Downtown Procurement; one comment was received on July 10, 2013 concerning construction noise, which was addressed. In Section 3, a sound wall survey was initiated on December 18, 2013 with area residents, with a deadline for response on January 10, 2014.	n/a	6.3.2.1
K	16	24	Develop and implement a blasting/vibration plan	In the Downtown Procurement, no comments were received on the construction vibration monitoring plans by the deadline of July 8, 2013.	n/a	6.3.2.2
L		24	Phoenix Hill Historic District			

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.	Roadway lighting concepts are under development by Walsh near the historic districts for the Downtown Procurement.	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	One of the capitals from the Baer Fabrics was donated to the Filson Club; the agreement was executed by KYTC and Filson Club on September 25, 2013. KY SHPO agreed that KYTC has done due diligence in contacting historical groups and can place the remaining materials for public sale or auction.	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.	A noise study was completed on June 20, 2013 and a determination made that interior noise abatement was 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.	A noise study was completed on June 20, 2013 and a determination made that interior noise abatement was 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.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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 no responsibility for actions associated with this stipulation.	
L	9	26	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	In the Downtown Procurement, no comments were received on the construction vibration monitoring plans by the deadline of July 8, 2013.		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 on November 26, 2012	
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.	On-going	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.	On June 17, 2013, BV monitoring plans were provided to the HPATs for Allison Barrickman House, Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House for review. On June 19, 2013, BV monitoring plans for Robinson – Brown House, Todd House and Wolf Pen Branch Mill were also submitted to the HPATs for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.	7.8	n/a

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
M	6	27	Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties.	The No Work Zone letter was sent to the Section 106 consulting parties on March 1, 2013	7.6	n/a
N		27	Drumanard			
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 at the request of the KY SHPO is updating the property appraisal as part of 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.	KYTC at the request of the KY SHPO is updating the property appraisal as part of 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.	On June 17, 2013, BV monitoring plans were provided to the HPATs for the Drumanard Estate (including Allison Barrickman House, Belleview, Determan House, Chandler House, Merriwether House, Roswell and Schildknecht House) for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.	7.8	n/a
O		28	Allison-Barrickman House			
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

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
O	3	28	Define a "no-work zone" within the NRHP boundary of the property.	The No Work Zone letter was sent to the Section 106 consulting parties on March 1, 2013	7.6	n/a
O	4	28	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	On June 17, 2013, BV monitoring plans were provided to the HPATs for Allison Barrickman House (including Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House) for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.	7.8	n/a
P		28	Rosewell			
P	1	28	Develop and implement a Treatment Plan to minimize damage to the property.	The treatment plan and the final rehabilitation were completed on September 9, 2011.	Task completed on September 9, 2011.	
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 is being developed by KYTC and KY SHPO for the property.	Independent of design-build process.	
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.	On June 17, 2013, BV monitoring plans were provided to the HPATs for Roswell (including Allison Barrickman House, Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House and Schildknecht House) for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.	7.8	n/a

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
P	7		29 Define a "no-work zone" within the NRHP boundary of the property.	The No Work Zone letter was sent to the Section 106 consulting parties on March 1, 2013	7.6	n/a
Q			29 Bellevue			
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.	On-going	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
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.	On June 17, 2013, BV monitoring plans were provided to the HPATs for Bellevue (including Allison Barrickman House, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House) for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received.	7.8	n/a
Q	5		29 Define a "no-work zone" within the NRHP boundary of the property.	The No Work Zone letter was sent to the Section 106 consulting parties on March 1, 2013	7.6	n/a
R			29 MPDF Ohio River Camps Group			
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.	This task was completed 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.	On-going as needed	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, Phase III excavation of Site 12CI978 was completed on November 27, 2013. An Interim Report for the site is anticipated in the next Reporting Period. In the East End, the footprint of the right-of-way has been cleared for archaeological resources.	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, Phase III excavation of Site 12CI978 was completed on November 27, 2013. An Interim Report for the site is anticipated in the next Reporting Period. In the East End, the footprint of the right-of-way has been cleared for archaeological resources.	The DBT has responsibility for actions associated with this stipulation.	
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 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.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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 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 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 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.
STIPULATION V - UNANTICIPATED DISCOVERIES						
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 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
STIPULATION VI - ADDITIONAL HISTORIC PROPERTIES AND EFFECTS						
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.
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.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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. 20 (January 1, 2013 – June 30, 2013) for distribution on September 13, 2013; the PR was distributed on September 16, 2013. PR No. 21 for the Reporting Period of July 1, 2013 – December 31, 2013 is provided in accordance with Stipulation IX.	Independent of design-build process.	
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	
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 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)	A grant agreement was executed between the State of Indiana and Jeffersonville Main Street for the Pearl Street Infill Revitalization. Main Street was expected to close on the purchase of the property by December 31, 2013.	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 the houses is being pursued by Indiana Landmarks and Jeffersonville Main Street 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	To be completed through a separate contract near the end of the roadway construction.	The DBT has no 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		
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	This grant was made in September 2013	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)	From Main Street grant, \$1,315.00 returned to HPEF for second round of grants	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 no responsibility for actions associated with this stipulation.	
II.B.3.e	11	Preparation of NRHP nominations for historic properties	None	fc	
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	A special combined HPAT meeting was held on August 6, 2013 to discuss the historic grants and funding process of the HPEF	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	One grant was approved by the IN SHPO. The KY SHPO is accepting applications until January 15, 2014.	Independent of design-build process	
II.B.5.c	11	Establish grant application process and grant application form	One grant was approved by the IN SHPO. The KY SHPO is accepting applications until January 15, 2014.	Independent of design-build process	
II.B.5.d	11	Establish standard provisions for grant agreements including grant conditions	One grant was approved by the IN SHPO. The KY SHPO is accepting applications until January 15, 2014.	Independent of design-build process	
II.B.5.e	11	Selection of projects for funding and announcement of awards	Grant agreement executed for first round of grants in Indiana	Independent of design-build process	

Stipulation	Page No.	Description	Activity	East End	Downtown
II.B.5.f	11	Entering into grant agreements and distribution of grant funds	Grant agreement executed for first round of grants in Indiana	Independent of design-build process	
II.B.5.g	11	Oversight of use of grant funds	Grant agreement executed for first round of grants in Indiana	Independent of design-build process	
II.B.5.h	12	Receiving monies returned to the Fund	From Main Street grant, \$1,315.00 returned to HPEF for second round of grants	Independent of design-build process	
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)	Grant agreement executed for first round of grants in Indiana	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	From Main Street grant, \$1,315.00 returned to HPEF for second round of grants	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	

Stipulation	Page No.	Description	Activity	East End	Downtown
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	
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	The No Work Zone letter was sent to the Section 106 consulting parties on March 1, 2013	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 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	This task was completed on 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	This task was completed on May 23, 2013.	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)	The easement for lime kiln #48004 falls within the right of way of Upper River Road and is for the kiln only. The easement is presently at INDOT. A sample easement was provided by BLN in July 2013.	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	To be completed through a separate contract near the end of the roadway construction.	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	To be completed through a separate contract near the end of the roadway construction.	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 NRHP nomination for the Colgate – Palmolive HD was submitted to the IN SHPO on December 3, 2013. It is pending property owner approval prior to further processing.	Independent of design-build process	

Stipulation	Page No.	Description	Activity	East End	Downtown
II.C.4.a	16	KYTC is to commit 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	Task completed on December 30, 2013	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	
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 BV briefing for the HPATs was held on April 18, 2013. In the prior Reporting Period on June 17, 2013, BV monitoring plans were provided to the HPATs for Allison Barrickman House, Belleview, Determan House, Drumanard Estate, Chandler House, Merriwether House, Roswell and Schildknecht House for review. On June 19, 2013, BV monitoring plans for Robinson – Brown House, Todd House and Wolf Pen Branch Mill were also submitted to the HPATs for review. The only comments received by the deadline of June 26, 2013 were from the Indiana Co-chairs, who deferred to the Kentucky Co-chairs. No other comments were received. For the Downtown Procurement, construction BV monitoring plans were provided to HPATs for review on June 26, 2013; deadline for comments was July 8, 2013. No comments were received. For the East End, BV plans for the INAAP Igloos, Lentz Cemetery and the Utica Lime Kilns were presented to the BSHCT for comment on November 19, 2013. Comments were received from the Indiana Co-chairs on November 21, 2013 and were addressed; no other comments were received. On December 13, 2013, a revised BV Monitoring Plan for the Utica Lime Kilns was submitted to the BSHCT for comment. On December 19, 2013, comments were received from the Indiana and Kentucky Co-chairs. The comments were addressed and no other comments were received.	7.8	6.3.2.2

Stipulation	Page No.	Description	Activity	East End	Downtown
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	Two open detention ponds have been proposed in lieu of a vault system to collect runoff from the Ohio River East End Bridge. Roadway pollutants collected in the ponds would be removed prior to release of the runoff to Harrods Creek and the Wellhead Protection Area (WHPA). Coordination with LWC and KDOW is ongoing; concurrence from both agencies on the final design is required. With concurrence, the final design would be posted to the Project website.	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

- Phase III Archaeological Investigation of Site 12Cl978
- Colgate – Palmolive Historic District NRHP Nomination

SECTION 4 – KENTUCKY EAST END

- Development of Outfall Treatment Facilities for the Bridge and Tunnel