

MEETING SUMMARY

Section 106 Consultation Meeting
Louisville Southern Indiana Ohio River Bridges Project (LSIORB)
McCauley-Nicolas Building
Jeffersonville, Indiana
June 1, 2011 from 9:00 a.m. – 12:00 p.m.

ATTENDEES

Section 106 Consulting Parties

- City of Prospect: Ann Simms
- Clark's Landing (former Colgate-Palmolive): Dr. Jay Sheth, Andy Tandar
- Eastern Shawnee Tribe: Robin DuShane (by phone)
- Indiana State Historic Preservation Officer (SHPO): John Carr
- Jeff Historic Preservation Commission: Laura Renwick
- Jeffersonville Historic Preservation Commission: Peggy Hagerty Duffy
- Jeffersonville Office of Planning and Development: Brian Fogle
- Kentucky Ombudsman: Lee Douglas Walker
- Kentucky Transportation Cabinet (KYTC), Division of Environmental Analysis: Amanda Abner
- Louisville Metro Historic Preservation Officer: Richard Jett
- National Trust for Historic Preservation (NTHP): Elizabeth Merritt (by phone), Honor Keeler (by phone)
- Southern Regional Office Indiana Landmarks: Greg Sekula
- St. Francis in the Fields Episcopal Church: Reverend Robert Jennings, Chris Zimmerman (by phone)
- ¹Indiana Ombudsman: Carl Pearcy
- ¹Kentucky State Historic Preservation Officer (SHPO): Mark Dennen (by phone), Craig Potts (by phone), Vicki Birenberg (by phone)

State/Federal Agencies

- Advisory Council on Historic Preservation: Carol Legard (by phone)
- Federal Highway Administration: Mary Ann Naber, Janice Osadczuk, Duane Thomas, Anthony Goodman
- Indiana Department of Transportation (INDOT): Paul Boone, Patrick Carpenter, Laura Hilden (by phone), Jennifer Jansen (by phone)
- Kentucky Transportation Cabinet (KYTC): Gary Valentine, Tim Foreman, David Waldner, Ann Gibson, Chuck Wolfe, Tim Hagerty, John Mettillie, Samantha Wright

¹ Response letter has not been returned to CTS by this invited consulting party.

Project Team Members

- Community Transportation Solutions (CTS): Jeff Vlach, John Sacksteder, Kevin Senninger, David Kroll, Bob Lauder, Rich Glasser
- Section 4 Consultant: Debby Taylor (HW Lochner)
- Section 5 Consultant: Steve Slade (Parsons Brinckerhoff)

Public Attendees

- Courier-Journal: Marcus Green

PRESENTATION/DISCUSSION

1. Welcome

John Mettillie and Janice Osadczuk welcomed attendees to the meeting.

2. Introductions

John Mettillie asked for introductions from the folks in the room and on the phone. He explained that the Bi-state Historic Consultation Team (BSHCT) and the Historic Preservation Advisory Teams (HPATs) are other groups that will continue to meet separately from the Section 106 process.

3. Consulting Party Expectations

Mary Ann Naber gave an overview of the Section 106 process and explained the role of the Section 106 consulting parties. John Mettillie reviewed some ground rules for the meeting.

4. Project History

John Sacksteder gave a brief overview of the LSIORB project and the commitments in the 2003 Memorandum of Agreement (MOA) that have been implemented so far.

5. Potential Changes to the Project

Gary Valentine described the potential changes to the project that will be considered during the Supplemental Environmental Impact Statement (SEIS) process. Questions and comments included the following:

- Dr. Jay Sheth: On the East End Bridge, will both the bridge and the tunnel be reduced to 4 lanes?
- Gary Valentine: Yes, if that alternative is selected, both would be 4 lanes with the potential to widen to 6 lanes in the future.
- Greg Sekula: Is tolling off the table for the 2nd St Bridge and the Sherman Minton Bridge?
- Gary Valentine: Yes, leaders in both states have committed to this. Tolling is only being considered for the I-65 and I-265 bridges.
- Elizabeth Merritt: For the East End Bridge, will the overall width of the non-tunnel portion be reduced from 6 lanes to 4 lanes, or will it still be the same width and just striped as 4 lanes?
- Gary Valentine: If that alternative is selected, the overall width will be reduced.

6. 2003 Area of Potential Effect (APE)

John Mettille provided a brief description of the 2003 Broad APE, the 2003 Alternative-Specific Downtown APE, and the 2003 Alternative-Specific East End APE. Kevin Senninger described the recent efforts to update the property information within the 2003 Downtown and East End APEs. Kevin also discussed additional property surveys recently taken outside of the 2003 APE boundaries. Questions and comments included the following:

- Peggy Hagerty Duffy: Will a list of the additional notable properties be provided to the consulting parties?
- Kevin Senninger: We have started to map the properties on the Indiana side, but have not started on the Kentucky side.
- Elizabeth Merritt: So there are hundreds of properties beyond what were identified during the previous process?
- Kevin Senninger: The recent property surveys have not yet been cross-referenced with the list of contributing resources from 2003.
- Mary Ann Naber: Are the majority of the new properties considered to be contributing to existing districts?
- Kevin Senninger: This is true for the Indiana side. We have not yet completed the research on the Kentucky side.
- John Mettille: We will be providing more information on the property surveys in the next meeting. Once the APE has been established, then we will cross-reference the property updates with what was in the 2003 APE.
- John Carr: For the delineation of the APE for the SEIS, tolling will introduce factors that we were not called upon to consider previously. If you toll the Downtown and East End Bridges, this may serve as a disincentive to use those bridges, and divert traffic to US 31 Clark Bridge and Sherman Minton Bridge. Are you considering this factor in revising the APE?
- John Mettille: There will be ongoing consultation with both SHPOs on the APE as we continue studies on the project, including traffic modeling and diversion studies.
- Carol Legard: I would like more information on the traffic modeling and diversion studies. Is there a modeling plan or proposal on this?
- John Sacksteder: The project team has placed cameras throughout the area, measured the traffic data, developed economic data, and fed all of this into the travel demand model. For example, if a person is coming from New Albany into Louisville, the model uses what it will cost them, how long it will take, etc... to predict the trip routing. It is a very large model, progress is being made, and we should have more answers soon.
- John Carr: Will the consultation with the SHPOs on possibly revising the APE take place prior to the next Section 106 meeting?

- John Mettillie: Yes, revision of the APE will be in consultation with the KY and IN SHPOs. If there is additional information already available on the existing APE, we will be glad to consider it. Then we would need input on any new areas after the APE is refined, if needed.

7. Next Steps

John Mettillie provided an overview of the next steps in the Section 106 process.

8. Comment and Discussion Period

Additional questions and comments included the following:

- Elizabeth Merritt: The slide presentation says comments are due by June 30th. What specific types of comments are you seeking? It seems like we won't have specific types of comments until the next meeting.
- John Mettillie: Any information or comments you have at this time would be appreciated.
- Elizabeth Merritt: Will you circulate minutes of this meeting?
- John Mettillie: We will send out a meeting summary with a list of attendees.
- Reverend Robert Jennings: Is the cost of gasoline included in the traffic model?
- Gary Valentine: Yes, the operating costs are built into the model.

With no further questions or comments, the meeting was dismissed at 11:00 a.m.



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June 29, 2011

Janice Osadczuk
Engineering Services Team Leader
Federal Highway Administration—Indiana Division
Room 254—Federal Office Building
575 North Pennsylvania Street
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: June 1, 2011 Section 106 Consultation Meeting, Louisville-Southern Indiana Ohio River Bridges
Project (DHPA No. 1774)

Dear Ms. Osadczuk:

Pursuant to Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. § 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has reviewed the materials provided at the June 1, 2011 meeting and the meeting summary submitted with your cover letter dated June 13, 2011 and received on June 14, for the aforementioned project in Clark County, Indiana and Jefferson County, Kentucky.

Thank you for the informative meeting on June 1 and for the written materials.

We look forward to being consulted about FHWA's proposals for areas of potential effects (36 C.F.R. § 800.4[a][1]) for both above-ground properties and archaeological resources and about the identification (§ 800.4[a][2]-800.4[b]) and evaluation (§ 800.4[c]) of historic properties within those areas.

We note that, for illustrative purposes, two slides were included at the end of the sixth section of the PowerPoint presentation (page 21 in the June 1 handout) that showed both Outstanding-rated properties that previously had been identified in the Final Environmental Impact Statement ("FEIS") for this project and additional, Outstanding-rated Indiana properties that were identified in the recent, post-FEIS update of the Indiana Historic Sites and Structures Inventory ("IHSSI") for Clark County. We would offer the cautionary comment that an IHSSI rating of Outstanding does not mean that a property necessarily has been determined eligible for the National Register of Historic Places, either by a federal agency official and the Indiana SHPO in the course of a specific Section 106 review or formally by the Keeper of the National Register. On the other hand, a property that has been rated Notable (a lower rating than Outstanding) in an IHSSI survey occasionally is found to be individually eligible for the National Register upon closer examination.

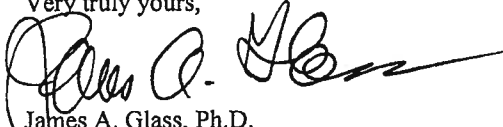
We are not suggesting, however, that because the rating of any property within the National Register-listed Old Jeffersonville Historic District recently has been elevated to Outstanding or Notable, that particular property necessarily must be scrutinized intensively enough to determine whether it might now be individually eligible. Unless such a property might be affected by the project to a greater degree than, or in a different way from, the way the historic district as a whole might be affected (e.g., by being in the path of, or in very close proximity to, the project area), we think that it could be sufficient, for the purposes of 36 C.F.R. § 800.4(c), for FHWA and the Indiana SHPO to determine that the property is a resource that contributes to the significance of the historic district.

We note that the entirety of the Old Jeffersonville Historic District apparently had been included in the area of potential effects ("APE") for the Downtown bridge that was determined for the FEIS. We believe that there are situations where it is not necessary to include an entire historic district—or even an entire individual property—within an APE. The APE is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or

use of historic properties, *if any such properties exist*" (36 C.F.R. § 800.16[d]; our emphasis). Because it is not necessary to know where historic properties are in order to determine the APE, we think it follows that the APE boundary should be based on where effects could occur, rather than where the outer limits of boundaries are for large historic properties (such as districts) that fall partly within the APE.

If you have questions about issues pertaining to buildings or structures, then please contact John Carr at (317) 233-1949 or jcarr@dnr.in.gov. Questions about archaeological matters should be directed to Dr. Rick Jones at (317) 233-0953 or rjones@dnr.in.gov. In all future correspondence regarding this project, please refer to DHPA No. 1774.

Very truly yours,



James A. Glass, Ph.D.

Deputy State Historic Preservation Officer

JAG:JLC:jlc

emc: Janice Osadczuk, Indiana Division, Federal Highway Administration
Michelle Allen, Indiana Division, Federal Highway Administration
Laura Hilden, Indiana Department of Transportation
Staffan Peterson, Ph.D., Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Mark Dennen, Kentucky State Historic Preservation Officer
Jeffrey Vlach, Beam, Longest and Neff, L.L.C.
John Mettelle, Wilbur Smith Associates
Kevin Senninger, Ratio Architects, Inc.



STEVEN L. BESHEAR
GOVERNOR

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LINDY CASEBIER
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STATE HISTORIC PRESERVATION OFFICER

August 11, 2011

Janice Osadczuk
Engineering Services Team Leader
Federal Highway Administration
Federal Office Building, Room 254
575 North Pennsylvania Street
Indianapolis, Indiana 46204

**Re: Louisville-Southern Indiana Ohio River Bridges Project SEIS; Proposed Area
of Potential Effect Modification**

Dear Ms. Osadczuk:

On July 21, 2011, the Kentucky Heritage Council, State Historic Preservation Office received the above referenced Area of Potential Effect (APE) modification for review and comment. This modification is related to revisions in the Selected Alternative identified in the September 6, 2003 Record of Decision (ROD) for the Louisville-Southern Indiana Ohio River Bridges project.

The Federal Highway Administration (FHWA) has proposed two general areas in Kentucky to be included within the modified APE. These areas are in central downtown Louisville and along River Road east of downtown Louisville. Their inclusion in the APE reflects the changes to traffic patterns that are anticipated when the tolling scenario is applied to the new downtown bridge and the new east end bridge.

Central Downtown Louisville Section:

It is understood that a Traffic Diversion Analysis was carried out and resulted in an area bounded by the Ohio River to the north, Cathedral Way to the west, Guthrie Street/Abraham Flexner Way to the south and Jackson Street/East Jefferson Street/North 1st Street to the east. It is logical to assume that a segment of the traveling public will opt to exit I-65 when traveling north to utilize the Clark Memorial Bridge and thereby avoid the toll associated with the new downtown bridge. This is true of southbound traffic looking to enter I-65 from the 2nd Street corridor. The analysis indicates that more traffic will exit/enter I-65 in the vicinity of Liberty Street, making its way west to or east from 2nd Street. While it may not be supported by the Traffic Diversion Analysis presented, it seems logical to us that traffic would also utilize Chestnut and Broadway to make its way over to or from 2nd Street. We understand that these access points are further south than the existing APE in that area, but considering the availability of those two exits/on ramps in such close proximity, it seems that the potential for indirect effects is there. Specific justification concerning the lack of potential for additional noise, congestion, development pressure and cumulative effects in the vicinity of those two exits is requested.

River Road East of Downtown Section:

The expanded APE in the vicinity of the riverfront is simply a connector between the downtown Alternative Specific APE and East End Alternative Specific APE along River Road. The River Road corridor is already a popular thoroughfare to get from Prospect to downtown Louisville and vice versa, and additional traffic on the east end will likely encourage enhanced use of River Road. While we have no issue with the length of the expanded APE in the vicinity of River Road, we question the way it was delineated on either side in that it seems arbitrary. We suggest moving the boundary north to the river and south to I-71 for clarity.

Thank you for providing us with an opportunity to comment on this draft APE modification. We look forward to working with you and other consulting parties on the identification and effects phase of the Section 106 process. If you have questions regarding these comments, please contact Craig Potts of my staff at (502) 564-7005, extension 123.

Sincerely,



Lindy Casebier
Acting Executive Director and
State Historic Preservation Officer

Cc: Gary Valentine (KYTC)
Amanda Abner (KYTC)
Duane Thomas (FHWA)
John Sacksteder (CTS-GEC)
Jeff Vlach (CTS-GEC)