

Louisville - Southern Indiana Ohio River Bridges Project
Progress Report Number 30
January 1, 2018 – June 30, 2018

**Implementation of the Section 106 First Amended Memorandum
of Agreement**

The Section 106 First Amended Memorandum of Agreement (FA - 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 FA - MOA. Included in the FA - MOA was a stipulation providing for the preparation of a Progress Report (Stipulation IX). The following is Progress Report No. 30, which covers the January 1, 2018 – June 30, 2018 reporting period (Reporting Period).

Activities during the Reporting Period included **streetscape improvements along Main Street, advancement of the Market Street streetscape in the Phoenix Hill Historic District (HD) continuing preparation of the preservation easements for Utica Limekiln #48004 and the Spring Street Freight House (SSFH) and development and review of the Post-Construction Traffic Monitoring Report (Monitoring Report).**

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

As detailed in Progress Report No. 29, Attachment C provides a listing of only those stipulations from the FA – MOA and SA that have not been completed. Previous Progress Reports should be referenced for previously completed stipulations. Attachment E, which is a listing of acronyms used throughout this Progress Report, has also been deleted, but may be referenced in previous Progress Reports.

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 FA - MOA can be obtained by accessing the Project Website; the URL address is located at <http://kyinbridges.com/library/historic-environmental/memorandum-of-agreement/>



INDIANA

KENTUCKY

LOUISVILLE
METRO

UTICA

PROSPECT

CLARKSVILLE

JEFFERSONVILLE

OHIO RIVER

River Ridge
Commerce
Center

Clark
Maritime
Center

Harrods
Creek

Six Mile
Island

PART II – IMPLEMENTATION OF MITIGATION MEASURES CONTAINED IN THE FA - MOA

Measures to mitigate adverse effects of the Project on historic properties are described in the FA - 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 FA - 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 this Progress Report. As noted, Attachment C provides a listing of only those stipulations from the FA – MOA and SA that have not been completed and Attachment E has also been deleted. Activities completed during the Reporting Period toward satisfying the various stipulations of the FA – MOA and SA are described in the following summary.

STIPULATION I: Project Coordination

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 FA - MOA and provides a means to consider recommendations of the Historic Preservation Advisory Teams (HPATs) through the BiState Historic Consultation Team (BSHCT) for final approval. **The BSMT approved Progress Report No. 29 (July 1, 2017 – December 31, 2017) for distribution on February 5, 2018. Following approval, the Progress Report was distributed in accordance with Stipulation IX of the FA - MOA on that date. Progress Report Number 30 for the Reporting Period of January 1, 2018 – June 30, 2018 is provided herein in accordance with Stipulation IX. Progress Reports will continue until all phases of the Project are complete.**

STIPULATION II: Project Development

Stipulation II.H. states that preservation easements are to be placed on the historic properties and held by a local government, local or state preservation organization, or other entity as

determined by the INDOT or KYTC in consultation with the respective State Historic Preservation Officer (SHPO). **The INDOT Legal Division will supply an acceptable format for the preservation easement for the SSFH and Utica Lime Kiln #48004. INDOT intends to dispose of the SSFH at a future unknown date in accordance with this stipulation. For Utica Lime Kiln #48004, a holder of the easement is to be sought.**

Stipulation II.J. states that streetscape improvements are to be designed in consultation with the respective SHPOs and occur within the public right-of-way. Approval from the agency holding title to the right of way is to be obtained prior to use. **Along East Main Street, sidewalk construction is complete with landscaping to occur in Fall 2018.**

The stipulation also required streetscape in the 300 – 600 blocks of Market Street. However, Metro Louisville (Metro) has a larger - encompassing streetscape project from the 100 - 1100 blocks of Market Street. The current KYTC Six-Year Plan provides \$5,000,000.00 for construction in both 2019 and 2020

Stipulation II.N. establishes no-work zones on construction plans within the National Register of Historic Places (NRHP) boundaries of properties identified in Stipulation III. State owner right-of-way within historic districts is exempt. **The No Work Zone letter sent March 1, 2013. 1) The archaeological mitigation at Shadybrook Farm, a No Work Zone, was combined with mitigation from another project and will be a web-based portal about Kentucky archaeological sites aimed at the public. The portal will have a special emphasis on the Jefferson County area since that is where part of the mitigation originated. KYTC has hired a consultant to prepare site descriptions. 2) The Kentucky Archaeological Survey is actively working on the publication from the March 2017 “Falls of the Ohio” themed archaeology workshop at the KHC Conference. The rockshelters and other projects will be included in the publication. Most of the chapters have been submitted for editing with completion anticipated by June 2018.**

Stipulation II.Q. states that the BSMT shall conduct pre- and post-construction traffic monitoring studies to assess the extent to which the Project has caused changes in traffic patterns within the Extensions to the Area of Potential Effect (APE) and shall consult with the BSHCT and HPATs regarding the results of those studies. **The Draft Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Pre-construction surveys have been completed. The Draft Post-Construction Traffic Monitoring Report was revised based on comments from the Indiana BSHCT Co-chairs. No additional comments were received from the Kentucky BSHCT Co-chairs. The Draft Report was revised and resubmitted for a final review to the INDOT and KYTC Project Managers and BSHCT Co-chairs on June 14, 2018. The INDOT Project Manager offered minor comments and the Indiana BSHCT Co-chairs had no additional comments. The Draft Report was revise and sent to the IHPAT and KHPAT for review on June 26, 2018. HPAT comments are due by July 27, 2018.**

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 INDOT Legal Division will supply an acceptable format for the preservation easement. INDOT intends to dispose of the property at a future unknown date in accordance with this stipulation.**

Stipulation III.H.6 states that as Limekiln #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. **INDOT Legal Division will supply an acceptable format for the preservation easement. A holder of the easement is to be sought.**

Stipulation III.K.10 states that the BSMT shall make a reasonable effort to incentivize reinvestment in the Grocers Ice and Cold Storage Company property, including consideration of demolition savings that will result from identification of a buyer, reduced land value because establishing a preservation easement, etc. The stipulation includes coordination with Metro for donation of the property with establishment of a preservation easement or public advertisement to identify a potential buyer, followed by documentation and demolition, if no buyer is identified. **Closing on the sale of the property was July 9, 2018. This stipulation is completed.**

Stipulation III.K.12 directs that the BSMT shall design and construct streetscape improvements on East Main Street as set forth in Stipulation II.J, in accordance with provisions of the Historic Preservation Plan (HPP) and the KHC streetscape design guidelines. **Along East Main Street, sidewalk construction is complete with landscaping to occur in Fall 2018.**

Stipulation III.L.8 requires that the BSMT shall include streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-65 Bridge as set forth in Stipulation II.J and in accordance with provisions of the HPP and the Kentucky Heritage Council's streetscape design guidelines. **The stipulation also required streetscape in the 300 – 600 blocks of Market Street. However, Metro Louisville has a larger - encompassing streetscape project from the 100 - 1100 blocks of Market Street. The current KYTC Six-Year Plan provides \$5,000,000.00 for construction in both 2019 and 2020.**

Stipulation III.N.3 states that if acquiring a preservation easement on Drumanard is not possible, FHWA will acquire the property, place the required easement on the property and transfer it to KYTC, who shall seek to sell the property at fair market value or donate it to a local government. **The preservation easement was placed on May 20, 2014. Closing on the sale of the property was held on June 7, 2018. This stipulation is completed.**

Stipulation III.P.3 states that the BSMT shall place a preservation easement on the Rosewell property as set forth in Stipulation II.H and sell the property to a local historic preservation organization or other party acceptable to the BSHCT or donate the property to a local government. **The preservation easement was placed on March 24, 2015. Closing on the sale of the property was April 6, 2018. This stipulation is completed.**

STIPULATION IV - ARCHAEOLOGICAL RESOURCES

Stipulation IV.E.1.j. states that any Treatment Plan(s) shall specify, at a minimum, plans for public education and interpretation. **KYTC Cultural Resources proposes to satisfy this stipulation through a three-pronged approach: 1) development of Story Maps (one for archaeology of the East End and two for the Downtown) with (possible) preparation of lessons plans, which Maps would be hosted on the KYTC or KHC server; 2) attendance at the Living Archaeology Weekend event and preparation of brochures on public education and archaeology for distribution at the event; and 3) support of The Archaeology Channel, a streaming media website from the Archaeological Legacy Institute.**

Stipulation IV.G.2. states that the FHWA, in consultation with the appropriate SHPO, shall prepare sufficient copies of final reports completed pursuant to this FA-MOA for dissemination to the public libraries, educational institutions, and other repositories in Jefferson and Clark Counties and Indian Tribes as appropriate. **There were nine archaeological sites that were subjected to combined Phase II/Phase III testing. Multiple media formats (refer to Stipulation IV.E.j.) are proposed in lieu of the placement of the technical reports for these sites in the locations identified in this Stipulation**

STIPULATION VII: Excess Right of Way

Should the Project result in excess right-of-way to be disposed, FHWA shall consult with the appropriate SHPO to determine whether the disposal or sale would have an adverse effect on historic properties. If consultation indicates the potential for historic resources to be adversely affected, FHWA shall consult to develop and implement treatment of the affected resources and disposition of the property. **In Indiana, INDOT provided documentation to the IN SHPO that the sale of excess right of way does not have an adverse impact on historic properties for approval. In Kentucky, on April 4, 2018, KYTC requested concurrence from the KY SHPO that the disposal of five parcels of excess right-of-way would perpetuate a No Historic Properties Affected finding on archaeological resources. Supporting documentation was provided. The KY SHPO concurred in no impact to archaeological resources on April 16, 2018. KYTC then requested a similar concurrence to any impact to historic properties and received a response from KY SHPO on July 5, 2018 citing No Adverse Effect.**

STIPULATION IX: Progress Reports

Progress Report Number **30** for the Reporting Period of **January 1, 2018 – June 30, 2018** is developed in accordance with Stipulation IX and will be sent to the signatories, concurring parties and HPAT members identified in Attachment A. Prior to this Progress Report, the following Progress Reports have been provided:

Report No. 1 for April 1, 2003 – December 31, 2003 was sent on July 21, 2004
Report No. 2 for January 1, 2004 – June 30, 2004 was sent on September 20, 2004
Report No. 3 for July 1, 2004 – December 31, 2004 was sent on April 22, 2005
Report No. 4 for January 1, 2005 – June 30, 2005 was sent on October 10, 2005
Report No. 5 for July 1, 2005 – December 31, 2005 was sent on February 20, 2006
Report No. 6 for January 1, 2006 – June 30, 2006 was sent on November 28, 2006

Report No. 7 for July 1, 2006 – December 31, 2006 was sent on May 9, 2007
Report No. 8 for January 1, 2007 – June 30, 2007 was sent on December 17, 2007
Report No. 9 for July 1, 2007 – December 31, 2007 was sent on March 3, 2008.
Report No. 10 for January 1, 2008 – June 30, 2008 was sent on September 9, 2008
Report No. 11 for July 1, 2008 – December 31, 2008 was sent on March 2, 2008
Report No. 12 for January 1, 2009 – June 30, 2009 was sent on September 3, 2009
Report No. 13 for July 1, 2009 – December 31, 2009 was sent on April 6, 2010
Report No. 14 for January 1, 2010 – June 30, 2010 was sent on September 1, 2010
Report No. 15 for July 1, 2010 – December 31, 2010 was sent on April 11, 2011
Report No. 16 for January 1, 2011 – June 30, 2011 was sent on October 31, 2011
Report No. 17 for July 1, 2011 – December 31, 2011 was sent on June 4, 2012
Report No. 18 for January 1, 2012 – June 30, 2012 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
Report No. 21 for July 1, 2013 – December 31, 2013 was sent on March 3, 2014
Report No. 22 for January 1, 2014 – June 30, 2014 was sent on August 19, 2014
Report No. 23 for July 1, 2014 – December 31, 2014 was sent on March 5, 2015
Report No. 24 for January 1, 2015 – June 30, 2015 was sent on September 11, 2015
Report No. 25 for July 1, 2015 – December 31, 2015 was sent on February 29, 2016
Report No. 26 for January 1, 2016 – June 30, 2016 was sent on October 15, 2016
Report No. 27 for July 1, 2016 – December 31, 2016 was sent on March 30, 2017
Report No. 28 for January 1, 2017 – June 30, 2017 was sent on September 6, 2017
Report No. 29 for July 1, 2017 – December 31, 2017 was sent on February 5, 2018

STIPULATION XIV: Duration

The FA - MOA is in effect through April 4, 2027. The FA - 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). It is the intent of the BSMT to terminate the FA – MOA upon satisfactory completion of all (FA – MOA) stipulations and as agreed upon by FHWA.

PART III – PROJECT MILESTONES The final meetings of the BSHCT and the HPATs have been convened unless the BSMT and BSHCT Co-chairs determine that additional meetings are needed. In that case, appropriate meetings will be scheduled.

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. Limekilns 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

	Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
	STIPULATION I - PROJECT COORDINATION						
	C	3		5	BSMT to prepare progress reports as set forth in Stipulation IX.	The BSMT approved PR No. 29 (July 1, 2017 – December 31, 2017) on February 5, 2018 and it was distributed on that date. PR No. 30 is contained herein.	Independent of design-build process.
	STIPULATION II - PROJECT DEVELOPMENT						
	H			9	Historic Preservation Easements to be placed on properties identified in Stipulation III in perpetuity	INDOT Legal Division, will supply an acceptable format for the preservation easement for the SSFH and Utica Lime Kiln #48004. INDOT intends to dispose of the SSFH at a future unknown date in accordance with this stipulation. For Lime Kiln #48004, a holder of the easement is to be sought.	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.	Along East Main Street, sidewalk construction is complete with landscaping to occur in Fall 2018. The stipulation also required streetscape in the 300 – 600 blocks of Market Street. However, Metro Louisville has a larger - encompassing streetscape project from the 100 - 1100 blocks of Market Street. The current KYTC Six-Year Plan provides \$5,000,000.00 for construction in both 2019 and 2020.	5.3

N		12	Establish no-work zones on construction plans within the NRHP boundaries of properties identified in Stipulation III. State owned right-of-way within historic districts is exempt.	The No Work Zone letter sent March 1, 2013. 1) The archaeological mitigation at Shadybrook Farm, a No Work Zone, was combined with mitigation from another project and will be a web-based portal about Kentucky archaeological sites aimed at the public. The portal will have a special emphasis on the Jefferson County area since that is where part of the mitigation originated. KYTC has hired a consultant to prepare site descriptions. 2) The Kentucky Archaeological Survey is actively working on the publication from the March 2017 "Falls of the Ohio" themed archaeology workshop at the KHC Conference. The rockshelters and other projects will be included in the publication. Most of the chapters have been submitted for editing with completion anticipated by June 2018.	7.6	6.3.2.6.
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	The Draft Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Pre-construction surveys have been completed. The Draft Post-Construction Traffic Monitoring Report was revised based on comments from the Indiana BSHCT Co-chairs. No additional comments were received from the Kentucky BSHCT Co-chairs. The Draft Report was revised and resubmitted for a final review to the INDOT and KYTC Project Managers and BSHCT Co-chairs on June 14, 2018. The INDOT Project Manager offered minor comments and the Indiana BSHCT Co-chairs had no additional comments. The Draft Report was revise and sent to the IHPAT and KHPAT for review on June 26, 2018. HPAT comments are due by July 27, 2018.	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	The Draft Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Pre-construction surveys have been completed. The Draft Post-Construction Traffic Monitoring Report was revised based on comments from the Indiana BSHCT Co-chairs. No additional comments were received from the Kentucky BSHCT Co-chairs. The Draft Report was revised and resubmitted for a final review to the INDOT and KYTC Project Managers and BSHCT Co-chairs on June 14, 2018. The INDOT Project Manager offered minor comments and the Indiana BSHCT Co-chairs had no additional comments. The Draft Report was revise and sent to the IHPAT and KHPAT for review on June 26, 2018. HPAT comments are due by July 27, 2018.	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.	The Draft Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Pre-construction surveys have been completed. The Draft Post-Construction Traffic Monitoring Report was revised based on comments from the Indiana BSHCT Co-chairs. No additional comments were received from the Kentucky BSHCT Co-chairs. The Draft Report was revised and resubmitted for a final review to the INDOT and KYTC Project Managers and BSHCT Co-chairs on June 14, 2018. The INDOT Project Manager offered minor comments and the Indiana BSHCT Co-chairs had no additional comments. The Draft Report was revise and sent to the IHPAT and KHPAT for review on June 26, 2018. HPAT comments are due by July 27, 2018.	Independent of design-build process.

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.	The Draft Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Pre-construction surveys have been completed. The Draft Post-Construction Traffic Monitoring Report was revised based on comments from the Indiana BSHCT Co-chairs. No additional comments were received from the Kentucky BSHCT Co-chairs. The Draft Report was revised and resubmitted for a final review to the INDOT and KYTC Project Managers and BSHCT Co-chairs on June 14, 2018. The INDOT Project Manager offered minor comments and the Indiana BSHCT Co-chairs had no additional comments. The Draft Report was revise and sent to the IHPAT and KHPAT for review on June 26, 2018. HPAT comments are due by July 27, 2018.	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.	The Draft Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Pre-construction surveys have been completed. The Draft Post-Construction Traffic Monitoring Report was revised based on comments from the Indiana BSHCT Co-chairs. No additional comments were received from the Kentucky BSHCT Co-chairs. The Draft Report was revised and resubmitted for a final review to the INDOT and KYTC Project Managers and BSHCT Co-chairs on June 14, 2018. The INDOT Project Manager offered minor comments and the Indiana BSHCT Co-chairs had no additional comments. The Draft Report was revise and sent to the IHPAT and KHPAT for review on June 26, 2018. HPAT comments are due by July 27, 2018.	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	The Draft Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Pre-construction surveys have been completed. The Draft Post-Construction Traffic Monitoring Report was revised based on comments from the Indiana BSHCT Co-chairs. No additional comments were received from the Kentucky BSHCT Co-chairs. The Draft Report was revised and resubmitted for a final review to the INDOT and KYTC Project Managers and BSHCT Co-chairs on June 14, 2018. The INDOT Project Manager offered minor comments and the Indiana BSHCT Co-chairs had no additional comments. The Draft Report was revise and sent to the IHPAT and KHPAT for review on June 26, 2018. HPAT comments are due by July 27, 2018.	Independent of design-build process.	
STIPULATION III - SITE SPECIFIC MITIGATION							
A			15	Train Depot/Spring Street Freight House			
A	2	c	15	Place preservation easement on property and sell at fair market value or donate to a local government.	INDOT Legal Division will supply an acceptable format for the preservation easement. INDOT intends to dispose of the property at a future unknown date in accordance with this stipulation.	Independent of design-build process.	
H			20	Lime Kilns within the Utica Lime Industry Multiple Property Listing			
H	6		21	BSMT to work with Clark County to place a preservation easement for Kiln #48004.	INDOT Legal Division will supply an acceptable format for the preservation easement. A holder of the easement is to be sought once a draft easement is available.	Independent of design-build process.	
K			22	Butchertown Historic District			
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.	Closing on the sale of the property was July 9, 2018. Tis stipulation is completed.	n/a	3.6.1.1
K	12		24	Design and construct streetscape improvements on East Main Street	Along East Main Street, sidewalk construction is complete with landscaping to occur in Fall 2018.	The DBT had no responsibility for actions associated with this stipulation.	

L			24	Phoenix Hill Historic District		
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.	The stipulation also required streetscape in the 300 – 600 blocks of Market Street. However, Metro Louisville has a larger - encompassing streetscape project from the 100 - 1100 blocks of Market Street. The current KYTC Six-Year Plan provides \$5,000,000.00 for construction in both 2019 and 2020.	The DBT had no responsibility for actions associated with this stipulation.
N			27	Drumanard		
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.	The preservation easement was placed on May 20, 2014. Closing on the sale of the property was held on June 7, 2018. This stipulation is complete.	Independent of design-build process.
P			28	Rosewell		
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.	The preservation easement was placed on March 24, 2015. Closing on the sale of the property was April 6, 2018. This stipulation is completed.	Independent of design-build process.
STIPULATION IV - ARCHAEOLOGICAL RESOURCES						
E			33	Treatment		
E	1	j	34	The Treatment Plan(s) shall specify, at a minimum, plans for public education and interpretation,	KYTC Cultural Resources proposes to satisfy this stipulation through a three-pronged approach: 1) development of Story Maps (one for archaeology of the East End and two for the Downtown) with (possible) preparation of lessons plans, which Maps would be hosted on the KYTC or KHC server; 2) attendance at the Living Archaeology Weekend event and preparation of brochures on public education and archaeology for distribution at the event; and 3) support of The Archaeology Channel, a streaming media website from the Archaeological Legacy Institute.	Independent of design-build process.
G			36	Distribution of Final Reports		
G	2		36	The FHWA, in consultation with the appropriate SHPO, shall prepare sufficient copies of final reports completed pursuant to this FA-MOA for dissemination to the public libraries, educational institutions, and other repositories in Jefferson and Clark Counties and Indian Tribes as appropriate.	There were nine archaeological sites that were subjected to combined Phase II/Phase III testing. Multiple media formats (refer to Stipulation IV.E.j.) are proposed in lieu of the placement of the technical reports for these sites in the locations identified in this Stipulation.	Independent of design-build process.

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.	In Indiana, INDOT provided documentation to the IN SHPO that the sale of excess right of way does not have an adverse impact on historic properties for approval. In Kentucky, on April 4, 2018, KYTC requested concurrence from the KY SHPO that the disposal of five parcels of excess right-of-way would perpetuate a No Historic Properties Affected finding on archaeological resources. Supporting documentation was provided. The KY SHPO concurred in no impact to archaeological resources on April 16, 2018. KYTC then requested a similar concurrence to any impact to historic properties and received a response from KY SHPO on July 5, 2018 citing No Adverse Effect.	The DBT had responsibility for actions associated with this stipulation.
STIPULATION IX - PROGRESS REPORTS						
A-C			39	Progress reports detailing implementation of the measures stipulated within the MOA shall be provided every six months.	The BSMT approved PR No. 29 (July 1, 2017 – December 31, 2017) on February 5, 2018 and it was distributed on that date. PR No. 30 is contained herein.	Independent of design-build process.
STIPULATION XIV - DURATION						
			40	FA - MOA shall remain in effect for 15 years through April 4, 2027.	It is the intent of the BSMT to terminate the FA – MOA upon satisfaction of all (FA – MOA) stipulations and as agreed upon by FHWA.	Independent of design-build process.

ATTACHMENT C - SETTLEMENT AGREEMENT

Stipulation	Page No.	Description	Activity	East End	Downtown
II.B.2.b	9	Acquisition of one or more limekilns and/or permanent protection through preservation easements and/or public ownership	INDOT Legal Division will supply an acceptable format for the preservation easement. A holder of the easement is to be sought.	Independent of design-build process	
II.B.2.d	10	Streetscape improvements in Butchertown HD and along East Main Street	Along East Main Street, sidewalk construction is complete with landscaping to occur in Fall 2018	The DBT had no responsibility for actions associated with this stipulation.	
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 sent March 1, 2013. 1) The archaeological mitigation at Shadybrook Farm, a No Work Zone, was combined with mitigation from another project and will be a web-based portal about Kentucky archaeological sites aimed at the public. The portal will have a special emphasis on the Jefferson County area since that is where part of the mitigation originated. KYTC has hired a consultant to prepare site descriptions. 2) The Kentucky Archaeological Survey is actively working on the publication from the March 2017 "Falls of the Ohio" themed archaeology workshop at the KHC Conference. The rockshelters and other projects will be included in the publication. Most of the chapters have been submitted for editing with completion anticipated by June 2018.	7.12	6.3.2.6
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 (Limekiln #IE-HC-48004)	INDOT Legal Division will supply an acceptable format for the preservation easement. A holder of the easement is to be sought.	Independent of design-build process	

ATTACHMENT D PROGRESS REPORT SCHEDULE

Pursuant to Stipulation IX.C. of the Section 106 FA - MOA, the following milestones are identified for the Project in the ensuing Reporting Period.

Interpretive Markers:

INAAP Igloo Storage Area – INDOT to mount replacement marker at new site location

Preservation Easements:

Utica Lime Kiln #48004 – Easement holder to be sought after INDOT, Legal Division supplies an acceptable format for the preservation easement

Spring Street Freight House – INDOT, Legal Division to supply an acceptable format for the preservation easement

Louisville – Main Street Streetscaping:

Construction of the streetscape landscaping to occur in Fall 2018

Louisville – Market Street Streetscaping:

The current KYTC Six-Year Plan provides \$5,000,000.00 for construction in both 2019 and 2020.

Traffic Monitoring Plan:

The Draft Post-Construction Traffic Monitoring Report is currently under review by the IHPAT and the KHPAT with an established deadline for comments of July 26, 2018. After consultation with the BSHCT and HPATs, the BSMT shall determine whether any measures, including any of the recommendations of the BSHCT and HPATs, should be implemented to address the effects of changes in traffic patterns within the Extensions to the APE.