

Louisville - Southern Indiana Ohio River Bridges Project
Progress Report Number 22
January 1, 2014 – June 30, 2014
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. 22, which covers the January 1 – June 30, 2014 reporting period (Reporting Period).

Activities during the Reporting Period concentrated on the completion of the National Register of Historic Places (NRHP) nominations for the Colgate – Palmolive Historic District (HD), distribution of the limekilns pamphlet, completion and distribution of the Popular Report, completion of the Treatment Plan for the George Rogers Clark Memorial Bridge and completion of historic archaeology for Site 12CI978. Additionally, efforts focused on activities related to the Downtown and East End Procurements with the selected construction contractors.

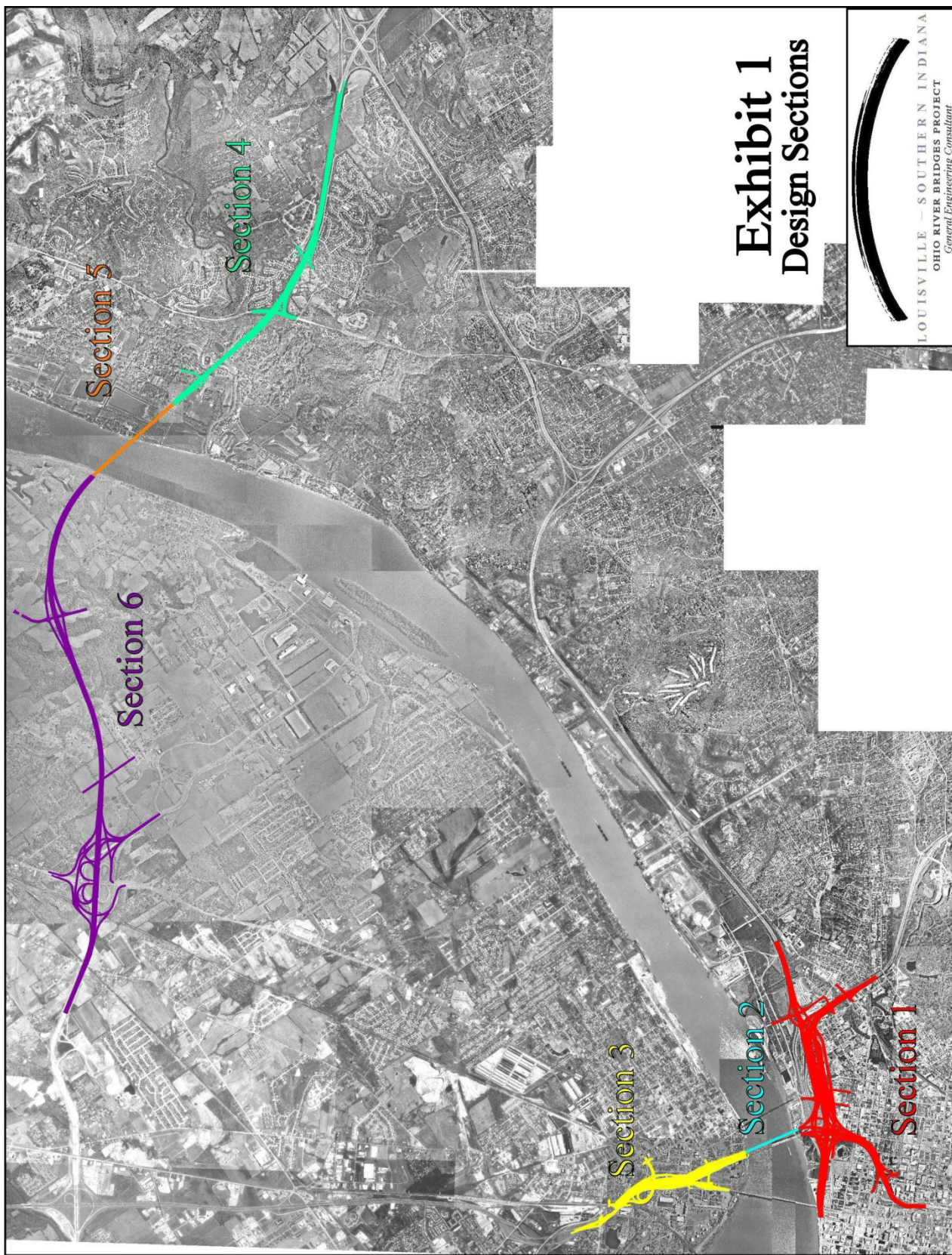
A Settlement Agreement (SA) was reached in federal litigation between the Indiana Department of Transportation (INDOT), the Kentucky Transportation Cabinet (KYTC), the National Trust for Historic Preservation (NTHP) and River Fields, Inc. The SA was reached in January 2013. A detailed listing of the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

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/>



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. A complete definition of each of the specific FA - MOA stipulations completed during the Reporting Period is contained in Attachment C. Included as Attachment E is an alphabetical listing of acronyms used throughout this Progress Report. Activities completed during the Reporting Period toward satisfying the various stipulations of the FA – MOA are described in the following summary.

STIPULATION I: Project Coordination

Stipulation I.A.3. provides for the Co-chairs to convene meetings of the Historic Preservation Advisory Teams (HPATs), prepare summaries of said meetings and prepare and submit HPAT recommendations to the BiState Historic Consultation Team (BSHCT) for further action. **Indiana Historic Preservation Advisory Team (IHPAT) meetings were held on March 19, 2014 and June 18, 2014. Kentucky Historic Preservation Advisory Team (KHPAT) meetings were held on March 20, 2014 and June 19, 2014.**

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 FA - 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 2014, 2015 and 2016 have been**

scheduled and posted to the Project website. HPAT meetings for 2014 are scheduled for September 9, 2014 (combined meeting) and December 10 – 11, 2014.

Stipulation I.A.10. provides for the distribution of materials needed for review by the advisory teams and comment deadlines following scheduled meetings. **IHPAT meetings were held on March 19, 2014 and June 18, 2014, and KHPAT meetings were held on March 20, 2014 and June 19, 2014. 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 BSHCT. The BSHCT is to consist of representatives of FHWA, INDOT, KYTC and the respective State Historic Preservation Offices (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 January 28, 2014, March 4, 2014 and May 13, 2014.**

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 HPATs through the BSHCT for final approval. **The BSMT approved Progress Report No. 21 (July 1, - December 31, 2013) for distribution on February 28, 2014. Following approval, the Progress Report was distributed in accordance with Stipulation IX of the MOA on March 3, 2014. Progress Report Number 22 for the Reporting Period of January 1, 2014 – June 30, 2014 is provided herein 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 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 Historic Preservation Plans (HPPs). The contractor shall also prepare an *Aesthetics and Enhancement Implementation Plan (AEI)* that shall be reviewed in consultation with the BSHCT. **For the Downtown Procurement, modification to the AEI is required. The AEI was approved on May 23, 2013, but additional aesthetic enhancements in Jeffersonville require an addendum to the plan. This activity is underway. For the East End Procurement, the AEI for Sections 4 and 6 is pending completion, most likely in the next Reporting Period.**

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, FCOs 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. **A noise barrier survey of adjacent receptors located within Section 3 at Stansifer Avenue (Indiana) was initiated on December 18, 2013 with a response deadline of January 10, 2014. Noise barriers were favored on the west and east sides of I-65 by over 50% of respondents. Walsh developed barrier concepts that were presented at a meeting with the affected receptors on March 4, 2014. On March 21, 2014, INDOT indicated that the noise barriers could be advanced to the design phase, as they were both reasonable and feasible. For Section 1 near I-64 (Kentucky), a noise barrier in the Clifton neighborhood is a contract change with Walsh. Further details are pending.**

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

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 SHPO. **A draft preservation easement was prepared for Limekiln #48004 and submitted to the Indiana Attorney General for review and comment on May 20, 2014; the review is pending.**

The property appraisals have been initiated by KYTC for both Drumanard and Rosewell; the Office of Legal Services, KYTC, has contacted Louisville Metro Government (Metro) to determine their interest in accepting the donation of each property.

Stipulation II.I. mandates the documentation required for NRHP nominations to secure National Register listing of specific properties. **The Indiana SHPO (IN SHPO) processed the Colgate-Palmolive NRHP nomination through the technical review. At the request of the property owner, the nomination was withdrawn by the IN SHPO on April 28, 2014. A follow-up letter from CTS-GEC, on behalf of the INDOT, on April 30, 2014 confirmed suspension of the review. This stipulation is completed.**

Stipulation II.K. specifies that interpretative signage shall be placed within the right of way of public streets, or on easements, to explain the significance of the historic properties. Approval from the agency holding title to the right of way will be obtained prior to use. The BSMT shall coordinate the text and placement of the signs with the respective HPAT. **The interpretive sign for the Spring Street Freight House (Freight House) was fabricated and mounted at the site on February 18, 2014.**

Intents to Apply for an interpretive marker for both the INAAP Igloo Storage Area and the Utica Limekilns were submitted to the Indiana Historical Bureau (IHB) on April 28,

2014. The Intents were accepted on May 15, 2014; final applications for these two markers are due on August 12, 2014.

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. **There have been no vibration exceedances.**

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

Pre-construction surveys were completed in the East End and provided to HPATs on September 9, 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 high levels of construction 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 Area of Potential Effect (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. **Final distribution of the Popular Report was completed to the SHPOs, HPATs, Indian Tribes and local libraries in late January 2014. This stipulation is completed.**

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. **The final traffic report was approved by INDOT and KYTC on February 20, 2014. This stipulation is completed.**

Stipulation II.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 were**

coordinated with the BSHCT at meetings of January 28, 2014, March 4, 2014 and May 13, 2014.

STIPULATION III: Site Specific Mitigation

Stipulation III.A.2.c. provides that a preservation easement shall be placed on the 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. **The interpretive sign was fabricated and mounted at the Freight House on February 18, 2014. This stipulation is completed.**

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 IN SHPO processed the Colgate-Palmolive NRHP nomination through the technical review. At the request of the property owner, the nomination was withdrawn by the IN SHPO on April 28, 2014. A follow-up letter from CTS-GEC, on behalf of the INDOT, on April 30, 2014 confirmed suspension of the review. This stipulation is completed.**

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 were dismantled, relocated and reassembled at a new location north of their existing location. This stipulation is completed.**

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 were dismantled, relocated and reassembled at a new location north of their existing location. The relocation of the pylons was addressed in the Treatment Plan, upon which the BSHCT Co-chairs issued final concurrence on May 5, 2014. This stipulation is completed.**

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 were dismantled, relocated and reassembled at a new location north of their existing location.**

The relocation of the pylons was addressed in the Treatment Plan, upon which the BSHCT Co-chairs issued final concurrence on May 5, 2014. This stipulation is completed.

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 **This stipulation was completed in July 2013. There have been no vibration exceedances.**

Stipulation III.E.7.a. mandates that during the acquisition phase, the BSMT and IN SHPO, 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 were relocated within the HD and rehabilitated for auction. Final closure on the houses is pending.**

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. **The preservation easements were recorded on December 20, 2013 for the five houses. This stipulation is completed.**

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 IN SHPO. **The restrictive covenant language was added to the deeds for each property and recorded when the properties were transferred to the City of Jeffersonville. All of the deeds have been recorded.**

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. **This stipulation was completed in July 2013. There have been no vibration exceedances.**

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 Indiana Army Ammunition Depot (INAAP) Igloos as set forth in Stipulation II.L. **This stipulation was completed in December 2013. There have been no vibration exceedances.**

Stipulation III.F. also states that in consultation with the HPATs, the BSMT shall make a reasonable effort to develop and place a roadside historical marker for the HD as set forth in Stipulation II.K near the facility, to explain the historical significance of the site, if the River Ridge Development Authority agrees. **An Intent to Apply for an interpretive marker was submitted to the IHB on April 28, 2014. The Intent was accepted on May 15, 2014; the final application for the marker is due August 12, 2014.**

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. **This stipulation was completed in December 2013. There have been no vibration exceedances.**

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; public distribution was completed in January 2014. This stipulation is completed.**

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 limekilns identified as IE-HC-48002, IE-HC-48003, and IE-HC-48004 and associated archaeological sites 12CI561 and 12CI934 as set forth in Stipulation II.L. **This stipulation was completed in December 2013. There have been no vibration exceedances.**

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. **The easement for limekiln #48004 falls within the right of way of Upper River Road and is for the kiln only. A draft easement was prepared and submitted to the Indiana Attorney General for review and comment on May 20, 2014; the review is pending.**

Stipulation III.H.7. states that in consultation with the IN SHPO, the BSMT shall develop and place an interpretive marker along Utica Pike as set forth in Stipulation II.K that describes the importance of the lime industry in the area and the significance of the limekilns and quarries. **An Intent to Apply for an interpretive marker was submitted to the IHB on April 28, 2014. The Intent was accepted on May 15, 2014; the final application for the marker is due August 12, 2014.**

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 of 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. **Demolition of the western portion of the building is anticipated to commence in mid-August 2014; an amendment to the Treatment Plan is to be prepared following the demolition. The Office of Legal Services, KYTC, has met with Metro regarding their potential interest in taking ownership of the property. While a representative has indicated an interest, it is too soon to assume that would occur.**

Stipulation III.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. **In the East End, a noise abatement plan was included in the ECMP.**

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. **This stipulation was completed in July 2013. There have been no vibration exceedances.**

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 East Market Streetscape Project encompasses four blocks along Main Street and Market Street that fall under the proposed streetscape improvements as part of the Project; coordination is ongoing to ensure compatibility of the two projects.**

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. **This stipulation was completed in July 2013. There have been no vibration exceedances.**

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. **This stipulation was completed in July 2013. There have been no vibration exceedances.**

Stipulation III.N.2. provides that prior to the initiation of construction activities, the BSMT shall make every effort to acquire or establish an historic preservation easement for the entire Drumanard historic property as set forth in Stipulation II.H. The easement shall be held by the Kentucky SHPO (KY SHPO). **The property appraisal has been initiated by KYTC; the Office of Legal Services, KYTC, has contacted Metro to determine their interest in accepting the donation of the property.**

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. **KYTC owns the Drumanard property. The property appraisal has been initiated by KYTC; the Office of Legal Services, KYTC, has contacted Metro to determine their interest in accepting the donation of the property.**

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. **This stipulation was completed in July 2013. There have been no vibration exceedances.**

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. **This stipulation was completed in July 2013. There have been no vibration exceedances.**

Stipulation III.P.3 states that following acquisition and implementation of the treatment plan, 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. KY SHPO shall hold the easement. If sold, the current owner will have first right of refusal. **The property appraisal has been initiated by KYTC; the Office of Legal Services, KYTC, has contacted Metro to determine their interest in accepting the donation of the property.**

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 Rosewell as set forth in Stipulation II. **This stipulation was completed in July 2013. There have been no vibration exceedances.**

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 Bellevue as set forth in Stipulation II.L. **This stipulation was completed in July 2013. There have been no vibration exceedances.**

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 preparation of the Environmental Impact Statement (EIS) 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, Site 12CI978 was cleared for construction by the IN SHPO on February 26, 2014. The final report of Phase III findings and the curation of artifacts are anticipated in early 2015. The Data Recovery Report (Phase I) for Site 12CI978 and the NRHP Evaluation for Site 12CI993 were received on May 9, 2014 and are under review by INDOT. The archaeological surveys for the Wayside Mission are pending.**

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, Site 12CI978 was cleared for construction by the IN SHPO on February 26, 2014. The final report of Phase III findings and the curation of artifacts are anticipated in early 2015. The Data Recovery Report**

(Phase I) for Site 12CI978 and the NRHP Evaluation for Site 12CI993 were received on May 9, 2014 and are under review by INDOT. The archaeological surveys for the Wayside Mission are pending.

In the East End, the footprint of the right-of-way has been cleared for archaeological resources.

STIPULATION IX: Progress Reports

Progress Report Number 22 for the Reporting Period of January 1, 2014 – June 30, 2014 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

STIPULATION XIV: Duration

The FA - MOA is in effect through April 4, 2027. The FA - MOA was prepared in conjunction with the Supplemental EIS (SEIS). It was executed by the FHWA (March 29, 2012), Advisory Council on Historic Preservation (ACHP) (April 4, 2012), IN SHPO (March 28, 2012), KY SHPO (March 27, 2012), 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 FA - 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. 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

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 FA - MOA	None	The intent of this matrix is to facilitate SHPO/HPAT review of the FA - MOA measures in each design-build RFP	
A	3	3	Each HPAT is co-chaired by a representative of the STA and SHPO; Co-chairs are responsible for convening meetings of the HPATs, preparing and maintaining a summary of meetings, and preparing and submitting HPAT recommendations to the BSHCT for further action	IHPAT meetings were held on March 19, 2014 and June 18, 2014. KHPAT meetings were held on March 20, 2014 and June 19, 2014.	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 FA - 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 and have been posted on the Project website. The remaining HPAT meetings for 2014 are scheduled for September 9, 2014 (combined HPAT) 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 are distributed to the HPAT members at least 15 days in advance of 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 March or June 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 FA - 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 January 28, 2014, March 4, 2014 and May 13, 2014.	The intent of this matrix is to facilitate SHPO/HPAT review of the FA - 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 March or June 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 FA - 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. 21 (July 1, 2013 – December 31, 2013) for distribution on February 28, 2013; the PR was distributed on March 3, 2013. PR No. 22 for the Reporting Period of January 1, 2014 – June 30, 2014 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 FA - 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 on April 12, 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 require an amendment to the plan. A draft amendment is under review for approval. For the East End Procurement, the <i>AEI</i> for Sections 4 and 6 are pending completion.	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.	Noise barrier survey for Section 3 at Stansifer Avenue initiated on December 18, 2013 with a deadline of January 10, 2014. Noise barriers were favored on the west and east sides of I-65 by over 50% of respondents. Walsh developed barrier concepts and presented at a meeting with the affected receptors on March 4, 2014. On March 21, 2014, INDOT indicated that the noise barriers could be advanced to design as they were reasonable and feasible. For Section 1, the noise barrier in Clifton is a contract change with Walsh.	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. This stipulation is completed.	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. This stipulation is completed.	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. This stipulation is completed.	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. This stipulation is completed.	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. This stipulation is completed.	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. This stipulation is completed.	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. This stipulation is completed.	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. This stipulation is completed.	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. This stipulation is completed.	Task completed on October 2, 2012	
F	2	b	9	Township of Utica Historic Lime Industry	The HPP was approved on October 15, 2012. This stipulation is completed.	Task completed on October 15, 2012	
F	2	c	9	Butchertown Historic District	The HPP was approved on October 31, 2012. This stipulation is completed.	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. This stipulation is completed.	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. This stipulation is completed.	Task completed on November 26, 2012	
F	2	f	9	Ohio River Camps Multiple Property Group	The Ohio River Camps HPP was approved on March 26, 2013. This stipulation is completed.	Task completed on March 26, 2013	
H			9	Historic Preservation Easements to be placed on properties identified in Stipulation III in perpetuity	A draft preservation easement was prepared for Limekiln #48004 and submitted to the Indiana Attorney General for review and comment on May 20, 2014; the review is pending final comments. The property appraisals have been initiated by KYTC for both Drumanard and Rosewell; the Office of Legal Services, KYTC, has contacted Metro to determine their interest in accepting the donation of each property.	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 IN SHPO processed the Colgate-Palmolive nomination through technical review. At the request of the property owner, the nomination was withdrawn by the IN SHPO on April 28, 2014. A follow-up letter from CTS-GEC, on behalf of the INDOT, on April 30, 2014 confirmed suspension of the review. This stipulation has been satisfied.	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.	To be completed near the end of the roadway construction.	5.3	9
K			10	Interpretative signage to be placed within the right-of-way of public streets or on easements to explain significance of the historic properties. Obtain right-of-way title holder approval prior to use.	The interpretive sign for the Spring Street Freight House was fabricated and mounted at the site on February 18, 2014. Intents to Apply for an interpretive marker for both the INAAP Igloo Storage Area and the Utica Limekilns were submitted to the Indiana Historical Bureau on April 28, 2014. The Intents were accepted on May 15, 2014; final applications for these two markers are due on August 12, 2014.	The DBT has responsibility for actions associated with this stipulation.	
L			10	Blasting & Vibration			
L	1		10	Ensure construction blasting/vibration plans and bridge pier construction plans are developed by the contractor(s). Maximum threshold values for historic properties established. BSMT and BSHCT to discuss protective measures to be used by Contractor to protect historic resources from vibration damage. The BSMT and BSHCT to discuss additional properties not identified by the Contractor that should be considered Extremely Fragile.	There have been no vibration exceedances.	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, these 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.	There have been no vibration exceedances.	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.	There have been no vibration exceedances.	7.8	6.3.2.2.
L	5	11	Obtain consent for entry of privately owned property to access monitoring equipment or damage repair.	There have been no vibration exceedances.	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 high levels of construction 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.		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.	Final distribution of the Popular Report was completed to the SHPOs, HPATs, Native American Tribes and local libraries in late January 2014. This stipulation is completed.	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	The Final Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014.	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 Final Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014.	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 Final Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014.	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.	The Final Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. This stipulation is completed.	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 were coordinated with the BSHCT at meetings of January 28, 2014, March 4, 2014 and May 13, 2014.	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. This stipulation is completed.	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.	The interpretive sign was fabricated and mounted at the site on February 18, 2014. This stipulation is completed.	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 IN SHPO processed the Colgate-Palmolive nomination through technical review. At the request of the property owner, the nomination was withdrawn by the IN SHPO on April 28, 2014. A follow-up letter from CTS-GEC, on behalf of the INDOT, on April 30, 2014 confirmed suspension of the review. This stipulation is completed.	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.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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.	
C	3	17	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	This stipulation was completed in July 2013. There have been no vibration exceedances.	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 were dismantled, relocated and reassembled at a new location north of their existing location. This stipulation is completed.	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.	The BSHCT Co-chairs issued final concurrence on the Treatment Plan (Revision 3) on May 5, 2014. This stipulation is completed.	n/a	6.3.2.4
D	3	17	Relocate pylons in a way to ensure protection of the NRHP designation.	Pylons were dismantled, relocated and reassembled at a new location north of their existing location. This stipulation is completed.	n/a	6.3.2.4
D	4	17	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	This stipulation was completed in July 2013. There have been no vibration exceedances.	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. This stipulation is completed.	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. This stipulation is completed.	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 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 Indiana ROW under the new bridge and existing I-65 bridge.	None	n/a	9.2.2

Item	Sub Items		Pg. No.	Description	Activity	East End	Downtown
E	5		18	Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles.	This task was completed as part of the final bridge design in 2013.	n/a	14.4
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 near completion.	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. This stipulation is completed.	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 <i>Moving Historic Buildings</i> . Relocated houses to be sold at fair market value.	The five houses were relocated within the HD and rehabilitated for auction. Final closure on the houses is pending.	Independent of design-build process.	
E	7	b	18	Place preservation easement on relocated houses.	The preservation easements were recorded on December 20, 2013 for the five houses. This stipulation is completed.	Independent of design-build process.	
E	7	c	19	Stipulate through a covenant easement that the purchaser must occupy house for five years and maintain in accordance with preservation standards.	The restrictive covenant language was added to the deeds for each property and recorded when the properties were transferred to the City of Jeffersonville. All of the deeds have been recorded.	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 IN SHPO agreement, INDOT to implement for a minimum of six months. INDOT to review with IN SHPO all offers prior to acceptance.	This task was completed on June 30, 2013. This stipulation is completed.	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 and rehabilitated for auction. 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.	On-going	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.	This stipulation was completed in July 2013. There have been no vibration exceedances.	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.	This stipulation was completed in December 2013. There have been no vibration exceedances.	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	An Intent to Apply for an interpretive marker was submitted to the IHB on April 28, 2014. The Intent was accepted on May 15, 2014; the final application is due on August 12, 2014.	7.6	n/a
G		20	Lentz Cemetery			
G	1	20	Develop and implement a blasting/vibration plan	This stipulation was completed in December 2013. There have been no vibration exceedances.	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

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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, which was approved on October 15, 2012. The BSMT approved the pamphlet on October 25, 2013; public distribution was completed in January 2014. This stipulation is completed.	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. This stipulation is completed.	7.8	n/a
H	3	20	Develop and implement a blasting/vibration plan. To be developed for kilns identified as IE-HC-48002, IE-HC-48003 and IE-HC-48004.	This stipulation was completed in December 2013. There have been no vibration exceedances.	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. The Documentation Report was finalized on November 18, 2013. This stipulation is completed..	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. A draft easement was prepared and submitted to the Indiana Attorney General for review and comment on May 20, 2014; the review is pending.	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.	An Intent to Apply for an interpretive marker was submitted to the IHB on April 28, 2014. The Intent was accepted on May 15, 2014; the final application is due on August 12, 2014.	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 stipulation 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. This stipulation is completed.	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 three 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 three 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 stipulation 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.	The HPP was approved on October 31, 2012. This stipulation is completed.	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. This stipulation is completed.	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.	Demolition of the western portion of the building is anticipated to commence in mid-August 2014; an amendment to the Treatment Plan is to be prepared following the demolition. The Office of Legal Services, KYTC, has met with Metro regarding their potential interest in taking ownership of the property. While a representative has indicated an interest, it is too soon to assume that would occur.	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 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	A noise barrier in the Clifton neighborhood is a contract change with Walsh.	n/a	6.3.2.1
K	16	24	Develop and implement a blasting/vibration plan	This stipulation was completed in July 2013. There have been no vibration exceedances.	n/a	6.3.2.2
L		24	Phoenix Hill Historic District			
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.	The HPP was approved on April 25, 2007 and the Update to the HPP was approved on October 2, 2012. This stipulation is completed.	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

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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. This stipulation is completed.	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. This stipulation is completed.	n/a	Independent of the design-build process.
L	7	25	Place interpretive signage within the district	To be completed through a separate contract near the end of the roadway construction.	The DBT has responsibility for actions associated with this stipulation.	
L	8	25	Streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-65 Bridge in accordance with provisions of the HPP and the KHC streetscape design guidelines.	The East Market Streetscape Project encompasses four blocks along Main Street and Market Street that fall under these proposed streetscape improvements as part of the Project; coordination is on-going to ensure compatibility of the two projects	The DBT has no responsibility for actions associated with this stipulation.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
L	9	26	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	This stipulation was completed in July 2013. There have been no vibration exceedances.		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. This stipulation is completed.	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.	This stipulation was completed in July 2013. There have been no vibration exceedances.	7.8	n/a
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. This stipulation is completed.	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.	The tunnel is presently under construction.	9.3.1, 16	n/a
N	2	27	Acquire or establish a historic preservation easement for the entire Drumanard historic property	The property appraisal has been initiated by KYTC; the Office of Legal Services, KYTC, has contacted Metro to determine their interest in accepting the donation of the property in accordance with this stipulation.	Independent of design-build process.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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 owns the Drumanard property. The property appraisal has been initiated by KYTC; the Office of Legal Services, KYTC, has contacted Metro to determine their interest in accepting the donation of the property in accordance with this stipulation.	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.	This stipulation was completed in July 2013. There have been no vibration exceedances.	7.8	n/a
O		28	Allison-Barrickman House			
O	1	28	Acquire a historic preservation easement for the Allison-Barrickman house on the tract of land within the NRHP boundary and an easement on the property bounded by US 42, KY 841, the Allison-Barrickman property and Wolf Pen Branch Road	The property owner has refused to place an easement on the property. This stipulation is completed.	Independent of design-build process.	
O	2	28	Implement noise abatement measures as set forth in Stipulation II.E.	In the East End, there is no requirement for a noise abatement plan. This was included in the ECMP for the East End.	7.6, 7.7	n/a
O	3	28	Define a "no-work zone" within the NRHP boundary of the property.	The No Work Zone letter was sent to the Section 106 consulting parties on March 1, 2013. This stipulation is completed.	7.6	n/a
O	4	28	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	This stipulation was completed in July 2013. There have been no vibration exceedances.	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. This stipulation is completed.	Task completed on September 9, 2011.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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 property appraisal has been initiated by KYTC; the Office of Legal Services, KYTC, has contacted Metro to determine their interest in accepting the donation of the property in accordance with this stipulation.	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.	This stipulation was completed in July 2013. There have been no vibration exceedances.	7.8	n/a
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. This stipulation is completed.	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.	This stipulation was completed in July 2013. There have been no vibration exceedances.	7.8	n/a

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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. This stipulation is completed.	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. This stipulation is completed.	Independent of design-build process.	

ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT

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, Site 12CI978 was cleared for construction on February 26, 2014. The final report of Phase III findings and curation of artifacts are anticipated in early 2015. The Data Recovery Report (Phase I) for Site 12CI978 and the NRHP Evaluation for Site 12CI993 were received on May 9, 2014 and are under review. The archaeological surveys for the Wayside Mission are pending. 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 FA - 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 FA - 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, Site 12CI978 was cleared for construction on February 26, 2014. The final report of Phase III findings and curation of artifacts is anticipated in early 2015. The Data Recovery Report (Phase I) for Site 12CI978 and the NRHP Evaluation for Site 12CI993 were received on May 9, 2014 and are under review. The archaeological surveys for the Wayside Mission are pending. 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.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
C	1-6	32	Evaluation: In consultation with the SHPOs and Native American Tribes, FHWA shall evaluate the NRHP eligibility of archaeological sites.	An archaeological plan has been developed to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing is to occur, but have not been previously cleared by an archaeological assessment.	The DBT has responsibility for actions associated with this stipulation.	
D	1-3	32-33	Assessment of Effects: In consultation with the SHPOs, Native American Tribes, and other parties deemed appropriate, FHWA shall assess project effects on archaeological sites. FHWA shall make reasonable efforts to avoid or minimize adverse effects.	An archaeological plan has been developed 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 FA - 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 and 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						

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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.
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		The BSMT approved PR No. 21 (July 1, 2013 – December 31, 2013) for distribution on February 28, 2013; the PR was distributed on March 3, 2013. PR No. 22 for the Reporting Period of January 1, 2014 – June 30, 2014 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 FA - 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 FA - 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 FA - MOA with 30 days written notice.	None		Independent of design-build process.
STIPULATION XIII - DISPUTE RESOLUTION						

Item	Sub Items		Pg. No.	Description	Activity	East End	Downtown
A-C			40	If signatories object to implementation of measures in FA - MOA, FHWA shall consult to resolve objection. ACHP may assist as needed.	None	Independent of design-build process.	
STIPULATION XIV - DURATION							
			40	FA - MOA shall remain in effect for 15 years.	The FA - 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. This stipulation is completed.	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)		Independent of design-build process	
II.B.2.a	9	Relocation of some or all of the five historic homes in the Old Jeffersonville Historic District in connection with landscaping for the area around the Big Four Approach Ramp	The four houses and one shed have been raised from their foundations and are staged for moving on city-owned property. The excavation of three crawlspaces is complete and one basement remains to be dug at the relocation site. It was anticipated that the buildings would be moved the week of June 23, 2014.	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	

Stipulation	Page No.	Description	Activity	East End	Downtown
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.	
II.B.2.e	10	Rehabilitation of and placement of a preservation easement on Jefferson Jacob School	Phase I for the rehabilitation and placement of a preservation easement on the school is proceeding		
II.B.2.f	10	Acquisition and rehabilitation of and/or preservation easement on the Merriwether House	Phase I for the acquisition, rehabilitation and placement of a preservation easement on the house is proceeding	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. This stipulation is completed.	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 the Old Jeffersonville HD houses relocation grant, \$1,315.00 was 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		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	Round One grants were approved by the IN SHPO in Indiana and the KY SHPO in Kentucky	Independent of design-build process	
II.B.5.c	11	Establish grant application process and grant application form	Round One grants were approved by the IN SHPO in Indiana and the KY SHPO in Kentucky	Independent of design-build process	
II.B.5.d	11	Establish standard provisions for grant agreements including grant conditions	Round One grants were approved by the IN SHPO in Indiana and the KY SHPO in Kentucky	Independent of design-build process	

Stipulation	Page No.	Description	Activity	East End	Downtown
II.B.5.e	11	Selection of projects for funding and announcement of awards	Round One grants were approved by the IN SHPO in Indiana and the KY SHPO in Kentucky	Independent of design-build process	
II.B.5.f	11	Entering into grant agreements and distribution of grant funds	Round One grants were approved by the IN SHPO in Indiana and the KY SHPO in Kentucky	Independent of design-build process	
II.B.5.g	11	Oversight of use of grant funds	Round One grants were approved by the IN SHPO in Indiana and the KY SHPO in Kentucky	Independent of design-build process	
II.B.5.h	12	Receiving monies returned to the Fund	From the Old Jeffersonville HD houses relocation grant, \$1,315.00 was 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 agreements have been executed for the first round of grants in Indiana and in Kentucky	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. This stipulation is completed.	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 the Old Jeffersonville HD houses relocation grant, \$1,315.00 was 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. This stipulation is completed.	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 are 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. This stipulation is completed.	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. This stipulation is completed.	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 (Limekiln #IE-HC-48004)	The easement for Limekiln #48004 falls within the right of way of Upper River Road and is for the kiln only. A draft easement was prepared and submitted to the Indiana Attorney General for review and comment on May 20, 2014; the review is pending.	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	An Intent to Apply for an interpretive marker was submitted to the IHB on April 28, 2014. The Intent was accepted on May 15, 2014; the final application is due on August 12, 2014.	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	An Intent to Apply for an interpretive marker was submitted to the IHB on April 28, 2014. The Intent was accepted on May 15, 2014; the final application is due on August 12, 2014.	The DBT has responsibility for actions associated with this stipulation.	

Stipulation	Page No.	Description	Activity	East End	Downtown
II.C.3.f	16	INDOT is to prepare a NRHP nomination for Colgate-Palmolive HD by December 31, 2013	The IN SHPO processed the Colgate-Palmolive nomination through technical review. At the request of the property owner, the nomination was withdrawn by the IN SHPO on April 28, 2014. A follow-up letter from CTS-GEC, on behalf of the INDOT, on April 30, 2014 confirmed suspension of the review. This stipulation is completed.	Independent of design-build process	
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. This stipulation is completed.	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	Research of existing materials, archival records and field surveys are proceeding. Preparation of the draft documentation began on June 1, 2014 and is to be complete on September 30, 2014. Initial review of the documentation by CTS-GEC would follow. Once satisfactory, the documentation would be provided to KYTC, the KY SHPO and Metro for review prior to its availability.	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	A draft nomination was completed by KYTC and submitted to FHWA in April 2014. FHWA responded that nominations for scenic byway designations were not being accepted due to a lack of funding. This stipulation is completed.	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	For the Downtown Procurement, this stipulation was completed in July 2013. For the East End, this stipulation was completed in December 2013. There have been no vibration exceedances.	7.8	6.3.2.2
II.E	18	INDOT will provide current information on the Project website regarding coordination with LWC and KDOW with respect to the storm water management design on the East End, including permit filings and public comment deadlines	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 Phase III Findings Report and Curation of Artifacts

SECTION 4 – KENTUCKY EAST END

- Development of Outfall Treatment Facilities for the Ohio River Bridge and Tunnel

ATTACHMENT E

ACRONYMS IN THE MASTER PROGRESS REPORT

ACHP	Advisory Council on Historic Preservation
AEI	Aesthetics and Enhancement Implementation Plan
APE	Area of Potential Effect
BV	Construction Blasting/Vibration Plans
BSHCT	Bi-State Historic Consultation Team
BSMT	Bi-State Management Team
CPH	Central Passage House
CTS-GEC	Community Transportation Solutions – General Engineering Consultant
DBT	Design - Build Team
ECMP	Environmental Compliance Mitigation Plan
EIS	Environmental Impact Statement
FA - MOA	First Amended Memorandum of Agreement
FCO	Full Cutoff Optics
FHWA	Federal Highway Administration, United States Department of Transportation
Freight House	Spring Street Freight House
Fund	Historic Preservation Enhancement Fund
HD	Historic District
HPAT	Historic Preservation Advisory Team
HPP	Historic Preservation Plan
IHB	Indiana Historical Bureau
IHPAT	Indiana Historic Preservation Advisory Team

INAAP	Indiana Army Ammunition Depot
INDOT	Indiana Department of Transportation
IN SHPO	Indiana State Historic Preservation Office
KDOW	Kentucky Division Of Water
KHC	Kentucky Heritage Council
KHPAT	Kentucky Historic Preservation Advisory Team
KIPDA	Kentuckiana Regional Planning and Development Agency
KY SHPO	Kentucky State Historic Preservation Office
KYTC	Kentucky Transportation Cabinet
LWC	Louisville Water Company
Metro	Louisville Metro Government
MOU	Memorandum of Understanding
MPDF	Multiple Property Documentation Form
NRHP	National Register of Historic Places
NTHP	National Trust for Historic Preservation
PPV	Peak Particle Velocity
PE	Registered Professional Engineer
PR	Progress Report
Project	Louisville – Southern Indiana Ohio River Bridges Project
RFP	Request For Proposal
ROW	Right-Of-Way
SA	Settlement Agreement
SEIS	Supplemental EIS

SHPO	State Historic Preservation Office
STA	State Transportation Agency
Reporting Period	January 1 – June 30, 2014
URL	Uniform Resource Locator
WHPA	Wellhead Protection Area