

Louisville - Southern Indiana Ohio River Bridges Project
Progress Report Number 19
July 1, 2012 – December 31, 2012
Implementation of the Section 106 First Amended Memorandum
of Agreement

The Section 106 First Amended Memorandum of Agreement (MOA)¹ for the Louisville – Southern Indiana Ohio River Bridges Project (Project) was executed on March 29, 2012. Attachment A provides a list of the signatories to the First Amended MOA. Included in the First Amended MOA was a stipulation providing for the preparation of a Progress Report (Stipulation IX). The following is Progress Report No. 19 which covers the July 1 – December 31, 2012 reporting period (Reporting Period).

Activity during the Reporting Period concentrated on the approval of updates to the Historic Preservation Plans (HPPs) for the Old Jeffersonville Historic District (HD), Phoenix Hill HD and the Country Estates of River Road HD/River Road Corridor; approval of the HPPs for the Utica Limekilns and the Butchertown HD; preparation of the National Register of Historic Places (NRHP) nominations for the Utica Limekilns and relocation efforts for the five contributing resources in the Old Jeffersonville HD.

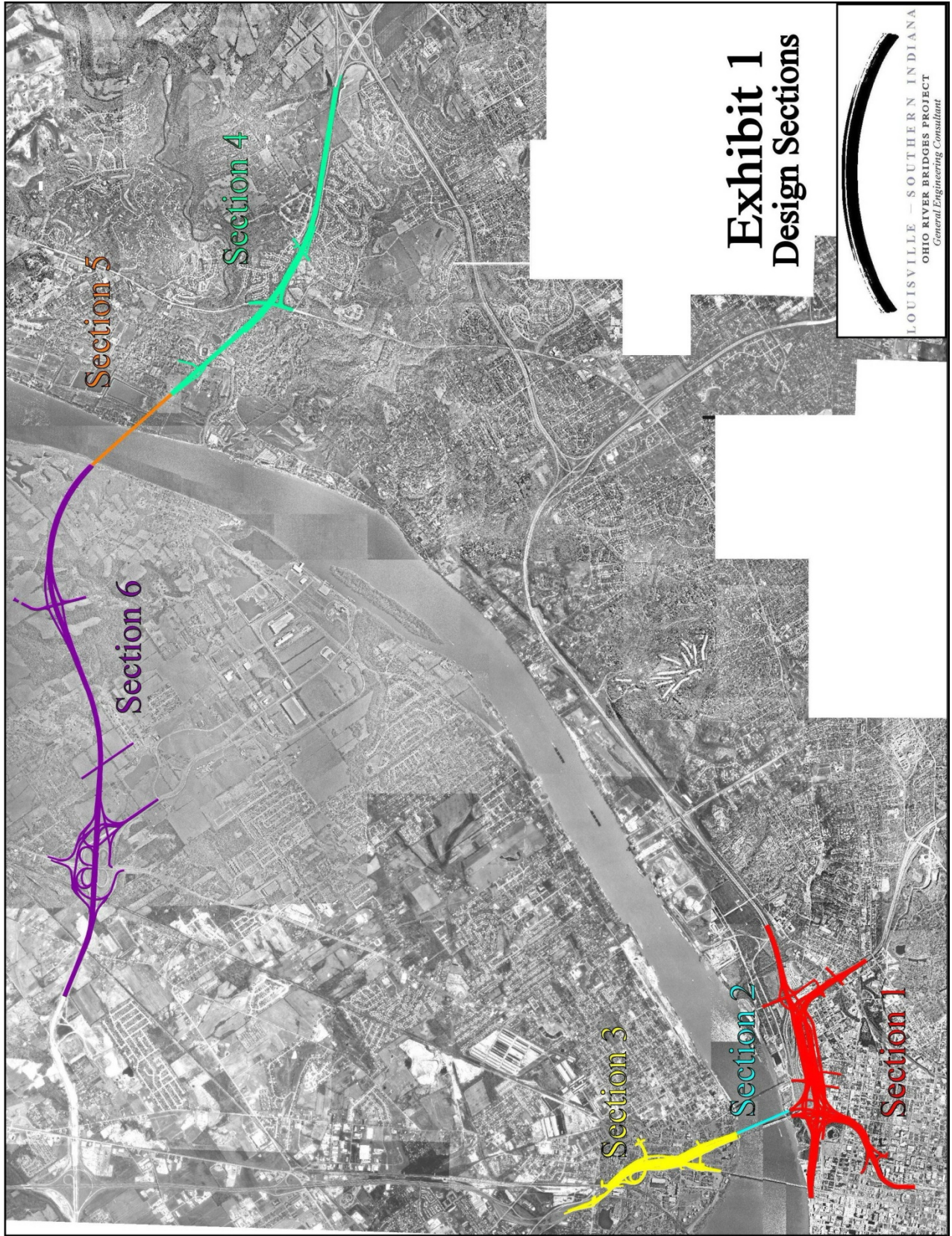
A Settlement Agreement (SA) was reached in federal litigation between the Indiana Department of Transportation (INDOT)/the Kentucky Transportation Cabinet (KYTC) and the National Trust for Historic Preservation (NTHP)/River Fields, Inc. The SA was reached in January 2013. A detailed listing of the stipulations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

PART I – OVERALL PROJECT STATUS

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

CTS-GEC worked during this Reporting Period with the BiState Management Team (BSMT), which consists of representatives from the INDOT, KYTC and the Federal Highway Administration (FHWA).

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



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

Measures to mitigate adverse effects of the Project on historic properties are described in the First Amended MOA along with a number of activities to guide the development of project plans and provide for coordination of those activities through an historic preservation advisory team for the Indiana portion of the project and one for the Kentucky portion of the project.

The MOA is divided into the following fourteen (14) stipulations:

- I. Project Coordination
- II. Project Development
- III. Site Specific Mitigation
- IV. Archaeological Resources
- V. Unanticipated Discoveries
- VI. Additional Historic Properties and Effects
- VII. Excess Right of Way
- VIII. Performance Standards
- IX. Progress Reports
- X. Project Modification
- XI. Amendment
- XII. Failure to Comply/Termination
- XIII. Dispute Resolution
- XIV. Duration

An expanded version of this listing is included as Attachment B to serve as an outline in the preparation of the Progress Report. A complete definition of each of the specific First Amended MOA stipulations completed during the Reporting Period is contained in Attachment C. Activities completed toward satisfying the various stipulations of the First Amended MOA during the Reporting Period are described in the following information.

STIPULATION I: Project Coordination

Stipulation I.A.3. provides for the Co-chairs to convene meetings of the Historic Preservation Advisory Teams (HPATs), prepare summaries of said meetings and prepare and submit HPAT recommendations to the BiState Historic Consultation Team (BSHCT) for further action. **Indiana Historic Preservation Advisory Team (IHPAT) meetings were held on September 6, 2012 and December 20, 2012. There were no Kentucky Historic Preservation Advisory Team (KHPAT) meetings held during the Reporting Period.**

Stipulation I.A.10. provides for the distribution of materials needed for review by the advisory teams and comments following scheduled meetings. **Indiana Historic Preservation Advisory Team (IHPAT) meetings were held on September 6, 2012 and December 20, 2012. Appropriate materials for discussion at these meetings were distributed to the IHPAT prior to each meeting.**

Stipulation I.A.11. provides for the development of recommendations by the Co-chairs based on comments provided by the advisory team, for consideration and action by the BSHCT.

Comments were received from the IHPAT members at the meetings of September 6, 2012 and December 20, 2012 and duly noted for the Project record. Comments were received from Indiana Landmarks and the Jeffersonville Historic Preservation Commission subsequent to the December 20, 2012 meeting.

Stipulation I.B. provides for a BiState Historic Consultation Team (BSHCT). The BSHCT is to consist of representatives of FHWA, INDOT, KYTC and the respective State Historic Preservation Officers (SHPOs). It defines the roles and responsibilities of the BSHCT, mandates the scheduling of BSHCT coordination meetings and provides a means to advance recommendations of the HPATs to the BSMT for final approval. **There were no BSHCT meetings during the Reporting Period.**

Stipulation I.C. provides for a BSMT. The BSMT consists of representatives of INDOT, KYTC and FHWA. It defines the roles and responsibilities of the BSMT, mandates the preparation of Progress Reports as set forth in Stipulation IX of this First Amended MOA and provides a means to consider recommendations of the HPATs through the BSHCT for final approval. **The BSMT approved Progress Report No. 18 (January 1, 2012 – June 30, 2012 for distribution on December 12, 2012. Following approval, the Progress Report was distributed in accordance with Stipulation IX of the MOA on that date. Progress Report Number 19 for the Reporting Period of July 1 – December 31, 2012 is provided in accordance with Stipulation IX.**

Stipulation I.D. provides for an Ombudsman for the Indiana portion of the Project and one for the Kentucky portion of the Project. It defines the qualifications for performance as the Project Ombudsman, the roles and responsibilities of the Ombudsman and the location of the office of the Ombudsman for each state. **During the Reporting Period, Mr. Carl Percy continued to serve as the Indiana Ombudsman. Mr. Lee Douglas Walker continued to serve as the Kentucky Ombudsman.**

STIPULATION II: Project Development

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

Stipulation II.B. provides that the views of the public are important and will be solicited and considered at a minimum through the normal transportation project development process of each state through informal meetings to be convened by the respective State Transportation Agencies (STA). **During the Reporting Period, Indiana Historic Preservation Advisory Team (IHPAT) meetings were held on September 6, 2012 and December 20, 2012. There were no Kentucky Historic Preservation Advisory Team (KHPAT) meetings held during the Reporting Period.**

Stipulation II.E. provides that the Project shall be designed so as 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. **As part of the final design process, more detailed barrier analysis will be completed and coordinated with the affected neighborhoods.**

Stipulation II.F. describes the actions for preparation of Historic Preservation Plans (HPPs). The six historic properties for which HPPs are to be developed were identified in Stipulation II.F.2 (a through g). **The Old Jeffersonville Historic District (HD) Updated HPP was approved by the BSMT on October 2, 2012. This task is completed.**

The Phoenix Hill HD Updated HPP was approved by the BSMT on October 2, 2012. This task is completed.

The Utica Township Limekilns HPP was approved by the BSMT on October 15, 2012 This task is completed.

The Butchertown HD HPP was approved by the BSMT on October 31, 2012. This task is completed.

The Country Estates of River Road HD/River Road Corridor Updated HPP was approved by the BSMT on November 26, 2012. This task is completed.

The Ohio River Camps Multiple Property Group HPP continued under preparation in this Reporting Period.

Stipulation II.I. mandates the documentation required for NRHP nominations to secure National Register listing of specific properties. **The four separate NRHP Registration Forms for the limekilns were revised based on comments received from the Indiana SHPO (IN SHPO) on June 28, 2012 and submitted to the IN SHPO on December 3, 2012 for review and processing.**

STIPULATION III: Site Specific Mitigation

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

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

Stipulation III.A.2.c. provides that a preservation easement shall then be placed on the property consistent with Stipulation II.H and the property shall be sold at fair market value to a preservation organization or other party acceptable to the BSHCT or donated to a local government. After rehabilitation, the INDOT will place a preservation easement on the Freight House. IHPAT members will assist FHWA, INDOT and CTS-GEC in defining the specific stipulations of the preservation easement. **It is anticipated that the Freight House will be opened to function as a Project Information Center as soon as the sanitary sewer connection is completed, and will continue to be used for this purpose during the construction phase of the Project.**

Stipulation III.A.5. provides that in consultation with the IHPAT and the IN SHPO, the INDOT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility to

explain its historic significance. **Mr. Greg Sekula on Indiana Landmarks provided specifications from the Scenic Byway Project for possible use in developing the interpretative signage for the Freight House. Drafts of the sign are under development for further discussion at an IHPAT meeting in the next Reporting Period.**

Stipulation III.E.1. provides that INDOT will update the Old Jeffersonville HD HPP to reflect Project design modifications and changes to the HD neighborhood. **The Old Jeffersonville Historic District (HD) Updated HPP was approved by the BSMT on October 2, 2012. This task is completed.**

Stipulation III.E.2. provides that the HPP be presented to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan and to inform the community and local government of additional historic preservation threats and opportunities. **The Updated HPP was sent to the City of Jeffersonville and KIPDA on October 8, 2012. This task is completed.**

Stipulation III.E.7. provides that the BSMT, in consultation with INSHPO and FHWA, will make a reasonable effort to relocate the five contributing structures that would otherwise be demolished by the Project to available vacant lots within the Historic District.

Stipulation III.E.7.a. mandates that during the acquisition phase, the BSMT and INSHPO, will make a reasonable effort to purchase vacant lots within the historic district from a willing seller at fair market value, move and place the houses on new foundations by a professional who has the capability to move historic buildings properly. The relocated buildings will be made available for sale at fair market value on the open market. **Three lots have been purchased to relocate the houses from 115 Fort Street, 432 W. Riverside Drive and 502 W. Riverside Drive. The houses are to be relocated to 409 E. Maple Street (115 Fort Street), 307 and 309 Pearl Street (432 W. Riverside Drive) and 411 W. Market Street (502 W. Riverside Drive). The remaining two lot relocations are continuing.**

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 was approved by the BSMT on October 15, 2012. This task is completed.**

Stipulation III.H.8. provides that the BSMT will develop documentation for and seek NRHP nomination for the lime kilns and associated quarries as set forth in Stipulation II.I. **The four separate NRHP Registration Forms for the limekilns were revised based on comments received from the IN SHPO on June 28, 2012 and submitted to the IN SHPO on December 3, 2012 for review and processing.**

Stipulation III.I. states that since the Swartz Farm Rural HD is no longer eligible for the NRHP, and the Central Passage House (CPH) was determined to be not eligible for individual listing, this stipulation has been eliminated. Documentation developed prior to the demolition of the CPH is to be made available to the public. **The *Photo Recordation of Central Passage House, Clark County, Indiana For Section 106 MOA, Section 6, Utica Approach (August 2011/January 2012)* was approved by the IN SHPO on July 8, 2012. This task is completed.**

Stipulation III.I. also stated that INDOT will coordinate with the appropriate historic preservation organization to publicly advertise the CPH for purchase and relocation by others at least three (3) months prior to demolition. If a third party decides to purchase or accept ownership, the third party is to bear the costs of relocation. For INDOT to approve the sale or donation, the potential buyer or donee must demonstrate their ability to complete relocation of the structure at least three months prior to scheduled demolition. **During the advertisement of the CPH for purchase and relocation, no one came forth to accept title to the structure. Final disposition of the house would be determined during the next Reporting Period.**

Stipulation III.K.1. provides for the preparation of an HPP for the Butchertown HD. **The Butchertown HD HPP was approved by the BSMT on October 31, 2012. This task is completed.**

Stipulation III.K.10. provides that the BSMT shall make a reasonable effort to incentivize reinvestment in Grocers Ice property, including consideration of demolition savings that will result from identification of a buyer, reduced land value as a result of establishing a preservation easement, etc. Includes coordination with Louisville Metro for donation of property with preservation easement or public advertisement to identify buyer, followed by preparation of State – Level 1 Documentation and demolition if no buyer is identified. **The final draft of the State – Level 1 Documentation was prepared and is under internal review. It will be sent to the Kentucky SHPO (KY SHPO) for final review for approval in the next Reporting Period.**

Stipulation III.L.1. provides for KYTC to update the HPP for Phoenix Hill to reflect Project design modifications and changes to the HD neighborhood. **The Phoenix Hill HD Updated HPP was approved by the BSMT on October 2, 2012. This task is completed.**

Stipulation III.L.4. provides for the preparation of a treatment plan/reuse options for rehabilitation of the Vermont American Buildings affected by the Project. The building has been acquired by KYTC. **The Treatment Plan was approved by the BSMT on July 31, 2012. This task is completed.**

Stipulation III.M.1. provides that the BSMT developed an HPP as set forth in Stipulation II.F which identifies the context and provides recommended measures for context sensitive design, noise abatement, roadway lighting, blasting and vibration plans, and interpretive signage which shall be implemented as part of the Project to mitigate adverse effects to the historic district and individual properties. The HPP will be updated to reflect Project design modifications and specifically consider and develop recommendations for the listed historic properties. **The Country Estates of River Road HD/River Road Corridor Updated HPP was approved by the BSMT on November 26, 2012. This task is completed.**

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

STIPULATION IV: Archaeological Resources

The final identification, evaluation and determination of Project effects for archaeological resources were phased because alternatives consisted of large corridors where access was restricted during the FEIS phase.

Stipulation IV.B.1-2. 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. **Rosewell Treatment Plan Archaeology: During the Reporting Period, the rehabilitation of Rosewell commenced. An archaeologist was present during any excavations that required ground disturbance outside of those areas that had already been cleared.**

STIPULATION IX: Progress Reports

Progress Report Number 18 for the Reporting Period of January 1, 2012 – June 30, 2012 was developed in accordance with Stipulation IX and will be sent to the signatories, concurring parties and HPAT members (identified in Attachment A). Prior to this Progress Report, the following Progress Reports have been provided:

Report No. 1 for April 1, 2003 – December 31, 2003 was sent on July 21, 2004
Report No. 2 for January 1, 2004 – June 30, 2004 was sent on September 20, 2004
Report No. 3 for July 1, 2004 – December 31, 2004 was sent on April 22, 2005
Report No. 4 for January 1, 2005 – June 30, 2005 was sent on October 10, 2005
Report No. 5 for July 1, 2005 – December 31, 2005 was sent on February 20, 2006
Report No. 6 for January 1, 2006 – June 30, 2006 was sent on November 28, 2006
Report No. 7 for July 1, 2006 – December 31, 2006 was sent on May 9, 2007
Report No. 8 for January 1, 2007 – June 30, 2007 was sent on December 17, 2007
Report No. 9 for July 1, 2007 – December 31, 2007 was sent on March 3, 2008.
Report No. 10 for January 1, 2008 – June 30, 2008 was sent on September 9, 2008
Report No. 11 for July 1, 2008 – December 31, 2008 was sent on March 2, 2008
Report No. 12 for January 1, 2009 – June 30, 2009 was sent on September 3, 2009
Report No. 13 for July 1, 2009 – December 31, 2009 was sent on April 6, 2010
Report No. 14 for January 1, 2010 – June 30, 2010 was sent on September 1, 2010
Report No. 15 for July 1, 2010 – December 31, 2010 was sent on April 11, 2011
Report No. 16 for January 1, 2011 – June 30, 2011 was sent on October 31, 2011
Report No. 17 for July 1, 2011 – December 31, 2011 was sent on June 4, 2012
Report No. 18 for January 1, 2012 – June 30, 2011 was sent on December 12, 2012

STIPULATION XIV: Duration

The MOA is in effect through April 4, 2027. The First Amended MOA was prepared in conjunction with the Supplemental Environmental Impact Statement (SEIS). It was executed by the FHWA (March 29, 2012), Advisory Council on Historic Preservation (ACHP) (April 4, 2102), IN SHPO (March 28, 2012), KY SHPO (March 27, 2102), INDOT (March 28, 2012) and KYTC (March 27, 2012).

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

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

Attachment D (following) provides a schedule with milestones anticipated for the Project in the next Reporting Period. It has been developed in more detail and will continue to be revised as a part of the future preparation of this Progress Report.

ATTACHMENT A

SIGNATORIES:

Federal Highway Administration

Advisory Council on Historic Preservation

Indiana State Historic Preservation Officer

Kentucky State Historic Preservation Officer

INVITED SIGNATORIES:

Indiana Department of Transportation

Kentucky Transportation Cabinet

ATTACHMENT B

SECTION 106 MEMORANDUM OF AGREEMENT OUTLINE OF DOCUMENT CONTENT

- I. Project Coordination
 - A. Advisory Teams
 - B. Bi-State Historic Consultation Team
 - C. Bi-State Management Team
 - D. Ombudsmen
- II. Project Development
 - A. Project Goals
 - B. Public Involvement
 - C. Context Sensitive Solutions
 - D. Roadway Lighting
 - E. Noise Abatement
 - F. Historic Preservation Plans
 - G. Survey Updates
 - H. Historic Preservation Easements
 - I. National Register Documentation and Nomination
 - J. Streetscape Improvements
 - K. Interpretative Signage
 - L. Blasting and Vibration
 - M. Timing of Construction Activities
 - N. No-Work Zones
 - O. Smart Growth Conference
 - P. Education and Interpretation
 - Q. Traffic Monitoring Plan
 - R. Construction Traffic
- III. Site Specific Mitigation
 - A. Train Depot – Indiana
 - B. Colgate-Palmolive Historic District
 - C. Ohio Falls and Locomotive Historic District
 - D. George Rogers Clark Memorial Bridge
 - E. Old Jeffersonville Historic District
 - F. INAAP Igloo Storage Historic District
 - G. Lentz Cemetery
 - H. Lime Kilns within the Utica Lime Industry Multiple Property Listing
 - I. Swartz Farm Rural Historic District
 - J. Trolley Barn
 - K. Butchertown Historic District
 - L. Phoenix Hill Historic District
 - M. Country Estates Historic District/River Road Corridor
 - N. Drumanard
 - O. Allison-Barrickman House
 - P. Rosewell
 - Q. Belleview

- R. MPDF Ohio River Camps Group
- IV. Archaeological Resources
 - A. Implementation Standards
 - B. Identification
 - C. Evaluation
 - D. Assessment of Effects
 - E. Treatment
 - F. Qualifications and Reporting
 - G. Distribution of Final Reports
- V. Unanticipated Discoveries
- VI. Additional Historic Properties and Effects
- VII. Excess Right of Way
- VIII. Performance Standards
- IX. Progress Reports
- X. Project Modification
- XI. Amendment
- XII. Failure to Comply/Termination
- XIII. Dispute Resolution
- XIV. Duration

ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT

STIPULATION I - PROJECT COORDINATION						
Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
A		3	Advisory Teams			
A	2	3	HPATs to assist BSHCT and BSMT in developing Project Contract Provisions relating to historic preservation issues to implement the measures stipulated in First Amended MOA	None	The intent of this matrix is to facilitate SHPO/HPAT review of the MOA measures in each design-build RFP	
A	3	3	Each HPAT is co-chaired by a representative of the STA and SHPO; Co-chairs are responsible for convening meetings of the HPATs, preparing and maintaining a summary of meetings, and preparing and submitting HPAT recommendations to the BSHCT for further action	IHPAT meetings were held on September 6, 2012 and December 20, 2012. There were no KHPAT meetings in this Reporting Period.	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.	None	Independent of design-build process.	
A	7	4	ACHP may participate as it sees fit on an ad-hoc basis.	None	Independent of design-build process.	
A	9	4	Co-chairs will convene quarterly meetings of the HPATs until all commitments in this First Amended MOA have been fulfilled	IHPAT meetings are scheduled for March 27, 2013, June 5, 2013, September 25, 2013 and December 11, 2013; KHPAT meetings are scheduled for March 28, 2013, June 6, 2013, September 26, 2013 and December 12, 2013	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 IHPAT meetings were distributed to the IHPAT members prior to each meeting.	HPAT comments will be provided to the BSHCT/BSMT. Because the contract is managed through the BSMT, they will be the only group interacting directly with the Contractor.	
A	11	4	Based on comments provided by the HPATs, Co-chairs will develop recommendations to submit to the BSHCT for consideration and action	Comments were received from the IHPAT members at the meeting of December 20, 2012 and incorporated into the Project record.	HPAT comments will be provided to the BSHCT/BSMT.	
B		4	Bi-State Historic Consultation Team			
B	2	4	BSHCT will assist BSMT in the development of Contract Provisions related to commitments of First Amended MOA. The BSHCT shall consider input of the HPATs when assisting the BSMT. Due to the accelerated schedule, Contract Provisions to be provided to the BSHCT as soon as possible. Due dates will be identified when the provisions are distributed.	BSHCT meetings are scheduled for March 19, 2013, May 21, 2013, July 16, 2013, September 17, 2013 and November 19, 2013.	The intent of this matrix is to facilitate SHPO/HPAT review of the MOA measures in each design-build RFP	
B	3	5	BSHCT may make final decisions as delegated by BSMT	None	The DBT has responsibility for actions associated with this stipulation.	
B	4	5	BSHCT shall convene to consider recommendations provided by the HPATs and prepare recommendations to the BSMT	None	The DBT has responsibility for actions associated with this stipulation.	

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	None	The DBT has responsibility for actions associated with this stipulation.	
C		5	Bi-State Management Team			
C	2	5	BSMT to ensure consultant services procured include professionals with the appropriate experience to implement provisions of MOA.	None	7.3	6.4
C	3	5	BSMT to prepare progress reports as set forth in Stipulation IX.	The BSMT approved PR No. 18 (January 1, 2012 – June 30, 2012) for distribution on December 12, 2012. Following approval, the PR was distributed . PR No. 19 for the Reporting Period of July 1, 2012 – December 31, 2012 is provided in accordance with Stipulation IX.	Independent of design-build process.	
C	4	5	BSMT to give full consideration to recommendations of BSHCT for incorporation into final plans.	None	7.6	9.3
D		5	Ombudsmen			
D	1	5	BSMT will ensure that two Ombudsmen will be retained for the duration of the Project	Lee Douglas Walker and Carl Percy continue to serve as the Ombudsmen for Kentucky and Indiana, respectively.	Independent of design-build process.	
D	2	5	Ombudsmen have demonstrated communication, conflict resolution skills and knowledge of historic preservation practices related to the goals of the Project	None	Independent of design-build process.	
D	3	5	Ombudsmen responsible for communicating with the public and investigating reported problems on all aspects of the Project, including the implementation of the First Amended MOA. They shall report recommendations, complaints, and findings to the BSMT for resolution. The Ombudsmen will report findings, decisions, and resolutions.	None	Independent of design-build process.	
D	4	6	Ombudsmen to be located in offices within or close to the Project area	Lee Douglas Walker has recently moved into an historic building at 425 S. Second Street in Louisville.	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	Lee Douglas Walker has recently moved into an historic building at 425 S. Second Street in Louisville.	Independent of design-build process.	
D	6	6	Roles and responsibilities of Ombudsmen to be further defined in the management plan of the Project developed by the two states and the FHWA	None	Independent of design-build process.	

ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT

STIPULATION II - PROJECT DEVELOPMENT						
Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
A		6	Goal of the Project is to meet purpose and need while avoiding, minimizing, or mitigating adverse impacts to the environment, including historic properties to the extent reasonable, feasible, and prudent. Avoidance of adverse effects is the preferred treatment.	None	7.3, 7.6	1.5
B		6	The views of the public have been considered through INDOT/KYTC transportation project development process through informational meetings convened by each respective state. DBTs to prepare a <i>Community Outreach Plan</i> to address public involvement for the community on the design and construction phases. The Plan will include specific considerations for historic preservation interest groups. The BSMT will provide the plan to the BSHCT for review and comment.	IHPAT meetings were held on September 6, 2012 and December 20, 2012. There were no KHPAT meetings held during the Reporting Period.	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> .	None	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.	None	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.	None	7.7	6.3.2.1
F		8	Historic Preservation Plans			
F	1	8	HPPs to meet the following provisions:		Independent of design-build process.	
F	1 a	8	Scopes of Work to be developed in consultation with the respective HPATs.	None	Independent of design-build process.	
F	1 b	8	To be developed in consultation with owners of historic properties and/or related neighborhoods.	None	Independent of design-build process.	
F	1 c	8	Consent to be obtained prior to entry on privately owned property.	None	Independent of design-build process.	
F	1 d	8	To consider and build upon existing studies and plans.	None	Independent of design-build process.	
F	1 e	8	Be developed in cooperation with the appropriate local government and approved by the respective SHPO.	None	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.	None	Independent of design-build process.	
F	1 g	8	To consider land use, transportation patterns and other urban/suburban planning issues	None	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.	Old Jeffersonville HD: The HPP was approved on September 28, 2009 and the Update to the HPP was approved on October 2, 2012. The Updated HPP was sent to the City of Jeffersonville and KIPDA on October 8, 2012. Butchertown HD: The HPP was approved on October 31, 2012, and sent to the City of Louisville and KIPDA on November 12, 2012. Phoenix Hill HD: The HPP was approved on April 25, 2007 and the Update to the HPP was approved on October 2, 2012. . The Updated HPP was sent to the City of Louisville and KIPDA on October 8, 2012. Country Estates HD: The HPP was approved on January 18, 2011 and the Update to the HPP was approved on November 26, 2012. The Updated HPP was sent to the City of Louisville and KIPDA on December 5, 2012.	Independent of design-build process.	
F	2		9	HPPs to be prepared for the following properties:		Independent of design-build	
F	2	a	9	Old Jeffersonville Historic District	The HPP was approved on September 28, 2009 and the Update to the HPP was approved on October 2, 2012.	Task completed	
F	2	b	9	Township of Utica Historic Lime Industry	The HPP was approved on October 15, 2012.	Task completed	

Item	Sub Items		Pg. No.	Description	Activity	East End	Downtown
F	2	c	9	Butchertown Historic District	The HPP was approved on October 31, 2012.	Task completed	
F	2	d	9	Phoenix Hill Historic District	The HPP was approved on April 25, 2007 and the Update to the HPP was approved on October 2, 2012.	Task completed	
F	2	e	9	Country Estates of River Road / River Road Corridor	The HPP was approved on January 18, 2011 and the Update to the HPP was approved on November 26, 2012.	Task completed	
F	2	f	9	Ohio River Camps Multiple Property Group		Independent of design-build	
H			9	Historic Preservation Easements to be placed on properties identified in Stipulation III in perpetuity	Under preparation	Independent of design-build process.	
I			9	Preparation of NRHP documentation and nomination of properties identified in Stipulation III.	The four NRHP nominations for Utica Limekilns 48001 – 48004, inclusive, were submitted to the IN SHPO on December 3, 2012.	Independent of design-build process.	
J			10	Streetscape improvements to be designed in consultation with the respective SHPOs and occur within the public right-of-way. Obtain right-of-way title holder approval prior to use.	None	5.3	9
K			10	Interpretative signage to be placed within the right-of-way of public streets or on easements to explain significance of the historic properties. Obtain right-of-way title holder approval prior to use.	None	The DBT has responsibility for actions associated with this stipulation.	
L			10	Blasting & Vibration			

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
L	1	10	Ensure construction blasting/vibration plans and bridge pier construction plans are developed by the contractor(s). Maximum threshold values for historic properties established. BSMT and BSHCT to discuss protective measures to be used by Contractor to protect historic resources from vibration damage. The BSMT and BSHCT to discuss additional properties not identified by the Contractor that should be considered Extremely Fragile.	The DBT is responsible for the preparation of the blasting and vibration plans	7.8	6.3.2.2.
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	None	7.8	6.3.2.2.
L	3	11	BSMT to determine whether damage has occurred as a result of Project activities.	None	7.8	6.3.2.2.
L	4	11	BSMT shall be responsible for repair of any blast and vibration damage to historic properties. Repairs to be carried out in accordance with the Secretary's Standards.	None	7.8	6.3.2.2.
L	5	11	Obtain consent for entry of privately owned property to access monitoring equipment or damage repair.	None	7.8	GS 107.12

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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.	None	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.	None	7.6	6.3.2.6.
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.	None	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		Independent of design-build process.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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	None	Independent of design-build process.	
Q	2	13	Traffic monitoring plan to include timing of pre-construction and post-construction traffic monitoring, locations of monitoring, methods for conducting the monitoring, process for providing BSHCT and HPATs an opportunity to comment on the results of the monitoring studies and identification of the measured difference in traffic volume that will be considered an indicator of significant change between the pre-construction and post-construction conditions.	A draft plan was presented to the BSMT in September 2012. The plan is to be finalized in the next Reporting Period.	Independent of design-build process.	
Q	3	14	Pre-construction traffic monitoring to occur no more than six months prior to the start of construction. FHWA responsible for determining start of construction date.	None	Independent of design-build process.	
Q	4	14	Post-construction traffic monitoring to commence no sooner than 12 months and conclude no later than 15 months after the completion of construction. FHWA responsible for determining the completion of construction.	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.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
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	None	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.	None	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		
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.	None	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	Construction of the rehabilitation is completed pending the connection of a sanitary sewer line to the building.	Task completed
A	2	c	15	Place preservation easement on property and sell at fair market value or donate to a local government.	It is anticipated that the Freight House will function as a Project Information Center during the construction phase of the Project.	Independent of design-build process.
A	5		16	Develop and place interpretative signage.	Mr. Greg Sekula of Indiana Landmarks provided specifications from the Scenic Byway Project for possible use in developing signage at the Freight House.	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.	None	Independent of design-build process.
B	2		16	Develop and place interpretative signage	To be completed through a separate contract near the end of the roadway construction.	The DBT has responsibility for actions associated with this stipulation.
C			16	Ohio Falls Car and Locomotive Company Historic District		
C	2		16	Develop and place interpretative signage	To be completed through a separate contract near the end of the roadway construction.	The DBT has responsibility for actions associated with this stipulation.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
C	3	17	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	The DBT is responsible for the preparation of the blasting and vibration plans	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	None	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.	None	n/a	6.3.2.4
D	3	17	Relocate pylons in a way to ensure protection of the NRHP designation.	None	n/a	6.3.2.4
D	4	17	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	The DBT is responsible for the preparation of the blasting and vibration plans	n/a	6.3.2.2
E		17	Old Jeffersonville Historic District			
E	1	17	Develop an HPP	The HPP was approved on September 28, 2009 and the Update to the HPP was approved on October 2, 2012.	Task completed	
E	2	18	Present HPP to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan.	The Updated HPP was sent to the City of Jeffersonville and KIPDA on October 8, 2012.	Task completed	
E	3	18	Design and construct streetscape improvements within the HD between Spring Street and the Project.	To be completed through a separate contract near the end of the roadway construction.	The DBT has responsibility for actions associated with this stipulation.	
E	4	18	Design and construct pedestrian friendly facilities within IN ROW under the new bridge and existing I-65 bridge.	None	n/a	9.2.2
E	5	18	Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles.	None	n/a	14.4

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown	
E	6		18	Develop and implement highway signage plan that minimizes the number of overhead directional signs on the approaches.	None	n/a	16.2
E	7		18	Make a reasonable effort to relocate five contributing structures (115 Fort St., 116 Fort St., 502 W. Market St, 432 W. Riverside Dr. and 502 W. Riverside Dr.) that would otherwise be demolished by the Project.	Relocation of the houses is underway	Independent of design-build process.	
E	7	a	18	Make a reasonable effort to purchase vacant lots within the district from a willing seller at fair market value. House to be moved and placed on new foundations in accordance with approaches recommended in Moving Historic Buildings. Relocated houses to be sold at fair market value.	Three lots have been purchased to relocate houses from 115 Fort Street, 432 W. Riverside Drive and 502 W. Riverside Drive. The acquisition of the remaining two lots is continuing.	Independent of design-build process.	
E	7	b	18	Place preservation easement on relocated houses.	None	Independent of design-build process.	
E	7	c	19	Stipulate through a covenant the purchaser must occupy house for five years and maintain in accordance with preservation standards.	None	Independent of design-build process.	
E	8	a-c	19	If unable to obtain suitable property within the district, prepare and implement a marketing plan for relocation by others at a nominal fee. Plan to include information about the buildings, etc. Upon INSHPO agreement, INDOT to implement for a minimum of six months. INDOT to review with IN SHPO all offers prior to acceptance.	None	Independent of design-build process.	
E	9		19	If no acceptable offer made that conforms to the requirements for rehabilitation & maintenance, may donate property to a local government	None	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.	None	n/a	17.1

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
E	11	19	Implement noise abatement measures as set forth in Stipulation II.E.	None	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.	None	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.	The DBT is responsible for the preparation of the blasting and vibration plans	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.	The DBT is responsible for the preparation of the blasting and vibration plans	7.8	n/a
F		20	BSMT to make reasonable effort to place roadside historical marker near the facility to explain historical significance of the site	To be completed through a separate contract near the end of the roadway construction.	7.6	n/a
G		20	Lentz Cemetery			
G	1	20	Develop and implement a blasting/vibration plan	The DBT is responsible for the preparation of the blasting and vibration plans	7.8	n/a
G	2	20	Design the section of roadway adjacent to the cemetery to minimize noise to the property and complement the refinement with landscaping within the public right-of-way.	To be completed through a separate contract near the end of the roadway construction.	7.6	n/a
H		20	Lime Kilns within the Utica Lime Industry Multiple Property Listing			
H	1	20	Develop a HPP to include a Context Study focusing on the development of the lime industry. Develop and publish a pamphlet for public distribution presenting the results of the lime industry study	The HPP was approved on October 15, 2012.	Task completed	
H	2	20	Prepare a condition report of the resources, which includes photographs, to establish a baseline condition.	None	7.8	n/a

Item	Sub Items		Pg. No.	Description	Activity	East End	Downtown
H	3		20	Develop and implement a blasting/vibration plan. To be developed for kilns identified as IE-HC-48002, IE-HC-48003 and IE-HC-48004.	The DBT is responsible for the preparation of the blasting and vibration plans	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.	None	7.6	n/a
H	5		21	Repair any damage caused by the Project to the lime kilns	None	7.8	n/a
H	6		21	BSMT to work with Clark County to place a preservation easement for kiln	None	Independent of design-build process.	
H	7		21	Develop and design an interpretive marker along Utica Pike describing the importance of the lime industry and significance of the kilns.	To be completed through a separate contract near the end of the roadway construction.	7.6	n/a
H	8		21	Document and seek NRHP nomination	The four NRHP nominations for Utica Limekilns 48001 – 48004, inclusive, were submitted to the IN SHPO on December 3, 2012.	Independent of design-build process.	
I			21	Swartz Farm Rural Historic District			
I			21	Central Passage House documentation developed prior to the demolition to be made available to public.	The <i>Photo Recordation of Central Passage House</i> was approved by the IN SHPO on July 8, 2012.	Task completed	
I			21	INDOT to coordinate with historic preservation organization to advertise Central Passage House for purchase or donation and relocation by others at least 3 months prior to the scheduled demolition. If third party decides to purchase or accept ownership, third party to bear costs of relocation. Potential buyer/donee must demonstrate ability to complete relocation at least 3 months prior to scheduled demolition.	During the advertisement of the CPH for purchase and relocation, no one has came forth to take title to the house. Final disposition of the house would be determined in the next Reporting Period.	Independent of design-build process.	
K			22	Butchertown Historic District			

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
K	1	22	Develop an HPP, which shall develop a thematic context to assist with future nominations in the region. Plan is to be coordinated with latest development plans available from Metro Government.	The HPP was approved on October 31, 2012.	Task completed	
K	9	23	Grace Immanuel United Church of Christ - Conduct a noise study for Grace Immanuel United Church of Christ to determine whether interior noise abatement measures are justified.	None	n/a	Independent of the design-build process.
K	10	23	BSMT shall make a reasonable effort to incentivize reinvestment in Grocers Ice property, including consideration of demolition savings that will result from identification of a buyer, reduced land value as a result of establishing a preservation easement, etc. Includes coordination with Louisville Metro for donation of property with preservation easement or public advertisement to identify buyer, followed by documentation and demolition if no buyer is identified.	The final documentation report is under internal review and will be sent to the KY SHPO for final review and comment in the next Reporting Period.	n/a	3.6.1.1
K	12	24	Design and construct streetscape improvements within the entire district in accordance with provisions of the HPP and the KHC streetscape design guidelines.	To be completed through a separate contract near the end of the roadway construction.	The DBT has responsibility for actions associated with this stipulation.	
K	14	24	Design and construct roadway lighting within the viewshed of the district	None	n/a	17.1
K	15	24	Implement noise abatement measures where the Project is expected to adversely effect the district	None	n/a	6.3.2.1
K	16	24	Develop and implement a blasting/vibration plan	The DBT is responsible for the preparation of the blasting and vibration plans	n/a	6.3.2.2
L		24	Phoenix Hill Historic District			

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
L	1	24	Develop a HPP, which shall develop a thematic context to assist with future nominations in the region. Plan is to be coordinated with latest development plans available from Metro Government.	The HPP was approved on April 25, 2007 and the Update to the HPP was approved on October 2, 2012.	n/a	6.3.2.4
L	2	25	Design and construct roadway lighting as set forth in Stipulation II.D.	None	n/a	17.1
L	3	25	KYTC to offer identified salvageable historic materials to museums in Jefferson County. If no museums request the materials, materials to be offered to other museums in Kentucky. Salvageable materials not claimed by museums to be sold to public by KYTC in accordance with applicable procedures	None	n/a	3.6
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.	None	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.	None	n/a	Independent of the design-build process.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
L	7		25	Place interpretive signage within the district	To be completed through a separate contract near the end of the roadway construction.	The DBT has responsibility for actions associated with this stipulation.
L	8		25	Streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-65 Bridge in accordance with provisions of the HPP and the KHC streetscape design guidelines.	To be completed through a separate contract near the end of the roadway construction.	The DBT has responsibility for actions associated with this stipulation.
L	9		26	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	The DBT is responsible for the preparation of the blasting and vibration plans	n/a 6.3.2.2
M			26	Country Estates Historic District / River Road Corridor		
M	1		26	Develop a HPP, which shall specifically consider and develop recommendations for the listed properties.	The HPP was approved on January 18, 2011 and the Update to the HPP was approved on November 26, 2012.	Task completed
M	2		26	Design and construct proposed roadways, bridges and tunnels from I-71 to the Ohio River, taking into consideration the cultural landscapes that are important contributing elements to the district.	To be completed through a separate contract near the end of the roadway construction.	5.3, 7.6 n/a
M	3		27	Design and construct roadway lighting as set forth in Stipulation II.D.	None	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.	None	7.6, 7.7 n/a
M	5		27	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	The DBT is responsible for the preparation of the blasting and vibration plans	7.8 n/a
M	6		27	Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties.	None	7.6 n/a
N			27	Drumanard		

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
N	1	27	Project through this property to be contained in a tunnel so as to limit adverse effects.	None	9.3.1, 16	n/a
N	2	27	Acquire or establish a historic preservation easement for the entire Drumanard historic property	KYTC and the KY SHPO are currently reviewing a proposed MOA for the preservation easement.	Independent of design-build process.	
N	3	27	If acquiring a preservation easement is not possible, FHWA will acquire the property, place the required easement on the property and transfer to KYTC who shall seek to sell the property at fair market value or donate to a local government.	KY SHPO and KYTC are currently developing language for the preservation easement.	Independent of design-build process.	
N	4	27	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L. Monitor the historic buildings to preclude impacts due to blasting.	The DBT is responsible for the preparation of the blasting and vibration plans	7.8	n/a
O		28	Allison-Barrickman House			
O	1	28	Acquire a historic preservation easement for the Allison-Barrickman house on the track of land within the NRHP boundary and an easement on the property bounded by US 42, KY 841, the Allison-Barrickman property and Wolf Pen Branch Road	The property owner has refused to place an easement on the property.	Independent of design-build process.	
O	2	28	Implement noise abatement measures as set forth in Stipulation II.E.	None	7.6, 7.7	n/a
O	3	28	Define a "no-work zone" within the NRHP boundary of the property.	None	7.6	n/a
O	4	28	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	The DBT is responsible for the preparation of the blasting and vibration plans	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 was completed.	Task completed	

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.	A preservation easement will be developed for the property upon the completion of the rehabilitation.	Independent of design-build process.	
P	4	28	Design and construct roadway lighting as set forth in Stipulation II.D.	None	7.6	n/a
P	5	28	Implement noise mitigation measures as set forth in Stipulation II.E.	None	7.6, 7.7	n/a
P	6	28	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	The DBT is responsible for the preparation of the blasting and vibration plans	7.8	n/a
P	7	29	Define a "no-work zone" within the NRHP boundary of the property.	None	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.	To be completed through a separate contract near the end of the roadway construction.	7.6	n/a
Q	2	29	Design and construct roadway lighting within the viewshed of Bellevue as set forth in Stipulation II.D.	None	7.6	n/a
Q	3	29	Implement noise mitigation measures as set forth in Stipulation II.E.	None	7.6, 7.7	n/a
Q	4	29	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	The DBT is responsible for the preparation of the blasting and vibration plans	7.8	n/a
Q	5	29	Define a "no-work zone" within the NRHP boundary of the property.	None	7.6	n/a
R		29	MPDF Ohio River Camps Group			

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
R	1	29	BSMT to develop Context Study focusing on recreation along the Ohio River within region, including identification of significant riverfront properties during the period 1870-1970 with recommendations for preservation.	The Context Study is included in the HPP under development for the properties.	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.		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.	If, during the implementation of the project in the East End, any previously unidentified archaeological site is discovered, work shall cease and reasonable measures shall be implemented to avoid harm. In the Downtown, the design – build team is responsible for providing archaeological assessments for all areas of the Project where ground –disturbing activities are to occur, but that have not been previously cleared. Consultation with the appropriate SHPO shall be undertaken to ensure an on-site evaluation is conducted and a treatment plan is developed, as needed. If the find is determined not to be eligible for the NRHP, ground-disturbing work may continue. If any archaeological resources are identified during construction monitoring, the find is to be treated in accordance with this stipulation.	The DBT has responsibility for actions associated with this stipulation.	
A	4	30	In implementing Stipulation IV, FHWA may consult with the parties identified in Attachment F of the MOA.	None	The DBT has responsibility for actions associated with this stipulation.	
A	5	30	FHWA will take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Indian Tribes.	None	The DBT has responsibility for actions associated with this stipulation.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
B	1-5	30-32	Identification: FHWA shall complete the identification and evaluation of archaeological resources where ground disturbing activities may occur in accordance with applicable state and federal standards and other MOA stipulations. A plan for the identification and evaluation of archaeological resources will be developed through consultation, guided by each state's standards. FHWA shall prepare and distribute final reports.	Rosewell Treatment Plan Archaeology: As a by-product of the structural assessment of the house, the entire basement of the house has been identified as a sensitive resource and no work can occur in the basement (not even concrete removal or repair) without prior archaeological review. The entire property is a NRHP listed resource and no work can occur without consulting KYTC and SHPO. An archaeologist will be present during any excavation required during the rehabilitation of Rosewell.	The DBT has responsibility for actions associated with this stipulation.	
C	1-6	32	Evaluation: In consultation with the SHPOs and Native American Tribes, FHWA shall evaluate the NRHP eligibility of archaeological sites.	None	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.	None	The DBT has responsibility for actions associated with this stipulation.	
E	1-6	33-35	Treatment: If adverse effects cannot be avoided, FHWA shall develop and implement a Treatment Plan(s) through consultation, in compliance with relevant guidance and MOA stipulations.	None	The DBT has responsibility for actions associated with this stipulation.	
F	1-5	35-36	Qualifications & Reporting: Work shall be completed by qualified professionals. Reports shall meet applicable standards and include 30-day review periods. Sensitive material shall be kept confidential.	None	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.	None	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 & Tribes, conduct on-site evaluation, and develop appropriate Treatment Plan(s) as needed.	None	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.	None		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.	None		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.	None	7.3	Independent of the design-build process
STIPULATION IX - PROGRESS REPORTS						
A-C		39	Progress reports detailing implementation of the measures stipulated within the MOA shall be provided every 6 months.	The BSMT approved PR No. 18 (January 1, 2012 – June 30, 2012) for distribution on December 12, 2012. Following approval, the PR was distributed on December 12, 2012 . PR No. 19 for the Reporting Period of July 1, 2012 – December 31, 2012 is provided in accordance with this stipulation.		The DBT has responsibility for actions associated with this stipulation.
STIPULATION X -PROJECT MODIFICATION						
		39	If the Project is significantly modified, FHWA will consult to determine if the MOA should be amended.			The DBT has responsibility for actions associated with this stipulation.
STIPULATION XI - AMENDMENT						
A-C		39	Any signatory may request that the MOA be amended, whereupon signatories shall consult to consider amendment.	None		Independent of design-build process.
STIPULATION XII - TERMINATION						

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
		40	Any signatory may terminate the MOA with 30 days written notice.	None	Independent of design-build process.	
STIPULATION XIII - DISPUTE RESOLUTION						
A-C		40	If signatories object to implementation of measures in MOA, FHWA shall consult to resolve objection. ACHP may assist as needed.	None	Independent of design-build process.	
STIPULATION XIV - DURATION						
		40	MOA shall remain in effect for 15 years.	The MOA is in effect through April 4, 2027. The First Amended MOA was prepared in conjunction with the SEIS. It was executed by the FHWA (March 29, 2012), Advisory Council on Historic Preservation (ACHP) (April 4, 2102), IN SHPO (March 28, 2012), KY SHPO (March 27, 2102), INDOT (March 28, 2012) and KYTC (March 27, 2012).	Independent of design-build process.	

ATTACHMENT C - SETTLEMENT AGREEMENT

Stipulation	Page No.	Description	Activity	East End	Downtown
I.	3	Listing of definitions that apply to the Settlement Agreement	None	Independent of design-build process	
II.A.1	7	INDOT/KYTC post on the Project Website advance notice procedures for public meetings, at least seven days in advance of the public meeting; utilize the Project e-mail distribution list for notification; HPAT meetings to continue to be subject to 15-day advance notice	None	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.	None	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)	None	Independent of design-build process	
II.B.2.a	9	Relocation of some or all of the 5 historic homes in the Old Jeffersonville Historic District in connection with landscaping for the area around the Big Four Approach Ramp	None	Independent of design-build process	
II.B.2.b	9	Acquisition of one or more limekilns and/or permanent protection through preservation easements and/or public ownership	None	Independent of design-build process	
II.B.2.c	9	Acquisition of one or more igloo structures and/or permanent protection through preservation easements and/or public ownership	None	Independent of design-build process	
II.B.2.d	10	Streetscape improvements in Butchertown HD and along East Main Street	None	The DBT has responsibility for actions associated with this stipulation.	

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

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

Stipulation	Page No.	Description	Activity	East End	Downtown
II.C.1	14	INDOT and KYTC are to transmit a letter to all Section 106 parties within 60 days of Settlement Agreement confirming "No Work Zone" requirements	None	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.	IHPAT meetings are scheduled for March 27, 2013, June 5, 2013, September 25, 2013 and December 11, 2013; KHPAT meetings are scheduled for March 28, 2013, June 6, 2013, September 26, 2013 and December 12, 2013	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	None	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	Three lots have been purchased to relocate houses from 115 Fort Street, 432 W. Riverside Drive and 502 W. Riverside Drive. The remaining two lot relocations are continuing.	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	On-going	Independent of design-build process	
II.C.3.c	15	INDOT is to attempt to acquire and permanently protect with a preservation easement the lime-kiln located within the right-of-way of Upper River Road (Kiln #IE-HC-48004)	None	Independent of design-build process	
II.C.3.d	16	INDOT in coordination with the IHPAT is to develop a roadside historical marker for the limekilns and install it prior to December 31, 2016	None	The DBT has responsibility for actions associated with this stipulation.	
II.C.3.e	16	INDOT in coordination with the IHPAT is to develop a roadside historical marker for the INAAP igloos and install it prior to December 31, 2016	None	The DBT has responsibility for actions associated with this stipulation.	
II.C.3.f	16	INDOT is to prepare a NRHP nomination for Colgate-Palmolive HD by December 31, 2013	None	Independent of design-build process	
II.C.4.a	16	KYTC is to commits to develop an African-American Heritage Interpretive Plan for the Jefferson Jacob School, Jacob School Lane and James Taylor Subdivision no later than December 31, 2013	None	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	None	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	None	Independent of design-build process	

Stipulation	Page No.	Description	Activity	East End	Downtown
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	The DBT is responsible for the preparation of the blasting and vibration plans	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	None	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 1 – KENNEDY INTERCHANGE

- Section 1A Archaeological Exploration Final Report

SECTION 3 – DOWNTOWN INDIANA

- Relocation of the five houses in the Old Jeffersonville Historic District – Spring 2013

SECTION 4 – KENTUCKY EAST END

- Development of Outfall Treatment Facilities for the Bridge and Tunnel

SECTION 6 – INDIANA EAST END

- Utica Township Historic Lime Kilns NRHP Nomination – Spring 2013

PROJECT WIDE ACTIVITIES

Archaeological GIS Revision

ATTACHMENT E SETTLEMENT AGREEMENT

Stipulation I. provides a listing of definitions pertinent to the Settlement Agreement.

Stipulation II.A.1 establishes that INDOT and KYTC post on the Project Website advance notice procedures for public meetings, at least seven days in advance of said public meeting; the Project e-mail distribution list is also to be used for notification; the HPAT meetings are to continue to be subject to the 15-day advance notice.

Stipulation II.A.2 provides that INDOT and KYTC continue to maintain the Project Website with current information throughout the construction; the website shall include a "Meetings" page with all pertinent information available.

Stipulation II.A.3 provides that INDOT and KYTC will create and maintain a contact list for all key members of KYTC, the Kentucky Public Transportation Infrastructure Authority (KPTIA), INDOT, the Indiana Finance Authority (IFA) and contractors. Contacts for the Project Managers were added to the Project website.

Stipulation II.A.4 provides that INDOT and KYTC establish and maintain a Project e-mail distribution list for public meetings and comment deadlines, including information for the public to be placed on the e-mail distribution list; names from existing e-mail distribution lists are to be incorporated into the Project e-mail distribution list.

Stipulation II.B. states that INDOT and KYTC shall provide a total of \$1.7 million in State funds to a Historic Preservation and Enhancement Fund (Fund). Funds are to be provided to each state SHPO through the development of a MOU for their use in grants to potentially be applied in Stipulations B.2 or B.3.

Stipulation II.B.2 provides an inclusive listing of eligible projects under the Fund (Stipulations II.B.2 a – II.B.2.h following).

Stipulation II.B.2.a provides for relocation of some or all of the five historic homes in the Old Jeffersonville HD in connection with the landscaping for the area around the Big Four Approach Ramp.

Stipulation II.B.2.b provides for the acquisition of one or more limekilns and/or permanent protection through preservation easements and/or public ownership.

Stipulation II.B.2.c provides for the acquisition of one or more igloo structures and/or permanent protection through preservation easements and/or public ownership.

Stipulation II.B.2.d provides for streetscape improvements in the Butchertown HD in addition to along East Main Street.

Stipulation II.B.2.e provides for the rehabilitation of and placement of a preservation easement on the Jefferson Jacob School.

Stipulation II.B.2.f provides for the acquisition and rehabilitation of and/or placement of a preservation easement on the Merriwether House.

Stipulation II.B.2.g provides for the acquisition and rehabilitation of and/or placement of a preservation easement on the former Harrods Creek Post Office.

Stipulation II.B.2.h mandates preservation, enhancement and interpretation of the Garvin Brown Preserve to maintain and enhance public access, through a grant of \$200,000.00 to the Garvin Brown Preserve Endowment Fund.

Stipulation II.B.3 states that uncommitted funds will go to eligible projects within the APE two years after Fund established; eligible projects include those listed in II.B. 2 and the following (Stipulations II.B.3 a – II.B.3.e).

Stipulation II.B.3.a provides for rehabilitation of historic structures.

Stipulation II.B.3.b provides for relocation of historic structures.

Stipulation II.B.3.c provides for the placement of conservation/preservation easements for historic properties.

Stipulation II.B.3.d provides for streetscape improvements within an historic district.

Stipulation II.B.3.e provides for the preparation of NRHP nominations for historic properties.

Stipulation II.B.4 defines eligible applicants for distributions from the Fund to include local governments, public authorities and Section 501(c) (3) organizations.

Stipulation II.B.5 states that the Fund shall be administered by the IN SHPO and the 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; Stipulations II.B.5 a – II.B.5.i define the authority and responsibilities of the SHPOs in regard to managing the Fund.

Stipulation II.B.5.a states that the SHPOs shall maintain funds contributed by INDOT and KYTC.

Stipulation II.B.5.b establishes eligibility criteria for applicants and projects.

Stipulation II.B.5.c establishes a grant application process, including a grant application form.

Stipulation II.B.5.d establishes standard provisions for the grant agreements, including grant conditions.

Stipulation II.B.5.e provides for the selection of projects for funding and the announcement of awards.

Stipulation II.B.5.f details entering into grant agreements and distribution of grant funds.

Stipulation II.B.5.g provides for oversight of the use of grant funds.

Stipulation II.B.5.h slows for the receipt of any monies returned to the Fund for any reason.

Stipulation II.B.5.i defines completion of operation of the Fund and returning any funds to INDOT and KYTC when the Fund is terminated.

Stipulation II.B.6 establishes that additional sources of funding may also be utilized for eligible projects; identifies other sources of funding in the grant application, and the disbursement of all funds prior to the initiation of the Project.

Stipulation II.B.7 establishes that grant agreements must include grant conditions as determined by the SHPOs; Stipulations II.C.7.a – II.C.7.e define the grant conditions.

Stipulation II.B.7.a mandates that property owner consent and other legal interests in subject properties must be obtained by the grant applicant.

Stipulation II.B.7.b defines cancellation of a grant commitment and/or return of grant monies if the applicant is unable to complete an eligible project or other circumstances arise as determined by the SHPOs.

Stipulation II.B.7.c requires the return of grant funds used to acquire a property if said property is sold within 10 years after being purchased by grant funds.

Stipulation II.B.7.d defines that grant monies are only to be used for the purposes set forth in the grant agreement.

Stipulation II.B.7.e details compliance with audit requirements and related record retention rules, policies and procedures under applicable state laws.

Stipulation II.B.8 requires INDOT and KYTC to provide the monies to the SHPOs for establishment of the Fund no later than 120 days after the effective date of the Settlement Agreement.

Stipulation II.B.9 states that returned monies to the Fund before December 31, 2016 will be available to the SHPOs for an eligible project provided the commitment occurs before July 31, 2017; all returned monies to the Fund after December 31, 2016 are remain in the Fund until termination of the Fund and returned to the INDOT and KYTC in equal proportions.

Stipulation II.B.10 states that monies within the Fund may be committed no later than July 31, 2017 and dispersed by December 31, 2017.

Stipulation II.B.11 states that 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; the Fund is to be terminated following the return of funds to INDOT and KYTC, and if a grant applicant returns funds after the termination of the Fund, the monies are to be returned to the INDOT and KYTC in equal proportions by the SHPOs.

Stipulation II.C.1 mandates that INDOT and KYTC are to transmit a letter to all Section 106 consulting parties within 60 days of the Settlement Agreement confirming the "No Work Zone" requirements defined in Stipulation II.N of the First Amended MOA.

Stipulation II.C.2.a requires INDOT and KYTC hold HPAT meetings quarterly through the completion of construction. **IHPAT meetings are scheduled for March 27, 2013, June 5, 2013, September 25, 2013 and December 11, 2013; KHPAT meetings are scheduled for March 28, 2013, June 6, 2013, September 26, 2013 and December 12, 2013.**

Stipulation II.C.2.b requires that agendas and review materials be provided to the HPATs at least 15 days in advance of scheduled meetings, except in unforeseen circumstances.

Stipulation II.C.2.c includes an opportunity for HPAT members to request additional review time.

Stipulation II.C.3.a provides that INDOT will ensure that all five historic homes within the Old Jeffersonville HD are relocated prior to construction, rather than being demolished; preference is to be given to relocation within an historic district. **Three lots have been purchased to relocate houses from 115 Fort Street, 432 W. Riverside Drive and 502 W. Riverside Drive. The remaining two lot relocations are continuing.**

Stipulation II.C.3.b provides that INDOT facilitate discussions between historic preservation groups and the City of Jeffersonville regarding relocation of the five homes, as opposed to demolition, in connection with the landscaping of the area around the Big Four Approach Ramp.

Stipulation II.C.3.c mandates that INDOT attempt to acquire and permanently protect with a preservation easement the lime-kiln located within the right-of-way of Upper River Road (Kiln #IE-HC-48004).

Stipulation II.C.3.d states that INDOT through coordination with the IHPAT develop a roadside historical marker for the lime-kilns and install it prior to December 31, 2016.

Stipulation II.C.3.e states that INDOT through coordination with the IHPAT develop a roadside historical marker for the INAAP igloos and install it prior to December 31, 2016.

Stipulation II.C.3.f requires that INDOT prepare NRHP documentation for Colgate-Palmolive HD by December 31, 2013.

Stipulation II.C.4.a commits KYTC 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.

Stipulation II.C.4.b requires that KYTC prepare NRHP documentation for Jacob School Lane, James Taylor Subdivision and Historic Village of Harrods Creek no later than December 31, 2014.

Stipulation II.C.4.c requires that KYTC submit a National Scenic Byway nomination for a segment of Upper River Road, including at a minimum the portion of Upper River Road currently designated as a State Scenic Byway, no later than December 31, 2014.

Stipulation II.D states that INDOT will provide HPAT members with a briefing on the blasting and vibration (B/V) monitoring plans on the East End and provide an opportunity for comment; INDOT is to consider and respond to requests from HPAT members and the public to prepare and implement B/V plans for additional historic properties, if such requests are accompanied by technical documentation signed by a professional engineer that shows that harm may occur; INDOT will hold an open house regarding the construction impacts including B/V; KYTC is to provide the same level of involvement for the Downtown.

Stipulation II.E requires that INDOT provide current information on the Project website regarding coordination with the Louisville Water Company (LWC) and the Kentucky Division of Water (KDOW) with respect to the storm water management design on the East End; such information is to include notice of permit filings and public comment deadlines.