

**Louisville Southern Indiana Ohio River Bridges
Progress Report Number 2
January 1, 2004 through June 30, 2004
Implementation of the Section 106 Memorandum of Agreement**

The Section 106 Memorandum of Agreement (MOA)¹ for the Louisville – Southern Indiana Ohio River Bridges Project (Bridges Project) was executed on April 1, 2003. Attachment A provides a list of the signatories to the MOA and concurring parties. Included in the MOA was a stipulation providing for the preparation of a Progress Report (Stipulation IX). The following is the Second Progress Report for the January 1, 2004 through June 30, 2004 reporting period (Reporting Period).

There was a limited amount of activity on implementation of mitigation measures described in the MOA during the Reporting Period. The Indiana Department of Transportation (INDOT) and Kentucky Transportation Cabinet (KYTC) continued their work to procure the services of consultants to assist them in the development of project details.

Activity during the Reporting Period on implementation of mitigation measures in the MOA was generally limited to coordination with the Indiana Historic Preservation Advisory Team and Kentucky Historic Preservation Advisory Team on the Historic Preservation Plans stipulated in the MOA. This will be described in more detail in Part II of this report.

PART I – OVERALL PROJECT STATUS

INDOT and KYTC continued work on procuring the services of design consultants for the six (6) sections (see Exhibit 1) during the Reporting Period, to develop right of way and construction plans. A description of each section and the progress on selection of design consultants for each is provided in the following summary.

- Section 1** Kentucky Downtown Approach (including Kennedy Interchange) – KYTC worked with the firm of KTA (QK4 Team), who had been selected through their Qualifications Based Selection process, on a contract for this section of the Bridges Project.
- Section 2** Downtown Bridge (using Alternative C-1) – KYTC in cooperation with INDOT, prepared an advertisement for consultant services to be procured through the KYTC Qualifications Based Selection process.
- Section 3** Indiana Downtown Approach – INDOT advertised for consultant services through Professional Services Bulletin (PSB) – 2004 – No. 9 dated March 19, 2004 with a deadline for response of April 30, 2004.

¹ A copy of the Section 106 MOA is available under the Recent Developments tab on the Project Website – www.kyinbridges.com.



- Section 4** Kentucky East End Approach – KYTC notified the firm of H. W. Lochner on January 2004 of their selection for this design section and worked with the firm on a contract.
- Section 5** East End Bridge (using Alternative A-15) – KYTC in cooperation with INDOT, prepared an advertisement for consultant services to be procured through the KYTC Qualifications Based Selection process.
- Section 6** Indiana East End Approach – INDOT advertised for consultant services through Professional Services Bulletin (PSB) – 2004 – No. 9 dated March 19, 2004 with a deadline for response of April 30, 2004.

Community Transportation Solutions (CTS-GEC) under the management of Richard Cary-Brown worked during this Reporting Period with the Bi-State Management Team consisting of representatives of INDOT, KYTC and FHWA on the Project Management Plan, project schedule and oversight requirements of the six section design consultants to be placed under contract by either INDOT or KYTC. Work also continued on the planning for implementation of mitigation commitments.

PART II – IMPLEMENTATION OF MITIGATION MEASURES CONTAINED IN THE MOA

Measures to mitigate adverse effects of the Project on historic properties are described in the MOA along with a number of activities to guide the development of project plans and provide for coordination of those activities through an 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 Progress Reports. Activities during the Reporting Period are described in the

following information. Also, included as Attachment C, is a tabulation of MOA implementation activities.

STIPULATION I: Project Coordination

Stipulations I.A.1, I.A.4, and I.A.5 were implemented during the previous Reporting Period. John Carr (representing the IN-SHPO) continued as a Co-chair of the IHPAT and Mike Hazeltine (who retired from INDOT) was replaced by Mary Crowe as the INDOT Co-chair.

Stipulation I.A.2 provides for the Advisory Teams to assist the Bi-State Historic Consultation and Bi-State Management Teams in developing Project design details to implement the measures stipulated in the MOA. Work was initiated during the Reporting Period on this stipulation.

Stipulation I.A.3 provides for the Co-chairs to convene additional meetings of the HPATs. The Co-chairs convened two meetings of the IHPAT on March 10, 2004 and May 19, 2004. The Co-chairs convened two meetings of the KHPAT on March 9, 2004 and May 20, 2004.

Stipulation I.A.6 describes the discretionary authority of the Co-chairs to invite additional parties to participate on the Advisory Teams. A paper entitled "HPAT Membership" (copy provided as Attachment 1) was prepared by the Co-chairs during the Reporting Period to provide for orderly consideration of requests for membership on the teams. One request was received during the Reporting Period for membership on the IHPAT, reviewed by the co-chairs and denied. One request was received during the Reporting Period for membership on the KHPAT, reviewed by the Co-chairs and denied.

Stipulation I.A.7 provides for the Advisory Council for Historic Preservation (ACHP) to participate as it sees fit on an ad-hoc basis.

Stipulation I.A.8 addresses the initial organizational meetings of the HPATs (convened in December 2003) and provides for establishment of process and procedure for operation of the teams. A charter was prepared during the Reporting Period, presented for review and comment by the HPATs and revised for use in work of the teams.

Stipulation I.A.9 provides for the convening of additional meetings of the HPATs by the Co-chairs to review plans, comment, and make specific recommendations regarding Project design scopes of work and details for consideration by the Bi-State Historic Consultation Team (BSHCT). Stipulations I.A.9.a and I.A.9.b describe meetings prior to development of scopes of work and prior to the selection of contractors for the Historic Preservation Plans (HPPs) and Treatment Plans under Stipulation III. The additional meetings during March and May were convened in accordance with the provisions of Stipulation I.A.9.a and I.A.9.b for the seven (7) possible HPPs to be prepared for the Project.

Stipulation I.A.10 provides for the distribution of materials needed for review by the advisory teams and comments following scheduled meetings. Materials for the meetings held during the Reporting Period were generally limited to information on the process for preparation of HPPs, scope of work for those plans, and qualification of contractors to prepare the plans.

Presentations and requests for input during the meeting were supplemented by a comment period following the meetings to obtain input into the HPP preparation process.

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.

Stipulation I.B. provides for a Bi-State Historic Consultation Team (BSHCT) consisting of representatives of FHWA, INDOT, KYTC and the respective SHPOs. A change in membership occurred during the Reporting Period with the retirement of Mike Hazeltine, who was replaced by Mary Crowe as INDOT's representative. The following were identified as representatives on the BSHCT at the close of the Reporting Period:

- | | |
|-------|--|
| FHWA | Larry Heil, FHWA – Indiana
John Ballantyne, FHWA – Kentucky |
| INDOT | Mary Crowe |
| KYTC | Bill Gulick |
| SHPO | John Carr – for Indiana SHPO
David Morgan – Kentucky SHPO |

The BSHCT held two meetings during the Reporting Period.

Stipulation I.C. provides for a Bi-State Management Team (BSMT) consisting of representatives of INDOT, KYTC and FHWA. The following were identified as representatives on the BSMT:

- | | |
|-------|--|
| INDOT | Chris Baynes/Gary Mroczka ² |
| KYTC | Bill Gulick |
| FHWA | Robert Talley – Indiana Division Administrator
Jose Sepulveda – Kentucky Division Administrator |

No meeting of the BSMT was held during the Reporting Period for items associated with implementation of mitigation measures identified in the MOA or in response to recommendations of the BSHCT.

Stipulation I. D. provides for an Ombudsman for the Indiana portion of the Bridges Project and one for the Kentucky portion of the Bridges Project. Work continued on identifying potential candidates for the two positions, including the preparation of an advertisement to seek out interested parties for the positions.

STIPULATION II: Project Development

Work initiated on implementation of mitigation measures identified in Section II of the MOA during the Reporting Period was generally limited to Stipulations II.A, II.F and II.P.3. The major effort on measures identified in this section is expected to occur once all six Section Design Consultants are under contract and have work underway.

² Representatives until Project Manager selected

Stipulation II.A describes the design goal of the Project, which was used in the preparation of the Project Management Plan to guide the development of project details.

Stipulation II.F describes the actions for preparation of Historic Preservation Plans. The seven historic properties for which HPPs are to be developed were identified in Stipulation II.F.2 (a through g). **Stipulation II.F.1.a** provides for development of scopes of work for the HPPs in consultation with the HPATs and work on this was completed during the Reporting Period. To assist the HPATs, a library of sample preservation planning or related documents was compiled for the Project and announced to the HPATs for their use on the Project. River Fields, Inc. and Rose Hill Neighborhood Association reviewed the library and received copies of a number of those documents (City of Evansville, Indiana – Downtown Development and Design Guidelines; Discover America on Ohio's National Road – Corridor Management Plan for the Ohio National Road Scenic Byway; and North Campus Neighborhood Study).

Stipulation II.P describes the preparation of materials for public education and interpretation. Stipulation II.P.3 provides for the preparation of an exhibit for display in the museum to be established at the Trolley Barn. This stipulation further provides that KYTC will make every effort to have the exhibit completed so that it can be presented during the National Trust for Historic Preservation Annual Conference to be held in Louisville, Kentucky in 2004. Discussions on the preparation of this exhibit were initiated during the Reporting Period.

STIPULATION III: Site Specific Mitigation

Work initiated on implementation of mitigation measures identified in Section III of the MOA during the Reporting Period was generally limited to evaluations of work that would need to be addressed in the HPPs and Stipulations III.A., III.E, III.I, and III.J. The major effort on measures identified in this section is expected to occur once all six Section Design Consultants are under contract and have work underway.

Stipulation III.A provides for mitigation of project impacts on the Train Depot. Discussions were initiated during the Reporting Period about the possible acquisition of this property in accordance with Stipulation III.A.2.

Stipulation III.E provides for mitigation of project impacts on the Old Jeffersonville Historic District. Damage occurred during the Reporting Period to the historic district along a one-block stretch of Spring Street due to a fire causing a loss of contributing properties. No change in the mitigation included in the Project is expected.

Stipulation III.I provides for mitigation of project impacts on the Swartz Farm Rural Historic District. Stipulation III.I.2 provides for INDOT's purchase of that portion of the Swartz Farm lying on the west side of the Project that includes the house, barn, and associated outbuildings. Stipulation III.I.6 provides for the placement of a preservation easement on the property and disposal as a historic property. The IHPAT advised of a change that may affect this property. The current resident of the house on the Swartz Farm is expected to be moved to a nursing home and one of her two sons may be interested in moving onto the property. The IHPAT asked for consideration of a change to the mitigation that would allow the family to retain ownership and

maintain the tract described in Stipulation III.I.6 as a historic property. The power company recently removed trees along the western property line of the Swartz Farm and placed a new power line along that property line and through the front portion of the farm near the Utica – Sellersburg Road. No decision to change any of the measures described for the Swartz Farm Rural Historic District was made during the Reporting Period.

Stipulation III.I.9 provides for the possible use of that portion of the James Smith Farm (#45024) determined eligible for the National Register for Historic Places as a mitigation measure for the mitigation of project impacts on the Swartz Farm Rural Historic District if the owner donates the property to INDOT for preservation as a historic property. An on-site visit to the property occurred during the Reporting Period to evaluate the effect of damage resulting from a fire in the residence. The property was determined eligible under National Register Criteria A and D during work on the environmental document. As a result of the on-site review, the IN-SHPO's office concluded the property probably was also eligible under Criterion C; however due to the loss of integrity resulting from the fire in the residence, it was no longer eligible for Criteria A or C but continued to be eligible for Criterion D without more detailed archaeological investigation. No decision was made during the Reporting Period on a possible change in the measures provided for in Stipulation III.I.9. Contact was initiated with the owners to inquire about their interest in donating the property to INDOT.

Stipulation III.J provides that KYTC will ensure any rehabilitation of the Trolley Barn, associated with the Project is done in accordance with the Secretary's Standards for Rehabilitation. This stipulation was included in the MOA as a result of KYTC's inclusion of funds for the continued rehabilitation of the Trolley Barn. Discussions were continued during the Reporting Period on the funding of this work.

STIPULATION IV: Archaeological Resources

The final identification, evaluation, and determination of Project effect for archaeological resources were phased because alternatives consisted of large corridors where access was restricted. No work was undertaken on archaeological resources during the Reporting Period except for the continuation of planning for the work required within each portion of the Project.

STIPULATION V: Unanticipated Discoveries

No previously unidentified property was discovered during the Reporting Period nor was a previously identified historic property affected in an unanticipated manner.

STIPULATION VI: Additional Historic Properties and Effects

Work on the development of plan details was not initiated during the Reporting Period; therefore no sites for staging, wetland mitigation, borrow or waste, dredge disposal, or other construction activities were identified during the Reporting Period.

STIPULATION VII: Excess Right of Way

Work on development of plan details and identification of the right of way required for construction and operation of the Project was not completed during the Reporting Period; therefore no excess right of way was identified during the reporting period.

STIPULATION VIII: Performance Standards

Individuals are being selected for work required in implementing this MOA who meet the Secretary of the Interior's Professional Qualification Standards. Work will be completed in accordance with appropriate federal and state standards and guidelines.

STIPULATION IX: Progress Reports

Progress Report Number 2 for the Reporting Period (January 1, 2004 through June 30, 2004) is provided in accordance with Stipulation IX.

STIPULATION X: Project Modification

No actions occurred during the Reporting Period causing the need for a modification to the MOA.

STIPULATION XI: Amendment

No signatory to the MOA requested an amendment during the Reporting Period.

STIPULATION XII: Failure to Comply/Termination

No signatories to the MOA identified any concerns during the Reporting Period that the terms of the MOA cannot be or are not being carried out.

STIPULATION XIII: Dispute Resolution

No written objection from any of the signatories or concurring parties to this MOA was filed during the Reporting Period.

STIPULATION XIV: Duration

The MOA is in effect through April 1, 2023.

PART III – PROJECT MILESTONES

Coordination with the HPATs in the development of plan details to implement mitigation measures was identified in the MOA at a number of project milestones, including:

Preliminary Plans (about 30%),
Right of Way Plans (about 60%), and
Final Plans (about 90%).

During this reporting period, CTS-GEC continued work on the overall Project Management Plan, including a schedule for the likely activities to be included in the Project. This schedule will be developed in more detail once all six of the Section Design Consultants have been put under contract and information will be provided to the HPATs and also disseminated to a much broader audience.

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

CONCURRING PARTIES:

American Indian Movement – Mobile Chapter (MO-AIM)

Butchertown Neighborhood Association

City of Prospect

The Eastern Band of Cherokee Indians

The Eastern Shawnee Tribe of Oklahoma

The Delaware Nation

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
- 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

- 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
MOA COMMITMENT TRACKING TABLE**

STIPULATION NO. 1									
Commit. Fulfilled?	Item	GEC Taskmaster	Subconsultant Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
X	A	CTS	NR	NR	Convene IHPAT and KHPAT	December 31, 2003	IHPAT - December 16, 2003 KHPAT - December 17, 2003		None
	B	CTS	NR	NR	Bi-State Historic Consultation Team advises the Bi-State Management Team as to appropriate design and construction approaches; Bi-State Historic Consultation Team convene to consider recommendations provided by the Advisory Teams and prepare recommendations for the Bi-State Management Team; Bi-State Historic Consultation Team gives full consideration to recommendations of Advisory Teams	Project-Wide			
	C	CTS	NR	NR	Bi-State Management Team ensures choice of professional consultant; preparation of progress reports; Bi-State Management Team gives full consideration to recommendations of Bi-State Historic Consultation Team	None Established			
	D	CTS	NR	NR	Procure services of two ombudsmen (one for Indiana and one for Kentucky)	None Established			To be retained for the duration of the project

KEY:

CTS - CTS-GEC
GP - Gray and Pape

R - Ratio Architects A - ASC Group
NR - Not Required (Referring to Direct Involvement in Fulfilling MOA Commitment)

STIPULATION NO. 2									
Commt. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	R, A, GP	All	Project goal is to avoid adverse effects				
	B	CTS	R, A, GP	All	Informational meetings convened by respective STAs for public views	None established			
	C	CTS	R, A, GP	All	Context sensitive solutions considered	None established			
	D	CTS	R, A, GP	All	Roadway lighting designed and constructed to minimize dispersion of light beyond highway right-of-way and include state-of-the-art techniques and systems	None established			
	E	CTS	R, A, GP	All	Project design shall minimize adverse noise effects	None established			
	F	CTS	R, A, GP	NR	HPPs prepared for historic properties and districts	Prior to Preliminary Field Check Plans		HPP	
	F-1	CTS	R, A, GP		Follow provisions for HPPs	None established			
	F-2	CTS	R, A, GP	NR	Develop HPPs for the identified seven historic properties	Prior to Preliminary Field Check Plans		HPP	
	G	CTS	R, A, GP	NR	Update historic preservation documents	Within five years following ROD		Revised Clark County Item Report and Jefferson County Inventory	Only for Resources Identified by Project
	H	CTS	R, A, GP	NR	Acquisition of preservation easements	None established			
	I	CTS	R, A, GP	NR	Preparation of National Register documentation and nomination of properties	Within first three years following the ROD			
	J	CTS	R, A, GP	All	Obtain right-of-way title holder approval for streetscape improvements	Prior to use			
	K	CTS	R, A, GP	All	Obtain right-of-way title holder approval for interpretive signage placement; coordinate interpretive signage	Prior to use			
	L-1	CTS	R, A, GP	All	Ensure construction blasting/vibration plans and bridge pier construction plans are developed	Prior to construction			
	L-3	CTS	R, A, GP	NR	Determine if damage has occurred	After blast and vibration occurs			
	L-4	CTS	R, A, GP	NR	Coordinate damage repair	Prior to entry			
	L-5	CTS	R, A, GP	All	Obtain consent for entry of privately owned property to access monitoring equipment or damage repair	Prior to entry			
	M	CTS	R, A, GP	All	Develop timing of construction activities provisions	None established			
	N	CTS	R, A, GP	All	No-work Zone established on construction plans	None established			
	O	CTS	R, A, GP	NR	Smart Growth Conference	September 2006			To be held 3 years after issuance of ROD
	P-2	CTS	R, A, GP	NR	Draft Popular Report	None Established			
		CTS	R, A, GP	NR	Final Popular Report	None Established			
	P-3	CTS	R, GP	NR	Trolley Barn Exhibit	None Established			KYTC to attempt completion prior to the National Trust for Historic Preservation Annual Conference to be held in 2004. Discussions regarding preparation of exhibit were initiated.

KEY:
CTS - CTS-GEC R - Ratio Architects A - ASC Group
GP - Gray and Pape NR - Not Required (Referring to Direct Involvement In Fulfilling MOA Commitment)

STIPULATION NO. 3

A - TRAIN DEPOT

Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Streetscape improvements				
	2	CTS	R, A	TBD	Acquire Train Depot Building; rehabilitate the property; place a preservation easement on the property and then sell to a preservation organization or donate to a local government				Acquisition discussions initiated
	3	CTS	R, A	TBD	Implement alternative mitigation measures if unable to acquire the property				
	4	CTS	R, A	TBD	Document and seek NRHP nomination	September 2006			Within first three years following the ROD
	5	CTS	R, A	TBD	Develop and place interpretative signage				

B - COLGATE - PALMOLIVE HISTORIC DISTRICT

Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Document and seek NRHP nomination	September 2006			Within first three years following the ROD
	2	CTS	R, A	TBD	Develop and place interpretative signage				

C - OHIO FALLS CAR AND LOCOMOTIVE COMPANY HISTORIC DISTRICT

Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Document and seek NRHP nomination	September 2006			Within first three years following the ROD
	2	CTS	R, A	TBD	Develop and place interpretative signage				
	3	CTS	R, A	TBD	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

D - GEORGE ROGERS CLARK MEMORIAL BRIDGE

Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Avoid displacement of the historic bridge pylons on the IN approach to the bridge				
	2	CTS	R, A	TBD	If displacement cannot be avoided, develop and implement a Treatment Plan				
	3	CTS	R, A	TBD	Relocate pylons in a way to ensure protection of the NRHP designation				

E - OLD JEFFERSONVILLE HISTORIC DISTRICT									
Committ. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Develop a HPP	Prior to Preliminary Field Check Plans			HPP Draft, Scopes of Work developed
	2	CTS	R, A	TBD	Present HPP to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan				
	3	CTS	R, A	TBD	Design and construct streetscape improvements within the HD between Spring Street and the Project				
	4	CTS	R, A	TBD	Design and construct pedestrian friendly facilities within IN ROW under the new bridge and existing I-65 bridge				
	5	CTS	R, A	TBD	Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles				
	6	CTS	R, A	TBD	Develop and implement highway signage plan that minimizes the number of overhead directional signs on the approaches				
	7	CTS	R, A	TBD	Relocate five contributing structures that would otherwise be demolished on vacant lots within HD; purchase vacant lots within the HD and put structures on the lots and then sell them; place a preservation easement on the relocated structures; the purchaser of the structures need to occupy them for 5 years and maintain the property in accordance with the preservation standards acceptable to the IN-SHPO	During the Acquisition Phase			
	8	CTS	R, A	TBD	Prepare and implement a marketing plan to market (above mentioned building's) for relocation by others, if unable to obtain them; plan shall include information on the properties; implement plan for a minimum of 6 months; INDOT shall review all offers with the INSHPO prior to acceptance				
	9	CTS	R, A	TBD	If no acceptable offer, donate property to a local government				
	10	CTS	R, A	TBD	Design and construct roadway lighting in the viewshed of HD				
	11	CTS	R, A	TBD	Implement noise abatement measures				
	12	CTS	R, A	TBD	Timing of construction activities shall be scheduled to limit construction activities which may result in additional impacts to the HD				
	13	CTS	R, A	TBD	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

F - INAAP IGLOO STORAGE HISTORIC DISTRICT									
Committ. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

G - LENTZ CEMETERY									
Committ. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	2	CTS	R, A	TBD	Design the section of roadway adjacent to the cemetery to minimize noise to the property and complement with landscaping within the public ROW				

H - LIME KILNS WITHIN THE UTICA LIME INDUSTRY MULTIPLE PROPERTY LISTING									
Committ. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Develop a HPP to include a Context Study focusing on the lime industry; develop and publish a pamphlet for public distribution presenting the results of the lime industry study	Prior to Preliminary Field Check Plans			HPP Draft Scopes of Work developed
	2	CTS	R, A	TBD	Prepare a condition report of the resources which includes photographs	Prior to initiating construction activities within 1,000 feet of the lime kilns			
	3	CTS	R, A	TBD	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	4	CTS	R, A	TBD	Delinate a "no-work zone" around the three lime kilns which is to extend 100 feet from the kilns				
	5	CTS	R, A	TBD	Repair any damage caused by the Project to the lime kilns				
	6	CTS	R, A	TBD	Acquire Lime Kiln IE-HC-48004; place a preservation easement on the property and sell it to a preservation organization or donate it to a local government				
	7	CTS	R, A	TBD	Develop and design an interpretive marker along Utica Pike				
	8	CTS	R, A	TBD	Document and seek NRHP nomination	September 2006			Within first three years following the ROD

I - SWARTZ FARM RURAL HISTORIC DISTRICT									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, A	TBD	Develop thematic context study for agriculture in Clark County, Indiana and surrounding counties				
	2	CTS	R, A	TBD	Purchase the portion of Swartz Farm lying on the west side of the Project				
	3	CTS	R, A	TBD	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	4	CTS	R, A	TBD	Document and seek NRHP nomination of the remaining farmstead	September 2006			Within first three years following the ROD
	5	CTS	R, A	TBD	Delineate a "no-work zone" around remaining Swartz farmstead				
	6	CTS	R, A	TBD	Place a preservation easement on property and sell to a historic preservation organization or donate to a local government or it can be sold to anyone who would accept the preservation easement				
	7	CTS	R, A	TBD	Prepare archival documentation for Central Passage House	Prior to the Central Passage House demolition			
	8	CTS	R, A	TBD	Develop and implement a landscaping plan				
	9	CTS	R, A	TBD	Accept by donation and preserve the portion of the James Smith Farm that was determined eligible for the NRHP; develop and implement a plan to stabilize the property; place a preservation easement on property and sell to a historic preservation organization or donate to a local government; prior to sale or donation, fund exterior rehabilitation of the structure; develop HPP; document and see NRHP nomination and listing				The IN-SHPO determined the James Smith was no longer eligible under criterion A or C, but remains eligible under criterion D. HPP Draft Scope of Work developed.

J - TROLLEY BARN									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	Q	Rehabilitation shall be developed and implemented in consultation with the KY-SHPO				

K - BUTCHERTOWN HISTORIC DISTRICT									
Comm. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	Q	Develop a HPP, which shall develop a thematic context to assist with future nominations in the region	Prior to Preliminary Field Check Plans			HPP Draft Scopes of Work developed
	2	CTS	R, GP	Q	Develop the Witherspoon Extension as the principal east-west route through the HD and implement measures that encourage north-south traffic through the HD to use Clay Street and Frankfort Avenue				
	3	CTS	R, GP	Q	Design and construct roadway sections along north side of Butchertown HD using embankments or other designs that support aesthetically pleasing noise abatement measures, lighting and landscaping that maintain the context of the HD				
	4	CTS	R, GP	Q	Edison House - Provide funding for rehabilitation of the exterior of the Edison House and conduct a noise study to determine whether interior noise abatement measures are justified	During development of detailed plans			
	5	CTS	R, GP	Q	Wesley House - Provide funding for rehabilitation of the exterior of the Wesley House and conduct a noise study to determine whether interior noise abatement measures are justified	During development of detailed plans			
	6	CTS	R, GP	Q	St. Joseph's Church - Conduct a noise study for St. Joseph's Church to determine whether interior noise abatement measures are justified for the Church, Day Care Center and School	During development of detailed plans			
	7	CTS	R, GP	Q	Franklin Street Baptist Church - Conduct a noise study for Franklin Street Baptist Church to determine whether interior noise abatement measures are justified	During development of detailed plans			
	8	CTS	R, GP	Q	Marcus Lindsay Methodist Church - Conduct a noise study for Marcus Lindsay Methodist Church to determine whether interior noise abatement measures are justified	During development of detailed plans			
	9	CTS	R, GP	Q	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	During development of detailed plans			
	10	CTS	R, GP	Q	Grocers Ice and Cold Storage Company - Provide a plan for adaptive reuse the property; if plan cannot be developed, develop documentation of the property and proceed to demolish the structure once the documentation has been accepted				
	11	CTS	R, GP	Q	Mellwood Avenue/Story Avenue Connector - Conduct a study of the Connector in order to evaluate the elimination of this proposed connector and restoration of two-way traffic flow on these two roads	During development of detailed plans			
	12	CTS	R, GP	Q	Design and construct streetscape improvements within the entire HD				
	13	CTS	R, GP	Q	Design and construct traffic calming measures on existing streets in HD				
	14	CTS	R, GP	Q	Design and construct roadway lighting within the viewshed of the HD				
	15	CTS	R, GP	Q	Implement noise abatement measures where the Project is expected to adversely affect the HD				
	16	CTS	R, GP	Q	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

L. PHOENIX HILL HISTORIC DISTRICT									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	Q	Develop a HPP, which shall develop a thematic context to assist with future nominations in the region	Prior to Preliminary Field Check Plans			HPP Draft Scopes of Work developed
	2	CTS	R, GP	Q	Design and construct roadway lighting				
	3	CTS	R, GP	Q	Work with the owner to relocate the Baer Fabrics Company within the HD or a suitable facility within the Phoenix Hill neighborhood				
	4	CTS	R, GP	Q	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				
	5	CTS	R, GP	Q	St. John's Church - Conduct a noise study for St. John's Church to determine whether interior noise abatement measures are justified	During development of detailed plans			
	6	CTS	R, GP	Q	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	During development of detailed plans			
	7	CTS	R, GP	Q	Place interpretive signage within the HD				
	8	CTS	R, GP	Q	Streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-85 Bridge				
	9	CTS	R, GP	Q	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

M. COUNTRY ESTATES HISTORIC DISTRICT/RIVER ROAD CORRIDOR									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L	Develop a HPP, which shall specifically consider and develop recommendations for the following: Country Estates of River Road HD (including individually listed NRHP properties within the HD), James T. Taylor/James W. Chandler House, Merrilwether House, Upper River Road Bridge over Harrods Creek, Harrods Creek Village HD, Schildnecht House, Determan House, Allison-Barrickman House, St. Francis In the Field Church, Bellevue and Rosewell	Prior to Preliminary Field Check Plans			HPP Draft Scopes of Work developed
	2	CTS	R, GP	L	Design and construct proposed roadways, bridges and tunnels from I-71 to the OH River, taking into consideration the cultural landscapes that are important contributing elements to the HD				
	3	CTS	R, GP	L	Design and construct roadway lighting within the watershed of the HD				
	4	CTS	R, GP	L	Implement noise abatement measures where the Project noise is expected to affect the listed and eligible properties				
	5	CTS	R, GP	L	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	6	CTS	R, GP	L	Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties				

N - DRUMANARD									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L					
	2	CTS	R, GP	L	Acquire or establish a historic preservation easement for the entire Drumanard historic property				
	3	CTS	R, GP	L	Acquire property and place a historic preservation easement on property and transfer ownership to KYTC, who will sell the property to a preservation organization or other acceptable party or donate to a local government				
	4	CTS	R, GP	L	>Develop and implement a blasting/vibration plan >Monitor the historic buildings to preclude impacts due to blasting	>Complete prior to initiation of construction >During construction activities			

O - ALLISON-BARRICKMAN HOUSE									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L	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				
	2	CTS	R, GP	L	Implement noise abatement measures				
	3	CTS	R, GP	L	Define a "no-work zone" within the NRHP boundary of the property				
	4	CTS	R, GP	L	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			

P - ROSEWELL									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L	Develop and implement a Treatment Plan to minimize damage to the property				
	2	CTS	R, GP	L	Acquire the property				
	3	CTS	R, GP	L	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	Immediately following acquisition			
	4	CTS	R, GP	L	Design and construct roadway lighting				
	5	CTS	R, GP	L	Implement noise mitigation				
	6	CTS	R, GP	L	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	7	CTS	R, GP	L	Define a "no-work zone" within the NRHP boundary of the property				

Q - BELLEVIEW									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	1	CTS	R, GP	L	Design Ohio River Bridge and embankment adjacent to the property taking into account the cultural landscape associated with this property				
	2	CTS	R, GP	L	Design and construct roadway lighting within the viewshed of Belleview				
	3	CTS	R, GP	L	Implement noise mitigation measures				
	4	CTS	R, GP	L	Develop and implement a blasting/vibration plan	Complete prior to initiation of construction			
	5	CTS	R, GP	L	Define a "no-work zone" within the NRHP boundary of the property				

KEY:
CTS - CTS-GEC R - Ratio Architects A - ASC Group
GP - Gray and Pape L - HW Lochner Q - QK4
TBD - To Be Determined

STIPULATION NO. 4 - ARCHAEOLOGICAL RESOURCES									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	A, GP	NR	FHWA to complete identification and evaluation of archeological resources	Before construction in the APE or selecting sites for ancillary activities			Refer to Page 27 of the MOA.
	B	CTS	A, GP	NR	FHWA will examine all locations where ground-disturbing activities are proposed	None established			Refer to Page 28 and 29 of the MOA.
	C	CTS	A, GP	NR	FHWA shall evaluate NRHP eligibility for identified archaeological sites	None established			Refer to Page 28 of the MOA.
	D	CTS	A, GP	NR	FHWA shall assess effects of Project on eligible archaeological resources	None established			Refer to Page 30 of the MOA.
	E	CTS	R, A, GP	NR	FHWA development and implementation of treatment plans	Completed before construction on sites needing treatment			Refer to Page 30 and 31 of the MOA.
	F	CTS	A, GP	NR	FHWA shall ensure archaeological work is conducted by qualified person(s)	None established			Refer to Page 33 of the MOA.
	G	CTS	A, GP	NR	FHWA shall prepare copies of final reports for SHPO's, STA's Indian Tribes, public libraries and educational institutions	When appropriate			Refer to Page 33 and 34 of the MOA.

STIPULATION NO. 5 - UNANTICIPATED DISCOVERIES									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	NR	NR	KYTC or INDOT to ensure work stops when unanticipated discovery is made.	None established			Work shall cease until a treatment plan can be developed and implemented.
	B	CTS	NR	NR	FHWA to make all reasonable measures to avoid property until conclusion of consultation with SHPO, Indian Tribes and other appropriate parties.	None established			
	C	CTS	NR	NR	FHWA shall contact SHPO, Indian Tribes and other appropriate parties and provide written details of discovery.	None established			Notify within 48 hours of discovery
	D	CTS	NR	NR	INDOT or KYTC shall conduct an on-site evaluation of discovery to determine eligibility effects and possible treatment measures.	None established			On-Site evaluation to occur within 48 hours (or earliest available opportunity) of discovery
	E	CTS	NR	NR	Develop appropriate Treatment Plan(s) for discovered historic property.	None established			Review to occur within seven days of receipt of proposed plan.
	F	CTS	NR	NR	Ground-disturbing work may commence at sites determined ineligible for NRHP.	None established			
	G	CTS	NR	NR	Parties shall invoke provisions for dispute resolution should consensus on eligibility not be reached.	None established			

STIPULATION NO. 6 - ADDITIONAL HISTORIC PROPERTIES AND EFFECTS									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	NR	NR	INDOT OR KYTC shall consult with FHWA, SHPOs, Indiana Tribes and other parties to determine if other properties are historic in addition to those already identified.	Before approval of sites for staging, wetland mitigation, borrow or waste, dredge disposal, or other construction are approved.			
	B	CTS	NR	NR	Where historic properties are adversely effected, FHWA shall consult with INDOT and/or KYTC, SHPO, Indian Tribes and other appropriate parties to mitigate effects.	None established			
	C	CTS	NR	NR	Resolve disputes in accordance with Stipulation XIII.	None established			

STIPULATION NO. 7 - EXCESS RIGHT OF WAY									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	N/A	CTS	NR	NR	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	Throughout Project duration			

STIPULATION NO. 8 - PERFORMANCE STANDARDS									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	NR	NR	The FHWA shall ensure all cultural resources work carried out will be under direct supervision of individuals that meet the <i>Secretary of the Interior's Professional Qualification Standards</i>				Refer to Page 35 of MOA
	B	CTS	NR	NR	Historic preservation work shall be guided by most recent Federal and state guidelines				Refer to Page 35 and 36 of MOA

STIPULATION NO. 9 - PROGRESS REPORTS									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	A	CTS	NR	NR	Progress reports detailing implementation of the measures stipulated within the MOA and providing advanced notice of milestones,	Every six (6) months until all phases of the project are complete			

STIPULATION NO. 10 - PROJECT MODIFICATION									
Commit. Fulfilled?	Item	GEC Taskmaster	Sub Taskmaster	SDC	Description	MOA Deadline	Completion Date	Product	Remarks/Current Status
	N/A	CTS	NR	NR	If the Project is significantly modified and additional effects to historic properties are considered the FHWA will consult with the signatories to determine if the MOA should be amended	Throughout the duration of the Project			

KEY:
 CTS - CTS-GEC R - Ratio Architects A - ASC Group
 GP - Gray and Page NR - Not Required (Referring to Direct Involvement in Fulfilling MOA Commitment)
 N/A - Not Applicable

ATTACHMENT 1

Louisville – Southern Indiana Ohio River Bridges Project (Project) Historic Preservation Advisory Team – Membership

The Section 106 Memorandum of Agreement (MOA) prepared and executed on April 1, 2003 for the Project included provision for an Indiana Historic Preservation Advisory Team and a Kentucky Historic Preservation Advisory Team “to assist the Bi-State Historic Consultation and Bi-State Management Teams in developing Project design details to implement the measures stipulated in the MOA.”¹ Much of the work of these teams was expected to involve meetings “to review, comment, and make specific recommendations regarding Project design scopes of work and details for consideration by the Bi-State Historic Consultation Team”², at specific points in the design development process.

TEAM MEMBERSHIP – Membership on the advisory teams was also defined in the MOA. A list was included of those that would “be invited by FHWA and the Indiana Advisory Team co-chairs to participate on the IHPAT”³ and those that would “be invited by FHWA and the Kentucky Advisory Team co-chairs to participate on the KHPAT”.⁴ Provision was included in the MOA for the possible addition of participants to these teams “at the discretion of the Advisory Team Co-chairs.”⁵ The only guidance on how this was to occur was contained in Stipulation I.A.6:

“Additional participants may be invited to participate on the Advisory Teams at the discretion of the Advisory Team Co-chairs.”

The MOA identified 11 possible participants on the IHPAT and 7 possible participants on the KHPAT. These were identified during the “resolution of adverse effects” step in the Section 106 work on the Project and included consideration of comments offered by Section 106 Consulting Parties. Although there was no specific set of parameters produced to identify the parties to be invited to participate on the advisory teams, a number of factors were used in the deliberations, including the following:

- (a) participation as a Section 106 Consulting Party,
- (b) interest in historic preservation, and
- (c) relationship to historic property for which the Project was determined to have an adverse effect.

The historic properties that were determined to be adversely affected by the Project were identified in the MOA, in Appendix D.

¹ Section 106 MOA, Stipulation I.A.2.

² Section 106 MOA, Stipulation I.A.9.

³ Section 106 MOA, Stipulation I.A.4.

⁴ Section 106 MOA, Stipulation I.A.5.

⁵ Section 106 MOA, Stipulation I.A.6.

REQUESTS FOR MEMBERSHIP – Requests for membership from groups other than those identified in the Section 106 MOA should be submitted in written form to the Co-Chairs. Post office boxes were opened and email sites were established for the Indiana HPAT and the Kentucky HPAT. Requests for membership should be submitted to these addresses:

Kentucky Historic Preservation Comments
P.O. Box 43118
Louisville, KY 40253-0118

Indiana Historic Preservation Comments
P.O. Box 4084
Jeffersonville, IN 47131-4084

or

Kentucky@hpat.net

Indiana@hpat.net

Requests should include a basis for inclusion on the advisory team. The requests will be evaluated and responses prepared for the Co-Chairs. Advisory Teams will be advised of any request for inclusion on a team and the decision of the co-chairs in response to the request.

