

Louisville - Southern Indiana Ohio River Bridges Project
Progress Report Number 6
January 1, 2006 – June 30, 2006
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 (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 Sixth Progress Report for the January 1, 2006 through June 30, 2006 reporting period (Reporting Period).

There was continued activity on implementation of mitigation measures during the Reporting Period. The Indiana Department of Transportation (INDOT) and Kentucky Transportation Cabinet (KYTC) continued their work to finalize the scopes of work and contracts for the Section Design Consultants (SDCs). This will be discussed in more detail in Part I of this report.

Activity during the Reporting Period on implementation of mitigation measures in the MOA included preparing and convening meetings of the Indiana and Kentucky Historic Preservation Advisory Teams (IHPAT/KHPAT), beginning the Historic Preservation Plan (HPP) process for Butchertown, Phoenix Hill, the Old Jeffersonville Historic District and the Swartz Farm Rural Historic District, continuing the development process to complete the Immediate Needs Report (INR) for the Country Estates of River Road/River Road Corridor (CE RR/RRC), managing the development and scheduling of the Smart Growth Conference and undertaking various archaeological investigations. All activities will be described in more detail in a later section of the report.

PART I – OVERALL PROJECT STATUS

INDOT and KYTC executed the prime contract for Community Transportation Solutions – General Engineering Consultant (CTS-GEC) on April 20, 2005. A description of each section and the progress of each SDC are provided in the following summary.

Section 1 Kentucky Downtown Approach (including Kennedy Interchange) – Ongoing coordination with many agencies and organizations continued through this Reporting Period. Two meetings were held with the Kentucky Historic Preservation Advisory Team (KHPAT). Kentucky Transportation Associates (KTA) has worked on an addendum to the Urban Design Guidelines (submitted December 2005) based on comments received from the Bi-State Management Team (BSMT). Final reports for the Mellwood-Story Avenue Connector Study and the Waterfront Park Impact Reduction Study were submitted during this Reporting Period. A Public Meeting summary for the October 2005 Open House was also submitted. Coordination continued with Chan-Krieger and the Downtown

¹ A copy of the Section 106 MOA can be obtained from the Project Website by selecting the History link beneath the Project tab and downloading the Record of Decision (ROD). A direct link to the page is provided, below.

– http://www.kyinbridges.com/pdfs/rod_d.pdf

Development Corporation regarding the East Downtown Access Planning Study. Additional coordination activities included work with the Waterfront Development Corporation in the Waterfront Park Impact Reduction Study.

Section 2

Downtown Bridge (using Alternative C-1) – The design team has completed Step 1 (Develop Guidelines), Step 2 (Develop Concepts) and Step 3 (Develop Alternatives) in the Bridge Type Selection process.

The Guidelines from Step 1 were used throughout the bridge type selection process (BTSP) for overall direction during the development of bridge concepts and alternatives. In development of guidelines, meetings were held with the AAT and RAC committees; there were also two open houses for the public and the SDCs met with the IHPAT and the KHPAT. Many of the guidelines were based on commitments made in the Record of Decision (ROD), Final Environmental Impact Statement (FEIS) and MOA. The designers considered the applicable Context Sensitive Design guidelines and parameters during the development of alternatives.

In Step 2, thirty-one bridge images were presented to the AAT/RAC and to the public during two open houses. Electronic polling was used with the AAT/RAC committees and with public at the open houses to obtain input on preferences for various bridge elements. The polling process was particularly useful at these meetings given the large number of attendees. Meetings were also held with the IHPAT and KHPAT in Step 2 to receive their input, which was followed by a 15-day comment period.

In Step 3 of the BTSP, six bridge alternatives were developed and presented to the AAT/RAC and to the general public at two open houses. Electronic preference polling was again used to obtain feedback on the alternatives from these groups. Meetings were also held with the IHPAT and KHPAT on February 15 and 16, 2006 and on April 25 and 27, 2006, respectively, to review the alternatives and receive their input, which were followed by a 15-day comment period. It was emphasized during the presentations that various elements of the six bridge alternatives could be used in a variety of combinations in refining the alternatives in Step 4.

Currently in Step 4, detailed analysis and further development of the alternatives from Step 3 is underway, which together with input from the advisory committees and the public will be used to develop recommendations for three recommended bridge type alternatives. These recommendations will be presented to the AAT, RAC and HPATs at meetings in July. A comprehensive Bridge Type Selection Report will be prepared and presented to an Executive Bridge Selection Committee later this fall, which will include a summary of all of the input received and all the technical studies that supported the process. The Executive Committee will select the final bridge type.

Section 3 Indiana Downtown Approach – Efforts during the Reporting Period entailed the continuation of the topographic survey for the Project. No direct environmental or mitigation efforts were initiated by SDC3 during this Reporting Period.

Section 4 Kentucky East End Approach – During the Reporting Period, a noise barrier analysis was finalized and submitted to the BSMT for approval. The submittal incorporated comments received from CTS-GEC and the BSMT. Coordination began with the Louisville Water Company and the appropriate environmental resource agencies to develop strategies for working within the Wellhead Protection Zone. The appropriate environmental permit documents were filed with US Army Corps of Engineers for the US 42/KY 841ramp relocation project. Lochner (SDC 4) continued the development of the Preliminary Plans and the Draft Design Guidelines during the Reporting Period.

Section 5 East End Bridge (using Alternative A-15) – The design team has completed Step 1 (Develop Guidelines), Step 2 (Develop Concepts) and Step 3 (Develop Alternatives) in the BTSP.

The Guidelines from Step 1 were used throughout the BTSP for overall direction during the development of bridge concepts and alternatives. In development of Guidelines, meetings were held with the AAT and RAC committees, there were two open houses for the public and the SDCs met with the IHPAT and the KHPAT. Many of the guidelines were based on commitments made in the ROD, FEIS and MOA. The designers considered the applicable Context Sensitive Design guidelines and parameters during the development of alternatives.

In Step 2, fifteen bridge concepts were presented to the AAT/RAC and to the public at two open houses. Electronic polling was used with the AAT/RAC committees and with public at the open houses to obtain input on preferences for various bridge elements. The polling process was particularly useful at these meetings given the large number of attendees. Meetings were also held with the IHPAT and KHPAT committees in Step 2 to receive their input, which was followed by a 15-day comment period.

In Step 3 of the BTSP, six bridge alternatives were developed and presented to the AAT/RAC and to the general public at two open houses. Electronic preference polling was again used to obtain feedback on the alternatives from these groups. Meetings were also held with the IHPAT and KHPAT on February 15 and 16, 2006 and on April 25 and 27, 2006, respectively, to review the alternatives and receive their input, which were followed by a 15-day comment period. It was emphasized during the presentations that various elements of the six bridge alternatives could be used in a variety of combinations in refining the alternatives in Step 4.

The FEIS for the Project concluded that noise abatement in the vicinity of the East End Bridge is not considered feasible or reasonable. The height limitation for traditional concrete barriers on bridges (maximum height of 8 feet) limits the potential noise level reduction to less than 5 dBA, which is the threshold for consideration of a noise barrier. As part of Step 3, other noise attenuation alternatives were reviewed to determine their feasibility for incorporation into the Project to achieve a reduction in noise levels greater than 5 dBA. This review is summarized in the (draft) Step 3 Noise Reduction and Mitigation Strategy report, submitted for review on May 19, 2006.

Further review of the East End Bridge pier locations was conducted through navigational simulations at the Seamen's Church Institute's (SCI) Center for Maritime Education (CME) in Paducah, KY. US Coast Guard (USCG) representatives participated in the navigational simulation exercises, and provided a preliminary letter indicating that "the US Coast Guard determined that the bridge piers were in the right locations and the proposed designs had little impact on navigating through the bridge." The USCG will provide a letter of recommendation (as appropriate) after further analysis of the test pilot's comments and a review of the SCI report.

SCI organized a two-day meeting (April 26-27, 2006) with the USCG and local riverboat pilots to discuss the Project. The purpose of the meeting was for the riverboat pilots to evaluate the alternative bridge types identified for the Downtown and East End Bridges through test runs in the SCI navigational simulator. SCI prepared simulation models for the Downtown and East End Bridges, utilizing hydraulic data provided by the SDCs. The draft report included comments by pilots, the route taken for each simulation run, the questionnaires completed by the test pilots, background information and simulation set-up, the matrix of conditions for each run, and a method evaluation form to make sure each run was set up correctly. The draft report was submitted on June 7, 2006.

As part of the BTSP, the first round of coordination meetings was held with local, state, and federal permitting agencies in December 2005 and January 2006. During these meetings, it was decided that the next contact should be made when the bridge alternatives were available for review. With the approval of the Step 3 Open House summary in late May 2006, the six bridge alternatives and public comments were sent for a second round of coordination on June 7, 2006. Comments from the agencies regarding the six alternatives and any potential issues that would need to be addressed during the permitting process were requested by June 30, 2006.

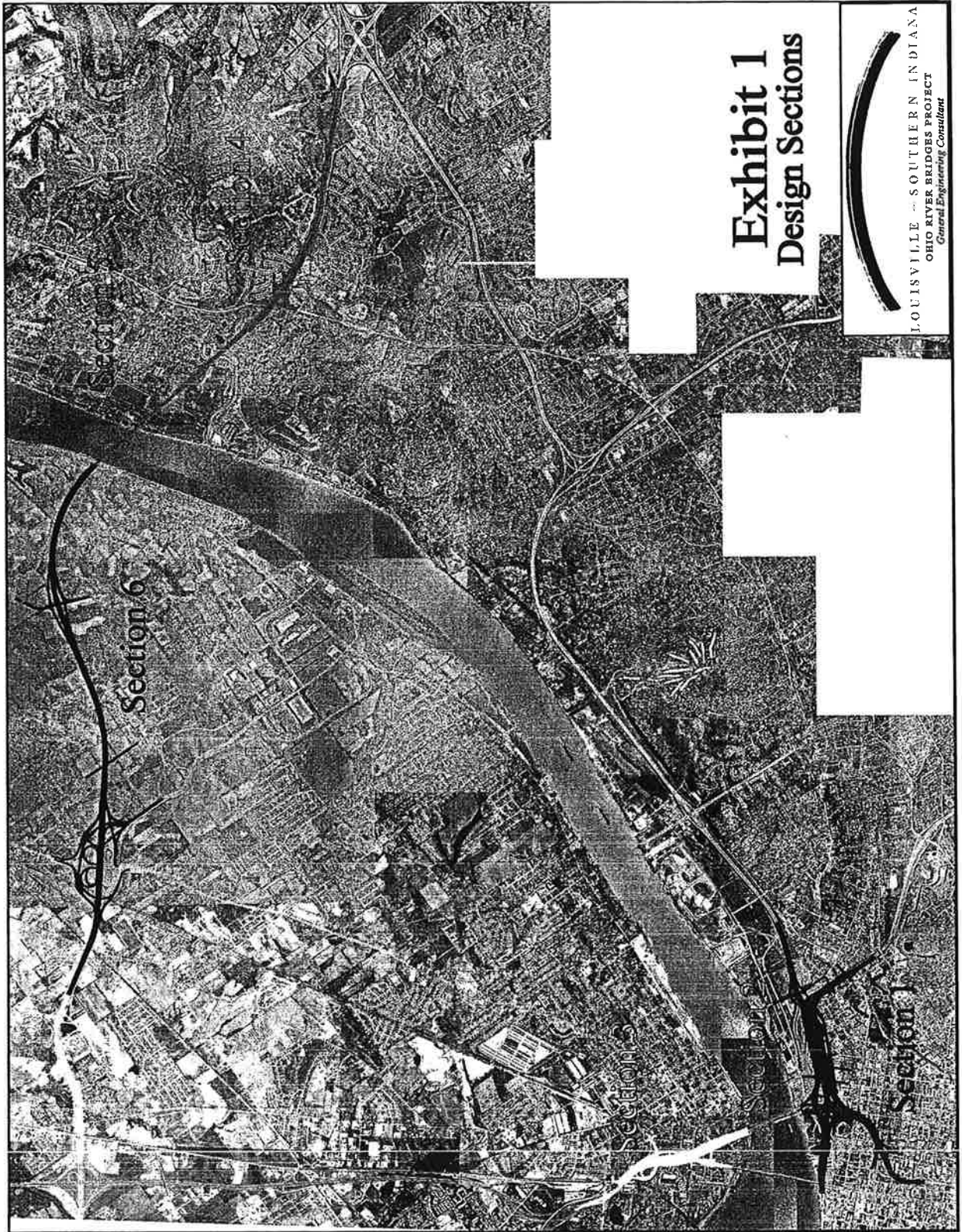
The environmental commitments matrix for the East End Bridge has been maintained and updated to monitor the commitments in relation to the various bridge alternatives developed in Step 3. The matrix includes references to the MOA, FEIS and ROD.

The FEIS for the Project indicated that the East End Bridge deck runoff be collected within a drainage system that includes bridge-deck drains and storm sewers that will transport runoff to the Kentucky end of the bridge. In order to provide an estimate of the amount of expected runoff and the associated pipe system, a preliminary Deck Drainage analysis was completed and a draft report was submitted May 26, 2006. The report included preliminary estimates of maximum flow generated by a 10-year storm event as well as a conceptual pipe layout for the underside of the bridge.

Currently in Step 4, detailed analysis and further development of the alternatives from Step 3 is underway, which together with input from the advisory committees and the public will be used to develop recommendations for three potential bridge type alternatives. These recommendations will be presented to the AAT, RAC and HPATs at meetings in July. A comprehensive Bridge Type Selection Report will be prepared and presented to an Executive Bridge Selection Committee later this fall, which will include a summary of all of the input received and all the technical studies that supported the process. The Executive Committee will select the final bridge type.

Section 6

Indiana East End Approach – Efforts entailed the negotiation of the design proposal with the INDOT. SDC 6 initiated no direct environmental or mitigation efforts during the Reporting Period.



CTS-GEC, under the management of Mr. Sacksteder worked during this Reporting Period with the BSMT, which consists of representatives from INDOT, KYTC and FHWA, in the development of a Project Management Plan, project schedule and oversight requirements of the six SDCs 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 the Progress Reports. A complete definition of each of the specific MOA stipulations is contained in Attachment C. Activities during the Reporting Period are described in the following information.

STIPULATION I: Project Coordination

Stipulations I.A.1, I.A.4, I.A.5, and I.A.8 were implemented during the First Reporting Period. During the Reporting Period, Mr. John Carr (representing the IN-SHPO) and Mrs. Mary Kennedy (representing INDOT) continued as Co-chairs of the IHPAT; Dr. Rick Jones continued as an alternate for the IN-SHPO to the IHPAT. Mr. David Morgan and Ms. Janie-Rice Brother (representing the KY-SHPO) and Mr. Bart Bryant (KYTC) continued as Co-chairs of the KHPAT.

Stipulation I.A.2 provides for the Advisory Teams to assist the Bi-State Historic Consultation Team (BSHCT) and the BSMT in developing Project design details to implement the measures stipulated in the MOA. Work continued during the Reporting Period on this stipulation.

Stipulation I.A.3 provides for the Co-chairs to convene meetings of the HPATs, prepare summaries of said meetings and prepare and submit HPAT recommendations to the BSHCT for further action. IHPAT meetings were held on February 15, 2006, April 25, 2006 and June 21, 2006. KHPAT meetings were convened on February 16, 2006, April 27, 2006, May 18, 2006 and June 8, 2006. Summaries of each meeting were returned to HPAT members within a reasonable time following each meeting.

Stipulation I.A.6 describes the discretionary authority of the Co-chairs to invite additional parties to participate on the Advisory Teams. No additional requests for membership were received by the IHPAT or KHPAT during the Reporting Period.

Stipulation I.A.7 provides for the Advisory Council on Historic Preservation (ACHP) to participate as it sees fit on an ad-hoc basis. To date, the ACHP has not chosen to participate.

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 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 HPPs and Treatment Plans under Stipulation III. These stipulations were satisfied at the HPAT meetings held during the Second Reporting Period. Once the scope of work for the Treatment Plans are developed for the properties identified in the MOA, the respective HPATs will be advised accordingly per this stipulation. During the Fifth Reporting Period, H.W. Lochner (SDC 4) was selected as the consultant to prepare the Treatment Plan for Rosewell. A preliminary scope of work will be presented at a future KHPAT meeting. As the project advances and contractors are selected to prepare the respective Treatment Plans, additional coordination with the appropriate HPATs will occur. Stipulation 1.A.9.c requires meetings prior to the development of the scope of work for the design consultants' respective sections of the Project. This stipulation has been satisfied. Section 1 (KTA), Section 2 (Baker), Section 3 (BFS), Section 4 (HWL), Section 5 (PB) and Section 6 (IAP) presented an overview of the scope of work for their respective sections.

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 preparation of INRs/HPPs, SDCs scope of work, Preliminary Line and Grade (PL&G) plans for Sections 1 and Section 4, and bridge type alternatives in Step 3 of the BTSP for Sections 2 and 5. Presentations and requests for input during the meetings were supplemented by a 15-day (minimum) 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 BSHCT. The BSHCT is to consist of representatives of FHWA, INDOT, KYTC and the respective 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.

The following were identified as representatives on the BSHCT at the close of the Reporting Period:

FHWA	George Jones
INDOT	Mary Kennedy
KYTC	Bart Bryant
SHPO	John Carr and Dr. Rick Jones – Indiana SHPO David Morgan and Janie-Rice Brother – Kentucky SHPO

The BSHCT held three meetings during the Reporting Period on January 26, 2006, March 14, 2006 and June 1, 2006.

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 MOA and provides a means to consider recommendations of the HPATs through the BSHCT for final approval.

The following were identified as representatives on the BSMT:

INDOT	Paul Boone
KYTC	Bart Bryant
FHWA	George Jones

Weekly meetings of the BSMT generally occurred on the Monday of each week and items related to this MOA were brought forth as needed.

Progress Report Number 6 for the Reporting Period of January 1, 2006 through June 30, 2006 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, a list of potential candidates for the Indiana Ombudsman position were assembled and provided to the Executive Office of INDOT for selection. It is anticipated that the selection of an Indiana Ombudsman will occur in the next Reporting Period. Mr. Lee Walker, who was selected by KYTC as the Kentucky Ombudsman, began work on November 1, 2004. During the Reporting Period, Mr. Walker continued to serve in this capacity.

STIPULATION II: Project Development

Work initiated on implementation of mitigation measures identified in Section II of the MOA during the Reporting Period was limited to Stipulations II.A. II.B., II.C., II.E., II.F., II.I. and II.O. The major effort on measures identified in this section is expected to occur once all six SDCs are under contract and work is underway.

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

Stipulation II.B. provides that the views of the public are important and will be solicited and considered at a minimum through each state's normal transportation project development process through informal meetings to be convened by the respective State Transportation Agencies (STA). During the Reporting Period, Area Advisory Team (AAT) and Regional Advisory Committee (RAC) meetings were organized, as well as Open Houses. The AAT meetings were convened for Section 2 (Downtown Bridge) on March 13, 2006 (this was a joint AAT and RAC Meeting). Section 4 (Kentucky East End Approach) meetings were held on March 30, 2006 and May 23, 2006. Section 5 (East End Bridge) convened a joint AAT and RAC meeting on February 16, 2006. Open houses were held on March 21, 2006 and March 23, 2006 for Section 2 and March 7, 2006 and March 9, 2006 for Section 5. Sections 3 and 6 are not yet under contract, so public involvement activities in these sections are pending.

Stipulation II.C. provides that the roadways, bridges and other Project elements shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes, and the historic context, utilizing services of professionals with experience in areas related to historic preservation. In the BTSP for the Downtown and the East End bridges, design professionals who have experience working with historic cultural landscapes, historic context and preservation were key contributors in the development bridge type alternatives for Step 3.

Mr. Skip Smallridge, a landscape architect with Crosby, Schlessinger and Smallridge (CSS) of Boston, MA has worked with the Section 2 Design Team through Steps 1, 2 and 3 of the process. Mr. Smallridge has extensive experience in urban design and historic preservation, including 12-years as an adjunct professor at Boston University's Graduate School of Historic Preservation and 25 years of professional experience for numerous transportation projects across the US.

Mr. Miguel Rosales, a bridge architect with Rosales Gottemoeller & Associates (RGA), also of Boston, MA, similarly has worked closely with the Section 2 in the development of the alternatives for the East End Bridge. Mr. Rosales is an architect who specializes exclusively in bridge design, with over 19 years experience in the US and around the world. Some of his work includes the landmark Zakim Bunker Hill Bridge in Boston, MA and the Panama Canal Bridge. Many of his bridges are located in sensitive and historic settings where contextual integration is paramount.

Stipulation II.E. describes activities to minimize adverse effects of noise on historic properties in accordance with state and federal noise regulations, policies and guidance. During the Fifth Reporting Period, a Draft Noise Report was prepared by SDC 1 and submitted through CTS-GEC to the BSMT for approval. The BSMT recommended that no noise barriers be provided in the I-65 and I-71 corridors. Noise barriers are still in consideration in the area of Clifton. It was requested that SDC 1 provide additional studies along I - 64 in the area of Clifton. Those studies were still on going at the end of the Reporting Period. SDC 4 also presented the Draft Noise Report for approval. That report is pending BSMT approval.

Stipulation II.F. describes the actions for preparation of HPPs. 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. This stipulation was fulfilled during the Second Reporting Period. During this Reporting Period, work was initiated on the HPPs on the Kentucky properties with respect to all the provisions of Stipulation II.F. A kick-off meeting for the Swartz Farm Rural Historic District HPP was held on January 23, 2006; a kick-off meeting for the Old Jeffersonville Historic District was held on March 14, 2006. Coordination with the property owner of the James Smith Rural Historic Farmstead continued throughout the Reporting Period. A letter was sent to the owners on April 5, 2006 requesting a decision on the donation of the property by June 14, 2006. No response was received by this deadline, indicating no desire to donate the property; further donation of the property will not be pursued, and an HPP will not be prepared for the Smith Farm. The draft HPPs for Butchertown and Phoenix Hill were discussed at the KHPAT of April 27, 2006. A working meeting to further refine the HPPS for both Butchertown and Phoenix Hill was held on May 18, 2006. A working session to develop the draft INR for the CE RR/RRC was held on February 27, 2006, and the draft INR was presented at the KHPAT of April 27, 2006. Similar to the HPPs, a working meeting to further refine the draft INR was held on May 18, 2006.

Stipulation II.I. mandates that for specific properties identified in Stipulation III, documentation required for a NRHP nomination shall be prepared by a qualified historic preservation consultant selected by INDOT or KYTC, upon receipt of written consent from the property owner(s) and within the first three years following the Record of Decision. Six properties were identified in the MOA requiring the preparation of a nomination form, all located in Indiana; as stated, the property owners of the Smith Farm did not indicate a willingness to donate the property. Therefore, a NRHP nomination will not be pursued for this property, reducing the number of NRHP nominations to five. The preparation of these NRHP nomination forms is underway by CTS-GEC and INDOT. A scope of work and fee has been negotiated with the INDOT to complete this activity as a supplement to the INDOT/CTS-GEC agreement with the exception of work pertaining to the Colgate – Palmolive property and the Train Depot. INDOT will manage all activities related to Colgate and the Depot. Upon the issuance of a notice-to-proceed, this activity will commence. It is anticipated that an extension of time may be requested from the FHWA to complete these nominations in accordance with this Stipulation.

Stipulation II.O. describes the process to hold a Smart Growth Conference within three years of execution of the MOA. The Conference is scheduled for September 18 – 20, 2006 at the Louisville Downtown Marriott Hotel. During the Reporting Period, Smart Growth Organizational Committee (SGOC) meetings to continue planning for the Conference were held on January 20, 2006, February 3, 2006, March 17, 2006, April 21, 2006, May 19, 2006 and June 16, 2006. Three mailings were sent during this Reporting Period. A ‘save the date’ postcard was sent in February 2006 advertising the date, time and location of the Conference. A second mailing, a Conference brochure, highlighted the possible Conference tracks, followed in April 2006. This brochure included information about two of the three national speakers, who had agreed to participate. The third mailing was the registration brochure. It was sent in June 2006, and contained the Conference agenda, lodging information, registration fee and tour information along with the biographies of the three national speakers.

Lists of possible national and regional speakers were brought forward by the SGOC in January 2006. Three national speakers were chosen for the Conference: Donovan Rypkema, Walter Kulash and Randall Arendt. Additionally, approximately 30 regional and local speakers were

elevated to the BSMT and approved for the Conference in March 2006 and included in the aforementioned Conference brochures.

Three tours will occur simultaneously during the afternoon of September 18, 2006: a walking tour of Butchertown and Phoenix Hill, a walking tour of Old Jeffersonville Historic District and a driving tour of the CE RR/RRC. Due to space constraints, these tours will be limited to thirty persons. Also, during this Reporting Period, the SGOC secured Star Cruises for a dinner cruise on September 19, 2006 for all Conference attendees at no extra cost.

STIPULATION III: Site Specific Mitigation

Work continued on the implementation of mitigation measures identified in Section III of the MOA during the Reporting Period and was generally limited to evaluations of work that would need to be addressed in the HPPs, specifically Stipulations III.A.2 and 3, III.B.1, III.C.1, III.E.1, III.H.1, III.I.9, III.K.1, 2, 3, 11, 12 and 14, III.L.1, 2, 7 and 8, III.M.1, III.N.1 and 2 and III.P.1 and 2. The major effort on measures identified in this section is expected to occur once all six SDCs are under contract and have work underway.

Stipulation III.A.2 provides for mitigation of project impacts on the Train Depot. As INDOT has acquired the Depot, rehabilitation efforts are expected to commence, in coordination with the IN-SHPO, so the property can function as the office of the Indiana Ombudsman and the INDOT Project Manager. A tour of the existing facility was conducted on June 21, 2006 with personnel representing the IN-SHPO, FHWA, INDOT, CTS-GEC and the Historic Landmarks Foundation Indiana (HLFI).

Stipulation III.A.3 no longer is applicable, as the INDOT has acquired the Train Depot from a willing seller; therefore, identification and implementation of alternative mitigation measures are not required.

Stipulation III.B.1 provides for the development of documentation to seek a National Register of Historic Places (NRHP) nomination for the Colgate-Palmolive Historic District. In June 2006, the INDOT had initiated contact with the Company, as part of the NRHP nomination for that property, but the firm was uncooperative to date.

Stipulation III.C.1 provides for the development of documentation to seek a NRHP nomination for the Ohio Falls and Locomotive Company Historic District. In April 2006, the INDOT initiated efforts to supplement the INDOT/CTS-GEC contract to provide for the preparation of the NRHP nomination for the property.

Stipulation III.E.1 provides for the preparation of an HPP for the Old Jeffersonville Historic District. On March 14, 2006, the HPP kickoff meeting was held; a walking tour of the Historic District occurred in advance of the work session. Approximately 45 members of the public were in attendance at the meeting. Subsequent to the meeting, work continued to develop a draft HPP outline, which was presented at the IHPAT of June 21, 2006 for review and comment. It is the intent of CTS-GEC to develop the Draft HPP for review and additional discussion at the IHPAT scheduled meeting of August 2006.

Stipulation III.H.1 provides for the preparation of an HPP for the Utica Lime Industry Multiple Property Listing. The kickoff meeting for the HPP was tentatively scheduled for May 24, 2006. However, at the direction of the INDOT, the meeting was cancelled on May 23, 2006 due to difficulties in obtaining property owner permission in accessing the kiln sites. All of the identified participants were notified via e-mail on that date. Records of telephone conversations with the two resistant property owners were prepared and forwarded to INDOT on May 24, 2006 for resolution through the INDOT Legal Division.

Stipulation III.I.9 provides for the donation and preservation of the James Smith Farm as a rural historic farmstead. At the request of the IHPAT Co-chairs, a letter to the property owners, Dr. Woolls and Dr. Sutton, was prepared requesting a decision on the donation of the James A. Smith Farm. The letter was sent by certified mail to Dr. Woolls and Dr. Sutton on April 5, 2006. A deadline regarding the donation was set for June 14, 2006. The deadline elapsed, and the property owners had not elected to donate the property. Therefore, as the owners did not indicate a willingness to donate the property by this date, the planning for the development of the HPP ceased, and an HPP and NRHP nomination for the property will not be pursued. At the direction of the BSHCT, a closure document is to be prepared detailing the efforts of CTS-GEC to seek donation and the results of that coordination.

Stipulation III.K.1 provides for the preparation of an HPP for the Butchertown Historic District. Work continued throughout the Reporting Period to develop the HPP. The Draft of the HPP was presented and discussed at the BSHCT meeting of March 14, 2006, and it was furnished to KHPAT members for review and comment on April 14, 2006. The initial discussion of the Draft HPP with the KHPAT occurred at the (KHPAT) meeting on April 27, 2006. At the KHPAT, verbal comments were received, which were also sent to CTS-GEC in written form after the meeting, for revision of the Draft HPP. Subsequently, the Draft was revised and reviewed in a KHPAT working session on May 18, 2006. At the working session, verbal comments were duly noted. Additional revision of the Draft HPP is to follow in a second working session scheduled for July 2006. Following this meeting, it is intended to elevate the HPP to the BSHCT on August 1, 2006 and then to the BSMT for final approval and distribution to KHPAT members in the following Reporting Period.

Stipulation III.K.2 details the development of the Witherspoon Extension as part of the HPP. Recommendations on the Extension are included as an element of the Draft HPP for Butchertown. Studies are to be initiated by SDC 1 to determine the feasibility for the relocation of the Witherspoon Extension as recommended by the Draft HPP.

Stipulation III.K.3 details the development of embankments or other designs that support aesthetically pleasing noise abatement measures, lighting and landscaping as part of the HPP. Recommendations on these elements are included as an element of the Draft HPP for Butchertown. SDC 1 and SDC 4 have developed aesthetic guidelines for each of their sections that will be applied to their sections as more detailed design is developed.

Stipulation III.K.11 provides for a study of Mellwood Avenue – Story Avenue to evaluate the elimination of this proposed connector and restoration of two-way traffic flow on Mellwood Avenue and Story Avenue. Recommendations on this connector were included as an element of the Draft HPP for Butchertown. A final report for the Mellwood-Story Avenue Connector was submitted during this Reporting Period. The report determined that an urban diamond

interchange on Mellwood Avenue was feasible. This will permit the restoration of Mellwood Avenue and Story Avenue to two-way operations. However, it will be necessary to construct a four-lane cross section along much of Mellwood Avenue to accommodate the necessary traffic flow. Potential environmental effects and additional costs to the project will be assessed by the BSMT for a determination on how to proceed in the future.

Stipulation III.K.12 details the development of the streetscape improvements within the historic district as part of the HPP. Recommendations on streetscape improvements are included as an element of the Draft HPP for Butchertown. Streetscapes will be developed in more detail, as plans are more complete.

Stipulation III.K.14 details the development of roadway lighting within the viewshed of the historic district as part of the HPP. Recommendations on roadway lighting are included as an element of the Draft HPP for Butchertown. Lighting plans will be developed in more detail, as plans are more complete.

Stipulation III.L.1 provides for the preparation of an HPP for the Phoenix Hill Historic District. Work continued throughout the Reporting Period to develop the HPP. The Draft of the HPP was presented and discussed at the BSHCT meeting of March 14, 2006, and it was furnished to KHPAT members for review and comment on April 14, 2006. The initial discussion of the Draft HPP with the KHPAT occurred at the (KHPAT) meeting on April 27, 2006. At the KHPAT, verbal comments were received, which were also sent to CTS-GEC in written form after the meeting, for revision of the Draft HPP. Subsequently, the Draft was revised and reviewed in a KHPAT working session on May 18, 2006. At the working session, verbal comments were duly noted. Additional revision of the Draft HPP is to follow in a second working session scheduled for July 2006. Following this meeting, it is intended to elevate the HPP to the BSHCT on August 1, 2006 and then to the BSMT for final approval and distribution to KHPAT members in the following Reporting Period.

Stipulation III.L.2 details the development of roadway lighting. Recommendations on roadway lighting are included as an element of the Draft HPP for Phoenix Hill. Lighting plans will be developed in more detail, as plans are more complete.

Stipulation III.L.7 details the development of placement of interpretative signage within the historic district as part of the HPP. Recommendations on interpretative signage were included as an element of the Draft HPP for Phoenix Hill. Interpretative signing plans will be developed in more detail, as plans are more complete. .

Stipulation III.L.8 details the development of the streetscape improvements at specific locations within the historic district as part of the HPP. Recommendations on streetscape improvements at the specific locations defined in the MOA are included as an element of the Draft HPP for Phoenix Hill. Streetscapes will be developed in more detail, as plans are more complete.

Stipulation III.M.1 provides for the preparation of an HPP for the CE RR/RRC. Work has continued throughout the Reporting Period to develop the final edition of the INR to be completed by July 2006. The charrette public meeting was held on January 24, 2006 at the Kentucky Country Day School with approximately 33 persons of the general public in attendance. The meeting consisted of a formal presentation followed by group work sessions. A

field review meeting on January 16, 2006 preceded the meeting with a reporter of the *Louisville Courier Journal* who prepared a newspaper article detailing the charrette process employed for the HPP.

A summary of the charrette public meeting and the Draft INR was presented at the KHPAT of February 16, 2006. At the request of the KHPAT members, a second coordination meeting was held on February 27, 2006 at KYTC to continue the discussions on the Draft INR. Comments were considered and incorporated into the document where appropriate. The second Draft of the INR was presented to the BSHCT on March 14, 2006 and to the KHPAT on April 27, 2006. Previously received comments were reviewed and changes to the document noted. The Draft of the INR was reviewed and discussed at another KHPAT working session at CTS-GEC on May 18, 2006. At the working session, comments were duly noted, which would be utilized to develop the final edition of the INR. The final INR will be presented to the BSHCT on July 6, 2006 for approval and elevated to the BSMT for final approval and distribution to KHPAT members in the following Reporting Period.

Stipulation III.N.1 provides that the Project across this property would be contained within a tunnel to minimize adverse effects. During the Reporting Period, design continued on the both the main tunnel and an exploratory bore tunnel that would be used to obtain geotechnical information for the main tunnel design. Reconstruction of the exit ramp at US 42 was let to construction on May 25, 2006, with work beginning in June 2006. The relocation of the ramp work is expected to be completed in November 2006. The reconstruction of this ramp will permit the exploratory tunnel work to occur in 2007.

Stipulation III.N.2 provides that FHWA shall make every effort to acquire or otherwise establish an historic preservation easement for the entire Drumanard historic property. SDC 4 will develop plans for the Drumanard property that show the needed permanent and preservation/conservation easements that are required. Development of a draft preservation easement is being coordinated with the property owner by the Kentucky State Historic Preservation Office (KY SHPO) for review, comment and adoption in the following Reporting Period.

Stipulation III.P.1 provides for the preparation of a Treatment Plan for Rosewell to minimize damage to the historic property. On November 30, 2005, the KYTC acquired the property. The present owners vacated the property by March 31, 2006 after which KYTC assumed maintenance responsibilities. A site meeting was held on April 12, 2006 with FHWA, KYTC, KHC, CTS-GEC and SDC 4 to tour the property and initiate the development of the Treatment Plan as required in Stipulation III.P.1.

Stipulation III.P.2 provides that the KYTC will make a reasonable effort to acquire the Rosewell property. On November 30, 2005, the KYTC acquired the property. The present owners vacated the property by March 31, 2006 after which KYTC assumed maintenance responsibilities. A site meeting was held on April 12, 2006 with FHWA, KYTC, KHC, CTS-GEC and SDC 4 to tour the property and initiate the development of the Treatment Plan as required in Stipulation III.P.1.

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 Environmental Impact Statement (EIS) phase.

Human Remains: Due to the potential for encountering human remains, Ms. Wayna Roach, KYTC, prepared a draft human remains policy in August 2005. The policy was intended to address the discovery of human remains in both Indiana and Kentucky; however, the IN-SHPO indicated in November 2005 that any discoveries of human remains would be addressed on a case-by-case basis, in accordance with Indiana laws and regulations, and without the adoption of a formal policy. Nonetheless, the draft policy was revised as a result of comments and a final draft was prepared and submitted to FHWA on January 30, 2006. Upon review, the FHWA had no comments on the final Human Remains Policy or the Response to Comments. These documents were submitted via email to the BSMT on February 23, 2006 for approval. Formal approval was received from the BSMT on May 24, 2006, and the policy was mailed to all consulting parties on June 15, 2006.

As Kentucky had adopted such a policy in May 2006, a meeting was held with representative from the IN-SHPO and INDOT on June 27, 2006 in Indianapolis to discuss the adoption of a similar policy in Indiana with modification to accommodate Indiana law. The resulting document would be a single human remains policy that would apply to the Project in both states. At that meeting, the Indiana parties agreed that the policy, as written, could be revised to fit Indiana laws and policies. On June 29, 2006, an electronic copy of the policy was sent to the parties for editing. Adoption of the final policy is pending.

Native American Consultation (NAC): On behalf of the FHWA, Ms. Roach sent the draft Native American Consultation (NAC) Process to those Native American tribes, which were identified during the EIS process, for review in November 2005; 12 tribes were contacted. Six tribes responded; two concurred with the policy as drafted, and four provided comments. The NAC was revised to reflect responses received on the draft process. Formal approval was issued on both the Human Remains Policy and the NAC process from the BSMT on May 24, 2006, and the policy and process were mailed to all consulting parties (including the Native American tribes) by June 15, 2006. In light of the pending revision of the human remains policy to accommodate the interests of Indiana, additional coordination with the Native American tribes could be needed.

Archaeological GIS: The proposal to develop an Archaeological GIS for the Kentucky sections of the Project is complete. A formal presentation by AMEC and KYTC will be made to the BSMT on January 9, 2006. The final scope was received and KYTC gave a verbal approval in March 2006. A final contract was approved by KYTC on June 21, 2006. Final signatures are pending.

Section 1 Archaeological Exploration: The management summary was received on February 27, 2006. Three previously unrecorded sites were found: 15Jf716, 15Jf717 and 15Jf718. All three were comprised of the remains of historic occupations of the area from the mid-1800's to the present. Site 15Jf716 was not recommended for further work. Sites 15Jf717 and 15Jf718 have been recommended as potentially eligible for the NRHP. The final summaries were forwarded

to the KY-SHPO on May 26, 2006, and on May 31, 2006, the KY-SHPO concurred with the recommendations of the report. Scopes of work are under development.

Section 4 Archaeological Exploration: Those properties not subjected to archaeological testing during the previous High Probability survey (Reynolds et. al. 2001) were investigated between December 12, 2005 and January 6, 2006. The work consisted of shovel probes in those those areas that hadn't been tested before along with backhoe trenching along Transylvania Beach and in that portion of the project crossing the Louisville Water Company (LWC) property. A management summary was provided on March 6, 2006. As a result of this survey, two previously unrecorded archaeological sites (15Jf719 and 15Jf720) were identified and the boundaries of one previously recorded site (15Jf678) were enlarged. Site 15Jf719 is a historic complex likely associated with African American occupation. It was recommended that this site undergo Phase II testing to determine its eligibility for the NRHP. Site 15Jf720 is a prehistoric lithic scatter that also was recommended for Phase II testing. Finally, Site 15Jf678 had been previously assessed as potentially eligible for the NRHP and recommended for Phase II investigation. A final Phase I report was received by KYTC on April 20, 2006 and forwarded to CTS-GEC on April 21, 2006. Comments were provided on May 22, 2006. The report findings have been coordinated with the KY-SHPO and a response is pending.

Rosewell Basement Archaeology: As a by-product of the structural assessment of the house, archaeologists investigated a small portion of the basement in early May 2006. Portions of the concrete floor were removed to allow access to the area under the arch and within the brick channel adjacent to the arch. An archaeological consultant assisted KYTC with this assessment. The consultant will be processing the artifacts and will produce a report documenting the effort. The report will conform to the KY-SHPO specifications and will address the eligibility of the site.

Allison-Barrickman: KYTC archaeologists documented the cemetery on the Allison-Barrickman property in March 2006. A baseline report was prepared and presented during the KHPAT meeting on June 8, 2006. The BSMT reviewed the cemetery report and, on June 13, 2006, the KY-SHPO approved it.

Geotechnical Monitoring for Archaeological Deposits: KYTC has overseen the monitoring of the geotechnical borings undertaken in Phases 2, 4 and 5. Some of the monitored borings yielded archaeological deposits (mostly ceramics, glass, and brick fragments) while other locations appeared disturbed with no intact deposits. Geotechnical monitoring concluded by the end of May 2006. A report detailing the findings will be prepared by the archaeological consultant and submitted by mid-July 2006.

Hazmat Area Archaeology: Additional information will be available following Phase II testing that will inform potential archaeological investigations in those areas. In some cases, it is likely that hazardous materials will prohibit archaeological testing. Additional coordination between KYTC, FMSM and Wang will be necessary. Due to cost concerns, archaeologists will not monitor these borings, but rather the boring logs requested following completion.

Artifact Curation Policy: A draft curation policy will be submitted for comment and acceptance by the KY-SHPO and the Office of the State Archaeologist by mid-July 2006.

Artifact Conservation: KYTC is in the process of coordinating with statewide archaeological providers to determine their capacity for conservation. In addition, on June 20, 2006, KYTC met with the new director of UK Program for Archaeological Research (UK-PAR) to explore potential curation abilities of the university. The lab has a number of pieces of equipment necessary to perform various curation procedures on a variety of material. Procedures will be developed, as appropriate.

Underwater Archaeology: On April 6, 2006, KTYC initiated coordination with the Louisville District, U.S. Army Corps of Engineers. The Corps is responsible for all in-house dredging activities and only in locations that are or are becoming too shallow for river traffic. Presently, those areas occur just above and just below the dam and at the head of the canal. The Corps has sonar data from the river, but not in the area of the Project. Additionally, the Corps utilizes multibeam sonar and gathered high-resolution images in some areas. A Kentucky-based diving firm has been contacted to conduct any needed surveys. Development of a scope of work is pending from the BSMT.

Section 3 Archaeological Exploration: The report of the archaeological investigations at Colston Park was received from the ASC Group, Inc. on January 26, 2006 and sent to the IN-SHPO for review, comment and concurrence on that date. Copies of the report were also forwarded to the INDOT and FHWA. The IN-SHPO concurred in the findings of the report on February 23, 2006. The results of this investigation documented that a cemetery plan was not required. This concludes the archaeological investigations in Colston Park.

CTS-GEC drafted a work plan for the Phase Ia archaeological survey of downtown Jeffersonville and a work plan for Phase Ia reconnaissance level investigations in the Fort Street area of the Indiana Downtown approach. Archaeological investigations would also be undertaken of the existing grounds of the five structures to be relocated from the Old Jeffersonville Historic District and the proposed grounds prior to the moving of these structures onto them, as stipulated in the MOA. CTS-GEC reviewed the work plan entitled "*Work Plan for Phase Ia – c Archaeological Survey of the Proposed Fort Street Closure and House Relocation Area for the New I-65 Bridge Alignment in Jeffersonville, Clark County, Indiana*" on March 9, 2006. Comments were returned to ASC Group on March 20, 2006. Subsequently, a teleconference between ASC Group and CTS-GEC was held on March 27, 2006 to discuss resolution to the comments. It was determined that the activities proposed in the work plan would be placed on hold until the location of the bridge piers in Section 2 is known. At that time, the work plan would be re-evaluated to further define the needed surveys.

Section 6 Archaeological Exploration: CTS-GEC obtained landowner permission to access Sites 12C1525 and 12C1527. Under the advisement of the INDOT Legal Division, a letter was prepared to Mr. Daniel Moore, the attorney for Mr. James Gilmore, providing notice of the survey. The letter, which was sent on March 21, 2006 (via US mail and facsimile), informed Mr. Moore that unless otherwise instructed, he agreed to accept the service on behalf of his client. As no objections were received by March 30, 2006, it was understood that access was granted and initiation of archaeological investigations at the two sites were pursued. The disturbance assessments were carried out by ASC Group, Inc. on April 1-2, 2006. The investigations demonstrated that site 12CL525 was almost totally disturbed (only one artifact was found), while site 12CL527 was either disturbed, deeply buried, or both by the housing development (no

artifacts or evidence of the cistern/sinkhole were found). ASC Group is currently preparing a report of these investigations in the following Reporting Period (see following paragraph).

ASC Group has completed artifact analysis and write-up of the Phase II investigation of Site 12CL516. Although prehistoric ceramics and stone tools were recovered during the investigation, no intact sub-plow zone deposits or features were encountered. The site is recommended not eligible for NRHP listing. The report of investigations at 12CL516, 12CL525, and 12CL527 will be presented in one document. ASC Group is in the final stages of editing this document in the following Reporting Period.

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 initiated during the Reporting Period; however, no sites for staging, wetland mitigation, borrow or waste, dredge disposal, or other construction activities were identified during the Reporting Period. These sites will be identified as more detailed plans are developed.

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 initiated during the Reporting Period. Excess right of way will be identified, as plans become more complete. Final right-of-way plans are expected in late 2006 for the Downtown (Kentucky) and in early 2007 for the East End (Kentucky).

STIPULATION VIII: Performance Standards

The FHWA shall ensure that the performance of all cultural resources work required in implementing this MOA shall be performed by or under the supervision of individuals that 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 6 for the Reporting Period of January 1, 2006 through June 30, 2006 is provided in accordance with Stipulation IX. 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

STIPULATION X: Project Modification

No actions occurred during the Reporting Period causing the need for a modification of 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%)
Final Plans (about 90%)

During the Reporting Period, the BSMT continued work on the overall Project Management Plan, including a schedule for the likely activities to be included in the Project. This schedule (Attachment D) 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

CONCURRING PARTIES:

American Indian Movement – Mobile Chapter (MO-AIM)
Butchertown Neighborhood Association
City of Prospect
The Eastern Band of Cherokee Indians
The Shawnee Tribe
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**

(Note - the intent of Attachment C is to provide an summary of commitments made in the Project MOA and provide a status of each. For the complete description of each commitment, please refer to the Project MOA)

STIPULATION I - PROJECT COORDINATION											
Status ¹	FHWA/ STA/ SHPO	Taskmaster(s) ²			MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
		GEC	Sub- consultant	SDC	Item	Sub Items					
C		CTS	NR	NR	A	1	Advisory Teams Convene IHPAT and KHPAT	December 31, 2003 (to convene initial HPATs)	IHPAT - December 16, 2003 KHPAT - December 17, 2003	None	Three IHPAT and four KHPAT (including one working session in May 2006) meetings were convened during the Reporting Period.
U		CTS	NR	NR		2	Advisory Teams will assist the BSHCT and BSMT in developing Project design details to implement measures stipulated in the MOA	None Established		None	IHPAT & KHPAT consulted during the reporting period on the Bridge Type Selection Process, US 42 Ramp Relocation plans and the I- 65 Accelerated Sections.
C	INDOT/ INSHPO/ KYTC/ KHC	NR	NR	NR		3	Each Advisory Team will be Co- chaired by a representative of the respective STA and SHPO		IHPAT - December 16, 2003 KHPAT - December 17, 2003	None	Each Advisory Team has designated Co-chairs as directed. No modifications in the assignment of the Co-chair position occurred during the Reporting Period.
U		CTS	NR	NR		4	Representatives of the following will be invited by FHWA and IHPAT Co-chairs to participate on the IHPAT: City of Jeffersonville Historic Preservation Commission, Clark County, City of Jeffersonville, Town of Utica, Jeffersonville Main Street Association, Clarksville Historical Society, Town of Clarksville, Clark County Historian, Rose Hill Neighborhood Association, Historic Landmarks Foundation of Indiana and Jeff- Clark Preservation, Inc.		December 16, 2003	None	No modifications to the representation of the IHPAT occurred during the Reporting Period.

STIPULATION I - PROJECT COORDINATION (cont.)

Status ¹	Taskmaster(s) ⁴				MOA Item				MOA Commitments & Updates			
	FHWA/ STA/ SHPO	GEC	Sub- consultant	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	Product	Remarks & Comments	
U		CTS	NR	NR		5	Representatives of the following will be invited by FHWA and KHPAT Co-chairs to participate on the KHPAT: Louisville/Jefferson County Metro Government Historic Preservation Office, Louisville/Jefferson County Metro Government, Butchertown Neighborhood Association, City of Prospect, Phoenix Hill Neighborhood Association, River Fields, Inc., National Trust for Historic Preservation		December 17, 2003	None	No modifications to the representation of the KHPAT occurred during the Reporting Period.	
NI		CTS	NR	NR		6	Additional participants may be invited to participate on the Advisory Teams at the discretion of the Advisory Team Co-chairs.			None		
NI		NR	NR	NR		7	ACHP may participate as it sees fit on an ad-hoc basis.			None	ACHP did not participate during the Reporting Period	
C	INDOT/ INSHPO/ KYTC/ KHC	NR	NR	NR		8	The Co-chairs will convene the Advisory Teams for an initial organizational kick-off meeting to establish process and procedure for operation of the Advisory Teams.	As soon as practical		None	Refer to A.1 above	
U	INDOT/ INSHPO/ KYTC/ KHC	CTS	NR	NR		9	Co-chairs will convene additional meetings at the following times to review plans, comment & make recommendations					
C		CTS	R	NR		a	Prior to development of scopes of work for the HPPs	None Established	IHPAT - July 14, 2004 KHPAT - July 15, 2004	Presentation to HPATs	1) Draft HPP scopes of work presented at the 5/19/04 IHPAT and 5/20/04 KHPAT. 2) Final HPP scopes of work presented at the 7/14/04 IHPAT and 7/15/04 KHPAT.	

STIPULATION I - PROJECT COORDINATION (cont.)

Status ¹	FHWA/ STA/ SHPO	Taskmaster(s) ²			MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
		GEC	Sub- consultant	SDC	Item	Sub Items					
U		NR	NR	NR		b	Prior to selection of contractors for preparation of HPPs and Treatment Plans	None Established			1) CTS-GEC was selected as the contractor to prepare the HPPs at the 7/14/04 IHPAT and 7/15/04 KHPAT. 2) At the 12/8/05 KHPAT HWL was selected to prepare the Treatment Plan for Rosewell.
C		CTS	NR	All		c	Prior to development of scopes of work for the section design consultants	None Established		Presentation to HPATs	1) KTA (SDC 1) and HWL (SDC 4) presented a scope overview at 9/14/04 KHPAT. 2) BFS (SDC 3) and IAP (SDC 6) presented a scope overview at 10/27/04 IHPAT. 3) MB (SDC 2) and PB (SDC 5) provided a joint scope overview at the 7/20/05 IHPAT and the 7/21/05 KHPAT.
NI		CTS	R, GP	All		d	Prior to the preliminary plan field check inspections (about 30%)				Work activity has not been initiated
NI		CTS	R, GP	All		e	After preliminary plans are revised, to report on how comments were addressed (about 30%)				Work activity has not been initiated
NI		CTS	R, GP	All		f	Prior to design approval (about 60%)				Work activity has not been initiated
NI		CTS	R, GP	All		g	Prior to the final plan inspections (about 90%)				Work activity has not been initiated
NI		CTS	R, GP	All		h	After final plans are completed, to report on how comments were addressed				Work activity has not been initiated
						B	Bi-State Historic Consultation Team				

STIPULATION I - PROJECT COORDINATION (cont.)										
Status ¹	Taskmaster(s) ²					MOA Commitments & Updates				
	FHWA/STAI/SHPO	GEC	Sub-consultant	SDC	MOA Item	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
C	INDOT/INSHPO/KYTC/KHC	CTS	NR	NR	1	BSHCT shall consist of representatives of FHWA, INDOT, KYTC and the respective SHPOs				No modifications to the representation of the BSHCT occurred during the Reporting Period.
U	INDOT/INSHPO/KYTC/KHC	CTS	NR	NR	2	BSHCT will advise the Bi-State Management Team as to appropriate design & construction approaches so as to comply with the MOA				Condition to be met the duration of the Project.
U	INDOT/KYTC	NR	NR	NR	3	BSHCT may make final decisions as delegated by the Bi-State Management Team				Condition to be met the duration of the Project.
U	INDOT/INSHPO/KYTC/KHC	CTS	NR	NR	4	BSHCT shall convene to consider recommendations provided by the HPATs and prepare recommendations to the BSMT				The BSHCT met four times during the Reporting Period. Recommendations carried forward to the BSMT, as appropriate.
U	INDOT/INSHPO/KYTC/KHC	CTS	NR	NR	5	BSHCT to ensure comments & recommendations given full consideration in preparing its recommendations to the Bi-State Management Team				Condition to be met the duration of the Project.
					C	Bi-State Management Team				
C	INDOT/KYTC/FHWA	NR	NR	NR	1	Bi-State Management Team to consist of representatives of INDOT, the KYTC & FHWA who shall have authority for final approval of actions.				No modifications to the representation of the BSMT occurred during the Reporting Period.
U	INDOT/KYTC/FHWA	NR	NR	NR	2	Bi-State Management Team to ensure consultant services procured include professionals with the appropriate experience to implement provisions of MOA.				Condition to be met the duration of the Project.
U	INDOT/KYTC/FHWA	CTS	NR	NR	3	Bi-State Management Team to prepare progress reports as set forth in Stipulation IX.				Condition to be met the duration of the Project.

STIPULATION I - PROJECT COORDINATION (cont.)

Status ¹	Taskmaster(s) ²				MOA Item				MOA Commitments & Updates			
	FHWA/ STAJ/ SHPO	Sub-consultant	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	Product	Remarks & Comments		
U	INDOT/ KYTC/ FHWA	NR	NR		4	Bi-State Management Team to give full consideration to recommendations of BSHCT for incorporation into final plans. Ombudsmen				Condition to be met the duration of the Project.		
				D								
U	INDOT/ KYTC	NR	NR		1	Bi-State Management Team to ensure retainment of two Ombudsmen	None Established		To be retained for the duration of the project.	1) KY Ombudsman - Mr. Lee Walker was selected and began work on 11/1/04. 2) IN Ombudsman - List of potential candidates at the Executive Office of INDOT for consideration.		
U	INDOT/ KYTC	NR	NR		2	Ombudsmen should have demonstrated communication & conflict resolution skills, as well as a working knowledge of historic preservation practices as related to the goals of the Project.				Ongoing		
U	INDOT/ KYTC	NR	NR		3	Ombudsmen will be responsible for communicating with the public and investigating reported problems on all aspects of the Project. Will report to the Bi-State Management Team.	As appropriate			Condition to be met the duration of the Project.		
U	INDOT/ KYTC	NR	NR		4	Ombudsmen will be located in an office(s) within or close to the Project area.	None Established			Mr. Walker's office is located adjacent to the CTS-GEC office, which is in close proximity to the Project area. Once an Indiana ombudsman is selected by INDOT, efforts will be initiated to locate an office within or near the Project area.		

STIPULATION I - PROJECT COORDINATION (cont.)										
Status ¹	Taskmaster(s) ⁴				MOA Commitments & Updates					
	FHWA/ STA/ SHPO	GEC	Sub- consultant	SDC	MOA Item	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
U	INDOT/ KYTC	CTS	NR	NR	5	Reasonable efforts will be made to locate the offices of the ombudsmen in historic properties.	None Established			The INDOT recently acquired the historic Train Depot. Once rehabilitated, consideration will be given to use as the office for the Indiana ombudsmen.
U	FHWA/ INDOT/ KYTC	CTS	NR	NR	6	Roles & responsibilities of the Ombudsmen to be further defined in the management plan of the Project.				

KEY:

1 - Status	
C - Completed	U - Underway
D - Duration of Project	NR - Not Required
NI - Not Yet Initiated	

2 - Taskmasters	
INDOT - Indiana Department of Transportation	KYTC - Kentucky Transportation Cabinet
FHWA - Federal Highway Administration	KHC - Kentucky Heritage Council
INSHPO - Indiana State Historic Preservation Office	A - ASC/Group
R - Ratio/Architects	Q - Qk4
L - HW Lochner	IAP - Indiana Approach Partners
BFS - Butler, Fairman and Seufert	MB - Michael Baker
PB - Parson Brinkerhoff	NR - Not Required
SDCs 2 & 5	

STIPULATION II - PROJECT DEVELOPMENT											
Status ¹	FHWA/STAI/SHPO	Taskmaster(s) [*]		SDC	MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
		GEC	Sub-consultant		Item	Sub Items					
U		CTS	R, GP	All	A		Project goal is to avoid adverse effects to the environment and historic properties to the maximum extent possible.				Ongoing
U		CTS	R, GP	All	B		Informational meetings convened by respective STAs for public views	None established			Refer to pg. 10 of Progress Report for meetings of the AAT, RAC and Open Houses.
U		CTS	R, GP	All	C		The roadway, bridges, and other Project elements shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes and the historic context.	None established			Design Guidelines developed for Sections 1 and 4; Historic Preservation Plans / Immediate Needs Reports consider elements as well.
U		CTS	R, GP	All	D		Roadway lighting within the viewshed of historic properties & 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 established			To be established for site specific properties indicated in Stipulation III.
U		CTS	R, GP	All	E		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.	None established			1) KTA developed Draft Noise Report to evaluate potential noise wall locations. 2) HWL completed Draft Noise Report, currently pending BSMT approval.
							HPPs prepared for historic properties and districts	Prior to Preliminary Field Check Plans		HPP	
U		CTS	R, GP	NR	1		HPPs to meet the following provisions	None established			
C		CTS	R, GP	NR	a		Scopes of Work to be developed in consultation with the respective HPATs.				See Stipulation I.A.9.a update

STIPULATION II - PROJECT DEVELOPMENT (cont.)										
Status ¹	FRWA/ STA/ SHPO	Taskmaster(s) ²			MOA Item		MOA Commitments & Updates			Remarks & Comments
		GEC	Sub-consultant	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	
U		CTS	R, GP	NR		b	To be developed in consultation with owners of historic properties and/or related neighborhoods.			Condition considered throughout development of the HPP. Several meetings have occurred with stakeholders of historic properties where HPPs are being developed.
U		CTS	R, GP	NR		c	Consent to be obtained prior to entry on privately owned property.			Obtained as needed
U		CTS	R, GP	NR		d	To consider and build upon existing studies and plans.			Condition considered throughout development of the HPP.
U		CTS	R, GP	NR		e	Be developed in cooperation with the appropriate local government and approved by the respective SHPO.			Condition considered throughout development of the HPP. Louisville Metro Government & City of Jeffersonville have been involved in the development of the respective HPPs.
U		CTS	R, GP	NR		f	To recognize the unique character, context, and historic significance of each resource/area. Identify ways to protect and enhance the historic qualities.			Condition considered throughout development of the HPP.
U		CTS	R, GP	NR		g	To consider land use, transportation patterns & other urban/suburban planning			Condition considered throughout development of the HPP.
NI		CTS	R, GP	NR		h	Present to relevant city/county governments & KIPDA for incorporation into local land use planning processes.			HPPs have not yet been fully developed. Once developed, the plans will be presented to the entities stipulated for the reasons also stipulated.
U		CTS	R, GP	NR	2		HPPs to be prepared for the following properties:	Prior to Preliminary Field Check Plans		
U		CTS	R, GP	NR		a	Old Jeffersonville Historic District			Development of Draft HPP for the Old Jeffersonville Historic District was initiated during the Reporting Period.
NI		CTS	R, GP	NR		b	Township of Utica Historic Lime Industry			Awaiting property owner permission prior to accessing property to initiate development of HPP.
U		CTS	R, GP	NR		c	Swartz Farm Rural Historic District			Development of Draft HPP for the Swartz Farm Rural Historic District was initiated during the Reporting Period.
NR		CTS	R, GP	NR		d	James Smith Rural Historic Farmstead			Owners elected to not donate the portion of the property determined eligible for the NRHP by not responding by the established deadline; June 14, 2006

STIPULATION II - PROJECT DEVELOPMENT (cont.)												
Status ¹	FRWA/ STA/ SHPO	GEC	Sub-consultant	SDC	MOA Item			MOA Commitments & Updates				
					Taskmaster(s) ¹	Item	Sub Items	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
U		CTS	R, GP	NR		e	Butchertown Historic District					1) Butchertown and Phoenix Hill INR was approved by the BSMT on 8/5/05. 2) Draft HPP for Butchertown developed and coordinated with the KHPAT and BSHCT.
U		CTS	R, GP	NR		f	Phoenix Hill Historic District					1) Butchertown and Phoenix Hill INR was approved by the BSMT on 8/5/05. 2) Draft HPP for Phoenix Hill developed and coordinated with the KHPAT and BSHCT.
U		CTS	R, GP	NR		g	Country Estates of River Road / River Road Corridor					Draft INR for Country Estates/River Road Corridor was completed and coordinated with the KHPAT and BSHCT.
						G	Survey Updates		Within five years following ROD		Revised Clark County Interim Report and Jefferson County Inventory	
NI	INDOT	NR	NR	NR		1	Clark County Interim Report and Indiana Historic Sites and Structures Inventory of Clark County		September 6, 2008		Revised Clark County Interim Report	The scope of work for the survey is under discussion for resolution by the INDOT and the INSHPO.
NI	KYTC	NR	NR	NR		2	The Jefferson County Inventory and Survey of Historic Sites in Kentucky		September 6, 2008		Revised Jefferson County Inventory	The scope of work for the survey is under discussion for resolution by the KYTC and KHC.
U		CTS	NR	BFS, IAP, KTA & HWL		H	Historic Preservation Easements to be placed on properties identified in Stipulation III in perpetuity		None established			To be established for site specific properties indicated in Stipulation III.
NI	INDOT	CTS	R, GP	NR		I	Preparation of NRHP documentation and nomination of properties identified in Stipulation III.		Within first three years following the ROD (September 2006)			INDOT to complete for Colgate-Palmolive Historic District and the Train Depot, CTS to complete for remaining properties identified in Stipulation III.
U		CTS	R, GP	All		J	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 established			To be established for site specific properties indicated in Stipulation III.
NI		CTS	R, GP	All		K	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		None established			To be established for site specific properties indicated in Stipulation III.

STIPULATION II - PROJECT DEVELOPMENT (cont.)											
Status ¹	FHWA/ STA/ SHPO	GEC	Sub-consultant	SDC	MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
					Item	Sub Items					
NI		CTS	R, GP	All	L	1	Blasting & Vibration Ensure construction blasting/vibration plans and bridge pier construction plans are developed by the contractor(s).	Prior to construction		To be established for site specific properties indicated in Stipulation III.	
NI						2	Plans to be coordinated with the contract documents, special provisions and notes included in the construction plans.			Work activity has not been initiated	
NI		CTS	R, GP	NR		3	BSMT to determine whether damage has occurred as a result of Project activities.	As needed		Work activity has not been initiated	
NI		CTS	R, GP	NR		4	INDOT/KYTC 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.	Prior to entry		Work activity has not been initiated	
NI		CTS	R, GP	All		5	Obtain consent for entry of privately owned property to access monitoring equipment or damage repair.	Prior to entry		Work activity has not been initiated	
NI		CTS	R, GP	All	M		Include in the Project contracts provisions that limit construction activities and construction noise during specific periods of time.	None established		Work activity has not been initiated	
NI		CTS	R, GP	All	N		Establish no-work zones on construction plans within the NRHP boundaries of properties identified in Stipulation III.	None established		Work activity has not been initiated	
U		CTS	NR	NR	O		Sponsor a Smart Growth Conference for the Louisville - Southern Indiana region to inform local governments about the opportunities of smart growth.	September 2006		Six Organizational Committee meetings were convened during the Reporting Period (refer to pgs. 9-10 of Progress Report). The Smart Growth Conference is scheduled for 9/18/06 - 9/20/06.	
					P		Education & Interpretation				
U	FHWA	NR	NR	NR		1	Ensure that sensitive information about the location and nature of archaeological resources identified in the APE are not disclosed.	None established		Condition to be met the duration of the Project.	

STIPULATION II - PROJECT DEVELOPMENT (cont.)										
Taskmaster(s) 4				MOA Commitments & Updates						
Status 1	FWWA/ STA/ SHPO	GEC	Sub-consultant	SDC	MOA Item	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
NI		CTS	R, A, GP	NR	2	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 established			Work activity has not been initiated
U		CTS	R, GP	NR	3	Develop an exhibit for display in the museum to be established at the Trolley Barn. Exhibit to showcase local history and the historic properties identified during the Project within a regional context and educate visitors about the Federal regulatory	Every effort to have exhibit completed for presentation at the National Trust for Historic Preservation Conference held in Louisville in 2004.		Trolley Barn Exhibit	Draft exhibit displayed at the National Trust for Historic Preservation Annual Conference held in September/October 2004. Final exhibit to be placed in Trolley Barn upon its rehabilitation.
U	KYTC	NR	NR	NR	a	Exhibit is to be prepared by a professional in the development of museum exhibits.				
U		CTS	R, GP	NR	b	During preparation parties will have opportunities to review and provide comments on the proposed exhibit.				HPATs provided opportunity to comment on Draft exhibit.

KEY:

1 - Status	U - Underway	D - Duration of Project	NR - Not Required	NI - Not Yet Initiated
C - Completed				

2 - Taskmasters	INDOT - Indiana Department of Transportation	KYTC - Kentucky Transportation Cabinet
STAS	FHWA - Federal Highway Administration	KHC - Kentucky Heritage Council
Federal Agency	INSHPO - Indiana State Historic Preservation Office	A-ASC Group
SHPOs	R - Ratio Architects	GP - Gray and Pape
GEC	L - HW Lochner	Q - QK4
RY SDCs	BFS - Butler, Fairman and Seufert	IAP - Indiana Approach Partners
IN SDCs	PB - Parson Brinkerhoff	MB - Michael Baker
SDCs 2 & 5	NR - Not Required	

STIPULATION III - SITE SPECIFIC MITIGATION											
Status ¹	FHWA/ STA/ SHPD	Taskmaster(s) ²			MOA Item			MOA Commitments & Updates			
		GEC	Sub-consultant	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
NI		CTS	R	BFS	A		Train Depot				Work activity has not been initiated
C	INDOT	NR	NR	NR	1		Streetscape improvements				INDOT is in possession of the Train Depot.
NI	INDOT	CTS	NR	NR	2		Good faith effort to be made in acquiring site at fair market value from a willing seller.				Work activity has not been initiated
NI	INDOT	CTS	NR	NR	a		Make available during the construction period to house personnel assigned to the Project & the Indiana Ombudsman.				Work activity has not been initiated
NI	INDOT	CTS	NR	BFS	b		Any work to rehabilitate to be done in accordance with the Secretary of Interior Standards.				Work activity has not been initiated
NI	INDOT	CTS	NR	BFS	c		Place preservation easement on property & sell at fair market value or donate to a local government.				Work activity has not been initiated
NR		NR	NR	NR	3		If unable to acquire, implement alternative mitigation measures.				The implementation of this alternative is not necessary as INDOT has successfully acquired the property.
NI		INDOT	NR	BFS	4		Document and seek NRHP nomination.	September 2006		Completed NRHP Nomination Form	INDOT is to complete the NRHP Nomination Form for this property.
NI		CTS	R	BFS	5		Develop and place interpretative signage.				Work activity has not been initiated
U		INDOT	NR	NR	1		Colgate-Palmolive Historic District	September 2006		Completed NRHP Nomination Form	INDOT is to complete the NRHP Nomination Form for this property. Meetings with officials of Colgate-Palmolive have occurred.
NI		CTS	R	BFS	2		Develop and place interpretative signage				Work activity has not been initiated
NI		CTS	R	NR	1		Ohio Falls Car and Locomotive Company Historic District	September 2006		Completed NRHP Nomination Form	CTS-GEC is currently being sought for the completion of the NRHP form for this property.
NI		CTS	R	BFS	2		Develop and place interpretative signage				Work activity has not been initiated
M		CTS	R	BFS	3		Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	Complete prior to initiation of construction		Blasting/vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)											
Status ¹	FHWA/ STA/ SHPO	Task/master(s) ²			MOA Item			MOA Commitments & Updates			
		GEC	Sub-consultant	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
NI		CTS	R	BFS	D		George Rogers Clark Memorial Bridge				Work activity has not been initiated
NI		CTS	NR	BFS		1	Avoid displacement of the historic bridge pylons on the IN approach to the bridge				Work activity has not been initiated
NI		CTS	NR	BFS		2	If displacement cannot be avoided, develop and implement a Treatment Plan to minimize damage to the original contributing elements.				Work activity has not been initiated
NI		CTS	NR	BFS		3	Relocate pylons in a way to ensure protection of the NRHP designation.				Work activity has not been initiated
U		CTS	R	NR	E		Old Jeffersonville Historic District				
		CTS	R	NR		1	Develop a HPP	Prior to Preliminary Field Check Plans		HPP	HPP kickoff meeting held on March 14, 2006. Development of draft HPP initiated and anticipated to be completed during the next Reporting Period.
NI		CTS	R	NR		2	Present HPP to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan.				The City of Jeffersonville has been and will continue to be involved in the development of this HPP. Once completed it will be presented to the City.
NI		CTS	R	BFS		3	Design and construct streetscape improvements within the HD between Spring Street and the Project.			Streetscape Plan for improvements to the designated areas	Work activity has not been initiated
NI		CTS	R	BFS		4	Design and construct pedestrian friendly facilities within IN ROW under the new bridge and existing I-65 bridge.				Work activity has not been initiated
U		CTS	R	BFS		5	Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles.				This requirement is incorporated into each of the bridge concepts for Section 2 (Downtown Bridge).
NI		CTS	R	BFS		6	Develop and implement highway signage plan that minimizes the number of overhead directional signs on the approaches.				Work activity has not been initiated
NI		CTS	R	BFS		7	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.				Work activity has not been initiated

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)											
Status ¹	FHWA/ STAY/ SHPO	GEC	Sub-consultant	SDC	MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
					Taskmaster(s) ²	Item					
NI	INDOT	CTS	R	BFS		a	Make a reasonable effort to purchase vacant lots within the district from a willing seller at fair market value. House to be moved & placed on new foundations in accordance with approaches recommended in Moving Historic Buildings. Relocated houses to be sold at fair market value.	During the Acquisition Phase			Work activity has not been initiated
NI	INDOT	CTS	NR	BFS		b	Place preservation easement on relocated houses.				Work activity has not been initiated
NI	INDOT	NR	NR	NR		c	Stipulate through a covenant the purchaser must occupy house for five years and maintain in accordance with preservation standards.				Work activity has not been initiated
NI		CTS	R	NR		B	If unable to obtain suitable property within the district, prepare & implement a marketing plan for relocation by others at a nominal fee.				Work activity has not been initiated
NI	INDOT	CTS	NR	BFS		a	Plan to include information about the buildings.				Work activity has not been initiated
NI	INDOT	CTS	NR	BFS		b	Upon INSHPOs agreement, INDOT to implement for a minimum of six months.				Work activity has not been initiated
NI	INDOT/ INSHPO	NR	NR	NR		c	INDOT to review with INSHPO all offers prior to acceptance.				Work activity has not been initiated
NI		CTS	R	NR		9	If no acceptable offer made that conforms to the requirements for rehabilitation & maintenance, may donate property to a local government				Implementation of activity not yet warranted
NI		CTS	R	BFS		10	Design and construct roadway lighting in the viewshed of district as set forth in Stipulation II.D.				Work activity has not been initiated
NI		CTS	R	BFS		11	Implement noise abatement measures as set forth in Stipulation II.E.				Work activity has not been initiated
NI		CTS	R	BFS		12	Timing of construction activities shall be scheduled to limit construction activities which may result in additional impacts to the district.				Work activity has not been initiated
NI		CTS	R	BFS		13	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)									
Task master(s)					MOA Commitments & Updates				
FWWA/ STA/ SHPO	GEC	Sub-consultant	SDC	MOA Item	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
NI	CTS	R	IAP	F	INAAAP Iguico Storage Historic District Develop and implement a blasting/vibration plan as set forth in Stipulation I.L. Plan to include provisions for blast monitoring & repair if the Department of the Army grants access.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
NI	CTS	R	IAP	G	Lentz Cemetery Develop and implement a blasting/vibration plan as set forth in Stipulation I.L.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
NI	CTS	R	IAP	2	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.				Work activity has not been initiated
NI	CTS	R, GP	NR	H	Lime Kilns within the Ulica Lime Industry Multiple Property Listing 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	Prior to Preliminary Field Check Plans		HPP & Lime Kin Pamphlet	1) HPP Scope of Work developed. 2) Awaiting property owner permission prior to access prior to initiating HPP development. 3) Completion of the thematic context study to occur as part of the NRHP Nomination Form to be prepared.
NI	CTS	R	NR	2	Prepare a condition report of the resources, which includes photographs, to establish a baseline condition.	Prior to initiating construction activities within 1,000 feet of the lime kilns			Work activity has not been initiated
NI	CTS	R	IAP	3	Develop and implement a blasting/vibration plan as set forth in Stipulation I.L. To be developed for kilns identified as IE-HC-48002, IE-HC-48003 and IE-HC-48004.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
NI	CTS	R	IAP	4	Delineate a "no-work zone" around the three lime kilns, noted above, which is to extend 100 feet from the kilns.				Work activity has not been initiated
NI	CTS	R	NR	5	Repair any damage caused by the Project to the lime kilns				No damages have occurred as a result of the Project

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)										
Status ¹	FRWA/ STAJ/ SHPO	Taskmaster(s) ²			MOA Commitments & Updates					
		GEC	Sub-consultant	SDC	MOA Item	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
NI	INDOT	NR	NR	NR	6	Acquire Lime Kiln (E-HC-48004; place a preservation easement on the property and sell it to a preservation organization or donate it to a local government.	During the Right-of-Way Phase			Work activity has not been initiated
NI		CTS	R	IAP	7	Develop and design an interpretive marker along Ulica Pike describing the importance of the lime industry & significance of the kilns.			Interpretive Marker	Work activity has not been initiated
NI		CTS	GP	IAP	8	Document and seek NRHP nomination	September 2006		Completed NRHP Nomination Form	CTS-GEC is currently being sought for the completion of the NRHP form for this property.
U		CTS	R	NR	1	Swartz Farm Rural Historic				
		CTS	R	NR	1	Develop thematic context study for agriculture in Clark County, Indiana and surrounding counties to assist in future nominations in the region.			HPP Context Study	HPP kickoff meeting held on January 23, 2006. Development of draft HPP initiated and anticipated to be completed during the next Reporting Period. Completion of the thematic context study to occur as part of the NRHP Nomination Form to be prepared.
U	INDOT	NR	NR	NR	2	Purchase the portion of Swartz Farm lying on the west side of the Project				INDOT is currently in the process of negotiating the acquisition with the next of kin.
NI		CTS	R	IAP	3	Develop and implement a blasting/vibration plan as set forth in Stipulation I.L.L.	Complete prior to initiation of construction		Blasting/Vibration Plan to be Included in the Final Construction Documents	Work activity has not been initiated
NI		CTS	GP	NR	4	Document and seek NRHP nomination of the remaining farms/lead	September 2006		Completed NRHP Nomination Form	CTS-GEC is currently being sought for the completion of the NRHP form for this property.
NI		CTS	R	IAP	5	Delineate a "no-work zone" around remaining Swartz farms/lead				Work activity has not been initiated
NI		CTS	NR	IAP	6	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.				Work activity has not been initiated
NI		CTS	NR	IAP	7	Prepare archival documentation for Central Passage House	Prior to the Central Passage House demolition			Work activity has not been initiated
NI		CTS	R	IAP	8	Develop and implement a landscaping plan to minimize visual impacts of the Project.				Work activity has not been initiated

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)										
Taskmaster(s)			MOA Item				MOA Commitments & Updates			
FHWA/ STAJ/ SHPO	GEC	Sub-consultant	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
NR	NR	NR	NR		9	Accept by donation and preserve the portion of the James Smith Farm that was determined eligible for the NRHP.				During the Reporting Period additional coordination with the owners occurred. A deadline of June 14, 2006 was established for a decision on the donation of the property to INDOT. As no response was received by the deadline, the BSHCT will recommend abandonment of the stipulated measures during the next Reporting Period.
NR	NR	NR	NR		a	Develop and implement a plan to stabilize the property			Stabilization Plan	
NR	NR	NR	NR		b	Place a preservation easement on property and sell to a historic preservation organization or donate to a local government			Preservation Easement	
NR	NR	NR	NR		c	Prior to sale or donation, fund exterior rehabilitation of the structure				
NR	NR	NR	NR		d	Develop HPP			HPP	
NR	NR	NR	NR		e	Document and seek NRHP nomination and listing			Completed NRHP Nomination Form	
U	FHWA	NR	NR	J		Trolley Barn Rehabilitation shall be developed and implemented in consultation with the KY-SHPO				Rehabilitation of the Trolley Barn is underway. An outlay of the annual funding allotted is included in the ROD.
U		R, GP	Q	K	1	Butchertown Historic District 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.	Prior to Preliminary Field Check Plans		HPP	1) INR approved on 8/5/05 2) Draft HPP presented at the March 14, 2006 BSHCT meeting and the April 27, 2006 KHPAT meeting. 3) Refinement of the Draft HPP occurred at the May 18, 2006 KHPAT working session.
U		R, GP	Q		2	Develop the Witherspoon Extension in accordance with provisions of HPP as the principal east-west route through the district and implement measures that encourage north-south traffic through the district to use Clay Street and Frankfort Avenue.				Recommendations on the extension are included as part of the Draft HPP. A final determination as to the location of Witherspoon is pending approval by the BSMT.

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)											
Status ¹	FHWA/STAI/SHPO	GEC	Sub-consultant	SDC	MOA Item			MOA Commitments & Updates			
					Taskmaster(s)	Sub Items	Item	Description	MOA Deadline	Completion Date	Product
U		CTS	R, GP	Q		3	Design and construct roadway sections along north side of district using embankments or other designs that support aesthetically pleasing noise abatement measures, lighting and landscaping that maintain the context of the district.				Recommendations on these elements are included as part of the Draft HPP.
NI		CTS	NR	Q		4	Edison House - Provide funding for the exterior rehabilitation and conduct a noise study to determine whether interior noise abatement measures are justified.	During development of detailed plans			Work activity has not been initiated
NI		CTS	NR	Q		5	Wesley House - Provide funding for the exterior rehabilitation and conduct a noise study to determine whether interior noise abatement measures are justified.	During development of detailed plans			Work activity has not been initiated
NI		CTS	NR	Q		6	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			Work activity has not been initiated
NI		CTS	NR	Q		7	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			Work activity has not been initiated
NI		CTS	NR	Q		8	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			Church is presently for sale
NI		CTS	NR	Q		9	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			Work activity has not been initiated

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)											
Status ¹	FHWA/ STA/ SHPO	Taskmaster(s) ¹			MOA Item			MOA Commitments & Updates			
		GEC	Sub-consultant	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
NI		CTS	R, GP	Q		10	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.				Work activity has not been initiated
U		CTS	NR	Q		11	Melwood Avenue/Story Avenue Connection - 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			Recommendations on this element are included as part of the Draft HPP. A final report on the study was submitted by SDC 1 during the Reporting Period.
U		CTS	R, GP	Q		12	Design and construct streetscape improvements within the entire district in accordance with provisions of the HPP and the KHCs streetscape design guidelines.			Streetscape Plan for improvements to the designated areas	Recommendations on streetscape improvements at specific locations are included as part of the Draft HPP. Development of specific streetscape plans have not been initiated.
NI		CTS	R, GP	Q		13	Design and construct traffic calming measures on existing streets in the district with attention to the expansion of east downtown Louisville and Phase Two of Waterfront Park.				Work activity has not been initiated
U		CTS	R, GP	Q		14	Design and construct roadway lighting within the viewshed of the district				Recommendations on roadway lighting are included as part of the Draft HPP.
U		CTS	R, GP	Q		15	Implement noise abatement measures as set forth in Stipulation II.E where the Project is expected to adversely affect the district				Noise barrier analysis completed by SDC 1 during a prior Reporting Period. Recommendations on final barrier locations are pending approval by the SSMT.
NI		CTS	R, GP	Q		16	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
						L	Phoenix Hill Historic District				

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)										
Status ¹	FHWA/ STAJ/ SHPO	Taskmaster(s) ¹			MOA Item		MOA Commitments & Updates			Remarks & Comments
		GEC	Sub-consultant	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	
U		CTS	R, GP	Q	1		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.	Prior to Preliminary Field Check Plans		1) INR approved on 8/5/05. 2) Draft HPP presented at the March 14, 2006 BSHCT meeting and the April 27, 2006 KHPAT meeting. 3) Refinement of the Draft HPP occurred at the May 18, 2006 KHPAT working session.
U		CTS	R, GP	Q	2		Design and construct roadway lighting as set forth in Stipulation II.D.			Recommendations on roadway lighting are included as part of the Draft HPP.
NI		CTS	R, GP	Q	3		Work with the owner to relocate the Baer Fabrics Company within the HD or a suitable facility within the Phoenix Hill neighborhood			Work activity has not been initiated
NI		CTS	R, GP	Q	4		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		Treatment Plan	Work activity has not been initiated
NI		CTS	NR	Q	5		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		Work activity has not been initiated
NI		CTS	NR	Q	6		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		Work activity has not been initiated
U		CTS	R, GP	Q	7		Place interpretive signage within the district		Interpretive Signage	Recommendations on interpretive signage were included as an element of the Immediate Needs Report and the PL & G plans prepared by SDC 1.
U		CTS	R, GP	Q	8		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 KHCs streetscape design guidelines.		Streetscape Plan for improvements to the designated areas	Recommendations on streetscape improvements at specific locations are included as part of the Draft HPP. Development of specific streetscape plans have not been initiated.

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)											
Status ¹	FRWA/STA/SHPO	GEC	Sub-consultant	SDC	MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
					Taskmaster(s) ²	Sub Items					
NI		CTS	R, GP	Q		g	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
U		CTS	R, GP	L		1	Country Estates Historic District / River Road Corridor Develop a HPP, which shall specifically consider and develop recommendations for the following:	Prior to Preliminary Field Check Plans			Draft INR presented at January 26, 2006 BSHCT meeting and the February 16, 2006 KHPAT meeting. A second edition of the INR was presented at the March 14, 2006 BSHCT meeting and the April 27, 2006 KHPAT meeting. 32) Refinement of the Draft INR occurred at the May 18, 2006 KHPAT working session.
U		CTS	R, GP	L		a	Country Estates of River Road Historic District, including individually listed NRHP properties within the district				See M.1 update, above
U		CTS	R, GP	L		b	James T. Taylor / James W. Chandler House				See M.1 update, above
U		CTS	R, GP	L		c	Merrweather House				See M.1 update, above
U		CTS	R, GP	L		d	Upper River Road Bridge over Harrods Creek				See M.1 update, above
U		CTS	R, GP	L		e	Harrods Creek Village Historic District				See M.1 update, above
U		CTS	R, GP	L		f	Schlichtneck House				See M.1 update, above
U		CTS	R, GP	L		g	Dierman House				See M.1 update, above
U		CTS	R, GP	L		h	Allison-Barrickman House				See M.1 update, above
U		CTS	R, GP	L		i	St. Francis in the Fields Church				See M.1 update, above
U		CTS	R, GP	L		j	Bellevue				See M.1 update, above
U		CTS	R, GP	L		k	Rosewell				See M.1 update, above
U		CTS	R, GP	L		2	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 district.				Design Guidelines & Draft INR recommends roadway, bridge & tunnel design considering cultural landscapes.
U		CTS	R, GP	L		3	Design and construct roadway lighting as set forth in Stipulation II.D.				Recommendations on roadway lighting are included as part of the Draft INR.
U		CTS	R, GP	L		4	Implement noise abatement measures where the Project noise is expected to affect the listed and eligible properties as set forth in Stipulation II.E.				During the Reporting Period SDC 4 completed a noise barrier analysis, which is under review by the BSMT

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)											
Taskmaster(s) ¹											
Status ¹	FHWA/STA/SHPO	GEC	Sub-consultant	SDC	MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
					Item	Sub Items					
NI		CTS	R, GP	L		5	Develop and implement a Blasting/Vibration plan as set forth in Stipulation II.L.	Complete prior to initiation of construction.		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
NI		CTS	R, GP	L		6	Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties.				Work activity has not been initiated
U		CTS	R, GP	L	N		Drumheard				Tunnel through this property remains a component of Section 4.
U		CTS	R, GP	L		1	Project through this property to be contained in a tunnel so as to limit adverse effects.				Development of a draft preservation easement is under preparation by SDC 4.
U		CTS	R, GP	L		2	Acquire or establish a historic preservation easement for the entire Drumheard historic property				Development of a draft preservation easement is under preparation by SDC 4.
U		CTS	R, GP	L		3	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.				Development of a draft preservation easement is under preparation by SDC 4.
U		CTS	R, GP	L		4	Develop and implement a Blasting/Vibration plan as set forth in Stipulation II.L. Monitor the historic buildings to preclude impacts due to blasting.	Plan to be completed prior to initiation of construction. Monitoring to occur during construction activities.		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
NI		CTS	R, GP	L	O		Allison-Barrickman House				Work activity has not been initiated
U		CTS	R, GP	L		1	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				During the Reporting Period SDC 4 completed a noise barrier analysis, which is under review by the BSMT
NI		CTS	R, GP	L		2	Implement noise abatement measures as set forth in Stipulation II.E.				Work activity has not been initiated
NI		CTS	R, GP	L		3	Define a "no-work zone" within the NRHP boundary of the property.				Work activity has not been initiated
NI		CTS	R, GP	L		4	Develop and implement a Blasting/Vibration plan as set forth in Stipulation II.L.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
							Rosewell				

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)											
Taskmaster(s)											
Status	FHWA/STAI/SHPO	GEC	Sub-consultant	SDC	MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
					Item	Sub Items					
U		CTS	NR	L	1		Develop and implement a Treatment Plan to minimize damage to the property.			Treatment Plan	A site meeting was held on April 12, 2006 to initiate development of the Treatment Plan.
C	KYTC	NR	NR	NR	2		Make a reasonable attempt to acquire the property at fair market value.		November 30, 2005		KYTC acquired the property on 11/30/05. KYTC to take possession on 4/1/06.
NI		CTS	R, GP	L	3		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			
U		CTS	R, GP	L	4		Design and construct roadway lighting as set forth in Stipulation II.D.				Recommendations on roadway lighting are included as part of the Draft INR.
U		CTS	R, GP	L	5		Implement noise mitigation measures as set forth in Stipulation I.E.				During the Reporting Period SDC 4 completed a noise barrier analysis, which is under review by the BSMT
NI		CTS	R, GP	L	6		Develop and implement a blasting/vibration plan as set forth in Stipulation I.L.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
NI		CTS	R, GP	L	7		Define a "no-work zone" within the NRHP boundary of the property.				Work activity has not been initiated
U	1	CTS	R, GP	L	Q		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.				Recommendations on these elements are included as part of the Draft INR.
U	2	CTS	R, GP	L	2		Design and construct roadway lighting within the viewshed of Bellevue as set forth in Stipulation II.D.				Recommendations on roadway lighting are included as part of the Draft INR.
U	3	CTS	R, GP	L	3		Implement noise mitigation measures as set forth in Stipulation I.E.				During the Reporting Period SDC 4 completed a noise barrier analysis, which is under review by the BSMT

STIPULATION III - SITE SPECIFIC MITIGATION (cont.)											
Status ¹	FRWA/ STA/ SHPO	Taskmaster(s) ²			MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
		GEC	Sub-consultant	SDC	Item	Sub Items					
NI	4	CTS	R, GP	L	4	4	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	Complete prior to initiation of construction		Blasting/Vibration Plan to be included in the Final Construction Documents	Work activity has not been initiated
NI	5	CTS	R, GP	L	5	5	Define a "no-work zone" within the NRHP boundary of the property.				Work activity has not been initiated

KEY:

1 - Status	U - Underway	D - Duration of Project	NR - Not Required	NI - Not Yet Initiated
C - Completed				
2 - Taskmasters	INDOT - Indiana Department of Transportation	KYTC - Kentucky Transportation Cabinet		
STAs	FHWA - Federal Highway Administration			
Federal Agency	INSHPO - Indiana State Historic Preservation Office	KHC - Kentucky Heritage Council		
SHPOs	R/Ratio/Architects	CTS - Community Transportation Solutions	AVASC Group	GP - Grayland Paper
GEC	L - HW Lochner	Q - Qk4		
KY SDCs	BFS - Butler, Fairman and Soufert	IAP - Indiana Approach Partners		
IN SDCs	PB - Parson Brinkerhoff	MB - Michael Baker		
SDCs 2 & 5	NR - Not Required			

STIPULATION IV - ARCHAEOLOGICAL RESOURCES*											
Transmittal(s)		MOA Item		MOA Commitments & Updates							
Status	FWHA S/A SHPO	GEC	Sub-commitment	SDC	Item	Sub Items	Description	MOA Deadline	Completion Date	Product	Remarks & Comments
U	KYTC	GTS	A	NR	A	1	In implementing Stipulation IV, FHWA may wish to limit public disclosure of information about historic properties.				Sensitive information pertaining to location & content of archaeological resources withheld from public disclosure.
U	KYTC	GTS	A	NR		2	FHWA to review consultation with Indian Tribes is conducted in a manner consistent with 36 CFR 800.2(c)(2)(i)(A), (B) & (C).				Native American Consultation process circulated to tribes for review and comment in November 2005; revisions were made based on comments received. BSMT approved the NAC process on May 24, 2008. Copies were sent to consulting parties on June 15, 2008.
U	KYTC	GTS	A	NR		3	FHWA to make every effort to complete identification & evaluation of archaeological resources at the earliest possible time in Project design.				1) Phase I investigations completed underway at sites 12-C-516 in Section 6 . 2) Work plan for Phase I investigations in the Fort Street area (Section 3) under developed; submission on hold until design elements are known. 3) Archaeological investigations completed in the vicinity of Jewish Hospital (Section 1). 4) Phase Ia and II investigations underway in the Transylvania 5) Disturbance Assessment of Sites 12-C-523 and 12-C-527 in Section 6 completed in April 2006, report under development. 6) Colton Park Cemetery Report completed in January 2008 and approved by the IN SHPO in February 2008. 7) Three previously unrecorded archaeological sites identified in Section 1 (15J716, 15J717 and 15J718). Two, 15J717 and 15J718 to be investigated further to determine NRHP eligibility. 8) In Section 4, three sites, two of which were previously unrecorded (15J719 and 15J720), were identified and recommended for Phase II testing. Phase I report developed and pending KY SHPO review. FHWA consulted archaeological information with parties it deemed appropriate.
U	FHWA	GTS	NR	NR		4	In implementing Stipulation IV, FHWA may consult with the parties identified in Attachment F of the MOA.				

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (cont.)				MOA Commitments & Updates			
SIA/IA#	PRWA/STAI/SHPO	Tribal/State(s)		MOA Item		Description	Remarks & Comments
		GEC	Sub-consultant	SDC	Sub Items		
NI	KYTC	GTS	A	NR	3	FHWA will take reasonable measures to avoid disturbance to human remains and grave goods of religious & cultural significance to Indian Tribes.	During the Reporting Period no human remains or grave goods were encountered.
U	KYTC	GTS	A	NR	B	Identification Before letting any type of Project in the APE or selecting sites for ancillary activities associated with the Project, FHWA shall complete the identification & evaluation of archaeological resources for inclusion in the NRHP.	See Stipulation IV.A.3 update, above
U	KYTC	GTS	A	NR	2	Exemptive all locations where ground-disturbing are proposed or where they may occur within temporary right-of-way. To ensure the sensitive, respectful and careful treatment of human remains and grave goods, FHWA to be guided by ACHP's Policy Statement Regarding Treatment of Human Remains and Grave Goods and where appropriate other guidelines.	Condition to be met the duration of the Project.
U	KYTC	GTS	A	NR	3	Make every reasonable effort to avoid disturbance of human remains and grave goods. Make a reasonable and good faith effort to determine the location, cultural/temporal period, and cultural affiliation of human remains and/or grave goods without any removal or destructive analysis of remains. FHWA may move remains for study if determined in consultation with KYC & Indian Tribes that information cannot be obtained without disturbance.	1) Human Remains Policy was developed and approved by the BSMT on May 24, 2008. Work was initiated during the Reporting Period to adopt the Policy specifically for the Project in Indiana. 2) KYTC prepared a Baseline Report for the Allison-Barridman Cemetery. The Report was coordinated with the BSMT (May 2008) and the KYSHPO (June 2008). Condition to be met the duration of the Project.
NI	KYTC	GTS	A	NR	b	Ensure human remains and/or grave goods are not photographed or subject to invasive study.	During the Reporting Period, no human remains or grave goods were encountered.

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (cont.)										
FHWA/STA/SHPO		GEC		Sub-consultant		SDC		MOA Item		
Status ¹	KYTC	CTS	A	NR	Sub-Item	Description	MOA Deadline	Completion Date	Product	
NI	KYTC	CTS	A	NR	d	Provide written notification & documentation of discovery to the appropriate SHPO, Indian Tribes & other parties determined appropriate within 48 hours.				During the Reporting Period, no human remains or grave goods were encountered.
NI	KYTC	CTS	A	NR	4	Develop a Plan(s) for the identification & evaluation of archaeological resources.				Condition to be met the duration of the Project.
NI	KYTC	CTS	A	NR	a	FHWA to provide the SHPOs, Indian Tribes and other parties determined appropriate 30 days to review & comment on Plan(s); final Plan(s) to				Condition to be met the duration of the Project when plans are provided.
NI	KYTC	CTS	A	NR	b	If no response received from the above parties in 30 days, FHWA may proceed with Plan(s).				Condition to be met the duration of the Project when plans are provided.
NI	KYTC	CTS	A	NR	c	Any dispute regarding Plan(s) to be resolved in accordance with Stipulation XIII.				Condition to be met the duration of the Project when plans are provided.
U	KYTC	CTS	A	NR	5	FHWA to prepare & distribute final identification & evaluation reports in accordance with Stipulation IV.F.				Condition to be met the duration of the Project when documentation is developed & determined appropriate by FHWA.
U	KYTC	CTS	A	NR	1	Evaluation Studies completed pursuant to Stipulation IV.B to demonstrate a level of effort consistent with 36 CFR 800.4p(1) and provide FHWA with information to				Condition to be met the duration of the Project.
U	KYTC	CTS	A	NR	2	Archaeological resources considered eligible for the NRHP by FHWA to be treated in accordance with Stipulations IV.D & IV.E.				Condition to be met the duration of the Project.
NI	KYTC	CTS	A	NR	3	FHWA to seek a formal determination of NRHP eligibility from Keeper of NRHP if disagreement between FHWA & SHPO.				Condition to be met the duration of the Project.
U	KYTC	CTS	A	NR	4	No further action necessary for archaeological resources that FHWA & the SHPO agree are not eligible for the NRHP.				Condition to be met the duration of the Project.
NI	KYTC	CTS	A	NR	5	FHWA to notify Indian Tribes and other parties whom so request of findings of eligibility.				Condition to be met the duration of the Project.
NI	KYTC	CTS	A	NR	6	FHWA to reconsider its determination if a Party objects to FHWA's determination of eligibility in Assessment of Effects.				Condition to be met the duration of the Project.

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (cont.)

Status	FWWA/ STA/ KYTC	QEC	Sub-consultant	BDC	MOA Item		Description	MOA Deadline	Completion Date	Product	Remarks & Comments
					MOA Item	Sub Item					
NI	KYTC	CTS	A	NR	h	Plans for curation of recovered materials, & provisions for reburial of human remains & grave goods where appropriate.					See E.1 update, above
NI	KYTC	CTS	A	NR	i	Plans for public education & interpretation.					See E.1 update, above
NI	KYTC	CTS	A	NR	j	Plans for keeping the SHPOs, Indian Tribes and other appropriate parties informed of work progress & schedule for the submission of reports & other					See E.1 update, above
NI	KYTC	CTS	A	NR	k	Plans addressing treatment of human remains & grave goods to be guided by the ACPHs Policy Statement Regarding Treatment of Human Remains & Grave Goods and other guidelines where appropriate. FHWA to be able to conduct by					See E.1 update, above
NI	KYTC	CTS	A	NR	l	Human remains & grave goods that will not be threatened or disturbed by the Project shall not be dismantled or disturbed through scientific study.					See E.2 update, above
NI	KYTC	CTS	A	NR	m	If disturbance cannot be avoided, FHWA to determine if scientific study of human remains, grave goods & the burial mounds will be conducted. FHWA's decision must be supported by an explicit set of definitive & justified questions on a case-by-case basis.					See E.2 update, above
NI	KYTC	CTS	A	NR	n	Human remains and funerary objects of religious & cultural significance to Indian Tribes may be photographed only when FHWA in consultation with the SHPOs, Indian Tribes where appropriate & other appropriate parties determines that it is called for & justified in a site-specific treatment plan to					See E.2 update, above
NI	KYTC	CTS	A	NR	o	Dismantled human remains and/or grave goods should be reburied as soon as possible in a timeframe, location & measure determined appropriate by					See E.2 update, above
NI	KYTC	CTS	A	NR	p	Human remains & grave goods to be made available for reburial to appropriate party or responsible official 30 days from determination.					See E.2 update, above

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (cont.)										
SHA's	FRWA/ STA/ SHPO	GEC	Sub-consultant	SDC	MOA Item			MOA Commitments & Updates		
					Taskmaster(s)	Item	Sub Items	Description	MOA Deadline	Completion Date
NI	KYTC	GTS	A	NR	4		FRWA to provide ACHIP, the SHPOs, Indian Tribes who've expressed interest in the site, other parties deemed appropriate by FHWA, 30 days to comment on treatment plans. FHWA to ensure the final plan(s) take comments into consideration.			No treatment plans requiring review & comment by the identified parties were prepared during the Reporting Period.
NI	KYTC	GTS	A	NR	5		Disputes regarding the treatment plan(s) to be resolved in accordance with Stipulation XIII.			No disputes regarding the treatment plans occurred.
NI	KYTC	GTS	A	NR	6		After implementing stipulations for treatment, FHWA may elect to monitor construction activities in selected portions of right-of-way. Monitoring to be conducted by qualified			During the Reporting Period, no monitoring of the implementation of treatment plan(s) occurred.
U	FRWA	NR	NR	NR	F		Qualifications & Reporting Work carried out to be performed by, or under the direct supervision of a person(s) meeting Secretary of the Interior's Professional Qualification Standards in archaeology & has supervisory experience in prehistoric & historic archaeology of the lower Ohio Valley.			Condition to be met the duration of the Project.
U	KYTC	GTS	A	NR	2		FRWA to ensure results of archaeological studies are presented in professionally written reports meeting standards established by the SHPOs.			Condition to be met the duration of the Project.
	INDOT/ KYTC	GTS	A	NR	3		Sensitive information regarding the nature & location of human remains/ grave goods & the location, character & ownership of archaeological resources to be resolved in accordance with Stipulation XIII.			Condition to be met the duration of the Project.
	INDOT/ KYTC	GTS	A	NR	4		Parties to have 30 days after confirmed receipt to review & comment on reports. FRWA to address comments in final reports.			Condition to be met the duration of the Project when documentation is provided.
	INDOT/ KYTC	GTS	A	NR	5		Disputes regarding report(s) to be resolved in accordance with Stipulation XIII.	When Appropriate		No disputes regarding the archaeological reports prepared during the Reporting Period occurred.
	INDOT/ KYTC	GTS	A	NR	G		Distribution of Final Reports			Condition to be met the duration of the Project when documentation is provided.
	INDOT/ KYTC	GTS	A	NR	1		FRWA to provide copies of final reports to respective SHPOs, STAs & Indian Tribes, when appropriate.	Upon Completion of Work		Condition to be met the duration of the Project when documentation is provided.

STIPULATION IV - ARCHAEOLOGICAL RESOURCES (cont.)									
Status*	Transmittal(s)		MOA Item		MOA Deadline	Completion Date	Product	Remarks & Comments	
	FRWA/ STA/ SHPO	INDOT/ KYTC	GEC	Sub-consultant				SDC	Sub Item
NI	INDOT/ KYTC	CTS	A	NR	NR				Condition to be met the duration of the Project when documentation is provided.
	INDOT/ KYTC	CTS	A	NR	NR				Sensitive information pertaining to location & content of archaeological resources withheld from public disclosure.

* - KYTC has procured the services of Cultural Resources Analyst (CRA), a consultant under a statewide contract, to perform archaeological investigations for Sections 1 and 4, as well as within the Ohio River floodplain in Kentucky. ASC Group will perform archaeological investigations in Sections 3 and 6, as well as within the Ohio River floodplain in Indiana.

STIPULATION V - UNANTICIPATED DISCOVERIES									
Status*	Transmittal(s)		MOA Item		MOA Deadline	Completion Date	Product	Remarks & Comments	
	FRWA/ STA/ SHPO	INDOT/ KYTC	GEC	Sub-consultant				SDC	Sub Item
NI	INDOT/ KYTC	CTS	NR	NR	NR				No unanticipated discoveries were uncovered during the Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	NR				No unanticipated discoveries were uncovered during the Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	NR				No unanticipated discoveries were uncovered during the Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	NR				No unanticipated discoveries were uncovered during the Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	NR				No unanticipated discoveries were uncovered during the Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	NR				No unanticipated discoveries were uncovered during the Reporting Period.
NI	INDOT/ KYTC	CTS	NR	NR	NR				No unanticipated discoveries were uncovered during the Reporting Period.

STIPULATION NO. VI - ADDITIONAL HISTORIC PROPERTIES AND EFFECTS											
Status ¹	FHWA/STA/SHPO	GEC	Sub-consultant	SDC	MOA Item			MOA Description	MOA Deadline	Product	Remarks & Comments
					INDOT/KYTC	Sub Item	Sub Items				
NI	INDOT/KYTC	GTS	NR	NR	A		INDOT or KYTC shall consult with FHWA, SHPO, 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.	Before approval of sites for staging, borrow or waste, dredge disposal, or other construction are approved.		No additional historic properties requiring consultation were identified during the Reporting Period.	
NI	INDOT/KYTC	GTS	NR	NR	B		Where historic properties are adversely affected, FHWA shall consult with INDOT and/or KYTC, SHPO, Indian Tribes and other appropriate parties to minimize or mitigate the adverse effect. FHWA will ensure those measures are implemented. Resolve disputes in accordance with Stipulation XIII.	Duration of Project		No additional historic properties requiring consultation were identified during the Reporting Period.	
NI	INDOT/KYTC	GTS	NR	NR	C			Duration of Project		No additional historic properties requiring consultation were identified during the Reporting Period.	

STIPULATION VII - EXCESS RIGHT OF WAY											
Status ¹	FHWA/STA/SHPO	GEC	Sub-consultant	SDC	MOA Item			MOA Description	MOA Deadline	Product	Remarks & Comments
					INDOT/KYTC	Sub Item	Sub Items				
NI	INDOT/KYTC	GTS	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.	Duration of Project		No excess right-of-way was determined necessary during the Reporting Period.	

STIPULATION VIII - PERFORMANCE STANDARDS											
Status ¹	FHWA/STA/SHPO	GEC	Sub-consultant	SDC	MOA Item			MOA Description	MOA Deadline	Product	Remarks & Comments
					INDOT/KYTC	Sub Item	Sub Items				
U	INDOT/KYTC	GTS	NR	NR	A		FHWA shall ensure all cultural resources work carried out will be carried out by or under the direct supervision of individuals that meet the Secretary of the Interior's Professional Standards.	Duration of Project		Condition to be met the duration of the Project.	
U	INDOT/KYTC	GTS	NR	NR	B		FHWA shall ensure all historic preservation resource work carried out will be guided by the most recent version of the following:	Duration of Project		Condition to be met the duration of the Project.	
U	INDOT/KYTC	GTS	NR	NR	1		The Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation			See M update, above	

STIPULATION VIII - PERFORMANCE STANDARDS (cont.)						
FHWA/STA/SHPO	Taskmaster(s)	MOA Item				
		Sub-consultant	SDC	Sub Items	Description	MOA Deadline
U	INDOT/ KYTC	GEC	NR	2	Advisory Council on Historic Preservation: Treatment of Archaeological Properties: A Handbook	See M update, above
U	INDOT/ KYTC	CTS	NR	3	Indiana Guidelines: Division of Historic Preservation and Archaeological Guidelines; most recent version of the Indiana Archaeological Guidelines updating the Guidebook for Indiana Historic Sites	See M update, above
U	INDOT/ KYTC	CTS	NR	4	Kentucky Guidelines: Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports; most recent version of Kentucky State Historic Preservation Office	See M update, above

STIPULATION IX - PROGRESS REPORTS						
FHWA/STA/SHPO	Taskmaster(s)	MOA Item				
		Sub-consultant	SDC	Sub Items	Description	MOA Deadline
U	INDOT/ KYTC	GEC	NR	A	Progress reports detailing implementation of the measures stipulated within the MOA and providing advanced notice of milestones.	Report No. 1 - 7/21/04 Report No. 2 - 8/20/04 Report No. 3 - 4/22/05 Report No. 4 - 10/10/05 Report No. 5 - 2/20/06
C	INDOT/ KYTC	CTS	NR	B	Final progress report to be distributed six months following the execution of the MOA.	Final progress report was provided on 7/21/04
U	INDOT/ KYTC	CTS	NR	C	Progress report to identify the status of each stipulation outlined in the MOA & of associated documents.	Condition to be met the duration of the Project.

STIPULATION X - PROJECT MODIFICATION						
FHWA/STA/SHPO	Taskmaster(s)	MOA Item				
		Sub-consultant	SDC	Sub Items	Description	MOA Deadline
N	INDOT/ KYTC	GEC	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.	No significant modifications to the Project occurred during the Reporting Period.

KEY:

1 - Status	U - Underway	D - Duration of Project	NR - Not Required	NI - Not Yet Initiated
C - Completed				
2 - Taskmasters				
STAs	INDOT - Indiana Department of Transportation	KYTC - Kentucky Transportation Cabinet		
Federal Agency	FHWA - Federal Highway Administration			
SHPOs	INSHPO - Indiana State Historic Preservation Office	KHC - Kentucky Heritage Council		
GEO	RI - Railo/Analytics	Q - OK4		
KY SDCs	L - HW Lochner			
IN SDCs	BFS - Butler, Fairman and Saulert	IAP - Indiana Approach Partners		
SDCs 2 & 6	PB - Peason Brinkerhoff	MB - Michael Baker		
	NR - Not Required			

ATTACHMENT D PROGRESS REPORT SCHEDULE

Pursuant to Stipulation IX of the Section 106 MOA, the following schedule and milestones are anticipated for the project:

Section 1 – Kennedy Interchange

- Landscaping Concepts - October 2006
- Streetscaping Concepts - October 2006
- Witherspoon/Geiger Street Extension Study - November 2006
- Butchertown HPP Final Draft to KHPAT - December 2006
- Phoenix Hill HPP Final Draft to KHPAT - December 2006
- Contract development for Phase D Design - January 2007
- R/W Plans - Spring 2007

Section 2 – Downtown Bridge

- Step 3 completed in the Bridge Type Selection Process (BTSP)
- Step 4 to be completed in the BTSP - July 2006
- 3 Recommended Bridge Types to the Executive Selection Committee - October 2006
- Contract development for Phase D Design - January 2007

Section 3 – Downtown Indiana

- Old Jeffersonville HPP Draft to be developed - August 2006
- Colgate-Palmolive HD NRHP Nomination Report to be completed by INDOT for submission to the IN-SHPO September 5, 2006
- Ohio Falls Car and Locomotive HD Nomination – INDPT to modify the CTS-GEC contract to provide for the development of this nomination
- Train Depot NRHP Nomination Form – NRHP-level Nomination Report to be completed by INDOT for submission to the IH-SHPO by September 5, 2006

Section 4 – Kentucky East End

- Country Estates of River Road/River Road HPP – Final INR completed and development of the Draft HPP underway
- Rosewell Treatment Plan – Under development
- Preliminary Line and Grade - October 2006
- US 42 Ramp relocation construction for geotechnical work - Ongoing
- Aesthetic Guidelines to HPAT - December 2006
- Exploratory Tunnel and approach work - June 2007
- R/W Plans - June 2007

Section 5 – East End Bridge

- Step 3 completed in the Bridge Type Selection Process (BTSP)
- Step 4 to be completed in the BTSP - July 2006
- 3 Bridge Types to the Executive Selection Committee - October 2006
- Contract development for Phase D Design - January 2007

Section 6 – Indiana East End

- Swartz Farm Rural HD HPP – Draft HPP to be developed
- Utica Historic Lime Kilns HPP – Property owner access required to initiate HPP, Draft HPP to follow permission.
- Swartz Farm Rural Historic District NRHP Nomination Form – INDOT to modify the CTS-GEC contract to provide for the development of this nomination
- Utica Historic Lime Kilns NRHP Nomination Form – INDOT to modify the CTS-GEC contract to provide for the development of this nomination.
- Phase C Design Contract Development - Spring 2007

Project Wide Activities –

- Smart Growth Conference – Conference to be held September 18-20 at the Louisville Downtown Marriott.

