

FIRST AMENDED MEMORANDUM OF AGREEMENT (MOA)

AMONG

THE FEDERAL HIGHWAY ADMINISTRATION,

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,

THE INDIANA STATE HISTORIC PRESERVATION OFFICER, AND

THE KENTUCKY STATE HISTORIC PRESERVATION OFFICER,

REGARDING THE

**LOUISVILLE – SOUTHERN INDIANA OHIO RIVER BRIDGES PROJECT IN
CLARK COUNTY, INDIANA AND JEFFERSON COUNTY, KENTUCKY**

(Project No. Item-5-118.00)

WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the Indiana Department of Transportation (INDOT) and the Kentucky Transportation Cabinet (KYTC) is proposing to construct the Louisville-Southern Indiana Ohio River Bridges Project (Project) to improve cross-river mobility between Jefferson County, Kentucky and Clark County, Indiana; and

WHEREAS, the Project provides for two new bridges using Alignment C1 and Alignment A15 as described in the Project Supplemental Draft Environmental Impact Statement and Supplemental Final Environmental Statement (SDEIS/SFEIS), reconstruction of the Kennedy Interchange at its present location, and other improvements and enhancements within the Project corridor as described in Attachment A, Project Description; and

WHEREAS, FHWA, KYTC, INDOT, the Kentucky and Indiana State Historic Preservation Officers (SHPOs), and Advisory Council on Historic Preservation (ACHP) executed a Memorandum of Agreement (MOA) for this undertaking on April 1, 2003, and the signatories have agreed to amend the Original MOA per the supplemental analysis of the Project, superseding the Original MOA dated April 1, 2003; and

WHEREAS, the Project SDEIS/SFEIS and supporting technical reports (Attachment B) provide background information to this First Amended Memorandum of Agreement (MOA); and

WHEREAS, it is understood that this First Amended MOA is based upon review of conceptual design alternatives, shown in the SDEIS/SFEIS, which will be refined during the design development process; and

WHEREAS, the FHWA, in consultation with the Kentucky and Indiana State Historic Preservation Officers (SHPO) has delineated an Alternative Specific Area of Potential Effects (“Original APE”) and Extensions to the Original APE as depicted in Attachment C; and

WHEREAS, the FHWA, in consultation with the Kentucky and Indiana SHPOs and the Advisory Council on Historic Preservation (ACHP) has determined that the Project will have an Adverse Effect on certain historic properties, as described in Attachment D, pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (NHPA), as amended (16 USC 470f); and

WHEREAS, pursuant to 36 CFR § 800.4(b)(2) and 36 CFR §800.5(a)(3), FHWA has phased the final identification, evaluation, and determination of Project effect for archeological resources because alternatives consist of large corridors where access is restricted; and

WHEREAS, FHWA has determined that the Project may adversely affect additional historic properties because sites for construction staging, wetland mitigation, borrow or waste, dredge disposal, or other ancillary activities associated with construction of the Project have not yet been selected; and

WHEREAS, FHWA acknowledges that the Project could result in indirect and cumulative effects on historic properties within the Broad APE, as depicted in Attachment E; and

WHEREAS, impacts caused by diverted traffic were identified based upon the most current state-of-the-art traffic model; and

WHEREAS, various factors beyond the diversion of traffic caused by tolling could also potentially influence traffic in these areas; and

WHEREAS, FHWA and the State Transportation Agencies intend to manage the Project with contracting approaches that provide for expedited project delivery (e.g., design build) and will include in contract documents specific Project commitments (including those outlined in this First Amended MOA) with which the Contractor will be required to comply (defined herein as “Contract Provisions”); and

WHEREAS, terms used in this First Amended MOA are defined in accordance with 36 CFR §800.16, unless otherwise indicated; and

WHEREAS, the INDOT and KYTC have participated in consultation and have been invited to be signatories to this First Amended MOA; and

WHEREAS, the Eastern Band of Cherokee Indians, Cherokee Nation, United Keetoowah Band of Cherokee Indians, Absentee Shawnee Tribe of Indians of Oklahoma, Eastern Shawnee Tribe, The Shawnee Tribe of Oklahoma, the Miami Tribe of Oklahoma, Peoria

Tribe of Indians of Oklahoma, and the Delaware Nation have participated in consultation and have been invited to concur in this First Amended MOA; and

WHEREAS, the remaining Section 106 Consulting Parties, included in the list at Attachment F, have participated in consultation and have been invited to concur in this First Amended MOA;

NOW, THEREFORE the FHWA, the ACHP, the Indiana SHPO, and the Kentucky SHPO agree that the Project will be implemented in accordance with the following Stipulations in order to take into account the effects of the Project on historic properties.

STIPULATIONS

The FHWA will ensure that the following measures are implemented:

I. PROJECT COORDINATION

A. Advisory Teams

1. Prior to December 31, 2003, FHWA and the respective State Transportation Agencies (STA) convened both the Indiana Historic Preservation Advisory Team (IHPAT) and the Kentucky Historic Preservation Advisory Team (KHPAT) to ensure the Project is designed in a manner that respects the historic qualities, landscapes, historic buildings and features within the Alternative Specific APE.
2. The Historic Preservation Advisory Teams (HPATs) will assist the Bi-State Historic Consultation and Bi-State Management Teams in developing Project Contract Provisions relating to historic preservation issues to implement the measures stipulated in this First Amended MOA.
3. Each of the HPATs is co-chaired by a representative of the respective STA and SHPO. The Co-chairs are responsible for convening meetings of the HPATs, preparing and maintaining a summary of meetings, and preparing and submitting HPAT recommendations to the Bi-State Historic Consultation Team (BSHCT) for further action.
4. Representatives of the following have been invited by FHWA and the IHPAT co-chairs to participate on the IHPAT:
 - a. City of Jeffersonville Historic Preservation Commission
 - b. Clark County Commissioners
 - c. City of Jeffersonville
 - d. Town of Utica
 - e. Jeffersonville Main Street Association
 - f. Clarksville Historical Society
 - g. Town of Clarksville

- h. Clark County Historian
 - i. Rose Hill Neighborhood Association
 - j. Indiana Landmarks
 - k. Jeff -Clark Preservation Inc.
 - l. The National Trust for Historic Preservation
5. Representatives of the following have been invited by FHWA and the KHPAT co-chairs to participate on the KHPAT:
 - a. Louisville/Jefferson County Metro Government Historic Preservation Office
 - b. Louisville/Jefferson County Metro Government
 - c. Butchertown Neighborhood Association Inc.
 - d. City of Prospect
 - e. Phoenix Hill Association Inc.
 - f. River Fields, Inc.
 - g. The National Trust for Historic Preservation
 - h. Preservation Louisville
 - i. Preservation Kentucky
6. Additional participants may be invited to participate on the HPATs at the discretion of the HPAT Co-chairs.
7. The ACHP may participate as it sees fit on an ad-hoc basis.
8. Following execution of the Original MOA, the respective co-chairs convened the HPATs for an initial organizational, kick-off meeting to establish process and procedure for operation of the HPATs.
9. The respective Co-chairs will continue to convene additional meetings with the HPATs to review project information and provide design/construction status updates. Coordination will occur at the following times until all commitments in this First Amended MOA have been fulfilled:
 - a. Every three months (quarterly); or
 - b. At the request of the Co-chairs.
10. Due to the accelerated schedule, review materials for the HPATs will be provided as soon as possible prior to scheduled meetings. Due dates for comments will be identified when materials are distributed.
11. Based on comments provided by the HPATs, the co-chairs will develop recommendations, which they will submit to the BSHCT for consideration and action.

B. Bi-State Historic Consultation Team

1. The Bi-State Historic Consultation Team (BSHCT) consists of representatives of FHWA, INDOT, KYTC and the respective SHPOs.
2. The BSHCT will assist the Bi-State Management Team (BSMT) in the development of Contract Provisions that are related to

commitments of this First Amended MOA. The BSHCT shall consider input of the HPATs when assisting the BSMT. Due to the accelerated schedule, Contract Provisions will be provided to the BSHCT as soon as possible. Due dates will be identified when the provisions are distributed. .

3. The BSHCT may make final decisions as delegated by the BSMT.
4. The BSHCT shall convene to consider the recommendations provided by the HPATs and prepare recommendations for the BSMT.
5. The BSHCT will ensure that the comments and recommendations of the HPATs are given full consideration in preparing its recommendations to the BSMT or in reaching its final decision.

C. Bi-State Management Team

1. The Bi-State Management Team (BSMT) consists of representatives of the INDOT, the KYTC, and FHWA who have the authority for final approval of actions required to implement the measures to avoid, minimize, or mitigate effects to historic properties.
2. The BSMT shall ensure that consultant services procured to assist in the management of the Project include professionals with experience in the following areas: architecture, landscape architecture, historic preservation, archeology, anthropology, landscape history, as well as highway, bridge, and tunnel design to help implement the provisions of this First Amended MOA.
3. The BSMT shall prepare progress reports, as set forth in Stipulation IX of this First Amended MOA.
4. The BSMT shall give full consideration to the recommendations of the BSHCT for incorporation into the final plans to the extent reasonable, feasible, and prudent.

D. Ombudsmen

1. The BSMT will ensure that two Ombudsmen (one for the East End Bridge and its approaches and one for the Downtown Bridge, Indiana Approach, and Kennedy Interchange), will be retained for the duration of the Project.
2. Ombudsmen have been selected who have demonstrated communication and conflict resolution skills, as well as a working knowledge of historic preservation practices as they relate to the goals of this Project.
3. The individuals selected for Ombudsmen will continue to be responsible for communicating with the public and investigating

reported problems on all aspects of the Project, including the implementation of measures set forth in this First Amended MOA. They shall report recommendations, complaints, and their findings to the BSMT for resolution. The Ombudsmen will report findings, decisions, and resolutions as appropriate.

4. The Ombudsmen will be located in an office or offices within or close to the Project area.
5. Every reasonable effort was made to locate the offices of the Downtown and East End Ombudsmen assigned to the Project in historic properties. The BSMT will prioritize office locations in historic properties when determining where to house the Ombudsmen during the construction phase of work.
6. Roles and responsibilities of the Ombudsmen shall be further defined in the management plan of the Project developed by the two states and the FHWA.

II. PROJECT DEVELOPMENT

The stipulations within this section apply to the overall construction of the Project unless otherwise noted. All measures stipulated within this First Amended MOA shall be initiated as part of the Project prior to its completion. The FHWA and STAs agree to program and fund as a Project cost component, monies necessary for implementation of the measures stipulated within this First Amended MOA.

- A. Project Goals** - The design goal of the Project is to meet the Project purpose and need while avoiding, minimizing, or mitigating adverse impacts to the environment, including adverse effects to historic properties to the extent reasonable, feasible, and prudent. Avoidance of adverse effects is the preferred treatment.
- B. Public Involvement** - The views of the public are important and have been solicited and considered through each state's normal transportation project development process through informational meetings that have been convened by the respective STAs.

The selected contractors will be required to submit a *Community Outreach Plan*. This Plan shall provide a blueprint for how the contractor will handle public involvement on the design and construction phases of the Project. The Plan will address involvement for the entire community but also specific considerations for historic preservation interest groups. The BSMT will provide the plan to the BSHCT for review and comment.

C. Context Sensitive Solutions -The roadways, bridges, and other Project elements where applicable shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes, and the historic context, utilizing the services of professionals with experience in areas related to historic preservation. Design shall include aesthetic treatments to surfaces, structures, portals, appurtenances, and land contours and landscaping that complement the historical contexts of historic properties and in keeping with the HPPs for those areas. The Contractor shall also prepare an *Aesthetics and Enhancement Implementation Plan* that shall be reviewed in consultation with the BSHCT.

D. Roadway Lighting – Project roadway lighting within the viewshed of historic properties and any navigational lighting required on structures included in the Project shall be designed and constructed to minimize the dispersion of light beyond the highway right of way and include state-of-the-art techniques and systems, such as Full Cutoff Optics (FCOs) or other similar systems, to the extents that are required to ensure safe roadway lighting designs, and navigation required by the U. S. Coast Guard and the Federal Aviation Administration.

E. Noise Abatement – The Project shall be designed 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. Noise abatement measures shall be designed and implemented utilizing state-of-the-art methods and systems to minimize adverse noise effects on historic properties, such as innovative pavement designs, bridge decks and joints, berms, noise barriers, and landscaping. Pavements shall be designed incorporating measures and materials that contribute to quieter pavements, such as those identified through the Purdue University Quiet Pavement Research or other innovative measures and technologies, while providing durability and safe driving conditions. The BSMT shall be responsible for coordinating the development of the noise abatement measures.

Final determinations regarding placement of noise abatement barriers will not be made without additional public involvement. Where there is support for incorporation of noise abatement measures into the Project by those who will benefit, the BSMT, in consultation with the BSHCT and HPATs, shall consider the effects on historic properties and, if applicable, incorporate measures to mitigate effects.

F. Historic Preservation Plans The BSMT, in consultation with the SHPOs and appropriate local governments, shall have HPPs prepared for historic properties and districts as set forth below and detailed in Stipulation III. The HPPs shall be prepared by a qualified consultant(s) specializing in preservation planning. The HPPs will provide a context to inform the implementation of specific mitigation measures as set forth in Stipulation III. The HPP may include recommendations for additional measures that could be implemented and funded by others outside this First Amended MOA. Additional avoidance, minimization, or mitigation measures identified in the HPPs which may not have been specified in this First Amended MOA, but are found by the HPATs to be reasonable to incorporate into the Project will be considered by the BSHCT and may be submitted to the BSMT for possible implementation as part of the Project. The HPP for a property or district shall be completed within three years of the execution of this First Amended MOA.

1. The HPPs and subsequent updates will meet the following provisions:
 - a. The scopes of work for the HPPs will be developed in consultation with the respective HPATs.
 - b. The HPPs will be developed in consultation with owners of the historic properties and/or related neighborhoods.
 - c. Where access to privately owned property is necessary for the preparation of an HPP, consent shall be obtained prior to entry.
 - d. The HPPs shall consider and build upon existing related studies and plans, such as the Ohio River Corridor Master Plan and Louisville's Downtown Development Plan.
 - e. The HPPs shall be developed in cooperation with the appropriate local government and approved by the respective SHPO.
 - f. The HPPs will recognize the unique character, context, and historic significance of each resource/area and will identify ways to protect and enhance the historic qualities found there, particularly those related to avoidance, minimization, and mitigation of adverse Project effects.
 - g. The HPPs will consider land use, transportation patterns, and other urban/suburban related planning issues, as appropriate.
 - h. The HPP shall be presented to the relevant city/county governments and the Kentuckiana Regional Planning and Development Agency (KIPDA) for incorporation into local land use planning processes as appropriate.

2. HPPs reflecting the Modified Selected Alternative selected for Project implementation will be developed for the following historic properties:
 - a. Old Jeffersonville Historic District
 - b. Township of Utica Historic Lime Industry
 - c. Butchertown Historic District
 - d. Phoenix Hill Historic District
 - e. Country Estates of River Road/River Road Corridor
 - f. Ohio River Camps multiple property group

Plans completed prior to January 1, 2012 will be revised as appropriate to reflect Project design changes.

G. Survey Updates –The historic preservation documents listed below have been updated by a qualified historic preservation consultant chosen by INDOT or KYTC, as appropriate, with the information developed for the Project and in conformance with GIS or other format specified by the respective survey sponsor and SHPO.

1. The Indiana Historic Sites and Structures Inventory of Clark County has been updated by the INSHPO and is available to the public through the INSHPO website.
2. The Jefferson County Inventory and Survey of Historic Sites in Kentucky has been updated in consultation with the KYSHPO and the Louisville/Jefferson County Metro Government Historic Preservation Office.

H. Historic Preservation Easements - Preservation easements set forth in this First Amended MOA shall be placed on the historic properties identified in Stipulation III in perpetuity by INDOT or KYTC, as appropriate, and held by a local government, local or state preservation organization, or other entity as determined by the INDOT or KYTC in consultation with the respective SHPO. A one-time, lump sum monitoring fee determined through negotiation among INDOT or KYTC, the easement holder, and the respective SHPO will be paid by INDOT or KYTC to the easement holder to monitor and enforce the preservation restrictions. The BSHCT will coordinate as necessary with INDOT or KYTC land acquisition personnel for the acquisition of preservation easements.

I. National Register Documentation and Nomination – When stipulated for a specific property in Stipulation III, documentation required for a

National Register of Historic Places (NRHP) nomination shall be prepared by a qualified historic preservation consultant selected by INDOT or KYTC, as appropriate, upon receipt of written consent from the property owner(s). The nomination, owner's written consent, and other supporting documentation shall be forwarded to the INSHPO or the KYSHPO for the Project to secure National Register listing of the property. INDOT or KYTC, as appropriate, will coordinate with the BSHCT to ensure that an individual with experience in historic preservation issues participates in presenting any proposal for nomination to the property owners.

J. Streetscape Improvements - Streetscape improvements, such as landscaping, tree plantings, ornamental street lighting, fencing, curbing, pavements, sidewalks, traffic calming, or other similar work, when specified in Stipulation III, shall be designed in consultation with the respective SHPO and constructed within public rights of way unless otherwise provided for in this First Amended MOA or approved by the BSMT. Approval from the agency holding title to the right of way will be obtained prior to use, whenever required. Streetscape improvements shall be designed in conformance with recommendations of any HPP developed for the property in accordance with Stipulation III of this First Amended MOA. In the absence of an HPP, design of streetscape improvements shall be based on recommendations provided by the BSHCT with HPAT input.

K. Interpretative Signage - Interpretative signage, when specified in Stipulation III, shall be placed within the right of way of public streets, or on easements, to explain the significance of the historic properties, their context, and their importance to the development of the area. Approval from the agency holding title to the right of way will be obtained prior to use, whenever required. The BSMT shall coordinate the text and placement of the signs with the respective HPAT and may implement this provision through existing state historic marker programs where determined appropriate.

L. Blasting and Vibration

1. To avoid damage to historic properties, the BSMT shall ensure that construction blasting/vibration plans and bridge pier construction plans shall be developed by their contractor(s) prior to beginning any construction activities that would require blasting or result in vibration. These construction blasting/vibration plans shall be

implemented during appropriate construction activities. Maximum threshold values for historic properties that the plan must meet are shown in Table 1 below. The values are presented in terms of peak particle velocity (PPV), the accepted method of evaluating the potential for damage. The vibration criteria shall apply for for pile driving, vibratory compaction, and blasting activities.

Table 1 – PPV Thresholds

Type of Structure	Ground-borne Vibration Impact Level (PPV)
Fragile	0.20 in/sec
Extremely Fragile Historic	0.12 in/sec

The BSMT shall discuss with the BSHCT the protective measures to be used by the Contractor to protect historic resources from vibration damage. The BSMT shall seek the recommendations of the BSHCT regarding any additional properties not identified by the Contractor that should be considered Extremely Fragile.

2. These plans shall be developed, as directed by the contract documents, for those properties specified in Stipulation III Site-Specific Mitigation and Contract Provisions and shall include requirements for pre-and post-construction surveys conforming to industry standards, construction monitoring, and other measures to minimize harm to historic properties. The BSMT shall be responsible for overseeing the development of these plans, in consultation with the BSHCT, who will help identify appropriate structures to monitor.
3. The BSMT or its designee will make the determination whether damage has occurred to historic properties identified in the Section 106 process as a result of Project activities.
4. The BSMT shall be responsible for repair of any blast and vibration damage to historic properties. Any repairs shall be coordinated in advance with the respective SHPO to ensure they are carried out in accordance with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Secretary’s Standards).
5. Where access to privately owned property is necessary for monitoring or damage repair, consent shall be obtained prior to entry.

M. Timing of Construction Activities - Provisions shall be included in the Project contracts that limit construction activities and construction noise during specific periods of time such as holidays or special events. The

contractor shall comply with all relevant local noise ordinances. Activities that create high levels of construction noise, such as pile driving and blasting, shall not be conducted between the hours of 6:00 a.m. and noon on Sundays without the prior approval of the BSMT. The BSMT shall develop these provisions, with input from the BSHCT and HPATs. If any modification to these provisions are made after the construction contract is awarded, the BSMT shall discuss the modifications with the BSHCT and the HPATs.

N. No-Work Zones – A “no-work zone” will be established on construction plans and in the contract documents within the National Register boundaries. A “no-work zone” for a historic property is an area where any potentially damaging Project activities such as storage yards, waste disposal, borrow pits, staging areas, or other related activities shall not be permitted. State-owned right-of-way within historic districts is exempt from this restriction. “No-work zones” will be designated in the plans and contract documents by note. The BSMT shall discuss with the BSHCT regarding the protective measures to be used by the Contractor to protect the “no-work zones.”

O. Smart Growth Conference - KYTC, in cooperation with FHWA, INDOT, ACHP, SHPOs, and appropriate local government organizations, sponsored a Smart Growth Conference for the Louisville – Southern Indiana Region to inform local governments about the opportunities of smart growth to promote changes in local land use planning in a manner that provides for maximum efficiency within the transportation projects while promoting the preservation of historic properties within the region. The conference was held September 18-20, 2006, and it involved local and national experts in the field and provided model ordinances and other materials that can be used by local governments in the implementation of new measures for this region.

P. Education and Interpretation

1. In developing materials for public education and interpretation, FHWA will continue to ensure that sensitive information about the location and nature of archeological resources identified in the APE is withheld or disclosure limited pursuant to Section 304 of the National Historic Preservation Act.

2. KYTC and INDOT, in consultation with FHWA, the respective SHPOs, Indian Tribes, the HPATs, and other parties deemed appropriate by FHWA, shall develop a popular report, in plain English intended for the general public, describing the history, historic properties, and archeological resources identified within the APE. The parties shall consult regarding the format, content, and style of the report. FHWA shall provide an opportunity for the parties to comment on the draft(s) of the report. The parties shall have thirty (30) days from receipt of the draft to provide written comments. FHWA will consider these comments in preparing the final draft of the popular report. Copies of the final report shall be distributed to the SHPOs, parties, and public libraries and museums within the Broad APE.
3. In consultation with the FHWA, ACHP, KYSHPO, Indian Tribes, and the KHPAT, KYTC developed an exhibit for display in the museum to be established at the Trolley Barn. The exhibit showcases local history and the historic properties identified during the Project within a regional context and educates visitors about the Federal regulatory process.
 - a. KYTC ensured that the exhibit was prepared by a professional in the development of museum exhibits.
 - b. During its preparation, KYTC ensured that the parties had opportunities to review and provide comments on the proposed exhibit.

Q. Traffic Monitoring Plan

The BSMT shall conduct pre- and post-construction traffic monitoring studies to assess the extent to which the Project has caused changes in traffic patterns within the Extensions to the APE, and shall consult with the BSHCT and HPATs regarding the results of those studies, in accordance with the following provisions:

1. The BSMT shall be responsible for preparing a plan for carrying out the traffic monitoring studies required by this stipulation. The BSMT shall prepare this traffic monitoring plan in consultation with the BSHCT and HPATs. The BSMT shall finalize the traffic monitoring plan within six months after issuance of the Record of Decision. Once approved by the BSMT, the final traffic monitoring plan shall be made publicly available on the project website and shall remain available on the project website until the requirements of this stipulation have been fulfilled.
2. The traffic monitoring plan shall address:

- a. the timing of pre-construction and post-construction traffic monitoring, subject to paragraph 3 of this stipulation;
 - b. the locations at which the monitoring will occur;
 - c. the methods for conducting the monitoring;
 - d. the process for providing the BSHCT and HPATs with an opportunity to review and comment on the results of the pre-construction and post-construction monitoring studies; and
 - e. identification of the measured difference in traffic volume that will be considered an indicator of significant change between the pre-construction and post-construction conditions.
3. The pre-construction traffic monitoring shall occur no more than six months prior to the start of construction of the Project. For purposes of this stipulation, the “start of construction” refers to initiation of activities (e.g., lane closures) that materially affect the flow of traffic. FHWA shall be solely responsible for determining the “start of construction” date for purposes of this stipulation.
 4. The post-construction traffic monitoring shall commence no sooner than 12 months after the completion of construction and conclude no later than 15 months after the completion of construction of the Project. For purposes of this stipulation, the “completion of construction” refers to the date on which all lanes that have been constructed or reconstructed as part of this Project are open to traffic and tolling is in effect. FHWA shall be solely responsible for determining the “completion of construction” date for purposes of this stipulation.
 5. Within 3 months after completion of the post-construction monitoring studies, the BSMT shall consult with the BSHCT and HPATs regarding the results of those studies. The members of the BSHCT and HPATs will be given an opportunity to present their views regarding the effects of any changes in traffic patterns on historic properties within the Extensions to the APE. The BSMT will consider the views of the BSHCT and HPATs in deciding which strategies, if any, should be implemented to address the effects of changes in traffic patterns within the Extensions to the APE.
 6. After consultation with the BSHCT and HPATs, the BSMT shall determine whether any measures, including any of the recommendations of the BSHCT and HPATs, should be implemented to address the effects of changes in traffic patterns within the Extensions to the APE.

R. Construction Traffic

The BSMT shall consult with local authorities and the BSHCT, throughout the life of construction, to identify maintenance of traffic strategies to mitigate traffic changes caused by construction. These traffic strategies could include such operational changes as restricting access, official detours, limiting truck traffic, traffic controls, and traffic calming measures during the construction phase of the project.

III. SITE SPECIFIC MITIGATION

A. Train Depot – Indiana

1. The BSMT will include streetscape improvements within the limits of the Project and through the Spring Street frontage of the Depot consistent with Stipulation II.J. These improvements may include curbing, ornamental street lighting and tree planting developed with input from the IHPAT and recommended for the Project by the BSHCT.
2. INDOT acquired this property at the fair market value and from a willing seller. Because the property was acquired, the following additional stipulations apply:
 - a. The BSMT will make a reasonable effort to make the building on this property available during the construction period to house personnel assigned to the Project and the Ombudsman included for the Indiana portion of the Project. Any activities in the building or on the property shall be permitted only after consultation between the BSMT and the INSHPO.
 - b. INDOT held the construction letting for rehabilitation work to the Train Depot on April 13, 2011 with 100% state funds. The work to rehabilitate the Train Depot was undertaken in consultation with the INSHPO and in accordance with the Secretary's Standards.
 - c. A preservation easement shall then be placed on the property consistent with Stipulation II.H and the property shall be sold at fair market value to a preservation organization or other party acceptable to the BSHCT or donated to a local government.
3. INDOT has acquired the Train Depot property; therefore, no alternative mitigation measures are needed and this stipulation has been eliminated.
4. INDOT developed documentation for and sought NRHP nomination as set forth in Stipulation II.I. The Train Depot, called the Spring Street Freight House in the NRHP nomination, was listed in the NRHP on March 7, 2007.

5. In consultation with the IHPAT and the INSHPO, the BSMT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility to explain its historic significance.

B. Colgate-Palmolive Historic District

1. The property owner at the time of the Original MOA did not grant INDOT property access or consent to develop documentation and seek NRHP nomination as set forth in Stipulation II.I. Therefore, a documentation report was prepared and submitted to the INSHPO in lieu of a nomination form. On March 8, 2007, the INSHPO indicated that the documentation report satisfied the requirements of this stipulation. Given that the property has changed ownership since the preparation of the documentation report, the BSMT will develop documentation and seek NRHP nomination as set forth in Stipulation II.I. If the property owner does not consent to NRHP listing, no further action is required since a documentation report was already prepared and approved by the INSHPO.
2. In consultation with the IHPAT and the INSHPO, the BSMT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility, to explain the historical importance of the site, its evolution, and its importance to the economic growth of the region.

C. Ohio Falls Car and Locomotive Company Historic District

1. INDOT developed documentation and sought NRHP nomination as set forth in Stipulation II.I. The nomination was considered for approval at the April 22, 2009 meeting of the Indiana Historic Preservation Review Board (Board). The Board determined the property to be eligible for listing in the NRHP and instructed the INSHPO staff to forward the nomination to the Keeper of the NRHP for official listing. However, the Keeper advised that the objections of a majority of the owners of the historic district effectively blocked the listing of the historic district in the NRHP.
2. In consultation with the IHPAT and the INSHPO, the BSMT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility, to explain the historical significance of the site, its evolution, and its importance to the economic growth of the region.

3. Prior to initiating construction activities in this section of the Project, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the District as set forth in Stipulation II.L.

D. George Rogers Clark Memorial Bridge

1. The BSMT shall make every reasonable effort to avoid displacement of the historic bridge pylons on the Indiana approach to the Clark Memorial Bridge (US 31).
2. In the event displacement of the bridge pylons cannot be avoided, the BSMT, in consultation with FHWA and the HPATs, shall develop and implement a Treatment Plan which will include measures designed to minimize damage to the original contributing elements to the structure, including retaining walls and administration building. The Treatment Plan shall include documentation on the original bridge pylons, retaining walls and other features within the Project limits at a level to be agreed upon by the parties noted above, and shall include recommendations for historically appropriate lighting where it is necessary to replace the existing fixtures.
3. The BSMT shall make every reasonable effort to relocate the pylons in a way that will ensure protection of the NRHP designation for the bridge.
4. Prior to initiating construction activities in this section of the Project, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the bridge and administration building, as set forth in Stipulation II.L

E. Old Jeffersonville Historic District

1. INDOT developed an HPP for the property as set forth in Stipulation II.F. The HPP provides a context and other information for use in developing streetscape improvements, relocating contributing houses, and designing pedestrian friendly facilities under the bridges as outlined below. The HPP also includes guidelines and/or best practices for the selection and implementation of noise abatement measures in a manner so as not to compromise the historic integrity of the district. The HPP will

- be updated to reflect Project design modifications and changes to the historic district neighborhood.
2. The HPP was presented to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan and to inform the community and local government of additional historic preservation threats and opportunities.
 3. The BSMT will design and construct streetscape improvements along city streets within the historic district between Spring Street and the Project, as set forth in Stipulation II.J, taking into consideration the type of improvements on Market Street and Spring Street by the City of Jeffersonville.
 4. The BSMT shall design and construct pedestrian friendly facilities within Indiana right of way under the new bridge and existing John F. Kennedy Bridge. These facilities shall include amenities such as opportunities for public art, lighting, and other treatments as set forth in Stipulation II.J and will be in keeping with the context identified in the HPP for the Old Jeffersonville Historic District.
 5. The BSMT shall minimize spacing between the proposed new downtown bridge along the C-1 alignment and the existing John F. Kennedy (I-65) Bridge consistent with prudent engineering principles.
 6. The BSMT will develop and implement a highway signage plan that minimizes the number of overhead directional signs on the approach spans to the bridge, while preserving and improving highway safety.
 7. The BSMT, in consultation with INSHPO and FHWA, will make a reasonable effort to relocate the five contributing structures that would otherwise be demolished by the Project, including those located at 115 Fort Street, 116 Fort Street, 502 West Market Street, 432 West Riverside Drive, and 502 West Riverside Drive, to available vacant lots within the Historic District.
 - a. During the acquisition phase, the BSMT, in consultation with the INSHPO, will make a reasonable effort to purchase vacant lots within the historic district from a willing seller at fair market value, then move and place the houses on new foundations in accordance with the approaches recommended in *Moving Historic Buildings* (John Obed Curtis, 1979, American Association for State and Local History), and by a professional who has the capability to move historic buildings properly. The relocated buildings will be made available for sale at fair market value on the open market.
 - b. The BSMT shall place a preservation easement on these relocated historically significant houses as set forth in Stipulation II.H.

- c. The BSMT shall stipulate through a covenant that the purchaser must occupy the house for 5 years and maintain the property in accordance with preservation standards acceptable to the INSHPO.
8. If the BSMT is unable to obtain suitable property within the historic district for the relocation of any of the structures referenced above, the BSMT, in consultation with the INSHPO, shall prepare and implement a marketing plan to market the building(s) for relocation by others at a nominal fee.
 - a. The plan shall include information about the building(s), including photographs and information on the property's significance, cost, and tax benefits of rehabilitation; notification that the recipient will be required to rehabilitate the building(s) in accordance with the Secretary's Standards; a distribution list of potential purchasers or transferees; an advertising plan and schedule; and a schedule for receiving and reviewing offers.
 - b. Upon INSHPO's agreement with the marketing plan, the BSMT shall implement the plan for a minimum of six months.
 - c. The BSMT shall review all offers in consultation with INSHPO prior to acceptance.
9. If there is no acceptable offer in accordance with Stipulations III.E.7-8 above that will conform to the requirements for rehabilitation and maintenance, the BSMT, with the approval of INSHPO, may donate the property to a local government.
10. The BSMT shall design and construct roadway lighting in the viewshed of the historic district as set forth in Stipulation II.D.
11. The BSMT shall implement noise abatement measures where Project noise is expected to affect the historic district as set forth in Stipulation II.E.
12. Timing of construction activities shall be scheduled in accordance with Stipulation II.M.
13. Prior to initiating construction activities, the BSMT shall ensure that construction contractors shall develop and implement blasting/vibration plans for properties abutting the Project to avoid damage to listed and eligible historic properties in accordance with Stipulation II.L.

F. INAAP Igloo Storage Historic District

Prior to initiating construction activities, the BSMT will ensure that the construction contractor will develop and implement a blasting/vibration plan for the Project in consultation with the River Ridge Development

Authority and the INSHPO to avoid damage to this property as set forth in Stipulation II.L. This plan shall include provisions for blast monitoring and repair if the River Ridge Development Authority grants permission and access.

In consultation with the HPATs, the BSMT shall make a reasonable effort to develop and place a roadside historical marker for the INAAP Igloo Storage Historic District as set forth in Stipulation II.K near the facility, to explain the historical significance of the site, if the River Ridge Development Authority agrees.

G. Lentz Cemetery

1. Prior to initiating construction activities, the BSMT will ensure that the construction contractor will develop a blasting/vibration plan for the Project to avoid damage to this property as set forth in Stipulation II.L.
2. The BSMT will design the section of roadway adjacent to the cemetery to minimize noise impacts to this property and complement the refinement with landscaping within the public right of way whenever appropriate.

H. Lime Kilns within the Utica Lime Industry Multiple Property Listing

1. The BSMT shall develop a HPP in accordance with Stipulation II.F to include a Context Study focusing on the development of the lime industry within the region and including the identification of significant lime industry structures with recommendations for preservation of the history of the lime industry in Utica Township/Southern Indiana. In consultation with the INSHPO, INDOT will develop and publish a pamphlet for public distribution presenting the results of the lime industry study.
2. Prior to initiating any construction activities within 1,000 feet of the individual lime kilns districts, the BSMT shall prepare a Condition Report of these resources that includes photographs to serve, in part, as a baseline to measure any construction related damage that may occur to the kilns. The documentation shall be at a level agreed upon between INDOT and INSHPO.
3. Prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the three lime kilns identified as IE-HC-48002, IE-HC-48003, and IE-HC-48004 and associated archaeological sites 12 Cl 561 and 12 Cl 934 as set forth in Stipulation II.L. The location of these three kilns

shall be noted in the plans for the contractor's use to protect these resources. This plan shall include provisions for construction monitoring for this property.

4. The BSMT shall delineate a "no-work zone" around lime kilns identified as IE-HC-48001, IE-HC-48002, IE-HC-48003, and IE-HC-48004 and associated archaeological sites 12 Cl 551, 12 Cl 561, and 12 Cl 934, as set forth in Stipulation II.N. The "no-work zone" shall generally extend 100 feet from the kilns. Because the associated quarries do not require preservation in place, portions of the quarries beyond the 100-foot boundary are not included within this restriction. Quarries that are adversely affected by the Project will be documented at a level agreed upon by INDOT and the IN SHPO.
5. The BSMT shall repair any damage caused as a result of Project construction to the three lime kilns, noted above, in accordance with accepted preservation standards and in consultation with the INSHPO.
6. The lime kiln identified as IE-HC-48004 has been determined to fall within the Clark County owned right-of-way of Upper River Road; the BSMT will work with Clark County to place a preservation easement for kiln IE-HC-48004 as set forth in Stipulation II.H
7. The BSMT, in consultation with INSHPO, will develop and place an interpretive marker along Utica Pike as set forth in Stipulation II.K that describes the importance of the lime industry in the area and the significance of the kilns and quarries.
8. The BSMT will develop documentation for and seek NRHP nomination for the lime kilns and associated quarries as set forth in Stipulation II.I.

I. Swartz Farm Rural Historic District

The Swartz Farm Rural Historic District is no longer eligible for the National Register as the farmhouse was razed by the property owner and the Central Passage House was determined to be not eligible for individual listing; therefore, this stipulation has been eliminated. Documentation developed prior to the demolition will be made available to the public.

INDOT will coordinate with the appropriate historic preservation organization to publicly advertise the Central Passage House for purchase (or, if possible under Indiana law, donation) and relocation by others at least three (3) months prior to the scheduled demolition of the Central Passage House. If a third party decides to purchase or otherwise accept ownership of the structure, the third party will bear the costs of relocation. For INDOT to approve the sale or donation, the potential buyer or donor must demonstrate their ability to complete relocation of the structure at

least 3 months prior to scheduled demolition of the Central Passage House.

J. Trolley Barn

KYTC ensured that any rehabilitation of the Louisville Railway Complex (Trolley Barn), associated with Project, was developed and implemented in consultation with the KYSHPO to ensure that plans are in conformance with the Secretary's Standards for Rehabilitation.

K. Butchertown Historic District

1. The BSMT shall develop a new HPP for the property as set forth in Stipulation II.F. The HPP shall include recommended measures for context sensitive design, noise abatement, streetscape improvements, and interpretive signage along East Main Street which shall be implemented as part of the Project to mitigate adverse effects to the historic district and provide additional strategies for rehabilitation and reuse of buildings and grounds that could enhance the district. The HPP shall develop a thematic context to assist with future nominations in the region. The HPP shall be coordinated with the latest development plans available from the Louisville/Jefferson County Metro Government (Metro Government) that affect the historic district and East Downtown area.
2. The Witherspoon Extension is no longer part of the Project; therefore, this stipulation has been eliminated.
3. The Witherspoon Extension is no longer part of the Project and the Kennedy Interchange is being reconstructed at its existing location; therefore, this stipulation has been eliminated.
4. Because the Kennedy Interchange will be reconstructed at its existing location, the Project will not change existing or future noise levels at Edison House; therefore, this stipulation has been eliminated.
5. Because the Kennedy Interchange will be reconstructed at its existing location, the Project will not change existing or future noise levels at Wesley House therefore; this stipulation has been eliminated.
6. Because the Kennedy Interchange will be reconstructed at its existing location, the Project will not change existing or future noise levels at St. Joseph's Church; therefore, this stipulation has been eliminated.
7. Because the Kennedy Interchange will be reconstructed at its existing location, the Project will not change existing or future

noise levels at Franklin Street Baptist Church; therefore, this stipulation has been eliminated.

8. Due to its change in use, the Marcus Lindsay Methodist Church is no longer a noise sensitive use; therefore, this stipulation has been eliminated.
9. Grace Immanuel United Church of Christ - During the development of detailed plans and in consultation with the Church and KYSHPO, KYTC will conduct a noise study to determine whether interior noise abatement measures are justified for the Church. Noise abatement will be considered in accordance with Stipulation II.E. if predicted noise levels exceed the interior noise abatement criteria.
10. Grocers Ice and Cold Storage Company (601 – 615 East Main Street) – This building has been purchased by KYTC; however, only the westernmost portion of the building is required for construction of the Project. A treatment plan for the adaptive reuse of the eastern portion of the Grocers Ice and Cold Storage Company was completed.

The BSMT shall make a reasonable effort to incentivize the reinvestment in this property. Reasonable measures to minimize the acceptable acquisition costs for an interested buyer shall be pursued including, but not limited to, consideration of demolition savings that will result from identification of a buyer, reduced land value as a result of establishing a preservation easement, etc.

Potential buyers shall be identified by:

- i. Coordination with Louisville Metro Government (Metro) to facilitate the donation of the property to Metro and its resale, with a preservation easement to be held by the KHC; or,
- ii. Public advertisement for a minimum of thirty (30) days to determine if there are parties interested in the reuse of the eastern portion of the building. If no such parties are identified, the BSMT shall notify the KHC of this result. KYTC may proceed with demolition of that portion of the property within the project right of way and shall assure that the walls separating the two portions of the structure are stabilized and weatherproofed. BSHCT shall be afforded a period of 12 months from the close of the advertising period to assist in identification of an interested buyer for the property.

A preservation easement, to be held by KHC, shall be placed on the property upon transfer. BSMT shall be responsible for

preparing documentation of the existing condition of the property (Baseline Documentation) in accordance with KHC Standards.

If a buyer cannot be identified by the KHC within the allotted time, the BSMT shall develop State-Level 1 Documentation of the property. No demolition of any of the buildings will occur until such time that the data necessary for development of the State Level 1 documentation has been collected.

11. Mellwood/Story Connection – The BSMT conducted a study of the Mellwood Avenue – Story Avenue Connector during the development of detailed plans in order to evaluate the elimination of this proposed connector and restoration of two-way traffic flow on Mellwood Avenue and Story Avenue. Results of the study were provided to the KHPAT for review and comment and were reported in the Progress Reports provided for in Stipulation IX.
12. The BSMT shall design and construct streetscape improvements on East Main Street as set forth in Stipulation II.J, in accordance with provisions of the HPP and the Kentucky Heritage Council’s streetscape design guidelines.
13. Because of design changes, the Project will not change access to Waterfront Park through Butchertown; therefore, this stipulation has been eliminated.
14. The BSMT shall design and construct Project roadway lighting within the viewshed of the historic district as set forth in Stipulation II.D.
15. The BSMT shall implement noise abatement measures wherever Project noise is expected to adversely affect the historic district as set forth in Stipulation II.E.
16. Prior to initiating construction activities in this section, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the District as set forth in Stipulation II.L

L. Phoenix Hill Historic District

1. KYTC developed an HPP for the Phoenix Hill Historic District as set forth in Stipulation II.F. The HPP includes recommended measures for context sensitive design, noise abatement, streetscape improvements, gateway elements, and interpretive signage along Main and Market Streets which shall be implemented as part of the Project to mitigate adverse effects to the historic district, as well as additional recommendations for measures to enhance the historic district and include strategies for rehabilitation and reuse of the buildings and grounds that lie within the historic district. The HPP

includes a thematic context to assist with future nominations in the region. The HPP was coordinated with the latest development plans available from the Metro Government that affect the historic district and East Downtown area. The HPP will be updated to reflect Project design modifications and changes to the historic district neighborhood.

2. The BSMT shall design and construct Project roadway lighting as set forth in Stipulation II.D.
3. Because Baer Fabrics Company is no longer located within this historic property, this stipulation has been eliminated. Full documentation of the building has been completed. This document identified salvageable historic materials. KYTC shall offer these materials to museums in Jefferson County. If no museums in Jefferson County request the materials, they shall be offered to other museums in Kentucky. Any salvageable materials not claimed by museums shall be sold to the public by KYTC in accordance with applicable procedures.
4. In consultation with the KYSHPO and the Metro Government, the BSMT shall develop a treatment plan for rehabilitation of the Vermont American Buildings affected by the Project and to explore options for their re-use. The BSMT shall undertake the rehabilitation of the exterior of the building, if recommended in the treatment plan, as a part of the Project.
5. St. John's Church - During the development of detailed plans and in consultation with the Church and KYSHPO, the BSMT will conduct a noise study to determine whether interior noise abatement measures are justified for the Church. Interior noise abatement will be considered, in accordance with Stipulation II.E, if the predicted noise levels exceed the interior noise abatement criteria.
6. Refuge in Kentucky Church - During the development of detailed plans and in consultation with the Church and KYSHPO, the BSMT will conduct a noise study to determine whether interior noise abatement measures are justified for the Church, Day Care Center, and School. Interior noise abatement will be considered, in accordance with Stipulation II.E, if the predicted noise levels exceed the interior noise abatement criteria.
7. The BSMT shall place interpretative signage as set forth in Stipulation II.K within the historic district to explain its historic significance.
8. The BSMT shall include streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-65 Bridge as set forth in Stipulation II.J and in accordance with provisions of the HPP and the Kentucky Heritage Council's streetscape design guidelines.

9. Prior to initiating construction activities in this section, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the District as set forth in Stipulation II.L.

M. Country Estates Historic District/River Road Corridor

1. The BSMT developed an HPP as set forth in Stipulation II.F which identifies the context and provides recommended measures for context sensitive design, noise abatement, roadway lighting, blasting and vibration plans, and interpretive signage which shall be implemented as part of the Project to mitigate adverse effects to the historic district and individual properties within the vicinity of the construction of the A-15 Corridor. The HPP will be updated to reflect Project design modifications. The HPP shall specifically consider and develop recommendations for the following historic properties:
 - a. Country Estates of River Road Historic District, including individually listed National Register properties within the District,
 - b. James T. Taylor/James W. Chandler House,
 - c. Merriwether House,
 - d. Upper River Road Bridge over Harrods Creek,
 - e. Harrods Creek Village Historic District,
 - f. Allison-Barrickman House and adjacent field,
 - g. St. Francis in the Fields Church,
 - h. Belleview, and
 - i. Rosewell

The Determan House and Shildknecht House, which were previously discussed in the Country Estates of River Road/River Road Corridor HPP, will be addressed in the Ohio River Camps Group HPP.

2. The BSMT shall design and construct the proposed roadways, bridges, and tunnels from I-71 to the Ohio River as set forth in Stipulation II, taking into consideration the cultural landscapes that are an important contributing element to the historic district. Special attention will be given to viewsheds that are significantly affected and will focus on the development and implementation of creative strategies for mitigating those impacts. This may include landscaping of public rights of way and on private land should the property owner's consent be given. The HPATs will be involved in the development of the contract provisions, as described in Stipulation I.A.9.

3. The BSMT shall design and construct Project roadway lighting within the viewshed of the historic district as set forth in Stipulation II.D.
4. The BSMT shall implement noise abatement measures where Project noise is expected to affect the listed and eligible properties as set forth in Stipulation III.M.1.a – i in accordance with Stipulations II.E.
5. Prior to initiating construction activities, the BSMT shall ensure that construction contractors shall develop and implement blasting/vibration plans for this portion of the Project to avoid damage to the listed and eligible properties as set forth in Stipulation III.M.1.a – i, including the Strater House, in accordance with Stipulation II.L.
6. The BSMT shall define a “no-work zone” within the National Register boundaries of the listed and eligible properties as set forth in Stipulation III.M.1.a – i in accordance with Stipulation II.N.

N. Drumanard

1. The Project through this property will be contained in a tunnel so as to limit adverse effects to the historic property.
2. Prior to initiation of construction activities on the A-15 Corridor, the BSMT shall make every effort to acquire or otherwise establish an historic preservation easement for the entire Drumanard historic property as set forth in Stipulation II.H. The easement shall be held by the KYSHPO.
3. If the BSMT cannot acquire an historic preservation easement, then the BSMT will acquire the Drumanard property, place an historic preservation easement on the property, and seek to sell the property at fair market value to a preservation organization or other party acceptable to the BSHCT or donate the property to a local government. The current owner will have first right of refusal.
4. Prior to initiating construction activities, the BSMT will ensure that the construction contractor shall develop and implement a blasting/vibration plan for the Project to avoid damage to the historic structures within the property as set forth in Stipulation II.L. During construction activities on and around the property, the BSMT shall monitor the historic buildings to preclude impacts due to blasting or vibration. The adjacent Strater House, a contributing element in the Country Estates of River Road Historic District, shall also be addressed in the blasting/vibration plan, as described in Stipulation II.L.

O. Allison-Barrickman House

1. The BSMT shall make reasonable efforts to acquire a preservation easement on the tract of land within the National Register boundary of the Allison-Barrickman house and an easement on the surrounding property bounded by US 42 to the west, KY 841 to the north, and Wolf Pen Branch Road to the south and east, as set forth in Stipulation II.H.
2. The BSMT shall implement noise abatement measures as set forth in Stipulation II.E.
3. The BSMT shall define a “no-work zone” within the National Register boundary of the property as set forth in Stipulation II.N.
4. Prior to initiating construction activities, the BSMT shall ensure that construction contractors shall develop blasting/vibration plans for this portion of the Project to avoid damage to the Allison-Barrickman house as set forth in Stipulation II.L.

P. Rosewell

1. The BSMT developed and will implement a Treatment Plan in consultation with the KYSHPO, FHWA, and KHPAT to minimize damage to the historic property.
2. KYTC acquired the Rosewell property at the fair market value and from a willing seller.
3. Immediately following its acquisition and implementation of the treatment plan, the BSMT shall place a preservation easement on the property as set forth in Stipulation II.H and sell the property to a local historic preservation organization or other party acceptable to the BSHCT or donate the property to a local government. KYSHPO shall hold the easement. If sold, the current owner will have first right of refusal.
4. The BSMT shall design and construct roadway lighting as set forth in Stipulation II.D.
5. The BSMT shall implement noise mitigation measures as set forth in Stipulation II.E.
6. Prior to initiating construction activities, the BSMT shall ensure that the construction contractors shall develop blasting/vibration plans for this portion of the Project to minimize damage to the house as set forth in Stipulation II.L.

7. The BSMT shall define a “no-work zone” within the National Register boundary of the property as set forth in Stipulation II.N.

Q. Belleview

1. The BSMT shall design the Ohio River Bridge and embankment adjacent to Belleview as set forth in Stipulation II taking into account the cultural landscape associated with this historic property. Context sensitive landscaping and other visual treatments, in accordance with Stipulation II.C, will be considered on or adjacent to the national register boundary, with owner consent and maintenance.
2. The BSMT shall design and construct roadway lighting within the viewshed of Belleview as set forth in Stipulation II.D.
3. The BSMT shall implement noise mitigation measures as set forth in Stipulation II.E.
4. Prior to initiating construction activities, the BSMT shall ensure that construction contractors develop blasting/vibration plans for this portion of the Project to avoid damage to the historic buildings as set forth in Stipulation II.L.
5. The BSMT shall define “no-work zones” within the National Register boundary of the historic property as set forth in Section II.N.

R. MPDF Ohio River Camps Group

1. To support the creation of the Ohio River Camps Group HPP, the BSMT shall develop a Context Study focusing on recreation along the Ohio River within the region and including the identification of significant riverfront properties during the period 1870-1970 (e.g. sites identified in the Jefferson County Inventory and Survey of Historic Sites Update as belonging to the Multiple Property Documentation Form for the Ohio River Camps group/district) with recommendations for preservation.

IV. ARCHAEOLOGICAL RESOURCES

A. Implementation Standards

1. In implementing Stipulation IV, FHWA may withhold or limit public disclosure of information about historic properties in accordance with Section 304 of the National Historic Preservation Act and 36 CFR §800.6(a)(5) and 36 CFR §800.11 (c).
2. FHWA shall ensure that consultation with Indian Tribes is conducted in a manner which is consistent with 36 CFR §§ 800.2 (c)(2)(ii)(A), (B), and (C). Using the phrase “Indian Tribes when appropriate” means to consult with an Indian tribe that might attach religious and cultural significance to an historic property.
3. In order to maximize the opportunity to avoid adverse effects, FHWA will make every effort to complete identification and evaluation of archeological resources at the earliest possible time in Project design.
4. In implementing Stipulation IV, FHWA may consult with the parties listed in Attachment F and others identified in accordance with 36 CFR §800.2(c)(2)(ii) and 36 CFR §800.2(c)(5).
5. FHWA, in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, will take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Indian Tribes, including modification of the Project.

B. Identification

1. Before advancing any type of Project construction in the APE or selecting sites for ancillary activities associated with the Project, FHWA shall complete the identification and evaluation of archeological resources for inclusion in the NRHP in accordance with applicable Federal and state standards and guidelines listed in Stipulation VIII.B.
2. FHWA shall examine all locations where ground-disturbing activities are proposed or where they may occur within temporary easements and permanent right of way. These locations may include, but are not limited to, roadway cuts and fills, bridge foundations, tunnel shafts, drainage excavations, waste areas, borrow sites, dredge disposal sites, construction staging areas, storage areas, and wetland and other mitigation sites.
3. In ensuring that any human remains and grave goods identified are treated in a sensitive, respectful and careful manner, FHWA shall be guided by the ACHP’s Policy Statement Regarding Treatment

of Human Remains and Grave Goods (September 27, 1988), the 2007 Human Remains Treatment Protocol developed for the Project (Attachment G), and where appropriate other guidelines, such as the Eastern Band of Cherokee Indians (EBCI) Treatment Guidelines for Human Remains and Funerary Objects, and the following conditions:

- a. FHWA will make every reasonable effort to avoid disinterment or disturbance of human remains and grave goods during identification and evaluation.
 - b. FHWA will 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 these remains. If, in consultation with the SHPO, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, FHWA determines that this information cannot be obtained without disturbance to the human remains and/or grave goods, FHWA may remove the remains for study.
 - c. FHWA will ensure that human remains and/or grave goods are not photographed or subject to invasive study during the identification and evaluation phases.
 - d. In the event that human remains and/or grave goods that may be of religious or cultural significance to Indian Tribes are identified, FHWA shall provide written notification and documentation to the appropriate SHPO, Indian Tribes, and other parties deemed appropriate by FHWA who have requested such notification within 48 hours following the identification, and shall consult with them to determine a specific protocol for addressing the possible analysis, interim curation, and, if necessary, the reburial of the remains.
4. A Plan(s) for the identification and evaluation of archeological resources will be developed by FHWA in consultation with the SHPOs, Indian Tribes when appropriate, and other deemed appropriate by FHWA. Preparation of the Plan(s) for identification and evaluation will be guided by each state's standards for conducting fieldwork and reporting and the archeological component of each state's Historic Preservation Plan.
- a. FHWA shall provide the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, thirty (30) calendar days from the day of confirmed receipt, to review and provide comments on the Plan(s). The final Plan(s) shall address comments received.
 - b. If no response is received within 30 days of confirmed receipt, FHWA may proceed with its Plan(s).

- c. Any dispute regarding the Plan(s) shall be resolved in accordance with Stipulation XIII.
5. FHWA shall prepare and distribute final Identification and Evaluation reports in accordance with Stipulation IV.F.

C. Evaluation

1. The studies completed pursuant to Stipulation IV.B shall demonstrate a level of effort consistent with 36 CFR § 800.4(b)(1) and provide FHWA with the information to determine which archeological resources are eligible for inclusion in the NRHP in accordance with 36 CFR § 800.4(c). The FHWA shall acknowledge and seek the special expertise of Indian Tribes in assessing the eligibility of historic properties that may possess religious and cultural significance to them.
2. If the FHWA determines any of the National Register criteria are met and the appropriate SHPO agrees, the archeological resource shall be considered eligible for the National Register and treated in accordance with the Stipulations IV.D and IV.E.
3. If FHWA and the appropriate SHPO do not agree on NRHP eligibility, the FHWA shall seek a formal determination of eligibility from the Keeper of the NRHP.
4. If FHWA and the SHPO agree that the archeological resource is not NRHP eligible, then no further action is necessary under the terms of this First Amended MOA unless there is a written objection submitted in accordance with Stipulations IV.C.5 and IV.C.6.
5. FHWA shall notify the Indian Tribes and other parties whom so request of its findings regarding eligibility.
6. If a party who has been so notified objects in writing within 15 days to FHWA's determination of eligibility, even though FHWA and the appropriate SHPO may agree, FHWA shall reconsider its determination, consult with the appropriate SHPO, Indian Tribes, and the objecting party in accordance with 36 CFR § 800.4 (c)(2), and review any evidence brought forward prior to making a decision.

D. Assessment of Effects

1. In consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, FHWA shall determine if the Project will adversely affect archeological resources determined eligible for inclusion in the NRHP pursuant

to 36 CFR § 800.5, including those archeological sites identified in Attachment D.

2. If, in consultation with the SHPO, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, FHWA determines the Project may adversely affect eligible archeological resources; the FHWA shall make reasonable efforts to avoid or minimize the adverse effect. If, in consultation with the SHPO, Indiana Tribes when appropriate, and other parties deemed appropriate by FHWA, FHWA determines it is not possible to avoid disturbance, then FHWA shall treat the archeological resource in accordance with Stipulation IV.E.
3. Any dispute regarding the determination of effects on eligible archaeological resources shall be resolved in accordance with Stipulation XIII.

E. Treatment

1. If FHWA, in consultation with the SHPOs, and the Indian Tribes when appropriate, and other parties deemed appropriate by FHWA, determines that the adverse effect cannot be avoided or minimized, then the FHWA shall develop and implement a Treatment Plan(s), as part of the above consultation, to mitigate the adverse effects to an archeological resource on a site-by-site basis. The implementation of the Treatment Plan must be completed for each site prior to the initiation of any Project construction activities within a segment that could affect that site. The Treatment Plan(s) shall specify at a minimum:
 - a. Description of the historic properties or portions of historic properties where treatment will be carried out,
 - b. Description of any historic property or portion thereof that will be adversely affected without treatment for such action,
 - c. Methods for site preservation/protection,
 - d. Research questions to be addressed through data recovery with a clear and explicit discussion of their scientific justification and an explanation of their relevance and importance, which is guided by the archeological component of the respective state's Historic Preservation Plan,
 - e. Field methods to be used with an explanation of their relevance and applicability to the scientific research questions,

- f. Methods to be used in data analysis, data management and dissemination of data, including a schedule,
 - g. Plans for the treatment of human remains and grave goods developed in accordance with Stipulation IV.E.2,
 - h. Plans for curation of recovered materials and records,
 - i. Provisions for reburial of human remains and grave goods where appropriate, including timeframes for analysis and reburial,
 - j. Plans for public education and interpretation,
 - k. Plans for keeping the SHPOs, Indian Tribes, and other appropriate parties informed of work progress and findings, and
 - l. A schedule for the submission of reports and other deliverables.
2. Plans addressing the treatment of human remains and grave goods, as provided for in Stipulation IV.E.1.g, shall be guided by the ACHP's Policy Statement Regarding Treatment of Human Remains and Grave Goods (September 27, 1988), the Human Remains Treatment Protocol developed for the Project (Attachment G), and where appropriate other guidelines, such as the Eastern Band of Cherokee Indians (EBCI) Treatment Guidelines for Human Remains and Funerary Objects. In determining how to treat human remains and grave goods, FHWA shall also be guided by the following considerations:
- a. Burials that will not be threatened or disturbed by the Project shall not be disinterred or disturbed through scientific study.
 - b. If disturbance cannot be avoided, FHWA will determine if scientific study of the human remains, grave goods and the burial matrix will be conducted by carefully weighing the contribution of scientific study against the religious and cultural significance ascribed to the remains on a site-by-site basis in consultation with the SHPOs, Indian Tribes when appropriate, and other parties determined appropriate by FHWA. FHWA's decision to conduct scientific study of human remains, grave goods, and burial matrix must be supported by an explicit set of definitive and justified research questions on a case-by-case basis.
 - c. Human remains and funerary objects of religious and cultural significance to Indian Tribe(s) may be photographed only when FHWA in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed to be appropriate by FHWA, determines that it is called for and justified in a site-specific treatment plan to support scientific study. Detailed drawings and sketches may be developed.

- d. Human remains and/or grave goods, which have been disinterred, should be reburied as soon as possible, in a timeframe, location, and manner determined appropriate by FHWA, on a case-by-case basis in consultation with the SHPOs, Indian Tribes when appropriate, and other parties deemed appropriate by FHWA. The dates, times, and location of disinterment and reburial should be considered sensitive and confidential and will be subject to restrictions under Stipulation IV.A.1.
3. Human remains and grave goods shall be made available for reburial to the appropriate party or responsible official within thirty (30) days of any determination made pursuant to this stipulation to rebury human remains and grave goods or the date for such reburial specified in any time frame agreed upon under this stipulation.
4. FHWA shall provide ACHP, the SHPO, Indian Tribes who have expressed interest in the site, and other parties deemed appropriate by FHWA, thirty (30) calendar days to review and provide comments on the Treatment Plan(s) developed in accordance with Stipulation IV.E. FHWA shall ensure that the final Treatment Plan(s) takes into consideration comments received. FHWA may provide other consulting parties, as appropriate, an opportunity to review and comment on the proposed Treatment Plan(s). If no response is received within thirty (30) days of confirmed receipt, FHWA may proceed with the Treatment Plan(s).
5. Any dispute regarding the Treatment Plan(s) shall be resolved in accordance with Stipulation XIII.
6. After implementing the above stipulations for treatment, FHWA may elect to monitor construction activities in selected portions of the right of way. Monitoring shall be conducted by an archeologist meeting the qualification standards in Stipulation IV.F.1. In deciding whether to conduct monitoring, FHWA shall consider the likelihood of identifying additional archeological resources and any recommendations provided by the SHPO, Indian Tribes, and other participating parties. Any archeological resources identified during construction monitoring will be treated in accordance with Stipulation V.

F. Qualifications and Reporting

1. In consultation with the SHPOs, FHWA shall ensure that all archeological work carried out pursuant to this First Amended MOA is performed by, or under the direct supervision of, a person or persons meeting *Secretary of the Interior's Professional Qualification Standards* in archeology and who has supervisory

experience in the prehistoric and historic archeology of the lower Ohio Valley.

2. FHWA shall ensure the results of all archeological studies performed under the terms of this First Amended MOA are presented in professionally written reports meeting the standards for fieldwork, laboratory work, analysis, and report preparation that have been established by the SHPOs for each state.
3. FHWA, INDOT, KYTC, BSMT, SHPOs, contractors, consultants, and Indian Tribes shall ensure that sensitive information regarding the nature and location of human remains and grave goods, and the location, character, and ownership of archeological sites is kept confidential from the public, in accordance with Section 304 of the NHPA and 36 CFR § 800.11(c).
4. The ACHP, SHPOs, Indian tribes, and other parties deemed appropriate by FHWA shall have thirty (30) days after confirmed receipt to review and comment on the written reports. The FHWA shall address all comments received in the final written reports.
5. Any dispute regarding the report(s) shall be resolved in accordance with Stipulation XIII.

G. Distribution of Final Reports

1. Upon completion of work, the FHWA shall provide copies of final reports to the respective SHPOs, KYTC, INDOT, and Indian Tribes when appropriate.
2. The FHWA, in consultation with the appropriate SHPO, shall prepare sufficient copies of final reports completed pursuant to this First Amended MOA for dissemination to the public libraries, educational institutions, and other repositories in Jefferson and Clark Counties and Indian Tribes as appropriate.
3. FHWA will ensure that all final archaeological reports for public dissemination do not contain sensitive information regarding the nature and location of human remains and grave goods, and the location, character, and ownership of all archaeological sites as provided for in Section 304 of the NHPA and 36 CFR §800.11(c).

V. UNANTICIPATED DISCOVERIES

- A. If, during the implementation of the Project, a previously unidentified property is discovered or a previously identified historic property is affected in an unanticipated manner, the BSMT shall ensure that all work

within a minimum of 50 feet around the area of the discovery shall cease until such time as a treatment plan can be developed and implemented as set forth below.

- B.** The BSMT shall require the contractor to take all reasonable measures to avoid harm to the property until the FHWA concludes consultation with appropriate SHPO, Indian Tribes, and other parties deemed appropriate by FHWA.
- C.** Upon being notified of the discovery, the FHWA shall contact the appropriate SHPO, Indian Tribes, and other parties determined to have an interest within 48 hours and provide written details of the discovery.
- D.** Within 48 hours of the discovery, or at the very earliest opportunity thereafter, the BSMT shall conduct an on-site evaluation of the discovery to consider eligibility, effects, and possible treatment measures. The FHWA, SHPOs, Indian Tribes, and other consulting parties deemed appropriate by FHWA may participate in the on-site evaluation and shall be notified in advance of the location, date, and time.
- E.** If, based on the on-site evaluation, FHWA determines that a historic property is being adversely affected, then the parties shall consult to determine an appropriate Treatment Plan(s). If archeological resources are discovered, FHWA will develop a Treatment Plan as set forth in Stipulation IV.E. The Treatment Plan will be submitted to the parties for review and comment within seven days of receipt of the proposed plan. FHWA will take comments received into account in developing and implementing the final plan.
- F.** If FHWA, SHPO, and Indian Tribes agree the site is not eligible for the NRHP, then ground-disturbing work may proceed.
- G.** If the parties cannot reach agreement regarding eligibility, effects, or treatment, they shall invoke the provisions for dispute resolution at Stipulation XIII.

VI. ADDITIONAL HISTORIC PROPERTIES AND EFFECTS

- A.** Before the approval by the BSMT of sites for staging, wetland mitigation, borrow or waste, dredge disposal, or other construction activities requiring BSMT approval associated with the Project, INDOT or KYTC shall consult with the FHWA, SHPOs, Indian Tribes, and other parties deemed appropriate by FHWA, in accordance with 36 CFR §§ 800.3– 800.7 to determine if historic properties in addition to those identified in Attachment D and through Stipulation IV will be affected by the Project.
- B.** If FHWA determines that there is any adverse effect to an historic property assessed in accordance with Stipulation VI.A, then FHWA shall consult with the INDOT and/or KYTC, the respective SHPO, Indian

Tribes, and other parties deemed appropriate to FHWA to seek ways to minimize or mitigate the adverse effects.

- C. If the parties can agree on measures to mitigate the adverse effect, FHWA will ensure that those measures are implemented. If the parties cannot agree, the dispute will be resolved in accordance with Stipulation XIII.

VII. EXCESS RIGHT OF WAY

Should the Project result in excess right-of-way to be disposed, such as is anticipated for the Kennedy Interchange, the FHWA shall consult with the appropriate SHPO to determine whether the disposal or sale would have an adverse effect on historic properties. If consultation indicates the potential for historic resources to be adversely affected, FHWA shall consult pursuant to 36 CFR §§ 800.3 – 800.7 to develop and implement the treatment of the affected resources and disposition of the property.

VIII. PERFORMANCE STANDARDS

- A. Professional Qualifications - The FHWA shall ensure that all cultural resources work carried out pursuant to this First Amended MOA shall be carried out by or under the direct supervision in the field, laboratory, and office of individuals that meet the *Secretary of the Interior's Professional Qualification Standards*. Professional standards shall correspond to the nature of the resource, e.g. work related to archaeological sites shall be carried out by or under the direct supervision of individuals prequalified to perform archaeological work.
- B. Standards and Guidelines - The FHWA, shall also ensure that all historic preservation resource work carried out pursuant to this First Amended MOA shall be guided by the most recent version of the following standards and guidelines, as applicable:

1. The Secretary of Interior: Standards and Guidelines for Archeology and Historic Preservation.
2. Advisory Council on Historic Preservation: Treatment of Archeological Properties: A Handbook.
3. Indiana Guidelines: Draft Guidebook for Indiana Historic Sites and Structures and Inventory – Archaeological Sites.
4. Kentucky Guidelines: Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports; most recent version of the Kentucky State Historic Preservation Office.

IX. PROGRESS REPORTS

- A.** Progress reports detailing implementation of the measures stipulated within this First Amended MOA and providing advanced notice of milestones, such as Plans, Specifications, and Estimates (PS&E) approval, scheduled letting dates, and initiation of construction activities, shall be submitted by the BSMT to the signatories, concurring parties, and HPAT members every six (6) months, until all phases of the Project are complete.
- B.** The first progress report was distributed six (6) months following execution of the Original MOA.
- C.** The progress report shall identify the status of activities for each stipulation outlined in this First Amended MOA and of associated documents and products, such as HPPs, treatment plans, late discoveries, and acquisition and preservation of historic properties.

X. PROJECT MODIFICATION

If the Project, as described in Attachment A, is significantly modified, such that additional effects to historic properties not previously considered may result in adverse effects, or if actions are taken by a property's owners in the interim unrelated to the Project which change the NRHP status of previously identified historic properties affected by the Project, then FHWA will consult with the signatories to determine if the current version of the MOA should be amended. If the signatories agree that the MOA should be amended, they will consult in accordance with Stipulation XI to amend the MOA.

XI. AMENDMENT

- A.** Any signatory to this First Amended MOA may request that it be amended, whereupon the signatories of this First Amended MOA shall consult to consider such an amendment.
- B.** Any resulting amendments shall be developed and executed among the signatories in the same manner as the previous version(s) of the MOA.
- C.** Any amendment to this agreement will go into effect only upon written agreement of all signatories.

XII. FAILURE TO COMPLY/TERMINATION

If any signatory determines that the terms of this First Amended MOA cannot be or are not being carried out, then the signatories shall consult to seek amendment of the MOA. If the MOA is not amended, any signatory may terminate it by providing thirty (30) calendar days written notice to the other parties. FHWA shall then either execute a new agreement with the signatories pursuant to 36 CFR § 800.6(c)(1) or request and respond to the comments of the Council under 36 CFR § 800.7.

XIII. DISPUTE RESOLUTION

- A.** Should any signatory or concurring party object in writing within thirty (30) days of the receipt of any plans or implementation of any actions proposed pursuant to this First Amended MOA, FHWA shall consult with the objecting party and the appropriate SHPO to try to resolve the objection. If the FHWA and the SHPO determine that the objection cannot be resolved, FHWA shall forward all documentation relevant to the objection to the ACHP. Within fifteen (15) days after receipt of all pertinent documentation, the ACHP shall either:
 - 1. Provide the FHWA with a recommendation, which the FHWA shall take into account in reaching a final decision regarding the dispute; or
 - 2. Notify the FHWA that it shall comment pursuant to 36 CFR § 800.7(c) and proceed to comment within the following 30 days.
- B.** Any recommendations provided by the ACHP in response to a request made pursuant to Stipulation XIII.A.1 shall be taken into account by FHWA with reference only to the subject of the dispute.
- C.** Any comment provided by the ACHP in response to a request made pursuant to Stipulation XIII.A.2 shall be taken into account and responded to by the FHWA in accordance with 36 CFR §800.7(c)(4) with reference only to the subject of the dispute.
- D.** FHWA's responsibility to carry out all actions under this First Amended MOA that are not subject to the dispute shall remain unchanged.

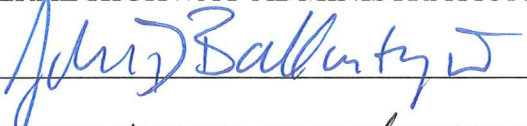
XIV. DURATION

This First Amended MOA shall remain in effect for fifteen years following its execution. If the Project has not been completed and the terms of the First Amended MOA implemented within this time, the signatories shall consult to reconsider the terms of the First Amended MOA and determine whether extension, amendment, or termination is in order.

EXECUTION and implementation of this First Amended MOA, which supersedes the Original MOA, evidence that FHWA has taken into account the effects of the Project on historic properties and has afforded the ACHP an opportunity to comment on those effects.

SIGNATORIES:

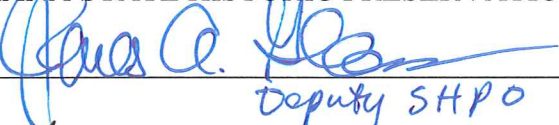
FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 3/29/2012


ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 4/9/12

INDIANA STATE HISTORIC PRESERVATION OFFICER

By: 
Deputy SHPO Date: 3/28/2012

KENTUCKY STATE HISTORIC PRESERVATION OFFICER

By:  Date: 3/27/12

INVITED SIGNATORIES:


INDIANA DEPARTMENT OF TRANSPORTATION

By:  for Mike Cline Date: 3/28/12

KENTUCKY TRANSPORTATION CABINET

By:  Date: 3/27/12

Approved as to Form and Legality

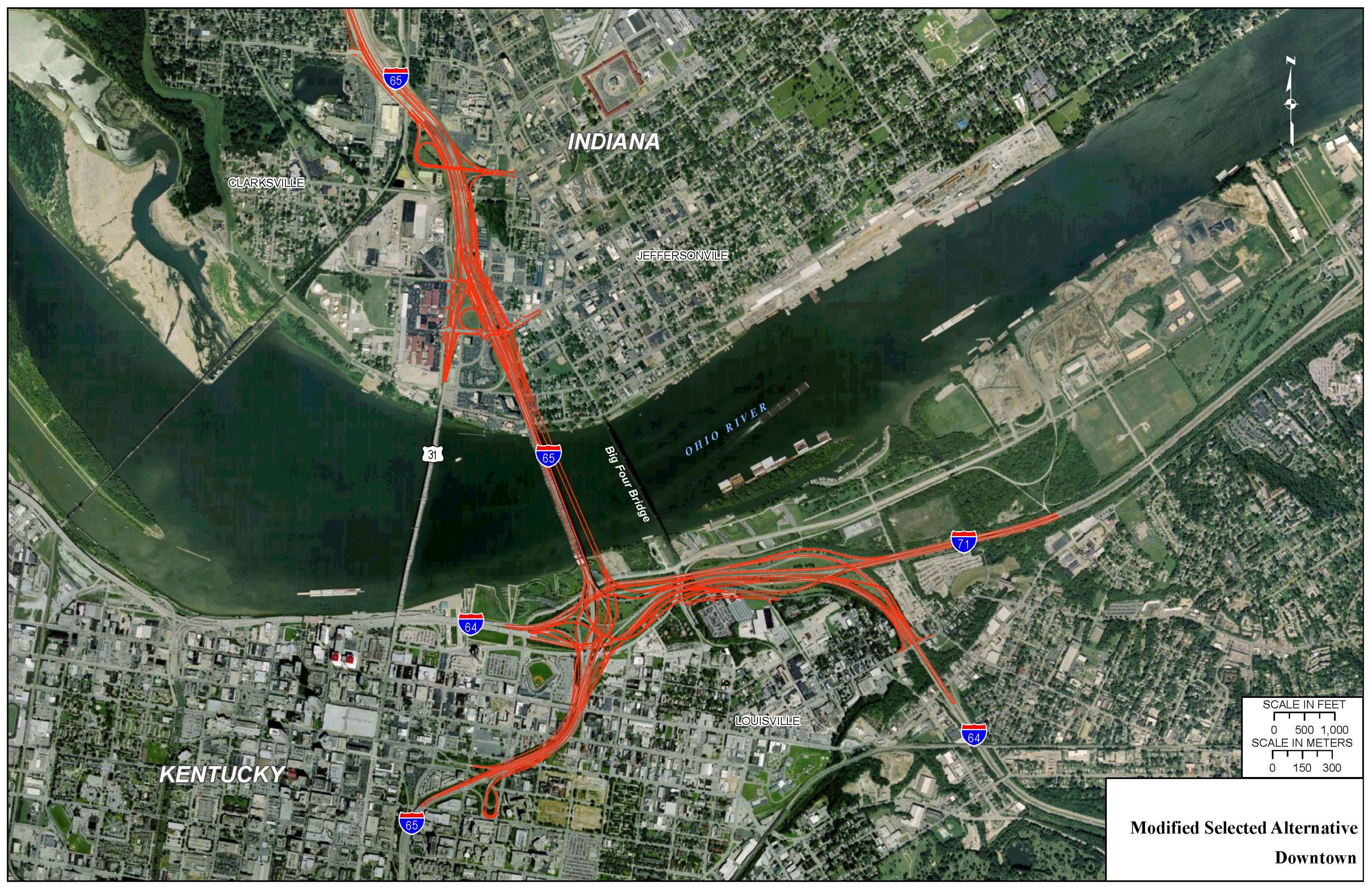
By:  Date: 03/27/12

Attachment A

PROJECT DESCRIPTION

The Louisville – Southern Indiana Ohio River Bridges Project consists of two new bridges over the Ohio River using Alignment C-1 in the downtown portion of the Project and Alignment A-15 in the eastern portion of the Project, reconstruction of the Kennedy Interchange (Spaghetti Junction), and other improvements and enhancements within the project corridor including:

- Electronic tolls would be added on both the downtown I-65 river crossings (the Kennedy Bridge and the new downtown bridge) and the new East End Bridge. The use of electronic tolls would not require toll booths/plazas on the bridges.
- The number of lanes on the roadway, bridge, and tunnel associated with Alternative A-15 would be reduced from six lanes to four lanes.
- The Kennedy Interchange would be reconstructed on the existing alignment (i.e., in-place) instead of to the south, and would eliminate the I-71/Frankfort Avenue interchange. In addition, it would reduce the length of roadway improvements along the I-65, I-64, and I-71 approaches.
- The 17-foot-wide pedestrian/bicycle path would be removed from the new downtown I-65 bridge because a 22-foot-wide pedestrian/bicycle access across the river will be provided on the Big Four Bridge as a separate project. On the Kentucky side of the Big Four Bridge Project, the ramps have been completed and rehabilitation of the bridge began in 2011 and is currently under construction. On the Indiana side, construction is expected to begin in 2012.



INDIANA

CLARKSVILLE

JEFFERSONVILLE

OHIO RIVER

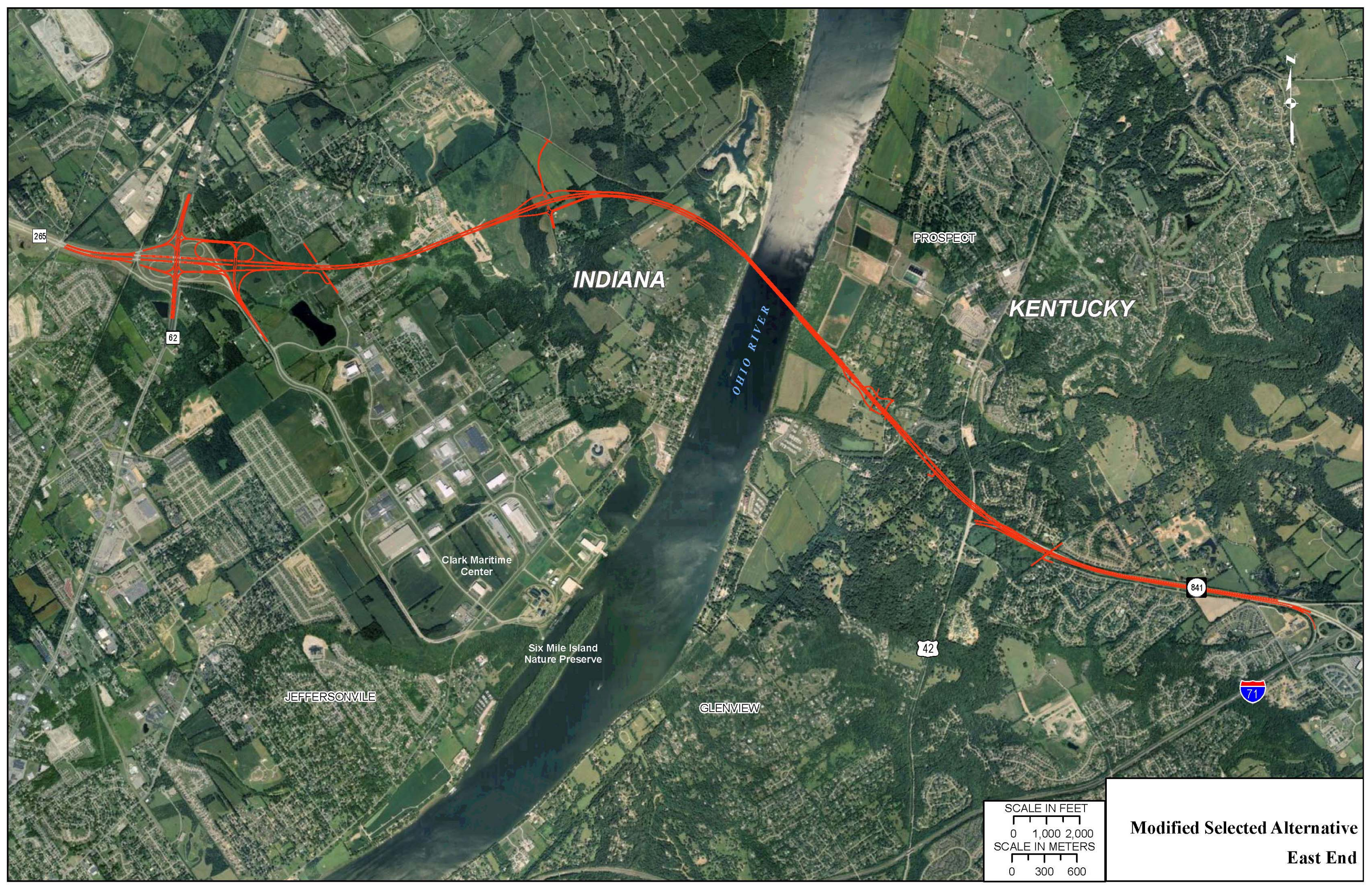
Big Four Bridge

LOUISVILLE

KENTUCKY

SCALE IN FEET
 0 500 1,000
 SCALE IN METERS
 0 150 300

Modified Selected Alternative
Downtown



INDIANA

KENTUCKY

OHIO RIVER

265

62

PROSPECT

Clark Maritime Center

Six Mile Island Nature Preserve

JEFFERSONVILLE

GLENVIEW

42

841



SCALE IN FEET

0 1,000 2,000

SCALE IN METERS

0 300 600

Modified Selected Alternative

East End

Attachment B

List of Supporting Technical Reports

Louisville/Southern Indiana Ohio River Bridges Project – Final Environmental Impact Statement and Section 4(f) Evaluation by CTS for the FHWA, INDOT and KYTC on April 8, 2003

Clark County Interim Report and Indiana Historic Sites and Structures Inventory on SHAARD Database by INDOT in 2010

A Survey Update of Butchertown, Phoenix Hill, Downtown Louisville and River Road by Kentucky Archaeological Survey (Joint administration by University of Kentucky and Kentucky Heritage Council) in 2010

City of New Albany Interim Report and Indiana Historic Sites and Structures Inventory, published September 1994.

Property Valuation Administrator websites on-line databases for Jefferson County, KY; Clark County, IN; and Floyd County, IN

Section 106 Identification Findings Workbook by CTS-GEC on September 12, 2011; Edits and Corrections on September 29, 2011

Section 106 Identification Findings Report by CTS-GEC on November 3, 2011; Edits and Corrections on January 5, 2012

Effects Recommendations Document by CTS-GEC on November 18, 2011

Effects Findings Report by CTS-GEC on January 12, 2012

Federal Highway Administration's *Section 106 Findings and Determinations: Area of Potential Effect, Eligibility Determinations, and Effect Findings for the Louisville-Southern Indiana Ohio River Bridges Project* by CTS-GEC on January 12, 2012

Attachment C

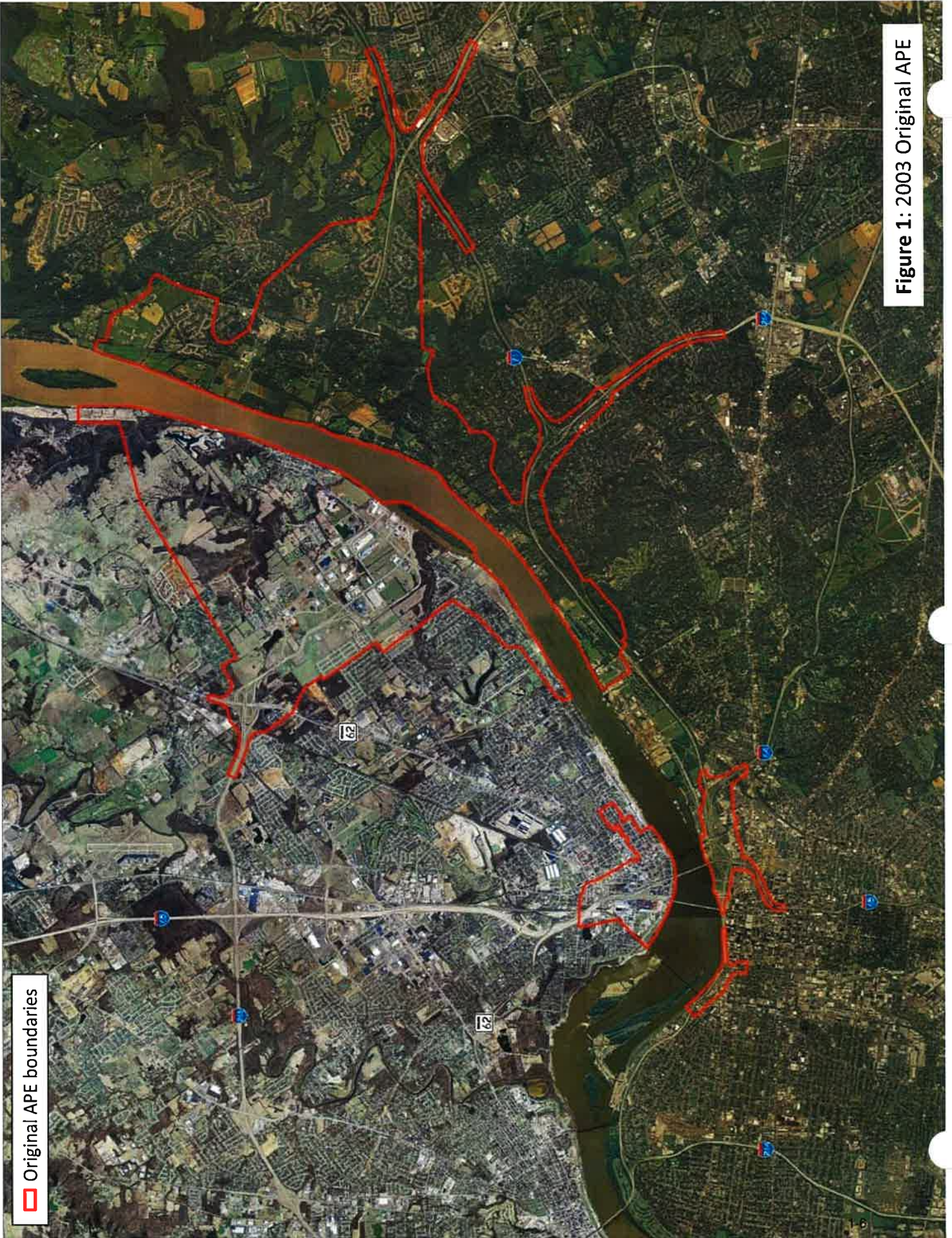


Figure 1: 2003 Original APE

Attachment C

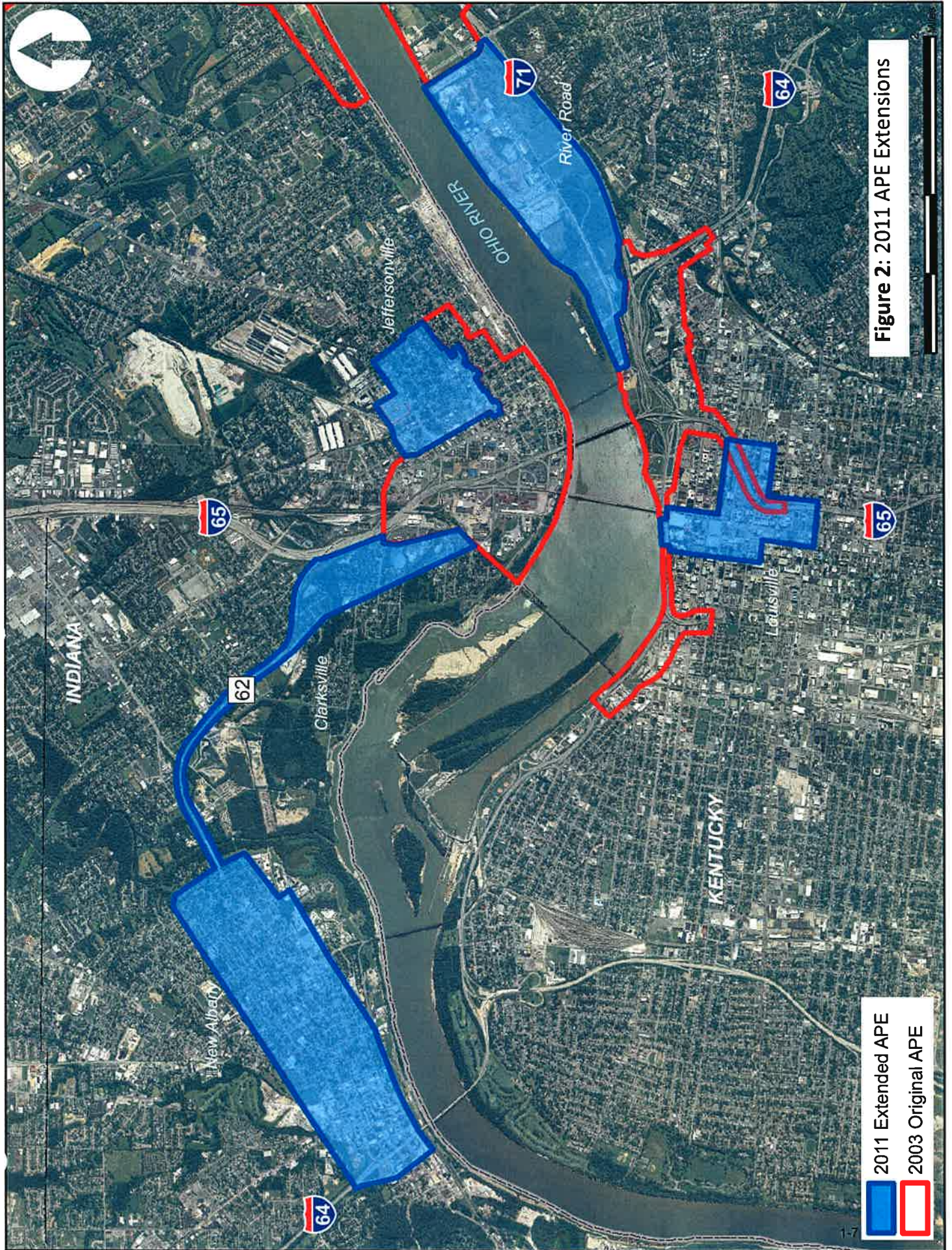


Figure 2: 2011 APE Extensions

2011 Extended APE
2003 Original APE

Attachment D

Historic Properties Determined to be Adversely Affected

Indiana Portion of the Project:

The following properties were identified as experiencing an adverse effect from the project:

Jeffersonville, Indiana

Colgate-Palmolive Historic District (visual, noise)

Ohio Falls Car and Locomotive Company Historic District (visual, noise, vibration)

Old Jeffersonville Historic District (encroachment, visual, noise, vibration, construction)

Clark Memorial Bridge (encroachment, visual, vibration, construction)

Louisville Municipal Bridge Building (encroachment, visual, vibration, construction)

East End near Utica Township, Indiana

INAAP Igloo Storage Historic District (vibration)

Multiple Properties Group: Utica Lime Industry – Kiln/quarry #48002 (vibration)

Multiple Properties Group: Utica Lime Industry – Kiln/quarry #48003
(encroachment, visual vibration, construction)

Multiple Properties Group: Utica Lime Industry – Kiln/quarry #48004
(encroachment, visual, vibration, construction)

Lentz Cemetery (noise, vibration)

Archaeological Site 12-CL-561 (quarries fall within the footprint) due to encroachment

Kentucky Portion of the Project:

The following properties were identified as experiencing an adverse effect from the project:

Downtown Louisville, Kentucky

Phoenix Hill Historic District (encroachment, visual, noise, vibration, construction)

Butchertown Historic District (encroachment, visual, noise, vibration, construction)

East End of Project in Kentucky

Multiple Properties Group: Ohio River Camps (visual, noise, vibration, construction)

Country Estates Historic District/River Road Corridor (visual, noise, vibration, construction)

- Drumanard Estates Historic District (visual, noise, vibration, construction)

- Harrods Creek Historic District (visual)

Harrods Creek Village Historic District (visual)

Merriwether House (visual, noise, vibration)

Rosewell (visual, noise, vibration, construction)

John Determan House (visual, noise, vibration, construction)

J. Schildknecht House (visual, noise, vibration, construction)

Upper River Road over Harrods Creek (visual, vibration)

Belleview (visual, noise, vibration, construction)

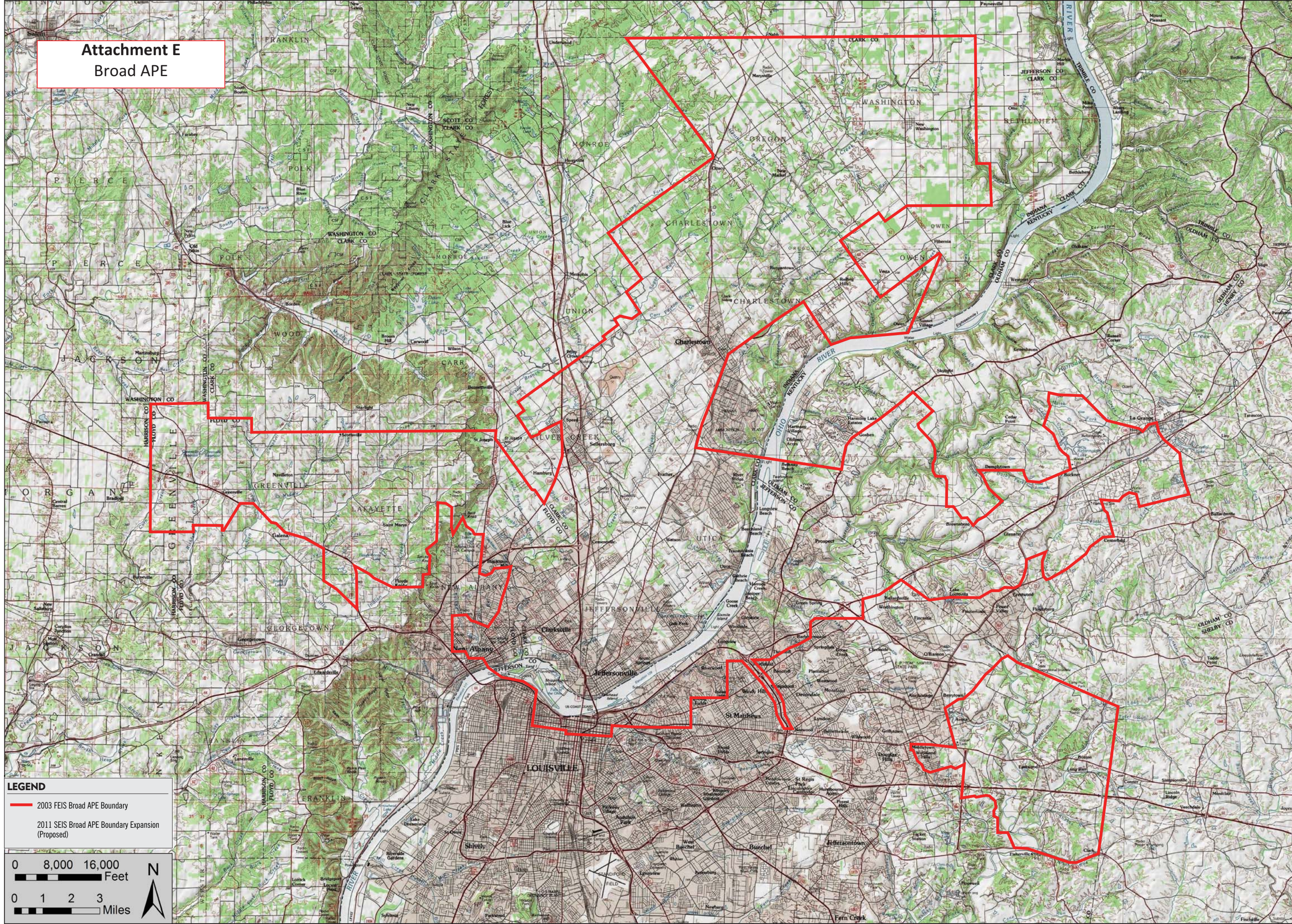
James T. Taylor/James W. Chandler House (visual, noise, vibration)

St .Francis in the Fields Church (visual, construction)

Allison-Barrickman House (visual, noise, vibration, construction)

Archaeological Sites 15Jf678, 15Jf679, 15Jf717, 15Jf718, 15Jf719 and 15Jf720 due to encroachment

Attachment E
Broad APE



LEGEND

- 2003 FEIS Broad APE Boundary
- 2011 SEIS Broad APE Boundary Expansion (Proposed)

0 8,000 16,000 Feet

0 1 2 3 Miles

Attachment F

LOUISVILLE – SOUTHERN INDIANA OHIO RIVER BRIDGES PROJECT SECTION 106 CONSULTING PARTIES

1. Advisory Council on Historic Preservation
2. American Indian Movement – Mobile Chapter
3. Bridgepointe Neighborhood Association
4. Butchertown Neighborhood Association, Inc.
5. City of Green Spring
6. City of Jeffersonville
7. City of New Albany
8. City of Prospect
9. Clark County Board of Commissioners
10. Clark County Historian
11. Clark County Historical Society
12. Clarksville Historical Society/Historic Preservation Commission
13. Clifton Community Council
14. Clifton Neighborhood Association, Inc.
15. Coalition for the Advancement of Regional Transportation
16. Colgate – Palmolive Representative/Boston Development Group
17. Harrods Creek Neighborhood Association/Harbor at Harrods Creek
18. Historic Homes Foundation
19. Indiana Department of Natural Resources - State Historic Preservation Officer
20. Indiana Landmarks
21. Jeff - Clark Preservation, Inc.
22. Jeffersonville Historic Preservation Commission
23. Jeffersonville Main Street Association
24. Jeffersonville Office of Planning and Development
25. Kentuckians for Progress
26. Kentucky Center for African American Heritage
27. Kentucky Heritage Council – State Historic Preservation Officer (KY SHPO)
28. Louisville Metro Department of Public Works
29. Louisville Metro Historic Landmarks Commission
30. Louisville Metro Historic Preservation Officer
31. National Trust for Historic Preservation
32. Neighborhood Planning & Preservation, Inc.
33. New Albany Historic Preservation Commission
34. Phoenix Hill Association, Inc.
35. Preservation Kentucky, Inc.
36. Preservation Louisville
37. River Fields, Inc.
38. Rose Hill Neighborhood Association
39. St. Francis in the Fields Episcopal Church

Attachment F (Continued)

SECTION 106 CONSULTING PARTIES

40. The Absentee-Shawnee Tribe of Oklahoma
41. The Cherokee Nation
42. The Delaware Nation
43. The Eastern Band of Cherokee Indians
44. The Eastern Shawnee Tribe
45. The Miami Tribe of Oklahoma
46. The Peoria Tribe of Indians of Oklahoma
47. The Shawnee Tribe
48. The United Keetoowah Band of Cherokee Indians
49. Town of Clarksville
50. Town of Utica

Attachment G

Louisville Southern-Indiana Ohio River Bridges Project

HUMAN REMAINS TREATMENT PROTOCOL

For Archaeological Excavations in Kentucky and Indiana

Should human remains or associated artifacts be found in Kentucky or Indiana during archaeological excavations conducted for the Louisville Southern-Indiana Ohio River Bridges Project (project), all work that might disturb the remains or associated artifacts shall halt until the following steps have been implemented.

Steps A-G are to be followed regardless of which phase of archaeological work is being conducted. Following completion of those initial steps, the process will vary, depending upon whether the remains are discovered during Phase I (initial survey), Phase II (evaluation of a known site), or Phase III (intense excavation of a significant site).

Human remains that will not be threatened or disturbed by the Project shall not be disinterred and FHWA will take every reasonable measure to avoid disinterment and disturbance to human remains and associated artifacts. However, if FHWA determines that the disturbance cannot be avoided, the remains may need to be disinterred following the steps for coordination set forth in the following sessions. Disinterment of human remains will be performed by funeral directors or qualified professionals, i.e. forensic anthropologists, physical anthropologists, or archaeologists prequalified by the KY SHPO or IN SHPO.

I. Initial measures to take should human remains be encountered

- A. Immediately stop work in the location where the remains are discovered. Archaeological work may continue in locations other than where the remains are encountered.
- B. If in Kentucky, the archaeological field crew chief should immediately contact the Jefferson County Coroner's Dispatch Office (502-574-3506). If in Indiana, the Clark County Coroner's Office (812-282-1356) should be contacted. A coroner will be dispatched to the site to assess the remains and determine whether they constitute part of a crime scene.
- C. If in Kentucky, the archaeological field crew chief shall next contact the KYTC Project Archaeologist. If in Indiana, the field crew chief should contact the INDOT archaeologist. The crew chief will provide a brief description of what was found, the cultural/temporal affiliation (as far as can be determined), and location. The Project Archaeologist or INDOT archaeologist will alert FHWA, the BSMT, KY or IN SHPO, CTS, and the appropriate Section Design Team. If not already on-site, the Project Archaeologist or INDOT archaeologist will arrive at the site as quickly as possible to oversee the treatment of the remains and to be on hand should any complications arise.
- D. If representatives of the press or other media arrive, make no comment.

- E. Upon arrival, the coroner will need to examine the remains. If necessary, archaeologists may show the coroner artifacts recovered in association with the remains as support for the antiquity of the interment.
- F. Presentation of the above described information should allow the coroner to declare the remains an archaeological site and not a crime scene. If this is *not* the case, discontinue work in the vicinity of the discovery until the KYTC Project Archaeologist arrives and has been consulted or the INDOT archaeologist and IN SHPO have been consulted.
- G. Following the release of the site by the coroner, additional human remains may be encountered at the *same* archaeological site. If this occurs, immediately contact the KYTC Project Archaeologist or INDOT archaeologist and the IN SHPO, and follow the procedures in A-F above.

II. Phase I archaeological survey (Initial survey)

- A. Following determination that the remains are not part of a crime scene, the archaeological team shall complete any unfinished archaeological documentation in accordance with the plan described below only to the extent necessary to determine cultural and temporal affiliation.
 - 1. The archaeological team shall document the human remains and/or associated artifacts using non-invasive methods only to the extent necessary to determine cultural and temporal context, barring any photography at this stage.
 - 2. Artifacts from the shovel probe may be returned to the lab for study *unless* the artifacts are believed to be associated with a burial. If the artifacts would reasonably be associated with a burial, they may be sketched, not photographed, and reburied with the remains.
 - 3. Following archaeological documentation, the remains should be placed back in the shovel probe and reburied. A detailed site map recording the precise horizontal and vertical location of all reburied remains along with other site features must be retained and presented to the KYTC Project Archaeologist or INDOT archaeologist immediately following the completion of excavation at the site.
- B. The archaeological team shall make a reasonable effort to determine the cultural/temporal affiliation of the remains (historic European, Mississippian, Woodland, etc.).
- C. Where the remains or associated artifacts are determined not to be American Indian, Indian Tribes will *not* be notified.
- D. Where the remains or associated artifacts are determined to be American Indian, then FHWA will notify all Indian Tribes identified in the Project MOA to determine whether they may attach religious and cultural significance to the site containing the remains. FHWA will notify the Tribes via telephone or fax within 48 hours of the discovery. Said notification will include a description of the remains and any artifacts associated with the burial. All Tribes will also receive the final reports generated as a result of the survey.

III. During Phase II (Evaluation of a known archaeological site)

- A. Following the release of the site by the Coroner's office, the archaeological team shall follow the steps below to complete archaeological documentation of the remains *in situ*, only to the extent necessary to determine cultural and temporal affiliation, barring any photography at this stage.
1. The archaeological team should proceed carefully until the full extent of the remains and their age, sex, and cultural/temporal affiliation can be determined (i.e., is it a complete skeleton or only partially present?). The human remains should not be lifted or removed from their original location during this process.
 2. The archaeologist should also attempt to determine the size, shape, and nature of the feature containing the remains.
 3. Where the remains or associated artifacts **are determined to be American Indian** FHWA will notify all Tribes identified in the Project MOA via telephone or fax within 48 hours of the discovery. Said notification will include a description of the remains and any artifacts associated with the burial. FHWA shall also consult at this time to determine whether any of the Tribes will be involved in the re-covering of the remains and the nature of such involvement. The Tribes shall be given 30 days to notify the FHWA that they may ascribe religious and cultural significance to the site.
 4. Where the remains or associated artifacts are determined **not to be American Indian**, the Indian Tribes will **not** be notified.
- B. Appropriate safety measures shall be taken to protect the archaeological team from potential hazardous materials associated with historic burials.
- C. Following the initial stage of archaeological documentation, the remains will need to be recovered while FHWA consults with the appropriate Kentucky or Indiana SHPO, any Tribes identified in the Project MOA who may ascribe religious and cultural significance to the site, and any other parties deemed appropriate by FHWA to determine if the remains can be preserved *in situ* despite the impending construction of the Project. Towards this end, the following actions must be carried out:
1. The archaeological team shall submit a copy of field notes for the location containing human remains to the KYTC Project Archaeologist or INDOT archaeologist for the KY or IN SHPO, and FHWA.
 2. When FHWA indicates the re-covering may proceed, the remains and associated artifacts shall be covered with a thin layer of clean sand followed by cotton cloth and then clean fill soil.
 3. Interested Indian Tribes or descendants may participate as previously defined in this protocol through consultation with FHWA (part III.A.3.).
 4. Artifacts that, based on consultation with the Tribes ascribing religious and cultural significance to the site, are not believed to be associated with the burial may be returned to the lab for study.

5. A detailed site map recording the precise horizontal and vertical location of all reburied remains along with other site features must be retained and presented to the KYTC Project Archaeologist or INDOT archaeologist immediately following the completion of excavation and re-covering of the remains at the site. The sensitive nature of this information demands that this document be treated with the utmost confidentiality pursuant to Section 304 of the NHPA.
6. Final reports prepared by the archaeological contractor will be coordinated with the Indian Tribes identified in the Project MOA for consultation purposes.

IV. During Phase III (Intense excavation of a significant archaeological site)

A. If human remains *were* addressed in the data recovery plan:

1. After release of the site by the coroner, the measures outlined in the approved data recovery plan shall be implemented.

B. If human remains *were not* addressed in the data recovery plan, FHWA shall consult with Tribes identified in the Project MOA who may ascribe religious and cultural significance to the site, the KY or IN SHPO, and any other parties deemed appropriate, to determine whether the remains may be subjected to study or reburied without analysis. FHWA shall carefully weigh the potential contribution of scientific study against the religious and cultural concerns that descendants and/or Indian Tribes may have on a site by site basis when deciding whether to allow study of the remains.

1. If, after consultation in accordance with the Project MOA, FHWA agrees to allow the remains to be subjected to study and where the remains or associated artifacts are determined **not to be American Indian**
 - a. The FHWA, the appropriate Kentucky or Indiana SHPO, and any other parties deemed appropriate by FHWA will consult to develop a detailed treatment plan that will dictate how excavation, recovery, and analysis of the remains are conducted. In Indiana, 312 IAC 22-3-9 outlines the minimum methodology for analysis of human remains and should be referred to during development of a plan that is in accordance with the Project MOA for implementation in Indiana.
 - b. In Kentucky, the KYTC Project Archaeologist will ensure that the appropriate Kentucky Administrative Regulations (KAR) are followed prior to disinterment. Steps to be completed are outlined in the KYTC Right of Way Manual as "Chapter 11. Relocation of Human Remains." In Indiana, the field archaeologists will follow the appropriate Indiana state statutes and rules (IC 14-21-1, 312 IAC 21, 312 IAC 22) and the most current Guidebook prior to and for disinterment.
 - c. Before performing any disinterment, archaeologists must secure a permit from the Office of Vital Statistics or an approved plan from the Indiana Department of Natural Resources.

- d. After disinterment, the remains may be transported in appropriate containers to an archaeological laboratory for analysis. Such analysis shall be conducted in accordance with standard archaeological procedures.
 - e. After analysis has been completed and the archaeological report has been accepted by the KY or IN SHPO and FHWA, the remains and associated artifacts should be reburied as soon as possible in a timeframe, location, and manner determined appropriate by FHWA on a case-by-case basis and in consultation with the KY or IN SHPO, and other parties deemed appropriate by FHWA.
2. If, after consultation in accordance with the Project MOA, FHWA agrees to allow the remains to be subjected to study and where the remains or associated artifacts **are American Indian**
- a. The FHWA, the appropriate KY or IN SHPO, the Tribes identified in the Project MOA who may ascribe religious and cultural significance to the site, and any other parties deemed appropriate by FHWA will consult to develop a detailed treatment plan that will dictate how excavation, recovery, analysis, and reburial of the remains are to be conducted. In Indiana, 312 IAC 22-3-9 outlines the minimum methodology for analysis of human remains and should be referred to during development of a plan that is in accordance with the Project MOA for implementation in Indiana.
 - b. In Kentucky, before performing any disinterment, archaeologists must first secure a permit from the Office of Vital Statistics. In Indiana, archaeologists must have a plan approved by the Indiana Department of Natural Resources.
 - c. Following receipt of a disinterment permit (KY) or approval of a plan (IN), a minimum number of professional archaeologists and/or physical anthropologists shall participate in each disinterment.
 - d. After recovery, analysis of remains and associated artifacts shall be conducted in accordance with the previously developed treatment plan.
 - e. After analysis has been completed and the KY or IN SHPO and FHWA have accepted the archaeological report, the remains should be reburied as soon as possible in a time frame, location, and manner deemed appropriate by FHWA on a case-by-case basis and in consultation with the KY or IN SHPO, Indian Tribes, and other parties deemed appropriate by FHWA.
3. If, after consultation in accordance with the Project MOA, FHWA does not agree to allow the remains to be subjected to study
- a. If **not American Indian**, the remains shall be removed and reburied as necessary and according to the Project MOA and Kentucky or Indiana state laws.
 - b. If the remains **are American Indian**, FHWA shall consult with the Tribes identified in the Project MOA to develop a plan for removal and reburial as necessary.

DEFINITIONS

Archaeological documentation: any operation that is performed using archeological techniques as a means to obtain and record evidence about past human activity that is of importance to documenting history and prehistory in the United States. (from *The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*, www.cr.nps.gov/local-law/arch_stnds_O.htm, January 2006)

Cemetery: Location containing or purported to contain one or more interments.

Human Remains: remains of deceased human beings, included but not limited to bone, teeth, and cremations.

Grave: an excavation for the burial of a body.

Associated artifacts: artifacts or other material remains that can plausibly be interpreted as having been intentionally included in a grave as a part of the interment process. Simple proximity of an artifact to a burial or burials should not immediately lead to its identification as associated with a burial.