

Louisville - Southern Indiana Ohio River Bridges Project
Progress Report Number 18
January 1, 2012 – June 30, 2012
Implementation of the Section 106 First Amended Memorandum
of Agreement

The Section 106 First Amended Memorandum of Agreement (MOA)¹ for the Louisville – Southern Indiana Ohio River Bridges Project (Project) was executed on March 29, 2012. Attachment A provides a list of the signatories to the First Amended MOA. Included in the First Amended MOA was a stipulation providing for the preparation of a Progress Report (Stipulation IX). The following is Progress Report No. 18 which covers the January 1, 2012 – June 30, 2012 reporting period (Reporting Period).

Activity during the Reporting Period concentrated on the completion and approval of the Supplemental Environmental Impact Statement (SEIS) and Revised ROD. This SEIS examined the impacts of proposed modifications to the Preferred Alternative detailed in the Final EIS (FEIS)/Section 4(f) Evaluation and as the Selected Alternative in the Record of Decision (ROD). The SEIS was prepared to evaluate the impacts of tolling to assist in funding the project, to evaluate cost-saving modifications in the design of the Selected Alternative to minimize the amount of needed toll revenue and to update information and data where necessary to address changes to the Project and the affected environment since the approval in 2003 of the FEIS/ROD. The SEIS was approved by the Federal Highway Administration (FHWA) on April 20, 2012 and the Revised ROD was approved on June 20, 2012.

PART I – OVERALL PROJECT STATUS

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

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

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

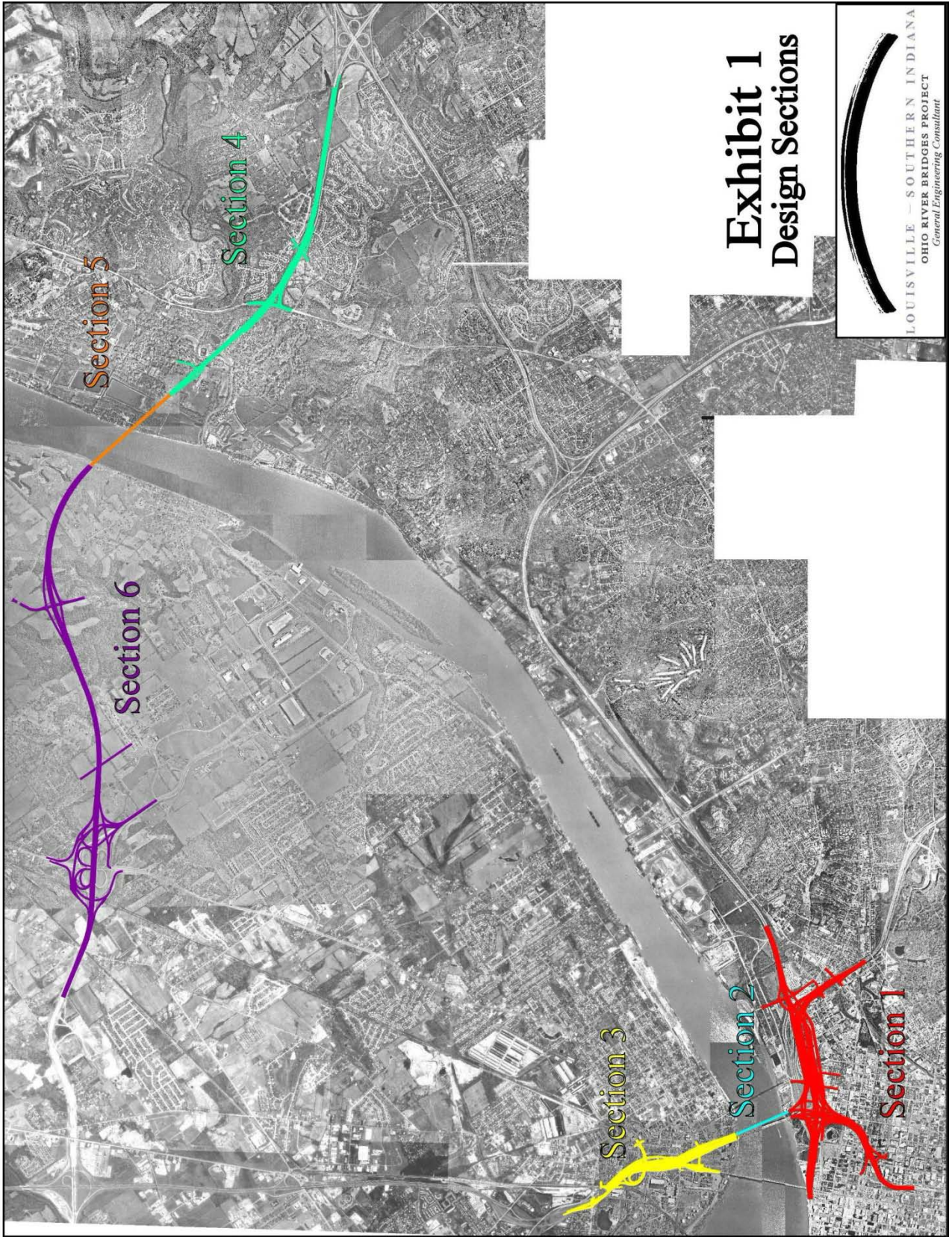


Exhibit 1

Design Sections



LOUISVILLE - SOUTHERN INDIANA
OHIO RIVER BRIDGES PROJECT
General Engineering Consultant

PART II – IMPLEMENTATION OF MITIGATION MEASURES CONTAINED IN THE MOA

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

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

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

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

STIPULATION I: Project Coordination

Stipulation I.A.3. provides for the Co-chairs to convene meetings of the Historic Preservation Advisory Teams (HPATs), prepare summaries of said meetings and prepare and submit HPAT recommendations to the BiState Historic Consultation Team (BSHCT) for further action. **An Indiana Historic Preservation Advisory Team (IHPAT) meeting was held on May 15, 2012 and a combined IHPAT – Kentucky Historic Preservation Advisory Team (KHPAT) meeting was held on June 18, 2012 during the Reporting Period.**

Stipulation I.A.10. provides for the distribution of materials needed for review by the advisory teams and comments following scheduled meetings. **An IHPAT meeting was held on May 15, 2012 and a combined IHPAT – KHPAT meeting was held on June 18, 2012 during the Reporting Period. Appropriate materials for discussion at these meetings were distributed to the IHPAT and KHPAT prior to each meeting.**

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

Comments were received from the IHPAT and KHPAT members at the meetings of May 15, 2012 and June 18, 2012 and duly noted for the Project record. No comments were received subsequent to either meeting.

Stipulation I.B. provides for a BSHCT. The BSHCT is to consist of representatives of FHWA, INDOT, KYTC and the respective State Historic Preservation Officers (SHPOs). It defines the roles and responsibilities of the BSHCT, mandates the scheduling of BSHCT coordination meetings and provides a means to advance recommendations of the HPATs to the BSMT for final approval. **The BSHCT held one meeting during the Reporting Period on May 15, 2012. There were no recommendations elevated from the BSHCT to the BSMT.**

Stipulation I.C. provides for a BSMT. The BSMT consists of representatives of INDOT, KYTC and FHWA. It defines the roles and responsibilities of the BSMT, mandates the preparation of Progress Reports as set forth in Stipulation IX of this MOA and provides a means to consider recommendations of the HPATs through the BSHCT for final approval. **The BSMT approved Progress Report No. 17 (July 1, 2011 – December 31, 2011) for distribution on May 30, 2012. Following approval, the Progress Report was distributed in accordance with Stipulation IX of the MOA on June 4, 2012. Progress Report Number 18 for the Reporting Period of January 1, 2012 – June 30, 2012 is provided in accordance with Stipulation IX.**

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

STIPULATION II: Project Development

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

Stipulation II.B. provides that the views of the public are important and will be solicited and considered at a minimum through the normal transportation project development process of each state through informal meetings to be convened by the respective State Transportation Agencies (STA). **During the Reporting Period, no Area Advisory Team (AAT) or Regional Advisory Committee (RAC) meetings were convened. An IHPAT meeting was held on May 15, 2012 and a combined IHPAT – KHPAT meeting was held on June 18, 2012 during the Reporting Period.**

Stipulation II.E. provides that the Project shall be designed so as to minimize noise effects on historic properties in accordance with state and federal noise regulations, policies, and guidance, including special consideration of enhanced noise abatement measures for historic properties. **During this Reporting Period, the final noise wall analysis was completed during the development of the SFEIS. As part of the final design process, more detailed barrier analysis will be completed and coordinated with the affected neighborhoods.**

Stipulation II.F. describes the actions for preparation of Historic Preservation Plans (HPPs). The seven historic properties for which HPPs are to be developed were identified in Stipulation II.F.2 (a through g). **The Old Jeffersonville Historic District (HD) HPP was revised reflecting the Modified Selected Alternative and submitted to CTS-GEC from review on May 18, 2012. Comments returned for revision on May 24, 2012. The HPP was revised and submitted to the BSHCT Co-chairs for review on May 25, 2012. Comments were received from INDOT on June 5, 2012 and appropriate revisions made. The revised HPP was submitted to the BSHCT Co-chairs on June 21, 2012 for review; comments are expected in the next Reporting Period.**

The Phoenix Hill HD HPP was revised reflecting the Modified Selected Alternative and submitted to CTS-GEC from review on June 22, 2012. Comments returned for revision on June 27, 2012. The revised HPP is expected in the next Reporting Period.

The Utica Township Limekilns HPP was revised reflecting the Modified Selected Alternative and submitted to CTS-GEC from review on June 22, 2012. Comments are expected in the next Reporting Period.

Stipulation II.I. mandates the documentation required for National Register of Historic Places (NRHP) nominations to secure National Register listing of specific properties. **On April 25, 2012, CTS-GEC developed the Multiple Property Documentation Form (MPDF) for the Lime Manufacturing Resources of Utica, Indiana and four separate NRHP Registration Forms for the limekilns and submitted them to INDOT for review and comment. Comments were received on May 3, 2012; revisions were made and returned to INDOT on June 8, 2012. The MPDF and NRHP nominations were approved by INDOT on that date and sent to the IN SHPO for review and comment on June 12, 2012. On June 28, 2012, the IN SHPO provided preliminary comments on the documentation. Revisions will be completed in the next Reporting Period.**

STIPULATION III: Site Specific Mitigation

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

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

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

Stipulation III.A.5. provides that in consultation with the IHPAT and the IN SHPO, the INDOT shall develop and place interpretative signage as set forth in Stipulation II.K near the facility to explain its historic significance. **The INDOT Cultural Resources Office will be contacted to provide examples of other interpretative signs in the state for implementation of this stipulation.**

Stipulation III.E.1. provides that INDOT will update the Old Jeffersonville HD HPP to reflect Project design modifications and changes to the HD neighborhood. **The HPP was revised and submitted to the BSHCT Co-chairs for review on May 25, 2012. Comments were received from INDOT on June 5, 2012 and appropriate revisions made. The revised HPP was resubmitted to the BSHCT Co-chairs on June 21, 2012 for final comment. Comments are expected in the next Reporting Period.**

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

Stipulation III.E.7.a. mandates that during the acquisition phase, the BSMT and INSHPO, will make a reasonable effort to purchase vacant lots within the historic district from a willing seller at fair market value, move and place the houses on new foundations by a professional who has the capability to move historic buildings properly. The relocated buildings will be made available for sale at fair market value on the open market. **At the IHPAT of May 15, 2012, the relocation of the contributing structures was presented to inform the IHPAT of the strategic plan and to solicit feedback. Current efforts included the acquisition of vacant lots for relocation, implementation of a marketing plan, possible donation to a local government, and possible relocation to a vacant lot outside of the historic district for storage purposes. The components of the physical relocation were discussed along with locations of known vacant lots in the HD. On May 23, 2012, a listing of available vacant lots and houses sizes in the Old Jeffersonville HD were sent to the IHPAT for information and review.**

Stipulation III.H.1. provides for the preparation of an HPP for the Utica Lime Industry Multiple Property Listing, including a Context Study focusing on the lime industry in the region. A pamphlet is to be produced, describing the results of such a study. **The HPP was revised to reflect the Modified Selected Alternative and the addition of the quarries and submitted to CTS-GEC for review on June 22, 2012. Work on completing the revision of the HPP will be finalized in the next Reporting Period.**

Stipulation III.H.8. provides that the BSMT will develop documentation for and seek NRHP nomination for the lime kilns and associated quarries as set forth in Stipulation II.I. **On April 25, 2012, CTS-GEC developed the Multiple Property Documentation Form (MPDF) for the Lime Manufacturing Resources of Utica, Indiana and four separate NRHP Registration Forms for the limekilns and submitted them to INDOT for review and comment. Comments were received on May 3, 2012; revisions were made and returned to INDOT on June 8, 2012. The MPDF and NRHP nominations were approved by INDOT on that date and sent to the IN SHPO for review and comment on June 12, 2012. On June 28, 2012, the IN SHPO provided preliminary comments on the documentation. Revisions will be completed in the next Reporting Period.**

Stipulation III.I. states that since the Swartz Farm Rural HD is no longer eligible for the NRHP, and the Central Passage House (CPH) was determined to be not eligible for individual listing, this stipulation has been eliminated. Documentation developed prior to the demolition of the CPH is to be made available to the public. **Section Design Consultant (SDC) 6 developed the *Photo Recordation of Central Passage House, Clark County, Indiana For Section 106 MOA, Section 6, Utica Approach (August 2011/January 2012)* in accordance with the coordination meeting of March 10, 2011 held with representatives of the FHWA, INDOT, IN SHPO and SDC 6. The *Photo Recordation* was developed in accordance with the *State of Indiana Minimum Architectural Documentation Standards*. It was submitted to the INDOT and IN SHPO for review and comment on November 10, 2011. Comments were received from both agencies (INDOT on November 23, 2011 and IN SHPO on December 15, 2011) and the report was revised accordingly. The revised *Recordation* was resubmitted for review and concurrence on June 18, 2012. Approval is anticipated in the next Reporting Period.**

Stipulation III.I. also stated that INDOT will coordinate with the appropriate historic preservation organization to publicly advertise the CPH for purchase and relocation by others at least three (3) months prior to demolition. If a third party decides to purchase or accept ownership, the third party is to bear the costs of relocation. For INDOT to approve the sale or donation, the potential buyer or donee must demonstrate their ability to complete relocation of the structure at least three months prior to scheduled demolition. **On July 24, 2012, INDOT advertised the CPH for purchase and relocation by others on the Indiana Landmarks website in accordance with this stipulation. Advertising would be completed in the next Reporting Period and disposition of the house determined.**

Stipulation III.K.1. provides for the preparation of an HPP for the Butchertown HD. **The HPP for Butchertown will be finalized in the next Reporting Period.**

Stipulation III.L.1. provides for KYTC to update the HPP for Phoenix Hill to reflect Project design modifications and changes to the HD neighborhood. **The HPP was revised reflecting the Modified Selected Alternative and submitted to CTS-GEC for review on June 22, 2012. Comments returned for revision on June 27, 2012. The revised HPP is expected in the next Reporting Period.**

Stipulation III.L.4. provides for the preparation of a treatment plan/reuse options for rehabilitation of the Vermont American Buildings affected by the Project. The building has been acquired by KYTC. **Draft F of the Treatment Plan, dated May 23, 2012, included justification for the removal of the remaining portions of Building 6, and was provided to the BSHCT Co-chairs for review on May 23, 2012. On May 25, 2012, INDOT returned comments. On May 30, 2012, the IN SHPO deferred to the Kentucky Co-chairs and concurred with INDOT's comments. No comments were received from the Kentucky Co-chairs. On June 13, 2012, the Treatment Plan was revised and Draft G (dated June 6, 2012) was sent to the BSHCT Co-chairs for final review. Comments are pending resolution.**

Stipulation III.N.3. provides that if the BSMT cannot acquire an historic preservation easement, the BSMT will acquire the Drumanard property, place a preservation easement on it, and seek to sell the property at fair market value to a preservation organization or other party acceptable to

the BSHCT or donate the property to a local government. **KYTC purchased the estate on April 17, 2012. KY SHPO and KYTC are currently developing the language for the preservation easement.**

STIPULATION IV: Archaeological Resources

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

Stipulation IV.B.1-2. States that before letting any type of Project construction in the APE or selecting sites for ancillary activities associated with the Project, FHWA shall complete the identification and evaluation of archaeological resources for inclusion in the NRHP in accordance with applicable Federal and state standards and guidelines listed in Stipulation VIII.B. and lists examples of ancillary areas. **Rosewell Treatment Plan Archaeology: As a by-product of the structural assessment of the house, the entire basement of the house has been identified as a sensitive resource and no work can occur in the basement (not even concrete removal or repair) without prior archaeological review. The entire property is a NRHP listed resource and no work can occur without consulting KYTC and SHPO. An archaeologist will be present during any excavation required during the rehabilitation of Rosewell. During the Reporting Period, the rehabilitation was advertised for construction. A pre-bid meeting was held on May 27, 2012. A contractor for the rehabilitation will be selected within the next Reporting Period.**

STIPULATION IX: Progress Reports

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

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

November 16, 2012

Report No. 17 for July 1, 2011 – December 31, 2011 was sent on June 4, 2012

STIPULATION X: Project Modification

The FHWA, INDOT and KYTC prepared a Supplemental Environmental Impact Statement (SEIS) for the Project. The Final SEIS was approved by the FHWA on April 20, 2102. Subsequent to this approval, the Revised ROD was prepared and approved on June 20, 2102.

STIPULATION XIV: Duration

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

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

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

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

ATTACHMENT A

SIGNATORIES:

Federal Highway Administration

Advisory Council on Historic Preservation

Indiana State Historic Preservation Officer

Kentucky State Historic Preservation Officer

INVITED SIGNATORIES:

Indiana Department of Transportation

Kentucky Transportation Cabinet

ATTACHMENT B

SECTION 106 MEMORANDUM OF AGREEMENT OUTLINE OF DOCUMENT CONTENT

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

- R. MPDF Ohio River Camps Group
- IV. Archaeological Resources
 - A. Implementation Standards
 - B. Identification
 - C. Evaluation
 - D. Assessment of Effects
 - E. Treatment
 - F. Qualifications and Reporting
 - G. Distribution of Final Reports
- V. Unanticipated Discoveries
- VI. Additional Historic Properties and Effects
- VII. Excess Right of Way
- VIII. Performance Standards
- IX. Progress Reports
- X. Project Modification
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