























## **ATTACHMENT B**

### **SECTION 106 FIRST AMENDED MEMORANDUM OF AGREEMENT OUTLINE OF DOCUMENT CONTENT**

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  - B. Bi-State Historic Consultation Team
  - C. Bi-State Management Team
  - D. Ombudsmen
  
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  - A. Project Goals
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  - I. National Register Documentation and Nomination
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- III. Site Specific Mitigation
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- IV. Archaeological Resources
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## ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT

### STIPULATION I - PROJECT COORDINATION

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
A		3	Advisory Teams			
A	2	3	HPATs to assist BSHCT and BSMT in developing Project Contract Provisions relating to historic preservation issues to implement the measures stipulated in FA - MOA	The convening of HPAT meetings has been completed.	The intent of this matrix was to facilitate SHPO/HPAT review of the FA - MOA measures in each design-build RFP	
A	3	3	Each HPAT is co-chaired by a representative of the STA and SHPO; Co-chairs are responsible for convening meetings of the HPATs, preparing and maintaining a summary of meetings, and preparing and submitting HPAT recommendations to the BSHCT for further action	IHPAT meetings were held on September 21, 2016 and December 7, 2016. KHPAT meetings were held on September 22, 2016 and December 8, 2016. The December HPAT meetings were the final meetings to be held unless the BSMT and BSHCT determine that additional meetings are needed.	The design - build team (DBT) had responsibility for actions associated with this stipulation.	
A	6	4	Additional participants may be invited to participate on the HPATs at the discretion of the HPAT Co-chairs.	The convening of HPAT meetings has been completed.	Independent of design-build process.	
A	7	4	ACHP may participate as it sees fit on an ad-hoc basis.	The convening of HPAT meetings has been completed.	Independent of design-build process.	
A	9	4	Co-chairs will convene quarterly meetings of the HPATs until all commitments in this FA - MOA have been fulfilled. Additionally, the SA mandates that INDOT and KYTC are to hold HPAT meetings quarterly through the completion of construction.	IHPAT meetings were held on September 21, 2016 and December 7, 2016. KHPAT meetings were held on September 22, 2016 and December 8, 2016. The December HPAT meetings were the final meetings to be held unless the BSMT and BSHCT determine that additional meetings are needed.	The DBT had responsibility for actions associated with this stipulation.	
A	10	4	Due to the accelerated schedule, materials for review by HPATs will be provided as soon as possible prior to scheduled meetings with comment deadlines identified when materials are distributed	The December 2016 HPAT meetings were the final meetings to be held unless the BSMT and BSHCT determine that additional meetings are needed.	HPAT comments were provided to the BSHCT/BSMT, as appropriate. Because the contract was managed through the BSMT, they were the only group interacting directly with the Contractor.	
A	11	4	Based on comments provided by the HPATs, Co-chairs will develop recommendations to submit to the BSHCT for consideration and action	No additional comments were received from the HPAT members following the September or December meetings.	HPAT comments were provided to the BSHCT/BSMT.	
B		4	Bi-State Historic Consultation Team			
B	2	4	BSHCT will assist BSMT in the development of Contract Provisions related to commitments of FA - MOA. The BSHCT shall consider input of the HPATs when assisting the BSMT. Due to the accelerated schedule, Contract Provisions to be provided to the BSHCT as soon as possible. Due dates will be identified when the provisions are distributed.	BSHCT meetings were held on July 12, 2016, August 30, 2016 and November 15, 2016. The November BSHCT meeting was the final meeting to be held unless the BSMT and BSHCT determine that additional meetings are needed.	The intent of this matrix was to facilitate SHPO/HPAT review of the FA - MOA measures in each design-build RFP	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
B	3	5	BSHCT may make final decisions as delegated by BSMT	The convening of BSHCT meetings has been completed.	If the DBT had responsibility for any action(s) associated with this stipulation, they were advised.	
B	4	5	BSHCT shall convene to consider recommendations provided by the HPATs and prepare recommendations to the BSMT	The convening of BSHCT meetings has been completed.	If the DBT had responsibility for any action(s) associated with this stipulation, they were advised.	
B	5	5	BSHCT to ensure comments and recommendations of HPATs given full consideration in preparing its recommendations to the BSMT or reaching final decision	The convening of BSHCT meetings has been completed.	If the DBT had responsibility for any action(s) associated with this stipulation, they were advised.	
C		5	Bi-State Management Team			
C	2	5	BSMT to ensure consultant services procured include professionals with the appropriate experience to implement provisions of FA - MOA.	None	7.3	6.3.2.4
C	3	5	BSMT to prepare progress reports as set forth in Stipulation IX.	The BSMT approved PR No. 27 ( July 1, 2016 – December 31, 2016 ) for distribution on March 27, 2017; the PR was distributed on March 30, 2017. PR No. 28 for the Reporting Period of January 1, 2017 – June 30, 2017 is provided in accordance with Stipulation IX.A. PRs will continue until all phases of Project are complete.	Independent of design-build process.	
C	4	5	BSMT to give full consideration to recommendations of BSHCT for incorporation into final plans.	None	7.6	9.3
D		5	Ombudsmen			
D	1	5	BSMT will ensure that two Ombudsmen will be retained for the duration of the Project	With concurrence of the FHWA, the BSMT ended the services of the Ombudsmen on December 31, 2016 upon completion of construction activities.	Independent of design-build process.	
D	2	5	Ombudsmen have demonstrated communication, conflict resolution skills and knowledge of historic preservation practices related to the goals of the Project	With concurrence of the FHWA, the BSMT ended the services of the Ombudsmen on December 31, 2016 upon completion of construction activities.	Independent of design-build process.	
D	3	5	Ombudsmen responsible for communicating with the public and investigating reported problems on all aspects of the Project, including the implementation of the FA - MOA. They shall report recommendations, complaints, and findings to the BSMT for resolution. The Ombudsmen will report findings, decisions, and resolutions.	With concurrence of the FHWA, the BSMT ended the services of the Ombudsmen on December 31, 2016 upon completion of construction activities.	Independent of design-build process.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
D	4	6	Ombudsmen to be located in offices within or close to the Project area	With concurrence of the FHWA, the BSMT ended the services of the Ombudsmen on December 31, 2016 upon completion of construction activities.	Independent of design-build process.	
D	5	6	Reasonable efforts were made to locate the offices of Ombudsmen in historic properties. BSMT to prioritize office locations in historic properties when determining where to house the Ombudsmen during the construction phase of Project	With concurrence of the FHWA, the BSMT ended the services of the Ombudsmen on December 31, 2016 upon completion of construction activities.	Both of the Ombudsmen were located in offices in historic properties.	
D	6	6	Roles and responsibilities of Ombudsmen to be further defined in the management plan of the Project developed by the two states and the FHWA	With concurrence of the FHWA, the BSMT ended the services of the Ombudsmen on December 31, 2016 upon completion of construction activities.	Independent of design-build process.	

## ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT

### STIPULATION II - PROJECT DEVELOPMENT

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
A		6	Goal of the Project is to meet purpose and need while avoiding, minimizing, or mitigating adverse impacts to the environment, including historic properties to the extent reasonable, feasible, and prudent. Avoidance of adverse effects is the preferred treatment.	None	7.3, 7.6	1.5
B		6	The views of the public have been considered through INDOT/KYTC transportation project development process through informational meetings convened by each respective state. DBTs to prepare a <i>Community Outreach Plan</i> to address public involvement for the community on the design and construction phases. The Plan will include specific considerations for historic preservation interest groups. The BSMT will provide the plan to the BSHCT for review and comment.	This stipulation was completed on April 12, 2013.	6.3	8.2
C		7	The roadway, bridges, and other Project elements shall be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes and the historic context, including an <i>Aesthetics and Enhancement Implementation Plan</i> .	For the Downtown Construction, modification to the AEI was approved in April 2015. For the East End Construction, aesthetic treatments for the noise and safety walls were presented to the BSHCT on January 20, 2015 and May 12, 2015 and to the KHPAT on March 26, 2015.	5.3	9.1
D		7	Roadway lighting within the viewshed of historic properties and navigational lighting designed and constructed to minimize dispersion of light beyond highway right-of-way and include state-of-the-art techniques and systems.	The design of the roadway lighting is complete.	11.7	17.1, 17.2



Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
E		7	Design Project so as to minimize adverse noise effects on historic properties in accordance with state and federal noise regulations, policies, and guidance, including special consideration of enhanced noise abatement measures for historic properties, including measures that contribute to quieter pavements. BSMT responsible for coordinating development of noise abatement. Final determinations on placement of noise abatement barriers to include public involvement. BSMT, BSHCT and HPATs to consider effects on historic properties and measures to mitigate effects.	On November 18, 2016, Metro Parks and Recreation preferred that a noise wall not be constructed between Clifton Park and I-64. Upon further review, it was also determined that additional landscaping along the park boundary was not desired.	7.7	6.3.2.1
F		8	Historic Preservation Plans			
F	1	8	HPPs to meet the following provisions:		Independent of design-build process.	Independent of design-build process.
F	1 a	8	Scopes of Work to be developed in consultation with the respective HPATs.	This task was completed individually for each respective HPP. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
F	1 b	8	To be developed in consultation with owners of historic properties and/or related neighborhoods.	This task was completed individually for each respective HPP. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
F	1 c	8	Consent to be obtained prior to entry on privately owned property.	This task was completed individually for each respective HPP. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
F	1 d	8	To consider and build upon existing studies and plans.	This task was completed individually for each respective HPP. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
F	1 e	8	Be developed in cooperation with the appropriate local government and approved by the respective SHPO.	This task was completed individually for each respective HPP. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
F	1 f	8	To recognize the unique character, context, and historic significance of each resource/area. Identify ways to protect and enhance the historic qualities.	This task was completed individually for each respective HPP. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
F	1 g	8	To consider land use, transportation patterns and other urban/suburban planning issues	This task was completed individually for each respective HPP. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
F	1 h	8	Present to relevant city/county governments and KIPDA for incorporation into local land use planning processes.	This task was completed individually for each respective HPP. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
F	2	9	HPPs to be prepared for the following properties:		Independent of design-build	Independent of design-build
F	2 a	9	Old Jeffersonville Historic District	The HPP was approved on September 28, 2009 and the Update to the HPP was approved on October 2, 2012. This stipulation is completed.	Task completed on October 2, 2012	Task completed on October 2, 2012
F	2 b	9	Township of Utica Historic Lime Industry	The HPP was approved on October 15, 2012. This stipulation is completed.	Task completed on October 15, 2012	Task completed on October 15, 2012
F	2 c	9	Butchertown Historic District	The HPP was approved on October 31, 2012. This stipulation is completed.	Task completed on October 31, 2012	Task completed on October 31, 2012
F	2 d	9	Phoenix Hill Historic District	The HPP was approved on April 25, 2007 and the Update to the HPP was approved on October 2, 2012. This stipulation is completed.	Task completed on October 2, 2012	Task completed on October 2, 2012
F	2 e	9	Country Estates of River Road Historic District / River Road Corridor	The HPP was approved on January 18, 2011 and the Update to the HPP was approved on November 26, 2012. This stipulation is completed.	Task completed on November 26, 2012	Task completed on November 26, 2012

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
F	2	f	Ohio River Camps Multiple Property Group	The Ohio River Camps HPP was approved on March 26, 2013. This stipulation is completed.	Task completed on March 26, 2013	
H		9	Historic Preservation Easements to be placed on properties identified in Stipulation III in perpetuity	INDOT is working to secure a holder of the preservation easement for Utica Lime Kiln #48004. It is under review by INDOT Legal Division. Upon completion of review, CTS – GEC will contact potential holders of the easement to inquire of their willingness to hold the easement. An easement for the Spring Street Freight House has been prepared and is under review by INDOT Legal Division.	Independent of design-build process.	
I		9	Preparation of NRHP documentation and nomination of properties identified in Stipulation III.	The new property owner is pursuing listing of the Colgate - Palmolive property through a consultant using the information developed by CTS - GEC in the initial listing. The INDOT - completed nomination was finalized on December 3, 2013 and terminated on April 30, 2014 due to property owner objections to listing.	Independent of design-build process.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
J		10	Streetscape improvements to be designed in consultation with the respective SHPOs and occur within the public right-of-way. Obtain right-of-way title holder approval prior to use.	In the Old Jeffersonville HD, construction of the streetscaping and landscaping was completed by March 31, 2017. KYTC determined that the streetscaping of East Main Street in Butchertown will be performed under a separate contract, which was let in June 2017 with completion in fall 2017. In the 300 – 600 blocks of Market Street in Phoenix Hill, sidewalk construction and landscaping were to be completed as part of an overall streetscaping project in the 100 – 1100 blocks of Market Street. However, the larger project is inactive due to funding; it may be reprioritized and the scope modified. As such, completion of the streetscaping in the 300 – 600 blocks of Market Street is being coordinated by KYTC and CTS – GEC. Streetscaping along Main Street in Street in Phoenix Hill is under construction.	5.3	9
K		10	Interpretative signage to be placed within the right-of-way of public streets or on easements to explain significance of the historic properties. Obtain right-of-way title holder approval prior to use.	Signage in Phoenix Hill neighborhood, at Spring Street Freight House and for the Utica Limekilns has been erected; signage at the Ohio Falls Car and Locomotive HD will be completed in the next Reporting Period.		The DBT had responsibility for actions associated with this stipulation.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
L		10	Blasting & Vibration			
L	1	10	Ensure construction blasting/vibration plans and bridge pier construction plans are developed by the contractor(s). Maximum threshold values for historic properties established. BSMT and BSHCT to discuss protective measures to be used by Contractor to protect historic resources from vibration damage. The BSMT and BSHCT to discuss additional properties not identified by the Contractor that should be considered Extremely Fragile.	A vibration plan was developed and monitoring conducted during construction.	7.8	6.3.2.2.
L	2	11	Plans shall include pre-and post-construction surveys conforming to industry standards, construction monitoring, and other measures to minimize harm to historic properties. BSMT responsible for overseeing the development of plans, in consultation with the BSHCT, who will help identify structures to monitor.	Pre-construction surveys were completed in the Downtown on April 22, 2013 in Kentucky and on May 20, 2013 in Indiana. In the East End, these surveys were completed on September 9, 2013.	7.8	6.3.2.2.
L	3	11	BSMT to determine whether damage has occurred as a result of Project activities.	A vibration plan was developed and monitoring conducted during construction.	7.8	6.3.2.2.
L	4	11	BSMT shall be responsible for repair of any blast and vibration damage to historic properties. Repairs to be carried out in accordance with the Secretary's Standards.	A vibration plan was developed and monitoring conducted during construction.	7.8	6.3.2.2.
L	5	11	Obtain consent for entry of privately owned property to access monitoring equipment or damage repair.	A vibration plan was developed and monitoring conducted during construction.	7.8	GS 107.12

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
M		11	Provisions shall limit construction activities and noise during specific periods of time such as holidays or special events. The contractor shall comply with all relevant local noise ordinances. Activities that create high levels of construction noise not to be conducted between the hours of 6:00 a.m. and noon on Sundays without the prior approval of the BSMT. The BSMT to develop these provisions with input from the BSHCT and HPATs. If modifications to be made after construction contract is awarded, the BSMT to discuss the modifications with the BSHCT and the HPATs.	Construction that produced high levels of construction noise adjacent to sensitive receivers was avoided between 6:00 AM - 12:00 PM on Sundays	12.4.7	6.3.2.1., 8.6.8., 10.4.1.3.
N		12	Establish no-work zones on construction plans within the NRHP boundaries of properties identified in Stipulation III. State owner right-of-way within historic districts is exempt.	No Work Zone letter sent March 1, 2013, In September 2016, FHWA proposed mitigation for the adverse effect of clearing a known archaeological site on Shadybrook Farm, a No Work Zone. Mitigation may be combined with mitigation from the Milton-Madison Bridge and may consist of a donation of funds toward an online archaeology web portal for public access to information about archaeological sites in Kentucky, with emphasis on Jefferson County.	7.6	6.3.2.6.
P		12	Education and Interpretation			
P	1	12	Ensure that sensitive information about the location and nature of archaeological resources identified in the APE are not disclosed.	None		Independent of design-build process.
P	2	13	Develop a Popular Report, in plain English intended for general public, describing history, historic properties and archaeological resources identified in the APE. Draft copy to be provided to parties for 30-day review; comments to be considered in final report.	Final distribution of the Popular Report was completed to the SHPOs, HPATs, Native American Tribes and local libraries in late January 2014. This stipulation is completed.		Independent of design-build process.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
Q		13	BSMT shall conduct pre- and post-construction traffic monitoring to assess changes in traffic patterns within the Extensions to the APE caused by Project, and consult with the BSHCT and HPATs regarding results	The Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Post-construction surveys have been completed. Post-construction monitoring shall commence no sooner than 12 months and conclude no sooner than 15 months after completion of construction. The post-construction monitoring report will be reviewed by BSHCT and HPATs with final approval by the BSMT.	Independent of design-build process.	Independent of design-build process.
Q	1	13	BSMT responsible for preparing a plan for traffic monitoring studies in consultation with the BSHCT and HPATs. With BSMT approval, final traffic monitoring plan made available on the Project website and remain available on the project website until this stipulation has been fulfilled	The Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Post-construction surveys have been completed. Post-construction monitoring shall commence no sooner than 12 months and conclude no sooner than 15 months after completion of construction. The post-construction monitoring report will be reviewed by BSHCT and HPATs with final approval by the BSMT.	Independent of design-build process.	Independent of design-build process.
Q	2	13	Traffic monitoring plan to include timing of pre-construction and post-construction traffic monitoring, locations of monitoring, methods for conducting the monitoring, process for providing BSHCT and HPATs an opportunity to comment on the results of the monitoring studies and identification of the measured difference in traffic volume that will be considered an indicator of significant change between the pre-construction and post-construction conditions.	The Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. Post-construction surveys have been completed. Post-construction monitoring shall commence no sooner than 12 months and conclude no sooner than 15 months after completion of construction. The post-construction monitoring report will be reviewed by BSHCT and HPATs with final approval by the BSMT.	Independent of design-build process.	Independent of design-build process.
Q	3	14	Pre-construction traffic monitoring to occur no more than six months prior to the start of construction. FHWA responsible for determining start of construction date.	The Final Traffic Report for pre-construction traffic was approved by INDOT and KYTC on February 20, 2014. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
Q	4	14	Post-construction traffic monitoring to commence no sooner than 12 months and conclude no later than 15 months after the completion of construction. FHWA responsible for determining the completion of construction.	None	Independent of design-build process.	Independent of design-build process.
Q	5	14	Within 3 months of completion of the post-construction monitoring, BSMT, BSHCT and HPATs shall discuss results. BSHCT and HPATs will be given opportunity to present their views regarding the effects of any changes in traffic patterns on historic properties within the Extensions to the APE. BSMT to consider views in deciding strategies, if any, to implement to address the effects of changes in traffic patterns.	None	Independent of design-build process.	Independent of design-build process.
Q	6	14	After consultation with the BSHCT and HPATs, the BSMT shall determine measures to be implemented to address the effects of changes in traffic patterns within the Extensions to the APE	None	Independent of design-build process.	Independent of design-build process.
R		15	BSMT shall consult with local authorities and the BSHCT to identify maintenance of traffic strategies to mitigate traffic changes caused by construction.	Established detour routes through historic districts were coordinated with the BSHCT at meetings of July 12, 2016, August 30, 2016 and November 15, 2016. This information was also shared with the IHPAT at meetings on September 21, 2016 and December 7, 2016 and with the KHPAT at meetings on September 22, 2016 and December 8, 2016.	Independent of design-build process.	Independent of design-build process.



## ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT

### STIPULATION III - SITE SPECIFIC MITIGATION

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
A		15	<b>Train Depot/Spring Street Freight House</b>			
A	1	15	Streetscape improvements within the limits of the Spring Street frontage	Streetscape improvements were completed in 2013.	The DBT had responsibility for actions associated with this stipulation.	
A	2	a	Make available during the construction period to house personnel assigned to the Project and the Ombudsman.	The building was used by INDOT as a public information office during construction. The Indiana Ombudsman was located in the historic Quartermaster building. The Kentucky Ombudsman was located in Louisville.	Independent of design-build process.	
A	2	b	Rehabilitation, to be undertaken in consultation with IN SHPO and in accordance with the Secretary's Standards	This task was completed on January 29, 2013. This stipulation is completed.	Task completed on January 29, 2013.	
A	2	c	Place preservation easement on property and sell at fair market value or donate to a local government.	The draft Preservation Easement was prepared and sent to the INDOT Legal Division for review on August 5, 2016.	Independent of design-build process.	
A	5	16	Develop and place interpretative signage.	The interpretive sign was fabricated and mounted at the site on February 18, 2014. This stipulation is completed.	The DBT had responsibility for actions associated with this stipulation.	
B		16	<b>Colgate-Palmolive Historic District</b>			
B	1	16	BSMT will develop documentation and seek NRHP nomination.	The new property owner is pursuing listing of the property through a consultant using the information developed by CTS - GEC in the initial listing. The INDOT - completed nomination was finalized on December 3, 2013 and terminated on April 30, 2014 due to property owner objections to listing.	Independent of design-build process.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
B	2	16	Develop and place interpretative signage	The application to prepare an IHB marker was approved (by IHB) on October 4, 2016. The text and the location of the marker are being finalized. Casting of the marker will occur in the next Reporting Period.	The DBT had responsibility for actions associated with this stipulation.	
<b>C</b>		<b>16</b>	<b>Ohio Falls Car and Locomotive Company Historic District</b>			
C	2	16	Develop and place interpretative signage	Fabrication of the marker was completed in June 2017, and it will be placed in the next Reporting Period.	The DBT had responsibility for actions associated with this stipulation.	
C	3	17	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	A vibration plan was developed and monitoring conducted during construction.	n/a	6.3.2.2
<b>D</b>		<b>17</b>	<b>George Rogers Clark Memorial Bridge</b>			
D	1	17	Make reasonable effort to avoid displacement of the historic bridge pylons on the IN approach to the bridge.	Pylons were dismantled, relocated and reassembled at a new location north of their existing location. This stipulation was completed on May 5, 2014.	n/a	6.3.2.4
D	2	17	If displacement cannot be avoided, develop and implement a Treatment Plan to minimize damage to the original contributing elements.	The BSHCT Co-chairs issued final concurrence on the Treatment Plan (Revision 3) on May 5, 2014. This stipulation is completed.	n/a	6.3.2.4
D	3	17	Relocate pylons in a way to ensure protection of the NRHP designation.	Pylons were dismantled, relocated and reassembled at a new location north of their existing location. This stipulation was completed on May 5, 2014.	n/a	6.3.2.4
D	4	17	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	A vibration plan was developed and monitoring conducted during construction.	n/a	6.3.2.2
<b>E</b>		<b>17</b>	<b>Old Jeffersonville Historic District</b>			
E	1	17	Develop an HPP	The HPP was approved on September 28, 2009 and the Update to the HPP was approved on October 2, 2012. This stipulation is completed.	Task completed on October 2, 2012.	
E	2	18	Present HPP to the City of Jeffersonville for potential use as a component of the City's Comprehensive Plan.	The Updated HPP was sent to the City of Jeffersonville and KIPDA on October 8, 2012. This stipulation is completed.	Task completed on October 8, 2012	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
E	3	18	Design and construct streetscape improvements within the HD between Spring Street and the Project.	Construction of the streetscaping and landscaping has been completed by March 31, 2017.	The DBT had responsibility for actions associated with this stipulation.	
E	4	18	Design and construct pedestrian friendly facilities within Indiana ROW under the new bridge and existing I-65 bridge.	Open environment with longer spans resulted in less piers for viewshed	n/a	9.2.2
E	5	18	Minimize spacing between the existing bridge and the proposed downtown bridge consistent with prudent engineering principles.	This task was completed as part of the final bridge design in 2013.	n/a	14.4
E	6	18	Develop and implement highway signage plan that minimizes the number of overhead directional signs on the approaches.	This task was completed with Substantial Completion on November 18, 2016.	n/a	16.2
E	7	18	Make a reasonable effort to relocate five contributing structures (115 Fort St., 116 Fort St., 502 W. Market St, 432 W. Riverside Dr. and 502 W. Riverside Dr.) that would otherwise be demolished by the Project.	The five houses were relocated within the HD and rehabilitated for auction. All of the houses have been sold and INDOT does not have an interest in any of them. Final closure on the houses is completed.	Independent of design-build process.	
E	7	18	Make a reasonable effort to purchase vacant lots within the district from a willing seller at fair market value. Houses to be moved and placed on new foundations in accordance with approaches recommended in <i>Moving Historic Buildings</i> . Relocated houses to be sold at fair market value.	The five houses were relocated within the HD and rehabilitated for auction. All of the houses have been sold and INDOT does not have an interest in any of them. Final closure on the houses is completed.	Independent of design-build process.	
E	7	18	Place preservation easement on relocated houses.	The preservation easements were recorded on December 20, 2013 for the five houses. This stipulation is completed.	Independent of design-build process.	
E	7	19	Stipulate through a covenant easement that the purchaser must occupy house for five years and maintain in accordance with preservation standards.	The restrictive covenant language was added to the deeds for each property and recorded when the properties were transferred to the City of Jeffersonville. All of the deeds were recorded on December 20, 2013. This task is completed.	Independent of design-build process.	

Item	Sub Item	Pg. No.	Description	Activity	East End	Downtown
E	8 a-c	19	If unable to obtain suitable property within the district, prepare and implement a marketing plan for relocation by others at a nominal fee. Plan to include information about the buildings, etc. Upon IN SHPO agreement, INDOT to implement for a minimum of six months. INDOT to review with IN SHPO all offers prior to acceptance.	The five houses were relocated within the HD and rehabilitated for auction. All of the houses have been sold and INDOT does not have an interest in any of them. Final closure on the houses is completed.	Independent of design-build process.	Independent of design-build process.
E	9	19	If no acceptable offer made that conforms to the requirements for rehabilitation and maintenance, may donate property to a local government	The five houses were relocated within the HD and rehabilitated for auction. Final closure on the houses is completed.	Independent of design-build process.	Independent of design-build process.
E	10	19	Design and construct roadway lighting in the viewshed of district as set forth in Stipulation II.D.	The design of the roadway lighting is complete.	n/a	17.1
E	11	19	Implement noise abatement measures as set forth in Stipulation II.E.	Quiet pavement and joints are being utilized on the project.	n/a	6.3.2.1
E	12	19	Timing of construction activities shall be scheduled to limit construction activities which may result in additional impacts to the district.	Construction that produced noise adjacent to sensitive receivers was avoided between 6:00 AM - 12:00 PM on Sundays	n/a	6.3.2.1, 8.6.8
E	13	19	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	A vibration plan was developed and monitoring conducted during construction.	n/a	6.3.2.2
<b>F</b>		<b>19</b>	<b>INAAAP Igloo Storage Historic District</b>			
F		19	Develop and implement a blasting/vibration plan. Plan to include provisions for blast monitoring and repair if River Ridge Development Authority grants access.	A vibration plan was developed and monitoring conducted during construction.	7.8	n/a
F		20	BSMT to make reasonable effort to place roadside historical marker near the facility to explain historical significance of the site	The final marker was delivered to INDOT from the IHB on August 25, 2016 and the marker was placed on December 12, 2016.	7.6	n/a
<b>G</b>		<b>20</b>	<b>Lentz Cemetery</b>			
G	1	20	Develop and implement a blasting/vibration plan	A vibration plan was developed and monitoring conducted during construction.	7.8	n/a

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
G	2	20	Design the section of roadway adjacent to the cemetery to minimize noise to the property and complement the refinement with landscaping within the public right-of-way.	The section of roadway adjacent to the cemetery was designed to minimize noise, complemented by landscaping within the public right-of-way.	7.6	n/a
H		20	<b>Lime Kilns within the Utica Lime Industry Multiple Property Listing</b>			
H	1	20	Develop an HPP to include a Context Study focusing on the development of the lime industry. Develop and publish a pamphlet for public distribution presenting the results of the lime industry study	The Context Study was a part of the HPP, which was approved on October 15, 2012. The BSMT approved the pamphlet on October 25, 2013; public distribution was completed in January 2014. This stipulation is completed.	Task completed	
H	2	20	Prepare a condition report of the resources, which includes photographs, to establish a baseline condition.	The IN SHPO concurred in the Condition Report on August 6, 2013. This stipulation is completed.	7.8	n/a
H	3	20	Develop and implement a blasting/vibration plan. To be developed for kilns identified as IE-HC-48002, IE-HC-48003 and IE-HC-48004.	A vibration plan was developed and monitoring conducted during construction.	7.8	n/a
H	4	21	Delineate a "no-work zone" around the three lime kilns, noted above, which is to extend 100 feet from the kilns. Prepare a documentation report for those quarries that would be adversely affected by the Project.	On March 1, 2013, a No Work Zone was established around the limekilns. The documentation report was finalized on December 18, 2013. This stipulation is completed.	7.6	n/a
H	5	21	Repair any damage caused by the Project to the lime kilns	A post construction survey is to be completed in the next Reporting Period and damage estimates prepared, if necessary.	7.8	n/a
H	6	21	BSMT to work with Clark County to place a preservation easement for kiln #48004.	INDOT is working to secure a holder of the preservation easement for Utica Lime Kiln #48004. It is under review by INDOT Legal Division. Upon completion of review, CTS – GEC will contact potential holders of the easement to inquire of their willingness to hold the easement.	Independent of design-build process.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
H	7	21	Develop and design an interpretive marker along Utica Pike describing the importance of the lime industry and significance of the kilns.	The markers were fabricated and placed in the Ohio River Overlook on December 9, 2016.	7.6	n/a
H	8	21	Document and seek NRHP nomination	The MPDF and the NRHP nominations for lime kilns #48001, #48002 and #48004 were approved by the Keeper of the NRHP on December 30, 2013. Due to property owner objection for listing of #48003, the lime kiln was determined eligible for listing on the NRHP, but it was not listed. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
<b>I</b>		<b>21</b>	<b>Swartz Farm Rural Historic District</b>			
I		21	Central Passage House documentation developed prior to the demolition to be made available to public.	This task was completed on July 8, 2012. This stipulation is completed.	Task completed on July 8, 2012	
I		21	INDOT to coordinate with historic preservation organization to advertise Central Passage House for purchase or donation and relocation by others at least three months prior to the scheduled demolition. If third party decides to purchase or accept ownership, third party to bear costs of relocation. Potential buyer/donee must demonstrate ability to complete relocation at least three months prior to scheduled demolition.	During the advertisement of the CPH for purchase and relocation, no one came forth to take title to the house. The CPH was demolished in June 2013. This stipulation is completed.	Independent of design-build process.	Independent of design-build process.
<b>K</b>		<b>22</b>	<b>Butchertown Historic District</b>			
K	1	22	Develop an HPP, which shall develop a thematic context to assist with future nominations in the region. Plan is to be coordinated with latest development plans available from Metro.	The HPP was approved on October 31, 2012. This stipulation is completed.	Task completed on October 31, 2012	Task completed on October 31, 2012
K	9	23	Grace Immanuel United Church of Christ - Conduct a noise study for Grace Immanuel United Church of Christ to determine whether interior noise abatement measures are justified.	A noise study was completed on June 20, 2013 and a determination made that interior noise abatement was not required. This stipulation is completed.	n/a	Independent of the design-build process.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
K	10	23	BSMT shall make a reasonable effort to incentivize reinvestment in Grocers Ice property, including consideration of demolition savings that will result from identification of a buyer, reduced land value as a result of establishing a preservation easement, etc. Includes coordination with Louisville Metro for donation of property with preservation easement or public advertisement to identify buyer, followed by documentation and demolition if no buyer is identified.	No bids were received at either of the bid openings on November 24, 2015 or June 30, 2016. Coordination between KYTC and the KY SHPO will define the necessary next steps for disposition of the property.	n/a	3.6.1.1
K	12	24	Design and construct streetscape improvements on East Main Street	KYTC determined that the streetscaping will be performed under a separate contract, which was let in June 2017 with completion in fall 2017.	The DBT had no responsibility for actions associated with this stipulation.	
K	14	24	Design and construct roadway lighting within the viewshed of the district	The design of the roadway lighting is complete.	n/a	17.1
K	15	24	Implement noise abatement measures where the Project is expected to adversely affect the district	Metro Parks and Recreation preferred that a noise wall not be constructed between Clifton Park and I-64. Upon further review, it was also determined that additional landscaping along the park boundary was not desired.	n/a	6.3.2.1
K	16	24	Develop and implement a blasting/vibration plan	A vibration plan was developed and monitoring conducted during construction.	n/a	6.3.2.2
<b>L</b>		<b>24</b>	<b>Phoenix Hill Historic District</b>			
L	1	24	Develop an HPP, which shall develop a thematic context to assist with future nominations in the region. Plan is to be coordinated with latest development plans available from Metro.	The HPP was approved on April 25, 2007 and the Update to the HPP was approved on October 2, 2012. This stipulation is completed.	n/a	6.3.2.4
L	2	25	Design and construct roadway lighting as set forth in Stipulation II.D.	The design of the roadway lighting is complete.	n/a	17.1

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
L	3	25	KYTC to offer identified salvageable historic materials to museums in Jefferson County. If no museums request the materials, materials to be offered to other museums in Kentucky. Salvageable materials not claimed by museums to be sold to public by KYTC in accordance with applicable procedures	One of the capitals from the Baer Fabrics was donated to the Filson Club; the agreement was executed by KYTC and Filson Club on September 25, 2013. KY SHPO agreed that KYTC has done due diligence in contacting historical groups and can place the remaining materials for public sale or auction.	Independent of design-build process.	Independent of design-build process.
L	4	25	Develop a treatment plan for rehabilitation of the Vermont American Buildings, explore options for reuse and rehabilitate the exterior of the building if recommended in the treatment plan	The treatment plan was approved by the BSMT on July 31, 2012.	Independent of design-build process.	Independent of design-build process.
L	5	25	St. John's Church - Conduct a noise study for St. John's Church to determine whether interior noise abatement measures are justified.	A noise study was completed on June 20, 2013 and a determination made that interior noise abatement was not required. This stipulation is completed.	n/a	Independent of the design-build process.
L	6	25	Refuge in Kentucky Church - Conduct a noise study for Refuge in Kentucky Church to determine whether interior noise abatement measures are justified for the Church, Day Care Center and School.	A noise study was completed on June 20, 2013 and a determination made that interior noise abatement was not required. This stipulation is completed.	n/a	Independent of the design-build process.
L	7	25	Place interpretive signage within the district	Five of the six markers were installed on February 1, 2017; the final marker (at Baxter Avenue and Broadway Street) is to be installed after completion of the adjacent apartment complex construction. The Phoenix Hill Neighborhood Association is responsible for the erection of the sixth interpretive sign.	The DBT had responsibility for actions associated with this stipulation.	The DBT had responsibility for actions associated with this stipulation.



Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
L	8	25	Streetscape improvements along Main Street and Market Street from Floyd Street to Clay Street and in the area under the I-65 Bridge in accordance with provisions of the HPP and the KHC streetscape design guidelines.	In the 300 – 600 blocks of Market Street in Phoenix Hill, sidewalk construction and landscaping were to be completed as part of an overall streetscaping project in the 100 – 1100 blocks of Market Street. However, the larger project is inactive due to funding; it may be reprioritized and the scope modified. As such, completion of the streetscaping in the 300 – 600 blocks of Market Street is being coordinated by KYTC and CTS – GEC. Streetscaping along Main Street in Phoenix Hill is under construction.	The DBT had no responsibility for actions associated with this stipulation.	
L	9	26	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	A vibration plan was developed and monitoring conducted during construction.		6.3.2.2
<b>M</b>		<b>26</b>	<b>Country Estates Historic District / River Road Corridor</b>			
M	1	26	Develop a HPP, which shall specifically consider and develop recommendations for the listed properties.	The HPP was approved on January 18, 2011 and the Update to the HPP was approved on November 26, 2012. This stipulation is completed.	Task completed on November 26, 2012	
M	2	26	Design and construct proposed roadways, bridges and tunnels from I-71 to the Ohio River, taking into consideration the cultural landscapes that are important contributing elements to the district.	The Landscape plans for Section 4 include a roadway embankment adjacent to the Belleview property with a buffer zone between the property and the roadway. The buffer zone contains a contoured berm with native large canopy trees and ornamental understory trees along with shrubs and grass plantings.	5.3, 7.6	n/a
M	3	27	Design and construct roadway lighting as set forth in Stipulation II.D.	The design of the roadway lighting is complete.	7.6	n/a
M	4	27	Implement noise abatement measures where the Project noise is expected to affect the listed and eligible properties as set forth in Stipulation II.E.	Noise abatement studies were conducted as part of the FEIS and SFEIS process. Noise abatement measures have been implemented in the East End - Indiana and Kentucky.	7.6, 7.7	n/a

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
M	5	27	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	A vibration plan was developed and monitoring conducted during construction.	7.8	n/a
M	6	27	Define a "no-work zone" within the NRHP boundaries of the listed and eligible properties.	No Work Zone letter sent March 1, 2013. In September 2016, FHWA proposed mitigation for the adverse effect of clearing a known archaeological site on Shadybrook Farm, a No Work Zone. Mitigation may be combined with mitigation from the Milton-Madison Bridge and may consist of a donation of funds toward an online archaeology web portal for public access to information about archaeological sites in Kentucky, with emphasis on Jefferson County.	7.6	n/a
<b>N</b>		<b>27</b>	<b>Drumanard</b>			
N	1	27	Project through this property to be contained in a tunnel so as to limit adverse effects.	The tunnel construction is completed.	9.3.1, 16	n/a
N	2	27	Acquire or establish a historic preservation easement for the entire Drumanard historic property	The preservation easement was signed on May 20, 2014.	Independent of design-build process.	
N	3	27	If acquiring a preservation easement is not possible, FHWA will acquire the property, place the required easement on the property and transfer to KYTC who shall seek to sell the property at fair market value or donate to a local government.	KYTC owns the property. KYTC and the Kentucky Division of Finance placed Drumanard for sale on August 22, 2016 with a bid opening of November 3, 2016. No bids were received by this latter date. Coordination with KYTC has indicated that the property will be rebid with only serious offers considered.	Independent of design-build process.	
N	4	27	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L. Monitor the historic buildings to preclude impacts due to blasting.	A vibration plan was developed and monitoring conducted during construction.	7.8	n/a
<b>O</b>		<b>28</b>	<b>Allison-Barrickman House</b>			

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
O	1	28	Acquire a historic preservation easement for the Allison-Barrickman house on the tract of land within the NRHP boundary and an easement on the property bounded by US 42, KY 841, the Allison-Barrickman property and Wolf Pen Branch Road	The property owner has refused to place an easement on the property. This stipulation is completed.	Independent of design-build process.	
O	2	28	Implement noise abatement measures as set forth in Stipulation II.E.	Noise abatement studies were conducted as part of the FEIS and SFEIS process. Noise abatement measures have been implemented in the East End - Indiana and Kentucky.	7.6, 7.7	n/a
O	3	28	Define a "no-work zone" within the NRHP boundary of the property.	In September 2016, FHWA proposed mitigation for the adverse effect of clearing a known archaeological site on Shadybrook Farm. Development of the mitigation is proceeding. Thus mitigation does not affect the Allison - Barrickman House.	7.6	n/a
O	4	28	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	A vibration plan was developed and monitoring conducted during construction.	7.8	n/a
<b>P</b>		<b>28</b>	<b>Rosewell</b>			
P	1	28	Develop and implement a Treatment Plan to minimize damage to the property.	The treatment plan and the final rehabilitation were completed on September 9, 2011. This stipulation is completed.	Task completed on September 9, 2011.	
P	3	28	Place a preservation easement on the property and then sell to a local historic preservation organization or other acceptable party or donate to a local government.	The preservation easement was placed on March 24, 2015. KYTC and the Kentucky Division of Finance placed Rosewell for sale on July 20, 2016 with a bid opening of October 3, 2016. No bids were received by this latter date. Coordination with KYTC has indicated that the property will be rebid with only serious offers considered.	Independent of design-build process.	
P	4	28	Design and construct roadway lighting as set forth in Stipulation II.D.	The design of the roadway lighting is complete.	7.6	n/a

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
P	5	28	Implement noise mitigation measures as set forth in Stipulation II.E.	Noise abatement studies were conducted as part of the FEIS and SFEIS process. Noise abatement measures have been implemented in the East End - Indiana and Kentucky.	7.6, 7.7	n/a
P	6	28	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	A vibration plan was developed and monitoring conducted during construction.	7.8	n/a
P	7	29	Define a "no-work zone" within the NRHP boundary of the property.	The No Work Zone letter was sent March 1, 2013 to Section 106 consulting parties. This stipulation is completed.	7.6	n/a
<b>Q</b>		<b>29</b>	<b>Bellevue</b>			
Q	1	29	Design Ohio River Bridge and embankment adjacent to the property taking into account the cultural landscape associated with this property. Consider context sensitive landscaping and other visual treatments on or adjacent to the NRHP boundary, with owner consent and maintenance.	The Stage 2 Landscape plans for Section 4 included a roadway embankment adjacent to the property with a buffer zone between the property and the road. The buffer zone contained a contoured berm with native large canopy trees and ornamental understory trees along with shrubs and grass plantings.	7.6	n/a
Q	2	29	Design and construct roadway lighting within the viewshed of Bellevue as set forth in Stipulation II.D.	The design of the roadway lighting is complete.	7.6	n/a
Q	3	29	Implement noise mitigation measures as set forth in Stipulation II.E.	Noise abatement studies were conducted as part of the FEIS and SFEIS process. Noise abatement measures have been implemented in the East End - Indiana and Kentucky.	7.6, 7.7	n/a
Q	4	29	Develop and implement a blasting/vibration plan as set forth in Stipulation II.L.	A vibration plan was developed and monitoring conducted during construction.	7.8	n/a
Q	5	29	Define a "no-work zone" within the NRHP boundary of the property.	The No Work Zone letter was sent March 1, 2013 to Section 106 consulting parties. This stipulation is completed.	7.6	n/a
<b>R</b>		<b>29</b>	<b>MPDF Ohio River Camps Group</b>			

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
R	1	29	BSMT to develop Context Study focusing on recreation along the Ohio River within region, including identification of significant riverfront properties during the period 1870-1970 with recommendations for preservation.	This task was completed on March 26, 2013. This stipulation is completed.	Independent of design-build process.	

**ATTACHMENT C - FIRST AMENDED MEMORANDUM OF AGREEMENT**

**STIPULATION IV - ARCHAEOLOGICAL RESOURCES**

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
A			Implementation Standards			
A	1	30	FHWA may withhold or limit public disclosure of information about historic properties.	None	The DBT had responsibility for actions associated with this stipulation.	
A	2	30	FHWA to ensure consultation with Indian Tribes is conducted in a manner consistent with 36 CFR 800.2(c)(2)(ii)(A), (B) & (C).	None	The DBT had responsibility for actions associated with this stipulation.	
A	3	30	FHWA to make every effort to complete identification and evaluation of archaeological resources at the earliest possible time in Project design.	Artifacts from Site 12CI978 were curated by Ball State University. The report of the archaeological survey completed at Wayside Mission was confirmed complete by KYTC on March 22, 2017.	The DBT had responsibility for actions associated with this stipulation.	
A	4	30	In implementing Stipulation IV, FHWA may consult with the parties identified in Attachment F of the FA - MOA.	None	The DBT had responsibility for actions associated with this stipulation.	
A	5	30	FHWA will take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Indian Tribes.	None	The DBT had responsibility for actions associated with this stipulation.	
B	1-5	30-32	Identification: FHWA shall complete the identification and evaluation of archaeological resources where ground disturbing activities may occur in accordance with applicable state and federal standards and other FA - MOA stipulations. A plan for the identification and evaluation of archaeological resources will be developed through consultation, guided by each state's standards. FHWA shall prepare and distribute final reports.	Artifacts from Site 12CI978 were curated by Ball State University. The report of the archaeological survey completed at Wayside Mission was confirmed complete by KYTC on March 22, 2017.	The DBT had responsibility for actions associated with this stipulation.	

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
C	1-6	32	Evaluation: In consultation with the SHPOs and Native American Tribes, FHWA shall evaluate the NRHP eligibility of archaeological sites.	An archaeological plan was developed to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing was to occur, but had not been previously cleared by an archaeological assessment.	The DBT had responsibility for actions associated with this stipulation.	The DBT had responsibility for actions associated with this stipulation.
D	1-3	32-33	Assessment of Effects: In consultation with the SHPOs, Native American Tribes, and other parties deemed appropriate, FHWA shall assess project effects on archaeological sites. FHWA shall make reasonable efforts to avoid or minimize adverse effects.	An archaeological plan was developed to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing was to occur, but had not been previously cleared by an archaeological assessment.	The DBT had responsibility for actions associated with this stipulation.	The DBT had responsibility for actions associated with this stipulation.
E	1-6	33-35	Treatment: If adverse effects cannot be avoided, FHWA shall develop and implement a Treatment Plan(s) through consultation, in compliance with relevant guidance and FA - MOA stipulations.	An archaeological plan was developed to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing was to occur, but had not been previously cleared by an archaeological assessment.	The DBT had responsibility for actions associated with this stipulation.	The DBT had responsibility for actions associated with this stipulation.
F	1-5	35-36	Qualifications and Reporting: Work shall be completed by qualified professionals. Reports shall meet applicable standards and include 30-day review periods. Sensitive material shall be kept confidential.	An archaeological plan was developed to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing was to occur, but had not been previously cleared by an archaeological assessment.	The DBT had responsibility for actions associated with this stipulation.	The DBT had responsibility for actions associated with this stipulation.
G	1-3	36	Distribution of Final Reports: Archaeological Reports shall be produced and distributed as appropriate.	None	The DBT had responsibility for actions associated with this stipulation.	The DBT had responsibility for actions associated with this stipulation.
<b>STIPULATION V - UNANTICIPATED DISCOVERIES</b>						
A-G		36-37	If previously unidentified sites are discovered, work within 50 feet shall cease and reasonable measures shall be implemented to avoid harm. BSMT shall notify SHPOs and Tribes, conduct on-site evaluation, and develop appropriate Treatment Plan(s) as needed.	An archaeological plan was developed to provide archaeological assessment, testing and data recovery for all areas of the Project where ground-disturbing was to occur, but had not been previously cleared by an archaeological assessment.	Will be addressed in future revision of the RFP	GC 107.19
<b>STIPULATION VI - ADDITIONAL HISTORIC PROPERTIES AND EFFECTS</b>						
A-C		37-38	INDOT or KYTC shall consult with FHWA, SHPOs, Indian Tribes and other parties to determine if other historic properties in addition to those already identified or through Stipulation IV will be affected by the Project. If adversely affected, FHWA shall consult to minimize or mitigate effects.	As needed	The DBT had responsibility for actions associated with this stipulation.	The DBT had responsibility for actions associated with this stipulation.

Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
<b>STIPULATION VII - EXCESS RIGHT OF WAY</b>						
		38	If Project should result in excess right-of-way to be disposed, the FHWA shall consult appropriate SHPO to determine whether the disposal or sale would have an adverse effect on historic properties.	No excess right-of-way sales are in progress in the East End.	The DBT had responsibility for actions associated with this stipulation.	
<b>STIPULATION VIII - PERFORMANCE STANDARDS</b>						
A-B		38	FHWA shall ensure all cultural resources work is carried out by or under the direct supervision of individuals that meet applicable standards.	KYTC Archaeologist was on site for installation of interpretive markers in Phoenix Hill. One remaining marker has been provided to the Phoenix Hill Neighborhood Association for future installation on a site adjacent to current ongoing construction.	7.3	Independent of the design-build process
<b>STIPULATION IX - PROGRESS REPORTS</b>						
A-C		39	Progress reports detailing implementation of the measures stipulated within the MOA shall be provided every six months.	The BSMT approved PR No. 27 ( July 1, 2016 – December 31, 2016 ) for distribution on March 27, 2017; the PR was distributed on March 30, 2017. PR No. 28 for the Reporting Period of January 1, 2017 – June 30, 2017 is provided in accordance with this stipulation. PRs will continue until all phases of Project are complete.	Independent of design-build process.	
<b>STIPULATION X - PROJECT MODIFICATION</b>						
		39	If the Project is significantly modified, FHWA will consult to determine if the FA - MOA should be amended.	All construction is now complete	The DBT had responsibility for actions associated with this stipulation.	
<b>STIPULATION XI - AMENDMENT</b>						
A-C		39	Any signatory may request that the FA - MOA be amended, whereupon signatories shall consult to consider amendment.	All construction is now complete	Independent of design-build process.	
<b>STIPULATION XII - TERMINATION</b>						
		40	Any signatory may terminate the FA - MOA with 30 days written notice.	All construction is now complete	Independent of design-build process.	
<b>STIPULATION XIII - DISPUTE RESOLUTION</b>						
A-C		40	If signatories object to implementation of measures in FA - MOA, FHWA shall consult to resolve objection. ACHP may assist as needed.	All construction is now complete	Independent of design-build process.	
<b>STIPULATION XIV - DURATION</b>						



Item	Sub Items	Pg. No.	Description	Activity	East End	Downtown
		40	FA - MOA shall remain in effect for 15 years through April 4, 2027.	It is the intent of the BSMT to terminate the FA – MOA upon satisfaction of all (FA – MOA) stipulations and as agreed upon by FHWA.	Independent of design-build process.	Independent of design-build process.

## ATTACHMENT C - SETTLEMENT AGREEMENT

Stipulation	Page No.	Description	Activity	East End	Downtown
				Independent of design-build process	
I.	3	Listing of definitions that apply to the Settlement Agreement		Independent of design-build process	
II.A.1	7	INDOT/KYTC post on the Project Website advance notice procedures for public meetings, at least seven days in advance of the public meeting; utilize the Project e-mail distribution list for notification; HPAT meetings to continue to be subject to 15-day advance notice	HPAT meetings were held on September 21, 2016 and December 7, 2016. KHPAT meetings were held on September 22, 2016 and December 8, 2016. These are the final HPAT meetings unless the BSMT and BSHCT determine the need for additional meetings.	Independent of design-build process	
II.A.2	8	INDOT/KYTC continue to maintain Project Website with current information throughout construction; the website shall include a "Meetings" page with all pertinent information available	None	Independent of design-build process	
II.A.3	8	INDOT/KYTC will create and maintain a contact list for all key members of KYTC, KPTIA, INDOT, IFA and contractors	None	Independent of design-build process	
II.A.4	8	INDOT/KYTC to establish and maintain a Project e-mail distribution list for public meetings and comment deadlines, include information for the public to be placed on the e-mail distribution list; names from existing e-mail lists to be incorporated into Project e-mail distribution list	None	Independent of design-build process	
II.B.	9	INDOT and KYTC shall provide a total of \$1.7 million in state funds to a Historic by Preservation and Enhancement Fund (Fund). Funds are to be provided to each state SHPO through the development of a Memorandum of Understanding (MOU) for their use in grants to potentially be applied in Stipulations B.2 or B.3.	INDOT and KYTC each contributed \$850,000.00 to the Fund on May 3, 2013. This stipulation is completed.	Independent of design-build process	
II.B.2	9	Listing of eligible projects under the Fund is in the following stipulations (II.B.2a - II.B.2h)	None	Independent of design-build process	
II.B.2.a	9	Relocation of some or all of the five historic homes in the Old Jeffersonville Historic District in connection with landscaping for the area around the Big Four Approach Ramp	The four houses and one shed have been moved to the relocation site on Pearl Street. Rehabilitation of the houses is on-going and is to continue in the next Reporting Period.	Independent of design-build process	
II.B.2.b	9	Acquisition of one or more limekilns and/or permanent protection through preservation easements and/or public ownership	INDOT is working to secure a holder of the preservation easement for Utica Lime Kiln #48004. It is under review by INDOT Legal Division. Upon completion of review, CTS – GEC will contact potential holders of the easement to inquire of their willingness to hold the easement.	Independent of design-build process	
II.B.2.c	9	Acquisition of one or more igloo structures and/or permanent protection through preservation easements and/or public ownership	River Ridge Development Authority has agreed to preserve one of the Igloo Storage structures.	Independent of design-build process	

Stipulation	Page No.	Description	Activity	East End	Downtown
II.B.2.d	10	Streetscape improvements in Butchertown HD and along East Main Street	KYTC has determined that the streetscaping will be performed under a separate contract let in June 2017 with completion in fall 2017.	The DBT had no responsibility for actions associated with this stipulation.	
II.B.2.e	10	Rehabilitation of and placement of a preservation easement on Jefferson Jacob School	Rehabilitation of the Jefferson Jacob School received the full amount of requested funding in the HPEF Round Two grant award. Preservation easement was not funded.	Independent of design-build process	
II.B.2.f	10	Acquisition and rehabilitation of and/or preservation easement on the Merriwether House	Rehabilitation of the Merriwether House received the full amount of requested funding in the HPEF Round Two grant award. Preservation easement was not funded.	Independent of design-build process	
II.B.2.g	10	Acquisition and rehabilitation of and/or preservation easement on the former Harrods Creek Post Office	This eligible project was not funded in either the first or second rounds of the HPEF.	Independent of design-build process	
II.B.2.h	10	Preservation, enhancement and interpretation of Garvin Brown Preserve to maintain and enhance public access, through a grant of \$200,000.00 to the Garvin Brown Preserve Endowment Fund	This grant was made in September 2013. This stipulation is completed.	Independent of design-build process	
II.B.3	10	Uncommitted funds will go to eligible projects within the APE two years after Fund established; eligible projects are listed in the following stipulations (II.B.3.a - II.B.3.e)	All HPEF funds have been committed through the Round One and Two grant application process.	Independent of design-build process	
II.B.3.a	10	Rehabilitation of historic structures	All HPEF funds have been committed through the Round One and Two grant application process.	Independent of design-build process	
II.B.3.b	10	Relocation of historic structures	All HPEF funds have been committed through the Round One and Two grant application process.	Independent of design-build process	
II.B.3.c	10	Placement of a conservation/preservation easements for historic properties	All HPEF funds have been committed through the Round One and Two grant application process.	Independent of design-build process	
II.B.3.d	11	Streetscape improvements within an historic district	All HPEF funds have been committed through the Round One and Two grant application process.	The DBT has no responsibility for actions associated with this stipulation.	
II.B.3.e	11	Preparation of NRHP nominations for historic properties	All HPEF funds have been committed through the Round One and Two grant application process.	Independent of design-build process	
II.B.4	11	Eligible applicants include local governments, public authorities and Section 501(c)(3) organizations	None	Independent of design-build process	
II.B.5	11	The Fund shall be administered by the IN SHPO and KY SHPO; the SHPOs shall provide involvement by the HPATs; monies from the Fund may be used for SHPO administration expenses subject to a cap of \$30,000.00 total; Stipulations II.B.5.a - II.B.5.i define responsibilities of SHPOs in regard to the Fund	The HPEF continues to be administered by the IN SHPO and the KY SHPO.	Independent of design-build process	
II.B.5.a	11	Maintain funds contributed by INDOT and KYTC	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	
II.B.5.b	11	The receipt of HPEF Round Two grant applications closed on June 30, 2015.	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	

Stipulation	Page No.	Description	Activity	East End	Downtown
II.B.5.c	11	Establish grant application process and grant application form	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	Independent of design-build process
II.B.5.d	11	Establish standard provisions for grant agreements including grant conditions	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	Independent of design-build process
II.B.5.e	11	Selection of projects for funding and announcement of awards	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	Independent of design-build process
II.B.5.f	11	Entering into grant agreements and distribution of grant funds	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	Independent of design-build process
II.B.5.g	11	Oversight of use of grant funds	The HPEF continues to be administrated by the IN SHPO and the KY SHPO.	Independent of design-build process	Independent of design-build process
II.B.5.h	12	Receiving monies returned to the Fund	The HPEF continues to be administrated by the IN SHPO and the KY SHPO.	Independent of design-build process	Independent of design-build process
II.B.5.i	12	Completing operation of the Fund and returning any funds to INDOT and KYTC when Fund is terminated	The fund terminates on December 31, 2017.	Independent of design-build process	Independent of design-build process
II.B.6	12	Other sources of funding may also be utilized for eligible projects; identify other fund sources in grant application; disbursement of all funds prior to project initiation	None	Independent of design-build process	Independent of design-build process
II.B.7	12	Grant agreements must include grant conditions as determined by the SHPOs, including (Stipulations II.C.7.a - II.C.7.e)	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	Independent of design-build process
II.B.7.a	12	Property owner consent and other legal interests in subject properties	None	Independent of design-build process	Independent of design-build process
II.B.7.b	13	Cancellation of grant commitment and/or return of grant monies if applicant is unable to complete an eligible project or other circumstances arise as determined by the SHPOs	None	Independent of design-build process	Independent of design-build process
II.B.7.c	13	Return of funds used to acquire a property if said property is sold within 10 years after being purchased by grant funds	None	Independent of design-build process	Independent of design-build process
II.B.7.d	13	Use of grant monies solely for the purposes set forth in the grant agreement	None	Independent of design-build process	Independent of design-build process
II.B.7.e	13	Compliance with any audit requirements and related record retention rules, policies and procedures under applicable state laws	None	Independent of design-build process	Independent of design-build process
II.B.8	13	INDOT and KYTC will provide the monies to the SHPOs for establishment of the Fund no later than 120 days after the effective date of the Settlement Agreement	INDOT and KYTC each contributed \$850,000.00 to the Fund on May 3, 2013. This stipulation is completed.	Independent of design-build process	Independent of design-build process
II.B.9	13	Monies returned to the Fund before December 31, 2016 will be available to the SHPOs for an eligible project provided the commitment occurs by July 31, 2017; monies returned after December 31, 2016 are to remain in the Fund until termination of the Fund and returned to the INDOT and KYTC in equal proportions	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	Independent of design-build process

Stipulation	Page No.	Description	Activity	East End	Downtown
II.B.10	14	Monies within the Fund may be committed no later than July 31, 2017 and dispersed by December 31, 2017	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	
II.B.11	14	The Fund terminates on December 31, 2017; any remaining funds are to be returned to INDOT and KYTC in equal proportions no later than 60 days after termination of the Fund; Fund to be terminated upon return of funds to INDOT and KYTC; if applicant returns funds after Fund termination, monies to be returned by SHPOs to INDOT and KYTC in equal proportions	All HPEF grant funds were awarded in Rounds One and Two.	Independent of design-build process	
II.C.1	14	INDOT and KYTC are to transmit a letter to all Section 106 parties within 60 days of Settlement Agreement confirming "No Work Zone" requirements	No Work Zone letter sent March 1, 2013. In September 2016, FHWA proposed mitigation for adverse effect of clearing a known archaeological site on Shadybrook Farm, a No Work Zone. Mitigation may be combined with mitigation from the Milton-Madison Bridge and may consist of a donation of funds for an online archaeology web portal for public access to information about archaeological sites in Kentucky, with emphasis on Jefferson County.	7.12	6.3.2.6
II.C.2.a	14	INDOT and KYTC are to hold HPAT meetings quarterly through the completion of construction. The design-build teams will advise of their activities during the quarterly meetings.	HPAT meetings were held on September 21, 2016 and December 7, 2016. KHPAT meetings were held on September 22, 2016 and December 8, 2016. These are the final HPAT meetings unless the BSMT and BSHCT determine the need for additional meetings.	The DBT had the responsibility for any actions associated with this stipulation	
II.C.2.b	15	Agendas and review materials to be provided to HPATs at least 15 days in advance of scheduled meetings	Meeting materials are submitted in advance of the HPAT meetings as required.	Independent of design-build process	
II.C.2.c	15	HPAT members can request additional review time	None	Independent of design-build process	
II.C.3.a	15	INDOT to ensure all five historic homes within the Old Jeffersonville HD are relocated, rather than demolished, prior to construction	This task was completed on June 30, 2013. This stipulation is completed.	Independent of design-build process	
II.C.3.b	15	INDOT to facilitate discussions between historic preservation groups and the City of Jeffersonville regarding relocation of the five homes in connection with the landscaping around the Big Four Approach Ramp	This task was completed on May 23, 2013. This stipulation is completed.	Independent of design-build process	
II.C.3.c	15	INDOT is to attempt to acquire and permanently protect with a preservation easement the lime-kiln located within the right-of-way of Upper River Road (Limekiln #IE-HC-48004)	INDOT is working to secure a holder of the preservation easement for Utica Lime Kiln #48004. It is under review by INDOT Legal Division. Upon completion of review, CTS – GEC will contact potential holders of the easement to inquire of their willingness to hold the easement.	Independent of design-build process	

Stipulation	Page No.	Description	Activity	East End	Downtown
II.C.3.d	16	INDOT in coordination with the IHPAT is to develop a roadside historical marker for the limekilns and install it prior to December 31, 2016	The markers were fabricated and placed in the Ohio River Overlook on December 9, 2016.	The DBT had responsibility for actions associated with this stipulation.	
II.C.3.e	16	INDOT in coordination with the IHPAT is to develop a roadside historical marker for the INAAP igloos and install it prior to December 31, 2016	The final marker was delivered to INDOT from the IHB on August 25, 2016 and the marker was placed on December 12, 2016.	The DBT had responsibility for actions associated with this stipulation.	
II.C.3.f	16	INDOT is to prepare a NRHP nomination for Colgate-Palmolive HD by December 31, 2013	The new property owner is pursuing listing of the property through a consultant using the information developed by CTS - GEC in the initial listing. The INDOT - completed nomination was finalized on December 3, 2013 and terminated on April 30, 2014 due to property owner objections to listing.	Independent of design-build process	
II.C.4.a	16	KYTC is to commit to develop an African-American Heritage Interpretive Plan for the Jefferson Jacob School, Jacob School Lane and James Taylor Subdivision no later than December 31, 2013	Task completed on December 30, 2013. This stipulation is completed.	Independent of design-build process	
II.C.4.b	16	KYTC is to prepare NRHP nominations for Jacob School Lane, James Taylor Subdivision and Historic Village of Harrods Creek no later than December 31, 2014	NRHP documentation was completed and placed on the Project website before December 30, 2014. On December 29, 2014, a representative of the Office of Legal Services, KYTC, provided notice to all signatories of the Settlement Agreement of the availability of the documentation on the Project website. This stipulation is completed.	Independent of design-build process	
II.C.4.c	17	KYTC is to submit a National Scenic Byway nomination for a segment of Upper River Road, including the portion of Upper River Road currently designated as a State Scenic Byway by later than December 31, 2014	A draft nomination was completed by KYTC and submitted to FHWA in April 2014. FHWA responded that nominations for scenic byway designations were not being accepted due to a lack of funding. This stipulation is completed.	Independent of design-build process	
II.D	17	INDOT will provide HPAT members with a briefing on the B/V monitoring plans on the East End and an opportunity for comment; INDOT to consider requests from HPAT and the public to prepare B/V plans for other properties if documentation is prepared and signed by a PE to show that harm may occur; INDOT will hold an open house regarding the construction impacts, including B/V; KYTC will provide same level of involvement for the Downtown	BV plans have been implemented and monitoring is completed. Public meetings were held on April 24, 2013 in Utica, Indiana and on April 25, 2013 in Prospect, Kentucky.	7.8	6.3.2.2
II.E	18	INDOT will provide current information on the Project website regarding coordination with LWC and KDOW with respect to the storm water management design on the East End, including permit filings and public comment deadlines	On April 1, 2013 WVC submitted a KPDES Notice of Intent (NOI) to the Kentucky Department of Environmental Protection, Division of Water. The KPDES - NOI was for storm water discharges associated with construction activities for Section 4 - Kentucky. The NOI was also posted on the ORB Project Website on April 4, 2013.	8	12

## **ATTACHMENT D PROGRESS REPORT SCHEDULE**

Pursuant to Stipulation IX.C. of the Section 106 FA - MOA, the following milestones are identified for the Project in ensuing Reporting Period.

### **Interpretive Markers:**

- Ohio Falls Car and Locomotive HD – Marker fabricated and mounted
- Colgate – Palmolive HD – IHB fabrication, delivery to INDOT and mounting at site
- INAAP Igloo Storage Area – INDOT to mount replacement marker at new site location

### **Preservation Easements:**

- Utica Lime Kiln #48004 – Easement holder to be sought after review by INDOT, Legal Division
- Spring Street Freight House – Draft easement under review by INDOT, Legal Division

### **Old Louisville – Main Street Streetscaping:**

- Construction of the streetscaping is to be completed in Fall 2017

### **Sale of Historic Properties:**

- Grocers Ice and Cold Storage Building to be subject of coordination meeting between KYTC and KY SHPO for disposition of property
- Rosewell to be offered for sale; initial sale did not receive any qualified bids
- Drumanard to be offered for sale; initial sale did not receive any qualified bids

### **Traffic Monitoring Plan:**

- Post-construction monitoring shall commence no sooner than 12 months after completion of construction and conclude no sooner than 15 months after completion of construction. The post-construction monitoring report is to be reviewed by BSHCT and HPATs

## **ATTACHMENT E ACRONYMS IN THE PROGRESS REPORT**

<b>ACHP</b>	Advisory Council on Historic Preservation
<b>AEI</b>	Aesthetics and Enhancement Implementation Plan
<b>APE</b>	Area of Potential Effect
<b>BV</b>	Construction Blasting/Vibration Plans
<b>BSHCT</b>	Bi-State Historic Consultation Team
<b>BSMT</b>	Bi-State Management Team
<b>CPH</b>	Central Passage House
<b>CTS-GEC</b>	Community Transportation Solutions – General Engineering Consultant
<b>DBT</b>	Design - Build Team
<b>ECMP</b>	Environmental Compliance Mitigation Plan
<b>EIS</b>	Environmental Impact Statement
<b>FA - MOA</b>	First Amended Memorandum of Agreement
<b>FCO</b>	Full Cutoff Optics
<b>FHWA</b>	Federal Highway Administration, United States Department of Transportation
<b>Fund</b>	Historic Preservation Enhancement Fund
<b>HD</b>	Historic District
<b>HPAT</b>	Historic Preservation Advisory Team
<b>HPEF</b>	Historic Preservation Enhancement Fund
<b>HPP</b>	Historic Preservation Plan
<b>IHB</b>	Indiana Historical Bureau
<b>IHPAT</b>	Indiana Historic Preservation Advisory Team



<b>INAAP</b>	Indiana Army Ammunition Depot
<b>INDOT</b>	Indiana Department of Transportation
<b>IN SHPO</b>	Indiana State Historic Preservation Office
<b>KDOW</b>	Kentucky Division Of Water
<b>KHC</b>	Kentucky Heritage Council
<b>KHPAT</b>	Kentucky Historic Preservation Advisory Team
<b>KIPDA</b>	Kentuckiana Regional Planning and Development Agency
<b>KY SHPO</b>	Kentucky State Historic Preservation Office
<b>KYTC</b>	Kentucky Transportation Cabinet
<b>LDP</b>	Louisville Downtown Partnership
<b>LWC</b>	Louisville Water Company
<b>MAS</b>	McCullough Archaeological Services, LLC
<b>Metro</b>	Louisville Metro Government
<b>MOU</b>	Memorandum of Understanding
<b>MPDF</b>	Multiple Property Documentation Form
<b>NRHP</b>	National Register of Historic Places
<b>NTHP</b>	National Trust for Historic Preservation
<b>PHNA</b>	Phoenix Hill Neighborhood Association
<b>PPV</b>	Peak Particle Velocity
<b>PE</b>	(Registered) Professional Engineer
<b>PR</b>	Progress Report
<b>Project</b>	Louisville – Southern Indiana Ohio River Bridges Project
<b>RFI</b>	River Fields, Inc., a KHPAT member

<b>RFP</b>	Request For Proposal
<b>ROW</b>	Right-Of-Way
<b>SA</b>	Settlement Agreement
<b>SEIS</b>	Supplemental Environmental Impact Statement
<b>SHPO</b>	State Historic Preservation Office
<b>SSFH</b>	Spring Street Freight House
<b>STA</b>	State Transportation Agency
<b>Reporting Period</b>	January 1 – June 30, 2017
<b>URL</b>	Uniform Resource Locator
<b>WHPA</b>	Wellhead Protection Area