

MEETING SUMMARY

Section 106 Consultation Meeting
Louisville-Southern Indiana Ohio River Bridges (LSIORB) Project
Frazier History Museum
Louisville, KY
January 27, 2012 at 10:00 a.m.

ATTENDEES

Section 106 Consulting Parties

- Ann Simms, City of Prospect
- Bill Eckreck, Kentuckians for Progress
- Carl Percy, Indiana Ombudsman
- Charles Cash, Preservation Louisville
- Craig Potts, Kentucky Heritage Council (KY SHPO)
- Cynthia Johnson, Louisville Metro
- David Nicklies, Kentuckians for Progress
- Elizabeth Merritt, National Trust for Historic Preservation
- Emily Boone, Butchertown Neighborhood Association
- Greg Sekula, Indiana Landmarks
- Jim Segrest, Butchertown Neighborhood Association
- John Carr, IDNR Division of Historic Preservation and Archaeology (IN SHPO)
- Laura Renwick, New Albany & Jeffersonville Historic Preservation Commissions
- Lee Cory, River Fields
- Lee Douglas Walker, Kentucky Ombudsman
- Marianne Zickuhr, Preservation Louisville
- Martina Kunneka, Kentucky Center for African America Heritage
- Meme Runyon, River Fields
- Phil Samuel, Clifton Community Council
- Richard Jett, Louisville Preservation
- Richard W Moore, RW Moore Consulting Engineers
- Rick Jones, IDNR Division of Historic Preservation and Archaeology (IN SHPO) (by phone)
- Shane Corbin, City of Jeffersonville
- Steven Kersey, Phoenix Hill Neighborhood Association
- Vicki Birenberg, Kentucky Heritage Council (KY SHPO)

State/Federal Agencies

- FHWA: Janice Osadczuk, MaryAnn Naber
- ACHP: Carol Legard
- KYTC: Andy Barber, David Waldner, Amanda Abner (by phone)

- INDOT: Paul Boone, Laura Hilden, Mary Kennedy

Project Team Members

- CTS: Jim Hilton, John Sacksteder, Mitch Green, David Kroll, Ben Ross, Jeff Vlach
- Frost Brown Todd: Tim Hagerty
- QK4: Tom Springer
- CDM Smith: John Mettille, Tim Sorenson, Samantha Wright, Rebecca Thompson, Robert Ball
- Doe Anderson: Bob Lauder, Rich Glasser

Other Attendees

- Gordon Glass, Parsons Brinkerhoff

PRESENTATION/DISCUSSION

John Mettille opened the meeting, welcoming attendees. Janice Osadczuk welcomed participants and gave a brief description of the Section 106 consultation process. Consulting parties introduced themselves. John M described handouts that were provided to attendees; information is also available on the project website. Responses to effects comments were provided via email on Monday. The Section 106 consultation effort is important to the successful completion of this process, so the FHWA and state DOTs can reach the completion of the Project with consensus from consulting parties. We are in the fourth step of the Section 106 process, resolving adverse effects.

Effects on Historic Properties

John M recapped the Section 106 process to date. Various materials were provided via email and mail on January 13th. John summarized comments received as part of the effects coordination phase. The team is preparing materials about the Belleview North Field and Nuttall House to request a determination from the NRHP Keeper. The team is continuing to evaluate several recently identified cemeteries in the KY East End APE to determine eligibility; supplemental information will be provided to consulting parties. Additional traffic and economic language was included in the *Effects Findings Report*.

Cemeteries

- Meme Runyon: The Hays Kennedy grave site has 6 markers and is an African American cemetery. Hays Kennedy Park was named for her.
- Jim Hilton: We also went out to look at the Stokes Cemetery yesterday.
- Meme: This may contain 75 graves. It is another African American cemetery but hasn't been documented previously.
- Meme: Can you describe the issue of eligibility for cemeteries?
- Ben Ross: Cemeteries are not typically eligible for the NRHP without meeting special criteria. We will provide a more detailed report; it is under development now.
- John M: Our preliminary finding, until we work through the rest of the available information, is that none of the five cemeteries qualify as NRHP eligible.

Traffic

- Meme: Regarding #5 in the “Response to Comments” on nuisance of traffic, can you describe the definition of “nuisance” and why that isn’t included for West Louisville.
- John M: The traffic diversion analysis did not indicate any trends in West Louisville where traffic diversion would occur as a result of tolling. What we are calling “nuisance of traffic” looked at traffic operations because of comments from consulting parties. We looked at whether the increase in traffic would alter the characteristics that make these subareas eligible, such as ease of access and movement.
- Betsy Merritt: There are places in the *Effects Findings Report* (pg 79+) showing percentages in traffic increases. Several of these are substantial during rush hour. Can you address this?
- John M: We’ll get to those in a few slides and discuss traffic in the individual subareas.
- Betsy Merritt: At the top of page 2 in the “Response to Comments,” there is a statement that the Minton and Clark bridges have capacity to handle increased traffic. When we looked at the traffic data in the SDEIS, it appears these two bridges will be over capacity in 2030 even without the diversion traffic. That assumption is not substantiated in the SDEIS. We have to ask if these congestion points will cause additional backup into the surrounding neighborhoods.
- Tim Sorenson: In the SDEIS, we got several comments on the capacity numbers you reference. The comparison of capacity looked at daily capacity in the Original FEIS whereas we are looking at hourly capacity. The SFEIS will include clarification.
- Meme: The denominator (capacity) in the volume/capacity calculation is typically 2,200 but you are using 1,600?
- Tim S: Typically, 2,200 vehicles per hour is used for wide lanes in uncongested situations. Adjustments for trucks, lane widths, etc are applied to get the 1,600. That’s a standard procedure outlined in the *Highway Capacity Manual*.

Strater House

- Betsy: Regarding the Strater House (discussed in “Response to Comments” #22), we requested a specific evaluation of effects of this resource. The Strater is specifically mentioned in the MOA (page 22, paragraph M.5). We suggest you reconsider assessing effects on this property individually.
- Meme: I found response #22 confusing. Can you clarify? The Strater House is so close to the alignment ... why isn’t it given the same evaluation of impacts as Drumanard?
- Robert Ball: Because the Strater House is a contributing resource within the larger Country Estates Historic District, we looked at it at the district level, rather than writing up each individual contributing property. We looked at effects as a whole.
- Meme: With visual, noise, and vibration impacts within the district, does that mean Section 106 won’t allow the Project to mitigate the effects on contributing properties?
- MaryAnn Naber: Normally for districts, we would look at contributing resources in nearest proximity to the Project and mitigate those properties affected. Impacts are being mitigated for the district as a whole and are being mitigated at the Strater House, even though it’s a contributing property and not listed individually.
- Meme: Why would there not be individual mitigation (as at Drumanard)?

- MaryAnn: That's the piece you referred to in the MOA: vibration would be monitored at the Strater House. Our starting place for this discussion is the 2003 ROD. We are looking at what additional mitigation may be necessary for impacts that were not taken into account at that time. Nothing in that area has changed that would affect impacts within the Country Estates HD since that time.

Tunnel Elevation

- Meme: River Fields and CARTS brought up in our SDEIS comments that \$9 million is being saved by changing the level of the approach of the Eastern Bridge to the tunnel. I understand that now there will be more extreme grade changes.
- Jim H: The downgrade to the tunnel is slightly steeper than in the original design. Leaving the tunnel towards the bridge, that grade has not changed.
- Meme: Because the grade is steeper, there will be more impacts - potentially an air quality hot spot as vehicles must accelerate to get up the grade.
- Mitch Green: The air quality analysis was modeled at a regional level. The overall VMT already includes the grade. The grade change would not impact PM_{2.5} or MSATs at a regional level; these require a larger level analysis.
- John Sacksteder: The difference is a slight change in grade, not a significant change. It saves a good bit of excavation but is not substantially different.
- Jim H: It changed from 2% to 3%.

Tim Sorenson presented the supplemental traffic information. The team provided more information in specific areas to understand how traffic changes compared to the No Build condition. We used a screenline analysis and have committed to monitoring traffic in the future. (Screenlines are imaginary lines used to look at traffic over a wider corridor: the river forms a natural screenline for the metro area.)

There have been a lot of questions about the closure of the I-64 Sherman Minton Bridge. Due to the closure, approximately 82,000 vehicles are being diverted today, with 6 fewer cross-river lanes. The future change in traffic is much smaller, with considerably more lanes to handle cross-river traffic.

- Meme Runyon: What is the capacity for the Sherman Minton bridge?
- Tim S: It has 6 lanes, with around 1400-1600 vehicles per hour per lane. The volumes on slide 17 are daily numbers. Diversion during peak hours is less than during off peak hours.
- Meme: So you are still assuming that the diversion wouldn't take place without tolls?
- Tim S: If you build the Project and don't toll it, the volume on the I-64 Bridge is around 100,000 vehicles per day. About 12,000 move from I-64 to another bridge in the FEIS Selected Alternative.

Tim explained the Jeffersonville screenline for the Extension to the APE. This is a funnel point to reach the I-65 corridor. This screenline covers 10 lanes and traffic would decrease by about 1 vehicle per minute per lane, comparing the Modified Selected to the FEIS Selected in year 2030.

West of I-64, there are more choices. The model looks at the region as a whole; to understand in more detail what is happening, we looked at several screenline locations. (These are included in the *Effects Findings Report*, page 77.) In West New Albany, traffic traveling over 13 lanes would increase by about 1

vehicle per minute per lane. In East New Albany, over 6 lanes, there's about a 1.5 vehicle per minute per lane increase.

- Laura Renwick: On the analysis in New Albany, were one way versus two way streets taken into account?
- Tim S: Yes, the time-of-day model looks at peak hours.
- Betsy: In the *Effects Findings Report*, the evening period shows a 49%-56% increase in the evening hours (pg 79-80). It says that if traffic doubles, there's a perceptible noise increase. These cases would show a doubling in traffic.
- Tim S: The way we are showing it, doubling traffic would be 100%.

In Clarksville, the change in traffic would be 2 vehicles per minute per lane. On US 31, we looked at impacts on the bridge. Moving south into the Extensions to the APE, the larger street grid provides additional route options. It's a combination of cross-river trips and travel in/to downtown on the larger street grid. On the bridge, the max difference is about 2.5 vehicles per minute per lane. At River Road, the Modified Selected Alternative does not include an interchange at Frankfort Avenue, so the model shows a change in traffic; the Modified Selected Alternative more closely resembles the configuration of the No Build.

- Betsy: The US 31 Bridge is another location identified in the SDEIS as over capacity. Is that another location that was wrong in the SDEIS?
- Tim S: Yes. We will update that.
- Meme: The west portion of River Road was added. Since we know there is increased traffic traveling to downtown Louisville, will you discuss this impact to the east Louisville grid? Is there an appreciable change?
- Tim S: As traffic moves from east to west to downtown, it must funnel from 71 and 64, which have capacity limitations today that will remain in 2030 (e.g. the Cochran Hill tunnel). Nearer downtown, the Kennedy Interchange will provide more capacity than today, so there will be less reason to divert from the interstate to local connections.
- Betsy: Page 83 of the *Effects Findings Report* shows a chart for US 31 volumes. They only look at overall daily and peak hours. Other screenlines present data for 4 periods. Why is this different?
- Tim S: We will update our table to include all four time periods.

Mellwood/Story

- Jim Segrest: Recently there has been a lot of traffic at the Story Avenue interchange – is that what you are calling the Frankfort Ave interchange? It's a problem today.
- John S: The Frankfort Ave interchange was in the original plans on I-71 but has been eliminated in the Modified Selected Alternative. It's different than the Mellwood/Story interchange. The Mellwood/Story interchange on I-64 is still part of the Project. Weaves there would be eliminated as part of the Project.
- Jim H: Temporary closure of the I-64 Bridge and some of these ramps make a difference in traffic patterns today.
- Jim S: We have pushed to relocate the interchange solely to Mellwood to keep Story as a local road.

- John S: Changing the configuration of the interchange would impact Mellwood further and require a separate environmental study. Louisville Metro may choose to pursue that separately but it's not part of this Project.

Consulting parties are welcome to submit further written comments in addition to the discussion today.

Amending the Original MOA

The Original MOA is being amended to account for changes in the project management structure, Project design changes, and historic resources that have been modified or newly identified.

- Jim H: Design-Build is a contracting method in which the owner puts out preliminary plans and specifications to define their expectations for the Project. The contractor completes both the final design work and actual construction, in line with the defined plans and specs.
- MaryAnn: The contract specs include any requirements developed as part of the Section 106 process, plus other NEPA commitments. The contractor will still have to comply with these requirements. By using a design-build mechanism, the contractor gets extra flexibility to use their technical know-how to find innovative solutions, as in Milton-Madison Bridge.

John M led the group through the proposed changes to the MOA.

Preamble

- John Carr: It's good to distinguish the Original MOA from the Amended MOA. Suggest specifying "First Amended MOA" throughout to be consistent.
- John C: We need to make it clear that the Original MOA will be terminated as soon as the First Amended MOA is signed. Let's be clear for future readers. Maybe add this language to the end of the new paragraph: "The Original MOA will terminate upon the execution of the First Amended MOA."
- MaryAnn: We've also said "this agreement supersedes the agreement signed on XX date."
- Carol Legard: I recommend adding similar language in the closing paragraph that this agreement supersedes and replaces the Original ... I'll email you language.
- Janice Osadczuk: In the last paragraph on page 1, add a reference to the SFEIS too.

Stipulation I.A – Advisory Teams

- Carol: Generally, this is a new agreement. I.A.1 references "on or before 2003" – this needs to be changed. Update the verb tense to show which things have been completed.
- Greg Sekula: On I.A.2 and 9, it seems that the advisory teams are being gutted at strategic milestones. Maybe the design-build alters the sequencing of that, but it seems like we don't have a voice at strategic milestones.
- Meme: I concur with Greg. Is there a reason "details" was replaced with "special provisions"?
- Jim H: Under the design-build structure, we don't provide plan details. We provide the special provisions, built around the MOA and other commitments, that define the expectations we will hold the contractor to.
- Andy Barber: "Special provisions" is part of INDOT's vocabulary; this is what they call that section of the contract.

- Betsy: The matrix says on I.A.9 that the team is proposing to change the MOA to define the role of HPATs and when they review items and provide input.
- Meme: I concur. The MOA doesn't define the role of the HPATs. River Fields strenuously objects to the reduction in their role. I understand the design-build contract, once it is let to a contractor, has no direct contact between the contractor and the consulting parties.
- Betsy: You can structure the contract so that that's possible.
- MaryAnn: The Design-Build structure doesn't remove obligations for the contractor to fulfill NEPA and Section 106 commitments. You mentioned accountability between the contractor and the HPATs – it's not an accountability situation now, just an advisory role. I foresee that advisory role would continue. Whatever we include in the MOA, the contractor must follow-through on the commitments as they design and construct the Project.
- Meme: Once the special provisions go to the contractor, there's no role for the HPATs to interact with the work process. Can you clarify?
- John M: We'll take this back to the team to discuss.
- Marianne Zickuhr: We concur with the concern about the reduction in the role in correlation with the historic preservation advisory teams.
- Betsy: There are several places noting commitments have been fulfilled. How does that look in the First Amended MOA? Will you change the language as Carol suggested or leave in the green notes?
- John M: We wanted to show what we have already done. We are hearing that you would like us to bring it up to date by changing the verb tense.
- MaryAnn: There are several ways we can do this. Whichever, we need to be consistent. A simple way is to leave the note in whether the commitment is fulfilled or ongoing.
- Betsy: It would be helpful to keep the info in the MOA. We appreciate your effort to keep track of the progress.
- Greg: Under I.A.4-5, it is appropriate to reflect updated participation by consulting parties at the table now. List specific organizations, including Preservation Louisville.
- Jim S: Additional parties should be supportive of historic preservation, rather than those destructive to historic preservation.
- Meme: Relative to the role of the HPAT, I.A.4 & 5 feel that the HPAT's role is done and over. That's not how we feel. We would prefer "commitment ongoing." It is contrary to the consultation process intention.
- MaryAnn: This stipulation is just the definition of who will be invited. Other references in the document identify roles. If others groups should be invited, we can list here.
- Betsy: I.A.9 is inconsistent with what was identified in the matrix. It should be modified rather than deleted.
- Meme: Is the intention that the HPATs will be used as defined in I.A.2?
- Betsy: Can you confirm you are going to define a role for the HPATs?
- John M: We'll work on it.

Stipulation I.B – Bi-State Historic Consultation Team

- Meme: I.B.2 says that the BSHCT shall make recommendations to the BSMT after working with the HPAT. Consider this as you define the roles of the HPAT.

Stipulation I.C – Bi-State Management Team

- Greg: Can you explain why BSMT replaces references to each DOT?
- Betsy: We are hearing through the media that the construction processes will be handled separately by IN & KY. This change seems to conflict with those news reports.
- John S: The BSMT refers to project managers of KYTC, INDOT, and FHWA. Updating the references includes FHWA in carrying out these commitments as well. The BSMT includes Gary Valentine (Andy Barber as deputy) for KYTC, Paul Boone for INDOT, Duane Thomas and Janice Osadczuk for FHWA.

Stipulation I.D - Ombudsmen

- Craig Potts: Why was I.D.3 amended?
- John M: The team was looking to connect the Ombudsmen more directly to the project by better defining their role.
- MaryAnn: That also better describes how the project will be divided up between KYTC and INDOT.
- Carol: In I.D.5, the “Indiana and Kentucky” Ombudsmen no longer exist – rephrase.
- Betsy: In I.D.5, the reference to the Train Depot has been removed. Where will the office be located?
- Carl Pearcy: I’m in the Quartermaster Depot (Jeffersonville), which is in the same facility as City Hall.
- Lee Walker: I’m not located in a historic property. KYTC and INDOT have been making reasonable efforts to find a historic office space, but I’m located in an office park with the GEC.
- Betsy: Will one Ombudsman office be relocated to facilitate coordination with the East End?
- Meme: Will the current KY Ombudsman become the one for the downtown portion and the current IN Ombudsman handle the East End?
- John S: This has not yet been decided.
- Betsy: How can I.D.6 be completed? Delete this note.
- Greg: It seems disingenuous that you can’t find a historic property for the KY Ombudsman. You need to put forth more effort to make this happen.

Stipulation II.A – Project Goals

- John C: The intro paragraph to Section II -- where it says all measures stipulated in the 1st Amended MOA shall be implemented prior to completion -- traffic monitoring would have to occur afterwards. This timeline reference needs to be fixed.

Stipulation II.B – Public Involvement

- Betsy: II.B didn’t have the note in the version we got. Has that been added or deleted?
- John M: It was added after we sent the version to you all.

- Betsy: I object that the public involvement effort is finished.

Stipulation II.C – Context Sensitive Solutions

- Betsy: Where is CSS not applicable?
- John M: This edit came because the downtown element is returning to its original footprint.
- Betsy: Does that mean Spaghetti Junction?
- John M: Yes. It would be applicable for the overpasses in those areas.
- John S: We are going into the design-build process, which does not have the same definition for final plans. As part of the specifications, we will work with the design team to define these areas. This edit is just trying to elaborate that there were changes in the Kennedy Interchange, moving away from the historic districts.
- Meme: On II.C, the issue with CSS was a deeply held commitment in the previous Section 106 process. What is the objective criteria to evaluate where CSS is applicable?
- John M: With a design-build contract, we have to work with the design-builder to define where CSS applications should be implemented. This will be in the contract itself.
- Jim H: The HPPs recommend some things should be addressed as part of the MOA.
- Meme: You should edit the MOA to say that. Taxpayers have spent a lot of money to put those HPPs together. As written, it's very subjective. The point of the MOA is to have objective, measureable commitments.
- John S: As you get further into the MOA, there are references to items within Butchertown, Phoenix Hill, etc. There, we'll define what those commitments are.
- MaryAnn: We will add an example after "where applicable" to define "where recommended in the HPPs."

Stipulation II.D – Roadway Lighting

- No comments.

Stipulation II.E – Noise Abatement

- Betsy: On II.E, we commented on the SDEIS to ask about adverse impacts of noise barriers on historic properties. Can we flag this as an issue to be addressed? It hasn't been discussed previously.

Stipulation II.F – Historic Preservation Plans

- Jim S: HPPs are linked to neighborhood plans. There may be some relationship between the plans requiring an update to the plans.
- Betsy: To cover the intent of the deleted sentence in the II.F intro paragraph, you may need to link in timing requirements consistent with the design-build process.
- Greg: The HPP for Old Jeff HD is marked as completed, but there's a note that it needs to be updated.
- Craig: Is the entire project design-build or just the Indiana section?
- John S: Both the East End and Downtown portions will be design-build. The Indiana portion is looking at a potential Public-Private Partnership as a funding option.

- Craig: Why is there a dispute on the Butchertown HPP?
- John S: With the original HPP, there are several issues: the interchange was shifting south and eliminating a big section of industrial properties. Several of the items proposed in the original EIS are no longer part of the project. Elements of the plan need to be defined again since the effects are changing.
- Craig: Use of the word “dispute” is misleading.
- Jim H: The word “dispute” was used because FHWA and SHPO were working to come together about how to treat Witherspoon. Now, that’s not an issue.
- Jim S: Promises to Butchertown are being gutted under III.K – that’s wrong. The things that caused us the most trouble in moving the interchange south still exist as they did in the previous design. Our 650 structures (more than any other area impacted) still experience those problems.
- Betsy: Regarding Swartz Farm, was the HPP initiated?
- Greg: It had begun before the demolition.
- Jeff Vlach: We did field work for identification of the resources when the property was razed in October 2007.
- Betsy: We are uncomfortable walking away from any/all mitigation work related to Swartz Farm just because of the owner’s destruction of the property. We are allowing the owner to benefit from the demolition. We need to discuss further what measures could be retained relating to the property, rather than totally washing our hands of it.
- MaryAnn: Because the Swartz Farm was demolished through no action of the FHWA or federally funded entity, we aren’t permitted to provide mitigation for the actions of others. We are guided by 23 CFR 800 as to what expenditures can happen. When a private property owner takes action outside of our project, we are restricted from developing mitigation. If documentation was previously developed, we can provide it as archival material.
- Greg: INDOT was in the midst of negotiations on the Swartz Farm property when the demolition took place. It was almost done as retaliation over a dispute about negotiations on the property. We feel state actions did lead to the demolition. It’s a gray area, but it’s troublesome because we aren’t privy to the negotiation discussions that are occurring. Depending on how those were executed, there could be a correlation.
- Jim H: The negotiations were in the process. INDOT was waiting for the property owner to respond. The appraisals were in line with fair market value, in compliance with regulations. INDOT made an offer and was waiting for a response on October 31; the next day the buildings weren’t there.
- John M: We are hearing that the Consulting Parties would like consideration of the documents that were previously compiled.

Stipulation II.G – Survey Updates

- Greg: The Clark County survey was updated but is only available through a computer database. It’s had limited usefulness since the results weren’t published. We are troubled by that trend. We feel the survey is an important tool. Is there an opportunity to publish the survey update as part of this process?

- Betsy: We strongly support updating II.G.1 to require the survey be made publicly accessible.
- John C: For the *Clark County Interim Report*, the IN SHPO made a policy decision not to publish interim reports once at least one report was published. That's a big part of the reason why the Clark County update wasn't published as a paper report -- it was a change in the office policy. There are different perspectives how to best publish the info.
- Greg: Was the update for Jefferson County published in print version?
- Richard Jett: The volume was published and included survey forms. We also have a document in digital form. There aren't hundreds of copies, but the electronic files can be distributed too.
- Meme: If the public asks for a copy of the Jefferson County report, is it a usable format?
- Richard: Yes.
- Betsy: Is the IN SHAARD (database containing updated survey findings) publicly accessible?
- Greg: Yes but there are numerous deficiencies with the database in our opinion. It is on DHPA's website but is frustrating to access.

Stipulation II.H – Historic Preservation Easements

- Meme: The matrix says that the Edison House easement has been dropped. Easements are also proposed for the Allison-Barrickman House and its field. The owners aren't interested in an easement for the house. Why aren't those referenced in the matrix? It should be uniform how they are referenced.

Stipulations II.I, J, & K – NRHP Nominations, Streetscape Improvements, & Signage

- No comments.

Stipulation II.L – Blasting and Vibration

- Betsy: Why was text removed in II.L.2?
- John M: It's related to the contracting process. Stipulations on blasting vibration will be included in the special provisions; the contractor has to demonstrate how he is fulfilling these requirements.
- Betsy: The contractor develops the blasting/vibration plans. It doesn't say that the plan has to be reviewed or approved by the BSMT. This commitment needs strengthening. A project management entity needs approval power, and review by the HPAT to ensure the plan works for historic properties. We recommend the plans be reviewed/approved by those with an interest in historic preservation.
- Jim H: The specs will have an extensive write-up about how the vibration plans have to work.
- Betsy: Maybe the BSMT and HPATs should review the specifications.
- Meme: There are going to be pre- and post- blasting surveys. But vibration monitoring is defined only during construction activities. There will be non-construction vibration issues (e.g. traffic vibration from trucks). Is there no evaluation of that? This is particularly important in light of the eastern bridge approach.
- MaryAnn: I think that's covered under II.L.2.
- Meme: What about during operations?

- Betsy: It says “other measures.”
- Jim H: Other measures would include where you put the monitoring. It doesn’t mean we are considering traffic vibration. Because of the distances, traffic vibration is not an issue for the historic properties.
- Meme: When we refer to construction monitoring, is that specific to blasting?
- Jim H: Yes.

Stipulation II.M – Timing of Construction Activities

- Betsy: In II.M, why are weekends removed? I ask because of the fact that measures related to many of the historic churches have been removed from the MOA. I think they need to go back in, especially if you allow construction during weekends.
- Jim S: I concur.

Stipulation II.N – No-Work Zones

- Meme: During the KHPAT meetings and development of the Country Estates HPP, the KY SHPO determined that the field around the Allison-Barrickman house was potentially eligible. I don’t know if that’s been addressed in this Section 106 process. Just as St Francis, the Taylor/Chandler House, and Merriwether House are eligible, the field should be added as a no-work zone. The SHPO said it was potentially eligible – that’s a large area for construction staging.
- John S: I agree. We have worked with developers to place a preservation easement, which is indicative of our intent. We don’t disagree with you.

Stipulations II.O & P – Smart Growth Conference & Education/Interpretation

- No comments.

Stipulation II.Q – Traffic Monitoring

- Carol: This is a good start. There’s no commitment to do anything if it turns out that traffic diversion is significantly higher than predicted.
- Greg: I concur. You should discuss the process how these decisions are made.
- Carol: We need to agree on what would constitute a significant impact. That’s in the EIS. I think it can be dealt with here.
- Jim S: It seems reconstruction of Spaghetti Junction in place will cause more traffic issues than other options would have caused.
- Betsy: It is important that the HPATs have input on the development of this plan.
- Laura Renwick: We would like to see more analysis of the economic impacts of tolling on these areas. That needs to be included here or elsewhere in the MOA
- Shane Corbin: I concur.
- John M: We also need to capture whether the character of the subarea has changed.
- Laura: Have the traffic impacts led to economic changes since it’s harder to access sites downtown?

- Meme: In the 800.11(e) document, the last paragraph of section 5 talks about this issue. We need to better coordinate this document with the MOA. This monitoring should include West Louisville too. The 800.11(e) says “details” will be included in the MOA. You should pull the sentence from the 11e into the MOA.
- Craig: I support that. Stipulation II.Q is one of the more important changes to the MOA. We need to make sure Q is as specific and detailed as possible. The team should commit to work on this further and re-coordinate with consulting parties.

Stipulation III.A – Train Depot

- Greg: INDOT owns the train depot. Item III.A.2 suggests the BSMT will acquire the property ... that may not be appropriate. The matrix needs to be updated for III.A to reflect the train depot has been listed on the NRHP.
- Greg: The decision was made not to house project offices at the Train Depot. Have there been further discussions on the fate of the property?
- Paul Boone: INDOT is still discussing it. We have been talking with the city of Jeffersonville; we may have project offices there.
- Greg: You may not want to delete that clause if it’s still a possibility.

Stipulation III.B – Colgate-Palmolive

- Richard Moore: Colgate-Palmolive should add clause 3, similar to the Ohio Falls statement (II.C.3).
- Meme: What is the status of the NRHP listing of Colgate-Palmolive?
- Greg: Documentation was completed by a consultant. At the time, the nomination didn’t move forward because the property owners didn’t consent. The new owners may be more receptive. Our hope (as noted in the matrix) is that we can move forward with preparing the nomination.

Stipulation III.C – Ohio Falls Car and Locomotive Company

- Jim H: For III.C.1, documentation was prepared but the property owners declined listing.

Stipulation III.D – Clark Memorial Bridge

- Meme: Is it appropriate that we didn’t include interpretive signage for the Clark Bridge in 2003? Please consider.
- Betsy: There’s not anything specifically addressing blasting/vibration on the bridge but there is an acknowledgement in the effects matrix that the bridge will experience these impacts. Should there be a blasting/vibration plan?

Stipulation III.E – Old Jeffersonville Historic District

- Greg: To clarify, what is the commitment for updating the HPPs? Do the updated plans address changes in the neighborhoods? Or is it just a technical update relative to the construction boundaries?
- John S: For example in the Phoenix Hill district, the configuration has changed. Technical aspects will be reevaluated. I think we would look at changes in the neighborhood to update to current information.

- Carol: That should be addressed in revising the language in III.E.1. Add “and changes to the HD neighborhood.” Bring the HPP up to date to include current challenges the neighborhood is facing.
- Greg: Relating to III.E.3, streetscape improvements, Market Street has had subsequent streetscape improvements and should be referenced alongside Spring Street.
- Greg: Relative to III.E.7, what does the note in the matrix mean?
- Jim H: Some of those houses back by the floodwall are deteriorating. Originally we had an investigation whether the homes could be moved but this occurred several years ago. As long as moving them is feasible and prudent, we’ll move them.
- Greg: One could argue that the homes are deteriorating because the property owners know INDOT is going to take them; therefore, they haven’t been keeping them up as well. It’s been 10 years since the initial commitment was made. We are concerned that after identifying available lots, there have been no efforts to acquire these properties. The owners are in limbo.
- Jim H: I did request that we investigate property within the district to relocate these houses. We were given a number of options but these weren’t feasible due to zoning or size restrictions. It’s very challenging to find vacant properties within the district that meet the criteria to relocate the homes.
- Laura R: Back to the matrix, it says the historic significance will be reviewed. But it sounds like that would be a feasibility issue whether the structures can feasibly be relocated.
- John S: We performed an investigation since the matrix was provided. Ratio determined these 5 houses would all be feasible for moving.
- Greg: Did they look at the deterioration?
- David Kroll: Based on exterior evaluation, all 5 buildings appear to be in the same or better condition than 2003.
- Betsy: For III.E.7, the 800.11(e) refers to seven contributing resources within the Old Jeff HD that would be displaced.
- John S: Five houses are the only five residences that are being relocated. It could be referring to the pylons. We will take a look at this.
- Betsy: Tying back to earlier comments on II.Q, we are talking about monitoring economic impacts. We are interested in discussing a proactive marketing campaign for Old Jeffersonville to correlate with adverse effects from construction. It seems like there’s a reason now to take proactive steps – similar to Milton-Madison – to try to neutralize these effects.
- Greg, Laura, Shane : We support this.
- Betsy: Measure III.E.12 deletes references to the HPAT involvement in the blasting/vibration plans. We would like the HPATs to be included.

Stipulation III.F – INAAP Igloos

- Greg: On III.F, there’s a lot of development out at River Ridge. I don’t know the status of the property currently; what are we monitoring? Check on the status of the resources.
- Janice: I’m not sure why vibration monitoring was included, based on the type of resource.

- John C: It's been a while since I've been involved with INAAP, but generally there's no protection that I recall. The Army was resistant to including specific commitments under the BRAC MOA.
- Meme: It may have been a mistake that we didn't discuss documentation before they were lost. That industrial area has quite a local history and could lend itself to interpretive signage.
- Greg: Was some of the documentation done as part of the INAAP closure?
- John C: Yes, for building and structure types. There may have been context materials generated also.
- Greg: If we are looking at the Reuse Authority instead of the Army, do we need to begin discussing preservation?
- MaryAnn: We really aren't having an adverse impact, except for the physical ramifications of blasting. It's an industrial use, not subject to noise, etc. Impacts are limited.
- Betsy: I like Meme's idea to shift the emphasis away from vibration to interpretive signage. This may be a better use of resources.

Stipulation III.G – Lentz Cemetery

- Meme: how large is the Lentz Cemetery? How many graves?
- Jim H/John S: Maybe 30 graves. It is approximately 500-800 ft away from the Project.
- Meme: Is it eligible or listed?
- Greg: Potentially eligible.
- Meme: Please email me the specifics.
- Rick Jones: If construction occurs within 100 ft of cemetery in Indiana, a cemetery plan must be developed and approved by DNR.
- Janice: Is there a similar law in KY?

Stipulation III.H – Lime Kilns/Quarries

- Greg: With III.H.4, add "with consultation with the IN HPAT."
- Rick J: For effects and the NRHP nomination, there have been at least 2 archaeological site codes assigned. These need to be clarified in the nomination and effects info sent out.
- Betsy: We raised objections about the draft Section 4(f) evaluation. We want to emphasize that the adverse effect is greater than what we understood in 2003. Therefore, the corresponding mitigation measures should be greater. One area to emphasize would be interpretation. We need to consider ways to beef up this commitment.
- Greg: We had provisions in the Original MOA to acquire the Smith Farm. Can an effort be made to acquire the kiln site to develop a park? The owners have no incentive to preserve the kilns. Is purchase a viable way to protect the kilns?
- Betsy: Since originally acquisition of one kiln was included in the MOA, perhaps others could be substituted?

Stipulation III.I – Swartz Farm

- John M: We discussed III.I briefly before, including the need to provide previously completed documentation even though the resource has been demolished.

- Greg: I have only one other comment on Swartz Farm – the Central Passage House was a contributing part of the HD. Can we offer the building for relocation prior to destruction of the resource? This was discussed at the HPATs. It would only include marketing for the relocation effort; INDOT wouldn't relocate it, but just offer it to others.

Stipulation III.J – Trolley Barn

- Craig: No suggestions for III.J, but we would like to have additional discussions before the ROD is changed/modified regarding the Craftsman Training program and KY Center for African American Heritage.

Stipulation III.K – Butchertown Historic District

- Jim S: Butchertown bought into the southern Spaghetti Junction location because of the traffic diversion associated with rebuilding the interchange in place. Reconstructing it in place doesn't alleviate our concerns about effects. Both ends of Butchertown are still impacted by the Project (I-65 flyover and the ramp to I-64), far more than Witherspoon ever did. Mitigation for the Edison House is being removed – that's wrong. St Joseph is also going to be affected – it should remain in the MOA. We agree to removing measures for the Wesley House. Marcus Lindsay has been extensively renovated. There's no change in the impacts to Grace Immanuel Church. We aren't sure what you mean about the Grocer's Ice & Cold Storage property – Butchertown has some of the hottest properties for reuse in the city. Revisions for the Butchertown HPP and plan are also needed.
- Phil Samuel: I concur with Jim. We feel the in-place construction will still have noise and vibration impacts. Traffic changes along I-64 could affect Clifton.
- Craig: This is extremely awkward – reevaluate how this is all spelled out. It doesn't follow very well.
- Meme: Could you explain the distance between alignments/properties, specifically Edison House. What is the current distance?
- Jim H/John S: We will follow up. Under the in-place alternative right now, the height of the interchange is significantly decreased. The viewshed issue is gone. The entire interchange is moved really close to the existing footprint.
- Meme: We've been given reasons for not fulfilling commitments because they are too far away. We don't have any real data why these measures are removed. I would be interested in that.
- Jim H: We are moving the improvement mostly back within the existing right-of-way. We aren't affecting these individual resources ... the footprint is the same as today, with a few exceptions.
- Jim S: According to the views, the ramp still goes over the Extreme Park. This was the problem for the Edison House originally. A lower elevation is still an increase and is still a problem. On the other end, there's some reworking of I-64 in-place to fix existing problems around St Joseph.
- John M: We'll work on getting a response to these distances.
- Betsy: I want to pile on with Jim's comments. Construction on the weekends will need to include noise mitigation for the churches.
- Carol: It would be helpful to have follow-up information on resource locations, distances, and elevations to clarify. Graphics would be helpful to understand proximity.
- MaryAnn: The Project causes an adverse visual effect for the historic district.

- Jim S: The measures I had eliminated – Wesley House and Marcus Lindsay – are not for reasons associated with the project.
- John S: The *Effects Findings Report* Figures 2-3 (pg 8-9) show the alignments around the Kennedy Interchange. Edison House isn't labeled. The alignment in and around Butchertown along I-64 is similar, but the Kennedy Interchange is shifted north.
- MaryAnn: We would like to see graphics with the existing configuration, proposed modification, elevations, and relationships to historic properties.
- Meme: Are the resources listed in III.K.4+ individually NRHP listed?
- Jim S: They are part of district but are not individually listed. They should be. Individual listings are under development currently.
- Meme: I understand that currently these contributing sites are identified for specific mitigation but are part of the larger district?
- MaryAnn: Looking at the effects in the Butchertown historic district, we looked at contributing properties in nearest proximity to the project. Additionally, churches were included because of noise issues. The historic resources are in the district. Particular properties within the district are identified for mitigation since they are nearest and it makes sense. This is one of the ways to mitigate the impact on the district as a whole. It depends on what makes sense in different situations.
- Meme: These sites need to be discussed in detail.
- Jim S: Why were so few stipulations cut out of Phoenix Hill compared to Butchertown?
- Betsy: In III.K.13, why were traffic calming measures removed? Given the impacts, will these be valuable? (Jim S nodded.) We should keep these.
- Jim H: Originally the Frankfort Ave interchange and local roads connected directly to the interstate. There were concerns that interstate traffic would funnel into the Butchertown HD so traffic calming was included. But this interchange and local connections have been eliminated.
- Jim S: Any construction activity isn't going to happen on the park side – it will happen on our side.
- Meme: This is why I asked about diverted traffic on River Road. Will traffic divert through Eastern Old Louisville? I know anecdotally how it works – at rush hour, they are over capacity today. Any additional traffic would have an impact.
- Tim S: They are building a new interchange and improving it so traffic doesn't have to go through Butchertown. Traffic will go through the interchange more smoothly. That's one of the reasons for construction.
- Meme: But phasing is a concern. The project doesn't define phasing clearly – the eastern bridge will be completed 4-5 years ahead of the downtown bridge. Traffic will divert for 4-5 years, maybe longer depending on funding. There's every reason to believe it could be a long time before the downtown project is completed. How do we evaluate phasing in the MOA? That could have an effect on resources. Butchertown is one of the areas that will feel the brunt of this issue. Unless you can promise the Downtown Bridge will follow the East End Bridge in 2-3 years?

- Janice: There are too many unknowns at this time to answer. We've been looking at the draft schedule. It's still to be determined, but tolling may not be initiated until the whole project is done.
- Betsy: That's not what the SDEIS says. It says that tolling will go into effect as soon as East End is completed.
- Meme: From a risk management perspective, you need to plan around some of these unknowns. There's less federal money today than 10 years ago. The project moves slowly and the schedule has been wrong so far. Indiana is close to having funding for the eastern bridge. But the East End Bridge carries so little traffic, it isn't self funded. It's very important to think through the impacts of this scenario.
- Betsy: Regarding the Butchertown District, the adverse effect findings show all categories are adverse. Construction impacts are not directly addressed except construction noise at the churches. There's nothing about traffic management. You need to add an element to develop a construction mitigation plan to deal with interim impacts, developed with the input of the HPAT. You need a comprehensive plan for temporary (multi-year) construction impacts.

Stipulation III.L – Phoenix Hill Historic District

- Betsy: The matrix indicates an intention to update the HPP for Phoenix Hill. Page 14 recommends a similar sentence for Old Jeff. Add similar language to III.L.1.
- Jim S: Is Baer Fabrics no longer a taking? It has been purchased.
- John S: It is still a taking.
- Greg: Is there any discussion about salvaging architectural features from the Baer Fabrics building?
- Meme: Mitigation for Baer Fabrics – as I recollect it – was included to preserve the cultural experience. We can't preserve the business, but should discuss mitigating the building, which is very important to the history of Louisville. There are things so important to the culture of the community that they should be documented, as at INAAP.
- Craig: Baer Fabrics has been fully documented. Ratio listed all salvageable items. The team committed to seeing this through.
- David K: We completed documentation of the building and identified any features/materials that could be salvaged and resold.
- Greg: This should be in the MOA.
- Meme: I agree. Why aren't we doing anything about interpretation?
- Greg: Perhaps before the features/materials are sold, they should be made available to museums. If items are valuable, they should be made available in the public realm first.
- MaryAnn: That is an extension of the salvage process.
- Craig: It was an oversight originally that we didn't do something more proactive so we addressed this through the BSHCT. Maybe it should be folded into the MOA as well.

Stipulation III.M – Country Estates Historic District

- Meme: Note that we discussed and agreed that the Allison-Barrickman field, including the family cemetery and a slave cemetery, has been determined potentially eligible. This happened since

the previous MOA. You should add this to list in III.M.1. [John S confirmed.] Also, Hays Kennedy cemetery is within the APE; Hays Kennedy Park is the only piece of infrastructure in the area named for an African American, illustrating her importance in the community.

- Meme: Related to the Strater House, we would like a separate letter listing. It's 300 ft from Drumanard and right on top of the tunnel. It's quite close to the portal opening. The Strater House needs separate consideration of noise and light. You should do the same for the Strater House as for you did for Drumanard.
- Phil: The III.M.2 reference to I.A.9 should point to I.A.2 instead.
- Meme: Why is III.O.3 not repeated in Drumanard? I suggest adding.
- Betsy: Two tracts of land are referenced in III.O.1. Is the second is the "north field" discussed earlier? (Yes.)
- Meme: The house is only on two acres.
- Betsy: Is house within boundary?

Stipulation III.N – Drumanard

- No comments

Stipulation III.O – Allison-Barrickman House

- Meme: You should reference that the Allison-Barrickman property field is potentially eligible.

Stipulation III.P -- Rosewell

- Meme: I recall from the KPAT meeting that the Rosewell treatment plan is completed but not implemented.
- Craig: Correct. We are waiting for contract documents.
- Andy: FHWA is reviewing the packet for the contract. The contract includes additional storm damage repairs from the recent tornado.
- Meme: III.P.1 hasn't been implemented so it shouldn't show up as fulfilled. Remove this note.
- Betsy: I would like you to consider adding easement acquisition as a potential mitigation measure. Since the Original MOA, the property owner has commented that they are disappointed that an easement wasn't included.
- Meme: Language disappeared prior to signing the Original MOA that several conservation easements would be offered: including Drumanard, Belleview, and Rosewell. No explanation was given why only one easement was offered.

Stipulation III.Q - Belleview

- Betsy: At the beginning of III.Q.1, there's a reference to Stipulation II that is unclear. Update this reference.
- MaryAnn: I think it is supposed to refer to all of those items in II.

Ohio River Camps

- Betsy: The addition of the Ohio River Camps needs to be addressed with measures to avoid, minimize, or mitigate impacts. This group isn't in the HPP since it was just added. Additional measures need to be developed to address effects on these newly identified resources.

- Craig: A number of comments referenced things being “potentially eligible” – this far into the Section 106 process, these determinations should be set by now.
- Meme: Related to MOA pages 21-22, you need to update HPP to include the River Camps. There are a few other issues to include too.

Stipulations IV-XIV

- Rick: We were allowed to comment on the document included as Appendix G in 2006. I don’t have any records on how these were addressed or receiving the final.
- John M: We’ll follow up with CTS to track that down.
- Rick: Please include the correct reference title for the INDOT guidance in VIII.3.
- Betsy: For VI.A, before approval of sites for staging, etc, it would be useful to add a provision saying that the BSMT will structure the contract so they are required to approve these items. Maybe FHWA has boilerplate language to address this.
- Janice: I believe INDOT and KYTC standard specifications already include this. (John S confirmed). We can refer to this if it helps.
- John C: Regarding Stipulation XIV, is 20 years the right timeframe? A lot can change in 20 years. If you want to leave it at 20 years, I suggest adding a specific clause in the MOA requiring reevaluation of resources similar to the process we just completed.
- Meme: I concur with John’s suggestion for reevaluation in a decade. If the project isn’t built by then, we need to reconsider changes in resources, etc.

John M explained that the team will consider consulting party comments and suggestions discussed today and will re-review the MOA after that. The team will consider the best format to communicate with consulting parties for future consultation. Over the coming months, the SFEIS will be published and followed by a 30-45 day comment period. The ROD will be prepared and signed. The MOA must be signed prior to the ROD.

Janice thanked attendees and requested comments. The meeting ended at 3:50.