

**Agency Coordination and Comments  
(Sorted by Agency)**



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Kentucky Division Office  
José M. Sepúlveda, Division Administrator

330 West Broadway  
Frankfort, KY 40601  
PH. (502) 223-6720  
FAX (502) 223-6735

June 8, 2010

Mr. Mark Dennen, Executive Director & SHPO  
Kentucky Heritage Council  
300 Washington Street  
Frankfort, Kentucky 40601

Dear Mr. Dennen:

The Kentucky Division Office of the Federal Highway Administration (FHWA) has revised the table labeled, "Table 1. Listing of Eligibility and Effects for the Brent Spence Bridge Replacement Project". This table was submitted to your office with our "Determination of Eligibility and Effect" letter dated May 25<sup>th</sup>. The corrected table includes the following changes:

- ~~HEC~~<sup>K</sup> 50 was removed from all listed historic districts with the exception of ~~HEC~~<sup>K</sup> 50/NRHP No. 90000481 (Kenny's Crossing) which was listed correctly.
- KEC 221 was removed from the list of properties. The actual property number was KECL-221 and is already included on the list.
- KECL 456 was removed from the list of properties. The actual property number was KEC-459 and is already included on the list.
- KECL 1019 thru KECL 1035 was changed to KECL 1019 thru KECL 1034.
- KECL 1053 should have been listed as "Eligible" under the "SHPO NRHP Eligibility 5/1/2009" column not MIR.

We agree with the findings of the Principal Investigator (PI) on 127/129 properties. However, we disagree with the PI on two properties, and concur with the Kentucky Transportation Cabinet (KYTC) that

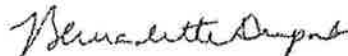
- KECL 1053 is listed in the PI's report as "Eligible". However, we have made the determination that KECL 1053 should be listed as "Not Eligible" for listing on the National Register of Historic Places. This property lacks sufficient integrity to be recommended as eligible. We agree with KYTC that "the house style is common for this section of northern Kentucky and although the house retains the original materials it clearly illustrates the loss of setting, feeling and association. There is the loss of the transom over the main entrance, the foundation stone wall has major cracks, the addition of a garage that appears to date to the 1920's, and the addition of a non-historic garage built adjacent to the property. "



- KEFM 317 is listed in the PI's report as "No Adverse Effect". However, we have made the determination that KEFM 317 should be listed as "No Effect" as neither alternative will require a property take.

We apologize for the inconvenience and once again seek your consultation and concurrence on this determination within 30 days. Thank you.

Sincerely yours,



Bernadette Dupont  
Transportation Specialist

Enclosure: KYTC's 5/2/10 letter to FHWA-KY

cc: David Waldner, KYTC – DEA  
Rebecca Turner, KYTC – DEA  
Scott Schurman, KYTC – DEA

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Table 1. Listing of Eligibility and Effects for the Brent Spence Bridge Replacement Project.

Property	SHPO NRHP Eligibility	PI NRHP Eligibility	PI Effects		FHWA & KYTC Eligibility & Effects Determination
	5/1/2009	5/2/2010	Alt C/D	Alt E	5/23/2010
KE 4	Eligible	Eligible	No Effect	No Effect	Concur w PI
KE 319	Eligible	Demolished	NA	NA	Concur w PI
KEC 50 /NRHP No. 90000481 (Kenney's Crossing)		Listed	No Effect	No Effect	Concur w PI
KEC 107	Eligible	Eligible	No Effect	No Effect	Concur w PI
KEC 430		Not Eligible	NA	NA	Concur w PI
KEC 456	Eligible	Eligible	No Effect	No Effect	Concur w PI
KEC 457		Not Eligible	NA	NA	Concur w PI
KEC 458	Eligible	Eligible	No Effect	No Effect	Concur w PI
KEC 459	Eligible	Eligible	No Effect	No Effect	Concur w PI
KEC 460	Eligible	Eligible	No Adverse Effect	No Effect	Concur w PI
KEC 461		Not Eligible	NA	NA	Concur w PI
KEC 462	Eligible	Eligible	No Effect	No Effect	Concur w PI
KECL 62-63		Demolished	NA	NA	Concur w PI
KECL 65-70		Demolished	NA	NA	Concur w PI
KECL 72-73		Demolished	NA	NA	Concur w PI
KECL 221		Demolished	NA	NA	Concur w PI
KECL 621	Eligible	Eligible	No Effect	No Effect	Concur w PI
KECL 626	Eligible	Eligible	No Effect	No Effect	Concur w PI
KECL 628	Eligible	Eligible	No Effect	No Effect	Concur w PI
KECL B17	Eligible	Eligible	No Effect	No Effect	Concur w PI
KECL 1014 thru KECL 1017	MIR for KECL 1016	Not Eligible	NA	NA	Concur w PI
KECL 1018	Eligible	Eligible	No Effect	No Effect	Concur w PI
KECL 1019 thru KECL 1034	MIR for KECL 1032	Not Eligible	NA	NA	Concur w PI
KECL 1035		Demolished	NA	NA	Concur w PI
KECL 1036 thru KECL 1044	MIR for KECL 1038	Not Eligible	NA	NA	Concur w PI
KECL 1045		Not Eligible	NA	NA	Concur w PI
KECL 1046	Eligible	Eligible	No Effect	No Effect	Concur w PI
KECL 1047 thru KECL-1052	MIR for KECL 1048	Not Eligible	NA	NA	Concur w PI
KECL 1053	Eligible	Eligible	Adverse Effect	No Effect	Do Not Concur-NOT ELIGIBLE
KECL 1054 thru KECL 1055	MIR for KECL 1055	Not Eligible	NA	NA	Concur w PI
KECL 1056 thru KECL 1059	MIR for KECL 1059	Not Eligible	NA	NA	Concur w PI
KECL 1060	MIR for KECL 1060	Demolished	NA	NA	Concur w PI
KEFM 287 thru KEFM 316		Not Eligible	NA	NA	Concur w PI
KEFM 317		Eligible	No Adverse Effect	No Adverse Effect	Do Not Concur-No EFFECT
KEFM 318 thru KEFM 335		Not Eligible	NA	NA	Concur with PI
NRHP No. 83003650 (Westside/Main Strasse HD)	Listed	Listed	No Effect	No Effect	Concur w PI
NRHP No. 89001169 (Fort Mitchell Heights HD)		Listed	No Effect	No Effect	Concur w PI
NRHP No. 89001170 (Old Fort Mitchell HD)	Listed	Listed	No Effect	No Effect	Concur w PI
NRHP No. 89001585 (Highland Cemetery HD)		Listed	No Effect	No Effect	Concur w PI
NRHP No. 93001165 (Lewisburg HD)	Listed	Listed	Adverse Effect	Adverse Effect	Concur w PI
NRHP No. 95000281 (Bavarian Brewing Co. HD)	Listed	Listed	No Effect	No Effect	Concur w PI

MIR = More Information Required





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Kentucky Division**  
August 22, 2011

330 West Broadway  
PH. (502) 223-6720  
FAX (502) 223-6735  
<http://www.fhwa.dot.gov/kydiv>

In Reply Refer To:  
HPD-KY

Mr. Michael W. Hancock, PE  
Secretary  
Kentucky Transportation Cabinet  
200 Mero Street, Room 613  
Frankfort, Kentucky 40622

Dear Mr. Hancock:

The Kentucky Division Office of the Federal Highway Administration (FHWA-KY) has reviewed the following document:

**Determination of Effects Report for the  
Brent Spence Bridge Replacement/Rehabilitation Project  
Kenton County, Kentucky  
KYTC Item Number 6-17.00**

We have also received the State Historic Preservation Office's (SHPO) letter dated August 12, 2011 that provided their comments after reviewing the aforementioned document. We concur with the SHPO's request for additional work and for the following additional information:

- Access Point Study for Pike Street (affects property KECL 864)
- Area of Potential Impact (APE) for the Pike Street Improvement
- Consistent identification of KY 66 in Exhibits 7D, 7E, 7F within the body of the report
- Identification of three contributing properties KY78, KY79, KY 96 in Exhibit 7D
- Plan or maps showing the location of the noise barrier

The complete listing of eligibility and effects for each of the properties is contained in Table 1 on the following page.

Sincerely yours,  
  
Anthony Goodman  
Environmental Specialist



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Kentucky Division**

February 14, 2012

330 West Broadway  
Frankfort, KY 40601  
PH (502) 223-6720  
FAX (502) 223 6735  
<http://www.fhwa.dot.gov/kydiv>

In Reply Refer To:  
HDA-KY

Mr. Larry Klein  
City Manager  
City of Covington  
638 Madison Avenue  
Covington, Kentucky 41011-2298

Dear Mr. Klein:

This letter addresses our De Minimis Determination for Goebel Park, related to the Brent Spence Bridge Replacement/Rehabilitation Project, in Kenton County, Kentucky (KYTC Item Number: 6-17).

Thank you for your coordination with us and the Kentucky Transportation Cabinet (KYTC) to minimize the project's impacts to the park. It appears that Alternative I will take approximately 1.9 acres of parkland, a basketball court, and the court's associated resources. The impacts and specific mitigation measures are:

The taking of 1.9 acres of park property from the southwest corner of Goebel Park will be replaced with 2.6 acres of currently state-owned property adjacent to the northwest corner of Goebel Park;


The taking of the basketball court and associated resources will be mitigated by mitigation funding of approximately \$77,600.00 for the replacement and enhancement of the basketball courts or for other outdoor recreation facilities within the park.

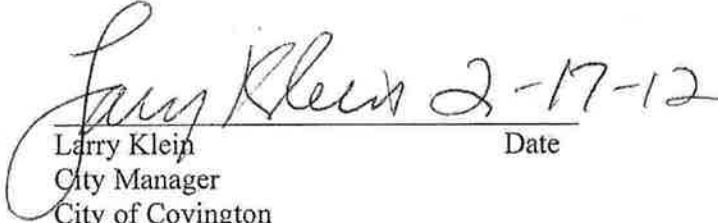
Enclosed is a map showing the project and affected park property. We find that there is no alternative that will avoid the use of 4(f) resources. This action includes all possible planning to minimize harm to the property, and that the resulting impacts, with mitigations, will not adversely affect the activities, features, and attributes that qualify the resource for protection under 4(f). The project, including the mitigations, will expand and enhance the park boundaries, amenities, and public safety.

Thus, FHWA has determined that the project, with the KYTC committed mitigations, will have a de minimis impact, as defined in 23 CFR 774.17, on the park. We request your concurrence with this determination.

If you have any questions, please contact me at (502) 223-6747.

  
John Ballantyne  
Program Delivery Team Leader  
Federal Highway Administration

Concurrence:  2/14/12  
David M. Waldner, P.E., Director Date  
Division of Environmental Analysis  
Kentucky Transportation Cabinet

 2-17-12  
Larry Klein Date  
City Manager  
City of Covington

Enclosure

cc: David Waldner, KYTC  
Stacie Hans, KYTC





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Ohio Division**

August 29, 2011

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876  
@dot.gov

In Reply Refer To:  
HDA-OH

Jerry Wray  
Director  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

Dear Director Wray:

This letter responds to ODOT-Office of Environmental Services request for a project level conformity determination for the following project: *PID 75119, HAM-IR 71/75-0.00/0.22 (also known as the Brent Spence Bridge project)*. The FHWA Ohio Division has reviewed and consulted with the Environmental Protection Agency (EPA), the Ohio Environmental Protection Agency (OEPA) and the FHWA Kentucky Division to determine the status of this project.

The Clean Air Act (CAA) states that all projects in nonattainment and maintenance areas are subject to transportation conformity. The conformity rule requires hot-spot analyses to be performed for projects of air quality concern. Through interagency consultation, the Brent Spence Bridge project was determined to be a project of air quality concern (40 CFR 93.116 and 93.123). A qualitative hot-spot analysis has been prepared and reviewed by the interagency consultation members.

Based upon our review of the hot-spot analysis, dated June 2011, and through consultation with OEPA, EPA, and the FHWA Kentucky Division, we find that the Brent Spence Bridge project will not cause or contribute to a new violation of the 24 hour or annual PM<sub>2.5</sub> standards. Further, the Brent Spence Bridge project is part of a conforming Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) for PM<sub>2.5</sub> and ozone. The project scope has not changed significantly from that included in the MTP and TIP. Therefore, the Brent Spence Bridge project has met the statutory requirements of the CAA and conforms to the state implementation plan. Documents prepared to satisfy NEPA requirements for this project should cite this letter when discussing the status of project level conformity.

If you have any questions or comments, please contact Ms. Leigh Oesterling, Planning & Environmental Team Leader, at (614) 280-6837, or [leigh.oesterling@fhwa.dot.gov](mailto:leigh.oesterling@fhwa.dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Laura S. Leffler", with a stylized flourish at the end.

For: Laura S. Leffler  
Division Administrator

ecc: Noel Alcala, ODOT  
Paul Braun, Ohio EPA  
Bernadette DuPont, FHWA-KY  
Patricia Morris, USEPA  
Leigh Oesterling, FHWA-OH  
Stefan Spinosa, ODOT  
Mark Vonder Embse, FHWA-OH

File: 9-S  
Project File – PID 75119







Preserving America's Heritage

August 31, 2011

Timothy M. Hill  
Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

Ref: *Proposed Brent Spence Bridge Replacement/Rehabilitation Project*  
*Hamilton County, Ohio and Kenton County, Kentucky*

Dear Mr. Hill:

On August 15, 2011, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Ohio State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Najah Duvall-Gabriel at 202 606-8585 or at [ngabriel@achp.gov](mailto:ngabriel@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)





**DEPARTMENT OF THE ARMY**  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

January 24, 2012

Operations and Readiness Division  
Regulatory Branch  
2006-02138-OHR – Ohio River  
HAM-71/75-0.00/0.22, PID: 75119 (Brent Spence Bridge)  
KYTC Project Item No. 6-17

Mr. Timothy M. Hill  
Office of Environmental Services  
Ohio Department of Transportation  
Post Office Box 899  
Columbus, Ohio 43216-0899

Dear Mr. Hill:

This letter is in response to the two Ecological Survey Reports (ESR) for the proposed Brent Spence Bridge replacement project received on April 9, 2010, and supplemental information received via email on March 2, 2011. The ESRs and supplemental information contain information concerning potential resources within an approximate 2,054-acre study area located along a 7.8-mile segment of I71/I75 between Fort Wright, KY (southern limit) and Cincinnati, Ohio in Hamilton County, Ohio and Kenton County, Kentucky. A total of twenty five potential waters of the United States (U.S.) were identified within the 2,054-acre study area: seventeen streams, six wetlands and two ponds.

The United States Army Corps of Engineers (USACE) authority to regulate waters of the U.S. is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (CWA) requires that a Department of the Army (DA) permit be obtained prior to placing dredged or fill material into waters of the U.S., including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for any work in, on, over or under a navigable water.

Based on the information provided and site visit conducted on July 7, 2010 it has been determined that Perennial Streams 1 (530 linear feet [lf]) and 2 (340 lf) are perennial relatively permanent waters (RPWs) and indirect tributaries of the Licking River, a traditional navigable water (TNW); Perennial Streams 3 (850 lf) and 4 (1,390 lf) are perennial RPWs and indirect tributaries of the Ohio River (TNW); Intermittent Streams 1 (1,225 lf), 3 (265 lf), 4 (2,375 lf), 5 (500 lf), 6 (685 lf), 7 (660 lf), 9 (70 lf), 14 (315 lf) and 16 (230 lf) are intermittent-seasonal RPWs and indirect tributaries of the Licking River; Intermittent Streams 12 (455 lf), 13 (65 lf), and 15 (210 lf) are intermittent-seasonal RPWs and indirect tributaries of the Ohio River; and

Wetlands 3 (0.90 acre [ac]), 6 (0.05 ac) and 8 (0.40 ac) abut RPWs 4, 6, and 16, respectively. Ephemeral Stream 8 (350 lf) is a non-RPW tributary of Pleasant Run Creek and has been found to present a significant nexus to the Ohio River. Wetland 1 (0.03 ac) is adjacent to Perennial Stream 1 and has also been found to present a significant nexus to the Ohio River. Therefore Perennial Streams 1-4, Intermittent Streams 1, 3-7, 9, 12-16, Ephemeral Stream 8 and Wetlands 1, 3, 6 and 8 are jurisdictional waters of the U.S., subject to regulation under Section 404 of the CWA.

Wetlands 4 (0.03 ac) and 7 (0.16 ac) are surrounded by upland and exhibit no evidence of a hydrological connection to the tributary system. Based on the absence of a hydrological connection or adjacency to a water of the U.S., these wetlands are isolated with no apparent connection with interstate or foreign commerce and are therefore not waters of the U.S. Isolated waters are only regulated under Section 404 of the CWA when the use, degradation or destruction of which could affect interstate or foreign commerce. Isolated Wetlands 4 and 7 have no substantial connection to interstate or foreign commerce and are not considered to be waters of the U.S. Therefore, no authorization would be required from this office for the placement of dredged or fill material in these wetlands.

There are two open water resources within the study area. These open water areas (OW 1 and 2) were determined to be isolated recreational/ornamental ponds created by excavating and/or diking dry land to collect and retain water and are not waters of the U.S.

In accordance with the June 5, 2007 Joint Memorandum between the United States Environmental Protection Agency (USEPA) and USACE and the January 28, 2008 USACE Memorandum regarding coordination on jurisdictional determinations, this determination was coordinated with USEPA Region 4 and USACE Headquarters, with coordination completed on December 22, 2011 and December 26, 2011, respectively.

This jurisdictional verification is valid for a period of five years from the date of this letter unless new information warrants revision of the delineation prior to the expiration date. This letter contains an approved jurisdictional determination for the subject site. Should you disagree with our jurisdictional determination, you have the right to file an administrative appeal under the USACE regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form.

If you request to appeal this determination you must submit a completed RFA form to the Great Lakes and Ohio River Division Office at the following address:

Review Officer  
Great Lakes and Ohio River Division  
550 Main Street, Room 10032  
Cincinnati, Ohio 45202-3222  
Phone: (513) 684-7261  
Fax: (513) 684-2460

In order for an RFA to be accepted, USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **March 24, 2012**. **It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.**

This determination has been conducted to identify the limits of USACE's CWA jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

If you have any questions concerning the above, please contact Peter Clingan of the Columbus Field Office at 614-692-4654.

Sincerely,



LuAnne S. Conley, P.E.  
Chief, South/Transportation Section

Enclosure

Copy Furnished w/ enclosure via email:

[Art.Coleman@epa.state.oh.us](mailto:Art.Coleman@epa.state.oh.us)

[Adrienne.Earley@dot.state.oh.us](mailto:Adrienne.Earley@dot.state.oh.us)

[Mike.Pettegrew@dot.state.oh.us](mailto:Mike.Pettegrew@dot.state.oh.us)

[Ric.Queen@epa.state.oh.us](mailto:Ric.Queen@epa.state.oh.us)

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Ohio Department of Transportation		File Number: 2006-02138-OHR	Date: 1-24-2012
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Ginger Mullins, Chief, Regulatory Branch, 304-399-5389

Address: U.S. Army Corps of Engineers  
Regulatory Branch  
502 8<sup>th</sup> Street  
Huntington, WV 25701

If you only have questions regarding the appeal process you may also contact:

Review Officer  
Great Lakes and Ohio River Division  
550 Main Street, Room 10032  
Cincinnati, Ohio 45202-3222  
Phone: (513) 684-7261  
Fax: (513) 684-2460

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:







## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / FAX (614) 416-8994

May 11, 2010

Timothy M. Hill  
Office of Environmental Services  
Ohio Department of Transportation  
P.O. Box 899  
Columbus, OH 43216-0899

TAILS: 31420-2010-I-0517 (PID 75119)

Attn: Matt Raymond  
Mike Pettegrew

RE: **HAM-71/75-0.00/0.22 (PID 75119)**  
**Brent Spence Bridge Replacement/Rehabilitation Project**

Dear Mr. Hill:

This is in response to your April 7, 2010 letter, received in our Columbus Ohio Field Office (COFO) on April 9, 2010 and received in our Frankfort Kentucky Field Office (FKFO) on April 12, 2010, requesting U.S. Fish & Wildlife Service (Service) comments regarding the subject project. Your office submitted two Ecological Survey Reports (ESRs) with your April 7 letter, one for the Ohio portion of the project (ODOT PID No. 75119) and the other for the Kentucky portion of the project (KYTC Project Item No. 6-17). We appreciate the opportunity to provide comments throughout the project development process. This project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky region. In a letter from our office to Dennis Decker at the Federal Highway Administration (FHWA) dated August 16, 2006, the Service agreed to participate in the environmental review process, with COFO (formerly the Reynoldsburg Ohio Field Office) serving as the lead Service Field Office for this project. Comments provided in this letter have been coordinated with FKFO.

ODOT coordinated with the Service on the Conceptual Alternatives (CA) analysis for this project in June 2009. The CA concluded that two of the build alternatives would be developed and analyzed further: 1) a combination of Alternatives C & D; and 2) Alternative E – with both alternatives including some design elements of Alternative G. The current ESRs provide updated information on the two resulting feasible alternatives (Alternative C/D and Alternative E), including mapping of the proposed alignments.

According to your letter and ESRs, only surveys for the following species/habitats have been conducted: 1) presence of the Federally Endangered running buffalo clover (*Trifolium stoloniferum*); 2) habitat for the Federally Endangered Indiana bat (*Myotis sodalis*); and 3) presence of the bald eagle (*Haliaeetus leucocephalus*), a Federal species of concern protected under the Bald & Golden Eagle Protection Act

(BGEPA) and the Migratory Bird Treaty Act (MBTA). Suitable habitat for the running buffalo clover and suitable summer habitat for the Indiana bat were found within the project area in Kenton County, Kentucky. However, no suitable habitat for either species is located within the project area in Hamilton County, Ohio.

Suitable habitat for running buffalo clover was surveyed in 2006 within the original study area and in 2009 within the extended study area. No individuals of the species were found during either survey; therefore, Kentucky Transportation Cabinet (KYTC) has determined that this project *may affect but is not likely to adversely affect* running buffalo clover. The Service concurs with this determination.

No eagle nests were found within the entire study area; therefore ODOT and KYTC have determined that the project will have *no effect* on the bald eagle. If eagles are not nesting with the study area, adverse impacts to the species would not be expected. For further guidance regarding the bald eagle and compliance with BGEPA, please refer to the Service's website at [www.fws.gov](http://www.fws.gov).

Summer habitat for the Indiana bat was found within the project area in Kenton County, KY. We understand that KYTC will further analyze potential impacts to the bat when a preferred alternative has been selected. As stated in our June 19, 2009 letter, KYTC should coordinate further with USFWS FKFO to determine the appropriate actions (e.g., seasonal cutting date restrictions, mist-net surveys, etc.) if trees will be cleared within areas containing suitable Indiana bat habitat.


We understand that, with the exception of the Ohio River, none of the streams in the project area possess suitable habitat for any listed mussel species. In addition, your letter states that a mussel survey in the Ohio River project area has not yet been conducted but that a "detailed mussel survey of the Ohio River will be conducted within the expected areas of impact by a qualified malacologist." In our June 19, 2009 letter, we recommended that: 1) a habitat reconnaissance survey be conducted under the proposed alignment site and under the existing bridge, if any in-water work will be required for the rehabilitation of that structure; and 2) further coordination with the Service occur following the results of that initial assessment to determine the appropriate level of additional survey effort, if any, that will be needed to adequately support an effects determination and to conclude consultation with the Service.

In addition, impacts to Trust Resources resulting from the development of staging, borrow, or waste areas or from the relocation of utilities should be coordinated with the Service, as these are considered part of the action. Per the Endangered Species Act Consultation Regulations 50 CFR 402, effects of the action also include direct and indirect effects of the action that are interrelated or interdependent with the proposal under consideration. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification; interdependent actions are those that have no significant independent utility apart from the action that is under consideration. In this case, "but for" the larger action (i.e., new bridge and approaches) the aforementioned actions would not occur and are considered interrelated and interdependent.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act, of 1973, as amended, and are consistent with the intent of the National Environmental Policy Act of 1969, and the U.S. Fish and Wildlife Service's Mitigation Policy. At this time, the FHWA has not provided effects determinations for federally listed mussel species and the Indiana bat. The Service would like to clarify that, once a preferred alternative is approved, additional informal consultation will be necessary and formal consultation may be necessary if adverse effects to the aforementioned listed species will occur. Specific measures to avoid and minimize impacts to listed species may also be necessary pending our review of the specific level and type of impacts associated with the preferred alternative.

If you have questions, or if we may be of further assistance in this matter, please contact Karen Hallberg at extension 23 in this office.

Sincerely,

  
for Mary Knapp, Ph.D.  
Field Supervisor

cc: USFWS, Frankfort Kentucky Field Office  
ODNR, DOW, SCEA Unit, Columbus, OH  
Ohio Regulatory Transportation Office, Columbus, OH (*email only*)  
OEPA, Columbus, OH (*email only*)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

AR-18J

MAY 09 2011

Laurie S. Leffler, Division Administrator  
Federal Highway Administration  
200 North High Street, Room 328  
Columbus, Ohio 43215

Dear Ms. Leffler:

This letter provides the U.S. Environmental Protection Agency's comments regarding the qualitative PM<sub>2.5</sub> hotspot analysis for the Brent Spence Bridge project HAM-71/75-0.00/0.22-PID 75119, which involves replacement/rehabilitation of the Brent Spence Bridge. The qualitative PM<sub>2.5</sub> hotspot analysis was revised after it had been posted for public comment and the public comment period on the qualitative analysis closed. Information on annual PM<sub>2.5</sub> was added to the material because the Cincinnati area is nonattainment for annual PM<sub>2.5</sub>. It is our understanding that the revised material will be included in the Environmental Assessment which will be available for public comment. Public review of the qualitative hot spot analysis is a requirement of the transportation conformity regulations.

We have reviewed the conformity documentation related to the PM<sub>2.5</sub> standard and have the following comments: The monitor chosen as surrogate monitor for the traffic on the expanded Bridge is monitoring attainment of the annual PM<sub>2.5</sub> standard. All PM<sub>2.5</sub> monitors in the Cincinnati/Northern Kentucky area are currently monitoring attainment of the annual PM<sub>2.5</sub> standard. The build/no-build analysis of emissions demonstrates that the project will reduce emissions of directly emitted PM<sub>2.5</sub> as compared to the no-build scenario. The documentation meets the requirements for a qualitative hot spot analysis for the project.

EPA has considered this conformity documentation in light of the current status of the Clean Air Interstate Rule (CAIR). EPA notes that the D.C. Circuit issued a decision on July 11, 2008 vacating the Clean Air Interstate Rule. North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 2008, EPA and other parties in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed to remand CAIR without vacating it. However, the court made no other changes to the July 11, 2008 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. Therefore, the CAIR rule remains in place, but EPA must promulgate another rule consistent with the court's July 11, 2008 opinion.

On August 2, 2010 (75 FR 45210) EPA proposed the Air Pollution Transport Rule (Transport Rule) as replacement for the remanded CAIR rule. EPA anticipates finalizing the Transport Rule in June 2011.

If you have any questions regarding these comments, please contact Patricia Morris, of the EPA Region 5 staff, at (312) 353-8656.

Sincerely,



Doug Aburano  
Chief  
Control Strategies Section

cc: Leigh Oesterling, Air Quality Specialist  
Federal Highway Administration – Ohio Division

Paul Braun  
Air Quality Management Division  
Ohio Environmental Protection Agency

Noel Alcala  
Ohio Department of Transportation





**ODNR COMMENTS TO Tim Hill, ODOT Office of Environmental Services, 1980 West Broad Street, Columbus, Ohio 43223**

**Project:** The project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Rare and Endangered Species:** The ODNR, Division of Natural Areas and Preserves, has the following comments.

On December 22, 2005, we provided a review of the Natural Heritage Database for this project. A copy of our response letter and map is included in Appendix I of the project documentation, and the species are discussed in the State and Federal Agency Correspondence Review section (pg. 9). Since that time, we have added two more records for rare species within the project area. They are for the Channel Darter (*Percina copelandi*), threatened, within the Ohio River, and the Peregrine Falcon (*Falco peregrinus*), threatened, in downtown Cincinnati.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

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**Fish and Wildlife:** The ODNR, Division of Wildlife (DOW) has the following comments.



The DOW agrees that once a preferred alternative has been selected, a detailed mussel survey of the Ohio River should be conducted within and near the project area by a professional malacologist approved by the DOW. The DOW would like the opportunity to review the results of the survey.

The Natural Heritage Database (NHD) has a record near the project area in the Ohio River for the channel darter (*Percina copelandi*), a state threatened fish species. The DOW recommends no in-water work March 15 to June 30 to reduce impacts to this and all other aquatic species and their habitat.

The NHD also has a record near the project area for the peregrine falcon (*Falco peregrinus*), a state threatened species. Due to the status of this species and the type of work proposed, the project is not likely to impact this species.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6378 if you have questions about these comments or need additional information.

Brian Mitch, Environmental Review Manager  
Ohio Department of Natural Resources  
Environmental Services Section  
2045 Morse Road, Building F-3  
Columbus, Ohio 43229-6693  
Office: (614) 265-6378  
Fax: (614) 262-2197  
brian.mitch@dnr.state.oh.us





State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049

May 20, 2010

Timothy M. Hill, Administrator, OES  
Ohio Department of Transportation  
Office of Environmental Services  
PO Box 899  
Columbus, Ohio 43216-0899

**Re: Brent Spence Bridge Project: *Replacement/Rehabilitation Project*  
Recommended Feasible Alternatives  
HAM- 71/75-0.00/0.22, PID 75119**

Dear Mr. Hill:

We have reviewed the subject report, specifically the Level One Ecological Report (Recommended Feasible Alternatives). As you know, our last response regarding the project was a March 3, 2010 letter to you (Conceptual Alternatives Study) in which we concluded we did not have any substantive issues with the alternatives chosen for further review. ODOT recommended two feasible alternatives that consisted of Alternative E and a hybrid alternative consisting of Alternatives C and D. The hybrid alternative was a compilation of the northbound portion of Alternative C and southbound portion of Alternative D.

We understand the proposed project involves improvements to a section of Interstate 75 (I-75) and Interstate 71(I-71) between Covington, Kentucky and Cincinnati, Ohio. Construction activities include the replacement/rehabilitation of the Brent Spence Bridge.

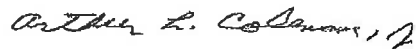
Currently, ODOT has selected two feasible alternatives to move forward in the review process: Alternative E, and a combination of Alternatives C and D (C/D). The report also described that certain design features of Alternative G would be incorporated in the two feasible alternatives in Step 6 of the PDP. Basically, Alternative E and Alternative C/D would use the existing I-71/75 alignment from the southern project limits at the Dixie Highway Interchange, north to the Kyles Lane Interchange. Each alternative has distinct design components.

At this point, Ohio EPA does not have any substantive issues with the project. As before, the impacts to aquatic resources would be exclusive to Kentucky. As we

previously stated, we ask that we be informed of any changes in project design or other considerations that potentially affect aquatic resources within Ohio, including detailed ecological surveys conducted within the project area. Also, as previously stated, please inform us as to whether a Section 9 permit would be required for the project by the US Coast Guard, specifically, whether it will require an Individual Section 401 Certificate. We will provide targeted comments on the project as more details become available.

Please contact me at (614) 644-2138 if you have any questions.

Sincerely,



Arthur L. Coleman, Jr., Environmental Specialist, Division of Surface Water  
Environmental Mitigation and Special Permitting Section

cc: Peter M. Clingan, Huntington ACOE  
William Cody, Asst. Administrator, OES/ODOT  
Mike Pettegrew, Ecology Section, OES/ODOT  
Adrienne Smith, Supervisor, Waterway Permits Unit, OES/ODOT  
Larry Hoffman, OES/ODOT  
Karen Hallberg, US Fish & Wildlife (Reynoldsburg)  
Diana Zimmerman, SWDO  
Brian Mitch, ODNR

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## INTER-OFFICE COMMUNICATION

Division of Air Pollution Control

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**TO:** Noel Alcala, Office of Environmental Services, ODOT  
**FROM:** Frederick Jones, <sup>FB</sup>DAPC, ATU, OEPA  
**DATE:** Jan 27, 2011  
**RE:** HAM-7175-0.000.22, PID 75119 Quantitative Mobile Source Air Toxics (MSAT) Analysis Report

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### Mobile Source Air Toxic (MSAT) Analysis Document Review

#### Document Reviewed:

Quantitative MSAT Analysis Report HAM-7175-0.000.22, PID 75119.

#### Comments:

Upon Review, Ohio EPA does not have additional comments on the MSAT Analysis Report: HAM-7175-0.000.22, PID 7511.

The Average Daily Traffic and the Vehicle Miles Traveled described in the report, is in accordance with the ODOT Technical Guidance for Analysis of Mobile Source Air Toxics to be categorized as a "High potential MSAT effect" project.

The report concludes that the build alternatives and the no-build alternatives do not have significant differences in the MSAT effects of the design year. The report discusses the difficulty in predicting project specific health impacts through vehicle emissions and provides information in accordance to CEQ regulations 40 CFR 1502.22(b) regarding unavailable or incomplete information.

**cc:** Paul Koval                      Supervisor, DAPC/ATU  
Mike Riggleman                  Manager, DAPC/MSS





November 21, 2011

Stefan Spinosa  
ODOT District 8  
505 South SR 741  
Lebanon, OH 45036

Dear Mr. Spinosa:

After attending the Consulting Parties meeting in Cincinnati on November 2, 2011, regarding mitigation measures for the HAM-71/75-0.00/0.22 project's adverse effect on Longworth Hall, Mark Epstein, Thomas Grooms, and I have discussed and prioritized the list of measures that have been suggested. Our list reflects our preference for "bricks and mortar" repairs to the building, much of which will remain standing, rather than documentation of it. We are completely open, however, to discussion, re-prioritizing, and additional measures that might be suggested. Further consultation with the consulting parties will ultimately provide the final and appropriate mitigation measures.

ODOT and the Consulting Parties have created an excellent list of mitigation possibilities. This is our prioritized list of the proposed mitigation measures:

Higher Priority

1. Masonry Repair and Tuck-Pointing
2. Installation of Storm Windows
3. Stabilization of associated Scale/Boiler House
4. Aesthetic treatments on new east wall (to Secretary of the Interior's Standards)
5. Plaque/Interpretive Signage
6. Commemorative dates on a cornerstone for new east wall (1904 on one side, 2015 on other)

Medium Priority

7. Building parapet wall on missing 4th floor
8. Reconstruction of 4th floor that was demolished by fire

Lower Priority

9. Preparation of HABS documentation on Longworth Hall
10. Re-painting rooftop water tower
11. Marking the footprint of the former RR roundhouse
12. Removal of upper floors and retention of lower floors under new bridge.
13. Preparation of a contextual study of similar RR freight buildings in Ohio
14. Rehabilitation of associated Scale/Boiler House

I will see you at the next meeting on December 8, 2011.

Sincerely,

Nancy H. Campbell  
Architecture Transportation Reviews Manager

1041620  
2006-HAM-1640

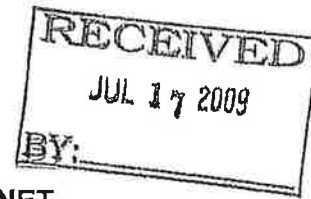
OHIO HISTORICAL SOCIETY

Ohio Historic Preservation Office

1982 Velma Avenue, Columbus, Ohio 43211-2497 ph: 614.298.2000 fx: 614.298.2037  
www.ohiohistory.org







## ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear  
Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
300 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-2150  
FAX (502) 564-4245  
www.dep.ky.gov

Leonard K. Peters  
Secretary

R. Bruce Scott  
Commissioner

July 16, 2009

ODOT, District 8  
Attn: Keith Smith, P.E.  
Acting District Planning and Environmental Engineer  
505 South SR 741  
Lebanon, OH 45035

Re: Conceptual Alternatives Study for the Brent Spence Bridge Replacement/Rehabilitation Project. (SERO 2009-17)

Dear Mr. Smith,

The cabinet serves as environmental review office for documents prepared under the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies. Based on the scope of the project, the document was sent to the Kentucky Division of Water, Division of Waste Management, Division for Air Quality, Kentucky State Nature Preserves Commission, Kentucky Heritage Council, the Division of Conservation, and the Department for Natural Resources.

We have completed our review of the Environmental Assessment and the Division of Water, Division of Waste Management, Division for Air Quality, and Kentucky Heritage Council responded and provided the attached comments. If you have any questions, please contact me at (502) 564-2150, ext. 112.

Sincerely,

Larry C. Taylor  
State Environmental Review Officer

**COMMONWEALTH OF KENTUCKY  
STATE ENVIRONMENTAL REVIEW PROCESS**

**Project Number:** SERO 2009 - 17

**Project Title:**

Conceptual Alternatives Study for the Brent Spence Bridge  
Replacement/Rehabilitation Project.

The following Commonwealth of Kentucky agencies make up the State Environmental Review Process. Their response is listed below. Agencies that did not receive the document for review or did not respond are also noted.

<b>REVIEWING AGENCIES:</b>	<b>RESPONSE:</b>
Division of Water.....	COMMENTS ATTACHED
Division of Waste Management.....	COMMENTS ATTACHED
Division for Air Quality.....	COMMENTS ATTACHED
Department for Public Health.....	Not Sent for Review
Cabinet for Economic Development.....	Not Sent for Review
Division of Forestry.....	Not Sent for Review
Department of Parks.....	Not Sent for Review
Department of Agriculture.....	Not Sent for Review
Nature Preserves Commission.....	NO COMMENT
Kentucky Heritage Council.....	COMMENTS ATTACHED
Division of Conservation.....	No Response Received
Department for Natural Resources.....	No Response Received
Department of Fish and Wildlife Resources....	Not Sent for Review
Transportation Cabinet.....	Not Sent for Review
Department for Military Affairs.....	Not Sent for Review

## **Division of Water Comments**

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## **CONCEPTUAL ALTERNATIVES STUDY FOR BRENT SPENCE BRIDGE REPLACEMENT**

### **Endorsement:**

A request for review of the CONCEPTUAL ALTERNATIVES STUDY FOR BRENT SPENCE BRIDGE REPLACEMENT in Kenton County, Kentucky was received on May 29, 2009. The Division of Water (DOW) completed this review and has provided the following comments.

### **Compliance & Technical Assistance Branch:**

No comment from the CTAB.

### **Water Quality Branch:**

There are no Outstanding State Resource Waters, Wild Rivers or known Exceptional Waters within the project area. Care should be taken to reduce in-stream disturbance during the construction of the bridge.

### **Watershed Management:**

The contractor(s) working on the bridge may need a Groundwater Protection Plan depending on the activities they have on shore during the construction.

### **Enforcement Branch:**

The Division of Enforcement does not object to the project proposed by the applicant.

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### **Division of Waste Management Comments**

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**Project Number: SERO 2009-17**

All solid waste generated by this project must be disposed at a permitted facility. If underground storage tanks are encountered they must be properly addressed. If asbestos, lead paint and/or other contaminants are encountered they must be properly addressed.

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**Division for Air Quality Comments**

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**DAQ Comments: Alt Study Brent Spence Bridge Replace/Rehabilitation Project  
(SERO 2009-17)**

As this project is presented, the owner or operator of this company should comply with any applicable Division for Air Quality permitting requirements contained in 401 KAR Chapter 52 Permits, Registrations, and Prohibitory Rules located at <http://www.lrc.state.ky.us/kar/TITLE401.HTM> and <http://www.air.ky.gov/permitting/>. For permitting information, please contact the Division for Air Quality Permit Review Branch Manager, at (502) 564-3999.

Kentucky Division for Air Quality Regulation **401 KAR 63:010** Fugitive Emissions states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. Please see the Fugitive Emissions Fact Sheet located at [http://www.air.ky.gov/homepage\\_repository/e-Clearinghouse.htm](http://www.air.ky.gov/homepage_repository/e-Clearinghouse.htm)

Kentucky Division for Air Quality Regulation **401 KAR 63:005** states that open burning is prohibited. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Fact Sheet located at [http://www.air.ky.gov/homepage\\_repository/e-Clearinghouse.htm](http://www.air.ky.gov/homepage_repository/e-Clearinghouse.htm)

Finally, the projects listed in this document must meet the conformity requirements of the Clean Air Act as amended and the transportation planning provisions of Title 23 and Title 49 of United States Code.

The Division also suggests an investigation into compliance with applicable local government regulations.

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## **Kentucky Heritage Council Comments**

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## ENERGY AND ENVIRONMENT CABINET

**Steven L. Beshear**  
Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
300 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601  
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FAX (502) 564-4245  
[www.dep.ky.gov](http://www.dep.ky.gov)

**Leonard K. Peters**  
Secretary

**R. Bruce Scott**  
Commissioner

May 21, 2010

Ms. Stacey Hans  
KYTC District 6 Environmental Coordinator  
421 Buttermilk Pike  
Covington, KY 41017

Re: Brent Spence Bridge Replacement/Rehabilitation Project - Ecological Survey Report. (SERO 2010-5)

Dear Ms Hans,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies.

We received the subject document and the letter from John Eckler, P.E. dated April 8, 2010 requesting our review. Based on the subject matter of the report, the document was sent to the Kentucky State Nature Preserves Commission, the Division of Water, Division of Enforcement and the Kentucky Department of Fish and Wildlife Resources for their review. Responses were received from the Division of Water and the Division of Enforcement within the Department for Environmental Protection, and Fish and Wildlife. The comments are attached.

If you have any questions, please contact me at (502) 564-2150, ext. 112.

Sincerely,

Larry C. Taylor  
State Environmental Review Officer

## **Brent Spence Bridge Replacement/Rehabilitation Project**

### **Endorsement:**

A request for review of the Brent Spence Bridge Replacement/Rehabilitation Project in Kenton County, Kentucky was received on 4-19-2010. The Division of Water (DOW) completed this review and has provided the following comments.

**Compliance & Technical Assistance Branch:** No comments from Florence Regional Office.

**Water Quality Branch:** The preferred alternative is E. There are no Outstanding State Resource Waters, Wild Rivers or known Exceptional Waters within the project study area

**Watershed Management:** The approach corridor has the Grant Lake limestone exposed at various locations. The Grant Lake is known to develop small cave, spring, sinkholes and other normal karst features that may influence the design considerations. Any water or monitoring wells, either drilled or dug in the construction corridor should be properly abandoned by a Kentucky Certified Water Well Driller to prevent the introduction of surface water directly into groundwater during construction. Contractors performing the work must have a Groundwater Protection Plan if they have onsite activities that require one.

**Division of Enforcement:**  
Conditional Endorsement:

The conditions of this endorsement are as follows:

- 1) Prior to commencement of this project, KTC and its assigns:
    - a. Must have in place all applicable KPDES permits, in particular storm-water permits for any debris that may be washed away from the worksite;
    - b. Must have in place all applicable RCRA registrations for the generation of any hazardous wastes at the worksite;
    - c. Must have in place all applicable Air Quality permits for fugitive dust or other sources of air pollution created at the worksite; and
  - 2) During any construction, demolition, or repair activities at the worksite, KTC and its assigns shall maintain compliance with its permits, registrations, and Kentucky's environmental statutes and regulations.
-





KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES  
TOURISM, ARTS, AND HERITAGE CABINET

Steven L. Beshear  
Governor

#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
Phone (502) 564-3400  
1-800-858-1549  
Fax (502) 564-0506  
fw.ky.gov

Marcheta Sparrow  
Secretary

Dr. Jonathan W. Gassett  
Commissioner

10 May 2010

Mr. Larry Taylor  
Department of Environmental Protection  
Commissioner's Office  
300 Fair Oaks Lane  
Frankfort, KY 40601

RE: Brent Spence Bridge Replacement/Rehabilitation Project – Ecological Survey Report

Dear Mr. Taylor:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for the above-referenced information. We appreciate the opportunity to provide further comments as this project progresses. Prior correspondence from our department has addressed the majority of our concerns. However, one federally-protected species that has not been discussed and is known to occur within close proximity to the project site is the Peregrine Falcon (*Falco peregrinus*). Breeding pairs are known to occur along the Kentucky side of the Ohio River, and in nearby Cincinnati, Ohio. One pair in particular has been recently discovered to be nesting along the Ohio River shoreline in downtown Covington, Kentucky.

There is concern that the bridge construction may have negative affects on the falcons due to the proximity of prior nesting locations to the bridge. We recommend you contact the nongame branch of KDFWR (**Kate Heyden, Avian Biologist (502-564-7109 ext. 4475)**) the spring prior to demolition of the approaches. Upon a site visit, the KDFWR can confirm if falcons are nesting on the bridge. Peregrine Falcons court from winter through early spring, and the young hatch from spring through mid-summer. Although this species has shown an ability to thrive in habitats dominated by human development, consistent disturbances during nesting can reduce nesting success.

For more information on how to proceed with federally endangered species, contact the U.S. Fish and Wildlife Kentucky Field Office at (502) 695-0468 for consultation under the Federal Endangered Species Act. I hope this information will prove useful to you. If you have any questions or require additional information, please call me at (502) 564-7109 extension 4453.

Sincerely,

Dan Stöelb

KentuckyUnbridledSpirit.com



An Equal Opportunity Employer M/F/D

Wildlife Biologist II

Cc: Environmental Section File





COMMERCE CABINET  
KENTUCKY HERITAGE COUNCIL

Ernie Fletcher  
Governor

The State Historic Preservation Office  
300 Washington Street  
Frankfort, Kentucky 40601  
Phone (502) 564-7005  
Fax (502) 564-5820  
www.kentucky.gov  
October 3, 2007

George Ward  
Secretary  
  
Donna M. Neary  
Executive Director and  
State Historic Preservation Officer

Ms. Bernadette Dupont  
Planning and Environmental Engineer  
Federal Highway Administration  
330 West Broadway  
Frankfort, KY 40601

**Re: Phase 1 History/Architecture Survey for the Brent Spence Bridge Replacement Project, Kenton County, Kentucky (Item No. 6-17.00)**

Dear Ms. Dupont:

The State Historic Preservation Office has received for review and approval the above referenced report. In order, to facilitate this project we have attempted to evaluate the 54 properties illustrated in this report, even though the report does not meet the Kentucky Heritage Council's *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports*.

Below is a list of properties we consider potentially eligible for listing in the National Register of Historic Places (NRHP) and for which we need additional information in order to determine if they are eligible for listing in the NRHP, either individually or as part of a district. We also request that Kentucky Historic Resources Inventory forms be completed for each of the properties that do not already have a state site number and that these forms be submitted to this office, at your earliest convenience. Finally, we request that all future historic structures survey reports generated as part of this undertaking conform to the Kentucky Heritage Council's *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports*. The fieldwork and reporting standards outlined in this document were developed in consultation with federal and state agencies as well as the consulting community, and have been widely accepted by all parties.

- KE-4, 50 Rivard Drive
- KEC-107, C & O Railroad Bridge
- KE-319, 3 Kyles Lane
- KEC-430, 407 Main Street
- KECL-621, 504 West 12<sup>th</sup> Street
- KECL-626, 514 West 12<sup>th</sup> Street
- KECL-628, 516 West 12<sup>th</sup> Street
- KECL-817, 533 Pike Street
- 1000 Emery Drive
- 611 Western Avenue
- 521 Western Avenue
- 609 Western Avenue
- 213 Western Avenue
- 45 Rivard Drive
- 205 Western Avenue

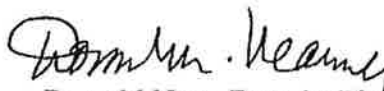


Ms. Dupont  
Page 2  
October 3, 2007

- 632 Western Avenue
- 511 Western Avenue
- 509 St. Josephs Lane
- 223 Western Avenue
- 881 Highway Avenue
- 207 Western Avenue
- 625 Crescent Avenue
- 617 Crescent Avenue
- 611 Crescent Avenue
- 527 Western Avenue
- 609 Western Avenue
- 537 Pike Street
- 533 Goetta Place

We look forward to working with FHWA on this project. Should you have any questions, feel free to contact Janie-Rice Brother of my staff at (502) 564-7005 extension 121.

Sincerely,



Donna M. Neary, Executive Director  
Kentucky Heritage Council and  
State Historic Preservation Officer

Cc: David Waldner, Rebecca Turner (KYTC-DEA)

---



STEVEN L. BESHEAR  
GOVERNOR

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MARK DENNEN  
ACTING EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

May 1, 2009

Mr. Jose M. Sepulveda, Division Administrator  
Kentucky Division Office  
Federal Highway Administration, U.S. Department of Transportation  
330 West Broadway  
Frankfort, KY 40601

**Re: Phase I History/Architectural Survey for the  
Brent Spence Bridge Replacement Project  
Kenton County, Kentucky (KYTC Item No. 6-17.00)**

Dear Mr. Sepulveda:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f) and implementing regulations at 36 C.F.R. Part 800, the staff of the Kentucky State Historic Preservation Office received for review an application for the above referenced report on March 30, 2009. This report was prepared by Parson Brinkerhoff, but this work was largely conducted by staff of Gray & Pape with Brandon L. McCuin listed as Principal Investigator. Through communication with KYTC staff, we are of the understanding that this is a preliminary eligibility report and that a full baseline, including information from the entire construction APE will follow, detailing more precisely the project alternatives and any impacts the work will have upon the historic resources identified in this document.

The authors of this report identified 77 sites. It appears that KYTC-DEA disagreed with several of the authors' determinations, but this information is not clearly presented in the communication we received from FHWA. Furthermore, site numbers are listed in such a way that is confusing: National Register Districts are not identified in the report by KHRI survey numbers, but rather the National Register District number, making it difficult to determine which sites fall within which districts.

In letters dated September 10, 2007 and October 3, 2007, this office indicated that this survey report was not in conformance with the Kentucky Heritage Council's *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports*. Unfortunately, there are still a few deficiencies that need to be remedied in order to comply with these standards and therefore we would like to point out these discrepancies once more to ensure that the forthcoming final baseline report can be reviewed more quickly and efficiently.

- The maps reproduced in the report are at such a large scale and of poor quality as to be almost indecipherable in accurately identifying the boundaries of APE, locating identified sites, and assessing alternative's impacts. (*Specifications*, Chapter VI, F.2.a-c)
- Documentation for each site 50 years or older must include a KHC inventory form that includes a current topographic map identifying the location of each resource amongst other details. Site inventory forms were not completed for this report. (*Specifications*, Chapter V, B.2.a-b)

Despite these deficiencies, we have attempted to preliminarily assess the eligibility of some of the historic resources identified in this report with the understanding that a complete baseline will follow. However, we will withhold making

any final determinations or any assessment of various project alternatives' impacts until the fully-compliant study document becomes available for our review.

We concur with some of the determinations made by FHWA, however, the listing of the sites by number in the matrix presented in your correspondence of March 25, 2009 is somewhat perplexing. We agree that **Sites KE-4, KE-319, KEC-107, KEC-459, KEC-460, KEC-462, KECL-621, KECL-626, KECL-628, KECL-817, KECL-1018, and KECL-1046 are eligible** for listing in the National Register of Historic Places (NRHP). We are unaware as to what properties FHWA's listing of "Sites KECL 628-504, KECL-514, KECL-516, KECL-459-509, KEC-460-881, and KECL-1046-632" are referring. We would like to request a clarification regarding these numbers and the properties they represent.

According to the document under review, the identified National Register Districts do not have any sites numbers, rather the report labels them as single entities by their given National Register number. Therefore, **all properties within NRHP No. 83003650, NRHP No. 89001170, NRHP No. 93001165, and NRHP No. 96000281 are currently listed.**

In addition to the districts and sites aforementioned, this office finds that **Sites KEC-456, KEC-458, KECL-1053, KECL-are also eligible for listing.** Furthermore, we request additional information on Sites KECL-1016, KECL-1032, KECL-1038, KECL-1048, KEC-1055, KEC-1059, and KECL-1060 such as deed research in order to garnish more precise construction dates, the names of past property owners, and more accurate information on the construction methods and materials present.

We look forward to reviewing the full baseline document with survey forms and working with KYTC staff to minimize the direct and indirect impacts which this project may have on significant cultural historic resources.

Should you have questions regarding these comments, please contact Danae Peckler of my staff at (502) 564-7005, extension 127.

Sincerely,



Mark Dennen  
Executive Director and  
State Historic Preservation Officer

Cc: ~~David Waldner~~ and Rebecca Turner, KYTC-DEA  
Anthony Goodman, FHWA

DAP:dap



STEVEN L. BESHEAR  
GOVERNOR

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MARK DENNEN  
EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

June 28, 2009

Larry Taylor  
Department of Environmental Protection  
Commissioner's Office  
300 Fair Oaks Lane  
Frankfort, KY 40601

**Re: Conceptual Alternatives Study for the  
Brent Spence Bridge Rehabilitation/ Replacement Project**

Dear Mr. Taylor:

The State Historic Preservation Office received the above-mentioned material for review and comment on May 28, 2009. While comment deadline was set for June 16, 2009, staff from this office made arrangements for an extension and a hard copy of the report was delivered to this office per our request on June 18, 2009. This report details the eight sub-alternatives developed for the Brent Spence Bridge Rehabilitation/Replacement Project impacting areas adjacent to Interstate 71/75 and along the Ohio River in Kenton County, Kentucky.

In general, this office would favor an alternative that rehabilitates the Brent Spence Bridge and has the least impact to significant historic resources in Kentucky and also in Ohio. However, we find it difficult to comment on the Conceptual Alternatives and the information contained in this Study at this time given that KHC staff is still engaged in deliberations with KYTC and FHWA on the National Register eligibility of several identified historic sites. Much confusion has stemmed from the cultural historic survey report that has been submitted for our review on three separate occasions, and to date lacks compliance with state specifications and requirements.

Despite this failure to comply with state requirements, this office has determined several sites to be eligible for listing in the NHRP that have not been identified in this Conceptual Alternatives Study (see KHC letter to FHWA dated May 1, 2009). The following list contains the site number and address of those properties found to be eligible by the KY SHPO as well as a list of particular sites for which additional information is required to make an eligibility determination:

- KEC 456: 1000 Emery Drive (eligible)
- KEC-458: 45 Rivard Drive (eligible)
- KEC-1053: 625 Crescent Avenue (eligible)
- KEC 1060, 1016, 1032, 1038, 1048, 1055, and 1059 (undetermined, additional information requested); the addresses for these properties are 537 Pike Street, 611 Western Avenue, 606 Western Avenue, 609 Western Avenue, 223 Western Avenue, 611 Crescent Avenue, and 609 Crescent Avenue, respectively.
- KEC-3, also known as Devou Park is identified as a Section 4(f) resource, but was not identified in the Phase I History/Architecture Survey. In October of 1970, 576 acres of the park was identified as an historic resource. According to our records, there are several historic structures and sites within the park and therefore, the area may need to be surveyed in order to determine if any of these features would be impacted by proposed project work. Linden Grove Cemetery, a National Register-listed property, was also excluded from the architecture survey (KEC-8).

**Brent Spence Bridge Project: Conceptual Alternatives Study**

To minimize further confusion and to ensure compliance with Section 106, we suggest that project both direct and indirect impacts to each eligible or listed historic resource be identified consistently in the report. Many of the charts and maps in the Conceptual Alternative Study identify varying historic resources and project impacts, yet a consolidation of eligible sites, probable impacts, and visual aids might convey the information more clearly and reduce the time spent flipping back and forth from various sections. Inconsistent labeling of historic properties, either by their KHRI survey number, address, historic or current names, property use, or project site numbers, has caused a significant delay in our review of the project materials. In the future, we would like to request that all references to historic properties be consistent and adequately labeled in all materials produced for this undertaking. Further, as a matter of budget constraints, our need to have a physical record of project materials available for public viewing, and our thirty-day review period (36 CR Part 800), we would like to request that hard copies of significant project documents to be mailed directly to this office.

Thank you again for the opportunity to comment on these materials and we look forward to receiving final copies when they become available. Should you have any questions about these comments, feel free to contact Danae Peckler of my staff at (502) 564-7005, extension 127.

Sincerely,



Mark Dennen  
Executive Director and  
State Historic Preservation Officer

Cc: Jose Sepulveda, Greg Rawlings, Anthony Goodman, FHWA  
David Waldner, Rebecca Turner, KYTC-DEA

DAP:dap

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STEVEN L. BESHEAR  
GOVERNOR

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MARK DENNEN  
EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

July 22, 2010

Ms. Bernadette Dupont  
Transportation Specialist  
U. S. Department of Transportation  
Federal Highway Administration  
330 West Broadway  
Frankfort, KY 40601

**Re: Cultural Historic Survey for the Brent Spence Bridge Replacement Project  
Kenton Co., KY (Item No. 6-17.00)**

Dear Ms. Dupont:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U. S. C. Sec. 470f) and implementing regulations at 36 C. F. R. Part 800, the Kentucky State Historic Preservation Office received for review and comment the above-referenced survey completed by Parsons Brinckerhoff in association with Gray & Pape. Brandon L. McCuin of Gray & Pape was the Principal Investigator. The project study area of the report is limited to the Kentucky side with a southern limit 5000 feet south of the midpoint of the Dixie Highway Interchange on I-71/I-75 in Fort Wright. Within the project APE 129 resources were identified.

We concur that the following identified sites are listed in the National Register of Historic Places: NRHP Nos. 90000481 (KEC 50), 83003650, 89001169, 89001170, 89001585, 93001165, and 96000281. We further concur that the following sites are eligible for the National Register of Historic Places: KE 4, KEC107, KEC 456, KEC 458, KEC 459, KEC 460, KEC 462, KECL 621, KECL 626, KECL 628, KECL 817, KECL 1018, KECL 1046, and KEFM 317.

This office had requested more information on some of the resources in response to a previously submitted report. We have reviewed the additional information provided, and we concur that KECL 1016, KECL 1032, KECL 1038, KECL 1048, KECL 1055, KECL 1059, and KECL 1060 do not meet the criteria to be eligible for The National Register of Historic Places. We also do not concur with the finding of eligibility for resource KECL 1053. We concur with FHWA and KYTC that the property lacks the integrity to be included in The National Register of Historic Places.

In regards to effects of the project alternatives under consideration, we concur with the findings in the report with the exception of KEFM 317. Neither alternative will impact the property, so there will be No Effect to the historic resource. We look forward to working with FHWA and KYTC to minimize the effects to other historic resources identified in the report.

Page 2

Cultural Historic Survey for the Brent Spence Bridge Replacement Project  
Kenton Co., KY (Item No. 6-17.00)

If you have any questions or concerns in regards to this review, please contact Vicki Birenberg of my staff at  
(502) 564-7005, ext. 127.

Sincerely,



Mark Dennen  
Executive Director and  
State Historic Preservation Officer

cc: David Waldner – KYTC – DEA; Rebecca Turner – KYTC - DEA

MD:vmb



STEVEN L. BESHEAR  
GOVERNOR

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MARK DENNEN  
EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

May 9, 2011

Ms. Bernadette Dupont  
Transportation Specialist  
U. S. Department of Transportation  
Federal Highway Administration  
330 West Broadway  
Frankfort, KY 40601

**Re: Determination of Effects for the Brent Spence Bridge Project, Kenton County, Kentucky  
KYTC Item No. 6-17.00**

Dear Ms Dupont:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U. S. C. Sec. 470f) and implementing regulations at 36 C. F. R. Part 800, the Kentucky State Historic Preservation Office received for review and comment the above report prepared by Parsons Brinkerhoff in association with Gray and Pape, Inc. This is the first report reviewed by our office that contains information about Alternative I, which has been chosen by the project team as the recommended preferred alternative.

The report does contain maps showing the Area of Potential Effect (APE) and the historic properties located within it. However, there is no depiction of Alternative I in relation to the entire APE with the historic properties identified. We concur with the earlier findings of eligibility, which are reiterated in this report, with 21 properties meeting the criteria for eligibility, including 7 already listed on the National Register of Historic Places. We also concur with your office and KYTC that resource KECL 1053, which is located outside the boundaries of the Lewisburg Historic District, is not eligible for the National Register of Historic Places.

It is stated in the report that the project will have a direct adverse effect on the Lewisburg Historic District, and we concur with this finding. However, we found discrepancies with the total number of properties affected within the district as well as their contribution to the district. A map included with the report (Exhibit 7) states that there are 28 contributing properties directly affected, with 21 properties fully acquired with demolition of the structure and 7 properties partially acquired. However, the table found on pages 49-51 shows 27 contributing properties affected, with 6 of those partially acquired. The photographs of the affected properties include only 27 on the Kentucky side. Furthermore, two of the properties identified as non-contributing, KY 066 (KECL 326, 620 Lewis St) and KY 075 (KECL 27, 653 Pike Street) are both identified as contributing properties in the National Register nomination form for the district. No information is given to explain the discrepancy.

Our office needs additional information to concur with the findings of effect. It is acknowledged in the report that the project may have indirect effects on many of the historic properties identified, although it is stated that those effects will not impact the characteristics that would qualify them for the inclusion in the National Register. We cannot concur





STEVEN L. BESHEAR  
GOVERNOR

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MARK DENNEN  
EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

June 2, 2011

Mr. David Waldner, P. E., Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, KY 40622

**Re: Determinations of Effects for the Brent Spence Bridge Project, Kenton County, Kentucky  
Item No. 6-17.00**

Dear Mr. Waldner:

We received a letter from your office in response to a letter we sent to FHWA on May 9. You requested a further explanation in regards to some of our comments, which are as follows:

In regards to Alternative I, we do recall the discussion that this alternative is the nearly the same as Alternative C/D, which was renamed to avoid confusion. However, it is our recollection that Alternative I has incorporated some change from the previously named alternative. In the last report reviewed by our office regarding above-ground structures (the History/Architecture Report from April 2010) there are only seven properties in the Lewisburg Historic District identified as being affected by Alternative C/D with a full or partial taking (attached). In the latest report reviewed, that number has increased by four times that amount. That change alone would appear to indicate that the Alternatives are not identical.

In regards to KECL 817, the Boehmer Decorating Company is not identified in Exhibit 7 as a historic property, even though it is associated with the Bavarian Brewing Company (which is clearly marked) and has been determined eligible because of that association. It should be outlined on Exhibit 7 with its own National Register boundary, just as the brewery is. Our concern arises with the loss of the building on Pike Street that sits between Boehmer and Interstate 75, which further opens the view shed. While you indicate that the interstate is elevated at this point and currently visible from the structure, this is not something that can be ascertained from the report. The only information provided is on Exhibit 7 in "plan" form, where all of the elevations read the same. The information you provided in your letter about Interstate 75 already being elevated in this area and within the current view shed is not provided in the report. The loss of the building to the west constitutes a change in setting that is not at all addressed by the report. There are no photos in the report to demonstrate to the reviewer that the change in the view shed posed by the loss of the building does not change the existing view shed from the Boehmer building. The report should specifically address this change in setting and offer a rationale for why the impact does not have a significant effect, but instead it does not acknowledge that there is a change.

I hope these additional comments clarify the concerns we have with the identified and potential effects posed by this project. We look forward to the additional information that will address the other discrepancies found in the report as well the information requested showing the plans for the construction of retaining walls and the potential for impacts to historic properties, which is not at all addressed in any of the exhibits in the report. If you have questions, please contact Vicki Birenberg of my staff at (502) 564-7005, extension 127.

Sincerely,



Mark Dennen  
Executive Director and  
State Historic Preservation Officer

cc: Rebecca Turner-- KYTC - DEA  
Scott Schurman -KYTC  
Stacey Hans - KYTC Dist. 6  
Rob Hans - KYTC  
Anthony Goodman - FHWA  
Bernadette Dupont - FHWA

MD:vmb

Attachment

now I  
(with adjustments)

Table 2. Lewisburg Historic District Resources Effected by Alternative C/D and Alternative E		
Address	Alternative C/D Effect	Alternative E Effect
604 West 12 <sup>th</sup> Street	total take	total take
606 West 12 <sup>th</sup> Street	total take	total take
608 West 12 <sup>th</sup> Street	N/A	total take
605 West 11 <sup>th</sup> Street	N/A	total take
606 West 11 <sup>th</sup> Street	total take	total take
608 West 11 <sup>th</sup> Street	N/A	total take
610-618 Pike Street	partial take	partial take
725 Crescent Avenue	N/A	sliver take
804 Crescent Avenue	partial take	total take
806 Crescent Avenue	partial take	total take
808 Crescent Avenue	partial take	total take
810 Crescent Avenue	N/A	total take
812 Crescent Avenue	N/A	total take
816 Crescent Avenue	N/A	total take
818 Crescent Avenue	N/A	total take
820 Crescent Avenue	N/A	partial take (backyard)
822 Crescent Avenue	N/A	partial take (backyard)
824 Crescent Avenue	N/A	partial take (backyard)
860 Crescent Avenue	N/A	partial take
862 Crescent Avenue	N/A	partial take
866 Crescent Avenue	N/A	partial take
868 Crescent Avenue	N/A	partial take



STEVEN L. BESHEAR  
GOVERNOR

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LINDY CASEBIER  
ACTING EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

July 28, 2011

Mr. Jose Sepulveda  
Division Administrator  
Federal Highway Administrator  
330 West Broadway  
Frankfort, KY 40601

Re: **Revised: Brent Spence Bridge Replacement / Rehabilitation Project, Phase I Intensive Survey, Kenton County, Kentucky, Item Number 6-17.00.** By Michael Striker, Gray and Pape, Inc., Cincinnati, Ohio.

Mr. Sepulveda,

This office has received the above mentioned report for review. The report documented thirteen previously unrecorded archaeological sites (15KE147-15KE160) and three non-site localities (BS-1, BS-7, and BS-12). Archaeological sites 15KE147-15KE149, 15KE151-15KE159 and BS-1, BS-7, and BS12 were not recommended for additional work, but additional archaeological investigation was recommended at Site 15KE150. In a concurrent review letter sent to your office dated May 25, 2011, SHPO and KYTC stated concurrence with the authors regarding the recommendation of no further archaeological investigation at sites 15KE147-15KE159 and BS-1, BS-7, and BS-12. However, neither KYTC nor SHPO concurred with the recommendation of additional archaeological investigation at Site 15KE150. Additionally, the author stated that archaeological survey at the inaccessible parcels and geoarchaeological deep testing should be conducted to complete Phase I investigations. I concur with the author that archaeological survey of all uninvestigated parcels as well as geoarchaeological deep testing should be conducted to complete the Phase I survey.

From the letter dated July 15, 2011, we understand that the FHWA is requesting conditional clearance of the Phase I archaeological survey. In the interest of meeting FHWA's request to expedite the consultation process I am prepared to offer such clearance with regard to the Phase I archaeological survey. However, this clearance is conditional upon the review and acceptance of the final revised Phase I report by November 1, 2011; and provided that all remaining archaeological requirements of Section 106 consultation for this undertaking, including but not limited to, Phase I survey of all aforementioned inaccessible parcels as well as geoarchaeological deep testing, and any subsequent archaeological evaluations for the National Register of Historic Places be addressed in the Section 106 Memorandum of Agreement.

If you have any questions, please do not hesitate to contact Phillip Johnson of my staff at (502) 564-7005 ext 122.

Sincerely,

Lindy Casebier, Acting Executive Director  
Kentucky Heritage Council and  
State Historic Preservation Officer

LC:prj

cc. Micheal Striker (Gray & Pape)  
Anthony Goodman (FHWA)  
Bernadette Dupont (FHWA)  
David Waldner (KYTC-DEA)  
Phil Logsdon (KYTC-DEA)  
James Lee Hixon (KYTC-DEA)  
Dr. George Crothers (UK-OSA)



STEVEN L. BESHEAR  
GOVERNOR

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MARK DENNEN  
EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

August 12, 2011

Mr. David Waldner, P. E., Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, KY 40622

**Re: Determination of Effects for the Brent Spence Bridge Project, Kenton Co., Kentucky  
Item No. 6-17.00**

Dear Mr. Waldner:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U. S. C. Sec. 470f) and implementing regulations at 36 C. F. R. Part 800, the Kentucky State Historic Preservation Office received for review and comment the above-referenced report completed by Parsons Brinkerhoff in association with Gray & Pape, Inc. The report includes information on the various bridge designs under consideration, as well the results of a retaining wall study for the project. The preferred alternate, Alternative I, was reviewed for its effects on historic properties that were identified in a previously completed History/Architecture Survey. Of the 21 historic properties that were identified within the defined APE, we concur that there will be either **No Effect or No Adverse Effect** to KEC 107 (C&O Railroad Bridge), KEC 50 (Kenny's Crossing), KEC 460 (881 Highway Avenue), NRHP 83003650 (West Side/Main Strasse Historic District), KECL 1018 (521 Western Avenue), KECL 1046 (632 Western Avenue), KEC 462, (Glier's Goetta), NRHP 96000281 (Bavarian Brewing Company), KECL 621(504 West KY 1120/12<sup>th</sup> Street), KECL 626( 514 West KY 1120/12<sup>th</sup> Street), KECL 628 (516 West KY 1120/12<sup>th</sup> Street), KEC 456 (1000 Emery Drive), KEC 459 (509 St. Joseph Lane), KEC 458 (45 Rivard Drive), KE 4 (Kennedy-Rivard Homestead), NRHP 89001169, (Fort Mitchell Heights Historic District), NRHP 89001170 (Old Fort Mitchell Historic District), KEFM 317 (2 East Orchard Road), and NRHP 89001585 (Highland Cemetery Historic District).

**We cannot concur with the No Effect or No Adverse Effect finding for KECL 817 (Boehmer Decorating Company) at this time.** The reason for this is that there is a reference made to an Access Point Study (which has not been reviewed by this office) determination for additional work on Pike Street to accommodate the increase in traffic volume in conjunction with this project. According to this Determination of Effects report, the additional work was initially designed with impacts to both KECL 817 and KECL 864 (C&C Mortuary Service) and is now being redesigned to avoid those impacts. Since the improvements to Pike Street are ostensibly tied to the larger project and are referenced in this report, the work proposed and potential impacts need to be reviewed in greater detail by our office. The Determination of Effects report states that KECL 864 is eligible for the National Register of Historic Places. The property was not included in the APE for the Brent Spence Bridge Project, thus it was not included in the eligibility determinations made in conjunction with that project. We would like clarification on the eligibility determination for KECL 864 as well as the Area of Potential Effect (APE) for the Pike Street improvements and the opportunity to comment on the plans when they are completed.

It appears that most of the discrepancies found in the February 2011 Effects Report in regards to the Lewisburg Historic District, which were pointed out in our May 9, 2011 letter, have been addressed. However, there are still inaccuracies in some of the exhibits of this report. KY66, which has been identified in the report as a vacant lot, is still identified on Exhibits 7D, 7E, and 7F as a contributing structure. In addition, three contributing properties, KY78, KY79, and KY96, are not identified on Exhibit 7D.

Alternative I will have an **Adverse Effect** on the **Lewisburg Historic District, NRHP 93001165**. Alternative I will require the acquisition of 2.1 acres of land within the district, affecting 28 of the 430 contributing properties in the district. Twenty-one of these structures will be demolished. Seven additional parcels will be affected through partial land acquisition. In addition, there will be indirect effects as a result of the closure of Lewis Street at Pike Street and the construction of a noise barrier 521 feet in length and 12 feet in height between the residences and the collector-distributor roadway that provides access to KY 4<sup>th</sup> Street. There are no plans or maps included with this report to show the location of the noise barrier or a rendering to show what it will look like. Without additional information, we cannot make a determination on whether the visual effect of such a barrier is offset by the accompanying reduction in noise such a barrier would provide. That discussion should be initiated with the consulting parties on this project, especially the Lewisburg Neighborhood Association. Mitigation measures for these walls, which may include vegetative screening, should be developed in cooperation with the consulting parties as part of the overall mitigation package for the Lewisburg Historic District.

The Effects report also included discussion and photo-simulations of the final three bridge alternatives. The final design will be chosen after additional public hearings. If Bridge Alternative 6 is chosen, the tower of the bridge will be one of the tallest structures in the existing skyline. As mentioned in the report, the selection of Alternative 6 will require a more thorough viewshed analysis to assess the impacts to historic structures. If you have any questions in regards to these comments, please contact Vicki Birenberg of my staff at (502) 564-7005, ext. 127.

Sincerely,



Lindy Casebier  
Acting Executive Director and  
State Historic Preservation Officer

cc: Rebecca Turner – KYTC – DEA  
Phil Logsdon – KYTC – DEA  
Scott Schurman – KYTC  
Stacey Hans – KYTC Dist. 6  
Anthony Goodman – FHWA  
Bernadette Dupont - FHWA

LC:ymb



STEVEN L. BESHEAR  
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET  
KENTUCKY HERITAGE COUNCIL**

MARCHETA SPARROW  
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE  
300 WASHINGTON STREET  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-7005  
FAX (502) 564-5820  
www.heritage.ky.gov

LINDY CASEBIER  
ACTING EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

September 22, 2011

Mr. David Waldner, P. E., Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, KY 40622

**Re: Revised: Brent Spence Bridge Replacement / Rehabilitation Project, Phase I Intensive Survey, Kenton County, Kentucky, Item Number 6-17.00.** By Karen Neimel et al., Gray and Pape, Inc., Cincinnati, Ohio.

Mr. Waldner,

This office has received the above mentioned revised report for review. The report documented thirteen previously unrecorded archaeological sites (15KE147, 15KE148, 15KE149, 15KE150, 15KE151, 15KE152, 15KE153, 15KE154, 15KE156, 15KE157, 15KE158, 15KE159, and 15KE160) and three non-site localities (BS-1, BS-7, and BS-12). It is important to note the authors state that twenty-two parcels within the APE were not surveyed due to lack of landowner permission, and other portions of the APE were not investigated due to impediments such as pavement, etc. The authors did not recommend further work at sites 15KE147, 15KE148, 15KE149, 15KE150, 15KE151, 15KE152, 15KE153, 15KE154, 15KE156, 15KE157, 15KE158, 15KE159 nor at the three non-site localities. The authors recommended geoarchaeological deep testing at Site 15KE160, as well as the completion of archeological investigations at the aforementioned inaccessible parcels. I concur with the authors' recommendations, and accept the revised report as submitted. As stipulated in our letter to the FHWA, dated July 28, 2011, we look forward to finalizing the Memorandum of Agreement, which will detail all remaining archaeological requirements of Section 106 consultation for this undertaking.

If you have any questions, please do not hesitate to contact Phillip Johnson of my staff at (502) 564-7005 ext 122.

Sincerely,

Lindy Casebier, Acting Executive Director  
Kentucky Heritage Council and  
State Historic Preservation Officer

LC:prj

cc. Micheal Striker (Gray & Pape)  
Phil Logsdon (KYTC-DEA)  
James Lee Hixon (KYTC-DEA)  
Dr. George Crothers (UK-OSA)



STEVEN L. BESHEAR  
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET  
KENTUCKY HERITAGE COUNCIL

MARCHETA SPARROW  
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE  
300 WASHINGTON STREET  
FRANKFORT, KENTUCKY 40601  
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[www.heritage.ky.gov](http://www.heritage.ky.gov)

LINDY CASEBIER  
ACTING EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

October 25, 2011

Mr. David Waldner, P. E., Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, KY 40622

**Re: Additional Information for the Determination of Effects for the Brent Spence Bridge Project  
Kenton County, Kentucky, Item No. 6-17.00**

Dear Mr. Waldner:

On October 21, 2011, our office received the additional information we requested on August 12, 2011 regarding the above-referenced project. We have reviewed the materials (prepared by Parsons Brinkerhoff in association with Gray and Pape) and offer the following comments:

- The Access Point Request Document is dated August 2011. On page 11, Section 4.7.8 references impacts to cultural resources and states that the recommended preferred alternative will affect 33 of 430 contributing properties in the Lewisburg Historic District. The Determination of Effects Report, which is dated June 2011 and for which updates were included as part of the information your office most recently provided, still indicates that 28 of 430 contributing properties will be affected by the preferred alternative. These statements will need to be reconciled for accuracy before the development of the Memorandum of Agreement.
- Both reports indicate that there will be changes in the access to the Lewisburg Historic District. These changes involve Crescent Avenue, Bullock Street, 9<sup>th</sup> Street, Western Avenue, and the closure of Lewis Street at Pike Street. There may be a potential for indirect effects to the district relating to changes in traffic patterns associated with changes in access. This will need to be looked at in more detail in consultation with the other consulting parties and in conjunction with the development of the Memorandum of Agreement.
- The improvements on Pike Street required to accommodate future traffic volumes are stated to have been redesigned to avoid impacts to historic resources. Not enough information has been provided to make an eligibility determination on KECL 864. Since KECL 864 will not be impacted and is outside of the defined Area of Potential Effect, our office recommends that the question as to whether KECL 864 is potentially eligible for the National Register of Historic Places not be answered at this time.
- Visual impacts to KECL 817 have been considered. While the resource will be affected by an increased view of Interstate 75, this increase will not affect the characteristics that qualify the property for the National Register of Historic Places. Therefore, this project will have **No Adverse Effect** on KECL 817.
- We concur with your determination that the noise wall presents an **Adverse** (visual) effect to the



Lewisburg Historic District. We also concur with your proposed approach to attempt to reduce the impacts of the noise wall in consultation with the other consulting parties. This consultation may result in a decision to eliminate the noise wall. It is our opinion that appropriate mitigation measures should be developed in consultation with affected stakeholders that will address a balance between the visual effect of the wall and the potential for an increase in noise, which may be cumulative and exceed projections.

Thank you for providing the additional information requested and for coordinating with our office. We look forward to continued participation in the consultation process on this project and the development of a Memorandum of Agreement. If you have questions, please contact Vicki Birenberg of my staff at (502) 564-7005, extension 127.

Sincerely,



Lindy Casebier  
Acting Executive Director and  
State Historic Preservation Officer

cc: Rebecca Turner – KYTC – DEA  
Phil Logsdon – KYTC – DEA  
Scott Schurman – KYTC  
Stacey Hans – KYTC District 6  
Anthony Goodman – FHWA  
Bernadette Dupont – FHWA

LC:vmb





**TRANSPORTATION CABINET**

**Steven L. Beshear**  
Governor

Frankfort, Kentucky 40622  
www.transportation.ky.gov/

**Michael W. Hancock, P.E.**  
Secretary

May 24, 2011

Mark Dennen  
Executive Director and  
State Historic Preservation Officer  
300 Washington Street  
Frankfort, KY 40601

Dear Mr. Dennen:

**Re: Determinations of Effects for the Brent Spence Bridge Project  
Kenton County, Kentucky  
Item No. 6-17.00**

This letter is in response to the letter from your office dated May 9, 2011. This office is requesting a further explanation for the following:

- Bavarian Brewery – It is the opinion of this office that there will be no indirect effects to this resource or to KECL 817 (Boehmer Co.) as a result of this project. Interstate 75 is elevated in the area of these structures and is in the current viewshed. Therefore, this office requests further explanation as to why this project has the potential to cause indirect effects.
- Discrepancies in the report – These issues are being addressed with the cultural historic consultants and additional information will be forthcoming.
- Your letter indicates that KHC has not previously reviewed information related to Alternative I. While previous report editions do not identify an Alternative I, this alternative is identical to what had been labeled Alternative C & D. As was discussed in our meeting March, 2011, the alternative was renamed to avoid confusion with collector/distributor designations.

We would appreciate a response to this inquiry by June 24, 2011. If you have any questions, please contact Rebecca Turner or me at 502-564-7250.

Sincerely,

David M. Waldner, P.E., Director  
Division of Environmental Analysis

c: K. Damron, P. Logsdon, S. Schurman, R.H. Turner, D-6 (S. Hans), FHWA (A. Goodman and B. Dupont), ODOT, Gray and Pape, Parsons Brinkerhoff



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**Steven L. Beshear**  
Governor

**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

**Michael W. Hancock, P.E.**  
Secretary

May 24, 2011

Ms. Jennifer Graf  
Principal Project Manager  
Parsons Brinkerhoff  
312 Elm Street, Suite 2500  
Cincinnati, Ohio 45202

Dear Ms. Graf:

SUBJECT: *Determination of Effects Report for the Brent Spence Bridge Replacement Project, Kenton County, Kentucky*  
ODOT PID No 75119  
HAM-71/75-0.00/0.22  
KYTC Item No 6-17.00

Attached please find a copy of the letter from the State Historic Preservation Office (SHPO) dated May 9, 2011. Though all of the SHPO issues will need to be addressed, several areas that warranted specific comment by KYTC are detailed below:

- Alternate I – Provide maps/plans illustrating Alternate I and its relationship to the historic properties identified. If disturb limits are known, please include this information on the maps/plans. The SHPO has also requested that all maps to be used for assessing effects be scaled similarly to Exhibit 7 to facilitate impact analysis.
- Access Changes – Provide an explanation or maps/plans showing access changes to the impacted area of the Lewisburg Historic District and other eligible/listed resources.
- The National Register Nomination form for the Lewisburg Historic District lists all properties in the district by address and notes each as contributing or non-contributing to the district. Several resources identified in the effects report as lying within the Lewisburg District are not listed individually by address in the NR nomination form. Nearly all, if not all, of these properties are described as non-contributing elements of the district. Please identify the exhibit where each of these properties are identified and provide additional information that supports the conclusion that the resources are non-contributing to the Lewisburg HD.
- Historic properties are to be identified by resource number and not parcel number as shown in Exhibit 7.



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Page 2

*Determination of Effects Report for the Brent Spence Bridge Replacement Project,  
Kenton County, Kentucky*

ODOT PID No 75119

HAM-71/75-0.00/0.22

KYTC Item No 6-17.00

- KHC Survey numbers – Several survey numbers are listed incorrectly on Exhibit 4-KECL 817 is labeled KEC 817 and KE 458 should be KEC 458. Please check other exhibits for inconsistent references.
- Retaining Walls – A retaining wall study was conducted and results should be provided. This includes identification of all proposed retaining walls in the vicinity of historic properties and sufficient detail to evaluate the potential for effects at each location such as a cross section depicting the location of the project and proposed wall relative to the historic property boundaries and significant elements.

Please provide this office with the above information no later than June 1, 2011. If you have any questions or require further information please feel free to contact me or Rebecca Turner at 502-564-7250.

Very truly yours,



David M. Waldner, P.E., Director  
Division of Environmental Analysis

c: K. Damron, S. Schurman, R.H. Turner, D-6 (S. Hans), Gray & Pape,  
ODOT (Stefan Spinosa), FHWA (A. Goodman and B. Dupont)



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

**Steven L. Beshear**  
Governor

**Michael W. Hancock, P.E.**  
Secretary

May 25, 2011

Mr. Jose Sepulveda  
Division Administrator  
Federal Highway Administrator  
330 West Broadway  
Frankfort, KY 40601

**SUBJECT:** *Revised: Brent Spence Bridge Replacement / Rehabilitation Project, Phase I Intensive Survey, Kenton County, Kentucky, Item Number 6-17.00. By Michael Striker, Gray and Pape, Inc., Cincinnati, Ohio.*

Dear Mr. Sepulveda:

The staff archaeologists from the Kentucky Heritage Council (KHC) and Kentucky Transportation Cabinet (KYTC) have concurrently reviewed the revised subject report. Though the majority of edits have been addressed, there are still edits that will need to be addressed prior to acceptance of a final report.

The report documents the results of Phase I intensive survey for the proposed Brent Spence Bridge Replacement / Rehabilitation Project along Interstates 71 and 75 in Kenton County, Kentucky. Thirteen previously unrecorded historic archaeological sites (15KE147-15KE160) and three non-site localities (BS-1, BS-7, and BS-12) were documented. Archaeological sites 15KE147-15KE149, 15KE151-15KE160) and BS-1, BS-7, and BS12 were not recommended for additional work, KHC and KYTC concur with the authors findings and recommendation of no further work at these sites. A single archeological site, 15KE150, was recommended for additional work by the author. Based on the information provided, both KHC and KYTC do not agree with this recommendation.

The report also documents that 207 parcels will be potentially affected by the proposed project. Of those, four parcels were not surveyed due to property owner permission being denied. An additional 22 parcels were not surveyed due to the property owner being absent / unavailable (see attached list). Other areas that require Phase I survey include those not accessible due to being covered by parking lots, and other impediments. Historic maps indicate potential for structures and other features in these areas. Finally, deep testing will be required on landforms that contain alluvial sediments.



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We request that you coordinate SHPO concurrence on these findings within 15 days of receipt, and ask that their office grant conditional archaeological clearance for this report under the condition that all required edits are made within 30 days of their concurrence. If you have any questions, please contact James Lee Hixon of my staff at (502) 564-7250.

Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Waldner", with a long horizontal flourish extending to the right.

David M. Waldner, P.E., Director  
Division of Environmental Analysis

DMW/jlh

c: S. Schurman  
S. Hans (District 6)  
KYTC Archaeology Files  
A. Goodman (FHWA)  
B. DuPont (FHWA)

**Table 4. Access Pending Permission Denied Parcels**

<b>Project Parcel No.</b>	<b>Address</b>	<b>Notification/Contact Information</b>
KY-020	1598 Marcella Drive	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-021	1596 Marcella Drive	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-022	1594 Marcella Drive	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-023	1592 Marcella Drive	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-039	507 Scenic Drive	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-043	510 Scenic Drive	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-047	607 Watkins Street	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-049	610 W. KY 1120/12th Street	Notification letter sent 2/14/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening).
KY-050	608 W KY 1120/12th Street	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-052	604 W. KY 1120/12th Street	Notification letter sent 2/14/11; attempts to contact owner on 2/16/11, 2/17/11, 2/23/11 (evening).
KY-066	620 Lewis Street	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/17/11, 2/23/11 (evening), 3/30/11.
KY-067	622 Lewis Street	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/17/11, 2/23/11 (evening), 3/30/11.
KY-068	624 Lewis Street	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/17/11, 2/23/11 (evening), 3/30/11.
KY-081	904 Baker Street	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/17/11, 2/23/11 (evening), 3/30/11.
KY-084	901 Baker Street	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-101	860 Crescent Avenue	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-102	858 Crescent Avenue	Permission denied 1/12/11
KY-103	856 Crescent Avenue	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11.
KY-106	852 Crescent Avenue	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening); 3/30/11.
KY-109	846 Crescent Avenue	Permission denied 1/12/11
KY-111	834 Crescent Avenue	Permission denied September 2010
KY-121	810 Crescent Avenue	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/22/11, 3/30/11.



**Brent Spence Bridge KYTC Project Item No. 6-17**  
**Phase I Intensive Archaeological Survey**

<b>Project Parcel No.</b>	<b>Address</b>	<b>Notification/Contact Information</b>
KY-134	902-26 Willow Run	Permission denied 1/13/2011
KY-158	615-617 Crescent Avenue	Notification letter sent 2/14/11 and 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11
GP-199	656 Pike Street	Notification letter sent 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11
GP-200	658 Pike Street	Notification letter sent 3/29/11; attempts to contact owner on 2/16/11, 2/22/11, 2/23/11 (evening), 3/30/11



**TRANSPORTATION CABINET**

**Steven L. Beshear**  
Governor

Frankfort, Kentucky 40622  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)  
July 13, 2011

**Michael W. Hancock, P.E.**  
Secretary

Mr. Jose Sepulveda, Division Administrator  
Federal Highway Administration  
Region IV  
330 Broadway  
Frankfort, Kentucky 40601

Dear Mr. Sepulveda:

SUBJECT: Determination of Effects for:  
Brent Spence Bridge Project  
Kenton County, Kentucky  
Item No 6-17.00

Attached please find one copy of the above-mentioned project. The report includes a description of all alternates and the bridge designs for the Ohio River. In Kentucky, 21 properties were determined eligible for the National Register of Historic Places (NRHP) of which 7 properties were already listed in the NRHP.

The recommended alternate, Alternate I, was reviewed in order to determine the effects of the alternate on all listed or eligible properties in Ohio and Kentucky. This report also includes the results of the retaining wall study that reduces the impacts of the project on historic sites. The project as proposed will have No Effect on the C&O Railroad Bridge, KEC-50, KEC-460, West Side/Main Strasse Historic District, KECL-1018, KECL-1046, KECL-817, KEC-462, Bavarian Brewing Company, KECL-621, KECL-626, KECL-628, KEC-456, KEC-459, KEC-458, KE-4, Fort Mitchell Heights Historic District, Old Fort Mitchell Historic District, KEFM-317, and Highland Cemetery Historic District.

Alternate I will require the acquisition of 2.1 acres of land within the Lewisburg Historic District affecting 28 of the 430 properties in the district that are considered contributing resources. A Retaining Wall Study, included with this report, indicates the use of the walls in the project area. The retaining walls will have no visual impacts to KEC-459 and KEC-458 due to the existing topography. The retaining walls in the area of the Lewisburg Historic District, limit the amount of taking from within the district boundaries and allows Crescent Avenue to remain open to provide access to the district. There are properties along Western Avenue that will be taken and therefore the project as proposed will have an Adverse Effect finding for the Lewisburg Historic District.



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Page 2  
Determination of Effects for:  
Brent Spence Bridge Project  
Kenton County, Kentucky  
Item No 6-17.00

An Access Point Study in 2010 and 2011 determined that improvements will be necessary on Pike Street in Covington. The project is being design to avoid impacts to KECL-817 (Boehmer Decorating Company) and KECL-864 (C&C Mortuary Service).

This office requests a concurrent review of this report with your office and the State Historic Preservation Office (SHPO). Please provide copies of the review to this office by August 13, 2011. If you have any questions, contact Rebecca Turner or me at 502-564-7250.

Very truly yours,

A handwritten signature in dark ink, appearing to read "D. M. Waldner", with a stylized flourish at the end.

David M. Waldner, P.E., Director  
Division of Environmental Analysis

c: K. Damron, P. Logsdon, S. Schurman, R.H. Turner, D-6 (S. Hans),  
FHWA (A. Goodman & B. Dupont), ODOT, Parsons Brinkerhoff, Gray and Pape,  
Kentucky State Historic Preservation Office



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

**Steven L. Beshear**  
Governor

**Michael W. Hancock, P.E.**  
Secretary

July 29, 2011

Jennifer Graf  
Parsons Brinkerhoff  
312 Elm Street  
Winchester, Kentucky 40392-0747

**SUBJECT: Revised Report:** Brent Spence Bridge Replacement / Rehabilitation Project, Phase I Intensive Survey, Kenton County, Kentucky, Item Number 6-17.00. By Michael Striker, Gray and Pape, Inc., Cincinnati, Ohio.

Dear Ms. Graf:

The revised subject archaeological report has been concurrently reviewed by staff from the Federal Highway Administration (FHWA), Kentucky Heritage Council (KHC), and the Kentucky Transportation (KYTC), Division of Environmental Analysis.

Based on the report submitted, additional edits are required. The following deficiencies in the report will also need to be addressed and resubmitted by September 6, 2011:

- Site15KE160 is recommended for geoarchaeological deep testing due to the potential for deeply buried deposits. Please state whether there are (or are not) other portions of the APE with the potential for deeply buried deposits, and whether geoarchaeological deep testing is recommended for those areas.
- The current recommendations do not account for the archaeological survey of parcels that were inaccessible because of impediments (e.g. pavement) to visual inspection or shovel testing. Please include recommendations for those uninvestigated parcels.
- Section 5.0 "Laboratory Methods and Description and Analysis of Materials Covered" does not conform to the KHC Specifications. Please include illustrations or photographs of artifacts (specifically diagnostic artifacts), and a discussion of the cultural, temporal, and behavioral implications of the assemblage.



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Brent Spence Bridge Project  
Kenton County, Kentucky  
Item Number: 6-17.00

If you have any questions or concerns, please contact James Lee Hixon of my staff at (502) 564-7250.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Waldner". The signature is fluid and cursive, with a large, stylized initial "D".

David M. Waldner, P. E. Director  
Division of Environmental Analysis

dmw/jlh

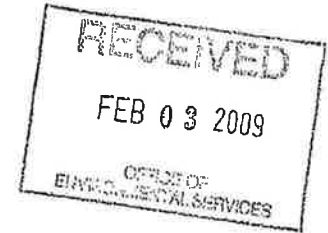
c: KHC: P. Johnson  
S. Schurman  
D-6: S. Hanns  
Gray and Pape: M. Striker  
Archaeology files





OHIO DEPARTMENT OF TRANSPORTATION  
Division of Planning, Office of Environmental Services  
1980 West Broad Street, Columbus, Ohio 43223

REC'D BY CHFO JAN 26 2009



January 21, 2009

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
567 East Hudson Street  
Columbus, Ohio 43211

Attn: Nancy Campbell, ODOT Review Manager, History/Architecture  
Thomas Grooms, ODOT Review Manager, Archaeology

Subject: HAM-71/75-0.00/0.22, PID 75119

Re: *History/Architecture Coordination, Brent Spence Bridge Rehabilitation Project December 2008*

Dear Mr. Epstein:

In this letter we seek your concurrence on properties we believe are eligible for the National Register of Historic Places (NRHP) which are located within the area of potential effects (APE) of the subject undertaking. The proposed project is intended to improve the operational characteristics within a 6.5 mile segment of I-75 within the Commonwealth of Kentucky (straight line mile 188.0) and the State of Ohio (straight line mile 2.7).

Phase II Report

Enclosed for your review is a paper copy of the Phase II History/Architecture Investigations (Gray & Pape Inc., December 2008). It addresses the Hudepohl Brewery Building and the Harriet Beecher Stowe Elementary School (OHI #HAM-1342-43) only.

As a result of the Phase I History/Architecture Survey, ongoing project development and consultation with the Ohio Historic Preservation Office (OHPO) and consulting parties, ODOT determined that Phase II history/architecture investigations were needed for two properties:

- The Harriet Beecher Stowe Elementary School (also known as Stowe Adult Education Center, and currently Channel WXIX, 635 West 7<sup>th</sup> Street (HAM-1342-43). It may be eligible for the National Register under Criterion B for its association with Dr. Jennie D. Porter, who was the first African-American woman to earn a Ph.D. at the University of Cincinnati. Phase II research was conducted to assess the significance of this association and to confirm that the school retains integrity.
- The Hudepohl Brewery Building, 801 West Sixth Street (also known as 505 Gest Street). Phase II research was conducted to assess its significance of this complex under Criterion A, as a 19<sup>th</sup> Century Cincinnati brewery, and to assess its integrity and boundaries.

Additionally, OHPO, in their August 3, 2007 letter, recommended additional consideration of the Panhandle Railroad Freight Depot, located at 603 Pete Rose Way and the West Virginia Coke and Coal building located at 725 Front Street, due to consulting party concerns, field review of the property took place on November 6, 2008. In the field, ODOT and OHPO staff agreed that the Panhandle Railroad Freight Depot has lost integrity due to alterations, and is not eligible for the NRHP. The West Virginia Coke and Coal company building needs Phase II research completed to determine eligibility for the NRHP based on Criterion A.

**ODOT's NRHP Eligibility Recommendations**

Based on the results of the Revised Phase II investigation, site visits, consultation with consulting parties, historic boundary recommendations and the NR Criteria, and in accordance with 36 CFR Part 800, ODOT is requesting concurrence with the following findings:

- The Harriet Beecher Stowe Elementary School, 635 West 7<sup>th</sup> Street (HAM-1342-43) is eligible for the NRHP under Criterion B for its association with Dr. Jennie D. Porter. The boundaries for the historic property consist of the footprint of the existing building.
- The Hudepohl Brewery Building complex, 801 West Sixth Street (also known as 505 Gest Street) is not eligible for the NRHP, largely due to its loss of integrity as a result of the demolition of portions of the complex.
- The Panhandle Railroad Freight Depot, located at 603 Pete Rose Way, is not eligible for the NRHP. Although it may have been significant under Criterion A, for its association with railroad industry in Cincinnati, it has lost integrity due to insensitive alterations.
- The West Virginia Coal and Coke Building, located at 725 Front Street, is recommended for Phase II research to determine its eligibility under Criterion A.

**Conclusion**

On behalf of the FHWA, and in accordance with 36 CFR Part 800.4(c), we request your response to the enclosed within 30 days after your receipt of this letter. If no objection is received within 30 days, in accordance with the Advisory Council On Historic Preservation's current regulations under 36 CFR Section 800.3(c)(4), FHWA and ODOT will proceed to the next step in the process based on these findings.

Respectfully,

  
Timothy M. Hill  
Administrator  
Office of Environmental Services

OHIO STATE HISTORIC PRESERVATION OFFICE CONCURRENCE:

Nancy H. Campbell February 2, 2009  
(Date)

TMH:mlk  
Enclosure

c: M. VonderEmbse, FHWA  
Stefan Spinosa, D-8, ODOT  
Keith Smith, District 8, DEC, ODOT  
Noel Alcala, Major New, OES, ODOT  
Project File, w/att.  
Reading File





# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JOLENE M. MOLITORIS, DIRECTOR

September 29, 2009

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
567 East Hudson Street  
Columbus, Ohio 43211



Attn: Nancy Campbell, ODOT Review Manager, History/Architecture  
Thomas Grooms, ODOT Review Manager, Archaeology

Subject: HAM-71/75-0.00/0.22, PID 75119

Re: *History/Architecture Coordination, Brent Spence Bridge Rehabilitation Project, Phase II addendum*

Dear Mr. Epstein:

In this letter we seek your concurrence on the eligibility of a property for the National Register of Historic Places (NRHP) which is located within the area of potential effects (APE) of the subject undertaking. The proposed project is intended to improve the operational characteristics within a 6.5 mile segment of I-75 within the Commonwealth of Kentucky (straight line mile 188.0) and the State of Ohio (straight line mile 2.7).

## Phase II Report

Enclosed for your review is a paper copy of the Phase II History/Architecture Investigations (Gray & Pape Inc., September 2009). It addresses the West Virginia Coal and Coke Company building only.

As a result of the Phase I History/Architecture Survey, ongoing project development and consultation with the Ohio Historic Preservation Office (OHPO) and consulting parties, ODOT determined that Phase II history/architecture investigations were needed for two properties:

- The Harriet Beecher Stowe Elementary School (also known as Stowe Adult Education Center, and currently Channel WXIX, 635 West 7<sup>th</sup> Street (HAM-1342-43).
- The Hudepohl Brewery Building, 801 West Sixth Street (also known as 505 Gest Street).

Additionally, OHPO, in their August 3, 2007 letter, recommended additional consideration of the Panhandle Railroad Freight Depot, located at 603 Pete Rose Way and the West Virginia Coke and Coal building located at 725 Front Street, due to consulting party concerns, field review of the property took place on November 6, 2008. In the field, ODOT and OHPO staff agreed that the Panhandle Railroad Freight Depot has lost integrity due to alterations, and is not eligible for the NRHP. It was

also determined that the West Virginia Coke and Coal company building needs Phase II research completed to determine eligibility for the NRHP based on Criterion A.

**ODOT's NRHP Eligibility Recommendations**

Based on the results of the Revised Phase II investigation, site visits, consultation with consulting parties, historic boundary recommendations and the NR Criteria, and in accordance with 36 CFR Part 800, ODOT is requesting concurrence with the following findings:

- The West Virginia Coal and Coke Building, located at 725 Front Street, is not eligible for listing in the NRHP. It is not eligible because it is not associated with events that have made a significant contribution to the broad patterns of our history. It is also not associated with the lives of persons significant in our past, and is not significant for its architectural design.

**Conclusion**

On behalf of the FHWA, and in accordance with 36 CFR Part 800.4(c), we request your response to the enclosed within 30 days after your receipt of this letter. If no objection is received within 30 days, in accordance with the Advisory Council On Historic Preservation's current regulations under 36 CFR Section 800.3(c)(4), FHWA and ODOT will proceed to the next step in the process based on these findings.

Respectfully,

  
Timothy M. Hill  
Administrator  
Office of Environmental Services

OHIO STATE HISTORIC PRESERVATION OFFICE CONCURRENCE:

Nancy H. Campbell October 5, 2009  
\_\_\_\_\_  
(Date)

TMH:mlb  
Enclosure

c: M. VonderEmbse, FHWA  
Stefan Spinoso, D-8, ODOT  
Keith Smith, District 8, DEC, ODOT  
Larry Hoffman, Major New, OES, ODOT  
Project File, w/att.  
Reading File



## OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JOLENE M. MOLITORIS, DIRECTOR

April 7, 2010

U.S. Army Corps of Engineers  
Ohio Regulatory Transportation Office  
DSCC Building 10, Section 10  
3990 East Broad Street  
Columbus, Ohio 43218

Attention: Mr. Peter Clingan, Team Leader  
Ohio Regulatory Transportation Office

Re: HAM-71/75-0.00/0.22 (ODOT PID 75119) (KYTC Project Item No. 6-17)  
Brent Spence Bridge Replacement/Rehabilitation Project  
Pre-application Coordination and Request for Jurisdictional Determination

Dear Mr. Clingan:

Enclosed for your review are two Ecological Survey Reports for the Brent Spence Bridge Replacement/Rehabilitation Project in Hamilton County, Ohio and Kenton County, Kentucky. The project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region.

In a letter received from the USACE dated October 19, 2006 (attached), it was determined that the Ohio Regulatory Transportation Office would "undertake the environmental review and process any subsequent permit application." This project was previously coordinated with your office in a Planning Study (dated September 2006), and a Conceptual Alternatives Study (dated May 2009). The enclosed Ecological Survey Reports discuss the recommended feasible alternatives (selected from the conceptual alternatives), and provide an inventory of the ecological resources present within the study area boundaries within the State of Ohio and the Commonwealth of Kentucky.

The Ecological Survey Reports, as well as other information on the project, are also available on line at <http://www.brentspencebridgecorridor.com/>.

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This information is being provided for the purposes of pre-application coordination. Your concurrence and/or comments, including a jurisdictional determination of Waters of the U.S. within the project area in both Ohio and Kentucky, would be appreciated as soon as possible. If comments or notification of when comments will be furnished are not received within 30 days, we will proceed with project development.

Please send any comments on the reports to:

Mr. Timothy Hill, Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 W. Broad Street  
Columbus, OH 43223

If you have any questions or concerns contact Matt Raymond, Environmental Specialist, at (614)466-5129.

Respectfully,



Timothy M. Hill  
Administrator  
Office of Environmental Services

Enclosures

c: Keith Smith, District 8 – Stefan Spinosa, District 8 – John Eckler, KYTC - Larry Hoffman,  
OES - File - Reading File



## OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JOLENE M. MOLITORIS, DIRECTOR

April 7, 2010

U.S. Coast Guard  
Eighth Coast Guard District  
1222 Spruce Street  
St. Louis, Mo 63103-2832

Attention: Mr. Rodger K. Wiebusch, Bridge Administrator

Re: HAM-71/75-0.00/0.22 (ODOT PID 75119) (KYTC Project Item No. 6-17)  
Brent Spence Bridge Replacement/Rehabilitation Project

Dear Mr. Wiebusch:

Enclosed for your review are two Ecological Survey Reports for the Brent Spence Bridge Replacement/Rehabilitation Project in Hamilton County, Ohio and Kenton County, Kentucky. The project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region.

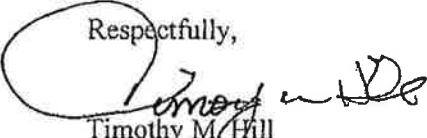
The Ecological Survey Reports, as well as other information on the project, are also available on line at <http://www.brentspencebridgecorridor.com/>.

Please send any comments on the reports to:

Mr. Timothy Hill, Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 W. Broad Street  
Columbus, OH 43223

If you have any questions or concerns contact Matt Raymond, Environmental Specialist, at (614) 466-5129.

Respectfully,

  
Timothy M. Hill  
Administrator  
Office of Environmental Services

Enclosures

c: Keith Smith, District 8 – Stefan Spinosa, District 8 – John Eckler, KYTC – Larry Hoffman,  
OES - File - Reading File

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## OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JOLENE M. MOLITORIS, DIRECTOR

April 7, 2010

U.S. Environmental Protection Agency  
NEPA Implementation Section, Mail Code E-19J  
77 W. Jackson Blvd.  
Chicago, IL 60604

Attention: Mr. Kenneth A. Westlake, Chief  
NEPA Implementation Section  
Office of Science, Ecosystems, and Communities

Re: HAM-71/75-0.00/0.22 (ODOT PID 75119) (KYTC Project Item No. 6-17)  
Brent Spence Bridge Replacement/Rehabilitation Project

Dear Mr. Westlake:

Enclosed for your review are two Ecological Survey Reports for the Brent Spence Bridge Replacement/Rehabilitation Project in Hamilton County, Ohio and Kenton County, Kentucky. The project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region.

The Ecological Survey Reports, as well as other information on the project, are also available on line at <http://www.brentspencebridgecorridor.com/>.

Please send any comments on the reports to:

Mr. Timothy Hill, Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 W. Broad Street  
Columbus, OH 43223

If you have any questions or concerns, please contact Matt Raymond, Environmental Specialist, at (614) 466-5129.

Respectfully,

  
Timothy M. Hill  
Administrator  
Office of Environmental Services

Enclosures

c: Keith Smith, District 8 – Stefan Spinosa, District 8 – John Eckler, KYTC – Larry Hoffman, OES –  
File – Reading File

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## OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JOLENE M. MOLITORIS, DIRECTOR

April 7, 2010

Mary Knapp, Supervisor  
U.S. Fish and Wildlife Service  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230

Re: HAM-71/75-0.00/0.22 (ODOT PID 75119) (KYTC Project Item No. 6-17)  
Brent Spence Bridge Replacement/Rehabilitation Project  
Ecological Coordination

Dr. Knapp:

Enclosed for your review in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973 (as amended), are two Ecological Survey Reports for the Brent Spence Bridge Replacement/Rehabilitation Project in Hamilton County, Ohio and Kenton County, Kentucky. The project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region.

Through previous correspondence (dated August 16, 2006), the USFWS Ohio Field Office agreed to serve as the lead Service Field Office for the project. This project was previously coordinated with your office in a Planning Study (dated September 2006), and a Conceptual Alternatives Study (dated May 2009). The enclosed Ecological Survey Reports discuss the recommended feasible alternatives (selected from the conceptual alternatives), and provide an inventory of the ecological resources present within the study area boundaries within the State of Ohio and the Commonwealth of Kentucky. A copy of this letter and copies of the ecological survey reports have also been submitted to Phil DeGarmo, Wildlife Biologist/Transportation Liaison at the USFWS Kentucky Field Office.

Hamilton County, Ohio is within the known or historic range of the of the endangered Indiana Bat (*Myotis sodalis*), the endangered fanshell mussel (*Cyprogenia stegaria*), the endangered pink mucket pearly mussel (*Lampsilis abrupta*), the endangered running buffalo clover (*Trifolium stoloniferum*), the federal candidate sheepsnose mussel (*Plethobasus cyphus*), the federal species of concern snuffbox mussel (*Epioblasma triquetra*), and the federal species of concern bald eagle (*Haliaeetus leucocephalus*). Kenton County, Kentucky is within the known range of the endangered Indiana Bat (*Myotis sodalis*), the endangered fanshell mussel (*Cyprogenia stegaria*), the endangered northern riffleshell mussel (*Epioblasma torulosa*), the endangered purple catspaw pearly mussel (*Epioblasma obliquata obliquata*), the the endangered pink mucket pearly mussel (*Lampsilis abrupta*), the endangered ring pink mussel (*Obvaria retusa*), the endangered orangefoot pimpleback mussel (*Plethobasus cyphus*), the endangered clubshell mussel (*Pleurobema clava*), the endangered rough pigtoe mussel (*Pleurobema plenum*), the endangered running buffalo clover (*Trifolium stoloniferum*), and the federal candidate sheepsnose mussel

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(*Plethobasus cyphus*). None of these species, nor any other federally listed species, were encountered during the field surveys of the project areas.

The Indiana bat life cycle requires suitable summer roosting and brood rearing habitat (which includes living or standing dead trees or snags with exfoliating, peeling or loose bark, split trunks and/or branches, or cavities) and suitable hibernacula during the winter months (typically caves, or abandoned mines that provide cool, humid, stable conditions for hibernation). While no suitable winter roosting habitat was found within the project area, and no suitable summer roosting habitat was identified within portion of the project within Ohio, areas of potential and marginal summer roosting habitat will be impacted as a result of construction activities within Kentucky. Once a preferred alternative has been selected, an effect determination on the Indiana bat will be made based on impacts to the potential summer roosting and foraging habitats, and through coordination with the with the USFWS.

Running buffalo requires periodic disturbance and a somewhat open habitat to successfully flourish, but it cannot tolerate full-sun, full-shade, or severe disturbance. Potential areas of running buffalo clover habitat include partially shaded woodlots, periodically mowed areas (lawns, parks, cemeteries), and partially shaded woods along streams and trails. No suitable habitat for this species was identified within the Ohio portion of the project. Potentially suitable habitats for this species were identified within the Kentucky portion of the project area. Surveys of these potentially suitable habitats were conducted in 2006 (original study area) and 2009 (extended study area), and no individuals of these species were found. A biological assessment prepared by the KYTC for the extended portion of the study area concluded that the proposed project is "Not Likely to Adversely Affect" the running buffalo clover.

With the exception of the Ohio River, none of the streams encountered within the project area possessed potentially suitable habitats for any of the listed mussel species. A detailed survey of the Ohio River was not conducted as part of the ecological studies. ODOT and KYTC acknowledge the potential for mussel beds possessing both listed and non-listed mussel species to be present within the Ohio River within the project area. Once a preferred alternative has been selected, a detailed mussel survey of the Ohio River will be conducted within the expected areas of impact by a qualified malacologist. An effects determination on these mussel species will be based on the results of the survey and the proposed level of disturbance. Additional details on the proposed mussel survey of the Ohio River will be established through coordination with the USFWS, the Ohio Department of Natural Resources, and the Kentucky Department of Fish and Wildlife Resources.

In addition to being a federal species of concern, the bald eagle is protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. No eagle nests were identified during a survey of the study area, and the only known nesting location for this species within Hamilton County, Ohio is located approximately 15 miles northeast of the proposed project area along the Great Miami River. Due to the distance from the nearest known nesting location, it is expected that the project will have "No Effect" on the bald eagle.

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The Ecological Survey Reports, as well as other information on the project, are also available on line at <http://www.brentspencebridgecorridor.com/>.

The Service's concurrence and/or comments on the project would be appreciated as soon as possible. If comments or notification of when comments will be furnished are not received within 30 days, we will proceed with project development.

Please send any comments on the reports to:

Mr. Timothy Hill, Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 W. Broad Street  
Columbus, OH 43223

If you have any questions or concerns contact Matt Raymond, Environmental Specialist, at (614) 466-5129.

Respectfully,



Timothy M. Hill  
Administrator  
Office of Environmental Services

Enclosures

c: Phil DeGarmo, USFWS - Keith Smith, District 8 - Stefan Spinosa, District 8 - John Eckler,  
KYTC - Larry Hoffman, OES - File - Reading File



## OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JOLENE M. MOLITORIS, DIRECTOR

April 7, 2010

U.S. Environmental Protection Agency  
NEPA Implementation Section, Mail Code E-19J  
77 W. Jackson Blvd.  
Chicago, IL 60604

Attention: Mr. Kenneth A. Westlake, Chief  
NEPA Implementation Section  
Office of Science, Ecosystems, and Communities

Re: HAM-71/75-0.00/0.22 (ODOT PID 75119) (KYTC Project Item No. 6-17)  
Brent Spence Bridge Replacement/Rehabilitation Project

Dear Mr. Westlake:

Enclosed for your review are two Ecological Survey Reports for the Brent Spence Bridge Replacement/Rehabilitation Project in Hamilton County, Ohio and Kenton County, Kentucky. The project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region.

The Ecological Survey Reports, as well as other information on the project, are also available on line at <http://www.brentspencebridgecorridor.com/>.

Please send any comments on the reports to:

Mr. Timothy Hill, Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 W. Broad Street  
Columbus, OH 43223

If you have any questions or concerns, please contact Matt Raymond, Environmental Specialist, at (614) 466-5129.

Respectfully,

  
Timothy M. Hill  
Administrator  
Office of Environmental Services

Enclosures

c: Keith Smith, District 8 – Stefan Spinosa, District 8 – John Eckler, KYTC – Larry Hoffman, OES –  
File – Reading File

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**OHIO DEPARTMENT OF TRANSPORTATION**  
**INTEROFFICE COMMUNICATION**  
**Office of Environmental Services**

**DATE:** April 7, 2010

**TO:** Brian Mitch, Division of Engineering, ODNR

**FROM:** Timothy M. Hill, Administrator, Office of Environmental Services

**SUBJECT:** Ecological Coordination *Timothy Hill*

**PROJECT:** HAM-71/75-0.00/0.22 (PID 75119), Brent Spence Bridge Replacement/Rehabilitation Project

---

Enclosed for your review is an Ecological Survey Report for the Brent Spence Bridge Replacement / Rehabilitation Project in Hamilton County, Ohio and Kenton County, Kentucky. The project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region. This project was previously coordinated with your agency in a Planning Study (dated September 2006), and a Conceptual Alternatives Study (dated May 2009). The enclosed Ecological Survey Report discusses the recommended feasible alternatives (selected from the conceptual alternatives), and provides an ecological analysis of the portion of the Brent Spence Bridge relocation/rehabilitation project located within the State of Ohio.

Expected impacts within the Ohio portion of the project corridor are limited to those associated with the construction of the new bridge over the Ohio River. No other streams, wetlands, or rare or unique habitats were identified within Ohio.

A review of the ODNR Natural Heritage Database did indicate the presence of several listed species within 1 mile of the project area. While suitable habitats for many of these species were present within the study area, terrestrial habitats were surveyed, and no State or Federally listed species were observed during the ecological field studies.

A detailed survey of the Ohio River was not conducted as part of the ecological studies. ODOT acknowledges the potential for mussel beds possessing both listed and non-listed mussel species to be present within the Ohio River within the project area. Once a preferred alternative has been selected, a detailed mussel survey of the Ohio River will be conducted within the expected areas of impact by a qualified malacologist. An effects determination on these mussel species will be based on the results of the survey and the proposed level of disturbance. Additional details on the proposed mussel survey of the Ohio River will be established through coordination/consultation with the USFWS, ODNR, and the Kentucky Department of Fish and Wildlife Resources.

---

The Ecological Survey Report, as well as other information on the project, is also available on line at <http://www.brentspencebridgecorridor.com/>.

ODNR's concurrence and/or comments on the project would be appreciated as soon as possible. If comments or notification of when comments will be furnished are not received within 30 days, we will proceed with project development.

If you have any questions or concerns contact Matt Raymond, Environmental Specialist, at (614) 466-5129.

TMH:MAP:mwr  
Enclosure

c: Keith Smith, District 8 – Stefan Spinoso, District 8 – John Eckler, KYTC-- Larry Hoffman, OES - File  
- Reading File



**Ohio Department of Transportation**  
**INTER-OFFICE COMMUNICATION**

Office of Environmental Services

**TO:** Ric Queen, OEPA - DSW **DATE:** April 7, 2010  
**FROM:** Timothy M. Hill, Administrator, Office of Environmental Services  
**SUBJECT:** Pre-application Coordination *Timothy Hill*  
**PROJECT:** HAM-71/75-0.00/0.22 (PID 75119), Brent Spence Bridge  
Replacement/Rehabilitation Project

Enclosed for your review is an Ecological Survey Report for the Brent Spence Bridge Replacement/Rehabilitation Project in Hamilton County, Ohio and Kenton County, Kentucky. The project proposes to improve capacity and safety and correct design deficiencies along I-71, I-75, and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region. This project was previously coordinated with your agency in a Planning Study (dated September 2006), and a Conceptual Alternatives Study (dated May 2009). The enclosed Ecological Survey Report discusses the recommended feasible alternatives (selected from the conceptual alternatives), and provides an ecological analysis of the portion of the Brent Spence Bridge relocation/rehabilitation project located within the State of Ohio.

Expected impacts within the Ohio portion of the project corridor are limited to those associated with the construction of the new bridge over the Ohio River. No other streams, wetlands, or rare or unique habitats were identified within Ohio.

The Ecological Survey Report, as well as other information on the project, is also available on line at <http://www.brentspencebridgecorridor.com/>.

This information is being provided for the purposes of pre-application coordination. Your concurrence and/or comments would be appreciated as soon as possible. If comments or notification of when comments will be furnished are not received within 30 days, we will proceed with project development.

If you have any questions or concerns contact Matt Raymond, Environmental Specialist, at (614) 466-5129.

TMH:MAP:mwr  
Enclosure

c: Keith Smith, District 8 – Stefan Spinosa, District 8 – John Eckler, KYTC - Larry Hoffman,  
OES - File - Reading File

**OHIO DEPARTMENT OF TRANSPORTATION**

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

**OFFICE OF ENVIRONMENTAL SERVICES**

January 27, 2011

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
567 East Hudson Street  
Columbus, Ohio 43211



Attn: ODOT Transportation Review Managers

Subject: HAM-71/75-0.00/0.22 (PID 75119)

Re: *Phase I History/Architecture Survey Addendum Report for the western Hills Viaduct Interchange (Hamilton County, Ohio), PID: 75119*

Dear Mr. Epstein:

Enclosed is one copy of the *Phase I History/Architecture Survey Addendum Report for the western Hills Viaduct Interchange (Hamilton County, Ohio), PID: 75119*, dated November 2010. Based on the results of the enclosed survey and Section 106 consultation conducted to date, ODOT/FHWA has determined the following properties, located within the area of potential effects (APE) of the addendum area, are eligible for inclusion on the National Register of Historic Places (NRHP):

***Rumman Building (HAM-1462-06) 635 Kress Alley***

The building is recommended eligible for listing in the NRHP and the appropriate historic boundaries would include the legal parcel boundary of the property.

***650 West McMicken Avenue (HAM-0484-06)***

The building is recommended eligible for listing in the NRHP and the appropriate historic boundaries would include the legal parcel boundary.

***Western Hills Viaduct (SFN 3105458)***

The Western Hills Viaduct (SFN 310548) is eligible for listing in the NRHP. The appropriate historic boundaries, as described by the enclosed report, encompass: the footprint of the bridge, including its piers, super and sub-structures, and roadway from Central Parkway on the east to just east of Beekman Street on the west.

***Brighton Bridge (SFN 3101533)***

The Brighton Bridge (SFN 3101533) is eligible for listing in the NRHP. The appropriate historic boundaries, as described by the enclosed report, encompass the footprint of the bridge from the retaining wall on the east side of Central Parkway to the bridge approach beginning near the intersection of Colerain Avenue and Harrison Avenue on the southwest.

***West McMicken Avenue Historic District***

The West McMicken Avenue Historic District, as proposed by Cincinnati Preservation, is eligible for the NRHP. The appropriate historic boundaries, as described by the enclosed report, encompass:

Recommended boundaries begin at the western curb line of West McMicken Avenue south of the Warner Street steps and proceed east to the rear of the parcel boundary of 2364 West McMicken Avenue. The boundary proceeds south following the rear line of the parcels fronting West McMicken Avenue to a point at the southeast corner of the parcel boundary of 2342 West McMicken Avenue. The boundary then continues west to the western curb line of West McMicken Avenue and turns south along the road to a point on the southern parcel boundary of 2321 West McMicken Avenue. Turning west, the boundary proceeds to the eastern curb line of Central Parkway, where it turns north, follow West McMillan Street to the northern parcel boundary of 2411 West McMicken Avenue. The boundary then turns east along said parcel to the western curb line of West McMicken Avenue, thence continuing south to the point of beginning. The proposed district includes one non-contributing building located at 2351 West McMicken Avenue and one non-contributing structure, a billboard, at 2329 West McMicken Avenue.

proceeds  
the  
2-25-11

***Central Trust – Brighton Office (HAM-2164-28 revised to HAM-6332-40), 1110 Harrison Avenue***

The Central Trust – Brighton Office (HAM-6332-40) is eligible for listing in the NRHP. The appropriate NRHP boundaries include the legal parcel boundary of the property.

***High-Craft Printing (HAM-7366-28), 1120 Harrison Avenue***

The High-Craft Printing building (HAM-7366-28), historically known as the "Post Office Station B", is eligible for listing in the NRHP. The appropriate NRHP boundaries include footprint of the building itself.

***Western Hills Viaduct Subway Portal***

The Western Hills Viaduct Subway Portals are eligible for inclusion on the NRHP. The appropriate historic boundaries encompass the portal openings as described by the enclosed report. In regard to the Phase I addendum report, although, a Phase II is recommended to investigate the location of the extant remnants of the Cincinnati Subway Tunnels, ODOT/FHWA has committed to the following: Additional documentation and consultation will be conducted if it is determined the preferred alternative has the potential to effect the Western Hills Viaduct Subway Portals, eligible for listing on the NRHP, or any of the contributing features of the portal, including the tunnel itself.

Mr. Epstein  
HAM-71/75-0.00/0.22, PID 75119

-3-

January 27, 2011

**Section 106 Determinations of Eligibility**

Pursuant to 36 CFR § 800.4 and in accordance with the Advisory Council on Historic Preservation's (ACHP) current regulations, FHWA, with ODOT as their agent, request concurrence the following resources are eligible for listing on the NRHP:

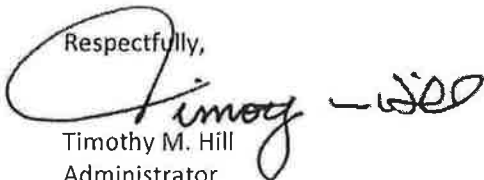
- 635 Kress Alley (Rumman Building/HAM-1462-06)
- 650 West McMicken Avenue (HAM-0484-06)
- Western Hills Viaduct (SFN 3105458)
- Brighton Bridge (SFN 3101533)
- West McMicken Avenue Historic District
- 1110 Harrison Avenue, Central Trust – Brighton Office (HAM-2164-28 revised to HAM-6332-40)
- 1120 Harrison Avenue, High-Craft Printing (HAM-7366-28)
- Western Hills Viaduct Subway Portal

Pursuant to 36 CFR § 800.4 and in accordance with the Advisory Council on Historic Preservation's (ACHP) current regulations, FHWA, with ODOT as their agent, request concurrence the following:

- Additional investigations and consultation will be conducted; if it is determined the preferred alternative has the potential to effect the Western Hills Viaduct Subway Portals, eligible for listing on the NRHP, or any of the contributing features of the portal, including the tunnel itself.
- Additional consultation will be forthcoming to determine the effect of the undertaking to properties listed on or eligible for listing on the NRHP and to resolve adverse effects in accordance with 36 CFR § 800.6.

Pursuant to 36 CFR § 800.4 and in accordance with the Advisory Council on Historic Preservation's (ACHP) current regulations, FHWA, with ODOT as their agent, request concurrence with these findings. We would appreciate the return of this letter, signed to indicate that you do not object to the finding. If no response is received within 30 days, in accordance with the ACHP current regulations, it will be presumed that the OSHPO agrees with the determinations made in the above coordination. Comments may be addressed to Susan Gasbarro, Office of Environmental Services, at [susan.gasbarro@dot.state.oh.us](mailto:susan.gasbarro@dot.state.oh.us).

Respectfully,



Timothy M. Hill  
Administrator  
Office of Environmental Services

OHIO STATE HISTORIC PRESERVATION OFFICE CONCURRENCE:

Nancy H. Campbell

(Date)

February 25, 2011



Mr. Epstein  
HAM-71/75-0.00/0.22, PID 75119

-4-

January 27, 2011

TMH:sg  
Enclosure

c: ODOT-District 8  
FHWA, w/attachment  
Section 106 Consulting Parties, w/attachment  
Project file



# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

## OFFICE OF ENVIRONMENTAL SERVICES

June 14, 2011

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
800 East 17<sup>th</sup> Avenue  
Columbus, Ohio 43211

Attn: ODOT Transportation Review Managers

Subject: HAM-71/75-0.00/0.22 (PID 75119)

Re: *Determination of Effects Report*

Dear Mr. Epstein:

Enclosed is one copy of the *Brent Spence Bridge Replacement/Rehabilitation Project, Determination of Effects Report, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17, dated June 2011*. The ODOT Office of Environmental Services (OES) is requesting a concurrent review of the enclosed document. In addition, enclosed is a copy of the "Disposition of Kentucky Heritage Council (KHC), Kentucky Transportation Cabinet (KYTC), and the Ohio Department of Transportation (ODOT) Comment for: Determination of Effects Report for the Brent Spence Bridge Replacement Project, Hamilton County, Ohio Kenton County, Kentucky (ODOT PID No. 75119, HAM71/75-0.00/0.22, KYTC Item No. 6-17.00) June 2011." The referenced ODOT comments addressed an earlier version of the document.

Any comments or clarifications requested by the Ohio State Historic Preservation Office (OSHP) will be incorporated into the final review comments. We would appreciate your comments on the enclosed document within 30 days of receipt. Questions or comments may be directed to Larry Hoffman, ODOT-OES, at 614-466-6439, or to Susan Gasbarro, ODOT-OES, at 614-728-0719.

Respectfully,

Timothy M. Hill  
Administrator  
Office of Environmental Services

c: ODOT-District 8  
Project file



# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

August 10, 2011

Ms. Najah Duvall-Gabriel  
FHWA Liaison  
Advisory Council on Historic Preservation  
The Old Post Office Building  
1100 Pennsylvania Avenue NW, Suite 809  
Washington, DC 20004

SUBJECT: HAM-71/75-0.00/0.22, PID 75119  
Brent Spence Bridge Replacement/Rehabilitation

RE: Notification of Adverse Effect

Dear Ms. Duvall-Gabriel

In accordance with 36 CFR § 800.6, the Ohio Department of Transportation (ODOT), on behalf of the Federal Highway Administration (FHWA), is notifying the Council of the "adverse effect" of the subject undertaking on the following historic properties to determine participation in resolving the adverse effects: the B & O Freight and Storage Building/Longworth Hall, listed on the National Register of Historic Places (NRHP) (860003521), 700 Pete Rose Way (Second Street), Cincinnati, Ohio; and the Lewisburg Historic District (NRHP) (93001165), a 70 acre historic district bounded by the existing Interstate 71/75 corridor and the city limits of Covington, Kentucky. Enclosed are the following for your review and consideration:

- *Draft Memorandum of Agreement Between the Federal Highway Administration, the Ohio Department of Transportation, the Ohio State Historic Preservation Office, Regarding the HAM-71/75-0.00/0.22, PID 75119, Brent Spence Bridge Replacement/Rehabilitation Project, Hamilton County, Ohio and Kenton County, Kentucky, Adverse Effect to the B & O Freight and Storage Building/Longworth Hall, Listed on the National Register of Historic Places (86003521), 700 Pete Rose Way (Second Avenue), Cincinnati, Ohio (ODOT Agreement Number 16829).*
- *Brent Spence Bridge Replacement/Rehabilitation Project, Determination of Effects Report, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011).*
- *Brent Spence Bridge Replacement/Rehabilitation Project, Longworth Hall Impact Analysis Report, Part Three: Potential Mitigation Measures, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011).*

The intent of the enclosed draft Memorandum of Agreement is to build upon the Section 106 identification and consultation efforts conducted thus far and to formalize measures to resolve the adverse effect to the B & O Freight and Storage Building/Longworth Hall, listed on the NRHP, Cincinnati, Ohio. FHWA and Kentucky Transportation Cabinet (KYTC) will address the adverse effects of the undertaking to the Lewisburg Historic District, listed on the NRHP, located in the Commonwealth of Kentucky, in a separate agreement.

Ms. Duvall-Gabriel  
HAM-71/75-0.00/0.22  
Brent Spence Bridge Replacement/Rehabilitation  
PID 75119

-2-

August 8, 2011

As a result of Section 106 consultation, potential measures to resolve the adverse effect to the B & O Freight and Storage Building/Longworth Hall, listed on the National Register of Historic Places (NRHP), were considered. Analysis of potential measures was conducted and documented by the enclosed Impact Analysis Report. The enclosed draft Memorandum of Agreement reflects the results of these investigations and ODOT's recommended approach to addressing this adverse effect.

FHWA, with ODOT as their agent, request review and comment within 15 days of receipt in accordance with the Advisory Council on Historic Preservation's current regulations under 36 CFR 800.6. If a response is not received, FHWA, with ODOT as their agent, will proceed to the next step in the Section 106 process. Questions or concerns may be directed to Susan Gasbarro, Office of Environmental Services, at 614-728-0719.

Respectfully,



Timothy M. Hill  
Administrator  
Office of Environmental Services

TMH:sg  
Enclosure

C: M. Vonder Embse - FHWA, w/att., M. Epstein - OSHPO, w/att., S. Spinosa - ODOT District, file

**MEMORANDUM OF AGREEMENT BETWEEN THE  
FEDERAL HIGHWAY ADMINISTRATION,  
THE OHIO DEPARTMENT OF TRANSPORTATION, AND  
THE OHIO STATE HISTORIC PRESERVATION OFFICE,  
REGARDING THE HAM-71/75-0.00/0.22, PID 75119,  
BRENT SPENCE BRIDGE REPLACEMENT/REHABILITATION PROJECT  
HAMILTON COUNTY, OHIO AND KENTON COUNTY, KENTUCKY  
ADVERSE EFFECT TO THE  
B&O FREIGHT AND STORAGE BUILDING/LONGWORTH HALL,  
LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES (86003521)  
700 PETE ROSE WAY (SECOND STREET), CINCINNATI, OHIO  
(ODOT AGREEMENT NUMBER 16829)**

**WHEREAS**, the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet (KYTC), and the Ohio Department of Transportation (ODOT) propose to reconstruct a 7.8-mile segment of Interstate 71 (I-71) and Interstate (I- 75) and construct a new bridge over the Ohio River in Kenton County, Kentucky and Hamilton County, Ohio, known as the Brent Spence Bridge Replacement/Rehabilitation Project, and hereby known as the undertaking (UNDERTAKING); and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, plan to fund the UNDERTAKING, thereby making the UNDERTAKING subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, have consulted with Ohio State Historic Preservation Office (SHPO) and Kentucky Heritage Council (KHC); and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, will consult with federally recognized Native American Indian Tribes that may attach religious and cultural significance to historic properties; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, have identified and consulted with consulting parties through public meetings, direct notification, project website, and Section 106 consultation; and, have not denied any of the identified consulting parties such status for this UNDERTAKING; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, in consultation with the SHPO, KYTC and other consulting parties, have identified the UNDERTAKING's area of potential effect (APE), as defined in 36 C.F.R. § 800.16(d); and

**WHEREAS**, FHWA with ODOT and KYTC as their agents, have incorporated avoidance and minimization measures into the project development process by incorporating noise walls, retaining walls, pedestrian facilities, and aesthetic treatments into the design where warranted; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, will continue to incorporate avoidance and minimization measures into the UNDERTAKING; and

**WHEREAS**, FHWA, with ODOT as their agent, in consultation with the SHPO, and other consulting parties, determined the UNDERTAKING will have an adverse effect upon the B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (86003521), located at 700 Pete Rose Way (Second Street), Cincinnati, Ohio, pursuant to Section 106 of the NHPA, 16 U.S.C. § 470f. and its implementing regulations, 36 C.F.R. § 800; and

**WHEREAS**, FHWA, with KYTC as their agent, in consultation with the KHC, and other consulting parties, determined the UNDERTAKING will have an adverse effect upon the Lewisburg Historic District, listed on the NRHP (93001165), bounded by I-71/75 and the city limits of Covington, Kentucky, pursuant to Section 106 of the NHPA, 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. § 800; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, have determined the agreed upon measures to resolve the adverse effects of the UNDERTAKING to historic properties, located in the State of Ohio and the Commonwealth of Kentucky, will be formalized by two separate Memorandum of Agreements; and

**WHEREAS**, FHWA, with ODOT as their agent, has initiated this Memorandum of Agreement (AGREEMENT) to build upon the identification and consultation efforts conducted thus far in the State of Ohio; and, to formalize measures to resolve the adverse effect to the B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (86003521), 700 Pete Rose Way (Second Street), Cincinnati, Ohio; and

**WHEREAS**, FHWA, with ODOT as their agent, have invited the identified consulting parties to concur with this AGREEMENT and will continue to consult with the consulting parties as the UNDERTAKING progresses; and

**WHEREAS**, FHWA, with ODOT as their agent, in accordance with 36 C.F.R § 800.6(a)(1), has notified the Advisory Council on Historic Preservation (COUNCIL) of the adverse effect determination with specified documentation and the COUNCIL has chosen not to participate in the consultation pursuant to 36 C.F.R 800.6(a)(1)(iii); and

**NOW THEREFORE**, FHWA, with ODOT as their agent, agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the adverse effect of the undertaking on the B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (86003521), located at 700 Pete Rose Way (Second Street), Cincinnati, Ohio.

#### **STIPULATIONS**

FHWA shall ensure that the following mitigation measures are carried out:

##### **I. ARCHITECTURAL PROPERTIES**

A. In consultation with FHWA, SHPO, and other consulting parties, ODOT has identified architectural historic properties in the APE, as documented by the *Brent Spence Bridge Replacement/Rehabilitation Project Determination of Effects Report ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project item No. 6-17*; and, has identified the effects to historic properties located within the APE.

B. ODOT will propose treatment plans commensurate with the level of impact. The cost of treatment plans will be a reasonable public expenditure in light of the severity of the

impact. ODOT will propose treatment plans to mitigate the adverse effect to B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (860003521), 700 Pete Rose Way (Second Street), Cincinnati, Ohio, using, but not limited to, one or more of the treatments on the following list:

1. Demolition or alteration of a property or contributing element of a historic property, listed in the NRHP, or eligible for inclusion the NRHP, will require Level II documentation as specified by the Historic American Building Survey (HABS) in accordance with 36 CFR Part 68 *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (STANDARDS). Archival HABS documentation will be provided to the State Library of Ohio and others as identified. The HABS report will provide the historic context of the historic resource and will document the architect, significant events, patterns in history, and people associated with the resource during the period of significance. ODOT will provide copies to the consulting parties, local historical societies, public libraries, and other institutions as warranted. ,

i. Schedule: Immediately upon approval of this Memorandum of Agreement and prior to construction of the UNDERTAKING, the APPLICANT shall retain a qualified historic preservation consultant to begin completion of the documentation required by Stipulation B1.

ii. The Preservation Professional shall submit a draft of the documentation package to ODOT for review and comment. ODOT will forward a copy of the draft to the SHPO for concurrent review and comment.

iii. After making revisions to the draft document, that take into account comments provided by ODOT and SHPO, the Preservation Professional shall submit ten, high quality, bound copies and one archival unbound copy of the final documentation, which shall include one set of photographic negatives. ODOT will distribute the approved documentation as follows: one high quality bound copy will be made available to all identified consulting parties, local historical societies, local public libraries, and other institutions as warranted; and, ODOT will forward the archival unbound copy with the photographic negatives and one high quality bound copy to the State Library of Ohio, the regional state archive, at the following address:

Ms. Audrey L. Hall  
Government Information Services  
The State Library of Ohio  
274 E. First Avenue  
Columbus, OH 43201

iv. The date of the report and the phrase "Submitted to the Ohio Historic Preservation Office" must appear on the title page of the documentation package to allow library staff to identify SHPO as the state agency from which the document originated and process it for entry into the collection. If the authors desire, they may include their byline on the title page.

v. The State Library will catalog the documentation package on the Online Computer Library Center (OCLC) system. This will make the documentation package available to anyone using WorldCat, FirstSearch, or the State Library's catalog. One copy of the documentation package may be circulated through OhioLink or according to the

State Library's policy. The second copy will be non-circulating. The copy containing the photographic negatives will be placed in the State Library's rare book room.

2. A plaque or plaques commemorating the significance of the historic property will be considered in association with commemorative displays or as stand-alone treatments.
3. The application of aesthetic treatments as mitigation for the UNDERTAKING will be in accordance with the STANDARDS.

## II. DURATION

This Memorandum of Agreement (MOA) will be null and void if its stipulations are not carried out within five (5) from the date of its execution. At such time, and prior to work continuing on the undertaking, FHWA shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the COUNCIL under 36 C.F.R. § 800.7. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below. FHWA shall notify the signatories as to the course of action it will pursue.

## III. POST-REVIEW DISCOVERIES AND UNANTICIPATED DISCOVERY OF HUMAN REMAINS, OHIO

- A. If previously unidentified archaeological or historic properties, or unanticipated effects, are discovered after completion of Section 106 review, that portion of the project will stop immediately, pursuant to Section 203.04 of ODOT's *Construction and Material Specifications*. The ODOT project engineer will immediately contact ODOT-OES and/or the appropriate ODOT District Environmental Coordinator. No further construction in the area of discovery will proceed until the requirements of 36 C.F.R. § 800.13 have been satisfied, including consultation with federally recognized Native American Indian tribes that may attach traditional cultural and religious significance to the discovered property. ODOT will consult with SHPO and Indian tribes, as appropriate, to record, document and evaluate NRHP eligibility of the property and the projects effect on the property, and to design a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property. If neither the OSHPO nor a federally recognized Native American Indian Tribe files a timely objection to ODOT's Office of Environmental Services (ODOT-OES) plan for addressing the discovery, ODOT-OES may carry out the requirements of 36 C.F.R. § 800.13 on behalf of FHWA and the COUNCIL need not be notified. FHWA and ODOT-OES will conduct all review and consultation in accordance with *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Ohio Historical Society, State Historic Preservation Office, and the State of Ohio, Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Ohio (Agreement No. 12642) (executed 7/17/06 and extended 7/12/2011)*.

- B. Historic and prehistoric human remains are subject to protection under Ohio Revised Code Sections 2909.05 and 2927.11. As such, if previously unidentified human remains are discovered during construction, work in that portion of the project will stop immediately. The remains will be covered and/or protected in place in such



a way that minimizes further exposure of and damage to the remains. The ODOT project engineer will immediately consult with ODOT-OES and the ODOT District Environmental Coordinator, and immediately notify local law enforcement and/or the County Coroner. If the project has a US Army Corps of Engineers (USACOE) permit issued, the ODOT District Environmental Coordinator must notify ODOT-OES and the USACOE. If the remains are found to be Native American Indian, a treatment plan will be developed by ODOT-OES and SHPO in consultation with FHWA and appropriate federally recognized Native American Indian tribes.

FHWA and ODOT-OES will ensure that any treatment and reburial plan is fully implemented. If the remains are not Native American Indian, the appropriate local authority will be consulted to determine final disposition of the remains. Avoidance and preservation in place is the preferred option for treating human remains. FHWA and ODOT-OES will conduct all review and consultation in accordance with *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Ohio Historical Society, State Historic Preservation Office, and the State of Ohio, Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Ohio (Agreement No. 12642) (executed 7/17/06 and extended 7/12/2011)*.

C. For Native American Indian human remains discovered on federal lands, the Federal land managing agency will be responsible for consultation under the *Native American Graves Protection and Repatriation Act of 1990* (PL 101-601). For skeletal remains discovered on property owned by the State of Ohio, ODOT will comply with Section 149.53 of the Ohio Revised Code. Under this section, the Director of the Ohio Historical Society shall determine final disposition of any discovered skeletal remains. FHWA and ODOT-OES will also follow the guidance issued by the COUNCIL, *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (issued 2/23/07).

#### **IV. MONITORING AND REPORTING**

Each five (5) years following the execution of this AGREEMENT until it expires or is terminated, FHWA shall provide all parties to this AGREEMENT and the COUNCIL if desired, a summary report detailing work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FHWA's efforts to carry out the terms of this AGREEMENT.

#### **V. DISPUTE RESOLUTION**

Should any signatory or concurring party to this AGREEMENT object at any time to any actions proposed or the manner in which the terms of this AGREEMENT are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the COUNCIL. The COUNCIL shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the COUNCIL, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

B. If the COUNCIL does not provide its advice regarding the dispute within the thirty (30) day time period; FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the COUNCIL with a copy of such written response.

C. FHWA's responsibilities to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

#### **VI. AMENDMENTS**

This AGREEMENT may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the COUNCIL.

#### **VII. TERMINATION**

If any signatory to this AGREEMENT determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment pursuant to Stipulation VI above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the AGREEMENT upon written notification to the other signatories.

Once the AGREEMENT is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an AGREEMENT pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the COUNCIL under 36 C.F.R. § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

EXECUTION of this AGREEMENT by the FHWA, ODOT, and OSHPO, and implementation of its terms, is evidence the FHWA has taken into account the effects of this undertaking on the B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (86003521), 700 Pete Rose Way (Second Street) and has afforded the COUNCIL an opportunity to comment.

SIGNATORIES:

\_\_\_\_\_ Date \_\_\_\_\_

Laura S. Leffler, Division Administrator  
Federal Highway Administration, Ohio Division,

\_\_\_\_\_ Date \_\_\_\_\_

Mark J. Epstein, Department Head, Resource Protection and Reviews  
Ohio State Historic Preservation Officer

Concurring:

\_\_\_\_\_ Date \_\_\_\_\_

Jerry Wray, Director  
Ohio Department of Transportation

\_\_\_\_\_ Date \_\_\_\_\_

Michael W. Hancock, Secretary  
Kentucky Transportation Cabinet

\_\_\_\_\_ Date \_\_\_\_\_

Mark Dennen  
Kentucky State Historic Preservation Office

\_\_\_\_\_ Date \_\_\_\_\_

Margo Warminski  
Cincinnati Preservation Association

\_\_\_\_\_ Date \_\_\_\_\_

William L. (Skip) Forwood  
Cincinnati Historic Conservation Office

\_\_\_\_\_ Date \_\_\_\_\_

Nadine Friedman  
Historic Southwest Ohio, Inc. - Hauck House

\_\_\_\_\_ Date \_\_\_\_\_

Norman P. Kattelman  
Dayton Street Historic District  
West End Community Council  
Cincinnati Metropolitan Housing Authority

\_\_\_\_\_ Date \_\_\_\_\_

Jack Degano  
Lower Price Hill Community Council

\_\_\_\_\_ Date \_\_\_\_\_

Peter Witte  
Price Hill Civic Club

\_\_\_\_\_ Date \_\_\_\_\_

Jackie Robbins  
Community Revitalization Agency

\_\_\_\_\_ Date \_\_\_\_\_

Steve Schuckman  
Cincinnati Park Board

\_\_\_\_\_ Date \_\_\_\_\_

Douglass W. McDonald  
Cincinnati Museum Center

\_\_\_\_\_ Date \_\_\_\_\_

Michael Schweitzer  
Longworth Hall

\_\_\_\_\_ Date \_\_\_\_\_

Jenny Edwards  
Citizen



# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

## OFFICE OF ENVIRONMENTAL SERVICES

October 28, 2011

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
800 East 17<sup>th</sup> Avenue  
Columbus, Ohio 43211

Attn: ODOT Transportation Review Managers

Subject: HAM-71/75-0.00/0.22 (PID 75119)

Re: *Notification of Adverse Effect*

Dear Mr. Epstein:

The intent of the subject submission is to consult with the Ohio State Historic Preservation Office (OSHP) concerning the Section 106 effect of the subject undertaking, HAM-71/75-0.00/0.22 (PID 75119), on historic properties within the State of Ohio. The subject undertaking is to provide for operational improvements within the Interstate (IR) 71 and 75 corridors in the Greater Cincinnati/Northern Kentucky region. The corridor currently suffers from congestion and safety-related issues as a result of inadequate capacity to accommodate current traffic demand.

### **Project Description**

The proposed undertaking will rehabilitate the existing Brent Spence Bridge; as well as, construct a double-deck bridge over the Ohio River. The existing Brent Spence Bridge will continue to carry northbound and southbound local traffic with two lanes in the southbound direction and three lanes in the northbound direction. The new double-deck bridge will carry northbound and southbound IR-71 and IR-75 traffic. The upper deck will carry IR-71 south via three southbound lanes and north via two northbound lanes. The lower deck will carry IR-75 south via three southbound lanes and north via three northbound lanes.

### **Notification of Adverse Effect – B & O Freight Building/Longworth Hall (NRHP)**

In accordance with 36 CFR § 800.5(a), FHWA has determined the subject undertaking will adversely affect the B & O Freight and Storage Building/Longworth Hall, listed on the National Register of Historic Places (NRHP) (860003521), 700 Pete Rose Way (Second Street), Cincinnati, Ohio. The report *the Brent Spence Bridge Replacement/Rehabilitation Project, Determination of Effects Report*, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011), forwarded to the OSHP on June 14, 2011, provides documentation of the adverse effect finding as specified by 36 CFR § 800.11(e) (Figure 1).



The undertaking, as proposed, will result in the removal of a portion of the B & O Freight and Storage Building/Longworth Hall, listed on the NRHP, to facilitate the construction of the new double-deck bridge. The undertaking will require the removal of a portion of the eastern end of the building which includes: three, 15-foot, two 13-foot, and six 12 foot bays for a total of 20,000 square feet of floor space. It is to be noted the eastern end of the building was previously altered by the removal of a portion of the building to allow for the construction of the Brent Spence Bridge. The Scale House, located within the National Register boundaries as a contributing building, will not be removed or altered by the undertaking. Enclosed is an electronic copy of the report, *Brent Spence Bridge Replacement/Rehabilitation Project, Longworth Hall Impact Analysis Report, Part Three: Potential Mitigation Measures*, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011), which provides additional details as to the effect of the undertaking on the historic property (Figure 1).

The implementing regulations of Section 106, codified at 36 CFR § 800.5(a)(2), provide examples of adverse effects: (i) *Physical destruction of or damage to, all or part of the property . . .* (ii) *Alteration of a property, including restoration, repair, maintenance.* Therefore, based on the proposed removal of a portion of the B & O Freight and Storage Building/Longworth Hall, listed on the NRHP, FHWA, with ODOT as their agent, have determined a finding of "adverse effect" is applicable. In regard to the applicability of the remaining aspects of the adverse effect criteria as specified by 36 CFR § 800.5(a)(2), the following is offered:

(iii) *Removal of the property from its historic location:* The building will not be removed from its original location;

(iv) *Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance:* The property will continue to be used in a manner consistent with its current use upon the completion of the undertaking. The property is eligible for inclusion on the NRHP under Criterion A for its association with significant period of Cincinnati's rail transportation history; and, under Criterion C as an outstanding representation of an architectural type and method of construction applied to a rail depot. These characteristics will not be compromised. The introduction of a new double-deck bridge, to the east of the property would not alter the historic significance of the property in regard to Criterion A and its association with Cincinnati's rail transportation history. Concerning architectural significance, the remaining portion of the building will retain its current architectural features. Alterations to the building will be limited to the eastern end the building.

(v) *Introduction of visual, atmospheric or audible elements that diminish the integrity of the properties significant historic features:* During the property's period of significance, its setting and use as a rail depot was likely associated with relatively high ambient noise levels. The current setting features multiple transportation modes and facilities including: rail lines, bus transit, adjacent elevated interstate routes, and local ground level traffic featuring the movement of freight, services, local travelers and visitors. Noise analyses were conducted in conjunction with the project development process and noise barriers were determined to be unwarranted at this location. As an integral part of ODOT's project development process, measures to avoid or minimize harm to adjacent buildings and structures due to construction related vibration impacts are monitored before, during and after construction. No long term vibration impacts are anticipated. During construction, any anticipated short-term vibration impacts will be minimized or avoided by alternative construction methods. The property is eligible for inclusion on the NRHP under: Criterion A for its association with significant period of Cincinnati's rail transportation history; and, under Criterion C as an outstanding representation of an architectural type and method of construction applied to a rail depot. These characteristics will not be compromised.

In regard to the visual context, baseline conditions include the existing setting, including the natural and built environment. Visual intensity refers to the significance of an anticipated visual impact, either beneficial or adverse. The existing project area is highly urbanized and includes freeways, bridges, highway lighting, traffic control devices, guardrail, and local roadways. Short term visual impacts may include: earthwork, material and equipment storage, and construction activities. However, permanent negative visual impacts are not anticipated. The characteristics which qualify the B & O Freight Building/Longworth Hall for inclusion on the NRHP will not be diminished by the proposed undertaking.

(vi) *Neglect of a property which causes its deterioration:* The property will remain under current ownership. FHWA, with ODOT as their agent, will restore the building to a condition as agreed upon in consultation with the property owner and as a result of the Section 106 consultation process.

(vii) *Transfer, lease, or sale of property:* The property will remain under current ownership. The property owner will be compensated for any loss or damages as specified by Ohio Revised Code and in accordance with all applicable federal regulations.

#### **Notification of Adverse Effect to the ACHP**

On August 11, 2011, FHWA, with ODOT as their agent, notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect of the undertaking to determine their participation in resolving the adverse effects (Figure 2). The enclosed documents were forwarded to the ACHP for review and consideration:

- *Brent Spence Bridge Replacement/Rehabilitation Project, Determination of Effects Report, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011).*
- *Brent Spence Bridge Replacement/Rehabilitation Project, Longworth Hall Impact Analysis Report, Part Three: Potential Mitigation Measures, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011).*
- *Draft Memorandum of Agreement Between the Federal Highway Administration, the Ohio Department of Transportation, the Ohio State Historic Preservation Office, Regarding the HAM-71/75-0.00/0.22, PID 75119, Brent Spence Bridge Replacement/Rehabilitation Project, Hamilton County, Ohio and Kenton County, Kentucky, Adverse Effect to the B & O Freight and Storage Building/Longworth Hall, Listed on the National Register of Historic Places (86003521), 700 Pete Rose Way (Second Avenue), Cincinnati, Ohio (ODOT Agreement Number 16829).*

On August 31, 2011 the ACHP responded to the request, "we do not believe that our participation in the consultation to resolve adverse effects is needed . . ." (Johnson 2011) (Figure 2)

#### **Resolution of Adverse Effect to B & O Freight Building/Longworth Hall**

As documented by the enclosed agreement, *Draft Memorandum of Agreement Between the Federal Highway Administration, the Ohio Department of Transportation, the Ohio State Historic Preservation Office, Regarding the HAM-71/75-0.00/0.22, PID 75119, Brent Spence Bridge Replacement/Rehabilitation Project, Hamilton County, Ohio and Kenton County, Kentucky, Adverse Effect to the B & O Freight and Storage Building/Longworth Hall, Listed on the National Register of Historic Places (86003521), 700 Pete Rose Way (Second Avenue), Cincinnati, Ohio (ODOT Agreement Number 16829)*, FHWA intends to formalize the resolution of the adverse effects of the

undertaking in two separate Memorandum of Agreements, one applicable to the adverse effects in Ohio and one applicable to the adverse effects in Kentucky, due to the complexity of the adverse effects of the undertaking.

The Section 106 consultation meetings, for the resolution of the adverse effect to the B & O Freight Building/Longworth Hall, will provide an opportunity for the agency officials and Section 106 consulting parties to discuss the results of the report, *Brent Spence Bridge Replacement/Rehabilitation Project, Longworth Hall Impact Analysis Report, Part Three: Potential Mitigation Measures, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011)*, and in the identification of measures to resolve the adverse effect.

#### **Section 106 Effect on Historic Properties**

In addition to the B & O Freight Building/Longworth Hall, listed on the NRHP, the following historic properties were identified as a result of Section 106 consultation and Phase I and Phase II history/architecture investigations, within the area of potential effects in Ohio. Documentation of the Section 106 consultation conducted to date, between the OSHPO and ODOT, is provided by **Figure 3**.

<b>Resource</b>	<b>Section 106 Effect</b>
Western Hills Viaduct Subway Tunnel Portals	No effect
West McMicken Avenue HD (as proposed by Cincinnati Preservation)	No effect
HAM-1709-40 (Chem-Pak, Inc. Building), 2261 Spring Grove Avenue	No effect
Western Hills Viaduct (SFN 3105458)	No Adverse Effect
Brighton Bridge (SFN 3101533)	No effect
HAM-7366-28 (High-Craft Printing Company), 1120 Harrison Avenue	No effect
HAM-2164-28 revised to HAM-6332-40 (Central Trust/Brighton Office), 1110 Harrison Avenue	No effect
HAM-1462-06 (Rumman Building), 635 Kress Alley	No effect
HAM-0484-06, 650 West McMicken Avenue	No effect
Dayton Street HD (NRHP 73001457)	No effect
Our Lady of Mercy/Cincinnati Jobs Corp (NRHP 80003070), 1409 Western Avenue	No effect
Cincinnati Union Terminal (NHL & NRHP 72001018)	No effect
HAM-1342-43 (Harriet Beecher Elementary School/Stowe Adult Education Center 635 West 7 <sup>th</sup> Avenue	No effect
West Fourth Street HD and Amendment (NRHP 766001443 & 79001861)	No effect
John M. Mueller, Sr. House, 724 Mehring Way	No effect
Ohio National Guard Armory (Demolished) (NRHP 80003069), 1437-1439 Western Avenue	No effect

#### **Section 106 Effect – Archaeology – Ohio**

On October 15, 2010, FHWA, with ODOT as their agent determined the undertaking contained no potential for intact archaeological resources due to extensive highway construction and/or sequential urban development and redevelopment (**Figure 3**) pursuant to the *Programmatic Agreement Among the Federal Highway Administration, The Advisory Council on Historic Preservation, The Ohio Historical Society, State Historic Preservation Office, And The State*



of Ohio, Department of Transportation Regarding The Implementation Of The Federal-Aid Highway Program In Ohio (Agreement No. 12642) executed July 17, 2006 with the following exceptions:

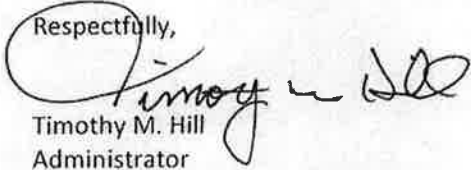
- The residential lots associated with the West McMicken Street Historic District would merit archaeological testing for stratified late 19<sup>th</sup> century deposits if one of the interchange reconfiguration alternatives were chosen (see Figure 3). That particular interchange reconfiguration alternative was not chosen and the West McMicken Street Historic District will not be affected by the undertaking.
- The 1920s Cincinnati subway tunnel would require evaluation for listing on the NRHP if a particular interchange reconfiguration alternative were chosen. An environmental commitment to avoid the Cincinnati subway tunnels and portals will be included in the environmental document and in the construction plans for the project. Therefore, these resources will not be affected by the undertaking.
- It was recommended that soil and geotechnical borings conducted during the design phase in the river bottom area be monitored and/or reviewed by an archaeologist or geoarchaeologist for evidence of buried archaeological deposits and/or undisturbed original landforms. If either are determined to be present, an archaeological testing strategy would need to be designed and implemented for the horizontal and vertical footprint of the bridge supports and construction work limits. An environmental commitment to conduct this work during the design phase will be included in the environmental document.

No further archaeological investigations are warranted at this time. The OSHPO and the ODOT-OES will be provided an opportunity to review the final design. An environmental commitment to allow OSHPO an opportunity to comment on the final design plans will be included in the environmental document.

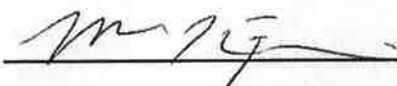
#### Conclusion

Based on the Section 106 consultation to date, FHWA, with ODOT as their agent, request the OSHPO's concurrence a finding of "adverse effect" is applicable to the subject undertaking's effect on the B & O Freight Building/Longworth Hall, listed on the NRHP. In accordance with 36 CFR § 800, FHWA will continue to consult with the agency officials and consulting parties in regard to the Section 106 effect of the undertaking on historic resources and in the resolution of Section 106 adverse effects. Measures to minimize harm to historic properties will continue to be incorporated into the project development process. In addition, the OSHPO and consulting parties will be provided an opportunity to review and comment on the refined design as the process progresses. Questions or comments should be directed to Timothy Hill, Administrator, ODOT Office of Environmental Services, at 614-644-0377.

Respectfully,

  
Timothy M. Hill  
Administrator  
Office of Environmental Services

OHIO STATE HISTORIC PRESERVATION OFFICE CONCURRENCE:



DATE

10.31.11

Enclosures

TMH:sg

Mark Vonder Embse, FHWA, w/att.

Najah Duvall-Gabriel, ACHP, w/att.

Stefan Spinosa, ODOT-District 8, w/att.

Project file

FIGURE 1



# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

## OFFICE OF ENVIRONMENTAL SERVICES

June 14, 2011

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
800 East 17<sup>th</sup> Avenue  
Columbus, Ohio 43211

Attn: ODOT Transportation Review Managers

Subject: HAM-71/75-0.00/0.22 (PID 75119)

Re: *Determination of Effects Report*

Dear Mr. Epstein:

Enclosed is one copy of the *Brent Spence Bridge Replacement/Rehabilitation Project, Determination of Effects Report, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17*, dated June 2011. The ODOT Office of Environmental Services (OES) is requesting a concurrent review of the enclosed document. In addition, enclosed is a copy of the "Disposition of Kentucky Heritage Council (KHC), Kentucky Transportation Cabinet (KYTC), and the Ohio Department of Transportation (ODOT) Comment for: Determination of Effects Report for the Brent Spence Bridge Replacement Project, Hamilton County, Ohio Kenton County, Kentucky (ODOT PID No. 75119, HAM71/75-0.00/0.22, KYTC Item No. 6-17.00) June 2011." The referenced ODOT comments addressed an earlier version of the document.

Any comments or clarifications requested by the Ohio State Historic Preservation Office (OSHP) will be incorporated into the final review comments. We would appreciate your comments on the enclosed document within 30 days of receipt. Questions or comments may be directed to Larry Hoffman, ODOT-OES, at 614-466-6439, or to Susan Gasbarro, ODOT-OES, at 614-728-0719.

Respectfully,

A handwritten signature in black ink, appearing to read "Timothy M. Hill".

Timothy M. Hill  
Administrator  
Office of Environmental Services

c: ODOT-District 8  
Project file



U.S. Department of Transportation  
Federal Highway Administration

# Brent Spence Bridge Replacement/Rehabilitation Project



## Determination of Effects Report

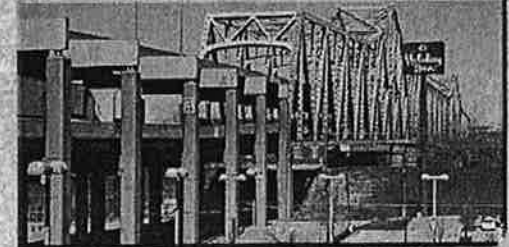
ODOT PID No. 75119  
HAM-71/75-0.00/0.22  
KYTC Project Item No. 6-17  
February 2011



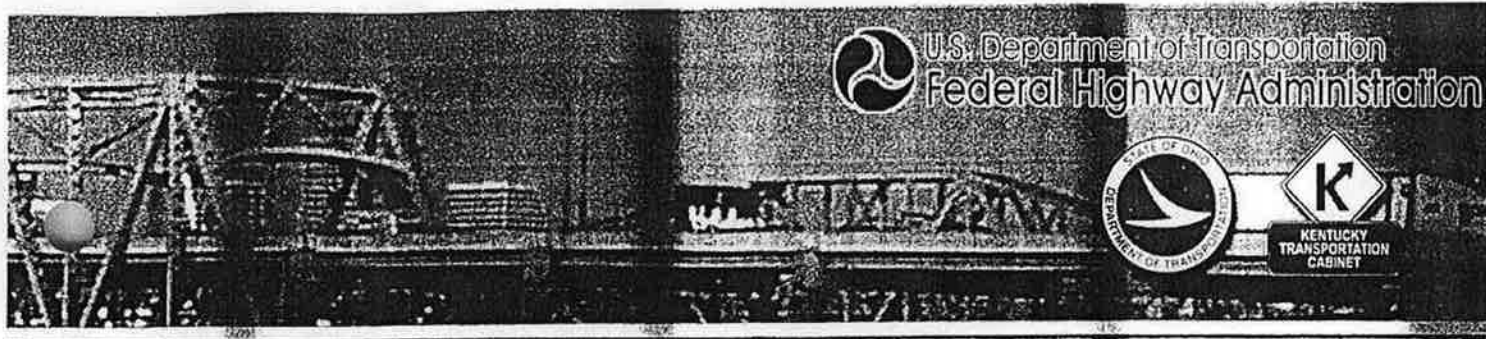
Prepared by:

**PB** PARSONS  
BRINCKERHOFF

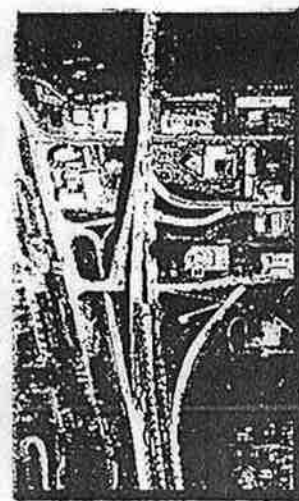
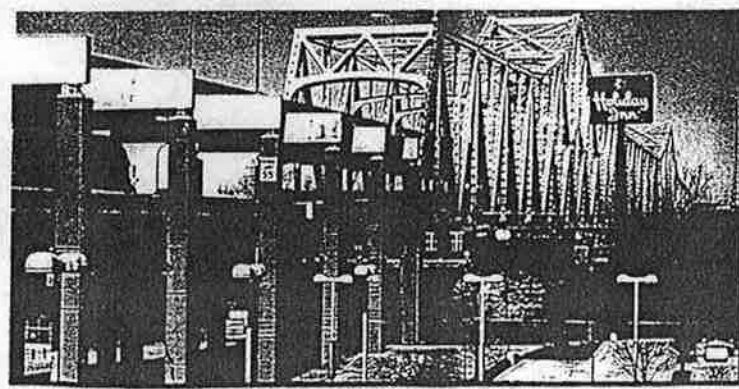
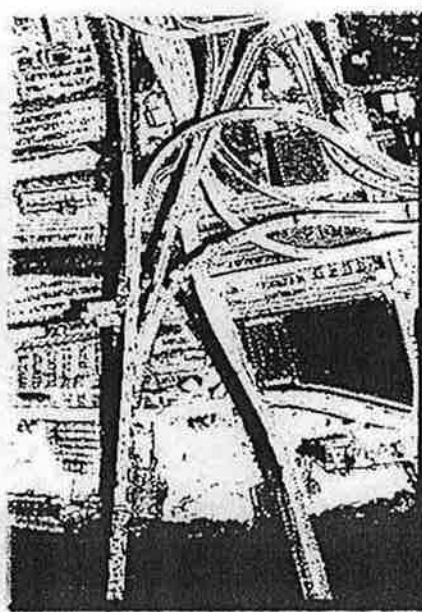
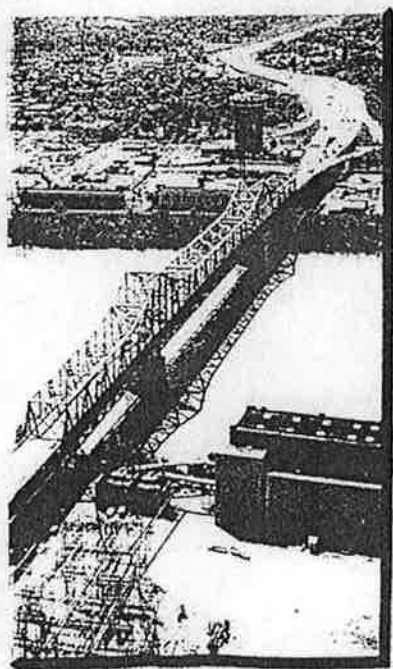
In Association with  
Gray & Pope



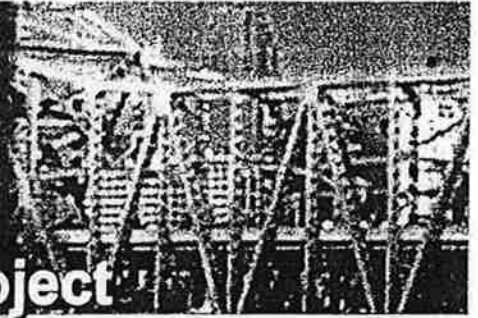




## Part Three: Potential Mitigation Measures



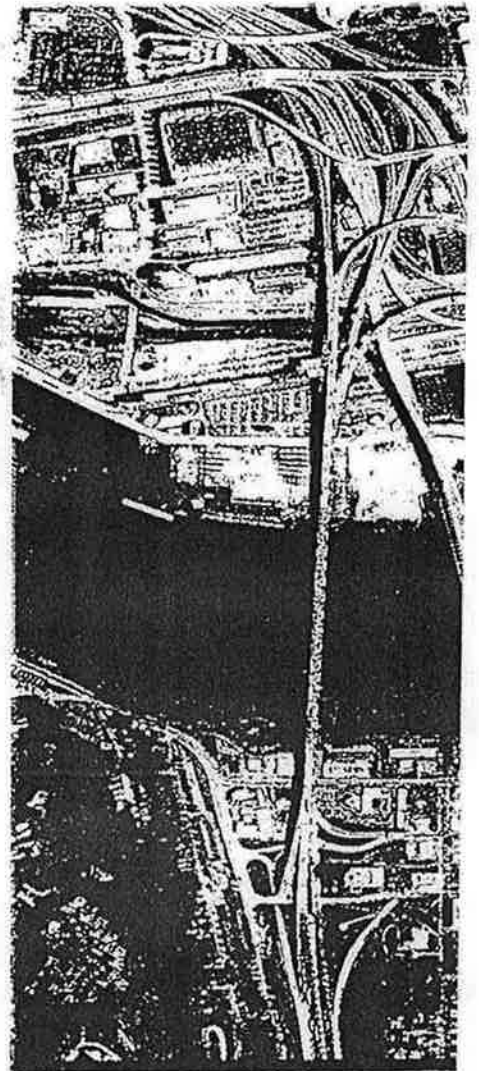
# **Brent Spence Bridge Replacement/Rehabilitation Project**



## **Longworth Hall Impact Analysis Report**

ODOT PID No. 75119  
HAM-71/75-0.00/0.22  
KYTC Project Item No. 6-17

May 2011



Prepared by  
**PB PARSONS  
BRINCKERHOFF**  
In Assoc.  
Gray & P.

FIGURE 2





Preserving America's Heritage

August 31, 2011

Timothy M. Hill  
Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

Ref: *Proposed Brent Spence Bridge Replacement/Rehabilitation Project*  
*Hamilton County, Ohio and Kenton County, Kentucky*

Dear Mr. Hill:

On August 15, 2011, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Ohio State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Najah Duvall-Gabriel at 202 606-8585 or at [ngabriel@achp.gov](mailto:ngabriel@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)



# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

August 10, 2011

Ms. Najah Duvall-Gabriel  
FHWA Liaison  
Advisory Council on Historic Preservation  
The Old Post Office Building  
1100 Pennsylvania Avenue NW, Suite 809  
Washington, DC 20004

SUBJECT: HAM-71/75-0.00/0.22, PID 75119  
Brent Spence Bridge Replacement/Rehabilitation

RE: Notification of Adverse Effect

Dear Ms. Duvall-Gabriel

In accordance with 36 CFR § 800.6, the Ohio Department of Transportation (ODOT), on behalf of the Federal Highway Administration (FHWA), is notifying the Council of the "adverse effect" of the subject undertaking on the following historic properties to determine participation in resolving the adverse effects: the B & O Freight and Storage Building/Longworth Hall, listed on the National Register of Historic Places (NRHP) (860003521), 700 Pete Rose Way (Second Street), Cincinnati, Ohio; and the Lewisburg Historic District (NRHP) (93001165), a 70 acre historic district bounded by the existing Interstate 71/75 corridor and the city limits of Covington, Kentucky. Enclosed are the following for your review and consideration:

- *Draft Memorandum of Agreement Between the Federal Highway Administration, the Ohio Department of Transportation, the Ohio State Historic Preservation Office, Regarding the HAM-71/75-0.00/0.22, PID 75119, Brent Spence Bridge Replacement/Rehabilitation Project, Hamilton County, Ohio and Kenton County, Kentucky, Adverse Effect to the B & O Freight and Storage Building/Longworth Hall, Listed on the National Register of Historic Places (86003521), 700 Pete Rose Way (Second Avenue), Cincinnati, Ohio (ODOT Agreement Number 16829).*
- *Brent Spence Bridge Replacement/Rehabilitation Project, Determination of Effects Report, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011).*
- *Brent Spence Bridge Replacement/Rehabilitation Project, Longworth Hall Impact Analysis Report, Part Three: Potential Mitigation Measures, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17 (June 2011).*

The intent of the enclosed draft Memorandum of Agreement is to build upon the Section 106 identification and consultation efforts conducted thus far and to formalize measures to resolve the adverse effect to the B & O Freight and Storage Building/Longworth Hall, listed on the NRHP, Cincinnati, Ohio. FHWA and Kentucky Transportation Cabinet (KYTC) will address the adverse effects of the undertaking to the Lewisburg Historic District, listed on the NRHP, located in the Commonwealth of Kentucky, in a separate agreement.

Ms. Duvall-Gabriel  
HAM-71/75-0.00/0.22

-2-

August 8, 2011

Brent Spence Bridge Replacement/Rehabilitation  
PID 75119

As a result of Section 106 consultation, potential measures to resolve the adverse effect to the B & O Freight and Storage Building/Longworth Hall, listed on the National Register of Historic Places (NRHP), were considered. Analysis of potential measures was conducted and documented by the enclosed Impact Analysis Report. The enclosed draft Memorandum of Agreement reflects the results of these investigations and ODOT's recommended approach to addressing this adverse effect.

FHWA, with ODOT as their agent, request review and comment within 15 days of receipt in accordance with the Advisory Council on Historic Preservation's current regulations under 36 CFR 800.6. If a response is not received, FHWA, with ODOT as their agent, will proceed to the next step in the Section 106 process. Questions or concerns may be directed to Susan Gasbarro, Office of Environmental Services, at 614-728-0719.

Respectfully,



Timothy M. Hill  
Administrator  
Office of Environmental Services

TMH:sg  
Enclosure

C: M. Vonder Embse - FHWA, w/att., M. Epstein - OSHPO, w/att., S. Spinosa - ODOT District, file

**MEMORANDUM OF AGREEMENT BETWEEN THE  
FEDERAL HIGHWAY ADMINISTRATION,  
THE OHIO DEPARTMENT OF TRANSPORTATION, AND  
THE OHIO STATE HISTORIC PRESERVATION OFFICE,  
REGARDING THE HAM-71/75-0.00/0.22, PID 75119,  
BRENT SPENCE BRIDGE REPLACEMENT/REHABILITATION PROJECT  
HAMILTON COUNTY, OHIO AND KENTON COUNTY, KENTUCKY  
ADVERSE EFFECT TO THE  
B&O FREIGHT AND STORAGE BUILDING/LONGWORTH HALL,  
LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES (86003521)  
700 PETE ROSE WAY (SECOND STREET), CINCINNATI, OHIO  
(ODOT AGREEMENT NUMBER 16829)**

**WHEREAS**, the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet (KYTC), and the Ohio Department of Transportation (ODOT) propose to reconstruct a 7.8-mile segment of Interstate 71 (I-71) and Interstate (I- 75) and construct a new bridge over the Ohio River in Kenton County, Kentucky and Hamilton County, Ohio, known as the Brent Spence Bridge Replacement/Rehabilitation Project, and hereby known as the undertaking (UNDERTAKING); and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, plan to fund the UNDERTAKING, thereby making the UNDERTAKING subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, have consulted with Ohio State Historic Preservation Office (SHPO) and Kentucky Heritage Council (KHC); and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, will consult with federally recognized Native American Indian Tribes that may attach religious and cultural significance to historic properties; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, have identified and consulted with consulting parties through public meetings, direct notification, project website, and Section 106 consultation; and, have not denied any of the identified consulting parties such status for this UNDERTAKING; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, in consultation with the SHPO, KYTC and other consulting parties, have identified the UNDERTAKING's area of potential effect (APE), as defined in 36 C.F.R. § 800.16(d); and

**WHEREAS**, FHWA with ODOT and KYTC as their agents, have incorporated avoidance and minimization measures into the project development process by incorporating noise walls, retaining walls, pedestrian facilities, and aesthetic treatments into the design where warranted; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, will continue to incorporate avoidance and minimization measures into the UNDERTAKING; and

**WHEREAS**, FHWA, with ODOT as their agent, in consultation with the SHPO, and other consulting parties, determined the UNDERTAKING will have an adverse effect upon the B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (86003521), located at 700 Pete Rose Way (Second Street), Cincinnati, Ohio, pursuant to Section 106 of the NHPA, 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. § 800; and

**WHEREAS**, FHWA, with KYTC as their agent, in consultation with the KHC, and other consulting parties, determined the UNDERTAKING will have an adverse effect upon the Lewisburg Historic District, listed on the NRHP (93001165), bounded by I-71/75 and the city limits of Covington, Kentucky, pursuant to Section 106 of the NHPA, 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. § 800; and

**WHEREAS**, FHWA, with ODOT and KYTC as their agents, have determined the agreed upon measures to resolve the adverse effects of the UNDERTAKING to historic properties, located in the State of Ohio and the Commonwealth of Kentucky, will be formalized by two separate Memorandum of Agreements; and

**WHEREAS**, FHWA, with ODOT as their agent, has initiated this Memorandum of Agreement (AGREEMENT) to build upon the identification and consultation efforts conducted thus far in the State of Ohio; and, to formalize measures to resolve the adverse effect to the B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (86003521), 700 Pete Rose Way (Second Street), Cincinnati, Ohio; and

**WHEREAS**, FHWA, with ODOT as their agent, have invited the identified consulting parties to concur with this AGREEMENT and will continue to consult with the consulting parties as the UNDERTAKING progresses; and

**WHEREAS**, FHWA, with ODOT as their agent, in accordance with 36 C.F.R. § 800.6(a)(1), has notified the Advisory Council on Historic Preservation (COUNCIL) of the adverse effect determination with specified documentation and the COUNCIL has chosen not to participate in the consultation pursuant to 36 C.F.R. 800.6(a)(1)(iii); and

**NOW THEREFORE**, FHWA, with ODOT as their agent, agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the adverse effect of the undertaking on the B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (86003521), located at 700 Pete Rose Way (Second Street), Cincinnati, Ohio.

#### **STIPULATIONS**

FHWA shall ensure that the following mitigation measures are carried out:

##### **I. ARCHITECTURAL PROPERTIES**

A. In consultation with FHWA, SHPO, and other consulting parties, ODOT has identified architectural historic properties in the APE, as documented by the *Brent Spence Bridge Replacement/Rehabilitation Project Determination of Effects Report ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17*; and, has identified the effects to historic properties located within the APE.

B. ODOT will propose treatment plans commensurate with the level of impact. The cost of treatment plans will be a reasonable public expenditure in light of the severity of the



impact. ODOT will propose treatment plans to mitigate the adverse effect to B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (860003521), 700 Pete Rose Way (Second Street), Cincinnati, Ohio, using, but not limited to, one or more of the treatments on the following list:

1. Demolition or alteration of a property or contributing element of a historic property, listed in the NRHP, or eligible for inclusion the NRHP, will require Level II documentation as specified by the Historic American Building Survey (HABS) in accordance with 36 CFR Part 68 *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (STANDARDS). Archival HABS documentation will be provided to the State Library of Ohio and others as identified. The HABS report will provide the historic context of the historic resource and will document the architect, significant events, patterns in history, and people associated with the resource during the period of significance. ODOT will provide copies to the consulting parties, local historical societies, public libraries, and other institutions as warranted. .

i. Schedule: Immediately upon approval of this Memorandum of Agreement and prior to construction of the UNDERTAKING, the APPLICANT shall retain a qualified historic preservation consultant to begin completion of the documentation required by Stipulation B1.

ii. The Preservation Professional shall submit a draft of the documentation package to ODOT for review and comment. ODOT will forward a copy of the draft to the SHPO for concurrent review and comment.

iii. After making revisions to the draft document, that take into account comments provided by ODOT and SHPO, the Preservation Professional shall submit ten, high quality, bound copies and one archival unbound copy of the final documentation, which shall include one set of photographic negatives. ODOT will distribute the approved documentation as follows: one high quality bound copy will be made available to all identified consulting parties, local historical societies, local public libraries, and other institutions as warranted; and, ODOT will forward the archival unbound copy with the photographic negatives and one high quality bound copy to the State Library of Ohio, the regional state archive, at the following address:

Ms. Audrey L. Hall  
Government Information Services  
The State Library of Ohio  
274 E. First Avenue  
Columbus, OH 43201

iv. The date of the report and the phrase "Submitted to the Ohio Historic Preservation Office" must appear on the title page of the documentation package to allow library staff to identify SHPO as the state agency from which the document originated and process it for entry into the collection. If the authors desire, they may include their byline on the title page.

v. The State Library will catalog the documentation package on the Online Computer Library Center (OCLC) system. This will make the documentation package available to anyone using WorldCat, FirstSearch, or the State Library's catalog. One copy of the documentation package may be circulated through OhioLink or according to the

State Library's policy. The second copy will be non-circulating. The copy containing the photographic negatives will be placed in the State Library's rare book room.

2. A plaque or plaques commemorating the significance of the historic property will be considered in association with commemorative displays or as stand-alone treatments.
3. The application of aesthetic treatments as mitigation for the UNDERTAKING will be in accordance with the STANDARDS.

## **II. DURATION**

This Memorandum of Agreement (MOA) will be null and void if its stipulations are not carried out within five (5) from the date of its execution. At such time, and prior to work continuing on the undertaking, FHWA shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the COUNCIL under 36 C.F.R. § 800.7. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below. FHWA shall notify the signatories as to the course of action it will pursue.

## **III. POST-REVIEW DISCOVERIES AND UNANTICIPATED DISCOVERY OF HUMAN REMAINS, OHIO**

- A. If previously unidentified archaeological or historic properties, or unanticipated effects, are discovered after completion of Section 106 review, that portion of the project will stop immediately, pursuant to Section 203.04 of ODOT's *Construction and Material Specifications*. The ODOT project engineer will immediately contact ODOT-OES and/or the appropriate ODOT District Environmental Coordinator. No further construction in the area of discovery will proceed until the requirements of 36 C.F.R. § 800.13 have been satisfied, including consultation with federally recognized Native American Indian tribes that may attach traditional cultural and religious significance to the discovered property. ODOT will consult with SHPO and Indian tribes, as appropriate, to record, document and evaluate NRHP eligibility of the property and the projects effect on the property, and to design a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property. If neither the OSHPO nor a federally recognized Native American Indian Tribe files a timely objection to ODOT's Office of Environmental Services (ODOT-OES) plan for addressing the discovery, ODOT-OES may carry out the requirements of 36 C.F.R. § 800.13 on behalf of FHWA and the COUNCIL need not be notified. FHWA and ODOT-OES will conduct all review and consultation in accordance with *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Ohio Historical Society, State Historic Preservation Office, and the State of Ohio, Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Ohio (Agreement No. 12642) (executed 7/17/06 and extended 7/12/2011)*.
- B. Historic and prehistoric human remains are subject to protection under Ohio Revised Code Sections 2909.05 and 2927.11. As such, if previously unidentified human remains are discovered during construction, work in that portion of the project will stop immediately. The remains will be covered and/or protected in place in such

a way that minimizes further exposure of and damage to the remains. The ODOT project engineer will immediately consult with ODOT-OES and the ODOT District Environmental Coordinator, and immediately notify local law enforcement and/or the County Coroner. If the project has a US Army Corps of Engineers (USACOE) permit issued, the ODOT District Environmental Coordinator must notify ODOT-OES and the USACOE. If the remains are found to be Native American Indian, a treatment plan will be developed by ODOT-OES and SHPO in consultation with FHWA and appropriate federally recognized Native American Indian tribes.

FHWA and ODOT-OES will ensure that any treatment and reburial plan is fully implemented. If the remains are not Native American Indian, the appropriate local authority will be consulted to determine final disposition of the remains. Avoidance and preservation in place is the preferred option for treating human remains. FHWA and ODOT-OES will conduct all review and consultation in accordance with *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Ohio Historical Society, State Historic Preservation Office, and the State of Ohio, Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Ohio (Agreement No. 12642) (executed 7/17/06 and extended 7/12/2011)*.

C. For Native American Indian human remains discovered on federal lands, the Federal land managing agency will be responsible for consultation under the *Native American Graves Protection and Repatriation Act of 1990 (PL 101-601)*. For skeletal remains discovered on property owned by the State of Ohio, ODOT will comply with Section 149.53 of the Ohio Revised Code. Under this section, the Director of the Ohio Historical Society shall determine final disposition of any discovered skeletal remains. FHWA and ODOT-OES will also follow the guidance issued by the COUNCIL, *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (issued 2/23/07).

#### **IV. MONITORING AND REPORTING**

Each five (5) years following the execution of this AGREEMENT until it expires or is terminated, FHWA shall provide all parties to this AGREEMENT and the COUNCIL if desired, a summary report detailing work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FHWA's efforts to carry out the terms of this AGREEMENT.

#### **V. DISPUTE RESOLUTION**

Should any signatory or concurring party to this AGREEMENT object at any time to any actions proposed or the manner in which the terms of this AGREEMENT are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:



A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the COUNCIL. The COUNCIL shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the COUNCIL, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

B. If the COUNCIL does not provide its advice regarding the dispute within the thirty (30) day time period; FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the COUNCIL with a copy of such written response.

C. FHWA's responsibilities to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

#### **VI. AMENDMENTS**

This AGREEMENT may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the COUNCIL.

#### **VII. TERMINATION**

If any signatory to this AGREEMENT determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment pursuant to Stipulation VI above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the AGREEMENT upon written notification to the other signatories.

Once the AGREEMENT is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an AGREEMENT pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the COUNCIL under 36 C.F.R. § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

EXECUTION of this AGREEMENT by the FHWA, ODOT, and OSHPO, and implementation of its terms, is evidence the FHWA has taken into account the effects of this undertaking on the B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (86003521), 700 Pete Rose Way (Second Street) and has afforded the COUNCIL an opportunity to comment.

SIGNATORIES:

\_\_\_\_\_ Date \_\_\_\_\_

Laura S. Leffler, Division Administrator  
Federal Highway Administration, Ohio Division,

\_\_\_\_\_ Date \_\_\_\_\_

Mark J. Epstein, Department Head, Resource Protection and Reviews  
Ohio State Historic Preservation Officer

Concurring:

\_\_\_\_\_ Date \_\_\_\_\_

Jerry Wray, Director  
Ohio Department of Transportation

\_\_\_\_\_ Date \_\_\_\_\_

Michael W. Hancock, Secretary  
Kentucky Transportation Cabinet

\_\_\_\_\_ Date \_\_\_\_\_

Mark Dennen  
Kentucky State Historic Preservation Office

\_\_\_\_\_ Date \_\_\_\_\_

Margo Warminski  
Cincinnati Preservation Association

\_\_\_\_\_  
Date \_\_\_\_\_  
William L. (Skip) Forwood  
Cincinnati Historic Conservation Office

\_\_\_\_\_  
Date \_\_\_\_\_  
Nadine Friedman  
Historic Southwest Ohio, Inc. – Hauck House

\_\_\_\_\_  
Date \_\_\_\_\_  
Norman P. Kattelman  
Dayton Street Historic District  
West End Community Council  
Cincinnati Metropolitan Housing Authority

\_\_\_\_\_  
Date \_\_\_\_\_  
Jack Degano  
Lower Price Hill Community Council

\_\_\_\_\_  
Date \_\_\_\_\_  
Peter Witte  
Price Hill Civic Club

\_\_\_\_\_  
Date \_\_\_\_\_  
Jackie Robbins  
Community Revitalization Agency

\_\_\_\_\_  
Date \_\_\_\_\_  
Steve Schuckman  
Cincinnati Park Board

\_\_\_\_\_  
Date \_\_\_\_\_  
Douglass W. McDonald  
Cincinnati Museum Center

\_\_\_\_\_  
Date \_\_\_\_\_  
Michael Schweitzer  
Longworth Hall

\_\_\_\_\_  
Date \_\_\_\_\_  
Jenny Edwards  
Citizen

FIGURE 3



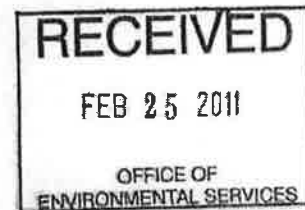
# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

## OFFICE OF ENVIRONMENTAL SERVICES

January 27, 2011

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
567 East Hudson Street  
Columbus, Ohio 43211



Attn: ODOT Transportation Review Managers

Subject: HAM-71/75-0.00/0.22 (PID 75119)

Re: *Phase I History/Architecture Survey Addendum Report for the western Hills Viaduct Interchange (Hamilton County, Ohio), PID: 75119*

Dear Mr. Epstein:

Enclosed is one copy of the *Phase I History/Architecture Survey Addendum Report for the western Hills Viaduct Interchange (Hamilton County, Ohio), PID: 75119*, dated November 2010. Based on the results of the enclosed survey and Section 106 consultation conducted to date, ODOT/FHWA has determined the following properties, located within the area of potential effects (APE) of the addendum area, are eligible for inclusion on the National Register of Historic Places (NRHP):

***Rumman Building (HAM-1462-06) 635 Kress Alley***

The building is recommended eligible for listing in the NRHP and the appropriate historic boundaries would include the legal parcel boundary of the property.

***650 West McMicken Avenue (HAM-0484-06)***

The building is recommended eligible for listing in the NRHP and the appropriate historic boundaries would include the legal parcel boundary.

***Western Hills Viaduct (SFN 3105458)***

The Western Hills Viaduct (SFN 310548) is eligible for listing in the NRHP. The appropriate historic boundaries, as described by the enclosed report, encompass: the footprint of the bridge, including its piers, super and sub-structures, and roadway from Central Parkway on the east to just east of Beekman Street on the west.

Mr. Epstein  
HAM-71/75-0.00/0.22, PID 75119

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January 27, 2011

***Brighton Bridge (SFN 3101533)***

The Brighton Bridge (SFN 3101533) is eligible for listing in the NRHP. The appropriate historic boundaries, as described by the enclosed report, encompass the footprint of the bridge from the retaining wall on the east side of Central Parkway to the bridge approach beginning near the intersection of Colerain Avenue and Harrison Avenue on the southwest.

***West McMicken Avenue Historic District***

The West McMicken Avenue Historic District, as proposed by Cincinnati Preservation, is eligible for the NRHP. The appropriate historic boundaries, as described by the enclosed report, encompass:

Recommended boundaries begin at the western curb line of West McMicken Avenue south of the Warner Street steps and proceed east to the rear of the parcel boundary of 2364 West McMicken Avenue. The boundary ~~proceeds~~ south following the rear line of the parcels fronting West McMicken Avenue to a point at the southeast corner of the parcel boundary of 2342 West McMicken Avenue. The boundary then continues west to the western curb line of West McMicken Avenue and turns south along the road to a point on the southern parcel boundary of 2321 West McMicken Avenue. Turning west, the boundary proceeds to the eastern curb line of Central Parkway, where it turns north, follow West McMillan Street to the northern parcel boundary of 2411 West McMicken Avenue. The boundary then turns east along said parcel to the western curb line of West McMicken Avenue, thence continuing south to the point of beginning. The proposed district includes one non-contributing building located at 2351 West McMicken Avenue and one non-contributing structure, a billboard, at 2329 West McMicken Avenue.

***Central Trust - Brighton Office (HAM-2164-28 revised to HAM-6332-40), 1110 Harrison Avenue***

The Central Trust - Brighton Office (HAM-6332-40) is eligible for listing in the NRHP. The appropriate NRHP boundaries include the legal parcel boundary of the property.

***High-Craft Printing (HAM-7366-28), 1120 Harrison Avenue***

The High-Craft Printing building (HAM-7366-28), historically known as the "Post Office Station B", is eligible for listing in the NRHP. The appropriate NRHP boundaries include footprint of the building itself.

***Western Hills Viaduct Subway Portal***

The Western Hills Viaduct Subway Portals are eligible for inclusion on the NRHP. The appropriate historic boundaries encompass the portal openings as described by the enclosed report. In regard to the Phase I addendum report, although, a Phase II is recommended to investigate the location of the extant remnants of the Cincinnati Subway Tunnels, ODOT/FHWA has committed to the following: Additional documentation and consultation will be conducted if it is determined the preferred alternative has the potential to effect the Western Hills Viaduct Subway Portals, eligible for listing on the NRHP, or any of the contributing features of the portal, including the tunnel itself.

proceeds

Ake  
2-25-11

Mr. Epstein  
HAM-71/75-0.00/0.22, PID 75119

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January 27, 2011

**Section 106 Determinations of Eligibility**

Pursuant to 36 CFR § 800.4 and in accordance with the Advisory Council on Historic Preservation's (ACHP) current regulations, FHWA, with ODOT as their agent, request concurrence the following resources are eligible for listing on the NRHP:

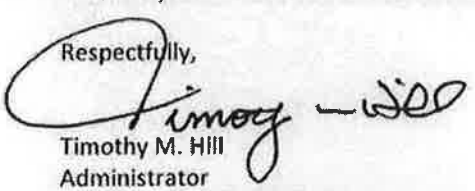
- o 635 Kress Alley (Rumman Building/HAM-1462-06)
- o 650 West McMicken Avenue (HAM-0484-06)
- o Western Hills Viaduct (SFN 3105458)
- o Brighton Bridge (SFN 3101533)
- o West McMicken Avenue Historic District
- o 1110 Harrison Avenue, Central Trust - Brighton Office (HAM-2164-28 revised to HAM-6332-40)
- o 1120 Harrison Avenue, High-Craft Printing (HAM-7366-28)
- o Western Hills Viaduct Subway Portal

Pursuant to 36 CFR § 800.4 and in accordance with the Advisory Council on Historic Preservation's (ACHP) current regulations, FHWA, with ODOT as their agent, request concurrence the following:

- o Additional investigations and consultation will be conducted; if it is determined the preferred alternative has the potential to effect the Western Hills Viaduct Subway Portals, eligible for listing on the NRHP, or any of the contributing features of the portal, including the tunnel itself.
- o Additional consultation will be forthcoming to determine the effect of the undertaking to properties listed on or eligible for listing on the NRHP and to resolve adverse effects in accordance with 36 CFR § 800.6.

Pursuant to 36 CFR § 800.4 and in accordance with the Advisory Council on Historic Preservation's (ACHP) current regulations, FHWA, with ODOT as their agent, request concurrence with these findings. We would appreciate the return of this letter, signed to indicate that you do not object to the finding. If no response is received within 30 days, in accordance with the ACHP current regulations, it will be presumed that the OSHPO agrees with the determinations made in the above coordination. Comments may be addressed to Susan Gasbarro, Office of Environmental Services, at [susan.gasbarro@dot.state.oh.us](mailto:susan.gasbarro@dot.state.oh.us).

Respectfully,

  
Timothy M. Hill  
Administrator

Office of Environmental Services

OHIO STATE HISTORIC PRESERVATION OFFICE CONCURRENCE:

Nancy H. Campbell

(Date)

February 25, 2011

Mr. Epstein  
HAM-71/75-0.00/0.22, PID 75119

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January 27, 2011

TMH:sg  
Enclosure

- ODOT-District 8
- FHWA, w/attachment
- Section 106 Consulting Parties, w/attachment
- Project file





# OHIO DEPARTMENT OF TRANSPORTATION

## INTER-OFFICE COMMUNICATION

### OFFICE OF ENVIRONMENTAL SERVICES

**TO:** Hans Jindal, District 08 Deputy Director **DATE:** 15 October 2010  
**Attention:** Andy Fluegemann, District Environmental Coordinator  
**FROM:** Timothy M. Hill, Administrator, Office of Environmental Services  
**SUBJECT:** Archaeological Resource Coordination

**PROJECT:** HAM-IR 71/IR 75-0.00/0.02 PID 75119

In response to your 27 September 2010 IOC, received in our office on 29 September 2010, our archaeological staff reviewed and accepts the revised document entitled *Archaeological Existing Conditions and Disturbance Assessment, Hamilton County, Ohio, ODOT PID 75119, HAM-IR 71/IR 75-0.00/0.02, KYTC Project Item No. 6-17*, dated September 2010 and prepared by Gray & Pape, Inc. of Cincinnati for Parsons Brinkerhoff of Cincinnati. The consultant revised the document in response to our office's 25 June 2010 IOC providing review comments and the meeting held in your office on 09 August 2010.

As per the meeting discussions, the revised document pertains only to archaeological investigations for the Area of Potential Effects (APE) on the Ohio side of the river crossing. Section 106 consultation for archaeological resources between the Kentucky Department of Transportation and the Kentucky State Historic Preservation Office will occur under separate document.

On 22 September 2010, our staff archaeological staff, Dr. Bruce W. Aument, along with Thomas Grooms, Archaeology Transportation Review Manager, Ohio State Historic Preservation Office (OSHPO) field reviewed the Ohio side APE and came to similar conclusions as the revised report as to the potential for buried cultural resources in the APE.

#### PROJECT DESCRIPTION

Currently, two feasible alternatives (E and I) for the Brent Spence Bridge replacement are under consideration for the preferred alignment. For both alternatives, the modifications for approximately two miles of the IR 75 Ohio approach to the bridge remain primarily within the existing interstate highway right-of-way. Strip new right-of-way involves construction around existing interchanges and the connecting municipal streets where urban development and redevelopment substantially altered the original land surface.



The largest amount of new right-of-way occurs at the new bridge crossing, immediately west or downstream of the current bridge. This portion of the bottoms and higher terrace served as an industrial zone for most of the recorded history of the city of Cincinnati beginning in the mid 19<sup>th</sup> century. Documentation is lacking for the degree of modification to the original land surface for the initial industrial development. The continued presence of 19<sup>th</sup> century architectural elements (ie. buildings, walls, brick streets) suggests little change in elevation since the initial development. Currently, the new right-of-way in this area consists of open vacant lots used for commuter parking and an electric transmission station.

Two feasible interchange alternatives are under consideration for the reconfiguration of the partial IR 75/Western Hills Viaduct interchange at the northern terminus of the APE. The tight urban diamond interchange (TUDI) alternative requires relatively few and small strip right-of-way takes; while the single point urban interchange (SPUI) alternative requires considerable and broader new right-of-way for the grade separation of the Western Hills Viaduct/Central Parkway intersection. New right-of-way for the SPUI alternative involves several residential lots, while the TUDI alternative involves a couple of commercial/industrial properties.

## LITERATURE REVIEW

From the mid 19<sup>th</sup> century to the present the bottoms, between the riverbank and 3<sup>rd</sup> Street served as an industrial zone. Most of this portion of the APE contained streets, rail lines and storage space (open and temporary structures). Gas transmission facilities from the late 19<sup>th</sup> and early 20<sup>th</sup> century were converted to electric transmission facilities for the latter half of the 20th century and continue to the present.

The original IR75 and IR 71 construction with associated urban redevelopment effectively removed the dense street grid of 19<sup>th</sup> century residential and commercial buildings on the higher terrace. Only one small enclave (the West McMicken Street Historic District) of the late 19<sup>th</sup> century residential pattern remains at the northern APE terminus and only with the SPUI alternative for the Western Hills Viaduct interchange reconfiguration. Most of the residential yards consist of steep slope greater than 40 percent which are not expected to contain substantive intact archaeological deposits, either historic or prehistoric. The more level residential lots north of McMillan Street and east of Central Parkway potentially contain late 19<sup>th</sup> century deposits or buried structural remnants and less likely, isolated remnants of prehistoric occupations.

A section of the aborted 1920s Cincinnati subway tunnel and Brighton Station underlies Central Parkway and the APE of the SPUI alternative for the Western Hills Viaduct interchange reconfiguration. The tunnel utilized the abandoned Miami and Erie Canal alignment, as does Central Parkway, which is paved over top of the subway tunnel. Presently, the conceptual design for the grade separation of the Western Hills Viaduct and Central Parkway intersection is not sufficiently detailed to determine if the vertical APE impacts the tunnel. Although the tunnel system was aborted, it continues to be maintained and used for guided historic tours.

Due to the extensive disturbance by the original IR 75 and IR 75 highway construction and adjacent sequential urban redevelopment over the past 100 years no potential for intact prehistoric remains exists within the APE for all of the high terrace. The history of industrial use for the APE on the bottoms suggests earlier historic residential use was not present. However, pockets of undisturbed original landforms possibly containing prehistoric occupational remains might occur under those portions of industrial lots which remained continuously open and minimally developed.

## **FIELD REVIEW**

The field review confirmed the expectations of the literature review. All narrow strips of open ground within and bordering the IR 75 limited access highway right-of-way proved to be steep road embankments and/or contoured landforms to facilitate surface drainage away from highway structures. Other narrow strips of new right-of-way proved to contain buried utilities following municipal street rights-of-ways.

The late 19<sup>th</sup> century residential lots associated with the West McMicken Street Historic District contain open, relatively level, and archaeologically testable areas immediately around the residences while all of the backyards are in steep slope. Although it seems unlikely, whether the construction of this community predates municipal water and sewer service needs to be determined. This affects whether sealed stratified deposits within wells, cisterns, or privies are potentially present. Archaeological testing of the residential lots is contingent of the selection of the SPUI with the grade separation of Central Parkway as the preferred Western Hills Viaduct interchange reconfiguration.

An access portal to the subway tunnel occurs along the eastern IR 75 limited access right-of-way, but outside of the APE, and approximately 0.25 mile north of the Western Hills Viaduct on the east side. Although the top of the tunnel at the portal is at the same elevation as the adjacent Central Parkway road bed, the amount the tunnel dips below the road within the APE could not be determined because of restricted access. Further investigation of the tunnel is contingent of the selection of the SPUI with the grade separation of Central Parkway as the preferred Western Hills Viaduct interchange reconfiguration.

The APE of the industrialized bottoms, between the riverbank and 3<sup>rd</sup> Street, consists primarily of paved streets, rail lines, and paved commuter parking lots, as well as an operating electric transmission facility. Monitoring and/or reviewing the soil and geotechnical borings from the bottoms for the bridge design is the most effective means of determining whether intact original landforms and soils are present beneath the current ground surface. If they are, then an archaeological testing strategy of the APE can be developed for the bridge piers/pilings.

**DETERMINATION**

Based on the archaeological literature review and disturbance assessments of the feasible bridge alternatives and Western Hills Viaduct interchange reconfigurations, ODOT-OES finds the following:

1. The Ohio side of the Brent Spence Bridge replacement contains no potential for intact archaeological resources with two exceptions due to extensive highway construction and/or sequential urban development and redevelopment.
2. The residential lots associated with the West McMicken Street Historic District merit archaeological testing for stratified late 19<sup>th</sup> century deposits providing the SPUI with grade separation of the Central Parkway intersection is selected as the preferred Western Hills Viaduct interchange reconfiguration.
3. The aborted 1920s Cincinnati subway tunnel needs to be evaluated for National Register significance and its relationship to the vertical APE needs to be determined providing the SPUI with grade separation of the Central Parkway intersection is selected as the preferred Western Hills Viaduct interchange reconfiguration.
4. Soil and geotechnical borings for the bridge design from the bottoms need to be monitored and/or reviewed by an archaeologists/geoarchaeologist for evidence of buried archaeological deposits and/or undisturbed original landforms and soils. If present, an archaeological testing strategy needs to be designed and implemented for the horizontal and vertical footprint of the bridge supports and construction work limits.

In accordance with Stipulation 3(E), **Identifying Historic Properties**, of the *Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The Ohio Historical Society, State Historic Preservation Office, And The State Of Ohio, Department Of Transportation Regarding The Implementation Of The Federal-Aid Highway Program In Ohio (Agreement No 12642)* executed July 17, 2006, ODOT-OES determines additional archaeological investigation will be decided for the for the portion of the APE between the riverbank and Pete Rose Way following the results of geotechnical soil borings and for the portion of the APE in the West McMicken Avenue Historic District if the SPUI alternative for the Western Hills Viaduct interchange is selected. The remainder of the APE on the Ohio side exhibits extensive ground disturbance from prior interstate highway construction and urban redevelopment which precludes the potential for intact archaeological resources and requires no additional archaeological investigation.

Section 106 coordination of these archaeological resource findings and commitments becomes complete following the 15 day review and comment period at the Ohio State Historic Preservation Office (OSHPO) with no comments or objections received from the OSHPO

during that period, pursuant with the Programmatic Agreement, or unless the project scope changes. The final Section 106 review for the project awaits the completion of the history/architecture review and fulfillment of the archaeological commitments, if necessary. Should the OSHPO comment or object to the archaeological resource findings and/or commitments, ODOT-OES will work with your office to respond to OSHPO prior to finalization of the environmental document. Please attach a copy of this IOC and any subsequent consultation as the result of OSHPO comments to the appropriate environmental document.

If there are any questions or concerns about the archaeological determination, please contact Dr. Bruce W. Aument, Staff Archaeologist, by telephone at 614-466-5230 or by email at [bruce.aument@dot.state.oh.us](mailto:bruce.aument@dot.state.oh.us).

TMH:bwa

c: N. Mehlo, FHWA;  
M. Vonder Embse, FHWA;  
M. Epstein, OSHPO;  
S. Spinosa, District 08;  
L. Hoffman, OES;  
Project File;  
Reading File.



## OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JOLENE M. MOLITORIS, DIRECTOR

September 29, 2009

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
567 East Hudson Street  
Columbus, Ohio 43211



Attn: Nancy Campbell, ODOT Review Manager, History/Architecture  
Thomas Grooms, ODOT Review Manager, Archaeology

Subject: HAM-71/75-0.00/0.22, PID 75119

Re: *History/Architecture Coordination, Brent Spence Bridge Rehabilitation Project, Phase II addendum*

Dear Mr. Epstein:

In this letter we seek your concurrence on the eligibility of a property for the National Register of Historic Places (NRHP) which is located within the area of potential effects (APE) of the subject undertaking. The proposed project is intended to improve the operational characteristics within a 6.5 mile segment of I-75 within the Commonwealth of Kentucky (straight line mile 188.0) and the State of Ohio (straight line mile 2.7).

Phase II Report

Enclosed for your review is a paper copy of the Phase II History/Architecture Investigations (Gray & Pape Inc., September 2009). It addresses the West Virginia Coal and Coke Company building only.

As a result of the Phase I History/Architecture Survey, ongoing project development and consultation with the Ohio Historic Preservation Office (OHPO) and consulting parties, ODOT determined that Phase II history/architecture investigations were needed for two properties:

- The Harriet Beecher Stowe Elementary School (also known as Stowe Adult Education Center, and currently Channel WXIX, 635 West 7<sup>th</sup> Street (HAM-1342-43).
- The Hudapohl Brewery Building, 801 West Sixth Street (also known as 505 Gest Street).

Additionally, OHPO, in their August 3, 2007 letter, recommended additional consideration of the Panhandle Railroad Freight Depot, located at 603 Pete Rose Way and the West Virginia Coke and Coal building located at 725 Front Street, due to consulting party concerns, field review of the property took place on November 6, 2008. In the field, ODOT and OHPO staff agreed that the Panhandle Railroad Freight Depot has lost integrity due to alterations, and is not eligible for the NRHP. It was

also determined that the West Virginia Coke and Coal company building needs Phase II research completed to determine eligibility for the NRHP based on Criterion A.

**ODOT's NRHP Eligibility Recommendations**

Based on the results of the Revised Phase II investigation, site visits, consultation with consulting parties, historic boundary recommendations and the NR Criteria, and in accordance with 36 CFR Part 800, ODOT is requesting concurrence with the following findings:

- The West Virginia Coal and Coke Building, located at 725 Front Street, is not eligible for listing in the NRHP. It is not eligible because it is not associated with events that have made a significant contribution to the broad patterns of our history. It is also not associated with the lives of persons significant in our past, and is not significant for its architectural design.

**Conclusion**

On behalf of the FHWA, and in accordance with 36 CFR Part 800.4(c), we request your response to the enclosed within 30 days after your receipt of this letter. If no objection is received within 30 days, in accordance with the Advisory Council On Historic Preservation's current regulations under 36 CFR Section 800.3(c)(4), FHWA and ODOT will proceed to the next step in the process based on these findings.

Respectfully,

  
Timothy M. Hill  
Administrator  
Office of Environmental Services

OHIO STATE HISTORIC PRESERVATION OFFICE CONCURRENCE:

Nancy H. Campbell

October 5, 2009

(Date)

TMH:mlb  
Enclosure

c: M. VonderEmbse, FHWA  
Stefan Spinosa, D-8, ODOT  
Keith Smith, District 8, DEC, ODOT  
Larry Hoffman, Major New, OES, ODOT  
Project File, w/att.  
Reading File





August 3, 2007



Timothy M. Hill, Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
Central Office  
1980 West Broad St.  
Columbus, OH 43223

**Subject: HAM-75-0.00, Brent Spence Bridge, PID 75119**

**Re: Revised History/Architecture Phase 1 Report**

Dear Mr. Hill:

This is in response to your correspondence, dated June 28, 2007, regarding the proposed replacement or rehabilitation of the Brent Spence Bridge over the Ohio River and the report titled *Phase I History/Architecture Survey, Hamilton County, Ohio, ODOT PID No. 75119, HAM-71/75-0.00/0.22, KYTC Project Item No. 6-17, June 2007*. My comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

In response to the eligibility recommendations in your letter, I concur with your findings for the first six numbered items.

1. Cincinnati Union Terminal is a National Historic Landmark.
2. These buildings are listed in the National Register:
  - The Cincinnati Job Corps Center/Our Lady of Mercy High
  - The B & O Freight and Storage Building/Longworth Hall, including the Scale House pictured in plates B14-B15
  - The Ohio National Guard Armory, although listed, has been demolished
3. Portions of the Dayton Street Historic District are in the Area of Potential Effects (APE) for this project.
4. Portions of the West Fourth Street Historic District are in the APE for this project.

OHIO HISTORICAL SOCIETY

Ohio Historic Preservation Office

567 East Hudson Street, Columbus, Ohio 43211-1030 ph: 614.298.2000 fx: 614.298.2037  
[www.ohiohistory.org](http://www.ohiohistory.org)



5. The Chem-Pack Building, 2261 Spring Grove Avenue, HAM-1709-40, is eligible under Criterion C, and the recommended boundary is appropriate.
6. I concur with your recommendations that a Phase 2 study should be conducted to determine the eligibility of:
  - The Harriet Beecher Stowe Elementary School/Stowe Adult Education Center/Channel WXIX (HAM-1342-43), located at 635 West 7<sup>th</sup> Street
  - The Hudepohl Brewery Building, 801 West Sixth Street
- 6a. You state in your letter that the John Mueller House, 724 Mehring Way, is eligible under Criterion C, and I concur with this finding. Further research in the form of a Phase 2 study to determine if it is also eligible under Criterion B is not necessary at this point.
7. In your seventh item, a list of twenty properties that you find not eligible for the National Register of Historic Places, I concur with most, but not all, of your findings. I agree that these buildings are not eligible:
  1. Police Patrol Station #4, 748 W. Fourth St., HAM-2029-43
  2. West End Electric Generating Station, Front & Rose Sts., HAM-5508-43
  3. The Hennegan Company, 444 West Third St., HAM-5571-43
  4. 220 West Third St., HAM-80-44
  5. 218 West Third St., HAM-5540-44
  6. Business Information Storage Building, 318 W. Third St., HAM-5572-44
  7. 824 Mehring Way
  8. **See next paragraph**
  9. 690 West Third St
  10. 605 West Third St
  11. The Federal Equipment Building, 726 Mehring Way
  12. CG&E Building, 646 Mehring Way
  13. **See next paragraph**
  14. The Young & Bertke Company Building, 2108 Winchell
  15. 1101 Alfred St.
  16. 1130 and 1132 Draper St.
  17. 1100 Gest St.
  18. Butternut Bakery Complex, 748 West Fifth St.
  19. Queensgate Correctional Facility, 516-528 Linn St.
  20. 302 West Sixth St. Did you mean 302 West Third St.? If so, I concur.

I would like to postpone a decision on the eligibility of the eighth and thirteenth items in your seventh list, specifically on the Coal Company office and the Panhandle Railroad freight depot until we have heard or read the comments of

Timothy M. Hill  
August 3, 2007  
Page 3

the Consulting Parties. Perhaps the Consulting Parties have information or opinions on the historic or research value of these buildings.

8. West Virginia Coal & Coke Company, 725 Front St.

The facts, stated in the revised Phase I report, that a West Virginia mining company had a railroad, a regional distribution network, and a field office in Cincinnati suggests that this may be an important piece of Cincinnati history.

13. Panhandle Railroad Freight Depot, 603 Pete Rose Way

While this freight depot has lost some aspects of integrity, it may still be a source of information about how railroad buildings were built in the late nineteenth century. Construction details that could be noted now might be useful for determining the construction dates of other railroad buildings.

As the information in the Phase 1 report is presented to the consulting parties, we may discover that additional information changes some of the evaluations that have been made in the report, in ODOT's findings, or in the OHPO review of those findings.

If you have any questions concerning this letter, please contact me at 298-2000. Thank you for your cooperation.

Sincerely,

*Nancy H. Campbell*

Nancy H. Campbell  
History/Architecture Transportation Reviews Manager  
Ohio Historic Preservation Office

1013989



OHIO DEPARTMENT OF TRANSPORTATION  
Division of Planning, Office of Environmental Services  
1980 West Broad Street, Columbus, Ohio 43223

REC'D BY OHPO JUL 03 2007  
0-8

June 28, 2007

Mr. Mark Epstein, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
567 East Hudson Street  
Columbus, Ohio 43211

Attn: Nancy Campbell, ODOT Review Manager, History/Architecture  
Thomas Grooms, ODOT Review Manager, Archaeology

Subject: HAM-75/0.00 Brent Spence Bridge, PID 75119

Re: History/Architecture Revised Phase I Report

Dear Mr. Epstein:

In this letter we seek your concurrence on properties we believe are eligible for the National Register of Historic Places (NRHP) which are associated with the subject undertaking. The proposed project is intended to improve the operational characteristics within a 6.5 mile segment of I-75 within the Commonwealth of Kentucky (state line mile 188.0) and the State of Ohio (state line mile 2.7).

A total of five alternatives and 12- sub alternatives are under study for the Brent Spence Bridge Replacement/Rehabilitation Project. This report covers the Ohio portion of the project. A separate report will address the portion of the project which is located in Kentucky. The Area of Potential Effects (APE) for this project is largely defined by pre- and post- 1960 resources along the current alignment for I-75.

A Consulting Party meeting was held on November 15, 2006. At this meeting the Area of Potential Effects was presented, and a general project overview was given for the project. Maps of the current APE for the project alternatives were presented and distributed. The Consulting Parties will receive a copy of this report and letter for comments. Additional Consulting Party meetings and communication will take place as the project moves forward.

Enclosed for your review is a paper copy of the Phase I History/Architecture Survey (Gray & Pape Inc., June 2007). Twenty-eight previously recorded Ohio Historic Inventory resources were identified within or immediately adjacent to (APE). Four of these resources are also listed in the National Register of Historic Places ("National Register"). One resource is a National Historic Landmark. There are two National Register listed historic districts. Sixteen previously unrecorded properties over fifty years in age were identified within the APE. All of these resources are discussed in the report, and below.

**Previous Coordination**

The submitted report was revised based on OHPO's letter dated April 17, 2007. The revisions are detailed in the attached table. The revised list of eligibility recommendations are listed below.

**ODOT's NRHP Eligibility Recommendations**

Based on the results of the Revised Phase I survey, historic boundary recommendations and the NR Criteria, and in accordance with 36 CFR 800 Part 800, ODOT is requesting concurrence with the following findings:

1. The following history/architecture resource is a **National Historic Landmark** and is located within the APE for the undertaking:
  - Cincinnati Union Terminal, Lincoln Park Drive.
2. The following history/architecture resources are **individually listed in the National Register** and are (or were) located within the APE for the undertaking:
  - The Cincinnati Job Corps Center-Our Lady of Mercy High School, 1409 Western Avenue.(HAM-1804-43)
  - The B & O Freight and Storage Building, 700 Pete Rose Way (formerly Second Street).
  - The Ohio National Guard Armory, 1437-1439 Western Avenue, which has been demolished.
3. A portion of the **Dayton Street Historic District (H.D.)**, which is listed in the National Register, is located within the APE for the undertaking:
  - The historic boundaries correspond with those specified by the National Register nomination excluding existing easements and right-of-way. These boundaries are roughly Bank, Linn, and Poplar Streets, and Winchell Avenue.
4. A portion of the **West Fourth Historic District (H.D.)**, which is listed in the National Register is located within the APE for the undertaking:
  - The historic boundaries correspond with those specified by the National Register nomination excluding existing easements and right-of-way. The boundaries for the district are Central Avenue, West Fifth Street, Plum Street, and McFarland Street. The boundaries were amended in 1979 to include an area roughly bounded by West Fifth Street, and Perry Street between Central Avenue and Plum Street and West Fourth Street between Central Avenue and Race Street.
5. The following history/architecture resource is **recommended as eligible for listing in the National Register** with no further research:
  - Chem-Pack, Inc, 2261 Spring Grove Avenue, (HAM-1709-40), under Criterion C for its representative commercial interpretation of Queen Anne architecture. The recommended boundary for this property is the modern parcel boundary, excluding public right-of-way.
6. **Phase II history/architecture investigations are recommended** for three properties:
  - The Harriet Beecher Stowe Elementary School (also known as Stowe Adult Education Center, and currently Channel WXIX, 635 West 7<sup>th</sup> Street (HAM-1342-43) is a three story brick Italian Renaissance Revival elementary school built in 1923. It may be eligible for the National Register under Criterion B for its association with Dr. Jennie D. Porter, who was the first African-American woman to earn a Ph.D. at the University of Cincinnati. Phase II research is recommended to assess the significance of this association and to confirm that it has sufficient integrity.
  - The Hudepohl Brewery Building, 801 West Sixth Street (also known as 505 Gest Street), is a complex of brick industrial buildings. Phase II research is recommended to assess its significance of this complex

- as a 19<sup>th</sup> Century Cincinnati brewery, under Criterion A, and to assess the complex's integrity, and boundaries, if it is recommended as eligible.
- 724 Mehring Way, is recommended as eligible under Criterion C, for its representation of 19<sup>th</sup> century residential architecture. Phase II research may uncover eligibility under Criterion B as well, for the building's association with John Mueller Sr.
7. The remaining 20 properties, which are 50 years of age or older, **are not eligible for listing in the National Register**, either due to lack of known historic or architectural significance, or due to a loss of integrity, largely due to altered setting or insensitive additions or alteration, such as inappropriate replacement siding, doors or windows. The first six were previously documented on Ohio Historic Inventory forms.
1. Police Patrol Station #4, 747-748 W. 5<sup>th</sup> St. (HAM-2029-43) has a lack of integrity due to several additions and alterations.
  2. West End Electric Generating Station, Front and Rose Streets (HAM-5508-43), lack of integrity due to replacement window sash and at least one building addition.
  3. The Hennigan Company, 444 West Third Street (HAM-5571-43), lacks integrity due to being surrounded on all sides by interstate ramps, as well as being altered by demolition of part of the building, and at least one addition to the buildings.
  4. The three story stone commercial building at 220 West Third Street (HAM-80-44) does not have any known significance under any National Register Criteria.
  5. The "Head First Cafe", a one story brick commercial building at 218 West Third Street (HAM-5540-44) does have any known significance under any National Register Criteria.
  6. The Business Information Storage building, at 318 West Third Street (HAM-5572-44) has been altered extensively over the years, and does not retain sufficient integrity to be eligible for the National Register.
  7. 824 Mehring Way, a concrete block building dating from 1948.
  8. 725 Front, a one story brick building dating from 1931,
  9. 690 West Third Street, a one story brick warehouse building, with a two story administration building attached to it.
  10. 605 West Third Street, a small concrete block filling station dating from 1935.
  11. The Federal Equipment Building, at 726 Mehring Way, a late 19<sup>th</sup> century brick commercial building that has had several additions, including a large concrete block one in 1955
  12. 646 Mehring Way, a three story brick commercial building with a stone foundation, dating from around 1860. Several window openings have been bricked in and all of the windows have been replaced.
  13. 603 Pete Rose Way, one story brick building, with wide eaves, dating from 1887. Its setting has been altered dramatically by the previous construction of a freeway ramp and piers directly adjacent to the building.
  14. The Young and Bertke Co. building, 2108 Winchell, a brick building from 1907, which has had several alterations and additions, and is just outside the APE
  15. 1101 Alfred Street, is a three story Italianate commercial building has been altered over time by replacement windows and two large billboards added to the building. It is also just outside the APE
  16. 1130/1132 Draper Street, are two story Italianate houses, which have been altered over time, with smaller sized replacement windows, and enclosing transoms over the front doors, and are isolated in an area of town with very little historic fabric remaining, and they are just outside the APE
  17. 1100 Gest Street, a 1950 single story yellow brick commercial building.
  18. Butternut Bakery, 748 West Fifth, which is attached to the Police Patrol Station #4, which is mentioned above (HAM-2029-43)
  19. Queensgate Correctional Facility, 516/528 Linn Street, an eight story brick commercial building dating from about 1900, which has been used as the Kruse Hardware Warehouse and more recently as a prison. It has had numerous alterations and additions over time.

Mark Epstein  
June 28, 2007

4

HAM-75 Brent Spence Bridge  
PID: 75119

20. 302 West Sixth Street, which is attached to 318 West Third Street, which is mentioned above (HAM-5572-44).

On behalf of the FHWA, and in accordance with 36 CFR Part 800.4(c), we request your comments on the enclosed in 30 days after your receipt of this letter. If no objection is received within 30 days, in accordance with the Advisory Council On Historic Preservation's current regulations under 36 CFR Section 800.3(c)(4), FHWA and ODOT will proceed to the next step in the process based on these findings.

Respectfully,



Timothy M. Hill  
Administrator  
Office of Environmental Services

OHIO STATE HISTORIC PRESERVATION OFFICE CONCURRENCE:

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(Date)

TMH:mlk  
Enclosure

c: M. VonderEmbse, FHWA  
Stefan Spinosa, D-8, ODOT  
Keith Smith, District 8, DEC, ODOT  
Noel Alcala, Major New, OES, ODOT  
Project File, w/att. -  
Reading File





# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 8 • 505 SOUTH STATE ROUTE 741 • LEBANON, OH 45036  
JOHN KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • STEVE MARY, P.E., DISTRICT 8 DEPUTY DIRECTOR

March 4, 2011

Reverend Kazava Smith, President  
City of Cincinnati Recreation Commission  
805 Central Avenue, Suite 800  
Cincinnati, Ohio 45202

ATTN: Dr. Norman Merrifield, Director of Recreation

RE: HAM-71/75-0.00/0.22

**Brent Spence Bridge Replacement/ Rehabilitation Project Section 4(f) *De Minimis*  
Concurrence  
Queensgate Playground and Ball Fields**

Dear Reverend Smith:

This letter is in regard to the Brent Spence Bridge Replacement/ Rehabilitation project and its potential impact to Queensgate Playground and Ball Fields in downtown Cincinnati.

As you may be aware, the Ohio Department of Transportation (ODOT), in cooperation with the Federal Highway Administration (FHWA), is proposing to replace the Brent Spence Bridge and make improvements to I-71/I-75 in Cincinnati from the Ohio River to the Western Hills Viaduct. The project will include the widening of the interstate facility and improvements to several interchanges within this section. The project is needed to improve the safety and operations of I-71/I-75 and the Brent Spence Bridge.

Prior to 2010, a number of alignment alternatives for the Brent Spence Bridge Replacement/ Rehabilitation project were developed and studied, which resulted on the selection of Conceptual Alternatives C, D, and E for further investigation. Upon request of the public, Alternatives C and D were developed as a single alternative, by combining the northbound direction of Alternative C and the southbound direction of Alternative D. This combined alternative has been designated as Alternative I. Through the Environmental Assessment process, Alternative I has been identified as the recommended preferred alternative.

Alternative I will impact one recreational area under the jurisdiction of the Cincinnati Recreation Commission (CRC), specifically, the Queensgate Playground and Ball Fields. As a public recreational area, the facility is afforded protection under Section 4(f) of the US Department of Transportation Act of 1966. The alternative would have the following impacts on this recreational facility.

The proposed construction limits for Alternative I would encroach upon the southwestern edge of the property adjacent to I-75. Alternative I, as the recommended preferred alternative, would extend into the outfield area of both baseball fields. Approximately 0.9 acres would be acquired from the recreational area. The impacts to Queensgate Playground and Ball Fields are shown on Exhibit 1 (enclosed). The right-of-way for the recommended



preferred alternative will extend approximately 55 feet from the existing Winchell Avenue/I-75 right-of-way into the outfields as shown on Exhibit 2. In addition, a small walkway leading from Cutler Street into the recreational area may also be directly affected by Alternative I.

Reconfiguration of the baseball fields and walking paths within the remaining city park area may be accomplished in accordance with the Conceptual Mitigation Plan (see Exhibit 3). The reconfiguration may result in the loss of approximately 15 trees and two sections of walkway that parallel West Court Street and Cutler Street. The enclosed Memorandum of Agreement details the proposed mitigation measures based on the Alternative I impacts to the Queensgate Playground and Ball Fields.

The purpose of this letter is to request your concurrence with ODOT's recommendation that, the impacts to the park will not adversely affect the activities and features of the Queensgate Playground and Ball Fields. Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amends existing Section 4(f) legislation to simplify the processing and approval of projects that only have "*de minimis*" impacts on lands protected by Section 4(f) under your jurisdiction. In accordance with Section 6009(a), *de minimis* impacts on publicly owned parked, recreation areas, and wildlife and waterfowl refuges area defined as those that do not "adversely affect the activities, features, and/or attributes" that make resources eligible for Section 4(f) protection.

#### Section 4(f) Ownership

The Queensgate Playground and Ball Fields are owned by the City of Cincinnati and are under the jurisdiction of the CRC.

#### Section 4(f) Feature of the Property

The Queensgate Playground and Ball Fields are located at 707 West Court Street. The 5.3-acre public recreational area is bounded by West Court Street to the north, Cutler Street to the east, Winchell Avenue and I-75 to the south and Linn Street to the west. On-site amenities include two adult ball fields, one of which is lighted for night-time use, and a neighborhood playground. The lighted field is an A-size ball field with a 305-foot outfield; the second field is a B-size field with a 255-foot outfield. During the fall, a football field is laid out across the two ball fields for use by the Hays-Porter Elementary School. Less than one acre of the park will be affected with impacts limited to the ball fields. The playground, located in the northeastern portion of park will not be affected by the project. A small walkway from Cutler Street into the park will also be directly affected. Mitigation for the park anticipates providing a financial settlement in addition to the purchase of necessary property from the City. The financial settlement is based on Exhibit 3, the Conceptual Mitigation Plan. Reconfiguration of ball fields in accordance with Exhibit 3 would result in the loss of mature shade trees located along West Court Street and displacement of a walkway. These features will also be mitigated in accordance with the enclosed Memorandum of Agreement.

#### Access to Queensgate Playground and Ball Fields

Access to the recreational area is provided via local roads (West Court Street and Cutler Street). These roadways will not be affected by the project. A small walkway from Cutler Street to the ball fields will be affected. However, this will be maintained during construction.

#### Current Use of the Section 4(f) property

The affected area serves as the outfield for two baseball fields used for youth recreational leagues. The area is grassed with some trees and shrubs on the slopes between the ball fields and Winchell Avenue.

#### Similarly Used Land in the Vicinity

There are three recreational areas in close proximity to the Queensgate Playground and Ball Fields:

- Dyer Park - 2110 Freeman Avenue
- Lincoln Community Center – 1027 Linn Street
- Washington Park – 1225 Elm Street

These facilities will be available for use during construction.

#### Public and Agency Involvement

Extensive public involvement and agency coordination has been undertaken for the Brent Spence Bridge Replacement/ Rehabilitation project. Public Meetings were held in May 2006 and May 2009 for the purpose of disclosing information and obtaining comment on project impacts. No comments were received on impacts to Queensgate Playground and Ball fields.

Meetings and on-going coordination have been held with the CRC to disclose information about the project and its impacts as well as collect input. ODOT has worked with the CRC to develop a conceptual mitigation plan for reconfiguration of the affected ball fields. The enclosed Memorandum of Agreement has been developed as a result of this coordination.

Additional public meetings will be held concurrent with the approval of the Environmental Assessment. Exhibits showing impacts of the project alternatives to the ball fields will be available at these meetings for public review and comment.

#### De Minimis Section 4(f) Determination

ODOT, in consultation with the FWHA - Ohio Division, would like to apply for a *de minimis* standard to Queensgate Playground and Ball Fields for the HAM-71/75-0.00/0.22 project. The *de minimis* finding is based on the degree or level of impact including any avoidance, minimization and mitigation measures or enhancement measures that are included in the project to address the Section 4(f) use.

ODOT requests written concurrence from the CRC that the project, as proposed including the mitigation described in the Memorandum of Agreement, will not adversely affect the activities, attributes, and features that qualify the Queensgate Playground and Ball Fields for

protection under Section 4(f). ODOT intends to seek the *de minimis* Section 4(f) finding based upon the assessment of this letter and execution of the Memorandum of Agreement. If the CRC concurs, please sign and date both copies of the Memorandum of Agreement and return it to the ODOT District 8 Planning Department. Once ODOT signatures are obtained, a final executed copy will be returned to the CRC.

If you have any questions regarding this project, please contact Stefan Spinosa at (513)933-6639 or by email at [Stefan.Spinosa@dot.state.oh.us](mailto:Stefan.Spinosa@dot.state.oh.us).

Respectfully,

Andrew J. Fluegemann, P.E.  
District 8 Environmental Coordinator

enclosures

cc: Norman Merrifield, Ed. D. Director of Recreation, Hoffman, Vonder Embse (FHWA),  
file

**HAM-71/75-0.00/0.22, PID 75119**

**MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF OHIO,  
DEPARTMENT OF TRANSPORTATION (ODOT), AND THE CITY OF CINCINNATI  
RECREATION COMMISSION (CRC) REGARDING THE BRENT SPENCE BRIDGE  
PROJECT IMPACT TO THE QUEENSGATE PLAYGROUND AND BALL FIELDS**

**Agreement Number: 16588**

1. WHEREAS, the proposed roadway improvement project known as HAM-71/75-0.00/0.22, PID 75119 (PROJECT) will improve safety and traffic flow by reconstructing portions of Interstate 75 in Cincinnati, Ohio; and
2. WHEREAS, the Queensgate Playground and Ball Fields are owned by the City of Cincinnati and are under the jurisdiction of the CRC; and
3. WHEREAS, the PROJECT'S proposed limits of construction impact approximately 0.9 Acres of the Queensgate Playground and Ball Fields operated by the CRC as shown in Exhibit 1; and
4. WHEREAS, the right-of-way for the PROJECT will extend approximately 55 feet from the existing Winchell Avenue/I-75 right-of-way into the outfields of the Queensgate Ball Fields as shown on Exhibit 2; and
5. WHEREAS, the Queensgate Playground and Ball Fields, as a public recreational area, is afforded protection under Section 4(f) of the US Department of Transportation Act of 1966; and
6. WHEREAS, consultation for the PROJECT has taken place in meetings with individuals, specific groups, and the general public; and
7. WHEREAS, meetings and on-going coordination have been held with the CRC to disclose information about the project and its impacts as well as collect input; and
8. WHEREAS, ODOT has worked with the CRC to develop a conceptual mitigation plan for reconfiguration of the affected ball fields; and
9. WHEREAS, ODOT, in consultation with the FWH, would like to apply for a *de minimis* standard to Queensgate Playground and Ball Fields for PROJECT; and
10. WHEREAS, the *de minimis* finding is based on the degree or level of impact including any avoidance, minimization and mitigation measures or enhancement measures that are included in the project to address the Section 4(f) use; and
11. WHEREAS, ODOT requests concurrence—by signature on this document—from the CRC that the PROJECT as proposed, including the mitigation described in this Memorandum of

Agreement, will not adversely affect the activities, attributes, and features that qualify the Queensgate Playground and Ball Fields for protection under Section 4(f); and

12. WHEREAS, ODOT intends to make the *de minimis* Section 4(f) finding based upon the concurrence of the CRC;
13. NOW, therefore, ODOT and the CRC agree that the PROJECT will be implemented in accordance with the following stipulations in order to mitigate the impacts to the Queensgate Playground and Ball Fields.

#### STIPULATIONS:

ODOT will ensure the following stipulations are carried out:

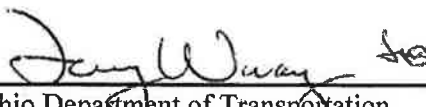
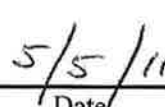


1. ODOT will acquire property from the CRC in accordance with all applicable Federal and State regulations. Compensation for land and property, excluding ball field lighting, will be via the normal ODOT property acquisition procedures. Ball field lighting will be compensated as described in the attached *Cost of Mitigation Compensation, Sections 1(d) and 2(d)*. The current PROJECT schedule anticipates acquisition of the CRC property between 2012-2013 pending approval of funding through ODOT's budgetary process.
2. ODOT, upon receipt of an acceptable plan detailing how the CRC will utilize funds for recreational purposes, will pay \$198,050 to the CRC to be applied toward the submitted plan. CRC may utilize more than the \$198,050 independently of ODOT. The financial obligation of ODOT is subject to Section 126.07 of the Ohio Revised Code and shall terminate as of June 30, 2012.
3. Limited Access Right-of-Way fencing along the park and highway boundary will be installed along the CRC property as part of ODOT's construction project. The fence will consist of 10' high chain link fencing.
4. Park Staff may remove (rescue) understory vegetation in the area to be acquired for highway purposes prior to the PROJECT sale date.
5. ODOT has given members of the public within the project's study area an opportunity to provide comments on the park impacts prior to submission of 4(f) *de minimis* documentation to the CRC. Any comments that have been received concerning impacts to the park will be provided to the CRC.
6. Subject to the Provisions in Stipulations No. 6 and No. 7 below, the CRC, with the intention of binding themselves, their successors-in-interest, and their assigns, do hereby release, hold harmless from any liability, and forever discharge the State of Ohio, the Ohio Department of Transportation, and their agents, servants, employees, and officers, personally and in any other capacity, from all claims, actions, causes of action, demands, costs, loss of services, expenses, and any and all other damages that the undersigned ever

had, now have, or claim to have against the State of Ohio, the Ohio Department of Transportation, or their agents, servants, employees or officers, on account of or in any way arising out of the PROJECT's described impacts to the Queensgate Playground and Ball Fields, including any further measures to avoid, minimize or mitigate such impact.

7. ODOT will seek a *de minimis* Section 4(f) impact finding based on the terms of this Memorandum of Agreement (MOA), in accordance with Section 6009(a) of SAFETEA-LU.
8. Should any signatory to this MOA object at any time to any actions propose for the manner in which the terms of this MOA are implemented, ODOT will consult with such signatory to resolve the objection
9. Any signatory to this MOA may propose that this MOA be amended, whereupon, the parties will consultant in accordance with Section 6009(a) of SAFETEA-LU to consider such an amendment.
10. The parties agree that if plans for the PROJECT substantially change and if such changes may have a significant direct or indirect adverse impact to the Queensgate Playground and Ball Fields, other provisions of this MOA notwithstanding, the parties will reopen discussion regarding mitigation, and proceed under Section 6009(a) of SAFETEA-LU to resolve or mitigate such adverse effects.
11. If the PROJECT has not been implemented within ten (10) years of the date of the execution of this MOA, this MOA will be considered null and void, and ODOT will so notify all of the signatories. If ODOT chooses to continue with the PROJECT utilizing Federal funding then ODOT will reinitiate consultation with the signatories in accordance with Section 6009(a) of SAFETEA-LU; however, if ODOT has paid monies to the CRC pursuant to Stipulation No. 2 by June 30, 2012, the CRC shall be precluded from reinitiating consultation or requesting any further measures to avoid, minimize, or mitigate the PROJECT's described impact.

Execution of this MOA by ODOT and the CRC and implementation of this MOA's terms by ODOT evidences that ODOT has taken into account the effects of the PROJECT on the Queensgate Playground and Ball Fields.

**SIGNATORIES:**

 _____ Director, Ohio Department of Transportation	 _____ Date
 _____ Director, Cincinnati Recreation Commission	 _____ Date

**ATTACHMENTS:**

1. Cost of Mitigation Compensation
2. Exhibit 1: Alternative I impacts to Queensgate Playground and Ball Fields
3. Exhibit 2: Alternative I Proposed Limited Access R/W Limits
4. Exhibit 3: Queensgate Playground and Ball Fields Conceptual Mitigation Plan

### Cost of Mitigation Compensation

For purposes of establishing fair and reasonable compensation to mitigate the impacts to the Queensgate Playground and Ball fields, the following is provided:

1. In addition to the compensation of land and property needed to complete the project, to mitigate impacts to the park ODOT commits to the following additional compensation:
  - a. Compensation will be provided to the CRC based on the relocation of the two existing ball fields as shown on Exhibit 3.
  - b. Compensation will be provided to the CRC based on the relocation of the 435' of walking path within the park as shown on Exhibit 3.
  - c. Compensation will be provided to the CRC based on the loss of trees due to the relocation of ball fields and path as shown on Exhibit 3.
  - d. Compensation will be provided to the CRC based on the need to relocate field lighting due to the relocation of ball fields and path as shown on Exhibit 3.
  - e. Compensation will be provided to the CRC based on the need to prepare final mitigation plans and monitor construction of the mitigation project.

The mitigation compensation is based on the conceptual mitigation plan (Exhibit 3).

2. This section details the cost of mitigation compensation as described in Section 1(a-e).
  - a. Ball Field Compensation:
    - i. Compensation for excavation and embankment needed for relocation of two ball fields:

A Ballfield Area = 70,686 SF  
B Ballfield Area = 49,087 SF  
Combined Infield Area = 9,450 SF

Excavation:

$[1' \text{ depth} \times (70,686 + 49,087)] / 27 = 4,436 \text{ CY} \times \$8.00/\text{CY} = \$35,488$

Embankment (not including infield area):

$[1' \text{ depth} \times (70,686 + 49,087 - 9,450)] / 27 = 4,086 \text{ CY} \times \$6.00/\text{CY} = \$24,516$

Embankment (infield area):

$(1' \text{ depth} \times 9,450 \text{ SF}) / 27 = 350 \text{ CY} \times \$17.75/\text{CY} = \$6,213$

Embankment (infield area special preparation):

$10 \text{ Hours} \times \$80/\text{Hour} = \$800 + \$100 \text{ Mobilization} = \$900$

Seeding and Mulching:

$70 \% \times (70,686 + 49,087) / 9 = 9,316 \text{ SY} \times \$1.00/\text{SY} = \$9,316$

Sodding of Infield Edge:

$\text{Lump Sum} = \$650/\text{Field} \times 2 \text{ Fields} = \$1,300$



- ii. Compensation for new field benches and concrete pads:

$$4 \text{ benches} \times \$2,000/\text{bench} = \$8,000$$

- iii. Compensation for two new vinyl coated fence backstops:

$$2 \text{ backstops} \times \$15,000 / \text{backstop} = \$30,000$$

- b. Walking Path Compensation:

- i. Compensation for relocation of two walking paths (270 feet of the eastern path and 165 feet of the northern path) is based on a 8' wide concrete path:

$$8' \times (270' + 165') \times \$6.75/\text{SF} = \$23,490$$

- c. Tree Compensation:

- i. For purposes of determining the appropriate mitigation for the impacts to the Queensgate Ball Fields, it is agreed by the Ohio Department of Transportation (ODOT) and the Cincinnati Recreation Commission that Cincinnati's legal definition of a public tree: Sec. 743-1-T. Tree. "Tree", shall be used. This definition is defined by the following:

1. Any self-supporting woody plant which has a well-defined stem with a diameter of at least four inches at four and one-half feet from the ground;
2. Any dogwood, redbud or other conspicuously flowering woody plant as designated by the director which has a well-defined stem of at least two inches diameter at four and one-half feet from the ground;

- ii. Tree Compensation calculation:

1. All trees as defined in (2.c.i.1) above to be compensated based on a 1 - 2" caliper balled and burlapped or container shade tree at the rate of 1 tree for each 12" of trunk diameter at 4 ½ feet above the ground. The following trees would be impacted by the relocation of the ball fields as shown in Exhibit 3:

<u>Species</u>	<u>dbh</u>	<u>No. of Repl. Trees</u>
Basswood	17.2	2
Basswood	21.0	2
Basswood	30.9	3
Crab Apple	20.7	2
Crab Apple	21.3	2
Hackberry	23.9	2
Hackberry	17.8	2
Hackberry	23.2	2
Hackberry	19.4	2
Hackberry	18.2	2

Hackberry	20.4	2
Hackberry	16.2	2
Hackberry	33.8	3
Hackberry	24.8	2
Hackberry	24.8	<u>2</u>
		32

$$32 \text{ trees} \times \$100/\text{tree} = \$3,200$$

2. All trees as defined in (2.c.i.2) above to be compensated based on a 1" caliper container understory tree. No trees in this category would be impacted by the relocation of the ball fields as shown in Exhibit 3.

d. Lighting Compensation:

- i. Compensation for relocation of six light towers includes new poles, new wiring, and reuse of existing ballasts and light:

$$6 \text{ towers} \times \$6,000/\text{tower} = \$36,000$$

e. Design and Construction Engineering Compensation:

- i. Design costs will be compensated based on 8% of the cost of compensation of items listed in Section 1.(b-e).

$$0.08 \times \$178,423 = \$14,274$$

- ii. Construction costs will be compensated based on 3% of the cost of compensation of items listed in Section 1.(b-e).

$$0.03 \times \$178,423 = \$5,353$$

- f. Total mitigation compensation to be provided in addition to land and property acquisition is \$198,050.



ALTERNATIVE I IMPACTS TO QUEENSGATE BALLFIELDS  
- Approximately 0.9 acres needed for Proposed Preliminary R/W



**LEGEND**

- Existing R/W
- Proposed Construction Limits
- Preliminary Engineering R/W



Prepared by  
**PARSONS BRINCKERHOFF**

**QUEENSGATE PLAYGROUND AND BALLFIELDS MITIGATION PLAN**





U.S. Department of Transportation  
Federal Highway Administration



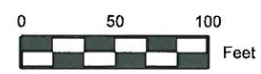
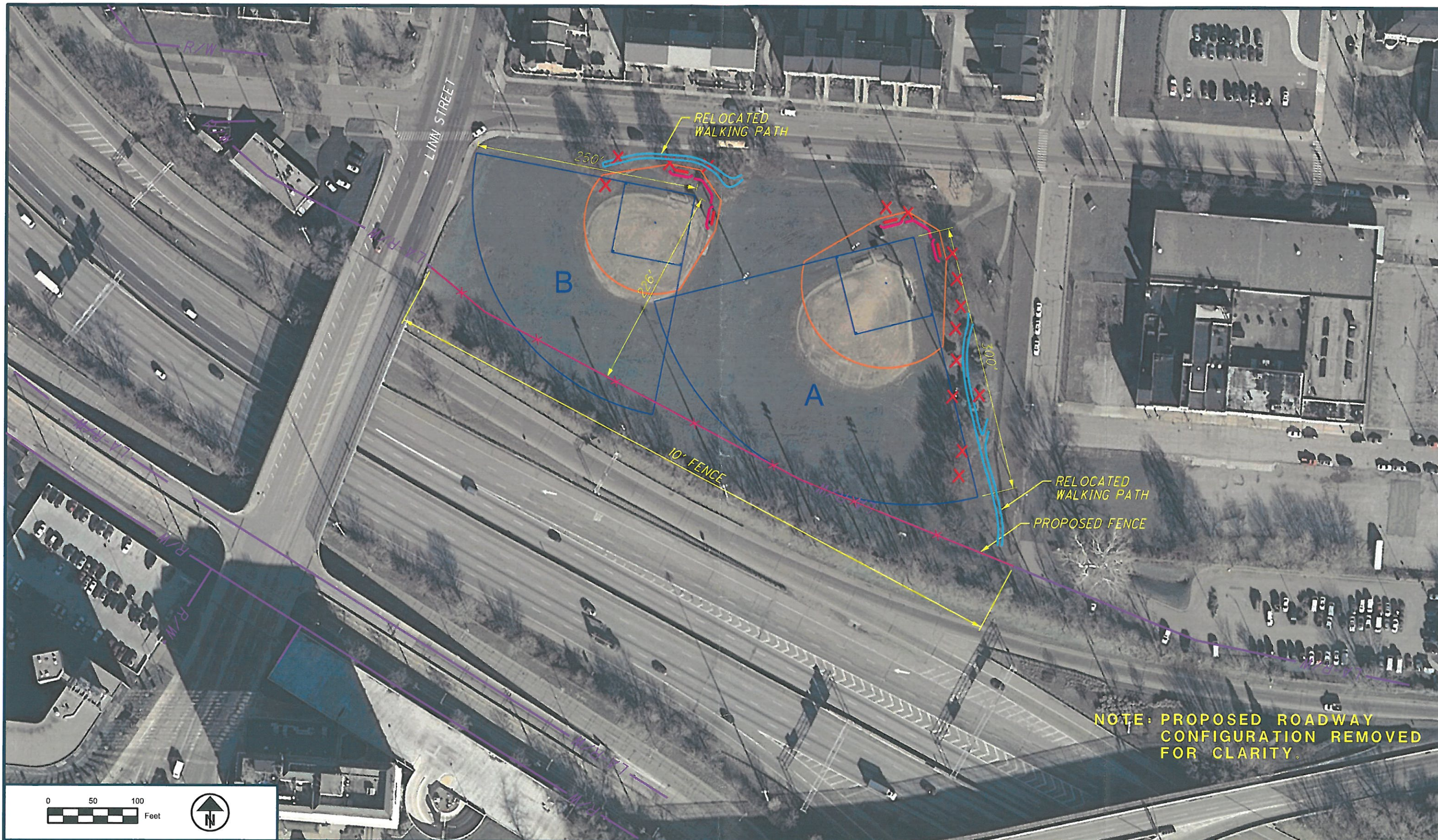
Prepared by  
**PARSONS BRINCKERHOFF**

## QUEENSGATE PLAYGROUND AND BALLFIELDS MITIGATION PLAN

EXHIBIT

2





U.S. Department of Transportation  
Federal Highway Administration



Prepared by  
**PARSONS**  
**BRINCKERHOFF**

## QUEENSGATE PLAYGROUND AND BALLFIELDS MITIGATION PLAN

EXHIBIT

3





# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 8 • 505 SOUTH STATE ROUTE 741 • LEBANON, OH 45036  
JOHN KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • STEVE MARY, P.E., DISTRICT 8 DEPUTY DIRECTOR

May 9, 2011

Reverend Kazava Smith, President  
City of Cincinnati Recreation Commission  
805 Central Avenue, Suite 800  
Cincinnati, Ohio 45202

ATTN: Dr. Norman Merrifield, Director of Recreation

**RE: HAM-71/75-0.00/0.22**

**Brent Spence Bridge Replacement/ Rehabilitation Project Section 4(f) *De Minimis*  
Concurrence  
Queensgate Playground and Ball Fields**

Dear Reverend Smith:

Enclosed is one fully executed Memorandum of Agreement (MOA) between the State of Ohio Department of Transportation (ODOT) and the City of Cincinnati Recreation Commission (CRC). This MOA was completed to document commitments of ODOT required as a result of the impacts to the Queensgate Playground and Ball Fields by the proposed roadway improvements associated with the Brent Spence Bridge Project.

ODOT requested written concurrence from the CRC that the project, as proposed including the mitigation described in the Memorandum of Agreement, will not adversely affect the activities, attributes, and features that qualify the Queensgate Playground and Ball Fields for protection under Section 4(f). ODOT intends to seek the *de minimis* Section 4(f) finding based upon the executed Memorandum of Agreement.

As stated in the MOA Stipulations, once the CRC submits an acceptable plan detailing how the ODOT compensation will be utilized, ODOT will pay \$198,050 to the CRC to be applied toward the plan. This obligation will terminate on June 30, 2012 as stated in the MOA.

If you have any questions regarding this project, please contact Stefan Spinosa at (513)933-6639 or by email at [Stefan.Spinosa@dot.state.oh.us](mailto:Stefan.Spinosa@dot.state.oh.us).

Respectfully,

A handwritten signature in cursive script, reading "Andrew J. Fluegemann".

Andrew J. Fluegemann, P.E.  
District 8 Environmental Coordinator

enclosure

cc: Joe Schwind (CRC), Hoffman, Vonder Embse (FHWA), Smith, file (2)

AN EQUAL OPPORTUNITY EMPLOYER



**Ohio Department of Transportation, Office of Environmental Services**  
**FARMLAND PROTECTION POLICY ACT**  
**PROJECT SCREENING SHEET**

**I. PROJECT INFORMATION:**

- A. County-Route-Section:** HAM-71/75-0.00/0.22  
**PID:** 75119 **Length:** 2.30 miles
- B. Brief Description:** Replacement of the bridge carrying IR 71/IR75 over the Ohio River on new location west of existing structure, and modified alignment. Project extends from just South of Kyles Lane Interchange in KY to just north of the Western Hills Viaduct on IR 75 and to Plum St. on IR 71.
- C. Screening Criteria for Land to be Acquired** (only one need be marked if it applies to *entire* project area; if *none* can be marked, FCIR form is required):

- ☐ **Developed** with a density of at least 30 structures per 40 acres.
- ☒ Identified as "**urbanized area**" (UA) on U.S. Census Bureau Map.
- ☐ Identified as **urban area mapped with a "tint overprint"** on USGS topographical map(s).
- ☐ Identified as "**urban-built-up**" on USDA Important Farmland Map(s).
- ☐ **Bridge replacement** requiring less than 1 acre of new R/W –  
(approx. \_\_\_\_\_ acres required).
- ☐ **Widening or intersection improvement** requiring less than 3 acres of new R/W –  
(approx. \_\_\_\_\_ acres required).
- ☐ **Temporary R/W** to be returned to existing or greater productive capability –  
(approx. \_\_\_\_\_ acres required).
- ☐ **Channel easement** for shaping existing channel – (approx. \_\_\_\_\_ acres required).

**II. CONCURRENCE:**

It is hereby determined that completion of the Farmland Conversion Impact Rating form (USDA Form AD-1006) is not required because the project will not affect farmland as defined in 7 CFR Part 658, as amended, or because the project falls within the criteria in the 1984 Memorandum of Understanding between ODOT, FHWA and USDA/SCS.

Andrew J. Flanagan  
District Environmental Coordinator

4/14/10  
Date







November 17, 2011

Mr. Stefan C. Spinosa  
ODOT Project Manager, District 8 Design Engineer  
505 South State Route 741  
Lebanon, Ohio 45036

Re: HAM-71/75-0.00/0.22, PID 75/19 Brent Spence Bridge  
Replacement/Rehabilitation Project: B&O Freight & Storage Building/Longworth Hall

Dear Mr. Spinosa:

Cincinnati Preservation Association (CPA) would like to comment on the mitigation measures proposed for Longworth Hall as discussed at the Consulting Parties meeting on November 2, 2011. As a Consulting Party, and as the holder of a historic preservation easement on the building, we support mitigation options that will not only help mitigate the adverse effects of the bridge construction, but confer practical benefits, helping to preserve the building and extend the life of its materials. Therefore, we support the following options as outlined in the draft Memorandum of Agreement, following the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings:

**Replacement of missing portion of top floor.** A portion of the top floor of Longworth Hall was removed following a fire. We propose that this missing portion be rebuilt to compensate for the square footage to be removed for the new bridge, as was done in the 1960s following construction of the original bridge.

**Window repair/storm windows.** Longworth Hall has original 6/6, double-hung, single-pane wood windows, which are a character-defining feature of the building. Noise and dust are an issue for building tenants because of the building's proximity to the highway and to industrial facilities: problems that will worsen after the new bridge is built. The addition of appropriate weatherstripping and storm windows as a mitigation measure would benefit the building in many ways. These improvements would help preserve the windows, reduce outside noise and dust infiltration, and reduce the building's energy consumption and carbon footprint, thereby improving its profitability.

**Masonry repair.** Historic brick buildings are in need of periodic repair and repointing, and Longworth Hall is no exception. While sections of the walls have been repointed by

the owners, large areas are still in need of this costly and time-consuming restoration work. Repointing mortar joints and repairing or replacing bricks as necessary would help preserve the building, improve its appearance, and prevent costly future repairs.

**Stabilization of the former boiler house.** Better known as the scale building, this is a freestanding, one-story, brick building located at the northwest corner of the property that originally housed boilers for the no-longer-extant railroad roundhouse. It is presently in a ruinous state with collapsed roof. Stabilization of the building would help preserve an important contributing feature of the property with potential for adaptive reuse and eventual fit-out by a future tenant.

Finally, we would like to clarify our status as an easement holder, not only regarding the mitigation options, but future issues such as the design of the end wall, and possible compensation for partial loss of the building as a result of the undertaking.

Thank you for your consideration. Please contact us if you need more information.

Sincerely,

Margo Warminski  
Preservation Director

Cc: Mark Epstein, Department Head, Resource Protection and Reviews, Ohio  
Historic Preservation Office  
Paul J. Muller, AIA, Executive Director, Cincinnati Preservation Association





# CITY OF COVINGTON

638 MADISON AVENUE • COVINGTON, KENTUCKY 41011-2298

July 19, 2011

Jodie McDonald  
Department for Local Government  
Office Federal Grants  
Community Enhancement Branch  
1024 Capital Center Drive, Suite 340  
Frankfort, Kentucky 40601

Dear Ms. McDonald:

The City of Covington has identified replacement property for the portions of Goebel Park that will be impacted by the Brent Spence Bridge Project. Based on the Summary Appraisal Report prepared by Lisa A. Keaton on June 30, 2010, approximately 1.9 acres of fee simple right of way will need to be acquired within Goebel Park. Approximately 2.8 acres of surplus right of way adjoining the Goebel Park property along 5<sup>th</sup> Street will be left after the project is complete. The City would like to request that the 2.8 acres of surplus right of way replace the 1.9 acres of Goebel Park that will be impacted.

Copies of the Summary Appraisal Reports and an aerial map showing the identified property are attached for reference. If you have questions or need any additional information, please let me know.

Sincerely,



Larry Klein  
City Manager  
City of Covington, Kentucky

cc: Stacey Hans  
Assistant City Manager Larisa Sims  
City Engineer Tom Logan  
Assistant City Engineer Mike Yeager  
Recreation Director Natalie Gardner



# CITY OF COVINGTON

638 MADISON AVENUE • COVINGTON, KENTUCKY 41011-2298

November 28, 2011

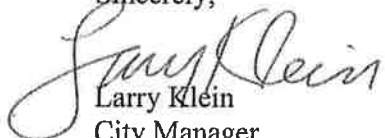
Mr. Robert Hans, P.E.  
Chief District Engineer-District 6  
Kentucky Department of Highways  
421 Buttermilk Pike  
Covington, Kentucky 41017

Dear Rob:

Thank you for meeting with City Staff to further discuss the environmental process and specifically talk about the impacts the Brent Spence Bridge Project will have on Goebel Park. The City would like to acknowledge that the project will impact the park. However, we feel the project will not adversely impact the park if the mitigation process that has been outlined to us is followed. The City is comfortable with the project team moving forward in the 4(f) process with a determination of de minimus versus an Individual 4(f) Statement.

Please do not hesitate to contact my office if you have any questions or need any additional information.

Sincerely,

  
Larry Klein  
City Manager  
City of Covington, Kentucky

cc: Stefan Spinosa, ODOT  
Stacey Hans, KYTC  
Assistant City Manager Larisa Sims  
City Engineer Tom Logan  
Assistant City Engineer Mike Yeager  
Recreation Director Natalie Gardner



# CITY OF COVINGTON

638 MADISON AVENUE • COVINGTON, KENTUCKY 41011-2298

December 12, 2011

Ms. Stacey Hans  
Environmental Coordinator  
KYTC District 6  
421 Buttermilk Pike  
Covington, Kentucky 41017

RE: Brent Spence Bridge- Section 106 Mitigation and Concerns to the Lewisburg National Register District

Dear Ms. Hans:

Please accept this letter as the City of Covington's formal response to the Section 106 Mitigation meeting held on November 16, 2011 in Covington City Commission Chambers the purpose of which was to solicit public input on adverse effects to the Lewisburg National Register District from the Brent Spence Bridge replacement project. The City is presenting additional information herein about the façade grant program that was proposed at the public meeting, as well as other mitigation measures, including a purchase rehab program; demolition of non-contributing buildings; and the Charles Zimmer Memorial Path as a re-connection from Lewisburg to commercial and recreational areas of the City. The City also wants to present its concerns about additional project impacts which include decreased access to the Lewisburg neighborhood by its residents, and access to Devou Park by residents and visitors from the region, and proposed mitigation measures to offset that loss of access.

Lewisburg is an important historic neighborhood of Covington. It was an industrial center because of Willow Run Creek and has always been an important gateway that hosted the Covington-Lexington Turnpike. The first I/75 project severed Lewisburg from the rest of the City and contributed heavily to disinvestment in the neighborhood. The current project will expand the interstate highway and right-of-way which exacerbates this separation, contributing to further disinvestment in Lewisburg. The expansion places a larger, more daunting physical barrier between the Lewisburg neighborhood and the rest of Covington. In addition, the expansion will increase noise and air pollution for this neighborhood. The City believes that the measures proposed below will help to offset the disinvestment in this historic neighborhood by causing reinvestment in the physical assets of the neighborhood and creating connections that will strengthen the historic resources of the Lewisburg National Register District.

1. Façade Grant Program: The City of Covington has coordinated and administered three different façade grant programs. Through Covington's Renaissance on Main Program, the City of Covington has administered over \$300,000 worth of matching commercial façade grant funds. The City also had a matching awning and façade grant program in which

over \$60,000 funds were administered to commercial storefronts. Currently the City is administering a homeowner façade grant program in two areas of the City with \$80,000 of CDBG and HOME funds. While all three of these programs had slightly different requirements, all were required to be compliant with the Covington Historic Design Guidelines and/or the Secretary of the Interior's Standards for the treatment of Historic Properties. Attached are the guidelines for the three programs that the City has administered.

In reviewing past and present programs the City believes that the amount of \$5,000 per property with a local match of 20% would have a significant positive impact on the neighborhood. Upon conducting an inventory of the neighborhood, the City proposes that 50 buildings be funded through this program. We also suggest that priority areas be designated through the program guidelines for these grants, such as the major corridors in the neighborhood, including Pike Street and 12<sup>th</sup> Street, which also function as gateways to Covington and Lewisburg and are high visibility areas.

2. **Purchase Rehab Program:** The City has evaluated the major gateways into the Lewisburg Neighborhood, specifically the Pike Street/Dixie Highway Corridor as it is a major entrance and gateway into both Lewisburg and the City of Covington. The City identified 9 buildings in this area that are currently vacant or for sale that would be eligible for purchase-rehab projects. Attached is a spreadsheet with that list of properties and the Property Valuation Administration or real estate Multiple Listing Service value with an estimated rehab cost for each.
3. **Demolition of Non-Contributing Buildings:** There are currently 41 buildings standing that are listed as non-contributing on either the Lewisburg National Register District Nomination Form or the Brent Spence Bridge Historic/Architectural Survey. Upon preliminary site visits to these properties there are approximately 15 properties that could be razed either for non-compliance with City property maintenance and building codes, or to provide easier access for parking or traffic circulation. The average demolition cost to the City for similar properties has been in the range of \$8,000 to \$14,000 depending on the size of the structure and the ease of access for equipment. A map is attached with the noncontributing buildings highlighted.
4. **Charles Zimmer Memorial Path:** As stated, the original I/75 highway project severed major access points from Lewisburg to the rest of the City. While the current physical pedestrian connections at 9<sup>th</sup> Street, Pike Street, and 12<sup>th</sup> Street, will remain with the new bridge, the pedestrian and multi-modal nature of that access needs to be improved for safety reasons and to encourage movement between the neighborhood and the rest of the City. Having good pedestrian and multi-modal connections will enhance the neighborhood by providing greater access for Lewisburg residents to commercial and recreational areas of the City in a safer and more attractive manner. Further, an important figure in Covington's history, Charles Zimmer, is from Lewisburg. He has been affectionately referred to as "Mr. Lewisburg", and providing an enhanced multi-modal connection at 9<sup>th</sup> Street, Pike Street, and 12<sup>th</sup> Street that is named after him will highlight his importance to Covington and Lewisburg History. Charles Zimmer lived and worked



in Lewisburg and owned and operated a hardware store in the 500 Block of Pike Street. A renewed connection along 9<sup>th</sup> Street, Pike Street, and 12<sup>th</sup> Street would once again connect the historic homes of the Zimmer Family in Lewisburg to the building that still retains their name, Zimmer Hardware. The paths should be multi-modal with sufficient distance from the road to allow for both pedestrian and bicycle traffic that is safely separated from automobile traffic, and it should also include improved and attractive lighting, landscaping, and other amenities to make the connection between Lewisburg and the rest of Covington more inviting. A short biography of Charles Zimmer, provided by the Kenton County Library, is attached.

5. Gateway at the 1200 Block of Pike Street on the east side of the road: The highway project has created disinvestment in Lewisburg and has created a lack of place and significance as one enters Covington on Pike Street/Dixie Highway. Providing a landscaped entrance with an attractive Covington and Lewisburg identification would improve the experience of entering Covington and enhance the Lewisburg National Register Historic District.

An extremely important asset to Covington and the greater Cincinnati Region is Devou Park. Devou Park is an important 700 acre recreational, historic, and cultural asset in the region. In 1910 the area was donated to the City of Covington by the Devou family for public park use. The park hosts a golf course that dates back to 1922, with a WPA era band shell; a museum that hosts historic displays of Northern Kentucky; and a tennis court that from the 1920's to the 1940's hosted the Ohio Valley Tennis Tournament, precursor of the Western Open and ATP Tournament now held in Mason, Ohio. The current design of the highway will cut off a major access point into Devou Park for Lewisburg historic district residents and visitors from the Greater Cincinnati region. It will also compromise residents' ability to easily access their homes and their use of the park. In order to mitigate these adverse effects to an important historic neighborhood and recreational resource for Covington and the Greater Cincinnati region, but especially for Lewisburg residents, the City is proposing the following measures:

1. Demolish non-contributing buildings along the one-way Montague Road as well as take current vacant parcels and convert them into off street parking in order to allow Montague to facilitate two-way access into Lewisburg and the Devou Park, consistent with the Devou Park Master Plan, adopted by the City in 2008. Providing additional off street parking in Lewisburg will be a necessity in order to provide continued access to the neighborhood and to Devou Park for residents and visitors.
2. Enhance the gateways and access to Devou Park by making improvements at Quarry and Lewis Street for off street parking, making it safer and easier for traffic circulation and access for residents to their homes and to Devou Park.
3. Provide wayfinding signage at Montague Road and Pike Street directing residents and visitors to the Lewisburg neighborhood and Devou Park. Since the current and most prominent access point at Pike Street and Lewis Street will be eliminated by the bridge

project, Lewisburg residents and visitors to Devou Park will need signs directing them along the new access points into the neighborhood and the park.

The City of Covington requests that these mitigation measures be given serious consideration and implemented for the Section 106 mitigation of adverse impact to the Lewisburg National Register Historic District caused by the bridge project. The disinvestment, separation, and limited access that the original I/75 highway project has caused to the Lewisburg neighborhood will cause further deterioration without this mitigation.

Please let me know if you have any questions or need any additional information.

As always, your time and attention is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Larry Klein".

Larry Klein  
City Manager  
City of Covington, Kentucky

c: Bernadette Dupont Federal Highway Administration-Kentucky Division