

PROGRAMMATIC AGREEMENT

**Among the
FEDERAL HIGHWAY ADMINISTRATION,
the OHIO DEPARTMENT OF TRANSPORTATION,
the KENTUCKY TRANSPORTATION CABINET,
the OHIO STATE HISTORIC PRESERVATION OFFICER,
the KENTUCKY STATE HISTORIC PRESERVATION OFFICER,
and the CITY OF COVINGTON**

**Implementing Section 106 of the National Historic Preservation Act for the
Brent Spence Bridge Corridor Project in
Hamilton County, Ohio (HAM-71/75-0.00/0.22, PID 89068) and
Kenton County, Kentucky (KYTC Item Number 6-17.00)**

THIS Programmatic Agreement, hereinafter “PA”, is made as of the date of the last signature below “Effective Date” by and between the U.S. Department of Transportation’s Federal Highway Administration hereinafter referred to as “FHWA”, having the address of 200 North High Street, Columbus, Ohio 43215, the State of Ohio Department of Transportation hereinafter referred to as “ODOT”, having the address of 1980 West Broad Street, Columbus, Ohio 43223, the Kentucky Transportation Cabinet hereinafter referred to as “KYTC”, having the address of 200 Mero Street, Frankfort, Kentucky 40622, and Ohio’s State Historic Preservation Office hereinafter referred to as “OH SHPO”, having the address of 800 East 17th Avenue, Columbus, Ohio 43211, and the Kentucky State Historic Preservation Office hereinafter referred to as “KY SHPO”, having that address of 410 High Street, Frankfort, KY 40601; and herein referred to individually as the “Party” or “Signatory Party” or collectively as the “Parties” or “Signatory Parties”.

WHEREAS, FHWA, with ODOT and KYTC as its agents, propose the Brent Spence Bridge Corridor Project (Project); and

WHEREAS, the Project consists of reconstructing a 7.8-mile segment of Interstate 71 (I-71) and Interstate 75 (I-75) from north of the Western Hills Viaduct (WHV) in Ohio to south of Dixie Highway in Kentucky, to rehabilitate the existing Brent Spence Bridge, and to build a new companion bridge west of the existing Brent Spence Bridge spanning the Ohio River between Hamilton County, Ohio and Kenton County, Kentucky; and

WHEREAS, FHWA has determined that the Project is an undertaking, as defined in 36 C.F.R. 800.16(y), and thus is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800 as amended; and

WHEREAS, FHWA is the lead agency for purposes of ensuring that the Project complies with Section 106 of the NHPA, as amended, and codified in its implementing regulations, 36 C.F.R. Part 800, as amended (August 5, 2004); and

WHEREAS, the United States Coast Guard (USCG) reviews and approves locations and clearances of bridges and causeways in or over navigable waters consistent with the General Bridge Act of 1946 (33 U.S.C. §§ 525-533) and this approval is considered an undertaking by the USCG and thus subject to review under Section 106; and

WHEREAS, the United States Army Corps of Engineers (USACE) receives and considers applications for permits under Section 14 of the Rivers and Harbors Act of 1899 (Section 408 as amended and codified under 33 U.S.C. § 408) and Section 404 of the Clean Water Act (Section 404) (33 U.S.C. § 1251 et seq.) and the USACE has determined the activities that require authorizations under these statutes are an undertaking and therefore subject to Section 106; and

WHEREAS, USCG and USACE agreed that FHWA will be the lead federal agency for purposes of Section 106 in accordance with 36 C.F.R. 800.2(a)(2); and

WHEREAS, adverse effects of this undertaking were previously coordinated under two separate Memoranda of Agreement (MOA): *The Memorandum of Agreement Between the Federal Highway Administration, The Ohio Department of Transportation, and the Ohio State Historic Preservation Office Regarding the Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, PID 89068, Hamilton County 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 No. 16829) (2012, amended in 2017 and 2022) and the Memorandum of Agreement (MOA) Among The Federal Highway Administration, the Kentucky State Historic Preservation Officer, with Concurrence by the Kentucky Transportation Cabinet and the City of Covington, Kentucky Regarding the Brent Spence Bridge Replacement/Rehabilitation Project Hamilton County, Ohio and Kenton County, Kentucky KYTC Item # 6-17.00 and the Adverse Effect to the Lewisburg Historic District, Listed on the National Register of Historic Places (NRHP 93001165) Covington, Kentucky (2012, revised in 2023); and*

WHEREAS, both ODOT and KYTC have separate statewide Section 106 Programmatic Agreements with FHWA, ACHP, and their respective SHPOs for the implementation of the federal-aid highway program in their states (*Programmatic Agreement Among the Federal Highway Administration, The Advisory Council on Historic Preservation, Ohio's State Historic Preservation Office, and the State of Ohio, Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Ohio (Agreement No. 38503), executed June 29, 2023*) and (*Programmatic Agreement Among the Federal Highway Administration, Kentucky Transportation Cabinet, Kentucky State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Section 106 of the National Historic Preservation Act for Federally Funded Road Projects in the Commonwealth of Kentucky, executed June 2, 2011*); and

WHEREAS, based on consultation with the Advisory Council on Historic Preservation (ACHP), and in accordance with 36 C.F.R. § 800.14(b)(3), the mitigation of the adverse effects of the

undertaking on historic properties, previously coordinated in the aforementioned separate MOAs, will be combined into one project-level Section 106 Programmatic Agreement (PA); and

WHEREAS, the Project may be implemented in construction phases, yet to be fully defined, and although this PA reflects evaluation of the entire defined Project, certain commitments may require phased implementation; and

WHEREAS, FHWA, with ODOT and KYTC as its agents, has initiated consultation pursuant to 36 C.F.R. 800.3(c) with Ohio's State Historic Preservation Office (OH SHPO) and the Kentucky State Historic Preservation Office (KY SHPO), and the term "SHPO" hereinafter is used to refer to both state offices when one is not specified; and

WHEREAS, FHWA, with ODOT and KYTC as its agents, has established and updated the Area of Potential Effects (APE) for the project as shown in Exhibit 1, encompassing the corridor project limits as described above, including areas of direct limits of disturbance, inclusive of all project elements with the potential to affect historic properties, such as identified natural resource and park mitigation sites, and a sufficient buffer for audible and visual effects where they may be likely to occur; and

WHEREAS, FHWA has elected to phase the identification, evaluation, and effects assessment of certain portions of the APE and historic properties where unavailability of access or design information precluded such identification, evaluation, and assessment, as provided in 36 C.F.R. 800.4(b)(2) and 800.5(a)(3); and

WHEREAS, the 2012 EA/FONSI documented the following commitments for archaeology in Kentucky, as stipulated in the KY MOA "*Memorandum of Agreement (MOA) Among the Federal Highway Administration, The Kentucky State Historic Preservation Officer, with Concurrence by the Kentucky Transportation Cabinet and the City of Covington, Kentucky, Regarding the Brent Spence Bridge Replacement/Rehabilitation Project, Hamilton County, Ohio and Kenton County, Kentucky, KYTC Item # 6-17.00 and the Adverse Effect to the Lewisburg Historic District, Listed on the National Register of Historic Places (NRHP 93001165), Covington, Kentucky*" executed on June 27, 2012: Phase I archaeological survey would be completed on 26 individual parcels that could not be previously accessed, due to lack of landowner permission; archaeological monitoring would be conducted during construction on 19 parcels that were inaccessible because of the presence of parking lots, sidewalks, or other impediments; and geo-archaeological deep testing at Site 15KE160 would be conducted to assess the potential for deeply buried cultural deposits at the site. Prior to deep testing, a plan would be developed and provided to KY SHPO for review and comment, stipulating the number, location, and depth of the trenching; and

WHEREAS, the refinements incorporated into Preferred Alternative I (Concept I-W) resulted in avoidance or minimizing project impacts, which reduced the number of parcels requiring Phase I survey from 26 to 4. KYTC prepared a *Phase I Cultural Resources Investigation* for the 4 parcels in September 2022. In addition, deep testing was performed for Site 15KE160. No new

archaeological sites were identified. Therefore, KY SHPO concurred with a finding of “No Historic Properties Affected” on October 12, 2022; and

WHEREAS, the refinements incorporated into Preferred Alternative I (Concept I-W) resulted in avoidance or minimizing project impacts, which reduced the number of parcels requiring archaeological monitoring during construction from 19 to 1 parcel. This parcel is occupied by parking lots for the Kenton County Government Center. A Phased Archaeological Survey will be conducted once this property is acquired in lieu of monitoring during construction. KY SHPO concurred with this recommendation on April 24, 2023; and

WHEREAS, the 2012 EA/FONSI documented the Ohio portion of the Project contained no potential for intact archaeological resources due to extensive highway construction and/or sequential urban development and redevelopment, with several exceptions; residential lots associated with the West McMicken Street Historic District would merit archaeological testing for stratified late 19th century deposits if the Single Point Urban Interchange (SPU) at the WHV was chosen; the 1920s Cincinnati subway tunnel would require evaluation for listing in the National Register of Historic Places (NRHP) if impacted by construction; soil and geotechnical borings conducted during the design phase in the river bottom area would be monitored and/or reviewed by an archaeologist or geoarchaeologist for evidence of buried archaeological deposits and/or undisturbed original landforms and, if either are determined to be present, an archaeological testing strategy would be designed and implemented for the horizontal and vertical footprint of the bridge supports and construction work limits; and

WHEREAS, the refinements have led to the development of a new NEPA document under preparation “*Brent Spence Bridge Corridor Project, Supplemental Environmental Assessment, ODOT PID 89068 | KYTC PROJECT ITEM NO. 6-17*”, which assesses revised regulatory requirements, changed site conditions, design refinements, impact changes, and additional coordination efforts that have occurred since the 2012EA/FONSI; and

WHEREAS, the refinements incorporated into Preferred Alternative I (Concept I-W) within Ohio resulted in avoidance or minimizing project impacts. The SPU interchange design at the WHV was not selected, and the West McMicken Street Historic District will not be affected by the Refined Alternative I (Concept I-W). ODOT has committed to including a plan note to avoid the Cincinnati subway tunnels and portal in the construction plans. Furthermore, ODOT has committed to monitoring and/or reviewing soil and geotechnical borings in the Ohio River bottom area for evidence of buried archaeological deposits and/or undisturbed original landforms. These commitments are documented in a letter sent by ODOT to the OH SHPO on August 30, 2022; and

WHEREAS, the 2012 EA/FONSI documented “no adverse effect” for the WHV by the Project. The City of Cincinnati has since developed a stand-alone project to replace the WHV, and the Project will no longer cause effects to the WHV; and

WHEREAS, FHWA, with ODOT and KYTC as its agents, will ensure any necessary additional identification, evaluation, and assessment is completed in a timely manner prior to final design

and construction, to allow for meaningful consultation and practical opportunities to avoid, minimize, or mitigate for any potential adverse effects to historic properties; and

WHEREAS, FHWA, with ODOT and KYTC as its agents, pursuant to 36 C.F.R 800.2(d) have sought and considered the views of the public regarding the Project's effects on historic properties by providing notice and information in following its public involvement procedures under the National Environmental Policy Act (NEPA); and

WHEREAS, FHWA, with ODOT and KYTC as its agents, have determined the Project will have an adverse effect on the B&O Freight and Storage Building/Longworth Hall, listed in the NRHP (NRHP 86003521) and located at 700 Pete Rose Way (Second Street), Cincinnati, Ohio, and on the Lewisburg Historic District, listed in the NRHP (NRHP 93001165) and located in Covington, Kentucky; and

WHEREAS, FHWA, with ODOT and KYTC as its agents, acknowledge the Deed of Gift and Agreement for the Architectural Façade and Preservation Easement, dated December 30, 1986, granting Miami Purchase Association for Historic Preservation now known as Cincinnati Preservation Association an architectural façade and preservation easement of the B&O Freight and Storage Building/Longworth Hall, 700 Pete Rose Way (Second Street) (NRHP 86003521), and

WHEREAS, FHWA, with ODOT and KYTC as its agents, sent a Section 106 consultation letter describing the Project, the archaeological investigations completed, and additional planned investigations on November 21, 2022 (Exhibit 2), have consulted with federally recognized Indian Tribes, hereinafter referred to as the "Indian Tribes", the Absentee Shawnee Tribe of Oklahoma, Cherokee Nation, Delaware Tribe of Oklahoma, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, Miami Tribe of Oklahoma, Osage Nation, Peoria Tribe of Indians of Oklahoma, Pokagon Band of Potawatomi, Seneca Nation of Indians, The Shawnee Tribe, United Keetoowah Band of Cherokee Indians, and Wyandotte Nation; provided them with opportunities to participate in the Section 106 process; and on November 29, 2022, the Miami Tribe of Oklahoma accepted FHWA's invitation to become a consulting party and expressed no objection to the project; and on December 19, 2022 the Cherokee Nation did not foresee the project imparting impacts to Cherokee cultural resources at that time; and on December 29, 2022, the Eastern Shawnee Tribe concluded that the project proposes no adverse effect or endangerment to known sites of interest to the Eastern Shawnee Tribe; and on April 28, 2023, the Osage Nation requested a project update and on May 16, 2023, FHWA and ODOT provided a detailed project summary and update to date; (Exhibit 2); and

WHEREAS, the City of Covington is an Invited Signatory to this PA pursuant to 36 C.F.R. 800.6(c)(2); and

WHEREAS, FHWA, with ODOT and KYTC as its agents, have invited the Consulting Parties listed in Exhibit 2 to participate in consultation on the Project, based on their relationship to specific actions as specified in this PA, or interest in historic properties affected by the project, and provided them with opportunities to participate in the Section 106 process; and

WHEREAS, FHWA, with ODOT and KYTC as its agents, will continue to consult with the appropriate SHPO and Consulting Parties under the terms of this PA as needed to identify historic properties, assess the effects of the Project on historic properties, and, if necessary, resolve adverse effects to historic properties; and

WHEREAS, the Consulting Parties are invited to sign this PA as Concurring Parties pursuant to 36 C.F.R. 800.6(c)(2); and

WHEREAS, FHWA, with ODOT and KYTC as its agents, pursuant to 36 C.F.R. 800.6(a)(1)(i)(C), initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP), and the ACHP has chosen *not* to participate in the consultation pursuant to 36 C.F.R. 800.6(a)(1)(iii); and

NOW, THEREFORE, FHWA, ODOT, KYTC, OH SHPO, the KY SHPO, and the City of Covington (hereinafter “Signatories”) agree that the Project will be implemented in accordance with the following Stipulations to take into account the effect of the Project on historic properties and agree that these Stipulations will govern compliance of the Project with Section 106 of the NHPA until this PA expires or is terminated.

STIPULATIONS

I. Roles and Responsibilities

- A. FHWA is the lead federal agency and is responsible for ensuring the terms of this PA are carried out.
- B. In Ohio, ODOT is delegated authority by FHWA under this PA and the Statewide PA (*Programmatic Agreement Among the Federal Highway Administration, The Advisory Council on Historic Preservation, Ohio's State Historic Preservation Office, and the State of Ohio, Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Ohio* (Agreement No. 38503), executed June 29, 2023, to continue defined aspects of consultation, project compliance review, and mitigation implementation. ODOT will be primarily responsible for implementation of this PA in Ohio except where otherwise specified.
- C. In Kentucky, KYTC is delegated authority by FHWA under this PA and the Statewide PA (*Programmatic Agreement Among the Federal Highway Administration, Kentucky Transportation Cabinet, Kentucky State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Section 106 of the National Historic Preservation Act for Federally Funded Road Projects in the Commonwealth of Kentucky*, executed June 2, 2011) to continue defined aspects of consultation, project compliance review, and mitigation implementation. KYTC will be primarily responsible for implementation of this PA in Kentucky except where otherwise specified.
- D. The OH SHPO has jurisdiction as established in the NHPA for historic properties in Ohio.
- E. The KY SHPO has jurisdiction as established in the NHPA for historic properties in Kentucky.
- F. Consulting Parties listed in Exhibit 2 have been consulted by ODOT and KYTC during the Section 106 process. Concurrence with the PA by a party does not necessarily indicate that the party supports the Project, the Preferred Alternative, or all stipulations of this PA, but rather indicates the desire of such party to acknowledge consultation and/or remain involved in implementation of specific terms of this PA.

II. Professional Standards

- A. Guidelines, standards and regulations relevant to this PA and its purposes are listed below. Additionally, it is the intention of the Signatories to interpret this PA to incorporate any subsequent standards, revisions of standards, or applicable guidance issued by the Secretary of the Interior, ACHP, OH SHPO, or KY SHPO as then in force during this PA.

1. 36 C.F.R. Part 800: Protection of Historic Properties, as amended (2022);
2. 36 C.F.R. Part 68, The Secretary of the Interior’s Standards for the Treatment of Historic Properties, hereinafter referred to as the “Secretary’s Standards”;
3. Secretary of the Interior’s *Standards and Guidelines for Archeology and Historic Preservation* (1983);
4. Secretary of the Interior’s Professional Qualifications Standards (48 Fed. Reg. 44738-39, September 29, 1983);
5. Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (ACHP February 2007);
6. National Register of Historic Places Bulletin 15, How to Apply the National Register Criteria for Evaluation (National Park Service revised 1997);
7. *Archaeology Guidelines*, Ohio History Connection, State Historic Preservation Office (2022);
8. Ohio Revised Code Section 149.53: Archaeological and historic survey and salvage work;
9. ODOT’s *Cultural Resources Manual* (2012) or its successors; and
10. Kentucky Guidelines: *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports*; most recent version from the Kentucky State Historic Preservation Office, hereinafter referred to as KY SHPO Specifications;
11. KY SHPO’s February 12, 2020 MEMORANDUM - Update to State Level Documentation (https://heritage.ky.gov/Documents/OfficialSLDUpdate_2-12-2020.pdf);

III. Agreed Upon Commitments

A. Commitments - Ohio

1. General Cultural Resources Commitments

- a. The OH SHPO and Ohio Consulting Parties will be given an opportunity to review and comment on final design plans.

2. Architectural Properties

- a. B&O Freight and Storage Building/Longworth Hall - ODOT has proposed mitigation measures commensurate with the level of adverse effect to the B&O Freight and Storage Building/Longworth Hall, listed in the NRHP (NRHP 86003521) and located at 700 Pete Rose Way (Second Street), Cincinnati, Ohio. These mitigation measures have been developed in consultation with the OH SHPO and the Consulting Parties in consideration of the features and attributes that make the historic property eligible for listing in the NRHP. FHWA, with ODOT as its agent, will ensure the following mitigation measures are carried out as environmental commitments and as plan notes where applicable.
 - i. Treatment Plans - The treatment plans shall be developed in accordance with 36 C.F.R. Part 68, The Secretary of the Interior's Standards for the Treatment of Historic Properties, hereinafter referred to as the "Secretary's Standards." The plans will be developed during Phase 1: Preconstruction Phase of the Progressive Design Build Contract currently estimated for completion by April 2025. The OH SHPO, the building owner, and Cincinnati Preservation Association shall be provided the treatment plans for a 30-day review and comment period.
 - 1) Exterior Storm Windows - Storm windows will be installed on the exterior of the building.
 - 2) Restoration of the East Wall - Restoration of the east wall will be to an approximation of its original appearance and will include materials salvaged during demolition.
 - 3) Windows Removed to Accommodate the New Roadway Construction - Windows, removed to accommodate the new roadway construction, will be restored, and used in the east wall reconstruction. Windows, removed and not used in the east wall reconstruction, will be restored, and returned to the owner.
 - 4) Commemorative Cornerstone - A cornerstone, commemorating the date of construction (1904) on one side, and the date of the renovation on the other side, will be included in the east wall reconstruction design.

- 5) Masonry Repairs - Masonry repairs will include repair or replacement of bricks as warranted; tuck-pointing; and brick cleaning of west, north and south walls.
 - 6) Original Lettering - The original lettering across the top of the building will be refurbished.
 - 7) All Materials Removed - All materials removed, that retain historic integrity and nature, will be returned to the building owner to be used in future repairs or expansion.
- ii. Interpretive Plaque or Signage - Interpretive plaque or signage will be constructed.
- 1) The original location of the east wall, prior to the rehabilitation/construction of the Brent Spence Bridge, will be outlined by bricks and stonework.
 - 2) An interpretive plaque, describing changes to the property that have occurred overtime, will be placed near the original location of the east end wall.
- iii. Contracting Methods - ODOT will hold the and manage the contract(s) for all work conducted in 3.A.2.b.i-ii. The demolition and reconstruction of Longworth Hall will be performed in accordance with Section 13.3 of Exhibit E: Technical Requirements of the Progressive Design-Build Contract, as described in Appendix C. The interpretive plaque or signage will be constructed in accordance with Section 7.1 of Exhibit E: Technical Requirements of the Progressive Design-Build Contract, as described in Appendix C.
- iv. Acquisition - ODOT is in the process of acquiring the full property at a mutually agreed upon price and from a willing seller. Because the full property is to be acquired by ODOT, the following additional stipulations apply.
- 1) The building will remain occupied. ODOT may use interior space or the exterior grounds surrounding the building during project construction. No additional adverse effects are anticipated as a result of ODOT's use of the building or exterior grounds; however, if any activities on the property are anticipated to have potential adverse effects, they shall be permitted only after consultation between ODOT, CPA, and the OH SHPO pursuant to Stipulation V;

- 2) The existing Deed of Gift and Agreement for the Architectural Façade and Preservation Easement, dated December 30, 1986, granting Miami Purchase Association for Historic Preservation now known as Cincinnati Preservation Association an architectural façade and preservation easement of the B&O Freight and Storage Building/Longworth Hall, 700 Pete Rose Way (Second Street) (NRHP 86003521) will remain with the deed for any future sale of the property by ODOT and thus transferred to future potential owners in perpetuity.

3. Archaeology

- a. The Cincinnati Subway Tunnels and Portals - A plan note to avoid the 1920s Cincinnati subway tunnels (below-ground) and the Western Hills Viaduct subway tunnel portals (above-ground) will be included in the construction plans for the project.
- b. Soil and geotechnical borings conducted during the design phase in the Ohio River bottom area will 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 will be designed and implemented for the horizontal and vertical footprint of the bridge supports and construction work limits.

B. Commitments - Kentucky

1. Architectural Properties

a. Recordation

- i. In order to preserve a record of its history and appearance, the structures within the Lewisburg Historic District to be demolished as a part of this project, will be recorded. Recordation will take place as soon as the properties have been acquired and well in advance of construction in this area; documentation of these structures, barring unforeseen circumstance, will take less than four months to complete. State Level I Documentation is specified and will include the following, per the KY SHPO's February 12, 2020 MEMORANDUM - Update to State Level Documentation:

- 1) A Kentucky Historic Resource Individual Survey form (KHC 2017-1 or current version of form), completed or updated as appropriate.

- 2) A historic context, a synthesis of both archival research and current information, presented both as part of the documentation package as well as included in the “Historical Information” section of the KY SHPO survey form in order to facilitate the separate archiving of these documents. Archival research, thorough but less intensive than a stand-alone historic context, shall be conducted to gather specific historical information about the property and its context with sources cited. If historic archival images are located, please include a representative sample or link to that resource.
- 3) Digital photographs showing all exterior elevations as well as close-ups of significant, character-defining features (i.e., brackets, hood moldings, decorative millwork, log notching/chinking, traditional timber frame joinery/truss systems, mantels, historic hardware/lighting, interior finishes, and/or stair details). Image resolution shall be no less than 6 megapixels (2000 x 3000-pixel image). Images should be in Tag Image File format (TIFF) or RAW format. The electronic files of the digital images should be included on an archival DVD-R disk and a flash drive submitted with the documentation package. Electronic files shall be labeled with the name and address of the building (if applicable), the Kentucky Heritage Council (KHC) survey number, view, and date of capture. In addition, all digital photographs will be included in the KHC survey form. A selection of images shall be printed on archival quality, acid-free paper (rather than as true photographic prints) at a minimum size of 5” x 7” (maximum size of 8 x 10”). These images shall be presented in the documentation package along with an index of photographs keyed to numbered photos. The photography index shall include the name and address of building (if applicable), view, and any explanatory notes necessary for review.
- 4) Measured floor plans of each floor of the building will be prepared by the Preservation Professional. Existing professional scaled drawings/building plans will be utilized whenever possible and presented in a .pdf format along with a hard copy of the existing plans. If existing drawings/plans are not available, will not meet the format recommended below, or parties otherwise agree that drawings/plans need to be prepared, drawings shall be created at a scale of ¼” per 1’-0” and shall be analytical in nature, labeling construction details, alterations, and additions. If applicable, drawings of building details (windows, moldings, mantels, etc.) shall be created at a scale of ½” per 1’-0”. Hand drawings shall be in pencil on archival-quality, acid-free vellum; however, if other formats are used (i.e., 3-dimensional laser

scanning/photogrammetry or Computer-Aided Design/CAD) the scale shall be comparable to that of the hand drawings. The latter native digital plans shall be presented in .pdf format along with a hard copy set of plans. Each drawing / image file shall be labeled as described in 1(c) above and shall be accompanied by a written description of the building(s) as well as an explanation of construction details.

- 5) One complete digital copy of the completed documentation will be submitted by the KYTC to the KY SHPO for review and acceptance. Upon notification of KY SHPO acceptance, the KYTC will provide one complete hard copy to the Kenton County Public Library. One complete digital copy will also be provided to the Kentucky Department for Libraries and Archives by KYTC.
- ii. Upon completion of the Project, KYTC shall prepare and provide to KY SHPO, documentation of appropriate boundaries for the Lewisburg Historic District. Once agreement is reached on appropriate boundaries, KYTC shall prepare a revised nomination form reflecting the newly established boundaries and submit it to KY SHPO for coordination with the Keeper of the NRHP.
 - iii. Upon completion of construction of the Project, KYTC shall prepare a Kentucky Historic Resource Individual Survey form (KHC 2017-1 or current version of form) for each of the properties located within the Lewisburg Historic District. A new survey form is required if more than 5 years have lapsed since the survey form was updated. These survey forms will be submitted to the KY SHPO in .pdf format.
- b. Façade Grant Program
- i. A Façade Grant Program administered by the City of Covington will be developed and implemented to improve and rehabilitate the façade of residential and commercial properties within the Lewisburg Historic District. Specific details of the program, including additional funding sources, review authority, owner matching funds, program marketing, and timeframes for approval and completion of projects will be determined through consultation between KYTC, the City of Covington, KY SHPO, and FHWA. Consultation between these listed parties will take place after this PA has been signed and after project funds have been released by FHWA. Details for administering the program, including oversight, selection criteria, monitoring, and tracking and reporting of completions and expenditures will be delineated in a separate MOA developed for this purpose and agreed upon between the parties listed above.
 - ii. The Façade Grant Program will be provided with project funding in an

amount not to exceed \$1,200,000.00 for property improvements. The FHWA participation will terminate ten years from the date of program implementation.

c. Vibration Testing

- i. To avoid damage to historic properties, the KYTC shall ensure that construction blasting/vibration plans and bridge pier construction plans shall be developed by their contractor(s) prior to beginning any construction activities that would require blasting or result in vibration. These construction blasting/vibration plans shall be implemented during appropriate construction activities. Maximum threshold values for historic properties that the plan must meet are shown in Table 1 below. The values are presented in terms of peak particle velocity (PPV), the accepted method of evaluating the potential for damage. The vibration criteria shall apply for pile driving, vibratory compaction, and blasting activities.

Table 1 - PPV Thresholds

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

- ii. The KYTC shall discuss with the KY SHPO the protective measures to be used by the Contractor to protect historic resources from vibration damage. The KYTC shall seek the recommendations of the KY SHPO regarding any additional properties not identified by the Contractor that should be considered Extremely Fragile.
 - 1) These plans shall be developed, as directed by the contract documents, for all areas within 100' of the potential disturb limits that contain historic structures.
 - 2) Existing conditions of historic structures and current levels of vibration within the selected areas will be obtained first as a baseline for later comparison. Structural engineers will focus on identifying fragile and extremely fragile historic structures. In areas where historic structures are identified but they are not considered either fragile or extremely fragile, vibration levels will be limited to 0.20 in/sec. An initial report of baseline conditions, including structures selected for monitoring and existing vibration levels, will be compiled and coordinated with KY SHPO for review.

- 3) Construction methods adjacent to selected areas will be assessed to determine the potential to create vibration levels that may exceed the threshold limits. In areas where construction methods may exceed vibration threshold limits, alternate methods will be required.
- 4) A third-party contractor will be retained to monitor vibrations and report results on site to the contractor and the KYTC resident engineer. If continuous vibration levels exceed the 0.20 threshold, the vibration equipment monitor shall notify the resident engineer and the construction contractor so that methods can be adjusted to reduce the vibration. If continuous vibration levels exceed 0.20 in/sec. after adjustments have been made, work will need to cease in the area until different methods can be put in place to lessen vibration impacts.
- 5) As construction activities will be continuously monitored to ensure that vibration limits remain below the threshold noted above, the need for daily inspection of adjacent buildings is not anticipated. However, if any transient event occurs that is in excess of 0.50 in/sec, a cursory examination of buildings in the area will be made to check for potential damages.
- 6) Monitoring will occur when active construction activities are adjacent to selected areas. As construction activities are expected to move from location to location or may occur adjacent to multiple areas at once, all selected areas will not be continuously monitored, especially if no construction activities are occurring adjacent.
- 7) At least one examination of structures in each area selected for vibration monitoring will be made during construction, and a post-construction final inspection will be made of each area to determine if there have been any changes to the condition of the buildings. A comparison of pre-, mid-, and post-construction building condition assessments will be compiled in a report and submitted to the KY SHPO for review.
- 8) The KYTC in consultation with KY SHPO will make the determination whether damage has occurred to historic properties identified in the Section 106 process as a result of Project activities.
- 9) The KYTC shall be responsible for repair of any blast and vibration damage to historic properties. Any repairs shall be coordinated in advance with the KY SHPO to ensure they are carried out in

accordance with the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards).

10) Where access to privately owned property is necessary for monitoring or damage repair, consent shall be obtained prior to entry.

2. Archaeological Resources

The FHWA shall ensure that the following archaeological work required by this PA is carried out by in accordance with the KY SHPO policies and procedures:

- a. A Phased Archaeological Survey will be conducted on one parcel (Exhibit 1). This parcel is occupied by parking lots for the adjacent Kenton County Administration Building. Once this parcel is acquired, a Phase I archaeological survey shall be conducted prior to the initiation of any ground disturbing activities, such as utility relocation or construction, to determine if the parcel contains archaeological sites that are eligible for listing in the NRHP. All work must comply with the most recent version of KY SHPO Specifications. Upon completion of the survey, a report shall be prepared in accordance with KY SHPO Specifications and shall be submitted by the FHWA, with KYTC as its agent, to the KY SHPO and interested Indian Tribes for review and comment.
- b. Any sites determined to be eligible for the NRHP through Phase II testing that cannot be avoided and will be impacted by the Project, then FHWA will consult with the KY SHPO and other parties whom the FHWA deems appropriate and develop a research design and recovery plan (Plan) in conformance with the KY SHPO Specifications. The Plan will be submitted to the KY SHPO for review and comment. Unless the KY SHPO comments or objects within thirty (30) days of receiving the Plan, The FHWA shall ensure that the Plan is implemented.

IV. Monitoring and Reporting - ODOT and KYTC will notify FHWA, SHPO, and Signatory Parties as stipulations in this PA are fulfilled. Furthermore, FHWA, with ODOT and KYTC as its agents, will report to SHPOs and Signatory Parties on the status of the PA annually, submitted no later than the end of each calendar year.

V. Post-Review Unanticipated Discoveries of Historic Properties - If previously unidentified historic properties, or unanticipated effects on known historic properties, are discovered after completion of the Section 106 process, ODOT and KYTC shall follow unanticipated discovery plans for their respective states located in Appendix A.

VI. Unanticipated Discovery of Human Remains - If previously unidentified human remains are discovered during ground-disturbing activities, such as monitoring, testing, and construction, ODOT and/or KYTC shall implement the discovery plan for their respective states included in Appendix B.

VII. Dispute Resolution -

A. Should any Signatory or consulting party to this PA object to any actions proposed or the manner in which the terms of this PA are implemented, the FHWA, with ODOT and/or KYTC as its agents, shall consult with such party to resolve the objection. Agency contact information is included in Exhibit 3 of this PA. If the FHWA, with ODOT and/or KYTC as its agents, determine that such objection cannot be resolved, the FHWA will:

1. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to ACHP. ACHP shall provide FHWA with its comment on the resolution of the objection within 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 ACHP, Signatories and Consulting Parties and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
2. If ACHP does not provide its advice regarding the dispute within the 30-day 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 Consulting Parties to the PA and provide them and ACHP with a copy of such written response.
3. In the case of objections related to NRHP eligibility, any Signatory may object in writing within 30 days. If ODOT and/or KYTC and FHWA are unwilling to revise the determination in response to the objection or other relevant information, FHWA, with ODOT and/or KYTC as its agent, will submit the determination to the Keeper of the NRHP for a determination pursuant to 36 C.F.R. Part 63.

VIII. Amendments - Any Signatory to this PA may request that it be amended, whereupon the Signatories will consult in accordance with 36 C.F.R. 800.14 to consider such an amendment. This PA 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 ACHP.

IX. Termination - If any Signatory Party to this PA determines their responsibilities under this PA will not or cannot be carried out, that party shall immediately consult with the other Signatory Parties to attempt to develop an amendment pursuant to Stipulation VIII, above. If within 30 calendar days an amendment cannot be reached, any Signatory Party may terminate the PA upon written notification to the other Signatory Parties. Once the PA is terminated, and prior to work continuing on the undertaking, FHWA, with ODOT and/or KYTC as its agent, must either: (a) consult with the Signatory to execute an alternate agreement pursuant to 36 C.F.R. 800.6; or (b) request, consider, and respond to the

comments of the ACHP in accordance with 36 C.F.R. 800.7(a). FHWA, with ODOT and/or KYTC as its agents, shall notify the signatories as to the course of action they will pursue.

- X. **Duration** - This PA will continue in full force and effect until 20 years from the date of execution of the PA, or such time of final acceptance of the Project and when all terms of this PA have been met, should the terms be met prior to the 20-year expiration. The PA will be invalid if the Project is terminated or authorization for the Project is rescinded. At any time in the six-month period prior to its expiration, the Signatories will consult to consider an extension or amendment of the PA. At such time, the Signatories may consider an amendment to extend the PA unmodified for an additional specified duration or consult to amend the PA in accordance with Stipulation VIII. No extension or amendment will be effective until all Signatories have signed the amendment or amendment to extend.

- XI. **Execution** - Execution of this PA by FHWA, ODOT, KYTC, OH SHPO, KY SHPO, and the City of Covington, and implementation of its terms, is evidence that FHWA, with ODOT and KYTC as its agents, have taken into account the effects of the undertaking on historic properties and afforded the ACHP an opportunity to comment.

[signatures on the following pages]

SIGNATORY
PARTY:

**FHWA OHIO
DIVISION**

**ERIC HOWARD
ROSS**

Digitally signed by ERIC
HOWARD ROSS
Date: 2023.10.20 11:55:44
-04'00'

Eric Ross
Federal Highway
Administration Ohio
Division
200 North High Street, Room 328
Columbus, Ohio 43215
(614) 280-6879
Eric.Ross@dot.gov

Date

SIGNATORY PARTY:

FHWA KENTUCKY DIVISION

TODD A JETER Digitally signed by TODD A JETER
Date: 2023.10.20 10:41:48 -04'00'

10/20/2023

Todd Jeter
Federal Highway Administration
Kentucky Division
John C. Watts Federal Building
330 West Broadway
Frankfort, Kentucky 40601
(502)223-6720
todd.jeter@dot.gov

Date

SIGNATORY PARTY:

OHIO'S STATE HISTORIC PRESERVATION OFFICE

Diana Welling

September 28, 2023

Diana Welling, Department Head, Resource Protection and Review Date

Ohio's State Historic Preservation Office

Ohio History Connection

800 E. 17th Avenue

Columbus, Ohio 43211

614-298-2000

dwelling@ohiohistory.org

SIGNATORY PARTY:

KENTUCKY HERITAGE COUNCIL



10/4/2023

Craig Potts, Director and State Historic Preservation Officer
Kentucky Heritage Council
The Barstow House
410 High Street
Frankfort, KY 40601
(502)892-3601
craig.potts@ky.gov

Date

SIGNATORY PARTY:

OHIO DEPARTMENT OF TRANSPORTATION

Jack Marchbanks-TMH
Jack Marchbanks Ph.D., Director
Ohio Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223
Jack.Marchbanks@dot.ohio.gov


9/21/2023

Date

SIGNATORY PARTY:

KENTUCKY TRANSPORTATION CABINET

DocuSigned by:



9DC832F7B9454E...

9/22/2023

Kentucky Transportation Cabinet Signatory

Date

Jim Gray, Secretary

Office of the Secretary

Kentucky Transportation Cabinet

200 Mero Street

Frankfort, KY 40622

(502) 564-5102

KYTC.OfficeoftheSecretary@ky.gov

APPROVED AS TO FORM AND LEGALITY

KENTUCKY TRANSPORTATION

CABINET

DocuSigned by:



78ED024144D14BD...

9/21/2023

General Counsel

Date

INVITED SIGNATORY:

CITY OF COVINGTON

Joseph U. Meyer

F6A53855FDB66E7D8C259B9D9239B77D

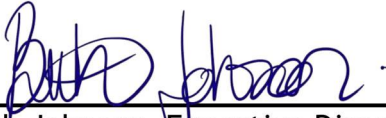
contractworks.

10/17/2023

Joseph U. Meyer
City of Covington, Mayor
20 West Pike Street
Covington, KY 41011
(859)292-2160
jumeyer@covingtonky.gov

Date

CONCURRING PARTY:



9/29/23

Beth Johnson, Executive Director
Cincinnati Preservation Association
Beth.Johnson@cincinnati-preservation.org

Date

CONCURRING PARTY:

Michael Schweitzer
Longworth Hall
mschweitzer@me.com

Date

CONCURRING PARTY:

Chris Griffin, President
West End Community Council

Date

CONCURRING PARTY:



9/25/2023

Gregory Johnson
Chief Executive Officer
Cincinnati Metropolitan Housing
Gregory.Johnson@cintimha.com

Date

CONCURRING PARTY:

Jason Barron, Director
Cincinnati Park Board
Jason.Barron@cincinnati-oh.gov

Date

CONCURRING PARTY:

Eric Olson
Ohio Archaeological Council
Eols.eric@gmail.com

Date

CONCURRING PARTY:

Kenton County Historical Society

Date

CONCURRING PARTY:

Rebecca Weber

Date

ATTACHMENTS

Exhibits

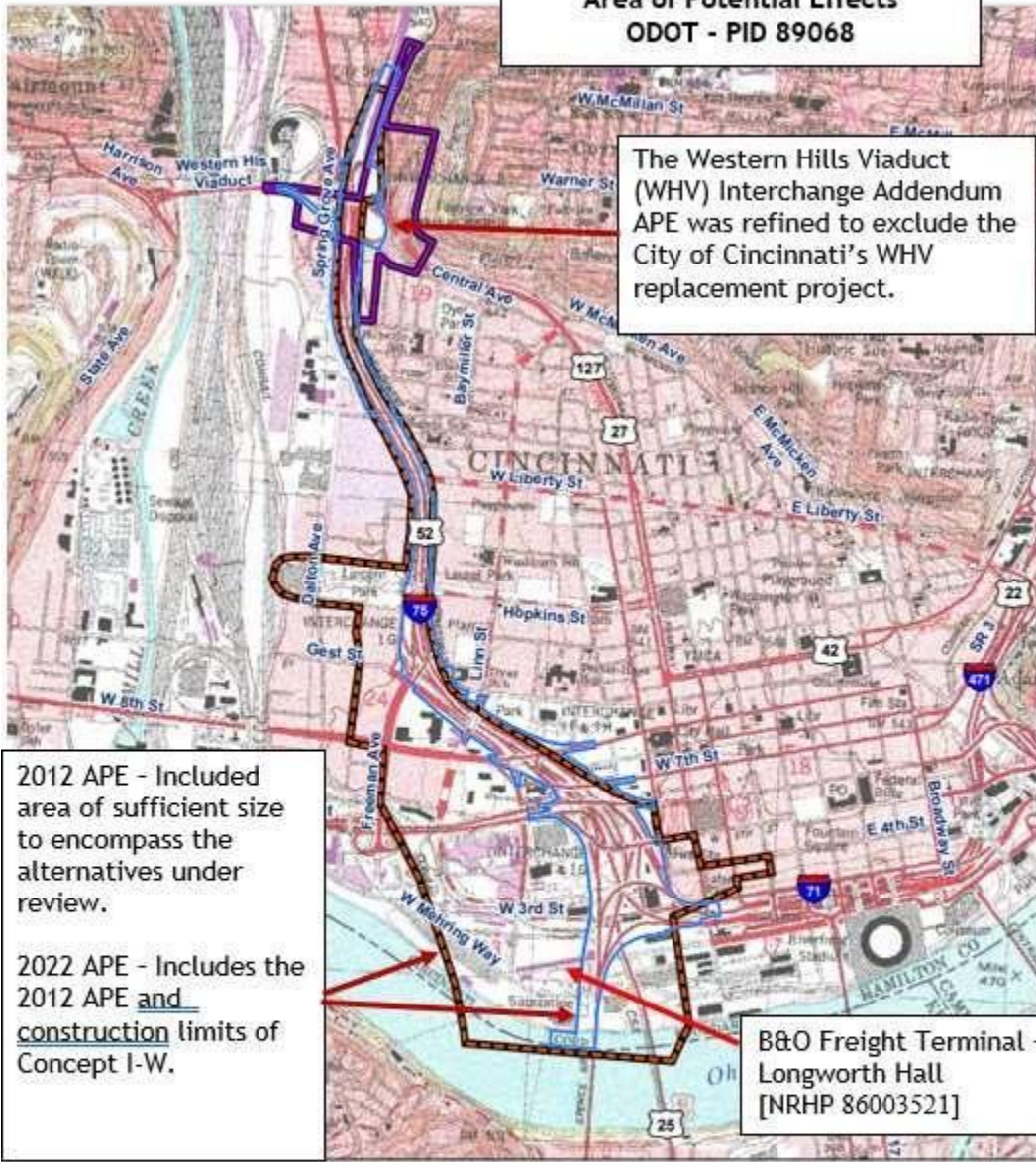
Exhibit 1 - Area of Potential Effects

Exhibit 2 - Section 106 Consulting Parties

Exhibit 3 -List of Contacts

EXHIBIT 1
Area of Potential Effects
ODOT - PID 89068

The Western Hills Viaduct (WHV) Interchange Addendum APE was refined to exclude the City of Cincinnati's WHV replacement project.



2012 APE - Included area of sufficient size to encompass the alternatives under review.

2022 APE - Includes the 2012 APE and construction limits of Concept I-W.

B&O Freight Terminal - Longworth Hall [NRHP 86003521]

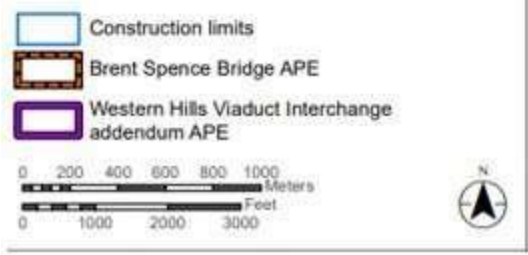


Figure 2
 Portions of the 1961 (photorevised 1981) Cincinnati West, OH and 1981 (photorevised 1987) Covington, KY-OH quadrangles (USGS 7.5' topographic maps) showing the APEs and construction limits for the Brent Spence Bridge Project (HAM-71/75-0.00/0.22; PID 89068).
 Base: USGS Cincinnati West, OH, and Covington, KY-OH, 7.5' series quadrangles

EXHIBIT 1
Area of Potential Effects
ODOT – PID 89068
B&O Freight
Terminal/Longworth Hall

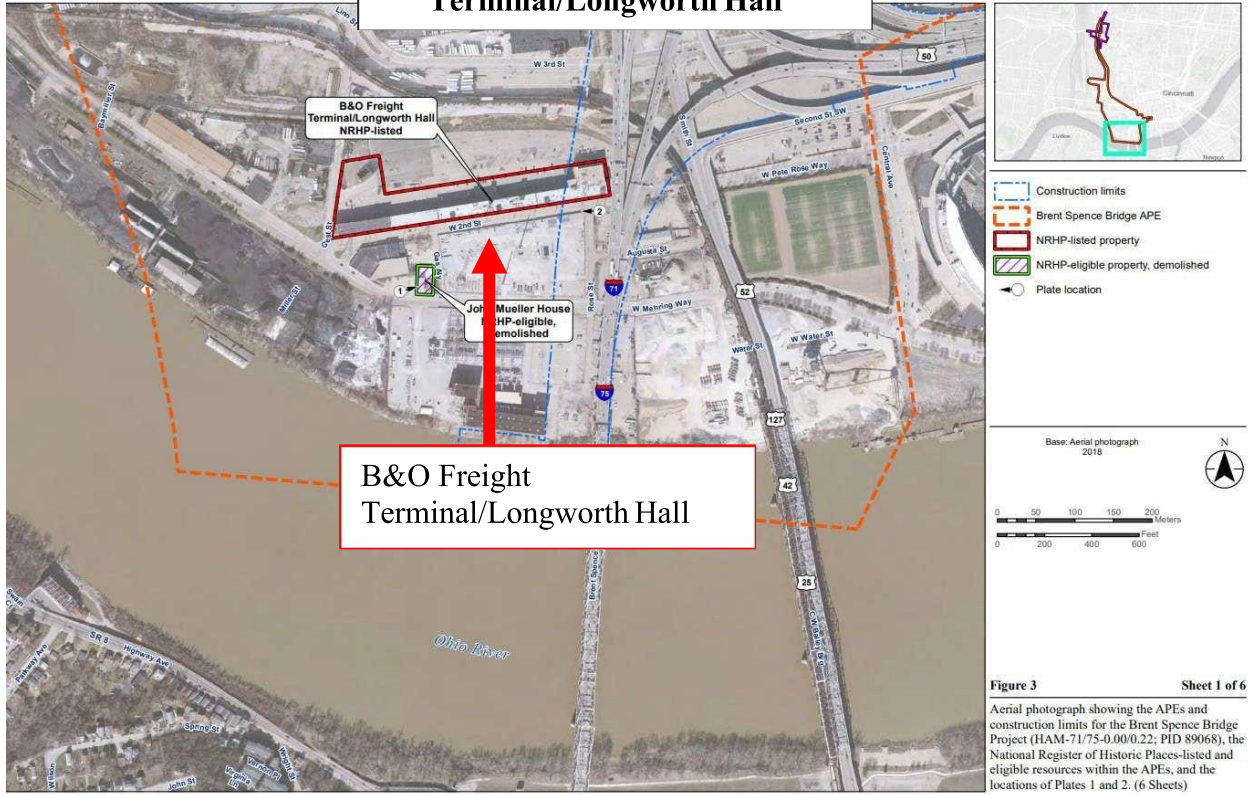


Figure 3 Sheet 1 of 6
 Aerial photograph showing the APEs and construction limits for the Brent Spence Bridge Project (HAM-71/75-0.00/0.22; PID 89068), the National Register of Historic Places-listed and eligible resources within the APEs, and the locations of Plates 1 and 2. (6 Sheets)

EXHIBIT 1
Area of Potential Effects
KYTC - Item Number 6-17.00

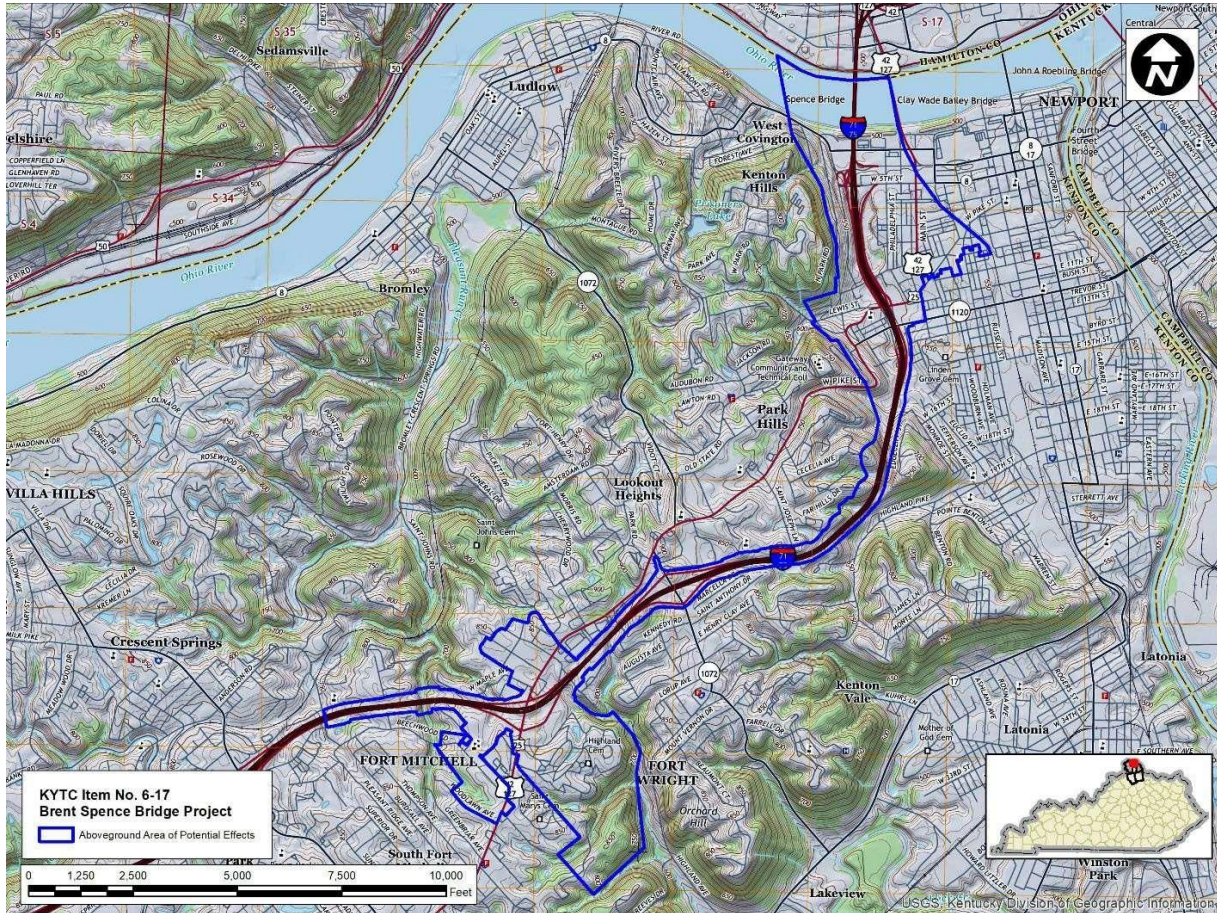


EXHIBIT 1
Area of Potential Effects
KYTC - Item Number 6-17.00

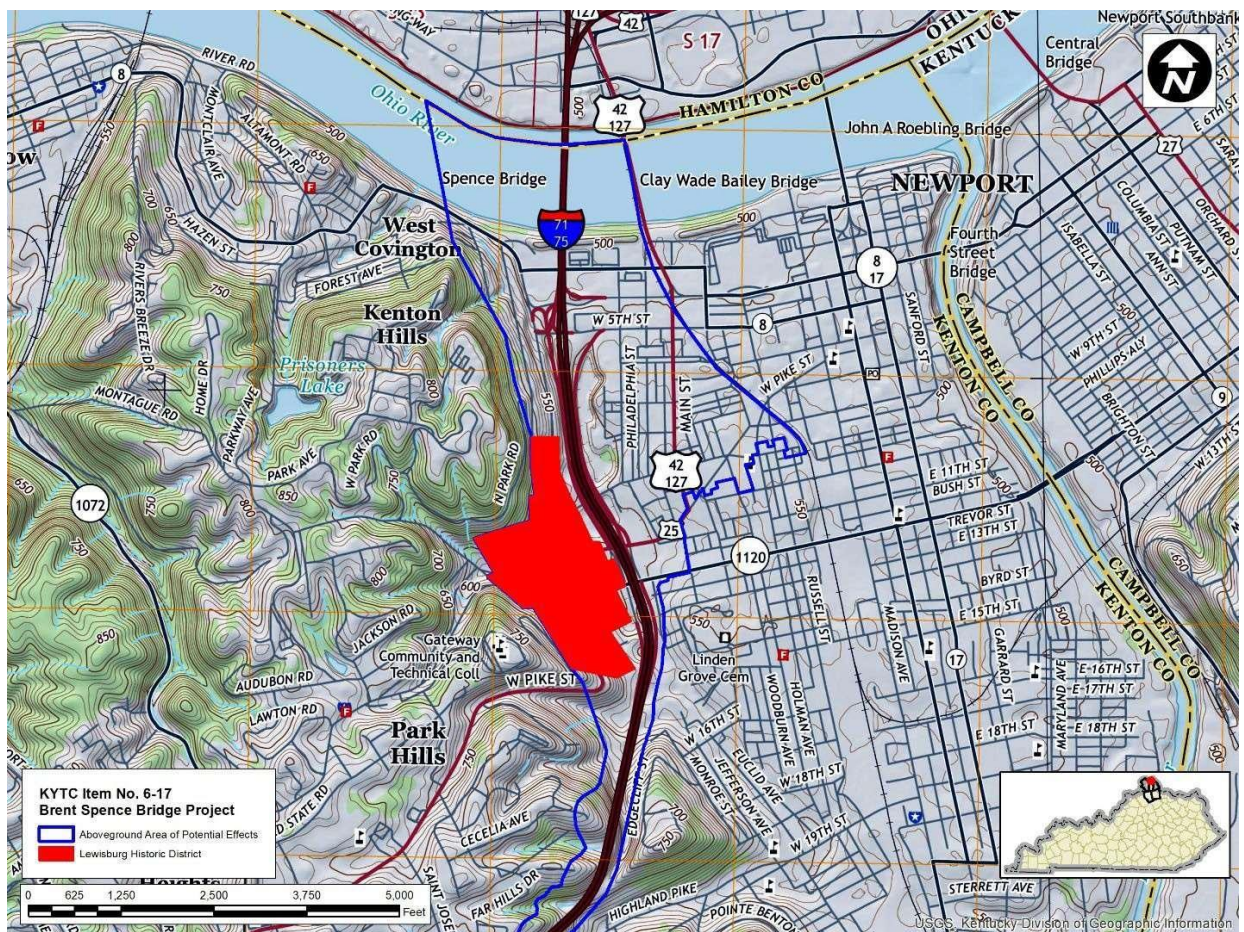
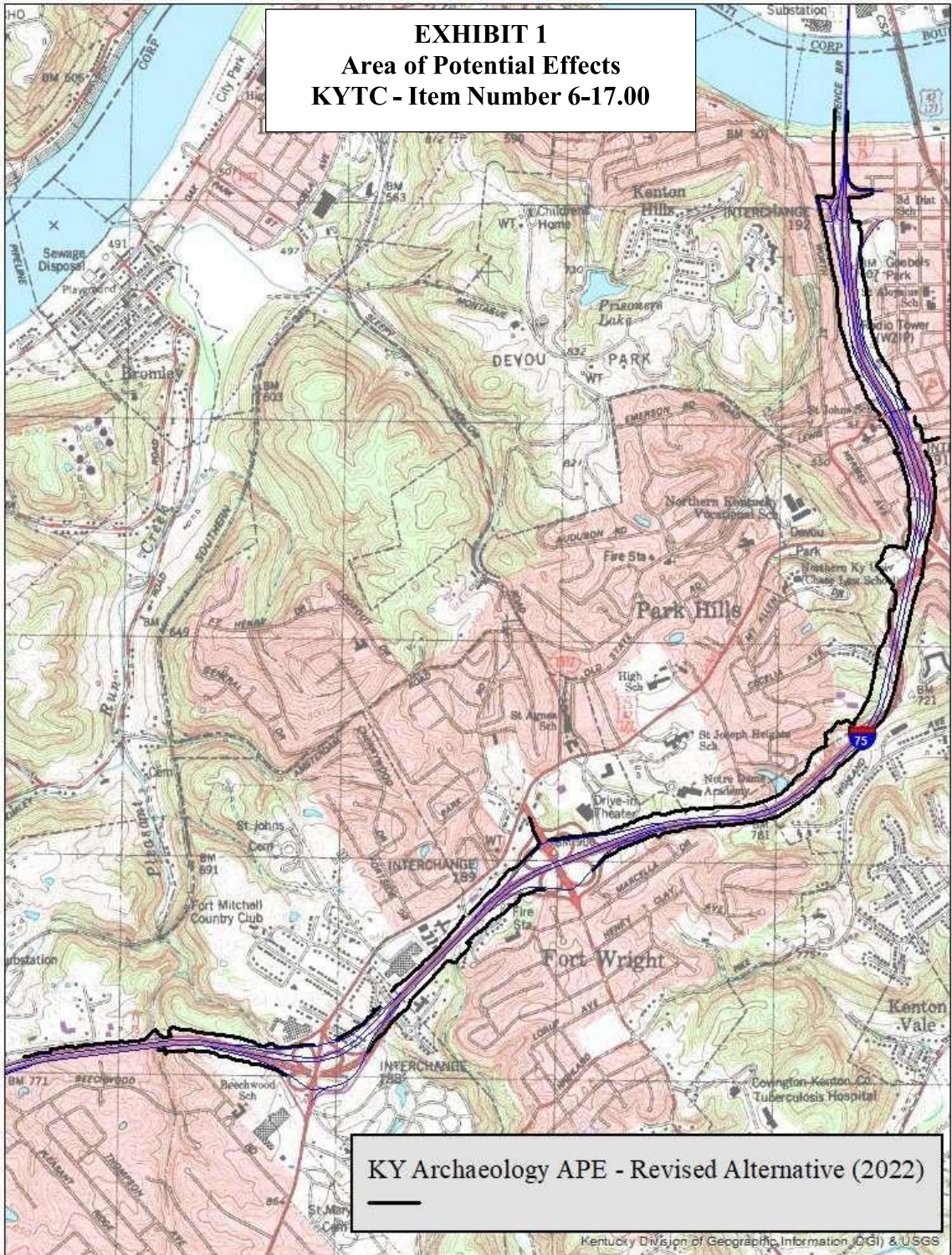


EXHIBIT 1
Area of Potential Effects
KYTC - Item Number 6-17.00



KY Archaeology APE - Revised Alternative (2022)

Kentucky Division of Geographic Information (DGI) & USGS

EXHIBIT 1
Area of Potential Effects
KYTC - Item Number 6-17.00




 Phased Archaeological Identification
Revised Alternative (2022)

Exhibit 2

**Section 106 Consulting Parties – Ohio
ODOT PID 89068**

| Consulting Party | Address | Phone & Email |
|---|---|---|
| Beth Johnson, Executive Director Cincinnati Preservation Association | 812 Dayton Street Cincinnati, OH 45214 | (513)721-4506 beth.johnson@cincinnati-preservation.org |
| Michael Schweitzer Longworth Hall | 700 Pete Rose Way Cincinnati, OH 45203 | (513)721-6000 mschweitzer@me.com |
| Jim Gray, Secretary Transportation Cabinet | Office of the Secretary 200 Mero Street Frankfort, KY 40622 | (502)564-5102 KYTC.OfficeoftheSecretary@ky.gov |
| Craig Potts, Director State Historic Preservation Officer, Kentucky Heritage Council | Barstow House 410 High Street Frankfort, KY 40601 | (502)892-3601 (502)564-7005 Craig.potts@ky.gov |
| Jason Barron, Director Cincinnati Park Board | 950 Eden Park Drive Cincinnati, OH 45202 | (513)352-4079 Jason.barron@cincinnati-oh.gov |
| Chris Griffin, President West End Community Council | P.O. Box 14424 Cincinnati, OH 45250 | (513)746-9506 Cgriffin.nati@yahoo.com |
| Gregory Johnson Chief Executive Officer Cincinnati Metropolitan Housing Authority | 1088 West Liberty Street Cincinnati, OH 45214 | (513)977-5847 Gregory.Johnson@cintimha.com |
| Elizabeth Hoag, President-Elect Ohio Archaeological Council | P.O. Box 82012 Columbus, OH 43224 | (614)266-6059 ehoag@cia.edu |

**Section 106 Consulting Parties - Kentucky KYTC
Item Number 6-17.00**

| |
|---|
| Consulting Party |
| City of Covington - Mayor |
| City of Covington - Historic Preservation |
| City of Covington - Neighborhood Services |
| Kenton County Historical Society |
| Kentucky Heritage Council |
| Ohio Historic Preservation Office |
| Rebecca Weber, Realtor |

Exhibit 2
Tribal
Consultation
Federally Recognized Tribes Consulted

Absentee Shawnee Tribe of Oklahoma

Cherokee Nation*

Delaware Tribe of Oklahoma

Eastern Band of Cherokee Indians

Eastern Shawnee Tribe of Oklahoma*

Miami Tribe of Oklahoma*

Osage Nation*

Peoria Tribe of Indians of Oklahoma

Pokagon Band of Potawatomi

Seneca Nation of Indians

The Shawnee Tribe

United Keetoowah Band of Cherokee Indians

Wyandotte Nation

* Response received



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

Ohio Division
November 21, 2022

200 North High Street, Room 328
Columbus, OH 43215
614-280-6896

In Reply Refer To:
HDA-OH

ELECTRONIC CORRESPONDENCE ONLY

Ms. Devon Frazier
Tribal Historic Preservation Officer
Absentee Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, OK 74801-9381

Subject: Section 106 Consultation, Brent Spence Bridge Corridor, ODOT PID Number: 89068,
KYTC Item Number: 6-17

Dear Ms. Frazier:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Absentee Shawnee Tribe of Oklahoma for the proposed Brent Spence Bridge Corridor project carrying Interstates 71 & 75 over the Ohio River, an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended, and implementing regulations at 36 CFR Part 800: Protection of Historic Properties. The Project is located in Kenton County, Kentucky and Hamilton County, Ohio. Attached, please find a map showing the project location and general study area.

The FHWA, in cooperation with Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC), will prepare a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA).

In the Greater Cincinnati/Northern Kentucky region, the I-75 corridor suffers from congestion and safety-related issues as a result of inadequate capacity to accommodate current traffic demand. The purpose of the Project is to improve the operational characteristics, safety, and correct geometric deficiencies within the I-75 corridor for both local and through traffic, and to maintain connections to key regional and national transportation corridors. Additional information on the Project is available on the project website:
<https://brentspencebridgecorridor.com/>

The project was previously evaluated in an Environmental Assessment (EA) resulting in an August 9, 2012, Finding of No Significant Impact (FONSI) identifying Alternative I as the preferred alternative for the BSB Corridor Project. Since 2012, FHWA completed two re-evaluations of the BSB Corridor Project. The first re-evaluation was completed on February 11, 2015, and the second re-evaluation was completed on March 15, 2018. As part of the 2018 re-evaluation, FHWA determined the environmental resource studies were more than five years old and would require additional review to ensure the NEPA decision remained valid based on the possibility of new, changed, or additional regulatory requirements. Both re-

evaluations concluded that until KYTC and ODOT committed to any potential changes in project scope and the required re-evaluation has been completed, the existing FONSI dated August 9, 2012, would remain valid.

Based on the results of all archaeological survey work within the Kentucky portion of the project in 2010-2011 and again in 2022, no prehistoric/Native American sites were documented. Additionally, there are no previously known prehistoric/native American sites known within the project footprint. During the survey work in 2010 and 2011, portions of the area of potential effects (APE) were inaccessible. Except for the areas discussed in the paragraph below, all previously inaccessible areas were surveyed in 2022. In a Phase I Cultural Investigation report completed in September 2022, the KYTC recommended that no additional archaeological work be required for the previously inaccessible areas. The Kentucky State Historic Preservation Office (SHPO) reviewed the 2022 Phase I report and accepted the report without comment.

There are two small areas under the parking lot of the Kenton County Government Offices that are pending archaeology evaluation. These areas may contain late 19th century residential deposits associated with a contemporaneous brewery. Because of the disruptive nature of this work, the archaeology investigations in this parking lot are being deferred until the property is acquired and more detailed plans are available that provide a clear and definable horizontal and vertical area of potential effects (APE).

In Ohio, the project lies in industrial/commercial setting through the downtown metro area of the City of Cincinnati. Archaeological investigations performed in 2010 identified heavily modified soils and altered land surfaces throughout the entire project area, a result of multiple waves of commercial and industrial development. A re-evaluation recently performed for cultural resources concluded that all areas of the preferred alternative have been addressed by the previous archaeological studies.

On October 31, 2011, the Ohio State Historic Preservation Office (SHPO) concurred the undertaking contained no potential for intact archaeological resources due to extensive highway construction and/or sequential urban development and redevelopment with the following exception. ODOT has committed to conduct soil borings during the design phase of the project in the river bottom area and have those samples reviewed by a geomorphologist/archaeologist for evidence of buried archaeological deposits and/or undisturbed original landforms. If such situations are identified, an archaeological investigation strategy will be developed and implemented for the horizontal and vertical footprint of the bridge supports and construction work limits.

We invite you to meet with representatives of the FHWA, ODOT, and KYTC to receive additional information about the Project, and to offer your views regarding the project location and potential to affect properties of religious and cultural significance to the Absentee Shawnee Tribe of Oklahoma. If you would like to meet with us to discuss the Project, please provide your availability to meet between January 3, 2023, and February 23, 2023. We will contact you to set up a date and time.

If you have any questions or would like to discuss the project, please call Tim Long at (614) 280-6879 or email at timothy.long@dot.gov.

Sincerely,

LAURA S
LEFFLER

Digitally signed by
LAURA S LEFFLER
Date: 2022.11.22
07:41:58 -05'00'

Laura S. Leffler
Division Administrator

Enclosure



Miami Tribe of Oklahoma

3410 P St. NW, Miami, OK 74354 • P.O. Box 1326, Miami, OK 74355
Ph: (918) 541-1300 • Fax: (918) 542-7260
www.miamination.com



Via email: timothy.long@dot.gov

November 29, 2022

Timothy Long
Federal Highway Administration
Ohio Division
200 North High Street, Room 328
Columbus, OH 43215

Re: Brent Spence Bridge Corridor Improvements, Kenton County, Kentucky & Hamilton County, Ohio – Comments of the Miami Tribe of Oklahoma

Dear Mr. Long:

Aya, kweehsitoolaani– I show you respect. The Miami Tribe of Oklahoma, a federally recognized Indian tribe with a Constitution ratified in 1939 under the Oklahoma Indian Welfare Act of 1936, respectfully submits the following comments regarding Brent Spence Bridge Corridor Improvements in Kenton County, Kentucky & Hamilton County, Ohio.

The Miami Tribe offers no objection to the above-referenced project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, given the Miami Tribe's deep and enduring relationship to its historic lands and cultural property within present-day Kentucky & Ohio, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966 or by email at THPO@miamination.com to initiate consultation.

The Miami Tribe accepts the invitation to serve as a consulting party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for consultation.

Respectfully,

Diane Hunter
Tribal Historic Preservation Officer



GWYD D3P
CHEROKEE NATION®

P.O. Box 948 • Tahlequah, OK, 74465-0948
918-453-5000 • www.cherokee.org

Chuck Hoskin Jr.
Principal Chief
GE VPP S,15
0-EGG,0

Bryan Warner
Deputy Principal Chief
SZ,0PV,0
WP,1 DL0,1 0-EGG,0

December 19, 2022

Tim Long
Federal Highway Administration
200 North High Street, Room 328
Columbus, OH 43215

Re: Brent Spence Bridge Corridor
ODOT PID Number 89068; KYTC Item Number 6-17

Mr. Tim Long:

The Cherokee Nation (Nation) is in receipt of your correspondence about **Brent Spence Bridge Corridor**, and appreciates the opportunity to provide comment upon this project. Please allow this letter to serve as the Nation's interest in acting as a consulting party to this proposed project.

The Nation maintains databases and records of cultural, historic, and pre-historic resources in this area. Our Historic Preservation Office (Office) reviewed this project, cross referenced the project's legal description against our information, and found no instances where this project intersects or adjoins such resources. Thus, the Nation does not foresee this project imparting impacts to Cherokee cultural resources at this time.

However, the Nation requests that the Federal Highway Administration (FHWA) halt all project activities immediately and re-contact our Offices for further consultation if items of cultural significance are discovered during the course of this project. Additionally, the Nation requests that FHWA conduct appropriate inquiries with other pertinent Tribal and Historic Preservation Office regarding historic and prehistoric resources not included in the Nation's databases or records.

If you require additional information or have any questions, please contact me at your convenience. Thank you for your time and attention to this matter.

Wado,

Elizabeth Toombs, Tribal Historic Preservation Officer
Cherokee Nation Tribal Historic Preservation Office
elizabeth-toombs@cherokee.org
918.453.5389



EASTERN SHAWNEE
CULTURAL PRESERVATION DEPARTMENT
70500 East 128 Road, Wyandotte, OK 74370

December 29, 2022
US Department of Transportation FHA
200 North High Street, Room 328
Columbus, OH 43215

RE: Brent Spence Bridge ODOT PID Number 89068 KYTC Item Number 6-17, Kenton and Hamilton County, Kentucky and Ohio

Dear Mr. Long,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Kenton and Hamilton County, Kentucky and Ohio. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a)). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.

Sincerely,

Paul Barton, Tribal Historic Preservation Officer (THPO)

Eastern Shawnee Tribe of Oklahoma
(918) 666-5151 Ext:1833
THPO@estoo.net

Watkins, Jason

From: Deseray Helton <deseray.helton@osagenation-nsn.gov>
Sent: Friday, April 28, 2023 12:49 PM
To: Watkins, Jason
Subject: Brent Spence Bridge Corridor project

Good Afternoon Mr. Watkins,

The Osage Nation has been inundate with not only our regular S.106 review duties but a number of survey and monitoring projects and this has unfortunately caused pile ups of projects in need of review.

I came across the Brent Spence Bridge Corridor project and would greatly appreciate any status update you can provide especially pertaining to any ongoing or planned CRS for both the Ohio and Kentucky sides of the project.

Best Regards,



Deseray Wrynn
Pronouns: She/her/hers
Archaeologist, MA
Osage Nation Historic Preservation Office
627 Grandview Avenue, Pawhuska, OK 74056
Office:918-287-9719 | Fax: 918-287-5376
deseray.helton@osagenation-nsn.gov
<https://www.osageculture.com/culture/historic-preservation-office>

Starting October 1, 2022 the Osage Nation Historic Preservation Office is changing the project notification process. **All project notifications and reports must be emailed to s106@osagenation-nsn.gov** Include the Lead Agency, Project Name and Number on the subject line.

IMPORTANT: This email message may contain confidential or legally privileged information and is intended only for the use of the intended recipient(s). Any unauthorized disclosure, dissemination, distribution, copying, or the taking of any action in reliance on the information herein is prohibited. Emails are not secure and cannot be guaranteed to be error-free. They can be intercepted, amended, or contain viruses. Anyone who communicates with us by email is deemed to have accepted these risks. Osage Nation is not responsible for errors or omissions in this message and denies any responsibility for any damage arising from the use of email. Any opinion and other statements contained in this message and any attachment are solely those of the author and do not necessarily represent those of the Osage Nation.

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.

Watkins, Jason

From: Watkins, Jason
Sent: Tuesday, May 16, 2023 10:42 AM
To: Deseray Helton
Cc: Baughman, Pamela (FHWA); timothy.long@dot.gov
Subject: RE: Brent Spence Bridge Corridor project
Attachments: Project Mapping from Disturbance Assessment_2010.pdf

Hello Deseray.

Hope the volume of 106 projects are easing up a bit for you. With Spring and Summer projects likely ramping up, I'm sure your schedule is full of monitoring requests, eh?

Before I start, let me apologize for the length of this email. I tried to summarize everything that has been done to date and clearly identify next steps. This project has been around for a while and it's a rather big one, so there are a lot of aspects and history. I tried to keep it simple and tried to be concise. But if you have any questions just let us know.

Also, it occurred to me that The Osage Nation was not part of the initial tribal coordination for this project (back in 2012). So, you likely did not receive the survey reports completed for this project (which were largely disturbance assessments here on the Ohio side). We'll be happy to send these to you, just let me know if you prefer hard copies or digital copies of the reports (they are far too large to email).

And one more thing to note before I get into the project summary. The new contact for tribal consultation at the FHWA Ohio Division is Environmental Program Manager Pamela Baughman, who can be reached at pamela.baughman@dot.gov or (614) 280-6835. Pam worked with the Georgia DOT (as an archaeologist and worked on multiple projects and mitigation efforts with Georgia DOT's tribal partners). She also worked at the NPS prior to coming to FHWA. You can also contact Tim Long (who sent the project initiation letter last November), Planning, Environment, and Realty Team Leader, at (614) 280-6879 or timothy.long@dot.gov. They are both copied on this email and feel free to contact them anytime.

Now for a project summary and update:

The HAM-I75 corridor improvement project (commonly referred to as Brent Spence Bridge Corridor Project (BSBCP), or ODOT PID Number 89068, KYTC Item Number: 6-17) has been in the planning and design stage for over a decade. The critical element is the replacement of the I75/I71 bridge over the Ohio River, named the Brent Spence Bridge, in Kenton County, Kentucky, and Hamilton County, Ohio, and the purpose is to improve safety and operational characteristics for both local and through traffic. The project has been designed to minimize the project's footprint and to limit impacts to residential and commercial areas, so that the project corridor in large part follows the existing interstate alignment with additions to accommodate collector-distributor lanes and revised lane configurations. Additional information on the Project is available on the project website: <https://brentspencebridgecorridor.com/>.

The project includes three phases, and the largest phase will be completed as progressive design-build. Selections for the prime contractor are currently underway. Both ODOT and KYTC are separately conducting their right-of-way acquisition. In Ohio, of the 79 parcels to be acquired, 70 are complete. The remaining 9 are commercial or railroad properties along the Ohio River in downtown Cincinnati. In Kentucky, 40 of the 70 needed parcels have been acquired. The project was previously evaluated in an Environmental Assessment (EA) resulting in an August 9, 2012, Finding of No Significant Impact (FONSI). Since 2012, FHWA has completed two re-evaluations of the BSBCP, in 2015 and 2018. At this time, FHWA, in cooperation with ODOT and the Kentucky Transportation Cabinet (KYTC), is preparing a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA). In a

Exhibit 3

FHWA, ODOT, and KYTC Staff Contact Information

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Appendices

Appendix A - Post-Review Unanticipated Discoveries Plans

Appendix B - Unanticipated Discovery of Human Remains Plans

Appendix C - Longworth Hall Demolition and Reconstruction Contracting Requirements

Appendix A

Post-Review Unanticipated Discoveries Plan - Ohio

In accordance with Stipulation V of this PA, the following plan shall be followed in the event of an unanticipated discovery of previously unidentified historic properties, or unanticipated effects on historic properties, after completion of the Section 106 process in Ohio.

- (1) Discoveries Made Prior to Project Construction:
 - a) If previously unidentified archaeological or historic properties, or unanticipated effects, are discovered after ODOT-OES has completed a good faith effort to identify properties and carry out its review prior to commencement of project construction, ODOT-OES, in consultation with SHPO, FHWA, and Indian tribes, shall carry out the applicable requirements of 36 CFR § 800.13 and the ACHP need not be notified unless they participated in the project originally or at the request of Indian tribes or consulting parties.
- (2) Discoveries Made After Project Construction Begins:
 - a) If previously unidentified archaeological or historic properties, or unanticipated effects on such properties, are discovered after project construction begins, that portion of the project will stop immediately pursuant with Section 203.04 of ODOT's Construction and Material Specifications (and any successors to those specifications).
 - b) The project engineer will immediately contact ODOT-OES cultural resources staff, the ODOT District 8 Environmental Coordinator, and FHWA. If a person or entity other than the project engineer (e.g., a local resident) reports the discovery, the notified entity will notify the project engineer, ODOT-OES cultural resources staff, and the ODOT District 8 Environmental Coordinator immediately. The project engineer will stop work immediately. No further construction within 100 feet of the discovery will proceed until the requirements of 36 CFR § 800.13 have been satisfied, including consultation with consulting parties and/or Indian tribes that may attach traditional cultural and religious significance to the discovered property, as appropriate.
 - c) Within two business days ODOT-OES shall assess the discovery and if it is determined to be potentially eligible, provide notification to SHPO, FHWA, consulting parties, and Indian tribes, as appropriate. Notification shall include, to the extent such information is available: description of the nature and

extent of the property or properties, assessment of NRHP eligibility of any properties, the type and extent of any damage to the property, the proposed action, any prudent and feasible treatment measures that would take any effects into account, and a request for comments.

- d) Should any of the notified parties respond with comments within three business days of the initial notification of the discovery or indicate that they wish to be involved in resolving the situation, FHWA, with ODOT as their agent, shall take into account their comments or continue consultation with any commenting parties. FHWA, with ODOT as their agent, shall determine the time frame for any further consultation, taking into account the qualities of the property, consequences of construction delays, and interests of the parties. Following the conclusion of any further consultation, FHWA, with ODOT as their agent, shall take all comments received into account and may carry out actions to resolve any effects. Failure of any notified party to respond within three business days of notification shall not preclude FHWA, with ODOT as their agent, from proceeding with their proposed actions.

Appendix A

Post-Review Unanticipated Discoveries Plan - Kentucky

In accordance with Stipulation V of this PA, the following plan shall be followed in the event of an unanticipated discovery of previously unidentified historic properties, or unanticipated effects on historic properties, after completion of the Section 106 process in Kentucky.

1. If, during the implementation of The Project, a previously unidentified historic property is discovered or a previously identified historic property is affected in an unanticipated manner, FHWA, and KYTC as its agent, shall ensure all work within a reasonable area of the discovery shall cease until such time as a treatment plan can be developed and implemented as set forth below.
2. KYTC shall require the contractor to take all reasonable measures to clearly mark and avoid harm to the property until FHWA concludes consultation with the KY SHPO, Indian Tribes, and other parties deemed appropriate by FHWA (hereafter in this section, the “Parties”).
3. Upon being notified of the discovery, FHWA shall implement procedures set forth in 36 CFR 800.13(b).
4. Within forty-eight (48) hours of notification of the discovery, or at the very earliest opportunity thereafter, FHWA shall contact the Parties, and provide written details of the discovery.
5. Within forty-eight (48) hours of the discovery, or at the very earliest opportunity thereafter, a qualified professional archaeologist and the KYTC shall conduct an on-site evaluation to consider eligibility, effects, and possible treatment measures. The Parties shall be provided an opportunity to participate in the on-site evaluation and shall be notified in advance of the location, date, and time.
6. If, based on the on-site evaluation, FHWA determines a historic property is being adversely affected, then the Parties shall consult to determine an appropriate treatment plan, and FHWA, and KYTC as its agent, shall develop a treatment plan (Plan). The Plan shall be submitted to the Parties for review and comment within seven (7) days of receipt of the proposed Plan. FHWA shall take comments received into account in developing and implementing the final plan.

7. If FHWA and the Parties agree the discovery is not eligible for the NRHP, then ground-disturbing work may proceed.
8. If FHWA and the Parties cannot reach agreement regarding eligibility, effects, or treatment, then they shall follow the provisions outlined in Stipulation VII - Dispute Resolution.

Appendix B

Unanticipated Discovery of Human Remains - Ohio

In accordance with Stipulation VI of this PA, the following plan shall be followed in the event of an unanticipated discovery of human remains during ground-disturbing activities, such as monitoring, testing, and construction, in Ohio.

- (1) Historic and prehistoric human remains are subject to protection under ORC Sections 2909.05 and 2927.11. As such, if previously unidentified human remains are discovered at any point during the project (during environmental studies, pre-construction activities, or construction), work within 100 feet of the discovery will stop immediately.
 - a. The remains will be covered and/or protected in place in such a way that minimizes further exposure of and damage to the remains.
 - b. The ODOT project manager or project engineer will immediately consult with the ODOT District 8 Environmental Coordinator and the ODOT-OES Cultural Resources Section, and immediately notify local law enforcement and/or the County Coroner and FHWA.
- (2) If the remains are found to be of American Indian origin, ODOT-OES will immediately (but not longer than 48 hours), contact federally recognized Indian tribes and develop a treatment plan with Indian tribes in accordance with the tribal consultation guide developed by FHWA, ODOT, and federally recognized tribal partners.
 - a. Avoidance and preservation in place is the preferred option for treating human remains.
 - b. If avoidance and preservation in place is not possible, FHWA and ODOT- OES will ensure that any agreed upon treatment and reburial plan is fully implemented.
- (3) If the remains are not of American Indian origin, the appropriate local authority will be consulted to determine final disposition of the remains.
 - a. Avoidance and preservation in place is the preferred option for treating human remains.
 - b. If avoidance and preservation in place is not possible, ODOT-OES will ensure that any agreed upon treatment and reburial plan is fully implemented.
- (4) As all lands within the Project are non-federal lands, ODOT will comply with Section 149.53 of the ORC.
 - a. Under this section, the Director of the Ohio History Connection shall determine the final disposition of any discovered human remains.

Appendix B

Unanticipated Discovery of Human Remains - Kentucky

In accordance with Stipulation VI of this PA, the following plan shall be followed in the event of an unanticipated discovery of human remains during ground-disturbing activities, such as monitoring, testing, and construction, in Kentucky.

Procedures for addressing the treatment of human remains and grave goods shall be guided by the Advisory Council on Historic Preservation's (ACHP) Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects" (adopted by the ACHP February 23, 2007), the KYTC's Right of Way Manual Section 1300, and other applicable state and local laws. If human remains are found during Project activities, construction activities in the immediate vicinity of those areas shall be halted and the County Coroner contacted. If the remains are determined to be of archaeological context, the KYTC Division of Environmental Analysis District archaeologist shall be notified. KYTC's archaeologist shall in turn notify the KY SHPO staff, FHWA personnel, and other parties as necessary. If associated burial items, sacred items, or items of cultural patrimony are discovered, work must stop in the immediate vicinity of the discovery and the KYTC archaeologist shall be notified.

If the discovery is precontact/American Indian in origin, FHWA shall provide notification and documentation to the KY SHPO, federally recognized Indian Tribes, and other parties deemed appropriate by the FHWA who have requested such notification. The FHWA shall consult with these parties to discuss avoidance, minimization of disturbance, or protocols for disinterment.

Appendix C

Longworth Hall Demolition and Reconstruction Contracting Requirements (from Section 7.1 and 13.3 of Exhibit E: Technical Requirements of the Progressive Design-Build Contract) *

7.1 Environmental Commitments

The Parties will collaborate during the Preconstruction Phase to assign responsibilities for each environmental commitment. The Contractor shall be responsible for fulfilling environmental commitments assigned to the Contractor and shall coordinate with the Department or other parties, as required, to incorporate mitigation activities into the Project Schedule and Opinion of Probable Cost (OPC). The Contractor shall also incorporate plans, details, specifications, notes, and special provisions into the Base Design Submittal, as appropriate, to satisfy the environmental commitments.

13.3 Longworth Hall Demolition and Reconstruction

The Contractor shall prepare plans and perform the demolition and reconstruction of Longworth Hall, identified as Parcel 1 in ODOT's Final Right-of-Way Tracings. The limits of demolition will be in accordance with the *Longworth Hall Impact Analysis Report: Concept Plans*. The reconstruction by the Contractor will be in accordance with the *Longworth Hall Impact Analysis Report: Concept Plans* and consist of all work necessary to reconstruct the building for use. Work will include construction of the structural shell, necessary interior supporting structures, and all interior and exterior work. In addition, construction shall include all work necessary to maintain occupancy of the building during and after completion of the Contractor's work. This will include maintaining, relocating and/or constructing interior life-safety features.

13.3.1 Environmental Mitigation

Restoration of the east wall, to an approximation of its original appearance, will include material salvaged during the demolition in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

- A. Treatment Plans will be developed and shall be provided to the building owner, Cincinnati Preservation Association, and Ohio State Historic Preservation Officer for a 30-day review and comment period.

- B. Windows, removed to accommodate the new roadway construction, will be restored and used in the east wall reconstruction.
- C. Windows, removed and not used in the east wall reconstruction, will be restored and returned to the owner.
- D. A cornerstone, commemorating the date of construction (1904) on one side, and the date of renovation on the other side, will be included in the east wall reconstruction design.
- E. The Secretary of the Interior's Standards for the Treatment of Historic Properties: Reconstruction as a Treatment and Standards for Reconstruction
<https://www.nps.gov/articles/000/treatment-standards-reconstruction.htm>
- F. The Secretary of the Interior's Standards for the Treatment of Historic Properties
<https://www.nps.gov/orgs/1739/secretary-standards-treatment-historic-properties.htm>

13.3.2 Historic Façade Modifications

The Work entails demolition of approximately 200 feet of the east end of the building while salvaging the historic masonry and reinstalling it on a newly configured east-facing exterior wall. The newly reconfigured wall should occur at a pilaster like the west end of the building so that the detailing and corner pilaster can be recreated.

The critical historic elements that should be salvaged and recreated on the newly reconfigured east façade, include the historic brick, coping stones, limestone window sills, limestone and brick pilaster elements and rusticated blocks. Key decorative architectural elements such as the brick pilasters, pilaster capitals, arches and roof-line corbelling, window eyebrows and limestone pilaster bases should be documented, catalogued, and carefully salvaged and cleaned for reinstallation on the reconfigured façade. Façade elements should be stored in a manner to prevent exposure to the weather and extreme temperature.

The original brick coursing is a running bond with interlocking header courses which should be recreated. The new wall should be laid up as a monolithic fully parged masonry wall like the original and not be installed as a brick veneer. If possible, the backup masonry should be the same or similar in density and size to the original to maintain the historic structural and thermal/moisture behavior of the existing wall.

Some areas of the existing walls to remain near the new wall on the south and north sides will need to be rebuilt in order to fully integrate the new masonry wall.

Based on the age of the structure, the mortar is likely lime-based mortar with no portland cement. The new mortar should be as close to the original as possible in make up with no portland cement. The existing historic mortar should be tested per ASTM C1324 Standard Test Method for Examination and Analysis of Hardened Masonry Mortar to assist in the selection of replacement and pointing mortar for the sections of the wall to remain.

Chemical analysis of the historic mortar should be performed to determine the mortar make up of lime aggregate and sand. The goal is to recreate the structural strength and vapor permeability of the original wall to prevent freeze-thaw damage.

13.3.3 Architect, Engineer, and Contractor Qualifications

Design professionals and contractors experienced in historic repair and preservation shall prepare the Design Documents and perform the Work. When used with an entity or individual, "experienced" unless otherwise further described means having successfully completed a minimum of five previous projects similar in nature, size, and extent to this specific Work; being familiar with special requirements indicated; and having complied with requirements of authorities having jurisdiction.

- A. Professional architects and engineers shall have experience in the following areas of work related to this building type:
 - 1. temporary bracing and shoring of masonry structures
 - 2. sequential and partial demolition of structure
 - 3. removal and preparation / restoration of materials to be re-used on the project including brick masonry, window systems and historic ceiling systems
 - 4. adaptive reuse of materials to be used on the project in a function other than their current usage
- B. A professional engineer who is legally qualified to practice in jurisdiction where Project is located and who is experienced in providing engineering services of the kind indicated. Engineering services are defined as those performed for installations of the system, assembly, or product that are similar in material, design,

and extent to those indicated for this Project.

- C. Contractor's Statement of Responsibility: When required by authorities having jurisdiction, submit copy of written statement of responsibility submitted to authorities having jurisdiction before starting work on the following systems:
 - 1. Seismic-force-resisting system, designated seismic system, or component listed in the Statement of Special Inspections.
 - 2. Main wind-force-resisting system or a wind-resisting component listed in the Statement of Special Inspections.

The Contractor shall utilize the resources available through the Ohio State Historic Preservation Office (SHPO) website <https://www.ohiohistory.org/preserving-ohio/state-historic-preservation-office/services-fees/> that provides listings of companies which have met federal professional qualification requirements and the following services:

- A. Archaeology Consultants List
- B. History / Architecture Consultants List
- C. Choosing an Archaeology Consultant
- D. Choosing a History / Architecture Consultant

13.3.4 Additional Qualifications

- A. In completion of the Work, the Contractor shall meet the following requirements unless authorities having jurisdiction supersede requirements of specialists:
- B. Manufacturer Qualifications: A firm experienced in manufacturing products or systems similar to those indicated for this Work and with a record of successful in-service performance, as well as sufficient production capacity to produce required units. As applicable, procure products from manufacturers able to meet qualification requirements, warranty requirements, and technical or factory-authorized service representative requirements.
- C. Fabricator Qualifications: A firm experienced in producing products similar to those indicated for this Work and with a record of

successful in-service performance, as well as sufficient production capacity to produce required units.

- D. **Installer Qualifications:** A firm or individual experienced in installing, erecting, applying, or assembling work similar in material, design, and extent to that indicated for this Work, whose work has resulted in construction with a record of successful in-service performance.
- E. **Specialists:** Certain Specification Sections require that specific construction activities be performed by entities who are recognized experts in those operations. Specialists will satisfy qualification requirements indicated and engage in the activities indicated.

13.3.5 Design Development

The Contractor shall perform a detailed field investigation of the exterior and interior of the building in coordination with the owner and prepare a report summarizing the findings which will be used as a basis of design.

As part of Sub-Phase 1A, the Contractor will develop drawings to 50% completion for the Longworth Hall Work required within this Section 13.3 (Longworth Hall Demolition and Reconstruction), develop necessary specifications, and estimate costs to complete the work as part the Project's Opinion of Probable Costs.

During Sub-Phase 1B, the Contractor will develop final plans to 100% completion for the Longworth Hall Work within this Section 13.3, prepare a list of necessary permits to be obtained, and include costs as part of the development of the Early Work Package or Phase 2 Proposal.

Longworth Hall Work will include the necessary permitting, demolition, and reconstruction required.

* The Longworth Hall Demolition and Reconstruction Contracting Requirements are cited here in part and included in the full, completed Progressive Design-Build Contract. As we work through proof of concept with the designer in Sub-Phase IA, the contract language will be updated and modified as needed through a change order. All work completed to fulfill the Stipulations in Section III.A of this agreement will be adhered to as agreed upon by the Signatories and performed in accordance with the appropriate Secretary of Interior Standards by qualified personnel.