

**BRENT SPENCE**

**BRIDGE CORRIDOR**



BRENT SPENCE BRIDGE CORRIDOR PROJECT

# **SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT APPENDICES**

KYTC PROJECT ITEM NO. 6-17 | ODOT PID 89068  
JANUARY 12, 2024



**HNTB**

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# Appendix A: Project Refinements



## Brent Spence Bridge Corridor Project Refinements

The refinements incorporated into the project do not substantially change the key design components included in the 2012 EA/FONSI:

- The mainline layout from Dixie Highway (US-25) (Kentucky) to Linn Street (Ohio);
- The number of interstate and C-D lanes;
- The C-D roadway concept between West 12th Street/ MLK Jr. Boulevard (Kentucky) and Ezzard Charles Drive (Ohio); and
- The C-D roadway system between Dixie Highway (US-25) and Kyles Lane (KY-1072) in Kentucky.

The refinements instead reduce the project footprint, improve the project's functionality, and create no substantial new or increased impacts.

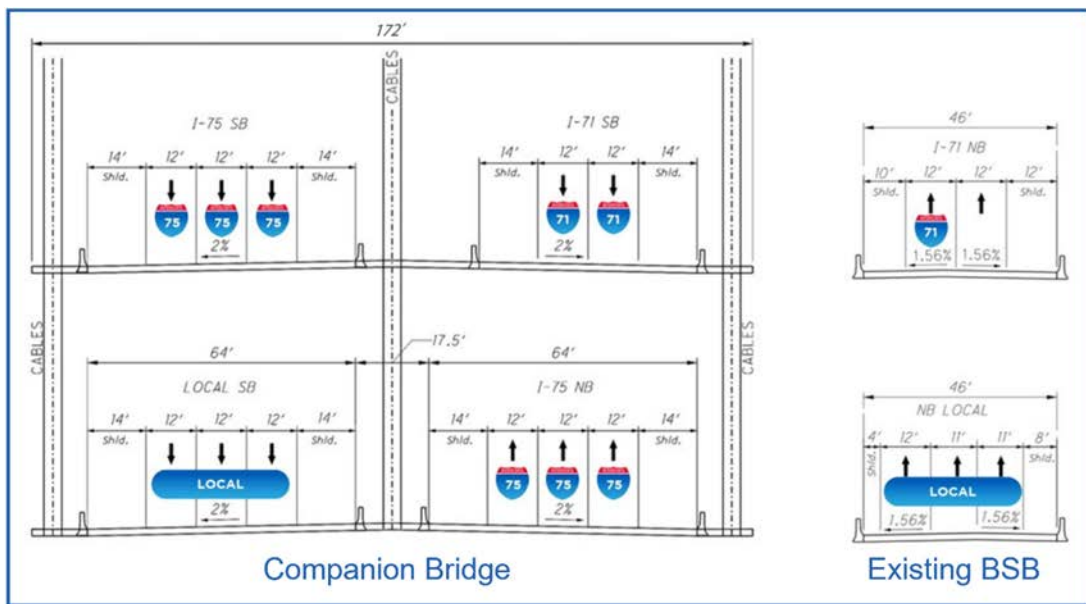
Selected Alternative I (from 2012 EA/FONSI)	Refined Alternative I (Concept I-W)	Comments
<b>Refinements to the Project Layout</b>		
Traffic traveled in opposite directions on upper and lower decks of new companion bridge requiring center bridge supports. Interstate and local traffic mixed on new companion bridge and existing BSB.	Traffic traveling in only one direction on each deck of the new companion bridge. Interstate traffic travels on the new companion bridge and local traffic travels on the existing BSB as part of the collector-distributor (C-D) roadway system.	<ul style="list-style-type: none"> <li>• Reduced bridge width from 172 feet to 107 feet, substantially reducing the footprint and costs.</li> <li>• Retained the number and assignment of lanes crossing the Ohio River (I-71/I-75/C-D).</li> <li>• C-D road access points are unchanged.</li> <li>• Simplified configuration of through and local traffic.</li> <li>• See Exhibit A-1.</li> </ul>
Downtown Cincinnati ramps matched existing locations.	Minor ramp reconfigurations: <ul style="list-style-type: none"> <li>• Widening the southbound 2<sup>nd</sup> Street exit ramp from one to two lanes (to provide adequate capacity).<sup>1</sup></li> <li>• Moving the entrance ramp to NB I-75 from 4<sup>th</sup> Street to 3<sup>rd</sup> Street (access moved 1 block).</li> <li>• Refining the NB I-75 exit to 5th Street to create a new signalized intersection with the US 50 ramp (no substantial change in access)</li> <li>• Reducing the number of lanes on the eastbound approach to the 5th Street/Central Avenue intersection from four to three (to provide adequate capacity).<sup>1</sup></li> <li>• Replacing the connection between 6th Street and Winchell Avenue with a connection to the NB C-D road (more direct access to NB I-75)</li> <li>• Widening the SB I-75 ramp to 7th Street from one to two lanes (to provide adequate capacity).<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Refinements made in response to City of Cincinnati requests and public comments.</li> <li>• Opens up approximately 9.5 acres of land for potential redevelopment and/or public use.</li> <li>• See Exhibit A-2.</li> </ul>

Selected Alternative I (from 2012 EA/FONSI)	Refined Alternative I (Concept I-W)	Comments
I-75 interchange connected to the existing Western Hills Viaduct.	I-75 interchange connects to the proposed Western Hills Viaduct. All access points from the 2012 EA/FONSI are maintained.	<ul style="list-style-type: none"> <li>The City of Cincinnati is developing a separate project with independent utility and completed NEPA review to replace the Western Hills Viaduct on a modified alignment. The BSB Corridor Project has been refined to accommodate the new viaduct.</li> <li>See Exhibit A-3.</li> </ul>
Two, one-way bridges on Ezzard Charles Drive over I-75.	One, two-way bridge on Ezzard Charles Drive over I-75 with an additional 50 feet of green space on each side to support potential future civic space or retail development by the City of Cincinnati.	<ul style="list-style-type: none"> <li>Refinement made in response to City of Cincinnati requests to improve safety by reducing wrong-way crashes and to provide additional areas for potential future civic space or retail development.</li> <li>See Exhibit A-4.</li> </ul>
Entrance ramp to NB I-75 provided at Freeman Avenue in the West End neighborhood (Ohio).	Entrance ramp to NB I-75 moved from Freeman Avenue to Ezzard Charles Drive (about 1,000 feet north with a new auxiliary lane on NB I-75 between Ezzard Charles Drive and the Western Hills Viaduct (to provide adequate capacity). <sup>2</sup>	<ul style="list-style-type: none"> <li>Refinement made in coordination with the City of Cincinnati and improves access to NB I-75 from the West End neighborhood.</li> <li>Reduces costs and simplifies maintenance of traffic and construction of the bridge carrying Freeman Avenue over I-75.</li> <li>See Exhibit A-5.</li> </ul>
Five lanes on the NB frontage road and four lanes on the SB frontage road between West 12 <sup>th</sup> Street/MLK Jr. Boulevard and Pike Street (Kentucky).	Three lanes on the NB and SB frontage roads between West 12 <sup>th</sup> Street/MLK Jr. Boulevard and Pike Street (Kentucky).	<ul style="list-style-type: none"> <li>Refinement made to reduce project footprint while maintaining acceptable traffic operations.<sup>1</sup></li> <li>See Exhibit A-6.</li> </ul>
NB frontage road terminated at West 9 <sup>th</sup> Street (Kentucky).	NB frontage road extended north to next major intersection (5 <sup>th</sup> Street) (Kentucky).	<ul style="list-style-type: none"> <li>Refinements improve north-south access and connectivity, were made in coordination with the City of Covington, and were vetted through neighborhood outreach.</li> <li>See Exhibit A-7.</li> </ul>
New companion bridge type: simply supported arch bridge with inclined arch ribs or a two-tower cable-stayed bridge with vertical legs/towers.	Minor refinement to companion bridge type: arch bridge or a cable-stayed bridge.	<ul style="list-style-type: none"> <li>Incorporates more flexibility in the bridge types to allow the progressive design-build team to pursue innovative and cost-effective designs.</li> <li>Refinement made in consultation with the project Aesthetics Committee.</li> </ul>
<b>Typical Refinements Due to Continuing Progression through Detailed Design</b>		
Horizontal and vertical alignments and cross sections based on preliminary engineering and mapping.	Refinement and optimization of horizontal and vertical alignments and cross sections based on detailed engineering design.	<ul style="list-style-type: none"> <li>Reduced the project footprint in several locations.</li> </ul>
Minimal consideration of retaining walls during preliminary engineering.	Detailed retaining wall evaluation during detailed engineering design and right-of-way plan development.	<ul style="list-style-type: none"> <li>Substantially reduced the project footprint, including up to 95 percent reduction in residential relocations.</li> </ul>

Selected Alternative I (from 2012 EA/FONSI)	Refined Alternative I (Concept I-W)	Comments
<b>Refinements Due to Updated KYTC/ODOT Generally Applicable Design Criteria</b>		
13.5-foot outside shoulders   12 foot inside shoulders	10-foot outside and inside shoulders	<ul style="list-style-type: none"> <li>• Reduced project footprint.</li> </ul>
60 mph mainline design speed   50 mph C-D road design speed	55 mph mainline and C-D road design speed.	<ul style="list-style-type: none"> <li>• Reduced project footprint.</li> </ul>

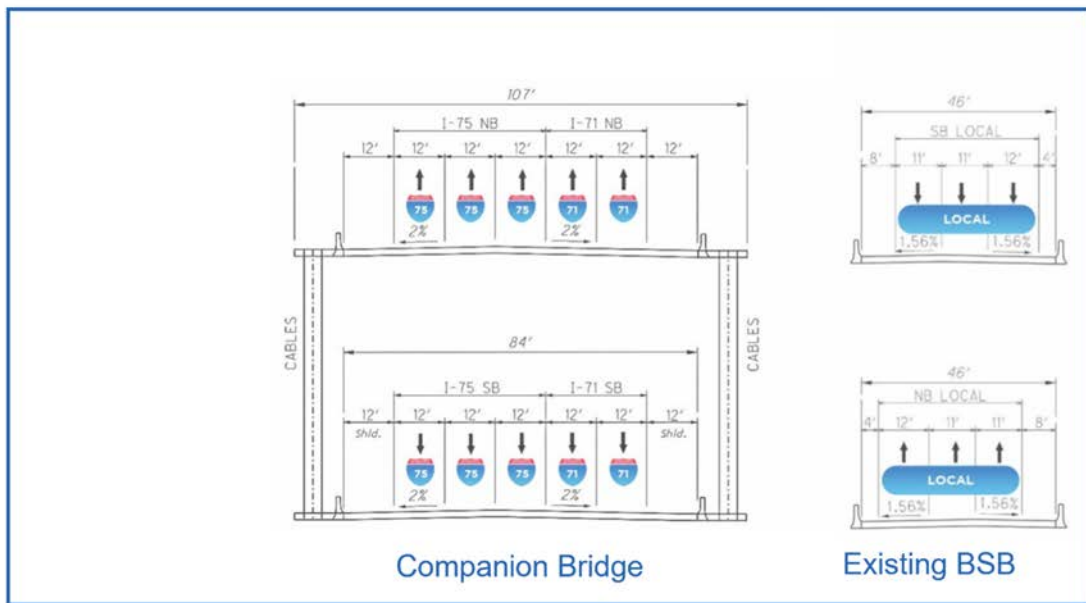
1. Preliminary design refinements were developed using planning-level traffic projections for the year 2050. The refinements were vetted, confirmed, and finalized using certified traffic for the years 2029 and 2049.
2. Preliminary design refinements were developed using design-level certified traffic projections for the year 2048. The refinements were vetted, confirmed, and finalized using certified traffic for the years 2029 and 2049.

# Exhibit A-1: New Companion Bridge and Existing BSB Configurations

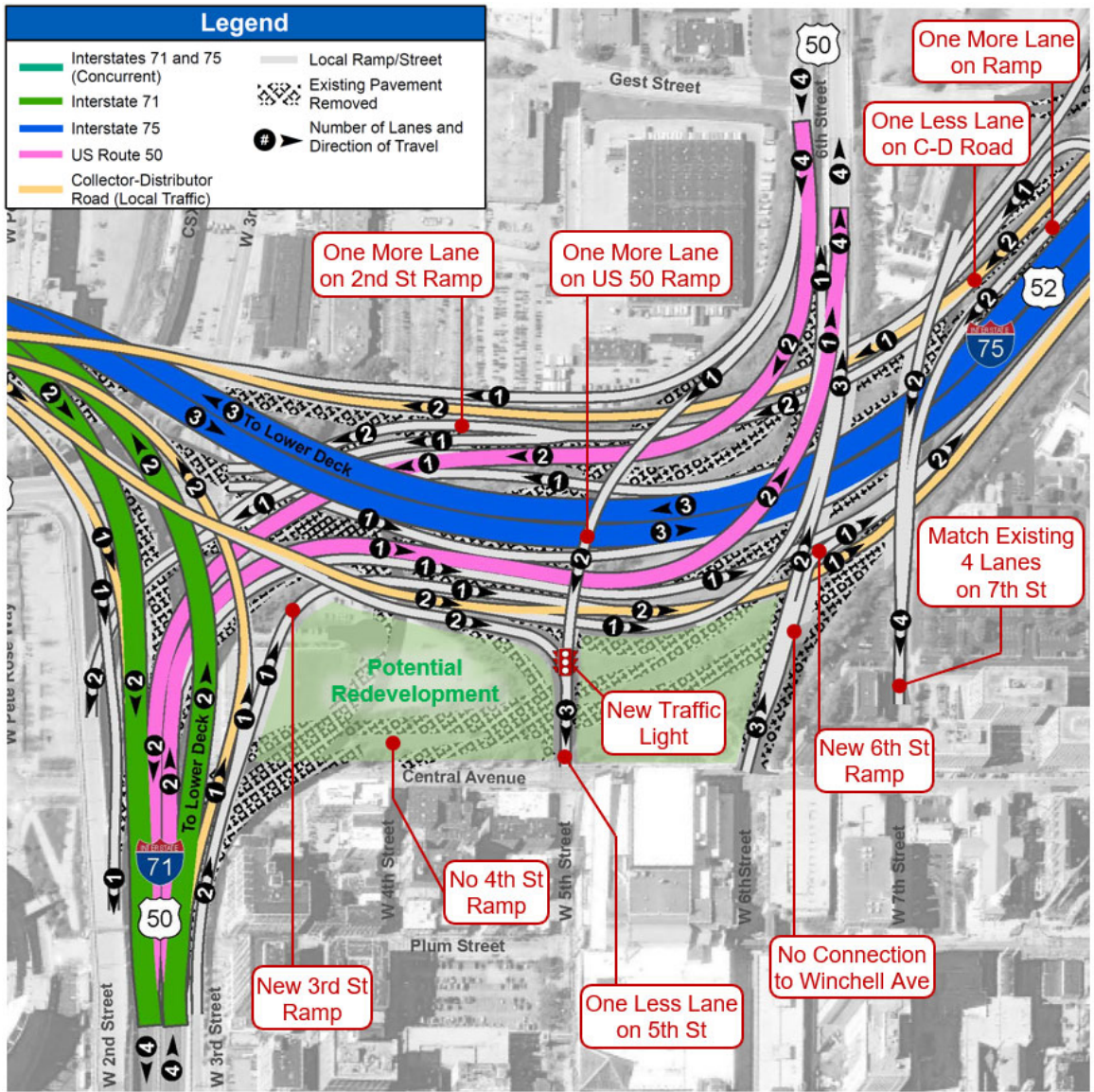


▲ Selected Alternative I (from 2012 EA/FONSI)

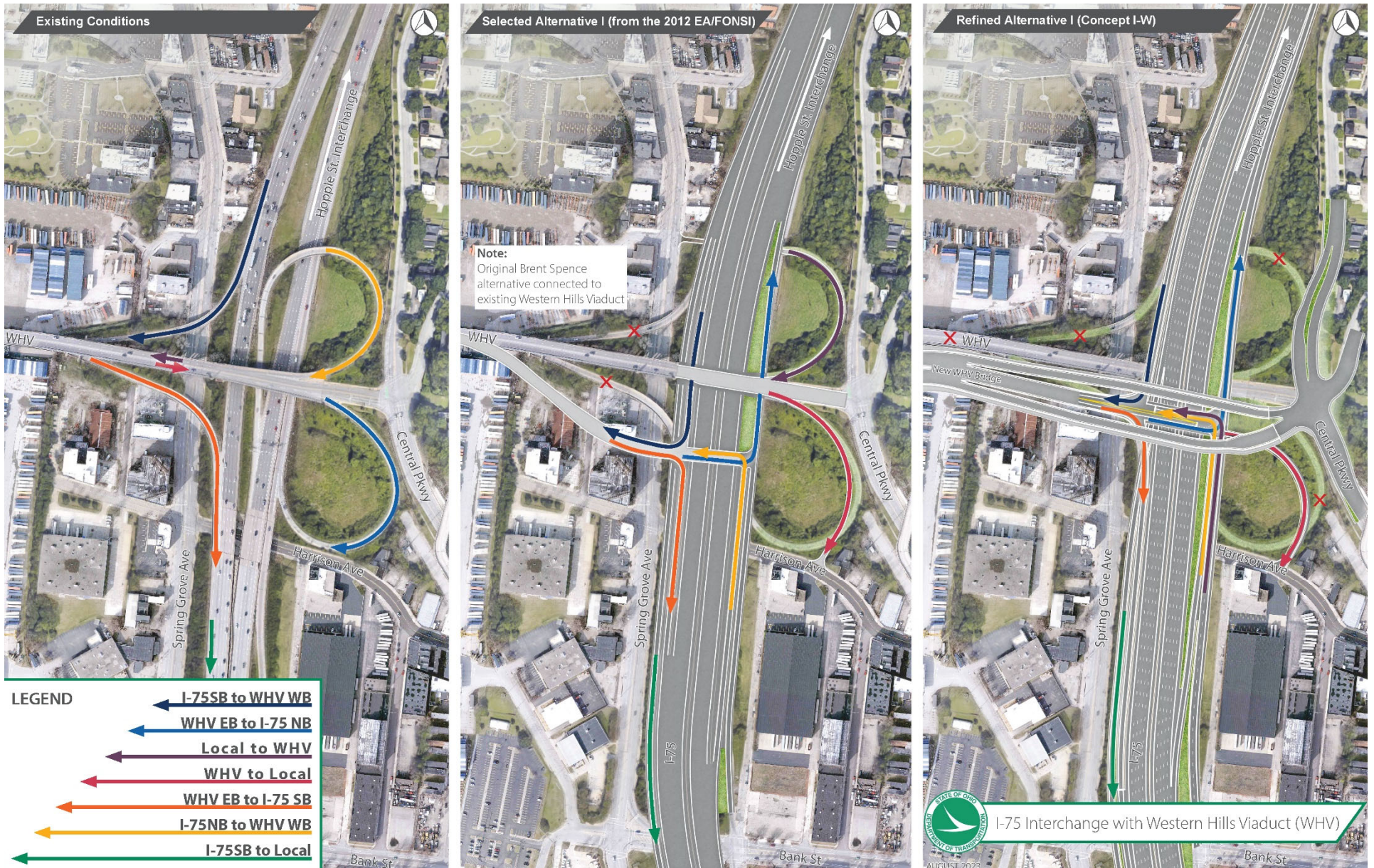
Refined Alternative I (Concept I-W) ▼



# Exhibit A-2: Downtown Cincinnati Ramp Configuration



### Exhibit A-3: I-75 Interchange at the Western Hills Viaduct





## Exhibit A-4: Ezzard Charles Bridge

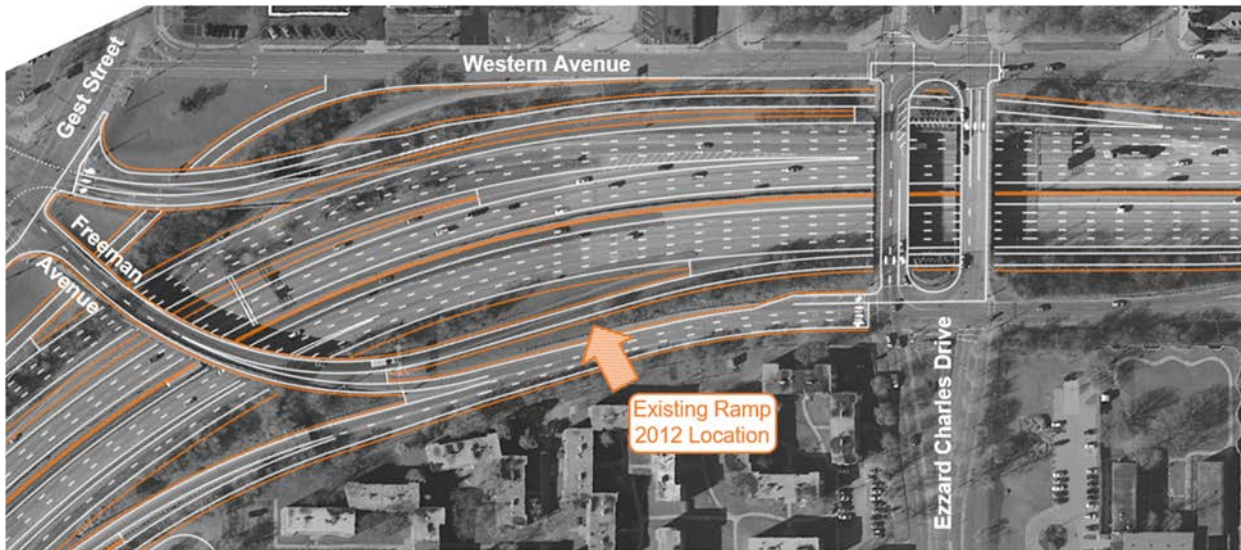


- ▲ Selected Alternative I (from 2012 EA/FONSI) | Two, one-way Ezzard Charles Drive bridges over I-75

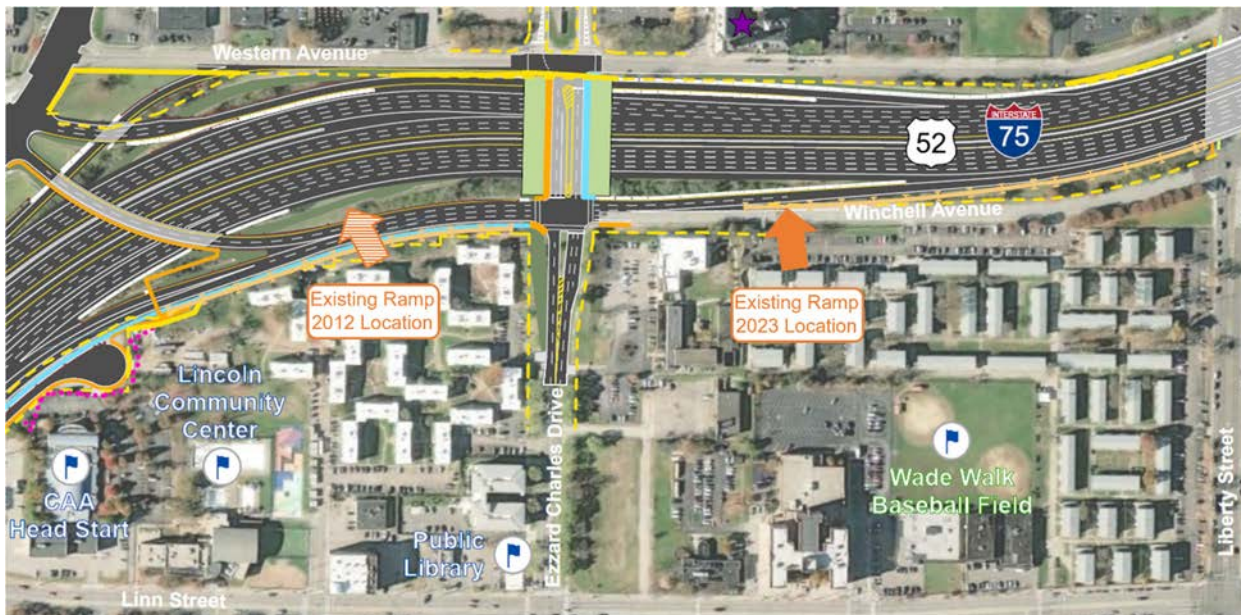


- ▲ Refined Alternative I (Concept I-W) | One, two-way Ezzard Charles Drive bridge over I-75 with 50 feet of green space on each side to support potential future civic space or retail development by the City of Cincinnati.

**Exhibit A-5: Northbound I-75 Ramp in West End Neighborhood**

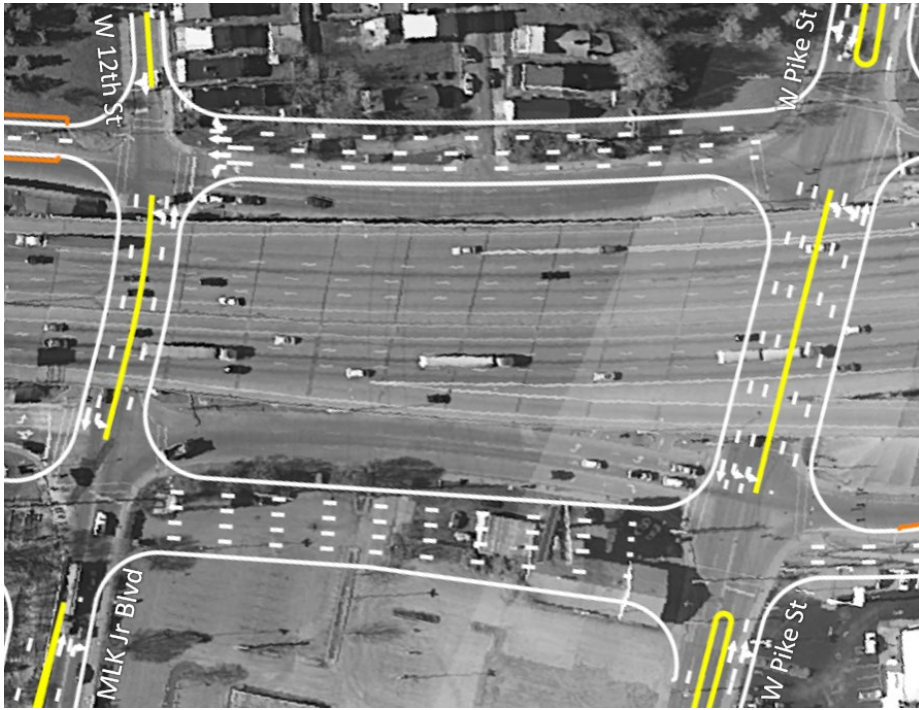


◀ Selected Alternative I (from 2012 EA/ FONSI) | Northbound I-75 entrance ramp from Freeman Avenue

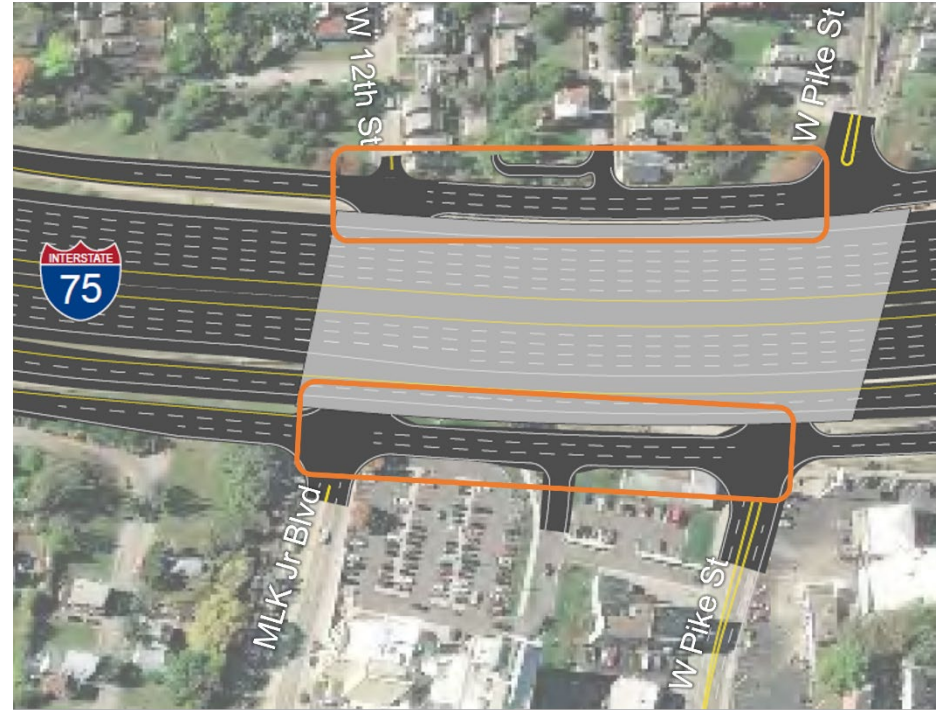


◀ Refined Alternative I (Concept I-W) | Northbound I-75 entrance ramp from Ezzard Charles Drive

**Exhibit A-6: Frontage Roads between West 12<sup>th</sup> Street/MLK Jr. Boulevard and West Pike Street**



▲ Selected Alternative I (from 2012 EA/ FONSI) | Five lanes on the NB frontage road and four lanes on the SB frontage road.



▲ Refined Alternative I (Concept I-W) | Three lanes on the NB and SB frontage roads.

**Exhibit A-7: Northbound Frontage Road in Kentucky (Simon Kenton Way)**



▲ Selected Alternative I (from 2012 FONSI) | No extension of northbound frontage road between West 9<sup>th</sup> Street and West 5<sup>th</sup> Street.



▲ Refined Alternative I (Concept I-W) | With extension of northbound frontage road between West 9<sup>th</sup> Street and West 5<sup>th</sup> Street (blue roadway).

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## Appendix B: Agency Coordination

### Air Quality

- 2023-08-21 KYDAQ MSAT Coordination ..... B1-1
- 2023-09-08 OEPA MSAT Coordination ..... B1-2
- 2023-09-21 USEPA MSAT Coordination ..... B1-3

### Cultural Resources

- 2017-06-22 1<sup>st</sup> Amendment to Longworth Hall MOA (superseded) ..... B2-1
- 2017-06-28 ACHP Filing 1<sup>st</sup> Amendment to Longworth Hall MOA (superseded) ..... B2-12
- 2022-06-01 KYTC APE Submittal ..... B2-13
- 2022-06-03 2<sup>nd</sup> Amendment to Longworth Hall MOA (superseded) ..... B2-18
- 2022-06-03 ACHP Filing 2<sup>nd</sup> Amendment to Longworth Hall MOA (superseded) ..... B2-23
- 2022-06-07 Kentucky SHPO APE Approval ..... B2-24
- 2022-08-30 ODOT Phase I Revaluation Submittal ..... B2-31
- 2022-09-09 Ohio Section 106 Consulting Party Coordination ..... B2-36
- 2022-10-12 Kentucky SHPO Archaeological Effect Finding ..... B2-43
- 2022-11-07 KYTC Cultural Historic Survey Report Submittal ..... B2-44
- 2022-11-08 Ohio SHPO Comments ..... B2-53
- 2022-11-17 Kentucky SHPO Cultural Historic Survey Report Concurrence ..... B2-57
- 2022-11-21 FHWA Tribal Coordination ..... B2-59
- 2022-11-29 Miami Tribe of Oklahoma Response ..... B2-105
- 2022-12-01 Kentucky Consulting Parties Invitation ..... B2-106
- 2022-12-19 Cherokee Nation Response ..... B2-125
- 2022-12-29 Eastern Shawnee Tribe Response ..... B2-126
- 2023-01-06 ODOT History/Architecture Determination ..... B2-128
- 2023-01-18 Kentucky Consulting Party Coordination ..... B2-159
- 2023-01-25 Ohio SHPO Concurrence ..... B2-160



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- 2023-04-24 Kentucky SHPO Archaeological Commitments..... B2-165
- 2023-04-28 Osage Nation Response ..... B2-167
- 2023-05-05 Kentucky Consulting Party Comment Resolution Meeting ..... B2-168
- 2023-05-16 ODOT Project Update to Osage Nation ..... B2-169
- 2023-05-30 KYTC Cultural Historic Survey Report Addendum Submittal ..... B2-171
- 2023-06-07 Kentucky SHPO Cultural Historic Survey Report Addendum Concurrence ..... B2-173
- 2023-08-01 Ohio Consulting Party Coordination ..... B2-175
- 2023-08-04 Kentucky Consulting Party Coordination ..... B2-178
- 2023-08-09 Ohio Consulting Party Meeting Presentation ..... B2-179
- 2023-08-10 Kentucky Consulting Party Meeting Invitation ..... B2-181
- 2023-08-15 FHWA Tribal Coordination ..... B2-183
- 2023-08-15 ACHP Adverse Effect Notification ..... B2-222
- 2023-08-30 ACHP Adverse Effect Response ..... B2-227
- 2023-10-20 Section 106 Programmatic Agreement ..... B2-228
- 2023-10-23 ACHP Filing of Section 106 Programmatic Agreement..... B2-293
- 2023-11-16 Osage Nation Information Request ..... B2-299
- 2023-11-20 FHWA Response to Osage Nation..... B2-300

Ecological Resources

- 2022-05-31 USFWS Section 7 Coordination Meeting ..... B3-1
- 2022-11-16 FHWA Submittal of Biological Assessment to USFWS ..... B3-3
- 2022-12-15 KDFWR Peregrine Falcon Coordination ..... B3-5
- 2022-12-15 USFWS Biological Assessment Approval ..... B3-8
- 2022-12-19 ODNR Ecological Coordination ..... B3-12
- 2023-04-13 USFWS Effect Determination for Northern Long-Eared Bat ..... B3-14
- 2023-09-21 No Jeopardy Finding for the Tricolored Bat..... B3-29



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## Local Agency Coordination

- 2022-06-15 Memorandum of Agreement between KYTC and the City of Covington .....B4-1
- 2022-06-15 Memorandum of Understanding between the City of Covington and KYTC .....B4-11

## NEPA Process

- 2012-08-09 FONSI .....B5-1
- 2015-02-11 NEPA Reevaluation 1 .....B5-8
- 2018-03-15 NEPA Reevaluation 2 .....B5-12
- 2021-07-22 ODOT Response to NEPA Reevaluation 2 .....B5-16
- 2023-12-22 Bi-State Management Team Geotechnical Boring Request .....B5-21
- 2023-12-26 FHWA Geotechnical Boring Coordination .....B5-23
- 2024-01-05 Categorical Exclusion for Geotechnical Borings .....B5-24
- 2024-01-09 FHWA Geotechnical Boring Coordination .....B5-45

## Participating/Cooperating Agency Coordination

- 2014-10-14 Federal Participating Agency Invitation Letters .....B6-1
- 2014-10-15 USCG Acceptance Email .....B6-15
- 2014-10-22 USFWS Acceptance Letter .....B6-16
- 2014-10-23 FTA Acceptance Letter .....B6-17
- 2014-10-30 Federal Participating Agency Invitation Letters .....B6-18
- 2014-11-03 USACE Acceptance Letter .....B6-42
- 2014-11-06 NPS Declination Letter .....B6-44
- 2014-11-12 Ohio Participating Agency Invitation Letters .....B6-48
- 2014-11-13 Kentucky Participating Agency Invitation Letters .....B6-56
- 2014-11-13 USEPA Acceptance Letter .....B6-82
- 2014-11-14 HUD Declination Letter .....B6-84
- 2014-11-14 ODNR Acceptance Email .....B6-85
- 2014-11-18 Kentucky DEP Acceptance Email .....B6-86
- 2014-11-18 Ohio SHPO Acceptance Letter .....B6-87



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- 2014-11-20 KSNPC Declination Letter.....B6-88
- 2014-11-25 Kentucky DNR Declination Letter.....B6-89
- 2014-11-26 ACHP Acceptance Letter .....B6-92
- 2014-12-01 Kentucky SHPO Acceptance Letter .....B6-94
- 2022-09-13 ODNR Update.....B6-95
- 2022-09-13 OEPA Update .....B6-99
- 2022-09-13 Ohio SHPO Update .....B6-103
- 2022-09-27 DEP Update.....B6-107
- 2022-09-27 KHC Update .....B6-110
- 2022-09-29 FHWA Cooperating Agency Invitation.....B6-113
- 2022-09-29 FHWA Participating Agency Invitation.....B6-117
- 2022-09-30 FHWA ACHP Cooperating Agency Invitation .....B6-121
- 2022-09-30 HUD Participating Agency Acceptance .....B6-125
- 2022-10-19 USFWS Cooperating Agency Acceptance .....B6-127
- 2022-10-24 USEPA Cooperating Agency Acceptance.....B6-130
- 2022-11-01 FEMA Region 5 Participating Agency Acceptance.....B6-133
- 2022-11-01 USCG Cooperating Agency Acceptance.....B6-135
- 2022-11-01 USFWS KY Cooperating Agency Acceptance .....B6-137
- 2022-11-02 USACE-LRL Cooperating Agency Acceptance .....B6-138
- 2022-11-08 USACE-LRH Cooperating Agency Acceptance.....B6-139
- 2023-12-13 NPS Cooperating Agency Invitation .....B6-142
- 2022-12-20 ACHP Cooperating Agency Declination .....B6-143
- 2023-02-15 Hamilton County Cooperating Agency Request .....B6-144
- 2023-02-15 USEPA NEPA Adequacy .....B6-146
- 2023-03-24 FHWA Response to Hamilton County Cooperating Agency Request .....B6-147
- 2023-03-24 USEPA Cooperating Agency Coordination .....B6-148
- 2023-05-26 Local Participating Agency Invitation.....B6-165

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- 2023-05-30 City of Covington Participating Agency Acceptance .....B6-167
- 2023-05-30 City of Fort Wright Participating Agency Acceptance .....B6-168
- 2023-05-30 City of Park Hills Participating Agency Acceptance .....B6-169
- 2023-05-30 OKI Participating Agency Acceptance.....B6-170
- 2023-05-30 TANK Participating Agency Acceptance .....B6-171
- 2023-05-31 Boone County Participating Agency Acceptance .....B6-172
- 2023-06-01 City of Cincinnati Acceptance .....B6-173
- 2023-06-05 Hamilton County Acceptance.....B6-174
- 2023-06-12 Kenton County Acceptance.....B6-176
- 2023-06-21 Hamilton County Participating Agencies .....B6-177
- 2023-07-18 Kentucky SHPO Schedule Concurrence.....B6-178
- 2023-09-01 NPS Cooperating Agency Acceptance.....B6-179
- 2023-09-05 Kentucky State e-Clearinghouse Coordination.....B6-181

Permitting

- 2013-01-11 USCG Pier Locations.....B7-1
- 2022-03-17 USACE 408 Coordination Meeting.....B7-5
- 2022-06-01 USACE 408 Coordination Meeting.....B7-7
- 2022-12-15 USCG Coordination Meeting.....B7-9
- 2023-01-26 ODOT Jurisdictional Request.....B7-21
- 2023-01-31 USCG Project Initiation Request.....B7-23
- 2023-03-03 404 and 401 Kick-off Meeting .....B7-30
- 2023-03-06 Preliminary Jurisdictional Site Visit.....B7-33
- 2023-03-16 USCG Project Initiation Request.....B7-34
- 2023-05-08 USACE Preliminary Jurisdictional Determination .....B7-35
- 2023-07-19 USCG Permitting Schedule Concurrence .....B7-49
- 2023-07-21 USACE Permitting Schedule Concurrence .....B7-51
- 2023-12-19 USACE 408 Coordination Meeting.....B7-54



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Regulated Materials

- 2014-01-30 ODOT IOC ESA Screening-2201&2229 Spring Grove .....B8-1
- 2014-02-25 ODOT IOC Phase I ESA-Harrison Terminal.....B8-2
- 2014-06-16 ODOT IOC Phase I ESA-2229 Spring Grove .....B8-3
- 2014-06-15 ODOT IOC Phase II ESA-Seven Sites.....B8-4
- 2022-09-07 KYTC Approval-ESA Screening Reevaluation .....B8-5

Section 4(f)

- 2022-08-05 Firefighters Memorial OWJ Concurrence .....B9-1
- 2022-12-14 Ezzard Charles Park OWJ Concurrence .....B9-3
- 2023-01-31 Temporary Occupancy Determination Firefighters Memorial and Ezzard Charles Park.....B9-9
- 2023-03-21 *De Minimis* Determination Elberta Apartments Historic District and Hillsdale Subdivision Historic District.....B9-11
- 2023-12-18 Department of the Interior Coordination .....B9-25
- 2024-01-03 Department of the Interior Section 4(f) Concurrence .....B9-27

Section 6(f)

- 2022-10-24 NPS Preliminary Coordination .....B10-1
- 2023-06-20 NPS Coordination .....B10-2
- 2023-11-16 NPS Conversion Approval and Amendment to Project Agreement .....B10-4
- 2023-11-16 NPS Categorical Exclusion Certification.....B10-8



**Appendix B**  
**Agency Coordination**  
**Air Quality**

- 2023-08-21 KYDAQ MSAT Coordination ..... B1-1
- 2023-09-08 OEPA MSAT Coordination ..... B1-2
- 2023-09-21 USEPA MSAT Coordination ..... B1-3

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**From:** Bowman, Anna M (EEC) <[Anna.Bowman@ky.gov](mailto:Anna.Bowman@ky.gov)>  
**Sent:** Monday, August 21, 2023 12:04 PM  
**To:** Craig, Craig J (KYTC) <[Craig.Craig@ky.gov](mailto:Craig.Craig@ky.gov)>  
**Cc:** Hedge, Lauren B (EEC) <[lauren.hedge@ky.gov](mailto:lauren.hedge@ky.gov)>  
**Subject:** Re: Final MSAT Report

Good afternoon Craig,

The Division for Air Quality concurs with the changes to the final MSAT report. Thanks.

Best,

*Anna Bowman*

Kentucky Division for Air Quality  
Evaluation Section  
300 Sower Boulevard, 2<sup>nd</sup> Floor  
Frankfort, KY 40601  
ph: 502-782-6563

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**From:** Craig, Craig J (KYTC) <[Craig.Craig@ky.gov](mailto:Craig.Craig@ky.gov)>  
**Sent:** Monday, August 21, 2023 9:02:16 AM  
**To:** Bowman, Anna M (EEC) <[Anna.Bowman@ky.gov](mailto:Anna.Bowman@ky.gov)>  
**Subject:** Final MSAT Report

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Anna,

Please find attached the final MSAT report. The changes that were discussed in last weeks meeting have been made. Please review and let me know if DAQ is OK with the changes.

Thanks,

**Craig J Craig, PG**  
**Environmental Scientist V**  
**Registered Geologist**  
**KY Transportation Cabinet**  
**Division of Environmental Analysis**  
**200 Mero Street, Frankfort KY**



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**From:** Braun, Paul <[paul.braun@epa.ohio.gov](mailto:paul.braun@epa.ohio.gov)>  
**Sent:** Friday, September 8, 2023 5:01 PM  
**To:** Alcalá, Noel <[Noel.Alcala@dot.ohio.gov](mailto:Noel.Alcala@dot.ohio.gov)>; Maietta, Anthony (he/him/his) <[maietta.anthony@epa.gov](mailto:maietta.anthony@epa.gov)>  
**Cc:** Hoffman, Larry <[Larry.Hoffman@dot.ohio.gov](mailto:Larry.Hoffman@dot.ohio.gov)>; Smith, Larry <[Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov)>  
**Subject:** RE: BSBCP Final Quantitative MSAT Report

Hi Noel,

Sorry about this, I've been out all week for health related reasons and today is my first day back. I had looked at the MSAT prior to this week and I will say I concur with the conclusions in the report.

Please let me know if you have any questions.

Thanks  
Paul

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**From:** [Noel.Alcala@dot.ohio.gov](mailto:Noel.Alcala@dot.ohio.gov) <[Noel.Alcala@dot.ohio.gov](mailto:Noel.Alcala@dot.ohio.gov)>  
**Sent:** Friday, September 8, 2023 2:08 PM  
**To:** Maietta, Anthony (he/him/his) <[maietta.anthony@epa.gov](mailto:maietta.anthony@epa.gov)>; [paul.braun@epa.ohio.gov](mailto:paul.braun@epa.ohio.gov)  
**Cc:** [Larry.Hoffman@dot.ohio.gov](mailto:Larry.Hoffman@dot.ohio.gov); [Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov)  
**Subject:** FW: BSBCP Final Quantitative MSAT Report

Hi Tony and Paul:

See below. Will you be sending written concurrences on the BSB Quantitative MSAT Analysis? Thanks.

If you have any questions or concerns, please do not hesitate to contact me by phone or email.

**Noel Alcalá, P.E.**

*Noise and Air Quality Coordinator*  
ODOT-Office of Environmental Services  
1980 W. Broad Street, Mail Stop 4170  
Columbus, OH 43223  
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**From:** Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>  
**Sent:** Thursday, September 21, 2023 11:05 AM  
**To:** Alcala, Noel <Noel.Alcala@dot.ohio.gov>; Braun, Paul <paul.braun@epa.ohio.gov>  
**Cc:** Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>; Hoffman, Larry <Larry.Hoffman@dot.ohio.gov>  
**Subject:** RE: BSBCP Final MSAT Analysis

Noel, apologies for not sending this sooner:

EPA has reviewed the MSAT analysis for BSB and it looks like the MSAT guidance was followed closely. EPA has no comments and approves of the analysis.

-Tony

Anthony Maietta | he/him |  
EPA Region 5  
[maietta.anthony@epa.gov](mailto:maietta.anthony@epa.gov)  
(312) 353-8777

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**From:** [Noel.Alcala@dot.ohio.gov](mailto:Noel.Alcala@dot.ohio.gov) <[Noel.Alcala@dot.ohio.gov](mailto:Noel.Alcala@dot.ohio.gov)>  
**Sent:** Wednesday, August 16, 2023 12:41 PM  
**To:** Maietta, Anthony (he/him/his) <[maietta.anthony@epa.gov](mailto:maietta.anthony@epa.gov)>; [paul.braun@epa.ohio.gov](mailto:paul.braun@epa.ohio.gov)  
**Cc:** Baughman, Pamela (FHWA) <[pamela.baughman@dot.gov](mailto:pamela.baughman@dot.gov)>; [Larry.Hoffman@dot.ohio.gov](mailto:Larry.Hoffman@dot.ohio.gov)  
**Subject:** FW: BSBCP Final MSAT Analysis

Hi Tony and Paul:

The final BSB Quantitative MSAT analysis is attached for your files. Thanks!

If you have any questions or concerns, please do not hesitate to contact me by phone or email.

**Noel Alcala, P.E.**

*Noise and Air Quality Coordinator*  
ODOT-Office of Environmental Services  
1980 W. Broad Street, Mail Stop 4170  
Columbus, OH 43223  
614-466-5222  
[Transportation.ohio.gov](http://Transportation.ohio.gov)

**Appendix B**  
**Agency Coordination**  
**Cultural Resources**

- 2017-06-22 1<sup>st</sup> Amendment to Longworth Hall MOA (superseded) ..... B2-1
- 2017-06-28 ACHP Filing 1<sup>st</sup> Amendment to Longworth Hall MOA (superseded) ..... B2-12
- 2022-06-01 KYTC APE Submittal..... B2-13
- 2022-06-03 2<sup>nd</sup> Amendment to Longworth Hall MOA (superseded) ..... B2-18
- 2022-06-03 ACHP Filing 2<sup>nd</sup> Amendment to Longworth Hall MOA (superseded)..... B2-23
- 2022-06-07 Kentucky SHPO APE Approval ..... B2-24
- 2022-08-30 ODOT Phase I Revaluation Submittal..... B2-31
- 2022-09-09 Ohio Section 106 Consulting Party Coordination ..... B2-36
- 2022-10-12 Kentucky SHPO Archaeology Effect Finding ..... B2-43
- 2022-11-07 KYTC Cultural Historic Survey Report Submittal ..... B2-44
- 2022-11-08 Ohio SHPO Comments ..... B2-53
- 2022-11-17 Kentucky SHPO Cultural Historic Survey Report Concurrence ..... B2-57
- 2022-11-21 FHWA Tribal Coordination ..... B2-59
- 2022-11-29 Miami Tribe of Oklahoma Response ..... B2-105
- 2022-12-01 Kentucky Consulting Parties Invitation ..... B2-106
- 2022-12-19 Cherokee Nation Response ..... B2-125
- 2022-12-29 Eastern Shawnee Tribe Response..... B2-126
- 2023-01-06 ODOT History/Architecture Determination ..... B2-128
- 2023-01-18 Kentucky Consulting Party Coordination..... B2-159
- 2023-01-25 Ohio SHPO Concurrence ..... B2-160
- 2023-04-24 Kentucky SHPO Archaeology Commitments ..... B2-165
- 2023-04-28 Osage Nation Response ..... B2-167
- 2023-05-05 Kentucky Consulting Party Comment Resolution Meeting ..... B2-168

- 2023-05-16 ODOT Project Update to Osage Nation ..... B2-169
  - 2023-05-30 KYTC Cultural Historic Survey Report Addendum Submittal ..... B2-171
  - 2023-06-07 Kentucky SHPO Cultural Historic Survey Report Addendum Concurrence ..... B2-173
  - 2023-08-01 Ohio Consulting Party Coordination ..... B2-175
  - 2023-08-04 Kentucky Consulting Party Coordination ..... B2-178
  - 2023-08-09 Ohio Consulting Party Meeting Presentation ..... B2-179
  - 2023-08-10 Kentucky Consulting Party Meeting Invitation ..... B2-181
  - 2023-08-15 FHWA Tribal Coordination ..... B2-183
  - 2023-08-15 ACHP Adverse Effect Notification ..... B2-222
  - 2023-08-30 ACHP Adverse Effect Response ..... B2-227
  - 2023-10-20 Section 106 Programmatic Agreement ..... B2-228
  - 2023-10-23 ACHP Filing of Section 106 Programmatic Agreement ..... B2-293
  - 2023-11-16 Osage Nation Information Request ..... B2-299
  - 2023-11-20 FHWA Response to Osage Nation ..... B2-300
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# OHIO DEPARTMENT OF TRANSPORTATION

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

June 16, 2017

Ms. Laura S. Leffler, Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
Ohio Division Office  
200 N. High Street  
Columbus, OH 43215

Ms. Diana Welling  
Department Head  
Resource & Protection  
Ohio Historic Preservation Office  
800 East 17th Avenue  
Columbus, Ohio 43211

**Re: Amendment and Renewal of HAM-I71/I75-0.00/0.22, Brent Spence Bridge Replacement/Rehabilitation Project, PID 75119 MOA, ODOT Agreement Number 16829**

Dear Ms. Leffler and Ms. Welling:

This letter serves as the State of Ohio, Department of Transportation's request to amend and renew the above referenced Memorandum of Agreement (MOA) in accordance with Stipulation VI of the MOA.

Enclosed is a fully executed version of the MOA. Pursuant to Stipulation II of the MOA, that Agreement will expire on June 28, 2017 because the Undertaking described in the Agreement has not yet been implemented. ODOT is requesting the MOA be extended for another five (5) year period from the date. Also enclosed is a draft First Amendment that would extend the MOA by a period of five (5) years.

Please contact me as soon as possible as the MOA is set to expire on June 28.

Respectfully,

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

Timothy M. Hill  
Administrator-OES  
ODOT Office of Environmental Services  
1980 West Broad Street, Mail Stop 4170  
Columbus, OH 43223  
(614) 644-0377

Enc. One copy of fully executed June 28, 2012 MOA.  
Draft First Amendment

FIRST AMENDMENT TO 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 75119, 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)

This AMENDMENT is made among the Ohio Department of Transportation, having an address of 1980 West Broad Street, Columbus, Ohio 43223, the Federal Highway Administration having an address of 200 N. High Street, Columbus, Ohio, 43215, and the Ohio Historic Preservation Office having an address of 800 E. 17<sup>th</sup> Ave. Columbus, Ohio, 43211 (collectively known as the "Parties")

This AMENDMENT modifies the above referenced Memorandum of Agreement (hereinafter "MOA") dated June 28, 2012, among the above-referenced parties.

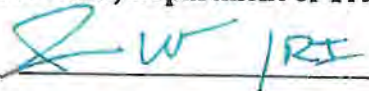
RECITALS

1. The Parties have agreed, pursuant to Stipulation VI of the MOA, to amend the MOA to extend the term of the MOA.

NOW, THEREFORE, the Parties agree as follows:

1. Stipulation II of the MOA shall be amended to read as follows:
  - a. This AGREEMENT will be null and void if the UNDERTAKING is not implemented within ~~five (5)~~ ten (10) years from the date of its execution. At such time, and prior to work continuing on the UNDERTAKING, FHWA shall either (a) execute a new 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. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of this AGREEMENT and amend it in accordance with Stipulation ~~VIII~~ VI below. FHWA shall notify the signatories as to the course of action it will pursue.
2. Any person executing this Amendment in a representative capacity hereby represents that he/she has been duly authorized by their respective Principle to execute this Amendment on such Principle's behalf.

**The State of Ohio, Department of Transportation**


Signed: 

Printed: Jerry Wray

Title: Director

Date: 6/18/17

**Federal Highway Administration, Ohio Division**

Signed: 

Printed: Laura S. Leffler

Title: Division Administrator

Date: 6/22/2017

**Ohio Historic Preservation Office**

Signed: \_\_\_\_\_

Printed:

Title:

Date:

**The State of Ohio, Department of Transportation**

Signed: Jerry Wray / RE

Printed: Jerry Wray

Title: Director

Date: 6/18/17

**Federal Highway Administration, Ohio Division**

Signed: \_\_\_\_\_

Printed: Laura S. Leffler

Title: Division Administrator

Date:

**Ohio Historic Preservation Office**

Signed: Diana Welling

Printed: Diana Welling

Title: Department Head for Resource Protection & Review

Date: 6/22/17

**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 75119,  
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 75 (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 the Ohio State Historic Preservation Office (SHPO) and the 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

## Superseded by Section 106 Programmatic Agreement

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 Memoranda of Agreement; 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), located at 700 Pete Rose Way (Second Street), Cincinnati, Ohio; and

WHEREAS, FHWA, with ODOT as their agent, has 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)(ii); 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 proposes treatments commensurate with the level of impact and that are a reasonable public expenditure in light of the severity of the impact. ODOT will mitigate

the adverse effect to B&O Freight and Storage Building/Longworth Hall, listed on the NRHP (860003521), located at 700 Pete Rose Way (Second Street), Cincinnati, Ohio, using, but not limited to, the treatments on the following list:

1. Installation of exterior storm windows.
2. Restoration of the east wall, to an approximation of its original appearance, will include materials salvaged during demolition in accordance with the Secretary of Interior's Standards.
  - a. Plans will be developed for review and comment by the building owner, Cincinnati Preservation Association, and SHPO.
  - 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 the renovation on the other side, will be included in the east wall reconstruction design.
3. Masonry repair will include: repair or replacement of bricks as warranted; tuck-pointing; and, brick cleaning of the west, north, and south walls.
4. Plaque/Interpretive signage will be constructed:
  - a. The original location of the east wall, prior to the construction of the Brent Spence Bridge, will be outlined by bricks and stone work.
  - b. An interpretive plaque, describing changes to the property that have occurred over time, will be placed near the original location of the east end wall.
5. The original lettering across the top of the building will be refurbished.
6. All materials removed, that retain historic integrity and nature, will be returned to the building owner to be used in future repairs or expansion.

The above treatments shall be developed in accordance with 36 CFR Part 68 The Secretary of the Interior's Standards for the Treatment of Historic Properties (STANDARDS). The treatment plans shall be submitted to OSHPO and the consulting parties concurrently for review and comment. The OSHPO, in consultation with the parties, will provide comments and/or concurrence with the treatment plans within 30-days.

C. ODOT will have follow up discussions with the owner regarding contracting methods and their request to either perform the construction themselves or provide project management control. If ODOT concurs in this approach, details will be outlined in a separate agreement.

## II. DURATION

This AGREEMENT will be null and void if the UNDERTAKING is not implemented within five (5) years from the date of its execution. At such time, and prior to work continuing on the UNDERTAKING, FHWA shall either (a) execute a new 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. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of this AGREEMENT 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 project's effect on the property, and to design a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property. If neither the SHPO nor a federally recognized Native American Indian Tribe file 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. 16734)* (executed 11/30/2011).

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. 16734) (executed 11/30/2011)*.

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 this AGREEMENT, 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 this 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 a new 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 SHPO, 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), located at 700 Pete Rose Way (Second Street), and has afforded the COUNCIL an opportunity to comment.

SIGNATORIES:

Mark L. Vander Embse Date 6/22/2012

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


Mark J. Epstein Date 6.28.12


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


Jerry Wray Date 4.12.12

Jerry Wray, Director  
Ohio Department of Transportation

Concurring:

  
Date 5/8/12  
Michael W. Hancock, Secretary  
Kentucky Transportation Cabinet

  
Date 5/9/12  
Lindy Casebier  
Acting Kentucky State Historic Preservation Office

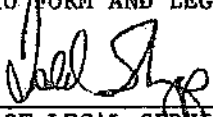
  
Date 6/18/12  
Margo Warminski  
Cincinnati Preservation Association

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

  
Date 5/24/12  
Steve Schuckman  
Cincinnati Parks

\_\_\_\_\_  
Date \_\_\_\_\_  
Norman Kattelman  
Dayton Street Historic District

APPROVED AS TO FORM AND LEGALITY:

  
Date 5/9/12  
KYTC, OFFICE OF LEGAL SERVICES



# 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 28, 2017

Ms. MaryAnn Naber, Senior Program Analyst  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, D.C. 20001

Attn: La Savio Johnson, Historic Preservation Technician

Subject: Amendment and Renewal of HAM-I71/I75-0.00/0.22 PID 75119  
Brent Spence Bridge Replacement/Rehabilitation Project  
Memorandum of Agreement, ODOT Agreement No. 16829

Dear Ms. Naber:

The subject documentation is enclosed in accordance with 36 CFR § 800.6(c) *Memorandum of agreement, (7) Amendment*, which states, "The signatories to a memorandum of agreement may amend it. If the Council was not a signatory to the original agreement and the signatories execute an amended agreement, the agency official shall file it with the Council". Therefore, the amended and renewed Memorandum of Agreement for the undertaking, HAM-I71/I75-0.00/0.22, Brent Spence Bridge Replacement/Rehabilitation Project, PID 75119, is attached for the Council's records. Questions may be forwarded to Susan Gasbarro, Office of Environmental Services, ODOT at [susan.gasbarro@dot.ohio.gov](mailto:susan.gasbarro@dot.ohio.gov).

Respectfully,

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

Timothy M. Hill, Administrator  
Office of Environmental Services

*The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 11, 2015, and executed by FHWA and ODOT.*

TMH:sg  
Enclosure

C: Andy Fluegemann, ODOT-D8; Diana Welling, SHPO; Laura Leffler, FHWA; Michael Hancock, Kentucky Transportation Cabinet; Kentucky State Historic Preservation Office; Margo Warminiski, Cincinnati Preservation Association; Michael Schweitzer, Longworth Hall; Steve Schuckman, Cincinnati Parks; Norman Kattelman, Dayton Street Historic District

June 1, 2022

Mr. Craig Potts  
Executive Director and  
State Historic Preservation Officer  
The Barstow House  
410 High Street  
Frankfort, KY 40601

**SUBJECT:** Area of Potential Effects for the Brent Spence Bridge  
project in Covington, Kenton County, Kentucky  
KYTC Item No. 6-17

Dear Mr. Potts:

As you are aware, the KYTC is reviving the environmental process for the Brent Spence Bridge project in Covington, Kenton County, Kentucky, and the previous cultural historic report is more than 10 years old. The currently proposed version of the project consists of rehabilitating the existing Brent Spence Bridge; building a companion bridge immediately west of the Brent Spence Bridge; and altering the existing Interstate 75/71 (I-75/71) alignment to accommodate the companion bridge. The previous Area of Potential Effects (APE) from the previous 2006-2010 reporting is shown on the attached map and KMZ file. Below is the written description of the APE, which comes from page 26 of the 2011 *Determination of Effects Report* by Parsons Brinckerhoff:

The project Area of Potential Effects (APE) is located along a 7.8-mile segment of I-75 within the Commonwealth of Kentucky (state line mile 186.7) and the State of Ohio (state line mile 2.7). The northern limit of the project is 1500 feet north of the midpoint of the Western Hills Viaduct Interchange on I-75 in Cincinnati, Ohio. The southern limit of the project is 5000 feet south of the midpoint of the Dixie Highway Interchange on I-71/I-75 in Fort Wright, Kentucky. The eastern and western limits of the project generally follow the existing alignment of I-75. When a National Register of Historic Places (NRHP) listed district was located within the project APE, the project APE was expanded to encompass the entire NRHP boundary.

KYTC would like to reuse this APE with the following modifications:

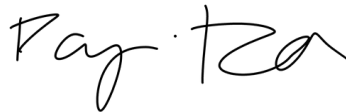
1. Only the portion of the project which falls within the State of Kentucky will be examined.
2. Based on the most recent disturbance limits GIS data from District 6, there are two new disturbance areas that fall outside of the original APE. The first area is on the west side of Kyles Lane (KY-1072) in Fort Mitchell and will accommodate traffic heading toward the entrance ramp to I-75/71 from the Kyles Lane/Dixie Highway intersection to the north. The second area is a drainage area located west of I-75/71 and south of Cedar Ridge Lane. KYTC has added these areas to the previous APE shape.

3. There are additional smaller areas where the recent disturbance limits go outside of the previous APE. These areas vary between 15 and 40 feet outside of the previous APE, and all are south of 12<sup>th</sup> Street on the east side of I-75/71 and south of US-127/West Pike Street on the west side of I-75/71. KYTC buffered the previous APE 50 feet south of 12<sup>th</sup> Street and south of US-127/West Pike Street to ensure all areas of disturbance will be within the APE and to capture any additional resources.
4. Boundaries for each National Register Historic District intersected by the APE have been re-digitized to match the district boundaries as shown on the maps in their respective NRHP nomination documents. These re-digitized boundary shapes will provide better accuracy as to which resources fall within the area of direct impacts.
5. The revised buffer will intersect the Beechwood Schools parcel which includes the original Beechwood School (KEFM-181). Site KEFM-181 is part of the Beechwood Historic District. KYTC has added the Beechwood Schools parcel and the Beechwood Historic District to the APE.

A map of the revised APE, as well as KMZs of the revised APE, the re-digitized NRHP boundaries, and the current disturbance limits are attached to this transmittal.

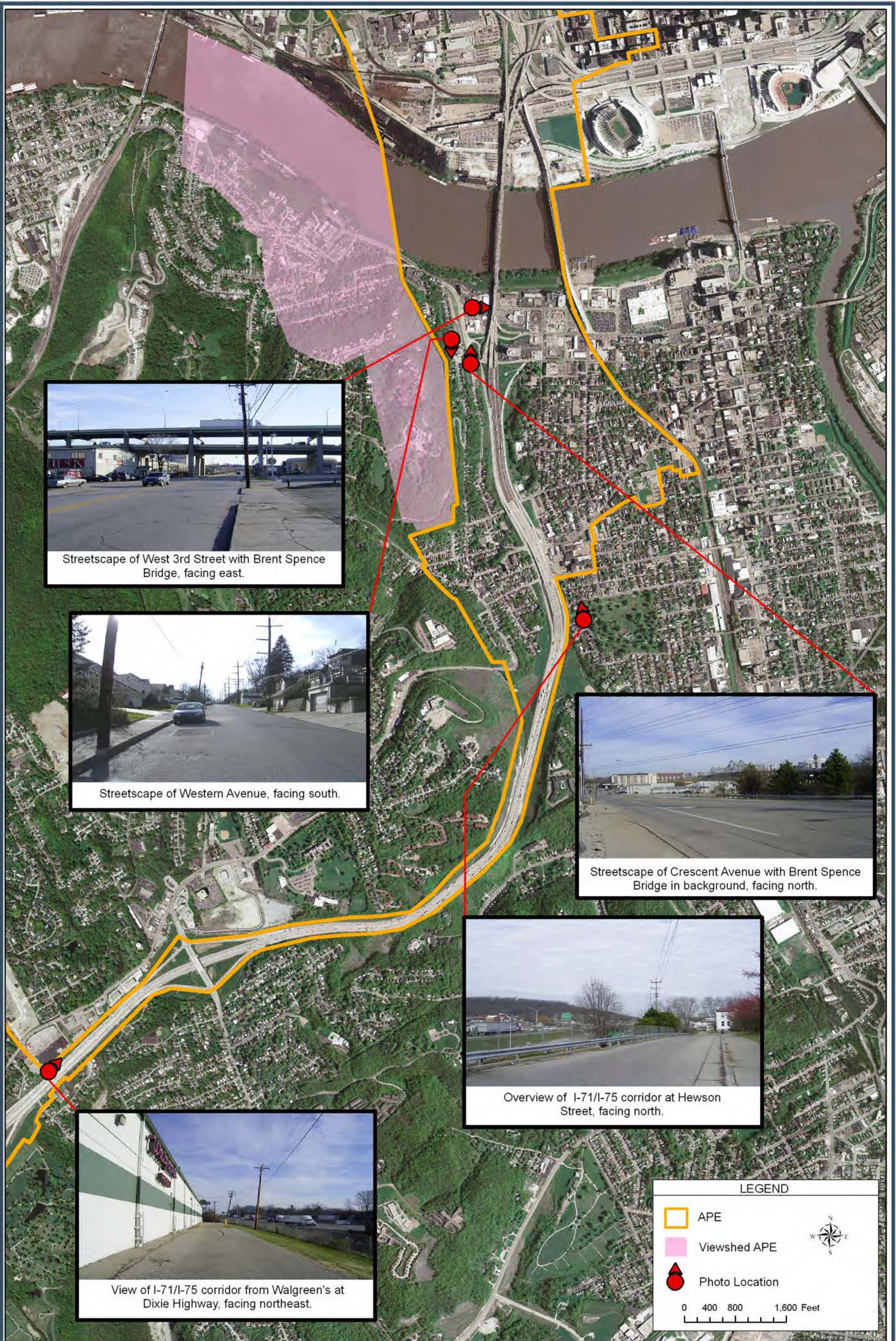
KYTC is requesting concurrence with this area of potential effects at your earliest convenience. If you have any questions, please contact Stephanie Lechert or me at 502-782-5038.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Peake". The signature is written in a cursive, somewhat stylized font.

Daniel R. Peake, Director  
Division of Environmental Analysis

DRP/SEL  
cc: M. Yagle (KHC), S. James (D-6), S. Schurman (DEA), S. Lechert (DEA)



Streetscape of West 3rd Street with Brent Spence Bridge, facing east.



Streetscape of Western Avenue, facing south.



Streetscape of Crescent Avenue with Brent Spence Bridge in background, facing north.



Overview of I-71/I-75 corridor at Hewson Street, facing north.

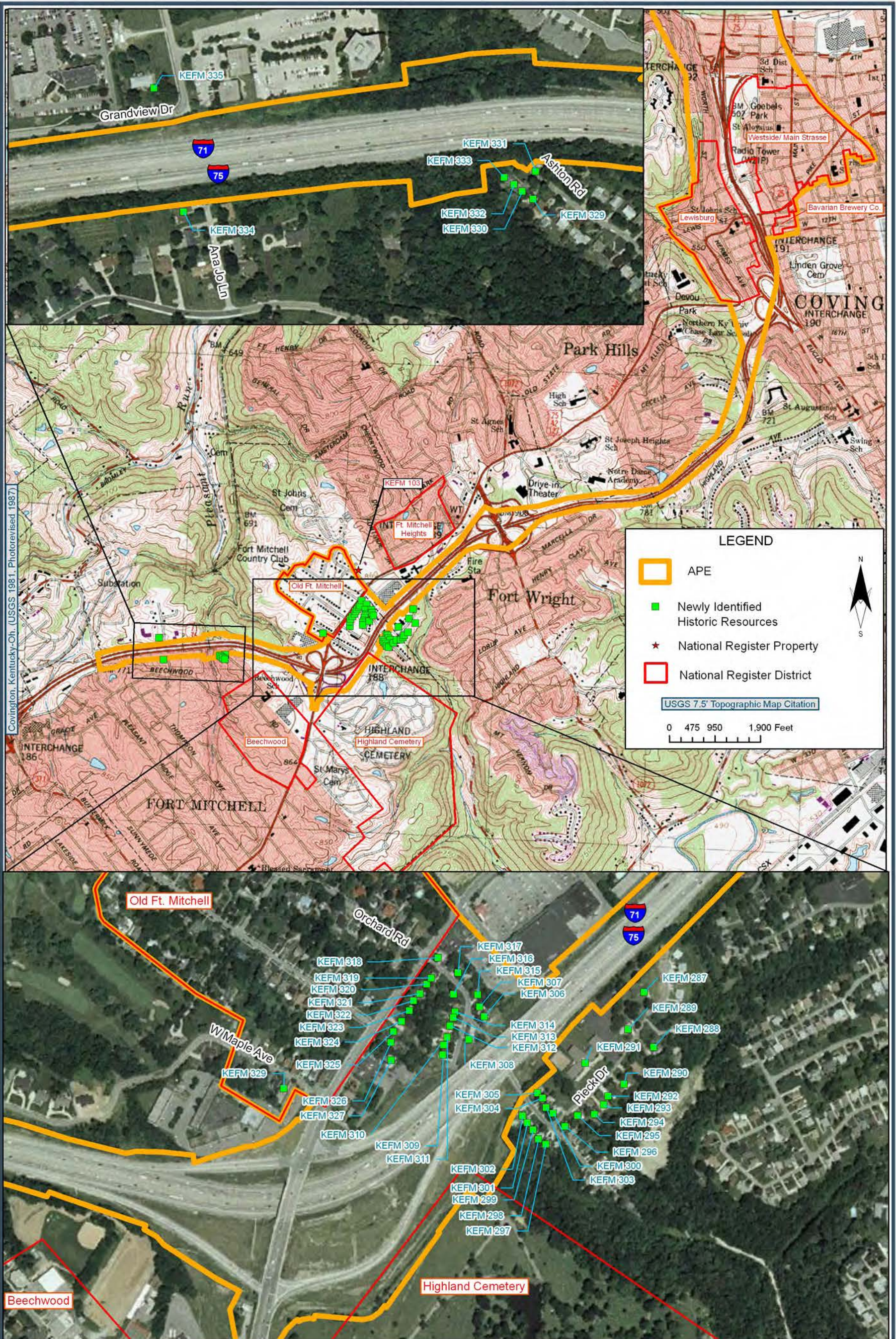


View of I-71/I-75 corridor from Walgreen's at Dixie Highway, facing northeast.

LEGEND

- APE
- Viewshed APE
- Photo Location

0 400 800 1,600 Feet



Covington, Kentucky, Ch. (USGS 1981, Photorevised 1987)

**LEGEND**

- APE
- Newly Identified Historic Resources
- ★ National Register Property
- National Register District

USGS 7.5' Topographic Map Citation

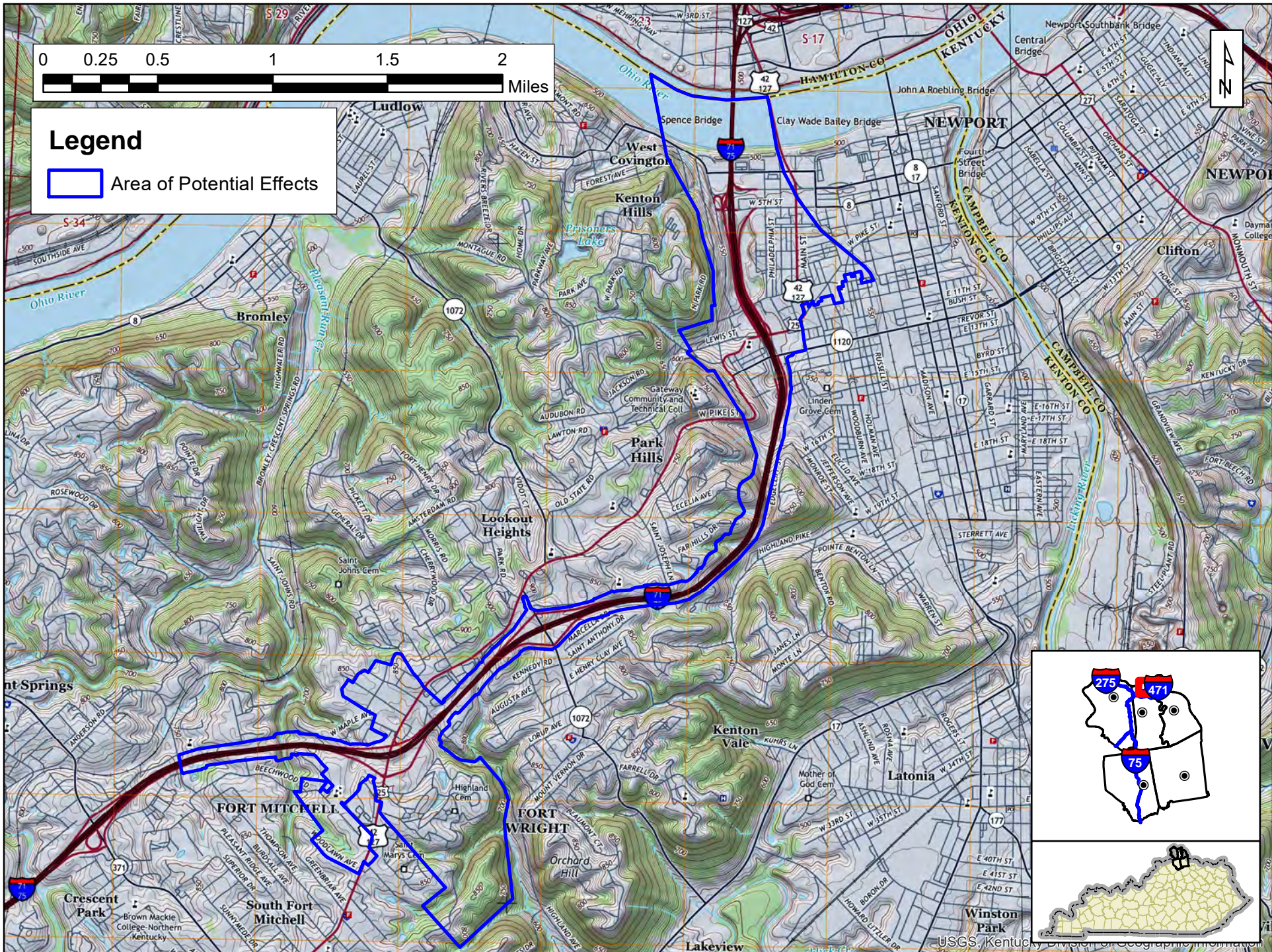
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Project APE Map Showing 2009 Recorded History / Architecture Resources

**EXHIBIT**  
6





Disclaimer: KYTC provides this map as a reference only. Users are to validate information independently.  
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## Superseded by Section 106 Programmatic Agreement

**Second Amendment to 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 75119, 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)**

This SECOND AMENDMENT is made among the Ohio Department of Transportation, having an address of 1980 West Broad Street, Columbus, Ohio 43223, the Federal Highway Administration having an address of 200 North High Street, Columbus, Ohio 43215, and the Ohio State Historic Preservation Office having an address of 800 East 17<sup>th</sup> Avenue, Columbus, Ohio 43211 (collectively known as the "Parties").

This SECOND AMENDMENT modifies the above referenced Memorandum of Agreement (AGREEMENT) dated June 28, 2012, among the above referenced Parties.

The Parties have agreed, pursuant to Stipulation VI of the AGREEMENT, to amend the AGREEMENT to extend the term of the AGREEMENT; and

NOW, THEREFORE, the Parties agree as follows:

1. Henceforth, this UNDERTAKING shall be known as the Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, ODOT PID 89068.
2. Stipulation II of the AGREEMENT shall be amended to read as follows:
  - a. This AGREEMENT will be null and void if the UNDERTAKING is not implemented within ~~five (5) years, ten (10) years,~~ fifteen (15) years from the date of its execution. At such time, and prior to work continuing on the UNDERTAKING, FHWA shall either (a) execute a new 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. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of this AGREEMENT and amend if accordance with Stipulation ~~VI~~ VI below. FHWA shall notify the signatories as to the course of action it will pursue.
3. Any person executing this SECOND AMENDMENT in a representative capacity hereby represents that he/she has been duly authorized by their respective Principle to execute this SECOND AMENDMENT on such Principle's behalf. This SECOND AMENDMENT may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument. Any party hereto may deliver a copy of its counterpart signature page to this SECOND AMENDMENT via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile or electronic signature of any other party delivered in such a manner as if such signature were an original.

April 18, 2022

2 of 4

Second Amendment & Renewal of the Executed Memorandum of Agreement  
(ODOT Agreement No. 16829)

**SIGNATORY**

Ohio Department of Transportation:

Jack Marchbanks 1/24

Jack Marchbanks, Director  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, Ohio 43223  
[Jack.Marchbanks@dot.ohio.gov](mailto:Jack.Marchbanks@dot.ohio.gov)

05.24.2022

Date

Reviewed as to Form

Office of Chief Legal Counsel

Ohio Department of Transportation

AR

5/24/2022

April 18, 2022

3 of 4

Second Amendment & Renewal of the Executed Memorandum of Agreement  
(ODOT Agreement No. 16829)

**SIGNATORY**

Ohio State Historic Preservation Office:

**Diana Welling**

Digitally signed by Diana Welling  
DN: cn=Diana Welling, o=Ohio History Connection, ou=State  
Historic Preservation Office, email=dwelling@ohiohistory.org,  
c=US  
Date: 2022.06.03 09:38:50 -0400

6/3/2022

Ms. Diana Welling, Department Head Resource and Protection

Date

Ohio State Historic Preservation Office

800 East 17<sup>th</sup> Street

Columbus, Ohio 43211

[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)

April 18, 2022

4 of 4

Second Amendment & Renewal of the Executed Memorandum of Agreement  
(ODOT Agreement No. 16829)

**SIGNATORY**

Federal Highway Administration, Ohio Division:

**LAURA S LEFFLER** Digitally signed by LAURA S LEFFLER  
Date: 2022.05.20 07:05:32 -04'00'

---

Laura S. Leffler, Division Administrator

Date

200 North High Street

Columbus, Ohio 43215

[Laurie.Leffler@dot.gov](mailto:Laurie.Leffler@dot.gov)

## Superseded by Section 106 Programmatic Agreement

June 3, 2022

Mandy Ranslow  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, D.C. 20001-2637

Email: [mrandslow@achp.gov](mailto:mrandslow@achp.gov)

Subject: Executed Memorandum of Agreement (Agreement No: 16829)

Re: ODOT Project – HAM-71/75-0.00/0.22 PID 89068

Dear Ms. Ranslow,

Pursuant to 36 CFR § 800.6(b)(1)(iv), enclosed is a copy of the fully executed *Second Amendment to 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 75119, 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)*. The filing of this Second Amendment to the MOA with the Advisory Council on Historic Preservation is required in order to complete the requirements of Section 106 of the National Historic Preservation Act. Please forward questions or comments to Erica Schneider, ODOT Office of Environmental Services, at [Erica.Schneider@dot.ohio.gov](mailto:Erica.Schneider@dot.ohio.gov).

Sincerely,



Timothy M. Hill, Administrator  
Office of Environmental Services

TMH:sg/Enclosure

C: Diana Welling, OSHPO; EnviroNet Project File

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this undertaking are being, or have been, carried-out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2020 and executed by the Federal Highway Administration (FHWA) and ODOT.

June 7, 2022

Mr. Daniel R. Peake  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street Frankfort, KY 40622

**Re: Area of Potential Effects for the Brent Spence Bridge  
Project in Covington, Kenton County, Kentucky  
KYTC Item No. 6-17**

Dear Mr. Peake,

Thank you for your digital submission of a letter, attached maps and KMZ file for the above-listed project which is 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.

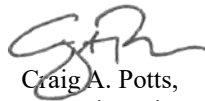
We understand that KYTC is reviving the environmental process for the Brent Spence Bridge project and the previous survey report is more than ten years old. We understand that the project proposes to build a companion bridge immediately west of the Brent Spence Bridge; and altering the existing Interstate 75/71 (I-75/71) alignment to accommodate the companion bridge. We also understand that KYTC is proposing to use the Area of Potential Effects (APE) from the previous 2006-2010 reporting with the modifications as outlined below:

1. Only the portion of the project which falls within the State of Kentucky will be examined.
2. Based on the most recent disturbance limits GIS data from District 6, there are two new disturbance areas that fall outside of the original APE. The first area is on the west side of Kyles Lane (KY1072) in Fort Mitchell and will accommodate traffic heading toward the entrance ramp to I-75/71 from the Kyles Lane/Dixie Highway intersection to the north. The second area is a drainage area located west of I-75/71 and south of Cedar Ridge Lane. KYTC has added these areas to the previous APE shape.
3. There are additional smaller areas where the recent disturbance limits go outside of the previous APE. These areas vary between 15 and 40 feet outside of the previous APE, and all are south of 12th Street on the east side of I-75/71 and south of US-127/West Pike Street on the west side of I75/71. KYTC buffered the previous APE 50 feet south of 12th Street and south of US-127/West Pike Street to ensure all areas of disturbance will be within the APE and to capture any additional resources.
4. Boundaries for each National Register Historic District intersected by the APE have been redigitized to match the district boundaries as shown on the maps in their respective NRHP nomination documents. These re-digitized boundary shapes will provide better accuracy as to which resources fall within the area of direct impacts.
5. The revised buffer will intersect the Beechwood Schools parcel which includes the original Beechwood School (KEFM-181). Site KEFM-181 is part of the Beechwood Historic District. KYTC has added the Beechwood Schools parcel and the Beechwood Historic District to the APE.



Based on our review we **Concur** with and find the proposed APE acceptable. Should you have any questions, please feel free to contact Matt Yagle of my staff at [matthew.yagle@ky.gov](mailto:matthew.yagle@ky.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "C. Potts", written over the printed name.

Craig A. Potts,  
Executive Director and State Historic Preservation Officer

CP: my, KHC #65533  
CC: Stephanie Lechert (KYTC)

June 1, 2022

Mr. Craig Potts  
Executive Director and  
State Historic Preservation Officer  
The Barstow House  
410 High Street  
Frankfort, KY 40601

**SUBJECT:** Area of Potential Effects for the Brent Spence Bridge  
project in Covington, Kenton County, Kentucky  
KYTC Item No. 6-17

Dear Mr. Potts:

As you are aware, the KYTC is reviving the environmental process for the Brent Spence Bridge project in Covington, Kenton County, Kentucky, and the previous cultural historic report is more than 10 years old. The currently proposed version of the project consists of rehabilitating the existing Brent Spence Bridge; building a companion bridge immediately west of the Brent Spence Bridge; and altering the existing Interstate 75/71 (I-75/71) alignment to accommodate the companion bridge. The previous Area of Potential Effects (APE) from the previous 2006-2010 reporting is shown on the attached map and KMZ file. Below is the written description of the APE, which comes from page 26 of the 2011 *Determination of Effects Report* by Parsons Brinckerhoff:

The project Area of Potential Effects (APE) is located along a 7.8-mile segment of I-75 within the Commonwealth of Kentucky (state line mile 186.7) and the State of Ohio (state line mile 2.7). The northern limit of the project is 1500 feet north of the midpoint of the Western Hills Viaduct Interchange on I-75 in Cincinnati, Ohio. The southern limit of the project is 5000 feet south of the midpoint of the Dixie Highway Interchange on I-71/I-75 in Fort Wright, Kentucky. The eastern and western limits of the project generally follow the existing alignment of I-75. When a National Register of Historic Places (NRHP) listed district was located within the project APE, the project APE was expanded to encompass the entire NRHP boundary.

KYTC would like to reuse this APE with the following modifications:

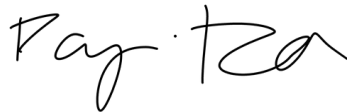
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3. There are additional smaller areas where the recent disturbance limits go outside of the previous APE. These areas vary between 15 and 40 feet outside of the previous APE, and all are south of 12<sup>th</sup> Street on the east side of I-75/71 and south of US-127/West Pike Street on the west side of I-75/71. KYTC buffered the previous APE 50 feet south of 12<sup>th</sup> Street and south of US-127/West Pike Street to ensure all areas of disturbance will be within the APE and to capture any additional resources.
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A map of the revised APE, as well as KMZs of the revised APE, the re-digitized NRHP boundaries, and the current disturbance limits are attached to this transmittal.

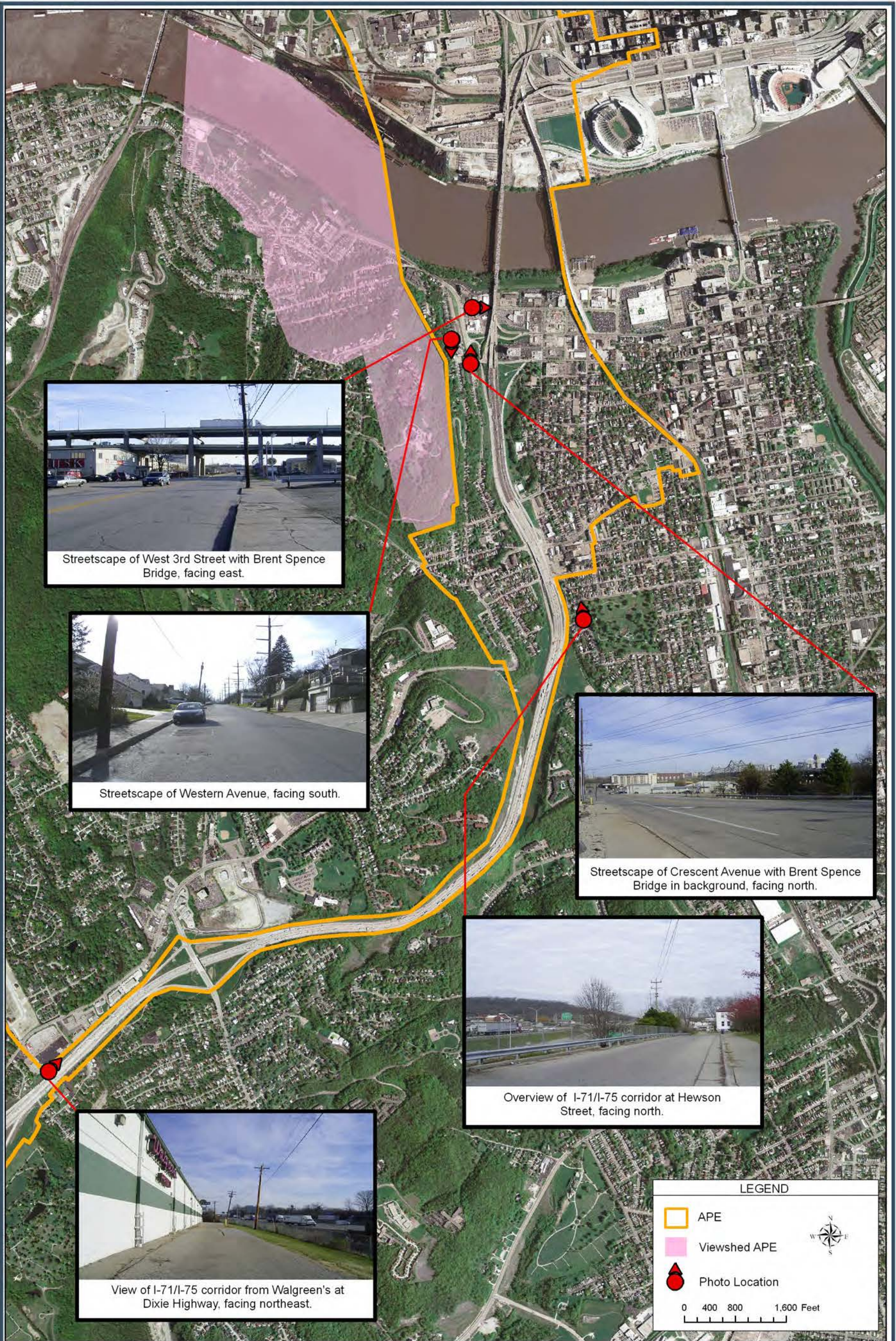
KYTC is requesting concurrence with this area of potential effects at your earliest convenience. If you have any questions, please contact Stephanie Lechert or me at 502-782-5038.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel R. Peake". The signature is fluid and cursive, with a large initial "D" and "P".

Daniel R. Peake, Director  
Division of Environmental Analysis

DRP/SEL  
cc: M. Yagle (KHC), S. James (D-6), S. Schurman (DEA), S. Lechert (DEA)



Streetscape of West 3rd Street with Brent Spence Bridge, facing east.



Streetscape of Western Avenue, facing south.



Streetscape of Crescent Avenue with Brent Spence Bridge in background, facing north.




Overview of I-71/I-75 corridor at Hewson Street, facing north.



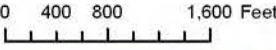
View of I-71/I-75 corridor from Walgreen's at Dixie Highway, facing northeast.

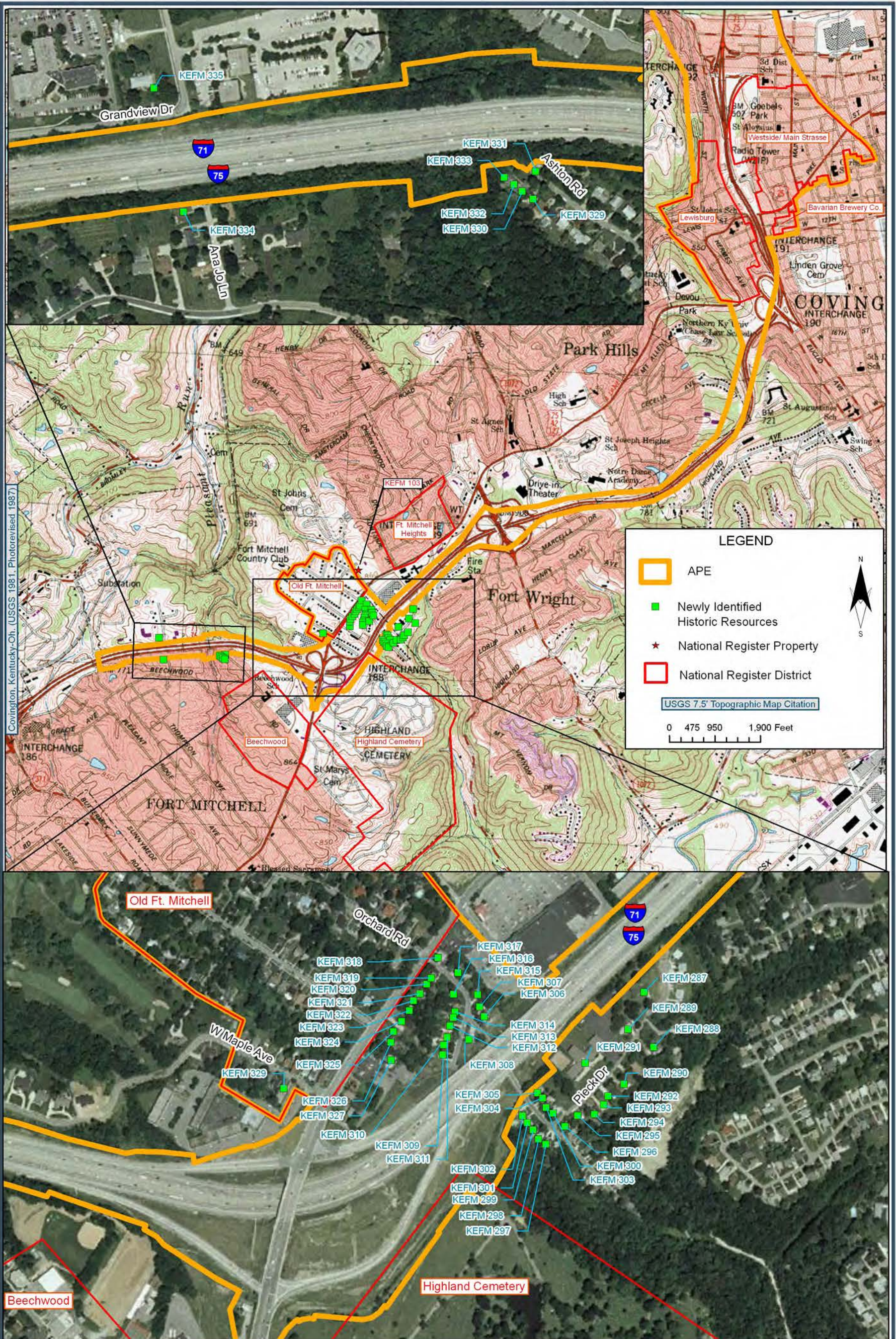
LEGEND

- APE
- Viewshed APE
- Photo Location



0 400 800 1,600 Feet





Covington, Kentucky-Ch. (USGS 1981, Photorevised 1987)

**LEGEND**

- APE
- Newly Identified Historic Resources
- ★ National Register Property
- National Register District

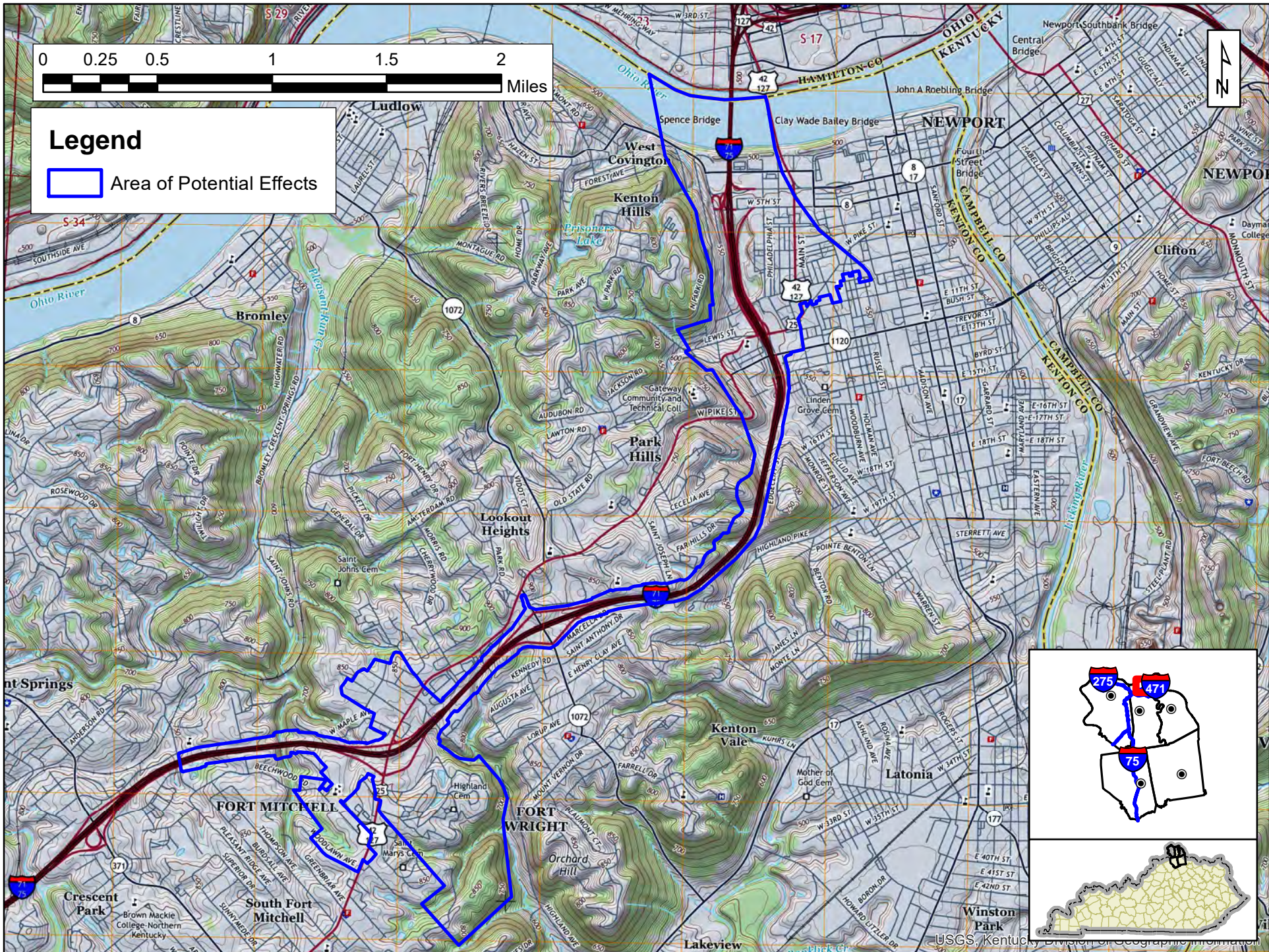
USGS 7.5' Topographic Map Citation

0 475 950 1,900 Feet



**Project APE Map Showing 2009 Recorded History / Architecture Resources**

**EXHIBIT**  
6



Disclaimer: KYTC provides this map as a reference only. Users are to validate information independently.  
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August 30, 2022

Diana Welling, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
800 East 17th Avenue  
Columbus, Ohio 43211

Attn: Mary Rody, SHPO Transportation Review Manager  
Thomas Grooms, SHPO Transportation Review Manager

Subject: HAM-IR 71/75 0.00/0.22 PID 89068

Dear Ms. Welling,

The HAM-IR 71/75 0.00/0.22 PID 89068 [PID 75119] project in Cincinnati, Ohio will improve the Brent Spence Bridge crossing over the Ohio River. The Brent Spence Bridge (BSB) corridor consists of 7.8 total miles of I-71 and I-75 located within portions of Ohio and Kentucky. This corridor is located within the Greater Cincinnati/Northern Kentucky region and is a major route for local and regional mobility. Locally, it connects to I-74, I-275, and US 50. The BSB provides an interstate connection over the Ohio River and carries both I-71 and I-75 traffic. The bridge also facilitates local travel by providing access to downtown Cincinnati, Hamilton County, Ohio and Covington, Kenton County, Kentucky. This corridor is also one of the busiest trucking routes in the US, connecting Michigan to Florida via I-75.

The Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) developed a range of alternatives for improving the I-71/I-75 corridor in Kentucky and Ohio through a series of preliminary engineering and planning studies coupled with extensive public and stakeholder involvement. These activities were documented in the project's Environmental Assessment (2012). On August 9, 2012, the Federal Highway Administration (FHWA) issued a Finding of No Significant Impact (FONSI) identifying Alternative I as the preferred alternative for the BSB Project. Since the approval of the FONSI, KYTC and ODOT completed additional studies to update the preferred alternative to reflect current design standards, traffic counts, and traffic operations. KYTC and ODOT also conducted a value engineering analysis of the preferred alternative. These efforts resulted in refinements to Preferred Alternative I, which have been designated as Concept I-W.

Concept I-W follows the Preferred Alternative I design for the I-71/I-75 alignment from the Dixie Highway interchange to 12th Street in Kentucky; north of Freeman Avenue in Ohio; and the local collector-distributor (C-D) roads along both sides of I-75 in Ohio. In addition, a companion bridge will be built just west of the existing BSB with all I-71 and I-75 traffic on the new bridge and all local C-D traffic on the existing BSB. The new bridge will carry five lanes of southbound (SB) I-71 and I-75 on the lower deck and five lanes of northbound (NB) I-71 and I-75 traffic on the upper deck. The existing BSB will be rehabilitated to carry three lanes for NB local traffic on the lower deck and three lanes for SB local traffic on the upper deck.

KYTC and ODOT are currently re-evaluating the project's Environmental Assessment to reflect the refined preferred alternative (Concept I-W). The re-evaluation efforts also involve updating resource specific studies to reflect any changes in conditions that have occurred since they were originally prepared.

### **Previous Consultation**

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 exceptions:

- Residential lots associated with the West McMicken Street Historic District would merit archaeological testing for stratified late 19th century deposits if one of the interchange reconfiguration alternatives were chosen. 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; and 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.
- Soil and geotechnical borings conducted during the design phase in the 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 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.

Concerning history architecture resources, consultation included the: identification of properties eligible for or listed in the NRHP; determination of effect on historic properties; and, identification of measures to mitigate adverse effects. The area of potential effects (APE) included a geographic area large enough to encompass the alternatives under consideration. The following table lists the identified historic properties within the APE and effect of the undertaking on each resource. On October 31, 2011, the SHPO concurred the undertaking will have an adverse effect on the B&O Freight and Storage Building/Longworth Hall, listed in the NRHP (NR# 86003521). Attached is a copy of the October 31, 2011 effect determination.



HAM-IR 71/75 0.00/0.22 PID 89068

<b>History Architecture Resources</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

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 75119, 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), was executed on June 28, 2012 [BSB MOA]. The BSB MOA was amended and renewed on June 22, 2017 and June 3, 2022. The project is now referred to as: HAM-Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, ODOT PID 89068.

### **History Architecture Re-evaluation**

The report *Brent Spence Bridge Project Phase I History/Architecture Re-evaluation Survey HAM-71/75-0.00/0.22; PID 89068 City of Cincinnati, Hamilton County, Ohio* (ASC, Inc. July 2022), was uploaded to the project file on July 21, 2022. Objectives of the re-evaluation survey report included the: identification of history architecture and archaeological resources that have been identified within the APE since 2012; the identification of NRHP listed or eligible history architecture resources present in 2012 that have undergone changes such as to warrant a change in their NRHP status; identification of history architecture resources within the APE that have become 50 years of age since 2012 eligible for listing in the NRHP; and to evaluate whether the adverse effect to the B&O Freight Terminal/Longworth Hall, listed in the NRHP, remain unchanged.

The APE for the Phase I history architecture re-evaluation survey was based on previous consultation and refined design. In summary, the APE is limited to the right-of-way (ROW) where improvements are confined to the existing ROW; specifically, adjacent to interstate and highway right-of-way. Where improvements are planned outside of the existing ROW, the APE generally follows a 1,500-foot corridor to accommodate all possible design changes within the proposed alternatives. It should be noted that the APE was developed to follow street lines rather than simply cut across the landscape and to fully incorporate any historic districts wholly or partially included within the 1,500-foot corridor. Although several small portions of Concept I-W extend outside of the APE, the construction limits in these areas have not changed. When construction limits expand beyond the 2012 APE, areas adjacent to the refined design construction limits were reviewed to confirm if additional resources were present.

The SHPO's (2022) Online Mapping System does not show any history architecture properties or archaeological sites have been listed in or determined eligible for listing in the NRHP within or adjacent to the APE since 2012. The West Fourth Street Historic District was extended eastward along W. Fourth Street to Vine Street in 2007 and amended in 2015 to include one additional building along Vine Street; all of this area is outside of the APE and not adjacent to the construction limits.

The re-evaluation report documents the condition of previously documented historic properties. One resource, the Mueller House at 724 Mehring Way, was demolished sometime after 2012. The Chem-Pack, Inc. building (HAM-1709-40/2261 Spring Grove Avenue) and the Western Hills Viaduct (SFN 3105458) will be removed by the undertaking HAM-Western Hills Viaduct (PID 85388). A *Memorandum of Agreement (Agreement No. 30501)* was executed October 19, 2017 and amended on April 1, 2022 for the removal of the two historic properties. Both resources are outside of the subject APE. The remaining NRHP listed or eligible properties have not significantly been altered so as to affect their eligibility since 2012.

Twenty-three (23) resources have become 50 years of age or older since 2012. The resources are described and evaluated in the re-evaluation survey report. The 23 resources are not eligible for inclusion in the NRHP due to diminished integrity and lack of significance. No potential historic districts were newly identified within or adjacent to the APE.

In Ohio, the only cultural resources anticipated to receive adverse effects from the undertaking is the NRHP-listed B&O Freight Terminal/Longworth Hall, located at 700 Pete Rose Way. The building is located immediately west of the existing I-71/I-75. The preferred alternative Concept I-W will pass through 204 feet of the building's northern and eastern end. The building consists of six adjacent blocks and a 1961 addition at the building's northeast corner. The project will necessitate the removal of the easternmost block, approximately half of the next adjacent block, and the addition. A new east wall will be constructed to close off the exposed end of the building. This planned adverse effect remains unchanged since 2012. The BSB MOA discusses these treatments in greater depth. The preferred alternative Concept I-W will not change the nature or degree of the adverse effect to the building.

**Conclusion**

In accordance with 36 CFR § 800.5(a), ODOT-OES has determined a finding of “adverse effect” remains applicable to the undertaking HAM-71/75-0.00/0.22, ODOT PID 89068.

- No cultural resources eligible for or listed in the NRHP will be adversely affected by the undertaking with the exception of the B&O Freight Terminal/Longworth Hall, located at 700 Pete Rose Way.
- Measures to mitigate the adverse effect will comply with the *Memorandum of Agreement (ODOT Agreement Number 16829)*, executed June 28, 2012, amended and renewed June 22, 2017 and June 3, 2022.
- A plan note to avoid the Cincinnati subway tunnels and portals will be included in the construction plans for the project.
- Soil and borings conducted during the design phase in the 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.
- The SHPO and Section 106 consulting parties will be given an opportunity to review and comment on final design plans.

In accordance with 36 CFR 800.5(a), ODOT requests concurrence within 30 days of receipt of this determination. Questions may be addressed to Susan Gasbarro, ODOT-OES at [susan.gasbarro@dot.ohio.gov](mailto:susan.gasbarro@dot.ohio.gov).

Respectfully,



Timothy M. Hill, Administrator  
Office of Administrative Services

Concurrence:

---

Ohio State Historic Preservation Office

Date

TMH: sg  
Enclosure

C: Project File, Section 106 Consulting Parties

September 9, 2022

Section 106 Consulting Parties

Subject: HAM-IR 71/75 0.00/0.22 PID 89068

Dear Section 106 Consulting Parties:

The Ohio Department of Transportation Office of Environmental Services (ODOT-OES) submitted the history architecture re-evaluation report *Brent Spence Bridge Project Phase I History/Architecture Re-evaluation Survey HAM-71/75-0.00/0.22; PID 89068 City of Cincinnati, Hamilton County, Ohio* (ASC, Inc. July 2022) to the Ohio State Historic Preservation Office (SHPO) for review. A copy of the August 30, 2022 Section 106 consultation letter, which accompanied and summarized the results of the report is attached for your review. Comments are requested within 30-days of receipt of this notification.

Regarding 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 75119, 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)* executed on June 28, 2012 [BSB MOA], enclosed is a copy of the amendment and renewal agreement executed on June 3, 2022. The project is now referred to as: HAM-Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, ODOT PID 89068. Enclosed is a copy of the June 3, 2022 amendment to the MOA.

If you have questions about the enclosed documents or would like a copy of the history architecture re-evaluation report, please contact:

Keith Smith, District Environmental Coordinator  
Ohio Department of Transportation (ODOT) District 8  
Attn: District Environmental Coordinator (DEC)  
Phone: 513.933.6590  
Email: [Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov)

Respectfully,

  
Timothy M. Hill, Administrator  
Office of Environmental Services

Section 106 Consulting Parties  
HAM-IR 71/75 0.00/0.22 PID 89068

September 9, 2022

Enclosure  
TMH:sg

c: Project File

Ohio State Historic Preservation Office  
Kentucky Transportation Cabinet  
Cincinnati Preservation Association  
Cincinnati Park Board  
Dayton Street Historic District  
West End Community Council  
Cincinnati Metropolitan Housing Authority

**Second Amendment to 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 75119, 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)**

This SECOND AMENDMENT is made among the Ohio Department of Transportation, having an address of 1980 West Broad Street, Columbus, Ohio 43223, the Federal Highway Administration having an address of 200 North High Street, Columbus, Ohio 43215, and the Ohio State Historic Preservation Office having an address of 800 East 17<sup>th</sup> Avenue, Columbus, Ohio 43211 (collectively known as the "Parties").

This SECOND AMENDMENT modifies the above referenced Memorandum of Agreement (AGREEMENT) dated June 28, 2012, among the above referenced Parties.

The Parties have agreed, pursuant to Stipulation VI of the AGREEMENT, to amend the AGREEMENT to extend the term of the AGREEMENT; and

NOW, THEREFORE, the Parties agree as follows:

1. Henceforth, this UNDERTAKING shall be known as the Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, ODOT PID 89068.
2. Stipulation II of the AGREEMENT shall be amended to read as follows:
  - a. This AGREEMENT will be null and void if the UNDERTAKING is not implemented within ~~five (5) years, ten (10) years,~~ fifteen (15) years from the date of its execution. At such time, and prior to work continuing on the UNDERTAKING, FHWA shall either (a) execute a new 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. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of this AGREEMENT and amend if accordance with Stipulation ~~VI~~ VI below. FHWA shall notify the signatories as to the course of action it will pursue.
3. Any person executing this SECOND AMENDMENT in a representative capacity hereby represents that he/she has been duly authorized by their respective Principle to execute this SECOND AMENDMENT on such Principle's behalf. This SECOND AMENDMENT may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument. Any party hereto may deliver a copy of its counterpart signature page to this SECOND AMENDMENT via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile or electronic signature of any other party delivered in such a manner as if such signature were an original.

April 18, 2022

2 of 4

Second Amendment & Renewal of the Executed Memorandum of Agreement  
(ODOT Agreement No. 16829)

**SIGNATORY**

Ohio Department of Transportation:

Jack Marchbanks 1/24

Jack Marchbanks, Director  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, Ohio 43223  
[Jack.Marchbanks@dot.ohio.gov](mailto:Jack.Marchbanks@dot.ohio.gov)

05.24.2022

Date

Reviewed as to Form

Office of Chief Legal Counsel

Ohio Department of Transportation

AR

5/24/2022

April 18, 2022

3 of 4

Second Amendment & Renewal of the Executed Memorandum of Agreement  
(ODOT Agreement No. 16829)

**SIGNATORY**

Ohio State Historic Preservation Office:

**Diana Welling**

Digitally signed by Diana Welling  
DN: cn=Diana Welling, o=Ohio History Connection, ou=State  
Historic Preservation Office, email=dwelling@ohiohistory.org,  
c=US  
Date: 2022.06.03 09:38:50 -04'00'

6/3/2022

Ms. Diana Welling, Department Head Resource and Protection

Date

Ohio State Historic Preservation Office

800 East 17<sup>th</sup> Street

Columbus, Ohio 43211

[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)



April 18, 2022

4 of 4

Second Amendment & Renewal of the Executed Memorandum of Agreement  
(ODOT Agreement No. 16829)

**SIGNATORY**

Federal Highway Administration, Ohio Division:

**LAURA S LEFFLER** Digitally signed by LAURA S LEFFLER  
Date: 2022.05.20 07:05:32 -04'00'

---

Laura S. Leffler, Division Administrator  
200 North High Street  
Columbus, Ohio 43215  
[Laurie.Leffler@dot.gov](mailto:Laurie.Leffler@dot.gov)

Date

**HAM- IR 71/75 0.00/0.22  
PID 89068  
Section 106 Consulting Party List**

Name	Address	Phone	Email
Michael W. Hancock, Secretary Kentucky Transportation Cabinet	Office of the Secretary 200 Mero Street Frankfort, Kentucky 40622	502-564-5102	<a href="mailto:KYTC.OfficeoftheSecretary@ky.gov">KYTC.OfficeoftheSecretary@ky.gov</a>
Craig Potts, Director and State Historic Preservation Officer, Kentucky Heritage Council	Kentucky Heritage Council 410 High Street Frankfort, Kentucky 40601	502-892-3602	<a href="mailto:craig.potts@ky.gov">craig.potts@ky.gov</a>
Margo Warminiski, Preservation Director Cincinnati Preservation Association	342 West Fourth Street Cincinnati, OH 45202	513-721-4506	<a href="mailto:margo@cincinnati-preservation.org">margo@cincinnati-preservation.org</a>
Michael Schweitzer Longworth Hall	700 Pete Rose Way Cincinnati, OH 45203	513-721-6000	<a href="mailto:mschweitzer@me.com">mschweitzer@me.com</a>
Jason Barron, Director Cincinnati Park Board	950 Eden Park Drive Cincinnati, OH 45202	513-352-4079	<a href="mailto:jason.barron@cincinnati-oh.gov">jason.barron@cincinnati-oh.gov</a>
940 Dayton LLC Dayton Street Historic District West End Community Council	938 Dayton Street Cincinnati, OH 45214	513-381-5353	<a href="mailto:rkillins@fuse.net">rkillins@fuse.net</a>
Gregory Johnson, Chief Executive Officer Cincinnati Metropolitan Housing Authority	1627 Western Ave. Cincinnati, OH 45214	513-977-5661	



ANDY BESHEAR  
GOVERNOR

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

MICHAEL E. BERRY  
SECRETARY

JACQUELINE COLEMAN  
LT. GOVERNOR

**THE STATE HISTORIC PRESERVATION OFFICE**

410 HIGH STREET  
FRANKFORT, KENTUCKY 40601  
(502) 564-7005  
[www.heritage.ky.gov](http://www.heritage.ky.gov)

**CRAIG A. POTTS**  
EXECUTIVE DIRECTOR &  
STATE HISTORIC PRESERVATION OFFICER

October 12, 2022

Mr. Daniel Peake, Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, Kentucky 40622

Re: *Phase I Cultural Resources Investigation I-75 Brent Spence Bridge Project, Kenton County, Kentucky (Item No. 6-17.00)* by Duane Simpson, Amber Stimpson, Elise Hargiss, and Michael Loughlin  
KYTC Item No. 6-17.00

Dear Mr. Peake,

Thank you for the digital submission of the above-referenced revised archaeology report. Concurrent review between Carl Shields (KYTC) and Patti Hutchins (KHC) was completed with the result that the report was accepted without comment. The report details the findings of an archaeological survey covering approximately 20.9 acres, of which 1.3 acres were located on land and 19.6 acres were located within the active channel of the Ohio River. Methods included pedestrian survey, shovel testing, and auger testing along the terrestrial portion, and multibeam sounding and side scan sonar along the marine portion. No new archaeological sites were identified during the survey. The KYTC requests concurrence with a finding of No Historic Properties Affected. We concur with a finding of *No Historic Properties Affected*.

Should you have any questions or concerns, please do not hesitate to contact Patti Hutchins of my staff via email at [patricia.hutchins@ky.gov](mailto:patricia.hutchins@ky.gov).

Sincerely,

Craig A. Potts,  
Executive Director and  
State Historic Preservation Officer

KHC # 66166  
CP/peh

November 7, 2022

Mr. Craig Potts  
Executive Director and  
State Historic Preservation Officer  
The Barstow House  
410 High Street  
Frankfort, KY 40601

**SUBJECT:** Revised Cultural Historic Survey for the Brent  
Spence Bridge Project in Covington, Kenton  
County, Kentucky  
KYTC Item No. 6-17

Dear Mr. Potts:

Please find the revised Cultural Historic Survey and survey forms submitted with this transmittal. After a concurrent review discussion, KYTC is now requesting concurrence for eligibilities and effects.

During their survey, Cardno now Stantec (Cardno) identified 214 historic-age resources within the area of potential effects: 97 were previously documented while 117 were newly recorded. Five previously NRHP-listed historic districts and two newly recommended historic districts are included in the number of previously documented resources.

Table 1 presents KYTC/FHWA's eligibility and effects determinations for the NRHP-listed and individually eligible resources.

**Table 1. NRHP-Listed and Individually Eligible Resources**

<b>KHC Survey No.</b>	<b>Site Name</b>	<b>NRHP Status</b>	<b>KYTC Effect Determination</b>
KE-07 and KE-08	Elberta Apartments Historic District*	Eligible	No Adverse Effect
KE-09	West Side/Main Strasse Historic District	Listed	No Adverse Effect
<b>KE-10</b>	<b>Lewisburg Historic District</b>	<b>Listed</b>	<b>Adverse Effect</b>
KE-11	Old Ft. Mitchell Historic District	Listed	No Effect
KE-12	Beechwood Historic District	Listed	No Effect
KE-13	Hillsdale Historic District*	Eligible	No Adverse Effect
KE-952	Sisters of Notre Dame Convent and Cemetery	Eligible	No Effect
KEC-107	C&O Railroad Bridge	Eligible	No Adverse Effect
KEC-456	1000 Emery Drive (House)	Eligible	No Effect
KEC-458	45 Rivard Drive (House)	Eligible	No Adverse Effect
KEC-460	829-831 Highway Avenue (House)	Eligible	No Effect

KEC-462	Bavarian Brewery Bottling Works/Glier's Goetta	Eligible	No Adverse Effect
KEC-820	Brent Spence Bridge	Eligible	No Adverse Effect
KEC-1011	534 West 13 <sup>th</sup> Street (House)	Eligible	No Adverse Effect
KEC-1038	626 W. 5 <sup>th</sup> Street (Quality Inn)	Eligible	No Adverse Effect
KEC-1048	224 Wright Street (Futuro House)	Eligible	No Effect
KEC-1064	402 Bakewell Street (Commercial Building)	Eligible	No Effect
KEC-1068	Covington Levee	Eligible	No Adverse Effect
KEC-1075	Clay Wade Bailey Bridge	Eligible	No Adverse Effect
KECL-692	536 West 13 <sup>th</sup> Street (House)	Eligible	No Adverse Effect
KECL-815	Bavarian Brewing Co./Kenton County Govt. Center	Listed	No Adverse Effect
KECL-1018	521 Western Ave (House)	Eligible	No Effect
KEFM-150	Highland Cemetery Historic District	Listed	No Effect

\*Newly recommended historic districts.

Cardno also recommended KECL-1055, a Northern Kentucky townhouse, as eligible for the NRHP as well as an adverse effect finding for the site. KYTC disagrees with the eligibility and effect recommendations for KECL-1055. Site KECL-1055 has had its integrity of materials, workmanship, and design impacted by the application of vinyl siding on at least two sides of the structure and the removal of a one-story rear addition and a covered porch on the south side. The addition and porch appear on the 1909 Sanborn Fire Insurance Map (Sanborn), the first Sanborn map that covers the portion of Covington where KECL-1055 is located. By the 1949 Sanborn, the addition was removed. The covered porch was removed between the 1954 Sanborn and the 2009 architectural fieldwork conducted in support of the 2010 Brent Spence Bridge project<sup>1</sup>. KYTC determines KECL-1055 not eligible for the NRHP and the proposed project will have no effect on this site.

One previously NRHP-listed resource, the Bavarian Brewing Co./Kenton Co. Govt. Center (KECL-815) was revisited and an update to the existing NRHP boundary was recommended by Cardno. The revised NRHP boundary for this site will expand to encompass the original bottling works (KEC-462), now Glier's Goetta, and eliminate the parking lots on the east and west sides from the NRHP boundary. As there is documentary evidence to show the building which now houses Glier's Goetta once served at the bottling works for the Bavarian Brewery, KYTC concurs with this recommendation and the proposed project will have no effect on these sites. Please see the attached map showing the proposed revised NRHP boundary for KECL-815/KEC-462.

In addition to the individually eligible or NRHP-listed resources and the recommended or NRHP-listed historic districts, Cardno identified contributing resources to several of the historic districts. Table 2 features contributing resources to the NRHP-listed Lewisburg Historic District (LHD) and the West Side/Main Strasse Historic District (WSMSHD). These resources were evaluated due to proposed takings for their respective parcels. The takings proposed for the WSMSHD sites have been withdrawn as the project design has been altered to eliminate the need for the takings.

<sup>1</sup> Parsons Brinckerhoff Americas and Gray & Pape, Inc. Phase I History/Architecture Survey – Kenton County, Kentucky. April 2010.

**Table 2. NRHP-Listed Historic Districts and their Contributing Resources within the APE**

<b>Lewisburg Historic District (KE-010)</b>					
Previously Listed as Contributing to Lewisburg; Not Individually Eligible	KECL-115	KECL-136	KECL-983	KECL-987	
	KECL-117	KECL-137	KECL-986	KECL-988	
	KECL-119	–	–	–	
<b>West Side/Main Strasse Historic District (KE-09)</b>					
Previously Listed as Contributing to West Side/Main Strasse	KEC-1023	KEC-1026	KEC-1028	KEC-1030	
	KEC-1024	KEC-1027	KEC-1029	KEC-1031	
	KEC-1025	–	–	–	

Cardno recommended an Adverse Effect finding for the project based on the impacts to the LHD. Within the portion of the LHD located within the APE, nine sites (KECL-115; KECL-117; KECL-119; KECL-136; KECL-137; KECL-983; KECL-986; KECL-987; and KECL-988) were identified as contributing resources to the district, but not individually eligible. All of the LHD contributing resources listed in Table 2 will be impacted by partial and complete takings. For the currently proposed version of the project, the design will require fewer takings overall to the LHD than the 2011 version of the project. These takings will impact the Lewisburg Historic District, resulting in an Adverse Effect.

An expansion for the West Side/Main Strasse Historic District (KE-09) to the south of the existing district was also recommended by Cardno. The following sites are recommended for the expansion: KEC-462; KECL-815; KEC-626; KEC-1013; and KECL/KEC-918. KYTC concurs with this recommendation. Please see the attached map showing the proposed NRHP boundary expansion/revision.

Table 3 provides the contributing resources for the Elberta Apartments Historic District (EAHD) and the Hillsdale Historic District (HHD). These resources were identified as they were located within the APE and not part of an existing NRHP-listed historic district.

**Table 3. Recommended Historic Districts and their Contributing Resources within the APE**

<b>Elberta Apartments Historic District (KE-07 and KE-08)</b>					
Not Individually Eligible; Contributing to Elberta Apartments Historic District	KE-953	KE-964	KE-984	KEC-459	
	KE-954	–	–	–	
<b>Hillsdale Historic District (KE-013)</b>					
Individually Eligible; Contributing to Hillsdale Historic District	KEC-458	–	–	–	
	Not Individually Eligible; Contributing to Hillsdale Historic District	KE-925	KE-926	–	–

Two new historic districts have been proposed within the APE: Hillsdale Historic District (KE-013) and Elberta Apartments Historic District (KE-07 and KE-08). Both proposed districts are recommended eligible under Criterion A in the area of significance Community Planning and Development. Within the portion of the Elberta Apartments Historic District located within the APE, five sites (KE-953; KE-964; KE-984; KEC-459; and KE-954) are contributing resources, but not individually eligible. Within the portion of the Hillsdale Historic District located within the APE, one site (KEC-458) is individually eligible for the NRHP under Criteria C and a contributing resource to the district, while two sites (KE-925 and KE-926) are contributing resources, but not individually eligible. KYTC concurs with this recommendation and the

proposed project will have no effect on either of these districts. Please see the attached maps showing the proposed NRHP boundaries for each of these proposed districts.

Sites KEC-1062, KEC-1063, and KEC-1065 are recommended by Cardno as contributing resources to the C&O Railroad Bridge. These sites are a single unit and, even though they have separate bridge numbers for inspection purposes, they comprise a single linear structure: the 1929 C&O Covington Viaduct. The mile-long C&O Covington Viaduct serves as the 1929 C&O Railroad Bridge approach. KYTC concurs with these sites contributing resources to the C&O Railroad Bridge and the project will have No Adverse Effect on these sites.

Finally, KYTC determines 149 resources to be not individually eligible for the NRHP under any criteria and do not contribute to a historic district. The proposed project will have no effect on these sites. See Table 4 for the complete list.

**Table 4. Surveyed Resources Not Eligible for the NRHP and Do Not Contribute to a Historic District**

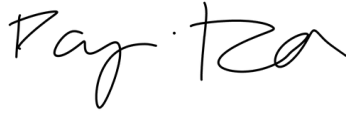
KE-659	KE-941	KEC-1021	KEC-1056	KECL-1027	KECL-1049	KEFM-310
KE-661	KE-942	KEC-1033	KEC-1057	KECL-1028	KECL-1050	KEFM-311
KE-915	KE-949	KEC-1034	KEC-1058	KECL-1029	KECL-1051	KEFM-312
KE-916	KE-950	KEC-1035	KEC-1059	KECL-1030	KECL-1052	KEFM-313
KE-917	KE-951	KEC-1037	KEC-1060	KECL-1031	KECL-1053	KEFM-314
KE-918	KE-985	KEC-1039	KEC-1061	KECL-1032	KECL-1054	KEFM-315
KE-919	KE-986	KEC-1040	KEC-1066	KECL-1033	KECL-1056	KEFM-316
KE-920	KE-987	KEC-1041	KEC-1067	KECL-1034	KECL-1057	KEFM-317
KE-921	KE-988	KEC-1042	KECL-221	KECL-1035	KECL-1058	KEFM-318
KE-922	KE-989	KEC-1043	KECL-1014	KECL-1036	KECL-1059	KEFM-319
KE-923	KE-990	KEC-1044	KECL-1015	KECL-1036	KEFM-287	KEFM-320
KE-924	KEC-430	KEC-1045	KECL-1016	KECL-1037	KEFM-289	KEFM-321
KE-927	KEC-457	KEC-1046	KECL-1017	KECL-1038	KEFM-290	KEFM-322
KE-932	KEC-461	KEC-1047	KECL-1019	KECL-1039	KEFM-301	KEFM-323
KE-933	KECL-817/KEC-817*	KEC-1049	KECL-1020	KECL-1040	KEFM-302	KEFM-324
KE-934	KEC-1012	KEC-1050	KECL-1021	KECL-1042	KEFM-304	KEFM-325
KE-935	KEC-1015	KEC-1051	KECL-1022	KECL-1044	KEFM-305	KEFM-326
KE-936	KEC-1016	KEC-1052	KECL-1023	KECL-1045	KEFM-306	KEFM-327
KE-937	KEC-1017	KEC-1053	KECL-1024	KECL-1046	KEFM-307	KEFM-331
KE-938	KEC-1018	KEC-1054	KECL-1025	KECL-1047	KEFM-308	KEFM-333
KE-939	KEC-1019	KEC-1055	KECL-1026	KECL-1048	KEFM-309	KEFM-334
KE-940	KEC-1020	–	–	–	–	–

\*KECL-817/KEC-817 (533 Pike Street, Covington, KY) has two KHC survey numbers. This property was previously documented as KECL-817 in Parsons Brinckerhoff Americas and Gray & Pape, Inc., 2010.

In summary, KYTC determines a project finding of **Adverse Effect** due to the impacts to the NRHP-listed Lewisburg Historic District and its contributing resources.

KYTC is requesting concurrence with the above eligibility and effects determinations at your earliest convenience. If you have any questions, please contact Stephanie Lechert or me at 502-782-5038.

Sincerely,

A handwritten signature in black ink, appearing to read "Danny R. Peake". The signature is fluid and cursive, with the first name "Danny" and last name "Peake" clearly distinguishable.

Danny R. Peake, Director  
Division of Environmental Analysis

DRP/sel



Enclosures


cc: M. Yagle (KHC), S. Schurman (DEA), S. Hans (D-6), S. James (D-6), S. Lechert (DEA), J. Ballentine (FHWA), M. Diop (FHWA), J. Heflin (HNTB)





0 100 Meters

 NRHP Boundary  
 Recommended NRHP Boundary Increase

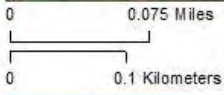
  
 7.5' Quadrangle  
 Covington, KY  
 Project No. 3202053MDC  
 Stantec: 238.1007.40

This map and all data contained within are supplied as is with no warranty. Cardno, Inc. expressly disclaims responsibility for damages or liability from any claims that may arise out of the use or misuse of the map. It is the sole responsibility of the user to determine if the data on this map meets the user's needs. This map was not created as survey data, nor should it be used as such. If the user's responsibility is to obtain precise survey data, prepared by a licensed surveyor, that is required by law.

**West Side/Main Strasse HD**  
**NRHP Boundary**  
**with Recommended Increase**  
 Brent Spence Bridge Renewal Project (6-1)  
 Covington, Kenton County, Kentucky

  
 now  
  
 3081 Indusway Blvd, Independence, KY 40294  
 Phone: (513) 311-2850 | Fax: (513) 311-286-1586  
 www.stantec.com

Date: 1/17/2022 File Path: C:\Users\h123456789\Documents\Projects\Brent Spence\GIS\2022\QW\WestSide\_MainStrasse\75'Quadrangle\75'Quadrangle\75'Quadrangle.mxd  
 Software: Source Data, Model, Geocopy, Services, Geoprocess, CNEC, Atlas 24, USDR, US22, ANNOBRI, IGM, and the GIS User Community (Esri, HERE, Garmin, © OpenStreetMap contributors)



- KE-07
- KE-08
- NRHP Boundary

7.5' Quad angle:  
Covington, KY  
Project No.  
XXXXX

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## Elberta Apartments Proposed NRHP Boundary

Brent Spence Bridge Renewal Project (6-17)  
Covington, Kenton County, Kentucky


**Gardno**  
FOR  
**Stantec**

3601 Induspark Blvd., Indianapolis, IN 46254  
Phone: (317) 311-355-1982 Fax: (317) 311-355-1985  
www.gardno.com

Date: 9/1/2022 File Path: C:\Users\stephen.hart@stantec.com\OneDrive - Client\Projects\Brent Spence Bridge Renewal Project\GIS\7.5' Quad Map.mxd  
 Screenshot Source: Esri, DeLorme, GeoEye, (Geo)SatelliteGeographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Swatch, Bing, Mapbox



0 0.04 Miles  
 0 0.045 Kilometers

 NRHP Boundary

7.5' Quad angle:  
 Covington, KY  
 Project No.  
 XXXXX

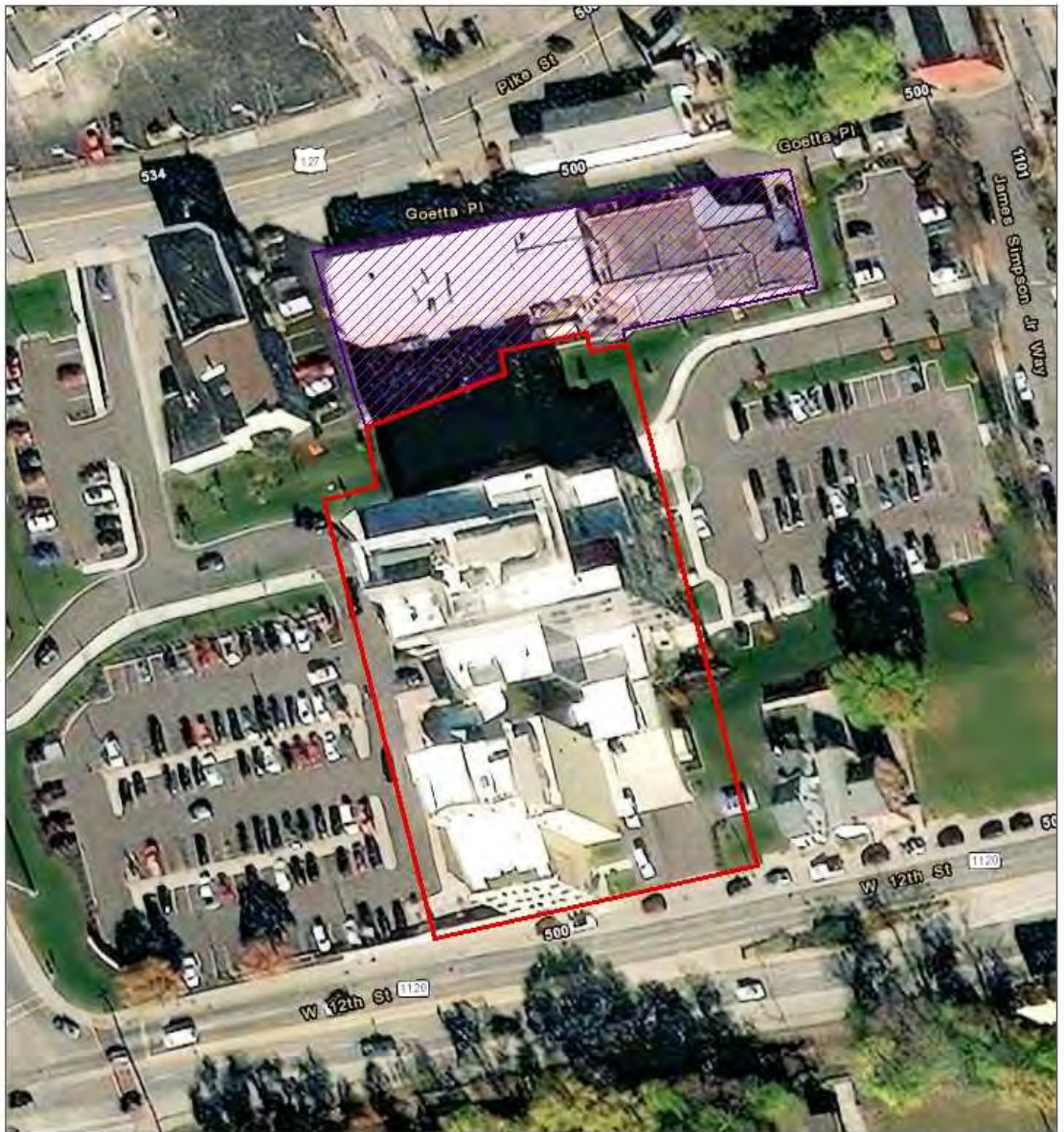
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## Hillsdale Historic District Proposed NRHP Boundary



Brent Spence Bridge Renewal Project (6-17)  
 Covington, Kenton County, Kentucky



3031 Industrial Blvd, Indianapolis, IN 46254  
 Phone (317) 211-388-1082 Fax (317) 211-388-1566  
[www.cardno.com](http://www.cardno.com)



0 0.015 Miles  
 0 0.015 Kilometers

-  Recommended NRHP Boundary Increase
-  Recommended NRHP Boundary

7.5' Quad angle:  
 Covington, KY  
 Project No.  
 XXXXX

This map and all data contained within are supplied as is with no warranty. Customers are responsible for damages or liability from any claims that may arise out of the use or release of the map. It is the sole responsibility of the user to determine if the data on this map meets the user's needs. This map was not created as survey data, nor should it be used as such. If the user's responsibility is obtain proper survey data, prepared by a licensed surveyor, when required by law.

**The Bavarian Brewery Company  
 Proposed NRHP Boundary**  
 Brent Spence Bridge Renewal Project (6-17)  
 Covington, Kenton County, Kentucky

  
 FOR  
  
 3801 Industrial Blvd., Independence, MO 64224  
 Phone: (417) 311-385-1982 Fax: (417) 311-385-1985  
 www.stantec.com

**From:** [Mary Rody](#)  
**To:** [Gasbarro, Susan](#)  
**Cc:** [Schneider, Erica](#); [Diana Welling](#); [Miranda Fisher](#)  
**Subject:** Brent Spence Follow Up HAM 71/75 PID 89068  
**Date:** Tuesday, November 8, 2022 10:55:59 AM  
**Attachments:** [image001.png](#)

---

Susan,

Additional comments for Thursday's meeting.

In general, more comparative analysis is needed to understand how these resources contribute to the impact of the Queensgate Developments, a larger City planning initiative that shaped the west side of Cincinnati. Resources in the report and APE, and those outside of the APE, are associated with the Queensgate Developments, which is likely a significant theme under Criterion A for a type of Urban Renewal effort. It is not clear that there is not an historic district potential, as there are potential resources beyond boundary of the APE that are not considered due to the scope of the project. Therefore, SHPO does not agree that there is definitively not a historic district present. The context Queensgate Developments is indicative of city planning in this time period and there is precedence in other Ohio cities who have acknowledged the significance and impact of these plans and the era's architecture by supporting National Register Historic Districts – Dayton, Cleveland, Toledo. There are also several other non-listed areas in Columbus and Akron that merit this similar consideration.

It is difficult to study and understand the context and significance of an individual resource by evaluating it on its own apart from the whole; a result of the limitations of having to define a limited APE for an undertaking. Therefore, when evaluating these individual properties in the APE, the larger context of the Queensgate Developments should be considered - not just the resource as the "first or earliest or best" – and comparative analysis should define how this resource contributed and impacted the important city planning initiative. Individual resource evaluations would benefit from adding additional architectural comparative analysis for individual architectural style and/or architect firm in the discussion substantiating why these buildings are not individually eligible. Please provide architect information and an architectural comparison context to other similar buildings substantiating how the "not eligible" decisions. Specific comments are noted for resources below.

AL 1 – 424 Gest Street: comparative analysis of architecture firm's portfolio; comparative analysis of New Formalism style with examples in Cincinnati/Ohio.

AL 8 – 717 Linn Street: Addition does not detract from building; geometrical features remain.

AL 15 – 800 W. 8th Street: impact of a hotel as part of the plan; architectural comparison.

AL 19 – 925 Freeman Avenue: architectural comparison; impact of company as part of the plan.

AL 20 – 1100 Gest Street: comparative analysis of architecture firm's portfolio; comparative analysis of New Formalism style with examples in Cincinnati/Ohio.

AL 23 – 405 West 7th Street: relocation is a direct connection to the larger planning initiative; extant and remaining location of significant African American congregation; designed specifically to be compatible for the surrounding area within context of plan.

SFN3107787; Have discussions between ODOT and Kentucky considered reevaluating the bridge? It

is recommended to review and consider the truss integrity; have there been alterations to original materials, design, or appearance? Have alterations been made to the approaches? Can a current comparative analysis be completed to understand the context of this 1963 engineering effort to other like-era Ohio River bridges? Where the undertaking proposes rehabilitation, perhaps this is a good time to re-evaluate a rare example of a large cantilever truss bridge with a double deck configuration.

SHPO is interested in learning more about comments received by Consulting Parties; please provide them to our office as they are available.

Mary

**Mary Rody | National Register Reviews Manager, State Historic Preservation Office**

Ohio History Connection | 800 E. 17<sup>th</sup> Ave., Columbus, OH 43211  
p. 614.298.2000 | f. 614.298.2037 | [mrody@ohiohistory.org](mailto:mrody@ohiohistory.org)

---

**From:** [Susan.Gasbarro@dot.ohio.gov](mailto:Susan.Gasbarro@dot.ohio.gov) [<mailto:Susan.Gasbarro@dot.ohio.gov>]  
**Sent:** Friday, October 14, 2022 11:37 AM  
**To:** Mary Rody <[MRody@ohiohistory.org](mailto:MRody@ohiohistory.org)>  
**Cc:** Diana Welling <[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)>; [Erica.Schneider@dot.ohio.gov](mailto:Erica.Schneider@dot.ohio.gov);  
[Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov); [Larry.Hoffman@dot.ohio.gov](mailto:Larry.Hoffman@dot.ohio.gov)  
**Subject:** FW: HAM 71/75 PID 89068

Mary,

In response to your email, yes we would like to meet with you and Diana to discuss the “potentially eligible” properties identified in your email and listed below:

AL 1 – 424 Gest Street  
AL 8 – 717 Linn Street  
AL 15 – 800 W. 8th Street  
AL 19 – 925 Freeman Avenue  
AL 20 – 1100 Gest Street  
AL 23 – 405 West 7th Street

We will be sending out a poll to check everyone’s availability.

We believe that our report adequately supports the NRHP evaluations of these properties and therefore, we would like to request a clarification of your concerns prior to our meeting. If you could please provide additional information regarding the reasons you believe these properties to either be eligible or potentially eligible for the NRHP or let us know what information you believe is missing, that would help us be prepared for a productive discussion.

We look forward to meeting with your team to discuss the project and the resources in question.

Thank you  
Susan

**Susan Gasbarro**

*History/Architecture Team Leader*

ODOT Office of Environmental Services

1980 West Broad Street, Mail Stop 4170

Columbus, OH 43223

(614) 728-0719

[Transportation.ohio.gov](http://Transportation.ohio.gov)



*The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2020 and executed by FHWA and ODOT.*

---

**From:** Mary Rody <[MRody@ohiohistory.org](mailto:MRody@ohiohistory.org)>  
**Sent:** Friday, October 7, 2022 11:14 AM  
**To:** Gasbarro, Susan <[Susan.Gasbarro@dot.ohio.gov](mailto:Susan.Gasbarro@dot.ohio.gov)>  
**Cc:** Diana Welling <[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)>; Schneider, Erica <[Erica.Schneider@dot.ohio.gov](mailto:Erica.Schneider@dot.ohio.gov)>  
**Subject:** HAM 71/75 PID 89068

Hi Susan,

After review of the report, it appears Architectural Location Numbers 1, 8, 15, 19, 20, and 23 are potentially eligible for the National Register; we do not agree with the report conclusion that they are not eligible. We welcome the opportunity to coordinate a call to discuss a process for further investigations on these properties, if necessary. Please let us know when may work for you.

Regards,

Mary

**Mary Rody | Architecture Transportation Reviews Manager and National Register Reviews  
Manager, State Historic Preservation Office**

Ohio History Connection | 800 E. 17<sup>th</sup> Ave., Columbus, OH 43211  
p. 614.298.2000 | f. 614.298.2037 | [mrody@ohiohistory.org](mailto:mrody@ohiohistory.org)

Did you know the Ohio SHPO now accepts electronic-only submissions for state and/or federal review under Section 106 and ORC 149.53? Please send your submissions to [section106@ohiohistory.org](mailto:section106@ohiohistory.org). We have also updated our [Survey Report Submission Standards](#).

**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.



November 17, 2022

Mr. Daniel R. Peake  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street Frankfort, KY 40622

**Re: Revised Cultural Historic Survey for the Brent  
Spence Bridge Project in Covington, Kenton  
County, Kentucky  
KYTC Item No. 6-17**

Dear Mr. Peake,

Thank you for your digital submission of the revised Cultural Historic Survey and survey forms for the above-listed project which is 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.

Our office understands that the above proposed project involves an eight-mile interstate widening project between Dixie Highway in Kentucky and Ezzard Charles Drive in Ohio, with approximately six miles of the project in Kentucky. We understand that the project also includes the construction of a new companion bridge adjacent to the existing Brent Spence Bridge, reconstructed interchanges and overpasses, new frontage roads, upgraded drainage facilities, relocated utilities, expanded sidewalks and new multiuse facilities, retaining walls, and noise walls are also proposed. We understand that a total of 214 historic-age resources within the area of potential effects were identified: Ninety-seven were previously documented while 117 were newly recorded. Five previously National Register (NR) listed historic districts and two newly recommended historic districts were identified within the APE.

We understand FHWA/KYTC's eligibility and effects determinations as outlined in Tables #1, #2, #3, and #4 of your November 7, 2022 letter. We also understand that FHWA/KYTC has proposed a revised NR boundary for Bavarian Brewing Co./Kenton Co. Govt. Center (KECL-815) that will expand to encompass the original bottling works (KEC-462), now Glier's Goetta, and eliminate the parking lots on the east and west sides from the NR boundary. We also understand that an expansion for the West Side/Main Strasse Historic District (KE-09) to the south of the existing district has been proposed. The following sites are recommended for the expansion: KEC-462; KECL-815; KEC-626; KEC-1013; and KECL/KEC-918.

We understand that KYTC has determined that the project will have an Adverse Effect due to the impacts to the NRHP-listed Lewisburg Historic District and its contributing resources. We understand from the report that several properties including National Register-listed contributing elements FS 209/KECL-115 and FS 213/KECL-136 will need to be acquired and demolished. Additionally, strip takings from the eastern property boundaries of National Register-listed contributing elements FS 210/KECL-117, FS 211/KECL-119, and FS 214/KECL-137 will also be required. The paved portion of the interstate and/or local roads will also be placed generally closer to the district and the undertaking will encroach on the eastern National Register boundary and require its narrowing around Bullock, 11th, and 12th Streets.

Based on our review, our office agrees with the eligibility findings as outlined in your November 7<sup>th</sup>, 2022 letter and with the NRHP boundary modifications and as a result, **Concur** with your eligibility determinations and finding of **Adverse Effect**.

We would like to thank FHWA, KYTC and the design team for their efforts to avoid impacts to the West Side/Mainstrasse Historic District. We look forward to continued consultation as the MOA is developed. Should you have any questions, please feel free to contact Matt Yagle of my staff at [matthew.yagle@ky.gov](mailto:matthew.yagle@ky.gov).

Sincerely,



Craig A. Potts,  
Executive Director and State Historic Preservation Officer

CP: my, KHC #220186; 66015  
CC: Stephanie Lechert (KYTC-DEA)



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 19<sup>th</sup> 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Ms. Elizabeth Toombs  
Special Projects Officer  
Cherokee Nation  
P.O. Box 948  
Tahlequah, OK 74465-0948

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

Dear Ms. Toombs:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Cherokee Nation 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 19<sup>th</sup> 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 Cherokee Nation. 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure





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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Mr. Larry Heady  
Tribal Historic Preservation Officer  
Delaware Tribe of Oklahoma  
5100 Tuxedo Boulevard  
Bartlesville, OK 74006

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

Dear Mr. Heady:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Delaware 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.

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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 Delaware 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Mr. Russell Townsend  
Tribal Historic Preservation Officer  
Eastern Band of Cherokee Indians  
Cultural Resources Division  
P.O. Box 455  
Cherokee, NC 28719

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

Dear Mr. Townsend:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Eastern Band of Cherokee Indians 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 19<sup>th</sup> 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 Eastern Band of Cherokee Indians. 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Mr. Paul Barton  
THPO/Cultural Preservation Director  
Eastern Shawnee Tribe of Oklahoma  
70500 East 128<sup>th</sup> Road  
Wyandotte, OK 74370

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

Dear Mr. Barton:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Eastern 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 19<sup>th</sup> 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 Eastern 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Ms. Diane Hunter  
Tribal Historic Preservation Officer  
Miami Tribe of Oklahoma  
P. O. Box 1326  
Miami, OK 74355

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

Dear Ms. Hunter:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Miami 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 19<sup>th</sup> 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 Miami 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Ms. Deseray Helton  
Archaeologist  
Osage Nation  
627 Grandview Avenue  
Pawhuska, OK 74056

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

Dear Ms. Helton:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Osage Nation 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 19<sup>th</sup> 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 Osage Nation. 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Ms. Charla EchoHawk  
Director of Cultural Preservation  
Peoria Tribe of Indians of Oklahoma  
P.O. Box 1527  
Miami, OK 74355

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

Dear Ms. EchoHawk:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Peoria Tribe of Indians 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 19<sup>th</sup> 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 Peoria Tribe of Indians 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Mr. Matthew Bussler  
Tribal Historic Preservation Officer  
Pokagon Band of Potawatomi  
58620 Sink Road  
Box 180  
Dowagiac, MI 49047

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

Dear Mr. Bussler:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Pokagon Band of Potawatomi 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 19<sup>th</sup> 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 Pokagon Band of Potawatomi. 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Mr. Joe Stahlman, PhD  
Tribal Historic Preservation Officer  
Seneca Nation of Indians  
82 W Hetzel St.  
Salamanca, NY 14779

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

Dear Mr. Stahlman:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Seneca Nation of Indians 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 19<sup>th</sup> 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 Seneca Nation of Indians. 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure





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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Ms. Erin Paden  
Cultural Preservation Assistant  
The Shawnee Tribe  
P. O. Box 189  
29 S Hwy 69A  
Miami, OK 74354

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

Dear Ms. Paden:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with The Shawnee Tribe 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 19<sup>th</sup> 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 The Shawnee Tribe. 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



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

**Ohio Division**

November 22, 2022

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Ms. Erica Gorsuch  
Assistant Tribal Historic Preservation Officer  
United Keetoowah Band of Cherokee Indians  
P.O. Box 746  
Tahlequah, OK 74465

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

Dear Ms. Gorsuch:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the United Keetoowah Band of Cherokee Indians 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 19<sup>th</sup> 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).

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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 United Keetoowah Band of Cherokee Indians. 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](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure



In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Ms. Sherri Clemons  
Tribal Heritage Director, NAGPRA  
Wyandotte Nation  
64790 E. Hwy 60  
Wyandotte, Oklahoma 74370

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

Dear Ms. Clemons:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to initiate consultation with the Wyandotte Nation 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.

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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 Wyandotte Nation. 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.



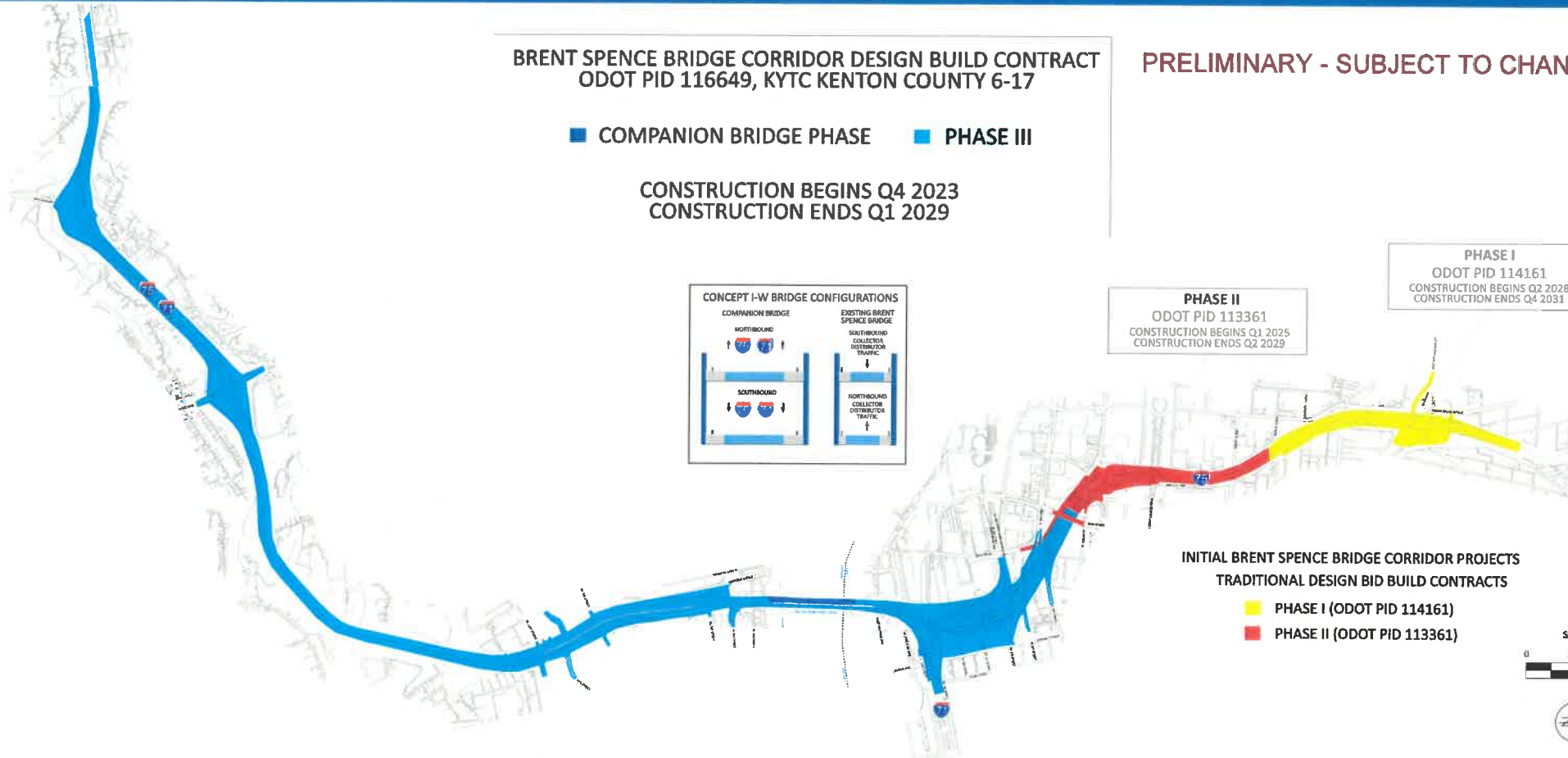
If you have any questions or would like to discuss the project, please call Tim Long at (614) 280-6879 or email at [timothy.long@dot.gov](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator

Enclosure

# BRENT SPENCE BRIDGE CORRIDOR PROJECT PHASING














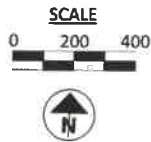
PRELIMINARY - SUBJECT TO CHANGE

PRELIMINARY - SUBJECT TO CHANGE



**LEGEND**

-  EXISTING RIGHT OF WAY
-  PROPOSED RIGHT OF WAY
-  PROPOSED RIGHT OF WAY EASEMENT
-  CONSTRUCTION LIMITS
-  BRIDGE
-  RETAINING WALL
-  SIDEWALK
-  SHARED USE PATH
-  INTERSTATE / FREEWAY
-  COLLECTOR-DISTRIBUTOR / LOCAL ROAD
-  US-50



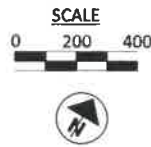
ALTERNATIVE 1 DEVELOPED IN 2012 IS THE PREFERRED ALTERNATIVE. CONCEPT I-W IS A VALUE ENGINEERING OPTION THAT REDUCES COST.

**PRELIMINARY - SUBJECT TO CHANGE**



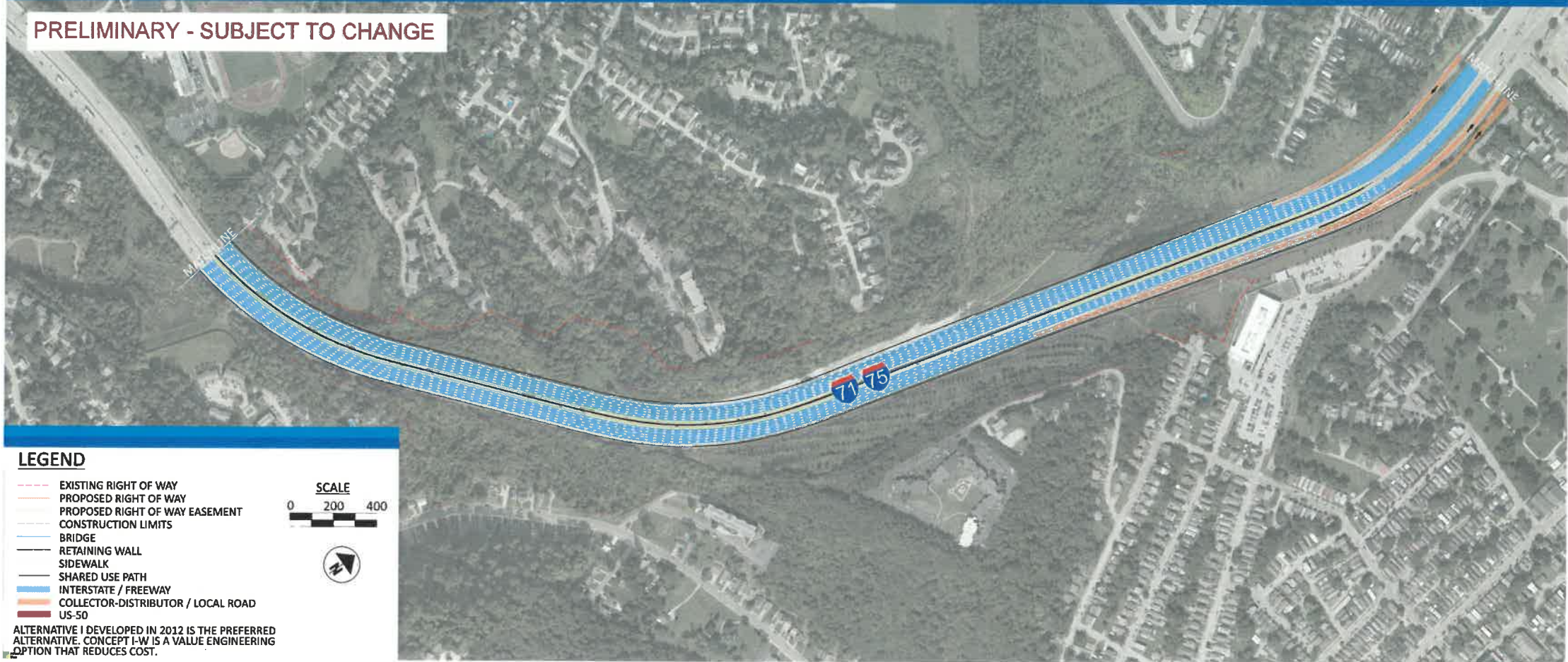
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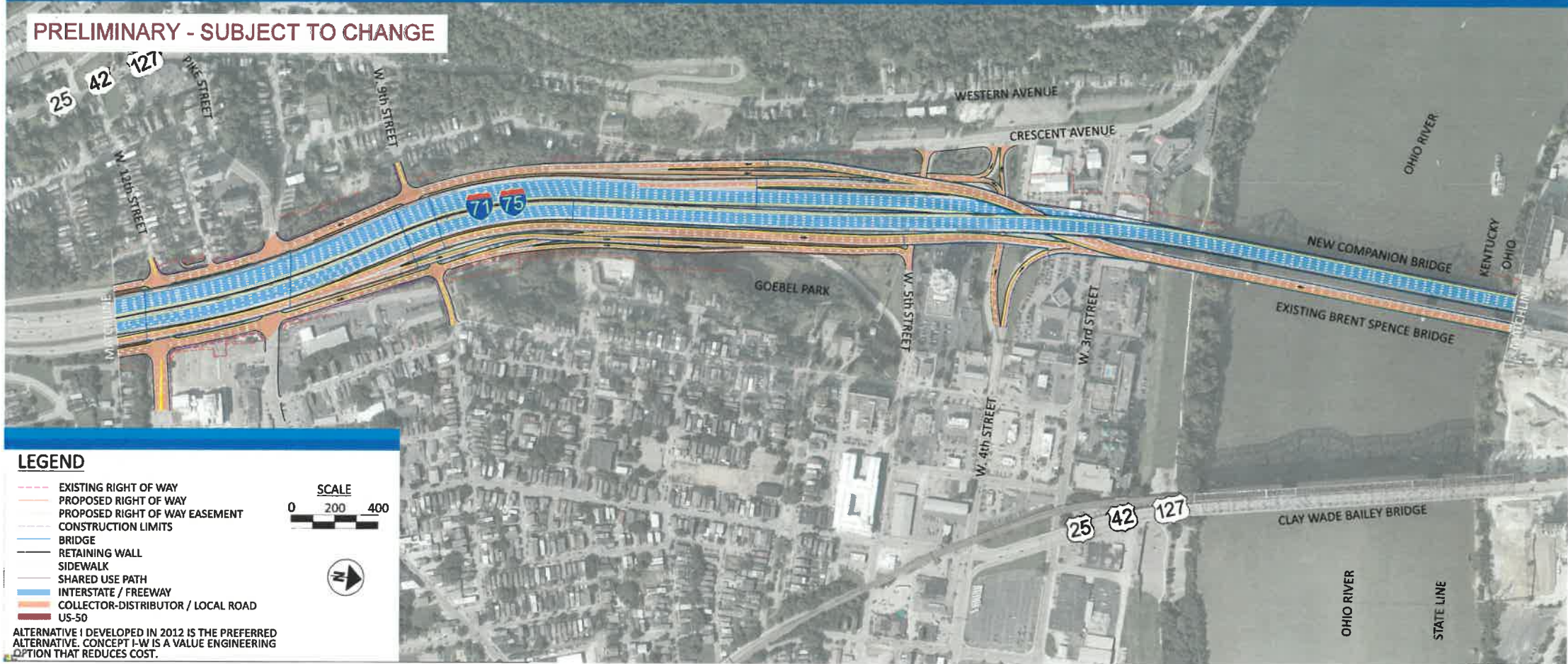
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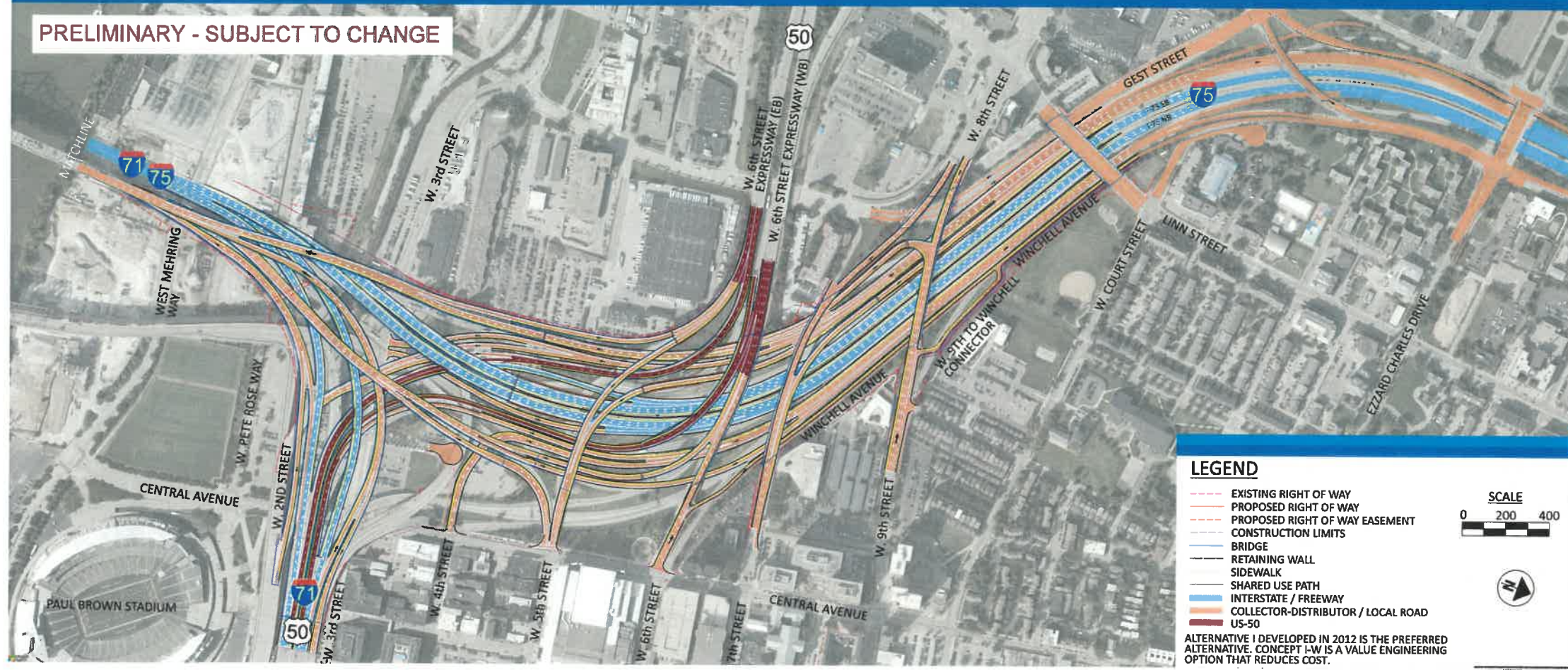
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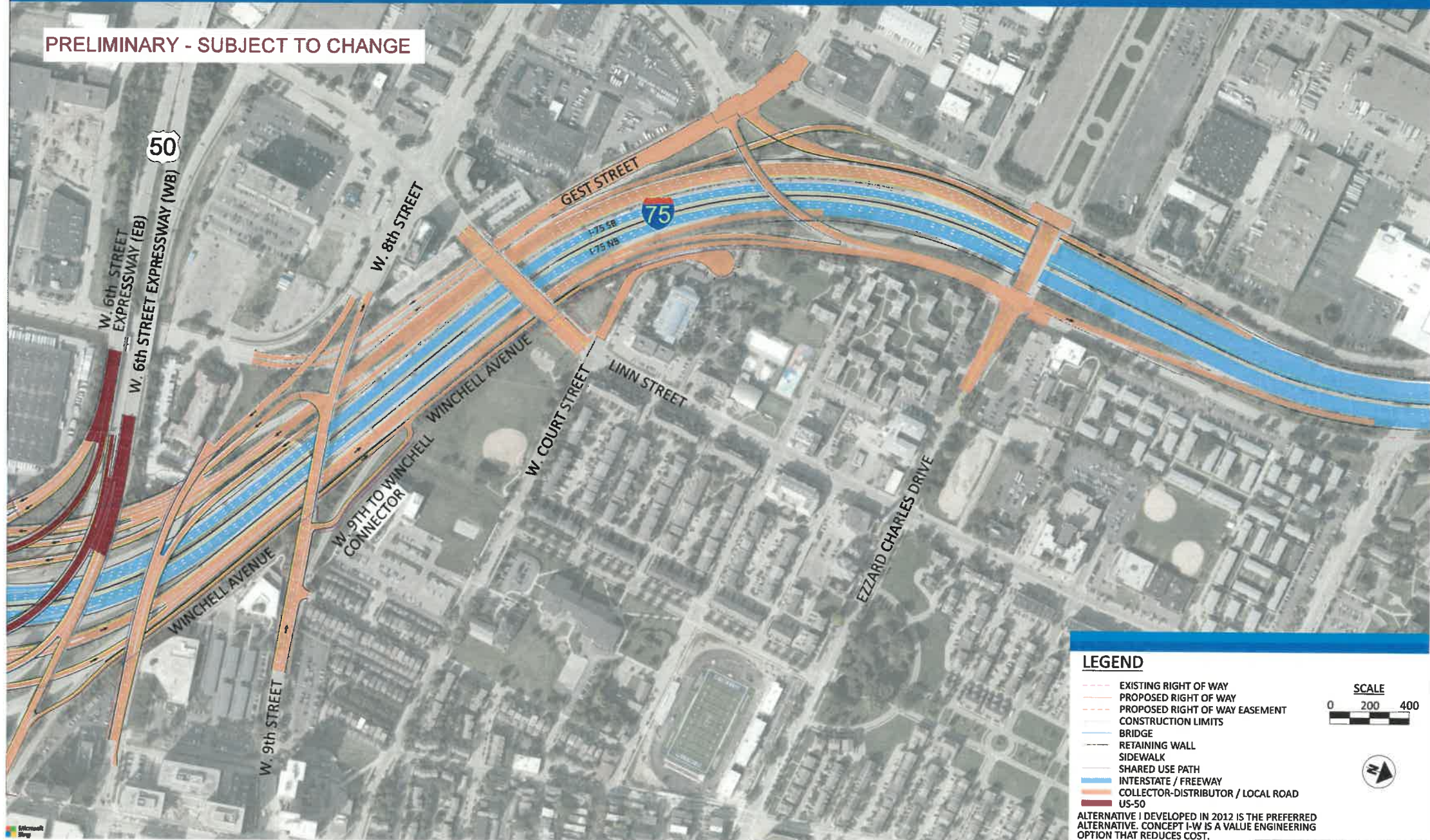


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PRELIMINARY - SUBJECT TO CHANGE



PRELIMINARY - SUBJECT TO CHANGE







## 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](mailto: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](mailto: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

# Consulting Party Projects

**FOR MORE INFORMATION ABOUT BECOMING A CONSULTING PARTY FOR BRIDGING KENTUCKY PROJECTS  
PLEASE FOLLOW THIS LINK: (<https://bridgingkentucky.com/section-106/>)**

Click on the Project Name link to apply to become a consulting party.

Filter By County

Project Number	Route	Project Description	County
<a href="#">01-0002</a> (consultingPartyRequest.aspx?ProjectID=01-0002)	I 24	I-24 BRIDGE OVER THE OHIO RIVER @ PADUCAH (B100); JOINT PROJECT WITH ILLINOIS TO MITIGATE SCOUR (073B00100N)	MCCRACKEN
<a href="#">01-0121</a> (consultingPartyRequest.aspx?ProjectID=01-0121)	KY 1327	MURRAY FIVE-POINTS INTERSECTION ROUNDABOUT. (12CCR)	CALLOWAY
<a href="#">01-1142</a> (consultingPartyRequest.aspx?ProjectID=01-1142)	US 60	REPLACE BRIDGE ON US 60 OVER THE CUMBERLAND RIVER 0.27 MILE N OF KY 70 (SR 32.7) 070B00017N.	LIVINGSTON
<a href="#">01-8502</a> (consultingPartyRequest.aspx?ProjectID=01-8502)	Multiple	CITY OF MURRAY BUSINESS LOOP FROM GLENDALE TO INDUSTRIAL ROAD. (SEE 1-120 FOR D, R, & U FUNDING)(08CCN)(10CCR)	CALLOWAY
<a href="#">02-0100.07</a> (consultingPartyRequest.aspx?ProjectID=02-0100.07)	EB 9004	CHRISTIAN COUNTY, E.T. BREATHITT (PENNYRILE) PARKWAY EXTENSION. (07KYD) (2006BOPC)	CHRISTIAN
<a href="#">02-0137.04</a> (consultingPartyRequest.aspx?ProjectID=02-0137.04)	US 41A	U.S. 41A PHASE II DESIGN AND RIGHT-OF-WAY. (2005HPP-KY135)(SEE 2-137.01 FOR "STP" COMPONENT).	HOPKINS
<a href="#">02-0160</a> (consultingPartyRequest.aspx?ProjectID=02-0160)	US 431	IMPROVE RAILROAD CROSSING AT MP 15.674 BETWEEN CENTRAL CITY AND DRAKESBORO. (04CCR)	MUHLENBERG
<a href="#">02-0161</a> (consultingPartyRequest.aspx?ProjectID=02-0161)	KY 1034	STUDY POSSIBILITIES FOR IMPROVING RAILROAD CROSSING ON KY-1034 AT US-41A, MP 11.336.	HOPKINS
<a href="#">02-0203</a> (consultingPartyRequest.aspx?ProjectID=02-0203)	KY 107	INTERSECTION IMPROVEMENT AT KY-107 AND KOFFMAN DRIVE JUST SOUTH OF COUNTRY CLUB LANE IN HOPKINSVILLE. (2006BOPC)	CHRISTIAN
<a href="#">02-0711</a> (consultingPartyRequest.aspx?ProjectID=02-0711)	US 41	US 41/KY 812 INTERSECTION UPGRADE: ADD RIGHT TURN AND LEFT TURN LANES INCLUDING SIGNAL PHASING. KYTC PROJECT WITH KYTC PROVIDING 20% MATCH. (TOLL CREDITS)(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	HENDERSON
<a href="#">02-0712</a> (consultingPartyRequest.aspx?ProjectID=02-0712)	CS 1142	N GREEN RIVER RD UPGRADE-(OSAGE DR TO WOODSPOINT DR).PROJECT WILL INCLUDE UPGRADING EXISTING PAVEMENT TO 28 FT WIDE PAVEMENT W/ CURB & GUTTER & SIDEWALK. LPA PROJECT. CITY TO PROVIDE MATCH.(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	HENDERSON
<a href="#">02-0713</a> (consultingPartyRequest.aspx?ProjectID=02-0713)	CS 1453	WATHEN BRIDGE REPLACEMENT: REPLACE EXISTING BRIDGE WITH 6FT PRECAST CONCRETE BOX CULVERT, PAVEMENT AND GUARDRAIL. LPA PROJECT. CITY TO PROVIDE MATCH.(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	HENDERSON
<a href="#">02-0714</a> (consultingPartyRequest.aspx?ProjectID=02-0714)	KY 2183	KY 2183 / KY 1539 INTERSECTION AND UPGRADE: PROJECT WILL RECONSTRUCT THE INTERSECTION AND MAKE IMPROVEMENTS TO THE SOUTHBOUND APPROACH. (2012BOP)	HENDERSON
<a href="#">02-0715</a> (consultingPartyRequest.aspx?ProjectID=02-0715)	US 41	US 41/ WOLF HILLS ROAD INTERSECTION UPGRADE: PROJECT WILL ADD DEDICATED RIGHT TURN AND LEFT TURN LANES INCLUDING SIGNAL PHASING TO BE MODIFIED OR ADDED TO EACH LEG OF THE INTERSECTION. (2012BOP)	HENDERSON
<a href="#">02-0902</a> (consultingPartyRequest.aspx?ProjectID=02-0902)	Multiple	SAFETY CORRIDORS	HENDERSON
<a href="#">02-1072</a> (consultingPartyRequest.aspx?ProjectID=02-1072)	KY 260	REPLACE BRIDGE ON KY-260 (MP 2.14) OVER OTTER CREEK; .20 MI EAST OF PENNYRILE PARKWAY; (FUNCTIONALLY OBSOLETE, SR=49.9) 054B00022N	HOPKINS
<a href="#">02-1077</a> (consultingPartyRequest.aspx?ProjectID=02-1077)	CR 1194	REPLACE BRIDGE ON CR-1194 (MP 0.079) OVER THREEELICK CREEK; .15 MI W JCT CR 5172; (STRUCTURALLY DEFICIENT, SR=2) 092C00128N	OHIO
<a href="#">02-1078</a> (consultingPartyRequest.aspx?ProjectID=02-1078)	US 431	REPLACE OVERFLOW STRUCTURE ON US-431 AT THE MUHLENBERG-MCLEAN CO LINE (SR 39) B00056N.	MCLEAN
<a href="#">02-1080</a> (consultingPartyRequest.aspx?ProjectID=02-1080)	US 60	REPLACE BRIDGE ON US 60 OVER GREEN RIVER AT INTERSECTION WITH KY 1078 (SR 39)051B00015N.(12CCR)	HENDERSON
<a href="#">02-1083</a> (consultingPartyRequest.aspx?ProjectID=02-1083)	US 62	REPLACE BRIDGE ON US 62 OVER BRANCH OF THREE LICK FORK 0.23 MILE E OF GREEN MEADOWS DR (CS 6068)(SR 49.2)092B00032	OHIO

02-1086 (consultingPartyRequest.aspx?ProjectID=02-1086)	CR 1009	REPLACE BRIDGE ON COUNTRYSIDE DR (CR 1009) OVER BRANCH OF KNOBLICK CREEK 0.07 MILE S OF COTTINGHAM PRATT RD (CR 1010)(SR 34) 117C00004N	WEBSTER
02-8501 (consultingPartyRequest.aspx?ProjectID=02-8501)	US 62	US-62; THREE LANES FROM BOARD OF EDUCATION TO CITY PARK IN DAWSON SPRINGS. (08CCN)(10CCR)(12CCR)	HOPKINS
02-8504 (consultingPartyRequest.aspx?ProjectID=02-8504)	US 60	RELOCATE US-60 BYPASS EAST OF OWENSBORO (EAST COUNTY CORRIDOR) PRIORITY SECTION: FROM REID ROAD EAST TO EXISTING US 60 EAST OF OWENSBORO. (98KYD) (2005HPP-KY158) (SEE 2-287.5 AND 2-287.51 FOR "FS" COMPONENTS)(08CCN)	DAVISS
03-0202 (consultingPartyRequest.aspx?ProjectID=03-0202)	WN 9007	RECONSTRUCT THE EXISTING NATCHER PARKWAY/US 231 INTERCHANGE ON WEST SIDE OF BOWLING GREEN. (12CCR)	WARREN
03-8706 (consultingPartyRequest.aspx?ProjectID=03-8706)	US 68	SCOPING STUDY AND DESIGN ON US-68 FROM THE CUMBERLAND PARKWAY TO THE GREEN/METCALFE COUNTY LINE.(12CCN)	METCALFE
03-8707 (consultingPartyRequest.aspx?ProjectID=03-8707)	WN 9007	CONSTRUCT A NEW INTERCHANGE ON THE NATCHER PARKWAY AT ELROD ROAD IN BOWLING GREEN (MP 3.4 TO MP 4.0).(12CCN)	WARREN
04-0199 (consultingPartyRequest.aspx?ProjectID=04-0199)	US 31W	REPLACE BRIDGE OVER P&L AND CSX RAILROADS (MP 36.4 TO 36.8 IN WEST POINT) (047B00007N).	HARDIN
04-1077 (consultingPartyRequest.aspx?ProjectID=04-1077)	US 62	REPLACE BRIDGE ON US 62 OVER UNNAMED STREAM 0.65 MILE SW OF KY 1375 (S LONG GROVE RD)(SR 48.5) 047B00052N	HARDIN
04-1078 (consultingPartyRequest.aspx?ProjectID=04-1078)	US 62	REPLACE BRIDGE ON US 62 OVER HINKLE CREEK 0.012 MILE E OF KY 55(SR 34.6) 090B00096N (12CCR)	NELSON
04-8502 (consultingPartyRequest.aspx?ProjectID=04-8502)	US 62	WIDEN PORTIONS OF US-62 FROM LEITCHFIELD TO CLARKSON. (08CCN)(10CCR)	GRAYSON
05-0063 (consultingPartyRequest.aspx?ProjectID=05-0063)	I 64	I-64 BRIDGE (SHERMAN MINTON) OVER OHIO RIVER @ LOUISVILLE (B279); JOINT PROJECT WITH INDIANA TO PERFORM IN-DEPTH INSPECTION. (056B00279N)	JEFFERSON
05-0064 (consultingPartyRequest.aspx?ProjectID=05-0064)	I 64	I-64 BRIDGE (SHERMAN MINTON) OVER THE OHIO RIVER @ LOUISVILLE (B279); JOINT PROJECT WITH INDIANA TO PAINT THIS BRIDGE.	JEFFERSON
05-0159 (consultingPartyRequest.aspx?ProjectID=05-0159)	I 64	WIDEN I-64 WESTBOUND RAMP TO I-264 WESTBOUND FROM ONE TO TWO LANES FOR ENTIRE LENGTH AND OTHER NEEDED IMPROVEMENTS TO ADDRESS WEAVE ISSUES AT MERGE ON I-264. (2006BOPP)(12CCR)	JEFFERSON
05-0205 (consultingPartyRequest.aspx?ProjectID=05-0205)	I 65	RECONSTRUCT SECOND CURVE ONLY ON I-65 SOUTHBOUND RAMP AT KY-1065 (OUTER LOOP).(SEE 5-205.01 FOR BREAKOUT IMPROVEMENTS)	JEFFERSON
05-0417 (consultingPartyRequest.aspx?ProjectID=05-0417)	US 60	FRANKFORT AVENUE; REALIGN INTERSECTION WITH STILZ AND HILLCREST. (TO BE LET BY LOU METRO). (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	JEFFERSON
05-0440.1 (consultingPartyRequest.aspx?ProjectID=05-0440.1)	KY 1793	CONSTRUCT SIDEWALKS ON KY 1793 FROM RIDGEVIEW DRIVE TO SETTLERS POINT TRAIL, AND A SIDEWALK CONNECTION FROM TIMOTHY WAY TO PEGGY BAKER PARK. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	OLDHAM
05-0458 (consultingPartyRequest.aspx?ProjectID=05-0458)	CS 1002H	BLUEGRASS INDUSTRIAL PARK TRAIL- DESIGN, RIGHT-OF-WAY, UTILITY, & CONSTRUCTION PHASES FOR A BIKE/PED TRAIL ALONG BLUEGRASS PKWY, TUCKER STATION RD, AND PLANTSIDE DR WITHIN THE BLUEGRASS INDUSTRIAL PARK IN JEFFERSONTOWN. (2006BOPC)	JEFFERSON
05-0470 (consultingPartyRequest.aspx?ProjectID=05-0470)	Multiple	CONVERSION OF ONE-WAY STREETS IN DOWNTOWN LOUISVILLE TO TWO-WAY TRAFFIC (MAIN,JEFFERSON,LIBERTY,MUHAMMAD ALL,CHESTNUT,3RD,8TH,7TH,SHELBY,CAMPBELL STREETS.)	JEFFERSON
05-0473 (consultingPartyRequest.aspx?ProjectID=05-0473)	US 60	SHELBYVILLE ROAD OLD US 60 BRIDGE STUDY. (ALL WORK BY LOUISVILLE METRO AND LOUISVILLE METRO WILL PROVIDE REQUIRED 20% MATCHING FUNDS. ) (FY 2011 TCSP) (11KY006)(BOPP)	JEFFERSON
05-0475 (consultingPartyRequest.aspx?ProjectID=05-0475)	I 64	IMPROVE LEVEL OF SERVICE AND SAFETY ON I-64 FROM KY 53 IN SHELBYVILLE TO KY 1790 UNDERPASS.(12CCR)	SHELBY
05-0479 (consultingPartyRequest.aspx?ProjectID=05-0479)	CR 1005B	WIDEN HUBBARDS LANE FROM US 60 (SHELBYVILLE ROAD) TO KY 1447 (WESTPORT ROAD) AND ADD BIKE LANES FROM KRESGE WAY TO KY 1447 (WESTPORT ROAD) IN LOUISVILLE. (BOPC2010)	JEFFERSON
05-0481 (consultingPartyRequest.aspx?ProjectID=05-0481)	KY 864	KY 864 - WIDEN BEULAH CHURCH ROAD FROM 2 TO 3 LANES FROM I-265 TO CEDAR CREEK ROAD.(2010BOP)	JEFFERSON
05-0512 (consultingPartyRequest.aspx?ProjectID=05-0512)	CS 1001B	EXTENSION OF RIVER ROAD, LOUISVILLE. (2006KYD)	JEFFERSON
05-0804 (consultingPartyRequest.aspx?ProjectID=05-0804)	I 264	RECONSTRUCT I-264 (WATTERSON EXPRESSWAY)/US-42 INTERCHANGE AS A SPUI	JEFFERSON
05-0594 (consultingPartyRequest.aspx?ProjectID=05-0594)	I 264	RECONSTRUCT/WIDEN WATTERSON EXPRESSWAY FROM WESTPORT ROAD (KY 1447) TO I-71.(12CCR)	JEFFERSON
05-0905 (consultingPartyRequest.aspx?ProjectID=05-0905)	US 421	ADDRESS SAFETY ISSUES AND ACCESS AT THE INTERSECTION OF US-421/KY-1226 AT MP 11.5. (12CCR)	TRIMBLE

05-0908 (consultingPartyRequest.aspx?ProjectID=05-0908)	Multiple	REPLACE GUARDRAIL END TREATMENTS IN JEFFERSON COUNTY: KY 1703 (MP 2.38), KY 1934 (MP 5.002), US 31W (MP 1.750, 0.346, 0.265, 2.927, 2.274, 1.901, 1.315).(2011BOP)	JEFFERSON
05-1012.12 (consultingPartyRequest.aspx?ProjectID=05-1012.12)	Multiple	LOUISVILLE INCIDENT MANAGEMENT PROGRAM (TRIMARC) CONSTRUCTION. (KYTC SHARE)	JEFFERSON
05-1056 (consultingPartyRequest.aspx?ProjectID=05-1056)	KY 61	REPLACE BRIDGE ON KY-61 (MP 7.609) OVER BARLEY CREEK; .10 MI NORTH OF JCT KY 251; (STRUCTURALLY DEFICIENT, SR=49) 015B00013N	BULLITT
05-1062 (consultingPartyRequest.aspx?ProjectID=05-1062)	Multiple	OLMSTED PARKS HISTORIC BRIDGES: REHABILITATE 11 BRIDGES THROUGH OLMSTED PARK: (056C00032N, 056C00031N, 056C00026N, 056C00027N, 056C00028N, 056C00030N, 056C00029N, 056C00034N, 056C00033N, 056C00139N, 056C00138N)	JEFFERSON
05-1064 (consultingPartyRequest.aspx?ProjectID=05-1064)	US 60A	REPLACE BRIDGE ON EASTERN PARKWAY (US 60A) OVER SOUTH FORK BEARGRASS CREEK 0.2 MILE NE OF POPLAR LEVEL RD (KY 864)(SR 43.6) 056B00139N	JEFFERSON
05-1065 (consultingPartyRequest.aspx?ProjectID=05-1065)	US 460	REPLACE BRIDGE ON US 460 OVER SOUTH ELKHORN CREEK AT INTERSECTION OF US 460 AND N SCRUGGS LN(CR 1010)(SR 41.3) 037B00006N (PART-WIDTH CONSTRUCTION ON EXISTING LOCATION)	FRANKLIN
05-1066 (consultingPartyRequest.aspx?ProjectID=05-1066)	KY 55	REPLACE BRIDGE ON KY 55 OVER DAUGHERTY CREEK 0.17 MILE N OF JONES RD (CR 1331)(SR 46.8) 052B00003N	HENRY
05-1067 (consultingPartyRequest.aspx?ProjectID=05-1067)	US 150	REPLACE BRIDGE ON E BROADWAY (US 150) OVER SOUTH FORK BEARGRASS CREEK AT INTERSECTION WITH BRENT STREET (CS 1312G)(SR 38) 056B00348N	JEFFERSON
05-1068 (consultingPartyRequest.aspx?ProjectID=05-1068)	CR 1004N	REPLACE BRIDGE ON FAIRMOUNT RD (CR 1004N) OVER CEDAR CREEK 0.2 MILE W OF FARMERS WAY (PR 1021N)(SR 16.8) 056C00054N	JEFFERSON
05-1070 (consultingPartyRequest.aspx?ProjectID=05-1070)	CS 1017G	REPLACE BRIDGE ON E KENTUCKY ST (CS 1017G) OVER SOUTH FORK BEARGRASS CREEK 0.01 MILE E OF SCHILLER AVE (CS 1138G)(SR 48.8) 056C00083N	JEFFERSON
05-2000.76 (consultingPartyRequest.aspx?ProjectID=05-2000.76)	I 264	SHAWNEE EXPRESSWAY LANDSCAPING; I-264 AT DIXIE HIGHWAY. (2004BOPC)	JEFFERSON
05-2000.77 (consultingPartyRequest.aspx?ProjectID=05-2000.77)	I 264	SHAWNEE EXPRESSWAY LANDSCAPING; I-264 FENCING PROJECT. (2002BOPC)(10CCR)	JEFFERSON
05-8412 (consultingPartyRequest.aspx?ProjectID=05-8412)	Multiple	CONSTRUCT A RAILROAD SAFETY CROSSING, IMPROVE LIGHTING, ERECT SIGNALS, AND ROADWAY CROSSINGS BETWEEN CARDINAL AND HILL STREETS. (08CCN)(12CCR)	JEFFERSON
06-0183 (consultingPartyRequest.aspx?ProjectID=06-0183)	I 471	STUDY AND REHABILITATE THE I-471 CORRIDOR, CAMPBELL COUNTY, KENTUCKY. (SEE ALSO 6-8104.00)(2005HPP-KY120)	CAMPBELL
06-0400.03 (consultingPartyRequest.aspx?ProjectID=06-0400.03)	Multiple	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	BOONE
06-0412 (consultingPartyRequest.aspx?ProjectID=06-0412)	US 42	INTERSECTION IMPROVEMENT PROJECT AT US 42 AND RICE PIKE/HICKS PIKE. US 42 MP 8.4 TO 8.6. TOLL CREDITS. (2012BOP)	BOONE
06-0907 (consultingPartyRequest.aspx?ProjectID=06-0907)	KY 19	IMPROVEMENT TO THE INTERSECTION OF KY-19 AND KY-539 AT MILFORD	BRACKEN
06-0910 (consultingPartyRequest.aspx?ProjectID=06-0910)	KY 22	INSTALL SIGNS, GUARDRAIL, FRICTION TREATMENT, SHOULDERS AND REMOVE TREES AND BRUSH ON KY-22 AT CLARKS CREEK BRIDGE AND BATON ROUGE ROAD INTERSECTION.(2010BOP)	GRANT
06-1070 (consultingPartyRequest.aspx?ProjectID=06-1070)	CS 2097	WEST 15TH STREET; REPLACE BRIDGE AND APPROACHES OVER CSX RR IN COVINGTON (C29). (SR=3.9): (059C00029N)(12CCR)	KENTON
06-1073 (consultingPartyRequest.aspx?ProjectID=06-1073)	KY 159	REPLACE BRIDGE ON KY-159 (MP 3.639) OVER KINCAID CREEK; .2 MI. SOUTH OF JCT.KY 609; (STRUCTURALLY DEFICIENT, SR=24.4) 096B00004N	PENDLETON
06-1075 (consultingPartyRequest.aspx?ProjectID=06-1075)	KY 1120	EVALUATE BRIDGE ON KY-1120 (MP 0.621) OVER CSX RAILROAD; 11TH ST E OF RUSSELL ST; (STRUCTURALLY DEFICIENT, SR=3) 059B00083N	KENTON
06-1077 (consultingPartyRequest.aspx?ProjectID=06-1077)	KY 10	REPLACE BRIDGE ON KY 10 OVER TWELVE MILE CREEK SE OF KY 1997 (SR 15.1) 019B00006N	CAMPBELL
06-1081 (consultingPartyRequest.aspx?ProjectID=06-1081)	KY 330	REPLACE BRIDGE ON KY 330 OVER SHORT CREEK 0.35 MILE N OF J H GODMAN RD (CR 1238)(SR 47.3) 096B00012N	PENDLETON
06-8507.1 (consultingPartyRequest.aspx?ProjectID=06-8507.1)	US 62	IMPROVE SAFETY AND CORRECT GEOMETRIC DEFICIENCIES ON US 62 FROM ORCHARD AVENUE TO KY 616.	ROBERTSON
06-8714 (consultingPartyRequest.aspx?ProjectID=06-8714)	CR 1138	REPLACE BRIDGE ON SOUTH END OF BLANCHET ROAD 0.3 MILES NORTHEAST OF US 25.(SR 35.9)(041C00012)(12CCN)	GRANT
06-8715 (consultingPartyRequest.aspx?ProjectID=06-8715)	CR 1138	REPLACE BRIDGE ON NORTH END OF BLANCHET ROAD 0.2 MILES SOUTHEAST OF THE JUNCTION WITH US 25.(SR 29.1)(041C00014)(12CCN)	GRANT

06-8716 (consultingPartyRequest.aspx?ProjectID=06-8716)	CR 1142	REPLACE BRIDGE ON NORTH END OF DELANEY ROAD 0.1 MILE NORTH OF THE JUNCTION WITH US 25.(SR 24.6)(041C00016)(12CCN)	GRANT
07-0113 (consultingPartyRequest.aspx?ProjectID=07-0113)	KY 4	NEW CIRCLE ROAD REHAB AND WIDENING FROM VERSAILLES ROAD TO NEAR GEORGETOWN ROAD. (12CCR)	FAYETTE
07-0242 (consultingPartyRequest.aspx?ProjectID=07-0242)	US 68	REPLACE US 68 AND US 150 BRIDGE OVER CHAPLIN RIVER, PERRYVILLE. (2005HPP-KY134) (EARMARK DOES NOT COVER TOTAL CONSTRUCTION COST OF \$600,000): (011B00042N)	BOYLE
07-0362.01 (consultingPartyRequest.aspx?ProjectID=07-0362.01)	KY 4	NEW CIRCLE ROAD THRU CONGESTED AREA OF NE LEXINGTON BETWEEN RICHMOND RD & GEORGETOWN RD	FAYETTE
07-0397 (consultingPartyRequest.aspx?ProjectID=07-0397)	KY 29	TURN LANES AT W. JESSAMINE HIGH SCHOOL AND E. JESSAMINE MIDDLE SCHOOL. (2008BOPC)(FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	JESSAMINE
07-0399 (consultingPartyRequest.aspx?ProjectID=07-0399)	US 27X	NICHOLASVILLE DOWNTOWN RENOVATION. (2008BOPC)	JESSAMINE
07-0404 (consultingPartyRequest.aspx?ProjectID=07-0404)	CS 4791	SOUTHLAND DRIVE BIKE/PEDESTRIAN IMPROVEMENTS: CONSTRUCT ONE MILE OF BIKE LANES ALONG SOUTHLAND DRIVE FROM ROSEMONT GARDEN TO NICHOLASVILLE ROAD. CONSTRUCT SIDEWALKS UNDER RAILROAD BRIDGE THAT CROSSES SOUTHLAND DRIVE. (2010BOPC)	FAYETTE
07-0412 (consultingPartyRequest.aspx?ProjectID=07-0412)	US 27	REPLACE L&N RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY)(12CCR)	FAYETTE
07-0413 (consultingPartyRequest.aspx?ProjectID=07-0413)	KY 922	CONSTRUCT AN ADDITIONAL LANE ON KY 922 (NEWTOWN PIKE) FROM PINTAIL DR (MAIN ENTRANCE TO THE MARRIOTT GRIFFIN GATE) TO THE BEGINNING OF THE SOUTHBOUND I-75 ENTRANCE RAMP.(12CCR)	FAYETTE
07-0414 (consultingPartyRequest.aspx?ProjectID=07-0414)	KY 1980	IMPROVE ROADWAY GEOMETRICS, TYPICAL SECTION, AND ROADWAY HAZARDS ON KY 1980 (BRANNON RD) FROM US 68 (HARRODSBURG RD) TO US 27 (NICHOLASVILLE RD)(12CCR)	JESSAMINE
07-0915 (consultingPartyRequest.aspx?ProjectID=07-0915)	US 68	RECONSTRUCT INTERSECTION OF KY 29 NORTH OF WILMORE.	JESSAMINE
07-0916 (consultingPartyRequest.aspx?ProjectID=07-0916)	US 27	ADDRESS SAFETY AND CONGESTION AT THE INTERSECTION OF US 27 AND KY 1939 IN PARIS	BOURBON
07-0917 (consultingPartyRequest.aspx?ProjectID=07-0917)	US 27	DEVELOP, IMPLEMENT, CONTROL AND STUDY USE OF "ADAPTIVE SIGNAL CONTROL" ON US27 IN LEXINGTON FROMM COOPER DRIVE TO SOUTH UPPER STREET.(2011BOP)	FAYETTE
07-0918 (consultingPartyRequest.aspx?ProjectID=07-0918)	US 127	REPLACE GUARDRAIL END TREATMENTS ON VARIOUS ROUTES IN ANDERSON, BOURBON, BOYLE, CLARK, FAYETTE, JESSAMINE, MADISON, MERCER, MONTGOMERY, SCOTT, AND WOODFORD COUNTIES. (2010BOP)	ANDERSON
07-0919 (consultingPartyRequest.aspx?ProjectID=07-0919)	KY 1927	CULVERT EXTENSIONS, PLACE EMBANKMENT AND INSTALL ALUMINUM BOX CULVERT REPLACEMENT AT JONES CREEK ON TODDS ROAD EAST OF CLEVELAND ROAD (KY 1973).(2010BOP)	FAYETTE
07-0922 (consultingPartyRequest.aspx?ProjectID=07-0922)	Multiple	REPLACE TURNDOWN GUARDRAIL END TREATMENTS ON VARIOUS ROUTES IN DISTRICT 7. (2012BOP)	VARIOUS
07-1120 (consultingPartyRequest.aspx?ProjectID=07-1120)	KY 1972	REPLACE BRIDGE ON KY-1972 (MP 0.663) OVER BR OF TURKEY CREEK; .50 MI EAST OF JCT KY 39; (STRUCTURALLY DEFICIENT, SR=19.4) 040B00023N	GARRARD
07-1121 (consultingPartyRequest.aspx?ProjectID=07-1121)	KY 974	REPLACE BRIDGE ON KY-974 (MP 10.924) OVER DRY FORK; .05 MI E-CR 1124 @ALLNSVL; (STRUCTURALLY DEFICIENT, SR=23.1) 025B00090N	CLARK
07-1122 (consultingPartyRequest.aspx?ProjectID=07-1122)	KY 563	REPLACE BRIDGE ON KY-563 (MP 3.89) OVER SUGAR CREEK; E-@ JCT KY 39; (STRUCTURALLY DEFICIENT, SR=21.7) 040B00034N	GARRARD
07-1124 (consultingPartyRequest.aspx?ProjectID=07-1124)	CR 1308	REPLACE BRIDGE ON CR-1308 (MP 3.588) OVER TOWNSEND CREEK; .9 MI E OF JCT KY 353; (STRUCTURALLY DEFICIENT, SR=33.2) 009C00043N	BOURBON
07-1125 (consultingPartyRequest.aspx?ProjectID=07-1125)	CR 1008	REPLACE BRIDGE ON CR-1008 (MP 4.284) OVER STEPSTONE CREEK; .2MI S-STEPSTONE @BATH CL; (STRUCTURALLY DEFICIENT, SR=32.9) 087C00006N	MONTGOMERY
07-1127 (consultingPartyRequest.aspx?ProjectID=07-1127)	KY 1689	REPLACE BRIDGE ON KY 1689 OVER LECOMPTE RUN 0.46 MILE W OF KY 227(SR 37.5) 105B00038N	SCOTT
07-1129 (consultingPartyRequest.aspx?ProjectID=07-1129)	US 421	REPLACE BRIDGE ON US 421 OVER FORK OF TOWN BRANCH AT INTERSECTION OF US 421 AND BRACKTOWN RD (CS 4008)(SR 27.8) 034B00018N	FAYETTE
07-1130 (consultingPartyRequest.aspx?ProjectID=07-1130)	US 421	REPLACE BRIDGE ON BATTLEFIELD MEMORIAL HWY (US 421) OVER COWBELL CREEK AT JCT WITH HIGHWAY 21 E (KY 21)(SR 45.5) 076B00021	MADISON
07-1131 (consultingPartyRequest.aspx?ProjectID=07-1131)	CR 1158	REPLACE BRIDGE ON OLD HAYS FORK LN (CR 1158) OVER BRANCH OF HAYS FORK 0.2 MILE SE OF BATTLEFIELD MEMORIAL HWY (US 421)(SR 16.9) 076C00023N	MADISON
07-1132 (consultingPartyRequest.aspx?ProjectID=07-1132)	CS 3605	REPLACE BRIDGE ON MALABU DRIVE (CS 3605) OVER BRANCH HICKMAN CREEK AT JCT WITH TATES CREEK ROAD (KY 1974)(SR 40) 034C00038N	FAYETTE

07-8503 (consultingPartyRequest.aspx?ProjectID=07-8503)	KY 21	IMPROVE PROSPECT STREET PEDESTRIAN ACCESS BERA. (2005HPP-KY128) (MOA WITH BERA) (SUPPLEMENTAL FUNDING FOR 07-239) (08CCN)	MADISON
07-8506.01 (consultingPartyRequest.aspx?ProjectID=07-8506.01)	I 64	I-64/MOUNTAIN PARKWAY INTERCHANGE.(12CCR)	CLARK
08-0164 (consultingPartyRequest.aspx?ProjectID=08-0164)	US 127	RECONSTRUCT CURVE ON US-127 AT DUNNVILLE. (02CCR)(04CCR) (10CCR)(12CCR)	CASEY
08-0167 (consultingPartyRequest.aspx?ProjectID=08-0167)	US 27	CONTINUE ONGOING IMPROVEMENTS TO US-27 CORRIDOR FROM SOMERSET TO LEXINGTON. IMPROVE LEVEL OF SERVICE AND SAFETY ON US-27 FROM KY-1247 TO EDUCATION WAY.	LINCOLN
08-1050 (consultingPartyRequest.aspx?ProjectID=08-1050)	CR 1136	REPLACE BRIDGE ON CR-1136 (MP 0.225) OVER LITTLE SOUTH FORK RIVER; 0.25 MI SE OF JCT CR-5137; (STRUCTURALLY DEFICIENT, SR=16.6) 116C00007N	WAYNE
08-1055 (consultingPartyRequest.aspx?ProjectID=08-1055)	KY 1247	REPLACE BRIDGE ON KY 1247 OVER ST. ASAPH CREEK 0.044 S OF KY 78(SR 45.4) 069B00055N	LINCOLN
08-8600 (consultingPartyRequest.aspx?ProjectID=08-8600)	KY 90	RELOCATE US 127 FROM KY 90 TO EXISTING US-127 NORTH OF KY-90 APPROX. 0.18 MILES EAST OF THE INTERSECTION OF AARON RIDGE ROAD. (10CCN)(12CCR)	CLINTON
09-1078 (consultingPartyRequest.aspx?ProjectID=09-1078)	CS 1023	"DEMOLISH" BRIDGE ON CS-1023 (MP 0.121) OVER TOWN BRANCH; 100' S. JCT KY 2541; (STRUCTURALLY DEFICIENT, SR=16.5) 045C00051N	GREENUP
09-1084 (consultingPartyRequest.aspx?ProjectID=09-1084)	KY 32	REPLACE BRIDGE ON KY 32 OVER MUD LICK CREEK 0.2 MILES W OF CRAINTOWN RD (CR 1302)(SR 48.9) 035B00038N	FLEMING
10-0168 (consultingPartyRequest.aspx?ProjectID=10-0168)	KY 9009	WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM KY 191 OVERPASS BRIDGE (MP 46.2) TO KY 205 INTERCHANGE (MP 57.2). (SEE 2012 HIGHWAY PLAN ITEM NO 10-126.03 FOR PE & ENVIR FUNDING)(2012BOP)	WOLFE
11-0185 (consultingPartyRequest.aspx?ProjectID=11-0185)	US 25E	MAJOR WIDENING - ADDRESS SAFETY, CAPACITY, AND ACCESS MANAGEMENT ON US 25E FROM KNOX/LAUREL COUNTY LINE TO KY 770 (12CCR)	LAUREL
11-0186 (consultingPartyRequest.aspx?ProjectID=11-0186)	US 25W	MAJOR WIDENING, ADDRESSES CONGESTION, FREIGHT MOVEMENT, AND ACCESS ALONG 25W FROM KY 727 TO KY 3041. (12CCR)	WHITLEY
11-0188 (consultingPartyRequest.aspx?ProjectID=11-0188)	US 25E	MAJOR WIDENING - ADDRESS SAFETY AND CAPACITY ON US 25E FROM CORBIN BYPASS TO KNOX/LAUREL COUNTY LINE. IMPROVE SAFETY ALONG CORRIDOR BY PROVIDING IMPROVED ACCESS MANAGEMENT.(12CCR)	KNOX
11-1064 (consultingPartyRequest.aspx?ProjectID=11-1064)	CR 1125	REPLACE BRIDGE AND APPROACHES ON CR-1125 OVER CLOVER FORK OF CUMBERLAND RIVER (C30). (SR=2.0)(PROJECT FUNDING CONTINGENT UPON BRIDGE POSTING COMPLIANCE): (048C00030N)	HARLAN
11-1067 (consultingPartyRequest.aspx?ProjectID=11-1067)	CR 1214	REPLACE BRIDGE AND APPROACHES ON CR-1214 OVER BEECH FORK (C24). (SR=6.0) (PROJECT FUNDING CONTINGENT UPON BRIDGE POSTING COMPLIANCE): (066C00024N)	LESLIE
11-1068 (consultingPartyRequest.aspx?ProjectID=11-1068)	CR 1241	REPLACE BRIDGE AND APPROACHES ON CR-1241 OVER BEECH FORK (C25). (SR=3.0) (PROJECT FUNDING CONTINGENT UPON BRIDGE POSTING COMPLIANCE): (066C00025N)	LESLIE
11-1078 (consultingPartyRequest.aspx?ProjectID=11-1078)	US 421	REPLACE BRIDGE AND APPROACHES ON US-421 OVER STINNET CREEK (B08) 0.028 MILE SOUTH OF KY-406 NEAR STINNETT.(SR=26.0) (10CCR)	LESLIE
11-1079 (consultingPartyRequest.aspx?ProjectID=11-1079)	KY 2011	REPLACE BRIDGE ON KY-2011 (MP 8.498) OVER RED BIRD CREEK; .55 MI SOUTH OF JCT KY 66; (SR=3.5) 007B00074N	BELL
11-1080 (consultingPartyRequest.aspx?ProjectID=11-1080)	KY 578	REPLACE BRIDGE ON KY-578 (MP 5.154) OVER RACCOON CREEK; .10 MI W OF W-JCT KY 638; (STRUCTURALLY DEFICIENT, SR=24.9) 063B00069N	LAUREL
11-1081 (consultingPartyRequest.aspx?ProjectID=11-1081)	KY 92	REPLACE BRIDGE OVER JELICO CREEK; .80 MILE EAST OF KY 1898 (118B00022N).	WHITLEY
11-1084 (consultingPartyRequest.aspx?ProjectID=11-1084)	CR 1067	REPLACE BRIDGE ON CR-1067 (MP 0.237) OVER COLLINS FORK; .2 MI SE-KY 11 @GREEN RD.; (STRUCTURALLY DEFICIENT, SR=18.1) 061C00023N	KNOX
11-1086 (consultingPartyRequest.aspx?ProjectID=11-1086)	I 75	REPLACE NORTHBOUND BRIDGE ON I-75 OVER LAUREL RIVER 1.8 MILES N OF US 25E EXIT (SR 43.2) 063B00043R	LAUREL
11-1087 (consultingPartyRequest.aspx?ProjectID=11-1087)	KY 72	REPLACE BRIDGE ON KY 72 OVER CATRON CREEK AT INTERSECTION OF KY 72 AND SMITH LANE (CR 1226L)(SR 30) 048B00030N	HARLAN
11-1088 (consultingPartyRequest.aspx?ProjectID=11-1088)	US 421	REPLACE BRIDGE ON US 421 OVER ISLAND CREEK AT INTERSECTION OF US 421 & BOWLING BRANCH RD (CR 1346)(SR 27.8) 026B00001N	CLAY
11-1089 (consultingPartyRequest.aspx?ProjectID=11-1089)	KY 80	REPLACE BRIDGE ON KY 80 OVER CUTSHIN CREEK AT INTERSECTION WITH BUSY HOLLOW DR (CR 1063)(SR 30) 066B00002N	LESLIE
11-1090 (consultingPartyRequest.aspx?ProjectID=11-1090)	US 421	REPLACE BRIDGE ON US 421 OVER PIGEON ROOST CREEK AT INTERSECTION WITH WATER STREET E(CS 1006)(SR 43.9) 055B00157N	JACKSON

11-1091 (consultingPartyRequest.aspx?ProjectID=11-1091)	CR 1004	REPLACE BRIDGE ON BEECH CREEK RD (CR 1004) OVER GOOSE CREEK AT INTERSECTION WITH CHANDLER BRANCH RD (CR 1003)(SR 30.8) C00001N	CLAY
11-1092 (consultingPartyRequest.aspx?ProjectID=11-1092)	CR 1154	REPLACE BRIDGE ON MILL CREEK ROAD (CR 1154) OVER GOOSE CREEK AT JCT WITH KY 1524 (SR 47) 026C00025N	CLAY
11-1093 (consultingPartyRequest.aspx?ProjectID=11-1093)	CR 1184	REPLACE BRIDGE ON DAVIS OXENDINE RD (CR 1184) OVER HANCES CREEK AT JCT WITH KY 1344(SR 12.9) 007C00061N	BELL
11-1094 (consultingPartyRequest.aspx?ProjectID=11-1094)	CR 1862	REPLACE BRIDGE ON DOG BRANCH MAIL RD (CR 1862) OVER SINKING CREEK 0.56 MILE NW OF SINKING CREEK RD (FD 781)(SR 13.8) 063C00025N	LAUREL
11-2802 (consultingPartyRequest.aspx?ProjectID=11-2802)	I 75	MEDIAN BARRIER CABLE INSTALLATION ON I-75 IN WHITLEY COUNTY FROM MP0.0 TO MP 6.0	WHITLEY
11-8515 (consultingPartyRequest.aspx?ProjectID=11-8515)	US 25	DESIGN A NEW ROUTE FROM KY-1006 TO KY-25 TO PROVIDE A CONNECTOR BETWEEN CORBIN AND LONDON. (08CCN)	LAUREL
11-8702 (consultingPartyRequest.aspx?ProjectID=11-8702)	US 119	WIDEN US 119 FROM MP 13.0 TO MP 15.88 ALONG EXISTING CORRIDOR. (12CCN)	BELL
11-8703 (consultingPartyRequest.aspx?ProjectID=11-8703)	US 119	RECONSTRUCT US 119 FROM MP 10.7 TO MP 13.9 ALONG NEW CORRIDOR.(12CCN)	HARLAN
11-8705 (consultingPartyRequest.aspx?ProjectID=11-8705)	KY 223	REPLACE STINKING CREEK ROAD BROWNS BRANCH BRIDGE.(12CCN)	KNOX
11-8714 (consultingPartyRequest.aspx?ProjectID=11-8714)	CR 1168L	INSTALL RAILROAD CROSSING GATES AT THE SCHOOL STREET CROSSING IN ARTEMUS. (12CCN)	KNOX
12-0191 (consultingPartyRequest.aspx?ProjectID=12-0191)	US 23	MITIGATE SAFETY HAZARDS DUE TO SPEED, POOR ACCESS CONTROL BETWEEN KY 80 AND INTERSECTION WITH KY 3384.(12CCR)	FLOYD
12-1111 (consultingPartyRequest.aspx?ProjectID=12-1111)	KY 1100	REPLACE BRIDGE ON KY 1100 OVER LITTLE PAINT CREEK NEAR FLOYD/JOHNSON COUNTY LINE (SR 47.1) 036800002N	FLOYD
12-1112 (consultingPartyRequest.aspx?ProjectID=12-1112)	KY 40	REPLACE BRIDGE ON KY 40 OVER BUCK CREEK AT THE KY 2031 INTERSECTION (SR 49.8) 080B00002N.	MARTIN
12-1113 (consultingPartyRequest.aspx?ProjectID=12-1113)	KY 2034C	REPLACE BRIDGE ON KY 2034C OVER N FORK KY RIVER 0.02 E OF US 119(SR 42.7) 067B00121N	LETCHER
12-1114 (consultingPartyRequest.aspx?ProjectID=12-1114)	KY 40	REPLACE BRIDGE ON KY 40 OVER BRANCH OF LITTLE PAINT CREEK 0.38 MILE NE OF JOHNSON/MAGOFFIN COUNTY LINE (SR 12.5) 058B00012N	JOHNSON
12-1116 (consultingPartyRequest.aspx?ProjectID=12-1116)	CR 1008	REPLACE BRIDGE ON ROCKLICK BRANCH (CR 1008) OVER RIGHT FORK BEAVER CREEK AT JCT WITH SOUTH HIGHWAY 7 (KY 7)(SR 43.9) 060C00006N	KNOTT
12-1118 (consultingPartyRequest.aspx?ProjectID=12-1118)	CR 1202	REPLACE BRIDGE ON MATTIE RD (CR 1202) OVER RIGHT FORK OF LITTLE BLAIN 0.38 MILE W OF ASH BRANCH RD (CR 1161)(SR 47) 064C00011N	LAWRENCE
05-8703 (consultingPartyRequest.aspx?ProjectID=05-8703)	US 31E	RESURFACE, STREETScape, PEDESTRIAN BUMP-OUTS AND OTHER TRAFFIC IMPROVEMENTS ON EAST MARKET STREET FROM BAXTER TO BROOK STREET, BETWEEN NUCLEUS UL URBAN RESEARCH PARK AND HOME OF THE INNOCENTS. (12CCN)(LET BY CITY)	JEFFERSON
06-0411 (consultingPartyRequest.aspx?ProjectID=06-0411)	KY 36	ROADWAY IMPROVEMENTS TO KY-36 FROM I-75 AT WILLIAMSTOWN TO APPROXIMATELY 1 MILE WEST OF HEekin CLARKS ROAD.(12CCR)	GRANT
01-0025 (consultingPartyRequest.aspx?ProjectID=01-0025)	I 69	RECONSTRUCT AND IMPROVE I-69 AT THE KENTUCKY/TENNESSEE STATE LINE TO US-51 INTERCHANGE AT FULTON. (2012BOP)	FULTON
01-0026 (consultingPartyRequest.aspx?ProjectID=01-0026)	I 69	RECONSTRUCT AND IMPROVE I-69 AT THE KENTUCKY/TENNESSEE STATE LINE TO US-51 INTERCHANGE AT FULTON. (2012BOP)	FULTON, GRAVES, & HICKMAN
05-0048.01 (consultingPartyRequest.aspx?ProjectID=05-0048.01)	I71	LOUISVILLE-LAGRANGE; I-71, FROM I-64 TO ZORN AVENUE (ADD LANE EACH DIRECTION)	JEFFERSON
10-0169.00 (consultingPartyRequest.aspx?ProjectID=10-0169.00)	KY114	MOUNTAIN PARKWAY CORRIDOR: SALYERSVILLE-PRESTONSBURG; WIDEN KY 114 TO 4 LANES FROM US 460 TO THE MAGOFFIN/FLOYD COUNTY LINE. (SEE 12-1.01 FOR PE & ENV)(14CCR)	MAGOFFIN
07-0918 (consultingPartyRequest.aspx?ProjectID=07-0918)	US 127	REPLACE GUARDRAIL END TREATMENTS ON VARIOUS ROUTES IN ANDERSON, BOURBON, BOYLE, CLARK, FAYETTE, JESSAMINE, MADISON, MERCER, MONTGOMERY, SCOTT, AND WOODFORD COUNTIES. (2010BOP)	ANDERSON
12-0003 (consultingPartyRequest.aspx?ProjectID=12-0003)	KY 3215	CONSTRUCT A NEW ROADWAY TO CONNECT BETWEEN KY 3215 TO KY 1185 AT YATESVILLE LAKE	LAWRENCE
07-0236 (consultingPartyRequest.aspx?ProjectID=07-0236)	KY 595	COMPREHENSIVE TRAFFIC STUDY FOR INTERSECTION OF MAIN STREET AND BEREA COLLEGE CAMPUS, BEREA. (2005HPP-KY112)(MOA WITH BEREA).	MADISON

08-9001 (consultingPartyRequest.aspx?ProjectID=08-9001)	KY 80	INTERSECTION IMPROVEMENTS AND IMPROVE TURNING RADIUS AT THE INTERSECTION OF KY 80 AND CR 1133 (FIRE TOWER RD). (2012BOP)	PULASKI
10-0279.60 (consultingPartyRequest.aspx?ProjectID=10-0279.60)	KY 30	RECONSTRUCT KY 30 FROM KY 847 IN OWSLEY COUNTY TO US 421 IN JACKSON COUNTY.	JACKSON, & OWSLEY
07-8705 (consultingPartyRequest.aspx?ProjectID=07-8705)	US 460	RECONSTRUCT US 460 FROM RUSSELL CAVE ROAD TO US 27 BYPASS IN PARIS; MP 1.394 TO MP 7.696.(	BOURBON
03-8821 (consultingPartyRequest.aspx?ProjectID=03-8821)	KY 1297	MAJOR WIDENING FROM DONNELLY DRIVE TO US-31E (ROGER WELLS) IN GLASGOW AND WIDEN DONNELLY DRIVE.	BARREN
07-8642 (consultingPartyRequest.aspx?ProjectID=07-8642)	CR-1254	REPLACE THE WEISENBERGER MILL ROAD BRIDGE AT THE WOODFORD/SCOTT COUNTY LINE.	SCOTT, & WOODFORD
05-0478.70 (consultingPartyRequest.aspx?ProjectID=05-0478.70)	US 31W	Transforming Dixie Highway BRT Project	JEFFERSON
07- Town Branch Commons (consultingPartyRequest.aspx?ProjectID=07- Town Branch Commons)	NA	The Town Branch Commons Corridor will provide a continuous multimodal greenway connection joining two existing, developing trail systems: the Town Branch Trail and the Legacy Trail.	FAYETTE
07-0252 (consultingPartyRequest.aspx?ProjectID=07-0252)	Newtown Pike	Six lane from KY-4 to I-75	FAYETTE
02-8300 (consultingPartyRequest.aspx?ProjectID=02-8300)	KY-54	Road widening from milepoint 2.45 to 8.0	DAVISS
02-0069.01 (consultingPartyRequest.aspx?ProjectID=02-0069.01)	I-69	LOCATE ALIGNMENT FOR INTERSTATE 69 AROUND HENDERSON FROM E.T. BREATHITT PARKWAY (PENNYRILE PARKWAY) TO OHIO RIVER CROSSING.	HENDERSON
10-0293.1 (consultingPartyRequest.aspx?ProjectID=10-0293.1)	KY 7	RECONSTRUCT/WIDENING OF MAIN ST (KY 7) IN WEST LIBERTY BEGINNING AT RIVERSIDE DR. (CS 1058) AND EXTENDING NORTH TO 0.159 MILES NORTH OF INTERSECTION WITH CEDAR RD (CS 1053)	MORGAN
04-0153.01 (consultingPartyRequest.aspx?ProjectID=04-0153.01)	KY	Reconstruction of KY 251, widening the 2 lane road	HARDIN
04-0441 (consultingPartyRequest.aspx?ProjectID=04-0441)		Truck Route from US 31W South of Horse Cave to KY 218 West of Horse Cave	HART
04-0441 (consultingPartyRequest.aspx?ProjectID=04-0441)		Truck Route from US 31W South of Horse Cave to KY 218 West of Horse Cave	HART
04-0396.2 (consultingPartyRequest.aspx?ProjectID=04-0396.2)	US 150	Reconstruction- Improve Safety, Mobility, and Geometrics	WASHINGTON
04-0396.1 (consultingPartyRequest.aspx?ProjectID=04-0396.1)	US 150	Reconstruction- Improve safety, mobility, and geometrics	NELSON
05-0549 (consultingPartyRequest.aspx?ProjectID=05-0549)	I-265/ I-64	Reconstruction of I-265 and I-64 Interchange	JEFFERSON
07-0235 (consultingPartyRequest.aspx?ProjectID=07-0235)	KY 52	Improve KY 52 From Wallace Mill Rd. to I-75	MADISON
04-0396.3 (consultingPartyRequest.aspx?ProjectID=04-0396.3)	US 150	Reconstruction- Improve Safety, mobility, and geometrics	WASHINGTON
07-8705.1 (consultingPartyRequest.aspx?ProjectID=07-8705.1)	US 460	US 460 Widening from Centerville to Georgetown	BOURBON, & SCOTT
03-10001 (consultingPartyRequest.aspx?ProjectID=03-10001)	US 31WX	Culvert Rehab- Water Street and US 31WX	BARREN
01-1140 (consultingPartyRequest.aspx?ProjectID=01-1140)	US 51	REPLACE CAIRO BRIDGE AT OR BESIDE EXISTING LOCATION	BALLARD
05-565 (consultingPartyRequest.aspx?ProjectID=05-565)		Second St. Corridor TIGER grant	FRANKLIN
04-1094 (consultingPartyRequest.aspx?ProjectID=04-1094)	KY 528	Bridge Replacement No. 115B00043N over Road Run Branch	WASHINGTON
07-8909 (consultingPartyRequest.aspx?ProjectID=07-8909)	I 64/ I 75	IMPROVEMENTS TO I-75 AND I-64	FAYETTE
07-242 (consultingPartyRequest.aspx?ProjectID=07-242)	US 68/ US150	Replace US 68/US150 Bridge over Chaplin River. Add Pedestrian Bridge	BOYLE



07-8902.00 (consultingPartyRequest.aspx?ProjectID=07-8902.00)	KY 1927	Widening of KY 1927- Liberty Road	FAYETTE
05-0557 (consultingPartyRequest.aspx?ProjectID=05-0557)	I-71	WIDEN I-71 FROM ZORN AVE TO I-265	JEFFERSON
01-0153.00 (consultingPartyRequest.aspx?ProjectID=01-0153.00)	KY-1286	IMPROVE KY-1286 (FRIENDSHIP ROAD) FROM MP 3.6 TO MP 6.4 IN PADUCAH. (PRELIMINARY ENGINEERING) (12CCR)(14CCR)(16CCN)(18CCR) (2020CCR)	MCCRACKEN
05-0805.00 (consultingPartyRequest.aspx?ProjectID=05-0805.00)	KY 3506	Address safety concerns of the Broadway Bridge in Frankfort	FRANKLIN
03-10010 (consultingPartyRequest.aspx?ProjectID=03-10010)	US 79	REPLACE BRIDGE ON US 79 TO WIDEN TO 4 LANES FOR FREIGHT MOVEMENT AND IMPROVE SAFETY. BRIDGE ID (071B00025N)(BRIDGE OVER WHIPPOORWILL CREEK) AT MP 4.65 (2020CCR)	LOGAN
06-1086 (consultingPartyRequest.aspx?ProjectID=06-1086)	KY 8	ADDRESS DEFICIENCIES OF BRIDGE OVER LICKING RIVER ON WEST 4TH STREET (KY 8) IN COVINGTON/NEWPORT AT KENTON/CAMPBELL CO LN. (059B00037N) (2020CCR)	CAMPBELL, & KENTON
03-80100 (consultingPartyRequest.aspx?ProjectID=03-80100)	US 79	REPLACE AND WIDEN BRIDGES ON US-79 AT MP 2.921 IN LOGAN COUNTY, AND MP 7.613 IN TODD COUNTY. (INCLUDES ITEM NO. 3-80102)	LOGAN
03-80102 (consultingPartyRequest.aspx?ProjectID=03-80102)	US 79	REPLACE AND WIDEN BRIDGE TO 4 LANES ON US-79 AT MP 7.613 (BRIDGE OVER ELK FORK CREEK)	TODD
07- 8401 (consultingPartyRequest.aspx?ProjectID=07- 8401)	KY 1958	Proposed Winchester Southeastern Connector (KY 1958)	CLARK
07-80001 (consultingPartyRequest.aspx?ProjectID=07-80001)	US 62	US 62 improvements	ANDERSON
07-80150 (consultingPartyRequest.aspx?ProjectID=07-80150)	US 60	US 60 Improvements	FAYETTE
10-8902 (consultingPartyRequest.aspx?ProjectID=10-8902)	KY 191	ADDRESS DEFICIENCIES OF BRIDGE ON KY 191 OVER CANEY CREEK 0.5 MILES WEST OF KY 1162	MORGAN
02-8854 (consultingPartyRequest.aspx?ProjectID=02-8854)	KY 3143	Minor widening and safety improvements on KY 3143 from KY 3335 to KY 54	DAVIESS
02-8951 (consultingPartyRequest.aspx?ProjectID=02-8951)	KY 54	Improve safety on KY 54 by upgrading to three lanes	OHIO
04-80154 (consultingPartyRequest.aspx?ProjectID=04-80154)	KY 210	Improvements to KY 210	GREEN, LARUE, & TAYLOR
05-9030 (consultingPartyRequest.aspx?ProjectID=05-9030)	31E	Overlay, restripe, curb bumpouts and enhanced crosswalks along Bardstown Road between Eastern Parkway and E. Broadway	JEFFERSON
04-198 (consultingPartyRequest.aspx?ProjectID=04-198)	KY 3005	Ring Road Extension from Western Kentucky Parkway to I-65	HARDIN
01-0330 (consultingPartyRequest.aspx?ProjectID=01-0330)	US 60	PADUCAH-HENDERSON; RELOCATE US-60 FROM EAST OF THE TENNESSEE RIVER BRIDGE TO EAST OF RUDD-SPEES ROAD	LIVINGSTON
05-8713 (consultingPartyRequest.aspx?ProjectID=05-8713)	US 60	Construct a third lane on US 60 from the Masonic Lodge to Rocket Lane	SHELBY
01-10002.00 (consultingPartyRequest.aspx?ProjectID=01-10002.00)	CR-1214	ADDRESS DEFICIENCIES OF MARTIN ROAD BRIDGE OVER BRANCH-OBION CREEK.	GRAVES
01-10099.00 (consultingPartyRequest.aspx?ProjectID=01-10099.00)	KY-121	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00018N) KY-121 AT CLAYTON CREEK	CALLOWAY
01-10099.00 (consultingPartyRequest.aspx?ProjectID=01-10099.00)	KY-121	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00018N) KY-121 AT CLAYTON CREEK	CALLOWAY
01-10100.00 (consultingPartyRequest.aspx?ProjectID=01-10100.00)	KY-121	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00023N) KY-121 AT BLOOD RIVER	CALLOWAY
01-10102.00 (consultingPartyRequest.aspx?ProjectID=01-10102.00)	KY-1346	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00066N) KY-1346 AT BRANCH OF JONATHAN CREEK	CALLOWAY
01-10104.00 (consultingPartyRequest.aspx?ProjectID=01-10104.00)	US-51	BRIDGE PROJECT IN CARLISLE COUNTY ON (020B00002N) US-51 AT GADDIE CREEK	CARLISLE
01-10105.00 (consultingPartyRequest.aspx?ProjectID=01-10105.00)	US-51	BRIDGE PROJECT IN CARLISLE COUNTY ON (020B00004N) US-51 AT LITTLE MAYFIELD CREEK	CARLISLE

01-10108.00 (consultingPartyRequest.aspx?ProjectID=01-10108.00)	KY-120	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00010N) KY-120 AT SLOUGH OF TRADEWATER RIV	CRITTENDEN
01-10110.00 (consultingPartyRequest.aspx?ProjectID=01-10110.00)	KY-506	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00030N) KY-506 AT PINEY CREEK	CRITTENDEN
01-10112.00 (consultingPartyRequest.aspx?ProjectID=01-10112.00)	KY-387	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00051N) KY-387 AT CROOKED CREEK	CRITTENDEN
01-10115.00 (consultingPartyRequest.aspx?ProjectID=01-10115.00)	KY-166	BRIDGE PROJECT IN FULTON COUNTY ON (038B00022N) KY-166 AT BAYOU DE CHIEN	FULTON
01-10116.00 (consultingPartyRequest.aspx?ProjectID=01-10116.00)	KY-166	BRIDGE PROJECT IN FULTON COUNTY ON (038B00023N) KY-166 AT MUD CREEK	FULTON
01-10128.00 (consultingPartyRequest.aspx?ProjectID=01-10128.00)	US-45	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00090N) US-45 AT JACKSON CREEK	GRAVES
01-10144.00 (consultingPartyRequest.aspx?ProjectID=01-10144.00)	US-51	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00002N) US-51 AT BRUSH CREEK	HICKMAN
01-10146.00 (consultingPartyRequest.aspx?ProjectID=01-10146.00)	US-51	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00029N) US-51 AT CANE CREEK	HICKMAN
01-10162.00 (consultingPartyRequest.aspx?ProjectID=01-10162.00)	KY-3520	BRIDGE PROJECT IN MCCrackEN COUNTY ON (073B00030N) KY-3520 AT P&L RAILWAY	MCCRACKEN
01-10175.00 (consultingPartyRequest.aspx?ProjectID=01-10175.00)	KY-402	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00037N) KY-402 AT MARTIN CREEK	MARSHALL
01-10176.00 (consultingPartyRequest.aspx?ProjectID=01-10176.00)	KY-402	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00040N) KY-402 AT EAST FORK CLARKS RIVER	MARSHALL
01-10180.00 (consultingPartyRequest.aspx?ProjectID=01-10180.00)	KY-2603	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00138N) KY-2603 AT SOLDIER CREEK	MARSHALL
01-10183.00 (consultingPartyRequest.aspx?ProjectID=01-10183.00)	KY-525	BRIDGE PROJECT IN TRIGG COUNTY ON (111B00031N) KY-525 AT UNNAMED STREAM	TRIGG
01-10154.00 (consultingPartyRequest.aspx?ProjectID=01-10154.00)	KY-1943	BRIDGE PROJECT IN LYON COUNTY ON (072B00027N) KY-1943 AT CRAB CREEK	LYON
02-10061.00 (consultingPartyRequest.aspx?ProjectID=02-10061.00)	KY-126	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00024N) KY-126 AT BURNS CREEK	CALDWELL
02-10065.00 (consultingPartyRequest.aspx?ProjectID=02-10065.00)	KY-1592	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00076N) KY-1592 AT TOWERY BRANCH	CALDWELL
02-10079.00 (consultingPartyRequest.aspx?ProjectID=02-10079.00)	US-431	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00049N) US-431 AT PANTHER CREEK	DAVIESS
02-10081.00 (consultingPartyRequest.aspx?ProjectID=02-10081.00)	US-60	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00096N) US-60 AT KATIE MEADOW SLOUGH	DAVIESS
02-10091.00 (consultingPartyRequest.aspx?ProjectID=02-10091.00)	KY-145	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00119N) KY-145 AT BEAVER DAM CREEK	HENDERSON
02-10092.00 (consultingPartyRequest.aspx?ProjectID=02-10092.00)	KY-812	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00128N) KY-812 AT NORTH FORK CANOE CREEK	HENDERSON
02-10099.00 (consultingPartyRequest.aspx?ProjectID=02-10099.00)	KY-70	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00089N) KY-70 AT RICHLAND CREEK	HOPKINS
02-10104.00 (consultingPartyRequest.aspx?ProjectID=02-10104.00)	KY-502	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00126N) KY-502 AT CLEAR CREEK OVERFLOW	HOPKINS
02-10105.00 (consultingPartyRequest.aspx?ProjectID=02-10105.00)	KY-502	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00127N) KY-502 AT CLEAR CREEK OVERFLOW	HOPKINS
02-10106.00 (consultingPartyRequest.aspx?ProjectID=02-10106.00)	KY-502	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00128N) KY-502 AT CLEAR CREEK OVERFLOW	HOPKINS
02-10110.00 (consultingPartyRequest.aspx?ProjectID=02-10110.00)	KY-81	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00025N) KY-81 AT SLOUGH	MCCLEAN
02-10118.00 (consultingPartyRequest.aspx?ProjectID=02-10118.00)	KY-1412	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00053N) KY-1412 AT OVRFLO TRIB-GREEN RIVER	MCCLEAN

02-10130.00 (consultingPartyRequest.aspx?ProjectID=02-10130.00)	KY-2712	BRIDGE PROJECT IN OHIO COUNTY ON (092B00136N) KY-2712 AT WESTERN KENTUCKY PARKWAY	OHIO
02-10135.00 (consultingPartyRequest.aspx?ProjectID=02-10135.00)	KY-56	BRIDGE PROJECT IN WEBSTER COUNTY ON (117B00012N) KY-56 AT GREEN RIVER	WEBSTER
04-10052.00 (consultingPartyRequest.aspx?ProjectID=04-10052.00)	US-62	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00022N) US-62 AT SLOUGH OFF ROLLING FORK	HARDIN
03-10027.00 (consultingPartyRequest.aspx?ProjectID=03-10027.00)	Old Buck Creek Rd	BRIDGE PROJECT IN ALLEN COUNTY ON (002C00019N) OLD BUCK CREEK RD AT BUCK CREEK	ALLEN
03-10028.00 (consultingPartyRequest.aspx?ProjectID=03-10028.00)	Petroleum Rd	BRIDGE PROJECT IN ALLEN COUNTY ON (002C00033N) PETROLEUM RD AT LITTLE TRAMMEL CREEK	ALLEN
03-10037.00 (consultingPartyRequest.aspx?ProjectID=03-10037.00)	I-165	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00061N) I-165 AT GREEN RIVER	BUTLER
03-10039.00 (consultingPartyRequest.aspx?ProjectID=03-10039.00)	KY-70	BRIDGE PROJECT IN EDMONSON COUNTY ON (031B00008N) KY-70 AT BEAR CREEK	EDMONSON
03-10040.00 (consultingPartyRequest.aspx?ProjectID=03-10040.00)	KY-187	BRIDGE PROJECT IN EDMONSON COUNTY ON (031B00019N) KY-187 AT WHETSTONE CREEK	EDMONSON
04-10048.00 (consultingPartyRequest.aspx?ProjectID=04-10048.00)	KY-79	BRIDGE PROJECT IN GRAYSON COUNTY ON (043B00053N) KY-79 AT ROUGH RIVER LAKE	GRAYSON
04-10058.00 (consultingPartyRequest.aspx?ProjectID=04-10058.00)	KY-210	BRIDGE PROJECT IN LARUE COUNTY ON (062B00034R) KY-210 AT NORTH FORK NOLIN RIVER	LARUE
04-10066.00 (consultingPartyRequest.aspx?ProjectID=04-10066.00)	King Rd	BRIDGE PROJECT IN NELSON COUNTY ON (090C00037N) KING RD AT E FK COX CR @SPENCER CL	NELSON
04-10067.00 (consultingPartyRequest.aspx?ProjectID=04-10067.00)	South Columbia Avenue	BRIDGE PROJECT IN TAYLOR COUNTY ON (109C00042N) SOUTH COLUMBIA AVE AT BUCKHORN CREEK	TAYLOR
04-10070.00 (consultingPartyRequest.aspx?ProjectID=04-10070.00)	KY-152	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00019N) KY-152 AT CARTWRIGHT CREEK (2022CCR)	WASHINGTON
04-10072.00 (consultingPartyRequest.aspx?ProjectID=04-10072.00)	KY-458	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00045N) KY-458 AT BEECH FORK OF SALT RIVER	WASHINGTON
04-10072.00 (consultingPartyRequest.aspx?ProjectID=04-10072.00)	KY-458	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00045N) KY-458 AT BEECH FORK OF SALT RIVER	WASHINGTON
04-10074.00 (consultingPartyRequest.aspx?ProjectID=04-10074.00)	Armory Hill at Road Run Creek	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115C00065N) Armory Hill AT Road Run Creek	WASHINGTON
01-10143.00 (consultingPartyRequest.aspx?ProjectID=01-10143.00)	KY-487	BRIDGE PROJECT IN GREEN COUNTY ON (044B00029N) KY-487 AT SOUTH FK RUSSELL CREEK	GREEN
04-80252.00 (consultingPartyRequest.aspx?ProjectID=04-80252.00)	Siloam Rd (CR-1119)	REPLACE LOW WATER STRUCTURE ON SILOAM ROAD (CR 1119) OVER NORTH ROLLING FORK NEAR KY 337 INTERSECTION MP 0.089 TO MP 0.122 (2022CCN)	MARION
05-10036.00 (consultingPartyRequest.aspx?ProjectID=05-10036.00)	KY 1116	BRIDGE PROJECT IN BULLITT COUNTY ON (015B00059N) KY 1116 AT CEDAR CREEK	BULLITT
05-10046.00 (consultingPartyRequest.aspx?ProjectID=05-10046.00)	KY-12	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00080N) KY 12 AT FLAT CREEK	FRANKLIN
05-10049.00 (consultingPartyRequest.aspx?ProjectID=05-10049.00)	KY-1861	BRIDGE PROJECT IN HENRY COUNTY ON (052B00062N) KY 1861 AT JACKSON CREEK	HENRY
05-10058.00 (consultingPartyRequest.aspx?ProjectID=05-10058.00)	I-64 WB	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00052L) I-64 WB AT MID FK BEARGRASS CREEK	JEFFERSON
05-10059.00 (consultingPartyRequest.aspx?ProjectID=05-10059.00)	I-64 EB	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00052R) I-64 EB AT MID FK BEARGRASS CREEK	JEFFERSON
05-10086.00 (consultingPartyRequest.aspx?ProjectID=05-10086.00)	US-60 EB	BRIDGE PROJECT IN SHELBY COUNTY ON (106B00007R) US 60 EB AT CLEAR CREEK	SHELBY
05-10095.00 (consultingPartyRequest.aspx?ProjectID=05-10095.00)	KY-1060	BRIDGE PROJECT IN SPENCER COUNTY ON (108B00015N) KY 1060 AT PLUM CREEK	SPENCER
06-10031.00 (consultingPartyRequest.aspx?ProjectID=06-10031.00)	KY-539	BRIDGE PROJECT IN BRACKEN COUNTY ON (012B00023N) KY-539 AT WILLOW CREEK	BRACKEN

06-10037.00 (consultingPartyRequest.aspx?ProjectID=06-10037.00)	KY-36	BRIDGE PROJECT IN CARROLL COUNTY ON (021B00009N) KY-36 AT LICK CREEK	CARROLL
06-10038.00 (consultingPartyRequest.aspx?ProjectID=06-10038.00)	KY-491	BRIDGE PROJECT IN GRANT COUNTY ON (041B00017N) KY-491 AT BULLOCK CREEK	GRANT
06-80151.00 (consultingPartyRequest.aspx?ProjectID=06-80151.00)	US-62	WIDEN THE BRIDGE ON US 62 OVER N. BRANCH CEDAR CREEK NEAR KENTONTOWN TO IMPROVE SAFETY AND MOBILITY. (2020CCN)	ROBERTSON
07-10040.00 (consultingPartyRequest.aspx?ProjectID=07-10040.00)	KY-3369	BRIDGE PROJECT IN CLARK COUNTY ON (025B00092N) KY-3369 AT LOG LICK CREEK	CLARK
07-10045.00 (consultingPartyRequest.aspx?ProjectID=07-10045.00)	I-75	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00150R) I-75 AT DAVID FK-ELKHORN CREEK	FAYETTE
08-10050.00 (consultingPartyRequest.aspx?ProjectID=08-10050.00)	Bastin Creek Rd	BRIDGE PROJECT IN CASEY COUNTY ON (023C00094N) BASTIN CREEK RD AT CRANE CREEK	CASEY
08-10051.00 (consultingPartyRequest.aspx?ProjectID=08-10051.00)	KY-1576	BRIDGE PROJECT IN CLINTON COUNTY ON (027B00026N) KY-1576 AT SPRING CREEK	CLINTON
08-10052.00 (consultingPartyRequest.aspx?ProjectID=08-10052.00)	KY-90	BRIDGE PROJECT IN CUMBERLAND COUNTY ON (029B00019N) KY-90 AT ALLEN CREEK	CUMBERLAND
08-10053.00 (consultingPartyRequest.aspx?ProjectID=08-10053.00)	KY-90	BRIDGE PROJECT IN CUMBERLAND COUNTY ON (029B00020N) KY-90 AT DUTCH CREEK	CUMBERLAND
08-10054.00 (consultingPartyRequest.aspx?ProjectID=08-10054.00)	KY-78	BRIDGE PROJECT IN LINCOLN COUNTY ON (069B00023N) KY-78 AT HANGING FORK	LINCOLN
08-10062.00 (consultingPartyRequest.aspx?ProjectID=08-10062.00)	Jellico Creek Rd	BRIDGE PROJECT IN MCCREARY COUNTY ON (074C00020N) JELICO CREEK RD AT JELICO CREEK	MCCREARY
08-10067.00 (consultingPartyRequest.aspx?ProjectID=08-10067.00)	KY-3260	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00093N) KY-3260 AT PITTMAN CREEK	PULASKI
08-10068.00 (consultingPartyRequest.aspx?ProjectID=08-10068.00)	KY-3267	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00096N) KY-3267 AT BEE LICK CREEK	PULASKI
08-10070.00 (consultingPartyRequest.aspx?ProjectID=08-10070.00)	KY-1787	BRIDGE PROJECT IN ROCKCASTLE COUNTY ON (102B00034N) KY-1787 AT CLEAR CREEK	ROCKCASTLE
09-10077.00 (consultingPartyRequest.aspx?ProjectID=09-10077.00)	KY-1	BRIDGE PROJECT IN CARTER COUNTY ON (022B00012N) KY-1 AT LIT.FK.LITTLE SANDY RIVE	CARTER
09-10094.00 (consultingPartyRequest.aspx?ProjectID=09-10094.00)	KY-32	BRIDGE PROJECT IN NICHOLAS COUNTY ON (091B00012N) KY-32 AT FLEMING CREEK (2022CCR)	NICHOLAS
10-10055.00 (consultingPartyRequest.aspx?ProjectID=10-10055.00)	KY-1950	BRIDGE PROJECT IN MORGAN COUNTY ON (088B00039N) KY-1950 AT BLACKWATER CREEK	MORGAN
11-08953.00 (consultingPartyRequest.aspx?ProjectID=11-08953.00)	CR-1414	REPLACE BRIDGE (063C00044N) ON MT ZION CHURCH ROAD (CR 1414). (16CCN) (2020CCR)	LAUREL
11-10095.00 (consultingPartyRequest.aspx?ProjectID=11-10095.00)	CR-1164	ADDRESS DEFICIENCIES ON HICKS CEMETERY LN (CR 1164) OVER CRANKS CREEK. (048C00160N)	HARLAN
11-10099.00 (consultingPartyRequest.aspx?ProjectID=11-10099.00)	CR-1674	ADDRESS DEFICIENCIES ON MOUNTAIN FARM RD (CR 1674) OVER MIDDLE FORK RIVER. (066C00091N)	HARLAN
11-10190.00 (consultingPartyRequest.aspx?ProjectID=11-10190.00)	KY-2007	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00075N) KY-2007 AT CUMBERLAND RIVER	HARLAN
11-10191.00 (consultingPartyRequest.aspx?ProjectID=11-10191.00)	KY-1254	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00091N) KY-1254 AT POOR FK CUMBERLAND RVR	HARLAN
11-10194.00 (consultingPartyRequest.aspx?ProjectID=11-10194.00)	US-119	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00107N) US-119 AT POOR FK CUMBERLAND RVR	HARLAN
11-10196.00 (consultingPartyRequest.aspx?ProjectID=11-10196.00)	KY-72	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00138N) KY-72 AT POOR FK CUMBERLAND RVR	HARLAN
11-10200.00 (consultingPartyRequest.aspx?ProjectID=11-10200.00)	KY-225	BRIDGE PROJECT IN KNOX COUNTY ON (061B00035N) KY-225 AT BRUSH CREEK	KNOX
11-10214.00 (consultingPartyRequest.aspx?ProjectID=11-10214.00)	KY-2057	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00055N) KY-2057 AT CUTSHIN CREEK	LESLIE

11-01101.00 (consultingPartyRequest.aspx?ProjectID=11-01101.00)	US-119	ADDRESS DEFICIENCIES OF BRIDGE ON US 119 OVER KY 160/MAIN ST IN HARLAN COUNTY, KY. 048B00126N (2020CCR)	HARLAN
12-10096.00 (consultingPartyRequest.aspx?ProjectID=12-10096.00)	KY-3	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00135N) KY-3 AT CSX RR & Levisa Fork	FLOYD
12-10107.00 (consultingPartyRequest.aspx?ProjectID=12-10107.00)	KY-1102	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00059N) KY-1102 AT Montgomery Creek	KNOTT
12-10110.00 (consultingPartyRequest.aspx?ProjectID=12-10110.00)	Fieldwood Dr	BRIDGE PROJECT IN KNOTT COUNTY ON (060C00088N) Fieldwood Dr AT R Frk Troublesome Crk	KNOTT
12-10114.00 (consultingPartyRequest.aspx?ProjectID=12-10114.00)	KY-1496	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00061N) KY-1496 AT E Frk Little Sandy River	LAWRENCE
12-10115.00 (consultingPartyRequest.aspx?ProjectID=12-10115.00)	KY-2037	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00069N) KY-2037 AT Griffith Creek	LAWRENCE
12-10123.00 (consultingPartyRequest.aspx?ProjectID=12-10123.00)	KY-1862	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00113N) KY-1862 AT NORTH FORK KY RIVER	LETCHER
12-10124.00 (consultingPartyRequest.aspx?ProjectID=12-10124.00)	KY-1862	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00118N) KY-1862 AT PINE CREEK	LETCHER
12-10129.00 (consultingPartyRequest.aspx?ProjectID=12-10129.00)	KY-292	BRIDGE PROJECT IN MARTIN COUNTY ON (080B00014N) KY-292 AT LONG BRANCH	MARTIN
12-10130.00 (consultingPartyRequest.aspx?ProjectID=12-10130.00)	Johnson Bottom Rd	BRIDGE PROJECT IN MARTIN COUNTY ON (080C00057N) Johnson Bottom AT Rockcastle Creek	MARTIN
12-10137.00 (consultingPartyRequest.aspx?ProjectID=12-10137.00)	KY-1441	BRIDGE PROJECT IN PIKE COUNTY ON (098B00135N) KY-1441 AT Raccoon Creek	PIKE
12-10143.00 (consultingPartyRequest.aspx?ProjectID=12-10143.00)	GIN Fork	BRIDGE PROJECT IN PIKE COUNTY ON (098C00123N) GIN FRK AT LFT.FK-BRUSH FK-JOHNS CK	PIKE
01-10178.00 (consultingPartyRequest.aspx?ProjectID=01-10178.00)	I-24	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00118L) I 24 NON CARDINAL AT TENNESSEE RIVER	MARSHALL
01-10179.00 (consultingPartyRequest.aspx?ProjectID=01-10179.00)	I-24	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00118R) I-24 AT TENNESSEE RIVER	MARSHALL
01-40000.00 (consultingPartyRequest.aspx?ProjectID=01-40000.00)	KY-135	Bridge Replacement on KY-135 over Branch of Bayou Creek (070B00010N).	LIVINGSTON
02-02091.10 (consultingPartyRequest.aspx?ProjectID=02-02091.10)	US-41	BRIDGE PROJECT IN HENDERSON COUNTY ON ( 051B00002R/051B00007L) US-41 AT OHIO RIVER	HENDERSON
04-10047.00 (consultingPartyRequest.aspx?ProjectID=04-10047.00)	KY-259	BRIDGE PROJECT IN GRAYSON COUNTY ON (043B00001N) KY-259 AT ROUGH RIVER	GRAYSON
04-10055.00 (consultingPartyRequest.aspx?ProjectID=04-10055.00)	I-65	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00133L) INTERSTATE 65 NC AT ROLLING FORK RIVER	HARDIN
04-10056.00 (consultingPartyRequest.aspx?ProjectID=04-10056.00)	I-65	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00133R) I-65 AT ROLLING FORK RIVER	HARDIN
04-10062.00 (consultingPartyRequest.aspx?ProjectID=04-10062.00)	US-62	BRIDGE PROJECT IN NELSON COUNTY ON (090B00056N) US-62 AT CEDAR CREEK	NELSON
05-10016.00 (consultingPartyRequest.aspx?ProjectID=05-10016.00)	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00142N) I-64 AT KY 3077 (RIVER RD). (BRIDGE PAINTING OF I-64 RIVERSIDE EXPRESSWAY BRIDGES)	JEFFERSON
05-10035.00 (consultingPartyRequest.aspx?ProjectID=05-10035.00)	KY-1526	BRIDGE PROJECT IN BULLITT COUNTY ON (015B00057N) KY 1526 AT FLOYDS FORK	BULLITT
05-10042.00 (consultingPartyRequest.aspx?ProjectID=05-10042.00)	I-64 WB	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00052L) I-64 WB AT KENTUCKY RIVER	FRANKLIN
05-10043.00 (consultingPartyRequest.aspx?ProjectID=05-10043.00)	I-64 EB	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00052R) I-64 EB AT KENTUCKY RIVER	FRANKLIN
05-10074.00 (consultingPartyRequest.aspx?ProjectID=05-10074.00)	I-65 SB	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00214L) I-65 SB AT OHIO RIVER	JEFFERSON
08-10064.00 (consultingPartyRequest.aspx?ProjectID=08-10064.00)	KY-80	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00029N) KY-80 AT Fishing Creek	PULASKI

11-10198.00 (consultingPartyRequest.aspx?ProjectID=11-10198.00)	US-421	BRIDGE PROJECT IN JACKSON COUNTY ON (055B00001N) US-421 AT INDIAN CREEK	JACKSON
11-10203.00 (consultingPartyRequest.aspx?ProjectID=11-10203.00)	KY-6	BRIDGE PROJECT IN KNOX COUNTY ON (061B00073N) KY-6 AT BR OF INDIAN CREEK	KNOX
12-10105.00 (consultingPartyRequest.aspx?ProjectID=12-10105.00)	KY-550	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00026N) KY-550 AT OGDEN CREEK	KNOTT
12-10117.00 (consultingPartyRequest.aspx?ProjectID=12-10117.00)	KY-805	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00023N) KY-805 AT Potter Fork	KNOTT
12-10136.00 (consultingPartyRequest.aspx?ProjectID=12-10136.00)	KY-610	BRIDGE PROJECT IN PIKE COUNTY ON (098B00072N) KY-610 AT SHELBY CREEK	PIKE
03-40000.00 (consultingPartyRequest.aspx?ProjectID=03-40000.00)	KY-1153	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00031N) KY-1153 AT GRASSY LICK CREEK	BUTLER
03-40001.00 (consultingPartyRequest.aspx?ProjectID=03-40001.00)	KY-678	BRIDGE PROJECT IN MONROE COUNTY ON (086B00039N) KY-678 AT HACKERS BRANCH	MONROE
03-40002.00 (consultingPartyRequest.aspx?ProjectID=03-40002.00)	KY-678	BRIDGE PROJECT IN MONROE COUNTY ON (086B00048N) KY-678 AT PETER CREEK	MONROE
03-40003.00 (consultingPartyRequest.aspx?ProjectID=03-40003.00)	KY-1366	BRIDGE PROJECT IN MONROE COUNTY ON (086B00049N) KY-1366 AT TRIB-E.FK. BARREN RVR	MONROE
04-40000.00 (consultingPartyRequest.aspx?ProjectID=04-40000.00)	KY-1195	BRIDGE PROJECT IN MARION COUNTY ON (078B00053N) SHORTLINE PIKE (KY-1195) AT PLEASANT RUN CREEK	MARION
05-40000.00 (consultingPartyRequest.aspx?ProjectID=05-40000.00)	KY-1494	BRIDGE PROJECT IN BULLITT COUNTY ON (015B00024N) BEECH GROVE RD (KY-1494) AT TRIB TO PRIOR BRANCH	BULLITT
05-40001.00 (consultingPartyRequest.aspx?ProjectID=05-40001.00)	KY-362	BRIDGE PROJECT IN OLDHAM COUNTY ON (093B00011N) ASH AVE (KY-362) AT TRIB TO FLOYDS FORK	OLDHAM
05-40002.00 (consultingPartyRequest.aspx?ProjectID=05-40002.00)	KY-1488	BRIDGE PROJECT IN OLDHAM COUNTY ON (093B00027N) ORGAN CREEK RD (KY-1488) AT PATTONS CREEK	OLDHAM
06-40000.00 (consultingPartyRequest.aspx?ProjectID=06-40000.00)	KY-915	BRIDGE PROJECT IN CAMPBELL COUNTY ON (019B00088N) LICKING PIKE (KY-915) AT SCAFFORD CREEK	CAMPBELL
06-40001.00 (consultingPartyRequest.aspx?ProjectID=06-40001.00)	KY-1942	BRIDGE PROJECT IN GRANT COUNTY ON (041B00019N) ELLISTON-MT ZION RD (KY-1942) AT NAPOLEON BRANCH	GRANT
07-40000.00 (consultingPartyRequest.aspx?ProjectID=07-40000.00)	KY-32	BRIDGE PROJECT IN SCOTT COUNTY ON (105B00045N) JOSEPHINE RD (KY-32) AT LYTLES FORK	SCOTT
08-40000.00 (consultingPartyRequest.aspx?ProjectID=08-40000.00)	KY-551	BRIDGE PROJECT IN ADAIR COUNTY ON (001B00036N) KNIFLEY RD (KY-551) AT BUTLERS BRANCH	ADAIR
08-40001.00 (consultingPartyRequest.aspx?ProjectID=08-40001.00)	KY-551	BRIDGE PROJECT IN ADAIR COUNTY ON (001B00037N) KNIFLEY RD (KY-551) AT BUTLERS BRANCH	ADAIR
08-40002.00 (consultingPartyRequest.aspx?ProjectID=08-40002.00)	KY-1054	BRIDGE PROJECT IN McCREARY COUNTY ON (074B00015N) BEULAH HEIGHTS RD (KY-1054) AT COGUR FK OF INDIAN CREEK	MCCREARY
08-40003.00 (consultingPartyRequest.aspx?ProjectID=08-40003.00)	KY-3281	BRIDGE PROJECT IN RUSSELL COUNTY ON (104B00032N) KY-3281 AT MT. VERNON CREEK	RUSSELL
09-40000.00 (consultingPartyRequest.aspx?ProjectID=09-40000.00)	KY-2	BRIDGE PROJECT IN CARTER COUNTY ON (022B00070N) KY-2 AT BRUSHY CREEK	CARTER
09-40001.00 (consultingPartyRequest.aspx?ProjectID=09-40001.00)	KY-3297	BRIDGE PROJECT IN CARTER COUNTY ON (022B00138N) MIDLAND TRL (KY-3297) AT UPPER STINSON CREEK	CARTER
09-40002.00 (consultingPartyRequest.aspx?ProjectID=09-40002.00)	KY-1626	BRIDGE PROJECT IN CARTER COUNTY ON (022B00154N) KY-1626 AT DRY BRANCH-TYGARTS CRK	CARTER
09-40003.00 (consultingPartyRequest.aspx?ProjectID=09-40003.00)	KY-1208	BRIDGE PROJECT IN ELLIOTT COUNTY ON (032B00026N) LEFT FRK MIDDLE FORK RD (KY-1208) AT LEFT FK OF MIDDLE FORK	ELLIOTT
09-40004.00 (consultingPartyRequest.aspx?ProjectID=09-40004.00)	KY-59	BRIDGE PROJECT IN LEWIS COUNTY ON (068B00010N) KY-59 AT TRIB OF KINNICONICK CREEK	LEWIS
09-40005.00 (consultingPartyRequest.aspx?ProjectID=09-40005.00)	KY-57	BRIDGE PROJECT IN LEWIS COUNTY ON (068B00042N) KY-57 AT SYCAMORE CREEK	LEWIS

10-40000.00 (consultingPartyRequest.aspx?ProjectID=10-40000.00)	KY-1000	BRIDGE PROJECT IN MORGAN COUNTY ON (088B00052N) KY-1000 AT WHITE OAK CREEK	MORGAN
11-40002.00 (consultingPartyRequest.aspx?ProjectID=11-40002.00)	KY-1780	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00026N) MIDDLE FORK RD (KY-1780) AT MID-FK KY RVR	LESLIE
12-40001.00 (consultingPartyRequest.aspx?ProjectID=12-40001.00)	KY-1760	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00050N) KY-1760 AT Right Fork Blaine Creek	LAWRENCE
12-40003.00 (consultingPartyRequest.aspx?ProjectID=12-40003.00)	KY-1469	BRIDGE PROJECT IN PIKE COUNTY ON (098B00145N) KY-1469 AT Right Fork Long Fork	PIKE
12-0001.00 (consultingPartyRequest.aspx?ProjectID=12-0001.00)	KY-114	WIDEN MT. PARKWAY TO 4-LANES BETWEEN SALYERSVILLE TO PRESTONSBURG (SPECIALFED APPROPRIATION)	FLOYD
03-08954.00 (consultingPartyRequest.aspx?ProjectID=03-08954.00)	KY-63	RECONSTRUCT INTERSECTION OF KY 63 AND POPLAR LOG CHURCH ROAD	MONROE
10-80100.00 (consultingPartyRequest.aspx?ProjectID=10-80100.00)	CR-1365Q4	NEW IMPROVED ACCESS TO WENDALL FORD AIRPORT	PERRY
06-0017 (consultingPartyRequest.aspx?ProjectID=06-0017)	I-71/I-75	BRENT SPENCE BRIDGE COMPANION BRIDGE CONSTRUCTION; BRENT SPENCE BRIDGE REHABILITATION; UPGRADE EXISTING I-71/75 BRENT SPENCE BRIDGE CORRIDOR AT THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH	KENTON

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**DEA Pages**

- Links
- [Home \(/EnvironmentalAnalysis/Pages/default.aspx\)](/EnvironmentalAnalysis/Pages/default.aspx)
- [Air Quality \(/EnvironmentalAnalysis/Pages/Air-Quality.aspx\)](/EnvironmentalAnalysis/Pages/Air-Quality.aspx)
- [Archaeology \(/Archaeology/Pages/default.aspx\)](/Archaeology/Pages/default.aspx)
- [Cultural Resources \(/EnvironmentalAnalysis/Pages/Cultural-Resources.aspx\)](/EnvironmentalAnalysis/Pages/Cultural-Resources.aspx)
- [Ecology and Permitting \(/EnvironmentalAnalysis/Pages/Ecology-and-Permitting.aspx\)](/EnvironmentalAnalysis/Pages/Ecology-and-Permitting.aspx)
- [Noise \(/EnvironmentalAnalysis/Pages/Noise.aspx\)](/EnvironmentalAnalysis/Pages/Noise.aspx)
- [Project Management \(/EnvironmentalAnalysis/Pages/Project-Management.aspx\)](/EnvironmentalAnalysis/Pages/Project-Management.aspx)
- [Section 4\(f\) \(/EnvironmentalAnalysis/Pages/Section-4\(f\).aspx\)](/EnvironmentalAnalysis/Pages/Section-4(f).aspx)
- [Socioeconomics \(/EnvironmentalAnalysis/Pages/Socioeconomics.aspx\)](/EnvironmentalAnalysis/Pages/Socioeconomics.aspx)
- [USTs and Hazardous Materials \(/EnvironmentalAnalysis/Pages/USTs-and-Hazardous-Materials.aspx\)](/EnvironmentalAnalysis/Pages/USTs-and-Hazardous-Materials.aspx)

**Resources**

## Links

[AASHTO General Information \(http://environment.transportation.org/\)](http://environment.transportation.org/)  
[Consulting Party Projects \(/EnvironmentalAnalysis/Pages/Consulting-Party-Projects.aspx\)](/EnvironmentalAnalysis/Pages/Consulting-Party-Projects.aspx)  
[DEA Guidance Manual \(/EnvironmentalAnalysis/Environmental%20Resources/DEA%20Guidance%20Manual.pdf\)](/EnvironmentalAnalysis/Environmental%20Resources/DEA%20Guidance%20Manual.pdf)  
[Environmental MEMO's \(/EnvironmentalAnalysis/Pages/Memos.aspx\)](/EnvironmentalAnalysis/Pages/Memos.aspx)  
[FHWA Environmental Handbook \(https://www.environment.fhwa.dot.gov/default.aspx\)](https://www.environment.fhwa.dot.gov/default.aspx)  
[Guidance and Accountability Forms \(/EnvironmentalAnalysis/Pages/Guidance-and-Forms.aspx\)](/EnvironmentalAnalysis/Pages/Guidance-and-Forms.aspx)  
[KYTC Environmental Handbook \(/EnvironmentalAnalysis/Pages/KYTC-Environmental-Handbook.aspx\)](/EnvironmentalAnalysis/Pages/KYTC-Environmental-Handbook.aspx)  
[KYTC Environmental Overview \(https://maps.kytc.ky.gov/environmentaloverview/\)](https://maps.kytc.ky.gov/environmentaloverview/)  
[Links to Maps, Images and GIS Data \(/EnvironmentalAnalysis/Pages/Links-to-Maps,-Images-and-GIS-Data.aspx\)](/EnvironmentalAnalysis/Pages/Links-to-Maps,-Images-and-GIS-Data.aspx)  
[Partnering Efforts \(/EnvironmentalAnalysis/Pages/Partnering-Efforts.aspx\)](/EnvironmentalAnalysis/Pages/Partnering-Efforts.aspx)  
[Stormwater \(/Stormwater/Pages/default.aspx\)](/Stormwater/Pages/default.aspx)  
[Streamlining Agreements \(/EnvironmentalAnalysis/Pages/Streamlining-Agreements.aspx\)](/EnvironmentalAnalysis/Pages/Streamlining-Agreements.aspx)  
[Public Information Toolbox \(/PublicInvolvementToolbox/Pages/default.aspx\)](/PublicInvolvementToolbox/Pages/default.aspx)  
[Rest Area Pollution Control \(/EnvironmentalAnalysis/Pages/RestAreaPollutionControl.aspx\)](/EnvironmentalAnalysis/Pages/RestAreaPollutionControl.aspx)

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# Consulting Party Request

**Project Number:** 06-0017

**County(ies):** KENTON

**Route:** I-71/I-75

**Project:** BRENT SPENCE BRIDGE COMPANION BRIDGE CONSTRUCTION; BRENT SPENCE BRIDGE REHABILITATION; UPGRADE EXISTING I-71/75 BRENT SPENCE BRIDGE CORRIDOR

**Description:** AT THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH

Section 106 regulations state that "Certain individuals and organizations with demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties."

Organization:

Title at Organization:

First Name: \*

Last Name: \*

Address: \*

City: \*

State: \*  Zip Code: \*

Email:

Phone 1:

Phone 2:

Please briefly identify below the nature of your interest in becoming a consulting party for the project identified above. \*

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## Contact Information:

Division of Environmental Analysis  
 200 Mero Street  
 Frankfort, KY 40622  
 Phone: (502) 564-7250  
 Fax: (502) 564-5655  
 Hours: 8:00 a.m.-4:30 p.m. EST, M-F  
 Email Us (<mailto:Danny.Peake@ky.gov>)

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[Cultural Resources \(/EnvironmentalAnalysis/Pages/Cultural-Resources.aspx\)](/EnvironmentalAnalysis/Pages/Cultural-Resources.aspx)  
[Ecology and Permitting \(/EnvironmentalAnalysis/Pages/Ecology-and-Permitting.aspx\)](/EnvironmentalAnalysis/Pages/Ecology-and-Permitting.aspx)  
[Noise \(/EnvironmentalAnalysis/Pages/Noise.aspx\)](/EnvironmentalAnalysis/Pages/Noise.aspx)  
[Project Management \(/EnvironmentalAnalysis/Pages/Project-Management.aspx\)](/EnvironmentalAnalysis/Pages/Project-Management.aspx)  
[Section 4\(f\) \(/EnvironmentalAnalysis/Pages/Section-4\(f\).aspx\)](/EnvironmentalAnalysis/Pages/Section-4(f).aspx)  
[Socioeconomics \(/EnvironmentalAnalysis/Pages/Socioeconomics.aspx\)](/EnvironmentalAnalysis/Pages/Socioeconomics.aspx)  
[USTs and Hazardous Materials \(/EnvironmentalAnalysis/Pages/USTs-and-Hazardous-Materials.aspx\)](/EnvironmentalAnalysis/Pages/USTs-and-Hazardous-Materials.aspx)

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[Partnering Efforts \(/EnvironmentalAnalysis/Pages/Partnering-Efforts.aspx\)](/EnvironmentalAnalysis/Pages/Partnering-Efforts.aspx)  
[Stormwater \(/Stormwater/Pages/default.aspx\)](/Stormwater/Pages/default.aspx)  
[Streamlining Agreements \(/EnvironmentalAnalysis/Pages/Streamlining-Agreements.aspx\)](/EnvironmentalAnalysis/Pages/Streamlining-Agreements.aspx)  
[Public Information Toolbox \(/PublicInvolvementToolbox/Pages/default.aspx\)](/PublicInvolvementToolbox/Pages/default.aspx)  
[Rest Area Pollution Control \(/EnvironmentalAnalysis/Pages/RestAreaPollutionControl.aspx\)](/EnvironmentalAnalysis/Pages/RestAreaPollutionControl.aspx)

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[Construction \(/Construction/Pages/default.aspx\)](/Construction/Pages/default.aspx)  
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**From:** Elizabeth Toombs <[elizabeth-toombs@cherokee.org](mailto:elizabeth-toombs@cherokee.org)>  
**Sent:** Monday, December 19, 2022 4:55 PM  
**To:** Long, Timothy (FHWA) <[timothy.long@dot.gov](mailto:timothy.long@dot.gov)>  
**Subject:** Brent Spence Bridge Corridor - ODOT PID Number 89068; KYTC Item Number 6-17

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Mr. Long:

Attached is Cherokee Nation's response to the proposed undertaking. Please note that Ohio is outside the Cherokee Nation's Area of Interest. Thus, this Office respectfully defers to federally recognized Tribes that have an interest in the Ohio landbase at this time.

Thank you for the opportunity to comment upon this proposed undertaking. Please contact me if there are any questions or concerns.

Wado,

Elizabeth Toombs, Tribal Historic Preservation Officer  
Cherokee Nation  
Tribal Historic Preservation Office  
PO Box 948  
Tahlequah, OK 74465-0948  
918.453.5389

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**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,

A handwritten signature in blue ink that reads "Paul Barton".

Paul Barton, Tribal Historic Preservation Officer (THPO)

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



January 6, 2023

Diana Welling, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
800 East 17th Avenue  
Columbus, Ohio 43211

Attn: Miranda Fisher, SHPO Transportation Review Manager  
Thomas Grooms, SHPO Transportation Review Manager

Subject: HAM-IR 71/75 0.00/0.22 PID 89068

Dear Ms. Welling,

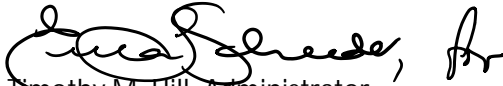
Enclosed is the ODOT Office of Environmental Services (ODOT-OES) response to the Ohio State Historic Preservation Office (SHPO) comments concerning the Section 106 consultation letter dated August 30, 2022 (and subsequent November 8, 2022 email). To date no comments have been received from the Section 106 Consulting Parties. The attached figures provide documentation of ODOT's review and response to comments. In summary, ODOT-OES has determined no further cultural resource investigations are warranted based on the following:

- Regarding the six history architecture properties highlighted by the SHPO within Queensgate I [424 Gest Street; 717 Lin Street; 800 W. 8<sup>th</sup> Street; 925 Freeman Avenue; 1100 Gest Street; and 405 W. 7<sup>th</sup> Street], the project team has confirmed that no additional right-of-way will be required and none of the structures or their associated design features will be impacted by the project. ODOT-OES has determined additional investigations of the National Register eligibility of the identified resources within Queensgate I, individually or as part of a historic district, are not warranted based on the proposed scope of work in this area.
- In a letter to the Kentucky State Historic Preservation Officer dated November 7, 2022, the Kentucky Transportation Cabinet (KYTC), who owns the Brent Spence Bridge, determined the bridge is eligible for inclusion in the National Register of Historic Places (NRHP) and that the rehabilitation of the bridge will not result in an adverse effect to the resource. Since this resource is owned by the State of Kentucky, further investigation by ODOT is not warranted.



In accordance with 36 CFR 800, ODOT-OES has determined no further cultural resource investigations are warranted and the agency official has made a "reasonable and good faith effort to carry out appropriate identification efforts". Questions may be addressed to Susan Gasbarro, ODOT-OES, at [susan.gasbarro@dot.ohio.gov](mailto:susan.gasbarro@dot.ohio.gov).

Respectfully,



Timothy M. Hill, Administrator  
Office of Administrative Services

TMH: sg

Enclosure  
C: Project File

On November 8, 2022, the Ohio State Historic Preservation Office (SHPO) provided comments on the subject Section 106 re-evaluation survey (Refer to [Figure 2](#)) conducted for the Supplemental Environmental Assessment prepared for HAM-IR 71/75 0.00/0.22 PID 89068 (Brent Spence Bridge). To address the SHPO's comments, discussions with the project team were conducted. The following is provided in response to the SHPO's comments.

### **Project Overview & Area of Potential Effects**

In compliance with the National Environmental Policy Act (NEPA), five Build Alternatives including sub-alternatives and the No Build Alternative were considered for the undertaking HAM-71/75-0.00/0.22 PID 89068. Two feasible Build Alternatives and the No Build Alternative were carried forward and compared in the Environmental Assessment (EA). In summary, both feasible Build Alternatives would adversely affect two National Register listed properties: Lewisburg Historic District in Kentucky; and B&O Freight and Storage Building/Longworth Hall in Ohio. Alternative I was the recommended alternative. On August 9, 2012, FHWA issued a Finding of No Significant Impact (FONSI) identifying Alternative I as the preferred alternative for the project.

As part of the NEPA analysis, Section 106 cultural resource investigations and consultation were conducted. The area of potential effects (APE) established for the project encompassed a geographic area of sufficient size to include the five Build Alternatives and sub-alternatives. The APE was defined as follows:

- The APE followed a 1500-foot-wide corridor to accommodate all possible design changes to the five Build Alternatives where proposed improvements were planned outside of the ROW.
- The APE followed street lines rather than cutting across the landscape to incorporate historic districts partially or fully within the 1500' corridor.

On October 31, 2011, the SHPO concurred the undertaking would result in an "adverse effect" to the B&O Freight and Storage Building/Longworth Hall (NR# 86003521). 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 75119, 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)*, was executed on June 28, 2012 [BSB MOA]. The BSB MOA was amended and renewed on June 22, 2017, and on June 3, 2022. The project is now referred to as: HAM-Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, ODOT PID 89068.

Since the approval of the FONSI, the Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) completed additional studies to update Preferred Alternative I to reflect current design standards, traffic counts, and traffic operations. A value engineering analysis of the preferred alternative was conducted. As a result, refinements were made to the preferred alternative which has been designated Concept I-W. FHWA requested the preparation of a supplemental Environmental Assessment (EA) triggering re-evaluation of the environmental studies.

For consistency, the cultural resources re-evaluation focused on the identification of historic properties within the APE established during the NEPA process rather than an APE specific to Concept I-W. Minor areas outside of the APE were also considered. Figure 2 of the *Phase I History Architecture Re-evaluation Survey HAM-71/75-0.00/0.22; PID 89068* (July 2022) illustrates the construction limits of Concept I-W in relation to the APE established during the NEPA process. To address the SHPO's comments, the project

team discussed potential impacts to historic properties by Concept I-W and the need for additional investigations.

### **Queensgate**

The *Phase I History Architecture Re-evaluation Survey HAM-71/75-0.00/0.22; PID 89068 (July 2022)* includes a context entitled, *Queensgate Urban Renewal Project (Pages 22-23)* to facilitate the evaluation of the portion of Queensgate I within the APE. Page 69 of the report concludes:

The south end of the APE is included in the commercial portion of the Queensgate I urban renewal project, roughly bounded by Hopkins Street in the north, W. Third Street in the south, I-75 in the east, and the railroad yards in the west. This area has a common history resulting from the clearance of the city's West End and the conversion of the land to commercial use. While the project had a tremendous impact on the built environment of the city and the lives of the inhabitants that were driven out of the neighborhood, the portions of Queensgate I within the APE are not significant in history. Land was sold piecemeal to developers for a broad range of suburban-style commercial uses (offices, hotel, warehouses, retail, auto dealerships) with no controlling restrictions on design or use (beyond commercial). Most buildings in this portion of the APE are of little architectural merit with, at most, a bare minimum of Mid-Century Modern design features, for instance the glass curtain wall office section of AL20. The few buildings with a somewhat higher quality architectural character, such as AL01 or AL05, are not exceptional examples of building design from this period. In addition, unlike urban renewal projects that had a social welfare focus, such as creating room for low-income housing development (found elsewhere in Queensgate), or that sought to consolidate public institutions, such as Government Center in Boston, Massachusetts, the commercial portion of Queensgate I within the APE merely served as "slum clearance" without providing any overarching public benefit. The portion of Queensgate I within the APE is not associated with events or trends important in history under Criterion A. The portion of Queensgate I within the APE is not associated with a person or people important in history under Criterion B. The portion of Queensgate I within the APE does not contain buildings that embody the distinct characteristics of a type, period, or method of construction. Lacking historical or architectural significance, the commercial portion of Queensgate I that falls within the APE is recommended as not eligible for listing in the NRHP as a historic district (ASC 2022: 69).

Concerning Queensgate, ODOT-OES referenced the National Register of Historic Places Multiple Property Documentation Form Twentieth-Century African American Civil Rights Movement in Ohio (MC# 100004231-8/8/2019). The nomination provides baseline requirements for inclusion in the NRHP for various property types identified by the MPD. The section of the document entitled "Housing – Post-war to the Civil Rights Act, 1945-1964" provides the historic context of the City of Cincinnati's plan for the "for the clearing of all slum neighborhoods . . . The plan proposed to replace the tightly packed mixture of tenements and commercial industrial structures in these areas with modern residential and light commercial developments at lower densities, separated from each other by the proposed Mill Creek Expressway (now I-75). The expressway would run just west of the CBD [Central Business District], cutting through the heart of the West End" (Rory and Hampton 2018: 99). Queensgate I corresponds with the area designated for light commercial development.

To determine whether additional cultural resource investigations are warranted, the project team compared the impacts of Concept I-W to the six resources identified by the SHPO within Queensgate I located at: 424 Gest Street; 717 Lin Street; 800 W. 8<sup>th</sup> Street; 925 Freeman Avenue; 1100 Gest Street; and 405 W. 7<sup>th</sup> Street. Each resource was compared to the plan sheets. The project team confirmed the undertaking will not remove or alter the six buildings or their associated design features (See table below and [Figure 3](#)).

Report Photo Location (AL) & Address	Description	ROW & Plan Sheet No.
AL 1 - 424 Gest Street	Duke Energy Building No impact	No ROW
AL 8 - 717 Lin Street	Provident Bank No Impact	No ROW
AL 15 - 800 W. 8 <sup>th</sup> Street	Quality Inn & Suites No Impact	Permanent ROW (0.037 acre) at NW corner of parcel adjacent to parking facility, existing bridge, and Gest St. Plan Sheets: 36/251, 122/251, 123/251, 132/251, & 133/251
AL 19 - 925 Freeman Ave.	JBM Packing No Impact	No ROW
AL 20 - 1100 Gest Street	Budig Trucking Co. No Impact	No ROW
AL 23 - 405 W. 7 <sup>th</sup> Street	Union Baptist Church No Impact	Temporary ROW (0.067 acre) at NW corner of parcel between existing asphalt parking lot & W. 7 <sup>th</sup> St. Plan Sheets: 32/251, 118/251, 119/251

In conclusion, the undertaking will not require removal or alteration of the six resources within Queensgate I located at: 424 Gest Street; 717 Lin Street; 800 W. 8<sup>th</sup> Street; 925 Freeman Avenue; 1100 Gest Street; and 405 W. 7<sup>th</sup> Street. ODOT-OES has determined additional investigations of the National Register eligibility of the identified resources within Queensgate I, individually or as part of a historic district, are not warranted based on the proposed scope of work.

### **Brent Spence Bridge (SFN 3107787)**

The Brent Spence Bridge (SFN 3107787) is owned and maintained by the Kentucky Transportation Cabinet (KYTC). The consultation letter dated November 7, 2022 (KYTC to Mr. Craig Potts, Executive Director and Kentucky State Historic Preservation Officer) identifies the Brent Spence Bridge as eligible for inclusion in the NRHP. The KYTC has determined the rehabilitation and reuse of the bridge will have “no adverse effect” on the bridge ([Figure 4](#)). The KYTC’s report *Phase I Cultural Investigation I-75 Brent Spence Bridge Project, Kenton County, Kentucky (Item No. 6-17.00)* describes the bridge (A copy of the report is available in the project file):

Built by the American Bridge Division of the U.S. Steel Corporation in Pittsburg, and designed by Modjeski and Masters, Engineers of Harrisburg, Pennsylvania, the Brent Spence Bridge measures approximately 1,734.6 feet long and uniquely features a double level deck for vehicular traffic, the lower deck is reserved for northbound traffic, while the upper deck is used for outbound traffic. Classified as a large cantilever truss bridge, it is one of the few examples of its type remaining in the United States today (Cardno 2022:41).

In conclusion, ODOT-OES has determined no further investigations are required concerning the National Register eligibility of the Brent Spence Bridge.

**Consulting Party Comments**

The Section 106 consulting parties were provided a copy of the August 30, 2022 consultation letter on September 9, 2022 (Figure 5). No comments have been received to date. Any comments received will be forwarded to the SHPO for consideration.

TMH:sg

Enclosures

## FIGURE 2

**From:** [Mary Rody](#)  
**To:** [Gasbarro, Susan](#)  
**Cc:** [Schneider, Erica](#); [Diana Welling](#); [Miranda Fisher](#)  
**Subject:** Brent Spence Follow Up HAM 71/75 PID 89068  
**Date:** Tuesday, November 8, 2022 10:55:59 AM  
**Attachments:** [image001.png](#)

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Susan,

Additional comments for Thursday's meeting.

In general, more comparative analysis is needed to understand how these resources contribute to the impact of the Queensgate Developments, a larger City planning initiative that shaped the west side of Cincinnati. Resources in the report and APE, and those outside of the APE, are associated with the Queensgate Developments, which is likely a significant theme under Criterion A for a type of Urban Renewal effort. It is not clear that there is not an historic district potential, as there are potential resources beyond boundary of the APE that are not considered due to the scope of the project. Therefore, SHPO does not agree that there is definitively not a historic district present. The context Queensgate Developments is indicative of city planning in this time period and there is precedence in other Ohio cities who have acknowledged the significance and impact of these plans and the era's architecture by supporting National Register Historic Districts – Dayton, Cleveland, Toledo. There are also several other non-listed areas in Columbus and Akron that merit this similar consideration.

It is difficult to study and understand the context and significance of an individual resource by evaluating it on its own apart from the whole; a result of the limitations of having to define a limited APE for an undertaking. Therefore, when evaluating these individual properties in the APE, the larger context of the Queensgate Developments should be considered - not just the resource as the "first or earliest or best" – and comparative analysis should define how this resource contributed and impacted the important city planning initiative. Individual resource evaluations would benefit from adding additional architectural comparative analysis for individual architectural style and/or architect firm in the discussion substantiating why these buildings are not individually eligible. Please provide architect information and an architectural comparison context to other similar buildings substantiating how the "not eligible" decisions. Specific comments are noted for resources below.

AL 1 – 424 Gest Street: comparative analysis of architecture firm's portfolio; comparative analysis of New Formalism style with examples in Cincinnati/Ohio.

AL 8 – 717 Linn Street: Addition does not detract from building; geometrical features remain.

AL 15 – 800 W. 8th Street: impact of a hotel as part of the plan; architectural comparison.

AL 19 – 925 Freeman Avenue: architectural comparison; impact of company as part of the plan.

AL 20 – 1100 Gest Street: comparative analysis of architecture firm's portfolio; comparative analysis of New Formalism style with examples in Cincinnati/Ohio.

AL 23 – 405 West 7th Street: relocation is a direct connection to the larger planning initiative; extant and remaining location of significant African American congregation; designed specifically to be compatible for the surrounding area within context of plan.

SFN3107787; Have discussions between ODOT and Kentucky considered reevaluating the bridge? It

is recommended to review and consider the truss integrity; have there been alterations to original materials, design, or appearance? Have alterations been made to the approaches? Can a current comparative analysis be completed to understand the context of this 1963 engineering effort to other like-era Ohio River bridges? Where the undertaking proposes rehabilitation, perhaps this is a good time to re-evaluate a rare example of a large cantilever truss bridge with a double deck configuration.

SHPO is interested in learning more about comments received by Consulting Parties; please provide them to our office as they are available.

Mary

**Mary Rody | National Register Reviews Manager, State Historic Preservation Office**

Ohio History Connection | 800 E. 17<sup>th</sup> Ave., Columbus, OH 43211  
p. 614.298.2000 | f. 614.298.2037 | [mrody@ohiohistory.org](mailto:mrody@ohiohistory.org)

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**From:** [Susan.Gasbarro@dot.ohio.gov](mailto:Susan.Gasbarro@dot.ohio.gov) [<mailto:Susan.Gasbarro@dot.ohio.gov>]  
**Sent:** Friday, October 14, 2022 11:37 AM  
**To:** Mary Rody <[MRody@ohiohistory.org](mailto:MRody@ohiohistory.org)>  
**Cc:** Diana Welling <[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)>; [Erica.Schneider@dot.ohio.gov](mailto:Erica.Schneider@dot.ohio.gov);  
[Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov); [Larry.Hoffman@dot.ohio.gov](mailto:Larry.Hoffman@dot.ohio.gov)  
**Subject:** FW: HAM 71/75 PID 89068

Mary,

In response to your email, yes we would like to meet with you and Diana to discuss the “potentially eligible” properties identified in your email and listed below:

AL 1 – 424 Gest Street  
AL 8 – 717 Linn Street  
AL 15 – 800 W. 8th Street  
AL 19 – 925 Freeman Avenue  
AL 20 – 1100 Gest Street  
AL 23 – 405 West 7th Street

We will be sending out a poll to check everyone’s availability.

We believe that our report adequately supports the NRHP evaluations of these properties and therefore, we would like to request a clarification of your concerns prior to our meeting. If you could please provide additional information regarding the reasons you believe these properties to either be eligible or potentially eligible for the NRHP or let us know what information you believe is missing, that would help us be prepared for a productive discussion.

We look forward to meeting with your team to discuss the project and the resources in question.

Thank you  
Susan

**Susan Gasbarro**

*History/Architecture Team Leader*  
ODOT Office of Environmental Services  
1980 West Broad Street, Mail Stop 4170  
Columbus, OH 43223  
(614) 728-0719  
[Transportation.ohio.gov](http://Transportation.ohio.gov)



*The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2020 and executed by FHWA and ODOT.*

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**From:** Mary Rody <[MRody@ohiohistory.org](mailto:MRody@ohiohistory.org)>  
**Sent:** Friday, October 7, 2022 11:14 AM  
**To:** Gasbarro, Susan <[Susan.Gasbarro@dot.ohio.gov](mailto:Susan.Gasbarro@dot.ohio.gov)>  
**Cc:** Diana Welling <[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)>; Schneider, Erica <[Erica.Schneider@dot.ohio.gov](mailto:Erica.Schneider@dot.ohio.gov)>  
**Subject:** HAM 71/75 PID 89068

Hi Susan,

After review of the report, it appears Architectural Location Numbers 1, 8, 15, 19, 20, and 23 are potentially eligible for the National Register; we do not agree with the report conclusion that they are not eligible. We welcome the opportunity to coordinate a call to discuss a process for further investigations on these properties, if necessary. Please let us know when may work for you.

Regards,

Mary

**Mary Rody | Architecture Transportation Reviews Manager and National Register Reviews Manager, State Historic Preservation Office**

Ohio History Connection | 800 E. 17<sup>th</sup> Ave., Columbus, OH 43211  
p. 614.298.2000 | f. 614.298.2037 | [mrody@ohiohistory.org](mailto:mrody@ohiohistory.org)

Did you know the Ohio SHPO now accepts electronic-only submissions for state and/or federal review under Section 106 and ORC 149.53? Please send your submissions to [section106@ohiohistory.org](mailto:section106@ohiohistory.org). We have also updated our [Survey Report Submission](#)



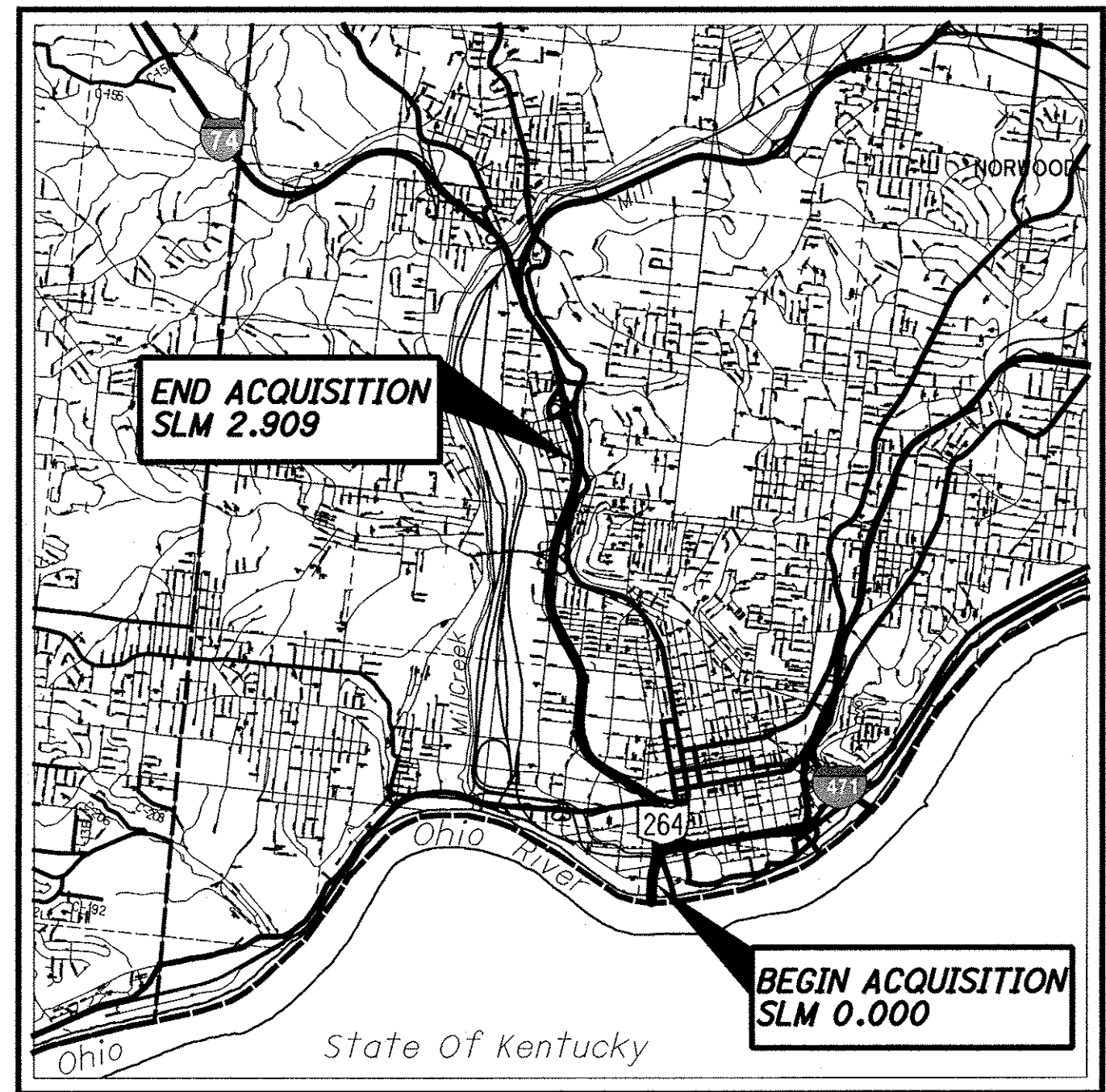
Standards.

**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.

**PROJECT DESCRIPTION**  
 PREPARATION OF FINAL R/W PLANS AND ACQUISITION OF R/W FOR COMPLETION OF THE BRENT SPENCE BRIDGE PROJECT ALONG APPROXIMATELY 3 MILES OF URBAN INTERSTATE I-75 NORTH OF THE OHIO RIVER.  
 THE EXISTING AND PROPOSED RIGHT OF WAY SHALL BE REFERENCED FROM THE BASELINE OF I-75 NORTHBOUND ( I-75 NB )

# RIGHT OF WAY LEGEND SHEET HAM-75-00.22

FIGURE 3



**LOCATION MAP**

LATITUDE: 39°06'36" LONGITUDE: 84°31'53"

**UTILITY OWNERS**

SEE SHEET 2 FOR UTILITY OWNERS

**OUPS/OGPUPS CONFIRMATION NUMBERS**

B307900386-00B	B310100516-00B	B319000368-00B
B310000917-00B	B310100816-00B	B319000428-00B
B310000977-00B	B310100847-00B	B319000532-00B
B310000983-00B	B310100881-00B	B319000563-00B
B310001005-00B	B310100904-00B	B319000940-00B
B310001034-00B	B310100926-00B	B319000970-00B
B310001077-00B	B310100941-00B	B319001004-00B
B310001084-00B	B310100979-00B	B319001037-00B
B310001090-00B	B310100995-00B	B319001061-00B
B310001094-00B	B310101021-00B	B319001143-00B
B310001108-00B	B310101022-00B	B319001189-00B
B310100395-00B	B310101023-00B	B319001209-00B
B310100453-00B	B310101025-00B	B319001220-00B
B310100468-00B	B310101052-00B	B319001235-00B

**STRUCTURE KEY**

- RESIDENTIAL
- COMMERCIAL
- OUT-BUILDING

**INDEX OF SHEETS:**

RIGHT OF WAY LEGEND	1-2
SCHEMATIC PLAN	3-6
CENTERLINE PLAT	7-17
PROPERTY MAP	18-25
SUMMARY OF RIGHT OF WAY	26-45
RIGHT OF WAY TOPOGRAPHIC SHEETS	46-132 EVEN NUMBERED SHEETS AND 133-245 ODD NUMBERED SHEETS
RIGHT OF WAY BOUNDARY SHEETS	47-133 ODD NUMBERED SHEETS AND 134-246 EVEN NUMBERED SHEETS
RAILROAD PLAT SHEETS	247-251

**CONVENTIONAL SYMBOLS**

L/A Easement	LA	Utility Ease. (Ex)	Ex U
Std. Highway Easement	SH	Ex Railroad Right Of Way	Ex RR
Aerial Easement	A	Ex Slope Easement	Ex SL
L/A R/W	LA-R/W	Ex Aerial Easement	Ex A
Subsurface Easement	SS	Ex L/A Easement	Ex LA
Slope Easement	SL	Ditch / Creek (Ex)	
County Line		Ditch / Creek (Pr)	
Township Line		Tree Line (Ex)	
Section Line		Ownership Hook Symbol	Example
Corporation Line		Property Line Symbol	Example
Fence Line (Ex)		Break Line Symbol	Example
Center Line		Tree (Pr)	Tree (Ex), Shrub (Ex)
Right of Way (Ex)	Ex R/W	Tree (Remove)	Shrub (Remove)
Right of Way (Pr)	R/W	Evergreen (Ex)	Stump
Standard Highway Ease.(Ex)	Ex SH	Evergreen (Remove)	Stump (Remove)
Temporary Right of Way	TMP	Wetland (Pr)	Grass (Pr), Aerial Target
Channel Ease. (Pr)	CH	Post (Ex)	Mailbox (Ex), Mailbox (Pr)
Railroad		Light (Ex)	Telephone Marker (Ex) TEL
Guardrail (Ex)		Fire Hydrant (Ex)	Water Meter (Ex)
Construction Limits		Water Valve (Ex)	Utility Valve Unknown (Ex.)
Edge of Pavement (Ex)		Telephone Pole (Ex)	Power Pole (Ex)
Edge of Pavement (Pr)		Light Pole (Ex)	
Edge of Shoulder (Ex)			
Edge of Shoulder (Pr)			

FOR MONUMENT LEGEND SEE SHEET 7

HAMILTON COUNTY  
 CINCINNATI TOWNSHIP  
 SEC. 17, 18, 23 & 24 TOWN 4, FR. 1  
 SEC. 19 & 20, TOWN 3, FR. 2  
 CITY OF CINCINNATI

**PLANS PREPARED BY:**

FIRM NAME: LJB INC.  
 PLANS PREPARED BY: HARRY G. HERBST III  
 FIELD REVIEW BY: JAMES BENEDICT  
 DATE COMPLETED: 5/05/2014  
 OWNERSHIP VERIFIED BY: TERRY HOPPES  
 DATE COMPLETED: 2/20/2014  
 DATE COMPLETED: 5/09/2014

**LIMITED ACCESS DECLARATION:**

THIS IMPROVEMENT IS ESPECIALLY DESIGNED FOR THROUGH TRAFFIC AND HAS BEEN DECLARED A LIMITED ACCESS HIGHWAY OR FREEWAY BY ACTION OF THE DIRECTOR IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5511.02 OF THE REVISED CODE OF OHIO.

**PARCEL IDENTIFIER LEGEND:**

WL = FEE SIMPLE WITH LIMITATION OF ACCESS  
 WD = FEE SIMPLE WITH RESERVATION OF ACCESS  
 WDV = FEE SIMPLE RESERVATION OF ACCESS IN THE NAME OF THE CITY OF CINCINNATI  
 PRW = PROPERTY RIGHT FEE SIMPLE  
 SH = STANDARD HIGHWAY EASEMENT  
 SS = SUBSURFACE EASEMENT  
 A = AERIAL EASEMENT  
 SL = SLOPE EASEMENT  
 T = TEMPORARY EASEMENT  
 LA = LIMITED ACCESS EASEMENT  
 WDU = FEE SIMPLE WITH RESERVATION OF ACCESS IN THE NAME OF DUKE ENERGY OHIO, INC.

I, HARRY G. HERBST III, P. S. HAVE SUPERVISED A TOPOGRAPHIC SURVEY INCLUDING THE EXISTING NGS MONUMENTS, PROJECT CONTROL POINTS AND PROPERTY POINTS FOR THE OHIO DEPARTMENT OF TRANSPORTATION IN MARCH, 2013. THE OHIO DEPARTMENT OF TRANSPORTATION HAS ALSO PROVIDED LIDAR BASEFILES ENCOMPASSING THE PROJECT. THE RESULTS OF BOTH SURVEYS ARE CONTAINED HEREIN.

UNDERGROUND UTILITY LOCATIONS ARE SHOWN FOR INFORMATION PURPOSES ONLY. THOUGH THEY ARE BELIEVED TO BE ACCURATE THEIR LOCATION IS AS MARKED ON THE GROUND BY THE UTILITY COMPANY PER THE OUPS AND OGPUPS CONFIRMATION NUMBERS LISTED ABOVE, AND THOSE MARKINGS SUBSEQUENTLY BEING SURVEYED AS PART OF THIS PROJECT.

THE HORIZONTAL COORDINATES EXPRESSED HEREIN ARE BASED ON THE KENTUCKY STATE PLANE COORDINATE SYSTEM, SINGLE ZONE ON NAD 83 (2007) DATUM. THE PROJECT COORDINATES (US SURVEY FOOT) ARE RELATIVE TO STATE PLANE GRID COORDINATES (US SURVEY FEET) BY A PROJECT ADJUSTMENT FACTOR OF 0.99988716

AS A PART OF THIS PROJECT I HAVE REESTABLISHED THE LOCATIONS OF THE EXISTING PROPERTY LINES AND THE EXISTING CENTERLINE OF RIGHT OF WAY FOR PROPERTY TAKES CONTAINED HEREIN.

AS A PART OF THIS PROJECT I HAVE ESTABLISHED THE PROPOSED PROPERTY LINES, CALCULATED THE GROSS TAKE, PRESENT ROADWAY OCCUPIED (PRO), NET TAKE AND NET RESIDUE; AS WELL AS PREPARED THE LEGAL DESCRIPTIONS NECESSARY TO ACQUIRE THE PARCELS AS SHOWN HEREIN. IRON PINS SET ARE REINFORCING ROD WITH ALUMINUM CAP STAMPED "ODOT R/W - PS 6596 - LJB INC" OR "ODOT - PS 6596 - LJB INC".

AS PART OF THIS WORK I HAVE SET RIGHT OF WAY MONUMENTS AT PROPERTY CORNERS, PROPERTY LINE INTERSECTIONS, POINTS ALONG THE RIGHT OF WAY AND/OR ANGLE POINTS ON THE RIGHT OF WAY, SECTION CORNERS AND OTHER POINTS SHOWN HEREIN.

ALL OF MY WORK CONTAINED HEREIN WAS CONDUCTED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE 4733-37 COMMONLY KNOWN AS "A MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO" UNLESS NOTED OTHERWISE.

THE WORDS I AND MY AS USED HEREIN ARE TO MEAN EITHER MYSELF OR SOMEONE WORKING UNDER MY DIRECT SUPERVISION.

*Harry G. Herbst III*  
 HARRY G. HERBST III, OHIO LICENSE #6596

5/09/2014  
 DATE:

SURVEYORS SEAL

STATE OF OHIO

HARRY G. HERBST III  
5-6596

REGISTERED PROFESSIONAL SURVEYOR

SIGNED: *Harry G. Herbst III*  
 DATE: 5/09/2014

HAM-75-00.22  
 HAMILTON COUNTY  
 CINCINNATI TOWNSHIP  
 SEC. 18, TOWN 4, FR. 1  
 CITY OF CINCINNATI



0 10 20 40  
 HORIZONTAL  
 SCALE IN FEET

PID NO.  
**89068**

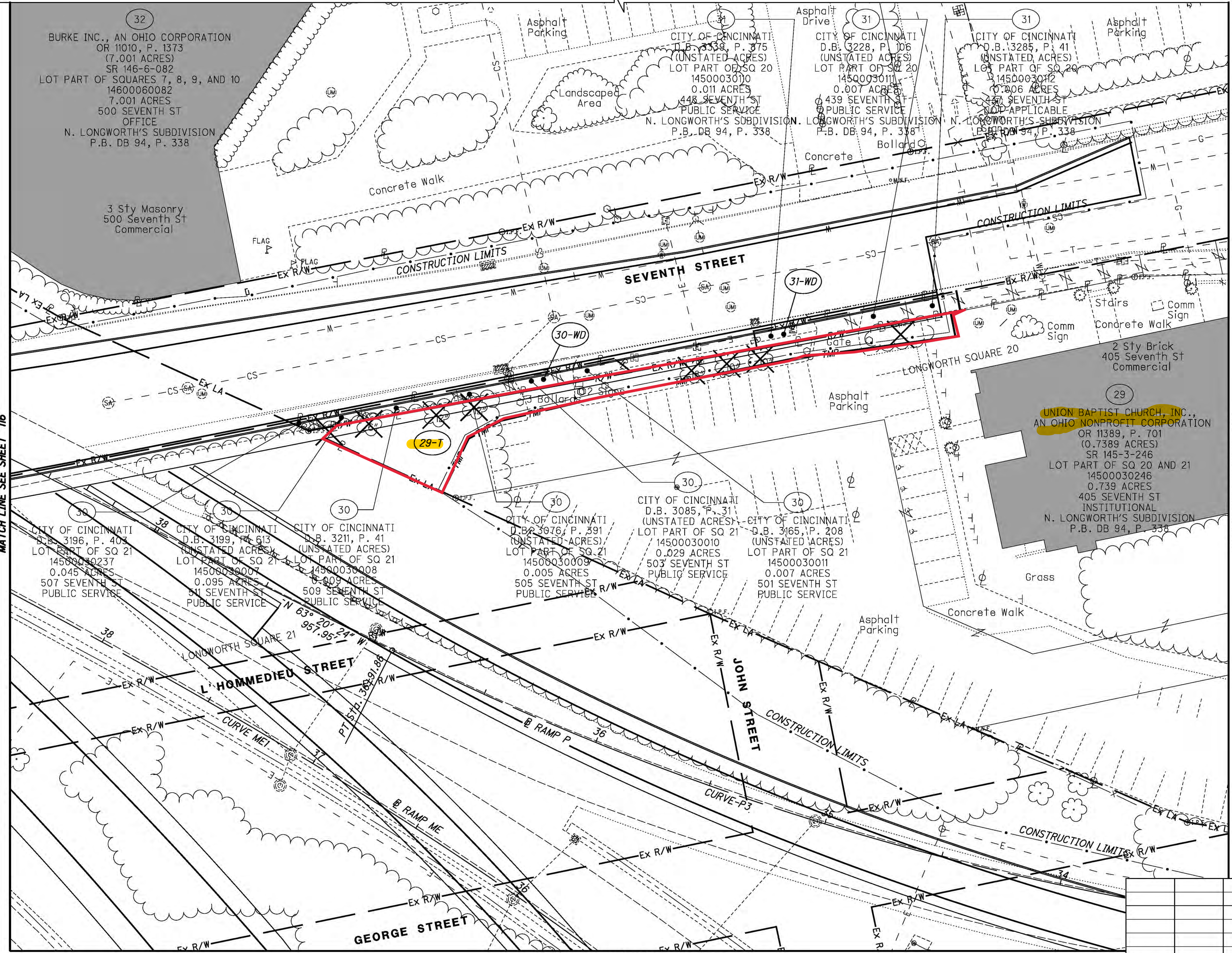
R/W DESIGNER  
 RDH  
 R/W REVIEWER  
 HGH

RIGHT OF WAY TOPO SHEET  
**I-75**

HAM-75-00.22

118  
 251

**405 W. 7th St. - Union  
 Baptist Church**



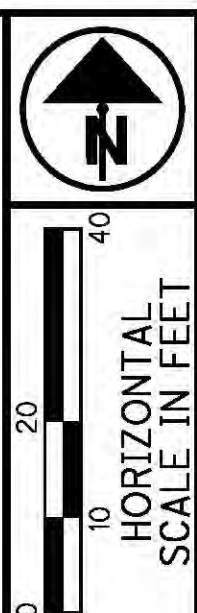
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MATCH LINE SEE SHEET 120

MATCH LINE SEE SHEET 108

REV. BY	DATE	DESCRIPTION
	5/09/2014	

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PID NO. **89068**

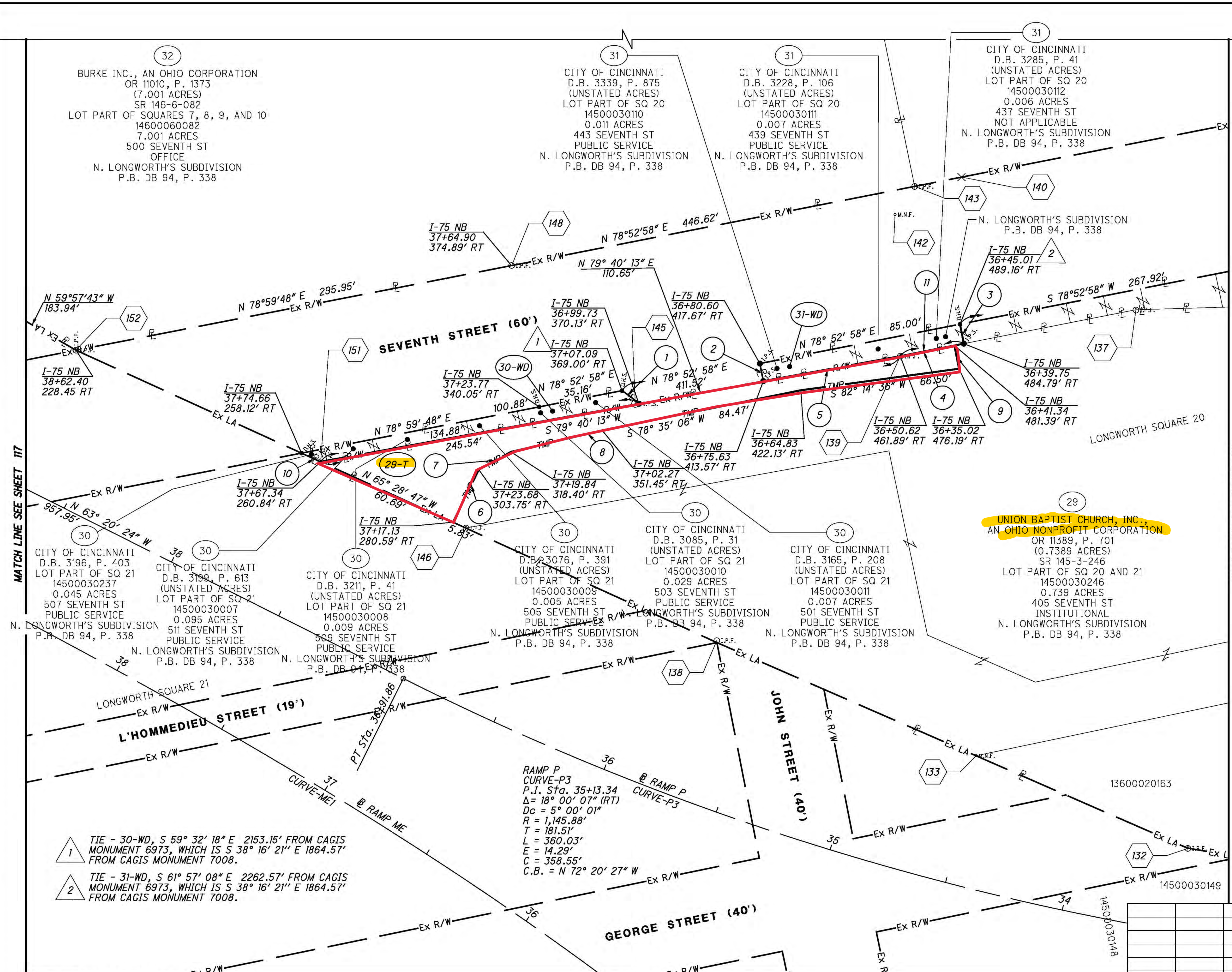
R/W DESIGNER RDH  
R/W REVIEWER HGH

**RIGHT OF WAY BOUNDARY SHEET**  
I-75

**HAM-75-00.22**

119  
251

- 1 R = 62.20'  
L = 9.00'  
Δ = 08° 17' 09" RT  
CH = S 52° 28' 11" E  
CH = 8.99'
- 2 N 11° 07' 02" W 7.47'
- 3 S 11° 07' 02" E 8.26'
- 4 S 78° 51' 33" W 23.02'
- 5 S 79° 40' 13" W 57.99'
- 6 S 25° 59' 58" W 24.38'
- 7 S 61° 08' 32" W 15.32'
- 8 S 76° 43' 54" W 39.08'
- 9 S 11° 08' 36" E 9.88'
- 10 N 65° 28' 47" W - 8.74'
- 11 S 78° 51' 33" W - 27.02'



MATCH LINE SEE SHEET 117

MATCH LINE SEE SHEET 121

MATCH LINE SEE SHEET 109

FOR RAMP ME, CURVE ME2 DATA SEE SHEET 101

REV. BY	DATE	DESCRIPTION

DATE COMPLETED 5/09/2014

NOTE: STATION-OFFSET LABELS ARE REFERENCED FROM THE @ I-75 NB FOR MONUMENT TABLE SEE SHEETS 13-15

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GRANTEE: ALL RIGHT OF WAY ACQUIRED IN THE NAME OF THE STATE OF OHIO UNLESS OTHERWISE SHOWN.  
 WDV = CITY OF CINCINNATI WDU = DUKE ENERGY OHIO, INC., AN OHIO CORPORATION  
**ALL AREAS IN ACRES** \* DENOTES RIGHT OF WAY ENCROACHMENT

PARCEL NO.	OWNER	SHEET NO.	OWNERS RECORD		AUDITOR'S PARCEL	RECORD AREA	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUC-TURE	NET RESIDUE		TYPE FUND	REMARKS	AS ACQUIRED	
			BOOK	PAGE								LEFT	RIGHT			BOOK	PAGE
28-WD	CITY OF CINCINNATI	19, 110,	3031	262	14500030169	0.066	0.011	0.011	0.011	0.000				80% FED	PART OF BLOCK 19 N. LONGWORTH'S SUBDIVISION 2 POSTS		
		111, 120,	3068	172	14500030174	0.045	0.007	0.007	0.007	0.000				20% STATE			
		121	2939	409	14500030072	2.59	0.013	0.013	0.013	0.000							
						TOTAL	2.701	0.032	0.032	0.032	0.000						2.669
29-T	UNION BAPTIST CHURCH, INC., AN OHIO NONPROFIT CORPORATION	19, 118, 119	OR 11389, P. 701		14500030246	0.739	0.000	0.067	0.000	0.067					PART OF SQ 20 AND 21 N. LONGWORTH'S SUBDIVISION CONSTRUCT GRADING		
30-WD	CITY OF CINCINNATI	19, 118, 119	3196	403	14500030237	0.045	0.000	0.001	0.000	0.001					PART OF SQ 21 N. LONGWORTH'S SUBDIVISION		
			3199	613	14500030007	0.095	0.000	0.002	0.000	0.002							
			3211	41	14500030008	0.009	0.000	0.005	0.000	0.005							
			3076	391	14500030009	0.005	0.000	0.003	0.000	0.003							
			3085	31	14500030010	0.029	0.000	0.003	0.000	0.003							
			3165	208	14500030011	0.007	0.000	0.004	0.000	0.004							
					TOTAL	0.190	0.000	0.018	0.000	0.018				0.172			
31-WD	CITY OF CINCINNATI	19, 118, 119	3339	875	14500030110	0.011	0.000	0.007	0.000	0.007					PART OF SQ 20 N. LONGWORTH'S SUBDIVISION		
			3228	106	14500030111	0.007		0.005	0.000	0.005							
			3285	41	14500030112	0.006		0.004	0.000	0.004							
					TOTAL	0.024	0.000	0.016	0.000	0.016				0.009			
32-WL	BURKE INC., AN OHIO CORPORATION	20, 126, 127, 128, 129	OR 11010, P. 1373		14600060082	7.001	0.000	0.327	0.000	0.327					PART OF SQUARES 7, 8, 9, AND 10 N. LONGWORTH'S SUBDIVISION FENCE 340', ASPHALT PARKING LOT (15 SPACES) CONCRETE CURB 160', ASPHALT WALKWAY 320' FENCE* 20'		
32-T		20, 126, 127, 128, 129					0.000	0.017	0.000	0.017					CONSTRUCT BRIDGE SUPERSTRUCTURE		
33-WL	WXIX BROADCAST PLAZA, LLC, A DELAWARE LIMITED LIABILITY COMPANY	19, 114, 115	OR 11813, P. 1145		13600030231	2.565	0.000	0.033	0.000	0.033	YES	2.532			185-202, 627-629, 631-643, PT OF 183, 184, 589-5+ PLAT B OF THE SUBD OF THE ESTATE OF WBARR, DECEASE PART OF PARKING STRUCTURE FENCE 8", FENCE* 52'		
33-T		19, 114, 115					0.000	0.114	0.000	0.114					DEMOLISH PART OF STRUCTURE		
34	CITY OF CINCINNATI		OR 7382, P. 105		13400060267	2.213									NO ADDITIONAL RIGHT OF WAY NEEDED DEDICATION PLAT		

PARCEL IDENTIFIER LEGEND:

WDU = FEE SIMPLE WITH RESERVATION OF ACCESS IN THE NAME OF DUKE ENERGY OHIO, INC.  
 WDV = FEE SIMPLE WITH RESERVATION OF ACCESS IN THE NAME OF THE CITY OF CINCINNATI  
 WL = FEE SIMPLE WITH LIMITATION OF ACCESS  
 LA = LIMITED ACCESS EASEMENT  
 SH = STANDARD HIGHWAY EASEMENT  
 A = AERIAL EASEMENT  
 SS = SUBSURFACE EASEMENT  
 WD = FEE SIMPLE WITH RESERVATION OF ACCESS  
 PRW = PROPERTY RIGHT FEE SIMPLE  
 SL = SLOPE EASEMENT  
 T = TEMPORARY EASEMENT

NOTE: ALL TEMPORARY PARCELS TO BE OF 36 MONTHS DURATION.

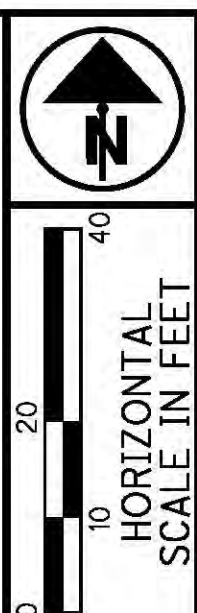
NOTE: UNDER NO CIRCUMSTANCES ARE TEMPORARY EASEMENTS TO BE USED FOR STORAGE OF MATERIAL OR EQUIPMENT BY THE CONTRACTOR UNLESS NOTED OTHERWISE.

REV. BY	DATE	DESCRIPTION
JIM BENEDICT	4/30/2014	FIELD REVIEW BY:
TERRY HOPPES	2/20/2014	OWNERSHIP VERIFIED BY:
	5/9/2014	DATE COMPLETED:

FEDERAL PROJECT NO. E120979  
 PID NO. 89068  
 STATE JOB NO. 487751  
 R/W DESIGNER RDH  
 R/W REVIEWER HGH  
**SUMMARY OF ADDITIONAL RIGHT OF WAY PARCELS 28-34**  
**HAM-75-00.22**  
 32  
 251

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HAM-75-00.22  
 HAMILTON COUNTY  
 CINCINNATI TOWNSHIP  
 SEC. 24, TOWN 4, FR. 1  
 CITY OF CINCINNATI



PID NO.  
**89068**

R/W DESIGNER RDH  
 R/W REVIEWER HGH

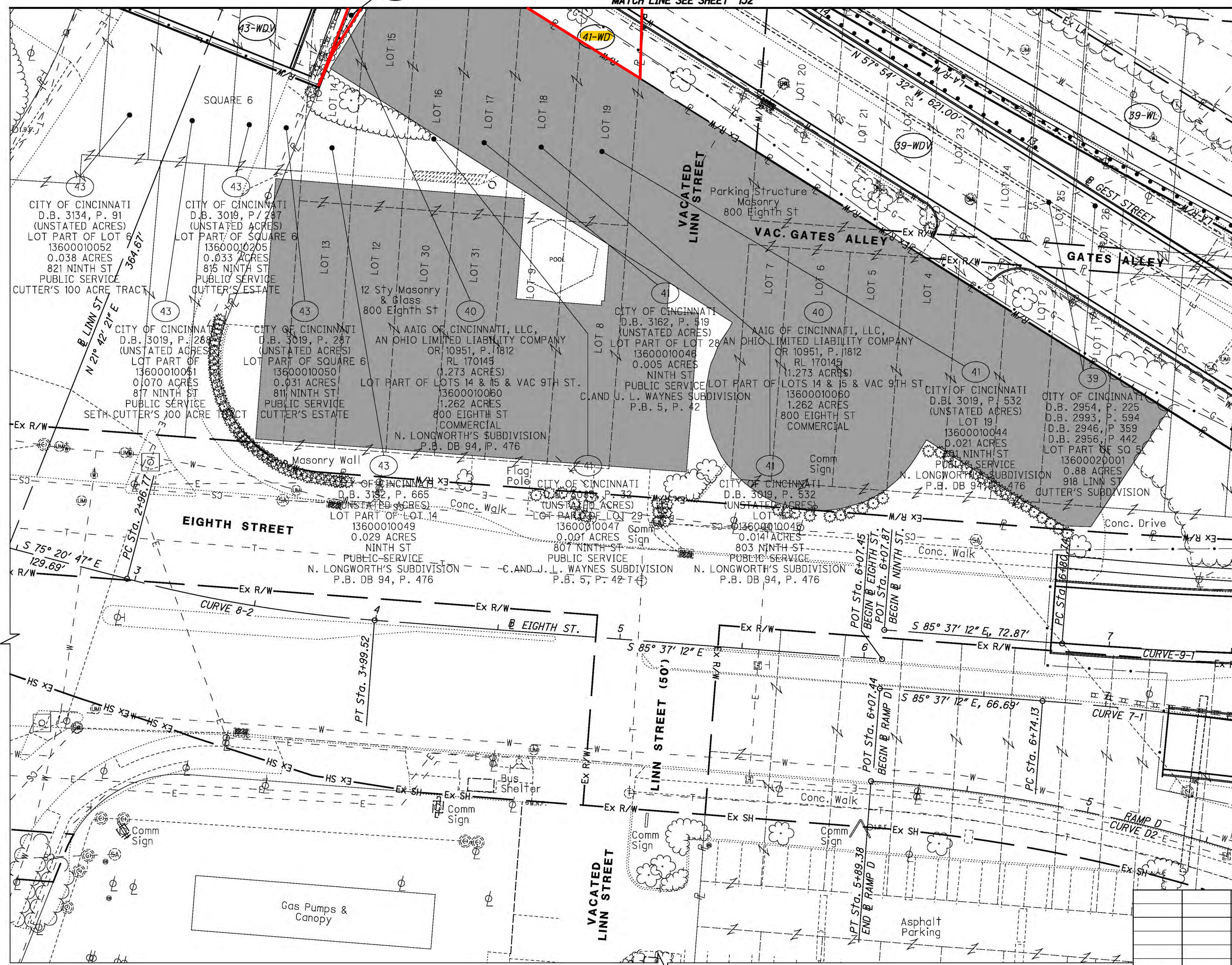
**RIGHT OF WAY TOPO SHEET**  
 I-75

**HAM-75-00.22**

122  
 251

MATCH LINE SEE SHEET 132

MATCH LINE SEE SHEET 124

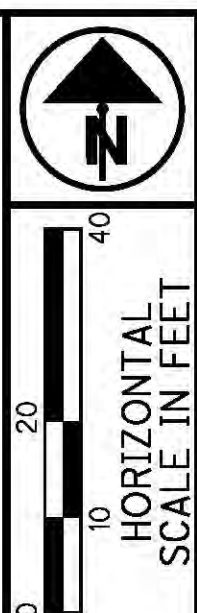


**Quality Inn & Suites**  
**800 w. 8th St**

REV. BY	DATE	DESCRIPTION
	5/09/2014	

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HAM-75-00.22  
 HAMILTON COUNTY  
 CINCINNATI TOWNSHIP  
 SEC. 24, TOWN 4, FR. 1  
 CITY OF CINCINNATI



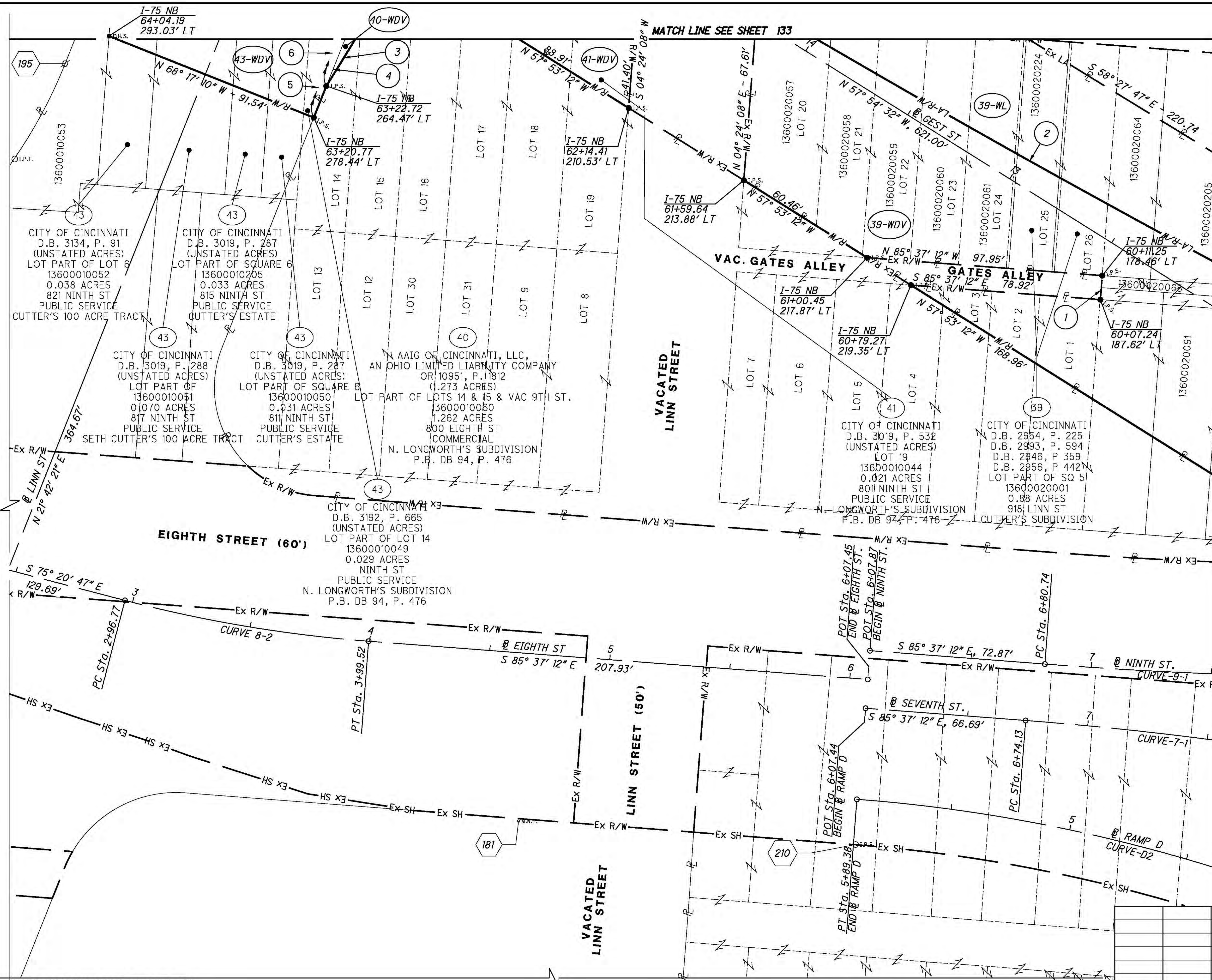
PID NO. **89068**

R/W DESIGNER RDH  
 R/W REVIEWER HGH

**RIGHT OF WAY BOUNDARY SHEET**  
**I-75**

**HAM-75-00.22**

123  
 251



- 1 N 04° 25' 03" E - 10.00'
- 2 R = 5184.78'  
L = 258.46'  
Δ = 02° 51' 22" RT  
CH = N 60° 56' 12" W  
CH = 258.43'
- 3 S 31° 42' 39" W - 59.00'
- 4 N 21° 43' 41" E - 43.82'
- 5 S 21° 43' 41" W - 57.95' 43-WDV
- 6 N 21° 43' 41" E - 59.98' 40-WDV

EIGHTH ST  
 CURVE-8-2  
 P.I. Sta. 3+48.28  
 Δ = 10° 16' 28" (LT)  
 Dc = 10° 00' 00"  
 R = 572.96'  
 T = 51.51'  
 L = 102.74'  
 E = 2.31'  
 C = 102.61'  
 C.B. = S 80° 28' 59" E

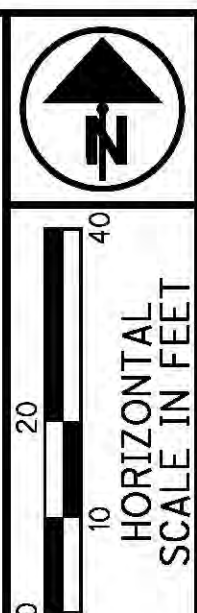
NINTH ST  
 CURVE-9-1  
 P.I. Sta. 9+53.52  
 Δ = 16° 15' 25" (LT)  
 Dc = 3° 00' 00"  
 R = 1,909.86'  
 T = 272.78'  
 L = 541.89'  
 E = 19.38'  
 C = 540.08'  
 C.B. = N 86° 15' 06" E

NOTE: STATION-OFFSET LABELS ARE REFERENCED FROM THE @ I-75 NB  
 FOR MONUMENT TABLE SEE SHEETS 13-15

FOR RAMP D CURVE-D2 DATA SEE SHEET  
 FOR SEVENTH ST CURVE-7-1 DATA SEE SHEET 125

REV. BY	DATE	DESCRIPTION
	5/09/2014	

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38  
 CITY OF CINCINNATI  
 D.B. 3017, P. 50  
 (UNSTATED ACRES)  
 LOT PART OF SQUARE 4  
 1360020008  
 0.053 ACRES  
 749 RICHMOND ST  
 PUBLIC SERVICE  
 CUTTER'S SUBDIVISION

PID NO.  
**89068**

R/W DESIGNER  
 RDH

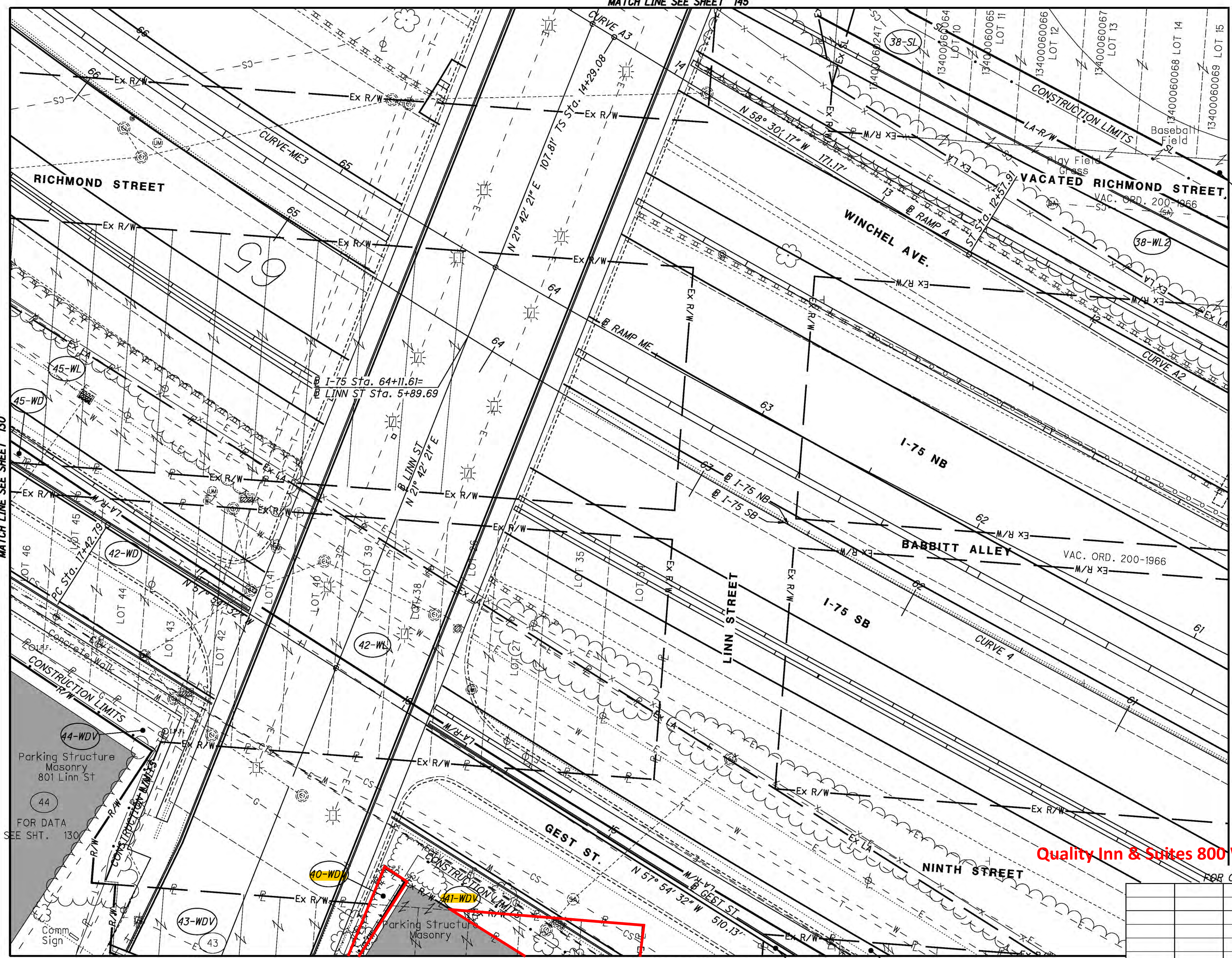
R/W REVIEWER  
 HGH

**RIGHT OF WAY TOPO SHEET**  
**I-75**

**HAM-75-00.22**

132  
 251

MATCH LINE SEE SHEET 145



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 MATCH LINE SEE SHEET 130

MATCH LINE SEE SHEET 135

44  
 FOR DATA  
 SEE SHT. 130

FOR DATA  
 SEE SHT. 122

MATCH LINE SEE SHEET 122

FOR OWNERSHIP INFORMATION SEE SHEET 134

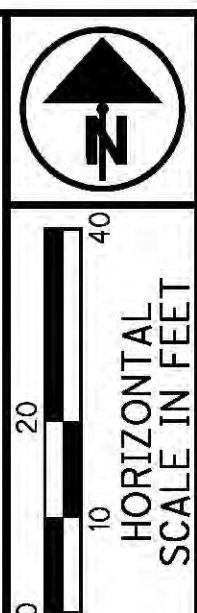
REV. BY	DATE	DESCRIPTION

DATE COMPLETED 5/09/2014

Quality Inn & Suites 800 W. 8th St.



HAM-75-00.22  
HAMILTON COUNTY  
CINCINNATI TOWNSHIP  
SEC. 24, TOWN 4, FR. 1  
CITY OF CINCINNATI



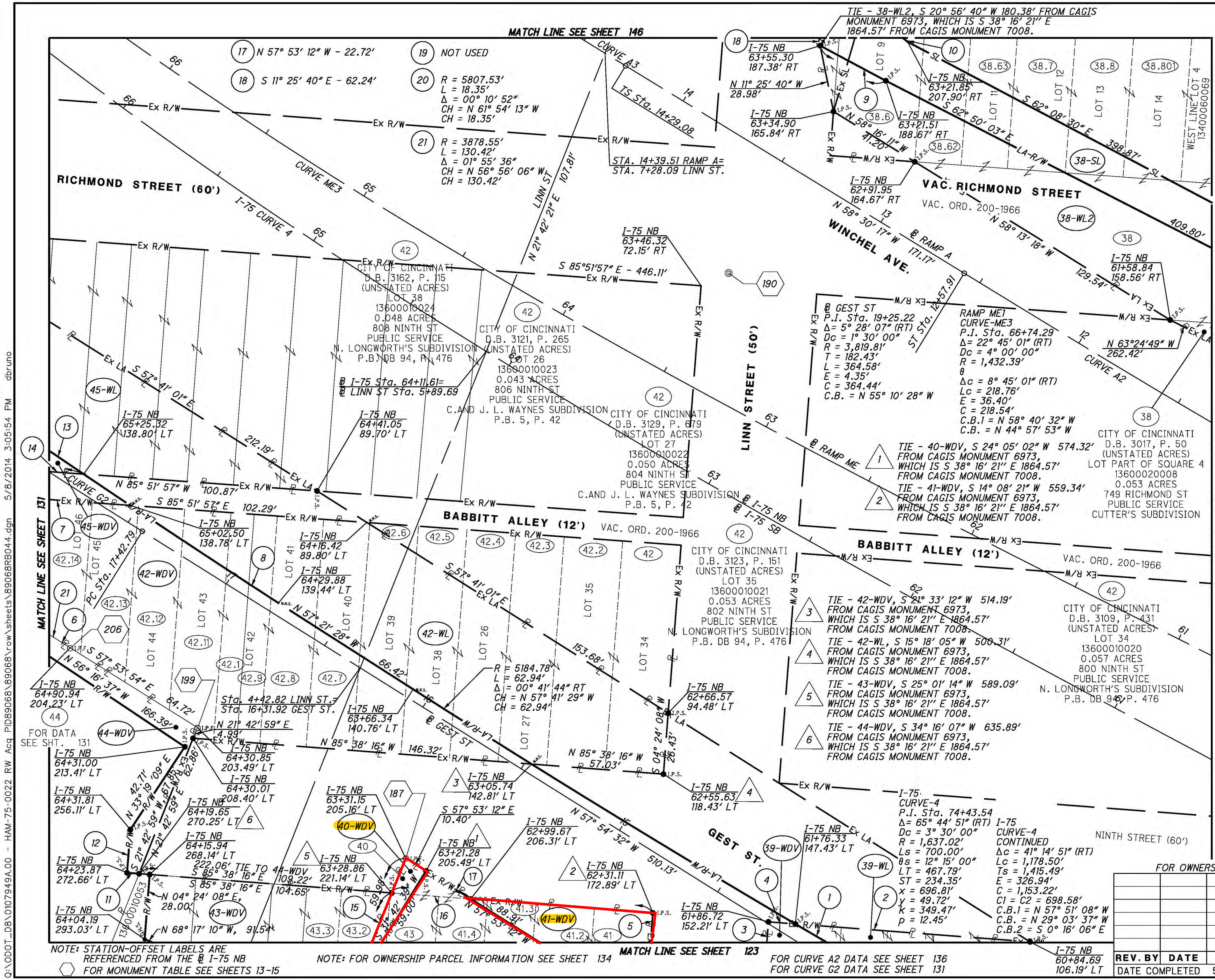
PID NO. **89068**

R/W DESIGNER RDH  
R/W REVIEWER HGH

**RIGHT OF WAY BOUNDARY SHEET**  
I-75

**HAM-75-00.22**

133  
251



- 1 R = 5184.78'  
L = 258.46'  
Δ = 02° 51' 22" RT  
CH = N 60° 56' 12" W  
CH = 258.43'
- 2 S 85° 38' 12" E - 101.46'
- 3 N 04° 24' 08" E - 67.61'
- 4 S 85° 38' 12" E - 11.63'
- 5 S 04° 24' 08" W - 41.40'
- 6 R = 3878.55'  
L = 274.99'  
Δ = 04° 03' 44" LT  
CH = S 55° 52' 02" E  
CH = 274.93'
- 7 S 85° 51' 57" E 135.52'
- 8 R = 5368.29'  
L = 76.49'  
Δ = 00° 48' 59" RT  
CH = N 56° 37' 38" W  
CH = 76.49'
- 9 R = 5807.53'  
L = 32.09'  
Δ = 00° 19' 00"  
CH = S 61° 50' 08" E  
CH = 32.09'
- 10 S 50° 33' 59" E - 48.66'
- 11 N 85° 38' 16" W - 5.21'
- 12 N 04° 25' 06" E - 18.69'
- 13 R = 5368.29'  
L = 99.25'  
Δ = 01° 03' 21" RT  
CH = N 55° 25' 54" W  
CH = 99.25'
- 14 N 85° 51' 57" W - 135.27'
- 15 N 21° 43' 41" E - 57.95'
- 16 N 85° 38' 16" W 34.14'

FOR OWNERSHIP INFORMATION SEE SHEET 134

REV. BY	DATE	DESCRIPTION

DATE COMPLETED 5/09/2014

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ALL AREAS IN ACRES

\* DENOTES RIGHT OF WAY ENCROACHMENT

PARCEL NO.	OWNER	SHEET NO.	OWNERS RECORD		AUDITOR'S RECORD PARCEL	RECORD AREA	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUC-TURE	NET RESIDUE		TYPE FUND	REMARKS	AS ACQUIRED	
			BOOK	PAGE								LEFT	RIGHT			BOOK	PAGE
39-WL	CITY OF CINCINNATI	20, 122, 123, 124, 125, 132, 133	2954	225	13600020001	0.880	0.000	0.098	0.000	0.098				80% FED	PART OF SQ 5; CUTTER'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION 24 AND PART OF LOT 25; N. LONGWORTH'S SUBDIVISION 23; N. LONGWORTH'S SUBDIVISION 22; N. LONGWORTH'S SUBDIVISION 21; N. LONGWORTH'S SUBDIVISION 20; N. LONGWORTH'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION PART; CUTTER'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION		
			3003	442	13600020205	0.090	0.000	0.040	0.000	0.040				20% STATE			
		3077	675	13600020064	0.044	0.000	0.021	0.000	0.021								
		3101	310	13600020061	0.051	0.000	0.021	0.000	0.021								
		3121	422	13600020060	0.043	0.000	0.015	0.000	0.015								
		3121	422	13600020059	0.045	0.000	0.011	0.000	0.011								
		3124	240	13600020058	0.047	0.000	0.007	0.000	0.007								
		3132	347	13600020057	0.056	0.000	0.002	0.000	0.002								
		3154	171	13600020094	0.090	0.000	0.017	0.000	0.017								
		3128	481	13600020204	0.063	0.000	0.007	0.000	0.007								
		3082	58	13600020093	0.063	0.000	0.002	0.000	0.002								
					SUB-TOTAL	1.472	0.000	0.241	0.000	0.241							
39-WDV		20, 122, 123, 124, 125, 132, 133	2954	225	13600020001	0.880	0.000	0.036	0.000	0.036				PART OF SQ 5; CUTTER'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION PART; CUTTER'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION PART OF LOT 4; CUTTER'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION 1; N. LONGWORTH'S SUBDIVISION 2; N. LONGWORTH'S SUBDIVISION 3; N. LONGWORTH'S SUBDIVISION PART OF LOT 4; N. LONGWORTH'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION PART OF SQUARE 4; CUTTER'S SUBDIVISION 24 AND PART OF LOT 25; N. LONGWORTH'S SUBDIVISION 23; N. LONGWORTH'S SUBDIVISION 22; N. LONGWORTH'S SUBDIVISION 21; N. LONGWORTH'S SUBDIVISION 20; N. LONGWORTH'S SUBDIVISION			
			3154	171	13600020094	0.090	0.000	0.013	0.000	0.013							
		3128	481	13600020204	0.063	0.000	0.036	0.000	0.036								
		3082	58	13600020093	0.063	0.000	0.046	0.000	0.046								
		3138	520	13600020092	0.267	0.000	0.057	0.000	0.057								
		3129	573	13600020091	0.039	0.000	0.038	0.000	0.038								
		3132	574	13600020090	0.034	0.000	0.032	0.000	0.032								
		3093	645	13600020089	0.027	0.000	0.020	0.000	0.020								
		3132	655	13600020088	0.016	0.000	0.011	0.000	0.011								
		3102	476	13600020087	0.011	0.000	0.006	0.000	0.006								
		3150	301	13600020086	0.006	0.000	0.001	0.000	0.001								
		3003	442	13600020205	0.090	0.000	0.016	0.000	0.016								
		3077	675	13600020064	0.044	0.000	0.014	0.000	0.014								
		3101	310	13600020061	0.051	0.000	0.025	0.000	0.025								
		3121	422	13600020060	0.043	0.000	0.029	0.000	0.029								
		3121	422	13600020059	0.045	0.000	0.033	0.000	0.033								
		3124	240	13600020058	0.047	0.000	0.034	0.000	0.034								
3132	347	13600020057	0.056	0.000	0.053	0.000	0.053										
					SUB-TOTAL	1.872	0.000	0.498	0.000	0.498							
					TOTAL	1.872	0.000	0.739	0.000	0.739		1.133					
40-WDV	AAIG OF CINCINNATI, LLC, AN OHIO LIMITED LIABILITY COMPANY	20, 122, 123, 124, 125, 132, 133	OR 10951, P. 1812		13600010060	1.262	0.000	0.007	0.000	0.007		1.255		PART OF LOTS 14 & 15 & VAC 9TH ST. N. LONGWORTH'S SUBDIVISION			
41-WDV	CITY OF CINCINNATI	20, 122, 123, 132, 133	3019	532	13600010044	0.021	0.000	0.020	0.000	0.020				N. LONGWORTH'S SUBDIVISION C. AND J.L. WAYNES SUBDIVISION			
			3019	532	13600010045	0.014	0.000	0.012	0.000	0.012							
			3162	519	13600010046	0.005	0.000	0.005	0.000	0.005							
			3085	32	13600010047	0.001	0.000	0.000	0.000	0.000							
					TOTAL	0.041	0.000	0.037	0.000	0.037		0.004					
													80% FED 20% STATE				

PARCEL IDENTIFIER LEGEND:

- WDU = FEE SIMPLE WITH RESERVATION OF ACCESS IN THE NAME OF DUKE ENERGY OHIO, INC.
- WDV = FEE SIMPLE WITH RESERVATION OF ACCESS IN THE NAME OF THE CITY OF CINCINNATI
- WL = FEE SIMPLE WITH LIMITATION OF ACCESS
- LA = LIMITED ACCESS EASEMENT
- SH = STANDARD HIGHWAY EASEMENT
- A = AERIAL EASEMENT
- SS = SUBSURFACE EASEMENT
- WD = FEE SIMPLE WITH RESERVATION OF ACCESS
- PRW = PROPERTY RIGHT FEE SIMPLE
- SL = SLOPE EASEMENT
- T = TEMPORARY EASEMENT

NOTE: ALL TEMPORARY PARCELS TO BE OF 36 MONTHS DURATION.

NOTE: UNDER NO CIRCUMSTANCES ARE TEMPORARY EASEMENTS TO BE USED FOR STORAGE OF MATERIAL OR EQUIPMENT BY THE CONTRACTOR UNLESS NOTED OTHERWISE.

REV. BY	DATE	DESCRIPTION
JIM BENEDICT	4/30/2014	FIELD REVIEW BY:
TERRY HOPPES	2/20/2014	OWNERSHIP VERIFIED BY:
	5/9/2014	DATE COMPLETED:

FEDERAL PROJECT NO. E120979  
 PID NO. 89068  
 STATE JOB NO. 487751  
 R/W DESIGNER RDH  
 R/W REVIEWER HGH  
**SUMMARY OF ADDITIONAL RIGHT OF WAY PARCELS 39-41**  
**HAM-75-00.22**  
 36  
 251

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November 7, 2022

Mr. Craig Potts  
Executive Director and  
State Historic Preservation Officer  
The Barstow House  
410 High Street  
Frankfort, KY 40601

## Figure 4

**SUBJECT:** Revised Cultural Historic Survey for the Brent  
Spence Bridge Project in Covington, Kenton  
County, Kentucky  
KYTC Item No. 6-17

Dear Mr. Potts:

Please find the revised Cultural Historic Survey and survey forms submitted with this transmittal. After a concurrent review discussion, KYTC is now requesting concurrence for eligibilities and effects.

During their survey, Cardno now Stantec (Cardno) identified 214 historic-age resources within the area of potential effects: 97 were previously documented while 117 were newly recorded. Five previously NRHP-listed historic districts and two newly recommended historic districts are included in the number of previously documented resources.

Table 1 presents KYTC/FHWA's eligibility and effects determinations for the NRHP-listed and individually eligible resources.

**Table 1. NRHP-Listed and Individually Eligible Resources**

KHC Survey No.	Site Name	NRHP Status	KYTC Effect Determination
KE-07 and KE-08	Elberta Apartments Historic District*	Eligible	No Adverse Effect
KE-09	West Side/Main Strasse Historic District	Listed	No Adverse Effect
<b>KE-10</b>	<b>Lewisburg Historic District</b>	<b>Listed</b>	<b>Adverse Effect</b>
KE-11	Old Ft. Mitchell Historic District	Listed	No Effect
KE-12	Beechwood Historic District	Listed	No Effect
KE-13	Hillsdale Historic District*	Eligible	No Adverse Effect
KE-952	Sisters of Notre Dame Convent and Cemetery	Eligible	No Effect
KEC-107	C&O Railroad Bridge	Eligible	No Adverse Effect
KEC-456	1000 Emery Drive (House)	Eligible	No Effect
KEC-458	45 Rivard Drive (House)	Eligible	No Adverse Effect
KEC-460	829-831 Highway Avenue (House)	Eligible	No Effect

KEC-462	Bavarian Brewery Bottling Works/Glier's Goetta	Eligible	No Adverse Effect
KEC-820	Brent Spence Bridge	Eligible	No Adverse Effect
KEC-1011	534 West 13 <sup>th</sup> Street (House)	Eligible	No Adverse Effect
KEC-1038	626 W. 5 <sup>th</sup> Street (Quality Inn)	Eligible	No Adverse Effect
KEC-1048	224 Wright Street (Futuro House)	Eligible	No Effect
KEC-1064	402 Bakewell Street (Commercial Building)	Eligible	No Effect
KEC-1068	Covington Levee	Eligible	No Adverse Effect
KEC-1075	Clay Wade Bailey Bridge	Eligible	No Adverse Effect
KECL-692	536 West 13 <sup>th</sup> Street (House)	Eligible	No Adverse Effect
KECL-815	Bavarian Brewing Co./Kenton County Govt. Center	Listed	No Adverse Effect
KECL-1018	521 Western Ave (House)	Eligible	No Effect
KEFM-150	Highland Cemetery Historic District	Listed	No Effect

\*Newly recommended historic districts.

Cardno also recommended KECL-1055, a Northern Kentucky townhouse, as eligible for the NRHP as well as an adverse effect finding for the site. KYTC disagrees with the eligibility and effect recommendations for KECL-1055. Site KECL-1055 has had its integrity of materials, workmanship, and design impacted by the application of vinyl siding on at least two sides of the structure and the removal of a one-story rear addition and a covered porch on the south side. The addition and porch appear on the 1909 Sanborn Fire Insurance Map (Sanborn), the first Sanborn map that covers the portion of Covington where KECL-1055 is located. By the 1949 Sanborn, the addition was removed. The covered porch was removed between the 1954 Sanborn and the 2009 architectural fieldwork conducted in support of the 2010 Brent Spence Bridge project<sup>1</sup>. KYTC determines KECL-1055 not eligible for the NRHP and the proposed project will have no effect on this site.

One previously NRHP-listed resource, the Bavarian Brewing Co./Kenton Co. Govt. Center (KECL-815) was revisited and an update to the existing NRHP boundary was recommended by Cardno. The revised NRHP boundary for this site will expand to encompass the original bottling works (KEC-462), now Glier's Goetta, and eliminate the parking lots on the east and west sides from the NRHP boundary. As there is documentary evidence to show the building which now houses Glier's Goetta once served at the bottling works for the Bavarian Brewery, KYTC concurs with this recommendation and the proposed project will have no effect on these sites. Please see the attached map showing the proposed revised NRHP boundary for KECL-815/KEC-462.

In addition to the individually eligible or NRHP-listed resources and the recommended or NRHP-listed historic districts, Cardno identified contributing resources to several of the historic districts. Table 2 features contributing resources to the NRHP-listed Lewisburg Historic District (LHD) and the West Side/Main Strasse Historic District (WSMSHD). These resources were evaluated due to proposed takings for their respective parcels. The takings proposed for the WSMSHD sites have been withdrawn as the project design has been altered to eliminate the need for the takings.

<sup>1</sup> Parsons Brinckerhoff Americas and Gray & Pape, Inc. Phase I History/Architecture Survey – Kenton County, Kentucky. April 2010.

**Table 2. NRHP-Listed Historic Districts and their Contributing Resources within the APE**

<b>Lewisburg Historic District (KE-010)</b>					
Previously Listed as Contributing to Lewisburg; Not Individually Eligible	KECL-115	KECL-136	KECL-983	KECL-987	
	KECL-117	KECL-137	KECL-986	KECL-988	
	KECL-119	–	–	–	
<b>West Side/Main Strasse Historic District (KE-09)</b>					
Previously Listed as Contributing to West Side/Main Strasse	KEC-1023	KEC-1026	KEC-1028	KEC-1030	
	KEC-1024	KEC-1027	KEC-1029	KEC-1031	
	KEC-1025	–	–	–	

Cardno recommended an Adverse Effect finding for the project based on the impacts to the LHD. Within the portion of the LHD located within the APE, nine sites (KECL-115; KECL-117; KECL-119; KECL-136; KECL-137; KECL-983; KECL-986; KECL-987; and KECL-988) were identified as contributing resources to the district, but not individually eligible. All of the LHD contributing resources listed in Table 2 will be impacted by partial and complete takings. For the currently proposed version of the project, the design will require fewer takings overall to the LHD than the 2011 version of the project. These takings will impact the Lewisburg Historic District, resulting in an Adverse Effect.

An expansion for the West Side/Main Strasse Historic District (KE-09) to the south of the existing district was also recommended by Cardno. The following sites are recommended for the expansion: KEC-462; KECL-815; KEC-626; KEC-1013; and KECL/KEC-918. KYTC concurs with this recommendation. Please see the attached map showing the proposed NRHP boundary expansion/revision.

Table 3 provides the contributing resources for the Elberta Apartments Historic District (EAHD) and the Hillsdale Historic District (HHD). These resources were identified as they were located within the APE and not part of an existing NRHP-listed historic district.

**Table 3. Recommended Historic Districts and their Contributing Resources within the APE**

<b>Elberta Apartments Historic District (KE-07 and KE-08)</b>					
Not Individually Eligible; Contributing to Elberta Apartments Historic District	KE-953	KE-964	KE-984	KEC-459	
	KE-954	–	–	–	
<b>Hillsdale Historic District (KE-013)</b>					
Individually Eligible; Contributing to Hillsdale Historic District	KEC-458	–	–	–	
	Not Individually Eligible; Contributing to Hillsdale Historic District	KE-925	KE-926	–	–

Two new historic districts have been proposed within the APE: Hillsdale Historic District (KE-013) and Elberta Apartments Historic District (KE-07 and KE-08). Both proposed districts are recommended eligible under Criterion A in the area of significance Community Planning and Development. Within the portion of the Elberta Apartments Historic District located within the APE, five sites (KE-953; KE-964; KE-984; KEC-459; and KE-954) are contributing resources, but not individually eligible. Within the portion of the Hillsdale Historic District located within the APE, one site (KEC-458) is individually eligible for the NRHP under Criteria C and a contributing resource to the district, while two sites (KE-925 and KE-926) are contributing resources, but not individually eligible. KYTC concurs with this recommendation and the

proposed project will have no effect on either of these districts. Please see the attached maps showing the proposed NRHP boundaries for each of these proposed districts.

Sites KEC-1062, KEC-1063, and KEC-1065 are recommended by Cardno as contributing resources to the C&O Railroad Bridge. These sites are a single unit and, even though they have separate bridge numbers for inspection purposes, they comprise a single linear structure: the 1929 C&O Covington Viaduct. The mile-long C&O Covington Viaduct serves as the 1929 C&O Railroad Bridge approach. KYTC concurs with these sites contributing resources to the C&O Railroad Bridge and the project will have No Adverse Effect on these sites.

Finally, KYTC determines 149 resources to be not individually eligible for the NRHP under any criteria and do not contribute to a historic district. The proposed project will have no effect on these sites. See Table 4 for the complete list.

**Table 4. Surveyed Resources Not Eligible for the NRHP and Do Not Contribute to a Historic District**

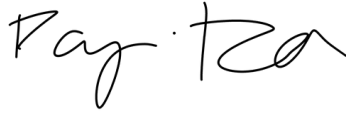
KE-659	KE-941	KEC-1021	KEC-1056	KECL-1027	KECL-1049	KEFM-310
KE-661	KE-942	KEC-1033	KEC-1057	KECL-1028	KECL-1050	KEFM-311
KE-915	KE-949	KEC-1034	KEC-1058	KECL-1029	KECL-1051	KEFM-312
KE-916	KE-950	KEC-1035	KEC-1059	KECL-1030	KECL-1052	KEFM-313
KE-917	KE-951	KEC-1037	KEC-1060	KECL-1031	KECL-1053	KEFM-314
KE-918	KE-985	KEC-1039	KEC-1061	KECL-1032	KECL-1054	KEFM-315
KE-919	KE-986	KEC-1040	KEC-1066	KECL-1033	KECL-1056	KEFM-316
KE-920	KE-987	KEC-1041	KEC-1067	KECL-1034	KECL-1057	KEFM-317
KE-921	KE-988	KEC-1042	KECL-221	KECL-1035	KECL-1058	KEFM-318
KE-922	KE-989	KEC-1043	KECL-1014	KECL-1036	KECL-1059	KEFM-319
KE-923	KE-990	KEC-1044	KECL-1015	KECL-1036	KEFM-287	KEFM-320
KE-924	KEC-430	KEC-1045	KECL-1016	KECL-1037	KEFM-289	KEFM-321
KE-927	KEC-457	KEC-1046	KECL-1017	KECL-1038	KEFM-290	KEFM-322
KE-932	KEC-461	KEC-1047	KECL-1019	KECL-1039	KEFM-301	KEFM-323
KE-933	KECL-817/KEC-817*	KEC-1049	KECL-1020	KECL-1040	KEFM-302	KEFM-324
KE-934	KEC-1012	KEC-1050	KECL-1021	KECL-1042	KEFM-304	KEFM-325
KE-935	KEC-1015	KEC-1051	KECL-1022	KECL-1044	KEFM-305	KEFM-326
KE-936	KEC-1016	KEC-1052	KECL-1023	KECL-1045	KEFM-306	KEFM-327
KE-937	KEC-1017	KEC-1053	KECL-1024	KECL-1046	KEFM-307	KEFM-331
KE-938	KEC-1018	KEC-1054	KECL-1025	KECL-1047	KEFM-308	KEFM-333
KE-939	KEC-1019	KEC-1055	KECL-1026	KECL-1048	KEFM-309	KEFM-334
KE-940	KEC-1020	–	–	–	–	–

\*KECL-817/KEC-817 (533 Pike Street, Covington, KY) has two KHC survey numbers. This property was previously documented as KECL-817 in Parsons Brinckerhoff Americas and Gray & Pape, Inc., 2010.

In summary, KYTC determines a project finding of **Adverse Effect** due to the impacts to the NRHP-listed Lewisburg Historic District and its contributing resources.

KYTC is requesting concurrence with the above eligibility and effects determinations at your earliest convenience. If you have any questions, please contact Stephanie Lechert or me at 502-782-5038.

Sincerely,

A handwritten signature in black ink, appearing to read "Danny R. Peake". The signature is fluid and cursive, with the first name "Danny" and last name "Peake" clearly distinguishable.

Danny R. Peake, Director  
Division of Environmental Analysis

DRP/sel

Enclosures

cc: M. Yagle (KHC), S. Schurman (DEA), S. Hans (D-6), S. James (D-6), S. Lechert (DEA), J. Ballentine (FHWA), M. Diop (FHWA), J. Heflin (HNTB)

September 9, 2022

## Figure 5

Section 106 Consulting Parties

Subject: HAM-IR 71/75 0.00/0.22 PID 89068

Dear Section 106 Consulting Parties:

The Ohio Department of Transportation Office of Environmental Services (ODOT-OES) submitted the history architecture re-evaluation report *Brent Spence Bridge Project Phase I History/Architecture Re-evaluation Survey HAM-71/75-0.00/0.22; PID 89068 City of Cincinnati, Hamilton County, Ohio* (ASC, Inc. July 2022) to the Ohio State Historic Preservation Office (SHPO) for review. A copy of the August 30, 2022 Section 106 consultation letter, which accompanied and summarized the results of the report is attached for your review. Comments are requested within 30-days of receipt of this notification.

Regarding 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 75119, 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)* executed on June 28, 2012 [BSB MOA], enclosed is a copy of the amendment and renewal agreement executed on June 3, 2022. The project is now referred to as: HAM-Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, ODOT PID 89068. Enclosed is a copy of the June 3, 2022 amendment to the MOA.

If you have questions about the enclosed documents or would like a copy of the history architecture re-evaluation report, please contact:

Keith Smith, District Environmental Coordinator  
Ohio Department of Transportation (ODOT) District 8  
Attn: District Environmental Coordinator (DEC)  
Phone: 513.933.6590  
Email: [Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov)

Respectfully,

  
Timothy M. Hill, Administrator  
Office of Environmental Services



Section 106 Consulting Parties  
HAM-IR 71/75 0.00/0.22 PID 89068

September 9, 2022

Enclosure  
TMH:sg

c: Project File

Ohio State Historic Preservation Office  
Kentucky Transportation Cabinet  
Cincinnati Preservation Association  
Cincinnati Park Board  
Dayton Street Historic District  
West End Community Council  
Cincinnati Metropolitan Housing Authority

August 30, 2022

Diana Welling, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
800 East 17th Avenue  
Columbus, Ohio 43211

Attn: Mary Rody, SHPO Transportation Review Manager  
Thomas Grooms, SHPO Transportation Review Manager

Subject: HAM-IR 71/75 0.00/0.22 PID 89068

Dear Ms. Welling,

The HAM-IR 71/75 0.00/0.22 PID 89068 [PID 75119] project in Cincinnati, Ohio will improve the Brent Spence Bridge crossing over the Ohio River. The Brent Spence Bridge (BSB) corridor consists of 7.8 total miles of I-71 and I-75 located within portions of Ohio and Kentucky. This corridor is located within the Greater Cincinnati/Northern Kentucky region and is a major route for local and regional mobility. Locally, it connects to I-74, I-275, and US 50. The BSB provides an interstate connection over the Ohio River and carries both I-71 and I-75 traffic. The bridge also facilitates local travel by providing access to downtown Cincinnati, Hamilton County, Ohio and Covington, Kenton County, Kentucky. This corridor is also one of the busiest trucking routes in the US, connecting Michigan to Florida via I-75.

The Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) developed a range of alternatives for improving the I-71/I-75 corridor in Kentucky and Ohio through a series of preliminary engineering and planning studies coupled with extensive public and stakeholder involvement. These activities were documented in the project's Environmental Assessment (2012). On August 9, 2012, the Federal Highway Administration (FHWA) issued a Finding of No Significant Impact (FONSI) identifying Alternative I as the preferred alternative for the BSB Project. Since the approval of the FONSI, KYTC and ODOT completed additional studies to update the preferred alternative to reflect current design standards, traffic counts, and traffic operations. KYTC and ODOT also conducted a value engineering analysis of the preferred alternative. These efforts resulted in refinements to Preferred Alternative I, which have been designated as Concept I-W.

Concept I-W follows the Preferred Alternative I design for the I-71/I-75 alignment from the Dixie Highway interchange to 12th Street in Kentucky; north of Freeman Avenue in Ohio; and the local collector-distributor (C-D) roads along both sides of I-75 in Ohio. In addition, a companion bridge will be built just west of the existing BSB with all I-71 and I-75 traffic on the new bridge and all local C-D traffic on the existing BSB. The new bridge will carry five lanes of southbound (SB) I-71 and I-75 on the lower deck and five lanes of northbound (NB) I-71 and I-75 traffic on the upper deck. The existing BSB will be rehabilitated to carry three lanes for NB local traffic on the lower deck and three lanes for SB local traffic on the upper deck.

KYTC and ODOT are currently re-evaluating the project's Environmental Assessment to reflect the refined preferred alternative (Concept I-W). The re-evaluation efforts also involve updating resource specific studies to reflect any changes in conditions that have occurred since they were originally prepared.

### **Previous Consultation**

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 exceptions:

- Residential lots associated with the West McMicken Street Historic District would merit archaeological testing for stratified late 19th century deposits if one of the interchange reconfiguration alternatives were chosen. 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; and 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.
- Soil and geotechnical borings conducted during the design phase in the 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 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.

Concerning history architecture resources, consultation included the: identification of properties eligible for or listed in the NRHP; determination of effect on historic properties; and, identification of measures to mitigate adverse effects. The area of potential effects (APE) included a geographic area large enough to encompass the alternatives under consideration. The following table lists the identified historic properties within the APE and effect of the undertaking on each resource. On October 31, 2011, the SHPO concurred the undertaking will have an adverse effect on the B&O Freight and Storage Building/Longworth Hall, listed in the NRHP (NR# 86003521). Attached is a copy of the October 31, 2011 effect determination.

HAM-IR 71/75 0.00/0.22 PID 89068

<b>History Architecture Resources</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 (Rummane 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

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 75119, 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), was executed on June 28, 2012 [BSB MOA]. The BSB MOA was amended and renewed on June 22, 2017 and June 3, 2022. The project is now referred to as: HAM-Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, ODOT PID 89068.

### **History Architecture Re-evaluation**

The report *Brent Spence Bridge Project Phase I History/Architecture Re-evaluation Survey HAM-71/75-0.00/0.22; PID 89068 City of Cincinnati, Hamilton County, Ohio* (ASC, Inc. July 2022), was uploaded to the project file on July 21, 2022. Objectives of the re-evaluation survey report included the: identification of history architecture and archaeological resources that have been identified within the APE since 2012; the identification of NRHP listed or eligible history architecture resources present in 2012 that have undergone changes such as to warrant a change in their NRHP status; identification of history architecture resources within the APE that have become 50 years of age since 2012 eligible for listing in the NRHP; and to evaluate whether the adverse effect to the B&O Freight Terminal/Longworth Hall, listed in the NRHP, remain unchanged.

The APE for the Phase I history architecture re-evaluation survey was based on previous consultation and refined design. In summary, the APE is limited to the right-of-way (ROW) where improvements are confined to the existing ROW; specifically, adjacent to interstate and highway right-of-way. Where improvements are planned outside of the existing ROW, the APE generally follows a 1,500-foot corridor to accommodate all possible design changes within the proposed alternatives. It should be noted that the APE was developed to follow street lines rather than simply cut across the landscape and to fully incorporate any historic districts wholly or partially included within the 1,500-foot corridor. Although several small portions of Concept I-W extend outside of the APE, the construction limits in these areas have not changed. When construction limits expand beyond the 2012 APE, areas adjacent to the refined design construction limits were reviewed to confirm if additional resources were present.

The SHPO's (2022) Online Mapping System does not show any history architecture properties or archaeological sites have been listed in or determined eligible for listing in the NRHP within or adjacent to the APE since 2012. The West Fourth Street Historic District was extended eastward along W. Fourth Street to Vine Street in 2007 and amended in 2015 to include one additional building along Vine Street; all of this area is outside of the APE and not adjacent to the construction limits.

The re-evaluation report documents the condition of previously documented historic properties. One resource, the Mueller House at 724 Mehring Way, was demolished sometime after 2012. The Chem-Pack, Inc. building (HAM-1709-40/2261 Spring Grove Avenue) and the Western Hills Viaduct (SFN 3105458) will be removed by the undertaking HAM-Western Hills Viaduct (PID 85388). A *Memorandum of Agreement (Agreement No. 30501)* was executed October 19, 2017 and amended on April 1, 2022 for the removal of the two historic properties. Both resources are outside of the subject APE. The remaining NRHP listed or eligible properties have not significantly been altered so as to affect their eligibility since 2012.

Twenty-three (23) resources have become 50 years of age or older since 2012. The resources are described and evaluated in the re-evaluation survey report. The 23 resources are not eligible for inclusion in the NRHP due to diminished integrity and lack of significance. No potential historic districts were newly identified within or adjacent to the APE.

In Ohio, the only cultural resources anticipated to receive adverse effects from the undertaking is the NRHP-listed B&O Freight Terminal/Longworth Hall, located at 700 Pete Rose Way. The building is located immediately west of the existing I-71/I-75. The preferred alternative Concept I-W will pass through 204 feet of the building's northern and eastern end. The building consists of six adjacent blocks and a 1961 addition at the building's northeast corner. The project will necessitate the removal of the easternmost block, approximately half of the next adjacent block, and the addition. A new east wall will be constructed to close off the exposed end of the building. This planned adverse effect remains unchanged since 2012. The BSB MOA discusses these treatments in greater depth. The preferred alternative Concept I-W will not change the nature or degree of the adverse effect to the building.

**Conclusion**

In accordance with 36 CFR § 800.5(a), ODOT-OES has determined a finding of “adverse effect” remains applicable to the undertaking HAM-71/75-0.00/0.22, ODOT PID 89068.

- No cultural resources eligible for or listed in the NRHP will be adversely affected by the undertaking with the exception of the B&O Freight Terminal/Longworth Hall, located at 700 Pete Rose Way.
- Measures to mitigate the adverse effect will comply with the *Memorandum of Agreement (ODOT Agreement Number 16829)*, executed June 28, 2012, amended and renewed June 22, 2017 and June 3, 2022.
- A plan note to avoid the Cincinnati subway tunnels and portals will be included in the construction plans for the project.
- Soil and borings conducted during the design phase in the 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.
- The SHPO and Section 106 consulting parties will be given an opportunity to review and comment on final design plans.

In accordance with 36 CFR 800.5(a), ODOT requests concurrence within 30 days of receipt of this determination. Questions may be addressed to Susan Gasbarro, ODOT-OES at [susan.gasbarro@dot.ohio.gov](mailto:susan.gasbarro@dot.ohio.gov).

Respectfully,



Timothy M. Hill, Administrator  
Office of Administrative Services

Concurrence:

---

Ohio State Historic Preservation Office

Date

TMH: sg  
Enclosure

C: Project File, Section 106 Consulting Parties

---

**From:** Schurman, Scott R (KYTC)

**Sent:** Wednesday, January 18, 2023 5:10 PM

**To:** jumeyer@covingtonky.gov; Kaitlin.Bryan@covingtonky.gov; Brandon.Holmes@covingtonky.gov; nkyhist@zoomtown.com; rebecca@rebeccaweber.com

**Cc:** Hans, Stacey D (KYTC) <Stacey.hans@ky.gov>; Lechert, Stephanie E (KYTC) <stephanie.lechert@ky.gov>; Davis, Daniel B (KYTC) <Daniel.Davis@ky.gov>; Peake, Danny R (KYTC) <Danny.Peake@ky.gov>

**Subject:** Brent Spence Bridge Cultural Historic Survey Report

**Importance:** High

Brent Spence Bridge Project Consulting Party Member:

Thank you for your interest as a Consulting Party member on the Brent Spence Bridge Project. You should have received an email from Dropbox with a link to the Brent Spence Cultural Historic Survey Report. As a Consulting Party member, we are providing you the opportunity to review and comment on this report. Due to the file size of the document, we are transferring this report using Dropbox. If you have any problems with accessing or proving comment to the document, please let us know. We respectfully ask for you to review the report and provide us any comments that you may have by 5 PM EST, February 3, 2023.

**Scott R. Schurman**

Environmental Project Manager

Kentucky Transportation Cabinet

[scott.schurman@ky.gov](mailto:scott.schurman@ky.gov)

Office: 502 782 -5031

August 30, 2022

Diana Welling, Department Head  
Resource Protection and Review  
Ohio Historic Preservation Office  
800 East 17th Avenue  
Columbus, Ohio 43211

Attn: Mary Rody, SHPO Transportation Review Manager  
Thomas Grooms, SHPO Transportation Review Manager

Subject: HAM-IR 71/75 0.00/0.22 PID 89068

Dear Ms. Welling,

The HAM-IR 71/75 0.00/0.22 PID 89068 [PID 75119] project in Cincinnati, Ohio will improve the Brent Spence Bridge crossing over the Ohio River. The Brent Spence Bridge (BSB) corridor consists of 7.8 total miles of I-71 and I-75 located within portions of Ohio and Kentucky. This corridor is located within the Greater Cincinnati/Northern Kentucky region and is a major route for local and regional mobility. Locally, it connects to I-74, I-275, and US 50. The BSB provides an interstate connection over the Ohio River and carries both I-71 and I-75 traffic. The bridge also facilitates local travel by providing access to downtown Cincinnati, Hamilton County, Ohio and Covington, Kenton County, Kentucky. This corridor is also one of the busiest trucking routes in the US, connecting Michigan to Florida via I-75.

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KYTC and ODOT are currently re-evaluating the project's Environmental Assessment to reflect the refined preferred alternative (Concept I-W). The re-evaluation efforts also involve updating resource specific studies to reflect any changes in conditions that have occurred since they were originally prepared.

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HAM-IR 71/75 0.00/0.22 PID 89068

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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
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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 75119, 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), was executed on June 28, 2012 [BSB MOA]. The BSB MOA was amended and renewed on June 22, 2017 and June 3, 2022. The project is now referred to as: HAM-Brent Spence Bridge Replacement/Rehabilitation Project, HAM-71/75-0.00/0.22, ODOT PID 89068.

### History Architecture Re-evaluation

The report *Brent Spence Bridge Project Phase I History/Architecture Re-evaluation Survey HAM-71/75-0.00/0.22; PID 89068 City of Cincinnati, Hamilton County, Ohio* (ASC, Inc. July 2022), was uploaded to the project file on July 21, 2022. Objectives of the re-evaluation survey report included the: identification of history architecture and archaeological resources that have been identified within the APE since 2012; the identification of NRHP listed or eligible history architecture resources present in 2012 that have undergone changes such as to warrant a change in their NRHP status; identification of history architecture resources within the APE that have become 50 years of age since 2012 eligible for listing in the NRHP; and to evaluate whether the adverse effect to the B&O Freight Terminal/Longworth Hall, listed in the NRHP, remain unchanged.

The APE for the Phase I history architecture re-evaluation survey was based on previous consultation and refined design. In summary, the APE is limited to the right-of-way (ROW) where improvements are confined to the existing ROW; specifically, adjacent to interstate and highway right-of-way. Where improvements are planned outside of the existing ROW, the APE generally follows a 1,500-foot corridor to accommodate all possible design changes within the proposed alternatives. It should be noted that the APE was developed to follow street lines rather than simply cut across the landscape and to fully incorporate any historic districts wholly or partially included within the 1,500-foot corridor. Although several small portions of Concept I-W extend outside of the APE, the construction limits in these areas have not changed. When construction limits expand beyond the 2012 APE, areas adjacent to the refined design construction limits were reviewed to confirm if additional resources were present.

The SHPO's (2022) Online Mapping System does not show any history architecture properties or archaeological sites have been listed in or determined eligible for listing in the NRHP within or adjacent to the APE since 2012. The West Fourth Street Historic District was extended eastward along W. Fourth Street to Vine Street in 2007 and amended in 2015 to include one additional building along Vine Street; all of this area is outside of the APE and not adjacent to the construction limits.

The re-evaluation report documents the condition of previously documented historic properties. One resource, the Mueller House at 724 Mehring Way, was demolished sometime after 2012. The Chem-Pack, Inc. building (HAM-1709-40/2261 Spring Grove Avenue) and the Western Hills Viaduct (SFN 3105458) will be removed by the undertaking HAM-Western Hills Viaduct (PID 85388). A *Memorandum of Agreement (Agreement No. 30501)* was executed October 19, 2017 and amended on April 1, 2022 for the removal of the two historic properties. Both resources are outside of the subject APE. The remaining NRHP listed or eligible properties have not significantly been altered so as to affect their eligibility since 2012.

Twenty-three (23) resources have become 50 years of age or older since 2012. The resources are described and evaluated in the re-evaluation survey report. The 23 resources are not eligible for inclusion in the NRHP due to diminished integrity and lack of significance. No potential historic districts were newly identified within or adjacent to the APE.

In Ohio, the only cultural resources anticipated to receive adverse effects from the undertaking is the NRHP-listed B&O Freight Terminal/Longworth Hall, located at 700 Pete Rose Way. The building is located immediately west of the existing I-71/I-75. The preferred alternative Concept I-W will pass through 204 feet of the building's northern and eastern end. The building consists of six adjacent blocks and a 1961 addition at the building's northeast corner. The project will necessitate the removal of the easternmost block, approximately half of the next adjacent block, and the addition. A new east wall will be constructed to close off the exposed end of the building. This planned adverse effect remains unchanged since 2012. The BSB MOA discusses these treatments in greater depth. The preferred alternative Concept I-W will not change the nature or degree of the adverse effect to the building.

**Conclusion**

In accordance with 36 CFR § 800.5(a), ODOT-OES has determined a finding of “adverse effect” remains applicable to the undertaking HAM-71/75-0.00/0.22, ODOT PID 89068.

- No cultural resources eligible for or listed in the NRHP will be adversely affected by the undertaking with the exception of the B&O Freight Terminal/Longworth Hall, located at 700 Pete Rose Way.
- Measures to mitigate the adverse effect will comply with the *Memorandum of Agreement (ODOT Agreement Number 16829)*, executed June 28, 2012, amended and renewed June 22, 2017 and June 3, 2022.
- A plan note to avoid the Cincinnati subway tunnels and portals will be included in the construction plans for the project.
- Soil and borings conducted during the design phase in the 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.
- The SHPO and Section 106 consulting parties will be given an opportunity to review and comment on final design plans.

In accordance with 36 CFR 800.5(a), ODOT requests concurrence within 30 days of receipt of this determination. Questions may be addressed to Susan Gasbarro, ODOT-OES at [susan.gasbarro@dot.ohio.gov](mailto:susan.gasbarro@dot.ohio.gov).

Respectfully,



Timothy M. Hill, Administrator  
Office of Administrative Services

Concurrence:



1/25/2023

---

Ohio State Historic Preservation Office

Date

TMH: sg  
Enclosure

C: Project File, Section 106 Consulting Parties



**ANDY BESHEAR**  
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET**  
**KENTUCKY HERITAGE COUNCIL**  
THE STATE HISTORIC PRESERVATION OFFICE

**LINDY CASEBIER**  
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**CRAIG A. POTTS**  
EXECUTIVE DIRECTOR &  
STATE HISTORIC PRESERVATION OFFICER

April 24, 2023

Daniel R. Peake  
Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, KY 40662

RE: Proposed Archaeological Monitoring Revisions  
Brent Spence Bridge Project  
Kenton County, Kentucky  
KYTC Item Number 6-17.00

Dear Mr. Peake,

Thank you for your submittal of proposed revisions to the archaeological monitoring areas stipulated in 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 (NRPH 93001165), Covington, Kentucky, executed 2012 (project MOA).*

Stipulation II.B. of the project MOA called for the monitoring of 19 parcels that were inaccessible for archaeological survey due to impediments. However, in 2022, the project's area of potential effects (APE) was reduced in overall size, with expansion in the parcel that includes the parking lot of the Kenton County Government Offices. Potential impacts to the 19 parcels above were affected by this change. In the Spring of 2022, Carl Shields of the KYTC and Patricia Hutchins of my staff conducted a desktop review of the 19 parcels together. As a result of this review, it was determined that many of the formerly identified 19 parcels had been removed from the APE. In other cases, the areas of the parcels that retained a potential for archaeological materials had been removed from the project. However, two areas that may have archaeological potential were identified within the parking lot of the Kenton County Government



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Offices. We understand that KYTC recommends monitoring during ground disturbing activities of these two areas only, and recommends that if access to these areas is granted prior to construction, then archaeological investigations should occur at that time. We concur with these recommendations.

Additionally, we concur that KYTC has met all other archaeological Stipulations in the project MOA. We also concur that, to date, no archaeological sites eligible for listing on the National Register of Historic Places have been identified within the APE for this undertaking. Any sites identified during monitoring or investigations will need to be assessed for their eligibility.

We look forward to continued consultation on this undertaking. Should you have any questions, please contact Patti Hutchins of my staff at [Patricia.Hutchins@ky.gov](mailto:Patricia.Hutchins@ky.gov).

Sincerely,



Craig Potts  
Executive Director and  
State Historic Preservation Officer

KHC# 230751  
CP: peh  
e-cc: Carl Shields, KYTC, [Carl.Shields@ky.gov](mailto:Carl.Shields@ky.gov)



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**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](mailto: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](mailto:s106@osagenation-nsn.gov)** Include the Lead Agency, Project Name and Number on the subject line.

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## **Brent Spence Bridge Project - Meeting Minutes**

### **Material Recovery from Structures to be Demolished in the Lewisburg Historic District**

**Meeting Date:** May 5, 2023

#### **Attendees:**

Kaitlin Bryan – City of Covington, Historic Preservation Officer

Karl Lietzenmayer – Kenton County Historical Society

Dan Davis – KYTC-DEA

Daniel Peake – KYTC-DEA

Stephanie Lechert – KYTC-DEA

Scott Schurman – KYTC-DEA

Stacey Hans – KYTC, BSB Project Manager

David Waldner, Palmer Engineering

A video conference meeting was held via Zoom on Friday May 5, 2023 at 11:00 a.m. This meeting was held to discuss the possibility of salvaging dimensional lumber and other materials from structures in the Lewisburg Historic District that will be demolished as a result of the Brent Spence Bridge Corridor Project. The meeting included the following topics:

- The inquiries that were made regarding material salvage and recovery during a previous Brent Spence Bridge Consulting Party Meeting by Ms. Bryan and Mr. Lietzenmayer were discussed. This included Ms. Bryan's inquiry regarding possible material salvage and reuse for Covington's Academy for Historic Trades and Mr. Lietzenmayer's inquiry regarding dimensional lumber salvage.
- KYTC explained and discussed the issues involved with material salvage from the structures to be demolished in the Lewisburg Historic District.
- Due to site conditions, material salvage and recovery of dimensional lumber and other large structural materials from structures to be demolished would require staged demolition.
- Staged demolition would result in additional project costs and could impact project schedule.
- Other operational issues involved with staged demolition such as the need for specialized equipment, utility concerns, and material transport were discussed.
- This issue of recovered materials requiring a Kentucky Office of Archeology permit to remove materials greater than 50 years old was highlighted.
- Issues regarding material recovery and the possible presence of hazardous materials and mold present in salvaged materials were also discussed.
- As a possible resolution to Ms. Bryan and Mr. Lietzenmayer's inquiries, KYTC proposed that once the structures have been acquired and a demolition contractor has been selected, KYTC would then notify both interested parties of the name and contact information of that contractor. Details regarding the possibility of material recovery and salvage could then be pursued with the demolition contractor. Both Ms. Bryan and Mr. Lietzenmayer's were both acceptable with this proposed approach.
- Future anticipated project schedule finalized the meeting's topics. KYTC communicated that it expects to begin to acquire right of way in the Lewisburg Historic District area in late 2024 with demolition of structures expected to occur sometime in early 2025.



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**From:** Watkins, Jason  
**Sent:** Tuesday, May 16, 2023 10:56 AM  
**To:** Deseray Helton <[deseray.helton@osagenation-nsn.gov](mailto:deseray.helton@osagenation-nsn.gov)>  
**Cc:** Baughman, Pamela (FHWA) <[pamela.baughman@dot.gov](mailto:pamela.baughman@dot.gov)>; [timothy.long@dot.gov](mailto:timothy.long@dot.gov)  
**Subject:** RE: Brent Spence Bridge Corridor project

Hello again, Deseray.

I meant to attach these aerial photos as well. They show the extent of industrial and commercial development around the river, going back to the 1950s.

Figured they may be helpful.

Jason

**Jason Watkins**

*Staff Archaeologist & Tribal Liaison*  
ODOT Office of Environmental Services  
1980 West Broad Street, Mail Stop 4170  
Columbus, OH 43223  
(614) 466-5105  
[Transportation.ohio.gov](http://Transportation.ohio.gov)

---

**From:** Watkins, Jason  
**Sent:** Tuesday, May 16, 2023 10:42 AM  
**To:** Deseray Helton  
**Cc:** Baughman, Pamela (FHWA); [timothy.long@dot.gov](mailto: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](mailto: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](mailto: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-175 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 letter dated November 22, 2022, the Osage Nation was invited to consult on the BSBCP pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR Part 800.

In Ohio, the majority of the archaeological resource investigations were completed in 2010 when an archaeological conditions and disturbance assessment was performed. These investigations determined that the entire project corridor has been heavily disturbed by multiple waves of industrial and commercial development. Modified land surfaces with anthropomorphic soils cover the project area on the Ohio side. Aerial photographs prior to and after construction of the I75 and I71 interstate system demonstrate the heavily modified landscape, especially along the northern shore of the Ohio River. The area immediately adjacent to the river has long been the center of industrial development in Cincinnati, primarily to take advantage of the shipping industry on the river. I've attached the project mapping that was included in the 2010 disturbance assessment for the Ohio side (after extracting them from the larger report, they were small enough to email). Hope they are somewhat helpful in giving you an idea of the setting and disturbance found in the corridor. Again, I will be happy to send the entire report, hard copy, digital, or both.

While industrial complexes are located around the project, the area just east of the project and north of the Ohio River is going through another transition: from industrial use to entertainment, with professional sports stadiums and arenas, recreational sports complexes, restaurants, music venues, and museums. A re-evaluation recently performed concluded that all areas of the preferred alternative in the SEA have been addressed by previous archaeological studies. Despite the documented disturbances, ODOT has committed to performing geomorphological coring during the design phase of the project in the river bottom area to determine if buried cultural deposits exist and help determine the extent of existing disturbances. If buried cultural deposits are found, an excavation plan will be prepared. Both the results of the coring and the excavation plan, if necessary, will be coordinated with your office.

On the Kentucky side, archaeological investigations began in 2010. Additional investigations were conducted in 2022, including a sonar survey of the Ohio River. The sonar survey was performed in 2022 and identified two anomalies of interest (aside from discarded tires and submerged timber and trees): a linear depression extending across the river - possibly a gas pipeline - and a pair of discarded metal wheels. No pre-contact sites have been identified as a result of any of these investigations. However, two areas require additional archaeological investigations because they were previously inaccessible and are of a concern for potential late 19<sup>th</sup> century residential deposits. These areas are located in the parking lot for the Kenton County Government Offices property, and the investigations will be performed after the property is acquired.

As mentioned previously, we are happy to provide copies of all CRS reports to your office in whatever format you prefer. I invite you to contact me or Pam, or Tim at FHWA with any questions, requests for additional information, or any views you may wish to share on the project and its potential to affect properties of religious and cultural significance to the Osage Nation.

Hope this helps.

Take care, Deseray.

Jason

**Jason Watkins**

*Staff Archaeologist & Tribal Liaison*

ODOT Office of Environmental Services

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Columbus, OH 43223

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Andy Beshear  
GOVERNOR

Jim Gray  
SECRETARY

May 30, 2023

Mr. Craig Potts  
Executive Director and  
State Historic Preservation Officer  
The Barstow House  
410 High Street  
Frankfort, KY 40601

**SUBJECT:** Concurrence Request for the Addendum Cultural  
Historic Survey for the Brent Spence Bridge  
Project in Covington, Kenton County, Kentucky  
KYTC Item No. 6-17

Dear Mr. Potts:

KYTC provided digital copies of the *Cultural Historic Survey Report Addendum: Brent Spence Bridge Renewal Project Covington, Kenton County, Kentucky* and the associated survey form to your office for concurrent review May 23, 2023. After concurrent review discussions with RaShae Jennings of your office, KYTC is providing determinations of eligibility and effects in this letter for the above report. In addition, KYTC and KHC agreed no revisions were required for the report or the survey form.

Stantec documented and assessed the eligibility and effects of a previously documented historic property, KECL-376, located on a parcel with a proposed taking which was missed during the 2022 reporting for the Brent Spence Bridge project. Site KECL-376 is located on a parcel within the National Register of Historic Places (NRHP) listed Lewisburg Historic District. Stantec recommended KECL-376, the Standard Club, remain a contributing element to the Lewisburg Historic District, but not individually eligible for the NRHP. In addition, Stantec recommended KECL-376 would not be adversely impacted by the minor encroachment taking on its parcel and the Lewisburg Historic District would experience no additional adverse effects from the proposed strip taking.

KYTC concurs with the above eligibility recommendations for KECL-76. KYTC and FHWA determines KECL-376 remains a contributing element of the Lewisburg Historic District, but is not individually eligible for the NRHP. KYTC and FHWA determines the Brent Spence Bridge project will result in a *de minimis* strip taking to the parcel on which KECL-376 is located, resulting in a No Adverse Effect finding for KECL-376. In addition, KYTC and FHWA determines the *de minimis* taking will not result in any additional adverse impacts to the Lewisburg Historic District. Finally, KYTC and FHWA determines the overall project finding for the Brent Spence Bridge Project remains an Adverse Effect due to the impacts to the NRHP-listed Lewisburg Historic District and its contributing resources.

KYTC is requesting concurrence with the above eligibility and effects determinations at your earliest convenience. If you have any questions, please contact Stephanie Lechert or me at 502-782-5038.

Sincerely,

*Daniel R Peake*

Danny R. Peake, Director  
Division of Environmental Analysis

DRP/sel

Enclosure

cc: R. Jennings (KHC), N. Konkol (KHC), S. Schurman (DEA), S. Hans (D-6), S. Lechert (DEA), J. Ballentine (FHWA), M. Diop (FHWA), J. Heflin (HNTB)



ANDY BESHEAR  
GOVERNOR

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CRAIG A. POTTS  
EXECUTIVE DIRECTOR &  
STATE HISTORIC PRESERVATION OFFICER

June 7, 2023

Mr. Daniel R. Peake  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street Frankfort, KY 40622

**SUBJECT: Concurrence Request for the Addendum Cultural  
Historic Survey for the Brent Spence Bridge  
Project in Covington, Kenton County, Kentucky  
KYTC Item No. 6-17**

Dear Mr. Peake:

Thank you for your digital submission of a letter, Cultural Historic Survey Report Addendum, site form, and photographs for the above-listed project which is 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.

Our office acknowledges that a strip-taking has been proposed for KECL 376 (Standard Club), a contributing resource to the National Register (NR) Listed Lewisburg Historic District. We understand that the strip-taking is for the purposes of obtaining right-of-way (ROW) and that no new construction activities have been designated for the space between the proposed edge of the pavement line and the parcel itself.

KYTC has determined that KECL 376 is eligible for continued listing as a contributing resource and that the undertaking will have **No Adverse Effect** to the resource or the historic district.

Based on our review, a parking lot(s) currently occupies the area proposed for the strip-taking and is within the viewshed of the historic district. We **Concur** with KYTC's eligibility and effects determinations for the right-of-way acquisition.



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The overall project finding for the Brent Spence Bridge Project remains an **Adverse Effect**, and the memorandum of agreement (MOA) remains in effect. KECL-376 would also be in an area covered by the vibration monitoring in the MOA.

Should you have any questions or should the project plans change, feel free to contact RaShae Jennings of my staff at [rashae.jennings@ky.gov](mailto:rashae.jennings@ky.gov).

Sincerely,



Craig Potts  
Executive Director and  
State Historic Preservation Officer

KHC# 231261

CP: RJ

e-cc:

N. Konkol (KHC), S. Schurman (DEA), S. Hans (D-6), S. Lechert (DEA), J. Ballentine (FHWA), M. Diop (FHWA), J. Heflin (HNTB)

---

**From:** Smith, Larry <Keith.Smith@dot.ohio.gov>

**Sent:** Tuesday, August 1, 2023 10:21 AM

**To:** Hill, Timothy <Tim.Hill@dot.ohio.gov>; Schneider, Erica <Erica.Schneider@dot.ohio.gov>; Hoffman, Larry <Larry.Hoffman@dot.ohio.gov>; Gasbarro, Susan <Susan.Gasbarro@dot.ohio.gov>; Baker, Stanley <Stanley.Baker@dot.ohio.gov>; pamela.baughman@dot.gov; mfisher@ohiohistory.org; tgrooms@ohiohistory.org; Craig.potts@ky.gov; Carl.Shields@ky.gov; beth@cincinnati-preservation.org; eols.eric@gmail.com; ehoag@cia.edu; Cgriffin.nati@yahoo.com; mschweitzer@me.com; gregory.johnson@cintimha.com; Spinosa, Stefan <Stefan.Spinosa@dot.ohio.gov>; timothy.long@dot.gov; Barron, Jason <Jason.barron@cincinnati-oh.gov>

**Cc:** beth.johnson@cincinnati-preservation.org; Clarke, David (FHWA) <david.clarke@dot.gov>; Mobley, Jenny <Jenny.Mobley@cincinnati-oh.gov>

**Subject:** Brent Spence Bridge Consulting Parties Meeting PID 89068

Section 106 Consulting Parties,

We are looking forward to meeting with you on August 9 to discuss the Section 106 Programmatic Agreement (PA) for the Brent Spence Bridge Corridor Project (BSB). The BSB corridor consists of 7.8 total miles of I-71 and I-75 connecting southwest Ohio and northern Kentucky. This corridor is located within the Greater Cincinnati/Northern Kentucky region and is a major route for regional and local mobility. Regionally, the BSB carries both I-71 and I-75 traffic over the Ohio River and connects to I-74, I-275, and US-50. The BSB corridor also facilitates local travel by providing access to downtown Cincinnati in Hamilton County, Ohio and Covington in Kenton County, Kentucky. The corridor forms a critical freight route connecting Canada to Florida, carrying more than \$1 billion of freight every day and more than \$400 billion of freight every year. The project will:

- Reconstruct I-71/I-75 and add one lane in each direction;
- Rebuild the overpass bridges and interchanges in the corridor and add a new exit at Ezzard Charles Drive in Ohio;
- Construct a collector-distributor (C-D) roadway system between West 12th Street/Martin Luther King (MLK) Jr. Boulevard in Kentucky and Ezzard Charles Drive in Ohio;
- Extend frontage roads connecting Pike Street to West 4th Street and West 5th Street in Kentucky;
- Add C-D lanes between Dixie Highway (US-25) and Kyles Lane (KY-1072) in Kentucky;
- Rehabilitate and reconfigure the existing double-decker BSB to carry three lanes of traffic on each deck as part of the C-D roadway system; and
- Build a new double-decker companion bridge west of the existing BSB to carry five lanes of through (interstate) traffic on each deck.

The project will also add sidewalks and shared-use paths on local streets that are parallel to or cross the interstate and incorporate aesthetic treatments throughout the corridor.

As you are aware, in accordance with the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was prepared for the Brent Spence Bridge (BSB) Corridor Project in the Commonwealth of Kentucky and the State of Ohio in March 2012. A Finding of No Significant Impact (FONSI) was approved by the Federal Highway Administration (FHWA) on August 9, 2012. More than three years have passed since the 2012 FONSI and subsequent reevaluations of its validity. Project refinements have also occurred in response to public comments and further study, though they remain within the project footprint and impacts evaluated in the 2012 EA/FONSI. A supplemental EA (SEA) is being prepared consistent with 23 CFR 771.129 and 771.130 and assesses revised regulatory requirements, changed site conditions, design refinements, impact changes, further environmental commitments (enhancements and mitigation), and additional NEPA reevaluation and coordination efforts that have occurred since the 2012 EA/FONSI. The supplemental EA is intended to provide an analysis of potential impacts of refined project activities that were not expressly included in the approved 2012 EA/FONSI. As part of the SEA, FHWA has requested the preparation of a Section 106 Programmatic Agreement (PA) to replace the two separate state specific Section 106 MOA's that were prepared as part of the 2012 EA approval. This new PA will allow for consistent application of the Section 106 process between the two states.

In anticipation of the Section 106 Consulting Party meeting, a brief project history is provided. Attached is a copy of the PA and a copy of the January 2023 Section 106 consultation between the Ohio Department of Transportation (ODOT) and Ohio's State Historic Preservation Office (SHPO).

- SHPO concurred the BSB project will have an "adverse effect" on the B&O Freight and Storage Building/Longworth Hall, listed in the National Register of Historic Places (NRHP) (2011).
- A Memorandum of Agreement (*Agreement No. 16829*) was executed to mitigate the adverse effect in Cincinnati, Ohio (2012, amended and renewed 2017 and 2022).
- A Memorandum of Agreement (*Item # 6-17.00*) was executed to mitigate the adverse effect in Covington, Kentucky (2012, revised 2023).
- Federal Highway Administration (FHWA) approved the Environmental Assessment (EA) and issued a Finding of No Significant Impact (FONSI) (2012) and Alternative I was identified as the selected alternative.
- Since the approval of the FONSI, Kentucky Transportation Cabinet (KYTC) and ODOT completed additional studies to update Selected Alternative I to reflect current design standards, traffic counts and traffic operations.
- These efforts resulted in refinements to Selected Alternative I, which have been designated as Concept I-W.
- KYTC and ODOT are completing a Supplemental EA (SEA) to reflect the refined alternative and to update impacts.
- The SEA efforts involve updating resource specific studies to reflect any changes in conditions that have occurred since they were originally prepared.
- A re-evaluation of effects to historic properties was initiated.
- SHPO concurred with the exception of the B&O Freight Terminal/Longworth Hall, no additional cultural resources listed in or eligible for listing in the NRHP would be adversely affected by the project (January 2023).
- In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA determined the mitigation of the adverse effects previously coordinated in two separate MOAs would be combined into one project-level Section 106 Programmatic Agreement (PA).
- In Ohio, the mitigation measures for the adverse effect to Longworth Hall from 2012 remain unchanged and are included in the draft PA.
- Since the PA is no longer an agreement document for the one adversely affected resource in Ohio (Longworth Hall), but now covers the entire undertaking, additional stipulations were added for Ohio from environmental commitments in the 2012 EA and the SEA. These stipulations relate to avoidance of known above ground resources and monitoring in areas with potential for archaeological resources.



The purpose of the upcoming Section 106 Consulting Party meeting is to discuss the PA and mitigation measures. The meeting will be conducted in person at the ODOT District 8 Headquarters (505 South State Route 741, Lebanon, Ohio). If you are unable to attend in person, you may join the meeting virtually. You may forward questions/comments to:

Keith Smith, P.E.  
District Environmental Coordinator  
[Keith.smith@dot.ohio.gov](mailto:Keith.smith@dot.ohio.gov)

Comments on the PA are requested by the close of business on August 30, 2023.

Thank you,

Keith Smith P.E.  
*District Environmental Coordinator*  
ODOT District 8  
505 S. SR 741, Lebanon, Ohio 45036  
513.933.6590  
[transportation.ohio.gov](http://transportation.ohio.gov)



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**From:** Schurman, Scott R (KYTC) <Scott.Schurman@ky.gov>  
**Sent:** Friday, August 4, 2023 11:29 AM  
**To:** Karl Lietzenmayer; Joseph Meyer; Kaitlin BRYAN; rebecca@rebeccaweber.com; brandon.holmes@covingtonky.gov  
**Cc:** Hans, Stacey D (KYTC-D06); Lechert, Stephanie E (KYTC); Peake, Danny R (KYTC); David Waldner; Davis, Daniel B (KYTC); Jodi Heflin; Valentine, Gary (KYTC); Shields, Carl R (KYTC)  
**Subject:** Brent Spence Consulting Party Update  
**Attachments:** 231261\_FHWA\_KYTC\_6-17\_Kenton\_Brent Spence Addendum Letter Final EDT.pdf (S) (1).pdf; 6-17\_rpt\_forms\_transmittal\_20230523\_01.pdf; PDF Final Draft Programmatic Agreement HAM-BSB 89068 7.5.2023.pdf; BSBRenewalReportAddendum\_Final\_5-11-23-1.pdf

Brent Spence Consulting Party Member:

There have been some recent developments with the Brent Spence Bridge (BSB) Project that has required us to reopen the consulting party process. The first item that you all need to be aware of is that the Federal Highway Administration (FHWA) has required us to restructure the current existing Kentucky MOA for our Adverse effect on the Lewisburg Historic District. Per FHWA's direction, the Kentucky MOA executed earlier this year is now being combined with Ohio's MOA that was developed to mitigate adverse impacts to historic resources in Ohio, into one overall bi-state Programmatic Agreement (PA) for the BSB project. What has occurred is that the Kentucky MOA has now been combined together with Ohio's MOA into one master bi-state PA for the project. It should be noted that mitigation measures that were in the 2023 Kentucky MOA have not changed and the substance of that MOA has not changed either. Attached is a copy of this PA for your review and comment.

The second item that needs to be discussed is the recent assessment of an individual property, the Standard Club (KECL-376), which is a eligible historic resource and contributing element to the Lewisburg Historic District. Current project plans require a strip of right of way to be acquired from this property and it was determined that the property was not originally assessed in the 2022 eligibility and effects report. An assessment of this property has been completed resulting in a No Adverse Effect determination on the Standard Club property. In a letter dated June 7, 2023, Kentucky SHPO concurred with the No Adverse Effect finding on the Standard Club property. Attached for your review and comment are documents related to the assessment and effects determination for this property.

The final item that needs to be brought to your attention is the need for us to have another BSB Consulting Party Meeting. At this meeting we would like to provide you the opportunity to discuss any comments that you may have regarding the new bi-state PA or any comments that you may have regarding the Standard Club effects assessment, determination, and findings. We are looking at having that meeting sometime the week of August 14<sup>th</sup> and plan to hold the meeting virtually using ZOOM format just as our previous meeting. A meeting invite will be sent to you in the near future. In the meantime, if you have any questions or comments regarding these issues please feel free to contact me. Thank you for your consideration and time.

Scott

**Scott R. Schurman**  
Environmental Scientist Consultant  
Kentucky Transportation Cabinet  
Office: 502 782 -5031

# SECTION 106 CONSULTING PARTY MEETING: THE BRENT SPENCE BRIDGE CORRIDOR PROJECT (PID 89068)

Ohio Department of Transportation  
District 8 Office  
9 August 2023


1 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio



1

## WHY ARE WE HERE?

As a Section 106 Consulting Party, you are provided an opportunity to participate in the process.



4 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio



4

## HISTORY

- o Brent Spence Bridge original Environmental Assessment/Finding of No Significant Impact - 2012
- o Adverse effect to B&O Freight Terminal/Longworth Hall
  - o MOA Executed 2012, revised in 2017 and 2022



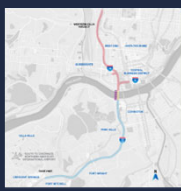

2 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio




2

## WHY ARE WE HERE?

- o During the SEA development, FHWA and ACHP determined ODOT and KYTC should combine separate state MOAs into one project-wide Programmatic Agreement.

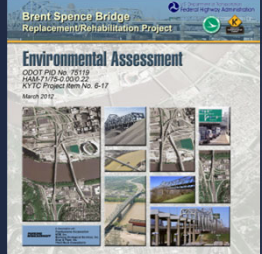
5 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio




5

## HISTORY

- o EA/FONSI re-evaluated in 2015 and 2018
- o Supplemental EA (SEA) being prepared now
  - o No additional impacts to cultural resources in Ohio




3 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio




3

## WHY ARE WE HERE?

- o Purpose of PA:
  - o Combine all Section 106 impacts into one agreement document for undertaking
  - o Bring project status up-to-date from original documentation
  - o Update administrative language to current FHWA/ACHP standards



6 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio




6

**WHY ARE WE HERE?**

- o Draft PA sent for your review
- o Changes from Ohio MOA:
  - o Inclusion of Kentucky's portion and signatories
  - o Whereas statements clarifying roles and responsibilities, how we got to where we are, and work that has been completed
  - o Mitigation measures for adverse effects to Longworth Hall have remained the same as those agreed to in the 2012 MOA (and its amendments) with one exception:
    - o III.A.2.a.iii—Contracting Methods—ODOT will hold and manage contracts


7 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio




7

**NEXT STEPS**

- o Comments on PA are due by August 30, 2023. Please submit to Keith Smith: [Keith.smith@dot.ohio.gov](mailto:Keith.smith@dot.ohio.gov)
- o ODOT will address comments and circulate final PA for signature to all parties in late September.



10 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio




10

**WHY ARE WE HERE?**

- o Changes (cont.)
  - o Addition of stipulations that were not part of the MOA because they are not Adverse Effects but are included in the SEA as environmental commitments.
    - o Avoidance of Cincinnati Subway Tunnels and Portals
    - o Monitor and/or review of soil and geotechnical borings in the Ohio River bottom area by an archaeologist or geoarchaeologist to determine if buried archaeological deposits and/or undisturbed original landforms are present. If so, a testing strategy will be designed and implemented.
    - o Previously agreed to in the Section 106 process

8 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio



8

**QUESTIONS**



11 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio

*Last updated 8/16/2023*



11

**DISCUSSION**



9 | Brent Spence Bridge Section 106 Consulting Party Meeting Ohio



9

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**From:** Schurman, Scott R (KYTC) <Scott.Schurman@ky.gov>  
**Sent:** Thursday, August 10, 2023 7:26 AM  
**To:** Karl Lietzenmayer; Kaitlin BRYAN; rebecca@rebeccaweber.com; brandon.holmes@covingtonky.gov; Joseph Meyer; Hans, Stacey D (KYTC-D06); Peake, Danny R (KYTC); Lechert, Stephanie E (KYTC); Valentine, Gary (KYTC); Davis, Daniel B (KYTC); Shields, Carl R (KYTC); Potts, Craig A (Heritage Council); Konkol, Nicole N (Heritage Council); John.Ballantyne@dot.gov; Diop, Mour (FHWA)  
**Cc:** Hill, Timothy; Hoffman, Larry; Keith.Smith; Jodi Heflin; Spinosa, Stefan; David Waldner; Janie-Rice Brother (JBrother@palmernet.com)  
**Subject:** Kentucky Brent Spence Bridge Consulting Party Meeting

Brent Spence Consulting Party Member:

We will be having another Brent Spence Bridge (BSB) Project Consulting Party Meeting next Thursday August 17<sup>th</sup> beginning at 7:00 p.m. The meeting will be held virtually using Zoom format. You can register for the meeting using the link below.

<http://palmernet.com/bsbproject/>

Agenda items will include the review and discussion of any comments that you may have regarding the draft bi-state Programmatic Agreement (PA) for the BSB project. Also, we will discuss the recent assessment and determination of effect findings for the Standard Club (KECL-376), an eligible historic resource and contributing element to the Lewisburg Historic District. We look forward to meeting with you next week. If you have any questions, or have any issues with registration, please feel free to contact me.

Scott

**Scott R. Schurman**  
Environmental Scientist Consultant  
Kentucky Transportation Cabinet  
Office: 502 782 -5031  
scott.schurman@ky.gov

# Registration

## BRENT SPENCE BRIDGE CORRIDOR



On-Line Consulting Party Meeting  
August 17, 2023, 7:00 – 9:00 pm

Welcome to the Registration Page for the upcoming Consulting Party Meeting for the Brent Spence Bridge Corridor Project. The project is intended to improve the operational characteristics within the I-71/I-75 corridor for both local and through traffic in the Greater Cincinnati/Northern Kentucky region. The I-71/I-75 corridor suffers from congestion and safety-related issues as a result of inadequate capacity to accommodate current traffic demand.

The environmental effects of the project, including effects to historic properties, were evaluated and documented in an Environmental Assessment (EA) approved in 2012. A detailed survey of historic properties and consideration of the project's effects was prepared during that review. A Memorandum of Agreement (MOA) was signed in 2012 that specified commitments to mitigate adverse effects to historic properties. This MOA was listed as an environmental commitment in the Findings of No Significant Impact (FONSI) that was approved by the Federal Highway Administration in August of 2012. Currently, a Supplemental Environmental Assessment (SEA) is being conducted to update the project's originally approved EA/FONSI.

Since the Consulting Parties were last convened on March 9, 2023, Kentucky and Ohio have worked cooperatively to develop a Draft Programmatic Agreement that addresses impacts and mitigation for historic property impacts of the project in a single document, rather than having separate Memoranda of Agreement for each state. A copy of the draft document has been provided to the Consulting Parties for review and comment. In addition, KYTC has also recently completed an assessment of the Standard Club property in the Lewisburg Historic District and determined that the strip taking necessary for the project will result in No Adverse Effect. Consulting Parties are invited to attend the scheduled Consulting Party Meeting to discuss the Draft PA and results of the assessment of the Standard Club property, ask questions, and provide input regarding these matters.

The meeting will be conducted on-line using a Zoom platform. A presentation will be made beginning at 7:00 p.m. followed by a Discussion/Question/Answer Session. Kentucky Transportation Cabinet (KYTC) officials will be participating in the meeting to hear Consulting Party input and answer questions about the project and Draft PA. Presumably, you are visiting this site in response to a recent email that you received from the KYTC. Only persons who are approved as Consulting Parties are being invited to participate in the meeting. Registration is required in order to join the meeting. Registrants will be provided with a link to meeting materials and instructions for how to join the meeting. To register for the meeting, click the link below. We look forward to seeing you at the meeting!

[Click Here to Register](#)





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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

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 Governor Johnson:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. 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. The FHWA, in cooperation with Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC), are preparing a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA) for Refined Alternative I (Concept I-W).

A notification to initiate consultation for the undertaking was transmitted on November 21, 2022, to provide information on the project as well as an invitation to meet with FHWA and project representatives and receive additional information; this invitation also expressed FHWA's interest in receiving tribal views regarding the project location and potential to affect properties of religious and cultural significance. This notification intends to continue consultation and provide an update on the progress of the undertaking.

The supplemental EA (SEA) being prepared assesses revised regulatory requirements, changed site conditions, design refinements, impact changes, further environmental commitments (enhancements and mitigation), and additional NEPA reevaluation and coordination efforts that have occurred since the 2012 EA/FONSI. The supplemental EA is intended to provide an

analysis of potential impacts of refined project activities that were not expressly included in the approved 2012 EA/FONSI. The previous evaluation concluded that the undertaking would result in Adverse Effects to historic properties, including the B&O Freight Terminal/Longworth Hall, in Ohio, and the Lewisburg Historic District, in Kentucky; resolution of adverse effects to these properties were provided for in a Memorandum of Agreement (MOA) executed in each state. As part of the SEA effort, a re-evaluation of effects to historic properties was initiated. The re-evaluation concluded that no additional historic properties would be adversely affected by the undertaking.

In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA has requested the preparation of a Section 106 Programmatic Agreement (PA) to replace the two separate state-specific Section 106 MOAs that were prepared as part of the 2012 EA approval. This new PA will allow for consistent application of the Section 106 process between the two states, includes the previously agreed-upon mitigation measures for the resolution of adverse effects to historic properties in Kentucky and Ohio, and provides stipulations which are environmental commitments for the design-build phase of the project, including avoidance of known above ground historic resources and monitoring in areas with potential for archaeological resources, including during geotechnical boring in the Ohio River. In addition, provisions are included for post-review and unanticipated discoveries and the treatment of human remains.

Updated studies completed relating to cultural resources are summarized for each state below. Copies of the reports related to these studies are being provided for further detail and reference in the links in the supporting email for this transmittal.

- **Kentucky.** 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 have been 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; however, 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). A stipulation to complete this work is provided in the PA.
- **Ohio.** 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 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. A stipulation to complete this work is provided in the PA.

FHWA invites you to review the enclosed PA and provide any comments, questions, or concerns on this document. We respectfully request a response within 30 days of receipt of this letter.

Please contact us or ODOT with any questions, requests for additional information, or any views you may wish to share on the project and its potential to affect properties of religious and cultural significance to your tribe. 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](mailto:pamela.baughman@dot.gov) or (614) 280-6835. The ODOT Tribal Liaison is Jason Watkins, who can be reached at [Jason.watkins@dot.ohio.gov](mailto:Jason.watkins@dot.ohio.gov) or (614) 466-5105.

Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Cherokee Nation  
P.O. Box 948  
Tahlequah, OK 74465-0948

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

Dear Principal Chief Hoskin:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. 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. The FHWA, in cooperation with Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC), are preparing a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA) for Refined Alternative I (Concept I-W).

A notification to initiate consultation for the undertaking was transmitted on November 21, 2022, to provide information on the project as well as an invitation to meet with FHWA and project representatives and receive additional information; this invitation also expressed FHWA's interest in receiving tribal views regarding the project location and potential to affect properties of religious and cultural significance. A letter was received from your tribe on December 19, 2022. This notification intends to continue consultation and provide an update on the progress of the undertaking.

The supplemental EA (SEA) being prepared assesses revised regulatory requirements, changed site conditions, design refinements, impact changes, further environmental commitments (enhancements and mitigation), and additional NEPA reevaluation and coordination efforts that

have occurred since the 2012 EA/FONSI. The supplemental EA is intended to provide an analysis of potential impacts of refined project activities that were not expressly included in the approved 2012 EA/FONSI. The previous evaluation concluded that the undertaking would result in Adverse Effects to historic properties, including the B&O Freight Terminal/Longworth Hall, in Ohio, and the Lewisburg Historic District, in Kentucky; resolution of adverse effects to these properties were provided for in a Memorandum of Agreement (MOA) executed in each state. As part of the SEA effort, a re-evaluation of effects to historic properties was initiated. The re-evaluation concluded that no additional historic properties would be adversely affected by the undertaking.

In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA has requested the preparation of a Section 106 Programmatic Agreement (PA) to replace the two separate state-specific Section 106 MOAs that were prepared as part of the 2012 EA approval. This new PA will allow for consistent application of the Section 106 process between the two states, includes the previously agreed-upon mitigation measures for the resolution of adverse effects to historic properties in Kentucky and Ohio, and provides stipulations which are environmental commitments for the design-build phase of the project, including avoidance of known above ground historic resources and monitoring in areas with potential for archaeological resources, including during geotechnical boring in the Ohio River. In addition, provisions are included for post-review and unanticipated discoveries and the treatment of human remains.

Updated studies completed relating to cultural resources are summarized for each state below. Copies of the reports related to these studies are being provided for further detail and reference in the links in the supporting email for this transmittal.

- **Kentucky.** 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 have been 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; however, 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). A stipulation to complete this work is provided in the PA.
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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 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. A stipulation to complete this work is provided in the PA.

FHWA invites you to review the enclosed PA and provide any comments, questions, or concerns on this document. We respectfully request a response within 30 days of receipt of this letter.

Please contact us or ODOT with any questions, requests for additional information, or any views you may wish to share on the project and its potential to affect properties of religious and cultural significance to your tribe. 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](mailto:pamela.baughman@dot.gov) or (614) 280-6835. The ODOT Tribal Liaison is Jason Watkins, who can be reached at [Jason.watkins@dot.ohio.gov](mailto:Jason.watkins@dot.ohio.gov) or (614) 466-5105.

Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Delaware Tribe of Indians  
5100 Tuxedo Boulevard  
Bartlesville, OK 74006

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

Dear Chief KillsCrow:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. Additional information on the Project is available on the project website: <https://brentspencebridgecorridor.com/>.

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analysis of potential impacts of refined project activities that were not expressly included in the approved 2012 EA/FONSI. The previous evaluation concluded that the undertaking would result in Adverse Effects to historic properties, including the B&O Freight Terminal/Longworth Hall, in Ohio, and the Lewisburg Historic District, in Kentucky; resolution of adverse effects to these properties were provided for in a Memorandum of Agreement (MOA) executed in each state. As part of the SEA effort, a re-evaluation of effects to historic properties was initiated. The re-evaluation concluded that no additional historic properties would be adversely affected by the undertaking.

In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA has requested the preparation of a Section 106 Programmatic Agreement (PA) to replace the two separate state-specific Section 106 MOAs that were prepared as part of the 2012 EA approval. This new PA will allow for consistent application of the Section 106 process between the two states, includes the previously agreed-upon mitigation measures for the resolution of adverse effects to historic properties in Kentucky and Ohio, and provides stipulations which are environmental commitments for the design-build phase of the project, including avoidance of known above ground historic resources and monitoring in areas with potential for archaeological resources, including during geotechnical boring in the Ohio River. In addition, provisions are included for post-review and unanticipated discoveries and the treatment of human remains.

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- **Kentucky.** 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 have been 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; however, 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). A stipulation to complete this work is provided in the PA.
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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 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. A stipulation to complete this work is provided in the PA.

FHWA invites you to review the enclosed PA and provide any comments, questions, or concerns on this document. We respectfully request a response within 30 days of receipt of this letter.

Please contact us or ODOT with any questions, requests for additional information, or any views you may wish to share on the project and its potential to affect properties of religious and cultural significance to your tribe. 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](mailto:pamela.baughman@dot.gov) or (614) 280-6835. The ODOT Tribal Liaison is Jason Watkins, who can be reached at [Jason.watkins@dot.ohio.gov](mailto:Jason.watkins@dot.ohio.gov) or (614) 466-5105.

Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Eastern Band of Cherokee Indians  
P.O. Box 455  
Cherokee, NC 28719

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

Dear Principal Chief Sneed:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. 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. The FHWA, in cooperation with Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC), are preparing a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA) for Refined Alternative I (Concept I-W).

A notification to initiate consultation for the undertaking was transmitted on November 21, 2022, to provide information on the project as well as an invitation to meet with FHWA and project representatives and receive additional information; this invitation also expressed FHWA's interest in receiving tribal views regarding the project location and potential to affect properties of religious and cultural significance. This notification intends to continue consultation and provide an update on the progress of the undertaking.

The supplemental EA (SEA) being prepared assesses revised regulatory requirements, changed site conditions, design refinements, impact changes, further environmental commitments (enhancements and mitigation), and additional NEPA reevaluation and coordination efforts that have occurred since the 2012 EA/FONSI. The supplemental EA is intended to provide an



analysis of potential impacts of refined project activities that were not expressly included in the approved 2012 EA/FONSI. The previous evaluation concluded that the undertaking would result in Adverse Effects to historic properties, including the B&O Freight Terminal/Longworth Hall, in Ohio, and the Lewisburg Historic District, in Kentucky; resolution of adverse effects to these properties were provided for in a Memorandum of Agreement (MOA) executed in each state. As part of the SEA effort, a re-evaluation of effects to historic properties was initiated. The re-evaluation concluded that no additional historic properties would be adversely affected by the undertaking.

In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA has requested the preparation of a Section 106 Programmatic Agreement (PA) to replace the two separate state-specific Section 106 MOAs that were prepared as part of the 2012 EA approval. This new PA will allow for consistent application of the Section 106 process between the two states, includes the previously agreed-upon mitigation measures for the resolution of adverse effects to historic properties in Kentucky and Ohio, and provides stipulations which are environmental commitments for the design-build phase of the project, including avoidance of known above ground historic resources and monitoring in areas with potential for archaeological resources, including during geotechnical boring in the Ohio River. In addition, provisions are included for post-review and unanticipated discoveries and the treatment of human remains.

Updated studies completed relating to cultural resources are summarized for each state below. Copies of the reports related to these studies are being provided for further detail and reference in the links in the supporting email for this transmittal.

- **Kentucky.** 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 have been 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; however, 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). A stipulation to complete this work is provided in the PA.
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Please contact us or ODOT with any questions, requests for additional information, or any views you may wish to share on the project and its potential to affect properties of religious and cultural significance to your tribe. 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](mailto:pamela.baughman@dot.gov) or (614) 280-6835. The ODOT Tribal Liaison is Jason Watkins, who can be reached at [Jason.watkins@dot.ohio.gov](mailto:Jason.watkins@dot.ohio.gov) or (614) 466-5105.

Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Eastern Shawnee Tribe of Oklahoma  
70500 East 128th Road  
Wyandotte, OK 74370

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

Dear Chief Wallace:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. 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. The FHWA, in cooperation with Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC), are preparing a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA) for Refined Alternative I (Concept I-W).

A notification to initiate consultation for the undertaking was transmitted on November 21, 2022, to provide information on the project as well as an invitation to meet with FHWA and project representatives and receive additional information; this invitation also expressed FHWA's interest in receiving tribal views regarding the project location and potential to affect properties of religious and cultural significance. A letter was received from your tribe on December 29, 2022. This notification intends to continue consultation and provide an update on the progress of the undertaking.

The supplemental EA (SEA) being prepared assesses revised regulatory requirements, changed site conditions, design refinements, impact changes, further environmental commitments (enhancements and mitigation), and additional NEPA reevaluation and coordination efforts that

have occurred since the 2012 EA/FONSI. The supplemental EA is intended to provide an analysis of potential impacts of refined project activities that were not expressly included in the approved 2012 EA/FONSI. The previous evaluation concluded that the undertaking would result in Adverse Effects to historic properties, including the B&O Freight Terminal/Longworth Hall, in Ohio, and the Lewisburg Historic District, in Kentucky; resolution of adverse effects to these properties were provided for in a Memorandum of Agreement (MOA) executed in each state. As part of the SEA effort, a re-evaluation of effects to historic properties was initiated. The re-evaluation concluded that no additional historic properties would be adversely affected by the undertaking.

In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA has requested the preparation of a Section 106 Programmatic Agreement (PA) to replace the two separate state-specific Section 106 MOAs that were prepared as part of the 2012 EA approval. This new PA will allow for consistent application of the Section 106 process between the two states, includes the previously agreed-upon mitigation measures for the resolution of adverse effects to historic properties in Kentucky and Ohio, and provides stipulations which are environmental commitments for the design-build phase of the project, including avoidance of known above ground historic resources and monitoring in areas with potential for archaeological resources, including during geotechnical boring in the Ohio River. In addition, provisions are included for post-review and unanticipated discoveries and the treatment of human remains.

Updated studies completed relating to cultural resources are summarized for each state below. Copies of the reports related to these studies are being provided for further detail and reference in the links in the supporting email for this transmittal.

- **Kentucky.** 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 have been 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; however, 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). A stipulation to complete this work is provided in the PA.
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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 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. A stipulation to complete this work is provided in the PA.

FHWA invites you to review the enclosed PA and provide any comments, questions, or concerns on this document. We respectfully request a response within 30 days of receipt of this letter.

Please contact us or ODOT with any questions, requests for additional information, or any views you may wish to share on the project and its potential to affect properties of religious and cultural significance to your tribe. 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](mailto:pamela.baughman@dot.gov) or (614) 280-6835. The ODOT Tribal Liaison is Jason Watkins, who can be reached at [Jason.watkins@dot.ohio.gov](mailto:Jason.watkins@dot.ohio.gov) or (614) 466-5105.

Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Miami Tribe of Oklahoma  
P.O. Box 1326  
Miami, OK 74355

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

Dear Chief Lankford:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. Additional information on the Project is available on the project website: <https://brentspencebridgecorridor.com/>.

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Please contact us or ODOT with any questions, requests for additional information, or any views you may wish to share on the project and its potential to affect properties of religious and cultural significance to your tribe. 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](mailto:pamela.baughman@dot.gov) or (614) 280-6835. The ODOT Tribal Liaison is Jason Watkins, who can be reached at [Jason.watkins@dot.ohio.gov](mailto:Jason.watkins@dot.ohio.gov) or (614) 466-5105.

Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement





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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Osage Nation  
627 Grandview Avenue  
Pawhuska, OK 74056

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

Dear Chief Standing Bear:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. 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. The FHWA, in cooperation with Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC), are preparing a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA) for Refined Alternative I (Concept I-W).

A notification to initiate consultation for the undertaking was transmitted on November 21, 2022, to provide information on the project as well as an invitation to meet with FHWA and project representatives and receive additional information; this invitation also expressed FHWA's interest in receiving tribal views regarding the project location and potential to affect properties of religious and cultural significance. Correspondence on this project was received from your tribe on April 28, 2023, This notification intends to continue consultation and provide an update on the progress of the undertaking.

The supplemental EA (SEA) being prepared assesses revised regulatory requirements, changed site conditions, design refinements, impact changes, further environmental commitments (enhancements and mitigation), and additional NEPA reevaluation and coordination efforts that

have occurred since the 2012 EA/FONSI. The supplemental EA is intended to provide an analysis of potential impacts of refined project activities that were not expressly included in the approved 2012 EA/FONSI. The previous evaluation concluded that the undertaking would result in Adverse Effects to historic properties, including the B&O Freight Terminal/Longworth Hall, in Ohio, and the Lewisburg Historic District, in Kentucky; resolution of adverse effects to these properties were provided for in a Memorandum of Agreement (MOA) executed in each state. As part of the SEA effort, a re-evaluation of effects to historic properties was initiated. The re-evaluation concluded that no additional historic properties would be adversely affected by the undertaking.

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Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Peoria Tribe of Indians of Oklahoma  
P.O. Box 1527  
Miami, OK 74355

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

Dear Chief Harper:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. Additional information on the Project is available on the project website: <https://brentspencebridgecorridor.com/>.

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Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Pokagon Band of Potawatomi  
P.O. Box 180  
Dowagiac, MI 49047

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

Dear Chairperson Richards:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. Additional information on the Project is available on the project website: <https://brentspencebridgecorridor.com/>.

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Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Seneca Nation of Indians  
82 W Hetzel St.  
Salamanca, NY 14779

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

Dear President Pagels:

The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. Additional information on the Project is available on the project website: <https://brentspencebridgecorridor.com/>.

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Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

The Shawnee Tribe  
P.O. Box 189  
Miami, OK 74354

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

Dear Chief Barnes:

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Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

United Keetoowah Band of Cherokee Indians  
P.O. Box 746  
Tahlequah, OK 74465

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

Dear Chief Bunch:

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Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement



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

**Ohio Division**  
August 15, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Wyandotte Nation  
64790 E. Hwy 60  
Wyandotte, OK 74370

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

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The Federal Highway Administration (FHWA), Kentucky and Ohio Divisions, would like to continue consultation 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. 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. The FHWA, in cooperation with Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC), are preparing a Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act (NEPA) for Refined Alternative I (Concept I-W).

A notification to initiate consultation for the undertaking was transmitted on November 21, 2022, to provide information on the project as well as an invitation to meet with FHWA and project representatives and receive additional information; this invitation also expressed FHWA's interest in receiving tribal views regarding the project location and potential to affect properties of religious and cultural significance. This notification intends to continue consultation and provide an update on the progress of the undertaking.

The supplemental EA (SEA) being prepared assesses revised regulatory requirements, changed site conditions, design refinements, impact changes, further environmental commitments (enhancements and mitigation), and additional NEPA reevaluation and coordination efforts that have occurred since the 2012 EA/FONSI. The supplemental EA is intended to provide an

analysis of potential impacts of refined project activities that were not expressly included in the approved 2012 EA/FONSI. The previous evaluation concluded that the undertaking would result in Adverse Effects to historic properties, including the B&O Freight Terminal/Longworth Hall, in Ohio, and the Lewisburg Historic District, in Kentucky; resolution of adverse effects to these properties were provided for in a Memorandum of Agreement (MOA) executed in each state. As part of the SEA effort, a re-evaluation of effects to historic properties was initiated. The re-evaluation concluded that no additional historic properties would be adversely affected by the undertaking.

In consultation with the Advisory Council on Historic Preservation (ACHP), FHWA has requested the preparation of a Section 106 Programmatic Agreement (PA) to replace the two separate state-specific Section 106 MOAs that were prepared as part of the 2012 EA approval. This new PA will allow for consistent application of the Section 106 process between the two states, includes the previously agreed-upon mitigation measures for the resolution of adverse effects to historic properties in Kentucky and Ohio, and provides stipulations which are environmental commitments for the design-build phase of the project, including avoidance of known above ground historic resources and monitoring in areas with potential for archaeological resources, including during geotechnical boring in the Ohio River. In addition, provisions are included for post-review and unanticipated discoveries and the treatment of human remains.

Updated studies completed relating to cultural resources are summarized for each state below. Copies of the reports related to these studies are being provided for further detail and reference in the links in the supporting email for this transmittal.

- **Kentucky.** 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 have been 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; however, 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). A stipulation to complete this work is provided in the PA.
- **Ohio.** 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 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. A stipulation to complete this work is provided in the PA.

FHWA invites you to review the enclosed PA and provide any comments, questions, or concerns on this document. We respectfully request a response within 30 days of receipt of this letter.

Please contact us or ODOT with any questions, requests for additional information, or any views you may wish to share on the project and its potential to affect properties of religious and cultural significance to your tribe. 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](mailto:pamela.baughman@dot.gov) or (614) 280-6835. The ODOT Tribal Liaison is Jason Watkins, who can be reached at [Jason.watkins@dot.ohio.gov](mailto:Jason.watkins@dot.ohio.gov) or (614) 466-5105.

Sincerely,

For: Eric Ross  
Acting Division Administrator

Enclosure(s):  
Programmatic Agreement

---

**From:** Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>

**Sent:** Tuesday, August 15, 2023 8:08 AM

**To:** e106@achp.gov

**Cc:** mranslow@achp.gov; Clarke, David (FHWA) <david.clarke@dot.gov>; John.Ballantyne@dot.gov; Diop, Mour (FHWA) <mour.diop@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>; Jeter, Todd (FHWA) <Todd.Jeter@dot.gov>; Hans, Stacey D (KYTC) <Stacey.hans@ky.gov>; Tim Hill (Tim.Hill@dot.ohio.gov) <Tim.Hill@dot.ohio.gov>

**Subject:** Section 106 Programmatic Agreement for FHWA BSBCP in Ohio and Kentucky

Good morning,

Please find attached a copy of the e-106 form and draft Programmatic Agreement for FHWA's Brent Spence Bridge Corridor Project in Ohio and Kentucky.

Please let us know if you have any questions or need any further information to process this notification.

Thanks,  
Pam



**Pamela Baughman**

U.S. DOT | FHWA Ohio Division  
Environmental Program Manager  
200 North High St, Room 328  
Columbus, OH 43215  
(614) 280-6835  
[Pamela.Baughman@dot.gov](mailto:Pamela.Baughman@dot.gov)  
<https://www.fhwa.dot.gov/ohdiv/>



**Advisory Council on Historic Preservation  
Electronic Section 106 Documentation Submittal System (e106) Form  
MS Word format**

**Send to: *e106@achp.gov***

**Please review the instructions at [www.achp.gov/e106-email-form](http://www.achp.gov/e106-email-form) prior to completing this form. Questions about whether to use the e106 form should be directed to the assigned ACHP staff member in the Office of Federal Agency Programs.**

**I. Basic information**

**1. Purpose of notification.** Indicate whether this documentation is to:

- Notify the ACHP of a finding that an undertaking may adversely affect historic properties
- Invite the ACHP to participate in a Section 106 consultation
- Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)
- Supply additional documentation for a case already entered into the ACHP record system
- File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)
- Other, please describe  
[Click here to enter text.](#)

**2. ACHP Project Number** (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below): [Click here to enter text.](#)

**3. Name of federal agency** (If multiple agencies, list them all and indicate whether one is the lead agency):

Federal Highway Administration

**4. Name of undertaking/project** (Include project/permit/application number if applicable):

Brent Spence Bridge Corridor Project

**5. Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

the Brent Spence Bridge, carrying I-71/I-75 over the Ohio River in the cities of Cincinnati and Covington, Hamilton County, Ohio and Kenton County Kentucky; there are no tribal lands within the corridor.

**6. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:**

Pamela Baughman, Environmental Program Manager, FHWA Ohio Division,  
[pamela.baughman@dot.gov](mailto:pamela.baughman@dot.gov), 614-280-6835

**II. Information on the Undertaking\***

**7. Describe the undertaking and nature of federal involvement** (if multiple federal agencies are involved, specify involvement of each):

The Ohio and Kentucky Divisions of the FHWA in cooperation with ODOT and KYTC are continuing National Environmental Policy Act (NEPA) coordination through the preparation of a Supplemental Environmental Assessment (SEA) and updating Section 106 documentation for the project undertaking described as consisting 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. The project was previously evaluated under NEPA, and since a FONSI in 2012 and re-evaluations in 2015 and 2018, ODOT and KYTC have refined the selected Alternative I, now referred to as Concept I-W. Under NEPA, Cooperating Agencies involved include the USACE (for 404/10 permitting and 408), USCG (Section 9), USEPA, and USFWS. Participating Agencies include FEMA, HUD, FTA, and NPS. USACE and USCG have agreed that FHWA is the lead agency for the purposes of Section 106.

**8. Describe the Area of Potential Effects (APE):**

FHWA has established and updated the Area of Potential Effects (APE) for the project as shown in Exhibit 1 of the attached PA, 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.

**9. Describe steps taken to identify historic properties:**

Please see attached draft PA which details previous identification efforts associated with the undertaking.

**10. Describe the historic property** (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

Please see attached PA which describes historic properties in more detail, in addition to next question.

**11. Describe the undertaking's effects on historic properties:**

FHWA has 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.



**12. Explain how this undertaking would adversely affect historic properties** (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

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).*

Based on consultation with the Advisory Council on Historic Preservation (ACHP), the mitigation of the adverse effects of the undertaking on historic properties, previously coordinated in the aforementioned separate MOAs, are being combined into one project-level Section 106 Programmatic Agreement (PA), the draft of which is attached to this form. The PA reflects efforts at avoidance and minimization of effects to identified historic properties, as well as mitigation proposed for the adverse effects to the B&O Freight and Storage Building/Longworth Hall and the Lewisburg Historic District. In addition, the PA stipulates that while the project may be implemented in construction phases, yet to be fully defined, the PA reflects evaluation of the entire defined Project, and includes certain commitments for avoidance of above-ground resources, archaeological monitoring, and phased identification of inaccessible below-ground resources during the design-build process.

**13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public**, including any correspondence from the SHPO and/or THPO.

Please see attached PA which describes consulting party coordination as well as correspondence from SHPOs and THPOs. In general, FHWA has initiated consultation with Ohio's State Historic Preservation Office (OH SHPO) and the Kentucky State Historic Preservation Office (KY SHPO) on the prior studies and agreement documents, as well as the development of this PA. FHWA has also 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).

FHWA sent a Section 106 consultation letter describing the Project, the archaeological investigations completed, and additional planned investigations on November 21, 2022 (Exhibit 2) to federally recognized Indian Tribes, including 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; responses from tribes, including the Miami Tribe of Oklahoma, Cherokee Nation, Eastern Shawnee Tribe, and the Osage Nation, are provided in Exhibit 2; comments from tribes have expressed no objection to the project. A follow-up notification regarding the PA development is being sent to tribes as an additional update.

Lastly, FHWA 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, including most recently at meetings to discuss the development of the PA; the City of Covington is an Invited Signatory to this PA and the Consulting Parties are invited to sign this PA as Concurring Parties.

### III. Additional Information

**14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation.** Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP's review response.

The ACHP declined previous participation in consultation on this project when the project was proceeding under the two separate MOAs, and the PA allows for more consistent application of the Section 106 process between the two states. A list of consulting parties is included in the attached PA, Exhibit 2. No unresolved concerns or issues have been identified for the development of this PA as previously represented in the coordination of the MOAs. Additional stipulations have been added to the PA which represent environmental commitments from the 2012 EA and SEA. Consulting party coordination, including tribal notification, is ongoing but any new comments or project developments, including the potential full acquisition of the B&O Freight and Storage Building/Longworth Hall, will be reflected in a revised PA document as needed prior to final signatures.

**15 Does your agency have a website or website link where the interested public can find out about this project and/or provide comments?** Please provide relevant links:

Project information is available at <http://www.brentspencebridgecorridor.com/>.

**16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard?** If so, please provide the link:

Yes, this project is listed on the dashboard but its schedule of completion for the Supplemental EA and subsequent permitting will be updated. The link to the dashboard can be found here: [Brent Spence Bridge Corridor Project | Permitting Dashboard \(performance.gov\)](https://www.performance.gov/projects/brent-spence-bridge-corridor-project-permitting-dashboard).

**The following are attached to this form** (check all that apply):

- Section 106 consultation correspondence
- Maps, photographs, drawings, and/or plans
- Additional historic property information
- Consulting party list with known contact information
- Other: Draft Programmatic Agreement containing the above listed supporting material.



August 30, 2023

Pamela Baughman  
Environmental Program Manager  
U.S. DOT | FHWA Ohio Division  
200 North High St, Room 328  
Columbus, OH 43215

Ref: *Brent Spence Bridge Corridor Project*  
*Cities of Cincinnati and Covington, Hamilton County, Ohio and Kenton County Kentucky*  
*ACHP Project Number: 019924*

Dear Ms. Baughman:

On August 15, 2023, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential 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 you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the Kentucky and Ohio State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

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

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Mandy Ranslow at (202) 517-0218 or by e-mail at [mranslow@achp.gov](mailto:mranslow@achp.gov) and reference the ACHP Project Number above.

Sincerely,

Artisha Thompson  
Historic Preservation Technician  
Office of Federal Agency Programs

**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 19<sup>th</sup> 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](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  
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Eric Ross  
Federal Highway  
Administration Ohio  
Division  
200 North High Street, Room 328  
Columbus, Ohio 43215  
(614) 280-6879  
[Eric.Ross@dot.gov](mailto: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

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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](mailto: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. 17<sup>th</sup> Avenue

Columbus, Ohio 43211

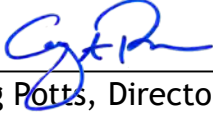
614-298-2000

[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)



SIGNATORY PARTY:

**KENTUCKY HERITAGE COUNCIL**



10/4/2023

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Craig Potts, Director and State Historic Preservation Officer

Date

Kentucky Heritage Council

The Barstow House

410 High Street

Frankfort, KY 40601

(502)892-3601

[craig.potts@ky.gov](mailto:craig.potts@ky.gov)

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](mailto:Jack.Marchbanks@dot.ohio.gov)

9/21/2023

Date

SIGNATORY PARTY:

**KENTUCKY TRANSPORTATION CABINET**

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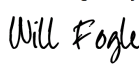
9/22/2023

**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](mailto:KYTC.OfficeoftheSecretary@ky.gov)

**APPROVED AS TO FORM AND LEGALITY**  
**KENTUCKY TRANSPORTATION**  
**CABINET**

DocuSigned by:  
  
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9/21/2023

General Counsel

Date

INVITED SIGNATORY:

CITY OF COVINGTON

*Joseph U. Meyer*

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contractworks.

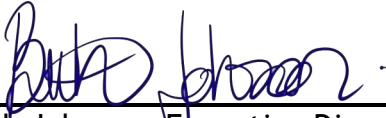
10/17/2023

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

Date

CONCURRING PARTY:



9/29/23

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Beth Johnson, Executive Director  
Cincinnati Preservation Association  
[Beth.Johnson@cincinnati-preservation.org](mailto:Beth.Johnson@cincinnati-preservation.org)

Date

CONCURRING PARTY:

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Michael Schweitzer  
Longworth Hall  
[mschweitzer@me.com](mailto: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](mailto:Gregory.Johnson@cintimha.com)

Date



CONCURRING PARTY:

---

Jason Barron, Director  
Cincinnati Park Board  
[Jason.Barron@cincinnati-oh.gov](mailto: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**

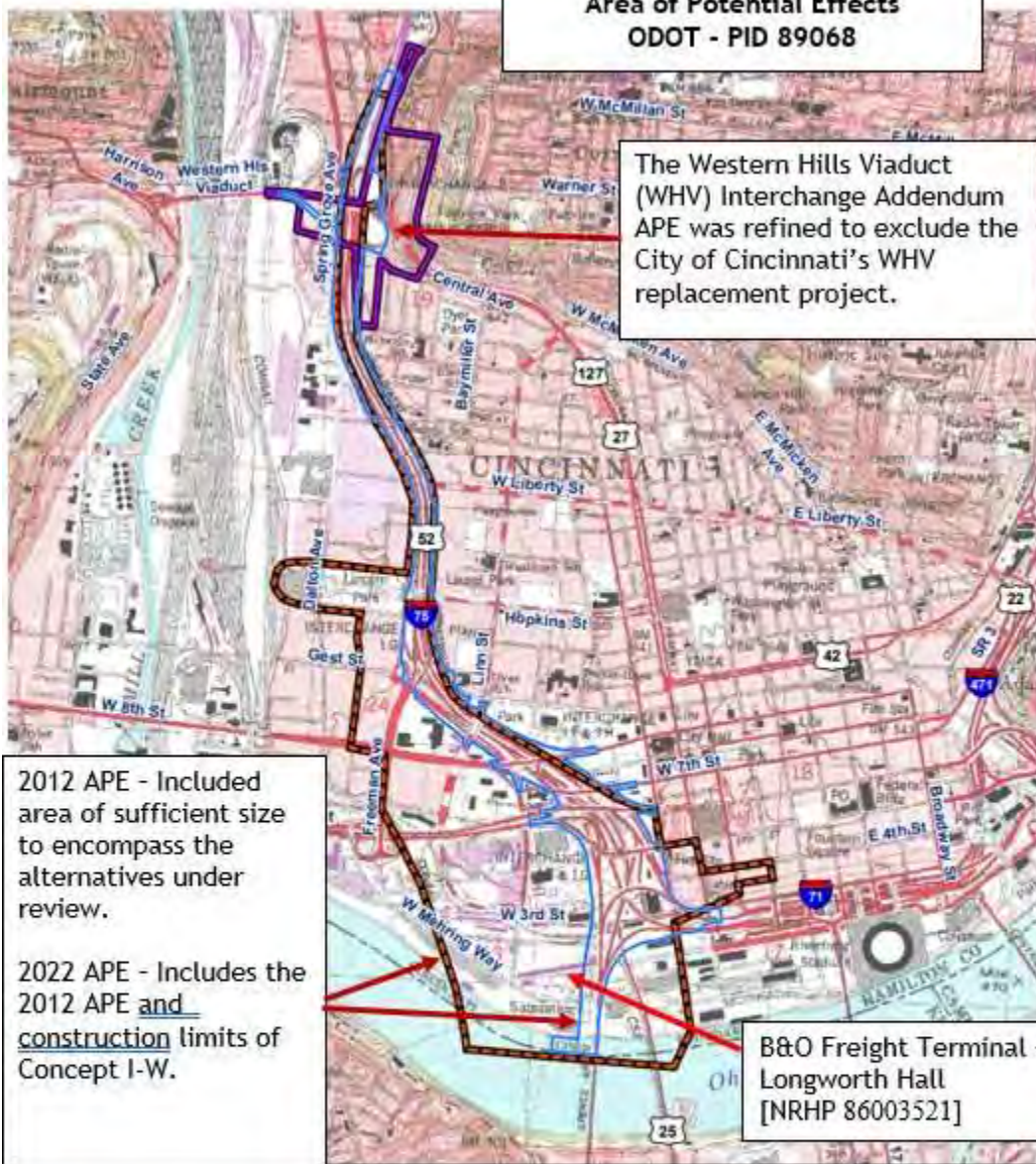
**Exhibit 1 - Area of Potential Effects**

**Exhibit 2 - Section 106 Consulting Parties**

**Exhibit 3 -List of Contacts**

**EXHIBIT 1**  
**Area of Potential Effects**  
**ODOT - PID 89068**

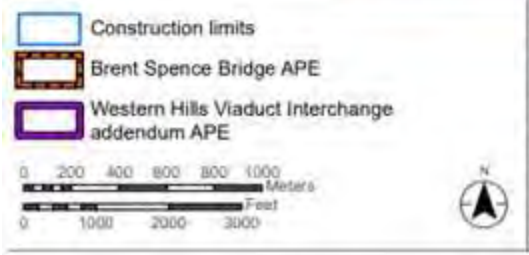
The Western Hills Viaduct (WHV) Interchange Addendum APE was refined to exclude the City of Cincinnati's WHV replacement project.



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

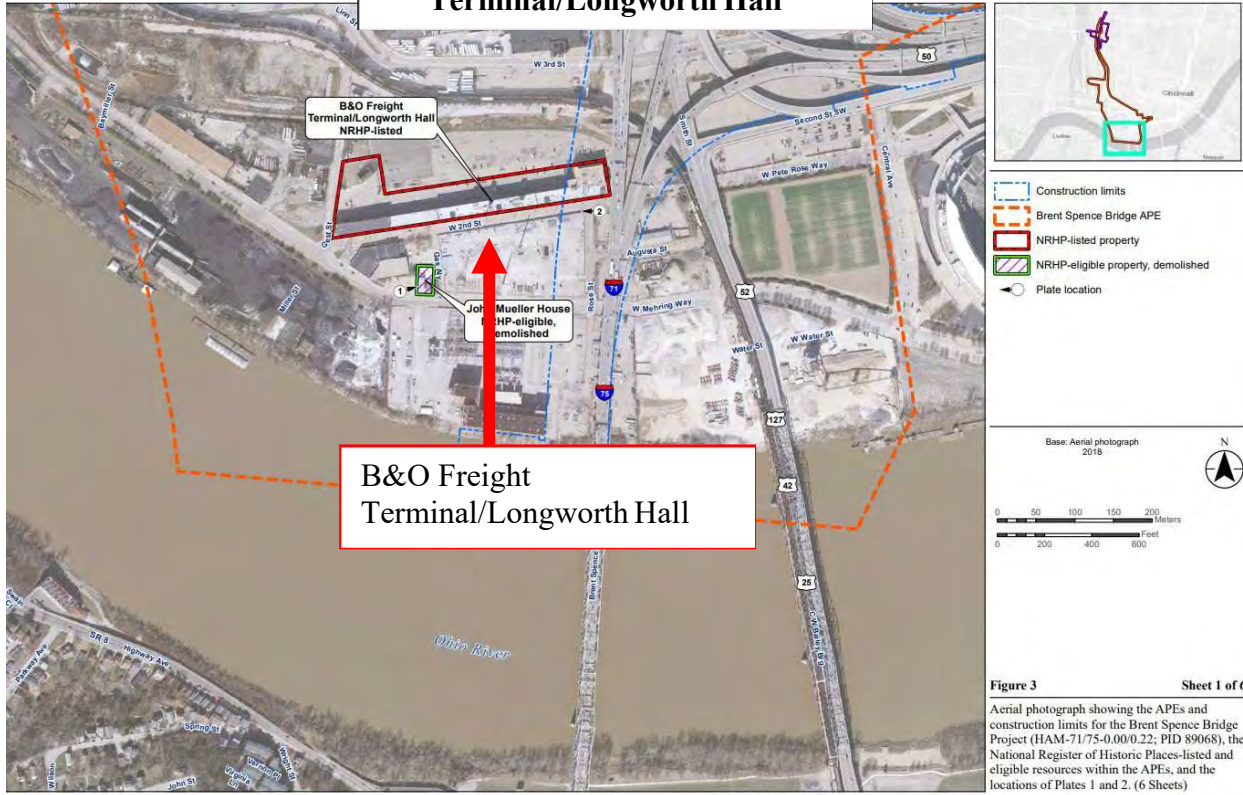
2022 APE - Includes the 2012 APE and construction limits of Concept I-W.

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



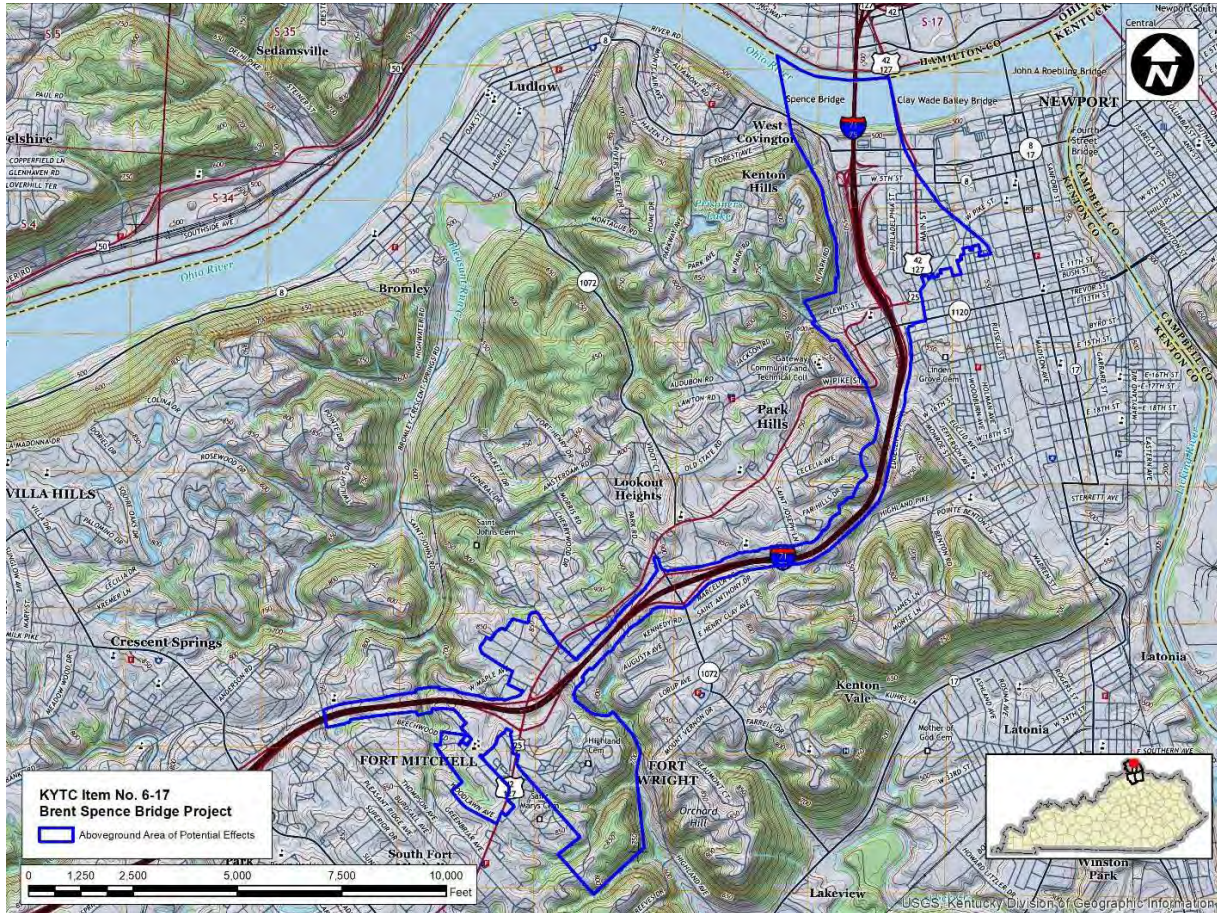
**Figure 2**  
 Portions of the 1961 (photorevised 1981) Cincinnati West, OH and 1981 (photorevised 1987) Covington, KY-OH quadrangles (USGS 7.5' topographic maps) showing the APEs and construction limits for the Brent Spence Bridge Project (HAM-71/75-0.00/0.22; PID 89068).  
 Base: USGS Cincinnati West,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

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

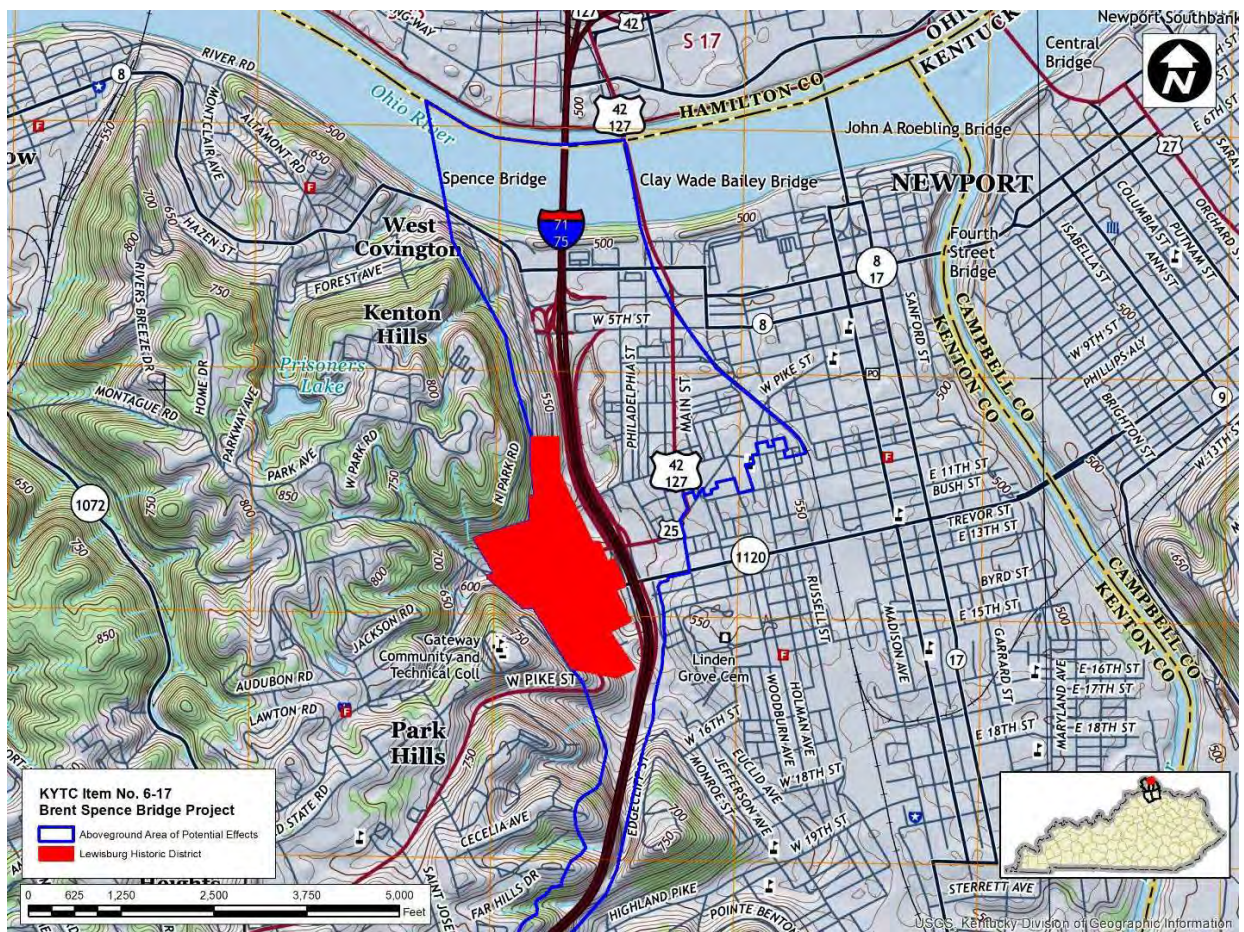




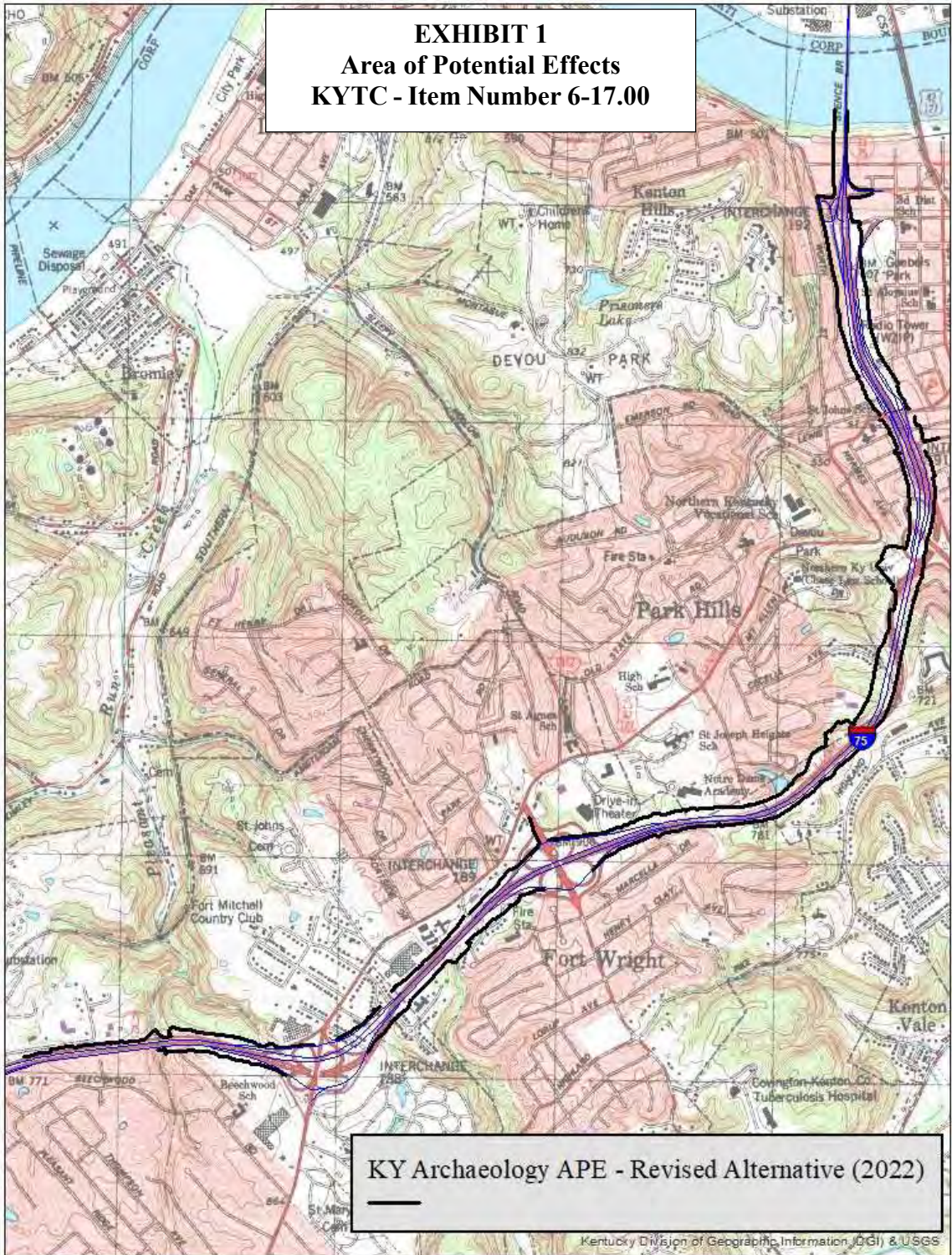
**EXHIBIT 1**  
**Area of Potential Effects**  
**KYTC - Item Number 6-17.00**



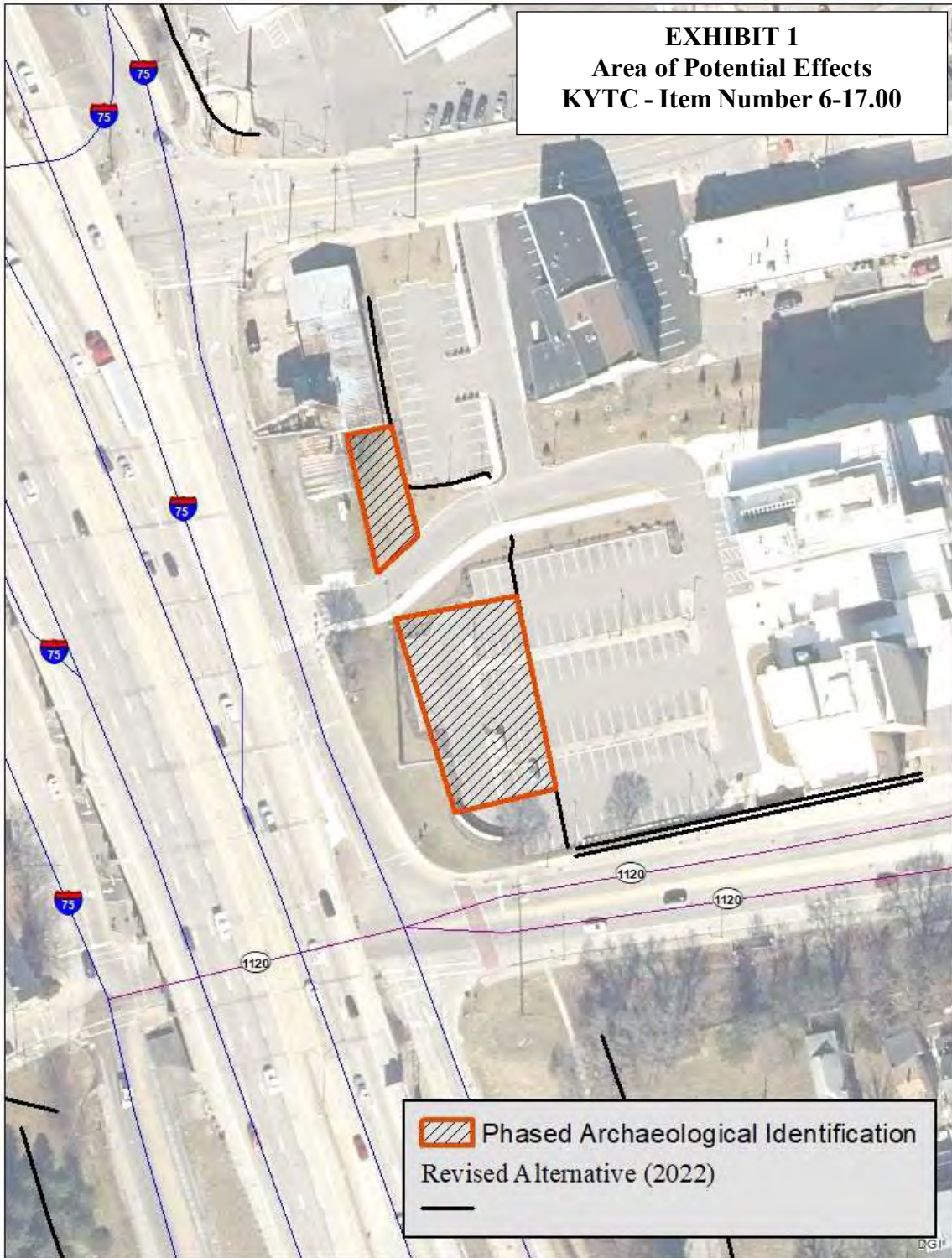
**EXHIBIT 1**  
**Area of Potential Effects**  
**KYTC - Item Number 6-17.00**




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



**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**

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

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

<b>Consulting Party</b>
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 19<sup>th</sup> 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](mailto:timothy.long@dot.gov).

Sincerely,

**LAURA S** Digitally signed by  
**LEFFLER** 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](mailto: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](mailto: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



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P.O. Box 998 • Tahlequah, OK, 74463-0998  
918-453-5000 • www.cherokee.org

**Chuck Hoskin Jr.**  
*Principal Chief*  
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**Bryan Warner**  
*Deputy Principal Chief*  
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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](mailto: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](mailto: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](mailto: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.

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**Watkins, Jason**

---

**From:** Watkins, Jason  
**Sent:** Tuesday, May 16, 2023 10:42 AM  
**To:** Deseray Helton  
**Cc:** Baughman, Pamela (FHWA); [timothy.long@dot.gov](mailto: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](mailto: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](mailto: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

#### FHWA

Timothy Long  
Planning, Environment, and Realty Team Leader  
Federal Highway Administration  
Ohio Division  
200 North High Street, Room 328  
Columbus, Ohio 43215  
(614) 280-6879  
[Timothy.long@dot.gov](mailto:Timothy.long@dot.gov)

#### ODOT

Keith Smith P.E.  
District Environmental Coordinator  
ODOT District 8  
505 S. SR 741, Lebanon, Ohio 45036  
(513)933-6590  
[Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov)

#### KYTC

Stacee Hans  
Executive Advisor  
KYTC District 6  
Kentucky Transportation Cabinet  
421 Buttermilk Pike  
Covington, KY 41017  
(859) 462-6010  
[stacee.hans@ky.gov](mailto:stacee.hans@ky.gov)

## **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.

---

**From:** Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>  
**Sent:** Monday, October 23, 2023 11:05 AM  
**To:** mranslow@achp.gov; e106 <e106@achp.gov>  
**Cc:** Clarke, David (FHWA) <david.clarke@dot.gov>; John.Ballantyne@dot.gov; Diop, Mour (FHWA) <mour.diop@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>; Jeter, Todd (FHWA) <Todd.Jeter@dot.gov>; Hans, Stacey D (KYTC) <Stacey.hans@ky.gov>; Ross, Eric (FHWA) <Eric.Ross@dot.gov>; Tim Hill (Tim.Hill@dot.ohio.gov) <Tim.Hill@dot.ohio.gov>  
**Subject:** ACHP Filing of Executed Section 106 Programmatic Agreement for FHWA BSBCP in Ohio and Kentucky

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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Good morning,

Please find attached a copy of the e-106 form and executed Programmatic Agreement for FHWA's Brent Spence Bridge Corridor Project in Ohio and Kentucky for ACHP filing.

Please let us know if you have any questions or need any further information to process this notification.

Thanks,  
Pam

**Pamela Baughman**  
U.S. DOT | FHWA Ohio Division  
Environmental Program Manager  
(614) 280-6835  
[Pamela.Baughman@dot.gov](mailto:Pamela.Baughman@dot.gov)



**Advisory Council on Historic Preservation  
Electronic Section 106 Documentation Submittal System (e106) Form  
MS Word format**

Send to: [e106@achp.gov](mailto:e106@achp.gov)

Please review the instructions at [www.achp.gov/e106-email-form](http://www.achp.gov/e106-email-form) prior to completing this form. Questions about whether to use the e106 form should be directed to the assigned ACHP staff member in the Office of Federal Agency Programs.

**I. Basic information**

**1. Purpose of notification.** Indicate whether this documentation is to:

- Notify the ACHP of a finding that an undertaking may adversely affect historic properties
- Invite the ACHP to participate in a Section 106 consultation
- Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)
- Supply additional documentation for a case already entered into the ACHP record system
- File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)
- Other, please describe  
[Click here to enter text.](#)

**2. ACHP Project Number** (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below): [Click here to enter text.](#)

**3. Name of federal agency** (If multiple agencies, list them all and indicate whether one is the lead agency):

Federal Highway Administration

**4. Name of undertaking/project** (Include project/permit/application number if applicable):

Brent Spence Bridge Corridor Project

**5. Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

the Brent Spence Bridge, carrying I-71/I-75 over the Ohio River in the cities of Cincinnati and Covington, Hamilton County, Ohio and Kenton County Kentucky; there are no tribal lands within the corridor.

**6. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:**

Pamela Baughman, Environmental Program Manager, FHWA Ohio Division,  
[pamela.baughman@dot.gov](mailto:pamela.baughman@dot.gov), 614-280-6835

**II. Information on the Undertaking\***

**7. Describe the undertaking and nature of federal involvement** (if multiple federal agencies are involved, specify involvement of each):

The Ohio and Kentucky Divisions of the FHWA in cooperation with ODOT and KYTC are continuing National Environmental Policy Act (NEPA) coordination through the preparation of a Supplemental Environmental Assessment (SEA) and updating Section 106 documentation for the project undertaking described as consisting 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. The project was previously evaluated under NEPA, and since a FONSI in 2012 and re-evaluations in 2015 and 2018, ODOT and KYTC have refined the selected Alternative I, now referred to as Concept I-W. Under NEPA, Cooperating Agencies involved include the USACE (for 404/10 permitting and 408), USCG (Section 9), USEPA, NPS (Section 4(f)/NEPA) and USFWS (Section 7). Participating Agencies include FEMA, HUD, and FTA. USACE and USCG have agreed that FHWA is the lead agency for the purposes of Section 106.

**8. Describe the Area of Potential Effects (APE):**

FHWA has established and updated the Area of Potential Effects (APE) for the project as shown in Exhibit 1 of the attached Programmatic Agreement (PA), 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.

**9. Describe steps taken to identify historic properties:**

Please see attached PA which details previous identification efforts associated with the undertaking.

**10. Describe the historic property** (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

Please see attached PA which describes historic properties in more detail, in addition to next question.

**11. Describe the undertaking's effects on historic properties:**

FHWA has 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.

**12. Explain how this undertaking would adversely affect historic properties** (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

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).*

Based on consultation with the Advisory Council on Historic Preservation (ACHP), the mitigation of the adverse effects of the undertaking on historic properties, previously coordinated in the aforementioned separate MOAs, are being combined into one project-level Section 106 Programmatic Agreement (PA), the draft of which is attached to this form. The PA reflects efforts at avoidance and minimization of effects to identified historic properties, as well as mitigation proposed for the adverse effects to the B&O Freight and Storage Building/Longworth Hall and the Lewisburg Historic District. In addition, the PA stipulates that while the project may be implemented in construction phases, yet to be fully defined, the PA reflects evaluation of the entire defined Project, and includes certain commitments for avoidance of above-ground resources, archaeological monitoring, and phased identification of inaccessible below-ground resources during the design-build process.

**13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public**, including any correspondence from the SHPO and/or THPO.

Please see attached PA which describes consulting party coordination as well as correspondence from SHPOs and THPOs. In general, FHWA has initiated consultation with Ohio's State Historic Preservation Office (OH SHPO) and the Kentucky State Historic Preservation Office (KY SHPO) on the prior studies and agreement documents, as well as the development of this PA. FHWA has also 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).

FHWA sent a Section 106 consultation letter describing the Project, the archaeological investigations completed, and additional planned investigations on November 21, 2022 (Exhibit 2) to federally recognized Indian Tribes, including 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; responses from tribes, including the Miami Tribe of Oklahoma, Cherokee Nation, Eastern Shawnee Tribe, and the Osage Nation, are provided in Exhibit 2; comments from tribes have expressed no objection to the project. A follow-up notification and copy of the draft PA were transmitted to tribes on August 15, 2023; no responses from tribes have been received based on this



notification.

Lastly, FHWA 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, including most recently at meetings to discuss the development of the PA; the City of Covington is an Invited Signatory to this PA and the Consulting Parties are invited to sign this PA as Concurring Parties. Consulting Parties signing as Concurring Parties as of 10/23/23 include the Cincinnati Preservation Association and the Cincinnati Metropolitan Housing.

### III. Additional Information

**14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation.** Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP's review response.

The ACHP declined previous participation in consultation on this project when the project was proceeding under the two separate MOAs, and the PA allows for more consistent application of the Section 106 process between the two states. A list of consulting parties is included in the attached PA, Exhibit 2. No unresolved concerns or issues have been identified for the development of this PA as previously represented in the coordination of the MOAs. Additional stipulations have been added to the PA which represent environmental commitments from the 2012 EA and SEA. The ACHP was notified of the draft PA development on August 15, 2023 and declined participation via correspondence received on August 30, 2023. No comments from consulting party coordination, including tribal notification, were received on the draft PA when circulated; the executed PA has been updated only based on project developments, including the proposed full acquisition of the B&O Freight and Storage Building/Longworth Hall.

**15 Does your agency have a website or website link where the interested public can find out about this project and/or provide comments?** Please provide relevant links:

Project information is available at <http://www.brentspencebridgecorridor.com/>.

**16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard?** If so, please provide the link:

Yes, this project is listed on the dashboard but its schedule of completion for the Supplemental EA and subsequent permitting will be updated. The link to the dashboard can be found here: [Brent Spence Bridge Corridor Project | Permitting Dashboard \(performance.gov\)](#).

**The following are attached to this form** (check all that apply):

- Section 106 consultation correspondence
- Maps, photographs, drawings, and/or plans
- Additional historic property information

- Consulting party list with known contact information
- Other: Executed Programmatic Agreement containing the above listed supporting material.

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**From:** Deseray Helton <[deseray.helton@osagenation-nsn.gov](mailto:deseray.helton@osagenation-nsn.gov)>  
**Sent:** Thursday, November 16, 2023 1:23 PM  
**To:** Baughman, Pamela (FHWA) <[pamela.baughman@dot.gov](mailto:pamela.baughman@dot.gov)>; [timothy.long@dot.gov](mailto:timothy.long@dot.gov)  
**Cc:** Watkins, Jason <[Jason.Watkins@dot.ohio.gov](mailto:Jason.Watkins@dot.ohio.gov)>  
**Subject:** RE: Brent Spence Bridge Corridor project (HAM-IR 71/75-0.00/0.22; PID 75119)

Ms. Baughman and Mr. Long,

The Osage Nation as discussed in previous emails with Jason is still extremely inundated with S.106 notifications and suffering with an immense backlog of projects yet to be entered and review. I think we are only now approaching getting projects from July 2023 entered into our record keeping system.

Long story short a number of projects are unfortunately getting lost under this wave of incoming projects including the Brent Spence Bridge Corridor Project. Jason mentioned that there have been survey reports (largely disturbance assessments on the Ohio side). Would it still be possible for a copy of those survey reports for both Ohio and Kentucky to be sent to our office for review? According to Jason they are rather large but transmittal of the reports via CD or USB is acceptable and can be sent to the Osage Nation Historic Preservation Office at 627 Grandview Avenue, Pawhuska, OK 74056.

Jason has informed me that on the Ohio side of the project there has been a commitment made to perform soil and geotechnical borings along the Ohio River to determine if archaeological deposits are present. The Osage Nation looks forward to receiving the results of the borings upon their completion.

Kind 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](mailto:deseray.helton@osagenation-nsn.gov)  
<https://www.osageculture.com/culture/historic-preservation-office>

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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](mailto: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.

---

**From:** Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>  
**Sent:** Monday, November 20, 2023 2:21 PM  
**To:** Deseray Helton <deseray.helton@osagenation-nsn.gov>  
**Cc:** Long, Timothy (FHWA) <timothy.long@dot.gov>; Jason.Watkins@dot.ohio.gov; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; John.Ballantyne@dot.gov; Diop, Mour (FHWA) <mour.diop@dot.gov>; Jeter, Todd (FHWA) <Todd.Jeter@dot.gov>; Ross, Eric (FHWA) <Eric.Ross@dot.gov>; Shields, Carl R (KYTC) <Carl.Shields@ky.gov>; Hans, Stacey D (KYTC) <Stacey.hans@ky.gov>  
**Subject:** FW: Brent Spence Bridge Corridor project (HAM-IR 71/75-0.00/0.22; PID 75119)

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Hello Deseray,

Thank you for your follow-up communication on the Brent Spence Bridge Corridor project. We are happy to provide a digital link to the previously transmitted reports, but we will also put these on CD for transmittal to your office directly. Here is a digital link to the reports, while a copy of the previous transmittal letter is attached: [Reports](#).

The CD transmittal will further include a copy of the overall Section 106 Programmatic Agreement (PA) for the project, but which is also attached here, where you will see the stipulation for the geotechnical borings and archaeological monitoring; this is on Page 11. Since the previous communication to your office, the Section 106 PA has been fully executed and filed with the ACHP. As you mentioned, there is also an environmental commitment to complete the geotechnical borings with archaeological monitoring in the overall project's Supplemental Environmental Assessment; the SEA document is currently in draft and agency reviews at this time, but please note that the SEA includes all the stipulations provided in the Section 106 PA as environmental commitments.

Please don't hesitate to reach out if you have any questions or comments about these documents, or if we can assist your office further in review of this information. We understand that your office is overwhelmed with information and reviews, and if there is anything that we can do to make this review easier or provide further clarity, such as set up a specific time to discuss, we are happy to do so.

Thanks,  
Pam

**Pamela Baughman**  
U.S. DOT | FHWA Ohio Division  
Environmental Program Manager  
(614) 280-6835  
[Pamela.Baughman@dot.gov](mailto:Pamela.Baughman@dot.gov)

**Appendix B**  
**Agency Coordination**  
**Ecological Resources**

- 2022-05-31 USFWS Section 7 Coordination Meeting ..... B3-1
  - 2022-11-16 FHWA Submittal of Biological Assessment to USFWS ..... B3-3
  - 2022-12-15 KDFWR Peregrine Falcon Coordination ..... B3-5
  - 2022-12-15 USFWS Biological Assessment Approval ..... B3-8
  - 2022-12-19 ODNR Ecological Coordination ..... B3-12
  - 2023-04-13 USFWS Effect Determination for Northern Long-Eared Bat ..... B3-14
  - 2023-09-21 No Jeopardy Finding for the Tricolored Bat..... B3-29
-

## **KYTC/ODOT meeting with KY and Ohio USFWS Field Offices to discuss the Brent Spence Corridor Project**

When: 5/31/22 10:30 am

Location: MS Teams Call

Attendees: Andrew Logsdon (KYTC), Jana Day (KYTC), Matt Raymond (ODOT), Meagan Michael (ODOT), Phil DeGarmo (USFWS-KY), Karen Hallberg (USFWS-OH)

-After introductions were complete Andrew and Matt provided a status on the project to USFWS and laid out a schedule to clear Section 7 this summer.

-Phil confirmed with the group that the Kentucky Field Office (KFO) will be the lead USFWS for the Section 7 coordination and then provided some explanation on what that role entails and what can be expected from each office. Phil is the main point of contact for USFWS coordination.

-Matt confirmed that ODOT is the lead for the project and their FHWA office will be the lead office for the NEPA coordination efforts.

-Correspondence going forward will address the [Kentuckyes@fws.gov](mailto:Kentuckyes@fws.gov), and [Phil\\_degarmo@fws.gov](mailto:Phil_degarmo@fws.gov) and [Karen\\_hallberg@fws.gov](mailto:Karen_hallberg@fws.gov) on each email and then Phil will meet with Karen so he can provide back a response. This will be the same for any document submittals.

-KYTC and ODOT will iron out the best way to share files too large for email and make sure both USFWS field offices are Ok with the chosen file transfer approach.

-The BA cover letter should come from the Ohio FHWA office since they are lead role.

-The mussel survey work plan is being scoped right now by HMB/Stantec and they are proposing a version of the Ohio mussel protocol that will be available for agency review soon.

-Phil remarked that its important to get all the info available on staging, barge loading and unloading, need for driving spud piles in the river, cofferdam installation, etc. so those impacts can be incorporated into the effects analysis now rather than asking for it later. Andrew will make sure the design team is aware that we have some questions that need answers in that regard.

-In regards to impacts to listed bat species: HMB will handle clearing Section 7 in KY and that includes three listed bat species, Ohio doesn't have gray bat listed. There are some options for us to consider on addressing Indiana and NLEB bats in the BA. One option is to draw a line in the middle of the Ohio river and handle all the "northern" bat impacts in Ohio using the Ohio Programmatic process and all the "southern" bat impacts in KY using the KY Programmatic process. Phil says this can be done if written up correctly. However, the KY bat agreement allowed for bi-state projects to be included as long as all the impacts are within 20 miles of the river (which they are). So KYTC would prefer that route if its OK with ODOT and Ohio USFWS and Ohio FHWA.

-The Northern long eared bat will likely be listed as endangered in December 2022. The BA will be written and approved prior to that and the options for the project are; secure a NLTA finding for the species, use the Threatened 4(d) finding now for the BA and then update it with a new coordination later this year or in early 2023, or go ahead and get the NLEB under formal consultation, but without an

incidental take statement (ITS) and then update it later with an ITS. KYTC and ODOT will discuss these options and let USFWS which would work best for the project schedule.

--The trees on the Ohio river bank were not considered suitable roosting habitat for bats in 2010 when the project was assessed. There is virtually no bat habitat along the 2 mile corridor of Interstate on the Ohio side (info from Meagan and Matt).

-A second meeting will be scheduled by Andrew to bring in the consultants and let them know everyone's role in the BA development and submittal as well as the steps to follow while coordinating with two states.

--meeting ended at 11:50.

Follow up comment after the meeting from Karen Hallberg:

I understood that KY would handle bat consultation under their Prog BO and OH would do the same under OH's Prog BO. Considering the extended action area in KY's PBO, it would be best if KY covered the Ohio River - excluding Ohio's bank, where you mentioned the presence of some trees during the call.



In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Mr. Virgil Lee Andrews, Jr.  
Field Supervisor  
U.S. Fish and Wildlife Service  
J.C. Watts Federal Building  
330 West Broadway  
Frankfort, KY 40601

Subject: Request for Informal Consultation  
Brent Spence Bridge Corridor Project  
Kenton County, Kentucky and Hamilton County, Ohio  
KYTC Item Number: 6-17; ODOT PID Number: 116649

Dear Mr. Andrews:

Please find the enclosed Biological Assessment (BA) for Brent Spence Bridge Corridor Project. The purpose of the project is to improve traffic flow and level of service, improve safety, correct geometric deficiencies, and maintain connections to key regional and national transportation corridors. The project proposes to reconstruct 7.8 miles of I-71/I-75 including the construction of a new companion bridge to the existing Brent Spence Bridge (BSB) over the Ohio River in Kenton County, Kentucky and Hamilton County, Ohio. Potential adverse effects for certain listed species are anticipated. All impacts are addressed with appropriate minimization and mitigation measures outlined in the BA.

The BA addresses 11 mussel species, the Gay bat, the Indiana bat, and the Northern long-eared bat. The table below outlines the effect determination for the species listed in the project area.

Common Name	Scientific Name	Federal Status	Effect Determination
Gray Bat	<i>Myotis grisescens</i>	Endangered	KY - NLTAA
Indiana Bat	<i>Myotis sodalis</i>	Endangered	KY - LTAA OH - NLTAA
<b>Northern Long-Eared Bat</b>	<i>Myotis septentrionalis</i>	<b>Threatened</b>	<b>KY - LTAA*</b> OH - NLTAA
Clubshell	<i>Pleurobema clava</i>	Endangered	NLTAA
Fanshell	<i>Cyprogenia stegaria</i>	Endangered	NLTAA
Northern Riffleshell	<i>Epioblasma rangiana</i>	Endangered	NLTAA
Orangefoot Pimpleback	<i>Plethobasus cooperianus</i>	Endangered	NLTAA
Pink Mucket	<i>Lampsilis abrupta</i>	Endangered	NLTAA



<b>Common Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>	<b>Effect Determination</b>
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>	Threatened	NLTAA
Ring Pink	<i>Obovaria retusa</i>	Endangered	NLTAA
Rough Pigtoe	<i>Pleurobema plenum</i>	Endangered	NLTAA
Sheepnose	<i>Plethobasus cyphus</i>	Endangered	NLTAA
Snuffbox	<i>Epioblasma triquetra</i>	Endangered	NLTAA
Spectaclecase	<i>Cumberlandia monodonta</i>	Endangered	NLTAA

NLTAA – May Affect, Not Likely to Adversely Affect

LTAA – May Affect, Likely to Adversely Affect

LTAA\* - May Affect, Likely to Adversely Affect, but take is not prohibited [use of 4(d) rule]

We are requesting comments and concurrence on the BA. The Indiana bat will be addressed through the latest Kentucky Statewide Bat Programmatic Agreement and the Northern Long-eared bat will be addressed through the 4(d) Rule. We feel the BA adequately addresses the effect determinations.

The U.S. Fish and Wildlife Service’s (USFWS) Kentucky Field Office agreed to serve as the lead Service Field Office for the project, however, a copy of this letter and the BA have also been submitted to Karen Hallberg, Wildlife Biologist/Transportation Liaison at the USFWS Ohio Field Office.

If you have any questions or comments, please contact Tim Long, Environmental Program Manager, at (614) 280-6879, or [timothy.long@dot.gov](mailto:timothy.long@dot.gov).

Sincerely,

For: Laura S. Leffler  
Division Administrator

Enclosure

---

**From:** Patton, Michael (FW) <michael.patton@ky.gov>  
**Sent:** Thursday, December 15, 2022 2:23 PM  
**To:** Day, Jana (KYTC) <jana.day@ky.gov>; Cruikshank, Cassandra L (KYTC) <Cassandra.Cruikshank@ky.gov>  
**Cc:** Todd Mcdaniel <mmcdaniel@hmbpe.com>; Slankard, Kate (KFW) <Kate.Slankard@ky.gov>  
**Subject:** RE: Brent Spence Bridge Rehab

Hi Jana,

We did monitor the bridge this year and there was no peregrine falcon activity. We'll continue to monitor it in 2024 and keep you updated if any falcons are found.

Thanks,

**Michael Patton**

*Avian Biologist*

Department of Fish and Wildlife Resources

1 Sportsman's Lane, Frankfort, KY 40601

502-892-4475 | [Michael.Patton@ky.gov](mailto:Michael.Patton@ky.gov)



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**From:** Day, Jana (KYTC) <[jana.day@ky.gov](mailto:jana.day@ky.gov)>  
**Sent:** Thursday, December 15, 2022 2:16 PM  
**To:** Slankard, Kate (KFW) <[Kate.Slankard@ky.gov](mailto:Kate.Slankard@ky.gov)>; Cruikshank, Cassondra L (KYTC) <[Cassondra.Cruikshank@ky.gov](mailto:Cassondra.Cruikshank@ky.gov)>  
**Cc:** Todd Mcdaniel <[mmcdaniel@hmbpe.com](mailto:mmcdaniel@hmbpe.com)>; Patton, Michael (FW) <[michael.patton@ky.gov](mailto:michael.patton@ky.gov)>  
**Subject:** RE: Brent Spence Bridge Rehab

Kate and/or Michael,

Did you all happen to look at this bridge this year?

Thanks,



**Jana M. Day**  
ENVIRONMENTAL BIOLOGIST CONSULTANT  
Division of Environmental Analysis  
200 Mero Street  
Frankfort, Kentucky 40622  
(502) 782-5008 OFFICE  
(443) 534-3118 CELL



Donate to the Team Eastern Kentucky Flood Relief Fund: [teamekyfloodrelieffund.ky.gov](http://teamekyfloodrelieffund.ky.gov)

Resources for those affected by the flooding in Eastern Kentucky: [governor.ky.gov/flood-resources](http://governor.ky.gov/flood-resources)

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**From:** Slankard, Kate (KFW) <[Kate.Slankard@ky.gov](mailto:Kate.Slankard@ky.gov)>  
**Sent:** Tuesday, May 24, 2022 9:43 AM  
**To:** Cruikshank, Cassondra L (KYTC) <[Cassondra.Cruikshank@ky.gov](mailto:Cassondra.Cruikshank@ky.gov)>  
**Cc:** Todd Mcdaniel <[mmcdaniel@hmbpe.com](mailto:mmcdaniel@hmbpe.com)>; Day, Jana (KYTC) <[jana.day@ky.gov](mailto:jana.day@ky.gov)>; Patton, Michael (FW) <[michael.patton@ky.gov](mailto:michael.patton@ky.gov)>  
**Subject:** RE: Brent Spence Bridge Rehab

Hi folks,

There was not a peregrine falcon nest on this bridge last year. We have yet to check the site this year, but we will do so in the next couple of weeks. We will let you know if we see falcon activity there this year.

Thanks,

*Kate Slankard*

Avian Biologist  
Nongame Branch  
KY Department of Fish and Wildlife Resources  
#1 Sportsman's Lane  
Frankfort, KY 40601  
Phone: 502-892-4474  
Fax: 502-564-4519  
[kate.slankard@ky.gov](mailto:kate.slankard@ky.gov)



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**From:** Cruikshank, Cassondra L (KYTC) <[Cassondra.Cruikshank@ky.gov](mailto:Cassondra.Cruikshank@ky.gov)>

**Sent:** Monday, May 23, 2022 9:31 AM

**To:** Slankard, Kate (KFW) <[Kate.Slankard@ky.gov](mailto:Kate.Slankard@ky.gov)>

**Cc:** Todd Mcdaniel <[mmcdaniel@hmbpe.com](mailto:mmcdaniel@hmbpe.com)>; Day, Jana (KYTC) <[jana.day@ky.gov](mailto:jana.day@ky.gov)>

**Subject:** Brent Spence Bridge Rehab

Good morning Kate,

I wanted to make you aware that we are moving forward with a rehab project for Brent Spence Bridge. Todd Mcdaniel is the consultant for the project covering biology. Are there any known nests on the bridge? They will be checking for nests but we wanted to get your input for sure. Thanks.

**Cassondra Cruikshank**

**Environmental Biologist Specialist**

**Kentucky Transportation Cabinet**

**Division of Environmental Analysis**

**Office: (502) 782-5019**

**Cell: (720) 314-0316**



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office  
330 West Broadway, Suite 265  
Frankfort, Kentucky 40601  
(502) 695-0468

December 15, 2022

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

Re: FWS 2022-0055658; Brent Spence Bridge Corridor Project in Kenton County, Kentucky and Hamilton County, Ohio; KYTC Item Number 6-17 and ODOT PID Number 116649

Dear Laura S. Leffler:

The U.S. Fish and Wildlife Service's (Service) Kentucky Field Office (KFO) and Ohio Field Office (OHFO) have reviewed the above-referenced project information and request for concurrence received on November 16, 2022. The KFO, as the lead Service office for this Endangered Species Act (ESA) consultation, offers the following comments in accordance with ESA of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

#### **Project Description**

According to the information provided, the proposed project involves the reconstruction of 7.8 miles of I-71/I-75 including the construction of a new companion bridge to the existing Brent Spence Bridge over the Ohio River in Kenton County, Kentucky and Hamilton County, Ohio. Specifically, the project would include construction of a new bridge, addition of one interstate lane in each direction, rehabilitation to the existing bridge, construction of overpass bridges and interchanges, and construction/improvements to drainage systems. Impacts to the landscape include typical road construction activities, tree removal for construction access, disturbance to the Ohio River, and grading to allow for proper drainage.

#### **Federally Listed Species**

The Federal Highway Administration (FHWA) has determined that the proposed action has the potential to affect the gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (NLEB), clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), orangefoot pimpleback (*Plethobasus cooperianus*), pink mucket (*Lampsilis abrupta*), rabbitsfoot (*Quadrula cylindrica cylindrica*), ring pink (*Obovaria retusa*), rough pigtoe (*Epioblasma obliquata*), spectaclecase (*Cumberlandia monodonta*), northern riffleshell (*Epioblasma torulosa rangiana*),

sheepnose (*Plethobasus cyphus*), and snuffbox (*Epioblasma triquetra*). Service comments regarding these species and potential adverse effects are provided below.

### Gray Bats

#### *Ohio Comments*

Gray bat was not identified as being within the area of influence of the Ohio portion of the proposed project; therefore, this species was not addressed in the BA specific to Ohio impacts. FHWA did not make an effects determination for gray bat within the Ohio portion.

#### *Kentucky Comments*

Field assessments within the Kentucky portion concluded that no caves or karst features suitable for summer or winter gray bat roosting would be affected by the proposed project. Therefore, the proposed project is not likely to impact gray bat hibernacula or roosting habitat.

The Kentucky Transportation Cabinet (KYTC) utilized the processes identified in the Federal Highway Administration Kentucky Division's 2020 Programmatic Consultation on the effects of transportation projects on the gray bat to evaluate potential adverse effects on foraging and commuting habitat for the gray bat. The KFO agrees with the results from the ESA compliance process, and we concur with the FHWA's determination that the proposed action may affect but is not likely to adversely affect the gray bat within the Kentucky portion of the proposed project.

### Indiana Bats

#### *Ohio Comments*

Potential impacts to the Indiana bat and NLEB were assessed by the Ohio Department of Transportation (ODOT) in accordance with the *Framework Programmatic Biological Opinion* (OHPBO) issued to ODOT on February 29, 2016 and revised on December 12, 2017 ([https://www.dot.state.oh.us/environmental-services/manuals\\_guidance1/Ecological/RelevantAgreements/Indiana%20Bat%20and%20Northern%20Long-Eared%20Bat%20Programmatic%20Agreement%20January%202018.pdf](https://www.dot.state.oh.us/environmental-services/manuals_guidance1/Ecological/RelevantAgreements/Indiana%20Bat%20and%20Northern%20Long-Eared%20Bat%20Programmatic%20Agreement%20January%202018.pdf)). We understand the project is expected to clear 15.80 acres of suitable wooded habitat for the Indiana bat in Ohio. However, all habitat to be impacted is located within 100 feet from the edge of existing pavement. These impacts, given ODOT's commitment to clear trees only during the bat's inactive season (i.e., October 1 through March 30), meet the criteria for Consultation Category 1 (CC1) in the OHPBO. ODOT determined that CC1 projects may affect but are not likely to adversely affect the Indiana bat and NLEB. The Service (OHFO) concurred with ODOT's determination within the OHPBO. Therefore, the OHFO concurs with FHWA's determination that the proposed project may affect but is not likely to adversely affect the Indiana bat within the Ohio portion of the proposed project.

#### *Kentucky Comments*

Based on the information provided in the BA, no impacts to suitable winter habitat for this species is likely to occur. However, the proposed project requires removal of approximately 74.2 acres of "potential" forested habitats for the Indiana bat. KYTC believes that this species is reasonably certain to utilize forested habitat within the project area, and has determined that the action "may affect, is likely to adversely affect" the Indiana bat. KYTC proposes to account for

potential adverse effects to the Indiana bat and its habitat through the processes identified in the FHWA Kentucky Division's 2020 Programmatic Consultation and accompanying biological opinion on the effects of Kentucky transportation projects on the Indiana bat. The Service concurs with the FHWA's effects determination that the proposed project may affect and is likely to adversely affect the Indiana bat within the Kentucky portion of the proposed project. The KFO agrees with the proposed ESA compliance process to address Indiana bats within the Kentucky portion of the project.

#### Northern Long-eared Bats

##### *Ohio Comments*

Potential impacts to the NLEB were assessed by ODOT in conjunction with the process and analysis discussed previously for Indiana bats (see Ohio Comments above). Therefore, the OHFO concurs with FHWA's determination that the portion of the proposed project within Ohio may affect but is not likely to adversely affect the NLEB.

##### *Kentucky Comments*

Within the Kentucky portion of the proposed project, this project may affect the NLEB, but with no effects beyond those previously evaluated in the Service's programmatic biological opinion for the NLEB final 4(d) rule dated January 5, 2016 (FWS Log# 03E00000-2016-F-0001). Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). Therefore, the KYTC/FHWA may fulfill its responsibilities under ESA section 7(a)(2) relative to the NLEB for this project by requesting reliance on the Service's programmatic biological opinion for the 4(d) rule.

#### Federally Listed Mussels

##### *Joint Office Comments (KFO and OHFO)*

In July 2022, Stantec Consulting Services and HMB performed a presence/absence survey for federally listed mussel species within the project area of the Ohio River. The survey followed the *Ohio Mussel Survey Protocol* issued by the Ohio Department of Natural Resources and OHFO in April 2022. Although 905 mussels belonging to twenty species were encountered during the survey, no federally listed species were found. Therefore, The Service concurs with FHWA's determination that the proposed project may affect but is not likely to adversely affect any of the aforementioned federally listed mussel species.

#### **Conclusion**

In view of these findings, we believe that the requirements of section 7 of the Endangered Species Act have been fulfilled for this project. Your obligations under section 7 must be reconsidered, however, if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities, which were not considered during this consultation, or (3) new species are listed, or critical habitat designated.

If you have any questions regarding the information that we have provided, please contact Phil DeGarmo at (502) 695-0468 extension 46110 or [Phil\\_DeGarmo@fws.gov](mailto:Phil_DeGarmo@fws.gov).

Sincerely,

Virgil Lee Andrews, Jr.  
Field Supervisor

cc: Mour Diop, FHWA, Frankfort  
Andrew Logsdon, KYTC, Frankfort  
Timothy Long, FHWA, Columbus  
Karen Hallberg, USFWS, Columbus



## Ohio Department of Natural Resources (ODNR)

### Ecological Survey Report - Comments

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.

**Subject:** Ohio Natural Heritage Database

**Comment:** Kyla Maunz 12/19/2022

The Natural Heritage Database has the following data at or within one mile of the project area and was not discussed in the project documentation:

Black Sandshell (*Ligumia recta*), SC  
Threehorn Wartyback (*Oblivaria reflexa*), SC

**Subject:** The Division of Wildlife (DOW)

**Comment:** Kyla Maunz 12/19/2022

The entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these species of bats predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. If trees are present within the project area, and trees must be cut, the DOW recommends cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH greater than or equal to 20 inches, if possible. If trees are present within the project area, and trees must be cut during the summer months, the DOW recommends a mist net survey or acoustic survey be conducted from June 1 through August 15, prior to any cutting. Mist net and acoustic surveys should be conducted in accordance with the most recent version of the "OHIO DIVISION OF WILDLIFE GUIDANCE FOR BAT SURVEYS AND TREE CLEARING". If state listed bats are documented, DOW recommends cutting only occur from October 1 through March 31. However, limited summer tree cutting may be acceptable after consultation with the DOW (contact Eileen Wyza at Eileen.Wyza@dnr.ohio.gov).

The DOW also recommends that a desktop habitat assessment is conducted, followed by a field assessment if needed, to determine if a potential hibernaculum is present within the project area. Direction on how to conduct habitat assessments can be found in the current USFWS "RANGE-WIDE INDIANA BAT & NORTHERN LONG-EARED BAT SURVEY GUIDELINES." If a habitat assessment finds that a potential hibernaculum is present within 0.25 miles of the project area, please send this information to Eileen Wyza for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with the DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

**Comment:** Kyla Maunz 12/19/2022

The project is within the range of the following listed mussel species.

Federally Endangered

fanshell (*Cyprogenia stegaria*), sheepnose (*Plethobasus cyphus*),  
pink mucket (*Lampsilis orbiculata*), snuffbox (*Epioblasma triquetra*), rayed bean (*Villosa fabalis*)

State Endangered

butterfly (*Ellipsaria lineolata*), monkeyface (*Quadrula metanevra*),  
ebonyshell (*Fusconaia ebena*), Ohio pigtoe (*Pleurobema cordatum*),  
elephant-ear (*Elliptio crassidens crassidens*), wartyback (*Quadrula nodulata*), long-solid (*Fusconaia maculata maculata*), washboard (*Megaloniais nervosa*)

The DOW understands that a mussel relocation will occur prior to in-water work. Therefore, impacts to mussels are not likely.

**Comment:** Kyla Maunz 12/19/2022

The project is within the range of the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet meadows and other wetlands. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the cave salamander (*Eurycea lucifuga*), a state endangered species. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Assistant Regional Director-Ecological Services  
5600 American Blvd. West  
Bloomington, MN 55437-1458  
Phone: (612) 713-5350 Fax: (612) 713-5292

In Reply Refer To:  
Project code: 2022-0055658  
Project Name: Brent Spence Bridge Replacement

April 13, 2023

Federal Nexus: yes  
Federal Action Agency (if applicable): Department of Transportation

**Subject:** Federal agency coordination under the Endangered Species Act, Section 7 for 'Brent Spence Bridge Replacement'

Dear Jana Day:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 13, 2023, for 'Brent Spence Bridge Replacement' (here forward, Project). This project has been assigned Project Code 2022-0055658 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (DKey), invalidates this letter.

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the determination of “May Affect, Not Likely to Adversely Affect” the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

### **15-Day Review Period**

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Clubshell *Pleurobema clava* Endangered
- Fanshell *Cyprogenia stegaria* Endangered
- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Longsolid *Fusconaia subrotunda* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Riffleshell *Epioblasma rangiana* Endangered
- Orangefoot Pimpleback (pearlymussel) *Plethobasus cooperianus* Endangered
- Pink Mucket (pearlymussel) *Lampsilis abrupta* Endangered
- Rabbitsfoot *Quadrula cylindrica cylindrica* Threatened
- Ring Pink (mussel) *Obovaria retusa* Endangered
- Rough Pigtoe *Pleurobema plenum* Endangered
- Sheepnose Mussel *Plethobasus cyphyus* Endangered
- Snuffbox Mussel *Epioblasma triquetra* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the Assistant Regional Director-Ecological Services and reference Project Code 2022-0055658 associated with this Project.

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Brent Spence Bridge Replacement

**2. Description**

The following description was provided for the project 'Brent Spence Bridge Replacement':

The project is set to replace the Brent Spence Bridge over the Ohio River between Kentucky and Ohio

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.076302,-84.5201627278336,14z>



## DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

Yes

6. FHWA, FRA, and FTA have completed a range-wide programmatic consultation for transportation- related actions within the range of the Indiana bat and northern long-eared bat.

Does your proposed action fall within the scope of this programmatic consultation?

**Note:**If you have **previously consulted** on your proposed action with the Service under the NLEB 4dRule, answer 'no' to this question and proceed with using this key. If you have **not yet consulted** with the Service on your proposed action and are unsure whether your proposed action falls within the scope of the FHWA, FRA, FTA range-wide programmatic consultation, please select "Yes" and use the FHWA, FRA, FTA Assisted Determination Key in IPaC to determine if the programmatic consultation is applicable to your action. Return to this key and answer 'no' to this question if it is not.

*No*

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

*No*

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

*No*



9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

10. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

Yes

11. Have you conducted, or will you conduct, a voluntary Phase 1 habitat assessment for potentially suitable hibernacula in accordance with the guidance in Appendix H of the USFWS’ current Range-wide Indiana bat and Northern long-eared bat Survey Guidelines?

**Note:** The survey guidelines can be found at: <https://www.fws.gov/library/collections/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

12. Did the USFWS Ecological Services Field Office (ESFO) agree with the conclusions of the habitat assessment?

**Note:** If NO, please contact the ESFO before returning to complete this determination key.

Yes

13. Were any potentially suitable northern long-eared bat hibernacula detected in the action area?

No

14. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?  
(If unsure, answer "Yes.")

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags  $\geq 3$  inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

15. Will the action cause effects to a bridge?

Yes

16. Has a site-specific bridge assessment following [USFWS guidelines](#) been completed?

**Note:** For information on conducting a bridge/structure assessment, see Appendix D of the User's Guide for the Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat and the associated Bridge/Structure Bat Assessment Form. Additional resources can be found at: <https://www.fws.gov/media/bats-and-transportation-structures-references-and-additional-resources> and a training video is located at: <https://www.youtube.com/watch?v=iuFwkT7q8Ws>.

Yes

17. Was evidence of bat use found during the bridge assessment?

No

**SUBMITTED DOCUMENTS**

- Bats on Bridges Datasheet - 059B00038L.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997545>
- Bats on Bridges Datasheet - 059B00038R.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997546>
- Bats on Bridges Datasheet - 059B00039N.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997547>
- Bats on Bridges Datasheet - 059B00040N.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997548>
- Bats on Bridges Datasheet - 059B00041N.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997549>
- Bats on Bridges Datasheet - 059B00043L\_059B00043R.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997550>
- Bats on Bridges Datasheet - 059B00044L.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997551>
- Bats on Bridges Datasheet - 059B00044L\_059B00044R.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997552>
- Bats on Bridges Datasheet - 059B00044R.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997553>
- Bats on Bridges Datasheet - 059B00047N.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997554>
- Bats on Bridges Datasheet - 059B00087N.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997555>
- Bats on Bridges Datasheet - 059B00088N.pdf <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997556>

- *Bats on Bridges Datasheet - 059B00089N.pdf* <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997557>
- *Bats on Bridges Datasheet - 059B00090N.pdf* <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997558>
- *Bats on Bridges Datasheet - 059B00099N.pdf* <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997559>
- *Bats on Bridges Datasheet - 059B00100L\_059B00100R.pdf* <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124997560>

18. Did you coordinate with your local Ecological Services Field Office (ESFO) and receive approval of the bridge assessment results? If NO, please contact the appropriate local ESFO before completing this determination key.

Yes

19. Will the action result in effects to a culvert or tunnel?

Yes

20. Do the interior dimensions of the culvert or tunnel equal or exceed 4.0 feet (1.3 meters) in height and 130 feet (40 meters) in length? Answer "No" if the affected culvert(s) or tunnel is smaller in either of these two dimensions.

Yes

21. Has a site-specific bridge/structure (e.g., culvert) assessment following USFWS guidelines been completed?

**Note:** For information on conducting a bridge/structure assessment see [Appendix D of the User's Guide for the Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat and the associated Bridge/Structure Bat Assessment Form?](#)

Yes

#### **SUBMITTED DOCUMENTS**

- *Bats on Bridges Datasheet - Pleasant Run Creek Culvert.pdf* <https://ipac.ecosphere.fws.gov/project/XFSBL5HRMFH7XJHK35CIAEXOXM/projectDocuments/124998830>

22. Was evidence of bat use found during the bridge/structure (e.g., culvert) assessment?

No

23. Did you coordinate with your local Ecological Services Field Office (ESFO) and receive approval of bridge assessment results? If NO, please contact the appropriate local ESFO before completing this determination key.

Yes

24. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

**Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

*No*

25. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

*No*

26. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*No*

27. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

**Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

*No*

28. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*No*

29. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

*No*

30. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

*No*

31. Will the proposed action involve blasting?

*No*

32. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

*No*

33. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

*No*

34. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat can be found at:

<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*No*

35. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

**Note:** Additional information defining suitable roosting habitat for the northern long-eared bat can be found at:

<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*No*

36. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

*Yes*

37. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

*No*

38. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

**Note:** A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

*No*

39. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags  $\geq 3$  inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

*Yes*

40. [Semantic] Does your project intersect a known sensitive area for the northern long-eared bat?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your [state agency or USFWS field office](#)

**Automatically answered**

*No*

41. Will all tree cutting/trimming or other knocking or bringing down of trees be restricted to the inactive season for the northern long-eared bat?

**Note:** Inactive Season dates for summer habitat outside of staging and swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

*No*

## PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

466.3

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

95.6

Will all potential northern long-eared bat (NLEB) roost trees (trees  $\geq 3$  inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

Yes

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

466.3

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees)  $\geq 3$  inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

Will all project activities be completed by April 1, 2024?

No



## **IPAC USER CONTACT INFORMATION**

Agency: Kentucky Transportation Cabinet

Name: Jana Day

Address: 200 Mero Street

City: Frankfort

State: KY

Zip: 40622

Email: jana.day@ky.gov

Phone: 5027825008

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Department of Transportation

**From:** [Baughman, Pamela \(FHWA\)](#)  
**To:** [Phil\\_DeGarmo@fws.gov <fws>](mailto:Phil_DeGarmo@fws.gov)  
**Cc:** [Toni, Melissa \(FHWA\)](#); [Long, Timothy \(FHWA\)](#); [Hallberg, Karen I](#); [Ballantyne, John \(FHWA\)](#); [Diop, Mour \(FHWA\)](#); [Jeter, Todd \(FHWA\)](#); [Ross, Eric \(FHWA\)](#); [Hans, Stacey D \(KYTC-D06\)](#); [Hill, Timothy](#); [Raymond, Matthew](#); [Logsdon, Andrew M \(KYTC\)](#)  
**Subject:** Proposed No Jeopardy Finding for TCB for the Brent Spence Bridge project -- HAM-71/75-0.00/0.22 PID 80968 (75119 Environet PID)  
**Date:** Wednesday, September 20, 2023 3:24:22 PM

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Hello Phil,

Please find below electronic correspondence from FHWA regarding the proposed No Jeopardy Finding for TCB for the Brent Spence Bridge project -- HAM-71/75-0.00/0.22 PID 80968 (75119 Environet PID). Please let me know if you or your office have any questions regarding this documentation provided to follow on our previously discussed approach in the Agency Coordination meeting.

Thanks,  
Pam

**Pamela Baughman**

U.S. DOT | FHWA Ohio Division  
Environmental Program Manager  
(614) 280-6835  
[Pamela.Baughman@dot.gov](mailto:Pamela.Baughman@dot.gov)

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Mr. Virgil Lee Andrews, Jr.  
Field Supervisor  
U.S. Fish and Wildlife Service  
J.C. Watts Federal Building  
330 West Broadway  
Frankfort, KY 40601

Dear Mr. Andrews:

On September 14, 2022, the U.S. Fish and Wildlife Service (Service) published a proposal in the Federal Register (FWS-R5-ES-2021-0163) to list the tricolored bat (*Perimyotis subflavus*) as endangered under the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Section 7(a)(4) was added to the ESA (1979) to provide a mechanism for identifying and resolving potential conflicts between a proposed action and proposed species or proposed critical habitat at

an early planning stage. ESA section 7(a)(4) states:

*Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species.*

FHWA understands that while **consultations** are required when a proposed action may affect listed species (ESA section 7(a)(2)), a **conference** is required only when a proposed action is likely to jeopardize the continued existence of a proposed species or destroy or adversely modify proposed critical habitat. This letter serves to summarize the effects of the Brent Spence Bridge Project on the proposed endangered tricolored bat and the reasons a formal conference is not necessary for this species.

Similar to the Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and gray bat (*Myotis grisescens*), the tricolored bat is a small insectivorous bat that typically overwinters in caves, abandoned mines and tunnels, and typically roosts in mature forested habitats during spring, summer, and fall. The USFWS has not proposed any areas of designated critical habitat for the tricolored bat. Project impacts to wooded habitat that may contain suitable roosting habitat for the tricolored bat include approximately 74.20 acres in Kentucky and 15.80 acres in Ohio, for a total of approximately 90 acres. No known or suspect hibernacula were identified within or near the project area, and bridge structures with potentially suitable roosting habitat for the tricolored bat were inspected and no evidence of bats was observed.

The effects analysis completed for the Indiana, northern long-eared, and gray bats presented in the Biological Assessment (BA) for the project, coordinated with the Service in November 16, 2022, would be similar for tricolored bat. Because of a lack of potential hibernacula and bridge structures used for roosting within the project area, impacts to the tricolored bat are primarily anticipated to result from the removal of the 90 acres of wooded habitat that may potentially serve as summer maternity, roosting, and foraging habitat. FHWA contends that the avoidance, minimization, and mitigation measures outlined in the BA will similarly reduce the likelihood of potential project impacts to the tricolored bat. In Kentucky tree removal will be restricted during the maternity season from June 1 to July 31, when non-volant pups are most likely to be present, and the *Programmatic Biological Opinion on the Effects of Transportation Projects in Kentucky on the Indiana Bat and Gray Bat* will be used to account for habitat loss and take. In Ohio no tree removal will occur during April 1 through September 30 to avoid impacts to bats during the entirety of the active roosting season, and the *Amendment to the Framework Programmatic Biological Opinion, as revised, for Ohio Department of Transportation's (ODOT) Federal Aid Highway Program That May Affect the Federally Endangered Indiana Bat and/or Federally Threatened Northern Long-Eared Bat* will be used to account for habitat loss and take. Following these measures and agreements for the federally listed species of bats in Kentucky and Ohio will also result in minimized impacts and take to the tricolored bat. Based on this analysis FHWA has determined that the project may affect but is not likely to jeopardize the continued existence of the tricolored bat, nor will it result in the destruction or adverse modification of critical habitat proposed to be designated for the species.

FHWA will reinstate consultation with the USFWS for the project if:

- the amount or extent of incidental take of federal listed species be exceeded;

new information reveal the project may affect listed species or critical habitat in a manner or to an extent not previously considered;

- the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not previously considered; or
- a new species is listed (such as the tricolored bat) or critical habitat is designated that the project may affect.

The U.S. Fish and Wildlife Service's (USFWS) Kentucky Field Office agreed to serve as the lead Service Field Office for the project, however, a copy of this letter has also been submitted to Karen Hallberg, Wildlife Biologist/Transportation Liaison at the USFWS Ohio Field Office.

If you have any questions or concerns regarding this effects determination, please contact please contact Pamela Baughman, Environmental Program Manager, at (614) 280-6835, or [Pamela.Baughman@dot.gov](mailto:Pamela.Baughman@dot.gov).

**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](mailto:csc@ohio.gov) or click the Phish Alert Button if available.

**Appendix B**  
**Agency Coordination**

**Local Agency Coordination**

- 2022-06-15 Memorandum of Agreement between KYTC and the City of Covington ..... B4-1
  - 2022-06-15 Memorandum of Understanding between the City of Covington and KYTC ..... B4-11
-

**Memorandum of Agreement  
Between the Kentucky Transportation Cabinet  
and the City of Covington, Kentucky**

**Funding for Covington Project Director (Technical Liaison)  
Brent Spence Bridge Project**

**WHEREAS, this Memorandum of Agreement (Agreement) is between the Kentucky Transportation Cabinet (KYTC) and the City of Covington, Kentucky (City), hereinafter referred to singularly as a Party and collectively as the Parties; and**

**WHEREAS, this Agreement sets forth certain responsibilities of the Parties relative to the reevaluation and construction phases of the Brent Spence Bridge Project (Project), and specifically, with respect to the City's role in receiving and reviewing information and providing input to KYTC during the reevaluation process, as well as during construction of the Project; and**

**WHEREAS, the City wishes to participate fully in the further development of the Project and consistently provide meaningful input to KYTC but is concerned regarding the financial burden that would result from such involvement; and**

**WHEREAS, KYTC understands the City's desire to contain costs associated with participating fully in the further development of the Project and managing issues that may arise during construction; and**

**WHEREAS, KYTC desires to provide funding assistance to the City to reimburse the City for costs incurred in hiring a Covington Project Director (technical liaison) who would receive Project information from and communicate with KYTC regarding the Project, liaise across City governmental divisions, and communicate with local businesses, community organizations, neighborhood associations and other community entities or enterprises regarding Project developments; and**

**WHEREAS, the Parties desire to identify the roles and responsibilities of the Covington Project Director and the basis on which KYTC will provide reimbursement to the City for costs incurred in connection with the Covington Project Director position.**

**NOW THEREFORE, the Parties agree as follows:**

## **I. KYTC Responsibilities**

### **A. Resources**

**KYTC shall reimburse the City up to five hundred thousand dollars (\$500,000) for costs incurred by the City in hiring a Covington Project Director (technical liaison) over the course of the five-year term of this Agreement. In the event that the individual selected to serve as Covington Project Director is a City employee, reimbursable costs associated with the Covington Project Director position may include a base compensation rate and direct overhead costs associated with the Project Director position, including insurance and benefits consistent with the City's compensation structure and policies. In the event that the individual selected to serve as the Covington Project Director is a third-party consultant, reimbursable costs associated with the Covington Project Director position may include a contractually agreed upon reasonable rate of compensation (e.g., hourly fee, monthly fixed fee, etc.) and direct expenses, such as transportation, meals, lodging, etc., reasonably incurred by the consultant in the performance of services related to the Project.**

### **B. Payments**

- 1. KYTC shall adhere to its obligations as set forth in this Agreement and will make reimbursement payments to the City for allowable expenses incurred by the City in connection with the funded position during the term of this Agreement.**
- 2. KYTC will review and approve monthly submittals from the City documenting actual expenditures made for any of the reimbursable costs listed above incurred in support of the work contemplated by this Agreement (Monthly Expenditure Reports).**
- 3. KYTC will review the City's Monthly Expenditure Reports for completeness. If acceptable, KYTC will notify the City within twenty (20) working days and request preparation of an appropriate eMARS document (ITI) to initiate payment.**
- 4. If KYTC disagrees with the City's Monthly Expenditure Reports, a meeting to clarify those reports will be requested by KYTC within twenty (20) working days of receipt from the City.**

### **C. Coordination**

- 1. KYTC shall schedule and hold meetings with the Covington Project Director at regular intervals and as necessary to discuss the Project, and**

evaluate work performed in support of the Project, as described in the Memorandum of Understanding between KYTC and the City, dated [date] (the "MOU").

2. Meetings may include other representatives of the City, as determined useful and appropriate by mutual agreement of the Parties.
3. KYTC shall provide the Covington Project Director reasonable access to KYTC staff as necessary in the performance of the Covington Project Director's duties and in an effort to minimize the need for formal meetings.
4. The Parties understand and agree that the Covington Project Director will be required to attend various City staff meetings to carry out the roles and responsibilities of that position, and participation in these meetings and other similar, Project-related activities are covered under this Agreement.

## **II. City Responsibilities**

### **A. Resources**

1. The City shall identify or hire an employee or contract with a third-party consultant to serve as Covington Project Director and perform the roles and responsibilities of that position related to the Project.
2. In the event of a vacancy in the position of Covington Project Director, the City shall fill the vacancy as expeditiously as possible with a person who meets the qualifications for the position.
3. The City will include KYTC on the interview panel when hiring the Covington Project Director and will obtain the written concurrence of the Secretary of KYTC on the selection for that position.
4. If the City contracts with a third-party consultant to serve as Covington Project Director, the City shall ensure that the consultant (including any other individual at the consulting firm for which the Covington Project Director works) shall not perform any services for any non-Party entity related directly or indirectly to the Project with the prior knowledge and approval of KYTC, such approval to be granted or denied in KYTC's sole discretion.
5. The individual (whether a City employee or third-party consultant) hired as the Covington Project Director shall have demonstrated technical knowledge and expertise in construction, traffic management planning, and effective oral and written communication skills. Prior to hiring the Covington Project Director, KYTC and the City shall agree on any specific, additional technical, educational, and employment criteria that will be required for the position.



6. **The City shall ensure that any Project information shared with the Covington Project Director or any other representative of the City pursuant to this Agreement or the MOU is treated as confidential and is not shared with or disclosed to any non-Party entity without the prior written approval of KYTC; provided that this obligation of confidentiality shall apply only to Project information that has not otherwise been disclosed to the general public by KYTC; and provided further that the City shall limit the distribution and disclosure of Project information among City employees to only those with a reasonable need to review such information in connection with the City's responsibilities under this Agreement and the MOU.**

**B. Duties**

**The Parties agree that the job duties of the Covington Project Director shall include the following activities, as well as other activities mutually agreed upon by the Parties:**

1. **Represent the City on the Project Advisory Committee and Project Aesthetics Committee;**
2. **Represent the City in other Project-related meetings, as determined necessary and appropriate by the Parties;**
3. **Coordinate and communicate with KYTC regarding the Project reevaluation, development, and construction and provide the City's input, as appropriate, on key Project documents, analyses, decisions, etc., including but not limited to the Incident Management Plan, Traffic Management Plan, and Maintenance of Traffic Plans;**
4. **Coordinate with local businesses, community organizations, neighborhood associations and other community entities and enterprises to share Project information, seek input, and address concerns; and**
5. **Serve as the primary, day-to-day point of contact for the City with KYTC with respect to all aspects of the Project.**

**C. Recordkeeping and Reconciliation of Budget/Expenditures**

1. **The Covington Project Director shall keep daily time records that identify the number of hours spent working. The documentation method shall be proposed by the City and approved by KYTC. In addition, the City shall keep accurate and separate accounting records of all receipts and disbursements of all funds received pursuant to this Agreement and**

produce such records for examination by KYTC. The City shall keep records substantiating hours and costs billed pursuant to this Agreement for a period of at least five (5) years following the termination of this Agreement. These records shall be subject to audit by KYTC or other state agencies as appropriate, upon request.

2. Payment balances shall be reconciled at the time of any Agreement extension, supplement or termination, and upon completion of this Agreement.
3. In the event of a disagreement over statements of expenditure, the Parties agree to negotiate in good faith toward a reconciliation of the disputed amount.

#### **D. Coordination**

1. The Covington Project Director shall attend Project-related meetings with KYTC and other entities, as requested.
2. The Covington Project Director shall make best efforts to coordinate any absences (such as vacation, personal time, etc.) with KYTC in advance, in order to minimize disruption or delays in Project reviews.
3. Senior representatives of the City, including the Covington Project Director, shall attend quarterly meetings with senior representatives of KYTC to review and evaluate work and activities performed under this Agreement during the previous quarter. KYTC and City representatives will review mutually agreed upon performance and progress measures quarterly to verify that this Agreement is meeting its intended purposes.
4. As requested, the Covington Project Director shall provide timely and expeditious comments and feedback to KYTC regarding Project-related plans, documents, and other information consistent with this Agreement and the MOU.
5. The City shall make the Covington Project Director reasonably available to KYTC in an effort to minimize the need for formal meetings.

### **III. General Terms**

- A. **Term of Agreement.** This agreement shall be effective from July 1, 2022, through June 30, 2027 (the "Initial Term"), unless extended or terminated as provided herein. After the Initial Term, this Agreement shall be automatically renewed for successive one-year terms (at the annual reimbursement rate identified in Section I.A. above) as long as construction of the Project continues, unless either Party gives written notice to the other Party that the Agreement will not be renewed beyond the then-current term of the Agreement.

- B. Supplement, Modification and Extension. This Agreement may be modified, amended, or extended by the mutual agreement of the Parties.**
- C. Effect of Termination. Neither Party shall incur any new obligations after the effective date of termination and shall cancel all severable agreements. Full credit shall be allowed for each Party's expenses and non-severable obligations incurred up to the effective date of termination. In the event of termination of this Agreement, the City shall conduct a final accounting. KYTC shall not be liable for any further reimbursement claims, and the reimbursement claims submitted by the City shall not exceed the total amount of consideration stated in this Agreement.**
- D. Points of Contact. All formal notices given pursuant to this Agreement, including disagreements or issues addressed in Section III.E below, shall be sent by email and U.S. Mail to the point of contact for each Party is listed below.**

**Kentucky Transportation Cabinet**  
**Name: Jim Gray**  
**Title: Secretary**  
**Address: 200 Mero Street, Frankfort, KY 40601**  
**Phone Number:**  
**Email:**

**City of Covington**  
**Name: Joseph Meyer**  
**Title: Mayor**  
**Address:**  
**Phone Number:**  
**Email:**

- E. The Parties agree that disagreements or issues under or relating to the implementation of this Agreement shall be resolved by the Secretary of KYTC and the Mayor of the City of Covington. In the event that the City determines that the Covington Project Director is not able to complete one or more of the roles and responsibilities assigned to that position, notice of such inability shall be provided in writing to the KYTC point of contact. The points of contact for the Parties, as identified in Section III.D above, shall promptly meet and work in good faith to resolve the issues, or agree upon a plan for resolution within one week of notification.**

**F. Continuation of Existing Responsibilities**

1. **The Parties to this Agreement are acting in an independent capacity in the performance of their respective legally authorized functions under this Agreement, and neither Party's employees, including the Covington Project Director, are to be considered the officer, agent, or employee of another Party.**
2. **This Agreement shall not abrogate any obligations or duties to comply with the National Environmental Policy Act of 1969 or its implementing regulations; or any other Federal statute or implementing regulations.**

**IV. Required Clauses**

**Cancellation clause**

Either party may cancel this Agreement at any time for cause or may cancel without cause on 30 days' written notice.

**Funding Out Provision**

The state agency may terminate this contract if funds are not appropriated to the contracting agency or are not otherwise available for the purpose of making payments without incurring any obligation for payment after the date of termination, regardless of the terms of the contract. The state agency shall provide the contractor thirty (30) calendar days written notice of termination of the contract.

**Reduction In Contract Worker Hours**

The Kentucky General Assembly may allow for a reduction in contract worker hours in conjunction with a budget balancing measure for some professional and non-professional service contracts. If under such authority the agency is required by Executive Order or otherwise to reduce contract hours, the contract will be reduced by the amount specified in that document.

**Access to Records**

The state agency certifies that it is in compliance with the provisions of KRS 45A.695. "Access to contractor's books, documents, papers, records, or other evidence directly pertinent to the contract." The contractor, as defined in KRS 45A.030(9) agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. Records and other prequalification information confidentially disclosed as part of the bid process shall not be deemed as directly pertinent to the contract and shall be exempt from disclosure as provided in KRS 61.878(1)(c). The contractor also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

**Effective Date**

All Memoranda of Agreement are not effective until the secretary of the Finance and Administration Cabinet or his authorized designee has approved the contract and until the contract has been submitted to the government contract review committee. However, Memoranda of Agreements \$50 000 or less are exempt from review by the committee and need only be filed with the committee within 30 days of their effective date for informational purposes only as provided under KRS 45A.700

KRS 45A.695(7) Payments on personal service contracts and memoranda of agreements shall not be authorized for services rendered after government contract review committee disapproval, unless the decision of the committee is overridden by the secretary of the Finance and Administration cabinet or agency head, if the agency has been granted delegation authority by the secretary.

**Violation of tax and employment laws**

KRS 45A.485 requires the contractor to reveal to the Commonwealth, prior to the award of a contract, any final determination of a violation by the contractor within the previous five (5) year period of the provisions of KRS chapters 136, 139, 141, 337, 338, 341 and 342. These statutes relate to the state sales and use tax, corporate and utility tax, income tax, wages and hours laws, occupational safety and health laws, unemployment insurance laws, and workers compensation insurance laws, respectively.

To comply with the provisions of KRS 45A.485, the contractor shall report any such final determination(s) of violation(s) to the Commonwealth by providing the following information regarding the final determination(s): the KRS violated, the date of the final determination, and the state agency which issued the final determination.

KRS 45A.485 also provides that, for the duration of any contract, the contractor shall be in continuous compliance with the provisions of those statutes which apply to the contractor's operations, and that the contractor's failure to reveal a final determination as described above or failure to comply with the above statutes for the duration of the contract, shall be grounds for the Commonwealth's cancellation of the contract and the contractor's disqualification from eligibility for future state contracts for a period of two (2) years.

Contractor must check one:

The contractor has not violated any of the provisions of the above statutes within the previous five (5) year period.

The contractor has violated the provisions of one or more of the above statutes within the previous five (5) year period and has revealed such final determination(s) of violation(s). A list of such determination(s) is attached.

**Discrimination**

Discrimination (because of race, religion, color, national origin, sex, sexual orientation, gender identity, age, or disability) is prohibited. This section applies only to contracts utilizing federal

funds, in whole or in part. During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex, sexual orientation, gender identity or age. The contractor further agrees to comply with the provisions of the Americans with Disabilities Act (ADA), Public Law 101-336, and applicable federal regulations relating thereto prohibiting discrimination against otherwise qualified disabled individuals under any program or activity. The contractor agrees to provide, upon request, needed reasonable accommodations. The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability. Such action shall include, but not be limited to the following; employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensations; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability.

3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

4. The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965 as amended, and of the rules, regulations and relevant orders of the Secretary of Labor.

5. The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and

such other sanctions may be imposed and remedies invoked as provided in or as otherwise provided by law.

7. The contractor will include the provisions of paragraphs (1) through (7) of section 202 of Executive Order 11246 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor, issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**Minimum Wage for the Commonwealth's Service Providers**

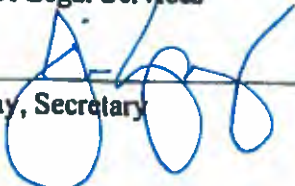
The contractor, and all subcontractors therein, shall pay to any worker directly performing a service called for in the contract, and to any person who provides a service ancillary thereto for at least 20% of his or her working time in any given work week, a minimum of \$10.10 per hour, or \$4.90 per hour for tipped employees, for those hours worked in connection with the contract.

**KENTUCKY TRANSPORTATION CABINET**

Approved as to form and legality:

  
\_\_\_\_\_  
Office of Legal Services

June 6, 2022  
Date

  
\_\_\_\_\_  
Jim Gray, Secretary

June 15, 2022  
Date

**CITY OF COVINGTON**

  
\_\_\_\_\_  
Joseph U. Meyer, Mayor

June 15, 2022  
Date

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF COVINGTON, KENTUCKY  
AND  
THE KENTUCKY TRANSPORTATION CABINET  
  
REGARDING  
  
BRENT SPENCE BRIDGE PROJECT  
NEPA REEVALUATION PROCESS

WHEREAS, the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) plan to reconstruct a 7.8-mile segment of Interstate 71 (I-71) and Interstate 75 (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 Project (the Project); and

WHEREAS, FHWA issued a Finding of No Significant Impact (FONSI), pursuant to the National Environmental Policy Act, 42 U.S.C. § 4321 et seq. (NEPA), for the Project on August 9, 2012, determining that Alternative I will have no significant impact on the human or natural environment. The FONSI was subsequently reevaluated on February 11, 2015, and March 15, 2018. The FONSI was based on an Environmental Assessment (EA) approved by FHWA on March 7, 2012, along with subsequent comments and responses on the EA and supporting technical studies; and

WHEREAS, FHWA, KYTC, the Kentucky State Historic Preservation Officer (SHPO), and the City of Covington, Kentucky (the City) entered into a Memorandum of Agreement regarding the Project, pursuant to the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA), effective July 10, 2012, to take into account the effects of the Project on historic properties (the Section 106 MOA); and

WHEREAS, FHWA, KYTC, and ODOT plan to prepare a Reevaluation of the EA and FONSI, pursuant to NEPA and its implementing regulations, 40 C.F.R. § 1500 et seq. and 23 C.F.R. Part 771, to ensure that those documents and their findings and conclusions remain valid in light of the passage of time since the documents were approved in 2012 (the Reevaluation); and

WHEREAS, the City has been in communication with KYTC to express concerns about the effects of the Project within the City and to request a Reevaluation of the EA to fully account for changes of conditions within the City and the Project area since 2012; and

WHEREAS, KYTC and the City wish to work together cooperatively to identify and address the City's concerns during the proposed Reevaluation process and to ensure that the Project decisions and mitigation commitments, as embodied in the EA and FONSI and the outcome of the



Reevaluation process, remain consistent with the requirements of NEPA, the NHPA, and related legal requirements;

NOW, THEREFORE, KYTC and the City enter into this Memorandum of Understanding, as set forth below, to identify and memorialize their mutual commitments and good faith cooperation with regard to the Reevaluation process.

#### I. PROCESS PARTICIPATION

KYTC is committed to ensuring that the City and other key stakeholders are given ample opportunity to receive information and provide input during the Reevaluation process, as well as during construction and operation of the Project. While the scoping process for the Reevaluation is the responsibility of KYTC, ODOT, and FHWA, the concerns and interests of the City and other key stakeholders will be considered in that process. If during Reevaluation of the Project, additional adverse effects are identified beyond those documented in the EA and FONSI, the agencies will identify and evaluate appropriate additional mitigation commensurate with those impacts. To further these objectives, KYTC and the City, in cooperation with FHWA, agree to work together in good faith to implement the following measures:

- A. KYTC will develop a schedule of items on which the City's input will be sought during the Reevaluation process, will establish regularly scheduled meetings with the City to provide an opportunity for information-sharing and input, and will continue to involve the City in Project Advisory Committee and Project Aesthetics Committee meetings.
- B. KYTC will provide funding for a full-time Covington Project Director (technical liaison) staff position that will be dedicated specifically to representing the City's interests and coordinating with KYTC and its contractors regarding the Project. It is anticipated that the Covington Project Director will work cooperatively with KYTC on the City's behalf throughout the period leading up to issuance of the Design-Build Contract and the subsequent construction of the Project. The Covington Project Director would also coordinate with local development, businesses, and neighborhoods regarding the Project. The position will require technical knowledge and expertise in construction, traffic management planning, and effective oral and written communication skills. Further details regarding the roles and responsibilities of the Covington Project Director and the mutual rights and obligations of KYTC and the City with respect to funding and supporting the Covington Project Director position are set forth in a separate Memorandum of Agreement between KYTC and the City, of even date herewith (the Funding MOA).

## II. COMMUNICATION

KYTC and the City, in cooperation with FHWA, will work together in good faith to ensure that the City is kept informed of relevant Project developments and has appropriate opportunities to participate in the Reevaluation process and provide input into Project design and implementation issues. Such measures shall include:

- A. Providing a direct point of contact within KYTC (the KYTC Project Manager) for questions and input from the Covington Project Director on behalf of City officials.
- B. Providing the City the opportunity to participate in key advisory groups, including the Project Advisory Committee and the Project Aesthetic Committee, as well as similar groups that may be established as a result of the Reevaluation process.
- C. During construction, KYTC will require that the contractor maintain a website that will provide regular Project updates regarding maintenance of traffic plans, current conditions, upcoming changes, etc. The website will provide an email address for the public to contact the contractor's designated representative with questions or concerns regarding on-going or planned construction activities. KYTC will develop reporting protocols to ensure that the contractor responds to the inquiries in a timely manner and keeps KYTC informed of community questions and concerns.
- D. The Project's communications team, working through the KYTC Project Manager, will make best efforts to provide timely notice to the Covington Project Director prior to the public release of any information related to any portion of the Project located in or likely to have a substantial effect on the City.

## III. STORM WATER MANAGEMENT AND MITIGATION

KYTC and the City, in cooperation with FHWA, will work together in good faith to ensure that the City's concerns about storm water management related to the Project continue to be evaluated and addressed during the Reevaluation process and during the design and construction of the Project. To further this objective, KYTC and the City acknowledge and agree that, pursuant to the existing commitments in the EA and FONSI, KYTC has initiated a study to evaluate measures to fully contain all drainage from the interstate within a separate stormwater conveyance system and eliminate discharges to the City's combined sewer system beginning at Kyles Lane and extending through the Willow Run watershed to the Ohio River. Meetings have recently been held with City officials to brief them on preliminary findings of that study. Coordination on this important issue will continue through Project implementation. Drainage maintenance for the Project once construction is complete, including a new separate stormwater conveyance system, will occur in accordance with established KYTC maintenance protocols. KYTC recognizes the City's status as an MS4 community and will coordinate with both it and the Sanitation District #1 of Northern Kentucky (SD1), as appropriate.

#### IV. TRAFFIC IMPACTS

KYTC and the City, in cooperation with FHWA, will work together in good faith to continue evaluating and addressing the City's concerns about traffic impacts likely to be caused by construction and operation of the Project. Such measures shall include:

- A. Evaluating improvements to the intersections of Fourth and Main Streets and Fifth and Main Streets, to ensure satisfactory levels of service during Project construction and operation.
- B. Evaluating anticipated traffic conditions due to construction of the Project, including potential traffic diversion through the City, to ensure that the Project Maintenance of Traffic (MOT) Plan, Incident Management Plan, and Traffic Management Plan minimize potential community and economic disruption within the City. In support of this goal, KYTC will seek to ensure that the Reevaluation and construction procurement processes includes the following:
  - 1. Evaluation of maintaining available travel lanes on the mainline interstate during Project construction to ensure the Project will not induce traffic diversion similar to that experienced during recent closures and restrictions on the Brent Spence Bridge.
  - 2. Evaluation of access requirements to communities in the City to minimize impacts to local businesses during Project construction.
  - 3. Evaluation of the establishment of a Project Incident Management Plan to minimize diversion resulting from incidents occurring within the Project limits during Project construction. The City will be given the opportunity to participate actively in the development of the Incident Management Plan and to continue its involvement in development of the Project Traffic Management Plan.
  - 4. Providing the City an opportunity to review and comment on the Project MOT Plan as it is developed. The goal of the MOT Plan will be to minimize diversion of traffic and disruption to adjacent areas during construction. KYTC will work directly with the Covington Project Director to ensure that all relevant agencies within the City have an opportunity to review and provide input into all aspects of MOT planning, plan development, and construction period operations affecting the City.
  - 5. Ensuring that the MOT Plan includes provisions for communicating with trucking companies and mapping services to notify them of re-routing and delay information related to the Project.
  - 6. Ensuring that the construction procurement documents, in concert with the MOT Plan, include appropriate provisions for the contractor to install and utilize variable LED electronic message boards at key locations within the City (e.g., Pike and Russell, Eighth and Russell, Seventeenth and Scott), as needed, during Project construction. KYTC will also work to ensure that the construction procurement documents require the contractor, working through

KYTC's Project Manager and the Covington Project Director, to coordinate with the City's traffic control officers regarding the location and placement of variable LED electronic message boards. The construction procurement documents also may contain other means of informing and notifying the public of traffic changes, as appropriate.

## V. HISTORIC PRESERVATION

KYTC and the City, in cooperation with FHWA, will work together in good faith during the Reevaluation process to ensure that the potential effects of the Project on historic properties within the City have been adequately taken into account. To that end, and consistent with the commitments contained in the EA and FONSI, KYTC and the City acknowledge and agree that as a result of the passage of time since the issuance of the EA and FONSI, the original Project commitment to fund the Lewisburg Façade Grant Program should be refreshed to address the impacts of inflation on this ten-year-old commitment. Based on this lapse of time and the fact that completion of the Project is expected to take several more years, KYTC and the City agree that funding for the Lewisburg Façade Grant Program should be increased to \$1.2 million.

## VI. ENVIRONMENTAL COMMITMENTS

KYTC and the City, in cooperation with FHWA, will work together in good faith through the Reevaluation process to ensure that the Project's Environmental Commitments, as set forth in the FONSI, are sufficient and appropriate in light of the Project's likely environmental consequences. Such measures shall include:

- A. Evaluating the existing Environmental Commitments to ensure they remain appropriate and effective in light of the conclusions of the Reevaluation process.
- B. Identifying additional potential Environmental Commitments that may be appropriate to incorporate into the Project as a result of the Reevaluation process.
- C. Ensuring that the construction procurement documents contain requirements to ensure compliance with all applicable state noise standards and local noise ordinances and that the contractor, working through the KYTC Project Manager, be required to communicate and coordinate with the Covington Project Director regarding noise abatement measures within the City. Such measures may include limiting construction activities and construction noise during specific periods of time and limiting activities that create high levels of construction noise, such as pile driving and blasting, to certain times of day.
- D. Reviewing and updating, as necessary, the prior assessment of post-construction noise impacts to address minor changes in the Selected Alternative and updated traffic forecasts, and evaluating placement of noise abatement barriers in compliance with KYTC's noise policy, with an opportunity for public input into the selection process.

- E. Ensuring that the construction procurement documents and specifications contain requirements that the contractor comply with all KYTC and local requirements for maintaining air quality during Project construction.

## VII. CONTEXT SENSITIVE DESIGN

KYTC has placed a priority on incorporating context sensitive design principles into its project development processes. KYTC and the City, in cooperation with FHWA, will work together in good faith through the Reevaluation, design and construction processes to ensure that context sensitive design principles continue to be applied. Such measures shall include:

- A. KYTC will continue its efforts to minimize the Project footprint to reduce impacts and identify opportunities to improve community connectivity. These efforts may result in minor design modifications to the Selected Alternative that will be presented during the Reevaluation process.
- B. KYTC will continue ongoing discussions with the City regarding potential Project impacts to the local street network, possible Project improvements to address potential post-construction increases in traffic at the 4<sup>th</sup> Street and 5<sup>th</sup> Street intersections as a result of better connectivity to I-75 north of the Ohio River via the Clay Wade Bailey Bridge, and means to improve community connectivity and strengthen intermodal relationships.
- C. KYTC will engage a qualified landscape architect with urban experience to develop an Urban Aesthetics and Landscape Guidance document for the Project. The document will evaluate and synthesize existing City guidance and establish a set of principles that can be employed between 12<sup>th</sup> Street and the Ohio River that will blend the interstate's assets into the unique character of the City, with an emphasis on developing complete streets for the network parallel and through the interstate corridor. KYTC will coordinate with and seek input from the City at key milestones during the development of this document. Furthermore, KYTC will welcome any specific recommendations that the City may have for modifying the design of the Selected Alternative to reduce the Project footprint or to improve community access, connectivity, safety, lighting, landscaping, aesthetics, etc.

## VIII. UNDERSERVED POPULATIONS

KYTC is committed to identifying and addressing any potential disproportionately high and adverse impacts to minority and low-income populations, as required by Executive Order 12898. To that end, KYTC and the City, in cooperation with FHWA, agree to work together in good faith during the Reevaluation process to further evaluate potential environmental justice impacts of the Project and appropriate avoidance, minimization, and mitigation measures, if required. KYTC will ensure during the Reevaluation process that the evaluation of direct and indirect effects on environmental justice communities takes into account any Project changes that may result in disproportionately high and adverse environmental or human health effects on minority populations and low-income populations.

IX. ADMINISTRATIVE BURDEN


KYTC and the City both recognize that the Project will represent a major investment in the future of the City and the region and will provide great benefits by improving cross-river mobility and reducing congestion. KYTC understands the City's desire to contain the costs associated with participating fully in the further development of the Project and managing issues that may arise during construction.

- A. To that end, KYTC and the City agree that KYTC will fund the Covington Project Director position on the basis described in the Funding MOA. Funding of the position is intended to ease the administrative burden of actively participating during the remaining design and future construction phases of the Project.
- B. KYTC and the City will establish regularly scheduled meetings to provide opportunities for City input; and will continue to afford opportunities for further involvement and input through meetings of the Project Advisory Committee and Project Aesthetics Committee and development of the Incident Management Plan, Traffic Management Plan, and MOT Plans. During implementation of the Project, KYTC, ODOT and FHWA will be responsible for assuring that Project commitments are fulfilled. KYTC is committed to working as effectively as possible to increase the City's opportunities for engagement while minimizing the cost of that participation.

THEREFORE, KYTC and the City hereby affix their signatures to this Memorandum of Understanding to demonstrate their mutual, good faith commitment to work together to address the City's concerns with the Project, which have been identified above, and to undertake the specific actions identified above to help ensure that the Reevaluation process properly takes into account changes that have resulted from the passage of time and to ensure that the City's concerns are addressed to the maximum extent practicable under NEPA, the NHPA, and other governing laws.

KENTUCKY TRANSPORTATION CABINET

CITY OF COVINGTON

BY:   
James P. Gray, Secretary

BY:   
Joseph U. Meyer, Mayor

Date: May 6, 2022

Date: June 15, 2022

Reviewed as to form and legality

  
Will Fogle, KYTC Attorney

Date: May 6, 2022

**Appendix B**  
**Agency Coordination**  
**NEPA Process**

- 2012-08-09 FONSI ..... B5-1
  - 2015-02-11 NEPA Reevaluation 1..... B5-8
  - 2018-03-15 NEPA Reevaluation 2..... B5-12
  - 2021-07-22 ODOT Response to NEPA Reevaluation 2..... B5-16
  - 2023-12-22 Bi-State Management Team Geotechnical Boring Request..... B5-21
  - 2023-12-26 FHWA Geotechnical Boring Coordination ..... B5-23
  - 2024-01-05 Categorical Exclusion for Geotechnical Borings ..... B5-24
  - 2024-01-09 FHWA Geotechnical Boring Coordination ..... B5-45
-

**Federal Highway Administration**  
**Finding Of No Significant Impact**  
**For**  
**The Brent Bridge Replacement/Rehabilitation Project**  
**KYTC Project Item No. 6-17**  
**ODOT PID 75119**  
**Kenton County, Kentucky and Hamilton County, Ohio**

**Issued Pursuant 42 U.S.C. 4332 (2)(c), 23 U.S.C. 128(a), 23 U.S.C. 138, and 49 U.S.C. 303**

(This action complies with Executive Order 11990, Protection of Wetlands; the Farmland Protection Act of 1981; and the National Historic Preservation Act)

**Proposed Project**

The Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) plan to improve a 7.8-mile segment of Interstate-75 (I-75) within the Commonwealth of Kentucky (state line mile 186.7) and the State of Ohio (state line mile 2.7). The southern limit of the project is 5,000 feet south of the midpoint of the Dixie Highway Interchange on I-71/I-75 in Fort Wright, south of Covington, Kentucky. The northern limit of the project is 1,500 feet north of the midpoint of the Western Hills Viaduct Interchange on I-75 in Cincinnati, Ohio. The eastern and western limits of the study area generally follow the existing alignment of I-75.

I-75 within the Greater Cincinnati/Northern Kentucky region is a major thoroughfare for local and regional mobility. Locally, it connects to I-71, I-74 and US Route 50. The Brent Spence Bridge provides an interstate connection over the Ohio River and carries both I-71 and I-75 traffic. The bridge also facilitates local travel by providing access to downtown Cincinnati, Hamilton County, Ohio and Covington, Kenton County, Kentucky. Safety, congestion and geometric problems exist on the structure and its approaches. The Brent Spence Bridge, which opened to traffic in 1963, was designed to carry 80,000 vehicles per day. Currently, approximately 160,000 vehicles per day use the Brent Spence Bridge and traffic volumes are projected to increase to approximately 233,000 vehicles per day in 2035.

The I-75 corridor within the Greater Cincinnati/Northern Kentucky region is experiencing problems, which threaten the overall efficiency and flexibility of this vital trade corridor. These problems include, but are not limited to, growing demand and congestion, land use pressures, environmental concerns, inadequate safety margins, and maintaining linkage in key mobility, trade, and national defense highways.

The purpose of the project is to improve the operational characteristics within the I-75 corridor for both local and through traffic. 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 objectives of this project are to:

- improve traffic flow and level of service,
- improve safety,
- correct geometric deficiencies, and
- maintain connections to key regional and national transportation corridors.

The I-75 corridor is a major north-south transportation corridor and is one of the busiest freight movement (trucking) routes and as such is important link for the local, regional and national economies. The project is included in a conforming Transportation Plan in accordance with the



Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU).

### **Alternatives Considered**

The planning phase was completed with The *Conceptual Alternatives Study* (April 2009), which recommended two feasible alternatives for evaluation in the NEPA phase of project development. Public involvement was conducted throughout the development and evaluation of feasible alternatives, as well as coordination with the applicable resource agencies, as contained in the EA. Alternative E and I are fully described in the EA. Based upon the ability to meet purpose and need, operational performance, public comments, and minimize impacts, EA Alternative I was identified as the Preferred Alternative.

During development of the Preferred Alternative, a study to evaluate the new Ohio River Bridge type was conducted. The study generated the *Bridge Type Selection Report* (March 2011). From this study, six bridge type alternatives were posted on the project website to solicit public comments. Additionally, a press release was issued to notify the public of the opportunity to provide comments on the alternatives. A one-week comment period followed. Comments were received via email, faxes, phone calls, and postings to the project website. The public comments received were analyzed and used to quantify trends for the public's preferences and to reduce the number of types from six to three. The final three bridge types were shown at the Public Hearings on the EA and are listed here:

- Alternative 1, Arch Bridge: simply supported arch with inclined arch ribs,
- Alternative 3, Cable-stayed Bridge: two towers, three vertical legs/tower,
- Alternative 6, Cable-stayed Bridge: one tower, two vertical legs/tower.

### **Public Involvement and Comments**

During development, there have been numerous opportunities for the public to provide input into the decision-making process. Coordination with Federal, State, and local agencies was also conducted. Since the project's inception, KYTC and ODOT have held numerous stakeholder meetings, consulting party meetings, public meetings, briefings, a formal public hearing, and meetings with individual groups, organizations, and elected officials. Per Title VI of the Civil Rights Act of 1964 which states "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance," all efforts were made to be inclusive of all respective groups during the Planning, Project Development and Public Involvement processes.

The EA was approved for public availability on March 7, 2012. The Notice of Public Hearing was advertised on March 21, 2012 and April 16, 2012 in the Cincinnati Enquirer. One public hearing was held on April 24, 2012 at Longworth Hall (700 West Pete Rose Way, Cincinnati, Ohio 45203). A second hearing was held on April 25, 2012 at the Northern Kentucky Convention Center (One West RiverCenter Boulevard Covington, Kentucky 41011). Both hearings were held from 5:00 pm to 8:00 pm and had a presentation by the project team at 5:30 pm followed by a public comment period. Written comments on the EA were due by May 25, 2012. Comments received have been documented and addressed in the Public Involvement Summary.

The majority of comments were in relation to the local access to the City of Covington. The most comments received specifically referred to access at 5<sup>th</sup> and 12<sup>th</sup> streets in Covington. Also, several comments provided suggested modifications to Alternative I as proposed by the

City of Covington. Based on evaluation of comments received and coordination with the Cities of Cincinnati and Covington, Alternative I was refined.

### **Selected Alternative**

The selected alternative is a revised version of EA Alternative I. Based upon public comments and coordination between the ODOT, KYTC and Cities of Cincinnati and Covington following the public hearing process, EA Alternative I was refined to include the following items:

- In Kentucky, the C-D roadway northbound and Jillians Way will be modified to include a new KY 5<sup>th</sup> Street exit ramp. The C-D roadway will be widened to accommodate the new exit ramp and a section of Jillians Way will be reduced in width due to the changes in traffic volumes. The proposed section of Jillians between KY 9<sup>th</sup> and KY 5<sup>th</sup> streets will be removed to accommodate the new exit ramp from the C-D Roadway.
- In Ohio, the exit ramp from the C-D roadway southbound will connect to the OH 3<sup>rd</sup> Street intersection at the north end of the Clay Wade Bailey Bridge.

### **Selected Ohio River Bridge**

Based on the comparative analysis completed during the Bridge Type process with respect to construction cost; constructability/construction time; maintenance and durability; major rehabilitation feasibility; maintenance of traffic; and aesthetics and the public comments received as part of the public hearing process, two bridge alternatives can be considered as part of the Selected Alternative:

- Alternative 1, Arch Bridge: simply supported arch with inclined arch ribs
- Alternative 3, Cable-stayed Bridge: two towers, vertical legs/tower

Regardless of the bridge type that is ultimately selected for construction, the following requirements must be adhered to:

1. The highest point of the bridge shall be at least 300' +/- above the Normal Pool Elevation of the Ohio River (EL. 456.36').
2. The highest point of the bridge shall be less than 420' +/- above the Normal Pool Elevation of the Ohio River (EL. 456.36').
3. The Minimum Provided Underclearance shall be no lower than that provided by the existing Brent Spence Bridge.
4. The bridge mainspan shall provide sufficient length to insure that substructure units are outside of the main span piers of the existing Brent Spence Bridge.
5. If a double deck design is provided, a twenty-five foot (25') minimum vertical clearance shall be provided above the bottom deck roadway surface.

The alternative in the EA identified as the Selected Alternative I satisfies the purpose and need of the project and is the Selected Alternative for the project. The Interchange Modification Study (IMS) is being amended to include these refinements. Construction of the Selected Alternative will impact the following:

- 32.06 total acres of new right-of-way including 54 displacements - 40 residential and 14 commercial. Alternative I in the EA required a total of 31.31 acres with the same displacements.
- Approximately 3,340 linear feet of intermittent streams, 1.38 acres of wetlands, and habitat for the Indiana bat and running buffalo clover. No change from EA impacts.
- One hazardous material site recommended for a Phase I Environmental Site Assessment (ESA) and 11 hazardous material sites recommended for Phase II ESA investigations. No change from EA impacts.
- Two National Register of Historic Places (NRHP) listed properties: Lewisburg Historic District in Kentucky and Longworth Hall in Ohio. No change from EA impacts.

- Four Section 4(f) resources (parks and historic properties): Goebel Park, and Lewisburg Historic District in Kentucky and Queensgate Playground and Ball Fields and Longworth Hall in Ohio. A total of 2.59 acres of take from Goebel Park to accommodate local access will be required and has been agreed to by the owner, City of Covington. The EA had identified 1.9 acres of right of way take from Goebel Park.
- The 2.59 acres of right-of-way take from Goebel Park is also subject to Section 6(f) requirements. The EA had identified 1.9 acres of right-of-way take for this resource under Alternative I .

### Cost

An FHWA Cost Estimate Workshop for the project was held between February 27 and March 1, 2012. The total project cost (engineering, right-of-way, utilities, and construction) based on information presented at the workshop varies between \$2.472 billion and \$2.884 billion in year of expenditure dollars. However, based on the workshop's analysis of risks associated with the project, there is a 70 percent confidence level that the total cost will require a budget of \$2.765 billion. This would include \$1.277 billion for Ohio and \$1.495 billion for Kentucky.

### Schedule

The schedules for the next phases of project development by KYTC and ODOT are listed:

	DESIGN		RIGHT OF WAY & UTILITIES		CONSTRUCTION	
	Begin	End				
KYTC 6-17 Preliminary study #	6/1/05	9/30/12	N/A	N/A	N/A	N/A
6-17: New River Crossing	1/1/13	1/1/15	N/A	N/A	Begin 6/1/16	End 1/1/20
6-17: I-71/75 & Corridor Improvements	1/1/13	1/1/15	Begin 1/1/14	End 1/1/17	Begin 7/1/15	End 11/1/22

	DESIGN		RIGHT OF WAY & UTILITIES		CONSTRUCTION	
	Begin	End				
PID 75119 HAM-71/75-0.00/0.22 Preliminary study #	6/1/05	9/30/12	N/A	N/A	N/A	N/A
PID 89077 HAM-71-0.00	1/1/13	1/1/15	N/A	N/A	Begin 6/1/16	End 1/1/20
PID 89068 HAM-75-0.22	1/1/13	1/1/17	Begin 1/1/13	End 1/1/17	Begin 1/1/15	End 11/1/22

### Environmental Commitments

Construction of the Selected Alternative will require the implementation of a variety of environmental commitments (See pages 200-206 of the EA.)

- The acquisition of property for right-of-way will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- Construction of the project will not commence until the necessary permits have been completed—for Water Quality Certification through the Ohio Environmental Protection Agency (OEPA) and Kentucky Division of Water, United States Army Corp of Engineers

Section 404, and US Coast Guard (USCG) Section 9—on any segments impacting these resources to ensure compliance with the Clean Water Act of 1972.

- An effect determination on the Indiana bat and mussel species within the Ohio River will be made on the Selected Alternative following field reviews and coordination with resource agencies to satisfy the requirements of the Endangered Species Act. Additionally, best management practices will be used during placement of bridge piers to minimize impacts to aquatic life. In addition, in stream work within the Ohio River will be restricted between March 15 and June 30.
- Coordination with the Kentucky Department of Fish and Wildlife Resources will occur in the spring prior to the rehabilitation of the existing Brent Spence Bridge or the demolition of the bridge approaches to address nesting of peregrine falcons per the Migratory Bird Treaty Act of 1899.
- Phase I ESA will be conducted for the Harrison Terminal site at 1220 Harrison Avenue in Cincinnati. Based on known information about the following sites, if dewatering is necessary for construction purposes plan notes for petroleum contaminated soil (PCS) and contaminated groundwater will be developed and placed into plans: 351 John Street, 514 West Third Street, and 302-304 Central Avenue. Phase II ESAs will be conducted as identified in the EA as required by Comprehensive, Environmental Response, Compensation and Liability Act (1980) as amended by the Superfund Amendments and Reauthorization Act (1986).
- Coordination will be undertaken with the Kentucky Heritage Council (KHC) to address properties that were inaccessible for Phase I survey or required highly invasive activity, such as deep testing, as specified in the Section 106 Memorandum of Agreement for Kentucky.
- Mitigation measures documented in the Section 4(f) de minimis finding for Goebel Park and the MOAs for Lewisburg Historic District, Longworth Hall and Queensgate Playground and Ball Fields will be followed in accordance with applicable sections of 36 CFR 800 (Section 106) and 23 CFR 774 (Section 4(f)).
- The 4(f) de minimis determination for impacts to Goebel Park requires the use of an estimated 2.59 acres of flood-prone park property from the southwest corner of Goebel Park which be replaced with an estimated 2.38 acres of currently state-owned property that is at higher elevation and adjacent to the northwest corner of Goebel Park; the taking of a approximately 360 feet of walking trail will be mitigated by reconstructing the walking trail within the park and on locations to be determined in coordination with the City during the project's final design phase; and the taking of the basketball court and associated resources will be mitigated with funding of approximately \$77,600 of project funds for the replacement and enhancement of the basketball courts or for other outdoor recreation facilities within the park.
- FHWA and KYTC will ensure the Kentucky Department for Local Government will complete 6(f) conversion, with approval by National Park Service, before property transfers or construction activities commence in Goebel Park. Additional coordination may be necessary through final design and right of way acquisition.
- FHWA and KYTC acknowledge the City of Covington's sentiments that the proximity of the existing expressway alignment has impacted the operations of the pool and pool area at Goebel Park through noise and dust. They recognize the project's selected alternative may potentially further affect operations as a result of any increases in noise or dust. While these affects are not considered to substantially impair the functions of the pool, FHWA and KYTC will coordinate with the City of Covington during Phase II Design of the project to design roadway and bridge elements to reasonably minimize these potential impacts.

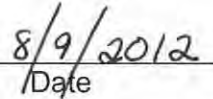
- The location and the designs of noise walls and other noise mitigation will be identified during the final design in accordance with the respective State's approved noise mitigation policies.
- The Project Advisory Committee and Project Aesthetic Committee will continue to meet and provide input during the final design and construction phases as discussed in Section 5.2 of the EA.
- Coordination with utilities will continue through the design and construction phases.
- ODOT and the Metropolitan Sewer District of Greater Cincinnati (MSD) have been acting cooperatively on water quality issues within the Mill Creek and Ohio River watersheds. ODOT will continue with its efforts of separating the highway drainage from the combined sewer systems as part of the project. Where separation is not feasible, adequate detention will be provided. Additionally, ODOT will include storm water Best Management Practices (BMPs) during construction and in the corridor's final design. The type and location of BMPs will be determined during the design process. ODOT will participate with MSD efforts to bring applicable agencies together to discuss, investigate, and evaluate mutually beneficial arrangements.
- KYTC and Kentucky Sanitation District #1 (SD1) will act cooperatively on water quality issues within the Ohio River watershed. KYTC will strive to separate the highway drainage from the combined sewer systems as part of the project. Where separation is not feasible, adequate detention per KYTC standards will be provided. Additionally, KYTC will include storm water Best Management Practices (BMPs) during construction and in the corridor's final design. The type and location of BMPs will be determined during the design process. KYTC will participate with SD1 efforts to bring applicable agencies together to discuss, investigate, and evaluate mutually beneficial arrangements.
- During construction, access to neighborhoods and community facilities will be maintained to the extent practical through controlled construction scheduling and/or provisions of alternate routes of entry. A Maintenance of Traffic (MOT) plan will be developed and implemented to maintain traffic operations throughout the corridor and minimize disruption to the surrounding communities. The MOT plan will be coordinated with the Regional Incident Management Task Force.
- FHWA and KYTC acknowledge the City of Covington's sentiments that the proximity of the existing expressway alignment has impacted the operations of the pool and pool area at Goebel Park through noise and dust. They recognize the project's selected alternative may potentially further affect operations as a result of any increases in noise or dust. While these affects are not considered to substantially impair the functions of the pool, FHWA and KYTC will coordinate with the City of Covington during Phase II Design of the project to design roadway and bridge elements to reasonably minimize these potential impacts.
- The project sponsor committed to USEPA that a commitment will be added to the contract documents to ensure that the contractor(s) shall comply with all applicable EPA diesel emission requirements including newer heavy duty requirements (Tier III) of the August 9, 2011 standards.
- The KYTC and Kentucky Office of Local Programs will complete the required 6(f) conversion as mitigation with approval by National Park Service, before construction activities commence in Goebel Park.
  - The use of an estimated 2.59 acres of flood-prone park property from the southwest corner of Goebel Park will be replaced with an estimated 2.38 acres of currently state-owned property that is at a higher elevation and adjacent to the northwest corner of Goebel Park;

- The taking of a approximately 360 feet of walking trail will be mitigated by reconstructing the walking trail within the park on location to be determined in coordination with the City during the project's final design phase; and
- The taking of the basketball court and associated resources will be mitigated with mitigation funding of approximately \$77,600 of project funds for the replacement and enhancement of the basketball courts or for other outdoor recreation facilities within the park.
- FHWA will ensure the Kentucky Office of Local Programs will complete 6(f) conversion, with approval by US NPS, before property conversions or construction activities commence in the park.

### **Finding of No Significant Impact**

The Federal Highway Administration (FHWA) has determined that Alternative I will have no significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment (EA) approved by FHWA on March 7, 2012 along with subsequent comments and responses on the EA and supporting technical studies. This documentation has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental effects, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental impact Statement (EIS) is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the EA and this FONSI determination.

  
\_\_\_\_\_  
Laura S. Leffler, Ohio Division Administrator

  
\_\_\_\_\_  
Date



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

**Ohio Division**  
February 11, 2015

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

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

Subject: FHWA Re-Evaluation of Brent Spence Bridge Replacement/Rehabilitation Project

Dear Director Wray:

The Federal Highway Administration has conducted a re-evaluation of the Environmental Assessment (EA) for the Brent Spence Bridge Replacement/Rehabilitation Project. Ohio Department of Transportation Project Identification of HAM 89068, and the Kentucky Transportation Cabinet Project Identification of 6-17. The purpose of the reevaluation is as follows:

- Introduce and document the need for further environmental analysis to support alternative delivery mechanisms not previously considered in the NEPA document that may have environmental impacts.
- Meet the required time frames to maintain a NEPA decision as valid.

This reevaluation has been coordinated with the Ohio Department of Transportation and the Kentucky Transportation Cabinet. The reevaluation is enclosed.

If you have questions or concerns, please call or e-mail Mr. Adam B. Johnson, Major Projects Engineer at (614) 280-6843 or [abjohnson@dot.gov](mailto:abjohnson@dot.gov).

Sincerely,

For: Laura S. Leffler  
Division Administrator

Enclosure(s)

By messenger (ODOT)

ecc: David Snyder  
Duane Thomas  
David Talley, KYTC  
Julie Gwinn, ODOT



**The Brent Bridge Replacement/Rehabilitation Project**  
**KYTC Project Item No. 6-17**  
**ODOT PID 89068**  
**Kenton County, Kentucky and Hamilton County, Ohio**  
**Re-evaluation**  
**February 6, 2015**

On August 9, 2012, the Federal Highway Administration (FHWA) issued a Finding of No Significant Impact (FONSI) the Brent Spence Bridge Project. Since that time, the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) have continued with project development. Discussions are ongoing between the States regarding funding of the project as presented in the original FONSI, estimated at \$2.4 - \$2.9 billion. These discussions revealed that tolling the users of the facility is an option that needs to be considered. That option, however, was not considered in the original FONSI.

### **Purpose of the Reevaluation**

A reevaluation is required per 23 CFR 771.129 when changes have occurred between the previous NEPA approval and the request for additional federal action. The reevaluation takes place after the FONSI has been approved and prior to the advancement of the next project stage. The reevaluation provides evidence in determining whether or not the preparation of a new EA or EIS is necessary in order to advance the project to the next stage. The purpose of the reevaluation is to determine the validity of the previous NEPA decision. It is the mechanism to determine and document whether or not the NEPA decision remains valid for the requested action or if additional analysis and/or documentation is necessary.

### **Proposed Project**

The Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) plan to improve a 7.8-mile segment of Interstate-75 (I-75) within the Commonwealth of Kentucky (state line mile 186.7) and the State of Ohio (state line mile 2.7). The southern limit of the project is 5,000 feet south of the midpoint of the Dixie Highway Interchange on I-71/I-75 in Fort Wright, south of Covington, Kentucky. The northern limit of the project is 1,500 feet north of the midpoint of the Western Hills Viaduct Interchange on I-75 in Cincinnati, Ohio. The eastern and western limits of the study area generally follow the existing alignment of I-75.

I-75 within the Greater Cincinnati/Northern Kentucky region is a major thoroughfare for local and regional mobility. Locally, it connects to I-71, I-74 and US Route 50. The Brent Spence Bridge provides an interstate connection over the Ohio River and carries both I-71 and I-75 traffic. The bridge also facilitates local travel by providing access to downtown Cincinnati, Hamilton County, Ohio and Covington, Kenton County, Kentucky. Safety, congestion and geometric problems exist on the structure and its approaches. The Brent Spence Bridge, which opened to traffic in 1963, was designed to carry 80,000 vehicles per day. Currently, approximately 160,000 vehicles per day use the Brent Spence Bridge and traffic volumes are projected to increase to approximately 233,000 vehicles per day in 2035.

The 1-75 corridor within the Greater Cincinnati/Northern Kentucky region is experiencing problems, which threaten the overall efficiency and flexibility of this vital trade corridor. These problems include, but are not limited to, growing demand and congestion, land use pressures, environmental concerns, inadequate safety margins, and maintaining linkage in key mobility, trade, and national defense highways. The purpose of the project is to improve the operational characteristics within the 1-75 corridor for both local and through traffic. In the Greater Cincinnati/Northern Kentucky region, the 1-75 corridor suffers from congestion and safety related issues as a result of inadequate capacity to accommodate current traffic demand. The objectives of this project are to:

- improve traffic flow and level of service,
- improve safety,
- correct geometric deficiencies, and
- maintain connections to key regional and national transportation corridors.

The 1-75 corridor is a major north-south transportation corridor and is one of the busiest freight movement (trucking) routes and as such is important link for the local, regional and national economies. The project is included in a conforming Transportation Plan in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU).

### **Finding of the Reevaluation**

FHWA has determined that based on the possibility of tolling the facility, ODOT and KYTC will begin preparation of a Supplemental Environmental Assessment (SEA). The SEA will be of limited scope and only evaluate the additional impacts associated with tolling the facility. Based on the potential for unknowns, ODOT will follow their NEPA process to prepare the document. The alternatives and findings of the existing EA/FONSI can be pulled forward into the SEA to limit additional work needed to complete the document. There are three alternatives to evaluate:

- The facility without tolls from the existing FONSI
- Tolling of the facility
- No-Build Alternative

Until ODOT and KYTC have committed to the potential changes in project scope and the requested reevaluation is completed; the existing FONSI dated August 9, 2012 remains valid.



For: Laura S. Leffler  
Division Administrator

Date

2/11/15



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

**Ohio Division**

March 15, 2018

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

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

Subject: Revised FHWA Re-Evaluation of Brent Spence Bridge  
Replacement/Rehabilitation Project

Dear Director Wray:

The Federal Highway Administration has revised the re-evaluation of the Environmental Assessment (EA) for the Brent Spence Bridge Replacement/Rehabilitation Project from February 5 2018. Ohio Department of Transportation Project Identification of HAM 89068, and the Kentucky Transportation Cabinet Project Identification of 6-17. The purpose of the reevaluation is unchanged and is as follows:

- o Document and consider ongoing project development activities within the corridor for NEPA implications,
- o Meet the required time frames to maintain a NEPA decision as valid.

This revised reevaluation has been coordinated with the Ohio Department of Transportation and the Kentucky Transportation Cabinet. The revised reevaluation is enclosed.

If you have questions or concerns, please call or e-mail either Mr. Noel F. Mehlo Jr., Planning & Environmental Specialist at (614) 280-6841 or [noel.mehlo@dot.gov](mailto:noel.mehlo@dot.gov) or Mr. Adam B. Johnson, Major Projects Engineer at (614) 280-6843 or [abjohnson@dot.gov](mailto:abjohnson@dot.gov) .

Sincerely,

For: Laura S. Leffler  
Division Administrator

Enclosure(s)

**The Brent Bridge Replacement/Rehabilitation Project  
KYTC Project Item No. 6-17  
ODOT PID 89068  
Kenton County, Kentucky and Hamilton County, Ohio  
Reevaluation 2  
March 2, 2018**

On August 9, 2012, the Federal Highway Administration (FHWA) issued a Finding of No Significant Impact (FONSI) for the Brent Spence Bridge Project. Since that time, the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) continued with project development.

On February 2, 2015, FHWA prepared and approved a Reevaluation of that decision and determined that the existing FONSI dated August 9, 2012 remained valid based on ongoing project development and questions surrounding project funding.

Discussions continue between the States on ways to fund the total project as presented in the original FONSI, estimated at \$2.4 - \$2.9 billion. The discussions determined that tolling is an option that needs to be considered. That option, however, was not considered in the original FONSI.

### **Purpose of the Reevaluation**

A Reevaluation is required per 23 CFR 771.129 when changes have occurred between the previous NEPA approval and any request for additional federal action. The Reevaluation takes place after the FONSI has been approved and prior to the advancement to the next project step (stage or phase). Major steps to advance the action are defined as:

- authority to undertake final design,
- authority to acquire a significant portion of the right-of-way, or
- approval of the plans, specifications and estimates.

FHWA may require a written evaluation of the FONSI before these approvals may be granted.

The purpose of the Reevaluation is to determine the validity of the previous NEPA decision, and provides evidence in determining if the preparation of a new CE, EA or EIS is necessary to advance the project to the next stage.

### **Proposed Project**

The Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) plan to improve a 7.8-mile segment of Interstate-75 (I-75) within the Commonwealth of Kentucky (state line mile 186. 7) and the State of Ohio (state line mile 2. 7). The southern limit of the project is 5,000 feet south of the midpoint of the Dixie Highway Interchange on I-71/I-75 in Fort Wright, south of Covington, Kentucky. The

northern limit of the project is 1,500 feet north of the midpoint of the Western Hills Viaduct Interchange on I-75 in Cincinnati, Ohio. The eastern and western limits of the study area generally follow the existing alignment of I-75.

I-75 within the Greater Cincinnati/Northern Kentucky region is a major thoroughfare for local and regional mobility. Locally, it connects to I-71, I-74 and US Route 50. The Brent Spence Bridge provides an interstate connection over the Ohio River and carries both I-71 and I-75 traffic. The bridge also facilitates local travel by providing access to downtown Cincinnati, Hamilton County, Ohio and Covington, Kenton County, Kentucky. Safety, congestion and geometric problems exist on the structure and its approaches. The Brent Spence Bridge, which opened to traffic in 1963, was designed to carry 80,000 vehicles per day. Currently, approximately 160,000 vehicles per day use the Brent Spence Bridge and traffic volumes are projected to increase to approximately 233,000 vehicles per day in 2035.

The I-75 corridor within the Greater Cincinnati/Northern Kentucky region is experiencing problems, which threaten the overall efficiency and flexibility of this vital trade corridor. These problems include, but are not limited to, growing demand and congestion, land use pressures, environmental concerns, inadequate safety margins, and maintaining linkage in key mobility, trade, and national defense highways. The purpose of the project is to improve the operational characteristics within the I-75 corridor for both local and through traffic. In the Greater Cincinnati/Northern Kentucky region, the I-75 corridor suffers from congestion and safety related issues because of inadequate capacity to accommodate current traffic demand. The objectives of this project are to:

- improve traffic flow and level of service,
- improve safety,
- correct geometric deficiencies, and
- maintain connections to key regional and national transportation corridors.

The I-75 corridor is a major north-south transportation corridor and is one of the busiest freight movement (trucking) routes and as such is important link for the local, regional and national economies. The project is included in a conforming Transportation Plan in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETELU).

In December 2017, KYTC released the Brent Spence Strategic Corridor Study that analyzed multiple options to relieve congestion and improve cross-river mobility in the Greater Cincinnati and Northern Kentucky region by by-passing the Brent Spence study area. The study considered five concepts to ease congestion and divert traffic from the Brent Spence Bridge and five other crossings. The study confirmed that the Brent Spence Bridge Replacement/ Rehabilitation Project is still needed.

In June, 2017, FHWA, ODOT and OHPO renewed the Memorandum Of Agreement (MOA) regarding the Brent Spence Bridge Replacement/Rehabilitation Project, Ham-71/75-0.00/0.22 (PID 75119), for Adverse Effect to the B&O Freight And Storage

Building/Longworth Hall, listed on the National Register of Historic Places, Agreement Number 16829 originally executed on June 28, 2012.

### Finding of the Reevaluation


FHWA determined as part of the February 11, 2015 Reevaluation, that based on the possibility of tolling the facility, ODOT and KYTC should prepare a Supplemental Environmental Assessment (SEA) to the original Environmental Assessment when they are ready to make final project funding decisions. FHWA continues to maintain this recommendation, should the final project decision include tolling. It is FHWA's understanding that ODOT continues to be the lead State for environmental documentation preparation by agreement between the two States.

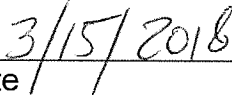
If a SEA is required, it will be of limited scope, evaluating the additional impacts associated with tolling the facility, additional alternatives and updated or additional environmental resource impacts including environmental justice considerations. The SEA will also need to consider any new or additional laws, regulations, policies or programmatic approaches between agencies at the time of completion.

If tolling is not a consideration within the final decision, then ODOT, KYTC and FHWA will coordinate on the scope of a reevaluation (if necessary) to ensure the project's environmental studies are up to date and all issues have been addressed as required.

The environmental resource studies are now more than five years old and require additional review to ensure the NEPA decision remains valid based on the possibility of new, changed or additional regulatory requirements. Once ODOT begins environmental review, they should determine which studies need to be updated to support the environmental decision and include that work as part of any reevaluation.

Until ODOT and KYTC have committed to the potential changes in project scope and the required reevaluation is completed; the existing FONSI dated August 9, 2012 remains valid.

  
\_\_\_\_\_  
Jeffrey Blanton, P.E.  
Director of Program Development

  
\_\_\_\_\_  
Date



July 22, 2021

Laura S. Leffler, P.E.  
Division Administrator  
Federal Highway Administration, Ohio Division  
200 North High Street, Room 328  
Columbus, OH 43215

RE: Brent Spence Bridge (BSB) NEPA Re-evaluation

Dear Administrator Leffler,

The Ohio Department of Transportation's (ODOT's) and Kentucky Transportation Cabinet's (KYTC) staff appreciate the open dialogue and discussion held during today's meeting with the FHWA Division Offices. Please accept this letter as ODOT's official response to your June 17, 2021 letter regarding the NEPA re-evaluation for the Brent Spence Bridge companion span.

Attached is a document prepared by the Bi-State Management Team that addresses each of FHWA's expectations as outlined in your letter. As we discussed during the meeting, ODOT and KYTC have identified the following action plan based on information available to date:

- Complete the next NEPA re-evaluation in 2023 or sooner if significant changes to the project impacts are identified;
- Complete final evaluation of any value engineering concepts developed after completion of planned activities in 2021 and 2022.
- Any future re-evaluation will be based on the most current available traffic and adopted design parameters.

We want to reiterate that tolling is not a feasible alternative at this time; therefore, ODOT does not intend to update environmental studies with respect to tolling. Should tolling become a feasible option in the future ODOT concurs that extensive public involvement will be warranted, and additional environmental studies may be required. In this instance, we expect ODOT, KYTC, and FHWA will collaborate to establish the scope for the public engagement plan and any required environmental studies.

If you have any questions or concerns, please contact Stefan Spinosa, ODOT District 8 Capital Programs Administrator at 513-933-6639; [Stefan.spinosa@dot.ohio.gov](mailto:Stefan.spinosa@dot.ohio.gov).

Respectfully,

A handwritten signature in green ink that reads "Jack Marchbanks".

Jack Marchbanks, Ph.D.  
Director

## 1. Updates or work that has been completed in support of the project since the FONSI.

- a. Background: The preferred alternative was identified on 10/29/10 and FHWA approved the FONSI on 8/9/12.
- b. Ohio Section 4(f) mitigation:
  - i. Queensgate Ball Field 4(f) DeMinimus: Per the MOA Stipulations, ODOT was required to fund improvements to the park once the CRC submits an acceptable plan detailing how the ODOT compensation will be utilized. This was completed on 11/2/12 and ODOT paid \$198,050 to the CRC on 11/2/2012.
  - ii. Longworth Hall: Right-of-Way appraisals have been completed and the MOA was updated in 2018 and included in the environmental re-evaluation.
- c. Kentucky Section 4(f)/6(f): No action has occurred since the approval of the FONSI.
- d. Ohio Right-of-Way Plans and Acquisition:
  - i. ODOT authorized LJB, Inc. on 2/7/13 to prepare RW Plans and complete RW Acquisition Service.
  - ii. Final RW Plans were approved on 4/7/14 and RW Authorization was given on 6/6/14.
  - iii. RW Status:
    1. 68 total estimated parcels in EA;
    2. No residential displacements identified in EA; no changes from EA
    3. 8 Business displacements identified in EA; no changes from EA
    4. 79 total parcels to be acquired as of June 2021;
      - a. Acquired: 70 (23 Donated by the City of Cincinnati)
      - b. Remaining Parcels:
        - i. 2 Longworth Hall parcels
        - ii. 2 Duke Energy parcels
        - iii. 5 railroad parcels (acquisition will be part of RR agreement for construction)
- e. Kentucky Right-of-Way Plans and Acquisition: No action has been taken since the FONSI.
- f. West End Substation Relocation: To accommodate the new companion bridge, existing substation infrastructure needed to be relocated. Duke Energy completed the relocation of infrastructure and completed remediation of the site in 2020. ODOT reimbursed Duke Energy approximately \$46.3 million for the relocation. There was no ODOT participation in the remediation.
- g. ODOT authorized HNTB on 11/19/12 to perform services to assist the states with tasks to move the overall project to completion. This involved the evaluation and development of options to design, build, finance, operate and maintain the Brent Spence Bridge and associated improvements to Interstate Route 71, Interstate Route 75, and connections to local roads. Continuation of efforts related to the Brent Spence Bridge corridor project to finalize travel forecasting documentation, prepare for next steps of project evaluation, and to evaluate project in accordance with ODOT and KYTC Performance Based Project Development (PBPD) principles.
- h. The next re-evaluation will include a brief history of the project, including the above background and status.

## 2. Effects of project's updated design and traffic

- a. There have been several efforts led by HNTB to value engineer the Preferred Alternative (I). There has not been any formal acceptance of these concepts. The following summarizes the activities associated with concepts considered:
  - i. A practical design workshop/value engineering session was held in October 2012 to determine potential cost savings measures. From that workshop three parts of the bridge design have been identified to reduce the cost of the project.
    1. Reduction in main span pier spacing from 1,000 feet to 870 feet (approval received from the Coast Guard in January 2013);



2. Use of network (instead of inclined) tied arch bridges for navigation spans only.
  3. Reduced inside shoulders, from 14 feet to 8 feet and outside shoulders from 14 feet to 12 feet on both the upper and lower bridge decks (16 feet width reduction to overall width of bridge).
- ii. In August 2015 as part of continued efforts by the States to identify cost savings potential, a concept was developed that changed the configuration of the lane arrangements at the river crossing, i.e., what lanes/routes are on what bridge decks. This led to the development of Concept W. Concept W does not change the access points provided in the preferred alternative nor does it change the concept of creating a collector-distributor system that separates interstate through traffic from the local street connections in Cincinnati and Covington. This concept may reduce project costs and reduce the construction work limits.
  - iii. In 2019, ODOT and KYTC staff worked with the consultant team to review the corridor design. ODOT and KYTC have both adopted the concept of developing projects based on appropriate criteria. The general premise of Performance Based Project Development (PBPD) is that proposed improvements should be targeted and right sized based on project specific needs. The philosophy places less emphasis on strict adherence to standards and more significance on safety and operational performance. This effort evaluated the preferred alternative, Concept W, and identified a third concept, Concept M. All alternatives and concepts warrant further analysis. Concept M and W do not change the access points provided in the preferred alternative nor do they change the concept of creating a collector-distributor system that separates interstate through traffic from the local street connections in Cincinnati and Covington. Initial evaluation of both of the concepts have shown they remain within the footprint of the original NEPA document and in fact, reduce some aspects of the footprint while providing improved mobility and safety. Further analysis is being undertaken by the states to confirm the initial analysis.
- b. Both States and FHWA participated in the 2012 and 2019 efforts.
  - c. In 2015, the States completed a draft certified traffic package that provided 2040 Toll Free and Tolloed traffic. This draft traffic was never officially certified by the States; however, the development process, modeling, and efforts associated with this traffic development were collectively agreed upon by ODOT, KYTC, and FHWA staff.
    - i. As a part of the above effort, ODOT and KYTC established a draft public engagement plan and a community assessment approach to address the potential of tolling. These drafts were never finalized, but will serve as a good starting point, should tolling ever become a feasible option to pursue.
  - d. In 2021, ODOT tasked HNTB to update the 2040 toll free scenario developed in 2015. The purpose of this update was to provide current design level traffic for use in ODOT PIDs 113361 and 114161. Limits of this update do not extend south of Linn St. in Ohio.
    - i. The re-evaluation will be based on the above available design level traffic and expect it to be available for the northern sections in July 2021.
  - e. Existing traffic forecasts were completed using previous versions of the OKI regional travel demand model. Since design traffic is older than 5 years and there is a new and established Model of Record for the OKI region, ODOT and KYTC plan to proceed in 2021 with the development of new traffic. As new traffic or design changes occur, future re-evaluations may be required.
  - f. Tolling is not a feasible alternative at this time since Kentucky does not have tolling authority. No environmental studies will include the option for tolling. Should tolling become a feasible option in the future, then extensive PI will be warranted, and additional environmental studies may be required as well. ODOT, KYTC and FHWA would collaborate to establish the scope for the public engagement plan and any required environmental studies.

**3. Changes to the affected environment since the 2012 FONSI.**

- a. ODOT/KYTC will update studies for 4(f)/6(f), Eco, CR, noise, EJ, RM, and other areas as needed. ODOT will continue to be the lead state for the NEPA document but will work closely with KYTC in any environmental documentation. Refreshed studies will be based on available data, existing design/traffic (including updated design traffic developed in July 2021 for Ohio PIDs 113361 and 114161) and any known value engineering concepts adopted. Future traffic modeling and/or future design changes will be addressed in future re-evaluations, as needed.
- b. As a result of traffic and value engineering efforts evaluated to date, no changes to the project footprint has been made. In fact, the design changes done to date appear to have resulted in less footprint impacts thus far.
- c. As necessary and required per ODOT and KYTC processes, ODOT and KYTC will coordinate with the applicable local state, and federal agencies. (Note- some agency PAs or MOUs allow for state review and approval of certain actions. Coordination with state/federal agencies will follow existing PAs and agreements.)

**4. Updates required due to law/process changes.**

- a. All studies performed as part of #3 above, will be done following the latest legal requirements.

**5. Updated PI and Agency coordination.**

- a. In October 2012, ODOT and KYTC developed a robust communication and advocacy effort to be conducted for the BSBC project. From October 2012 to March 2013, limited outreach was completed by this effort and the project website was developed.
- b. Periodic maintenance of the project website has occurred since development in 2012.
- c. In 2021, ODOT and KYTC will modify their current contract with HNTB to perform the following tasks:
  - i. The consultant shall work with the Bi-State Management Team (BSMT) and each State's communication office to complete a comprehensive update the project website, [www.brentspencebridgecorridor.com](http://www.brentspencebridgecorridor.com); within two months of authorization.
  - ii. The consultant will be required to maintain the website throughout the length of the agreement.
  - iii. An additional update of the project website will be required after completion of all tasks associated with this modification.
  - iv. In conjunction with the BSMT, the consultant shall schedule, prepare for, attend, and summarize the following:
    1. Local government meetings with the City of Cincinnati and City of Covington.
    2. One Advisory Committee meeting
  - v. The consultant will work with the BSMT and each State's communication office to develop and distribute four E-newsletters. The first will provide notification of the updated website and near-term actions to be completed by the BSMT. The second will summarize the findings and actions of work contained in this modification.
- d. For Ohio PIDs 113361 and 114161 advancing into detailed design, project level public involvement efforts will be focused on providing public information and updates. Anticipated items to be included:
  - i. Develop a "PublicInput.com" type website to provide project information and updates for a period of 45 days, in accordance with ODOT Public Involvement guidance
  - ii. Develop and distribute fliers to advertise the availability of this website and project information. Anticipate printing and posting of 50 fliers
  - iii. Develop a project status newsletter for distribution to Public Services, such as Fire, Police, Schools, local chambers and community leadership. Include developing that mailing list and distribution.
  - iv. Assist in answering comments received from the public.

- v. Develop a Public comment summary to document all outreach efforts, comments received and responses.
  - vi. Public Involvement for Noise Abatement will consist of Virtual Public Involvement meetings to determine the community desire for the noise barrier. The color and the texture requirements for the noise barriers identified through the aesthetic coordination process covered in the scope of services will be presented at this meeting.
- e. Aesthetics committee will be re-engaged in 2022 to look at the aesthetics of the corridor in Ohio north of Linn St. When the corridor project moves into design, they will be active in the whole project as well.



12/22/2023

Adam Johnson  
Major Projects Manager  
U.S. Department of Transportation  
Federal Highway Administration  
200 North High Street, RM 328  
Columbus, Ohio 43215

Re: Federal No. E220(165)  
State Project No. 233000  
PID # 116649  
Brent Spence Bridge Corridor Project

Dear Mr. Johnson:

During the course of Sub-Phase 1A design activities, the Walsh Kokosing Design Build Team has identified a need to obtain soil boring information at various locations in the project area. The Bi-State Management Team (BSMT) concurs with this need in accordance with CFR 636.109(b)2, which permits such activities when "...developing the design of the preferred alternative to a higher level of detail when the lead agencies agree that it is warranted in accordance with 23 U.S.C. 139(f)(4)(D)" and is requesting concurrence from FHWA.

To prepare for this activity, the BSMT will develop appropriate language and information to add to the draft Supplemental Environmental Assessment (SEA) to include any potential resources and impacts associated with boring locations and access located outside the operational area of the roadway. This information will identify the work required along with any potential ESA/S7 impacts and ensure that the work conforms to the environmental commitments currently in the draft SEA.

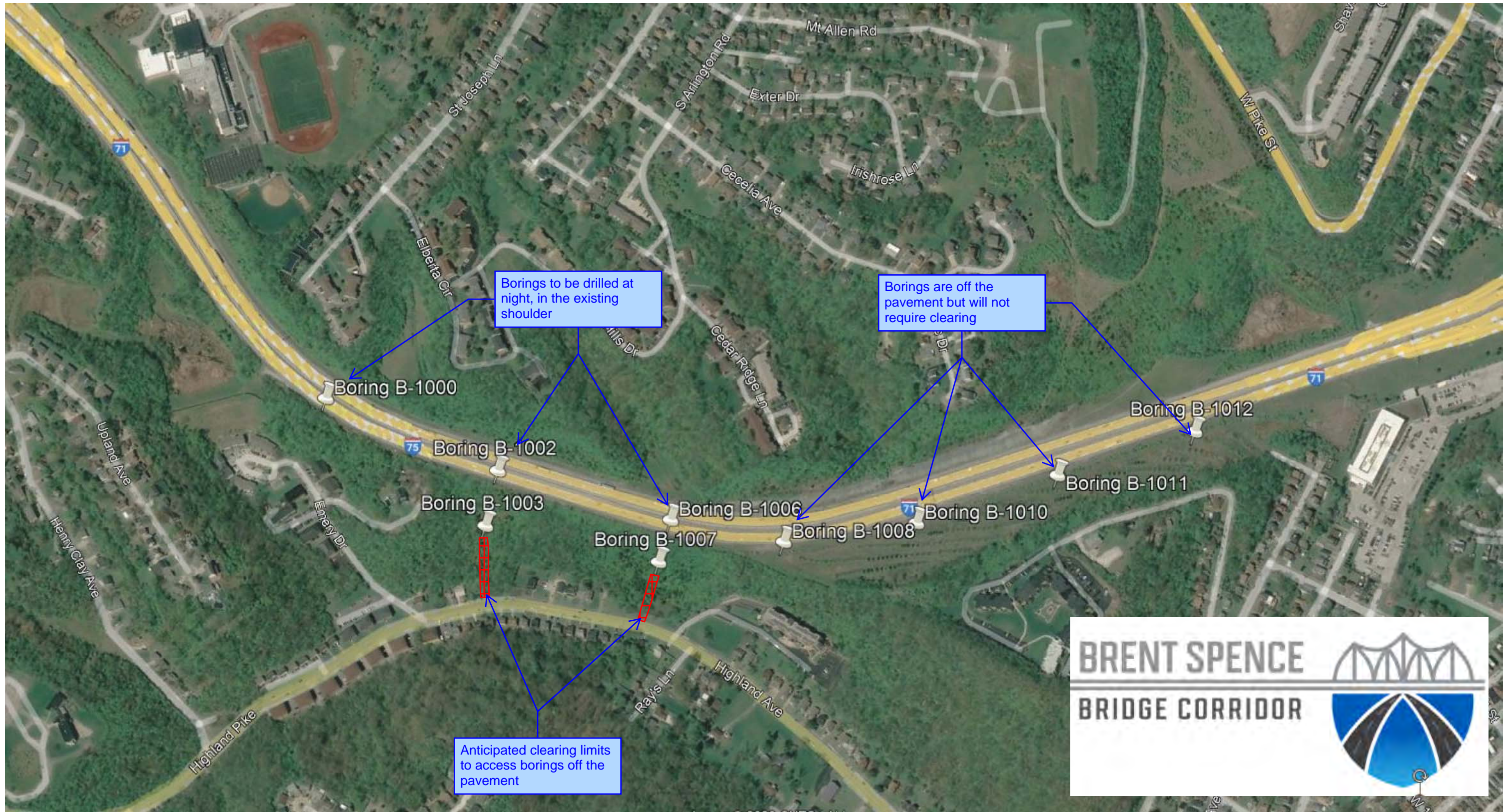
Please see the attached soil boring and access plan for more detailed information. The BSMT respectfully requests permission for approval of the boring locations and access plan.

Please return FHWA's concurrence decision to my attention, and if you have any questions, please do not hesitate to contact me at 513-498-0508.

Respectfully,

A handwritten signature in black ink, appearing to read "E. Thomas Arnold, Jr." with a stylized flourish at the end.

E. Thomas Arnold, Jr.  
Brent Spence Bridge Corridor Project Manager  
Ohio Department of Transportation, District 8  
c: project file-



Borings to be drilled at night, in the existing shoulder

Borings are off the pavement but will not require clearing

Anticipated clearing limits to access borings off the pavement



Proposed boring locations  
I-75 in Kentucky  
PID 116649



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

**Ohio Division**  
December 26, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Jack Marchbanks, Ph.D.  
Director  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

Subject: HAM 75-BSBCP (HAM 116649, Construction 2023-3000) Approval for Soil Borings

In a letter dated December 22, 2023, ODOT requested Federal Highway Administration (FHWA) approval of a soil boring plan for the HAM 71/75 Brent Spence Bridge Corridor Project (Ham 116649, Construction 2023-3000). Based on our review and understanding of the work, FHWA concurs that the proposed borings are in compliance with 23 CFR 636.109(b)(2).

Prior to the implementation of the work, please provide the following:

1. Supplemental Environmental Assessment (SEA) verbiage and location in the SEA.
2. Site-specific soil boring environmental documentation.
3. Final site/access plan for soil borings (if changed from previously provided version).

Additionally, FHWA will approve the site-specific soil boring environmental document. Please provide for approval prior to commencement of the work.

If you have any questions or comments, please contact Adam B. Johnson, Major Projects Engineer, at (614) 280-6843, or [adam.johnson@dot.gov](mailto:adam.johnson@dot.gov) or Mary Burroughs, Director of Engineering and Operations, at (614) 280-6890 or [mary.burroughs@dot.gov](mailto:mary.burroughs@dot.gov).

Sincerely,

MARY ELIZABETH  
BURROUGHS

Digitally signed by MARY  
ELIZABETH BURROUGHS  
Date: 2023.12.26 11:08:31  
-05'00'

For: Eric Ross  
Acting Division Administrator

Enc.



Andy Beshear  
GOVERNOR

## TRANSPORTATION CABINET

Department of Highways, District 6 Office  
421 Buttermilk Pike  
Covington, KY 41017  
859-341-2700

Jim Gray  
SECRETARY

1/5/2024

Adam Johnson  
Major Projects Manager  
U.S. Department of Transportation  
Federal Highway Administration  
200 North High Street, RM 328  
Columbus, Ohio 43215

Re: Federal No. E220(165)  
PID # 116649 / #6-17  
Brent Spence Bridge Corridor Project

Dear Mr. Johnson:

As presented in a letter transmitted by the Brent Spence Bridge Corridor Project Bi-State Management Team (BSMT) on 12/22/23, please find the attached Categorical Exclusion Determination – CEMP form for activities necessary to obtain soil boring information at various locations in the project area.

The work will be conducted solely within the Kentucky portion of the project; therefore, the document was prepared per Kentucky Transportation Cabinet process in accordance with 23 CFR §§ 771.117(c)(24) and 771.117(e) and the *Programmatic Agreement between the FHWA, Kentucky Division and the KYTC Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects*. Additionally, the BSMT has developed appropriate language and information for inclusion within the draft Supplemental Environmental Assessment (SEA) and will include the attached Categorical Exclusion Determination – CEMP as an appendix.

Additionally, the exploratory work for the geotechnical borings will be done in accordance with CFR 636.109(b)2, which permits such activities when "...developing the design of the preferred alternative to a higher level of detail when the lead agencies agree that it is warranted in accordance with 23 U.S.C. 139(f)(4)(D)".

The BSMT respectfully requests FHWA's action on this determination. Please return FHWA's response to my attention. If you have any questions, please do not hesitate to contact me at 859-462-6010.

Respectfully,

Stacey Hans  
Brent Spence Bridge Corridor Project Manager  
Kentucky Transportation Cabinet  
c: project file



KENTUCKY TRANSPORTATION CABINET  
 Department of Highways  
**DIVISION OF ENVIRONMENTAL ANALYSIS**  
**CATEGORICAL EXCLUSION DETERMINATION**

TC 58-48  
 Rev. 10/2019  
 Page 1 of 1

**1. PROJECT SUMMARY**

<b>Item #:</b>	<b>Project Sponsor:</b>
<b>Route(s):</b>	<b>County:</b>
<b>Project Description:</b>	

**2. ENVIRONMENTAL DETERMINATION**

Functional Area	Determination	Comments/Commitments/Mitigation
Public and Resource Agency Controversy		
Total acreage of fee simple ROW		
Number of Total Relocations		
Environmental Justice Impacts		
Section 106: Architectural Historic		
Section 106: Archaeological Resources		
Section 4(f)		
Section 6(f)		
Noise		
Air Quality Impacts		
Hazardous Materials Impacts		
Section 7: T&E Species		
Anticipated Feet of Stream Impacts		
Anticipated Acreage of Wetland Impacts		
Anticipated Permits		
Other:		
Other:		
Other:		

Based on the criteria listed above, in review of the most recent Categorical Exclusion Agreement between KYTC and FHWA, the subject project is determined to be considered a Categorical Exclusion, Level

**3. ENVIRONMENTAL DOCUMENT APPROVAL**

Based on the information obtained during the environmental review process and included as attachments to this form, the project is determined to be a Categorical Exclusion under 23 CFR part 771 pursuant to the National Environmental Policy Act and complies with all other applicable environmental laws, regulations, and Executive Orders. The project action does not individually or cumulatively have a significant effect on the natural and human environment.

_____ District Environmental Coordinator	_____ Date	 _____ Project Manager	1/5/24 _____ Date
 _____ Environmental Project Manager	_____ Date	_____ Director of Environmental Analysis	_____ Date
_____ Recommended by FHWA	_____ Date	_____ Federal Highway Administration	_____ Date



## KYTC Historic Architectural Investigation Form

**Project Description:** These geotechnical borings will be used to determine if a shift in the alignment of I-71/I-75 to the east will be feasible. Should a shift in the alignment to the east occur, it would greatly reduce the amount of hillside cut and retaining walls needed within the rock cut located west of the interstate. Two of the geotechnical boring locations, both of which are located on slopes in a drainage area, will be accessed via gates located on Highland Pike/Highland Avenue; the rest will be accessed from I-71/75. All work will be within existing ROW.

**Project Type listed in Attachment 1 (in Section 106 Programmatic Agreement)?**

- Yes
- No (Continue)

**Project Type listed in Attachment 2 (in Section 106 Handbook)?**

Yes (List project activity types) #9 modernization of highway \_\_\_\_\_

No (This project is not considered a small scale project under the Section 106 Programmatic Agreement. This checklist cannot be used. Process with full baseline or joint memorandum)

No (However, SHPO has agreed that this project may be documented using the Historic Architectural Investigation Form)

**Project Area of Potential Effect is defined as:**

Within 150 feet of project centerline (Small Scale Project - within existing corridor)

Within view shed of project (Discuss): \_\_\_\_\_

Other (Discuss): Within existing right-of-way \_\_\_\_\_

**Are there Historical Resources within the project APE (per KHC database)?**

- Yes
- No
- N/A (Explain):

KYTC Item No: 6-17

County: Kenton

Route: I-75/I-71

**Are there Historical Resources (50 years old or older) identified within the project APE based on field investigations?**

Yes

No

Date of Field Investigation: January 4, 2024

Investigator Name(s): Stephanie Lechert

**Discuss Basis for finding**

(Historic Mapping, PVA, Building Permit, Date of Construction, Deed/Title, etc.):

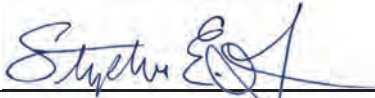
KHC database; Site Photos; Google Earth; Google Street View; Historicaerials.com; USGS historic aerial imagery; KYTC records

**NRHP listed or potentially eligible sites/districts ( > 50 years old ) are:**

Not Present within the APE

**No Historic Properties Affected**

**As Determined By:**



1/5/2024

**KYTC Representative**

**Date**



1/5/2023

**SHPO Representative**

**Date**

*(Concurrence is assumed if no response is received within 30 days)*

**Attachments:**

Map showing topography, APE and identified Historic Resources

Relevant Photos (Overview and individual resources)

Project Plans

Other (Describe): \_\_\_\_\_

Copy EPM

Copy DEC

Copy DEA Architectural Historian

Copy SHPO

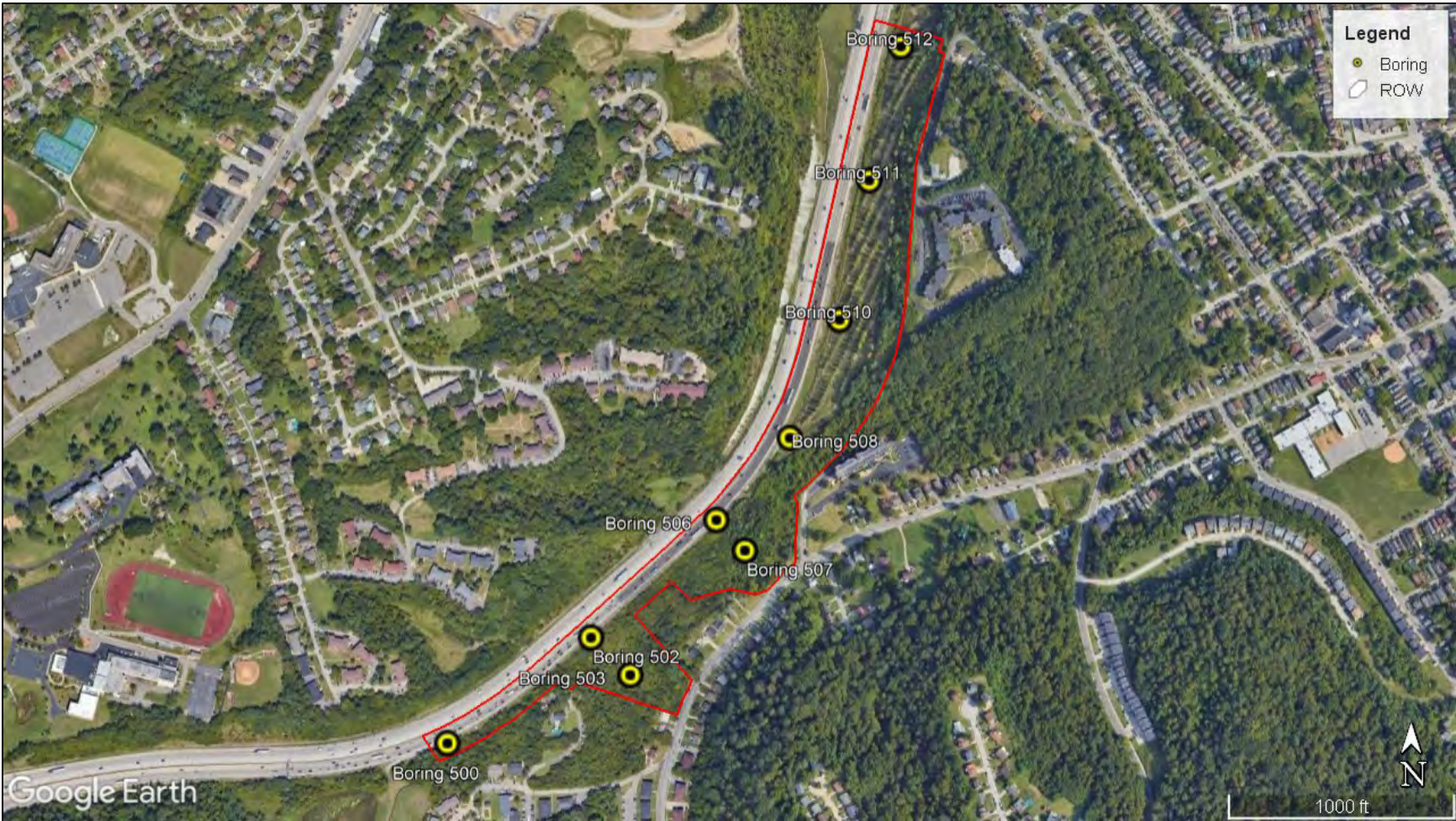


Figure 1. Boring locations.



Figure 2. Boring access locations off of Highland Pike/Highland Avenue.



Figure 3. Southern end of project area, facing northeast. Imagery from Google Street View.



Figure 4. South-central portion of project area, facing northeast. Imagery from Google Street View.

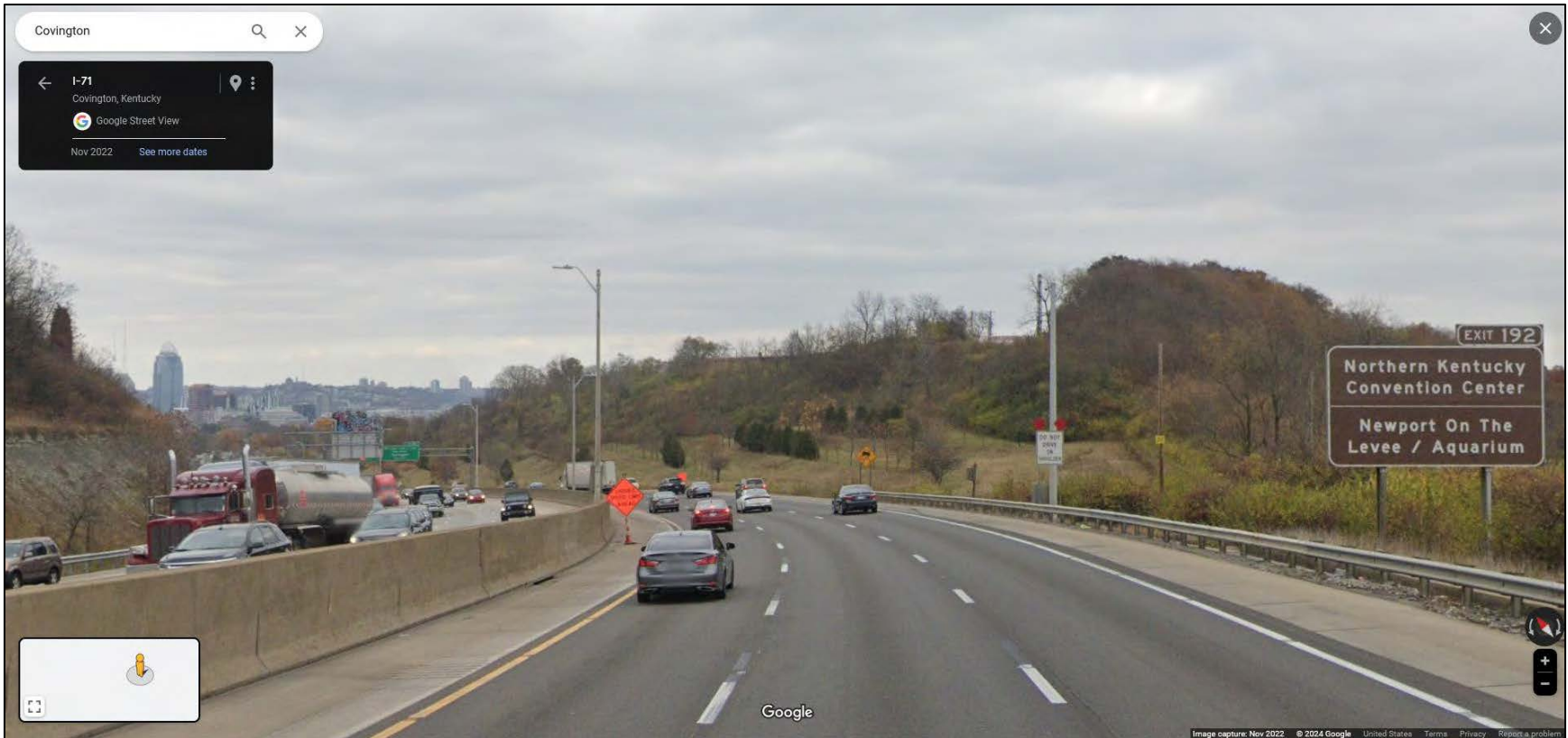


Figure 5. Central portion of project area, facing northeast. Imagery from Google Street View.



Figure 6. Northern end of project area, facing south. Imagery from Google Street View.





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

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.



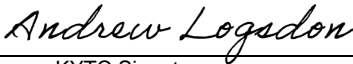
Sincerely,

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)



	<b>Kentucky Transportation Cabinet Federal Highway Administration NO EFFECT FINDING &amp; HABITAT ASSESSMENT SUMMARY</b>		
<b>KYTC Item No:</b>	<b>6-17</b>		<b>Route:</b> <b>I75/71</b>
<b>Quadrangle(s):</b>		<b>County(ies):</b>	<b>Boone</b>
<b>Project Description:</b> (Type of improvement, areas to be impacted, crossroad improvements, easements, etc.)			
Geotech exploration alongside I75/I71 for the Brent Spence Corridor project. BORINGS AND ACCESS ONLY.			
<b>IPaC LISTED SPP:</b>			
See attached Species List from IPaC			
<b>Methodologies:</b> (Methods of assessment, who, what, when, resources, etc.) As applicable, note the date and context of any significant communications or meetings held with state or federal agencies related to project or related resources.			
Project was assessed using GIS and available mapping along with a site visit conducted on January 4 <sup>th</sup> 2024 by a qualified KYTC biologist			
<b>Results:</b> (Compare habitat used by listed species with available habitat)			
There are no impacts to streams or wetlands. Therefore there are no impacts to the listed mussel species. In regards to Indiana and northern long eared bat, the vegetation alongside the interstate that may potentially be cleared during the Geo-tech work (less than 0.5 acre) are not considered habitat for the listed bat species. Its all bush honeysuckle, young growth conifers and right beside the interstate. There is no winter habitat present within the action area for either bat species. In regards to gray bat there is no foraging habitat or roosting habitat that will be impacted by the proposed Geotech drilling. The monarch butterfly is a Candidate species and isn't protected under the Endangered Species Act and is not addressed in this no effect finding.			
<b>NO EFFECT FOR ALL LISTED SPECIES</b>			
<b>Determination Species:</b> (Check all corresponding boxes as most appropriate)			
<b>NO EFFECT DETERMINATIONS:</b> The project has been assessed in accordance with the provisions of Section 7 of the Endangered Species Act. As a designated representative of the FHWA, the KYTC has determined that the project will have No Effect on any listed species or their critical habitat, and further Section 7(a)(2) consultation with the Service is not required.			
Andrew Logsdon			1-5-24
Print Name	KYTC Signature		Date
E.A.T.S. Milestones updated (by KYTC)	<b>A Logsdon</b>		<b>1-5-24</b>
	Name		Date

ATTACHED: Project Plans or Photos; IPaC Agency Species List



KENTON



-84.52651, 39.061034

-84.523659, 39.061858

-84.524271, 39.06231

-84.521873, 39.063362

-84.522318, 39.063731

-84.521173, 39.064722

-84.520395, 39.06615

-84.519934, 39.067835

-84.519442, 39.069453

0 0.05 0.1 0.2 Miles

B5.36



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Kentucky Ecological Services Field Office  
J C Watts Federal Building, Room 265  
330 West Broadway  
Frankfort, KY 40601-8670  
Phone: (502) 695-0468 Fax: (502) 695-1024  
Email Address: [kentuckyes@fws.gov](mailto:kentuckyes@fws.gov)

In Reply Refer To:  
Project Code: 2024-0033043  
Project Name: I75 BSB Corridor Geo-Tech Borings

January 05, 2024

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do..>

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Kentucky Ecological Services Field Office**

J C Watts Federal Building, Room 265

330 West Broadway

Frankfort, KY 40601-8670

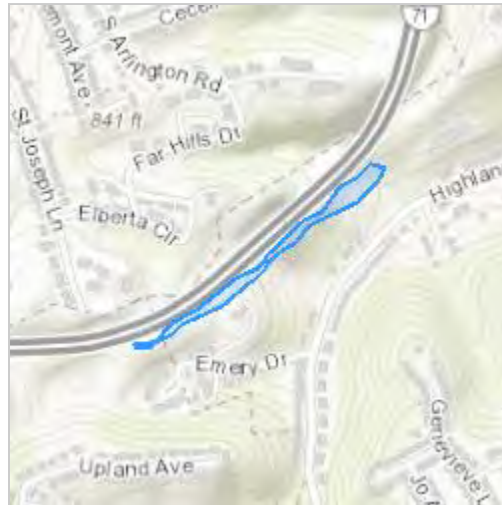
(502) 695-0468

## PROJECT SUMMARY

Project Code: 2024-0033043  
Project Name: I75 BSB Corridor Geo-Tech Borings  
Project Type: Road/Hwy - Maintenance/Modification  
Project Description: Use a geotech drill to explore along I75 alongside the existing ROW. NO IMPACTS TO ANY STREAMS OR WETLANDS WILL OCCUR.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.06245725,-84.52386679642336,14z>



Counties: Kenton County, Kentucky

## ENDANGERED SPECIES ACT SPECIES

There is a total of 15 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 9 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
<p>Gray Bat <i>Myotis grisescens</i></p> <p>No critical habitat has been designated for this species. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The project area includes potential gray bat habitat.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/6329">https://ecos.fws.gov/ecp/species/6329</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/6422.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/6422.pdf</a></p>	Endangered
<p>Indiana Bat <i>Myotis sodalis</i></p> <p>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The project area includes 'potential' habitat. All activities in this location should consider possible effects to this species.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/6422.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/6422.pdf</a></p>	Endangered
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/6422.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/6422.pdf</a></p>	Endangered



**CLAMS**

NAME	STATUS
<p>Clubshell <i>Pleurobema clava</i></p> <p>Population: Wherever found; Except where listed as Experimental Populations</p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The species may be affected by projects that significantly impact the Ohio River.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/3789">https://ecos.fws.gov/ecp/species/3789</a></p> <p>General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	Endangered
<p>Fanshell <i>Cyprogenia stegaria</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The species may be affected by projects that significantly impact the Ohio River.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/4822">https://ecos.fws.gov/ecp/species/4822</a></p> <p>General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	Endangered
<p>Northern Riffleshell <i>Epioblasma rangiana</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The species may be affected by projects that significantly impact, directly or indirectly, the following rivers: Green, Licking, or Ohio.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/527">https://ecos.fws.gov/ecp/species/527</a></p> <p>General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	Endangered
<p>Orangefoot Pimpleback (pearlymussel) <i>Plethobasus cooperianus</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The species may be affected by projects that significantly impact the Ohio River.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/1132">https://ecos.fws.gov/ecp/species/1132</a></p> <p>General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	Endangered
<p>Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/7829">https://ecos.fws.gov/ecp/species/7829</a></p> <p>General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	Endangered
<p>Rabbitsfoot <i>Quadrula cylindrica cylindrica</i></p> <p>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The species may be affected by projects that significantly impact the Ohio River.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/5165">https://ecos.fws.gov/ecp/species/5165</a></p>	Threatened

NAME	STATUS
<p>General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	
<p>Ring Pink (mussel) <i>Obovaria retusa</i>            No critical habitat has been designated for this species.            This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The species may be affected by projects that significantly impact the Ohio River.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/4128">https://ecos.fws.gov/ecp/species/4128</a>            General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	Endangered
<p>Rough Pigtoe <i>Pleurobema plenum</i>            No critical habitat has been designated for this species.            This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ The species may be affected by projects that significantly impact the Ohio River.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/6894">https://ecos.fws.gov/ecp/species/6894</a>            General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	Endangered
<p>Salamander Mussel <i>Simpsonaias ambigua</i>            There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat.            Species profile: <a href="https://ecos.fws.gov/ecp/species/6208">https://ecos.fws.gov/ecp/species/6208</a></p>	Proposed Endangered
<p>Sheepnose Mussel <i>Plethobasus cyphus</i>            No critical habitat has been designated for this species.            Species profile: <a href="https://ecos.fws.gov/ecp/species/6903">https://ecos.fws.gov/ecp/species/6903</a>            General project design guidelines:  <a href="https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf">https://ipac.ecosphere.fws.gov/project/S2CQFCSLCBHPVCBQ5BCN7HSWIU/documents/generated/5639.pdf</a></p>	Endangered
<p>Snuffbox Mussel <i>Epioblasma triquetra</i>            No critical habitat has been designated for this species.            Species profile: <a href="https://ecos.fws.gov/ecp/species/4135">https://ecos.fws.gov/ecp/species/4135</a></p>	Endangered

## INSECTS

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i>            No critical habitat has been designated for this species.            Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a></p>	Candidate

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## **IPAC USER CONTACT INFORMATION**

Agency: Kentucky Transportation Cabinet

Name: Andrew Logsdon

Address: 200 Mero St

City: Frankfort

State: KY

Zip: 40601

Email: andrew.logsdon@ky.gov

Phone: 5027825021



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

**Ohio Division**  
January 9, 2024

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Jack Marchbanks, Ph.D.  
Director  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

Subject: HAM 75-BSBCP (HAM 116649, Construction 2023-3000) Approval for Soil Borings

In a letter dated January 5<sup>th</sup>, 2024, KYTC requested Federal Highway Administration (FHWA) action on a Categorical Exclusion for Minor Projects (CEMP) Determination for a proposal to do soil borings for the HAM 71/75 Brent Spence Bridge Corridor Project (Ham 116649, Construction 2023-3000) in Kentucky. FHWA had previously concurred with the need for the proposed borings to be in compliance with 23 CFR 636.109(b)2 in a letter dated December 26<sup>th</sup>, 2023.

That letter specified the following conditions prior to progressing the work:

1. Supplemental Environmental Assessment (SEA) verbiage and location in the SEA
2. Site-specific soil boring environmental documentation
3. Final site/access plan for soil borings

Because the work will be conducted solely within Kentucky, the environmental documentation was prepared per Kentucky Transportation Cabinet environmental review process in accordance with 23 CFR 771.117(c)(24) and 771.117(e) and the Programmatic Agreement between the FHWA, Kentucky Division and the KYTC Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects. Based on the criteria in the environmental review and the most recent Categorical Exclusion Agreement between KYTC and FHWA, the subject project is determined to be considered a Categorical Exclusion, Level CEMP and complies with all other applicable environmental laws, regulations, and Executive Orders, including Section 106 of the National Historic Preservation Act and the provisions of Section 7 of the Endangered Species Act. Based on the referenced process, programmatic agreement, and CFR references, as well as the completed CEMP, site plan, and draft SEA language requested being provided to FHWA, no additional action is required of FHWA.

If you have any questions or comments, please contact Adam B. Johnson, Major Projects Engineer, at (614) 280-6843, or [adam.johnson@dot.gov](mailto:adam.johnson@dot.gov) or Mary Burroughs, Director of Engineering and Operations, at (614) 280-6890 or [mary.burroughs@dot.gov](mailto:mary.burroughs@dot.gov).

Sincerely,

MARY ELIZABETH BURROUGHS  
Digitally signed by MARY ELIZABETH BURROUGHS  
Date: 2024.01.09 11:39:11 -05'00'

For: Eric Ross  
Acting Division Administrator

Enc.

## **Appendix B Agency Coordination**

### **Participating/Cooperating Agency Coordination**

- 2014-10-14 Federal Participating Agency Invitation Letters ..... B6-1
- 2014-10-15 USCG Acceptance Email ..... B6-15
- 2014-10-22 USFWS Acceptance Letter ..... B6-16
- 2014-10-23 FTA Acceptance Letter..... B6-17
- 2014-10-30 Federal Participating Agency Invitation Letters ..... B6-18
- 2014-11-03 USACE Acceptance Letter ..... B6-42
- 2014-11-06 NPS Declination Letter ..... B6-44
- 2014-11-12 Ohio Participating Agency Invitation Letters..... B6-48
- 2014-11-13 Kentucky Participating Agency Invitation Letters ..... B6-56
- 2014-11-13 USEPA Acceptance Letter ..... B6-82
- 2014-11-14 HUD Declination Letter..... B6-84
- 2014-11-14 ODNR Acceptance Email ..... B6-85
- 2014-11-18 Kentucky DEP Acceptance Email ..... B6-86
- 2014-11-18 Ohio SHPO Acceptance Letter..... B6-87
- 2014-11-20 KSNPC Declination Letter ..... B6-88
- 2014-11-25 Kentucky DNR Declination Letter ..... B6-89
- 2014-11-26 ACHP Acceptance Letter ..... B6-92
- 2014-12-01 Kentucky SHPO Acceptance Letter ..... B6-94
- 2022-09-13 ODNR Update ..... B6-95
- 2022-09-13 OEPA Update..... B6-99
- 2022-09-13 Ohio SHPO Update ..... B6-103
- 2022-09-27 DEP Update ..... B6-107
- 2022-09-27 KHC Update ..... B6-110
- 2022-09-29 FHWA Cooperating Agency Invitation..... B6-113
- 2022-09-29 FHWA Participating Agency Invitation..... B6-117

- 2022-09-30 FHWA ACHP Cooperating Agency Invitation ..... B6-121
- 2022-09-30 HUD Participating Agency Acceptance ..... B6-125
- 2022-10-19 USFWS Cooperating Agency Acceptance ..... B6-127
- 2022-10-24 USEPA Cooperating Agency Acceptance ..... B6-130
- 2022-11-01 FEMA Region 5 Participating Agency Acceptance ..... B6-133
- 2022-11-01 USCG Cooperating Agency Acceptance ..... B6-135
- 2022-11-01 USFWS KY Cooperating Agency Acceptance ..... B6-137
- 2022-11-02 USACE-LRL Cooperating Agency Acceptance ..... B6-138
- 2022-11-08 USACE-LRH Cooperating Agency Acceptance ..... B6-139
- 2023-12-13 NPS Cooperating Agency Invitation ..... B6-142
- 2022-12-20 ACHP Cooperating Agency Declination ..... B6-143
- 2023-02-15 Hamilton County Cooperating Agency Request ..... B6-144
- 2023-02-15 USEPA NEPA Adequacy ..... B6-146
- 2023-03-24 FHWA Response to Hamilton County Cooperating Agency Request ..... B6-147
- 2023-03-24 USEPA Cooperating Agency Coordination ..... B6-148
- 2023-05-26 Local Participating Agency Invitation ..... B6-165
- 2023-05-30 City of Covington Participating Agency Acceptance ..... B6-167
- 2023-05-30 City of Fort Wright Participating Agency Acceptance ..... B6-168
- 2023-05-30 City of Park Hills Participating Agency Acceptance ..... B6-169
- 2023-05-30 OKI Participating Agency Acceptance ..... B6-170
- 2023-05-30 TANK Participating Agency Acceptance ..... B6-171
- 2023-05-31 Boone County Participating Agency Acceptance ..... B6-172
- 2023-06-01 City of Cincinnati Acceptance ..... B6-173
- 2023-06-05 Hamilton County Acceptance ..... B6-174
- 2023-06-12 Kenton County Acceptance ..... B6-176
- 2023-06-21 Hamilton County Participating Agencies ..... B6-177
- 2023-07-18 Kentucky SHPO Schedule Concurrence ..... B6-178
- 2023-09-01 NPS Cooperating Agency Acceptance ..... B6-179
- 2023-09-05 Kentucky State e-Clearinghouse Coordination ..... B6-181



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Andrew Velasquez III  
Regional Administrator  
Federal Emergency Management System  
536 South Clark Street, 6th Floor,  
Chicago, IL 60605

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Administrator Velasquez:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY





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

**Ohio Division**  
October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Marisol Simon  
Regional Administrator Region 5  
Federal Transit Administration  
200 West Adams Street, Suite 320  
Chicago, IL 60606

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Administrator Simon:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Peter Clingan  
US Army Corps of Engineers  
Ohio Transportation Office  
3990 East Broad Street  
DSCC Building 10 Section 10  
Columbus, OH, 43218

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Clingan:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

cc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Rodger K. Wiebusch  
Bridge Administrator, Eight Coast Guard District  
US Coast Guard  
1222 Spruce Street  
St. Louis, MO 63103-2832

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Wiebusch:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Thomas Leach  
Field Office Director  
U.S. Department of Housing and Urban Development  
200 North High Street  
Columbus, OH 43215

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Director Leach:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura S. Leffler', with a long horizontal flourish extending to the right.

For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

cc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY





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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Kenneth A. Westlake  
US Environmental Protection Agency  
NEPA Section, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Westlake:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**  
October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Daniel W. Sparks  
Acting Supervisor  
US Fish and Wildlife Services  
4625 Morse Road, Suite 104  
Columbus, OH 43230

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Sparks:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY

**From:** [Eric.Washburn@uscg.mil](mailto:Eric.Washburn@uscg.mil) on behalf of [Washburn, Eric CIV](#)  
**To:** [Johnson, Adam \(FHWA\)](#)  
**Subject:** RE: Participating Agency Invitation - Brent Spence Bridge (BSB) Project (Ohio)  
**Date:** Wednesday, October 15, 2014 3:01:05 PM

---

Good afternoon. Yes, my office is interested in any issues involving the current or future Brent Spence Bridge. We will serve as a cooperating agency assuming FHWA is the lead federal agency. Thanks for the heads up.

Respectfully,

Eric Washburn  
CG Bridge Administrator, Western Rivers  
314-269-2378

-----Original Message-----

From: prvs=3583b9239=ABJohnson@dot.gov [<mailto:prvs=3583b9239=ABJohnson@dot.gov>] On Behalf Of ABJohnson@dot.gov  
Sent: Wednesday, October 15, 2014 1:20 PM  
To: Washburn, Eric CIV  
Subject: Participating Agency Invitation - Brent Spence Bridge (BSB) Project (Ohio)

Good Afternoon Mr. Washburn-

Our records, which may not be current, has the Bridge Administrator for the Eight Coast Guard District as Rodger Wiebusch. However, an e-mail to Rodger.K.Wiebusch@uscg.mil was returned. You are listed as the bridge contact at the website: [http://www.uscg.mil/hq/cg5/cg551/District\\_Page.asp](http://www.uscg.mil/hq/cg5/cg551/District_Page.asp) so an e-mail is being sent to you for consideration.

A hard copy request has been sent to your office of the letter attached to this e-mail. In brief, Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

The attached letter requests your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/> <<http://www.brentspencebridgecorridor.com/>>

A response is requested by November 14, 2014. If you have any questions, please call or e-mail.

Regards,

Adam B. Johnson, P.E.  
Major Projects Engineer  
FHWA - Ohio Division  
200 North High Street, Rm. 328  
Columbus, OH 43215-2408  
Phone: (614) 280-6843  
Fax: (614) 280-6876



UNITED STATES DEPARTMENT OF THE INTERIOR  
U.S. Fish and Wildlife Service  
Ecological Services Office  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / Fax (614) 416-8994



October 22, 2014

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

TAILS: 03E15000-2012-TA-1242

FHWA RE: HDA-OH

**RE: Brent Spence Bridge Project  
Participating Agency Invitation**

Dear Ms. Leffler:

This is in response to your October 14, 2014 letter inviting the U.S. Fish & Wildlife Service (Service) to serve as a participating agency in the environmental review process for the Brent Spence Bridge Project in Hamilton County, Ohio and Kenton County, Kentucky. The Federal Highway Administration (FHWA) and the Ohio Department of Transportation consulted on this project with our office during the earlier project development process. We understand that the Environmental Assessment previously reviewed by the Service resulted in a Finding of No Significant Impact (FONSI) in August 2012. However, FHWA is reinitiating studies under the National Environmental Policy Act (NEPA) at this time to assess any additional impacts that could result from the transportation agencies' proposed action of tolling the bridge. Tolling is currently proposed as an alternative means of funding construction of the project.

Although the Service does not anticipate additional impacts to trust resources from this proposed action, we accept the invitation to serve as a participating agency.

Thank you for your consideration. 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,

Jeromy Applegate  
Acting Field Supervisor

cc: A. Johnson, PE, FHWA, Ohio Division Office, Columbus, OH (*email only*)  
J. Kessler, ODNR, Office of Real Estate, Columbus, OH (*email only*)  
P. Clingan, USACE, Ohio Regulatory Transportation Office, Columbus, OH (*email only*)  
J. Lung, OEPA, Columbus, OH (*email only*)  
B. Mitch, ODNR, Office of Real Estate, Columbus, OH (*email only*)

RECEIVED FHWA  
OCT 29 14  
OHIO DIVISION



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

REGION V  
Illinois, Indiana,  
Michigan, Minnesota,  
Ohio, Wisconsin

200 West Adams Street  
Suite 320  
Chicago, IL 60606-5253  
312-353-2789  
312-886-0351 (fax)

October 23, 2014

Ms. Laura Leffler  
Division Administrator  
Federal Highway Administration – Ohio Division  
200 North High Street, Rm 328  
Columbus, Ohio 43215

RECEIVED FHWA  
OCT 29 14  
OHIO DIVISION

Re: Participating Agency Request for the Brent Spence Bridge Project

Dear Ms. Leffler:

The Federal Transit Administration (FTA) concurs with the request to serve as a participating agency in the review of the National Environmental Policy Act (NEPA) documents for the Brent Spence Bridge project.

Vanessa Adams, Community Planner, will serve as the point of contact. She can be reached at (312) 886-0309.

Sincerely,

Marisol R. Simon  
Regional Administrator



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

**Ohio Division**

October 30, 2014

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Federal Emergency Management Agency  
Attn: Andrew Velasquez, Acting Regional Administrator  
3003 Chamblee Tucker Road  
Atlanta, GA 30341

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Velasquez:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency the Federal Emergency Management Agency (FEMA) to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21st Century Act (MAP-21).

Your agency was previously invited to participate in the development of a project Environmental Assessment (EA), which resulted in an August 9, 2012 Finding of No Significant Impact (FONSI). FEMA declined to participate during that project review. The reason for reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project. We are sending this invitation to serve as a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at the link below.

<http://www.brentspencebridgecorridor.com/>

The Division previously sent an invitation to:

Andrew Velasquez III Regional Administrator  
Federal Emergency Management System  
536 South Clark Street, 6th Floor,  
Chicago, IL 60605



The correspondence was forwarded to the Acting Regional Administrator, Janet Odeshoo. Because the project spans geographical areas within two agency offices, this invitation is being sent to your office as well. Should FEMA choose to become a participating agency, we recommend that a lead be designated between the Region 5 and Region 4 Offices.

We look forward to your agencies response to our request to be a participating agency. We would greatly appreciate your agencies response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

Enclosure(s)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY  
Adam Johnson, FHWA OH  
Janet Odeshoo, FEMA Region 5



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Andrew Velasquez III  
Regional Administrator  
Federal Emergency Management System  
536 South Clark Street, 6th Floor,  
Chicago, IL 60605

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Administrator Velasquez:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

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If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**  
October 30, 2014

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Federal Transit Authority  
Attn: Jennifer Hibbert, Division of Planning  
Region 4 Office  
230 Peachtree NW, Suite 800  
Atlanta, Georgia 30303

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Ms. Hibbert:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency the Federal Transit Authority (FTA) to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21st Century Act (MAP-21).

Your agency was previously invited to participate in the development of a project Environmental Assessment (EA), which resulted in an August 9, 2012 Finding of No Significant Impact (FONSI). FTA declined to participate during that project review. The reason for reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project. We are sending this invitation to serve as a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at

<http://www.brentspencebridgecorridor.com/>

The Division previously sent an invitation to:

Marisol Simon  
Regional Administrator Region 5  
Federal Transit Administration  
200 West Adams Street, Suite 320  
Chicago, IL 60606

Because the project spans geographical areas within two agency offices, this invitation is being sent to your office as well. Should FTA choose to become a participating agency, we recommend that a lead be designated between the Region 5 and Region 4 Offices.

We look forward to your agencies response to our request to be a participating agency. We would greatly appreciate your agencies response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

Enclosure(s)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY  
Adam Johnson, FHWA OH  
Marisol Simon, FTA



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

**Ohio Division**  
October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Marisol Simon  
Regional Administrator Region 5  
Federal Transit Administration  
200 West Adams Street, Suite 320  
Chicago, IL 60606

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Administrator Simon:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura S. Leffler", with a long horizontal flourish extending to the right.

For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**

October 30, 2014

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

U.S. Army Corps of Engineers  
Attn: Doug Shelton  
600 Dr Martin Luther King Jr Pl  
Louisville, KY 40202

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Shelton:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency the US Army Corps of Engineer (USACE) to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21st Century Act (MAP-21).

Your agency was previously invited to participate in the development of a project Environmental Assessment (EA), which resulted in an August 9, 2012 Finding of No Significant Impact (FONSI). USACE declined to participate during that project review. The reason for reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project. We are sending this invitation to serve as a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at the link below.

<http://www.brentspencebridgecorridor.com/>

The Division previously sent an invitation to:

Peter Clingan  
US Army Corps of Engineers  
Ohio Transportation Office  
3990 East Broad Street  
DSCC Building 10 Section 10  
Columbus, OH 43218



During the previous assessment of the project, the Huntington office was designated as the lead agency for USACE. You may wish to similarly coordinate the activities of the two offices during this additional assessment.

We look forward to your agencies response to our request to be a participating agency. We would greatly appreciate your agencies response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

enc

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY  
Adam Johnson, FHWA OH  
Peter Clingan, USACE Columbus Office



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Peter Clingan  
US Army Corps of Engineers  
Ohio Transportation Office  
3990 East Broad Street  
DSCC Building 10 Section 10  
Columbus, OH, 43218

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Clingan:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

cc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**

October 30, 2014

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Ramona McConney  
US Environmental Protection Agency Region Four  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Ms. McConney:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency the U.S. Environmental Protection Agency (USEPA) to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency was previously invited to participate in the development of a project's Environmental Assessment (EA), which resulted in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project. We are sending this invitation to serve as a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com>/The Division previously sent an invitation to:

Kenneth A. Westlake  
US Environmental Protection Agency  
NEPA Section, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

During the previous assessment of the project, the Chicago office was designated as the lead agency for USEPA. You may wish to similarly coordinate the activities of the two offices during this additional assessment.

We look forward to your agencies response to our request to be a participating agency. We would greatly appreciate your agencies response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

enc

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY  
Adam Johnson, FHWA OH  
Kenneth A. Westlake, USEPA



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Kenneth A. Westlake  
US Environmental Protection Agency  
NEPA Section, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Westlake:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**

October 30, 2014

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

U.S. Fish and Wildlife Service  
Attn: Virgil Lee Andrews, Jr.  
330 West Broadway  
Frankfort, KY 40601

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Andrews:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency the U.S. Fish and Wildlife (USFWS) to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency was previously invited to participate in the development of a project's Environmental Assessment (EA), which resulted in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project. We are sending this invitation to serve as a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

The Division previously sent an invitation to:

Daniel W. Sparks  
Acting Supervisor  
US Fish and Wildlife Services  
4625 Morse Road, Suite 104  
Columbus, OH 43230



During the previous assessment of the project, the Huntington office was designated as the lead agency for USFWS. You may wish to similarly coordinate the activities of the two offices during this additional assessment.

We look forward to your agencies response to our request to be a participating agency. We would greatly appreciate your agencies response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

enc

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY  
Adam Johnson, FHWA OH  
Daniel W. Sparks, US Fish and Wildlife



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Daniel W. Sparks  
Acting Supervisor  
US Fish and Wildlife Services  
4625 Morse Road, Suite 104  
Columbus, OH 43230

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Sparks:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency has been previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for the reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

**Ohio Division**  
October 30, 2014

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Dept. of Housing and Urban Development  
Attn: Christopher Taylor, Field Office Director  
Gene Snyder Courthouse  
601 W. Broadway, Room 110  
Louisville, KY 40202

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Taylor:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency the Department of Housing and Urban Development (HUD) to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency was previously invited to participate in the development of a project Environmental Assessment (EA), which resulted in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating NEPA studies is to assess the additional impacts that could result from tolling of the project. We are sending this invitation to serve as a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

The Division previously sent an invitation to:

Thomas Leach  
Field Office Director  
U.S. Department of Housing and Urban Development  
200 North High Street

Columbus, OH 43215

Because the project spans geographical areas within two agency offices, this invitation is being sent to your office as well. Should HUD choose to become a participating agency, we recommend that a lead be designated between the Columbus and Louisville Offices.

We look forward to your agencies response to our request to be a participating agency. We would greatly appreciate your agencies response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,



For: Laura S. Leffler  
Division Administrator

Enc.

By messenger (ODOT)

ecc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY  
Adam Johnson, FHWA OH  
Thomas Leach, HUD Columbus OH



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

**Ohio Division**

October 14, 2014

200 North High Street, Rm 328  
Columbus, Ohio 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Thomas Leach  
Field Office Director  
U.S. Department of Housing and Urban Development  
200 North High Street  
Columbus, OH 43215

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Director Leach:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. FHWA is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by November 14, 2014. Pursuant to MAP-21, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

If you have any questions or would like to discuss the project, please call Adam Johnson, PE, at (614) 280-6843. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura S. Leffler', with a long horizontal flourish extending to the right.

For: Laura S. Leffler  
Division Administrator

By messenger (ODOT)

cc: Julie Gwinn, ODOT  
David Talley, KYTC  
Duane Thomas, FHWA KY



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

REPLY TO  
ATTENTION OF

November 3, 2014

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

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

Dear Ms. Leffler:

This letter is in response to your invitation, dated October 14, 2014, to become a participating agency in the environmental review process for the Brent Spence Bridge project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP 21). The Corps understands the Federal Highway Administration (FHWA), in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC), is reinitiating the National Environmental Policy Act (NEPA) studies for the proposed new bridge. The Brent Spence Bridge carries Interstates 71 & 75 over the Ohio River between the cities of Cincinnati, Ohio and Covington, Kentucky. This proposal involves replacement of the bridge, roadway improvements along I-71/75, and may include the addition of tolling facilities.

As you know, the Corps' authority to regulate waters of the United States is based, in part, 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 permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act (RHA) of 1899 requires that a Department of the Army permit be obtained for any work in, on, over or under a navigable water.

Based on the project description, the Corps anticipates the proposed project will require authorization under Section 404 of the CWA. Given we will likely have regulatory authority over all or a portion of the proposed project, and pursuant to the Council on Environmental Quality's (CEQ) guidance, we would like to participate in the environmental review process.

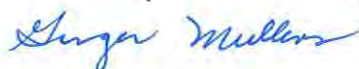
On January 24, 2012, the Corps issued an approved jurisdictional determination on for an approximate 2,054-acre project study area located along a 7.8-mile segment of I-71/I75 between Fort Wright, Kenton County, Kentucky (southern limit) and Hamilton County, Ohio (northern



limit). While the existing jurisdictional determination will be valid until 2017, if the project area has changed in size and/or location, it may be necessary to re-evaluate the study area to identify potential waters of the United States.

We look forward to working with your office, the ODOT, and the KYTC during this project's development. If you have any questions, please contact Peter Clingan at (614) 692-4659 or at [peter.m.clingan@usace.army.mil](mailto:peter.m.clingan@usace.army.mil).

Sincerely,



Ginger Mullins, Chief  
Regulatory Division

Copy furnished w/o enclosures:  
Mr. Mark Epstein  
Ohio Historic Preservation Office  
800 East 17<sup>th</sup> Avenue  
Columbus, Ohio 43211-2474

Copy furnished via e-mail:  
Joni Lung  
OPA, Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
[Joni.Lung@epa.state.oh.us](mailto:Joni.Lung@epa.state.oh.us)

Karen Hallberg  
U.S. Fish and Wildlife Service  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
[Karen\\_Hallberg@fws.gov](mailto:Karen_Hallberg@fws.gov)

Adrienne Earley  
Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 4170  
Columbus, Ohio 43223  
[Adrienne.Earley@dot.state.oh.us](mailto:Adrienne.Earley@dot.state.oh.us)

Mike Pettegrew  
Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 4170  
Columbus, Ohio 43223  
[Mike.Pettegrew@dot.state.oh.us](mailto:Mike.Pettegrew@dot.state.oh.us)

Brian Mitch  
Ohio Department of Natural Resources  
Office of Real Estate  
2045 Morse Road, Building E-2  
Columbus, Ohio 43229-6605  
[Brian.Mitch@dnr.state.oh.us](mailto:Brian.Mitch@dnr.state.oh.us)

John Kessler  
Ohio Department of Natural Resources  
Office of Real Estate  
2045 Morse Road, Building E-2  
Columbus, Ohio 43229-6605  
[John.Kessler@dnr.state.oh.us](mailto:John.Kessler@dnr.state.oh.us)

Mr. Adam B. Johnson  
Federal Highway Administration  
200 North High Street, Rm 328  
Columbus, OH 43215  
[Adam.Johnson@dot.gov](mailto:Adam.Johnson@dot.gov)



# United States Department of the Interior



IN REPLY REFER TO:  
ER-12-0196

NATIONAL PARK SERVICE  
Southeast Regional Office  
Atlanta Federal Center  
1924 Building  
100 Alabama St., SW.  
Atlanta, Georgia 30303

**NOV 06 2014**

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

Dear Ms. Leffler:

The National Park Service (NPS) received the October 21, 2014, invitation from the Federal Highway Administration, the Ohio Department of Transportation (ODOT), and the Kentucky Transportation Cabinet (KYTC) to serve in the role of a Participating Agency in the reinitiation of the National Environmental Policy Act (NEPA) study for the proposed Brent Spence Bridge Replacement and Rehabilitation project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio, and Covington, Kentucky.

As noted in the Department of Interior (Department) letter dated August 10, 2012 (enclosed), the Department and the NPS concurred with the Final Department of Transportation Act Section 4(f) and Land and Water Conservation Act Section 6(f) evaluations for the subject project.

Our understanding is this particular phase of the NEPA process will focus exclusively on the funding and construction contract methodologies explored by ODOT and KYTC in their Options Analysis study that was completed in September 2013. The proposed project and commitments identified in the August 9, 2012, Finding of No Significant Impact will remain unchanged.

Based on this understanding, the NPS respectfully declines to become a Participating Agency for this next phase of the project. If the situation should change and the FHWA reopens the Section 4(f) and Section 6(f) processes for evaluation, please contact the NPS immediately.

The NPS has a continuing interest in working with the FHWA, ODOT, and the KYTC to ensure that impacts to resources of concern to the NPS are adequately addressed. For matters related to NPS resources, please contact Steven Wright, National Park Service, Southeast Regional Office;

Atlanta Federal Center, 1924 Building; 100 Alabama Street, S.W.; Atlanta, Georgia, 30303;  
telephone 404-507-5710.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben West". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Ben West  
Chief, Planning and Compliance  
Southeast Region

Enclosure



# United States Department of the Interior

Office of the Secretary  
Office of Environmental Policy and Compliance  
1849 C Street, NW - MS 2462 - MIB  
Washington, D.C. 20240

August 10, 2012

ER-12/0195

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

Dear Ms. Leffler:

As requested, the Department of the Interior (Department) has reviewed the Final Section 4(f) Evaluation for the Brent Spence Bridge over the Ohio River, Hamilton County, Ohio and Kenton County, Kentucky. The Department offers the following comments and recommendations for your consideration:

## **Section 4(f) Comments**

The Federal Highway Administration (FHWA), the Ohio Department of Transportation (ODOT), and Kentucky Transportation Cabinet (KYTC) propose improvements to the operational characteristics of a 7.8-mile segment of Interstate 71 (I-71), Interstate I-75 (I-75), and the Brent Spence Bridge. The draft section 4(f) evaluation identified several properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303§ 771.135). In our review of the draft, we concurred with the FHWA, ODOT and KYTC that the preferred alternative had less overall impacts to the 4(f) properties than the other build alternative, but there were still considerable impacts to the two historic districts. The Department also concurred there were no feasible or prudent avoidance alternatives to the preferred alternative presented which results in impacts to section 4(f) properties. We concurred that all possible planning needed to minimize harm to the 4(f) resources had been employed. We withheld our final concurrence that all possible planning needed to minimize harm to the historic 4(f) resource had been employed until a fully executed memorandum of agreement (MOA) between the FHWA, ODOT, KYTC, and the respective SHPO offices in each state was included in the final evaluation. We note the inclusion of two fully executed MOAs contained in Appendix C of the final evaluation, and therefore remove our objection.

TRANSMITTED ELECTRONICALLY – NO HARD COPY TO FOLLOW

### Section 6(f) Comments

The original Environmental Assessment (EA) identified one Section 6(f) (Land and Water Conservation Fund Act of 1965, as amended; Public Law 88-578; 16 U.S.C. 4601-4 et seq.) resource. This resource is Goebel Park located in Covington, Kentucky. Section 4.15.2 of the EA details measures to mitigate impacts to the affected resource. The EA noted that KYTC would continue coordination on the proposed conversion and mitigations options with "...the US Department of the Interior-NPS to obtain required approvals under Section 6(f)." No documentation was included in this final 4(f) evaluation confirming that discussions with the Department and or the National Park Service have occurred. As we noted before, Section 6(f) conversions must be approved by the Secretary of the Department of the Interior, and may not take place before that approval is gained. We again request that you coordinate future mitigation discussions and Section 6(f) conversion approval with Ms. Lydia Williams, Land and Water Conservation Fund Project Officer, National Park Service, Southeast Regional Office, Atlanta Federal Center, 1924 Building, 100 Alabama Street, S.W., Atlanta, Georgia 30303, telephone 404-507-5687.

The Department has a continuing interest in working with the FHWA, ODOT and KYTC to ensure impacts to resources of concern to the Department are adequately addressed. For continued consultation and coordination with the issues concerning historic resources identified as section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,



Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance



# OHIO DEPARTMENT OF TRANSPORTATION

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

November 12, 2014

David Daniels  
Director  
Ohio Department of Agriculture  
8995 East Main Street  
Reynoldsburg, OH 43068-3399

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Daniels,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. ODOT is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

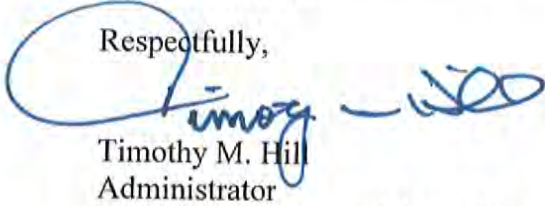
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We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by December 12, 2014.

If you have any questions or would like to discuss the project, please call Larry Hoffman at (614) 466-6439. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Respectfully,

A handwritten signature in blue ink, appearing to read "Timothy M. Hill", with a large circular flourish on the left side.

Timothy M. Hill  
Administrator  
Office of Environmental Services

c: J. Gwinn, ODOT – D. Talley, KYTC – D. Thomas, FHWA KY – A. Johnson, PE, FHWA OH



# OHIO DEPARTMENT OF TRANSPORTATION

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

November 12, 2014

Brian Mitch  
Review Manager  
Ohio Department of Natural Resources  
2045 Morse Road, Building F-3  
Columbus, OH 43229-6693

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Mitch,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. ODOT is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

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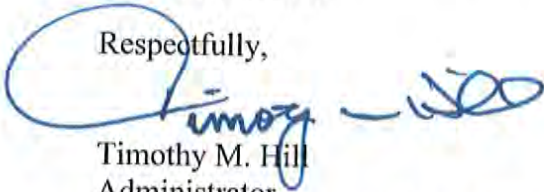
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Timothy M. Hill  
Administrator  
Office of Environmental Services

c: J. Gwinn, ODOT – D. Talley, KYTC – D. Thomas, FHWA KY – A. Johnson, PE, FHWA OH



# OHIO DEPARTMENT OF TRANSPORTATION

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

JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

November 12, 2014

Ric Queen  
Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
50 W. Town Street, Suite 700  
Columbus, OH 43215

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Queen,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. ODOT is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

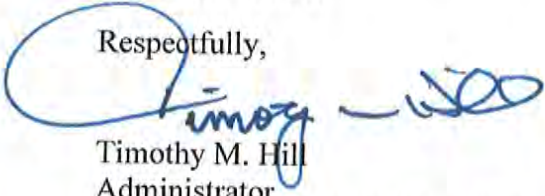
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Respectfully,



Timothy M. Hill  
Administrator  
Office of Environmental Services

c: J. Gwinn, ODOT – D. Talley, KYTC – D. Thomas, FHWA KY – A. Johnson, PE, FHWA OH



# OHIO DEPARTMENT OF TRANSPORTATION

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

November 12, 2014

Nancy Campbell  
Review Manager  
Ohio State Historic Preservation Office  
800 E. 17<sup>th</sup> Avenue  
Columbus, OH 43211

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Ms. Campbell,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington. ODOT is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

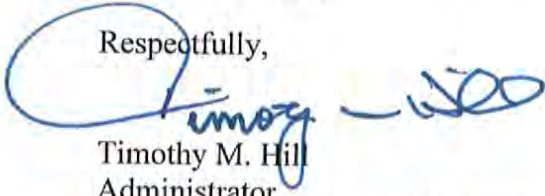
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Respectfully,

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Timothy M. Hill  
Administrator  
Office of Environmental Services

c: J. Gwinn, ODOT – D. Talley, KYTC – D. Thomas, FHWA KY – A. Johnson, PE, FHWA OH



**TRANSPORTATION CABINET**  
Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Donald Dott  
Director  
State Nature Preserves Commission  
801 Schenkel Lane  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Dott,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency was previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating the NEPA studies is to assess the additional impacts that could result from tolling of the project. Even though your agency chose not to serve as a participating agency in the past, you are being afforded that opportunity again based on project changes.

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We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by December 12, 2014.



An Equal Opportunity Employer M/F/D

If you have any questions or would like to discuss the project, please call Stacey Hans at (859) 341-2700 ext 274. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Respectfully,

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

David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Benson Bell  
Executive Director  
Office of Consumer and Environmental Protection  
Kentucky Department of Agriculture  
107 Corporate Drive  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Bell,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

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Respectfully,

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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



**TRANSPORTATION CABINET**  
Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Ambrose Wilson IV  
Secretary  
Public Protection Cabinet  
5th Fl., Capital Plaza Tower  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Wilson,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency previously committed to participating in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating the NEPA studies is to assess the additional impacts that could result from tolling of the project.

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An Equal Opportunity Employer M/F/D

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Respectfully,

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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Mike Hardin  
Environmental Section Chief  
Kentucky Department of Fish and Wildlife Resources  
#1 Sportsman's Lane  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Hardin,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency previously committed to participating in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating the NEPA studies is to assess the additional impacts that could result from tolling of the project.

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Respectfully,

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David Waldner  
Director  
Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



**TRANSPORTATION CABINET**  
Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Alan C. Wagers  
Executive Director  
Office of Inspector General  
609 Wilkinson Blvd.  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Wagers,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Previous environmental analysis led to the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating the NEPA studies is to assess the additional impacts that could result from tolling of the project. Even though your agency did not serve as a participating agency in the past, you are being afforded that opportunity again based on project changes.

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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Craig Potts  
Executive Director and State Historic Preservation Officer  
Kentucky Heritage Council  
300 Washington Street  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Potts,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

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An Equal Opportunity Employer M/F/D



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Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Ronald T. Price  
State Environmental Review Officer  
Department for Environmental Protection  
300 Fair Oaks Lane  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Price,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency previously committed to participating in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating the NEPA studies is to assess the additional impacts that could result from tolling of the project.

We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by December 12, 2014.



An Equal Opportunity Employer M/F/D

If you have any questions or would like to discuss the project, please call Stacey Hans at (859) 341-2700 ext 274. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Respectfully,

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

David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



**TRANSPORTATION CABINET**  
Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

James Comer  
Commissioner  
Kentucky Department of Agriculture  
105A Corporate Drive  
Frankfort, KY 40601

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Comer,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

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An Equal Opportunity Employer M/F/D

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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Elizabeth Schmitz  
Executive Director  
Kentucky Environmental Education Council  
500 Mero Street  
Capital Plaza Tower, Room 1901  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Ms. Schmitz,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

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An Equal Opportunity Employer M/F/D

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Respectfully,

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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Steve Hohmann  
Commissioner  
Kentucky Department of Natural Resources  
#2 Hudson Hollow  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Hohmann,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

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An Equal Opportunity Employer M/F/D



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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Arnita Gadson  
Executive Director  
Kentucky Environmental Quality Commission  
500 Mero Street  
Capital Plaza Tower  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Ms. Gadson,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

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An Equal Opportunity Employer M/F/D

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Respectfully,

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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Dr. Len Peters  
Secretary  
Energy and Environment Cabinet  
500 Mero Street  
5<sup>th</sup> Floor, Capital Plaza Tower  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Dr. Peters,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

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An Equal Opportunity Employer M/F/D

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Respectfully,

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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor

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

November 13, 2014

Roger Thomas  
Executive Director  
Governor's Office of Agricultural Policy  
404 Ann Street  
Frankfort, KY 40601

**Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Thomas,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Previous environmental analysis led to the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating the NEPA studies is to assess the additional impacts that could result from tolling of the project. Even though your agency did not serve as a participating agency in the past, you are being afforded that opportunity again based on project changes.

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An Equal Opportunity Employer M/F/D

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David Waldner

Director

Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 13 2014

REPLY TO THE ATTENTION OF

E-19J

RECEIVED FHWA  
NOV 18 14  
OHIO DIVISION

Laura Leffler  
Division Administrator  
Federal Highway Administration – Ohio Division  
200 North High Street – Room 328  
Columbus, Ohio 43215

**Re: Participating Agency Involvement the Brent Spence Bridge Project**

Dear Ms. Leffler:

The U.S. Environmental Protection Agency (EPA) received your letter dated October 14, 2014, inviting EPA to become a participating agency with the Federal Highway Administration (FHWA), the Ohio Department of Transportation (ODOT), and the Kentucky Transportation Cabinet (KYTC) for the Brent Spence Bridge. EPA Regions 4 and 5 accept your invitation to become a participating agency for this project per the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

We appreciate the opportunity to work with FHWA, ODOT, and KYTC as a participating agency on this project. To facilitate coordination, EPA Region 5 will serve as the overall lead. Please keep both EPA Regions 4 and 5 apprised of future interagency meetings and send copies of all project information directly to each Region in order to expedite our review time.

EPA's participating agency status and level of involvement does not, however, preclude our independent review and comment responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, or our authorities under Section 404 of the Clean Water Act. Similarly, our participating agency status does not imply that EPA will necessarily concur with all aspects of the upcoming NEPA document.

The lead Region 5 contact is Elizabeth Poole; her contact information is (312) 353-2087 and poole.elizabeth@epa.gov. The Region 4 contact is Ramona McConney; her contact information is (404) 562-9615 or email mcconney.ramona@epa.gov.

Sincerely,

Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance



cc: David Talley, Kentucky Transportation Cabinet  
Duane Thomas, Federal Highway Administration, Kentucky  
Julie Gwinn, Ohio Department of Transportation



**U.S. Department of Housing and Urban Development**  
Columbus Field Office  
200 North High Street  
Columbus, OH 43215-2499

November 14, 2014

Laura S. Leffler  
Division Administrator  
Federal Highway Administration  
200 N. High Street, Rm. 328  
Columbus, OH 43215

Dear District Administrator Leffler:

Thank you for your letter of invitation of 10/14/14 to participate in the NEPA study on the Brent Spence Bridge Project. We have carefully reviewed the role for HUD in this process including the outline of the study area. Although HUD has program participants within the study area, it appears that there will be no direct impact based on GIS analysis.

As a result, we are declining participation in the NEPA study as a participating agency due to the following considerations:

- 1) HUD has no jurisdiction or authority with respect to the project;
- 2) HUD has no expertise or information relevant to the project; and
- 3) HUD does not intend to submit comment on the project at this time.

Please contact me directly at 614-469-5737, extension 8110, if you have any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Leach".

Thomas Leach  
Field Office Director

---

**To:** Hoffman, Larry  
**Subject:** RE: Brent Spence Bridge Project

-----Original Message-----

From: Mitch, Brian  
Sent: Friday, November 14, 2014 7:37 AM  
To: Hoffman, Larry  
Cc: Hill, Tim; Gwinn, Julie; Talley, David (KYTC) <[david.talley@ky.gov](mailto:david.talley@ky.gov)> ([david.talley@ky.gov](mailto:david.talley@ky.gov)) ([david.talley@ky.gov](mailto:david.talley@ky.gov));  
Thomas, Duane (FHWA) ([Duane.Thomas@dot.gov](mailto:Duane.Thomas@dot.gov)); [ABJohnson@dot.gov](mailto:ABJohnson@dot.gov); Kessler, John  
Subject: RE: Brent Spence Bridge Project

Larry,

The ODNR accepts your invitation to be a Participating Agency on the Brent Spence Bridge Project.

Thank you for your consideration.

Brian Mitch  
Environmental Services Section  
Office of Real Estate  
Ohio Department of Natural Resources  
2045 Morse Rd., Building E-2  
Columbus, OH 43229-6693  
(614) 265-6387  
[brian.mitch@dnr.state.oh.us](mailto:brian.mitch@dnr.state.oh.us)

-----Original Message-----

From: Hoffman, Larry  
Sent: Wednesday, November 12, 2014 2:59 PM  
To: Mitch, Brian  
Cc: Hill, Tim; Gwinn, Julie; Talley, David (KYTC) <[david.talley@ky.gov](mailto:david.talley@ky.gov)> ([david.talley@ky.gov](mailto:david.talley@ky.gov)) ([david.talley@ky.gov](mailto:david.talley@ky.gov));  
Thomas, Duane (FHWA) ([Duane.Thomas@dot.gov](mailto:Duane.Thomas@dot.gov)); [ABJohnson@dot.gov](mailto:ABJohnson@dot.gov)  
Subject: Brent Spence Bridge Project

Brian,  
Please see our attached letter.  
We look forward to your response.  
A hard copy of this letter is also being sent via U.S. mail.  
Thanks,  
Larry

---

**From:** Price, Ronald (EEC) <Ronald.Price@ky.gov>  
**Sent:** Tuesday, November 18, 2014 4:38 PM  
**To:** Hans, Stacey (KYTC-D06)  
**Cc:** Waldner, David (KYTC)  
**Subject:** Brent Spence Bridge Project

I will be representing the Kentucky Department for Environmental Protection as a participating agency in the environmental review process for the Brent Spence Bridge project.

**Ronald T. Price**  
**Executive Staff Advisor**  
**Office of the Commissioner**  
**Department for Environmental Protection**  
**300 Fair Oaks Lane**  
**Frankfort, KY 40601**  
**(502) 564-2150 x. 3125**  
**(502) 564-4245 (fax)**  
**Email: [ronald.price@ky.gov](mailto:ronald.price@ky.gov)**

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information.  
If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.



November 18, 2014

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

Re: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Hill:

This is in response to your letter dated November 12, 2014 and received on November 14, 2014. Ohio's State Historic Preservation Office would like to be a participating agency in the further development of this project. Please address correspondence to:

Mark J. Epstein, Department Head and Deputy State Historic Preservation Officer  
for Resource Protection and Review  
Ohio History Connection  
800 E. 17<sup>th</sup> Ave.  
Columbus, OH 43211

Thank you.

Sincerely,

*Nancy H. Campbell*

Nancy H. Campbell  
Architecture Transportation Reviews Manager  
State Historic Preservation Office

1055978



**KENTUCKY STATE NATURE PRESERVES COMMISSION**

**Steven L. Beshear**  
Governor

801 Schenkel Lane  
Frankfort, Kentucky 40601-1132  
Phone (502) 573-2886  
Fax (502) 573-2355  
<http://naturepreserves.ky.gov>

**Dr. Leonard Peters**  
Secretary  
Energy and  
Environment Cabinet

**Donald S. Dott, Jr.**  
Director

**MEMORANDUM**

**TO: David Waldner, Director**  
**Division of Environmental Analysis**

**FROM: Donald S. Dott, Jr., Director** *DSD*

**DATE: November 20, 2014**

**SUBJECT: Invitation to Become a Participating Agency on the Brent Spence**  
**Bridge Project**

As your letter of November 13 states that the NEPA studies for the Brent Spence Bridge project are being reopened to address impacts from tolling of the project, the Kentucky State Nature Preserves Commission declines to become a participating agency. As the statutory mission of this agency is creation of state nature preserves and biodiversity monitoring and protection, I do not see that considerations for a tolling option would impact those concerns.

Thank you for the opportunity to participate.

DSD/li



1 DEC '14 AM 10:04

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES**

**Steven L. Beshear**  
Governor

2 Hudson Hollow  
Frankfort, Kentucky 40601  
Phone: (502) 564-6940  
Fax: (502) 564-5698  
[www.eec.ky.gov](http://www.eec.ky.gov)  
[www.dnr.ky.gov](http://www.dnr.ky.gov)  
November 25, 2014

**Leonard K. Peters**  
Secretary

**Steve Hohmann**  
Commissioner

Mr. David Waldner  
Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street, 5<sup>th</sup> Floor  
Frankfort, KY 40622

Dear Mr. Waldner,

I am responding to your letter dated November 13, 2014 in which you invite the Department for Natural Resources to be a participating agency on the Brent Spence Bridge Project. Your request pertains to the reinitiation of the NEPA study as it concerns tolling.

As you point out, DNR declined to participate as a participating agency in the initial environmental review for this project. Likewise, DNR respectfully declines to become a participating agency in the environmental study of the tolling. Based on our review of the information available on your web site about the project, we do not believe DNR has reason to be a participating agency.

Thank you for your invitation. If you wish to discuss this matter further you can reach me at 502-564-6940.

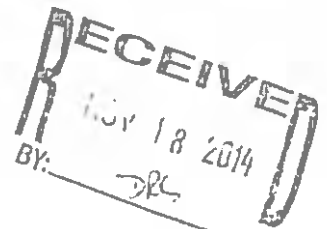
Sincerely,

Steve Hohmann  
Commissioner



**TRANSPORTATION CABINET**  
Frankfort, Kentucky 40622  
www.kentucky.gov

**Steven L. Beshear**  
Governor



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

November 13, 2014

Steve Hohmann  
Commissioner  
Kentucky Department of Natural Resources  
#2 Hudson Hollow  
Frankfort, KY 40601

Subject: Invitation to Become a Participating Agency on the Brent Spence Bridge project

Dear Mr. Hohmann,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are reinitiating National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky. KYTC is inviting your agency to be a participating agency in the environmental review process for this project pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Your agency was previously invited to participate in the development of a project Environmental Assessment (EA) resulting in an August 9, 2012 Finding of No Significant Impact (FONSI). The reason for reinitiating the NEPA studies is to assess the additional impacts that could result from tolling of the project. Even though your agency chose not to serve as a participating agency in the past, you are being afforded that opportunity again based on project changes.

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We look forward to your response to our request to be a participating agency. We would greatly appreciate your response by December 12, 2014.

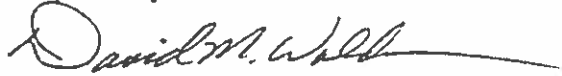


An Equal Opportunity Employer M/F/D



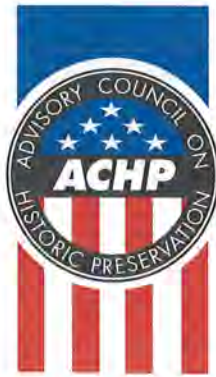
If you have any questions or would like to discuss the project, please call Stacey Hans at (859) 341-2700 ext 274. For those who do accept to be a participating agency, a project Coordination Plan will be sent out in the near future.

Respectfully,

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David Waldner  
Director  
Division of Environmental Analysis

c: D. Talley, KYTC; J. Gwinn, ODOT ; D. Thomas, FHWA KY; A. Johnson, FHWA OH



*Preserving America's Heritage*

November 26, 2014

Ms. Laura S. Leffler  
Division Administrator  
Federal Highway Administration  
Ohio Division  
200 North High Street, Room 328  
Columbus, Ohio 42315

Ref: *Invitation to become a Participating Agency on the Proposed Brent Spence Project  
Cincinnati and Covington, Ohio*

Dear Ms. Leffler:

On October 23, 2014, the Advisory Council on Historic Preservation (ACHP) received your invitation to become a participating agency with the Ohio Department of Transportation and the Federal Highway Administration (FHWA) in National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington pursuant to Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). The ACHP accepts your invitation to become a participating agency. However, we do not at this time anticipate attending meetings or providing formal comments at environmental review milestones. We would appreciate your keeping us informed of progress, as we may decide to become more actively involved in the future, as warranted. We would also be pleased to provide FHWA with technical assistance related to historic preservation and Section 106 of the National Historic Preservation Act as you fulfill your compliance responsibilities. .

In addition, the ACHP encourages FHWA to coordinate the Section 106 process with NEPA compliance by notifying, at your earliest convenience, the appropriate State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), Indian tribes, and other consulting parties pursuant to our regulations, "Protection of Historic Properties" (36 CFR Part 800). Through early consultation, your agency will be able to determine the appropriate strategy to ensure Section 106 compliance is completed in a timely manner for this undertaking.

Likewise, FHWA should continue consultation with the appropriate SHPO/THPO, Indian tribes, and other consulting parties to identify and evaluate historic properties and to assess any potential adverse effects on those historic properties. If your agency determines through consultation with the consulting parties that the undertaking will adversely affect historic properties or that the development of a programmatic agreement is necessary, the agency must notify the ACHP and provide the documentation detailed at 36 CFR §800.11(e).

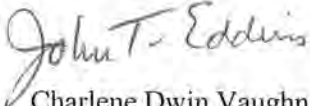
ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637

Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

Thank you for inviting our participation in the development of this project. Should you have any questions as to how your agency should comply with the requirements of Section 106, please contact Najah Duvall-Gabriel at (202) 517-0210 or via e-mail at [ngabriel@achp.gov](mailto:ngabriel@achp.gov)

Sincerely,



Charlene Dwin Vaughn, AICP  
Assistant Director  
Office of Federal Agency Programs  
Federal Permitting, Licensing and Assistance Section



5 DEC '14 AM 9:37

STEVEN L. BESHEAR  
GOVERNOR

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

BOB STEWART  
SECRETARY

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

CRAIG A. POTTS  
EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

December 1, 2014

Mr. David M. Waldner, P.E., Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street, 5<sup>th</sup> Floor  
Frankfort, KY 40622

**Re: Invitation to Become a Participating Agency on the Brent Spence Bridge project**

Dear Mr. Waldner:

Thank you for your letter received November 18, 2014. This letter describes that the National Environmental Policy Act (NEPA) studies have been reinitiated for the Brent Spence Bridge project due to potential additional impacts resulting from tolling on the project. Our office is accepting the invitation to become a participating agency in the upcoming NEPA studies for this project.

Although our office is accepting this invitation to participate in the NEPA process, any outstanding responsibilities 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 will still need to be fulfilled. Should you have any questions, please contact Jennifer Ryall of my staff at (502)564.7005, ext. 147.

Sincerely,

Craig A. Potts,  
Executive Director and  
State Historic Preservation Officer

CP: jr

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**From:** Hoffman, Larry  
**Sent:** Tuesday, September 13, 2022 11:51 AM  
**To:** Pettegrew, Mike <Mike.Pettegrew@dnr.ohio.gov>  
**Cc:** Hill, Timothy <Tim.Hill@dot.ohio.gov>; Smith, Larry <Keith.Smith@dot.ohio.gov>; Perlik, Matthew <matt.perlik@dot.ohio.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>  
**Subject:** Brent Spence Bridge Corridor Project, Participating Agency Update

Mr. Pettegrew:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are continuing National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge (BSB) Corridor project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington.

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: FHWA determined that the potential to toll I-71/I-75 would require the preparation of a Supplemental Environmental Assessment to evaluate the additional impacts associated with tolling. In 2014, your agency accepted an invitation to be a participating agency in the environmental review process for that re-evaluation effort. However, studies pertaining to tolling were put permanently on hold in 2015, and no action was taken to engage participating agencies or finalize NEPA studies.

The second re-evaluation was completed on March 15, 2018: FHWA determined that 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 reevaluation has been completed, the existing FONSI dated August 9, 2012 would remain valid.

Since 2012, KYTC and ODOT have been engaged in on-going efforts to implement the BSB Corridor Project, including the following major project activities:

- Developed a phasing strategy to deliver the project via both Design-Bid-Build and Design-Build delivery methods (see attached exhibit).
- KYTC performed a BSB maintenance project in 2017 which included deck overlay with joint repair and steel work, as well as lighting replacement.
- The BSB emergency repair project was completed on December 22, 2020 after a truck crash and fire on the lower deck of the bridge on November 11, 2020. The bridge's structural integrity was not compromised by the incident, though a 6,900-sq-ft section of the upper-level concrete deck and underlying steel stringer beams were replaced. Damaged deck and barrier walls were also repaired on the lower level. KYTC and ODOT took advantage of the closure to perform scheduled maintenance work, such as repairing drains, cleaning of overhead signs, and repaving the northbound I-71/I-75 approach.

- ODOT began mitigation activities for Section 4(f) resources.
- The BSB painting project was completed in November 2021, eliminating the need to include this work in any upgrade or maintenance to the existing bridge as part of the BSB Corridor Project.
- KYTC and ODOT developed updated traffic projections for the corridor.
- ODOT prepared right-of-way plans and acquired 70 of the 79 parcels required for the project.
- KYTC completed right-of-way plans for the areas from the southern project limits to West 12<sup>th</sup> Street in Covington. Right-of-way plans for the areas from West 12<sup>th</sup> Street to the Ohio River are currently under development.
- KYTC and ODOT continued stakeholder coordination and public outreach through the project website, newsletters, stakeholder meetings, and the Project Advisory Committee (PAC). These efforts were limited in scope between 2012 and 2021 but have since increased in frequency.
- In 2021, ODOT secured the funding to complete detailed design and prepare contract plans for Phases I and II. ODOT also secured the funding to construct Phase II beginning in 2025. KYTC and ODOT are currently applying for additional federal monies and developing a comprehensive funding plan for the remaining elements of the BSB Corridor Project.

In addition, KYTC and ODOT conducted Value Engineering (VE) activities in accordance with agency policies and procedures. A Value Engineering Workshop (October 2012), a Performance-Based Design Workshop (December 2019), and other studies and activities to identify and evaluate measures to improve the design and constructability and reduce the cost of the project were conducted. Further improvements and cost saving measures were identified as Phase I and Phase II of the project progressed through detailed design development. These efforts culminated in a set of refinements to Alternative I, which have been designated as Concept I-W. All VE recommendations were finalized by KYTC, ODOT, and FHWA in June 2022.

KYTC and ODOT are currently preparing a supplemental Environmental Assessment to reflect the refined Preferred Alternative I (Concept I-W). The re-evaluation efforts also involve updating resource-specific studies to reflect any changes in conditions that have occurred since they were originally prepared. The effort is scheduled to conclude with an update to the FONSI in the summer of 2023.

As a participating agency pursuant to the Fixing America's Surface Transportation Act (FAST), your agency will be provided the opportunity to offer feedback during the project's environmental review process. Specifically, your agency will be provided a copy of the project's Environmental Assessment (EA) during the public availability period, and any comments received will be addressed prior to issuing the final NEPA decision.

If you have any questions or would like to discuss the project, please call Timothy M. Hill at (614) 644-0377 or email at [Tim.Hill@dot.ohio.gov](mailto:Tim.Hill@dot.ohio.gov)



---

**From:** Hoffman, Larry

**Sent:** Tuesday, September 13, 2022 12:14 PM

**To:** Kamnyev, Anna <Anna.Kamnyev@epa.ohio.gov>; Maunz, Kyla <Kyla.Maunz@dnr.ohio.gov>; Pettegrew, Mike <Mike.Pettegrew@dnr.ohio.gov>; dwelling@ohiohistory.org

**Cc:** Hill, Timothy <Tim.Hill@dot.ohio.gov>; Smith, Larry <Keith.Smith@dot.ohio.gov>; Schneider, Erica <Erica.Schneider@dot.ohio.gov>; Perlik, Matthew <matt.perlik@dot.ohio.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>

**Subject:** Brent Spence Bridge Corridor Project, Participating Agency Update

My apologies, please see the attached exhibit.

Thanks.

**Larry Hoffman**

*Major Project Coordinator*

ODOT Office of Environmental Services

1980 West Broad Street, Mail Stop 4170

Columbus, Ohio 43223

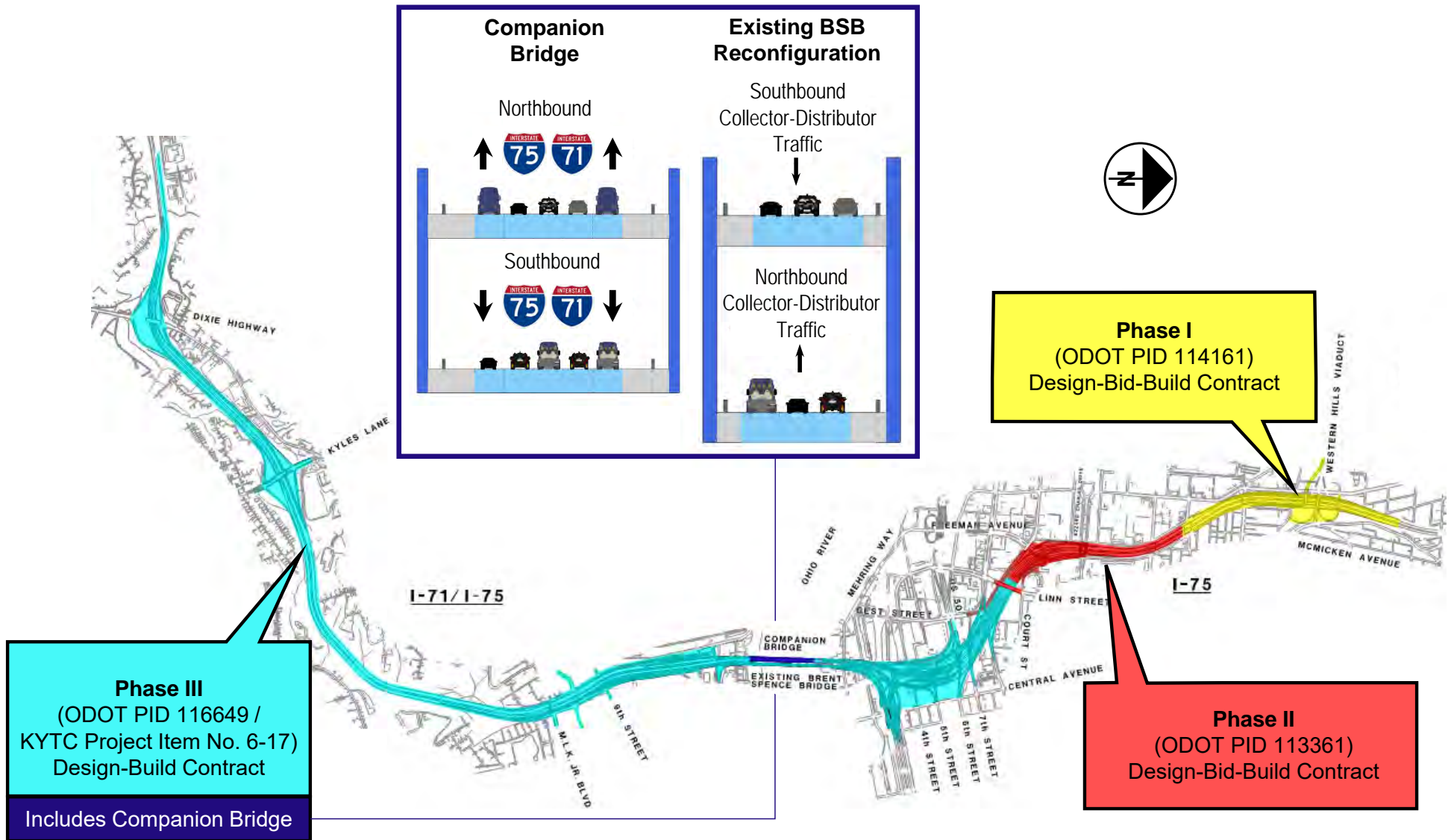
(614) 466-6439

[transportation.ohio.gov](http://transportation.ohio.gov)





# Project Phases





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**From:** Hoffman, Larry

**Sent:** Tuesday, September 13, 2022 11:54 AM

**To:** Kamnyev, Anna <Anna.Kamnyev@epa.ohio.gov>

**Cc:** Hill, Timothy <Tim.Hill@dot.ohio.gov>; Smith, Larry <Keith.Smith@dot.ohio.gov>; Perlik, Matthew <matt.perlik@dot.ohio.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>

**Subject:** Brent Spence Bridge Corridor Project, Participating Agency Update

Ms. Kamnyev:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are continuing National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge (BSB) Corridor project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington.

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If you have any questions or would like to discuss the project, please call Timothy M. Hill at (614) 644-0377 or email at [Tim.Hill@dot.ohio.gov](mailto:Tim.Hill@dot.ohio.gov)



---

**From:** Hoffman, Larry

**Sent:** Tuesday, September 13, 2022 12:14 PM

**To:** Kamnyev, Anna <Anna.Kamnyev@epa.ohio.gov>; Maunz, Kyla <Kyla.Maunz@dnr.ohio.gov>; Pettegrew, Mike <Mike.Pettegrew@dnr.ohio.gov>; dwelling@ohiohistory.org

**Cc:** Hill, Timothy <Tim.Hill@dot.ohio.gov>; Smith, Larry <Keith.Smith@dot.ohio.gov>; Schneider, Erica <Erica.Schneider@dot.ohio.gov>; Perlik, Matthew <matt.perlik@dot.ohio.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>

**Subject:** Brent Spence Bridge Corridor Project, Participating Agency Update

My apologies, please see the attached exhibit.

Thanks.

**Larry Hoffman**

*Major Project Coordinator*

ODOT Office of Environmental Services

1980 West Broad Street, Mail Stop 4170

Columbus, Ohio 43223

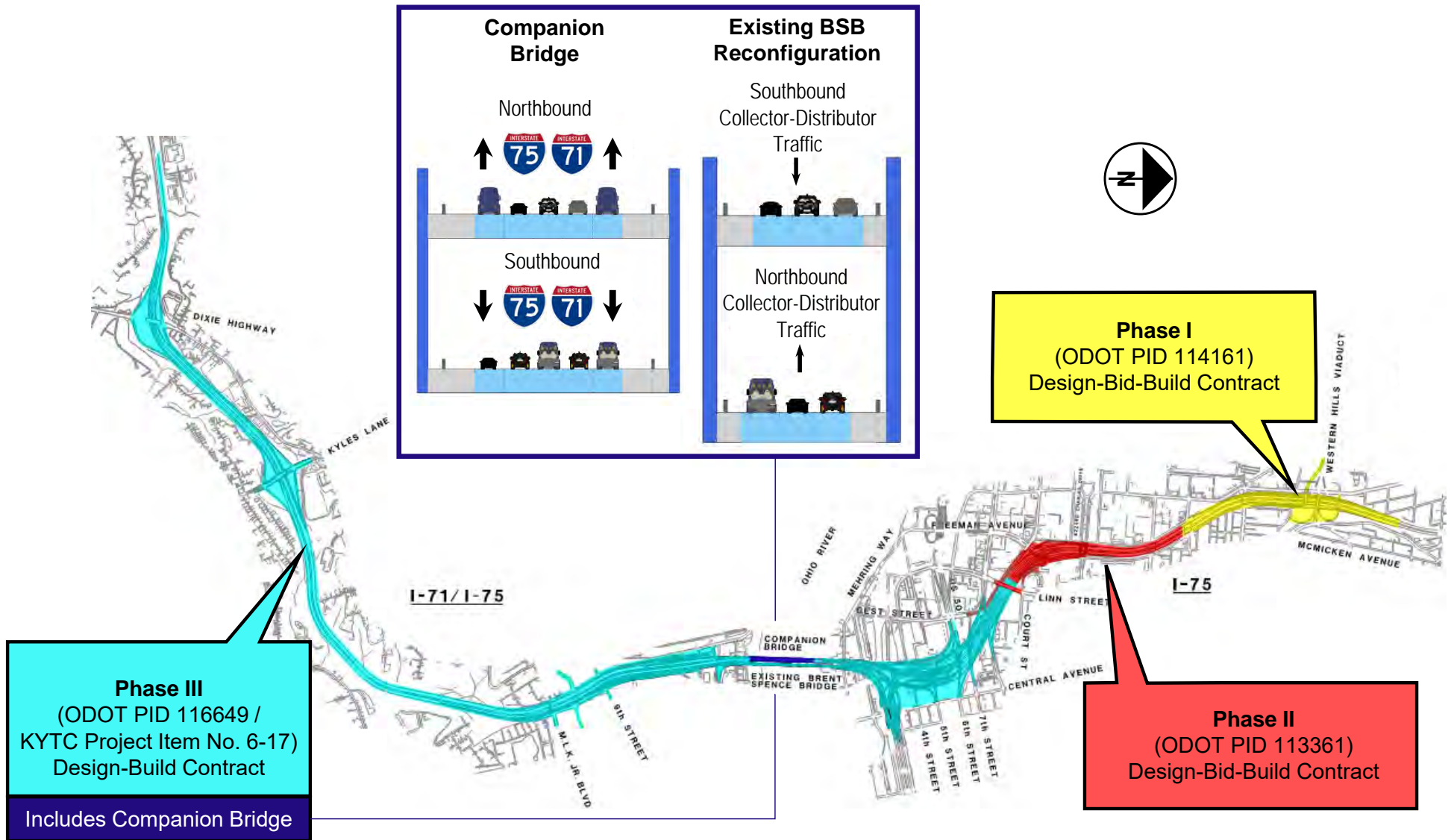
(614) 466-6439

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# Project Phases



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**From:** Hoffman, Larry  
**Sent:** Tuesday, September 13, 2022 11:47 AM  
**To:** [dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)  
**Subject:** FW: Brent Spence Bridge Corridor Project, Participating Agency Update

**From:** Hoffman, Larry  
**Sent:** Tuesday, September 13, 2022 11:45 AM  
**To:** [Diana.Welling@ohiohistory.org](mailto:Diana.Welling@ohiohistory.org)  
**Cc:** Hill, Timothy <[Tim.Hill@dot.ohio.gov](mailto:Tim.Hill@dot.ohio.gov)>; Smith, Larry <[Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov)>; Schneider, Erica <[Erica.Schneider@dot.ohio.gov](mailto:Erica.Schneider@dot.ohio.gov)>; Long, Timothy (FHWA) <[timothy.long@dot.gov](mailto:timothy.long@dot.gov)>  
**Subject:** Brent Spence Bridge Corridor Project, Participating Agency Update

Ms. Welling:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are continuing National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge (BSB) Corridor project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington.

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---

**From:** Hoffman, Larry

**Sent:** Tuesday, September 13, 2022 12:14 PM

**To:** Kamnyev, Anna <Anna.Kamnyev@epa.ohio.gov>; Maunz, Kyla <Kyla.Maunz@dnr.ohio.gov>; Pettegrew, Mike <Mike.Pettegrew@dnr.ohio.gov>; dwelling@ohiohistory.org

**Cc:** Hill, Timothy <Tim.Hill@dot.ohio.gov>; Smith, Larry <Keith.Smith@dot.ohio.gov>; Schneider, Erica <Erica.Schneider@dot.ohio.gov>; Perlik, Matthew <matt.perlik@dot.ohio.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>

**Subject:** Brent Spence Bridge Corridor Project, Participating Agency Update

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**Larry Hoffman**

*Major Project Coordinator*

ODOT Office of Environmental Services

1980 West Broad Street, Mail Stop 4170

Columbus, Ohio 43223

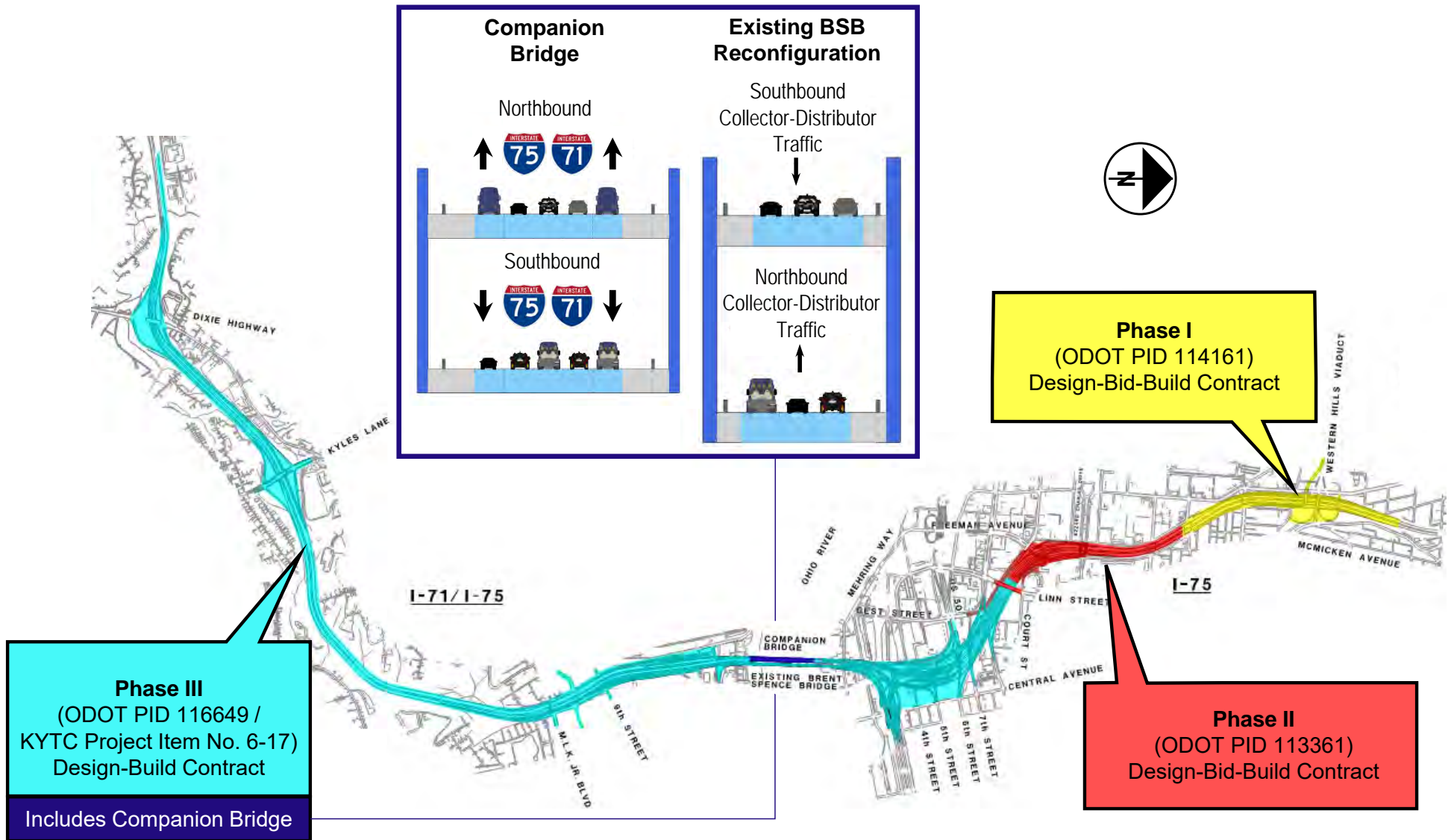
(614) 466-6439

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# Project Phases





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**From:** Hans, Stacey D (KYTC-D06) <Stacey.hans@ky.gov>  
**Sent:** Tuesday, September 27, 2022 11:22 AM  
**To:** Hatton, Tony R (EEC)  
**Cc:** Peake, Danny R (KYTC); Schurman, Scott R (KYTC); Diop, Mour (FHWA)  
**Subject:** Brent Spence Bridge Corridor Project (Kenton County), Participating Agency Update  
**Attachments:** Attachment-Project Phases.pdf

Mr. Hatton:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are continuing National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge (BSB) Corridor project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington.

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If you have any questions or would like to discuss the project, please call me at 859-462-6010 or email at [stacee.hans@ky.gov](mailto:stacee.hans@ky.gov).

Sincerely,

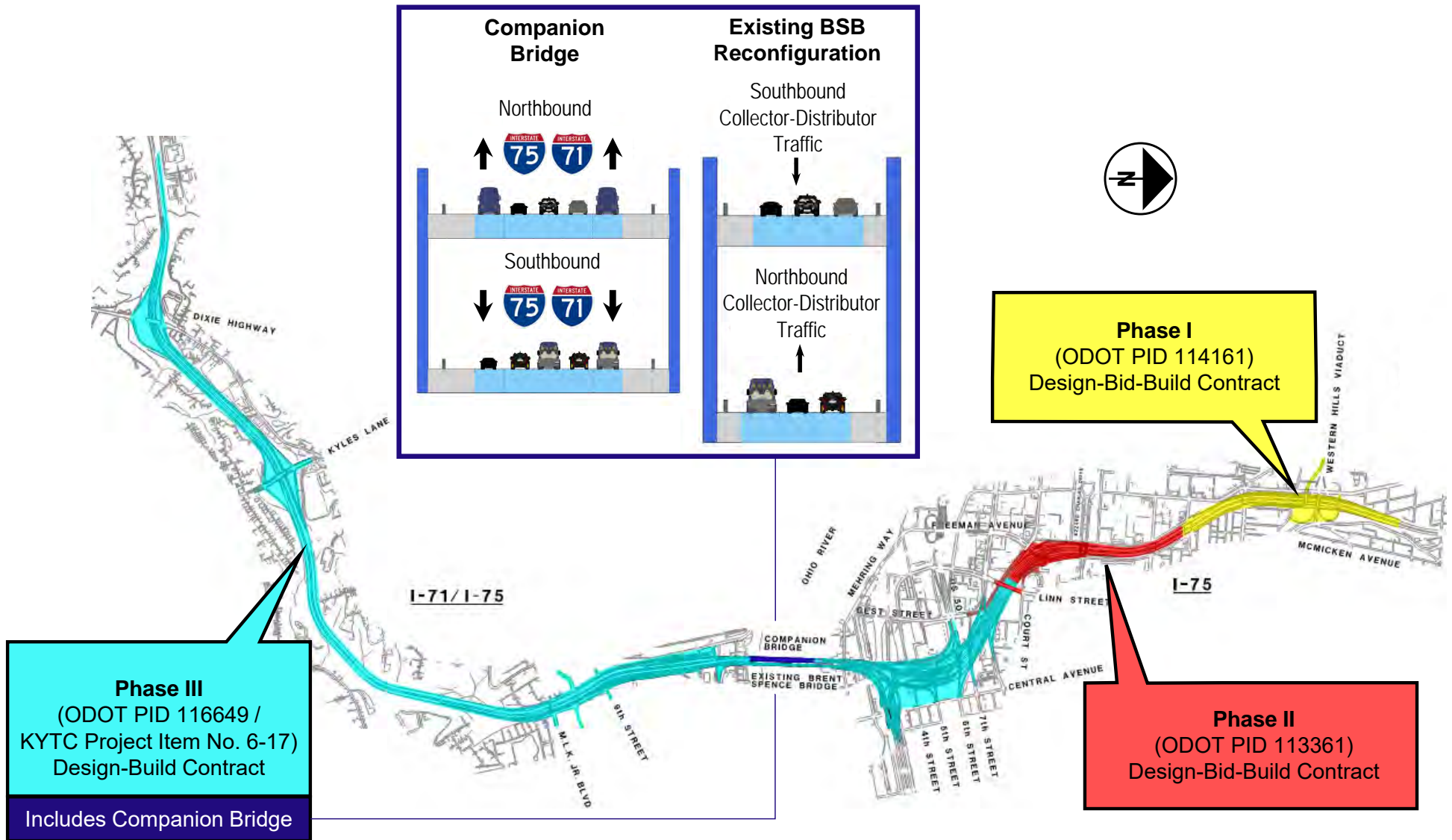
*Stacee Hans*

Executive Staff Advisor  
 KYTC District 6  
 421 Buttermilk Pike  
 Covington, KY 41017  
 (859) 462-6010





# Project Phases



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**From:** Hans, Stacey D (KYTC-D06) <Stacey.hans@ky.gov>  
**Sent:** Tuesday, September 27, 2022 11:22 AM  
**To:** Potts, Craig A (Heritage Council)  
**Cc:** Peake, Danny R (KYTC); Schurman, Scott R (KYTC); Diop, Mour (FHWA)  
**Subject:** Brent Spence Bridge Corridor Project (Kenton County), Participating Agency Update  
**Attachments:** Attachment-Project Phases.pdf

Mr. Potts:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are continuing National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge (BSB) Corridor project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington.

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: FHWA determined that the potential to toll I-71/I-75 would require the preparation of a Supplemental Environmental Assessment to evaluate the additional impacts associated with tolling. In 2014, your agency accepted an invitation to be a participating agency in the environmental review process for that re-evaluation effort. However, studies pertaining to tolling were put permanently on hold in 2015, and no action was taken to engage participating agencies or finalize NEPA studies.

The second re-evaluation was completed on March 15, 2018: FHWA determined that 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 reevaluation has been completed, the existing FONSI dated August 9, 2012 would remain valid.

Since 2012, KYTC and ODOT have been engaged in on-going efforts to implement the BSB Corridor Project, including the following major project activities:

- Developed a phasing strategy to deliver the project via both Design-Bid-Build and Design-Build delivery methods (see attached exhibit).
- KYTC performed a BSB maintenance project in 2017 which included deck overlay with joint repair and steel work, as well as lighting replacement.
- The BSB emergency repair project was completed on December 22, 2020 after a truck crash and fire on the lower deck of the bridge on November 11, 2020. The bridge's structural integrity was not compromised by the incident, though a 6,900-sq-ft section of the upper-level concrete deck and underlying steel stringer beams were replaced. Damaged deck and barrier walls were also repaired on the lower level. KYTC and ODOT took advantage of the closure to perform scheduled maintenance work, such as repairing drains, cleaning of overhead signs, and repaving the northbound I-71/I-75 approach.
- ODOT began mitigation activities for Section 4(f) resources.
- The BSB painting project was completed in November 2021, eliminating the need to include this work in any upgrade or maintenance to the existing bridge as part of the BSB Corridor Project.
- KYTC and ODOT developed updated traffic projections for the corridor.

- ODOT prepared right-of-way plans and acquired 70 of the 79 parcels required for the project.
- KYTC completed right-of-way plans for the areas from the southern project limits to West 12<sup>th</sup> Street in Covington. Right-of-way plans for the areas from West 12<sup>th</sup> Street to the Ohio River are currently under development.
- KYTC and ODOT continued stakeholder coordination and public outreach through the project website, newsletters, stakeholder meetings, and the Project Advisory Committee (PAC). These efforts were limited in scope between 2012 and 2021 but have since increased in frequency.
- In 2021, ODOT secured the funding to complete detailed design and prepare contract plans for Phases I and II. ODOT also secured the funding to construct Phase II beginning in 2025. KYTC and ODOT are currently applying for additional federal monies and developing a comprehensive funding plan for the remaining elements of the BSB Corridor Project.

In addition, KYTC and ODOT conducted Value Engineering (VE) activities in accordance with agency policies and procedures. A Value Engineering Workshop (October 2012), a Performance-Based Design Workshop (December 2019), and other studies and activities to identify and evaluate measures to improve the design and constructability and reduce the cost of the project were conducted. Further improvements and cost saving measures were identified as Phase I and Phase II of the project progressed through detailed design development. These efforts culminated in a set of refinements to Alternative I, which have been designated as Concept I-W. All VE recommendations were finalized by KYTC, ODOT, and FHWA in June 2022.

KYTC and ODOT are currently re-evaluating the project’s Environmental Assessment to reflect the refined Preferred Alternative I (Concept I-W). The re-evaluation efforts also involve updating resource-specific studies to reflect any changes in conditions that have occurred since they were originally prepared. The effort is scheduled to conclude with an update to the FONSI in the summer of 2023.

As a participating agency pursuant to the Fixing America’s Surface Transportation Act (FAST), your agency will be provided the opportunity to offer feedback during the project’s environmental review process. Specifically, your agency will be provided a copy of the project’s Environmental Assessment (EA) during the public availability period, and any comments received will be addressed prior to issuing the final NEPA decision.

If you have any questions or would like to discuss the project, please call me at 859-462-6010 or email at [stacee.hans@ky.gov](mailto:stacee.hans@ky.gov).

Sincerely,

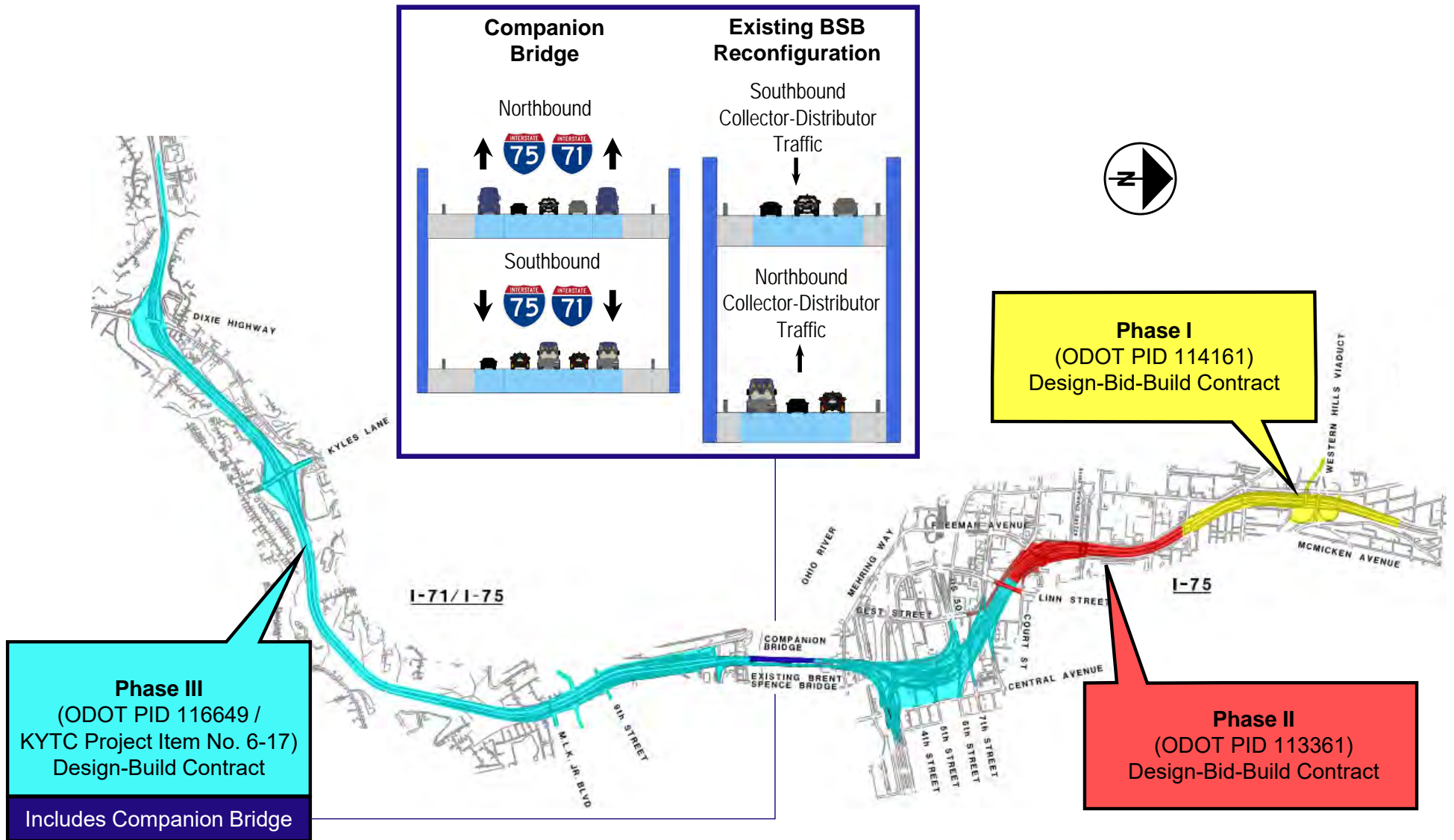
*Stacee Hans*

Executive Staff Advisor  
 KYTC District 6  
 421 Buttermilk Pike  
 Covington, KY 41017  
 (859) 462-6010





# Project Phases



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**From:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>  
**Sent:** Thursday, September 29, 2022 3:15 PM  
**To:** mrandslow@achp.gov; peter.m.clingan@usace.army.mil; brett.c.latta@usace.army.mil; laban.c.lindley@usace.army.mil; junette.l.toe@usace.army.mil; eric.washburn@uscg.mil; dean.william-kenneth@epa.gov; sedlacek.michael@epa.gov; kentuckyes@fws.gov; ohio@fws.gov; Hans, Stacey D (KYTC-D06); larry.hoffman@dot.ohio.gov; Spinosa, Stefan; tim.hill@dot.ohio.gov  
**Cc:** Long, Timothy (FHWA); Johns, Andy (FHWA); Lopez, Dina (FHWA); Johnson, Adam (FHWA); Ross, Eric (FHWA); Stone, Scott (FHWA); Diop, Mour (FHWA); Ballantyne, John (FHWA); Loyselle, Michael (FHWA); Toni, Melissa (FHWA); Cogburn, Megan (FHWA)  
**Subject:** Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project  
**Attachments:** 2022 09 29 Cooperating Agency Invitation TL.pdf

Good afternoon,

Please see the attached invitation to be a cooperating agency on the Brent Spence Bridge Corridor project in Ohio and Kentucky.

Respectfully,

Federal Highway Administration  
Ohio Division  
[ohio.fhwa@dot.gov](mailto:ohio.fhwa@dot.gov)  
200 North High Street, Room 328  
Columbus, OH 43215



In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Dear Cooperating Agency:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are continuing National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge (BSB) Corridor project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington.

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repairing drains, cleaning of overhead signs, and repaving the northbound I-71/I-75 approach.

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- In 2021, ODOT secured the funding to complete detailed design and prepare contract plans for Phases I and II. ODOT also secured the funding to construct Phase II beginning in 2025. KYTC and ODOT are currently applying for additional federal monies and developing a comprehensive funding plan for the remaining elements of the BSB Corridor Project.

In addition, KYTC and ODOT conducted Value Engineering (VE) activities in accordance with agency policies and procedures. A Value Engineering Workshop (October 2012), a Performance-Based Design Workshop (December 2019), and other studies and activities to identify and evaluate measures to improve the design and constructability and reduce the cost of the project were conducted. Further improvements and cost saving measures were identified as Phase I and Phase II of the project progressed through detailed design development. These efforts culminated in a set of refinements to Alternative I, which have been designated as Concept I-W. All VE recommendations were finalized by KYTC, ODOT, and FHWA in June 2022.

KYTC and ODOT are currently preparing a Supplemental EA to reflect the refined proposed Preferred Alternative I (Concept I-W). The Supplemental EA efforts also involve updating resource-specific studies to reflect any changes in conditions that have occurred since they were originally prepared. Under the current project schedule, the NEPA process would conclude in the summer of 2023.

We are requesting your agency to be a cooperating agency because we believe that your agency may have an interest in this transportation project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a cooperating agency. We would greatly appreciate your response by October 28, 2022. Pursuant to NEPA, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

- 1) Has no jurisdiction or authority with respect to the project;
- 2) Has no expertise or information relevant to the project; and
- 3) Does not intend to submit comment on the project.

As a cooperating agency, your agency will be provided the opportunity to offer feedback during the project's environmental review process. We would like to hold monthly meetings to keep all agencies updated on the project development to get your feedback as we work through the process. We would like to start these meetings in early November. In your response, please indicate if there is a day of the week and/or time of day that is preferred and we will schedule meetings when most of the agencies are available.

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](mailto:timothy.long@dot.gov).

Sincerely,

For: Laura S. Leffler  
Division Administrator

---

**From:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>  
**Sent:** Thursday, September 29, 2022 3:15 PM  
**To:** fema-r5-info@fema.dhs.gov; fema-r4-info@fema.dhs.gov; Brookins, Kelley (FTA); Taylor, Yvette (FTA); anthony.f.forte@hud.gov; ahsaki.l.thurman@hud.gov; Hans, Stacey D (KYTC-D06); larry.hoffman@dot.ohio.gov; Spinosa, Stefan; tim.hill@dot.ohio.gov  
**Cc:** Long, Timothy (FHWA); Johns, Andy (FHWA); Lopez, Dina (FHWA); Johnson, Adam (FHWA); Ross, Eric (FHWA); Stone, Scott (FHWA); Diop, Mour (FHWA); Ballantyne, John (FHWA); Loyselle, Michael (FHWA); Toni, Melissa (FHWA); Cogburn, Megan (FHWA)  
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Good afternoon,

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Respectfully,

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Ohio Division  
[ohio.fhwa@dot.gov](mailto:ohio.fhwa@dot.gov)  
200 North High Street, Room 328  
Columbus, OH 43215



In Reply Refer To:  
HDA-OH

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We are requesting your agency to be a participating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at

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For: Laura S. Leffler  
Division Administrator

---

**From:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>  
**Sent:** Friday, September 30, 2022 7:52 AM  
**To:** mranslow@achp.gov  
**Cc:** Long, Timothy (FHWA)  
**Subject:** Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project  
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Sincerely,

For: Laura S. Leffler  
Division Administrator

---

**From:** FHWA, Ohio (FHWA)  
**Sent:** Friday, September 30, 2022 10:03 AM  
**To:** Leffler, Laurie (FHWA); Griffith, Robert (FHWA); Ross, Eric (FHWA); Lopez, Dina (FHWA); Johns, Andy (FHWA)  
**Cc:** Long, Timothy (FHWA)  
**Subject:** FW: <External Message> Invitation to be a Participating Agency on the FHWA Brent Spence Bridge Project

Steven Staud, he/him  
Program Coordinator  
Federal Highway Administration (DOT)  
Ohio Division  
614-280-6825  
[fhwa.dot.gov/ohdiv](http://fhwa.dot.gov/ohdiv)

*FHWA Mission: To enable and empower the strengthening of a world-class highway system that promotes safety, mobility, and economic growth, while enhancing the quality of life of all Americans*

---

**From:** Gross, Omri <Omri.Gross@hud.gov>  
**Sent:** Friday, September 30, 2022 9:47 AM  
**To:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>  
**Cc:** Frase, Jordan C <Jordan.C.Frase@hud.gov>; Curran, Martha A <Martha.A.Curran@hud.gov>; Gonzalez Maldonado, Hector R <Hector.R.Gonzalezmaldonado@hud.gov>  
**Subject:** RE: <External Message> Invitation to be a Participating Agency on the FHWA Brent Spence Bridge Project

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello –

Thank you for reaching out!

HUD would like to join as a Participating Agency for the BSB project.

The following staff should be listed as the HUD environmental Points of Contact for the project:

Omri Gross, Field Env Officer for OH  
[omri.gross@hud.gov](mailto:omri.gross@hud.gov)

Hector Gonzalez, Field Env Officer for KY  
[hector.r.gonzalezmaldonado@hud.gov](mailto:hector.r.gonzalezmaldonado@hud.gov)

Please direct correspondence regarding this project to both of the contacts listed above.

Thank you!

---

**From:** Forte, Anthony F <[Anthony.F.Forte@hud.gov](mailto:Anthony.F.Forte@hud.gov)>

**Sent:** Thursday, September 29, 2022 3:51 PM

**To:** Gross, Omri <[Omri.Gross@hud.gov](mailto:Omri.Gross@hud.gov)>; Frase, Jordan C <[Jordan.C.Frase@hud.gov](mailto:Jordan.C.Frase@hud.gov)>

**Subject:** FW: <External Message> Invitation to be a Participating Agency on the FHWA Brent Spence Bridge Project

Interpret this for me, please. Thanks,



Anthony F. Forte, Field Office Director

[U.S. Department of Housing and Urban Development](http://www.hud.gov)

Columbus Field Office

200 N. High Street, 7<sup>th</sup> Floor

Columbus, Ohio 43215

☎ Office: 614 280-6131

☎ Mobile: 202-655-1389

☎ Fax: 614 280-6177

Need Assistance? The answer might be [here!](#)

---

**From:** FHWA, Ohio (FHWA) <[Ohio.FHWA@dot.gov](mailto:Ohio.FHWA@dot.gov)>

**Sent:** Thursday, September 29, 2022 3:15 PM

**To:** [fema-r5-info@fema.dhs.gov](mailto:fema-r5-info@fema.dhs.gov); [fema-r4-info@fema.dhs.gov](mailto:fema-r4-info@fema.dhs.gov); Brookins, Kelley (FTA) <[kelley.brookins@dot.gov](mailto:kelley.brookins@dot.gov)>; Taylor, Yvette (FTA) <[Yvette.Taylor@dot.gov](mailto:Yvette.Taylor@dot.gov)>; Forte, Anthony F <[Anthony.F.Forte@hud.gov](mailto:Anthony.F.Forte@hud.gov)>; Thurman, Ahsaki L <[Ahsaki.L.Thurman@hud.gov](mailto:Ahsaki.L.Thurman@hud.gov)>; [stacee.hans@ky.gov](mailto:stacee.hans@ky.gov); [larry.hoffman@dot.ohio.gov](mailto:larry.hoffman@dot.ohio.gov); [stefan.spinosa@dot.ohio.gov](mailto:stefan.spinosa@dot.ohio.gov); [tim.hill@dot.ohio.gov](mailto:tim.hill@dot.ohio.gov)

**Cc:** Long, Timothy (FHWA) <[timothy.long@dot.gov](mailto:timothy.long@dot.gov)>; Johns, Andy (FHWA) <[Andy.Johns@dot.gov](mailto:Andy.Johns@dot.gov)>; Lopez, Dina (FHWA) <[dina.lopez@dot.gov](mailto:dina.lopez@dot.gov)>; Johnson, Adam (FHWA) <[Adam.Johnson@dot.gov](mailto:Adam.Johnson@dot.gov)>; Ross, Eric (FHWA) <[Eric.Ross@dot.gov](mailto:Eric.Ross@dot.gov)>; Stone, Scott (FHWA) <[scott.stone@dot.gov](mailto:scott.stone@dot.gov)>; Diop, Mour (FHWA) <[mour.diop@dot.gov](mailto:mour.diop@dot.gov)>; Ballantyne, John (FHWA) <[John.Ballantyne@dot.gov](mailto:John.Ballantyne@dot.gov)>; Loyselle, Michael (FHWA) <[Michael.Loyselle@dot.gov](mailto:Michael.Loyselle@dot.gov)>; Toni, Melissa (FHWA) <[melissa.toni@dot.gov](mailto:melissa.toni@dot.gov)>; Cogburn, Megan (FHWA) <[megan.cogburn@dot.gov](mailto:megan.cogburn@dot.gov)>

**Subject:** <External Message> Invitation to be a Participating Agency on the FHWA Brent Spence Bridge Project

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have concerns about the content of the email, please send it to [phishing@hud.gov](mailto:phishing@hud.gov) or click the Report Phishing Button on the Outlook ribbon or Phishing option within OWA.

Good afternoon,

Please see the attached invitation to be a participating agency on the Brent Spence Bridge Corridor project in Ohio and Kentucky.

Respectfully,

Federal Highway Administration

Ohio Division

[ohio.fhwa@dot.gov](mailto:ohio.fhwa@dot.gov)

200 North High Street, Room 328

Columbus, OH 43215

---

**From:** Hallberg, Karen I <Karen\_Hallberg@fws.gov>  
**Sent:** Wednesday, October 19, 2022 3:25 PM  
**To:** Long, Timothy (FHWA)  
**Cc:** Ashfield, Patrice; Korfel, Lindsey M; FHWA, Ohio (FHWA)  
**Subject:** Re: Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project  
**Attachments:** Brent Spence Bridge FWS Coop Ag Response 10-19-2022.pdf

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Tim,

Please find our letter, attached, accepting the Federal Highway Administration's invitation to serve as a Cooperating Agency on the Brent Spence Bridge project.

If you have any questions or concerns, please do not hesitate to contact me.

best,  
Karen

[Karen I. Hallberg, Ph.D.](#) (she/her)  
Wildlife Biologist / Transportation Liaison  
U.S. Fish & Wildlife Service  
Ohio Ecological Services Field Office  
4625 Morse Road, Suite 104  
Columbus, OH 43230  
[karen\\_hallberg@fws.gov](mailto:karen_hallberg@fws.gov)

**Direct Line: (614) 528-9697** (see statement below)  
Main Office Phone: (614) 416-8993 ext. 123(see statement below)

*Please note I am currently on a full-time telework schedule due to the Covid-19 pandemic and am not checking my office voicemail daily. **Therefore, please contact me via email to ensure your questions and/or concerns are brought to my immediate attention.***

---

**From:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>  
**Sent:** Thursday, September 29, 2022 3:14 PM  
**To:** mrandslow@achp.gov <mrandslow@achp.gov>; peter.m.clingan@usace.army.mil <peter.m.clingan@usace.army.mil>; brett.c.latta@usace.army.mil <brett.c.latta@usace.army.mil>; laban.c.lindley@usace.army.mil <laban.c.lindley@usace.army.mil>; junette.l.toe@usace.army.mil <junette.l.toe@usace.army.mil>; eric.washburn@uscg.mil <eric.washburn@uscg.mil>; dean.william-kenneth@epa.gov <dean.william-kenneth@epa.gov>; sedlacek.michael@epa.gov <sedlacek.michael@epa.gov>; KentuckyES, FW4 <kentuckyes@fws.gov>; Ohio, FW3 <ohio@fws.gov>; stacee.hans@ky.gov <stacee.hans@ky.gov>; larry.hoffman@dot.ohio.gov <larry.hoffman@dot.ohio.gov>; stefan.spinosa@dot.ohio.gov

<stefan.spinosa@dot.ohio.gov>; tim.hill@dot.ohio.gov <tim.hill@dot.ohio.gov>

**Cc:** Long, Timothy (FHWA) <timothy.long@dot.gov>; Johns, Andy (FHWA) <Andy.Johns@dot.gov>; Lopez, Dina (FHWA) <dina.lopez@dot.gov>; Johnson, Adam (FHWA) <Adam.Johnson@dot.gov>; Ross, Eric (FHWA) <Eric.Ross@dot.gov>; Stone, Scott (FHWA) <scott.stone@dot.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>; Loyselle, Michael (FHWA) <Michael.Loyselle@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; Cogburn, Megan (FHWA) <megan.cogburn@dot.gov>

**Subject:** [EXTERNAL] Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project

Good afternoon,

Please see the attached invitation to be a cooperating agency on the Brent Spence Bridge Corridor project in Ohio and Kentucky.

Respectfully,

Federal Highway Administration  
Ohio Division  
[ohio.fhwa@dot.gov](mailto:ohio.fhwa@dot.gov)  
200 North High Street, Room 328  
Columbus, OH 43215



## 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



October 19, 2022

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

FWS PROJECT CODE: 2022-0055658

FHWA RE: HDA-OH

#### **RE: Brent Spence Bridge Corridor Project Cooperating Agency Invitation**

Dear Ms. Leffler:

This is in response to your September 29, 2022 letter inviting the U.S. Fish & Wildlife Service (Service) to serve as a cooperating agency in the environmental review process for the Brent Spence Bridge Corridor project in Hamilton County, Ohio and Kenton County, Kentucky. The Federal Highway Administration (FHWA) and Ohio Department of Transportation (ODOT) consulted on this project with our office earlier in the project development process; and an Environmental Assessment (EA), reviewed by the Service, resulted in a Finding of No Significant Impact (FONSI) in August 2012.

In October 2014, the Service accepted FHWA's invitation to serve as a cooperating agency in assessing any additional impacts that may result from a proposed action, at that time, of tolling the bridge. The re-evaluation was completed in February 2015, but additional studies were placed on permanent hold that same year. We understand a second re-evaluation was completed in March 2018, concluding that the August 2012 FONSI would remain valid until the Kentucky Transportation Cabinet (KYTC) and ODOT committed to any changes in scope and a re-evaluation was completed.

Your September 29 letter stated that KYTC and ODOT are currently preparing a Supplemental EA for the proposed Preferred Alternative I. This effort will also involve updating resource-specific studies to reflect any changes in conditions that may have occurred since the original studies were prepared.

The Service's Ohio Field Office accepts the invitation to serve as a cooperating agency on the Brent Spence Bridge Corridor project. However, please note, our Kentucky Field Office is acting as the lead office for the Service on this project.

Thank you for your consideration. If you have questions, or if we may be of further assistance in this matter, please contact Karen Hallberg, in this office, at (614) 528-9697.

Sincerely,

Acting  
For

Patrice Ashfield  
Field Supervisor

cc: T. Long, FHWA, Ohio Division Office, Columbus, OH

---

**From:** Sedlacek, Michael <Sedlacek.Michael@epa.gov>  
**Sent:** Monday, October 31, 2022 10:40 AM  
**To:** FHWA, Ohio (FHWA)  
**Cc:** Long, Timothy (FHWA); larry.hoffman@dot.ohio.gov; stefan.spinosa@dot.ohio.gov; tim.hill@dot.ohio.gov; Diop, Mour (FHWA); stacee.hans@ky.gov  
**Subject:** EPA R5 Accept - Brent Spence Bridge Cooperating Agency Request  
**Attachments:** EPA Accept - Brent Spence Bridge Cooperating Agency 10-24-2022.pdf

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Leffler,

Attached is EPA Region 5's acceptance of FHWA's request for EPA to be a Cooperating Agency for the Brent Spence Bridge Project. I recently was made aware that EPA Region 4 will not be sending a separate letter, but please include the following EPA Region 4 folks in all email exchanges and document submittals:

- (1) William Kenneth Dean (Acting Chief, NEPA Section, Strategic Programs Office), at [Dean.William-Kenneth@epa.gov](mailto:Dean.William-Kenneth@epa.gov)
- (2) Ntale Kajumba (Acting Director, Strategic Programs Office), at [Kajumba.Ntale@epa.gov](mailto:Kajumba.Ntale@epa.gov)
- (3) Terrance Adelsbach (R4 NEPA Reviewer, NEPA Section), at [Adelsbach.Terrance@epa.gov](mailto:Adelsbach.Terrance@epa.gov)

Feel free to contact me if you have any questions or concerns.

Sincerely,

Mike Sedlacek  
Environmental Scientist  
Tribal and Multimedia Programs Office  
U.S. Environmental Protection Agency - Region 5  
77 W. Jackson Blvd (RM-19J), Chicago, IL 60604  
Phone: (312) 886-1765  
Email: [sedlacek.michael@epa.gov](mailto:sedlacek.michael@epa.gov)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

10/24/2022

REPLY TO THE ATTENTION OF:  
Mail Code RM-19J

Laura S. Leffler  
Federal Highway Administration, Ohio Division  
200 North High Street, Room 328  
Columbus, Ohio 43215  
[ohio.fhwa@dot.gov](mailto:ohio.fhwa@dot.gov)

**Re: Cooperating Agency Invitation for the Brent Spence Bridge Project, Hamilton County, Ohio and Kenton County, Kentucky**

Dear Ms. Leffler:

The U.S. Environmental Protection Agency (EPA) Region 4<sup>1</sup> and Region 5<sup>2</sup> have received your letter dated September 29, 2022, in which the Federal Highway Administration (FHWA) invites EPA to become a Cooperating Agency for the above-referenced project. This letter serves as EPA Region 5's acceptance of Cooperating Agency status, as defined in the Council of Environmental Quality regulations at 40 CFR 1501.6. EPA Region 4 will consider their internal capacity and respond to your request separately. EPA Region 5 will serve as the primary EPA point of contact for the environmental review process, and we request that FHWA send project documents and meeting invitations to both EPA Region 4 and Region 5.

As a Cooperating Agency, to the extent that staff capacity and resources allow, EPA Region 5 will (1) review draft documents in accordance with our authority under the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act (CAA), and (2) participate in meetings and site visits. EPA will not assist in preparing NEPA documents or other project materials. We request that FHWA provide at least two-weeks advanced notice of the times and dates of all meetings/conference calls and prior to submittal of documents for our review. We also request a 30-day window for EPA's review and comment on early coordination materials. Please provide electronic copies of all materials and refrain from sending paper copies. EPA retains its independent review and comment authority under Section 309 of the CAA. Additionally, EPA retains its right to review and comment during the U.S. Army Corps of Engineers' Clean Water Act Section 404 permitting process.

<sup>1</sup> EPA Region 4, based in Atlanta, has responsibility for the state of Kentucky.

<sup>2</sup> EPA Region 5, based in Chicago, has responsibility for the state of Ohio.

Thank you for inviting EPA to serve as a Cooperating Agency for this project. We welcome the opportunity to discuss the contents of this letter. You may contact Mike Sedlacek, Region 5's lead reviewer for this project, at 312-886-1765 or [sedlacek.michael@epa.gov](mailto:sedlacek.michael@epa.gov).

Sincerely,

JENNIFER  
TYLER

Digitally signed by JENNIFER TYLER  
Date: 2022.10.24 16:43:10 -0500

Jennifer Tyler  
Acting Deputy Director  
Tribal and Multi-media Programs Office  
Office of the Regional Administrator

cc: Larry Long, Federal Highway Administration, Ohio Division  
Larry Hoffman, Ohio Department of Transportation  
Stephan Spinosa, Ohio Department of Transportation  
Tim Hill, Ohio Department of Transportation  
Mour Diop, Federal Highway Administration, Kentucky Division  
Stacey Hans, Kentucky Transportation Cabinet  
Ken Dean, U.S. Environmental Protection Agency, Region 4

---

**From:** Castaldi, Duane <Duane.Castaldi@fema.dhs.gov>  
**Sent:** Tuesday, November 1, 2022 11:10 AM  
**To:** Long, Timothy (FHWA)  
**Subject:** RE: Invitation to be a Participating Agency on the FHWA Brent Spence Bridge Project

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

FEMA Region 5 will participate.

Duane Castaldi  
Regional Environmental Officer | FEMA Region V | Department of Homeland Security  
Office: 312.408.5549 | Mobile: 312.576.0067  
[duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov) | Pronouns: he / him / his

Federal Emergency Management Agency  
[fema.gov](http://fema.gov)



**FEMA**

---

**From:** Long, Timothy (FHWA) <timothy.long@dot.gov>  
**Sent:** Tuesday, November 1, 2022 6:39 AM  
**To:** FEMA-R5-Info <fema-r5-info@fema.dhs.gov>; FEMA-R4-Info <fema-r4-info@fema.dhs.gov>; Brookins, Kelley (FTA) <kelley.brookins@dot.gov>; Taylor, Yvette (FTA) <Yvette.Taylor@dot.gov>  
**Cc:** Diop, Mour (FHWA) <mour.diop@dot.gov>  
**Subject:** FW: Invitation to be a Participating Agency on the FHWA Brent Spence Bridge Project

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please select the Phish Alert Report button on the top right of your screen to report this email if it is unsolicited or suspicious in nature.

Good morning,  
Please see the attached letter. By November 8, 2022, please let me know if you accept the invitation to be a participating agency for the Brent Spence Bridge project. If you decline the invitation, please provide the information found at the top of page 3 of the attached letter.

Thank you,

Tim Long  
Environmental Program Manager

Federal Highway Administration  
Ohio Division Office  
614-280-6879

---

**From:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>

**Sent:** Thursday, September 29, 2022 3:15 PM

**To:** fema-r5-info@fema.dhs.gov; fema-r4-info@fema.dhs.gov; Brookins, Kelley (FTA) <kelley.brookins@dot.gov>; Taylor, Yvette (FTA) <Yvette.Taylor@dot.gov>; anthony.f.forte@hud.gov; ahsaki.l.thurman@hud.gov; stacee.hans@ky.gov; larry.hoffman@dot.ohio.gov; stefan.spinosa@dot.ohio.gov; tim.hill@dot.ohio.gov

**Cc:** Long, Timothy (FHWA) <timothy.long@dot.gov>; Johns, Andy (FHWA) <Andy.Johns@dot.gov>; Lopez, Dina (FHWA) <dina.lopez@dot.gov>; Johnson, Adam (FHWA) <Adam.Johnson@dot.gov>; Ross, Eric (FHWA) <Eric.Ross@dot.gov>; Stone, Scott (FHWA) <scott.stone@dot.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>; Loyselle, Michael (FHWA) <Michael.Loyselle@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; Cogburn, Megan (FHWA) <megan.cogburn@dot.gov>

**Subject:** Invitation to be a Participating Agency on the FHWA Brent Spence Bridge Project

Good afternoon,

Please see the attached invitation to be a participating agency on the Brent Spence Bridge Corridor project in Ohio and Kentucky.

Respectfully,

Federal Highway Administration  
Ohio Division  
[ohio.fhwa@dot.gov](mailto:ohio.fhwa@dot.gov)  
200 North High Street, Room 328  
Columbus, OH 43215

---

**From:** Washburn, Eric A CIV USCG D8 (USA) <Eric.Washburn@uscg.mil>  
**Sent:** Tuesday, November 1, 2022 8:59 AM  
**To:** Long, Timothy (FHWA)  
**Subject:** RE: Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning. I appreciate the heads up – it's been quite awhile since I last heard about the project.

Yes, the Coast Guard will be a cooperating agency as we will need to do a nav study and determine navigational clearances as well as issue a CG Bridge Permit.

I'll have the project officer follow up with a letter. Thanks.

Respectfully,

Eric Washburn  
USCG D8 Bridge Supervisor, Western Rivers  
STL  
314-269-2378

---

**From:** Long, Timothy (FHWA) <timothy.long@dot.gov>  
**Sent:** Tuesday, November 1, 2022 6:35 AM  
**To:** mrandslow@achp.gov; peter.m.clingan@usace.army.mil; brett.c.latta@usace.army.mil; Laban.C.Lindley@usace.army.mil; Junette.L.Toe@usace.army.mil; Washburn, Eric A CIV USCG D8 (USA) <Eric.Washburn@uscg.mil>; KentuckyES@fws.gov  
**Cc:** Diop, Mour (FHWA) <mour.diop@dot.gov>  
**Subject:** [Non-DoD Source] FW: Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project

Good morning,  
Please see the attached letter. By November 8, 2022, please let me know if you accept the invitation to be a cooperating agency for the Brent Spence Bridge project. If you decline the invitation, please provide the information found at the top of page 3 of the attached letter.

Thank you,

Tim Long  
Environmental Program Manager  
Federal Highway Administration  
Ohio Division Office  
614-280-6879

---

**From:** FHWA, Ohio (FHWA) <[Ohio.FHWA@dot.gov](mailto:Ohio.FHWA@dot.gov)>  
**Sent:** Friday, September 30, 2022 7:52 AM  
**To:** [mranslow@achp.gov](mailto:mranslow@achp.gov)  
**Cc:** Long, Timothy (FHWA) <[timothy.long@dot.gov](mailto:timothy.long@dot.gov)>  
**Subject:** Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project

Good afternoon,

Please see the attached invitation to be a cooperating agency on the Brent Spence Bridge Corridor project in Ohio and Kentucky.

Respectfully,

Federal Highway Administration  
Ohio Division  
[ohio.fhwa@dot.gov](mailto:ohio.fhwa@dot.gov)  
200 North High Street, Room 328  
Columbus, OH 43215

---

**From:** DeGarmo, Phil <phil\_degarmo@fws.gov>  
**Sent:** Tuesday, November 1, 2022 2:30 PM  
**To:** Long, Timothy (FHWA)  
**Cc:** Diop, Mour (FHWA); KentuckyES, FW4; Hallberg, Karen I  
**Subject:** Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Long,

Thank you for your letter inviting our agency to be a cooperating agency on the FHWA Brent Spence Bridge Project. The USFWS Kentucky Field Office (KFO) and USFWS Ohio Field Office (OFO) gladly accept your invitation to be a cooperating agency. The KFO and OFO have coordinated and determined that the KFO would be the lead office for the USFWS when responding to correspondences related to this project. However, please continue to cc: the OFO on all request so that they may review and provide comments to the KFO to be combined as a joint response to FWHA.

Thank you for the opportunity to be involved in the early coordination for the subject project. I will be the point of contact for the USFWS regarding this project, should you have any questions. My contact information is provided below.

Sincerely,  
Phil DeGarmo  
USFWS Frankfort, KY Field Office  
502-229-8830

---

**From:** Toe, Junette L CIV USARMY CELRL (USA) <Junette.L.Toe@usace.army.mil>  
**Sent:** Wednesday, November 2, 2022 1:40 PM  
**To:** Long, Timothy (FHWA); mrandslow@achp.gov; Clingan, Peter M CIV USARMY CELRH (USA); Latta, Brett C CIV USARMY CELRH (USA); Lindley, Laban C CIV USARMY CELRL (USA); Eric Washburn; Kentucky Fish and Wildlife  
**Cc:** Diop, Mour (FHWA)  
**Subject:** RE: Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

The US Army Corps of Engineers Louisville District would like to be a cooperating agency to review the Brent Spence Bridge Project.

Thank you,

Junette Toe, PE  
Interim 408 Coordinator & LNO Coordinator, Levee Safety Section  
U.S. Army Corps of Engineers, Louisville District  
[junette.l.toe@usace.army.mil](mailto:junette.l.toe@usace.army.mil)  
Office: 502-315-6495  
Mobile: 502-523-6144



---

**From:** Clingan, Peter M CIV USARMY CELRH (USA) <Peter.M.Clingan@usace.army.mil>  
**Sent:** Tuesday, November 8, 2022 7:32 AM  
**To:** FHWA, Ohio (FHWA)  
**Cc:** Condra, Norma C CIV USARMY CELRL (USA); Baldrige, David E CIV USARMY CELRL (USA); Latta, Brett C CIV USARMY CELRH (USA); Long, Timothy (FHWA)  
**Subject:** RE: Invitation to be a Cooperating Agency on the FHWA Brent Spence Bridge Project  
**Attachments:** Cooperating Agency Response Letter\_Brent Spence Bridge\_LRH-2006-02138-OHR.pdf

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Ms. Leffler,

Please see the attached response to your letter dated September 29, 2022, requesting the United States Army Corps of Engineers (Corps) become a Cooperating Agency in the environmental review process for the proposed Brent Spent Bridge (BSB) Corridor project carrying Interstates 71 and 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky.

The Corps hereby agrees to become a cooperating agency under 40 CFR 1501.6(b) and 1508.5 and looks forward to participating in the development of the environmental documentation. If you have any questions regarding the information in this letter, please contact Brett Latta of the South/Transportation Branch at 740-221-4181.

Thank you,

Peter Clingan  
U.S. Army Corps of Engineers - Huntington District Building 10/ Section 10 PO Box 3990 Columbus, OH 43218-3990  
O: 614-692-4659  
C: 614-570-2701



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT  
502 8TH STREET  
HUNTINGTON, WV 25701-2018

November 7, 2022

Regulatory Division  
South/Transportation Branch  
LRH-2006-02138-OHR

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

Dear Ms. Leffler:

I refer to your letter dated September 29, 2022, requesting the United States Army Corps of Engineers (Corps) become a Cooperating Agency in the environmental review process for the proposed Brent Spent Bridge (BSB) Corridor project carrying Interstates 71 and 75 over the Ohio River in the cities of Cincinnati, Ohio and Covington, Kentucky.

The United States Army Corps of Engineer's (Corps) authority to regulate waters of the United States (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 (Section 404) requires that a Department of the Army (DA) permit be obtained prior to the discharge of dredged or fill material into waters of the U.S., including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires that a DA permit be obtained for any work in, on, over or under a navigable water.

As you are aware, potentially jurisdictional waters of the U.S. are present in both Ohio (Huntington District) and Kentucky (Louisville District). We have coordinated with the Louisville District and have agreed the Huntington District will be the lead Corps District for this proposal, including participating in the National Environmental Policy Act (NEPA) process and reviewing any subsequent permit application. Our goal as a cooperating agency will be to ensure the final NEPA documentation addresses all factors necessary for our regulatory process. We will assist FHWA within our area of responsibility and reserve the right to request additional information directly pertaining to the exercise of our regulatory authority.

The Corps understands the Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) are currently preparing a Supplemental Environmental Assessment (EA) for the refined proposed Preferred Alternative I (Concept I-W), notably updating resource-specific studies to reflect any changes in conditions that have occurred since they were originally prepared in 2012.

The Corps hereby agrees to become a cooperating agency under 40 CFR 1501.6(b) and 1508.5 and looks forward to participating in the development of the environmental documentation. If you have any questions regarding the information in this letter, please contact Brett Latta of the South/Transportation Branch at 740-221-4181, or by email at [Brett.C.Latta@usace.army.mil](mailto:Brett.C.Latta@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Hatten". The signature is fluid and cursive, with a horizontal line at the end.

Michael E. Hatten  
Chief, Regulatory Division

cc (via email):  
David Baldrige, CELRL  
Norma Condra, CELRL

**From:** [Long, Timothy \(FHWA\)](#)  
**To:** ["lwcfc\\_compliance@nps.gov"](mailto:lwcfc_compliance@nps.gov)  
**Cc:** [Stacey Hans](#); [Diop, Mour \(FHWA\)](#); [Ballantyne, John \(FHWA\)](#); [Toni, Melissa \(FHWA\)](#)  
**Subject:** Brent Spence Bridge Corridor Project - Invitation to be a Cooperating Agency  
**Date:** Tuesday, December 13, 2022 10:15:00 AM  
**Attachments:** [Agency Coordination Enclosure BSB.pdf](#)  
[Brent Spence Bridge ParticipatingCooperating Agency Meeting.msg](#)

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Good morning,

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are continuing National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge (BSB) Corridor project carrying Interstates 71 & 75 over the Ohio River in the cities of Cincinnati and Covington.

The project was previously evaluated and since the FONSI in 2012 and re-evaluations in 2015 and 2018, ODOT and KYTC have refined the preferred Alternative I. KYTC and ODOT are currently preparing a Supplemental EA to reflect the refined proposed Preferred Alternative I (Concept I-W). The Supplemental EA efforts also involve updating resource-specific studies to reflect any changes in conditions that have occurred since they were originally prepared. Under the current project schedule, the NEPA process would conclude in the summer of 2023.

Under Concept I-W, the project would impact the boundary of Goebel Park (LWCF 21-00541) and require conversion. It is my understanding that Kentucky Land and Water Conservation Fund staff were previously coordinating this conversion with Mr. John Poole of your office, prior to his retirement and also with Ms. Keilah Spann. On October 24, 2022, Mr. Poole stated the proposed replacement property meets LWCF requirements for conversions.

We are requesting your agency to be a cooperating agency because we believe that your agency may have an interest in this transportation project. Designation as a participating agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project. Project information is available at <http://www.brentspencebridgecorridor.com/>

We look forward to your response to our request to be a cooperating agency. We would greatly appreciate your response by December 23, 2022. Pursuant to NEPA, any Federal Agency that chooses to decline this invitation must specifically state that your agency:

1. Has no jurisdiction or authority with respect to the project;
2. Has no expertise or information relevant to the project; and
3. Does not intend to submit comment on the project.

As a cooperating agency, your agency will be provided the opportunity to offer feedback during the project's environmental review process. We would like to hold monthly meetings to keep all agencies updated on the project development to get your feedback as we work through the process. I apologize for the short notice, but attached, you will find an invitation for virtual agency coordination meeting for next Tuesday (Dec. 20, 2022) from 10:00-12:00 (EST). If you cannot attend this meeting, please let me know a good time and I'll meet with you to review the same materials discussed during the December 20 meeting.

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](mailto:timothy.long@dot.gov).

Sincerely,

Tim Long  
Environmental Program Manager  
Federal Highway Administration  
Ohio Division Office  
614-280-6879

---

**From:** Mandy Ranslow <mranslow@achp.gov>  
**Sent:** Tuesday, December 20, 2022 12:54 PM  
**To:** Long, Timothy (FHWA)  
**Subject:** Re: [External] Brent Spence Bridge Corridor Project Agency Coordination Follow Up

**CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon Tim,

Looking back at the ACHP files it appears we declined to participate when notified of an adverse effect under Section 106 of the NHPA back in 2011 and 2014. I understand this is an invitation under NEPA for which our agency rarely comments. I think our participation (should it be needed) is better left to Section 106 consultation. If you have any issues arise feel free to reach out to me.

Thanks!  
-mandy-

mandy ranslow  
FHWA Liaison/Program Analyst  
Advisory Council on Historic Preservation  
401 F Street, NW  
Washington DC 20001  
mranslow@achp.gov  
202-517-0218 (office)  
203-768-0361 (mobile)  
Pronouns: she/her



# Hamilton County

## County Administrator

### BOARD OF COMMISSIONERS

Alicia Reece  
Denise Driehaus  
Stephanie Summerow Dumas

Todd B. Portune Center for County Government  
138 East Court Street, Room 603  
Cincinnati, Ohio 45202

### ADMINISTRATOR

Jeff Aluotto  
Phone (513) 946-4436

Phone: (513) 946-4400  
Fax: (513) 946-4444  
TDD/TTY: (513) 946-4719  
[www.hamiltoncountyohio.gov](http://www.hamiltoncountyohio.gov)

February 15, 2023

Mr. Tim Long  
Planning, Environment and Realty Team Leader  
Federal Highway Administration, Ohio Division Office  
200 N High Street, #328  
Columbus, OH 43215

Dear Mr. Long:

Please accept this correspondence as the Hamilton County Board of County Commissioners' official request to be designated as a Cooperating Agency, as detailed in 40 CFR 1508.5, for the Brent Spence Bridge Corridor Project.

As you are aware, the Brent Spence Bridge Corridor Project is one of the largest singular infrastructure initiatives in our region's history. It is a generational project which will have transformational impacts on our community, its quality of life and our means of transportation into the future – not to mention its direct and ancillary impacts on community and economic development, housing, and the environment. The Board of County Commissioners, as a governing body, represents the collective interest of the approximately 830,000 residents who call Hamilton County home. In addition, it serves as the principal and owner of the Metropolitan Sewer District of Greater Cincinnati which is operated by the City of Cincinnati. As such, the direct impact of the Project on our community's stormwater and wastewater infrastructure is of specific concern to the Board. Designation as a Cooperating Agency will assist the Board in ensuring it stewards these interests prudently.

Thank you for your time and attention in this matter. Please send communications related to this request to:

The Hamilton County Board of County Commissioners  
c/o Jeffrey Aluotto, County Administrator  
138 E. Court Street  
Cincinnati, OH 45202

The County would also request that the following individuals be copied on all communications sent to the County on this matter:

Mr. Eric Beck, Hamilton County Engineer

Ms. Holly Christmann, Assistant County Administrator

Thank you again for your assistance in facilitating this request.

Sincerely,



Jeffrey W. Aluotto

County Administrator

Hamilton County, Ohio

cc: Alicia Reece, President, Hamilton County Board of County Commissioners  
Denise Driehaus, Vice President, Hamilton County Board of County Commissioners  
Stephanie Summerow Dumas, Board of County Commissioners  
Eric Beck, Hamilton County Engineer  
Holly Christmann, Assistant County Administrator

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**From:** Sedlacek, Michael <[Sedlacek.Michael@epa.gov](mailto:Sedlacek.Michael@epa.gov)>  
**Sent:** Wednesday, February 15, 2023 9:41 AM  
**To:** Long, Timothy (FHWA) <[timothy.long@dot.gov](mailto:timothy.long@dot.gov)>  
**Cc:** Diop, Mour (FHWA) <[mour.diop@dot.gov](mailto:mour.diop@dot.gov)>  
**Subject:** EPA Response to FHWA Ohio Division - NEPA Adequacy of the Brent Spence Bridge Project

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Tim,

Below is EPA (both Regions 4 and 5) management's current position on "the appropriate level of NEPA analysis" for the Brent Spence Bridge Project. Feel free to contact me if you have any questions.

Determining the appropriate level of NEPA analysis is FHWA's decision and responsibility. EPA is not requesting an EIS based on materials provided to date. Pursuant to CEQ NEPA regulations (40 CFR 1501.6), if FHWA is unable to mitigate impacts to a less than significant and reach a defensible mitigated Finding of No Significant Impact (FONSI), then an EIS would be required. EPA is concerned with potentially significant construction and operational air quality and noise impacts on low-income and minority communities that have already experienced longstanding environmental impacts from I-71/I-75. EPA is also concerned with impacts from induced travel demand, induced development/growth, and direct and indirect releases of greenhouse gases. On January 9, 2023, Council on Environmental Quality (CEQ) published interim guidance to assist federal agencies in assessing and disclosing climate change impacts during environmental reviews. See <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate> for further information. CEQ developed this guidance in response to EO 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. This interim guidance is effective immediately. CEQ indicated that agencies should use this interim guidance to inform the NEPA review for all new proposed actions and may use it for evaluations in process, as agencies deem appropriate, such as informing the consideration of alternatives or helping address comments raised through the public comment process. EPA recommends the forthcoming NEPA document apply the interim guidance as appropriate, to ensure robust consideration of potential climate impacts, mitigation, and adaptation issues. Given potential project impacts and the recent Executive Orders related to taking Federal action on climate change and environmental justice, EPA requests the opportunity to engage with FHWA on those topics early in the NEPA process.

Sincerely,

Mike Sedlacek  
Environmental Scientist  
Tribal and Multi-Media Programs Office  
U.S. Environmental Protection Agency - Region 5  
77 W. Jackson Blvd (R-19J), Chicago, IL 60604  
Phone: (312) 886-1765  
Email: [sedlacek.michael@epa.gov](mailto:sedlacek.michael@epa.gov)

\*Please direct NEPA correspondence, including EA submittals for EPA's review, to our team mailbox at [R5NEPA@epa.gov](mailto:R5NEPA@epa.gov).





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

**Ohio Division**

March 24, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Jeffrey W. Aluotto  
County Administrator  
Hamilton County, Ohio, Board of County Commissioners  
138 E. Court Street  
Cincinnati, OH 45202

Subject: Brent Spence Bridge Corridor Project, Request to be Cooperating Agency

Dear Administrator Aluotto:

Thank you for the February 15, 2023, correspondence from the Hamilton County Board of County Commissioners office, requesting to be designated as a Cooperating Agency for the Brent Spence Bridge Corridor Project.

As noted in your correspondence, and as defined in the Council on Environmental Quality's (CEQ) and the Federal Highway Administration's (FHWA) National Environmental Policy Act (NEPA) Implementing Regulations [40 CFR 1501.8 and 23 CFR 771 respectively], a Cooperating Agency is any agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for a major Federal action that may significantly affect the quality of the human environment.

Pursuant to this definition, the Hamilton County Board of County Commissioners does not qualify for Cooperating Agency status. Thank you for your interest and specific concerns in the Brent Spence Bridge Corridor project. The Supplemental Environmental Assessment (SEA) will be made publicly available once it is finalized for a 45-day comment period. FHWA will consider all comments prior to making a NEPA decision. At any time, comments can be submitted directly to Tim Long, FHWA Planning, Environment, and Realty Team Leader, at [timothy.long@dot.gov](mailto:timothy.long@dot.gov).

Sincerely,

Laura S. Leffler  
Division Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**VIA ELECTRONIC MAIL ONLY**

(ohio.fhwa@dot.gov)

Laura S. Leffler  
Federal Highway Administration – Ohio Division Office  
200 North High Street, Room 328  
Columbus, Ohio 43215

**Re: Preliminary Supplemental Draft Environmental Assessment for the Brent Spence Bridge Corridor Project, Covington, Kenton County, Kentucky, and Cincinnati, Hamilton County, Ohio**

Dear Ms. Leffler:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Preliminary Supplemental Draft Environmental Assessment (PSDEA), dated February 17, 2023. EPA is providing comments pursuant to its authorities under the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and as a Cooperating Agency under 40 CFR Part 1501.8. The Federal Highway Administration (FHWA) is the NEPA lead agency, and the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are the project proponents.

FHWA proposes to reconstruct 7.8 miles of Interstate-71 (I-71) and Interstate-75 (I-75) in Kenton County, Kentucky, and Hamilton County, Ohio, and construct a new double-decker I-71/I-75 bridge across the Ohio River between Covington, Kentucky, and Cincinnati, Ohio. FHWA proposes three alternatives in the PSDEA:

**Alternative I-W (Preferred Alternative):**

- Reconstruct approximately 7.8 miles of I-71 and I-75 and add a lane in each direction, from south of Dixie Highway in Kentucky to north of Western Hills Viaduct in the Greater Cincinnati area in Ohio;
- Rebuild overpass bridges and modify interchanges in the project corridor;
- Add a new exit at Ezzard Charles Drive in Ohio;
- Construct a collector-distributor (C-D) system between West 12<sup>th</sup> Street / Martin Luther King (MLK) Jr. Boulevard in Kentucky and Ezzard Charles Drive in Ohio;
- Extend frontage roads connecting Pike Street to West 4<sup>th</sup> Street and West 5<sup>th</sup> Street in Kentucky;
- Add C-D lanes between Dixie Highway and Kyles Lane in Kentucky;

- Add sidewalks and shared-use paths on connections across the Interstate and incorporate aesthetic treatments throughout the corridor;
- Rehabilitate and reconfigure the existing Brent Spence Bridge (BSB) over the Ohio River to carry three lanes of local traffic on each deck (with six lanes total); and
- Construct a new double-decker companion I-71/I-75 bridge over the Ohio River west of the existing BSB to carry five lanes of through-traffic on each deck (with ten lanes total).

**Alternative I-M:**

- Reconstruct approximately 7.8 miles of I-71 and I-75 and add a lane in each direction, from south of Dixie Highway in Kentucky to north of Western Hills Viaduct in the Greater Cincinnati area in Ohio;
- Rebuild overpass bridges and modify interchanges in the project corridor;
- Add a new exit at Ezzard Charles Drive in Ohio;
- Construct a new C-D system between West 12<sup>th</sup> Street / Martin Luther King (MLK) Jr. Boulevard in Kentucky and Ezzard Charles Drive in Ohio;
- Extend frontage roads connecting Pike Street to West 4<sup>th</sup> Street and West 5<sup>th</sup> Street in Kentucky;
- Add C-D lanes between Dixie Highway and Kyles Lane in Kentucky;
- Add sidewalks and shared-use paths on connections across the Interstate and incorporate aesthetic treatments throughout the corridor;
- Construct a companion double decker companion bridge over the Ohio River to the west of the BSB. The new companion bridge would carry all I-75 traffic, with three southbound lanes on the lower deck and three northbound lanes on the upper deck. Two lanes on each deck would carry local traffic as part of the C-D system;
- Rehabilitate and route all I-71 traffic onto the existing BSB. The upper deck would include two lanes of southbound traffic, and two northbound lanes of traffic would run on the lower deck. One additional lane on each deck would carry local traffic as part of the C-D system; and
- Maintain existing connections at West 4<sup>th</sup> Street and West 5<sup>th</sup> Street in Covington, Kentucky, as well as 2<sup>nd</sup> Street and 3<sup>rd</sup> Street in Cincinnati, Ohio.

**No Build/No Action Alternative:**

- The project would not proceed.

EPA accepted FHWA's request to become a participating agency for this proposed project in an August 9, 2006 letter. In a letter dated May 25, 2012, EPA provided comments on a Draft Environmental Assessment (2012 DEA). In that letter, EPA's comments focused on the proposed purpose and need statement, alternatives, environmental impacts, environmental justice (EJ), climate change, stormwater management, and mitigation. FHWA continued public outreach and project refinement between 2012 and 2022, including conducting two re-evaluations of the DEA, pursuant to 23 CFR 771.129, on February 6, 2015 and March 2, 2018, respectively. FHWA continued to refine alternatives, evaluate impacts, and propose mitigation for the BSB Corridor Project, culminating in this PSDEA. EPA accepted FHWA's invitation to become a cooperating agency for the refined project in an October 24, 2022 letter.

EPA appreciates elements of the PSDEA that directly respond to public input collected between 2012 and 2022. For example, KYTC received requests from the public to reduce noise and flooding impacts and to better connect local communities, especially in low-income areas that experience EJ issues, to the greater Cincinnati and Covington areas. In line with EPA's expertise and authorities, we offer the enclosed detailed comments on the PSDEA with the goal of informing decision-making and minimizing adverse project impacts. Our recommendations address purpose and need, alternatives analysis, appropriate level of NEPA analysis, air quality, noise, vibrations, light impacts, EJ, outreach to unhoused populations, relocation, impacts from demolition, roadside vegetation and vegetative barriers, children's environmental health impacts, climate change, stormwater management, water quality and aquatic life use impacts, pollinators and native plant species, and mitigation.

Please send EPA electronic copies of the forthcoming NEPA document when it becomes available. If you have any questions regarding the contents of this letter, please contact Michael Sedlacek, the lead reviewer for this project, at [sedlacek.michael@epa.gov](mailto:sedlacek.michael@epa.gov). Mr. Sedlacek is also available at 312-886-1765.

Sincerely,

David Ogulei, Acting NEPA Supervisor  
Tribal and Multi-media Programs Office  
Office of the Regional Administrator

Enclosures:

- (1) EPA's Detailed Comments on the Brent Spence Bridge Corridor Project Preliminary Supplemental Draft Environmental Assessment
- (2) EPA's Construction Emission Control Checklist
- (3) Pediatric Environmental Health Specialty Units (PEHSU) Lead Demolition Outreach

cc: Timothy Long, Federal Highway Administration, Ohio Division ([timothy.long@dot.gov](mailto:timothy.long@dot.gov));  
Larry Hoffman, Ohio Department of Transportation ([larry.hoffman@dot.ohio.gov](mailto:larry.hoffman@dot.ohio.gov))  
Stephan Spinosa, Ohio Department of Transportation ([stefan.spinosa@dot.ohio.gov](mailto:stefan.spinosa@dot.ohio.gov))  
Tim Hill, Ohio Department of Transportation ([tim.hill@dot.ohio.gov](mailto:tim.hill@dot.ohio.gov))  
Mour Diop, Federal Highway Administration, Kentucky Division ([mour.diop@dot.gov](mailto:mour.diop@dot.gov))  
Stacey Hans, Kentucky Transportation Cabinet ([stacey.hans@ky.gov](mailto:stacey.hans@ky.gov))  
Terry Adelsbach, U.S. EPA, Region 4 ([adelsbach.terrence@epa.gov](mailto:adelsbach.terrence@epa.gov))

## **Enclosure 1: EPA's Detailed Comments on the Brent Spence Bridge Corridor Project Preliminary Supplemental Draft Environmental Assessment**

### **Appropriate Level of NEPA Analysis**

Determining the appropriate level of NEPA analysis is FHWA's responsibility. While EPA is not requesting an Environmental Impact Statement (EIS) based on materials provided to date, pursuant to CEQ NEPA regulations (40 CFR 1501.6), if FHWA is unable to mitigate impacts to less than significant level and reach a defensible mitigated Finding of No Significant Impact (FONSI), then an EIS would be required. EPA is concerned with potentially significant construction and operational air quality and noise impacts on low-income and minority communities that have already experienced longstanding environmental impacts from I-71/I-75. EPA is also concerned with impacts from induced travel demand, induced development/growth, and direct and indirect releases of greenhouse gases. We offer recommendations below for each impact category.

### **Purpose and Need**

The PSDEA proposes that Alternative I-W will serve four project purposes: traffic flow, geometric deficiencies, safety, and maintaining connections to key regional and national transportation corridors. The 2012 DEA indicated that substantial problems in these areas would continue or be created by Alternative I.

#### **Recommendations for the subsequent NEPA document:**

- Quantify the extent that Alternative I-W will address the problems identified by the 2012 DEA and satisfy the four project purposes, compared to the No Build Alternative.
- Clarify whether and how each of the four purposes will be met.
- Include information on how the transportation projections account for induced demand, and how that affects the purpose and need for the project.<sup>1</sup>

### **Alternatives Analysis**

The PSDEA explains the progression of the project, and juxtaposes design elements, projections, and certain impacts of the new Preferred Alternative I-W against the 2012 Alternative I. However, in several instances, the PSDEA does not compare either alternative to the No-Build Alternative.

#### **Recommendations for the subsequent NEPA document:**

- CEQ regulations require that alternatives are evaluated against the No Build Alternative to determine how well a project will meet the purpose and need of the project, and the extent that the benefits would outweigh certain impacts of the

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<sup>1</sup> Induced demand is the phenomenon of how new highways or expansion of existing highways encourage more driving, attracting latent demand. See e.g. Benjamin Schneider, *CityLab University: Induced Demand*, CityLab, [https://www.citylab.com/transportation/2018/09/citylab-university-induced-demand/569455/?utm\\_source=citylab-daily&silverid=MzEwMTkyMjYyMjU2S0](https://www.citylab.com/transportation/2018/09/citylab-university-induced-demand/569455/?utm_source=citylab-daily&silverid=MzEwMTkyMjYyMjU2S0) (Sep. 6, 2018); Todd Litman, *Generated Traffic: Implications for Transport Planning*, Victoria Transport Policy Institute, <http://www.vtpi.org/gentraf.pdf> (Apr. 24, 2018).

- preferred alternative. Ensure that the DEA compares the action alternatives to a no action alternative for all impact categories.
- In determining what actions are necessary to meet the purpose and need for the project, it is important to consider how other planned or ongoing transportation options, such as transit, may reduce the need or in part satisfy the purpose of the BSB corridor project. It appears that incorporating transit as part of an alternative was raised for consideration in prior public comments. While transit is mentioned in the PSDEA, it is limited to how reducing congestion could benefit buses that use interstates and roads that are part of the BSB project. Even if transit, such as the Cincinnati Metro Bus Rapid Transit project, is outside of the jurisdiction of FHWA, ensure that transit is accounted for and evaluated in the forthcoming NEPA document.<sup>2</sup> In the subsequent NEPA document, calculate the extent that bus rapid transit would reduce the volume of traffic for each alternative.

### **Air Quality and National Ambient Air Quality Standards**

As discussed in section 4.6 of the PSDEA, the 2012 DEA addressed carbon monoxide, ozone, particulate matter, and mobile source air toxics (MSATs). The 2012 DEA and the PSDEA discuss temporary air quality impacts from construction and operation, and proposed mitigation measures consistent with federal, state, and local regulations to minimize these impacts. The PSDEA concluded that a formal air quality analysis was not required (Appendix B). As such, the PSDEA concludes that the BSB Corridor Project “is not of air quality concern and no MSAT analysis is required” (section 4.6.3). However, construction equipment and a noted increase in vehicle traffic, including trucks utilizing the interstates as a freight route, will result in a rise in diesel emissions. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. In addition, acute exposures to diesel exhaust have been linked to health problems such as eye and nose irritation, headaches, nausea, asthma, and other respiratory system issues. For more information, see Enclosure 2.

### **Recommendations for the subsequent NEPA document:**

- In line with CEQ regulations requiring disclosure of project impacts, disclose localized air quality impacts from both project construction and operation.
- Localized impacts to air quality would occur during construction activities due to equipment exhaust emissions and fugitive dust. We recommend that MSATs be addressed through a commitment to a construction diesel emissions reduction plan for this project to reduce and mitigate construction emissions to the degree feasible. FHWA should commit to measures to reduce diesel emissions, such as switching to cleaner fuels, retrofitting current equipment with emission reduction technologies, repowering older engines with newer cleaner engines, replacing older vehicles, and reducing idling through operator training and/or contracting policies. Further emission reduction methods are available in Enclosure 2.
- Perform and disclose a hotspot analysis for the project corridor to help inform the public in the NEPA process.

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<sup>2</sup> See e.g., *Milwaukee Inner-City Congregations Allied for Hope v. Gottlieb*, 944 F. Supp. 2d 656 (W.D. Wis. 2013).

## **Noise, Vibrations, and Light Impacts**

NEPA requires the assessment and disclosure of project impacts, including noise, vibrations, and light impacts. Within our review of EAs across agencies, EPA typically sees noise assessments that include noise contour maps, identification of sensitive receptors (single and multi-family residences, medical facilities, schools, etc.) that could be impacted, and estimates of noise impacts for specific receptors. Such information was not included in the PSDEA. EPA appreciates FHWA committing to install 57-inch noise barriers on bridges and a minimum of 8-foot noise barriers east of I-75 from the Queensgate Playground and Ball Field to Bank Street as a measure to reduce tire pavement noise in affected underserved communities. The PSDEA states that “the I-75 corridor will continue to be the predominant source of traffic noise within the project area.”<sup>3</sup> We appreciate the commitment by FHWA to address noise in affected residential areas. The PSDEA references findings in a Noise Analysis Report that six Noise Sensitive Areas (NSAs) were identified within the project corridor, however, FHWA did not recommend noise abatement for any of the NSAs because the areas “lack frequent human exterior use” or “were not found to be reasonable based on ODOT’s noise criteria under 23 CFR 772.” Additionally, FHWA did not evaluate noise, vibrations, and light impacts for areas directly west of I-75 in Ohio, finding there were too few noise receptors that were spaced too far apart.

### **Recommendations for the subsequent NEPA document:**

- Provide maps and tables to disclose how noise and vibrations associated with current daily operations would vary from daily operations of the action alternatives. Include all potentially impacted areas within and adjacent to the project corridor.
- Collaborate with potentially impacted communities to hold public meetings to (1) receive additional ideas on mitigation options and (2) gather public input on any proposed noise and vibration mitigation.
- Describe and commit to maintain a comprehensive noise and vibration monitoring and analysis program for the operation period. This would help ensure that the ongoing noise and vibrations are assessed, appropriately addressed, and mitigated.
- Include specific noise and vibrations mitigation measures. Discuss (1) offering window and insulation treatments for impacted homes, schools, and other buildings, (2) limiting hours of operation for noise intensive activities, (3) and maintaining communication with impacted communities, with clear contacts and a phone number to call if residents observe violations of commitments.
- Include in the forthcoming NEPA document both acute and chronic decibel levels of concern during daytime and night-time hours in surrounding residential areas, and the extent that abatement measures will effectively mitigate for these noise impacts in each of the affected communities. Decibel levels should include the type, frequency, and anticipated timeframe of traffic noise, including tire pavement noise and noise from truck brakes. Since traffic noise, light and vibrations can infiltrate into people’s homes, especially during quieter “night-time” hours, FHWA should consider the magnitude of these impacts inside residences in the forthcoming NEPA document.

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<sup>3</sup> See page 52 of the PSDEA.

## **Environmental Justice Impacts**

EPA appreciates the outreach conducted to engage residents, including efforts to (1) reach low-income, minority, and non-English speaking residents and (2) document how their input was used to inform the project. EPA also recognizes the use of the Climate and Environmental Justice Screening Tool (CEJST) to identify disadvantaged populations to evaluate whether they would be disproportionately burdened by adverse impacts from the project.

### **Recommendations for the subsequent NEPA document:**

- The EJ analysis could benefit from discussing and incorporating the latest EJ resources.<sup>4</sup> For example, following release of the 2012 DEA, and prior to the 2023 PSDEA, additional resources on conducting EJ analyses were released, including the Federal Interagency Working Group on Environmental Justice's *Promising Practices for EJ Methodologies in NEPA Reviews*.<sup>5</sup> In addition, the President has issued Executive Orders requiring agencies to take a heightened focus on justice and equity issues.<sup>6</sup>
- FHWA should revisit whether the project creates environmental justice impacts in communities along the project corridor. For instance, public comments have raised concerns that historically divested communities that live along the project corridor in the Greater Cincinnati area already suffer health consequences of particulate matter from higher diesel emissions. Any studies on this point should be evaluated, shared publicly, and built upon to determine how the BSB Corridor project could compound such impacts to vulnerable populations.

## **Outreach to Unhoused Populations**

EPA recognizes the potential for unhoused persons to be living beneath highway infrastructure. Meaningful outreach should be taken to ensure unhoused persons are aware of the disruptions and have ample time to move their belongings.

### **Recommendations for the subsequent NEPA document:**

- Meaningful and respectful outreach to unhoused persons should occur well before construction begins. Best practices include sending scouting patrols throughout the area every week for at least a month. Outreach efforts should occur at different times as many unhoused persons go into town during the day. Patrols should understand that unhoused individuals might be living with addiction, mental illness, and facing diverse hardships. Care should be taken to make sure every interaction is cultivated with compassion, de-escalation, and sensitivity to their situation. Patrols should clearly explain the situation and hand out a flyer with relevant information. Flyers should be posted in highly visible areas. Take pictures of any unaccompanied encampment and attach to a Global Positioning System point to check back in on at a

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<sup>4</sup> EJ and NEPA resources are available at <https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>

<sup>5</sup> The Promising Practices Report is a compilation of methodologies gleaned from current agency practices identified by the NEPA Committee concerning the interface of environmental justice considerations through NEPA processes. See <https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>

<sup>6</sup> See E.O. 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and E.O. 12898 on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.



later date. Patrols should not remove unhoused persons' belongings. Alternative shelter options and information should be offered when appropriate.

- Secondary scouting patrols should follow up with unhoused persons and ensure they have moved or need to move before construction dates. Check in on previously unaccompanied camps/belongings. If clean-up of an unaccompanied camps is designated necessary after multiple failed outreach attempts, clean-up crews should wear puncture resistant kevlar gloves, be trained in biohazard material removal, and follow state and county procedures for disposal of any biohazard material found (needles, syringes, etc.)

### **Relocation**

EPA commends FHWA for reducing the number of residential relocations from 40 in the 2012 DEA to 4 under the current preferred alternative. Based on our review of EJSCREEN, we note several subsidized housing recipients adjacent to the corridor. We are aware that this area is under continued stress from gentrification, with longtime residents being pushed out, particularly in the Over-the-Rhine neighborhood. The Urban Displacement Model Project<sup>7</sup> includes the greater Cincinnati area as high risk for housing uncertainty.

#### **Recommendation for the subsequent NEPA document:**

- In support of Justice40 commitments, FHWA should work with local zoning and land use planning commissions to prioritize equitable land use development and creation of affordable housing options. Other mitigations might include bringing in municipal and nonprofit partners to address inclusive development programs and neighborhood stabilization efforts, which may include renter protections and ordinances to protect safe and affordable housing units.

### **Impacts from Demolition**

The PSDEA does not indicate whether lead testing has been conducted or verified on bridges proposed for demolition, nor consideration of potential mitigation measures to reduce lead exposure to children along the corridor.

#### **Recommendations for the subsequent NEPA document:**

- Clarify the extent to which FHWA has considered potential lead releases (from paint chips or dust) during bridge and infrastructure demolition, including whether lead testing has been conducted. If lead testing indicates the likelihood of releases, we recommend the use of contractors that are trained and certified to conduct lead-abatement activities, and that they apply appropriate lead-safe work practices. Specific mitigation measures might include containment, end-of-workday cleanup and proper storage of debris and waste, the placement of barriers to prevent lead dust from leaving the site, the use of personal protective equipment by workers, protocols for entering and exiting the work area, and the posting of warning signs. All other relevant or applicable federal environmental regulations should apply, including OSHA's lead in construction standards.

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<sup>7</sup> <https://www.urbandisplacement.org/maps/housing-precarity-risk-model/>

- If lead testing indicates there will likely be releases, we recommend targeted outreach to schools and childcare centers within the project corridor to limit exposure to children (see Enclosure 3 for an example of outreach material). We also recommend working with the Cincinnati and Hamilton County Departments of Public Health to guide the outreach efforts. Outreach materials might focus on limiting outdoor play and/or open windows during posted construction times. EPA also recommends publicly sharing the following to minimize exposure to lead: washing hands before eating and after coming in from outside, keeping “outside” shoes outside of the school/childcare center, and wet-washing floors, windowsills and window wells every day.

### **Roadside Vegetation and Vegetative Barriers**

Public health concerns related to near-road air quality are an important environmental issue, given the increasing number of studies linking adverse health effects to populations spending significant amounts of time near high-traffic roads<sup>8</sup>. Vegetative barriers are strategically sited trees and shrubs, with rows preferably 3 meters tall and 4 meters thick, without any gaps in foliage between trees, running parallel to the roadway. Use of coniferous tree species is critical because they keep their needles year-round. EPA research has demonstrated that well-planned vegetative barriers can reduce exposure to roadway air pollution by up to 50%, and the combination of a solid fence with vegetation can result in the greatest protection.<sup>9</sup> In addition to air quality benefits, roadside vegetation can also improve aesthetics, increase property values, reduce heat, control surface water runoff, and reduce noise pollution.

#### **Recommendation for the subsequent NEPA document:**

- Assess the use of vegetative barriers to reduce the movement of roadway air pollution into adjacent neighborhoods. Expressways generally influence air quality within 500-600 feet;<sup>10</sup> it is therefore most important to assess sites for barriers where there are residences, schools, playgrounds, and other places people gather within 500-600 feet of I-71/I-75. From work on other projects, EPA understands the need for consistency with ODOT requirements, including safety and line-of-sight-measures, which could be addressed during barrier design. For details, see EPA’s *Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality*<sup>11</sup> and *Near Roadway Air Pollution and Health: Frequently Asked Questions*.<sup>12</sup>

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<sup>8</sup> Health Effects Institute, 2010. Traffic-related air pollution: a critical review of the literature on emissions, exposure, and health effects. HEI Special Report 17. Health Effects Institute, Boston, MA

<sup>9</sup> See Baldauf, R. *Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality*. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-16/072, 2016.

[https://cfpub.epa.gov/si/si\\_public\\_record\\_report.cfm?Lab=NRMRL&dirEntryId=321772&simpleSearch=1&searchAll=Recommendations+for+constructing+roadside+vegetation+barriers+to+improve+near+road+air+quality](https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NRMRL&dirEntryId=321772&simpleSearch=1&searchAll=Recommendations+for+constructing+roadside+vegetation+barriers+to+improve+near+road+air+quality) as well as the *Vegetation Barrier Toolkit* <https://chicagorti.org/resources/vegetation-barrier-toolkit-for-schools-and-communities/>

<sup>10</sup> EPA’s *Near Roadway Air Pollution and Health: Frequently Asked Questions* [https://www.epa.gov/sites/default/files/2015-11/documents/420f14044\\_0.pdf](https://www.epa.gov/sites/default/files/2015-11/documents/420f14044_0.pdf)

<sup>11</sup> [https://cfpub.epa.gov/si/si\\_public\\_file\\_download.cfm?p\\_download\\_id=528612](https://cfpub.epa.gov/si/si_public_file_download.cfm?p_download_id=528612)

<sup>12</sup> <https://www.epa.gov/air-research/near-roadway-air-pollution-and-health-frequent-questions>

## **Children's Environmental Health Impacts**

EJSCREEN indicates a high number of children under the age of five living in part of the Ohio section of the corridor. We note the proximity of several schools, childcare providers, and hospitals, within the project area. Children may be more highly exposed to contaminants than adults because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Children may be more vulnerable to the toxic effects of contaminants than adults because their bodies and systems are not fully developed, and their growing organs are more easily harmed. Further, children in a hospital may be disproportionately impacted by construction activities and corridor operations.

### **Recommendations for the subsequent NEPA document:**

- Include an analysis of impacts to children from the proposed action. Characterize and address children's exposures and susceptibilities to the pollutants of concern, which could include, but are not limited to, the following:
  - Identification of the pollutants and sources of concern: There are various sources of information to identify pollutants of potential concern and the resultant nature of the specific concerns (such as neurotoxicity, respiratory effects, carcinogenicity, etc.). One such source is EPA's *America's Children and the Environment Report*<sup>13</sup>, 3<sup>rd</sup> Edition, which provides useful information about such pollutants, including criteria air pollutants and hazardous air pollutants, contaminants in indoor environments, and others.
  - Baseline health conditions: Consider analyzing available relevant health data for the impacted communities. In some localities, community or census tract data may be available for indicators such as lead screening rates, number of children with elevated blood lead levels, age of housing, asthma emergency room visits, and hospitalization rates. Consultation with public health officials is an appropriate way to identify and access relevant data.
  - Respiratory Impacts/Asthma: EJSCREEN indicates higher rates of asthma in several block groups along the corridor. To the extent possible, consider data on existing asthma rates and asthma severity among children and the general community living, working, playing, and attending school and childcare facilities near the project site.
  - Air Pollutant Emissions: Consider exposure and impacts to children from mobile source air pollutants, including proximity to transportation corridors, transportation hubs, ports, and project construction emissions. Combine these with other area sources/baseline air quality. Mitigation may include outreach to impacted communities concerning how to reduce exposure (such as staying indoors or keeping windows closed). This may include redirecting air intake systems at hospitals, schools and childcare centers, or requiring additional filter changes during construction.
  - Other Chemical or Physical Exposures: Consider impacts to children from other site activities, such as pesticide application, demolition, construction traffic, etc.
  - Noise and Vibration: Consider impacts from noise on health and learning, especially near hospitals, homes, schools, and childcare centers. Mitigation may

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<sup>13</sup> <http://www.epa.gov/envirohealth/children/>

include limiting noise and vibration-inducing activities to times when fewer children are present (such as outside of school hours).

### **Climate Change Impacts**

On January 9, 2023, CEQ published interim guidance to assist federal agencies in assessing and disclosing climate change impacts during environmental reviews (Interim Climate Guidance). See <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate> for further information. CEQ developed this guidance in response to Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. This interim guidance is effective immediately. CEQ indicated that agencies should use this interim guidance to inform the NEPA review for all new proposed actions and may use it for on-going NEPA evaluations, as agencies deem appropriate, such as by informing the consideration of alternatives or helping address comments raised through the public comment process.

The PSDEA acknowledges that the CEQ issued Interim Climate Guidance, which states:

[W]hen conducting climate change analyses in NEPA reviews, agencies should consider: (1) the potential effects of a proposed action on climate change, including by assessing both GHG emissions and reductions from the proposed action; and (2) the effects of climate change on a proposed action and its environmental impacts. Analyzing reasonably foreseeable climate effects in NEPA reviews helps ensure that decisions are based on the best available science and account for the urgency of the climate crisis. Climate change analysis also enables agencies to evaluate reasonable alternatives and mitigation measures that could avoid or reduce potential climate change-related effects and help address mounting climate resilience and adaptation challenges.<sup>14</sup>

This is consistent with Executive Order 14008, issued on February 1, 2021, which advances the Administration’s policy to “organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.”<sup>15</sup>

Considering climate impacts is relevant to FHWA’s determination in its 2018 re-evaluation of the 2012 DEA that the “environmental resource studies were more than five years old and required additional review to ensure the NEPA decision remains valid based on the possibility of new, changed, or additional regulatory requirements.” It stated a Supplemental EA would “need to consider any new or additional laws, regulations, policies, or programmatic approaches between agencies at the time of completion.” In response to the 2018 FHWA re-evaluation, ODOT and KYTC produced numerous studies of benefit to the NEPA process, including an

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<sup>14</sup> *Id.* at p. 1197.

<sup>15</sup> E.O. 14008, *Tackling the Climate Crisis Home and Abroad* (Feb. 1, 2021): <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

environmental justice analysis, consistent with other Executive Orders and guidance. The PSDEA notes that Section VII of the Interim Climate Guidance gives three exceptions as to when a NEPA document does not need to evaluate climate change impacts of proposed actions:

- Agencies should exercise judgment when considering whether to apply the guidance to the extent practicable to an on-going NEPA process.
- CEQ does not expect agencies to apply guidance to concluded NEPA reviews and actions for which a final EA has been issued.
- Agencies should consider applying this guidance in the EIS or EA preparation stage if it would inform consideration of alternatives or help address comments raised through the public comment process.

EPA finds that these three exceptions do not apply to the NEPA analysis for the proposed project. The PSDEA proposes new alternatives, which require an additional impact analysis beyond what was performed in the 2012 DEA. A climate analysis is relevant to the type and magnitude of environmental impacts that would result from the Preferred I-W Alternative. For example, more intense storms and increased volume of precipitation due to climate change will alter the extent that drainage is necessary to mitigate for water quality impacts. Increased heat can also worsen water quality impacts if separating storm and sewer systems results in greater quantities of nutrients into the Ohio River and Licking River watershed. It also is an important factor in an environmental justice analysis, which currently does not consider climate, since disadvantaged communities, like the ones along the BSB corridor, are more vulnerable to climate change impacts, such as more intense heat that can compound existing air quality issues.

**Recommendations for the subsequent NEPA document:**

- Apply the Interim Climate Guidance, as appropriate, to ensure robust analysis of greenhouse gas releases, potential climate impacts, mitigation, and adaptation issues. Given potential project impacts and the recent Executive Orders related to taking Federal action on climate change and environmental justice, EPA requests the opportunity to engage with FHWA on those topics early in the NEPA process.

**Stormwater Management**

EPA commends FHWA for agreeing to separate stormwater and sanitary sewers for the entire BSB Corridor project to reduce combined sewer overflows that discharge pollution into the Ohio River.

**Recommendations for the subsequent NEPA document:**

- Since storm frequency and intensity have increased over the decades and are projected to continue to escalate due to climate change, stormwater systems should be designed to store, retain, and infiltrate a greater volume of runoff in the project area. For instance, detention areas should be sized to accommodate larger storm events.
- Where roads cross rivers and streams, uncontrolled stormwater runoff can erode banks and transport sediment into waterways. Excessive sediment loads alter the specific water quality and habitat characteristics fish populations and other biological communities need for survival.

- Implement appropriate stormwater and erosion control best management practices during and after construction to control erosion associated with construction activities and to minimize stormwater impacts to affected waterbodies. Provide more details and include more stringent measures to minimize erosion and associated water quality impacts during construction.
- EPA reiterates its 2012 recommendation that the forthcoming NEPA document identify specific measures, beyond silt fences, that FHWA will use to ensure the standard specifications and special provisions will be successfully implemented by construction contractors in a timely manner.
- FHWA should consider using a variety of stormwater management practices often referred to as “green infrastructure” or “low impact development” practices. For more information, see <https://www.epa.gov/green-infrastructure>. See also EPA’s Adaptation Resource Center<sup>16</sup> for information on resiliency and adaptation measures.

### **Water Quality and Aquatic Life Use Impacts**

The PSDEA discusses how the project will impact water quality and aquatic life uses in the Ohio River. The PSDEA indicates that stormwater will generally not be pre-treated before being discharged into the Ohio River, resulting in water quality impacts. The PSDEA mentions the use of treatment trains, but none of the diagrams indicate where this best management practice would be utilized, and no other treatment technique is discussed in the document. The PSDEA includes some of the existing aquatic life uses in the Ohio River, which is also a drinking water source for a significant population in the Greater Cincinnati area and Northern Kentucky.

#### **Recommendations for the subsequent NEPA document:**

- EPA reiterates its 2012 recommendation that the forthcoming NEPA document clarify the projected volume of runoff and contaminant loads.
- FHWA should determine whether the levels of contaminants – especially solubles such as road salt and metals – will reach acute or chronic levels for intolerant aquatic life species. For instance, studies show mussel glochidia can experience chronic and acute adverse effects from increases in chloride concentrations. Data demonstrates that glochidia of Northern Riffleshell mussels (a species listed in the PSDEA as indigenous to the Ohio River) have an EC<sub>50</sub><sup>17</sup> of 244 mg/L of chloride.<sup>18</sup>
- To reduce or avoid stormwater impacts, EPA recommends capturing and pretreating stormwater runoff from the low-permeability surfaces of this project. The forthcoming NEPA document should quantify this pollutant reduction and discuss the associated benefits to aquatic life uses.

### **Pollinators and Native Plant Species**

Pollinators are critical contributors to our nation’s economy, food system, and environmental health. Vegetation within the project right-of-way can provide vital habitat for pollinators, providing food, shelter, and connections to other patches of habitat.

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<sup>16</sup> See: EPA’s Climate Adaptation Resource Center, available at: <https://www.epa.gov/arc-x>.

<sup>17</sup> EC<sub>50</sub> is the concentration at which 50% of the glochidia can’t latch onto fish and are then “effectively dead.”

<sup>18</sup> *E.g., Assessing the Toxicity of Sodium Chloride to the Glochidia of Freshwater Mussels: Implications for Salinization of Surface Waters*, Gillis, Patricia L., *Env. Pollution* 159 (2011) 1702-1708.

**Recommendation for the subsequent NEPA document:**

- Where feasible, we recommend FHWA consider planting native species and pollinator-friendly plants within the proposed project's right-of-way.

**Mitigation**

The PSDEA includes general terms of mitigation for the BSB Corridor Project. For instance, wetland impacts are to be mitigated via a fee-in-lieu program. Much of the detail is deferred to the design stage.

**Recommendations for the subsequent NEPA document:**

- Describe the specific terms of mitigation to demonstrate that such measures will offset known impacts from the project. For instance, the EA should include the wetland mitigation ratio and whether fee-in-lieu projects will be conducted in the same watershed.
- Commit to mitigation measures and associated monitoring and maintenance arrangements, including a list of entities that will manage proposed mitigation measures.

## Enclosure 2: EPA Construction Emission Control Checklist

Diesel emissions and fugitive dust from project construction may pose environmental and human health risks and should be minimized. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Acute exposures can lead to other health problems, such as eye and nose irritation, headaches, nausea, asthma, and other respiratory system issues. Longer term exposure may worsen heart and lung disease.<sup>19</sup> We recommend FHWA consider the following protective measures and commit to applicable measures in the forthcoming NEPA document.

### **Mobile and Stationary Source Diesel Controls**

Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available. Commit to the best available emissions control technologies for project equipment in order to meet the following standards:

- On-Highway Vehicles: On-highway vehicles should meet, or exceed, the EPA exhaust emissions standards for model year 2010 and newer heavy-duty, on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).<sup>20</sup>
- Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, the EPA Tier 4 exhaust emissions standards for heavy-duty, non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).<sup>21</sup>
- Locomotives: Locomotives servicing infrastructure sites should meet, or exceed, the EPA Tier 4 exhaust emissions standards for line-haul and switch locomotive engines where possible.
- Marine Vessels: Marine vessels hauling materials for infrastructure projects should meet, or exceed, the latest EPA exhaust emissions standards for marine compression-ignition engines (e.g., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).<sup>22</sup>
- Low Emission Equipment Exemptions: The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.

Consider requiring the following best practices through the construction contracting or oversight process:

- Establish and enforce a clear anti-idling policy for the construction site.
- Use onsite renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can

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<sup>19</sup> Carcinogenicity of diesel-engine and gasoline-engine exhausts and some nitroarenes. *The Lancet*. June 15, 2012

<sup>20</sup> <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>

<sup>21</sup> <https://www.epa.gov/emission-standards-reference-guide/epa-emission-standards-nonroad-engines-and-vehicles>

<sup>22</sup> <https://www.epa.gov/emission-standards-reference-guide/all-epa-emission-standards>



signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).

- Where possible, retrofit older-tier or Tier 0 nonroad engines with an exhaust filtration device before it enters the construction site to capture diesel particulate matter.
- Replace the engines of older vehicles and/or equipment with diesel- or alternatively-fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.), or with zero emissions electric systems. Retire older vehicles, given the significant contribution of vehicle emissions to poor air quality conditions. Implement programs to encourage the voluntary removal from use and the marketplace of pre-2010 model year on-highway vehicles (e.g., scrappage rebates) and replace them with newer vehicles that meet or exceed the latest EPA exhaust emissions standards, or with zero emissions electric vehicles and/or equipment.

### **Fugitive Dust Source Controls**

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

### **Occupational Health**

- Reduce exposure through work practices and training, such as maintaining filtration devices and training diesel-equipment operators to perform routine inspections.
- Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number.

Revised August 2020



## Lead Poisoning Prevention

### Keep Demolition Dust Down

1. **D**on't stand or play near the **D**emolition site.



2. **D**o wet wash floors, window wells, and window sills every day.



3. **D**o wash hands before fixing and eating food.



4. **D**rop shoes outside the door.



If you have questions about lead exposure in kids contact:  
Cincinnati Health Department Childhood Lead Poisoning Prevention Program: 513-357-7420  
Cincinnati Children's Hospital Lead Clinic: 513-803-3688  
If you see dust in the air, call the SW Air Quality Outline at 513-946-7777





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

**Ohio Division**

May 26, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Subject: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

Dear Interested Party:

The Ohio and Kentucky Divisions of the Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) are continuing National Environmental Policy Act (NEPA) studies for the proposed Brent Spence Bridge (BSB) Corridor project carrying Interstates 71 & 75 over the Ohio River. Project information is available at the project's website: <https://www.brentspencebridgecorridor.com/>.

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 BSB Corridor project, in 2015 and 2018, which both concluded that the existing FONSI remained valid. At this time, FHWA, in cooperation with ODOT and KYTC, is preparing a Supplemental Environmental Assessment (SEA), to reflect the proposed Refined Alternative I (Concept I-W), as well as update resource-specific studies to reflect any changes in conditions, and address any new, changed, or additional regulatory requirements.

FHWA is inviting your agency to be a Participating Agency, as your agency may have an interest in this transportation project, as defined in the FHWA's NEPA Implementing Regulations (23 CFR 771). Designation as a Participating Agency does not imply support for or jurisdiction over the proposed project, or special expertise with respect to evaluation of the project; however, as a Participating Agency, your agency will be provided the opportunity to offer feedback during the project's environmental review process.

We look forward to your response to our invitation to be a Participating Agency. For entities within the same governmental agency with multiple organizational units, such as city or county departments, it is requested that your response identify which single organizational unit will act as a representative office for the agency, as well as identify a main point of contact. We would greatly appreciate your response by June 9, 2023. If you have any questions about this invitation or the project, please contact Tim Long at (614) 280-6879 or [timothy.long@dot.gov](mailto:timothy.long@dot.gov).

Sincerely,

TIMOTHY  
MICHAEL LONG

Digitally signed by  
TIMOTHY MICHAEL LONG  
Date: 2023.05.26 07:39:17  
-04'00'

For: Eric Ross  
Acting Division Administrator

## Distribution list for May 26, 2023 Invitation to be a Participating Agency

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**From:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>

**Sent:** Tuesday, May 30, 2023 3:44 PM

**To:** rfranxman@boonecountyky.org; judgemoore@boonecountyky.org; spendery@campbellcountyky.gov; mayor.pureval@cincinnati-oh.gov; markiea.carter@cincinnati-oh.gov; john.brazina@cincinnati-oh.gov; joel.gross@cincinnati-oh.gov; ksmith@covingtonky.gov; twest@covingtonky.gov; jumeyer@covingtonky.gov; mayor@fortmitchell.com; dhatler@fortwright.com; kzembrodt@parkhillsky.net; Gloyd, Jason <Jason.Gloyd@governor.ohio.gov>; alicia.reece@hamilton-co.org; eric.beck@hamilton-co.org; dokum@platinum-restoration.com; spencer.stork@kentoncounty.org; kris.knochelmann@kentoncounty.org; mpolicinski@oki.org; sreddy@pdkc.org; kshammout@go-metro.com; gdouthat@tankbus.org; lbrunner <lbrunner@cincinnatiport.org>; Hans, Stacey D (KYTC-D06) <stacey.hans@ky.gov>; Smith, Larry <Keith.Smith@dot.ohio.gov>; Spinosa, Stefan <Stefan.Spinosa@dot.ohio.gov>; Hoffman, Larry <Larry.Hoffman@dot.ohio.gov>; Hill, Timothy <Tim.Hill@dot.ohio.gov>  
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**Subject:** Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

Please see attached correspondence regarding an invitation to be a Participating Agency for the Brent Spence Bridge Corridor Project. We would greatly appreciate [your response by June 9, 2023](#). For entities within the same governmental agency with multiple organizational units, such as city or county departments, it is requested that your response identify which single organizational unit will act as a representative office for the agency, as well as identify a main point of contact. If you have any questions about this invitation or the project, please contact Tim Long at (614) 280-6879 or [timothy.long@dot.gov](mailto:timothy.long@dot.gov).

Federal Highway Administration  
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**From:** Joseph Meyer <jumeyer@covingtonky.gov>

**Sent:** Tuesday, May 30, 2023 5:29 PM

**To:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>; rfranxman@boonecountyky.org; judgemoore@boonecountyky.org; spendery@campbellcountyky.gov; mayor.pureval@cincinnati-oh.gov; markiea.carter@cincinnati-oh.gov; john.brazina@cincinnati-oh.gov; joel.gross@cincinnati-oh.gov; Ken Smith <ksmith@covingtonky.gov>; Tom West, AICP <twest@covingtonky.gov>; mayor@fortmitchell.com; dhatter@fortwright.com; kzembrodt@parkhillsky.net; jason.gloyd@governor.ohio.gov; alicia.reece@hamilton-co.org; eric.beck@hamilton-co.org; dokum@platinum-restoration.com; spencer.stork@kentoncounty.org; kris.knochelmann@kentoncounty.org; mpolicinski@oki.org <mpolicinski@oki.org>; sreddy@pdskc.org; kshammout@go-metro.com; gdouthat@tankbus.org; lbrunner@cincinnatiport.org; stacee.hans@ky.gov; keith.smith@dot.ohio.gov; stefan.spinosa@dot.ohio.gov; larry.hoffman@dot.ohio.gov; tim.hill@dot.ohio.gov

**Cc:** Ross, Eric (FHWA) <Eric.Ross@dot.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>; Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>; Lopez, Dina (FHWA) <dina.lopez@dot.gov>; Johnson, Adam (FHWA) <Adam.Johnson@dot.gov>; Burroughs, Mary (FHWA) <Mary.Burroughs@dot.gov>; Leffler, Laurie (FHWA) <Laurie.Leffler@dot.gov>; Hoyle, Jim (FHWA) <jim.hoyle@dot.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>; Loyselle, Michael (FHWA) <Michael.Loyselle@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>

**Subject:** RE: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

The City of Covington will be pleased to participate.

Joseph Meyer  
Mayor  
City of Covington, Office of the Mayor  
20 West Pike St. Covington, KY 41011  
direct | 859-292-2127 main

---

**From:** David Hatter <dhattter@fortwright.com>

**Sent:** Tuesday, May 30, 2023 8:59 PM

**To:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>; rfranxman@boonecountky.org; judgemoore@boonecountky.org; spendery@campbellcountky.org; mayor.pureval@cincinnati-oh.gov; markiea.carter@cincinnati-oh.gov; john.brazina@cincinnati-oh.gov; joel.gross@cincinnati-oh.gov; ksmith@covingtonky.gov; twest@covingtonky.gov; jumeyer@covingtonky.gov; mayor@fortmitchell.com; kzembrodt@parkhillsky.net; jason.gloyd@governor.ohio.gov; alicia.reece@hamilton-co.org; eric.beck@hamilton-co.org; dokum@platinum-restoration.com; spencer.stork@kentoncounty.org; kris.knochelmann@kentoncounty.org; mpolicinski.oki.org <mpolicinski@oki.org>; sreddy@pdskc.org; kshammout@go-metro.com; gdouthat@tankbus.org; lbrunner@cincinnatiport.org; stacee.hans@ky.gov; keith.smith@dot.ohio.gov; stefan.spinosa@dot.ohio.gov; larry.hoffman@dot.ohio.gov; tim.hill@dot.ohio.gov

**Cc:** Ross, Eric (FHWA) <Eric.Ross@dot.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>; Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>; Lopez, Dina (FHWA) <dina.lopez@dot.gov>; Johnson, Adam (FHWA) <Adam.Johnson@dot.gov>; Burroughs, Mary (FHWA) <Mary.Burroughs@dot.gov>; Leffler, Laurie (FHWA) <Laurie.Leffler@dot.gov>; Hoyle, Jim (FHWA) <jim.hoyle@dot.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>; Loyselle, Michael (FHWA) <Michael.Loyselle@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; City Council <citycouncil@fortwright.com>; Jill Bailey <jcbailey@fortwright.com>

**Subject:** Re: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Fort Wright will participate.

Thank you,

Dave Hatter, Mayor  
The City of Fort Wright, Kentucky  
859-331-1700 (o)  
859-414-4610 (m)  
<http://www.fortwright.com>  
<http://www.linkedin.com/in/davehatter>

Fort Wright Social Media:  
<https://www.facebook.com/FortWright>  
[https://twitter.com/fortwright\\_ky](https://twitter.com/fortwright_ky)

---

**From:** Kathy Zembrodt <kzembrodt@parkhillsky.net>  
**Sent:** Tuesday, May 30, 2023 3:57 PM  
**To:** Long, Timothy (FHWA) <timothy.long@dot.gov>  
**Subject:** Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Do i notify you that I am the contact person in Park Hills ky on this project?  
thankyou

*Kathy Zembrodt*

[kzembrodt@parkhillsky.net](mailto:kzembrodt@parkhillsky.net)

*Mayor, City of Park Hills*

*1106 Amsterdam Rd*

*Park Hills, Ky. 41011*

*8598163061*

*or 8594316252*

*visit us on the web at:*

<https://www.parkhillsky.net/>

*Please note that this email and any response to it may be subject to the [Kentucky Open Records Act](#)*

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**From:** Mark Policinski <MPolicinski@oki.org>

**Sent:** Tuesday, May 30, 2023 5:01 PM

**To:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>; rfranxman@boonecountky.org; judgemoore@boonecountky.org; spendery@campbellcountky.org; mayor.pureval@cincinnati-oh.gov; markiea.carter@cincinnati-oh.gov; john.brazina@cincinnati-oh.gov; joel.gross@cincinnati-oh.gov; ksmith@covingtonky.gov; twest@covingtonky.gov; jumeyer@covingtonky.gov; mayor@fortmitchell.com; dhattter@fortwright.com; kzembrodt@parkhillsky.net; jason.gloyd@governor.ohio.gov; alicia.reece@hamilton-co.org; eric.beck@hamilton-co.org; dokum@platinum-restoration.com; spencer.stork@kentoncounty.org; kris.knochelmann@kentoncounty.org; sreddy@pdskc.org; kshammout@go-metro.com; gdouthat@tankbus.org; lbrunner@cincinnatiport.org; stacee.hans@ky.gov; keith.smith@dot.ohio.gov; stefan.spinosa@dot.ohio.gov; larry.hoffman@dot.ohio.gov; tim.hill@dot.ohio.gov

**Cc:** Ross, Eric (FHWA) <Eric.Ross@dot.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>; Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>; Lopez, Dina (FHWA) <dina.lopez@dot.gov>; Johnson, Adam (FHWA) <Adam.Johnson@dot.gov>; Burroughs, Mary (FHWA) <Mary.Burroughs@dot.gov>; Leffler, Laurie (FHWA) <Laurie.Leffler@dot.gov>; Hoyle, Jim (FHWA) <jim.hoyle@dot.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>; Loyselle, Michael (FHWA) <Michael.Loyselle@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>

**Subject:** RE: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

OKI will pleased to participate.

Best wishes,

Mark Policinski

Sent from my Verizon, Samsung Galaxy smartphone



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**From:** Gina Douthat <gdouthat@tankbus.org>

**Sent:** Tuesday, May 30, 2023 4:03 PM

**To:** Long, Timothy (FHWA) <timothy.long@dot.gov>

**Subject:** FW: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I would like to accept the invitation for TANK to be a participating agency for the Brent Spence Bridge Corridor Project.

I will be the representative officer/main contact for TANK—  
Contact info, etc. is below. Thanks! Gina

Gina Douthat

General Manager

Transit Authority of Northern Kentucky

[gdouthat@tankbus.org](mailto:gdouthat@tankbus.org)

Ph: (859) 814-2125

Mobile: (513) 470-8771

[www.tankbus.org](http://www.tankbus.org)

---

**From:** Robert Franxman <rfranxman@boonecountyky.org>  
**Sent:** Wednesday, May 31, 2023 11:38 AM  
**To:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>  
**Cc:** Long, Timothy (FHWA) <timothy.long@dot.gov>; Judge Moore <GMoore@boonecountyky.org>  
**Subject:** Re: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Boone County will participate and Robert Franxman will be the point of contact/ representative.

---

**From:** Brazina, John <John.Brazina@cincinnati-oh.gov>

**Sent:** Thursday, June 1, 2023 1:35 PM

**To:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>

**Cc:** Williams, Bryan (Urban Planning) <Bryan.Williams@cincinnati-oh.gov>; Christy, Diana <Diana.Christy@cincinnati-oh.gov>; Long, Sheryl <Sheryl.Long@cincinnati-oh.gov>; Tallent, Virginia <Virginia.Tallent@cincinnati-oh.gov>; Fambro, Keizayla <keizayla.fambro@cincinnati-oh.gov>; Harmon, Jon <Jon.Harmon@cincinnati-oh.gov>; Gross, Joel <joel.gross@cincinnati-oh.gov>; Carter, Markiea <Markiea.Carter@cincinnati-oh.gov>; Aftab, Mayor <mayor.aftab@cincinnati-oh.gov>

**Subject:** RE: [External Email] Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon!

The City of Cincinnati would like to be a Participating Agency for the Brent Spence Corridor Project. I, John Brazina, will be the representative for the City of Cincinnati.

Please let me know if you have any questions.

Thank you for the opportunity!

John

---

**From:** Dave Okum <DOkum@platinum-restoration.com>  
**Sent:** Monday, June 5, 2023 10:13 AM  
**To:** Long, Timothy (FHWA) <timothy.long@dot.gov>  
**Subject:** RE: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Tim,

That is correct we made the determination on Thursday at the Regional Planning Commission meeting.

I will continue as the representative on the Advisory Committee and also on this separate committee.

Thanks again,

David Okum

---

**From:** Long, Timothy (FHWA) <[timothy.long@dot.gov](mailto:timothy.long@dot.gov)>  
**Sent:** Monday, June 5, 2023 9:55 AM  
**To:** Dave Okum <[DOkum@platinum-restoration.com](mailto:DOkum@platinum-restoration.com)>  
**Cc:** Baughman, Pamela (FHWA) <[pamela.baughman@dot.gov](mailto:pamela.baughman@dot.gov)>; Aluotto, Jeff <[Jeff.Aluotto@hamilton-co.org](mailto:Jeff.Aluotto@hamilton-co.org)>; eric beck <[Eric.Beck@hamilton-co.org](mailto:Eric.Beck@hamilton-co.org)>; [Alicia.Reece@hamilton-co.org](mailto:Alicia.Reece@hamilton-co.org)  
**Subject:** RE: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

Good morning Mr. Okum,  
I wanted to let you know that I received your email below. Please confirm, that you are the single contact for Hamilton County representing the Planning Commission, Engineer's Office, and County Commissioners.

Thank you,  
Tim Long  
Planning, Environment and Realty Team Leader Federal Highway Administration  
Ohio Division Office  
614-280-6879

---

**From:** Dave Okum <[DOkum@platinum-restoration.com](mailto:DOkum@platinum-restoration.com)>

**Sent:** Friday, June 2, 2023 11:36 AM

**To:** FHWA, Ohio (FHWA) <[Ohio.FHWA@dot.gov](mailto:Ohio.FHWA@dot.gov)>

**Subject:** RE: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

On behalf of the Hamilton County Planning Commission.  
We wish to be included as a Participating Agency.

Respectfully,

David Okum  
Hamilton County Planning Commission Commissioner.

---

**From:** Stork, Spencer <Spencer.Stork@KENTONCOUNTY.ORG>  
**Sent:** Monday, June 12, 2023 7:56 AM  
**To:** FHWA, Ohio (FHWA) <Ohio.FHWA@dot.gov>  
**Cc:** Long, Timothy (FHWA) <timothy.long@dot.gov>  
**Subject:** RE: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Sorry for the late response, but I will be the main point of contact for Kenton County.

Thanks,

**Spencer Stork, P.E.**  
Interim County Engineer/Director of Public Works  
Kenton County Public Works  
[420 Independence Station Road](#)  
[Independence, KY 41051](#)  
[859-392-1920](#)  
[spencer.stork@kentoncounty.org](mailto:spencer.stork@kentoncounty.org)

---

**From:** Long, Timothy (FHWA) <[timothy.long@dot.gov](mailto:timothy.long@dot.gov)>

**Sent:** Wednesday, June 21, 2023 12:57 PM

**To:** Beck, Eric <[Eric.Beck@hamilton-co.org](mailto:Eric.Beck@hamilton-co.org)>

**Cc:** Christmann, Holly <[Holly.Christmann@hamilton-co.org](mailto:Holly.Christmann@hamilton-co.org)>; Aluotto, Jeff <[Jeff.Aluotto@hamilton-co.org](mailto:Jeff.Aluotto@hamilton-co.org)>;  
[DOkum@platinum-restoration.com](mailto:DOkum@platinum-restoration.com); Baughman, Pamela (FHWA) <[pamela.baughman@dot.gov](mailto:pamela.baughman@dot.gov)>

**Subject:** RE: Brent Spence Bridge Corridor Project, Invitation to be Participating Agency

Hi Eric and David,

I have recorded Eric Beck as representing the Hamilton County Engineer and David Okum as the representative for the Hamilton County Regional Planning Commission as participating agencies on the Brent Spence Bridge Corridor Project.

Let me know if you have any questions about this.

Thank you,

Tim Long  
Planning, Environment and Realty Team Leader  
Federal Highway Administration  
Ohio Division Office  
614-280-6879







# United States Department of the Interior

NATIONAL PARK SERVICE

Interior Regions 3, 4, 5

601 Riverfront Drive

Omaha, NE 68102

10.A.(MWR-FPI)

September 1, 2023

Ms. Pamela Baughman  
Environmental Coordinator  
Federal Highway Administration  
Ohio Department of Transportation

Re: Brent Spence Bridge Corridor Supplemental Environmental Assessment

Dear Ms. Baughman:

The National Park Service (NPS) has reviewed the invitation to participate as a cooperating agency in the development of a Supplemental Environmental Assessment (SEA) to evaluate an update to the Brent Spence Bridge Corridor Project in the cities of Cincinnati, Ohio and Covington, Kentucky. The Federal Highway Administration (FHWA) is the lead agency for the project, in cooperation with the Ohio Department of Transportation (ODOT) and Kentucky Transportation Cabinet (KYTC). The project, which would carry Interstates 71 and 75 over the Ohio River, was previously evaluated under the National Environmental Policy Act (NEPA) in 2012 through an Environmental Assessment (EA).

During the EA process, resources eligible to be considered under Sections 4(f) and 6(f) of the Department of Transportation Act of 1966 were identified. The Department of Interior (DOI) provided comments regarding the Section 4(f) and Section 6(f) evaluations on August 10, 2012. The Finding of No Significant Impact (FONSI), which identified Alternative I as the selected alternative, was signed on August 9, 2012. ODOT and KYTC have refined the selected alternative, now referred to as Concept I-W, and are preparing an SEA to evaluate this new alternative. Resource-specific studies are also being updated as part of the SEA process. Concept I-W would add a new bridge adjacent to the existing Brent Spence Bridge to reduce congestion and improve traffic flow and safety and would also complete repairs and enhancements to the existing Brent Spence Bridge.

The NPS accepts the opportunity to serve as a cooperating agency, and has the following authority, interest, or special expertise related to this project:

- Lewis and Clark National Historic Trail, an NPS-administered trail, includes the portion of the Ohio River in the project area. The trail could be impacted by the proposed alternative.
- Under the Department of Transportation Act of 1966, NPS has the authority to review and provide concurrence regarding the Section 4(f) evaluation.

- The project will include a Land and Water Conservation Fund (LWCF) Section 6(f) conversion in Goebel Park. Under Section 6(f), the NPS has authority to evaluate and approve LWCF conversions.
- NPS may have expertise and data related to resources of concern in the project area, including cultural resources, hydrologic resources, and special-status species.

Thank you for the opportunity to participate in the SEA process as a cooperating agency. Please coordinate with Rene Ohms, Acting Regional Environmental Coordinator ([Rene\\_Ohms@nps.gov](mailto:Rene_Ohms@nps.gov)) to prepare a draft Memorandum of Understanding (MOU) outlining the cooperating agency roles and responsibilities for this project.

Sincerely,

Herbert C. Frost, Ph.D.  
Regional Director  
National Park Service DOI Regions 3, 4, 5

cc: Mike Ward, Deputy Regional Director, Operations and Facilities, MWR  
Mark Weekley, Superintendent, Lewis and Clark National Historic Trail  
Tokey Boswell, Associate Regional Director, Facilities, Planning, and Infrastructure, MWR  
James Lange, Planning and Compliance Division Manager, MWR  
Rene Ohms, Acting Regional Environmental Coordinator, MWR  
Neal Bedlan, Regional Program Manager, Land and Water Conservation Fund, MWR  
Keilah Spann, Outdoor Recreation Planner, Land and Water Conservation Fund, SER  
Jami Hammond, Regional Environmental Coordinator, SER  
Missy Morrison, Compliance Team Lead, Department of Interior



**Andy Beshear**  
Governor

**OFFICE OF THE GOVERNOR**  
**DEPARTMENT FOR LOCAL GOVERNMENT**  
100 AIRPORT ROAD, THIRD FLOOR  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 573-2382  
FAX (502) 227-8691  
[www.kydlgweb.ky.gov](http://www.kydlgweb.ky.gov)

**Dennis Keene**  
Commissioner

September 5, 2023

Mr. Benjamin Oldiges  
City of Covington  
20 West Pike Street  
Covington, KY 41011

RE: Brent Spence Bridge Corridor Project  
SAI# KY202308171358  
CFDA# 20.205

Dear Mr. Oldiges:

The Kentucky State e-Clearinghouse is the official designated Single Point of Contact (SPOC) for the Commonwealth pursuant to Presidential Executive Order 12372, and supported by Kentucky Statutes KRS 45.031. The primary function of the SPOC is to streamline the review aforementioned process for the applicant and the funding agency. This process helps in vocalizing the statutory and regulatory requirements. Information in the form of comments, if any, will be attached to this correspondence.

This proposal has been reviewed by the appropriate state agencies in the e-Clearinghouse for conflicts with state or local plans, goals and objectives. After receiving this letter, you should make it available to the funding agency and continue with the funding agencies application process. This e-Clearinghouse SPOC letter signifies only that the project has followed the state reviewing requirements, and is neither a commitment of funds from this agency or any other state or federal agency. Please remember if any federal reviews are required the applicant must follow through with those federal agencies.

The results of this review are valid for one year from the date of this letter. If the project is not submitted to the funding agency or not approved within one year after the completion of this review, the applicant can request an extension by email to [Lee.Nalley@ky.gov](mailto:Lee.Nalley@ky.gov). If the project changes in any way after the review, the applicant must reapply through the e-Clearinghouse for a new review. There are no exceptions.

If you have any questions regarding this letter or the review process please contact the e-Clearinghouse office at 502-892-3462.

Sincerely,

A handwritten signature in blue ink that reads "Lee Nalley".

Lee Nalley, SPOC  
Kentucky State Clearinghouse

Attachment



## Department for Environmental Protection

Louanna Aldridge

Carole Catalfo - Endorse with Comments SAI# KY202308171358 - Kenton County; Brent Spence Bridge Corridor Project

The proposed project is subject to Division of Water (DOW) jurisdiction because the following are or appear to be involved: floodplain construction; and source water protection. The applicant must cite the State Application Identifier (SAI #KY202308171358) when submitting information to the DOW.

PROJECT DESCRIPTION: The Brent Spence Bridge corridor consists of 7.8 total miles of I-71 and I-75 located within portions of Ohio and Kentucky. This corridor is located within the Greater Cincinnati/Northern Kentucky region and is a major route for regional and local mobility. Regionally, the BSB carries both I-71 and I-75 traffic over the Ohio River and connects to I-74, I-275, and US-50. The corridor is also one of the busiest trucking routes in the United States, connecting Michigan to Florida via I-75. The BSB corridor also facilitates local travel by providing access to downtown Cincinnati in Hamilton County, Ohio and Covington in Kenton County, Kentucky.

The project will:

- Reconstruct I-71/I-75 and add one lane in each direction;
- Rebuild the overpass bridges and interchanges in the corridor, including removing some left hand exits and adding a new exit at Ezzard Charles Drive in Ohio;
- Construct a collector-distributor system between West 12th Street/Martin Luther King Jr. Boulevard in Kentucky and Ezzard Charles Drive in Ohio;
- Extend frontage roads connecting Pike Street to West 4th Street and West 5th Street in Kentucky;
- Add collector-distributor lanes between Dixie Highway and Kyles Lane in Kentucky;
- Rehabilitate and reconfigure the existing double decker BSB to carry local traffic; and
- Build a new double decker companion bridge west of the existing BSB to carry through interstate traffic.

Division of Water

Water Quality Branch

Comment: Best management practices should be utilized to reduce runoff from project activities into nearby waters.

Questions should be directed to Andrea Fredenburg, (502) 782-6950, [Andrea.Fredenburg@ky.gov](mailto:Andrea.Fredenburg@ky.gov).

Field Operations Branch

Comment: Endorse.

Questions should be directed to Daniel Fraley, (606) 782-8794, [Daniel.Fraley@ky.gov](mailto:Daniel.Fraley@ky.gov).

Watershed Management Branch

Water Supply Section:

Comment: The proposed project will impact the source water protection Zone 2 for Louisville Water Company (KY0560258). These zones are based on potential time of travel of a contaminant to the drinking water intake and are defined as follows:

Source Water Protection Planning Zones:

Zone 1 (Critical Zone/Less than 1 hour Time of Travel)

Zone 2 (Zone of Responsibility/1 hour to 5 hour Time of Travel)

Zone 3 (Zone of Potential Impact/2.5 to 12.5 hour Time of Travel)

Source Water Protection should include best management practices or BMP's that prevent, reduce, or eliminate storm water runoff, soil erosion, and movement of nutrients, bacteria, and contaminants into unprotected waterways that may pose threats to public drinking water supplies. It should also include contingency planning

strategies if protective measures fail or accidents and/or disasters occur and emergency response planning for water supply contamination or service interruption. Examples can be referenced here: <https://www.epa.gov/sourcewaterprotection/source-water-protection-practices> or <https://eec.ky.gov/Environmental-Protection/Water/Protection/Pages/SWP.aspx>  
Questions should be directed to Dale Booth at (502) 782-6895, [Dale.Booth@ky.gov](mailto:Dale.Booth@ky.gov).

#### Groundwater Section:

Comment: It is the recommendation of the Groundwater Section of the Watershed Management Branch that the project be made aware of the requirements of 401 KAR 5:037 and the need to develop a groundwater protection plan (GPP) for the protection of groundwater resources. This will include installation, construction, operation or abandonment of wells, bore holes or core holes and any other project activities that may need a GPP. 401 KAR 5:037 § 2(2)(m) references the scope and applicability of the proposed project. Also, the project needs to be aware of 401 KAR Chapter 6 and the need for licensed well drillers in the Commonwealth of Kentucky in addition to well construction and installation will have to meet standards of 401 KAR 6:350.

Questions should be directed to Bronson McQueen at (502) 782-6036, [Bronson.McQueen@ky.gov](mailto:Bronson.McQueen@ky.gov) or Adam Smith at (502) 782-6453, [Adam.Smith@ky.gov](mailto:Adam.Smith@ky.gov)

#### Water Resources Branch

##### Floodplain Management Section:

Comment: KYTC is exempt from state stream construction permitting for highway projects, but must self enforce to meet all FEMA requirements. Local floodplain permitting is still required. See <https://eec.ky.gov/Environmental-Protection/Water/FloodDrought/Documents/FloodplainCoordinatorsList.pdf> for local coordinators.

This project will also require a water quality certification from the Division of Water. See the following page for information on permitting procedures: <https://eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert/Pages/Apply-for-Certification.aspx>

Questions should be directed to Shawn Hokanson at (502) 782-6977, [Shawn.Hokanson@ky.gov](mailto:Shawn.Hokanson@ky.gov).

#### Water Quality Certification Section:

Comment: If the activity requires a federal permit due to activities in or near Waters of the U.S., a Clean Water Act Section 401 Water Quality Certification from the DOW may be required for this project.

Questions should be directed to the Water Quality Certification Section, (502) 564-3410, [401WQC@ky.gov](mailto:401WQC@ky.gov).

#### Surface Water Permits Branch

##### Permit Support Section:

Comment: If the construction area disturbed is equal to or greater than 1 acre, the applicant will need to apply for a Kentucky Pollutant Discharge Elimination System (KPDES) stormwater discharge permit.

Questions should be directed to the Permit Support Section, (502) 564-3410, [SWPBsupport@ky.gov](mailto:SWPBsupport@ky.gov).

The Kentucky Division of Water supports the goals of EPA's Sustainable Infrastructure Initiative. This Initiative seeks to promote sustainable practices that will help to reduce the potential gap between funding needs and spending at the local and national level. The Sustainable Infrastructure Initiative will guide our efforts in changing how Kentucky views, values, manages, and invests in its water infrastructure. This website, [www.epa.gov/waterinfrastructure/](http://www.epa.gov/waterinfrastructure/), contains information that will help you ensure your facility and operations are consistent with and can benefit from the aims of the Sustainable Infrastructure Initiative.

Mark Cleland - Endorse with Comments Linda Metts - Endorse with Comments The Division of Enforcement has no concerns with the proposed project(s).

**Department of Housing Buildings and Construction**

Don Newberry

The Department of Housing Buildings and Construction, Division of Building Code Enforcement, has no comments concerning this proposed project. Please contact the Local Jurisdiction to inquire about the requirements for permitting.

**Division of Water**

Andrea Fredenburg

Best management practices should be utilized to reduce runoff from project activities into nearby waters.

**DOW**

Daniel Fraley

Endorse

**KDOW**

Dale Booth

The proposed project will impact the source water protection Zone 2 for Louisville Water Company (KY0560258). These zones are based on potential time of travel of a contaminant to the drinking water intake and are defined as follows:

Source Water Protection Planning Zones:

Zone 1 (Critical Zone/Less than 1 hour Time of Travel)

Zone 2 (Zone of Responsibility/1 hour to 5 hour Time of Travel)

Zone 3 (Zone of Potential Impact/2.5 to 12.5 hour Time of Travel)

Source Water Protection should include best management practices or BMP's that prevent, reduce, or eliminate storm water runoff, soil erosion, and movement of nutrients, bacteria, and contaminants into unprotected waterways that may pose threats to public drinking water supplies. It should also include contingency planning strategies if protective measures fail or accidents and/or disasters occur and emergency response planning for water supply contamination or service interruption. Examples can be referenced here:  
<https://www.epa.gov/sourcewaterprotection/source-water-protection-practices> or  
<https://eec.ky.gov/Environmental-Protection/Water/Protection/Pages/SWP.aspx>

**Kentucky Department of Fish & Wildlife Resources**

Doug Dawson

Based on the information provided, the Kentucky Department of Fish & Wildlife Resources has no comments concerning the proposed project. Please contact Doug Dawson at 502-892-4472 or [doug.dawson@ky.gov](mailto:doug.dawson@ky.gov) if you have further questions or require additional information.

**Kentucky Division of Water**

Shawn Hokanson

KYTC is exempt from state stream construction permitting for highway projects, but must self enforce to meet all FEMA requirements. Local floodplain permitting is still required. See <https://eec.ky.gov/Environmental-Protection/Water/FloodDrought/Documents/FloodplainCoordinatorsList.pdf> for local coordinators.

This project will also require a water quality certification from the Division of Water. See the following page for information on permitting procedures: <https://eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert/Pages/Apply-for-Certification.aspx>

**Kentucky Division of Water**

Bronson McQueen

It is the recommendation of the Groundwater Section of the Watershed Management Branch that the project be made aware of the requirements of 401 KAR 5:037 and the need to develop a groundwater protection plan (GPP) for the protection of groundwater resources. This will include installation, construction, operation or abandonment of wells, bore holes or core holes and any other project activities that may need a GPP. 401 KAR 5:037 § 2(2)(m) references the scope and applicability of the proposed project. Also, the project needs to be aware of 401 KAR Chapter 6 and the need for licensed well drillers in the Commonwealth of Kentucky in addition to well construction and installation will have to meet standards of 401 KAR 6:350.

**Kentucky Transportation Cabinet**

Gerald Bezold

federal funds for Brent Spence Bridge Project

**KY Heritage Council**

Yvonne Sherrick

To receive a review from the KY Heritage Council/State Historical Preservation Office (SHPO) you must follow the instructions located on their website at <https://heritage.ky.gov/compliance/Pages/overview.aspx>. There you will find the required documents for the Section 106 Review and Compliance for 36 CFR Part 800. This Section 106 submission process to SHPO will assist applicants and agencies in providing the appropriate level of information to receive comments from SHPO. If you have any questions please contact Yvonne Sherrick, via email at [yvonne.sherrick@ky.gov](mailto:yvonne.sherrick@ky.gov).

Please note: If your project is funded through Transportation Alternative (TAP), Transportation Enhancements (TE), Congestion, Mitigation, Air Quality (CMAQ), or Safe Routes to School (SRTS) you will need to send this information to Michael Jones, Historic Preservation Program Administrator with the Kentucky Transportation Cabinet via email to [MichaelR.Jones2@ky.gov](mailto:MichaelR.Jones2@ky.gov) or hard copy to Michael Jones, Office of Local Programs, KY Transportation Cabinet, 200 Mero Street Frankfort, KY 40622. Do not send materials directly to SHPO if your project involves funding from these four sources as it will cause delays in the review process. Michael Jones will consult directly with the SHPO on projects with these funding sources to complete the Section 106 review.

**Northern Kentucky Area Development District**

Simon Boxall

Endorsed

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## Appendix B Agency Coordination Permitting

- 2013-01-11 USCG Pier Locations ..... B7-1
  - 2022-03-17 USACE 408 Coordination Meeting..... B7-5
  - 2022-06-01 USACE 408 Coordination Meeting..... B7-7
  - 2022-12-15 USCG Coordination Meeting..... B7-9
  - 2023-01-26 ODOT Jurisdictional Request..... B7-21
  - 2023-01-31 USCG Project Initiation Request ..... B7-23
  - 2023-03-03 404 and 401 Kick-off Meeting..... B7-30
  - 2023-03-06 Preliminary Jurisdictional Site Visit..... B7-33
  - 2023-03-16 USCG Project Initiation Request ..... B7-34
  - 2023-05-08 USACE Preliminary Jurisdictional Determination..... B7-35
  - 2023-07-19 USCG Permitting Schedule Concurrence ..... B7-49
  - 2023-07-21 USACE Permitting Schedule Concurrence ..... B7-51
  - 2023-12-19 USACE 408 Coordination Meeting..... B7-54
-



**From:** David.A.Orzechowski@uscg.mil [mailto:David.A.Orzechowski@uscg.mil]  
**Sent:** Friday, January 11, 2013 8:24 AM  
**To:** John Brestin  
**Subject:** RE: Brent Spence Bridge Proposed Alternate 123 - revision 1

John,

The proposed pier alignment as presented with the upstream right descending pier located outside of the navigation channel limits is acceptable to the Coast Guard and the navigation industry.

Anything else, please let us know,

Thanks again.

**David Orzechowski**

Coast Guard Bridge Office

St. Louis, MO

314.269.2382

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**From:** prvs=708f7d45e=JBrestin@hntb.com [mailto:prvs=708f7d45e=JBrestin@hntb.com] **On Behalf Of** John Brestin  
**Sent:** Thursday, January 03, 2013 2:09 PM  
**To:** Orzechowski, David  
**Cc:** Washburn, Eric GS; Kurt Codutj; Asif Iqbal  
**Subject:** Brent Spence Bridge Proposed Alternate 123 - revision 1

David,

Please see the attached revised sketch for the alternate we are considering. Please let me know if this meets with the approval of the navigation industry.

Sincerely,

John Brestin

**John P. Brestin, PE, SE**

Vice President

**HNTB Corporation**

715 Kirk Drive  
Kansas City, MO 64105  
Direct: 816-527-2608  
Mobile: 816-519-1830

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**From:** John Brestin  
**Sent:** Wednesday, January 02, 2013 2:20 PM  
**To:** David.A.Orzechowski@uscg.mil  
**Cc:** 'Eric Washburn (Eric.Washburn@uscg.mil)'; Kurt Coduti; Asif Iqbal  
**Subject:** RE: Brent Spence Bridge Proposed Alternate

David,

Thank you for discussing further the alternate of building proposed bridges upstream and downstream of the existing bridge and keeping the existing bridge in service. From our conversation I understand that the navigation industry does not have an issue with the left descending pier of the downstream bridge as shown on the attached figure, but may have an issue with the upstream bridge right descending pier. I also understand you were going to confirm that they understood that there would be 2 new bridges in this

alternate. Thank you for following up with them and we look forward to working with you to provide a solution that meets the needs of the navigation industry and provides for an economical project.

Sincerely,

John

**John P. Brestin, PE, SE**  
Vice President

**HNTB Corporation**  
715 Kirk Drive  
Kansas City, MO 64105  
Direct: 816-527-2608  
Mobile: 816-519-1830

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**From:** John Brestin  
**Sent:** Monday, December 10, 2012 9:27 AM  
**To:** Eric Washburn (Eric.Washburn@uscg.mil)  
**Subject:** Brent Spence Bridge Proposed Alternate

Eric,

As I understand our conversation last week, the navigation industry's concern with regard to a bridge built downstream of the existing bridge relates to the left descending pier (KY side of river). The reason for this is that as they sail down river, they hug the Kentucky bank as they line up to pass through the Cincinnati Southern RR Bridge downstream of the existing Brent Spence Bridge.

In our conversation, we discussed a reasonable alternative would be to line up the piers for a new bridge upstream (consistent with previous correspondence), but for the downstream bridge the new left descending pier could not pass an imaginary line that extends downstream if you drew a line from the inside face of the Clay Wade Bailey Pier to the Brent Spence Pier. This will likely result in about a 870 foot main span for the downstream alignment as the right descending pier could line up with the existing bridge pier. Please see the attached sketch that outlines a "no pier zone", please let me know if this is acceptable to the USCG and the navigation industry. Again, thank you for your time and attention to this matter.

Sincerely,

John

**John P. Brestin, PE, SE**

Vice President

**HNTB Corporation**

715 Kirk Drive

Kansas City, MO 64105

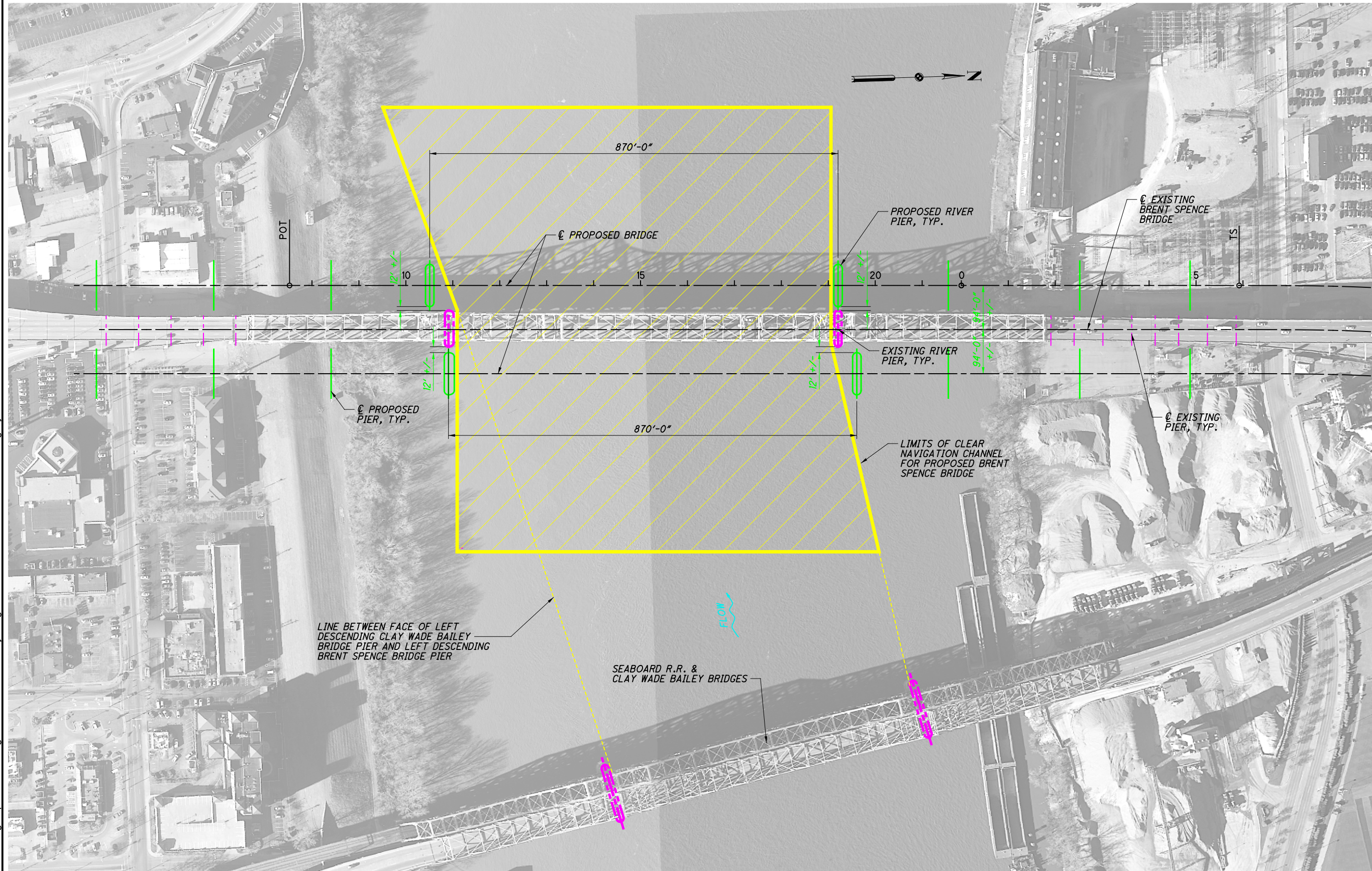
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Mobile: 816-519-1830

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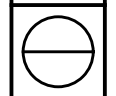
*This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.*

\\kcow00\jobs\4159402\bridges\plans\Drawings\BRS50-RiverStudy-2.dgn 03-JAN-2013 11:41AM WGregory



PLAN

CLEAR NAVIGATION CHANNEL LIMITS





## MEETING DOCUMENTATION

**Project:** I-71/I-75 (Brent Spence Br.) Willow Run Storm Water Separation Study

**Location:** Virtual – Teams

**Meeting Date:** March 17, 2022

**Subject:** Section 408 Coordination Meeting

## ATTENDEES

Richard Anthony	City of Covington	<a href="mailto:Oliver.Anthony@covingtonky.gov">Oliver.Anthony@covingtonky.gov</a>
Andrew Brooks	USACE (Levee Safety POC)	<a href="mailto:Andrew.T.Brooks@usace.army.mil">Andrew.T.Brooks@usace.army.mil</a>
Stacey Hans	KYTC - D6	<a href="mailto:Stacey.Hans@ky.gov">Stacey.Hans@ky.gov</a>
David Lanham	Palmer Engineering	<a href="mailto:dlanham@palmernet.com">dlanham@palmernet.com</a>
Gary Valentine	KYTC - C.O. – Exec. Advisor	<a href="mailto:gvalentine@ky.gov">gvalentine@ky.gov</a>
David Waldner	Palmer Engineering	<a href="mailto:dwaldner@palmernet.com">dwaldner@palmernet.com</a>

## EXHIBITS

- N/A

## MEETING SUMMARY

After introductions, David gave a brief overview of the project and its history. The goal of this meeting is to discuss the requirements for obtaining a Section 408 permit, since KYTC's project team is unfamiliar with the process.

The current layout for the project does not directly impact the floodwall, as it will be spanned by bridges similar to the existing condition. Impacts to the associated pump station are possible, however. The proposed separated storm sewer trunk line will tie in at the pump station. The exact details of that tie-in have not been developed at this time. Flow rates at the pump station could be affected by the separated storm water, by changing the timing of runoff reaching the pump station. However, the total watershed boundary for the pump station is not changing.

The levee, floodwall, and pump station system are owned by the City of Covington. They are operated and maintained by SD1.

The Section 408 application package will consist of the permit application, plans (showing easements), specifications, and an H&H report. The H&H report should focus on the flows as they reach the pump station and the criteria used to determine that. The application form should include a summary of the project. The form will require Richard's signature for the City of

Covington as the sponsor, a signature by KYTC as the applicant, and then a signature by the Corps when approved.

During their review, the Corps will be interested in seeing that there are no impacts that cause additional ponding on the landside of the system. Their ROW section will also review access, staging areas, etc. in the vicinity of the floodwall as part of the application package. It is preferable to maintain a 15-foot buffer from the levee and floodwall during construction.

The review process should be expected to take at least 120 days. There is an initial 30-day introductory review period. After the completion of the review period, the technical review begins and takes 90 days. However, any questions, requests for clarification/information, or general back-and-forth correspondence pauses the clock for the technical review period. So, that could cause the review period to take longer than 90 days.

Richard requested a copy of the preliminary drainage layout, which David provided by email after the meeting.

Also after the meeting, Andrew provided a copy of the 408 application form and the document that goes into detail about the levee alteration process. David will include those documents with this meeting summary for KYTC.

#### Next Steps:

- The information from this meeting will be used to develop the design-build RFP
- During final design, the H&H team should coordinate with the City of Covington and SD1 regarding design flow rates, their effect on the H&H model for the levee system, and potential modifications to the pump station.

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**From:** Heather.McColeman@dot.ohio.gov  
**Sent:** Wednesday, June 1, 2022 12:09 PM  
**To:** David.B.Lasoski@usace.army.mil; Andrew.T.Brooks@usace.army.mil; Brandon.L.Adair@usace.army.mil; Hans, Stacey D (KYTC-D06); Brett.C.Latta@usace.army.mil; Tim.Hill@dot.ohio.gov; Clingan, Peter M CIV USARMY CELRH (USA); Charles.Rowe@dot.ohio.gov; Spinosa, Stefan; Keith.Smith  
**Cc:** Adrienne.Earley@dot.ohio.gov; Kathleen.Dunlap@dot.ohio.gov; Larry.Hoffman@dot.ohio.gov  
**Subject:** USACE meeting - Section 408 BSB

Below are my notes from today's discussion. Please advise of any errors or omissions.

Respectfully,

**Heather McColeman, P.E.**

*Major New Project Coordinator*

ODOT Office of Environmental Services

1980 W. Broad Street, Mail Stop 4170, Columbus, Ohio 43223

614.644.7097

[transportation.ohio.gov](http://transportation.ohio.gov)



USACE meeting - Section 408 BSB

**Meeting Date:** 6/1/2022 10:30 AM

#### Participants

-  [Mccoleman, Heather](#) (Meeting Organizer)
-  [Spinosa, Stefan](#) (Tentative in Outlook)
-  [Rowe, Charles](#) (Accepted in Outlook)
-  [Smith, Larry](#) (Accepted in Outlook)
-  [David Lasoski](#) (Accepted in Outlook)
-  [Brooks, Andrew T CIV USARMY CELRL \(USA\)](#) (Accepted in Outlook)
-  [Adair, Brandon L CIV USARMY CELRL \(USA\)](#) (Accepted in Outlook)
-  [Stacey Hans](#)
-  [Hill, Timothy](#)
-  [Latta, Brett C CIV USARMY CELRH \(USA\)](#) (Accepted in Outlook)
-  [Earley, Adrienne](#) (Declined in Outlook)
-  [Clingan, Peter M CIV USARMY CELRH \(USA\)](#) (Accepted in Outlook)

#### Notes

##### Project overview:

- OH and KY have submitted for a Grant so moving forward on project development.
- EA Re-eval is ongoing. Anticipate approval of Re-eval in early 2023.
- Ohio is purchasing ROW.

- KY is finalizing ROW plans. Mid-June should have ROW plans with ROW acquisition starting shortly thereafter.
- 2 step value based design build process
  - [Pages - Home - BSB Corridor Project Procurement Information \(state.oh.us\)](#)
  - RFQ - October 2022
  - Shortlisted to 3 teams in approx. Jan 2023
  - Once short listed to 3 teams, everyone involved will have to sign a confidentiality agreement. If USACE cannot sign, cannot be kept 'in the loop' on the interim progress.
    - USACE checking on their ability to sign a confidentiality agreement
  - Anticipated Award date of Sep 1, 2023
- Detailed engineering available in early to mid 2024 to establish levee impacts and start the 408 process
  - KY anticipated impacts - spanning the Covington Levee System, expanding pump station
  - OH anticipated impacts - Mill Creek impacts (construction). Assume no impacts to Cincinnati Levee System.

**Potential Impacted Civil Works:**

KY - Covington Levee System (City of Covington)

OH - Mill Creek (minor impacts ) and Cincinnati Levee System (City of Cincinnati) (assume no impacts)

**MOA:**

- MOA is with Levee Sponsor.
- Due to minor impacts on OH side, may not need an MOA for review of Mill Creek
- USACE will take the lead on getting the MOA established with the City of Covington. KY will also reach out to Covington.
- Keep the local sponsors up to date on status.

**USACE 408 Coordinator** - Currently Brandon Adair. Bonnie Jennings may be back in September 2022? Andrew Brooks should be first point of contact regardless.

Created with Microsoft OneNote 2016.



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## Meeting Minutes – Coast Guard Meeting

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**DATE:** 12/15/2022

**TIME:** 9:00AM

**RE:**

Brent Spence Bridge Corridor Project | ODOT PID 116649 | KYTC Project Item No. 6-17

**ATTENDEES:** KYTC – Stacey Hans, Michael Carpenter,

ODOT – Tim Keller, Keith Smith, Joe Smithson, Adrienne Earley, Sean Meddles,

HNTB – Erica Johnson, Tony Shkurti, Steven Main, Jodi Heflin

FHWA – Alexis Bogen, Serge Feuze

Coast Guard – Eric Washburn, David Orzechowski

HMB – Brad Gregory, Lora Boller

---

### Topic #1- Introduction to the Project

- See meeting presentation slide deck.
  - FHWA – Alexis and Serge will be reviewing the bridge plans as the project progresses.
- USCG needs the signed EA FONZI for the public notice. The first line of the public notice will state to contact FHWA for questions on the EA.
- USCG: When do we need the Coast Guard Permit?
  - ODOT response: Anticipate the end of 2024 is the earliest for beginning of construction for Companion Bridge and would need the permit.
  - The existing Brent Spence Bridge was constructed before 1967 and the waterway impact will remain as existing.
  - Need two 401 permits – Ohio and Kentucky; USCG indicated they will need individual waterway permits from each state. The states will be issuing the permits.
  - ODOT / KYTC to coordinate on permits – ODOT is comfortable with time frame to get permits completed before construction begins
- Temporary construction site could need permitting depending on bridge type and will be coordinated with the Progressive Design Build Contractor
- The project could need permitting outside of Ohio River, separate permits, this will be further coordinated with the Progressive Design Build Contractor.

- 
- Coast Guard navigational report – will need to update and submit for 870' span.
  - The existing vertical do not anticipate lowering.

## Topic #2 – Introduction to Progressive Design Build

- Introduction to progressive design build
- USCG – For the initial permit submit red box with minimum horizontal/vertical clearances for preliminary design, permits can be issued with preliminary design and then updated with final design (Design Build Projects) with the actual horizontal and vertical clearances

## Topic #3 – Locations of Piers

- ODOT presented the BSB River Study Exhibit showing 870 foot horizontal clearance. Exhibit is provided as separate attachment to the meeting minutes. Everything is downstream of existing bridge
- Issue is left pier – need to know how far toward land compared to existing pier
- Building the bridge downstream of existing brent spence bridge the issue is the left descending pier because the river pushes the vessels in that section to the left because they have to line up with the next bridge. USCG needs to know how far from land the pier is from the land. USCG was assuming they would build the left descending pier first. The crane barge or building false work in the river could be an issue at this location and needs to be coordinated with the Progressive Design Build Contractor.
- ODOT Question to USCG: Is building temporary false work in the river a non-starter?? ODOT further defined as an example, If we build the arch on site this would require false work in the river. USCG will not approve anything to the left or 75 feet off of the left descending pier. The barges (1200-foot tows) take up a lot of room and are not entering the area straight.
- Vertical clearance – USCG indicated the existing BSB does not meet vertical clearance by 0.4'. This is an issue with USCG. Per USCG, the existing bridge can remain at its current vertical clearance, but the new bridge needs to meet the vertical clearance requirements.
  - Min vertical clearance 69' above normal June flow or 55 feet above 2% flow line, whichever is greater. Then USCG also considers the type of navigation within the area. There are dinner cruise ships in the area that are 58 feet.
  - USCG indicated the USACOE shot elevations of the existing low steel on the bridges in the area and USCG provided the existing vertical clearance elevations

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of the existing Brent Spence Bridge for the Project team to use in the evaluation. USCG indicated to be higher than existing – NAVD 88 530.8 low steel elevation for Existing bridge

- Use 532' on NAVD88 datum for the companion bridge low steel elevation. This considers the center channel, 0.4 feet increase, and the type of navigation vessels in the area.
- For the temporary horizontal clearances USCG confirmed to use Seamen's Church to confirm.

#### Topic #4 - Simulation

- ODOT asked if this would be done at Seamen's Church to confirm the temporary clearances. USCG indicated this would be appropriate. There will be impacts to navigation no matter what is done and will need to be coordinated.

#### Topic #5 – Temporary Vertical Clearances

- Temporary vertical clearances
  - Current Impacts unknown at this time due to PDBC will allow different bridge types (cable stay vs. tight arch). This will be further coordinated with the Progressive Design Build Contractor.
  - Once ODOT/ KYTC provides the numbers to USCG they will go to industry to seek feedback.

#### Topic #6 – Project Delivery and how it fits into USCG process & USCG expectations during design and construction

- The project will proceed as ODOT / KYTC has normally handled Design Build contracts.

#### Topic #7- Public Notice Process and Communication with Mariners

- Permitting process – The overall permitting process for Section 404/401 will follow the previous DB contract process. This will assume the worst-case scenario of impact and the different type of impacts. The USACE and Ohio EPA will be open to permitting in that way. The best-case scenario assuming will be in the river approximately early 2025. ODOT is anticipating 1.5 years for permit approvals.
- Coast Guard can issue letter after they meet with Industry and public notice with minimums for horizontal and vertical clearances for the project to proceed.
- Formal public notice from Coast Guard does not need everything completed (i.e., the 401 or FONSI does not have to be done) once the 401 is complete then they can issue the permit. The

permit is a 30-day comment period before being issued. Section 9 permit will be issued once it is completed. ODOT confirmed a 401 from Ohio and a 401 from Kentucky then USCG will get a letter from USACOE they fully intend to issue the permits and USCG can issue the permit.

- Will there be any other locations that will need to be permitted besides the river crossing to make sure those are permitted separate? There is the potential if the temporary bridge is built off site then there would be a construction site that would have to be permitted. Is there any ditch lines or ramps along the river / wetland stream impacts we need to consider as a separate permit? Yes, there are separate stream impacts in the Kentucky side. This needs to be further discussed on securing separate permits with the Progressive Design Build Contract.
- Reviewed prior FONSI bridge requirements. The information reviewed is in the bridge report located on the project website document inventory <https://brentspencebridgecorridor.com/wp-content/uploads/2022/10/Bridge-Type-Selection-Executive-Summary-1.pdf> and the FONSI <https://brentspencebridgecorridor.com/wp-content/uploads/2022/10/FONSI.pdf>
- Discussed the approach to setting up the cofferdam elevations with USCG. ODOT is pulling information together and will provide to USCG once finalized.

**Topic #8 -Where this project is in relation to USCG process.**

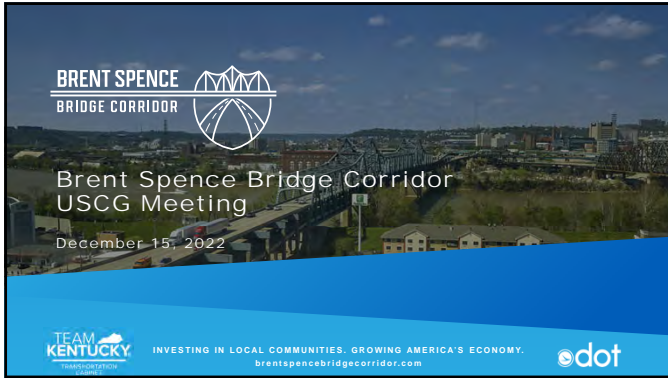
- ODOT confirmed the navigation impact report. Per USCG the navigational impact report does not have to be as comprehensive as the reports needed on the coasts. For the river system it is more narrow focus, and the piers are designed for the barge impact.
- ODOT confirmed the 2006 and 2013 emails USCG agrees the pier locations in the exhibit reviewed are correct. ODOT will provide an updated drawing of the overall span width of 870 feet.
- Per USCG Horizontal Clearance exhibit – measure pier face to pier face not CL to CL of piers using the 870 feet.
- Project team will confirm using AASHTO what barge is required for the impact analysis.
- USCG per the 2006 information they will confirm the Project initiation request is needed. USCG to confirm needing a request since they have the information on the project since 2006.

**Action Items**

Task	Responsible Party	Due Date	Notes
Share Slides with Group	Erica Johnson	12-20-2022	
Revise 870' Span Exhibit	HNTB	12-30-2022	
Finalize the Hydrograph	HMB	12-30-2022	
Confirm Project Initiation Request Needed	USCG	12-30-2022	

Meeting Minute Attachments:

- 2022-12-07 Final BSBC Slides\_Info\_Progressive DB. Pptx
- BSB\_RiverStudy\_Exhibit.pdf
- Alt-I 1000ft Span Exhibit.pdf



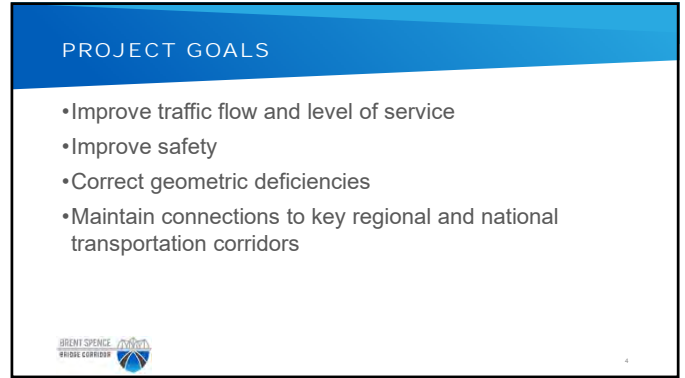
**BRENT SPENCE BRIDGE CORRIDOR**

**Brent Spence Bridge Corridor USCg Meeting**

December 15, 2022

**TEAM KENTUCKY TRANSPORTATION PARTNERS** INVESTING IN LOCAL COMMUNITIES. GROWING AMERICA'S ECONOMY. **dot**

1

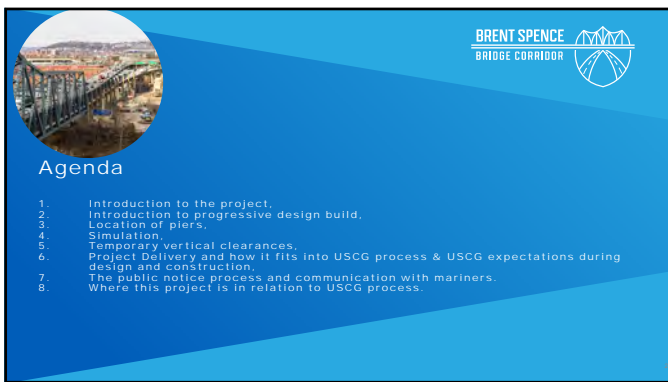


**PROJECT GOALS**

- Improve traffic flow and level of service
- Improve safety
- Correct geometric deficiencies
- Maintain connections to key regional and national transportation corridors

**BRENT SPENCE BRIDGE CORRIDOR**

4

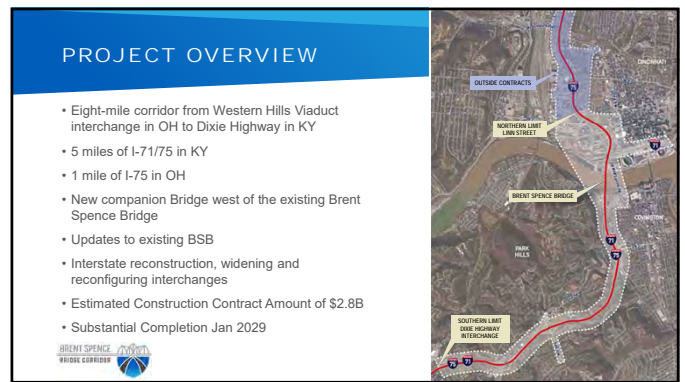


**BRENT SPENCE BRIDGE CORRIDOR**

**Agenda**


1. Introduction to the project.
2. Introduction to progressive design build.
3. Location of piers.
4. Simulation.
5. Temporary vertical clearances.
6. Project Delivery and how it fits into USCg process & USCg expectations during design and construction.
7. The public notice process and communication with mariners.
8. Where this project is in relation to USCg process.

2



**PROJECT OVERVIEW**

- Eight-mile corridor from Western Hills Viaduct interchange in OH to Dixie Highway in KY
- 5 miles of I-71/75 in KY
- 1 mile of I-75 in OH
- New companion Bridge west of the existing Brent Spence Bridge
- Updates to existing BSB
- Interstate reconstruction, widening and reconfiguring interchanges
- Estimated Construction Contract Amount of \$2.8B
- Substantial Completion Jan 2029



**BRENT SPENCE BRIDGE CORRIDOR**

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**BRENT SPENCE BRIDGE CORRIDOR**

**PROJECT OVERVIEW**

3



**PROJECT HISTORY**

Timeline from 2004 to 2022:

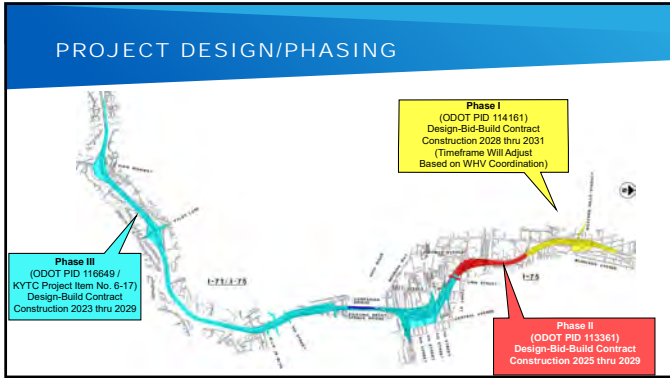
- October 14, 2004: Initial Agreement
- November 23, 2004: First Supplemental Agreement
- December 11, 2008: Second Supplemental Agreement
- December 12, 2012: Third Supplemental Agreement
- August 30, 2014: Fourth Supplemental Agreement
- April 29, 2021: Fifth Supplemental Agreement
- February 28, 2022: Sixth Supplemental Agreement

Key Milestones:

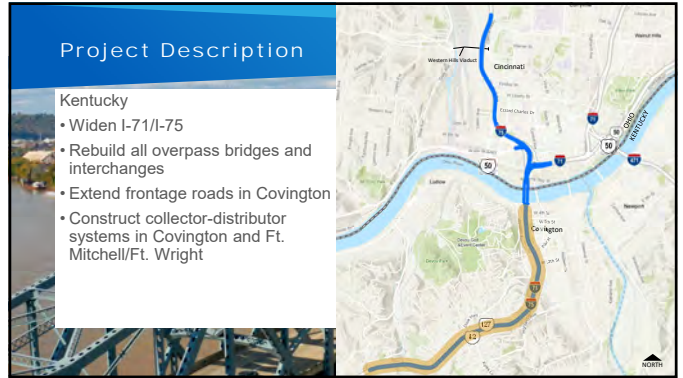
- 2005-2009: Completed planning (25 conceptual and conceptual alternative studies (8 concepts))
- 2010-2012: Advanced two design alternatives, ultimately recommending Alternative I.
- 2013-2017: Examined potential procurement methods. Developed concept for separation of local and interstate traffic at the Ohio River crossing.
- 2018-2021: Held workshop with ODOT, KYTO and FHWA to identify and develop value engineering concepts that would reduce construction costs.

**BRENT SPENCE BRIDGE CORRIDOR**

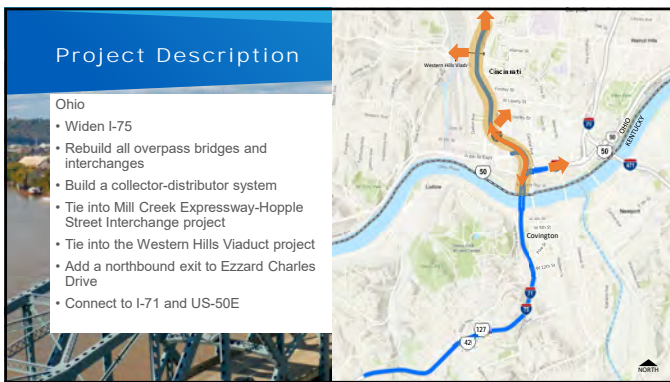
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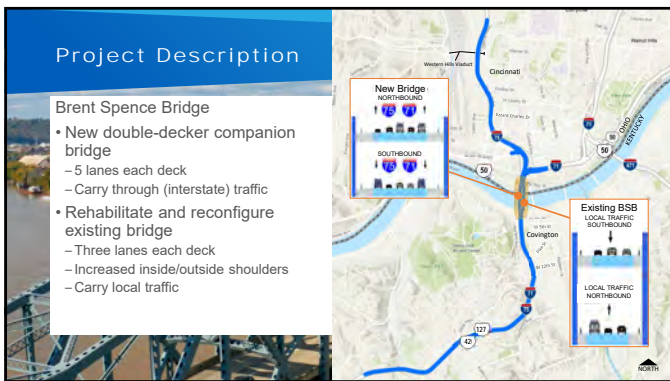
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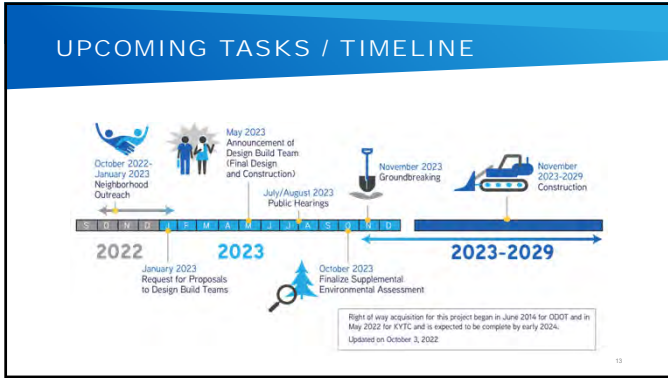
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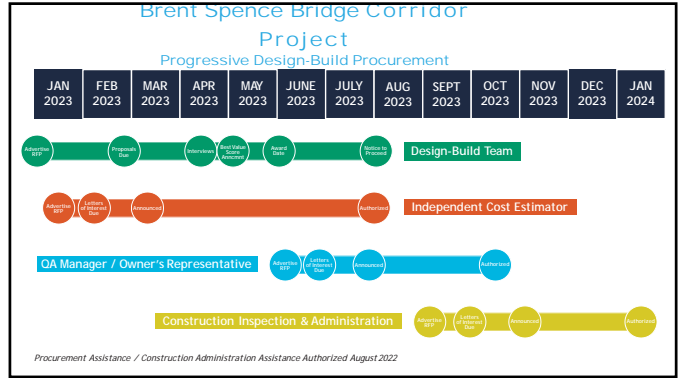
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16

### PROGRESSIVE DESIGN BUILD OVERVIEW

BRENT SPENCE BRIDGE CORRIDOR

14

### PDB Schedule

Draft RFP Release	1/6/2023
Final RFP Advertised	2/17/2023
One-on-One meetings	3/2/2023
Proposals Due from Design Build Teams	3/31/2023
Design Build Team Interviews	4/17/2023
Apparent Best Value Announcement	5/1/2023
Design Build Contract Award	5/31/2023

Dates subject to change

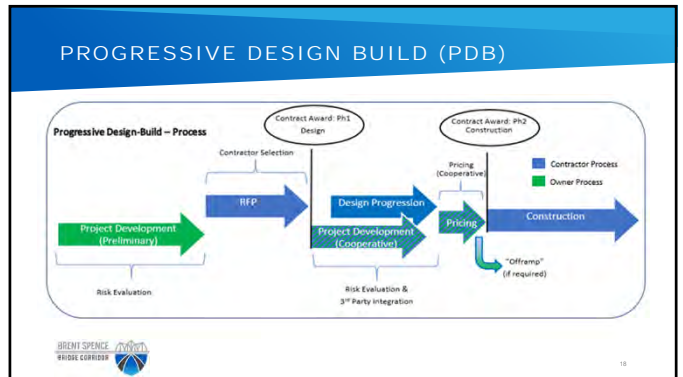
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### PROGRESSIVE DESIGN BUILD (PDB)

- To offset construction market uncertainties, including inflation and supply chain pricing and availability
- PDB will allow ODOT & KYTC and the Design Build Team to price materials closer to when they actually will be used for construction
- Design Build Team will be selected based on qualifications while considering their pricing approach rather than qualifications and just a fixed or lowest bidder price.

BRENT SPENCE BRIDGE CORRIDOR

15




18



## USCG Coordination

3. Location of piers.
4. Simulation.
5. Temporary vertical clearances.
6. Project Delivery and how it fits into USCG process & USCG expectations during design and construction.
7. The public notice process and communication with mariners.
8. Where this project is in relation to USCG process.



19

19



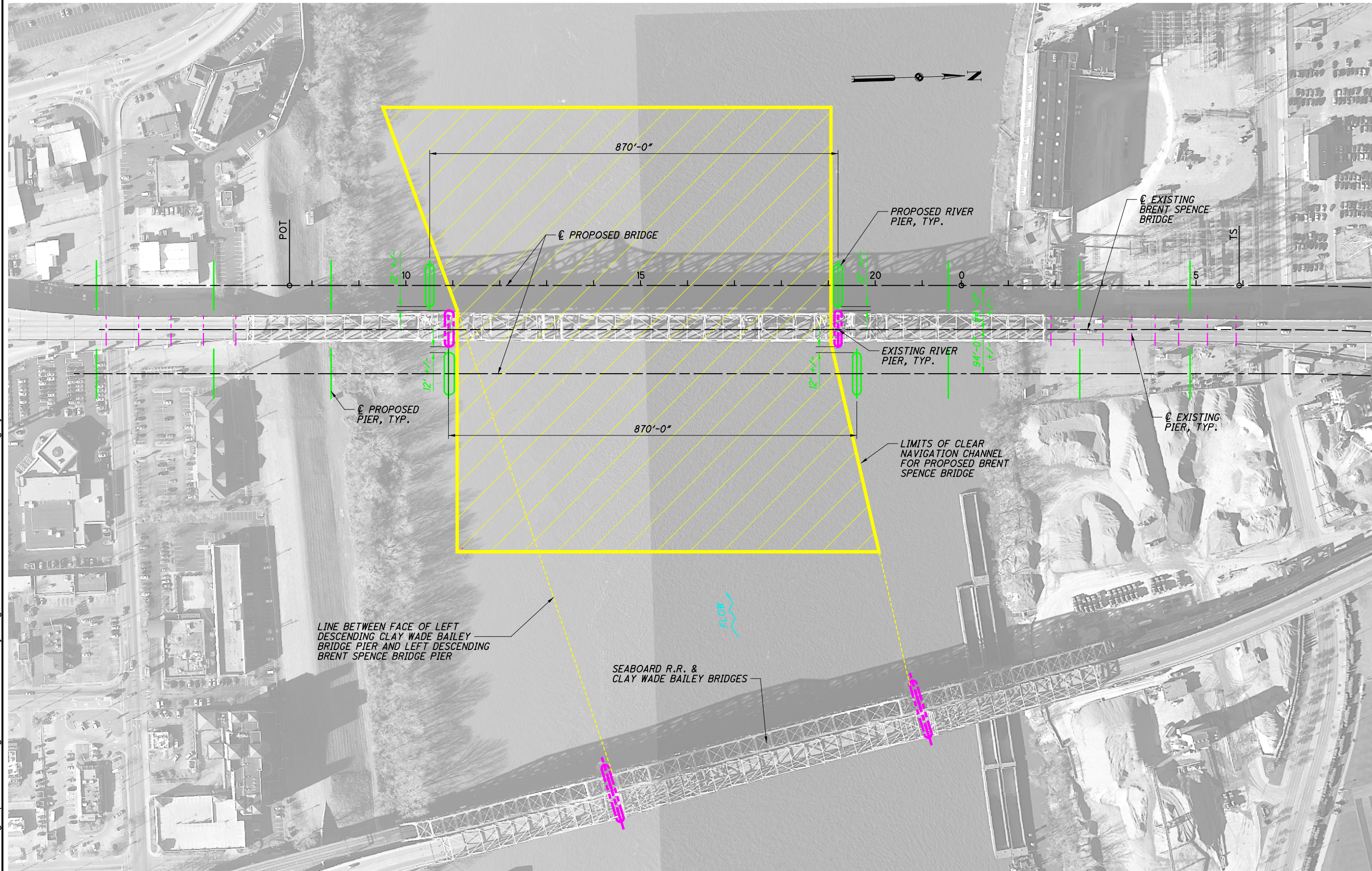
# THANK YOU!



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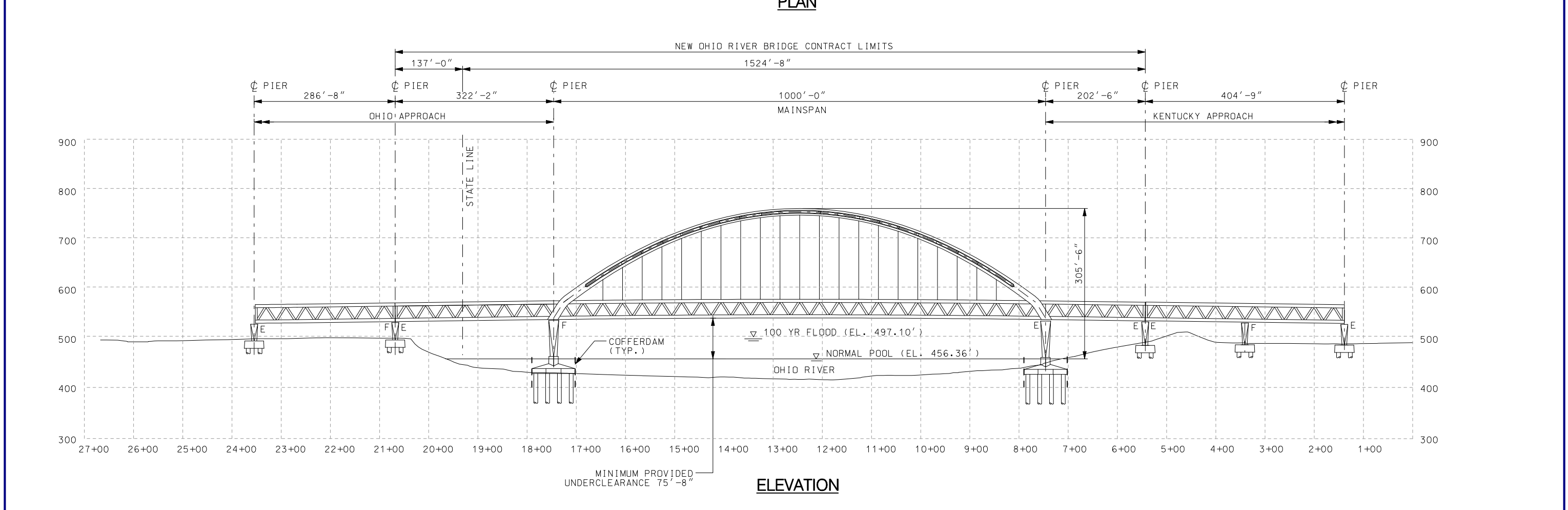
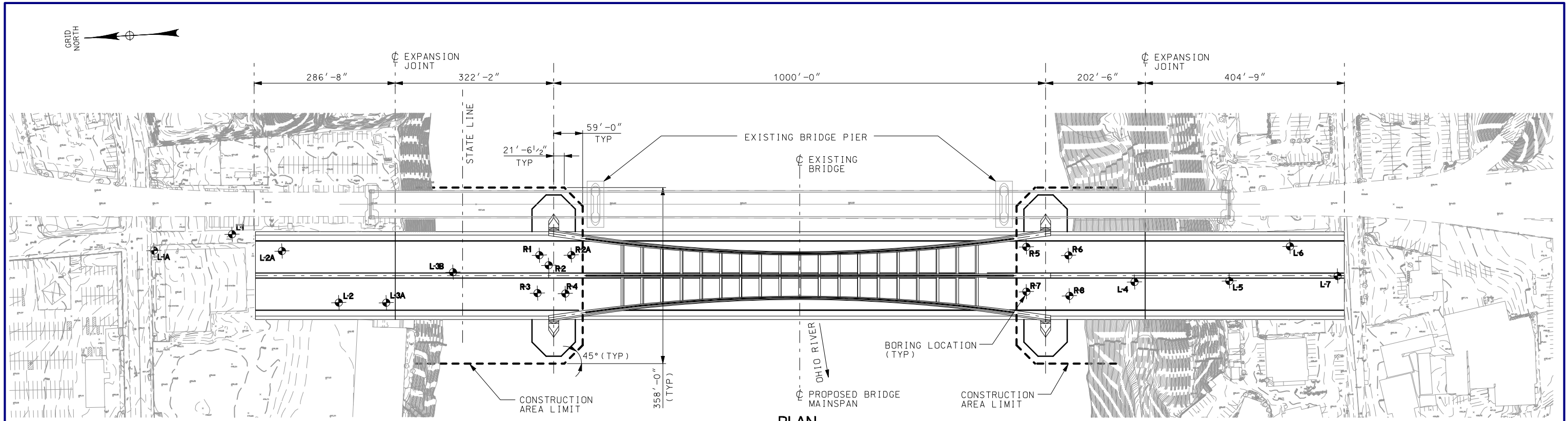
\\kcow00\jobs\4159402\bridges\plans\Drawings\BRS50-RiverStudy-2.dgn 03-JAN-2013 11:41AM WGregory



PLAN

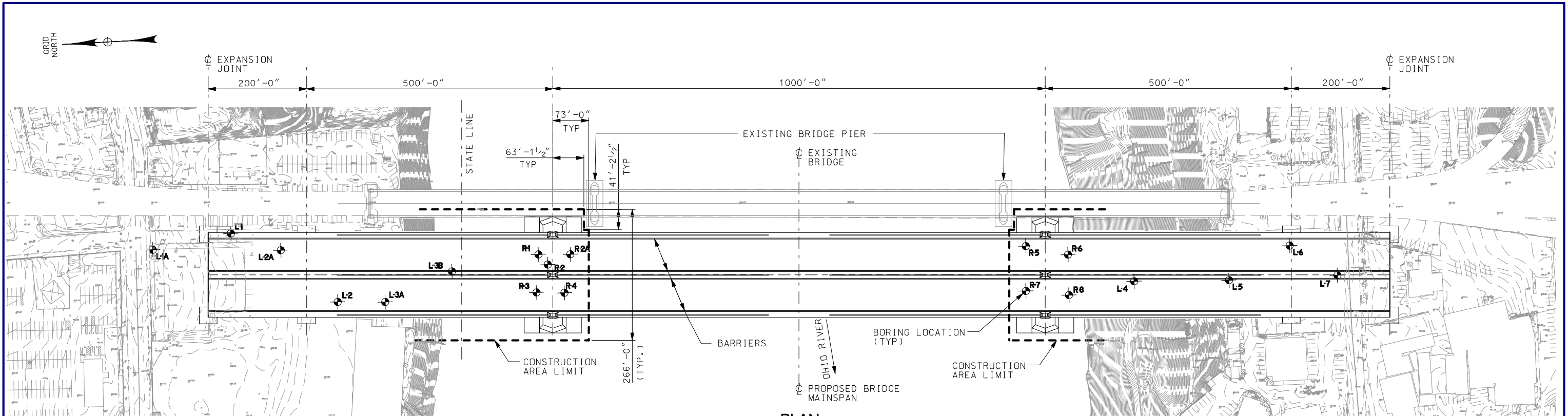
CLEAR NAVIGATION CHANNEL LIMITS



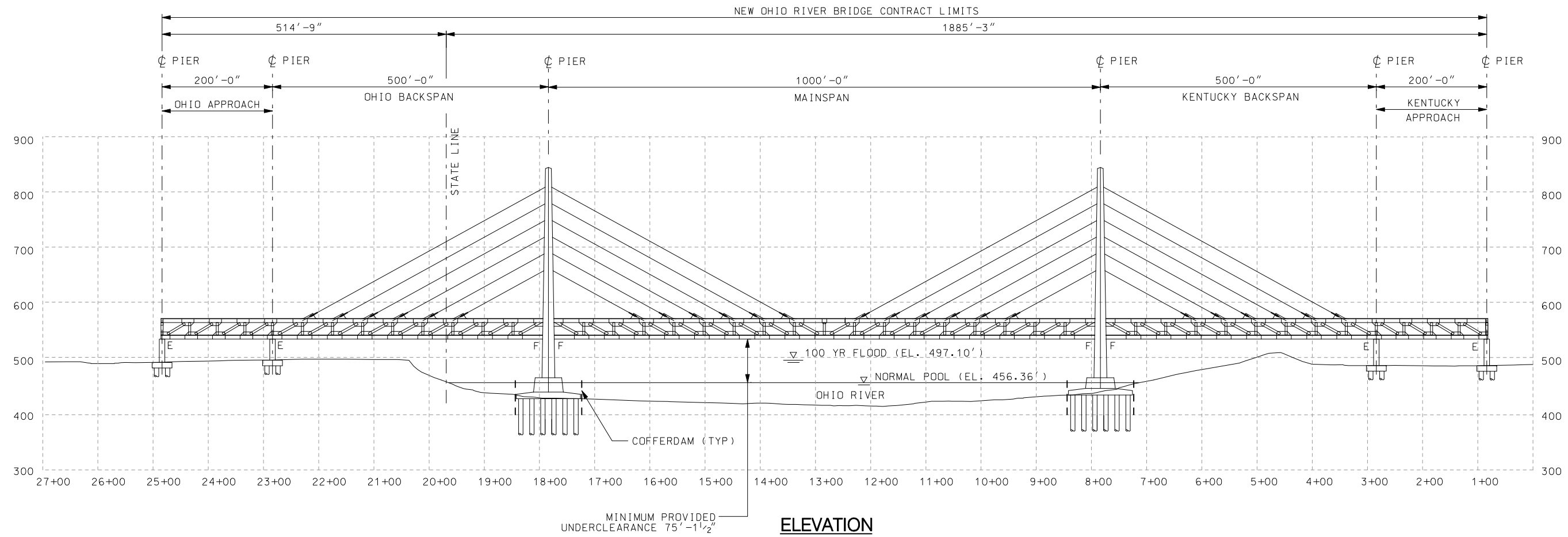


**BRENT SPENCE BRIDGE  
ALTERNATIVE 1: TIED ARCH  
GENERAL PLAN AND ELEVATION**

**EXHIBIT  
A1**



**PLAN**



**ELEVATION**



**BRENT SPENCE BRIDGE  
ALTERNATIVE 3: TWO TOWER CABLE-STAYED  
GENERAL PLAN AND ELEVATION**

**EXHIBIT  
B1**

**From:** Michael, Megan <[Megan.Michael@dot.ohio.gov](mailto:Megan.Michael@dot.ohio.gov)>

**Sent:** Thursday, January 26, 2023 8:47 AM

**To:** Clingan, Peter M LRH <[Peter.M.Clingan@usace.army.mil](mailto:Peter.M.Clingan@usace.army.mil)>

**Cc:** Raymond, Matthew <[Matt.Raymond@dot.ohio.gov](mailto:Matt.Raymond@dot.ohio.gov)>; Earley, Adrienne <[Adrienne.Earley@dot.ohio.gov](mailto:Adrienne.Earley@dot.ohio.gov)>; [Andrew.Logsdon@ky.gov](mailto:Andrew.Logsdon@ky.gov); [Adam.Michels@ky.gov](mailto:Adam.Michels@ky.gov); Hoffman, Larry <[Larry.Hoffman@dot.ohio.gov](mailto:Larry.Hoffman@dot.ohio.gov)>; Smith, Larry <[Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov)>; 'timothy.long@dot.gov' <[timothy.long@dot.gov](mailto:timothy.long@dot.gov)>

**Subject:** Request for a PJD for Brent Spence Bridge project -- HAM-71/75-0.00/0.22 PID 80968 (75119 Environet PID)

<b>Project CRS: HAM-71/75-0.00/0.22</b>		<b>PID: 80968 (Environet PID 75119)</b>				
<b>Document Type(s):</b> ODOT Level 1 ESR and KYTC Stream and Wetland Summary						
<b>Requested Timeframe for Review: 30 days</b>						
<b>Agency:</b>	<b>Requested Review/Action:</b>					
<input type="checkbox"/> <b>ODNR:</b>	Project Comments <input type="checkbox"/>	Scenic Rivers Comments <input type="checkbox"/>	Tier V Scenic River Approval <input type="checkbox"/>	Coastal Consistency <input type="checkbox"/>	Species Specific Survey <input type="checkbox"/>	Other (list): <input type="checkbox"/>
<input type="checkbox"/> <b>USFWS:</b>	Project Comments <input type="checkbox"/>	Informal Consultation <input type="checkbox"/>	Tier II OHPBO Concurrence <input type="checkbox"/>	Formal Consultation <input type="checkbox"/>	Species Specific Survey <input type="checkbox"/>	Other (list): <input type="checkbox"/>
<input checked="" type="checkbox"/> <b>USACE:</b>	JD Request <input checked="" type="checkbox"/>	Pre-application Comments <input type="checkbox"/>	Other (list): <input type="checkbox"/>			
<input type="checkbox"/> <b>OEPA:</b>	Resource Rating Verification <input type="checkbox"/>	Pre-application Comments <input type="checkbox"/>	Other (list): <input type="checkbox"/>			
<input type="checkbox"/> <b>NPS:</b>	Project Comments <input type="checkbox"/>	Preliminary Section 7(a) Determination <input type="checkbox"/>	Other (list): <input type="checkbox"/>			
<input type="checkbox"/> <b>US EPA:</b>	Project Comments <input type="checkbox"/>	Other (list): <input type="checkbox"/>				
<input type="checkbox"/> <b>Other</b> (List agency and requested review/action):						
<b>Additional Information:</b>						
Peter, the Level 1 ESR is an Environet ESR. A PDF copy of the ESR and appendices are found in the reports section under the Ecological folder. The stream and wetland summary from KYTC is also in that same section. The most recent Level 1 ESR is the one that says "System Generated". The appendices were uploaded separately because they were big, so the appendices that go with the most recent ESR are labeled OH Level 1 ESR Reeval 2022, and there are 4 of them. The KYTC stream and wetland summary is the last item in this section and it titled "Kentucky Stream and Wetland Summary 2022).						

Please let me know if you have any issues downloading the documents that you need. If you desire a field review, please contact me and I will work to get one set up with your office, OES, and KYTC.

Ecological (28)						
Coordination (4)						
Project Information (7)						
Reports (17)						
Ohio Level I Ecological Survey-Document Text.pdf	No	No	10/07/2021	gcurrier	03/01/2010	Final
Ohio Level I Ecological Survey-Photographs.pdf	No	No	10/07/2021	gcurrier	03/01/2010	Final
KY Level I Ecological Survey-Document Text.pdf	No	No	10/07/2021	gcurrier	02/01/2010	Final
KY Level I Ecological Survey-Document Tables.pdf	No	No	10/07/2021	gcurrier	02/01/2010	Final
KY Level I Ecological Survey-Document Photos.pdf	No	No	10/07/2021	gcurrier	02/01/2010	Final
KY Level I Ecological Survey - Appendix I Cross Sections.pdf	No	No	10/07/2021	gcurrier	03/31/2010	Final
KY Level I Ecological Survey - Appendix II Correspondence.pdf	No	No	10/07/2021	gcurrier	03/31/2010	Final
KY Level I Ecological Survey - Document Exhibits.pdf	No	No	10/07/2021	gcurrier	03/31/2010	Final
Ohio Level I Ecological Survey - Appendix Correspondence.pdf	No	No	10/07/2021	gcurrier	03/31/2010	Final
Ohio Level I Ecological Survey - Exhibits.pdf	No	No	10/07/2021	gcurrier	03/31/2010	Final
OH Level I ESR Reeval 2022 - Exhibits.pdf	No	No	10/11/2022	michael	10/11/2022	Final
OH Level I ESR Reeval 2022 - Photo Log.pdf	No	No	09/19/2022	michael		Draft
OH Level I ESR Reeval 2022 - Correspondence.pdf	No	No	10/11/2022	michael	10/11/2022	Final
Ecological Survey HMM R 71 75 000-022 Re-Eval.pdf	No	No	10/11/2022	System Generated	10/11/2022	Final
Biological Assessment 10-10-2022.pdf	No	No	11/11/2022	meymond	11/16/2022	Final
Mussey Survey.pdf	No	No	11/23/2022	meymond	11/23/2022	Final
Kentucky Stream and Wetland Summary 2022.pdf	No	No	01/25/2023	michael	01/25/2023	Final
Other Resources (1)						

Your agency's concurrence and/or comments on this submission would be appreciated as soon as possible. If comments or notification of when comments will be furnished are not received within the requested timeframe, ODOT will continue to proceed with project development and preparation of the NEPA document. Should ODOT receive project specific comments prior to approval of the NEPA document, they will be addressed accordingly. Comments received following approval of the NEPA document will be addressed through other regulatory processes.

**BRENT SPENCE**

**BRIDGE CORRIDOR**



BRENT SPENCE BRIDGE CORRIDOR PROJECT

# Bridge Project Initiation Request for a Section 9 Permit from the US Coast Guard

**Applicant: The Ohio Department of Transportation**

**Prepared by: HNTB Corporation**

ODOT PID 89068 | KYTC PROJECT ITEM NO. 6-17  
JANUARY 31, 2023



**HNTB**

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## TABLE OF CONTENTS

<b>1. INTRODUCTION</b> .....	ERROR! BOOKMARK NOT DEFINED.
1.1 Project Location & Overview.....	1
<b>2. PURPOSE AND NEED</b> .....	<b>2</b>
2.1 NEPA Review.....	3
<b>3. SCHEDULE**</b> .....	<b>3</b>
<b>4. POTENTIAL FEDERAL IMPACTS AND PERMITTING</b> .....	<b>3</b>
4.1 Ohio EPA and Kentucky EPA: 401 Water Quality Certification .....	3
4.2 USACE Section 404: Clean Water Act for Filling and Dredging .....	4
4.3 USACE Section 10: Alteration of Navigable Waters .....	4
4.4 Section 408: Alteration to USACE Civil Works.....	4
<b>5. PROJECT DESCRIPTION</b> .....	<b>4</b>

## LIST OF FIGURES

Figure 1: Project Location.....	1
Figure 2: Conceptual Proposed Structure.....	1
Figure 3: Improved Traffic Capacity and Safety.....	2
Figure 4: Brent Spence Bridge Clear Navigation Channel.....	5

## APPENDICES

Appendix A: Bridge Type Selection Executive Summary



# 1. INTRODUCTION

Under Section 9 of the Rivers and Harbors Act of 1899 and the General Bridge Act of 1946 the Ohio Department of Transportation (ODOT) will be submitting a permit application to build a new crossing of the Ohio River between Ohio and Kentucky. The new bridge will be a companion structure to the existing Brent Spence bridge with the companion bridge carrying Interstate 71 and 75 over the Ohio River, and the existing bridge carrying the collector-distributor road.

This project is currently funded and procurement for a design build contractor began in January 2023.

## 1.1 Project Location & Overview

Figure 1: Project Location



Figure 2: Conceptual Proposed Structure\*



\*Structure could be an arch similar to the conceptual drawing or a cable stayed bridge with two towers.

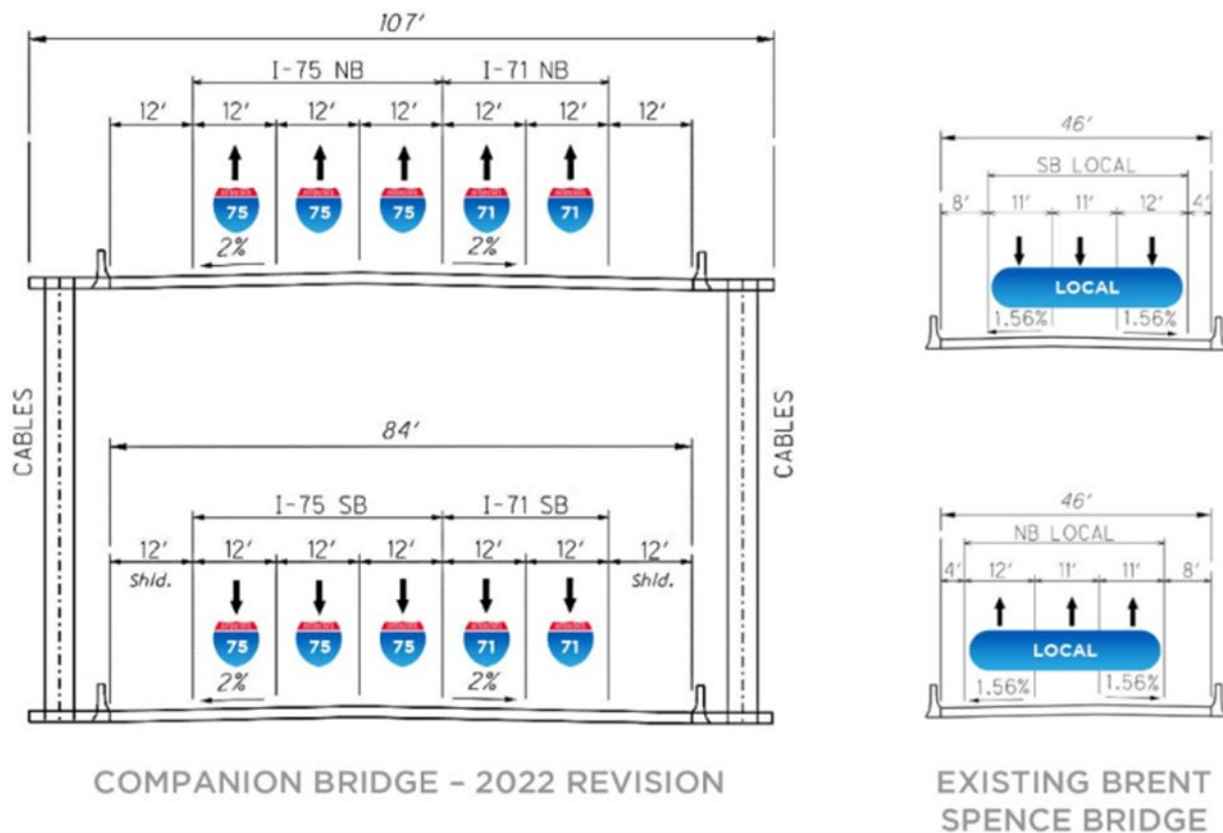
The renovation of the existing Brent Spence Bridge will include the replacement of the two bridge decks and spot repairs of the steel superstructure as needed. No substructure work is currently anticipated. The structure was built before 1967 and will maintain its current vertical clearance above the river although it is 0.4' less than current standard required vertical clearance.

## 2. PURPOSE AND NEED

The Brent Spence Bridge Replacement/Rehabilitation Project will improve the operational characteristics within the I-75 corridor for both local and through traffic. In the Greater Cincinnati/Northern Kentucky region, the I-75 corridor suffers from congestion and safety-related issues because of inadequate capacity to accommodate current traffic demand. The purpose of this project is to:

- Improve traffic flow and level-of-service,
- Improve safety,
- Correct geometric deficiencies,
- Maintain connections to key regional and national transportation corridors.

Figure 3: Improved Traffic Capacity and Safety



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## 2.1 NEPA Review

- August 9, 2012 Environmental Assessment (EA) Approved with Finding of No Significant Impact (FONSI).
- February 11, 2015 Re-Evaluation Approved concluding the FONSI dated 8/9/12 remained valid.
- March 15, 2018 Re-Evaluation Approved concluding the FONSI dated 8/9/12 remained valid.
- A Supplemental EA is currently being prepared with an updated FONSI anticipated 10/23.

Prior FONSI bridge requirements were reviewed. The information reviewed is in Appendix A: Bridge Report. Online the bridge report is located on the project website document inventory.

<https://brentspencebridgecorridor.com/wp-content/uploads/2022/10/Bridge-Type-Selection-Executive-Summary-1.pdf>

## 3. SCHEDULE\*\*

- RW Acquisition Complete June 2024
- Design/Build Contract Award June 2023
- Design/Build Contract Notice to Proceed July 2023
- Begin Construction January 2024
- **USCG Section 9 Permit needed December 2024 for bridge construction to begin.**
- Project Completion June 2030

\*\* Scheduling for Permitting will be developed as design progresses and included in the Section 9 Permit Application. Estimates are included below.

## 4. POTENTIAL FEDERAL IMPACTS AND PERMITTING

For the purpose of this report these are permits required to work in the Ohio River. There may be other permitting required for other work within the project with separate permits and timelines.

### 4.1 Ohio EPA and Kentucky Division of Water: 401 Water Quality Certification

Coordination for Individual Waterway Permits generally takes about 12 months. ODOT will coordinate with OEPA and KYTC will coordinate with KYDOW to obtain separate individual waterway permits.

Coordination window: June 2023 – November 2024 (18 months)

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## 4.2 USACE Section 404: Clean Water Act for Filling and Dredging

Coordination for Individual Waterway Permit will be concurrent or lag 401 coordination.

Coordination window: July 2023 – December 2024 (18 months)

## 4.3 USACE Section 10: Alteration of Navigable Waters

Coordination window: March 2024 – December 2024

## 4.4 Section 408: Alteration to USACE Civil Works

Coordination has begun.

Coordination window: November 2022 – November 2023

## 5. PROJECT DESCRIPTION

Based on the comparative analysis completed during the preliminary Structure Type Selection process with respect to construction cost; constructability/construction time; maintenance and durability; major rehabilitation feasibility; maintenance of traffic; aesthetics; and public comments; two alternatives can be considered as part of the Selected Alternative. These two options will be specified in the Supplemental EA in October 2023.

- Alternative 1, Arch Bridge
- Alternative 2, Cable-stayed Bridge

The use of barges and temporary access fills is expected and will be coordinated throughout the process and detailed in future submittals as design progresses.

The new companion bridge will feature highway lighting and aesthetic lighting which will be coordinated throughout the process and detailed in future submittals as design progresses.

**Regardless of the bridge type selected, the following requirements will be met.**

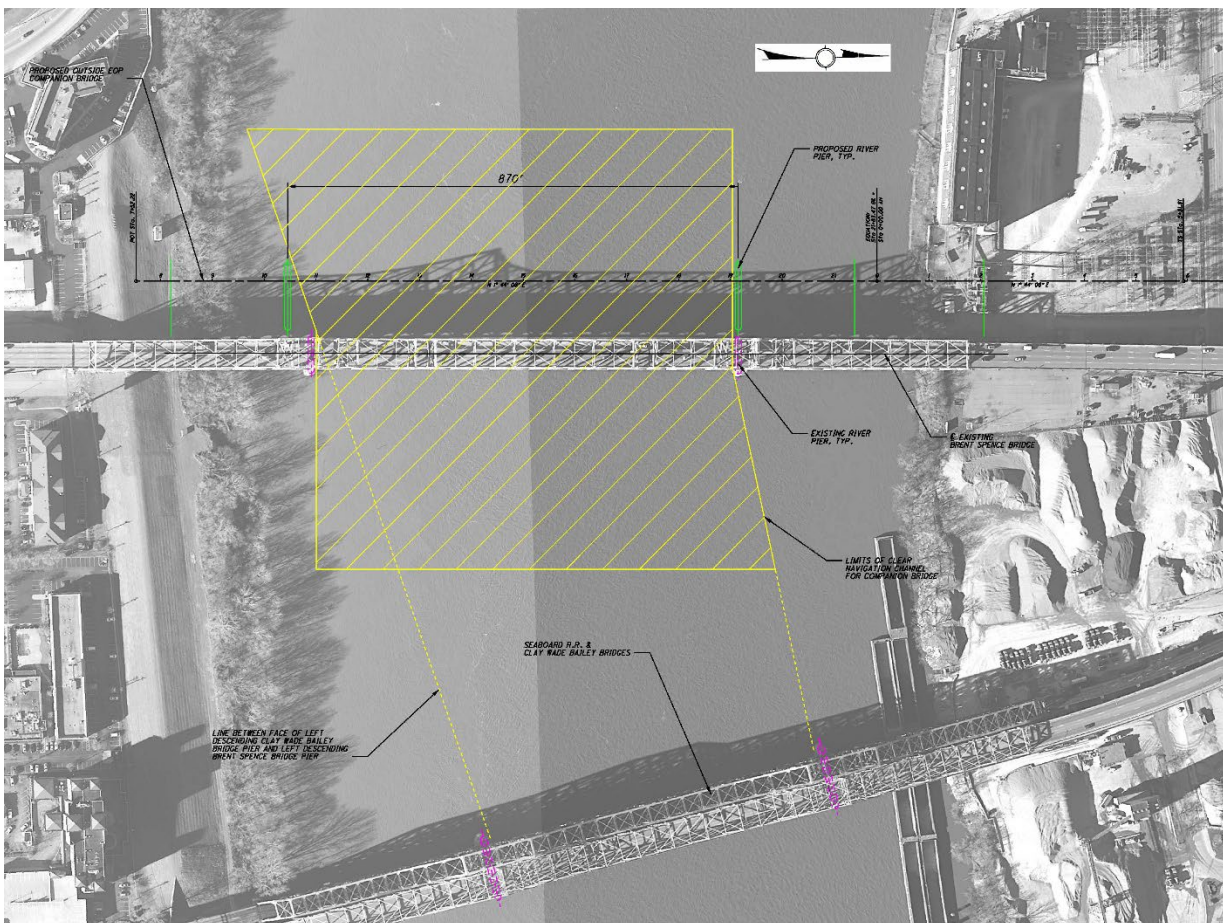
- 1) The Minimum Provided Under-clearance shall be no lower than 532' on the Nav 88 Datum.

This includes the greater of the following plus additional clearance to accommodate river dinner cruise ships.

- 69' above June flow, and,
  - 55' above the 2% flow line.
- 2) The bridge main span shall provide sufficient length to ensure the substructure clearance from face to face of substructure is no narrower than the substructure clearance of the existing Brent Spence Bridge.

- 3) The critical navigational issue is to the downstream left (south pier) as the river pushes the vessels in that section to the left as they align with the next bridge. USCG indicated the allowable distance from land for the new pier is 75 feet. The crane barge or building false work in the river needs to be coordinated with USCG by the Progressive Design Build Contractor.
- 4) All false work vertical and horizontal limits will require approval by the USCG. No falsework that extends more than 75 feet off the left descending pier will be allowed. Barges (1200-foot tows) require room to maneuver and do not enter the area on a tangent.
- 5) For temporary horizontal clearances USCG confirmed the Seamen's Church could potentially be made available to perform any simulations if required in confirming temporary clearances.
- 6) The Coast Guard navigational report will need to be updated and submitted by the DBT if any span other than the current 1000' span is pursued. A minimum span length of 870' has been given verbal approval to pursue by the Coast Guard as shown in Figure 4 below.
- 7) The highest point of the bridge shall be at least 300' +/- and no more than 420' +/- above the Normal Pool Elevation of the Ohio River.

Figure 4: Brent Spence Bridge Clear Navigation Channel



Brent Spence: Sections 404 & 401 Kickoff meeting

March 3, 2023, 1:00-3:00 pm

**1) Introductions**

Stefan Spinosa, ODOT D8  
Jodi Heflin, HNTB  
Schurman, Scott R - KYTC-Central Office  
Joe Smithson, ODOT District 8  
Mark Becherer -- HNTB  
Wes Harrod, KY DOW  
Jeff Boyles - OEPA  
Samantha Vogeler, Kentucky Division of Water, 401 Section  
Tim Hill- ODOT OES  
Brent Glover, Ohio EPA 401  
Peter Clingan: USACE-Huntington  
Matt Perlik ODOT OES  
Anna Kamnyev, Ohio EPA 401  
Andrew Logsdon KYTC Div of Enviro Analysis  
Larry Hoffman, ODOT, OES  
Adrienne Earley, ODOT OES  
Katie Dunlap, ODOT OES Waterways  
Matt Raymond ODOT OES  
Heather McColeman, ODOT OES

**2) Brief project presentation, including progressive design build approach and project schedule.**

- a. Jodi walked us through her PowerPoint.
- b. Key Points:
  - i. Safety, geometrics
  - ii. Tie ins to Mill Creek Expressway, I-71 and SR-50
  - iii. Existing bridge for local traffic, additional lanes
  - iv. All streams and wetlands impacts are in Phase 3 (blue)
  - v. Wetland impacts = 2.38
  - vi. Stream impacts = 1,562 feet
  - vii. Ohio River – no instream work after bridge pier completed.
  - viii. EA will be done this October.
  - ix. Waterway permits authorized in late 2024/early 2025, part of Phase III
  - x. Design-Build Team would be responsible for preparing permit applications and upholding the permit conditions.
- c. Andrew (KYTC) – To the division of water folks – this is a new idea; however, for KYTC will still be the funnel for permitting
- d. Samantha (KY 401) – with design-build projects significant design changes result in the reapplication of permits. Will there be significant changes resulting in the reissuance of permits? Do we know anything about borrow and waste sites?
  - i. Andrew (KYTC) doesn't see significant permitting reapplication happening.

- ii. Stefan (ODOT) – we haven't entertained any waste or borrow outside of the project area. No areas are identified.
- e. Adrienne – permits should fall within the typical 5 year timeframe for permit duration. We also want to balance providing the most up to date pared down concise plans while allowing the agencies enough time to review.

### **3) ODOT and KYTC responsibilities**

- a. 408 lead will be Louisville USACE with ODOT being the transportation lead.
- b. Each state will obtain their own 401.
  - i. Ohio only has the Ohio River
  - ii. Kentucky has all the other resources including a large portion of the Ohio River
    - 1. For KY it will be an Individual 401 WQC with 30-day public notice
- c. Kentucky USFWS taking the lead for Section 7
  - i. KY USFWS will coordinate with OH USFWS before responding to ODOT/KYTC
  - ii. Bat status updates could change throughout the duration of the project
  - iii. KY has more habitat
  - iv. May need to re-coordinate throughout the process
  - v. Consultation (BA) complete on KY side in fall of 2022
  - vi. NLEB and Tri-Colored may be something that comes up later
- d. ALL species will be relocated from the project impact zone.
  - i. Megan and the KY eco lead coordinated.
  - ii. This would be completed the summer 2024

### **4) Regulatory agency oversight and responsibilities**

- a. Peter (USACE) will need to be copied on correspondence between KYTC and Kentucky Division of Water 401 WQC
  - i. OEPA (Anna) also would like copied on correspondence.
- b. Peter also stated that this will be an Individual 404
- c. For OEPA they will also view the project under Individual 401 WQC
- d. Samantha asked OEPA if will handle just the Ohio jurisdictional pier
  - i. Anna confirmed that only the Ohio portion would be reviewed
- e. The federal rule regarding neighboring jurisdictions will be covered by including each agency in the permitting process. FYI the federal 401 certification rule will likely change soon.
  - i. Modifications might not be an option for the state agencies under the current 401 Cert Rule

### **5) Jurisdictional Determination site visit**

- a. Monday, March 6th is the JD site visits with the USACE
- b. Samantha will need copies of mapping
- c. Andrew has asked the consultant to pick out prime sites to visit
- d. Andrew may bring snacks and drinks to the meeting to keep things going.

### **6) Design details and waterway permit applications**

- a. What level of detail do we need in order to apply for permit.
  - i. Ohio typically goes by Stage 2, 60-70% designed
  - ii. Kentucky also goes by a 70% design
  - iii. Enough design details to determine waterway impacts – during Phase 1B Project development. May not have the typical stage 2 level design but we won't sacrifice time to get a little more design, i.e., submit what we have when we need to

- iv. Final design is scheduled to commence in December 2024 so we won't wait for that.
- v. Begin preparing applications fall 2023
- vi. Submit applications by end of 2023
- vii. 408 – when is enough design to submit? Typically stage 2 level

**7) Waterway Permits and Section 408 schedules**

- a. How long do agencies need to review these applications?
  - i. Permit applications could be submitted by December of this year.
  - ii. Peter stated a year would be ideal
- b. Heather indicated that the 408 representatives don't see major issues with this project
  - i. Another thing to keep in mind is the periphery issues with 408 (aka access and haul roads)
- c. Tim chimed in to say that he also got the same sentiment from Louisville 408
  - i. As soon as any plans are formulated, we need to forward to Louisville 408
- d. Andrew indicated 3-5 month 401 WQC process, followed by the 404
- e. Anna (OEPA) said to the statue they have 3 weeks to issue a completeness statement, public notice of one month (or 45 days if a hearing is anticipated), 270 day – RPoT likely but up to a year to authorize.
- f. Samantha – 30 day public notice after a complete application is submitted. Any new impacts require a new PN.
  - i. Also since this requires an IP 404 verses the standard LOP, a 6 month process is more appropriate for KY 401.
- g. Mitigation will also need to be reviewed and will add time to the process.
  - i. Mitigation options are limited, no existing in the project watersheds for both states.
  - ii. Peter (USACE) – he will want to follow the mitigation rule so KY needs to look at the potential for banks, then ILF, then permittee responsible.
- h. Randy Pane (KYTC) will handle the mitigation for KY.
  - i. Peter said 408 process usually takes more than 1 year.

**8) Future status meetings**

- a. Hold monthly meetings when applications are submitted

**9) Open discussion**

- a. Thanks to HNTB to presenting



## **Brent Spence Corridor Preliminary JD Site visit**

**March 6, 2023, 11:00 am**

### **Attendees**

Andrew Logsdon, Adam Michels, Colby Grant—KYTC

Adrienne Earley, Megan Michael, Kathleen Dunlap—ODOT

Peter Clingan—Army Corps Huntington

Samantha Voegeler, Wes Harrod-KY Div of Water

James Glover—OH EPA

Todd McDaniel—HMB Engineers

### **Summary**

On March 6<sup>th</sup>, 2023, the Brent Spence Project permitting team had an onsite preliminary JD meeting for the Brent Spence bridge project. Everyone met at the Kenton County Govt. Building at 11am. Present at the meeting were representatives from KYTC, ODOT, KDOW, Army Corps Huntington and OH EPA as well as a consultant from HMB. During the visit we first walked to look at wetland 8 and Intermittent 19. This area is a large wetland that has a storm sewer catch basin in it. Mostly cattails. From there we went around the wetland and looked at Intermittent 19. This is an intermittent stream that flows into wetland 8. From there we followed a concrete ditch up a hill along Interstate I71/I75, this turned into a rocky roadside ditch between the roadway and a road cut.

From there we walked down into the area of wetland 6, Intermittent 18, Intermittent 17 and Intermittent 6. There were no changes made in this area.

We then drove to see Intermittent 15. This stream flows into a storm grate and it is unclear where the stream resurfaces. The grate was covered with debris and could cause flooding out on the adjacent road. There was a suggestion by Army Corps that we could perform an AJD and rule this stream non jurisdictional. The project teams is exploring that option further.

Perennial 2 was not looked at because it is behind a neighborhood and difficult to access.

From Intermittent 15 we drove to look at Perennial 1. At Perennial 1 we also looked at Intermittent 14 and Intermittent 16. While there Peter from Army Corps told HMB to go ahead and call Int 14 and Int 16 one stream since it was clear they shared flow. While on site Peter with Army Corps also mentioned removing Intermittent 12 from the mapping and report.

KY Division of water asked about streams from wetland 8 north to the Ohio River. HMB replied that they had looked over the whole area and that all streams north of Wetland 8 area must be underground because there were no streams located during field investigations. KDOW agreed with this explanation.

---

**From:** Orzechowski, David A CIV USCG D8 (USA) <[David.A.Orzechowski@uscg.mil](mailto:David.A.Orzechowski@uscg.mil)>  
**Sent:** Thursday, March 16, 2023 7:16 AM  
**To:** Earley, Adrienne <[Adrienne.Earley@dot.ohio.gov](mailto:Adrienne.Earley@dot.ohio.gov)>; Washburn, Eric A CIV USCG D8 (USA) <[Eric.Washburn@uscg.mil](mailto:Eric.Washburn@uscg.mil)>  
**Cc:** Spinosa, Stefan <[Stefan.Spinosa@dot.ohio.gov](mailto:Stefan.Spinosa@dot.ohio.gov)>; Smithson, Joseph <[Joe.Smithson@dot.ohio.gov](mailto:Joe.Smithson@dot.ohio.gov)>; Valentine, Gary (KYTC) <[gvalentine@ky.gov](mailto:gvalentine@ky.gov)>; Hans, Stacey D (KYTC-D06) <[stacey.hans@ky.gov](mailto:stacey.hans@ky.gov)>; Keller, Timothy <[Tim.Keller@dot.ohio.gov](mailto:Tim.Keller@dot.ohio.gov)>; Meddles, Sean <[Sean.Meddles@dot.ohio.gov](mailto:Sean.Meddles@dot.ohio.gov)>  
**Subject:** RE: Brent Spence Bridge Corridor Project, PID 116649

Adrienne,

The Coast Guard does not have questions and/or comments regarding the Project Initiation Request for the Brent Spence Bridge.

Thank you,

**David Orzechowski**

Coast Guard Bridge Branch  
St. Louis, MO 63103  
314.269.2382

---

**From:** [Adrienne.Earley@dot.ohio.gov](mailto:Adrienne.Earley@dot.ohio.gov) <[Adrienne.Earley@dot.ohio.gov](mailto:Adrienne.Earley@dot.ohio.gov)>  
**Sent:** Wednesday, March 15, 2023 8:35 AM  
**To:** Washburn, Eric A CIV USCG D8 (USA) <[Eric.Washburn@uscg.mil](mailto:Eric.Washburn@uscg.mil)>; Orzechowski, David A CIV USCG D8 (USA) <[David.A.Orzechowski@uscg.mil](mailto:David.A.Orzechowski@uscg.mil)>  
**Cc:** [Stefan.Spinosa@dot.ohio.gov](mailto:Stefan.Spinosa@dot.ohio.gov); [Joe.Smithson@dot.ohio.gov](mailto:Joe.Smithson@dot.ohio.gov); [gvalentine@ky.gov](mailto:gvalentine@ky.gov); [stacey.hans@ky.gov](mailto:stacey.hans@ky.gov); [Tim.Keller@dot.ohio.gov](mailto:Tim.Keller@dot.ohio.gov); [Sean.Meddles@dot.ohio.gov](mailto:Sean.Meddles@dot.ohio.gov)  
**Subject:** [Non-DoD Source] RE: Brent Spence Bridge Corridor Project, PID 116649

Good morning Eric and David,  
Checking in to see if you have any comments or questions about the Project Initiation Request for the Brent Spence Bridge.

Thank you-

Respectfully,

**Adrienne Earley, M.S.**

Waterway Permits Program Manager  
ODOT Office of Environmental Services  
1980 West Broad Street, Mail Stop 4170  
(614) 466-2159  
[Transportation.ohio.gov](http://Transportation.ohio.gov)





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT  
502 8TH STREET  
HUNTINGTON, WV 25701-2018

May 8, 2023

Regulatory Division  
South/Transportation Branch  
LRH-2006-02138-OHR – Ohio River  
HAM-71/75 Brent Spence Bridge, PID 89068  
KY-6-17.00

PRELIMINARY JURISDICTIONAL DETERMINATION

Mr. Timothy Hill  
The Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 4170  
Columbus, Ohio 43223

Dear Mr. Hill:

I refer to the Stream and Wetland Summary, received by this office via e-mail on May 5, 2023. You have requested a preliminary jurisdictional determination (PJD) for the potential waters of the United States within the subject site. The Stream and Wetland Summary was prepared for the Brent Spence Bridge Corridor Project located in Franklin and Kenton Counties, Kentucky, and Hamilton County, Ohio. Waters within the review area drain to the Ohio River. This PJD has been assigned the following file number: LRH-2006-02138-OHR – Ohio River. Please include this file number on all future correspondence related to this PJD.

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

You have requested a PJD for the aquatic resources in the review area for the proposed project, which includes the study area illustrated in the Stream and Wetland Summary. Based upon a review of the provided PJD request, the enclosed maps correctly describe 3,142 linear feet of eight (8) streams, 2.38 acres of two (2) wetlands, and 0.015 acre of one (1) ditch within the PJD review area. Based on the information provided and other information available to us, this office has determined that the aquatic resources described in the enclosed PJD form **may** be jurisdictional waters of the U.S. This determination has been made in accordance with the Regulatory Guidance Letter (RGL) for Jurisdictional Determinations issued by the Corps on October 31, 2016 (RGL No. 16-01). As indicated in the guidance, this PJD is non-binding and cannot be appealed (33 CFR 331.2), and only provides a written indication that waters of the U.S., including wetlands, may be present on-site.

You have declined to exercise the option to obtain an approved jurisdictional determination in this instance and at this time. For the purposes of the determination of impacts, compensatory mitigation, and other resource protection measures for activities that require authorization from this office, the aquatic resources described in the enclosed PJD form will be evaluated as if they are waters of the U.S.

If you agree with the findings of this PJD and understand your options regarding the same, please sign and date one (1) copy of the PJD form and return it to this office within 30 days of receipt of this letter. You should submit the signed copy to Peter Clingan at [peter.m.clingan@usace.army.mil](mailto:peter.m.clingan@usace.army.mil).

A copy of this letter will be provided to representatives of the Ohio Environmental Protection Agency and the Ohio Department of Transportation. If you have any questions concerning the above, please contact Peter Clingan of the South/Transportation Branch at (614) 692-4659, by mail at the above address, or by email at [peter.m.clingan@usace.army.mil](mailto:peter.m.clingan@usace.army.mil).

Sincerely,

for



Susan A. Porter  
Chief, South/Transportation Branch

Enclosures

cc w/ enclosures via email:

Mr. J. Brent Glover  
Ohio Environmental Protection Agency  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
[James.Glover@epa.ohio.gov](mailto:James.Glover@epa.ohio.gov)

Mr. Matthew Raymond  
Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 4170  
Columbus, Ohio 43223  
[Matt.Raymond@dot.ohio.gov](mailto:Matt.Raymond@dot.ohio.gov)

Ms. Adrienne Earley, M.S.  
Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 4170  
Columbus, Ohio 43223  
[Adrienne.Earley@dot.ohio.gov](mailto:Adrienne.Earley@dot.ohio.gov)

Mr. Jeffrey Boyles  
Ohio Environmental Protection Agency  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
[Jeffrey.Boyles@epa.ohio.gov](mailto:Jeffrey.Boyles@epa.ohio.gov)

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PJD:**

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

Ohio Department Of Transportation (ODOT)  
1980 West Broad Street, Mail Stop 4170  
Columbus, OH 43223

Kentucky Transportation Cabinet (KYTC)  
200 Mero Street  
Frankfort, KY 40622

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

LRH, ODOT-Brent Spence Bridge, PID 89068, KY-6-17.00. LRH-2006-02138-OHR

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

**(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

States: OH/KY County: Franklin/Kenton/Hamilton Counties City: Cincinnati/Covington  
Coordinates

Lat.: 39.090367° Long.: - 84.522543°

Name of nearest waterbody: Ohio River

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: 8 May 2023

Field Determination. Date(s): 6 March 2023

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage (ac) and linear feet (lf), if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Ohio River	39.090367	-84.522543	1,000 lf	Non-wetland waters	Section 10/404
PER1 (Pleasant Run): KY	39.050786	-84.559824	307 lf	Non-wetland waters	Section 404
INT 14: KY	39.052276	-84.559729	696 lf	Non-wetland waters	Section 404
PER 2: KY	39.054568	-82.543952	674 lf	Non-wetland waters	Section 404
JD 15: KY	39.056423	-84.543709	0.015 ac	Non-wetland waters	Section 404
INT 17: KY	39.064124	-84.524133	125 lf	Non-wetland waters	Section 404
INT 18: KY	39.064221	-84.523712	43 lf	Non-wetland waters	Section 404
INT 6: KY	39.064110	-84.523857	163 lf	Non-wetland waters	Section 404
INT 19: KY	39.070053	-84.520595	134 lf	Non-wetland waters	Section 404
WET 6: KY	39.064104	-84.523090	0.81 ac	Wetland	Section 404
WET 8: KY	39.071367	-84.520363	1.57 ac	Wetland	Section 404

<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: Stream and Wetland Summary (5/4/2023), Brent Spence Bridge Corridor, KYTC Item No. 6-17.00; ODOT Level 1 Ecological Survey Report (10/11/2022).
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report. Rationale: \_\_\_\_\_.
  - Data sheets prepared by the Corps: \_\_\_\_\_.

<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

I

- Corps navigable waters' study: \_\_\_\_\_
- U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Stream and Wetland Summary (5/4/2023), Brent Spence Bridge Corridor, KYTC Item No. 6-17.00; ODOT Level 1 Ecological Survey Report (10/11/2022).
- Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_
- National wetlands inventory map(s). Cite name: \_\_\_\_\_
- State/local wetland inventory map(s): \_\_\_\_\_
- FEMA/FIRM maps: \_\_\_\_\_
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): See Stream and Wetland Summary (5/4/2023), Brent Spence Bridge Corridor, KYTC Item No. 6-17.00; ODOT Level 1 Ecological Survey Report (10/11/2022).
- or  Other (Name & Date): See Stream and Wetland Summary (5/4/2023), Brent Spence Bridge Corridor, KYTC Item No. 6-17.00; ODOT Level 1 Ecological Survey Report (10/11/2022).
- Previous determination(s). File no. and date of response letter: 2006-02138-OHR, AJD, 24 January 2012
- Other information (please specify): See the enclosed table and maps.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

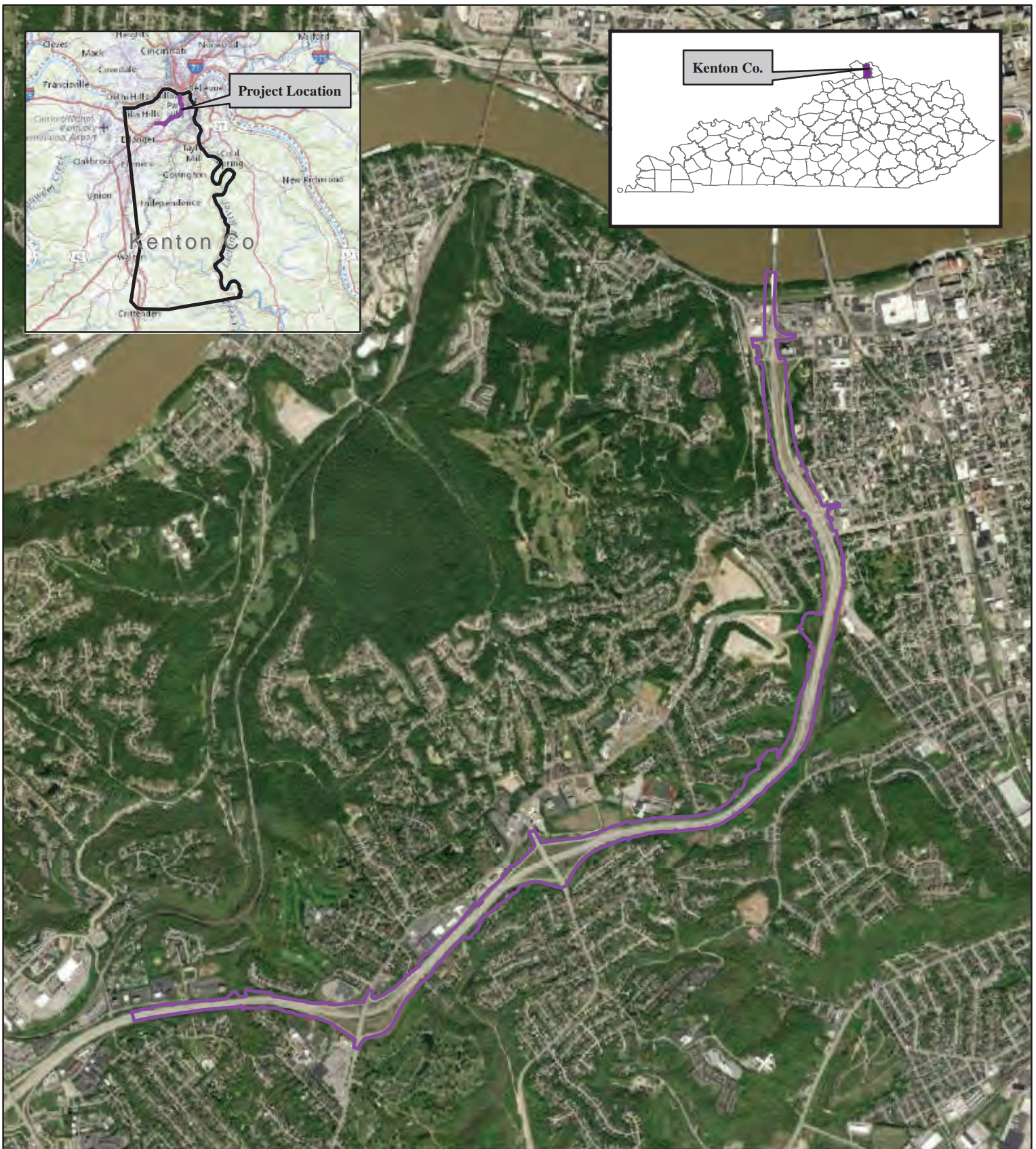
Peter M. Clingan Digitally signed by Peter M. Clingan  
Date: 2023.06.06 12:52:25 -0400

Signature and date of Regulatory staff member completing PJD

*MWA Reed 6-6-23*


Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable)<sup>1</sup>

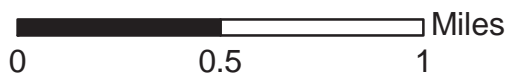
<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



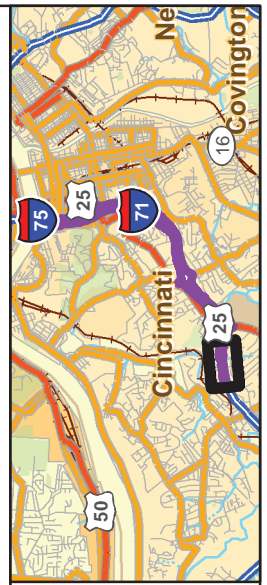
## Exhibit 2: Project Location (Aerial)

Brent Spence Bridge Corridor  
 Kenton County, KY  
 KYTC Item Nos.:6-17.00  
 ODOT PID: 116649

 Study Area








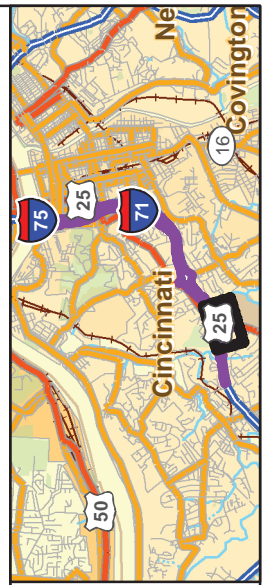


### Exhibit 3-1: Environmental Impacts

Brent Spence Bridge Corridor  
 Kenton, KY  
 KYTC Item No: 6-17.00  
 ODOT PID: 116649






-  Study Area
-  Streams
-  Wetlands

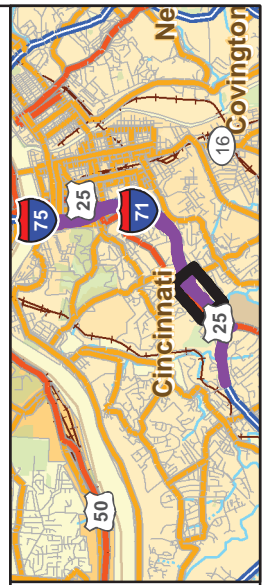


### Exhibit 3-2: Environmental Impacts

Brent Spence Bridge Corridor  
 Kenton, KY  
 KYTC Item No: 6-17.00  
 ODOT PID: 116649



-  Study Area
-  Streams
-  Wetlands

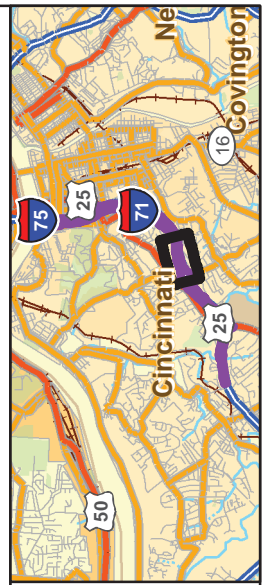


### Exhibit 3-3: Environmental Impacts

Brent Spence Bridge Corridor  
 Kenton, KY  
 KYTC Item No: 6-17.00  
 ODOT PID: 116649



-  Study Area
-  Streams
-  Wetlands



### Exhibit 3-4: Environmental Impacts

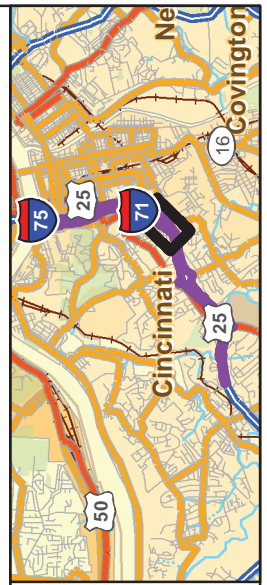
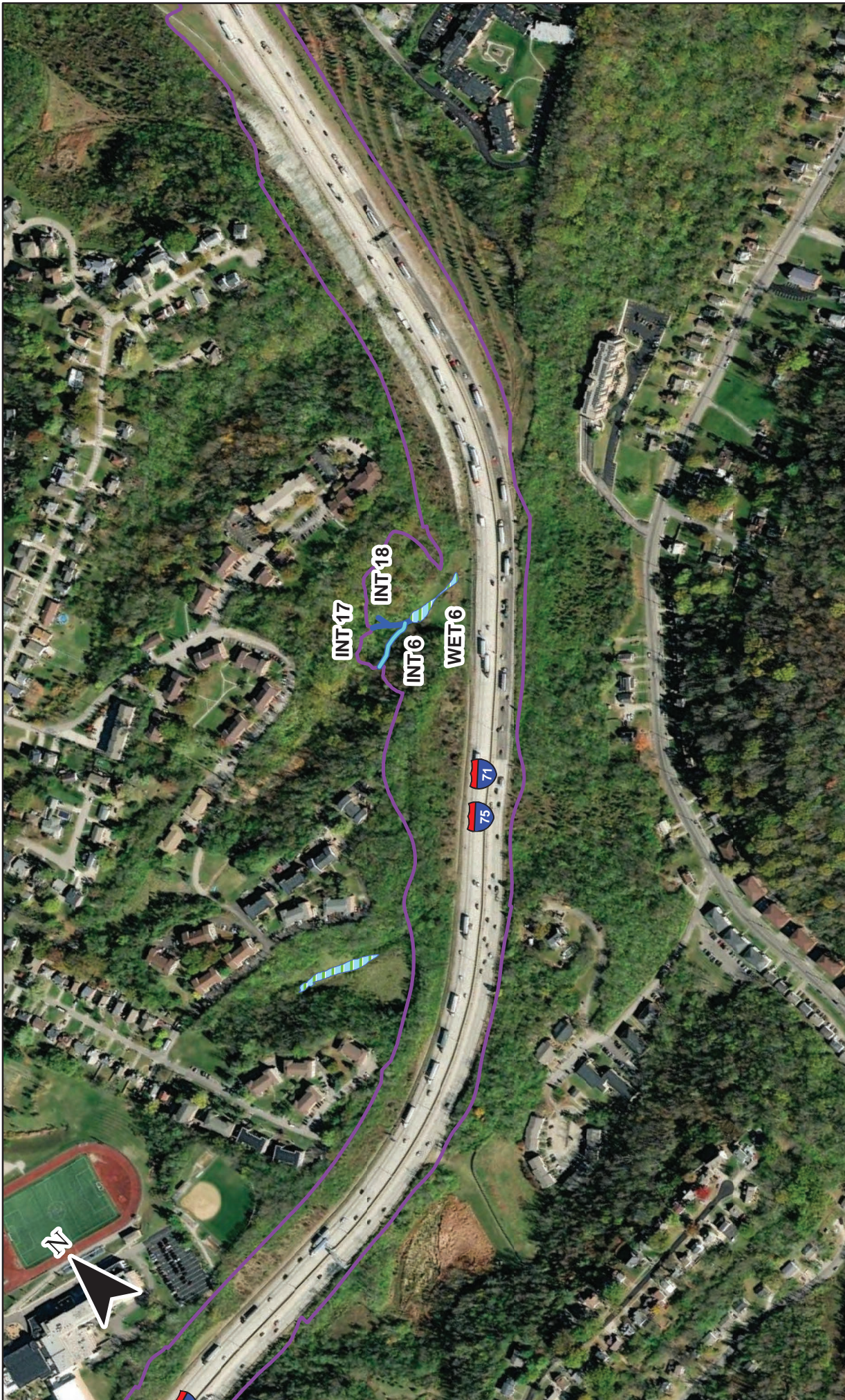
Brent Spence Bridge Corridor  
Kenton, KY

KYTC Item No: 6-17.00

ODOT PID: 116649

-  Study Area
-  Streams
-  Wetlands





### Exhibit 3-5: Environmental Impacts

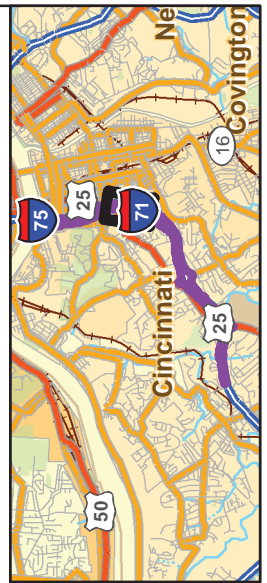
Brent Spence Bridge Corridor  
Kenton, KY

KYTC Item No: 6-17.00

ODOT PID: 116649

-  Study Area
-  Streams
-  Wetlands






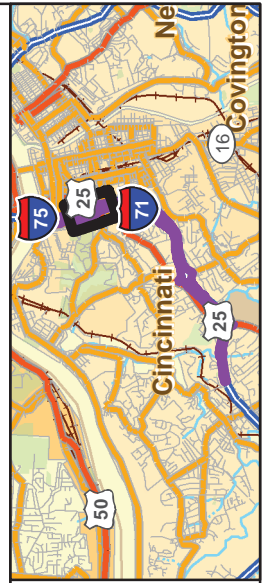


### Exhibit 3-6: Environmental Impacts

Brent Spence Bridge Corridor  
 Kenton, KY  
 KYTC Item No: 6-17.00  
 ODOT PID: 116649






-  Study Area
-  Streams
-  Wetlands

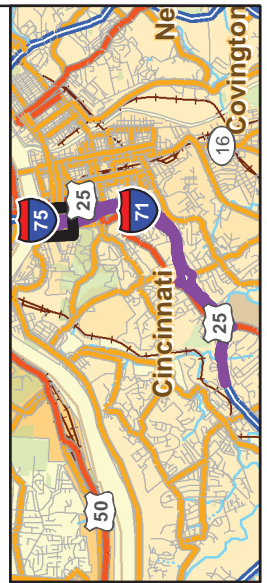


### Exhibit 3-7: Environmental Impacts

Brent Spence Bridge Corridor  
 Kenton, KY  
 KYTC Item No: 6-17.00  
 ODOT PID: 116649



-  Study Area
-  Streams
-  Wetlands






### Exhibit 3-8: Environmental Impacts

Brent Spence Bridge Corridor  
Kenton, KY

KYTC Item No: 6-17.00

ODOT PID: 116649

-  Study Area
-  Streams
-  Wetlands





**From:** [Orzechowski, David A CIV USCG D8 \(USA\)](#)  
**To:** [Baughman, Pamela \(FHWA\)](#); [Washburn, Eric A CIV USCG D8 \(USA\)](#)  
**Cc:** [Long, Timothy \(FHWA\)](#); [Toni, Melissa \(FHWA\)](#); [Ballantyne, John \(FHWA\)](#); [Diop, Mour \(FHWA\)](#); [Jeter, Todd \(FHWA\)](#); [Stacee Hans](#)  
**Subject:** RE: Permitting schedule for BSBCP - Request for review and concurrence  
**Date:** Wednesday, July 19, 2023 3:54:13 PM  
**Attachments:** [image001.jpg](#)

---

Pamela,

The Coast Guard has reviewed the Permitting schedule for the BSBCP and concur that if the CG Bridge Permit application is complete and we have both 401 WQC's in September 2024, our January 2025 date should not be a problem.

Also, can you add a comment: The Coast Guard cannot issue a Section 9 permit if either 401 WQC is not issued.

Thank you,

## David Orzechowski

Coast Guard Bridge Branch  
St. Louis, MO 63103  
314.269.2382

---

**From:** Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>  
**Sent:** Friday, July 14, 2023 10:15 AM  
**To:** Orzechowski, David A CIV USCG D8 (USA) <David.A.Orzechowski@uscg.mil>  
**Cc:** Long, Timothy (FHWA) <timothy.long@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Jeter, Todd (FHWA) <Todd.Jeter@dot.gov>; Stacee Hans <Stacee.hans@ky.gov>  
**Subject:** [URL Verdict: Neutral][Non-DoD Source] Permitting schedule for BSBCP - Request for review and concurrence

Hello,

Please find attached the proposed permitting schedule associated with the Brent Spence Bridge Corridor Project (BSBCP). FHWA is requesting your review and comment on this schedule, which once approved will be posted to the federal permitting dashboard for infrastructure projects for tracking. This schedule presents the dates for Section 9 tasks specific to your agency.

**Your review is requested as soon as possible, and your written approval of this schedule is**

**requested no later than 10 days from this transmittal.**

The next Agency Coordination meeting for the BSBCP is scheduled for Tuesday, July 25<sup>th</sup>.

Please contact us with any questions or concerns regarding this project, schedule, or this specific request.

Thanks,

Pam



**Pamela Baughman**

U.S. DOT | FHWA Ohio Division  
Environmental Program Manager  
200 North High St, Room 328  
Columbus, OH 43215  
(614) 280-6835  
[Pamela.Baughman@dot.gov](mailto:Pamela.Baughman@dot.gov)  
<https://www.fhwa.dot.gov/ohdiv/>

\* Nominate someone from the FHWA, Environmental Discipline for their extraordinary contributions today. [Click here](#) for more details.

**From:** Porter, Susan A CIV USARMY CELRH (USA)

**To:** Baughman, Pamela (FHWA)

**Cc:** Porter, Susan A CIV USARMY CELRH (USA); Clingan, Peter M CIV USARMY CELRH (USA); Hatten, Michael E CIV USARMY CELRH (USA)

**Subject:** FW: Permitting schedule for BSBCP - Request for review and concurrence

**Date:** Friday, July 21, 2023 2:40:29 PM

**Attachments:** [2023 07 14 BSBCP Agency permit schedule.pdf](#)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Pam,

The Corps' Huntington District has reviewed the attachment and we concur with the proposed schedule for the Section 404/10 permit review.

Thank you,

Susan A. Porter  
Chief, South/Transportation Branch  
Regulatory Division  
USACE, Huntington District, CELRH-RDS  
502 8th Street  
Huntington, WV 25701  
(304) 399-5325 (office)  
(304) 360-1195 (cell)  
(304) 399-5085 (fax)  
Susan.A.Porter@usace.army.mil

-----Original Message-----

**From:** Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>

**Sent:** Friday, July 21, 2023 11:16 AM

**To:** Clingan, Peter M CIV USARMY CELRH (USA) <Peter.M.Clingan@usace.army.mil>; Latta, Brett C CIV USARMY CELRH (USA) <Brett.C.Latta@usace.army.mil>; Condra, Norma C CIV USARMY CELRL (USA) <Norma.C.Condra@usace.army.mil>; Cash, Neil CIV USARMY CELRL (USA) <Neil.Cash@usace.army.mil>; Adair, Brandon L CIV USARMY CELRL (USA) <Brandon.L.Adair@usace.army.mil>; Brooks, Andrew T CIV USARMY CELRL (USA) <Andrew.T.Brooks@usace.army.mil>

Cc: Long, Timothy (FHWA) <timothy.long@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Jeter, Todd (FHWA) <Todd.Jeter@dot.gov>; Stacey Hans <Stacey.hans@ky.gov>

Subject: [URL Verdict: Neutral][Non-DoD Source] RE: Permitting schedule for BSBCP - Request for review and concurrence

Hello,

This email is to follow on the request for review of the proposed permitting schedule provided. See below and attached.

Your review is requested as soon as possible, and your written approval of this schedule is requested no later than July 24, 2023.

Thanks,

Pam

Pamela Baughman  
U.S. DOT | FHWA Ohio Division  
Environmental Program Manager  
(614) 280-6835  
Pamela.Baughman@dot.gov <mailto:Pamela.Baughman@dot.gov>

From: Baughman, Pamela (FHWA)

Sent: Friday, July 14, 2023 11:12 AM

To: peter.m.clingan@usace.army.mil; brett.c.latta@usace.army.mil;  
norma.c.condra@usace.army.mil; neil.cash@usace.army.mil;  
brandon.l.adair@usace.army.mil; andrew.t.brooks@usace.army.mil

Cc: Long, Timothy (FHWA) <timothy.long@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Jeter, Todd (FHWA) <Todd.Jeter@dot.gov>; Stacey Hans <Stacey.hans@ky.gov>

Subject: Permitting schedule for BSBCP - Request for review and concurrence

Hello,

Please find attached the proposed permitting schedule associated with the Brent Spence Bridge Corridor Project (BSBCP). FHWA is requesting your review and comment on this schedule, which once approved will be posted to the federal permitting dashboard for infrastructure projects for tracking. This schedule

presents the dates for 404/10 and 408 tasks specific to your agency, while it also identifies the proposed dates for 401 water quality certifications.

Your review is requested as soon as possible, and your written approval of this schedule is requested no later than 10 days from this transmittal.

The next Agency Coordination meeting for the BSBCP is scheduled for Tuesday, July 25th.

Please contact us with any questions or concerns regarding this project, schedule, or this specific request.

Thanks,

Pam

Pamela Baughman  
U.S. DOT | FHWA Ohio Division  
Environmental Program Manager  
200 North High St, Room 328  
Columbus, OH 43215  
(614) 280-6835  
Pamela.Baughman@dot.gov

# 12/19/23 Permitting Section 408 USACE Meeting Minutes

**Meeting Date:** 12/19/2023 1:00 PM

**Location:** Microsoft Teams Meeting

**Link to Outlook Item:** [click here](#)

**Invitation Message**

**Content**

## Participants

- [Frey, Andrew](#) (Meeting Organizer)
- [Deats, Abigail](#) (Accepted in Outlook)
- [VanSlambrook, Douglas](#)
- [Banik, William](#)
- [Dan Schweiger](#)
- [Tony Sharkins](#) (Accepted in Outlook)
- [jake.wilson@kokosing.biz](#)
- [Gary Obert](#)
- [Palmer, Joseph](#)
- [Bucek, Katherine](#) (Accepted in Outlook)
- [Quam, Arik](#) (Accepted in Outlook)
- [Burns, Jim](#) (Accepted in Outlook)
- [robert.miller1](#) (Accepted in Outlook)
- [gmorris@thirdrockconsultants.com](#)
- [kevin.dant@aecom.com](#)
- [Rain A. Storm](#)
- [Shreeve, Rob](#) (Accepted in Outlook)
- [Butler, Ken](#) (Accepted in Outlook)
- [Brandon.L.Adair@usace.army.mil](#)
- [Andrew.T.Brooks@usace.army.mil](#) (Accepted in Outlook)
- [Brett.C.Latta@usace.army.mil](#) (Accepted in Outlook)
- [Heather.McColeman@dot.ohio.gov](#)
- [joe.smithson@dot.ohio.gov](#) (Accepted in Outlook)
- [Adrienne.Earley@dot.ohio.gov](#) (Accepted in Outlook)
- [Boden, Nikki M \(KYTC\)](#) (Tentative in Outlook)
- [andrew.logsdon@ky.gov](#) (Accepted in Outlook)
- [Michels, Adam C \(KYTC\)](#)
- [Katie Nolan](#) (Accepted in Outlook)
- [Tse, Joseph](#)
- [Noble, Jeff](#)
- [Wise, Jason](#)
- [david.vied@kokosing.biz](#) (Accepted in Outlook)
- [Saa Shemsu](#) (Accepted in Outlook)
- [Hudson, Jeremy R CIV USARMY CELRL \(USA\)](#) (Accepted in Outlook)
- [Koenig, Jason D CIV USARMY CELRL \(USA\)](#) (Accepted in Outlook)
- [Matt Boone](#) (Accepted in Outlook)
- [Cash, Neil CIV USARMY CELRL \(USA\)](#) (Accepted in Outlook)
- [Allen, Eric R CIV USARMY CELRL \(USA\)](#) (Accepted in Outlook)
- [Keith.Smith@dot.ohio.gov](#) (Accepted in Outlook)
- [Toni, Melissa \(FHWA\)](#) (Accepted in Outlook)
- [pamela.baughman@dot.gov](#)
- [John.Ballantyne@dot.gov](#)
- [Grem, Martin](#)
- [Klusman, Craig](#)

## Notes

- USACE action items are highlighted below. These minutes will carry forward as the basis for the next agenda, thus those items will be discussed further during the 01/2024 meeting.

<p><b>1</b></p>	<p>Introductions</p> <ul style="list-style-type: none"> <li>Walsh Kokosing Design-Build Team (WKDBT) <ul style="list-style-type: none"> <li>Burns, Jim: Environmental Permitting Lead</li> <li>Shreeve, Rob: Environmental Permitting Support</li> <li>Nolan, Katie: Kentucky Drainage Lead / Pump Station Impacts</li> </ul> </li> <li>Brent Spence Management Team (BSMT): Includes KYTC, ODOT and WKDBT <ul style="list-style-type: none"> <li>McColeman, Heather: Section 408 Program Manager, ODOT</li> <li>Earley, Adrienne: Waterway Permits Program Manager, ODOT</li> <li>Logsdon, Andrew: Permitting and Ecology, KYTC</li> <li>Boden, Nikki: Brent Spence Design Lead Kentucky (Nikki was unable to attend meeting, see listing for contact information)</li> <li>Smithson, Joe: Brent Spence Design Lead Ohio</li> <li>Michels, Adam: 401 / 404 Permit Coordinator, KYTC</li> </ul> </li> <li>FHWA <ul style="list-style-type: none"> <li>Toni, Melissa: Biologist / Project Development Specialist</li> <li>Baughman, Pamela: Environmental Program Manager Brent Spence Lead Environmental review</li> <li>Ballantyne, John: Kentucky Lead</li> </ul> </li> <li>USACE <ul style="list-style-type: none"> <li>Latta, Brett: Regulatory Project Manager Huntington District</li> <li>Brooks, Andrew: Levee Safety Coordinator</li> <li>Cash, Neil: Louisville District Levee Safety Program Safety Manager</li> <li>Koenig, Jason: Louisville Levee Safety Section Chief</li> <li>Hudson, Jeremy: Levee Safety Subject Matter Expert</li> <li>Puckett, William: Retiring, remove from future meetings</li> <li>Allen, Eric: Louisville district Hydrology and Hydraulics</li> <li>Adair, Brandon: Section 408 Program Manager Louisville District</li> </ul> </li> <li>City of Covington (to be invited to January, 2024 meeting) <ul style="list-style-type: none"> <li>Matteoli, Bill: Assistant Public Works Director</li> </ul> </li> </ul>
<p><b>2</b></p>	<p>Overview of the project (PowerPoint presentation will be included with minutes)</p>
<p><b>3</b></p>	<p>Overview of Section 408 resources (PowerPoint presentation noted in #2 above will be included with minutes)</p>
<p><b>4</b></p>	<p>Discussion regarding potential Section 408 impacts, minimization, and mitigation</p> <ul style="list-style-type: none"> <li>Covington Levee System in Kentucky <ul style="list-style-type: none"> <li>Access through levee: USACE noted that if no change to the closure gate, access should not be an issue. Must not block access. Same for north and south access points.</li> </ul> </li> <li>Ohio side access: Potential access point was shown north of the Companion</li> </ul>

Bridge on Cincinnati Bulk Terminal site. There are not civil works (levee) at that location and USACE did not note any concern

- Covington Willow Run pump station
  - Improvements to pump station: Will they fall under 408 for updating pumps and HVAC? USACE answer is "yes". Will include in 408 permit application.
  - Any design document available offering level of service. **Andrew Brooks will research, USACE 12/19/2023 post-meeting follow-up: Project Design Report Provided. Closed**
  - Who is point of contact on pump station (Eric Allen Andrew Brooks and Brandon Adair). All questions go through Andrew Brooks and copy only Brandon Adair. Andrew Brooks will forward to appropriate USACE representative.
- Geotechnical borings
  - Will require a separate Section 408 application if borings are in or near levee. Will have further discussions with USACE once WKDBT delivers a boring layout plan. Show USACE anything within 50' of levee toe and they will assess regarding whether it will require a Section 408 review.
  - For borings in the Ohio River: The prospective permittee will need to submit a preconstruction notification PCN to Brett Latta of the Huntington District Regulatory Division for any borings in the Ohio River. Brett Latta cannot issue Nationwide 6 Permit until the Section 408 Review Determination has been completed (for the federal navigation channel and for the levee systems) by the Louisville District. Once the Louisville District Section 408 Team receives a boring plan to assess, the Section 408 Review Determination can begin. **Once the Section 408 Review Determination is complete, the Huntington District Regulatory Division can proceed with processing the Nationwide Permit 6 verification.** If a Section 408 permission is required for the Ohio River borings by the Louisville District Section 408 Team (for the federal navigation channel or for the levee systems), the Huntington District Regulatory Division cannot issue an NWP 6 verification until the Section 408 permission is issued.
  - Louisville District 408 concerns are levee systems.
- 'Use' of Federal Navigation channel
  - Was not clear to BSMT that Nationwide Permit 6 is tied to Section 408. Understood that Nationwide 6 Permit would be required for borings in the River and Section 408 for borings in the Levee. It is acceptable to bore in River just with Nationwide Permit 6 if there are no civil works (i.e. dredging) within this section of the Ohio River navigational channel. Louisville District will review this area and confirm that the navigation channel itself does not contain civil works projects. If USACE Louisville determines that no Section 408 permission is required for the Ohio River borings regarding navigation and/or the levee systems, then Brett Latta (Huntington District) will need a letter from the Louisville District Section 408 Team (one page memo) noting that.
- Potential new stormwater outlet to Ohio River on Ohio side. Currently a combined sewer overflow. WKDBT / BSMT may add an outlet or use existing as is. Will not be included as a condition of the Section 408 request as the infrastructure is not part of the Cincinnati Levee System. **Brett Latta comment on 12/19/2023 minutes: "I will need to know if there is any work (Section 10) and/or a discharge of dredged and/or fill material (Section 404) into the Ohio River for this potential new stormwater outlet."**
- Considering three options for Companion Bridge (two cable stayed and one tied



	<p>arch). The tied arch option would add bents within the Ohio River near levee on Kentucky side and near riverbank on Ohio side. Three options are included in PowerPoint presentation noted in #2 and #3 above.</p>
<p>5</p>	<p>Submission/Review process</p> <ul style="list-style-type: none"> <li>• Does design-build afford potential variations to standard process? Will be discussed during 01/2024 meeting.</li> </ul>
<p>6</p>	<p>Future meetings / series Potential invitees to be vetted by USACE / FHWA during 12/19/2023 meeting:</p> <ul style="list-style-type: none"> <li>• FHWA: Joe Smithson to coordinate with FHWA <ul style="list-style-type: none"> <li>○ Toni, Melissa</li> <li>○ Baughman, Pamela</li> <li>○ Ballantyne, John</li> </ul> </li> <li>• USACE <ul style="list-style-type: none"> <li>○ Latta, Brett</li> <li>○ Brooks, Andrew</li> <li>○ Cash, Neil</li> <li>○ Koenig, Jason</li> <li>○ Hudson, Jeremy</li> <li>○ Puckett, William</li> <li>○ Allen, Eric</li> <li>○ Adair, Brandon</li> </ul> </li> <li>• Frequency / next meeting (one hour). USACE 12/19/2023 post-meeting follow-up regarding availability <ul style="list-style-type: none"> <li>○ January 22, 2024, 1:00-3:00</li> <li>○ January 23, 2024, 2:00-3:00</li> <li>○ January 31, 2024, 11:00-12:00 or 2:00-3:00</li> </ul> </li> </ul>
<p>7</p>	<p>Communications Protocol</p> <ul style="list-style-type: none"> <li>• Jim Burns and Rob Shreeve will coordinate directly with USACE (questions, clarifications, etc.)</li> <li>• USACE primary contact <ul style="list-style-type: none"> <li>○ 408 submittals go to Louisville 408 team (Andrew Brooks and copy Brandon Adair). Also copy Brett Latta</li> <li>○ Copy Peter Clingan on other submittals (NIR etc.), yet not 408. Peter.M.Clingan@usace.army.mil</li> </ul> </li> <li>• BSMT (Department) copies <ul style="list-style-type: none"> <li>○ McColeman, Heather</li> <li>○ Earley, Adrienne</li> <li>○ Logsdon, Andrew</li> <li>○ Boden, Nikki</li> <li>○ Smithson, Joe</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Michels, Adam</li> <li>• All submittals to BSMT will go through BSMT Procore. ODOT is the Lead and will give coordination documents directly to USACE, thus USACE will not be required to use Procore.</li> </ul>
8	<p>USACE Information</p> <ul style="list-style-type: none"> <li>• Most recent drawings showing Levee limits (have drawings from 1950's), USACE 12/19/2023 post-meeting follow-up: as-builts provided, .kmz with plan views also provided <b>Closed</b></li> <li>• Availability of additional GIS data sets <ul style="list-style-type: none"> <li>○ Borings Andrew Brooks will research, USACE 12/19/2023 post-meeting follow-up: we have issued permits for geotechnical borings in the area as recently as 2010, however, the borings were never received or not retained <b>Closed</b></li> <li>○ Other?, USACE 12/19/2023 post-meeting follow-up: Please let us know of anything specific. I'm not aware of anything. <b>Closed</b></li> </ul> </li> <li>• General guidance regarding other Section 408 resources <ul style="list-style-type: none"> <li>○ USACE will evaluate, USACE 12/19/2023 post-meeting follow-up: General USACE Guidance is available in EC 1165-2-220 (Section 408). It is accessible at this link. There is also other good general levee alteration info at this location. (<a href="https://www.lrl.usace.army.mil/Missions/Civil-Works/Levee-Safety/Alterations/">https://www.lrl.usace.army.mil/Missions/Civil-Works/Levee-Safety/Alterations/</a>) <b>Closed</b></li> </ul> </li> <li>• Does USACE have other maintenance / construction planned? <ul style="list-style-type: none"> <li>○ Other 408 projects coming. USACE does not believe so. WKDBT needs a letter from USACE to that affect for bridge permitting process, USACE 12/19/2023 post-meeting follow-up: Part of the Section 408 approval process involves confirmation of ongoing USACE Studies in the area and any impacts to them. The 408 approval letter already covers this but we can discuss a separate letter if necessary.</li> </ul> </li> <li>• WKDBT has as-built plans <ul style="list-style-type: none"> <li>○ Those have some borings</li> </ul> </li> </ul>
9	

**Appendix B**  
**Agency Coordination**  
**Regulated Materials**

- 2014-01-30 ODOT IOC ESA Screening-2201&2229 Spring Grove ..... B8-1
  - 2014-02-25 ODOT IOC Phase I ESA-Harrison Terminal ..... B8-2
  - 2014-06-16 ODOT IOC Phase I ESA-2229 Spring Grove ..... B8-3
  - 2014-06-15 ODOT IOC Phase II ESA-Seven Sites ..... B8-4
  - 2022-09-07 KYTC Approval-ESA Screening Reevaluation ..... B8-5
-



OHIO DEPARTMENT OF TRANSPORTATION  
INTER-OFFICE COMMUNICATION  
Office of Environmental Services

TO: Steve Mary, District 8 Deputy Director  
Attn: Keith Smith  
DATE: January 30, 2014

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

SUBJECT: Environmental Site Assessment Screening

PROJECT: HAM-75-0.22  
PID: 89068

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This office has reviewed the Environmental Site Assessment (ESA) Screening for the above referenced project which was produced by Burgess & Niple, Inc.

Based on the information provided, we concur with the consultant that a Phase I ESA is warranted for the Duke Energy Substation at 2229 Spring Grove. In the Phase I ESA report, the consultant should refer to the site as follows: ODOT Parcel ID Number, if known, Duke Energy Substation, 2229 Spring Grove.

In addition, we concur with the consultant that Business Info Storage, 2201 Spring Grove does not warrant a Phase I ESA.

If you have any questions or concerns, please contact Larry Hoffman, Major New Coordinator at (614) 466-6439 or Juliet Denniss, Environmental Supervisor, at (614) 466-7942.

TMH:jdd

c: ✓ Stefan Spinosa, D-8  
Larry Hoffman, OES  
File



OHIO DEPARTMENT OF TRANSPORTATION  
INTER-OFFICE COMMUNICATION  
Office of Environmental Services

TO: Steve Mary, District 8 Deputy Director  
Attn: Stefan Spinosa  
DATE: February 25, 2014

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

SUBJECT: Phase I Environmental Site Assessment – Harrison Terminal

PROJECT: HAM-75-0.22  
PID: 89068

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This office has reviewed the Phase I Environmental Site Assessment (ESA) for the Harrison Terminal, 1220 Harrison Avenue located within the above referenced project and which was produced by Burgess & Niple, Inc.

This site has two issues to address under Comprehensive Environmental Response Compensation and Liability Act (CERCLA aka Superfund). The first issue is ownership liability. Public entities may be considered an owner under CERCLA if they are in the chain of title through acquisition with a warranty deed. Because of this, it is recommended that the site be acquired through easement or other similar method of acquisition.

The second way that CERCLA may impact public entities is through being an operator for a site. To mitigate this issue, contaminate soils and other wastes must be properly managed during construction. Based on the information contained in the VAP Phase II provided in the subject document, a plan note for solid waste should be placed in the plans for this site.

If you have any questions or concerns, please contact Larry Hoffman, Major New Coordinator at (614) 466-6439 or Juliet Denniss, Environmental Supervisor, at (614) 466-7942.

TMH:jdd

c: Keith Smith, D-8  
Larry Hoffman, OES  
File



OHIO DEPARTMENT OF TRANSPORTATION  
INTER-OFFICE COMMUNICATION  
Office of Environmental Services

TO: Steve Mary, District 8 Deputy Director  
Attn: Keith Smith  
DATE: June 16, 2014

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

SUBJECT: Phase I Environmental Site Assessment – Duke Energy Substation, 2229 Spring Grove

PROJECT: HAM-75-0.22  
PID: 89068

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This office has reviewed the Phase I Environmental Site Assessment (ESA) for the Duke Energy Substation which was produced by Burgess & Niple, Inc. for the above referenced project.

Based on the information provided and the information provided by the District that the substation will continue operation, no further environmental site assess or special material management is warrant for this site. If this changes and the substation will be removed for this project, further environmental site assessment may be warranted.

If you have any questions or concerns, please contact Larry Hoffman, Major New Coordinator at (614) 466-6439 or Juliet Denniss, Environmental Supervisor, at (614) 466-7942.

TMH:jdd

c: Stefan Spinosa, D-8  
Larry Hoffman, OES  
File



**OHIO DEPARTMENT OF TRANSPORTATION  
INTER-OFFICE COMMUNICATION  
Office of Environmental Services**

**TO:** Steve Mary, District 8 Deputy Director

**DATE:** June 16, 2014

**Attn:** Keith Smith

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

**SUBJECT:** Phase II Environmental Site Assessment – Seven Sites

**PROJECT:** HAM-75-0.22

**PID:** 89068

This office has reviewed the Phase II Environmental Site Assessment (ESA) for 7 sites addressed in the above referenced project which was produced by Burgess & Niple, Inc.

Based on the information provided, recommendations for the 7 sites are listed below.

Site #	Name	Address	Recommendation
17	Large Apt Complex	845 Ezzard Charles	No further ESA or special material management
29	Cincinnati ROW	817 Mound	No further ESA or special material management
49	ARTIMIS (Former Gas Station)	508 w. 3 <sup>rd</sup>	UST removal plan note (1 UST)
51	Vacant Site owned by City	4 <sup>th</sup> & Central	No further ESA or special material management
53	Speedway	605/609 w. 3 <sup>rd</sup>	UST removal plan note (4 USTs)
58	Parking Lot Owned by City	City Block	Plan note for solid waste
65	Valley Asphalt	612 Mehring	Plan note for solid waste

If you have any questions or concerns, please contact Larry Hoffman, Major New Coordinator at (614) 466-6439 or Juliet Dennis, Environmental Supervisor, at (614) 466-7942.

TMH:jdd

c: Stefan Spinosa, D-8  
File



KENTUCKY TRANSPORTATION CABINET  
 Department of Highways  
**DIVISION OF ENVIRONMENTAL ANALYSIS**  
**UST/HAZMAT - GUIDANCE AND ACCOUNTABILITY**

TC 58-44  
 Rev. 01/2014  
 Page 1 of 5

Baseline Prepared by: _____	Author: <u>Jodi Heflin, P.E.</u>	Firm: <u>HNTB Corporation</u>
County: <u>Kenton</u>	Route: <u>I-71/I-75</u>	Item No.: <u>6-17</u>
Project Description: <u>Initiate preliminary engineering, environmental studies and other preconstruction activities to upgrade the existing I-71/I-75 Brent Spence Bridge Corridor at the Ohio River between Covington, KY and Cincinnati, Ohio.</u>		
Prime Consultant: <u>HNTB Corporation</u>		
Due Date: <u>06/30/2022</u>	Submittal Date: <u>06/30/2022</u>	Submittal Draft #: <u>1st</u> Approval Date: _____

**Instructions:**

- Baseline Prepared by:** Name of author/firm that prepared the study.
- County:** Name of county(ies) within which the project is located.
- Route:** Name of highway for which the project is intended. Include route designation and number as applicable (i.e., US 60, Winchester Rd)
- Item No.:** Item number as it appears in the contract and Six Year Plan which corresponds with the project.
- Description:** Official description of the project as it appears in the Six Year Plan.
- Prime Consultant:** Name of the Phase I Design and Environmental Consultant (prime contract holder) for the project.
- Due Date:** Date that the project is due as agreed upon in contract negotiation.
- Date of Submittal/Submittal Draft Number:** Date of submittal and draft being submitted (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>) in appropriate sections.
- Approval Date:** Date baseline is approved by DEA (DEA use only).
- For "Required" column:** ✓ indicates all applicable areas of focus (DEA's responsibility).
- For "Complete" column:** use "Y" and yes and "NA" for not applicable as necessary (Consultant's responsibility).
- For "DEA" column:** DEA will use "C" for all areas that adequately address concerns, and "I" for those that are insufficient in coverage.
- "Comment" page:** Discuss supplemental information, guidance, or instructions, if any, that required deviation from the checklist. Discuss all categories which contain "NA" in the "Complete" columns of this format. Comments regarding the content and format of this form and/or its applicability may also be submitted in the comments section. submitted in the comments section.
- "Commitments to be Implemented" page:** Identify any commitments that are documented within the study. Specify the nature of the commitment, to whom it was or should be made, when the commitment should be acted upon, etc.
- "Mitigation and Special Issues" page:** Identify mitigation measures, if any, that are specified within the report. Also identify any special issues that are addressed within the document that should be considered by the Project Team as it makes decisions regarding the project.
- "Signature" page:** Signatures of Prime Consultant and KYTC/DEA Environmental project Manager/Reviewer will attest that the base study meets the requirements set forth in this checklist. Signatures of KYTC Project Manager and District Environmental Coordinator ensure that the findings of the report, including impacts to the project and mitigation measures, have been presented to the project development team and are acceptable.

**Completed form is to be delivered to KYTC with the document. Previous checklists for the document, or copies thereof, shall be attached to the current checklist.**





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 DIVISION OF ENVIRONMENTAL ANALYSIS  
**UST/HAZMAT - GUIDANCE AND ACCOUNTABILITY**

TC 58-44  
 Rev. 01/2014  
 Page 2 of 5

Required	Complete	DEA	<b>CATEGORY</b>	Item No: 6-17
Insert checkmark as appropriate			<b>PHASE I SITE ASSESSMENT</b>	
<input type="checkbox"/>	NA		Introduction section	
<input type="checkbox"/>	NA		Describe the area geology and hydrogeology at and around the site(s)	
<input type="checkbox"/>	NA		Perform and describe an historical review of past site(s) and surrounding land uses	
<input type="checkbox"/>	NA		Perform site reconnaissance and describe the current use of the site(s)	
<input type="checkbox"/>	NA		Inventory and describe any chemical and/or hazardous materials used on the subject site(s)	
<input type="checkbox"/>	NA		Discuss any past or present waste disposal practices at the site(s)	
<input type="checkbox"/>	NA		Discuss any past or present PCB electrical equipment usage at the site(s)	
<input type="checkbox"/>	NA		Discuss any staining and stressed vegetation at the site(s)	
<input type="checkbox"/>	NA		Discuss what the water supply is and if there are any wells at the site(s)	
<input type="checkbox"/>	NA		Interview local fire and health department representatives to see if there are any environmental concerns at the site(s)	
<input type="checkbox"/>	NA		Review and describe any regulatory listed facilities in the area around the site(s)	
<input type="checkbox"/>	NA		Provide conclusions and recommendations for Phase II site assessment	
			<b>PHASE II SITE ASSESSMENT</b>	
<input type="checkbox"/>	NA		Discuss the background information of the site(s)	
<input type="checkbox"/>	NA		Review and discuss technical approaches for assessing the site(s)	
<input type="checkbox"/>	NA		Conduct interviews and review site records to gain a better understanding of past and current operational practices	
<input type="checkbox"/>	NA		Prepare phase II site assessment work plan that outlines selected approach	
<input type="checkbox"/>	NA		Execute the phase II site assessment work plan	
<input type="checkbox"/>	NA		Review phase II site assessment data	
<input type="checkbox"/>	NA		Prepare a final phase II site assessment with conclusions and recommendations for correction action (Phase III)	



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 Department of Highways  
 DIVISION OF ENVIRONMENTAL ANALYSIS  
**UST/HAZMAT - GUIDANCE AND ACCOUNTABILITY**

TC 58-44  
 Rev. 01/2014  
 Page 3 of 5

Required	Complete	DEA	CATEGORY	Item No: 6-17
Insert checkmark as appropriate			<b>PHASE III CORRECTIVE ACTION</b>	
<input type="checkbox"/>	NA		Discuss the background information and purpose of the site(s)	
<input type="checkbox"/>	NA		Review all available site records	
<input type="checkbox"/>	NA		Review and discuss technical approaches for remediating the contamination at the site(s)	
<input type="checkbox"/>	NA		Prepare a phase III corrective action work plan that outlines selected approach	
<input type="checkbox"/>	NA		Execute the phase III corrective action work plan	
<input type="checkbox"/>	NA		Review and/or monitor the corrective action until completion	
<input type="checkbox"/>	NA		Submit quarterly and/or annual reports summarizing the effectiveness of selected corrective action. Make modifications as needed	



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Department of Highways  
DIVISION OF ENVIRONMENTAL ANALYSIS  
**UST/HAZMAT - GUIDANCE AND ACCOUNTABILITY**

TC 58-44  
Rev. 01/2014  
Page 4 of 5

**Comments:** Discuss supplemental information, guidance, or instructions that required deviation from the checklist. Discuss all categories which contain "NA" in the "Complete" columns of this format. Comments regarding the content and format of this form and/or its applicability may also be submitted through this section.

Item No:  
6-17

**Based on a re-evaluation of the ESA Screening for the BSB Corridor Project, no additional ESA is recommended. Phase II ESAs for two sites were noted as environmental commitments in the project's 2012 EA/FONSI. Conditions at these sites have not changed substantially, and both will be impacted by Concept I-W. Therefore, Site 71 (Rusk Heating and Air Conditioning at 666 West 3rd St.) and Site 78 (Kerry Toyota at 550 Pike St.) are recommended for Phase II ESA.**

**As the project's design and ROW plans are developed, sites/properties of concern will be monitored to determine if further investigation is needed before or during construction.**

**Any bridge or other structures to be demolished and/or renovated require an asbestos inspection and abatement (if asbestos bridge/building materials are identified) prior to demolition and/or renovation activities.**

**Commitments to be implemented:** Identify any commitments that are documented within the study. Specify the nature of the commitment, to whom it was or should be made, when the commitment should be acted upon, etc.

Phase II ESAs will be conducted at 666 West 3rd Street and 550 Pike Street in Covington, Kentucky as required by the Comprehensive, Environmental Response, Compensation and Liability Act (1980) as amended by the Superfund Amendments and Reauthorization Act (1986). Only areas of construction/utility disturbances of three feet or greater in depth will be assessed.



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 Department of Highways  
**DIVISION OF ENVIRONMENTAL ANALYSIS**  
**UST/HAZMAT - GUIDANCE AND ACCOUNTABILITY**

TC 58-44  
 Rev. 01/2014  
 Page 5 of 5

**Mitigation and Special Issues:** Identify mitigation measures, if any, that are specified within the report. Also identify any special issues that are addressed within the document that should be considered by the Project Team as it makes decisions regarding the project.

Item No:  
6-17

**SIGNATURE PAGE**

I have reviewed the project documentation and attest that those responsible for its preparation are familiar with the requirements set forth in the checklist above and that proper management controls were in effect throughout the course of document development to ensure that the document is complete, thorough, and addresses all applicable checklist components.

Jodi Heflin  
 Prime Consultant

08/17/2022  
 Date

**Recommended for approval by:**

*Chris H. Cummins*  
 KYTC/DEA Environmental Project Manager/Reviewer

9/7/22

Date

*Stacey Hams*  
 Project Manager

9/7/22  
 Date

## Appendix B Agency Coordination

### Section 4(f)

- 2022-08-05 Firefighters Memorial OWJ Concurrence ..... B9-1
  - 2022-12-14 Ezzard Charles Park OWJ Concurrence..... B9-3
  - 2023-01-31 Temporary Occupancy Determination Firefighters Memorial and  
Ezzard Charles Park ..... B9-9
  - 2023-03-21 *De Minimis* Determination Elberta Apartments Historic District and Hillsdale  
Subdivision Historic District ..... B9-11
  - 2023-12-18 Department of the Interior Coordination ..... B9-25
  - 2024-01-03 Department of the Interior Section 4(f) Concurrence ..... B9-27
-

---

**From:** Pacella, Steve <Steve.Pacella@cincinnati-oh.gov>  
**Sent:** Friday, August 5, 2022 1:47 PM  
**To:** Jodi Heflin  
**Subject:** Re: [External Email] Brent Spence Bridge Corridor Project, PID 89068; Section 4(f) Official with Jurisdiction (OWJ) Concurrence

Hi Jodi,

Parks has no challenges with your proposed plans and conure with the protective measures you are undertaking.

Thank You,

Stephen J. Pacella, PGA  
Interim Director  
**Cincinnati Park Board** | 950 Eden Park Drive 513-357-2622  
[www.cincinnatiiparks.com](http://www.cincinnatiiparks.com)



#CincyParks

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**From:** Jodi Heflin <JHeflin@HNTB.com>  
**Sent:** Friday, August 5, 2022 12:38 PM  
**To:** Pacella, Steve <Steve.Pacella@cincinnati-oh.gov>  
**Cc:** Keith.Smith@dot.ohio.gov <Keith.Smith@dot.ohio.gov>; Spinosa, Stefan <stefan.spinosa@dot.ohio.gov>; Mark Becherer <mbecherer@HNTB.com>  
**Subject:** [External Email] Brent Spence Bridge Corridor Project, PID 89068; Section 4(f) Official with Jurisdiction (OWJ) Concurrence

You don't often get email from [jheflin@hntb.com](mailto:jheflin@hntb.com). [Learn why this is important](#)

**External Email Communication**

Dear Mr. Pacella:

The Greater Cincinnati Firefighters Memorial is located a 537 Central Avenue in Cincinnati, Ohio. It is situated within the existing limited access right-of-way along Central Avenue and is bordered by W. 6th Street, Central Avenue, W. 5th Street, and the fence that runs parallel to the northbound I-75 ramps (see attachment).

The Brent Spence Bridge (BSB) Corridor Project will reconstruct portions of W. 6<sup>th</sup> Avenue on the northern edge of the Firefighters Memorial, including the curb and sidewalk. No permanent impacts to the Firefighters Memorial will occur, and there will be no change to the ownership of the land. During construction, portions of the adjacent sidewalk and plaza areas may be closed on a temporary

basis to protect the park and the public from construction activities. However, access to the Firefighters Memorial will be maintained, and the project will not interfere with the activities, features, or attributes of the memorial on either a temporary or permanent basis. Finally, any land disturbed will be fully restored and returned to a condition which is at least as good as that which existed prior to the project.

The project will also require reconstruction and widening of W. 5<sup>th</sup> Street near the southern edge of the green space. However, this mulched area is currently occupied by traffic control equipment and is not used for recreation. Therefore, no temporary or permanent impacts to the green space are anticipated due to the construction on W. 5<sup>th</sup> Street.

The timeline for construction of these improvements will be determined during the project's design-build phase. Construction of Phase III of the BSB Corridor Project is anticipated to begin in 2024 and be substantially complete by 2030.

Due to the use of federal funds, the proposed transportation project is subject to the requirements of Section 4(f) of the *Department of Transportation (DOT) Act of 1966*, which affords protection to publicly-owned parks, recreation areas, and wildlife and waterfowl refuges. The purpose of this correspondence is to document that the Official with Jurisdiction concurs with the measures to minimize harm and the assessment of impacts.

The following measures to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the NEPA document:

- Access to the Greater Cincinnati Firefighters Memorial shall be maintained at all times, except for the time needed to temporarily occupy the property, which shall be less than the time needed for construction of the project.
- Temporary construction fencing shall be installed along proposed construction limits prior to the start of construction activities to protect the Section 4(f) property and the public.
- Appropriate signage shall be installed to alert users of the Greater Cincinnati Firefighters Memorial of construction activities, access restrictions or closures, and to direct users to secondary access points.
- The contractor shall be required to closely coordinate the construction schedule with ODOT and the City of Cincinnati prior to the start of construction activities.

In accordance with 23 CFR 774.13(d), the temporary occupancy of land associated with the Greater Cincinnati Firefighters Memorial will not constitute a "use", based on the following assessment:

- The duration of occupancy is temporary and less than the time needed for construction of the project, and no permanent change in ownership of the land will occur
- The scope of work is minor, in that both the nature and magnitude of the changes to the existing Section 4(f) property are minimal
- There are no anticipated permanent adverse physical impacts, nor interference with the protected recreational activities, features, or attributes of the Section 4(f) property on either a temporary or permanent basis
- And any land to be disturbed will be fully restored and returned to a condition which is at least as good as that which existed prior to the project

Based on the scope of the proposed project and type of work, no permanent restriction of access or incorporation of land from the Greater Cincinnati Firefighters Memorial into a transportation facility will occur. If you concur with the measures to minimize harm and the assessment of impacts in regard to the proposed undertaking, please indicate as such by responding accordingly to this e-mail **no later than August 19**.

Thank you for your time and cooperation on this matter. If you have questions and/or concerns, please feel free to contact me at [jheflin@hntb.com](mailto:jheflin@hntb.com) or (216) 633-2638.

cc: EnviroNet Project File

**Jodi S. Hefflin, PE**  
Traffic and Planning  
Tel (216) 633-2638 Email [jheflin@hntb.com](mailto:jheflin@hntb.com)

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Note: Ezzard Charles Park was formerly designated Laurel Park.

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**From:** Gross, Joel <joel.gross@cincinnati-oh.gov>  
**Sent:** Wednesday, December 14, 2022 8:37 AM  
**To:** Jodi Heflin; Pacella, Steve; Barron, Jason  
**Cc:** Mobley, Jenny; Magee, Chris; Courtney, Crystal; Strunc, Angie; Williams, Bryan (Urban Planning); Keith.Smith; Mark Becherer; Spinosa, Stefan  
**Subject:** RE: [External Email] RE: Brent Spence Bridge Corridor Project, PID 89068; Section 4(f) Official with Jurisdiction (OWJ) Concurrence – Laurel Park

Hello Jodi,

We concur with the comments as you have presented. Thank you for addressing and incorporating our Laurel Park property concerns.

Best,

Joel Gross, P.E., LEED AP ND | *Division Manager - Planning and Design*  
**Cincinnati Park Board** | 2625 Reading Road | Cincinnati, OH | 513.475.9600  
[www.cincinnatiiparks.com](http://www.cincinnatiiparks.com)

---

**From:** Jodi Heflin <JHeflin@HNTB.com>  
**Sent:** Monday, November 28, 2022 2:44 PM  
**To:** Gross, Joel <joel.gross@cincinnati-oh.gov>; Pacella, Steve <Steve.Pacella@cincinnati-oh.gov>; Barron, Jason <jason.barron@cincinnati-oh.gov>  
**Cc:** Mobley, Jenny <Jenny.Mobley@cincinnati-oh.gov>; Magee, Chris <chris.magee@cincinnati-oh.gov>; Courtney, Crystal <Crystal.Courtney@cincinnati-oh.gov>; Strunc, Angie <Angie.Strunc@cincinnati-oh.gov>; Williams, Bryan (Urban Planning) <Bryan.Williams@cincinnati-oh.gov>; Keith.Smith <Keith.Smith@dot.ohio.gov>; Mark Becherer <mbecherer@HNTB.com>; Spinosa, Stefan <stefan.spinosa@dot.ohio.gov>  
**Subject:** [External Email] RE: Brent Spence Bridge Corridor Project, PID 89068; Section 4(f) Official with Jurisdiction (OWJ) Concurrence – Laurel Park

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External Email Communication

Mr. Gross:

On September 12, 2022, Cincinnati Parks provided comments regarding the proposed design of Ezzard Charles Drive in the vicinity of Laurel Park. ODOT has further coordinated with the City of Cincinnati regarding the design, and has made the following changes in response to your comments:

- No trees will be removed from Laurel Park
- The existing 6.5-foot sidewalk will be reconstructed on the north side of Ezzard Charles Drive, and the existing 6.5-foot sidewalk on the south side of Ezzard Charles Drive will be relocated to tie into the reconfigured intersection area.
- Where pavement is removed, the roadway and roadbed material will be removed to clean subgrade and areas no longer occupied by roadway pavement will be restored.
- The proposed median area will be a minimum of 11.9 feet wide.



An updated project description is provided below for your review and concurrence.

Laurel Park is located at 500 Ezzard Charles Drive in Cincinnati, Ohio in zip code 45214. Portions of Laurel Park, as mapped by the City of Cincinnati, are situated within the existing transportation right-of-way along Ezzard Charles Drive (see attachment).

The Brent Spence Bridge (BSB) Corridor Project will reconstruct the Ezzard Charles Drive bridge over I-75 and replace the two existing one-way bridges with one, two-way bridge. The transition to the new bridge will slightly alter the vertical profile of Ezzard Charles Drive and shift the roadway north within the existing right-of-way in the vicinity Laurel Park. On the north side of Ezzard Charles Drive, the work will match the existing curb line and will reconstruct a 6.5-foot sidewalk. On the south side of Ezzard Charles Drive, an existing sidewalk will be relocated to tie into the new curb ramps and crosswalk. In addition, an existing median island on Ezzard Charles Drive will be removed and replaced with a median island that is a minimum of 11.9 feet wide.

The area to be impacted is limited to tree lawns, a median, and sidewalks along Ezzard Charles Drive that are within the existing transportation right-of-way and where the primary use is not recreation. The overall pavement area on Ezzard Charles Drive will decrease, and the new pavement will not extend beyond the existing curb line. Although the construction limits will extend beyond the existing roadway right-of-way in some areas, they will remain within an existing slope easement. During construction, portions of the adjacent sidewalks may be closed on a temporary basis to protect the park and the public from construction activities. However, access to Laurel Park will be maintained, and the project will not interfere with the activities, features, or attributes of the park on either a temporary or permanent basis. No permanent impacts to recreational areas within Laurel Park will occur, and there will be no change to the ownership of the land. Where pavement is removed, the roadway and roadbed material will be removed to clean subgrade. Following construction, areas no longer occupied by roadway pavement will be restored, and the area will be returned to the same use as exists today.

Construction of Phase II of the BSB Corridor Project (which includes Laurel Park) is anticipated to begin in 2025 and be substantially complete by 2029.

Due to the use of federal funds, the proposed transportation project is subject to the requirements of Section 4(f) of the *Department of Transportation (DOT) Act of 1966*, which affords protection to publicly-owned parks, recreation areas, and wildlife and waterfowl refuges. The purpose of this correspondence is to document that the Official with Jurisdiction concurs with the measures to minimize harm and the assessment of impacts.

The following measures to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the NEPA document:

- Access to recreational areas of Laurel Park shall be maintained at all times, except for the time needed to temporarily occupy the property, which shall be less than the time needed for construction of the project.
- Temporary construction fencing shall be installed along proposed construction limits prior to the start of construction activities to protect the Section 4(f) property and the public.
- Appropriate signage shall be installed to alert users of Laurel Park to construction activities, access restrictions or closures, and to direct users to secondary access points.
- Where pavement is removed, the roadway and roadbed material will be removed to clean subgrade, and areas no longer occupied by roadway pavement will be restored.
- The area will be returned to the same use as exists today.
- The contractor shall be required to closely coordinate the construction schedule with ODOT and the City of Cincinnati prior to the start of construction activities.

**Note: Ezzard Charles Park was formerly designated Laurel Park.**

In accordance with 23 CFR 774.13(d), the temporary occupancy of land associated with Laurel Park will not constitute a “use”, based on the following assessment:

- The duration of occupancy is temporary and less than the time needed for construction of the project, and no permanent change in ownership of the land will occur
- The scope of work is minor, in that both the nature and magnitude of the changes to the existing Section 4(f) property are minimal
- There are no anticipated permanent adverse physical impacts, nor interference with the protected recreational activities, features, or attributes of the Section 4(f) property on either a temporary or permanent basis
- And any land to be disturbed will be fully restored and returned to a condition which is at least as good as that which existed prior to the project

Based on the scope of the proposed project and type of work, no permanent restriction of access or incorporation of land from Laurel into a transportation facility will occur. If you concur with the measures to minimize harm and the assessment of impacts in regard to the proposed undertaking, please indicate as such by responding accordingly to this e-mail no later than December 9.

Thank you for your time and cooperation on this matter. If you have questions and/or concerns, please feel free to contact me at [jheflin@hntb.com](mailto:jheflin@hntb.com) or (216) 633-2638.

**cc: EnviroNet Project File**

**Jodi S. Heflin, PE**

Traffic and Planning

Tel (216) 633-2638      Email [jheflin@hntb.com](mailto:jheflin@hntb.com)

---

**From:** Gross, Joel <[joel.gross@cincinnati-oh.gov](mailto:joel.gross@cincinnati-oh.gov)>

**Sent:** Monday, September 12, 2022 4:23 PM

**To:** Jodi Heflin <[JHeflin@HNTB.com](mailto:JHeflin@HNTB.com)>; Pacella, Steve <[Steve.Pacella@cincinnati-oh.gov](mailto:Steve.Pacella@cincinnati-oh.gov)>; Barron, Jason <[jason.barron@cincinnati-oh.gov](mailto:jason.barron@cincinnati-oh.gov)>

**Cc:** Mobley, Jenny <[Jenny.Mobley@cincinnati-oh.gov](mailto:Jenny.Mobley@cincinnati-oh.gov)>; Magee, Chris <[chris.magee@cincinnati-oh.gov](mailto:chris.magee@cincinnati-oh.gov)>; Courtney, Crystal <[Crystal.Courtney@cincinnati-oh.gov](mailto:Crystal.Courtney@cincinnati-oh.gov)>; Strunc, Angie <[Angie.Strunc@cincinnati-oh.gov](mailto:Angie.Strunc@cincinnati-oh.gov)>; Williams, Bryan (Urban Planning) <[Bryan.Williams@cincinnati-oh.gov](mailto:Bryan.Williams@cincinnati-oh.gov)>

**Subject:** Brent Spence Bridge Corridor Project, PID 89068; Section 4(f) Official with Jurisdiction (OWJ) Concurrence – Laurel Park

Good Afternoon, Jodi,

My name is Joel Gross and I serve as Division Manager of Planning and Design for Cincinnati Parks. I am writing today on behalf of Parks in response to the attached documents and August 29, 2022, request for comment / concurrence in conjunction with proposed replacement of the bridge at Ezzard Charles Drive. After review, Cincinnati Parks has the following initial comments and concerns:

1. **Alignment with Museum Entrance / Functionality of Reconfigured Drive** – Initial concerns about the new alignment and its consideration to the original transportation design and architectural greenspace layout were discussed with Cincinnati DOTE. We understand that the current alignment was initiated by DOTE as this area is known to frequently be the site of “wrong way on one way” drivers. We understand that the museum and DOTE are considering additional alterations beyond this project to further enhance the museum entrance corridor. Parks will assist in advising with respect to plantings and greenspaces when applicable.

Note: Ezzard Charles Park was formerly designated Laurel Park.

2. **Tree Removal** – As noted, it appears that seven (7) mature trees are being removed in accommodation of the proposed alignment and pavement limits. After Initial conference with DOTE, we understand that the alignment may be able to be shifted such that these trees may be spared. Parks strongly recommends incorporation and protection of these existing trees into the proposed plan. It is especially important to maintain our urban canopy in these areas with few urban planting options. This west end neighborhood is one of the most underserved from a climate resilience standpoint, and we do our best to protect and maintain these trees whenever possible.
3. **Widened Pavement Sidewalk** - We confirmed that the intent of the widened 14' walk is to accommodate a future multi-use path.
4. **Restoration of Previously Paved Area** – Parks recommends proper removal of all roadway and roadbed material to clean subgrade in the area of previous pavement to be restored to greenspace. We understand that currently, maintenance of the median area is performed Parks staff. Please ensure the new greenspace area is properly remediated such that restorative vegetation is properly established and maintainable.
5. **Median Area** – The proposed median area should either be expanded to a minimum 10' wide such that a planted area can be properly installed and maintained. The proposed concrete curb median would be difficult to maintain and is too small for viable plantings.

Thank you for the collaboration at this level of the design. Please let me know if you have any questions or concerns.

Joel Gross, P.E., LEED AP ND | *Division Manager - Planning and Design*  
Cincinnati Park Board | 2625 Reading Road | Cincinnati, OH | 513.475.9600  
[www.cincinnatiiparks.com](http://www.cincinnatiiparks.com)



**From:** Jodi Heflin <[JHeflin@HNTB.com](mailto:JHeflin@HNTB.com)>  
**Sent:** Monday, August 29, 2022 11:23 AM  
**To:** Pacella, Steve <[Steve.Pacella@cincinnati-oh.gov](mailto:Steve.Pacella@cincinnati-oh.gov)>  
**Cc:** [Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov) <[Keith.Smith@dot.ohio.gov](mailto:Keith.Smith@dot.ohio.gov)>; Spinosa, Stefan <[stefan.spinosa@dot.ohio.gov](mailto:stefan.spinosa@dot.ohio.gov)>; Mark Becherer <[mbecherer@HNTB.com](mailto:mbecherer@HNTB.com)>  
**Subject:** [External Email] Brent Spence Bridge Corridor Project, PID 89068; Section 4(f) Official with Jurisdiction (OWJ) Concurrence – Laurel Park

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External Email Communication

Dear Mr. Pacella:

Laurel Park is located at 500 Ezzard Charles Drive in Cincinnati, Ohio in zip code 45214. Portions of Laurel Park, as mapped by the City of Cincinnati, are situated within the existing transportation right-of-way along Ezzard Charles Drive (see attachment).

The Brent Spence Bridge (BSB) Corridor Project will reconstruct the Ezzard Charles Drive bridge over I-75 and replace the two existing one-way bridges with one, two-way bridge. The transition to the new bridge will

slightly alter the vertical profile of Ezzard Charles Drive and shift the roadway north within the existing right-of-way in the vicinity Laurel Park. On the north side of Ezzard Charles Drive, the work will require grading in existing green areas (tree lawns), removing seven trees, and replacing the existing 5-foot sidewalk with a new 14-foot sidewalk. On the south side of Ezzard Charles Drive, a connection to the existing sidewalk will be maintained via a new sidewalk along Winchell Avenue. In addition, an existing median island on Ezzard Charles Drive will be removed.

The area to be impacted is limited to tree lawns, a median, and sidewalks along Ezzard Charles Drive that are within the existing transportation right-of-way and where the primary use is not recreation. The overall pavement area on Ezzard Charles Drive will decrease, and the new pavement will not extend beyond the existing curb line. Although the construction limits will extend beyond the existing roadway right-of-way in some areas, they will remain within an existing slope easement. No permanent impacts to recreational areas within Laurel Park will occur, and there will be no change to the ownership of the land. During construction, access to Laurel Park will be maintained, and the project will not interfere with the activities, features, or attributes of the park on either a temporary or permanent basis. Following construction, areas no longer occupied by roadway pavement will be restored, and the area will be returned to the same use as exists today.

Construction of Phase II of the BSB Corridor Project (which includes Laurel Park) is anticipated to begin in 2025 and be substantially complete by 2029.

Due to the use of federal funds, the proposed transportation project is subject to the requirements of Section 4(f) of the *Department of Transportation (DOT) Act of 1966*, which affords protection to publicly owned parks, recreation areas, and wildlife and waterfowl refuges. The purpose of this correspondence is to document that the Official with Jurisdiction concurs with the measures to minimize harm and the assessment of impacts.

The following measures to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the NEPA document:

- Access to recreational areas of Laurel Park shall be maintained at all times, except for the time needed to temporarily occupy the property, which shall be less than the time needed for construction of the project.
- Temporary construction fencing shall be installed along proposed construction limits prior to the start of construction activities to protect the Section 4(f) property and the public.
- Appropriate signage shall be installed to alert users of Laurel Park to construction activities, access restrictions or closures, and to direct users to secondary access points.
- Areas no longer occupied by roadway pavement will be restored.
- The area will be returned to the same use as exists today.
- The contractor shall be required to closely coordinate the construction schedule with ODOT and the City of Cincinnati prior to the start of construction activities.

In accordance with 23 CFR 774.13(d), the temporary occupancy of land associated with Laurel Park will not constitute a "use", based on the following assessment:

- The duration of occupancy is temporary and less than the time needed for construction of the project, and no permanent change in ownership of the land will occur
- The scope of work is minor, in that both the nature and magnitude of the changes to the existing Section 4(f) property are minimal
- There are no anticipated permanent adverse physical impacts, nor interference with the protected recreational activities, features, or attributes of the Section 4(f) property on either a temporary or permanent basis
- And any land to be disturbed will be fully restored and returned to a condition which is at least as good as that which existed prior to the project

Based on the scope of the proposed project and type of work, no permanent restriction of access or incorporation of land from Laurel into a transportation facility will occur. If you concur with the measures to

Note: Ezzard Charles Park was formerly designated Laurel Park.

minimize harm and the assessment of impacts in regard to the proposed undertaking, please indicate as such by responding accordingly to this e-mail no later than September 12.

Thank you for your time and cooperation on this matter. If you have questions and/or concerns, please feel free to contact me at [jheflin@hntb.com](mailto:jheflin@hntb.com) or (216) 633-2638.

cc: EnviroNet Project File

**Jodi S. Heflin, PE**

Traffic and Planning

Tel (216) 633-2638 Email [jheflin@hntb.com](mailto:jheflin@hntb.com)

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

**Ohio Division**  
January 31, 2023

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

In Reply Refer To:  
HDA-OH

**ELECTRONIC CORRESPONDENCE ONLY**

Jack Marchbanks, Ph.D.  
Director  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

Subject: Firefighters Memorial and Laurel Park Section 4(f) Determination  
Brent Spence Bridge Corridor Project  
Kenton County, Kentucky and Hamilton County, Ohio  
KYTC Item Number: 6-17; ODOT PID Number: 116649

Dear Director Marchbanks:

On December 16, 2022, the Department provided an evaluation of impacts to the following Section 4(f) properties in Cincinnati, Ohio:

- Greater Cincinnati Firefighters Memorial, 537 Central Avenue in Cincinnati, Ohio, 45230
- Laurel Park, 500 Ezzard Charles Drive, Cincinnati, Ohio, 45214

Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) are excepted from the requirements of Section 4(f) approval. The following conditions must be satisfied:

- (1) Duration must be temporary, *i.e.*, less than the time needed for construction of the project, and there should be no change in ownership of the land;
- (2) Scope of the work must be minor, *i.e.*, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- (4) The land being used must be fully restored, *i.e.*, the property must be returned to a condition which is at least as good as that which existed prior to the project; and
- (5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Based on the documentation provided and reviewed, FHWA has determined the proposed temporary occupancy of these two properties, meets the exception of the requirement for Section 4(f) approval. This determination is in accordance with 23 CFR 774.13(d)(1-5).

If you have any questions or comments, please contact Tim Long, Planning, Environment and Realty Team Leader, at (614) 280-6879, or [timothy.long@dot.gov](mailto:timothy.long@dot.gov).

Sincerely,

For: Laura S. Leffler  
Division Administrator



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

**Kentucky Division**

March 21, 2023

330 West Broadway  
Frankfort, KY 40601

PH (502) 223-6720

FAX (502) 223-6735

<http://www.fhwa.dot.gov/kydiv>

Mr. Craig Potts  
Executive Director  
and State Historic  
Preservation Officer  
410 High Street  
Frankfort, KY 40601

In Reply Refer To:  
HDA-KY

Dear Mr. Potts:

Thank you for your ongoing coordination with the Kentucky Transportation Cabinet (KYTC) regarding impacts to historic properties resulting from the Brent Spence Bridge Replacement/Rehabilitation Project, in Kenton County, Kentucky (KYTC Item Number: 6-17).

Based on the project's selected alternative, small property acquisitions will be required from the Elberta Apartments Historic District (KE-07; KE-08) and from the Hillsdale Subdivision Historic District (KE-13). These impacts include the acquisition of 0.42 acres (0.39 acres of permanent easement and 0.03 acres proposed right of way) from the Elberta Apartments Historic District; and 0.06 acres of proposed right of way from the Hillsdale Subdivision Historic District. The enclosed mapping identifies the boundaries of these eligible historic districts and the location of project impacts within each district.

The enclosed November 7, 2022 letter from the KYTC to the Kentucky State Historic Preservation Officer (KY-SHPO), includes the determination that the Elberta Apartments Historic District and the Hillsdale Subdivision Historic District are eligible for the National Register of Historic Places. It also includes the determination that the project impacts will result in **No Adverse Effects** on either historic district. The KY-SHPO's enclosed November 17, 2022 letter concurred with **No Adverse Effects** determinations for the Elberta Apartments Historic District (KE-07; KE-08) and the Hillsdale Subdivision Historic District (KE-13), in accordance with 36 CFR 800.

Based upon the **No Adverse Effects** determinations and the KY-SHPO's concurrence, we now find that the Brent Spence Bridge Replacement/Rehabilitation Project will have de minimis 4(f) use impacts (defined by 23 CFR 774.3 and 23 CFR 774.17) on both the Elberta Apartments Historic District and the Hillsdale Subdivision Historic District.

Please contact me at [John.Ballantyne@dot.gov](mailto:John.Ballantyne@dot.gov) or (502) 223-6747 if you have any comments or questions.

Sincerely,

**JOHN D  
BALLANTYNE**

John D. Ballantyne

Lead Transportation Specialist

Digitally signed by JOHN D  
BALLANTYNE  
Date: 2023.03.21 13:00:45 -04'00'



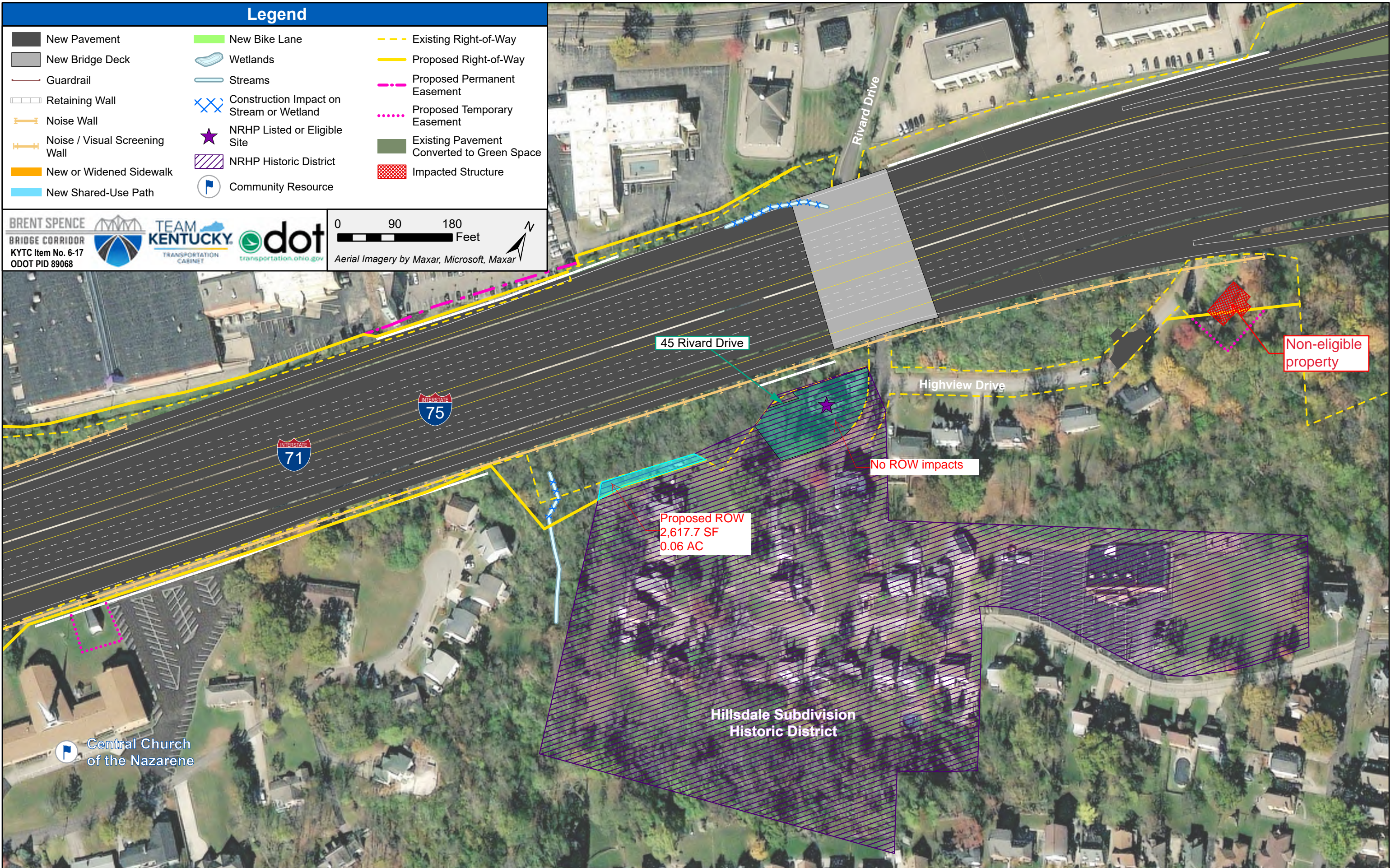
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|--|-------------------------------|--|--|--|--|
|  | New Pavement                  |  | New Bike Lane                            |  | Existing Right-of-Way                      |
|  | New Bridge Deck               |  | Wetlands                                 |  | Proposed Right-of-Way                      |
|  | Guardrail                     |  | Streams                                  |  | Proposed Permanent Easement                |
|  | Retaining Wall                |  | Construction Impact on Stream or Wetland |  | Proposed Temporary Easement                |
|  | Noise Wall                    |  | NRHP Listed or Eligible Site             |  | Existing Pavement Converted to Green Space |
|  | Noise / Visual Screening Wall |  | NRHP Historic District                   |  | Impacted Structure                         |
|  | New or Widened Sidewalk       |  | Community Resource                       |  |  |
|  | New Shared-Use Path           |  |  |  |  |

KYTC Item No. 6-17  
 ODOT PID 89068

0 90 180 Feet

Aerial Imagery by Maxar, Microsoft, Maxar



# Legend

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|--|-------------------------------|--|--|--|--|
|  | New Pavement                  |  | New Bike Lane                            |  | Existing Right-of-Way                      |
|  | New Bridge Deck               |  | Wetlands                                 |  | Proposed Right-of-Way                      |
|  | Guardrail                     |  | Streams                                  |  | Proposed Permanent Easement                |
|  | Retaining Wall                |  | Construction Impact on Stream or Wetland |  | Proposed Temporary Easement                |
|  | Noise Wall                    |  | NRHP Listed or Eligible Site             |  | Existing Pavement Converted to Green Space |
|  | Noise / Visual Screening Wall |  | NRHP Historic District                   |  | Impacted Structure                         |
|  | New or Widened Sidewalk       |  | Community Resource                       |  |  |
|  | New Shared-Use Path           |  |  |  |  |

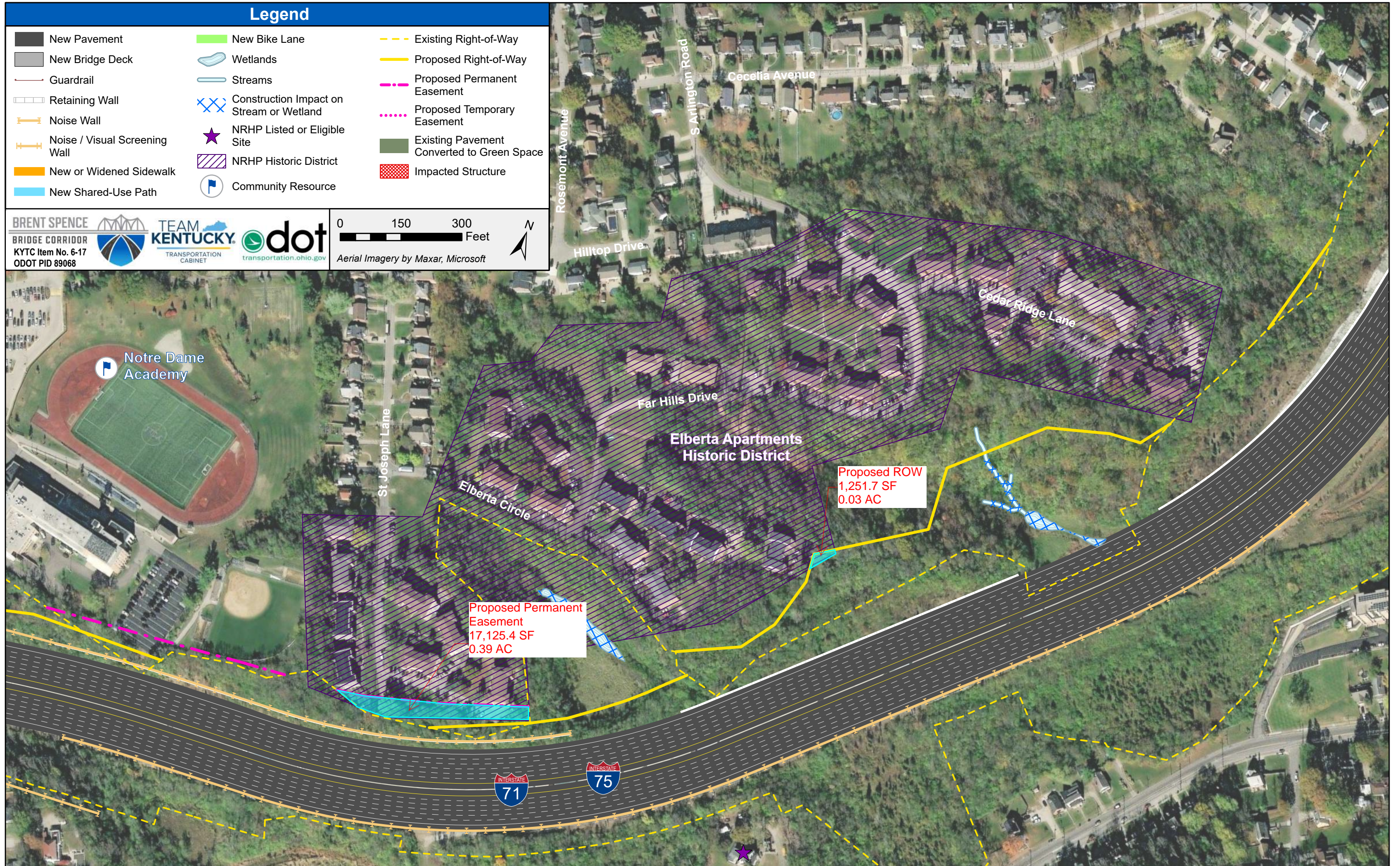
BRENT SPENCE  
 BRIDGE CORRIDOR  
 KYTC Item No. 6-17  
 ODOT PID 89068

TEAM KENTUCKY  
 TRANSPORTATION CABINET

dot  
 transportation.ohio.gov

0 150 300 Feet

Aerial Imagery by Maxar, Microsoft





Andy Beshear  
GOVERNOR

# TRANSPORTATION CABINET

200 Mero Street  
Frankfort, Kentucky 406 01

Jim Gray  
SECRETARY

November 7, 2022

Mr. Craig Potts  
Executive Director and  
State Historic Preservation Officer  
The Barstow House  
410 High Street  
Frankfort, KY 40601

**SUBJECT:** Revised Cultural Historic Survey for the Brent  
Spence Bridge Project in Covington, Kenton  
County, Kentucky  
KYTC Item No. 6-17

Dear Mr. Potts:

Please find the revised Cultural Historic Survey and survey forms submitted with this transmittal. After a concurrent review discussion, KYTC is now requesting concurrence for eligibilities and effects.

During their survey, Cardno now Stantec (Cardno) identified 214 historic-age resources within the area of potential effects: 97 were previously documented while 117 were newly recorded. Five previously NRHP-listed historic districts and two newly recommended historic districts are included in the number of previously documented resources.

Table 1 presents KYTC/FHWA’s eligibility and effects determinations for the NRHP-listed and individually eligible resources.

**Table 1. NRHP-Listed and Individually Eligible Resources**

KHC Survey No.	Site Name	NRHP Status	KYTC Effect Determination
KE-07 and KE-08	Elberta Apartments Historic District*	Eligible	No Adverse Effect
KE-09	West Side/Main Strasse Historic District	Listed	No Adverse Effect
<b>KE-10</b>	<b>Lewisburg Historic District</b>	<b>Listed</b>	<b>Adverse Effect</b>
KE-11	Old Ft. Mitchell Historic District	Listed	No Effect
KE-12	Beechwood Historic District	Listed	No Effect
KE-13	Hillsdale Historic District*	Eligible	No Adverse Effect
KE-952	Sisters of Notre Dame Convent and Cemetery	Eligible	No Effect
KEC-107	C&O Railroad Bridge	Eligible	No Adverse Effect
KEC-456	1000 Emery Drive (House)	Eligible	No Effect
KEC-458	45 Rivard Drive (House)	Eligible	No Adverse Effect
KEC-460	829-831 Highway Avenue (House)	Eligible	No Effect

KEC-462	Bavarian Brewery Bottling Works/Glier's Goetta	Eligible	No Adverse Effect
KEC-820	Brent Spence Bridge	Eligible	No Adverse Effect
KEC-1011	534 West 13 <sup>th</sup> Street (House)	Eligible	No Adverse Effect
KEC-1038	626 W. 5 <sup>th</sup> Street (Quality Inn)	Eligible	No Adverse Effect
KEC-1048	224 Wright Street (Futuro House)	Eligible	No Effect
KEC-1064	402 Bakewell Street (Commercial Building)	Eligible	No Effect
KEC-1068	Covington Levee	Eligible	No Adverse Effect
KEC-1075	Clay Wade Bailey Bridge	Eligible	No Adverse Effect
KECL-692	536 West 13 <sup>th</sup> Street (House)	Eligible	No Adverse Effect
KECL-815	Bavarian Brewing Co./Kenton County Govt. Center	Listed	No Adverse Effect
KECL-1018	521 Western Ave (House)	Eligible	No Effect
KEFM-150	Highland Cemetery Historic District	Listed	No Effect

\*Newly recommended historic districts.

Cardno also recommended KECL-1055, a Northern Kentucky townhouse, as eligible for the NRHP as well as an adverse effect finding for the site. KYTC disagrees with the eligibility and effect recommendations for KECL-1055. Site KECL-1055 has had its integrity of materials, workmanship, and design impacted by the application of vinyl siding on at least two sides of the structure and the removal of a one-story rear addition and a covered porch on the south side. The addition and porch appear on the 1909 Sanborn Fire Insurance Map (Sanborn), the first Sanborn map that covers the portion of Covington where KECL-1055 is located. By the 1949 Sanborn, the addition was removed. The covered porch was removed between the 1954 Sanborn and the 2009 architectural fieldwork conducted in support of the 2010 Brent Spence Bridge project<sup>1</sup>. KYTC determines KECL-1055 not eligible for the NRHP and the proposed project will have no effect on this site.

One previously NRHP-listed resource, the Bavarian Brewing Co./Kenton Co. Govt. Center (KECL-815) was revisited and an update to the existing NRHP boundary was recommended by Cardno. The revised NRHP boundary for this site will expand to encompass the original bottling works (KEC-462), now Glier's Goetta, and eliminate the parking lots on the east and west sides from the NRHP boundary. As there is documentary evidence to show the building which now houses Glier's Goetta once served at the bottling works for the Bavarian Brewery, KYTC concurs with this recommendation and the proposed project will have no effect on these sites. Please see the attached map showing the proposed revised NRHP boundary for KECL-815/KEC-462.

In addition to the individually eligible or NRHP-listed resources and the recommended or NRHP-listed historic districts, Cardno identified contributing resources to several of the historic districts. Table 2 features contributing resources to the NRHP-listed Lewisburg Historic District (LHD) and the West Side/Main Strasse Historic District (WSMSHD). These resources were evaluated due to proposed takings for their respective parcels. The takings proposed for the WSMSHD sites have been withdrawn as the project design has been altered to eliminate the need for the takings.

<sup>1</sup> Parsons Brinckerhoff Americas and Gray & Pape, Inc. Phase I History/Architecture Survey – Kenton County, Kentucky. April 2010.

**Table 2. NRHP-Listed Historic Districts and their Contributing Resources within the APE**

<b>Lewisburg Historic District (KE-010)</b>					
Previously Listed as Contributing to Lewisburg; Not Individually Eligible	KECL-115	KECL-136	KECL-983	KECL-987	
	KECL-117	KECL-137	KECL-986	KECL-988	
	KECL-119	–	–	–	
<b>West Side/Main Strasse Historic District (KE-09)</b>					
Previously Listed as Contributing to West Side/Main Strasse	KEC-1023	KEC-1026	KEC-1028	KEC-1030	
	KEC-1024	KEC-1027	KEC-1029	KEC-1031	
	KEC-1025	–	–	–	

Cardno recommended an Adverse Effect finding for the project based on the impacts to the LHD. Within the portion of the LHD located within the APE, nine sites (KECL-115; KECL-117; KECL-119; KECL-136; KECL-137; KECL-983; KECL-986; KECL-987; and KECL-988) were identified as contributing resources to the district, but not individually eligible. All of the LHD contributing resources listed in Table 2 will be impacted by partial and complete takings. For the currently proposed version of the project, the design will require fewer takings overall to the LHD than the 2011 version of the project. These takings will impact the Lewisburg Historic District, resulting in an Adverse Effect.

An expansion for the West Side/Main Strasse Historic District (KE-09) to the south of the existing district was also recommended by Cardno. The following sites are recommended for the expansion: KEC-462; KECL-815; KEC-626; KEC-1013; and KECL/KEC-918. KYTC concurs with this recommendation. Please see the attached map showing the proposed NRHP boundary expansion/revision.

Table 3 provides the contributing resources for the Elberta Apartments Historic District (EAHD) and the Hillsdale Historic District (HHD). These resources were identified as they were located within the APE and not part of an existing NRHP-listed historic district.

**Table 3. Recommended Historic Districts and their Contributing Resources within the APE**

<b>Elberta Apartments Historic District (KE-07 and KE-08)</b>					
Not Individually Eligible; Contributing to Elberta Apartments Historic District	KE-953	KE-964	KE-984	KEC-459	
	KE-954	–	–	–	
<b>Hillsdale Historic District (KE-013)</b>					
Individually Eligible; Contributing to Hillsdale Historic District	KEC-458	–	–	–	
	Not Individually Eligible; Contributing to Hillsdale Historic District	KE-925	KE-926	–	–

Two new historic districts have been proposed within the APE: Hillsdale Historic District (KE-013) and Elberta Apartments Historic District (KE-07 and KE-08). Both proposed districts are recommended eligible under Criterion A in the area of significance Community Planning and Development. Within the portion of the Elberta Apartments Historic District located within the APE, five sites (KE-953; KE-964; KE-984; KEC-459; and KE-954) are contributing resources, but not individually eligible. Within the portion of the Hillsdale Historic District located within the APE, one site (KEC-458) is individually eligible for the NRHP under Criteria C and a contributing resource to the district, while two sites (KE-925 and KE-926) are contributing resources, but not individually eligible. KYTC concurs with this recommendation and the

proposed project will have no effect on either of these districts. Please see the attached maps showing the proposed NRHP boundaries for each of these proposed districts.

Sites KEC-1062, KEC-1063, and KEC-1065 are recommended by Cardno as contributing resources to the C&O Railroad Bridge. These sites are a single unit and, even though they have separate bridge numbers for inspection purposes, they comprise a single linear structure: the 1929 C&O Covington Viaduct. The mile-long C&O Covington Viaduct serves as the 1929 C&O Railroad Bridge approach. KYTC concurs with these sites contributing resources to the C&O Railroad Bridge and the project will have No Adverse Effect on these sites.

Finally, KYTC determines 149 resources to be not individually eligible for the NRHP under any criteria and do not contribute to a historic district. The proposed project will have no effect on these sites. See Table 4 for the complete list.

**Table 4. Surveyed Resources Not Eligible for the NRHP and Do Not Contribute to a Historic District**

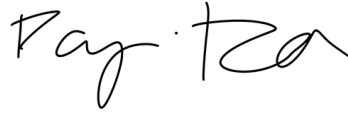
KE-659	KE-941	KEC-1021	KEC-1056	KECL-1027	KECL-1049	KEFM-310
KE-661	KE-942	KEC-1033	KEC-1057	KECL-1028	KECL-1050	KEFM-311
KE-915	KE-949	KEC-1034	KEC-1058	KECL-1029	KECL-1051	KEFM-312
KE-916	KE-950	KEC-1035	KEC-1059	KECL-1030	KECL-1052	KEFM-313
KE-917	KE-951	KEC-1037	KEC-1060	KECL-1031	KECL-1053	KEFM-314
KE-918	KE-985	KEC-1039	KEC-1061	KECL-1032	KECL-1054	KEFM-315
KE-919	KE-986	KEC-1040	KEC-1066	KECL-1033	KECL-1056	KEFM-316
KE-920	KE-987	KEC-1041	KEC-1067	KECL-1034	KECL-1057	KEFM-317
KE-921	KE-988	KEC-1042	KECL-221	KECL-1035	KECL-1058	KEFM-318
KE-922	KE-989	KEC-1043	KECL-1014	KECL-1036	KECL-1059	KEFM-319
KE-923	KE-990	KEC-1044	KECL-1015	KECL-1036	KEFM-287	KEFM-320
KE-924	KEC-430	KEC-1045	KECL-1016	KECL-1037	KEFM-289	KEFM-321
KE-927	KEC-457	KEC-1046	KECL-1017	KECL-1038	KEFM-290	KEFM-322
KE-932	KEC-461	KEC-1047	KECL-1019	KECL-1039	KEFM-301	KEFM-323
KE-933	KECL-817/KEC-817*	KEC-1049	KECL-1020	KECL-1040	KEFM-302	KEFM-324
KE-934	KEC-1012	KEC-1050	KECL-1021	KECL-1042	KEFM-304	KEFM-325
KE-935	KEC-1015	KEC-1051	KECL-1022	KECL-1044	KEFM-305	KEFM-326
KE-936	KEC-1016	KEC-1052	KECL-1023	KECL-1045	KEFM-306	KEFM-327
KE-937	KEC-1017	KEC-1053	KECL-1024	KECL-1046	KEFM-307	KEFM-331
KE-938	KEC-1018	KEC-1054	KECL-1025	KECL-1047	KEFM-308	KEFM-333
KE-939	KEC-1019	KEC-1055	KECL-1026	KECL-1048	KEFM-309	KEFM-334
KE-940	KEC-1020	–	–	–	–	–

\*KECL-817/KEC-817 (533 Pike Street, Covington, KY) has two KHC survey numbers. This property was previously documented as KECL-817 in Parsons Brinckerhoff Americas and Gray & Pape, Inc., 2010.

In summary, KYTC determines a project finding of **Adverse Effect** due to the impacts to the NRHP-listed Lewisburg Historic District and its contributing resources.

KYTC is requesting concurrence with the above eligibility and effects determinations at your earliest convenience. If you have any questions, please contact Stephanie Lechert or me at 502-782-5038.

Sincerely,

A handwritten signature in black ink, appearing to read "Danny R. Peake". The signature is fluid and cursive, with the first name "Danny" and last name "Peake" clearly distinguishable.

Danny R. Peake, Director  
Division of Environmental Analysis

DRP/sel

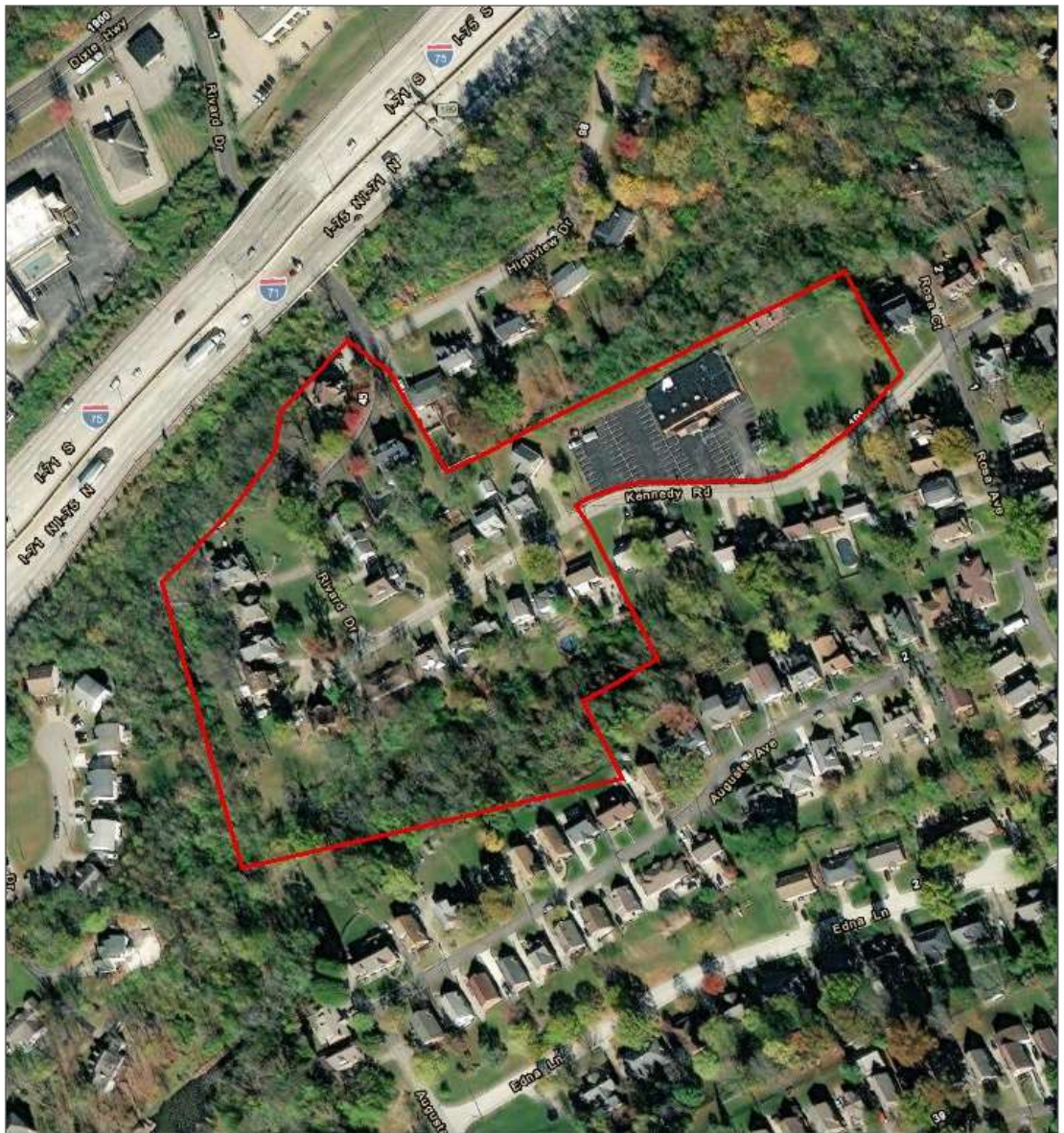
Enclosures

cc: M. Yagle (KHC), S. Schurman (DEA), S. Hans (D-6), S. James (D-6), S. Lechert (DEA), J. Ballentine (FHWA), M. Diop (FHWA), J. Heflin (HNTB)









0 0.04 Miles  
 0 0.045 Kilometers

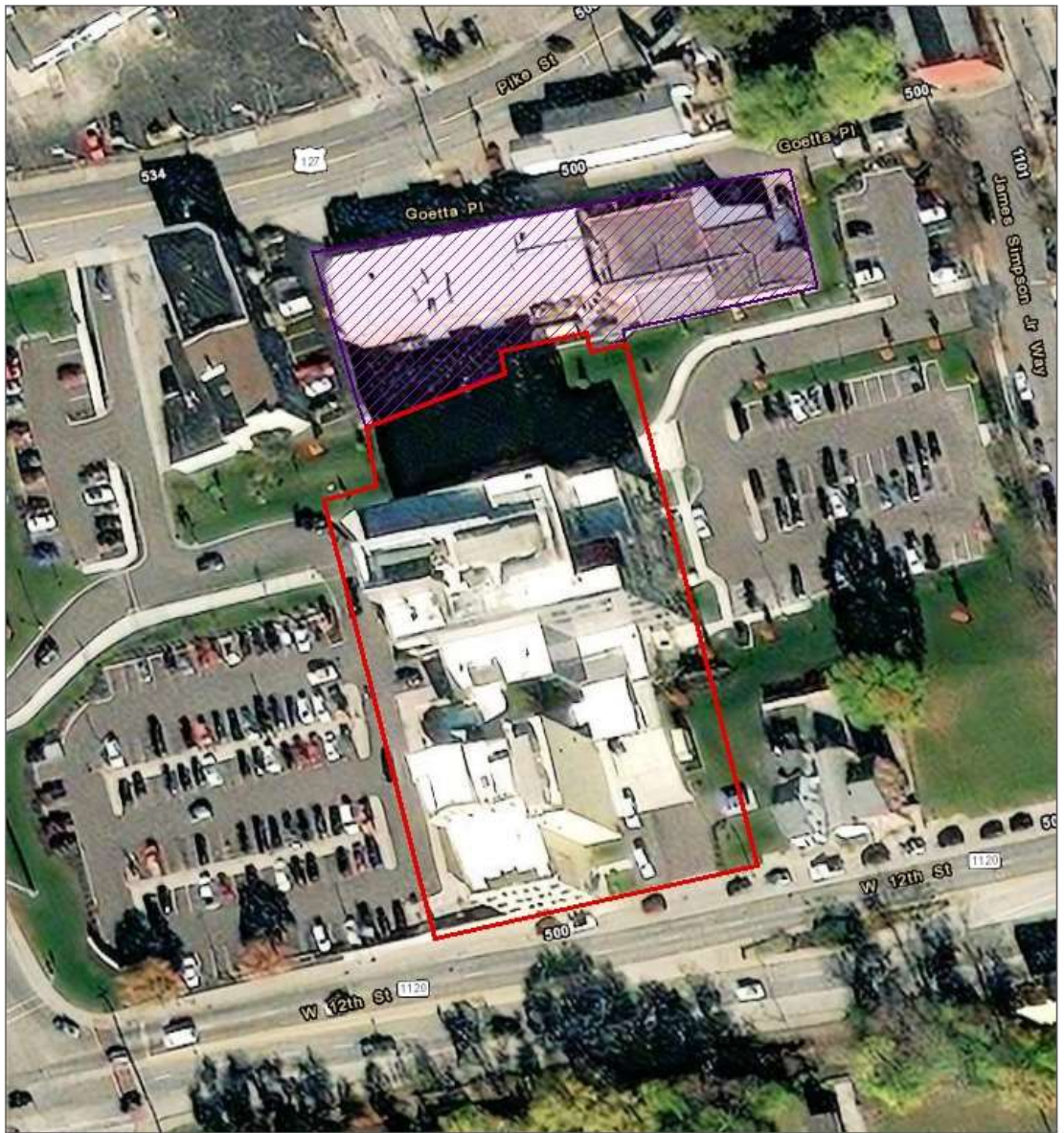
7.5' Quad angle:  
 Covington, KY  
 Project No.  
 XXXXX

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**Hillsdale Historic District  
 Proposed NRHP Boundary**  
 Brent Spence Bridge Renewal Project (6-17)  
 Covington, Kenton County, Kentucky

NRHP Boundary

**Cardno**  
 3001 Industrial Blvd, Indianapolis, IN 46254  
 Phone (317) 211-388-1982 Fax (317) 211-388-1988  
 www.cardno.com



0 0.015 Miles  
 0 0.015 Kilometers

-  Recommended NRHP Boundary
-  Recommended NRHP Boundary Increase

7.5' Quad angle:  
 Covington, KY  
 Project No.  
 XXXXX

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## The Bavarian Brewery Company Proposed NRHP Boundary

### Brent Spence Bridge Renewal Project (6-17) Covington, Kenton County, Kentucky



FOR



3001 Industrial Blvd., Independence, MO 64524  
 Phone: (417) 311-385-1942 Fax: (417) 311-385-1989  
[www.stantec.com](http://www.stantec.com)



ANDY BESHEAR  
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET**  
**KENTUCKY HERITAGE COUNCIL**  
**THE STATE HISTORIC PRESERVATION OFFICE**

MICHAEL E. BERRY  
SECRETARY

JACQUELINE COLEMAN  
LT. GOVERNOR

410 HIGH STREET  
FRANKFORT, KENTUCKY 40601  
(502) 564-7005  
[www.heritage.ky.gov](http://www.heritage.ky.gov)

CRAIG A. POTTS  
EXECUTIVE DIRECTOR &  
STATE HISTORIC PRESERVATION OFFICER

November 17, 2022

Mr. Daniel R. Peake  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street Frankfort, KY 40622

**Re: Revised Cultural Historic Survey for the Brent  
Spence Bridge Project in Covington, Kenton  
County, Kentucky  
KYTC Item No. 6-17**

Dear Mr. Peake,

Thank you for your digital submission of the revised Cultural Historic Survey and survey forms for the above-listed project which is 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.

Our office understands that the above proposed project involves an eight-mile interstate widening project between Dixie Highway in Kentucky and Ezzard Charles Drive in Ohio, with approximately six miles of the project in Kentucky. We understand that the project also includes the construction of a new companion bridge adjacent to the existing Brent Spence Bridge, reconstructed interchanges and overpasses, new frontage roads, upgraded drainage facilities, relocated utilities, expanded sidewalks and new multiuse facilities, retaining walls, and noise walls are also proposed. We understand that a total of 214 historic-age resources within the area of potential effects were identified: Ninety-seven were previously documented while 117 were newly recorded. Five previously National Register (NR) listed historic districts and two newly recommended historic districts were identified within the APE.

We understand FHWA/KYTC's eligibility and effects determinations as outlined in Tables #1, #2, #3, and #4 of your November 7, 2022 letter. We also understand that FHWA/KYTC has proposed a revised NR boundary for Bavarian Brewing Co./Kenton Co. Govt. Center (KECL-815) that will expand to encompass the original bottling works (KEC-462), now Glier's Goetta, and eliminate the parking lots on the east and west sides from the NR boundary. We also understand that an expansion for the West Side/Main Strasse Historic District (KE-09) to the south of the existing district has been proposed. The following sites are recommended for the expansion: KEC-462; KECL-815; KEC-626; KEC-1013; and KECL/KEC-918.

We understand that KYTC has determined that the project will have an Adverse Effect due to the impacts to the NRHP-listed Lewisburg Historic District and its contributing resources. We understand from the report that several properties including National Register-listed contributing elements FS 209/KECL-115 and FS 213/KECL-136 will need to be acquired and demolished. Additionally, strip takings from the eastern property boundaries of National Register-listed contributing elements FS 210/KECL-117, FS 211/KECL-119, and FS 214/KECL-137 will also be required. The paved portion of the interstate and/or local roads will also be placed generally closer to the district and the undertaking will encroach on the eastern National Register boundary and require its narrowing around Bullock, 11th, and 12th Streets.

Based on our review, our office agrees with the eligibility findings as outlined in your November 7<sup>th</sup>, 2022 letter and with the NRHP boundary modifications and as a result, **Concur** with your eligibility determinations and finding of **Adverse Effect**.

We would like to thank FHWA, KYTC and the design team for their efforts to avoid impacts to the West Side/Mainstrasse Historic District. We look forward to continued consultation as the MOA is developed. Should you have any questions, please feel free to contact Matt Yagle of my staff at [matthew.yagle@ky.gov](mailto:matthew.yagle@ky.gov).

Sincerely,



Craig A. Potts,  
Executive Director and State Historic Preservation Officer

CP: my, KHC #220186; 66015  
CC: Stephanie Lechert (KYTC-DEA)

**From:** [Baughman, Pamela \(FHWA\)](#)  
**To:** [environmental\\_review@ios.doi.gov](mailto:environmental_review@ios.doi.gov)  
**Cc:** [Newman, April L](#); [Long, Timothy \(FHWA\)](#); [Toni, Melissa \(FHWA\)](#); [Ballantyne, John \(FHWA\)](#); [Diop, Mour \(FHWA\)](#); [Clarke, David \(FHWA\)](#); [Brueggeman, Louis C](#); [Darby, Valincia](#); [Nelson, John V](#)  
**Subject:** DOI/NPS Review of Revised Section 4(f) Evaluation - Brent Spence Bridge Corridor Project  
**Date:** Monday, December 18, 2023 2:18:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Hello,

On behalf of the Ohio and Kentucky Divisions, we are transmitting a copy of the Revised Section 4(f) Evaluation for the Brent Spence Bridge Corridor Project and requesting review and comment based on your areas of expertise.

This review is being requested on a compressed and concurrent timeframe with internal FHWA HEP and Divisions review, in addition to FHWA legal sufficiency review, as well as review by external Cooperating Agencies.

Review of these revised documents is being requested to be completed by noon on **Thursday, December 21st**, so that any comments for resolution can be compiled and transmitted to the Project Team by COB on **Friday, December 22<sup>nd</sup>** prior to the holiday break; however, comments must be transmitted **no later than Thursday, January 4<sup>th</sup>** for a comment resolution meeting with the Project Team on **Friday, January 5<sup>th</sup>**.

The next Federal Agency Coordination Meeting is scheduled for **Tuesday, December 19th**; however, if you have any questions, or would like to discuss specific comments, please reach out via email, chat, or phone at any time.

Please let me know if you have any questions about this request, the schedule, or any trouble accessing the documents as outlined below:

- **Revised Draft Section 4(f) Evaluation:**
  - Clean Revised: [2023-12-14\\_Draft Individual Section 4\(f\)-Clean.docx](#)
  - Appendices: [2023-12-14\\_Draft Individual Section 4\(f\)-Appendices.pdf](#)
  - Redline: [2023-11-01\\_Draft Individual Section 4\(f\)-Redline.docx](#)
- Comments can be made in the **CLEAN** documents as comments or track changes, or in the spreadsheet provided here: [BSB Revised SEA Review Comment Matrix-External.xlsx](#). The spreadsheet for comments contains tabs for the overall SEA and for each technical report. **If your agency prefers to provide correspondence or comments in another way, please address those comments and correspondence to my attention provided in the signature below.**
- Please note that there are Word documents for the main body and pdfs for the Appendices. **\*\*Please also note that in review of the BSB SEA and technical reports, particularly Word documents, it is recommended that you choose "Open in Desktop App" to make comments or reference section headings for the spreadsheet.** Due to file size considerations, the resolution of the figures in the supplemental EA are substantially reduced.

They will be replaced with full resolution versions once the document is converted to a full pdf. All pdfs are bookmarked for ease of navigation.

Additional project documentation is provided for reference below; copies of these documents have been provided to Cooperating Agencies, including NPS, for review and comment along with the Draft Section 4(f) Evaluation:

- **BSB Supplemental EA:**
  - Clean Revised:  [2023-12-14\\_BSB Supplemental EA-CLEAN.docx](#)
  - Appendices:  [2023-12-14\\_BSB Supplemental EA-Appendices.pdf](#)
  - Redline:  [2023-11-01\\_BSB Supplemental EA-REDLINE.docx](#)
- **Environmental Justice Analysis Report:**
  - Clean Revised:  [2023-12-14\\_Environmental Justice Analysis-Clean.docx](#)
  - Appendices:  [2023-12-14\\_Environmental Justice Analysis-Appendices.pdf](#)
  - Redline:  [2023-11-01\\_Environmental Justice Analysis-Redline.docx](#)
- **Public Involvement Summary:**
  - Clean Revised:  [2023-12-14\\_Public Involvement Summary-Clean.docx](#)
  - Appendices:  [2023-12-14\\_Public Involvement Summary-Appendices.pdf](#)
  - Redline:  [2023-11-01\\_Public Involvement Summary-Redline.docx](#)
- **Socioeconomic Report:**
  - Clean Revised:  [2023-12-14\\_Socioeconomic Technical Report-Clean.docx](#)
  - Appendices:  [2023-12-14\\_Socioeconomic Technical Report-Appendices.pdf](#)
  - Redline:  [2023-11-01\\_Socioeconomic Technical Report-Redline.docx](#)
- Please also note that the **Ohio Noise report** has been revised based on draft comments and can be found here:  [2023-10\\_OH BSB Noise Analysis Report with Appendices.pdf](#)
- The supplemental EA contains some placeholders for document links to a few reports, which will be updated once those reports are approved and made available on the project website ([Brent Spence Bridge | Investing in Local Communities, Growing America's Economy \(brentspencebridgecorridor.com\)](#)).

Please do not hesitate to reach out with any comments, questions, or concerns.

Thanks,  
Pam

**Pamela Baughman**  
U.S. DOT | FHWA Ohio Division  
Environmental Program Manager  
(614) 280-6835  
[Pamela.Baughman@dot.gov](mailto:Pamela.Baughman@dot.gov)

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# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

January 3, 2024

4112.1  
ER23/0515

Pamela Baughman, Environmental Program Manager  
Federal Highway Administration  
Ohio Division  
200 North High Street, Rm 328  
Columbus, Ohio 43215

**RE: Draft Individual 4(f) Evaluation for the Brent Spence Bridge Corridor Project,  
Hamilton County, Ohio, and Kenton County, Kentucky**

Dear Pamela Baughman,

The Department of the Interior (Department) has reviewed the draft Section 4(f) evaluation for the subject project proposing the replacement and/or rehabilitation the I-71/I-75 corridor of the Brent Spence Bridge (BSB) structure and improvements to its approaches and surrounding transportation system. The project area is located within Hamilton County, Ohio and Kenton County, Kentucky. Federal Highway Administration (FHWA) is the lead agency for this project's Section 4(f) evaluation.

**Section 4(f) Properties**

The draft Section 4(f) evaluation considers effects under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303) associated with the project. Section 4(f) applies to publicly owned parks, recreation areas, wildlife and waterfowl refuges, or significant historic resources. Implementation of the proposed action would result in impacts to public parks, historic structures, and historic districts.

Hillsdale Subdivision Historic District

The Hillsdale Subdivision was established in 1916 and includes 19 single family residences and one additional building. It is recommended as eligible for listing on the National Register of Historic Places (NRHP) under Criterion A as a good example of the development and growth of a Northern Kentucky subdivision from a settlement-era farmstead into a more traditional post-World War II suburb. The interstate widening will place the highway lanes closer to the Hillsdale Subdivision Historic District and will acquire 0.06 acre of new strip right-of-way along the back



property line of one contributing element however no buildings within the district will be removed. Due to noise impacts a 20-foot high noise barrier has been proposed but will be constructed outside the NRHP boundary.

#### Elberta Apartments Historic District

The Elberta Apartment Historic District was established in the mid-late twentieth century and consist of a leasing office building and a 32-unit apartment building of four different arrangements across four clusters. It is recommended as eligible for listing on the NRHP at the local level under Criterion A with a period of significance encompassing its period of development from the late 1940s through the 1970s and with its leasing office building as well as all of its 32 apartment buildings being contributing elements. The project will acquire 0.39 acre of permanent easement from three contributing elements and 0.03 acre of new strip right-of-way from one contributing element. A proposed retaining wall will be located outside of the proposed NRHP boundary and will have minimal visibility from the Elberta Apartments Historic District. Due to noise impacts a 18-20-foot high noise barrier has been proposed but will be constructed outside the NRHP boundary.

#### Goebel Park Complex

The Goebel Park Complex is owned by the City of Covington and includes three interconnected public parks: Goebel Park, Kenney Shields Park, and the SFC Jason Bishop Memorial Dog Park. The Goebel Park Complex is not eligible for the NRHP, and the resources located in the park, including a Carroll Chimes Clock Tower, are not yet of sufficient age to be considered eligible for the NRHP. Changes in the use of the Goebel Park Complex would not affect these resources. The project will acquire 2.84 acres of permanent right-of-way and 0.07 acre of temporary easement from the Goebel Park Complex, as shown in Exhibit 5 (Appendix A). The land to be acquired includes 0.50 acre in Kenney Shields Park, which is currently being utilized for two basketball courts and associated resources such as parking and sidewalks providing access to the courts. The project proposes noise/visual screening barriers that will vary in height from 16 to 24 feet, as required to achieve noise reduction goals at different locations along the length of the barriers and will improve the viewshed due to the incorporation of aesthetic treatments on the barriers.

#### Lewisburg Historic District

The Lewisburg Historic District is comprised of about 430 buildings situated in a mixed-use urban setting. Architectural styles and types represented most frequently include Italianate, Gothic Revival, Queen Anne, Greek Revival, Bungalow/ Craftsman, Shotgun houses, Northern Kentucky Townhouses, and Colonial Revival. The district is characterized by narrow lot sizes and an urban appearance and was listed in the NRHP under Criterion A in 1993 as an important example of suburban growth in Covington from 1840 to 1947. The district was also nominated under Criterion C for its inventory of typical working- and middle-class domestic architecture of the second half of the nineteenth century and early twentieth century, as well as for some notable examples of domestic, institutional, and commercial architecture. Three properties, approximately 0.48 acres will be acquired and removed to obtain the right-of-way needed for the westward shift of Bullock Street and the construction of retaining walls in this area. These

include contributing and a non-contributing element. A 12–24-foot tall, proposed noise barriers and retaining walls will be constructed along I-71/I-75 outside of the NRHP boundary and will improve the viewshed due to the incorporation of aesthetic treatments on these features.

#### Longworth Hall

Longworth Hall, also known as the Baltimore & Ohio Railroad Freight Station and Storage Warehouse is a five-story 1,277 ft long structure, constructed in 1904, of which 150 ft was removed during the 1961 construction of I-71/I-75. It was listed on the NRHP in 1986 and is significant under Criterion A because it contributes to the understanding of freight movement by railroad during a period when this was an important mode of transportation. The resource is also significant under Criterion C as a unique example of functional railroad architecture embellished with Romanesque Revival details. It exhibits distinctive characteristics of the style and is further enhanced because of its exceptional length. The Ohio Department of Transportation (ODOT) is in the process of purchasing the full Longworth Hall property at a mutually agreed upon price and from a willing seller as a result of the right-of-way negotiation process. The portions of the building not removed as described above will remain occupied. ODOT may use interior space or the exterior grounds surrounding the building during the project's construction, but no impacts to the building's continued use for commercial office, retail, and event space are anticipated.

#### Firefighters Memorial

The memorial occupies about 0.9 acres and includes a statue originally dedicated in 1968 to honor Cincinnati firefighters who have died in the line of duty. In 2010, the park was expanded and redesigned, and the scope expanded to encompass firefighters throughout Greater Cincinnati and Northern Kentucky. In addition to the memorial statue, the Firefighters Memorial includes an open plaza and greenspace. The Firefighter's Memorial is accessible to pedestrians and bicyclists via sidewalks that connect to downtown Cincinnati. Vehicular parking is also available on Central Avenue. A change in the use of the Firefighters Memorial would not affect this park. During construction, portions of the adjacent sidewalk and plaza area may be closed on a temporary basis to protect the park and the public from construction activities.

#### Queensgate Playground and Ball Field

The property occupies approximately 5.3 acres and includes the Chris Nelms All-Star Field (baseball), two playgrounds, benches, picnic tables, and open space. A change in the use of the Queensgate Playground and Ball Field would not affect these ball fields and playgrounds. About 0.72 acres of the park were acquired for the right-of-way/easement.

#### Ezzard Charles Park

Ezzard Charles Park occupies approximately 6.5 acres and consist of sidewalks and tree lawns that are situated within (encroaching upon) the existing transportation right-of-way along Ezzard Charles Drive. A change in the use of Ezzard Charles Park would not affect these properties.

#### Lewis and Clark National Historic Trail

The Lewis and Clark National Historic Trail, which is administered by NPS, follows the historic outbound and inbound routes of the Lewis and Clark Expedition of 1803-1806 from Pittsburgh, Pennsylvania to the Pacific Ocean and includes the portion of the Ohio River in the project area. The entire length of the Lewis and Clark National Historic Trail, from the Ohio River in

Pittsburgh, Pennsylvania to the mouth of the Columbia River in Oregon, is included in the National Trails System Act, as amended in 2019. The trail's primary use is for recreation. While there are elements along the trail that are listed on or have been determined eligible for listing on the NRHP, the trail itself has not been. There are no elements associated with the trail that are listed on or eligible for listing on the NRHP in the project's area of potential effects.

### **Alternatives**

FHWA considered a no build action alternative and several avoidance alternatives. The no action and all the avoidance alternatives were found to be not prudent or feasible and did not meet the purpose and need. The Refined Alternative I (Concept I-W), the preferred alternative was carried forward for least overall harm analysis.

### **Assessment of Effect and Proposed Mitigations**

The FHWA determined that the proposed Refined Alternative I (Concept I-W) would result in an adverse effect to the historic properties under Section 106 of the National Historic Preservation Act (NHPA).

#### Hillsdale Subdivision and Elberta Apartments Historic Districts

In November 2022 the Kentucky (KY) State Historic Preservation Office (SHPO) concurred with the no adverse effect on the proposed Hillsdale Subdivision and Elberta Apartments Historic Districts. In March 2023 FHWA sent a letter to the KY SHPO with a de minimis use determination.

#### Goebel Park Complex

FHWA revived concurrence of a de minimis determination from the City of Covington, KY in July 2012 and from Kentucky Transportation Cabinet (KYTC) in July 2023 (*year maybe a typo in the 4(f) submittal, likely should be 2012 not 2023*) for the impacts to the Goebel Park Complex. FHWA will make the final *de minimis* impact determination based on the outcome of the public comment process and written concurrence from the City of Covington. A draft minimization and mitigations agreement has been drafted.

#### Lewisburg Historic District

The KY SHPO concurred with the eligibility determinations and finding of adverse effect for the Lewisburg Historic District on November 17, 2022, and June 7, 2023. Consultation with the Advisory Council on Historic Preservation (ACHP) that occurred in 2023, mitigation measures for adverse effects that were previously coordinated in separate Memorandum of Agreement (MOA) for each historic property were combined into one project-level *Programmatic Agreement Among FHWA, ODOT, KYTC, the Ohio SHPO, the Kentucky SHPO, and the City of Covington implementing Section 106 of the National Historic Preservation Act for the BSB Corridor Project*.

#### Longworth Hall

The Ohio SHPO concurred with the "adverse effect" on January 25, 2023. Mitigation measures for the adverse effect to Longworth Hall were established in an MOA between FHWA, ODOT, and the Ohio SHPO executed on June 28, 2012. A First Amendment to the MOA was executed on June 22, 2017, and filed with ACHP on June 28, 2017. A Second Amendment was executed

on May 24, 2022, and filed with ACHP on June 3, 2022. Both amendments extended the period of the MOA.

#### Firefighters Memorial and Ezzard Charles Park

The Cincinnati Park Board, which is the official with jurisdiction over the Firefighters Memorial and Ezzard Charles Park, concurred with these findings and the measures to minimize harm on August 5, 2022, and December 14, 2022.

#### Queensgate Playground and Ballfield

In 2012 FHWA determined that the BSB Corridor Project, with the committed mitigations, will have a *de minimis* impacts to the Queensgate Playground and Ballfield. Additional Section 4(f) coordination was not required for Refined Alternative I (Concept I-W) because the impacts have been slightly reduced, the right-of-way has already been acquired under the 2012 FONSI, ODOT has fulfilled its financial obligations, and the ball fields have been reconfigured in accordance with the MOA.

The following are minimization and mitigation measures documented in the Programmatic agreement between FHWA, ODOT, KYTC, OH SHOP, KY SHOP and the City of Covington:

#### A. Recordation

1. 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 Kentucky SHPO's February 12, 2020, Memorandum - Update to State Level Documentation:
  - a. A Kentucky Historic Resource Individual Survey form (Kentucky Heritage Council (KHC) 2017-1 or current version of form), completed or updated as appropriate.
  - b. 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 Kentucky 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, a representative sample or link to that resource will be included.
  - c. 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 image format (RAW).

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), 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.

- d. Measured floor plans of each floor of the building will be prepared by a 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 A.1.c. above and shall be accompanied by a written description of the building(s) as well as an explanation of construction details.
  - e. One complete digital copy of the completed documentation will be submitted by KYTC to the Kentucky SHPO for review and acceptance. Upon notification of Kentucky SHPO acceptance, 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.
2. Upon completion of the project, KYTC shall prepare and provide to Kentucky 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 Kentucky SHPO for coordination with the Keeper of the NRHP.
  3. 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 Kentucky SHPO in .pdf format.

## B. Façade Grant Program

1. 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, the Kentucky SHPO, and FHWA. Consultation between these listed parties will take place after the Section 106 Programmatic Agreement 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.
2. The Façade Grant Program will be provided with project funding in an amount not to exceed \$1,200,000.00 for property improvements. FHWA participation will terminate ten years from the date of program implementation.

## C. Vibration Testing

1. To avoid damage to historic properties, 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 the table 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.
2. KYTC shall discuss with the Kentucky SHPO the protective measures to be used by the contractor to protect historic resources from vibration damage. KYTC shall seek the recommendations of the Kentucky SHPO regarding any additional properties not identified by the contractor that should be considered extremely fragile.
  - a. These plans shall be developed, as directed by the contract documents, for all areas within 100 feet of the potential disturb limits that contain historic structures.
  - b. 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 inch/second. An initial report of baseline conditions, including structures selected for monitoring and existing vibration levels, will be compiled and coordinated with Kentucky SHPO for review.
  - c. 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.

- d. 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 inch/second 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 inch/second 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.
- e. 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 inch/second, a cursory examination of buildings in the area will be made to check for potential damages.
- f. 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.
- g. 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 Kentucky SHPO for review.
- h. KYTC, in consultation with Kentucky SHPO, will make the determination whether damage has occurred to historic properties identified in the Section 106 process as a result of project activities.
- i. KYTC shall be responsible for repair of any blast and vibration damage to historic properties. Any repairs shall be coordinated in advance with the Kentucky 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).
- j. Where access to privately owned property is necessary for monitoring or damage repair, consent shall be obtained prior to entry.

#### **Section 4(f) Comments**

The Department concurs with the FHWA's determination. Based on the information provided by the FHWA in its Section 4(f) evaluation, the Department also concurs with FHWA's determination that there is no feasible and prudent avoidance alternative to the Section 4(f) use of these historic properties. The Department recommends that consultation continue with all

Section 106 consulting parties pursuant to 36 CFR § 800.6 and that the project not proceed until an MOA to resolve adverse effects is executed that is satisfactory to all parties.

For issues concerning Section 4(f) resources, please contact April Newman, Regional Environmental Coordinator, Regions 3/4/ 5, National Park Service, April\_Newman@nps.gov. We appreciate the opportunity to provide these comments.

Sincerely,

JOHN  
NELSON

John Nelson  
Regional Environmental Officer

 Digitally signed by JOHN  
NELSON  
Date: 2024.01.03 12:03:17  
-05'00'

cc: April Newman, NPS  
Joyce Stanley, PhD, OEPC REO/ATL

Electronic distribution: [Pamela.Baughman@dot.gov](mailto:Pamela.Baughman@dot.gov)



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**Appendix B**  
**Agency Coordination**  
**Section 6(f)**

- 2022-10-24 NPS Preliminary Coordination..... B10-1
- 2023-06-20 NPS Coordination..... B10-2
- 2023-11-16 NPS Conversion Approval and Amendment to Project Agreement ..... B10-4
- 2023-11-16 NPS Categorical Exclusion Certification ..... B10-8

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**From:** Poole, John C  
**Sent:** Monday, October 24, 2022 10:40 AM  
**To:** Hill, Jessica M (DLG)  
**Cc:** Spann, Keilah M  
**Subject:** Re: [EXTERNAL] City of Covington, KY Goebel Park Conversion

Jessica:

Based on our phone conversation today, the proposed replacement property meets LWCF requirements for conversions.

---

**From:** Hill, Jessica M (DLG) <[JessicaM.Hill@ky.gov](mailto:JessicaM.Hill@ky.gov)>  
**Sent:** Friday, October 21, 2022 9:59 AM  
**To:** Poole, John C  
**Cc:** Spann, Keilah M  
**Subject:** [EXTERNAL] City of Covington, KY Goebel Park Conversion

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good Morning John,

The Kentucky Transportation Cabinet is preparing to start work on the Brent Spence Bridge in Covington, Kentucky. This project will impact the boundary of Goebel Park (LWCF 21-00541) and require conversion. Before composing the conversion request, they asked if the proposed replacement property would be permissible. They submitted the following maps:

- 1) A map that depicts the current Goebel Park boundaries and facilities with an overlay of the proposed property take and replacement property boundaries;
- 2) Map of the 3.21 acres being impacted and the 2.23 acres of replacement property; and
- 3) Map of Goebel Park's boundary after the conversion. Please note, the road will be removed.

They have completed preliminary appraisals for both properties.

Value of 3.21 acres of land to be acquired from Goebel Park:	\$32,100.00
Value of basketball court to be acquired:	\$94,500.00
Value of parking lot and trails acquired:	\$14,250.00
Value of total acquisition from Goebel Park:	<b>\$140,850.00</b>

Value of 2.23 acres of replacement property:	<b>\$1,450,000.00</b>
--	-----------------------

Upon initial glance, do you have any concerns regarding the proposed replacement property?

*Jessica Hill*  
Federal Program Specialist  
Land and Water Conservation Fund  
Recreational Trails Program  
Department for Local Government  
Office: 502-564-2198

---

**From:** Ballantyne, John (FHWA) <John.Ballantyne@dot.gov>

**To:** Hill, Jessica M (DLG) <JessicaM.Hill@ky.gov>; Morrison, Mary <mary\_morrison@nps.gov>; keilah\_spann@nps.gov <keilah\_spann@nps.gov>; Diop, Mour (FHWA) <mour.diop@dot.gov>; Hans, Stacey D (KYTC) <Stacey.hans@ky.gov>; Baughman, Pamela (FHWA) <pamela.baughman@dot.gov>; Long, Timothy (FHWA) <timothy.long@dot.gov>; Toni, Melissa (FHWA) <melissa.toni@dot.gov>; Schurman, Scott R (KYTC) <Scott.Schurman@ky.gov>; Peake, Danny R (KYTC) <Danny.Peake@ky.gov>; John.Ballantyne@dot.gov <John.Ballantyne@dot.gov>

**Subject:** Draft Meeting Summary: BSB Corridor and Goebel Park LWCF Conversion Process Meeting

---

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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Draft Meeting Summary:

We hosted a Brent Spence Bridge Corridor and Goebel Park Land and Water Conservation Fund (LWCF) Conversion Process Meeting on June 20, 2023 from 2 to 2:45 PM.

Participants and email addresses are listed in the table below.

We reviewed the overall project, Supplemental EA process and time lines, project impacts to Goebel Park, related mapping, public involvement, and FHWA 4(f) mitigation commitments with Mayor's concurrence. (Goebel Park Brief, Conversion Maps, and De Minimis Letter are attached.)

The National Park Service (NPS) representatives described their LWCF project conversion process.

NPS indicated that the land swap would qualify as a small conversion and would most likely require a NEPA Categorical Exclusion (CE).

Their CE criteria are defined in Table 2 (page 9) of the in the Environmental Resource Survey (ERS) section of the NPS LWCF Compliance and Stewardship (C&S) Form (attached).

Dialog included that NPS would likely be a NEPA Participating Agency, not a Cooperating Agency. They would not likely be listed on the project's Federal Permitting Dashboard.

The FHWA Supplemental EA (target December 2023) will need to include NPS support and Conversion of Use NEPA language (September/October, sooner the better).

The FHWA Decision Document (April/May 2024) must include the NPS approval of the LWCF small conversion of use, temporary non-conforming use, and CE.

Next steps were identified:

1. LWCF Conversion action items and coordination points need to be defined and added to the overall project schedule.
2. Document that KYTC land appraisers meet LWCF certifications.
3. Document that public involvement meets LWCF requirements.
4. Complete C&S Form: Scott Schurman, KYTC DEA, will assist Jessica Hill, Kentucky Department of Local Government (DLG) also NPS LWCF State Liaison Officer (SLO) to complete the applicable sections of C&S Form for the small conversion of use and temporary non-conforming use. (Target August or September).
5. NPS will review C&S Form, draft their CE language, and share NEPA language with FHWA. (target September/October)

We will track the status of this activity through periodic Agency Coordination and other project meetings. FHWA is committed to help the state and NPS to complete these tasks to meet the overall project schedule.

Please provide any corrections or comments ASAP.  
Thank you so much.

*John Ballantyne, FHWA-KY  
Planning, Environment, Systems Performance Team Leader  
330 W. Broadway, Rm 264  
USDOT Federal Highway Administration (FHWA)  
Frankfort, KY 40601-1981  
P:502 223 6747  
C:502 320 2965  
John.Ballantyne@dot.gov  
<http://www.fhwa.dot.gov/kydiv/index.htm>*

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1. Summary

Meeting title	BSB Corridor and Goebel Park LWCF Conversion Process
Attended	11
Start time	6/20/23, 1:50:04 PM
End time	6/20/23, 2:45:14 PM
Meeting duration	55m 10s
Average attendance time	45m 16s

2. Participants

Name	First join	Last leave	In-meeting duration	Email
Ballantyne, John (FHWA)	6/20/23, 1:50:09 PM	6/20/23, 2:45:11 PM	55m 1s	John.Ballantyne@dot.gov
Diop, Mour (FHWA)	6/20/23, 1:57:27 PM	6/20/23, 2:45:10 PM	47m 43s	mour.diop@dot.gov
Hans, Stacey D (KYTC)	6/20/23, 1:59:47 PM	6/20/23, 2:45:11 PM	43m 51s	Stacey.hans@ky.gov
Baughman, Pamela (FHWA)	6/20/23, 1:59:49 PM	6/20/23, 2:45:14 PM	45m 25s	pamela.baughman@dot.gov
Long, Timothy (FHWA)	6/20/23, 1:59:58 PM	6/20/23, 2:45:08 PM	45m 9s	timothy.long@dot.gov
Toni, Melissa (FHWA)	6/20/23, 2:00:13 PM	6/20/23, 2:45:09 PM	44m 55s	melissa.toni@dot.gov
Hill, Jessica M (DLG)	6/20/23, 2:00:57 PM	6/20/23, 2:45:06 PM	44m 9s	JessicaM.Hill@ky.gov
Schurman, Scott R (KYTC)	6/20/23, 2:00:57 PM	6/20/23, 2:45:05 PM	44m 8s	Scott.Schurman@ky.gov
Spann, Keilah M	6/20/23, 2:00:57 PM	6/20/23, 2:45:10 PM	44m 12s	Keilah_Spann@nps.gov
Peake, Danny R (KYTC)	6/20/23, 2:03:13 PM	6/20/23, 2:45:10 PM	41m 57s	Danny.Peake@ky.gov
Morrison, Mary (Missy)	6/20/23, 2:03:39 PM	6/20/23, 2:45:09 PM	41m 29s	Mary_Morrison@nps.gov



# United States Department of the Interior



## NATIONAL PARK SERVICE

Atlanta Federal Center  
1924 Building  
100 Alabama Street, SW  
Atlanta, GA 30303

IN REPLY REFER TO:

8.A.2 (IR2-5041)  
21-00541.1

September 15, 2023

Billie Johnson, ASLO  
Kentucky Department for Local Government  
100 Airport Road, Third Floor  
Frankfort, KY 40601

Dear Mrs. Johnson:

We have reviewed the State's proposal, on behalf of the City of Covington, for the conversion of 2.84 acres of the Goebel Park Complex in accordance with 36 C.F.R. § 59.3 and the Land and Water Fund (LWCF) State Assistance Program Manual, Volume 71 (Manual). Goebel Park Complex is a ±14.44-acre site that received LWCF assistance grant for development/renovation and to establish the LWCF public outdoor recreation use boundary. The complex consists of a series of recreation areas – Kenny Shields Park, Sargent First Class Jason Bishop Memorial Dog Park, and Goebel Park. LWCF assisted facilities featured within the complex included an outdoor Olympic-sized pool area, playground, picnic areas, walking trails basketball courts, greenspace and a 100-foot German-style clock tower that displays puppet shows on the hour. The conversion proposal was triggered by the Brent Spence Bridge Corridor project. The project includes reconstruction of 7.8 miles of I-71/I-75, widening to add one lane in each direction, and construction of a new companion bridge west of the existing Brent Spence Bridge over the Ohio River in Kenton County, KY and Hamilton County, OH.

The documentation that the State submitted indicates that the replacement property consists of ±2.23-acres of state-owned property located adjacent to the existing park at West 5<sup>th</sup> street and the exit ramp for I-71/I-75. This site is undeveloped, vacant land that unlike the proposed converted acreage is not located within flood-prone area. Recreation features removed or altered by the conversion will be replaced within the post conversion Goebel Park Complex. The site will continue to exist as an active outdoor recreation area that will contain the same recreational features as the existing complex. Several new recreational features and amenities will be developed within the remaining 11.6-acre property including walking trails and basketball courts. These features will ensure recreational opportunity remains for city residents, area youth and the elderly.

The appraisal of the ±2.84-acre converted property in the amount of \$140,100.00, and the appraisal of the ±2.23-acre replacement property amount of \$1,450,000.00, were approved by the

Interior Region 2 • South Atlantic–Gulf

Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi  
North Carolina, Puerto Rico, South Carolina, Tennessee, U.S. Virgin Islands

State's Review Appraiser and concurred by you, as the Alternate State Liaison Officer. Enclosed is your copy of the signed Amendment to the Project Agreement approving the conversion. Within three (3) years, please provide an "as-built" site plan of the developed replacement property. If you have any question, please do not hesitate to contact Mrs. Keilah Spann, of my staff at (404) 507-5803 or by email Keilah\_Spann@nps.gov

Sincerely,

MARY MORRISON

Digitally signed by MARY  
MORRISON  
Date: 2023.11.16 18:41:18 -05'00'

Mary Morrison  
Chief, Recreation Programs Branch (Acting)  
National Park Service  
1849 C Street NW  
Washington, DC 20240

Enclosures



### AMENDMENT TO PROJECT AGREEMENT Land and Water Conservation Fund



State: KENTUCKY

Project Amendment No. 1

THIS AMENDMENT to Project Agreement No. 21-00541 is hereby made and agreed upon by the United States of America, acting through the Director of the National Park Service and by the State of Kentucky pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above-mentioned agreement is amended by adding the following:

In accordance with LWCF Manual Chapter 8.F. Conversion of Use. A grant amendment to convert 2.84 acres of the existing Goebel Park Complex (2.34 acres of Goebel Park and 0.50 acres of Kenney Shields Park) and to replace it with 2.23 acres of state-owned property located adjacent to the existing park at the exit ramp of I-71/I-75 and West 5<sup>th</sup> Street in Kenton County, KY. The conversion will allow reconstruction of 7.8 miles of I-71/I-75, widening to add one lane in each direction, and construction of a new companion bridge west of the existing Brent Spence Bridge over the Ohio River in Kenton County, KY and Hamilton County, OH.

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness thereof the parties hereto have executed this amendment as of the date entered below.

**THE UNITED STATES OF AMERICA**

**STATE OF KENTUCKY**

By MARY MORRISON Digitally signed by MARY MORRISON  
Date: 2023.11.16 18:43:52 -05'00'  
(Signature)

By \_\_\_\_\_  
(Signature)

Chief, Recreation Program Branch (Acting)  
(Title)

Alternate State Liaison Officer  
(Title)

**National Park Service  
United States Department of the Interior**

Kentucky Department for Local Government  
(Agency)

Date \_\_\_\_\_

\_\_\_\_\_

## NOTICES

### Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by the Land and Water Conservation Fund Act of 1965 (54 U.S.C. 200301 et. seq.). Your response is required to obtain or retain a benefit. We use this information to document changes made to original grant agreement following the close-out of the grant. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0031 to this collection.

### Estimated Burden Statement

Public reporting burden for this form is estimated to average 1 hours per response including the time it takes to read, gather data, review instructions, and complete the form. Direct comments regarding this burden estimate, or any aspects of this form, to the Information Collection Clearance Officer, National Park Service, 12201 Sunrise Valley Drive, Mail Stop 242, Reston, VA 20192. Please do not send your form to this address.



# LWCF

## Stewardship Action Review

National Park Service  
U.S. Department of the Interior  
State and Local Assistance Programs



21-00541.1 Goebel Park Conversion  
Project Number and Name

Covington, Kenton, KY  
City, County, State

### Proposed NPS LWCF Federal Action:

Approval of a Land and Water Conservation Fund (LWCF) grant amendment to remove 2.84 acres from the LWCF assisted Goebel Park Complex park site for transportation use, and replace it with 2.23 acres of state-owned property located adjacent to the existing Goebel Park Complex at the exit ramp of I-71/I-75 and West 5th Street in Kenton County, KY.

### **Categorical Exclusion**

Based on the evaluation of the environmental impacts and documentation provided within the Environmental Assessment (2012) and the Supplemental Environmental Assessment (2024) prepared for the Brent Spence Bridge Corridor Project, the NPS LWCF program is categorically excluding the described 6(f)-conversion proposal from further National Environmental Policy Act (NEPA) analysis. The action is fully described within the ODOT and KYTC Environmental Assessment and Supplemental Environmental Assessment. This NPS LWCF conversion has been environmentally certified as a Categorical Exclusion (CE) under item C.2. *Land exchanges which will not lead to significant changes in the use of the land*” of Department Manual (DM), Series 31, part 516, Chapter 12. There will be minimal loss of recreation at the remaining Goebel Park Complex as a result of this conversion from outdoor recreation use.

**MARY MORRISON** Digitally signed by MARY MORRISON  
Date: 2023.11.16 18:32:44 -05'00'

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**Mary Morrison, Acting Recreation Programs Branch Chief    Date**  
**National Park Service – Washington, D.C.**

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# Appendix C: Resource Cross Reference Guide



**Brent Spence Bridge Corridor Project  
Resource Cross Reference Guide**

	State	U.S. Census Block Group (Map ID)	Minority <sup>1</sup>	Low-Income <sup>1</sup>	Older Adult <sup>1</sup>	Limited English Proficiency <sup>1</sup>	Adults with Disabilities <sup>1</sup>	Zero-Car Household <sup>1</sup>	Burdens for Disadvantaged Communities <sup>1</sup>	Noise Analysis Location <sup>2</sup>
<b>Neighborhoods/Cities Adjacent to the Project Corridor</b>										
Fort Mitchell	KY	71, 72, 74, 75, 76	No	No	Yes	No	Yes	No	N/A	16A, B16B, B17A, B17B, B18 (KY-S)
Fort Wright	KY	63, 69, 71, 72, 73, 74, 76	No	Yes	Yes	No	Yes	No	N/A	B19, B20 (KY-S)
Park Hills	KY	38, 63, 64, 69	No	Yes	Yes	Yes	Yes	Yes	Health Workforce Dev.	B23 (KY-S) NSA D (KY-N)
Peaselburg	KY	57, 58, 63, 64, 65, 66, 67, 69, 70	Yes	Yes	Yes	Yes	Yes	Yes	Health Housing Workforce Dev.	B23 (KY-S) NCA C, D (KY-N)
Lewisburg	KY	38, 39, 47, 48, 57, 63, 64	No	Yes	Yes	Yes	Yes	Yes	Health Housing Transportation Workforce Dev. Water/Wastewater	(KY-S) NSA B, F (KY-N)
Westside	KY	41, 47, 48, 49, 55, 57, 58, 59	Yes	Yes	Yes	Yes	Yes	Yes	Health Housing Transportation Workforce Dev. Energy	NSA B, C (KY-N)
Mainstrasse	KY	39, 40, 47	No	Yes	Yes	Yes	Yes	Yes	Health Housing Transportation Water/Wastewater	NSA B (KY-N)
Covington Central Business District	KY	33, 39, 40, 41, 49	Yes	Yes	Yes	Yes	Yes	Yes	Health Housing Transportation Water/Wastewater	NSA A (KY-N)
Botany Hills	KY	30, 31, 32, 33, 37, 38, 39	No	Yes	Yes	Yes	Yes	Yes	N/A	NSA E (KY-N)
Cincinnati CBD Riverfront	OH	23, 25, 26, 27, 28, 29	Yes	No	Yes	No	No	Yes	Health Housing Legacy Pollution Transportation Workforce Dev.	NSA 7, 8, 9 (OH)
Queensgate	OH	4	Yes	Yes	No	No	Yes	Yes	Health Housing Legacy Pollution Transportation Workforce Dev. Energy	West of I-75 (OH) <sup>3</sup>

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West End	OH	4, 5, 6, 11, 12, 13, 14, 15, 16, 24, 25, 26	Yes	Yes	Yes	Yes	Yes	Yes	Health Housing Legacy Pollution Transportation Water/Wastewater Workforce Dev. Climate Change Energy	NSA 2, 3, 4, 5, 6 (OH)
CUF	OH	2, 3, 6	Yes	Yes	No	No	No	No	Health Housing Legacy Pollution Transportation Workforce Dev. Energy	NSA 1 (OH)
Camp Washington	OH	1	No	Yes	No	No	Yes	No	Housing Legacy Pollution Transportation Water/Wastewater Workforce Dev.	West of I-75 (OH) <sup>3</sup>
<b>Impacted Public Recreational Properties</b>										
Goebel Park Complex	KY	39	No	Yes	No	Yes	Yes	Yes	Housing Transportation Water/Wastewater	NSA B (KY-N)
Firefighters Memorial	OH	28	Yes	No	No	No	No	No	N/A	NSA 7 (OH)
Queensgate Playground and Ball Field	OH	24	Yes	Yes	No	No	Yes	Yes	N/A	NSA 6 (OH)
Ezzard Charles Park	OH	11, 13, 14, 15	Yes	Yes	Yes	No	Yes	Yes	Health Housing Legacy Pollution Transportation Water/Wastewater Workforce Dev. Climate Change	NSA 4, 5 (OH)
Lewis and Clark National Historic Trail	Ohio River	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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<b>Impacted Historic Properties</b>										
Hillsdale Subdivision Historic District	KY	72	No	No	No	No	No	No	N/A	B19 (KY-S)
Elberta Apartments Historic District	KY	63	No	Yes	Yes	No	Yes	No	N/A	B23 (KY-S)
Lewisburg Historic District	KY	38	No	No	No	Yes	Yes	No	N/A	NSA F (KY-N)
Longworth Hall	OH	4	Yes	Yes	No	No	Yes	Yes	Health Housing Legacy Pollution Transportation Workforce Dev. Energy	West of I-75 (OH) <sup>3</sup>

- Notes:**
1. A "Yes" indicates presence in one or more census block group occupied by the resource.
  2. Noise sensitive areas are identified by the noise report in which they are addressed: Southern Kentucky (KY-S), Northern Kentucky (KY-N), and Ohio (OH).
  3. The Ohio Noise Report did not designate a noise sensitive area west of I-75.