

A MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT,
THE KENTUCKY AND INDIANA STATE HISTORIC PRESERVATION OFFICERS,
WATERFRONT DEVELOPMENT CORPORATION, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE CONSTRUCTION OF THE RIVERPARK PLACE PROJECT
IN LOUISVILLE, JEFFERSON COUNTY, KENTUCKY

WHEREAS, Waterfront Development Corporation (Waterfront) proposes a multi-use development and marina along the left bank of the Ohio River at mile 602.2 in Louisville, Jefferson County, Kentucky to be known as RiverPark Place (the Project); and

WHEREAS, Waterfront has submitted an application to the U.S. Army Corps of Engineers, Louisville Corps (the Corps) requesting a modification (the Project) to its existing Department of the Army permit (the Undertaking; ID No. 199200465); and

WHEREAS, an existing Memorandum of Agreement was executed in 1996 which authorized a commercial and residential project then known as the Falls Harbor Waterfront Redevelopment Project in the same location; and

WHEREAS, construction of the Falls Harbor Waterfront Redevelopment Project never commenced; and

WHEREAS, the Corps has consulted with the Kentucky and Indiana State Historic Preservation Officers (SHPOs) and other interested parties pursuant to 36 C.F.R. Part 800, regulations implementing the National Historic Preservation Act (NHPA) (16 U.S.C. §470f); and has established the Project's area of potential effects (APE) as defined at 36 C.F.R. §800.16(d) to be the area depicted on the attached Figure 1; and

WHEREAS, the Corps has determined that there would be an adverse effect to the following properties listed in the National Register of Historic Places (NRHP): the Paget House and the Heigold Façade (within the project area), and the Old Jeffersonville Historic District (in Indiana); and

WHEREAS, the Corps has determined that the proposed development would have an adverse effect upon the following archaeological sites within the footprint of the project area and which are

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eligible for inclusion in the NRHP: 15Jf592, 15Jf593, 15Jf594, 15Jf595, 15Jf596, 15Jf597, 15Jf598, 15Jf599; and

WHEREAS, the Corps has determined that the proposed development would have no adverse effect to the following properties which are listed in the NRHP: the Butchertown Historic District, Steam Engine Company No. 10, the Clifton Historic District, and the Phoenix Hill Historic District within the Kentucky portion of the APE; and the Grisamore House, the Howard House, and the Henry French House within the Indiana portion of the APE; and

WHEREAS, the Corps determined that the Project would have no adverse effect upon the following properties eligible for inclusion in the NRHP: Big Four Railroad Bridge within the Kentucky portion of the APE; and the Jeffersonville Downtown Commercial Historic District, the Jeffersonville East Side Historic District, and the John Read-Poindexter House within the Indiana portion of the APE; and

WHEREAS, the Corps has determined that the proposed development would have no effect on the following NRHP-eligible properties: the Jeffersonville Bungalow Historic District (NRHP-eligible) in Indiana; and archaeological sites 15Jf90, 15Jf556, 15Jf630, 15Jf643, 15Jf644, 15Jf645, and 15Jf668 within the Kentucky portion of the APE; and

WHEREAS, in accordance with 36 C.F.R. §800.2(c)(2)(ii), the Corps has consulted with the following federally recognized Indian tribes: the Eastern Band of Cherokee Indians, the United Keetoowah Band of Cherokee Indians in Oklahoma, the Shawnee Tribe, and the Absentee-Shawnee Tribe (the Tribes); and

WHEREAS, in accordance with 36 C.F.R. §800.6(a)(2), the Corps has consulted with the following consulting parties: Poe Companies, River Fields, Inc., Louisville Metro Landmarks Commission, Historic Landmarks Foundation of Indiana, Kentucky Office of State Archaeology, Butchertown Neighborhood Association, and Mr. Bert Ribeiro (Consulting Parties); and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) has participated in consultation to resolve adverse effects to historic properties, pursuant to 36 C.F.R. §800.6(b)(2); and

WHEREAS, the Corps has worked with the SHPOs, the Tribes, the ACHP, and Consulting Parties in accordance with section 106 of the NHPA, 16 U.S.C. Part 470 and its implementing regulations [36 C.F.R. §800.6(b)(1)] to resolve the adverse effects of the Project on historic properties; and

WHEREAS, pursuant to 36 C.F.R. §800.6(c)(3), the Corps has invited the Tribes and the Consulting Parties to concur in this MOA; and

WHEREAS, the original (1996) MOA included a stipulation requiring the Kentucky Transportation Cabinet (KTC) and Federal Highway Administration (FHWA) to ensure that a portion of the area known as Block 7 was covered with soil in order to protect archaeological resources in the block from activities associated with the relocation of River Road into the area; and

WHEREAS, the relocation of River Road into Block 7 has occurred and the obligations imposed upon KTC and FHWA in the original MOA are presumed to have been satisfied thereby removing them as parties to this new agreement; and

WHEREAS, the Corps intends to use this MOA to terminate and replace the existing MOA and to address anticipated and unanticipated effects of the Project on historic properties;

NOW, THEREFORE, the Corps, the SHPOs, and the ACHP agree that if the Corps issues a modification to the existing Department of the Army permit, the Corps shall ensure that the following stipulations are implemented in order to take into account the effects of the Project on historic properties, and that these stipulations shall govern the Project and all of its parts until the MOA expires or is terminated.

Stipulations

The Corps shall condition the permit to ensure that the following stipulations are implemented:

I. HISTORIC BUILDINGS, STRUCTURES, OBJECTS, AND DISTRICTS

- A. Waterfront shall ensure that the Project elements are designed and constructed with sensitivity to the historic contexts, utilizing the services of professionals with experience in areas related to historic preservation. Design shall include aesthetic treatments to surfaces, structures, portals, appurtenances, and land contours and landscaping that complement the historical contexts of the Paget House and the Old Jeffersonville Historic District.

Waterfront shall submit site plans and designs for review of building exterior appearance, locations, grading, landscaping, utilities, lighting (to minimize the dispersion of light beyond the project area), roads, and parking areas, etc. to the KY and IN SHPOs for review and comment. The SHPOs shall provide written comments to Waterfront within thirty (30) days following receipt of

adequate documentation. The recommendations of the SHPOs shall be considered in determining the final specifications. If the SHPOs' comments cannot be included in the final site plans, then Waterfront shall further communicate and discuss those comments with the Corps and the SHPOs.

Any major revisions or modifications to the plans that trigger the Waterfront Review Overlay Process shall be resubmitted to the SHPOs for further evaluation in the same manner as above. For example, changes that affect the structural footprint of the project, building height, or exterior appearance would require additional coordination with SHPOs.

- B. Waterfront shall ensure that the Heigold Façade is relocated and stabilized in such a way as to preserve its NRHP status.
- C. The Paget House shall be retained and rehabilitated in accordance with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, National Park Service, 1983 [Standards])".
 - 1. To ensure conformance to the Standards, and prior to initiation of work on the Paget House, Waterfront shall submit plans and specifications for the rehabilitation to the KY SHPO for review and approval.
 - 2. The SHPO shall provide written comments to Waterfront within thirty (30) days following receipt of adequate documentation. The recommendations of the SHPO shall be incorporated into the final rehabilitation plans.
 - 3. A twenty (20) foot construction limit extending from the south, east, and west façades shall be placed around the existing structure to place scaffolds and other equipment during the rehabilitation of the property. If trenching is to occur within area of the twenty (20) foot construction limit, the excavation shall be monitored by a professional archaeologist.

II. ARCHAEOLOGICAL SITES

- A. In implementing Stipulation II, the Corps may withhold or limit public disclosure of information about historic

properties in accordance with section 304 of the NHPA and 36 CFR §800.6(a)(5) and 36 CFR §800.11(c).

- B. There are eight (8) archaeological sites within the footprint of the project area. Each of these sites has both historic and prehistoric components. The eight archaeological sites are located within six former city blocks and are known alternatively as Blocks 1-4, 6, and 7 (see attached Figure 2); or sites 15Jf592, 15Jf593, 15Jf594, 15Jf595, 15Jf596, 15Jf597, 15Jf598, and 15Jf599. These sites would be partially or totally destroyed by the project activities. The sites are considered eligible for inclusion in the NRHP, based on a consensus determination between the Corps and the KY SHPO following the Phase I and II archaeological investigations conducted during the original permit application review.
- C. Prior to the commencement of construction activities, Waterfront shall ensure that the impacts to these archaeological sites are mitigated through implementation of the Phase III data recovery plan entitled, "Data Recovery Plan to Conduct Phase III Archaeological Mitigation for the Proposed RiverPark Place Condominium Development Louisville Waterfront" (dated 6/22/05 and prepared by AMEC Earth & Environmental, Inc.), along with the amendments to the data recovery plan attached to this MOA as Appendix A, which was developed in coordination with Consulting Parties.
- D. All archaeological investigations, personnel, and archaeological reports must conform to the Secretary of the Interior's "Standards and Guidelines for Archeology and Historic Preservation," (48 F.R. 44716, Sept. 1983) and the most recent version of "Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports," issued by the Kentucky Heritage Council.
- E. The treatment of human remains found at the project location shall be governed by the attached plan (Appendix B) entitled, "Plan for the Treatment of Human Remains at RiverPark Place, Louisville, Kentucky", which was developed in coordination with Consulting Parties.

Waterfront will, within two months of the execution of this MOA, identify to the Corps and other consulting parties either a single site or a list of sites, developed in consultation with the Tribes, making a reasonable and good faith effort to identify a site or sites that are acceptable to the Tribes, to be used for reburial of human remains found at the project location. If a list of sites is identified, the site for reburial

will be selected from that list in consultation with the Tribes and other consulting parties when recovery and documentation of human remains has been completed. Identification of the selected site or list of sites within two months of the execution of this MOA will be a condition of the Department of the Army permit, if issued, as are all other stipulations of this MOA. If the single site or the sites identified in the list of sites are not large enough to accommodate all the human remains encountered at the project location, Waterfront shall, in consultation with the Tribes, select another site for reburial, and advise the signatories of the new location.

- F. If, during the implementation of the Project, a previously unidentified type of historic resource (e.g., a previously unidentified church) is discovered or a previously identified NRHP-listed or -eligible historic property is affected in an unanticipated manner, Waterfront shall ensure that all work within a minimum of fifty (50) feet around the area of the discovery shall cease until such time as a treatment plan can be developed and implemented as set forth below.
1. Waterfront shall notify the Corps upon discovery and shall require the contractor to take all reasonable measures to avoid harm to the property until the Corps concludes consultation with the appropriate SHPO and other parties deemed appropriate by the Corps.
 2. Within one (1) business day following the notice of the discovery, or at the very earliest opportunity thereafter, the Corps shall conduct an on-site evaluation of the discovery to consider eligibility and effects.
 3. Following the initial evaluation, the Corps shall contact the appropriate SHPO and other parties determined by the Corps to have an interest within two (2) business days and provide details of the discovery. The Corps and these other parties may participate in an additional on-site evaluation and shall be notified in advance of the location, date, and time.
 4. If, based on the on-site evaluation(s) and consultation, the Corps determines that an NRHP-listed or -eligible historic property is being adversely affected, then the parties previously

identified by the Corps shall consult to determine an appropriate Treatment Plan(s).

If the newly discovered NRHP-listed or NRHP-eligible property is archaeological, Waterfront shall provide a Treatment Plan in accordance with the treatment of known resources outlined in the data recovery plan for the Project, including Appendix A.

The Treatment Plan shall be submitted to the Corps and other parties previously identified by the Corps for review and comment. These parties shall provide comments within seven (7) days of receipt of the proposed treatment plan. Upon receipt of the comments, the Corps shall take comments into account and within seven (7) business days shall direct Waterfront to prepare and implement the final plan.

5. If the Corps and appropriate SHPO agree that the site is not eligible for the NRHP, then Project activities may resume.

If the Corps and SHPO cannot agree regarding the NRHP eligibility of the newly identified property, the procedures outlined in 36 C.F.R. §800.4(c)(2) shall be followed.

At Waterfront's request, a property may be considered eligible for the NRHP for the purposes of proceeding to appropriate consultation and treatment of the resource. Waterfront shall ensure a treatment plan is developed and coordinated with the Corps and SHPO as described in Stipulation I(F)(4).

6. If the Corps, SHPO(s), and Waterfront cannot reach agreement regarding effects or treatment, they shall invoke the provisions for dispute resolution at Stipulation III.

- G. Drafts of the Phase III data recovery report shall be submitted to the Corps, KY SHPO, and Tribes within eighteen (18) months following completion of the fieldwork.

A final report shall be submitted to the Corps, KY SHPO, and Tribes within two (2) months of receipt of comments about the draft.

- H. Waterfront shall ensure the development of materials for public education and interpretation of the historic and cultural resources within the APE which are impacted by

the project. These materials shall be developed in accordance with the following measures:

1. The information shall be presented in a thirty-two - ninety-six (32-96) page booklet written in plain English intended for the general public. This report shall describe the history, historic properties, and archaeological resources identified within the APE impacted by the project.
2. The Corps shall ensure that sensitive information about the location and nature of archaeological resources identified within the APE is withheld or disclosure limited pursuant to Section 304 of the NHPA.
3. The booklet shall contain information about state and federal laws relating to archaeological sites and why they are protected.
4. Waterfront shall submit an outline of the booklet at least six (6) months prior to the submission of the draft booklet. This outline shall be distributed to the Corps, SHPOs, Tribes, and the editor of the Kentucky Archaeological Survey's booklet series. These parties shall have a fifteen (15) day review period to provide written comments to the Corps and Waterfront.
5. At the same time of submittal of the final Phase III report, Waterfront shall submit a draft of the booklet to the Corps, the SHPOs, and the Tribes for review and comment. These parties shall have fifteen (15) days from receipt of the draft to provide written comments to the Corps and Waterfront.

Waterfront shall consider these comments in preparing the final draft of the booklet. The Corps and SHPOs shall be provided with the printer's proofs for review and approval. The Corps and SHPOs shall respond within fifteen (15) days of receipt of these proofs.

6. Twenty-five (25) hard copies of the final, approved, booklet shall be distributed among the Corps, SHPOs, Tribes, Consulting Parties, public libraries, and museums within Louisville, Kentucky and Jeffersonville, Indiana.

Additional copies may be published by the Kentucky Archaeological Survey through its booklet series, with funding generated through sale of the booklet.

These funds shall be used to continue printing the material.

Digital or electronic copies of the booklet shall be made available to the Corps, SHPOs, and Consulting Parties.

- I. Waterfront shall ensure that the sites are protected during the Phase III data recovery activities and burial disinterment through installation of construction fencing prohibiting unauthorized access to the site.

III. DISPUTE RESOLUTION

- A. Should any signatory, invited signatory, concurring party, or any of the Tribes, object in writing to the Corps regarding any action carried out or proposed with respect to the undertaking or implementation of this agreement, the Corps shall first consult with the objecting party and any other parties as necessary to resolve the objection. If after initiating such consultation the Corps determines that the objection cannot be resolved through consultation, the Corps shall forward all documentation relevant to the objection to the ACHP, including the Corps' proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
 1. Advise the Corps that the ACHP concurs in the Corps' proposed response to the objection, whereupon the Corps will respond to the objection accordingly; or
 2. Provide the Corps with recommendations, which the Corps shall take into account in reaching a final decision regarding its response to the objection; or
 3. Notify the Corps that the objection will be referred for comment pursuant to 36 C.F.R. §800.7(a)(4), and proceed to refer the objection and comment. The Corps shall take the resulting comment into account in accordance with 36 C.F.R. §800.7(c)(4) and Section 110(1) of NHPA.
- B. Should the ACHP not exercise one of the above options within thirty (30) days after receipt of all pertinent documentation, the Corps may assume the ACHP's concurrence in its proposed response to the objection.
- C. The agency shall take into account any ACHP recommendation or comment provided in accordance with

this stipulation with reference only to the subject of the objection; the Corps' responsibility to carry out all actions under this agreement that are not the subjects of the objection shall remain unchanged.

IV. TERMINATION

If the Corps determines that it cannot implement the terms of this agreement; or if the SHPO(s), ACHP, or Waterfront determines that the agreement is not being properly implemented, such party may propose to the other parties to this agreement that it be terminated, in accordance with 36 C.F.R. §800.6(c)(8).

- A. The party proposing to terminate this agreement shall so notify all parties to this agreement, explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. The parties shall then consult.
- B. Should such consultation fail, any signatory may terminate the agreement by so notifying all parties.
- C. Should this agreement be terminated, the agency shall either:
 1. Consult in accordance with 36 CFR §800.6 to develop a new MOA; or
 2. Request the comments of the ACHP pursuant to 36 CFR §800.7.

V. AMENDMENTS

Any signatory to this agreement may propose to the agency that the agreement be amended, whereupon the agency shall consult with the other parties to this agreement to consider such an amendment. 36 C.F.R. §800.6(c)(1) shall govern the execution of any such amendment.

VI. DURATION

This agreement shall remain in full force until such time as all of its terms are satisfied; it is amended; or it is terminated and replaced.

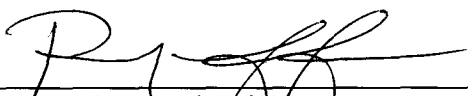
Execution of this Memorandum of Agreement; the implementation of its terms; and the submission of this MOA to the ACHP in accordance with 36 C.F.R. §800.6(b)(1)(iv), shall, pursuant to 36

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CFR §800.6(c), be considered to be an agreement with the ACHP for the purposes of section 110(1) of NHPA.

Execution of this agreement and implementation of its terms evidence that the Corps has afforded the ACHP an opportunity to comment on the RiverPark Place Project and its effects on historic properties, and that the Corps has taken into account the effects of the Undertaking on historic properties.

U.S. ARMY CORPS OF ENGINEERS DISTRICT, LOUISVILLE



Raymond G. Midkiff
Colonel, Corps of Engineers
Commander and Corps Engineer


Date: 1/22/07

KENTUCKY STATE HISTORIC PRESERVATION OFFICER



Date: 1-10-07

INDIANA STATE HISTORIC PRESERVATION OFFICER

for 

Robert E. Carter, Jr.
Director, Indiana Department of Natural Resources and
State Historic Preservation Officer

Date: 1-8-07

ADVISORY COUNCIL ON HISTORIC PRESERVATION



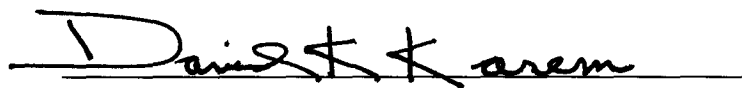
Date: 2/1/07

John M. Fowler
Executive Director

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

INVITED SIGNATORIES:

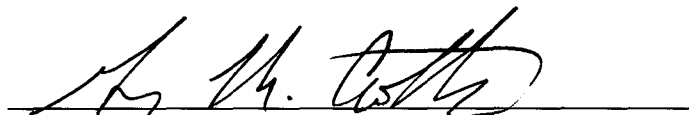
WATERFRONT DEVELOPMENT CORPORATION

A handwritten signature in black ink, appearing to read "David Karem", is written over a horizontal line.

Date: 01/08/07

David Karem
President

OFFICE OF STATE ARCHAEOLOGY

A handwritten signature in black ink, appearing to read "Dr. George Crothers", is written over a horizontal line.

Date: 1/10/07

Dr. George Crothers
State Archaeologist, Office of State Archaeology
University of Kentucky

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

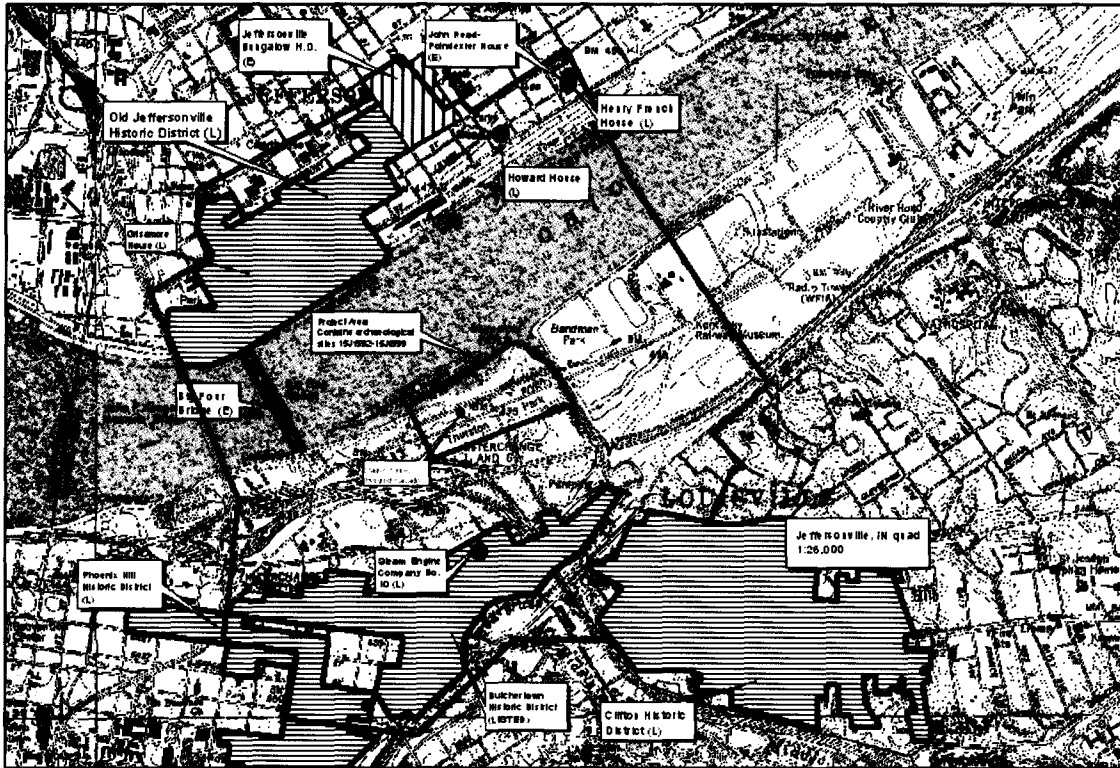


FIGURE 1. Final Area of Potential Effects showing location of project area and historic properties within APE (Jeffersonville, IN 7.5' topographic quadrangle; N is to top of page; 1:26,000)

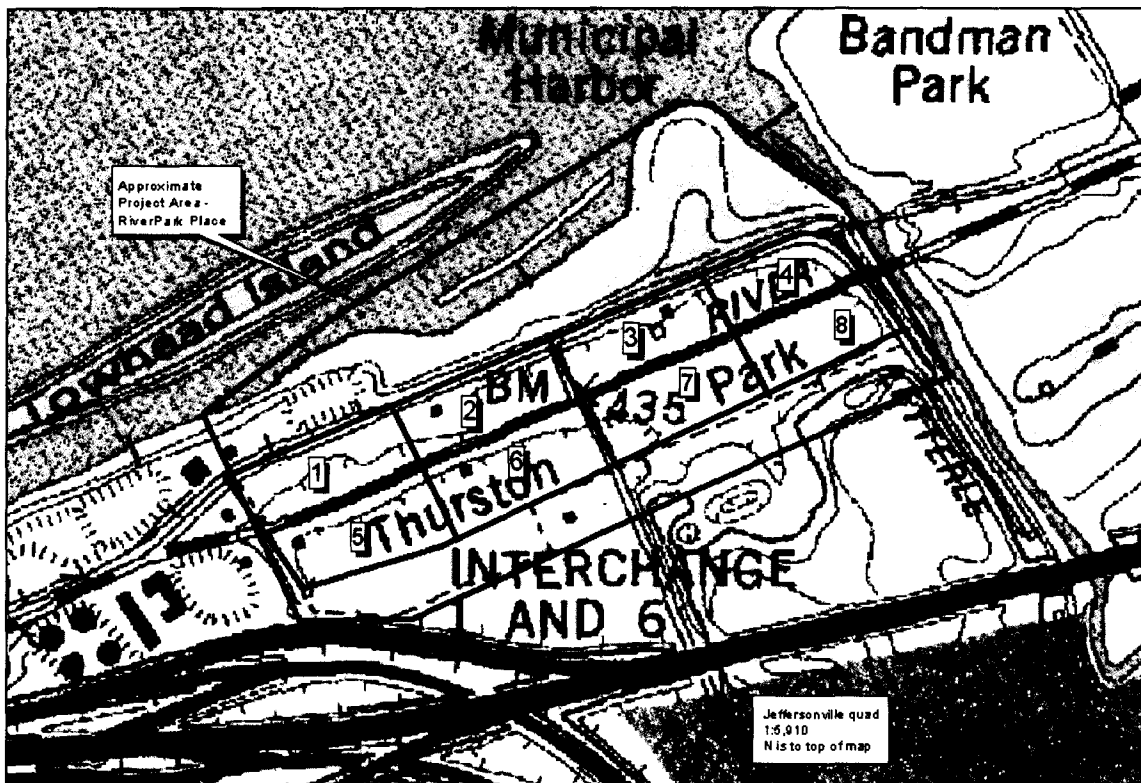


Figure 2. Shows location of Blocks 1 through 7 (approximate boundaries shown in blue) within the Project area (outlined in black).

APPENDIX A
Amendments to the Phase III Data Recovery Plan

This appendix outlines Phase III data recovery work to be undertaken *in addition to the Phase III work proposed by AMEC Earth & Environmental, Inc. in its June 2005 Data Recovery Plan.*

The historic resources in the northern half of Block 7 were identified as significant during Phase II investigations. These resources are likely still intact, regardless of the presence of fill placed as the result of the realignment of River Road. A grocery and a bakery operated in the northern half of Block 7 in the late 19th century. In addition, numerous dwellings and associated outbuildings filled in the rest of the block. Phase III data recovery efforts shall be undertaken in these areas in order to address the resource issues outlined above.

Data recovery efforts in Block 7 shall sample the grocery which had been located at the southeastern corner of Frankfort (formerly known as Ohio) Avenue and Van Buren Avenue (old River Road), and was one of the two businesses in Block 7; and two of the dwellings in the undisturbed portion of this block. Archival research shall be undertaken for the business and the house lots. Ten square meters shall be excavated at each property and two cultural features excavated and documented at each, for a total of thirty (30) square meters and up to six cultural features.

Combined with the data recovery efforts for the historic resources in Blocks 1 and 2 that were proposed by AMEC in June 2005, the total mitigation effort for the historic resources in the Project area represents a 0.12% sample of all NRHP-eligible historic resources in the project area.

The data recovery effort for prehistoric components in the Project area represents a 0.1% sample of all NRHP-eligible prehistoric resources in the project area.

APPENDIX B
Plan for the Treatment of Human Remains
at RiverPark Place, Louisville, Kentucky

This plan shall be implemented upon the discovery of human remains anywhere in Blocks 1, 2, 3, 4, 6, and 7. Waterfront shall ensure that a professional archaeological consultant conducts Phase III data recovery investigations and that the consultant shall be responsible for disinterment, analysis, and reinterment of any/all human remains.

All human remains discovered throughout the project area shall be treated in the manner outlined herein. In accordance with Kentucky Revised Statute (KRS) 381.690 and referring to land within the corporate limits of a city, "...the governing authorities of the city shall protect the burial grounds from being used for dumping grounds, building sites, playgrounds, places of entertainment and amusement, public parks, athletic fields, or parking grounds."

The Corps entered into consultation with the following federally recognized Indian tribes: the Eastern Band of Cherokee Indians, the United Keetoowah Band of Cherokee Indians in Oklahoma, the Shawnee Tribe, and the Absentee-Shawnee Tribe (the Tribes); and the KY SHPO and the Office of State Archaeology (OSA) to discuss appropriate treatment of human remains. The Tribes, SHPO, and OSA were unanimously in support of keeping all human remains in place and not affecting them in any way, under ideal circumstances.

Leaving human remains in place without buildings above them is not possible under the proposed activity, so a decision had to be made whether to remove the remains or to leave them in situ and build over them. Two of the Tribes (the Eastern Band of Cherokee Indians and the United Keetoowah Band of Cherokee Indians in Oklahoma) expressed a strong desire to leave the remains in place with the buildings constructed over them. The Shawnee Tribe disagreed and expressed a preference to disinter any burials identified and rebury them elsewhere. The SHPO and the OSA expressed a preference to remove the remains from the areas of impact and rebury them elsewhere after appropriate documentation and analysis.

KRS 381.690, cited above, does not directly affect the actions of the Corps, but the Corps should not require the permittee to undertake actions (such as building over a burial ground) that would be directly contradictory to a state law. Therefore, the Corps directs the applicant to disinter **all human remains discovered within the project area**, in accordance with the plan outlined herein.

The following items shall be implemented *in addition to* the Phase III data recovery plan prepared by AMEC Earth & Environmental, Inc. in June 2005, entitled, "Data Recovery Plan to Conduct Phase III Archaeological Mitigation for the Proposed Riverpark [sic] Place Condominium Development, Louisville Waterfront".

Monitoring

Waterfront shall ensure that all utility line excavation in Block 7 is monitored by a professional archaeologist. The purpose of this monitoring is to identify any prehistoric human remains that might be disturbed by the excavation activities. If human remains are discovered during monitoring, excavation activities shall immediately cease within twenty (20) feet of the area containing the remains and the Corps shall be notified. The Corps shall then coordinate with the KY SHPO and Tribes to develop a plan for treating the newly discovered remains appropriately. This coordination shall be initiated within two (2) business days of the notification of the discovery.

Excavation

1. The tribes may have representatives present during excavation. No ceremonial items which may inhibit or contaminate materials suitable for radiocarbon dating shall be permitted.
2. The soil matrix around burials shall be screened and retained for reburial. Bags of soil shall be appropriately labeled for later identification/matching with the appropriate remains.
3. Funerary objects associated with the remains shall be documented.
4. All human remains, burial pits, and associated funerary items shall be fully documented, including photography. Photographs shall not be reproduced in the final Phase III report or in any other publication, but sketches shall be permissible in the report and other documentation. Photography shall be limited and the resulting photographs shall be converted to drawings and destroyed. Photographs will not be released to the public in any way.
5. All human remains and funerary objects shall be treated with respect at all times.
6. Soil samples may be taken from the burial matrices for flotation, screening, or other types of processing, only if the processed soil can be returned for reburial upon completion of the analyses.
7. Charcoal samples may be taken for radiocarbon dating from the burial matrices and non-burial contexts. Whenever possible, these shall come from the burial matrix. Samples may also be taken as appropriate from non-burial contexts for the purposes of radiocarbon dating.

8. The remains shall be transported to a professional archaeological laboratory where they shall be temporarily stored in a secure location until reburial occurs at a location to be determined through further consultation with the Corps, the SHPO, the Tribes, and Waterfront. The Corps shall make the final decision about the temporary curation facility.

Analyses


All human remains shall be completely exposed, identified, and documented. Non-destructive types of analysis may be performed without further consultation. These may include photography, X-rays, measurement, visual examination, etc. No destructive analysis of the human remains will be carried out.

Reinterment

1. If the agreed-upon reburial location is within the Project area, the reburial site shall be prepared by Waterfront and its agents (i.e., brush cleared, etc.).
2. The reinterment event shall not be publicized to the media, nor to parties not involved in section 106 consultation.
3. Persons present during reinterment shall be limited to as-needed personnel.
4. The reinterment location shall be adequately mapped and otherwise documented to prevent any future disturbance. If the reburial location is within the Project property, protective measures, developed in consultation with the Tribes, such as geotextile fabric or a concrete cap with rebar shall be placed over the burials in order to prevent looting.
5. An archaeologist and/or physical anthropologist shall physically place the remains and associated objects and appropriate soil matrices, representing at least the plane of the burial, to ensure they reflect the original orientation, and association.
6. The consulting tribes may have representatives present to spiritually prepare the site prior to interment, if they so choose.
7. Reburial shall occur as soon as practical following exhumation, analysis, and documentation.

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:



Stephen Poe
Chief Executive Officer
Poe Companies

11/8/02
Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:

Chief George Wickliffe
United Keetoowah Band of Indians of Oklahoma

Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:

Principal Chief Michell Hicks
Eastern Band of Cherokee Indians

Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:

Governor Larry Nuckolls
Absentee-Shawnee Tribe of Oklahoma

Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:

Chairman Ron Sparkman
Shawnee Tribe

Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:

Meme Sweets Runyon
Executive Director, River Fields, Inc.

Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:

Laura Renwick
Historic Landmarks Foundation of Indiana,
Southern Regional Office

Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky


CONCURRING PARTY:

Bert Ribeiro

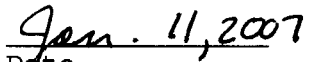
Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:




Richard Jett
Louisville Metro Planning Landmarks Division



Date

RiverPark Place MOA
Louisville, Jefferson County, Kentucky

CONCURRING PARTY:



Jim Segrest
President, Butchertown Neighborhood Association

1-18-2007
Date