DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059
FAX: (502) 315-6677
http://www.lrl.usace.army.mil/

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Operations Division
Regulatory Branch (South)
ID No. 199200465-gam

Mr. Bert Ribeiro
1342 South 2nd Street
Louisville, Kentucky 40208

Dear Mr. Ribeiro:

This is in reference to the proposed RiverPark Place mixed-use development along the Ohio River in Louisville, Jefferson County, Kentucky. The permittee for this project is the Waterfront Development Corporation (Waterfront).

Several comments were received in response to the draft final MOA comment period that concluded on November 17, 2006. **The input from all of the parties was informative and beneficial in finalizing the MOA. I have carefully considered all of the comments in reaching my final decisions. I recognize that no one document could completely satisfy each party, however, the final MOA is a document that satisfies the requirements of Section** 106 of the National Historic Preservation Act and its implementing regulations to resolve the adverse effects of the project on historic properties.

The draft final MOA was revised as follows (revised language is underlined):

1) Page 15, Appendix B, paragraph 3; The Corps entered into consultation with <u>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);</u> and the KY SHPO and the Office of State <u>Archaeology</u> (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.

2) Page 16, Excavation, item 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.

As a consulting party to the MOA, I request your concurrence and signature to the agreement. If you choose to sign, you should do so and return the original signature page to the Corps no later than **December 13, 2006.** If you do not choose to concur in the MOA, please contact Mr. Greg McKay by the aforementioned date by writing to the above address, ATTN: CELRL-OP-FS, or by calling (502) 315-6685.

Sincerely,

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

Enclosure