

Attachment C

SHPO Comments on FHWA 4(f) Evaluation September 2003

SHPO Comments on FHWA 4(f) Evaluation:

Section 4(f) Evaluation – Proximity Impacts:

April 25, 2003	FHWA Letter to Indiana SHPO	C-1
April 25, 2003	FHWA Letter to Kentucky SHPO	C-2
April 25, 2003	Kentucky SHPO Letter to FHWA	C-3
-----	Note on Indiana SHPO comment about review	C-4

Section 4(f) Evaluation of Known Archaeological Sites:

April 25, 2003	FHWA Letter to Indiana SHPO	C-5
April 25, 2003	FHWA Letter to Kentucky SHPO	C-6
May 1, 2003	Kentucky SHPO Letter to FHWA	C-7
August 29, 2003	Indiana SHPO E-mail to FHWA	C-8

Allison-Barrickman Historic Property

August 13, 2003	FHWA Letter to Kentucky SHPO	C-9
[Letter included signature block for concurrence by SHPO]		

Belleview Historic Property

August 13, 2003	FHWA Letter to Kentucky SHPO	C-11
August 18, 2003	Kentucky SHPO Letter to FHWA	C-16

Utica Limekiln Multiple Property Listing:

August 15, 2003	FHWA Letter to Indiana SHPO	C-18
August 15, 2003	FHWA Letter to Kentucky SHPO	C-26
August 18, 2003	Indiana SHPO Email to FHWA	C-27
August 28, 2003	Kentucky SHPO Comment	C-29



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

Kentucky Division Office
Jose Sepulveda, Division Administrator

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

April 25, 2003

Mr. John Goss
State Historic Preservation Officer
Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, Room W274
Indianapolis, Indiana 46204-2748

Attention: Mr. John Carr

Dear Mr. Goss:


Subject: Louisville-Southern Indiana Ohio River Bridges Project
Section 4(f) Evaluation – Proximity Impacts

We are transmitting to you by separate letter the Project's Technical Report on Proximity Impacts to Section 4(f) Properties. The report addresses those properties that qualify for protection under Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303, that will not be directly used by the Project, but that may experience adverse impacts as a result of their proximity to the Project elements. Based on this evaluation, the Federal Highway Administration ("FHWA") has determined that the proximity impacts of the Preferred Alternative, as described in the report, will not be so severe that they will substantially impair or diminish the protected activities, features, or attributes that qualify the affected resources for protection under Section 4(f).

Among the properties evaluated in the Section 4(f) process, the FHWA has evaluated all those properties in close proximity to the Project that are listed on or eligible for listing on the National Register of Historic Places, which were identified through the Section 106 consultation process. Your office has concurred in our identification and assessment of the adverse effects on those properties. As a consequence of the Section 106 assessments and MOA commitments for mitigations, and the evaluations contained in this technical report, the FHWA has determined that the implementation of the Preferred Alternative **will not** substantially impair or diminish the historic qualities of those identified historic properties that qualify them to be listed on, or be determined eligible for listing on, the National Register. We will greatly appreciate your written response in agreement with our determinations.

Thank you in advance for your careful attention to this matter. We appreciate your ongoing assistance and advice on this Project. We look forward to continue working with you as we see this important Project through to its completion. Please call me if you have any questions.

Sincerely,



John Ballantyne,
Project Coordinator

CC: Mike Hazeltine, INDOT
Charlie Raymer, CTS
Larry Heil, FHWA-IN



US Department
of Transportation
**Federal Highway
Administration**

Kentucky Division Office
Jose Sepulveda, Division Administrator

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

April 25, 2003

Mr. David Morgan, Director
State Historic Preservation Office
Kentucky Heritage Council
300 Washington Street
Frankfort, Kentucky 40601

Dear Mr. Morgan:

Subject: Louisville-Southern Indiana Ohio River Bridges Project
Section 4(f) Evaluation – Proximity Impacts

We recently transmitted the Project's Technical Report on Proximity Impacts to Section 4(f) Properties to you. This report addresses those properties that qualify for protection under Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303, that will not be directly used by the Project, but that may experience adverse impacts as a result of their proximity to the Project elements. Based on this evaluation, the Federal Highway Administration ("FHWA") has determined that the proximity impacts of the Preferred Alternative, as described in the report, will not be so severe that they will substantially impair or diminish the protected activities, features, or attributes that qualify the affected resources for protection under Section 4(f).

Among the properties evaluated in the Section 4(f) process, the FHWA has evaluated all those properties in close proximity to the Project that are listed on or eligible for listing on the National Register of Historic Places, which were identified through the Section 106 consultation process. Your office has concurred in our identification and assessment of the adverse effects on such properties. As a consequence of the Section 106 assessments and MOA commitments for mitigations, and the evaluations contained in this technical report, the FHWA has determined that the implementation of the Preferred Alternative **will not** substantially impair or diminish the historic qualities of those identified historic properties that qualify them to be listed on, or be determined eligible for listing on, the National Register. We will greatly appreciate your response in agreement with our determinations.

Thank you in advance for your careful attention to this matter. We appreciate your ongoing assistance and advice on this Project. We look forward to continue working with you as we see this important Project through to its completion. Please call me at (502) 330 4733 if you have any questions.

Sincerely,


John Ballantyne,
Project Coordinator

CC: John Carr, KYTC
Charlie Raymer, CTS
Larry Heil, FHWA-IN



Education, Arts and Humanities Cabinet

KENTUCKY HERITAGE COUNCIL

The State Historic Preservation Office

Paul E. Patton
Governor
Marlene M. Helm
Cabinet Secretary

David L. Morgan
Executive Director and
SHPO

April 25, 2003

Mr. Jose Sepulveda
Division Administrator
Federal Highways Administration
330 W. Broadway
Frankfort, KY 40601

**SUBJECT: Louisville-Southern Indiana Ohio River Bridges Project
Section 4(f) Evaluation – Proximity Impacts**

Dear Mr. Sepulveda:

Thank you for allowing us the opportunity to comment on the above referenced report. As you know, the State Historic Preservation Office does not normally review Section 4(f) documents. While we are interested in the results of these evaluations, we do not consider ourselves the appropriate agency to address transportation issues such as constructive use.

However, with this in mind, due to the extensive identification and consultation work completed throughout the Section 106 Review process, it is our opinion that the preferred alternatives for both a downtown and eastern bridge will not cause any of the adversely effected historic structures and districts to lose those qualities which qualify them for listing in the National Register of Historic Places. The Memorandum of Agreement fully addresses these adverse effects and offers, through project design and direct mitigation, measures to minimize and mitigate project impacts.

We look forward to working with the FHWA and the KYTC to implement the provisions of the Memorandum of Agreement.

Sincerely,

David L. Morgan, Executive Director
and State Historic Preservation Officer

300 Washington Street
Frankfort, Kentucky 40601
An equal opportunity employer M/F/D

Louisville- Southern Indiana
Ohio River Bridges Project



C-3

Telephone (502) 564-7005
FAX (502) 564-5820
Printed on recycled paper

ROD - Attachment C
September 2003

NOTE – Indiana SHPO comment on Section 4(f) – Proximity Impacts

The office of the Indiana State Historic Preservation Office verbally declined to comment on the Technical Report on Proximity Impacts to Section 4(f) Properties noting that 4(f) and constructive use were transportation issues that the State Historic Preservation Office did not normally review.



US Department
of Transportation
**Federal Highway
Administration**

Kentucky Division Office
Jose Sepulveda, Division Administrator

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

April 25, 2003

Mr. John Goss
State Historic Preservation Officer
Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, Room W274
Indianapolis, Indiana 46204-2748

Dear Mr. Goss:

Subject: Louisville-Southern Indiana Ohio River Bridges Project
Section 4(f) Evaluation of Known Archeological Sites

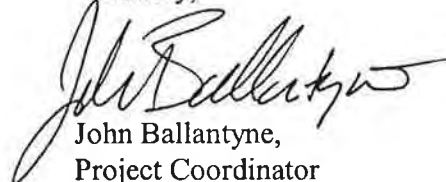
In consultation with the Project professional archeologists and with your office we have determined that the Project's directly impacted archeological sites, identified thus far, are important chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

Site (IE-AR-CL-525) will be directly impacted by the Preferred Alignment. The Section 106 MOA sets protective mitigations for other archeological sites that are not directly impacted.

We will greatly appreciate your written response in agreement with our determination that the Project's directly impacted archeological sites, identified thus far, are important chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

Thank you in advance for your careful attention to this matter. We appreciate your ongoing assistance and advice on this Project. We look forward to continue working with you as we see this important Project through to its completion. Please call me if you have any questions.

Sincerely,



John Ballantyne,
Project Coordinator

CC: Larry Heil, FHWA-IN
Mike Hazeltine, INDOT
Charlie Raymer, CTS



US Department
of Transportation
**Federal Highway
Administration**

Kentucky Division Office
Jose Sepulveda, Division Administrator

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

April 25, 2003

Mr. David Morgan, Director
State Historic Preservation Office
Kentucky Heritage Council
300 Washington Street
Frankfort, Kentucky 40601

Dear Mr. Morgan:

Subject: Louisville-Southern Indiana Ohio River Bridges Project
Section 4(f) Evaluation of Known Archeological Sites

In consultation with the Project professional archeologists and with your office we have determined that all of the Project's directly impacted archeological sites, identified thus far, are important chiefly because of what can be learned by data recovery and have minimal value for preservation in place. These sites are listed in the Section 106 MOA as follows:

Archaeological Site KE-AR-JF677 – Adverse effect on this prehistoric site determined for encroachment impacts associated with the Alternative A15 portion of the Project;

Archaeological Site KE-AR-JF678 – Adverse effect on this prehistoric site determined for encroachment impacts associated with the Alternative A15 portion of the Project;

Archaeological Site KE-AR-JF679 – Adverse effect on this multi-component historic/prehistoric site (partially or wholly compromised by recent housing construction) determined for encroachment impacts associated with the Alternative A15 portion of the Project; and

Archaeological Site KE-AR-JF680 – Adverse effect on this prehistoric site determined for encroachment impacts associated with the Alternative A15 portion of the Project.

We will greatly appreciate your written response in agreement with our determination that the Project's directly impacted archeological sites, identified thus far, are important chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

Thank you in advance for your careful attention to this matter. We appreciate your ongoing assistance and advice on this Project. We look forward to continue working with you as we see this important Project through to its completion. Please call me if you have any questions.

Sincerely,



John Ballantyne,
Project Coordinator

CC: John Carr, KYTC
Charlie Raymer, CTS
Larry Heil, FHWA-IN



Education, Arts and Humanities Cabinet

KENTUCKY HERITAGE COUNCIL

The State Historic Preservation Office

Paul E. Patton
Governor
Marlene M. Helm
Cabinet Secretary

David L. Morgan
Executive Director and
SHPO

May 1, 2003

Mr. Jose Sepulveda,
Division Administrator
Federal Highway Administration
Federal Building
330 W. Broadway
Frankfort, Kentucky 40601

Subject: Louisville-Southern Indiana Ohio River Bridges Project
Section 4(f) Evaluation of known archaeological sites

Dear Mr. Sepulveda:

Thank you for your letter concerning the identified archaeological sites that would be directly impacted by the above referenced project. This includes the following sites: KE-AR- JF677, KE-AR-JF678, KE-AR-JF679, and KE-AR-JF680.

We are in agreement with the Federal Highway Administration that the sites identified to date, are primarily eligible for their scientific data content and do not warrant preservation in place. We look forward to working with you on implementing the archaeological provision contained in the MOA.

Sincerely,

David L. Morgan, Executive Director,
Kentucky Heritage Council and
State Historic Preservation Officer

300 Washington Street
Frankfort, Kentucky 40601
An equal opportunity employer M/F/D
Louisville- Southern Indiana
Ohio River Bridges Project



C-7

Telephone (502) 564-7005
FAX (502) 564-5820
Printed on recycled paper
ROD - Attachment C
September 2003

Jim Hilton

From: Jones, Rick [RJones@dnr.state.in.us]
Sent: Friday, August 29, 2003 4:35 PM
To: Ballantyne, John
Cc: Heil, Larry; JVLach@b-l-n.com
Subject: FW: Site 12 CI 525

August 29, 2003

**Re: Comments on letter for Louisville-Southern Indiana Ohio River Bridges Project, Section 4(f)
Evaluation of Known Archaeological Sites.**

Dear John:

We have reviewed the letter submitted to our office regarding the above project in Clark County, Indiana. In consultation with the Project professional archaeologists and with the FHWA, we have determined that the Project's directly impacted archaeological site (12 CI 525), identified thus far, is important chiefly because of its information potential and what can be learned by data recovery. At present, the current information from this site does not appear to substantiate preservation of the site in place. This will be verified as additional archeological investigations at the site proceed in accordance with the MOA.

We appreciate the opportunity to comment on this project, and if we can be of further assistance, please contact our office at (317) 232-1646.

Very truly yours,

James R. Jones III



US Department of Transportation

Federal Highway Administration

Kentucky Division Office
Jose Sepulveda, Division Administrator

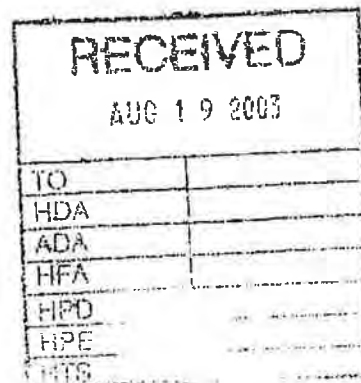
330 West Broadway
Frankfort, KY 40601
PH. (502) 223-6720
FAX (502) 223-6735

August 13, 2003

Mr. David Morgan,
Kentucky Heritage Council,
State Historic Preservation Officer (SHPO)
300 Washington Street,
Frankfort, KY 40602
502-564-7005, ext 111

Dear Mr. Morgan:

Subject: Louisville – Southern Indiana
Ohio River Bridges Project
Allison-Barrickman Historic Property

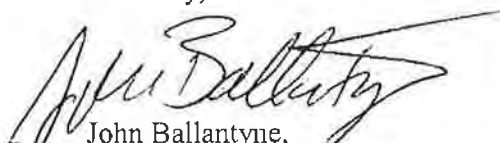


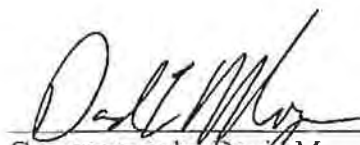
This letter updates the project mapping for the Allison-Barrickman historic property in Prospect, Jefferson County. On the enclosed Map of Corrected Boundary we have overlain the meets and bounds description of the complete two-acre Werenskjold property (shown in yellow) on the previously mapped area that FHWA, with Section 106 consultation, determined eligible for the National Register of Historic Places (NRHP) (shown in purple). We now consider the combination of the two areas (outlined in purple and shown in green) as eligible for the NRHP.

We have determined that the verbal property descriptions in the completed Section 106 process and documentation, including eligibility and effects determinations, and the resolution of adverse effects remain unchanged. We will appreciate your prompt written concurrence in this determination.

Again, we thank you for your active involvement in the development of this project. We trust your office will stay actively involved with this project as we move into the design and construction processes and implementation of commitments made in the Memorandum of Agreement.

Sincerely,


John Ballantyne,
Project Coordinator


Concurrence by David Morgan, SHPO



**Allison-Barrickman Property
Map of Corrected Boundary**



US Department
of Transportation
Federal Highway
Administration

Kentucky Division Office
Jose Sepulveda, Division Administrator

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

August 13, 2003

Mr. David Morgan,
Kentucky Heritage Council,
State Historic Preservation Officer
300 Washington Street,
Frankfort, KY 40602
502-564-7005, ext 111

Dear Mr. Morgan:

Subject: Louisville – Southern Indiana
Ohio River Bridges Project
James Thompson's North Field

This letter addresses recent comments, on the Final Environmental Impact Statement (FEIS) for the Louisville Bridges Project, by River Fields, Inc. and Mr. James Thompson. Their comments suggest that the boundaries for the historic Belleview property were incorrectly depicted on project maps and that the Mr. Thompson's separately acquired "north field" should be a part of the historic Belleview property. Our May 30, 2003 letter to Mr. Thompson (copy enclosed) answers his related comments.

We wish to clarify the facts regarding Mr. Thompson's north field. The Federal Highway Administration (FHWA) has carefully reviewed the comment letters, the enclosed May 2003 report from CTS entitled Thompson Property and Historic Belleview, as well as the detailed information developed during the historic properties identification and consultation process under Section 106 of the National Historic Preservation Act (Section 106). Based on that careful review, we have again determined that 1) the boundaries of the Belleview historic property used in our Section 106 consultation process are precisely the boundaries identified in the National Register of Historic Places (NRHP) listing; 2) that Mr. Thompson's north field is not a part of the NRHP description of the Belleview historic property; that 3) that Mr. Thompson's north field has no known historic connection or association with the Belleview historic property during its period of significance; and 4) that Mr. Thompson's north field is not individually eligible for the NRHP.

Belleview's 1992 Nomination Form for the NRHP does not include any property description (acreage boundary, or Block and Lot description), physical description, mapping, historic or other features, photographs, nor any mention of any characteristic or attribute of Mr. Thompson's separately acquired north field. Mr. Thompson's north field was not a part of the historic Bell property; and it does not have any known historic or cultural connection to Belleview during Belleview's period of significance, from 1860 to 1930. Mr. Thompson acquired the historic Bell property in September 1963. He subsequently acquired the north field in March 1964.

The NRHP Nomination Form's Verbal Boundary Description of Belleview is: "This property includes 123.2 acres that are bounded by the Ohio River on the west, Harrods Creek on the south, Upper River Road on the east and the property line on the north – including all of the property located in Block Six, Lots Four and 134."

The NRHP boundary description for Belleview includes the 100+ acres that Joseph and his son, Henry A. Bell, owned and developed (Block 6, Lot 134); plus 27 acres then owned by R.S. Rettinger (Block 6, Lot 4). The Rettinger tract is south of the Bell tract. After considering the 1879 Beers & Lanagan Map, the 1913 Louisville Title Co. Map, and the deeds during the period of significance, one could question the historic association of the Rettinger parcel to the historic Belleview property. However, we have consistently considered the entire NRHP listed boundary in the Section 106 Process on this project.

Mr. Thompson's north field is not included in the NRHP description Belleview's acreage, boundary description, nor Block and Lot description for Belleview. Mr. Thompson's north field is approximately 20 acres derived from the 326 acres once owned by H.H. Buffenmier (circa 1879), then later by Alex Hunter Mason Block, Trustee (circa 1913). It is currently known as Block 205, Lot 61.

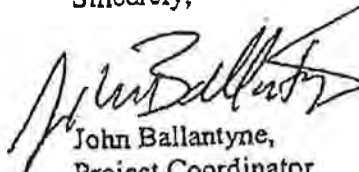
Your letter, dated February 9, 2000, to Mr. Thompson only recently came to our attention. That letter appears to contain factual errors regarding Mr. Thompson's north field. However, it affirms the NRHP described verbal boundary description and the block and lot description as being correct. Furthermore, the letter states that "because there is not an inaccuracy on the National Register nomination form, we (SHPO) are planning no further changes to the National Register documentation for Belleview."

The Kentucky Heritage Council concurred with the FHWA's June 26, 2002, findings with respect to the identification of historic properties that may be affected by the Bridges Project and then subsequently concurred with the assessment of potential effects on those properties. The executed Memorandum of Agreement (MOA) describes procedures for Unanticipated Discoveries and Additional Historic Properties and Effects.

When you and I met on August 8, 2003 to discuss Mr. Thompson's north field, you agreed with our above stated determinations. We believe that we have fulfilled our responsibilities under Section 106 and the executed MOA. We will appreciate your prompt written concurrence in these determinations.

Again, we thank you for your active involvement in the development of this project. We trust your office will stay actively involved with this project as we move into the design and construction processes and implementation of commitments made in the Memorandum of Agreement.

Sincerely,



John Ballantyne,
Project Coordinator

CC: Laura Dean, ACHP



U.S. Department
of Transportation
Federal Highway
Administration

Kentucky Division Office
Jose Sepulveda, Division Administrator

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

May 30, 2003

Mr. James Thompson
455 South 4th Avenue, #854
Louisville, Kentucky 40202

Dear Mr. Thompson:

Subject: Louisville – Southern Indiana
Ohio River Bridges Project
Historic Property Boundary – Belleview

Thank you for your correspondence of January 28, 2003, in which you provided comments on the Draft Memorandum of Agreement under Section 106 of the National Historic Preservation Act for the above-referenced project. In your letter, you stated your belief that the boundaries for the historic property known as Belleview, which your family owns, are incorrectly depicted on project maps. The Federal Highway Administration (FHWA) has carefully reviewed the information in your letter, as well as the detailed information developed during the historic properties review process under Section 106 of the National Historic Preservation Act (Section 106). Based on that careful review, we have determined that the boundaries of the Belleview property used in the Section 106 process are correct.

We understand that you and your family own a total of approximately 145 acres of land located at 6600 River Road, a part of which includes the historic Belleview property. Our review, under Section 106, is limited to those historic properties that have been listed on, or determined eligible for listing on, the National Register of Historic Places (National Register). The boundaries of historic properties often differ from the present-day property boundaries based on current ownership interests.

In the case of historic Belleview, which you acquired in September 1963, the National Register boundaries of the historic Belleview property were determined by the property's 1992 listing on the National Register. Those boundaries, which encompass approximately 123.2 acres, are noted as the Ohio River on the west, Harrods Creek on the south, River Road on the east, and, on the north, a slightly irregular line extending in nearly a straight line from River Road to the Ohio River, reflecting the boundary of the historic Henry Bell property and adjacent tracts. The land north of this boundary that you acquired in March 1964, which includes the "north field" that you believe should be included in the Belleview historic property, was not historically connected to Belleview and is not included in the historic property boundary identified in Belleview's National Register documentation. This approximately 27-acre tract of land was not connected to Belleview during its "period of significance" (approximately 1860 to 1930, based on the National Register listing) and was not directly connected to Belleview until you acquired the tract in 1964. Our review of the available information confirms that there is no basis for altering the National Register boundary of Belleview to include the north field as you have suggested.

The foregoing information was confirmed through the Section 106 consultation process. During that process, the Kentucky Heritage Council (the State Historic Preservation Office, or SHPO) concurred with the FHWA's June 26, 2002, findings with respect to the identification of historic properties that may be affected by the Bridges Project and the subsequent assessment of potential effects on those properties. The identification information included the historic boundaries of Belleview, as described in the National Register documentation, but did not include the additional "north field" you believe should be part of the historic property. The Section 106 process was subsequently concluded with the execution of a Memorandum of Agreement (MOA) by the FHWA, the federal Advisory Council on Historic Preservation, the Indiana and Kentucky State Historic Preservation Officers (SHPOs), the Indiana Department of Transportation, and the Kentucky Transportation Cabinet. While the MOA provides for a process for evaluating new information concerning historic properties, the FHWA has seen no information that would lead us to believe that the boundaries of Belleview reflected in the Section 106 documentation are inaccurate, nor have we been advised of any disagreement with our findings by the Kentucky SHPO or any of the other signatories or concurring parties to the MOA.

We remain committed to the full and good faith analysis of potential historic property impacts under Section 106. We believe that the Belleview property has received just such analysis. I hope this letter has clarified the proper historic boundaries of the Belleview property for you. Thank you again for your continued interest and involvement in this important project. Your participation in the upcoming design process will help minimize the adverse effects identified for historic Belleview property. Please contact us at (502) 223 6747 if you have any questions.

Sincerely,

/original signed by JDB 5/30/03/

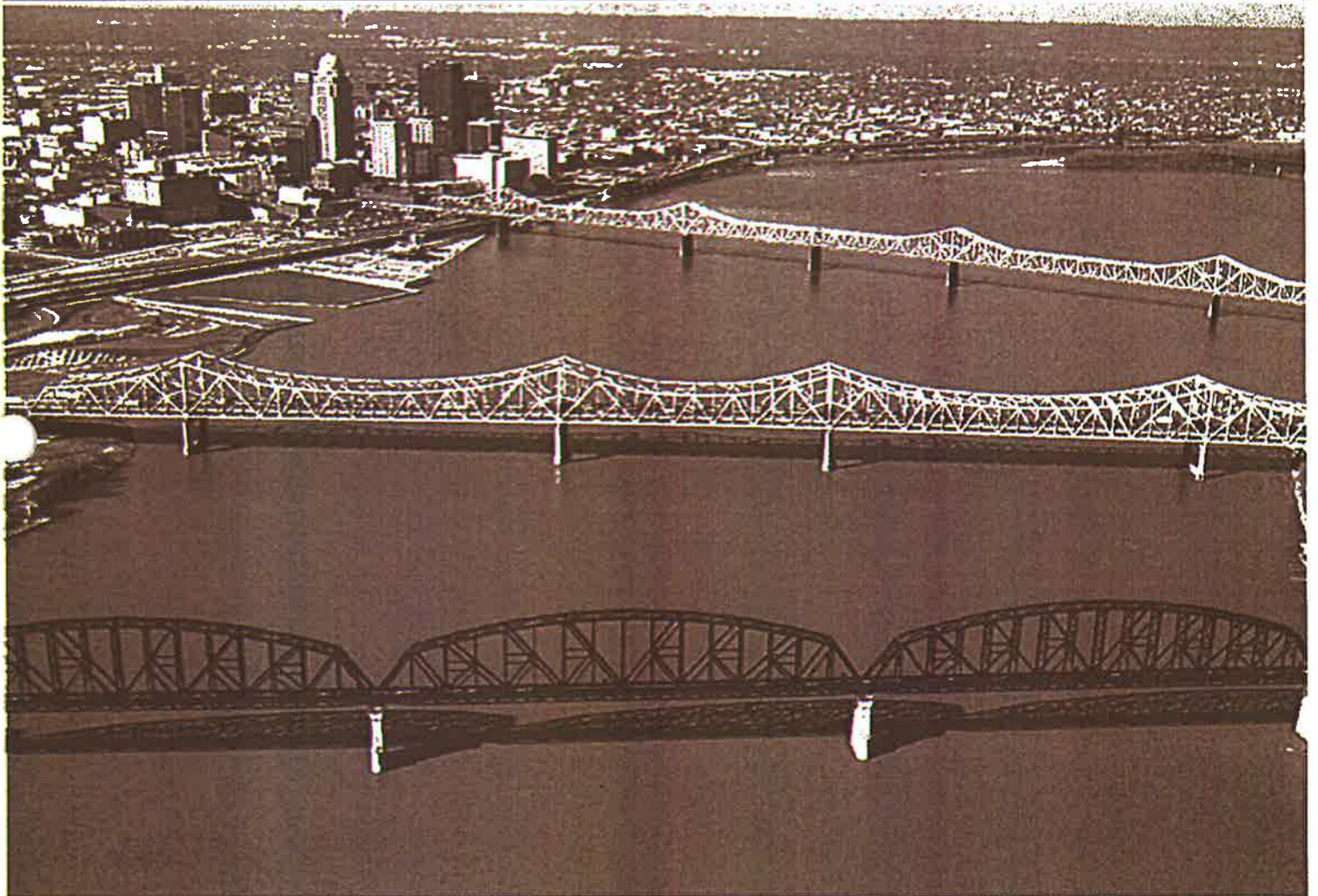


John Ballantyne,
Project Coordinator

CC: David Morgan, SHPO-KY
MaryAnn Naber, FHWA-HEP
Larry Heil, FHWA-IN
Charlie Raymer, CTS
John Carr, KYTC

Sent via Fed-EX 5/30/03 for 6/2/03 PM delivery.

Louisville-Southern Indiana Ohio River Bridges Project



Thompson Property and Historic Belleview May 2003



Education, Arts and Humanities Cabinet

KENTUCKY HERITAGE COUNCIL

The State Historic Preservation Office

Paul E. Patton
Governor
Marlene M. Helm
Cabinet Secretary

David L. Morgan
Executive Director and
SHPO

August 18, 2003

Mr. John Ballantyne, Project Coordinator
U.S. Department of Transportation
Federal Highway Administration
Kentucky Division Office
330 West Broadway
Frankfort, Kentucky 40601

RECEIVED	
AUG 19 2003	
TO	
HDA	
ADA	
HFA	
HPD	
HPE	
HTS	

Dear Mr. Ballantyne:

Thank you for your letter of August 13, 2003 concerning the National Register Boundaries for Bellevue. We are well aware of the issues concerning the North Boundary and have independently studied the National Register Nomination and supporting documents as well as contacting the Jefferson County PVA office to confirm what is actually listed in the National Register of Historic Places.

Our review of the documents indicates that the boundaries used in the Section 106 process are the boundaries reflected in the National Register nomination. The National Register boundary is described in several ways in section 10 of the nomination, which includes approximate UTM references, number of acres being nominated, a verbal boundary description and a boundary justification, along with maps.

In all cases, the boundaries described and justified in the nomination support the boundaries used by Federal highways in the Section 106 process. This includes the verbal boundary description which states, "including all of the property located in Block 6, lots four and 134", and the boundary justification which states, "the boundaries include 123.2 acres of extant buildings, structures, and sites that are historically and culturally related to Belleview (JF453) during its tenure as a gentlemen farm." In addition, the nomination text offers no suggestion that the North Field was considered part of the listing. Text in Sections 7 and 8 provides no reference to the North Field, either as a significant part of Belleview's overall acreage or as the place where important buildings and landscape features are located. Finally, the USGS quad map depicts a straight line as the Northern boundary with no indication that the questioned property was included in the nomination.

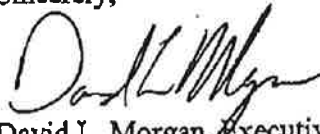


Mr. John Ballantyne, Project Coordinator
August 18, 2003
Page two

I do think it is unfortunate that this issue wasn't resolved to all parties' satisfaction earlier in the Section 106 process. However, at this time, based on our review of the documentation, we concur with Federal Highways that the correct National Register Boundaries for Belleview were used during the Section 106 process.

If you need any additional information, or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



David L. Morgan, Executive Director
Kentucky Heritage Council and
State Historic Preservation Officer



US Department
of Transportation
**Federal Highway
Administration**

Kentucky Division Office
Jose Sepulveda, Division Administrator

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

August 15, 2003

Mr. John Goss
State Historic Preservation Officer
Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, Room W274
Indianapolis, Indiana 46204-2748

Attention: Mr. John Carr

Dear Mr. Goss:

Subject: Louisville-Southern Indiana Ohio River Bridges Project
Section 4(f) Evaluation – Proximity Impacts
Utica Limekiln Multiple Property Listing

Enclosed is an Addendum to the April 22, Technical Report on Proximity Impacts to Section 4(f) Properties. This report evaluates the proximity impacts to the nearby limekilns included in the Utica Limekiln Multiple Property Listing.

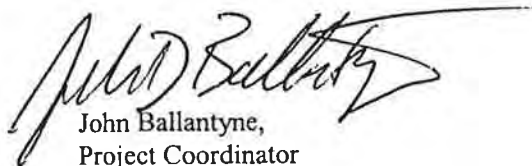
In April, we transmitted the Project's Technical Report on Proximity Impacts to Section 4(f) Properties to you for your review. That report addressed properties that qualify for protection under Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303, which will not be directly used by the Project, but that may experience adverse impacts as a result of their proximity to the Project elements. Based on that evaluation, we determined that the proximity impacts of the Preferred Alternative, described in the report, will not be so severe that they will substantially impair or diminish the protected activities, features, or attributes that qualify the affected resources for protection under Section 4(f). We evaluated the Section 4(f) resource properties in close proximity to the Project including those that are listed on or eligible for listing on the National Register of Historic Places, which were identified through the Section 106 consultation process.

Unfortunately, our April Proximity Impact Report omitted our evaluation of the proximity impacts on the Utica Limekiln Multiple Property Listing. The enclosed report corrects that omission.

The FHWA has again determined that the implementation of the Preferred Alternative **will not** substantially impair or diminish the historic qualities of those identified historic properties that qualify them to be listed on, or be determined eligible for listing on, the National Register. We will appreciate your response in agreement with our determinations. Please comment or respond by Thursday, August 21.

Thank you in advance for your careful attention to this matter. We appreciate your assistance and advice; and we look forward to continue working with you as we see this important Project through to its completion. Please call me at (502) 330 4733 if you have any questions.

Sincerely,



John Ballantyne,
Project Coordinator

CC: John Carr, KYTC
Charlie Raymer, CTS
Larry Heil, FHWA-IN

**LOUISVILLE – SOUTHERN INDIANA
OHIO RIVER BRIDGES PROJECT**

**ADDENDUM TO THE
TECHNICAL REPORT
on
PROXIMITY IMPACTS
TO SECTION 4(f) PROPERTIES**

**AN EVALUATION OF PROXIMITY IMPACTS
TO THE NEARBY LIME KILNS
INCLUDED IN THE
UTICA LIMEKILN MULTIPLE PROPERTY LISTING
and
LOCATED NEAR THE PREFERRED ALTERNATIVE**

AUGUST 2003

The following addendum to the “Technical Report on Proximity Impacts to Section 4(f) Properties” was prepared to provide information on comments received on the Final Environmental Impact Statement (FEIS). The FEIS was approved by the Federal Highway Administration on April 8, 2003. Notification of a 60-day circulation period was included in the Federal Register on April 26, 2003. Comments received after the close of the June 26, 2003 circulation period will be addressed in the Record of Decision. This addendum provided information used in preparing that document.

Lime Kilns within the Utica Lime Industry Multiple Property Listing (IE-HC-48001 – IE-HC-48004) - Indiana

The town of Utica was active in the lime industry during the latter nineteenth and early twentieth centuries. The town and township became known for the production of lime, which came from the dolomitic limestone exposed on the bluffs near the Ohio River. For a period of time, the lime industry actually supported the town. Utica was known up and down the Ohio River for this product. According to contemporary sources, about 13 individuals or local families were involved in either ground hog or patent kiln production. An 1873 map included with the annual report of the state geologist showed several kilns upstream of Utica, and two properties owned by companies active at the time: The Louisville Cement Company and the Utica Lime Company. Two types of kilns have been identified through the cultural investigations for the Louisville – Southern Indiana Ohio River Bridges Project. A ground hog or contemporary, limited-use kiln was built into the side of a hill. Limestone was loaded into a vertical cylindrical or brick-lined shaft from the top of the hill, and a fire was built in a specially constructed arch below the limestone. Later, larger more permanent kilns were built, including perpetual kilns, which were in operation in 1875. The four lime kilns identified within the Area of Potential Effects (APE) are located on Figure 1, relative to the location of the eastern portion of the eastern portion of the Preferred Alternative (Alternative A-15) as identified in the Final Environmental Impact Statement.

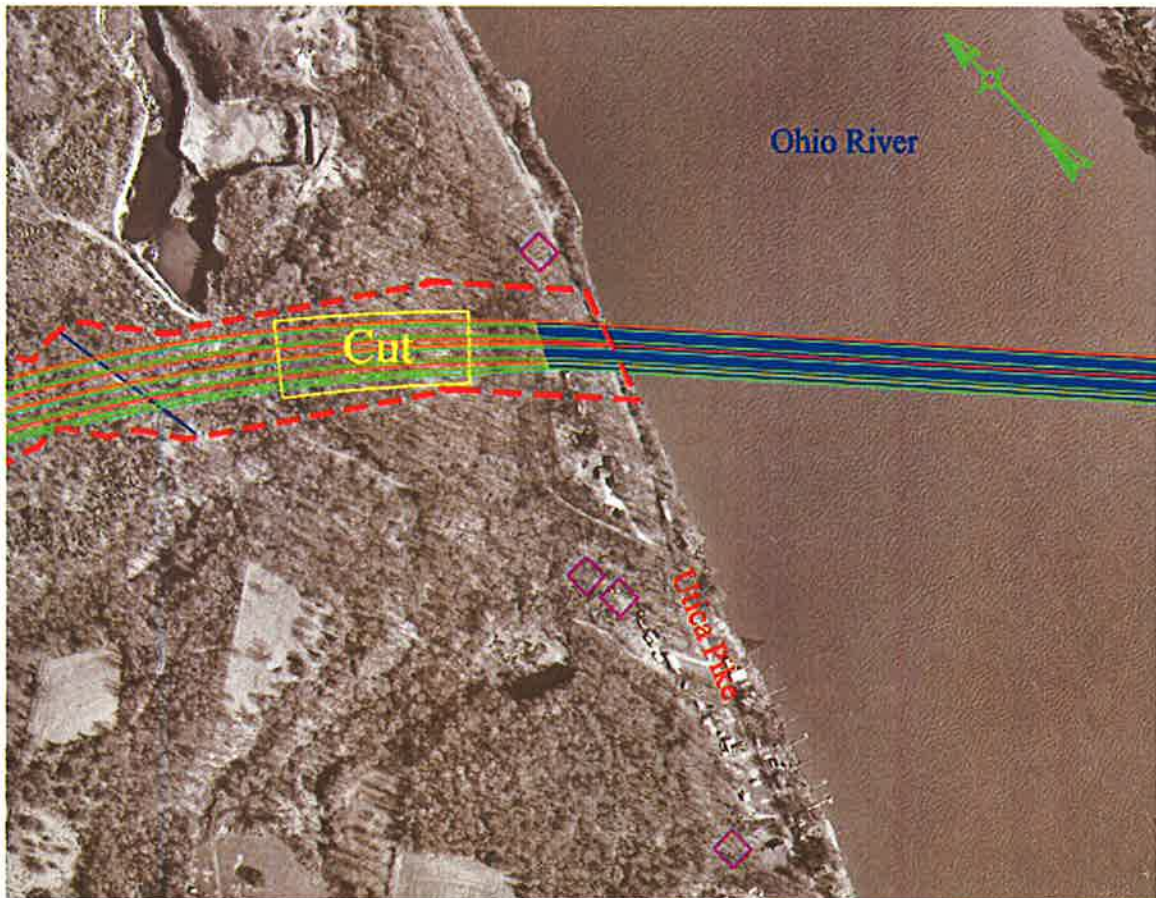


Figure 1 – Location of Four Lime Kilns included in the Utica Limekiln Multiple Property Listing

Information on each of these resources is provided in the following material.

Site IE-HC-48001 is a ground hog lime kiln located at the base of a hill. The kiln is constructed of cut limestone blocks. The aboveground section of the kiln consists of an arch with metal spacers placed between the blocks. Due to the amount of debris in the kiln, the precise height of the kiln is unknown. Alternative A-13 is the alternative closest to this resource, with the lime kiln approximately 32 feet from the right of way. The right of way for all other alternatives is 1,350 feet or more from this resource. All alternatives, except for Alternative A-13, would have no effect on the lime kiln. Alternative A-13 would have an adverse effect on the lime kiln due to blasting vibration impacts.

The right of way for Alternative A-15 is approximately 1,456 feet from the resource. Alternative A-15 would not impair the historic significance of the lime kiln or the characteristics that cause it to be considered eligible for the NRHP. Accordingly Alternative A-15 would not cause a “constructive use” of the lime kiln, which is included in the Utica Lime Industry Multiple Property Listing.

Site IE-HC-48002 and Site IE-HC-48003 are two abandoned vertical lime kilns that form a lime kiln complex. Both kilns are situated on a slope with the kilns constructed in the side of the hill. A ravine separates the two kilns. The eastern kiln (IE-HC-48002) consists of only the kiln, while the western kiln (IE-HC-48003) is associated with several structural remnants.

The eastern kiln is constructed of cut limestone blocks. Two arch shaped vaults are documented on the south side of the kiln. Both vaults are lined with mortared-fire brick in a “V” pattern. A metal chute is evident on the eastern vault, and the remains of a metal door are evident on the western vault.

The western kiln consists of a kiln, a retaining wall, five poured concrete posts, two poured concrete foundation remnants and two foundation stones. This kiln is constructed much like the eastern one with mortared cut limestone blocks. Two arch shaped vaults exist on the south-southwest side of the structure. The concrete retaining wall projects from the east wall perpendicular to the kiln. Located east of the kiln are the five concrete posts and two foundation remnants. The foundation stones are located to the south side of the kilns. The type or purpose of any of these structures could not be determined based upon field review and the lack of archival photographs.

Alternative A-13 is the alternative closest to this resource, with the lime kiln complex approximately 354 feet from the right of way. The lime kiln complex is approximately 489 feet and 550 feet from the right of way of Alternative A-16 and Alternative A-15, respectively. The lime kiln complex is 1,504 feet or more from the right of way of all remaining alternatives. All alternatives, except for Alternative A-13, Alternative A-15 and Alternative A-16, would have no effect on the lime kiln complex. Alternative A-13, Alternative A-15 and Alternative A-16 are expected to have an adverse effect on the lime kiln complex due to blasting vibration impacts.

The nearest edge of this complex (IE-HC-48002 and IE-HC-48003) is located approximately 550 feet from the right of way of A-15. The lime kiln complex is at approximately the same elevation as Utica Pike. The bridge and highway approach on Alternative A-15 would be constructed at a much higher elevation than Utica Pike (see Figure 2). The location of this limekiln complex relative to the A-15 alignment is shown on Figure 1.

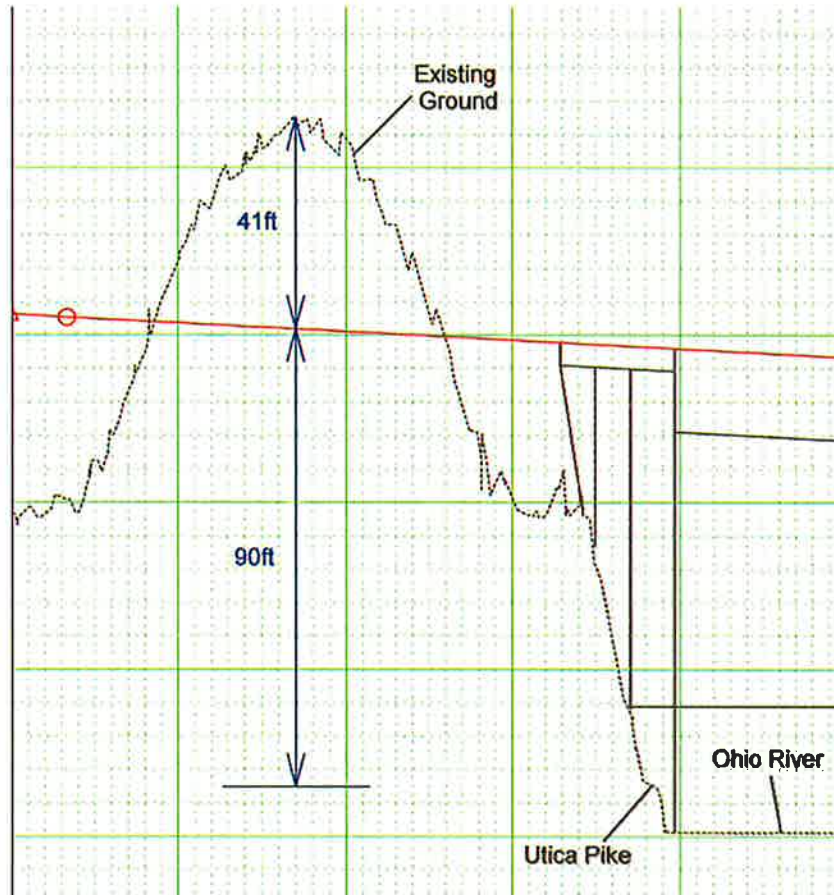


Figure 2 – Elevation view of Alternative A-15

Graphics were prepared and included in the Section 106 Assessment of Effects documentation to assist in evaluating areas where there might be a potential for vibration from blasting. These graphics showed that a small portion of this lime kiln complex would fall within one of the areas of potential blasting vibration impact for the A-15 alignment. However, the area where blasting would likely be required is actually more than 660 feet from the nearest edge of the resource. The area requiring blasting also is a fairly small portion of the A-15 alignment, extending approximately 600 feet along the alignment and with a maximum depth of cut of approximately 41 feet. The blasting would also be located within rock strata more than 90 feet higher in elevation than the strata where these lime kilns are located. These factors combine to reduce any potential for adverse effects on this lime kiln complex from Project-related blasting. Evidence of extensive blasting for a rock quarry operation in the past can be seen on Figure 1. The area where blasting could be expected is also outlined on Figure 1. This historical quarry blasting

would have occurred within the rock strata lower in elevation and thus closer to the lime kilns, than the strata where blasting would be expected for the Project. There is no evidence of damage to the lime kiln complex from this historic blasting. No other blasting is anticipated for elements of the Project in the vicinity of this lime kiln complex, and in any case, any such blasting would be limited to very small, confined areas more than 500 feet from the nearest edge of the resource.

Based on the foregoing factors, the likelihood of damage from blasting vibration is considered quite small. Moreover, the potential for damage from vibration has been addressed by the measures included in the Section 106 Memorandum of Agreement - development of a blasting vibration plan prior to initiation of construction activities and provision for monitoring the blasting operations during construction. The blasting plan would be developed in accordance with the criteria included in the Final Environmental Impact Statement, to control the blasting operation so as to avoid damage. The stipulation to delineate a no-work zone around the lime kilns would also provide additional protection from any construction-related activity. Based upon the limited potential for vibration impacts and the mitigation measures provided in the Section 106 MOA and the FEIS, the potential vibration impacts associated with Alternative A-15 are not reasonably expected to substantially impact the historic significance of this lime kiln complex or the characteristics that cause it to be considered eligible for the NRHP as a part of the Utica Lime Industry Multiple Property Listing. The limekiln complex would continue to be eligible for the NRHP both during and after construction of the project. Accordingly, blasting vibration impacts from Alternative A-15 would not cause a "constructive use" of the lime kiln complex consisting of Site IE-HC-48002 and Site IE-HC-48003.

Site IE-HC-48004 is a ground hog type kiln built into the side of a hill. Located along Old River Road, it is known locally as the Utica Kiln. Unlike the other three kilns, this one has a modest Gothic arch opening. The ashlar is rough, combining a use of the existing natural stone and dressed courses.



Alternative A-16 is the alternative closest to this resource, with the lime kiln actually falling within the right of way. The lime kiln would not be taken by this alternative because the Ohio River bridge included on this alternative would also span Utica Pike (referred to by some as Old River Road) and the area adjacent to the road. The bridge roadway would be approximately 75 - 80 feet above the lime kiln. The lime kiln is approximately 50 feet and 544 feet from Alternative A-15 and Alternative A-2. The lime kiln is 1,443 feet or more from all remaining alternatives. All alternatives, except for Alternative A-2, Alternative A-15 and Alternative 16 would have no effect on the lime kiln. Alternative A-16 would have an adverse effect on the lime kiln as noted above. Alternative A-2 and Alternative A-15 would have an adverse effect on the lime kiln due to blasting vibration impacts.

The limekiln is located along the edge of Utica Pike in close proximity to the A-15 alignment (approximately 50 feet from right of way). The location of this limekiln relative to the A-15 alignment is shown on Figure 1. The bridge over the Ohio River would also span over Utica Pike and extend into the hillside above the road and limekiln. Any construction along Utica Pike included with the Project would therefore be limited to construction of the landward piers for the Ohio River Bridge, which would be located to avoid taking the lime kiln. The area where blasting would likely be required is the same area identified in the material included for Site IE-HC-48002 and Site IE-HC-48003, above, and would be located in approximately the same vertical position (approximately 91 feet higher in elevation). The elevation of the A-15 roadway relative to Utica Pike is shown in Figure 2. The lime kiln is at approximately the same elevation as Utica Pike. Blasting for any other activity associated with the Project is not likely and in any instance would be limited to very small, confined areas more than 500 feet from the nearest edge of the resource.

Based on the foregoing factors, the likelihood of damage from blasting vibration is considered quite small. Moreover, the potential for damage due to vibration has been addressed by the measures included in the Section 106 Memorandum of Agreement - development of a blasting/vibration plan prior to initiation of construction activities and provisions for construction monitoring. The blasting plan would be developed in accordance with the criteria included in the Final Environmental Impact Statement to control the blasting operation so as to avoid damage. The stipulation to delineate a no-work zone around the lime kilns would also provide additional protection from any construction-related activity. Another stipulation specific to this lime kiln – reasonable effort to acquire the lime kiln – would provide increased protection both during and after completion of construction.

Based on the foregoing analysis and the mitigation measures contained in the Section 106 MOA and the FEIS, the potential vibration impacts associated with Alternative A-15 are not reasonably expected to substantially impact the historic significance of this lime kiln or the characteristics that cause it to be considered eligible for the NRHP as a part of the Utica Lime Industry Multiple Property Listing. The lime kiln would continue to be eligible for the NRHP both during and after construction of the project. Accordingly, blasting vibration impacts from Alternative A-15 would not cause a “constructive use” of the lime kiln identified as Site IE-HC-48004.



US Department
of Transportation

**Federal Highway
Administration**

Kentucky Division Office
Jose Sepulveda, Division Administrator

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

August 15, 2003

Mr. David Morgan, Director
State Historic Preservation Office
Kentucky Heritage Council
300 Washington Street
Frankfort, Kentucky 40601

Dear Mr. Morgan:

Subject: Louisville-Southern Indiana Ohio River Bridges Project
Section 4(f) Evaluation – Proximity Impacts
Utica Limekiln Multiple Property Listing

Enclosed is an Addendum to the April 22, Technical Report on Proximity Impacts to Section 4(f) Properties. This report evaluates the proximity impacts to the nearby limekilns included in the Utica Limekiln Multiple Property Listing.

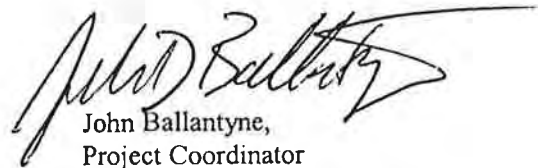
In April, we transmitted the Project's Technical Report on Proximity Impacts to Section 4(f) Properties to you for your review. That report addressed properties that qualify for protection under Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303, which will not be directly used by the Project, but that may experience adverse impacts as a result of their proximity to the Project elements. Based on that evaluation, we determined that the proximity impacts of the Preferred Alternative, described in the report, will not be so severe that they will substantially impair or diminish the protected activities, features, or attributes that qualify the affected resources for protection under Section 4(f). We evaluated the Section 4(f) resource properties in close proximity to the Project including those that are listed on or eligible for listing on the National Register of Historic Places, which were identified through the Section 106 consultation process.

Unfortunately, our April Proximity Impact Report omitted our evaluation of the proximity impacts on the Utica Limekiln Multiple Property Listing. The enclosed report corrects that omission.

The FHWA has again determined that the implementation of the Preferred Alternative **will not** substantially impair or diminish the historic qualities of those identified historic properties that qualify them to be listed on, or be determined eligible for listing on, the National Register. We will appreciate your response in agreement with our determinations.

Thank you in advance for your careful attention to this matter. We appreciate your assistance and advice; and we look forward to continue working with you as we see this important Project through to its completion. Please call me at (502) 330 4733 if you have any questions.

Sincerely,



John Ballantyne,
Project Coordinator

CC: John Carr, KYTC
Charlie Raymer, CTS
Larry Heil, FHWA-IN

Indiana SHPO Email on Utica Lime Kiln Multiple Property Listing:

From: Carr, John [JCarr@dnr.state.in.us]
Sent: Monday, August 18, 2003 9:59 AM
To: 'Ballantyne, John'
Cc: craymer@hmbconsultants.com; Heil, Larry;
MHAZELTINE@indot.state.in.us
Subject: RE: Addendum to 4f Proximity Report

Thanks, John. I've passed along your e-mail to Rick Jones, as well.

We'll have to see whether we can work in a comment on this one by 8/21, but I'm not too optimistic. We're up to our ears in other FHWA EIS projects and county bridge replacements, and I just filled the most recent staff vacancy in my section. We're having to be judicious in how we invest our time and efforts these days.

John L. Carr
Chief of Historic Structures Review
Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, Room W274
Indianapolis, Indiana 46204-2739
Phone: 317-232-1646 Fax: 317-232-0693
E-mail: jcarr@dnr.state.in.us

-----Original Message-----

From: Ballantyne, John [mailto:John.Ballantyne@fhwa.dot.gov]
Sent: Friday, August 15, 2003 6:07 PM
To: jcarr@dnr.state.in.us
Cc: craymer@hmbconsultants.com; Heil, Larry; MHAZELTINE@indot.state.in.us
Subject: Addendum to 4f Proximity Report

Dear John Carr:

For your information and comment, attached is an Addendum to the April 22, Technical Report on Proximity Impacts to Section 4(f) Properties. This report evaluates the proximity impacts to the nearby limekilns included in the Utica Limekiln Multiple Property Listing.

The FHWA has again determined that the implementation of the Preferred Alternative will not substantially impair or diminish the historic qualities of those identified historic properties that qualify them to be listed on, or be determined eligible for listing on, the National Register.

We understand and respect your choice not to comment on the April Proximity Impact report, however, we feel that it is important to share this information with you and give you the opportunity to comment. If you choose to comment, please comment or respond by close of business on August 21.

Thank you!

<<4F-addendum constructuse-limekilns-INshpo-8-15-03.pdf>> <<Addendum to 4f Proximity Impacts Report WR2 Limekilns.pdf>>

John Ballantyne, FHWA -KY,
Technical Services Team Leader &
Louisville Bridges Kentucky Coordinator
330 West Broadway
Frankfort, KY 40601
P 502 223 6747
F 502 223 6735
C 502 3304733

NOTE – Indiana SHPO comment on Utica Lime Kilns

On August 29, 2003, the office of the Indiana State Historic Preservation Office verbally declined to comment on the August Addendum to the Technical Report on Proximity Impacts to Section 4(f) Properties (for the lime kilns); noting that constructive use determinations were transportation issues that the Indiana State Historic Preservation Office did not normally review.

NOTE – Kentucky SHPO comment on Utica Lime Kilns

On August 29, 2003, the office of the Kentucky State Historic Preservation Office verbally declined to comment on the Addendum to the Technical Report on Proximity Impacts to Section 4(f) Properties for the lime kilns included as part of the Utica Lime Kiln Multiple Property Listing; noting that the Lime Kiln resources are not in Kentucky