



STEVEN L. BESHEAR  
GOVERNOR

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

MARCHETA SPARROW  
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE  
300 WASHINGTON STREET  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-7005  
FAX (502) 564-5820  
www.heritage.ky.gov

LINDY CASEBIER  
ACTING EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

September 2, 2011

Mr. David Waldner, P. E., Director  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, KY 40622

**Re: Spot Improvements along US 31E, Larue County, Kentucky  
Item No. 4-8504.00.**

Dear Mr. Waldner:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U. S. C. Sec. 470f) and implementing regulations at 36 C. F. R. Part 800, the Kentucky State Historic Preservation Office received for review and concurrence information about the above-referenced state-funded project, which involves U. S. Army Corps of Engineers permits to replace culverts as part of the project. The jurisdictional permit areas identified include three sites. We concur that Site 1 is not eligible for the National Register of Historic Places. Site 2, the Abraham Lincoln Boyhood Home, is a listed property. We concur that Site 3 is eligible for the National Register under Criteria A and C. None of the Sites will be impacted by the culvert replacements; therefore, we concur that there will be **No Historic Properties Affected**. If you have questions, please contact Vicki Birenberg of my staff at (502) 564-7005, extension 127.

Sincerely,

Lindy Casebier  
Acting Executive Director and  
State Historic Preservation Officer

cc: Rebecca Turner - KYTC - DEA

LC:vmb



## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.transportation.ky.gov/  
August 8, 2011

**Steven L. Beshear**  
Governor

**Michael W. Hancock, P.E.**  
Secretary

Mr. Lindy Casebier  
Interim Executive Director and  
State Historic Preservation Officer  
300 Washington Street  
Frankfort, KY 40601

Dear Mr. Casebier:

SUBJECT: Spot Improvements along US 31E  
Larue County, Kentucky  
Item No 4-8504.00

Attached please find information relating to the above-mentioned project. The proposed project will make improvements along US 31E in the vicinity of the Abraham Lincoln Boyhood Home Site (LU 5). The majority of the work will take place within the current right-of-way except in the locations of three sites that need culvert replacements. The lead agency for this project is the United States Corps of Engineers (USCOE). The proposed project is a state-funded project and as such the US Army Corps of Engineers only considers their jurisdictional permit areas in the evaluation of adverse effects under Section 106. Sites 1-3 are described on the attached pages. Site 1 is recommended as not eligible, Site 2 (LU 5) is a listed National Register property and Site 3 is recommended eligible for the National Register under Criteria A and C. The project as proposed will have a finding of **No Historic Properties Effect** for the listed and recommended eligible properties.

Please review this information as to the Determinations of Eligibility and Effects and respond to this office by September 8, 2011. If you have any questions or require further information, please contact me at 502-564-7250.

Sincerely

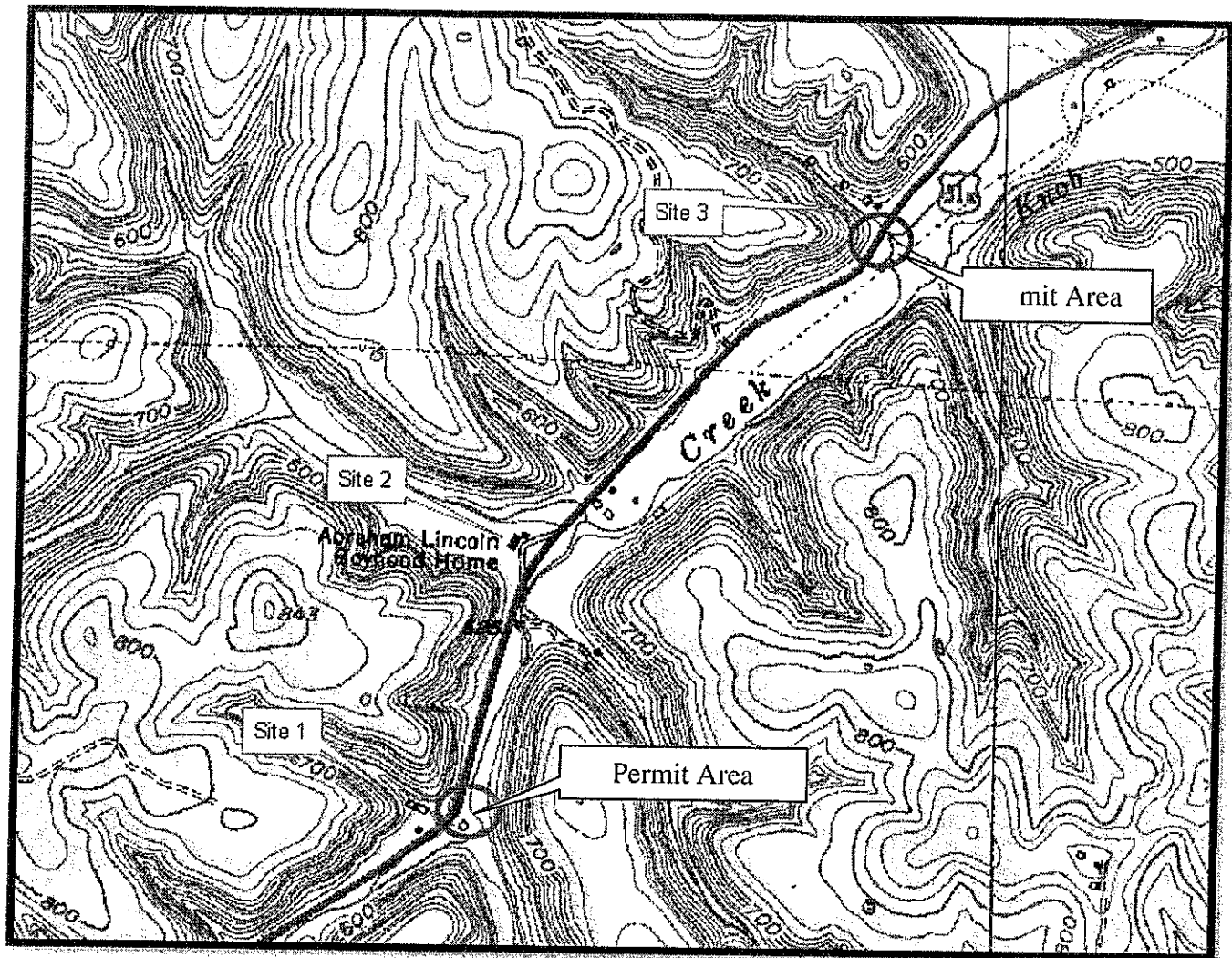
David M. Waldner, P.E., Director  
Division of Environmental Analysis

### Attachments

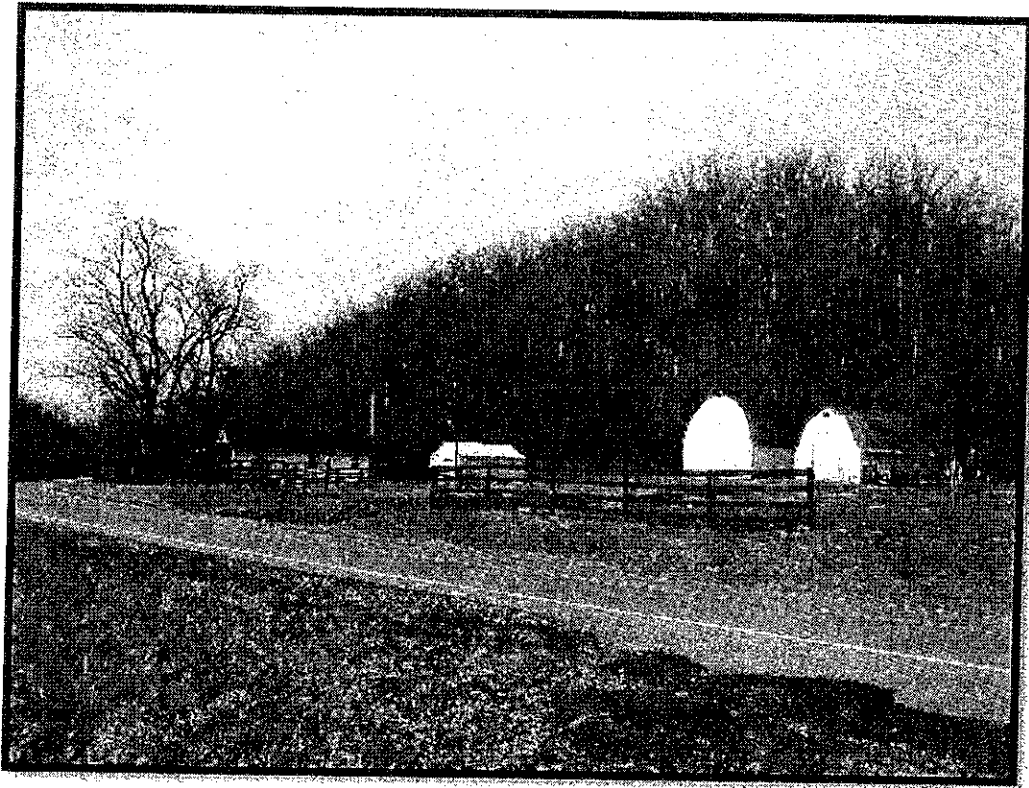
c: K. Damron, P. Logsdon, S. Schurman, R.H. Turner, D-4 w/a (J. Ferguson),  
USCOEs



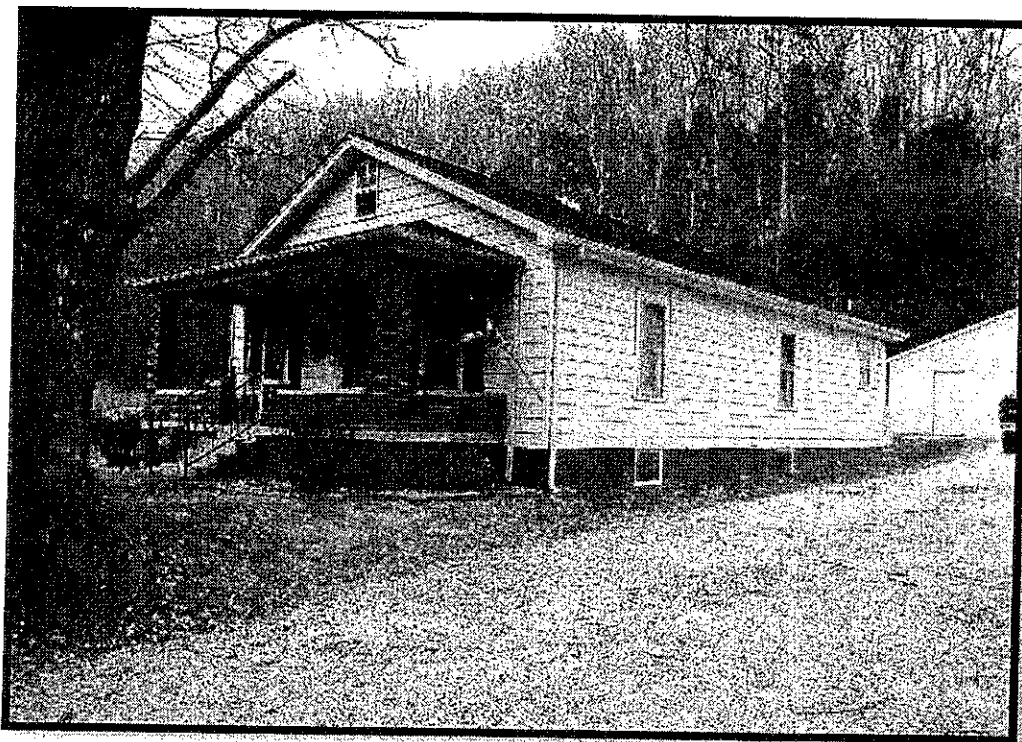
An Equal Opportunity Employer M/F/D



USGS Topographic Map, Hodgenville Quad showing site locations



Site 1



Site 1 – Main Structure

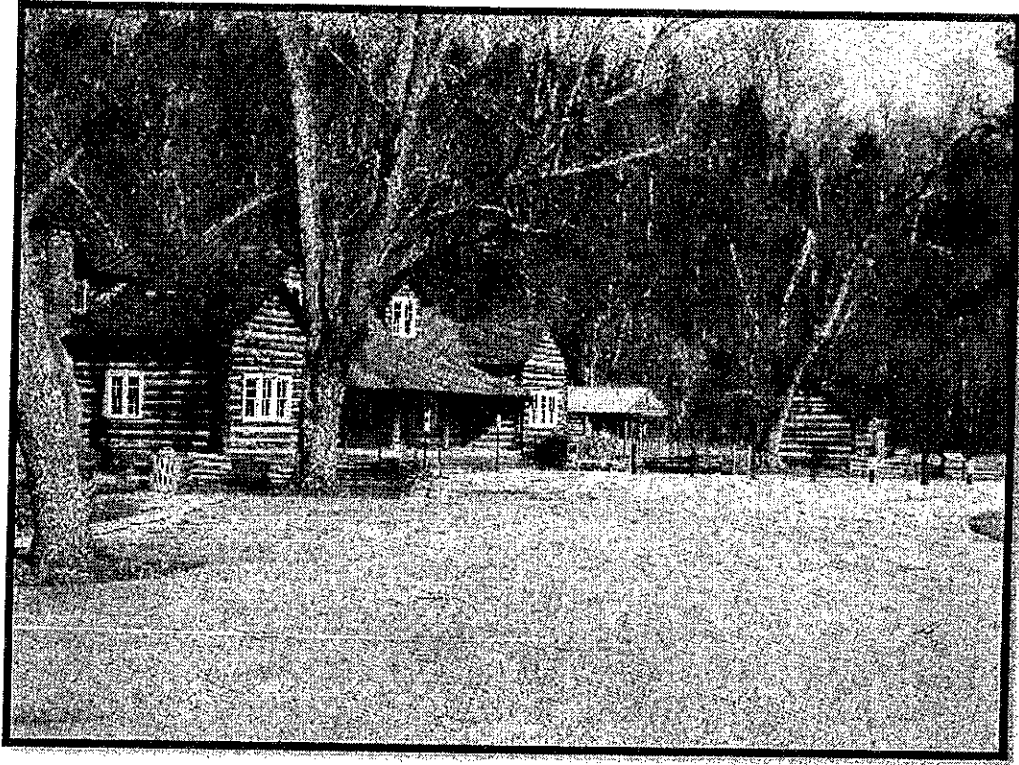


Site 1 Outbuildings



Culvert to be replaced near Site 1 showing relationship to house and outbuildings





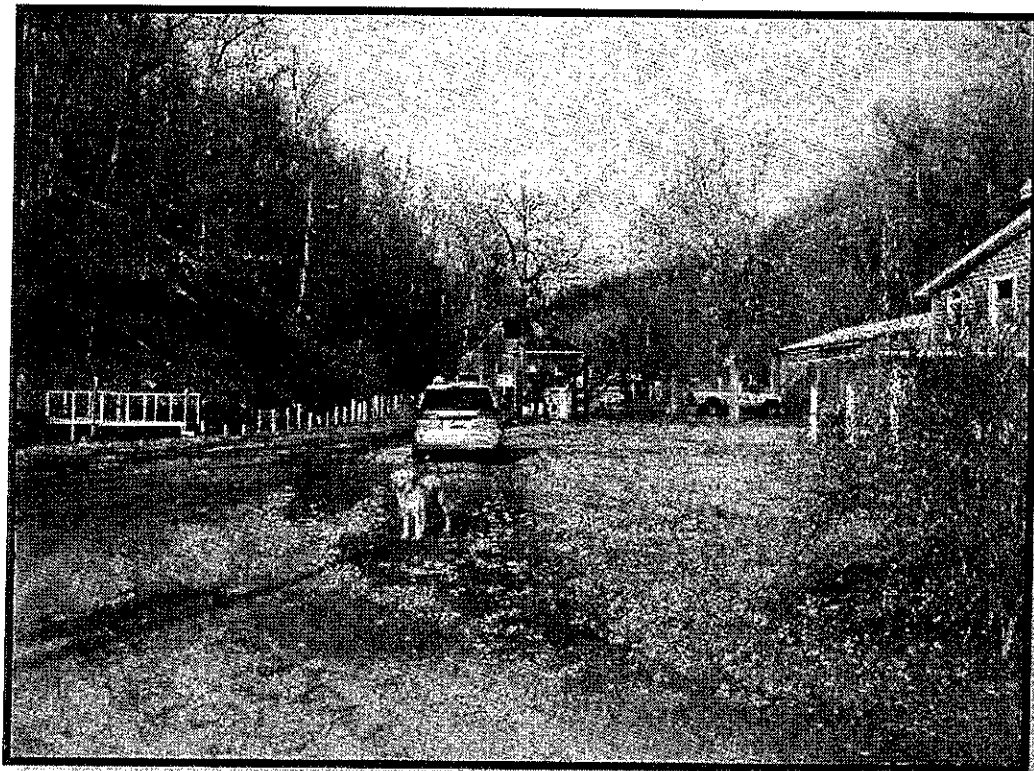
Site 2 – Lincoln Boyhood Home Site



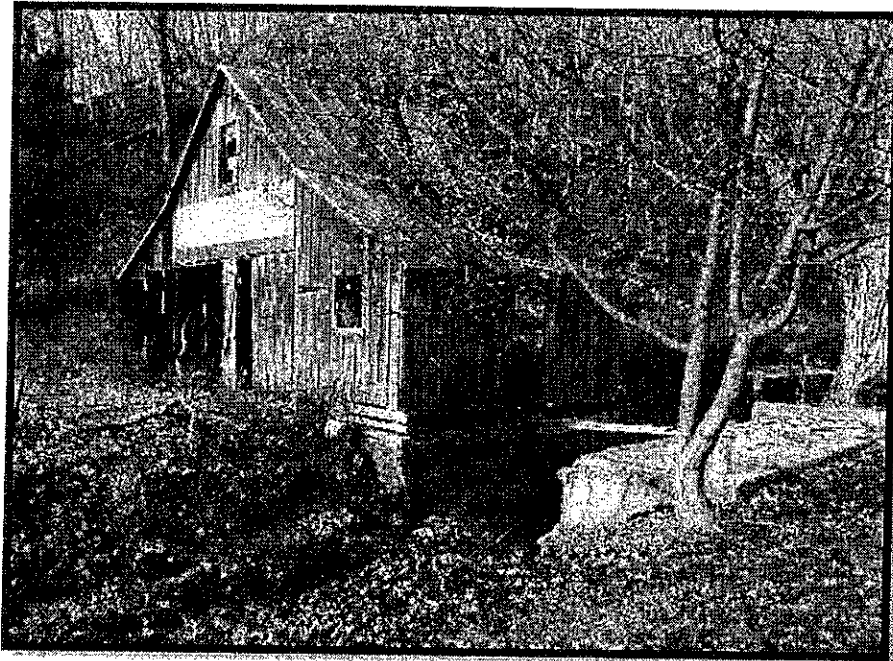
Site 3



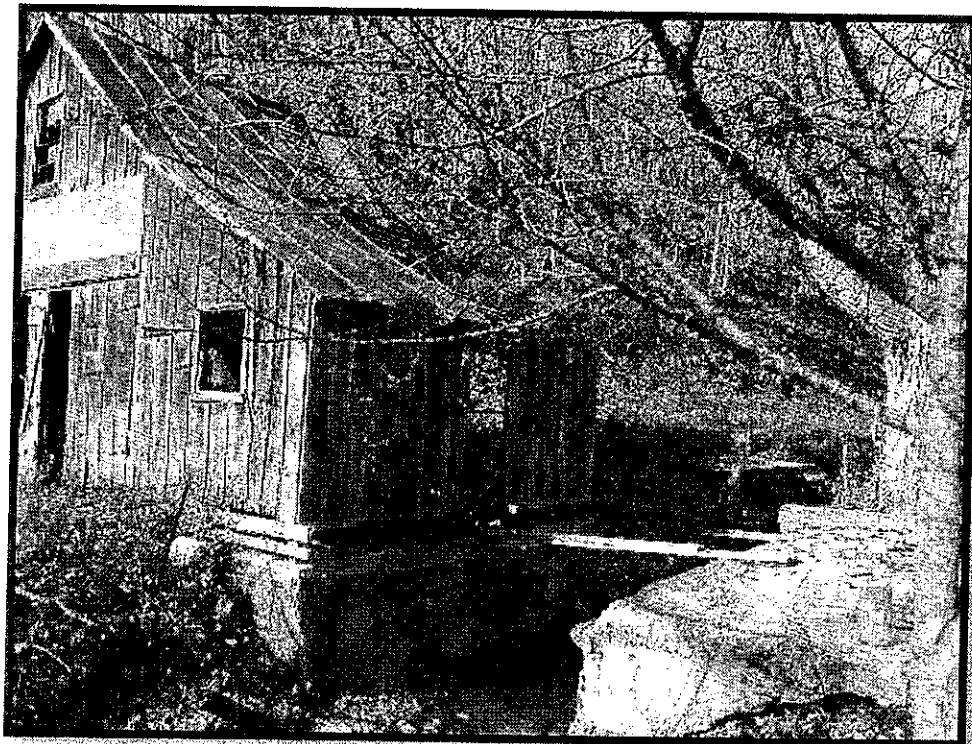
Site 3 Main Structure and garage



Site 3 Outbuildings associated with main house

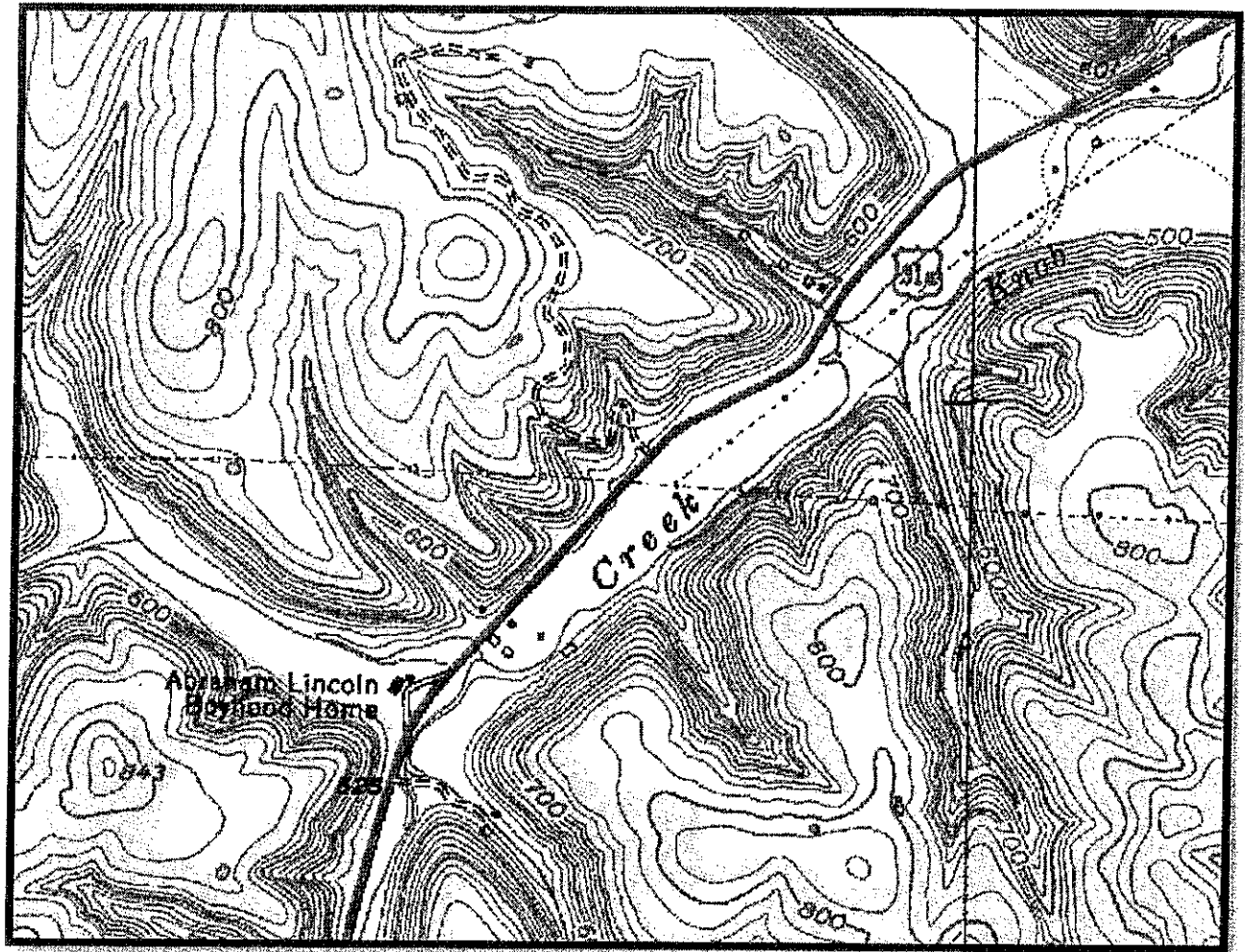


Site 3 – Associated outbuilding and possible mill



Site 3 – Detail of possible mill





National Register Boundary for Site 3

The purpose of the project is to make spot improvements including culvert replacements to US 31E in Larue County, Kentucky near the Lincoln Boyhood Home Site. There are three sites located in the project area. Site 1 and Site 3 are located in United States Corp of Engineer permitting areas.

Site 1 – Bungalow and farmstead

Site 2 – Lincoln Boyhood Home Site

Site 3 – I-house with farmstead and possible mill

Site 1 is a one-story, three-bay (w,d,w) bungalow covered with vinyl siding. The windows are 3-over-one and the foundation is concrete block. The roof is covered with asphalt shingles and there is a center brick chimney. The porch is covered with a shed roof, supported by brick columns on the corners. Metal supports support the roof on each side of the entrance steps. A small brick wall surrounds the porch. A modern metal garage/shed is located to the north of the main structure. Two barns are associated with the main house on this site. A two-story, crescent shaped equipment barn with a center entrance and second story loft and a small stock barn with a second story loft. The barns are covered with wooded, vertical boards and the roof is standing seam metal. This site does not appear to be eligible for the National Register of Historic Places. The road construction at this site, Station 45+00-Sheet B4 of the plans, shows the acquisition of new right-of-way and the shifting of the road to the south of Site 1. There are no impacts to this site.

Site 2 – Lincoln Boyhood Home is located at Station 72+00-Plan Sheet B6. The site includes a log welcome center and log house surrounded by a wood plank fence. The property is owned by the State of Kentucky. The road will shift to the south of this site and no impacts will occur to Site 2.

Site 3 – I-house with farmstead and possible mill located at Station 111+00-Plan Sheet B9. This site includes a two-story, I-house that is covered with vinyl siding. A shed roof addition is located to the rear of the house. The roof is standing seam metal and there are two brick chimneys on each end of the house. The windows are one-over-one replacements. A shed roof is supported by vinyl columns and the porch is concrete. The foundation is concrete block. A detached one-car garage is located north of the main house. It is also covered in vinyl siding, with wooden doors. A modern metal building is located in the northwest of the house. There is one stock barn located further northwest of the main structure. The upper story of the barn is for hay storage. The barn is covered with vertical boards and has a standing seam roof. To the west of the main house, located on the creek appears to be a possible mill. The owner of the property was no sure what the building had been used for in the past. This farmstead and associated mill is being recommended as eligible for the National Register of Historic Places under Criteria A and C. The road will be shifted north of the house and there will be No Historic Properties Effect finding for this site.







COUNTY OF ...  
 SHEET NO. ...  
 LABEL 4-1504.00



RIGHT OF WAY STRIP MAP  
 STA. 20+00 TO STA. 52+00

POINT	STATION	OFFSET	NOTHING	245.71	POINT	STATION	OFFSET	NOTHING	245.71
18	100+00.00	40.00	210754.81	167555.23	23	108+00.00	60.00	210807.1	167553.0
19	102+00.00	40.00	210754.81	167555.23	24	109+40.00	55.00	210819.48	167553.0
20	104+00.00	40.00	210754.81	167555.23	25	110+00.00	40.00	210820.5	167553.0
21	106+00.00	40.00	210754.81	167555.23	26	111+00.00	40.00	210820.5	167553.0
22	108+00.00	40.00	210754.81	167555.23	27	112+00.00	40.00	210820.5	167553.0



COUNTY OF  
 LANE  
 4-4504-100  
 SHEET 50



RIGHT OF WAY STRIP MAP  
 STA. 20+00 TO STA. 52+00

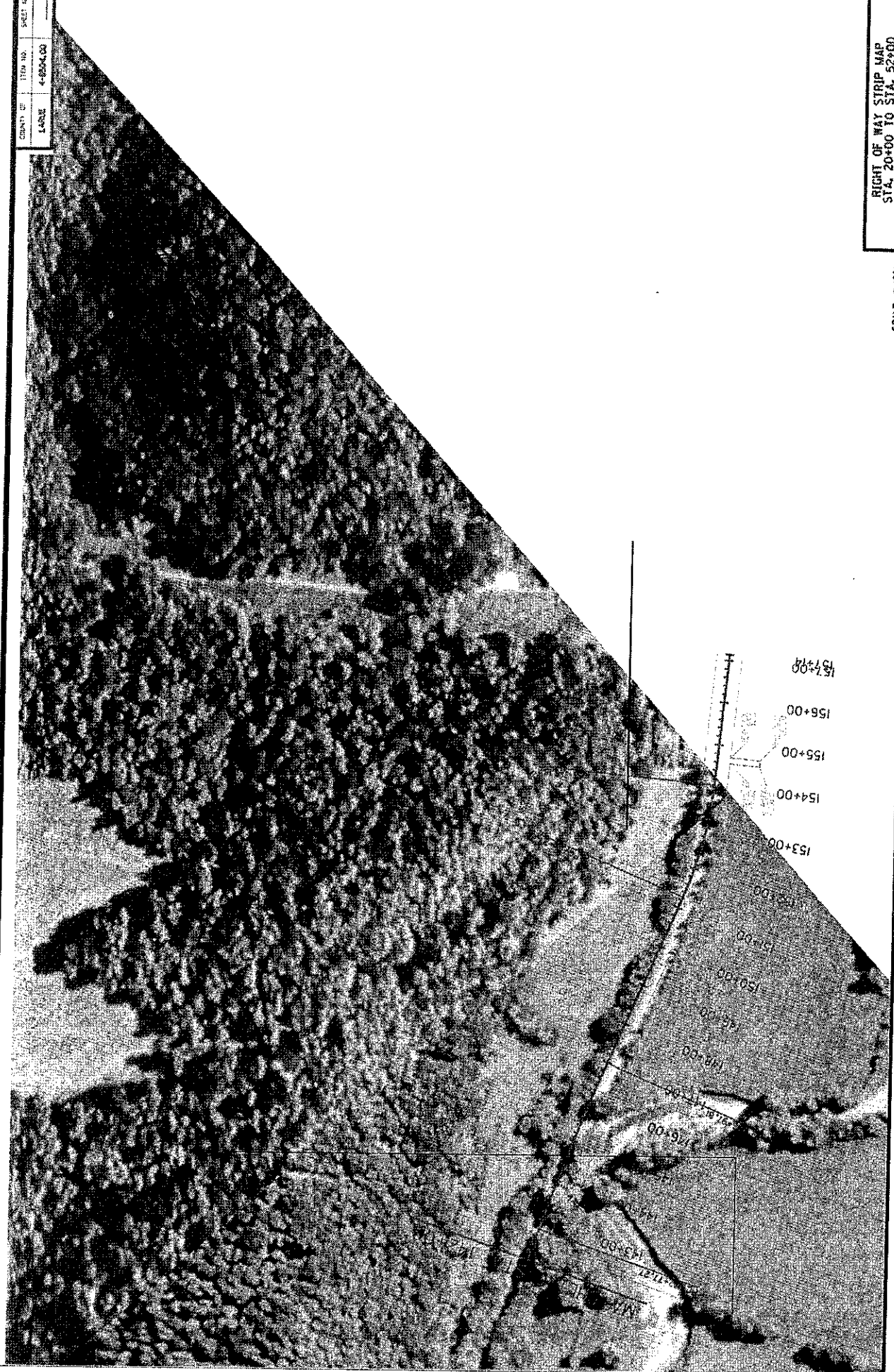
POINT	STATION	OFFSET	DATE	BY
28	124+80.00	00.00	2/23/2017	W. J. JOHNSON
29	124+80.00	10.00	2/23/2017	W. J. JOHNSON
30	124+80.00	20.00	2/23/2017	W. J. JOHNSON
31	124+80.00	30.00	2/23/2017	W. J. JOHNSON
32	124+80.00	40.00	2/23/2017	W. J. JOHNSON
33	124+80.00	50.00	2/23/2017	W. J. JOHNSON
34	124+80.00	60.00	2/23/2017	W. J. JOHNSON
35	124+80.00	70.00	2/23/2017	W. J. JOHNSON
36	124+80.00	80.00	2/23/2017	W. J. JOHNSON
37	124+80.00	90.00	2/23/2017	W. J. JOHNSON
38	124+80.00	100.00	2/23/2017	W. J. JOHNSON
39	124+80.00	110.00	2/23/2017	W. J. JOHNSON
40	124+80.00	120.00	2/23/2017	W. J. JOHNSON
41	124+80.00	130.00	2/23/2017	W. J. JOHNSON
42	124+80.00	140.00	2/23/2017	W. J. JOHNSON
43	124+80.00	150.00	2/23/2017	W. J. JOHNSON
44	124+80.00	160.00	2/23/2017	W. J. JOHNSON
45	124+80.00	170.00	2/23/2017	W. J. JOHNSON
46	124+80.00	180.00	2/23/2017	W. J. JOHNSON
47	124+80.00	190.00	2/23/2017	W. J. JOHNSON
48	124+80.00	200.00	2/23/2017	W. J. JOHNSON
49	124+80.00	210.00	2/23/2017	W. J. JOHNSON
50	124+80.00	220.00	2/23/2017	W. J. JOHNSON
51	124+80.00	230.00	2/23/2017	W. J. JOHNSON
52	124+80.00	240.00	2/23/2017	W. J. JOHNSON
53	124+80.00	250.00	2/23/2017	W. J. JOHNSON
54	124+80.00	260.00	2/23/2017	W. J. JOHNSON
55	124+80.00	270.00	2/23/2017	W. J. JOHNSON
56	124+80.00	280.00	2/23/2017	W. J. JOHNSON
57	124+80.00	290.00	2/23/2017	W. J. JOHNSON
58	124+80.00	300.00	2/23/2017	W. J. JOHNSON
59	124+80.00	310.00	2/23/2017	W. J. JOHNSON
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61	124+80.00	330.00	2/23/2017	W. J. JOHNSON
62	124+80.00	340.00	2/23/2017	W. J. JOHNSON
63	124+80.00	350.00	2/23/2017	W. J. JOHNSON
64	124+80.00	360.00	2/23/2017	W. J. JOHNSON
65	124+80.00	370.00	2/23/2017	W. J. JOHNSON
66	124+80.00	380.00	2/23/2017	W. J. JOHNSON
67	124+80.00	390.00	2/23/2017	W. J. JOHNSON
68	124+80.00	400.00	2/23/2017	W. J. JOHNSON
69	124+80.00	410.00	2/23/2017	W. J. JOHNSON
70	124+80.00	420.00	2/23/2017	W. J. JOHNSON
71	124+80.00	430.00	2/23/2017	W. J. JOHNSON
72	124+80.00	440.00	2/23/2017	W. J. JOHNSON
73	124+80.00	450.00	2/23/2017	W. J. JOHNSON
74	124+80.00	460.00	2/23/2017	W. J. JOHNSON
75	124+80.00	470.00	2/23/2017	W. J. JOHNSON
76	124+80.00	480.00	2/23/2017	W. J. JOHNSON
77	124+80.00	490.00	2/23/2017	W. J. JOHNSON
78	124+80.00	500.00	2/23/2017	W. J. JOHNSON
79	124+80.00	510.00	2/23/2017	W. J. JOHNSON
80	124+80.00	520.00	2/23/2017	W. J. JOHNSON

MATCHLINE STA. 2+00  
 DATE: 2/23/2017  
 BY: W. J. JOHNSON

COUNTY OF: TEND NO. SHEET NO.  
 LARGE 4-8004.00

RIGHT OF WAY STRIP MAP  
 STA. 20+00 TO STA. 52+00

SCALE: 1"=100'



MicroStation v8.1.1.100 E-SHEET NAME: DATE PLOTTED: April 19, 2004  
 FILE NAME: C:\PROJECTS\JOSEPH.FELUS\DWG\040403\ROAD 2.DWG

**MEMO:** ALBI US 31 Road Safety Improvement WSOF Decision

March 20, 2012

Mark A. Ford, Ph.D.

SERO/NRMB Wetland Ecologist

Steven Wright/Bill Justice

Given that this is a road improvement for safety issues, and that the acreage of impact is expected to be 0.026 acres, thus below the 0.1 acre trigger and additionally impacts are expected to be minor and short term, a Wetland Statement of Findings should not be necessary given the following Best Management Practices and Conditions are followed:

From Appendix 2 PM 77-1 Wetlands Protection pg 33

**1. Effects on hydrology and fluvial processes:** Action must have only negligible to minor, new adverse effects on site hydrology and fluvial processes, including flow, circulation, velocities, hydroperiods, water level fluctuations, sediment transport, channel morphology, and so on. Care must be taken to avoid any rutting caused by vehicles or equipment.

**2. Effects on fauna:** Action must have only negligible to minor, new adverse effects on normal movement, migration, reproduction, or health of aquatic or terrestrial fauna, including at low flow conditions.

**3. Water quality protection and certification:** Action is conducted so as to avoid degrading water quality to the maximum extent practicable. Measures must be employed to prevent or control spills of fuels, lubricants, or other contaminants from entering the waterway or wetland. Action is consistent with state water quality standards and Clean Water Act Section 401 certification requirements (check with appropriate state agency).

**4. Erosion and siltation controls:** Appropriate erosion and siltation controls must be maintained during construction, and all exposed soil or fill material must be permanently stabilized at the earliest practicable date.

**5. Proper maintenance:** Structure or fill must be properly maintained so as to avoid adverse impacts on aquatic environments or public safety.

**6. Heavy equipment use:** Heavy equipment use in wetlands must be avoided if at all possible. Heavy equipment used in wetlands must be placed on mats, or other measures must be taken to minimize soil and plant root disturbance and to preserve preconstruction elevations.

**7. Stockpiling material:** Whenever possible, excavated material must be placed on an upland site. However, when this is not feasible, temporary stockpiling of excavated material in wetlands must be placed on filter cloth, mats, or some other semipermeable surface, or comparable measures must be taken to ensure that underlying wetland habitat is protected. The material must be stabilized with straw bales, filter cloth, or other appropriate means to prevent reentry into the waterway or wetland.

**8. Removal of stockpiles and other temporary disturbances during construction:**

Temporary stockpiles in wetlands must be removed in their entirety as soon as practicable. Wetland areas temporarily disturbed by stockpiling or other activities during construction must be returned to their pre-existing elevations, and soil, hydrology, and native vegetation communities must be restored as soon as practicable.

**9. Topsoil storage and reuse:** Revegetation of disturbed soil areas should be facilitated by salvaging and storing existing topsoil and reusing it in restoration efforts in accordance with NPS policies and guidance. Topsoil storage must be for as short a time as possible to prevent loss of seed and root viability, loss of organic matter, and degradation of the soil microbial community.

**Summary:** From the Action Alternative presented, it appears that these conditions can be easily met. Therefore, no WSOF will be required. If meeting these conditions changes significantly, we may have to revisit the need for a WSOF.

## **APPENDIX C: Laws (Statutes), Executive Orders, Regulations, Policies and Guidelines**

Following are descriptions for some of the laws, executive orders, regulations, and policies that are referenced in the Environmental Assessment.

Antiquities Act of 1906 provided for protection of historic, prehistoric, and scientific features on Federal lands, with penalties for unauthorized destruction or appropriation of antiquities; authorized the President to proclaim nation monuments; authorized scientific investigation of antiquities on Federal lands subject to permit and regulations.

Archaeological and Historic Preservation Act of 1974 (P.L. 93-291; 88 Stat. 174) amended the 1960 Reservoir Salvage Act; provided for the preservation of significant scientific, prehistoric, historic and archaeological materials and data that might be lost or destroyed as a result of Federally-sponsored projects; provided that up to one percent of project costs could be applied to survey, data recovery, analysis, and publication.

Archaeological Resources Protection Act (ARPA) of 1979 (P.L. 96-95; 93 Stat. 712) defined archaeological resources as any material remains of past human life or activities that are of archaeological interest and at least 100 years old; required Federal permits for their excavation or removal and set penalties for violators; provided for preservation and custody of excavated materials, records, and data; provided for confidentiality of archaeological site locations; encouraged cooperation with other parties to improve protection of archaeological resources. ARPA was amended in 1988 to require development of plans for surveying public lands for archaeological resources and systems for reporting incidents of suspected violations.

The Endangered Species Act of 1973, as amended, prohibits Federal actions from jeopardizing the existence of Federally-listed threatened or endangered species or adversely affecting designated critical habitat. Federal agencies must consult with the USFWS to determine the potential for adverse effects. Federal agencies are also responsible for improving the status of listed species.

Historic Sites Act of 1935, declared it a national policy to preserve historic sites, buildings, and objects for public use and authorized the NPS to “restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archaeological significance.”

The National Environmental Policy Act of 1969 (NEPA), as amended, requires detailed and documented environmental analysis of proposed Federal actions that may affect the quality of the human environment.

The National Historic Preservation Act (NHPA) of 1966, as amended, declared historic preservation as a national policy and authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places that would include properties of national, State, and local historic significance. The Act recommends that Federal agencies proposing action consult with the State Historic Preservation Officer regarding the existence and significance of cultural and historical resource sites.



## National Park Service Organic Act of 1916

### National Park System General Authorities Act

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990. These regulations address the rights of lineal descendants, Indian tribes, and native Hawaiian organizations to Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. They require Federal agencies and institutions that receive Federal funds to provide information about Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to lineal descendants, Indian tribes, and native Hawaiian organizations and, upon presentation of a valid request, dispose of or repatriate these objects to them.

EO 11593 (Protection and Enhancement of the Cultural Environment) instructs all Federal agencies to support the preservation of cultural properties and directs them to identify and nominate to the National Register cultural properties under their jurisdiction and to “exercise caution...to assure that any Federally-owned property that might qualify for nomination is not inadvertently transferred, sold, demolished, or substantially altered.”

EO 11988 directs Federal agencies to protect, preserve, and restore the natural resources and functions of flood plains; avoid the long- and short-term environmental effects associated with the occupancy and modification of flood plains; and avoid direct and indirect support of flood plain development and actions that could adversely affect the natural resources and functions of flood plains or increase flood risks.

EO 11990 (Protection of Wetlands) directs Federal agencies to minimize impacts and mitigate the destruction, loss, or degradation of wetlands; preserve, enhance and restore the natural and beneficial values of wetlands; and avoid direct and indirect support of new construction in wetlands unless there are no practicable alternatives and the proposed action includes all practicable measures to minimize harm to wetlands. NPS policies for implementing EO 11990 are found in Director’s Order 77-1 “Wetland Protection” and the associated Procedural Manual (NPS 2008). This order requires that parks assess all direct or indirect impacts, including whether each alternative “supports, encourages, or otherwise facilitates additional wetland development.”

EO 13112 requires that Federal agencies act to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

EO 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds) directs Federal agencies to avoid taking actions that have a measurable negative effect on migratory bird populations. If such actions are taken, the EO directs agencies “to develop and implement within two years a Memorandum of Understanding with the U.S. Fish and Wildlife Service that shall promote the conservation of migratory bird populations.” This EO also defines migratory bird “species of concern” as “those species listed in the periodic report Migratory Nongame Birds of Management Concern in the

United States, priority migratory bird species as documented by established plans [such as Bird Conservation Regions in the North American Bird Conservation Initiative or Partners in Flight physiographic areas], and those species listed in 50 CFR 17.11 [Endangered Species Act]”.

Part 36 of the Code of Federal Regulations (CFR) provides for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the NPS.

- 36 CFR 18 (NHPA of 1966), “Leases and Exchanges of Historic Property,” govern the historic property leasing and exchange provisions of this law.
- 36 CFR 60 (NHPA and EO 11593), “National Register of Historic Places,” addresses concurrent State and Federal nominations, nominations by Federal agencies, and removal of properties from the National Register.
- 36 CFR 63 (NHPA and EO 11593), “Determinations of Eligibility for inclusion in the National Register of Historic Places,” establishes process for Federal agencies to obtain determinations of eligibility on properties.
- 36 CFR 65 (Historic Sites Act of 1935), “National Historic Landmarks Program,” establishes criteria and procedures for identifying properties of national significance, designating them as national historic landmarks, revising landmark boundaries, and removing landmark designations.
- 36 CFR 67 (Historic Preservation Certification Pursuant to the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981), establishes procedures whereby owners or holders of long-term leases for old and/or historic buildings may obtain certification to gain Federal tax credits for rehabilitation.
- 36 CFR 68 (NHPA) contains the Secretary of the Interior’s standards for historic preservation projects, including acquisition, protection, stabilization, restoration, and reconstruction.
- 36 CFR 79 (NHPA and ARPA), “Curation of Federally-owned and Administered Archeological Collections,” provides standards, procedures and guidelines to be followed by Federal agencies in preserving and providing adequate long-term curatorial services for archeological collections of prehistoric and historic artifacts and associated records that are recovered under Section 110 of the NHPA, the Reservoir Salvage Act, ARPA and the Antiquities Act.
- 36 CFR 800 (NHPA and EO 11593), “Protection of Historic and Cultural Properties,” includes regulations of the Advisory Council on Historic Preservation to implement Section 106 of the NHPA as amended, and presidential directives issued pursuant thereto.

40 CFR 1500-1508 (Council on Environmental Quality NEPA regulations of 1978) - provides Regulations for Implementing the Procedural Provisions of NEPA.

43 CFR 3 (Antiquities Act) establishes procedures to be followed for permitting the excavation or collection of prehistoric and historic objects on Federal lands.

43 CFR 7, Subparts A and B (ARPA, as amended), "Protection of Archaeological Resources, Uniform Regulations" and "Department of the Interior Supplemental Regulations," provides definitions, standards, and procedures for Federal land managers to protect archaeological resources and provides further guidance for Interior bureaus on definitions, permitting procedures, and civil penalty hearings. The Management Policies (NPS 2006) provide general guidance for managing natural resources.

Abraham Lincoln Birthplace National Historic Site General Management Plan (NPS 2006) provides the overall concept for management and resource preservation for the National Historic Site and informs the decision making found within this environmental assessment.

This list of laws and policies was taken from the Environmental Assessment for Virginia Kendall Lake Sediment Removal (2009) by the National Park Service.