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CRAIG A. POTTS
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

July 19, 2013

U.S. Army Corps of Engineers, Louisville District
ATTN: Lee Anne Devine
PO Box 59
Louisville, KY 40201-0059

Re: LRL-2011-917-mlc SD-1 Ash Street Force Main and Pump Station, Campbell
County, Kentucky

Dear Ms. Devine:

On June 21, the State Historic Preservation Office received your letter outlining responses to consulting party comments, along with a determination of no adverse effect for the above referenced project.

We appreciate the involvement of consulting parties in this process. The comments and concerns expressed throughout have been instructive in our review, and have contributed to the proposed actions intended to minimize effects. We also appreciate the willingness of the Corps of Engineers to honor SD-1's request to take the entire project alignment into its jurisdiction.

We acknowledge that Section 106 is a federal agency process which does not prevent projects from taking place. It also does not mandate preservation, but rather requires federal agencies to take into account the effects their actions may have on historic properties. When a project such as this has the potential to result in an adverse effect, the federal agency has certain obligations to ensure that consideration is given to avoidance and minimization, and as a last resort, mitigation.

In our opinion, the Corps has made a good faith effort to identify historic properties and assess effects. Because of the consulting party concerns and the presence of historic properties near the project's area of potential direct effect, the attention given to potential impacts on the built environment was more comprehensive than what is generally pursued for average projects where the majority of the resulting infrastructure will be underground.

In considering all the information available at this time, and in applying the criteria of adverse effect outlined in 36 CFR Part 800.5, we find the project, if implemented in accordance with appropriate conditions to minimize effects, will not significantly diminish the integrity of location, design, setting,

materials, workmanship, feeling, or association which qualify historic properties in the area of potential effect for listing in the National Register of Historic Places. We conditionally concur with the Corps finding of no adverse effect, contingent on the plan outlined in Appendix A of the May 9, 2012, cultural historic survey report and the recommendations outlined in the tree survey (and confirmed in the April 23 memo from GRW Engineers, Inc.) being incorporated into the Corps permit conditions for this project. As these items are critical to minimizing effects to the extent that they would not be considered adverse, we agree they should be required actions.

Following are additional comments on some of the proposed steps:

- *Odor:* We consulted with staff at Kentucky Division of Water and were advised that the proposed treatment measures at the new pump station are two recognized methods of odor control systems that should significantly diminish the potential for odor escaping to the atmosphere. The additional use of carbon canisters on the air release valves was also taken into consideration as a measure which should, when properly maintained, substantially decrease the chance of odor.
- *Construction Noise:* While the work will take place between 7 AM and 6 PM, we recommend SD-1 establish a plan for communicating in advance with community members if this will ever vary for some reason. If it would be possible to keep the residents informed a reasonable amount of time in advance of when work is to take place in particular areas, we would also ask SD-1 to consider this. This could contribute to further minimizing temporary construction effects by giving community members an opportunity to plan for when work may be happening closest to their home/business.
- *Damage to Structures from Construction Activities:* This step focuses on listed historic properties. In early comments on the project the Corps indicated there was not enough information on several surveyed sites to agree with findings of "ineligible," and we agree. These included Site 74/CP-277, Site 84/CP-287, Site 96/CP-298, Site 101/CP302, Site 109/CP-310, and Site 118/CP-318. Of these, Sites 74, 101, 109 and 118 presently appear to be relatively close to areas where work will take place. These sites should be reviewed to ascertain whether any of the buildings have historic masonry foundations in a similar fragile condition so that monitoring measures would be warranted.
- *Tree removal:* Emphasis should be placed on the importance of working with contractors installing the lines to ensure the older trees mentioned in the arborists's report are adequately protected. The arborist's comments about the importance of larger trees overall to the setting of Camp Springs should be taken seriously, and these larger trees should be avoided not only at the historic properties identified in the report, but at stream crossings and any locations

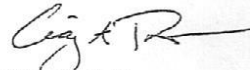
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readily visible from public right-of-way. So long as only small caliper trees are being removed at these additional locations, impacts should be sufficiently minimized.

- *General:* This project is subject to the terms of post-review discovery outlined in 36 CFR Part 800.13. While typically applied in relation to archaeological resources, in this instance it would also be applied to buildings and identified trees. Should any damage inadvertently occur during construction, work must stop until the damage can be assessed and the effect resolved. The Corps would need to be notified immediately so that consultation on effects could take place. (Please note, as a public utility SD-1's work is also subject to the Kentucky Antiquities Act.)

If you have questions regarding these comments, please contact Jill Howe of my staff at 502-564-7005, ext. 121.

Sincerely,



Craig A. Potts
Executive Director and
State Historic Preservation Officer

Cc: Anna Zinkhon
Anshu Singh (Division of Water)
Chris Novak (SD-1)
Joseph Henry (GRW Engineers)
County Judge Executive

CP:jh