

Scope of Services and Fee Proposal for Phase II National Register of Historic Places Evaluations of Sites 15Fa408 and 15Fa409 for the Legacy Business Park in Fayette County, Kentucky

November 1, 2023

Submitted to:

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The Lexington-Fayette Urban County Industrial Development Authority, Inc. (IDA)
Legacy Business Park
Fayette County, Kentucky
Lexington West 7.5' Quad

Introduction

On November 7, 2022, Third Rock Consultants, LLC requested that Cultural Resource Analysts, Inc. (CRA) provide a scope of work and fee proposal for a phase I archaeological survey of the Legacy Business Park development project in Fayette County, Kentucky. The park will be located on an 81-ha (200-acre) property in the southeast quadrant of the intersection of Interstate 75/64 and US 25 (Georgetown Road) adjacent to the Coldstream Research Campus. The property was most recently home to the University of Kentucky's Coldstream Dairy Research Farm. Existing development on the tract is limited to the farm and supporting infrastructure, and most of the property is vacant/undeveloped. The Lexington-Fayette Urban County Government (LFUCG) may use federal funding to pay for the Legacy Business Park development project, and it may include funds received by LFUCG under the American Rescue Plan Act of 2021. The use of federal funds requires compliance with Section 106 of the National Historic Preservation Act. In addition, it is anticipated that the project will require a Section 404 Nationwide Permit that will also require compliance with Section 106.

In 2021, CRA personnel had completed an archaeological records review for the Coldstream Master Plan (Mabelitini 2021). The records review revealed that small portions of the study area had been previously surveyed, but no known archaeological sites were located within the proposed park. A phase I archaeological survey was requested by Casey Mattingly of Third Rock Consultants, LLC on November 7, 2022, on behalf of LFUCG. CRA conducted the phase I archaeological survey for the Legacy Business Park project between April 22 and August 10, 2023, following a Notice to Proceed (NTP) from Molly Foree Cummins of Third Rock Consultants, LLC on March 23, 2023. A Contract Modification for the archaeological survey was executed on July 27, 2023. The survey resulted in the discovery of five new archaeological sites (15Fa408–15Fa412). Two of these sites (15Fa408 and 15Fa409) were recommended for further work since their eligibility for inclusion in the National Register of Historic Places (NRHP) could not be assessed based on what was recorded during the phase I survey. This scope of work includes proposed phase II NRHP evaluations of Sites 15Fa408 and 15Fa409. The proposed archaeological investigations will require a permit from the Office of State Archaeology (OSA).

Phase II National Register of Historic Places Evaluation Scope of Work

The NRHP eligibility of each site will be assessed on its potential to provide important information about the history of the region. For a site to be considered significant, it must contain data (features, artifacts, and ecofacts) that can be used to answer research topics or questions of local or regional importance, as presented in The Kentucky State Plan (Pollack 2008). Phase II fieldwork and analysis are designed to:

- 1) Determine the presence or absence of intact features or stratified deposits;
- 2) Determine the general intra-site spatial characteristics of the site, i.e., the spatial distribution of features and artifact types and the co-occurrence or clustering of features and artifacts;
- 3) Determine the number and ages of occupations at the site;
- 4) Determine the classes of archaeological remains retrievable;
- 5) Determine the archaeological integrity of the remains; and,
- 6) Place the site within historic context.

To evaluate the significance of each site, a series of research and field methods will be employed. This will involve additional historic documentation (archival research), geophysical survey, hand-excavation of test units, plow zone stripping, and feature excavation. Specific work to be conducted at each site is presented below.

NRHP Evaluation of Site 15Fa408

The phase I survey recorded Site 15Fa408 as an early to mid-nineteenth- to early twentieth-century farmstead/residence with a prehistoric isolated find (Niquette and Johnson 2023). The site is situated on a ridgetop within undissected uplands in a plowed agricultural field. It extends approximately 145 m north to south and 165 m east to west, and it encompasses an area of 15,414 sq m as measured in QGIS. A total of 173 shovel tests were excavated at the site, and 61 of these were positive for cultural materials. A high density of artifacts was recovered during the survey of which 600 were historic, one was prehistoric, and there were 37 faunal remains. Two possible features were recorded at Site 15Fa408. One of these was an unknown thermal feature. The other included possible intact limestone foundation stones found in a shovel test. Systematic probing was conducted in cardinal directions from the foundation stones that were exposed, and it appears likely that there are additional intact foundations connected to those stones exposed in the shovel test.

Based on the artifacts that were recovered from the site, it is likely that a house had been constructed there by the 1830s or 1840s and that the household was well established by the mid-nineteenth century. Available historic maps and archival records support the archaeological data. The earliest nineteenth-century map dates to 1861. On it was a dwelling in the site location that was labeled as having been owned by H. Gilbert, and Cane Run Retreat was also labeled for that location (Hewitt and Hewitt 1861). H. Gilbert was also shown as owning the house on an 1877 map, but Cane Run Retreat was no longer there (Beers and Company 1877). By 1891, ownership of the property had changed to G.W. Wainscot (Wallis 1891).

Federal census data was discovered for the H. Gilbert family dating back to 1860, but as mentioned, the site had been occupied for several decades before that time (United States Bureau of the Census [USBC] 1860, Washington, D.C.). It is not known if the Gilberts were the first to acquire the property and build a house there in the 1830s or 1840s, or if there had been a different previous owner. The Gilberts were slave owners, with the 1860 federal census slave schedule indicating that seven enslaved

individuals resided on the property at that time (USBC Slave Schedule [SS] 1860). Further research would be required to ascertain more detailed information on the occupation of the site by the Gilbert family and any individuals that resided there, such as the enslaved African Americans. Further research also would be required to ascertain who first purchased the land and constructed the dwelling as well as discover more detailed information about the families that resided at Site 15Fa408 after the Gilberts left between 1880 and 1891.

Based on the apparent stratigraphic integrity of the site, the high density and variety of artifacts, the presence of possibly intact subsurface features, and the association of the site with an early map structure dating to 1861, the site remains unassessed for inclusion in the NRHP. Hence, further archaeological and archival investigations have been recommended for Site 15Fa408 if it cannot be avoided by the proposed Legacy Business Park development project.

Phase II Site 15Fa408 Field Methods

For the NRHP evaluation of Site 15Fa408, the site should undergo a geophysical survey followed by the hand excavation of seven 1-x-1-m test units and mechanical stripping of up to a maximum of 800 sq m.

Geophysical Survey

A geophysical survey will be conducted by a CRA geophysical specialist. It will attempt to identify and map any historic or potential prehistoric features that may be present at Site 15Fa408. The key in identifying any feature or object of interest with geophysical equipment is having contrast between the feature of interest and the background matrix (e.g., soil layers). For this reason, a geophysical survey area needs to be slightly larger than a point of interest and surveying a larger area surrounding the point of interest only increases the confidence of the geophysical interpretation. There are a variety of geophysical instruments in use today, electromagnetic induction (EMI), ground-penetrating radar (GPR), electrical resistivity, and magnetometry. In this case, CRA suggests the use of only EMI. This method provides both a magnetic and electrical dataset which provides excellent exploratory information for any future surveys and provides detailed mapping for feature identification.

EMI Survey: EMI is a lesser used technique in archaeo-geophysical studies but is extremely useful. It provides both electrical conductivity and magnetic susceptibility data from a single survey. This means it detects both electrical and magnetic properties of the subsurface. It is also effected by metal scatter (but to a lesser degree than magnetometry) which can cause some interference when the metal is of modern origin but can also be the target of investigation at historic sites. In addition to detecting archaeological remains, EMI is commonly employed for geomorphologic mapping as it excels at ascertaining broad soil changes and paleo-fluvial systems. EMI data have shown additional details and, in some instances, provide positive archaeological data where magnetometry is unsuccessful. EMI data are generally faster to collect and faster to process and interpret than GPR.

Geophysical Field Investigation

The survey will use a global navigation satellite system (GNSS) unit with centimeter accuracy to navigate and accurately map the geophysical survey as the system is towed with an all-terrain vehicle (ATV). Transects will be oriented in such a way as to maximize the coverage of the site survey area, avoid any obstacles that may be present, and attempt to limit the possibility of running parallel to target features. GNSS points for the survey will be collected using the Stonex S900A receiver, which in real-time kinematic (RTK) or differential mode (DGPS) the sensors are capable of centimeter accuracy in real time or via post-processing.

The EMI survey will be conducted with a Geosensors R6 instrument which has 6 electromagnetic coil separations providing 12 datasets (electrical conductivity and magnetic susceptibility) across 6 depths ranging from approximately 0.4-2.7 m. The instrument will be towed with an ATV and transect spacing of approximately 0.5 m, will be used with data being collected at greater than 8 readings per meter in a zig-zag manner across this site. The results will be processed and visualized with custom Python scripts and QGIS.

In addition to the geophysical survey, detailed mapping of the site must be performed. This will include mapping of any visible ground depressions which may be associated with unmarked graves, and any other obstacle or obstruction that could interfere with the geophysical data (e.g., trees, bushes, etc.) An unmanned aerial vehicle (UAV), commonly referred to as a drone, will be employed to provide high-resolution (less than 5 cm) orthomosaic map to fit this mapping requirement. Additionally, this allows the creation of a high-resolution digital elevation model (DEM) as long as vegetation is low.

Test Unit Excavation

Five 1-x-1 m test units would be placed across the site in areas where geophysical anomalies were discovered as well as in possible feature/artifact concentration areas discovered during the phase I survey. Precise placement of the test units would be at the discretion of the field director. Test units should be excavated to below historic artifact-bearing soils, no deeper than 50 cm bgs, unless within defined cultural features. The other two 1-x-1 m test units may be retained to sample large features, such as a cellar, large trash pit, or foundation. The proposed units will be excavated in 10 cm arbitrary within natural levels to culturally sterile soil. All excavated dirt will be screened through 0.25-inch mesh. We anticipate that approximately 35 10-cm levels will need to be excavated. The excavations will take three 2-person dig teams and a field supervisor 168 person hours to complete.

Mechanical Stripping

A maximum of 800 sq m will be investigated by mechanical stripping to expose buried features. The placement of the strip blocks will be based on the findings of the test unit excavations and geophysical survey. The field director will monitor the stripping as it is conducted. A backhoe with a smooth-edged bucket will be used, and silt fencing will be used as a protective barrier where warranted to reduce erosion and/or protect drainages from backdirt run-off. Once the topsoil is removed, the surface will be shovel scraped to examine it for features. The machine stripping will take 70 person hours.

Feature Excavation

We anticipate that no more than 2 large historic features, 2 small–medium historic features, and 2 postholes, will be sampled or excavated at Site 15Fa408. The large historic features, that also include cisterns and privies, may also be bucket augered in order to ascertain depth (if possible). All other features and postholes beyond these samples will be covered and left unexcavated. A total station will be used to record excavation and feature locations within the site. Flotation samples will be taken of primary feature contexts, such as trash pits or intact cellar deposits. Some flotation samples may be taken from units at the discretion of the field director. No more than five flotation samples for the features are anticipated at this stage of work. Feature excavation will take 252 person hours to complete.

The total archaeological field time at this site is estimated to be 490 person hours which includes unit excavation, stripping, features excavation, mapping and profiling, and travel.

Archival Research

Deed research and in-house archival research is recommended for Site 15Fa408. The purpose of additional archival research is to provide even more specific data on the occupational history of the site and about the persons who lived there.

NRHP Evaluation of Site 15Fa409

The phase I survey recorded Site 15Fa409 as a multicomponent site with a mid-nineteenth to early twenty-first-century historic farmstead/residence and an indeterminate prehistoric open habitation (Niquette and Johnson 2023). The site was situated on an undissected upland ridgetop within a cove of trees and along agricultural fields on either side of Dairy Road near the intersection of Dairy Road and Georgetown Road in Lexington, Kentucky. It extends approximately 210 m north to south and 165 m east to west, and it encompasses an area of 20,943 sq m as measured in QGIS. A total of 216 shovel tests were excavated at the site, and 75 of these were positive for cultural materials. Two-hundred ninety artifacts were recovered during from Site 15Fa409 of which 270 were historic, 15 were prehistoric, and 5 were faunal remains. One probable hearth or ash dump feature was recorded during the survey in a single shovel test.

Based on the artifacts and available archival data, it is likely that a house had been constructed at Site 15Fa409 by the mid-nineteenth century. This house is shown on a map dating to 1861, and at that time, it was under the ownership of J. Lyle (Hewitt and Hewitt 1861). In 1860, J. Lyle lived with his wife and children in the house as well as several other individuals, one of whom was a teacher, and another a laborer (USBC 1860). In 1860, J. Lyle was listed in the census as a slave owner, and the federal census slave schedule indicates he had 21 enslaved persons, but that 11 had escaped and were fugitives of the state (USBC SS 1860). J. Lyle was also shown as owning the house on an 1877 map (Beers and Company 1877). By 1891, ownership of the property had changed to James Clark (Wallis 1891).

By 1904, Nathaniel Pettit occupied the property (Mullin and Corbin 1904). Between 1902 and 1904, he had built a new dwelling on the property, ostensibly replacing the one shown on the 1861, 1877, and 1891 maps. It was called “Hempstead,” and the house remained extant until sometime between November 2015 and April 2016, when it was abandoned and demolished. At this time, it is unknown whether Hempstead was in the same location as the former structure or why it was that the mid-nineteenth-century dwelling was demolished. It is possible that it was in a dilapidated state or had been damaged by storms, but further archaeological excavations and archival research would be required to address these questions.

Based on the apparent stratigraphic integrity of the site, the high density and variety of artifacts, the presence of possibly intact subsurface features, and the association of the site with an early map structure dating to 1861, the site remains unassessed for inclusion in the NRHP. Hence, further archaeological and archival investigations have been recommended for Site 15Fa409 if it cannot be avoided by the proposed Legacy Business Park development project.

Phase II Site 15Fa409 Field Methods

For the NRHP evaluation of Site 15Fa409, the site should undergo the mechanical stripping of up to a maximum of 800 sq m followed by the hand excavation of up to five 1-x-1-m test units placed in areas of interest based on the mechanical stripping.

Mechanical Stripping

A maximum of 800 sq m will be investigated by mechanical stripping to expose buried features in high and low probability areas based on the results of the phase I survey. The field director will monitor the stripping as it is conducted. A backhoe with a smooth-edged bucket will be used. Once the topsoil is removed, the surface will be shovel scraped to examine it for features. The machine stripping will take 70 person hours.

Test Unit Excavation

Five 1-x-1 m test units would be placed across the site in areas of interest based on the mechanical stripping. For example, if buried midden areas are exposed under demolition fill, test unit excavation would be an ideal way of sampling them. These units may or may not also be utilized to sample large features, such as cellars, large trash pits, or foundations, at the discretion of the field director. Test units should be excavated below historic artifact-bearing soils, no deeper than 50 cm bgs, unless within defined cultural features, which may be deeper. The proposed units will be excavated in 10 cm arbitrary within natural levels to culturally sterile soil. All excavated dirt will be screened through 0.25-inch mesh. We anticipate that approximately 25 10-cm levels will need to be excavated. The excavations will take two 3-person dig teams and a field supervisor 119 person hours to complete.

Feature Excavation

We anticipate that no more than 2 large historic features, 2 small–medium historic features, and 2 postholes, will be sampled or excavated. The large historic features, that also include cisterns and privies, may also be bucket augered to ascertain depth (if possible). All other features and postholes beyond these samples will be covered and left unexcavated. A total station will be used to record excavation and feature locations within the site. Flotation samples will be taken of primary feature contexts, such as trash pits or intact cellar deposits. Some flotation samples may be taken from units at the discretion of the field director. No more than five flotation samples for the features are anticipated at this stage of work. Feature excavation will take 231 person hours to complete.

The total field time is estimated to be 420 person hours which includes unit excavation, stripping, features excavation, mapping and profiling, and travel.

Archival Research

Deed research and in-house archival research is recommended for Site 15Fa409. The purpose of additional archival research is to provide even more specific data on the occupational history of the site and about the people who lived there.

Meetings and Coordination

No on-site meetings are anticipated.

Phase II Laboratory Analysis

Cultural material recovered from the phase II excavations at Sites 15Fa408 and 15Fa409 will be returned to the laboratory for cleaning, analysis, and cataloging following standard practices. Site specific information is presented below.

Site 15Fa408

During the phase I survey, a total of 173 shovel tests were excavated at this site, and 61 of these were positive for cultural materials. A high density of artifacts was recovered during the survey of

which 600 were historic, one was prehistoric, and there were 37 faunal remains. Based on the results of the survey as well as experience at other historic farmstead sites of this time period and size, it is anticipated that up to 1,500 historic artifacts will be recovered from the test units. Since features tend to contain more artifacts per cubic meter than shovel tests or excavation units, we expect to recover 5,000 artifacts from all excavations at this site. This phase of the work will also include preparation of flotation samples. It has been estimated that a maximum of 4 features and 2 postholes will be excavated which will produce up to 50 liters of flotation samples from features and/or primary unit contexts will be processed (float, sort for artifacts, and catalog) at the laboratory. We propose the ethnobotanist analyze only samples with good temporal and spatial contexts, about 3 samples (30 liters).

Site 15Fa409

During the phase I survey, a total of 216 shovel tests were excavated at Site 15Fa409, and 75 of these were positive for cultural materials. Two-hundred ninety artifacts were recovered, of which 270 were historic, 15 were prehistoric, and 5 were faunal remains. Based on the results of the survey as well as experience at other historic farmstead sites of this time period and size, it is anticipated that up to 3,500 artifacts will be recovered from the feature and test unit excavations. This phase of the work will also include preparation of flotation samples. It has been estimated that a maximum of 4 features and 2 postholes will be excavated which will produce up to 50 liters of flotation samples from features and/or primary unit contexts will be processed (float, sort for artifacts, and catalog) at the laboratory. We propose the ethnobotanist analyze only samples with good temporal and spatial contexts, about 3 samples (30 liters).

Report Preparation

CRA will prepare a management summary outlining the work completed, the approximate number and variety of artifacts recovered, features documented, and a recommendation as to the eligibility of each site and further treatment. The results of the Phase II archival and field and laboratory research will be documented in a detailed written report. The report will conform to *Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports* issued by the Kentucky State Historic Preservation Office. Initially, an electronic portable document format (PDF) version of the report will be submitted to the client for reviews by the U.S. Army Corps of Engineers and the SHPO. CRA will make any necessary revisions to the report requested by the reviewing agencies. Following this, seven copies of the archaeological report if required will be submitted to the client for the reviewing agencies' records. In addition to the report, CRA will submit to OSA a revised site form.

Phase II Schedule

Depending on the project schedule and when the notice to proceed is received, CRA should be able to initiate the geophysical field research within 30 business days of NTP and archaeological field research within 15 business days of completion of the geophysical work. The geophysical field work will be completed in approximately 3 business days. If all of the archaeological resources are discovered as presented in this proposal, the archaeological field research will be completed in approximately 17 business days. If fewer features and/or fewer artifacts are recovered, it will take less time. The management summary will be submitted electronically in PDF format within 15 business days of the completion of fieldwork. The final report will be submitted within 80–90 business days following the completion of fieldwork.

CRA Project Personnel

Project Manager: Jon Kerr, RPA

Field Director/PI/Report: Tanya Faberson Hurst, PhD, RPA or J. Howard Beverly, RPA

Laboratory Processing: Robert McCain, RPA

Historic Materials Analysis: Tanya Faberson Hurst, PhD, RPA or J. Howard Beverly, RPA

Ethnobotanical Analysis: Renee Bonzani, PhD

Faunal Analysis: Robert McCain, RPA

Geophysical Survey: Jeremy G. Menzer, PhD

Cost Proposal

CRA can complete the scope of work on a time and materials basis for a fee not to exceed \$282,528.00. This includes geophysical survey and archaeological investigations at Site 15Fa408 (\$175,028.00) and archaeological investigations at Site 15Fa409 (\$107,500.00) as presented in this scope of work. If no features are found at both sites and few artifacts are recovered, the cost will likely be closer to \$117,280.00 for both sites.

Terms are payment in full within 30 calendar days of the receipt of Cultural Resource Analysts, Inc., invoice. A late fee of 1.5% per month on unpaid balance will be applied. In the event that the client does not honor these terms of payment, the client agrees to pay any additional collection, attorney, court and or interest charges.

The following assumptions have been made when preparing the scope of work and estimated cost for this project. These are not intended to be all-inclusive, and it is recognized that unforeseen changes and circumstances may result during the course of the project. Should these situations arise, CRA will, in a timely manner, address specific scope or budget issues with the client to reach an agreement for any needed contract modifications and additional compensation per our standard rate schedule.

- In the event of inclement weather or other adverse conditions, archaeological fieldwork will be delayed until conditions render it safe to resume the excavations.
- EMI survey will be completed for a maximum area of approximately 1.6 ha.
- Excluding wooded areas, the survey area will be free of any brush and grass will be recently mowed. Vegetation is not to exceed 6 inches in height. If a significant amount of vegetation is higher than 6 inches, at the discretion of the field director, a change order will be required.
- The survey area will be cleared (mowed) in advance of CRA's arrival.
- If inclement weather or other adverse conditions beyond the control of CRA occur, geophysical fieldwork will be delayed as some geophysical instruments cannot be used during inclement weather.
- There will be no issues or delays in obtaining access to the project area.
- No more than approximately 1,600 sq m will need to be mechanically stripped, and no more than four features and two postholes will need to be excavated at each site.
- No more than 8,500 artifacts will be recovered.
- The strip blocks and units will be backfilled, but the area will not require seeding and strawing.
- Formal meetings with clients, agencies, tribes or others are beyond the scope of this proposal.
- Any safety training or drug testing is not included.

Proposal Summary

- CRA conducted a phase I archaeological survey for the Legacy Business Park project between April 22 and August 10, 2023. The phase I survey resulted in the discovery of five new archaeological sites (15Fa408–15Fa412). Two of these sites (15Fa408 and 15Fa409) may be significant and eligible for inclusion in the NRHP. Their eligibility could not be assessed with the phase I data.
- Site 15Fa408 is an early to mid-nineteenth- to early twentieth-century farmstead/residence with a prehistoric isolated find. A total of 173 shovel tests were excavated at the site, and 61 of these were positive for cultural materials. A high density of artifacts was recovered during the survey of which 600 were historic, one was prehistoric, and there were 37 faunal remains. Two possible features also were recorded.
- Site 15Fa409 is a multicomponent site with a mid-nineteenth to early twenty-first-century historic farmstead/residence and an indeterminate prehistoric open habitation component. A total of 216 shovel tests were excavated at the site, 75 of which were positive for cultural materials. A total of 290 artifacts were recovered during from Site 15Fa409 of which 270 were historic, 15 were prehistoric, and 5 were faunal remains. One probable hearth or ash dump feature was also recorded.
- On October 24, 2023, the U.S. Army Corps of Engineers confirmed via email that both Sites 15Fa408 and 15Fa409 are within their review area and phase II NRHP evaluation of these sites will be required to make a Determination of Effect.
- If all of the archaeological resources are discovered as presented in this proposal, the archaeological field research will be completed in approximately 17 business days. If fewer features and/or fewer artifacts are recovered, it will take less time.
- A management summary will be submitted electronically in PDF format within 15 business days of the completion of fieldwork.
- The final report will be submitted within 80–90 business days following the completion of fieldwork.
- CRA can complete the scope of work on a time and materials basis for a fee not to exceed \$282,528.00 as presented in this scope of work. If no features are found at both sites and few artifacts are recovered, the cost will likely be closer to \$117,280.00 for both sites.
- Two outcomes are possible: 1) The research potential at each site will be exhausted and the sites will be recommended not eligible for inclusion in the NRHP; or 2) one or both sites will be recommended as eligible for inclusion in the NRHP, and phase III data recovery excavations will be recommended based on their research potential and importance to local and regional history.

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