



Project Change Notice

Project Name/Location:		Legacy Business Park	
Client Name:		Lexington Fayette Urban County Government	
PCN Number:	4		
GS PM Name:	Masterson	Gresham Smith Project #:	48334.00
Date Prepared:	5/22/2024	Client Project #:	

PCN Name/Title:	Contract Modification 4
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Description of Change and Impacts:

The project change notification includes the following; 1) Task 2 scope and fee for Phase III Archaeological Data Recovery at Site 15Fa408 and 2) Task 1 for project management scope and fee related to the additional effort for Phase III work.

Fee increases:
 Task 2 Site Infrastructure Design - \$457,643.95 increase
 Task 1 Project Management - \$27,450 increase

Source of Change (Select from drop-down, or over-type):	<u>Field Condition</u>
References/Attachments, if any:	Scope of Services provided by Cultural Resource Analysts, Inc

Design/CCA Budget Impact

Compensation/Fee:	<u>(Lump Sum)</u>	\$485,094
Reimbursable Expenses:	NA	
Total:		\$485,094

Design/CCA Schedule Impact:	Anticipate construction schedule extending to accommodate additional work.
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Other Impacts:	
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Authorization:

By:		By:	
	(Client's Authorized Representative)		(Gresham Smith's Authorized Signer)
Name:		Name:	Louis Johnson
Title:		Title:	Executive Vice President
Date:		Date:	5/23/2024

Scope of Services for Archaeological Data Recovery at Site 15Fa408 for the Legacy Business Park in Fayette County, Kentucky (revised)

May 29, 2024

Submitted to:

Molly Foree Cummins

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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

Site 15Fa408 was first discovered during a 2023 survey conducted by Cultural Resource Analysts, Inc. (CRA) for the proposed Legacy Business Park development project in Fayette County, Kentucky. Following the survey, the site could not be assessed for its eligibility for inclusion in the National Register of Historic Places (NRHP), and further work was recommended (Niquette and Johnson 2023). At the request of Molly Foree Cummins of Third Rock Consultants, LLC (henceforth, Third Rock), phase II NRHP evaluation investigations were conducted at Site 15Fa408 between January 8 and February 5, 2024. Based on the results of the NRHP evaluation excavations, the site is recommended eligible for inclusion in the NRHP. An on-site meeting with United States Army Corps of Engineers (USACE) and Kentucky Heritage Council (KHC) personnel along with representatives of Gresham Smith and the Lexington Fayette Urban County Government (LFUCG) was conducted on January 30, 2024, and it was verbally agreed by USACE and KHC that Site 15Fa408 is eligible for inclusion in the NRHP and that further work is warranted. During that same meeting, a management summary was requested at the conclusion of the phase II testing of the site, to be followed by a work plan for the phase III data recovery investigations, both of which would be submitted to Third Rock and then USACE for review. The management summary was submitted to Third Rock on February 14, 2024, and this document serves as the phase III data recovery work plan. The phase II testing was conducted under Office of State Archaeology (OSA) Antiquities Act Permit Number 2024-04 pursuant to Kentucky Revised Statute (KRS) 164.720, and the data recovery investigations will be conducted under the same permit assuming the work will be conducted within the same calendar year.

Project Background

Site 15Fa408, which is 15,414 sq m (161,459 sq ft) in size as measured in QGIS is an early nineteenth- to early twentieth-century farmstead/residence (Niquette and Johnson 2023). A light scatter of non-diagnostic precontact lithics and two Woodland pottery sherds also have been recovered, but no intact precontact deposits have been identified. 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. A high density of artifacts was recovered, and two possible features were recorded during the phase I survey of the site (Niquette and Johnson 2023:89–100).

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On December 15, 2023, a geophysical survey using electromagnetic induction (EMI) was conducted, indicating high potential for the presence of buried archaeological deposits and/or features, several of which were likely associated with former structures. Utilizing the EMI survey results data, the NRHP evaluation excavations of Site 15Fa408 were conducted between January 8 and February 5, 2024. The testing of the site included the excavation of six 1-x-1 m test units and eight strip blocks totaling 829.7 sq m. Five of the test units (TUs 1–5) were placed in locations to sample various parts of the site based on the geophysical survey results as well as high probability areas, and TU 6 was excavated specifically to sample a trash pit feature (Feature 4). TU 2 also sampled a feature (Feature 8), but this was inadvertent as the feature was not discovered until the unit excavation was in progress. A total of 11 features and nine postholes were recorded during NRHP evaluation of the site. The features included an early nineteenth-century hammer-dressed limestone building foundation and central chimney base associated with former slave quarters (Features 1 and 2) that actually could date as early as the late eighteenth century; a late nineteenth-century fill/gravel deposit in a shallow depression (Feature 3) capping a large posthole (PH 6) and a small posthole (PH 8); a large late eighteenth-/early nineteenth-century trash pit (Feature 4); a hammer-dressed limestone foundation associated with a late eighteenth-/early nineteenth-century dwelling (Feature 5); a twentieth-century drainage trench (Feature 6); the remains of a twentieth-century artifact concentration adjacent to a line of bricks (Feature 7); a cellar (Feature 8) associated with the former late eighteenth-/early nineteenth-century dwelling (Feature 5); a disturbed limestone foundation with a possible cellar containing voids and a high density of mid-twentieth-century artifacts (Feature 9); a late nineteenth- to early twentieth-century artifact concentration in a depression that may have been located beneath a small outbuilding at one time (Feature 10); and an ash and coal deposit within a rectangular stain that may have actually been a large posthole associated with Feature 3/PH 6. Based on the archaeological data and the preliminary archival research conducted for the phase I survey, it is averred that the house/cellar (Features 5 and 8) was the former dwelling of Henry Gilbert, who resided there with his family in 1850 and 1860 (United States Bureau of the Census [USBC] 1850, 1860, Washington, D.C.), and the slave quarters structure (Features 1 and 2) was the residence of five enslaved persons in 1850, and seven enslaved persons in 1860 (USBC Slave Schedule [SS] 1850, 1860). Based on the archaeological data recorded during the phase II field investigations, the site dates to at least the early nineteenth century and possibly as early as the late eighteenth century. The owners and occupants of the site that resided there before the Gilbert family are currently unknown. With the fieldwork for the current project being concluded, in-depth archival research is being conducted in order to elucidate the ownership and occupation history of the site.

Data Recovery Goals/Research Questions

Phase III data recovery at Site 15Fa408 is anticipated to mitigate adverse effects to the site by the proposed Legacy Business Park project. Data yielded from the investigations may address research questions pertinent to this site including (but not limited to):

- It remains unclear when the property was first settled. Archaeological evidence associated with the structures identified during the NRHP evaluation of the site suggests that the house and slave quarters were constructed by at least the early decades of the nineteenth century, but it is possible that the house was built earlier (1790s). Not all of the house and slave quarter foundations were exposed, and only a small portion of the cellar associated with the house was sampled with a test unit. No builder's trenches were identified during the NRHP evaluation of Site 15Fa408, and further exposure of the building foundations may result in the discovery of builder's trenches that could contain important material evidence of the house and slave

quarters construction. There also appears to be the possibility that the house was originally a small, one- or two-room cabin that was then incorporated/replaced by the larger structure. Hence, a goal of the data recovery efforts would be to more clearly ascertain the construction dates of the house and slave quarters. The presence of other possible outbuildings and their construction dates also would be ascertained, if found.

- What was the spatial layout of the farm in terms of the house, slave quarters, and other outbuildings and/or activity areas? Were there fences separating activity areas? How did this change over time and were there differences before and after the Civil War?
- What were the daily lifeways of the enslaved individuals and those of the slaveholder's family in the decades before the Civil War? Excavations in the interiors and exteriors of the structures via unit excavation and stripping/feature excavation may reveal artifacts/features that could provide insight into activities within and outside of the structures. It also would be interesting to ascertain differences in activities in the front vs rear and side yards of both structures.
- Were there differences in domestic artifacts, such as ceramic tablewares, between what was used in the house vs the slave quarters? Were there other notable differences in the overall assemblages between the two structures? With the exception of what was sampled in Feature 8 (cellar) with TU 2, all of the other artifacts were recovered from the plan view and backdirt in Blocks 2 and 4. If there are differences and/or similarities, what can they tell us about consumerism, availability of certain goods, were there preferences for certain items (value, symbolism)? Is there any evidence of various occupations/roles of the enslaved individuals that can be gleaned from the slave quarters deposits?
- Were there any pit cellars or small pits below the floor of the slave quarters where certain items may have been hidden from the slaveholders? Is there any evidence of African-derived items or manipulation of European American material culture? Any evidence of curing and magic ritual and/or ritual objects?
- A high density of faunal remains were recovered during the testing of Site 15Fa408, but since such a high density of these remains were recovered from secondary contexts and/or the plan views of the structures, they may not be as reliable for providing detailed data on food preferences, preparation, and consumption as those possibly recovered from intact deposits. Data recovery excavations may reveal detailed information of foodways at the site. Were there differences between what was consumed by the slaveholder's family vs what was consumed by the enslaved persons? Were there changes over time?
- Were there changes to the landscape and the spatial arrangement of outbuildings and activity areas after the Civil War vs before? Since the completion of the phase I report, an in depth look at the 1880 federal census indicates that the Gilbert family continued to reside on the property that year, and that they had five Black and "Mulatto" (i.e., biracial) servants. When Henry Gilbert died in 1897, and his widow moved to Lexington, what happened to these servants?
- Who resided at the site following the Gilbert occupation? Phase I survey archival research and available historic map data indicate that George Wainscott resided there by 1891 followed by M. Young in 1904, but neither could be discovered in the census records. Were the slave quarters still used to house servants and/or tenants? How/why was the site abandoned?
- How does the archaeological data recovered from Site 15Fa408 compare with similar sites in Fayette County and Central Kentucky more broadly? Data recovery research would allow for

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not only a discussion of the daily lifeways of the former site occupants, but comparisons with other archaeological sites in the area may shed light on the settlement and history of the area from a broader perspective.

- Only a very light density of precontact artifacts was recovered during the NRHP evaluation of the site, and all had been recovered from historic contexts. While the precontact component is not considered eligible, if precontact artifacts or features are discovered during the data recovery investigations, the precontact component of Site 15Fa408 will be discussed with regard to similar sites at the local and/or regional level. Whether precontact deposits/features are discovered during the data recovery investigations or not, an overview of the precontact history of the area will be included in the final report.

Data Recovery Work Plan

Data recovery is anticipated for Site 15Fa408 as presented in the submitted management summary (Faberson Hurst 2024). The purpose of the data recovery plan is to collect sufficient information to answer the research questions presented above and to mitigate the impacts of the construction of the proposed business park. Based on the results of the original phase I survey in 2023 and the phase II investigations in January and early February 2024, data recovery will involve historic documentation (archival research and secondary historic research), unit excavation, mechanical stripping, and feature excavation.

Data Recovery Field Methods

Approximately 3,100 sq m of mechanical stripping is proposed for the data recovery excavations to explore high probability areas for the presence of intact, buried features as well as to reopen/expand the exposure of previously recorded/sampled phase II features (Features 1, 2, 4, 5, 8, and 9). The field director will monitor the stripping as it is conducted. A backhoe with a smooth-edged bucket will be used with extra care taken to prevent the disturbance of shallow Features 1, 2, 5, and 8. Once the topsoil is removed, the surface of each strip block will be shovel scraped to examine it for features.

Concurrently with the mechanical stripping, the excavation of 25 1-x-1 m test units will be utilized to sample the interiors and exteriors of the former dwelling and slave quarters (including any hearths) as well as to sample the rear yards and minimally, the front yards.

We anticipate that no more than 10 large historic features, 15 small-medium historic features, and 15 postholes, will be sampled or excavated. In the event that precontact features or deposits are discovered, they will also be properly excavated and recorded to the same standards as the historic features and deposits. A total station will be used to record excavation and feature locations within the site, and the phase III map data will be tied in with the phase II mapping. Flotation samples will be taken of primary feature contexts, such as privies, trash pits, or intact cellar deposits. No more than 12 flotation samples for the features are anticipated.

Photogrammetry of significant features and drone photography of the site will be conducted following the exposure of buried features and completion of the data recovery investigations.

Archival and Secondary Historic Research

In-house and out-of-house archival historic research is recommended for Site 15Fa408. The archival research for the phase II and phase III projects will be combined. The purpose of archival and historic research is to provide more specific data on the occupational history of the site as well as

address the research questions presented above.

Meetings and Coordination

It is anticipated that there will be one on-site meeting with CRA, USACE, and KHC.

Phase III Laboratory Analysis

Cultural material recovered from the data recovery excavations will be returned to the laboratory for cleaning, analysis, and cataloging following standard practices. Based on the results of the phase I survey as well as preliminary counts of the phase II investigation, it is anticipated that up to 15,000 historic artifacts will be recovered during the data recovery investigations. This phase of the work will also include preparation of flotation samples. It has been estimated that a maximum of 25 features and 15 postholes will be excavated, which are estimated to produce up to 120 liters of flotation samples to 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 8 samples (80 liters).

Report Preparation

The results of the phase II NRHP evaluation of Sites 15Fa408 and 15Fa409, and the phase III data recovery results of Site 15Fa408 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. A detailed management summary of the phase III data recovery results will be submitted within three weeks of the completion of fieldwork. The final draft will be submitted to USACE for review within 18 months of the completion of fieldwork. The final report can be submitted within 20 working days of the receipt of USACE comments on the draft report. In addition to the report, CRA will submit to OSA revised site forms.

Data Recovery Schedule

CRA can initiate field research within 20 business days of NTP, depending on current scheduling. The field research will be completed in approximately 40 business days, not including any possible delays due to unsafe (such as heat stress) or inclement weather conditions.

CRA Project Personnel

Project Manager: Jonathan P. Kerr, RPA

Field Director/PI/Report: Tanya Faberson Hurst, PhD, RPA

Laboratory Processing: Robert McCain

Historic Materials Analysis: Tanya Faberson Hurst, PhD, RPA

Ethnobotanical Analysis: Renee Bonzani, PhD

Faunal Analysis: Robert McCain, RPA

Photogrammetry/drone imagery: Jeremy Menzer, PhD

Cost Proposal

CRA can complete the scope of work on a time and materials basis for a fee not to exceed \$594,151.00. This includes the entirety of the phase III work (\$536,343.00) and the remaining phase II work, such as the artifact analyses for both sites and reporting on the results at Site 15Fa409 (\$57,808.00). The remaining authorized funds in the current Work Order (013019-042) is \$136,507.05, requiring the addition of \$457,643.95 to complete the data recovery investigations and reporting of the phase II and III results.

Project invoices will be submitted monthly. 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. CRA's heat safety protocol requires all field directors to follow National Institute for Occupational Safety and Health (NIOSH) regulations.
- The survey area will be cleared (mowed) in advance of CRA's arrival.
- There will be no issues or delays in obtaining access to the project area.
- No more than approximately 3,100 sq m will need to be mechanically stripped, and no more than 25 1-x-1 m units will need to be excavated.
- No more than 10 large historic features, 15 small-medium historic features, and 15 postholes will be sampled or excavated.
- No more than 12 flotation samples for the features are anticipated.
- No more than 15,000 artifacts will be recovered.
- Any adjustments made to the work plan at the request of USACE or KHC that will increase the data recovery level of effort will require a change order.
- The strip blocks and units will be backfilled, but the area will not require seeding and strawing.
- The installation of silt fencing will not be required.
- Only one on-site meeting with USACE and KHC will be required. Formal meetings with clients, agencies, tribes or others are beyond the scope of this proposal.
- Any additional safety training outside of CRA's safety protocols and in-house training or drug testing is not included.

References Cited

Faberson Hurst, Tanya

2024 Management Summary of National Register of Historic Places Evaluations of Sites 15Fa408 and 15Fa409 for the Legacy Business Park in Fayette County, Kentucky. Cultural Resource Analysts, Inc., Lexington, Kentucky.

Niquette, Richard Mason, and Rose E. Johnson

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