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Settlement reached in 'rock war'

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July 09--Frankfort -- The so-called "rock war" between Kentucky and Ohio is officially over.

Kentucky officials on Thursday announced that a final settlement has been reached in a federal lawsuit filed by the commonwealth over the removal of an 8-ton boulder known as Indian Head Rock from the Ohio River.

An agreed order between Kentucky and the defendants in the lawsuit -- the city of Portsmouth; its former mayor, Greg Bauer; expedition leader Steven Shaffer of Ironton; and dive team member David Vetter -- dismissing the case was entered Thursday in U.S. District Court, according to a news release from the office of Kentucky Attorney General Jack Conway.

In exchange for the rock's return, the commonwealth agreed to dismiss any and all civil claims against the defendants.

The settlement had been in the works for several months. The parties had already reached a deal for the rock to be returned to Kentucky from Ohio. In April, Judge Henry R. Wilhoit agreed to hold the matter in abeyance while details of moving the rock were worked out.

Under the terms of the settlement, Portsmouth will relinquish control of the boulder -- which has been stored in its city garage -- and permit its transport to a location designated by the Kentucky Heritage Council, an agency responsible for the identification, protection and preservation of the state's archeological and historical resources.

No date has been set for the transfer, but it's expected to take place sometime in the next few weeks, officials said.

"While we are relieved that an agreement has been reached to return this artifact to Kentucky, our concern always has been and continues to be the protection of Kentucky's archeological resources," said Mark Dennen, executive director of the heritage council and the state's preservation officer. "Federal and state laws exist to protect these sites from looting."

Because the site from which the rock was removed has been compromised, returning the boulder to the river would serve no purpose, Dennen said. For now, the rock will be stored by Greenup County officials until a permanent home for it can be found and it can be put on display for public viewing. The heritage council is in the process of evaluating those options with county officials and other interested parties.

"We believe it is important to make this artifact available for public viewing not only to highlight local history and lore, but also to use it as an opportunity to teach others about the importance of protecting cultural resources," Dennen said. "Once these sites are gone, so is their capacity to reveal new information about Kentucky's past."

The rock will be returned to Kentucky by volunteers, which means moving it won't cost taxpayers anything, Conway said, adding that he was also grateful to Portsmouth officials for their willingness to settle the matter out of court.

Thursday's announcement concludes the bizarre tug-of-war that began in 2007 after Shaffer and a team of rescue divers raised the boulder from the depths of the river near South Shore.

A Greenup County grand jury indicted Shaffer on a felony charge of theft of a protected antiquity, but Commonwealth's Attorney Cliff Duvall dismissed the case after saying he couldn't conclusively prove that the rock was the same one that was registered as an antiquity with the University of Kentucky.

However, Craig Potts, manager of the heritage council's site protection and archaeology program, said he continued to believe the artifact was, indeed, the same Indian Head Rock that had been designated for protection.