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#### Michelle Allen

E-Mail: michelle@kradd.org FAX NUMBER 606-436-3154 TDD NUMBER 1-800-247-2510 (Hearing Impaired)

# Kentucky River DEVELOPMENT DISTRICT

941 NORTH MAIN STREET • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

March 7, 2023

Jennifer Peters Department for Local Government 100 Airport Road, 3rd Floor Frankfort, KY 40601

RE: City of Jackson – Jackson Federal Place Building Project

Dear Jennifer:

Please find enclosed the Environmental Review for the above referenced project. The Evidentiary Materials will be finalized and mailed to you as soon as possible.

Please review and let me know if you have any questions or need additional information, please contact me.

Thank you, for your time and assistance.

Sincerely,

Lisa Napier

Infrastructure Coordinator

Cc: City of Jackson

# ENVIRONMENTAL INFORMATION DOCUMENT

#### FOR THE

#### CITY OF JACKSON-JACKSON FEDERAL PLACE BUILDING PROJECT

#### BY CITY OF JACKSON

Prepared by
KENTUCKY RIVER AREA DEVELOPMENT
DISTRICT
ON BEHALF OF THE CITY OF JACKSON

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U.S. Department of Housing and Urban Development

451 Seventh Street, SW Washington, DC 20410 www.hud.gov

espanol.hud.gov

# Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

#### **Project Information**

Project Name: Jackson Federal Place Building Project

Responsible Entity: City of Jackson

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer: Lisa Napier

Certifying Officer Name and Title: Laura Thomas, Mayor

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable):

**Direct Comments to:** 

Lisa Napier KY River ADD 941 N. Main Street Hazard, KY 41701 lisa@kradd.org

Project Location: Jackson Federal Place Building 359 Broadway Street Jackson, KY 41339

GPS Coordinates: Latitude 37°33'12.74" N; Longitude -83°23'11.22" W

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Due to the historic flooding event Eastern Kentucky experienced in July 2022, a HUD section 8 assistance approved building in downtown Jackson was flooded. Affected by the flooding was

the building elevator and two of the housing units. This project involves the restoration of the elevator and two units that were lost in this building in the summer 2022 Flood in Jackson, Breathitt County. The second activity would be the re-fit-up of the two units that were lost in the flood. This area also includes the small community room and building restroom and some other smaller spaces. There are currently 12 elderly tenants that cannot use the building, due to their health or disability, they are unable to climb stairs. Another issue is the building is HUD approved and without a working elevator HUD will revoke the Section 8 Housing Assistance.

#### Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The Federal Place Building, located on Broadway Street in the City of Jackson Kentucky, is a Section 8 housing unit that requires the elevator to be ADA compliant. There are 12 elderly tenants that have disabilities and health issues making it difficult for them to climb stairs. Without a functioning elevator some tenants find it difficult to get out and do the things that are necessary like going to the doctor, shopping for food, etc. Another issue is the building is HUD approved and without a working elevator HUD will revoke the Section 8 Housing Assistance.

#### Existing Conditions and Trends [24 CFR 58.40(a)]:

The project is located on Broadway Street in the City of Jackson, Breathitt County Kentucky. After the historic flooding event Breathitt County experienced in July of 2022, many homes were washed away, businesses destroyed and lives lost. The Federal Place Building was flooded and it has incapacitated their elevator which is needed by residents of the building. Alternatives were considered which included to do nothing. This alternative would not allow the elderly residents the option of using the building as they should be able to.

#### **Funding Information**

Grant Number	HUD Program	Funding Amount
	CDBG	\$350,000

Estimated Total HUD Funded Amount: \$350,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$350,000

#### Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.



Compliance Factors: Statutes, Executive Orders,	Are formal compliance steps or	Compliance determinations
and Regulations listed at 24 CFR §58.5 and §58.6	mitigation required?	
STATUTES, EXECUTIVE OR and 58.6	DERS, AND R	REGULATIONS LISTED AT 24 CFR 50.4
Airport Hazards	Yes No	There are no airports on or near any of the
24 CFR Part 51 Subpart D		proposed project areas. No Impact.
Coastal Barrier Resources	Yes No	Jackson, Breathitt County Kentucky has no Coastal areas. No Impact
Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]		
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No	The City of Jackson does participate in the National Flood Insurance Program. The City of Jackson has completed the eight-step process per the required 24 CFR 55 since a section of the project appears to be located within the bounds of the 100-year floodplain. The Floodplains and Wetlands Early Public Notice ran in the January 4th, 2023 edition of the Times-Voice newspaper. The Floodplain and Wetland Notice of Explanation ran in the January 28th, 2023 edition of the Times-Voice newspaper. No public comments were received.
& 58.5	DERS, AND KI	EGULATIONS LISTED AT 24 CFR 50.4
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93		No Impact. The letter dated January 4, 2023 states the following: Required to prevent particulate matter from becoming airborne by covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth-moving equipment to be deposited onto a paved street or roadway.

0 117 35			1
Coastal Zone Management	Yes	No <b>™</b>	There are no coastal areas within Jackson,
Coastal Zone Management Act, sections 307(c) & (d)		X	Breathitt County, Kentucky. No Impact.
Contamination and Toxic	Yes	No	The US EPA web site database was searched
Substances		X	in order to identify any listed contamination
24 CFP P. 4 50 2(1) 0 50 5(1)(2)	_		areas, none were noted. No Impact.
24 CFR Part 50.3(i) & 58.5(i)(2)			
Endangered Species  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes	No 🔀	No Impact. According to the US Fish and Wildlife IPaC tool, "based on the answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat." According to Doug Dawson, KDFWR, in a letter dated January 5, 2023 indicated "Based on our review of the Kentucky Fish and Wildlife Information System and the information provided we have no additional comments or concerns regarding state or federally protected species, wilderness areas or wildlife preserves, designated critical habitat, and migratory bird flyways."
Explosive and Flammable	Yes	No	
Hazards		×	No Impact. There will be no above ground storage tanks with explosive and/or flammable materials on or near the project.
24 CFR Part 51 Subpart C			p. sjoon
Farmlands Protection  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes	No ⊠	No Impact. Per letter dated January 12, 2023 from Perri Brown, Soil Scientist, NRCS, "no conversion of agricultural lands (Prime or Statewide Important Farmland) will occur or be negatively impacted by the proposed undertaking. Therefore, an AD-1006 form is not needed, and this office has no concerns at this time."
Floodplain Management  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes	No 🔀	No Impact. Per Army Corps of Engineers comments dated January 11, 2023 "Based on the information submitted by you, it does not appear that a Department of the Army permit will be needed since the project referenced above would not involve a discharge of dredged and/or fill material below the Ordinary High-Water elevation of any "waters of the United States (U.S.)" or any wetlands." The City of Jackson has completed the eight-step process per the required 24 CFR 55 since a section of the project appears to be located within the bounds of the 100-year floodplain. The Floodplains and Wetlands Early Public Notice ran in the January 4th, 2023 edition of

		the Times-Voice newspaper. The Floodplain
		and Wetland Notice of Explanation ran in the January 28th, 2023 edition of the Times-Voice newspaper. No public comments were received.
Historic Preservation	Yes No	No Impact. Per letter dated January 25, 2023
National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800		Craig A. Potts, Executive Director and State Historic Preservation Officer, "As such, our office does not believe the proposed activities will introduce any effects to the resource, as the activities will follow the Secretary of the Interiors Standards. Therefore, our office would concur with a finding of No Historic Properties Affected."
Noise Abatement and Control	Yes No  □ 1	The project is not located in a high noise area. The project will have minimal and limited
Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B		noise due to equipment. Any construction will be done in the interior of the building and will be carried out in order to minimize the potential impact.
Sole Source Aquifers	Yes No	No Impact. There were no sole source aquifers
Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149		identified by the City of Jackson during field visits, or according to any records obtained from state or federal resources.
Wetlands Protection	Yes No	No Impact. There were no wetlands located
Executive Order 11990, particularly sections 2 and 5		near the identified project area. The City of Jackson has completed the eight-step process per the required 24 CFR 55 since a section of the project appears to be located within the bounds of the 100-year floodplain. The Floodplains and Wetlands Early Public Notice ran in the January 4th, 2023 edition of the Times-Voice newspaper. The Floodplain and Wetland Notice of Explanation ran in the January 28th, 2023 edition of the Times-Voice newspaper. No public comments were received.
Wild and Scenic Rivers	Yes No	No Impact. There are no wild and scenic rivers located in the project area or in
Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)		Breathitt County, Kentucky.
ENVIRONMENTAL JUSTIC	E	
Environmental Justice	Yes No	No Impact. The project will benefit all area
Executive Order 12898		residents regardless of any protected class. The City of Jackson is an equal opportunity

provi equal	der and will serve all potential customers ly.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. All conditions, attenuation or mitigation measures have been clearly identified.

**Impact Codes**: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELO	<b>PMENT</b>	
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		The City of Jackson has a zoning ordinance in place. The project is anticipated to have a positive impact to the proposed area by providing the Federal Place Building with the needed elevator to become ADA Compliant and will also allow the building to remain in compliance with section 8 housing rules.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		The project has some areas of moderate to steep slope. Appropriate erosion control measures and silt barriers will be utilized to minimize potential impacts.
Hazards and Nuisances including Site Safety and Noise	2	There will be no outside construction with this project, adequate safety measures will be followed to protect residents and construction workers.
Energy Consumption		The project is located in a rural city area. No impact anticipated. The contractor must use EPA compliant equipment during construction activities.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOM	ПС	
Employment and Income Patterns	2	No Impact.
Demographic Character Changes, Displacement	2	No Impact. The project will not displace any families nor will it require residents to relocate.

Environmental Assessment Factor	Impact Code	Immost Facilities
	ACILITIE	Impact Evaluation S AND SERVICES
Educational and Cultural Facilities	2	No Impact. This is a section 8 housing building and will have no effect on education or cultural facilities.
Commercial Facilities	2	No Impact. There are no commercial facilities located in the project area.
Health Care and Social Services	1	With a dependable elevator to allow them to get to the ground floor without having to using stairs may be beneficial to elderly residents.
Solid Waste Disposal / Recycling	2	No Impact. All federal and state regulations will be followed in the disposal of any generated solid waste.
Waste Water / Sanitary Sewers	2	No Impact. The project will have no impact to waste water or sanitary sewers.
Water Supply	2	No Impact. This project will have no impact to the City of Jackson water supply.
Public Safety - Police, Fire and Emergency Medical		The project is located within a rural area with access to adequate policing services, fire services, and emergency services. The project will not impact emergency services to area residents.
Parks, Open Space and Recreation	2	No Impact. This project will have no impact on parks, open space or recreation.
Transportation and Accessibility	2	The contractor(s) must comply with all safety regulations and assure adequate measures for traffic and workers.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATU	RES	

Unique Natural Features, Water Resources	2	There are no unique natural features located at the project site or within close proximity to the project site.
Vegetation, Wildlife	2	No Impact. According to the US Fish and Wildlife IPaC tool, "based on the answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat."
Other Factors	2	No other factors have been identified.

#### Additional Studies Performed: N/A

Field Inspection (Date and completed by): January 5, 2023 by Lisa Napier, Infrastructure Coordinator

#### List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

- KY State Clearing house, Lee Nalley
- Department for Environmental Protection, Louanna Aldridge
- Natural Resources Conversation Services, Perri Brown
- State Historic Preservation Officer, Craig A. Potts
- KY Transportation Cabinet, Darren Back
- Department of Housing, Buildings and Construction, Don Newberry
- KY Heritage Council, Yvonne Sherrick
- KY Fish and Wildlife, Doug Dawson
- Army Corps of Engineers, Crystal Byrd
- Cherokee Nation, Elizabeth Toombs

#### **Public Outreach** [24 CFR 50.23 & 58.43]:

- January 4, 2023 Floodplains and Wetlands Early Public Notice Activity in a 100-year Floodplain
- January 28, 2023 Floodplain and Wetland Notice of Explanation Activity in a 100-year Floodplain
- February 15, 2023 Notice to Public of No Significant Effect on the Environment

#### Cumulative Impact Analysis [24 CFR 58.32]:

It is highly anticipated that the project will have a positive impact on the proposed area by providing a dependable elevator to the Federal Place Building. The City of Jackson has determined that the project will have no significant impact on the human environment. Erosion and sedimentation control will be required as needed. No significant adverse impacts to federally listed endangered or threatened species are anticipated.

#### **Alternatives** [24 CFR 58.40(e); 40 CFR 1508.9]:

Alternative 1: Do nothing. This is not the chosen alternative due to the fact it would leave the building in ADA non-compliance, it would leave 12 elderly tenants on the upper floors unable to use the building and HUD would revoke the Section 8 assistance.

Alternative 2: Remodel the entire building. This would be to costly and would take a long period of time to complete.

Alternative 3: Construct the project as proposed. This is the selected alternative because it's the most economically feasible alternative to serve these residents.

#### No Action Alternative [24 CFR 58.40(e)]:

This is the least preferred alternative of doing nothing. Due to residents living in a building without a working elevator and not being in ADA compliance and in compliance with section 8 housing, this is not the preferred alternative.

#### **Summary of Findings and Conclusions:**

The proposed project will have an overall positive environmental impact. All required mitigation actions must be strictly adhered to.

#### Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

#### **Determination:**

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]  The project will not result in a significant impact on the quality of the human environment.
Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27] The project may significantly affect the quality of the human environment.
1
Preparer Signature: Date: 2-14-23
Name/Title/Organization: Lisa Napier/Infrastructure Coordinator
Kentucky River Area Development District
Certifying Officer Signature: Laura Shomas Date: 215-33
Name/Title: Laura Thomas, Mayor
This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

#### **ENVIRONMENT REVIEW STATUS**

#### **Exempt**

Administration

**Planning** 

**Historic and Environmental Studies** 

**Engineering** 

#### **Categorically Excluded**

#### **Assessment**

The project will:

- Address the flooded Jackson Place Federal Building.
- Allow the building to become ADA compliant.
- Allow the building to continue being a HUD section 8 housing building.

#### **ENVIRONMENTAL CERTIFICATION**

With reference to the above projects, I, the undersigned officer of the grantee, certify:

That the grantee has at least seven (7) days prior to submitting this request for release of funds and certification, published and disseminated in the manner prescribed by 24 CFR 58.43, a notice to the public (a copy of which is attached) in accordance with 24 CFR 58.70;

That the applicant has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project named above; that the applicant has complled with the National Environmental Policy Act of 1969; that the applicant has complied with environmental procedures, permit requirements and the statutory obligations of the laws cited in 24 CFR 58.5(a)(2); and that the applicant has taken into account the environmental criteria standards, permit requirements and other obligations applicable to the project under the other related laws and authorities cited under such laws and in 24 CFR 58.5:

That the level of environmental clearance carried out by the applicant in connection with the said project ( ) did (X) did not require the preparation and dissemination of an environmental impact statement;

That the dates upon which all statutory and regulatory time periods for review, comment or other response or action to this clearance began and ended as indicated below; that all such dates which are applicable to this aforesaid clearance are indicated below; and that the expiration of each of the time periods indicated below, applicant is in compliance with the requirement of 24 CFR Part 58:

Item	Publication MO/DAY/YR	Commence MO/DAY/YR	Expire MO/DAY/YR
Notice of Finding of No Significant Impact (FONSI): Publication Date	Feb. 15, 2023	Feb. 16, 2023	March 2, 2023
Same: Comment period	Feb. 15, 2023	Feb. 16, 2023	March 2, 2023
Notice of Intent to Request Release of Funds (NOI/RROF): Publication Date			
Concurrent Notice (FONSI & NOI/RROF): Publication Date			
Same: Local Comment Period			
State Decision Period		March 8, 2023	March 23, 2023
Notice of Intent to Prepare EIS: Publication			
Draft EIS: Comment Period			
Same: 90-day period (NEPA Regs)			
Final EIS: 30-day period (NEPA Regs)			
Other (Specify)			
Other (Specify)			

That I am authorized to, and do, consent to assume the status of responsible federal official under the National Environmental Policy Act of 1969 and each provision of law specified in 24 CFR 58.5 insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action as to environmental issues, preparation and circulation of draft, final and supplemental environmental impact statements, and assumption of lead agency or cooperation agency responsible for preparation of such statements on behalf of Federal agencies including HUD, when these agencies consent to such assumption;

That I am authorized to consent to, and do, accept on behalf of the applicant and personally, the jurisdiction of the

Federal courts for the enforcement of all these responsibilities, in my official capacity as certifying officer of the applicant. City of Jackson **Applicant Name** Signature, Title and Address of Certifying Officer of Applicant Name, Environmental Certifying Officer Contract #: City Hall, (City), Kentucky (Zip)

Warning - Section 1001 of Title 18 of the United States Code and Criminal Procedure shall apply to this certification. Title 18 provides, among other things, that whoever knowingly makes or uses a document or writing containing any false, flotitious or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

#### **DLG Environmental Submittal Checklist**

Projec	ct/Program Name: Jackson Federal Place Building Project
Projec	ct/Program ID Number:
Projec	et Location (if applicable): Center: Lat.: 37° 33'12.74" N Long: -83°23'11.22" W
Level	of Environmental Review Completed:
Date ( Entity	Commitment and Expenditure of Funds was authorized by the Responsible /Environmental Certifying Officer:
Ш	Exempt [§58.34(a)] Date completed:
	Environmental Review Status Form submitted to KY DLG Date:
	Exempt/CENST determination form
	Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG with copy of the above completed form Date:
	Categorically excluded not subject to §58.5 [§58.35(b)]  Date completed:
	Environmental Review Status Form submitted to KY DLG Date:
	Exempt/CENST determination form
	Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG with copy of the above completed form Date:
П	
	Categorically excluded subject to §58.5 [§58.35(a)]:
	Converted to exempt (§ 58.35(a)(12) Date converted:
	OR

	NOI/RROF published Date: <u>February 15,2023</u>
	Environmental Certification submitted to KY DLG Date: March 2, 2023
	Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG Date:
	Environmental Review Status Form-submitted to KY DLG March 2, 2023
	KY State eClearinghouse comments-submitted to KY DLG March 2, 2023
<u>2023</u>	KY Heritage Council-SHPO comments and approval- submitted to KY DLG March 2,
	All required publication(s) tear sheets- submitted to KY DLG March 2, 2023
	KY DLG Approval received Date signed by KY DLG:
	Environmental Assessment (§58.36)
	FONSI/NOI published Date:
	Environmental Certification submitted to KY DLG Date:
	Request for Approval of Evidentiary Materials and Release of Funds submitted to KY DLG Date:
	Environmental Review Status Form submitted to KY DLG Date:
	Environmental Review Status Form submitted to KY DLG Date:  KY State eClearinghouse comments submitted to KY DLG
	KY State eClearinghouse comments submitted to KY DLG

## Attachment 2-15 ENVIRONMENTAL REVIEW RECORD CHECKLIST

	Finding of Exemption and/or Categorical Exclusion not Subject to
	Statutory Checklist and all supporting documentation
Q	Historic Preservation Procedures Completed and Documented including Tribal Consultation
	Floodplains/Wetlands Procedures Completed and Documented - Early Public Notice Published - Notice of Explanation Published
	Environmental Assessment and Checklist (Format II) and all supporting documentation
	Notice of Intent to Request Release of Funds (NOIRROF) Publication (tear sheet)
	Concurrent Notice of Finding and No Significant Effect and Notice of Intent to Request Release of Funds (FONSI-NOIRROF) (tear sheet)
	Notice of Availability of Environmental Assessment (if joint project with Rural Development only)
	Distribution List for all Public Notices
	Comments Received and City/County responses
	Environmental Certification, Request for Approval of Evidentiary Materials and Release of Funds Submitted
	Post-Review Revisions and Changes, Written Decisions, Amendments and Supplements
(Th ER 2.)	is listing is for all types of possible projects. For a more complete listing of required documentation for the R as it relates to a specific type of project, see Section 58.30 of the regulations and the Handbook Chapter

# Exhibit 1 Clearinghouse Comments



Andy Beshear Governor

#### OFFICE OF THE GOVERNOR DEPARTMENT FOR LOCAL GOVERNMENT

100 AIRPORT ROAD, THIRD FLOOR FRANKFORT, KENTUCKY 40601 PHONE (502) 573-2382 FAX (502) 227-8691 WWW.kydlgweb.ky.gov Dennis Keene Commissioner

January 4, 2023

Mrs. Laura Thomas City of Jackson 333 Broadway Jackson, KY 41339

RE:

Jackson Federal Place Building SAI# KY202212291575 CFDA# 14.228

Dear Mrs. Thomas:

The Kentucky State e-Clearinghouse is the official designated Single Point of Contact (SPOC) for the Commonwealth pursuant to Presidential Executive Order 12372, and supported by Kentucky Statutes KRS 45.031. The primary function of the SPOC is to streamline the review aforementioned process for the applicant and the funding agency. This process helps in vocalizing the statutory and regulatory requirements. Information in the form of comments, if any, will be attached to this correspondence.

This proposal has been reviewed by the appropriate state agencies in the e-Clearinghouse for conflicts with state or local plans, goals and objectives. After receiving this letter, you should make it available to the funding agency and continue with the funding agencies application process. This e-Clearinghouse SPOC letter signifies only that the project has followed the state reviewing requirements, and is neither a commitment of funds from this agency or any other state or federal agency. Please remember if any federal reviews are required the applicant must follow through with those federal agencies.

The results of this review are valid for one year from the date of this letter. If the project is not submitted to the funding agency or not approved within one year after the completion of this review, the applicant can request an extension by email to Lee.Nalley@ky.gov. If the project changes in any way after the review, the applicant must reapply through the e-Clearinghouse for a new review. There are no exceptions.

If you have any questions regarding this letter or the review process please contact the e-Clearinghouse office at 502-892-3462.

Sincerely,

Lee Nalley, SPOC

Kentucky State Clearinghouse

Attachment



#### **Department for Environmental Protection**

Louanna Aldridge

This review was based upon the information that was provided by the applicant through the Clearinghouse for this project. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments.

#### Division for Air Quality

Kentucky Division for Air Quality Regulation 401 KAR 63:010 Fugitive Emissions states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. Please visit the division's fugitive emissions web site for more information http://air.ky.gov/SiteCollectionDocuments/Fugitive%20Dust%20Fact%20Sheet.pdf

Regulation 401 KAR 63:005 states that open burning is prohibited. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the http://air.ky.gov/Pages/OpenBurning.aspx.

Kentucky Division for Air Quality Regulation 401 KAR 58:025, Asbestos Standards, apply to this project if any renovation or demolition occurs. If so, a Kentucky Accredited Asbestos Inspector must inspect the project. Asbestos that will be affected by this activity must be removed by a Kentucky accredited contractor before renovation or demolition begins. Written notification must be given on form DEP 7036 to the Division for Air Quality Regional Office at least 10 weekdays prior the start of demolition or renovation, whether or not asbestos has been identified to be present. Please note form: http://air.ky.gov/Pages/AsbestosInformation.aspx

All solid waste generated by this project must be disposed at a permitted facility. If underground storage tanks are encountered they must be properly addressed. If asbestos, lead paint, and/or other contaminants are encountered during this project, they must be properly addressed.

If the proposed project site is in a designated flood hazard area, application must be made to the Division of Water for a floodplain construction permit. Permission, or exemption, depends upon design and the exact site.

If the construction area disturbed is equal to or greater than 1 acre, the applicant will need to apply for a Kentucky Pollutant Discharge Elimination System (KPDES) stormwater discharge permit from Division of Water.

Best Management Practices (BMPs) should be utilized to control storm water runoff and sediment damage to water quality and aquatic habitat. For technical assistance on the kinds of BMPs most appropriate for projects of this type and related construction, please contact the local Soil and Water Conservation District or the Division of Conservation.

Utility line projects that cross a stream will require a Section 404 permit from the US Army Corps of Engineers and a 401 Water Quality Certification from DOW.

WATER SUPPLY - If an existing water server is to be utilized for new water tap-ons (rehabilitations, new constructions), ascertain the capacity and operating condition of the originating water treatment plant and of the server (if different) in comparison to the water needs of the proposed housing. DOW cannot permit connections to water servers Agreed Orders, or Court Orders. DOW may not give approval to connections to water systems operating near, at, or over capacity. If a new water source is to be utilized, ascertain the source's (stream's or well's) low flow ability to serve the proposed housing. Prior approval from DOW is required for water withdrawals of

over 10,000 gallons per day and for all public drinking water. Final plans and specifications are subject to review by DOW.

WASTEWATER TREATMENT - If an existing wastewater server is to be utilized for new wastewater tap-ons (rehabilitations, new construction), ascertain the capacity and operating conditions of the receiving wastewater treatment facility (wastewater treatment plant or package sewage treatment plant) and of the server (if different) in comparison to the wastewater needs of the proposed housing. DOW cannot permit connections to wastewater servers under tap-on bans, Agreed Orders, or Court Orders. DOW may not give approval to connections to wastewater systems at or over hydraulic capacity. If a new wastewater treatment, facility is to be utilized, ascertain the discharge stream's ability to absorb the proposed projects treated wastewater.

Prior approval from DOW is required for all discharges into streams and for all wastewater treatment facilities.

DOW notes the requirements of onsite sewage disposal statutes, KRS 211.350 to 211.380, and administrative regulations, 902 KAR 10:060 to 10:110, must be met. DOW requests provisions be made for future connections to a wastewater treatment system. A Groundwater Protection Plan, as required by 401 KAR 5:037, needs to be prepared by all onsite wastewater system owners. Contact the DOW regarding requirements.

Your project might have the potential of impacting federally or state listed species and natural communities. Go to the Kentucky Biological Assessment Tool (kynaturepreserves.org) to obtain a Standard Occurrence Report for information regarding listed species known within your project area. The report will also provide information on public and private conservation lands, areas of biodiversity significance, and other natural resources in your project area for which the Office of Kentucky Nature Preserves maintains data.

#### Department of Housing Buildings and Construction

Don Newberry

The Department of Housing Buildings and Construction, Division of Building Code Enforcement, has no comments concerning this proposed project.

#### Kentucky Department of Fish & Wildlife Resources

Doug Dawson

Based on the information provided, the Kentucky Department of Fish & Wildlife Resources has no comments concerning the proposed project. Please contact Doug Dawson at 502-892-4472 or doug.dawson@ky.gov if you have further questions or require additional information.

#### Kentucky River ADD

Jennifer McIntosh

This project is consistent with the KRADD Comprehensive Economic Development Strategy.

#### **Kentucky Transportation Cabinet**

Darren Back

Based on the information provided, the Kentucky Transportation Cabinet District 10 has no comments concerning the proposed project. If any proposed work items will occur on Commonwealth of Kentucky Right of Way, please submit a permit application to the KYTC District 10 Permits Section and obtain approval prior to beginning work. Please contact Darren Back at 606-666-8841 or darren.back@ky.gov if you have further questions or require additional information.

#### **KY Heritage Council**

Yvonne Sherrick

To receive a review from the KY Heritage Council/State Historical Preservation Office (SHPO) you must follow the instructions located on their website at https://heritage.ky.gov/compliance/Pages/overview.aspx. There you will find the required documents for the Section 106 Review and Compliance for 36 CFR Part 800. This Section 106 submission process to SHPO will assist applicants and agencies in providing the appropriate level of information to receive comments from SHPO. If you have any questions please contact Yvonne Sherrick, via email at yvonne.sherrick@ky.gov.

Please note: If your project is funded through Transportation Alternative (TAP), Transportation Enhancements (TE), Congestion, Mitigation, Air Quality (CMAQ), or Safe Routes to School (SRTS) you will need to send this information to Michael Jones, Historic Preservation Program Administrator with the Kentucky Transportation Cabinet via email to Michael R. Jones 2@ky.gov or hard copy to Michael Jones, Office of Local Programs, KY Transportation Cabinet, 200 Mero Street Frankfort, KY 40622. Do not send materials directly to SHPO if your project involves funding from these four sources as it will cause delays in the review process. Michael Jones will consult directly with the SHPO on projects with these funding sources to complete the Section 106 review.

# Exhibit 2 State Historic Preservation Office (SHPO) Correspondence



ANDY BESHEAR GOVERNOR

JACQUELINE COLEMAN

LT. GOVERNOR

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

THE STATE HISTORIC PRESERVATION OFFICE

410 HIGH STREET
FRANKFORT, KENTUCKY 40601
(502) 564-7005
www.heritage.ky.gov

01/25/2023

MICHAEL E. BERRY SECRETARY

CRAIG A. POTTS
EXECUTIVE DIRECTOR &
STATE HISTORIC
PRESERVATION OFFICER

Lisa Napier Infrastructure Coordinator KY River Area Dev. District 941 North Main Street Hazard, KY 41701

RE: HUD, Proposed Jackson Federal Place Rehabilitation 359 Broadway Street, Jackson, Breathitt County, Kentucky

Dear Ms. Napier:

Thank you for your submittal of maps and project specifics for the above-referenced undertaking. We understand City of Jackson is seeking HUD funding to conduct upgrades due to flood damage to the Federal Place Apartments in Jackson, Kentucky. Proposed project activities include the restoration of an existing elevator within the existing elevator shaft, and refit of two units and a community room on the basement level. The basement level work will be a complete remodel due to flooding damages, but no character-defining features remain. No other work where areas of original building material remain will occur.

The subject property, BRJ-4, was the former early 1900s post office building, now converted into apartments. BRJ-4 is NRHP-Listed, and adjacent to the Jackson Commercial Historic District. Though the work will be conducted on a Listed structure, we understand no work will be done to the exterior of the structure, and interior rehabilitation is limited to areas without any character-defining features, and areas with character-defining features will not be disturbed. As such, our office does not believe the proposed activities will introduce any effects to the resource, as the activities will follow the Secretary of the Interiors Standards. Therefore, our office would concur with a finding of **No Historic Properties Affected.** 

Should you have any questions, please contact Gabrielle Fernandez of my staff at Gabrielle.Fernandez@ky.gov.

Sincerely,

Caig A. Potts,

Executive Director and State Historic Preservation Officer

CP: gf, KHC# 230139





# Kentucky River DEVELOPMENT DISTRICT

941 NORTH MAIN STREET • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

January 12, 2023

CHAIRMAN Fred Hall

VICE-CHAIRMAN Judge Executive Jeff Dobson

> SECRETARY Craig Lindon

TREASURER Mayor

**PARLIAMENTARIAN** Judge Executive Jeff Noble

**BOARD OF DIRECTORS** 

#### **County Judge Executives**

Jeff Noble - Breathitt County Jeff Dobson - Knott County Steve Mays- Lee County William R. Lewis - Leslie County Terry Adams - Letcher County Zeke Little, Jr - Owsley County Scott Alexander - Perry County Raymond Banks - Wolfe County

#### Mayors

Laura Thomas - Jackson Trish Hall- Hindman Scott Comett - Pippa Passes Scott Jackson - Beattyville Carol Joseph - Hyden Billy Burke - Fleming-Neon Tiffany Craft - Whitesburg Todd DePriest - Jenkins Nelson Bobrowski - Booneville Emest Back - Vicco Donald "Happy" Mobelini - Hazard Robbie Turner- Buckhorn Kathi May - Campton

#### Citizen Members

Susan Harley Gary Campbell Ray D. Moore Larry Parke Larry Perkins Harold Watley David Lyons Jessica Butter Hiram Cornett Eugenia Stewart Napier Fred Hall Bennie McCall Bobby Mayes Derrick Bowling Lonnie Brewer Gregory Whitson Meriwether Wash-Hall Pam Pilgrim Craig Lindon

**Executive Director** Michelle Allen

FAX NUMBER 606-438-3154 TDD NUMBER 1-800-247-2510 (Hearing Impaired)

Mr. Craig Potts Executive Director/State Historic Preservation Officer Kentucky Heritage Council 300 Washington Street Frankfort, KY 40601

RE: City of Jackson - Jackson Federal Place Building Project

Dear Mr. Potts:

The City of Jackson is in the process of conducting an environmental review pursuant to the State Environmental Review Process for the above referenced project. The purpose of the review is to assess the environmental impacts of the Jackson Federal Place Building Project in Jackson, Breathitt County, Kentucky.

Enclosed is the KHC cover sheet for Section 106 Review and Compliance containing project information. Also enclosed you will find project maps and photographs of the project site including anything over 50 years of age visible from the project site.

As documented by the maps and supporting documentation enclosed, there will be no ground disturbance with this project. Due to the nature of the project, we feel that there will be no effect on properties eligible for the Historic Register or on any historical structures. Please advise us of any present concerns your office may have related to possible effects of the above-mentioned project.

We would appreciate a response within 30 days, if possible. If you need any further information or wish to discuss the project, please feel free to contact me at (606) 436-3158 or by email at lisa@kradd.org.

Sincerely,

Infrastructure Coordinator

enclosures

## KENTUCKY HERITAGE COUNCIL COVER SHEET FOR SECTION 106 REVIEW AND COMPLIANCE

When federal (and some state) funds, permits or approvals are needed for a project, regulations such as 36 CFR Part 800 require these agencies or their delegates to consult with the Kentucky Heritage Council/State Historic Preservation Office regarding the project's potential effects on historic properties. To facilitate our review, please provide the following information and applicable attachments. Our office will generate a response within 30 days of receipt. Incomplete submissions may be returned for more information.

SECTION 1: APPLICANT INFORMATION	ore information.
Project Sponsor or Applicant: City of Jackson	
Contact Person (name & position): Lisa Napier, In	frastructure Coordinator
Return Address: 941 N. Main Street Hazard, K	
Telephone: 606-436-3158	Fax: 606-436-2144
Project Title: Jackson Federal Place Building P	roject
SECTION 2: AGENCY INFORMATION	
Funding/Permitting Agency: Community Develo	pment Block Grant (CDBG)
Agency Contact Person (name & position): Travis	Weber, Branch Manager
Telephone: 502-892-3185	E-mail: travis.weber@ky.gov
SECTION 3: PROJECT LOCATION	
E911 Street Address (or other description): 359 Bro	padway Street
City/Township: Jackson	County: Breathitt
Latitude: 37°33'12.74"N	Longitude: -83°23'11.22"W
SECTION 4: PROJECT TYPE (please check all tha	
Proposed Activity: ☐ Demolition ☐ Rehabilitation	
☐ New Construction ☐ Land and/or Building Acquis	
□ Non-Construction Planning/Refinancing □ Ot	her (describe):
SECTION 5: IDENTIFICATION OF KNOWN HISTOR	
1/110 P 11 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	OSA Preliminary Site Check #: P57669
If your project involves ground disturbance, has t	
☐ Yes (describe in detail below) ☐ No	To one been previously disturbed?
No ground disturbance involved.	
g same distance involved.	
ls there anything over 50 years of age in or visible	from the project location?
SECTION 6: ATTACHMENTS - Attach all as applica	from the project location?  Yes No
All documentation should be labeled with the project n	ame or site address.
<ul> <li>■ Clear, current photographs of the project site and</li> <li>■ Site map/plan indicating the exact location and b</li> </ul>	d anything over 50 years of age in or visible from it. oundaries of the project area. plans, scope of work, and other available information.) maps, photographs, underground utility plans, etc.) he property and local significance.

#### **Project Description**

This project involves the restoration of the elevator and two units that were lost in the summer 2022 Flood in Jackson, Breathitt County. The second activity would be the re-fit-up of the two units that were lost in the flood. This area also includes the small community room and building restroom and some other smaller spaces.

# **Kentucky Heritage Council**

Site Identification Program 410 High Street, Frankfort, KY 40601

**Confidential Information Not for Public Release** 

consensus determination between the SHPO and a Federal agency, but for which the determination field has not yet been resources that are actually present. Resources for which National Register status is listed as 'undetermined' may include recorded with the Site Identification Program of the Kentucky Heritage Council and may not be exhaustive of all historic This information report includes only those historic resources within or near the project area that have been previously those that have been previously determined eligible for listing in the National Register of Historic Places as part of a

KHC Preliminary #: 89615524

Date of check: 1/3/2023

# HISTORIC RESOURCES

JACKSON POST OFFICE	Historic Name
377 BROADWAY	Location
1900-1924	Est. Year
VERNACULAR-20TH CENT.	Style
NATIONAL REGISTER	Status

Page 2 of 2

#### **Kentucky Office of State Archaeology**

University of Kentucky, 1020A Export Street, Lexington, KY 40506 Phone:859-257-1944 Fax:859-323-1698 email:ky-osa@lsv.uky.edu Confidential Information Not for Public Release

#### **Preliminary Records Review Coversheet**

Date Request Processed: 01/03/2023	
Prelimina	ary Review Number: P57669
Paid via:	☐ Check (Check No.: )
	☑ Credit Card (Transaction ID: 1944040998)

If you have any questions, please contact KyOSA at (859)257-1944 or ky-osa@lsv.uky.edu.

#### **Kentucky Office of State Archaeology**

University of Kentucky, 1020A Export Street, Lexington, KY 40506 Phone:859-257-1944 Fax:859-323-1698 email:ky-osa@lsv.uky.edu Confidential Information Not for Public Release

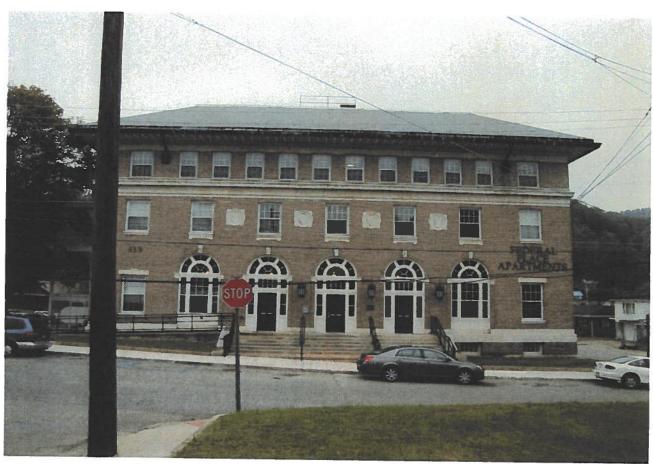
#### P57669 Flood Repairs in Jackson

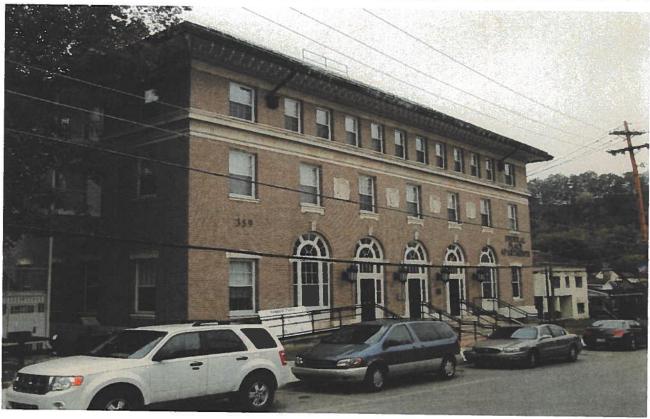
Review Performed On: 01/03/2023

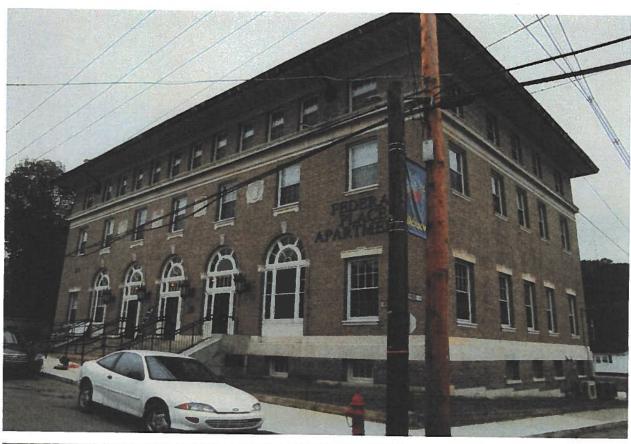
This report includes only previously recorded archaeological resources within your project area and its immediate vicinity and may not be exhaustive of all archaeological resources actually present. This information does not constitute Section 106 consultation or 'clearance' from the KHC/SHPO.

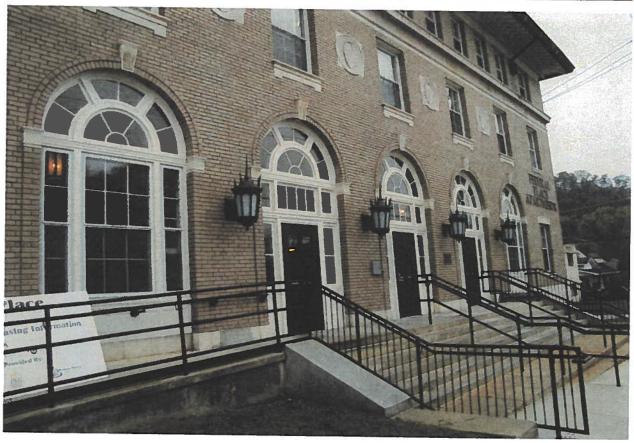
Review Results

There are no previously recorded archaeological sites or surveys within your project area or an additional 30 m buffer.



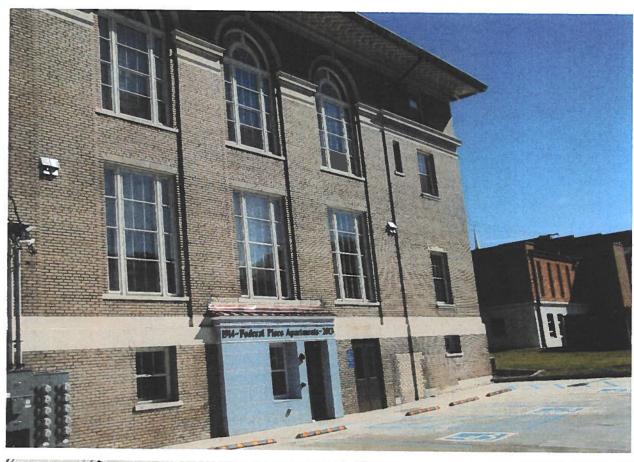


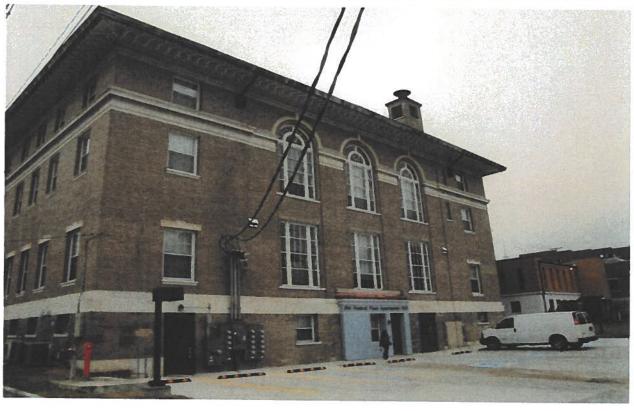


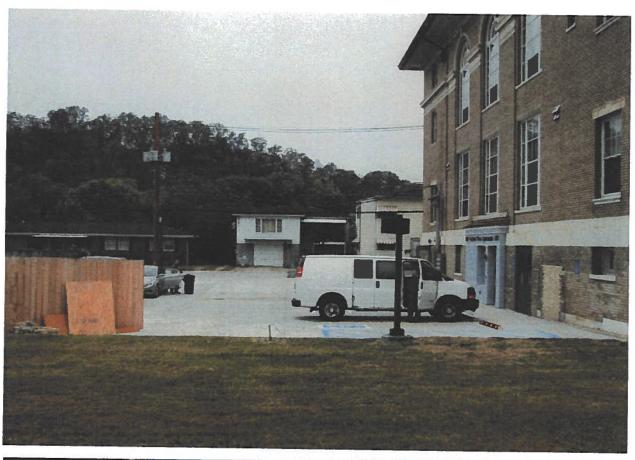


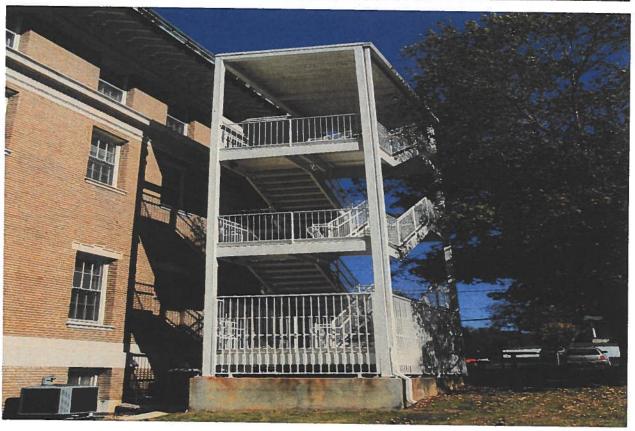










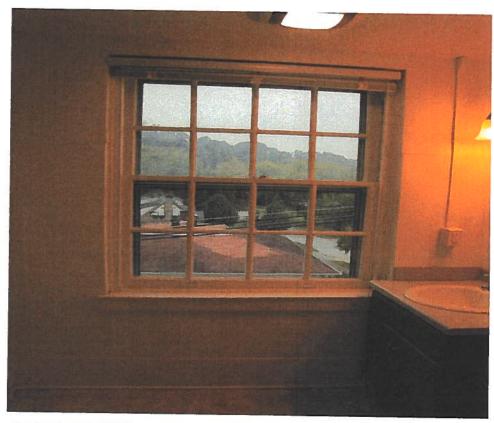


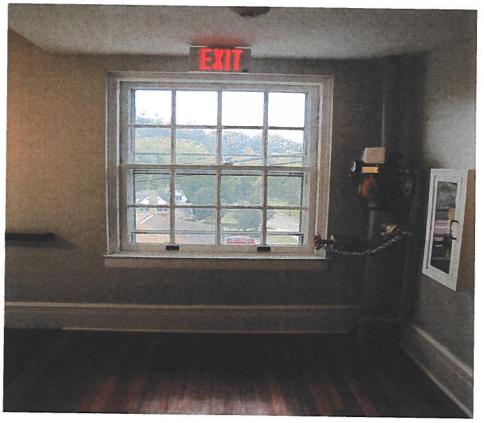














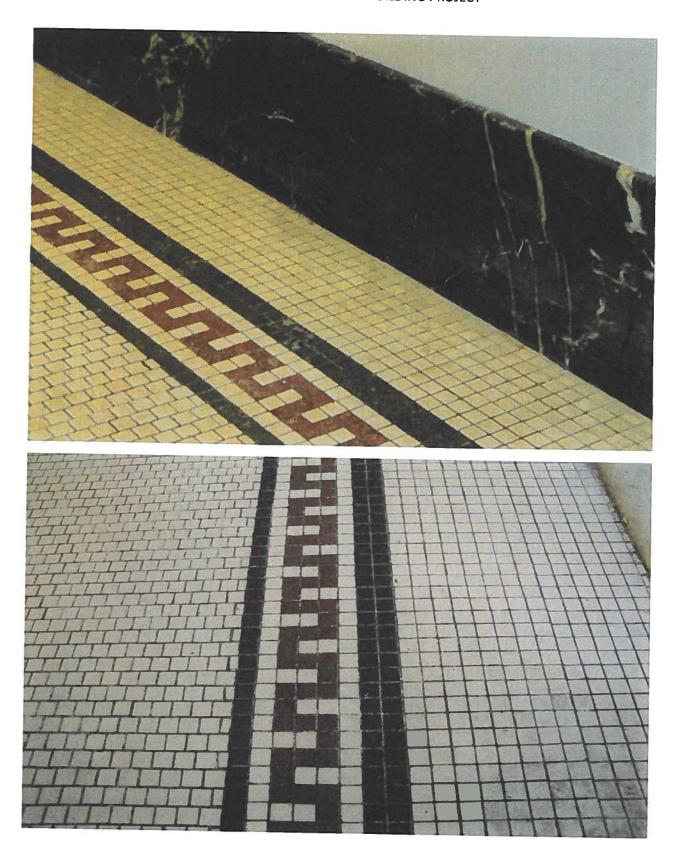








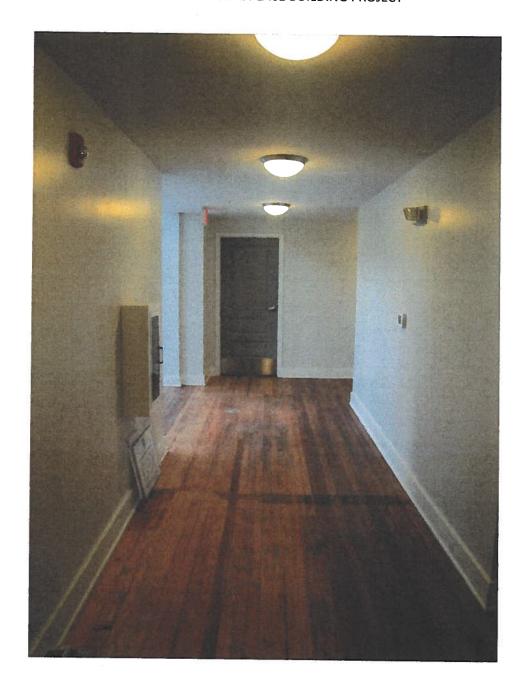
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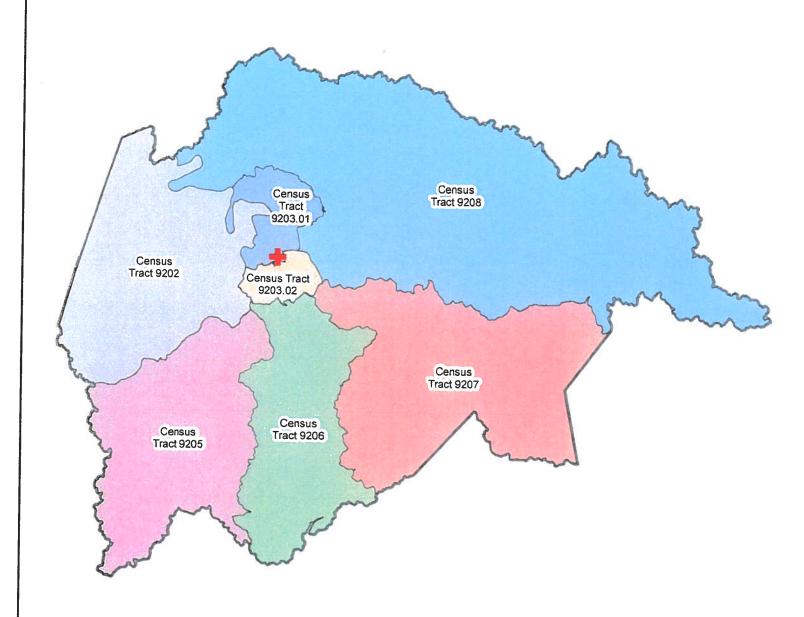








# Jackson Federal Place Building Project Census Map





NOTE: Map is not to scale.

