

Exhibit 3
Floodplain and Wetlands
Correspondence, Maps and Data

Collins, Tressie Collins, Frankie Safertight, Gerald Arnett, Kathy Arnett, Lee Porter, Marcus Porter, Michael Porter, Minnie Arnett, Phillip Porter, Price Porter, Quinon Boggs, Raymond McCarty, Sharon McCary, Seldon Porter, William Coldiron, Willis Porter, Walmaud Porter, Ember Energy LLC, John Porter, Diane Porter, Rose Made Walker, Richard Walker, Howard Family Limited Partnership, J. Woodford Howard Jr., Valerie B. Howard, Howard Land Management LLC, Betty Tolson, Ray Tolson, Deuzil Miller, Karen Miller, Shizley Hollander, Larry Hollander, Brian Christopher Watson, Stacy Watson, Ida Mae Mullins, Phillip Scott Watson, Lee Watson, Nann Lee Rowe, David Rowe, Esther Bailey, Iva L. Roth, George Roth, Terry Watson, Thomas Watson, Jackie Watson, Hattie M. Thompson, Tonya Curtis, Charles Thompson, Elizabeth Manns, Kenneth J. Thompson, Faye Barrowman, Elizabeth Ann Price, Robert Price, Stephen Price, Betty J. Barrowman, John Walters, Ann Walters, Susie Barrowman, State of Kentucky, Danny White, Darrell Bailey, David Law, Loveda Law, Faye Ben Bailey, Kenneth Bailey, Leola Cole, Penascoia Young, Phillip White, Gwendolyn Whit, Brent Patrick, Eugene Ousley, Barbara Ousley, Crystal Fox, Edith Davis, Gary Summa, Lisa Gundlack, Tammy Hartman, James Watkins, May Watkins, Larry Summa, Lila Studler, Phyllis A. Day, Ralph Summa, Christopher Smith, Stella Baker, Ham Trusty, Roxsana Trusty, Vineta Roark, Walter Mullins, Claude Watkins, Linda Watkins, Sam Watkins, Linda Watkins, Phillip S. Watson, Randolph Watson, Frank Watkins, Joann Campbell, Ollie James Bailey, Ricky Wireman, Angelina Goble, Kentucky Mountain Land Holding LLC, Clem Collins, Fern Collins, Dennis Collins, Joyce Collins, Jack Collins, Jerry Cole, Alve Cole, Wanda Mann.

The application has been filed for public inspection at the Department for Natural Resources Hazard Regional Office, 556 Village Lane, Hazard, Kentucky 41702. Written comments, objections, or requests for a permit conference must be filed with the Director, Division of Mine Permits, 300 Sower Blvd., Frankfort, Kentucky 40601. 4TE1-11

Floodplains and Wetlands Early Public Notice Activity in a 100-Year Floodplain

To: All persons of the City of Jackson - Breathitt County, Kentucky

This is to give notice that the City of Jackson under 24 CFR Part 58 has conducted an evaluation as required by (Executive Order 11988 and/or 11990), in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its project in the floodplain and wetland will have on the human environment for the Jackson Federal Phase Building Project. The proposed 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. The proposed project is located in Breathitt County, Kentucky.

Written comments must be received by Kentucky River Area Development District at the following address on or before January 19, 2023. Kentucky River Area Development District, 941 N. Main Street Hazard, KY 41701, (606) 436-3158, Attention: Lisa Napier, Infrastructure Coordinator during the hours of 8am to 4:30pm Monday through Friday. Comments may also be submitted via email at lsn@kradd.org.

Date: January 4, 2023

Thacker-Grigsby Communications, a leading rural telecommunications provider in eastern Kentucky for over 60 years, is accepting applications for a full-time Customer Sales and Service Representative in Breathitt County.

Representatives will be asked to work evenings and some weekends. Applicants should possess strong organizational and time management skills and excellent verbal and communication skills. Applicants must also pass drug testing.

NOW HIRING - THACKER-GRIGSBY COMMUNICATIONS

Apply Online at www.tgtel.com

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Or mail to:
Thacker-Grigsby Communications

P.O. Box 789
Hindman, KY 41822

Tel: 800-624-2008



The Jackson-Breathitt County Times-Voice
Intermountain Publishing Co., Inc.
22 Howell Lane P.O. Box 999 Jackson, KY 41339
Phone: (606) 666-2451 Fax: (606) 666-5706
Email: advertising.jacksonontimes@gmail.com

NEWSPAPER AFFIDAVIT

I, James Fugate OF THE
JACKSON-BREATHITT COUNTY TIMES-VOICE
NEWSPAPER, PUBLISHED AT JACKSON, KY AND
HAVING THE LARGEST GENERAL CIRCULATION OF
ANY NEWSPAPER IN BREATHITT COUNTY,
KENTUCKY, DO HEREBY CERTIFY THAT FROM MY
OWN KNOWLEDGE AND A CHECK OF THE FILES OF
THIS NEWSPAPER THAT THE ADVERTISEMENT OF
Floodplains - City of Jackson FOR K.R.A.D.D
WAS INSERTED IN THE JACKSON-BREATHITT COUNTY
TIMES-VOICE ON THE FOLLOWING DATES:

DATE 1-4-23 PAGE NO. 6 COLUMN NO. 314
DATE _____ PAGE NO. _____ COLUMN NO. _____
DATE _____ PAGE NO. _____ COLUMN NO. _____
DATE _____ PAGE NO. _____ COLUMN NO. _____

SIGNATURE: [Signature]

SUBSCRIBED AND SWORN TO BEFORE ME BY:

James Fugate
THIS THE 6 DAY OF January, 2023

NOTARY PUBLIC: [Signature]

MY COMMISSION EXPIRES:



Floodplain and Wetland Notice of Explanation of Activity in a 100-Year Floodplain

To: All interested Agencies all Federal, State, and Local Groups and Individuals

This is to give notice that the City of Jackson under 24 CFR Part 58 has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its project in the floodplain and wetland will have on the human environment for Jackson Federal Place Building Project. The proposed project is located in the City of Jackson, Breathitt County, Kentucky. 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.

The City of Jackson has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: The City of Jackson evaluated alternatives. The first option was to repair the elevator and two units as much as possible. This option was not feasible due to the fact it would be cost prohibitive. The second option was to do nothing. This option was not feasible due to the fact it would leave residents without an elevator leaving the building non-ADA compliant. The third option was to construct project as designed. Part of the project may be in the 100-year floodplain as designated by the April 2, 2008 FEMA Floodplain Maps; with very minimal impacts to the floodplain areas.

The City of Jackson has re-evaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of [Executive Order 11988 and/or 11990], are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons:

The project involves restoration inside the building and there will be no ground disturbance.

Written comments must be received by the Kentucky River Area Development District at the following address on or before February 9, 2023: Kentucky River Area Development District, 941 North Main Street Hazard, KY 41701 and (606) 436-3158, Attention: Lisa Napier, Infrastructure Coordinator, during the hours of 8am- 4:30pm Monday through Friday. Comments may also be submitted via email at lisa@krsad.org.

Date: January 25, 2023

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instruction. Must have experience working with blueprint reading, hand and power construction tools, framing (floor, wall, and stair), layout, construction, concrete, excavation procedures, forming methods, material estimates, roof designs (ceiling joist and rafters). Prefer experience in construction projects (start to finish), foundation systems, building codes, industry safety standards, and job-site experience.

Qualifications: Bachelor's degree (related field) OR associates degree (related field) and 2 years of related work experience. Must possess excellent computer and communication/ presentation skills. **Salary:** Commensurate with education and experience. Review of applications begins on January 25, 2023.

Applicants may apply and obtain additional information at www.hazard.kctcs.edu (Click on JobSeekers). For questions, call 606-487-3111. **Minorities are encouraged to apply.**

HCTC is an equal opportunity employer and education institution.

INVITATION TO BID

The Breathitt County Fiscal Court is accepting bids for the NRCS Projects #DSR-003 (Upper Harshshell Cane) and #DSR-007 (Barge Creek). Anyone interested may contact the Breathitt County Judge/Executive office starting Friday January 27, 2023 to receive a bid packet, vendors can also e-mail Jessica Mullins at breathitt.mullins@outlook.com to receive a packet.

The Breathitt County Fiscal Court will affirmatively ensure that for any contract entered into pursuant to this advertisement, prequalified disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation. No prospective bidder will be discriminated against on the grounds of race, color, sex, religion, national origin, age or disability in consideration of the award.

The Breathitt County Fiscal Court reserves the right to accept or reject any and all responses, to waive any technicalities and to negotiate with the respondent who most nearly meets the project requirements. All work must comply with applicable state and federal regulations. Contractor must be able to complete both debris removal and drill steel without sub-contracting work. All contractors must submit proof of general liability insurance (minimum \$1,000,000 coverage) and worker's compensation insurance. Additionally, each Contractor must post and present a bid guarantee equivalent to five percent (5%) of all bids awarded to their company. Bid guarantees will not have to be presented until after the bids have been awarded. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

All bids must be submitted in a sealed envelope labeled "NRCS Projects - DSR-003 and/or DSR-007" and must be submitted by 4:00 p.m. on Thursday, February 2nd, 2023, to the office of the Breathitt County Judge/Executive, 1137 Main Street, Jackson, KY 41339. Bids will be opened and awarded at the special called meeting of the Breathitt County Fiscal Court, which will be held on Thursday, February 2nd, 2023, at 5:00 p.m.

The Breathitt County Fiscal Court does not and shall not discriminate on the basis of race, color, religion, creed, gender, gender expression, sex, national origin (ancestry), disability, marital status, sexual orientation, or military status. In any of its activities or operations, these activities include, but are not limited to, hiring and firing of staff, selection of submitters and vendors, and provision of services. It is committed to providing an inclusive and welcoming environment for all members of our staff, clients, submitters, subcontractors, vendors, and clients.

The Breathitt County Fiscal Court is an equal opportunity employer. It will not discriminate and will take affirmative action measures to ensure against discrimination in employment, recruitment, advertisements for employment, compensation, termination, upgrading, promotions, and other conditions of employment against any employee or job applicant on the basis of race, color, gender, national origin, sex, religion, creed, disability, veteran's status, sexual orientation, gender identity or gender expression.

In accordance with 2 C.F.R. § 200.321, with respect to the awarding of contracts, be advised the Breathitt County Fiscal Court takes all necessary affirmative steps to ensure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

RESTRICTIONS

1. There shall be no single-wide trailers situated on the above described property.

2. No structures are to be built within ten feet of the property line along the proposed access road.

Being all the same property conveyed unto Mortgage Douglas Todd Bailey and Connie Spicer, from Lloyd Bouchard and Edna Bouchard, his wife. By deed dated March 28, 2001, and recorded in Deed Book 197, Page 677 and of records in the Office of the Breathitt County Court Clerk.

Said mortgage of recorded in Mortgage Book 88 Page 387 in the Office of the Breathitt County Clerk.

The Title Lien of the 2001 Fleetwood Mobile Home Serial # TNFL127A56029MB13 together with all accession, attachments, accessories, replacement of and additions thereto, then existing or thereafter acquired by debtor and used in conjunction therewith, is of record in filing #100577 in the Office of the Breathitt County Clerk.

The above described property shall be sold subject to the following conditions:

1. The Plaintiff shall recover an in rem Default Judgment against the property which is the subject of this action in the sum of \$9,765.27 together with interest at the rate of 11.000% per annum, plus court costs, service fees, along with the contractual attorney fees incurred by the Plaintiff, all of which will constitute the judgment herein, with interest at the rate 12% per annum, accruing on the judgment, from this date until payment is full.

2. The purchaser at the Master Commissioner's sale shall take the real estate free and clear of the claims of the parties to this action, but it shall be sold subject to the following:

a. Delinquent ad valorem taxes which may be due and payable to Breathitt County, Kentucky, or any other company which may have purchased a delinquent tax line on the Defendants real property;

b. All ad valorem real estate taxes;

c. Any easements, restrictions, stipulations and agreements of record;

d. Any matters disclosed by an accurate survey or inspection of the property;

e. Any current assessments for public improvements levied against the property;

3. The Plaintiff, the Master Commissioner and the Court shall not be deemed to have warranted title of the real estate to the purchaser.

4. The real estate is indivisible and cannot be divided without materially impairing its value or the value of the interests of the Plaintiff and shall be sold as a whole.

5. For making such sale of the real property, the advertisement shall run in accordance with KRS 424.130.

6. The Master Commissioner shall have the real estate appraised, under oath, by two (2) disinterested, intelligent housekeepers of the county pursuant to KRS 426.200.

7. The Purchaser(s) shall be required to make a cash deposit of ten (10%) of the sale price and shall execute a bond, for the unpaid balance of the purchase price, with good and sufficient surety, with the bond to be approved by the Master Commissioner, and shall bear 6% interest per annum from the date of the sale, until paid. The bond shall have the full force and effect of a Judgment.

8. The purchasers bond shall be due and payable within thirty (30) days of the date of the sale.

9. If the Plaintiff is the successful bidder at said sale, it shall not be required to post a bond and shall be allowed to tender the costs of the sale to the Breathitt Master Commissioner, in lieu of the payment of the full purchase price.

10. Upon confirmation of the sale, the risk of loss shall pass to the purchaser.

11. The Purchaser(s) at the Master Commissioner Sale shall take the real estate free and clear of the claims, interest, liens, and encumbrances of all parties herein, with the exception of any other liens, restrictions and/or easements appearing of record in the Breathitt County Clerk's Office, and payment of the 2022 and subsequent Breathitt County Real Estate Taxes. Purchaser is responsible for searching the title to this property prior to purchase.

12. The sale of the proceeds shall be distributed as follows:

a. To the costs of the sale, including all Commissioner's costs;

b. To the full satisfaction of any liens for delinquent ad valorem taxes assessed against the real estate;

c. To the full satisfaction of Plaintiff's lien as adjudicated herein, including reimbursement for its costs, expenses and attorney's fees as set forth herein.

d. The satisfaction of any junior liens on the real estate, in the same priority that they held on the real estate.

e. Any remaining proceeds of the sale shall be held by the Master Commissioner until further order of this Court.

*J/L Maccia J. Wigman
Hon. Marcia Wigman
Master Commissioner*

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NEWSPAPER AFFIDAVIT

KRADD
DATE RECEIVED
JAN 30 2023
TO: hisa

I, Lance Turner OF THE
JACKSON-BREATHITT COUNTY TIMES-VOICE
NEWSPAPER, PUBLISHED AT JACKSON, KY AND
HAVING THE LARGEST GENERAL CIRCULATION OF
ANY NEWSPAPER IN BREATHITT COUNTY,
KENTUCKY, DO HEREBY CERTIFY THAT FROM MY
OWN KNOWLEDGE AND A CHECK OF THE FILES OF
THIS NEWSPAPER THAT THE ADVERTISEMENT OF
Floodplain-City of Jackson FOR KRADD
WAS INSERTED IN THE JACKSON-BREATHITT COUNTY
TIMES-VOICE ON THE FOLLOWING DATES:

DATE 1-25-23 PAGE NO. 6 COLUMN NO. 1+2

DATE _____ PAGE NO. _____ COLUMN NO. _____

DATE _____ PAGE NO. _____ COLUMN NO. _____

DATE _____ PAGE NO. _____ COLUMN NO. _____

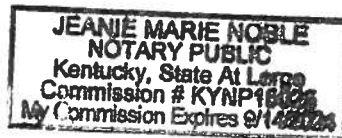
SIGNATURE: Lance Turner

SUBSCRIBED AND SWORN TO BEFORE ME BY:

Lance Turner
THIS THE 26 DAY OF January, 2023

NOTARY PUBLIC: Jeanie Noble

MY COMMISSION EXPIRES:



600



Kentucky River

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

January 3, 2023

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Michelle Allen

E-Mail
FAX NUMBER 606-436-3154
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

Louanna Aldridge
Office of the Commissioner
300 Sower Blvd., 2nd floor
Frankfort, KY 40601

RE: City of Jackson – Jackson Federal Place Building Project

Dear Louanna:

The Kentucky River Area Development District has been asked to undertake a NEPA environmental review of the above referenced project to determine the impact of the proposed activities. Please provide comments from the following Divisions under the Kentucky Department for Environmental Protection jurisdiction:

- Division of Air Quality
- Division of Waste Management
- Division of Water
- Division of Water, Floodplain Management

Due to the scope of the project there will be no ground disturbance with this project. There will be no tree or vegetation removal, and no stream crossings. No impacts are anticipated to prime farmland. I would appreciate your office reviewing this project in relation to its potential impact(s) on any environmental areas within your jurisdiction. I have enclosed a project location map and project description for your reference.

Your comments may address beneficial or adverse impacts or, both. I would appreciate receiving your comments in the near future. I will assume if I have not received a response from you within 30 days of this letter, that your office does not anticipate any negative environmental impacts from this project, per your area(s) of responsibility. Responses can be sent by email to: lisa@kradd.org.

Thank you, for your time and assistance.

Sincerely,

Lisa Napier
Infrastructure Coordinator

661

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.



Jackson Federal Place Building Project Location Map



Site Location
Lat: 37°33'12.74"N
Lon: -83°23'11.22"W

NOTE: Map is to scale 1"=24,000' or 1=24,000.



Legend

 Site Location



Kentucky River

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

January 3, 2023

Justin Branham
Team Leader / Regulatory Specialist
US Army Corps of Engineers – Louisville District Eastern Kentucky
Regulatory Office
845 Sassafras Creek Road
Sassafras, KY 41759

RE: City of Jackson – Jackson Federal Place Building Project

Dear Justin:

The City of Jackson is applying for funding for the above referenced project. The proposed project will involve the restoration of the elevator in the Federal Place Building and two units that were lost in the summer 2022 Flood. 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.

Due to the scope of the project there will be no ground disturbance. There will be no tree or vegetation removal, and no stream crossings. The GPS coordinates for this project are 37°33'12.74" N, -83°23'11.22" W.

The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. I would appreciate your office reviewing this project in relation to its potential impact(s) on any environmental areas within your jurisdiction. I have enclosed a project location map and a project description for your reference.

Your comments may address beneficial or adverse impacts or, both. I would appreciate receiving your comments in the near future. I will assume if I have not received a response from you within 30 days of this letter, that your office does not anticipate any negative environmental impacts from this project, per your area(s) of responsibility. Responses can be sent by email to: lisa@kradd.org.

Thank you, for your time and assistance.

Sincerely,

Lisa Napier
Infrastructure Coordinator

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E-Mail
FAX NUMBER 606-436-3154
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

64

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.



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Site Location
Lat: 37°33'12.74"N
Lon: -83°23'11.22"W



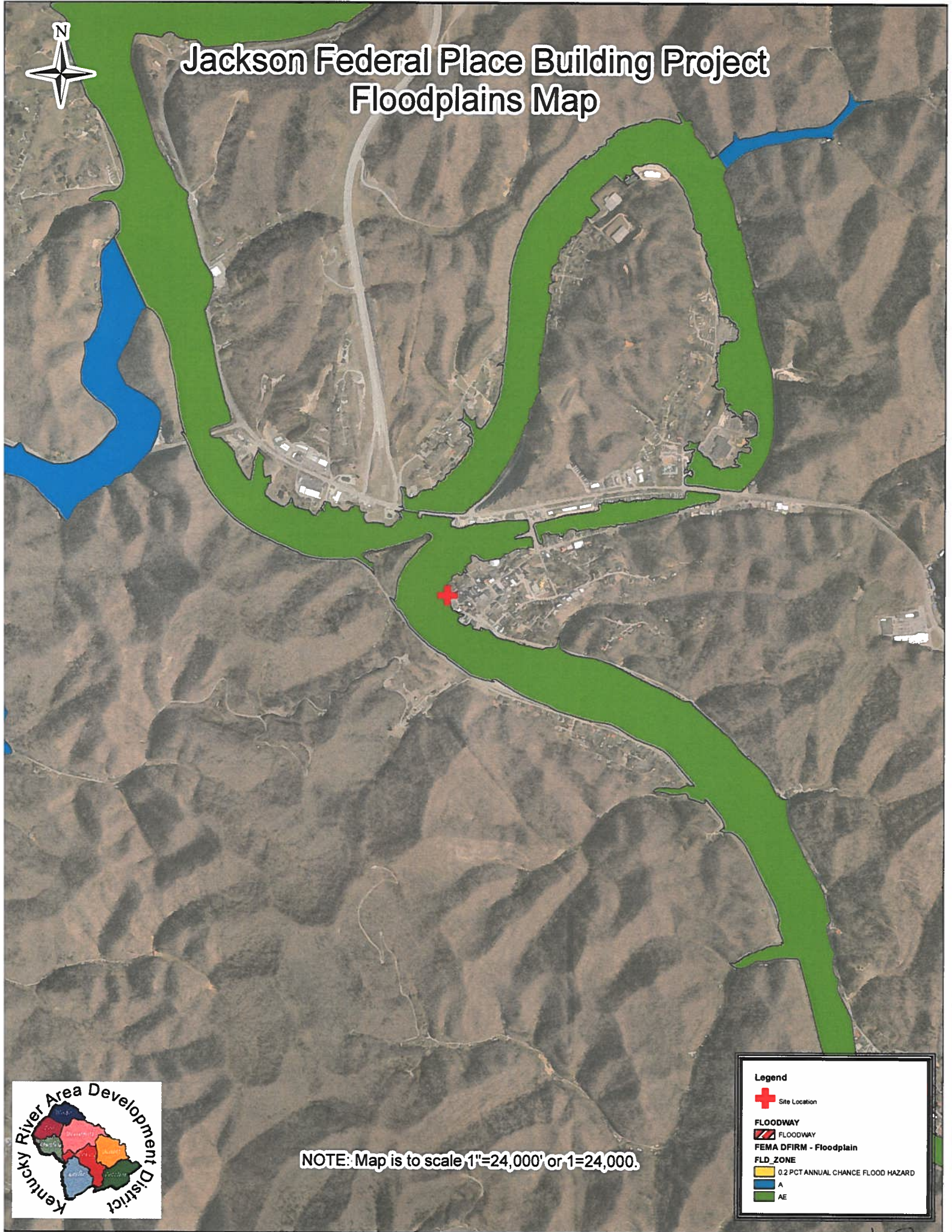
NOTE: Map is to scale 1"=24,000' or 1=24,000.

Legend

 Site Location



Jackson Federal Place Building Project Floodplains Map



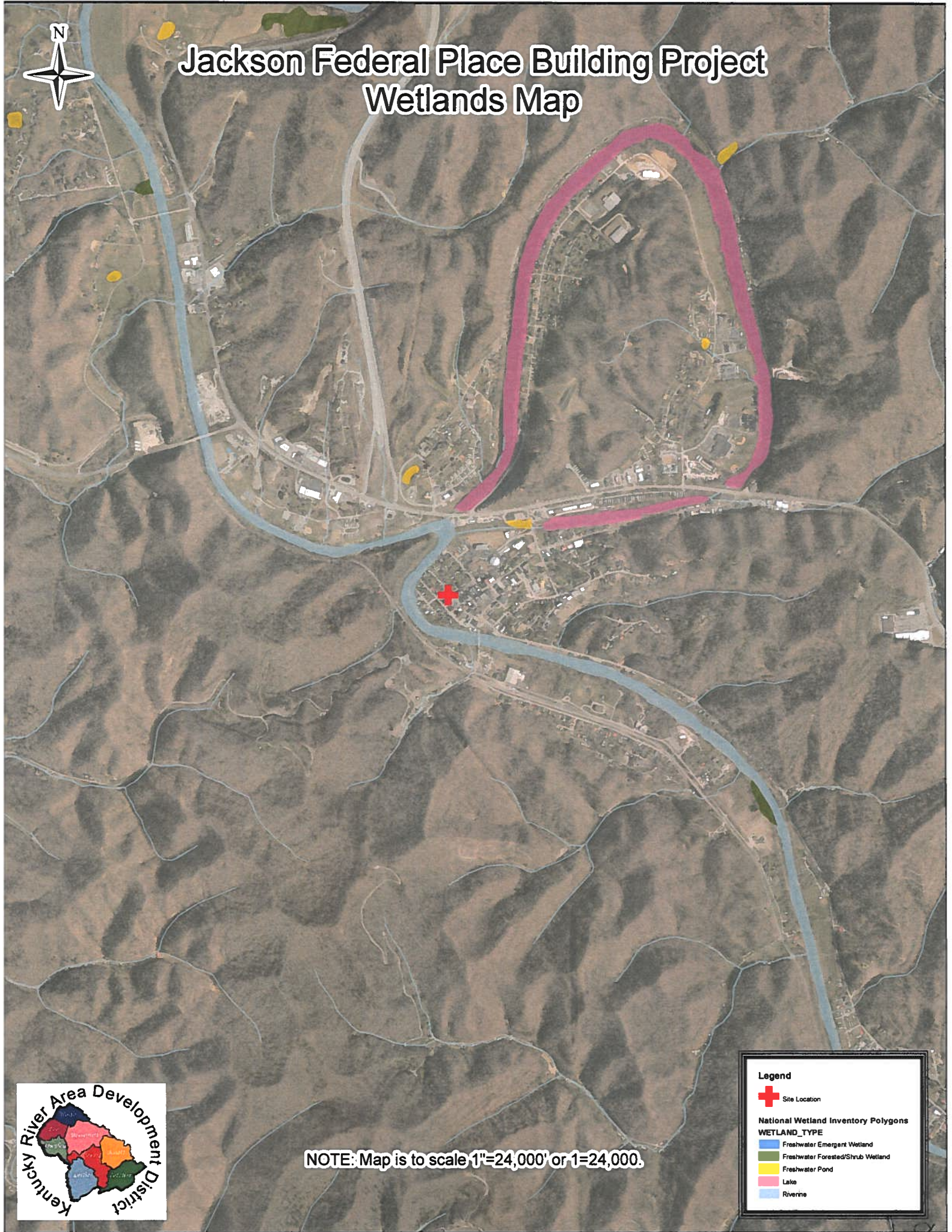
NOTE: Map is to scale 1"=24,000' or 1=24,000.

Legend

- Site Location
- FLOODWAY
- FEMA DFIRM - Floodplain**
- FLD_ZONE**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE



Jackson Federal Place Building Project Wetlands Map



NOTE: Map is to scale 1"=24,000' or 1=24,000.

Legend

- Site Location
- National Wetland Inventory Polygons**
- WETLAND_TYPE**
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

Exhibit 4

Natural Resource Conservation Service Correspondence

January 12, 2023

Lisa Napier
KRADD
941 North Main Street
Hazard, KY 41701

RE: Jackson Federal Place Building Project

Dear Lisa:

In response to your request regarding the above referenced project the Natural Resources Conservation Service (NRCS) is mandated to provide information on the soils and/or impact to farmland according to the Farmland Protection Policy Act (P.L. 97-98) for projects that will be utilizing federal funding.

Based on the information contained in your request, 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.

If I may be of additional assistance, please do not hesitate to contact me.

Sincerely,



Perri P. Brown
Resource Soil Scientist
Perri.Brown@usda.gov



Kentucky River

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January 3, 2023

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Meriwether Wash-Hall
Pam Pilgrim
Craig Lindon

Executive Director
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E-Mail
FAX NUMBER 606-436-3154
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

Perri Pedley
USDA Natural Resources Conservation Service
3100 Alvey Park Drive W
Owensboro, KY 42303

RE: City of Jackson – Jackson Federal Place Building Project

Dear Perri:

The City of Jackson is applying for funding for the above referenced project. The proposed project will involve the restoration of the elevator in the Federal Place Building and two units that were lost in the summer 2022 Flood. 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.

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lisa@kradd.org

Thank you, for your time and assistance.

Sincerely,

Lisa Napier
Infrastructure Coordinator

71

Project Description

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Lat: 37°33'12.74"N
Lon: -83°23'11.22"W



NOTE: Map is to scale 1"=24,000' or 1=24,000.

Legend

 Site Location

Exhibit 5
U.S. Fish and Wildlife Documentation



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0468 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:

December 29, 2022

Project code: 2023-0029196

Project Name: Jackson Federal Place Building

IPaC Record Locator: 902-120682595

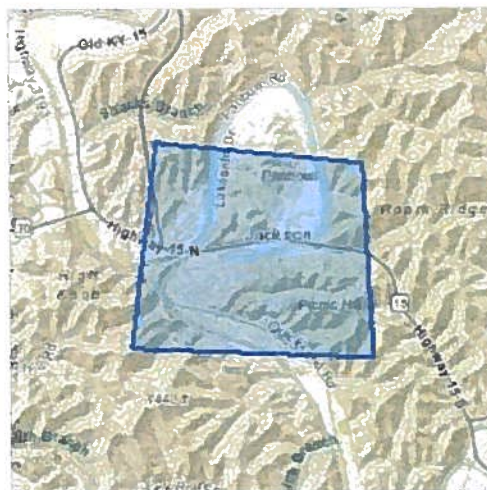
Please provide this document to the Federal agency or their designee with your loan/grant application.

Subject: Consistency letter for the project named 'Jackson Federal Place Building' for specified threatened and endangered species that may occur in your proposed project location, pursuant to the IPaC determination key titled 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'.

To whom it may concern:

On December 29, 2022, Lisa Napier used the IPaC determination key 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'; dated August 12, 2022, in the U.S. Fish and Wildlife Service's online [IPaC tool](#) to evaluate potential impacts to listed species from a project named 'Jackson Federal Place Building' in Breathitt County, Kentucky (shown below):

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.557505449999994,-83.37665544657725,14z>



The following description was provided for the project 'Jackson Federal Place Building':

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.

Based on your answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat. Therefore, per this guidance, Lisa Napier has determined that Jackson Federal Place Building will have No Effect on the species listed below.

This letter serves as documentation of your consideration of endangered species, bald eagles, and migratory birds. No further coordination with the Service is necessary.

Please be advised that, if later modifications are made to the project that do not meet the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

Fishes

- Kentucky Arrow Darter *Etheostoma spilotum* Threatened

Insects

- Monarch Butterfly *Danaus plexippus* Candidate

Mammals

- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Northern Long-eared Bat *Myotis septentrionalis* Endangered

Additional considerations for non-federally listed species

- **Bald Eagle Nest Issues.** If any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the Service's regional web page: <https://www.fws.gov/service/3-200-71-eagle-take-associated-not-purpose-activity-incidental-take>.
- **Migratory Bird Issues.** If any native birds are using the structures for nesting then actions should be taken so as not to disturb the adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the appropriate Service's Field Office and visit the Service's Migratory Bird Program website at <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds> for recommendations on how impacts can be avoided and minimized.

Lisa Napier answered the determination key questions for this project as follows:

1. Does the project intersect Monroe County, FL?

Automatically answered

No

2. Is the project exclusively a Federal loan transfer, where the original lending or mortgage institutions for existing project are no longer holding the loan and the property is being transferred via a federally-backed loan?

*No, this is **not** a Federal loan transfer as described above, or includes activities in addition to a Federal loan transfer.*

3. Does the project include a federally-insured loan or federal grant funding?

Yes, the project includes a federally-insured loan or federal grant funding.

4. Is the entire site currently developed/hard-surfaced (i.e., the site consists entirely of existing roads, sidewalks, buildings, driveways, etc., and does not contain any undeveloped and/or vegetated areas)?

Yes, the entire site is already developed/hard-surfaced.

5. Is the federally-insured loan or federal grant funding being used for demolition, rehabilitation, renovation, and/or rebuilding of one or more existing facilities (e.g., residential, commercial and industrial sites, or utilities)?

Yes, the project includes Federal funding for work on existing facilities.

6. Will the project significantly alter the present capacity of an existing structure?

No, this project will not alter the present capacity of any existing structure.

7. Does your project involve structures that are being used by any federally endangered or threatened species (e.g., roosting bonneted bats, denning indigo snakes, etc.) or are there known reports of species using the site?

*No, the site and/or structure(s) are **not** being used by any federally listed species.*

Attachments:

- Project questionnaire
- Standard manatee construction conditions
- Determination key description: Clearance to Proceed with Federally-Insured Loan and Grant Project Requests
- U.S. Fish & Wildlife Service contact list

Project Informational Questionnaire

As part of completing the determination key, Lisa Napier provided the following information about their project:

1. Please describe the loan/grant program you are using
CDBG
2. Which Federal Agency is the lead agency providing the funding?
Department for Local Government
3. Which types of activities you will be conducting:
Rehabilitation
4. Which types of structures this funding will address:
Residential – multi family
5. Please describe the activity you will be conducting:
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.
6. How many square feet of facilities will be affected by this project?
20000
7. Are there bald eagles within 660 feet of the site, or migratory birds or bats using structures on the site?
None of the above

Determination Key Description: Clearance To Proceed With Federally-Insured Loan And Grant Project Requests

This key was last updated in IPaC on August 12, 2022. Keys are subject to periodic revision.

This determination key is for all Federally-insured loans, loan transfers, or grant requests for projects that may be completed without requiring additional clearing of undisturbed habitat beyond the original footprint of the existing project. For the purposes of this key, Federal loan transfers are those transfers where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties are being transferred via federally backed loans. Projects may include demolition, rehabilitation, renovations, and/or rebuilding of existing structures (*e.g.*, commercial buildings, multi-family housing, single-family housing), and various utilities projects such as water and wastewater treatment facilities, sewer or power line repair, etc.

The U.S. Fish and Wildlife Service is the lead Federal agency charged with the protection and conservation of Federal Trust Resources, such as threatened and endangered species and migratory birds, in accordance with section 7 of the [Endangered Species Act of 1973](#), as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the [Bald and Golden Eagle Protection Act](#), (16 U.S.C. 668-668d) (Eagle Act), and the [Migratory Bird Treaty Act](#) (40 Stat. 755; 16 U.S.C. 701 et seq.).

Recently, many Federal agencies have activated programs that have resulted in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies to comply with Section 7 of the Act. Consequently, we have experienced an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs, which may be managed by Florida's Department of Economic Opportunity;
2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program; and

6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund, managed by Florida Department of Environmental Protection.

In order to fulfill the Act's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for Federally-insured loan and grant project requests in all cities and unincorporated areas throughout Florida, with the exception of Monroe County.

This guidance is based on the signed letters:

[U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#) in Florida.

[U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#) in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

IPaC User Contact Information

Agency: Kentucky River Area Development District
Name: Lisa Napier
Address: 941 N. Main Street
City: Hazard
State: KY
Zip: 41701
Email: lisa@kradd.org
Phone: 6064363158

Lead Agency Contact Information

Lead Agency: Administration for Community Living

Exhibit 6

Kentucky Fish and Wildlife Correspondence



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
Commissioner

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
Fax (502) 564-0506

Brian Clark
Deputy Commissioner

Gabe Jenkins
Deputy Commissioner

January 5, 2023

Kentucky River Area Development District
Attn: Lisa Napier
941 N. Main Street
Hazard, KY 41701

RE: City of Jackson – Jackson Federal Place Building Project

Dear Ms. Napier:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information regarding updates to the subject project. 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.

I hope this information is helpful to you, if you have questions or require additional information, please call me at 502-892-4472.

Sincerely,

A handwritten signature in cursive script that reads "Doug Dawson".

Doug Dawson
Environmental Section Chief



Kentucky River

AREA
DEVELOPMENT
DISTRICT

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

January 3, 2023

CHAIRMAN
Fred Hall

VICE-CHAIRMAN
Judge Executive
Jeff Dobson

SECRETARY
Craig Lindon

TREASURER
Mayor
Carol Joseph

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 Cornett - Pippa Passes
Scott Jackson - Beattyville
Carol Joseph - Hyden
Billy Burke - Fleming-Neon
Tiffany Craft - Whitesburg
Todd DePriest - Jenkins
Nelson Bobrowski - Booneville
Ernest Back - Vicco
Donald "Happy" Mobellini - 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 Butler
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

E-Mail
FAX NUMBER 606-436-3154
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

Doug Dawson
Kentucky Department of Fish and Wildlife
#1 Sportsman's Lane
Frankfort KY 40601

RE: City of Jackson – Jackson Federal Place Building Project; IPac Project Code: 2023-0029196

Dear Sir or Madam:

The City of Jackson is applying for funding for the above referenced project. The proposed project will involve the restoration of the elevator in the Federal Place Building and two units that were lost in the summer 2022 Flood. 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.

Due to the scope of the project there will be no ground disturbance. There will be no tree or vegetation removal, and no stream crossings. The GPS coordinates for this project are 37°33'12.74" N, -83°23'11.22" W.

The IPac species list dated December 29, 2022 identifies five federally-listed endangered, threatened or candidate species; the Gray Bat (*Myotis grisescens*) – endangered, the Indiana bat (*Myotis sodalists*) – endangered, the Northern Long-eared Bat (*Myotis septentrionalis*) – threatened, the Kentucky Arrow Darter (*Etheostoma spilotum*) – threatened, and the Monarch Butterfly (*Danaus plexippus*) – candidate.

Direct effects – Jackson Federal Place Building Project will utilize the best management practices and will observe local sedimentation and erosion control ordinances; therefore, very minimal surface disturbance should occur during construction causing minimal effects to the surrounding environment.

Indirect effects – After completion of this project, residents of the Federal Place Building will have an improved building space.

Cumulative effects – There should be no impacts to federally listed species or critical habitats as a result of this project.

The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. I would appreciate your office reviewing this project in relation to its potential impact(s) on any environmental areas within your jurisdiction. I have

enclosed IPAC Correspondence, a project location map and a project description for your reference.

Your comments may address beneficial or adverse impacts or, both. I will assume if I have not received a response from you within 30 days of this letter, that your office does not anticipate any negative environmental impacts from this project, per your area(s) of responsibility. Responses can be sent by email to: lisa@kradd.org. Thank you for your time and assistance.

Sincerely,

A handwritten signature in black ink that reads "Lisa Napier". The signature is written in a cursive, flowing style.

Lisa Napier
Infrastructure Coordinator

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.




Jackson Federal Place Building Project Location Map

Site Location
Lat: 37°33'12.74"N
Lon: -83°23'11.22"W



NOTE: Map is to scale 1"=24,000' or 1=24,000.

Legend

 Site Location



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0468 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:
Project Code: 2023-0029196
Project Name: Jackson Federal Place Building

December 29, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Kentucky Ecological Services Field Office

J C Watts Federal Building, Room 265

330 West Broadway

Frankfort, KY 40601-8670

(502) 695-0468

Project Summary

Project Code: 2023-0029196

Project Name: Jackson Federal Place Building

Project Type: Residential Construction

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.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.557505449999994,-83.37665544657725,14z>



Counties: Breathitt County, Kentucky

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries⁴, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
<p>Gray Bat <i>Myotis grisescens</i></p> <p>No critical habitat has been designated for this species. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The project area includes potential gray bat habitat. <p>Species profile: https://ecos.fws.gov/ecp/species/6329 General project design guidelines: https://ipac.ecosphere.fws.gov/project/72YYHFJAJFA3TMI6SHTMZJNJOHI/documents/generated/6422.pdf</p>	Endangered
<p>Indiana Bat <i>Myotis sodalis</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The project area includes 'potential' habitat. All activities in this location should consider possible effects to this species. <p>Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/72YYHFJAJFA3TMI6SHTMZJNJOHI/documents/generated/6422.pdf</p>	Endangered
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/72YYHFJAJFA3TMI6SHTMZJNJOHI/documents/generated/6422.pdf</p>	Endangered

Fishes

NAME	STATUS
Kentucky Arrow Darter <i>Etheostoma spilotum</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9063 General project design guidelines: https://ipac.ecosphere.fws.gov/project/72YYHFAIJFA3TMI6SHTMZJNJOHI/documents/generated/5224.pdf	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPaC User Contact Information

Agency: Kentucky River Area Development District

Name: Lisa Napier

Address: 941 N. Main Street

City: Hazard

State: KY

Zip: 41701

Email: lisa@kradd.org

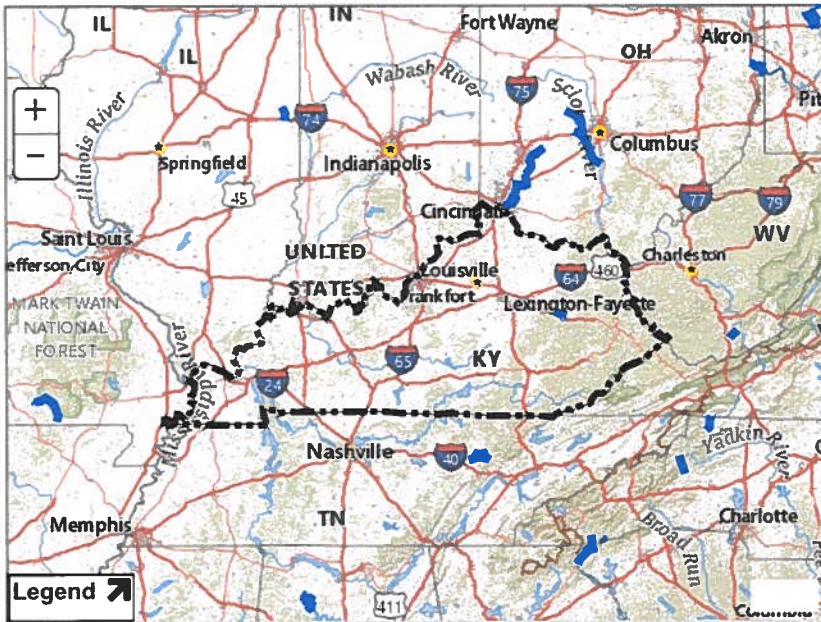
Phone: 6064363158

Exhibit 7
Wild and Scenic River Data



KENTUCKY

Kentucky has approximately 49,105 miles of river, of which 19.4 miles of one river are designated as wild & scenic—less than 4/100ths of 1% of the state's river miles.



Choose A State

Choose A River

Nourished by the fertile soils of the region, rivers of the Midwest explode with life, from great avian migrations to ancient fishes.

[+ View larger map](#)

Red River

97



EXPLORE DESIGNATED RIVERS

Choose A State | Choose A River

Discover the high quality of the region rivers of the National System with the first great page experience by national rivers

KENTUCKY

Kentucky has approximately 48,100 miles of river, of which 18.4 miles of river are designated as wild & scenic—less than 1% of the state's river miles.

Red River

1 More Layer Map

88

Exhibit 8
Air Quality Data



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

TEAM
KENTUCKY™

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 MichaelR.Jones2@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.



ENERGY AND ENVIRONMENT CABINET

Office of Kentucky Nature Preserves
300 Sower Boulevard
Frankfort, Kentucky 40601
Phone: (502) 564-3350

Andy Beshear
GOVERNOR

Rebecca Goodman
SECRETARY

Sunni Carr
Executive Director

December 29, 2022

Lisa Napier
Kentucky River Area Development District
941 N. Main Street
Hazard, KY 41701

Project: Jackson Federal Place Building Project
Project ID: 23-0165
Project Type: Standard (*customers will be invoiced), 1 mile buffer (\$120 fee)
Site Acreage: 76.42
Site Lat/Lon: 37.553343 / -83.386870
County: Breathitt
USGS Quad: JACKSON
Watershed HUC12: Cane Creek-North Fork Kentucky River

Dear Lisa Napier,

This letter is in response to your data request for the project referenced above. We have reviewed our Natural Heritage Program Database to determine if any of the endangered, threatened, or special concern plants and animals or exemplary natural communities monitored by the Office of Kentucky Nature Preserves occur within your general project area. Your project does pose a concern at this time, therefore please see the attached reports and [report key](#) for more detailed information.

I would like to take this opportunity to remind you of the terms of the data request license, which you agreed upon in order to submit your request. The license agreement states "Data and data products received from the Office of Kentucky Nature Preserves, including any portion thereof, may not be reproduced in any form or by any means without the express written authorization of the Office of Kentucky Nature Preserves." The exact location of plants, animals, and natural communities, if released by the Office of Kentucky Nature Preserves, may not be released in any document or correspondence. These products are provided on a temporary basis for the express project (described above) of the requester, and may not be redistributed, resold or copied without the written permission of the Biological Assessment Branch (300 Sower Blvd - 4th Floor, Frankfort, KY, 40601. Phone: 502-782-7828).

Please note that the quantity and quality of data collected by the Kentucky Natural Heritage Program are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Kentucky have never been thoroughly surveyed and new plants and animals are still being discovered. For these reasons, the Kentucky Natural Heritage Program cannot provide a definitive statement on the presence, absence, or condition of biological elements in any part of Kentucky. Heritage reports summarize the existing information known to the Kentucky Natural Heritage Program at the time of the request regarding the biological elements or locations in question. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site

Project ID: 23-0165
December 29, 2022
Page 2

surveys required for environmental assessments. We would greatly appreciate receiving any pertinent information obtained as a result of on-site surveys.

If you have any questions, or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Alexis R Schoenlaub
Geoprocessing Specialist

Standard Occurrence Report
KNP monitored species within 1 Miles of Project Area

EO ID	Scientific Name	Common Name	GRank	SRank	SPROT	UGESA	STWG	Last Obs Date	Precision	EO Rank	Lat / Lon	Directions	Habitat
22288	<i>Myotis lucifugus</i>	Little Brown Bat	G3G4	S2	T	At-risk	Y	2008-07-30	S	F?	37.5533 / -83.3919	Open Mine Portal south of North Fork of Kentucky River and KY 15	In winter, Northern Long-eared bats use caves, mine portals, abandoned tunnels, protected sites along cliffines and similar situations that afford protection from cold. They are easily overlooked as they often wedge themselves back into cracks in the wal
22287	<i>Myotis septentrionalis</i>	Northern Long-Eared Bat	G2G3	S1	E	LT	Y	2006-08-01	S	F?		Sensitive Element - Contact OKNP at eec.kybat@ky.gov	
22128	<i>Neotoma magister</i>	Allegheny Woodrat	G3G4	S3S4	N		Y	1982-04-17	M	H	37.5407 / -83.3902	Cave along Little Amos Creek, W of Frenchburg, from 460 go W 0.95 MI, turn right (N) on paved road, follow (N,W,S) for 4.15 MI then go left (E) on an unpaved road to house (037A) (Bestsource); Hall Sink Cave, ~0.45 MI from mouth of Hall Sink Branch, and	Caves, cliffines, abandoned mine portals, abandoned buildings.
22200	<i>Neotoma magister</i>	Allegheny Woodrat	G3G4	S3S4	N		Y	1988-12-01	S	H	37.5518 / -83.3819	Big Amos Creek, small cave on E bank, CA 0.25 MI S of sinks in the headwaters and 0.7 MI W of JCT USFS Roads 367 and 189. DBNF COMP 2002 (039A) (Bestsource).	Caves, cliffines, abandoned mine portals, abandoned buildings.
22312	<i>Neotoma magister</i>	Allegheny Woodrat	G3G4	S3S4	N		Y	1988-07-29	S	H	37.5509 / -83.3911	West finger of Mack Hollow, ~0.1 MI E of USFS 2020 and 0.3 MI S of JCT USFS 367 and 2020. DBNF COMP 2002 (041A) (Bestsource).	Caves, cliffines, abandoned mine portals, abandoned buildings.
6033	<i>Nycticeius humeralis</i>	Evening Bat	G5	S4	N			1930-pre	C	U	37.5217 / -83.3243	Breathitt Co.	The evening bat is a colonial species that roosts in trees and houses. It apparently migrates southward in winter.
22286	<i>Perimyotis subflavus</i>	Tricolored Bat	G3G4	S2	T	At-risk	Y	2006-08-01	S	F?	37.5533 / -83.3919	Open Mine Portal south of North Fork of Kentucky River and KY 15	

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Bat Habitats within 1 Miles of Project Area

Habitat	Species	USFWS
SUMMER 1	<i>M. septentrionalis</i>	Contact USFWS at (502) 695-0468 or KentuckyES@fws.gov

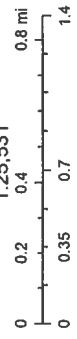
THESE DATA ARE VALID ONLY ON THE DATE ON WHICH THE REPORT WAS GENERATED.
THESE DATA MAY ONLY BE USED FOR THE PROJECT NAMED ABOVE.




Jackson Federal Place Building Project



December 29, 2022

1:25,531



-  Element Occurrences
-  Project Boundary
-  Buffered Project Boundary

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA.



Kentucky River

AREA
DEVELOPMENT
DISTRICT

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

January 3, 2023

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Bobby Mayes
Derrick Bowling
Lonnie Brewer
Gregory Whitson
Meriwether Wash-Hall
Pam Pilgrim
Craig Lindon

Executive Director
Michelle Allen

E-Mail
FAX NUMBER 806-436-3154
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

Louanna Aldridge
Office of the Commissioner
300 Sower Blvd., 2nd floor
Frankfort, KY 40601

RE: City of Jackson – Jackson Federal Place Building Project

Dear Louanna:

The Kentucky River Area Development District has been asked to undertake a NEPA environmental review of the above referenced project to determine the impact of the proposed activities. Please provide comments from the following Divisions under the Kentucky Department for Environmental Protection jurisdiction:

- Division of Air Quality
- Division of Waste Management
- Division of Water
- Division of Water, Floodplain Management

Due to the scope of the project there will be no ground disturbance with this project. There will be no tree or vegetation removal, and no stream crossings. No impacts are anticipated to prime farmland. I would appreciate your office reviewing this project in relation to its potential impact(s) on any environmental areas within your jurisdiction. I have enclosed a project location map and project description for your reference.

Your comments may address beneficial or adverse impacts or, both. I would appreciate receiving your comments in the near future. I will assume if I have not received a response from you within 30 days of this letter, that your office does not anticipate any negative environmental impacts from this project, per your area(s) of responsibility. Responses can be sent by email to: lisa@kradd.org.

Thank you, for your time and assistance.

Sincerely,

Lisa Napier
Infrastructure Coordinator

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.



Jackson Federal Place Building Project Location Map



Site Location
Lat: 37°33'12.74"N
Lon: -83°23'11.22"W



NOTE: Map is to scale 1"=24,000' or 1=24,000.

Legend

 Site Location